

IN THE MATTER OF
MILTON SHAW AND JEAN SOBUS,
LEGAL OWNERS AND PETITIONERS
FOR SPECIAL HEARING ON THE PROPERTY
LOCATED AT 1306 IVY HILL ROAD

8th ELECTION DISTRICT
3rd COUNCIL DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 23-111-SPH

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals (“Board”) as an appeal of the decision of Administrative Law Judge (“ALJ”) Maureen E. Murphy dated August 7, 2023, denying a Petition filed by Milton Shaw and Jean Sobus (“Petitioner”) owners of the property located at 1306 Ivy Hill Road (“Property”) requesting a Special Hearing to allow a 1.21 acre unimproved parcel zoned R.C.4 to be a buildable lot.

The appeal was heard *de novo* by this Board on January 24, 2024. A virtual public deliberation was held on March 19, 2024.

Petitioner was represented by Lawrence E. Schmidt, Esquire. Petitioner’s counsel proffered testimony and evidence that was corroborated through the testimony of Petitioner Shaw and W. Carl Richards, former employee of the Baltimore County Zoning Office, who was accepted as an expert witness in the application and interpretation of the Baltimore County Zoning Regulations.

Protestants were represented by Renee Hamidi of the Valleys Planning Counsel. Dr. Ralph Brown, M.D., Oregon Ridge Nature Center Council President, and Michelle Spiziri, a local resident, testified on behalf of the Protestants.

A. Ownership History of the Property

The property is 1.214 acres of unimproved land located on Ivy Hill Road in a residential area and adjacent to Oregon Ridge Park. Baltimore County land records, specifically a deed between The Worthington Valley Company (Grantor) and Estate of C. Wilbur Miller (Grantee) dated July 11, 1956, Liber 2968, Folio 497, pages 505-506), documents the Property as part of a tract of land measuring 22.29 acres (Petitioner's Ex. 12). On November 1, 1962, a deed was recorded noting a conveyance of the tract by the Estate of Mr. Miller to the First National Bank of Maryland (Petitioner's Ex. 11, Deed dated November 1, 1962, Liber 4077, Folio 169.) The Property was created as a single lot of record in 1976 when on April 7 of that year, Baltimore County acquired 21.07 acres of the 22.29 acre tract from First National Bank for the purpose of expanding Oregon Ridge Park, a large park owned by the County (Petitioner's Ex. 9, a Deed between First National Bank and Baltimore County dated April 7, 1976 and recorded at Liber 5629, Folio 868) leaving the then owner (First National Bank) a remainder 1.2 acre lot which is the lot at issue. Since that transaction, the Property was twice conveyed. On January 16, 1990, the Property was then conveyed by First National Bank to Elizabeth Fenwick, Davison White, and Thomas Whedbee (Petitioner's Ex. 7, Deed dated January 16, 1990, Liber 8394, Page 261) who later conveyed the Property to the Petitioner in 1997 who have been the owners of record since the date of the conveyance. (Petitioner's Ex. 6, Deed dated June 20, 1997, Liber 0012263, Page 147).

B. History Zoning in Baltimore County

The history of zoning in Baltimore County¹ reveals that in 1945 Baltimore County

¹ A-Historical-Review-of-the-P-Z-of-Rural-BC1.pdf (thevpc.org), Budesheim, Solomon, and Dillon, December 2014.

established six zones, Zones A – F and promulgated corresponding regulations. In 1955, the County’s zoning regulations were amended, making substantial changes to the classifications. In 1970, the County Council made additional changes to the zoning classifications including the introduction of a rural zone (Rural Deferred Planning, (“RDP.”) This classification was in existence until the Council adopted the R.C. zones in 1975. The R.C.5 zone was established in 1975, and the R.C.4 was established by the County Council via the enactment of Bill 178-79 (Petitioner’s Ex. 23). In 1979, R.C. zones were codified into Baltimore County Zoning Regulations (“BCZR”). In 2000, the County underwent the quadrennial Comprehensive Zoning Map Process (“CZMP.”)

