

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 20, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed Files:
Case Nos.: 95-355-A /John Blasy
 96-60-XA /Club 101
 96-507-XA /303 N. Rolling Rd Partnership

Since no further appeals have been taken from the upper court opinions, we are hereby closing and returning the Board's case files to you herewith. The original files and exhibits were returned to your office by John Almond, Records Manager /CCT on November 2, 1999.

Attachments: Case Nos. 95-355-A; 96-60-XA; & 96-507-XA

PDM

PETITION OF JOHN BLASY * IN THE
FOR JUDICIAL REVIEW OF THE * CIRCUIT COURT
DECISION OF THE COUNTY *
BOARD OF APPEALS OF * FOR
BALTIMORE COUNTY * BALTIMORE COUNTY
IN THE MATTER OF THE *
APPLICATION OF JOHN BLASY * Case No, 03-C-96-005248
for Variance on Property *
Located on the East Side *
Bell Avenue, 370' N of *
the C/L of Cross Street *
(1927 Bell Avenue) *
13th Election District *
1st Councilmanic District *
Case No.: 95-355-A *

* * * * *

MEMORANDUM DECISION

In this zoning matter, the property owner appeals the decision of the Board of Appeals denying his request for a variance to build a single family dwelling on an unimproved lot he owns at 1927 Bell Avenue. Specifically, John Blasy asked for authority to build a house on his 50-foot lot because this would constitute a variance from the existing zoning requirement that a residential lot must be 55 feet wide. He claimed as the requisite hardship necessitating this relief that "lots on this street were always 50' wide." The Petition was opposed by neighboring property owners and the People's Counsel for Baltimore County, who prevailed before both the Zoning Commissioner and the Board of Appeals.

The rather complicated background facts concerning the ownership of the properties in question are set forth in the

Petitioner's Memorandum (pages 2 to 5) and the People's Counsel Memorandum (pages 2 to 4) without substantial disagreement. The critical fact bearing upon the Board's decision is that, upon the death of his grandmother in August, 1993, Blasy inherited 1927 Bell Avenue in fee, as well as the remainderman's interest in 1929 Bell Avenue. At the time of his filing, 1927 Bell Avenue was "essentially undeveloped" whereas 1929 Bell Avenue was improved by a house, which, for over ten years, had been occupied by Blasy's uncle, Edward Blasy. It was Edward who was bequeathed a life estate, without testamentary powers, in 1929 Bell Avenue by Blasy's grandmother.

After a full day's testimony, the Board denied Blasy's Petition in a detailed nine-page opinion. The Board concluded that Blasy, just as his grandparents before him, owned the three lots comprising 1927 and 1929 Bell Avenue, thereby making him ineligible for relief under §304 of the BCZR. The Board further decided that the subject property, 1927 Bell Avenue, did not meet the uniqueness requirement for obtaining a variance or, stated otherwise, the unimproved 50-foot lot was not rendered unique simply because Blasy's grandmother provided, by her will, that Blasy's uncle would have a life estate in 1929 Bell Avenue.

Blasy's first of three grounds for appeal is that the Board erred in finding that he also owned 1929 Bell Avenue thereby making him ineligible for relief under §304 of the BCZR. That regulation provides that a landowner may obtain approval to build

on an undersized lot if: (A) the deed to the lot was recorded before 1955; (B) the height and area regulations are complied with; and (C) the owner "does not own sufficient adjoining land to conform to the width and area requirements". The Board concluded that Blasy's uncle held only an equitable interest in 1929 Bell Avenue whereas "...John Blasy, as the Remainderman, possesses legal title and as such must be construed as being a legitimate owner of the property" (Op,9).

The parties agree that our appellate courts have not been called upon to interpret the meaning of §304.1C. Consequently, each side relies upon a number of out-of-state cases in support of their respective positions. One of the cases supporting the Board's decision, West Goshen Township v. Crater, 538 A.2d 952 (1988, Pa. Cmwlth.), is strikingly similar on the facts, although it did not involve the effect of a life estate on the ownership status of the remainderman.

Blasy contends that this court need not give deference to the Board's expertise with respect to this issue because it presents solely a question of law. This would appear to be true on its face. However, since the Board must decide an issue such as this so as to be consistent with its responsibility to enforce the BCZR uniformly and with fairness to all property owners in this County, to that extent, at least, the Board is deciding a mixed question of law and fact.

§304.1 is a grandfather clause enacted to protect the rights

of owners of 50-foot residential lots, who otherwise would have been denied the right to build on their lots simply because the regulation adopted in 1955 required all residential lots to have a minimum width of 55 feet. It is the recognition of an existing property right, by regulation, similar to the recognition in both case law and regulations that the holder of a non-conforming use is entitled to be protected from subsequent zoning schemes. In upholding an injunction granted by the circuit court to the zoning commissioner to prevent the holder of a valid non-conforming use from enlarging or extending that use, the Court of Appeals noted, in Phillips v. Zoning Commissioner, 225 Md. 102 at 109 (1961), that "...the spirit underlying zoning regulations is to restrict rather than increase non-forming uses." It is reasonable to conclude that that same spirit underlies §304.1.

The Zoning Commissioner and the Board bear the responsibility initially to interpret provisions in the BCZR when a dispute arises. As stated above, the Board concluded that Blasy did own sufficient adjoining land to comply with the width requirement of 55-feet because he has legal title to 1929 Bell Avenue, subject to his uncle's life estate. Bearing in mind that zoning regulations such as §304.1 should be interpreted so as to limit exceptions to subsequently enacted regulations, the Court finds that the Board did not err in denying relief to Blasy under §304.1.

In his second ground for appeal, Blasy argues that the Board

should have granted him relief in the form of a variance which would have obviated his need for relief under §304.1. The Board explained its denial of the requested variance as follows:

Section 307 of the BCZR grants to the Board of Appeals the authority to grant variances only in cases where special circumstances or conditions exist that are peculiar to the land and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. As to the Petition for Variance, it must be adjudged in accordance with the prescribed regulations. Under the Court of Special Appeals decision, Cromwell v. Ward 102 Md.App. 691 (1995), the first burden of the Petition for Variance is to prove that the property is unique, and that standard must be met before other parts of the variance requirements can be appropriately considered. The testimony and evidence at the hearing produced minimal, if any, evidence or testimony that the property in question was unusual or unique. In fact, many of the properties in the immediate area of the unimproved lot in question possess 50-ft. lots. The fact that a house cannot be constructed in Baltimore County due to the present width restrictions resulting in a hardship for the Petitioner despite the presence of other existing homes on 50-ft. lots in the area is one which extends beyond the authority granted to this Board.

(Bd.Op.7)

Blasy acknowledges that Cromwell reiterates that the threshold question in a variance case is whether the property has physical or historical characteristics that make it unique. If not, the relief must be denied. See, also, Red Roof Inns, Inc. v. People's Counsel, 96 Md. App. 219 (1993). Blasy then claims that 1927 Bell Avenue is unique "when compared with other

properties in the neighborhood" because the owners of the other 50-foot lots in his community were not shown to have "shared the problem of the adjacent property having a life estate interest in the abutting property so as to preclude the landowner from reasonably using his property." (Mem.p.13). Blasy's unique concept of the requisite uniqueness is that a restriction on the title to adjacent property makes the subject property physically or historically different from other 50-foot lots. The Board was correct in denying the variance.

Blasy's final contention must be rejected on both procedural and substantive grounds. Procedurally, Blasy is barred from contending, for the first time on appeal, that the Board's decision constitutes an unconstitutional taking of his unimproved lot without just compensation. The transcript shows that Blasy did not ask the Board to consider this constitutional challenge either in the opening statement (T.pgs.6-10) or in closing argument (T.pgs.179-185 and 193). In fact, Blasy took a contrary position, arguing to the Board that it was his ineligibility to build on the lot that constituted the "practical hardship" (T.p.184) entitling him to a variance. This, too, is a basis for excluding the "new" theory from judicial review. Chertkof v. Dept of Nat. Resources, 43 Md.App.10, 16 (1979).

The appellant in a zoning appeal must exhaust all available administrative remedies in order to raise a particular issue before the reviewing court. The Board had the authority and

capacity to rule upon a constitutional challenge to its interpretation of §304.1, had it been presented to it. State Dept of A. & Tax v. Clark, 281 Md. 385, 403 (1977); Sec. Dep't, of Human Res. v. Wilson, 286 Md. 639, 645 (1979). That did not happen in this case. Raising the issue for the first time on appeal, therefore, is tantamount to filing a declaratory judgment action. Cf. Md. Nat'l. Cap. etc. v. Chadwick, 286 Md. 1,6 (1979). It could have been, and should have been, presented to the Board.

In the event that this Court is found to have erred in ruling that this issue is not before it, the Court would adopt the argument on pages 21-22 of People's Counsel's Memorandum and deny Blasy's constitutional claim based upon the authorities cited.

ORDER

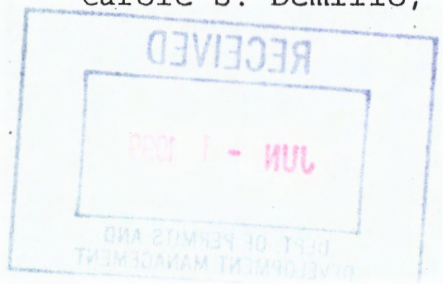
For the reasons stated, the Petition for Judicial Review is denied and the decision of the Board of Appeals is AFFIRMED.

Date: May 24, 1999

Robert E. Cahill
Judge

Copies sent to:

Carolyn Moses Frank, Esq.
Carole S. Demilio, Esq.



April 7, 1995	Petition for Variance filed by John Blasy, L.O., and James R. Sherman, C.P., to permit a 50' lot width in lieu of 55' and to approve an undersized lot.
May 9	Hearing held on Petition by the Zoning Commissioner.
May 17	Order of the Zoning Commissioner in which Petition for Variance was DENIED.
June 16	Notice of Appeal filed by Daniel J. Moore, Esquire, on behalf of John Blasy.
November 16	Hearing before the Board of Appeals.
January 3, 1996	Deliberation conducted by the Board.
April 24	Opinion and Order of the Board in which the Petition for Variance was DENIED.
May 23	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Daniel J. Moore, Esquire, Carolyn Moses Frank, Esquire, and Semmes, Bowen & Semmes, on behalf of John Blasy. (copy rec'd by CBA 6/26/96)
June 26	Certificate of Notice sent to interested parties.
AUG. 23, 1996	Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.
May 24, 1999 ✓	Memorandum Decision issued by the CCT; decision of CBA is AFFIRMED (Robert Cahill, Sr., J).

8 23 96

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF JOHN BLASY
14 Wynnewood Court
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-005248

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF JOHN BLASY
FOR VARIANCE ON PROPERTY LOCATED ON
THE EAST SIDE OF BELL AVENUE, 370' N.
OF THE C/L OF CROSS STREET
(1927 BELL AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 95-355-A

* * * * *

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

TO THE HONORABLE, THE JUDGE OF SAID COURT:

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

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

No. 95-355-A

April 7, 1995 Petition for Variance filed by John Blasy,
L.O., and James R. Sherman, C.P., to permit a
50' lot width in lieu of 55' and to approve an
undersized lot.

April 21 Certificate of Posting of property.

April 21 Publication in newspapers.

May 5 ZAC Comments.

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CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

May 9	Hearing held on Petition by the Zoning Commissioner.
May 17	Order of the Zoning Commissioner in which Petition for Variance was DENIED.
June 16	Notice of Appeal filed by Daniel J. Moore, Esquire, on behalf of John Blasy.
November 16	Hearing before the Board of Appeals.
January 3, 1996	Deliberation conducted by the Board.
April 24	Opinion and Order of the Board in which the Petition for Variance was DENIED.
May 23	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Daniel J. Moore, Esquire, Carolyn Moses Frank, Esquire, and Semmes, Bowen & Semmes, on behalf of John Blasy.
June 26	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
June 26	Certificate of Notice sent to interested parties.
August 23, 1996	Transcript of testimony filed.

Petitioner's /Appellants

Exhibits No.

- 1-Petition for Variance
- 2-Deed for J. Blasy & Emma Blasy Lot (7/26/48)
- 3-Deeds to Lots 30 & 31 to John & Emma Blasy (6/20/46)
- 4-Tax for 1927 Bell Ave. (L32) (11/8/95)
- 5-Tax for 1929 Bell Ave. (L30 & 31) (11/8/95)
- 6-Certificate of Death for Emma Blasy (8/12/93)
- 7-Will of Emma Blasy
- 8A-Photo of 1927 Bell Ave. (house & shed)
- 8B-Photo of 1929 Bell Ave. (Ed Blasy)
- 9-Site Plan & Photos
- 10-Tax Record Plat of Oak Park (1911)
- 11-Zoning Map of Oak Park -1,000 scale
- 12-Zoning Map of Oak Park -200 scale
- 13-Elevation Drawing of proposed house
- 14-Eng. Section (Bowling) 4/24/95
- 15-Comment of Highways (Burns) 4/14/95
- 16-Comment of Fire Dept. 4/19/95

PETITION OF: JOHN BLASY

CIVIL ACTION # 3-C-96-005248

IN THE MATTER OF JOHN BLASY

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

Amy Saunders
Clerk's Office

Date: 8/23/96

- 17-Comment of DEPRM 4/28/95
- 18-Pl. & Zoning comments J. Long
4/21/95 & 5/10/95
- 19-Aerial Topography
- 20-Tax Bill for Lots 30 & 31
- 21-Tax Bill for Lot 32 (1927 Bell Avenue)

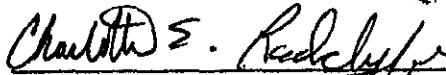
People's Counsel
Exhibits No.

- 1-Letter from Jean Blasy to Edward Blasy
- 2-ADC Standard Road Map -site in yellow
- 3-Map Assess & Tax -site in yellow
- 4-Zoning Map -site in yellow
- 5-Zoning Map -(1000 scale)
- 6-Plat of Oak Park Addition (1927)
- 7-Aerial Photo -site marked 1/
- 8-Topography Map 1/5/81
- 9A-9X-Photos of houses with addresses
(D.Marbell) (7/95)
- 10-Stapled Photos (1921 Lincoln Ave 6/95)
- 11-Stapled Photos (Shaw 1993)
- 12A-12-Individual photos from Ms. Marshall
- 13-Letter from M. Kelley to T. Hamer
- 14-Letter from L.G. Bauerhaus
- 15-Letter from D. Fields to J. Shaw
9/21/95
- 16-Halethorpe Revitalization Plan
- 17-Letter from D. Fields to Hawkins
9/24/94

August 23, 1996 Record of Proceedings filed in the Circuit
Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered
and upon which said Board acted are hereby forwarded to the Court,
together with exhibits entered into evidence before the Board.

Respectfully submitted,



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

cc: Daniel J. Moore, Esquire
Carolyn Moses Frank, Esquire
John Blasy
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

CIRCUIT COURT FOR BALTIMORE COUNTY

Suzanne Mensh

Clerk of the Circuit Court

County Courts Building

401 Bosley Avenue

P.O. Box 6754

Towson, MD 21285-6754

(410)-887-2601, TTY for Deaf: (800)-735-2258

Case Number: 03-C-96-005248

TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Courthouse/Room 49
400 Washington
Towson, MD 21204

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IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF JOHN BLASY
14 Wynnewood Court
Baltimore, Maryland 21227

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204

CIVIL
ACTION
No. 3-C-96-005248

IN THE CASE OF: IN THE MATTER OF THE
APPLICATION OF JOHN BLASY
FOR VARIANCE ON PROPERTY LOCATED ON
THE EAST SIDE OF BELL AVENUE, 370' N.
OF THE C/L OF CROSS STREET
(1927 BELL AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
CASE NO. 95-355-A

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Robert O. Schuetz, Charles L. Marks, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Daniel J. Moore, Esquire, Carolyn Moses Frank, Esquire, and SEMMES, BOWEN & SEMMES, 401 Washington Avenue, Suite 1100, Towson, Maryland 21204, Counsel for Petitioner; John Blasy, 14 Wynnewood Court, Baltimore, Maryland 21227, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Charlotte E. Radcliffe

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

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Daniel J. Moore, Esquire, Carolyn Moses Frank, Esquire, and SEMMES, BOWEN & SEMMES, 401 Washington Avenue, Suite 1100, Towson, Maryland 21204, Counsel for Petitioner; John Blasy, 14 Wynnewood Court, Baltimore, Maryland 21227, Petitioner; Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 26th day of June, 1996.

Charlotte E. Radcliffe

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



County Board of Appeals of Baltimore County

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

June 26, 1996

Peter Max Zimmerman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Civil Action No. 3-C-96-005248
John Blasy

Dear Mr. Zimmerman:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on May 23, 1996, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-96-005248.

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

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

c:	Mr. James K. Sherman	Ms. Jennifer Papier
	Ms. Elfrieda Lowe	Ms. Dora Marshall
	Ms. Janet Shaw	Ms. Helena Seibert
	Ms. Dalen Allen	
	Pat Keller /Planning	
	Lawrence E. Schmidt /PDM	
	Arnold Jablon /PDM	
	Virginia W. Barnhart, County Attorney	





County Board of Appeals of Baltimore County

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

June 26, 1996

Daniel J. Moore, Esquire
Carolyn Moses Frank, Esquire
SEMMEs, BOWEN & SEMMEs
401 Washington Avenue
Suite 1100
Towson, MD 21204

✓ RE: Civil Action No. 3-C-96-005248
JOHN BLASY

Dear Counsel:

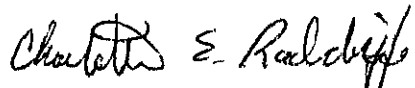
In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

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

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

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

Very truly yours,


Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Mr. John Blasy



APPEAL

**Petition for Variance
E/S Bell Avenue, 370 ft. N of the
c/l of Cross Street
(1927 Bell Avenue)
11th Election District and 1st Councilmanic District
John Blasy, Petitioner
Case No. 95-355-A**

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plan to Accompany Variance

Inter-Office Memorandum to the hearing officer from Mitchell J. Kellman dated 04/07/95

Signatures of Opposition

Deputy Zoning Commissioner's Order dated May 17, 1995 (Denied)

Notice of Appeal received on June 16, 1995 from Daniel J. Moore, Esquire on behalf of John Blasy

cc: Mr. and Mrs. John Blasy, 14 Wynwood Court, Baltimore, MD 21227
Daniel J. Moore, Esquire, Semmes, Bowen, and Semmes, 401 Washington Avenue, Towson, MD 21204
Mr. James K. Sherman, 2110 Landsdowne Road, Baltimore, MD 21227
Ms. Elfreida Lowe, 1925 Lincoln Road, Baltimore, MD 21227
Ms. Janet Shaw, 1921 Lincoln Avenue, Baltimore, MD 21227
Ms. Dalen Allen, 1941 Belle Avenue, Baltimore, MD 21227
Ms. Jennifer Papier, 1915 Belle Avenue, Baltimore, MD 21227
Ms. Dora Marshall, 1926 Belle Avenue, Baltimore, MD 21227
Ms. Helena Seibert, 1909 Belle Avenue, Baltimore, MD 21227
Mr. Edward Blasy, 1929 Belle Avenue, Baltimore, MD 21227
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning and Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Arnold Jablon

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF JOHN BLASY *
14 Wynnewood Court *
Baltimore, MD 21227 *

FOR JUDICIAL REVIEW OF THE *
DECISION OF THE *
COUNTY BOARD OF APPEALS OF *
BALTIMORE COUNTY *
Old Courthouse, Room 49 *
400 Washington Avenue *
Towson, MD 21204 *

Civil Action No.:

03-C-96-005248

IN THE MATTER OF THE *
APPLICATION OF JOHN BLASY *
for Variance on Property *
Located On the East Side *
Bell Avenue, 370' N Of The *
C/L Of Cross Street *
(1927 Bell Avenue) *
13th Election District *
1st Councilmanic District *

Case No. 95-355-A *

* * * * *

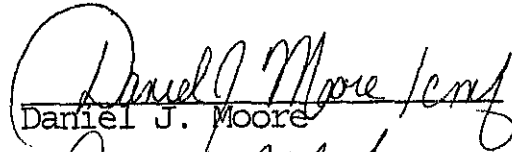
PETITION FOR JUDICIAL REVIEW

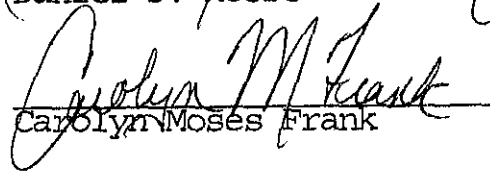
Mr. & Mrs. John Blasy, by and through their attorneys,
Daniel J. Moore, Carolyn Moses Frank and Semmes, Bowen & Semmes
hereby request pursuant to Maryland Rules 201-210 judicial review
of said Order by the County Board of Appeals of Baltimore County
dated April 24, 1996 denying the Petition for Variance to permit
a lot width of 50 feet in lieu of the required 55 feet and of
said Order also dated April 24, 1996 denying approval of an
undersized lot per Section 304, Baltimore County Zoning
Regulations. Petitioners were Appellants before the Board of

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Appeals.

Respectfully submitted,


Daniel J. Moore


Carolyn Moses Frank


Semmes, Bowen & Semmes
401 Washington Avenue
Suite 1100
Towson, MD 21204
(410) 296-4400

4 24 90
IN THE MATTER OF
THE APPLICATION OF
JOHN BLASY
FOR VARIANCE ON PROPERTY LOCATED
ON THE EAST SIDE BELL AVENUE,
370' N OF THE C/L OF CROSS STREET
(1927 BELL AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 95-355-A

* * * * *

O P I N I O N

This case comes to the Board of Appeals from the decision of the Deputy Zoning Commissioner in which Appellant's Petition for Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. was denied. The hearing in this matter consumed a full day and was conducted by the Board on November 16, 1995. The matter was publicly deliberated on Wednesday, January 3, 1996 at 10:00 a.m. Carolyn Frank, Esquire, represented the Appellants, Mr. and Mrs. John (Johnny) Blasy. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings. On the day of the hearing, two of the original Protestants did not appear at the de novo hearing and Mrs. Elfreida Lowe, another Protestant, was initially present but was required to leave on a premature basis.

Mr. John Blasy testified at length concerning the request for Variance. He indicated that the property in question was zoned DR-5.5 and consisted of approximately 6,300 sq. ft. The lot exists in a subdivision that was created back in 1904, long before zoning regulations were in effect and storm water management control programs were required. The lot is 50 ft. in width and falls short of the present-day zoning requirement as to the 55-ft. width requirement. The property was originally owned by John and Emma

Blasy. Mr. Blasy passed away and left the property to his wife, Emma Blasy. Upon Emma's death 3 years ago, the lot (No. 32) at 1927 Bell Avenue was left to the Petitioner who was also named as Personal Representative of Mrs. Blasy's estate. Lot Nos. 30 & 31 were combined as one with a dwelling existing at 1929 Bell Avenue (Petitioners Exhibit No. 5). Under the terms of the late Mrs. Blasy's Will, the existing dwelling at 1929 Bell Avenue was left to Edward Blasy, the Petitioner's uncle, holding a life estate interest and the Petitioner, as remainderman, upon Edward's death. It was the position of Mr. Blasy that he is only the owner of 1927 Bell Avenue and that no other property was owned by him on that street which would disqualify him from Section 304 of the Baltimore County Zoning Regulations (BCZR). Tax records dated November 8, 1995 from the Department of Assessments and Taxation, which were admitted as exhibits, reflected both 1927 Bell Avenue (Lot No. 32) and 1929 Bell Avenue (Lot Nos. 30 & 31) as being owned by John and Emma Blasy (Petitioner's Exhibit Nos. 4 and 5). No new deeds have been prepared despite the passage of three years from Mrs. Blasy's demise and no final accounting has been rendered by the estate. Again, under her Will, the late Mrs. Blasy left an unimproved lot located at 1927 Bell Avenue (Lot No. 32) to the Petitioner; and, an improved dwelling located at 1929 Bell Avenue (Lot Nos. 30 & 31) to her son, Edward J. Blasy, for life with no power to sell, lease, rent or otherwise dispose of the property.

Upon Edward Blasy's death, the property is granted to Johnny Blasy absolutely. Mr. Blasy testified that it was his intention to build a new home on 1927 Bell Avenue; and, when completed he would

Case No. 95-355-A, John Blasy

live in the new dwelling. Evidence was produced at the hearing to the effect that at one time some sort of dwelling was present at 1927 Bell Avenue. No conclusive evidence, however, was offered that the pre-existing house and shed had been constructed in accordance with Baltimore County requirements. Furthermore, testimony concluded that the remnants of a home and shed had long been abandoned since the 1950s. Mr. Blasy testified that the house Edward Blasy resides in is located at 1929 Bell Avenue, that 1927 Bell Avenue consists of an unimproved lot and is useless unless he is able to build on it. On cross-examination by Mr. Zimmerman, Mr. Blasy testified that the tax bills for Lot Nos. 30 and 31 came to him as Personal Representative of Mrs. Blasy's estate. Edward Blasy reimburses him for his portion of the taxes due on the property in which he currently resides at 1929 Bell Avenue. He also testified that the driveway for Lot No. 31 was on Lot No. 32 (the unimproved lot) and that Edward Blasy had been informed on numerous occasions by the Petitioner that he could not use the driveway; and, that under the terms of Emma Blasy's Will Edward Blasy could not enjoy any benefits of the land on Lot No. 31 and further that the only right Edward had was to possess and peaceful enjoyment of the house located on Lot No. 31 (1929 Bell Avenue).

Mr. Paul Gorman also testified at the hearing. He holds a B.S. degree in architecture and is licensed in both Maryland and D.C. He stated that he deals with zoning matters exclusively and handles roughly 36 permits a year, primarily in Baltimore County.

Case No. 95-355-A, John Blasy

He testified that he had prepared the proposed site plan. He stated that the lot in which the Variance was being requested was zoned DR-5.5 and contains 6,310 sq. ft., which is more than the required zoning regulations of a minimum of 6,000 sq. ft. Mr. Blasy indicated that he was aware of neighbors' concerns relative to storm water problems and that he had met with Paul Wellman, the Baltimore County Storm Water Management Department, as to the neighbors' concerns. If the Variance were granted and the proposed home were constructed, this site would ultimately drain to the end of Bell Avenue at Washington Avenue. If there were any drainage problems it was, according to Mr. Gorman, a problem caused by residents along Bell Avenue having swales paved and blocked by residents' driveways. Upon cross-examination by Mr. Zimmerman, Mr. Gorman indicated that no professional engineer had been hired to survey the storm water management control issue and that no written report on drainage was completed. His testimony also centered on other lots in the immediate area that were similar in size to the one in question and that homes presently existed on Bell Avenue that had less than the currently required 55-ft. width stated in the BCZR.

Mrs. Jean Blasy, wife of Johnny Blasy, also testified at the hearing. She indicated that she handled the finances for her husband and that Edward paid half of the annual tax bill to John Blasy on Lot Nos. 30 and 31. As to Lot No. 32, she and her husband pay the taxes. The estate is still open and if the house were

Case No. 95-355-A, John Blasy

built on Lot No. 32 (1927 Bell Avenue) she and her husband would occupy same.

Ms. Helena Seibert testified at the hearing. She resides at 1909 Bell Avenue and is a 41-year resident and owns Lot Nos. 35 and 36 (three houses from site). She related to the Board numerous instances of drainage problems. There are apparently no gutters, no piping, and during heavy rains, the water overflows the street and inundates the properties along Bell Avenue. Photographs of eroding were admitted as Protestant's Exhibit Nos. 9A thru 9X. She testified that the streets could not accommodate any additional homes being built, and to simply grant this variance would exacerbate the existing water problem.

Ms. Dora Marshall also testified at the hearing. She lives at 1926 Bell Avenue, across from the Petitioner's lot, and has been an area resident for 30 years. She is the daughter of John and Emma Blasy. She testified that her deceased father and mother had purchased Lot Nos. 30 and 31 on Bell Avenue and subsequently purchased Lot No. 32. The house on Lot No. 31 (1929 Bell Avenue) was built in 1929. She similarly testified concerning what she considered to be extensive water and drainage problems in the area with no relief being provided by Baltimore County. She stated that many of the homes currently existing on Bell Avenue occupy two or more lots, and expressed concerns that to permit a variance in this case would open the flood gate for others on the street to request similar variances and the water/drainage problem would become even

Case No. 95-355-A, John Blasy

more acute.

