

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

TO: JCM/JNF
4/4/11
See Me
ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

RECEIVED

APR - 1 2011

March 30, 2011

HAND DELIVERED

Arnold E. Jablon, Director
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building
111 West Chesapeake Avenue
Suite 105
Towson, MD 21204

Re: Leonard and Virginia Billian Property
1529 Hillside Road
Tax Map No. 68, Parcel 484

Dear Mr. Jablon:

BAW A
NON-DENSITY
PARCEL
BE USED

We represent Leonard and Virginia Billian, owners of the above-referenced property which is 1.006 acres in size. Prior to 2003, that lot was comprised of 0.689 acres, more or less, which did not meet the minimum 1.0 acre size for a buildable lot in the RC-5 zone at that time. Pursuant to a public hearing before the Zoning Commissioner for Baltimore County in Case No. 03-595-SPH, the Billian's were permitted to effect a non-density transfer from adjoining property, increasing the size of the above-referenced parcel to meet the 1 acre minimum lot size requirement.

As you are aware, in 2004, the Baltimore County Council passed Bill No. 55-04 which increased the minimum lot size for properties zoned RC-5 to a minimum of 1.5 acres, saving and excepting any concept plan "or application for limited exemption or waiver accepted for filing prior to June 7, 2004." The Billian's, having previously applied for a limited exemption through the Baltimore County Development Review Committee (which request had been tabled pending the outcome of a zoning hearing), were therefore exempt from the operation and effect of that legislation.

As a result of the final Order in Case No. 03-595-SPH, the Billian's recorded a Deed, of the subject property after merger of non-density land from the adjoining subject property to the minimum required by the BCZR. That Deed of Baltimore County in Liber 19436, folio 553. That Deed but did not include any plat or drawing depicting the new

#11-102

March 30, 2011

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size of the survey
g the Land Records
nd bounds description

property boundaries. Subsequent to that record, I recommended that the Deed be re-recorded with a plat depicting the new perimeter of the property. Additionally, in an abundance of caution, I made a written request for confirmation from your Department that due to the timing of the filing of the BDRC request, the subject property would be exempt from the newly enacted 1.5 acre minimum lot size requirement for parcels zone RC-5. On January 19, 2006, the original Deed was re-recorded as a Confirmatory Deed in Liber 23248, Folio 611, which contained the following exhibits:

- a) Metes and bounds description;
- b) Plat of survey showing the property boundaries of the subject property; and
- c) A copy of correspondence dated October 31, 2005, addressed to Donald Rascoe, then Deputy Director of your Department and his confirmation that the subject property was not affected by newly enacted County Council legislation Bill No. 55-04, nor the pending legislation of County Council Bill No. 128-05.

I have enclosed copies of both the Deed as originally recorded and the Confirmatory Deed for your reference.

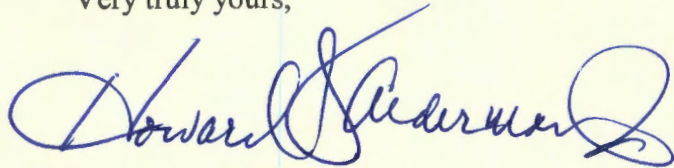
The Billians are now desirous of selling the subject property and wish confirmation from your Department that the property remains a buildable parcel. Enclosed for your reference is a letter to Mr. Billian dated April 7, 2009, from Clare Brunner, RS, of the then Department of Environmental Protection and Resource Management indicating that the soil percolation tests would be valid provided that a building permit is submitted within five years from the date of her letter (April 7, 2009). I have also enclosed for your reference a State of Maryland Well Completion Report for the subject property indicating that, at the time tested, the existing well had a pumping rate of 6.12 gallons per minute. Obviously, the conveyance of the subject property will be subject to Baltimore County Code Section 34-2-103 pertaining to the conveyance of unimproved lots and the yield requirements and testing provisions contained therein.

