

IN THE MATTER OF THE \* BEFORE THE  
THE APPLICATION OF \* COUNTY BOARD OF APPEALS  
VINCENT SERIO \* OF  
FOR A SPECIAL HEARING ON \* OF  
PROPERTY LOCATED ON THE SOUTH \*  
SIDE OF OAKLEIGH BEACH ROAD, \* BALTIMORE COUNTY  
475' EAST OF C/L PIN OAK ROAD \*  
(931-A OAKLEIGH BEACH ROAD) \* CASE NO. 92-253-SPH  
15TH ELECTION DISTRICT \*  
7TH COUNCILMANIC DISTRICT \* \* \* \* \*

OPINION

This matter comes before this Board as an appeal from the decision of the Deputy Zoning Commissioner dated February 6, 1992, which denied the Petitioner approval of a building permit for a single family dwelling on the subject undersized lot, pursuant to Section 304 of the Baltimore County Zoning Regulations (BCZR).

Evidence and testimony shows that the Petitioner, Vincent Serio, purchased the subject property, known as Lot 112, from Michael Black on August 13, 1991. The Petitioner testified that the sale was contingent on his obtaining a building permit, which was issued July 12, 1991.

The Petitioner then proceeded with plans to construct a house, and on August 31, 1991, entered into a contract with a buyer for the lot and proposed house.

However, on November 19, 1991, John R. Reisinger, Buildings Engineer, Department of Permits & Licenses, notified the Petitioner that the building permit was suspended because it had been issued in error.

Mr. Reisinger referred to Case No. 88-142-A, in which the County Board of Appeals on May 19, 1988, denied then-owners

Case No. 92-253-SPH Vincent Serio

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Theodore E. McCadden, Sr., and Michael Black a zoning variance to build on Lots 112 and 114, both 50 ft. wide in lieu of the required 55 ft. The denial was subsequently affirmed by the Circuit Court. The Petitioner testified that he was in no way connected with the ownership of the lots at the time.

Section 304, under which the Petitioner seeks relief, states:

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided: [BCZR 1955]

- That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [BCZR 1955]
- That all other requirements of the height and area regulations are complied with; and [BCZR 1955]
- That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [BCZR 1955]

The Petitioner testified that he had complied with these requirements. He contended that because Lot 112 was not contiguous with any adjoining lot owned by him, denying him a building permit would create practical difficulty and unreasonable hardship.

Michael Gilbert, attorney for the Protestants, argued that the Petitioner was not entitled to relief under Section 304 because any alleged practical difficulty and unreasonable hardship was self-created.

He submitted as evidence an excerpt from the Zoning

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Commissioner's Policy Manual concerning Section 304, stating in part:

- It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 304 BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304c. cannot be invoked and variances must be required. An obvious method used is called "checkerboarding." The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.
- If a single owner of contiguous undersized lots has purchased the property in good faith, and without any intent to avoid the area requirements, 304c. may be used to allow the owner to build pursuant thereto.

Evidence submitted shows that Mr. McCadden and Mr. Black purchased Lots 112, 113 and 114 as one parcel from Lorena Gaydos on March 26, 1987. At that time Lot 113, known as 933 Oakleigh Beach Road, contained a house; Lots 112 and 114, on either side, were vacant. Deeds submitted as evidence dated April 7, 1988, show that Lot 113 was sold to Stephen and Mary Ellen Chapman, Lot 114 was

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conveyed to Mr. McCadden, and Lot 112 was conveyed to Mr. Black.

Also submitted as evidence was a deed showing that Mr. Serio purchased Lot 114 from Mr. McCadden on October 23, 1991.

Albert Painter of 928 Oakleigh Beach Road testified that he saw the Petitioner on the site in 1987, working with Mr. McCadden and Mr. Black, in the remodeling of the house on the center lot, Lot 113.

In testimony before the Deputy Zoning Commissioner in this case, the Petitioner denied knowledge of an application on or about May 10, 1988, for a building permit for Lot 112, although the application bore his name as owner and applicant. Furthermore, he testified that he had never been to the property prior to the summer of 1991. However, Mr. Painter and two other neighborhood residents testified before the Commissioner that they had observed the Petitioner on the subject property and on adjacent Lot 113 around the time period of 1987.

The Deputy Zoning Commissioner determined that the Petitioner committed perjury in his testimony regarding both the building permit and his presence on the property prior to 1991.

The Petitioner testified before this Board that he went before the Deputy Zoning Commissioner ill-prepared for the case and as a result became defensive, and that he had been wrong to deny that he had made the application for the building permit and that he had been around the property prior to 1991. He testified that the building permit application he made in 1988 was based on inaccurate

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information given him by the owners.

The Petitioner testified under cross-examination that the commercially reasonable value of Lot 112 as a buildable lot would be between \$18,000 and \$20,000, which is considerably above his purchase price of \$3,000.

This Board finds from the evidence that the Petitioner was a working associate with Mr. McCadden and Mr. Black, who purchased the original three-lot parcel, and as such was well aware when he purchased the subject property in 1991 that it was undersized and required a variance, and that a variance for this property had previously been denied. Because he knew these things, the Board concludes that the practical difficulty and unreasonable hardship alleged by the Petitioner was self-created and therefore not grounds for granting a building permit.

The Board also finds that the Petitioner has not proceeded in good faith in pursuit of this building permit and has tried to circumvent the regulations of Section 304. Therefore, the Board concludes that the six year rule which would allow the Petitioner to reapply for a building permit after six years should not apply to Mr. Serio or subsequent purchasers and will so order.

The Board notes that some of the facts as found herein also apply to Lot 114 but because Lot 114 is not an issue presently before the Board, the Opinion and Order shall be limited to Lot 112 only.

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ORDER

IT IS THEREFORE this 23rd day of September, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve a building permit for a single family dwelling on the subject property be and is hereby DENIED; and it is further

ORDERED that the Protestants, through their attorney, Michael Gilbert, Esquire, shall immediately record a copy of this decision in the Land Records of Baltimore County referencing the subject property; that is, Lot 112 of Oakleigh Beach, to insure that any subsequent transferee of said lot shall have notice that a building permit for a single family dwelling shall not be issued for that lot without the issuance of a variance.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Judson H. Lipowitz*  
Judson H. Lipowitz

*S. Diane Levero*  
S. Diane Levero

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
S/S Oakleigh Beach Road, 475' \* DEPUTY ZONING COMMISSIONER  
E of the c/l of Pin Oak Road \* OF BALTIMORE COUNTY  
(931-A Oakleigh Beach Road) \*  
15th Election District \* Case No. 92-253-SPH  
7th Councilmanic District \*  
Vincent Serio \*  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve a building permit for a single family dwelling on the subject undersized lot, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Vincent Serio appeared, testified and was represented by Anthony J. DiPaula, Esquire. Appearing and testifying as Protestants in the matter were Sandy Pool, Albert Painter, and Mary Phipps. Other members of the surrounding community appeared in opposition to the Petitioner's request but did not testify. The Protestants were represented by Michael Gilbert, Esquire.

Testimony indicated that the subject property, known as Lot 112 of Oakleigh Beach, is a 50-foot wide lot consisting of 7500 sq.ft. zoned D.R. 5.5, and is presently vacant. Said property is located within the Chesapeake Bay Critical Areas near Schoolhouse Cove. This property is also known as 931-A Oakleigh Beach Road and is recorded in the Land Records of Baltimore County in Plat Book CMB 12, Folio 46. This property has been the subject of many previous zoning cases. The citizens of this community have been fighting since 1988 to protect the character and integrity of their neighborhood by preventing the wrongful development of this lot.

ORDER RECEIVED FOR FILING  
Date *9/16/92*  
By *SSP*

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They have been successful against the prior owners of this property and now continue their battle against the present owner.

The uncontradicted testimony in this case is that the Petitioner is desirous of constructing a single family dwelling on this property in accordance with that depicted on Petitioner's Exhibit 1. Testimony indicated that the Petitioner purchased the subject property on August 13, 1991. Mr. Serio testified that settlement on the property was contingent upon him obtaining a valid building permit. An application for a building permit was filed on or about June 28, 1991 as evidenced by Petitioner's Exhibit 3, a copy of which is attached hereto. Shortly thereafter, the Petitioner obtained a building permit from Baltimore County on July 12, 1991, a copy of which was entered into evidence as Petitioner's Exhibit 4 and is also attached hereto. Thereafter, Mr. Serio settled on Lot 112 as evidenced by a deed entered into evidence as Petitioner's Exhibit 2. It should be noted that Mr. Serio only paid \$3,000 for this lot which, in the opinion of this Deputy Zoning Commissioner, is unconscionably low.

Approximately three months later, by letter dated November 19, 1991, Mr. Serio was notified by the Department of Permits and Licenses that the permit previously issued was suspended. Mr. Serio was subsequently advised to file the instant Petition for approval of said permit which was suspended due to the fact that the lot does not meet size requirements for a buildable lot. This permit continues to be suspended pending the outcome of this hearing. The Petitioner now seeks relief under Section 304 of the B.C.Z.R. and asks that the issuance of the subject permit be upheld.

It was from that point forward that the testimony and evidence presented by the Petitioner and the Protestants becomes contradictory.

ORDER RECEIVED FOR FILING  
Date *9/16/92*  
By *SSP*

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET
NAME: Vincent Serio
ADDRESS: 2965 Brookwood Road, Ellicott City, Md 21042

PROTESTANT(S) SIGN-IN SHEET
NAME: Sandy Peck, Wayne Ramey, Nancy Shippe, Stephen Chapman, Miss Robert Penick, Sandwick Short, Michael Gilbert
ADDRESS: 931 Oakleigh Blvd, 935 Oakleigh Beach Rd, 931 Oakleigh Beach Rd, 933 Oakleigh Beach Rd, 938 Oakleigh Beach Rd, 929 Oakleigh Beach Rd

IN THE MATTER OF THE PETITION OF GERALD A. MARTIN, JR. BEFORE THE COUNTY BOARD OF APPEALS ON PROPERTY LOCATED ON THE NORTH SIDE OF MAGNOLIA AVENUE, 591 EAST OF LILAC AVENUE (3224 MAGNOLIA AVENUE) 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

This matter comes before this Board as an appeal from a decision of the Deputy Zoning Commissioner of Baltimore County, dated November 20, 1990, denying the property owner's Petition for a Variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet.

The Petitioner/Appellant, Gerald A. Martin, Jr., appeared and represented himself without legal counsel. Peter Max Zimmerman, Deputy People's Counsel, appeared on behalf of the People's Counsel for Baltimore County and Patricia L. Parker, Richard E. Parker, Katherine Schatz, Thomas Schatz, Katharina Keller and Richard Parker, Jr. appeared as Protestants.

Testimony indicated that the subject property, known as 3224 Magnolia Avenue, is located in the subdivision known as English Consul and is split by the Baltimore County/Baltimore City line. The testimony further indicated that the subject lot was once 50 feet wide, but, by virtue of an adverse possession decree, is now only 46-1/2 feet wide.

A previous Opinion and Order of this Board (Case No: 86-438-A) was entered into evidence as an exhibit. Said Opinion and Order

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204
PERMIT #: B097529
PROPERTY ADDRESS: 931 Oakleigh Beach Rd
SUBDIV: 21-00-007540
APPLICANT INFORMATION: NAME: Vincent Serio, COMPANY: Serio Construction, ADDRESS: 2965 Brookwood Road, Ellicott City, Md 21042
RESIDENTIAL: 01. ONE FAMILY, 02. TWO FAMILY, 03. THREE AND FOUR FAMILY, 04. FIVE OR MORE FAMILY, 05. SWIMMING POOL, 06. GARAGE, 07. OTHER
TYPE OF CONSTRUCTION: 1. MASONRY, 2. WOOD FRAME, 3. STRUCTURE STEEL, 4. REINFORCED CONCRETE
APPROVAL SIGNATURES: DATE

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF PERMITS AND LICENSES TOWSON, MARYLAND 21204
BUILDING PERMIT
PERMIT #: B097529 CONTROL #: MR DIST: 15 PRD: 21
DATE ISSUED: 07/12/91 TAX ACCOUNT #: 2108007540 CLASS:
PLANS: CONST 2 PLOT 16 PLAT 5 DATA 0 ELEC YES PLUM YES
LOCATION: 931A OAKLEIGH BEACH RD
SUBDIVISION: OAKLEIGH BEACH
OWNERS INFORMATION: NAME: SEAD, VINCENT, ADDR: 2965 BROOKWOOD RD, ELLICOTT CITY, MD 21043
TENANT: THE SERIO CO.
SELLER: MICHAEL BLACK 2212 PARK DRIVE BALTIMORE MD 21224
WORK: CONST. FOUNDATION FOR A ERECT STATE APPROVED INDUSTRIALIZED DWELLING, 3 BEDROOMS, 24' X 40' X 21' X 1.920 S.F. SEE EXPIRED HR 102178 ADDRESS CHANGE TO 931A PER S. LUTZ 7/11/91
BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED
ESTIMATED \$ PROPOSED USE: SFD
85,000.00 EXISTING USE: VACANT LOT
TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: ONE FAMILY
FOUNDATION: BLOCK
SEWAGE: PUBLIC EXIST
LOT SIZE AND SETBACKS: SIZE: 50' X 150', FRONT STREET: 25', SIDE STREET: 13'/13', SIDE STR SETB: 85', REAR SETB: 85'
PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

DEED - FEE SIMPLE - INDIVIDUAL - JANTOR - LONG FORM
FOUNTAINHEAD TITLE GROUP
1526 YORK ROAD, LUMBERVILLE, MD 21093
583-1424
C.R.C.F. 32.00, C.T.TX 15.00, C.D.M.C.S. 15.00, L.S. IMP. 5.00, DEED 0.00, SH. CLERK 47.00, HSH.33 0001 R02 7105-09/10/91
This Deed, MADE THIS 13th day of August, 1991, in the year one thousand nine hundred and ninety-one by and between MICHAEL BLACK, party of the first part, and VINCENT SERIO, party of the second part.

Witnesseth, That in consideration of the sum of THREE THOUSAND AND 00/100THS---- DOLLARS (\$3,000.00), the receipt of which is hereby acknowledged, the said party of the first part do es grant and convey to the said party of the second part, his heirs, 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: BEING KNOWN AND DESIGNATED AS Lot No. 112 as shown on the plat of Oakleigh Beach, which is recorded among the Plat Records of Baltimore County in Plat Book SWB Jr. No. 12, folio 46. The improvements thereon to be known as 931A Oakleigh Beach Road. BEING the same property described in a Deed dated April 7, 1988 and recorded among the Land Records of Baltimore County in liber 7967 folio 570 which was granted and conveyed by THEODORE E. MCCADDEN, SR. and MICHAEL BLACK unto the said party of the first part. Subject to the restrictions of record.

