

IN RE: PETITION FOR ZONING VARIANCE
N/S Upperfield Lane, 280' W of
Pittsfield Road
(8006 Upperfield Lane)
3rd Election District
3rd Councilmanic District
Aderemi Ogundeji
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-144-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing deck to be located 3.72 feet from a property line in lieu of the minimum required 15 feet, and from Section V.B.7 of the C.M.D.P. to permit a private space factor of 320 sq.ft. in the front yard in lieu of the required 500 sq.ft. in the rear yard, and to amend the latest approved Final Development Plan of McDonogh Township, Section II, to permit an existing deck to be located outside the permitted building envelope, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by James C. Brennan, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 8006 Upperfield Lane, consists of 1,650 sq.ft. zoned D.R. 3.5 and is improved by a single-family townhouse dwelling with an attached deck. Petitioner is desirous of legalizing the subject deck which was constructed in approximately June 1990 without a building permit. Testimony indicated Petitioner was not aware at that time that a building permit was needed and only applied for permission through the homeowners' association. Petitioner testified he obtained written approval from the association and spoke with

the adjoining affected property owners who had no objections to his plans prior to construction. In support of his testimony, Petitioner submitted letters of approval from the homeowners' association and the adjoining affected property owners. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

- 2 -

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of November, 1991 that the Petition for Zoning Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an existing deck to be located 3.72 feet from a property line in lieu of the minimum required 15 feet, and from Section V.B.7 of the C.M.D.P. to permit a private space factor of 320 sq.ft. in the front yard in lieu of the required 500 sq.ft. in the rear yard, and to amend the latest approved Final Development Plan of McDonogh Township, Section II, to permit an existing deck to be located outside the permitted building envelope, in accordance with Petitioner's Exhibits 1 and 5, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/13/91
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 13, 1991

James C. Brennan, Esquire
825 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
N/S Upperfield Lane, 280' W of Pittsfield Road
(8006 Upperfield Lane)
3rd Election District - 3rd Councilmanic District
Aderemi Ogundeji - Petitioner
Case No. 92-144-A

Dear Mr. Brennan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance 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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

EXHIBIT "A"

92-144-A

V.B.6.b. (CMDP) and S.301.1 Baltimore County Zoning Regulations to permit an existing deck to be located 3.72 feet from a property line in lieu of the required 15 feet and V.B.7. (CMDP) to permit a private space factor of 320 square feet (located in the rear yard) in lieu of the required 500 square feet and to amend the latest approved final development plan of McDonogh Township Section II to permit an existing deck to be constructed outside of the permitted building envelope.

EXHIBIT "B"

92-144-A

HARDSHIP OR PRACTICAL DIFFICULTY

Petitioner is the father of a young child. The subject property has a front yard only sixteen (16) feet deep and in close proximity to street traffic. Although, fences are prohibited by community restrictions, decks are permitted. Petitioner's deck in the rear yard provides a safe and secure play area for his young child.

Due to the slope of Petitioner's rear yard, Petitioner's deck allows Petitioner to make a full and proper utilization of his rear yard.

Petitioner applied to the Community's Homeowners Association for permission to construct his deck, submitted plans to the Homeowner's Association and obtained the written approval of the Homeowner's Association. Petitioner did not realize that a Building Permit was required for the construction of his deck or that a Variance was required from Baltimore County Zoning Regulations.

Petitioner obtained the approval of his immediately adjacent neighbors prior to the construction of his deck. It would be excessively costly for Petitioner to remove or modify his deck at this time.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting October 23, 1991
Posted for: Aderemi Ogundeji
Petitioner: Aderemi Ogundeji
Location of property: N/S Upperfield Lane, 280' W of Pittsfield Road
8006 Upperfield Lane
Location of Signs: Front yard of 8006 Upperfield Lane
Remarks: S. J. [Signature]
Posted by: S. J. [Signature] Date of return: October 23, 1991
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/18, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/17, 1991.

OWINGS MILLS TIMES,

S. Zeke Orlan
Publisher

\$79.60

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, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-144-A
N/S Upperfield Road,
280' W of Pittsfield Road
8006 Upperfield Road
3rd Election District
3rd Councilmanic District
Aderemi Ogundeji
Petitioner

Variance: to permit an existing deck to be located 3.72 feet from a property line in lieu of the required 15 feet to permit a private space factor of 320 sq. ft. located in the rear yard in lieu of the required 500 sq. ft., and to amend the latest approved final development plan of McDonogh Township, Section II, to permit an existing deck to be constructed outside of the permitted building envelope.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
OJ10180 October 17

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/18, 1991

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 10/17, 1991.

