

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 E/S Dorchester Road, 120 ft. S
 of Calverton Street * ZONING COMMISSIONER
 (Lot #13/14, Sec. 9 Dorchester Rd)
 1st Election District * OF BALTIMORE COUNTY
 1st Councilmanic District
 Barry Jung, Petitioner * Case No. 97-356-A
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property known as Lots 13 and 14 of the subdivision known as Catonsville Heights in western Baltimore County. The Petition was filed by Barry Jung, property owner. Variance relief is requested from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (BCZR) to permit a single family dwelling on a lot 40 ft. wide in lieu of the required 55 ft.; to build on a lot with an area of 4800 sq. ft. in lieu of the required 6000 sq. ft. and for a dwelling with side yard setbacks of 6 ft., in lieu of the required 10 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Barry Jung, property owner/Petitioner. Appearing in opposition to the request was Quinten Conner, an adjacent property owner, who resides at 5723 Calverton Street. There were no other Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is 40 ft. wide and 120 ft. in depth. Presently, the property is unimproved. The property is comprised of two lots, known as lots 13 and 14 on the plat of the subdivision known as Catonsville Heights. Although no testimony or evidence was presented as to the history of that subdivision, this is an older community of Baltimore County. Each of the lots is 20 ft. in width and 120 ft. in depth; thus the total lot width of 40 ft. The lots front

UNDER RECEIVED FOR FILING
 Date 4/9/97
 By M. Spork

Dorchester Road near its intersection with Calverton Street. One side of the subject property abuts the rear property line of 5721 and 5723 (Mr. Conner's house) Calverton Street. The other side property line abuts the house known as 721 Dorchester Road.

Mr. Jung advised that he purchased the subject property two years ago at a tax sale. He proposes to construct a single family dwelling on the property which will be 28 ft. by 40 ft. Mr. Jung testified that there are similar houses in the area on similarly sized lots. Therefore, he believes that the subject proposal is proper.

Mr. Conner resides immediately next door. He believes that the property is too small to support a single family dwelling. Although he admitted that there are similarly sized lots in the community, he testified that no such undersized lots exist in the immediate vicinity. Indeed, the site plan shows that 5721 and 5723 Calverton Street are both on 60 ft. wide lots. Moreover, the house on the other side, at 721 Dorchester, is on a lot 100 ft. in width.

The Petitioner is not entitled to relief by right, pursuant to Section 304.1 of the BCZR. There was no testimony offered that the property has been duly recorded either by deed in a validly approved subdivision prior to March 30, 1955. Moreover, the Petitioner does not meet the setback regulations.

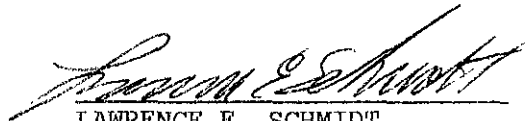
As to variance relief, pursuant to Section 307 of the BCZR, I am not persuaded that the Petitioner has met his burden. In order to obtain variance relief under that section, the Petitioner must show that a practical difficulty or unreasonable hardship would result if relief were denied. Arguably, the Petitioner's inability to construct a single family dwelling constitutes practical difficulty. However, the Petitioner must also demonstrate that there would be no detriment to the surrounding

ORDER RECEIVED FOR FILING
Date 4/9/97
By M. Spack

properties. In this case, I believe that there would be detrimental effect. A 6 ft. setback is too small. The Petitioner's proposal would overcrowd the neighborhood. Moreover, although there may be smaller lots in the vicinity, the houses most immediately affected are all on larger lots. For this reason, the Petition for Variance should 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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of April 1997 that a variance from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (BCZR) to permit a single family dwelling on a lot 40 ft. wide in lieu of the required 55 ft.; to build on a lot with an area of 4800 sq. ft. in lieu of the required 6,000 sq. ft., and for a dwelling with side yard setbacks of 6 ft., in lieu of the required 10 ft., be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

4/9/97

By



IN THE MATTER OF
THE APPLICATION OF
BARRY JUNG -PETITIONER
FOR A ZONING VARIANCE ON
PROPERTY LOCATED ON THE EAST
SIDE DORCHESTER ROAD, 120'
SOUTH OF CALVERTON ST, (LOT
13/14, SEC 9 DORCHESTER ROAD)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 97-356-A
* * * * *

O P I N I O N

This matter comes before the Board in a de novo appeal of the denial by the Zoning Commissioner for a Petition for Variance to permit a single-family dwelling on a lot 40 feet wide in lieu of the required 55 feet wide, with 4,800 sq. ft. in lieu of the required 6,000 sq. ft., and side yard setbacks of 6 feet in lieu of the required 10 feet.

An appeal was timely filed and the matter was heard before the Board on December 3, 1997. The Appellant /Petitioner, who had appeared without counsel before the Zoning Commissioner, was represented at the hearing before the Board by William R. Levasseur, Jr., Esquire. The Protestant, Quintin Conner, represented himself before the Board. At the beginning of the hearing before the Board, Mr. Jung, through counsel, withdrew his request for a variance as to the side yard setback.

The Petitioner testified that he purchased the property at a 1994 Baltimore County tax sale. Counsel presented, as Petitioner's Exhibit No. 1, a deed from Baltimore County dated March 3, 1996, conveying the lots to him. Mr. Jung's testimony and exhibits submitted further established that the subject property was

originally deeded to the Intercity Land Company on July 16, 1919, and that a subsequent subdivision plat was recorded July 22, 1919 containing within it the two subject lots in this case. Petitioner's Exhibit No. 9 and Petitioner's attendant testimony established that the plan for the property called for a dwelling 19 feet high, a front yard depth of 40 feet, a side yard setback of 25 feet and a rear yard setback of 36 feet, all exceeding the minimums required for the subject D.R. 5.5 site by County regulations. Finally, testimony established that, although Mr. Jung owned two lots at the site, he still did not have sufficient adjoining land to equal the 6,000 sq. ft. minimum area requirement for development of the site.

Counsel for the Petitioner submitted that Mr. Jung is entitled to relief as a "matter of law." He cites Section 304.1 of the Baltimore County Zoning Regulations (BCZR), as revised by the April 6, 1992 Amendment, which states:

304.1 A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulation contained in these regulations if:

- a. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and
- b. All other requirements of the height and area regulations are complied with; and
- c. The owner of the lot does not have sufficient adjoining land to conform to the width and area requirements contained in these regulations.

The Board unanimously agrees with Counsel's evaluation of the matter. The testimony and exhibits clearly establish that the subject lots were duly recorded as required under Section 304.1 prior to March 30, 1955. The Petitioner has furthered established that, other than as to the size of the subject site, his present plan complies with all other height and area requirements. Finally, the testimony makes clear that, even though the Petitioner owns two lots, the total is not sufficient to conform with the square footage requirements for development. The Board believes that the situation in this case is specifically the type of circumstance which was envisioned when the County Council promulgated Section 304.1 of the BCZR.

This Board will not address the issues relative to the alternative relief, which was to grant a variance under Section 307 and cases applicable therefrom as a form of relief in this matter. The Board believes that all relief necessary can and should be granted under Section 304.1 only.

Accordingly, the Board will issue an Order granting the Petitioner the right to erect the proposed dwelling for the subject site on the 4,800 sq. ft. available in lieu of the required 6,000 sq. ft.

O R D E R

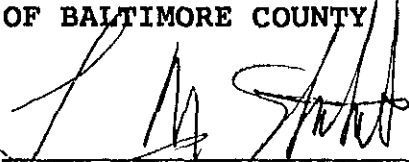
THEREFORE, IT IS THIS 11th day of March, 1998 by
the County Board of Appeals of Baltimore County

ORDERED that the subject property, known as Lot 13/14, Sec. 9


Dorchester Road, satisfies the requirements for approval as an undersized lot as set forth in Section 304.1 of the Baltimore County Zoning Regulations, and, accordingly, Petitioner may proceed therefrom.

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



Lawrence M. Stahl, Acting Chairman



Donna M. Felling



Thomas P. Melvin



County Board of Appeals of Baltimore County

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

March 11, 1998

William R. Levasseur, Jr., Esquire
MARTIN & LEVASSEUR
Crestar Building, Suite 602
22 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 97-356-A
Barry Jung - Petitioner

Dear Mr. Lavasseur:

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. Barry Jung
Mr. Quintin Conner
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence Schmidt /Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



IN THE MATTER OF

*** COUNTY BOARD**

BARRY JUNG PETITIONER

*** OF APPEALS**

Reg. Lot 13/14, Section 9
Dorchester Road, 1st Election District
1st Council Manic
(Appeal from Denial of
Petition for Variance)

*** OF BALTIMORE COUNTY**

*** Case No.:97-356-A**

* * * * *

MEMORANDUM OF LAW

NOW COMES Barry Jung, Appellant/Petitioner, by and through his attorneys, William R. Levasseur, Jr. and Martin & Levasseur and respectfully submits this Memorandum of Law in support of the evidence he presented at the hearing of this matter on December 3, 1997 as follows:

97 DEC 31 PM 3:51
COUNTY CLERK

STATEMENT OF THE CASE

Petitioner, Barry Jung (hereafter, "Petitioner" or "Jung") purchased the subject property from Baltimore County at a tax sale. He was given the deed dated March 3, 1996 from Baltimore County conveying the lots to him (See: Record Exhibit No. 1; for the convenience of the Board, petitioner attaches to this memorandum a list of exhibits setting forth the 9 Exhibits he submitted to the Board at the December 3, 1997 hearing, which list is labeled "Attachment A"). Sometime thereafter, Mr. Jung applied for a building permit with Baltimore County and he was told that the size of Lots 13 & 14 were too small under current zoning regulations. Mr. Jung was told by the Baltimore County Zoning Office that he must obtain a variance before seeking a building permit. Pursuant to the County's instructions Mr. Jung filed a Petition for Variance and followed all of the requirements relating to posting the property and advertising the date of hearing.

The Zoning Commissioner of Baltimore County convened a public hearing on Jung's Petition for Variance addressing the three variances requested:

1. To permit a single family dwelling on a lot 40 feet wide in lieu of the required 55 feet.
2. To build on a lot with an area of 4,800 square feet in lieu of the required 6,000 square feet.
3. To build a dwelling with side yard setbacks of six feet in lieu of the required 10 feet.

Mr. Jung proceeded in proper person before the Zoning Commissioner.

On April 9, 1997 the Baltimore County Zoning Commissioner denied Jung's Petition for Variance in a written opinion of the same date. Mr. Jung promptly filed this appeal and a hearing was scheduled for December 3, 1997. Before presenting his de novo evidence before the Board of Appeals, Mr. Jung, through counsel, withdrew his request for a variance as to the side yard setback (#3 above). While there appeared to be two protestants before the Board of Appeals, in fact, only Mr. Quinten Conner, an adjacent property owner residing at 5723 Calverton Street, availed himself of the opportunity to testify before the Board.

At the conclusion of the December 3, 1997 hearing, the Board of Appeals entertained some brief oral summation from the parties. The Board then invited the parties to submit memoranda addressing the factual and legal issues presented by this Petition for Variance. The Board directed the parties to pay particular attention to the principles enunciated in the case of *Cromwell vs. Ward*, 102 Md./App. 691, 651 A.2d 424 (Md. App. 1995).

ISSUES PRESENTED

1. Is petitioner entitled to the relief requested as a matter of right?
2. Alternatively, is Petitioner entitled to a variance under the terms of Section 307 of the Baltimore County Zoning Regulations?

1. PETITIONER IS ENTITLED RELIEF AS A MATTER OF LAW

The controlling Baltimore County Zoning Regulation in these proceedings is set forth in §304.1. The current law, as revised by the April 6, 1992 amendment states:

304.1 A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulation contained in these regulations if:

- a. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; and
- b. All other requirements of the height and area regulations are complied with; and
- c. The owner of the lot does not have sufficient adjoining land to conform to the width and area requirements contained in these regulations. (emphasis added)

Jung has presented ample evidence to show that he is entitled to relief pursuant to the express provisions to §304.1. By withdrawing his request for a “variance” of the side yard setbacks, Mr. Jung focused his variance request to two issues:

A. Can he build a single family dwelling on a lot 40 feet wide in lieu of the required 55 feet?

B. Can he build on a lot with an area 4,800 square feet in lieu of the required 6,000 square feet?

Section 304.1 of the BCZR clearly states that the answer to both questions is, “yes.” Section 304.1 permits building a one family, detached dwelling even where the area of the lot or the width at the building line are less than the required values set forth in the

regulations. In this case, the area requirement is 6,000 feet and the width at the building line requirement is 55 feet. Section 304.1 very clearly says that Mr. Jung is permitted to build his dwelling as long as it is for one family, it is detached or semi-detached, and even if the area and width values are less than required by zoning regulations if three very specific conditions are met.

Mr. Jung presented evidence to establish his entitlement to his right to build on his property. Exhibits 1 and 2 show the two most recent deeds in the line ending with Mr. Jung. Exhibit 3 shows that the subject property was originally deeded to the Intercity Land Company on July 16, 1919. Exhibit 4 clearly shows that the Intercity Land Company, only six days later, recorded a subdivision plat on July 22, 1919. The subject lots 13 and 14 are found in section 9 of *Dorchester Road* on that plat. Accordingly, Petitioner has met his burden of showing that both the original deed to lots 13 and 14 as well as the validly approved subdivision containing the subject lots were recorded long before March 30, 1955.

Through his testimony and by his Exhibit 9 Mr. Jung has produced sufficient proof that, "all other requirements of the height and area regulations are complied with." The applicable requirements for property zoned and classified DR 5.5 are found in Baltimore County Zoning and Development standards for small lots or tracts (Bill No. 100, 1970). It is there that the minimum area requirement of 6,000 feet and the minimum lot width of 55 feet are found. Additionally, there are three other development requirements or standards:

(1) the minimum front yard depth must be 25 feet; (2) the minimum width of individual side yard must be 10 feet and (3) the minimum rear yard depth must be 30 feet. Mr. Jung

proposes to exceed the first requirement by having a front yard depth of 40 feet. He proposes to meet the minimum width of individual side yard requirement by making that exactly 10 feet. Moreover, Mr. Jung will exceed the minimum rear yard depth by leaving 36 feet as rear yard depth. There is no evidence nor any complaint for that matter that Mr. Jung's proposed height of 19 feet violates or exceeds any zoning values or regulations. Finally, Mr. Jung testified that the only property he owns are lots 13 and 14 of Dorchester Road. Accordingly, he does not own "sufficient adjoining land to conform to the width and area requirements contained in" the regulations.

Given the clarity of the above evidence, a brief discussion of how Mr. Jung comes to be before the Board of Appeals in the first place is in order. Mr. Jung was originally told by the County that he would need a variance granted to him before he would be issued a building permit. Given the distinctions very painstakingly drawn in the case of *Cromwell vs. Ward* (supra) it is Mr. Jung's position that the County instructions to Mr. Jung were incorrect. At best, Mr. Jung needed a special exception to acknowledge an otherwise permissible use of his property. His intended plans keep him in line with the terms of the regulations. The *Cromwell vs. Ward* Court set forth the distinction this way, "[A] variance is 'authority...to use his property in a manner forbidden...,' while an exception 'allows him to put his property to a use which the enactment expressly permits.'" 651 A 2.d at 428.

It is respectfully submitted that Mr. Jung does not need to go on to prove or show that there is something particularly unique about lots 13 and 14 when viewed under the terms of the zoning requirements applicable to the land. Nor must he show that he has any practical difficulty under §307 of the Baltimore County Zoning Regulations. Arguably

speaking, Mr. Jung does not even need a variance in the first place. It appears that he does need a special exception granted to him so that his building plans can go forth as permitted by §304.1 of the regulations. On the other hand, the County required Mr. Jung to request a zoning variance before his building plans could go any further. Nevertheless, Mr. Jung presented adequate testimony and evidence to show that he is entitled to relief under §307 of the County zoning regulations as an alternate form of relief as will be discussed in the next section.

2. ALTERNATIVELY, MR. JUNG IS ENTITLED TO THE ISSUANCE OF A ZONING VARIANCE UNDER §307 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

While the distinction was not made at the level of the zoning commissioner's office nor was any mention of the distinction made in the Findings of Fact and Conclusions of Law dated April 9, 1997, the reality is there are many procedural and evidentiary differences between a petitioner seeking a special exception and a petitioner seeking a variance. Even if the Board concludes that Mr. Jung is not entitled to build on lots 13 and 14 as a matter of right, Mr. Jung is entitled to a zoning variance.

The case of *Cromwell vs. Ward* reasons that there is a two step process for determining whether a variance is appropriate. *Cromwell* instructs us as follows:

The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property... If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance *caused by* the property's uniqueness, exists. (651 A.2d at 426)

As for meeting the first step, the uniqueness and peculiarity of lots 13 and 14 are very clear - the property is the only undeveloped lot on Dorchester Road, they are the only lots overgrown with underbrush and shrubs and trees, they are only lots on the street used by the surrounding neighbors to dump trash and debris. The property is also unique in the County's eyes. The assessed value of the property was shown to be \$29,500.00 (see Exhibit 6 and Exhibit 7.) In fact, the assessment records for the property known as 705 Dorchester Road shows that the County carries the exact same assessed value for those lots as is carried for the subject property. The Petitioner established through Exhibits 6 through 7 and collective Exhibit 8 that 705 Dorchester is identical in all respects to the subject property lots. Petitioner also established that 705 Dorchester Road has been improved and those improvements carry an assessed value of \$68,370.00 as reflected in Exhibits 6, 7 and 8. The property is unique and unusual in that one arm of the County assesses it and collects taxes on it as if it is capable of development, but, another arm of the County concludes it is not. That is, to say the least, peculiar. This antinomy is having a detrimental effect on Dorchester Road and Catonsville Heights at large.

Keep in mind that Mr. Jung purchased the subject property from Baltimore County at a tax foreclosure sale. Mr. Jung testified that he investigated the property prior to bidding at the foreclosure sale to ensure that the lots could be developed according to the County. He testified that he compared the land assessed value with other comparable lots in the area and was satisfied that Baltimore County regarded the subject property as capable of development.

The *Cromwell* Court approvingly cited a decision made by the District of Columbia Appellate Division that is relevant here. The Court stated "a minimum lot area

variance was affirmed in *Russel v. District of Columbia Board of Zoning Adjustment*, 402 A2.d 1231 (D.C. appeal 1979), where, due to the size of the lot, no viable economical use of the property could be had without the variance. It was determined that the lot was the only lot in the area that had been subdivided in smaller lots prior to the adoption of the zoning ordinance.” While the timing of the subdivision into smaller lots is not relevant to Mr. Jung’s petition, the *Russel* case presents facts substantially similar to this one.

This is especially so in light of the manner of development permitted on 705 Dorchester Road lot, only 5 houses down Dorchester Road from the subject lots. Mr. Jung’s testimony and the collective documents submitted as Exhibit 8 show that 705 Dorchester and the dwelling permitted to be erected thereon, are identical to what Mr. Jung proposes to do with lots 13 and 14. If anything, the 705 Dorchester Road property contains a 216 square foot deck which makes that structure much larger than the 880 square foot dwelling alone proposed by Mr. Jung.

705 Dorchester Road was developed in 1980 on parcels of land completely identical to the zoning regulation values of lots 13 and 14. It is also important to note that 705 Dorchester is surrounded by homes of different lot sizes and dwelling square footages. Petitioner’s Exhibit 5 is the Zoning Map of Dorchester Road. It depicts a structure site on lots 13 and 14 the same size and orientation of the structure on 705 Dorchester. That exhibit also shows the error in the zoning commissioner’s disposition of this matter when he concluded “Moreover, although there may be smaller lots in the vicinity, the houses most immediately affected are all on larger lots.” The same could have been said of 705 Dorchester Road but there is a dwelling on those lots.

Petitioner respectfully submits that it is arbitrary and capricious for the County to conclude that the subject lots may not be developed despite the fact that the County collects taxes on the subject property at rates consistent with lots capable of development and despite the fact that the subject lots are the only undeveloped lots on the street and all of this in the face of the fact that 705 Dorchester Road is fully developed in a way completely identical to Mr. Jung's proposal. Such a position amounts to nothing more than a taking or confiscation of Mr. Jung's property.¹

The case of *Frankel vs. Mayor and City Council of Baltimore*, 223 Md. 97, 162 A.2.d 447 (1960) illustrates an example of the Court of Appeals affirming the granting of a variance. The zoning restriction there at issue so compromised the use of the property as to constitute an unconstitutional taking of the property. Of course, the *Frankel* case is a case emanating from Baltimore City and is not, therefore, applicable to the case at issue. Nevertheless, it is very instructive of the attitude of the Court of Appeals that where a zoning restriction so harshly and adversely affects the rights of a property owner as to compromise the ability to even use the property, a variance should be granted.