RECEIVED FOR TRANSFER STATE DEPARTMENT OF Assessments & Taxation for Baltimore County
J.R. 9/26/91
1Q191H00097LRTX 648.00
EA C002153P08-30-91

CONTRACT OF SALE
This is a Legally Binding Contract; If Not Understood, Seek Competent Advice.
LISTING BROKER: N/A
SALES PERSON: N/A
SELLING BROKER: N/A
SALES PERSON: N/A
THIS CONTRACT OF SALE, made this 31st day of August, 1991, by and between Vincent Serio, Seller, and Ericis William Langhorne-Tipp, Buyer, ADDRESS: 2965 Brookwood Road, Ellicott City, Md. 21043 and ADDRESS: 2032 Arden Way, Baltimore, Maryland 21223
1. Seller does hereby bargain and sell to Buyer, and Buyer does hereby purchase from Seller, all of the following described property, (hereinafter "Property"), located in Baltimore City, Maryland, being the property known as with a Chain of Title split over 931A Oakleigh Beach Road, Liber Folio Modular Home Baltimore, Maryland 21222 to be built with improvements thereon, with all rights and appurtenances thereto belonging. The purchase price is One Hundred Twenty Thousand Dollars and No Cents (\$120,000.00).
2. The payment of the purchase price shall be made by Buyer in cash or by certified check at settlement.
(a) An initial deposit of \$20,000.00 in the amount of Twenty Thousand Dollars at the time of execution of this Contract.
(b) An additional deposit in the amount of N/A Dollars to be paid within N/A days from the date of execution of this Contract by all parties; and
(c) The purchase price less any and all deposits shall be paid in full by Buyer in cash or by certified check at settlement.
3. Unless otherwise stated in the next sentence, the property is being conveyed in fee simple. (The property is subject to an annual ground rent now existing to be created of N/A Dollars (\$ N/A ), payable semiannually, as now or to be recorded among the Land Records of City/County, Maryland.)
4. This Contract is contingent upon Buyer obtaining a commitment for mortgage loan secured by the subject property as follows: (Check One) NONE - contingency does not apply. Loan Amount \$100,000.00 Term of Note 30 years Amortization 4 1/2% P.Y. Interest Rate 7 1/2%
5. Buyer agrees to pay to the Lender loan origination/loan discount fees of 0% of the Loan Amount and Seller agrees to pay loan origination/loan discount fees and charges of 0% of the Loan Amount. Any reduction in the loan origination/loan discount fees shall be shared by the Seller and Buyer on a basis equal to their respective proportional obligation for the original total of said fees. All other Lender's fees, if any, shall be paid by Buyer, including mortgage insurance premium as required by Lender. If the existing loan is to be transferred to assumed by Buyer, Buyer agrees to pay all fees and charges required by Lender.

Baltimore County Government Department of Permits and Licenses
111 West Chesapeake Avenue, Towson, MD 21204 887-3610
November 19, 1991
Mr. Vincent Serio, 2965 Brookwood Road, Ellicott City, Maryland 21043
Re: Permit #B097529, 931 A Oakleigh Beach Road
Dear Mr. Serio:
Based on information received from the Office of Zoning, Permit #B097529 is hereby suspended. All work being done under this permit must cease until the problems are resolved and the permit can be reinstated. Please contact Mr. John R. Alexander for details at 887-3391.
Very truly yours,
John R. Reisinger, P.E., Building Engineer
cc: John Alexander, Correspondence, Building Inspection
JRR/nmg

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence
TO: John Reisinger, Building Engineer, Department of Permits & Licenses
FROM: John R. Alexander, Planner, Zoning Administration and Development Management
SUBJECT: 931 A Oakleigh Beach Road, Building Permit B-097529
DATE: Nov. 19, 1991
On June 28, 1992, this office approved the above referenced building permit in error.
Previous hearings 88-142-A allowing construction were denied by the Board of Appeals and Circuit Court, reaffirmed by case #91-200-A. Therefore, this office is rescinding its approval of building permit B-097529.
JRA/jat
cc: Vincent Serio, 2965 Brookwood Road, Ellicott City, Md. 21043
James E. Dyer

IN RE: PETITION FOR ZONING VARIANCE  
8/5 Oakleigh Beach Road, 405'  
S. of 215' of Pin Oak Avenue  
1973 Oakleigh Beach Road  
15th Election District  
7th Councilmanic District  
Theodore E. McCadden, Sr.,  
et al - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 112 thru 114, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Theodore McCadden, Sr., appeared and testified on behalf of himself and Michael Black. Numerous homeowners appeared as Protestants and appointed Ms. Sandy Pool as their spokesperson.

The subject property, zoned D.R. 5.5, is part of the Oakleigh Beach subdivision located on Oakleigh Beach Avenue near Wise Avenue. The Petitioner submitted as Petitioner's Exhibit 2 a copy of the Plat for Oakleigh Beach filed and recorded in the Land Records of Baltimore County on August 21, 1939. Testimony indicated that the Petitioners purchased the property approximately one year ago and that the property consists of three lots, Lots 112, 113 and 114. Each lot is 50 feet wide and 150 feet deep. Two of the three lots are vacant and undeveloped. The center lot is improved with an existing single-family residence, as shown on Petitioner's Exhibit 1. The Petitioners are requesting the variance to permit the development of the two unimproved lots. Mr. McCadden testified that he intends to build a house, approximately 28' x 28' and will not need any variances from front, side and rear yard setback requirements. He further testified that he had been advised that he could subdivide the three lots in a manner that would permit the construction of two additional dwellings. However, he indicated that the layout of the houses would not be in conformance with the

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IN THE MATTER OF THE APPLICATION OF THEODORE E. MCCADDEN, SR., ET AL FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE SOUTH SIDE OF OAKLEIGH BEACH ROAD, 615' EAST OF THE CENTERLINE OF PIN OAK AVENUE (933 OAKLEIGH BEACH ROAD) 15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

OPINION

This matter comes before the Board as an appeal from the decision of the Deputy Zoning Commissioner dated December 15, 1987 which granted the Petitioner's variance allowing building on lot widths of 50 feet in lieu of the required 55 feet. The Petitioner, Theodore E. McCadden, Sr., appeared and was not represented by counsel. He testified that he had originally purchased lots identified on the plat as #112, #113 and #114. An existing dwelling house occupies lot #113, which the Petitioner has rehabilitated and resold. He seeks a variance in order to build on lots #112 and #114. In support of his petition, Mr. McCadden testified as to the existing layout of the neighborhood which was developed in the late 1940's. As the plat of the community indicates, all of the lots were originally sold as 50-foot wide parcels, as is the case in numerous areas of the County. Many of the single lots were developed with residences; however, sprinkled throughout the community are double- and triple-lot homes. Mr. McCadden testified that he would endure practical difficulty or undue hardship if unable to build on these single lots, as they would then be unusable.

In opposition to the petition, the Board received testimony from Sandra Pool, a spokesperson on behalf of other community residents. Ms. Pool set forth numerous concerns in opposition to the petition. Foremost among these were safety, traffic, drainage, and overcrowding considerations. Ms. Pool produced numerous photographs and exhibits in support of her position.

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DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM

This Deed, Made This 26th day of March

in the year one thousand nine hundred and EIGHTY SEVEN by and between Lorena Gaydos of the County of Baltimore, State of Maryland of the first part, and Theodore E. McCadden, Sr. and Michael Black of the second part.

Witnesseth, That in consideration of the sum of FIFTY SIX THOUSAND AND 00/100- B R C F 13.00 B T T X 280.00 B D O S 280.00 ( \$\*\*\*\*56,000.00) DOLLARS DEED SH CLERK 573.00 163842 0004 801 713-50 04/25/87

do es grant and convey to the said parties of the second part, as tenants in common, his or her heirs, personal representatives, assigns and assigns, in fee simple, all, that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say: BEING KNOWN AND DESIGNATED as Lots Nos. 112, 113, and 114 as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CMB Jr. No. 12 folio 46. THE IMPROVEMENTS THEREON BEING KNOWN AS 933 Oakleigh Beach Avenue. BEING the same property which by Deed dated October 25, 1978 and recorded among the Land Records of Baltimore County in Liber 6206, folio 349 was granted and conveyed by Robert R. Ohen, Personal Representative of the Estate of Lewis Gaydos, deceased unto Lorena Gaydos, the within Grantor.

AGRICULTURAL TRANSFER TAX STATE DEPARTMENT OF ASSESSMENTS & TAXATION

B 171\*\*\*\*856Jaa 4026A

ORDER RECEIVED FOR FILING

FILE SIMPLE DEED (Individual Form) FILE No. 11187

This Deed, Made this 30th day of August

in the year one thousand nine hundred and seventy-three by and between THOMAS HICKMAN and SHIRLEY E. HICKMAN, his wife, of Baltimore County in the State of Maryland, of the first part, Grantor(s), and SAUNDRA J. POOL and TALLBERTA H. PHIPPS, of the second part, Grantee(s).

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party(ies) of the first part do(es) grant and convey unto the said party(ies) of the second part, as joint tenants, and not as tenants in common, their assigns, the survivor of them and the heirs and assigns of such survivor, his or her heirs, assigns and assigns, in fee simple all that (those) lot(s) or parcel(s) of ground situate in Baltimore County, State of Maryland, and described as follows:

BEGINNING FOR THE SAME and being known and designated as Lot No. 111, as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Land Records of Baltimore County in Plat Book C.M.B.Jr. No. 12, folio 46. THE IMPROVEMENTS thereon being known as No. 931 Oakleigh Beach Road. BEING the same property which by Deed dated May 28, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5097 folio 1, was granted and conveyed by Herbert L. Williams and Janet J. Williams, his wife, unto Thomas Hickman and Shirley E. Hickman, his wife.

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352.50 RT

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less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above. [B.C.Z.R., 1955.]

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955.]

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided: [B.C.Z.R., 1955.]

- a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [B.C.Z.R., 1955.]
- b. That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]
- c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [B.C.Z.R., 1955.]

Section 305--REPLACEMENT OF DESTROYED OR DAMAGED DWELLINGS [B.C.Z.R., 1955.]

In case of complete or partial casualty loss by fire, wind-storm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwellings before the casualty are not increased in any respect. [B.C.Z.R., 1955.]

Section 306--MINOR PUBLIC UTILITY STRUCTURES [B.C.Z.R., 1955.]

Minimum lot area regulations in any zone shall not apply to repeater, booster, or transformer stations, or small community dial offices. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

Section 307--VARIANCES [B.C.Z.R., 1955; Bill No. 107, 1963.]

307.1--The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical

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BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management DATE: February 7, 1992

FROM: J. James Dieter, Director SUBJECT: Petition for a Special Hearing Serio Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 931 Oakleigh Beach Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Vincent Serio

APPLICANT PROPOSAL

The applicant has requested a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a building permit for an undersized single-family lot pursuant to BCR Section 304, for which the permit was already issued and as a result of which the Petitioner purchased the subject property.

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
- 3. 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>

#13

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM FILE NO. 40-35-28147cc

This Deed, Made This 7th day of April

in the year one thousand nine hundred and EIGHTY SEVEN by and between THEODORE E. MCCADDEN, SR. and MICHAEL BLACK of Baltimore County, State of Maryland, Grantors and parties of the first part, and STEPHEN L. CHATMAN and MARY ELLEN J. CHATMAN, husband and wife, Grantees and parties of the second part.

Witnesseth, that in consideration of the sum of \$24,000.00, the actual consideration paid or to be paid, and other good and valuable consideration, the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey to the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and unto the survivor's personal representatives, assigns and assigns, in fee simple, all, that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 113, as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CMB Jr. No. 12, folio 46. THE IMPROVEMENTS THEREON BEING KNOWN AS 933 Oakleigh Beach Avenue. BEING one of the lots which by Deed dated March 26, 1987 and recorded among the Land Records of Baltimore County in Liber 6206, folio 349 was granted and conveyed by Lorena Gaydos unto Theodore E. McCadden, Sr. and Michael Black.

A R C F 14.00 A T T X 370.00 A D O S 370.00

DEED SH CLERK 754.00 163819 0003 801 713-50 04/25/87

A R C F 14.00 A T T X 370.00 A D O S 370.00 DEED SH CLERK 754.00 163819 0003 801 713-50 04/25/87

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County

AGRICULTURAL TRANSFER TAX NOT APPLICABLE

#9

B 165\*\*\*\*1104002a 4304A

REAL PROPERTY TAX BILL IMPORTANT INFORMATION FOR PROPERTY OWNERS

You may pay this bill at the Office of Finance, Revenue Division, Court House, Room 150, Towson, Maryland 21284, or at any 1ST NATIONAL BANK BRANCH OFFICE. This bill is due during the month of July or when rendered. A discount of 2% of the County tax will be allowed for July payment or a 1% discount of the County tax for an August payment. The gross amount is payable during the month of September. This bill becomes delinquent on October 1 and is subject to interest at the rate of 1% per month, until paid. Discounts, interest and penalties are calculated on the net amount of the bill after any credits have been applied. A returned check charge of \$25.00 will be assessed on each bill which is paid with a check that is returned by the bank or financial institution on which it is drawn. Payment of this bill for current taxes will not prevent legal action if taxes for prior years are unpaid. If you have a mortgage on your property, it is your responsibility to send or deliver this bill to your bank, building association or other lending institution if that organization pays your taxes. Failure to receive a bill does not excuse the payment of taxes, interest or penalties. Properties are subject to sale for delinquent taxes if taxes remain unpaid at the time of the annual tax sale held in May each year. If you have appealed your assessment and the appeal is still pending, you must pay this bill in order to obtain a discount or to avoid interest and penalties. Should your appeal result in the reduction of the amount of tax due, the overpayment will be refunded to you with interest. Homeowners Tax Credit. Homeowners, regardless of their age, may be entitled to a credit against their taxes on the dwelling which is their principal residence. A homeowner must apply for the credit each year, no later than September 1 of the levy year for which the credit is sought. You may obtain an application form or additional information by calling 321-2313. See enclosed brochure for additional information and/or change of mailing address.

| SEWER BENEFIT | SEWER SERVICE | WATER BENEFIT | WATER DISTRIBUTION | TOTAL METROPOLITAN |
|---------------|---------------|---------------|--------------------|--------------------|
| 17.50         | 14.50         | 42.50         | 42.50              | 117.00             |

| OWNER'S NAME AND ADDRESS                                      | PROPERTY DESCRIPTION                                 | PROPERTY NUMBER | PROPERTY ALLEYS | PROPERTY NUMBER YEAR | DATE     |
|---|--|-----------------|-----------------|----------------------|----------|
| SERIO, VINCENT<br>2865 BROOKWOOD RD<br>ELLICOTT CITY MD 21042 | OAKLEIGH BEACH<br>1721 AC<br>331 A OAKLEIGH BEACH RD | 15 1-1          | 6-910           | 21-00-007540 93 9    | 07/01/92 |

| PROPERTY DESCRIPTION                                 | NET TAX | INTEREST | DISCOUNT | NET TOTAL |
|--|---------|----------|----------|-----------|
| OAKLEIGH BEACH<br>1721 AC<br>331 A OAKLEIGH BEACH RD | 117.00  | 12.46    | 0.00     | 129.46    |

2100074093000262200027020000272180002740000277620028035

#14

APPROVED FOR REBATE  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE REGISTER OF DEEDS  
TOWNSHIP, MARYLAND 21284

3200 3200  
102176

3/31 MARLEIGH BEACH RD.  
VINCENT SERIO  
P.O. BOX 304 ELLICOTT CITY MD, 21043

VS HOMES

THEODORE McCADDEN  
MICHAEL BLACK 2212 Rock Ave BALTO. MD. 21201  
S/S OAKLEIGH BEACH RD.