I have enclosed this firm's check in the amount of \$100 which we understand to be the County fee for written verification that the subject property remains buildable, provided that all zoning setback and height limitations are maintained and that the property continues to meet the requirements for water well yield and onsite septic disposal. My client understands that your Department is responsible for issuance of building permits and application of the Baltimore County Zoning Regulations and seeks verification assuming that the matters governed by other departments remain valid and assuming that any proposed dwelling is designed to meet the zoning setback and

March 30, 2011
Page 3

height limitations, a building permit could be issued. Upon your receipt and review of this letter and the enclosures, should you need additional information to render the written verification requested, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Howard L. Alderman, Jr.", with a large, stylized flourish at the end.

Howard L. Alderman, Jr.

HLA/cjd
Enclosures

cc: Mr. and Mrs. Leonard Billian

N:\Billian, Mr. & Mrs (14317)\jablon ltr 1.wpd

C11 5504

SEQUENCE NO.
(MDE USE ONLY)STATE OF MARYLAND
WELL COMPLETION REPORT
FILL IN THIS FORM COMPLETELY
PLEASE TYPETHIS REPORT MUST BE SUBMITTED WITHIN
45 DAYS AFTER WELL IS COMPLETED.COUNTY
NUMBER(THIS NUMBER IS TO BE PUNCHED
IN COLS. 3-6 ON ALL CARDS)

ST/CO USE ONLY

DATE RECEIVED
MM DO YY

DATE WELL COMPLETED

MM DO YY
10 28 2004

Depth of Well

22 300 26
(TO NEAREST FOOT)PERMIT NO.
FROM "PERMIT TO DRILL WELL"BA 04 7900
28 29 30 31 32 33 34 35 36 37OWNER William LeonardSTREET OR RFD 1529 Hillside RoadTOWN Stevenson

SUBDIVISION

SECTION

LOT

WELL LOG

Not required for driven wells

STATE THE KIND OF FORMATIONS PENETRATED, THEIR
COLOR, DEPTH, THICKNESS AND IF WATER BEARINGDESCRIPTION (Use
additional sheets if needed)

FEET

FROM TO

check
if water
bearingOverburden
Gray Rock0 120
120 300

water at 145'

GROUTING RECORD

WELL HAS BEEN GROUTED
(Circle Appropriate Box)YES NO
Y N

TYPE OF GROUTING MATERIAL (Circle one)

CEMENT CM BENTONITE CLAY BCNO. OF BAGS 25 NO. OF POUNDS 550GALLONS OF WATER 150

DEPTH OF GROUT SEAL (to nearest foot)

from 0 ft. to 100 ft.
(enter 0 if from surface)casing
types
insert
appropriate
code
below

CASING RECORD

STEEL ST CONCRETE CO
PLASTIC PL OTHER OTMAIN
CASING
TYPENominal diameter
top (main) casing
(nearest inch)Total depth
of main casing
(nearest foot)

60 61 62 63 64 65 66 67 68 69 70

EACH
CASING

OTHER CASING (if used)

diameter depth (feet)
inch from toscreen type
or open hole
insert
appropriate
code
below

SCREEN RECORD

STEEL ST BRASS BR OPEN HO
BRONZE PL HOLE OT
PLASTIC PL OTHER OTNUMBER OF UNSUCCESSFUL WELLS: 0

WELL HYDROFRACTURED

YES NO
Y N

CIRCLE APPROPRIATE LETTER

A WELL WAS ABANDONED AND SEALED

WHEN THIS WELL WAS COMPLETED

ELECTRIC LOG OBTAINED

TEST WELL CONVERTED TO PRODUCTION
WELLI HEREBY CERTIFY THAT THIS WELL HAS BEEN CONSTRUCTED IN
ACCORDANCE WITH COMAR 26.04.04 "WELL CONSTRUCTION" AND
PERFORMANCE WITH ALL CONDITIONS STATED IN THE ABOVE
TIONED PERMIT, AND THAT THE INFORMATION PRESENTED
HEREIN IS ACCURATE AND COMPLETE TO THE BEST OF MY
KNOWLEDGE.ILLERS LIC. NO. 1 M 50162

ILLERS SIGNATURE

JUST MATCH SIGNATURE ON APPLICATION)

LIC. NO. 1 JSD 052

Robert Brown

E SUPERVISOR (sign. of driller or journeyman
responsible for sitework if different from permittee)

C 2

DEPTH (nearest ft.)