The practical hardship of this case is obvious from Mr. Jung's point of view - the County sold him a piece of property that was held out as developable. That status is now in question. There is also a practical hardship for the County if a variance is not granted. It is not good business practice for Baltimore County to market property for tax foreclosure sale which is held out to the public to be developable but, after the taxes are

¹ It is interesting to note that zoning was cleared for the Pine Grove Subdivision of Baltimore County in September of 1996 where 13 of the lots were 4,800 square feet, 9 were 5,000 square feet and another 3 were otherwise less than the required 6,000 square feet for small tracts (See Plat Book SM No. 68 Folio 124 - copies available upon request.)

collected, the purchaser is told that he cannot develop the property. The purchaser is then financing the County's collection of taxes and getting absolutely nothing back of any value except a future tax liability.

In terms of the impact Mr. Jung's proposed dwelling unit will have on the area, it is interesting to note that despite two opportunities for the entire Catonsville Heights community to present their views and opinions, only one adjacent landowner has ever protested Mr. Jung's plan. Mr. Conner basically testified that he does not want to look out his window and see a dwelling on the lots adjoining his property. He also testified that he thought it would bring down his property values. The latter testimony was unsupported by any expert opinion and, to the contrary, Mr. Jung testified that by developing the lots the values of the surrounding dwellings and properties should increase. The vacant lots represent an eyesore, a public nuisance and potential danger to people living on Dorchester Road and Calverton Street. While a Mr. Steve Cumby did appear at the Board of Appeals hearing, he did not testify and therefore it is not known how far away his actual piece of property is to the subject lots. Mr. Jung was unable to cross examine Mr. Cumby to find out more information about him.

3. CONCLUSION

Petitioner respectfully submits that he is entitled to develop the property in the manner proposed as a matter of law. The original deed in Jung's line of deeds was recorded long before March 30, 1955, so too was the subdivision plat for Catonsville Heights. Jung proposes to meet all other requirements of the height and area regulations. Alternatively, Mr. Jung is entitled to a variance pursuant to §307 of the Baltimore County Regulations. He has fulfilled his burden of proof as to both "steps" established under the

Cromwell decision and its principles. Lots 13 and 14 are the only undeveloped lots on Dorchester Road, developing the lots is the only way for Mr. Jung to prevent the continuing trespasses upon his property and there is no question that his inability to develop the property creates a practical hardship for Mr. Jung that cannot be addressed by any means other than the granting of a variance. The protestants in opposition to Mr. Jung's petition did not present any evidence to establish any detriment to the neighborhood. For all of these reasons the County Board of Appeals should reverse the findings of the Zoning Commissioner and permit Mr. Jung to erect a one family detached dwelling on the subject property.

Respectfully Submitted,


WILLIAM R. LEVASSEUR, JR.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1997
a copy of the foregoing MEMORANDUM OF LAW was mailed to Quintin Conner at 5723 Calverton Street, Catonsville, Maryland 21228; Virginia W. Barnhart, Esquire, County Attorney, Baltimore County Office of Law, 401 Bosley Avenue, Towson, Maryland 21204, and Lawrence E. Schmidt, Zoning Commissioner, 111 W. Chesapeake Avenue, Towson, Maryland 21204.


WILLIAM R. LEVASSEUR, JR.

IN THE MATTER OF

*** COUNTY BOARD**

BARRY JUNG PETITIONER

*** OF APPEALS**

Reg. Lot 13/14, Section 9

Dorchester Road, 1st Election District

*** OF BALTIMORE COUNTY**

1st Council Manic

(Appeal from Denial of

*** Case No.:97-356-A**

Petition for Variance)

* * * * *

LIST OF EXHIBITS

1. Deed of March 3, 1996 from Baltimore County to Barry Jung (Lots 13 & 14).
2. Deed of November 15th, 1990 from Mainulli to Thomas Homes (Lots 13 & 14).
3. Original deed dated July 16, 1919 from Young, et. al. to Intercity Land Company (Catonsville Heights).
4. Subdivision plat of Catonsville Heights dated July 22, 1919.
5. Zoning map (depicts Dorchester Road lots.)
6. Baltimore County MDAT assessment records for: 703, 705, 707 and lots 13 & 14, Dorchester Road.
7. Baltimore County tax book #3 (from SpecPrint.)
8. Collective exhibit:
 - A. Certified copy of Deed dated April 27, 1989 from Borrelli to Friedrich (705 Dorchester Road).
 - B. Deed of Trust (same)
 - C. Metropolitan Regional Information Systems, Inc. printout re: specifications of 705 Dorchester Road (10/15/97).
9. Two page hand drawn site proposal (set back and height requirements).

“ATTACHMENT A”



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

April 9, 1997

Mr. Barry Jung
7616 Bluegrass Road
Baltimore, Maryland 21237

RE: Case No. 97-356-A
Petition for Zoning Variance
Property: Lots 13/14 Dorchester Road

Dear Mr. Jung:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. Quinten Conner
5723 Calverton Street
Baltimore, Maryland 21228



RE: PETITION FOR VARIANCE	*	BEFORE THE
E/S Dorchester Rd, 120' S of Calverton St	*	ZONING COMMISSIONER
(Lot 13/14, Section 9, Dorechester Road)	*	OF BALTIMORE COUNTY
1st Election District, 1st Councilmanic	*	CASE NO. 97-356-A
Barry Jung		
Petitioner		

* * * * *

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 28th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Barry Jung, 7616 Bluegrass Road. Baltimore, MD 21237, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at DORCHESTER RD, LOT 13/14 SEC 9
97-356-A which is presently zoned D.R.S.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) 1802.3 & C.1.6

304-1; BC2R, TO PERMIT A SINGLE FAMILY DWELLING ON
A 40' WIDE LOT IN LIEU OF THE REQUIRED 55' SIDEYARD
SETBACKS OF 6' IN LIEU OF THE REQUIRED 10' AND (see attached)
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1) OWNER TO BUILD ON UNDER SIZED LOT (40' X 120')
BECAUSE LOT WAS SUBDIVIDED IN 1919 - (PRACTICAL DIFFICULTY)
2) OWNER REQUESTING SIDE SETBACKS OF 6' INSTEAD OF
10' SINCE NEIGHBORS HOMES ARE WELL OFF OF SIDE PROPERTY
LINES - PRACTICAL DIFFICULTY

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:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

(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):

BARRY JUNG
(Type or Print Name)

Barry Jung
Signature

(Type or Print Name)

Signature

7616 BLUEGRASS RD (410) 866-3890
Address Phone No.

BALTO MD 21237
City State Zipcode
Name, Address and phone number of representative to be contacted.

(SAME AS ABOVE)
Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: Jung DATE 2-25-97

356



Printed with Soybean Ink on Recycled Paper



A LOT AREA OF 4800 SQ. FT. IN
LIEU OF THE REQUIRED 6000 SQ. FT.

97-356-A

ZONING DESCRIPTION FOR LOTS 13 & 14,
DORCHESTER RD. **97-356-A**

BEGINNING AT A POINT ON THE EAST
SIDE OF DORCHESTER RD., WHICH IS
40' WIDE AT A DISTANCE OF 120'
SOUTH OF CALVERTON STREET, WHICH
IS 40' WIDE. BEING LOTS 13 & 14
IN THE SUBDIVISION OF CATONSVILLE HEIGHTS,
PLAT BOOK W.P.C. 6, FOLIO 176.
E.D. 1ST ; C.D. 1ST.

356

ZONING DESCRIPTION

Being all of lot 13 and 14 as shown on
the Plat entitled, "Caronsville Heights",
which is recorded among the land records
of Baltimore County in Plat Book W.P.C.
No. 6, Folio 178, Block 9, containing
4800 square feet. Also known as lots 13
and 14 Dorchester Road. Said property is
located 120' southeast of Calverton Street.

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-356-A
E/S Dorchester Road, 120' S of Calverton Street (Lot 13/14, Section 9, Dorchester Road)
1st Election District
1st Councilmanic
Legal Owner(s):
Barry Jung

Variance: to permit a single family dwelling on a 40 foot wide lot in lieu of the required 55 feet, side yard setbacks of 6 feet in lieu of the required 10 feet, and a lot area of 4,800 square feet in lieu of the required 6,000 feet.

Hearing: Wednesday, April 2, 1997 at 2:00 p.m. in Rm. 106, County Office Building.

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.

3/157 March 13 C126275

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

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 3/13, 1997.

THE JEFFERSONIAN,

A. Henikson
LEGAL AD. - TOWSON

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

ryz

FOR:

Appeal # 97-356-A

RECEIVED

BARRY JUNG

AMOUNT \$

210.00

ACCOUNT

R-001-6150

DATE

5/13/97

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

032606

No.

05/14/97 09:11 AM
5 SLS ZHONG, WRETCENTON
03006
\$210.00 OK P H-1-D
BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE

VALIDATION OR SIGNATURE OF CASHIER
JCM

WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

FOR:

MR. (010)

RECEIVED

BARRY JUNG

AMOUNT \$

50.00

ACCOUNT

Pool-6150

DATE

2-25-97

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

032641

No.

97-356

032606
BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE

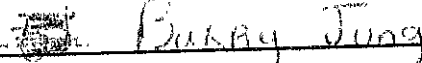
**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

036-006

DATE 5/13/97 ACCOUNT R-1015650

AMOUNT \$ 210.00

RECEIVED FROM: 

FOR: Appeal # 97-356-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

mje

CASHIER'S VALIDATION

RECEIVED
MAY 15 1997
BALTIMORE COUNTY MARYLAND
OFFICE OF BUDGET & FINANCE

CERTIFICATE OF POSTING

R.E: Case No.: 97-356-A

Petitioner/Developer: BARRY JUNG, ETAL

Date of Hearing/Closing: 4/2/97

WEDS. @ 2:00 PM
RM. 106 C.O.B.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at E/S DORCHESTER RD.
120'S. OF CALVERTON STREET

The sign(s) were posted on 3/13/97
(Month, Day, Year)

Sincerely,

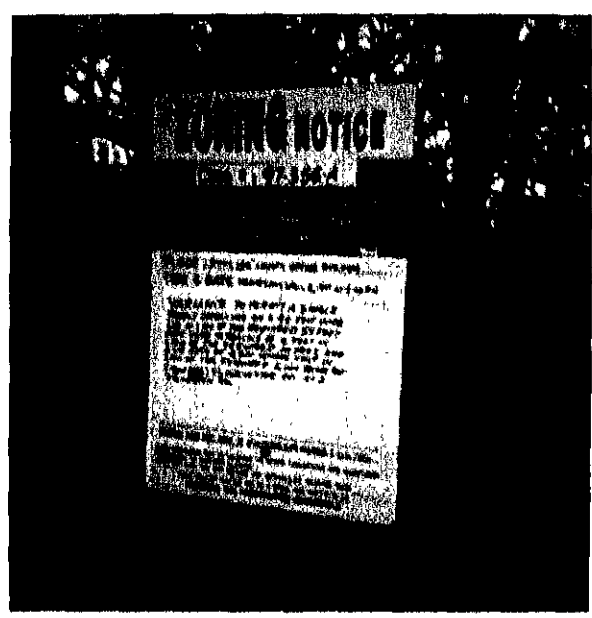
Patrick M O'Keefe 3/18/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 646-8354
(Telephone Number)



97-356-A - Lots 13/14
DORCHESTER RD
3/13/97

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-356-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: TO PERMIT A SINGLE FAMILY DWELLING ON
A 40' WIDE LOT IN LIEU OF THE REQUIRED
55', ~~AND~~ SIDEYARD SETBACKS OF 6' IN LIEU
OF THE REQUIRED 10' AND A LOT AREA
OF 4800 SQ. FT. IN LIEU OF THE REQUIRED 6000 SQ. FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
 Department of Permits and
 Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 356
 Petitioner: BARRY JUNG
 Location: ~~WINDSOR~~ DORCHESTER CT 13/14

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BARRY JUNG
 ADDRESS: 7616 BLUE GRASS RD
BALTO MD 21237
 PHONE NUMBER: (410) 866-3890

AJ:ggs

(Revised 09/24/96)

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
for filing by J. MERRY on 3-25-97
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE 3/7 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 3/24 C (B-3 Work Days)

TENTATIVE DECISION DATE 3/27 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

TO: PUTUXENT PUBLISHING COMPANY
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

Barry Jung
7616 BlueGrass Road
Baltimore, MD 21237
866-3890

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-356-A
E/S Dorchester Road, 120' S of Calverton Street
(Lot 13/14, Section 9, Dorechester Road)
1st Election District - 1st Councilmanic
Legal Owner: Barry Jung

Variance to permit a single family dwelling on a 40 foot wide lot in lieu of the required 55 feet, side yard setbacks of 6 feet in lieu of the required 10 feet, and a lot area of 4,800 square feet in lieu of the required 6,000 square feet.

HEARING: WEDNESDAY, APRIL 2, 1997 at 2:00 p.m. in Room 106, County Office Building.

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
Department of Permits and
Development Management

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

March 7, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-356-A
E/S Dorchester Road, 120' S of Calverton Street
(Lot 13/14, Section 9, Dorchester Road)
1st Election District - 1st Councilmanic
Legal Owner: Barry Jung

Variance to permit a single family dwelling on a 40 foot wide lot in lieu of the required 55 feet, side yard setbacks of 6 feet in lieu of the required 10 feet, and a lot area of 4,800 square feet in lieu of the required 6,000 square feet.

HEARING: WEDNESDAY, APRIL 2, 1997 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Barry Jung

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY
(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

September 26, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-356-A

IN THE MATTER OF: BARRY JUNG -Petitioner
Lot 13/14, Sec. 9 Dorchester Road
1st Election District; 1st Councilmanic

(Petition for Variance DENIED.)

ASSIGNED FOR:

WEDNESDAY, DECEMBER 3, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Petitioner : William R. Levasseur, Jr., Esquire
Appellant /Petitioner : Barry Jung

Protestant : Quintin Conner

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /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

December 5, 1997

NOTICE OF DELIBERATION

Having concluded this case on December 3, 1997, the County Board of Appeals has scheduled the following date and time for deliberation in the matter of:

BARRY JUNG -Petitioner
CASE NO. 97-356-A

DATE AND TIME : Tuesday, January 13, 1998 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE TO COUNSEL : As requested by the Board, Briefs are due (Original and 3 copies) on Wednesday, December 31, 1997.

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Petitioner : William R. Levasseur, Jr., Esquire
Appellant /Petitioner : Barry Jung

Protestant : Quintin Conner

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

COPIED: L.M.F.





Baltimore County
Department of Permits and
Development Management

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

March 27, 1997

Mr. Barry Jung
7616 Bluegrass Road
Baltimore, MD 21237

RE: Item No.: 356
Case No.: 97-356-A
Petitioner: Barry Jung

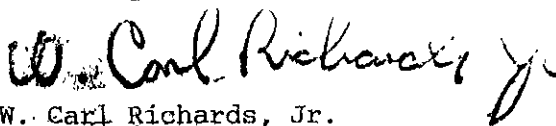
Dear Mr. Jung:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 25, 1997.

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

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

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 3.11.97
Item No. 356 JCM

Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'R. J. Burns'.

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

TO: Arnold Jablon, Director
Department of Permits and Development Management

DATE: March 12, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Dorchester Road Lot 13/14

INFORMATION:

Item Number: 356

Petitioner: Barry Jung

Property Size:

Zoning: DR 5.5

Requested Action: Variance

Hearing Date: 1 1

SUMMARY OF RECOMMENDATIONS:

Staff recently reviewed the property in order to determine the appropriateness of an Undersized lot request pursuant to Section 304.2 of the Baltimore County Zoning Regulations (see attached comments dated March 6, 1997).

Should the requested variance be granted, staff recommends that the conditions outlined in our Undersized lot review be included as restrictions in the Zoning Commissioner's Order in the instant case.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol Kerns*

AFK/JL:rdn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 17, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for March 17, 1997
Item No. 356

The Development Plans Review Division has reviewed the subject zoning item. Dorchester Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

ZONE317.356

Baltimore County Government
Fire Department



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

(410) 887-4500

March 12, 1997

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 March 10, 1997.

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.

9. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, & 367



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

TO: PDM

DATE: 3/13/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 14, 97

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

Item #'s: 353 367
 356
 358
 359
 360
 361
 362
 363
 364
 365

RBS:sp

BRUCE2/DEPRM/TXTSBP

PETITION PROBLEMS

#353 --- JRF

1. Sign form is incomplete.

#354 --- JRF

1. Need telephone number for legal owners.
2. Need title of person signing for contract purchaser.
3. Sign form is incomplete.

#355 --- RT

1. No section number or wording on the petition form.
2. Notary section is incomplete.

#356 --- JCM

1. Sign form is incomplete.

#357 --- JCM

1. No review information on bottom of petition form.

#358 --- RT

1. No review information on bottom of petition form.
2. Sign form is incomplete.

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B _____
Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

BARRY JUNG 7616 BLUEGRASS RD BALTO MD 21237 866-3890
Print Name of Applicant Address Telephone Number

Lot Address DORCHESTER RD #13/14 SEC 9 Election District 1ST Council District _____ Square Feet 4,800
 Lot Location: NESW corner of DORCHESTER RD, 120 feet from NESW corner of CAWERTON STREET
(street) (street)

Land Owner BARRY JUNG Tax Account Number 01-13-552922

Address 7616 BLUEGRASS RD Telephone Number (410) 866-3890
BALTO MD 21234

CHECKLIST OF MATERIALS: to be submitted for design review by the Office of Planning & Community Conservation

	PROVIDED?		
	YES	NO	
1. This Recommendation Form (3 copies)	✓	_____	<div style="border: 1px dashed black; padding: 5px;"> Residential Processing Fee Paid Codes 030 & 080 (\$25) Accepted by _____ ZAM Date _____ </div>
2. Permit Application	_____	✓	
3. Site Plan Property (3 copies)	✓	_____	
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	✓	_____	
4. Building Elevation Drawings	✓	_____	
5. Photographs (please label all photos clearly) Adjoining Buildings	✓	_____	
Surrounding Neighborhood	✓	_____	

TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

Approval Disapproval Approval conditioned on required modifications of the permit to conform with the following recommendations:

- The house on this lot should be 28' wide and not 20' wide.
- The elevation for this house should be revised to show side windows and building materials. Materials should be compatible with homes in the neighborhood.

Signed by: Ervin McDaniel
for the Director, Office of Planning & Community Conservation

Date: 3/6/97



Baltimore County
Department of Permits and
Development Management

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

May 13, 1997

Mr. Quinten Conner
5723 Calverton Street
Baltimore, MD 21228

RE: Petition for Variance
E/S Dorchester Road, 120
ft. S of Calverton Street
(Lot 13/14, Sec. 9
Dorchester Rd)
1st Election District
1st Councilmanic District
Barry Jung - Petitioner
Case No. 97-356-A

Dear Mr. Conner:

Please be advised that an appeal of the above-referenced case was filed in this office on May 9, 1997 by William R. Levasseur, Jr., Esquire on behalf of Barry Jung. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel



APPEAL

Petition for Zoning Variance
E/S Dorchester Road, 120 ft. S of Calverton Street
(Lot 13/14, Sec. 9 Dorchester Road)
1st Election District - 1st Councilmanic District
Barry Jung - Petitioner
Case No. 97-356-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Advisory Committee Comments

Petitioners' Exhibit: 1 - Plat to Accompany Petition for Zoning
Variance

Letter from Anna M. Warner

Three Photographs Not Marked as Exhibits

Inter-Office Correspondence from Arnold Jablon to Ervin McDaniel

Proposed Elevations of Lots 13/14 Dorchester Road

Zoning Commissioner's Order dated April 9, 1997 (Denied)

Notice of Appeal received on May 9, 1997 from William R. Levasseur,
Jr., Esquire on behalf of Barry Jung

c: William R. Levasseur, Jr., Esquire, Martin & Levasseur, Suite 602,
Crestar Building, 22 W. Pennsylvania Avenue, Towson, MD 21204
Mr. Barry Jung, 7616 Bluegrass Road, Baltimore, MD 21237
Mr. Quintin Conner, 5723 Calverton Street, Baltimore, MD 21228
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 97-356-A

VAR -To permit single family dwelling on lot 40' wide ilo req'd 55'; to build on lot with area of 4800 sf ilo req'd 6000 sf and for dwelling with side yd setbacks of 6' ilo req'd 10'.

5/09/97 -Z.C.'s Order in which Petition for Variance was DENIED.

9/26/97 - Notice of Assignment for hearing scheduled for Wednesday, December 3, 1997 at 10:00 a.m. sent to following:

William R. Levasseur, Jr., Esquire
Barry Jung
Quintin Conner
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

12/03/97 -Hearing concluded; closing briefs and findings due from counsel December 31, 1997; deliberation to be scheduled and notice sent. (L.F.M.)

12/05/97 -Notice of Deliberation for Tuesday, January 13, 1998 at 9:30 a.m. sent to parties.