A. TYPE OF IMPROVEMENT  
RESIDENTIAL  
1. SINGLE-FAMILY CONSTRUCTION  
2. MULTIFAMILY CONSTRUCTION  
3. CONVERSION  
4. RECONSTRUCTION  
5. ADDITION  
6. REMOVAL  
7. OTHER

C. TYPE OF USE  
RESIDENTIAL  
1. SINGLE-FAMILY RESIDENTIAL  
2. MULTIFAMILY RESIDENTIAL  
3. COMMERCIAL  
4. INDUSTRIAL  
5. AGRICULTURAL  
6. OTHER

D. OWNERSHIP  
1. INDIVIDUALLY OWNED  
2. JOINTLY OWNED  
3. PARTNERSHIP  
4. TRUST  
5. OTHER

E. RESIDENTIAL ONLY  
1. SINGLE-FAMILY UNIT  
2. MULTIFAMILY UNIT  
3. CONVERSION  
4. RECONSTRUCTION  
5. ADDITION  
6. REMOVAL  
7. OTHER

F. DIMENSIONS  
1. LOT AREA  
2. LOT WIDTH  
3. LOT DEPTH  
4. LOT FRONTAGE  
5. LOT REARAGE  
6. LOT SIDEAGE  
7. LOT CORNERAGE  
8. LOT AREA  
9. LOT WIDTH  
10. LOT DEPTH  
11. LOT FRONTAGE  
12. LOT REARAGE  
13. LOT SIDEAGE  
14. LOT CORNERAGE

APPROVED PT. 5/10/08

APPROVED FOR REBATE  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE REGISTER OF DEEDS  
TOWNSHIP, MARYLAND 21284

3161  
931 Oakleigh Beach Road  
VINCENT SERIO  
P.O. BOX 304 ELLICOTT CITY MD, 21043

VS HOMES

Michael Black 2212 Rock Ave BALTO. MD. 21201  
S/S OAKLEIGH BEACH RD.

A. TYPE OF IMPROVEMENT  
RESIDENTIAL  
1. SINGLE-FAMILY CONSTRUCTION  
2. MULTIFAMILY CONSTRUCTION  
3. CONVERSION  
4. RECONSTRUCTION  
5. ADDITION  
6. REMOVAL  
7. OTHER

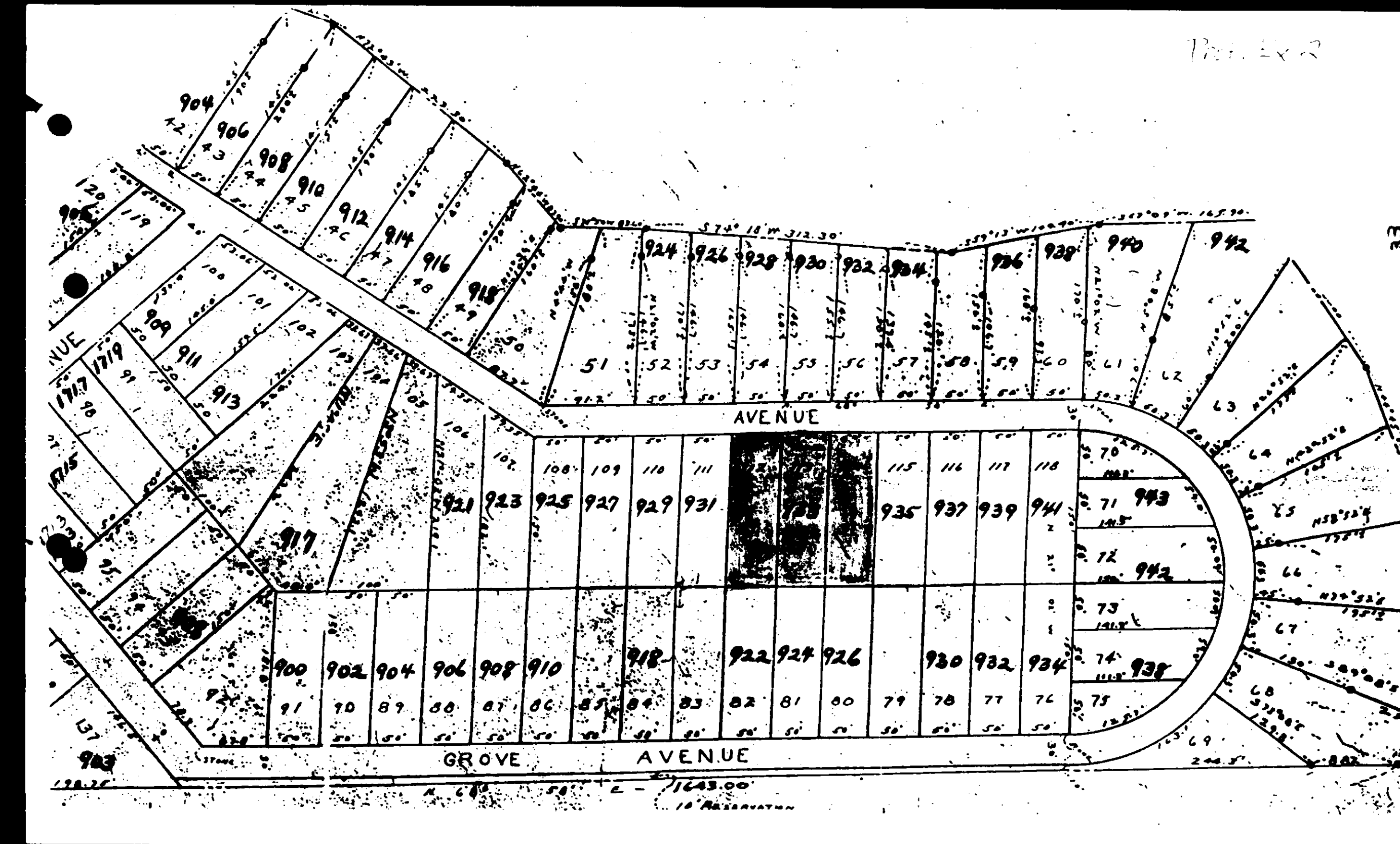
C. TYPE OF USE  
RESIDENTIAL  
1. SINGLE-FAMILY RESIDENTIAL  
2. MULTIFAMILY RESIDENTIAL  
3. COMMERCIAL  
4. INDUSTRIAL  
5. AGRICULTURAL  
6. OTHER

D. TYPE OF CONSTRUCTION  
1. SINGLE-FAMILY UNIT  
2. MULTIFAMILY UNIT  
3. CONVERSION  
4. RECONSTRUCTION  
5. ADDITION  
6. REMOVAL  
7. OTHER

E. RESIDENTIAL ONLY  
1. SINGLE-FAMILY UNIT  
2. MULTIFAMILY UNIT  
3. CONVERSION  
4. RECONSTRUCTION  
5. ADDITION  
6. REMOVAL  
7. OTHER

F. DIMENSIONS  
1. LOT AREA  
2. LOT WIDTH  
3. LOT DEPTH  
4. LOT FRONTAGE  
5. LOT REARAGE  
6. LOT SIDEAGE  
7. LOT CORNERAGE  
8. LOT AREA  
9. LOT WIDTH  
10. LOT DEPTH  
11. LOT FRONTAGE  
12. LOT REARAGE  
13. LOT SIDEAGE  
14. LOT CORNERAGE

APPROVED PT. 5/10/08



Prof. Ex. 1  
Exhibit A

4

LIBER 1093

THIS DEED DOES THIS 26th day of March in the year one thousand nine hundred and EIGHTY SEVEN by and between Lorena Gaydos of the County of Baltimore, State of Maryland of the first part, and Theodore E. McCadden, Sr. and Michael Black of the second part.

WITNESSETH, That in consideration of the sum of FIFTY SIX THOUSAND AND 00/100-00 DOLLARS ( \$56,000.00 ) the said PARTY OF THE FIRST PART do es grant and convey to the said parties of the second part, as tenants in common, his or her heirs, personal representatives/successors and assigns all that lot of ground in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say: BEING KNOWN and DESIGNATED as Lots Nos. 112, 113, and 114 as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CMB Jr. No. 12, folio 46. THE IMPROVEMENTS THEREON BEING KNOWN AS 933 Oakleigh Beach Avenue.

BEING the same property which by Deed dated October 25, 1978 and recorded among the Land Records of Baltimore County in Liber 6206, folio 349 was granted and conveyed by Robert B. Cohen, Personal Representative of the Estate of Lewis Gaydos, deceased into Lorena Gaydos, the surviving spouse of said deceased, through his Last Will and Testament.

WHEREAS, the said Lewis Gaydos died on January 1, 1978, leaving a Last Will and Testament, that the said decedent died leaving a surviving spouse namely Lorena Gaydos, that the decedent's first wife, namely Leona M. Gaydos, predeceased him on July 1, 1975.

WHEREAS, the said Grantor was appointed Personal Representative of the Estate of Lewis Gaydos on February 1, 1978, by the Register of Wills for Baltimore County. SEE ESTATE NUMBER #41748, in the Register of Wills Office for Baltimore County.

WHEREAS, the said lot of ground, as described, was distributed under the said Lorena Gaydos, surviving spouse of said deceased, through his Last Will and Testament.

TRANSFER TAX NOT REQUIRED  
ANNUAL REPORT OF OWNERSHIP  
BALTIMORE COUNTY, MARYLAND  
9-11-78

LIBER 1066

WITNESSETH, That in consideration of the sum of FIVE DOLLARS and other good and valuable considerations, receipt of which is hereby acknowledged, the said EARLE W. BLACKBURN and MARGUERITE S. BLACKBURN, his wife, do grant and convey unto the said LEWIS GAYDOS and LEONA M. GAYDOS, his wife, as tenants by the entirety, their heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County and described as follows, that is to say: BEING KNOWN and designated as Lots Nos. 112, 113 and 114 as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CMB Jr. No. 12, folio 46. THE IMPROVEMENTS THEREON BEING KNOWN AS 933 OAKLEIGH BEACH AVENUE.

BEING the same lots of ground which by deed dated May 14, 1948 and recorded among the Land Records of Baltimore County in Liber T.S.S. No. 1664, folio 359, was granted and conveyed by EARLE W. BLACKBURN and MARGUERITE S. BLACKBURN, his wife, unto LEWIS GAYDOS and LEONA M. GAYDOS.

WHEREAS, the said Lewis Gaydos died on January 1, 1978, leaving a Last Will and Testament, that the said decedent died leaving a surviving spouse namely Lorena Gaydos, that the decedent's first wife, namely Leona M. Gaydos, predeceased him on July 1, 1975.

WHEREAS, the said Grantor was appointed Personal Representative of the Estate of Lewis Gaydos on February 1, 1978, by the Register of Wills for Baltimore County. SEE ESTATE NUMBER #41748, in the Register of Wills Office for Baltimore County.

WHEREAS, the said lot of ground, as described, was distributed under the said Lorena Gaydos, surviving spouse of said deceased, through his Last Will and Testament.

NO CONSIDERATION, NO TITLE SEARCH  
LIBER 6206 PAGE 349

THIS DEED, MADE THIS 25th day of October in the year one thousand nine hundred and seventy-eight by and between Robert R. Cohen, Personal Representative of the Estate of Lewis Gaydos, deceased, of Baltimore County, State of Maryland.

Grantor and party  
Lorena Gaydos, Grantee and party

of the second part.

WITNESSETH, That in consideration of the sum of (\$0.00) and other valuable considerations, the receipt of which is hereby acknowledge, the said party of the first part does grant and convey to the said party of the second part, her personal representatives/successors and assigns all that lot of ground in fee simple, all the said lot of ground situate in Baltimore County and described as follows, that is to say: BEING KNOWN and designated as Lots Nos. 112, 113 and 114 as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CMB Jr. No. 12, folio 46. THE IMPROVEMENTS THEREON BEING KNOWN AS 933 OAKLEIGH BEACH AVENUE.

BEING the same lots of ground which by deed dated May 14, 1948 and recorded among the Land Records of Baltimore County in Liber T.S.S. No. 1664, folio 359, was granted and conveyed by EARLE W. BLACKBURN and MARGUERITE S. BLACKBURN, his wife, unto LEWIS GAYDOS and LEONA M. GAYDOS.

WHEREAS, the said Lewis Gaydos died on January 1, 1978, leaving a Last Will and Testament, that the said decedent died leaving a surviving spouse namely Lorena Gaydos, that the decedent's first wife, namely Leona M. Gaydos, predeceased him on July 1, 1975.

WHEREAS, the said Grantor was appointed Personal Representative of the Estate of Lewis Gaydos on February 1, 1978, by the Register of Wills for Baltimore County. SEE ESTATE NUMBER #41748, in the Register of Wills Office for Baltimore County.

WHEREAS, the said lot of ground, as described, was distributed under the said Lorena Gaydos, surviving spouse of said deceased, through his Last Will and Testament.

TRANSFER TAX NOT REQUIRED  
ANNUAL REPORT OF OWNERSHIP  
BALTIMORE COUNTY, MARYLAND  
9-11-78

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM  
LIBER 6206 PAGE 349

Prof. Ex. 1  
3635 Oakleigh Beach Road  
21203

THIS DEED, MADE THIS 26th day of March in the year one thousand nine hundred and EIGHTY SEVEN by and between Lorena Gaydos of the County of Baltimore, State of Maryland of the first part, and Theodore E. McCadden, Sr. and Michael Black of the second part.

WITNESSETH, That in consideration of the sum of FIFTY SIX THOUSAND AND 00/100-00 DOLLARS ( \$56,000.00 ) the said PARTY OF THE FIRST PART do es grant and convey to the said parties of the second part, as tenants in common, his or her heirs, personal representatives/successors and assigns all that lot of ground in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say: BEING KNOWN and DESIGNATED as Lots Nos. 112, 113, and 114 as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CMB Jr. No. 12, folio 46. THE IMPROVEMENTS THEREON BEING KNOWN AS 933 OAKLEIGH BEACH AVENUE.

BEING the same property which by Deed dated October 25, 1978 and recorded among the Land Records of Baltimore County in Liber 6206, folio 349 was granted and conveyed by Robert B. Cohen, Personal Representative of the Estate of Lewis Gaydos, deceased into Lorena Gaydos, the surviving spouse of said deceased, through his Last Will and Testament.

WHEREAS, the said Lewis Gaydos died on January 1, 1978, leaving a Last Will and Testament, that the said decedent died leaving a surviving spouse namely Lorena Gaydos, that the decedent's first wife, namely Leona M. Gaydos, predeceased him on July 1, 1975.

WHEREAS, the said Grantor was appointed Personal Representative of the Estate of Lewis Gaydos on February 1, 1978, by the Register of Wills for Baltimore County. SEE ESTATE NUMBER #41748, in the Register of Wills Office for Baltimore County.

WHEREAS, the said lot of ground, as described, was distributed under the said Lorena Gaydos, surviving spouse of said deceased, through his Last Will and Testament.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE  
SIGNATURE JR DATE 4/18/78  
STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
JRH/BRZ  
CLERK DATE

This Deed, Made This 7th day of April in the year one thousand nine hundred and eighty-eight by and between THEODORE E. MCCADDEN, SR. AND MICHAEL BLACK

of Baltimore County, State of Maryland, Grantors and parties of the first part, and STEPHEN L. CHAPMAN AND MARY ELLEN J. CHAPMAN, husband and wife, Grantees and parties of the second part

Witnesseth, That in consideration of the sum of \$74,000.00, the actual consideration paid or to be paid, and other good and valuable consideration, the receipt of which is hereby acknowledged,

the said parties of the first part

A R C F 14.00
A T T X 370.00
A T T X 370.00
DEED 370.00
SH. CLERK 75.00
480615-0065-001-714-59

do grant and convey to the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and unto the survivor's

personal representatives and assigns in fee simple, all that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say: BEING KNOWN AND DESIGNATED AS Lot No. 113, as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CWRJr. No. 12, folio 46.