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

\$79.60

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LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
OJ10180 October 17

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number: H9200158

Date: 10/01/91

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: OGUNDEJI

**PAID PER HAND-WRITTEN RECEIPT
DATED 9/27/91**

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number: H9200158

Date: 9/27/91

ITEM 158 receipt

COMPUTER DOWN

RESIDENTIAL VARIANCE PETITION \$ 35.00
AND AMENDMENT.

N SIDE UPPERFIELD RD 280' W
OF PITTSFIELD RD
3RD L
3RD ED.
OWNER: A. OGUNDEJI

Please Make Checks Payable To: Baltimore County \$35.00
BR 0006-1200-107-27-91

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

NOTE: 10/28/91

COPY

Aderemi Ogundeji
8006 Upperfield Lane
Owings Mills, Maryland 21117

RE:
CASE NUMBER: 92-144-A
N/S Upperfield Road, 280' W of Pittsfield Road
8006 Upperfield Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Aderemi Ogundeji
HEARING: WEDNESDAY, NOVEMBER 6, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 104.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
JULIE COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: James C. Brennan, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 4, 1991

COPY

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, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-144-A
N/S Upperfield Road, 280' W of Pittsfield Road
8006 Upperfield Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Aderemi Ogundeji
HEARING: WEDNESDAY, NOVEMBER 6, 1991 at 11:00 a.m.

Variance to permit an existing deck to be located 3.72 feet from a property line in lieu of the required 15 feet; to permit a private space factor of 320 sq. ft. (located in the front yard) in lieu of the required 500 sq. ft.; and to amend the latest approved final development plan of McDonough Township, Section 11, to permit an existing deck to be constructed outside of the permitted building envelope.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Aderemi Ogundeji
James C. Brennan, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

October 29, 1991

James C. Brennan, Esquire
825 Eastern Blvd
Baltimore, MD 21221

RE: Item No. 158, Case No. 92-144-A
Petitioner: Aderemi Ogundeji
Petition for Variance

Dear Mr. Brennan:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 29, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Aderemi Ogundeji
8006 Upperfield Lane
Owings Mills, MD 21117

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3454

Your petition has been received and accepted for filing this 27th day of September, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Aderemi Ogundeji
Petitioner's Attorney: James C. Brennan

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 9, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Budziak Property, Item No. 144
Armstrong Property, Item No. 145
Fogle Property, Item No. 149
Chabrer Property, Item No. 151
Kau Property, Item No. 157
Ogundeji Property, Item 158

In reference to the petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITMNO144/TXTROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 23, 1991

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

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 8, 1991

This office has no comments for item numbers 144, 145, 147, 149, 150, 151, 152, 157 and 158.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer 11

RJF/lvd

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
OCTOBER 16, 1991 (301) 887-4500

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

RE: Property Owner: ABERNETHY CORP.
Location: 8806 UPPERFIELD ROAD
Item No.: 158 Zoning Agenda: OCTOBER 8, 1991
Circulation:

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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Planning & Zoning Division Fire Prevention Bureau
Special Inspection Division

JE/EFK

BALTIMORE COUNTY, MARYLAND
INTRO OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 16, 1991
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for October 8, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 142, 144, 149, 150, 151, 152, 153, 157, and 158.

For Item 145, a minor subdivision is processing now. Our comments will be addressed through that process.

For Item 146, see the County Review Group comments dated August 12, 1991 for this site.

For Item 149, we have no comment on the garage height variance. However, regarding the swimming pool, the road grade or horizontal alignment must be revised so that no retaining wall is needed or that the wall is far enough away from the right-of-way such that failure would not impact the right-of-way.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

42-144-P 12-6 Granted 277-72
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: December 20, 1991
Office of Zoning Administration and Development Management
FROM: J. James Dieter, Director
SUBJECT: Petition for Zoning Variance - Item 144
Budziak Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 605 Wise Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Andrew Budziak

APPLICANT'S PROPOSAL

The applicant has requested a variance from section 1802.3C1 of the Baltimore County Zoning Regulations to permit a front yard setback of five feet in lieu of the required 25 feet and a rear yard setback of 11.6 feet in lieu of the required 30 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
 2. Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

RECEIVED
DEC 21 1991
ZONING OFFICE

Table 2.

