96-169-SPH /Richard Maffezzoli, et al
Dis[illegible]sed /Motion to Dismiss granted
5/5/[illegible] (Alfred L. Brennan, Sr.)

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

IN THE MATTER OF: *

BARRY RENBAUM, ET AL * Case No. 3-C-96-010557

* * * * * * *

ORDER

Upon consideration of Respondents Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, and Patricia Ward's Motion to Dismiss Appeal, and any opposition thereto, and for good cause shown;

IT IS this 7th day of April, 1997, by the Circuit Court for Baltimore County hereby;

ORDERED, that Petitioners Barry Renbaum and Carol Renbaum's Petition for Appeal be and is hereby **DISMISSED**.

Alfred L. Brennan
Judge

cc:

James R. Andersen, Esquire
Mudd, Harrison & Burch
105 W. Chesapeake Avenue, #300
Towson, Md. 21204

Barry & Carol Renbaum
P.O. Box 326
Glyndon, Maryland 21071

Nancy West, Esquire
Baltimore County Office of Law
Courthouse
400 Washington Avenue
Towson, Maryland 21204

FILED MAY 5 1997

cc: West, Andersen, & Renbaum

MICROFILMED

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*
PETITION OF BARRY & CAROL RENBAUM
3921 BUTLER ROAD *
GLYNDON, MARYLAND 21071
*
FOR JUDICIAL REVIEW OF THE DECISION OF CIVIL
THE COUNTY BOARD OF APPEALS * ACTION
OF BALTIMORE COUNTY No. 3-C-96-010557
Room 49, Old Courthouse, 400 Washing- *
ton Avenue, Towson, MD 21204
*
IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF RICHARD MAFFEZZOLI, *
ET UX AND PATRICIA WARD
FOR A SPECIAL HEARING ON PROPERTY *
LOCATED ON THE SOUTH SIDE OF BELMONT
ROAD, 2050' WEST OF TUFTON AVENUE *
(3501 BELMONT AVENUE)
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT
CASE NO. 96-169-SPH *

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

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Robert O. Schuetz, Harry E. Buchheister, Jr., and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
OF BALTIMORE COUNTY

No. 96-169-SPH

February 26, 1995 Petition for Special Hearing filed by James R. Anderson, Esquire, on behalf of Patricia A. Ward, Legal Owner, and Richard D. and Mary C. Maffezzoli, to approve reconfiguration of lot lines for agricultural purposes within the tract boundaries of two existing contiguous RC-2/RC-4 record lots (or a portion of one lot of record) and allocation to the remaining

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	56.242 acre parcel of one of the permitted RC-2 building rights.
November 9, 1995	Certificate of Posting of property.
November 10	Publication in newspapers.
November 24	ZAC Comments.
November 30	Hearing held on Petition by the Zoning Commissioner.
February 26, 1996	Order of the Deputy Zoning Commissioner in which Petition for Special Hearing was GRANTED with restrictions.
March 25	Letter from Nancy C. West, Asst. County Attorney, requesting an amendment to the Deputy Zoning Commissioner's Order of February 26, 1996.
May 2	Notice of Appeal filed by Barry J. and Carol E. Renbaum.
May 15	Motion to Dismiss filed by James Anderson, Esquire, on behalf of Petitioners.
May 16	Respondent's Brief and Appendix filed by B. Renbaum.
May 22	Revised Brief filed by Barry J. Renbaum (prior brief submitted 5/16/96 withdrawn)
May 23	Motion to Dismiss filed by Virginia Barnhart, County Attorney, and Nancy West, Asst. County Attorney, on behalf of Baltimore County, Maryland.
June 5	Hearing before the Board on Motions. George Nilson entered appearance at hearing on behalf of Appellants; submitted Memorandum in Opposition to Motions to Dismiss. -Board held matter sub curia; to await communication from parties as to status and possibility of resolving issues. **(No additional testimony or evidence taken.)**
June 6	Letter from James Anderson, Esquire, on behalf of Petitioners transmitting copy of 11/30/95 D.Z.C. transcript. Also indicating that resolution does not seem likely and requesting ruling by Board on Motion to Dismiss.

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August 8, 1996	Deliberation conducted by the Board.
September 23	Ruling on Motions to Dismiss issued by the Board; Motions to Dismiss brought by the Petitioners and Baltimore County were GRANTED.
October 16	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Barry Renbaum and Carol Renbaum.
November 21	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
November 22	Certificate of Notice sent to interested parties.
January 15, 1997	Transcript of testimony filed.
January 15, 1997	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court.

Respectfully submitted,

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Barry and Carol Renbaum
Dr. & Mrs. Richard D. Maffezzoli
Patricia A. Ward
People's Counsel for Baltimore County
Nancy C. West, Asst. County Attorney
Virginia W. Barnhart, County Attorney

MICROFILMED

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF BARRY & CAROL RENBAUM 3921 Butler Road Glyndon, Maryland 21071	* *	
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204	* *	
	*	Case No. 3-C-96-010557
IN THE MATTER OF THE APPLICATION OF RICHARD MAFFEZZOLI, ET UX AND AND PATRICIA WARD FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE BELMONT ROAD 2050' WEST OF TUFTON AVENUE (3501 BELMONT AVENUE) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT CASE NO. 96-169-SPH	* * * * * * * * *	

* * * * * * *

RESPONSE TO PETITION FOR JUDICIAL REVIEW OF DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Respondents Richard Maffezzoli and Mary Maffezzoli, his wife, and Patricia Ward, by James R. Andersen with Mudd, Harrison & Burch, their attorneys, pursuant to Maryland Rule 7-204(a) hereby respond to the Petition for Judicial Review of Decision of the County Board of Appeals of Baltimore County filed by Barry and Carol Renbaum and state their intent to participate in the action for judicial review.

J. R. Andersen

James R. Andersen
Mudd, Harrison & Burch
300 Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 828-1335
Attorney for Respondents

MICROFILMED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of November, 1996, a copy of the foregoing Response to Petition for Judicial Review of Decision of the County Board of Appeals of Baltimore County was mailed, postage prepaid to Barry & Carol Renbaum, P.O. Box 326, Glyndon, Maryland 21071 and Nancy West, Esquire, Baltimore County Office of Law, Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

James R. Andersen

MICROFILMED

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*
PETITION OF BARRY & CAROL RENBAUM
3921 BUTLER ROAD *
GLYNDON, MARYLAND 21071
*
FOR JUDICIAL REVIEW OF THE DECISION OF CIVIL
THE COUNTY BOARD OF APPEALS * ACTION
OF BALTIMORE COUNTY No. 3-C-96-010557
Room 49, Old Courthouse, 400 Washing- *
ton Avenue, Towson, MD 21204
*
IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF RICHARD MAFFEZZOLI, *
ET UX AND PATRICIA WARD
FOR A SPECIAL HEARING ON PROPERTY *
LOCATED ON THE SOUTH SIDE OF BELMONT
ROAD, 2050' WEST OF TUFTON AVENUE *
(3501 BELMONT AVENUE)
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT
CASE NO. 96-169-SPH *

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

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Robert O. Schuetz, Harry E. Buchheister, Jr., and S. Diane Levero, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Barry and Carol Renbaum, P.O. Box 326, Glyndon, Maryland 21071, Petitioners; James R. Andersen, Esquire, 105 West Chesapeake Avenue, Suite 300, Jefferson Building, Towson, Maryland 21204, Counsel for Dr. and Mrs. Maffezzoli; Dr. and Mrs. Richard D. Maffezzoli, 3501 Belmont Road, Glyndon, Maryland 21071; Nancy C. West, Assistant County Attorney, Baltimore County Office of Law, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204; a copy of which Notice is attached hereto

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CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

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and prayed that it may be made a part hereof.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Barry and Carol Renbaum, P.O. Box 326, Glyndon, Maryland 21071, Petitioners; James R. Andersen, Esquire, 105 West Chesapeake Avenue, Suite 300, Jefferson Building, Towson, Maryland 21204, Counsel for Dr. and Mrs. Maffezzoli; Dr. and Mrs. Richard D. Maffezzoli, 3501 Belmont Road, Glyndon, Maryland 21071; Nancy C. West, Assistant County Attorney, Baltimore County Office of Law, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 22nd day of November, 1996.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

MICROFILMED

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 21, 1996

James R. Andersen, Esquire
105 West Chesapeake Avenue, Suite 300
Jefferson Building
Towson, Maryland 21204

RE: Civil Action No. 3-C-96-010557
RICHARD MAFFEZZOLI, ET UX AND
PATRICIA WARD

Dear Mr. Andersen:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on October 16, 1996, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-96-010557.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Dr. & Mrs. Richard Maffezzoli
Ms. Patricia A. Ward
Mr. George M. Durrett
George A. Nilson, Esquire
Dr. John Bernstein /VPC
Pat Keller /Planning
Lawrence E. Schmidt /PDM
Arnold Jablon /PDM
Nancy C. West, Asst. County Attorney
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

November 22, 1996

Barry and Carol Renbaum
P.O. Box 326
Glyndon, MD 21071

RE: Civil Action No. 3-C-96-010557
RICHARD MAFFEZZOLI, ET UX
AND PATRICIA WARD

Dear Renbaum:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

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IN THE CIRCUIT COURT FOR BALTIMORE COUNTY *

C96-10557

PETITION OF BARRY & CAROL RENBAUM *
3921 BUTLER ROAD
GLYNDON, MARYLAND 21071 *

FOR JUDICIAL REVIEW OF THE DECISION *
OF THE COUNTY BOARD OF APPEALS
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204 * CIVIL

IN THE MATTER OF THE APPLICATION * ACTION
OF <u>RICHARD MAFFEZZOLI, ET UX AND</u>
<u>PATRICIA WARD</u> FOR A SPECIAL HEARING * NO. 96-169-SPH
ON PROPERTY LOCATED ON THE SOUTH
SIDE BELMONT ROAD 2050' WEST OF
OF TUFTON AVENUE (3501 BELMONT AVENUE) *
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 96-169-SPH *

Case: 03-C-96-010557
CF-Civil Fili
TOTAL $80.00

Receipt #1996000017241
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* *

Petition for Judicial Review of
Decision of the
County Board of Appeals of Baltimore County

Barry and Carol Renbaum, Petitioners, pursuant to Rules 7-201 *et seq.*, request judicial review of the Order of the County Board of Appeals of Baltimore County (the "Board") issued in this proceeding on September 23rd,1996.

Petitioners were a party to the proceeding before the Board in which the Order was issued.

Barry Renbaum
BARRY RENBAUM

Carol Renbaum
CAROL RENBAUM

Post Office Box 326
Glyndon, Maryland 21071
410.526.1456

PETITIONERS

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cc: BR
NW
JRA
County Board of Appeals (copy 11/18/96)

MICROFILMED

CERIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16TH day of October, 1996, a copy of the foregoing Petition for Judicial Review was mailed, first class mail, postage prepaid, to Mr. James R. Andersen, Esquire, 105 West Chesapeake Avenue, Suite 300, Jefferson Building, 21204 and Nancy West, Esquire, Baltimore County Office of Law, Courthouse, 400 Washington Avenue, Towson, Maryland, 21204.

Barry Renbaum

Barry Renbaum

MICROFILMED

0/23/9-

IN THE MATTER OF THE APPLICATION OF RICHARD MAFFEZZOLI, ET UX AND PATRICIA WARD FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE BELMONT ROAD 2050' WEST OF TUFTON AVENUE (3501 BELMONT AVENUE) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 96-169-SPH

* * * * * * * * * * *

RULING ON MOTIONS TO DISMISS

This matter comes before this Board on appeal from a decision of the Deputy Zoning Commissioner in which the Petition for Special Hearing to approve the reconfiguration of lot lines as more fully detailed on Petition for Special Hearing was granted with restrictions.

Prior to the commencement of the hearing, on May 14, 1996, a Motion to Dismiss the appeal was filed by the Petitioners. The Appellants, Barry and Carol Renbaum, filed a Respondent's Brief on May 16, 1996, and a revised Respondent's Brief dated May 21, 1996.

A second Motion to Dismiss was filed on May 23, 1996, for Baltimore County by Virginia W. Barnhart, County Attorney, and Nancy C. West, Assistant County Attorney.

A Motion Only Hearing was held on June 5, 1996, at which oral arguments on the Motions to Dismiss were presented by George A. Nilson, Esquire, representing the Appellants; James R. Anderson, Esquire, representing the Petitioners; and Nancy C. West. The Board publicly deliberated the Motions to Dismiss on August 8, 1996.

In their Motion to Dismiss, the Petitioners argued that the appeal by the Renbaums should be dismissed because it was not timely filed. Section 26-132(a) of the Baltimore County Code requires that appeals to this Board be made within 30 days from the date of the final action appealed from. Deputy Zoning Commissioner Timothy M. Kotroco entered his Order on the instant case on February 26, 1996. The Appellants filed an appeal from the Order on May 2, 1996, 36 days after the last date upon which the notice of appeal could have been timely filed.

In their Petition to Appeal Zoning Order the Appellants, who are adjoining property owners to the subject property, known as Sagamore Farms, contended that the findings of fact in the Order contained several material factual errors respecting significant issues. The Appellants stated that these factual errors led to the Baltimore County Office of Law, in a letter from Nancy C.

West dated March 25, 1996, to request the Deputy Zoning Commissioner to issue an Amended Order. The Appellants further stated that the March 25, 1996, request to amend Mr. Kotroco's Order constituted sufficient legal grounds to place in abeyance the 30-day appellate period and entitle the filing of their appeal as timely.

However, Baltimore County, in its Motion to Dismiss, states that the purpose of Ms. West's letter of March 25, 1996, was to seek clarification of certain matters regarding the Order of February 26, 1996, and that the Order was supported by substantial, lawful and competent evidence when viewed in light of the entire record and should be affirmed. At the Motion Only Hearing on June 5, 1996, Ms. West contended that the March 25, 1996, letter does not stay the appeal period or confer the right of appeal.

At the Motion Only Hearing Mr. Nilson, Counsel for the Appellants, stipulated that notice of the initial hearing of the case before the Deputy Zoning Commissioner on November 30, 1995, was properly posted, and that at that first hearing, the Deputy Zoning Commissioner decided on and announced the February 5, 1996, date for the second hearing. Mr. Nilson argued that although the property owner paid the customary fee for reposting and readvertising the second hearing, it apparently didn't occur because the Deputy Zoning Commissioner didn't think it necessary.

Appellants' Counsel stated that the Renbaums moved to their home on Butler Road in January, 1996; they were therefore not there at the time of the November hearing, and because notice of the February hearing was not posted or advertised, they did not know about it. He argued that while the Petition at the November hearing concerned property on the north side of Belmont Road, the Amended Petition considered at the February hearing concerned property on the south side of Belmont Road and was therefore a substantially different petition, notice of which should have been posted and advertised.

The transcript of the November 30, 1995, hearing shows that at that time the Zoning Commissioner continued the case to February 5, 1996. He stated that everyone attending that day would receive written notice of the new hearing date. He said he didn't feel it would be necessary to repost the property, because the hearing had been opened and was now continued. He asked if there were any objections to that, and there were none. He noted that Dr. John Bernstein,

representing the Valleys Planning Council, was present and would notify members of that organization and other interested parties of the February 5 date.

In their Respondent's Brief the Appellants argue that because notice of the February 5 hearing was not posted on the property or advertised, they did not learn of it until they saw an auction sign on Sagamore Farms on April 27 and investigated. They state, however, that notice of the initial November 30 hearing was posted and "a sizable crowd of protestants" attended.

This Board finds that the Zoning Commissioner took responsible steps to notify all interested parties of the date for the continuance of the hearing, and exercised reasonable judgement in deciding that a reposting of the property would not be necessary. Everyone in the neighborhood that may have been concerned about the case knew about the new date or should have known about it. The neighborhood association and interested parties were properly notified and had every opportunity to attend the February 5 hearing, present their case and make their views known.

The Appellants did not know about the February 5 hearing, not because proper notification was not given, but because they moved into the neighborhood a very short time before the hearing was held, a circumstance which the Zoning Commissioner certainly could not forsee and for which he could not be held responsible.

The Board finds that the interested parties at the well-attended November 30 hearing were informed that the Petition might be amended, and further finds that the Petition, although amended, remained substantially the same and therefore could not be considered a new Petition, requiring a reposting of the property and readvertising of the case.

For the reasons stated above, the Board finds that the Appeal was not timely filed in compliance with Section 26-132(a) of the Baltimore County Code and will therefore grant the Motions to Dismiss brought by the Petitioners and Baltimore County.

ORDER

IT IS THEREFORE this 23rd day of September, 1996, by the County Board of Appeals of Baltimore County

ORDERED that the Motions to Dismiss brought by the Petitioners and Baltimore County be and the same are hereby **GRANTED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz

Robert O. Schuetz, Chairman

Harry E. Buchheister

Harry E. Buchheister, Jr.

S. Diane Levero

S. Diane Levero

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 23, 1996

George A. Nilson, Esquire
PIPER & MARBURY
1100 Charles Center South
36 S. Charles Street
Baltimore, Maryland 21201

RE: Case No. 96-169-SPH
Richard Maffezzoli, et al

Dear Mr. Nilson:

Enclosed please find a copy of the Board's Ruling on Motions to Dismiss issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Bianco
Legal Administrator

encl.

cc: Barry J. Renbaum, et ux
James R. Andersen, Esquire
Dr. & Mrs. Richard D. Maffezzoli
Patricia A. Ward
George M. Durrett
Dr. John Bernstein /Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
Catherine Milton /PDM
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney
Virginia W. Barnhart, County Attorney

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IN RE:	*	BEFORE
PETITION FOR SPECIAL HEARING S/S Belmont Avenue Road, 2,050' W of Tufton Avenue (3501 Belmont Road) 4th Election District 3rd Councilmanic District	* * * *	COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Richard Maffezzoli, et ux. and Patricia Ward - Petitioners	*	Case No. 96-169-SPH

****

MEMORANDUM IN OPPOSITION TO
MOTIONS TO DISMISS

Respondents Barry and Carol Renbaum, by their attorney, respectfully submit this Memorandum in Opposition to the Motion to Dismiss filed by Petitioners Richard D. Maffezzoli, Mary C. Maffezzoli and Patricia Ward and the Motion to Dismiss filed by Baltimore County. Both Motions contend that Respondents' appeal in untimely because it was filed more than thirty days after Deputy Zoning Commissioner Timothy M. Kotroco issued his Order in the above-captioned matter. What both Motions fail to note is that the hearing which preceded the Order was held without proper notice to the public, in direct violation of the Baltimore County Zoning Regulations. As a result, Respondents right to appeal did not expire thirty days from the date of the Order.

On January 3, 1996, Petitioners filed an "Amended Petition for Special Hearing" in the Office of the Zoning Commissioner. [Ex. 11 to Petition to Appeal]. As with any petition for a special hearing, the Zoning Commissioner was bound, by its own statutory guidelines, to give the public notice and an opportunity to be heard. Specifically,

> [w]ith respect to any zoning petition other than a petition for a special exception, variance, or reclassification,[1] the zoning commissioner shall schedule a public hearing.... If the petition relates to a specific property, **notice** of the time and place of hearing **shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing.** Whether or not a specific property is involved, **notice shall be given for the same period of time in at least two newspapers of general circulation in the county....**

Baltimore County Zoning Regulations, § 500.7.

After receiving Petitioners' Amended Petition, the Deputy Zoning Commissioner conducted a hearing on February 5, 1996. Accordingly, notice of the Amended Petition should have been published for at least 15 days prior to the hearing date in at least two newspapers of general circulation in Baltimore County. This was not done. Also, since the Amended Petition identified a specific property - namely, 3501 Belmont Avenue - notice should have been conspicuously posted on the property for the same amount of time. This was not done either. As a result, Respondents had no idea that a hearing had been held on the Amended Petition and that an appealable decision had been rendered until they observed on auction notice on the subject property and conducted their own investigation in late April/early May of 1996.

Maryland courts have consistently stated that "the failure of an administrative board to give statutorily prescribed notice of a hearing is fatal to the jurisdiction of the board." Landover Books v. Prince George's County, 81 Md. App. 54, 64, 566 A.2d 792 (1989) (citing Cassidy v. Baltimore County Bd. of Appeals, 218 Md. 418, 421-22, 146 A.2d 896 (1958)). In other words, because the Deputy Zoning Commissioner failed to abide by the terms of Section 500.7, he was not entitled to hold the February 5, 1996 hearing and/or issue the February 26, 1996 Order. Consequently, Respondents' appeal did not need to be filed within thirty days from the date of

---

[1] These petitions are governed by other notice provisions.

that Order. See Case v. Dep't of Agriculture, 535 A.2d 285, 287 (Pa. Cmwlth. 1987) ("Petitioners were given no notice of a hearing nor were they afforded an opportunity to be heard....[T]he date of a decision reached without compliance of the Administrative Agency Law has no legal significance. Therefore, Petitioners' appeal is not time-barred.").

Furthermore, it is absurd to have expected Respondents' to have appealed within thirty days of the February 26, 1996 Order when they were given no notice of the Order (or the Amended Petition or the hearing that preceded the Order) at any time. Indeed, "[o]ne without notice is rarely in a position to complain of his ignorance, being unaware of the ignorance." Dupont Circle Citizens Assoc. v. District of Columbia Bd. of Zoning Adjustment, 403 A.2d 314, 317 (1979). Respondents cannot and should not be penalized for not knowing what the Zoning Commissioner failed to advertise, especially considering the speed with which Respondents filed their notice of appeal once they learned (in late April/early May) of the February 6 hearing and February 26 Order.

Finally, any harm allegedly suffered by the Petitioners in this matter is outweighed by the denial of due process to the Respondents and all others who would have attended the February 6, 1996 hearing had they been properly notified. As the D.C. Court of Appeals noted in a similar situation, "[b]ecause a statutory right to due notice has been violated and cannot be cured until everyone receives notice, the error cannot be deemed harmless." Id.

For all the foregoing reasons, Respondents respectfully request that the Motions to Dismiss be denied.

George A. Nilson

PIPER & MARBURY L.L.P.
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1769

Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 1996, a copy of the foregoing Memorandum in Opposition to Motions to Dismiss was hand delivered or mailed, postage prepaid, to:

James R. Anderson, Esquire
Mudd, Harrison & Burch
Suite 300, Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

Nancy C. West, Esquire
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204

Dr. John Bernstein
Valleys Planning Council
P.O. Box 5402
Towson, mayland 21285-5402

Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
Old Courthouse
400 Washington Avenue
Room 47
Towson, Maryland 21204

Mr. George Durett
123 St. Thomas Lane
Owings Mills, Maryland 21117

_____
George A. Nilson

Mr. and Mrs. Barry Renbaum
Brydonwood
P.O. Box 305
Glyndon, Maryland 21071

May 28, 1996

HAND-DELIVERED

Ms. Kathleen C. Bianco
Administrative Assistant
County Board of Appeals,
Baltimore County
400 Washington Avenue
Towson, Maryland 21204

RE : RICHARD MAFFEZZOLI, ET UX AND PATRICIA WARD, PETITIONER
S/S Belmont Road (3501 Belmont Road)
4th Election District
3rd Councilmanic District

CASE NO. 96 - 169 - SPH

Dear Ms. Bianco:

Enclosed for your convenience please find a clean, bound copy of Respondent's brief complete with Index page and formalized exhibit references inserted throughout the text. This will obviate the need for you to adhere the labels submitted to you on May 23, 1996 respecting the same.

Identical submissions are being hand-delivered this day to the law offices of Mr. James R. Andersen, Esquire and Ms. Nancy C. West, Esquire.

Very truly yours,

Barry J Renbaum

Barry J. Renbaum,
Respondent

Enclosure - Respondent's revised brief dated May 21, 1996 with Index page and formalized exhibit references inserted in text.

cc: Mr. James R. Andersen, Esquire
Ms. Nancy C. West, Esquire

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IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING S/S Belmont Avenue Road, 2,050' W of Tufton Avenue (3501 Belmont Road) 4th Election District 3rd Councilmanic District	* * * *	BOARD OF APPEALS OF BALTIMORE COUNTY
	*	
Richard Maffezzoli, et ux. and Patricia Ward - Petitioners	*	Case No. 96-169-SPH

* * * * * * * * *

MOTION TO DISMISS

Baltimore County, Maryland, by Virginia W. Barnhart, County Attorney, and Nancy C. West, Assistant County Attorney, files this Motion to dismiss the Petition To Appeal Zoning Order filed in the above-captioned proceedings by Barry J. Renbaum, et ux. and in support thereof states as follows:

1. The above-captioned matter involves an appeal of an Order entered by Deputy Zoning Commissioner, Timothy M Kotroco, on February 26, 1996 wherein he approved the reconfiguration of the lot lines of two existing and contiguous R.C. 2/R.C. 4 record lots (or a portion of one lot of record) for agricultural purposes only for the property known as 3501 Belmont Road, also known as Sagamore Farms. Further, the Order authorized the allocation of one of the permitted R.C. 2 building rights to the remaining 56.242 acre parcel as requested by Petitioners below, Richard Maffezzoli, et ux and Patricia Ward.

2. On May 2, 1996, Barry J. Renbaum and Carol E. Renbaum, his wife, noted an appeal from the Commissioner's Order.

3. Section 26-132(a) of the Baltimore County Code mandates that any person aggrieved by any decision or Order of the Zoning Commissioner shall have the right to appeal to the County

Board of Appeals and, further, that notice of such appeals shall be filed within thirty (30) days from the date of any final Order appealed. See also Rule 3c of the Rules of Practice and Procedure of the County Board of Appeals, Section 2-354 of the Baltimore County Code, and Appendix D of the Baltimore County Zoning Regulations; §22-32

4. That the Petition filed by Renbaum, et ux. was beyond the statutorily prescribed period within which to file an appeal and, therefore, should be dismissed.

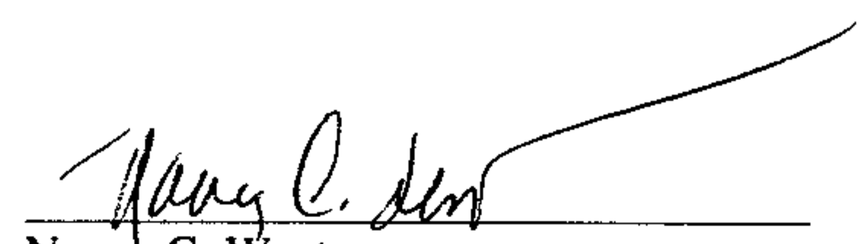
AND IN FURTHER ANSWERING, BALTIMORE COUNTY, MARYLAND STATES THAT:

5. The undersigned sent a letter dated March 25, 1996 to Commissioner Kotroco relative to some concerns about factual inaccuracies in his Order. The intent of the correspondence was to seek clarification of these matters. Although the undersigned requested that the original Order of February 26, 1996 be amended to reflect the requested changes, the undersigned leaves it to the discretion of the Commissioner to fashion whatever relief he deems appropriate.

6. The Order of February 26, 1996 was supported by substantial, lawful and competent evidence when viewed in light of the entire record and should be affirmed.

WHEREFORE, Baltimore County, Maryland respectfully prays that the appeal filed by Barry J. Renbaum and Carol E. Renbaum be dismissed.

Virginia W. Barnhart
County Attorney



Nancy C. West
Assistant County Attorney
Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May 1996 a copy of the foregoing Motion To Dismiss was mailed, first class mail, postage prepaid, to:

Barry J. and Carol E. Renbaum
Brydonwood
P. O. Box 305
Glyndon, Maryland 21071

James R. Anderson, Esquire
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

Dr. John Bernstein
Valleys Planning Council
P. O Box 5402
Towson, Maryland 21285-5402

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People's Counsel
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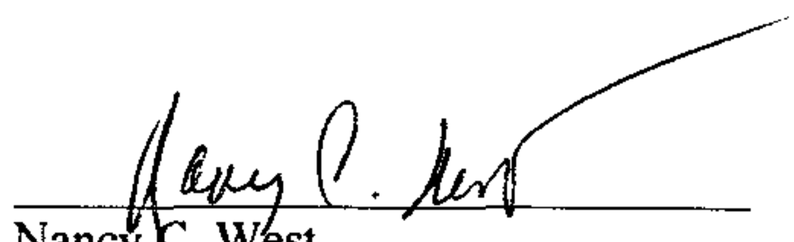

Nancy C. West
Assistant County Attorney

Brydonwood
3921 Butler Road
Glyndon, Maryland

HAND DELIVERED
May 23, 1996

Ms. Kathleen C. Bianco
Administrative Assistant
County Board of Appeals,
Baltimore County
400 Washington Avenue
Towson, Maryland 21204

RE: RICHARD MAFFEZZOLI, ET UX AND PATRICIA WARD, PETITIONER
S/S Belmont Road (3501 Belmont Road)
4th Election District
3rd Councilmanic District

CASE NO. 96 - 169 - SPH

Dear Ms. Bianco:

Yesterday I hand-delivered to your office and to counsel for both the Petitioners and Baltimore County a revised brief dated May 21, 1996 and a companion appendix (under separate cover). Unfortunately, my printer broke down as I was in the process of formatting the submission for reproduction and binding. Consequently, while the substance of the brief was unaffected, various organizational cross-references could not be finalized. Thus, I was presented with a dilemma: delay the submission of the revised brief, or hand in an aesthetically-flawed brief followed by a swift follow-up addressing the production technicalities. Given the late date, I chose the latter.

Accordingly, I am enclosing, under separate cover and with appropriate instructions, what I believe will provide a simple remedy. I believe that the enclosures will facilitate and accommodate all parties prior to and during the oral argument scheduled for the June hearing.

I apologize for any added inconvenience caused by this supplemental request and I will reimburse any affected parties, upon their request, for expenses incurred incident to this development.

I hereby certify that the text of this correspondence (with identical enclosures) is being hand-delivered today to the law offices of Mr. James R. Andersen, Esq. and Ms. Nancy C. West, Esq.

Very truly yours,

Barry J. Renbaum

Barry J. Renbaum, Respondent
cc: Mr. James R. Andersen, Esq.
Ms. Nancy C. West, Esq.

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Instructions

1. The enclosed Index Page can be inserted after the cover page and before page one of the brief. Double-coated scotch tape is enclosed for your convenience.

2. The exhibits referenced throughout the text of the brief have been typed onto a sheet of transparent labels and can be positioned directly over the handwritten references. The exhibits referenced on the label sheet are presented in horizontal order and in the same order as they appear in the brief.

3. A transparent sheet of labels contains the page numbers (presented horizontally) for the Appendix and can be positioned at the bottom of each page of the Appendix.

Enclosures:
(1) Index Page
(2) Double-coated scotch tape
(3) One sheet of transparent exhibit labels
(4) One sheet of transparent page labels

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IN THE

BOARD OF APPEALS OF BALTIMORE COUNTY

ZONING CASE NO. 96-169-SPH

IN RE: PETITION FOR SPECIAL HEARING
S/S BELMONT ROAD
(3501 BELMONT ROAD)
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
RICHARD MAFFEZZOLI, et ux
PATRICIA WARD - PETITIONERS

PETITION TO APPEAL ORDER OF ZONING COMMISSIONER

RESPONDENT'S BRIEF AND APPENDIX

BARRY RENBAUM
CAROL RENBAUM,

RESPONDENTS

REVISED : MAY 21, 1996

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BARRY RENBAUM		RE:	SAGAMORE FARMS
	*		
CAROL RENBAUM			RICHARD MAFFEZZOLI, *et ux*
	*		PATRICIA WARD
PROTESTANTS			
	*		ZONING CASE NO. 96-169-SPH
	*		

REQUEST FOR HEARING
AND
MEMORANDUM IN SUPPORT OF PETITION
TO APPEAL ORDER OF
ZONING COMMISSIONER

I. STATEMENT OF CASE

On October 21, 1993 Catherine A. Milton of the Zoning Review Division of Permits and Development Management ("PDM") received a letter of complaint alleging an illegal subdivision on Sagamore Farm in Glyndon, Maryland. Following an in-depth investigation of the allegations, Ms. Milton wrote a letter to Sagamore's owner, Patricia A. Ward, a Florida resident and wife of the previous owner, James Ward. Ms. Ward did not respond. Ms. Milton then instituted enforcement action against Ms. Ward and a zoning violation hearing was scheduled for March 30, 1994. The County was unable to serve Ms. Ward and a new hearing date was scheduled for June 30, 1994. In turn, this hearing was rescheduled for August, 1994 following the continued inability of County officials to serve Ms. Ward. Following a series of negotiations with interested parties, a Special Hearing was scheduled for January, 1995. Neither the defendants or their counsel appeared at this violation proceeding and the case proceeded without them [Zoning Case No. V-94-323-SPH]. [Ex. 1]

At the enforcement proceeding Ms. Milton submitted evidence respecting attempts to

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develop Sagamore by its previous owner, James Ward, in a series of illegally-created subdivisions, as follows:

> 1. On March 24, 1988 James Ward was granted permission by the County to subdivide the north parcel of Sagamore into three separate tracts pursuant to the road split policy-of-the-zoning department on the condition that further subdivision or reconfiguration of the north parcel was expressly prohibited.
>
> 2. In July, 1988 Mr. Ward petitioned the zoning commissioner to approve a transfer of development rights that would allow the construction of five homes on the three north tracts carved out the previous year. The then-zoning commissioner summarily rejected the proposal as inconsistent with the agricultural purposes of the tract's zoning character. [Ex. 2]
>
> 3. Between May 2, 1991 and September 15, 1992 three illegal subdivisions were created on the north and south parcels of Sagamore in which either James Ward or his wife, Patricia Ward, apparently participated in or engineered. [Ex. 1]

The zoning commissioner determined that Sagamore had indeed been illegally subdivided in a succession of zoning violations. Notwithstanding the uncontested evidence of multiple zoning violations by Petitioners, and their failure to even attend the enforcement proceeding, the zoning commissioner granted their post-hearing motion to reconsider the case. At the reconsideration hearing on May 18, 1995 Ms. Ward apparently agreed to reverse the illegal subdivisions created at Sagamore.[1] [Ex. 1,3]

---

1. Nine months later Commissioner Kotroco dismissed the multiple zoning violations committed by Petitioners, explaining in part, "...the matter was subsequently resolved by virtue of certain deeds being recorded in the land records of Baltimore County." Then, in a twist of irony, he proceeded to give his blessing to a de facto subdivision requested by Petitioners that was a reincarnation of a twice-illegally subdivided parcel that precipitated, in part, the original zoning enforcement hearing.

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On October 18, 1995 Richard and Mary Maffezzoli, the co-participants with Patricia Ward regarding the illegal subdivisions on the north side of Belmont, filed a Petition for Special Hearing (hereinafter, "Petition No. 1"), pursuant to Section 500.7, requesting approval for "...a non-density transfer of 31.479 acres...to Patricia A. Ward, who is a contiguous property owner." [Emphasis supplied]. This transfer request, if approved, would substantially re-create the same subdivision parcels that were previously created illegally by Petitioners. A zoning hearing was scheduled for November 30, 1995 and appropriate notice was published in the Jeffersonian. [Ex. 4,5]

The petition identified Richard and Mary Maffezolli as the property owners of the parcel to be transferred to Ms. Ward.[2] The property was identified as being on the north side of Belmont on the notice published in the Jeffersonian and the posting notice was planted on the north side of Belmont. There was only one transfer request in the petition and there was no reference to any request respecting parcels on the south side of Belmont [Ex. 4,6]

On November 17, 1995, Catherine Milton, Planner I at Zoning Review, at the request of the Director of PDM, prepared a memorandum on the zoning issues governing the Maffezzoli petition (hereinafter, "Milton Memo No. 1"), and submitted it to the zoning commissioner assigned to hear the case. The memorandum, in relevant part, set forth the history of multiple zoning violations committed at Sagamore Farm by Ward and/or the Maffezzollis'. However, most damaging to Petitioners was Ms. Milton's characterization of the petition request, in which she stated:

---

2. Interestingly, Mr. Maffezzoli directed the Jeffersonian to bill James Ward for the advertisement even though Mr. Ward was not a Petitioner nor an owner of either parcel involved in the transfer. [Ex. 7]

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> "The request of a non-density transfer is erroneous. The proposed 31-acre parcel of ground has one (1) dwelling and a tenant house. How can you request a non-density transfer of a parcel than has a 'density'." [Ex. 1]

Were that not damning enough, Ms. Milton set forth a list of nine questions which she "strongly recommended" be answered by Petitioners at the zoning hearing prior to the rendering of a decision in the case.[3]

On November 29, 1995 the zoning commissioner received a memorandum from the Director of the Office of Planning setting forth his opinion of Petitioner's request for a "non-density transfer." He advised the zoning commissioner, as follows:

> "...the subject request is, in fact, a density transfer since the tract of land to be transferred is improved with a residence. We are unable to find any provision in the Baltimore County Zoning Regulations allowing for a transfer of this nature to take place...
>
> * * * * *
>
> "In addition...questions raised by [PDM] in a memorandum dated November 17, 1995 [Milton Memo No. 1] should be addressed prior to final consideration of this matter." (Emphasis provided). [Ex. 8]

Finally, the Department of Environmental Protection and Resource Management refused to even consider petitioner's request because Patricia Ward had still not reversed the illegal subdivisions she had created on the south side of Belmont Road, as promised at the enforcement hearing of May 18, 1995.[4]

---

3. Regrettably, Commissioner Kotroco never posed these probing questions to Petitioners. Respondents submit that if he had done so it would have opened a new line of inquiry of far more probative value than ultimately produced.
4. It appears that M. Ward was still coveting illegal subdivisions on the southern tract as late as January 31, 1996. [Ex. 3]

Judging from the sign-in attendance sheet filled out at the November 30, 1995 hearing, the public postings of the zoning proceedings attracted a sizable crowd of protestants, who apparently agreed with the County's indignation at Petitioner's attempt to characterize their transfer proposal as "non-density." Facing embarrassment and certain defeat, Petitioner's wisely chose to retreat. They requested, and were granted, a continuance to February 5, 1996. [Ex. 9,10]

Undaunted, on January 3, 1996, Petitioners - now jointed with Patricia Ward - marched into the zoning office and executed a new document entitled: "Amended Petition for Special Hearing" (hereinafter, "Petition No. 2"). This new petition, stripped of its semantic camouflage, essentially repackaged the same transfer request submitted in Petition No. 1 and presented it under the pretense of a simple lot line reconfiguration for agricultural purposes. This new petition requested a special exception to use 3501 Belmont Avenue..."for the reconfiguration of the lot lines for agricultural purposes within the tract boundaries of two existing contiguous...record lots...and allocation to...[a 56 acre parcel]...one of the permitted RC-2 building rights. [Emphasis provided] [Ex. 11,12,22]

Overlooking for the moment that the request embodied in Petition No. 2 was a non-sequitur, and that the substance of the petition request was wholly independent from that of Petition No. 1; it masterfully condensed multiple zoning requests and cloaked them in a seemingly benign request to execute a "lot line reconfiguration." And best of all, by appending the word "amended" to Petition No. 2, Petitioners could hopefully escape the notice requirements that triggered a roomful of neighborhood protestants at the last hearing. And if that weren't enough, should the real substance of the petition escape detection, it would legitimize that same subdivision that suffered such humiliating rejections previously. [Ex. 12]

However, if the attempt to camouflage the true substance of the conveyance presented in

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Petition No. 2 was brilliant in conception, it was faulty in execution. Petition No. 2, by its very language, petitioned for a special exception use of Sagamore Farm and thus did not confer jurisdiction on Commissioner Kotroco to entertain the type of zoning transfer requested by Petitioners. Second, Petition No. 2, quite appropriately, mandated on its face public posting and newspaper notification. This was not done. Nor were any adjoining property owners notified of the hearing. Third, Petition No. 2 attempted to camouflage the transfer of a 25-acre parcel of land improved with two dwelling houses under the benign designation of a lot line adjustment. Finally, it characterized the transactions as taking place within the same "tract" boundaries of "contiguous" lots, notwithstanding the fact that the two parcels lie across the street from each other. [Ex. 13,25]

Petition No. 2 added a request absent in Petition No. 1 impacting the south side of Belmont Road. In fact, Commissioner Kotroco was apparently so impressed with the impact of this additional request that his Findings of Fact captioned the case as involving the south parcel of Sagamore. [Ex. 14]

In sum, if Petition No. 1 was the cinematic equivalent of "Charade;" Petition No. 2 was the dramatic equivalent of "Hocus Pocus."

On February 4, 1996 Catherine Milton submitted a second memorandum to the zoning commissioner [hereinafter, "Milton Memo. No. 2"], again at the direction of the Director of PDM, which essentially reiterated the inglorious history of repeated and flagrant zoning violations committed by Petitioners at Sagamore Farm. Milton Memo No. 2 also related that Petitioners were simultaneously requesting the Development Review Committee ("DRC") to approve their so-called "lot line adjustment" under the guise of an inconsequential border realignment in an apparent attempt to avoid county review of their de facto subdivision.

Ms. Milton ended her memorandum to the zoning commissioner with this plea:

> "...if this zoning request is granted, a restriction be placed in the Order that indicates that...the Zoning Review section of PDM will require an overall FDP be filed and approved pursuant to Section 1A00.4 of the Baltimore County Zoning Regulations.
>
> "The one thing that needs to be understood above all else is that the original parcel [579 acre tract] must not have more than five (5) R.C.-2 dwellings on it." [Ex. 3]

Petition No. 2 was heard before Commissioner Kotroco on February 5, 1996 without the benefit of any public notification or property posting respecting the substance of the proceedings, which now involved a new parcel of land not referenced in Petition No. 1, viz., the south tract of Sagamore Farm, or, at the minimum, an additional zoning request to transfer building right.

Commissioner Kotroco entertained Petitioner's Motion to Dismiss all of the zoning violations engineered by the Wards and Maffezzoli's at Sagamore that were adjudicated at the January, 1995 enforcement proceedings. He then proceeded to take Petitioner's testimony on the so-called "lot line reconfiguration". One of the witnesses presented by Petitioners was Norman Gerber. He offered testimony in support of the proposition that Ward could transfer a building right to Maffezzolli from anywhere on the farm without having to identify the situs of its origin; and more particularly, that the building right to be transferred was not coming from the south tract of Sagamore. [Hereinafter, "Gerber testimony"] [Ex. 15]

There is no indication that Kotroco either acknowledged or considered Milton Memo's No. 1 or No. 2 or the memorandum submitted to him by the Director of the Office of Planning.[5] These

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5. Neither the November 30,1995 proceedings nor the February 5, 1995 proceedings were recorded; facts which, in themselves, are adequate grounds to invalidate the Order resulting from the latter hearing.

were the memorandums submitted to Kotroco that stated in unequivocal terms that the requested conveyance in Petition No. 1, if approved, would violate County zoning laws. Moreover, they cautioned Kotroco of the urgent need to compel Petitioners to answer the nine questions posited in Milton Memo No. 1 before rendering any decision in the case. This he failed to do. Nor did Commissioner Kotroco respect Ms. Milton's fail-safe plea that, at a minimum, Petitioners be required to file a development plan with Zoning Review, in the event the petition was granted.

In essence, instead of recognizing that Petition No. 2 was little more than a creative reincarnation of Petition No. 1, Commissioner Kotroco blessed the series of conveyances that resurrected the functional equivalent of Petition No. 1. Worse, his approval of a building right transfer from the south side to the north side constituted a direct violation of the express conditions supporting the legality of the north-side subdivision approved on March 24, 1988. Thus, his approval of the building right transfer was, ipso facto, void. [Ex. 12]

On March 25, 1996, Assistant County Attorney, Nancy C. West, filed a request to amend Kotroco's Order of February 26, 1996, citing several manifest and irrefutable errors in his findings of fact. As of May 10, 1996 Commissioner Kotroco had not determined whether he would grant Ms. West's motion to amend. [Ex. 16]

On April 27, 1996, Protestants, adjoining landowners of Sagamore Farm, observed an auction sign posted on the north tract of Sagamore Farm announcing an auction date of May 13, 1996. Protestants immediately began to investigate the circumstances attendant thereto, and in the course of their investigation learned on May 2, 1996 (for the first time) of the hearings conducted on November 30,1995 and February 5, 1996 and the issues adjudicated therein. Respondents filed a Petition to Appeal on May 2, 1996, which is the subject matter of this proceeding.

On May 10, 1996 Respondents hand-delivered a letter to James Andersen, Esquire, counsel for Petitioners, requesting him to advise his clients to either postpone the auction during the pendency of this appeal petition or to make an appropriate disclosure to registered bidders prior to any bidding. [Ex. 17]

On May 11, 1996 the Board of Appeals posted a prominent sign next to the auction notice. Some time between 3 p.m. and 7 p.m. that day the sign was removed. Respondent requested the County to replace it prior to the auction but that was not possible.

On May 13, 1996 the auction of the Maffezzolli parcel was conducted without adequate disclosure to the bidders of this appeal petition. Whatever notice of this appeal was disclosed - if any - it was done in such a fashion as to be utterly undetectable.[6] Paradoxically, the high bid at the auction was awarded to a gentleman who conferred at length with a special advisor prior to submitting most of his bids, and with whom he conversed at length - to the point of distraction - prior to submitting the winning bid. [Ex. 18]

II. STATEMENT OF THE FACTS

The parcels of property that are the subject of this zoning appeal lie in the Worthington Valley National Historic Register District in Glyndon, Maryland. Prior to its purchase and subsequent development by Jim Ward, the subject parcels were part of a 579-acre horse breeding

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6. Respondents attended the auction and asked the auctioneer, Jack Billig, if there was an appeal pending on the subject property. This provoked an indignant reply from Mr. Billig and he directed the crowd's attention to the February 26, 1996 Order. Respondent believes he also made reference to a full posting of court notices on the wall of the barn behind him. Perhaps he was referencing the posting of the Board's Notice of Appeal sent to the parties herein.

CONTINUED

farm known as Sagamore Farm. The original owners of the farm was the Worthington family, who received it in a land grant from the King of England in 1760. Alfred Vanderbilt acquired Sagamore Farm in 1934 from his mother for the princely sum of $1.00. Mr. Vanderbilt turned Sagamore into one of the top horse training and breeding farms in the country, producing such great racehorses as Discovery, Native Dancer, and Kauai Kung. The farm itself consists of 181 acres of prime pasture land to the north of Belmont Road and 398 acres of training and breeding facilities to the south of Belmont Road. Sagamore Farm remains a part of Baltimore County folklore and still draws large contingencies of weekend sightseers to view its picturesque setting. [Ex. 19]

James Ward, a real estate developer, who now resides in Florida, purchased the farm from Mr. Vanderbilt in 1986 amid public proclamations that he promised to preserve the historic landmark. About twenty-six months later [March 24, 1988] Mr. Ward subdivided the single 181-acre northern tract of the farm into three separate parcels. Soon thereafter he submitted to Baltimore County a residential development proposal that would create seven residential homesites, which included a building lot on the south parcel where the farm's historic track and stables lie. When the-then zoning commissioner rejected the development plan as incompatible with agricultural zoning, Mr. Ward reportedly reacted with "astonishment". [Ex. 2,22,23]

The March 24, 1988 subdivision created by Mr. Ward was premised on two conditions, viz., (1) Further subdivision or reconfiguration of the north parcel was prohibited, and (2) the three density rights on the north side could not be increased. [Ex. 1,3]

It appears that around April 10, 1991 Mr. Ward sold THE 81-ACRE LOT on the north side of Belmont to Richard and Mary Maffezzolli for $1,950,000. This 81-acre parcel [Ex 21]

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contains two street-front dwelling units, a large garage, and a large storage barn. On May 2, 1991 Mr. Maffezzolli illegally subdivided the 81-acre tract and in a procedure labeled "deed-and-description" HE transferred a 31-acre tract to Jim Ward containing the aforementioned improvements. In the process Mr. Maffezzolli relinquished (unwittingly or otherwise) any chance to transfer his single dwelling right on the tract to the scenic hilltop site that presumably justified his purchase price.

On February 7, 1992 Jim Ward transferred the improved portion of the 31-acre illegally-created parcel to his wife, Patricia Ward. Sixty days later that parcel was again illegally subdivided into an 8-acre parcel and a 23-acre parcel, zoned R.C.-4 and R.C.-2, respectively. [Ex. 22,23]

Moreover, following a determination at the January, 1995 enforcement proceedings that this parcel had in fact been illegally subdivided - not once, but twice, - it was incumbent upon County zoning authorities to either revoke all the subdivisions created on the north side of Belmont or demand Petitioners submit for their approval a full development plan for Sagamore Farm. This was not done.[7]

Seven months later Mr. Ward directed his attention to the land on the south side of Balmont Road. On September 15, 1992 he simultaneously created illegal parcel "reconfigurations" and conveyed the resulting illicit parcels to his wife, Patricia Ward. Notwithstanding, Ward's earlier promise to reverse this illegal subdivision at the May 18, 1995 enforcement proceeding - itself an act of grace in the wake of a prior hearing establishing Ward's zoning infractions - it appears that it was not until late January, 1996 that Ward complied with his agreement: days before the scheduled hearing on Petition No. 2. [Ex. 3,24]

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7. The illegally created subdivisions triggered a violation of the 1988 agreement between Jim Ward and the County authorizing the initial 3 parcel subdivision on the northern side of Belmont Road.

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III. DECISION OF ZONING COMMISSIONER

On February 26, 1996 Deputy Zoning Commissioner Timothy M. Kotroco issued his FINDINGS OF FACT AND CONCLUSIONS OF LAW [hereafter, "Order"] based on the hearing conducted on February 5, 1996. As a preliminary matter, he ordered the dismissal of all zoning violations committed by Petitioners at Sagamore which had been conclusively established at the enforcement proceedings conducted in January, 1995.

Commissioner Kotroco characterized Petition No. 2 as follows:

> " The Petitioners seek approval of the reconfiguration of the lot lines within the tract boundaries of two existing and continuous... record lots for agricultural purposes, only, and the allocation of one of the permitted... building rights to be retained by the remaining 56.242 acre parcel...
>
> * * * * *
>
> " ...more particularly described on the site plans submitted and marked into evidence..." [Order, p.1] [Emphasis Supplied]

In view of the obvious omission in Petition No. 2 to identify the source of the building right to be transferred to Maffezzolli, coupled with the Gerber testimony presented on behalf of the Petitioners at the February 5, 1996 hearing, it is beyond debate that Ward intended to transfer to Maffezzolli a building right from the north tract of Sagamore. Given the evidence submitted to Commissioner Kotroco in Milton Memo's No. 1 and No. 2 that Ward had obtained County permission to subdivide the northern tract in 1988 by acknowledging that no more building rights existed on that tract and that no more subdivisions or reconfigurations were permitted there; it was incumbent upon Mr. Kotroco to determine if Ward intended to breach his 1988 agreement with Baltimore County. *This he did not do.*

Nor did Mr. Kotroco inquire into the characterization of the so-called ' lot line reconfiguration' as involving "contiguous" lots within the same "tract boundaries." Petitioner's Exhibits 1 and 2 clearly show that the lots are neither contiguous nor within the same tract boundaries. [Ex. 25]

Additionally, the Finding of Fact supporting Kotroco's Order contained indisputable factual errors regarding critical issues presented at the hearing. This, in turn, precipitated a request by the Baltimore County Office of Law to Kotroco to amend his decision.

However pardonable the above oversights may have been, they pale in significance compared to the failure of Commissioner Kotroco to recognize and expose Petition No. 2 for what it really was: a creative reincarnation of Petition No. 1...a Petition which was so utterly flawed that Petitioners chose to withdraw it the day it was to be heard rather than subject themselves to certain defeat and embarrassment. [Ex. 10]

Had Commissioner Kotroco simply compared the proposed site plans submitted in support of Petition No.1 and Petition No.2 he would have detected their nearly - identical net effect. Instead, he embraced Petitioner's portrayal of the transaction as a mere "lot line adjustment" between neighbors..."for agricultural purposes, i.e., a horse breeding operation," [that would transfer to Ward 25 acres of prime real estate improved with two houses...and conceivably set the stage to create an additional building rite on the southern tract. [Emphasis provided.] Kotroco proceeded to award Petitioners the same de facto subdivision that Zoning Review and the Office of Planning had previously (and emphatically) warned him were illegal. [Ex. 12]

In sum, Respondents submit that to characterize Petition No. 2 as a simple lot line adjustment for agricultural purposes is tantamount to characterizing Camden Yards as the place Baltimoreans go to get a good hotdog.

IV. ARGUMENTS

A. THE FINDINGS OF FACT AND CONCLUSIONS OF LAW DATED FEBRUARY 26, 1996 ARE NULL AND VOID AS A MATTER OF LAW.

1. The Amended Petition for Special Hearing [Petition No.2] was in substance, if not form, the functional equivalent of a new petition. It contemplated a wholly different conveyance theory than Petition No.1 and it requested a second conveyance not mentioned in Petition No.1. As such, Petition No.2 constituted a new petition and since no public notice was either published or posted, the ensuing hearing conducted on February 5, 1996 violated both the County zoning regulations and fundamental tenets of procedural and substantive due process, as guaranteed by the state and federal constitutions. Consequently, Commissioner Kotroco's orders were rendered, ab initio, null and void. Board of Education v. Ballard, 67 Md. App. 235 (1985). Cassidy v. Wolman, 218 Md. 418 (1958).

2. The findings of fact supporting Commissioner Kotroco's conclusions of law contain manifest and irrefutable errors respecting material issues in contest rendering the resulting Order, ipso facto, invalid and unenforceable.

   a) Commissioner Kotroco's Order approving the allocation of a non-existent building right from the original 81-acre parcel to its 56-acre residual was invalid on its face.

      1) That Kotroco only gave approval to allocate a building right vel non from the 81-acre parcel is irrefutable, viz.,:

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"It should also be noted that the 81-acre parcel originally [illegible] two density units, one of which is already utilized...The remaining density unit will be retained by Dr. & Mrs. Maffezzolli as part of the 56.242-acre parcel they will retain after the lot line adjustment is accomplished." [Order, pp. 3,4]

2) Likewise, it is beyond debate that there were no existing building rights remaining on the 81-acre tract with which to award the Maffezzolli's. [Letters submitted to Kotroco by Nancy C. West, Esquire and James R. Andersen, Esquire]

b) Assuming, arguendo, that Kotroco amended his Order to allocate a purported building right from the south side of Sagamore to the residual 56-acre parcel on the north side, it too, would be invalid. The owner of the south tract has no building rights to convey.

B. THE ORDERS ISSUED BY COMMISSIONER KOTROCO ON FEBRUARY 26, 1996 ARE UNENFORCEABLE AS A MATTER OF LAW.

1. Commissioner Kotroco's Order authorizing a reconfiguration of the north side of Sagamore Farm, at the minimum, was a de facto subdivision in derogation of the express conditions agreed to by Ward and Baltimore County approving the initial 1988 subdivision of the northern tract. Mr. Kotroco had neither the authority or the power to breach the legally-binding 1988 agreement. Consequently his Order authorizing the "lot line reconfiguration" is invalid on its face.

2. More important, Petitions No.1 and No.2 contained handwritten addendums supplementing both the preprinted and typewritten text of the petitions in direct violation of Zoning Rule 2 (B), Subsection 500.8. Accordingly, both petitions were fatally defective on their face and Commissioner Kotroco was required to reject them. Rule 2 (A), Subsection 500.8. Having failed to do so, the subsequent hearings and ensuing orders conducted in the wake of the invalid petitions were null and void, ipso facto, since Kotroco possessed neither the jurisdiction nor the authority to entertain - much less grant - a special hearing request presented in violation of the express provisions of the zoning regulations governing the submission of such petitions. Section 22-26, Article III, Title 22, Baltimore County Code.

3. Commissioner Kotroco's Order approving the allocation of a building right from a parcel of land that has no building rights is, of course, an unenforceable Order.

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However, assuming, arguendo, that Kotroco ordered the allocation from the south side of Sagamore, it would not validate the allocation. The owner of that parcel has no building rights to convey.

4. The hearing conducted on February 5, 1996 was incident to a Petition for Special Exception under the zoning regulations to use Belmont Avenue for a lot line reconfiguration and the allocation of a building right. As such, the petition was a non-sequitur and at fatal variance with the evidence submitted at the proceedings and the ensuing Order, nullifying the latter. Assuming, arguendo, that Petition No.1 was a request for a Special Hearing, the evidence presented at the hearing was still at fatal variance with the petition request, since the evidence presented established proof of both a density transfer and creation of a subdivision.

C. THE BOARD OF APPEALS HAS THE AUTHORITY AND THE POWER TO RECONSIDER OR REHEAR COMMISSIONER KOTROCO'S ORDER NOTWITHSTANDING THE EXPIRATION OF THE APPEAL PERIOD.

1. Under common law an administrative body has the right to reconsider a decision if an error has been caused by fraud, surprise, mistake or inadvertence. Board of Zoning Appeals v. McKinney, 174 Md. 551 (1938).

2. Since there was no recorded testimony at either the November 30, 1995 hearing or the February 5, 1996 hearing, the record of the case consists entirely of the documents entered as exhibits in the hearing. The Board of Appeals may nullify a decision of a zoning commissioner which cannot be supported by the record. County Comm'rs. of Anne Arundel County v Fairwinds, 230 Md. 569, 572. And where, as here, the record is so devoid of substantial supporting facts as to be incapable of raising a

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debatable issue, the Board is obliged to declare invalid the action of the zoning commissioner. Heller v. Segner, 260 Md. 393, 399 (1971).

3. Where operative law provides for a de novo review of a hearing officer decision by an appeals board, the appeals board is not acting in an appellate capacity. Vernon Lohrmann v. The Arundel Corp. et al., 65 Md App 309 (1985). Consequently, the Board of Appeals retains the inherent power to entertain a de novo hearing where it would clearly serve the interests of justice. If there were ever such a case, Respondents maintain, this is it.

4. The Board of Appeals - not the zoning commissioner - has exclusive original jurisdiction to entertain zoning petitions requiring property reclassifications; which would have been the status of Petition No.2, had not the Petitioners cleverly severed from Petition No.1 the 6-acre parcel of land zoned R.C.-4....an amputation, Respondents submit, that appears to have no other rational basis than to escape a review of their proposal by this tribunal. Section 2-58.1 (p), Article V. [Ex. 12]

D. PETITIONERS MOTION TO DISMISS THE APPEAL ON GROUNDS THAT THEY HAVE BEEN DEEPLY PREJUDICED BY AUCTIONING OFF THE SUBJECT PROPERTY IN RELIANCE ON THE ORDER IS AN AFFRONT TO THE INTELLIGENCE OF THE BOARD, GIVEN:

1. The sordid history and covert nature of Petitioner's multiple zoning violations;
2. The repeated indulgences granted Petitioners by the zoning authorities;
3. Respondent's caveat to Petitioner's counsel on May 10, 1996 to either postpone the auction or make an appropriate disclosure to registered bidders pending the outcome of this appeal petition;
4. The mysterious disappearance of the Board's posting notice of this appeal petition hours after it was hammered into the ground adjacent to the auction sign.
5. The refusal of the auctioneer to respond directly to Respondent's inquiry as to the status of this appeal petition.

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6. The fact that the February 5, 1995 hearing, itself, was the end product of a zoning violation case instituted against Petitioners for creating an illegitimate version of the de facto subdivison petitioned for in the instant case. [Ex. 12]

7. That the substance of Petition No.2 is, in reality, a request for a density transfer to a newly-created subdivision, that, if approved, Respondents theorize, will lay the foundation for the creation of an additional density unit on the subject 81-acre parcel never contemplated by either Commissioner Kotroco, the PDM, the Valleys Planning Council, or the Baltimore County Office of Law.

V. CONCLUSION

Based upon the facts and arguments set forth herein, Respondents request that the Findings of Fact and Conclusions of Law and resulting Orders issued by Deputy Commissioner Kotroco be vacated and that the Board conduct a de novo hearing of Petitioner's zoning request.

Respondent respectfully requests that the Board of Appeals docket a hearing date to entertain arguments on Respondents appeal petition and the merits of Petitioner's zoning request.

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WHEREFORE, Respondents Barry J. Renbaum and Carol E. Renbaum, his wife, who reside at 3921 Butler Road, Glyndon, Maryland and are adjoining property owners to Sagamore Farm, hereby request that their appeal petition be granted and that a hearing be scheduled in support of their motion to vacate the Order of the zoning commissioner dated February 26, 1996, and that Petitioner's zoning request be heard de novo before the Board of Appeals.

Barry J. Renbaum

Barry J. Renbaum, Respondent

BRYDONWOOD
3921 Butler Road
P.O. Box 305
Glyndon, Maryland 21071
(410) 526 - 1453

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 1996, a copy of the foregoing Brief and Appendix in support of Respondent's Petition to Appeal was hand-delivered, respectively, to the law offices of James R. Andersen, Esquire, Suite 300, Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland 21204 and to Nancy West, Esquire, Baltimore County Office of Law, 400 Washington Avenue, Towson, Maryland 21204.

Barry J. Renbaum

Barry J. Renbaum

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Brydonwood
3921 Butler Road
Glyndon, Maryland

May 22, 1996

Ms. Kathleen C. Bianco
Administrative Assistant
County Board of Appeals,
Baltimore County
400 Washington Avenue
Towson, Maryland 21204

RE : RICHARD MAFFEZZOLI, ET UX AND PATRICIA WARD, PETITIONER
S/S Belmont Road (3501 Belmont Road)
4th Election District
3rd Councilmanic District

CASE NO. 96 - 169 - SPH

Dear Ms. Bianco:

On May 16, 1996 Respondents submitted to your office their brief in support of their appeal petition respecting the above captioned zoning hearing. That brief omitted both the accompanying appendix and certification of service to counsel for Petitioners. Upon being notified of these omissions on May 17, 1996 I reviewed the brief and as a consequence made measurable revisions in certain portions of its text. The revised brief, dated May 21, 1996, (copies of which are being hand-delivered today to the law offices of counsel for Petitioners and the Baltimore County Office of Law, c/o Nancy C. West, Esquire) have been hand-delivered to your office today and replaces the May 16, 1996 brief previously submitted by Respondents.

