

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Linden Avenue, 170 ft. +/- E
from c/l Woodside Avenue * ZONING COMMISSIONER
4418 Linden Avenue * OF BALTIMORE COUNTY
13th Election District
1st Councilmanic District
Judy L. Love & Steven L. Bond, * Case No. 98-187-SPH
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 4418 Linden Avenue in Halethorpe. The Petition was filed by Judy L. Love and Steven L. Bond, property owners. Special Hearing relief is requested to approve the subject property as a legal nonconforming use for a two apartment dwelling. The subject property, adjacent lots and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case were Judy L. Love, Judith Bond and Steven L. Bond, property owners. The Petitioners were represented by Stanley H. Miller, Esquire. Appearing in opposition to the request were William N. Lucas, Sr., and Joan P. Lucas, his wife.

As noted above, this matter comes before the Zoning Commissioner as a Petition for Special Hearing, seeking the designation of the property as a legal nonconforming use, to permit two apartments in the dwelling thereon. A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations as "A legal use that does not conform to a use regulation for the zone in which it is located or a special regulation applicable to such a use." Nonconforming uses are regulated by Section 104 of the BCZR. Section 104.1 allows a nonconforming use to continue notwithstanding its noncompliance with the zoning regulations, provided that any

COPIES
CAL
BY
[Handwritten signatures and initials]

material change in the character of the nonconforming use, or abandonment or discontinuance thereof, shall terminate the validity of such use. In essence, the nonconforming use designation is used to grandfather an otherwise illegal use. That is, if the use existed prior to the time of the adoption of the zoning regulations which prohibit the use, the use may continue as nonconforming. Nonconforming uses are not favored under law. See e.g., McKemy v. Baltimore County, 39 Md. App. 257 (1978). Moreover, it is the Petitioner's burden to prove the character of the use as nonconforming and satisfy the requirements set forth in Section 104.

In this case, the property is zoned D.R.5.5. That zoning classification would permit a single family dwelling on the property, but not an apartment. Apparently, the property has been so zoned since 1955, the date of the adoption of the comprehensive zoning regulations in Baltimore County. Thus, the Petitioners must offer persuasive proof that the two apartment use of the subject dwelling existed prior to that date and, as importantly, that same has not been abandoned or discontinued for a period of at least one year since that time. (See Section 104.1)

Testimony and evidence was received from the co-Petitioner, Judy Lynn Love Trishman. Ms. Trishman is the co-owner of the property with her brother, Steven L. Bond, and mother, Judith E. Bond. She testified that she, her brother and mother purchased the property in 1995 from Gordon E. Younger and Merrill E. Gittin. She stated that, at the time of her acquisition, the dwelling was divided into two apartments and that there had been no changes to the floor design or exterior of the building since that time.

Presently, Ms. Trishman lives on the first floor of the structure and her brother occupies the upstairs unit. She further testified that there are two separate utility meters serving the dwelling and separate entrances. Photographs of the property were submitted at the hearing which show

that the dwelling does, indeed, feature an entrance to the downstairs unit and a set of steps on the side of the house leading to an upstairs unit. It is obvious that the property has been used as a two apartment unit since the time of the Petitioners' acquisition in 1995.

Other testimony and evidence received was that the subject property is approximately .23 acres in area and has frontage on Linden Avenue. The property is located within the Halethorpe community, in western Baltimore County, not far from Southwestern Blvd. and Washington Blvd. The property is known as lot 153 of the original subdivision platted as Halethorpe.

Also testifying at the hearing was Mr. Lucas, who resides immediately next door at 4420 Linden Avenue. Mr. Lucas testified that he has owned his property since 1966 and presently resides thereon with his wife, who also attended the hearing. Mr. Lucas testified that he is familiar with the historic use of the property, including the time during which the lot was owned by its former owners, Mr. and Mrs. Younger. Mr. Lucas confirmed the existence of the separate entrances and floor plan. He indicated that for sporadic periods, the upstairs unit was rented while Mr. and Mrs. Younger resided on the first floor. However, he testified that there were significant time frames when the building was not used as a two apartment unit. Specifically, he testified that there were lengthy periods when Mr. and Mrs. Younger did not want the inconvenience associated with the lease of the upstairs apartment and that the upstairs unit was, therefore, vacant. During those periods, the upstairs unit was not occupied and was used, at most, for storage purposes. Mr. Lucas believes that the apartment use of the property is inconsistent with the neighborhood, which he characterized as mainly single family dwellings.

This Zoning Commissioner also considered a document offered by the Petitioners as Exhibit No. 5. This exhibit is a non-notarized and unwitnessed letter from Gordon E. Younger dated December 3, 1996. Apparently,

Mr. Younger is the son of the former property owners. Mr. Younger's letter states, in its entirety, "The property at 4418 Linden Avenue, Halethorpe, Maryland has been that way since 1946. After World War II, it was used for several years for some of my mothers (sic) family. At the time, it met all OPA standards." (emphasis added)

Mr. Younger's letter is as significant for what it does not say as for what it does. The letter does not state that the dwelling was used as a 2 apartment unit on a continuous and uninterrupted basis since 1955. Whether his comment that the dwelling has been "that way" is offered as a physical description, or as to its use, is unclear.

As noted above, nonconforming uses are not favored at law and it is the Petitioners' burden to establish that the nonconforming use exists. Not only must the Petitioner establish that the use predated 1955, but that it has continued uninterruptedly and without abandonment since that time.

In my judgment, the Petitioners have failed to meet this burden. I am not persuaded that sufficient testimony has been offered to support the Petitioners' contention that the property is nonconforming. Clearly, the Petitioners have personal knowledge of the site for the past several years. However, there was no testimony of sufficient caliber to demonstrate that the nonconforming use existed prior to 1955 and most importantly, has continued uninterruptedly since then. For these reasons, the Petition for Special Hearing must be denied.

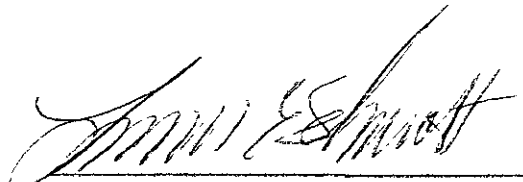
Although the Petition should be denied, a final comment is in order about a pending zoning violation case related to this property. Apparently, the Office Permits and Development Management has cited the Petitioners for a violation of the zoning regulations for use of the property for a two apartment unit. Interestingly, all of the occupants of the property are blood related, thus, they are indeed a single family. It appears that

the present occupants may all continue to reside thereon in that they are all related by blood and/or marriage. However, the two apartment character of the property is manifestly illegal. However, the ultimate determination on this issue must be from a Judge of the District Court of Maryland County, the forum in which the violation case is pending.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of February, 1998 that, pursuant to the Petition for Special Hearing, approval of the subject property for a legal nonconforming use as a two apartment dwelling be and is hereby DENIED.

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF	*	
JUDY L. LOVE AND STEVEN L.	*	COUNTY BOARD OF APPEALS
BOND -PETITIONERS FOR SPECIAL	*	
HEARING ON PROPERTY LOCATED	*	OF
ON THE NORTH SIDE LINDEN AVE.	*	
170' +/- FROM C/L WOODSIDE	*	BALTIMORE COUNTY
AVE (4418 LINDEN AVENUE)	*	
13TH ELECTION DISTRICT	*	CASE NO. 98-187-SPH
1ST COUNCILMANIC DISTRICT	*	
* * * *	*	* * * *

O P I N I O N

This case comes to the Board of Appeals of Baltimore County based on an appeal from a decision of the Zoning Commissioner in which a Petition for Special Hearing was denied by Order dated February 5, 1998. A timely appeal was filed with this Board on March 5, 1998. The Appellants /Property Owners were represented by Stanley H. Miller, Esquire. No protesting parties appeared at the public hearing held on August 11, 1998.

After a brief opening statement by Mr. Miller, three witnesses were offered in support of the Appellants' Petition. Judy Love Tishman, 4418 Linden Avenue, testified concerning the nature of the subject property at 4418 Linden Avenue. She stated that her mother, brother and herself had been cited by Baltimore County for a zoning violation, since the property was only zoned for one apartment. She opined that all three individuals had purchased the property from George Younger in 1995, settlement taking place on July 21, 1995 (Petitioner's Exhibit No. 1). She stated that the house had not been changed or altered since the time of their purchase on July 21, 1995 (Petitioner's Exhibit No. 2, Deed to Property). The house was a detached unit, with steps on the side going to the second floor. The Appellants submitted a "Plat to

Accompany Petition for Special Hearing" (Petitioner's Exhibit No. 3), and photographs reflecting the property (Petitioner's Exhibit No. 4). There was no other ingress /egress to the second floor except by these outside steps. The second floor she described as consisting of a living room, kitchen, two bedrooms and a bath. The first floor consisted of a living room, dining room, kitchen, three bedrooms and two baths. There was a full basement.