PLANT ASSOCIATION: UPLAND MOIST

NAME	RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES	
<i>Asimina triloba</i>	(Paw Paw) Abundant
<i>Amelanchier canadensis</i>	(Canadian Serviceberry) Abundant
<i>Amelanchier laevis</i>	(Serviceberry) Abundant
<i>Amelanchier obovalis</i>	(Obovate Serviceberry) Abundant
<i>Clethra alnifolia</i>	(Sweet Pepperbush) Abundant
<i>Cornus amomum</i>	(Silky Dogwood) Local
<i>Cornus florida</i>	(Flowering Dogwood) Freq./Abund.
<i>Gaylussacia frondosa</i>	(Huckleberry) Abundant
<i>Ilex opaca</i>	(American Holly) Abund.-Freq.
<i>Itea virginica</i>	(Tassel-White) Infrequent
<i>Kalmia angustifolia</i>	(Lamb-Kill) Abundant
<i>Kalmia latifolia</i>	(Mountain Laurel) Abundant
<i>Leucothoe racemosa</i>	(Fetter-Bush) Abundant
<i>Lindera benzoin</i>	(Common Spicebush) Frequent
<i>Lyonia ligustrina</i>	(Male-Berry) Frequent
<i>Myrica pensylvanica</i>	(Bayberry) Frequent
<i>Prunus serotina</i>	(Black Cherry) Abundant
<i>Prunus virginiana</i>	(Choke Cherry) Local
<i>Rhododendron nudiflorum</i>	(Pinxter Flower) Infrequent

-8-

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Adnermi A. Ogundeji	8006 Upperfield Lane Owings Mills, MD 21117

TPS

TRENTON PROPERTY SERVICES, INC.

25 W. COURTLAND ST.
P.O. BOX 767
BETHESDA, MD 20814
838-4600 879-8333

HEAVY PLAZA
1301 YORK RD. SUITE 706
LUTHERVILLE, MD 21093
821-8200

ARCHITECTURAL MODIFICATION REQUEST

DATE: June 29, 1990

REQUEST FROM: Mr. Adnermi A. Ogundeji
8006 Upperfield Lane
Owings Mills, Maryland 21117

LOCATION: Garrison Woods

REQUEST FOR: Deck

PLANS AS SUBMITTED ARE:

- APPROVED
- DISAPPROVED
- ☒ APPROVED SUBJECT TO FOLLOWING MODIFICATIONS:

1. All lumber to be pressure treated and remain unpainted and unstained.
2. All Baltimore County Building Permits are required. This will be your responsibility.
3. No lattice or privacy screens. No trellis beams.
4. No items allowed above the railing.
5. Railing to be 2 inch by 2 inch pickets only.
6. Any damage to common elements during construction, and all cost incurred in their repair, will be your responsibility.
7. Construction must be accordance with approved plans or approved amendment thereto. Approval of these plans shall not permit violation of any state or local laws.

BY: *[Signature]*
KENNETH M. COOK
PROPERTY MANAGER
AS PER BOARD OF DIRECTORS

LIBER 8 0 9 9 PAGE 5 4 4

DEED - 33 FEE SIMPLE - CORPORATE GRANTOR - LONG FORM
M/C #6882578

PETITIONER'S
EXHIBIT 1

This Deed, MADE THIS 31st day of January

in the year one thousand nine hundred and eighty nine by and between
RICHMOND AMERICAN HOMES OF MARYLAND, INC., a Maryland corporation, Grantor, party

of the first part, and
✓ ADNERMI ADEBOLA OGUNDEJI, Grantee, party

of the second part.

WYNNESBETH, That in consideration of the sum of ONE HUNDRED TWENTY SIX THOUSAND and 00/100 dollars (\$126,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged the said Grantor

does grant and convey to the said Grantee, his

personal representatives/successors and assigns, in fee simple, all
that lot of ground situate in BALTIMORE County, Maryland

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 42, as shown on the plat entitled, "SECTION TWO, MCDONOUGH TOWNSHIP", which plat is recorded among the Land Records of Baltimore County in Plat Book EHK JR. 55, folio 10. Being in the 3rd Election District of aforesaid county. The improvements thereon being known as No. 8006 Upperfield Lane.