C. History of Zoning for this Property

As Mr. Richards, Petitioner’s expert witness and former employee of Baltimore County’s Zoning Office, testified, the Property was part of the tract that was zoned RDP in 1970 and then zoned R.C.5 in 1975. It remained R.C.5 from 1975 until 2000. In the 2000 CZMP, the Property’s zoning was changed from R.C.5 to R.C.4 (Petitioner’s Ex. 27) and has remained R.C.4 since the reclassification.

ARGUMENTS PRESENTED

I. Petitioner

A. This Property/Lot Is Grandfathered As A Buildable Lot And Was Compliant With The Applicable Regulations When Created

Petitioner argues that the Property is grandfathered as a buildable lot and was compliant with the regulations in existence at the time the Property was created. To support this argument, Petitioner relied on the provisions of R.C.4 zone governing development of a property zoned R.C.4 which set out three scenarios establishing the minimum lot size for development/

subdivision in that zone, none of which apply to the current facts presented in this case because the 1.2 acre Property is substantially less than the six to ten acre lots discussed in BCZR § 1A03.4 which states in part, that a property *between six and ten acres* can be *subdivided to create two lots*, and each created lot must be a minimum of three acres. Although this regulation is not applicable for the aforesaid reasons, Petitioner asks the Board to consider that two of the scenarios discussed, including optional development set forth in BCZR §1A03.6, requiring each lot be no less than one acre, a requirement that this property satisfies. Additionally, Petitioner contends that since the regulations do not specifically pertain to the Property at issue in this case, the Property should meet the buildable lot requirements as a valid and lawful “Lot of Record” defined in BCZR §101.1 since it is “a parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof.”

For these aforesaid reasons, Petitioner asks the Board to determine that the property at issue is grandfathered as a buildable lot and therefore is compliant with applicable regulations.

B. Lot Has Been Approved by The Department of Environmental Protection and Sustainability (“DEPS”)

Petitioner also argues that since DEPS approves the location and area of the conservancy lot in a R.C.4 cluster subdivision and effectively controls the development proposed due to the environmental constraints associated with properties located with the zone, it is important to note that DEPS has approved an existing well on the Property (Petitioner’s Ex. 2, 17 and 18) and has also approved a proposed septic system² (Petitioner’s Ex. 14) for this area. They further contend

² There are no public water and sewer facilities in the immediate area and any residential use of the property would require a functioning well and septic system.

that despite “Protestants assertions to the contrary, there was no proof offered that the development of this single lot with one dwelling will cause any environmental degradation or impact.” (Petitioner’s Memo, p. 9.) They also addressed Protestants concerns regarding the environmental impact of an alleged stream noting that Protestants offered no exhibits depicting a stream with both Mr. Shaw and Dr. Brown testifying that during rain events, there is a low area to the rear of the Property that “gets wet” making Protestants assertions of such an impact speculative. (Petitioner’s Memo p. 10.)

Petitioner further argues that Protestants’ opposition “is not based on the actual circumstances related to this specific matter, but an overriding objection to any development in the area...likening it to uncontrolled development in their neighborhood and “death by one thousand cuts.” (Petitioner’s Memo p. 11.) Petitioner contends that the Protestants are requesting the Board to impose a moratorium on development in the area which is beyond the Board’s authority and such authority rests solely with the County Council stating if “the Council sees fit to eliminate/restrict development in this area of Baltimore County or in the R.C.4 zone; it may enact such legislation to do so.” (Petitioner’s Memo, p. 11.)

C. Equity, Precedence, and Consistency with Similar BCZR Provisions

Petitioner further argues that a denial of the relief would lead to an “unfair and untenable result” and to assert that the Petitioner should not be able to build a house on a lot similar in size with their neighbors, lawfully created even before they owned it, and compliant with the applicable lot size requirements when created is fundamentally unfair and improper. (Petitioner’s Memo p. 11.)