BEING one of the lots which by Deed dated March 26, 1987 and recorded among the Land Records of Baltimore County in Liber No. 7501, folio 686 was granted and conveyed by Lorena Gaydos unto Theodore E. McCadden, Sr. and Michael Black,

A R C F 14.00
A T T X 370.00
A T T X 370.00
DEED 370.00
SH. CLERK 75.00
480615-0065-001-714-59

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County Date 6/30/88

AGRICULTURAL TRANSFER TAX NOT APPLICABLE Date 6/30/88

B 8163\*\*\*\*1804202: 6004A

This Deed, Made This 7th day of April in the year one thousand nine hundred and eighty-eight by and between THEODORE E. MCCADDEN, SR. AND MICHAEL BLACK

of Baltimore County, State of Maryland, Grantors and parties of the first part, and THEODORE E. MCCADDEN, SR., Grantee and party of the second part

Witnesseth, That in consideration of the sum of \$0.00, (Zero), the actual consideration paid or to be paid, and other good and valuable consideration, the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey to the said party of the second part, his

personal representatives and assigns in fee simple, all that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say: BEING KNOWN AND DESIGNATED AS Lot No. 114 as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CWRJr. No. 12, folio 46.

BEING one of the lots which by Deed dated March 26, 1987 and recorded among the Land Records of Baltimore County in Liber No. 7501, folio 686 was granted and conveyed by Lorena Gaydos unto Theodore E. McCadden, Sr. and Michael Black, the Grantors herein.

A R C F 14.00
A T T X 370.00
A T T X 370.00
DEED 370.00
SH. CLERK 75.00
480615-0065-001-714-59

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County Date 9/9/88

B 8215\*\*\*\*3123: 0034A

This Deed, Made This 7th day of April in the year one thousand nine hundred and eighty-eight by and between THEODORE E. MCCADDEN, SR. AND MICHAEL BLACK

of Baltimore County, State of Maryland, Grantors and parties of the first part, and MICHAEL BLACK, Grantee and party of the second part

Witnesseth, That in consideration of the sum of \$0.00, (Zero), the actual consideration paid or to be paid, and other good and valuable consideration, the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey to the said party of the second part, his

personal representatives and assigns in fee simple, all that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say: BEING KNOWN AND DESIGNATED AS Lot No. 112 as shown on the plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CWRJr. No. 12, folio 46.

BEING one of the lots which by Deed dated March 26, 1987 and recorded among the Land Records of Baltimore County in Liber No. 7501, folio 686 was granted and conveyed by Lorena Gaydos unto Theodore E. McCadden, Sr. and Michael Black, the Grantors herein.

A R C F 14.00
A T T X 370.00
A T T X 370.00
DEED 370.00
SH. CLERK 75.00
480615-0065-001-714-59

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County Date 9/9/88

B 8215\*\*\*\*3126: 0034B

This Deed, Made This 23rd day of October in the year One Thousand Nine Hundred and Ninety by and between THEODORE E. MCCADDEN, SR. party of the first part, and VINCENT SERIO party of the second part.

Witnesseth, That in consideration of the sum of Five Thousand Dollars (\$5,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, as sole owner, his/her personal representatives, heirs and assigns, in fee simple, that parcel of ground situate in Baltimore County Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED AS Lot No. 114 as shown on the Plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CWRJr. No. 12, folio 46.

BEING the same parcel of ground which by deed dated 7th day of April, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 7857, folio 588 was granted and conveyed by Theodore E. McCadden, Sr. and Michael Black unto THEODORE E. MCCADDEN, SR., the Grantors herein.

This is to certify that the within instrument was prepared by or under the supervision of the undersigned Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

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 sole owner, his/her personal representatives, heirs and assigns, in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

THEODORE E. MCCADDEN, SR. VINCENT SERIO

STATE OF Maryland, COUNTY OF Baltimore, to wit:

I Herby Certify, That on this 23rd day of October in the year One Thousand Nine Hundred and Ninety One, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore personally appeared THEODORE E. MCCADDEN, SR., Grantor and VINCENT SERIO, Grantee known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 11th day of October, 1991.

My Commission Expires: August 26, 1994

C R C F 12.00
A T T X 370.00
A T T X 370.00
DEED 370.00
SH. CLERK 75.00
480615-0065-001-714-59

This Deed, Made This 13th day of August in the year one thousand nine hundred and ninety-one by and between MICHAEL BLACK, party of the first part, and VINCENT SERIO, party of the second part.

Witnesseth, That in consideration of the sum of THREE THOUSAND AND 00/100THS (\$3,000.00), the receipt of which is hereby acknowledged,

the said party of the first part

do as grant and convey to the said party of the second part, his heirs,

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: BEING KNOWN AND DESIGNATED AS Lot No. 112 as shown on the plat of Oakleigh Beach, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CWRJr. No. 12, folio 46.

BEING the same property described in a deed dated April 11, 1988 and recorded among the Land Records of Baltimore County in Liber No. 7501, folio 686 and conveyed by THEODORE E. MCCADDEN, SR. and MICHAEL BLACK unto the said party of the first part.

Subject to the restrictions of record.

RECEIVED FOR TRANSFER State Department of Assessments & Taxation for Baltimore County Date 9/9/89

B 8163\*\*\*\*1804202: 6004A

ZONING COMMISSIONER'S POLICY MANUAL

SECTION 104 (B) OF UNDERLINED SINGLE-FAMILY LOTS - P 104 to the application for a building permit, the applicant must provide satisfactory documentation. The applicant may be required to furnish:

- a. a copy of the pre-1955 deed or subdivision plat;
b. (no additions)
c. contiguous ownership

It is obvious that Section 104 of the Baltimore County Zoning Regulations encourages the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

1. Section 104 B.C.Z.R., however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.

2. It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 104 B.C.Z.R. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 104c cannot be invoked and variances must be required. An obvious method used is called "checkerboarding". The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.

3. If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, 104c may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels, the purpose of the purchase, the intent of the purchase, can be utilized to do determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criterion to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 104c would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid area requirements.

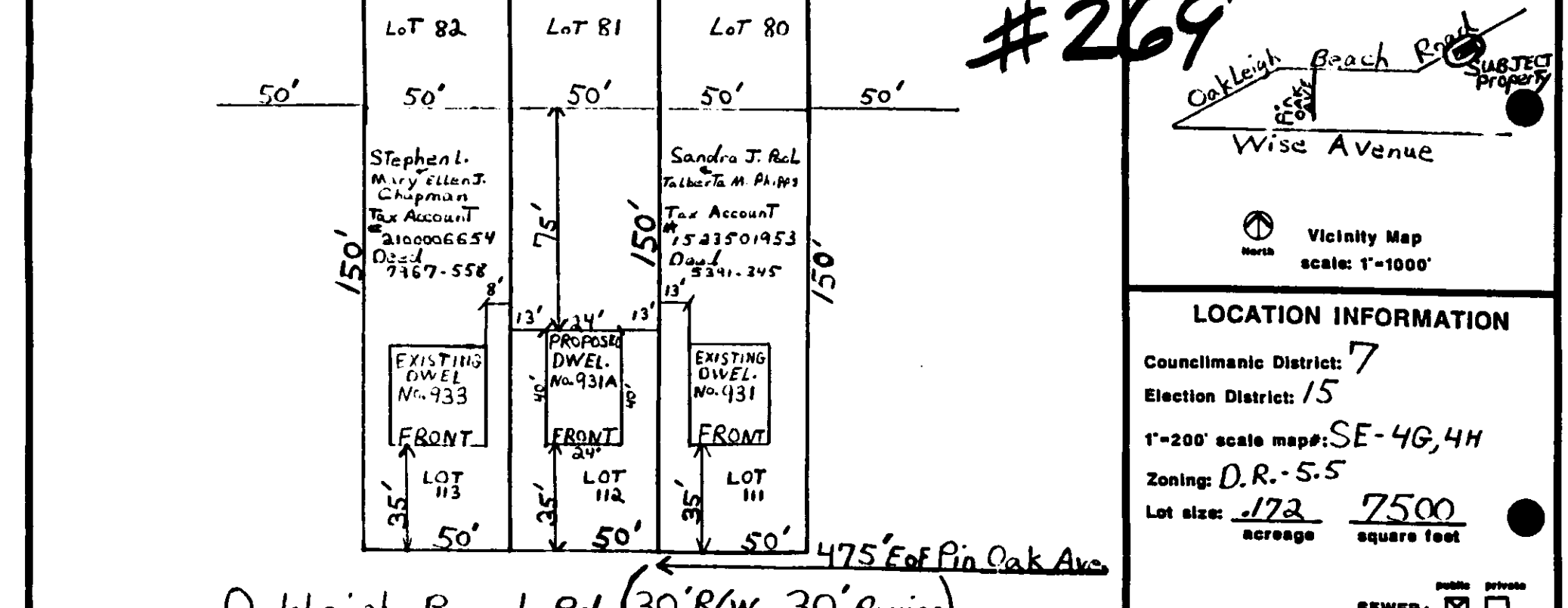
4. Ownership information including:
(i) a property tax computer printout for all adjacent properties, in addition to the subject property;
(ii) copies of the deeds for all adjacent properties, in addition to the subject property; and
(iii) a notarized affidavit stating that the applicant has had no financial interests for the prior six years in any adjacent properties.

Interpretation: The Zoning Commissioner retains the right Section 500 & B.C.Z.R. to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis (see Section 101 - Ownership I.C.P.M., Page 1-23)

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 931 Oakleigh Beach Road
Subdivision name: Oakleigh Beach
plat book # 12, folio 46, 112 sections

OWNER: Vincent Serio



Oakleigh Beach Rd. (30' R/W, 30' Paving)
Existing UTILITIES in Oakleigh Beach Road

North date: 8-9-91 prepared by: VS Scale of Drawing: 1"=50'

LOCATION INFORMATION
Councilmanic District: 7
Election District: 15
1"-200' scale map: SE-46, 4H
Zoning: D.R.-5-S
Lot area: 173 7500 acreage square foot

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM

FOUNTAINHEAD TITLE GROUP  
1526 YORK ROAD  
LUMBERVILLE, MD 21093  
583-1424

C.R.C.F. 12.00  
C.T.F.X. 15.00  
C.M.C.S. 15.00  
C.E.T.P. 5.00

DEED 47.00  
SH. CLERK 001133 0001 002 110454  
by and between 09/10/91

**This Deed, Made This 13th day of August**  
in the year one thousand nine hundred and ninety-one

MICHAEL BLACK, party of the first part, and  
VINCENT SERIO, party of the second part.

Witnesseth, That in consideration of the sum of THREE THOUSAND AND 00/100THS----- DOLLARS (\$3,000.00), the receipt of which is hereby acknowledged,

the said party of the first part do es grant and convey to the said party of the second part, his heirs, 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:

BEING KNOWN AND DESIGNATED AS Lot No. 112 as shown on the plat of Oakleigh Beach, which is recorded among the Plat Records of Baltimore County in Plat Book SWB Jr. No. 12, Folio 46. The improvements thereon to be known as 931A Oakleigh Beach Road.

BEING the same property described in a Deed dated April 7, 1988 and recorded among the Land Records of Baltimore County in Liber 7957 folio 570 which was granted and conveyed by THEODORE E. McCADDER, SR. and MICHAEL BLACK unto the said party of the first part.

Subject to the restrictions of record.

JURISDICTIONAL TRANSFER TAX NOT APPLICABLE  
SIGNATURE: *R. 2/6/91*

RECEIVED FOR TRANSFER  
State Department of Assessments & Taxation  
for Baltimore County  
*R. 9/6/91*

**PETITIONER'S EXHIBIT 2**

01A21H000PTLTRY  
B4 C002Y3P008-30-91 \$48.00

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21204

PROPERTY ADDRESS: 931A Oakleigh Beach Rd.  
SUBDIV: Oakleigh Beach  
TAX ACCOUNT #: 21-00-007540  
OWNER: VINCENT SERIO  
NAME: Vincent Serio  
ADDR: 2965 Brookwood Road, ELICOTT CITY, MD 21043

APPLICANT INFORMATION  
NAME: Vincent Serio  
COMPANY: The Serio Company  
ADDR: 2965 Brookwood Road, ELICOTT CITY, MD 21043  
PHONE: 465-2512  
MHC LICENSE #:  
APPLICANT: Vincent Serio  
SIGNATURE: Vincent Serio  
PLANS: CONST 2 PLATS PLAT 0 DATA 0  
CONTRACT: The Serio Company  
ENGINEER: Michael Black 2212 Park Drive Balto, MD 21021  
SELLER: Michael Black 2212 Park Drive Balto, MD 21021

DESCRIBE PROPOSED WORK:  
Construct Foundation For 4 Erect State Approved Modular Homes with No Fireplaces  
Disturbed Area under 5000 SF, including all dwelling, 24' x 40' x 21' = 1920 SF

TYPE OF USE  
RESIDENTIAL  
01. ONE FAMILY  
02. TWO FAMILY  
03. THREE AND FOUR FAMILY  
04. FIVE OR MORE FAMILY  
05. ENTER (NO UNITS)  
06. SWIMMING POOL  
07. OTHER

TYPE OF IMPROVEMENT  
1. NEW BLDG CONST  
2. ADDITION  
3. ALTERATION  
4. REPAIR  
5. RECKING  
6. MOVING  
7. OTHER

TYPE OF CONSTRUCTION  
1. MASONRY  
2. WOOD FRAME  
3. STRUCTURE STEEL  
4. REINF. CONCRETE

TYPE OF HEATING FUEL  
1. GAS  
2. OIL  
3. ELECTRICITY  
4. COAL

TYPE OF WATER SUPPLY  
1. PUBLIC SYSTEM  
2. PRIVATE SYSTEM

TYPE OF SEWAGE DISPOSAL  
1. PUBLIC SEWER  
2. PRIVATE SYSTEM  
3. SEPTIC

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE  
#FF: #BED: #BDR: #TOT BDR: #TOT APST: #MIRISE

BUILDING SIZE: FLOOR 920 SF  
WIDTH 24  
DEPTH 40  
HEIGHT 9  
STORIES 1.5  
LOT # 112  
CORNER LOT

LOT SIZE AND SETBACKS  
SIZE 50 x 150  
FRONT STREET 25  
SIDE STREET 13.75  
FRONT SETBK 25  
SIDE SETBK 13.75  
REAR SETBK 8.5

BLD INSP  
BLD PLAN 82 OKT 16 21.00 11/29/90  
FIRE  
SEDI CHAS. BROWN TO LIVE 6-28-91  
ZONING 1180-1180-1180-1180 6-28-91  
ENVIRONMENTAL 1180-1180-1180-1180 6-28-91  
PLANNING 1180-1180-1180-1180 6-28-91

**PETITIONER'S EXHIBIT 3**

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND LICENSES  
TOWSON, MARYLAND 21204

PERMIT # 8097529  
DATE ISSUED: 07/12/91  
PLANS: CONST 2 PLATS PLAT 0 DATA 0  
LOCATION: 931A OAKLEIGH BEACH RD  
SUBDIVISION: OAKLEIGH BEACH

OWNER INFORMATION  
NAME: VINCENT SERIO  
ADDR: 2965 BROOKWOOD RD, ELICOTT CITY, MD 21043

TERMS  
CONTRACT: THE SERIO CO.  
ENGINEER: MICHAEL BLACK 2212 PARK DRIVE BALTO, MD 21021  
WORK: CONST. FOUNDATION FOR 4 ERECT STATE APPROVED MODULARIZED DOLLAR. 3 BEDROOMS.  
24' x 40' x 21' = 1920 SF. SEE EXPIRED DR 102178.  
ADDRESS CHANGE TO 931A BEACH RD, ELICOTT CITY, MD 21043.