12/31/97 -"Summation of protest for case #97-356-A" filed by Steve Cumby and Quintin Conner. Copy given to Counsel for Petitioner (original document contained no certification of copies to opposing counsel), who filed his Memorandum of Law on behalf of Petitioner this date. Copies of both documents sent to L. F. M. Note to Mr. Conner that copy had been given to Counsel for Petitioner.

1/13/98 -Board deliberated case; Mr. Jung satisfied requirements for undersized lot pursuant to 304.1 of the BCZR; can proceed with permit process. Written Opinion/Order to be issued by Board; appellate period to run from date of written Order. L.F.M.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Barry Jung -Petitioner
Case No. 97-356-A

DATE : January 13, 1998 @ 9:30 a.m.

BOARD /PANEL : Lawrence M. Stahl, Acting Chairman (LMS)
Thomas P. Melvin (TPM)
Donna M. Felling (DMF)

SECRETARY : Kathleen C. Bianco
Administrator

The Board convened for public deliberation of the subject matter; testimony and evidence received at hearing of December 3, 1997. In attendance at the deliberation were William R. Levasseur, Jr., Esquire, Counsel for Petitioner; and Barry Jung, Petitioner.

LMS: Good morning. This is the open deliberation; today is January 13, 1998, and we are here regarding a request to utilize undersized lots, the address being 9 Dorchester Road, Lots 13 and 14.

We find ourselves today with a situation that is relatively clear and just so all understand, this is essentially, and I do this for the purpose of our civilian today -- this is essentially a discussion between the three of us. I note this is one of those typical situations where a citizen will do something based upon his understanding of the law -- sometimes that understanding may be incomplete. If it is and there is no counsel at various levels, things that could have been avoided are not avoided.

I have re-read the Zoning Commissioner's decision in this matter and found what is obviously the central issue of this matter -- here is a request that is a so standard request that there is a specific section in the Code to govern it --Section 304, which counsel was kind enough to utilize to a great extent in his memorandum. This is why they should be presented in virtually all cases -- not necessarily lengthy, but long enough to cover all issues.

We have 304.1 regarding what you have to do if you are going to build on a small lot. To me, the reasoning for that is very clear -- if you look at the requirements set forth in 304.1, it's obviously for lots that existed prior to the zoning regulations, and takes cognizance of the fact that some of those after-fact laws don't always treat property that has already been divided and made part of a subdivision fairly. You cannot grandfather everything in; the legislature tries to provide something for lots that already exist -- while

protecting the zoning regulations.

In 304, they essentially laid out what are common-sense requirements:

That it in fact be a lot put into a deed before the zoning regulation relative to the size of the lot -- if you can establish that you are one of those older lots, at the same time it does not become carte blanche to make whatever changes you think should be made. Specific requirements: that all other requirements of the height and area regulations are complied with. The legislature took the position -- give the people a way to deal with lots already there but not to use as an excuse to change other requirements.

If you can do what you are going to do on a small lot and not vary the height and width and setback requirements, then we are going to allow you to use the small lot.

Section 304.1 is interesting -- if you have more land and you can do it, you cannot use this as a way to get around those requirements. If you have any other way of dealing with it, you need to deal with it. If you don't have any other way and you fall within these parameters, you can build on the small lot.

In this case, the record is clear that Mr. Jung did not have counsel at that early stage -- he in fact did everything opposite what the applicable section of the law called for. He did not establish any of the prerequisites that 304.1 required -- reading now from the Zoning Commissioner -- Petitioner is not entitled to relief by right under 304.1. There was no testimony offered that the property had been duly recorded prior to March 30, 1955 (not mentioned at all); does not meet setback regulations. So it was almost as if someone read 304.1, and then established everything that took you out of 304.

Our record reflects that before us the Petition for Variance, setback request was dismissed -- and there was ample testimony both verbally and by way of several exhibits establishing all of the requirements of 304.1. What we now have is essentially a relatively simple matter -- we have a piece of property for which a particular rule, 304.1, has been promulgated. There are specific requirements for using that rule.

Testimony and actions of the parties - in the dismissal of variance request for setbacks - met (a), met (b), and met (c). As such, I find that he is on all fours with Section 304.1 and as such should be allowed to utilize the lot for the purposes

Deliberation /Barry Jung - Petitioner /Case No. 97-356-A

that have been set forth.

Having said that, there is quite a discussion about whether or not a variance should be granted under 307, and under Cromwell v. Ward -- I don't want to spend a lot of time on that. I think the issues are arguably the best in terms of uniqueness; I don't know that I might have decided differently had that been the only thing we were asked to hang our hat on. But frankly argument can be made for uniqueness. I don't think we have to reach that determination as to that; frankly, it is so close to exactly what is required that we do not have to reach it.

I would be happy to hear from you folks in terms of Cromwell v. Ward, but I don't think there is any question as to practical difficulty. Arguably it's a toss-up call whether or not the property is unique; good case could be made either way. But really, I don't feel moved to make that determination -- so I was satisfied on the grounds of 304.1 before I even got to that.

I would decide to allow the request and to allow the property to be developed as it was presented to us, and state as a matter of finding of fact that Petitioner has satisfied 304.1 and is entitled to do so.

TPM: I agree with Larry. I think 307 does not come into effect -- 304.1 is what we are looking at here.

I think specifically the Petitioner's Exhibits 1 to 4 show that the subject lot had been fully recorded prior to 1955. Also, Exhibit 9 illustrates the dwelling as 19' high, 40' front; side 25'. Side yard setback is 10'; rear yard is satisfied by 30' depth. Like Larry pointed out, 304 is what we have to apply, and I also agree that Petitioner's request for a single-family dwelling should be granted.

DMF: I basically have the same conclusion, that 304.1 is met. And that Petitioner very ably has supplied the original deed and subdivision plat of Catonsville Heights, which satisfied (a) of 304.1.

As well, his drawings of his intended plans satisfied (b), and of course (c) was satisfied too here before us.

I would say at that point that Petitioner, based on the information provided, does not need a variance to develop the property. It's plausible that he should now move forward and proceed with development under 304.2.

Deliberation /Barry Jung - Petitioner /Case No. 97-356-A

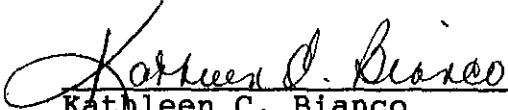
That's basically it.

LMS: Okay -- we are in agreement and an order shall be issued by the Board. The rights of appeal will lie from the actual date of the opinion and order itself, and not today's proceedings.

If there is nothing else, we are adjourned.

* * * * *

Respectfully submitted,



Kathleen C. Bianco
Administrator



County Board of Appeals of Baltimore County

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

December 31, 1997

Mr. Quintin Conner
5723 Calverton Street
Baltimore, MD 21228

RE: Case No. 97-356-A
Barry Jung -Petitioner

Dear Mr. Conner:

This letter is being sent to advise you that a copy of your submittal filed in the subject case was given this date to Counsel for Petitioner, inasmuch as there was no indication that a copy had been sent to him.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script that reads "Kathleen C. Bianco".

Kathleen C. Bianco, Administrator
County Board of Appeals

cc: William R. Levasseur, Jr., Esquire



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
D. Felling
T. Melvin

DATE: December 31, 1997

FROM: Kathi

SUBJECT: In the Matter of Barry Jung, Petitioner; Case No. 97-356-A
Closing Briefs and Findings of Fact as filed by Parties

Attached for your review and information are copies of the following documents which were filed in the subject matter on Wednesday, December 31, 1997, as requested by the Board at the conclusion of its hearing on December 3rd:

- 1) "Summation of protest for case #97-356-A" filed by Steve Cumby and Quintin Conner, Protestants.
- 2) "Memorandum of Law" filed by William R. Levasseur, Jr., and Martin & Levasseur, on behalf of Petitioner, Barry Jung.

Deliberation in this matter is scheduled for Tuesday, January 13, 1998 at 9:30 a.m.

Since there was no indication that a copy of Protestants' document had been sent to the Petitioner or his counsel, I provided Mr. Levasseur with a copy this date when he stopped in to file his Memorandum.

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

kathi

Attachments

file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** September 28, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File: 97-356-A /Barry Jung

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-356-A)

LAW OFFICES

MARTIN & LEVASSEUR

SUITE 602

CRESTAR BUILDING

22 W PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204

TIMOTHY J MARTIN
WILLIAM R. LEVASSEUR, JR.

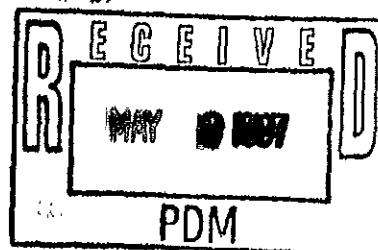
TELEPHONE
(410) 321-0400
FAX
(410) 321-7240

May 9, 1997

Rec 3:41p
May 9, 1997
Catherine
A. Hill
Check # 722

County Board of Appeals
c/o Roslyn Eubanks, Office Assistant
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No.: 97-356-A
Petition for Zoning Variance
Property: Lots 13/14 Dorchester Road



Dear Ms. Eubanks:

Enclosed please find a check in the amount of \$210.00 made payable to Baltimore County. Please note an appeal of the April 9, 1997 Findings of Fact and Conclusions of Law rendered in this matter by Commissioner Lawrence E. Schmidt. Also, please enter the appearance of William R. Levasseur, Jr. on behalf of petitioner/appellant, Barry Jung. Kindly direct all future correspondence and notices to me. Thank you for your assistance and cooperation.

Very Truly Yours,


WILLIAM R. LEVASSEUR, JR.

WRL, JR/aj

Enclosure

cc: Mr. Barry Jung

RECEIVED
COUNTY BOARD OF APPEALS
97 DEC 31 AM 9: 50

To: Board of Zoning Appeals

From: Steve Cumby
Quintin Conner

Date: December 29, 1997

Subject: Summation of protest for case # 97-356-A

In 1994, the Maryland Court of Special Appeals ruled that variance approval is a two step process. In the case of *Cromwell vs Ward*, the court ruled that in order to receive a variance, the property must first have unique or peculiar characteristics not shared by other properties in the area. During the hearing, Mr. Jung (petitioner) adamantly denied that there are any unique characteristics of this property. Therefore, under the court's ruling, this process should end. In addition, Mr. Jung argued that the property and dwelling at 705 Dorchester is the same size as the property in question. While that may be true, the dwelling at 705 Dorchester was built prior to the Court of Appeals ruling.

During the hearing, Mr. Jung indicated that he has previously built on sub-standard size properties and that he has never been required to apply for variances. Based on his experience (as previously stated), he said that removing wooded areas and putting a structure there increases the value of the surrounding properties. This is not the case. Removing the wooded area will eliminate the natural barrier that sets our homes apart from the community behind us. It will destroy the natural beauty of our properties and will decrease the property values.

Finally, it is important to note that a structure on this property will appear to be in Mr Conner's back yard because the lack of setbacks. This will adversely effect his property value.

In short, if this variance is granted, it will violate the ruling in *Cromwell vs Ward* and cause significant decreases in the value of the surrounding properties. Based on this, we ask that you reaffirm the decision of the zoning commissioner and deny this appeal.

Board of Appeals

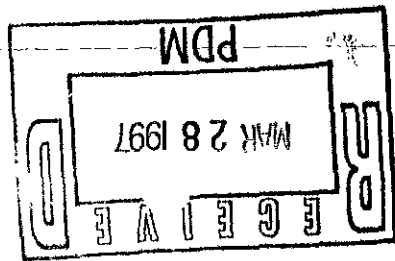
Case # 97-354-A

Petitioner: Barry Jung

Protestants: Steve Cunby
Quentin Conner

RECEIVED
COUNTY BOARD OF APPEALS
97 DEC 31 AM 9: 51

LMP



3/28/97
CJG
09-1255

951 Donkater Rd

Columville, MO 64128

(416) 788-3384

To whom it may concern,

I'm writing in regards to

a zoning notice case number 97356

issued April 9, 1997 Item 106.

I am not opposed to the

change, but am concerned about the

change of zoning. There is poor drainage

which when it rains there is a

big problem.

I cannot attend the meeting

as I am a nurse not attorney and

no transportation which makes my work

as I am in my car. There

is a big problem now.

Sincerely,

Ken M. Warner

PS Do hope this will be in

consideration

Plat to accompany Petition for Zoning Variance Special Hearing

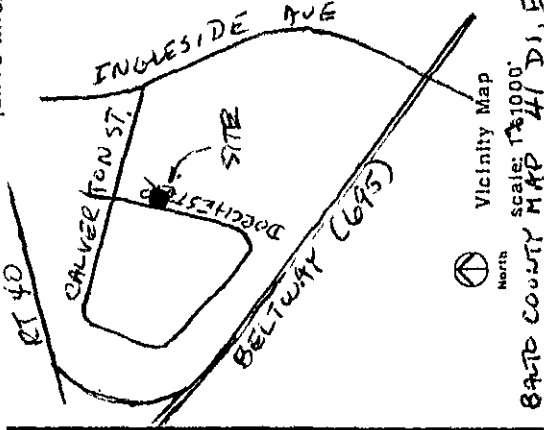
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: LOTS 13 & 14 DORCHESTER RD

Subdivision name: CATONSVILLE HEIGHTS

plat book # 6, folio # 178, lot # 13/14, section # 9 PROP. NO 01-13-552922

OWNER: BARRY SCOTT JUNG



Vicinity Map
North
Scale: 1"=1000'
BARTO COUNTY MAP #1 D.I. E1

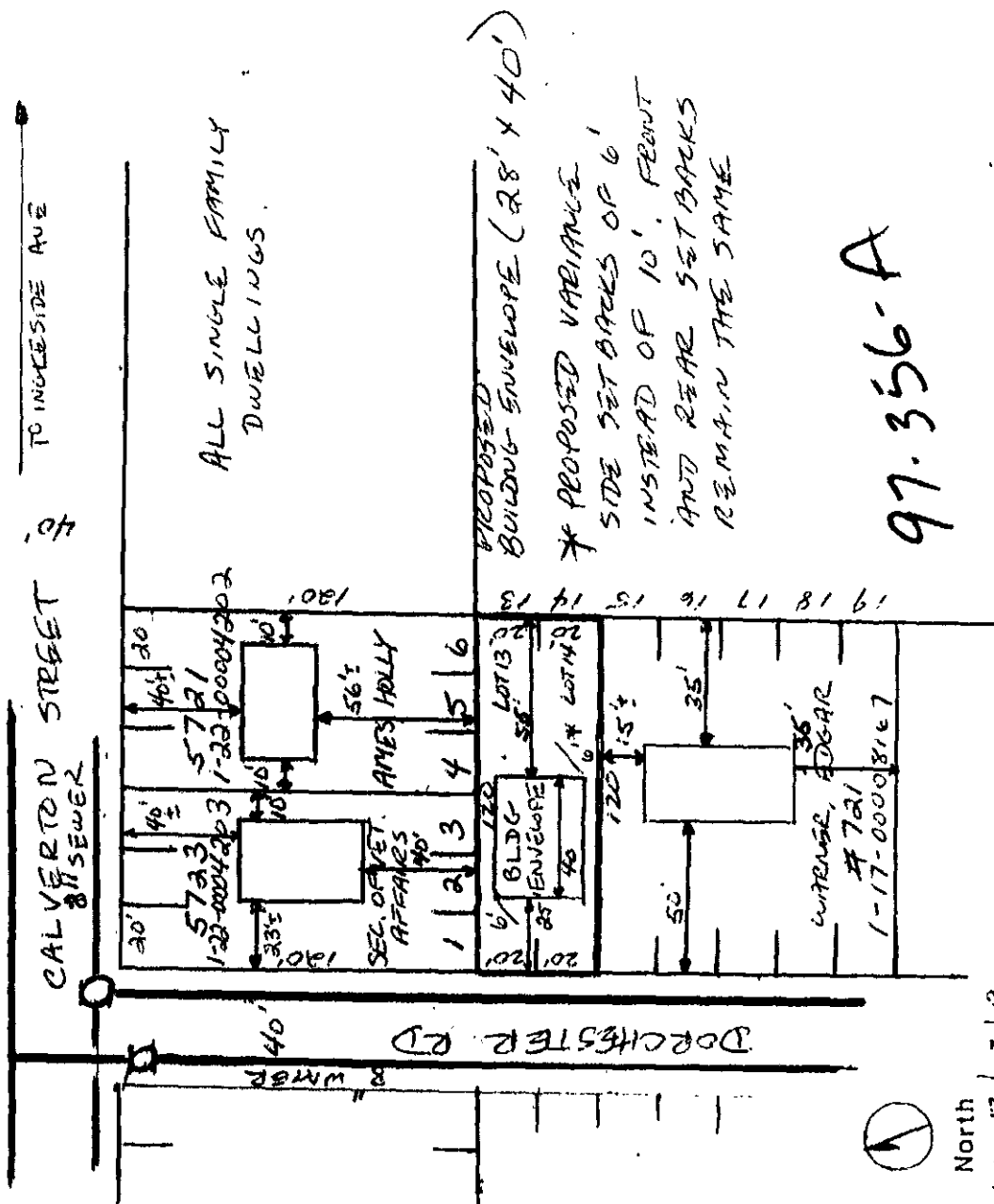
LOCATION INFORMATION

Election District: 1ST
Councilmanic District: 1st
T=200' scale map #: SW 1-F
Zoning: D.E 5.5
Lot size: .011 4800
acreage square feet

SEWER: public private
WATER: YES NO
Chesapeake Bay Critical Area: YES NO

Prior Zoning Hearings: NONE
NOT IN FLOODPLAIN

Zoning Office USE ONLY!
Reviewed by: [Signature] ITEM #: 356 CASE #:



ALL SINGLE FAMILY DWELLINGS

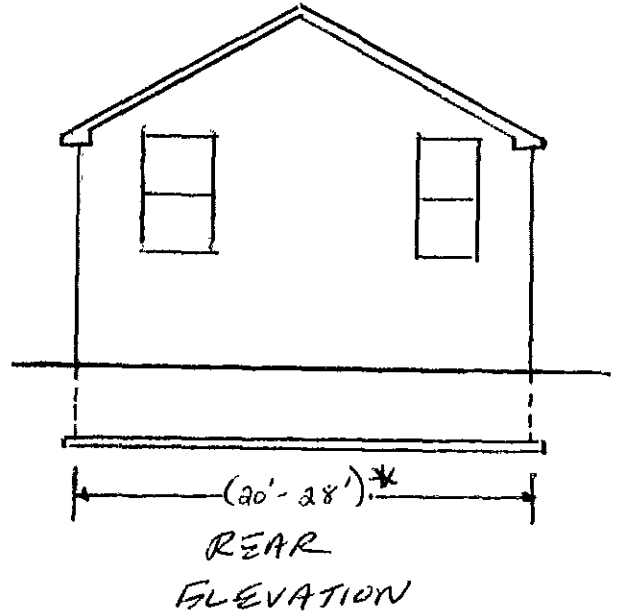
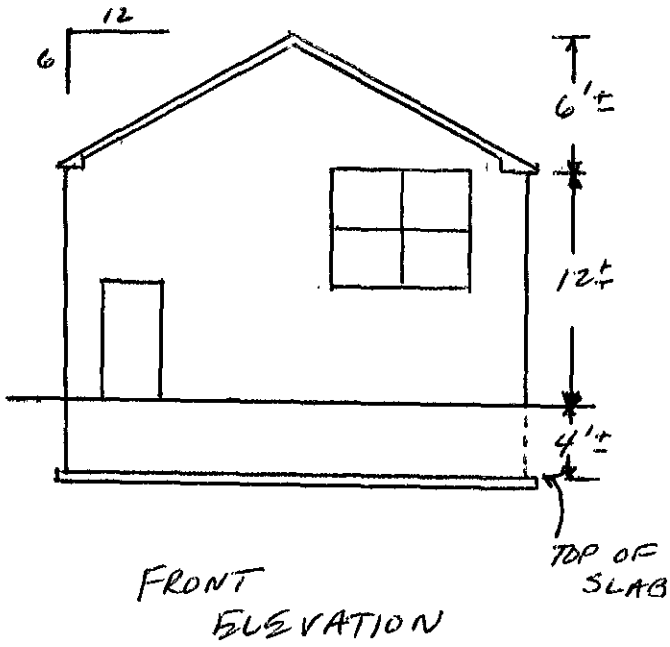
PROPOSED BUILDING ENVELOPE (28' X 40')
* PROPOSED VARIANCE SIDE SETBACKS OF 6' INSTEAD OF 10', FRONT AND REAR SETBACKS REMAIN THE SAME