Both Mr. Richards and Mr. Shaw testified that the Property is worthless unless it is buildable. Additionally, Petitioner argues that the Board should consider the approval of the

Property as a buildable lot because the underlying intent of their request is consistent with BCZR § 103.5.D which states that lots of record in existence prior to December 1, 1985 may be residentially developed even if not meeting the area and/or density requirement of the applicable zone area and/or density requirements of the applicable zone despite the section only applying to properties in the Chesapeake Bay Critical Area. Finally, they argue the Board should consider the equitable relief recently granted in the *Matter of Mark Krebs, et. Al.*, Case No. 22-52- SPHA which based on the Board's rationale held that an undersized and vacant R.C.2 zoned lot was, as in this case, not now being created but was a lawful lot of record that could be improved with a detached single-family dwelling and said lot would be without value if it was not buildable.

II. Protestants

A. The Protestants put several questions before the Board to consider when making its determination of whether the Special Hearing request should be granted.

1. When was the property created?

The first question to address is when was the property created? The Protestants state that the earliest the Property might possibly be considered to have been "created" is April 7, 1976, when a description of a 21.076 acre parcel was included in the deed transferring land to Baltimore County. Prior to that date, they state that deeds described a 22.29-acre parcel. They argue that for "unknown" reasons, a 1.214-acre part of the 22.29-acre parcel was not included with a potential explanation that the actual date of creation of the 1.214-acre parcel was January 16, 1990, the first time a deed was recorded that included the boundaries of the parcel. Protestants concede that by the time the instant property was created, the larger 22.29-acre parcel that it had been part of was zoned R.C.5.

2. Is §1A04.3.b. (1) the controlling law for the case at hand thus rendering the property non-compliant?

Protestants ask the Board to rely on the language of §1A04.3.B.1.a., which states:

"A lot having an area of less than one and one-half acres may not be created in an R.C.5 Zone. The maximum gross residential density is 0.5 dwelling per acre." (Protestants' Memo p. 3.) They argue that when reading §1A04.3.B.1.a, the Property should not have been created, in 1990 nor in 1976 because in 1975, when the R.C.5 zone was created, the maximum allowed gross residential density was 0.667 dwelling per acre. They contend that was changed to 0.5 dwelling per acre in 2005; thus, using the original 0.667 dwelling per acre calculation, the instant property would have had to have been 1.334 acres to have a residential density. They conclude that when the Petitioner purchased the instant property in 1997, it was zoned R.C.5 and had no density.

Protestants further contend that in 1997, Petitioner could have availed themselves to the provisions of §1A04.3.b.(1), which allows "The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement ... may apply for a special hearing under Article 5 to alter the minimum lot size requirement," stating the Petitioner appears to be trying to do this now. (Protestants' Memo p. 3.) They also note that the Property was rezoned to R.C.4 in the 2000 CZMP, and it is unclear whether the Petitioner protested the rezoning. They further argue that since §1A03.4.B.4 states, in determining lot density for R.C.4, "Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Department of Planning on or before December 22, 1975, and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone, may be approved for residential

development in accordance with the standards prescribed and in force at the time of the lot recordation" finding that the instant property was not recorded on or before December 22, 1975. On that date, it was still part of a larger parcel. (Protestants' Memo p. 4.)

Protestants then suggested the Board look for further guidance in forming an opinion as to whether any density currently exists to the BCZR for R.C.4. They argue that when the Petitioner purchased the Property, it had no density; however, they admit that Property does not fall into either of those categories wherein density is discussed in § 1A03.4.B.1.a., since the section only references tracts with a gross area of less than six acres ("may not be subdivided") and tracts with a gross area of between six and ten acres ("may not be subdivided into more than two lots (total), each of which must be at least three acres") rendering the regulations for lots in R.C.4 "remarkably unhelpful."(Protestants' Memo p. 4.)