Ms. Janet Shaw also testified. She resides at 1921 Lincoln Avenue (Lot No. 52) and has lived there for two years and ten months. She related in depth the water drainage problems that exist in the general area of Bell Avenue. She stated that Baltimore County officials were aware of the problems (People's Counsel's Exhibit Nos. 13, 14, 15 and 17); and while a "Halethorpe Revitalization Plan" had been drawn up by Baltimore County hoping to resolve many of the problems, Oak Park, wherein the subject property was located, was not included in such plans and that any public improvements to alleviate the water/drainage problems now in existence was quite uncertain.

While her property was actually on Lincoln Avenue, she nevertheless was experiencing water problems and had personally spent \$3,200.00 on water control measures which she explained were still not totally effective. She stated that a home recently constructed at 1926 Bell Avenue, on a 100-ft. by 100-ft. lot, had caused additional water problems on Lincoln Avenue. Her neighborhood has three 50-ft. lots and is fearful of additional homes being built if this Variance were approved which would cause substantially greater water problems.

Mr. William Hughey, the Office of Planning and Zoning (now Planning Office) also testified as an Area Planner for the First District. He testified concerning the Halethorpe drainage problems; that the Halethorpe Revitalization Plan would result in

Case No. 95-355-A, John Blasy

positive initiatives; and, that the Planning Office was concerned as to "upstream" construction to the drainage area. He further stated that there was no current funding available for any future Oak Park work where the subject lot was located.

Mr. Edward Blasy, 1929 Bell Avenue, testified about his concern for additional water problems if the Variance were granted.

Section 307 of the BCZR grants to the Board of Appeals the authority to grant variances only in cases where special circumstances or conditions exist that are peculiar to the land and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. As to the Petition for Variance, it must be adjudged in accordance with the prescribed regulations. Under the Court of Special Appeals decision, Cromwell v. Ward 102 Md.App. 691 (1995), the first burden of the Petition for Variance is to prove that the property is unique, and that standard must be met before other parts of the variance requirements can be appropriately considered. The testimony and evidence at the hearing produced minimal, if any, evidence or testimony that the property in question was unusual or unique. In fact, many of the properties in the immediate area of the unimproved lot in question possess 50-ft. lots. The fact that a house cannot be constructed in Baltimore County due to the present width restrictions resulting in a hardship for the Petitioner despite the presence of other existing homes on 50-ft. lots in the area is one which extends beyond the authority granted

Case No. 95-355-A, John Blasy

to this Board. That was the decision of the County Council when the current law was enacted in an obvious posture to protect older developing subdivisions. There were also some questions raised concerning the applicability of Section 304 of the BCZR, and the appropriateness of that section of the regulations, should the petitioner be seeking a building permit, in order to apply under Section 304. Section 304 does provide for "use of undersized lots, single-family lots" provided three conditions are satisfied.

1) such dwellings can only be erected if the lot was duly recorded by Deed prior to 3/30/55 which was the date of the first adopted comprehensive zoning regulations for Baltimore County.

2) all the requirements of height and area regulations are complied with.

3) the owner of the land does not own sufficient adjoining land to conform to the width and area requirements contained in Section 304.

Testimony produced during the hearing was evident that the Petitioner alleges he was only the owner of 1927 Bell Avenue; and, that no other property was owned by him on that street which would disqualify him from Section 304 of the zoning regulations. The adjoining property at 1929 Bell Avenue was left to Ms. Emma Blasy's son, Edward Blasy, for life with the property going to the Petitioner upon Edward's death. In effect, the late Ms. Blasy left an unimproved lot at 1927 Bell Avenue to John Blasy and an improved lot at 1929 to Edward Blasy and again under the terms of the Will, Edward has a life estate, but no power or authority to do anything with the property except that of possession and peaceful enjoyment.

Case No. 95-355-A, John Blasy

Upon Edward's death, the property is granted to John Blasy. As a remainderman under the terms of the Will, John Blasy has a valuable interest in the property located at 1929 and has the legal right to assign, sell or otherwise dispose of same subject to the possessory life estate enjoyed by Edward Blasy. Therefore, while Edward may enjoy an equitable interest in the property, John Blasy, as the Remainderman, possesses legal title and as such must be construed as being a legitimate owner of the property, thus depriving him of the possible benefits that might be enjoyed under Section 304 of the BCZR.

This Board having heard all testimony, reviewing all the exhibits and evidence submitted along with a review of the statutes and applicable case law is of the opinion that the Appellants Petition for Variance seeking relief from section 1B02.3.C.1 of the BCZR to permit a lot width of 50 ft. in lieu of the required 55 ft., and approved development of an undersized lot pursuant to Section 304 of the BCZR with a proposed dwelling in accordance with Petitioner's Exhibit No. 9 be and the same is hereby DENIED.

O R D E R

IT IS THEREFORE, this 24th day of April, 1996 by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. be DENIED; and it is further

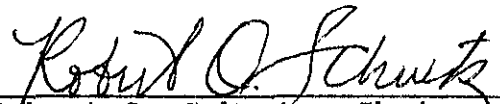
ORDERED that approval of an undersized lot per Section 304,

Case No. 95-355-A, John Blasy

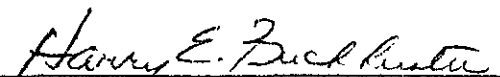
Baltimore County Zoning Regulations, be and is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Charles L. Marks


Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

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

April 24, 1996

Carolyn Moses Frank, Esquire
SEMMEs, BOWEN, AND SEMMEs
401 Washington Avenue
Suite 1100
Baltimore, MD 21204

RE: Case No. 95-355-A
John Blasy

Dear Counsel:

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.

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

Very truly yours,

Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Mr. and Mrs. John Blasy
Mr. James K. Sherman
Ms. Elfreida Lowe
Ms. Janet Shaw
Ms. Dalen Allen
Ms. Jennifer Papier
Ms. Dora Marshall
Ms. Helena Seibert
Mr. Edward Blasy
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



7/19/95 -Notice of Assignment for hearing scheduled for Thursday,
November 16, 1995 at 10:00 a.m. sent to following:

Daniel J. Moore, Esquire
Mr. & Mrs. John Blasy
Mr. James K. Sherman
Ms. Elfreida Lowe
Ms. Janet Shaw
Ms. Dalen Allen
Ms. Jennifer Papier
Ms. Dora Marshall
Ms. Helena Seibert
Mr. Edward Blasy
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

11/16/95 -Hearing concluded before Board (R.C.B.); to be scheduled for
public deliberation. Delib on 1/03/96; notice sent 11/30/95.

11/21/95 -Letter from P. Zimmerman- submitting to the Board, as promised
at oral argument, copy of the CBA decision and Circuit Court
decision in the Graziano case. PMZ cc'd C. Franks, Esquire, and J.
Shaw, Protestant.

12/06/95 -Response to above letter from Carolyn Moses Frank, Esquire
/Semmes, Bowen & Semmes.

12/08/95 -Letter to Counsel (Zimmerman and Frank) from ROS - returning
both letters to respective writers; keeping only copy of requested
Orders as submitted by Zimmerman per request made from bench on day
of hearing.

1/03/96 -Deliberation held; Petition for Variance DENIED. Written
Opinion and Order to be issued; appellate period to run from date
of written Order.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

June 19, 1995

(410) 887-3353

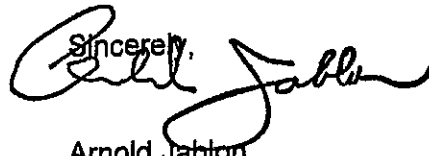
Ms. Elfreida Lowe
1925 Lincoln Road
Baltimore, MD 21227

RE: Petition for Variance
E/S Bell Avenue, 370 ft. N
of the c/l of Cross Street
(1927 Bell Avenue)
13th Election District
1st Councilmanic District
John Blasy-Petitioner
Case No. 95-355-A

Dear Ms. Lowe:

Please be advised that an appeal of the above-referenced case was filed in this office on June 16, 1995 by Daniel J. Moore, Esquire on behalf of John Blasy. All material relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie A. Winiarski at 887-3353.

Sincerely,

Arnold Jablon
Director

AJ:jaw

cc: Mr. James K. Sherman
Ms. Janet Shaw
Ms. Dalen Allen
Ms. Jennifer Papier
Ms. Dora Marshall
Ms. Helena Seibert
Mr. Edward Blasy



CASE NO. 95-355-A

JOHN BLASY - Petitioner

E/s Bell Avenue, 370 ft. N of the c/l of
Cross Street (1927 Bell Avenue)

13th Election District

Appealed: 6/16/95

SEMMEs, BOWEN & SEMMEs

Attorneys at Law
A Partnership of Professional Corporations
401 Washington Avenue
Towson, Maryland 21204

(410) 296-4400

Facsimile (410) 296-8016

250 West Pratt Street
Baltimore, Maryland 21201
(410) 539-5040

Daniel J. Moore
William J. Jackson
Scott D. Goetsch
Kristine K. Howanski
Kevin M. Soper
Margaret F. Ward
Lori L. Blair
Joel D. Newport
Willis G. Ferlise
Carolyn M. Frank
Roberta C. Sinopole

June 16, 1995

Arnold Jablon, Esquire
Director of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

RECEIVED
JUN 16 1995
ZADM

Re: DENIAL OF PETITION FOR VARIANCE
E/S Bell Avenue, 370' N of the c/1 of Cross Street
(1927 Bell Avenue)
13th Election District - 1st Councilmanic District
John Blasy - Petitioner
Case No. 95-355-A

Dear Mr. Jablon:

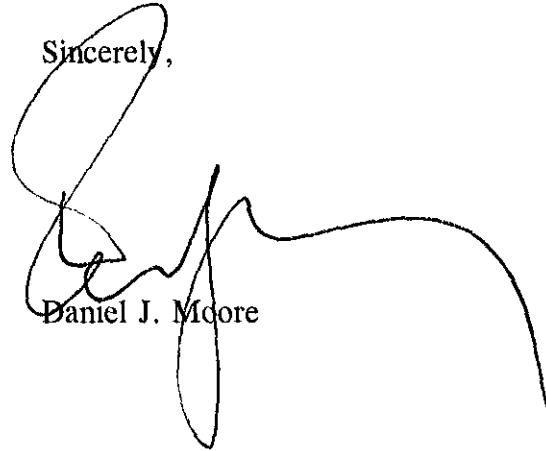
Please be advised that John Blasy is hereby noting, through counsel, an appeal from the denial of the petition for variance noted above. The denial was encapsulated on a Finding of Fact and Conclusions of Law written by Timothy M. Kotroco and dated May 17, 1995. That finding and denial was subsequently received by my clients.

SEMMES, BOWEN, & SEMMES

June 16, 1995
Page 2

I appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Daniel J. Moore', with a long horizontal flourish extending to the right.

Daniel J. Moore

DJM/dd

IN RE: PETITION FOR VARIANCE
E/S Bell Avenue, 370' N of the
c/l of Cross Street
(1927 Bell Avenue)
13th Election District
1st Councilmanic District

John Blasy
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-355-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1927 Bell Avenue, located in the vicinity of Halethorpe. The Petition was filed by the owner of the property, John Blasy, and the Contract Purchaser, James K. Sherman. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet and approve development of an undersized lot, pursuant to Section 304 of the B.C.Z.R., with a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John Blasy, property owner, his wife Jean Blasy, James R. Sherman, Contract Purchaser, and Paul Dorman, Architect. Appearing as Protestants in the matter were several residents from the surrounding community including Janet Shaw, Dora Marshall, Elfreida Lowe, Dalen Allen, Helena Seibert, and Jennifer Papier and Edward Blasy, who reside on opposite sides of the subject property.

Testimony and evidence offered at the hearing revealed that the subject property consists of 6,310 sq.ft., more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioner has contracted to sell the

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Date

By

property to James Sherman who wishes to construct a single family dwelling thereon. Testimony indicated that Mr. Blasy inherited the property nearly three years ago and has been assessed with inheritance taxes of \$26,000. Mr. Blasy intends to use the proceeds from the sale of this lot to offset those inheritance taxes that are due. Further testimony revealed that this property is located within a subdivision which was created in 1904, long before the establishment of the zoning regulations. Due to the narrow width and size of the lot, the relief requested is necessary.

Appearing and testifying in opposition to the Petitioners' request were several residents from the surrounding community, among whom Janet Shaw, Elfreida Lowe, and Dora Marshall, who is the Petitioner's aunt, participated at the trial table and testified. All of the residents in attendance are vehemently opposed to the granting of any variance for a proposed dwelling on the subject property. Their testimony revealed that this community currently experiences serious flooding any time there is heavy rain. They testified that this community was built in 1904 and that storm water management was not a consideration at that time. Water runoff currently sheet-flows down Bell Avenue and across the yards of several residences in this area. The Protestants testified as to the serious flooding they presently experience in their basements and it is their belief that another dwelling in the neighborhood will create additional water runoff and exacerbate existing conditions. Several residents testified concerning the expense they have incurred in waterproofing their basements and attempting to channel water runoff away from their homes.

At times during this hearing, the Petitioners and the Protestants engaged in some rather heated exchanges. Of particular interest was the fact that the Petitioner's aunt, Dora Marshall, and uncle, Edward Blasy,

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Date 5/17/85
By [Signature]

appeared in opposition to their nephew's request. This was explained by hard feelings that have resulted from probate of the Estate through which the Petitioner inherited this property. In any event, the testimony was clear that there are substantial flooding problems in this neighborhood and it appears that the granting of a variance for another dwelling in this community would adversely affect the health, safety and general welfare of the surrounding residents.

Furthermore, it should be noted that the Office of Planning and Zoning, specifically, Jeffrey Long and Gary Kerns, strongly recommended a denial of the relief requested. The Office of Planning believes that the granting of the variance relief sought would not be appropriate in this instance and does not meet the requirements for same, pursuant to Section 304.1.C of the B.C.Z.R. Based upon this recommendation and the flooding problems attested to at the hearing, and the fact that appropriate drainage along Bell Avenue does not exist, I am persuaded to deny the variance.

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

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

ORDER RECEIVED FOR FILING

Date

By

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

After due consideration of the testimony and evidence presented, it appears that the relief requested must be denied. As noted above, serious flooding conditions already exist in the community and any additional development would only exacerbate the situation. Furthermore, a variance cannot be granted on the basis of financial difficulty. Based upon the recommendation of the Planning office and the testimony presented by the Protestants in attendance, the variance must be denied.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of May, 1995 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet and approve development of an undersized lot, pursuant to Section 304 of the B.C.Z.R., with a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order in which to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/17/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 17, 1995

Mr. & Mrs. John Blasy
14 Wynwood Court
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
E/S Bell Avenue, 370' N of the c/l of Cross Street
(1927 Bell Avenue)
13th Election District - 1st Councilmanic District
John Blasy - Petitioner
Case No. 95-355-A

Dear Mr. & Mrs. Blasy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. James K. Sherman, 2110 Landsdowne Road, Baltimore, Md. 21227

Ms. Elfreida Lowe, 1925 Lincoln Road, Baltimore, Md. 21227
Ms. Janet Shaw, 1921 Lincoln Avenue, Baltimore, Md. 21227
Ms. Dalen Allen, 1941 Belle Avenue, Baltimore, Md. 21227
Ms. Jennifer Papier, 1915 Belle Avenue, Baltimore, Md. 21227
Ms. Dora Marshall, 1926 Belle Avenue, Baltimore, Md. 21227
Ms. Helena Seibert, 1909 Belle Avenue, Baltimore, Md. 21227
Mr. Edward Blasy, 1929 Belle Avenue, Baltimore, Md. 21227

People's Counsel; File



BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: April 7, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #350
1927 Bell Avenue

This variance request also included an undersized lot compatibility which was filed separately. Any questions, see myself or Joe Merrey.

MJK:scj

#350



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

1927 BELL AVE

which is presently zoned

DR 5.5

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1302.3.C.1 to permit a 50' lot width in lieu of 55' and approve an undersized lot pursuant to Section 304

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

HARDSHIP IS THAT LOTS ON THIS STREET WERE ALWAYS 50' WIDE

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser/Lessee:

JAMES R. SHERMAN

(Type or Print Name)

Signature

James R. Sherman

Address

2110 Cardsdowne Rd

City

Balti MD

State

Zipcode

21227
536-9012

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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

Legal Owner(s)

JOHN BLASY

(Type or Print Name)

Signature

John Blasy

(Type or Print Name)

Signature

14 WYNWOOD CT 247-0798

Address

Phone No

City

Baltimore, MD 21227

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 hr.

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

mjk

DATE

4/7/95

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1927 BELL AVE
which is presently zoned DR 5-5

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1702.3.C.1 to permit a 50' lot width in lieu of 55' and approve an undersized lot pursuant to Section 304.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

HARDSHIP IS THAT LOTS ON THIS STREET WERE ALWAYS 50' WIDE

Handwritten initials: J. K. 1

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser/Lessee:

JAMES R. SHERMAN
(Type or Print Name)

James R. Sherman
Signature

2110 Landsdowne Rd
Address

Balto MD 21227
City State Zipcode

536-9012
Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

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

Legal Owner(s):

JOHN BLASY
(Type or Print Name)

John Blasy
Signature

(Type or Print Name)

Signature

14 WYNWOOD CT 247-0798
Address Phone No.

Baltimore Md 21227
City State Zipcode

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

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr
unavailable for Hearing

the following dates _____ Next Two Months

ALL / OTHER _____

REVIEWED BY: MDIC DATE 4/7/95



Printed with Soybean Ink
on Recycled Paper

Zoning Administration

Development Management

Beginning on the east side of Bell Avenue,
forty feet wide, at the distance of 370 feet
north of the centerline of Cross Street. Being
Lot 32 of the Oak Park subdivision as
recorded in Plat Book W.P.C. 3, Folio 145.
Also known as ~~NEW~~ 1927 Bell Avenue
containing .145 acres in the 13th Election
District.

350

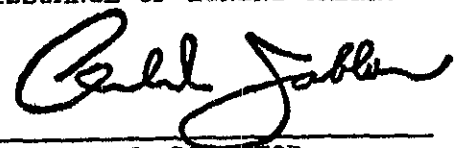
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 350

Petitioner: John Blasy

Location: 1927 Bell Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John Blasy

ADDRESS: 14 Wynwood Ct.

Balto. MD. 21227

PHONE NUMBER: 247-0798

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

№ 150681

DATE June 19, 1995 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED
FROM: Semmes, Bowen & Semmes

FOR: Appeal - Case NO. 95-355-A

1927 Bell Avenue

John Blasy 01A01H0170MICHR0

\$210.00

BA 0002:32PM06/19/95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-355-1A

District 1374

Date of Posting 4/21/95

Posted for: Variance

Petitioner: John Blosy + J.R. Sherman

Location of property: 1927 Bell Ave., FL

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 4/28/95
Signature

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

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

Case Number:
95-355-A (Item 350)
1927 Bell Avenue
E/S Bell Avenue, 370'
N of c/l Cross Street
19th Election District
1st Councilmanic
Legal Owner:
James R. Sherman

HEARING: TUESDAY,
MAY 9, 1995 at 2:00 p.m. in
Rm. 106, County Office
Building.

Variance: to permit a 50-foot lot width in lieu of 55 feet and approve an undersized lot.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

4/23/95 April 20,

TOWSON, MD.,

April 21, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 20, 1995.

THE JEFFERSONIAN,

A. Henrichs
LEGAL AD., TOWSON

Publication

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-3532-17

District 12th

Date of Posting 6/23/95

Posted for: Appeal

Petitioner: John Blasz

Location of property: El's Bill Hrs. (1977)

Location of Signs: Facing roadway on property being appealed

Remarks:

Posted by M. Healy
Signature

6/30/95

Number of Signs: 1



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-355-A

Account: R-001-6150

Date

3-15-95

Number

JC 44

Item

350

Variance + (010)
(COMPATIBILITY
POSTING (090)

50.00

35.00

Item #350

Blasy, John — 1927 Bell Avenue

85.00

03A03#0103MICHRC

SE 00001218407 15 95

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

* Note: After filing for compat., it was noted
that petitioner also needs a variance
To file for both is \$85.00. The petitioner
paid that when filing for compat

TO: PUTUMENT PUBLISHING COMPANY
April 17, 1995 Issue - Jeffersonian

Please forward billing to:

John Blasy
14 Wynwood Court
Baltimore, MD 21227
247-0798

NOTICE OF HEARING

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

CASE NUMBER: 95-355-A (Item 350)
1927 Bell Avenue
E/S Bell Avenue, 370' N of c/l Cross Street
13th Election District - 1st Councilmanic
Legal Owner: James R. Sherman
HEARING: TUESDAY, MAY 9, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a 50-foot lot width in lieu of 55 feet and approve an undersized lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 17, 1995

NOTICE OF HEARING

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

CASE NUMBER: 95-355-A (Item 350)

1927 Bell Avenue

E/S Bell Avenue, 370' N of c/l Cross Street

13th Election District - 1st Councilmanic

Legal Owner: John Blasy

Contract Purchaser: James R. Sherman

HEARING: TUESDAY, MAY 9, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to permit a 50-foot lot width in lieu of 55 feet and approve an undersized lot.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: James R. Sherman
John Blasy

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





County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 19, 1995

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. 95-355-A

JOHN BLASY -Petitioner
E/s Bell Avenue, 370' N of the c/l of Cross
Street (1927 Bell Avenue)
13th Election District
1st Councilmanic District

VAR -To permit lot width of 50' in lieu of
required 55'; approval of undersized lot per
BCZR 304.

5/17/95 -D.Z.C.'s Order in which Petition for
Variance is DENIED.

ASSIGNED FOR: THURSDAY, NOVEMBER 16, 1995, at 10:00 a.m.

cc: Daniel J. Moore, Esquire	Counsel for Appellants /Petitioners
Mr. & Mrs. John Blasy	Appellants /Petitioners
Mr. James K. Sherman	Contract Purchaser

(Ms. Elfreida Lowe	Protestant
/ Ms. Janet Shaw	"
Ms. Dalen Allen <i>Not</i>	"
Ms. Jennifer Papier <i>Not</i>	"
/ Ms. Dora Marshall	"
✓ Ms. Helena Seibert	"
✓ Mr. Edward Blasy	"

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 5, 1995

Mr. John Blasy
14 Wynnewood Court
Baltimore, Maryland 21227

RE: Item No.: 350
Case No.: 95-355-A
Petitioner: John Blasy

Dear Mr. Blasy:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

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

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



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

TO: Arnold Jablon, Director DATE: April 24, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 24, 1995
Item No. 350

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for the undersized lot, the driveway entrance will be built per Dept. of Public Works Standard Plate R-15, "Typical Driveway Entrance from Road without Curb and Gutter."

RWB:SW

Joyce Watson
ZAC Comments

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4/28/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4/17/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 341

344

345

348

349

350 ✓

351

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 04/19/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 17, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 341, 342, 344, 345,
347, 348, 349, 350 AND 351.

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

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-14-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 350 (MJK)

Dear Ms. Watson:

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

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

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

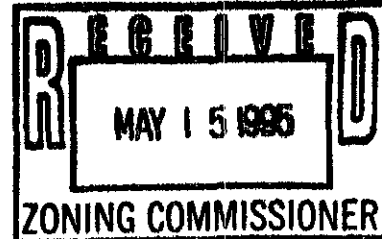
Smk
95-355-A

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 10, 1995

SUBJECT: 1927 Bell Avenue



INFORMATION:

Item Number: 350
Petitioner: John Blasy
Property Size:
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance to permit a 50' lot width in lieu of 55' and approval of an undersized lot.

The applicant's request does not meet the requirements of Section 304.1B of the Baltimore County Zoning Regulations and should, therefore, be denied.

REVISED COMMENT

It has come to our attention that due to a typographical error, our comment of April 21, 1995 cited the wrong Section of the Baltimore County Zoning Regulations. The appropriate Section is in fact Section 304.1C.

A copy of this amended comment has been forwarded to the applicant.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Kerns

PK/JL

RE: PETITION FOR VARIANCE
1927 Bell Avenue, E/S Bell Avenue, 370'
N of c/l Cross Street, 13th Election
District, 1st Councilmanic

John Blasy
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-355-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to John Blasy, 14 Wynwood Court, Baltimore, MD 21227, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

**PETITION PROBLEMS
AGENDA OF APRIL 17, 1995**

#342 --- JRF

1. No item number on petition forms.

#344 --- MJK

1. No telephone number for legal owner.

#350 --- MJK??/JCM??

1. Who took in petition? MJK signed petition form; JCM signed *receipt*.
2. No *original copy of receipt* in folder; just xerox. Where is receipt?