97.356-A

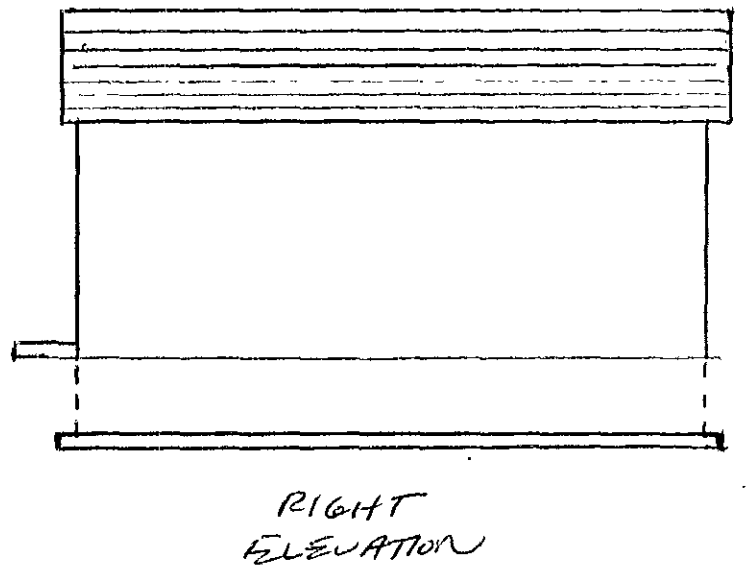
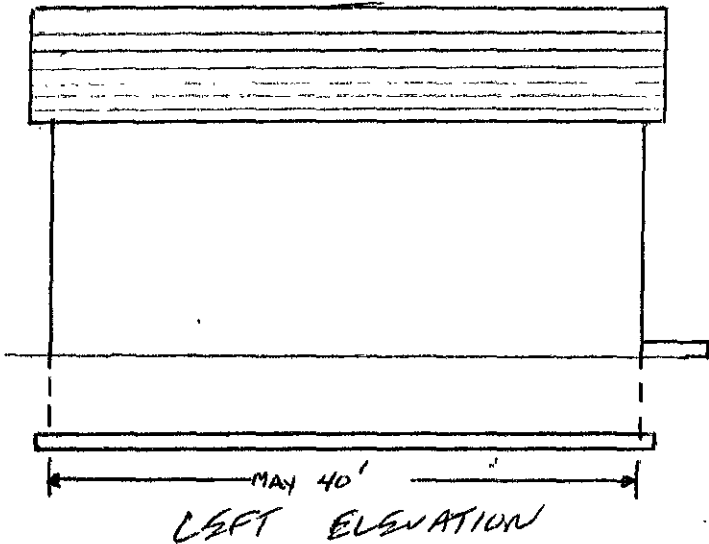
Scale of Drawing: 1" = 50'

North
date: 12/17/96
prepared by: BARRY JUNG

PROPOSED ELEVATIONS
LTS 13/14 DORCHESTER RD



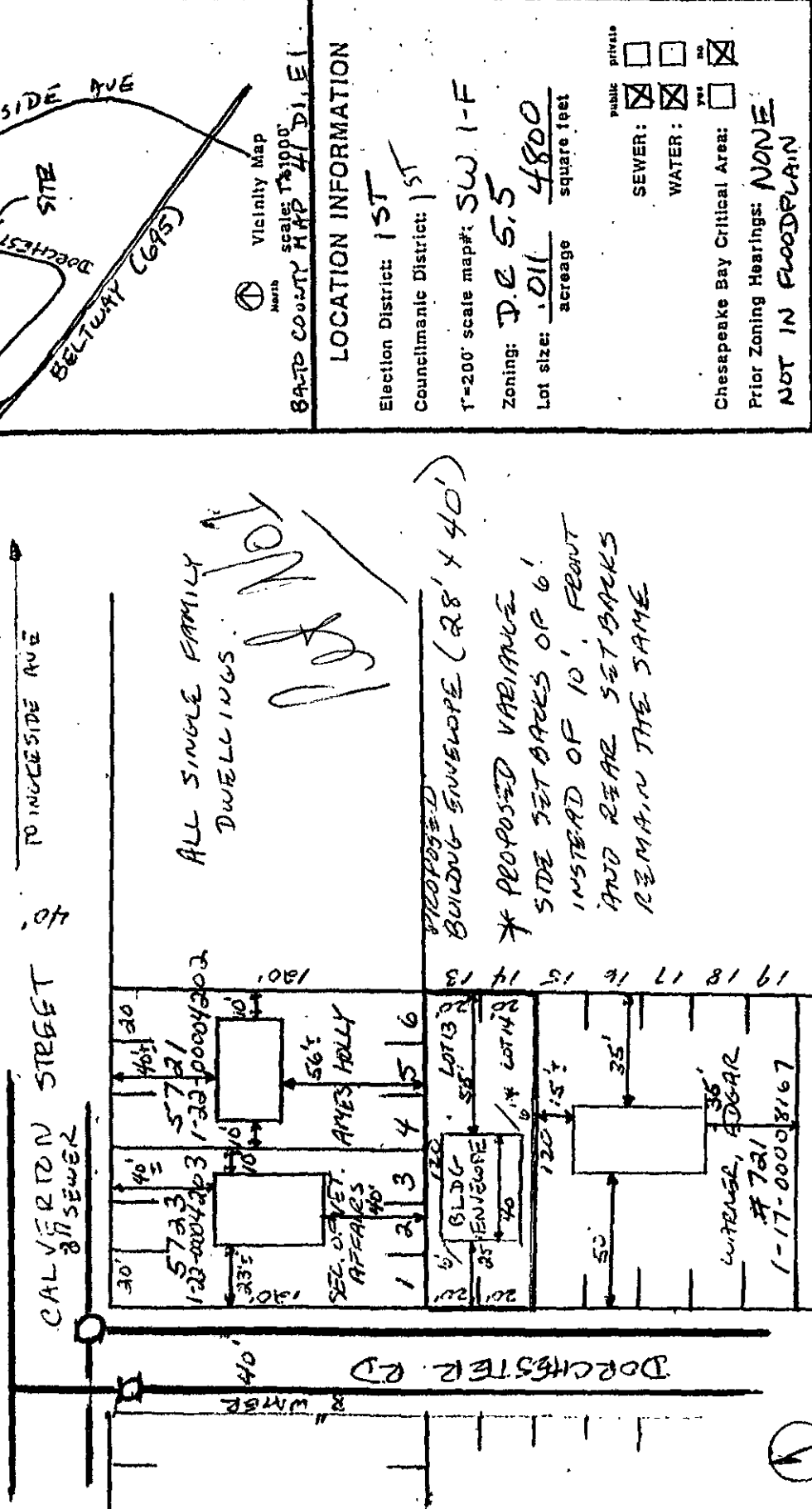
* FINAL HOUSE WIDTH DIMENSIONS DEPENDENT ON VARIANCE OUTCOME.



Plat to accompany Petition for Zoning Variance Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: LOTS 13 & 14 DORCHESTER RD
 Subdivision name: CATONSVILLE HEIGHTS
 plat book # 6, folio # 178, section # 9 PROP. NO. 01-13-552922
 OWNER: BARRY SCOTT JUNG



LOCATION INFORMATION
 Election District: 1ST
 Councilmanic District: 1ST
 1"=200' scale map #: SW 1-F
 Zoning: D.E 5.5
 Lot size: .011 acreage 4800 square feet

Public Sewer: Private Sewer:
 Public Water: Private Water:
 Chesapeake Bay Critical Area:
 Prior Zoning Hearings: NONE
NOT IN FLOODPLAIN

Zoning Office USE ONLY!
 reviewed by: DW ITEM #: 358 CASE #:

Scale of Drawing: 1" = 50'
 North
 date: 12/17/96
 prepared by: BARRY JUNG

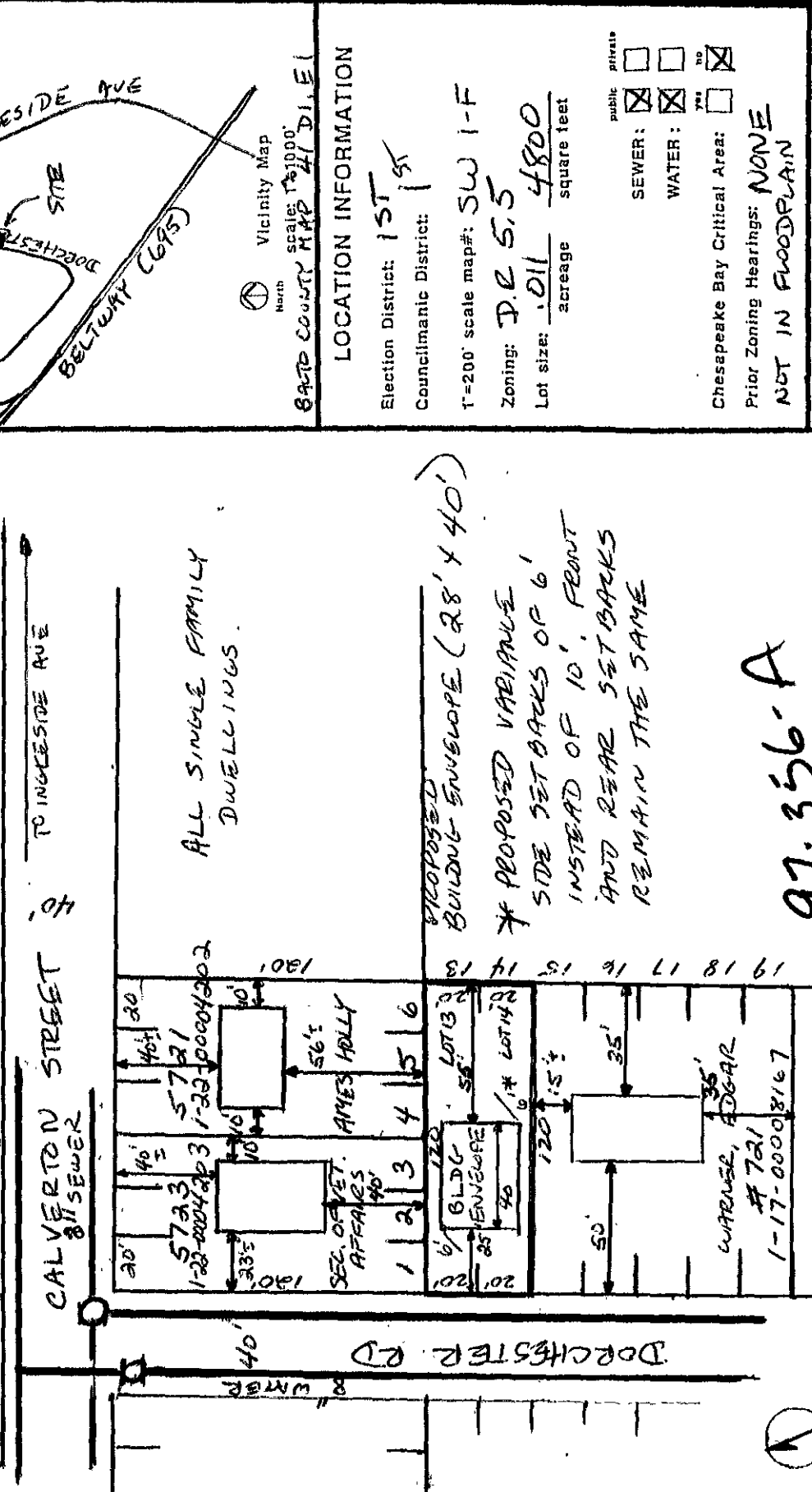
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: LOTS 13 & 14 DORCHESTER RD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CATONSVILLE HEIGHTS

plat book # 6, folio # 178, lot # 13/14, section # 9 PROP. NO. 01-13-552922

OWNER: BARRY SCOTT JUNG



North
date: 12/17/96
prepared by: BARRY JUNG

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Election District: 1ST ST

Councilmanic District: 1ST

1"=200' scale map #: SW 1-F

Zoning: D.E 5.5

Lot size: .011 acreage 4800 square feet

public private
SEWER:
WATER:
Chesapeake Bay Critical Area: YES NO
Prior Zoning Hearings: NONE
NOT IN FLOODPLAIN

Zoning Office USE ONLY!
reviewed by: Jung ITEM #: 356 CASE #:



Baltimore County
 Department of Permits and
 Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed 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.: _____ Petitioner: BARRY JUNG

Location: LOTS 13 & 14 DORCHESTER RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BARRY JUNG

ADDRESS: 7616 BLUE GRASS RD

BALTO. MD 21237

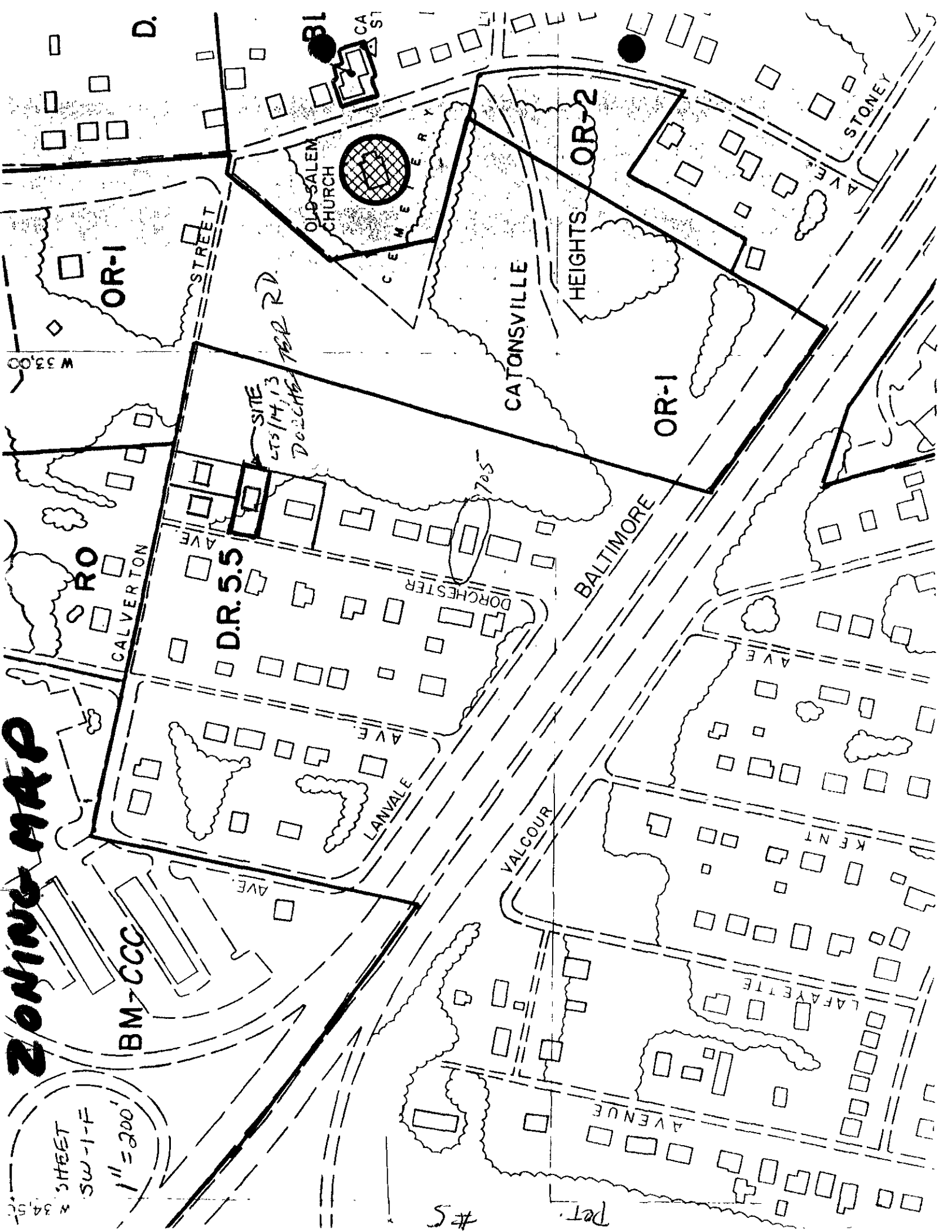
PHONE NUMBER: (410) 866-3890

NOTE TO HEARING OFFICER:

THE ATTACHED SITE PLAN REFLECTS A 40' FRONT YARD SETBACK AND 40' REAR YARD, CONTRARY TO THE ORIGINAL PLAN THAT SHOWED A 25' FRONT & 55' REAR. THE HOUSE HAS BEEN MOVED BACK TO COMPLY WITH THE FRONT AVERAGING REQ'S OF § 303.1.

JOE MERREY

ZONING MAP



3 SHEET
SW-1-F
1" = 200'
3452

#5

Per

Plat to accompany Petition for Zoning Variance Special Hearing

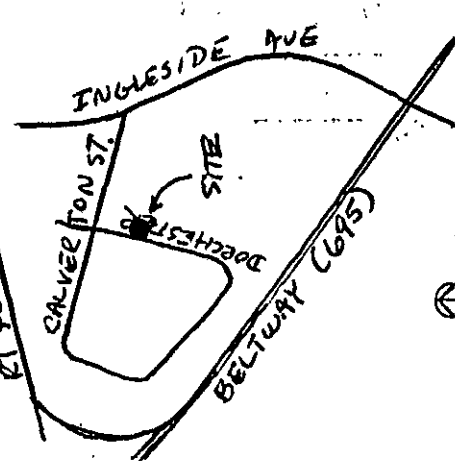
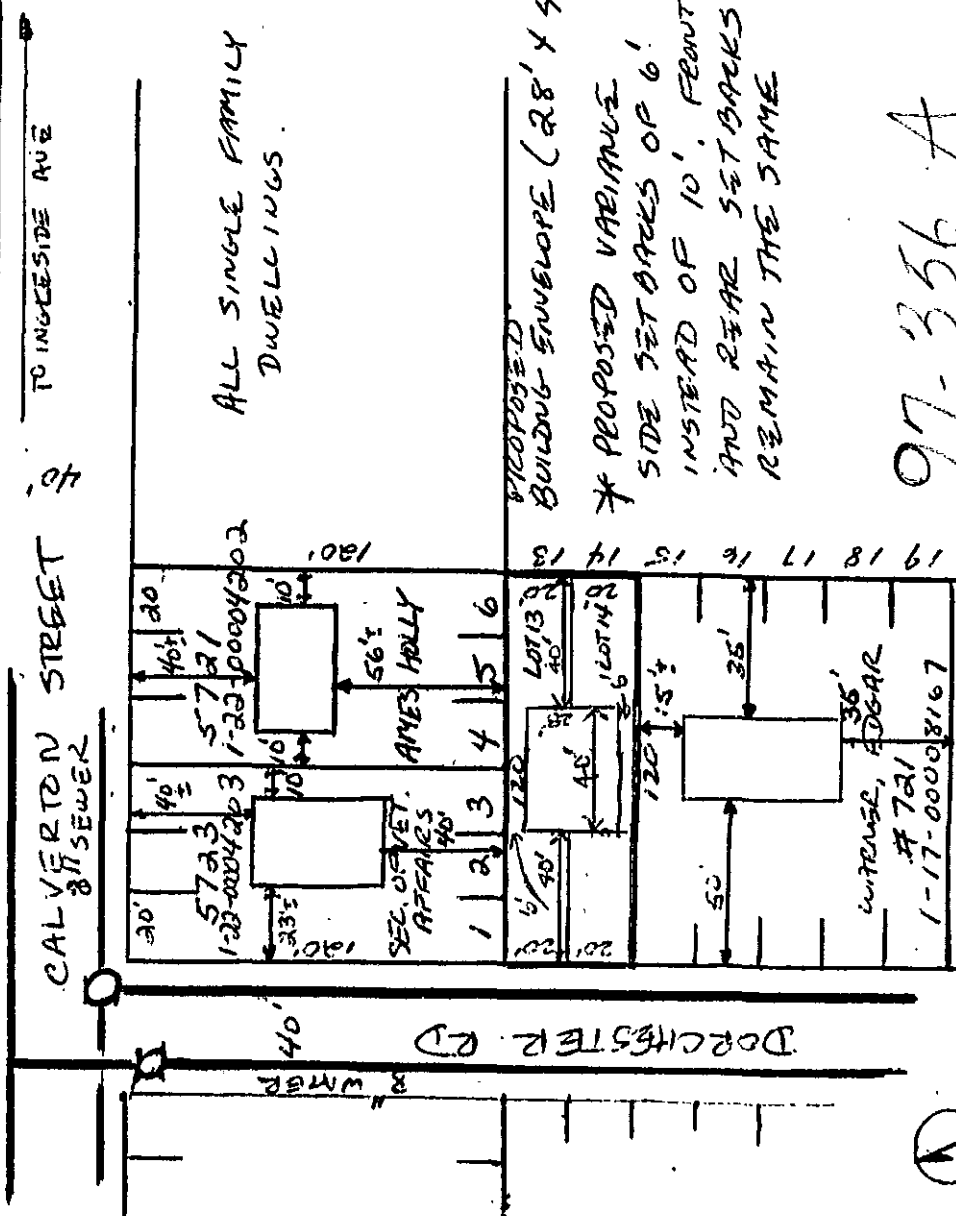
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: LOTS 13 & 14 DORCHESTER RD