Finally, the Protestants ask the Board to consider the intent behind the creation of the R.C.4 (Watershed Protection) Zone. Per §1A03.1, "... major, high-quality sources of water supply for the entire Baltimore Metropolitan Area and for other neighboring jurisdictions lie within Baltimore County and that continuing development in the critical watersheds of those water supply.

APPLICABLE LAW

§ 500.7. - Petitions for public hearing; notice. [Bill No. 18-1976]

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

determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

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. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors.

SECTION 1A03 - R.C.4 (Watershed Protection) Zone

§ 1A03.1. - Findings and legislative policy. [Bill No. 178-1979]

The County Council finds that major, high-quality sources of water supply for the entire Baltimore Metropolitan Area and for other neighboring jurisdictions lie within Baltimore County and that continuing development in the critical watersheds of those water supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water treatment costs and decreasing water storage capacity. The R.C.4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds.

§ 1A03.2. - Rezoning by petition. [Bill No. 178-1979]

No petition for reclassification of property in an R.C.4 Zone may be granted unless a registered professional engineer, architect, landscape architect or land surveyor first certifies that:

- A. The parcel of land under petition lies at least 200 feet from the property line of any public water reservoir;
- B. The parcel lies at least 300 feet from any first or second order or greater stream that flows directly into a public water reservoir;
- C. That the parcel lies at least 300 feet from any third order or greater stream that flows directly or indirectly into a public water reservoir;

- D. No more than 30 percent of the parcel has a slope of more than 20 percent;
- E. The parcel does not lie within a 100-year floodplain; and
- F. As shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir.

For the purpose of this section, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976.

§ 1A03.4. - Height and area regulations.

A. Height. No structure hereafter erected in an R.C.4 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations. [Bill Nos. 178-1979; 113-1992]

1. Lot density.

a. A tract to be developed in an R.C.4 Zone with a gross area of less than six acres may not be subdivided, and a tract to be developed with a gross area of at least six acres but not more than ten acres may not be subdivided into more than two lots (total), each of which must be at least three acres, except as otherwise provided in Section 103.3 or in Paragraph 4 below.

b. The maximum gross density of a tract to be developed with a gross area of more than ten acres is 0.2 lot per acre. Any lots created hereafter, except as provided in Paragraph 4 below, shall be in accordance with the following standards for rural cluster development:

(1) A minimum of 70 percent of the gross area of the tract to be developed shall be designated as the conservancy area. Only one of the permitted dwelling units, including any existing dwellings, may be located in the conservancy area. The conservancy area is subject to the standards contained in Section 1A03.5.

(2) All of the remaining permitted density shall be located in the building area on lots with a minimum lot size of one acre.

(3) Subject to the conditions of the performance standards of Section 1A03.5.G, any building or structure officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Areas, and included in the conservancy area, need not be included in the calculation of the total permitted density, subject to the following requirements:

(a) There is an area of sufficient size surrounding the building, structure or landmark to preserve the integrity of its historic setting;

(b) An overall photographic and written description of the building, structure or landmark identified for preservation has been submitted; and

(c) Documentation of the preservation, restoration and protection for the building, structure or landmark has been submitted and approved by the Director of Planning prior to issuance of any building permit for the development.

§1A03.6- Optional development in R.C.4 Zones. [Bill No. 107-1994]

A. In an R.C.4 Zone, a tract with a gross area of more than ten acres may be developed at the developer's option at a maximum gross density of 0.1 lot per acre. The minimum lot size is one acre.

B. The lots which are created for the tract shall each be subject to a permanent preservation easement to be prepared and recorded in accordance with the requirements of Section 1A03.5.D.

C. Only one principal dwelling is permitted on any lot in an R.C.4 Zone, except that a tenant dwelling may be approved for the tract in accordance with Section 1A03.4.B.5.

D. No structure or dwelling shall be situated within 75 feet of the center line of any street or within 50 feet of any lot line other than a street line.