The access stairs to the second floor were already closed off when the property was purchased by the present owners. Ms. Tishman indicated that none of them had made any alterations or any changes since their ownership. The witness testified that the seller, Mr. Younger, had inherited the property from his parents. She indicated that a neighbor had told them that Mr. Younger's parents had altered the house around 1946, adding the side steps, since the property was going to be utilized as a rental facility. It was the observation of Mr. Lucas, a neighbor, as indicated to this witness, that nothing had been done or changed subsequent to the 1955 zoning regulations being adopted.

At the present time, the witness opined that her brother, his wife and two children presently resided in the second floor unit and the witness, her husband, two children and mother lived in the first-floor unit. The property was purchased by all three individuals in July 1995; that is, Mrs. Judith Bond, Steven Bond, and Judy L. Love (Tishman), subsequent to the death of her father in September 1994 so that they could live together as a family. The witness indicated that they had no intention of making it into

a rental property. Petitioner stated that all three owners had been cited individually for a zoning violation, but that the case had been placed on the "stet" docket pending a decision by this Board. An offer to proffer the testimony of Judith Bond and Steven Bond was declined by the Board with the request that both parties individually testify since they were already present at the hearing.

Judith Bond testified that she was a one-third owner of 4418 Linden Avenue and that they had moved into the house before the 1995 purchase to assist in her efforts to accommodate her husband, who was seriously ill and who passed away in September 1994. Mr. Younger subsequently offered to sell the house to them since he was residing out-of-state, which they accepted and the property was settled on July 21, 1995. She acknowledged that no changes had been made and that the property was in the same condition as when it had been purchased. She indicated that Mr. Younger had informed her that his mother and father had lived in the property long before 1955, and during World War II had rented rooms to Westinghouse employees. The sale by Mr. Younger was a private sale so that there were no real estate agents involved in any zoning violations.

Mr. Steven Bond also testified. He is a one-third owner of the property and he also indicated that the family had moved into the house in 1994, again because of his father's serious illness and in order to assist his mother in taking care of his father. He also proffered that there had been no improvements since their

purchase and essentially proffered the same testimony that had been previously offered by his sister and his mother.

At the conclusion of the Appellants' case-in-chief, Mr. Miller requested that the documentation which had been submitted as evidence in the prior Zoning Commissioner's hearing be offered as evidence in this case, which was accepted by the Board as Petitioners' Exhibits No. 1 through No. 7 as follows:

1. U.S. Department of Housing and Urban Development Settlement Statement;
2. Deed dated July 21, 1995;
3. Plat to Accompany Petition for Special Hearing;
4. Six Photographs;
5. Letter from Gordon E. Younger dated December 3, 1996;
6. Properties Divided as the Property at 4418 Linden Avenue; and
7. Two BG&E bills reflecting two separate units at the subject property.

A public deliberation followed the public hearing after a recess during which the Board members individually reviewed their notes and examined the evidence which was admitted at the time of the hearing. While Mr. and Mrs. Lucas appeared at the Zoning Commissioner's hearing as protestants, neither they nor any other protestants appeared at the Board's hearing held on August 11, 1998. People's Counsel entered an appearance, but elected not to participate in this proceeding. A sign was posted on March 23, 1998 in a conspicuous location on the property. Since this was a de novo hearing, the Board is constrained to consider only the

testimony and evidence produced by the Appellants /Property Owners at the time of the hearing. The property owners seek the special hearing to permit two separate apartments in the Linden Avenue property.

Nonconforming uses are regulated by Section 104 of the Baltimore County Zoning Regulations (BCZR) and are specifically defined in Section 101 of the same regulations as a "legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use...." Pursuant to Section 104.1, a nonconforming use is allowed to continue even though it is not in compliance with the current zoning regulations, provided that any material change in the character of the nonconforming use, or abandonment or discontinuance thereof shall terminate the validity of such use. The use must have been legal as of 1955, and continued without material change, discontinuance or abandonment. The law does not favor continuation of nonconforming uses, but cannot declare them as illegal if it is determined to have existed at the time of ordinance passage or prior thereto. The burden rests upon the property owner to prove the character of the use as well as satisfaction of the requirements set forth in Section 104. The present D.R. 5.5 zoning permits a single-family dwelling but not an apartment. Clearly the D.R. 5.5 has been in effect since 1955, the date of passage of the comprehensive zoning regulations in Baltimore County. There were no protestants at the hearing, and the Board has determined that the weight of the evidence is

sufficient to satisfy the regulations. The degree of preponderance is one which must be assessed and determined by the Board. There is no doubt that the Youngers have owned the property going back to World War II, pre-dating the 1955 regulations. The Younger letter (Petitioner's Exhibit No. 5), while not conclusive, is persuasive.

While the Board would have appreciated greater corroboration, the demeanor of the witnesses gave credibility to their testimony, and the evidence provided by the property owners, in the face of no disputing evidence, established the existence of a nonconforming use as of 1955 which has continued without interruption or abandonment. The property does appear as a two-apartment unit, notwithstanding the fact that people who happen to be related are in the same building. The Board does not consider this dispositive one way or another. What is dispositive is that the property continues to operate as a two-apartment building, with no ingress/egress to the second floor except by way of the outside steps, and each unit is self-contained.

Having determined that a nonconforming use was in existence as of 1955 and has continued in an uninterrupted vein without abandonment or discontinuation, this Board finds that the present use as two apartments is legal.

O R D E R

IT IS THEREFORE this 18th day of September, 1998 by the
County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve the
subject property at 4418 Linden Avenue as a legal nonconforming use

for a two-apartment dwelling be and the same is hereby GRANTED.

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.

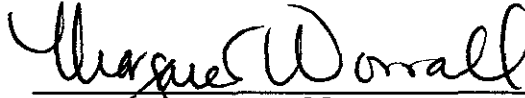
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks, Panel Chairman



Thomas P. Melvin



Margaret Worrall



County Board of Appeals of Baltimore County

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

September 18, 1998

Stanley H. Miller, Esquire
218 E. Lexington Street
Baltimore, MD 21202

RE: Case No. 98-187-SPH
Judy L. Love and Steven L. Bond -Petitioners

Dear Mr. Miller:

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, with a photocopy provided to this office concurrent with filing in Circuit Court. 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 for
Kathleen C. Bianco
Administrator

encl.

cc: Ms. Judy Lynn Love Tishman
Mr. Steven L. Bond
Mr. and Mrs. William N. Lucas, Sr.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence Smith, Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



316/98
TD
8

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S Linden Avenue, 170 ft. +/- E	*	ZONING COMMISSIONER
from c/1 Woodside Avenue	*	
4418 Linden Avenue	*	OF BALTIMORE COUNTY
13th Election District	*	
1st Councilmanic District	*	Case No.: 98-187-SPH
Judy L. Love & Steven L. Bond	*	
Petitioners	*	
* * * * *		

APPEAL

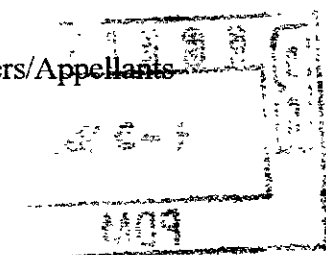
Please enter an Appeal to the County Board of Appeals from the decision of the Zoning Commissioner denying the Petition for Special Hearing, approval of the subject property for a legal nonconforming use as a two apartment dwelling.

The uncontraverted evidence in the case is that the premises at 4418 Linden Avenue is being used by a single family unit, however they have been cited because the property is divided into two dwelling units. The Zoning Commissioner based his decision upon the fact that, although the property has not been altered since 1946 when it was divided into two units after World War II, there were significant periods when it was unoccupied but was used for storage purposes. The property was used for certain members of the prior owners' family for several years and Mr. Lucas testified that he has been a neighbor since 1966 when he acquired the property at 4420 Linden Avenue and that there were time frames within which the upstairs apartment was rented. Nothing was introduced to controvert the fact that there has been no material change in the physical character of the unit since prior to 1955.

Clearly the approval of the Petition should be governed by the physical character of the property as a two apartment dwelling prior to the adoption of the 1955 zoning regulations and not its continued use. To determine otherwise would place an undue burden upon the petitioners to remove alterations and improvements to the premises which precede the zoning regulations by nine years.