Subdivision name: CATNSVILLE HEIGHTS

plat book # 6, folio # 178, lot # 13/14, section # 9 PROP. NO. 01-13-652922

OWNER: BARREY SCOTT JUNG



LOCATION INFORMATION

Election District: 1ST
 Councilmanic District: 15
 1"-200' scale map#: SW 1-F
 Zoning: P.E 6.5
 Lot size: .011 acreage 4800 square feet

SEWER: public private
 WATER: YES NO

Chesapeake Bay Critical Area:
 Prior Zoning Hearings: NONE
NOT IN FLOODPLAIN

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 356 CASE#:



North
 date: 12/17/96
 prepared by: BARREY JUNG

Scale of Drawing: 1" = 60'

97-356 A

Plat to accompany Petition for Zoning Variance Special Hearing

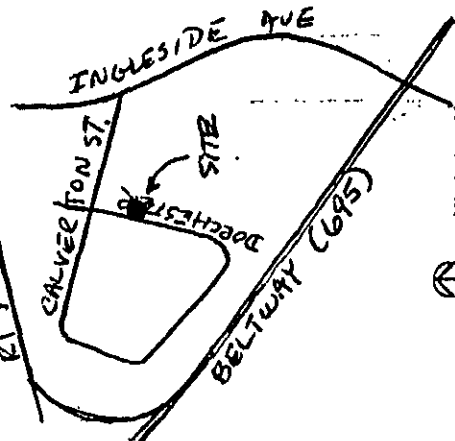
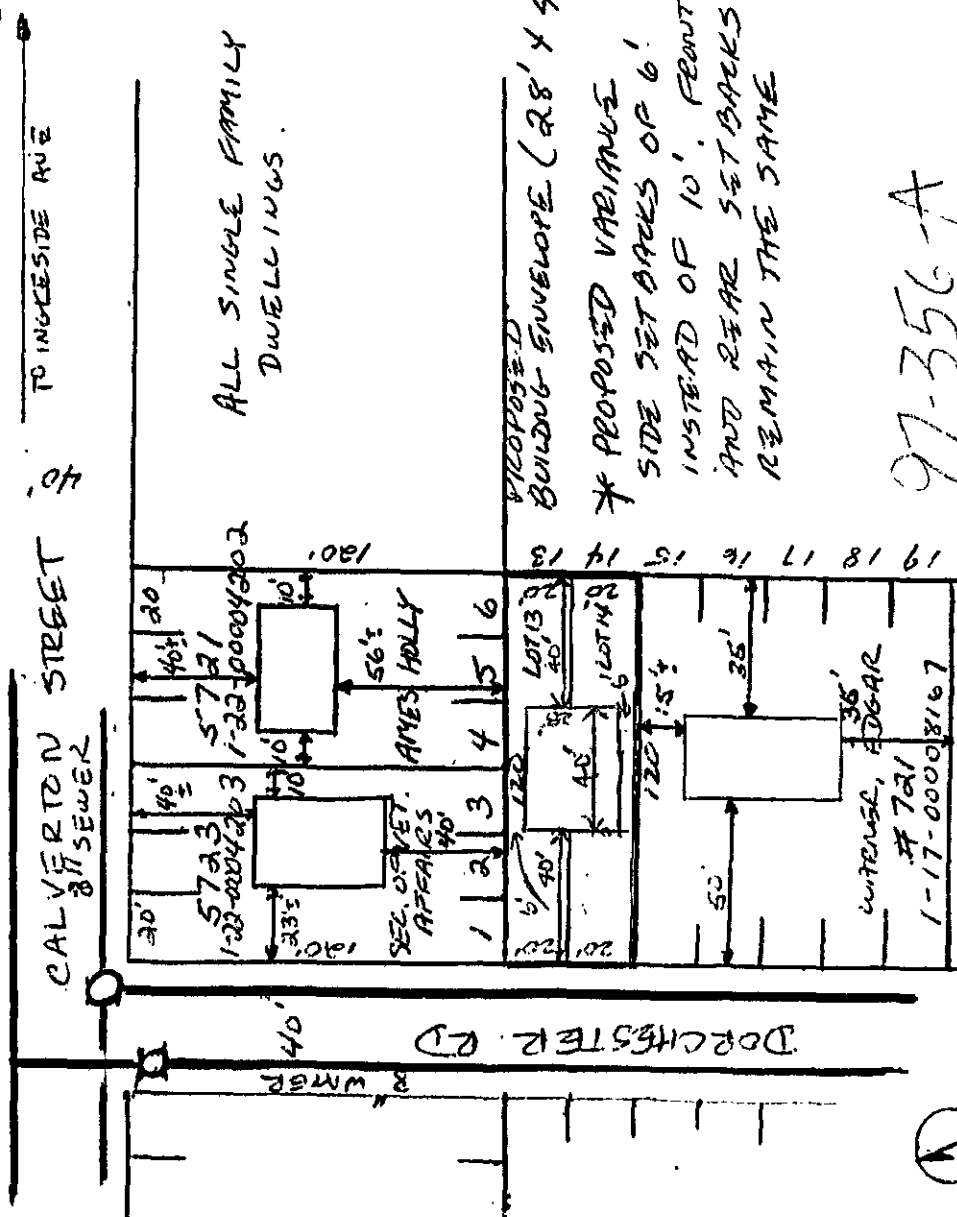
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: LOTS 13 & 14 DORCHESTER RD

Subdivision name: CATNSVILLE HEIGHTS

plat book # 6, folio # 178, lot # 14, section # 9 PROP. NO. 01-13-552922

OWNER: BARRY SCOTT JUNG



North
 BACTO COUNTY MAP # 11 D.I.E.1
 scale: 1" = 1000'

LOCATION INFORMATION

Election District: 1ST
 Councilmanic District: 15
 1"-200' scale map #: SW 1-F
 Zoning: D.E 5.5
 Lot size: .011 acreage 4800 square feet

public private
 SEWER:
 WATER:
 Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE
NOT IN FLOODPLAIN

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 356 CASE#:

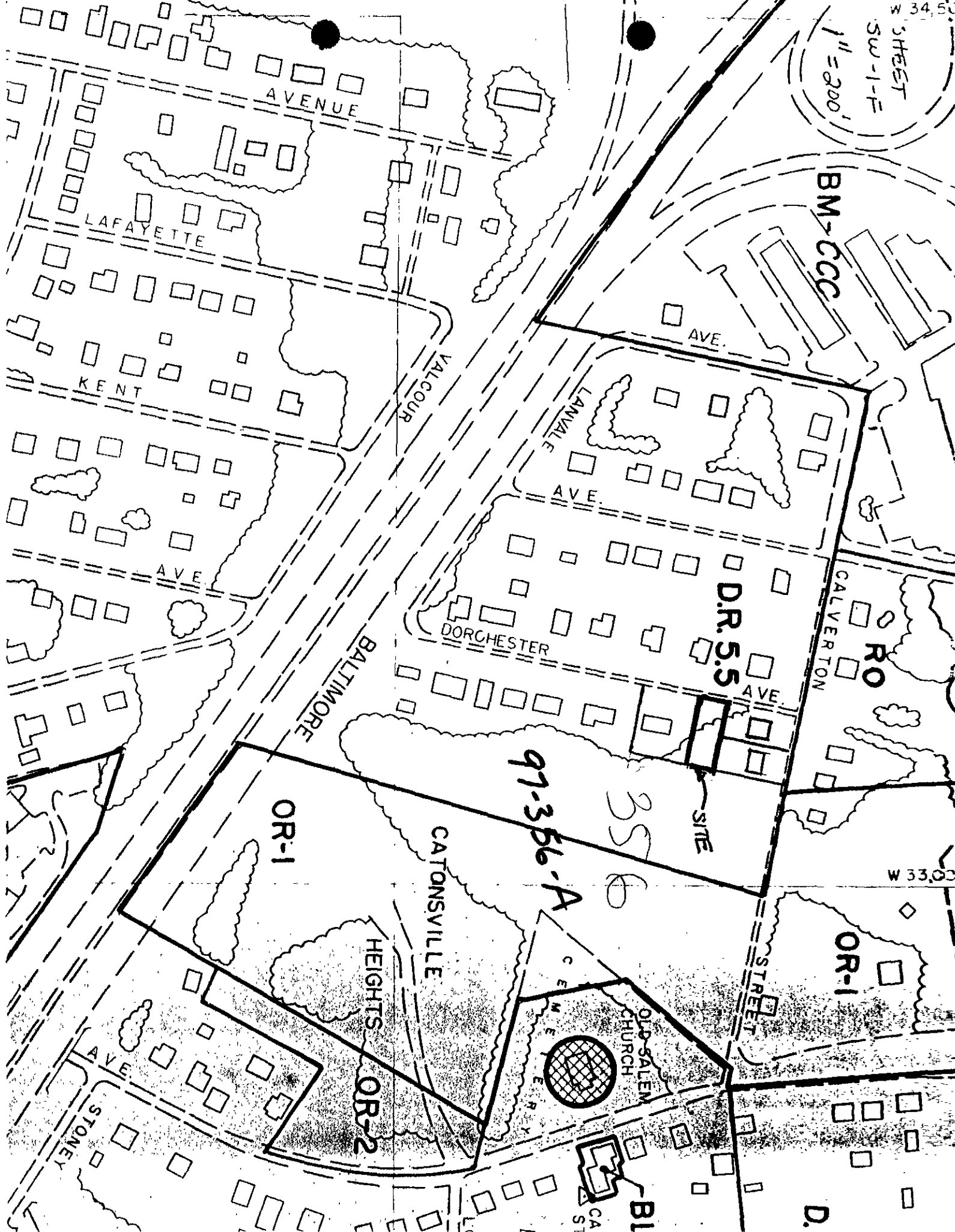


North
 date: 12/17/96
 prepared by: BARRY JUNG

Scale of Drawing: 1" = 60'

97-356-A

34.5
SHEET
SW-1-F
1" = 300'



AVENUE

LAFAYETTE

KENT

AVE

BALTIMORE

VALCOUR

DORCHESTER

LANVALE

AVE

CALVERTON

CATONSVILLE

HEIGHTS

AVE
STONEY

SITE

D.R. 5.5

91-356-A

356

OR-1

OR-2

OR-1

BM-CCC

D.

B1

CA ST



OLD-SALEM
CHURCH

W 33.00

THIS DEED, made this 3rd day of March

1996, by and between Fred Homan, Acting Director of Finance for Baltimore County and Collector of State and County taxes for said county, party of the first part and Barry Scott Jung of Baltimore County, State of Maryland, party of the second part,

WHEREAS, pursuant to the provisions of Tax Property Article No. 14, and its applicable sections, the hereinafter described fee simple property was sold on or about May 19, 1994 for delinquent taxes by James R. Gibson, Jr., Director of Finance for Baltimore County, to Barry Jung and

WHEREAS, after the expiration of six months from the tax sale, Barry Jung filed in the Circuit Court for Baltimore County, in Civil Proceedings, a Bill of Complaint to foreclose any equity of redemption in said hereafter described property, in accordance with the provisions of said Tax Property Article No. 14, and its applicable sections, said proceedings being entitled Barry Jung, plaintiff vs. Thomas Homes, Ltd, defendant, said case filed as case no. 102-323-95CV1168 and

WHEREAS, by a DECREE of the Circuit Court for Baltimore County in Civil Proceedings, dated February 9, 1996, entered in said proceedings an indefeasible title in fee simple was vested in Barry Jung and Fred Homan, Acting Director of Finance was therein authorized to execute a DEED, conveying said property to Barry Jung, in fee simple.

Now, therefore, said DEED witnesseth, that in consideration of the premises and payment of the purchase price of \$465.00 for the hereinafter described property and payment of all taxes and other proper charges, the receipt wherof is hereby acknowledged, Fred Homan, Acting Director of Finance for Baltimore County, pursuant to the provisions of said DECREE, does hereby

AGRICULTURAL NOT APPLICABLE
TRANSFER TAX
SIGNATURE [Signature] DATE 3/11/96

RECEIVED FOR THE STATE
State Department of
Assessment & Taxation
for Baltimore County
[Signature] 3/11/96

Assessment Information		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Will the property being conveyed be the grantee's principal residence?					
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Does transfer include personal property? If yes, identify:					
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
Assessment Use Only - Do Not Write Below This Line							
<input type="checkbox"/> Terminal Verification		<input type="checkbox"/> Agricultural Verification		<input type="checkbox"/> Whole		<input type="checkbox"/> Part	<input type="checkbox"/> Tran. Process Verification
Transfer Number:		Date Received:		Deed Reference:		Assigned Property No.:	
Year	19	19	Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot	
Buildings			Use	Parcel	Section	Occ. Cd.	
Total			Town Cd.	Ex. St.	Ex. Cd.		
REMARKS:							
Distribution: White - Clerk's Office Canary - SDAT Pink - Office of Finance Goldenrod - Preparer AOC-CC-300 (6/85)							

TRANSFER TAX NOT REQUIRED
DIRECTOR OF FINANCE
BALTIMORE COUNTY MARYLAND
Date 3-11-96 Sec 33-135 A

unto Barry Jung, his assigns, the survivor of him, the survivors, heirs and assigns, in fee simple, all that parcel of ground situate, lying and being in the first district of Baltimore County, State of Maryland, and more particularly described as follows, that is to say:

Property no. 01-13-552922, Dorchester Road.

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

TO HAVE and to hold the said lot of ground and premises above described and mentioned and hereby intended to be conveyed unto and to the proper use and benefit of Barry Jung, his assigns, the survivor of him, the survivor's heirs and assigns in fee simple.

This is to certify that the within DEED has been prepared by the grantee Barry Jung, said DEED to be executed by Fred Homan, Acting Director of Finance for Baltimore County as grantor.

Barry Jung

AS WITNESS the hand and seal of the within Grantor.

William J. J... 3/1/96
William J... 2/26/96
Witness

Fred Homan 3/1/96

Fred Homan
Acting Director of Finance for
Baltimore County and Collector
of State and County taxes.

MAIL TO: Barry Jung
7616 Bluegrass Rd.
Balto. Md., 21237

11. IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?			
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify: _____			
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).			
Assessment Use Only - Do Not Write Below This Line						
<input type="checkbox"/> Terminal Verification		<input type="checkbox"/> Agricultural Verification		<input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification		
Transfer Number: _____		Date Received: _____		Assigned Property No.: _____		
Year	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	
REMARKS:						

TRANSFER TAX NOT RECEIVED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per *[Signature]*
Date 3-11-96 Sec 35-

State of Maryland Land Instrument Intake Sheet
 Baltimore City County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Check Box if Addendum Intake Form is Attached.

INSTRUMENT RECORDING FEE 5.00
 RECORDATION TAX 20.00
 RECORDATION TAX STATE 2.50
 TOTAL 27.50
 REPT BAGS Rcpt # 12615
 SH EM Blk # 756
 MAR 11, 1996 12:50 PM

2	Type(s) of Instruments	<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other	<input type="checkbox"/> Other
		<input type="checkbox"/> Deed of Trust	<input type="checkbox"/> Lease		
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale	<input checked="" type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	Length Sale [9]
3	Tax Exemptions (If Applicable) Cite or Explain Authority	Recordation			
		State Transfer			
		County Transfer	From gov + (only taxes Bid)		

4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
		Purchase Price/Consideration	\$ <u>None 46500</u>	Transfer and Recordation Tax Consideration	
		Any New Mortgage	\$	Transfer Tax Consideration	\$
		Balance of Existing Mortgage	\$	X () % =	\$
		Other:	\$	Less Exemption Amount	\$
		Other:	\$	Total Transfer Tax	\$
		Full Cash Value	\$	Recordation Tax Consideration	\$
				X () per \$500 =	\$
				TOTAL DUE	\$

5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent: <u>JMS</u>
		Recording Charge	\$	\$	
		Surcharge	\$	\$	C.B. Credit: <u>—</u>
		State Recordation Tax	\$	\$	Ag. Tax/Other: <u>—</u>
		State Transfer Tax	\$	\$	
		County Transfer Tax	\$	\$	
		Other	\$	\$	
		Other	\$	\$	

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(l).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
		<u>01-13-552982</u>						<input type="checkbox"/> (5)
		Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)	
		<u>CATNSVILLE</u>	<u>13/14</u>				<u>4,800</u>	
		Location/Address of Property Being Conveyed (2)						
		<u>CATNSVILLE BLOCK 9 LOTS 13/14</u>						<u>20</u>
		Other Property Identifiers (if applicable)						Water Meter Account No. <u>5</u>
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/>	Fee Simple <input type="checkbox"/> or Ground Rent <input type="checkbox"/>	Amount:			<u>2.33</u>	
		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Description/Amt. of SqFt/Acreage Transferred:				<u>2.33</u>	
			<u>4,800 sq ft (40' x 120')</u>					
		If Partial Conveyance, List Improvements Conveyed:						

7	Transferred From	Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
		<u>FRED HUMAN, ACTING DIRECTOR OF FINANCE</u>	
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8	Transferred To	Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
		<u>BARRY SCOTT JUNG</u>	
		New Owner's (Grantee) Mailing Address	
		<u>7616 BLUE GRASS RD BALTO MD 21237</u>	

9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10	Contact/Mail Information	Instrument Submitted By or Contact Person		<input checked="" type="checkbox"/> Return to Contact Person
		Name: <u>BARRY JUNG</u>		<input type="checkbox"/> Hold for Pickup
		Firm:		<input type="checkbox"/> Return Address Provided
		Address: <u>7616 BLUE GRASS RD BALTO MD 21237</u> Phone: <u>(410) 866-3890</u>		

11	Assessment Information	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Will the property being conveyed be the grantee's principal residence?
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Does transfer include personal property? If yes, identify:
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line							
<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Whole	<input type="checkbox"/> Part	<input type="checkbox"/> Tran. Process Verification			
Transfer Number:	Date Received:	Deed Reference:		Assigned Property No.:			
Year	19	19	Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot	
Buildings			Use	Parcel	Section	Occ. Cd.	
Total			Town Cd.	Ex. St.	Ex. Cd.		
REMARKS:							

TRANSFER FAX NOT REQUIRED
 DIRECTOR OF FINANCE
 BALTIMORE COUNTY MARYLAND
 Per [Signature]
 Date 3-11-96 Sec 35-135A

Distribution: White - Clerk's Office
 Canary - SDAT
 Pink - Office of Finance

Circuit Court for
BALTIMORE COUNTY
Clerk of the Court,
SUZANNE HENSH
COUNTY COURTS BUILDING
401 BOSLEY AVE. P.O. BOX 6754
TOWSON, MD 21285-6754
(410) 887-2601

Transaction Block:	756
Ref: JUNG	
DEED R/FEE \$20	AMOUNT
IMP FD SURE \$5	5.00
RECORDING FEE 20	20.00
RECORDATION TAX	2.50
TR TAX STATE	2.33
SUBTOTAL:	29.83
TOTAL CHARGES:	29.83
PAYMENTS	
CHECK	29.83
TOTAL TENDERED:	29.83

Cashier: EM Reg # 0A05
Rcpt # 12615
Date: Mar 11, 1996 Time: 12:54 pm

POTITIONERS

EXH. #2

DEED -- FEE SIMPLE -- INDIVIDUAL GRANTOR -- LONG FORM

This Deed, MADE THIS 2nd day of November

in the year one thousand nine hundred and ninety by and between

VINCENT J. MAINULLI and MARGARET MIANULLI, his wife

of the first part, and

THOMAS HOMES, LTD, A Body Corporate of The State of Maryland, party

of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00) receipt of which is hereby acknowledged

the said parties of the first part

B. RC/F 19.00
B. T TX 550.00
B DOCS 550.00
DEED 0 #
SM CLERK 1119.00
#33411.0004 R01 T11:11
11/15/90

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

persons, representatives, successors and assigns, in fee simple, all

those lots of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

BEGINNING FOR THE FIRST AND BEING KNOWN AND DESIGNATED as Lots Nos. 1, 2 and 3, Block 9, as shown on the Plat of Catonsville Heights, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 178.

BEING those same lots by Deed dated August 14, 1990 and recorded among the Land Records of Baltimore County in Liber SM 3568, folio 842 was granted and conveyed from Vincent J. Mianulli and Margaret Mianulli, his wife unto Vincent J. Mianulli and Margaret Mianulli, his wife.

BEGINNING FOR THE SECOND AND BEING KNOWN AND DESIGNATED as Lots Nos. 4, 5 and 6, Block 9, as shown on the Plat of Catonsville Heights, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 178.