128 300

8 9 10 11 12 13 14 15 16 17 18 19 20 21

22 23 24 25 26 27 28 29 30 31 32 33 34 35 36

37 38 39 40 41 42 43 44 45 46 47 48 49 50 51

52 53 54 55 56 57 58 59 60 61 62 63 64 65 66

67 68 69 70 71 72 73 74 75 76 77 78 79 80

81 82 83 84 85 86 87 88 89 90 91 92 93 94 95

96 97 98 99 100

101 102 103 104 105 106 107 108 109 110

111 112 113 114 115 116 117 118 119 120

121 122 123 124 125 126 127 128 129 130

131 132 133 134 135 136 137 138 139 140

141 142 143 144 145 146 147 148 149 150

151 152 153 154 155 156 157 158 159 160

161 162 163 164 165 166 167 168 169 170

171 172 173 174 175 176 177 178 179 180

181 182 183 184 185 186 187 188 189 190

PUMPING TEST

HOURS PUMPED (nearest hour)

PUMPING RATE (gal. per min.)

METHOD USED TO
MEASURE PUMPING RATE

WATER LEVEL (distance from land surface)

BEFORE PUMPING

WHEN PUMPING

TYPE OF PUMP USED (for test)

A air P piston T turbine

C centrifugal R rotary O other

J jet S submersible

PUMP INSTALLED

DRILLER INSTALLED PUMP YES NO

IF DRILLER INSTALLS PUMP, THIS SECTION
MUST BE COMPLETED FOR ALL WELLS.TYPE OF PUMP INSTALLED
PLACE (A,C,J,P,R,S,T,Q)
IN BOX 29.CAPACITY:
GALLONS PER MINUTE
(to nearest gallon)

PUMP HORSE POWER

PUMP COLUMN LENGTH
(nearest ft.)CASING HEIGHT (circle appropriate box
and enter casing height)

+ above

- below

LAND SURFACE

(nearest foot)

LOCATION OF WELL ON LOT

SHOW PERMANENT STRUCTURE SUCH AS
BUILDING, SEPTIC TANKS, AND /OR
LANDMARKS AND INDICATE NOT LESS
THAN TWO DISTANCES
(MEASUREMENTS TO WELL)

NA

Real Property Search

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.3A)
BALTIMORE COUNTY

Check# / Date

INVOICE DATE 3/30/2011 14317-4

Page 1 of 1

Account Identifier:

District - 03 Account

Owner Name:

BILLIAN LEONARD
BILLIAN VIRGINIA L

Mailing Address:

PO BOX 1264
BROOKLANDVILLE MD 21022-1264

Location & St

Premises Address

1529 HILLSIDE RD
0-0000

Map

Grid

Parcel

Sub District

Subdivision

Se

0068

0005

0484

0000

0000

Se

Special Tax Areas

Town

NONE

Ad Valorem

Tax Class

Primary Structure Built

Enclosed Area

Stories

Basement

Type

Exterior

Value Information

Base Value

Value

Phase-in Assessm

As Of

As Of

A

Land

135,000

120,000

07/01/2010

0

Improvements:

0

0

Total:

135,000

120,000

135,000

120,

Preferential Land:

0

0

0

Transfer Information

Seller:

BILLIAN LEONARD/VIRGINIA

Date:

Type:

NON-ARMS LENGTH OTHER

Deed1:

Seller:

Date:

Type:

Deed1:

Seller:

Date:

Type:

Deed1:

Exemption Information

Partial Exempt Assessments

Class

County

State

Municipal

Tax Exempt:

Exempt Class:

Baltimore County, Maryland

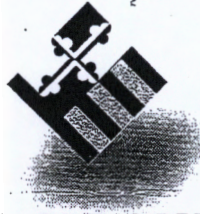
DESCRIPTION

NET

100.00

12481

100.00



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JONAS A. JACOBSON, *Director*
Department of Environmental Protection
and Resource Management

April 7, 2009

Mr. Leonard Billian
P O BOX 1264
BROOKLANDVILLE MD 21022

RE: 1529 Hillside Road, TA #24-00-005088, D-3

Dear Mr. Billian,

At your request, representative(s) of this office reviewed the soil evaluation data on file for the above-referenced property.