Respectfully Submitted,


Stanley H. Miller
218 E. Lexington Street
Baltimore, MD 21201
(410)752-6203
Attorney for Petitioners/Appellants



CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of March, 1998,
a copy of the foregoing Appeal was mailed to the following:

Baltimore County Zoning Commissioner
Office of Planning
Attn: Lawrence E. Schmidt
Suite 405, County Courts Building
Towson, Maryland 21204

Board of Appeals
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

February 4, 1998

Stanley H. Miller, Esquire
218 E. Lexington Street
Baltimore, Maryland 21202

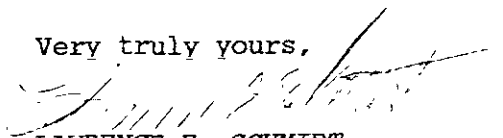
RE: Petition for Special Hearing
Case No. 98-187-SPH
Property: 4418 Linden Avenue
Judy Lynn Love and Steven L. Bond, Petitioners

Dear Mr. Miller:

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

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

c: Ms. Judy Lynn Love
Mr. Steven Bond
4418 Linden Avenue
Halethorpe, Md. 21227

c: Mr. and Mrs. William N. Lucas, Sr.
4420 Linden Avenue
Halethorpe, Maryland 21227





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4418 Linden Avenue

which is presently zoned

DR 5.0

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The subject property
as a legal non-conforming 2 Apartment
Dwelling.

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

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

R.T.

DATE

11-13-97

187

98-187-SPH

ZONING DESCRIPTION FOR 4418 LINDEN AVENUE

Beginning at a point on the North side of Linden Avenue which is fifty (55) feet wide at the distance of one-hundred seventy (170) feet East of the centerline of the nearest improved intersecting street Woodside Avenue which is fifty (50) feet wide. Being Lot #153, plus the East five (5) feet of Lot #152, in the subdivision of Halethorpe as recorded in the Land Records of Baltimore County in Plat Book J. W. S. No. 1, Folio #60, containing nine-thousand three-hundred and fifty (9,350) square feet. Also known as 4418 Linden Avenue and located in the 13th Election District, 1st Councilmanic District.

98-187-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044436

DATE 11-13-97 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Judy Love 4418 Linden Ave.

FOR: Spec H2O. (030)

ITEM # 187 R/L

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM

PAID RECEIPT
PROCESS ACTUAL TIME
11/20/97 11/23/97 15:20:23
BY AGENT CASHIER CLIM GIL DENVER
5 HOURS (CASH FEELT)
Receipt # 02980
CR NO. 044436

50.00 CHECK: VN
Baltimore County, Maryland

CASHIER'S VALIDATION

492-181-80

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

050860

DATE 3/16/98 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Goldstein, Miller & Maizeles

FOR: Appeal - Case # 98-187-SPH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

R4C

PAID RECEIPT

PROCESS ACTUAL TIME
3/06/1998 3/06/1998 11:17:05
REF MS04 CASHIER LSHI LXS DRAWER 4
5 MISCELLANEOUS CASH RECEIPT
Receipt # 041348
CR NO. 050806

210.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

050860

DATE 3/16/98 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Goldstein, Miller & Maizeles

FOR: Appeal - Case # 98-187-SPH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

R4C

PAID RECEIPT

PROCESS ACTUAL TIME
3/06/1998 3/06/1998 11:17:05
REF MS04 CASHIER LSHI LXS DRAWER 4
5 MISCELLANEOUS CASH RECEIPT
Receipt # 041348
CR NO. 050806

210.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

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 #98-187-SPH
4418 Linden Avenue
N/S Linden Avenue, 170' +/- E
from centerline Woodside

Avenue
13th Election District
1st Councilmanic District

Legal Owner(s):
Judy Lynn Love & Steven
Leonardt Bond

Special Hearing to approve
the subject property as a single
non-conforming 2nd floor
dwelling.

Hearing: Thursday, December
18, 1997 at 6:00 p.m.
in Room 407, County Courts
Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Hardicapped Accessible; for
special accommodations
Please Call (410) 887-3353.
(2) For information concerning
the file and/or hearing,
Please Call (410) 887-3391.

11/382 Nov. 27 C192357

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 27, 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 Nov-27, 1997.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: 98-187 SPH

Petitioner /Developer: _____

JUDY L. LOVE & STEVEN L. BOND

Date of Hearing/Closing: _____

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 4418 LINDEN AVE.

The sign(s) were posted on 3/23/98
(Month, Day, Year)

Sincerely,

Gary C. Freund 3/23/98
Signature of Sign Poster and Date

GARY C. FREUND
Printed Name

Address

City, State, Zip Code

Telephone Number



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 (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.: 187

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Judy Lynn Love

ADDRESS: 4418 Linden Ave.

Halethorpe, Md. 21227

PHONE NUMBER: 410-242-6317

AJ:ggs

(Revised 09/24/96)

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

Plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
North
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____
acres square feet

public private
SEWER: ☐ ☐
WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ yes ☐ no
Prior Zoning Hearings: _____

Zoning Office USE ONLY

reviewed by: _____ ITEM #: _____ CASE#: _____

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:

ITEM # 187

ZONING NOTICE

Case No.: 98-187 SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO APPROVE
THE SUBJECT PROPERTY AS A
~~2~~ LEGAL NON-CONFORMING 2
APARTMENT DWELLING.

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

November 19, 1997

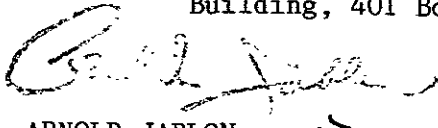
NOTICE OF HEARING

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: 98-187-SPH
4418 Linden Avenue
N/S Linden Avenue, 170'± E from centerline Woodside Avenue
13th Election District - 1st Councilmanic District
Legal Owner: Judy Lynn Love & Steven Leondardt Bond

Special Hearing to approve the subject property as a legal non-conforming 2-apartment dwelling.

HEARING: Thursday, December 18, 1997 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.


ARNOLD JABLON
DIRECTOR

c: Judy Love & Steven Bond

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 3, 1997.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
November 26, 1997 Issue - Jeffersonian

Please forward billing to:
Judy Lynn Love 410-242-6317
4418 Linden Avenue
Halethorpe, MD 21227

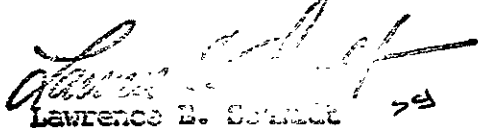
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



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

May 15, 1998

NOTICE OF ASSIGNMENT

CASE #: 98-187-SPH

IN THE MATTER OF: JUDY L. LOVE AND STEVEN L. BOND -
Petitioners 4418 Linden Avenue
13th Election District; 1st Councilmanic

(Petition for Special Hearing DENIED by ZC.

ASSIGNED FOR:

TUESDAY, AUGUST 11, 1998 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 Appellants /Petitioners: Stanley H. Miller, Esquire
Appellants /Petitioners: Judy Lynn Love and Steven Bond

Mr. and Mr. William N. Lucas

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





Baltimore County
Department of Permits and
Development Management

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

December 10, 1997

Ms. Judy Love & Mr. Steven Bond
4418 Linden Avenue
Halethorpe, MD 21227

RE: Item No.: 187
Case No.: 98-187-SPH
Petitioner: Judy Love, et al

Dear Ms. Love & Mr. Bond:

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 November 13, 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 (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

11/28/97
g
wcf

November 26, 1997

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

RE: Property Owner: Juny Lynn Love & Steven Leonardt Bond

Location: DISTRIBUTION MEETING OF November 24, 1997

Item No.: 187 Zoning Agenda:

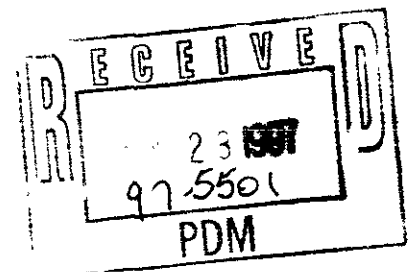
Gentlemen:

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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: I.T. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 987-4981, MS-1102F

cc: File





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 11/21/97
Item No. 187 RT

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,

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

hs
12/18

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: November 1, 1997

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 175, ~~187~~, ~~188~~, and 189

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

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

TO: PDM

DATE: 12/2/97

FROM: R. Bruce Seeley. *RBS/97*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *Nov. 24, 1997*

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

Item #'s: 185, 187, 188, 189

RBS:sp

BRUCE2/DEPRM/TXTS8P

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: December 1, 1997

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 1, 1997
 Item Nos. 187 and 189

 The Bureau of Developer's Plans Review has reviewed the subject
zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1201.NOC

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
4418 Linden Avenue, N/S Linden Avenue,	*	ZONING COMMISSIONER
170'±, E from c/l Woodside Avenue	*	OF BALTIMORE COUNTY
13th Election District, 1st Councilmanic	*	CASE NO. 98-187-SPH
Judy L. Love and Steven L. Bond	*	
Petitioners	*	

* * * * *

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 1st day of December, 1997, a copy of the foregoing Entry of Appearance was mailed to Judy L. Love and Steven L. Bond, 4418 Linden Avenue, Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

March 6, 1998

Mr. and Mrs. William N. Lucas, Sr.
4420 Linden Avenue
Halethorpe, MD 21227

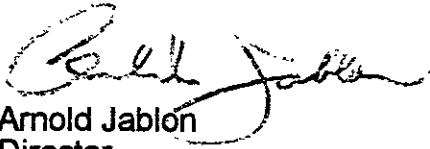
RE: Petition for Special Hearing
Case No.: 98-187-SPH
4418 Linden Avenue
13c1
Judy L. Love & Steven L. Bond -
Petitioners

Dear Mr. and Mrs. Lucas:

Please be advised that an appeal of the above referenced case was filed in this office on March 5, 1998 by Stanley H. Miller, Esquire on behalf of Judy L. Love & Steven L. Bond. 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 the Board of Appeals at 410-887-3180.