#351 --- JJS

1. Notary section is incorrect/incomplete.

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

11/02/99

Case Number: 03-C-96-005248 AE
Date Filed: 05/24/1996
Status: Closed/Active
Reference Number: 95-355-A
Judge Assigned: To Be Assigned,

In The Matter Of: The Application Of John Blasy

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	95-355-A
Case Folder ID	C96005248V01
	C9605248

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Disposition	Addr Start/End	Entered
PET	001 Blasy, John	CT DO	05/25/99	05/24/96
	Mail: 14 Wynnewood Court		05/24/96	
	Baltimore, MD 21227			
Attorney:	0009921 Frank, Carolyn Moses		05/24/96	
	Semmes, Bowen & Semmes			
	401 Washington Avenue			
	11th Floor			
	Towson, MD 21204			
	(410)296-4400			
	0020981 Moore, Daniel J		05/24/96	
	Semmes, Bowen & Semmes			
	401 Washington Avenue			

Towson, MD 21204
(410)296-4400

Type	Num	Name(Last,First,Mid,Title)	Disposition	Addr	Start/End	Entered
ITP	001	County Board Of Appeals Of Baltimore County	CT DO	05/25/99	05/24/96	
		Mail: Old Courthouse/Room 49			05/24/96	
		400 Washington				
		Towson, MD 21204				
ITP	002	Blasy, Edward	CT DO	05/25/99	01/27/97	
		Mail: 1929 Belle Avenue			01/27/97	
		Baltimore, MD 21227				
ITP	003	Marshall, Dora	CT DO	05/25/99	01/27/97	
		Mail: 1926 Belle Avenue			01/27/97	
		Baltimore, MD 21227				
ITP	004	Seibert, Helena E	CT DO	05/25/99	01/27/97	
		Mail: 1909 Belle Avenue			01/27/97	
		Baltimore, MD 21227				
ITP	005	Shaw, Janet	CT DO	05/25/99	01/27/97	
		Mail: 1921 Lincoln Avenue			01/27/97	
		Baltimore, MD 21227				
ITP	006	Peoples Counsel For Baltimore County	CT DO	05/25/99	01/27/97	
		Attorney: 0005744 Demilio, Carole			01/27/97	
		Deputy People's Counsel For Baltimore County				
		Room 47, Old Courthouse				
		400 Washington Avenue				
		Towson, MD 21204				
		(410)887-2188				
		0029075 Zimmerman, Peter M			01/27/97	
		People's Counsel For Baltimore County				
		Room 47 Courthouse				
		400 Washington Ave				
		Towson, MD 21204				
		(410)887-2188				

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Lvl	Atty	Jdg	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec	User	ID
04/24/97	09:30A	01H	yes	CIVI														
Stenographer(s): Marion T. Felkoski																		
REC 01 /01 CON C 04/24/97 REC P Y JD DJ																		

JUDGE HISTORY

JUDGE ASSIGNED Type Assign Date Removal RSN

TBA To Be Assigned, J 05/24/96**DOCUMENT TRACKING**

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0001000	Petition for Judicial Review for Variance on Property Located On the East Side Bell Avenue, 370' N Of The C/L Cross Street (1927 Bell Avenue); 13th Election District; 1st Councilmanic District; Case No. 95-355-A.(rec'd 5/23)	05/23/96	05/24/96	PET001	TBA	05/25/99	DA PH
0001001	Response to Petition for Judicial Review.	07/10/96	07/12/96	000	TBA	05/25/99	DFF PH
0002000	certificate Of Notice	06/26/96	06/27/96	000	TBA	05/25/99	JH PH
0003000	Proceedings Before The Zoning ** Commissioner And The Board Of Appeals Of Baltimore County. (issued in error should be transcript of record correction made -on #9000)	08/23/96	08/26/96	000	TBA	05/25/99	JH PH
0004000	Stipulation Of Extension Of Time For Filing The First Memorandum And Answering Memorandum.	09/16/96	09/17/96	PET001	TBA	05/25/99	JH PH
0005000	Memorandum for Appeal from Balto co. Board of Appeals.	10/01/96	10/02/96	PET001	TBA	05/25/99	KP PH
0006000	Corrected page 16 of the Petitioner's Memorandum for Appeal which was inadvertently not filed with the remainder of the Memorandum.	10/04/96	10/07/96	PET001	TBA	05/25/99	DFF PH
0007000	Memorandum	11/15/96	11/18/96	ITP001	TBA	05/25/99	KP PH
0008000	Stipulation of Extension of Time for Filing the First Memorandum and Answering Memorandum, fd.	12/02/96	12/04/96	000	TBA	05/25/99	PS PH
0009000	Transcript of Record from Adm Agency	08/23/96	01/13/97	000	TBA	05/25/99	JH PH
0010000	Notice - Recpt of Record of Proceedings copies sent.	08/23/96	01/13/97	000	TBA	05/25/99	JH PH
0011000	Notice of Appeal Sent	01/13/97	01/13/97	PET001	TBA	01/13/97	JH JH

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0012000	Notice of Appeal Sent	01/13/97	01/13/97	ITP001	TBA	01/13/97	JH JH
0013000	Scheduling Order	01/30/97	01/30/97	000	TBA	01/30/97	JD JD
0014000	Open Court Proceeding April 24, 1997 Hon. Robert E. Cahill Sr. Hearing had. Ruling held sub-curia. Opinion to be filed.	04/24/97	04/24/97	000	TBA	05/25/99	DJ PH
0015000	Memorandum and Order affirming decision	05/25/99	05/25/99	000	REC Granted	05/25/99	PH PH
0016000	Docket entries sent to BOA	06/04/99	06/04/99	000	TBA		MJ MJ

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1YRT	One Year Tickle (Jud	CLOSED	05/23/97	365	no	no	DAAA	D	000	000
1ANS	1st Answer Tickle	CLOSED	07/10/96	0	no	no	DANS	D	001	001
SLTR	Set List For Trial	DONE	07/10/96	0	yes	yes	1ANS	T	001	001
EXPU	Exhibit Pickup Notic	CLOSED	07/24/99	30	no	no			000	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp	Dt	Dis	By
000		B	RETURNED CBA TRANS							

DIFFERENTIATED CASE MANAGEMENT**TRACKS AND MILESTONES**

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 01/16/97 Order Date : 01/30/97
Start Date : 01/16/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD Rule 2-322	01/31/97	05/25/99	CLOSED	
All Motions (excluding Motions in Limine	03/15/97	05/25/99	CLOSED	

03-C-96-005248 Date: 11/02/99 Time: 08:15

Page: 5

Milestone	Scheduled	Target	Actual	Status
-----	-----	-----	-----	-----
TRIAL DATE is	04/24/97	04/16/97	04/24/97	REACHED

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

06/04/99

Case Number: 03-C-96-005248 AE
Date Filed: 05/24/96
Status: Closed/Active
Reference Number: 95-355-A
Judge Assigned: To Be Assigned,

In The Matter Of: The Application Of John Blasy

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Reference Number	95-355-A

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Entered
PET	001	Blasy, John 14 Wynnewood Court Baltimore, MD 21227 Attorney: 0009921 Frank, Carolyn Moses Semmes, Bowen & Semmes 401 Washington Avenue 11th Floor Towson, MD 21204 (410)296-4400	CT DO 05/25/99 05/24/96 05/24/96
		0020981 Moore, Daniel J Semmes, Bowen & Semmes 401 Washington Avenue Towson, MD 21204 (410)296-4400	05/24/96

RECEIVED
COUNTY BOARD OF APPEALS
99 JUN -7 PM 3:57

Type	Num	Name(Last,First,Mid,Title)	Entered
ITP	001	County Board Of Appeals Of Baltimore County Old Courthouse/Room 49 400 Washington Towson, MD 21204	CT DO 05/25/99 05/24/96
ITP	002	Blasy, Edward 1929 Belle Avenue Baltimore, MD 21227	CT DO 05/25/99 01/27/97
ITP	003	Marshall, Dora 1926 Belle Avenue Baltimore, MD 21227	CT DO 05/25/99 01/27/97
ITP	004	Seibert, Helena E 1909 Belle Avenue Baltimore, MD 21227	CT DO 05/25/99 01/27/97
ITP	005	Shaw, Janet 1921 Lincoln Avenue Baltimore, MD 21227	CT DO 05/25/99 01/27/97
ITP	006	Peoples Counsel For Baltimore County Attorney: 0005744 Demilio, Carole Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188 0029075 Zimmerman, Peter M Room 47 Courthouse 400 Washington Ave Towson, MD 21204 (410)887-2188	CT DO 05/25/99 01/27/97 01/27/97 01/27/97

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Lvl	Jdg	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec
04/24/97	09:30A	01H	yes	CIVI	REC	01	/01	CON	C	04/24/97	REC	P			Y
Stenographer(s): Marion T. Felkoski															

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
TBA To Be Assigned,	J		05/24/96		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling/ Closed	Closed	User ID	Entered
0001000	Petition for Judicial Review for Variance on Property Located On the East Side Bell Avenue, 370' N Of The C/L Cross Street (1927 Bell Avenue); 13th Election District; 1st Councilmanic District; Case No. 95-355-A.(rec'd 5/23)	05/24/96	05/23/96	TBA	PET001		05/25/99	DA PH	05/24/96
0001001	Response to Petition for Judicial Review.	07/12/96	07/10/96	TBA	000		05/25/99	DFF PH	07/12/96
0002000	certificate Of Notice	06/27/96	06/26/96	TBA	000		05/25/99	JH PH	06/27/96
0003000	Proceedings Before The Zoning ** Commissioner And The Board Of Appeals Of Baltimore County. (issued in error should be transcript of record correction made -on #9000)	08/26/96	08/23/96	TBA	000		05/25/99	JH PH	08/26/96
0004000	Stipulation Of Extension Of Time For Filing The First Memorandum And Answering Memorandum.	09/17/96	09/16/96	TBA	PET001		05/25/99	JH PH	09/17/96
0005000	Memorandum for Appeal from Balto co. Board of Appeals.	10/02/96	10/01/96	TBA	PET001		05/25/99	KP PH	10/02/96
0006000	Corrected page 16 of the Petitioner's Memorandum for Appeal which was inadvertently not filed with the remainder of the Memorandum.	10/07/96	10/04/96	TBA	PET001		05/25/99	DFF PH	10/07/96
0007000	Memorandum	11/18/96	11/15/96	TBA	ITP001		05/25/99	KP PH	11/18/96
0008000	Stipulation of Extension of Time for Filing the First Memorandum and Answering Memorandum, fd	12/04/96	12/02/96	TBA	000		05/25/99	PS PH	12/04/96
0009000	Transcript of Record from Adm Agency	01/13/97	08/23/96	TBA	000		05/25/99	JH PH	01/13/97
0010000	Notice - Recpt of Record of Proceedings copies sent.	01/13/97	08/23/96	TBA	000		05/25/99	JH PH	01/13/97
0011000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	PET001	01/13/97	01/13/97	JH JH	01/13/97
0012000	Notice of Appeal Sent	01/13/97	01/13/97	TBA	ITP001	01/13/97	01/13/97	JH JH	01/13/97
0013000	Scheduling Order	01/30/97	01/30/97	TBA	000	01/30/97	01/30/97	JD JD	01/30/97
0014000	Open Court Proceeding April 24, 1997 Hon. Robert E. Cahill Sr. Hearing had. Ruling held sub-curia. Opinion to be filed.	04/24/97		TBA	000		05/25/99	DJ PH	04/24/97

Num/Seq	Description	Filed	Received	Party	Routed	Ruling/ Closed	Closed	User ID	Entered
0015000	Memorandum and Order affirming decision	05/25/99		REC	000	Granted	05/25/99	PH PH	05/25/99
0016000	Docket entries sent to BOA	06/04/99		TBA	000			MJ MJ	06/04/99

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1YRT	One Year Tickle (Jud	CLOSED	05/23/97	365	no	no	DAAA	D	000	000
1ANS	1st Answer Tickle	CLOSED	07/10/96	0	no	no	DANS	D	001	001
SLTR	Set List For Trial	DONE	07/10/96	0	yes	yes	1ANS	T	001	001
EXPU	Exhibit Pickup Notic	CLOSED	07/24/99	30	no	no			000	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
000		ITP 001	County Board Of Appeals Of Ba					
		B	box 438/Transcript			B		

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 01/16/97 Order Date : 01/30/97
Start Date : 01/16/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(	01/31/97	05/25/99	CLOSED	
All Motions (excluding Motions in Limine	03/15/97	05/25/99	CLOSED	
TRIAL DATE is	04/24/97	04/16/97	04/24/97	REACHED

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MD 21285-6754

County Board Of Appeals Of Baltimore County
Old Courthouse/Room 49
400 Washington
Towson MD 21204

Assignment Date: 01/16/97

Case Title: In The Matter Of: The Application Of John Blasy
Case No: 03-C-96-005248 AE

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 01/31/97
2. All Motions (excluding Motions in Limine) are due by..... 03/15/97
3. TRIAL DATE is..... 04/24/97

Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; appeal: 1 hour

Honorable John Grason Turnbull II
County Administrative Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

cc: Edward Blasy
cc: Dora Marshall
cc: Helena E Seibert
cc: Janet Shaw
cc: Carole Demilio
cc: Carolyn Moses Frank Esq
cc: Daniel J Moore Esq

cc: Peter M Zimmerman
Issue Date 01/30/97

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

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and file
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N O T I C E O F R E C O R D

Case Number: 03-C-96-005248
Old Case number: *95-355-A*
C I V I L

In The Matter Of: The Application Of John Blasy

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 23rd day of August, 1996.

Suzanne Mensh



Suzanne Mensh
Clerk of the Circuit Court, per *J.H.*

Date issued: 01/13/97

TO: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Old Courthouse/Room 49
400 Washington
Towson, MD 21204

10/13/96



County Board of Appeals of Baltimore County

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

November 30, 1995

NOTICE OF DELIBERATION

Having concluded this case on November 16, 1995, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

JOHN BLASY -Petitioner
CASE NO. 95-355-A

DATE AND TIME : Wednesday, January 3, 1996 at 10:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

cc: Daniel J. Moore, Esquire Counsel for Appellants /Petitioners
Mr. & Mrs. John Blasy Appellants /Petitioners
Mr. James K. Sherman Contract Purchaser

Ms. Elfreida Lowe Protestant
Ms. Janet Shaw "
Ms. Dalen Allen "
Ms. Jennifer Papier "
Ms. Dora Marshall "
Ms. Helena Seibert "
Mr. Edward Blasy "

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

Copied: R.C.B.



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: John Blasy -Petitioner
Case No. 95-355-A

DATE : January 3, 1996 @ 10:00 a.m.

BOARD /PANEL : Robert O. Schuetz (ROS)
Harry E. Buchheister, Jr. (HEB)
Charles L. Marks (CLM)

SECRETARY : Kathleen C. Bianco
Administrative Assistant

Those present at this deliberation included Carolyn Moses Frank, Esquire, on behalf of Appellants /Petitioners; and Carole S. Demilio, Deputy People's Counsel for Baltimore County.

ROS: Good Morning. We are here on Case No. 95-355-A, John Blasy, Petitioner. The purpose of today's proceeding is to deliberate the above matter. I will caution everyone that the official record will not be the minutes of today's proceeding, but this proceeding serves to notify everyone on the record that we have complied with the open meetings law. The official record will be the opinion and order, so any Petition for Judicial Review should be taken from the date of that Order and not from today's date.

We have a rather unusual situation here that I think calls for some special consideration by the Board. I have obviously reviewed my notes, gone through the file, and reviewed all the evidence, and I will also say that I went out and did research on my own because of the situation relating to the will. The Petitioner is asking the Board, in the case of any findings relative to Section 304, to make a finding that he does not have an ownership interest for the purpose of applying Section 304. What I've gotten into is essentially the definitions of "remainders." What I have come up with is situation we have here, and what I find here is remainder is vested where it's not subject to any condition precedent other than termination of estate. Here property is deeded to a person for life, with remainder to another person on death. I find it a little troubling, but that is the law. There's not a lot we can do. I think the Code is there to foster development, but we have a situation here where a simple reading of the definition of "vested" precludes the Petitioner from meeting the third standard under 304.1.

I will say also that I believe that the Petitioner may be here inappropriately, seeking relief under 307, because the relief

Deliberation /John Blasy -Petitioner /95-355-A

from the area requirements for lots which are deeded prior to 1955 is Section 304 and what we have is a situation for variance under 307, not a variance from 1B02. I'm not an attorney, and I don't believe that your only remedy is to seek relief under 304; that you do get to choose your own poison, so to speak. But why you would choose 307 instead of 304 is beyond me because the tests under 307 are very, very difficult. In this particular matter, we had very little evidence or testimony which was brought to the attention of the Board which would indicate that the property was in any way unique. Under Section 307, the test first must be that the qualities associated with the land or structure must be unique relative to others in the area, and then we get into the second test. We don't have a unique property; we have a neighborhood of 50' lots. I will grant you that it seems inequitable that Mr. Blasy would not be able to build on a 50' lot given that there's a multitude of houses existing on 50' lots, but that is what the Council decided it would be in developing older subdivisions. If the Council changed its mind, it might be a time for the Petitioner to come in again.

I thought to move for dismissal without prejudice, but listening to myself talk this morning, I think we have a situation here where the cards are stacked against your client, and therefore for the lack of any evidence of uniqueness, I would deny the Petition for Variance. I believe that we do not have a case properly before us under 304. The Petitioner should be seeking a building permit in order to apply 304. I would still dismiss any petition for relief under 304 without prejudice. We may have a situation where, once the estate has been settled and because of the extremely poor language in the body of the will, that may be to the Petitioner's advantage, the Petitioner may be able to seek relief under 304 without hearing officer's hearing.

I would deny the Petition for Variance and would dismiss any relief under 304 without prejudice.

CLM: The hearing which took place on November 16th at which testimony and evidence was produced essentially involved a request for a variance of 50' lot in lieu of 55', and subsequent approval of undersized lot in accordance with 304 of the zoning regulations. On November 16th, two of the original protestants did not appear at the de novo hearing, and one protestant was present.

In rendering a decision in this matter, the Board is required to examine the applicability of laws enacted by the County Council, case law established by the Courts of the State

Deliberation /John Blasy -Petitioner /95-355-A

governing variances, and after hearing testimony and evidence, and a review of files, along with factual aspects of the case, render a fair and impartial decision. The law is found in Section 304 of the BCZR /Use of Undersized Single Family Lots. Three conditions to be met - can only be erected if the lot was duly recorded by deed or validly approved subdivision prior to date of first comprehensive zoning reg adopted by Baltimore County; all other requirements for height and area met; owner of land does not own sufficient adjoining land. The property in question is zoned D.R. 5.5; 6,300 sq. ft. John Blasy inherited the property three years ago. The lot is in a subdivision created in 1904, long before the zoning regulations, storm management control and laws of today ever existed. The lot is narrow in width and falls short of today's requirement of 55'. The property was originally owned by John and Emma Blasy; John left the property to Emma. Emma, three years ago, left the lot to the Petitioner, who was also named as Personal Representative; is only owner of 1927 Bell Avenue. No other property is owned by him on the street. Records dated November 8, 1995, tax records, reflect 1927 Bell Avenue and 1929 as being owned by John and Emma Blasy. They were also owners of property in 1955 when the Council passed zoning regulations. No new deeds have been prepared despite three years since Emma's death. The property at 1929 was left to Edward Blasy for life, with the property going to John Blasy upon Edward's death. Mrs. Blasy left 1927 to John and the improved lot at 1929 to Edward Blasy, and again, under terms of the will, Edward is granted a home for life; no authority to sell or dispose of property. Upon Edward's death, the property is deeded to John Blasy.

The controlling question -- does owner of lot in question also own 1929 so as to disqualify him from Section 304? And if not, applying current standards of granting a variance, does lot satisfy requirements? Evidence at the hearing that a dwelling of some sort did at one time exist at 1927; had been occupied but was abandoned in 1950s. No evidence or testimony produced regarding building permit or occupancy permit. Tax records do not reflect any improvements on the property. Must be conceded that Section 304 of the regulations can be disregarded by this Board. Individuals are certainly free to dispose of property by will. However, this does not grant testator or testatrix the right to circumvent laws. The lots in question were owned by Emma in 1955 when zoning regulations were passed; purpose to limit construction on new homes on undersized lots; except for real hardship, individuals who did own sufficient adjoining land. In the case at bar, it appears obvious that decedent wanted to leave both properties to John Blasy; the improved property subject to life estate of Edward Blasy. Mr. & Mrs. Blasy owned the various properties for many

years; the lot in question had always been unimproved. Her belief that lots were one. It's fundamental that a tenant for life, such as Edward Blasy, has no other rights to the property at 1929 except possession. While maintaining equity interest and responsibility to preserve property, can do nothing to disturb legal title.

Testimony was produced during the hearing as to John Blasy's control over the land; as life tenant, Edward's only interest was for the dwelling alone and did not extend to the land itself. Legal ownership resides with John Blasy; Section 304 is operative and would deny variance. As to variance request, evidence produced as to controversy. Consensus of testimony - proposed house would be compatible with other homes in the area.

Helena Seibert, Dora Marshall, and Janet Shaw testified on behalf of the community. Ms. Seibert and Ms. Marshall are long-time residents in the area. Concerned with drainage problems and of additional water problems if additional homes are built. Per Ms. Shaw, concerned about additional construction; community needs not being given consideration. Baltimore County officials had not included Oak Park Community. Her property is located on Lincoln Avenue; seriously by water and drainage problems. William Huey testified as area planner for Baltimore County and of recurring drainage problems. Every home makes runoff problem more severe. E. Blasy testified -water and drainage problems as to his home.

Testimony and evidence produced was sufficiently convincing to create situation where, if variance was granted, conditions would affect general health, safety and welfare. No special circumstances or conditions exist peculiar to the land or structure, which is the subject of the variance requested. There has been sufficient evidence and testimony to support the premise that Mr. Blasy has ownership of adjacent land on Bell Avenue. Would deny variance request. This Board cannot grant variance.

HEB: Everything that has been said, I have in some fashion in my notes. Would be repetitious for me to go over. I do feel that Mr. Schuetz answered a question that I particularly was troubled with, having to do with this will left by Emma Blasy. And in regard to the property, which I observed, concerns over neighbors, there is nothing unique about this particular lot. Has a gradual fall to the street. I do feel that a dwelling built on this lot could really enhance the community. The fact remains, and I think it has been answered and brought

forth very accurately, that the family decision made by Ms. Emma Blasy some years ago, and the building of the dwelling on Lot 31 which is actually straddling Lot 32, and then the difficulties that seem to rest with this family situation, the decision of the bequeathing to Edward Blasy until the time of death or how long he wants to live there, puts special consideration on the case, and I feel that the request for variance has been covered very accurately. Should be denied.

ROS: We are unanimous. But there are a few things. Something that Mr. Marks indicated was his concern about the impact of construction, what might be determined impervious area, etc. What we have is a lot of anecdotal evidence. We are making a legal decision and it is my belief that we are unanimous and we have decided on issue rather than standards of Cromwell v. Ward.

We have Ms. Seibert who was concerned about runoff, etc. And that she indicated on cross that she would like to see Baltimore County fix the drainage problem. But when I asked from the bench whether she wants curbs and gutters, and is she willing to pay for it, she answered "no." When you buy a new home in a new subdivision, and curb and gutter is in place, and stormwater management efforts are in place, you are paying for it anyway; built into the cost of a new home. I don't believe there is any detrimental impact by the proposal; 50' lots were contemplated. Now Council has decided that to develop in older subdivision, you must meet standards. We are unanimous, but things needed to get out here. That concludes the meeting.

One more issue that was discussed - People's Counsel raised in opening argument the issue that perhaps the Board should look at the intent of Section 304; who owned the property when 304 was passed in 1955. The grandparents did. Previously I looked at that issue, and at 304.1.C; owner of lot does not own - "did not own" in 1955. That is the issue that the County Council has left - that while they want standard met, they don't want to preclude development.

Any other issue raised?

CLM: During the hearing, there was sufficient testimony that Oak Park community had discussions with Baltimore County officials regarding drainage and water in older section. This was not a part of the Halethorpe revitalization process. The County sometimes puts too much emphasis on new development and less on these older communities. If people are going to move back, there is a responsibility on the part of the County that new

Deliberation /John Blasy -Petitioner /95-355-A

construction does have adequate runoff and storm management concerns. If you do not have proper controls, can be a disaster.

I do agree also relative to fact that when 1955 zoning was passed, Section 304 was not intended to deny people whose lots were on record the ability to improve them.

HEB: Concerns of neighbors regarding stormwater, runoff and drainage problems -- I saw little evidence of erosion as described by one of the witnesses, and new asphalt lot at bottom of hill - street had asphalt curb. Maybe Baltimore County has done something for one block of Oak Park and not this particular area.

I think that property as it exists is similar to everything else in the neighborhood. There was nothing unique about it. But I do feel that in Mr. Blasy's deference, that if they want to pursue this, the question of stormwater runoff - I did see some troubling things.

ROS: I think we've seen the topography; we've seen all of that. The effect of runoff on the downstream streets; the evidence is very clear that any runoff from Mr. Blasy's property goes directly to old Washington Boulevard. The topographic that we had to review shows it very clearly. Nothing to hang hats on regarding detrimental impact in this area.

There is one unresolved matter; having heard my colleagues, I will withdraw motion, and will deny variance.

Closing /ROS: We are unanimous. Thank you very kindly. That concludes the matter for today.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Administrative Assistant



County Board of Appeals of Baltimore County

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

December 8, 1995

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Carolyn Moses Frank, Esquire
SEMMEs, BOWEN & SEMMEs
401 Washington Avenue
Suite 1100
Towson, MD 21204

Re: Case No. 95-355-A
John Blasy -Petitioner

Dear Counsel:

The Board is in receipt of letters from Peter Max Zimmerman, People's Counsel for Baltimore County, and Carolyn Moses Frank, Esquire, SEMMEs, BOWEN & SEMMEs, concerning the above-referenced case. At the hearing, People's Counsel was requested to provide a copy of the Board's Opinion and the Circuit Court Order in the case People's Counsel v. Thomas J. Graziano. Letters from both counsel exceed the scope of the request made from the bench. The Board will accept the attachment to the letter from People's Counsel, but will not keep copies of either letter.

As one of the panel members in that case, I did in fact read both of your letters, but the other two Board members have not. In returning your letters, I wish to state that I am confident that I will be able to consider the case on its merits and ignore any information provided in your letters returned herewith.

If you have any questions, do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Robert O. Schuetz".

Robert O. Schuetz, Chairman
County Board of Appeals

ROS/kcb

Enclosures



IN THE MATTER OF :
THE APPLICATION OF :
THOMAS JEROME GRAZIANO, ET UX :
FOR SPECIAL HEARING ON PROPERTY :
LOCATED ON THE NORTHWEST SIDE OF :
FREELAND ROAD, 2,048' NORTHEAST OF :
MIDDLETOWN ROAD :
6th ELECTION DISTRICT :
3rd COUNCILMANIC DISTRICT :
:

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 87-478-SPH

: :

O P I N I O N

This case comes before this Board on appeal from a decision of the Zoning Commissioner stating that only two building lots are to be permitted and that the Petition for Special Hearing to grant a building permit is denied.

This case is unique in the recallable history of this Board. All testimony and evidence presented in this case was so entered by stipulation and the history creates the uniqueness.

Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known that upon her death two further parcels were to be allocated, one to her grandson and one to a life-long employee, i.e., Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21+ acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee.

In 1981 Mrs. Bedgar passed away. As was stated in her will, the trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. These lots were surveyed, entered among the Land Records of Baltimore County, and entered on the tax rolls of Baltimore County in 1986.

Mr. Graziano, understandably, assumed throughout this entire time that his bequest was for a buildable parcel of land. When he applied for a building permit, said permit was denied on the assumption that Tract A of 21+ acres was the parcel considered in the R.C. 2 zoning and since two houses have already been developed, a third one would not be allowed. Strict interpretation of the Baltimore County Zoning Regulations regarding the R.C. zone verified this. Since Mr. Graziano in his mind assumed from as far back as 1976 that he was to receive a viable inheritance, it appears arbitrary for this Board to deny him the building permit making this 5+ acre parcel a viable use of the land. The legislative intent of the R.C. 2 regulations is well-documented in that the purpose of the R.C. 2 zoning is to deny haphazard, indiscriminate and objectionable development in our agricultural areas. To permit Mr. Graziano one residence on one 5+ acre tract does not seem to fall within these categories. As stated in Mr. Jablon's Opinion, on page 3, in quoting several cases:

"...In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning."
B.F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

It is the opinion of this Board that to deny the requested building permit in view of the above-quoted legal interpretation would be arbitrary on the part of this Board. The Board is aware that the granting of this building permit for one residence on this R.C. 2 parcel officially created after the enactment of the R.C. 2 regulations but morally created years prior to their enactment may be construed as opening the door to indiscriminate subdeveloping of R.C. 2 properties by way of testamentary disposition. In order to preclude

this, the Board will require that a stipulation be entered among the Land Records of Baltimore County by Mr. Graziano that, so long as the zoning on this parcel remains R.C. 2, no further subdevelopment may be permitted or any other building permits considered. In consideration of the above, the Board is of the opinion that the building permit for parcel B owned by Mr. Graziano be granted.

O R D E R

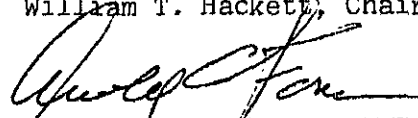
It is therefore this 1st day of March, 1988 by the County Board of Appeals of Baltimore County ORDERED that the two parcels designated in the will of Lizetta Bedgar, surveyed and entered among the Land Records of Baltimore County, and deeded to Thomas A. Bedgar, Jr., and Thomas J. Graziano be and the same are GRANTED;

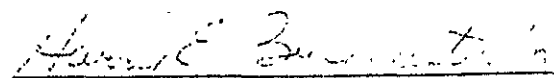
IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a building permit for a single-family dwelling on that lot known as parcel B owned by Mr. Graziano be and the same is GRANTED, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

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, Chairman


Arnold G. Foreman


Harry E. Buchheister, Jr.

11-29-88-CBA, CG, Reversed
CBA (thereby denying)

PCF1 ✓
PMZ1 ✓

CASE 87-478-SPH

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Appellant

vs.

THOMAS JEROME GRAZIANO, et al

Appellees

IN THE

CIRCUIT COURT

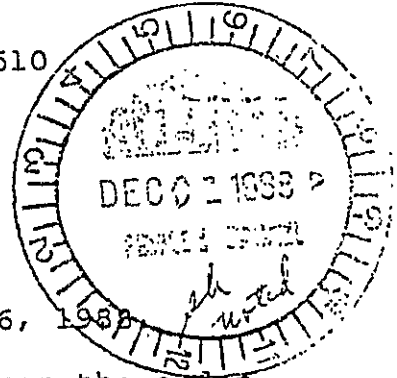
FOR

BALTIMORE COUNTY

88 CG 1510

* * * * *

OPINION



This case came before the Court on November 16, 1988 on People's Counsel for Baltimore County's appeal from the order of the County Board of Appeals dated March 1, 1988. The Board's decision on this matter was that the Petition for Special Hearing should be granted, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

The facts in this case are that Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known, through the preparation of her will, that upon her death two further parcels were to be allocated, one to her grandson and one to Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21 plus acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee. In 1981 Mrs. Bedgar passed away. As was stated in her will, the

trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. Mr. Graziano applied for a building permit and said permit was denied because Tract A was zoned R.C.2 and two houses had already been developed.

The County Board of Appeals reversed the Zoning Commissioner stating that since Mr. Graziano assumed in 1976 that he would receive a viable inheritance, that it would be arbitrary for the Board to deny him the building permit making the 5 plus acre parcel a viable use of land. The Appellee (Thomas Graziano) also argues that Section 22-42(4) of the Baltimore County Code exempts this property from the requirements of R.C. 2 zoning.

This Court, although sympathetic to Mr. Graziano under the facts, doesn't feel that the Board has properly interpreted the law. The controlling statutory authority is Baltimore County Zoning Regulation 1A01.3B1. It states that no lot of record lying within an R.C. 2 zone and having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Despite Mrs. Bedgar's intention, she has no right to change the law merely by writing a will which contains intentions contrary to the law existing at the time of her death. As to Appellee's argument that Section 22-42(4) of the Baltimore County Code exempts this property from R.C. 2 zoning requirements, this section exempts such properties from having to go through the County Review Group, but has no effect on the Baltimore County Zoning Regulations.