BEING part of the property described in a Deed dated December 12, 1988, among the Land Records of Baltimore County in Liber 8057, folio 438, from 995 Corporation into the Corporate grantor herein.

BY the execution of this Deed, the party of the first part hereby certifies under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, is as hereinbefore set forth.

GRANTOR certifies that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all the property and assets of the said corporate grantor.

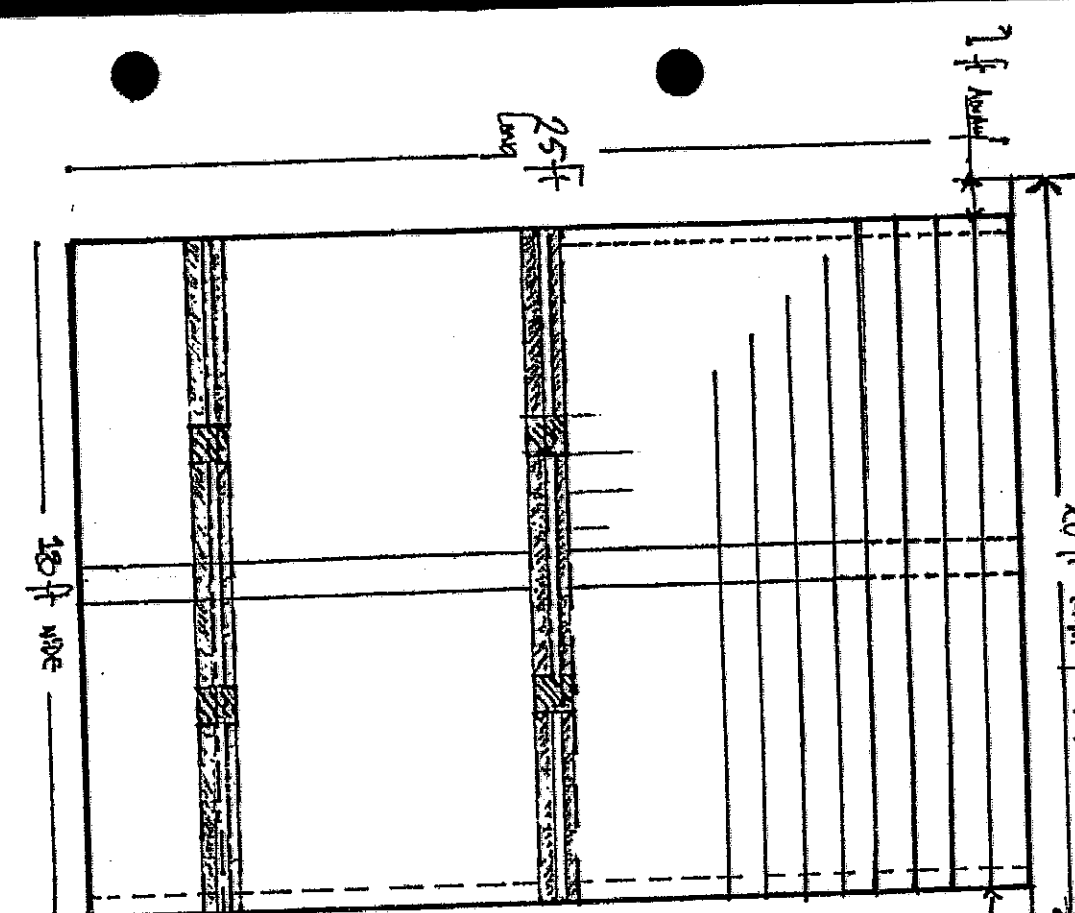
C REC 15.00
C TX 505.00
C DOCS 630.00
SH CLERK 1150.00
198736 C001 R02 14.54

02/09/89

RECEIVED FOR TRANSFER
State Department of
Assessment & Revenue
for Baltimore County
12-29-89

LIBER 8 0 9 9 PAGE 5 4 4

187***2016010 605A



Proposed Deck Plan for
Adnermi A. Ogundeji at 8006
Upperfield Lane, Owings Mills, MD 21117
(Ground level)

PETITIONER'S
EXHIBIT 2

10/18/91 17:06

301 363 0225

JASON GREGORY LEAGUE
ATTORNEY AT LAW
8004 UPPERFIELD LANE
OWINGS MILLS, MD 21117
(301) 383-9558

July 23, 1991

James C. Brennan, Esquire
Brennan & Brennan
825 Eastern Boulevard
Essex, Maryland 21221

RE: Prince Adnermi Ogundeji
8006 Upperfield Lane
Owings Mills, Maryland 21117

Dear Mr. Brennan:

It has come to my attention that a complaint has been filed against Prince Ogundeji regarding the size of his rear lower deck. The reason I am writing this letter is to express my opinion on the subject.