Additional soil evaluations will not be required provided there is no alteration to the master plan dated 12/27/2006, and Building Permit Application(s) are submitted within 5 years from the date of this letter. Soil evaluation results will become void without notice at the expiration of this time period. If a Building Permit is submitted, the following information should be considered:

The septic reserve area designated on the Master Plan dated 12/27/2006 must be reserved for sewage disposal systems and future repairs. Under no circumstances shall any permanent structures, above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the septic reserve area.

Where water wells are to be used as a source of water supply, the Baltimore County Code, (Title 35, Article 2, Sec. 35-41), requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a Building Permit.

Soil Evaluation Results:

5A C 0-4' BGn 4-14' Rock

5B 7 min @ 5' C 0-3' BGn 3-16'

X 2 min @ 4' C 0-3' BGn 3-15' Clay L 15-16'

Mr. Leonard Billian

April 7, 2009

Page 2

If you have any questions regarding this matter, please contact this office at 410-887-2762.

Sincerely,

A handwritten signature in black ink, appearing to read "Clare M. Brunner", written over the word "Sincerely,".

Clare M. Brunner, R.S.
Soil Evaluation Program

J:\PERC LETTERS\2009 PERC LETTERS\Revalidation Letters\Hillside Rd., 1529, 4-7-09.doc

Property Tax Account No.:p/o 03-02-037981
Merged with 17-00-001189

**NO CONSIDERATION
NO TITLE EXAMINATION PROVIDED OR REQUESTED**

DEED

**[Description After Merger]
(Approved by the Zoning Commissioner for Baltimore County)**

THIS DEED is made this 12 day of January, 2004, by and among **LEONARD BILLIAN and VIRGINIA L. BILLIAN**, husband and wife (referred to collectively as the "Grantor"); and **LEONARD BILLIAN and VIRGINIA L. BILLIAN**, husband and wife (referred to collectively as the "Grantee").

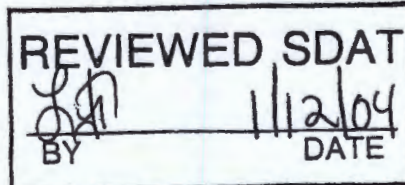
WHEREAS, Grantor, by virtue of a deed, dated June 19, 1998, from Leonard Billian, individually, recorded among the Land Records of Baltimore County in Liber 12979, folio 509, is the owner of a certain parcel of ground located in Baltimore County, Maryland identified as Parcel 336 which is comprised of 8.9 +/- acres more or less (the "Grantor's Sending Property"); and

WHEREAS, Grantor, by virtue of a deed, dated June 19, 1998, from Leonard Billian, individually, recorded among the Land Records of Baltimore County in Liber 12979, folio 500, is the owner of a certain parcel of ground located in Baltimore County, Maryland identified as Parcel 484 which is comprised of 0.689 +/- acres more or less (the "Grantor's Receiving Property"); and

WHEREAS, Grantor sought approval from the Baltimore County Zoning Commissioner to transfer and merge 0.316 ± acres of the Grantor's Sending Property, for non-density purposes only to the Grantor's Receiving Property which transfer was approved by *Findings of Fact and Conclusions of Law*, dated September 17, 2003, in Case No. 03-595-SPH; and

Billian - Deed After Merger::January 7, 2004

Page 1



WHEREAS, after the transfer of acreage, by virtue of a Deed of Transfer and Merger, dated of even date herewith and recorded or intended to be recorded immediately prior hereto, the reconfigured Grantor's Receiving Property (including that portion of the Grantor's Sending Property transferred) was to be described in a deed from Grantor to itself and recorded among the Land Records of Baltimore County.