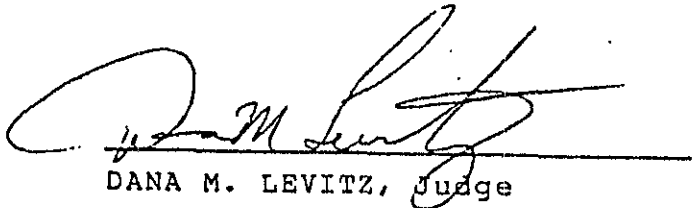
While the Board of Appeals could not legally grant Mr. Graziano the relief he desires under the law, he may yet be able to obtain permission to build a home on his property. Certainly,

Mr. Graziano can request a special exception to the zoning regulation in the form of a documented site plan.

In summary, on review of the evidence and the law this Court finds the County Board of Appeals' order to be contrary to the law. Accordingly the decision of the County Board of Appeals is reversed. Appellees to pay the costs.

Dated

11/29/83



DANA M. LEVITZ, Judge

Copies sent to:

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Jeffrey H. Gray, Esquire
County Board of Appeals

We the UNDERSIGNED ARE OPPOSED TO BUILDING
ON THIS UNDERSIZED LOT LOCATED AT 1927 BELL AVENUE
BALTIMORE MARYLAND 21227.

1. Edward J. Blaszy	1929 Belle Ave.	21227
2. Clara E. Marshall	1926 Belle Ave.	" "
3. Earl C. Phillips	1934 Bell Ave.	21227
4. Mr. & Mrs. John Fox	1928 Bell Ave	21227
5. Michael C. Papine	1915 Belle Ave	21227
6. Jennifer A. Papine	1915 Belle Ave	21227
7. Helena E. Siebert	1909 Bell Ave	21227
8. Esther M. Seymour	1935 Bell Ave	21227
9. Sylvia L. Fleesa	1936 Bell Ave	21227
10. Mr. & Mrs. W. Day	1938 Bell Ave	21227
11. Mr. & Mrs. Symon	1945 BELL AVE	21227
12. Mr. & Mrs. James Shapiro	1945A Belle Ave	21227
13. John E. Rosenberg	1947 Bell Ave	21227
14. James H. Brown	1954 Belle ave	21227
15. Barbara Blaszy	1956 Belle ave	21227
16. Kenneth E. Bell	1953 Bell Ave	21227
17. Michael C. Papine	1955 BELLE AVE	21227
18. Leuita Floto	1959 Belle Ave	21227
19. Evelyn Willis	1960 Belle Ave	21227
20. Michael B. Bader	1958 Bell Ave	" "
21. Thelma Evans	1924 Bell Ave	21227
22. Frankie M. [unclear]	1913 Bell Ave	21227
23. Dale H. [unclear]	1941 Belle Ave	21227
24. Alfred Antonelli	1958 A-BELL A	21227

25.	DAVID CARREON	1957 Bell Ave. Balt	21227
26.	Henry J. Seymour	1944 Bell Brady Ave	21227
27.	Amber Seymour	1944 Brady Ave	21227
28.	Charles E. Pail Sr	1938 Brady ave	21227
29.	Shirley K. Heath	1982 Bell Ave	21227
30.	Earl N. Hurley	1920 Bell Ave	21227
31.	Effie B. Poirer	1925 Lincoln Rd.	21227
32.	Edward C. Pail	1934 BRADY AVE	21227
33.	Katharine A. Boyle	1962 Bell Ave	21227
34.	Thaw H. Coopers	1961 Bell Ave	21227
35.	Alvin & Shirley Bussey	1936 Brady ave	21227
36.	James Thaw	1921 Lincoln Ave	21227
37.	Sammie Cordi Cousin	1919 Lincoln ave	21227
38.	Marta A. Macklin	1923 LINCOLN AVE	21227
39.	Nick Powell	1922 LINCOLN AVE	21227
40.	Jim Wieber	1926 LINCOLN AVE	21227
41.	Frank Oam	1928 LINCOLN AVE.	21227

42.

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DATE:

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE:

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

James R Sherman

JEAN BLASY

PAUL GORMAN

JOHN BLASY

2110 Lonsdowne Rd Balt 21227

14 Wynnewood CT BALTIMORE 21227

9410 John Ave Balt 21227

14 WYNNWOOD CT. BALT. MO. 21227



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Elfreida Lowe
Janet C. Miller Shaw
Dale Allen
Jennifer PAPIER
Donna Marshall
HELENA SEIBERT

1925 Lincoln Rd. 91227
1921 Lincoln Ave.
1941 Belle Ave
1915 BELLE AVE
1926 Belle Ave.
1909 Belle AVE

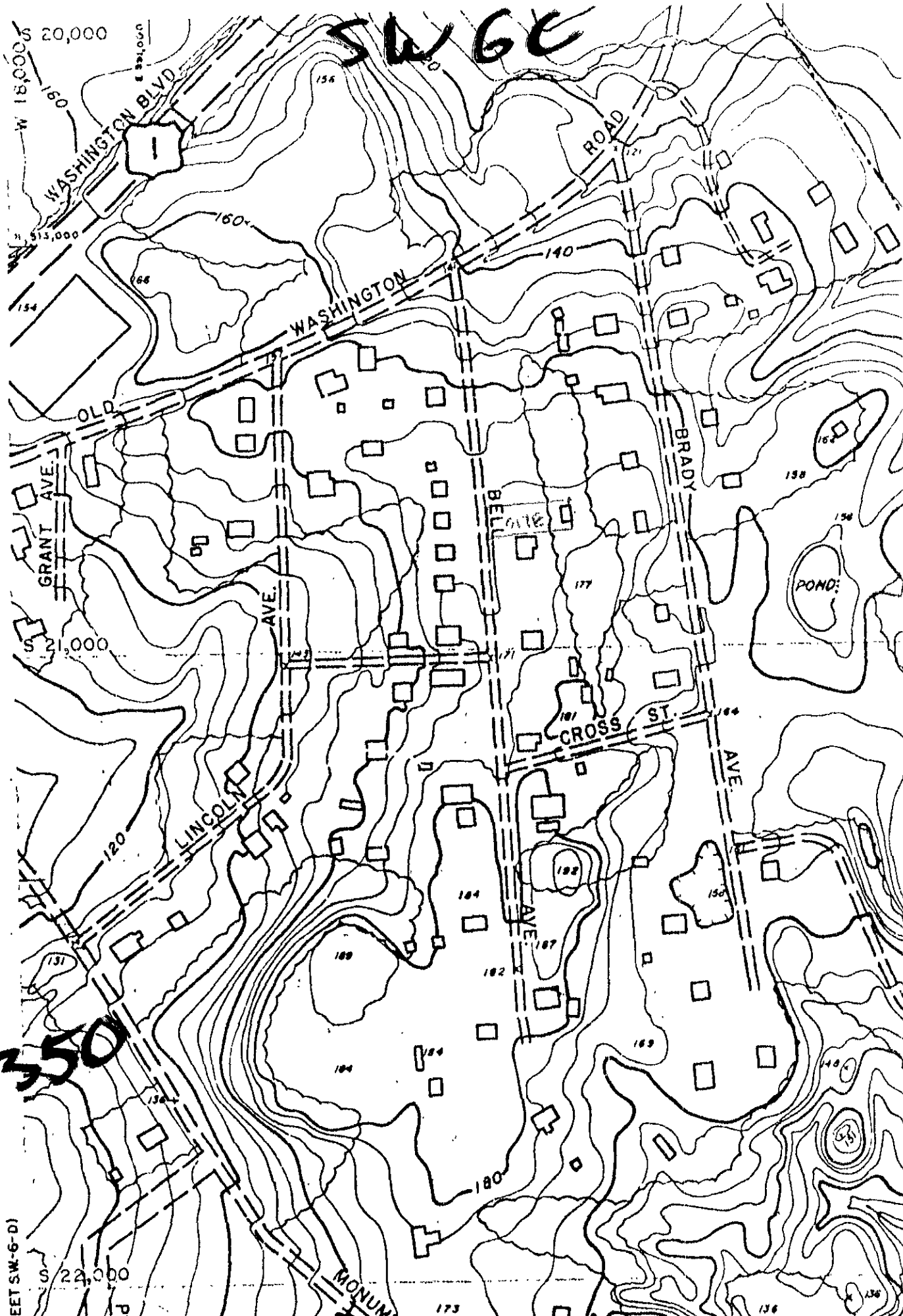
1927 BELL AVE

PAUL GORMAN 46-95

PC Exh #8

95-355-A

#350



Baltimore County Government
Administrative Office



400 Washington Avenue
Towson, MD 21204

887-2460
Fax 887-5781

August 5, 1994

TO: Tom Hamer, Acting Director
Department of Public Works

FROM: Merreen E. Kelly
Administrative Officer

SUBJECT: Halethorpe Drainage

P.C. Spl # 13

At yesterday's site visit to Lincoln Avenue in Halethorpe, County staff identified a major need for accurate survey information as a pre-requisite for helping people suffering from flooding. Please arrange to have a survey crew undertake the necessary work as soon as possible, so that we can offer some practical advice to the residents. Please contact David Fields at x3495, who will provide additional detailed information. Thank you for your cooperation.


Merreen E. Kelly

MEK/PDE/mjm
HLTHRP.DRN/PZONE/TXTPDE

cc: ✓ Councilwoman Berchie L. Manley
P. David Fields

Letter to Muehan

See Muehan

Amey Johanson

887-3317

Copy to David Fields

*Basement
PME
HA*

AUG 09 1994

Baltimore County Government
Department of Public Works



111 West Chesapeake Avenue
Towson, MD 21204-4604

①

Sept 19 94
PC E.L.
#14

TO WHOM IT MAY CONCERN:

Baltimore County wishes to request your permission to have our surveyors enter upon your property for the purpose of obtaining various topographical features. This work is necessary to complete the design of a current storm drain project, and we wish to secure your cooperation. Naturally, our crews are instructed not to disturb any plantings or any other ornamentation on your property. In addition, if anything should accidentally be destroyed, we are fully insured to correct the damage.

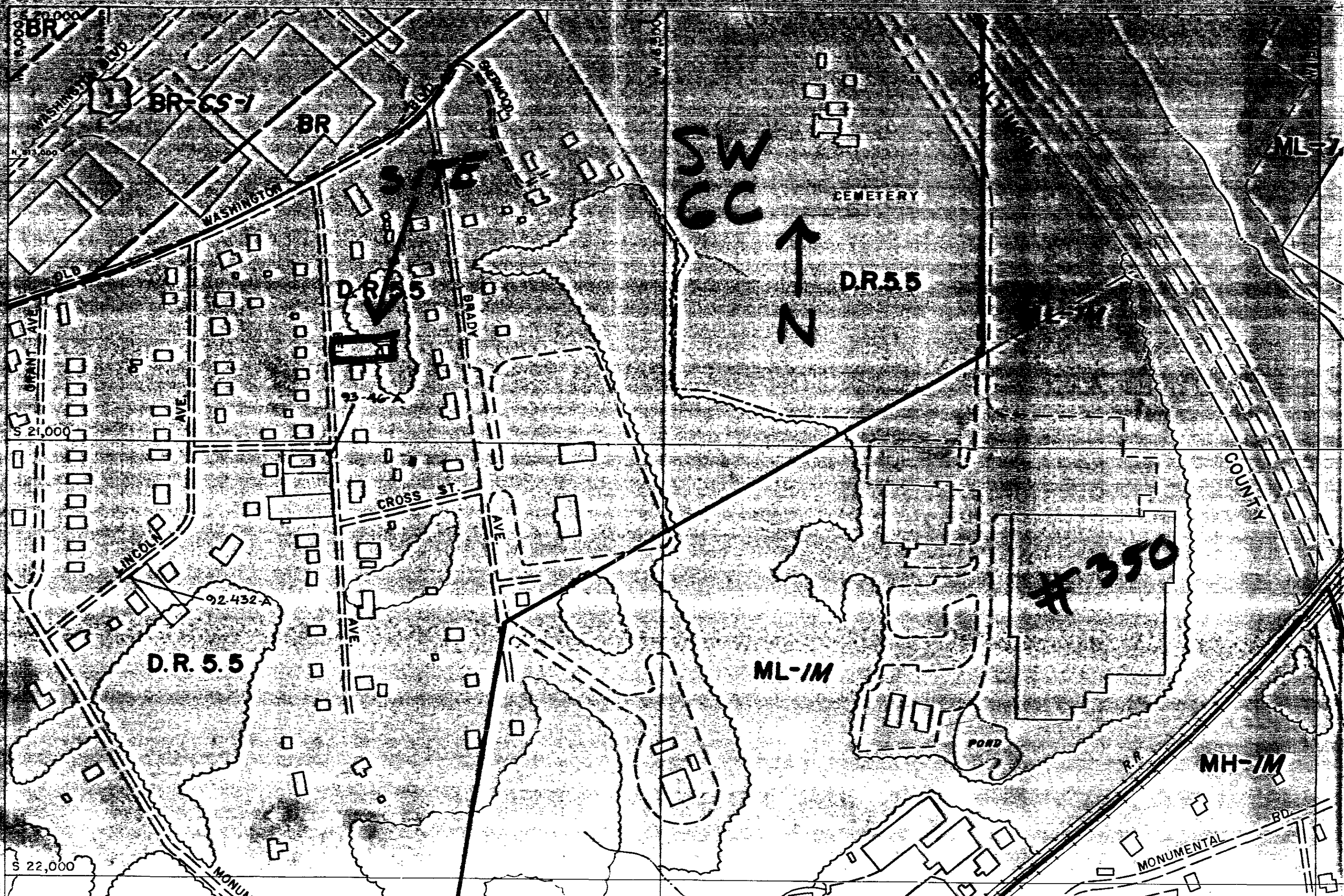
We sincerely trust you will realize the importance of this work and we shall endeavor to complete our work as promptly and efficiently as possible. Thank you for your courtesy in this matter.

If further information is desired or if you have any objections to having our surveyors enter upon your property, you may contact the Surveys Division at 887-3540.

A handwritten signature in cursive script, reading "Leonard G. Buerhaus".
Leonard G. Buerhaus
Chief, Survey Division

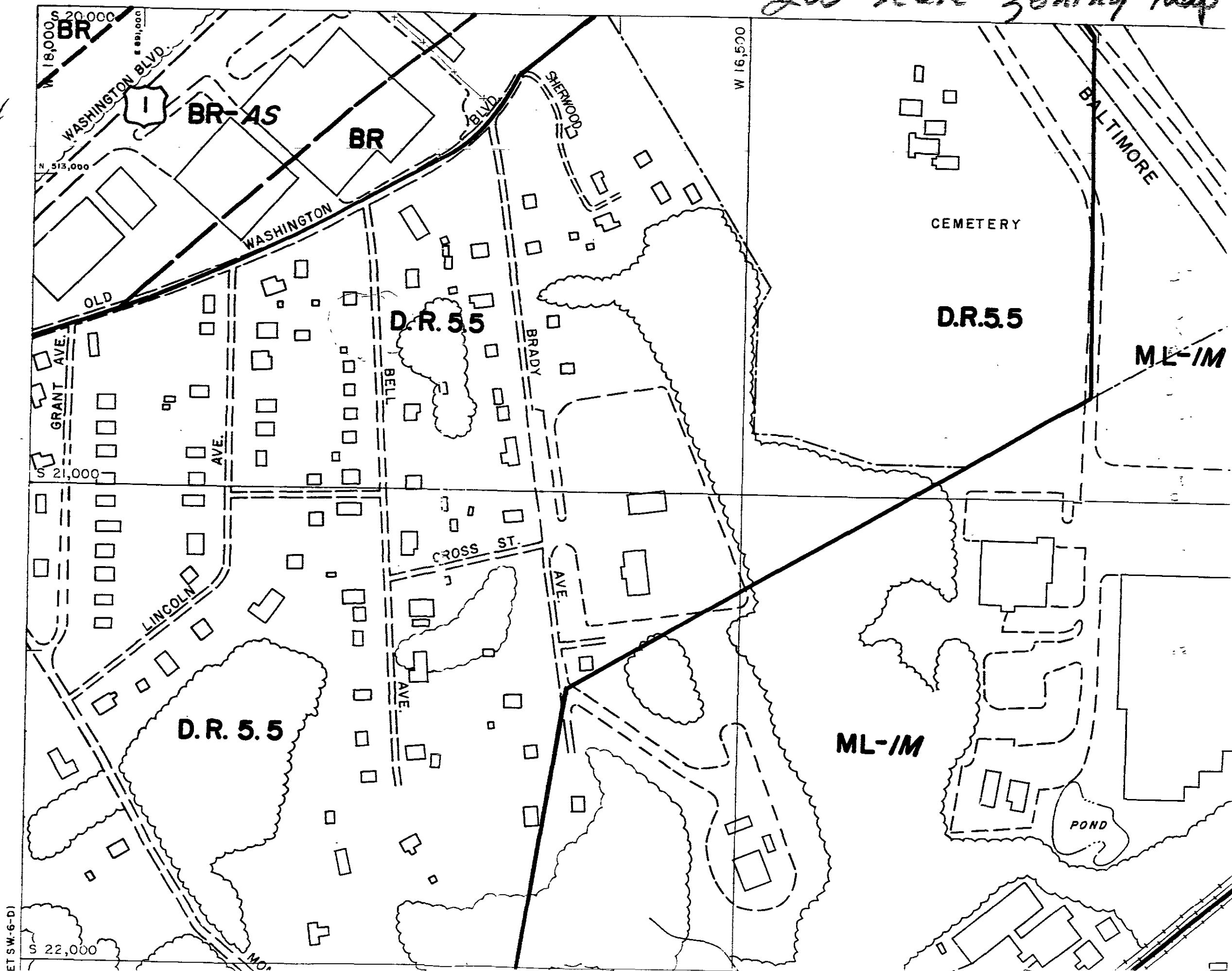
LGB:jap

95-355-A

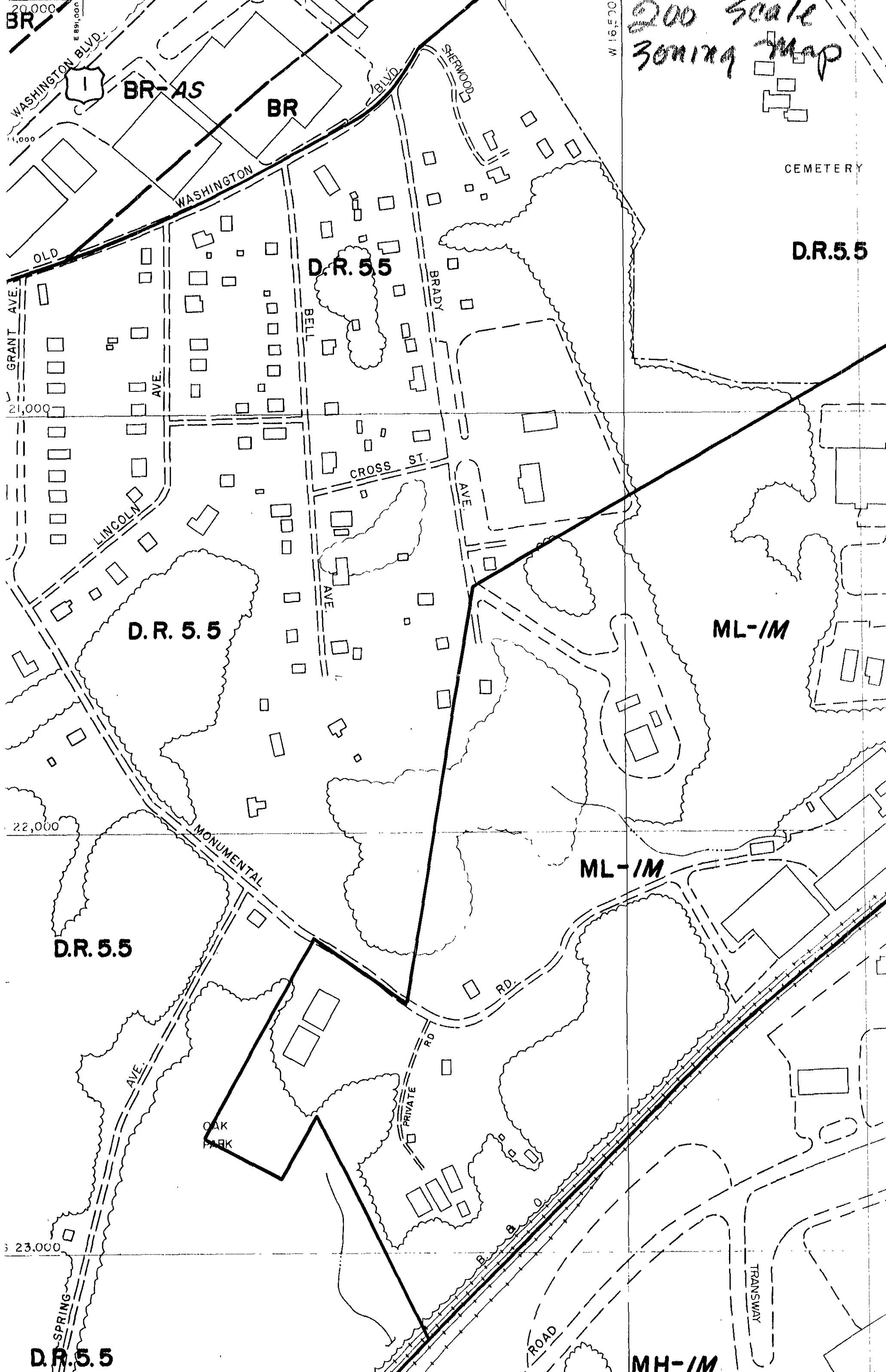


200 Scale Zoning Map

P.C. Sub # 4



ETSW-6-D



200 Scale
Zoning Map

CEMETERY

D.R.5.5

ML-1M

ML-1M

D.R. 5.5

D.R. 5.5

D.R. 5.5

BR

BR-AS

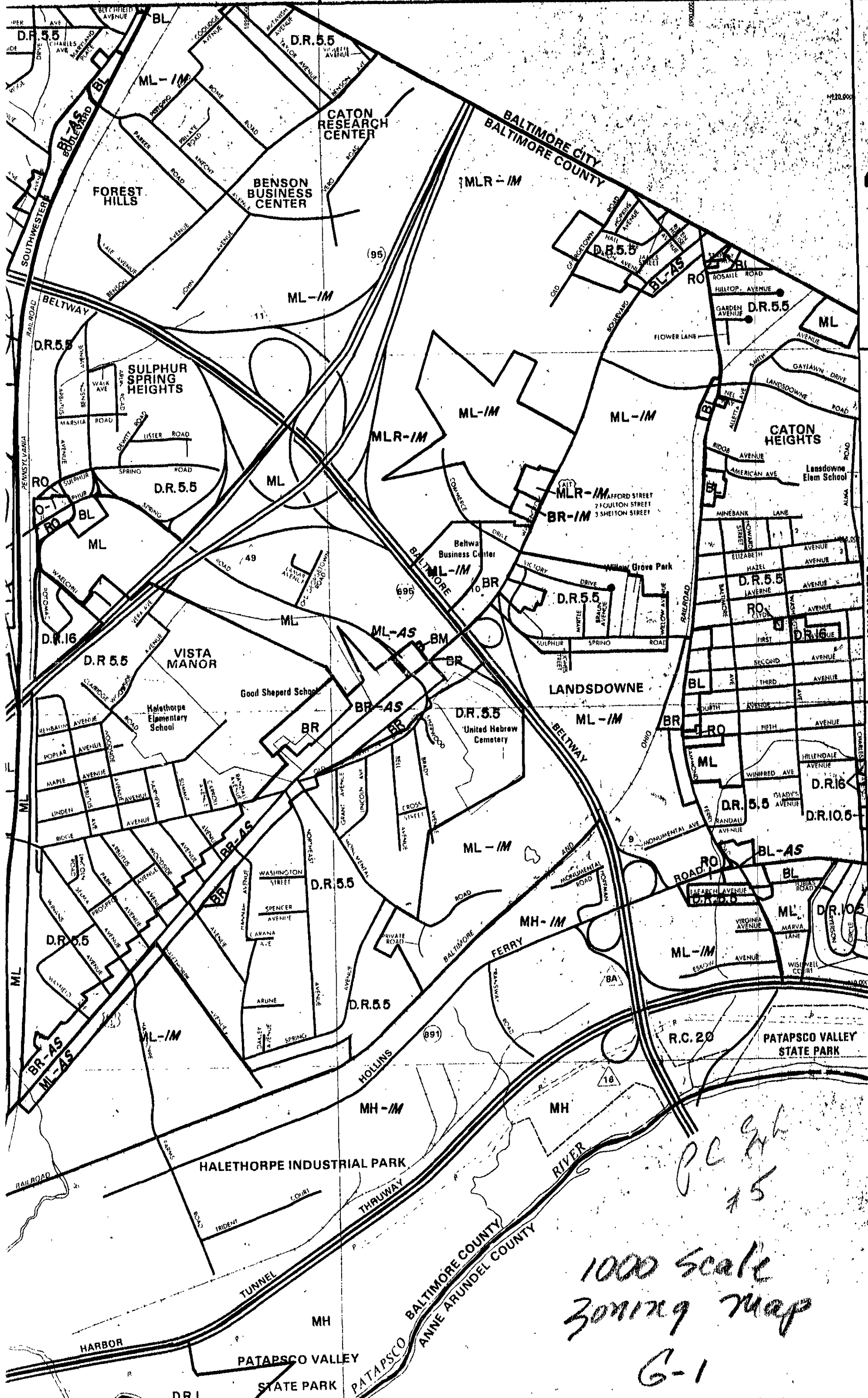
BR

D.R. 5.5

MH-1M

D

C



4

5

6

7

PC 9/15
1000 Scale
Zoning Map
G-1

CC 946
#16

Halethorpe Revitalization Plan

Baltimore County, Maryland

Recorded Jul 29, 1948 at 10:00 A M & exd per T. Braden Silcott-Clerk rec by hnh

(Exd W & T)

63069.. Elizabeth Mayorski : THIS DEED, Made this day of July, in the year one thou-
 Deed to. John Blasy et al : sand nine hundred and forty-eight, by Elizabeth Mayorski,
 USS \$.55 SS \$.55 : widow, of Baltimore County, in the State of Maryland, of
 : the first part, Grantor, and John Blasy and Emma C. Blasy,
 his wife, of the same County and State, of the second part, Grantees:

WITNESSETH, That in consideration of the sum of Five dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate and lying in the County of Baltimore, State of Maryland, described as follows:

ALL that lot of ground designated and known as Number thirty-two (32) in the subdivision of Oak Park, as per plat filed among the Plat Records of Baltimore County in Plat Book WPC No. 3, folio 145.

BEING part of the ground which by deed, dated January 30, 1941, and recorded among the aforesaid Land Records in Liber CWB, Jr. No. 1137, folio 305, was granted and conveyed by Ann Ring and husband to said Elizabeth Mayorski, Grantor herein.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her 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 granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor:

TEST:

Frankie D. Wilson

Elizabeth Mayorski (SEAL)

Frankie D. Wilson

Elizabeth Mayorski

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, TO WIT:

I HEREBY CERTIFY, THAT on this 26th day of July, in the year one thousand nine hundred and forty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for Anne Arundel County, personally appeared Elizabeth Mayorski, the Grantor in the foregoing deed, and she acknowledged the same to be her act.

AS WITNESS my hand and Notarial Seal.

(NOTARIAL SEAL)

Frankie D. Wilson

Notary Public

Frankie D. Wilson

Recorded Jul 29, 1948 at 11:00 A M & exd per T. Braden Silcott-Clerk rec by hnh

(Exd W & T)

BEING the same lots of ground described in deed dated July 17, 1948, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1688, folio 217, which was granted and conveyed by Joshua S. Hull, widower, to the said Elizabeth Mayorshi.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's 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 granted and that she will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor.

TEST: Bessie I. Gittings

Elizabeth Mayorshi (Seal)

Bessie I. Gittings

Elizabeth Mayorshi

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this 3rd day of May in the year one thousand nine hundred and fifty, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Elizabeth Mayorshi the above named grantor, and she acknowledged the foregoing Deed to be her act.

As Witness my hand and Notarial Seal.

Notarial Seal

Minnie M. Gittings

Minnie M. Gittings

Notary Public

Term exp. 5/7/51.