I have had the pleasure of living next door to Prince Ogundeji and his wonderful family for over two (2) years. In that time, I have found them to be most considerate of their neighbors. The deck in question was built and is properly maintained with my approval. I have absolutely no objection to Prince Ogundeji's deck as it currently exists and find it to be a pleasant addition to our backyards.

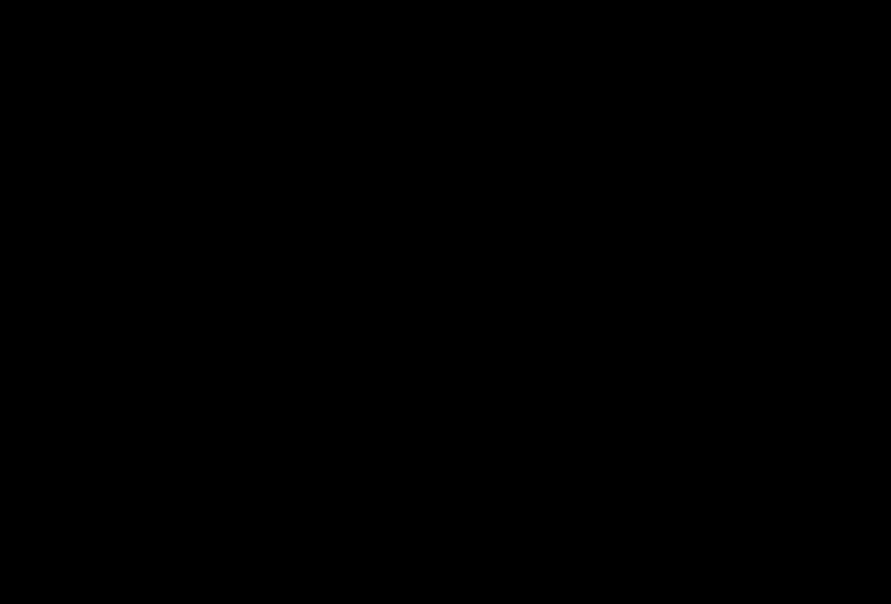
Should you wish to discuss this matter with me, please feel free to contact me.

Very truly yours,

Jason G. League

JGL/mlb

PETITIONER'S
EXHIBIT 3



VICINITY MAP NO. 2012E

[illegible]

7

WILSON'S
LIBRARY 4

0-2
AREA UNDER CONSTRUCTION

D.R. 3.5

PARK
D.C. CENTER ROAD
UNDER CONSTRUCTION
CT.

AREA
0-2
UNDER
CROSSROADS
CONSTRUCTION 92-442-A
MC DONOUGH

PICKERSGILL RD.
D.R. 16
CORNHURST CT.

D.R. 3.5
PoB N 36, 1000 W 39, 8100
92-144-A

D.R. 2

RD.
NW 10 G. 1"=200'