E. The development plan for a tract to be developed under this section shall delineate a diagrammatic conservancy area which is equal to a minimum of 70 percent of the gross tract acreage as determined by Section 1A03.5.A.1. The conservancy area shall remain undisturbed except as utilized as provided in Section 1A03.5.G.1, 2 or 3.

F. A development plan shall be submitted to the Baltimore County Planning Board for its review and recommendations if the site:

1. Contains areas of significant contiguous agricultural resources as determined by the amount, location and suitability of the soils which are used for or have the potential for agricultural activity as defined in § 33-6-101 of the Baltimore County Code and is located within the master plan designated "agricultural protection area";
2. Contains forest resources which include or are adjacent to critical habitat areas as defined in § 33-6-101 of the Baltimore County Code; or
3. Contains or is contiguous to historic landmarks or districts recognized or listed by the Baltimore County Landmarks Preservation Commission, National Register or Maryland Historical Trust.

G. In making its recommendations, the Planning Board shall consider whether the optional development authorized by this section will be detrimental to the use of the land for continued commercial farming operations or to the long-term protection of the forest resources on the land.

H. The provisions of Section 1A03.5.E apply to development of a tract under this section.

ANALYSIS

Issue 1: Special Hearing Per BCZR § 500.7.

The parties agree to both the history of the zoning classifications and adoption of corresponding regulations by the County Council. Based on the title history, the Property was part of a larger parcel in the RDP in 1970 which had 1 acre lot minimums when established. The larger parcel was rezoned to R.C.5 in 1975 and remained in R.C.5 until 2000 when the CZMP changed it from R.C.5 to R.C.4. Protestants' memorandum notes that the land records fail to identify this Property distinctively but its boundaries were included in a deed dated January 16, 1990, so they agree "a case can be made" that it was a part of the larger 22.29 acre parcel zoned R.C.5.

In the matter of: Milton Shaw and Jean Sobus
Case No.: 23-111-SPH

To determine whether a Special Hearing should be granted, the Board must first determine whether the property is grandfathered as a buildable lot and if so, was the Property compliant with the zoning regulations when the Property was created. Based on the deed history, this parcel existed at the time it was recorded by the Estate of Miller in 1962. Therefore, the Property is grandfathered as a buildable lot.

Next, the Board must determine whether it was compliant with BCZR at the time it was created. Although the Protestants argue that the property may not have been created until 1990 when its boundaries were identified in the January 16, 1990 First National to Fenwick, et. al deed and subsequently sold to the Petitioner in 1997, the argument fails because the property came into existence when it was created as a single lot of record in 1976 at the time on April 7, 1976, when Baltimore County acquired 21.07 acres of the 22.29-acre tract from First National Bank for the purpose of expanding Oregon Ridge Park, leaving the then owner (First National Bank) a remainder 1.2-acre lot. Since (as both parties agree) none of the R.C.4 provisions apply to this property, this panel finds that the regulations should not be applied to this property because the property failed to meet the R.C.4 standards when rezoned in 2000 rendering the lot buildable as a valid and lawful "Lot of Record" per BCZR § 101.1, "a parcel of land with boundaries as recorded in the land records on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof." Therefore, being a Lot of Record, the Property was compliant when it was created in 1976 and transferred in 1990 and 1997. It remained compliant until it was rezoned to R.C.4 by the CZMP in 2000. Upon the adoption of the RDP zone, as Mr. Richards, Petitioner's expert witness and former employee of Baltimore County's Zoning Office, testified, this Property was rezoned RDP, and the minimum lot size for a lot zoned RDP was one acre. While it seems Petitioner would have sought relief when the

rezoning took place in 2000 by as Protestants suggested “avail(ing) themselves of §1A04.3.b(1)” which provides:

The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement... may apply for a special hearing under Article 5 to alter the minimum lot size requirement.

Petitioner testified they did not intend to build at the time, so they did not pursue the issue. Their failure to do so should not preclude them from seeking relief provided them per BCZR § 500.7.