Sincerely,


Arnold Jablon
Director

AJ:rye

c: People's Counsel



APPEAL

Petition for Special Hearing
N/S Linden Avenue, 170 ft. +/- E from c/l Woodside Avenue
(4418 Linden Avenue)
13th Election District - 1st Councilmanic District
Judy L. Love & Steven L. Bond - Petitioners
Case Number: 98-187-SPH

Petition for Special Hearing

Description of Property

No Certificate of Posting Found

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - U.S. Department of Housing and Urban Development
Settlement Statement
2 - Deed dated July 21, 1995
3 - Plat to Accompany Petition for Special Hearing
4 - Six Photographs
5 - Letter from Gordon E. Younger dated December 3, 1996
6 - Properties Divided as the Property at 4418 Linden Avenue

Two BGE bills

Zoning Commissioner's Order dated February 5, 1998 (Denied)

Notice of Appeal received on March 5, 1998 from Stanley H. Miller, Esquire on behalf of Judy L. Love & Steven L. Bond

c: Stanley H. Miller, Esquire, 218 E. Lexington Street, Baltimore, MD 21202
Ms. Judy Lynn Love & Mr. Steven Bond, 4418 Linden Ave., Halethorpe, MD 21227
Mr. and Mrs. William N. Lucas, Sr., 4420 Linden Avenue, Halethorpe, MD 21227
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Judy L. Love and Steven L. Bond -Petitioners
Case No. 98-187-SPH

DATE : August 11, 1998 @ 11:30 a.m.

BOARD /PANEL : Charles L. Marks (CLM)
Margaret Worrall (MW)
Thomas P. Melvin (TPM)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 98-187-SPH /Petition for Special Hearing /Judy L. Love and Steven L. Bond -Petitioners; approval as legal nonconforming use for two-apartment dwelling. Heard before the Board this date; deliberated at conclusion of hearing on merits.

Upon deliberation between panel members, following is the decision reached by the Board:

MW: We are hearing this case in a de novo hearing; particularly important for us; judged on the evidence presented to us today and not anything that went before. Having reviewed notes and the law and the photographs of the property, and listening very carefully to the testimony presented, it would be my opinion that we should grant the nonconforming use status to this property.

TPM: I also agree. This is a de novo hearing; that means from the beginning. Multi-family dwelling has existed since before 1955; no expansion of 25 percent greater than that period of time. The question is the one year -- has it been continuous without interruption. I have to agree with Margaret to grant the nonconforming use.

CLM: You have indicated this is a de novo hearing; limited to the evidence and testimony presented at this hearing. As People's Counsel has often reminded us, it is not automatic. Evidence must provide that nonconforming use was in existence as of 1955; continued uninterrupted since that time.

Law required preponderance of the evidence; interpretative term; becomes judgmental decision. In my opinion and judgement, the appellants have provided enough substantive proof that the property was an apartment use in 1955; and has continued to the present time.

We are all in agreement.

Having said that, we will issue order in swift fashion; anyone

Case No. 98-187-SPH /Judy L. Love and
Steven L. Bond /Minutes of Deliberation

aggrieved may appeal to the Circuit Court for Baltimore County
from that date of the opinion and not from today's date.