158

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

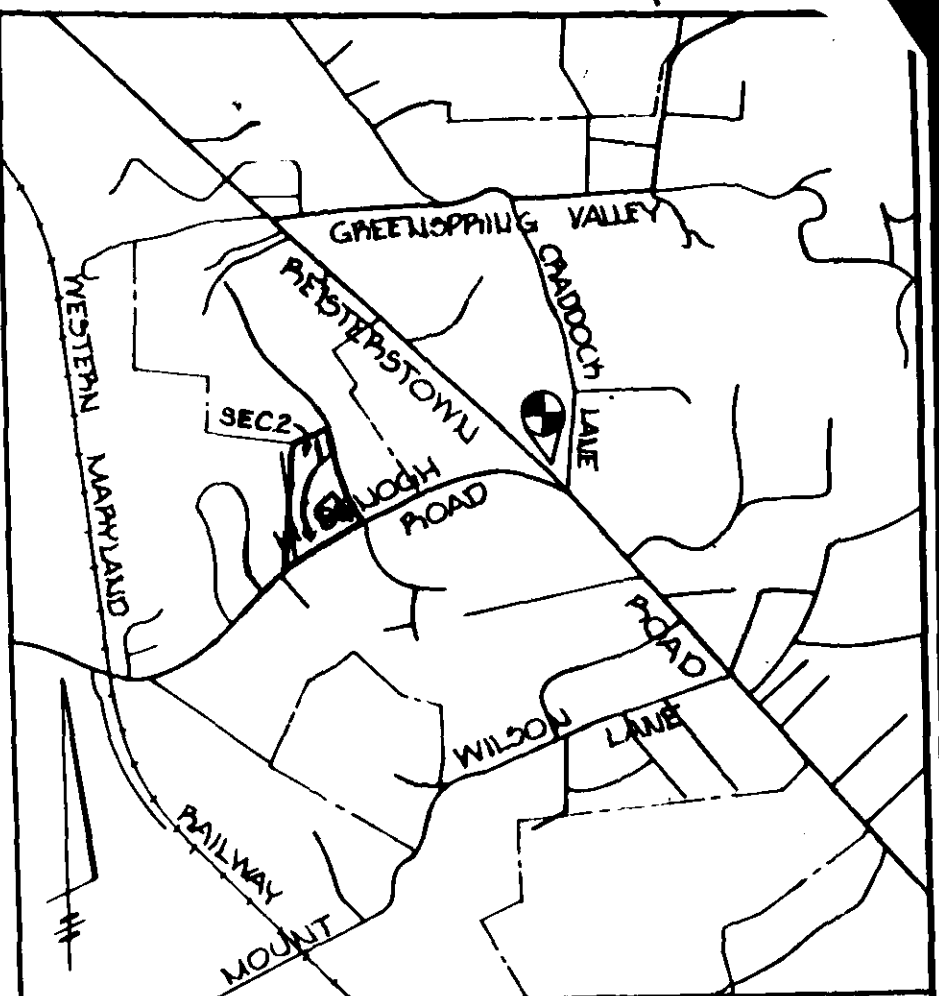
CURVE DATA									
FROM	TO	RADIUS	DELTA	LENGTH	TANG	CHORD			
493	495	437.16	54°24'21"	415.11	224.70	311°14'04"W	399.69		
500	499	445.00	54°24'21"	422.56	228.73	311°14'03"W	406.86		
299	300	535.00	31°18'31"	292.35	149.72	342°18'33"W	288.72		
396	414	970.00	23°46'04"	402.38	204.13	N39°40'44"W	399.50		
417	364	970.00	06°30'44"	110.25	55.19	N20°58'03"W	110.19		
650	399	1030.00	07°37'15"	137.00	68.60	S49°45'09"E	136.90		
369	298	1574.27	04°13'09"	115.92	57.99	S75°51'15"W	115.90		

NOTE:
THE APPROVAL OF THIS PLAT IS BASED UPON
A REASONABLE EXPECTATION THAT THE WATER
AND SEWER SERVICE WHICH IS PLANNED FOR
THE DEVELOPMENT WILL BE AVAILABLE WHEN
NEEDED. HOWEVER, BUILDING PERMITS MAY NOT
BE ISSUED UNTIL THE PLANNED WATER AND
SEWER FACILITIES ARE COMPLETED AND DETERMINED
TO BE ADEQUATE TO SERVE THE PROPOSED
DEVELOPMENT.

MCDONOUGH TOWNSHIP
SECTION ONE
E.H.K.J.R. 54/13

NOTES:

1. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE
OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET,
EASEMENT, OPEN SPACE OR OTHER PUBLIC AREA SHOWN
ON THE PLAT.
2. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE
PROVISIONS OF SECTION 22-60-BILL NO. 94-82.
3. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE
INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
4. THE INFORMATION SHOWN MAY BE SUPERSEDED BY A
SUBSEQUENT OR AMENDED PLAT.
5. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE
OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND
THE DEPARTMENT OF PUBLIC WORKS.
6. THE FORMAL IRREVOCABLE OFFERS OF DEDICATION
HAVE BEEN MADE.
7. THE C.R.G. PLAN WAS APPROVED ON 3-22-89
8. FENCES WILL NOT BE CONSTRUCTED
WITHIN WALKWAY EASEMENT.



LOCATION MAP
SCALE: 1" = 2000'

B.M. X-13139 N 35889 94 W 37160 48
ELEV. = 551.642 R.R. SPIKE IN MAC
ON SE SIDE CRADDOCK'S LANE
NE SIDE REISTERSTOWN ROAD SE
SIDE OF GRASSY TRIANGLE.