Issue 2: Equitable Considerations

Although Protestants’ argue that “it seems the instant property should not have been created,...” this panel finds there is greater support that the Property is grandfathered as a buildable lot as held in a similar case, *Matter of Mark Krebs, et. al. Case No. 22-52-SPHA*, wherein the Board allowed an undersized and vacant R.C.2 zoned lot be buildable because the property would not be valuable otherwise. To not allow the Petitioner to build makes the property virtually valueless unless a neighbor or the County wants to purchase it. This undoubtedly creates not only a hardship but, absent an offer from the County or neighbors renders the Property worthless, and that arguably was not intended when it was originally subdivided and deeded as a parcel. Also, the Petitioner has been paying county taxes on the parcel as a buildable lot. So, the Board concurs with the Petitioner’s rationale for arguing the Property is a grandfathered buildable lot and to deny this finding would create inequity equivalent to an unlawful taking.

Issue 3: Environment Concerns

One Protestant concern is that the Property is in Loch Raven Watershed with close proximity to Basin Run which could contribute to pollution and sedimentation in the Reservoir. Expert Witness W. Carl Richards testified that R.C.4 zone tracts are driven by environmental

constraints associated with the property. Baltimore County's Department of Environmental Protection and Sustainability ("DEPS") approved the existing well and septic system and has not expressed any opposition to development on this property. Thus, this panel finds no validity to the environmental concerns raised by Protestants.

Issue 4: Other issues raised by Protestants

The Protestants requests the Board to consider looking for further guidance in forming an opinion as to whether any density currently exists to the BCZR for R.C.4. This panel considered the legal arguments presented and the applicable law raised in support of those arguments, and therefore finds it unnecessary and inappropriate to seek information while the case is within the jurisdiction of the Board.

CONCLUSION

The Property was part of the tract that was zoned RDP in 1970 and then zoned R.C.5 in 1975. It remained R.C.5 from 1975 until 2000. In the 2000 Comprehensive Zoning Map Process ("CZMP"), the Property's zoning was changed from R.C.5 to R.C.4. Upon the adoption of the RDP zone, this Property was rezoned RDP, and the minimum lot size for a lot zoned RDP was one acre; thus, as a grandfathered Lot of Record, this Board finds the Property compliant with the county regulations and shall be deemed a buildable lot. Furthermore, to find otherwise would create an undue hardship and inequity for the Petitioner. For these reasons, the Special Hearing should be granted pursuant to BCZR §500.1.

In the matter of: Milton Shaw and Jean Sobus
Case No.: 23-111-SPH

ORDER

THEREFORE, IT IS THIS 6th day of June, 2024, by the Board of Appeals of Baltimore County,

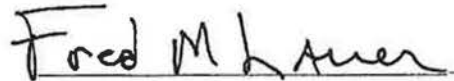
ORDERED that the Petition for Special Hearing to allow a 1.21-acre unimproved parcel to be a buildable lot; the zoning for the parcel being R.C.4, and the minimum acreage requirement being 3 acres, be and is hereby **GRANTED**.

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

**BOARD OF APPEALS OF
BALTIMORE COUNTY**



Sharonne R. Bonardi, Panel Chair



Fred M. Lauer



Bryan T. Pennington



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 6, 2024

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Renee Hamidi, Executive Director
The Valleys Planning Council, Inc.
P.O. Box 5402
Towson, Maryland 21285-5402

RE: In the Matter of: *Milton Shaw and Jean Sobus – Legal Owners*
Case No.: 23-111-SPH

Dear Messrs. Schmidt and Hamidi:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above 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*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** 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,

A handwritten signature in cursive script, appearing to read "Sunny Cannington".

Krysundra "Sunny" Cannington
Legal Administrative Secretary

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Milton Shaw and Jean Sobus
Ralph Brown, M.D., President/Oregon Ridge Nature Center Council
Michael Leff and Michelle Spiziri
H. George Meredith, Jr.
Office of People's Counsel
Maureen E. Murphy, Chief Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law