There is no further business to come before the Board; we are
therefore adjourned.

~~~~~

These minutes indicate public deliberation in this matter was held  
this date in the subject matter and a final decision rendered in  
which the requested nonconforming use for two-apartment dwelling  
was granted.

Respectfully submitted,

  
Kathleen C. Bianco  
Administrator

Case No. 98-187-SPH

SPH -To approve the subject property as a legal nonconforming use for a two-apartment dwelling.

2/05/98 -Z.C.'s Order in which Petition for Special Hearing was DENIED.

---

5/15/98 - Notice of Assignment for hearing scheduled for Tuesday, August 11, 1998 at 10:00 a.m. sent to following:

Stanley H. Miller, Esquire  
Judy Lynn Love and Steven Bond  
Mr. and Mr. William N. Lucas  
People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

---

8/11/98 -Hearing concluded; deliberation followed. Petition for Special Hearing for two-apartment dwelling as legal nonconforming use GRANTED; written Opinion and Order to be issued; appellate period to run from date of written Order. (C.W.M.)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: August 16, 1999  
Permits & Development Management

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

SUBJECT: Closed File:  
98-187-SPH /Judy L. Love and Steven L. Bond - Petitioners

As no appeal was taken from the Board's decision (issued September 18, 1998) in the above captioned case, we are hereby closing the file and returning same herewith.

Attachment (File No. 98-187-SPH)

PETITIONER(S) SIGN-IN SHEET

ADDRESS

|                             |                                            |
|-----------------------------|--------------------------------------------|
| Stanley H. Miller (counsel) | 218 E Lexington St.<br>Baltimore, MD 21202 |
| Judy L. Love                | 4418 Linden Ave Balto, Md. 21207           |
| Judith Bond                 | 4418 Linden Ave                            |
| Steven Bond                 | 4418 Linden Ave                            |



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

WILLIAM N. LUCAS, SR.

4420 LINDEN AVE.

JOAN P. LUCAS

4420 LINDEN AVE.

Halolhoye 21227



# Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

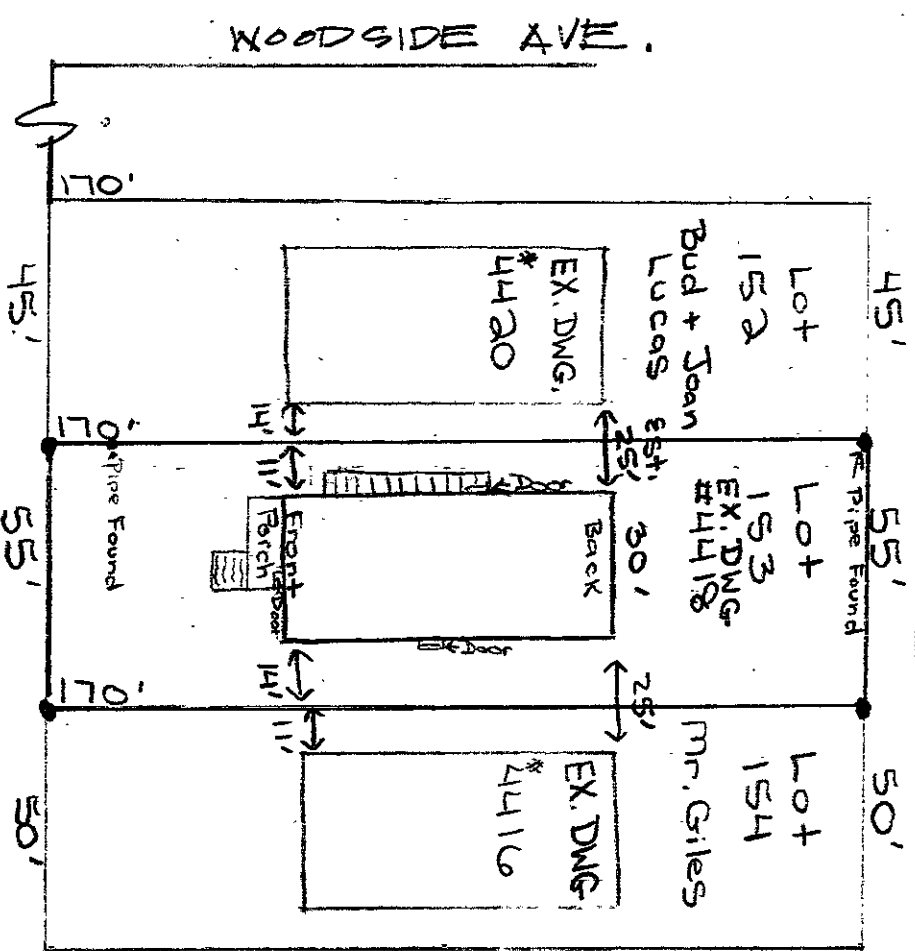
PROPERTY ADDRESS: 4418 Linden Avenue

Subdivision name: Halethorpe

plat book # 1, folio # 60, lot # 153, section # 1

OWNER: Judy Love

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

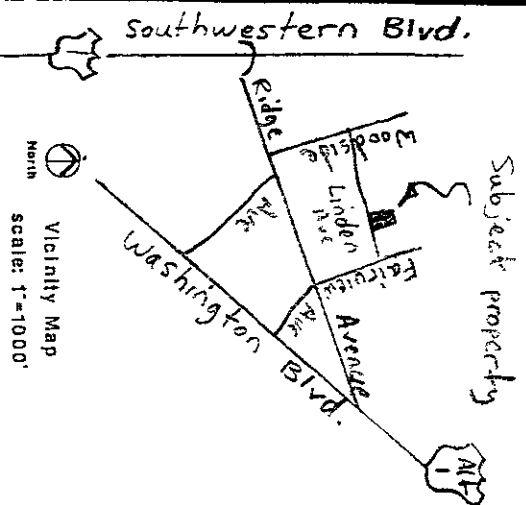


Linden Avenue (50' R/W)

Fairview (50' R/W)

North  
date: 10/17/97  
prepared by: Judy Love

Scale of Drawing: 1" = 40'



## LOCATION INFORMATION

Election District: 13  
Councilmanic District: 1

T' = 200' scale map #: SW 6-D

Zoning: DR 55

Lot size: 0.93 10,034  
acreage square feet

SEWER: ☒ Public ☐ Private  
WATER: ☒ ☐  
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: N/A

## Zoning Office USE ONLY

reviewed by: ITEM #: CASE #:

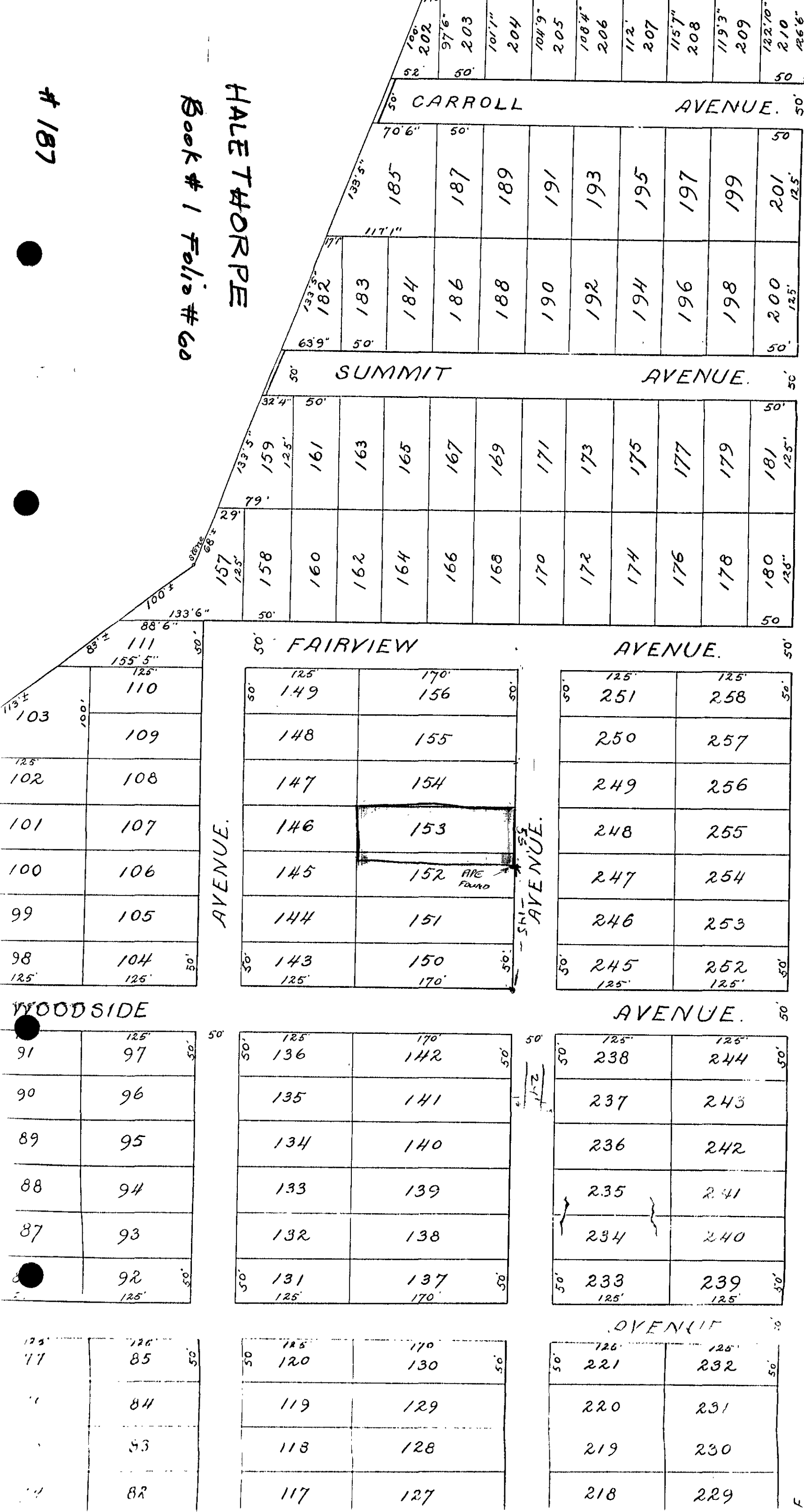
R.T. 187

98-187-SPH

# 187

Book # 1 Folio # 60

HALE THORPE



MATCH LINE

AVENUE.

SEE NEXT FOLIO

98-181-SPH

# A. SETTLEMENT STATEMENT

U.S. Department of Housing  
and Urban Development

OMB No. 2502-0265

|                 |     |                |  |                |  |                                |  |
|-----------------|-----|----------------|--|----------------|--|--------------------------------|--|
| 1. Type of Loan |     | 2. File Number |  | 3. Loan Number |  | 4. Mortgage Insurance Case No. |  |
| ARM             | ARM |                |  |                |  |                                |  |

C. NOTE: This form is furnished to give statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked (P.O.C.) were outside the closing; they are shown here for information purposes and are not included in the totals.

|                                 |                                  |                               |
|---------------------------------|----------------------------------|-------------------------------|
| D. Name and Address of Borrower | E. Name and Address of Seller    | F. Name and Address of Lender |
| John E. Bond<br>Salem, N.J.     | Gordon B. Younger<br>Salem, N.J. | Gordon Younger<br>Salem, N.J. |

*Retention  
#1*

## J. SUMMARY OF BORROWER'S TRANSACTION

Gross Amount Due From Borrower

## K. SUMMARY OF SELLER'S TRANSACTION

Gross Amount Due To Seller

Adjustments for items paid by seller in advance

Adjustments for items paid by seller in advance

Behalf of Borrower

Reductions in Amount Due to

Adjustments for items unpaid by seller

Adjustments for items unpaid by seller

301. Cash At Settlement From To Borrower

302. Gross amount due from borrower (line 120)

303. Less amounts paid by/bor borrower (line 220)

304. CASH FROM BORROWER

501. CASH At Settlement To or From Seller

502. Gross amount due to seller (line 420)

503. Less reduction amount due seller (line 520)

504. CASH FROM SELLER

1. Settlement is made subject to further adjustment between all parties in the event of errors in calculations.  
2. All parties have received a copy of this Settlement Sheet.  
3. The title company of TRUST TITLE CO., INC. assumes no responsibility for the accuracy of information supplied as to taxes, special assessments or balance on existing mortgages.  
4. TRUST TITLE CO., INC. in its sole discretion, hereby expressly reserves the right to deposit any amounts held by it as escrow in an interest bearing account in a Federally insured institution and to credit any interest so earned to its own account as additional compensation for its services as the Settlement Agent in this transaction.  
NOTE TO SELLER: The amount on line 401 is important tax information and is being furnished to the lender. It is required to file a return, a negligence penalty or other sanction will be imposed on you if this information is not reported to the IRS. It is determined that it has a substantial effect.

PAGE 2

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

॥३॥

कठार

7/2/95

7218