TOTAL UNITS PROPOSED 48 (3 BFF TOWNHOUSES)
23 (2 BFF TOWNHOUSES)
71 TOTAL UNITS

DENSITY TABULATIONS SECTIONS 1-6

DESCRIPTION	OVERALL SITE (60.00 AC.)	THIS SECTION SECTION 2	OTHER SECTIONS
AREA (GROSS)	60.00 AC.	12.17 AC.	71.75 AC.
DR-1	8.44 AC.	4.58 AC.	3.76 AC.
DR-2	8.44 AC.	1.52 AC.	6.92 AC.
DR-35	35.94 AC.	6.07 AC.	29.87 AC.
DR-16	11.00 AC.	0	11.00 AC.
DR-16 TRANSFERRED *	(11.67 AC.)	0	(11.67 AC.)
DENSITY ALLOWED			
DR-1 8.34 AC. @ 1/Ac.	8.34	151.01	4.58
DR-2 8.44 AC. @ 2/Ac.	16.88	152.304	28.85
DR-35 35.94 AC. @ 3.5/Ac.	125.79	107.215	112.14 DWELL. U.
DR-16 11.00 AC. @ 16/Ac.	36.72	0	36.72 DWELL. U.
PROPOSED UNITS			
DWELLING UNITS			
EXIST. SINGLE FAMILY	1 DWELL. U.	0	1 DWELL. U.
TOWNHOUSE - FEE SIMPLE	150 DWELL. U.	49 DWELL. U.	105 DWELL. U.
DENSITY UNITS			
3 BDRM. TH (EUD) 2x15	150 DWELL. U.	4.5 DEN. U.	2 DEN. U.
2 BDRM. TH (UT) 10x10	70 DEN. U.	23 DEN. U.	47 DEN. U.
3 BDRM. APT. 32x15	48 DEN. U.	0	48 DEN. U.
2 BDRM. APT. 132x10	132 DEN. U.	0	132 DEN. U.
1 BDRM. APT. 132x7.5	99 DEN. U.	0	99 DEN. U.
TOTAL 375 DWELL. U.	375 DWELL. U.	27.5 DWELL. U.	359 DWELL. U.
ACTUAL TOTAL UNITS	71 UNITS	49 UNITS	495 UNITS
PARKING SPACES REQUIRED			
SINGLE FAMILY (DWELL. U.)	2.00	0	2.00
TOWNHOUSES (DWELL. U.)	262.50	45 x 1.75 = 78.75	103.75
TOWNHOUSES (DWELL. U.)	12.776	27.5 x 1.53 = 42.08	69.65
APTS.	476.67	0	476.67
TOTAL SPACES	815.15	120.83	798.50
PARKING SPACES PROPOSED			
SINGLE FAMILY TOWNHOUSES	2	0	2
APTS.	775	177	376
TOTAL SPACES	1177	177	1000
OPEN SPACE REQUIRED			
526 UNITS x 650 SQ. FT./UNIT	7.85 AC.	71 UNITS x 650 SQ. FT./UNIT = 1.06 AC.	6.79 AC.
PROVIDED	> 20 AC.		

THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION
THAT THE WATER AND SEWER SERVICE WHICH IS PLANNED FOR THE DEVELOPMENT
WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT
BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED
AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

C. PLAN
E.H.K.J.R. 55 FOLIO 10
JUL 15 1988

COORDINATES					
NO.	NORTH	WEST	NO.	NORTH	WEST
110	35565.4545	35207.2231	431	35856.6542	35471.3042
111	35562.8557	35234.4854	432	35806.5327	35416.3058
112	35545.7584	35483.5032	433	35721.4406	35387.5906
113	35522.4292	35561.6048	434	35711.6073	35441.5890
114	35411.0406	35626.8154	435	35610.7187	35435.2905
115	35224.9823	35687.2270	436	35578.2864	35481.6625
298	35595.0073	35360.3500	437	35601.3444	35416.3523
299	35562.4352	35457.0105	438	35636.8357	35350.6633
300	35435.4705	35712.6438	439	35537.4331	35378.5701
301	35266.3122	35691.8864	440	35605.5071	35263.5412
302	35815.7321	35276.6062	441	35616.1033	35451.3129
303	35635.6850	35219.1014	442	35614.2672	35509.2879
304	35623.3316	35225.6525	443	35572.6005	35370.6558
305	35620.4474	35597.6222	444	35549.4161	35280.4156
306	35359.4497	35627.1653	445	35626.3025	35655.8477
307	35372.7754	35342.5450	446	35645.7462	35617.3218
308	35375.3170	35342.5450	447	35644.3060	35607.3072
309	35606.0033	35386.2184	448	35617.5885	35516.4076
310	35658.5514	35461.8456	449	35623.4409	35628.2267
311	35733.2551	35418.2026	450	35643.2258	35612.7688
312	35910.3626	35525.7085	451	35904.3652	35910.3626