NOW THEREFORE, the Grantor, for a consideration of One Dollar (\$1.00), does hereby describe its property and does further hereby grant, convey and assign to the Grantee, its successors and assigns, the property known and identified as:

For a description of the property conveyed and transferred hereby (as configured by virtue of the Deed of Transfer & Merger recorded or intended to be recorded immediately prior hereto), containing 1.006 ± acres, see that certain description dated December 22, 2003 and Revised January 8, 2004 as prepared by McKee & Associates, Inc. entitled "*Description of 1.006 Acres, Leonard Billian and Virginia L. Billian Property, 1529 Hillside Avenue*" which is attached hereto as Exhibit "A" and incorporated herein.

BEING a portion of the parcel described in a deed, dated June 19, 1998, from Leonard Billian, individually, unto the Grantor herein, and recorded among the Land Records of Baltimore County in Liber 12979, folio 509.

AND BEING ALL of the described parcel in that deed dated June 19, 1998, from Leonard Billian, individually, unto the Grantee herein, and recorded among the Land Records of Baltimore County in Liber 12979, folio 500

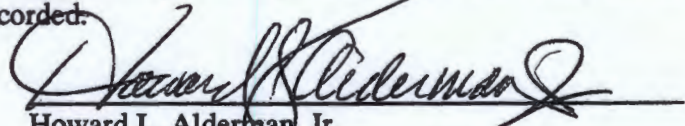
TOGETHER ALSO WITH the buildings and improvements thereupon and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining (all of which land, improvements and appurtenances are hereinafter referred to collectively as the "**Property**").

TO HAVE AND TO HOLD the Property hereby conveyed unto the Grantee, its successors

0019436 555

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that the above instrument was prepared by me, an attorney admitted to practice before the Court of Appeals of Maryland, or under my supervision. The preparer of this instrument has provided no legal advice to grantor or grantee regarding the legality of this deed of merger, especially as it relates to the issues of "subdivision" as defined in the *Baltimore County Code*. The undersigned preparer assumes no liability for compliance with the development regulations of Baltimore County; Grantee assumes all responsibility for compliance with any and all County requirements before this deed is recorded.


Howard L. Alderman, Jr.

AFTER RECORDATION, PLEASE RETURN TO:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

and assigns, in fee simple, forever, subject to the operation and effect of any and all instruments and matters of record.

The Grantor hereby covenants that it will execute such further assurances thereof as may be requisite.

WITNESS the hand and seal of the above-named Grantor.

WITNESS:

Hal White
Hal White

GRANTOR:

Leonard Billian (SEAL)

Leonard Billian

Virginia L. Billian (SEAL)

Virginia L. Billian

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

I HEREBY CERTIFY that on this 12 day of January, 2004, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Leonard Billian and Virginia L. Billian, husband and wife, who represented themselves to be Grantor and Grantee named herein and that they affixed their hands and seals hereto the date and year first above written for the purposes herein contained.

AS WITNESS my Hand and Notarial Seal.

Hal White
Notary Public

My Commission expires:

3/1/06

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

0019436 557

December 22, 2003

Revised January 8, 2004



**DESCRIPTION OF 1.006 ACRES
LEONARD BILLIAN AND VIRGINIA L. BILLIAN PROPERTY
1529 HILLSIDE AVENUE
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING for the same at a point located at the end of the first or due South 145.62-foot line, which by deed dated June 19, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 12979, folio 500, was granted and conveyed by Leonard Billian to Leonard Billian and Virginia L. Billian, his wife, said point being distant North 00 degrees 48 minutes 34 seconds West, 0.06 feet from a 1-inch diameter iron pipe found, said point also being located at the end of the first or due South 145.83-foot line, which by deed dated October 10, 1986 and recorded among the aforesaid Land Records in Liber 7294, folio 529, was granted and conveyed by G. Brent Horney and Edith B. Horney, his wife, to Peter deWolf Smith; thence leaving said point of beginning and running with and binding reversely on all of the first, fifth, fourth and third lines of the aforesaid deed dated June 19, 1998, the following four (4) courses, as now surveyed by McKee and Associates, Inc. and referring the courses herein to the fourth line of a deed dated June 19, 1998 and recorded among the aforesaid Land Records in Liber 12979, folio 509, was granted and conveyed by Leonard Billian to Leonard Billian and Virginia L. Billian, his wife,