BEING those same lots by Deed dated August 14, 1990 and recorded among the Land Records of Baltimore County in Liber SM 8568, folio 840 was granted and conveyed from Vincent J. Mianulli and Margaret Mianulli, his wife unto Vincent J. Mianulli and Margaret Mianulli, his wife.

BEGINNING FOR THE THIRD AND BEING KNOWN AND DESIGNATED as Lots Nos. 7, 8 and 9, Block 9, as shown on the Plat of Catonsville Heights, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 178.

179
550
550

AGRICULTURAL TRANSFER TAX NOT APPLICABLE

SIGNATURE JR DATE 11-15-90

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

JR 11-15-90

01A02H0006TLTRTX \$1,760.00
BA C009:20AM11-15-90

BEING those same lots by Deed dated August 14, 1990 and recorded among the aforesaid Land Records in Liber SM 8568, folio 844 was granted and conveyed from Vincent J. Mianulli and Margaret Mianulli, his wife unto Vincent J. Mianulli and Margaret Mianullis, his wife.

BEGINNING FOR THE FOURTH AND BEING KNOWN AND DESIGNATED as Lots Nos. 10, 11 and 12, Block 9, as shown on the Plat of Catonsville Heights, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 178.

BEING those same lots in a Deed dated August 14, 1990 and recorded among the Land Records of Baltimore County in Liber SM 8568, folio 838 was granted and conveyed from Vincent J. Mianulli and Margaret Mianulli, his wife unto Vincent J. Mianulli and Margaret Mianullia, his wife.

BEGINNING FOR THE FIFTH AND BEING KNOWN AND DESIGNATED as Lots nos. 13, 14, 46 and 47, Block 9, as shown on the Plat of Catonsville Heights, which Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 178.

BEING those same lots which by Deed dated October 1, 1964 and recorded among the aforesaid Land Records in Liber 4369, folio 399 was granted and conveyed from Margaret V. Hilleary unto Vincent J. Mainulli and Margaret Mianulli, his wife.

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

To HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, its

personal representatives/successors and assigns, in fee simple.

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 hand and seal of said grantor

Test:

[Signature]
John H. Ditto Jr.

[Signature] (SEAL)
Vincent J. Mianulli

[Signature] (SEAL)
Margaret Mianulli

STATE OF MARYLAND, Howard Co, to wit:

I HEREBY CERTIFY, That on this 2nd day of November in the year one thousand nine hundred and ninety before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Margaret Mianulli

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

7/1/92

[Signature]
John H. Ditto Jr.

MAIL TO:



LAW OFFICES OF
ARNOLD, BEAUCHEMIN & TINGLE, P.A.
9005 Chevrolet Drive
Suite B-Lower Level
Ellicott City, Maryland 21043

DEED 581
FROM

TO

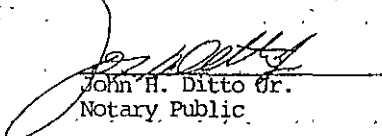
Block No.

Received for Record, 19.....
at o'clock ... M. Same day recorded
in Liber No. Folio &c.,
one of the Land Records of
....., and examined per
....., Clerk
Cost of Record, \$.....

STATE OF MARYLAND, Howard Co, to wit:

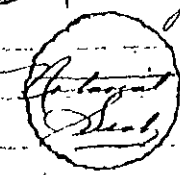
I HEREBY CERTIFY, That on this 5th day of November, 1990,
before me, the subscriber a Notary Public of the State aforesaid,
personally appeared VINCENT J. MAINULLI, known to me (or satisfactorily
proven) to be the person whose name is subscribed to the within
instrument and acknowledged the foregoing Deed to be his act, and in my
presence signed and sealed the same.

IN WITNESS whereof, I hereunto set my hand and official
seal.


John H. Ditto Jr.
Notary Public

My Commission Expires: 7/1/92

President of the Rockaway Beach Realty Co
State of Maryland, Baltimore City, Md.
This Certifies that on this 21st day of June
nineteen hundred and nineteen, before the sub-
scribed, a Notary Public of the said State
personally appeared John E. O'Connell and
acknowledged the foregoing Deed to be
the act of the Rockaway Beach Realty
Co.

Witness my hand and Seal
Regina O'Connell


Recorded July 22, 1919 at 1:50 P.M. E.D.
per William S. Case, Clerk.

17014
1151
3500

Sarah J. C. Young et al.
Deed To

This Deed Made this 16th day
of July in the year one
thousand nine hundred and

nineteen, by and between
J. C. Young and V. Harry M. Young his husband,
of the City of Annapolis in the State of Pennsylvania
parties of the first part and the Intercity Land
Company a body corporate, duly incorporated
under the Laws of the State of Maryland, party
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 Sarah J. C. Young and
V. Harry M. Young, her husband do hereby grant
and convey unto the said, The Intercity Land
Company, its successors and assigns in fee
simple, all that lot of ground situated in
Baltimore County in the State of Maryland
and described as follows that is to say:

Beginning for the same at a stone at the
beginning of the Land described in a Deed from
M. Kinlow Williams, and others, Attorneys
to the said Margaret M. D. Lynch, dated the
2^d day of August, 1905, and duly recorded
among the Land Records of Baltimore
County, Liber N. S. C. No. 288 folio 52 & etc
and running thence from said beginning
point south eighty four degrees, fifteen
minutes East, said hundred and sixteen

and eight tenths feet to a stone thence North
 seventeen degrees two minutes East one thousand
 and eight hundred and eighty five and seventy
 seven one hundredths feet to a stone on the
 North side of the Old Frederick Road thence
 along said road north fifty five degrees
 fifty five minutes East three hundred and
 forty feet; thence North sixty two degrees
 forty three minutes East three hundred and
 thirty feet; thence North seventy four de-
 grees twenty one minutes East two hundred
 and seventy three feet more or less to
 intersect the south forty three degree
 East ten hundred and seventy foot line;
 thence leaving the Old Frederick Road
 and running South forty one degrees
 twenty three minutes East ten hundred
 and ninety five feet more or less to a
 point on Ingleside Avenue; thence leaving
 Ingleside Avenue and running South forty
 seven degrees twenty seven minutes West
 nine hundred and eighty four and sixty
 nine one hundredths feet to a stone;
 thence South nine degrees twenty three
 minutes East ten hundred and ninety three
 feet to a point in the centre of Ingleside
 Avenue; thence along the centre of said road
 South thirty four degrees three minutes
 West one hundred and forty and five tenths
 feet; thence leaving Ingleside Avenue and
 running north seventy three degrees
 fifty one minutes West six hundred and
 thirty one and forty one one hundredths feet
 to a stake; thence North twelve degrees fifty
 four minutes East one hundred and thirty
 three and three one hundredths feet to
 a stone; thence South nine degrees
 fifteen minutes East eleven hundred
 and ninety six and thirty two one hun-
 dredths feet to a post; thence binding on
 Gieske's land north seventy degrees thir-
 teen minutes West three thousand and
 seven and eight tenths feet to a stone;
 thence North seven degrees thirty three

thirty three hundred and thirty four one hundred and thirty five to the place of beginning, set-
ting out one hundred acres of land More or Less
Being and comprising all the lot two to act or
part of ground described in a Deed from
Albert H. Callow, Trustee, to Sarah J. C. Young
dated July 19, 1919 and duly recorded among
the Land Records of Baltimore County, plus
hereto

Together with the building and improve-
ments thereon; and the rights, alleys, ways,
waters, privileges, appurtenances and advan-
tages, to the same, belonging or in any
wise appertaining.

To Have and To Hold, the said lot of ground
and premises, unto and to the use of the
said, The Inter-City Land Company, its successors
and assigns, forever in fee simple.

And the said parties of the first part
hereto, hereby covenant that they have not
done nor suffered to be done any act, matter
or thing whatsoever to encumber this property
herely granted; and that they will warrant
speci-ally the property herely granted "and
conveyed; and that they will indemnify and
further assurance of said land as may
be required.

Witness the hands and Seals of said Parties
Witness, { Sarah J. C. Young }
Julius W. Fisher { Tanny W. Young }
State of Pennsylvania County of York Co. Pa.

I, Henry Centifly that on this 16th day of
July in the year one thousand nine hun-
dred and nineteen, before me, the sub-
scribed, a Notary Public of the State of
Pennsylvania in and for the County afore-
said, personally appeared Sarah J. C. Young
and Tanny W. Young her husband, the Parties
named in the foregoing Deed and they
acknowledged said Deed to be their
independent.

In testimony whereof I hereunto set my hand and affix
my Notarial Seal

Julius N. Fischer
Notary Public My Commission expires January 22, 1921
Recorded July 22, 1919 at 12 M. E. C. D.
per William P. Bell, Clerk.

17015
U.S.S.
504

DELIVERED
OCT 9 1919
PER TICKET

This Deed Made this fifth day of October in the year 1919 by the Taylor Land Company and The Essex Company both corporations incorporated under the Public General Laws of the State of Maryland, parties of the first part and Howard Jones of Baltimore City party of the second part.

Whereas, The Taylor Land Company is the owner of the lot of ground hereinafter referred to and described and has heretofore given the Essex Company an option to purchase the same at a price agreed upon by said two corporations of which option the Essex Company has availed itself and the price agreed upon has been duly paid to The Taylor Land Company as is hereby acknowledged;

And Whereas, The Essex Company has agreed to sell said lot of ground to the Grantee herein and desires the Taylor Land Company to join in this conveyance for the purpose of conveying title hereto.

Now therefore this Deed Witnesseth that in consideration of the premises and of the payment of the sum of Five (\$500) Dollars and other valuable consideration by the Grantee herein to the Essex Company, receipt of which is hereby acknowledged, and in further consideration of the performance of the covenants and agreements hereinafter to be performed by said party of the second part his heirs and assigns the said Taylor Land Company and The Essex Company bodies corporate as aforesaid do hereby granting conveyance unto Howard Jones, party of the second part his heirs and assigns subject to the said covenants and agreements.

Argues Cases

25th day of Oct 1897

Baltimore, County

and affix the seal of the Circuit Court for

IN TESTIMONY WHEREOF I hereto set my hand

records of Baltimore County.

Follows 559-562 one of the

recorded in Liber

No. *WPC*

512

taken from the records of said Circuit Court as

HEREBY CERTIFY that the foregoing is a true copy of the original

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the foregoing is a true copy of the original
DEED taken from the records of said Circuit Court as
recorded in Liber WPC No. 512
Folio 559-562 one of the LAND
records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand
and affix the seal of the Circuit Court for
Baltimore, County

this 25th day of Aug 1999

Raymond Jones

CLERK of the Circuit Court of Baltimore County

Made this 27th day of April, 1987, by and between
 ✓ ALBERT P. BORRELLI, JR. and ✓ SHARON MARIE BORRELLI, His Wife

party(ies) of the first part, and
 ✓ THOMAS D. FRIEDRICH, Sole Owner

party(ies) of the second part, as ~~tenants by the entirety~~

Witnesseth, that in consideration of the sum of \$ 78,900.00, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part, do grant and convey unto the parties of the second part, their heirs and assigns in fee simple, all that piece or parcel of ground, situate, lying and being in BALTIMORE County, Maryland, and being described as follows:
 BEING KNOWN AND DESIGNATED as Lots Nos. 31 and 32, Block 9, as shown on the Plat of Catonsville Heights, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 178; being in the 1st Election District, Tax Account No. 01-08002400.

10/2

By the execution of the Deed, the party(ies) of the first part hereby certify(ies) under penalties of perjury that the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, is in the sum total of \$78,900.00.

AGRICULTURAL TRANSFER TAX
 NOT APPLICABLE
 SIGNATURE KAP 6/23/87

STATE DEPARTMENT OF
 ASSESSMENTS & TAXATION
KAP 6/23/87
 CLERK BATT

Subject to covenants and restrictions of record; being described in Liber 6213 folio 454.

I Hereby Certify that this instrument was prepared under the direction of Joseph P. McMahon an attorney admitted to practice before the Court of Appeals for the State of Maryland.

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 in anywise appertaining. And the said parties of the first part covenant that they will warrant specially the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite.

Witness their hands and seals.

TEST:
[Signature]
 (AS TO BOTH)

Albert P. Borrelli, Jr. (SEAL)
 ALBERT P. BORRELLI, JR.
Sharon Marie Borrelli (SEAL)
 SHARON MARIE BORRELLI

D RC/F 13.00
 (SEAL) TX 394.50
 II DOCS 395.00
 DEED 0
 SM CLERK 802.50
 (SEAL)
 #00750 C002 R02 115:
 06/25/87

STATE OF MARYLAND } to wit:
 COUNTY OF Prince George's

I HEREBY CERTIFY that on this 27th day of April, 1987 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ALBERT P. BORRELLI, JR. and SHARON MARIE BORRELLI, his wife known to me (or satisfactorily proven to be) the person(s) whose name(s) are subscribed to the within instrument and did acknowledge that he executed the same for the purposes therein contained. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year aforesaid.

NOTARY PUBLIC
 My Commission Expires: July 1, 1990

[Signature]
 Notary Public, Maryland

Thomas Friedrich
 705 Dorchester DR
 21288
 395
 394.50
 13

James M. Stark

this 27th day of *Oct* 1897
Baltimore, County

and affix the seal of the Circuit Court for
IN TESTIMONY WHEREOF I hereto set my hand

records of Baltimore County.

Folio *2293* one of the

recorded in Liber

SM No. *7587*

taken from the records of said Circuit Court as

I HEREBY CERTIFY that the foregoing is a true copy of the original

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the foregoing is a true copy of the original
DEED taken from the records of said Circuit Court as
recorded in Liber 571 No. 7587
Folio 223 one of the LAND
records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand
and affix the seal of the Circuit Court for
Baltimore County,

this 20th day of Oct 1897

August Jones

Clerk of the Circuit Court of Baltimore County

72100217

PURCHASE MONEY

DEED OF TRUST

This form is used in connection with deeds of trust insured under the one- to four-family provisions of the National Housing Act.

THIS DEED, made this 27th day of April 1987, by and between THOMAS D FRIEDRICH,

party of the first part and GEORGE A. RESTA and ALLAN B. BERNSTEIN Trustees, as hereinafter set forth, party of the second part:

WHEREAS, the party of the first part is justly indebted unto MARGARETTEN & COMPANY, INC.

a corporation organized and existing under the laws of the State of New Jersey, in the principal sum of Eighty Thousand, Nine Hundred Sixty-Four and 00/100 Dollars (\$ 80,964.00), with interest from date at the rate of Eight & One-Half Per Centum per centum (8 & 1/2 %) per annum on the unpaid balance until paid, for which amount the said party has signed and delivered a certain promissory note bearing even date herewith and payable in monthly installments of Six Hundred Twenty-Two and 61/100 Dollars (\$ 622.61), commencing on the first day of June 1987 and on the first day of each month thereafter until the principal and interest are fully paid, except that the final payment of principal and interest, if not sooner paid, shall be due and payable on the first day of May 2017

AND WHEREAS, the party of the first part desires to secure the prompt payment of said debt, and interest thereon, when and as the same shall become due and payable, and all costs and expenses incurred in respect thereto, including reasonable counsel fees incurred or paid by the said party of the second part or substituted Trustee, or by any person hereby secured, on account of any litigation at law or in equity which may arise in respect to this trust or the property hereinafter mentioned, and of all money which may be advanced as provided herein, with interest on all such costs and advances from the date thereof.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that the party of the first part, in consideration of the premises, and of one dollar, lawful money of the United States of America, to the above named borrowers in hand paid by the party of the second part, the receipt of which, before the sealing and delivery of these presents, is hereby acknowledged, has granted and conveyed, and does hereby grant and convey unto the party of the second part, as Trustee, its successors and assigns, the following-described land and premises, situated in the County of BALTIMORE and the State of Maryland, known and distinguished as

BEING KNOWN AND DESIGNATED AS LOT NOS. 31 AND 32, BLOCK 9, AS SHOWN ON THE PLAT OF CATONSVILLE HEIGHTS, WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK W.P.C. NO. 6, FOLIO 178; BEING IN THE 1ST ELECTION DISTRICT, TAX ACCOUNT NO. 01-08002400.

THE MORTGAGE INSURANCE PREMIUM RIDER AND ASSUMPTION RIDER ARE ATTACHED HERETO AND MADE A PART HEREOF. For Assgt see

liber 7799 fol. 676

D RC/F 27.00
D DOCS 10.00
D/TRST 0 #
SM CLERK 37.00
#00751 C002 R02 T15:36
06/25/87

together with all the improvements in anywise appertaining, and all the estate, right, title, interest, and claim, either at law or in equity, or otherwise however, of the party of the first part, of, in, to, or out of the said land and premises.

By the execution of this instrument, Mortgagors, Grantors, or parties of the first part (whichever applies) certify and acknowledge that prior thereto they have received both a fully executed agreement as to the contractual rate of interest and a loan disclosure statement in connection with the actual sum of money advanced at the closing transaction by the secured party both as required by Md. [Com. Law] Code Ann. Title 12.

TO HAVE AND TO HOLD the said property and improvements unto the party of the second part, its successors and assigns FEE SIMPLE

IN AND UPON THE TRUSTS, NEVERTHELESS, hereinafter declared; that is to say: IN TRUST to permit said party of the first part, or assigns, to use and occupy the said described land and premises, and the rents, issues, and profits thereof, to take, have and apply to and for their sole use and benefit, until default be made in the payment of any manner of indebtedness hereby secured or in the performance of any of the covenants as hereinafter provided.

MARYLAND FHA DEED OF TRUST

MAR-1901 (Rev. 1/87)

Replaces MAR-1901 (3/86) and MAR-1901 (Rev. 10/86)

STATE OF MARYLAND
HUD-92127M (8-82)
(24 CFR 203.17(a) et al.)

10
27

AND upon the full payment of all said note and the interest thereon, and all moneys advanced or expended as herein provided, and all other proper costs, charges, commissions, half-commissions, and expenses, at any time before sale hereinafter provided for to release and reconvey the said described premises unto the said party of the first part or assigns, at their cost. Prior to the execution and delivery of any partial or complete release, each trustee shall be entitled to charge and receive a fee of \$5.00, plus 50 cents for Notary's fee, for each release. The right to charge and receive said fee shall be limited to two Trustees.

AND UPON THIS FURTHER TRUST, upon any default made in the payment of the said note or of any monthly installment of principal and interest as therein provided, or in the payment of any of the monthly sums for ground rents, if any, taxes, special assessments, mortgage insurance, fire and other hazard insurance, all as hereinafter provided, or upon any default in payment on demand of any money advanced by the holder of said note on account of any proper cost, charge, commission, or expense in and about the same, or on account of any tax or assessment or insurance, or expense of litigation, with interest thereon at the rate set forth in the note secured hereby from date of such advance (it being hereby agreed that on default in the payment of any ground rent, tax, or assessment, or insurance premium or any payment on account thereof, or in the payment of any of said cost, expense of litigation, as aforesaid, the holder of said note may pay the same and all sums so advanced with interest as aforesaid, shall immediately attach as a lien hereunder, and be payable on demand), or upon failure or neglect faithfully and fully to keep and perform any of the other conditions or covenants herein provided; then upon any and every such default being so made as aforesaid, the party of the second part, or the Trustee acting in the execution of this trust, shall have power and it shall be their duty to sell, and in case of any default of any purchaser, to resell, at public auction, for cash, in one parcel at such time and place, and after such previous public advertisement as the party of the second part, or the Trustee acting in the execution of this trust, shall deem advantageous and proper; and to convey the same in fee simple, upon compliance with the terms of sale, to, and at the cost of, the purchaser or purchasers thereof, who shall not be required to see to the application of the purchase money; and shall apply the proceeds of said sale or sales: *Firstly*, to pay all proper costs, charges, and expenses, including all attorneys' and other fees and costs herein provided for, and all moneys advanced for costs or expenses, or expense of litigation as aforesaid, or taxes or assessments, or insurance with interest thereon as aforesaid, and all taxes, general and special, and assessments, due upon said land and premises at time of sale and to retain as compensation a commission of one per centum (1%) on the amount of the said sale or sales; *Secondly*, to pay whatever may then remain unpaid of said note, whether the same shall be due or not, and the interest thereon to date of payment, it being agreed that said note shall, upon such sale being made before the maturity of said note, be and become immediately due and payable at the election of the holder thereof; and, *Lastly*, to pay the remainder of said proceeds, if any there be, to the party of the first part, their heirs, executors, administrators, or assigns, upon the delivery and surrender to the purchaser, his, her, or their heirs or assigns of possession of the premises so, as aforesaid, sold and conveyed, less the expense, if any, of obtaining possession.

AND in the event of the resignation, death, incapacity, disability, removal, or absence from the State of any Trustee or Trustees, or should either refuse to act or fail to execute this Trust when requested, then any other Trustee shall have all the rights, powers, and authority and be charged with the duties that are hereby conferred or charged upon both; and in such event, or at the option of the holder of the note and with or without cause, the holder of the note is hereby authorized and empowered to appoint, and to substitute and appoint, by an instrument recorded wherever this Deed of Trust is recorded, a Trustee in the place and stead of any Trustee herein named or any succeeding or substitute Trustee, which appointed and Substitute Trustee or Trustees shall have the rights, powers, and authority and be charged with all the duties that are conferred or charged upon any Trustee or Trustees herein named.