NOTE:
HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON
ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO
BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND
ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT
NO COST.

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS
PLAT ARE REFERRED TO THE SYSTEM OF
COORDINATES ESTABLISHED IN THE BALTIMORE
COUNTY METROPOLITAN DISTRICT AND ARE
BASED ON THE FOLLOWING TRAVERSE STATIONS:

NO.	NORTH	WEST
1	35675.22	35707.27
2	35675.22	35707.27
3	35675.22	35707.27

NOTE:
THE STREETS AND/OR ROADS AS SHOWN
HEREON AND THE LOCATION THEREOF
IN DEED ARE FOR THE PURPOSE OF
DESCRIPTION ONLY. THE SAME ARE NOT
INTENDED TO BE DEDICATED TO PUBLIC
USE. THE FEE SIMPLE TITLE TO THE BEDS
THEREOF IS EXPRESSLY RESERVED IN THE
GRANTORS OF THE DEED TO WHICH THIS
PLAT IS ATTACHED THEIR HEIRS AND
ASSIGNS.

OWNERS CERTIFICATE
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON
THIS PLAT, HEREBY CERTIFY THAT TO THE BEST OF
HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION
(2) OF SECTION 3-102 OF THE REAL PROPERTY
ARTICLE OF THE ANNOTATED CODE OF MARYLAND
HAS BEEN COMPLIED WITH, INsofar AS SAME CONCERN
THE MAKING OF THE PLAT AND SETTING OF
THE MARKERS.

DATE 11/1/85
11/1/85

OWNER & DEVELOPER
McDONOUGH CROSSINGS JOINT VENTURE

SUITE 275
COMMERCIAL EAST
1711 REISTERSTOWN ROAD
BALTIMORE, MARYLAND 21208
301-484-8400
DEED REF. 6911/555
ACCT. # 20-0000-1447

SURVEYORS CERTIFICATE
THE UNDERSIGNED, A REGISTERED LAND SURVEYOR
OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY
THAT HE IS THE SURVEYOR WHO PREPARED
THIS PLAT AND THAT THE LAND SHOWN ON
THIS PLAT HAS BEEN LAID OUT AND THE PLAT
THEREOF HAS BEEN PREPARED, IN COMPLIANCE
WITH SUBSECTION (2) OF SECTION 3-102 OF
THE REAL PROPERTY ARTICLE OF THE ANNOTATED
CODE OF MARYLAND PARTICULARLY INsofar AS
SAME CONCERN THE MAKING OF THE PLAT AND SETTING
OF THE MARKERS.

DATE 11/1/85
11/1/85

COORDINATES CONT'D

NO.	NORTH	WEST	NO.	NORTH	WEST
560	35787.6637	35250.2854	574	35626.5433	35360.0847
561	35591.2465	35333.5812	575	35451.4511	35358.5034
562	35554.5434	35371.7586	576	35324.3383	35400.1288
563	35657.3442	35445.0434	577	35518.6470	35316.0370
564	35553.2525	35402.8708	578	35422.0118	35422.0705
565	35447.1040	35447.1040	579	35447.1040	35447.1040

APPROVED: DEPARTMENT OF HEALTH
APPROVED BY BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
DATE 7/1/86

DATE 7/1/86

SECTION TWO
MCDONOUGH TOWNSHIP

3RD. ELECTION DISTRICT
SCALE: 1" = 100'

BALTIMORE CO., MARYLAND
AUGUST 15, 1985

D.S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS - SURVEYORS
11 WARREN ROAD BALTIMORE, MARYLAND 21208 (301) 484-4100

COMPUTED BY: GCS
CHECKED BY: GCS
DRAWN BY: C.A.B.
P.N.

DATE 7/1/86