Accordingly, please withdraw Respondents brief submitted on May 16, 1996.

Respondents extend their sincere apologies to all persons who may have been inconvenienced by their oversight.

Very truly yours,

Barry J. Renbaum

Barry J. Renbaum,
Respondent

Enclosure - Respondents revised brief dated May 21, 1996
cc: Mr. James R. Andersen, Esquire
Ms. Nancy C. West, Esquire

(3)

IN THE

BOARD OF APPEALS OF BALTIMORE COUNTY

ZONING CASE NO. 96-169-SPH

IN RE: PETITION FOR SPECIAL HEARING
S/S BELMONT ROAD
(3501 BELMONT ROAD)
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
RICHARD MAFFEZZOLI, et ux
PATRICIA WARD - PETITIONERS

PETITION TO APPEAL ORDER OF ZONING COMMISSIONER

RESPONDENT'S BRIEF AND APPENDIX

BARRY RENBAUM
CAROL RENBAUM,

RESPONDENTS

95 MAY 15 PM 12: 25

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BARRY RENBAUM		RE:	SAGAMORE FARMS
	*		
CAROL RENBAUM			RICHARD MAFFEZZOLI, et ux
	*		PATRICIA WARD
PROTESTANTS			
	*		ZONING CASE NO. 96-169-SPH
	*		

REQUEST FOR HEARING
AND
MEMORANDUM IN SUPPORT OF PETITION
TO APPEAL ORDER OF
ZONING COMMISSIONER

I. STATEMENT OF CASE

On October 21, 1993 Catherine A. Milton of the Zoning Review Division of Permits and Development Management ("PDM") received a letter of complaint alleging an illegal subdivision on Sagamore Farm in Glyndon, Maryland. Following an in-depth investigation of the allegations, Ms. Milton wrote a letter to Sagamore's owner, Patricia A. Ward, a Florida resident and wife of the previous owner, James Ward. Ms. Ward did not respond. Ms. Milton then instituted enforcement action against Ms. Ward and a zoning violation hearing was scheduled for March 30, 1994. The County was unable to serve Ms. Ward and a new hearing date was scheduled for June 30, 1994. In turn, this hearing was rescheduled for August, 1994 following the continued inability of County officials to serve Ms. Ward. Following a series of negotiations with interested parties, a Special Hearing was scheduled for January, 1995. Neither the defendants or their counsel appeared at this violation proceeding and the case proceeded without them [Zoning Case No. V-94-323-SPH].

At the enforcement proceeding Ms. Milton submitted evidence respecting attempts to

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develop Sagamore by its previous owner, James Ward, in a series of illegally-created subdivisions, as follows:

> 1. On March 24, 1988 James Ward was granted permission by the County to subdivide the north parcel of Sagamore into three separate tracts pursuant to the road split policy-of-the-zoning department on the condition that further subdivision or reconfiguration of the north parcel was expressly prohibited.
>
> 2. In February, 1989 Mr. Ward petitioned the zoning commissioner to approve a transfer of development rights that would allow the construction of five homes on the three north tracts carved out the previous year. The then-zoning commissioner summarily rejected the proposal as inconsistent with the agricultural purposes of the tract's zoning character.
>
> 3. Between May 2, 1991 and September 15, 1992 three illegal subdivisions were created on the north and south parcels of Sagamore in which either James Ward or his wife, Patricia Ward, apparently participated in or engineered.

The zoning commissioner determined that Sagamore had indeed been illegally subdivided in a succession of zoning violations. Notwithstanding the uncontested evidence of multiple zoning violations by Petitioners, and their failure to even attend the enforcement proceeding, the zoning commissioner granted their post-hearing motion to reconsider the case. At the reconsideration hearing on May 18, 1995 Ms. Ward apparently agreed to reverse the illegal subdivisions created at Sagamore.[1]

---

1. Nine months later Commissioner Kotroco dismissed the multiple zoning violations committed by Petitioners, explaining in part, "...the matter was subsequently resolved by virtue of certain deeds being recorded in the land records of Baltimore County." Then, in a twist of irony, he proceeded to give his blessing to a de facto subdivision requested by Petitioners that was a reincarnation of a twice-illegally subdivided parcel that precipitated, in part, the original zoning enforcement hearing.

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On October 18, 1995 Richard and Mary Maffezzoli, the co-participants with Patricia Ward regarding the illegal subdivisions on the north side of Belmont, filed a Petition for Special Hearing (hereinafter, "Petition No. 1"), pursuant to Section 500.7, requesting approval for "...a non-density transfer of 31.479 acres...to Patricia A. Ward, who is a contiguous property owner." [Emphasis supplied]. This transfer request, if approved, would substantially re-create the same subdivision parcels that were previously created illegally by Petitioners. A zoning hearing was scheduled for November 30, 1995 and appropriate notice was published in the Jeffersonian.

The petition identified Richard and Mary Maffezolli as the property owners of the parcel to be transferred to Ms. Ward.[2] The property was identified as being on the north side of Belmont on the notice published in the Jeffersonian and the posting notice was planted on the north side of Belmont. There was only one transfer request in the petition and there was no reference to any request respecting parcels on the south side of Belmont.

On November 17, 1995, Catherine Milton, Planner I at Zoning Review, at the request of the Director of PDM, prepared a memorandum on the zoning issues governing the Maffezzoli petition (hereinafter, "Milton Memo No. 1"), and submitted it to the zoning commissioner assigned to hear the case. The memorandum, in relevant part, set forth the history of multiple zoning violations committed at Sagamore Farm by Ward and/or the Maffezzollis'. However, most damaging to Petitioners was Ms. Milton's characterization of the petition request, in which she stated:

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2. Interestingly, Mr. Maffezzoli directed the Jeffersonian to bill James Ward for the advertisement even though Mr. Ward was not a Petitioner nor an owner of either parcel involved in the transfer.

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> "The request of a non-density transfer is erroneous. The proposed 31-acre parcel of ground has one (1) dwelling and a tenant house. How can you request a non-density transfer of a parcel than has a 'density'."

Were that not damning enough, Ms. Milton set forth a list of nine questions which she "strongly recommended" be answered by Petitioners at the zoning hearing prior to the rendering of a decision in the case.[3]

On November 29, 1995 the zoning commissioner received a memorandum from the Director of the Office of Planning setting forth his opinion of Petitioner's request for a "non-density transfer." He advised the zoning commissioner, as follows:

> "...the subject request is, in fact, a density transfer since the tract of land to be transferred is improved with a residence. We are unable to find any provision in the Baltimore County Zoning Regulations allowing for a transfer of this nature to take place...
>
> * * * * *
>
> "In addition...questions raised by [PDM] in a memorandum dated November 17, 1995 [Milton Memo No. 1] should be addressed prior to final consideration of this matter." (Emphasis provided).

Finally, the Department of Environmental Protection and Resource Management refused to even consider petitioner's request because Patricia Ward had still not reversed the illegal subdivisions she had created on the south side of Belmont Road, as promised at the enforcement hearing of May 18, 1995.[4]

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3. Regrettably, Commissioner Kotroco never posed these probing questions to Petitioners. Respondents submit that if he had done so it would have opened a new line of inquiry of far more probative value than ultimately produced.
4. It appears that M. Ward was still coveting illegal subdivisions on the southern tract as late as January 31, 1996.

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Judging from the sign-in attendance sheet filled out at the November 30, 1995 hearing, the public postings of the zoning proceedings attracted a sizable crowd of protestants, who apparently agreed with the County's indignation at Petitioner's attempt to characterize their transfer proposal as "non-density." Facing embarrassment and certain defeat, Petitioner's wisely chose to retreat. They requested, and were granted, a continuance to February 5, 1996.

Undaunted, on January 3, 1996, Petitioners - now jointed with Patricia Ward - marched into the zoning office and executed a new document entitled: "Amended Petition for Special Hearing" (hereinafter, "Petition No. 2"). This new petition, stripped of its semantic camouflage, essentially repackaged the same transfer request submitted in Petition No. 1 and presented it under the pretense of a simple lot line reconfiguration for agricultural purposes. This new petition requested a special exception to use 3501 Belmont Avenue..."for the reconfiguration of the lot lines for agricultural purposes within the tract boundaries of two existing contiguous...record lots...and allocation to...[a 56 acre parcel]...one of the permitted RC-2 building rights. [Emphasis provided]

Overlooking for the moment that the request embodied in Petition No. 2 was a non-sequitur, and that the substance of the petition request was wholly independent from that of Petition No. 1; it masterfully condensed multiple zoning requests and cloaked them in a seemingly benign request to execute a "lot line reconfiguration." And best of all, by appending the word "amended" to Petition No. 2, Petitioners could hopefully escape the notice requirements that triggered a roomful of neighborhood protestants at the last hearing. And if that weren't enough, should the real substance of the petition escape detection, it would legitimize that same subdivision that suffered such humiliating rejections previously.

However, if the attempt to camouflage the true substance of the conveyance presented in

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Petition No. 2 was brilliant in conception, it was faulty in execution. Petition No. 2, by its very language, petitioned for a special exception use of Sagamore Farm and thus did not confer jurisdiction on Commissioner Kotroco to entertain the type of zoning transfer requested by Petitioners. Second, Petition No. 2, quite appropriately, mandated on its face public posting and newspaper notification. This was not done. Nor were any adjoining property owners notified of the hearing. Third, Petition No. 2 attempted to camouflage the transfer of a 31-acre parcel of land improved with two dwelling houses under the benign designation of a lot line adjustment. Finally, it characterized the transactions as taking place within the same "tract" boundaries of "contiguous" lots, notwithstanding the fact that the two parcels lie across the street from each other.

Petition No. 2 added a request absent in Petition No. 1 impacting the south side of Belmont Road. In fact, Commissioner Kotroco was apparently so impressed with the impact of this additional request that his Findings of Fact captioned the case as involving the south parcel of Sagamore.

In sum, if Petition No. 1 was the cinematic equivalent of "Charade;" Petition No. 2 was the dramatic equivalent of "Hocus Pocus."

On February 4, 1996 Catherine Milton submitted a second memorandum to the zoning commissioner [hereinafter, "Milton Memo. No. 2"], again at the direction of the Director of PDM, which essentially reiterated the inglorious history of repeated and flagrant zoning violations committed by Petitioners at Sagamore Farm. Milton Memo No. 2 also related that Petitioners were simultaneously requesting the Development Review Committee ("DRC") to approve their so-called "lot line adjustment" under the guise of an inconsequential border realignment in an apparent attempt to avoid county review of their de facto subdivision.

Ms. Milton ended her memorandum to the zoning commissioner with this plea:

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> "...if this zoning request is granted, a restriction be placed in the Order that indicates that...the Zoning Review section of PDM will require an overall FDP be filed and approved pursuant to Section 1A00.4 of the Baltimore County Zoning Regulations.
>
> "The one thing that needs to be understood above all else is that the original parcel [579 acre tract] must not have more than five (5) R.C.-2 dwellings on it."

Petition No. 2 was heard before Commissioner Kotroco on February 5, 1996 without the benefit of any public notification or property posting respecting the substance of the proceedings, which now involved a new parcel of land not referenced in Petition No. 1, viz., the south tract of Sagamore Farm.

Commissioner Kotroco entertained Petitioner's Motion to Dismiss all of the zoning violations engineered by the Wards and Maffezzoli's at Sagamore that were adjudicated at the January, 1995 enforcement proceedings. He then proceeded to take Petitioner's testimony on the so-called "lot line reconfiguration". One of the witnesses presented by Petitioners was Norman Gerber. He offered testimony in support of the proposition that Ward could transfer a building right to Maffezzolli from anywhere on the farm without having to identify the situs of its origin; and more particularly, that the building right to be transferred was not coming from the south tract of Sagamore. [Hereinafter, "Gerber testimony"]

There is no indication that Kotroco either acknowledged or considered Milton Memo's No. 1 or No. 2 or the memorandum submitted to him by the Director of the Office of Planning.[5] These

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5. Neither the November 30,1995 proceedings nor the February 5, 1995 proceedings were recorded; facts which, in themselves, are adequate grounds to invalidate the Order resulting from the latter hearing.

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were the memorandums submitted to Kotroco that stated in unequivocal terms that the requested conveyance in Petition No. 1, if approved, would violate County zoning laws. Moreover, they cautioned Kotroco of the urgent need to compel Petitioners to answer the nine questions posited in Milton Memo No. 1 before rendering any decision in the case. This he failed to do. Nor did Commissioner Kotroco respect Ms. Milton's fail-safe plea that, at a minimum, Petitioners be required to file a development plan with Zoning Review, in the event the petition was granted.

In essence, instead of recognizing that Petition No. 2 was little more than a creative reincarnation of Petition No. 1, Commissioner Kotroco blessed the series of conveyances that resurrected the functional equivalent of Petition No. 1. Worse, his approval of a building right transfer from the south side to the north side constituted a direct violation of the express conditions supporting the legality of the north-side subdivision approved on March 3, 1988. Thus, his approval of the building right transfer was, ipso facto, void.

On March 25, 1996, Assistant County Attorney, Nancy C. West, filed a request to amend Kotroco's Order of February 26, 1996, citing several manifest and irrefutable errors in his findings of fact. As of May 10, 1996 Commissioner Kotroco had not determined whether he would grant Ms. West's motion to amend.

On April 27, 1996, Protestants, adjoining landowners of Sagamore Farm, observed an auction sign posted on the north tract of Sagamore Farm announcing an auction date of May 13, 1996. Protestants immediately began to investigate the circumstances attendant thereto, and in the course of their investigaiton learned on May 2, 1996 (for the first time) of the hearings conducted on November 30,1995 and February 5, 1996 and the issues adjudicated therein. Respondents filed a Petition to Appeal on May 2, 1996, which is the subject matter of this proceeding.

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On May 10, 1996 Respondents hand-delivered a letter to James Andersen, Esquire, counsel for Petitioners, requesting him to advise his clients to either postpone the auction during the pendency of this appeal petition or to make an appropriate disclosure to registered bidders prior to any bidding.

On May 11, 1996 the Board of Appeals posted a prominent sign next to the auction notice. Some time between 3 p.m. and 7 p.m. that day the sign was removed. Respondent requested the County to replace it prior to the auction but that was not possible.

On May 13, 1996 the auction of the Maffezzolli parcel was conducted without adequate disclosure to the bidders of this appeal petition. Whatever notice of this appeal was disclosed - if any - it was done in such a fashion as to be utterly undetectable.[6] Paradoxically, the high bidder at the auction was awarded to a gentleman who conferred at length with a special advisor prior to submitting most of his bids, and with whom he conversed at length - to the point of distraction - prior to submitting the winning bid. The confidante was James Ward.

II. STATEMENT OF THE FACTS

The parcels of property that are the subject of this zoning appeal lie in the Worthington Valley National Historic Register District in Glyndon, Maryland. Prior to its purchase and subsequent development by Jim Ward, the subject parcels were part of a 579-acre horse breeding

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6. Respondents attended the auction and asked the auctioneer, Jack Billig, if there was an appeal pending on the subject property. This provoked an indignant reply from Mr. Billig and he directed the crowd's attention to the February 26, 1996 Order. Respondent believes he also made reference to a full posting of court notices on the wall of the barn behind him. Perhaps he was referencing the posting of the Board's Notice of Appeal sent to the parties herein.

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farm known as Sagamore Farm. The original owners of the farm was the Worthington family, who received it in a land grant from the King of England in 1760. Alfred Vanderbilt acquired Sagamore Farm in 1934 from his mother for the princely sum of $1.00. Mr. Vanderbilt turned Sagamore into one of the top horse training and breeding farms in the country, producing such great racehorses as Discovery, Native Dancer, and Kauai Kung. The farm itself consists of 181 acres of prime pasture land to the north of Belmont Road and 398 acres of training and breeding facilities to the south of Belmont Road. Sagamore Farm remains a part of Baltimore County folklore and still draws large contingencies of weekend sightseers to view its picturesque setting.

James Ward, a real estate developer, who now resides in Florida, purchased the farm from Mr. Vanderbilt in 1986 amid public proclamations that he promised to preserve the historic landmark. About twenty-six months later [March 3, 1988] Mr. Ward subdivided the single 181-acre northern tract of the farm into three separate parcels. Soon thereafter he submitted to Baltimore County a residential development proposal that would create seven residential homesites, which included a building lot on the south parcel where the farm's historic track and stables lie. When the-then zoning commissioner rejected the development plan as incompatible with agricultural zoning, Mr. Ward reportedly reacted with "astonishment".

The March 3, 1988 subdivision created by Mr. Ward was premised on two conditions, viz., (1) Further subdivision or reconfiguration of the north parcel was prohibited, and (2) the three density rights on the north side could not be increased.

It appears that around May 6, 1990 Mr. Ward sold two of the parcels on the north side of Belmont to Richard and Mary Maffezzolli for $1,900,000. The Maffezzolli's then auctioned off one of the parcels three months later and retained for themselves an 81-acre parcel. This 81-acre parcel

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contains two street-front dwelling units, a large garage, and a large storage barn. On May 2, 1991 Mr. Maffezzolli illegally subdivided the 81-acre tract and in a procedure labeled "deed-and-description" which transferred a 31-acre tract to Jim Ward containing the aforementioned improvements. In the process Mr. Maffezzolli relinquished (unwittingly or otherwise) any chance to transfer his single dwelling right on the tract to the scenic hilltop site that presumably justified his purchase price.

On February 7, 1992 Jim Ward transferred the improved portion of the 31-acre illegally-created parcel to his wife, Patricia Ward. Sixty days later that parcel was again illegally subdivided into an 8-acre parcel and a 23-acre parcel, zoned R.C.-4 and R.C.-2, respectively.

Seven months later Mr. Ward directed his attention to the land on the south side of Balmont Road. On September 15, 1992 he simultaneously created illegal parcel "reconfigurations" and conveyed the resulting illicit parcels to his wife, Patricia Ward. Notwithstanding, Ward's earlier promise to reverse this illegal subdivision at the May 18, 1995 enforcement proceeding - itself an act of grace in the wake of a prior hearing establishing Ward's zoning infractions - it appears that it was not until late January, 1996 that Ward complied with his agreement: days before the scheduled hearing on Petition No. 2.

Moreover, following a determination at the January, 1995 enforcement proceedings that this parcel had in fact been illegally subdivided - not once, but twice, - it was incumbent upon County zoning authorities to either revoke all the subdivisions created on the north side of Belmont or demand Petitioners submit for their approval a full development plan for Sagamore Farm. This was not done.[7]

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7. This illegally created subdivisions triggered a violation of the 1988 agreement between Jim Ward and the County authorizing the initial 3 parcel subdivision on the northern side of Belmont Road:

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III. DECISION OF ZONING COMMISSIONER

On February 26, 1996 Deputy Zoning Commissioner Timothy M. Kotroco issued his FINDINGS OF FACT AND CONCLUSIONS OF LAW [hereafter, "Order"] based on the hearing conducted on February 5, 1996. As a preliminary matter, he ordered the dismissal of all zoning violations committed by Petitioners at Sagamore which had been conclusively established at the enforcement proceedings conducted in January, 1995.

Commissioner Kotroco characterized Petition No. 2 as follows:

> " The Petitioners seek approval of the reconfiguration of the lot lines within the tract boundaries of two existing and continuous... record lots for agricultural purposes, only, and the allocation of one of the permitted... building rights to be retained by the remaining 56.242 acre parcel...
>
> * * * * *
>
> " ...more particularly described on the site plans submitted and marked into evidence..." [Order, p.1] [Emphasis Supplied]

In view of the obvious omission in Petition No. 2 to identify the source of the building right to be transferred to Maffezzolli, coupled with the Gerber testimony presented on behalf of the Petitioners at the February 5, 1996 hearing, it is beyond debate that Ward intended to transfer to Maffezzolli a building right from the north tract of Sagamore. Given the evidence submitted to Commissioner Kotroco in Milton Memo's No. 1 and No. 2 that Ward had obtained County permission to subdivide the northern tract in 1988 by acknowledging that no more building rights existed on that tract and that no more subdivisions or reconfigurations were permitted there; it was incumbent upon Mr. Kotroco to determine if Ward intended to breach his 1988 agreement with Baltimore County. This he did not do.

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Nor did Mr. Kotroco inquire into the characterization of the so-called ' lot line reconfiguration' as involving "contiguous" lots within the same "tract boundaries." Petitioner's Exhibits 1 and 2 clearly show that the lots are neither contiguous nor within the same tract boundaries.

Additionally, the Finding of Fact supporting Kotroco's Order contained indisputable factual errors regarding critical issues presented at the hearing. This, in turn, precipitated a request by the Baltimore County Office of Law to Kotroco to amend his decision.

However pardonable the above oversights may have been, they pale in significance compared to the failure of Commissioner Kotroco to recognize and expose Petition No. 2 for what it really was: a creative reincarnation of Petition No. 1...a Petition which was so utterly flawed that Petitioners chose to withdraw it the day it was to be heard rather than subject themselves to certain defeat and embarrassment.

Had Commissioner Kotroco simply compared the proposed site plans submitted in support of Petition No.1 and Petition No.2 he would have detected their nearly - identical net effect. Instead, he embraced Petitioner's portrayal of the transaction as a mere "lot line adjustment" between neighbors..."for agricultural purposes, i.e., a horse breeding operation." [that would transfer to Ward 25 acres of prime real estate improved with two houses...and conceivably set the stage to create an additional building rite on the southern tract. [Emphasis provided.] Kotroco proceeded to award Petitioners the same de facto subdivision that Zoning Review and the Office of Planning had previously (and emphatically) warned him were illegal.

In sum, Respondents submit that to characterize Petition No. 2 as a simple lot line adjustment for agricultural purposes is tantamount to characterizing Camden Yards as the place

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Baltimoreans go to get a good hotdog.

IV. ARGUMENTS

A. THE FINDINGS OF FACT AND CONCLUSIONS OF LAW DATED FEBRUARY 26, 1996 ARE NULL AND VOID AS A MATTER OF LAW.

1. The Amended Petition for Special Hearing [Petition No.2] was in substance, if not form, the functional equivalent of a new petition. It contemplated a wholly different conveyance theory than Petition No.1 and it requested a second conveyance not mentioned in Petition No.1. As such, Petition No.2 constituted a new petition and since no public notice was either published or posted, the ensuing hearing conducted on February 5, 1996 violated both the County zoning regulations and fundamental tenets of procedural and substantive due process, as guaranteed by the state and federal constitutions. Consequently, Commissioner Kotroco's orders were rendered, ab initio, null and void. Board of Education v. Ballard, 67 Md. App. 235 (1985)

2. The findings of fact supporting Commissioner Kotroco's conclusions of law contain manifest and irrefutable errors respecting material issues in contest rendering the resulting Order, ipso facto, invalid and unenforceable.

   a) Commissioner Kotroco's Order approving the allocation of a non-existent building right from the original 81-acre parcel to its 56-acre residual was invalid on its face.

      1) That Kotroco only gave approval to allocate a building right vel non from the 81-acre parcel is irrefutable, viz.,:

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"It should also be noted that the 81-acre parcel originally...contained two density units, one of which is already utilized...The remaining density unit will be retained by Dr. & Mrs. Maffezzolli as part of the 56.242-acre parcel they will retain after the lot line adjustment is accomplished." [Order, pp. 3,4]

2) Likewise, it is beyond debate that there were no existing building rights remaining on the 81-acre tract with which to award the Maffezzolli's. [Letters submitted to Kotroco by Nancy C. West, Esquire and James R. Andersen, Esquire]

b) Assuming, arguendo, that Kotroco amended his Order to allocate a purported building right from the south side of Sagamore to the residual 56-acre parcel on the north side, it too, would be invalid. The owner of the south tract has no building rights to convey.

B. THE ORDERS ISSUED BY COMMISSIONER KOTROCO ON FEBRUARY 26, 1996 ARE UNENFORCEABLE AS A MATTER OF LAW.

1. Commissioner Kotroco's Order authorizing a reconfiguration of the north side of Sagamore Farm, at the minimum, was a de facto subdivision in derogation of the express conditions agreed to by Ward and Baltimore County approving the initial 1988 subdivision of the northern tract. Mr. Kotroco had neither the authority or the power to breach the legally-binding 1988 agreement. Consequently his Order authorizing the "lot line reconfiguration" is invalid on its face.

2. Commissioner Kotroco's Order approving the allocation of a building right from a parcel of land that has no building rights is, of course, an unenforceable Order.

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However, assuming, arguendo, that Kotroco ordered the allocation from the south side of Sagamore, it would not validate the allocation. The owner of that parcel has no building rights to convey.

3. The hearing conducted on February 5, 1996 was incident to a Petition for Special Exception under the zoning regulations to use Belmont Avenue for a lot line reconfiguration and the allocation of a building right. As such, the petition was a non-sequitur and at fatal variance with the evidence submitted at the proceedings and the ensuing Order, nullifying the latter.

C. THE BOARD OF APPEALS HAS THE AUTHORITY AND THE POWER TO RECONSIDER OR REHEAR COMMISSIONER KOTROCO'S ORDER NOTWITHSTANDING THE EXPIRATION OF THE APPEAL PERIOD.

1. Under common law an administrative body has the right to reconsider a decision if an error has been caused by fraud, surprise, mistake or inadvertence. Board of Zoning Appeals v. McKinney, 174 Md. 551 (1938).

2. Since there was no recorded testimony at either the November 30, 1995 hearing or the February 5, 1996 hearing, the record of the case consists entirely of the documents entered as exhibits in the hearing. The Board of Appeals may nullify a decision of a zoning commissioner which cannot be supported by the record. County Comm'rs. of Anne Arundel County v Fairwinds, 230 Md. 569, 572. And where, as here, the record is so devoid of substantial supporting facts as to be incapable of raising a

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debatable issue, the Board is obliged to declare invalid the action of the zoning commissioner. Heller v. Segner, 260 Md. 393, 399 (1971).

3. Where operative law provides for a de novo review of a hearing officer decision by an appeals board, the appeals board is not acting in an appellate capacity. Vernon Lohrmann v. The Arundel Corp. et al., 65 Md App 309 (1985). Consequently, the Board of Appeals retains the inherent power to entertain a de novo hearing where it would clearly serve the interests of justice. If there were ever such a case, Respondents maintain, this is it.

D. PETITIONERS MOTION TO DISMISS THE APPEAL ON GROUNDS THAT THEY HAVE BEEN DEEPLY PREJUDICED BY AUCTIONING OFF THE SUBJECT PROPERTY IN RELIANCE ON THE ORDER IS AN AFFRONT TO THE INTELLIGENCE OF THE BOARD, GIVEN:

1. The sordid history and covert nature of Petitioner's multiple zoning violations;
2. The repeated indulgences granted Petitioners by the zoning authorities;
3. Respondent's caveat to Petitioner's counsel on May 10, 1996 to either postpone the auction or make an appropriate disclosure to registered bidders pending the outcome of this appeal petition;
4. The mysterious disappearance of the Board's posting notice of this appeal petition hours after it was hammered into the ground adjacent to the auction sign.
5. The refusal of the auctioneer to respond directly to Respondent's inquiry as to the status of this appeal petition.

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6. The fact that the February 5, 1995 hearing, itself, was the end product of a zoning violation case instituted against Petitioners for creating an illegitimate version of the de facto subdivison petitioned for in the instant case.

V. CONCLUSION

Based upon the facts and arguments set forth herein, Respondents request that the Findings of Fact and Conclusions of Law and resulting Orders issued by Deputy Commissioner Kotroco be vacated and that the Board conduct a de novo hearing of Petitioner's zoning request.

Respondent respectfully requests that the Board of Appeals docket a hearing date to entertain arguments on Respondents appeal petition and the merits of Petitioner's zoning request.

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(P)

IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING S/S Belmont Avenue Road, 2,050' W of Tufton Avenue (3501 Belmont Road) 4th Election District 3rd Councilmanic District	* * * *	BOARD OF APPEALS OF BALTIMORE COUNTY
	*	
Richard Maffezzoli, et ux. and Patricia Ward - Petitioners	*	Case No. 96-169-SPH

* * * * * * * * *

MOTION TO DISMISS

Baltimore County, Maryland, by Virginia W. Barnhart, County Attorney, and Nancy C. West, Assistant County Attorney, files this Motion to dismiss the Petition To Appeal Zoning Order filed in the above-captioned proceedings by Barry J. Renbaum, et ux. and in support thereof states as follows:

1. The above-captioned matter involves an appeal of an Order entered by Deputy Zoning Commissioner, Timothy M. Kotroco, on February 26, 1996 wherein he approved the reconfiguration of the lot lines of two existing and contiguous R.C. 2/R.C. 4 record lots (or a portion of one lot of record) for agricultural purposes only for the property known as 3501 Belmont Road, also known as Sagamore Farms. Further, the Order authorized the allocation of one of the permitted R.C. 2 building rights to the remaining 56.242 acre parcel as requested by Petitioners below, Richard Maffezzoli, et ux. and Patricia Ward.

2. On May 2, 1996, Barry J. Renbaum and Carol E. Renbaum, his wife, noted an appeal from the Commissioner's Order.

3. Section 26-132(a) of the Baltimore County Code mandates that any person aggrieved by any decision or Order of the Zoning Commissioner shall have the right to appeal to the County

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Board of Appeals and, further, that notice of such appeals shall be filed within thirty (30) days from the date of any final Order appealed. See also Rule 3c of the Rules of Practice and Procedure of the County Board of Appeals, Section 2-354 of the Baltimore County Code, and Appendix D of the Baltimore County Zoning Regulations; §22-32

4. That the Petition filed by Renbaum, et ux. was beyond the statutorily prescribed period within which to file an appeal and, therefore, should be dismissed.

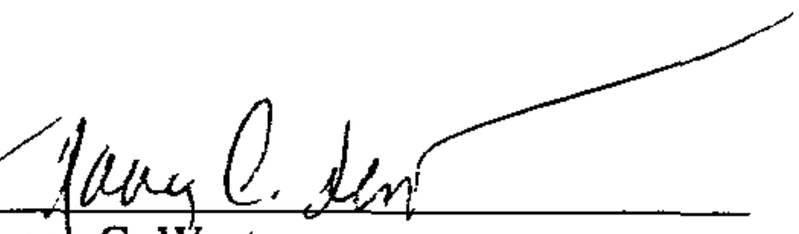
AND IN FURTHER ANSWERING, BALTIMORE COUNTY, MARYLAND STATES THAT:

5. The undersigned sent a letter dated March 25, 1996 to Commissioner Kotroco relative to some concerns about factual inaccuracies in his Order. The intent of the correspondence was to seek clarification of these matters. Although the undersigned requested that the original Order of February 26, 1996 be amended to reflect the requested changes, the undersigned leaves it to the discretion of the Commissioner to fashion whatever relief he deems appropriate.

6. The Order of February 26, 1996 was supported by substantial, lawful and competent evidence when viewed in light of the entire record and should be affirmed.

WHEREFORE, Baltimore County, Maryland respectfully prays that the appeal filed by Barry J. Renbaum and Carol E. Renbaum be dismissed.

Virginia W. Barnhart
County Attorney



Nancy C. West
Assistant County Attorney
Courthouse, Second Floor
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May 1996 a copy of the foregoing Motion To Dismiss was mailed, first class mail, postage prepaid, to:

Barry J. and Carol E. Renbaum
Brydonwood
P. O. Box 305
Glyndon, Maryland 21071

James R. Anderson, Esquire
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

Dr. John Bernstein
Valleys Planning Council
P. O. Box 5402
Towson, Maryland 21285-5402

Peter Max Zimmerman, Esquire
People's Counsel
400 Washington Avenue
Towson, Maryland 21204

Nancy C. West
Assistant County Attorney

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IN RE:	PETITION FOR SPECIAL HEARING S/S Belmont Road, 2,050' W of Tufton Avenue (3501 Belmont Road) 4th Election District 3rd Councilmanic District Richard Maffezzoli, et ux and Patricia Ward - Petitioners	* * * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 96-169-SPH

****

MOTION TO DISMISS

Petitioners Richard D. Maffezzoli, Mary C. Maffezzoli, his wife, and Patricia Ward, hereby file this Motion to Dismiss the appeal from the Order of Timothy M. Kotroco, Deputy Zoning Commissioner of Baltimore County dated February 26, 1996 and, as grounds, state the following:

1. On February 26, 1996, Assistant Zoning Commissioner Timothy M. Kotroco entered an Order in the above-captioned zoning matter. On May 2, 1996, Barry J. Renbaum and Carol E. Renbaum filed an appeal from the Order.

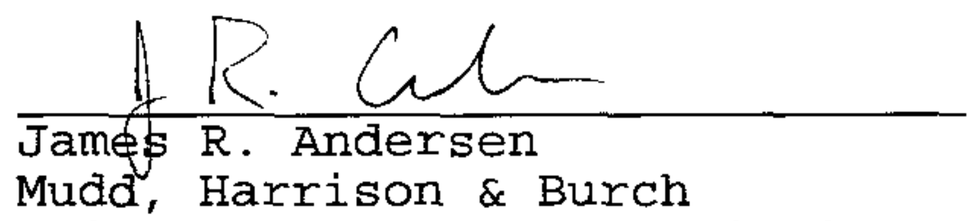
2. The rules of the Board of Appeals of Baltimore County require that appeals be made within thirty days from the date of the final action appealed from. See Baltimore County Code, §26-132(a). The appeal filed by the Renbaums was filed thirty-six (36) days after the last date upon which the notice of appeal could have been timely filed.

3. The February 26, 1996 Order required that certain deeds be filed within sixty days from the date of the Order. In reliance on the Order, original Petitioners waited until the appeals period expired and filed the deeds in the Land Records for Baltimore County.

4. The Renbaums contend in their petition that a letter from Nancy West, Assistant County Attorney, to Commissioner Kotroco tolled the appeals period. They are wrong. Ms. West merely requested clarification and corrections of what she believed were a few factual inaccuracies. She did not question the decision. She did not indicate that the letter constituted a written appeal of the decision, nor did she otherwise file a written notice of appeal; and she did not pay the requisite fee for an appeal.

5. The appeals period has not been tolled. The Petitioners would be unfairly prejudiced if the appeal was allowed to be maintained. Because the Renbaums' appeal was filed thirty-six (36) days late, the Board of Appeals must dismiss the appeal.

WHEREFORE, Petitioners Richard D. Maffezzoli, Mary C. Maffezzoli, his wife, and Patricia Ward, hereby request that the appeal filed by Barry J. Renbaum and Carol E. Renbaum be dismissed.



James R. Andersen
Mudd, Harrison & Burch
Suite 300, Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 828-1335
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 1996, a copy of the foregoing Motion to Dismiss was mailed, first class mail, postage prepaid, to Dr. John Bernstein, Valleys Planning Council, P.O. Box 5402, Towson, Maryland 21285-5402; Mr. George

Durett, 123 St. Thomas Lane, Owings Mills, Maryland 21117; Peter Max Zimmerman, Esquire, 400 Washington Avenue, Courthouse, Room 47, Towson, Maryland 21204; Barry & Carol Renbaum, P.O. Box 305, Glyndon, Maryland 21071 and Nancy West, Esquire, Baltimore County Office of Law, 400 Washington Avenue, Towson, Maryland 21204.

James R. Andersen

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
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JOHN E. MUDD
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUITTO

T. ROGERS HARRISON
(1949-1995)

JAMES R. ANDERSEN
THOMAS P. DWYER
CHRISTOPHER C. O'HARA

OF COUNSEL
WILLIAM T. RUSSELL, JR.
DELVERNE A. DRESSEL

May 13, 1996

Board of Appeals
Office of Law
400 Washington Avenue
Towson, Maryland 21204

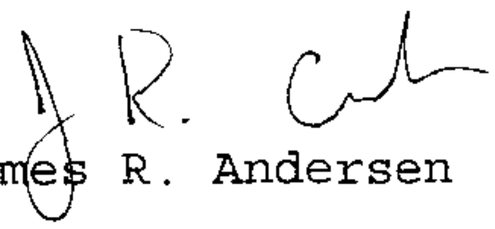
Re: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No.: 96-169-SPH

Ladies & Gentlemen:

Enclosed please find a Motion to Dismiss I filed on behalf of my clients in the above-captioned matter. I would appreciate it if you would rule on the Motion to Dismiss at your earliest possible convenience. My clients are deeply prejudiced by this inexcusable late filing of an appeal. The Maffezzolis cannot sell their property while the appeal is pending.

I appreciate whatever assistance you can provide in ruling on the Motion to Dismiss as expeditiously as possible.

Very truly yours,



James R. Andersen

JRA/jeh
Enclosure
cc: Dr. John Bernstein
Mr. George Durett
Peter Max Zimmerman, Esquire
Mr. & Mrs. Renbaum
Nancy West, Esquire
Mr. Arnold Jablon

IN RE:	*	BEFORE
PETITION FOR SPECIAL HEARING S/S Belmont Avenue Road, 2,050' W of	*	COUNTY BOARD OF APPEALS
Tufton Avenue (3501 Belmont Road)	*	OF
4th Election District 3rd Councilmanic District	*	BALTIMORE COUNTY
	*	
Richard Maffezzoli, et ux. and Patricia Ward - Petitioners	*	Case No. 96-169-SPH

****

MEMORANDUM IN OPPOSITION TO
MOTIONS TO DISMISS

Respondents Barry and Carol Renbaum, by their attorney, respectfully submit this Memorandum in Opposition to the Motion to Dismiss filed by Petitioners Richard D. Maffezzoli, Mary C. Maffezzoli and Patricia Ward and the Motion to Dismiss filed by Baltimore County. Both Motions contend that Respondents' appeal in untimely because it was filed more than thirty days after Deputy Zoning Commissioner Timothy M. Kotroco issued his Order in the above-captioned matter. What both Motions fail to note is that the hearing which preceded the Order was held without proper notice to the public, in direct violation of the Baltimore County Zoning Regulations. As a result, Respondents right to appeal did not expire thirty days from the date of the Order.

On January 3, 1996, Petitioners filed an "Amended Petition for Special Hearing" in the Office of the Zoning Commissioner. [Ex. 11 to Petition to Appeal]. As with any petition for a special hearing, the Zoning Commissioner was bound, by its own statutory guidelines, to give the public notice and an opportunity to be heard. Specifically,

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> [w]ith respect to any zoning petition other than a petition for a special exception, variance, or reclassification,[1] the zoning commissioner shall schedule a public hearing.... If the petition relates to a specific property, **notice** of the time and place of hearing **shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing.** Whether or not a specific property is involved, **notice shall be given for the same period of time in at least two newspapers of general circulation in the county....**

Baltimore County Zoning Regulations, § 500.7.

After receiving Petitioners' Amended Petition, the Deputy Zoning Commissioner conducted a hearing on February 5, 1996. Accordingly, notice of the Amended Petition should have been published for at least 15 days prior to the hearing date in at least two newspapers of general circulation in Baltimore County. This was not done. Also, since the Amended Petition identified a specific property - namely, 3501 Belmont Avenue - notice should have been conspicuously posted on the property for the same amount of time. This was not done either. As a result, Respondents had no idea that a hearing had been held on the Amended Petition and that an appealable decision had been rendered until they observed on auction notice on the subject property and conducted their own investigation in late April/early May of 1996.

Maryland courts have consistently stated that "the failure of an administrative board to give statutorily prescribed notice of a hearing is fatal to the jurisdiction of the board." Landover Books v. Prince George's County, 81 Md. App. 54, 64, 566 A.2d 792 (1989) (citing Cassidy v. Baltimore County Bd. of Appeals, 218 Md. 418, 421-22, 146 A.2d 896 (1958)). In other words, because the Deputy Zoning Commissioner failed to abide by the terms of Section 500.7, he was not entitled to hold the February 5, 1996 hearing and/or issue the February 26, 1996 Order. Consequently, Respondents' appeal did not need to be filed within thirty days from the date of

---

[1] These petitions are governed by other notice provisions.

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that Order. See Case v. Dep't of Agriculture, 535 A.2d 285, 287 (Pa. Cmwlth. 1987) ("Petitioners were given no notice of a hearing nor were they afforded an opportunity to be heard....[T]he date of a decision reached without compliance of the Administrative Agency Law has no legal significance. Therefore, Petitioners' appeal is not time-barred.").

Furthermore, it is absurd to have expected Respondents' to have appealed within thirty days of the February 26, 1996 Order when they were given no notice of the Order (or the Amended Petition or the hearing that preceded the Order) at any time. Indeed, "[o]ne without notice is rarely in a position to complain of his ignorance, being unaware of the ignorance." Dupont Circle Citizens Assoc. v. District of Columbia Bd. of Zoning Adjustment, 403 A.2d 314, 317 (1979). Respondents cannot and should not be penalized for not knowing what the Zoning Commissioner failed to advertise, especially considering the speed with which Respondents filed their notice of appeal once they learned (in late April/early May) of the February 6 hearing and February 26 Order.

Finally, any harm allegedly suffered by the Petitioners in this matter is outweighed by the denial of due process to the Respondents and all others who would have attended the February 6, 1996 hearing had they been properly notified. As the D.C. Court of Appeals noted in a similar situation, "[b]ecause a statutory right to due notice has been violated and cannot be cured until everyone receives notice, the error cannot be deemed harmless." Id.

For all the foregoing reasons, Respondents respectfully request that the Motions to Dismiss be denied.

George A. Nilson

PIPER & MARBURY L.L.P.
36 South Charles Street
Baltimore, Maryland 21201
(410) 576-1769

Attorney for Respondents

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, 1996, a copy of the foregoing Memorandum in Opposition to Motions to Dismiss was hand delivered or mailed, postage prepaid, to:

James R. Anderson, Esquire
Mudd, Harrison & Burch
Suite 300, Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

Nancy C. West, Esquire
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204

Dr. John Bernstein
Valleys Planning Council
P.O. Box 5402
Towson, mayland 21285-5402

Peter M. Zimmerman, Esquire
People's Counsel for Baltimore County
Old Courthouse
400 Washington Avenue
Room 47
Towson, Maryland 21204

Mr. George Durett
123 St. Thomas Lane
Owings Mills, Maryland 21117

George A. Nilson

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BALT03A:35029:1:06/04/96
1-6

IN RE: PETITION FOR SPECIAL HEARING S/S Belmont Road, 2,050' W of Tufton Avenue (3501 Belmont Road) 4th Election District 3rd Councilmanic District Richard Maffezzoli, et ux, and Patricia Ward - Petitioners	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-169-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3501 Belmont Road, also known as Sagamore Farms, located in the vicinity of Tufton Avenue and Worthington Avenue in Greenspring Valley. The Petition was filed by the owners of the property, Richard D. and Mary C. Maffezzoli, and Patricia A. Ward, through their attorney James R. Anderson, Esquire. The Petitioners seek approval of the reconfiguration of the lot lines within the tract boundaries of two existing and contiguous R.C.2/R.C.4 record lots (or a portion of one lot of record) for agricultural purposes, only, and the allocation of one of the permitted R.C. 2 building rights to be retained by the remaining 56.242-acre parcel. The subject property and relief sought are more particularly described on the site plans submitted and marked into evidence as Petitioner's Exhibits 1 and 2.

Appearing at the hearing on behalf of the Petition were Richard Maffezzoli and James Ward, co-owners of the property, John Tiralla, Norman Gerber, and James R. Anderson, Esquire, attorney for the Petitioners. Appearing in opposition or as interested parties in the matter were John Bernstein, Executive Director of the Valleys Planning Council (VPC), Elise Butler, a representative of the Baltimore County Landmarks Preservation Commission (LPC), Jeffrey Long with the Office of Planning (OP), Wally

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Date 2/24/96
By

Lippincott with the Department of Environmental Protection and Resource Management (DEPRM), and Catherine Milton, a representative of the Department of Permits and Development Management (PDM). The Protestants were represented by Nancy West, Esquire, a representative of the Baltimore County Office of Law.

The Petition for Special Hearing filed in this case is the culmination of several issues relative to the subject property. This property was the subject of violation Case No. V94-323-SPH, wherein the then Baltimore County Zoning Administration and Development Management office requested a determination as to whether there was an illegal subdivision of the subject property. That matter was scheduled for a public hearing before me and as a result of negotiations between the Office of Law and Counsel for the Petitioners, the matter was subsequently resolved by virtue of certain deeds being recorded in the Land Records of Baltimore County. In preliminary discussions before me at the public hearing held on February 5, 1996, Ms. West and Mr. Anderson represented that all previous issues concerning this property have been resolved. Thus, a Motion to Dismiss the Petition for Special Hearing filed in Case No. V94-323-SPH was requested. Given the representations made by Counsel, the Petition for Special Hearing filed in Case No. V94-323-SPH shall be dismissed and I shall so Order.

As to the Petition for Special Hearing filed in the instant case, the Petitioners seek relief to approve a lot line adjustment of 25.237 acres, more or less, zoned R.C.2, and the incorporation of that parcel with a larger tract containing 160 acres for agricultural purposes, i.e., a horse breeding operation.

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As to the history of this property, testimony at the hearing revealed that Mr. James Ward purchased 575 acres of land in 1986 from Alfred Vanderbilt, the prior owner. Mr. Ward testified that approximately 400 acres of the overall tract were placed into the Agricultural Trust. The subject property is known as Sagamore Farms and contains a training facility for horses. This training facility consists of an indoor track and a much larger outdoor track with accessory barns and tenant dwellings. Belmont Road runs crosswise through the center of the tract; thus, the south side of the property contains the indoor and outdoor horse tracks, and the north side contains the existing dwellings and accessory buildings utilized in connection with the horse breeding operation.

Mr. Ward further testified that he sold approximately 81 acres of the original 575-acre tract to Dr. and Mrs. Maffezzoli, the other parties to this Petition. This 81-acre parcel is located on the north side of Belmont Road and is the subject of the Petition before me. Furthermore, Mr. Ward sold two other parcels of land to George Durrett. Mr. Durrett's property abuts the two parcels which are the subject of this Petition.

Dr. Maffezzoli and Mr. Ward have agreed to perform a lot line adjustment to permit the inclusion of 25.237 acres of the Maffezzoli property with that owned by Ms. Patricia Ward for agricultural purposes. This 25.237-acre parcel will then be used in conjunction with the horse breeding operation, which in essence, is an agricultural use. Dr. Maffezzoli would retain 56.242 acres of land and the 25.237-acre parcel would become part of the horse breeding operation to the south of Belmont Road. It should also be noted that the 81-acre parcel originally sold to Dr. & Mrs. Maffezzoli contained two density units, one of which is already utilized by the dwelling known as 3501 Belmont Road. The remaining density unit

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will be retained by Dr. & Mrs. Maffezzoli as part of the 56.242-acre parcel they will retain after the lot line adjustment is accomplished.

Testimony further revealed that Ms. Patricia Ward is currently renting the 25.237 acre parcel from Dr. and Mrs. Maffezzoli, inasmuch as the structures thereon are used in conjunction with the horse breeding operation on her property. Both parties believe it to be in the best interests of all concerned that the 25.237-acre parcel be forever joined with the horse-breeding operation to the south of Belmont Road so that the use can remain unified in perpetuity.

All those in attendance at the hearing were in agreement that the lot line adjustment should be accomplished so that the horse breeding operation can function on the same parcel of land once the lot line adjustment is approved. However, the proposed lot line adjustment spurned an ancillary issue to the property owned by Dr. and Mrs. Maffezzoli.

As noted above, Dr. and Mrs. Maffezzoli will retain one building right to construct a residential dwelling on the 56.242 acres of land they will retain. The issue which generated the greatest amount of testimony at the hearing related to the placement of any residence on that parcel. Dr. Bernstein, on behalf of Valleys Planning Council (VPC), Ms. Butler on behalf of the Baltimore County Landmarks Preservation Commission, and Mr. Jeff Long on behalf of the Office of Planning, all took the position that Dr. Maffezzoli should be restricted as to where he can construct a residence on the 56.242 acres he will retain. Apparently, a ridge line runs through this parcel at a high elevation. Those individuals previously identified do not believe that Dr. Maffezzoli, or any future owner of the subject property, should be permitted to construct a dwelling atop that ridge line. These individuals believe that constructing a house on top of

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this hill would detract from the scenic beauty of the Valley. Thus, they believe that Dr. Maffezzoli should be required to construct a house at some other location on the property and not atop the ridge.

On behalf of the Baltimore County Landmarks Preservation Commission, Ms. Elise Butler testified that there are two sites currently on the Baltimore County Landmarks List, those sites being the St. John's Church and Mot Morenci, which, in her opinion, would be affected by any dwelling that might be constructed atop the ridge on the Maffezzoli property. Ms. Butler testified that this ridge can be seen from the St. John's Church property as well as the Mont Morenci property, and thus, any home that would be constructed on this ridge would be visible from these two sites. Ms. Butler believes that to preserve the visual character of this Valley, no structure should be built atop the ridge.

Dr. Maffezzoli took exception to the position of these individuals and asserted that he should have the right to construct a house anywhere on his 56-acre parcel of property. He testified that one of the virtues of his property is that it offers tremendous views of the Worthington and Greenspring Valleys. He believes that any restriction prohibiting either himself or any future purchaser of this property from locating a house where the views would be most advantageous, would severely detract from the value of his property and cause him a severe economic loss. He therefore argues that he should be permitted to place a house anywhere on his property and that he should not be restricted in any manner, except for those restrictions that are imposed upon any development, pursuant to the Baltimore County Zoning Regulations, Baltimore County Building Code, and all other applicable building requirements, such as well and septic.

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By

Turning my attention to the issue raised within the Petition for Special Hearing, I find that the Petitioners have satisfied their burden and that the requested lot line adjustment should be permitted to occur. The 25.237-acre parcel of land located on the north side of Belmont Road should be joined with the approximately 160 acres of land on the south side of Belmont Road to allow the Sagamore Farms horse breeding operation to continue in perpetuity on the same parcel of land. The Petitioners shall be required to prepare a new deed, which shall be recorded in the Land Records of Baltimore County, showing the joining of the two properties together.

Turning next to the issue of the appropriate location to situate a dwelling on the subject property after the lot line adjustment, I find that any attempt to regulate or restrict the placement of a dwelling on the Maffezzoli property at this time would be premature. Testimony and evidence presented show that Dr. and Mrs. Maffezzoli will retain 56.242 acres of R.C.2 zoned land after the lot line adjustment is accomplished. Somewhere on that 56.242-acre parcel. Dr. Maffezzoli, or a successive owner may wish to construct a residence. There was no testimony before this Deputy Zoning Commissioner as to where, if anywhere, the property could sustain a septic system. There have been no percolation tests performed on the property. Furthermore, no wells have been dug to determine where an appropriate location for a well would be. Finally, had I not asked for a topographical map of the property, I would not have been able to determine where on this 56.242 acre parcel the "ridge" exists. There may also be wetlands or other naturally occurring features to this land which could further restrict development on this property for residential purposes. None of this information was provided to me at the time of this

ORDER RECEIVED FOR FILING
Date 2/21/96
By

MICROFILMED

hearing. Furthermore, a future owner may not even wish to build atop this "ridge" and thus, the need to restrict the building location may not even be necessary. Therefore, I believe it would be premature at this time to attempt to restrict where a house can be located on this parcel of land.

However, I do believe that the issue of where a house should be located is sufficient to warrant that a special hearing be held prior to the issuance of any building permit for any residence to be constructed on this 56.242-acre parcel, following the lot line adjustment. Therefore, a restriction shall be imposed at the end of this Order requiring that a special hearing be held to determine the appropriate location for a dwelling on this parcel at such time as an application for a building permit for same has been filed.

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

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996 that the Petition for Special Hearing to approve the reconfiguration of the lot lines of two existing and contiguous R.C.2/R.C.4 record lots (or a portion of one lot

ORDER RECEIVED FOR FILING
Date
By

of record) for agricultural purposes, only, and the allocation of one of the permitted R.C.2 building rights to the remaining 56.242-acre parcel, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
>
> 2) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

IT IS FURTHER ORDERED that in the event an application for a building permit is filed to develop the 56.242 acre parcel retained by Dr. and Mrs. Maffezzoli, with a single family dwelling, then the Petitioners or any future property owner must request a special hearing to determine the appropriate location for said dwelling.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date
By

BALTIMORE COUNTY, MARYLAND
OFFICE OF FI CE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 3/14/96 ACCOUNT A-001

AMOUNT $ 3.00

RECEIVED FROM: [illegible]

FOR: [illegible] (3)

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 3/14/96 ACCOUNT R-001-6150

AMOUNT $ 135.00

DESC PLAN PETITIONS

RECEIVED FROM: Tim Anderson

FOR: Public Fee [illegible] 96-169 SPH

03A01:03PM CHRG $135.00
BA003:32PM01 03-96

( ) CASH (CK) ( )

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PETITION OF: Barry and Carol Renbaur

CIVIL ACTION # 3-C-96-10557

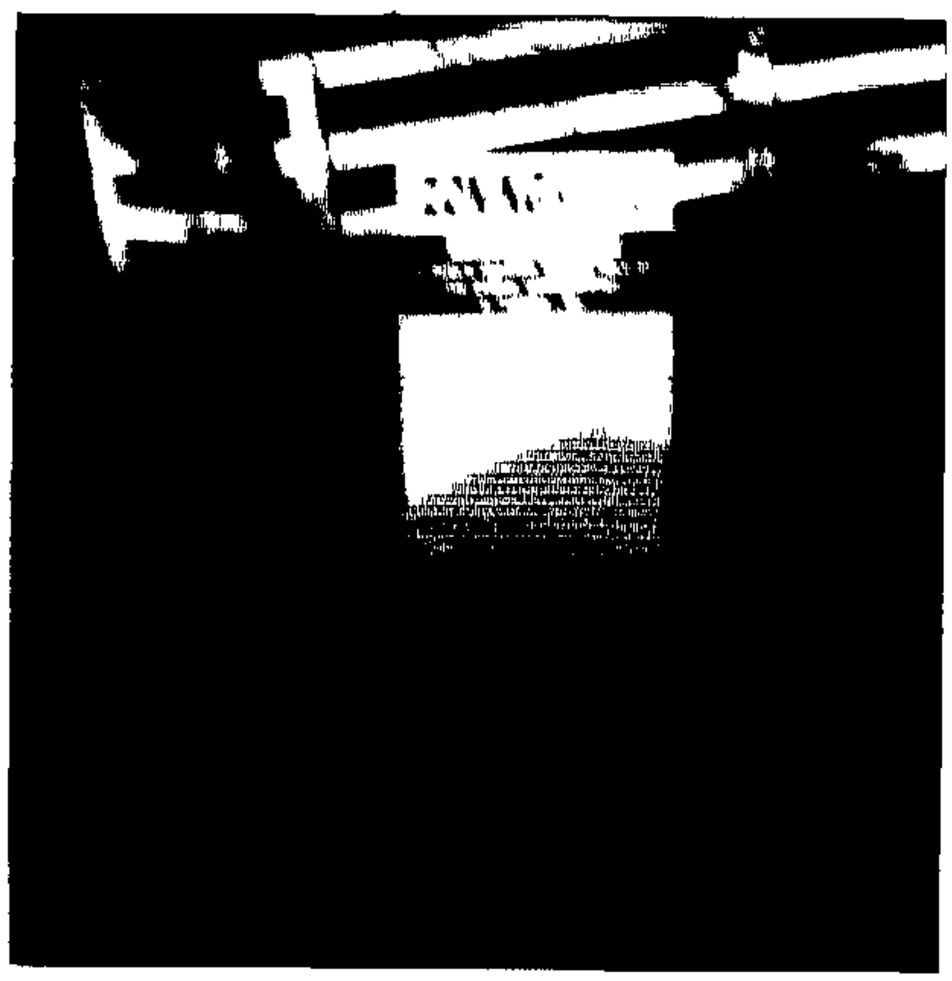
IN THE MATTER OF RICHARD MAFFEZZOLI, ET UX AND PATRICIA WARD

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE AND EXHIBITS

Clerk's Office

Date: _____

MICROFILMED



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 10/18/95 ACCOUNT 01-615

Item 166
By: mx

AMOUNT $ 135.00

RECEIVED FROM: Michael Harrison, + Burch - 3501 Belair Rd

030 - Spec Hrg (2 lots - $100.00
080 - 1 sign $ 35.00
$ 135.00

FOR: 96-169-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 5/9/96 ACCOUNT *001-615C

AMOUNT $ 210.00

RECEIVED FROM: Larry Kerbaum

FOR: Hearing 96-169-SPH

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 26, 1996

James R. Andersen, Esquire
105 W. Chesapeake Avenue, Suite 300
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Belmont Road, 2,050' W of Tufton Avenue
(3501 Belmont Road)
4th Election District - 3rd Councilmanic District
Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
Case No. 96-169-SPH

Dear Mr. Andersen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Dr. & Mrs. Richard D. Maffezzoli
3501 Belmont Road, Glyndon, Md. 21136

Ms. Patricia A. Ward
13860 Wellington Trace, #12, Wellington, Fla. 33414

Dr. John Bernstein, Executive Director, Valleys Planning Council
P.O. Box 5402, Towson, Md. 21285-5402

Mr. George M. Durrett
123 St. Thomas Lane, Owings Mills, Md. 21117

Nancy West, Esquire, Baltimore County Office of Law
Catherine Milton, Department of Permits & Development Management
People's Counsel; Case File

MICROFILMED

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on Recycled Paper

RE: PETITION FOR SPECIAL HEARING 3501 Belmont Avenue, N/S Belmont Avenue, 2050' W of c/l Tufton Road 4th Election District, 3rd Councilmanic Richard D. and Mary C. Maffezzoli Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 96-169-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Jim Andersen, Esquire, 105 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners

Peter Max Zimmerman

PETER MAX ZIMMERMAN

AMENDED

Petition for Special ~~Exception~~ Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3501 Belmont Avenue

which is presently zoned RC-2, RC-4

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for the reconfiguration of the lot lines for agricultural purposes within the tract boundaries of two existing contiguous RC-2/RC-4 record lots (or a portion of one lot of record) and allocation to the remaining 56.242 acre parcel of one of the permitted RC-2 building rights.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

LEGAL OWNER AND
Contract Purchaser/Lessee:

Patricia A. Ward
(Type or Print Name)

Patricia A. Ward
Signature

13860 Wellington Trace, #12
Address

Wellington Florida 33414
City State Zipcode

Legal Owner(s):

Richard D. Maffezzoli
(Type or Print Name)

Signature

Mary C. Maffezzoli
(Type or Print Name)

Mary C Maffezzoli
Signature

c/o James Andersen, Esq.
105 W. Chesapeake Ave, #300 (410) 828-1335
Address Phone No

Towson, Md. 21204
City State Zipcode

Attorney for Petitioner

James R. Andersen
(Type or Print Name)

Signature

105 W. Chesapeake Ave, #300
Address Phone No

Towson, Md. 21204
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 9/26/96
By

Revised 9/5/95

96-169-SPH

#166

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3501 BELMONT AVE

96-169-SPH

which is presently zoned RC-2 and RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a proposed non-density transfer

JRA of 31.479 acres of RC-2,4 zoned land located in Baltimore County, Maryland from Richard A. Maffezzoli and Mary Maffezzoli to Patricia A. Ward, who is a contiguous property owner.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

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

Legal Owner(s)

RICHARD O MAFFEZZOLI
(Type or Print Name)

Signature

MARY C MAFFEZZOLI
(Type or Print Name)

Mary C Maffezzoli
Signature

C/O TOM HARRISON 828-1335
Address Phone No

105 W CHESAPEAKE AVE
TOWSON MD 21204
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address Phone No

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

TH Jim Andersen
Type or Print Name

J. R. Anderson
Signature

105 W CHESAPEAKE AVE 828 1335
Address Phone No

TOWSON MD 21204
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hr.

unavailable for Hearing

the following dates _____ **Next Two Months**

ALL ✓ **OTHER** _____

REVIEWED BY: MJK **DATE** 10/18/95

Zoning Administration & Development Management

MICROFILMED

96-169-SPH

ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point located in the center of Belmont Road distant 2050 feet, more or less, measured Northwesterly along the center of Belmont Road from the center of Tufton Avenue, and running thence and binding in the center of Belmont Road the nine following lines viz: by a curve to the left having a radius of 606.59 feet, an arc length of 249.15 feet, and subtended by a chord North 67 degrees 39 minutes 06 seconds West 247.40 feet, North 77 degrees 21 minutes 49 seconds West 376.28 feet, by a curve to the right having a radius of 1199.75 feet, an arc length of 146.48 feet and subtended by a chord North 74 degrees 30 minutes 35 seconds West 146.39 feet, North 70 degrees 19 minutes 18 seconds West 676.84 feet, by a curve to the right having a radius 873.36 feet, an arc length of 102.40 feet, and subtended by a chord North 66 degrees 05 minutes 20 seconds West 102.34 feet , North 64 degrees 21 minutes 01 seconds West 1266.78 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds west 226.16 feet, North 13 degrees 49 minutes 49 seconds West 314.64 feet, and North 7 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running the nine following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 116.00 feet, North 43 degrees 29 minutes 06 seconds East 150.00 feet, South 39 degrees 03 minutes 10 seconds East 585.78 feet, South 04 degrees 14 minute 43 seconds West 419.70 feet, South 69 degrees 30 minutes East 830 feet, North 28 degrees 21 minutes 04 seconds East 200.00 feet, South 71 degrees 47 minutes 58 seconds East 1632.64 feet, South 11 degrees 13 minutes 05 seconds West 424.73 feet and South 2 degrees 16 minutes 55 seconds East 63.92 feet to the place of beginning.