Rec Ma y 9 1950 at 12:10 PM exd per T Braden Silcott Clerk rec by DMP:EXD BY RB&RL

138363 Rosetta M Duncan

Asgt to Charles C Bruchey et al

US\$12.65 ST\$12.65

: THIS DEED, Made this twenty-eighth day of April

: in the year one thousand nine hundred and fifty,

: between Rosetta M. Duncan, of Baltimore County,

: in the State of Maryland, of the first part, and

Charles C. Bruchey and Bertha J. Bruchey, his wife, of Baltimore City, in said State, of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said, Rosetta M. Duncan does grant and convey unto the said Charles C. Bruchey and Bertha J. Bruchey, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her personal representatives and assigns, all that lot of ground situate in Baltimore County, in the State of Maryland, now known as No. 5549 Ashbourne Road, and described as follows, that is to say:

BEING known and designated and comprising Lot Numbered Eighty-three (83) as shown on the Revised plat of Section Two (2) of Haletherpe Heights, as drawn by E. V. Coonan and Company dated September 17, 1941, and recorded among the Plat Records of Baltimore County in Plat Book Number 12, folio 62.

BEING the same lot of ground which, by deed of assignment dated June 20, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1471, folio 179,

which plat is recorded in Baltimore County in Plat Book W.P.C. No. 8, folios 18 and 19, The improvements thereon being known as No. 708 Dale Avenue.

BEING the same lot or parcel of ground described in a Deed from Carl Wawrzyniak, widower, to the Grantors herein, dated August 17, 1949, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1771, folio 389.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his, her or their personal representatives and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever; subject to the payment of the annual rent of Ninety and 00/100 Dollars, payable half-yearly on the first days of June and December in each and every year.

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

Witness the hands and seals of said grantors.

TEST: Kenneth J. Gaeng	Malvin J. Jeness	(Seal)
Kenneth J. Gaeng	Malvin J. Jeness	-
	Anna G. Jeness	(Seal)
	Anna G. Jeness	

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this first day of May in the year one thousand nine hundred and fifty before me, the subscriber, a Notary Public of the State of Maryland, in and for aforesaid, personally appeared Malvin J. Jeness and Anna G. Jeness, his wife, the grantors named in the above Deed, and they acknowledged the foregoing Deed to be their act.

AS WITNESS my hand and Notarial Seal.

Notarial Seal	Kenneth J. Gaeng	
	Kenneth J. Gaeng	Notary Public

Rec May 9 1950 at 11:45 AM exd per T Braden Silcott Clerk rec by DMP. EXD BY RB&RL

138361 Elizabeth Mayorshi : THIS DEED, Made this 3rd day of May in the year one thousand nine hundred and fifty, by and between Elizabeth Mayorshi, widow, of Baltimore County in the State of Maryland, of the first part, and John Blasy and Emma C. Blasy, his wife, of the second part.

WITNESSETH, that in consideration of the sum of five (\$5.00) dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Elizabeth Mayorshi does grant and convey unto the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple, all those two lots of ground, situate, lying and being in Baltimore County, State, aforesaid, and described as follows, that is to say:

All those two lots or parcels of ground situate, lying and being in the Thirteenth Election District of Baltimore County and known and designated as Lots Nos. 30 and 31 as shown on the Plat of Oak Park, which said Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 3, folio 145.

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
 REAL PROPERTY SYSTEM
 BALTIMORE COUNTY

11/08/95

PRIMARY SCREEN

DISTRICT: 13 ACCT NO: 1302470050

SUBDIST:

OWNER NAME / MAILING ADDRESS

BLASY JOHN
 BLASY EMMA C
 145 BEACH RD
 STEVENSVILLE

MD 21666

DEED REF 1) / 1690/ 43
 2)

PLAT REF 1) 3/ 145

EXEMPT STATUS/CLASS
 0 000

PRINCIPAL
 RESIDENCE
 NO

PREMISE ADDRESS

1927 BELL AVE

TOWN GEO ADVAL TAX LAND COUNTY
 CODE CODE CODE CLASS USE USE
 000 80 000 R 04

LEGAL DESCRIPTION

BELL AV
 OAK PARK

MAP GRID PARCEL SUB-DIV PLAT SECT BLOCK LOT
 109 7 396 32

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
 REAL PROPERTY SYSTEM
 BALTIMORE COUNTY

11/08/95

VALUES SCREEN

DISTRICT: 13 ACCT NO: 1302470050

SUBDIST:

OWNER NAME: BLASY JOHN

TOWN CODE: 000

	BASE VALUE	CURRENT VALUE AS OF 01/01/95	PHASE-IN VALUE AS OF 07/01/96	PHASE-IN ASSESSMENTS AS OF 07/01/95	ASSESSMENTS AS OF 07/01/96
LAND :	24,420	24,420			
IMPT :	0	0			
TOTAL :	24,420	24,420	24,420	9,760	9,760

PREF LAND: 0 0 0 0 0

PRIMARY STRUCTURE DATA
 YEAR BUILT ENCLOSED AREA
 0000

LAND AREA: 6,300.00 SF

PARTIAL EXEMPT ASSESSMENTS
 CODE 07/01/95 07/01/96
 COUNTY 000 0 0
 STATE 000 0 0
 MUNICIPAL 000 0 0

PRESS: <F1> PRIMARY SCRIN

<F3> SELECT NEXT PROPERTY

11/11/95

AB Ex 4

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
 REAL PROPERTY SYSTEM
 BALTIMORE COUNTY

11/08/95

PRIMARY SCREEN

DISTRICT: 13 ACCT NO: 1302470051

SUBDIST:

OWNER NAME / MAILING ADDRESS
 BLASY JOHN
 BLASY EMMA C
 145 BEACH RD
 STEVENSVILLE MD 21666

DEED REF 1) / 1839/ 252
 2)
 PLAT REF 1) 3/ 145
 EXEMPT STATUS/CLASS
 0 000

PRINCIPAL
 RESIDENCE
 NO

PREMISE ADDRESS
 1929 BELLE AVE

TOWN GEO ADVAL TAX LAND COUNTY
 CODE CODE CODE CLASS USE USE
 000 80 000 R 04

LEGAL DESCRIPTION
 LT 30,31

MAP GRID PARCEL SUB-DIV PLAT SECT BLOCK LOT
 109 7 396

OAK PARK
 TRANSFERRED FROM:

PRESS: <F1> VALUES SCRIN

<F3> SELECT NEXT PROPERTY

MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION
 REAL PROPERTY SYSTEM
 BALTIMORE COUNTY

11/08/95

VALUES SCREEN

DISTRICT: 13 ACCT NO: 1302470051

SUBDIST:

OWNER NAME: BLASY JOHN

TOWN CODE: 000

	BASE VALUE	CURRENT VALUE AS OF 01/01/95	PHASE-IN VALUE AS OF 07/01/96	PHASE-IN ASSESSMENTS AS OF 07/01/95	ASSESSMENTS AS OF 07/01/96
LAND :	33,450	33,450			
IMPT :	42,540	41,070			
TOTAL :	75,990	74,520	74,520	29,800	29,800

PREF LAND: 0 0 0 0 0

PRIMARY STRUCTURE DATA
 YEAR BUILT ENCLOSED AREA
 1953 778 SF

PARTIAL EXEMPT ASSESSMENTS
 CODE 07/01/95 07/01/96
 COUNTY 000 0 0
 STATE 000 0 0
 MUNICIPAL 000 0 0

LAND AREA: 12,800.00 SF

PRESS: <F1> PRIMARY SCRIN

<F3> SELECT NEXT PROPERTY

43
Ex 5

VALID ONLY
WITH
IMRESSED
SEAL

I HEREBY CERTIFY THAT THE ATTACHED IS A TRUE COPY OF A
RECORD ON FILE IN THE DIVISION OF VITAL RECORDS.

888430

6th Ex 6

STATE OF MARYLAND / DEPARTMENT OF HEALTH AND MENTAL HYGIENE
CERTIFICATE OF DEATH

REG. NO.

1. FOR
STATE
REGISTRAR

1. DECEDENT'S NAME (First, Middle, Last) Emma Carolyn Blasy		2. DATE OF DEATH MONTH 08 DAY 12 YEAR 93		3. TIME OF DEATH M	
4. SOCIAL SECURITY NUMBER 212-28-4892		5. SEX 1 ☐ M 2 ☒ F		6. AGE (In yrs. last birthday) 73 YRS.	
7. DATE OF BIRTH (Month, Day, Year) 2/2/20		8. BIRTHPLACE (State or Foreign Country) Maryland		9. COUNTY OF DEATH Queen Anne's	
10. FACILITY NAME (If not institution, give street and number) 145 Beach Road		11. CITY, TOWN OR LOCATION OF DEATH Stevensville		12. INSIDE CITY LIMITS? 1 ☐ YES 2 ☒ NO	
13. STATE Maryland		14. COUNTY Queen Anne's		15. CITY, TOWN OR LOCATION Stevensville	
16. STREET AND NUMBER 145 Beach Road		17. ZIP CODE		18. CITIZEN OF WHAT COUNTRY? USA	
19. MARITAL STATUS 1 ☐ Never Married 2 ☐ Married 3 ☒ Widowed 4 ☐ Divorced		20. WAS DECEDENT EVER IN U.S. ARMED FORCES? 1 ☐ YES 2 ☒ NO IF YES, GIVE YEAR OR DATES		21. WAS DECEDENT OF HISPANIC ORIGIN? (Specify Yes or No— If yes, specify Cuban, Mexican, Puerto Rican, etc.) 1 ☐ YES 2 ☒ NO Specify:	
22. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (0-12) College (1-4 or 5+)		23. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do NOT use retired) Homemaker		24. KIND OF BUSINESS/INDUSTRY Self	
25. FATHER'S NAME (First, Middle, Last) Paul Hoffman		26. MOTHER'S NAME (First, Middle, Maiden Surname) Grace A. Lesner		27. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 14 Wynnewood Court, Arbutus, Maryland 21227	
28. INFORMANT'S NAME (Type/Print) John K. Blasy		29. PLACE AND DATE OF DISPOSITION (Name of cemetery, crematory or other place) Meadowridge Cemetery 8/15/93		30. LOCATION — City or Town, State Dorsey, Maryland	
31. METHOD OF DISPOSITION 1 ☒ Burial 2 ☐ Cremation 3 ☐ Removal from State 4 ☐ Donation 5 ☐ Other (Specify)		32. NAME AND ADDRESS OF FACILITY Ambrose Funeral Home, Inc. 1328 Sulphur Spr. Rd. Arbutus, Md. 21227		33. SIGNATURE OF FUNERAL SERVICE LICENSEE Joseph J. Ambrose, Jr.	
34. PART I. Enter the diseases, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → ASCVD C.O.P.D.		35. DUE TO (OR AS A CONSEQUENCE OF): a. b. c. d.		36. APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH 5 yrs 5 yrs	
37. PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.		38. WAS AN AUTOPSY PERFORMED? 1 ☐ YES 2 ☒ NO		39. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? 1 ☐ YES 2 ☐ NO	
40. WAS CASE REFERRED TO MEDICAL EXAMINER? 1 ☒ YES 2 ☐ NO		41. PLACE OF DEATH (Check only one) HOSPITAL: 1 ☐ Inpatient 2 ☐ ER/Outpatient 3 ☐ DOA OTHER: 4 ☒ Nursing Home 5 ☒ Residence 6 ☐ Other (Specify)		42. MANNER OF DEATH 1 ☒ Natural 2 ☐ Accident 3 ☐ Suicide 4 ☐ Homicide 5 ☐ Pending Investigation 6 ☐ Could not be determined	
43. DATE OF INJURY (Month, Day, Year)		44. TIME OF INJURY M		45. INJURY AT WORK? 1 ☐ YES 2 ☐ NO	
46. PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify)		47. DESCRIBE HOW INJURY OCCURRED		48. LOCATION (Street and Number or Rural Route Number, City or Town, State)	
49. CERTIFIER (Check only one) 1 ☐ CERTIFYING PHYSICIAN: To the best of my knowledge, death occurred at the time, date and place, and due to the cause(s) and manner as stated. 2 ☒ MEDICAL EXAMINER: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner as stated.		50. SIGNATURE AND TITLE OF CERTIFIER John R. Smith		51. LICENSE NUMBER D12345	
52. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (USE 37) (Type, Print) John R. Smith		53. DATE SIGNED (Month, Day, Year) 8-15-93		54. SIGNATURE OF PERSON WHO COMPLETED CAUSE OF DEATH ms	

TO BE COMPLETED BY FUNERAL DIRECTOR

TO BE COMPLETED BY PHYSICIAN: MEDICAL CERTIFICATION

ap.
Ex 7

IN THE NAME OF GOD, AMEN

I, EMMA C. BLASY, of Queen Anne County, State of Maryland, being of sound and disposing mind, memory and understanding, realizing the uncertainty of this life but the certainty of the end thereof, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking all former Wills or other testamentary dispositions that may have been heretofore made by me.

*Emma
C
Blasy*
ITEM ONE: I direct my Personal Representative, hereinafter named, to pay all my just debts and funeral expenses; and I authorize and empower my Personal Representative to expend for these purposes such sums as he or she may deem fitting and proper without regard to any limit that may be prescribed by law and without the necessity of obtaining the prior or subsequent sanction of the Orphans' Court for Queen Anne County or any other Court.

ITEM TWO: I give, devise and bequeath my fee simply property known as 1929 Belle Avenue, Baltimore County, Maryland unto my son, EDWARD J. BLASY, a life interest with no powers or authority to sell, lease, rent or otherwise dispose of same, and upon his death, unto my grandson, JOHNNY K. BLASY, absolutely.

ITEM THREE: I give, devise and bequeath all of the rest, residue and remainder of my estate, both real, personal and

mixed, of whatsoever kind, nature and description, and wheresoever the same may be situate, which I may own at the time of my death or over which I may have power of disposition to my grandson, JOHNNY K. BLASY, absolutely.

Imma C. Blasy
ITEM FOUR: I hereby nominate, constitute and appoint my grandson, JOHNNY K. BLASY, to be Personal Representative of this my Last Will and Testament, and I hereby direct that he may be excused from the necessity of having to post bond for the faithful performance of his duties as such, other than that required by law; that in the event my said grandson, JOHNNY K. BLASY, shall predecease me, then in such event, I hereby nominate, constitute and appoint JEAN BLASY, to be Personal Representative of this my Last Will and Testament, and I hereby direct that she may be excused from the necessity of having to post bond for the faithful performance of her duties as such, other than that required by law. I hereby direct and confer upon my Personal Representative full power to do any and all things necessary for the complete administration of my estate, including but not limited to the power, in his/her sole discretion to sell, transfer, lease or exchange the whole or any part of my estate, whether real, personal or mixed, at public or private sale or sales at such price or prices and upon such terms and conditions as he/she may deem best, without the necessity of application or ratification to the Orphans' Court for Queen Anne County or any other Court or public authority for authority so to do and

without obligation upon any purchaser or purchasers to see to the application of the purchase money as fully as I could do if living. I further authorize and direct my Personal Representative to make such distribution, partition or appointment, in kind or in part, of any of my estate, in such manner as in his/her judgment may be necessary and advisable to carry out the terms and provisions of this my Last Will and Testament.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 23 day of August, 1991.

Emma C. Blasy (SEAL)
EMMA C. BLASY

SIGNED, SEALED, PUBLISHED and DECLARED by the above-named Testatrix, EMMA C. BLASY, as and for her Last Will and Testament, in the presence of us, who at her request, in her presence and in the presence of each other, have hereunto subscribed our names as witnesses.

Ruth M. Hamer
NAME

Charles E. Dotson
NAME

4201 Spring Ave 21227
ADDRESS

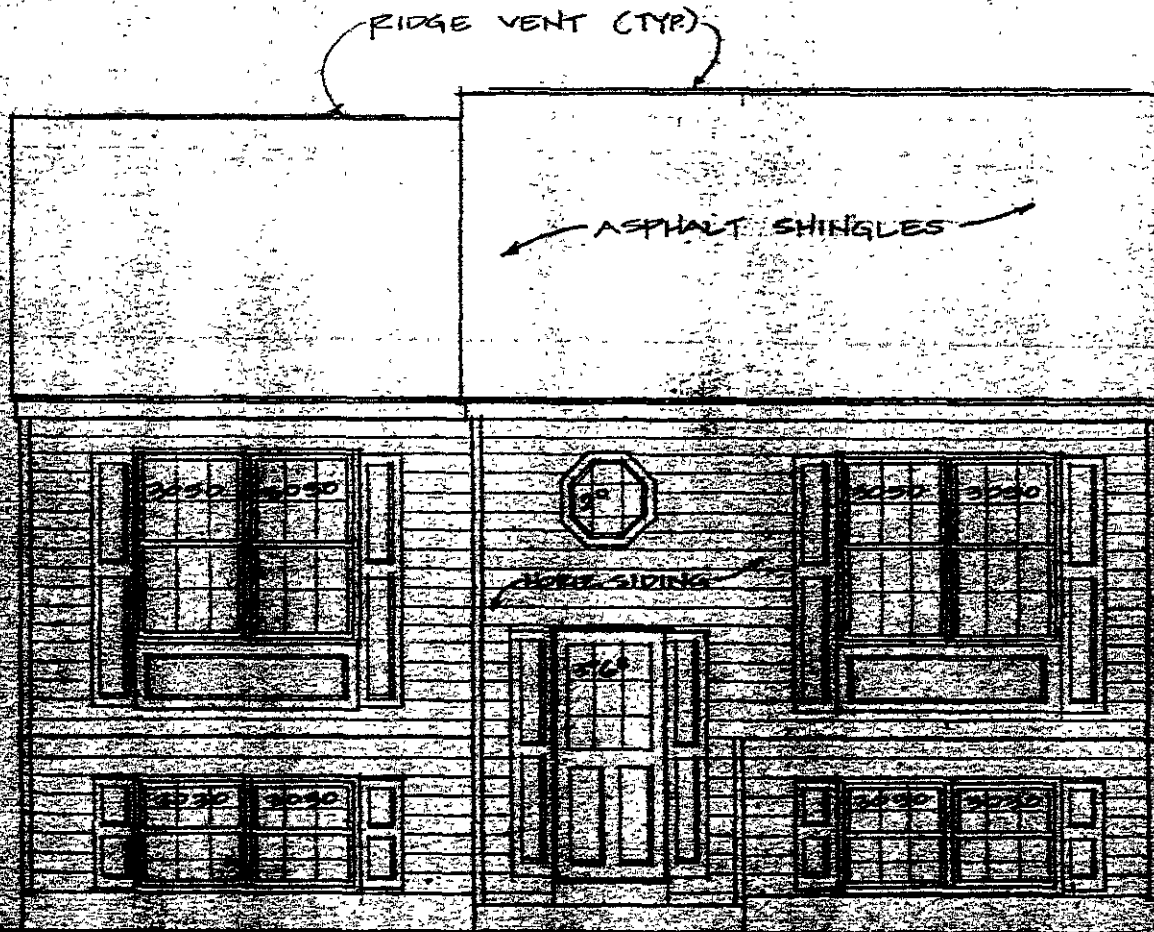
5918 Oakland Rd 21227
ADDRESS



93-46-A

App Ex 12

g. Sub #13



FRONT ELEVATION 1/4" = 1'-0"

'CARLYSLE'

SHI	
SCALE	AS SHOWN
DATE	2-1
DATE	DA
APPROVED	

TITLE

App. *E* 14

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

TO: Arnold Jablon, Director DATE: April 24, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 24, 1995
Item No. 350

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for the undersized lot, the driveway entrance will be built per Dept. of Public Works Standard Plate R-15, "Typical Driveway Entrance from Road without Curb and Gutter."

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-14-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 350 (MJK)

Dear Ms. Watson:

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

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

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division.

BS/

App Ex 15

My telephone number is _____

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

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

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 04/19/95

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

App Ex 16

41

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 17, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 341, 342, 344, 345,
347, 348, 349, 350 AND 351.

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE 887-4281, MS-1102F

cc: File



Joyce Watson
AC Comments

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4/28/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4/17/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 341
344
345
348
349
350 ✓
351

App Ex 17

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director *A*
Office of Planning and Zoning

DATE: April 21, 1995

SUBJECT: 1927 Bell Avenue

App Ex 18

INFORMATION:

Item Number: 350
Petitioner: John Blasy
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance to permit a 50' lot width in lieu of 55' and approval of an undersized lot.

The applicant's request does not meet the requirements of Section 304.1B of the Baltimore County Zoning Regulations and should, therefore, be denied.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Keras*

PK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

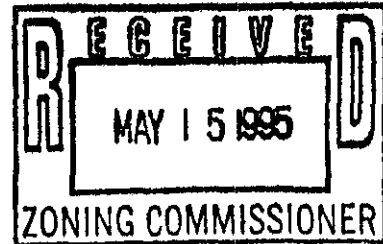
95-355-A
Jmk

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 10, 1995

SUBJECT: 1927 Bell Avenue



INFORMATION:

Item Number: 350
Petitioner: John Blasy
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Variance to permit a 50' lot width in lieu of 55' and approval of an undersized lot.

The applicant's request does not meet the requirements of Section 304.1B of the Baltimore County Zoning Regulations and should, therefore, be denied.

REVISED COMMENT

It has come to our attention that due to a typographical error, our comment of April 21, 1995 cited the wrong Section of the Baltimore County Zoning Regulations. The appropriate Section is in fact Section 304.1C.

A copy of this amended comment has been forwarded to the applicant.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Kerns

EK/JL

1927 BELL AVE

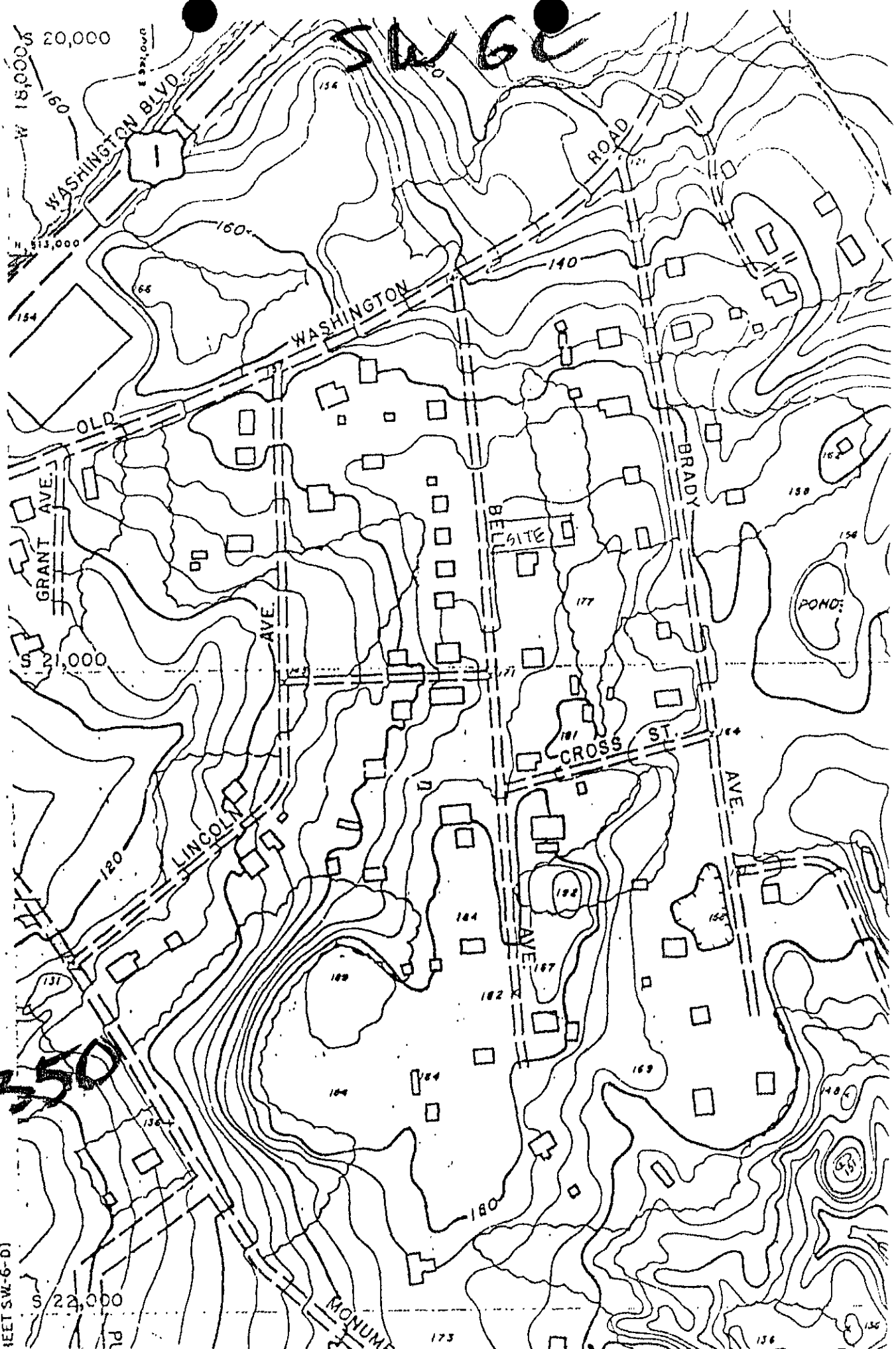
PAVL CURMAN 4-6-9.

SW 6C

Oct 1919

95-355-A

#350



HEET SW-6-D)

S 22,000

PL

MONUM

175

136

136

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 21204, Monday thru Friday between the hours of 8:30 a.m. and 4:30 p.m.

For tax bills dated July 1, a discount of 1% of the Baltimore County tax will be allowed for July payment or a 1/2% discount 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 rate of 1% per month, until paid. For bills other than July 1, a discount of 1% of the county tax will be allowed, provided the net bill is paid within 30 days from the billing date. After 30 days, interest at the rate of 1% per month will be added until paid. Discounts, interest and penalties are calculated on the net amount of bill after any credits have been applied.

This bill is due when rendered. If you have appealed your assessment and the appeal is still pending, you must pay this bill in order to avoid interest and penalties. Should your appeal result in a reduction in the amount of tax due, the overpayment will be refunded to you with interest.

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 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.

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.

See enclosed brochure for additional information and/or change of mailing address.

MAKE CHECKS
 PAYABLE TO:
 BALTIMORE COUNTY, MD.

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES

TAXPAYER'S COPY
 DETACH AND RETAIN
 TELEPHONE: 887-2403

LEVY PERIOD
 JULY 1, 1995-JUNE 30, 1996

ELECTION DISTRICT
 13

BILL CODE
 1-1

ASSESSMENT
 29,800

PROPERTY NUMBER YEAR
 13-02-470051 96 1

BILL DATE
 07/01/95

METROPOLITAN CHARGES

SEWER BENEFIT	60.00
SEWER SERVICE	17.00
WATER BENEFIT	
WATER DISTRIBUTION	42.20
TOTAL METROPOLITAN	119.20

PROPERTY STATUS

NON-
 OWNER
 OCCUPIED

COUNTY TAX
 STATE TAX
 METROPOLITAN CHARGES
 UTILITIES REPAYMENT

RATE
 PER \$100
 2.855
 .21

CHARGES

850.79
 62.58
 119.20
 96.51

OWNER'S NAME AND ADDRESS

BLASY JOHN
 BLASY EMMA C
 145 BEACH RD
 STEVENSVILLE MD 21666

PROPERTY DESCRIPTION

OAK PARK
 LT 30.31
 1929 BELLE

LOT BLOCK SEC PLAT BOOK FOLIO
 03 145

CONSTANT YIELD 2.827 DIFFERENCE 0.028

GROSS BILL 1,129.08

INTEREST/
 DISCOUNT

NET
 TOTAL

Ag. 94L
#20

REAL PROPERTY TAX BILL
IMPORTANT INFORMATION FOR PROPERTY OWNERS

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MAKE CHECKS
PAYABLE TO:
BALTIMORE COUNTY, MD.