ESTIMATED \$ PROPOSED USE: SED  
85,000.00 EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION  
USE: ONE FAMILY  
FOUNDATION: BLOCK  
SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS  
SIZE: 50' x 150'  
FRONT SETBK: 25'  
SIDE SETBK: 13.75'  
REAR SETBK: 8.5'

**PETITIONER'S EXHIBIT 4**

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRY

Baltimore County Government  
Department of Permits and Licenses

111 West Chesapeake Avenue  
Towson, MD 21204

November 19, 1991

Re: Permit #8097529  
931 A Oakleigh Beach Road

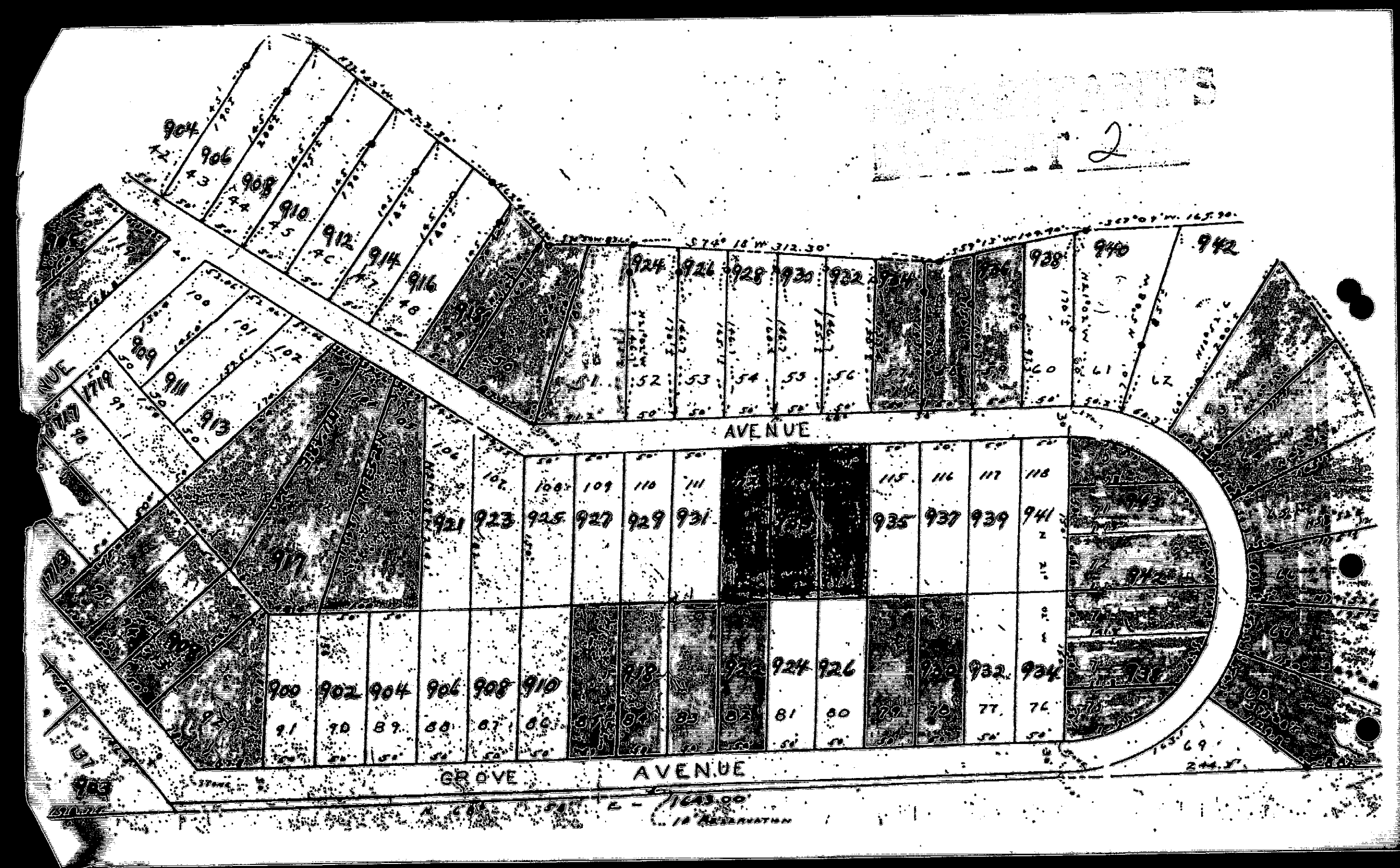
Dear Mr. Serio:

Based on information received from the Office of Zoning, Permit #8097529 is hereby suspended. All work being done under this permit must cease until the problems are resolved and the permit can be reinstated. Please contact Mr. John R. Alexander for details at 887-3391.

Very truly yours,  
John R. Reisinger, P.E.  
Buildings Engineer

JRR/mwg  
cc: John Alexander  
correspondence  
Building Inspection

**PETITIONER'S EXHIBIT 5**



INO DATE 01/30/92 OFFICE OF ASSESSMENTS INQUIRY (1) TIME 16:15:43

PROPERTY NO. 21-00-06654 DIST 15 GROUP 3 PH2 CLASS 04 OCC. HL AREA 27039X DARD-NO DEL 11/29/90

CHAPMAN STEPHEN L PRIMARY DESC... D OAKLEIGH BEACH  
CHAPMAN MARY ELLEN J SUPPLEMENTAL DESC...  
00933 OAKLEIGH BCH RD IMPRV ADDRESS 00933 OAKLEIGH BCH RD SS  
BALTIMORE MD 21222 NEAREST INTER...  
STRUCTURE... X31-100--A STATE CODE..

LOT... 0113 MAP... 104 FRONT... 50.00 TRANSFER DATE... 09/09/88  
BLOCK... 15 BACK... 50.00 TRANSFER NO... 001974  
SECTION... PARCEL... 00231 SIDE1... 150.00 PURCHASE PRICE 74,000  
FLAT... LIBER... 7767 SIDE2... 150.00 GROUND RENT... 0  
BOOK... 12 FOLIO... 0558 FORMER OWNER: McCADDER THEODORE E, SR  
FOLIO... 046 CONST YR 50 FT LOT... 7,500 (M)

| *FULL VALUE* | LAND   | IMPRV  | PREF-LAND | CURTILAGE | EX LAND | EX IMPRV | BLIND |
|--------------|--------|--------|-----------|-----------|---------|----------|-------|
| CURRENT      | 15,750 | 37,250 | 0         | 0         | 0       | 0        | 0     |
| PROPOSED     | 23,750 | 47,150 | 0         | 0         | 0       | 0        | 0     |

\*\*\*BASIS\*\*\* YRMO TAX LAND TAX IMPRV ADVAL EX LAND EX IMPRV EX ADVAL

92/93 ASSESSMT 9111 0 26,290 26,290 0 0 0

91/92 ASSESSMT 9009 0 24,140 24,140 0 0 0

90/91 ASSESSMT 8911 0 22,470 22,470 0 0 0

RECEIVED FOR TRANSFER  
State Department of Assessments & Taxation  
for Baltimore County  
*6/30/92*

AGRICULTURAL TRANSFER TAX NOT APPLICABLE  
*6/30/92*

8 103\*\*\*\*116400: 5304A

INO DATE 01/30/92 OFFICE OF ASSESSMENTS INQUIRY (1) TIME 16:15:25

PROPERTY NO. 15-23-501953 DIST 15 GROUP 3 PH2 CLASS 04 OCC. HL AREA 60024 DARD-NO DEL 11/29/90

POOL SANDRA J PRIMARY DESC... D OAKLEIGH BEACH  
PHIPPS TALBERTA M SUPPLEMENTAL DESC...  
00931 OAKLEIGH BEACH RD IMPRV ADDRESS 00931 OAKLEIGH BEACH RD SS  
BALTIMORE MD 21222 NEAREST INTER... 0525 E PIN OAK AVENUE  
STRUCTURE... X31-105--A STATE CODE..

LOT... 0111 MAP... 104 FRONT... 50.00 TRANSFER DATE... 09/04/73  
BLOCK... 000 BACK... 50.00 TRANSFER NO... 044540  
SECTION... 00 PARCEL... 00231 SIDE1... 150.00 PURCHASE PRICE 23,500  
FLAT... 000 LIBER... 2391 SIDE2... 150.00 GROUND RENT... 0  
BOOK... 12 FOLIO... 0345 FORMER OWNER: HICKMAN THOMAS  
FOLIO... 046 CONST YR 50 FT LOT... 7,500 (M)

| *FULL VALUE* | LAND   | IMPRV  | PREF-LAND | CURTILAGE | EX LAND | EX IMPRV | BLIND |
|--------------|--------|--------|-----------|-----------|---------|----------|-------|
| CURRENT      | 15,750 | 49,440 | 0         | 0         | 0       | 0        | 0     |
| PROPOSED     | 23,960 | 57,600 | 0         | 0         | 0       | 0        | 0     |

\*\*\*BASIS\*\*\* YRMO TAX LAND TAX IMPRV ADVAL EX LAND EX IMPRV EX ADVAL

92/93 ASSESSMT 9111 0 30,440 30,440 0 0 0

91/92 ASSESSMT 9009 0 28,250 28,250 0 0 0

90/91 ASSESSMT 8911 0 26,630 26,630 0 0 0

RECEIVED FOR TRANSFER  
State Department of Assessments & Taxation  
for Baltimore County  
*6/30/92*

AGRICULTURAL TRANSFER TAX NOT APPLICABLE  
*6/30/92*

US 111\*\*\*0461042 02-N-28  
57755\*\*\*0126082 02-N-28  
50402\*\*\*029636# 02-N-28

1945 0461 4 352.50 KR

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE PLANNING ENGINEER  
TOWNSHIP, MARYLAND 2104

PROJECT: 134 OAKLEIGH BEACH RD.  
PROJECT NO: 102176  
DATE: 10/21/76

OWNER: MICHAEL WACK 2242 PARK DR. BALTO. MD. 21224  
6/S OAKLEIGH BEACH RD.