Containing 31.479 Acres of land, more or less.

STATE OF MARYLAND
DAVID EDWARD RANSONE
NO. 10928
REGISTERED
PROFESSIONAL LAND SURVEYOR

#166

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 96-169-SPH

Towson, Maryland

District 4th

Date of Posting 5/11/96 & 5/17/96

Posted for: Appeal

Petitioner: Richard & Mary Mattenzoli

Location of property: 3581 Belmont Ave., N/S

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by [signature] Signature

Date of return: 5/17/96 & 5/23/96

Number of Signs: 1

96-169-SPH

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 4th

Date of Posting 11/9/95

Posted for: Special Hearing

Petitioner: Robert & Mary MaFeazoli

Location of property: 3521 Belmont Rd.

Location of Signs: Facing roadway on property being posted

Remarks:

Posted by M Hoby
Signature

Date of return: 11/17/95

Number of Signs: 1

RECEIVED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-169-SPH
(Item 166)
3501 Belmont Avenue
N/S Belmont Road, 2050' W of c/l Tufton Road
4th Election District
3rd Councilmanic
Legal Owner(s):
Richard D. Maffezzoli and
Mary C. Maffezzoli.
Hearing: Thursday, November 30, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.
Special Hearing: to approve a proposed non-density transfer of 31.479 acres.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/109 Nov. 9. c15987

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/10, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/9, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 166

Petitioner: Richard D. Maffezzoli and Mary C. Maffezzoli

Location: 3501 Belmont Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. James Ward, c/o James R. Andersen, Esq.

ADDRESS: 105 West Chesapeake Avenue, Suite 300, Towson, MD 21204

PHONE NUMBER: (410) 828-1335

AJ:ggs

(Revised 04/09/93)

Printed on Recycled Paper

TO: PUTUXENT PUBLISHING COMPANY
November 9, 1995 Issue - Jeffersonian

Please foward billing to:

James R. Andersen, Esq.
105 W. Chesapeake Avenue #300
Towson MD 21204
828-1335

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-169-SPH (Item 166)
3501 Belmont Avenue
N/S Belmont Road, 2050' W of c/l Tufton Road
4th Election District - 3rd Councilmanic
Legal Owner: Richard D. Maffezzoli and Mary C. Maffezzoli

Special Hearing to approve a proposed non-density transfer of 31.479 acres.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 6, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-169-SPH (Item 166)
3501 Belmont Avenue
N/S Belmont Road, 2050' W of c/l Tufton Road
4th Election District - 3rd Councilmanic
Legal Owner: Richard D. Maffezzoli and Mary C. Maffezzoli

Special Hearing to approve a proposed non-density transfer of 31.479 acres.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Richard and Mary Maffezzoli
James R. Andersen, Esq.
Jim Thompson

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 16, 1996

NOTICE OF ASSIGNMENT /MOTION ONLY HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-169-SPH

RICHARD MAFFEZZOLI, ET UX AND PATRICIA WARD - Petitioners S/s Belmont Road, 2050' W of Tufton Avenue (3501 Belmont Avenue)
4th Election District
3rd Councilmanic District

SPH -To approve reconfiguration of lot lines as more fully detailed on Petition for Special Hearing.

2/26/96 -D.Z.C.'s Order in which Petition for Special Hearing is GRANTED with restrictions.

Motion to Dismiss having been filed by Counsel for Petitioners and Respondent's Brief filed by Appellant, a Motion Only Hearing has been scheduled before the Board; no evidence or testimony to be received this date as to merits of the case; oral argument on Motion only; and has been

ASSIGNED FOR: WEDNESDAY, JUNE 5, 1996 at 9:30 a.m.

cc: Barry J. Renbaum, et ux — Appellants /Protestants

James R. Andersen, Esquire — Counsel for Petitioners
Dr. & Mrs. Richard D. Maffezzoli — Petitioners
Patricia A. Ward — Petitioner

George M. Durrett
Dr. John Bernstein — Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
Catherine Milton /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 28, 1996

NOTICE OF DELIBERATION

The Board, having heard oral argument on Motions filed in this matter on June 5, 1996, and upon receipt of a request from Counsel for Petitioners that the Board rule upon the Motions to Dismiss, the following deliberation has been scheduled:

Richard Maffezzoli, ET UX, AND PATRICIA WARD -Petitioners
Case No. 96-169-SPH

DATE AND TIME : **Thursday, August 8, 1996 at 1:00 p.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

cc: George A. Nilson, Esquire — Counsel for Appellants
Barry J. Renbaum, et ux — Appellants /Protestants

James R. Andersen, Esquire — Counsel for Petitioners
Dr. & Mrs. Richard D. Maffezzoli — Petitioners
Patricia A. Ward — Petitioner

George M. Durrett
Dr. John Bernstein — Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
Catherine Milton /PDM
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

R.B.M. /copied

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 24, 1995

Jim R. Anderson, Esquire
105 W Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 166
Case No.: 96-169-SPH
Petitioner: R. O. Maffezzoli

Dear Mr. Anderson:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

November 21, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #166 - Maffezzoli Property
3501 Belmont Avenue
Zoning Advisory Committee Meeting of October 30, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and Forest Conservation.

Agricultural Preservation Program

Comments for this petition will not be submitted until such time that the petitioners take the actions necessary to bring the property on the south side of Belmont Road into conformance with the Baltimore County Development Regulations and the Maryland Agricultural Land Preservation Foundation easements.

JLP:LS:WL:sp

MAFFEZ/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

February 1, 1996

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #96/169/SPH - Maffezzoli/Ward - REVISED
3501 Belmont Avenue
Zoning Advisory Committee Meeting of January 16, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations Sections 14-401 through 14-422 of the Baltimore County Code).

Agricultural Preservation Program

This plan has been reviewed for prime and productive soils. As proposed, the plan does not conflict with meeting those regulations.

JLP:KK:WL:sp

MAFFEZ/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 6, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for November 6, 1995
Items 163, 165, 166, 167, 168, and 169

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 30, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 161, 162, 163, 165, 166, 167, 168, 169 & 170.

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-25-95

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

RE: Baltimore County
Item No. 166 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

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Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Fax to J. Anderson
11/29/95
@ 9 30 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 28, 1995

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 3501 Belmont Avenue

RECEIVED
29 1995
ZONING COMMISSIONER

INFORMATION:

Item Number: 166

Petitioner: Maffezzoli Property

Property Size:

Zoning: RC-2 & RC-4

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comment.

It appears to this office that the subject request is, in fact, a density transfer since the tract of land to be transferred is improved with a residence. We are unable to find any provision in the Baltimore County Zoning Regulations allowing for a transfer of this nature to take place.

If, however, the applicant's request is found to be acceptable and ultimately granted, the effect will be the creation of a non-density parcel of 50 acres with no development rights since the 81 acre parcel holds only one density unit. As this obviously is not the applicant's intent, it is imperative that the plat accompanying this request be amended to indicate the proposed locations of all available density units (5) on the north and south sides of Belmont Avenue.

In addition to the above mentioned concerns, other questions raised by Permits and Development Management in a memorandum dated November 17, 1995 should be addressed prior to final consideration of this matter.

Comments forwarded to this office from the Landmarks Preservation Commission are also attached for informational purposes.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Ness

PK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Item 166
96-169-SPHX

TO: Arnold Jablon, Director, PDM **DATE:** February 2, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT:

RECEIVED
FEB - 1 1996
ZONING COMMISSIONER

INFORMATION:

Item Number: 166

Petitioner: Maffezzoli Property

Property Size:

Zoning: RC-2 & RC-4

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the revised plan, staff offers the following comment:

Should the applicant's request be granted, this office requests that approval be conditioned on a restriction which would provide the Office of Planning the opportunity to review and approve the location of any dwelling to be constructed on the 36.24 acre, RC-2 zoned parcel prior to the issuance of a building permit.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: R. Schuetz
D. Levero
H. Buchheister

DATE: May 16, 1996

FROM: Kathi

SUBJECT: Richard Maffezzoli, et ux and Patricia Ward -Petitioners
Case No. 96-169-SPH (Sagamore Farms)

The subject matter has been scheduled for a **Motion Only Hearing** on Wednesday, June 5, 1996 at 9:30 a.m. While you are already scheduled to sit on this date, please note the earlier start time (see attached Notice of Assignment /Motion Hearing).

Attached for your review are the following documents which have been submitted with regard to this case:

1. Letter dated May 10, 1996 from Barry Renbaum, Appellant, to James R. Anderson, Esquire, counsel for Petitioners, regarding this appeal.

2. Motion to Dismiss filed by James R. Anderson, Esquire, Counsel for Petitioners.

3. Respondent's Brief and Appendix filed by Mr. Renbaum.

Also attached for your information and review is a copy of Mr. Renbaum's original appeal letter and its attached copy of a letter from Nancy West to Tim Kotroco. Nancy's letter is referenced in both Mr. Renbaum's and Mr. Anderson's submittals, and I thought it might be helpful to have it available and close at hand when you review this material.

Nancy West has indicated by telephone that she will be filing a response regarding this matter, and I've advised her of the June 5th hearing date and time.

Should you have any questions regarding this case, or any attachment, etc., please let me know.

kathi

Kathi

Attachments

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits & Development Management

DATE: January 5, 1998

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: 96-169-SPH
RICHARD MAFFEZZOLI, ET UX AND
PATRICIA WARD - Petitioners
4th E; 3rd C

Since this case was dismissed by Order of the Circuit Court May 5, 1997, we are hereby closing the Board's file in this matter. The original file and exhibits will be returned to your office by John Almond, Records Manager /CCt.

Attachment (Board Case File No. 96-169-SPH)

NO
CBA
EXHIBITS

MICROFILMED

11/30/95
96-169 SPH

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: November 17, 1995

TO: Hearing Officer

FROM: Catherine A. Milton CAM
Planner I
Zoning Review, PDM

SUBJECT: ZAC Comments
Item #166 - Sagamore Farms
3501 Belmont Road

At the request of the Director of Permits and Development Management (PDM), I have been asked to give an overview of the subject property from the perspective of the Zoning Review section.

History:

The property shown on attached diagram "B" indicates the three (3) parcels that Mr. Ward purchased from Mr. Vanderbilt by a deed recorded on December 18, 1986 (see Petitioner's Exhibit #7 in zoning case #V-94-323-SPH). Research indicates that this is the way the property was recorded on November 25, 1979. The parcel to which the majority of my comments will relate is the parcel that is divided by Belmont Road. It should be noted that the parcel contained five (5) R.C.-2 development rights and seventeen (17) R.C.-4 development rights.

Prior to Bill #199-90, this office held that an R.C.-2 parcel divided by a road was to calculate its development rights according to the acreage on either side of the road. In the subject case, that interpretation did not effect the overall number of development rights for the R.C.-2 zoned property. The total still was five (5) development rights with three (3) on the north side of Belmont Road and two (2) on the south side of Belmont Road.

(Over)

In zoning case #89-52-SPH, Mr. Ward petitioned the zoning commissioner to allow the transfer of development rights across Belmont Road (see Petitioner's Exhibit #1 in zoning case #89-52-SPH or Petitioner's Exhibit #4 in zoning case #V-94-323-SPH). After a negative decision from the zoning commissioner and application for appeal to the Baltimore County Board of Appeals, the request was withdrawn.

On March 24, 1988, the portion of the parcel that was north of Belmont Road was subdivided into three (3) parcels (see attached copy of the subdivision plan identified by Petitioner's Exhibits #5, 8A, 8B, and 8C in zoning case #V-94-323-SPH and attached diagram "C").

Attached diagram "D" and Petitioner's Exhibits #10 and #11 of zoning case #V-94-323-SPH shows that the 81.479-acre parcel was subdivided into two (2) lots. This subdivision was in violation of the subdivision regulations of the Baltimore County Code (because it did not conform to the development process) and of the zoning regulations because an overall Final Development Plan (FDP) was not submitted for review and approval.

It could be argued that the previously mentioned subdivision plan clearly stated that there were no remaining R.C.-2 development rights to the north of Belmont Road and, because the northern properties were developed under the "road split" policy, zero (0) development rights remained; no further subdivision or reconfiguration of the property is allowed. Any attempt to remove the "road split" policy review would necessitate the property to reviewed as a whole and that <u>four</u> (4) lots would exist. These four (4) lots would then need to comply with the County Code Development Regulations.

The majority of the portion of property to the south of Belmont Road was put under an "agricultural easement" (see Petitioner's Exhibits #14 and 15 in zoning case #V-94-323-SPH). It could be argued that because two (2) areas were excluded from the easement and there were four (4) parcels to the north of the road, one (1) of which had a house upon it; that one (1) of the properties to the north of the road was not buildable. If this argument holds, then that unbuildable parcel would have to be the 50-acre piece owned by the Mr. Maffezzoli because he created the parcel by subdivision selling off the piece with the house. Questions regarding the effect of this easement should be directed to Wally Lippincott.

It is clear that the original property must NOT have more than five (5) R.C.-2 development rights.

MICROFILMED

(Over)

Exhibit #12 in zoning case #V-94-323-SPH and Diagram "F" indicate that another subdivision of the property to the north of Belmont occurred. This was again without review and in violation of the County Code and zoning regulations.

Diagram "G" and deeds 9363/447 and 9363/451 indicate a reconfiguration of the three (3) remaining parcels on the south side of the road. This was done without the review of the county and, if I understand correctly, in violation of the State Agricultural Easement Agreement.

The Violation:

On October 21, 1993, I received for review a letter from the Valley Planning Council alleging an illegal subdivision of R.C.-2 zoned property (see letter dated October 19, 1993 in zoning case #V-94-323-SPH). A review of the information provided by the Valley Planning Council and information located in the Baltimore County Land Records prompted my letter of December 22, 1993 to Ms. Ward.

Not receiving any response from Ms. Ward, I was advised to file a special hearing through the Zoning Enforcement section of our department. After many meetings and postponements, the special hearing was held in January 1995. Because the attorney for the Wards and Maffezzolis did not appear, the case proceeded without him. A motion for reconsideration was filed and granted. A second hearing was held on May 18, 1995. My understanding of the outcome of that hearing was that the property was going to be returned to the parcel outlines as they were on or around March 24, 1988 (of course this would not effect the status of the agricultural easement record with the State of Maryland).

It is my understanding that, at this time, the property to the north is as it was on March 24, 1988 but the property to the south is not.

This Request:

On October 18, 1995, Jim Anderson filed, on behalf of Richard and Mary Maffezzoli, a petition for special hearing before the zoning commissioner. The request was to allow a non-density transfer of 31.479 acres of R.C.-2 and R.C.-4 zoned land to a contiguous property owner.

(Over)

Points that Need Resolution or Clarification:

Without specifically knowing the intent of the petition, I had to make some assumptions. I assume that the desired end result of the request is that the 50 acres, identified by tax ID #22-00-007655 and owned by the Maffezzolis, is to retain an R.C.-2 building right and that the 31 acres is to be transferred to one (1) of the parcels to the south side of the road.

The request for a non-density transfer is erroneous. The proposed 31-acre parcel of ground has one (1) dwelling and a tenant house. How can you request a non-density transfer of a parcel that has "density"?

There are many questions raised by the proposed request, for example:

1. How can this 31 acres be transferred to an illegally created parcel on the south side of the road?

2. Why is the 8.378-acre area shown screened on the plan? Is the R.C.-4 portion of this property also requesting to be "non-density"?

3. Why isn't the "contiguous" property shown on the plan? It is, after all, part of the request.

4. Are the petitioners anticipating that a new metes and bounds description will be recorded, eliminating the line of separation that runs down the center of Belmont Road?

5. How large are the areas of the R.C.-2 and R.C.-4 portions of each lot that is proposed?

6. Why weren't density calculations shown on the plan to accompany the special hearing?

7. Why wasn't the 28-foot by 34-foot dwelling listed as a tenant house?

8. Why wasn't the previous zoning history listed on the plan?

9. Why are the property owners listed as the Maffezzolis when the plan is dated May 25, 1995?

(Over)

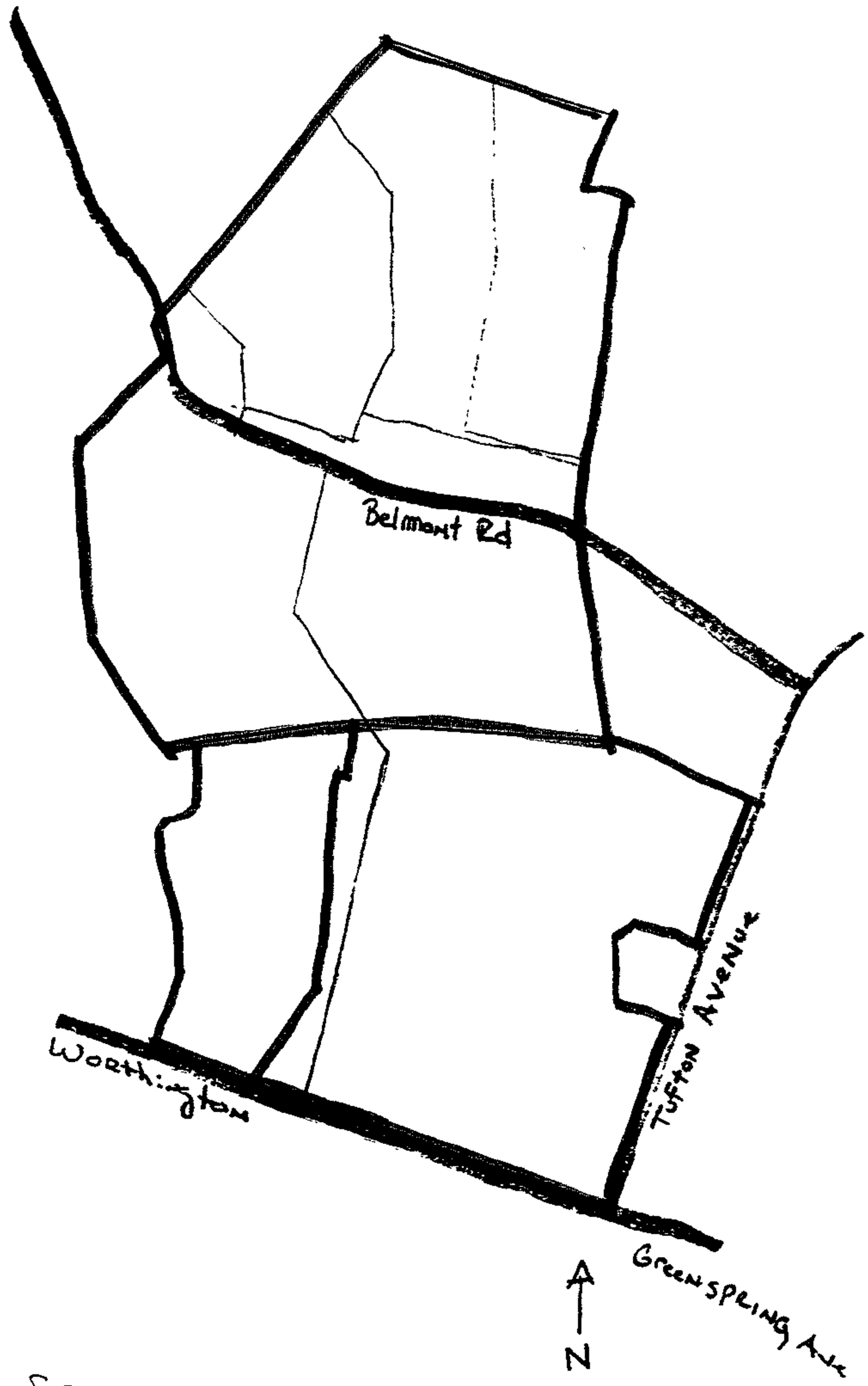
If the proposed transfer of land, which would include the house and tenant house, is approved, the effect would be to create a 50-acre parcel without any density rights and thereby unbuildable. If the 81 acres were to remain intact, the parcel would carry a total of 1 (one) density unit, subject to any R.C.-4 zoning.

Recommendation:

This office strongly recommends that, prior to making a decision on the case, the above questions should be answered. It should also be noted that there is a request before the Development Review Committee (DRC) to allow this transfer to occur as a lot line adjustment. If a lot line adjustment is granted, there will be no review of the new line of division and no development plan on record. We are requesting that if this zoning request is granted, a restriction be placed in the order that indicates that even if a lot line adjustment is granted by the DRC, the Zoning Review section of PDM will require an overall FDP pursuant to Section 1A00.4 of the Baltimore County Zoning Regulations (BCZR).

The one thing that needs to be understood above all else, is that the original parcel of ground shown on Diagram "B" that has Belmont Road running through it must not have more than five (5) R.C.-2 dwellings on it.

c: Nancy West, Law Office



To: Nancy West
From: Kate Milton

RED = Original lines of Division
Pencil = All New lines of Division

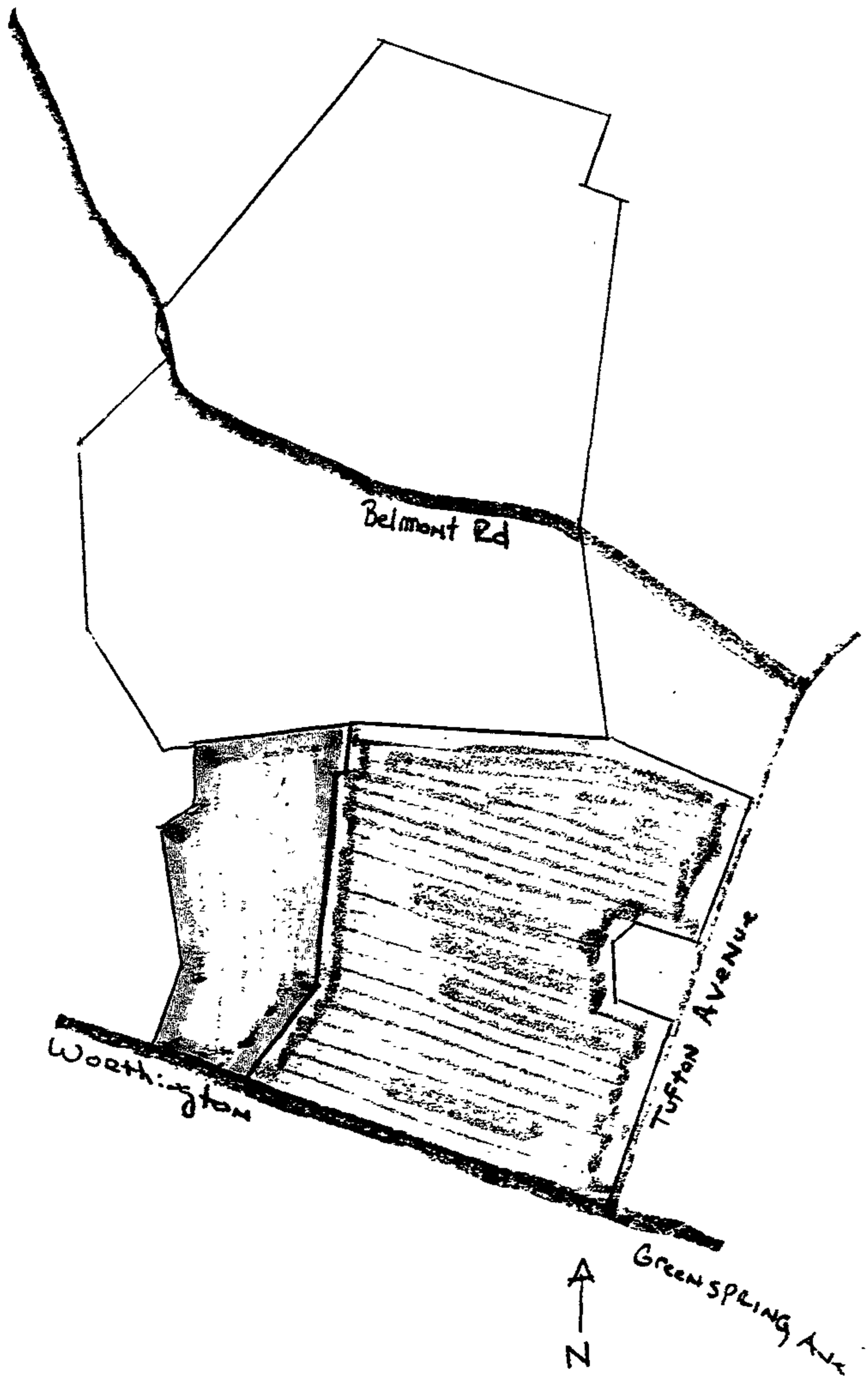
MICROFILMED

For ZAC Comments

AMENDED 20 Nov 95

Copy Sent to Nancy W Early Summer 1995

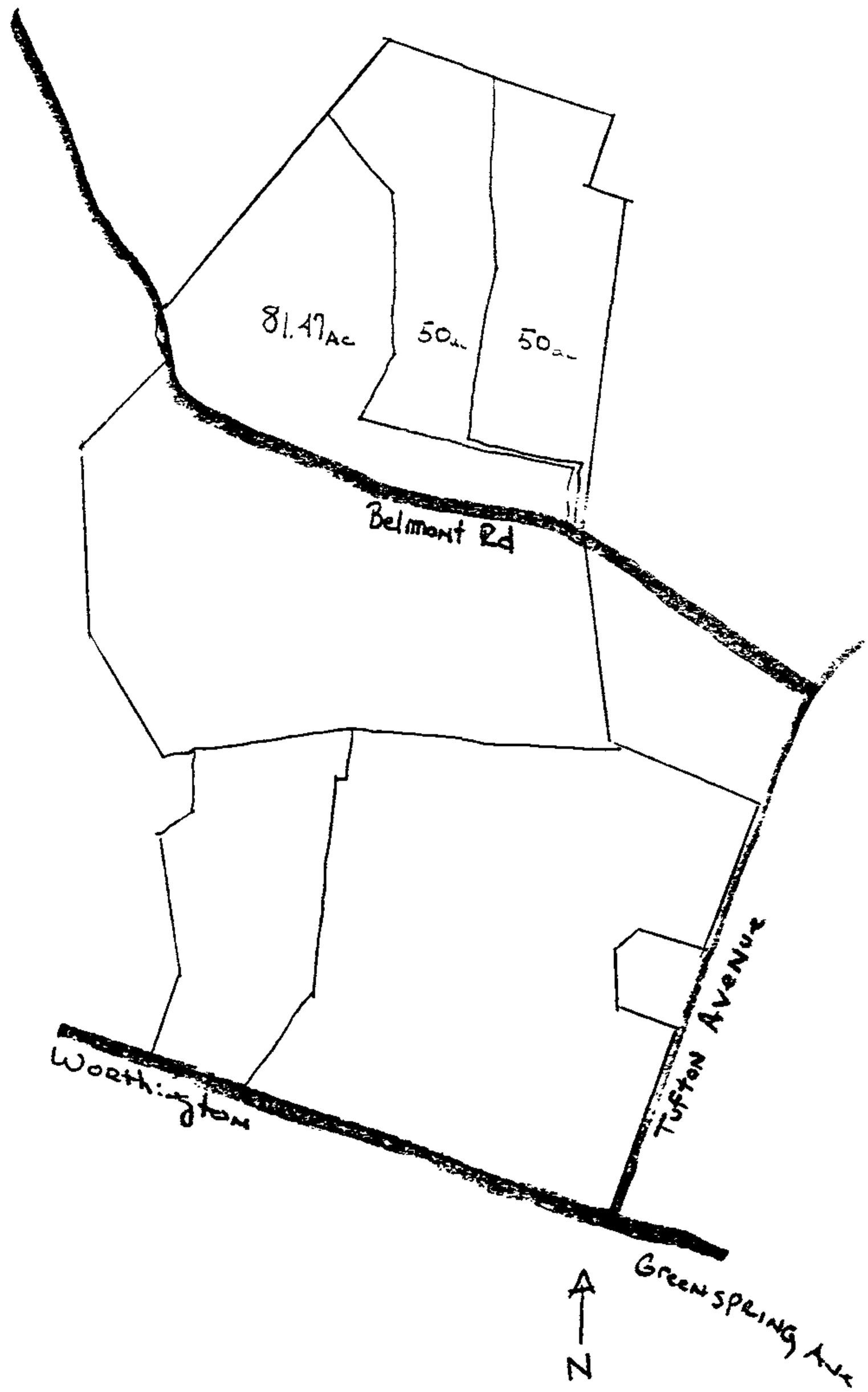
A



Visual of property as described in
Exhibit 7

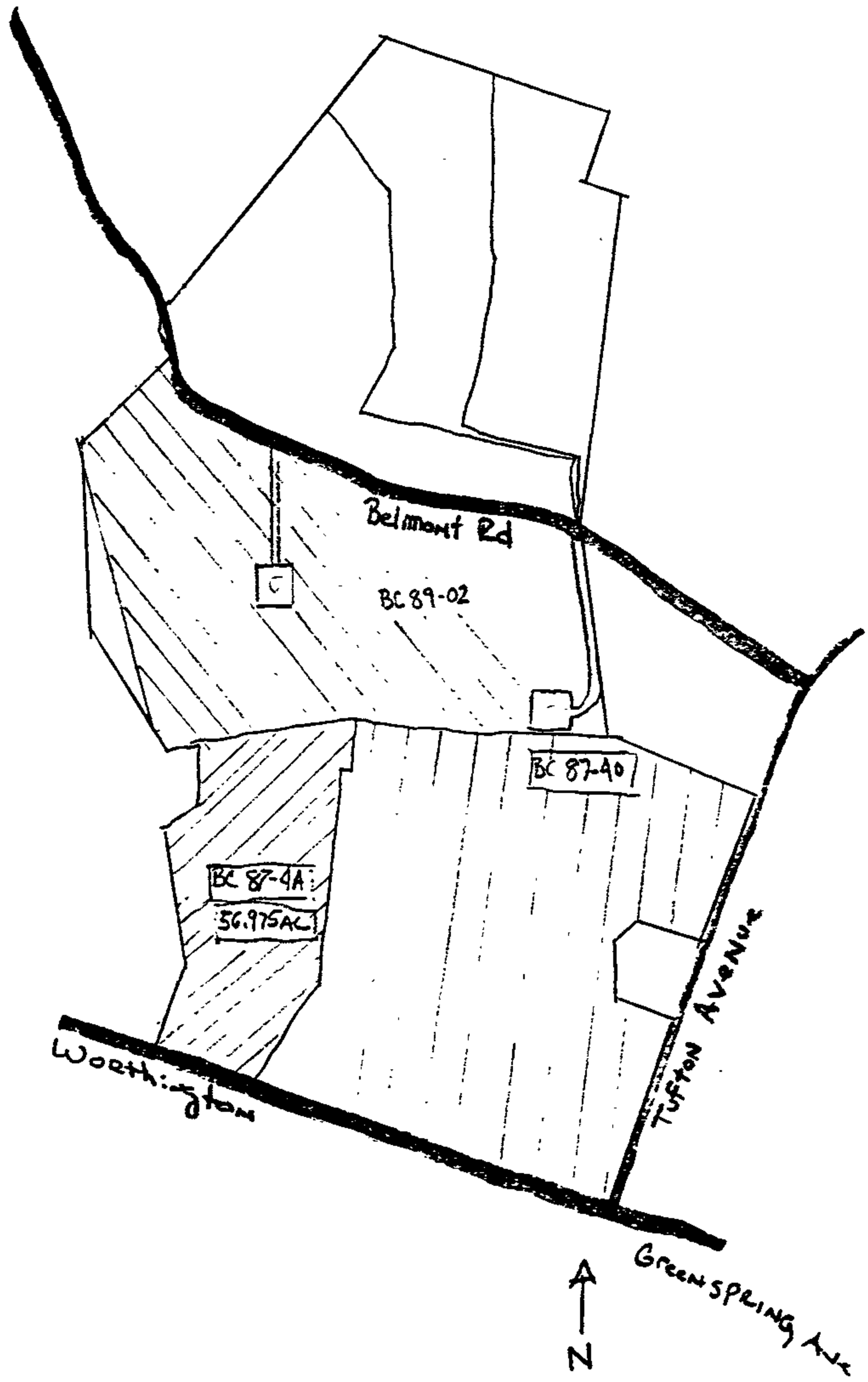
(Vanderbilt to Ward; Recorded Dec 18, 1986)

B



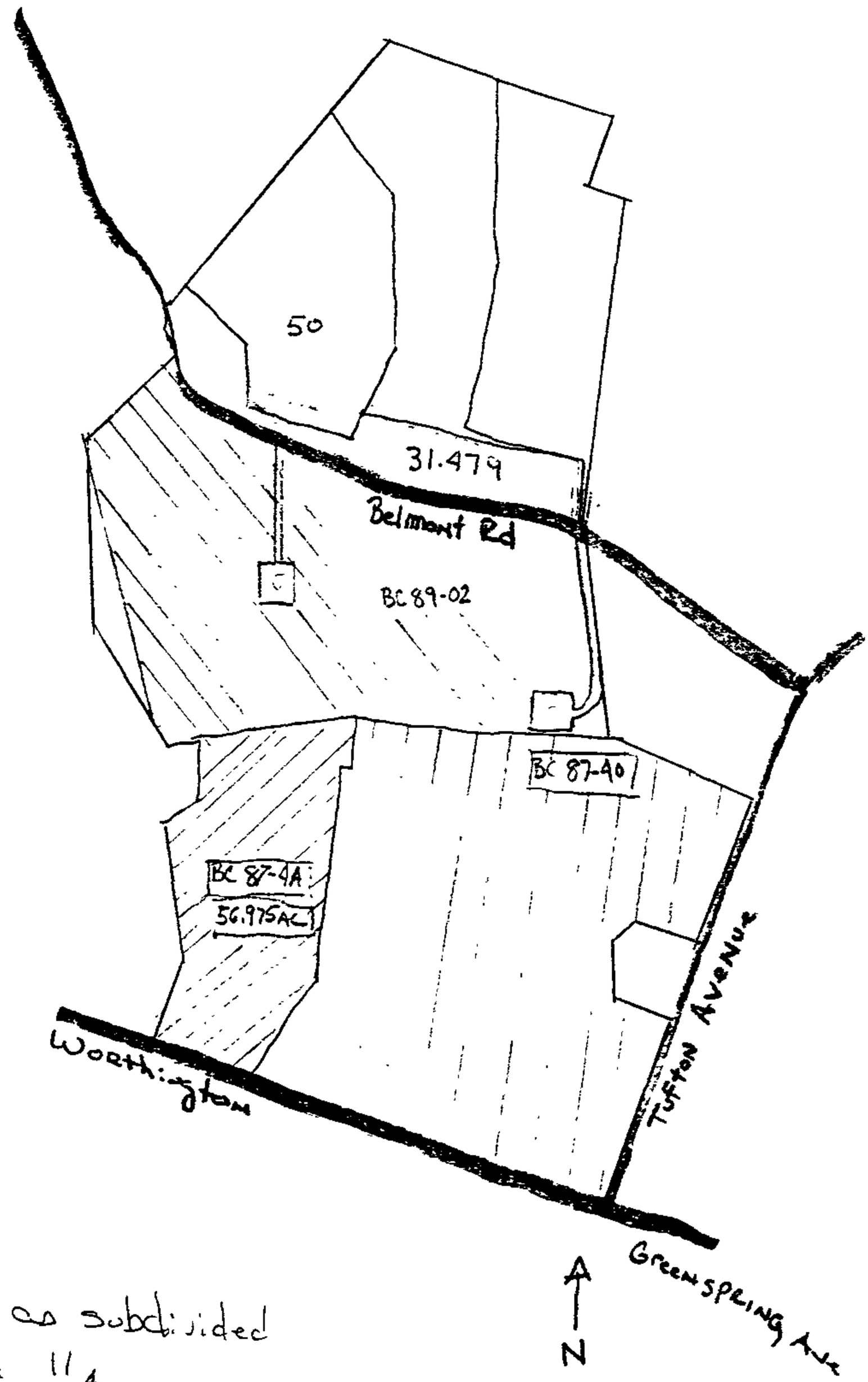
Visual of Property Described in
Exhibits 5, 8a, 8b, 8c and 9
Property North of Belmont subdivided into 3 parcels
3 parcels Recorded March 24, 1988

C



Visual of Property Placed
Under Easement
Recorded March 26, 1991

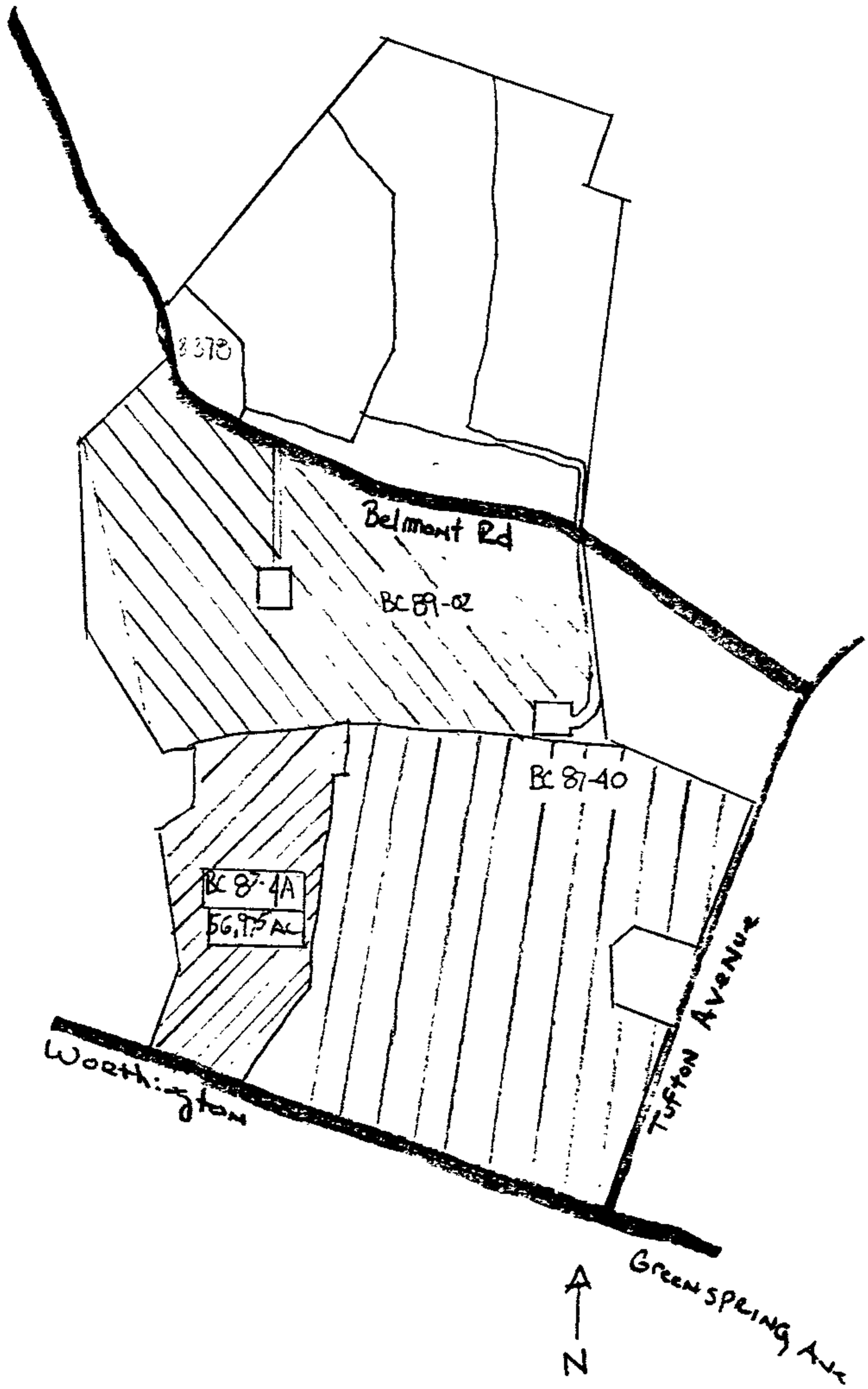
D



Visual of property as subdivided
by exhibits 10 and 11
Recorded May 2, 1991 — Ag Easement 26 March 91
and Nov 27, 1991

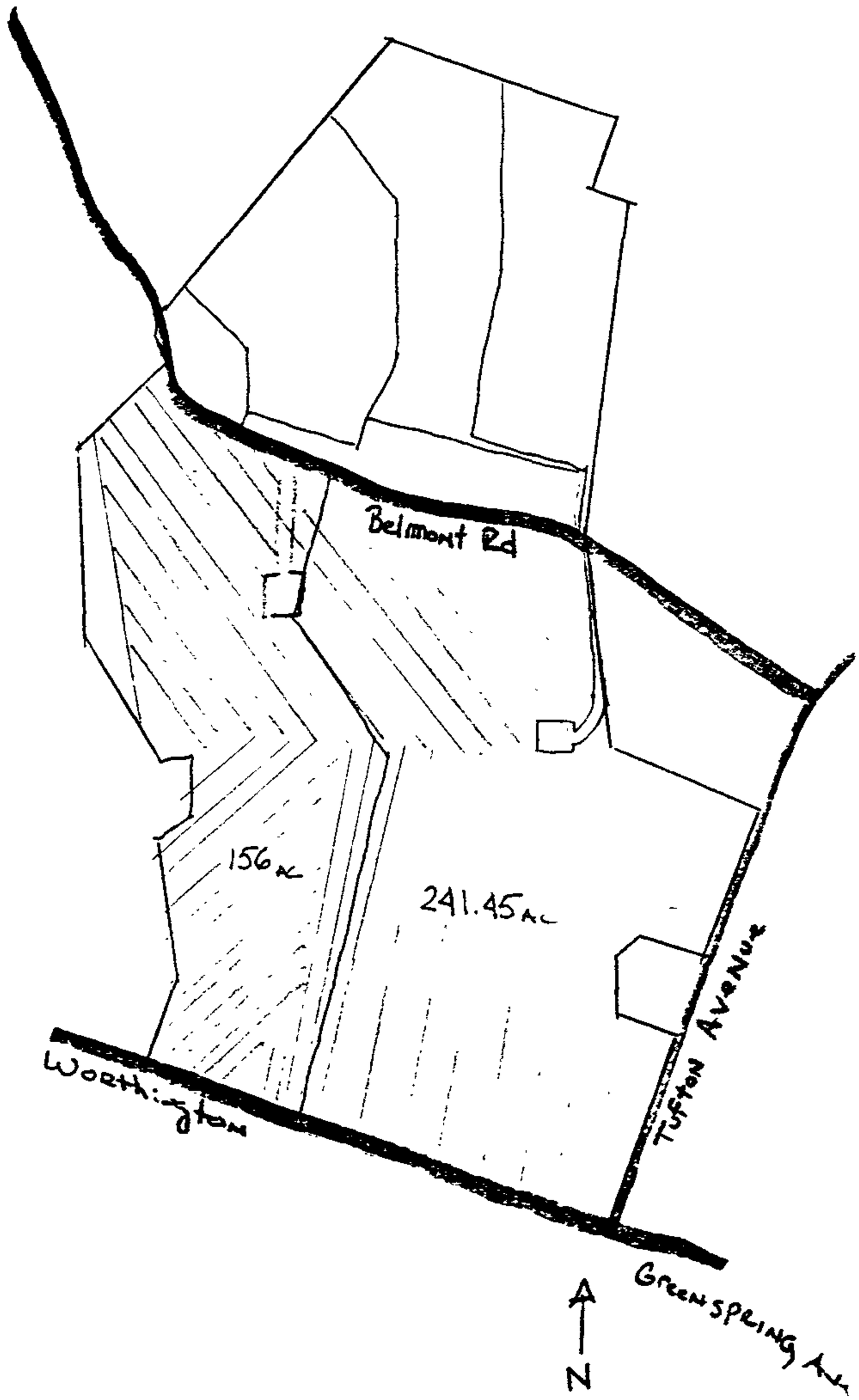
MICROFILME

E



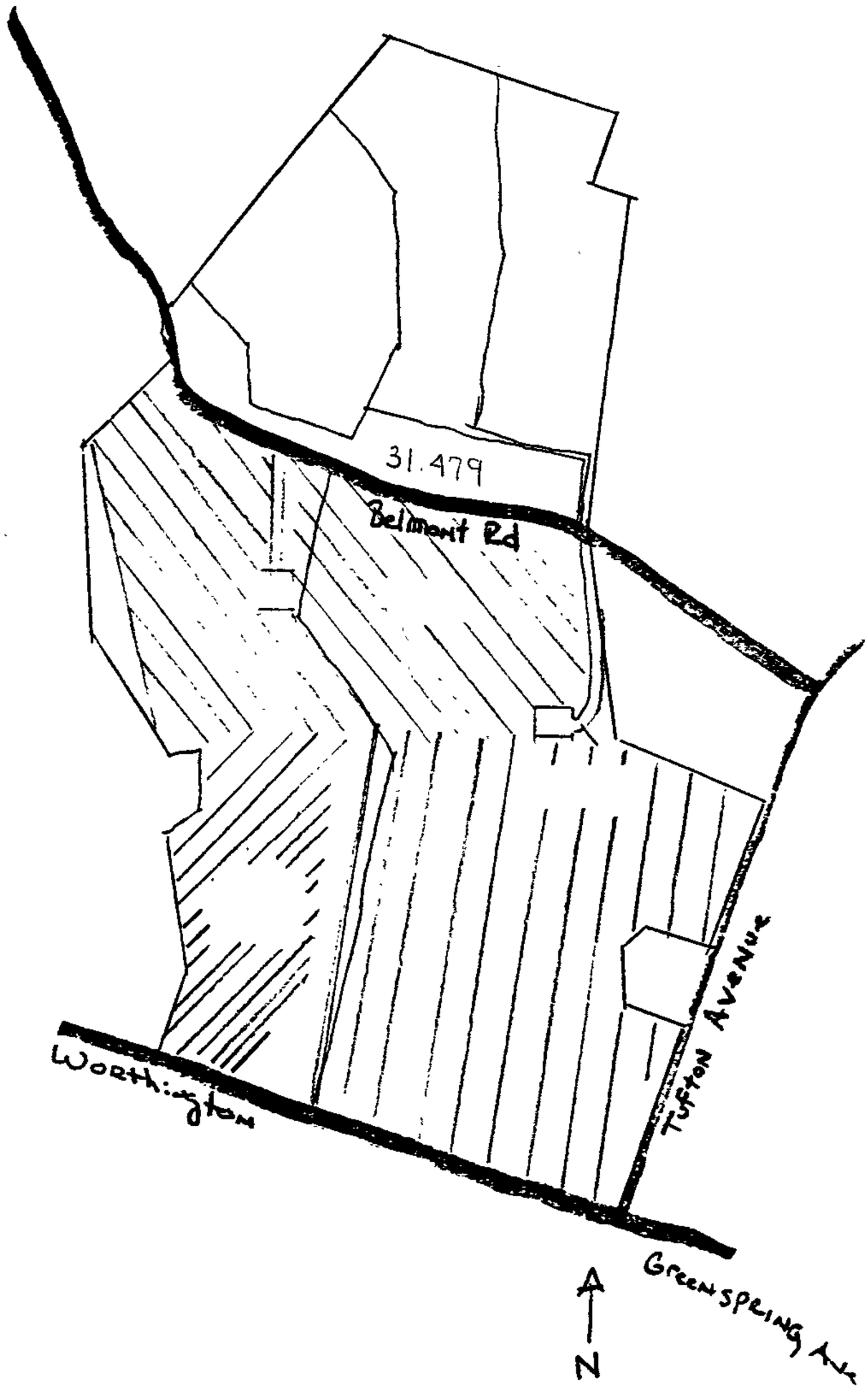
Visual of transfer of
Exhibit 12
Recorded April 8, 1992

F



Visual of Reconfiguration of the
EASEMENT AREA
9363/447 (156)
9363/451 (241.45) Recorded 9·15·92

G



Visual of Exhibit 13
Recorded Jan 5, 1995

H

96-3082

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: W. Carl Richards, Jr.
Catherine A. Milton

DATE: May 24, 1996

FROM: Nancy C. West
Office of Law

SUBJECT: Alverez, et al. v. Maffezzoli, et al.

Attached is a copy of the subpoena duces tecum for a deposition scheduled for June 24, 1996 relative to the above-referenced matter. As you can see, Plaintiffs' counsel is really interested in obtaining the documents. Please contact me upon receipt of this memo so that we can discuss how to best respond.

Thank you.

NCW/jd

CC:
Arnold Jablon

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1996

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: R. Schuetz
H. Buchheister
D. Levero

DATE: June 28, 1996

FROM: Kathi

SUBJECT: Richard Maffezzoli, et ux /Case No. 96-169-SPH

Enclosed is a copy of the notice of the deliberation in this matter which has been scheduled for Thursday, August 8, 1996 at 1:00 p.m. Also enclosed for your review is the letter of June 6th from James R. Anderson, Counsel for Petitioners, with enclosure (copy of the transcript of the zoning hearing of 11/30/95).

Deliberation was scheduled in this matter as a result of Mr. Anderson's 6/06/96 letter in which he indicated that resolution of the issues did not seem likely, and he requested that the Board rule on the Motions to Dismiss.

Should you have any questions regarding the above, or need any additional information, please call me.

kathi

Attachments

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 28, 1996

NOTICE OF DELIBERATION

The Board, having heard oral argument on Motions filed in this matter on June 5, 1996, and upon receipt of a request from Counsel for Petitioners that the Board rule upon the Motions to Dismiss, the following deliberation has been scheduled:

Richard Maffezzoli, ET UX, AND PATRICIA WARD -Petitioners
Case No. 96-169-SPH

DATE AND TIME : **Thursday, August 8, 1996 at 1:00 p.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

cc: George A. Nilson, Esquire — Counsel for Appellants
Barry J. Renbaum, et ux — Appellants /Protestants

James R. Andersen, Esquire — Counsel for Petitioners
Dr. & Mrs. Richard D. Maffezzoli — Petitioners
Patricia A. Ward — Petitioner

George M. Durrett
Dr. John Bernstein — Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
Catherine Milton /PDM
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

R.B.M. /copied

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on Recycled Paper

AU@mail.bcpl.lib.md.us;

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 4, 1996

TO: Hearing Officer

FROM: Catherine A. Milton
Planner I
Zoning Review, PDM

SUBJECT: Amended ZAC Comments
Item #166 - Sagamore Farms
3501 Belmont Road

At the request of the Director of Permits and Development Management (PDM), I have been asked to give an overview of the subject property from the perspective of the Zoning Review section

History

The property shown on attached diagram "B" indicates the three (3) parcels that Mr. Ward purchased from Mr. Vanderbilt by a deed recorded on December 18, 1980 (see Petitioner's Exhibit #7 in zoning case #V-94-323-SPH). Research indicates that this is the way the property was recorded on November 25, 1979. The parcel to which the majority of my comments will relate is the parcel that is divided by Belmont Road. It should be noted that the parcel contained five (5)

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R.C -2 development rights and seventeen (17) R.C.-4 development rights.

Prior to Bill #199-90, this office held that an R.C.-2 parcel divided by a road was
to calculate its development rights according to the acreage on either side of the
road. In the subject case, that interpretation did not effect the overall number of
development rights for the R.C.-2 zoned property. The total still was five (5)
development rights with three (3) on the north side of Belmont Road and two (2)
on the south side of Belmont Road.

In zoning case #89-52-SPH, Mr. Ward petitioned the zoning commissioner to
allow the transfer of development rights across Belmont Road (see Petitioners
Exhibit #1 in zoning case #89-52-SPH or Petitioner's Exhibit #4 in zoning case
#V-94-323-SPH). After a negative decision from the zoning commissioner and
application for appeal to the Baltimore County Board of Appeals, the request was
withdrawn

On March 24, 1988, the portion of the parcel that was north of Belmont Road was
subdivided into three (3) parcels (see attached copy of the subdivision plan
identified by Petitioner's Exhibits #5, 8A, 8B, and 8C in zoning case #V-94-323-
SPH and attached diagram "C")

Attached diagram "D" and Petitioner's Exhibits #1 0 and #1 1 of zoning case #V-
94-323SPH shows that the 81 479-acre parcel was subdivided into two (2) lots

This subdivision was in violation of the subdivision regulations of the Baltimore
County Code (because it did not conform to the development process) and of the
zoning regulations because an overall Final Development Plan (FDP) was not
submitted for review and approval.

It could be argued that the previously mentioned subdivision plan clearly stated
that there were no remaining R.C -2 development rights to the north of Belmont
Road and, because the northern properties were developed under the "road

split"
policy, zero (0) development rights remained; no further subdivision or reconfiguration of the property is allowed. Any attempt to remove the "road split"
policy review would necessitate the property to reviewed as a whole and that four
(4) lots would exist. These four (4) lots would then need to comply with the County Code Development Regulations.

The majority of the portion of property to the south of Belmont Road was put under an agricultural easement" (see Petitioner's Exhibits #14 and 15 in zoning
case #V-94-323SPH). It could be argued that because two (2) areas were excluded from the easement and there were four (4) parcels to the north of the
road, one (1) of which had a house upon it; that one (1) of the properties to the
north of the road was not buildable. If this argument holds, then that unbuildable
parcel would have to be the 50-acre piece owned by Mr. Maffezzoli because he created the parcel by subdivision selling off the piece with the house.
Questions
regarding the effect of this easement should be directed to Wally Lippincott.

ZAC Comments
Item #166 - Sagamore Farms
Page 3

Exhibit #12 in zoning case #V-94-323-SPH and Diagram "F" indicate that another
subdivision of the property to the north of Belmont occurred. This was again without review and in violation of the County Code and zoning regulations.

Diagram "G" and deeds #3o3 447 and 93o3 451 indicate a reconfiguration of the three (3) remaining parcels on the south side of the road. This was done without
the review of the county and, if I understand correctly, in violation of the State
Agricultural Easement Agreement

The Violation:

On October 21, 1993, I received for review a letter from the Valley Planning Council alleging an illegal subdivision of R.C.-2 zoned property (see letter dated

October 19, 1993 in zoning case #V-94-323-SPH). A review of the information provided by the Valley Planning Council and information located in the Baltimore
County Land Records prompted my letter of December 22, 1993 to Ms. Ward.

Not receiving any response from Ms Ward, I was advised to file a special hearing
through the Zoning Enforcement section of our department. After many meetings
and postponements, the special hearing was held in January 1995. Because the attorney for the Wards and Maffezzolis did not appear, the case proceeded without him. A motion for reconsideration was filed and granted. A second hearing was held on May 18, 1995. My understanding of the outcome of that hearing was that the property was going to be returned to the parcel outlines as
they were on or around March 24, 1988 (of course this would not effect the status
of the agricultural easement record with the State of Maryland).

It is my understanding that by deeds filed in the Land Records of Baltimore County on October 6, 1995 and January 31, 1996, the property to the north and to the south of Belmont Road is as it was on March 24, 1988

The Amended Request:
JAN 3, 1996
On (Date?), Jim Andersen filed on behalf of Richard and Mary Maffezzoli and Patricia A. Ward, a petition for special hearing before the zoning commissioner
The request was to allow the reconfiguration of the lot lines for agricultural
purposes within the tract boundaries of two existing contiguous RC-2/RC4 record
lots (or a portion of one lot of record) and the allocation to the remaining 56.242
acre parcel of one of the permitted RC-2 building rights

Recommendation:

This office has no recommendation regarding the appropriateness of the above request. However, it should be noted that there is a request before the Development Review Committee (DRC) to allow this transfer to occur as a lot

line
adjustment If a lot line adjustment is granted, there will be no review of the new
line of division and no development plan on record. We are requesting that if this
zoning request is granted, a restriction be placed in the order that indicates that
even if a lot line adjustment is granted by the DRC, the Zoning Review section of
PDM will require an overall FDP be filed and approved pursuant to Section 1A00.4 of the Baltimore County Zoning Regulations (BCZR).

The one thing that needs to be understood above all else, is that the original
parcel of ground shown on Diagram "B" that has Belmont Road running through it, must not have more than five (5) R.C.-2 dwellings on it.

c: Nancy West, Law Office

MICROFILMED

TO: Tim Dugan, Office of Planning
FROM: Elise A. Butler, Landmark's Preservation Commission
DATE: November 21, 1995
RE: Maffezzoli Property, Worthington Valley

In the November 9, 1995, meeting of the Landmark's Preservation Commission (the "Commission"), the Commission became aware of a proposed non-density transfer of 31.479 acres of land (from a total of 81.479), located in the Worthington Valley National Historic Register District from Richard Maffezzoli and wife to Patricia Ward. The Commission has several concerns about the impact of the transfer on the National Register Historic District and local landmark structures.

Specifically, the Commission is concerned that if the transfer of the 31.479 acres is permitted, the Maffezzoli's will attempt to assert the right to develop the remaining 50 acres in their possession. A logical place within the remaining 50 acres upon which the Maffezzoli's would attempt to develop is a highly visible ridge. In the event this ridge is developed, there is no existing vegetation to act as screening, and the dwelling would be visible from three directions: Worthington Avenue, Tufton Avenue and Butler Road. The impact of such a dwelling on both the National Register Historic District and local landmark structures would be detrimental.

In the course of reviewing the Maffezzoli's request, the Commission in its November meeting questioned and objected to the characterization of the transfer of the 31.479 acres as a **non-density** transfer. The reason for the Commissions objection was because there are two existing dwellings on 31.479 being transferred. **Only one house is permitted on the RC-2 portion of the 81.479 acres, which includes the ridge and the land where the existing houses are located.**

As there are two houses (assuming one house is a tenant house) already on the RC-2 portion of the 81.479 acres, there are no available building rights. The transfer of the 31.479 aces to the Wards is exactly the opposite of a non-density transfer because the Maffezzoli's are conveying that acreage, along with existing dwellings, which use all the density on the entire portion of the 81.479 zoned RC-2. Consequently, the 50 acres will have no available density as a result of the transfer.

If the Maffezzoli's cannot build an additional dwelling on the RC-2 portion of their property before the transfer of the 31.479 acres, they should not be able to accomplish that end as a result of the transfer.

The Commission feels strongly that the transfer of the 31.479 acres with two houses should not result in the creation of a development right on the remaining 50 acres, and therefore, the Commission submits the following comments and recommendations:

1. The transfer of the 31.479 acres is appropriate **only** if there is no density on the remaining Rc-2 portion of the 50 acres as a result;
2. The Hearing Officer expressly includes a finding that the transfer will result in no density onRC-2 portion the 50 acres in any Final Order, and the non-density restriction be recorded and indexed under the owner's name among the Baltimore County Land Records;
3. The Hearing Officer only hear and make a final determination on the non-density transfer issue submitted by the Maffezzoli's before considering any requests by the Wards to transfer density on their property located on the South side of Belmont Avenue to the North Side; and
4. In the event the present request by the Maffezzoli's results in a density right on the RC-2 portion of the 50 acres, the Commission recommends that the highly visible and historically sensitive ridge remain free of development.