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES

TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 887-2403

LEVY PERIOD
JULY 1, 1995-JUNE 30, 1996

ELECTION
DISTRICT
13

BILL
CODE
1-1

ASSESSMENT
9,760

PROPERTY NUMBER YEAR
13-02-470050 96 3

BILL DATE
07/01/95

METROPOLITAN CHARGES

SEWER BENEFIT	30.00
SEWER SERVICE	
WATER BENEFIT	
WATER DISTRIBUTION	
TOTAL METROPOLITAN	30.00

**PROPERTY
STATUS**

NON
OWNER
OCCUPIED

COUNTY TAX
STATE TAX
METROPOLITAN CHARGES
UTILITIES, REPAYMENT

**RATE
PER \$100**

2.855
.21

CHARGES

278.65
20.50
30.00
32.46

OWNER'S NAME AND ADDRESS

BLASY JOHN
BLASY EMMA C
145 BEACH RD
STEVENSVILLE MD 21666

PROPERTY DESCRIPTION

OAK PARK
1927 BELL

LOT BLOCK SEC PLAT BOOK FOLIO
32 03 145

CONSTANT YIELD 2.827 DIFFERENCE 0.028

GROSS BILL 361.61

INTEREST/
DISCOUNT

NET
TOTAL

Sp. Sub #21

August 1, 1995

Edward Blasy
1929 Bell Ave.
Baltimore, Maryland 21227

Dear Edward,

It has been brought to my attention that you have recently cut down several trees on the vacant lot adjacent to where you reside. This action was not authorized by either John or I. **You do not have the authority to alter this property in any way, shape or form unless John or I give you the approval to do so.**

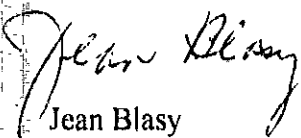
We have someone whom is interested in *buying this property* and has expressed their attraction to this property condition " as it is " therefore, do not make any other alterations to it at all unless you discuss them with us first and we agree to them.

Legally your interest in Bell Ave is ONLY IN THE HOUSE ITSELF. The attorney, Charles Norton, whom wrote the Will for Emma C. Blasy, advised that the intent of the deceased, Emma Blasy, was " that Edward had a roof over his head and the Will specifically states that **you have absolutely no powers at all.** Now as far as the house is concerned, I believe you need to be concerned about the roof. It would appear to me that based on the age of the roof it needs to be replaced. I suggest you have this taken care very shortly - and you do have our permission to do that. Now if you choose not to have the roof replaced I will hire a contractor at your expense and have it taken care of. My recommendation is that the roof be replaced on or before January 1, 1996.

Just so you understand. **Do not deface the property in any way, shape, or form. You have no right to do so. Your life interest is only in the house. It is in your best interest to maintain the condition of the house itself.** Unfortunately, you have created this situation and made it to be what it has become and I hope you are happy causing all of this animosity.

If you have any questions regarding this letter, you may contact me by mail at my home address 14 Wynnewood Court, Baltimore, Maryland 21227 do not call me by phone.

Sincerely yours,

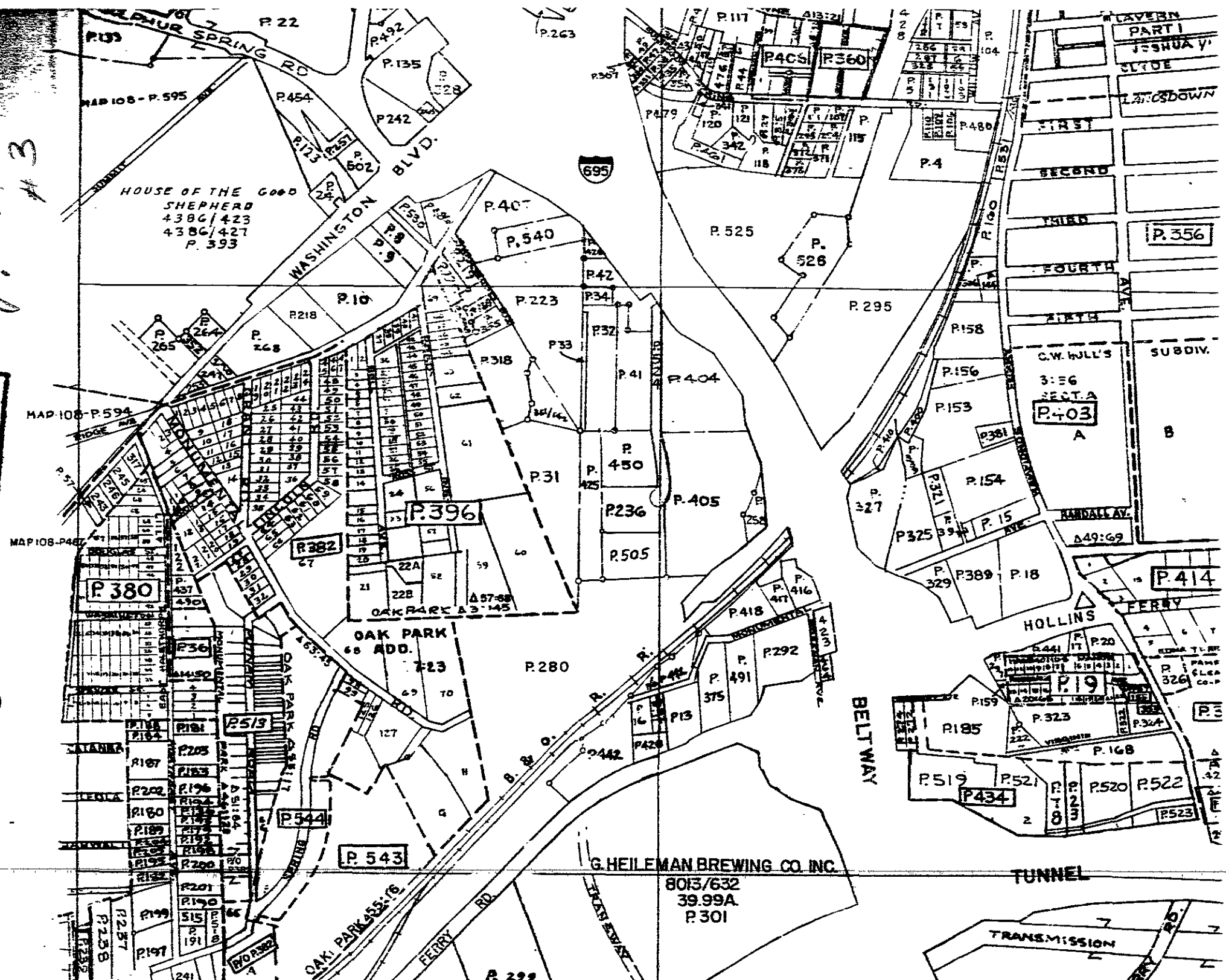

Jean Blasy

PC.No 1



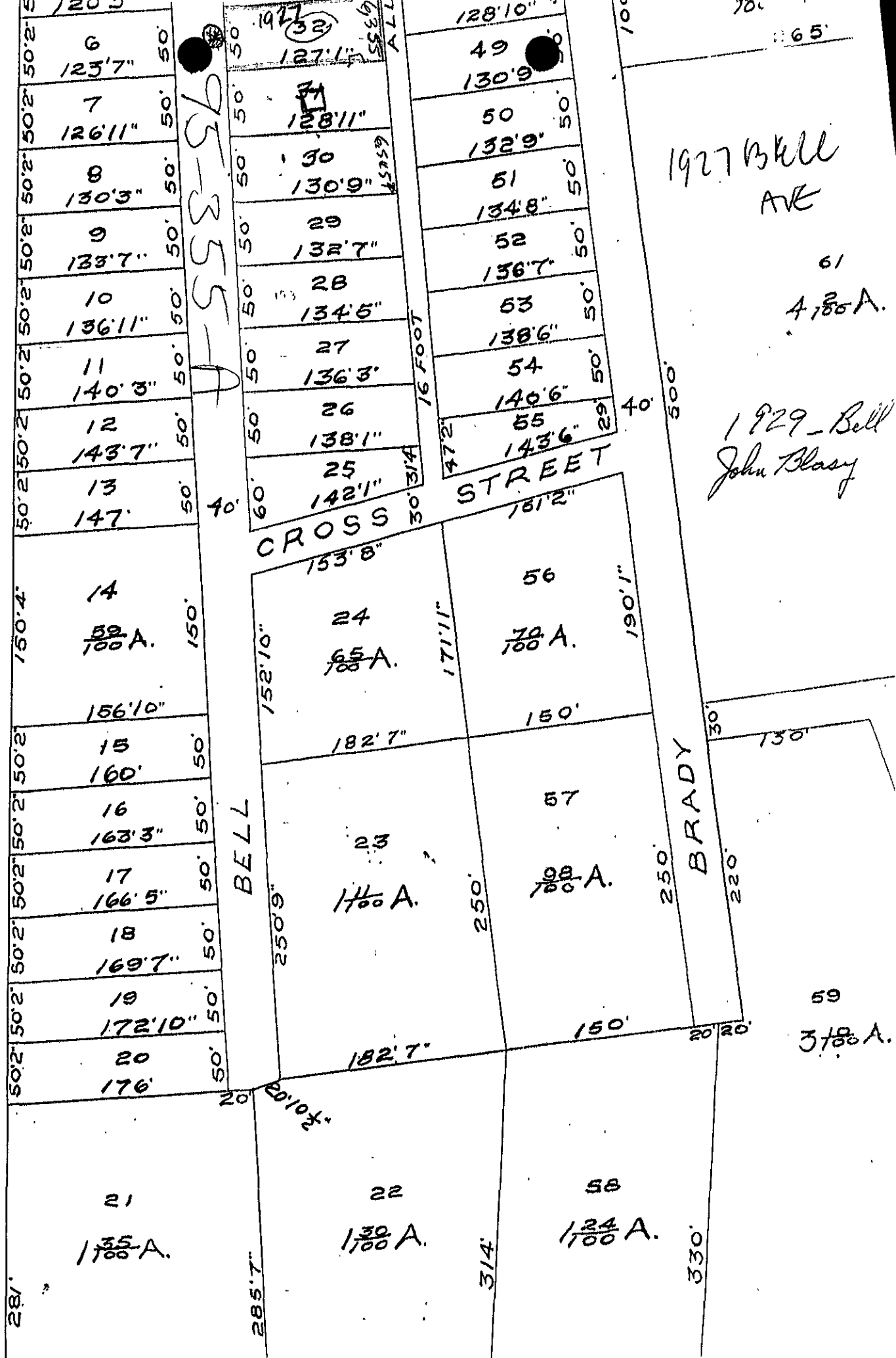
(108)

MAP	GRID	PAROEL
1081	7	



*City of St. Louis
 1927 Bell Ave*

050 #



which plat is recorded in Baltimore County in Plat Book W.P.C. No. 8, folios 18 and 19, The improvements thereon being known as No. 700 Dale Avenue.

BEING the same lot or parcel of ground described in a Deed from Carl Wawrzyniak, widower, to the Grantors herein, dated August 17, 1949, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1771, folio 389.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his, her or their personal representatives and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever; subject to the payment of the annual rent of Ninety and 00/100 Dollars, payable half-yearly on the first days of June and December in each and every year.

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

Witness the hands and seals of said grantors.

TEST: Kenneth J. Gaeng	Malvin J. Jenoss	(Seal)
Kenneth J. Gaeng	Malvin J. Jenoss	
	Anna G. Jonoss	(Seal)
	Anna G. Jenoss	

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this first day of May in the year one thousand nine hundred and fifty before me, the subscriber, a Notary Public of the State of Maryland, in and for aforesaid, personally appeared Malvin J. Jenoss and Anna G. Jonoss, his wife, the grantors named in the above Deed, and they acknowledged the foregoing Deed to be their act.

AS WITNESS my hand and Notarial Seal.

Notarial Seal	Kenneth J. Gaeng	
	Kenneth J. Gaeng	Notary Public

Rec May 9 1950 at 11:45 AM exd per T Braden Silcott Clerk rec by DMP. EXD BY RB&RL

130361 Elizabeth Mayorshi : THIS DEED, Made this 3rd day of May in the year one thousand nine hundred and fifty, by and between Elizabeth Mayorshi, widow, of Baltimore County in the State of Maryland, of the first part, and John Blasy and Emma C. Blasy, his wife, of the second part.

WITNESSETH, that in consideration of the sum of five (\$5.00) dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Elizabeth Mayorshi does grant and convey unto the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple, all those two lots of ground, situate, lying and being in Baltimore County, State, aforesaid, and described as follows, that is to say:

All those two lots or parcels of ground situate, lying and being in the Thirteenth Election District of Baltimore County and known and designated as Lots Nos. 30 and 31 as shown on the Plat of Oak Park, which said Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 3, folio 145.

Exhibit C

James R. Shivers 9/13/94

350

Recorded Jul 29, 1948 at 10:00 A M & exd per T. Braden Silcott-Clerk rec by hah

(Exd W & T)

63069 Elizabeth Mayorski : THIS DEED, Made this day of July, in the year one thou-
Deed to John Blasy et al : sand nine hundred and forty-eight, by Elizabeth Mayorski,
USS \$.55 SS \$.55 : widow, of Baltimore County, in the State of Maryland, of
the first part, Grantor, and John Blasy and Emma C. Blasy,
his wife, of the same County and State, of the second part, Grantees:

WITNESSETH, That in consideration of the sum of Five dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate and lying in the County of Baltimore, State of Maryland, described as follows:

ALL that lot of ground designated and known as Number thirty-two (32) in the subdivision of Oak Park, as per plat filed among the Plat Records of Baltimore County in Plat Book WPC No. 3, folio 145.

BEING part of the ground which by deed, dated January 30, 1941, and recorded among the aforesaid Land Records in Liber CMB, Jr. No. 1137, folio 305, was granted and conveyed by Ann Ring and husband to said Elizabeth Mayorski, Grantor herein.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her 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 granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor:

TEST:

Frankie D. Wilson

Elizabeth Mayorski (SEAL)

Frankie D. Wilson

Elizabeth Mayorski

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, TO WIT:

I HEREBY CERTIFY, THAT on this 26th day of July, in the year one thousand nine hundred and forty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for Anne Arundel County, personally appeared Elizabeth Mayorski, the Grantor in the foregoing deed, and she acknowledged the same to be her act.

AS WITNESS my hand and Notarial Seal.

(NOTARIAL SEAL)

Frankie D. Wilson Notary Public

Frankie D. Wilson

Recorded Jul 29, 1948 at 11:00 A M & exd per T. Braden Silcott-Clerk rec by hah

(Exd W & T)

BEING the same lots of ground described in deed dated July 17, 1948, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1688, folio 217, which was granted and conveyed by Joshua S. Hull, widower, to the said Elizabeth Mayorshi.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John Blasy and Emma C. Blasy, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's 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 granted and that she will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor.

TEST: Bessie I Gittings
Bessie I. Gittings

Elizabeth Mayorshi (Seal)
Elizabeth Mayorshi

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this 3rd day of May in the year one thousand nine hundred and fifty, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Elizabeth Mayorshi the above named grantor, and she acknowledged the foregoing Deed to be her act.

As Witness my hand and Notarial Seal.

Notarial Seal

Minnie M. Gittings
Minnie M. Gittings Notary Public

Term exp. 5/7/51.

Rec Ma y 9 1950 at 12:10 PM exd per T Braden Silcott Clerk rec by DMP-EXD BY RB&RL

138363 Rosetta M Duncan
Asgt to Charles C Bruchey et al
US\$12.65 ST\$12.65

: THIS DEED, Made this twenty-eighth day of April
: in the year one thousand nine hundred and fifty,
: between Rosetta M. Duncan, of Baltimore County,
: in the State of Maryland, of the first part, and
Charles C. Bruchey and Bertha J. Bruchey, his wife, of Baltimore City, in said State, of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said, Rosetta M. Duncan does grant and convey unto the said Charles C. Bruchey and Bertha J. Bruchey, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her personal representatives and assigns, all that lot of ground situate in Baltimore County, in the State of Maryland, now known as No. 5549 Ashbourne Road, and described as follows, that is to say:

BEING known and designated and comprising Lot Numbered Eighty-three (83) as shown on the Revised plat of Section Two (2) of Holesherpe Heights, as drawn by E. V. Coonan and Company dated September 17, 1941, and recorded among the Plat Records of Baltimore County in Plat Book Number 12, folio 62.

BEING the same lot of ground which, by deed of assignment dated June 20, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1471, folio 179,



Baltimore County
Office of Community Conservation

Investment Building, Suite 800
One Investment Place
Towson, Maryland 21204
(410) 887-3317
Fax: (410) 887-5696

September 21, 1995

P.C. Exh # 15 (3)

Ms. Janet Shaw
1921 Lincoln Avenue
Baltimore, Maryland 21227

Dear Ms. Shaw:

Thank you for your letter dated September 10, 1995 to Merreen Kelly, who has asked me to respond.

I spoke to Paul Wellman from Public Works, who told me that the department had cleaned some storm drains in the area and that he had made recommendations to property owners regarding grading. From your letter, it appears that the problems have not been corrected and I asked Paul to find out the costs of curb, gutter and storm drains for the three local streets which are impacting the neighbors. Once he has that information, I shall meet with him and the new Director of Public Works to see what additional steps we can take to address your concerns, and find out whether the necessary funding can be found.

I'll be in touch with you as soon as I have more information.

With best wishes,

P. David Fields
Director

PDF:mjm
shaw

cc: Councilman Samuel Moxley, First District
Merreen E. Kelly, Administrative Officer
Amy Johanson, Southwest Area Conservation Coordinator
Robert Olsen, Director, Dept. of Public Works
Paul Wellman, Dept. of Public Works

Baltimore County Government
Office of Planning and Zoning



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

September 7, 1994

Mr. Donald Hawkins, President
Halethorpe Civic League
1919 Woodside Avenue
Baltimore, Maryland 21228

P.C. 34h
17

RE: Halethorpe Improvements

Dear Mr. Hawkins:

Please find attached a draft of the funding and phasing proposal for improvements to Halethorpe for review by you and the residents of Halethorpe. This proposal has been developed jointly by staff from DEPRM; Public Works, Planning, and Budget and has been approved by County Executive Hayden.

The proposal is predicated upon the following:

- a. a formal Memorandum of Understanding between the Halethorpe Civic League, representing residents, and the County;
- b. implementation of the project by complete phases, with a close inter-relationship between phases;
- c. implementation of Phases III and IV if Phase III is found to be technically possible and fiscally responsible. The current estimate of \$4 million for the storm water outfall improvements indicates the scale of costs envisioned.
- d. community contribution of all land required for road and stream improvements at no cost to the County;
- e. community participation for curb and gutter improvements, unless income eligible for grants, loans or deferred payments;
- f. County assistance, if necessary, for flood proofing of homes exposed to increased water encroachment as a result of improvements;
- g. community commitment to meet all County zoning laws and regulations on existing lots;

HALETHRP. LTR/PZONE/TXTWAYNE

SEP-31-94 THU 08:12 AM
Mr. Donald Hawkins, President
Halethorpe Civic League
RE: Halethorpe Improvements
September 7, 1994
Page Two

h. Administration support for a building moratorium in the area until improvements are completed, if requested to do so by the Halethorpe Civic League; and

i. possible zoning changes in the 1996 CZMP to reduce the dangers of flooding which may result from build out to current zoning (5.5 units per acre).

Following the presentation and discussion of this proposal on September 7th 1994, we would like to adjourn the meeting and give you a couple of weeks to establish a community response. County representatives would then meet with you and other members of the Civic League to resolve any outstanding issues.

I trust this approach, and our proposal meets with your approval.

With best wishes,

David Fields

PDF:bjs

c: Roger B. Hayden, County Executive
Councilwoman Berchie L. Manley, First District
Merreen E. Kelly, County Administrative Officer

Attachment

DRAFT

Office of Planning & Zoning
Baltimore County, Maryland
August 30, 1994

**HALETHORPE TERRACE
CAPITAL PROJECTS
PHASING RECOMMENDATION**

Before Baltimore County makes a final commitment to proceed with the following recommendations, the County would like to sign a Memorandum of Understanding with the Halethorpe Civic Association. This agreement would make the Halethorpe Civic Association the liaison between the citizens and the County.

PHASE ONE FY 1996 and FY 1997 \$ 800,000

	<u>Estimated Cost</u>
Road Projects:	
(Curb, gutter, storm drain, & pavement)	
Arline Avenue	\$ 125,000
Catanna Avenue	50,000
Leola Avenue	100,000
Woodside Avenue	<u>275,000</u>
Subtotal	550,000
Contingencies (20%)	110,000
Land Acquisition	0
Engineering (10%)	66,000
Stream Channel	<u>74,000</u>
TOTAL:	\$ 800,000

**Property Owner
Conditions:**

1. Signed petitions by the property owners on all four streets by March 1, 1995.
2. Property owners agree to pay \$13.50 per linear ft. for curb and gutter. Sidewalks would be optional at \$14.00 per linear ft. Currently, repayable over five years.

Note: A portion of the interest will appear on the next tax bill depending on when the project is completed during fiscal year; thereafter, interest and principle will be phased over the repayment schedule.

3. All required rights-of-way to make road and storm drain improvements are donated at no cost to Baltimore County.

**Baltimore County
Conditions:**

1. Allocate funds in the Capital Budget beginning in FY 1996 (begins July 1, 1995) and schedule the road projects over two to three years.
2. County Council must approve budget recommendations.
3. Inspect existing culverts along stream and make sure they are functional.

DRAFT

HALETHORPE TERRACE - CAPITAL PROJECTS PHASING RECOMMENDATION (Continued)

4. Inspect the stream channel and make minor improvements if necessary.

PHASE TWO FY 1998 \$100,000

Feasibility Study: Prepare an engineering feasibility study from the stream inlet at Halethorpe and Spring Avenues to the outfall at Herbert Run to manage storm water runoff. Study should consider possible detention facilities.

Report should review if the project can be done and at what point do the costs become unmanageable.

PHASE THREE FY 1999 \$4,000,000

Design and construct the recommended storm water management option as determined by the Feasibility Study unless the project is cost prohibitive. If construction is cost prohibitive, the projects in Phase Four should not move forward.

PHASE FOUR FY 2000 and FY 2001 \$2,227,000

		<u>Estimated Cost</u>
Road Projects: (Curb, gutter, storm drain, & pavement)	Northeast Avenue	\$1,200,000
	Spencer Avenue	125,000
	Washington Avenue	125,000
	Subtotal	1,450,000
	Contingencies (20%)	290,000
	Land Acquisition	0
	Engineering (10%)	174,000
	TOTAL:	\$2,102,000

**Property Owner
Conditions:**

1. Signed petitions by the property owners would be required before County constructs Phase Three project.
2. Property owners will be assessed for curb and gutter; sidewalks will be optional. Low income financing will be made available.
3. All required rights-of-way or easements are to be donated to Baltimore County.

**Baltimore County
Conditions:**

1. Allocate funds to follow construction of project(s) recommended in Phase Three.
2. County Council must approve budget recommendations.

DRAFT**HALETHORPE TERRACE - CAPITAL PROJECTS PHASING RECOMMENDATION (Continued)**

Flood Proofing: Determine if additional flooding is occurring, what mitigation options are available (i.e., easements, flood proofing)?

Flood proof 5 houses surrounded by high water as recommended in the 1982 Halethorpe Terrace Flood Study.

TOTAL: \$125,000.

OTHER ISSUES

1. No recommended improvements to the stream channel between Halethorpe Avenue and Washington Street. The cost of improving the stream channel and Jeanne Avenue is cost prohibitive at \$7,100,000. Five houses affected will not be flooded on first floor.
2. Baltimore County will work with individual property owners to find solutions to current high water or storm water drainage problems. If income eligible, provide funds. In no case will Baltimore County construct improvements on private property.
3. At the request of the Halethorpe Civic Association, the Administration will request the Baltimore County Council to enact a building moratorium until the roads and storm water drainage improvements can be completed in the area.
4. Baltimore County will request the Halethorpe Civic League to ensure that all property owners comply with all of the Zoning Regulations.
5. The Office of Planning and Zoning will work with the Halethorpe Civic League on zoning issues during the 1996 Comprehensive Zoning Map Process.

WF:bjs



95-355-A

Appellants 8A & 8B

Photographs





5-6-93 (1)



5-6-93 (2)



5-6-93 (3)

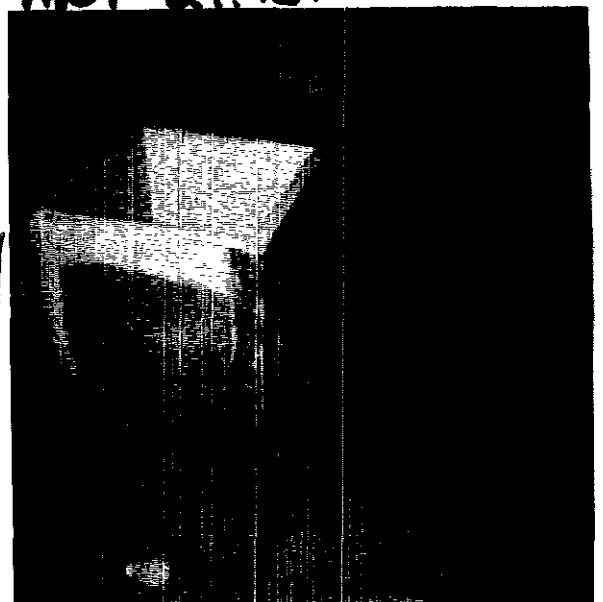


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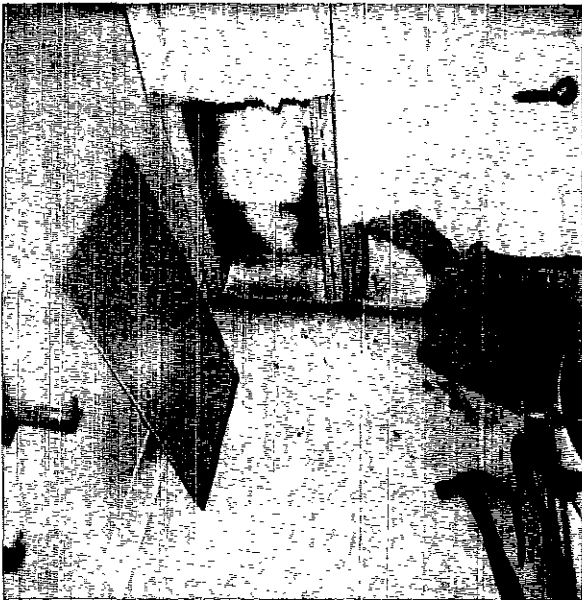


5-6-93 (5)

APR 21, 93.