- 1) North 00 degrees 48 minutes 34 seconds West, passing over a ¾-inches diameter iron pipe found at a distance of 130.78 feet, a total distance of 145.87 feet to a point located on or near the center of Hillside Avenue; thence leaving said point and running on or near the center of Hillside Avenue, the following two (2) courses:
- 2) South 89 degrees 14 minutes 25 seconds East, 133.50 feet to point; thence
- 3) South 88 degrees 11 minutes 46 seconds East, 66.80 feet to a point; thence leaving the center of Hillside Avenue,
- 4) South 00 degrees 50 minutes 00 seconds East, 153.37 feet to a point located on and being distant 160.10 feet from a stone monument marked "W" found at the beginning of the fifth or North 86 degrees 50 minutes West, 756-foot line of the aforementioned deed in Liber 12979, folio 509; thence leaving said point and running with and binding reversely on a part of said fifth line,
- 5) South 86 degrees 45 minutes 11 seconds East, 117.00 feet to a point, said point being distant North 86 degrees 45 minutes 11 seconds West, 43.10 feet from the aforesaid stone monument marked "W"; thence leaving said point and running for new lines of division, over, across and through the property of the herein Grantor, the following three (3) courses:
- 6) South 03 degrees 14 minutes 49 seconds West, 59.27 feet to a point; thence
- 7) North 79 degrees 41 minutes 30 seconds West, 400.79 feet to a point; thence

EXHIBIT

A

0019436 558

- 8) North 03 degrees 14 minutes 49 seconds East, 10.00 feet to a point located on and being distant 317.15 feet from the end of the aforesaid fifth line of the aforementioned deed in Liber 12979, folio 509; thence leaving said point and running with and binding reversely on a part of said fifth line,
- 9) South 86 degrees 45 minutes 11 seconds East, 80.00 feet to the point of beginning.

CONTAINING 43,814 square feet or 1.006 acres of land, more or less.

BEING KNOWN and designated as 1529 Hillside Avenue.

SUBJECT to a private 20-foot wide easement for ingress, egress, maintenance and utilities for the use and benefit of the property adjoining to the immediate south of the herein described parcel of land and being more particularly described as follows:

BEGINNING for the same at a point located on the fourth or North 87 degrees 15 minutes 53 seconds West, 66.80-foot line, which by deed dated June 19, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 12979, folio 500, was granted and conveyed by Leonard Billian to Leonard Billian and Virginia L. Billian, his wife, said point being distant North 87 degrees 15 minutes 53 seconds West, 2.00 feet from the beginning of the aforesaid fourth line; thence leaving said point of beginning and running over, across and through the property of the herein Grantor, the following three (3) courses, as now surveyed by McKee and Associates, Inc. and referring the courses herein to the fourth line of a deed dated June 19, 1998 and recorded among the aforesaid Land Records in Liber 12979, folio 509, was granted and conveyed by Leonard Billian to Leonard Billian and Virginia L. Billian, his wife,

- 1) South 00 degrees 50 minutes 00 seconds East, 198.36 feet to a point; thence
- 2) North 79 degrees 41 minutes 30 seconds West, 20.38 feet to a point; thence
- 3) North 00 degrees 50 minutes 00 seconds West, 195.34 feet to a point located on and being distant 44.78 feet from the end of the aforesaid fourth line of the aforementioned deed in Liber 12979, folio 500; thence leaving said point and running with and binding reversely on a part of said fourth line,
- 4) South 88 degrees 11 minutes 46 seconds East, 20.02 feet to the point of beginning.