RESFA, HB 4305.2 .. REV. HUD-1 (3/86)

*Petitioner's*  
# 2

Property Address:  
4418 Linden Avenue  
Baltimore, MD 21227  
Tax I.D. 13-25-450020

*Ref No 2*

**THIS DEED**, made this 21st day of July, 1995, by and between Gordon E. Younger, by, and Merrill W. Gillin, Attorney in Fact, parties of the first part, and Judith E Bond and Steven L Bond; and Judy L Love, parties of the second part.

WITNESSETH, that in consideration of the sum of \$105,000.00, the said parties of the first part do grant and convey to the said Judith E Bond and Steven L Bond; and Judy L Love, Joint Tenants their heirs, personal representatives/successors and assigns, in fee simple, all that piece or parcel of land situate, in BALTIMORE COUNTY, Maryland, and described as follows, to wit;

BEGINNING for the same on the north side of Linden Avenue at the distance of one hundred and forty-five feet east from the corner formed by the intersection of the north side of Linden Avenue with the east side of Woodside Avenue; and running thence east bounding on the north side of Linden Avenue fifty-five feet; thence north parallel with Woodside Avenue one hundred and seventy feet; thence west parallel with Linden Avenue fifty-five feet; and thence south parallel with Woodside Avenue one hundred and seventy feet to the place of beginning.

SAID two lots being designated as all of Lot Numbered One Hundred and Fifty-three (153) and the east five feet of Lot Numbered One Hundred and Fifty-two (152) on the Plat of Halethorpe, recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 1, folio 60, etc. The improvements thereon being known as No. 4418 Linden Avenue.

Being the same lot of ground described in a Deed dated January 7, 1993 and recorded among the Land Records of Baltimore County in Liber SM 9563, to wit: the same was granted and conveyed by Furman E. Younger, unto Furman E. Younger, who retained unto himself a life estate with full powers, and remainder unto Gordon E. Younger. The said Furman E. Younger having departed this life on the 23rd day of January, 1993 without having exercised the aforesaid powers.

The Power of Attorney recorded or intended to be recorded immediately prior to this deed.

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 property hereby conveyed unto the parties of the second part, Judith E Bond and Steven L Bond; and Judy L Love, Joint Tenants their personal representatives, heirs and assigns, in fee simple, forever.

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

WITNESS the hands and seals the day and year first hereinbefore written.

Witness:

*Gordon E. Younger* (SEAL)  
Gordon E. Younger

*Merrill W. Gillin* (SEAL)  
Merrill W. Gillin,

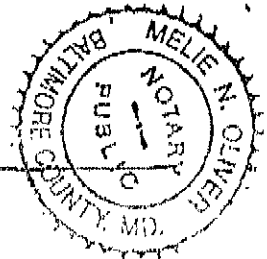
STATE OF MARYLAND  
NOTJURIS&. TO WIT;

I Hereby Certify, That on this 21st day of July, 1995, before me, the subscriber, a Notary Public of the state and county aforesaid, personally appeared Gordon E. Younger, by, and Merrill W. Gillin, Attorney in Fact, known to me (or satisfactorily proven) to be the persons whose names is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, and signed the same in my presence.

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

My Commission Expires: &NOTCOM&

NOTARY PUBLIC - &NOTNAME&



This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

ARNOLD L. MAZOR, Attorney

MAIL TO: TRUST TITLE COMPANY, INC.  
7222 HOLABIRD AVENUE  
BALTIMORE, MD 21222

PURCHASE MONEY

THIS MORTGAGE

Day of July

1995

by and between STEVEN L. BOND and JUDITH E. BOND, his wife, and JUDY L. LOVE

part of the first part, hereinafter referred to as Mortgagee, whose address is 4418 Linden Avenue  
Baltimore, Md 21227

and CORDON E. YOUNGER

part of the second part, hereinafter referred to as Mortgagee, whose address is P.O. Box 45  
Ridgely, Md 22545-0045

part of the third part, hereinafter referred to as Mortgagee, whose address is

For the sum of \$5,000.00 (Five thousand dollars) for money lent by Mortgagee to Mortgagee, being all or a part of the  
purchase price of the real estate described hereinafter, which principal sum Mortgagee hereby covenants and agrees to repay to  
Mortgagee together with interest on unpaid remaining balance at the rate of EIGHT percent  
(8%) per annum in monthly installments of principal and interest in the amount of Seven  
Dollars and Fifty Cents (\$7.50) commencing on the first day of September 1995 and monthly thereafter until the whole amount of

principal and interest shall have been paid, any balance of principal or interest due or unpaid on the  
day of August 1995 XXXX shall be due and payable on said date.

The Mortgagee shall pay in whole or in part, on any installment due date, without

XXXXXX and described as follows, to wit:

BEGINNING at the north side of Linden Avenue at the distance of  
one hundred and forty-five feet east from the corner formed by the intersection  
of the North side of Linden Avenue with the east side of Woodside Avenue; and  
thence east bounding on the north side of Linden Avenue fifty-five feet;  
thence north parallel with Woodside Avenue one hundred and seventy feet; thence  
west parallel with Linden Avenue fifty-five feet; and thence south parallel with  
Woodside Avenue one hundred and seventy feet to the place of beginning.  
Said Two lots being designated as all of Lot Numbered One Hundred and Fifty-three  
(153), and the east five feet of Lot Numbered One Hundred and Fifty-two (152) of  
the plat of Metropole, recorded among the Land Records of Baltimore County  
in Plat Book 10, Vol. 1, folio 60, etc. The improvements thereon being known  
as the Metropole.



6-11-1957 FROM A AND P BALT WHESE AD 410 536 2041

STATE OF MARYLAND  
County of Baltimore