TYPE OF IMPROVEMENT: RESIDENTIAL  
C. TYPE OF USE: RESIDENTIAL

D. TYPE OF CONSTRUCTION: 1. SINGLE FAMILY UNIT  
E. RESIDENTIAL ONLY

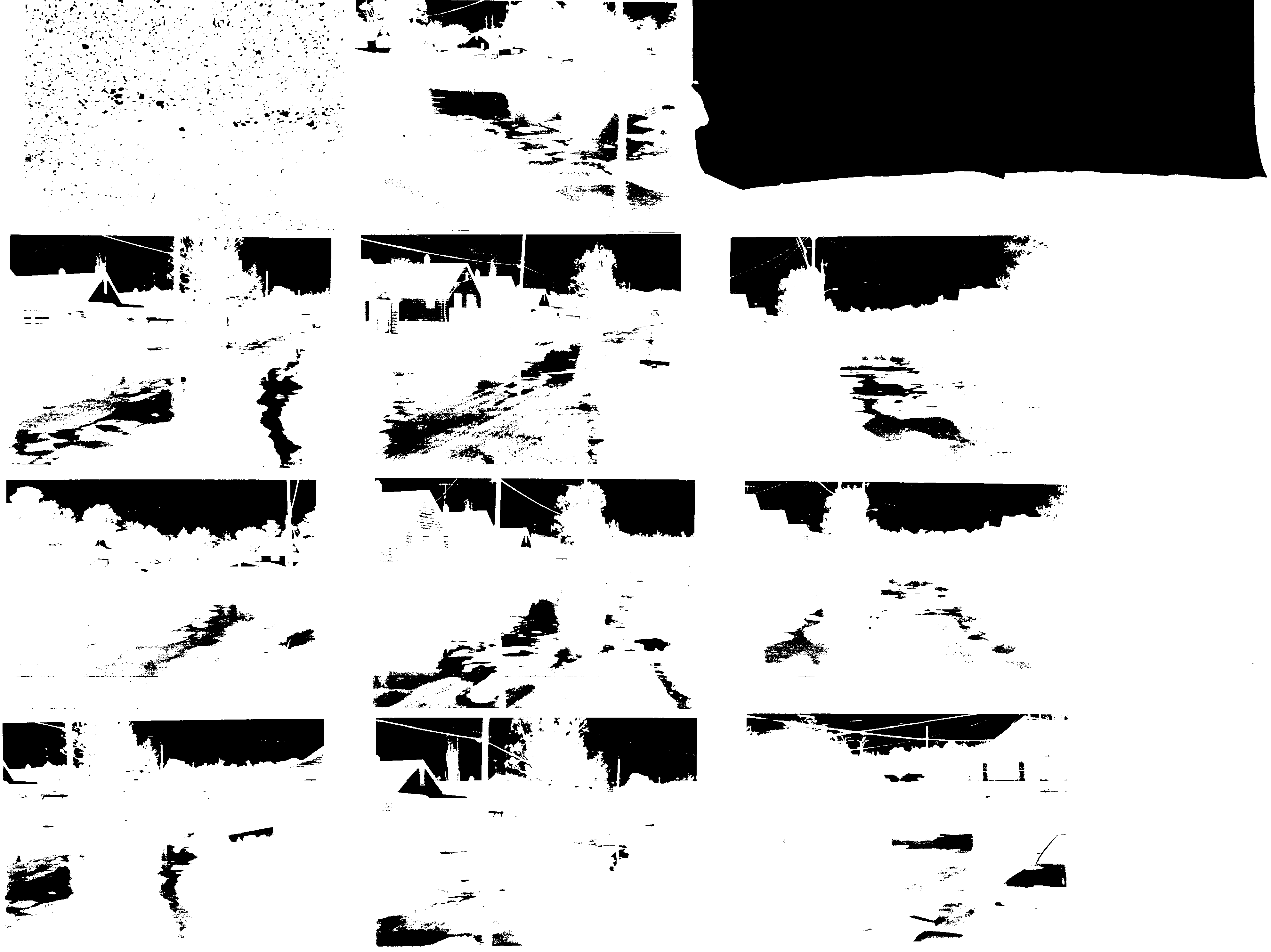
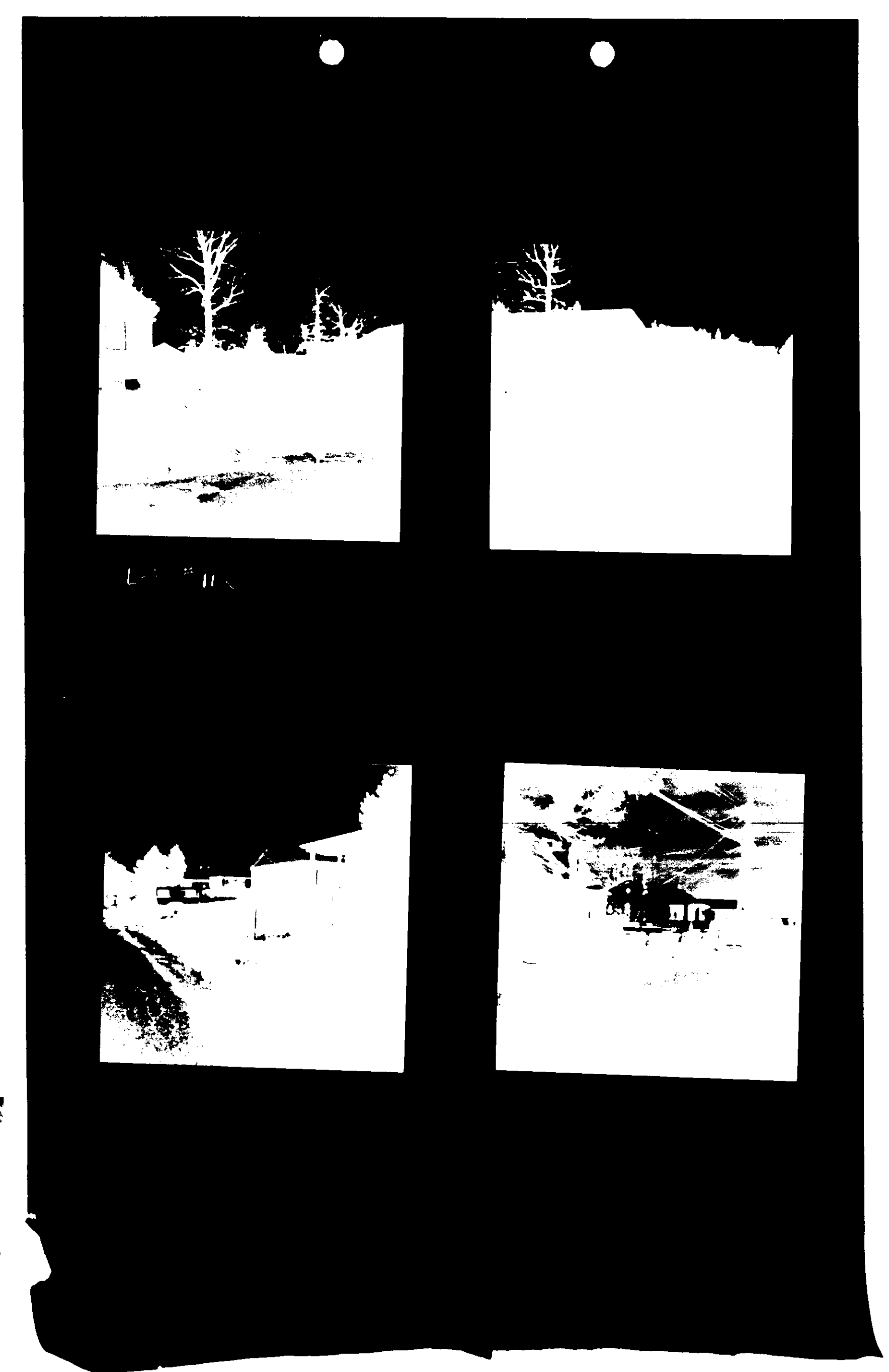
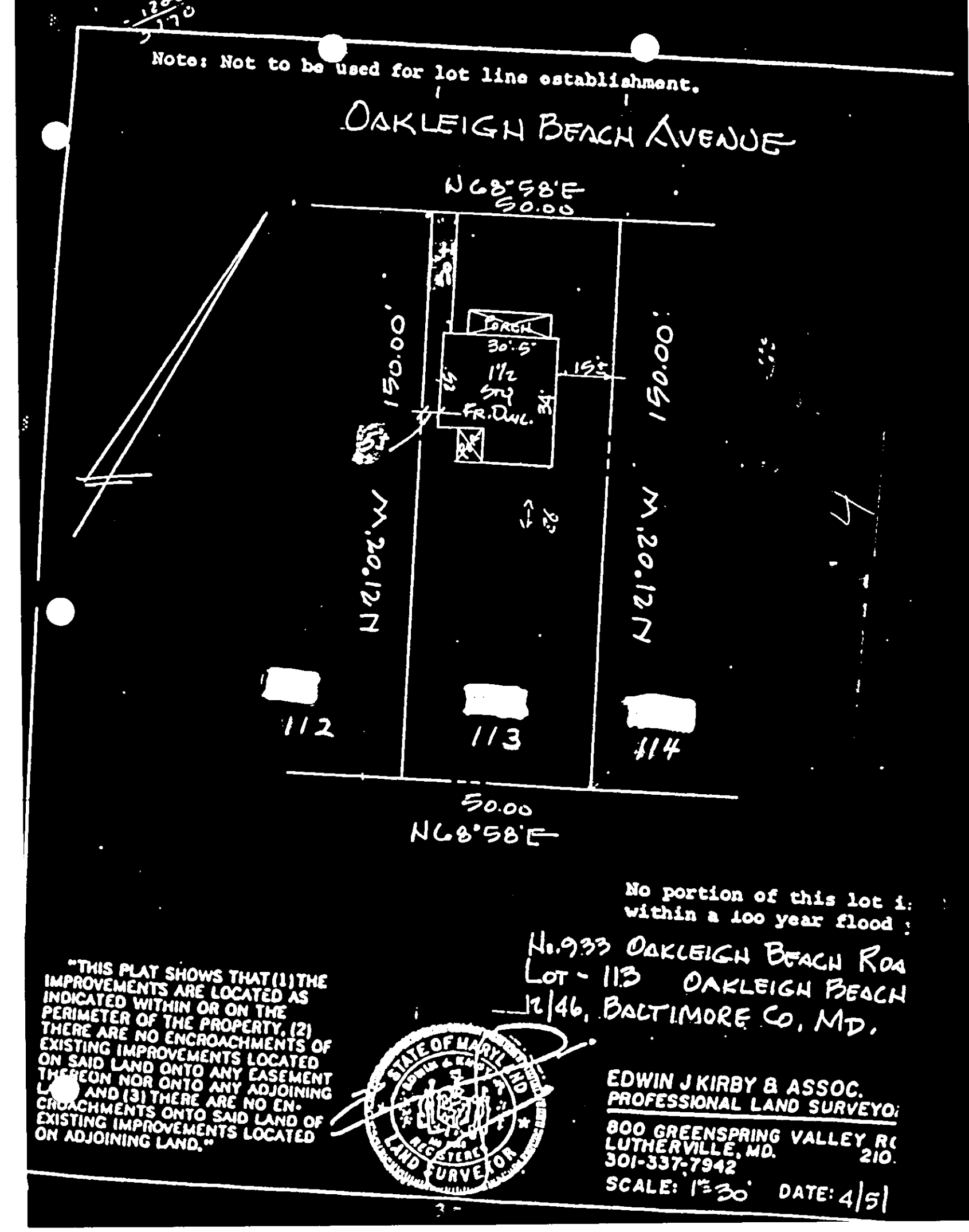
F. DIMENSIONS: 130/150 FT.

APPROVED PT. 10/21/76

NOT IN FAVOR OF ZONING

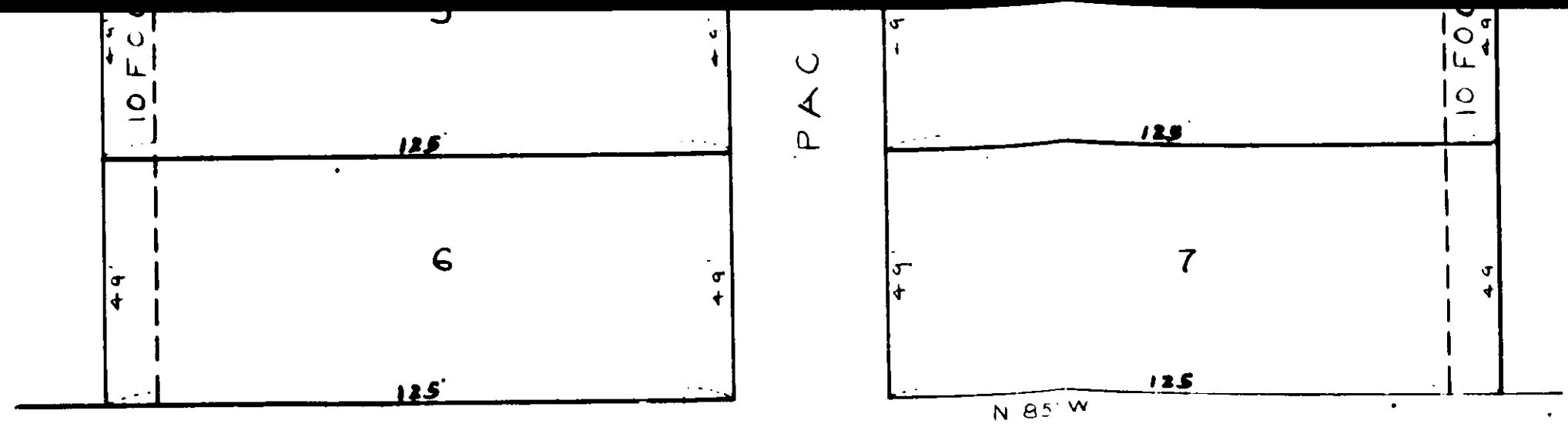
WE, the undersigned are protesting any additional housing in our neighborhood built on 50' lots OAKLEIGH BEACH RD

| ADDRESS               | SIGNATURE      |
|-----------------------|----------------|
| 87 Oakleigh Beach Rd  | Carolin Clark  |
| 88 Oakleigh Beach Rd  | Norman F. Fahn |
| 89 Oakleigh Beach Rd  | Norman F. Fahn |
| 90 Oakleigh Beach Rd  | Norman F. Fahn |
| 91 Oakleigh Beach Rd  | Norman F. Fahn |
| 92 Oakleigh Beach Rd  | Norman F. Fahn |
| 93 Oakleigh Beach Rd  | Norman F. Fahn |
| 94 Oakleigh Beach Rd  | Norman F. Fahn |
| 95 Oakleigh Beach Rd  | Norman F. Fahn |
| 96 Oakleigh Beach Rd  | Norman F. Fahn |
| 97 Oakleigh Beach Rd  | Norman F. Fahn |
| 98 Oakleigh Beach Rd  | Norman F. Fahn |
| 99 Oakleigh Beach Rd  | Norman F. Fahn |
| 100 Oakleigh Beach Rd | Norman F. Fahn |
| 101 Oakleigh Beach Rd | Norman F. Fahn |
| 102 Oakleigh Beach Rd | Norman F. Fahn |
| 103 Oakleigh Beach Rd | Norman F. Fahn |
| 104 Oakleigh Beach Rd | Norman F. Fahn |
| 105 Oakleigh Beach Rd | Norman F. Fahn |
| 106 Oakleigh Beach Rd | Norman F. Fahn |
| 107 Oakleigh Beach Rd | Norman F. Fahn |
| 108 Oakleigh Beach Rd | Norman F. Fahn |
| 109 Oakleigh Beach Rd | Norman F. Fahn |
| 110 Oakleigh Beach Rd | Norman F. Fahn |
| 111 Oakleigh Beach Rd | Norman F. Fahn |
| 112 Oakleigh Beach Rd | Norman F. Fahn |
| 113 Oakleigh Beach Rd | Norman F. Fahn |
| 114 Oakleigh Beach Rd | Norman F. Fahn |
| 115 Oakleigh Beach Rd | Norman F. Fahn |
| 116 Oakleigh Beach Rd | Norman F. Fahn |
| 117 Oakleigh Beach Rd | Norman F. Fahn |
| 118 Oakleigh Beach Rd | Norman F. Fahn |
| 119 Oakleigh Beach Rd | Norman F. Fahn |
| 120 Oakleigh Beach Rd | Norman F. Fahn |
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| 122 Oakleigh Beach Rd | Norman F. Fahn |
| 123 Oakleigh Beach Rd | Norman F. Fahn |
| 124 Oakleigh Beach Rd | Norman F. Fahn |
| 125 Oakleigh Beach Rd | Norman F. Fahn |
| 126 Oakleigh Beach Rd | Norman F. Fahn |
| 127 Oakleigh Beach Rd | Norman F. Fahn |
| 128 Oakleigh Beach Rd | Norman F. Fahn |
| 129 Oakleigh Beach Rd | Norman F. Fahn |
| 130 Oakleigh Beach Rd | Norman F. Fahn |



S. 112.1427

Filed for record with deed  
from John Gas & wife  
to Samuel Manfre  
July 19, 1934  
Test C. Walling Clerk



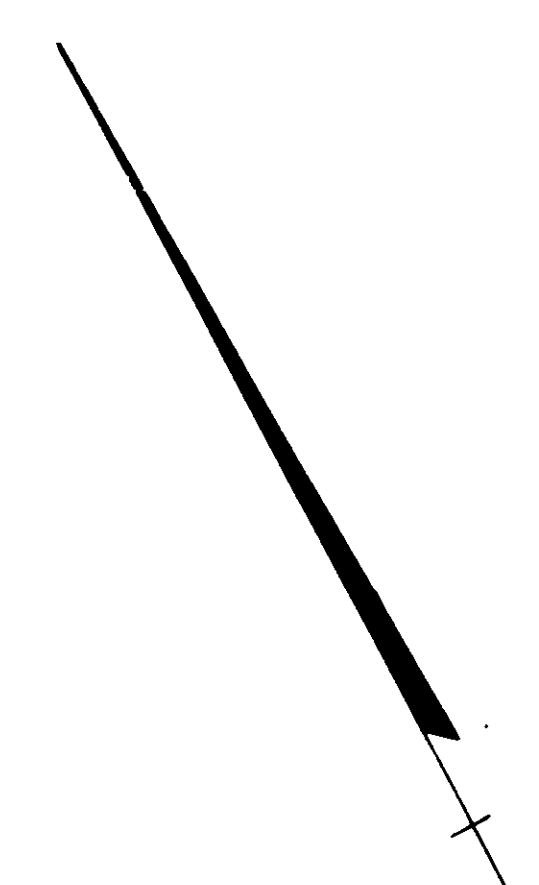
MANNING

AVENUE

RESUBDIVISION OF  
LOTS NOS 2, 3, 4, 5, 6, 9, 10, 11, 12, & 13  
WATER VIEW

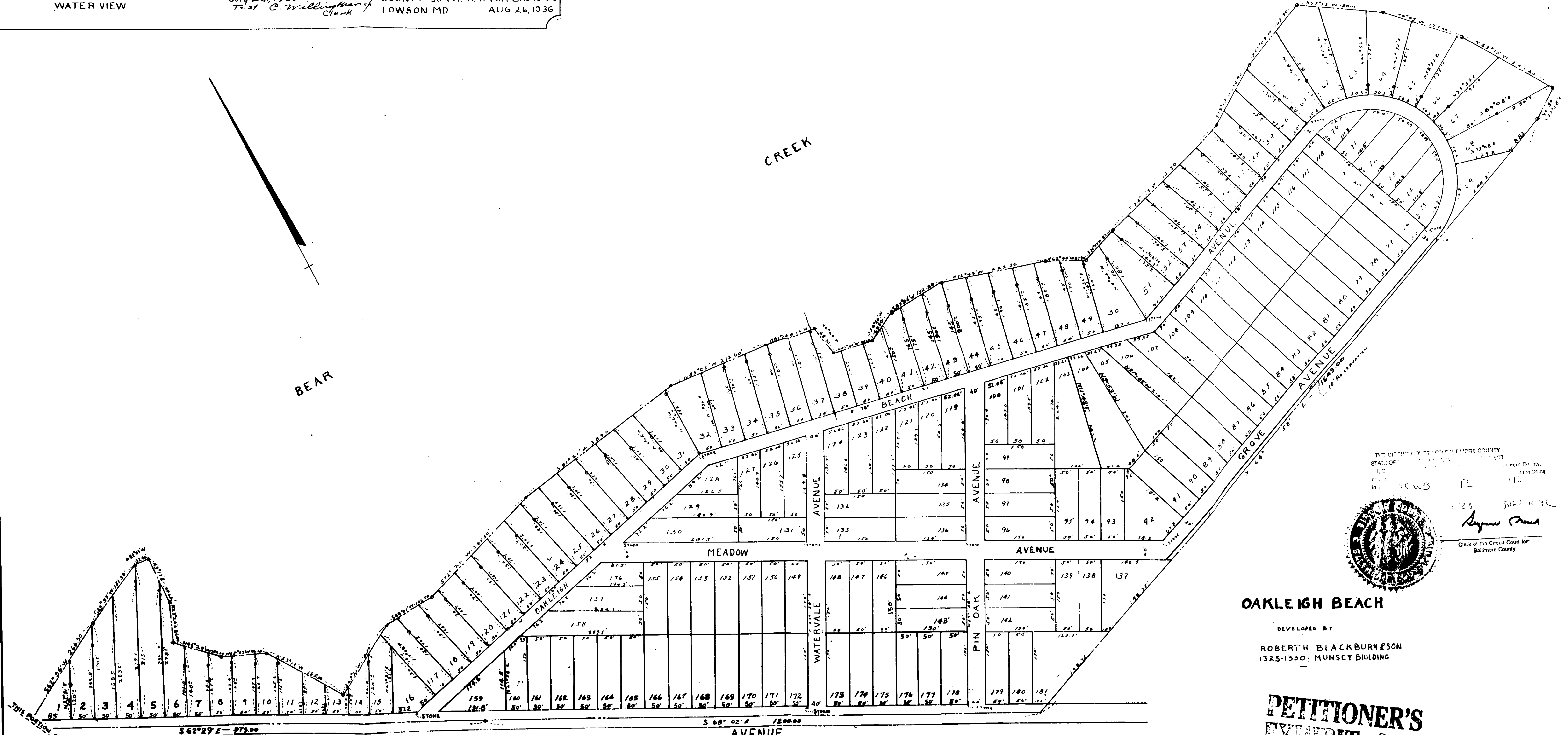
Filed for record with Deed  
from Frank Pac  
to County Commission  
of Balto Co.  
July 24, 1939  
Test C. Walling Clerk