CONTAINING 3,937 square feet or 0.090 acres of land, more or less.

BEING a portion of that parcel of ground, which by deed dated June 19, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 12979, folio 509, was granted and conveyed by Leonard Billian to Leonard Billian and Virginia L. Billian, his wife.

ALSO BEING all that parcel of ground, which by deed dated June 19, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 12979, folio 500, was granted and conveyed by Leonard Billian to Leonard Billian and Virginia L. Billian, his wife.

0019436 559

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: BALTO

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)

1	Type(s) of Instruments	☐ Check Box If addendum Intake Form is Attached. ☒ Deed ☐ Mortgage ☐ Other ☐ Other		FD SURE \$ 28.00 RECORDING FEE 28.00 TOTAL 48.00		
2	Conveyance Type Check Box	☐ Improved Sale ☐ Arms-Length [1]	☐ Unimproved Sale ☐ Arms-Length [2]	☐ Multiple Accounts ☐ Arms-Length [3]	☐ Not an Arms-Length Sale [9]	Reg # B486 Sht # BC Jan 13, 2004 Rpt # 51419 Blk # 2788 81:54 PM
3	Tax Exemptions (if Applicable)	Recordation State Transfer County Transfer				
4	Consideration and Tax Calculations	Consideration Amount Purchase Price/Consideration \$ Any New Mortgage \$ Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value: \$		Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount - \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$		
5	Fees	Amount of Fees Recording Charge \$ Surcharge \$ State Recordation Tax \$ State Transfer Tax \$ County Transfer Tax \$ Other \$ Other \$		Doc. 1 Doc. 2 Agent: <u>SDAT</u> Tax Bill: <u>PAID</u> C.B. Credit: <u>-</u> Ag. Tax/Other: <u>N</u>		
6	Description of Property	District <u>03</u> Property Tax ID No. (1) <u>17-00-001189</u> Grantor Liber/Folio Subdivision Name Lot (3a) Block (3b) Sect/AR (3c) Plat Ref. SqFt/Acreage (4)		Parcel No. Var. LOG ☐ (5)		
Location/Address of Property Being Conveyed (2) <u>1529 HILLSIDE ROAD</u> Other Property Identifiers (if applicable) Water Meter Account No.						
Residential ☐ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount: Partial Conveyance? ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:						
If Partial Conveyance, List Improvements Conveyed:						
7	Transferred From	Doc. 1 - Grantor(s) Name(s) <u>LEONARD BILLIAN</u> <u>VIRGINIA L. BILLIAN</u>		Doc. 2 - Grantor(s) Name(s)		
8	Transferred To	Doc. 1 - Grantee(s) Name(s) <u>LEONARD BILLIAN</u> <u>VIRGINIA L. BILLIAN</u>		Doc. 2 - Grantee(s) Name(s)		
New Owner's (Grantee) Mailing Address						
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 Name: <u>LEONARD BILLIAN</u> Firm: <u>P.O. BOX 1264</u> Address: <u>BROOKLANDVILLE MD</u> Phone: <u>410-561-1567</u>		☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided		
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						
Assessment Information Yes ☐ No ☐ Will the property being conveyed be the grantee's principal residence? Yes ☐ No ☐ Does transfer include personal property? If yes, identify: Yes ☐ No ☐ Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).						
Assessment Use Only - Do Not Write Below This Line Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification ☐ Transfer Number: <u>20</u> Date Received: <u>20</u> Deed Reference: <u>20</u> Assigned Property No.: Year <u>20</u> Geo. <u>20</u> Map <u>20</u> Sub <u>20</u> Block <u>20</u> Land <u>20</u> Zoning <u>20</u> Grid <u>20</u> Plat <u>20</u> Lot <u>20</u> Buildings <u>20</u> Use <u>20</u> Parcel <u>20</u> Section <u>20</u> Occ. Cd. <u>20</u> Total <u>20</u> Town Cd. <u>20</u> Ex. St. <u>20</u> Ex. Cd. <u>20</u>						
REMARKS:						

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 19436, p. 0559, MSA_CE62_19291, Date available 06/04/2004, Printed 03/30/2011.