I HEREBY CERTIFY that on this \_\_\_\_\_ day of July, 1995, A.D. 19XX, before me, a Notary Public of the State of Maryland, personally appeared STEVEN L. BOND and JUDITH L. BOND, his wife and JUDY L. FOVL, known to me, or satisfactorily proven to be the persons) whose names have subscribed to the within mortgage, and who acknowledged that they executed the same for the purposes therein contained. At the same time also appeared CHARLENE L. PERRY, Agent of the herein named Mortgagee and made oath in due form of law that the consideration therein set forth in said mortgage is true and lawful and that the sum of FIFTY FIVE THOUSAND Dollars (\$ 55,000.00) was paid over and disbursed by the Mortgagee to the Mortgagor, the person responsible for the disbursement of funds in and out of the transaction, and their respective heirs, assigns, executors, administrators and assigns, in full and entire satisfaction of this mortgage; and that she is the agent of the Mortgagee.

My Comm. Expires \_\_\_\_\_

Notary Public



Signature of another, admitted to practice in Maryland and if the instrument has been prepared by or under the supervision of such attorney, or a grantor in the instrument has provided the instrument.

FILED  
JUL 11 1995  
BALTIMORE  
MORTGAGE  
RECORDS  
CLERK

FILED  
JUL 11 1995  
BALTIMORE  
MORTGAGE  
RECORDS  
CLERK

THE CITY OF BOSTON  
City of Boston  
Massachusetts

STATE OF MASSACHUSETTS, COUNTY OF BOSTON

I, the undersigned, the Clerk of the Court of the County of Boston, do hereby certify that the following is a true and correct copy of the original of the same as the same is on file in the office of the Clerk of the Court of the County of Boston.

I, the undersigned, the Clerk of the Court of the County of Boston, do hereby certify that the following is a true and correct copy of the original of the same as the same is on file in the office of the Clerk of the Court of the County of Boston.

I, the undersigned, the Clerk of the Court of the County of Boston, do hereby certify that the following is a true and correct copy of the original of the same as the same is on file in the office of the Clerk of the Court of the County of Boston.

I, the undersigned, the Clerk of the Court of the County of Boston, do hereby certify that the following is a true and correct copy of the original of the same as the same is on file in the office of the Clerk of the Court of the County of Boston.

I, the undersigned, the Clerk of the Court of the County of Boston, do hereby certify that the following is a true and correct copy of the original of the same as the same is on file in the office of the Clerk of the Court of the County of Boston.

604-1-1

Notary Public

My Commission expires: March 1, 1998

# Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

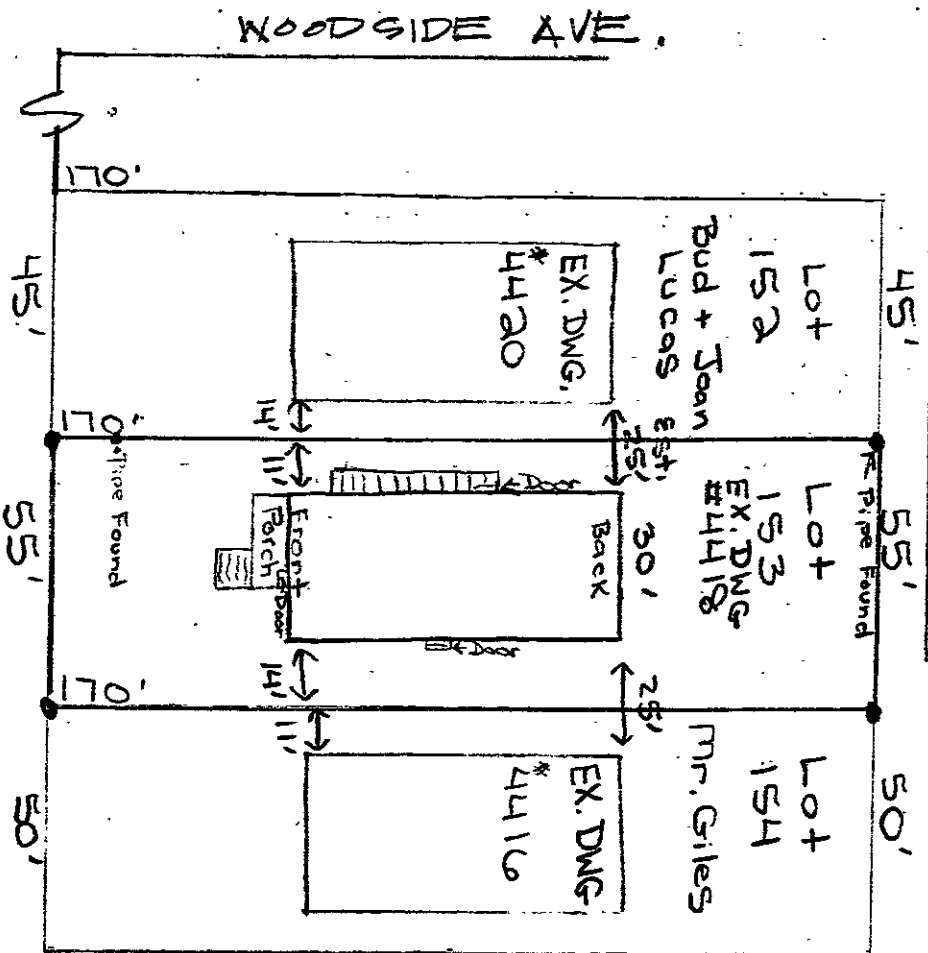
PROPERTY ADDRESS: 4418 Linden Avenue

Subdivision name: Halethorpe

plat book # 1, folio # 60, lot # 153, section # 33

OWNER: Judy Love

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



North

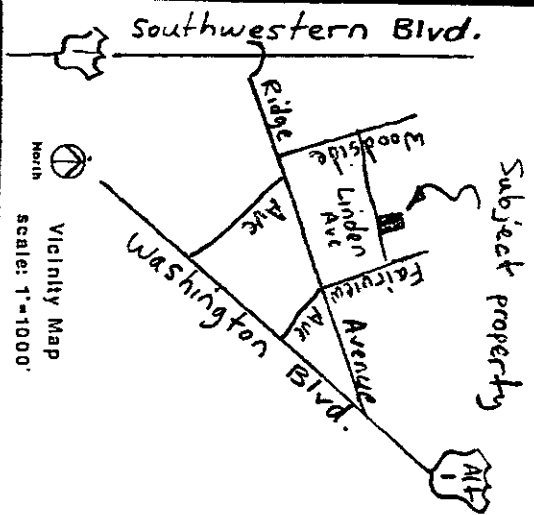
date: 10/17/07

prepared by: Judy Love

Scale of Drawing: 1" = 40'

Linden Avenue (50' R/W)

Fairview (50' R/W)



## LOCATION INFORMATION

Election District: 13

Councilmanic District: 1

1" = 200' scale map #: SW 6-D

Zoning: DR 55

Lot size: 0.23 10,024  
acreage square feet

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: N/A

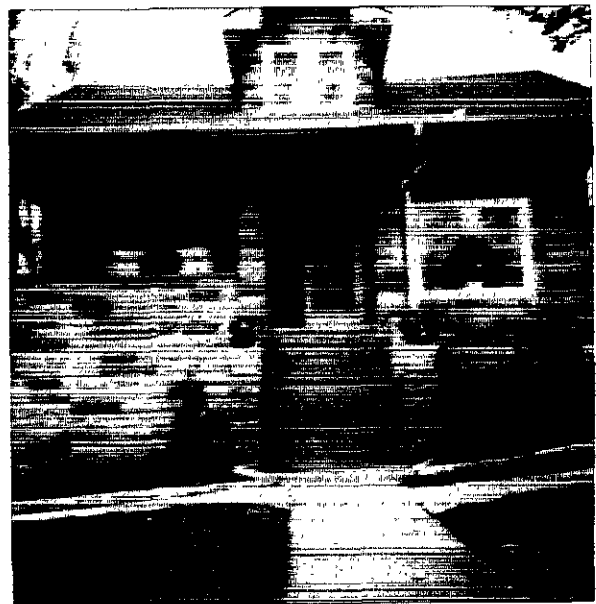
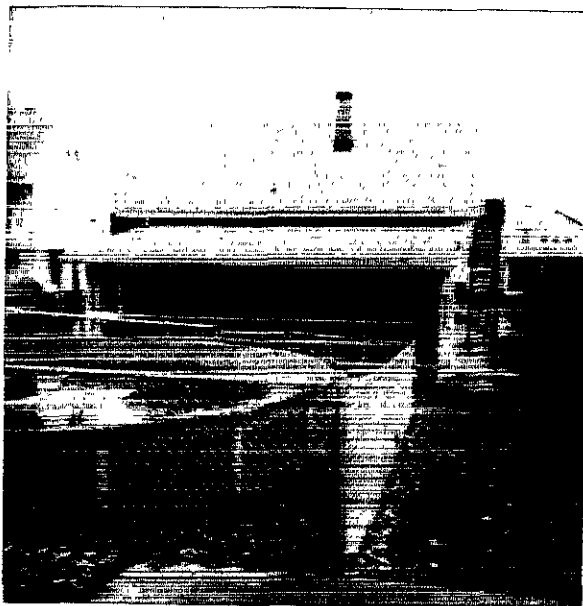
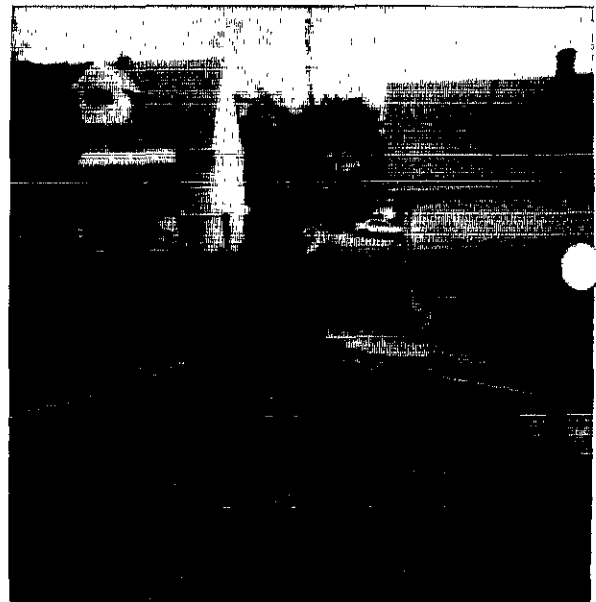
## Zoning Office USE ONLY

reviewed by: ITEM #: CASE #:

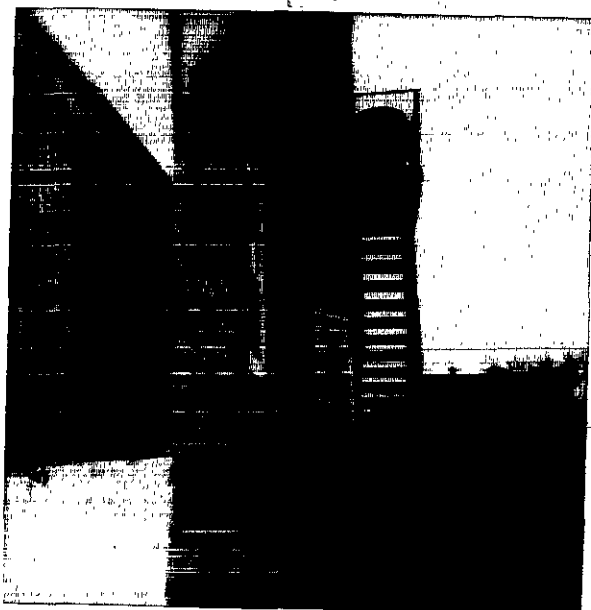
R.T. 187

Petitioner's  
# 3

**98-187-SPH**



*Retention's*  
#4



Dec. 7, 1996

To whom it may Concern,

The property at 4418 Linden Ave.  
Halethorpe, Md. Has been that  
way since 1946. After World War II  
it was used for several years for  
some of my Mother's family.  
at the time it met all O.P.D.  
standards.

Robert Young

Petitioner's  
# 5

Trust this will help.

Call me anytime at:

(540) 752-0112

Pd No 5

**SENDER**

Complete items 1 and/or 2 for additional services.  
 Complete items 3 and 4 for a return receipt.

Print your name and address on the reverse of this form so that we can return this card to you.  
 Attach this form to the front of the mailpiece, or on the back if space does not permit.  
 Write "Return Receipt Requested" on the mailpiece below the article number.  
 The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Gordon Younger  
 P.O. Box 45  
 Ruby, Va.  
 22545-0045

4a. Article Number: P198121546  
 P-267054-118

4b. Service Type:  
☒ Registered ☐ Insured  
☐ Certified ☐ COD  
☐ Express Mail ☒ Return Receipt for Merchandise

7. Date of Delivery: 12/2/96

5. Signature (Addressee): *Gordon Younger*

6. Signature (Agent): *Gordon Younger*

8. Addressee's Address (Only if requested and fee is paid):

I also wish to receive the following services for an extra fee:  
 1. ☐ Addressee's Address  
 2. ☐ Restricted Delivery  
 Consult postmaster for fee.

PS Form 3811, December 1991 ★ U.S.G.P.O. : 1992-307-530

**DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service

## CERTIFICATE OF PUBLICATION

TOWSON, MD., November 27, 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 Nov. 27, 1997.

THE JEFFERSONIAN,

A. Henickson  
LEGAL AD. - TOWSON

### 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: #98-187-SPH  
4418 Linden Avenue  
N/S Linden Avenue, 170' +/- E  
from centerline Woodside  
Avenue

13th Election District  
1st Councilmanic District

Legal Owner(s):

Judy Lynn Love & Steven  
Leondardt Bond

**Special Hearing:** to approve  
the subject property as a legal  
non-conforming 2-apartment  
dwelling.

Hearing: Thursday, Decem-  
ber 18, 1997 at 10:00 a.m.  
in Room 407, County Courts  
Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Call (410) 887-3353.  
(2) For information concern-  
ing the File and/or Hearing,  
Please Call (410) 887-3391.

11/382 Nov. 27 C192357

DECEMBER 18, 1997.

**PROPERTY at 4418 LINDEN AVENUE**

The following properties are divided as property above:

**ARBUTUS AVENUE**

1523  
1525  
1721  
1802  
1821

**FAIRVIEW AVENUE**

1807  
1816  
1818

**LINDEN AVENUE**

4414  
4503  
4603

**SELMA AVENUE**

1706  
1801  
1807  
1819  
1823  
1825

**RIDGE AVENUE**

4412  
4416  
4418  