APPEAL

Petition for Special Hearing
S/S Belmont Road
2,050' W of Tufton Avenue
3501 Belmont Road
4th Election District - 3rd Councilmanic District
Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
Case No. 96-169-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheet

Petitioner's Exhibits: 1 - Site Plan to Accompany Petition for Special Hearing
2 - Subdivision Plat to Accompany Petition for Special Hearing

Deputy Zoning Commissioner's Order dated February 26, 1996 (Granted with Restrictions)

Notice of Appeal received on May 2, 1996 from Barry J. and Carol E. Renbaum with an attached letter from Nancy C. West to Tim Kotroco dated March 25, 1996.

c: *Mr. & Mrs. Barry Renbaum, Brydonwood, P.O. Box 35, Glyndon, MD 21071
James R. Andersen, Esquire, 105 W. Chesapeake Avenue, Suite 300, Towson, MD 21204
Dr. and Mrs. Richard D. Maffezzoli, 3501 Belmont Road, Glyndon, MD ~~21136~~ 21071
Ms. Patrica A. Ward, 13860 Wellington Trace, #12, Wellington, FL 33414
Dr. John Bernstein, Executive Director, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402
Mr. George M. Durrett, 123 St. Thomas Lane, Owings Mills, MD 21117
Nancy West, Esquire, Baltimore County Office of Law
Catherine Milton, PDM
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy M. Kotroco, Deputy Zoning Commissioner
Catherine Milton, PDM
Arnold Jablon, Director of PDM

✓E

(F)

RE: 96-169-SPH Sagamore Farms (R. Maffezzoli and P. Ward - Petitioners)

T/C from Barry Renbaum 526-1456

5/06/96 -Telephoned regarding his appeal which was filed on Friday, 5/03/96 from a February decision of the Zoning Commissioner in the above matter. Realizes that appeal is beyond the 30-days allowed. However, will be submitting a Request for Hearing and Memo in support of his appeal. Requests that the Board not dismiss his appeal until such time as this is filed. (Advised him to send copy to Counsel for Petitioners upon submittal to Board.) /kcw

5/10/96 - LTR. FROM RENBAUM - REQUESTING HEARING MEMO - 5/16/96

MICROFILMED

APPEAL

Petition for Special Hearing
S/S Belmont Road
2,050' W of Tufton Avenue
3501 Belmont Road
4th Election District - 3rd Councilmanic District
Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
Case No. 96-169-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

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Deputy Zoning Commissioner's Order dated February 26, 1996 (Granted with Restrictions)

Notice of Appeal received on May 2, 1996 from Barry J. and Carol E. Renbaum with an attached letter from Nancy C. West to Tim Kotroco dated March 25, 1996.

c: James R. Andersen, Esquire, 105 W. Chesapeake Avenue, Suite 300, Towson, MD 21204
Dr. and Mrs. Richard D. Maffezzoli, 3501 Belmont Road, Glyndon, MD 21136
Ms. Patrica A. Ward, 13860 Wellington Trace, #12, Wellington, FL 33414
Dr. John Bernstein, Executive Director, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402
Mr. George M. Durrett, 123 St. Thomas Lane, Owings Mills, MD 21117
Nancy West, Esquire, Baltimore County Office of Law
Catherine Milton, PDM
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy M. Kotroco, Deputy Zoning Commissioner
Catherine Milton, PDM
Arnold Jablon, Director of PDM

RICHARD MAFFEZZOLI, ET AL
(Sagamore Farms)

96-169-SPH

No. 3-C-96-010557

February 26, 1995	Petition for Special Hearing filed by James R. Anderson, Esquire, on behalf of Patricia A. Ward, Legal Owner, and Richard D. and Mary C. Maffezzoli, to approve reconfiguration of lot lines for agricultural purposes within the tract boundaries of two existing contiguous RC-2/RC-4 record lots (or a portion of one lot of record) and allocation to the remaining 56.242 acre parcel of one of the permitted RC-2 building rights.
November 30	Hearing held on Petition by the Zoning Commissioner.
February 26, 1996	Order of the DZC in which Petition for Special Hearing was GRANTED with Rs.
March 25	Letter from Nancy C. West, Asst. County Attorney, requesting an amendment to the DZC's Order of February 26, 1996.
May 2	Notice of Appeal filed by Barry and Carol Renbaum.
May 15	Motion to Dismiss filed by James Anderson, Esquire, on behalf of Petitioners.
May 16	Respondent's Brief and Appendix filed by B. Renbaum.
May 22	Revised Brief filed by Barry J. Renbaum.
May 23	*Motion to Dismiss filed by Virginia Barnhart, County Attorney, and Nancy West, Asst.* County Attorney, on behalf of Baltimore County, MD.
June 5	Hearing before the Board on Motions. George Nilson entered appearance at hearing on behalf of Appellants; submitted Memorandum in Opposition to Motions to Dismiss. -Board held matter sub curia; to await communication from parties as to status and possibility of resolving issues. (No additional testimony or evidence taken.)
June 6	Letter from James Anderson, Esquire, on behalf of Petitioners transmitting copy of 11/30/95 D.Z.C. transcript. Also indicating that resolution does not seem likely and requesting ruling by Board on Motion to Dismiss.
August 8	Deliberation conducted by the Board.
September 23	Ruling on Motions to Dismiss issued by the Board; Motions to Dismiss brought by the Petitioners and Baltimore County were GRANTED.
October 16	Petition for Judicial Review filed in the CCt for Baltimore County by Barry Renbaum and Carol Renbaum. (copy rec'd 11/21/96)
November 22	Certificate of Notice sent to interested parties.
January 15, 1997	Record of Proceedings and transcript of testimony filed in the Circuit Court for Baltimore County.
May 5	Order issued by the CCt; case DISMISSED; Motion to Dismiss filed by Maffezzoli is GRANTED. (Alfred L. Brennan, Sr., J.)

MICROFILMED

5/10/96 -Copy of letter to CBA; addressed to James R. Anderson, Esquire Counsel for Petitioners, from Barry J. Renbaum, Appellant, regarding said appeal.

5/15/96 -Motion to Dismiss filed by J. Anderson, Esquire, on behalf of Petitioners.

5/16/96 - Respondent's Brief and Appendix filed by B. Renbaum.

5/16/96 -Notice of Assignment for Motion Only Hearing scheduled for Wednesday, June 5, 1996 at 9:30 a.m. sent to following:

Barry J. Renbaum, et ux
James R. Andersen, Esquire
Dr. & Mrs. Richard D. Maffezzoli
Patricia A. Ward
George M. Durrett
Dr. John Bernstein
/Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
Catherine Milton /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney
Virginia W. Barnhart, County Attorney

5/22/96 -Revised Brief filed by Barry J. Renbaum; requests withdrawal of prior brief submitted 5/16/96 (cc notations to J. Anderson & N. West).

5/23/96 -Motion to Dismiss filed by Virginia Barnhart, County Attorney, and Nancy West, Asst. County Atty on behalf of Baltimore County, Md.

6/05/96 -Hearing before Board on Motions. George Nilson entered appearance at hearing on behalf of Appellants; submitted Memorandum in Opposition to Motions to Dismiss.
- After hearing argument on Motions, and at the request of the parties, Board held matter sub curia; to await communication from parties as to status and possibility of resolving issues which, if successful, would obviate need for ruling by Board.

6/06/96 -Letter from James Anderson on behalf of Petitioners transmitting copy of 11/30/95 zoning commissioner transcript. Also indicating that resolution does not seem likely and requesting ruling by Board on Motion to Dismiss.

6/28/96 -Notice of Deliberation sent to parties. Deliberation scheduled for Thursday, August 8, 1996 at 1:00 p.m.

8/08/96 -Deliberated; Motions to Dismiss GRANTED. Ruling on Motions to be issued by CBA. Appellate period to run from date of written Order. (RMB)

MICROFILMED

5/10/96 -Copy of letter to CBA; addressed to James R. Anderson, Esquire Counsel for Petitioners, from Barry J. Renbaum, Appellant, regarding said appeal.

5/15/96 -Motion to Dismiss filed by J. Anderson, Esquire, on behalf of Petitioners.

5/16/96 - Respondent's Brief and Appendix filed by B. Renbaum.

5/16/96 -Notice of Assignment for Motion Only Hearing scheduled for Wednesday, June 5, 1996 at 9:30 a.m. sent to following:

Barry J. Renbaum, et ux
James R. Andersen, Esquire
Dr. & Mrs. Richard D. Maffezzoli
Patricia A. Ward
George M. Durrett
Dr. John Bernstein
/Valleys Planning Council
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
Catherine Milton /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney
Virginia W. Barnhart, County Attorney

5/22/96 -Revised Brief filed by Barry J. Renbaum; requests withdrawal of prior brief submitted 5/16/96 (cc notations to J. Anderson & N. West).

5/23/96 -Motion to Dismiss filed by Virginia Barnhart, County Attorney, and Nancy West, Asst. County Atty on behalf of Baltimore County, Md.

6/05/96 -Hearing before Board on Motions. George Nilson entered appearance at hearing on behalf of Appellants; submitted Memorandum in Opposition to Motions to Dismiss.
- After hearing argument on Motions, and at the request of the parties, Board held matter sub curia; to await communication from parties as to status and possibility of resolving issues which, if successful, would obviate need for ruling by Board.

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8/08/96 -Deliberated; Motions to Dismiss GRANTED. Ruling on Motions to be issued by CBA. Appellate period to run from date of written Order. (RMB)

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

11/22/04

Case Number: 03-C-96-010557 AE
Date Filed: 10/16/1996
Status: Closed/Active
Case Flag:
Judge Assigned: To Be Assigned,
Location :

In The Matter Of: Barry Renbaum , Et Al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Case Folder ID	C96010557 :01
	C9610557
Reference Number	CASE#96-169-SPH

INVOLVED PARTIES

Type	Num	Name(Last First Mid Title)	Addr Str/End	Pty Addr	Disp Update	Entered
PET	001	Renbaum Barry			CT DO 05/05/97	10/16/96
			Party ID 0114299			
Mail		3921 Butler Road P O Box 326 Glyndon MD 21071	10/16/96			
Attorney		0010508 Andersen, James R			Removed 11/08/96	11/07/96
PET	002	Renbaum Carol			CT DO 05/05/97	10/16/96
			Party ID 0114300			
Mail		3921 Butler Road Glyndon MD 21071	10/16/96			

Attorney: 0010508 Andersen, James R Removed:11/08/96 11/07/96

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
ITP	001	County Board Of Appeals Of Baltimore County	Party ID: 0114301	CT DO 05/05/97	10/16/96

Mail: 400 Washington Avenue 10/16/96
Towson, MD 21204

Attorney: 0015133 West, Nancy C 10/16/96
Baltimore County Office Of Law
2nd Floor, Old Courthouse
400 Washington Avenue
Towson, MD 21204
(410)887-4420

ITP 002 Maffezzoli, Richard CT DO 05/05/97 11/04/96
Party ID: 0119113

Attorney: 0015685 Andersen, James R 11/08/96
Freeman, Wolfe & Greenbaum, P.A.
409 Washington Avenue
Suite 300
Towson, MD 21204
(410)321-8400

ITP 003 Maffezzoli, Mary CT DO 05/05/97 11/04/96
Party ID: 0119117

Attorney: 0015685 Andersen, James R 11/08/96
Freeman, Wolfe & Greenbaum, P.A.
409 Washington Avenue
Suite 300
Towson, MD 21204
(410)321-8400

ITP 004 Ward, Patricia CT DO 05/05/97 11/04/96
Party ID: 0119122

Attorney: 0015685 Andersen, James R 11/08/96
Freeman, Wolfe & Greenbaum, P.A.
409 Washington Avenue
Suite 300
Towson, MD 21204
(410)321-8400

CALENDAR EVENTS

Date	Time	Dur	Event Description	Text	SA	Jdg	Day	Of Notice	User ID
Result			ResultDt By Result Judge		Rec				
04/07/97	09 30A	02Q	Motion Hearing (Civil)			JNB	01 /01	03/13/97 BK	AS
Conclude			05/05/97 C J Byrnes						
04/22/97	09 30A	02Q	Civil Non-Jury Trial	Y		TBA	01 '01	JS	AS
Conclude			05/05/97 C						

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	User
05/05/97	DO	Decree or Order	CT	AFTER TRIAL/HEARING	

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned	J	10/16/96	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001000	Petition for Judicial Review filed by PET 001'002, Case No 96-169-SPH	10'16/96	10/16/96	PET001	TBA		05/05/97	DR AS
0001001	Answer	10/24/96	10/28/96	ITP001	TBA		05/05/97	PH AS
0001002	Answer ** filed by interested parties.Richard and Mary Maffezzoli and Patricia Ward	11/04/96	11/07/96	000	TBA		05/05/97	PH AS
0001003	Answer filed by Richard and Mary Maffezzoli	11/27/96	11/29/96	000	TBA		05/05/97	PH AS
0002000	Certificate Of Notice **	11/22/96	11/25'96	000	TBA		05/05/97	JBJ AS
0003000	Proceedings Before The County Board Of ** Appeal. Of Baltimore County (issued in error correction on	11/22/96	11/25/96	000	TBA		05/05/97	JBJ AS

#4000)

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0004000	Transcript of Record from Adm Agency **	11/22/96	01/13/97	000	TBA		05/05/97	JBJ AS
0005000	Notice - Recpt of Record of Proceedings ** copies sent.	11/22/96	01/13/97	000	TBA		05/05/97	JBJ AS
0006000	Notice of Appeal Sent	01/13/97	01/13/97	PET001	TBA		01/13/97	JBJ JBJ
0007000	Notice of Appeal Sent	01/13/97	01/13/97	PET002	TBA		01/13/97	JBJ JBJ
0008000	Notice of Appeal Sent	01/13/97	01/13/97	ITP001	TBA		01/13/97	JBJ JBJ
0009000	Notice of Appeal Sent	01/13/97	01/13/97	ITP002	TBA		01/13/97	JBJ JBJ
0010000	Notice of Appeal Sent	01/13/97	01/13/97	ITP003	TBA		01/13/97	JBJ JBJ
0011000	Notice of Appeal Sent	01/13/97	01/13/97	ITP004	TBA		01/13/97	JBJ JBJ
0012000	Notice of Appeal Sent	01/16/97	01/16/97	PET001	TBA		01/16/97	JBJ JBJ
0013000	Notice of Appeal Sent	01/16/97	01/16/97	PET002	TBA		01/16/97	JBJ JBJ
0014000	Notice of Appeal Sent	01/16/97	01/16/97	ITP001	TBA		01/16/97	JBJ JBJ
0015000	Notice of Appeal Sent	01/16/97	01/16/97	ITP002	TBA		01/16/97	JBJ JBJ
0016000	Notice of Appeal Sent	01/16/97	01/16/97	ITP003	TBA		01/16/97	JBJ JBJ
0017000	Notice of Appeal Sent	01/16/97	01/16/97	ITP004	TBA		01/16/97	JBJ JBJ
0018000	Transcript of Record from Adm Agency **	01/15/97	01/16/97	000	TBA		05/05/97	JBJ AS
0019000	Notice - Recpt of Record of Proceedings ** copies sent.	01/15/97	01/16/97	000	TBA		05/05/97	JBJ AS
0020000	Scheduling Order	01/16/97	01/16/97	000	TBA		01/16/97	JD JD
0021000	Request for Hearing on Motion to Dismiss Appeal. Filed by ITP002-Maffezzoli, Richard, ITP003-Maffezzoli, Mary, ITP004-Ward, Patricia	03/03/97	03/05/97	ITP002	TBA		05/05/97	JBJ AS
0022000	Motion To Dismiss Appeal Filed by ITP002-Maffezzoli, Richard, ITP003-Maffezzoli, Mary, ITP004-Ward, Patricia	03/03/97	03/05/97	ITP002	ALB	Granted	05/05/97	JBJ AS
0022001	Response To Motion To Dismiss Appeal and Motion To Extend Time To File Memorandum. Filed by PET002-Renbaum, Carol, PET001-Renbaum, Barry	03/05/97	03/07/97	PET002	TBA		05/05/97	JBJ AS

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0023000	Request for Hearing on Motion to Extend Time to File Memorandum Filed by PET001-Renbaum, Barry, PET002-Renbaum Carol	03/05/97	03/07/97	PET001	TBA		05/05/97	JBJ AS
0024000	Reply to Petitioners Response to Motion to Dismiss Appeal and Opposition to Motion to Extend Time to File Memorandum; Filed by ITP002-Maffezzoli, Richard, ITP003-Maffezzoli Mary, ITP004-Ward Patricia	03/10/97	03/12/97	ITP002	TBA		05/05/97	DA AS
0025000	Hearing Notice	03/13/97	03/13/97	000	TBA		03/13/97	BK Bk
0026000	Memorandum ** Filed by PET001-Renbaum Barry PET002-Renbaum Carol	03/12/97	03/14/97	PET001	TBA		03/14/97	PH PH
0027000	Open Court Proceeding April 7 1997 Hon Alfred L Brennan Sr Hearing had Defendant s Motion to Dismiss Appeal-granted.	04/07/97	04/07/97	000	ALB		05/05/97	JS AS
0028000	Notice of Appeal to COSA or COA * (9/16) Filed by PET001-Renbaum, Barry, PET002-Renbaum Carol	05/02/97	05/02/97	PET001	TBA		05/05/97	DFF AS
0029000	Invoice #5289 sent to Barry Renbaum	05/08/97	05/08/97	000	TBA			AS AS
0030000	sent docket entries to Board of Appeals	05/09/97	05/09/97	000	TBA			LC LC
0031000	Notice of dismissal of appeal** Filed by PET001-Renbaum, Barry, PET002-Renbaum, Carol	05/28/97	05/30/97	PET001	TBA			PH PH
0032000	Appeal Order to COSA or COA ** 9/24 Filed by PET001-Renbaum, Barry PET002-Renbaum, Carol	06/02/97	06/02/97	PET001	TBA			JBJ JBJ
0033000	Mandate dismissing Appeal**	06/10/97	06/10/97	000	TBA			PH PH
0034000	Appeal Order to COSA or COA ** 8/24	07/28/97	07/30/97	000	TBA			JBJ JBJ
0035000	Notice of Appeal to COSA or COA * (Voluntarily Dismiss Appellant s Appeal)	08/26/97	08/26/97	000	TBA			DFF DFF
0036000	Mandate from the COSA dismissing Appeal	09/15/97	09/15/97	000	TBA			PH PH
0037000	Open Court Proceeding March 18, 2004. Hon John O Hennegan Hearing had re Emergency Motions Barry Renbaum failed to appear Court orders a bond of $8 500,000 00 to be posted by March 22, 2004 If posted court grants Stay	03/18/04	03/18/04	000	JOH			RG RG

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	10/24/96	0	no	no	DANS	D	001	001
1YRT	One Year Tickle (Jud	CLOSED	10/16/97	365	no	no	DAAA	D	000	000
EXPU	Exhibit Pickup Notic	CLOSED	07/04/97	30	no	no			000	000
SLMH	Set List For Motions	CANCEL	03/05/97	0	no	no	SLMM	T	000	000
SLMM	Set List Motions Mar	DONE	11/27/99	999	yes	yes	DANS	D	000	000
SLMR	Set List For Motions	CANCEL	03/25/97	22	no	no	SLMM	T	000	000
SLTR	Set List For Trial	DONE	10/24/96	0	yes	yes	1ANS	T	001	001

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By		ITP	001 County Board Of Appeals Of Ba					
000		B	RE ASSINGED NEW NU					

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track R1 Description EXPEDITED APPEAL TRACK Custom Yes
Assign Date 01/16/97 Order Date 01/16/97
Start Date 01/16/97 Remove Date

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD Rule 2-322(		01/31/97	05/05/97	CLOSED
All Motions (excluding Motions in Limine		03/13/97	05/05/97	CLOSED
TRIAL DATE is	04/22/97	04/16/97	05/05/97	CLOSED

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258

05/09/97

Case Number: 03-C-96-010557 AE
Date Filed: 10/16/96
Status: Closed/Active
Reference Number: Case#96-169-SPH
Judge Assigned: To Be Assigned,

In The Matter Of: Barry Renbaum , Et Al

C A S E H I S T O R Y

RECEIVED
COUNTY BOARD OF APPEALS
97 MAY 12 PM 1:09

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	Case#96-169-SP

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
PET	001	Renbaum, Barry 3921 Butler Road P.O.Box 326 Glyndon, MD 21071 Attorney: 0010508 Andersen, James R — Removed: 11/08/96	CT DO 05/05/97	10/16/96
PET	002	Renbaum, Carol 3921 Butler Road Glyndon, MD 21071 Attorney: 0010508 Andersen, James R — Removed: 11/08/96	CT DO 05/05/97	10/16/96
ITP	001	County Board Of Appeals Of Baltimore County Attorney: 0015133 West, Nancy C Baltimore County Office Of Law 2nd Floor, Old Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-4420	CT DO 05/05/97	10/16/96
ITP	002	Maffezzoli, Richard Attorney: 0015685 Andersen, James R	CT DO 05/05/97	11/04/96

MICROFILMED

Mudd, Harrison & Burch
Jefferson Bldg Ste 300
105 W Chesapeake Ave
Towson, MD 21204
(410)828-1335

Type	Num	Name(Last,First,Mid,Title)	Dispo	Entered
ITP	003	Maffezzoli, Mary	CT DO 05/05/97	11/04/96
		Attorney. 0015685 Andersen, James R Mudd, Harrison & Burch Jefferson Bldg Ste 300 105 W Chesapeake Ave Towson, MD 21204 (410)828-1335		
ITP	004	Ward, Patricia	CT DO 05/05/97	11/04/96
		Attorney: 0015685 Andersen, James R Mudd, Harrison & Burch Jefferson Bldg Ste 300 105 W Chesapeake Ave Towson, MD 21204 (410)828-1335		

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Jdg	L Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
04/07/97	09:30A	002	yes	MOTN	JNB	01	/01	CON	C	05/05/97	JNB		03/13/97	
04/22/97	09:30A	002	yes	CIVI	TBA	01	/01	CON	C	05/05/97		P		

JUDGE HISTORY

JUDGE ASSIGNED	*Type*	*Assign Date*	*Removal RSN*
TBA To Be Assigned,	J	10/16/96	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Petition for Judicial Review filed by PET 001/002, Case No 96-169-SPH	10/16/96	10/16/96	TBA	PET001		05/05/97	DR AS
001001	Answer	10/28/96	10/24/96	TBA	ITP001		05/05/97	PH AS

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Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001002	Answer ** filed by interested parties,Richard and Mary Maffezzoli and Patricia Ward	11/07/96	11/04/96	TBA	000		05/05/97	PH AS
001003	Answer filed by Richard and Mary Maffezzoli	11/29/96	11/27/96	TBA	000		05/05/97	PH AS
002000	Certificate Of Notice **	11/25/96	11/22/96	TBA	000		05/05/97	JH AS
003000	Proceedings Before The County Board Of ** Appeals Of Baltimore County. (issued in error correction on #4000)	11/25/96	11/22/96	TBA	000		05/05/97	JH AS
004000	Transcript of Record from Adm Agency **	01/13/97	11/22/96	TBA	000		05/05/97	JH AS
005000	Notice - Recpt of Record of Proceedings ** copies sent.	01/13/97	11/22/96	TBA	000		05/05/97	JH AS
006000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	PET001	01/13/97	01/13/97	JH JH
007000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	PET002	01/13/97	01/13/97	JH JH
008000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	ITP001	01/13/97	01/13/97	JH JH
009000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	ITP002	01/13/97	01/13/97	JH JH
010000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	ITP003	01/13/97	01/13/97	JH JH
011000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	ITP004	01/13/97	01/13/97	JH JH
012000	Notice of Appeal Sent	01/16/97	01/16/97	TBA	PET001	01/16/97	01/16/97	JH JH
013000	Notice of Appeal Sent	01/16/97	01/16/97	TBA	PET002	01/16/97	01/16/97	JH JH
014000	Notice of Appeal Sent	01/16/97	01/16/97	TBA	ITP001	01/16/97	01/16/97	JH JH
015000	Notice of Appeal Sent	01/16/97	01/16/97	TBA	ITP002	01/16/97	01/16/97	JH JH
016000	Notice of Appeal Sent	01/16/97	01/16/97	TBA	ITP003	01/16/97	01/16/97	JH JH
017000	Notice of Appeal Sent	01/16/97	01/16/97	TBA	ITP004	01/16/97	01/16/97	JH JH
018000	Transcript of Record from Adm Agency **	01/16/97	01/15/97	TBA	000		05/05/97	JH AS
019000	Notice - Recpt of Record of Proceedings ** copies sent	01/16/97	01/15/97	TBA	000		05/05/97	JH AS
020000	Scheduling Order	01/16/97	01/16/97	TBA	000	01/16/97	01/16/97	JD JD

MICROFILMED

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
021000	Request for Hearing on Motion to Dismiss Appeal Filed by ITP002-Maffezzoli, Richard, ITP003-Maffezzoli, Mary, ITP004-Ward, Patricia	03/05/97	03/03/97	TBA ITP002			05/05/97	JH AS
022000	Motion To Dismiss Appeal Filed by ITP002-Maffezzoli, Richard, ITP003-Maffezzoli, Mary, ITP004-Ward, Patricia	03/05/97	03/03/97	ALB ITP002		Granted	05/05/97	JH AS
022001	Response To Motion To Dismiss Appeal and Motion To Extend Time To File Memorandum Filed by PET002-Renbaum, Carol, PET001-Renbaum, Barry	03/07/97	03/05/97	TBA PET002			05/05/97	JH AS
023000	Request for Hearing on Motion to Extend Time to File Memorandum. Filed by PET001-Renbaum, Barry, PET002-Renbaum, Carol	03/07/97	03/05/97	TBA PET001			05/05/97	JH AS
024000	Reply to Petitioners Response to Motion to Dismiss Appeal and Opposition to Motion to Extend Time to File Memorandum. Filed by ITP002-Maffezzoli, Richard, ITP003-Maffezzoli, Mary, ITP004-Ward, Patricia	03/12/97	03/10/97	TBA ITP002			05/05/97	DA AS
025000	Hearing Notice	03/13/97	03/13/97	TBA 000	03/13/97		03/13/97	BK BK
026000	Memorandum ** Filed by PET001-Renbaum, Barry, PET002-Renbaum, Carol	03/14/97	03/12/97	TBA PET001			03/14/97	PH PH
027000	Open Court Proceeding April 7, 1997 Hon. Alfred L. Brennan Sr Hearing had. Defendant's Motion to Dismiss Appeal-granted.	04/07/97		ALB 000			05/05/97	JS AS
028000	Notice of Appeal to COSA or COA * (9/16) Filed by PET001-Renbaum, Barry, PET002-Renbaum, Carol	05/02/97	05/02/97	TBA PET001			05/05/97	DFF AS
029000	Invoice #5289 sent to Barry Renbaum	05/08/97		TBA 000				AS AS
030000	sent docket entries to Board of Appeals	05/09/97		TBA 000				LC LC

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type
1YRT	One Year Tickle (Jud	CLOSED	10/16/97	365	no	no	DAAA	D
1ANS	1st Answer Tickle	CLOSED	10/24/96	0	no	no	DANS	D
SLTR	Set List For Trial	DONE	10/24/96	0	yes	yes	1ANS	T

MICROFILMED

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type
SLMM	Set List Motions Mar	DONE	11/27/99	999	yes	yes	DANS	D
SLMR	Set List For Motions	CANCEL	03/25/97	22	no	no	SLMM	T
SLMH	Set List For Motions	CANCEL	03/05/97	0	no	no	SLMM	T
EXPU	Exhibit Pickup Notic	CLOSED	07/04/97	30	no	no		

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 County Board Of Appeals Of Ba								
000		B	box 471/cbaTranscr		B			

DIFFERENTIATED CASE MANAGEMENT
TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom Yes
Assign Date. 01/16/97 Order Date . 01/16/97
Start Date : 01/16/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		01/31/97	05/05/97	CLOSED
All Motions (excluding Motions in Limine		03/13/97	05/05/97	CLOSED
TRIAL DATE is	04/22/97	04/16/97	05/05/97	CLOSED

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CV-4

CIRCUIT COURT FOR BALTIMORE COUNTY

RECEIVED
MAY 23 1996

SUZANNE MENSH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

FERNANDO ALVEREZ, et al.

Plaintiffs

Vs.

RICHARD MAFFEZZOLI, et al.

Defendants

Case Number 95/117/94CV100033

(X) Civil ( ) Criminal

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Carl Richards, Custodian of Records
Baltimore County Permits and Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

Serve On: County Attorney
Stanley J. Schapiro
Baltimore County Office of Law
400 Washington Avenue

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only
(X) Personally appear and produce documents or objects;

at 201 North Charles Street, Suite 1202, Baltimore, Maryland 21201
(Place where attendance is required)

on Monday the 24th day of June, 19 96, at 11:00 a.m./~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects:

See the attached Notice to Take Deposition Duces Tecum

Subpoena requested by (x) Plaintiff; ( ) Defendant; and any questions should be referred to:

Stephen A. Markey, III, 201 North Charles Street, Suite 1202, Baltimore, Maryland 21201
(Name of Party or Attorney, Address and Phone Number) (410) 625-8809

Date Issued 05/22/96

CLERK

Signature & Seal

NOTICE:

(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

( )—Served and copy delivered on date indicated below.
( )—Unserved, by reason of

Date: Fee: $

SHERIFF

Original and one copy needed for each witness

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FERNANDO J. ALVAREZ, et al.	* IN THE
Plaintiffs	* CIRCUIT COURT
v.	* FOR
RICHARD MAFFEZZOLI, et al.	* BALTIMORE COUNTY
Defendants	* CASE NO.: 95/117/94CV10033

* *

NOTICE TO TAKE DEPOSITION DUCES TECUM

Now comes the Plaintiff, Fernando Alvarez, by and through his attorneys, F. Kirk Kolodner, the law firm of Adelberg, Rudow, Dorf, Hendler & Sameth, Stephen A. Markey, III, and the Law Offices of Stephen A. Markey, III and hereby give notice pursuant to Rule 2-412 of the Maryland Rules of Civil Procedure that the Deposition of:

Carl Richards, Custodian of Records
Baltimore County Permits and Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

Serve On:
County Attorney Stanley J. Schapiro
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204

will be taken at 11:00 a.m., on Monday, June 24, 1996, at the Law Offices of Stephen A. Markey, III, 201 North Charles Street, Suite 1202, Baltimore, Maryland 21201 before an officer duly authorized by law, to continue from day to day thereafter until completed.

DOCUMENTS TO BE PRODUCED

1. A complete copy of the files and records relating to Baltimore County Zoning Commission case numbers: 89-52-SPH, V94-323-SPH, and 96-169-SPH, including but not limited to all telephone documentation, recordings, logs, notes, documents, telephone messages, recorded

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hearings or communications between any of the parties and Baltimore County or its agents or employees, all zoning violation notices and any other document which in any way relates to these three cases.

It is not necessary for the Custodian of Records to appear at the scheduled deposition provided a complete copy (certified as a complete copy) of the records requested is received on or before the date of the scheduled deposition.

STEPHEN A. MARKEY, III
Law Offices of Stephen A. Markey, III
201 North Charles Street, Suite 1202
Baltimore, Maryland 21201
(410) 625-8809

Alvarez CRBCP&DM.NOD

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10/21/94 5155-94
TO WCR
S-
File -

Baltimore County Government
Office of Law

400 Washington Avenue
Towson, MD 21204

(410) 887-4420
Fax (410) 296-0931

October 19, 1994

T. Rogers Harrison, Esquire
Mudd, Harrison & Burch
105 West Chesapeake Avenue, Suite 300
Towson, Maryland 21204

Re: Richard D. and Mary C. Maffezzoli
Sagamore Farms (Patricia A. Ward)
Case No. V-94-323-SPH

Dear Tom:

This office wishes to reschedule in the near term a meeting with your side as well as Wally Lippincott and other County personnel for the purposes of discussing suggested alternative solutions with a view toward resolving the alleged violations of area zoning criteria applicable to Sagamore Farms (see correspondence of September 7 and September 22, 1994). The meeting of October 4, 1994, had to be postponed so that a funeral could be attended by a necessary participant.

It is, of course, essential that a meeting be held to avoid a reactivation of proceedings for enforcement purposes.

Please advise as to your availability. Your cooperation and attendance is appreciated.

Very truly yours,

Michael McMahon
Assistant County Attorney

MMcM:sm

cc: Wally Lippincott
Stanley Schapiro
Arnold Jablon 1105
Kate Milton
Jim Thompson
Margaret Worrall

RECEIVED
OCT 20 1994
ZADM

RECEIVED FEB 17 1995

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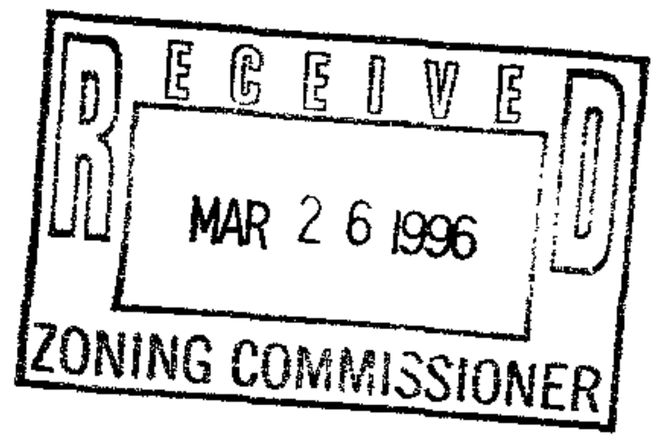
on Recycled Paper

Baltimore County
Office of Law

400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420
Fax: (410) 296-0931

March 25, 1996



Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
Courthouse, First Floor
400 Washington Avenue
Towson, Maryland 21204

RE: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No. 96-169-SPH

Dear Commissioner Kotroco:

In the course of reviewing your recent Findings Of Fact And Conclusions Of Law relative to the above-captioned matter, we noted some inaccuracies which we feel obliged to bring to your attention.

On Page 3 and continuing on Page 4 of your Opinion, it states:

> "It should also be noted that the 81-acre parcel originally sold to Dr. & Mrs. Maffezzoli contained two density units, one of which is already utilized by the dwelling known as 3501 Belmont Road. The remaining density unit will be retained by Dr. & Mrs. Maffezzoli as part of the 56.242 acre parcel they will retain after the lot line adjustment is accomplished." (Emphasis added.)

When Dr. and Mrs. Maffezzoli purchased the 81 acres, it contained only one R.C.-2 density (or dwelling) right. This right has already been used by the existing dwelling. This is more clearly shown on Petitioner's Exhibit No. 2 in the Site Data Chart. This is also why the Petition requested "the allocation to the remaining 56.242 acre parcel of one of the permitted R.C.-2 building rights." The reallocation of the R.C.-2 building right is from the south side of the road. The end result is that the R.C.-2 building rights are now four on the north side of Belmont and one remaining on the south side. Originally, only three rights had been allocated to the north side of Belmont (see Petitioner's Exhibit No. 2) and two were on the south side.

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Finally, we also bring to your attention the fact that Patricia Ward and not James Ward is co-owner of the property with Dr. Richard Maffezzoli and his wife. It was our understanding that Mrs. Ward authorized her husband, James, to appear at the hearing on her behalf.

We would respectfully request that the Order of February 26, 1996 be amended to reflect these changes.

Thank you for your assistance in this matter.

Sincerely yours,

Nancy C. West
Assistant County Attorney

NCW/jd

CC:
Catherine A. Milton
Wallace S. Lippincott, Jr.
Jeffrey Long
James Andersen, Esquire
Elise A. Butler, Esquire
John Bernstein, Esquire

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Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

May 6, 1996

James R. Andersen, Esquire
105 W. Chesapeake Avenue, Suite 300
Towson, MD 21204

Re: Petition for Special Hearing
S/S Belmont Road
2,050' W of Tufton Avenue
3501 Belmont Road
4th Election District
3rd Councilmanic District
Richard Maffezzoli, et ux,
and Patricia Ward - Petitioners
Case No. 96-169-SPH

Dear Mr. Andersen:

Please be advised that an appeal of the above-referenced case was filed in this office on May 2, 1996 by Barry J. and Carol E. Renbaum. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

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

Sincerely,

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:nmn

c: Dr. and Mrs. Richard D. Maffezzoli
Ms. Patricia A. Ward
Dr. John Bernstein
Mr. George M. Durrett
Nancy West, Esquire
Catherine Milton
People's Counsel

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 30, 1995

James Anderson, Esquire
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 96-169-SPH
Richard D. and Mary C. Maffezzoli, Petitioners

Dear Mr. Anderson:

This letter serves to confirm, and it has been agreed upon by counsel, that the continuance of the above captioned case will be scheduled for hearing on February 5 and 6, 1996 at 9:00 A.M. in Room 118 of the Court House. A copy of this letter has been sent to all interested parties.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Nancy C. West, Esquire, Office of Law
cc: Gwen Stephens, Docket Clerk
cc: Peoples Counsel
cc: All Protestants listed on the attached sign-in sheet

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 13, 1996

George A. Nilson, Esquire
PIPER & MARBURY
1100 Charles Center South
36 S. Charles Street
Baltimore, Maryland 21201

Re: Case No. 96-169-SPH
Richard Maffezzoli, et al

Dear Mr. Nilson:

The Board is in receipt of your June 7, 1996 letter regarding the above-referenced case. As you will recall, on June 5, 1996, the Board received argument from respective counsel on Motions to Dismiss. The record in this matter was closed at that time, except for the submittal of a copy of the transcript of the zoning hearing of November 30, 1995, which was received by the Board on June 6th.

Therefore, since the record in now closed, this is to inform you that the Board will not entertain further correspondence in this matter, and is therefore returning your letter of June 7th. The matter is concluded, and the Board is in the process of preparing for deliberation of the case. The record will not include the subject letter.

We are also returning to Mr. Anderson, by copy of this letter, his correspondence dated June 7, 1996, for the reasons as stated above.

Very truly yours,

Robert O. Schuetz

Robert O. Schuetz, Chairman
County Board of Appeals

Enclosure

cc: James R. Anderson, Esquire
Nancy C. West, Esquire
Peter Max Zimmerman, Esquire

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

May 22, 1996

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Nancy C. West
Assistant County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204

SUBJECT: PETITION FOR SPECIAL HEARING (Sagamore Farms)
Richard Maffezzoli, et ux and Patricia Ward - Petitioners
Case No. 96-169-SPH

Dear Ms. West:

In response to your letter dated March 25, 1996, and Mr. James R. Andersen's letter of March 29, 1996 concerning my decision in the above-captioned matter, the following comments are offered.

I have had an opportunity to review the contents of both your letter and Mr. Andersen's letter. I have also reviewed the substance of my decision dated February 26, 1996 as well as the contents of the case file. While a modification or amendment of my decision has not been requested, nor is it necessary, I do believe that a letter of clarification is appropriate under the circumstances.

In your letter, you pointed out to me certain language contained within Page 3 of my Order which caused you concern. I have reviewed that language and bring to your attention the language contained within the Prayer for Relief found on Pages 7 and 8 of my decision. That language supercedes the dicta contained within the body of my Order, and thus, is controlling. In my opinion, the language in the Prayer for Relief is consistent with the concerns raised in your letter of March 25, 1996, and thus, the Order issued February 26, 1996 shall stand in its original form.

Furthermore, this letter will acknowledge that Patricia Ward was the actual owner of the property at the time the hearing took place before me and that James Ward appeared and testified on her behalf.

Should you have any additional questions or need further clarification on any of these issues, please feel free to contact me.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: James R. Andersen, Esquire
105 W. Chesapeake Avenue, Suite 300, Towson, Md. 21204

Kate Milton, PDM; Case File

Baltimore County Government
Office of Zoning Administration
and Development Management

1 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Rodgers Harrison
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

Re: Case No. V-94-323-SPH
Sagamore Farms
4th Election District

Dear Mr. Harrison:

Assistant County Attorney Michael J. McMahon has informed this office that the referenced case scheduled for June 30, 1994 will have to be postponed. On that date his wife is scheduled to receive an award from the White House, and along with other members of his family he most certainly wants to be present for the occasion.

I will contact your office on Monday June 20, 1994 to coordinate a new hearing date.

Sincerely,

James H. Thompson
Zoning Enforcement Supervisor

JHT/sh

cc: Margaret Worrall, Executive Director
The Valleys Planning Council, Inc.

File

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Russell Klein
Adelberg, Rudow
2 Hopkins Plaza, Suite 600
21201
end of Order re:
copy Sagamore Farms

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 9, 1994

T. Rogers Harrison, Esquire
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

Re: Case No. V-94-323-SPH
Sagamore Farms
Patricia A. Ward
4th Election District

Dear Mr. Harrison:

In reply to your letter of August 30, 1994 and our telephone conversation later that week, I have had the opportunity to consult with Director Arnold Jablon. With your office now having the authority to represent Patricia A. Ward, the enforcement section is mailing the Petition for Special Hearing that we have been attempting to serve on her since February 25, 1994. At present, a public hearing date has not been established for this property. Prior to this action, we will contact your staff to avoid any future postponements pertaining to both your clients.

Sincerely,

JAMES H. THOMPOSN
Zoning Supervisor

JHT/hek

c: Margaret Worrell
The Valleys Planning Council, Inc.

Michael McMahon
Assistant County Attorney

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LAW OFFICES OF

STEPHEN A. MARKEY, III

201 NORTH CHARLES STREET
SUITE 1202
BALTIMORE, MARYLAND 21201-4116

STEPHEN A. MARKEY, III
GREGORY S. ANGST
OF COUNSEL

TE
(410)
FAC
(410) 62

April 24, 1996

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
Court House, First Floor
400 Washington Avenue
Towson, MD 21204

RECEIVED
APR 30 1996
ZONING COMMISSIONER

RE: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No.: 96-169-SPH

Dear Commissioner Kotroco:

Please be advised that this law firm and Kirk Kolodner, Paul A. Dorf, and the law firm of Adelberg, Rudow, Dorf, Hendler & Sameth, LLC represent Mr. Fernando Alvarez in a lawsuit directly relating to the property that is the subject of the above-referenced matter. Rather than explain the details of that lawsuit, enclosed please find a copy of my client's Amended Complaint and the Counter-Claim and Third-Party Complaint brought by the Maffezzolis. As you can see, this lawsuit involves the approximately 50 acres that was the subject of the violation in case number V94-323-SPH which apparently was dismissed following negotiations between the Office of Law and counsel for the Maffezzolis. The Office of Law was apparently not aware of the nature of the matter of Alvarez, et al. v. Maffezzoli, et al./Maffezzoli, et al. v. Alvarez and American Title when it agreed to resolve case number V94-323-SPH. Although it is my client's position that he is entitled to a full refund of any monies that he paid towards the installment contract to purchase the subject property, it is clear that all parties to that transactions were aware that my client had entered into the contract to build a residence which your most recent order prohibits without special exception.

Based on the Maffezzolis claim in the Circuit Court for Baltimore County, case number 95-117-94CV10032, my client is a party in interest to all proceedings involving the matter which you are currently presiding over. Therefore, I would ask that you please include my office on all future notices and orders issued in this matter.

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Thank you for your anticipated cooperation.

Very truly yours,

Stephen A. Markey, III

SAM:cae

Enclosures

cc: Kirk Kolodner, Esquire
Paul A. Dorf, Esquire
Kevin Kamenetz, Esquire
Nancy C. West, Esquire
James Andersen, Esquire

Alvarez\Kotroco

MICROFILME

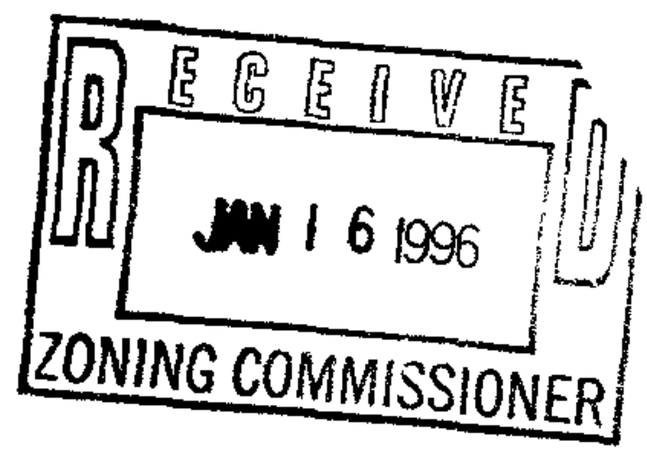
FOWLEY & BECKLEY, P.A.
ATTORNEYS-AT-LAW
11 EAST LEXINGTON STREET
FOURTH FLOOR
BALTIMORE, MARYLAND 21202-1759

EDWARD A. HALLE, JR.

(410) 547-1919
FAX: (410) 547-1928

January 15, 1996

Mr. Lawrence Schmidt
Zoning Commissioner's Office
400 Washington Avenue - Room 112
Towson, Maryland 21204



Re: Case Number 96169-SPH
3501 Belfast Road
Richard D. Maffezzoli
Our File Number: 6998/EAH

Dear Mr. Schmidt:

Please withdraw my entry of appearance in the above-captioned matter. I believe that the Valleys Planning Council, Inc. is currently being represented by another attorney in this matter.

Very truly yours,

Edward A. Halle, Jr.

EAH:rll

cc: Arnold Jablon, Esquire
Valleys Planning Council, Inc.
Attn: John Berstein

Gwen

this was a postponement in November! 11/30

Do you have the file?

Thor

FOWLEY & BECKLEY, P.A.
ATTORNEYS-AT-LAW
11 EAST LEXINGTON STREET
FOURTH FLOOR
BALTIMORE, MARYLAND 21202-1759

EDWARD A. HALLE, JR.

(410) 547-1919
FAX: (410) 547-1928

November 20, 1995

Mr. Lawrence Schmidt
Zoning Commissioner's Office
400 Washington Avenue - Room 112
Towson, Maryland 21204

RECEIVED
30 1995
ZONING COMMISSIONER

Re: Case Number 96169-SPH
3501 Belfast Road
Richard D. Maffezzoli
Hearing Date: November 30, 1995

Dear Mr. Schmidt:

Please enter my appearance in the above-captioned matter on behalf of the Valleys Planning Council, Inc.

Our position with respect to the above-captioned non-density transfer request is that all illegal subdivisions must be undone and the subject properties re-consolidated and properly re-recorded before any density transfer or "non-density transfer" may be entertained.

I plan to be present at the November 30, 1995 hearing and look forward to seeing you or someone from your office at that time.

Very truly yours,

Edward A. Halle, Jr.

EAH:rll

cc: Arnold Jablon, Esquire
Valleys Planning Council
Attn: John Bernstein

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

JOHN E. MUDD
T. ROGERS HARRISON
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUTTO

JAMES R. ANDERSEN
ELIZABETH A. CRABTREE
THOMAS P. DWYER

OF COUNSEL
WILLIAM T. RUSSELL, JR.

March 29, 1996

RECEIVED
APR - 3 1996
ZONING COMMISSIONER

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
400 Washington Avenue, First Floor
Towson, Maryland 21204

Re: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No.: 96-169-SPH

Dear Commissioner Kotroco:

I am writing in response to the March 25, 1996 correspondence from Nancy West to you. Although it may merely be an exercise in semantics, I am writing to voice my disagreement with Ms. West's position that all 5 RC-2 density units on the original tract were previously allocated and that for Dr. Maffezzoli to obtain an RC-2 development right, it would have to be transferred from the land on the south side of Belmont Road.

It is my client's position backed up by testimony at the hearing by Norman Gerber that density rights are probably not finally allocated until property is either transferred or a building permit is obtained. Originally, the entire tract supported five RC-2 density rights. The location of three of these rights have been determined through transfers of tracts of land on the north side of Belmont Road and the existence of a dwelling house that is not a tenant house. Therefore, two RC-2 density rights remain on the entire tract, and it is my clients' intention to allocate a fourth RC-2 density right to the property owned by Dr. Maffezzoli and his wife.

Again, this probably will not substantially affect your decision, but I did not wish for any silence on my behalf or my clients' behalf to constitute an acquiescence to the County's determination as to how Dr. Maffezzoli obtained an RC-2 density right.

I would also request that if you intend to amend your Order of February 26, 1996 (except to correct the statement that Patricia Ward - not James Ward - was the co-owner of the property), then I would request a brief hearing be set in so that I can further explicate my clients' position.

Very truly yours,

J. R. Ca

James R. Andersen

MICROFILMED

JRA/jeh
cc: Nancy West, Esquire

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
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JOHN E. MUDD
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUITTO

T. ROGERS HARRISON
(1949-1995)

JAMES R. ANDERSEN
THOMAS P. DWYER
CHRISTOPHER C. O'HARA

OF COUNSEL
WILLIAM T. RUSSELL, JR.
DELVERNE A. DRESSEL

May 1, 1996

RECEIVED
MAY - 2 1996
ZONING COMMISSIONER

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
400 Washington Avenue, First Floor
Towson, Maryland 21204

Re: Sagamore Farms
Petition for Special Hearing
Zoning Case No.: 96-169-SPH

Dear Commissioner Kotroco:

Pursuant to your Order dated February 26, 1996, enclosed please find copies of the Deeds recorded in the Land Records of Baltimore County on April 18, 1996.

If you have any questions or comments, please do not hesitate to call me.

Very truly yours,

James R. Andersen

JRA/jeh

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
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ANDREW JANQUITTO

T. ROGERS HARRISON
(1949-1995)

JAMES R. ANDERSEN
THOMAS P. DWYER
CHRISTOPHER C. O'HARA

OF COUNSEL
WILLIAM T. RUSSELL, JR.
DELVERNE A. DRESSEL

June 6, 1996

Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: 96-169 SPH

Dear Board Members:

As promised at the Motion's Hearing on June 5, 1996, I have enclosed a copy of the transcript of the zoning hearing on November 30, 1995. By copy of this letter, I have also delivered a copy of the transcript to George A. Nilson, Esq., the Renbaums' attorney. Please also be advised that negotiations between my clients and the Renbaums have been terminated, and I do not foresee an amicable resolution of the issues between the parties. Therefore, I am requesting that the Board rule upon the Motions to Dismiss filed by Baltimore County and my clients as expeditiously as possible.

Thank you for your consideration.

Very truly yours,

James R. Andersen

JRA/jeh
Enclosure
cc: George A. Nilson, Esquire
(Via facsimile - 539-0489)

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

JOHN E. MUDD
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUITTO

T. ROGERS HARRISON
(1949-1995)

JAMES R. ANDERSEN
THOMAS P. DWYER
CHRISTOPHER C. O'HARA

OF COUNSEL
WILLIAM T. RUSSELL, JR.
DELVERNE A. DRESSEL

June 7, 1996

TRANSMITTED BY FACSIMILE (410) 887-3180

Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No.: 96-169 SPH

Dear Chairman Scheutz and Members of the Board:

I feel compelled to respond to Mr. Nilson's letter dated June 7, 1996. I believe it to be wholly inappropriate to now assert additional arguments not made in any motion appropriately before the Board or at the hearing scheduled for the specific purpose of making such arguments, but rather, two days after the motions hearing, especially when the basis of such argument was known or should have been known by Mr. Nilson and the Renbaums prior to the hearing. I would submit that the Board of Appeals is constrained to render a decision on the Motions to Dismiss based on the arguments presented to it at the June 5, 1996 hearing and in documents filed by the parties prior to the hearing.

In any event, Mr. Nilson's implicit assertion that the notice for the November 30, 1995 hearing was improperly advertised is erroneous. Although Mr. Nilson intimates that Section 26-127 of the Baltimore County Code, which allows notice to be given "in at least one (1) newspaper of general circulation in the County," applies only to petitions for variances or special exceptions, an accurate reading of that Section clearly reveals that it applies to variances, special exceptions and interpretation of "the zoning regulations." See Baltimore County Code, §26-127(a). The original petition filed in the pending case falls squarely within that category. The reference in Section 26-127 to "any petition for such a variance or special exception", obviously refers back to language in the statute authorizing the zoning commissioner to "grant variances", "interpret the zoning regulations" and "make special exceptions." Therefore, the notice provided for the November 30, 1995 hearing was adequate.

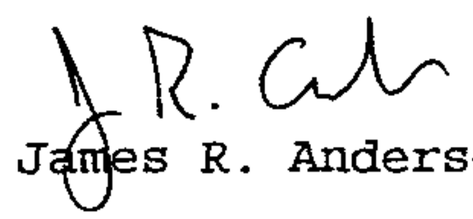
Mr. Nilson also incorrectly represents that a certificate of publication he attaches to his correspondence "represents the notice that was actually given prior to that hearing." In fact, the property was also properly posted with the notice of the hearing. Had my clients realized this was an issue, they would have submitted affidavits that, in fact, the sign was posted prior to the November 30, 1995 hearing in accordance with the Baltimore County Code and the Baltimore County Zoning Regulations. Further, Mr. Nilson's statement that the first hearing was only posted in one publication is not evidence in this case and not supported by affidavit from anyone familiar with the zoning file.

Finally, although it is merely stating the obvious, the reference by Mr. Nilson to certain rules of the Board of Appeals concerning re-advertising postponed hearings applies specifically to procedure before the Board of Appeals, and there are no such rules governing procedure before the zoning commissioner. In fact, as the Board is probably well aware, the practice by the zoning commissioner's office is <u>not to re-advertise</u> hearings that have been postponed if a date certain for the continuance of the hearing is set at the first hearing. Of course, as stated in argument before the Board, this practice, in light of no contravening statute or regulation, has been affirmed by the Court of Appeals of Maryland and by courts in other jurisdictions.

Based on the above, and the argument presented before the Board at the June 5, 1996 hearing, I respectfully request on behalf of my clients that the Motions to Dismiss be granted.

Thank you for your consideration.

Very truly yours,



James R. Andersen

JRA/jeh
cc: George A. Nilson, Esquire
(Via facsimile - 539-0489)

Nancy West, Esquire
(Via facsimile - 296-0931)

Dr. John Bernstein
Mr. George Durett
Peter Max Zimmerman, Esquire

PIPER & MARBURY
L.L.P.

CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3018
410-539-2530
FAX 410-539-0489

WASHINGTON
NEW YORK
PHILADELPHIA
EASTON
LONDON

GEORGE A. NILSON
(410) 576-1769
FAX: (410) 576-7695
gnilson@pipermar.com

June 7, 1996

VIA FACSIMILE

Board of Appeals of Baltimore County
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Petition of Barry and Carol Renbaum to Appeal Order of Zoning Commissioner in Zoning Case No. 96-169-SPH (Petition for Special Hearing S/S Belmont Road (3501 Belmont Road))

Dear Chairman Schuetz and Members of the Board:

I am writing to request the withdrawal of one part of the stipulation in the above-referenced case, which was heard before the Board of Appeals on June 5, 1996.

One of the stipulations in the record states that the November 30, 1995 hearing was properly advertised prior to the hearing date. However, it has come to our attention that the notice for said hearing was only published once in one newspaper. Furthermore, there has been some question as to whether the source of the notice requirement for a special hearing on "a proposed non-density transfer" is a Baltimore County zoning regulation or a section of the Baltimore County Code.

The two relevant provisions are set out below. The first, Section 500.7 of the Baltimore County Zoning Regulations, states that:

> ....With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the zoning commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing . If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county.... (emphasis added).

The second, Section 26-127 of the Baltimore County Code, is entitled **Authority of zoning commissioner to provide for special exceptions and variances** and reads:

> ....The zoning commissioner shall schedule a public hearing on any petition for such a variance or special exception for a date not less than twenty-one (21) nor more than ninety (90) days after the petition is accepted for filing. For a period of at least fifteen (15) days prior to the time of such a hearing, notice of the time and place of the hearing relating to the property under petition shall be conspicuously posted thereon and shall be given in at least one (1) newspaper of general circulation in the county.... § 26-127(a) (emphasis added).

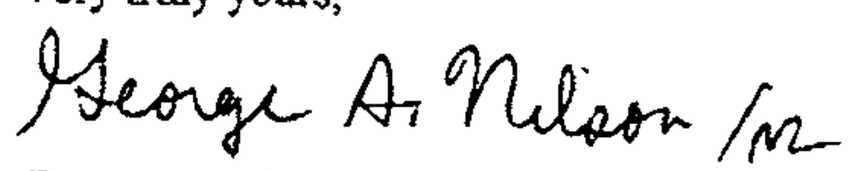
In light of this situation, we would request that the stipulation relative to notice for the November, 1995 hearing be removed from the record. In lieu of that stipulation, we agree that the attached document represents the notice that was actually given prior to that hearing.

In addition, in regard to the issue involving the amended petition, we would like to bring the Board's attention to the following sections of the Baltimore County Zoning Regulations:

> Petitions may be amended prior to the hearing only if said amendment takes place prior to the first public advertisement of the petition. [Board of Appeal Rule 9(d)(2)]
>
> All postponed hearings shall be readvertised.... [Board of Appeal Rule 9(e)(2)]

Thank you for your consideration.

Very truly yours,



George A. Nilson

Enclosure

cc: Barry and Carol Renbaum
James R. Anderson, Esquire (via facsimile)
Nancy C. West, Esquire
Dr. John Bernstein
Peter M. Zimmerman, Esquire
Mr. George Durett

Facsimile Transmission Sheet

PIPER & MARBURY
L.L.P.
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3018
410-539-2530
FAX: 410-539-0489

To:	Board of Appeals of Baltimore County
Company:	
Phone:	(410) 887-3180
Fax:	(410) 887-3182

From:	George N. Ilias
Phone:	
Fax:	
Date:	
Number of Pages (including fax sheet):	4

Original ☐ will / ☒ will not follow.

The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to the attorney-client or work product privilege, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U. S. Postal Service.

For internal use only:

If confirmation has not been received by 7:30 p.m., Support Services should:

- ☐ Send my facsimile to its recipient by courier for next day delivery, and notify me. *(Provide address and details on reverse of this form.)*
- ☐ Attempt to transmit fax until _____ *(please indicate time)*. If transmission not confirmed, please notify me.
- ☐ Continue faxing until 8:00 p.m. If transmission not confirmed, discontinue and notify me.

Signature _____

Comments:

Chas — Have this fax to us? K. 6/07

Called 6/07/96 1:58 PM - Spoke w/ Jess. Not familiar with this, yes fax was sent. Will l.m. a message of what was sent to us. Will fax GN's party. Kab.

96 JUN 7 PM 12:58

ADELBERG, RUDOW, DORF, HENDLER & SAMETH, LLC

ATTORNEYS AT LAW

600 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201

TELEPHONE
410-539-5195

TELECOPIER
410-539-5834

March 27, 1995

Mr. Tim Kotroco
Deputy Zoning Commissioner
Room 112, Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Alvarez, et al. v. Maffezzoli, et al.
Case No. 94CV10032
Our File No. 312-100

Sagamore Farms
Case No. V-94-323-SPH

Dear Mr. Kotroco:

This letter is a follow-up to our May 27, 1995, conversation concerning the Sagamore Farms subdivision. Since this firm is handling a matter related to this "subdivision," I would appreciate it if your office could inform me of the hearing date for the Motion for Reconsideration granted to T. Rogers Harrison, Esquire.

Thank you for your cooperation on this matter.

Very truly yours,

Russell Alion

Russell G. Alion

RGA/lar
cc: Mr. Fernando J. Alvarez
Kevin B. Kamenetz, Esquire

075s/alv-kotr

RECEIVED
MAR 28 1995
ZONING COMMISSIONER

MICROFILMED

Mr. and Mrs. Barry Renbaum
Brydonwood
P.O. Box 305
Glyndon, Maryland 21071

May 2, 1996

Mr. Arnold Jablon, Director
PERMITS AND DEVELOPMENT MANAGEMENT
111 W. Chesapeake Avenue - Room 111
Towson, Maryland 21204

RE: *Sagamore Farms*
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No, 96-169-SPH

RECEIVED
MAY
PDM

PETITION TO APPEAL ZONING ORDER

Dear Director Jablon:

On February 26, 1996, Timothy M. Kotroco, Deputy Zoning Commissioner, issued an Order respecting the above-captioned Petition granting Petitioners request, subject to several restrictions, to reconfigure various lot lines within the Sagamore tract that will have a direct bearing on the future development potential of Sagamore Farms, the recognized centerpiece of the Greenspring and Worthington Valleys.

The Findings of Fact embodied in the Order contain several material factual errors respecting such significant issues as: (1) the original number of density units on the Maffezzoli tract when purchased from Patricia Ward; (2) the proper identification of various reallocated building rights between various tracts on the farm; (3) the ultimate distribution of building rights between the north side and south sides of Belmont; (4) the accurate identification of the property owners.

It was the significance of these factual errors, apparantly, that precipitated the Baltimore County Office of Law, on March 25, 1996, to request Deputy Zoning Commissioner Kotroco to issue an Amended Order incorporating accurate findings of fact in support of his conclusions of law.[1]

[1] Appended herein is the request of Nancy C. West, Assistant County Attorney, Baltimore County Office of Law, dated March 25, 1996, referencing the factual errors supporting the Order, and requesting an Amended Order incorporating an accurate presentation of the facts.

MICROFILMED

It is our position that the March 25, 1996 request by the Baltimore County O. Law to amend Mr. Kotroco's Order of February 26, 1996, constituted sufficent lega. grounds to place in abeyance the thirty-day appellate period and thus entitle the filing c request for an appeal as timely.

In the alternative, we maintain that the Order of February 26, 1996, is facially defective and consequently unenforceable inasmuch as incorrect factual findings cannot support either the resulting conclusions of law or the ensuing Order.

Accordingly, as adjoining property owners of Sagamore Farms, and residents of the Fourth District, we respectfully request that you grant our request to appeal the captioned zoning case.

Respectfully submitted,

Barry J. Renbaum

BARRY J. RENBAUM

Carol E. Renbaum

CAROL E. RENBAUM

Mr. and Mrs. Barry Renbaum
Brydonwood
P.O. Box 305
Glyndon, Maryland 21071

May 2, 1996

Mr. Arnold Jablon, Director
PERMITS AND DEVELOPMENT MANAGEMENT
111 W. Chesapeake Avenue - Room 111
Towson, Maryland 21204

RECEIVED
2
PDM

RE: *Sagamore Farms*
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No, 96-169-SPH

PETITION TO APPEAL ZONING ORDER

Dear Director Jablon:

On February 26, 1996, Timothy M. Kotroco, Deputy Zoning Commissioner, issued an Order respecting the above-captioned Petition granting Petitioners request, subject to several restrictions, to reconfigure various lot lines within the Sagamore tract that will have a direct bearing on the future development potential of Sagamore Farms, the recognized centerpiece of the Greenspring and Worthington Valleys.

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It was the significance of these factual errors, apparantly, that precipitated the Baltimore County Office of Law, on March 25, 1996, to request Deputy Zoning Commissioner Kotroco to issue an Amended Order incorporating accurate findings of fact in support of his conclusions of law.[1]

[1] Appended herein is the request of Nancy C. West, Assistant County Attorney, Baltimore County Office of Law, dated March 25, 1996, referencing the factual errors supporting the Order, and requesting an Amended Order incorporating an accurate presentation of the facts.

It is our position that the March 25, 1996 request by the Baltimore County Office of Law to amend Mr. Kotroco's Order of February 26, 1996, constituted sufficent legal grounds to place in abeyance the thirty-day appellate period and thus entitle the filing of this request for an appeal as timely.

In the alternative, we maintain that the Order of February 26, 1996, is facially defective and consequently unenforceable inasmuch as incorrect factual findings cannot support either the resulting conclusions of law or the ensuing Order.