And the party of the first part, in order more fully to protect the security of this Deed of Trust, covenants and agrees as follows:

1. That he will pay the indebtedness, as hereinbefore provided. Privilege is reserved to pay the debt, in whole or in part, on any installment due date.

2. That, together with, and in addition to, the monthly payments of principal and interest, payable under the terms of the note secured hereby, he will pay to the holder of the said note, on the first day of each month until the said note is fully paid, the following sums:

- (a) An amount sufficient to provide the holder hereof with funds to pay the next mortgage insurance premium if this instrument and the note secured hereby are insured, or a monthly charge (in lieu of a mortgage insurance premium) if they are held by the Secretary of Housing and Urban Development as follows:
 - (I) If and so long as said note of even date and this instrument are insured or are reinsured under the provisions of the National Housing Act, an amount sufficient to accumulate in the hands of the holder one (1) month prior to its due date the annual mortgage insurance premium, in order to provide such holder with funds to pay such premium to the Secretary of Housing and Urban Development pursuant to the National Housing Act, as amended, and applicable Regulations thereunder; or
 - (II) If and so long as said note of even date and this instrument are held by the Secretary of Housing and Urban Development, a monthly charge (in lieu of a mortgage insurance premium) which shall be in an amount equal to one-twelfth (1/12) of one-half (1/2) per centum of the average outstanding balance due on the note computed without taking into account delinquencies or prepayments;
- (b) A sum equal to the ground rents, if any, and the taxes and special assessments next due on the premises covered by this Deed of Trust, plus the premiums that will next become due and payable on policies of fire and other hazard insurance on the premises covered hereby (all as estimated by the holder of the note) less all sums already paid therefor, divided by the number of months to elapse before 1 month prior to the date when such ground rents, premiums, taxes, and assessments will become delinquent, such sums to be held by Mortgagee in trust to pay said ground rents, premiums, taxes, and special assessments, before the same become delinquent; and
- (c) All payments mentioned in the two preceding subsections of this paragraph and all payments to be made under the note secured hereby shall be added together and the aggregate amount thereof shall be paid by the party of the first part each month in a single payment to be applied by the holder of the note to the following items in the order set forth:
 - (I) premium charges under the contract of insurance with the Secretary of Housing and Urban Development, or monthly charge (in lieu of mortgage insurance premium), as the case may be;
 - (II) ground rents, if any, taxes, special assessments, fire and other hazard insurance premiums;
 - (III) interest on the note secured hereby; and
 - (IV) amortization of the principal of the said note.

MORTGAGE INSURANCE PREMIUM RIDER

This Mortgage Insurance Premium Rider made this 27th of April, 1987, modifies and amends that certain Deed of Trust, Form HUD-92127M(82) of even date herewith, between Thomas D. Friedrich as Trustor, George A. Resta and Allan B. Bernstein, as Trustees, and Margaretten & Company, Inc.

- 1. Paragraph 2 (commencing with " (a). An amount sufficient..." and concluding with "...taking into account delinquencies or prepayments;") is deleted in its entirety.
- 2. Paragraph 2(c) is amended to delete the subparagraph denoted as "(1)".
- 3. The following of Paragraph 3, commencing on line 11 concluding on line 12 of said paragraph, is hereby deleted:

"...all payments made under the provisions of (a) of paragraph 2, which the Beneficiary has not become obligated to pay to the Secretary, Housing and Urban Development, and..."

- 4. The following provision of Paragraph 3, line 18 is deleted:

"... and shall properly adjust any payments which shall have been made under (a) of Paragraph 2."

and a period is added following the word "note" on line 18 of paragraph 3.

- 5. The following sentence is added at the end of Paragraph 7 :

"This option may not be exercised by the Beneficiary when the ineligibility for insurance under the National Housing Act is due to the Beneficiary's failure to remit the mortgage insurance premium to the Department of Housing and Urban Development."

The identity of all sections and subsections affected by the changes in this Rider should be re-identified as necessary in order to account for the deletions and changes.

Except as modified herein, the Deed of Trust referenced above is and shall remain in full force and effect.

Thomas D. Friedrich
TRUSTOR Thomas D. Friedrich

TRUSTOR

WITNESS

TRUSTOR

Any deficiency in the amount of such aggregate monthly payment shall, unless made good by the party of the first part prior to the due date of the next such payment, constitute an event of default under this Deed of Trust. The holder of the note may collect a "late charge" not to exceed four cents (4¢) for each dollar (\$1) of each payment more than fifteen (15) days in arrears to cover the extra expense involved in handling delinquent payments, but in no event shall such "late charge" exceed the limitations imposed by Md. [Com. Law] Code Ann. Title 12 as of the date hereof.

3. That if the total of the payments made by the party of the first part under (b) paragraph 2 preceding shall exceed the amount of payments actually made by the holder of the note for ground rents, taxes or assessments or insurance premiums, as the case may be, such excess, if the loan is current, at the option of the party of the first part, shall be credited on subsequent payments to be made by the party of the first part, or refunded to the party of the first part. If, however, the monthly payments made by the party of the first part under (b) of paragraph 2 preceding shall not be sufficient to pay ground rents, taxes, and assessments, and insurance premiums, as the case may be, when the same shall become due and payable, then the party of the first part shall pay to the holder of said note any amount necessary to make up the deficiency, on or before the date when payment of such ground rents, taxes, assessments, or insurance premiums shall be due. If at any time the party of the first part shall tender to the holder of said note, in accordance with the provisions thereof, full payment of the entire indebtedness represented thereby, the said holder shall, in computing the amount of such indebtedness, credit to the account of the party of the first part all payments made under the provisions of (a) of paragraph 2 hereof, which the holder of said note has not become obligated to pay to the Secretary of Housing and Urban Development, and any balance remaining in the funds accumulated under the provisions of (b) of paragraph 2 hereof. If there shall be a default under any of the provisions of this Deed of Trust resulting in a public sale of the premises covered hereby, or if the holder of the note acquires the property otherwise after default, the holder of the note shall apply, at the time of the commencement of such proceedings, or at the time the property is otherwise acquired, the balance then remaining in the funds accumulated under (b) of paragraph 2 preceding, as a credit against the amount of principal then remaining unpaid under said note, and shall properly adjust any payments which shall have been made under (a) of paragraph 2.

4. That he will pay all taxes, assessments, water rates and other governmental or municipal charges, fines or impositions, and costs, expenses and charges of attorneys for services in any legal proceedings wherein Trustee shall be made a party by reason of this Deed of Trust, and ground rents, for which provision has not been made hereinbefore and will promptly deliver the official receipts therefor to the holder of the note; and in default of such payment by the party of the first part, the holder of the note may pay the same, and any sum or sums so paid by the holder of the note shall be added to the debt hereby secured, shall be payable on demand, shall bear interest at the rate set forth in the note secured hereby and shall be secured by this Deed of Trust.

5. That he will keep said premises in as good order and condition as they are now and will not commit or permit any waste thereof, reasonable wear and tear excepted.

6. That he will keep the improvements now existing or hereafter erected on the said premises insured as may be required from time to time by the holder of the note against loss by fire and other hazards, casualties and contingencies in such amount and for such periods as may be required by the holder of the note and will pay promptly, when due, any premiums on such insurance, provision for payment of which has not been made hereinbefore. All insurance shall be carried in companies approved by the holder of the note and the policies and renewals thereof shall be held by the holder of the note and have attached thereto loss payable clauses in favor of and in form acceptable to the holder of the note. In event of loss he will give immediate notice by mail to the holder of the note, who may make proof of loss if not made promptly by the party of the first part, and each insurance company concerned is hereby authorized and directed to make payment for such loss directly to the holder of the note instead of to the party of the first part and the holder of the note jointly, and the insurance proceeds, or any part thereof, may be applied by the holder of the note at its option either to the reduction of the indebtedness hereby secured or to the restoration or repair of the property damaged. In event of foreclosure of this Deed of Trust or other transfer of title to the said premises in extinguishment of the indebtedness secured hereby, all rights, title, and interest of the party of the first part in and to any insurance policies then in force shall pass to the purchaser or grantee.

7. The party of the first part further agrees that should this Deed of Trust and the note secured hereby not be eligible for insurance under the National Housing Act within sixty (60) days from the date hereof (written statement of any officer of the Department of Housing and Urban Development or authorized agent of the Secretary of Housing and Urban Development dated subsequent to the sixty (60) days time from the date of this Deed of Trust, declining to insure said note and this Deed of Trust, being deemed conclusive proof of such ineligibility), the party of the second part or the holder of the note may, at its option, declare all sums secured hereby immediately due and payable.

8. That if the said property shall be advertised for sale, as herein provided, and not sold the Trustee or Trustees acting shall be entitled to one-half (1/2) the commission above provided, to be computed on the amount of the debt hereby secured, and the same is hereby secured in like manner as other charges and expenses attending the execution of this trust, and shall bear full legal interest.

9. That if the premises, or any part thereof, be condemned under any power of eminent domain, or acquired for a public use, the damages, proceeds, and the consideration for such acquisition to the extent of the full amount of indebtedness upon this Deed of Trust, and the note secured hereby remaining unpaid, are hereby assigned by the party of the first part to the holder of the note secured hereby and shall be paid forthwith to the said holder to be applied by it on account of the indebtedness secured hereby, whether due or not.

10. That if any suit, action, or proceeding whatsoever shall be commenced or prosecuted for the collection of the note, or any part of the note, or for any enforcement of any endorsement or endorsements thereof, or any other matters hereby secured, or in reference to the execution of the trust hereby created, or any of the trust or property or funds which may become part thereof, he will pay all costs and charges and expenses of the same, including all counsel and attorney's fees and charges, which shall also be deemed a charge attending the execution of this trust, be secured hereby as such and bear interest at the rate set forth in the note secured hereby.

11. That he specially warrants the property herein conveyed and that he will execute such further assurances thereof as may be required.

The covenants herein contained shall bind, and the benefits and advantages shall inure to, the respective heirs, executors, administrators, successors, and assigns of the parties hereto. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

57

WITNESS the signature(s) and seal(s) of the party(ies) of the first part on the day and year first above written.

Witness:

Thomas D. Friedrich
THOMAS D FRIEDRICH

(SEAL)
-Borrower

(SEAL)
-Borrower

(SEAL)
-Borrower

(SEAL)
-Borrower

GEORGE'S

STATE OF MARYLAND, COUNTY OF PRINCE/ to wit: day of April 1987
I HEREBY CERTIFY, that on this the 27th
before me, a Notary Public of the State of Maryland, the undersigned officer, personally appeared
Thomas D. Friedrich

known to me (or satisfactorily proven) to be the person(s) whose name(s) is (are) subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.
At the same time, also personally appeared Joseph P. McMahon, the agent of the party secured by the foregoing Deed of Trust, and made oath in due form of law that the consideration of said Deed of Trust is true and bona fide as therein set forth; that the actual sum of money advanced at the closing transaction by the secured party has been paid over and disbursed by the party secured hereby unto the within named party of the first part or the person responsible for disbursement of funds in the closing transaction or their respective agent at a time no later than the execution and delivery of this Deed of Trust by the party of the first part; and he further made oath that he is the agent of the party secured by the foregoing Deed of Trust and as such is duly authorized to make this affidavit.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Shelly M. Blunt
Notary Public

2/1/90

My commission expires: 7/1/90

RECEIVED FOR RECORD on the day of one of the Lands Records.
at o'clock M., and recorded in Liber No. at Folio
Examined by

Recorder

This instrument was prepared by SHELLY M BLUNT

JOSEPH P. McMAHON
8337 Cherry Lane
Laurel, Md. 20707
(301) 498-0922

Remit to:
Margaretten & Company, Inc.
5900 Princess Garden Parkway
Lanham, Maryland 20706

Argue

this 20th day of Oct 1897
Baltimore, County

and affix the seal of the Circuit Court for
IN TESTIMONY WHEREOF I hereto set my hand
records of Baltimore County.

folio 294-295 one of the
recorded in Libor
No. 3584

DEPT 1251
taken from the records of said Circuit Court as

I HEREBY CERTIFY that the foregoing is a true copy of the original
STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH
I HEREBY CERTIFY that the foregoing is a true copy of the original
DEED OF TRUST taken from the records of said Circuit Court as
recorded in Liber SM No. 7584
File 294-299 one of the LA 10
records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand
and affix the seal of the Circuit Court for
Baltimore, County
this 20th day of Oct 1897

August Conner

Clerk of the Circuit Court of Baltimore County

**** PUBLIC RECORD ****

Tax ID#: 108002400

County: BC

PROPERTY ADDRESS: 705 DORCHESTER RD, , BALTIMORE, MD 21228-1711

Legal Subdiv/Neighborhood: CATONSVILLE HEIGHTS

OWNER: THOMAS B FRIEDRICH,

Phone #: (410) 788-9337

Abs Owner: N

MAIL ADDRESS: 705 DORCHESTER RD, , BALTIMORE, MD 21228-1711

LEGAL DESCRIPTION: IMPS LT 31,32 CATONSVILLE HEIGHTS

Mag/Dist #: 1

Lot:

Block/Square: 9

Tax Map:

Elec Dist: 01

Legal Unit #:

Grid: 0020

Map: 95

Parcel: 227

TOTAL TAX BILL: \$1,421

State/County Tax: \$1,200

City Tax:

Levy Yr: 1996

Front Foot Fee:

Spec Tax Assmt: \$222

Refuse:

Rate: 3.07

Homestd/Exempt Status:

ASSESSMENT

Year Assessed	Total Tax Value	Land	Improvement	Land Use	Taxable Assessment
1994	\$39,140	\$29,500	\$68,370		State: \$
Previous	\$39,140	\$29,500	\$68,970		Municipal: \$
Early					City: \$

DEED

Deed Liber: 7587

Deed Folio: 293

Deed Type:

Transfer Date

Price

Grantor

Grantee

25-JUN-1987

\$78,900

BORRELLI ALBERT P, JR

FRIEDRICH THOMAS B

PROPERTY DESCRIPTION

Year Built: 1980

Zoning:

Census Trct/Blck: 400701/2

Irregular Lot:

Square Feet: 4,800

Acreage: 0.11

Land Use: Residential

Prop Class: R

Plat Liber/Folio: 0006/0178

Property Card:

Prop Use Code: RESIDENTIAL

Building Use: RESIDENTIAL

Frontage: 40

STRUCTURE DESCRIPTION

Section 1

Section 2

Section 3

Section 4

Section 5

Construction

Story

Area

880

40

Ext Wall: Siding - Alum/Viny

Roofing: Shingle - Composite

Foundation:

Stories: S/F

Units:

Style: Split Foyer

Year Remodeled: 1980

Total Building Area:

Living Area: 920

Base Sq Ft: 920

Model/Unit

Type: SPLIT FOYER

Patio/Deck Type: DECK

Sq Ft: 216

Rooms:

Bsmt Type:

Fireplaces: 1

Garage Type:

Bedrooms:

Bsmt Tot Sq Ft:

Fireplace Type: 20

Garage Sq Ft:

Full Baths: 1

Bsmt Fin Sq Ft:

Attic Type:

Garage Const.:

Half Baths:

Bsmt Unfin Sq Ft:

Attic Sq Ft:

Garage Spaces:

Baths: 1

Other Rooms: 440 SQ FT CLUB ROOM

Gas:

Heat: Hot Water

Sewer: PUBLIC

Electric:

Water: PUBLIC

Underground:

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

OWNER INFORMATION

DISTRICT OF ACCT NO: 0113552922

OWNER REL INFORMATION

OWNER NAME: JUNG BARRY SCOTT

INTEREST IN
PROPERTY

MAILING ADDRESS: 7616 BLUE GRASS RD
BALTIMORE

MD 21237

TRANSFERRED
FROM: THOMAS HOMES LTD

DATE: 05/17/96 PRIN:

DEED REFERENCE: 1) 11471/716
2)

POTENTIAL USE

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO

<F3> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

LOCATION INFORMATION

DISTRICT OF ACCT NO: 0113552922

NAME: JUNG BARRY SCOTT

OWNER REL INFORMATION

PROPERTY ADDRESS
DORCHESTER RD

ZONING

LOCAL GOVERNMENT
LIMITATIONS

APPROXIMATE VALUE

MAP	SECT	PARCEL	SUBDIV	SECT	BLOCK	LOT	GROUP
25	30	227			9		20

PLAT NO
PLAT

SPECIAL TAX AREAS

PRIMARY STRUCTURE DATA
YEAR BUILT ENCLOSED AREA
0000

PROPERTY LAND AREA
4,500.00 SF

TYPE
OF
PROPERTY

PRESS: <F1> OWNER INFO <F2> VALUE INFO

<F3> SELECT NEXT PROPERTY

M.D.A.M. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

OWNER IDENTIFICATION

DISTRICT OF ACCT NO: 0103002400

OWNER NAME: FREDERICH THOMAS B

HATING ADDRESS: 700 DONALDSTER RD
BALTIMORE MD 21208

PLANNED AREA

FLOOR: SCHUBERT ALBERT R DR

DATE: 06/26/76

DEED REFERENCE: 11 / 7677 / 288
2)

TAX EXEMPT: NO

PROPS. FOR LOCATION INFO SPCL. VALUE INFO

M.D.A.M. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

LOCATION INFORMATION

DISTRICT OF ACCT NO: 0103002100

NAME: FREDERICH THOMAS B

HATING ADDRESS:
700 DONALDSTER RD

MAP: 5-10 PARCEL SUBDIV EAST BLOCK LOT: 200
05 20 200

SPECIAL TAX AREA:

PRIMARY STRUCTURE DATA
YEAR BUILT: ENCLOSED AREA:
1980 020 SF

PROPERTY VALUE AREA
\$2,800.00 LF

PROPS. FOR OWNER INFO SPCL. VALUE INFO

M.D.A.M. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

VALUE INFORMATION

DISTRICT OF ACCT NO: 0103002100

NAME: FREDERICH THOMAS B

	BASE VALUE	CURRENT VALUE	THRM-IN VALUE
LAND	29,500	29,500	
IMPR	25,370	25,370	
TOTAL	54,870	54,870	

SPCL. VALUE

000
Paul J. Rogers
 CERTIFIED TRUE COPY

PARTIAL MEMBER ASSOCIATION CODE 07/01/1993
 COUNTY 000
 STATE 000
 MUNICIPAL 000
 INFO LOCATION INFO
 *** SELECT NEXT PROMPTLY

MD.B.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

OWNER INFORMATION

DISTRICT OF ACCT NO 0100011320

DATE 01/01/07

OWNER NAME: ALBERT GEORGE M
ALBERT BATHYAN A
MAILING ADDRESS: 703 DORCHESTER RD
BALTIMORE MD 21218

01/01/07
01/01/07

TRANS FERRD
FROM ALBERT GEORGE M

DATE 10/20/07

DEED REFERENCE: 1) / 0112/ BY
2)

01/01/07

TAX EXEMPT NO

PROPS: -ZON LOCATN INFO -PR- VALUE INFO

PC 01/01/07

MD.B.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

LOCAL USE INFORMATION

DISTRICT OF ACCT NO: 0100011320
NAME: ALBERT GEORGE M

01/01/07

PRENCE ADDRESS
703 DORCHESTER RD

ZONING

01/01/07

MAP GRID PARCEL SUBDIV SBT BLOCK LOT GROUP
95 00 227 0 000

01/01/07

MUNICIPAL TAX AREA:

PRIMARY STRUCTURE DATA
YEAR BUILT PROPOSED AREA
1977 1,000 SQ

PROPERTY LAND AREA
9,000.00 SQ

01/01/07

PROPS: -ZON OWNER INFO -PR- VALUE INFO

PC 01/01/07

MD.B.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

VALUE INFORMATION

DISTRICT OF ACCT NO. 0100011320
NAME: ALBERT GEORGE M

01/01/07

	BASE VALUE	CURRENT VALUE 01/01/07	FAIR EN VALUE 01/01/07	01/01/07
LAND	1,000	2,700		
IMPT	75,000	75,000		
TOTAL	77,000	77,700	77,700	01/01/07

LAND 1,000
IMPT 75,000
TOTAL 77,000

01/01/07
01/01/07
01/01/07

FILED DATE

James F. ...
 CERTIFIED TRUE COPY

505 - SHELTER CARE PROGRAM

INTRO. ...