SCALE - 30 FEET TO ONE INCH  
FRED H. DOLLENBERG  
COUNTY SURVEYOR FOR BALTO CO  
TOWSON, MD AUG 26, 1936



BEAR

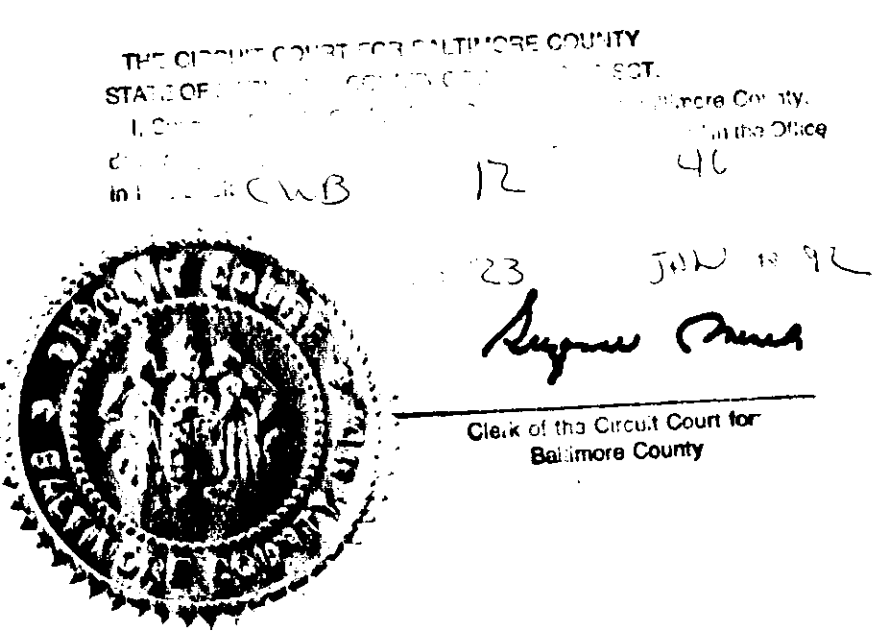
CREEK



THIS POSITION OF P.O.P. MEASURE

S 69° 27' E - 973.00  
WISE

S 68° 02' E 1200.00  
AVENUE



OAKLEIGH BEACH

DEVELOPED BY  
ROBERT H. BLACKBURN & SON  
1325-1330 MUNSEY BUILDING

PETITIONER'S  
EXHIBIT 8

Filed for record with Deed  
from Baltimore Brick Co.  
to Earle W. Blackburn  
August 24, 1939  
Test C. Walling Clerk

SCALE 1"=100' AUG 2, 1939  
E.V. COHAN & CO.  
SURVEYORS & CIVIL ENGINEERS  
231 ST. PAUL PLACE  
BALTO MD

C.W.B. 12-46



92-253-SPH # 269



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

NORTH POINT

MICROFILMED

SHEET

SE  
4-H

because of the contradictory nature of the evidence presented, it therefore became necessary to wash the credibility of the witnesses.

On cross-examination, Mr. Serio was presented with Protestant's Exhibit 1, which was a building permit that was issued on or about May 30, 1988, some 1 1/2 years prior to this hearing and which bears the name of Mr. Serio as the owner and applicant. A copy of Protestant's Exhibit 1 is attached hereto. Mr. Serio denied having any knowledge of the permit and had no explanation as to how his name could have appeared thereon. His denial was in direct response to questions from both the attorney for the Protestants and from this Deputy Zoning Commissioner. Mr. Serio vehemently denied any involvement in the application for said permit in 1988 and furthermore, stated that he only became familiar with the subject property as recently as this past summer of 1991. I find his testimony to be totally without merit.

The Protestants, through their diligence, were able to obtain from the Department of Permits and Licenses' Buildings Engineer, a copy of the building permit that was issued in 1988. The Protestants did not produce the handwritten application for that permit which was filed prior to the issuance of said permit. Pursuant to my investigation into this case, I was able to obtain from the Buildings Engineer a microfilmed copy of the handwritten application for the permit that was filed in May 1988. Attached hereto is a copy of that handwritten application which has been marked Exhibit A. The application filed for the building permit in 1988 is for the same lot 112 of Oakleigh Beach which is the subject of this hearing. It becomes necessary to compare the application filed in May 1988 with the application which Mr. Serio admitted to filing in June 1991. By comparing the two applications, it is patently obvious to this Deputy

Zoning Commissioner, without the necessity of obtaining the services of a handwriting expert, that the application filed in 1988 and the application filed in 1991 were filed by the same person, Vincent Serio. This is in direct contravention to Mr. Serio's testimony.

Reference is made to the section on both permit applications which asks the applicant to describe the proposed work. The description used to identify the work to be performed is identical on each application. In addition, when comparing the print and signatures found on both applications, it is painfully obvious that Mr. Serio filed both applications. Also, Mr. Serio's signature on the petition filed in this case is identical to the signature found on both permits. Irrespective of this evidence, Mr. Serio denied any involvement with or knowledge of this permit.

Furthermore, Mr. Serio testified that he had never been to this property prior to the summer of 1991. However, three witnesses, namely, Mr. Painter, Ms. Pool and Ms. Phipps, testified that they observed the Petitioner on the subject property and the adjacent lot 113 around the time period of 1987. They stated that they observed Mr. Serio assisting in the renovation of the dwelling on lot 113 and also being involved in the removal of trees on Lot 112. When recalled to the witness stand in rebuttal to this testimony, Mr. Serio stated on the record that he had never been to the property during that time period. I find his testimony in that regard to be totally without merit.

Mr. Serio now invokes Section 304 of the B.C.Z.R. to uphold the issuance of the building permit he was able to obtain in 1991 for the construction of a single family dwelling on the subject property. In the opinion of this Deputy Zoning Commissioner, an individual who seeks relief from any Section of the B.C.Z.R. must proceed in good faith and without

ORDER RECEIVED FOR FILING  
Date 2/6/92  
By [Signature]

any intent to defraud or circumvent the requirements of the B.C.Z.R. For the reasons previously stated, I find that Mr. Serio does not satisfy this requirement. Mr. Serio was aware of the need for a variance for this lot due to his involvement with this property in the past. He cannot now invoke Section 304 of the B.C.Z.R.

The Baltimore County Zoning Commissioner's Policy Manual, which is an administrative supplement to the B.C.Z.R., offers assistance when one is asked to interpret Section 304 of the B.C.Z.R. Page 3-3 of said Manual, Section 304, Paragraph 2, states that it is important for the hearing officer to consider the intent of the owner who attempts to invoke the applicability of Section 304 of the B.C.Z.R. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304.C cannot be invoked and variances must be required. However, if a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, Section 304.C may be used to allow the owner to build pursuant thereto. Good faith must be determined by the facts and circumstances of each situation. But such factors as dates of purchase of the parcels and the purpose and intent of the purchase can be utilized to so determine. Based on all the evidence presented in this case and for the reasons stated above, I find that the Petitioner, Vincent Serio has failed to satisfy the requirements of Section 304 of the B.C.Z.R. and therefore, the relief requested in this Petition must be denied.

The Zoning Commissioner's Policy Manual identifies a six-year rule that applies to situations such as this. Simply stated, it could be possible for Mr. Serio, after the expiration of six years, to reapply for

ORDER RECEIVED FOR FILING  
Date 2/6/92  
By [Signature]

a building permit for Lot 112. I specifically find, given the Petitioner's lack of good faith in this case, that this six-year rule shall not apply to Mr. Serio and he shall not be entitled to a building permit after the expiration of this six-year period. Specifically, the Petitioner shall not be entitled to the benefit of the six-year rule nor shall any of his heirs, assigns, transferees, or future purchasers invoke the six-year rule.

It should be made clear that this office cannot and will not tolerate individuals who attempt to obtain building permits in a deceitful manner. Mr. Serio, who has been a builder in Baltimore County for the past 5 years, is well aware of this fact. Furthermore, testimony revealed that the Petitioner has also purchased Lot 114 of Oakleigh Beach, which is also 50 feet wide, and that he has sought to obtain a building permit for that lot. I understand that Lot 114 is not the subject of this hearing; however, Mr. Serio's intent and knowledge concerning Lot 114 is the same as Lot 112 in this case. I therefore find that Mr. Serio should not be granted a building permit for Lot 114 nor shall he be permitted to invoke the six-year rule stated in the Policy Manual to obtain a permit for Lot 114.

After due consideration of the testimony and evidence presented, in the opinion of this Deputy Zoning Commissioner, the relief requested in the special hearing should not be granted. It is clear that the practical difficulty and unreasonable hardship argued by Petitioner is self-created. Furthermore, the Petitioner has not proceeded in good faith in his pursuit of this building permit. To grant this relief would cause substantial detriment and harm to the health, safety and general welfare of the surrounding community.

ORDER RECEIVED FOR FILING  
Date 2/6/92  
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of February, 1992 that the Petition for Special Hearing to approve a building permit for a single family dwelling on the subject undersized lot, known as Lot 112 of Oakleigh Beach, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the building permit previously issued by Baltimore County shall be rescinded; and,

IT IS FURTHER ORDERED that the Protestants, through their attorney, Michael Gilbert, Esquire, shall immediately record a copy of this decision in the Land Records of Baltimore County referencing both properties owned by the Petitioner, that is Lots 112 and 114 of Oakleigh Beach, to insure that any subsequent transferee of either of these lots shall have notice that a building permit for a single family dwelling shall not be issued for these lots without the issuance of a variance.

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 2/6/92  
By [Signature]

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21286

(410) 887-4386

February 6, 1992

Anthony J. DiPaola, Esquire  
614 Bosley Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
3/3 Oakleigh Beach Road, 475' E of Pin Oak Road  
(931-A Oakleigh Beach Road)  
15th Election District - 7th Councilmanic District  
Vincent Serio - Petitioner  
Case No. 92-253-SPH

Dear Mr. DiPaola:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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,

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Michael Gilbert, Esquire  
2 Market Place, Baltimore, Md. 21222

Ms. Sandy Pool and Ms. Mary Phipps  
931 Oakleigh Beach Road, Baltimore, Md. 21222

Mr. Albert Painter  
928 Oakleigh Beach Road, Baltimore, Md. 21222

People's Counsel

File

MICROFILMED

### CRITICAL AREA Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-253-SPH #269

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 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve building permit for an undersized single-family lot pursuant to B.C.Z.R. Section 304, which permit was already issued and as a result of which Petitioner purchased the subject property.

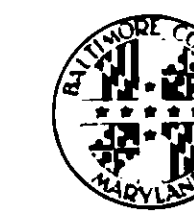
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc. upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County 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 and State \_\_\_\_\_

Legal Owner(s):  
Vincent Serio  
(Type or Print Name)  
Signature [Signature]  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney for Petitioner:  
Anthony J. DiPaola 2965 Brookwood Road 465-2512  
(Type or Print Name) Address Phone No.  
Signature [Signature] Elkfrott City, MD 21042  
City and State  
614 Bosley Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Towson, MD 21204 Anthony J. DiPaola  
City and State Name  
Attorney's Telephone No.: 828-9441 614 Bosley Avenue, Towson, MD 21204  
Address Phone No. 828-9441



OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING - 1/2HR. + 1HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER  
REVISOR BY: \_\_\_\_\_ DATE \_\_\_\_\_

269

ZONING DESCRIPTION  
BEGINNING at a point the south side of Oakleigh Beach Road at a point 475 feet east of the center line of Pin Oak Avenue being Lot No. 112 in the subdivision of Oakleigh Beach as recorded in Baltimore County Plat Book No. 12, Folio 46 containing 7,500 square feet. Also known as Lot 112 in the 15th Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th  
Posted for Appeal  
Petitioner Vincent Serio  
Location of property 3/3 Oakleigh Beach Road, 475' E of Pin Oak Road  
Location of Sign 614 Bosley Avenue, Towson, MD 21204  
Remarks  
Posted by [Signature]  
Number of Signs 1

#269

92-253-SPH

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: \_\_\_\_\_ Date of Posting: 1/16/92

Posted for: \_\_\_\_\_

Petitioner: Lawrence E. Schmidt

Location of property: 111 West Chesapeake Avenue, Towson, Maryland 21204

Location of Sign: \_\_\_\_\_

Remarks: \_\_\_\_\_

Posted by: Lawrence E. Schmidt Date of return: 1/16/92

Number of Signs: 1 **MICROFILMED**

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 1/16 1992

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 1/16 1992

**THE JEFFERSONIAN,**  
S. Zeke Orlov  
Publisher

**MICROFILMED**

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

Account: R 001-6150  
Number: 19200269

Date: 1/17/92

| PUBLIC HEARING FEES        | QTY | PRICE          |
|----------------------------|-----|----------------|
| 030 -SPECIAL HEARING (TRL) | 1 X | \$35.00        |
| LAST NAME OF OWNER: SERIO  |     | TOTAL: \$35.00 |

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

No. 123076

DATE: 12-20-91 ACCOUNT: R-001-6150

AMOUNT: \$ 35.00

RECEIVED FROM: VINCENT SERIO

FOR: APP. SPECIAL HEARING (TRSL)

VALIDATION OR SIGNATURE OF CASHIER: \_\_\_\_\_

DATE: \_\_\_\_\_

**MICROFILMED**

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

111 West Chesapeake Avenue  
Towson, MD. 21204

887-3353

DATE: \_\_\_\_\_

Vincent Serio  
2965 Brookwood Road  
Ellicott City, Maryland 21042

RE: CASE NUMBER: 92-253-SPH  
3/3 Oakleigh Beach Road, 475' E of c/1 Pin Oak Avenue  
331A Oakleigh Road  
15th Election District - 7th Councilmanic  
Petitioner(s): Vincent Serio

Dear Petitioner(s):

Please be advised that \$ \_\_\_\_\_ 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.