Shelving left Behind in Ya
BAM / PINK WALL TO WALL COVERED
VYNL FLOOR

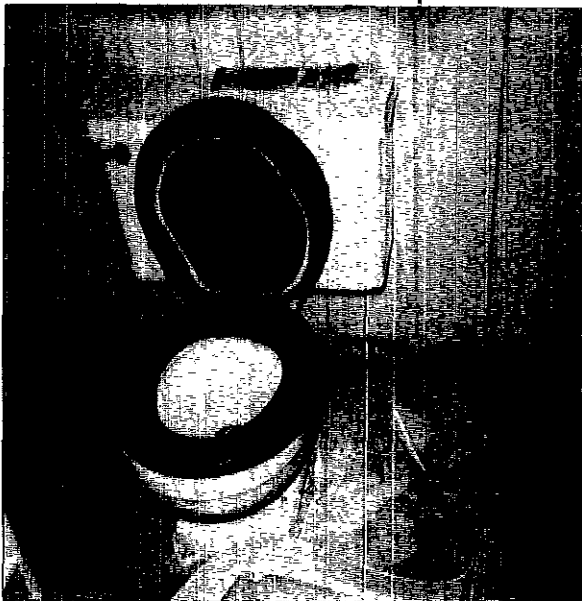


Apr 21st - Removed
Paneling for Mid Atlantic

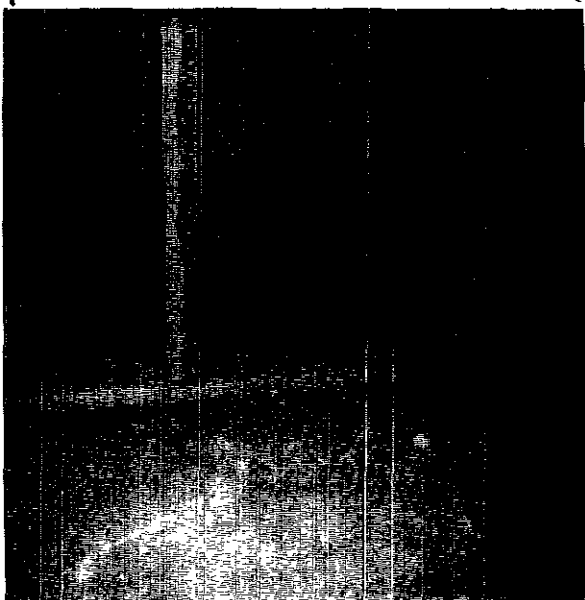
List of items in closet when



Under Step Step To
Club Basement
Feb. 28. 93



PC #12



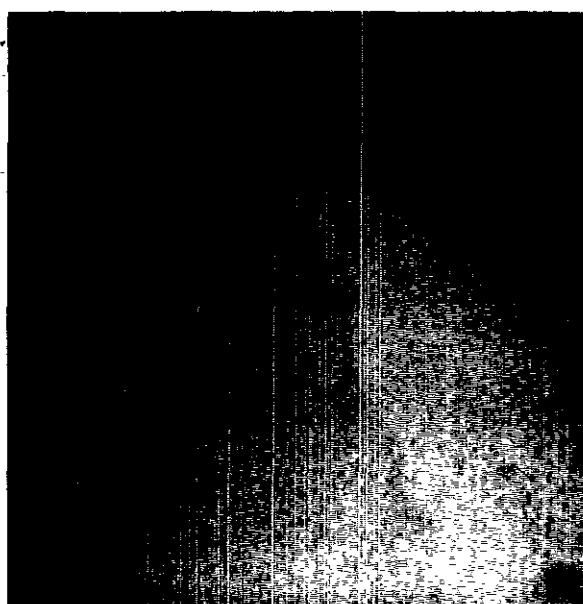
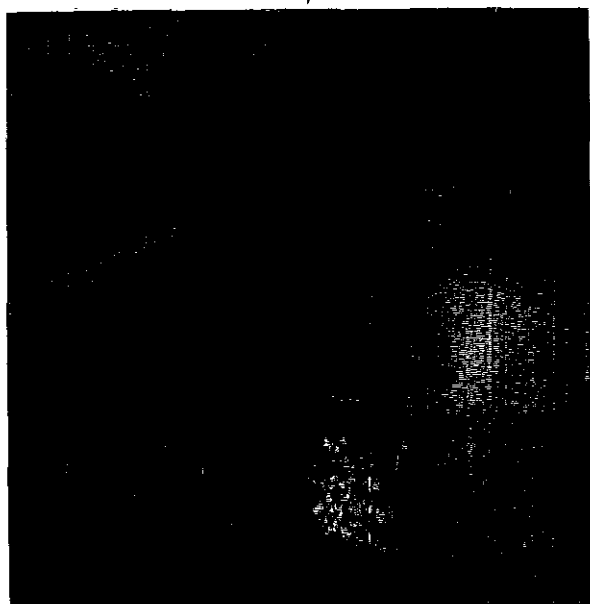
Feb 17th 1993

Ron Newshaw in
Remay Checking
Bar area
3rd lex going through
1921 Lincoln Ave.
Oct-92

Asked about
water stain
Sold:

Washing machine
hoses connected to
hopper sink busted

Sold to Jan
& Og by pct Clunk



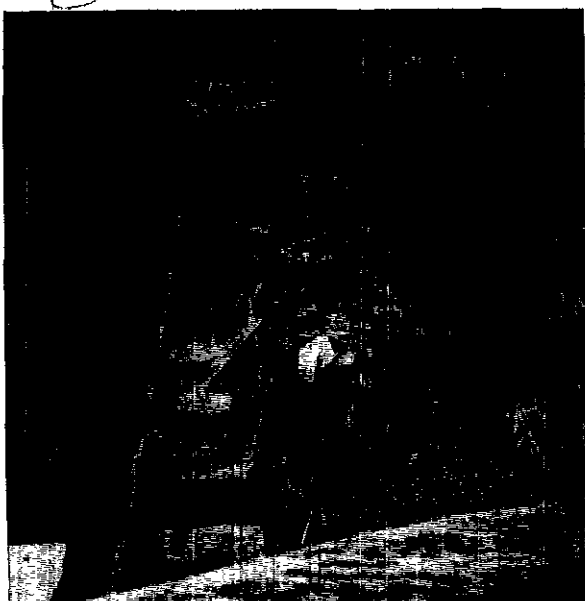
A



B



C



D



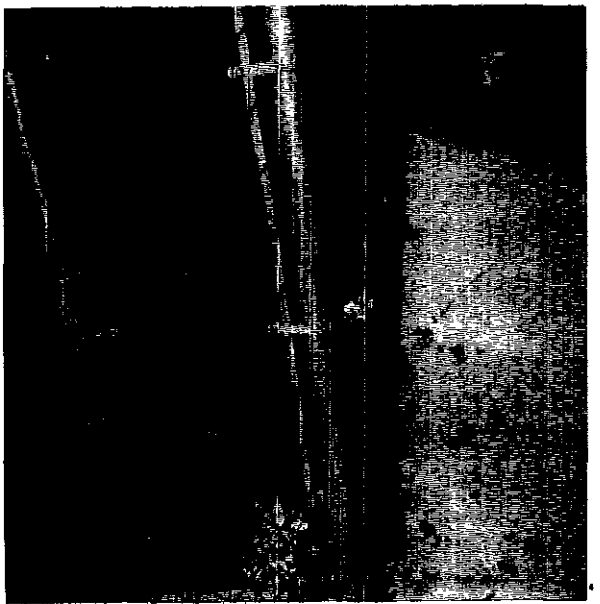
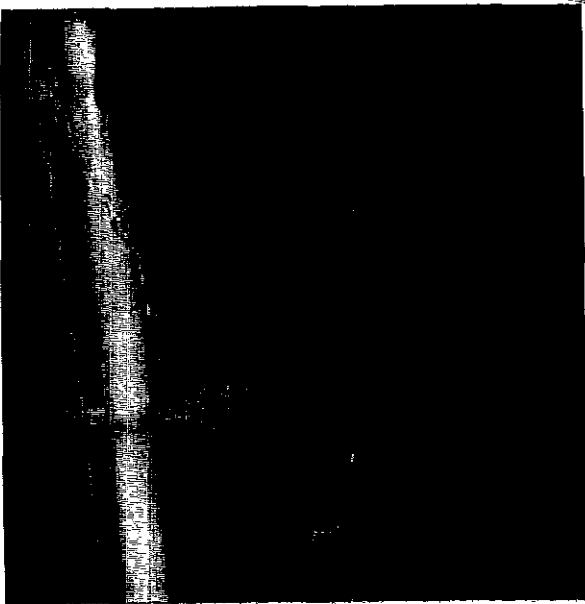
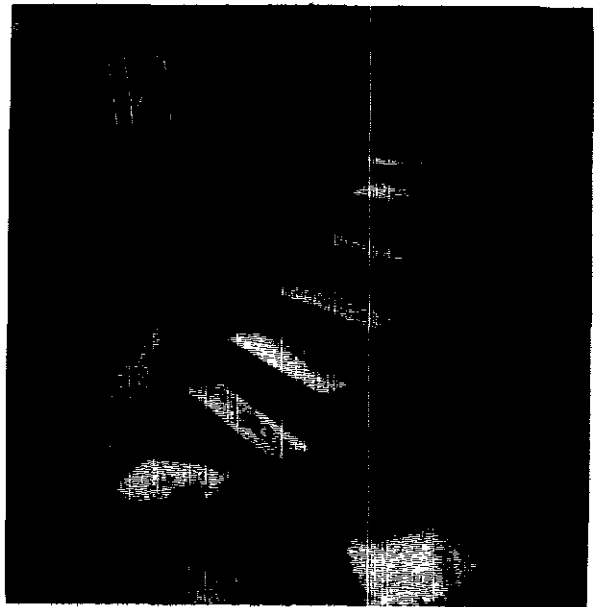
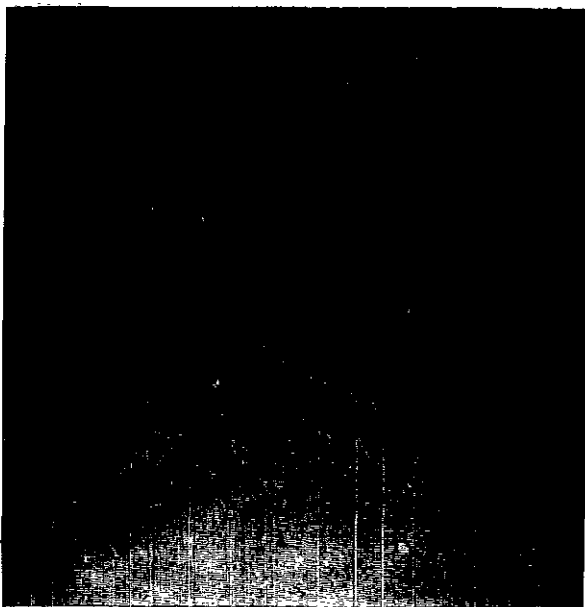
✓ C # 11



7-23-94 1921

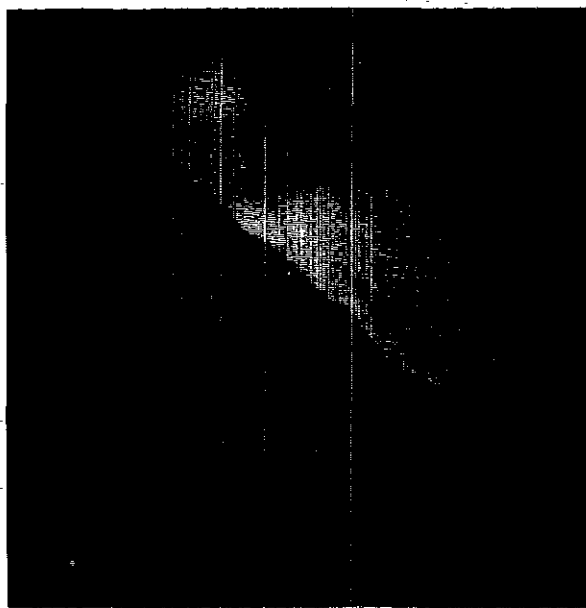


7-23-94 1921





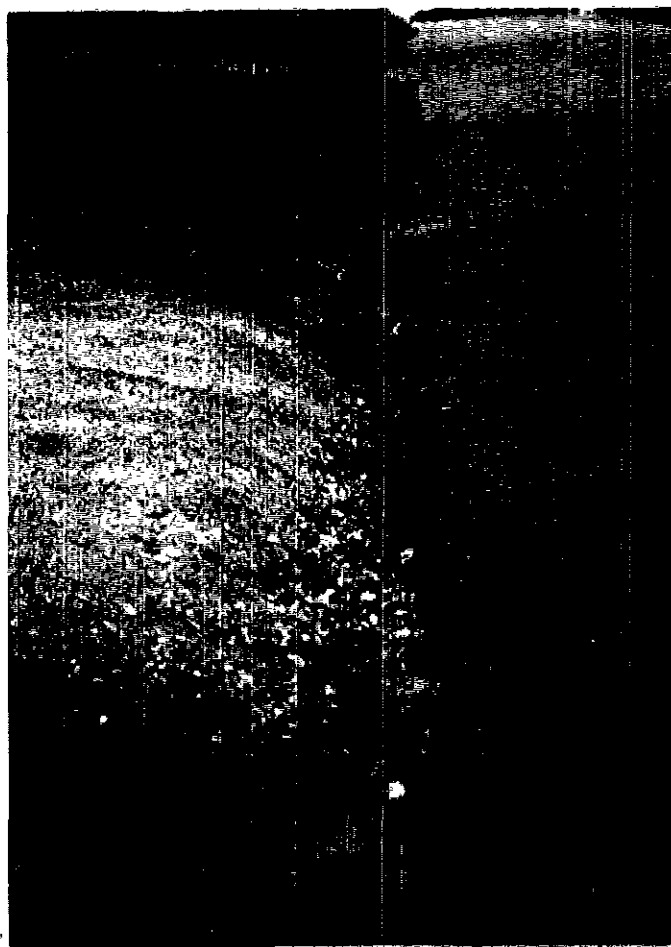
1921 Lincoln Ave



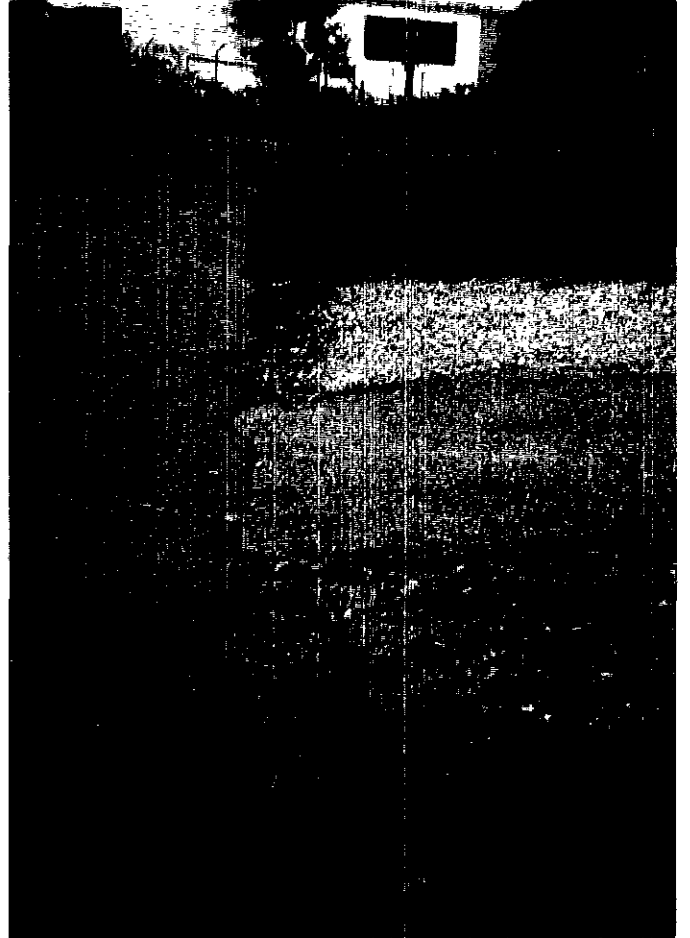
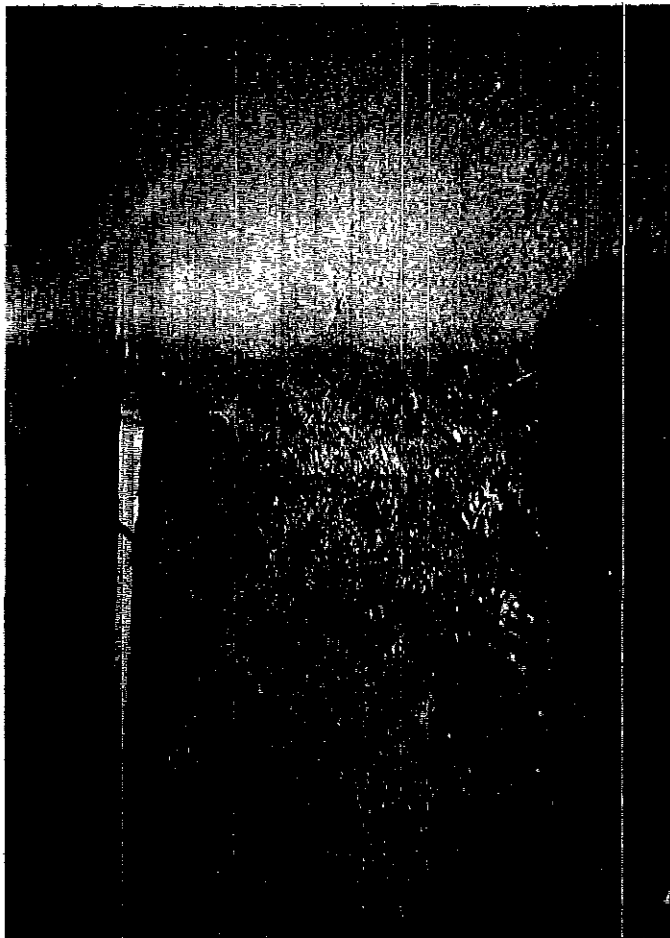
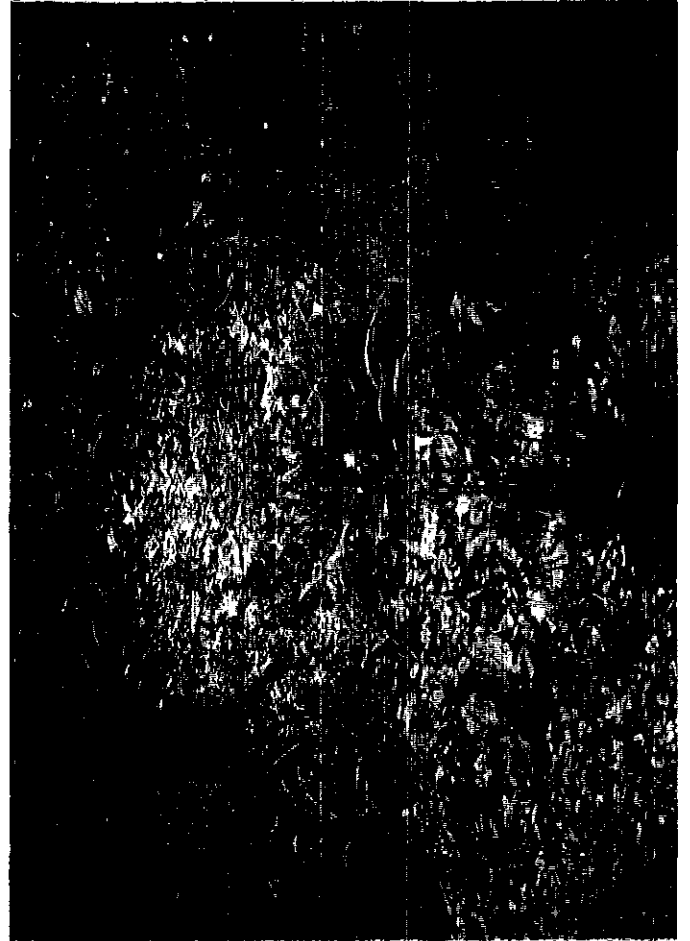
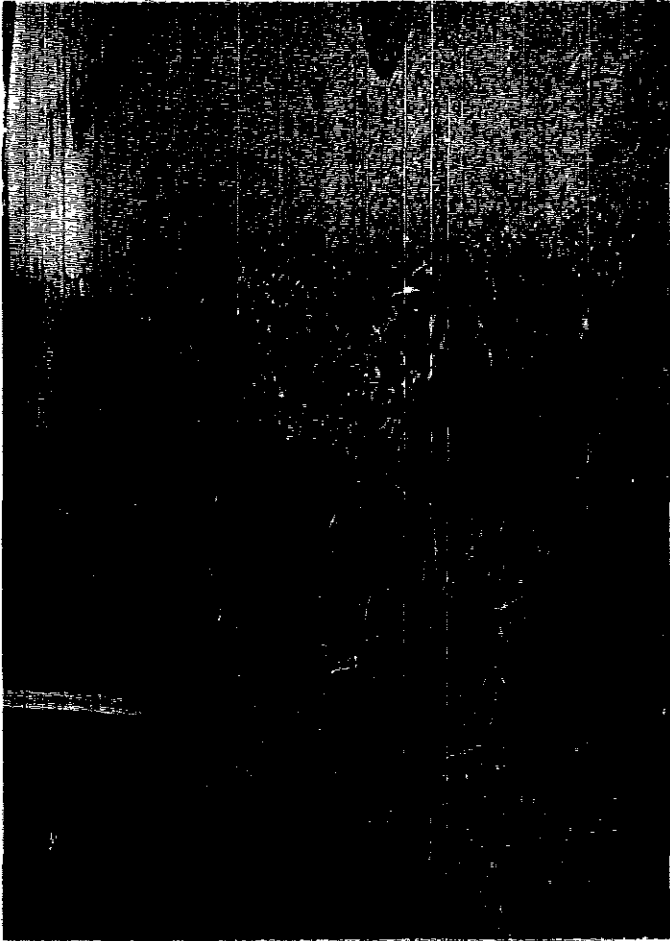
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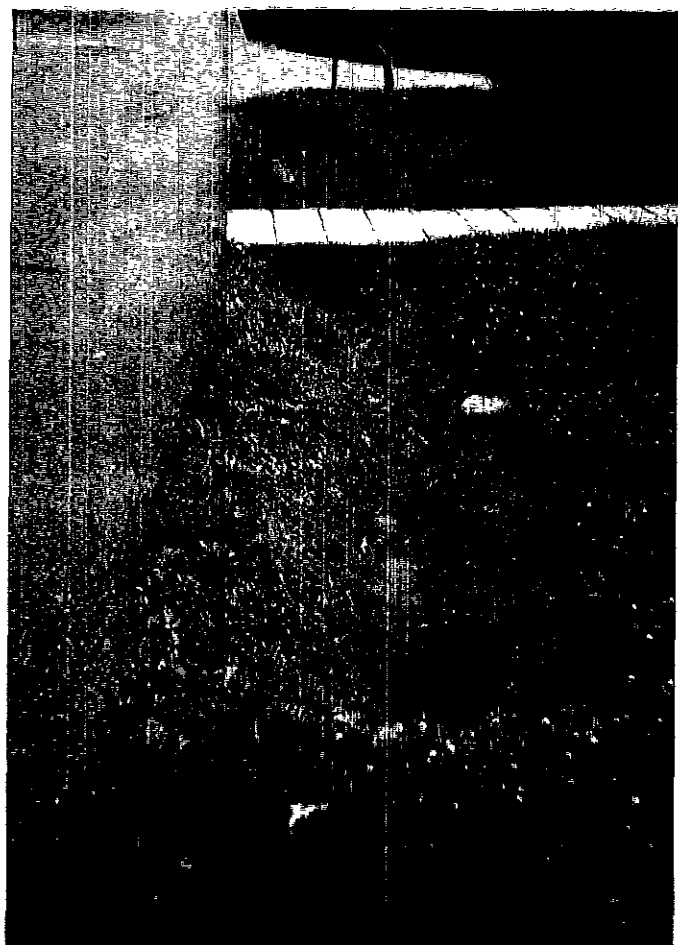
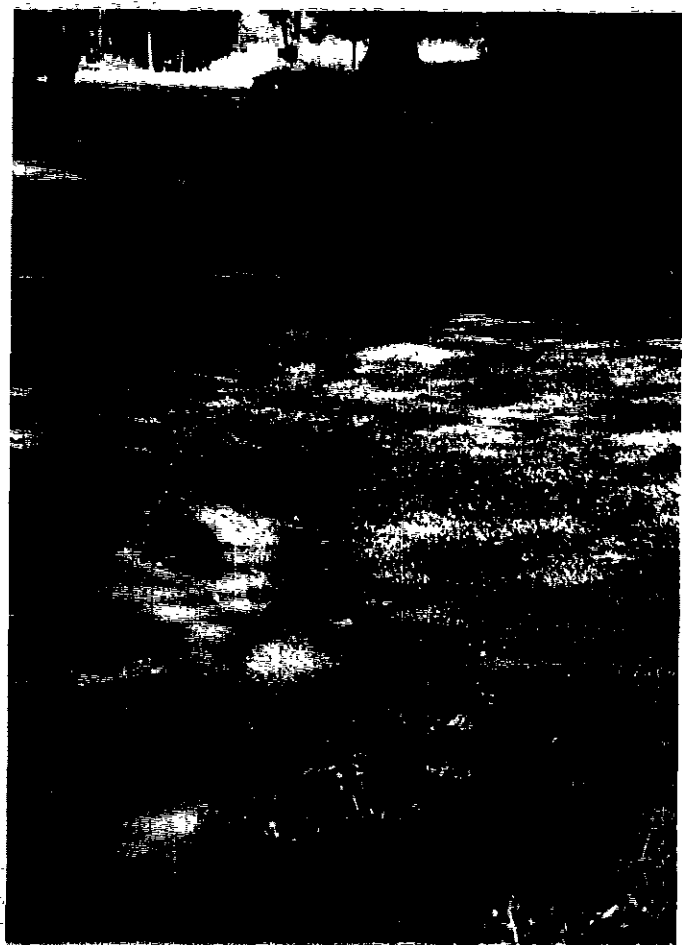
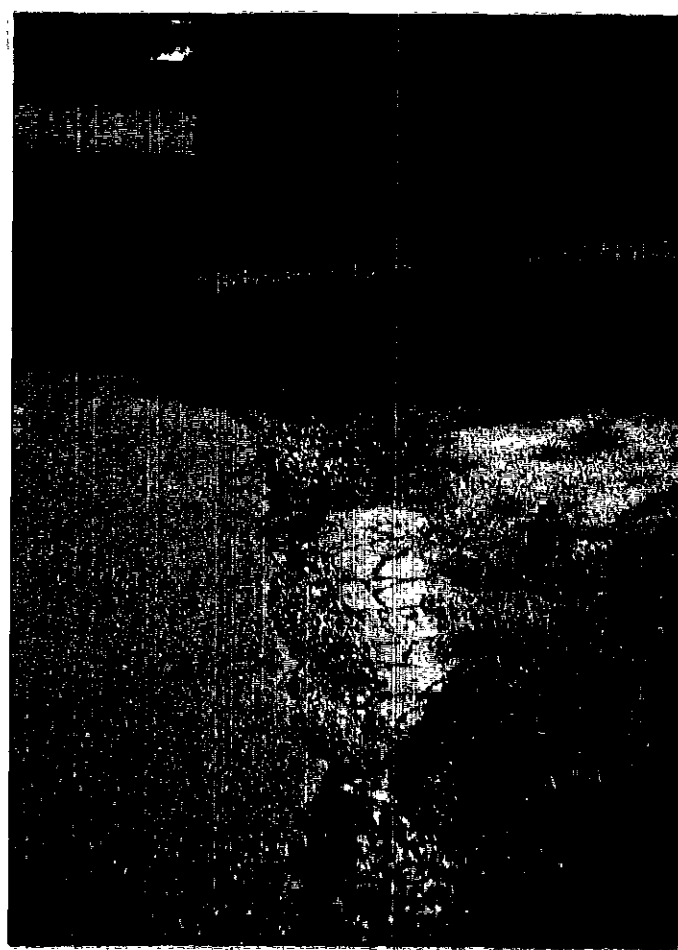


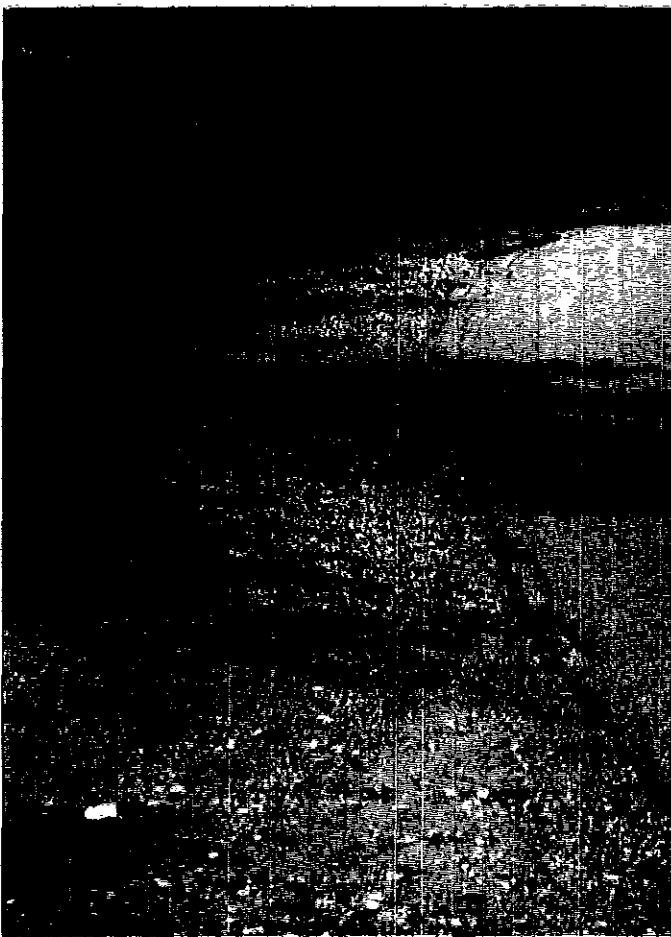
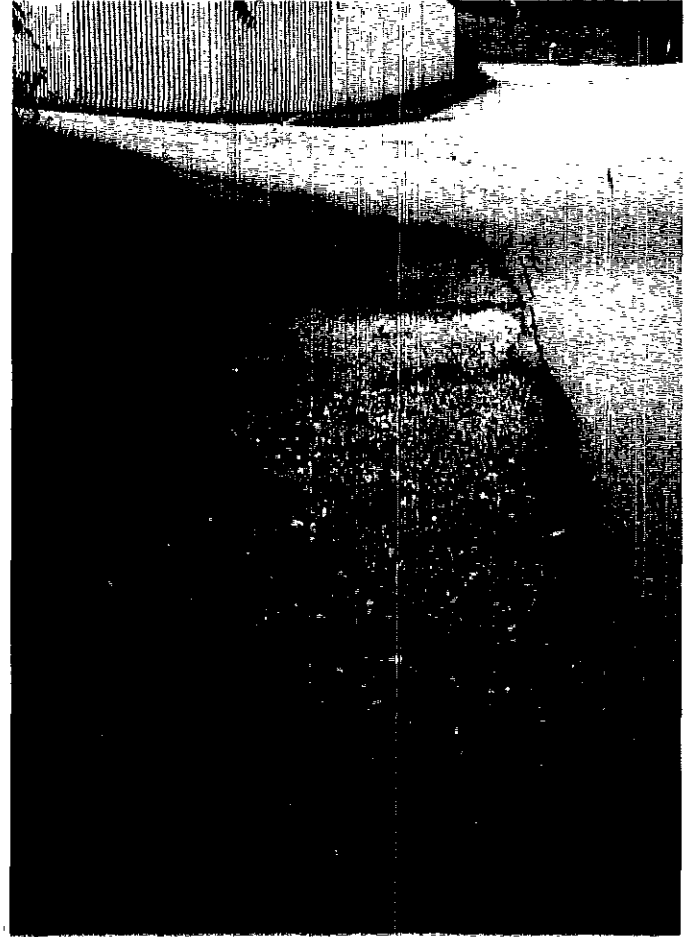
1921 Lincoln