4500  
4502  
4504  
4606  
4607

**MAPLE AVENUE**

4501

**PARK AVENUE**

1712  
1820

*Put No 6*

*Put No 6*  
# 6



\*\*\*\*\* 5-DIGIT 21227  
 JUDY LYNN LOVE  
 4418 LINDEN AV \*2FL  
 BALTIMORE MD 21227-4001

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount due by  
 DEC 15 1997

\$128.97

After Dec 15 1997  
 pay ..... \$130.89

21306698823780000128974349800001308900

POST OFFICE BOX 1431  
 BALTIMORE, MD 21203-1431

Amount Paid

9258 9123  
 Account Number 30669-88237

Please include account number on check. \$

Please detach here and return this stub with your payment

Thank You

Name JUDY LYNN LOVE  
 Service address 4418 LINDEN AV \*2FL  
 Account number 30669-88237

BALTIMORE MD 21227

Next reading date

Dec 18 1997

### Electric Details

Non-Summer rates in effect

Residential - Balto - Schedule R

Billing period: Oct 20, 1997 - Nov 18, 1997 Days billed: 29

Meter estimated on Nov 18 Meter # D022984971

| Current reading | Previous reading | KWH used |
|-----------------|------------------|----------|
| 24275           | 24053            | 222      |

|                 |         |       |
|-----------------|---------|-------|
| Customer charge |         | 4.50  |
| Energy charge   | 222 KWH | 16.52 |
| Fuel cost       | 222 KWH | 2.65  |
| State surcharge | 222 KWH | .04   |

Total electric amount \$23.71

### Electric Usage Profile

| Month/year | Type of reading | Days | KWH | Avg daily use | Avg temp |
|------------|-----------------|------|-----|---------------|----------|
| Nov 97     | Estimated       | 29   | 222 | 7.7           | 45       |
| Oct 97     | Estimated       | 32   | 951 | 29.7          | 63       |
| Nov 96     | Actual          | 29   | 301 | 10.4          | 48       |

### Gas Details

Residential - Schedule D

Billing period: Oct 20, 1997 - Nov 18, 1997 Days billed: 29

Meter estimated on Nov 18 Meter # 000979054

| Current reading | Previous reading | Units | Therm factor | Therms used |
|-----------------|------------------|-------|--------------|-------------|
| 135             | 129              | 6     | 1.044        | 6           |

|                   |            |       |
|-------------------|------------|-------|
| Customer charge   |            | 10.00 |
| Facilities charge | 6 therm(s) | 1.31  |
| Gas cost          | 2 therm(s) | .88   |
|                   | 4 therm(s) | 1.84  |

Total gas amount \$14.03

### Gas Usage Profile

| Month/year | Type of reading | Days | Therms | Avg daily use | Avg temp |
|------------|-----------------|------|--------|---------------|----------|
| Nov 97     | Estimated       | 29   | 6      | .2            | 45       |
| Oct 97     | Actual          | 32   | 3      | .1            | 63       |
| Nov 96     | Actual          | 29   | 3      | .1            | 48       |

*Portions*  
 # 7

2524036 00 0 Adj Annual Usage \$...

Emergency Service/  
 Residential Customer Service

410-685-0123 or 1-800-685-0123





\*\*\*\*\* 3-DIGIT 212

JUDY LYNN LOVE  
4418 LINDEN AV \*1FL  
BALTIMORE MD 21227-4001Amount due by  
DEC 23 1997

\$434.71

After Dec 23 1997  
pay ..... \$441.18

21537657543710000434714357100004411800

POST OFFICE BOX 1431  
BALTIMORE, MD 21203-1431

Amount Paid

17256 17005  
Account Number 53765-75437

Please include account number on check. \$

Thank You

Please detach here and return this stub with your payment

Name JUDY LYNN LOVE  
Service address 4418 LINDEN AV \*1FL  
Account number 53765-75437

BALTIMORE MD 21227

Next reading date

Dec 18 1997

**Electric Details****Non-Summer rates in effect**

Residential - Balto - Schedule R

Billing period: Oct 20, 1997 - Nov 25, 1997 Days billed: 36

Meter read on Nov 25 Meter # W054218835

| Current reading | Previous reading | KWH used |
|-----------------|------------------|----------|
| 3804            | 2210             | 1594     |

|                 |          |             |       |
|-----------------|----------|-------------|-------|
| Customer charge |          |             | 4.50  |
| Energy charge   | 500 KWH  | x .07443000 | 37.22 |
|                 | 1094 KWH | x .05490000 | 60.06 |
| Fuel cost       | 1594 KWH | x .01192000 | 19.00 |
| State surcharge | 1594 KWH | x .00015000 | .24   |

**Total electric amount \$121.02****Gas Details**

Residential - Schedule D

Billing period: Oct 20, 1997 - Nov 25, 1997 Days billed: 36

Meter read on Nov 25 Meter # 000673302

| Current reading | Previous reading | Units | Therm factor | Therms used |
|-----------------|------------------|-------|--------------|-------------|
| 4772            | 4581             | 191   | x 1.044      | 199         |

|                   |              |          |       |
|-------------------|--------------|----------|-------|
| Customer charge   |              |          | 10.00 |
| Facilities charge | 199 therm(s) | x .21860 | 43.50 |
| Gas cost          | 61 therm(s)  | x .43940 | 26.80 |
|                   | 138 therm(s) | x .45900 | 63.34 |

**Total gas amount \$143.64****Summary**

|                                |          |
|--------------------------------|----------|
| Payments Received: Nov 05 1997 | \$180.16 |
| Outstanding balance            | 167.54   |

**Charges this period:**

|                                   |               |
|-----------------------------------|---------------|
| Late payment charge on Gas/Elec   | 2.51          |
| Gas                               | 143.64        |
| Electric                          | 121.02        |
| <b>Total charges this period:</b> | <b>267.17</b> |

**Total amount due by DEC 23 1997 \$434.71**

Late charge after Dec 23 1997, add \$6.47 \$441.18

**Messages**

This revised statement reflects the new meter reading(s) obtained recently; if your original bill has not been paid, please see extended due date.

This bill for gas and/or electric service covers an extended period of time. Our normal billing period is 29 to 33 days.

Your account has been referred to our Collection Department. To avoid turn-off you must pay your arrears immediately.