DATE	DESCRIPTION	AMOUNT
01/01/1988	...	000
01/01/1988	...	000
01/01/1988	...	000

M.D.A.C. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

OWNER INFORMATION

DISTRICT: 01 ACCT NO: 1000003896

DATE: 06/20/1987

OWNER NAME: KRABITZ MARK W
KRABITZ GERRY L
MAILING ADDRESS: 707 DORCHESTER AVENUE
BALTIMORE MD 21208

PROPERTY
ADDRESS
CITY

TRANSFERRED

FROM: DUNNE THOMAS M

DATE: 06/20/1987

DEED REFERENCE: 1) 7585/200
2)

LOCAL LAWS

TAX EXEMPT: NO

PRESS: F1- LOCATION INFO F2- VALUE INFO

F3- DETAIL PROP INFO

M.D.A.C. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

LOCATION INFORMATION

DISTRICT: 01 ACCT NO: 1000003896

NAME: KRABITZ MARK W

DATE: 06/20/1987

MAILING ADDRESS
707 DORCHESTER AVENUE

ZONING

CITY

MAP GRID PARCEL SUBDIV SECT BLOCK LOT GROUP
00 20 227 0 00

APPLICABLE LAWS

SPECIAL TAX AREAS

PRIMARY STRUCTURE DATA	PROPERTY LAND AREA	AVG
YEAR BUILT ENCLOSED AREA	7,200.00 SF	
1980 1,028 SF		

PRESS: F1- OWNER INFO F2- VALUE INFO

F3- DETAIL PROP INFO

M.D.A.C. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

VALUE INFORMATION

DISTRICT: 01 ACCT NO: 1000003896

NAME: KRABITZ MARK W

DATE: 06/20/1987

	BASE VALUE	CURRENT VALUE	PHASE IN VALUE	PHASE OUT VALUE
		AS OF	AS OF	
		01/01/1986	07/01/1986	
LAND	32,050	32,050		
IMPTS	67,000	67,000		
TOTAL	99,050	99,050	99,050	

PREP DATA

0

0

0

0

0110
Col. J. F. [Signature]
CONTINUED THIS COIL

FOR SHIPMENT NORTH PROPERTY

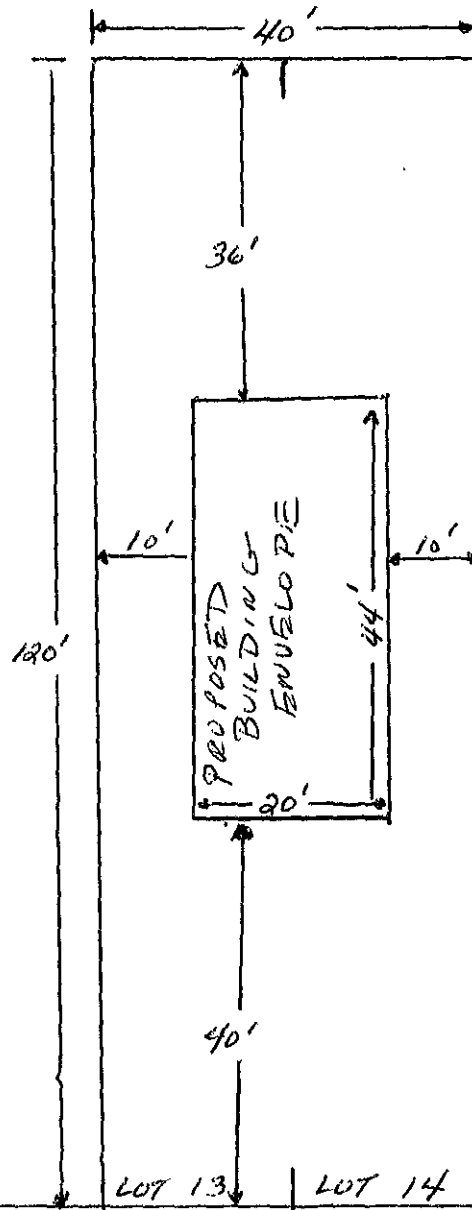
FOR THE [unclear] [unclear] [unclear]

0	0	000	PROPERTY
0	0	000	STATE
0	0	000	OFFICE
000	000	000	000
000	000	000	000
000	000	000	000

SETBACK REQUIREMENTS

PETITIONER'S
EX. #9

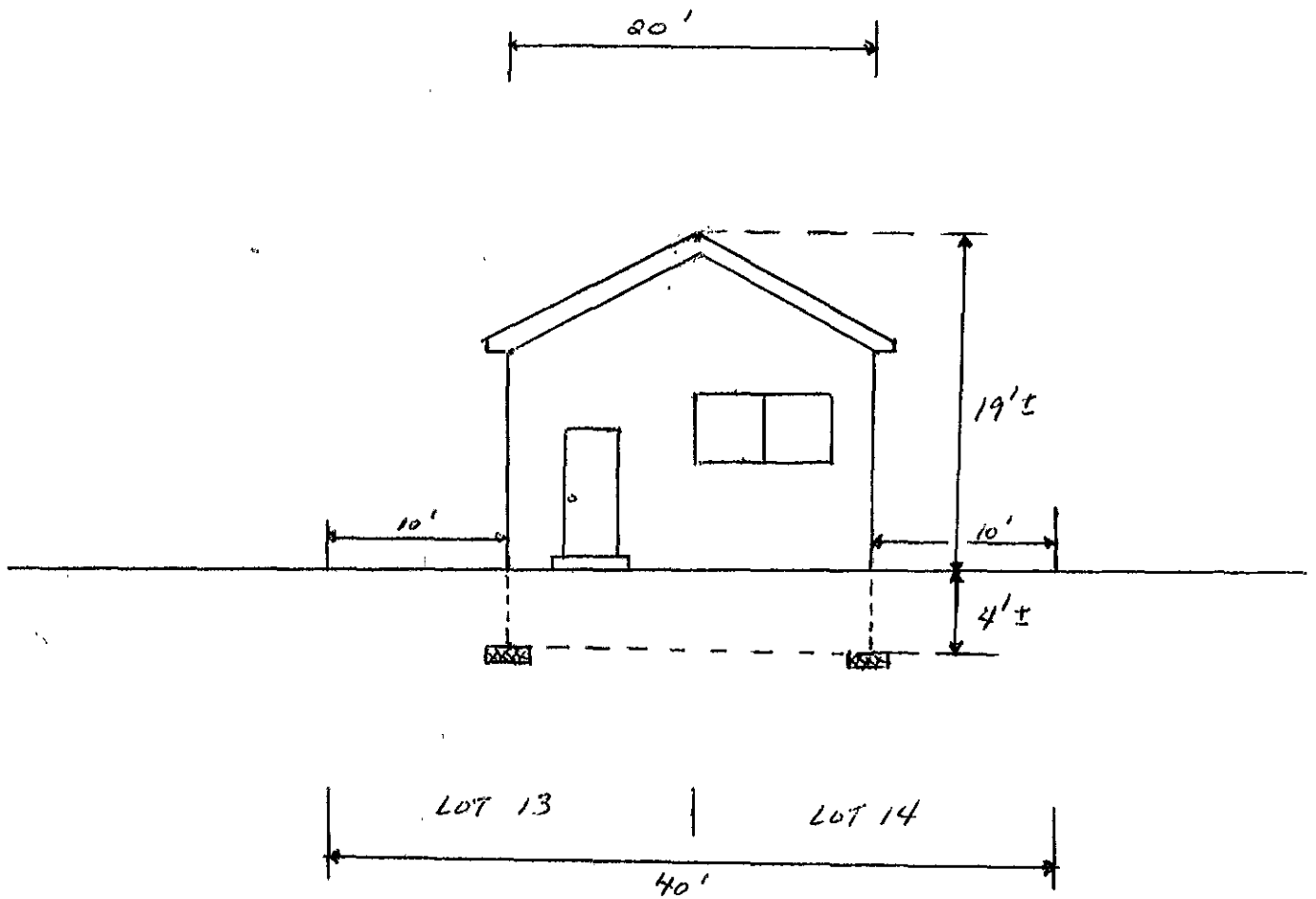
FRONT - 25'
SIDES - 10'
REAR - 30'



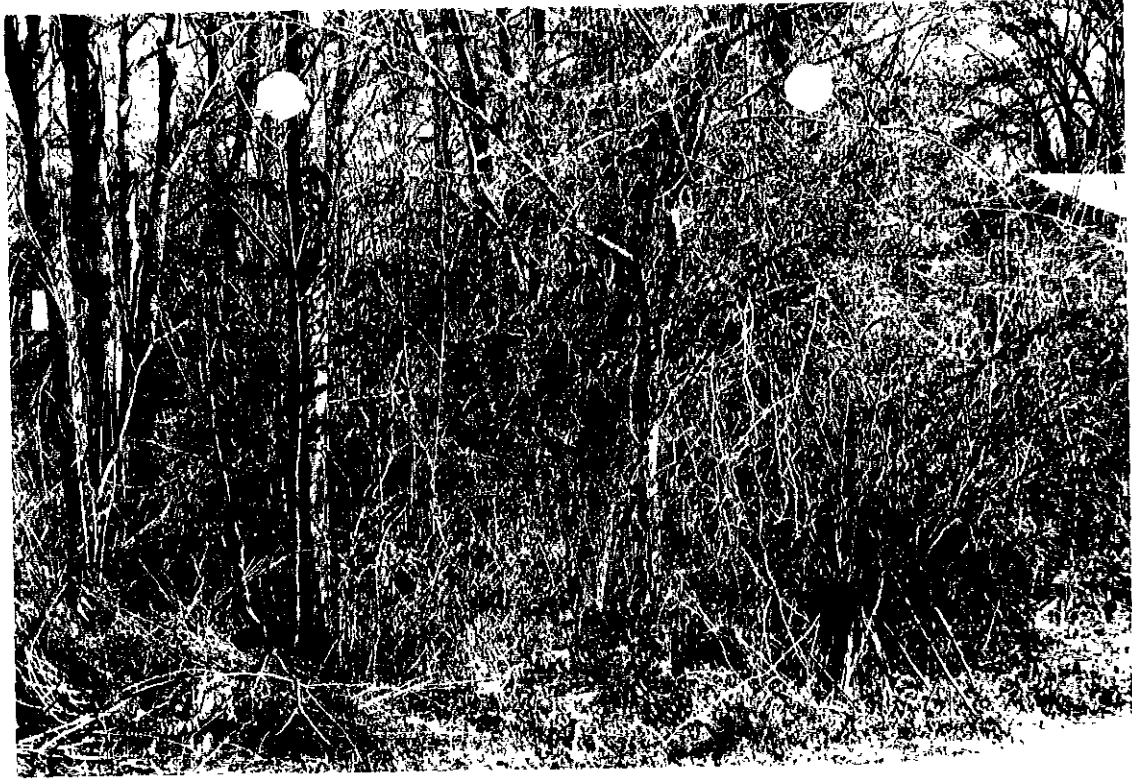
DORCHESTER RD

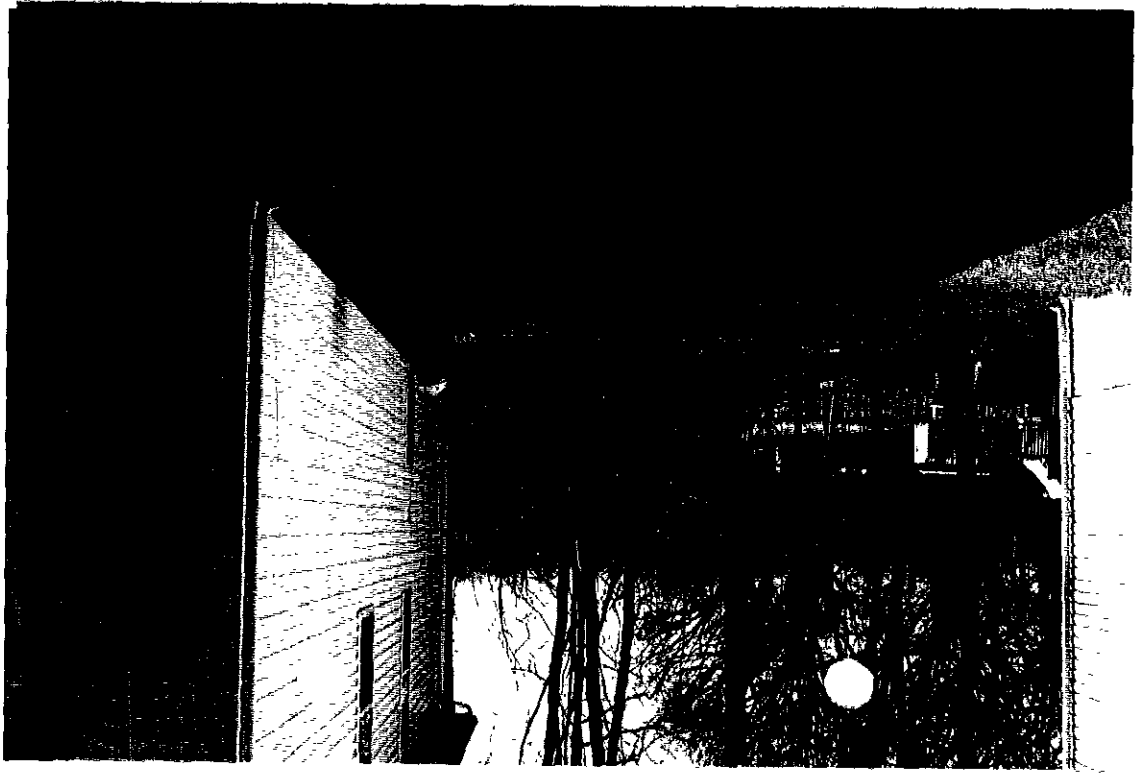
SCALE 1" = 20'

PROPOSED
HEIGHT
OF
DWELLING
(SPLIT FOYER)



SCALE
1" = 10'

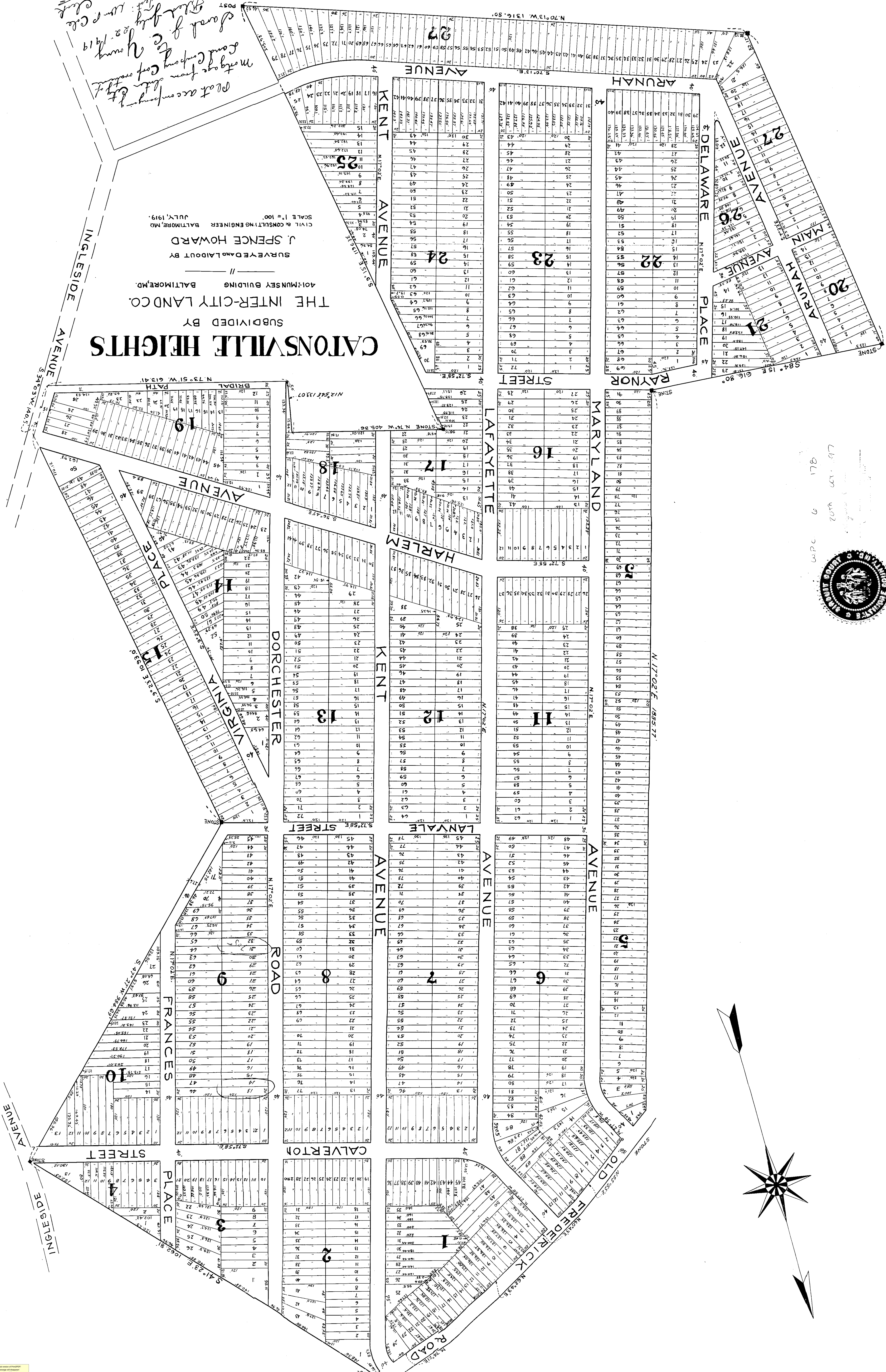




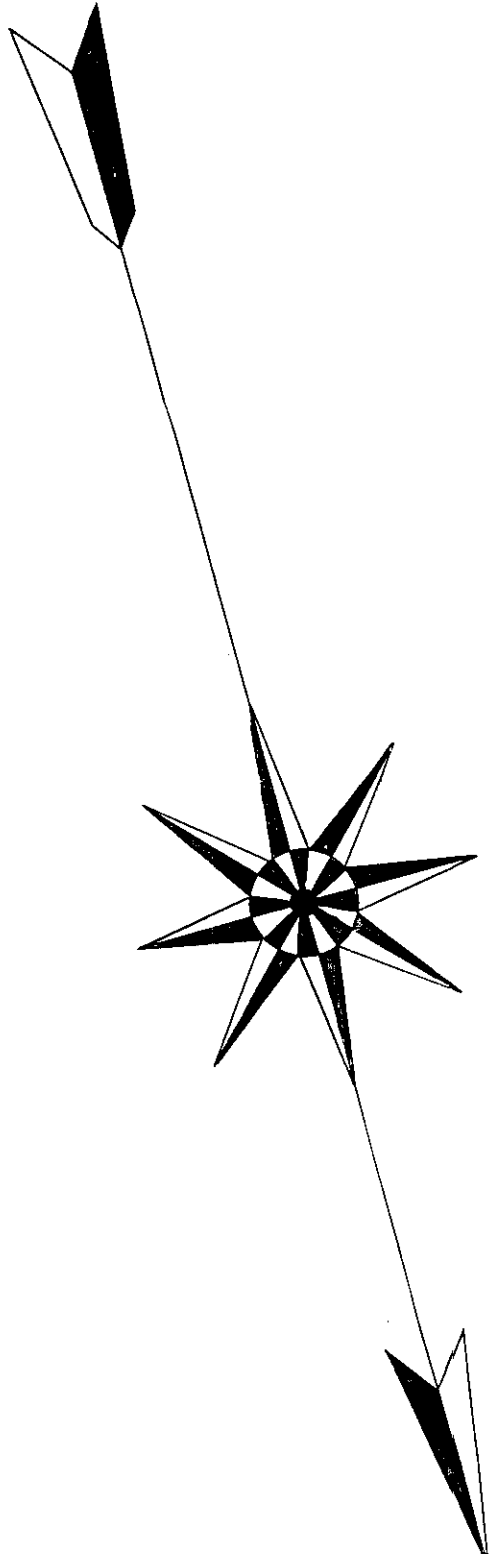
CATONSVILLE HEIGHTS

SUBDIVIDED BY
THE INTER-CITY LAND CO.
 BALTIMORE, MD
 401 MUMFSEY BUILDING
 J. SPENCE HOWARD
 SURVEYED AND LAYOUT BY
 CIVIL & CONSULTING ENGINEER BALTIMORE, MD
 JULY, 1919.
 SCALE 1" = 100'

*Part of a company lot
 Mortgage from
 and Company
 dated July 1919
 Bank of the City of Baltimore
 Clerk*



671
 672
 673
 674
 675
 676
 677
 678
 679
 680
 681
 682
 683
 684
 685
 686
 687
 688
 689
 690
 691
 692
 693
 694
 695
 696
 697
 698
 699
 700



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

Topographic	BY	DATE	SCALE
INC	MAPS	4-11-70	1" = 200'
REVISIONS			DATE OF PHOTOGRAPHY
			APRIL 1953
CATIONSVILLE			LOCATION
			S.W.
			2-F