Carl Jahn  
ARNOLD JABLON  
DIRECTOR

cc: Anthony J. DiPaula, Esq.

**MICROFILMED**

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 1/16 1992

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 1/16 1992

**THE JEFFERSONIAN,**  
S. Zeke Orlov  
Publisher

**MICROFILMED**

**CERTIFICATE OF PUBLICATION**

OFFICE OF  
**Dundalk Eagle**

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222

January 16, 19 92

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #92-253-SPH - P.O. #0116807 - Reg. #M57318 - 60 lines @ \$30.00 was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 17th day of January 1992; that is to say, the same was inserted in the issues of January 16, 1992.

37.28  
**Kimbel Publication, Inc.**  
per Publisher.

92.28 By Kimbel Publication

**MICROFILMED**

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

Account: R 001-6150  
Number: 92053

Date: \_\_\_\_\_

**MICROFILMED**

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

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

JAN 08 1992

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 case 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-253-SPH  
3/3 Oakleigh Beach Road, 475' E of c/1 Pin Oak Avenue  
331A Oakleigh Road  
15th Election District - 7th Councilmanic  
Petitioner(s): Vincent Serio  
HEARING: MONDAY, FEB. 3, 1992 at 9:00 a.m.

Special Hearing to approve a building permit for an underzoned single family lot, which permit was already issued as a result of which Petitioner purchased the subject property.

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

cc: Vincent Serio  
Anthony J. DiPaula, Esq.

**MICROFILMED**

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

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 23, 1992

Anthony J. DiPaula, Esquire  
614 Bosley Avenue  
Towson, MD 21204

RE: Item No. 269, Case No. 92-253-SPH  
Petitioner: Vincent Serio  
Petition for Special Hearing

Dear Mr. DiPaula:

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.

**MICROFILMED**

Zoning Plans Advisory Committee Comments  
Date: January 23, 1992  
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: Mr. Vincent Serio  
2965 Brookwood Road  
Ellicott City, MD 21042

**MICROFILMED**

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

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 19th day of December, 1991.

Carl Jahn  
ARNOLD JABLON  
DIRECTOR

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

Petitioner: Vincent Serio  
Petitioner's Attorney: Anthony J. DiPaula

**MICROFILMED**

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

DATE: January 16, 1992

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: December 31, 1991

This office has no comments for item numbers 262, 263, 264, 267, 269  
and 271.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 17, 1992  
Zoning Administration and  
Development Management

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Serio Property, Item No. 269

In reference to the Petitioner's request, the staff offers the  
following comments:

Should the applicant's request be granted, architectural  
drawings should be submitted for review by the deputy director of the  
Office of Planning and Zoning to ensure that any development is  
compatible with the existing homes in the immediate area.

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.

Report prepared by:

*Jeffrey Long*  
Jeffrey Long

PK/JL/rdn  
ITM269/TXTROZ

MICROFILMED

Baltimore County Government  
Fire Department

3011 St. Elpha Road, Suite 101  
Towson, MD 21286-4500

CALL 887-4500

JANUARY 6, 1992

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

RE: Property Owner: VINCENT SERIO

Location: #9310 OAKLEIGH BEACH ROAD

Item No.: 269 Zoning Agenda: DECEMBER 31, 1991

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.

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

REVIEWER: \_\_\_\_\_ Noted and  
Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 16, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for December 31, 1991

The Developers Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 262, 263, 264, 267, 269, 270 and 271.

For Case No. R-90-407 (Cycle 3, Item #8), County  
Review Group Meeting is required.

For Item 265, a County Review Group Meeting is  
required.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

92-2-5PH  
2/3/92  
BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: February 7, 1992  
Office of Zoning Administration  
and Development Management

FROM: J. James Dieter, Director

SUBJECT: Petition for a Special Hearing  
Serio Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 931 Oakleigh Beach Road. The  
site is within the Chesapeake Bay Critical Area and is classified as a  
Limited Development Area (LDA).

APPLICANT'S NAME Vincent Serio

APPLICANT PROPOSAL

The applicant has requested a Special Hearing under Section 500.7  
of the Baltimore County Zoning Regulations, to determine whether or not  
the Zoning Commissioner and/or Deputy Zoning Commissioner should  
approve a building permit for an undersized single-family lot pursuant  
to BCZR Section 304, for which the permit was already issued and as a  
result of which the Petitioner purchased the subject property.

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
3. 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>

Memo to Mr. Arnold Jablon  
February 7, 1992  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "Dredging, filling, or construction other than  
approved bulkheading shall not be permitted in any non-tidal and  
tidal wetlands unless the proposed development consists of  
utility, bridge, or street development in a non-tidal wetland and  
unless the Director of Environmental Protection and Resource  
Management finds this proposed development not detrimental to the  
County's Wetland Management Programs" <Baltimore County Code,  
Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this  
site, or in the vicinity of the site.

2. Regulation: "A minimum 100 foot buffer shall be established  
landward from the mean high water line of tidal waters, tidal  
wetlands, and tributary streams" <Baltimore County Code Section  
26-449(a)>.

Finding: There are no tidal waters, tidal wetlands, or  
tributary streams on or within 100 feet of this property.

3. Regulation: "If a parcel or lot one-half acre or less in size  
was in residential use or zoned for residential purposes on or  
before December 1, 1985, then man-made impervious surfaces  
associated with that use are limited to 25% of the parcel or lot"  
<Baltimore County Code Section 26-543(e)(1)>.

Finding: The amount of impervious area shall not exceed 1875  
square feet, or 25% of this lot. This includes all building  
structures, paved and crusher run driveways and parking pads,  
swimming pools, or any other impervious surfaces.

4. Regulation: "If no forest is established on proposed  
development sites, these sites shall be planted to provide a  
forest or developed woodland of at least 15%" <COMAR 14.15.02.04  
C.(5)>.

Finding: The following plant material shall be selected from  
the enclosed list and planted in addition to existing vegetation  
to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or  
2 gallon container size

Tree list: 1 item - ball and burlap  
1 - 1.5 inch caliper

Trees are an important factor in improving water quality.  
The roots of trees greatly improve the infiltration rate of storm

Memo to Mr. Arnold Jablon  
February 7, 1992  
Page 3

water and efficiently remove nitrogen from subsurface flows of  
groundwater. Trees also act as both a barrier and a sponge,  
blocking and absorbing eroding soils and the phosphorous  
associated with them.

5. Regulation: "Infiltration of stormwater shall be maximized  
throughout the site, rather than directly flow to single discharge  
points" <Baltimore County Code, Section 26-453 (h)(2)>.

Finding: Stormwater runoff shall be directed from impervious  
surfaces associated with this plan to pervious areas, to encourage  
maximum infiltration. Rooftop runoff shall be directed through  
downspouts and into a seepage pit or Dutch drain, to encourage  
maximum infiltration.

6. Regulation: "Before the issuance of any Use and Occupancy  
permit within the Critical Area by the Department of Permits and  
Licenses, the Director of the Department of Environmental  
Protection and Resource Management, or his designee, shall  
determine that the development is in compliance with the Findings  
and Findings Plan as determined by the approving authority. The  
Use and Occupancy permit shall not be issued unless and until the  
Director of Environmental Protection and Resource Management, or  
his designee, certifies to the Director of Permits and Licenses  
that such development is in compliance with said Findings and  
Findings Plan <Baltimore County Code Section 26-455>.

Finding: The Chesapeake Bay Critical Area Program will  
inspect the property prior to the issuance of the Use and  
Occupancy Permit. The Permit will not be issued until the  
property is in compliance with the Chesapeake Bay Critical Area  
Regulations.

CONCLUSION

The Zoning Order shall be conditioned so the project proposal is  
in compliance with the Chesapeake Bay Critical Area Regulations and  
Findings listed above. This proposal does comply with Chesapeake Bay  
Critical Area Regulations, and is therefore approved. If there are any  
questions, please contact Ms. Patricia M. Farr at 887-2904.

*J. James Dieter*  
J. James Dieter, Director

JJD:SRO:ju  
Attachment  
cc: Mr. Vincent Serio  
SERIO/TXTNNS

111 West Chesapeake Avenue  
Towson, MD 21204

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

(410) 887-3353

March 6, 1992

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Hearing  
S/S Oakleigh Beach Road, 75' E of the c/l of Pin Oak Road  
(931-A Oakleigh Beach Road),  
15th Election District, 7th Councilmanic District  
VINCENT SERIO - Petitioner  
Case No. 92-253-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was  
filed in this office on February 28, 1992 by Vincent Serio,  
Petitioner. All materials relative to the case are being forwarded  
herewith.

Please notify all parties to the case of the date and time of the  
appeal hearing when it has been scheduled. If you have any questions  
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:ccr

Enclosures

cc: Vincent Serio - 2965 Brookwood Road, Ellicott City, MD 21042

Anthony DiPaula, Esquire - 614 Bosley Avenue, Towson, MD 21042

Michael Gilbert (Attorney for Protestants)  
2 Market Place, Baltimore, MD 21222

People's Council of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

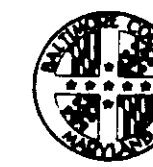
APPEAL

Petition for Special Hearing
S/S Oakleigh Beach Road, 475' E of the c/l of Pin Oak Road
(931-A Oakleigh Beach Road)
15th Election District - 7th Councilmanic District
VINCENT SERIO - Petitioner
Case No. 92-253-SPH

- Petitioner(s) for Special Hearing
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's & Protestants' Sign In Sheets
Petitioner's Exhibits:
1. Plat to accompany petition
2. Deed
3. Copy of Building Permit Application
4. Copy of Building Permit
5. Letter suspending permit
6. Tax Account Status (with attached Deed)
7. Tax Account Status (with attached Deed)
8. Plat of Oakleigh Beach
Protestant's Exhibits:
1. & A Copy of Building Permit Application
2. Highlighted lot drawing
3. Petition of Opposition
4. Plat of Oakleigh Beach Ave. Lot 113
Unmarked Exhibits: Photographs
Deputy Zoning Commissioner's order dated February 6, 1992 (Denied)
Notice of Appeal received February 28, 1992 from Vincent Serio, Petitioner

Appeal Checklist - Case No. 92-253-SPH
March 6, 1992
Page 2

cc: Vincent Serio - 2965 Brookwood Road, Ellicott City, MD 21042
Anthony DiPaula, Esquire - 614 Bosley Avenue, Towson, MD 21284
Michael Gilbert (Attorney for Protestants)
2 Market Place, Baltimore, MD 21222
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration and Development Management
Public Services



County Board of Appeals of Baltimore County

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

September 23, 1992

Fred Skelton, Esquire
4525 Cogbill Road
P.O. Box 34053
Richmond, Virginia 23234
Re: Case No. 92-253-SPH (Vincent Serio)

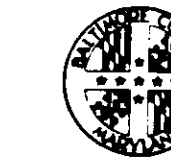
Dear Mr. Skelton:
Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure
cc: Mr. Vincent Serio
Michael Gilbert, Esquire
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

3/12/92 - Following parties notified of hearing set for July 16, 1992 at 10:00 a.m.:

Mr. Vincent Serio
Anthony DiPaula, Esquire
Michael Gilbert, Esquire
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon



County Board of Appeals of Baltimore County

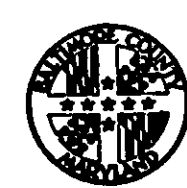
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
Hearing Room - Room 48, Old Courthouse
400 Washington Avenue March 12, 1992

NOTICE OF ASSIGNMENT

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), COUNTY COUNCIL BILL NO. 59-79.
CASE NO. 92-253-SPH VINCENT SERIO
S/S Oakleigh Beach Rd., 475' E of c/l of Pin Oak Road (931-A Oakleigh Beach Road)
15th Election District; 7th Councilmanic District
SPH-single family dwelling on undersized lot.
2/6/92 - D.Z.C.'s Order DENYING Petition.

ASSIGNED FOR: THURSDAY, JULY 16, 1992 AT 10:00 a.m.

cc: Mr. Vincent Serio
Petitioner/Appellant
Anthony DiPaula, Esquire
Michael Gilbert, Esquire
People's Counsel for Baltimore County
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration
LindaLee M. Kuszmaul
Legal Secretary



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 404, COUNTY OFFICE BUILDING, Room 47, Courthouse
400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204
887-2818

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

July 16, 1992

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Vincent Serio, Petitioner
Zoning Case No. 92-253-SPH

Dear Chairman Hackett:

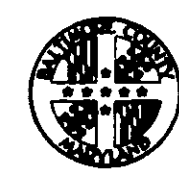
Please enter the appearance of People's Counsel for Baltimore County in this case.

Upon review of the file, based on the expected evidence, our position is that the special hearing is not justified and, therefore, should be denied. Unless there is newly discovered evidence which is significant, this case appears to be one of "self-created hardship." The Court of Appeals has consistently stated that such cases are not proper for the grant of what amounts to a variance. Gleason v. Keswick Improvement Association, 78 A.2d 164 (1951).

On November 1, 1991, this Board decided the case of Gerald A. Martin, Jr., Case No. 91-129-A, denying a variance under what appeared to be similar circumstances. A copy of the opinion is enclosed.

We note that both Petitioner and Protestants here have been represented by attorneys. In particular, we are aware that Michael Gilbert, Esquire, will be representing the Protestants and producing testimony.

Under these circumstances, our office does not plan to present any witnesses or cross-examine, believing that the evidence will be sufficiently developed by those present. Nevertheless, we are identifying by this letter our interest in the proceeding for the purpose of standing before the County Board of Appeals.



County Board of Appeals of Baltimore County

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

September 25, 1992

Mr. Vincent Serio
2965 Brookwood Road
Ellicott City, MD 21042

Re: Case No. 92-253-SPH
Vincent Serio

Dear Mr. Serio:

Pursuant to our telephone conversation this afternoon, enclosed is a copy of the section of the Maryland Rules which contains the "B Rules" by which an appeal is taken from this Board to the Circuit Court.

For your convenience in finding the location of the 13 rules within the attached pages, I've highlighted each rule.

The Circuit Court appeal clerk will be able to answer any specific questions you may have regarding your appeal to the Court relative to filing fees, filing of memorandums, etc.

Sincerely,
Kathleen C. Weidenhammer
Administrative Assistant

encl.

COVAHEY & BOOZER, P.A.

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FAX 410-823-7530

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD 21204

March 17, 1992

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: CASE NO.: 92-253-SPH
VINCENT SERIO
931-A OAKLEIGH BEACH ROAD

Gentlemen:

This will acknowledge receipt of a notice scheduling the above case for a hearing on Thursday, July 16, 1992 at 10:00 a.m. Please note that the undersigned is no longer counsel for the Petitioner, Vincent Serio, and in fact did not even file the Notice of Appeal in this matter. Shortly after the Deputy Zoning Commissioner published his Findings of Fact and Conclusions of Law, Mr. Serio claimed the relevant portions of his file from the undersigned, and proceeded on his own from that point forward.

Thank you.

Very truly yours,
Anthony J. DiPaula

AJD/ds
3'ds.85

cc: Vincent Serio
Michael Gilbert, Esquire

February 28, 1992

To Whom This Concerns:

This correspondence shall confirm my election to appeal Case No. 92-253-SPH heard before the Deputy Zoning Commissioner of Baltimore County to the County Board of Appeals of Baltimore County. Thank You.

Sincerely,
Vincent Serio
2965 Brookwood Road
ELlicott City, Md. 21042

465-2512

2-28-92
ZONING