Accordingly, as adjoining property owners of Sagamore Farms, and residents of the Fourth District, we respectfully request that you grant our request to appeal the captioned zoning case.

Respectfully submitted,

Barry J. Renbaum

BARRY J. RENBAUM

Carol E. Renbaum

CAROL E. RENBAUM

May 10, 1996

HAND DELIVERED

Mr. James R. Andersen, Esquire
MUDD, HARRISON & BURCH
Jefferson Building - Suite 300
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION TO APPEAL

Sagamore Farms
Richard Maffezzoli, et. ux and
Patricia Ward
Zoning Case No: 96-169-SPH

Dear Mr. Andersen:

This letter is to advise you that on May 2, 1996 I filed a petition to appeal the decision rendered by Commisioner Kotroco pursuant to the February 5,1996 proceedings conducted in the above-captioned case.

The primary contention of the Respondents is that the hearing on February 5, 1996 was conducted in violation of the rules and regulations of the Baltimore County Code and in derogation of fundamental tenets of due process. Accordingly, Respondents maintain that the Order issued by Commissioner Kotroco on February 26, 1996 is null and void as a matter of law and should be set aside by the Board of Appeals. Towards this end I am requesting that a hearing be scheduled to entertain my appeal petition and I understand that a hearing on the issue will be likely be scheduled.

Respecting the May 13, 1996 auction date for the Maffezzoli parcel, I respectfully suggest that you consider the advisability of counseling your clients to either postpone the auction during the pendency of the appeal petition or, in the alternative, make an appropriate disclosure to registered bidders respecting the current status of the case

However, in the event any transfers of land take place prior to the final resolution of the appeal petition, Respondents will vigorously protest any reference by Petitioners suggesting their good faith reliance on the Order issued by Commissioner Kotroco.

Very truly yours.

Barry J. Renbaum

BARRY J. RENBAUM,
RESPONDENT
3921 Butler Road
Glyndon, Maryland 21071

Brydonwood
3921 Butler Road
Glyndon, Maryland

HAND DELIVERED
May 23, 1996

Ms. Kathleen C. Bianco
Administrative Assistant
County Board of Appeals,
Baltimore County
400 Washington Avenue
Towson, Maryland 21204

RE: RICHARD MAFFEZZOLI, ET UX AND PATRICIA WARD, PETITIONER
S/S Belmont Road (3501 Belmont Road)
4th Election District
3rd Councilmanic District

CASE NO. 96 - 169 - SPH

Dear Ms. Bianco:

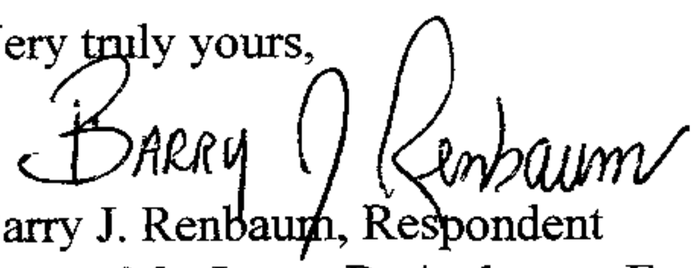
Yesterday I hand-delivered to your office and to counsel for both the Petitioners and Baltimore County a revised brief dated May 21, 1996 and a companion appendix (under separate cover). Unfortunately, my printer broke down as I was in the process of formatting the submission for reproduction and binding. Consequently, while the substance of the brief was unaffected, various organizational cross-references could not be finalized. Thus, I was presented with a dilemma: delay the submission of the revised brief, or hand in an aesthetically-flawed brief followed by a swift follow-up addressing the production technicalities. Given the late date, I chose the latter.

Accordingly, I am enclosing, under separate cover and with appropriate instructions, what I believe will provide a simple remedy. I believe that the enclosures will facilitate and accommodate all parties prior to and during the oral argument scheduled for the June hearing.

I apologize for any added inconvenience caused by this supplemental request and I will reimburse any affected parties, upon their request, for expenses incurred incident to this development.

I hereby certify that the text of this correspondence (with identical enclosures) is being hand-delivered today to the law offices of Mr. James R. Andersen, Esq. and Ms. Nancy C. West, Esq.

Very truly yours,



Barry J. Renbaum, Respondent
cc: Mr. James R. Andersen, Esq.
Ms. Nancy C. West, Esq.

Instructions

1. The enclosed Index Page can be inserted after the cover page and before page one of the brief. Double-coated scotch tape is enclosed for your convenience.

2. The exhibits referenced throughout the text of the brief have been typed onto a sheet of transparent labels and can be positioned directly over the handwritten references. The exhibits referenced on the label sheet are presented in horizontal order and in the same order as they appear in the brief.

3. A transparent sheet of labels contains the page numbers (presented horizontally) for the Appendix and can be positioned at the bottom of each page of the Appendix.

Enclosures:
(1) Index Page
(2) Double-coated scotch tape
(3) One sheet of transparent exhibit labels
(4) One sheet of transparent page labels

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A-9	A-10	A-11	A-12
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A-17	A-18	A-19	A-20
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A-29	A-30	A-31	A-32
A-33	A-34	A-35	A-36
A-37	A-38	A-39	A-40
A-41	A-42	A-43	A-44
A-45	A-46	A-47	A-48
A-49	A-50	A-51	A-52
A-53	A-54	A-55	A-56
A-57	A-58	A-59	A-60
A-61	A-62	A-63	A-64
A-65	A-66	A-67	A-68
A-69	A-70		

TO: Tim Dugan, Office of Planning
FROM: Elise A. Butler, Landmark's Preservation Commission
DATE: November 21, 1995
RE: Maffezzoli Property, Worthington Valley

In the November 9, 1995, meeting of the Landmark's Preservation Commission (the "Commission"), the Commission became aware of a proposed non-density transfer of 31.479 acres of land (from a total of 81.479), located in the Worthington Valley National Historic Register District from Richard Maffezzoli and wife to Patricia Ward. The Commission has several concerns about the impact of the transfer on the National Register Historic District and local landmark structures.

Specifically, the Commission is concerned that if the transfer of the 31.479 acres is permitted, the Maffezzoli's will attempt to assert the right to develop the remaining 50 acres in their possession. A logical place within the remaining 50 acres upon which the Maffezzoli's would attempt to develop is a highly visible ridge. In the event this ridge is developed, there is no existing vegetation to act as screening, and the dwelling would be visible from three directions: Worthington Avenue, Tufton Avenue and Butler Road. The impact of such a dwelling on both the National Register Historic District and local landmark structures would be detrimental.

In the course of reviewing the Maffezzoli's request, the Commission in its November meeting questioned and objected to the characterization of the transfer of the 31.479 acres as a **non-density** transfer. The reason for the Commissions objection was because there are two existing dwellings on 31.479 being transferred. **Only one house is permitted on the RC-2 portion of the 81.479 acres, which includes the ridge and the land where the existing houses are located.**

As there are two houses (assuming one house is a tenant house) already on the RC-2 portion of the 81.479 acres, there are no available building rights. The transfer of the 31.479 aces to the Wards is exactly the opposite of a non-density transfer because the Maffezzoli's are conveying that acreage, along with existing dwellings, which use all the density on the entire portion of the 81.479 zoned RC-2. Consequently, the 50 acres will have no available density as a result of the transfer.

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If the Maffezzoli's cannot build an additional dwelling on the RC-2 portion of their property before the transfer of the 31.479 acres, they should not be able to accomplish that end as a result of the transfer.

The Commission feels strongly that the transfer of the 31.479 acres with two houses should not result in the creation of a development right on the remaining 50 acres, and therefore, the Commission submits the following comments and recommendations:

1. The transfer of the 31.479 acres is appropriate only if there is no density on the remaining Rc-2 portion of the 50 acres as a result;
2. The Hearing Officer expressly includes a finding that the transfer will result in no density onRC-2 portion the 50 acres in any Final Order, and the non-density restriction be recorded and indexed under the owner's name among the Baltimore County Land Records;
3. The Hearing Officer only hear and make a final determination on the non-density transfer issue submitted by the Maffezzoli's before considering any requests by the Wards to transfer density on their property located on the South side of Belmont Avenue to the North Side; and
4. In the event the present request by the Maffezzoli's results in a density right on the RC-2 portion of the 50 acres, the Commission recommends that the highly visible and historically sensitive ridge remain free of development.

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COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
Case No. 96-169-SPH

DATE : August 8, 1996 @ 1:00 p.m.

BOARD /PANEL : Robert O. Schuetz (ROS)
Harry E. Buchheister, Jr. (HEB)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Among those present at the deliberation were James A. Anderson, Esquire, on behalf of Petitioners; and Nancy C. West, Assistant County Attorney, on behalf of Baltimore County.

PURPOSE --for public deliberation of matter on appeal in Case No. 96-169-SPH as to Motion to Dismiss filed by Counsel for Petitioners; oral argument received on June 5, 1996.

ROS: Good afternoon, ladies and gentlemen. We are here to deliberate the Motion for Dismissal in Case No. 96-169-SPH, Richard Maffezzoli, et ux, and Patricia Ward, Petitioners. As is customarily the Board's practice, one of us will go first. I always start with a statement that the official record has been closed as regards the Motion. And that what is going to happen here is not part of the official record, but only serves as a record that the Board has complied with the open meetings law.

I think Mr. Buchheister has consented to begin --

HEB: A Motion for Dismissal was filed by Mr. Anderson for the appeal taken from the Order of the Deputy Zoning Commissioner dated February 26, 1996 by Barry and Carol Renbaum. Their filing was made on May 2, 1996, 36 days after the last date upon which the notice would have been timely filed in accordance with the Board's rules. Mr. Renbaum submitted a Memorandum on May 19th in support of his appeal of the Order of the Deputy Zoning Commissioner. One of several issues he raises in his effort to justify his late appeal deals with an attempt by the Petitioner to develop Sagamore Farms in a series of illegally created subdivisions. Confusion created over the last several years as to what was the objective of Petitioner, agricultural or residential or both. Mr. Renbaum's particular concern was the manner in which Petitioner's #1 was prepared by Catherine Milton, planner for Baltimore County, at the request of PDM, specifically for the attention of the Zoning Commissioner; Mr. Renbaum set forth the background of the property -- zoning violations committed at Sagamore Farms. A hearing was set for November 30, 1995;

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was continued by Commissioner Schmidt to February 5, 1996, at the request of Petitioner to clear up obvious conflicts. Mr. Renbaum asserts in his Memorandum that Petitioner used this time of continuance to prepare and put a second petition to achieve red line reconfiguration for agricultural purposes. Mr. Renbaum faults the hearing because if a new petition, then it should have been published and posted. He claims that adjoining property owners were not notified.

Overall, the Petitioner appears to be encumbered with a number of complex and debatable zoning activities. Mr. Kotroco's Order in the Petition for Special Hearing to approve the reconfiguration of lot lines was granted with restrictions. It's my presumption that the Deputy Zoning Commissioner did in fact address the inquiries and concerns raised by Ms. Miller and Assistant County Attorney, Ms. West. I doubt that Mr. Kotroco's knowledge of zoning laws and regulations and his office's familiarity with the impact of the subject case would find him indifferent to the issues emanating from Sagamore Farms as raised by County officials. I have endeavored here to make it clear that as a member of the Board I recognize the sincerity of Mr. Renbaum in requesting an appeal in this matter. The rules of the Board of Appeals require that appeals be made within 30 days of the date of final action. The rules of the Board are occasionally waived under circumstances such as death and illness. Because of the untimely delay in the filing of this appeal, under circumstances that do not correspond with the exceptions occasionally made, and the strict enforcement of this 30-day time period, this appeal should be dismissed.

SDL: I agree with Mr. Buchheister that there is no question that the May 2, 1996 appeal of the Renbaums was filed after the 30-day limit. In their petition for appeal the of Order of the Deputy Zoning Commissioner, the Renbaums note on pages 6, 7 and 8 that the notice of the February 5th hearing on this matter before the Deputy Zoning Commissioner was not posted on the property or published and that protestants did not know about it, and their first knowledge of the hearings of November 30, 1995 and February 5, and by implication, the Deputy Zoning Commissioner's February 26th order, came on May 2nd, after seeing an auction sign on April 27 and investigating.

However, they state that notice of the initial November 30, 1995 hearing was posted and a sizeable crowd attended. Petitioners requested and were granted a continuance, and those at the November 30th hearing were notified by mail of the date. It's hard to understand how concerned adjoining landowners would not have known about the continuance date. I have read the transcript of the zoning commissioner's hearing on 11/30/95. In my opinion, the zoning commissioner made every reasonable effort to notify all interested parties. Everyone attending that date received notice; would not be

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necessary to repost the property because the hearing was opened and now continued. He asked for objections; there were none. Mr. Bernstein, representing the Valleys Planning Council, was present and would spread the word to members and other parties.

Mr. Nilson stated on June 5th that the Renbaums moved to their home in January of this year. They were not there in November of 1995. The first petition affected the property to the north side, and the second affected the property to the south side; that the County should have done what the Petitioner paid for -- posting and readvertising.

It's a complicated matter, but one important complication is that the Renbaums moved into the neighborhood one month before the February 5th hearing. Everyone in the neighborhood should have known about it; the Renbaums did not know because they had just moved in. The Zoning Commissioner made reasonable judgement call in my opinion. The neighborhood association and interested parties were properly notified, and had the opportunity to attend the February 1996 hearing. There's no question that the appeal was not timely filed, and I find there is not sufficient reason to deny the Motion for Dismissal. I would concur.

The Renbaums' petition made allegations of serious illegalities perpetrated by the Petitioners and errors in the Order. They have a remedy in the courts, but this Board is restricted from hearing the case by law.

ROS: I would only say that I am in complete agreement with my colleagues. I think that if there is a grain of truth to what has been alleged by the Renbaums, then I would say that the case has an awful odor to it, but nothing that this Board can consider. We are not here to find justice but adjudicate administrative matters. I found that the notice of appeal was not timely filed. Therefore, the Board has no choice but to dismiss the appeal.

Thank you all very kindly. There will be a written opinion and order which will be issued subsequent to this date. Any petition for judicial review will be taken from the date of that written Order.

* * * * * * * *

Respectfully submitted,

Kathleen C. Bianco

Kathleen C. Bianco
Legal Administrator

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MAR 28 1996

Baltimore County
Office of Law

400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420
Fax: (410) 296-0931

March 25, 1996

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
Courthouse, First Floor
400 Washington Avenue
Towson, Maryland 21204

RE: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No. 96-169-SPH

Dear Commissioner Kotroco:

In the course of reviewing your recent Findings Of Fact And Conclusions Of Law relative to the above-captioned matter, we noted some inaccuracies which we feel obliged to bring to your attention.

On Page 3 and continuing on Page 4 of your Opinion, it states:

"It should also be noted that the 81-acre parcel originally sold to Dr. & Mrs. Maffezzoli contained two density units, one of which is already utilized by the dwelling known as 3501 Belmont Road. The remaining density unit will be retained by Dr. & Mrs. Maffezzoli as part of the 56.242 acre parcel they will retain after the lot line adjustment is accomplished." (Emphasis added.)

When Dr. and Mrs. Maffezzoli purchased the 81 acres, it contained only one R.C.-2 density (or dwelling) right. This right has already been used by the existing dwelling. This is more clearly shown on Petitioner's Exhibit No. 2 in the Site Data Chart. This is also why the Petition requested "the allocation to the remaining 56.242 acre parcel of one of the permitted R.C.-2 building rights." The reallocation of the R.C.-2 building right is from the south side of the road. The end result is that the R.C.-2 building rights are now four on the north side of Belmont and one remaining on the south side. Originally, only three rights had been allocated to the north side of Belmont (see Petitioner's Exhibit No. 2) and two were on the south side.

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on Recycled Paper

Finally, we also bring to your attention the fact that Patricia Ward and not James Ward is co-owner of the property with Dr. Richard Maffezzoli and his wife. It was our understanding that Mrs. Ward authorized her husband, James, to appear at the hearing on her behalf.

We would respectfully request that the Order of February 26, 1996 be amended to reflect these changes.

Thank you for your assistance in this matter.

Sincerely yours,

Nancy C. West
Assistant County Attorney

NCW/jd

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2/5 no recording

Barry Kerlauer
Brydenwood
P.O. Box 326
Glyndon, MD 21071

96-169-SPH
Sagamore Farm

send copy of letter in response
on request to amend
filed by Law Office

16H2

5'-8"
wht female
dark curly hair
Around 140 lbs.
Mid 40's

Wht. frame
house
trimmed
in RED
on the
East side
of Belmont
Ave

Only 2 houses
on the road Belmont
Ave, this house does
have the swimming pool
immediately across from
the IN door RACE TRACK

Only 2 houses can
be seen

the Valleys
Planning Council, Inc.
212 Washington Ave
Towson, Maryland 21285-5402
337-6877
296-5409 FAX

Margaret
Worall
337-6877

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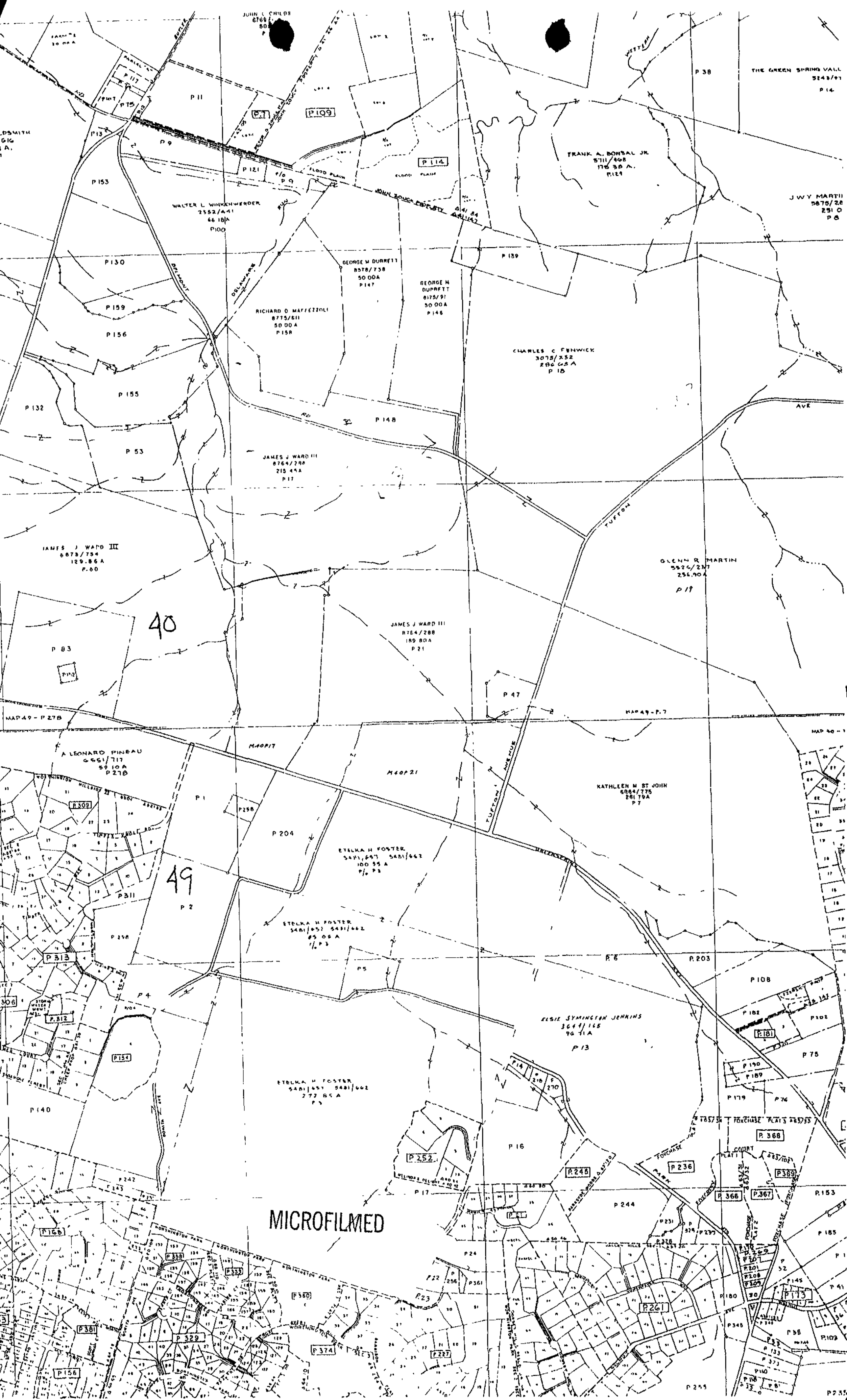
JOHN C CHILDS
P 11
P 109
P 114
P 9
P 121
P 153
WALTER L WINKELWEIDER
2552/441
66 18A
P100
FRANK A. BONSAL JR.
5711/468
175 38 A.
P.124
THE GREEN SPRING VALL
P 14
J W Y MARTI
5870/28
251 0
P 8
P 130
P 159
P 156
P 155
P 132
P 53
P 139
GEORGE M DURRETT
8578/738
50 00A
P147
GEORGE M DURRETT
8175/91
50 00A
P146
RICHARD D MAZZEZZOLI
8775/611
50 00 A
P158
CHARLES C FENWICK
3075/252
286 65A
P 18
P 148
JAMES J WARD III
8764/288
215 45A
P 17
JAMES J WARD III
6673/734
129.86 A
P.60
40
GLENN R MARTIN
5526/217
256.90A
P 19
JAMES J WARD III
8764/288
189 80A
P 21
P 83
P 47
MAP 49 - P 27B
MAP 49 - P.7
A LEONARD PINEAU
6551/717
59 10A
P 27B
M40P17
M40P21
KATHLEEN M ST JOHN
5064/775
281 79A
P 7
P 309
P 1
P 258
P 204
ETELKA H FOSTER
5481/657 5481/662
100 55 A
P 3
49
P 2
P 311
P 298
ETELKA H FOSTER
5481/657 5481/662
85 05 A
P 3
P 313
P 5
P 6
P 203
P 108
P 4
P 312
P 154
ELSIE SYMINGTON JENKINS
3644/165
96 71A
P 13
P 182
P 181
P 102
P 75
P 190
P 189
P 179
P 74
ETELKA H FOSTER
5481/657 5481/662
277 85 A
P 3
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P 252
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P 358
P 359
P 360
P 24
P 22
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P 227
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P 156
P 255
P 185
P 103
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DOG
PATCH

1361-95

RECEIVED
EXECUTIVE OFFICE
1995 MAR 20 P 4: 33

3021 Blackrock Road
Glyndon, MD 21071

March 17, 1995

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. V-94-323-SPH

Dear Mr. Kotroco:

On behalf of myself and several neighbors of Sagamore Farm, we were most distressed to read the attached article in the Valley Voice, March 1995 issue.

As you know, I was present and testified at the Sagamore hearing. You determined at that time that T. Rogers Harrison as legal representative of Patricia Ward and Richard and Mary Maffezzoli had ample notification of the hearing date and had elected not to appear. Therefore, you went on with the case as scheduled and promised those of us and the County Attorney, Michael McMahon, a timely order.

As was the testimony at the time of the hearing, more than 2 years has elapsed since the concern of an illegal subdivision was brought to the attention of Arnold Jablon by The Valleys Planning Council. Mr. Rogers has been involved in numerous meetings on the subject and is well aware of the situation just as he was aware of the scheduling of the hearing. If indeed his clients are not satisfied with your ruling, they have more than adequate measures by which to make an appeal.

I believe most strongly that this case has malingered as far as it should, and I urge you to make whatever decision you feel is appropriate without reopening the case unnecessarily.

Thank you for your attention to this matter.

Sincerely,

Margaret Worrall

Margaret Worrall

cc: C.A. Dutch Ruppersberger
T. Bryan McIntire
John Bernstein
Nancy C. West

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News Briefs

had been illegally subdivided on a 181-acre portion though the property's zoning allowed only three home lots.

Neighbors are worried about preserving the historic Sagamore Farms in Worthington Valley which is noted for its distinctive long-running white fences. The farm reached its zenith when Alfred Vanderbilt owned the 575-acre property from 1933 to 1987. Native Dancer, winner of the Preakness and Belmont Stakes in 1953 was boarded there until he died in1967.

Kotroko said he will give the Wards "a little more time" to resolve the violation before finalizing an order. "Afterall, the idea is to get them back into compliance," he said.

the Valley Voice

Sagamore Farms Owner Seeks Chance to be Heard

Compiled by Nancy Jones and Michael Ruby

A little more than a month ago, Deputy Zoning Commission Timothy Kotroko declared illegal an attempt to subdivide a section of Sagamore Farms in Worthington Valley.

Kotroko made the ruling after taking the unusual step of holding the hearing on the zoning violation without property owner Patricia Ward, wife of developer James J. Ward III, or her legal representative in attendance.

The zoning official, however, did not issue a written order because attorney T. Rogers Harrison, who represents the Wards, soon afterwards asked Kotroko to reconsider his ruling in light of efforts to amicably work out the situation with county legal authorities.

Now Kotroko says he will give the Wards an opportunity to present their side of the squabble at an as yet unscheduled hearing.

"We're still trying to work out a date suitable to all the parties," said Kotroko, explaining the reconsideration hearing. "Mr. Harrison said his clients want a chance to be heard. I have no problem with giving them their day in court."

Kotroko said he had gone ahead with the Jan. 31 hearing despite the lack of appearance by Harrison because sufficient notice had been given and the county has been trying for more than a year to resolve the illegal subdivision.

"The idea is to get them back into compliance."

—Timothy Kotroko

Harrison knew about the hearing and for one reason or another didn't show," said Kotroko. "He's now saying it was just a misunderstanding."

Efforts to contact Harrison were unsuccessful.

After listening to testimony from county planning and zoning staffers familiar with the Sagamore Farm subdivison, Kotroko made a ruling from the bench that five separate parcels

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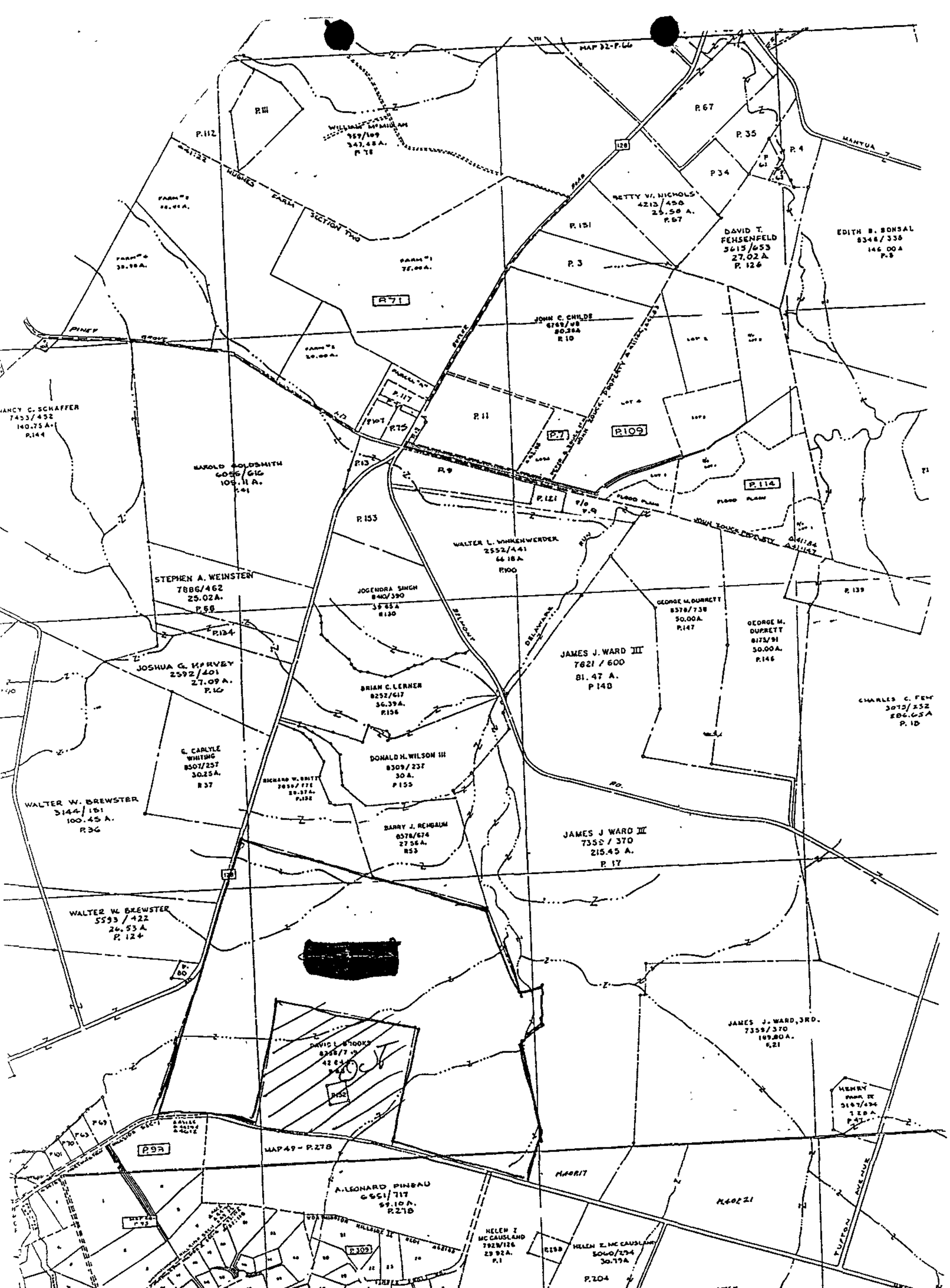
MAP 32-P.66
P.111
P.112
WILLIAM McMILLAN
959/109
343.48 A.
P.78
HUGHES FARM SECTION TWO
P.67
P.35
P.4
MANTUA
P.34
BETTY W. NICHOLS
4213/450
25.58 A.
P.67
P.151
DAVID T. FEHSENFELD
5615/653
27.02 A.
P.126
EDITH B. BONSAL
8348/338
146.00 A
P.8
P.3
P.71
JOHN C. CHILDS
6768/48
80.38A
P.10
PINEY GROVE
NANCY C. SCHAFFER
7433/452
140.75 A.
P.144
P.117
P.75
P.11
P.7
P.109
HAROLD GOLDSMITH
6056/616
109.11 A.
P.41
P.13
P.9
P.121
P.114
P.153
WALTER L. WINKENWERDER
2552/441
66.18 A.
P.100
STEPHEN A. WEINSTEIN
7886/462
25.02A.
P.66
JOGENDRA SINGH
8410/390
39.65 A
P.130
P.139
GEORGE M. DURRETT
8378/738
50.00A.
P.147
GEORGE M. DURRETT
8175/91
50.00A.
P.146
P.124
JOSHUA G. HARVEY
2592/401
27.09 A.
P.16
BRIAN C. LERNER
8252/617
36.39A.
P.156
JAMES J. WARD III
7821/600
81.47 A.
P.148
CHARLES C. FEH
3075/252
286.65A
P.10
G. CARLYLE WHITING
8507/257
30.25A.
P.37
DONALD H. WILSON III
8309/237
30 A.
P.153
WALTER W. BREWSTER
3144/161
100.45 A.
P.36
BARRY J. REHBAUM
8378/674
27.56A.
P.53
JAMES J WARD III
7359/370
215.45 A.
P.17
WALTER W. BREWSTER
5593/422
24.53 A.
P.124
P.80
JAMES J. WARD, 3RD.
7359/370
169.80 A.
P.21
HENRY
P.97
MAP 49 - P.278
A. LEONARD PINEAU
6651/717
59.10 A.
P.278
HARRIT
P.309
HELEN Z. MC CAUSLAND
7928/126
29.92 A.
P.1
HELEN Z. MC CAUSLAND
5060/294
30.79A
P.204
TUXTON AVENUE

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
John Bernstein	Valleys Planning Council Box 5402 Towson 21285 5402
Robert Sellers	ROG 4125 Worthington Ave Reisterstown 21136
anne Hackney	15115 Old Hanover Upperco, Md 21155
Charles Fenwick, SR.	3302 Belmont Rd Glyndon 21071
Donald Wilson	3919 Butler Rd. Reisterstown 21136
GEORGE M. DORRETT	3366 BELMONT AVE - Now
	* 123 ST. THOMAS LANE Present OWINGS MILLS, MD
	* PRESENT HOME
T. Courtenay Jenkins III	1720 Broadway Rd. Lutherville 21093.
" " "	3811 Belmont Av. Glyndon
Rev. Philip Rovlette	St. John's Episcopal Church
	Butler & Piney Grove Rds
	Glyndon MD 21071
Mr. J.W.Y. Martin	2700 Tuffton Ave. Glyndon 21071
C.P. Mc Cauland	3611 Worthington Ave 21071
MARY D'Ferdinandt (Interested Party)	PO Box 437 Monkton MD 21111
Charles Fenwick Jr.	Box 1, Butler MD 21023

RC-2, RC-3

2000 ~~Kathy Rattlog~~ Sandy

Sagamore

Deadline to file appeal

Oct 23 -

2614 Circuit Court

Richard Maffezzo

3 Months

Transcript

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NO EXHIBITS/SHEET PREPARED OR SUBMITTED

Motion Hearing only.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 6, 1995

T. Rogers Harrison, Esquire
Mudd, Harrison and Burch
105 West Chesapeake Avenue, Suite 300
Towson, Maryland 21204

Re: Case No. V-94-323-SPH
Sagramore Farms
4th Election District

Dear Mr. Harrison:

In response to Assistant County Attorney Michael McMahon's correspondence to you of November 29, 1994, the referenced case has been re-scheduled for January 31, 1995 at 2:00 p.m. in Room 118 of the Old Court House.

Since you already have possession of the Petition For Special Hearing and Summons as it relates to Patricia A. Ward, Richard D. and Mary C. Maffezzoli, those documents are not enclosed with this letter.

If additional questions remain, please contact this office at 887-3351.

Sincerely,

JAMES H. THOMPSON
Zoning Supervisor

JHT/hek

c: Margaret Worrell
The Valleys Planning Council, Inc.
Mary M. DiFerdinando
Central Maryland Farm Credit
Michael McMahon
Assistant County Attorney
Wilma J. Zimmerman, Assistant Chief
Real Estate Division
Wallace S. Lippincott
Environmental Protection
Catherine A. Milton
Development Control (ZADM)
Kathy Earnshaw

PETITIONER'S EXHIBIT 1

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THIS DEED, Made this 8th day of April, 1996 by and between RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, of the first part and PATRICIA A. WARD, of the second part.

WITNESSETH, That in consideration of the sum of Zero Dollars, the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, do grant and convey unto the said PATRICIA A. WARD, her personal representatives, successors and assigns, in fee simple, all that lot of ground, situate, lying and being in the Fourth Election District, Baltimore County and described as follows, that is to say:

(SEE EXHIBIT "A" ATTACHED)

BEING part of all that tract of land which by Deed dated June 6, 1995 and recorded among the Land Records of Baltimore County in Liber SM 11247, folio 57 was granted and conveyed by Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, to Richard D. Maffezzoli and Mary C. Maffezzoli, his wife.

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

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Patricia A. Ward, her personal representatives, successors and assigns, in fee simple.

And the said parties of the first part hereby covenant that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of the said grantors.

WITNESS:

Debra L. Schneider — RICHARD D. MAFFEZZOLI (SEAL)

Debra L. Schneider — Mary C. Maffezzoli MARY C. MAFFEZZOLI (SEAL)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JZ 4-18-96
By Date

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JZ DATE 4-18-96

DEED OF TRUST
AND SECURITY AGREEMENT

THIS DEED OF TRUST AND SECURITY AGREEMENT (this "Deed of Trust") is made this 30th day of December, 1994, by PATRICIA D. WARD also known as PATRICIA ANNE WARD, a resident of the State of Florida (the "Grantor"), to J. PAUL McNAMARA and JAMES G. TARDIFF, as Trustees (the "Trustees").

[illegible]	2.00
RECORDING FEE	75.00
RECORDATION T	4,000.00
TOTAL	4,077.00

Rcpt # BA04 Rcpt # 1317
SM JM Blk # 481
Jan 05, 1995 03:43 PM

RECITALS

A. The Grantor has requested that Sequoia National Bank, MD (the "Bank") make a revolving credit loan (the "Loan") to the Grantor in the principal amount not to exceed Eight Hundred Thousand Dollars ($800,000.00) at any time outstanding. The Loan will be evidenced by the Grantor's Revolving Credit Note of even date herewith (as the same may from time to time be extended, amended, restated, supplemented or otherwise modified, the "Note").

B. As a condition precedent to making the Loan to the Grantor, the Bank has required that the Grantor secure the payment and performance of all obligations of the Grantor arising out of or in connection with the Loan by the execution of this Deed of Trust.

NOW, THEREFORE, in consideration of the Loan and of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor grants and conveys unto the Trustees, their and each of their successor or successors in trust and assigns, in trust, all that land, together with the improvements now or hereafter constructed thereon (the "Land"), situate and lying in Baltimore County, Maryland, as more particularly described on Exhibit A attached hereto and incorporated herein by reference;

TOGETHER with all equipment, apparatus, machinery, fittings, appliances, furniture and furnishings, and other chattels and tangible personal property and replacements thereof, now or at any time hereafter affixed or attached to, incorporated in, placed upon, or in any way used in connection with the current or future construction, utilization, enjoyment, occupation, or operation of the Land; all building and construction materials and supplies of every kind, nature and description located on, at, or about the Land, whether or not yet incorporated into any building, structure, or improvement, or located elsewhere and not as yet delivered to the Land; all rights, benefits, profits, rents, and monies payable under, by reason of, or with respect to any restrictive covenants, easements, or agreements applicable to lands adjoining the Land, with the right to collect any sums of money at any time payable to the Grantor in consequence of such rights and benefits, including the release, modification, or amendment thereof; all of the proceeds of the voluntary or involuntary conversion of the real and personal property secured hereby or any part of such property into cash or liquidated claims, whether by way of condemnation, insured casualty, judgment or otherwise; all leases, rents, profits, and benefits with respect to the leasing of all or any portion of the Land, including any deposits of tenants to secure payment of the same and performance of the terms and conditions of any oral or written lease; all revenues and profits, accounts receivable and contract rights of any contract of sale, franchise or license agreement or management agreement for all or any portion of the Land, or for any business conducted thereon, including any deposits of purchasers to secure payment of the contract price; all of the Grantor's right, title and interest in and to all amounts that may be owing at any time and from time to time by the Bank to the Grantor in any capacity, including, but not limited to, any balance or share belonging to the Grantor of any deposit or other account with the Bank; and all fixtures of the Land; and

TOGETHER with all and singular the rights, alleys, ways, waters, easements, tenements, privileges, advantages, improvements, accessions, hereditaments, gaps, gores, accretions and appurtenances belonging or in any way appertaining to the Land and other property described herein, and the reversions and remainders, earnings, revenues, rents, issues and profits thereof, including any right, title or interest in any streets, roads, alleys, public areas or other property adjoining the Land, and any right, title, interest or estate hereafter acquired by the Grantor in the Land and other property described herein.

AMERICAN TITLE GUARANTEE CORPORATION
120 EAST BALTIMORE ST.
SUITE 1800
BALTIMORE MARYLAND 21202

MICROFILMED

LIBER 9363 PAGE 451

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

NO CONSIDERATION
NO STAMPS REQUIRED
NO TITLE SEARCH MADE

This Deed, MADE THIS 27th day of August.

in the year one thousand nine hundred and ninety two by and between

PATRICIA A. WARD

of Baltimore County, State of Maryland, of the first part, and

PATRICIA A. WARD

of the second part.

WITNESSETH, That in consideration of the sum of ZERO DOLLARS ($0.00)

the said PATRICIA A. WARD

do es grant and convey to the said PATRICIA A. WARD, her

personal representatives/successors and assigns , in fee simple, all that

lot of ground situate in Fourth Election District, Baltimore County, Maryland
and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION OF PARCEL 2.

...ation
...County
J. Wheddon 9/15/92
Date

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per
Authorized Signature
Date 9/11/92 Sec. 33-139 E

...R TAX
...DATE 9/15/92

MICROFILMED

THIS DEED, made this 15th day of December, in the year one thousand nine hundred and eighty-six, by and between Alfred Gwynne Vanderbilt of Nassau County, New York, of the first part, and James J. Ward, III of Baltimore County, Maryland, of the second part,

WITNESSETH, that in consideration of the sum of Four Million One Hundred Thousand Dollars ($4,100,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Alfred Gwynne Vanderbilt, does bargain, sell, grant and convey unto the said James J. Ward, III, his personal representatives and assigns, in fee simple, all those lots, tracts or parcels of ground situate in the Fourth Election District, Baltimore County, Maryland, and described as follows, to wit:

Parcel 1:

All that lot of ground situate in Baltimore County in the State of Maryland and described as follows:

Beginning at a stone at the end of the fifth line of the tract of land which by deed dated March 22, 1899 and recorded among the land records of Baltimore County in Liber N B M No. 237 folio 232 was conveyed by Sallie H. Conrad et al. to one Albert W. Fuss and wife and running thence on the outlines thereof the eleven following courses and distances: south eighty-five and one-half degrees west two hundred and fifty-four feet to a stone; north twenty-four degrees west ten hundred and forty feet to a post; north two and one-half degrees east thirteen hundred and fifty-three feet to a stone; north fifty-five and three-quarters degrees east two hundred and fifty-eight feet to a white oak tree; north fifty and one-half degrees east six hundred and twenty feet to a post on the southwest side of a road known as Fuss Avenue; thence on said southwest side north seventeen degrees west one hundred and seventy-eight feet to a stake; thence crossing said road north twenty-four and one-half degrees east two hundred and twenty-three feet to a stake on the northeast side of said road; north forty-four and one-half degrees east thirteen hundred and thirty feet to a white oak tree heretofore marked; still north forty-four and one-half degrees east eleven hundred and thirty-three feet to a stone; south sixty-five and one-half degrees east ten hundred and sixteen feet to the southwest side of a large hickory tree; still south sixty-five and one-quarter degrees east seven hundred and eleven feet to a stone marked No. 4; thence south twenty-four and three-quarters degrees west five hundred and seventy feet to a small stone about two feet northeast of a hickory tree, said stone being a corner of a tract of land which by deed dated April 7, 1897 and recorded among the Land Records of Baltimore County in Liber L M B No. 223 folio 325 was conveyed by D. G. McIntosh, Trustee to the said Albert W. Fuss; thence reversing the eleventh line thereof south sixty-six and two-thirds degrees east two hundred and seventy-two feet to a post on the southwest side of a blazed poplar tree; thence south thirteen degrees west four hundred and forty-seven feet to a marked poplar tree; still

30,500

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
12-18-86
CLERK DATE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE 12-18-86

MICROFILMED

PETITIONER'S EXHIBIT 7

This Deed, Made this 23rd day of March in the year one thousand nine hundred and eighty-eight, by and between C. LAURENCE JENKINS, JR., Trustee of Baltimore City in the State of Maryland, of the first part, and JAMES J. WARD, III, of Baltimore City in the State of Maryland, of the second part.

Witnesseth, That in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration,* *the actual consideration being Zero Dollar ($0.00), the receipt of which is hereby acknowledged, the said C. LAURENCE JENKINS, JR. does grant and convey unto the said JAMES J. WARD, III, his heirs and assigns, in fee simple, all those lots, tracts or parcels of ground, situate, lying and being in the Fourth Election District, Balto. County, MD, aforesaid, and described as follows, that is to say:—

C RC/F 18.00
DEED 0 #
SM CLERK 18.00
#47181 C001 R02 T13:1(
03/24/88

~~Beginning for the~~

SEE ATTACHED SCHEDULE A FOR DESCRIPTION
OF PARCEL 1.

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Authorized Signature
Sec. 11-85

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 3-23-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
3-23-88
By

PETITIONER'S
EXHIBIT 8A

MICROFILMED

FEE-SIMPLE DEED—CODE—City or County

LIBER 7821 596

This Deed, Made this 23rd day of March

in the year one thousand nine hundred and eighty-eight, by and between

C. LAURENCE JENKINS, JR., Trustee

of Baltimore City in the State of Maryland, of the first part, and

JAMES J. WARD, III, of Baltimore City in the State of Maryland,

of the second part.

Witnesseth, That in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration,* *the actual consideration being Zero Dollar ($0.00), the receipt of which is hereby acknowledged,

the said C. LAURENCE JENKINS, JR.

does grant and convey unto the said JAMES J. WARD, III, his

C RC/F 18.00
DEED 0
SM CLERK 18.00
#47182 C001 R02 T13:1
03/24/88

heirs and assigns, in fee simple, all those lots, tracts or parcels of ground, situate, lying and being in the Fourth Election District, Balto. County, MD, aforesaid, and described as follows, that is to say:—

SEE ATTACHED SCHEDULE A FOR DESCRIPTION
OF PARCEL 2.

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per
Authorized Signature
Date 3/22/88 Sec. 11-85 E

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
3-23-88
Date

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 3-23-88

18

PETITIONER'S
EXHIBIT 8B

MICROFILMED

FEE-SIMPLE DEED—CODE—City or County

This Deed, Made this 23rd day of March

in the year one thousand nine hundred and eighty-eight, by and between

C. LAURENCE JENKINS, JR., Trustee

of Baltimore City in the State of Maryland, of the first part, and

JAMES J. WARD, III, of Baltimore City in the State of Maryland,

of the second part.

Witnesseth, That in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, *the actual consideration being Zero Dollar ($0.00), the receipt of which is hereby acknowledged,

the said C. LAURENCE JENKINS, JR.

does grant and convey unto the said JAMES J. WARD, III, his

heirs and assigns, in fee simple, all those lots, tracts or parcels of ground, situate, lying and being in the Fourth Election District, Balto. County, MD, aforesaid, and described as follows, that is to say:—

C RC/F 2.)
DEED 0 #
SM CLERK 22.00
#47183 C001 R02 T13:11
03/24/88

SEE ATTACHED SCHEDULE A FOR DESCRIPTION

OF PARCEL 3.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE [illegible] DATE 3-23-88

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per [illegible]
Authorized Signature
Date 3-23-88 Sec. 11-88 E

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
[illegible] 3-23-88
Date

PETITIONER'S
EXHIBIT 8C

8V

MICROFILMED

BC-8274

LIBER 8754 PAGE 290

BC-8274

BC-8274

DEED

THIS DEED, made this 19th day of March, 1991 by and between **JAMES J. WARD, III**, party of the first part, and **RICHARD D. MAFFEZZOLI**, ~~party~~ and MARY C. MAFFEZZOLI, his wife, parties of the second part.

WITNESSETH, that in consideration of the sum of ONE MILLION, NINE HUNDRED FIFTY THOUSAND and 00/100 Dollars, ($1,950,000.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the said ~~party~~ parties of the second part, as tenants ~~in~~ by the entirety, their assigns, the survivor of them and the survivor's ~~severalty, his~~ personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEING that same lot of ground which by Deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber SM No. 7821, folio 600 was granted and conveyed by C. Laurence Jenkins, Jr., Trustee, unto James J. Ward, III, Grantor herein.

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 of ground and premises to the said party of the second part as tenants ~~in~~ by * ~~severalty, his~~ personal representatives and assigns, in fee simple.

* the entirety, their assigns, the survivor of them and the survivor's

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

CPTA 23.00
C T TX 9750.00

WITNESS the hand and seal of said Grantor:

C DOCS 9750.00
DEED 0 1
SM CLERK 19523.00
#29055 C001 R02 T08:53
04/10/91

WITNESS:

Suzanne B. Macey

JAMES J. WARD, III, Grantor (SEAL)

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-AFFIDAVIT OF EXEMPT
SIGNATURE _____ DATE 4-8-91

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
4-8-91

AMERICAN TITLE CORPORATION
120 EAST BALTIMORE ST.
SUITE 1800
BALTIMORE MARYLAND 21202

PETITIONER'S
EXHIBIT 9

FEE-SIMPLE DEED–CODE–City or County

This Deed, Made this 26th day of April, in the year one thousand nine hundred and ninety one, by and between RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as tenants by the entireties,

of Baltimore County in the State of Maryland, of the first part, and RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as joint tenants with rights of survivorship,

of the second part.

D RC/F 14.00
DEED 0 #
SM CLERK 14.00
#33102 C002 R02 T10:26
05/02/91

Witnesseth, That in consideration of the sum of NO CONSIDERATION the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI

do grant and convey unto the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as joint tenants with rights of survivorship, his or her

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
5-2-9
Date

TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 5-2-91

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Fourth Election District, Baltimore County, Md., aforesaid, and described as follows, that is to say:—

Beginning for the same at the beginning of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee to James J. Ward, III and running thence with and binding on the first, second and third lines of said parcel of land, as this description is now compiled, the three following courses and distances viz: South 31 degrees 38 minutes 37 seconds East 751.28 feet, South 4 degrees 09 minutes 13 seconds West 1100.00 feet and South 28 degrees 21 minutes 04 seconds West 516.78 feet, thence leaving said outlines and running for lines of division as now made the four following courses and distances viz: South 28 degrees 21 minutes 04 seconds West 200.00 feet, North 69 degrees 30 minutes West 830 feet, North 4 degrees 14 minutes 43 seconds East 419.70 feet and North 39 degrees 03 minutes 10 seconds West 585.78 feet to intersect the seventeenth or North 43 degrees 29 minutes 06 seconds East 1327.09 foot line of said parcel of land which was conveyed by Jenkins to Ward and thence running with and binding on a part of said seventeenth line, and running with and binding on the last line of said parcel of land the two following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 1177.09 feet to the end of said seventeenth line and North 43 degrees 29 minutes 06 seconds East 481.46 feet to the place of beginning. Containing 50 acres of land, more or less.

BEING a part of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee to James J. Ward, III and subsequently conveyed by a deed dated March 19, 1991 to Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, and recorded among the Land Records of Baltimore County in Liber No. 8754, folio 290.

TOGETHER with the right to use in common with others entitled thereto to a right of way now laid out 20 feet wide which leads in a southwesterly direction from the southeast corner of the above described parcel of land and running through the remaining 31.479 acres of the grantors, 260 feet more or less to Belmont Road.

PETITIONER'S EXHIBIT 10

TRANSFER TAX NOT REQUIRED
BY THE COMPTROLLER OF MARYLAND
Adrian Healy
5-1-91 11:35 E

MICROFILMED

BC-8920

LIBER 8984 PAGE 016

FEE-SIMPLE DEED-CODE-City or County

PETITIONER'S EXHIBIT 11

C RC/F 15.00
C T TX 4250.00
C DOCS 4250.00
CC IMP 5.00
DEED 0 #
SH CLERK 8520.00
SH CLERK 8520.00
#72482 C001 R02 T09 11/27/

This Deed, Made this 27th day of April in the year one thousand nine hundred and ninety one, by and between RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as joint tenants with rights of survivorship, of Baltimore County in the State of Maryland, of the first part, and PATRICIA A. WARD of the second part.

Witnesseth, That in consideration of the sum of Eight Hundred Fifty Thousand Dollars ($850,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, representing forgiveness of debt between the parties hereto, the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife,

do grant and convey unto the said PATRICIA A. WARD, her

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
Date 11-27-91

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Fourth Election District, Baltimore County, Md., aforesaid, and described as follows, that is to say:—

Beginning for the same at the beginning of the fourth or South 71 degrees 47 minutes 58 seconds East 1632.64 foot line of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee, to James J. Ward, III and running thence with and binding on said fourth line and running with and binding on the fifth and sixth lines of said parcel of land as this description is now compiled, the three following courses and distances viz: South 71 degrees 47 minutes 58 seconds East 1632.64 feet, South 11 degrees 13 minutes 05 seconds West 424.73 feet and South 2 degrees 16 minutes 55 seconds East 63.92 feet to a point in or near the centerline of Belmont Road. Thence binding along the centerline of Belmont Road, the nine following lines viz: by a curve to the left having a radius of 606.59 feet, an arc length of 249.15 feet, and subtended by a chord North 67 degrees 39 minutes 06 seconds West 247.40 feet, North 77 degrees 21 minutes 49 seconds West 376.28 feet, by a curve to the right having a radius of 1199.75 feet, an arc length of 146.48 feet and subtended by a chord North 74 degrees 30 minutes 35 seconds West, 146.39 feet, North 70 degrees 19 minutes 18 seconds West, 676.84 feet, by a curve to the right having a radius of 873.36 feet, an arc length of 102.40 feet, and subtended by a chord North 66 degrees 05 minutes 20 seconds West 102.34 feet, North 64 degrees 21 minutes 01 seconds West, 1266.78 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds West, 226.16 feet, North 13 degrees 49 minutes 49 seconds West, 314.64 feet and North 07 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running with and binding on the sixteenth and part of the seventeenth lines of said parcel of land which was conveyed by Jenkins to Ward the two following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 116.00 feet and North 43 degrees 29 minutes 06 seconds East 150.00 feet and thence leaving said outlines and running for lines of division now made the four following courses and distances viz: South 39 degrees 03 minutes 10 seconds East, 585.78 feet, South 04 degrees 14 minutes 43 seconds West 419.70 feet, South 69 degrees 30 minutes East 830 feet and North 28 degrees 21 minutes 04 seconds East 200.00 feet to the place of beginning. Containing 31.479 acres of land, more or less.

45
45

15

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE 11-27-91

APPROVED

AMERICAN TITLE GUARANTEE CORPORATION
120 EAST BALTIMORE ST.
SUITE 1800
BALTIMORE MARYLAND 21202
01A91#0030TLTRTX $13,600.00
BA C009:03AM11/27/91

LIBER 9127 PAGE 596

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

NO CONSIDERATION
NO STAMPS REQUIRED
NO TITLE SEARCH MADE

Jay Burger
4-6-92

This Deed, MADE THIS 27th day of February

in the year one thousand nine hundred and ninety two by and between

PATRICIA A. WARD

of Baltimore County, State of Maryland of the first part, and

PATRICIA ANNE WARD

of the second part.

PETITIONER'S EXHIBIT 12

C RC/F 14.00
CC IMP 5.00
DEED 0
SM CLERK 19.00
#99238 C001 R02 T07:5
04/08/

WITNESSETH, That in consideration of the sum of ZERO DOLLARS ($0.00)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
By K Phillips 4/7/92 Date

TRANSFER TAX
EXEMPT
SIGNATURE 4/7/92

the said PATRICIA A. WARD

does grant and convey to the said PATRICIA ANNE WARD, her

---

personal representatives/successors and assigns , in fee simple, all

that lot of ground situate in Fourth Election District, Baltimore County, Maryland,
and described as follows, that is to say:

BEGINNING for the same at a point in or near the center of Belmont Road and in the ninth or North 64 degrees 21 minutes 01 seconds West 1266.78 foot line of a parcel of land which by a deed dated April 26, 1991 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8811, folio 823 was conveyed by Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, to Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, said point being situate North 64 degrees 21 minutes 01 seconds West, measured along said ninth line, 1057.57 feet from the beginning thereof and running thence and binding in or near the center of Belmont Road and running with and binding on a part of said ninth line and running with and binding on the tenth, eleventh and twelfth lines of said parcel of land the four following lines viz: North 64 degrees 21 minutes 01 seconds West 209.21 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds West 226.16 feet, North 13 degrees 49 minutes 49 seconds West 314.64 feet, and North 07 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running with and binding on the thirteenth, fourteenth, fifteenth and sixteenth lines of said parcel of land which was conveyed from Maffezzoli to Maffezzoli the four following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 116.00 feet, North 43 degrees 29 minutes 06 seconds East 150.00 feet, South 39 degrees 03 minutes 10 seconds East 585.78 feet, and South 4 degrees 14 minutes 43 seconds West 419.70 feet, and thence leaving said outlines and running for a line of division South 25 degrees 38 minutes 59 seconds West 180.18 feet to the place of beginning. Containing 8.378 acres of land, more or less.

BEING a part of a parcel of land which by a deed dated April 27, 1991 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8994, folio 16 was conveyed by Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, unto the within named Grantor.

PETITIONER'S
EXHIBIT 13

010895.729

(1)

NO CONSIDERATION; PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION AND SOLELY FROM INFORMATION PROVIDED BY THE PARTIES HERETO

DEED

THIS DEED is made this 21st day of December, 1994, by and between **PATRICIA ANNE WARD**, party of the first part; and

PATRICIA ANNE WARD, party of the second part.

WITNESSETH, that for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the actual monetary consideration as certified by the parties hereto being $0.00, the said party of the first part does hereby grant and convey unto the said party of the second part, her personal representatives and assigns, in fee simple, all that lot of ground situate, lying, and being in Baltimore County, State of Maryland, and being more particularly described as follows, that is to say:

BEGINNING FOR THE SAME at the beginning of the fourth or South 71 degrees 47 minutes 58 seconds East 1632.64 foot line of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber SM No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee, to James J. Ward, III and running thence with and binding on said fourth line and running with and binding on the fifth and sixth lines of said parcel of land as this description is now compiled, the three following courses and distances, viz.: South 71 degrees 47 minutes 58 seconds East 1632.64 feet, South 11 degrees 13 minutes 05 seconds West 424.73 feet and South 2 degrees 16 minutes 55 seconds East 63.92 feet to a point in or near the centerline of Belmont Road; thence binding along the centerline of Belmont Road, the nine following lines, viz.: by a curve to the left having a radius of 606.59 feet, an arc length of 249.15 feet, and subtended by a chord North 67 degrees 39 minutes 06 seconds West 247.40 feet, North 77 degrees 21 minutes 49 seconds West 376.28 feet, by a curve to the right having a radius of 1199.75 feet, an arc length of 146.48 feet and subtended by a chord North 74 degrees 30 minutes 35 seconds West 146.39 feet, North 70 degrees 19 minutes 18 seconds West 676.84 feet, by a curve to the right having a radius of 873.36 feet, an arc length of 102.40 feet, and subtended by a chord North 66 degrees 05 minutes 20 seconds West 102.34 feet, North 64 degrees 21 minutes 01 seconds West 1266.78 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds West 226.16 feet, North 13 degrees 49 minutes 49 seconds West 314.64 feet, and North 07 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running with and

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
1-5-95

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per
Authorized Signature
Date 1/5/95

AMERICAN TITLE GUARANTEE CORPORATION
120 EAST BALTIMORE ST.
SUITE 1800
BALTIMORE, MARYLAND 21202

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 1-5-95

MICROFILMED

LIBER 8741 PAGE 414

FOUNTAINHEAD TITLE GROUP
1526 YORK ROAD
LUTHERVILLE, MD 21093
583-1424

PETITIONER'S EXHIBIT 15

DGS FILE No. 03-04-90-13

THIS DEED OF EASEMENT made this 19th day of March, 1991, by and between JAMES J. WARD, III, "GRANTOR"; ALFRED GWYNNE VANDERBILT, "Mortgagee"; and the STATE OF MARYLAND, to the use of the Maryland Agricultural Land Preservation Foundation of the Department of Agriculture, "GRANTEE", and containing covenants intended to be real covenants running with the land,

WITNESSETH:

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

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

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

D RC/F 48.50

NOW, THEREFORE, in consideration of the sum of ONE MILLION TWO HUNDRED THIRTY FIVE THOUSAND EIGHT HUNDRED DOLLARS ($1,235,800.00) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor for himself, his heirs, personal representatives and assigns, 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 or parcel 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:

CLERK 48.50
#26695 C002 R02 T10:24 03/26/91

ALL that lot of ground situate in Baltimore County in the State of Maryland and described as follows:

BEGINNING at a stone at the end of the fifth line of the tract of land which by deed dated March 22, 1899 and recorded among the Land Records of Baltimore County in Liber NBM No. 237, folio 232 was conveyed by Sallie

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 3-26-91
By Date

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR DATE 3-26-91

MICROFILMED

Transfer
Per 26695 Buy
Date 3-22-91
48.50

FERNANDO J. ALVAREZ, et al.	*	IN THE
Plaintiffs	*	CIRCUIT COURT
v.	*	FOR
RICHARD D. MAFFEZZOLI, et ux.	*	BALTIMORE COUNTY
Defendants	*	Case No.: 95/117/94CV10032

* * * * * * * *

RICHARD D. MAFFEZZOLI *
and
MARY C. MAFFEZZOLI *

Third-Party Plaintiffs *

v. *

AMERICAN TITLE GUARANTEE *
CORPORATION
SERVE: George J. Sybert *
120 East Baltimore Street
Suite 1800 *
Baltimore, Maryland 21202
and *

GEORGE J. SYBERT, JR. *
9096 Town and Country Boulevard
Apartment B *
Ellicott City, Maryland 21043
*
Third-Party Defendants
*

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

THIRD-PARTY COMPLAINT

Third-Party Plaintiffs/Defendants Richard D. Maffezzoli and Mary C. Maffezzoli, by T. Rogers Harrison with Mudd, Harrison & Burch, their attorney, hereby sue American Title Guarantee Corporation and George J. Sybert, Jr. and, as grounds therefore, state the following:

1. American Title Guarantee Corporation ("American Title") is a Maryland corporation that conducts settlements of real estate

FERNANDO J. ALVAREZ et al.	*	IN THE
Plaintiffs	*	CIRCUIT COURT
v.	*	FOR
RICHARD D. MAFFEZZOLI et al.	*	BALTIMORE COUNTY
Defendants	*	95/117/94CV 10032

*****

COUNTER-CLAIM

Richard D. Maffezzoli and Mary C. Maffezzoli, Defendants/Counter-Plaintiffs, by T. Rogers Harrison, with Mudd, Harrison & Burch, their attorney, hereby sue Fernando J. Alvarez and Debbie Taylor, Plaintiffs/Counter-Defendants, and as grounds therefore, state the following:

1. Counter-Plaintiffs are the owners in fee of a 50 acre undeveloped parcel of land located in Baltimore County, Maryland (the "Property").