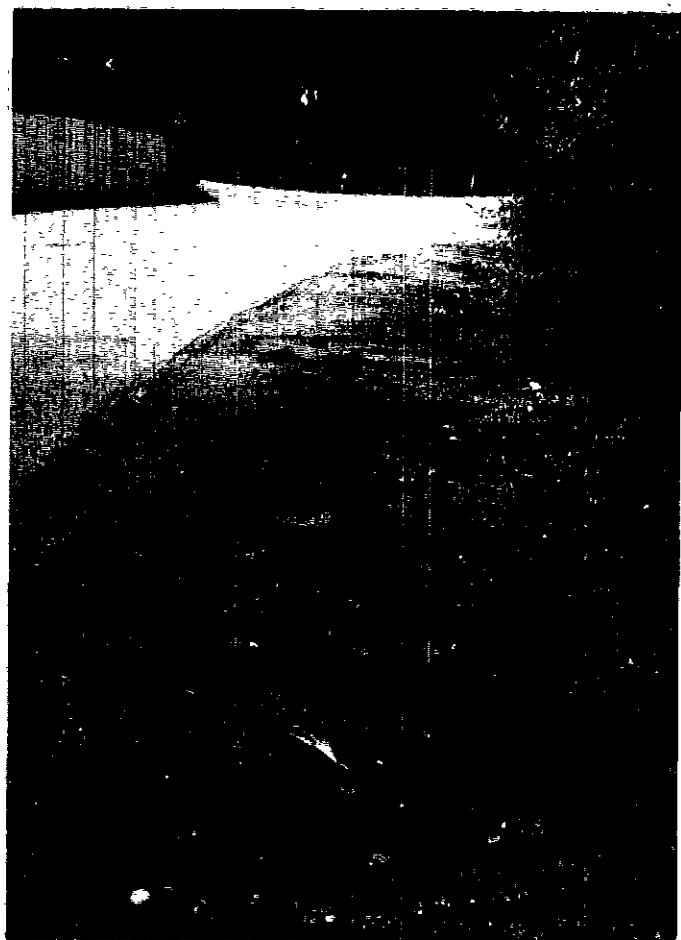












ORIGINAL

1

1 IN THE MATTER OF * BEFORE THE
2 THE APPLICATION OF * COUNTY BOARD OF APPEALS
3 JOHN BLASY * OF
4 FOR VARIANCE ON PROPERTY * BALTIMORE COUNTY
5 LOCATED ON THE EAST SIDE * Case No. 95-355-A
6 BELL AVENUE 370' N of * November 16, 1995
7 THE C/L OF CROSS STREET *
8 (1927 BELL AVENUE) *
9 13th ELECTION DISTRICT *
10 1ST COUNCILMANIC DISTRICT *

11 * * * * *

12 The above-entitled matter came on for hearing
13 before the County Board of Appeals of Baltimore County,
14 Room 49, Old Courthouse, 400 Washington Avenue, Towson,
15 Maryland 21204 at 10 o'clock a.m., November 16, 1996.

16 * * * * *

17
18
19
20 Reported by:

21 C.E. Peatt



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

*P.C.
Exh #7*

SCALE	LOCATION	SHEET
1" = 200' ±	MONUMENTAL	SW 6-C
DATE OF PHOTOGRAPHY JANUARY 1986	<i>P.C. Exh #7</i>	

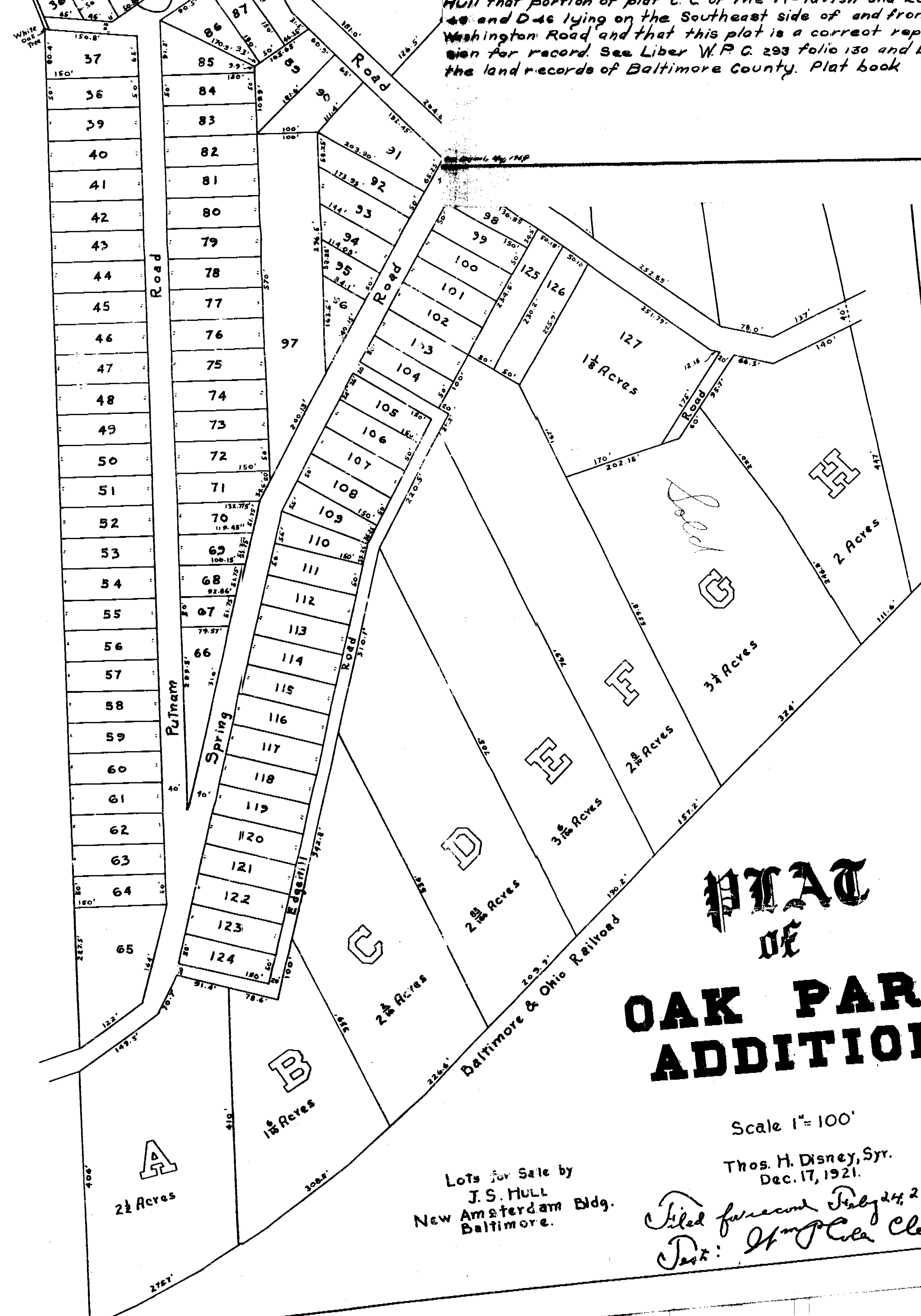


Filed April 19th 1911
Test: William P. Cole, Clerk.

OAK PARK

I, Thomas H. Disney, Surveyor, hereby certify that I have subdivided for Joshua S. Hull that portion of plat C. C. of the Mst Tavish and Leads Estate marked B-44-C and D-46 lying on the Southeast side of and fronting Northwesternly on the Washington Road and that this plat is a correct representation of the subdivision for record. See Liber W. P. C. 293 folio 130 and Liber W. P. C. 347 folio 141 of the land records of Baltimore County. Plat book N^o folio

Thos. H. Disney, Sgr.
4th 15. 1910



PLAT OF OAK PARK ADDITION

Scale 1"=100'

Thos. H. Disney, Sgr.
Dec. 17, 1921.

Lots for Sale by
J. S. Hull
New Amsterdam Bldg.
Baltimore.

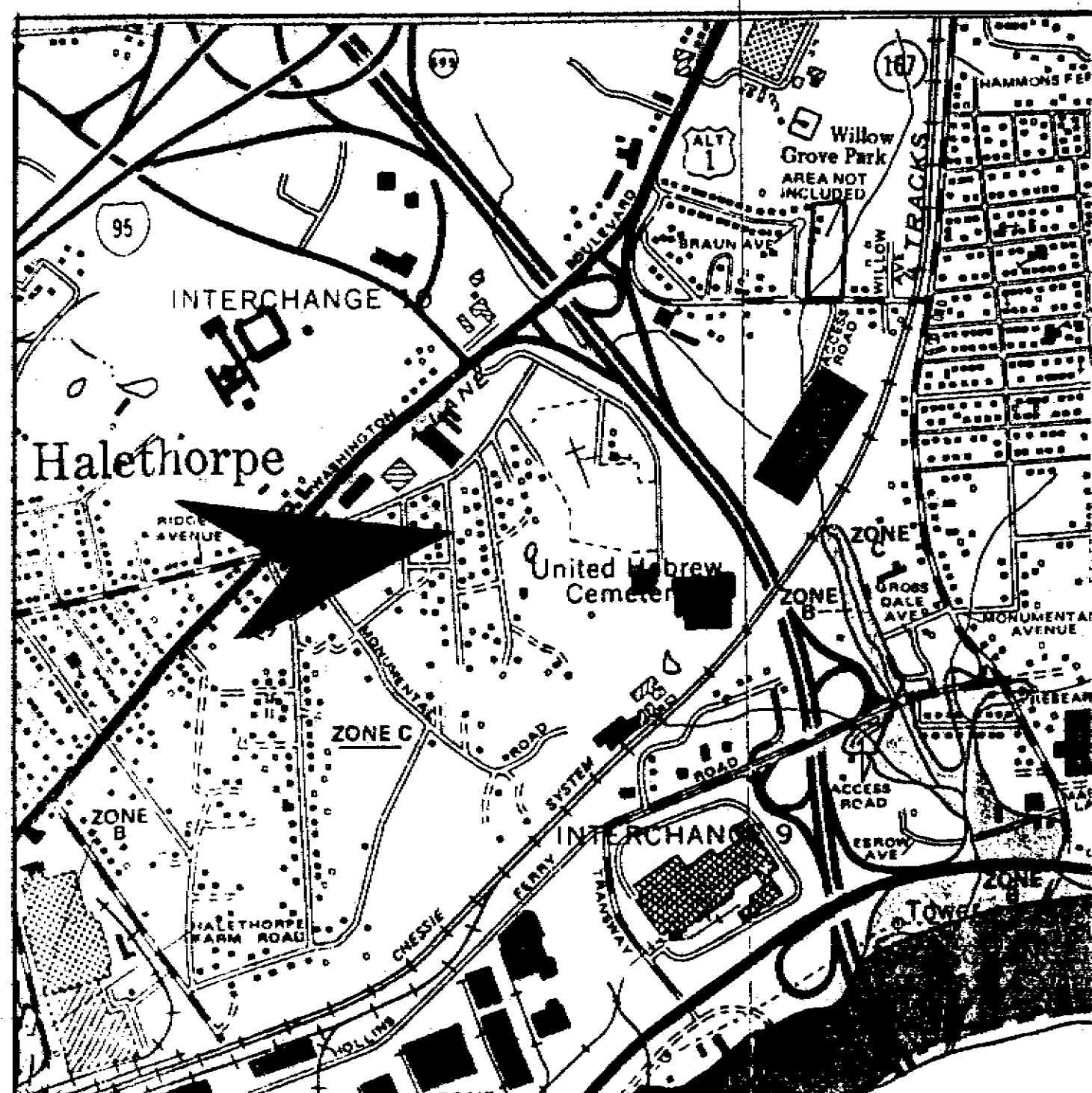
Filed for record July 24th 22
Test: J. S. Hull, Clerk



Filed April 19 1911
Test: William P. Cole, Clerk.

OAK PARK

W. P. C. N^o 3-145
I, J. S. Disney, Surveyor, hereby certify that I have subdivided for Joshua S. Disney the portion of plot C. C. of the 1st Turkish and Leeds Estate marked B-44-C lying on the Southeast side of and fronting Northwesterly on the Washington Road and that this plat is a correct representation of the subdivision for record. See Liber W. P. C. 293 folio 130 and Liber W. P. C. 347 folio 141 of this county.



LOCATION MAP
 ↑ FLOOD INSURANCE RATE MAP - ZONE C

PHOTO



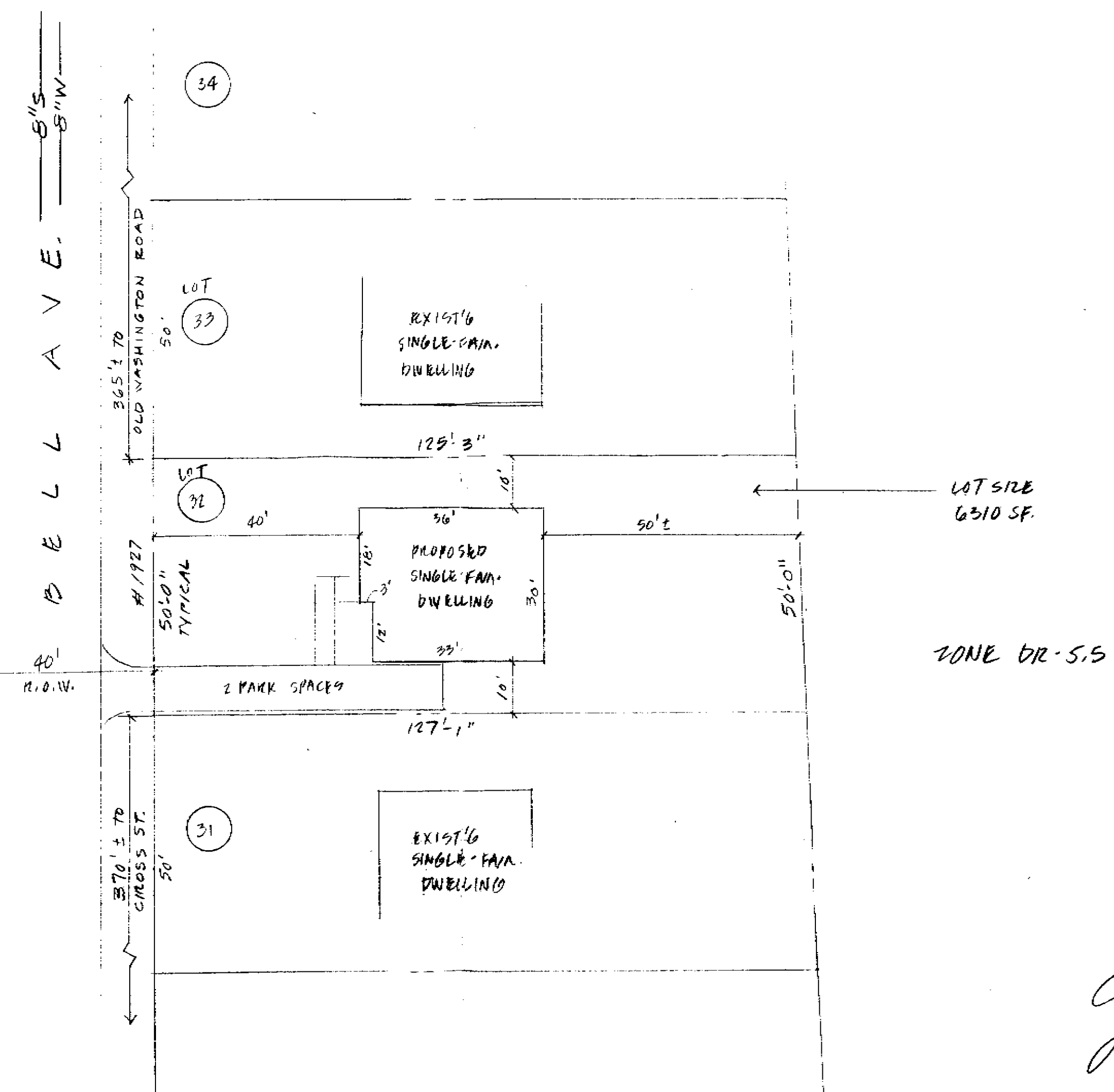
PROPERTIES ON LEFT SIDE OF SITE

SITE - 1927 BELL AVE
 LOOKING EAST

PROPERTY ON RIGHT SIDE OF SITE

SITE PLAN

SCALE 1" = 20'



CB.
 P#9

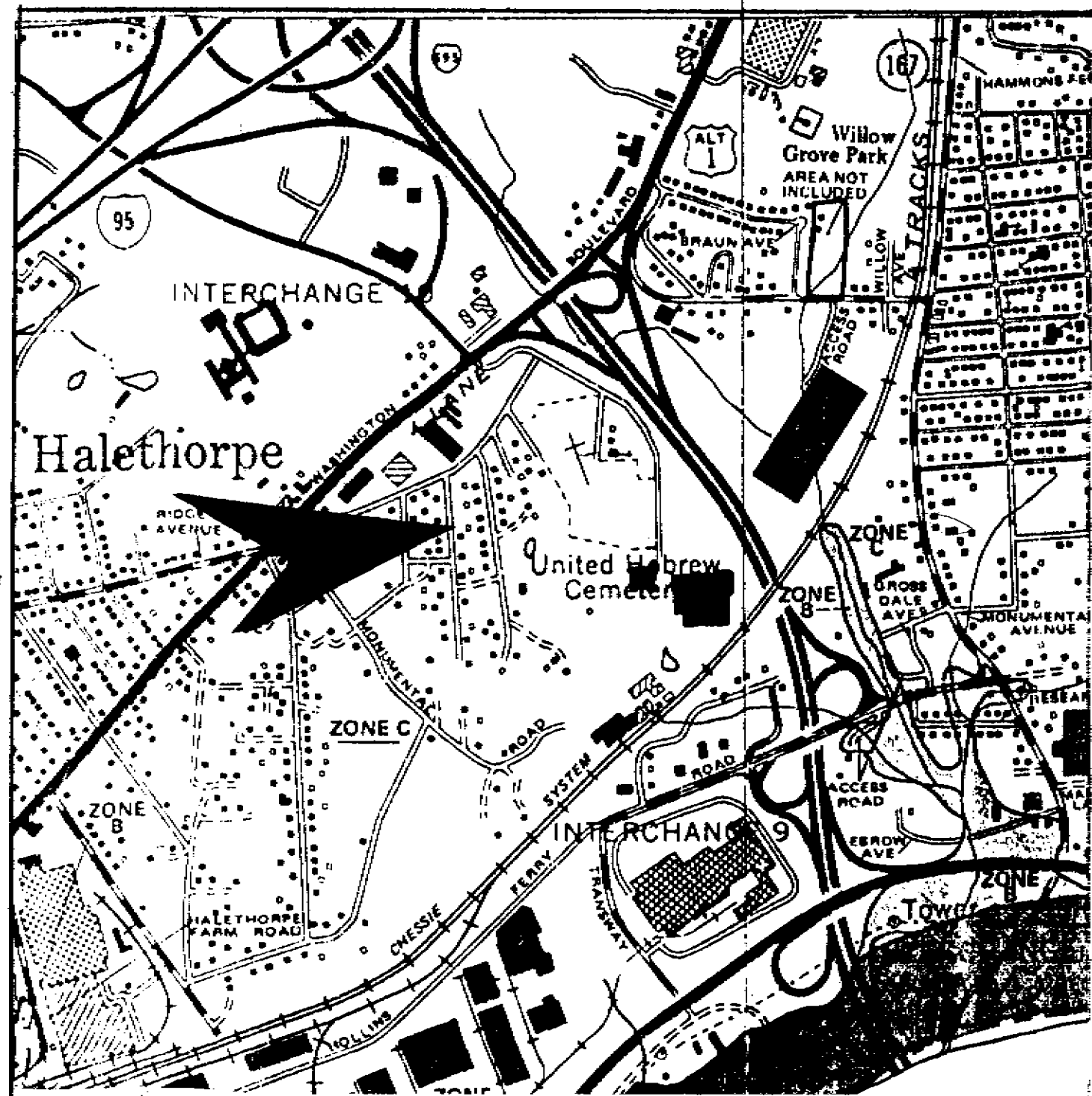
SUBDIVISION: OAK PARK LOT 32
 PLAT BOOK WPC NO. 3 POLIO 145
 COUNCIL DISTRICT
 ELECTION DISTRICT 13 PRECINCT 5
 200' SCALE MAP # 2A
 NO PRIOR ZONING HEARING
 NOT IN CHESAPEAKE BAY CRITICAL AREA

OWNER: JOHN BLASY
 14 WYNNWOOD CT.
 BALD. MD 21227 (410) 247-0798

TAX ACCT # 13-02-470250

PERMIT # B 120454

PROPERTY INFORMATION SCALE: AS NOTED DATE: 3.15.95	4.6.95 NOTES ADDED	SHERMAN BUILDERS 2110 LANDSDOWNE BLVD BALTIMORE, MD 21227 ph. 536-9012	4410 JOHN AVENUE • ROOKERY BALTIMORE, MARYLAND 21227 OFC: 410 242-4312 FAX: 410 247-8988 PAUL J. GORMAN, ARCHITECT MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS	TO ACCOMPANY PLANS FOR VARIANCE & UNDERSIZE LOT WIDTH 1927 BELL AVE HALETHORPE, MARYLAND	ARCHITECT	A-1
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LOCATION MAP
 FLOOD INSURANCE
 RATE MAP - ZONE C



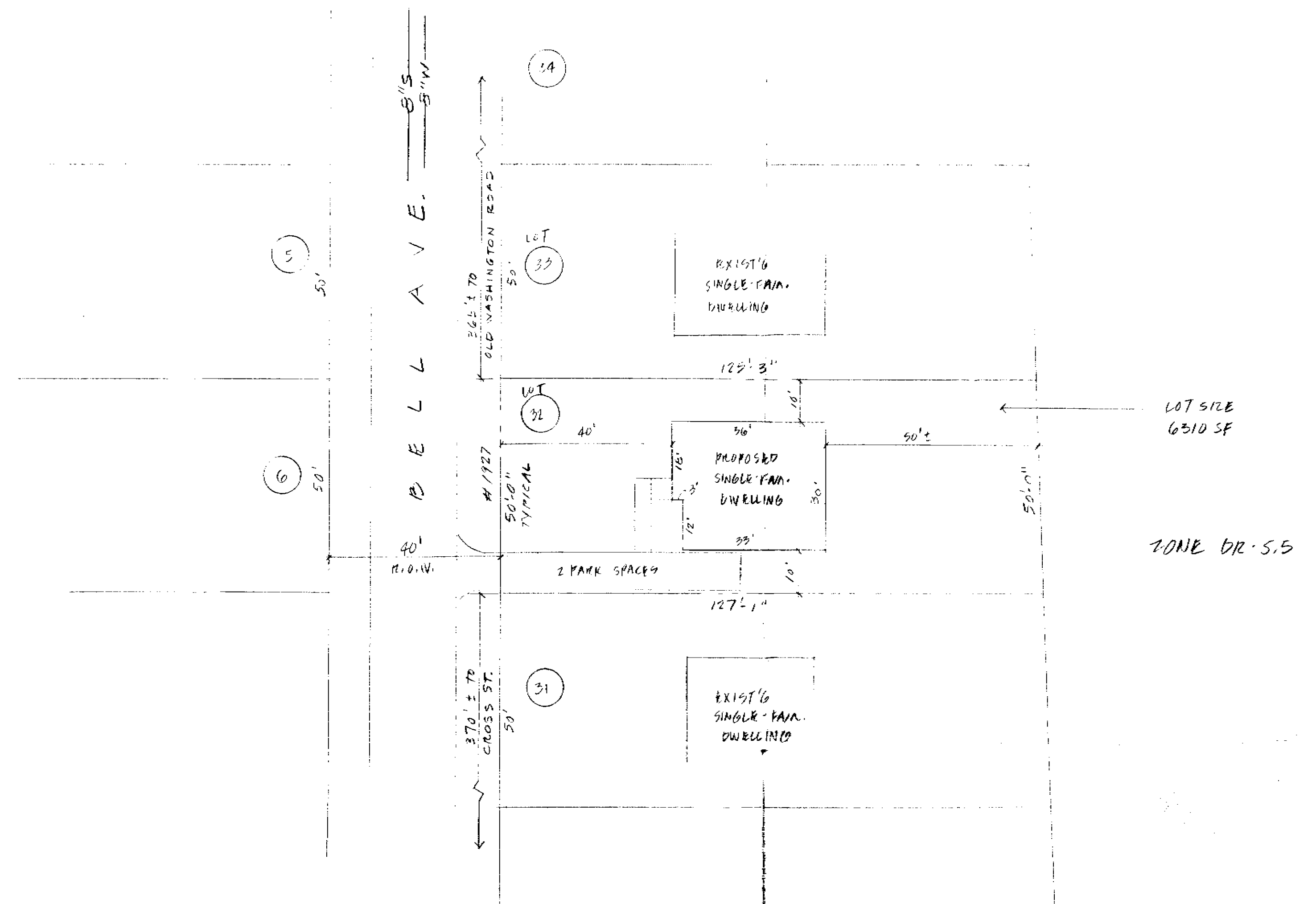
PROPERTIES ON LEFT SIDE
 OF SITE



SITE - 1927 BELL AVE
 LOOKING EAST



PROPERTY ON RIGHT SIDE
 OF SITE



SITE PLAN

SCALE: 1" = 20'

95-355-A

PETITIONER'S
 EXHIBIT NO. 1

SUBDIVISION: OAK PARK LOT 32
 PLAT BOOK: WPC NO. 3 PLOT 146
 COUNCIL DISTRICT 1
 ELECTION DISTRICT 15 PRECINCT 5
 200' SCALE MAP H 2A SW CC
 NO PRIOR ZONING HEARING
 NOT IN CHESAPEAKE BAY CRITICAL AREA

OWNER: JOHN BLADY
 14 WYNNWOOD CT
 BALD. MD 21227 (410) 247-0798

TAX ACCT #: 13-02-470050

PERMIT # B 220454

350

PROPERTY INFORMATION
 SCALE: AS NOTED
 DATE: 3.15.95

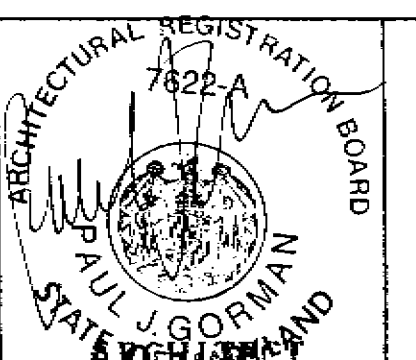
4-6-95 NOTES ADDED

SHERMAN BUILDERS
 2110 LANDSDOWNE BLVD
 BALTIMORE, MD 21227 ph. 936-9012

4410 JOHN AVENUE • ROCKERY
 BALTIMORE, MARYLAND 21227
 OFC: 410 242-4312
 FAX: 410 247-8989

PAUL J. GORMAN, ARCHITECT
 MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

TO ACCOMPANY PLANS FOR VARIANCE
 4' UNDERSIZE LOT WIDTH
 1927 BELL AVE
 HALETHORPE, MARYLAND



A-1