2. On November 30, 1993, Counter-Plaintiffs and Counter-Defendants entered into an Agreement for Deed (the "Agreement"), whereby Counter-Defendants agreed to purchase and Counter-Plaintiffs agreed to sell for One Million Two Hundred Seventy-Five Thousand Dollars ($1,275,000.00) the Property.

3. Pursuant to the Agreement, Counter-Defendants paid a deposit of Three Hundred Twenty-Five Thousand Dollars ($325,000.00). Counter-Defendants agreed to pay the balance of the purchase price by assuming an existing loan and deed of trust encumbering the Property in favor of Farm Credit of Central Maryland, which assumption was to be completed no later than November 30, 1993. Under the Agreement, Counter-Defendants

MICROFILMED

FERNANDO J. ALVAREZ	*	IN THE
and	*	
DEBBIE TAYLOR	*	CIRCUIT COURT
Plaintiffs,	*	FOR
v.	*	BALTIMORE COUNTY
RICHARD D. MAFFEZZOLI	*	
and	*	
MARY C. MAFFEZZOLI	*	CASE NO. 95/117/94CV10032
Defendants.	*	

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

AMENDED COMPLAINT

FERNANDO J. ALVAREZ, by his attorneys, F. KIRK KOLODNER and ADELBERG, RUDOW, DORF, HENDLER & SAMETH, LLC, and DEBBIE TAYLOR, by her attorney, KEVIN B. KAMENETZ (the "Plaintiffs"), sue RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI (the "Defendants"), and in support thereof states as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiffs are residents of Baltimore County, Maryland.

2. Defendants are residents of Baltimore County, Maryland. Venue in Baltimore County, Maryland is proper in accordance with Maryland Code Ann., Courts and Judicial Proceedings Article §6-201(a).

3. This Court has jurisdiction over Defendants pursuant to Maryland Code Ann., Courts and Judicial Proceedings Article §6-102. This Court has subject matter jurisdiction pursuant to Maryland Code Ann., Courts and Judicial Proceedings Article §1-501 and §402(d).

IN RE:	*	BEFORE THE
PETITION FOR SPECIAL HEARING	*	DEPUTY ZONING COMMISSIONER
	*	
RICHARD MAFFEZZOLI, et ux and PATRICIA WARD	*	OF BALTIMORE COUNTY
Petitioners	*	CASE NOS: V94-323-SPH 96-169-SPH
	*	

* * * * * * * * *

The above entitled matter came on for hearing November 30, 1995, before Deputy Zoning Commissioner, Lawrence Schmidt.

APPEARANCES:

James Anderson, Esquire
on behalf of Richard and Mary Maffezzoli

Nancy West, Esquire
County Office of Law
on behalf of Baltimore County

ALSO PRESENT: Dr. Bernstein, Mr. Courtney Jenkins

Tape Transcription by: Betty Lou Walls, RPR

MICROFILMED

EXHIBIT E

IN THE

BOARD OF APPEALS OF BALTIMORE COUNTY

ZONING CASE NO. 96-169-SPH

IN RE: PETITION FOR SPECIAL HEARING
S/S BELMONT ROAD
(3501 BELMONT ROAD)
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
RICHARD MAFFEZZOLI, et ux
PATRICIA WARD - PETITIONERS

PETITION TO APPEAL ORDER OF ZONING COMMISSIONER

RESPONDENT'S APPENDIX

BARRY RENBAUM
CAROL RENBAUM,

RESPONDENTS

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	BOARD OF APPEALS
RICHARD MAFFEZZOLI, ET UX	*	OF
AND PATRICIA WARD	*	BALTIMORE COUNTY
FOR A SPECIAL HEARING ON	*	Case No. 96-169-SPH
PROPERTY LOCATED ON THE	*	June 5, 1996
SOUTH SIDE BELMONT ROAD	*	
2050' WEST OF TUFTON AVENUE	*	
(3501 Belmont Avenue)	*	
4th Election District	*	
3rd Councilmanis District	*	

* * * * *

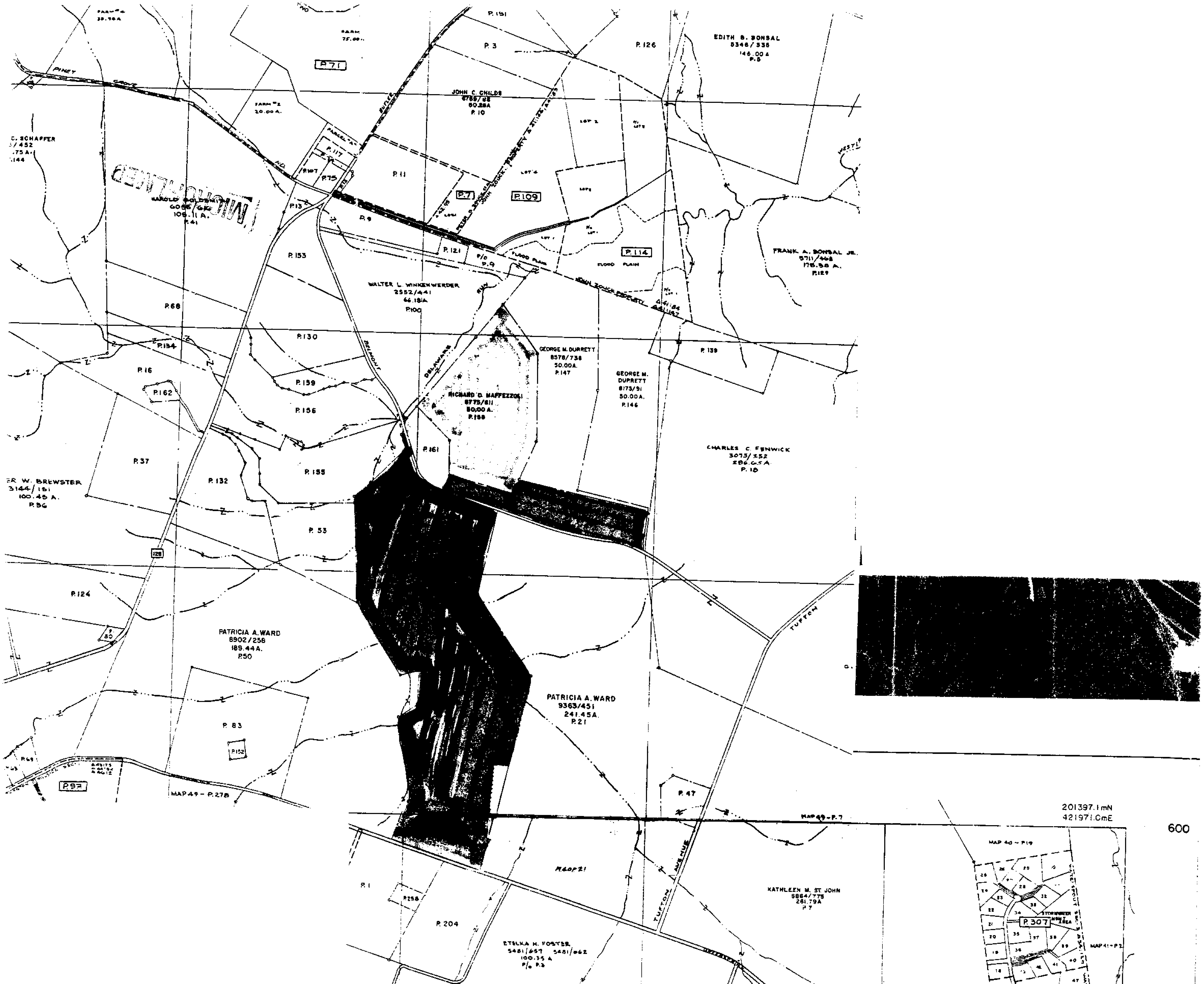
The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 9:30 a.m., June 5, 1996.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt


EDITH B. BONSAL
5346/335
146.00 A
P.5
P.151
P.3
P.126
P.71
JOHN C. CHILDS
6786/88
50.28A
P.10
FARM #2
20.00 A.
C. SCHAFFER
PINEY
GROVE
RD.
PARCEL "A"
P.117
P.107
P.75
P.11
P.7
P.109
P.13
HAROLD GOLDSMITH
6066/612
106.11 A.
P.41
P.9
P.121
P.114
FLOOD PLAIN
FRANK A. BONSAL JR.
5711/468
176.56 A.
P.129
P.153
WALTER L. WINKENWERDER
2552/441
66.18A
P.100
P.68
P.130
P.139
GEORGE M. DURRETT
8578/738
50.00A.
P.147
GEORGE M.
DURRETT
8173/91
50.00A.
P.146
P.134
P.16
P.162
P.159
P.156
RICHARD D. MAFFEZZOLI
8775/611
50.00 A.
P.158
DELAWARE
BELMONT
P.161
P.37
P.132
P.155
CHARLES C. FENWICK
3075/352
286.65 A.
P.10
ER W. BREWSTER
3144/151
100.45 A.
P.36
P.53
P.124
P.80
PATRICIA A. WARD
8902/258
189.44A.
P.50
PATRICIA A. WARD
9363/451
241.45A.
P.21
TUFTON
P.83
P.152
P.97
MAP 49 - P.278
P.47
MAP 49 - P.7
201397.1mN
421971.0mE
MAP 40 - P.19
P.307
MAP 41 - P.2
P.1
P.258
P.204
ETELKA H. FOSTER
5481/657 5481/662
100.35 A
P/o P.3
MAP 40 P.21
TUFTON AVENUE
KATHLEEN M. ST. JOHN
5864/775
261.79A
P.7

600

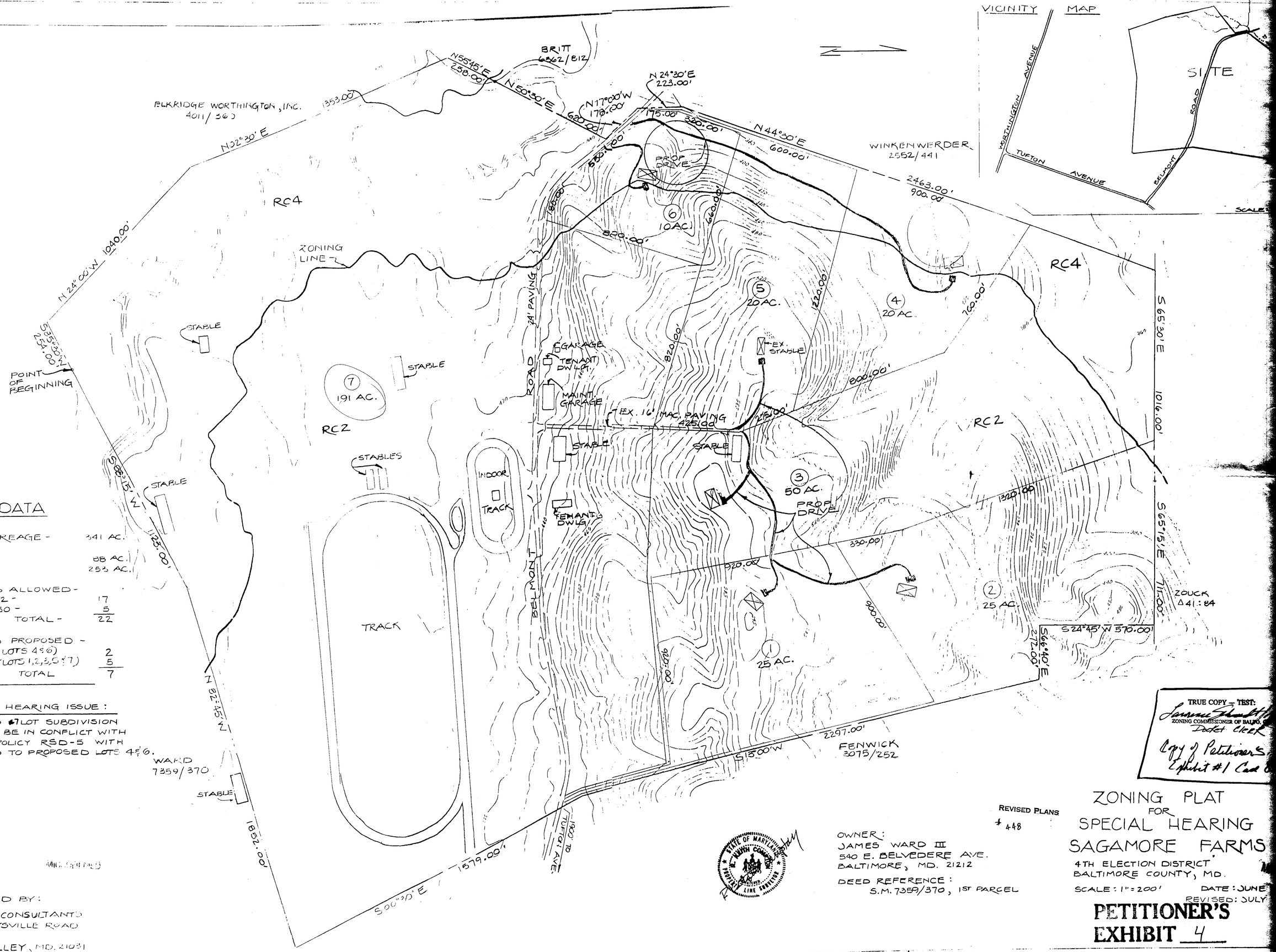
FARM #2
20.00 A.

50.28A
P. 10

PARCEL "A"
P. 117
P. 74
P.107
P.75
P.12
P. 11
P.13
P. 9
P. 153
P.7
P.109
LOT 2
P/O LOT 2
LOT 4
LOT 3
LOT 1
P/O LOT 1
P. 121
P/O P. 9
FLOOD PLAIN
P. 114
FLOOD PLAIN
JOHN ZOUCK PROPERTY
PETER G. ZOUCK ET AL
JOHN ZOUCK PROPERTY
WESTERN
FRANK A. BONSAL JR.
5711/468
175.38 A.
P.129
WALTER L. WINKENWERDER
2552/441
66.18A
P.100
RUN
P.130
BELMONT
DELAWARE
GEORGE M. DURRETT
8578/738
50.00A.
P.145
GEORGE M. DURRETT
8175/91
50.00A.
P.146
P. 139
P.159
P.156
RICHARD D. MAFFEZZOLI
8775/611
50.00 A.
P.158
P.161
P. 155
CHARLES C. FENWICK
3075/252
286.65 A.
P. 18
P. 148
RD.
PATRICIA A. WARD
9363/447
156.00A.
P. 17
P. 53
CIA A. WARD
02/258
9.44A.
P.50
TUFTON
GLENN R
552G/23
256.90
P. 19
PATRICIA A. WARD
9363/451
241.45A.
P. 21
P. 47
M.40 P.17
M.40 P.21
A. LEONARD PINEAU
6551/717
59.10 A.
P.278
HILLSIDE II
SEC 4
P.309
TIMBER KNOLL RD.
P. 1
P.258
P. 204
TUFTON AVENUE
KATHLEEN M. ST.
6864/77
261.79A
P. 7
ETELKA H. FOSTER
5481/657 5481/662
100.35 A
P/O P.3
P.311
P. 2
P.298
ETELKA H. FOSTER
5481/657 5481/662
85.05 A
P/O P.3
P.5
P. 4
P/O4
P. 6
ELSIE SYMINGTON JENKINS
3044/165
96.71 A.

PETITIONER'S
EXHIBIT 6

MICROFILMED



SITE DATA

TOTAL ACREAGE -	341 AC.
ZONING	
RC4 -	88 AC.
RC 2 -	253 AC.
NO. LOTS ALLOWED -	
88 x .2 -	17
253 / 50 -	5
TOTAL -	22
NO. LOTS PROPOSED -	
RC4 - (LOTS 4 & 6)	2
RC 2 - (LOTS 1,2,3,5 & 7)	5
TOTAL	7

SPECIAL HEARING ISSUE:

PROPOSED 7 LOT SUBDIVISION WILL NOT BE IN CONFLICT WITH ZONING POLICY RSD-5 WITH REGARD TO PROPOSED LOTS 4 & 6.

PREPARED BY:
AZIMUTH CONSULTANTS
120 COCKEYSVILLE ROAD
SUITE 105
HUNT VALLEY, MD. 21031

OWNER:
JAMES WARD III
540 E. BELVEDERE AVE.
BALTIMORE, MD. 21212

DEED REFERENCE:
S.M. 7359/370, 1ST PARCEL

STATE OF MARYLAND — MARTIN COUNTY — PROPERTY LINE SURVEYOR

REVISED PLANS
448

TRUE COPY — TEST:
ZONING COMMISSIONER OF BALTO. CO.
Docket Clerk
Copy of Petitioner's Exhibit #1 Case

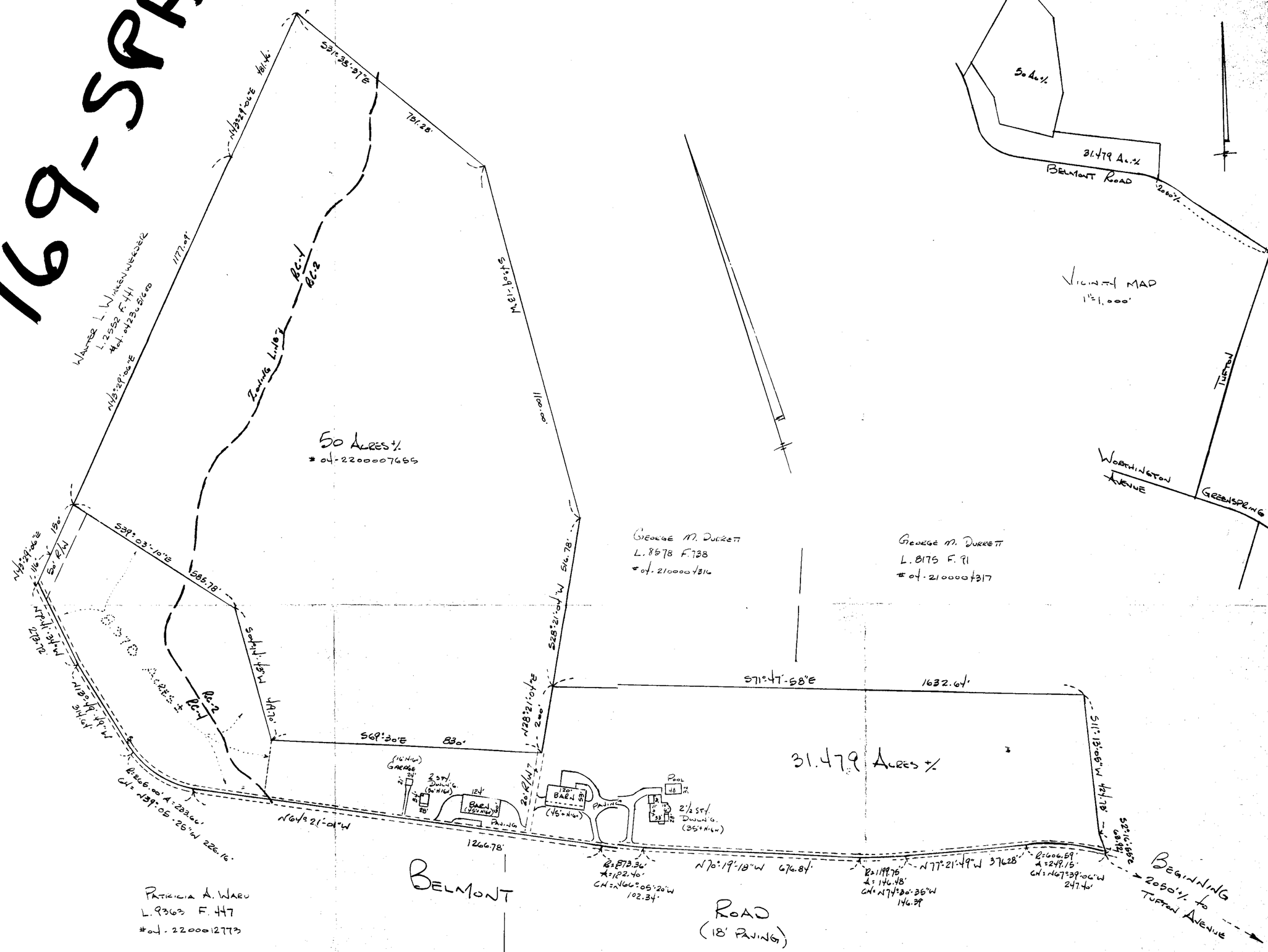
ZONING PLAT FOR SPECIAL HEARING SAGAMORE FARMS

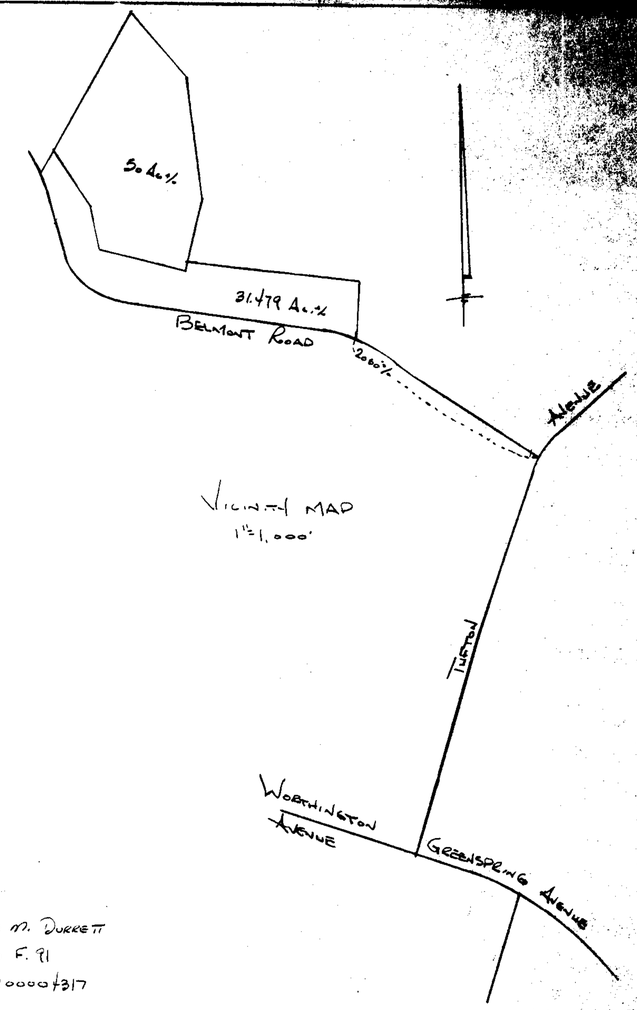
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE: 1" = 200' DATE: JUNE
REVISED: JULY

PETITIONER'S EXHIBIT 4

96-169-SPH





Plan to Accompany Special Hearing

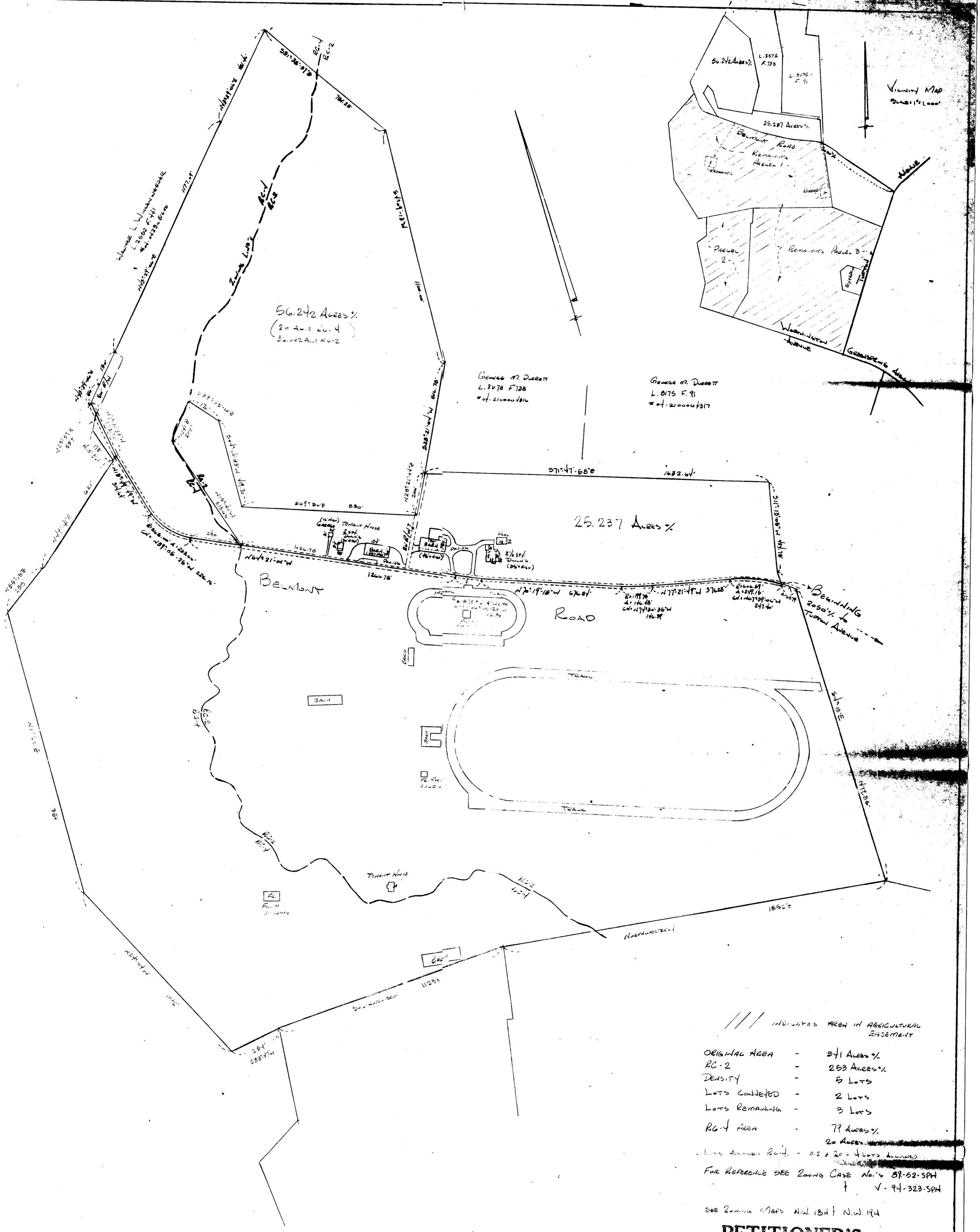
Fourth Election District
Third Councilmanic District
Owner: Richard & Mary Maffezzoli
3501 Belmont Road Glyndon, MD 21136

Scale: 1"=200' May 23, 1996

Prepared By: David Randone
Land Surveyor
P.O. Box 10467
Baltimore, MD 21286-0467
(410) 825-[illegible]

STATE OF MARYLAND
DAVID EDWARD RANDONE
No. 10[illegible]
PROFESSIONAL LAND SURVEYOR

MICROFILMED



/// INDICATES AREA IN AGRICULTURAL EASEMENT

ORIGINAL AREA	-	341 Acres +/-
RC-2	-	253 Acres +/-
DENSITY	-	5 Lots
LOTS CONVEYED	-	2 Lots
LOTS REMAINING	-	3 Lots
RC-4 AREA	-	79 Acres +/-
		20 Acres

Lots Allowed RC-4 - 0.2 x 20 = 4 Lots Allowed

FOR REFERENCE SEE ZONING CASE No.'s 89-52-SPH
V-94-323-SPH

SEE ZONING MAPS N.W. 18H + N.W. 19H

PETITIONER'S EXHIBIT 1

PLAN TO ACCOMPANY SPECIAL HEARING

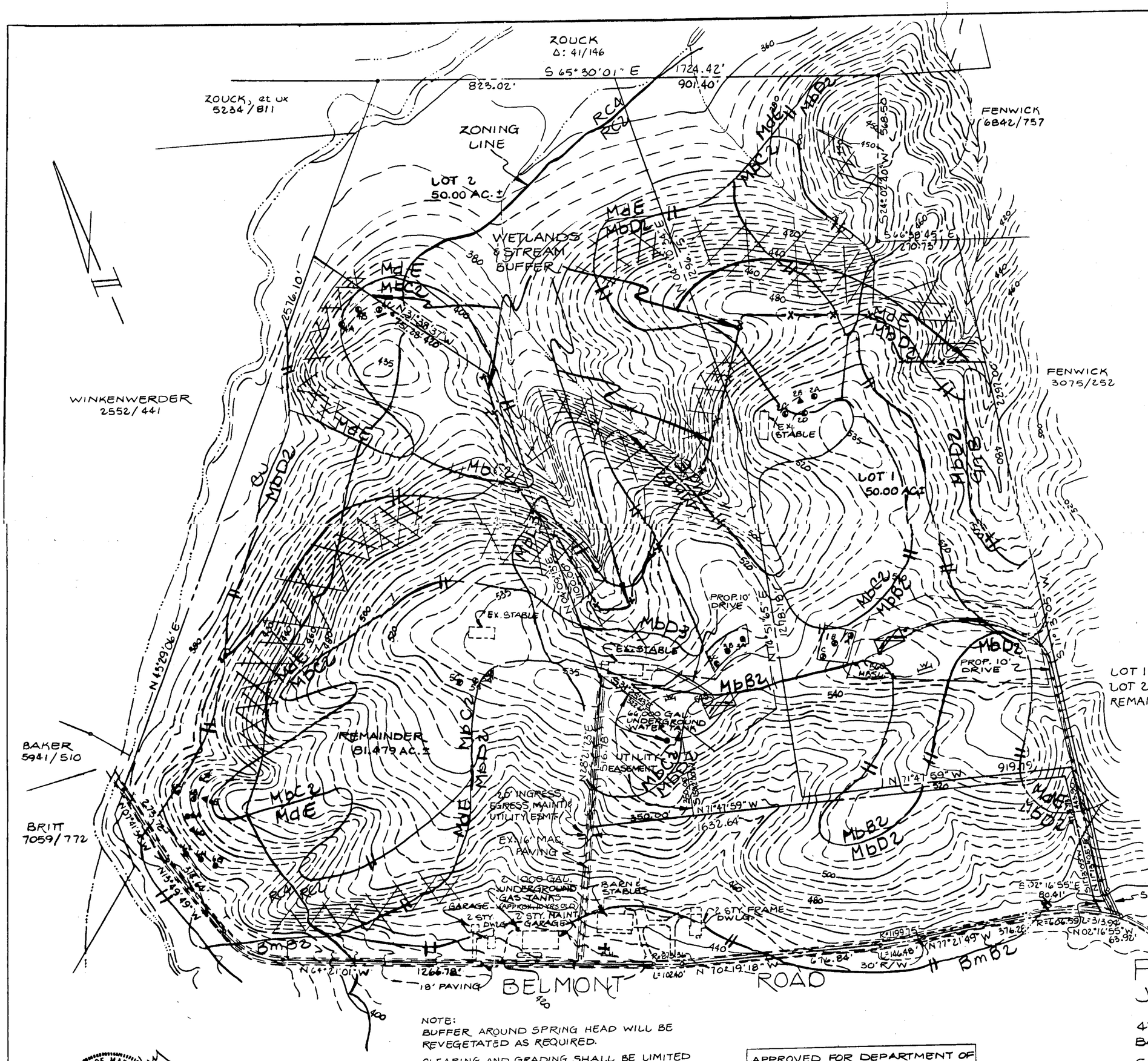
FOURTH ELECTION DISTRICT
THIRD COUNCILMANIC DISTRICT
OWNER: RICHARD & MARY MAFFE 22011
3501 BELMONT ROAD GLYNDON, MD 21136 #04-2200007655

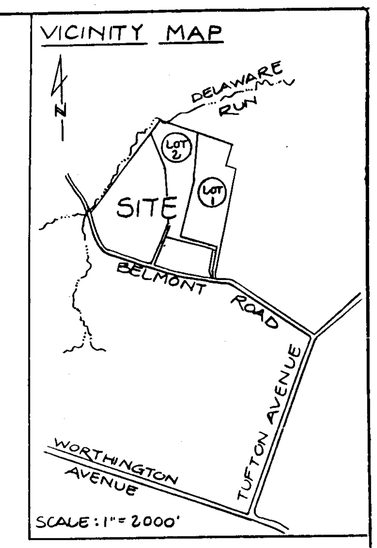
PATRICIA WARD
SYCAMORE FARM
3501 BELMONT ROAD
GLYNDON, MD 21136

SCALE: 1"=200' DECEMBER 6, 1995
REVISED DEC. 27, 1995

PREPARED BY: DAVID RANSONE
LAND SURVEYOR
P.O. BOX 10007
TOWSON, MD 21285-0007
410-828-5354

96-169-SPH





NOTE: STREAM BUFFER – NO CLEARING, GRADING OR DISTURBANCE IN THIS AREA EXCEPT AS PER THE BALTIMORE COUNTY WATER QUALITY POLICY. BUFFER LIMITS – EXISTING FENCE LINE AT EDGE OF WOODS INCLUDING NORTHWESTERLY PROPERTY LINE OF LOT 2.

SITE DATA

GROSS ACREAGE: 181.479 AC.

ZONING:

RC4: 30.479 AC.

RC2: 151 AC.

NO. LOTS ALLOWED:

RC4: 30.479 x .2: 6

RC2: 151 / 50: 3

TOTAL: 9

NO. LOTS PROPOSED: 2 + REMAINDER

LOT 1 & LOT 2 50.00 AC. / EACH

REMAINDER: 81.479 AC.

DEED REFERENCE/TAX ACCOUNT NO.

LOT 1:	S.M. 7821/592	21-00-004316
LOT 2:	S.M. 7821/596	21-00-004317
REMAINDER:	S.M. 7821/600	21-00-004318

NOTE:
NO WELLS, SEPTIC SYSTEMS, FUEL OR PESTICIDE TANKS WITHIN 100' OF PROPERTY LINES EXCEPT AS SHOWN.

PROPOSED LOTS ARE ALLOWED UNDER RC2 ZONING

	ACREAGE RC2	ACREAGE RC4
LOT 1	49.7	0.3
LOT 2	38.7	11.3
REMAINDER	62.6	18.879

NOTE:
BUFFER AROUND SPRING HEAD WILL BE REVEGETATED AS REQUIRED.

CLEARING AND GRADING SHALL BE LIMITED TO THAT REQUIRED FOR BUILDING AND DRIVEWAY CONSTRUCTION.

PLAT OF SUBDIVISION
JAMES WARD PROPERTY

4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE: 1" = 200'

DATE: 10-18-88
REV: 11-3-88

PREPARED BY:
AZIMUTH CONSULTANTS
120 COCKEYSVILLE ROAD
SUITE 105
HUNT VALLEY, MD. 21031
PHONE: (301) 785-2300

STATE OF MARYLAND — MARTIN COUNTY — PROPERTY LINE SURVEYOR

BOUNDARY SURVEY PREPARED BY:
FREDERICK WARD & ASSOCIATES, INC.
BEL AIR, MD.

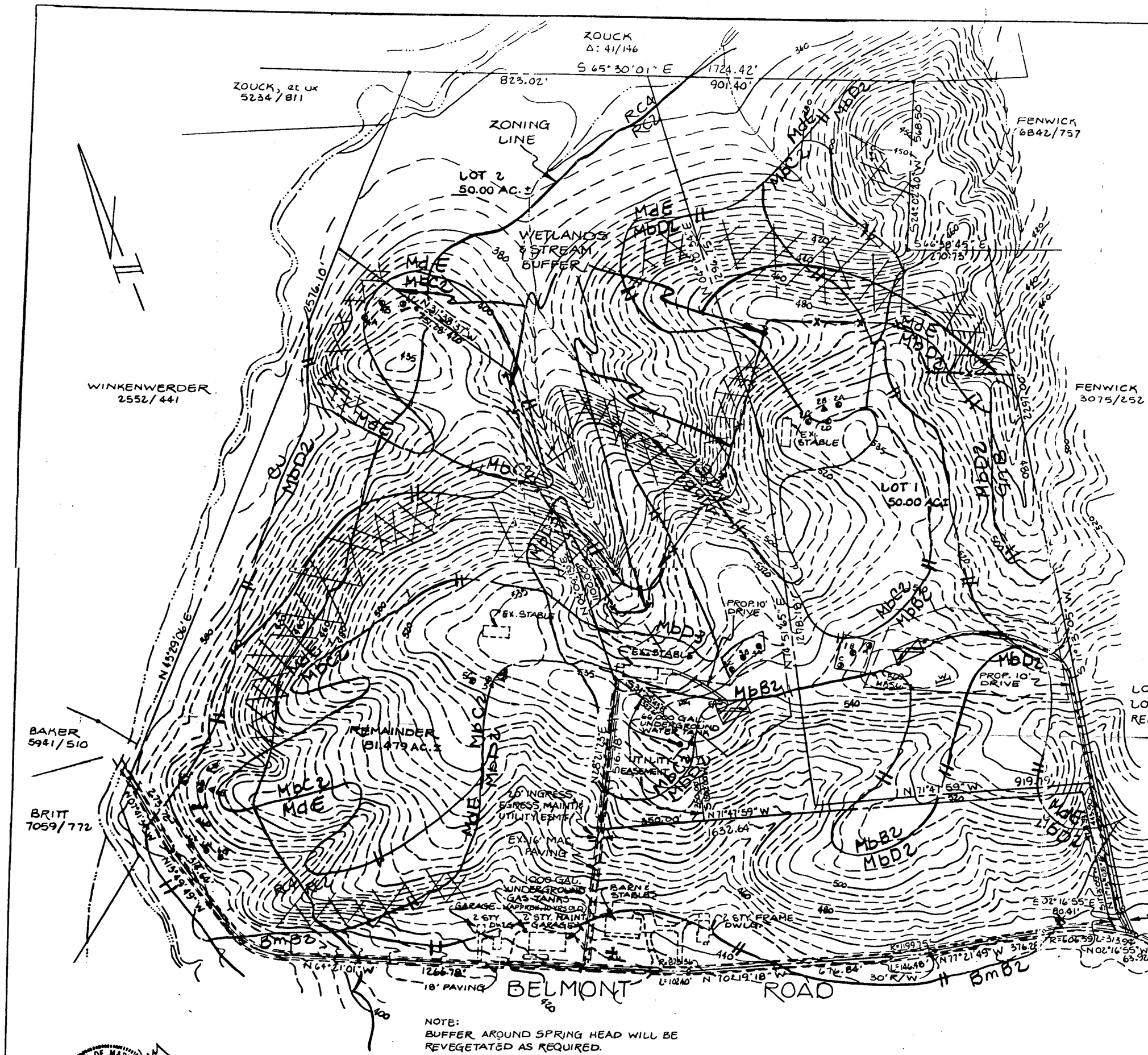
APPROVED FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

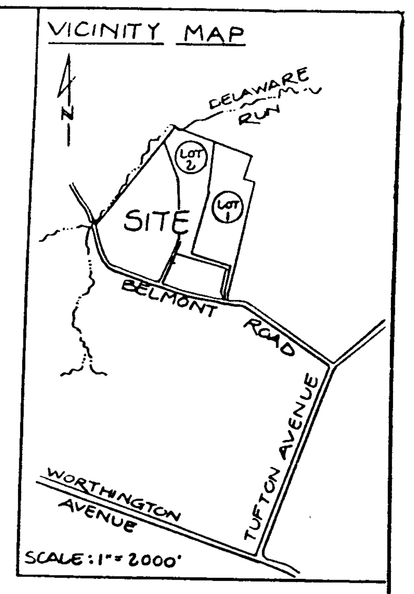
DIRECTOR — 11-4-88 DATE

TRUE TEST COPY
Dept. of Permits and Development Management

Petitioner's Ex #2

PETITIONER'S EXHIBIT 5





NOTE: STREAM BUFFER – NO CLEARING, GRADING OR DISTURBANCE IN THIS AREA EXCEPT AS PER THE BALTIMORE COUNTY WATER QUALITY POLICY. BUFFER LIMITS – EXISTING FENCE LINE AT EDGE OF WOODS INCLUDING NORTHWESTERLY PROPERTY LINE OF LOT 2.

SITE DATA

GROSS ACREAGE: 181.479 AC.
ZONING:
RC4: 30.479 AC.
RC2: 151 AC.
NO. LOTS ALLOWED:
RC4: 30.479 x .2: 6
RC2: 151 / 50: 3
TOTAL: 9
NO. LOTS PROPOSED: 2 + REMAINDER
LOT 1 & LOT 2 50.00 AC. / EACH
REMAINDER: 81.479 AC.
DEED REFERENCE/TAX ACCOUNT NO.

LOT 1:	S.M. 7821/592	21-00-004316
LOT 2:	S.M. 7821/596	21-00-004317
REMAINDER:	S.M. 7821/600	21-00-004318

NOTE: NO WELLS, SEPTIC SYSTEMS, FUEL OR PESTICIDE TANKS WITHIN 100' OF PROPERTY LINES EXCEPT AS SHOWN.

PROPOSED LOTS ARE ALLOWED UNDER RC2 ZONING

	ACREAGE RC2	ACREAGE RC4
LOT 1	49.7	0.3
LOT 2	38.7	11.3
REMAINDER	62.6	18.879

NOTE: BUFFER AROUND SPRING HEAD WILL BE REVEGETATED AS REQUIRED.

CLEARING AND GRADING SHALL BE LIMITED TO THAT REQUIRED FOR BUILDING AND DRIVEWAY CONSTRUCTION.

PREPARED BY:
AZIMUTH CONSULTANTS
120 COCKEYSVILLE ROAD
SUITE 105
HUNT VALLEY, MD. 21031
PHONE: (301) 785-2300

BOUNDARY SURVEY PREPARED BY:
FREDERICK WARD & ASSOCIATES, INC.
BEL AIR, MD.

APPROVED FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

DIRECTOR — 11-9-88 DATE

PLAT OF SUBDIVISION
JAMES WARD PROPERTY

4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE: 1" = 200'

DATE: 10-18-88
REV: 11-3-88

TRUE TEST COPY:
Zoning Administration and Development Management

MICROFILMED

01-27-95

IN RE: PETITION FOR SPECIAL HEARING
S/S Belmont Road, 2,050' W of Tufton Avenue
(3501 Belmont Road)
4th Election District
3rd Councilmanic District

Richard Maffezzoli, et ux and Patricia Ward - Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 96-169-SPH

****

MOTION TO DISMISS

Petitioners Richard D. Maffezzoli, Mary C. Maffezzoli, his wife, and Patricia Ward, hereby file this Motion to Dismiss the appeal from the Order of Timothy M. Kotroco, Deputy Zoning Commissioner of Baltimore County dated February 26, 1996 and, as grounds, state the following:

1. On February 26, 1996, Assistant Zoning Commissioner Timothy M. Kotroco entered an Order in the above-captioned zoning matter. On May 2, 1996, Barry J. Renbaum and Carol E. Renbaum filed an appeal from the Order.

2. The rules of the Board of Appeals of Baltimore County require that appeals be made within thirty days from the date of the final action appealed from. See Baltimore County Code, §26-132(a). The appeal filed by the Renbaums was filed thirty-six (36) days after the last date upon which the notice of appeal could have been timely filed.

3. The February 26, 1996 Order required that certain deeds be filed within sixty days from the date of the Order. In reliance on the Order, original Petitioners waited until the appeals period expired and filed the deeds in the Land Records for Baltimore County.

MICROFILMED

4. The Renbaums contend in their petition that a letter from Nancy West, Assistant County Attorney, to Commissioner Kotroco tolled the appeals period. They are wrong. Ms. West merely requested clarification and corrections of what she believed were a few factual inaccuracies. She did not question the decision. She did not indicate that the letter constituted a written appeal of the decision, nor did she otherwise file a written notice of appeal; and she did not pay the requisite fee for an appeal.

5. The appeals period has not been tolled. The Petitioners would be unfairly prejudiced if the appeal was allowed to be maintained. Because the Renbaums' appeal was filed thirty-six (36) days late, the Board of Appeals must dismiss the appeal.

WHEREFORE, Petitioners Richard D. Maffezzoli, Mary C. Maffezzoli, his wife, and Patricia Ward, hereby request that the appeal filed by Barry J. Renbaum and Carol E. Renbaum be dismissed.

James R. Andersen
Mudd, Harrison & Burch
Suite 300, Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 828-1335
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 1996, a copy of the foregoing Motion to Dismiss was mailed, first class mail, postage prepaid, to Dr. John Bernstein, Valleys Planning Council, P.O. Box 5402, Towson, Maryland 21285-5402; Mr. George Durett, 123 St. Thomas Lane, Owings Mills, Maryland 21117; Peter Max Zimmerman, Esquire, 400 Washington Avenue, Courthouse, Room 47, Towson, Maryland 21204; Barry & Carol Renbaum, P.O. Box 305, Glyndon, Maryland 21071 and Nancy West, Esquire, Baltimore County Office of Law, 400 Washington Avenue, Towson, Maryland 21204.

James R. Andersen

IN RE: PETITION FOR SPECIAL HEARING
S/S Belmont Road, 2,050' W of Tufton Avenue
(3501 Belmont Road)
4th Election District
3rd Councilmanic District

Richard Maffezzoli, et ux, and Patricia Ward - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-169-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3501 Belmont Road, also known as Sagamore Farms, located in the vicinity of Tufton Avenue and Worthington Avenue in Greenspring Valley. The Petition was filed by the owners of the property, Richard D. and Mary C. Maffezzoli, and Patricia A. Ward, through their attorney James R. Anderson, Esquire. The Petitioners seek approval of the reconfiguration of the lot lines within the tract boundaries of two existing and contiguous R.C.2/R.C.4 record lots (or a portion of one lot of record) for agricultural purposes, only, and the allocation of one of the permitted R.C. 2 building rights to be retained by the remaining 56.242-acre parcel. The subject property and relief sought are more particularly described on the site plans submitted and marked into evidence as Petitioner's Exhibits 1 and 2.

Appearing at the hearing on behalf of the Petition were Richard Maffezzoli and James Ward, co-owners of the property, John Tiralla, Norman Gerber, and James R. Anderson, Esquire, attorney for the Petitioners. Appearing in opposition or as interested parties in the matter were John Bernstein, Executive Director of the Valleys Planning Council (VPC), Elise Butler, a representative of the Baltimore County Landmarks Preservation Commission (LPC), Jeffrey Long with the Office of Planning (OP), Wally Lippincott with the Department of Environmental Protection and Resource Management (DEPRM), and Catherine Milton, a representative of the Department of Permits and Development Management (PDM). The Protestants were represented by Nancy West, Esquire, a representative of the Baltimore County Office of Law.

The Petition for Special Hearing filed in this case is the culmination of several issues relative to the subject property. This property was the subject of violation Case No. V94-323-SPH, wherein the then Baltimore County Zoning Administration and Development Management office requested a determination as to whether there was an illegal subdivision of the subject property. That matter was scheduled for a public hearing before me and as a result of negotiations between the Office of Law and Counsel for the Petitioners, the matter was subsequently resolved by virtue of certain deeds being recorded in the Land Records of Baltimore County. In preliminary discussions before me at the public hearing held on February 5, 1996, Ms. West and Mr. Anderson represented that all previous issues concerning this property have been resolved. Thus, a Motion to Dismiss the Petition for Special Hearing filed in Case No. V94-323-SPH was requested. Given the representations made by Counsel, the Petition for Special Hearing filed in Case No. V94-323-SPH shall be dismissed and I shall so Order.

As to the Petition for Special Hearing filed in the instant case, the Petitioners seek relief to approve a lot line adjustment of 25.237 acres, more or less, zoned R.C.2, and the incorporation of that parcel with a larger tract containing 160 acres for agricultural purposes, i.e., a horse breeding operation.

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As to the history of this property, testimony at the hearing revealed that Mr. James Ward purchased 575 acres of land in 1986 from Alfred Vanderbilt, the prior owner. Mr. Ward testified that approximately 400 acres of the overall tract were placed into the Agricultural Trust. The subject property is known as Sagamore Farms and contains a training facility for horses. This training facility consists of an indoor track and a much larger outdoor track with accessory barns and tenant dwellings. Belmont Road runs crosswise through the center of the tract; thus, the south side of the property contains the indoor and outdoor horse tracks, and the north side contains the existing dwellings and accessory buildings utilized in connection with the horse breeding operation.

Mr. Ward further testified that he sold approximately 81 acres of the original 575-acre tract to Dr. and Mrs. Maffezzoli, the other parties to this Petition. This 81-acre parcel is located on the north side of Belmont Road and is the subject of the Petition before me. Furthermore, Mr. Ward sold two other parcels of land to George Durrett. Mr. Durrett's property abuts the two parcels which are the subject of this Petition.

Dr. Maffezzoli and Mr. Ward have agreed to perform a lot line adjustment to permit the inclusion of 25.237 acres of the Maffezzoli property with that owned by Ms. Patricia Ward for agricultural purposes. This 25.237-acre parcel will then be used in conjunction with the horse breeding operation, which in essence, is an agricultural use. Dr. Maffezzoli would retain 56.242 acres of land and the 25.237-acre parcel would become part of the horse breeding operation to the south of Belmont Road. It should also be noted that the 81-acre parcel originally sold to Dr. & Mrs. Maffezzoli contained two density units, one of which is already utilized by the dwelling known as 3501 Belmont Road. The remaining density unit

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will be retained by Dr. & Mrs. Maffezzoli as part of the 56.242-acre parcel they will retain after the lot line adjustment is accomplished.

Testimony further revealed that Ms. Patricia Ward is currently renting the 25.237 acre parcel from Dr. and Mrs. Maffezzoli, inasmuch as the structures thereon are used in conjunction with the horse breeding operation on her property. Both parties believe it to be in the best interests of all concerned that the 25.237-acre parcel be forever joined with the horse-breeding operation to the south of Belmont Road so that the use can remain unified in perpetuity.

All those in attendance at the hearing were in agreement that the lot line adjustment should be accomplished so that the horse breeding operation can function on the same parcel of land once the lot line adjustment is approved. However, the proposed lot line adjustment spurned an ancillary issue to the property owned by Dr. and Mrs. Maffezzoli.

As noted above, Dr. and Mrs. Maffezzoli will retain one building right to construct a residential dwelling on the 56.242 acres of land they will retain. The issue which generated the greatest amount of testimony at the hearing related to the placement of any residence on that parcel. Dr. Bernstein, on behalf of Valleys Planning Council (VPC), Ms. Butler on behalf of the Baltimore County Landmarks Preservation Commission, and Mr. Jeff Long on behalf of the Office of Planning, all took the position that Dr. Maffezzoli should be restricted as to where he can construct a residence on the 56.242 acres he will retain. Apparently, a ridge line runs through this parcel at a high elevation. Those individuals previously identified do not believe that Dr. Maffezzoli, or any future owner of the subject property, should be permitted to construct a dwelling atop that ridge line. These individuals believe that constructing a house on top of

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this hill would detract from the scenic beauty of the Valley. Thus, they believe that Dr. Maffezzoli should be required to construct a house at some other location on the property and not atop the ridge.

On behalf of the Baltimore County Landmarks Preservation Commission, Ms. Elise Butler testified that there are two sites currently on the Baltimore County Landmarks List, those sites being the St. John's Church and Mot Morenci, which, in her opinion, would be affected by any dwelling that might be constructed atop the ridge on the Maffezzoli property. Ms. Butler testified that this ridge can be seen from the St. John's Church property as well as the Mont Morenci property, and thus, any home that would be constructed on this ridge would be visible from these two sites. Ms. Butler believes that to preserve the visual character of this Valley, no structure should be built atop the ridge.

Dr. Maffezzoli took exception to the position of these individuals and asserted that he should have the right to construct a house anywhere on his 56-acre parcel of property. He testified that one of the virtues of his property is that it offers tremendous views of the Worthington and Greenspring Valleys. He believes that any restriction prohibiting either himself or any future purchaser of this property from locating a house where the views would be most advantageous, would severely detract from the value of his property and cause him a severe economic loss. He therefore argues that he should be permitted to place a house anywhere on his property and that he should not be restricted in any manner, except for those restrictions that are imposed upon any development, pursuant to the Baltimore County Zoning Regulations, Baltimore County Building Code, and all other applicable building requirements, such as well and septic.

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Turning my attention to the issue raised within the Petition for Special Hearing, I find that the Petitioners have satisfied their burden and that the requested lot line adjustment should be permitted to occur. The 25.237-acre parcel of land located on the north side of Belmont Road should be joined with the approximately 160 acres of land on the south side of Belmont Road to allow the Sagamore Farms horse breeding operation to continue in perpetuity on the same parcel of land. The Petitioners shall be required to prepare a new deed, which shall be recorded in the Land Records of Baltimore County, showing the joining of the two properties together.

Turning next to the issue of the appropriate location to situate a dwelling on the subject property after the lot line adjustment, I find that any attempt to regulate or restrict the placement of a dwelling on the Maffezzoli property at this time would be premature. Testimony and evidence presented show that Dr. and Mrs. Maffezzoli will retain 56.242 acres of R.C.2 zoned land after the lot line adjustment is accomplished. Somewhere on that 56.242-acre parcel. Dr. Maffezzoli, or a successive owner may wish to construct a residence. There was no testimony before this Deputy Zoning Commissioner as to where, if anywhere, the property could sustain a septic system. There have been no percolation tests performed on the property. Furthermore, no wells have been dug to determine where an appropriate location for a well would be. Finally, had I not asked for a topographical map of the property, I would not have been able to determine where on this 56.242 acre parcel the "ridge" exists. There may also be wetlands or other naturally occurring features to this land which could further restrict development on this property for residential purposes. None of this information was provided to me at the time of this

ORDER RECEIVED FOR FILING
Date 2/26/96
By

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hearing. Furthermore, a future owner may not even wish to build atop this "ridge" and thus, the need to restrict the building location may not even be necessary. Therefore, I believe it would be premature at this time to attempt to restrict where a house can be located on this parcel of land.

However, I do believe that the issue of where a house should be located is sufficient to warrant that a special hearing be held prior to the issuance of any building permit for any residence to be constructed on this 56.242-acre parcel, following the lot line adjustment. Therefore, a restriction shall be imposed at the end of this Order requiring that a special hearing be held to determine the appropriate location for a dwelling on this parcel at such time as an application for a building permit for same has been filed.

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

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 1996 that the Petition for Special Hearing to approve the reconfiguration of the lot lines of two existing and contiguous R.C.2/R.C.4 record lots (or a portion of one lot

ORDER RECEIVED FOR FILING
Date 2/26/96
By

of record) for agricultural purposes, only, and the allocation of one of the permitted R.C.2 building rights to the remaining 56.242-acre parcel, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

IT IS FURTHER ORDERED that in the event an application for a building permit is filed to develop the 56.242 acre parcel retained by Dr. and Mrs. Maffezzoli, with a single family dwelling, then the Petitioners or any future property owner must request a special hearing to determine the appropriate location for said dwelling.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/26/96
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 26, 1996

James R. Andersen, Esquire
105 W. Chesapeake Avenue, Suite 300
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Belmont Road, 2,050' W of Tufton Avenue
(3501 Belmont Road)
4th Election District - 3rd Councilmanic District
Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
Case No. 96-169-SPH

Dear Mr. Andersen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Dr. & Mrs. Richard D. Maffezzoli
3501 Belmont Road, Glyndon, Md. 21136

Ms. Patricia A. Ward
13860 Wellington Trace, #12, Wellington, Fla. 33414

Dr. John Bernstein, Executive Director, Valleys Planning Council
P.O. Box 5402, Towson, Md. 21285-5402

Mr. George M. Durrett
123 St. Thomas Lane, Owings Mills, Md. 21117

Nancy West, Esquire, Baltimore County Office of Law
Catherine Milton, Department of Permits & Development Management
People's Counsel; Case File

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AMENDED

Petition for Special ~~Exception~~ Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3501 Belmont Avenue
which is presently zoned RC-2, RC-4

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for the reconfiguration of the lot lines for agricultural purposes within the tract boundaries of two existing contiguous RC-2/RC-4 record lots (or a portion of one lot of record) and allocation to the remaining 56.242 acre parcel of one of the permitted RC-2 building rights.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

LEGAL OWNER AND Contract Purchaser/Lessee:
Patricia A. Ward (Type or Print Name)
Signature
13860 Wellington Trace, #12 (Address)
Wellington Florida 33414 (City, State, Zipcode)

Legal Owner(s):
Richard D. Maffezzoli (Type or Print Name)
Signature
Mary C. Maffezzoli (Type or Print Name)
Signature
c/o James Andersen, Esq.
105 W. Chesapeake Ave, #300 (Address) (410) 828-1335 (Phone No.)
Towson, Md. 21204 (City, State, Zipcode)
Name, Address and phone number of representative to be contacted.
Name
Address Phone No.

Attorney for Petitioner:
James R. Andersen (Type or Print Name)
Signature
105 W. Chesapeake Ave, #300 (Address, Phone No.)
Towson, Md. 21204 (City, State, Zipcode)

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates ______ Next Two Months
ALL ______ OTHER ______
REVIEWED BY: ______ DATE ______

ORDER RECEIVED FOR FILING
Date 2/26/96
By

Revised 9/5/95

96-169-SPH

Petition for Special Hearing

#166

to the Zoning Commissioner of Baltimore County

for the property located at 3501 Belmont Ave
96-169-SPH
which is presently zoned RC-2 and RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a proposed non-density transfer of 31.479 acres of RC-4 zoned land located in Baltimore County, Maryland from Richard A. Maffezzoli and Mary Maffezzoli to Patricia A. Ward, who is a contiguous property owner.

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

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

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner
Jim Andersen (Type or Print Name)
Signature
105 W Chesapeake Ave 828-1335 (Address, Phone No.)
Towson MD 21204 (City, State, Zipcode)

Legal Owner(s)
Richard D Maffezzoli (Type or Print Name)
Signature
Mary C Maffezzoli (Type or Print Name)
Signature
c/o Tom Harrison 828-1335 (Address, Phone No.)
105 W Chesapeake Ave
Towson MD 21204 (City, State, Zipcode)
Name, Address and phone number of representative to be contacted
Name
Address Phone No

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 2 hr.
unavailable for Hearing
the following dates ______ Next Two Months
ALL ✓ OTHER ______
REVIEWED BY: MJK DATE 10/18/95

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ZONING DESCRIPTION

96-169-SPH

All that piece or parcel of land situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point located in the center of Belmont Road distant 2050 feet, more or less, measured Northwesterly along the center of Belmont Road from the center of Tufton Avenue, and running thence and binding in the center of Belmont Road the nine following lines viz: by a curve to the left having a radius of 606.59 feet, an arc length of 249.15 feet, and subtended by a chord North 67 degrees 39 minutes 06 seconds West 247.40 feet, North 77 degrees 21 minutes 49 seconds West 376.28 feet, by a curve to the right having a radius of 1199.75 feet, an arc length of 146.48 feet and subtended by a chord North 74 degrees 30 minutes 35 seconds West 146.39 feet, North 70 degrees 19 minutes 18 seconds West 676.84 feet, by a curve to the right having a radius 873.36 feet, an arc length of 102.40 feet, and subtended by a chord North 66 degrees 05 minutes 20 seconds West 102.34 feet , North 64 degrees 21 minutes 01 seconds West 1266.78 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds west 226.16 feet, North 13 degrees 49 minutes 49 seconds West 314.64 feet, and North 7 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running the nine following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 116.00 feet, North 43 degrees 29 minutes 06 seconds East 150.00 feet, South 39 degrees 03 minutes 10 seconds East 585.78 feet, South 04 degrees 14 minute 43 seconds West 419.70 feet, South 69 degrees 30 minutes East 830 feet, North 28 degrees 21 minutes 04 seconds East 200.00 feet, South 71 degrees 47 minutes 58 seconds East 1632.64 feet, South 11 degrees 13 minutes 05 seconds West 424.73 feet and South 2 degrees 16 minutes 55 seconds East 63.92 feet to the place of beginning.

Containing 31.479 Acres of land, more or less.

STATE OF MARYLAND
DAVID EDWARD RANSONE
NO. 10928
REGISTERED
PROFESSIONAL LAND SURVEYOR

#166

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-169-SPH

District 4th Date of Posting 11/9/95
Posted for: Special Hearing
Petitioner: Richard & Mary Maffezzoli
Location of property: 3501 Belmont Rd
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by ______ (Signature) Date of return: 11/17/95
Number of Signs: 1

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-169-SPH
(Item 166)
3501 Belmont Avenue
N/S Belmont Road, 2050' W of c/l Tufton Road
4th Election District
3rd Councilmanic
Legal Owner(s):
Richard D. Maffezzoli and Mary C. Maffezzoli
Hearing: Thursday, November 30, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.
Special Hearing: to approve a proposed non-density transfer of 31.479 acres.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/109 Nov. 9. c15957

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/10, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/9, 1995.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007943

DATE 10/13/95 ACCOUNT 01-615
Item: 166
By: mtX
AMOUNT $ 135.00

RECEIVED FROM: Mild, Harman, & Burch - 3501 Belmont Ave
030 - Spec Hrng (2 hrs) - $ 100.00
080 - Posting - $ 35.00
$ 135.00

FOR: 96-169-SPH

01A01H0126MICHRC $135.00
BA C011:34AM10-18-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. [illegible]

DATE 3 JUN 96 ACCOUNT R-001-6150
AMOUNT $ 135.00

RECEIVED FROM: Jim Anderson
DESC PLAN PETITIONS

FOR: Revision Fee for 96-169 SPH

03A01H0225MICHRC $135.00
BA C002:32PM01-03-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 019072

DATE 5/2/96 ACCOUNT R-001-6150
AMOUNT $ 210.00

RECEIVED FROM: Perry Rosbaum

FOR: Add'l Posting 96-169-SPH

01A03H0029MICHRC $210.00
BA C003:30PM05-02-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 020045

DATE 31 May 96 ACCOUNT R-001-6150
AMOUNT $ 3.00

RECEIVED FROM: Barry Rosbaum

FOR: Xerox (3)

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 166

Petitioner: Richard D. Maffezzoli and Mary C. Maffezzoli

Location: 3501 Belmont Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. James Ward, c/o James R. Anderson, Esq.

ADDRESS: 105 West Chesapeake Avenue, Suite 300, Towson, MD 21204

PHONE NUMBER: (410) 828-1335

AJ:ggs

(Revised 04/09/93)

13

TO: PATUXENT PUBLISHING COMPANY
November 9, 1995 Issue - Jeffersonian

Please foward billing to:

James R. Andersen, Esq.
105 W. Chesapeake Avenue #300
Towson MD 21204
828-1335

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-169-SPH (Item 166)
3501 Belmont Avenue
N/S Belmont Road, 2050' W of c/l Tufton Road
4th Election District - 3rd Councilmanic
Legal Owner: Richard D. Maffezzoli and Mary C. Maffezzoli

Special Hearing to approve a proposed non-density transfer of 31.479 acres.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 6, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-169-SPH (Item 166)
3501 Belmont Avenue
N/S Belmont Road, 2050' W of c/l Tufton Road
4th Election District - 3rd Councilmanic
Legal Owner: Richard D. Maffezzoli and Mary C. Maffezzoli

Special Hearing to approve a proposed non-density transfer of 31.479 acres.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Richard and Mary Maffezzoli
James R. Andersen, Esq.
Jim Thompson

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 24, 1995

Jim R. Anderson, Esquire
105 W Chesapeake Avenue
Towson, Maryland 21204

RE: Item No.: 166
Case No.: 96-169-SPH
Petitioner: R. O. Maffezzoli

Dear Mr. Anderson:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 30, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 161, 162, 163, 165, 166, 167, 168, 169 & 171.

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-25-95

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

RE: Baltimore County
Item No. 166 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 6, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for November 6, 1995
Items 163, 165, 166, 167, 168, and 169

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

November 21, 1995

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #166 - Maffezzoli Property
3501 Belmont Avenue
Zoning Advisory Committee Meeting of October 30, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and Forest Conservation.

Agricultural Preservation Program

Comments for this petition will not be submitted until such time that the petitioners take the actions necessary to bring the property on the south side of Belmont Road into conformance with the Baltimore County Development Regulations and the Maryland Agricultural Land Preservation Foundation easements.

JLP:LS:WL:sp

MAFFEZ/DEPRM/TXTSBP

MICROFILMED

Fax to J. Anderson 11/29/95 @ 9:30 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: November 28, 1995

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 3501 Belmont Avenue

RECEIVED 29 1995 ZONING COMMISSIONER

INFORMATION:

Item Number: 166

Petitioner: Maffezzoli Property

Property Size:

Zoning: RC-2 & RC-4

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comment.

It appears to this office that the subject request is, in fact, a density transfer since the tract of land to be transferred is improved with a residence. We are unable to find any provision in the Baltimore County Zoning Regulations allowing for a transfer of this nature to take place.

If, however, the applicant's request is found to be acceptable and ultimately granted, the effect will be the creation of a non-density parcel of 50 acres with no development rights since the 81 acre parcel holds only one density unit. As this obviously is not the applicant's intent, it is imperative that the plat accompanying this request be amended to indicate the proposed locations of all available density units (5) on the north and south sides of Belmont Avenue.

In addition to the above mentioned concerns, other questions raised by Permits and Development Management in a memorandum dated November 17, 1995 should be addressed prior to final consideration of this matter.

Comments forwarded to this office from the Landmarks Preservation Commission are also attached for informational purposes.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

February 1, 1996

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #96/169/SPH - Maffezzoli/Ward - REVISED
3501 Belmont Avenue
Zoning Advisory Committee Meeting of January 16, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations Sections 14-401 through 14-422 of the Baltimore County Code).

Agricultural Preservation Program

This plan has been reviewed for prime and productive soils. As proposed, the plan does not conflict with meeting those regulations.

JLP:KK:WL:sp

MAFFEZ/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Time 2/5 96-169-SPHA

TO: Arnold Jablon, Director, PDM DATE: February 2, 1996

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT:

RECEIVED FEB - 1 1996 ZONING COMMISSIONER

INFORMATION:

Item Number: 166

Petitioner: Maffezzoli Property

Property Size:

Zoning: RC-2 & RC-4

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the revised plan, staff offers the following comment:

Should the applicant's request be granted, this office recommends that approval be conditioned on a restriction which would provide the Office of Planning the opportunity to review and approve the location of [illegible] to be constructed on the 36.24 acre, RC-2 zoned parcel prior to the issuance of a building permit.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kerns

PK/JL

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 30, 1995

(410) 887-4386

James Anderson, Esquire
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 96-169-SPH
Richard D. and Mary C. Maffezzoli, Petitioners

Dear Mr. Anderson:

This letter serves to confirm, and it has been agreed upon by counsel, that the continuance of the above captioned case will be scheduled for hearing on February 5 and 6, 1996 at 9:00 A.M. in Room 118 of the Court House. A copy of this letter has been sent to all interested parties.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Nancy C. West, Esquire, Office of Law
cc: Gwen Stephens, Docket Clerk
cc: Peoples Counsel
cc: All Protestants listed on the attached sign-in sheet

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

May 22, 1996

(410) 887-4386

Nancy C. West
Assistant County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204

SUBJECT: PETITION FOR SPECIAL HEARING (Sagamore Farms)
Richard Maffezzoli, et ux and Patricia Ward - Petitioners
Case No. 96-169-SPH

Dear Ms. West:

In response to your letter dated March 25, 1996, and Mr. James R. Andersen's letter of March 29, 1996 concerning my decision in the above-captioned matter, the following comments are offered.

I have had an opportunity to review the contents of both your letter and Mr. Andersen's letter. I have also reviewed the substance of my decision dated February 26, 1996 as well as the contents of the case file. While a modification or amendment of my decision has not been requested, nor is it necessary, I do believe that a letter of clarification is appropriate under the circumstances.

In your letter, you pointed out to me certain language contained within Page 3 of my Order which caused you concern. I have reviewed that language and bring to your attention the language contained within the Prayer for Relief found on Pages 7 and 8 of my decision. That language supercedes the dicta contained within the body of my Order, and thus, is controlling. In my opinion, the language in the Prayer for Relief is consistent with the concerns raised in your letter of March 25, 1996, and thus, the Order issued February 26, 1996 shall stand in its original form.

Furthermore, this letter will acknowledge that Patricia Ward was the actual owner of the property at the time the hearing took place before me and that James Ward appeared and testified on her behalf.

Should you have any additional questions or need further clarification on any of these issues, please feel free to contact me.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

MICROFILMED

TMK:bjs
cc: James R. Andersen, Esquire
105 W. Chesapeake Avenue, Suite 300, Towson, Md. 21204
Kate Milton, PDM; Case File

RE: PETITION FOR SPECIAL HEARING 3501 Belmont Avenue, N/S Belmont Avenue, 2050' W of c/l Tufton Road 4th Election District, 3rd Councilmanic Richard D. and Mary C. Maffezzoli Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 96-169-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Jim Andersen, Esquire, 105 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioners

PETER MAX ZIMMERMAN

11/30/95 96-169-SPH

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: November 17, 1995

TO: Hearing Officer

FROM: Catherine A. Milton
Planner I
Zoning Review, PDM

SUBJECT: ZAC Comments
Item #166 - Sagamore Farms
3501 Belmont Road

At the request of the Director of Permits and Development Management (PDM), I have been asked to give an overview of the subject property from the perspective of the Zoning Review section.

History:

The property shown on attached diagram "B" indicates the three (3) parcels that Mr. Ward purchased from Mr. Vanderbilt by a deed recorded on December 18, 1986 (see Petitioner's Exhibit #7 in zoning case #V-94-323-SPH). Research indicates that this is the way the property was recorded on November 25, 1979. The parcel to which the majority of my comments will relate is the parcel that is divided by Belmont Road. It should be noted that the parcel contained five (5) R.C.-2 development rights and seventeen (17) R.C.-4 development rights.

Prior to Bill #199-90, this office held that an R.C.-2 parcel divided by a road was to calculate its development rights according to the acreage on either side of the road. In the subject case, that interpretation did not effect the overall number of development rights for the R.C.-2 zoned property. The total still was five (5) development rights with three (3) on the north side of Belmont Road and two (2) on the south side of Belmont Road.

(Over)

In zoning case #89-52-SPH, Mr. Ward petitioned the zoning commissioner to allow the transfer of development rights across Belmont Road (see Petitioner's Exhibit #1 in zoning case #89-52-SPH or Petitioner's Exhibit #4 in zoning case #V-94-323-SPH). After a negative decision from the zoning commissioner and application for appeal to the Baltimore County Board of Appeals, the request was withdrawn.

On March 24, 1988, the portion of the parcel that was north of Belmont Road was subdivided into three (3) parcels (see attached copy of the subdivision plan identified by Petitioner's Exhibits #5, 8A, 8B, and 8C in zoning case #V-94-323-SPH and attached diagram "C").

Attached diagram "D" and Petitioner's Exhibits #10 and #11 of zoning case #V-94-323-SPH shows that the 81.479-acre parcel was subdivided into two (2) lots. This subdivision was in violation of the subdivision regulations of the Baltimore County Code (because it did not conform to the development process) and of the zoning regulations because an overall Final Development Plan (FDP) was not submitted for review and approval.

It could be argued that the previously mentioned subdivision plan clearly stated that there were no remaining R.C.-2 development rights to the north of Belmont Road and, because the northern properties were developed under the "road split" policy, zero (0) development rights remained; no further subdivision or reconfiguration of the property is allowed. Any attempt to remove the "road split" policy review would necessitate the property to reviewed as a whole and that <u>four</u> (4) lots would exist. These four (4) lots would then need to comply with the County Code Development Regulations.

The majority of the portion of property to the south of Belmont Road was put under an "agricultural easement" (see Petitioner's Exhibits #14 and 15 in zoning case #V-94-323-SPH). It could be argued that because two (2) areas were excluded from the easement and there were four (4) parcels to the north of the road, one (1) of which had a house upon it; that one (1) of the properties to the north of the road was not buildable. If this argument holds, then that unbuildable parcel would have to be the 50-acre piece owned by the Mr. Maffezzoli because he created the parcel by subdivision selling off the piece with the house. Questions regarding the effect of this easement should be directed to Wally Lippincott.

It is clear that the original property must NOT have more than five (5) R.C.-2 development rights.

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(Over)

Exhibit #12 in zoning case #V-94-323-SPH and Diagram "F" indicate that another subdivision of the property to the north of Belmont occurred. This was again without review and in violation of the County Code and zoning regulations.

Diagram "G" and deeds 9363/447 and 9363/451 indicate a reconfiguration of the three (3) remaining parcels on the south side of the road. This was done without the review of the county and, if I understand correctly, in violation of the State Agricultural Easement Agreement.

<u>The Violation:</u>

On October 21, 1993, I received for review a letter from the Valley Planning Council alleging an illegal subdivision of R.C.-2 zoned property (see letter dated October 19, 1993 in zoning case #V-94-323-SPH). A review of the information provided by the Valley Planning Council and information located in the Baltimore County Land Records prompted my letter of December 22, 1993 to Ms. Ward.

Not receiving any response from Ms. Ward, I was advised to file a special hearing through the Zoning Enforcement section of our department. After <u>many</u> meetings and postponements, the special hearing was held in January 1995. Because the attorney for the Wards and Maffezzolis did not appear, the case proceeded without him. A motion for reconsideration was filed and granted. A second hearing was held on May 18, 1995. My understanding of the outcome of that hearing was that the property was going to be returned to the parcel outlines as they were on or around March 24, 1988 (of course this would not effect the status of the agricultural easement record with the State of Maryland).

It is my understanding that, at this time, the property to the north is as it was on March 24, 1988 but the property to the south is not.

<u>This Request:</u>

On October 18, 1995, Jim Anderson filed, on behalf of Richard and Mary Maffezzoli, a petition for special hearing before the zoning commissioner. The request was to allow a non-density transfer of 31.479 acres of R.C.-2 and R.C.-4 zoned land to a contiguous property owner.

(Over)

<u>Points that Need Resolution or Clarification:</u>

Without specifically knowing the intent of the petition, I had to make some assumptions. I assume that the desired end result of the request is that the 50 acres, identified by tax ID #22-00-007655 and owned by the Maffezzolis, is to retain an R.C.-2 building right and that the 31 acres is to be transferred to one (1) of the parcels to the south side of the road.

The request for a non-density transfer is erroneous. The proposed 31-acre parcel of ground has one (1) dwelling and a tenant house. How can you request a non-density transfer of a parcel that has "density"?

There are many questions raised by the proposed request, for example:

1. How can this 31 acres be transferred to an illegally created parcel on the south side of the road?
2. Why is the 8.378-acre area shown screened on the plan? Is the R.C.-4 portion of this property also requesting to be "non-density"?
3. Why isn't the "contiguous" property shown on the plan? It is, after all, part of the request.
4. Are the petitioners anticipating that a new metes and bounds description will be recorded, eliminating the line of separation that runs down the center of Belmont Road?
5. How large are the areas of the R.C.-2 and R.C.-4 portions of each lot that is proposed?
6. Why weren't density calculations shown on the plan to accompany the special hearing?
7. Why wasn't the 28-foot by 34-foot dwelling listed as a tenant house?
8. Why wasn't the previous zoning history listed on the plan?
9. Why are the property owners listed as the Maffezzolis when the plan is dated May 25, 1995?

(Over)

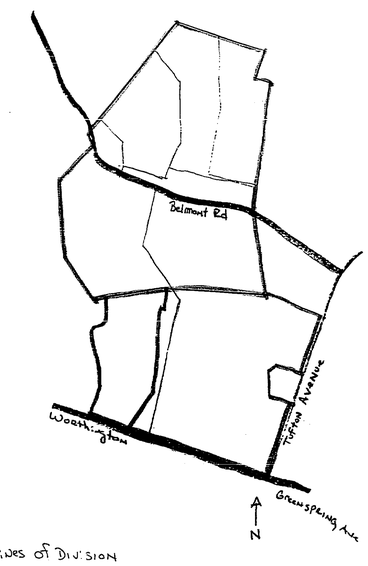
If the proposed transfer of land, which would include the house and tenant house, is approved, the effect would be to create a 50-acre parcel without any density rights and thereby unbuildable. If the 81 acres were to remain intact, the parcel would carry a total of 1 (one) density unit, subject to any R.C.-4 zoning.

<u>Recommendation:</u>

This office strongly recommends that, prior to making a decision on the case, the above questions should be answered. It should also be noted that there is a request before the Development Review Committee (DRC) to allow this transfer to occur as a lot line adjustment. If a lot line adjustment is granted, there will be no review of the new line of division and no development plan on record. We are requesting that if this zoning request is granted, a restriction be placed in the order that indicates that even if a lot line adjustment is granted by the DRC, the Zoning Review section of PDM will require an overall FDP pursuant to Section 1A00.4 of the <u>Baltimore County Zoning Regulations</u> (BCZR).

The one thing that needs to be understood above all else, is that the original parcel of ground shown on Diagram "B" that has Belmont Road running through it must not have more than five (5) R.C.-2 dwellings on it.

c: Nancy West, Law Office



To: Nancy West
From: Kate Milton

RED = Original lines of Division
PENCIL = All New lines of Division

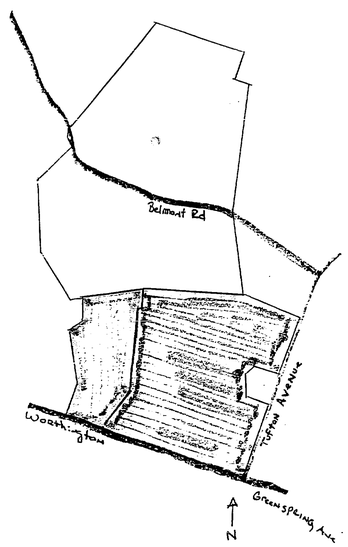
MICROFILMED

For ZAC Comments

AMENDED 20 Nov 95

Copy Sent to Nancy W Early Summer 1995

A



Visual of property as described in Exhibit 7

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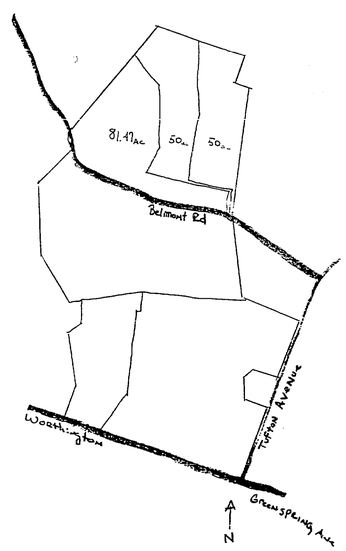
(Vandeerbilt to Ward; Recorded Dec 18, 1986)

B



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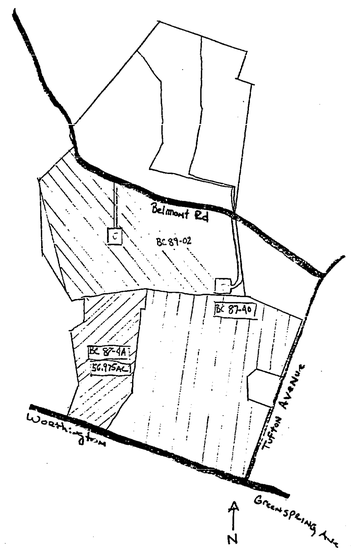
Visual of Property Described in Exhibits 5, 8a, 8b, 8c and 9
Property North of Belmont subdivided into 3 parcels
3 parcels Recorded March 29, 1988

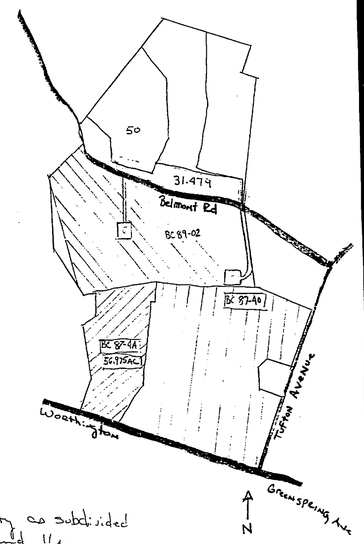
C



MICROFILMED

Visual of property placed under Easement
Recorded March 26, 1991

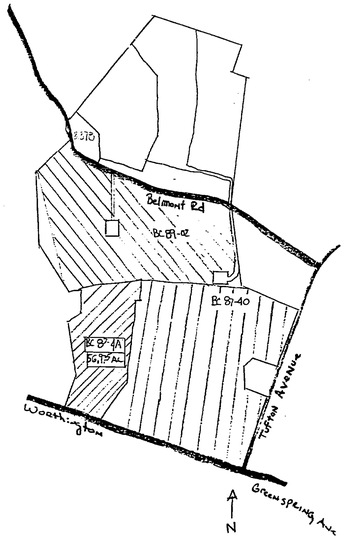
D



Visual of property as subdivided by exhibits 10 and 11 — Ag Easement 20 March 91
Recorded May 2, 1991 and Nov 27, 1991

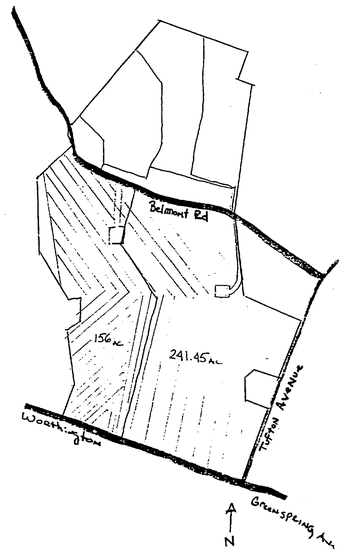
MICROFILMED

E



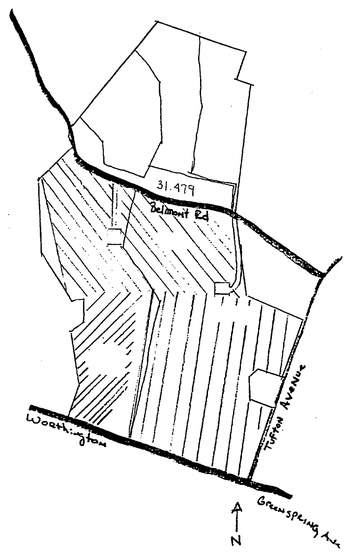
Visual of transfer of Exhibit 12
Recorded April 8, 1992

F



Visual of Reconfiguration of the Easement Area
9363/447 (152)
9363/451 (241.45) Recorded 9.15.92

G



Visual of Exhibit 13
Recorded Jan 5, 1995

H

AU@mail.bcpl.lib.md.us;

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 4, 1996

TO: Hearing Officer

FROM: Catherine A. Milton
Planner I
Zoning Review, PDM

SUBJECT: Amended ZAC Comments
Item #166 - Sagamore Farms
3501 Belmont Road

At the request of the Director of Permits and Development Management (PDM), I have been asked to give an overview of the subject property from the perspective
of the Zoning Review section.

History

The property shown on attached diagram "B" indicates the three (3) parcels that
Mr. Ward purchased from Mr. Vanderbilt by a deed recorded on December 18, 1986 (see Petitioner's Exhibit # " in zoning case #V-94-323-SPH). Research indicates that this is the way the property was recorded on November 25, 1970
The parcel to which the majority of my comments will relate is the parcel that is
divided by Belmont Road. It should be noted that the parcel contained five (5)

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October 19, 1993 in zoning case #V-94-323-SPH). A review of the information provided by the Valley Planning Council and information located in the Baltimore
County Land Records prompted my letter of December 22, 1993 to Ms. Ward.

Not receiving any response from Ms. Ward, I was advised to file a special hearing
through the Zoning Enforcement section of our department. After many meetings
and postponements, the special hearing was held in January 1995. Because the attorney for the Wards and Maffezzolis did not appear, the case proceeded without him. A motion for reconsideration was filed and granted. A second hearing was held on May 18, 1995. My understanding of the outcome of that hearing was that the property was going to be returned to the parcel outlines as
they were on or around March 24, 1988 (of course this would not effect the status
of the agricultural easement record with the State of Maryland).

It is my understanding that by deeds filed in the Land Records of Baltimore County on October 6, 1995 and January 31, 1996, the property to the north and to the south of Belmont Road is as it was on March 24, 1988.

ZAC Comments
Item #166 - Sagamore Farms
Page 4

The Amended Request:
JAN 3, 1996
On (Date?) A. Jim Anderson filed on behalf of Richard and Mary Maffezzoli and Patricia A. Ward, a petition for special hearing before the zoning commissioner
The request was to allow the reconfiguration of the lot lines for agricultural
purposes within the tract boundaries of two existing contiguous RC-2/RC-4 record
lots (or a portion of one lot of record) and the allocation to the remaining 56.242
acre parcel of one of the permitted RC-2 building rights.

Recommendation:

This office has no recommendation regarding the appropriateness of the above request. However, it should be noted that there is a request before the Development Review Committee (DRC) to allow this transfer to occur as a lot

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R.C.-2 development rights and seventeen (17) R.C.-4 development rights.

Prior to Bill #199-90, this office held that an R.C.-2 parcel divided by a road was
to calculate its development rights according to the acreage on either side of the
road. In the subject case, that interpretation did not effect the overall number of
development rights for the R.C.-2 zoned property. The total still was five (5)
development rights with three (3) on the north side of Belmont Road and two (2)
on the south side of Belmont Road.

ZAC Comments
Item #166 - Sagamore Farms
Page 2

In zoning case #89-52-SPH, Mr. Ward petitioned the zoning commissioner to allow the transfer of development rights across Belmont Road (see Petitioners Exhibit #1 in zoning case #89-52-SPH or Petitioner's Exhibit #4 in zoning case
#V-94-323-SPH). After a negative decision from the zoning commissioner and application for appeal to the Baltimore County Board of Appeals, the request was
withdrawn

On March 24, 1988, the portion of the parcel that was north of Belmont Road was
subdivided into three (3) parcels (see attached copy of the subdivision plan identified by Petitioner's Exhibits #5, 8A, 8B, and 8C in zoning case #V-94-323-
SPH and attached diagram "C").

Attached diagram "D" and Petitioner's Exhibits #10 and #11 of zoning case #V-
94-323SPH shows that the 81.479-acre parcel was subdivided into two (2) lots.

This subdivision was in violation of the subdivision regulations of the Baltimore
County Code (because it did not conform to the development process) and of the
zoning regulations because an overall Final Development Plan (FDP) was not submitted for review and approval.

It could be argued that the previously mentioned subdivision plan clearly stated
that there were no remaining R.C.-2 development rights to the north of Belmont
Road and, because the northern properties were developed under the "road

split"
policy, zero (0) development rights remained; no further subdivision or reconfiguration of the property is allowed. Any attempt to remove the "road split"
policy review would necessitate the property to be reviewed as a whole and that four
(4) lots would exist. These four (4) lots would then need to comply with the County Code Development Regulations.

The majority of the portion of property to the south of Belmont Road was put under an agricultural easement" (see Petitioner's Exhibits #14 and 15 in zoning
case #V-94-323SPH). It could be argued that because two (2) areas were excluded from the easement and there were four (4) parcels to the north of the
road, one (1) of which had a house upon it; that one (1) of the properties to the
north of the road was not buildable. If this argument holds, then that unbuildable
parcel would have to be the 56-acre piece owned by Mr. Maffezzoli because he created the parcel by subdivision selling off the piece with the house
Questions
regarding the effect of this easement should be directed to Wally Lippincott.

ZAC Comments
Item #166 - Sagamore Farms
Page 3

Exhibit #12 in zoning case #V-94-323-SPH and Diagram "F" indicate that another
subdivision of the property to the north of Belmont occurred. This was again without review and in violation of the County Code and zoning regulations.

Diagram "G" and deeds #3963/447 and 9363/451 indicate a reconfiguration of the three (3) remaining parcels on the south side of the road. This was done without
the review of the county and, if I understand correctly, in violation of the State
Agricultural Easement Agreement.

The Violation:

On October 21, 1993, I received for review a letter from the Valley Planning Council alleging an illegal subdivision of R.C.-2 zoned property (see Letter dated

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line
adjustment. If a lot line adjustment is granted, there will be no review of the new
line of division and no development plan on record. We are requesting that if this
zoning request is granted, a restriction be placed in the order that indicates that
even if a lot line adjustment is granted by the DRC, the Zoning Review section of
PDM will require an overall FDP be filed and approved pursuant to Section 1A00.1 of the Baltimore County Zoning Regulations (BCZR).

The one thing that needs to be understood above all else, is that the original
parcel of ground shown on Diagram "B" that has Belmont Road running through it, must not have more than five (5) R.C.-2 dwellings on it.

c: Nancy West, Law Office

MICROFILMED

Baltimore County
Office of Law

400 Washington Avenue
Towson, Maryland 21204
(410) 887-4420
Fax: (410) 296-0931

March 25, 1996

RECEIVED
MAR 26 1996
ZONING COMMISSIONER

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
Courthouse, First Floor
400 Washington Avenue
Towson, Maryland 21204

RE: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No. 96-169-SPH

Dear Commissioner Kotroco:

In the course of reviewing your recent Findings Of Fact And Conclusions Of Law relative to the above-captioned matter, we noted some inaccuracies which we feel obliged to bring to your attention.

On Page 3 and continuing on Page 4 of your Opinion, it states:

> "It should also be noted that the 81-acre parcel originally sold to Dr. & Mrs. Maffezzoli contained two density units, one of which is already utilized by the dwelling known as 3501 Belmont Road. The remaining density unit will be retained by Dr. & Mrs. Maffezzoli as part of the 56.242 acre parcel they will retain after the lot line adjustment is accomplished." (Emphasis added.)

When Dr. and Mrs. Maffezzoli purchased the 81 acres, it contained only one R.C.-2 density (or dwelling) right. This right has already been used by the existing dwelling. This is more clearly shown on Petitioner's Exhibit No. 2 in the Site Data Chart. This is also why the Petition requested "the allocation to the remaining 56.242 acre parcel of one of the permitted R.C.-2 building rights." The reallocation of the R.C.-2 building right is from the south side of the road. The end result is that the R.C.-2 building rights are now four on the north side of Belmont and one remaining on the south side. Originally, only three rights had been allocated to the north side of Belmont (see Petitioner's Exhibit No. 2) and two were on the south side.

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Timothy M. Kotroco, Esquire
March 25, 1996
Page 2

Finally, we also bring to your attention the fact that Patricia Ward and not James Ward is co-owner of the property with Dr. Richard Maffezzoli and his wife. It was our understanding that Mrs. Ward authorized her husband, James, to appear at the hearing on her behalf.

We would respectfully request that the Order of February 26, 1996 be amended to reflect these changes.

Thank you for your assistance in this matter.

Sincerely yours,

Nancy C. West
Assistant County Attorney

NCW/jd

CC:
Catherine A. Milton
Wallace S. Lippincott, Jr.
Jeffrey Long
James Andersen, Esquire
Elise A. Butler, Esquire
John Bernstein, Esquire

MICROFILMED

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

May 6, 1996

James R. Andersen, Esquire
105 W. Chesapeake Avenue, Suite 300
Towson, MD 21204

Re: Petition for Special Hearing
S/S Belmont Road
2,050' W of Tufton Avenue
3501 Belmont Road
4th Election District
3rd Councilmanic District
Richard Maffezzoli, et ux,
and Patricia Ward - Petitioners
Case No. 96-169-SPH

Dear Mr. Andersen:

Please be advised that an appeal of the above-referenced case was filed in this office on May 2, 1996 by Barry J. and Carol E. Renbaum. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

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

Sincerely,

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:mm

c: Dr. and Mrs. Richard D. Maffezzoli
Ms. Patricia A. Ward
Dr. John Bernstein
Mr. George M. Durrett
Nancy West, Esquire
Catherine Milton
People's Counsel

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APPEAL

Petition for Special Hearing
S/S Belmont Road
2,050' W of Tufton Avenue
3501 Belmont Road
4th Election District - 3rd Councilmanic District
Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
Case No. 96-169-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheet

Petitioner's Exhibits: 1 - Site Plan to Accompany Petition for Special Hearing
2 - Subdivision Plat to Accompany Petition for Special Hearing

Deputy Zoning Commissioner's Order dated February 26, 1996 (Granted with Restrictions)

Notice of Appeal received on May 2, 1996 from Barry J. and Carol E. Renbaum with an attached letter from Nancy C. West to Tim Kotroco dated March 25, 1996.

c: James R. Andersen, Esquire, 105 W. Chesapeake Avenue, Suite 300, Towson, MD 21204
Dr. and Mrs. Richard D. Maffezzoli, 3501 Belmont Road, Glyndon, MD 21136
Ms. Patricia A. Ward, 13860 Wellington Trace, #12, Wellington, FL 33414
Dr. John Bernstein, Executive Director, Valleys Planning Council, P.O. Box 5402, Towson, MD 21285-5402
Mr. George M. Durrett, 123 St. Thomas Lane, Owings Mills, MD 21117
Nancy West, Esquire, Baltimore County Office of Law
Catherine Milton, PDM
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy M. Kotroco, Deputy Zoning Commissioner
Catherine Milton, PDM
Arnold Jablon, Director of PDM

RECEIVED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Rodgers Harrison
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

Re: Case No. V-94-323-SPH
Sagamore Farms
4th Election District

Dear Mr. Harrison:

Assistant County Attorney Michael J. McMahon has informed this office that the referenced case scheduled for June 30, 1994 will have to be postponed. On that date his wife is scheduled to receive an award from the White House, and along with other members of his family he most certainly wants to be present for the occasion.

I will contact your office on Monday June 20, 1994 to coordinate a new hearing date.

Sincerely,

James H. Thompson
Zoning Enforcement Supervisor

JHT/sh

cc: Margaret Worrall, Executive Director
The Valleys Planning Council, Inc.

File

Kurt L. Wise
Ackelberg, Kudrow, Suite
& Napkins Plaza, 600
21231
re: Sagamore Farms

Printed with Soybean Ink

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 9, 1994

T. Rogers Harrison, Esquire
Mudd, Harrison & Burch
105 West Chesapeake Avenue
300 Jefferson Building
Towson, Maryland 21204

Re: Case No. V-94-323-SPH
Sagamore Farms
Patricia A. Ward
4th Election District

Dear Mr. Harrison:

In reply to your letter of August 30, 1994 and our telephone conversation later that week, I have had the opportunity to consult with Director Arnold Jablon. With your office now having the authority to represent Patricia A. Ward, the enforcement section is mailing the Petition for Special Hearing that we have been attempting to serve on her since February 25, 1994. At present, a public hearing date has not been established for this property. Prior to this action, we will contact your staff to avoid any future postponements pertaining to both your clients.

Sincerely,

JAMES H. THOMPSON
Zoning Supervisor

JHT/hek

c: Margaret Worrell
The Valleys Planning Council, Inc.

Michael McMahon
Assistant County Attorney

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Baltimore County Government
Office of Law

10/19/94 5155-94
TO WLL
S-
File

400 Washington Avenue
Towson, MD 21204

(410) 887-4420
Fax (410) 296-0931

October 19, 1994

T. Rogers Harrison, Esquire
Mudd, Harrison & Burch
105 West Chesapeake Avenue, Suite 300
Towson, Maryland 21204

Re: Richard D. and Mary C. Maffezzoli
Sagamore Farms (Patricia A. Ward)
Case No. V-94-323-SPH

Dear Tom:

This office wishes to reschedule in the near term a meeting with your side as well as Wally Lippincott and other County personnel for the purposes of discussing suggested alternative solutions with a view toward resolving the alleged violations of area zoning criteria applicable to Sagamore Farms (see correspondence of September 7 and September 22, 1994). The meeting of October 4, 1994, had to be postponed so that a funeral could be attended by a necessary participant.

It is, of course, essential that a meeting be held to avoid a reactivation of proceedings for enforcement purposes.

Please advise as to your availability. Your cooperation and attendance is appreciated.

Very truly yours,

Michael McMahon
Assistant County Attorney

MMcM:sm

cc: Wally Lippincott
Stanley Schapiro
Arnold Jablon 1105
Kate Milton
Jim Thompson
Margaret Worrall

RECEIVED
OCT 20 1994
ZADM

GGS

Do we have a file we can put this in?

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RECEIVED FEB 1 1995

RC-2, RC-3 Rebuttal
2600 ~~Kathy~~ Sandy

Sagamore Deadline to file appeal
Oct 23 ~

x2614 Circuit Court
Richard Maffezo
3 Months
Transcript filed:
830-961-
A-35

2/5 no recording

Barry Rexbaum
Brydonwood
P.O. Box 326
Glyndon, MD 21071

96-169-SPH

Sagamore Farms

send copy of decision letter in response on request to amend filed by Law Office

16(42)

5'8"
wht female
dark curly hair
Around 140 lbs.
mid- 40's

Wht. frame House trimmed in RED on the East side of Belmont Ave

Only 2 houses on the road Belmont Ave, this house does have the swimming pool immediately across from the in door race track

Only 2 houses can be seen

The Valleys Planning Council, Inc.
212 Washington Ave
Towson, Maryland 21285-5402
337-6877
296-5409 FAX

Margaret Worrall
337-6877

THIS DEED, Made this 8th day of April, 1996 by and between RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, of the first part and PATRICIA A. WARD, of the second part.

WITNESSETH, That in consideration of the sum of Zero Dollars, the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, do grant and convey unto the said PATRICIA A. WARD, her personal representatives, successors and assigns, in fee simple, all that lot of ground, situate, lying and being in the Fourth Election District, Baltimore County and described as follows, that is to say:

(SEE EXHIBIT "A" ATTACHED)

BEING part of all that tract of land which by Deed dated June 6, 1995 and recorded among the Land Records of Baltimore County in Liber SM 11247, folio 57 was granted and conveyed by Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, to Richard D. Maffezzoli and Mary C. Maffezzoli, his wife.

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

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Patricia A. Ward, her personal representatives, successors and assigns, in fee simple.

And the said parties of the first part hereby covenant that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of the said grantors.

WITNESS:

Debra L. Schneider — RICHARD D. MAFFEZZOLI (SEAL)

Debra L. Schneider — MARY C. MAFFEZZOLI (SEAL)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JZ 4-18-96
By Date

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JZ DATE 4-18-96

FERNANDO J. ALVAREZ	*	IN THE
and	*	CIRCUIT COURT
DEBBIE TAYLOR	*	FOR
Plaintiffs,	*	BALTIMORE COUNTY
v.	*	
RICHARD D. MAFFEZZOLI	*	
and	*	
MARY C. MAFFEZZOLI	*	CASE NO. 95/117/94CV10032
Defendants.	*	

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

AMENDED COMPLAINT

FERNANDO J. ALVAREZ, by his attorneys, F. KIRK KOLODNER and ADELBERG, RUDOW, DORF, HENDLER & SAMETH, LLC, and DEBBIE TAYLOR, by her attorney, KEVIN B. KAMENETZ (the "Plaintiffs"), sue RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI (the "Defendants"), and in support thereof states as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiffs are residents of Baltimore County, Maryland.

2. Defendants are residents of Baltimore County, Maryland. Venue in Baltimore County, Maryland is proper in accordance with Maryland Code Ann., Courts and Judicial Proceedings Article §6-201(a).

3. This Court has jurisdiction over Defendants pursuant to Maryland Code Ann., Courts and Judicial Proceedings Article §6-102. This Court has subject matter jurisdiction pursuant to Maryland Code Ann., Courts and Judicial Proceedings Article §1-501 and §402(d).

075/alvaamen/021595

FERNANDO J. ALVAREZ, et al.	*	IN THE
Plaintiffs	*	CIRCUIT COURT
v.	*	FOR
RICHARD D. MAFFEZZOLI, et ux.	*	BALTIMORE COUNTY
Defendants	*	Case No.: 95/117/94CV10032
* * * * * * *	*	
RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI	*	
Third-Party Plaintiffs	*	
v.	*	
AMERICAN TITLE GUARANTEE CORPORATION SERVE: George J. Sybert 120 East Baltimore Street Suite 1800 Baltimore, Maryland 21202	*	
and	*	
GEORGE J. SYBERT, JR. 9096 Town and Country Boulevard Apartment B Ellicott City, Maryland 21043	*	
Third-Party Defendants	*	

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

THIRD-PARTY COMPLAINT

Third-Party Plaintiffs/Defendants Richard D. Maffezzoli and Mary C. Maffezzoli, by T. Rogers Harrison with Mudd, Harrison & Burch, their attorney, hereby sue American Title Guarantee Corporation and George J. Sybert, Jr. and, as grounds therefore, state the following:

1. American Title Guarantee Corporation ("American Title") is a Maryland corporation that conducts settlements of real estate

---

FERNANDO J. ALVAREZ et al.	*	IN THE
Plaintiffs	*	CIRCUIT COURT
v.	*	FOR
RICHARD D. MAFFEZZOLI et al.	*	BALTIMORE COUNTY
Defendants	*	95/117/94CV 10032

*****

COUNTER-CLAIM

Richard D. Maffezzoli and Mary C. Maffezzoli, Defendants/Counter-Plaintiffs, by T. Rogers Harrison, with Mudd, Harrison & Burch, their attorney, hereby sue Fernando J. Alvarez and Debbie Taylor, Plaintiffs/Counter-Defendants, and as grounds therefore, state the following:

1. Counter-Plaintiffs are the owners in fee of a 50 acre undeveloped parcel of land located in Baltimore County, Maryland (the "Property").

2. On November 30, 1993, Counter-Plaintiffs and Counter-Defendants entered into an Agreement for Deed (the "Agreement"), whereby Counter-Defendants agreed to purchase and Counter-Plaintiffs agreed to sell for One Million Two Hundred Seventy-Five Thousand Dollars ($1,275,000.00) the Property.

3. Pursuant to the Agreement, Counter-Defendants paid a deposit of Three Hundred Twenty-Five Thousand Dollars ($325,000.00). Counter-Defendants agreed to pay the balance of the purchase price by assuming an existing loan and deed of trust encumbering the Property in favor of Farm Credit of Central Maryland, which assumption was to be completed no later than November 30, 1993. Under the Agreement, Counter-Defendants

MICROFILMED

TO: Tim Dugan, Office of Planning
FROM: Elise A. Butler, Landmark's Preservation Commission
DATE: November 21, 1995
RE: Maffezzoli Property, Worthington Valley

In the November 9, 1995, meeting of the Landmark's Preservation Commission (the "Commission"), the Commission became aware of a proposed non-density transfer of 31.479 acres of land (from a total of 81.479), located in the Worthington Valley National Historic Register District from Richard Maffezzoli and wife to Patricia Ward. The Commission has several concerns about the impact of the transfer on the National Register Historic District and local landmark structures.

Specifically, the Commission is concerned that if the transfer of the 31.479 acres is permitted, the Maffezzoli's will attempt to assert the right to develop the remaining 50 acres in their possession. A logical place within the remaining 50 acres upon which the Maffezzoli's would attempt to develop is a highly visible ridge. In the event this ridge is developed, there is no existing vegetation to act as screening, and the dwelling would be visible from three directions: Worthington Avenue, Tufton Avenue and Butler Road. The impact of such a dwelling on both the National Register Historic District and local landmark structures would be detrimental.

In the course of reviewing the Maffezzoli's request, the Commission in its November meeting questioned and objected to the characterization of the transfer of the 31.479 acres as a non-density transfer. The reason for the Commissions objection was because there are two existing dwellings on 31.479 being transferred. **Only one house is permitted on the RC-2 portion of the 81.479 acres, which includes the ridge and the land where the existing houses are located.**

As there are two houses (assuming one house is a tenant house) already on the RC-2 portion of the 81.479 acres, there are no available building rights. The transfer of the 31.479 aces to the Wards is exactly the opposite of a non-density transfer because the Maffezzoli's are conveying that acreage, along with existing dwellings, which use all the density on the entire portion of the 81.479 zoned RC-2. Consequently, the 50 acres will have no available density as a result of the transfer.

MICROFILMED

If the Maffezzoli's cannot build an additional dwelling on the RC-2 portion of their property before the transfer of the 31.479 acres, they should not be able to accomplish that end as a result of the transfer.

The Commission feels strongly that the transfer of the 31.479 acres with two houses should not result in the creation of a development right on the remaining 50 acres, and therefore, the Commission submits the following comments and recommendations:

1. The transfer of the 31.479 acres is appropriate only if there is no density on the remaining Rc-2 portion of the 50 acres as a result;
2. The Hearing Officer expressly includes a finding that the transfer will result in no density onRC-2 portion the 50 acres in any Final Order, and the non-density restriction be recorded and indexed under the owner's name among the Baltimore County Land Records;
3. The Hearing Officer only hear and make a final determination on the non-density transfer issue submitted by the Maffezzoli's before considering any requests by the Wards to transfer density on their property located on the South side of Belmont Avenue to the North Side; and
4. In the event the present request by the Maffezzoli's results in a density right on the RC-2 portion of the 50 acres, the Commission recommends that the highly visible and historically sensitive ridge remain free of development.

TO: Tim Dugan, Office of Planning
FROM: Elise A. Butler, Landmark's Preservation Commission
DATE: November 21, 1995
RE: Maffezzoli Property, Worthington Valley

In the November 9, 1995, meeting of the Landmark's Preservation Commission (the "Commission"), the Commission became aware of a proposed non-density transfer of 81.479 acres of land (from a total of 81.479), located in the Worthington Valley National Historic Register District from Richard Maffezzoli and wife to Patricia Ward. The Commission has several concerns about the impact of the transfer on the National Register Historic District and local landmark structures.

Specifically, the Commission is concerned that if the transfer of the 81.479 acres is permitted, the Maffezzoli's will attempt to assert the right to develop the remaining 50 acres in their possession. A logical place within the remaining 50 acres upon which the Maffezzoli's would attempt to develop is a highly visible ridge. In the event this ridge is developed, there is no existing vegetation to act as screening, and the dwelling would be visible from three directions: Worthington Avenue, Tufton Avenue and Butler Road. The impact of such a dwelling on both the National Register Historic District and local landmark structures would be detrimental.

In the course of reviewing the Maffezzoli's request, the Commission in its November meeting questioned and objected to the characterization of the transfer of the 81.479 acres as a non-density transfer. The reason for the Commission's objection was because there are two existing dwellings on 81.479 being transferred. Only one house is located on the RC-2 portion of the 81.479 acres, which includes the ridge and [illegible] and where the existing houses are located.

As there are two houses (counting the house in a tenant house) already on the RC-2 portion of the 81.479 acres, there are no available building rights. The transfer of the 81.479 acres to the Wards is exactly the opposite of a non-density transfer because the Maffezzoli's are conveying that acreage, along with existing dwellings, which use all the density on the entire portion of the 81.479 zoned RC-2. Consequently, the 50 acres will have no available density as a result of the transfer.

1361-95

RECEIVED
EXECUTIVE OFFICE
'95 MAR 20 P 4:33

3021 Blackburn Road
Glyndon, MD 21071
March 17, 1995

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. V-94-323-SPH

Dear Mr. Kotroco:

On behalf of myself and several neighbors of Sagamore Farm, we were most distressed to read the attached article in the Valley Voice, March 1995 issue.

As you know, I was present and testified at the Sagamore hearing. You determined at that time that T. Rogers Harrison as legal representative of Patricia Ward and Richard and Mary Maffezzoli had ample notification of the hearing date and had elected not to appear. Therefore, you went on with the case as scheduled and promised those of us and the County Attorney, Michael McMahon, a timely order.

As was the testimony at the time of the hearing, more than 2 years has elapsed since the concern of an illegal subdivision was brought to the attention of Arnold Jablon by The Valleys Planning Council. Mr. Rogers has been involved in numerous meetings on the subject and is well aware of the situation just as he was aware of the scheduling of the hearing. If indeed his clients are not satisfied with your ruling, they have more than adequate measures by which to make an appeal.

I believe most strongly that this case has malingered as far as it should, and I urge you to make whatever decision you feel is appropriate without reopening the case unnecessarily.

Thank you for your attention to this matter.

Sincerely,

Margaret Worrall

Margaret Worrall

cc: C.A. Dutch Ruppersberger
T. Bryan McIntire
John Bernstein
Nancy C. West

FOWLEY & BECKLEY, P.A.
ATTORNEYS-AT-LAW
11 EAST LEXINGTON STREET
FOURTH FLOOR
BALTIMORE, MARYLAND 21202-1759

(410) 547-1919
FAX: (410) 547-1928

EDWARD A. HALLE, JR.

January 15, 1996

Mr. Lawrence Schmidt
Zoning Commissioner's Office
400 Washington Avenue - Room 112
Towson, Maryland 21204

RECEIVED
JAN 16 1996
ZONING COMMISSIONER

Re: Case Number 96169-SPH
3501 Belfast Road
Richard D. Maffezzoli
Our File Number: 6998/EAH

Dear Mr. Schmidt:

Please withdraw my entry of appearance in the above-captioned matter. I believe that the Valleys Planning Council, Inc. is currently being represented by another attorney in this matter.

Very truly yours,

Edward A. Halle, Jr.

EAH:rll

cc: Arnold Jablon, Esquire
Valleys Planning Council, Inc.
Attn: John Berstein

Have this used a postponement in November! 11/30
Do you have the file?
Thx

FOWLEY & BECKLEY, P.A.
ATTORNEYS-AT-LAW
11 EAST LEXINGTON STREET
FOURTH FLOOR
BALTIMORE, MARYLAND 21202-1759

(410) 547-1919
FAX: (410) 547-1928

EDWARD A. HALLE, JR.

November 20, 1995

Mr. Lawrence Schmidt
Zoning Commissioner's Office
400 Washington Avenue - Room 112
Towson, Maryland 21204

RECEIVED
30 1995
ZONING COMMISSIONER

Re: Case Number 96169-SPH
3501 Belfast Road
Richard D. Maffezzoli
Hearing Date: November 30, 1995

Dear Mr. Schmidt:

Please enter my appearance in the above-captioned matter on behalf of the Valleys Planning Council, Inc.

Our position with respect to the above-captioned non-density transfer request is that all illegal subdivisions must be undone and the subject properties re-consolidated and properly re-recorded before any density transfer or "non-density transfer" may be entertained.

I plan to be present at the November 30, 1995 hearing and look forward to seeing you or someone from your office at that time.

Very truly yours,

Edward A. Halle, Jr.

EAH:rll

cc: Arnold Jablon, Esquire
Valleys Planning Council
Attn: John Bernstein

MICROFILMED

96-2825 Petitioner
5/15/96

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

JOHN E. MUDD
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUITTO
T. ROGERS HARRISON
(1949-1985)

JAMES R. ANDERSEN
THOMAS P. DWYER
CHRISTOPHER C. O'HARA
OF COUNSEL
WILLIAM T. RUSSELL, JR.
DELVERNE A. BRESSEL

May 13, 1996

Board of Appeals
Office of Law
400 Washington Avenue
Towson, Maryland 21204

Re: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No.: 96-169-SPH

Ladies & Gentlemen:

Enclosed please find a Motion to Dismiss I filed on behalf of my clients in the above-captioned matter. I would appreciate it if you would rule on the Motion to Dismiss at your earliest possible convenience. My clients are deeply prejudiced by this inexcusable late filing of an appeal. The Maffezzolis cannot sell their property while the appeal is pending.

I appreciate whatever assistance you can provide in ruling on the Motion to Dismiss as expeditiously as possible.

Very truly yours,

James R. Andersen

JRA/jeh
Enclosure
cc: Dr. John Bernstein
Mr. George Durett
Peter Max Zimmerman, Esquire
Mr. & Mrs. Renbaum
Nancy West, Esquire
Mr. Arnold Jablon

MAY 15 1996

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

JOHN E. MUDD
T. ROGERS HARRISON
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUITTO

JAMES R. ANDERSEN
ELIZABETH A. CRAITHER
THOMAS P. DWYER
OF COUNSEL
WILLIAM T. RUSSELL, JR.

March 29, 1996

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
400 Washington Avenue, First Floor
Towson, Maryland 21204

RECEIVED
APR - 3 1996
ZONING COMMISSIONER

Re: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No.: 96-169-SPH

Dear Commissioner Kotroco:

I am writing in response to the March 25, 1996 correspondence from Nancy West to you. Although it may merely be an exercise in semantics, I am writing to voice my disagreement with Ms. West's position that all 5 RC-2 density units on the original tract were previously allocated and that for Dr. Maffezzoli to obtain an RC-2 development right, it would have to be transferred from the land on the south side of Belmont Road.

It is my client's position backed up by testimony at the hearing by Norman Gerber that density rights are probably not finally allocated until property is either transferred or a building permit is obtained. Originally, the entire tract supported five RC-2 density rights. The location of three of these rights have been determined through transfers of tracts of land on the north side of Belmont Road and the existence of a dwelling house that is not a tenant house. Therefore, two RC-2 density rights remain on the entire tract, and it is my clients' intention to allocate a fourth RC-2 density right to the property owned by Dr. Maffezzoli and his wife.

Again, this probably will not substantially affect your decision, but I did not wish for any silence on my behalf or my clients' behalf to constitute an acquiescence to the County's determination as to how Dr. Maffezzoli obtained an RC-2 density right.

I would also request that if you intend to amend your Order of February 26, 1996 (except to correct the statement that Patricia Ward - not James Ward - was the co-owner of the property), then I would request a brief hearing be set in so that I can further explicate my clients' position.

Very truly yours,

James R. Andersen

JRA/jeh
cc: Nancy West, Esquire

MICROFILMED

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
300 JEFFERSON BUILDING
TOWSON, MARYLAND 21204
(410) 828-1335
FAX (410) 828-1042

JOHN E. MUDD
RICHARD C. BURCH
DOUGLAS W. BISER
H. PATRICK STRINGER, JR.
ANDREW JANQUITTO
T. ROGERS HARRISON
(1949-1995)

JAMES R. ANDERSEN
THOMAS P. DWYER
CHRISTOPHER C. O'HARA
OF COUNSEL
WILLIAM T. RUSSELL, JR.
DELVERNE A. BRESSEL

May 1, 1996

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
400 Washington Avenue, First Floor
Towson, Maryland 21204

RECEIVED
MAY - 2 1996
ZONING COMMISSIONER

Re: Sagamore Farms
Petition for Special Hearing
Zoning Case No.: 96-169-SPH

Dear Commissioner Kotroco:

Pursuant to your Order dated February 26, 1996, enclosed please find copies of the Deeds recorded in the Land Records of Baltimore County on April 18, 1996.

If you have any questions or comments, please do not hesitate to call me.

Very truly yours,

James R. Andersen

JRA/jeh

MICROFILMED

LAW OFFICES OF
STEPHEN A. MARKEY, III
201 NORTH CHARLES STREET
SUITE 1202
BALTIMORE, MARYLAND 21201-4116

STEPHEN A. MARKEY, III
GREGORY S. ANGST
OF COUNSEL

TELEPHONE
(410) 625-6809
FACSIMILE
(410) 625-8820

April 24, 1996

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner
Court House, First Floor
400 Washington Avenue
Towson, MD 21204

RECEIVED
APR 30 1996
ZONING COMMISSIONER

RE: Sagamore Farms
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No.: 96-169-SPH

Dear Commissioner Kotroco:

Please be advised that this law firm and Kirk Kolodner, Paul A. Dorf, and the law firm of Adelberg, Rudow, Dorf, Hendler & Sameth, LLC represent Mr. Fernando Alvarez in a lawsuit directly relating to the property that is the subject of the above-referenced matter. Rather than explain the details of that lawsuit, enclosed please find a copy of my client's Amended Complaint and the Counter-Claim and Third-Party Complaint brought by the Maffezzolis. As you can see, this lawsuit involves the approximately 50 acres that was the subject of the violation in case number V94-323-SPH which apparently was dismissed following negotiations between the Office of Law and counsel for the Maffezzolis. The Office of Law was apparently not aware of the nature of the matter of Alvarez, et al. v. Maffezzoli, et al./Maffezzoli, et al. v. Alvarez and American Title when it agreed to resolve case number V94-323-SPH. Although it is my client's position that he is entitled to a full refund of any monies that he paid towards the installment contract to purchase the subject property, it is clear that all parties to that transactions were aware that my client had entered into the contract to build a residence which your most recent order prohibits without special exception.

Based on the Maffezzolis claim in the Circuit Court for Baltimore County, case number 95-117-94CV10032, my client is a party in interest to all proceedings involving the matter which you are currently presiding over. Therefore, I would ask that you please include my office on all future notices and orders issued in this matter.

ADELBERG, RUDOW, DORF, HENDLER & SAMETH, LLC
ATTORNEYS AT LAW
600 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
TELEPHONE 410-539-5195
TELECOPIER 410-539-5834

March 27, 1995

Mr. Tim Kotroco
Deputy Zoning Commissioner
Room 112, Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Alvarez, et al. v. Maffezzoli, et al.
Case No. 94CV10032
Our File No. 312-100

Sagamore Farms
Case No. V-94-323-SPH

Dear Mr. Kotroco:

This letter is a follow-up to our May 27, 1995, conversation concerning the Sagamore Farms subdivision. Since this firm is handling a matter related to this "subdivision," I would appreciate it if your office could inform me of the hearing date for the Motion for Reconsideration granted to T. Rogers Harrison, Esquire.

Thank you for your cooperation on this matter.

Very truly yours,

Russell Alion

Russell G. Alion

RGA/lar
cc: Mr. Fernando J. Alvarez
Kevin B. Kamenetz, Esquire

075s/alv-kotr

RECEIVED
MAR 28 1995
ZONING COMMISSIONER

Mr. and Mrs. Barry Renbaum
Brydonwood
P.O. Box 305
Glyndon, Maryland 21071

May 2, 1996

Mr. Arnold Jablon, Director
PERMITS AND DEVELOPMENT MANAGEMENT
111 W. Chesapeake Avenue - Room 111
Towson, Maryland 21204

RE: *Sagamore Farms*
Richard Maffezzoli, et ux and Patricia Ward
Zoning Case No. 96-169-SPH

RECEIVED
PDM

PETITION TO APPEAL ZONING ORDER

Dear Director Jablon:

On February 26, 1996, Timothy M. Kotroco, Deputy Zoning Commissioner, issued an Order respecting the above-captioned Petition granting Petitioners request, subject to several restrictions, to reconfigure various lot lines within the Sagamore tract that will have a direct bearing on the future development potential of Sagamore Farms, the recognized centerpiece of the Greenspring and Worthington Valleys.

The Findings of Fact embodied in the Order contain several material factual errors respecting such significant issues as: (1) the original number of density units on the Maffezzoli tract when purchased from Patricia Ward; (2) the proper identification of various reallocated building rights between various tracts on the farm; (3) the ultimate distribution of building rights between the north side and south sides of Belmont; (4) the accurate identification of the property owners.

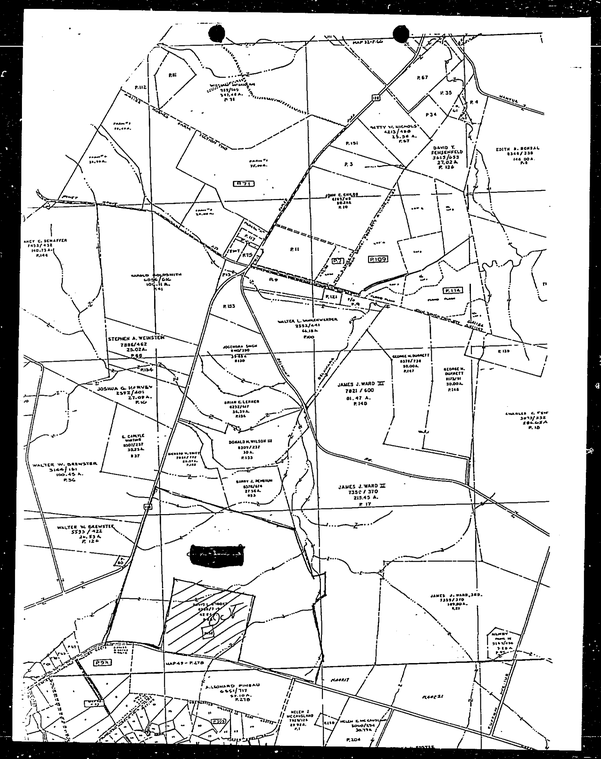
It was the significance of these factual errors, apparently, that precipitated the Baltimore County Office of Law, on March 25, 1996, to request Deputy Zoning Commissioner Kotroco to issue an Amended Order incorporating accurate findings of fact in support of his conclusions of law.[1]

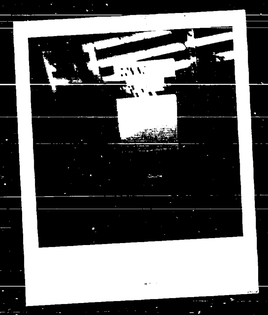
[1] Appended herein is the request of Nancy C. West, Assistant County Attorney, Baltimore County Office of Law, dated March 25, 1996, referencing the factual errors supporting the Order, and requesting an Amended Order incorporating an accurate presentation of the facts.

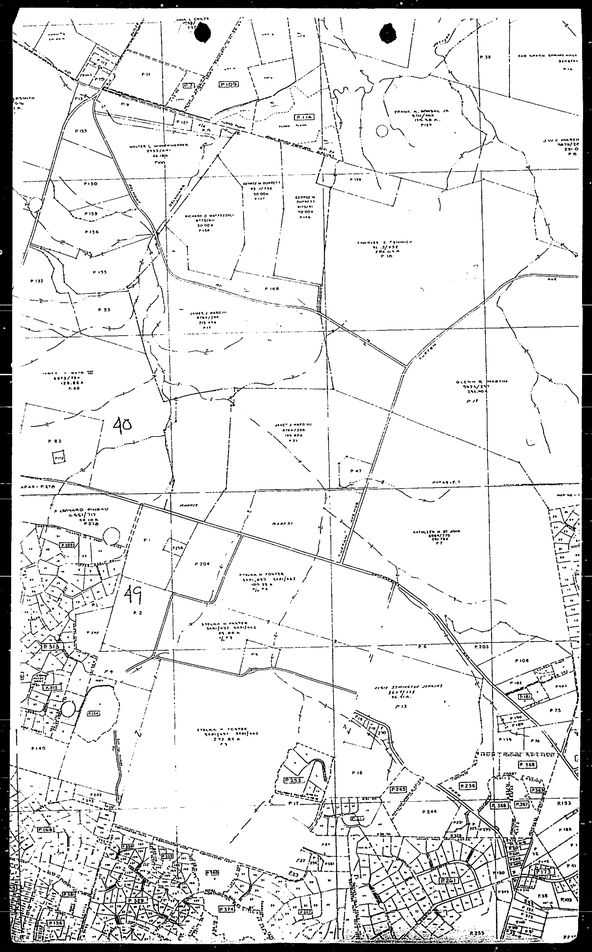
MICROFILMED

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
John Bernstein	Valleys Planning Council Box 5902 Towson 21285
Robert Sellers	4125 Worthington Ave 5902
Anne Hackney	ROG Reisterstown 21136
Charles Fenwick, SR.	10115 Old Hanover Upperco, Md 21155
Donald Wilson	3302 Belmont RD Glyndon 21071
	3919 Butler RD. Reisterstown 21136
GEORGE M. DURRETT	3366 BELMONT AVE - NWC
	* 123 ST. THOMAS LANE Present COCKEYS MILLS, MD
	* PRESENT HOME
T. Courtenay Jenkins III	1720 Broadway RD. Lutherville 21093.
" " "	3811 Belmont Av. Glyndon
Rev. Philip Roulette	St. John's Episcopal Church
	Butler & Piney Grove RDs
	Glyndon MD 21071
Mr. J.N.Y. Martin	2700 Tufton Ave. Glyndon 21071
C.P. McCausland	3611 Worthington Ave 21071
[illegible]	[illegible]
Charles Fenwick Jr.	Box 1, Butler MD 21023







AYD

PALM BEACH COUNTY SHERIFF'S ORIGINAL RETURN

SERVE AT ADDR. ATTACHED

PATRICIA A WARD

Court: CIVIL
Case #: ZONING ADMIN MD/WARD

13480 WELLINGTON TRACE #12
WELLINGTON, FL 33414

BALTIMORE COUNTY GOVERNMENT
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

TYPE OF WRIT: SUMMONS WITH PETITION FOR SPECIAL HEARING & COPY & COPY OF NOTICE

SERVICE $ COST
CHECK 20.00
PD 271900

PLAINTIFF: PERF PATRICIA A WARD

DEFENDANT:

Received this writ on the 4th Day of June A.D. 19 96 and served the same on the within named _____ Corporation _____ Party _____ Garnishee _____ Defendant _____ Witness at _____ AM / PM on the _____ day of _____ A.D., 19 _____ in Palm Beach County, Florida.

☐ INDIVIDUAL
By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading.

☐ SUBSTITUTE
By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading, by leaving the copies at (his/her) usual place of abode with any person residing therein above the age of 15 years, to wit: _____
(Name and Relationship) and informing the person of the contents thereof (as defined in F.S. 48.031 (1).)

☐ CORPORATE
By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and copy of the Pleading to _____ as _____ of said corporation, in absence of the President, Vice President, Cashier, Treasurer, Secretary, General Manager, Director, Resident Agent or any officers. (as defined in F.S. 48.081)

☐ WITNESS
By delivering a true copy of this writ with the date and hour of service endorsed thereon by me.

☐ SUBSTITUTE WITNESS
By delivering a true copy of this writ with the date and hour of service endorsed thereon by me at (his/her) usual place of abode, with any person residing therein above age of 15 years, to wit: _____ (Name and Relationship) (as defined in F.S. 48.031 (2).) and informing the person of the contents thereof.

☐ POSTING
By posting on the premises located at _____ a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of Pleading attached as the above named defendant was not available for personal service.

☑ MISCELLANEOUS THIS IS A MAIL BOX Pickup + Drop for Rent WILL NOT GIVE OUT ANY INFO.

UNEXECUTED

By: [signature] Deputy Sheriff ID.# 5430 RICHARD P. WILLE, SHERIFF OF PALM BEACH COUNTY, FLORIDA

Note: Only that service indicated by the X is applicable to this return - all other portions should not be considered.

ATTORNEY'S COPY

PBSO #0096 01/94

96-3082

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: W. Carl Richards, Jr.
Catherine A. Milton

DATE: May 24, 1996

FROM: Nancy C. West
Office of Law

SUBJECT: Alverez, et al. v. Maffezzoli, et al.

Attached is a copy of the subpoena duces tecum for a deposition scheduled for June 24, 1996 relative to the above-referenced matter. As you can see, Plaintiffs' counsel is really interested in obtaining the documents. Please contact me upon receipt of this memo so that we can discuss how to best respond.

Thank you.

NCW/jd

Cc: Arnold Jablon

1996

CV-4

CIRCUIT COURT FOR BALTIMORE COUNTY

RECEIVED MAY 23 1996

SUZANNE MENSH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

FERNANDO ALVEREZ, et al. — Case Number 95/117/94CV100033
Plaintiffs — (x) Civil ( ) Criminal
Vs.
RICHARD MAFFEZZOLI, et al.
Defendants

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)
Carl Richards, Custodian of Records
Baltimore County Permits and Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

Serve On: County Attorney
Stanley J. Schapiro
Baltimore County Office of Law
400 Washington Avenue

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only
(X) Personally appear and produce documents or objects:
at 201 North Charles Street, Suite 1202, Baltimore, Maryland 21201
(Place where attendance is required)

on Monday the 24th day of June 19 96 at 11:00 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

See the attached Notice to Take Deposition Duces Tecum

Subpoena requested by (x) Plaintiff; ( ) Defendant; and any questions should be referred to:
Stephen A. Markey, III, 201 North Charles Street, Suite 1202, Baltimore, Maryland 21201
(Name of Party or Attorney, Address and Phone Number) (410) 625-8809
Date Issued 05/22/96 — CLERK — Signature & Seal

NOTICE:
(1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

( )—Served and copy delivered on date indicated below.
( )—Unserved, by reason of ________
Date: ________ Fee: $ ________ SHERIFF

Original and one copy needed for each witness

010895.736

DEED OF TRUST AND SECURITY AGREEMENT

THIS DEED OF TRUST AND SECURITY AGREEMENT (this "Deed of Trust") is made this 30th day of December, 1994, by PATRICIA D. WARD also known as PATRICIA ANNE WARD, a resident of the State of Florida (the "Grantor"), to J. PAUL McNAMARA and JAMES G. TARDIFF, as Trustees (the "Trustees").

RECORDING FEE 75.00
RECORDATION T 4,000.00
TOTAL 4,077.00
Rest BA04 Rcpt # 1317
SH JH Blk # 481
Jan 05, 1995 03:43 PM

RECITALS

A. The Grantor has requested that Sequoia National Bank, MD (the "Bank") make a revolving credit loan (the "Loan") to the Grantor in the principal amount not to exceed Eight Hundred Thousand Dollars ($800,000.00) at any time outstanding. The Loan will be evidenced by the Grantor's Revolving Credit Note of even date herewith (as the same may from time to time be extended, amended, restated, supplemented or otherwise modified, the "Note").

B. As a condition precedent to making the Loan to the Grantor, the Bank has required that the Grantor secure the payment and performance of all obligations of the Grantor arising out of or in connection with the Loan by the execution of this Deed of Trust.

NOW, THEREFORE, in consideration of the Loan and of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor grants and conveys unto the Trustees, their and each of their successor or successors in trust and assigns, in trust, all that land, together with the improvements now or hereafter constructed thereon (the "Land"), situate and lying in Baltimore County, Maryland, as more particularly described on Exhibit A attached hereto and incorporated herein by reference;

TOGETHER with all equipment, apparatus, machinery, fittings, appliances, furniture and furnishings, and other chattels and tangible personal property and replacements thereof, now or at any time hereafter affixed or attached to, incorporated in, placed upon, or in any way used in connection with the current or future construction, utilization, enjoyment, occupation, or operation of the Land; all building and construction materials and supplies of every kind, nature and description located on, at, or about the Land, whether or not yet incorporated into any building, structure, or improvement, or located elsewhere and not as yet delivered to the Land; all rights, benefits, profits, rents, and monies payable under, by reason of, or with respect to any restrictive covenants, easements, or agreements applicable to lands adjoining the Land, with the right to collect any sums of money at any time payable to the Grantor in consequence of such rights and benefits, including the release, modification, or amendment thereof; all of the proceeds of the voluntary or involuntary conversion of the real and personal property secured hereby or any part of such property into cash or liquidated claims, whether by way of condemnation, insured casualty, judgment or otherwise; all leases, rents, profits, and benefits with respect to the leasing of all or any portion of the Land, including any deposits of tenants to secure payment of the same and performance of the terms and conditions of any oral or written lease; all revenues and profits, accounts receivable and contract rights of any contract of sale, franchise or license agreement or management agreement for all or any portion of the Land, or for any business conducted thereon, including any deposits of purchasers to secure payment of the contract price; all of the Grantor's right, title and interest in and to all amounts that may be owing at any time and from time to time by the Bank to the Grantor in any capacity, including, but not limited to, any balance or share belonging to the Grantor of any deposit or other account with the Bank; and all fixtures of the Land; and

TOGETHER with all and singular the rights, alleys, ways, waters, easements, tenements, privileges, advantages, improvements, accessions, hereditaments, gaps, gores, accretions and appurtenances belonging or in any way appertaining to the Land and other property described herein, and the reversions and remainders, earnings, revenues, rents, issues and profits thereof, including any right, title or interest in any streets, roads, alleys, public areas or other property adjoining the Land, and any right, title, interest or estate hereafter acquired by the Grantor in the Land and other property described herein.

AMERICAN TITLE GUARANTEE CORPORATION
120 EAST BALTIMORE ST.
SUITE 1800
BALTIMORE, MARYLAND 21202

GF7:240925.1:10/13/94

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: November 17, 1995

TO: Hearing Officer

FROM: Catherine A. Milton
Planner I
Zoning Review, PDM

SUBJECT: ZAC Comments
Item #166 - Sagamore Farms
3501 Belmont Road
96-169-SPH

At the request of the Director of Permits and Development Management (PDM), I have been asked to give an overview of the subject property from the perspective of the Zoning Review section.

History:

The property shown on attached diagram "B" indicates the three (3) parcels that Mr. Ward purchased from Mr. Vanderbilt by a deed recorded on December 18, 1986 (see Petitioner's Exhibit #7 in zoning case #V-94-323-SPH). Research indicates that this is the way the property was recorded on November 25, 1979. The parcel to which the majority of my comments will relate is the parcel that is divided by Belmont Road. It should be noted that the parcel contained five (5) R.C.-2 development rights and seventeen (17) R.C.-4 development rights.

Prior to Bill #199-90, this office held that an R.C.-2 parcel divided by a road was to calculate its development rights according to the acreage on either side of the road. In the subject case, that interpretation *did not effect the overall number of development* rights for the R.C.-2 zoned property. The total still was five (5) development rights with three (3) on the north side of Belmont Road and two (2) on the south side of Belmont Road.

(Over)

File copy for Case V94-323-SPH

IN RE: PETITION FOR SPECIAL HEARING — S/S Belmont Road, 2,050' W of Tufton Avenue (3501 Belmont Road) 4th Election District, 3rd Councilmanic District — Richard Maffezzoli, et ux, and Patricia Ward - Petitioners
* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 96-169-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3501 Belmont Road, also known as Sagamore Farms, located in the vicinity of Tufton Avenue and Worthington Avenue in Greenspring Valley. The Petition was filed by the owners of the property, Richard D. and Mary C. Maffezzoli, and Patricia A. Ward, through their attorney James R. Anderson, Esquire. The Petitioners seek approval of the reconfiguration of the lot lines within the tract boundaries of two existing and contiguous R.C.2/R.C.4 record lots (or a portion of one lot of record) for agricultural purposes, only, and the allocation of one of the permitted R.C. 2 building rights to be retained by the remaining 56.242-acre parcel. The subject property and relief sought are more particularly described on the site plans submitted and marked into evidence as Petitioner's Exhibits 1 and 2.

Appearing at the hearing on behalf of the Petition were Richard Maffezzoli and James Ward, co-owners of the property, John Tiralla, Norman Gerber, and James R. Anderson, Esquire, attorney for the Petitioners. Appearing in opposition or as interested parties in the matter were John Bernstein, Executive Director of the Valleys Planning Council (VPC), Elise Butler, a representative of the Baltimore County Landmarks Preservation Commission (LPC), Jeffrey Long with the Office of Planning (OP), Wally

---

IN RE: PETITION FOR SPECIAL HEARING — E/S Raphael Road, 275' N of Mt. Vista Road, 11th Election District, 5th Councilmanic District — James F. Stadler, et al Petitioners
* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 89-190-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a golf course in an R.C. 5 zone, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Joseph Larson with Spellman, Larson & Associates, Inc., and John C. Rohde, with Human & Rohde, Inc. Appearing as Protestants were Ken Holt, President of the Greater Kingsville Civic Association; Kevin Lindsey, and Charlotte Pine.

Testimony indicated that the subject property, zoned R.C.5, is located off of Raphael Road and Mt. Vista Road and consists of 102 acres. Testimony indicated that Petitioners recently purchased the property with the intention of developing it as a golf course. Prior to the hearing, Petitioners met with the members of the community on two occasions to attempt to incorporate their concerns. As a result, Petitioners revised the Petition to increase the landscaping, move the parking lot back from Raphael Road approximately 100 feet further, and to distance the driving range from Raphael Road. Said changes have been incorporated into a revised site plan which has been identified as Petitioner's Exhibit 1.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

January 6, 1995

T. Rogers Harrison, Esquire
Mudd, Harrison and Burch
105 West Chesapeake Avenue, Suite 300
Towson, Maryland 21204

Re: Case No. V-94-323-SPH
Sagramore Farms
4th Election District

Dear Mr. Harrison:

In response to Assistant County Attorney Michael McMahon's correspondence to you of November 29, 1994, the referenced case has been re-scheduled for January 31, 1995 at 2:00 p.m. in Room 118 of the Old Court House.

Since you already have possession of the Petition For Special Hearing and Summons as it relates to Patricia A. Ward, Richard D. and Mary C. Maffezzoli, those documents are not enclosed with this letter.

If additional questions remain, please contact this office at 887-3351.

Sincerely,

JAMES H. THOMPSON
Zoning Supervisor

JHT/hek

c: Margaret Worrell
The Valleys Planning Council, Inc.
Mary M. DiFerdinando
Central Maryland Farm Credit
Michael McMahon
Assistant County Attorney
Wilma J. Zimmerman, Assistant Chief
Real Estate Division
Wallace S. Lippincott
Environmental Protection
Catherine A. Milton
Development Control (ZADM)
Kathy Earnshaw

PETITIONER'S EXHIBIT 1

Printed with Soybean Ink on Recycled Paper

LIBER 9363 PAGE 451

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

NO CONSIDERATION
NO STAMPS REQUIRED
NO TITLE SEARCH MADE

This Deed, MADE THIS 27th day of August in the year one thousand nine hundred and ninety two by and between PATRICIA A. WARD of Baltimore County, State of Maryland, of the first part, and PATRICIA A. WARD of the second part.

WITNESSETH, That in consideration of the sum of ZERO DOLLARS ($0.00) the said PATRICIA A. WARD does grant and convey to the said PATRICIA A. WARD, her personal representatives/successors and assigns, in fee simple, all that lot of ground situate in Fourth Election District, Baltimore County, Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION OF PARCEL 2.

9/15/92

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Date 9/11/92 Sec. 33-139 E

DATE 9/15/92

LIBER 7359 FOLIO 318

THIS DEED, made this 15th day of December, in the year one thousand nine hundred and eighty-six, by and between Alfred Gwynne Vanderbilt of Nassau County, New York, of the first part, and James J. Ward, III of Baltimore County, Maryland, of the second part,

WITNESSETH, that in consideration of the sum of Four Million One Hundred Thousand Dollars ($4,100,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Alfred Gwynne Vanderbilt, does bargain, sell, grant and convey unto the said James J. Ward, III, his personal representatives and assigns, in fee simple, all those lots, tracts or parcels of ground situate in the Fourth Election District, Baltimore County, Maryland, and described as follows, to wit:

Parcel 1:

All that lot of ground situate in Baltimore County in the State of Maryland and described as follows:

Beginning at a stone at the end of the fifth line of the tract of land which by deed dated March 22, 1899 and recorded among the land records of Baltimore County in Liber N B M No. 237 folio 232 was conveyed by Sallie H. Conrad et al. to one Albert W. Fuss and wife and running thence on the outlines thereof the eleven following courses and distances: south eighty-five and one-half degrees west two hundred and fifty-four feet to a stone; north twenty-four degrees west ten hundred and forty feet to a post; north two and one-half degrees east thirteen hundred and fifty-three feet to a stone; north fifty-five and three-quarters degrees east two hundred and fifty-eight feet to a white oak tree; north fifty and one-half degrees east six hundred and twenty feet to a post on the southwest side of a road known as Fuss Avenue; thence on said southwest side north seventeen degrees west one hundred and seventy-eight feet to a stake; thence crossing said road north twenty-four and one-half degrees east two hundred and twenty-three feet to a stake on the northeast side of said road; north forty-four and one-half degrees east thirteen hundred and thirty feet to a white oak tree heretofore marked; still north forty-four and one-half degrees east eleven hundred and thirty-three feet to a stone; south sixty-five and one-half degrees east ten hundred and sixteen feet to the southwest side of a large hickory tree; still south sixty-five and one-quarter degrees east seven hundred and eleven feet to a stone marked No. 4; thence south twenty-four and three-quarters degrees west five hundred and seventy feet to a small stone about two feet northeast of a hickory tree, said stone being a corner of a tract of land which by deed dated April 7, 1897 and recorded among the Land Records of Baltimore County in Liber L M B No. 223 folio 325 was conveyed by D. G. McIntosh, Trustee to the said Albert W. Fuss; thence reversing the eleventh line thereof south sixty-six and two-thirds degrees east two hundred and seventy-two feet to a post on the southwest side of a blazed poplar tree; thence south thirteen degrees west four hundred and forty-seven feet to a marked poplar tree; still

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
12-18-86
CLERK DATE

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE 12-18-86

PETITIONER'S EXHIBIT 7

FEE-SIMPLE DEED—CODE—City or County

LIBER 7821 PAGE 592

This Deed, Made this 23rd day of March in the year one thousand nine hundred and eighty-eight, by and between C. LAURENCE JENKINS, JR., Trustee of Baltimore City in the State of Maryland, of the first part, and JAMES J. WARD, III, of Baltimore City in the State of Maryland, of the second part.

Witnesseth, That in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration,* *the actual consideration being Zero Dollar ($0.00), the receipt of which is hereby acknowledged, the said C. LAURENCE JENKINS, JR. does grant and convey unto the said JAMES J. WARD, III, his

C RC/F 18.00
DEED 0 #
SM CLERK 18.00
#47181 C001 R02 T13:1(
03/24/88

heirs and assigns, in fee simple, all those lots, tracts or parcels of ground, situate, lying and being in the Fourth Election District, Balto. County, MD, aforesaid, and described as follows, that is to say:—

SEE ATTACHED SCHEDULE A FOR DESCRIPTION OF PARCEL 1.

TRANSFER TAX NOT REQUIRED Director of Finance BALTIMORE COUNTY, MARYLAND Per [signature] Authorized Signature Date 3-23-88 Sec. 11-85 E

AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE [signature] DATE 3-23-88

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County [signature] 3-23-88

PETITIONER'S EXHIBIT 8A

FEE-SIMPLE DEED—CODE—City or County

LIBER 7821 PAGE 596

This Deed, Made this 23rd day of March in the year one thousand nine hundred and eighty-eight, by and between C. LAURENCE JENKINS, JR., Trustee of Baltimore City in the State of Maryland, of the first part, and JAMES J. WARD, III, of Baltimore City in the State of Maryland, of the second part.

Witnesseth, That in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration,* *the actual consideration being Zero Dollar ($0.00), the receipt of which is hereby acknowledged, the said C. LAURENCE JENKINS, JR. does grant and convey unto the said JAMES J. WARD, III, his

C RC/F 18.00
DEED 0
SM CLERK 18.00
#47182 C001 R02 T13:1
03/24/88

heirs and assigns, in fee simple, all those lots, tracts or parcels of ground, situate, lying and being in the Fourth Election District, Balto. County, MD, aforesaid, and described as follows, that is to say:—

SEE ATTACHED SCHEDULE A FOR DESCRIPTION OF PARCEL 2.

TRANSFER TAX NOT REQUIRED Director of Finance BALTIMORE COUNTY, MARYLAND Per [signature] Authorized Signature Date 3/23/88 Sec. 11-85 E

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County [signature] 3-23-88

AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE [signature] DATE 3-23-88

PETITIONER'S EXHIBIT 8B

FEE-SIMPLE DEED—CODE—City or County

LIBER 7821 PAGE 600

This Deed, Made this 23rd day of March in the year one thousand nine hundred and eighty-eight, by and between C. LAURENCE JENKINS, JR., Trustee of Baltimore City in the State of Maryland, of the first part, and JAMES J. WARD, III, of Baltimore City in the State of Maryland, of the second part.

Witnesseth, That in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration,* *the actual consideration being Zero Dollar ($0.00), the receipt of which is hereby acknowledged, the said C. LAURENCE JENKINS, JR. does grant and convey unto the said JAMES J. WARD, III, his

heirs and assigns, in fee simple, all those lots, tracts or parcels of ground, situate, lying and being in the Fourth Election District, Balto. County, MD, aforesaid, and described as follows, that is to say:—

C RC/F 2.
DEED 0 #
SM CLERK 22.00
#47183 C001 R02 T13:11
03/24/88

SEE ATTACHED SCHEDULE A FOR DESCRIPTION OF PARCEL 3.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE [signature] DATE 3-23-88

TRANSFER TAX NOT REQUIRED Director of Finance BALTIMORE COUNTY, MARYLAND Per [signature] Authorized Signature Date 3-23-88 Sec. 11-85 E

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County [signature] 3-23-88

PETITIONER'S EXHIBIT 8C

BC-8274

LIBER 8754 PAGE 290

BC-8274

DEED

THIS DEED, made this 19th day of March, 1991 by and between JAMES J. WARD, III, party of the first part, and RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, parties of the second part.

WITNESSETH, that in consideration of the sum of ONE MILLION, NINE HUNDRED FIFTY THOUSAND and 00/100 Dollars, ($1,950,000.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEING that same lot of ground which by Deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber SM No. 7821, folio 600 was granted and conveyed by C. Laurence Jenkins, Jr., Trustee, unto James J. Ward, III, Grantor herein.

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 of ground and premises to the said party of the second part as tenants by * personal representatives and assigns, in fee simple.

* the entirety, their assigns, the survivor of them and the survivor's

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

C RC/F 23.00
C T TX 9750.00
C DOCS 9750.00
DEED 0
SM CLERK 19523.00
#29055 C001 R02 T08:5
04/10/91

WITNESS the hand and seal of said Grantor:

WITNESS:

/ Suzanne B. Macey [signature]

[signature] (SEAL)
JAMES J. WARD, III, Grantor

AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE [signature] DATE 4-8-91

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County [signature] 4-8-91

AMERICAN TITLE GUARANTEE CORPORATION 120 EAST BALTIMORE ST. SUITE 1800 BALTIMORE, MARYLAND 21202

PETITIONER'S EXHIBIT 9

FEE-SIMPLE DEED—CODE—City or County

LIBER 8775 PAGE 611

This Deed, Made this 26th day of April, in the year one thousand nine hundred and ninety one, by and between RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as tenants by the entireties, of Baltimore County in the State of Maryland, of the first part, and RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as joint tenants with rights of survivorship, of the second part.

Witnesseth, That in consideration of the sum of NO CONSIDERATION

D RC/F 14.00
DEED 0 #
SM CLERK 14.00
#33102 C002 R02 T10:26
05/02/91

the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI do grant and convey unto the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as joint tenants with rights of survivorship, his or her

AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE [signature] DATE 5-2-91

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

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Fourth Election District, Baltimore County, Md., aforesaid, and described as follows, that is to say:—

Beginning for the same at the beginning of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee to James J. Ward, III and running thence with and binding on the first, second and third lines of said parcel of land, as this description is now compiled, the three following courses and distances viz: South 31 degrees 38 minutes 37 seconds East 751.28 feet, South 4 degrees 09 minutes 13 seconds West 1100.00 feet and South 28 degrees 21 minutes 04 seconds West 516.78 feet, thence leaving said outlines and running for lines of division as now made the four following courses and distances viz: South 28 degrees 21 minutes 04 seconds West 200.00 feet, North 69 degrees 30 minutes West 830 feet, North 4 degrees 14 minutes 43 seconds East 419.70 feet and North 39 degrees 03 minutes 10 seconds West 585.78 feet to intersect the seventeenth or North 43 degrees 29 minutes 06 seconds East 1327.09 foot line of said parcel of land which was conveyed by Jenkins to Ward and thence running with and binding on a part of said seventeenth line, and running with and binding on the last line of said parcel of land the two following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 1177.09 feet to the end of said seventeenth line and North 43 degrees 29 minutes 06 seconds East 481.46 feet to the place of beginning. Containing 50 acres of land, more or less.

BEING a part of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee to James J. Ward, III and subsequently conveyed by a deed dated March 19, 1991 to Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, and recorded among the Land Records of Baltimore County in Liber No. 8754, folio 290.

TOGETHER with the right to use in common with others entitled thereto to a right of way now laid out 20 feet wide which leads in a southwesterly direction from the southeast corner of the above described parcel of land and running through the remaining 31.479 acres of the grantors, 260 feet more or less to Belmont Road.

TRANSFER TAX NOT REQUIRED ... [signature] 5-2-91 ... Sec. 11-85 E

PETITIONER'S EXHIBIT 10

BC-8920

FEE-SIMPLE DEED—CODE—City or County

LIBER 8984 PAGE 016

PETITIONER'S EXHIBIT 11

C RC/F 15.00
C T TX 4250.00
C DOCS 4250.00
CC-IMP 5.00
DEED 0 #
SM CLERK 8520.00
SM CLERK 8520.00
#72402 C001 R02 T09:
11/27/

This Deed, Made this 27th day of April, in the year one thousand nine hundred and ninety one, by and between RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, as joint tenants with rights of survivorship, of Baltimore County in the State of Maryland, of the first part, and PATRICIA A. WARD of the second part.

Witnesseth, That in consideration of the sum of Eight Hundred Fifty Thousand Dollars ($850,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, representing forgiveness of debt between the parties hereto, the said RICHARD D. MAFFEZZOLI and MARY C. MAFFEZZOLI, his wife, do grant and convey unto the said PATRICIA A. WARD, her

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County [signature] 11/27/91

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Fourth Election District, Baltimore County, Md, aforesaid, and described as follows, that is to say:—

Beginning for the same at the beginning of the fourth or South 71 degrees 47 minutes 58 seconds East 1632.64 foot line of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee, to James J. Ward, III and running thence with and binding on said fourth line and running with and binding on the fifth and sixth lines of said parcel of land as this description is now compiled, the three following courses and distances viz: South 71 degrees 47 minutes 58 seconds East 1632.64 feet, South 11 degrees 13 minutes 05 seconds West 424.73 feet and South 2 degrees 16 minutes 55 seconds East 63.92 feet to a point in or near the centerline of Belmont Road. Thence binding along the centerline of Belmont Road, the nine following lines viz: by a curve to the left having a radius of 606.59 feet, an arc length of 249.15 feet, and subtended by a chord North 67 degrees 39 minutes 06 seconds West 247.40 feet, North 77 degrees 21 minutes 49 seconds West 376.28 feet, by a curve to the right having a radius of 1199.75 feet, an arc length of 146.48 feet and subtended by a chord North 74 degrees 30 minutes 35 seconds West, 146.39 feet, North 70 degrees 19 minutes 18 seconds West, 676.84 feet, by a curve to the right having a radius of 873.36 feet, an arc length of 102.40 feet, and subtended by a chord North 66 degrees 05 minutes 20 seconds West 102.34 feet, North 64 degrees 21 minutes 01 seconds West, 1266.78 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds West, 226.16 feet, North 13 degrees 49 minutes 49 seconds West, 314.64 feet and North 07 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running with and binding on the sixteenth and part of the seventeenth lines of said parcel of land which was conveyed by Jenkins to Ward the two following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 116.00 feet and North 43 degrees 29 minutes 06 seconds East 150.00 feet and thence leaving said outlines and running for lines of division now made the four following courses and distances viz: South 39 degrees 03 minutes 10 seconds East, 585.78 feet, South 04 degrees 14 minutes 43 seconds West 419.70 feet, South 69 degrees 30 minutes East 830 feet and North 28 degrees 21 minutes 04 seconds East 200.00 feet to the place of beginning. Containing 31.479 acres of land, more or less.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE [signature] 11-27-91

AMERICAN TITLE GUARANTEE CORPORATION 120 EAST BALTIMORE ST. SUITE 1800 BALTIMORE, MARYLAND 21202

01A91H003OTLTRTX $13,680.00
BA C009:03AM11/27/91

LIBER 9127 PAGE 596

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

NO CONSIDERATION
NO STAMPS REQUIRED
NO TITLE SEARCH MADE

Jay Burgoon
4-16-92

This Deed, MADE THIS 27th day of February

in the year one thousand nine hundred and ninety two by and between

PATRICIA A. WARD

of Baltimore County, State of Maryland of the first part, and

PATRICIA ANNE WARD

of the second part.

PETITIONER'S EXHIBIT 12

C RC/F	14.00
CC IMP	5.00
DEED	0
SM CLERK	19.00
059238 C001 R02 T07:1	
04/08/	

WITNESSETH, That in consideration of the sum of ZERO DOLLARS ($0.00)

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
4/9/92

the said PATRICIA A. WARD

does grant and convey to the said PATRICIA ANNE WARD, her

personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Fourth Election District, Baltimore County, Maryland,
and described as follows, that is to say:

BEGINNING for the same at a point in or near the center of Belmont Road and in the ninth or North 64 degrees 21 minutes 01 seconds West 1266.78 foot line of a parcel of land which by a deed dated April 26, 1991 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8811, folio 823 was conveyed by Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, to Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, said point being situate North 64 degrees 21 minutes 01 seconds West, measured along said ninth line, 1057.57 feet from the beginning thereof and running thence and binding in or near the center of Belmont Road and running with and binding on a part of said ninth line and running with and binding on the tenth, eleventh and twelfth lines of said parcel of land the four following lines viz: North 64 degrees 21 minutes 01 seconds West 209.21 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds West 226.16 feet, North 13 degrees 49 minutes 49 seconds West 314.64 feet, and North 07 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running with and binding on the thirteenth, fourteenth, fifteenth and sixteenth lines of said parcel of land which was conveyed from Maffezzoli to Maffezzoli the four following courses and distances viz: North 43 degrees 29 minutes 06 seconds East 116.00 feet, North 43 degrees 29 minutes 06 seconds East 150.00 feet, South 39 degrees 03 minutes 10 seconds East 585.78 feet, and South 4 degrees 14 minutes 43 seconds West 419.70 feet, and thence leaving said outlines and running for a line of division South 25 degrees 38 minutes 59 seconds West 180.18 feet to the place of beginning. Containing 8.378 acres of land, more or less.

BEING a part of a parcel of land which by a deed dated April 27, 1991 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8994, folio 16 was conveyed by Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, unto the within named Grantor.

PETITIONER'S EXHIBIT 13

010895.729

(1)

NO CONSIDERATION; PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION AND SOLELY FROM INFORMATION PROVIDED BY THE PARTIES HERETO

DEED

THIS DEED is made this 21st day of December, 1994, by and between **PATRICIA ANNE WARD**, party of the first part; and **PATRICIA ANNE WARD**, party of the second part.

WITNESSETH, that for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the actual monetary consideration as certified by the parties hereto being $0.00, the said party of the first part does hereby grant and convey unto the said party of the second part, her personal representatives and assigns, in fee simple, all that lot of ground situate, lying, and being in Baltimore County, State of Maryland, and being more particularly described as follows, that is to say:

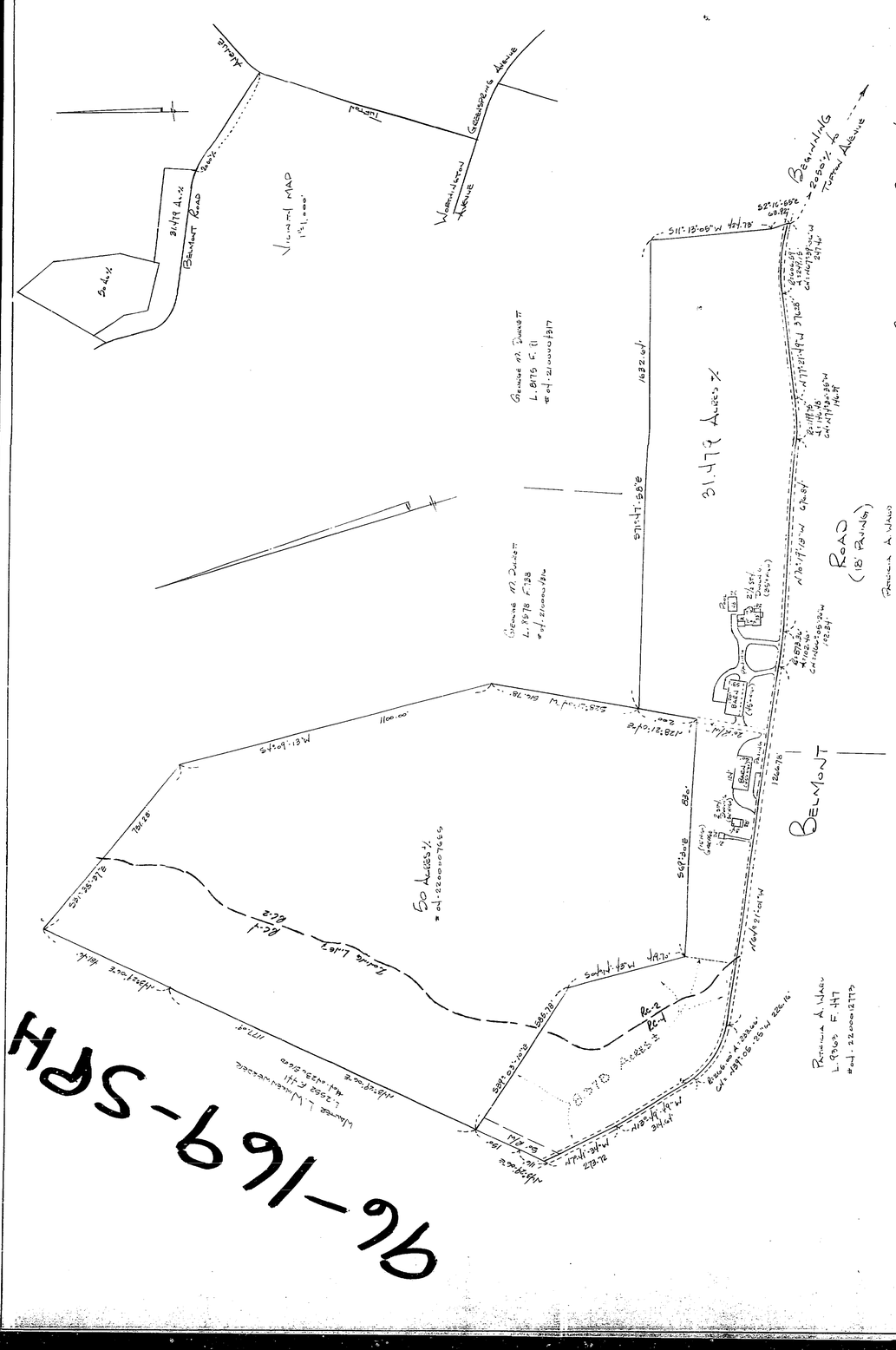
RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County
1-5-95

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Date 1/5/95

AMERICAN TITLE GUARANTEE CORPORATION
120 EAST LEXINGTON ST.
SUITE 1800
BALTIMORE, MARYLAND 21202

BEGINNING FOR THE SAME at the beginning of the fourth or South 71 degrees 47 minutes 58 seconds East 1632.64 foot line of a parcel of land containing 81.479 acres of land which by a deed dated March 23, 1988 and recorded among the Land Records of Baltimore County in Liber SM No. 7821, folio 600 was conveyed by C. Laurence Jenkins, Jr., Trustee, to James J. Ward, III and running thence with and binding on said fourth line and running with and binding on the fifth and sixth lines of said parcel of land as this description is now compiled, the three following courses and distances, viz.: South 71 degrees 47 minutes 58 *seconds East* 1632.64 feet, South 11 degrees 13 minutes 05 seconds West 424.73 feet and South 2 degrees 16 minutes 55 seconds East 63.92 feet to a point in or near the centerline of Belmont Road; thence binding along the centerline of Belmont Road, the nine following lines, viz.: by a curve to the left having a radius of 606.59 feet, an arc length of 249.15 feet, and subtended by a chord North 67 degrees 39 minutes 06 seconds West 247.40 feet, North 77 degrees 21 minutes 49 seconds West 376.28 feet, by a curve to the right having a radius of 1199.75 feet, an arc length of 146.48 feet and subtended by a chord North 74 degrees 30 minutes 35 seconds West 146.39 feet, North 70 degrees 19 minutes 18 seconds West 676.84 feet, by a curve to the right having a radius of 873.36 feet, an arc length of 102.40 feet, and subtended by a chord North 66 degrees 05 minutes 20 seconds West 102.34 feet, North 64 degrees 21 minutes 01 seconds West 1266.78 feet, by a curve to the right having a radius of 265.00 feet, an arc length of 233.66 feet, and subtended by a chord North 39 degrees 05 minutes 25 seconds West 226.16 feet, North 13 degrees 49 minutes 49 seconds West 314.64 feet, and North 07 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving said road and running with and

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 12-8-95



LIBER 8711 PAGE 114

PETITIONER'S EXHIBIT 15

FOUNTAINHEAD TITLE GROUP CORPORATION
10440 PHOENIX AVENUE
LUTHERVILLE, MD 21093
583-1424

DGS FILE No. 03-04-90-13

THIS DEED OF EASEMENT made this 19th day of March, 1991, by and between JAMES J. WARD, III, "GRANTOR"; ALFRED GWINNE VANDERBILT, "Mortgagee"; and the STATE OF MARYLAND, to the use of the Maryland Agricultural Land Preservation Foundation of the Department of Agriculture, "GRANTEE", and containing covenants intended to be real covenants running with the land.

WITNESSETH:

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

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

WHEREAS, the Grantor owns the hereinafter described tract or parcel of land located in an agricultural preservation district established pursuant to Agricultural Article Section 2-509, Maryland Annotated Code, and desires to sell an agricultural preservation easement to the Grantee to restrict the land to agricultural use. 8 RC/F 48.50

NOW, THEREFORE, in consideration of the sum of ONE MILLION TWO HUNDRED THIRTY FIVE THOUSAND EIGHT HUNDRED DOLLARS ($1,235,808.00) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor for himself, his heirs, personal representatives and assigns, 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 or parcel 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 that lot of ground situate in Baltimore County in the State of Maryland and described as follows:

BEGINNING at a stone at the end of the fifth line of the tract of land which by deed dated March 22, 1899 and recorded among the Land Records of Baltimore County in Liber NBM No. 237, folio 232 was conveyed by Sallie

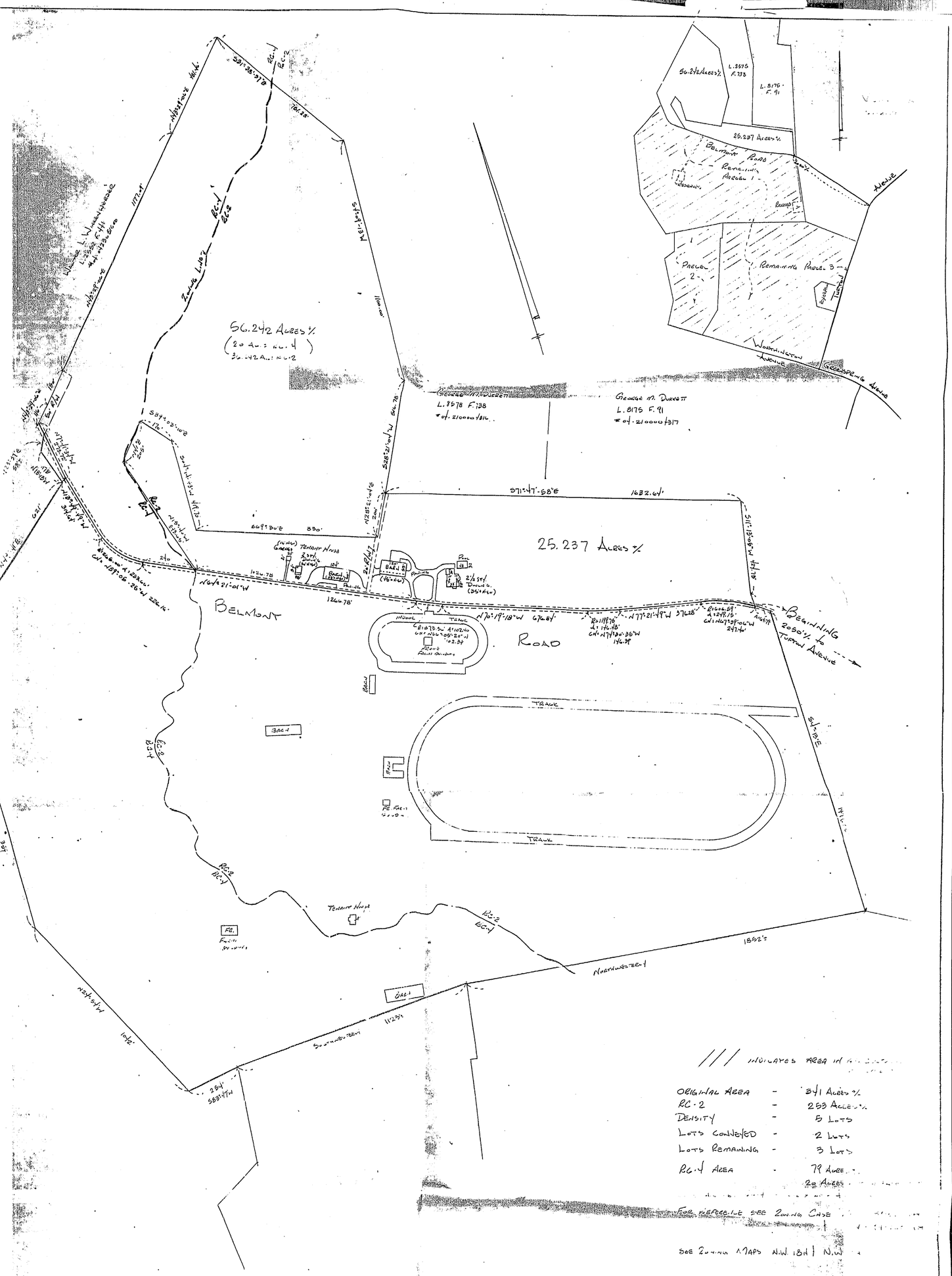
-1-

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
3-26-91

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 3-26-91

TRA...
BAL...
Per Jay Burgoon
Date 3-22-91

96-169-SPH



/// INDICATES AREA IN [illegible]

ORIGINAL AREA	-	341 ACRES ±
RC-2	-	253 ACRES ±
DENSITY	-	5 LOTS
LOTS CONVEYED	-	2 LOTS
LOTS REMAINING	-	3 LOTS
RC-4 AREA	-	79 ACRES ±
		20 ACRES [illegible]

FOR REFERENCE SEE ZONING CASE [illegible]

SEE ZONING MAPS N.W. 18H & N.W. [illegible]

PLAN TO ACCOMPANY SPECIAL HEARING

FOURTH ELECTION DISTRICT
THIRD COUNCILMANIC DISTRICT
OWNER: RICHARD & MARY MAFFE 22061
3501 BELMONT ROAD GLYNDON, MD 21136

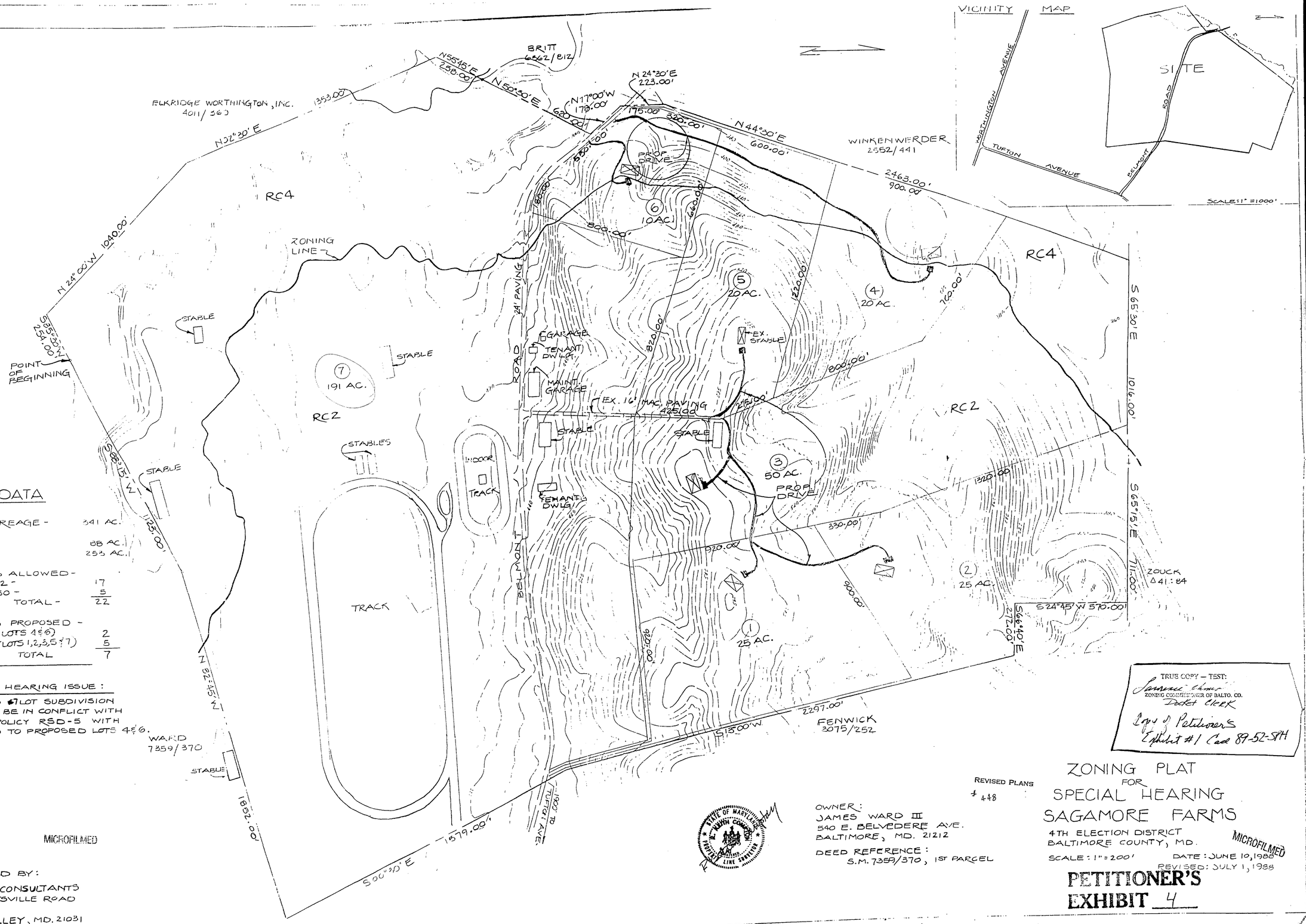
PATRICIA WARD
SAWMAKER FARM
3501 BELMONT ROAD
GLYNDON, MD 21136

SCALE: 1"=200' DECEMBER 6, 1995
REVISED DEC. 27, 1995

PREPARED BY: DAVID RANDALL
LAND SURVEYOR
P.O. BOX 10007
TOWSON, MD 21285-0007
410-828-5304

MICROFILMED

96-169-SPH



SITE DATA

TOTAL ACREAGE -	341 AC.
ZONING	
RC4 -	88 AC.
RC 2 -	253 AC.
NO. LOTS ALLOWED -	
88 x .2 -	17
253 / 50 -	5
TOTAL -	22
NO. LOTS PROPOSED -	
RC4 - (LOTS 4 & 6)	2
RC 2 - (LOTS 1,2,3,5 & 7)	5
TOTAL	7

SPECIAL HEARING ISSUE:

PROPOSED 7 LOT SUBDIVISION WILL NOT BE IN CONFLICT WITH ZONING POLICY RSD-5 WITH REGARD TO PROPOSED LOTS 4 & 6.

MICROFILMED

PREPARED BY:
AZIMUTH CONSULTANTS
120 COCKEYSVILLE ROAD
SUITE 105
HUNT VALLEY, MD. 21031

TRUE COPY – TEST:
Lawrence Schmidt
ZONING COMMISSIONER OF BALTO. CO.
Docket Clerk
Copy of Petitioner's Exhibit #1 Case 89-52-SPH

REVISED PLANS
448

OWNER:
JAMES WARD III
540 E. BELVEDERE AVE.
BALTIMORE, MD. 21212

DEED REFERENCE:
S.M. 7359/370, 1ST PARCEL

STATE OF MARYLAND
KEVIN COMBS
PROFESSIONAL LAND SURVEYOR
LINE SURVEYOR

ZONING PLAT FOR SPECIAL HEARING SAGAMORE FARMS

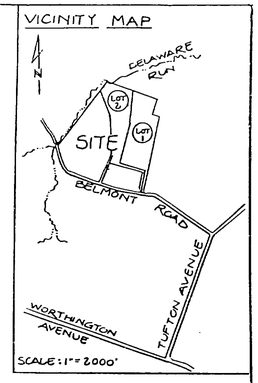
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE: 1" = 200'
DATE: JUNE 10, 1988
REVISED: JULY 1, 1988

MICROFILMED

PETITIONER'S EXHIBIT 4

PETITIONER'S EXHIBIT 5



NOTE: STREAM BUFFER – NO CLEARING, GRADING OR DISTURBANCE IN THIS AREA EXCEPT AS PER THE BALTIMORE COUNTY WATER QUALITY POLICY. BUFFER LIMITS – EXISTING FENCE LINE AT EDGE OF WOODS INCLUDING NORTHWESTERLY PROPERTY LINE OF LOT 2.

SITE DATA

GROSS ACREAGE: 181.479 AC.
ZONING:
RC4: 30.479 AC.
RC2: 151 AC.
NO. LOTS ALLOWED:
RC4: 30.479 x .2: 6
RC2: 151 / 50: 3
TOTAL: 9
NO. LOTS PROPOSED: 2 + REMAINDER
LOT 1 & LOT 2 50.00 AC. / EACH
REMAINDER: 81.479 AC.
DEED REFERENCE/TAX ACCOUNT NO.

LOT 1:	SM. 7821/592	21-00-004316
LOT 2:	SM. 7821/596	21-00-004317
REMAINDER:	S.M. 782/600	21-00-004318

NOTE: NO WELLS, SEPTIC SYSTEMS, FUEL OR PESTICIDE TANKS WITHIN 100' OF PROPERTY LINES EXCEPT AS SHOWN.

PROPOSED LOTS ARE ALLOWED UNDER RC2 ZONING

	ACREAGE RC2	ACREAGE RC4
LOT 1	49.7	0.3
LOT 2	38.7	11.3
REMAINDER	62.6	18.879

NOTE: BUFFER AROUND SPRING HEAD WILL BE REVEGETATED AS REQUIRED.

CLEARING AND GRADING SHALL BE LIMITED TO THAT REQUIRED FOR BUILDING AND DRIVEWAY CONSTRUCTION.

PREPARED BY:
AZIMUTH CONSULTANTS
120 COCKEYSVILLE ROAD
SUITE 105
HUNT VALLEY, MD. 21031
PHONE: (301) 785-2300

BOUNDARY SURVEY PREPARED BY:
FREDERICK WARD & ASSOCIATES, INC.
BEL AIR, MD.

APPROVED FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

DIRECTOR — 11-4-88 DATE

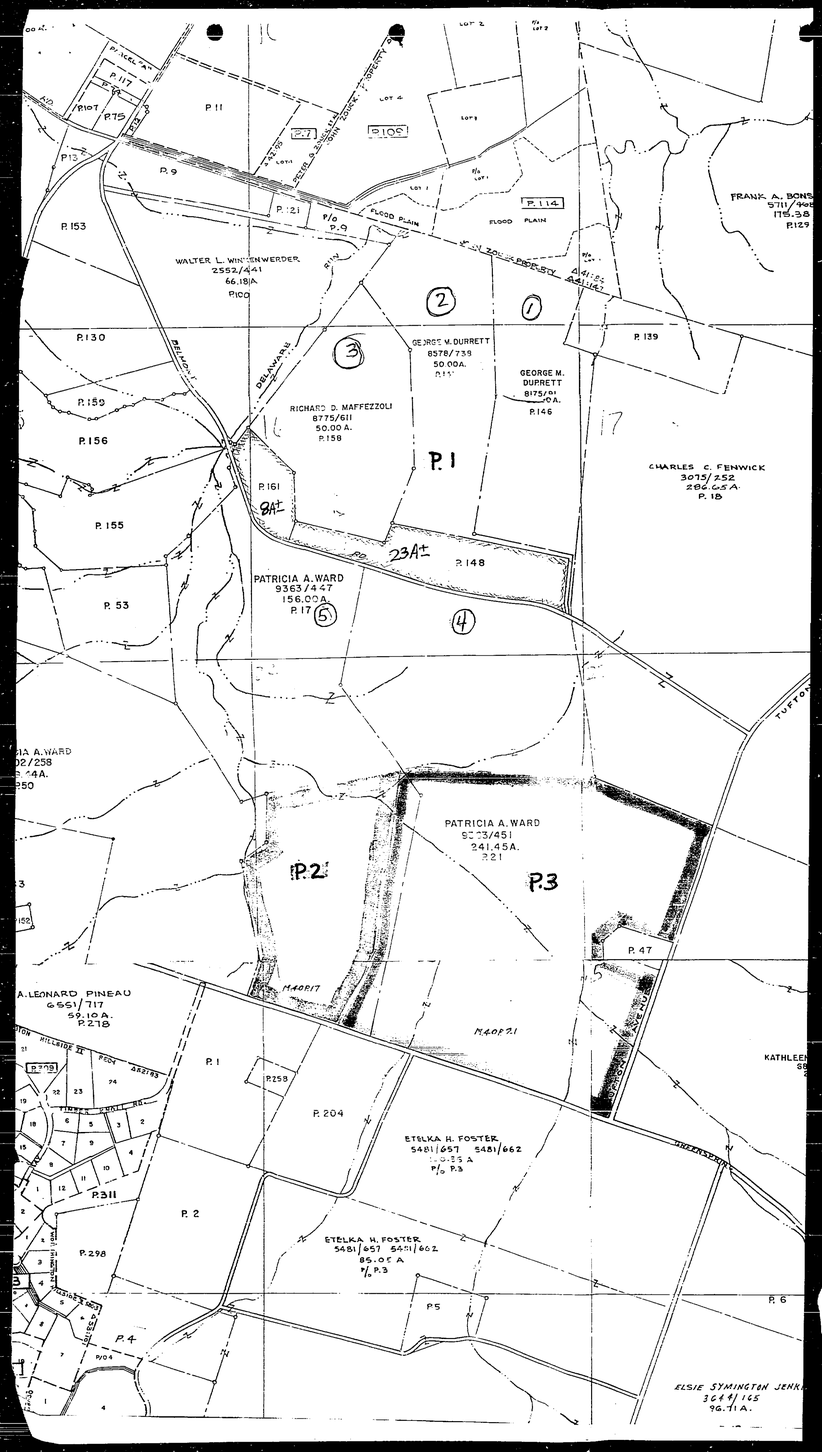
PLAT OF SUBDIVISION
JAMES WARD PROPERTY

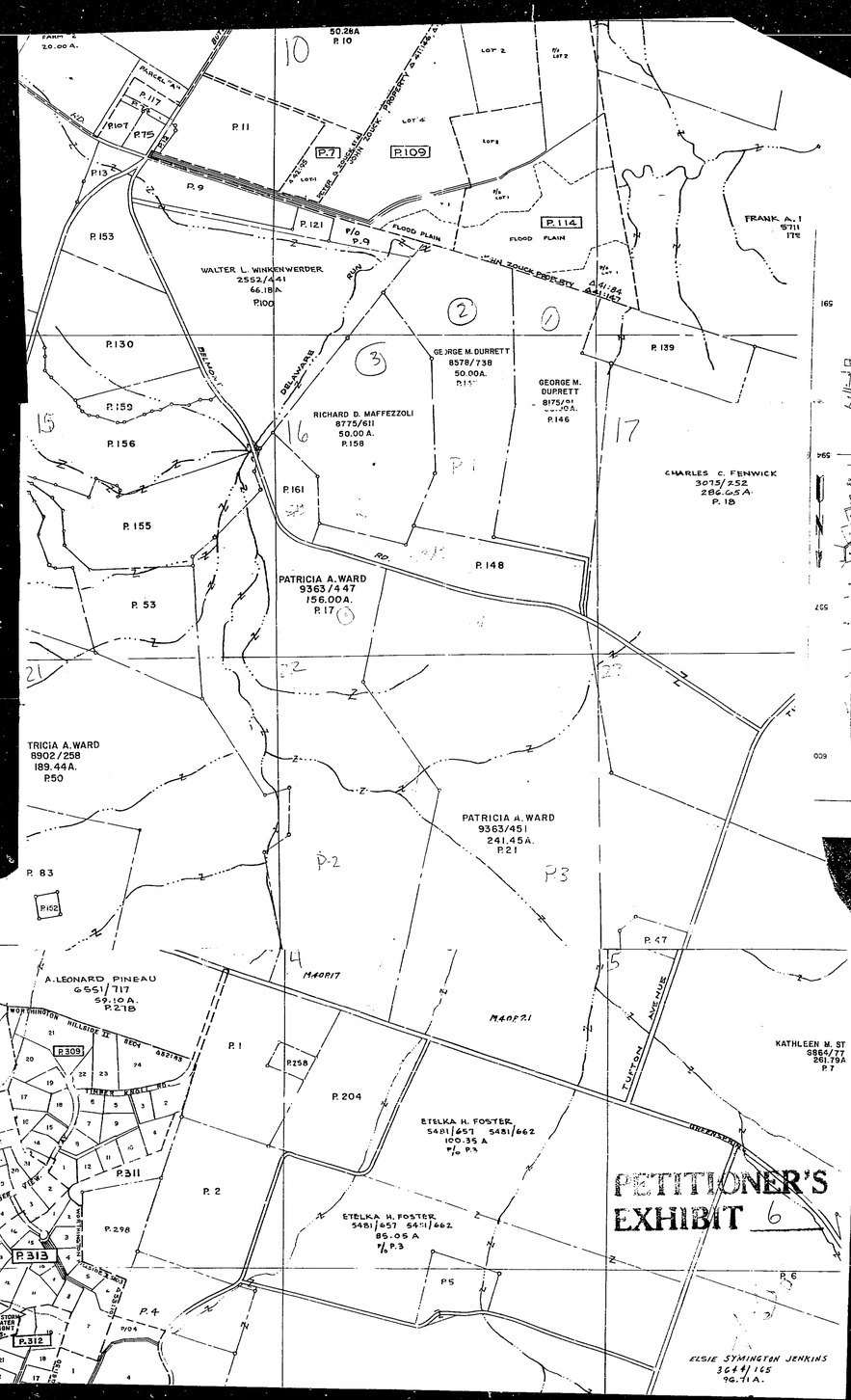
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

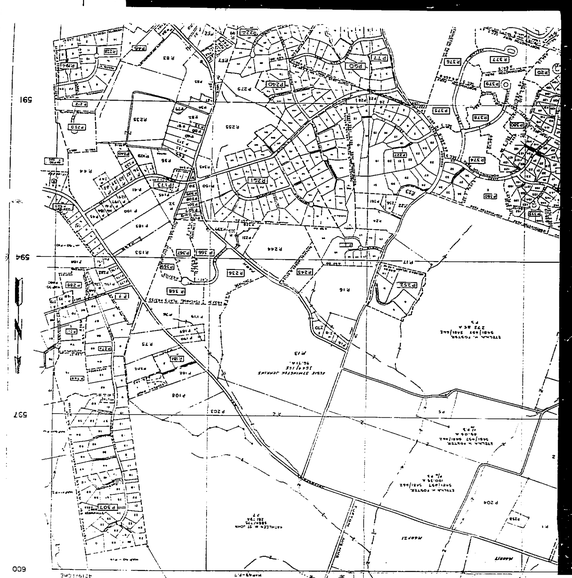
SCALE: 1" = 200'
DATE: 10-18-88
REV: 11-3-88

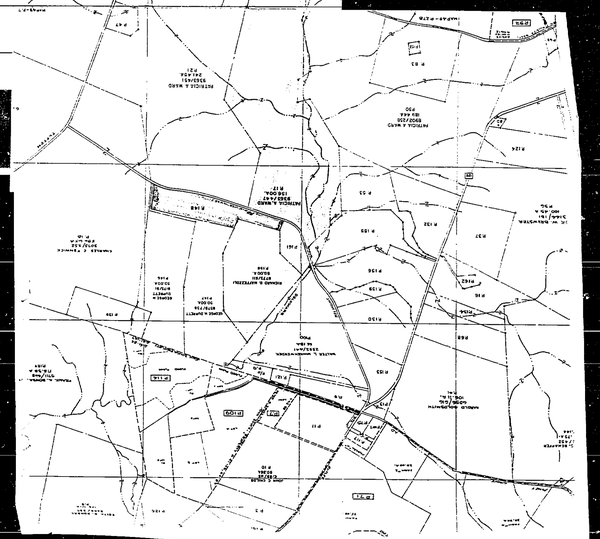
TRUE TEST COPY:
Zoning Administration and Development Management

01-27-95









PETITIONER'S EXHIBIT 6