RECORDATION BY
 COUNTY CLERK
 BALTIMORE COUNTY, MARYLAND
 Director of Deeds and Finance
 TAX NOT RECORDED
 Date 11/2/04
 T.P. ART 12-108
 Sec 33-139

Distribution: White - Clerk's Office
 Canary - SDAT
 Pink - Office of Finance
 Goldenrod - Preparer
 AOC-CC-300 (5/95)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No.

65910

Date:

4/4/11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	306	0000	-	6150					100.00

Total: 100.00

Rec

From: Levin + Gann PA.

For:

Robert + Virginia Billew
1529 Hillside Rd.

11-102

JCN

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

IN RE: PETITION FOR SPECIAL HEARING
S/S Hillside Road, 400' W of the c/l
Keller Road
(1529 Hillside Road)
3rd Election District
2nd Council District

Leonard Billian, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-595-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Leonard and Virginia Billian. The Petitioners request a special hearing to approve a non-density transfer of land between two existing parcels, which are currently under the same ownership, so that an existing undersized lot will be able to meet the minimum 1.0-acre area requirement under the R.C.5 zoning regulations. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Leonard Billian, property owner, Guy C. Ward with McKee & Associates, Inc., the engineering consultants who prepared the site plan for this property, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Appearing as interested citizens were Jack Dillon on behalf of the Valleys Planning Council, and Gaylord Clark, a nearby property owner.

Testimony and evidence offered revealed that the Petitioners own two adjacent parcels at the intersection of Keller Avenue and Hillside Road in Brooklandville. The property at issue is the smaller of the two parcels, namely, Parcel 484. As shown on the plan, Parcel 484 is a roughly square shaped parcel located with frontage on the south side of Hillside Road. Parcel 484 contains .689 acres of land, zoned R.C.5 and is unimproved. The second parcel, identified as Parcel 336 on the plan, contains 8.890 acres, also zoned R.C.5, and adjoins the rear of Parcel 484. This parcel

ORDER RECEIVED FOR FILING

Date

By

9/12/03
[Signature]

has frontage on Keller Avenue and is improved with a single-family dwelling in which the Petitioners reside. At the hearing, the Petitioners submitted two deeds, which more particularly describe their holdings and are persuasive that the two properties are lots of record under the B.C.Z.R.

The Petitioners wish to construct a single-family dwelling on the smaller parcel. Due to the size and shape of that parcel, they sought variance relief under prior Case No. 03-299-A for the proposed construction. Relief was sought for a front yard setback of 65 feet to the centerline of Hillside Road in lieu of the required 75 feet and a rear yard setback of 40 feet in lieu of the required 50 feet. Also, the Petitioners sought approval of Parcel 484 as an undersized lot. That matter came in before then Deputy Zoning Commissioner Timothy M. Kotroco. By his Order of March 7, 2003, Mr. Kotroco denied the variance, noting that the Petitioners owned the larger parcel adjacent thereto and thus, could add a portion of that parcel to the subject lot, thereby obviating the need for variance relief from front and rear yard setback requirements. Similarly, the Office of Planning submitted a written Zoning Advisory Committee (ZAC) comment indicating that the property owners should be required to add additional land from their 8.8-acre tract to the subject lot to bring it into compliance with the setback requirements. The two neighbors who appeared at the hearing offered similar testimony.

In accordance with Deputy Commissioner Kotroco's Order, the Petitioners have filed the instant Petition for Special Hearing. As shown on Petitioner's Exhibit 1, the Petitioners propose carving a triangular shaped portion of land from Parcel 336 of approximately 0.316 acres and transferring same to Parcel 484. Upon completion of this transfer, Parcel 484 will contain 1.005 acres in area and meet the requirements for an R.C.5 zoned lot in the B.C.Z.R. Moreover, adequate setback distances are shown for the proposed building envelope.

✓ Interestingly, the ZAC comment submitted by the Office of Planning in the instant case recommends a denial of the request and expresses a concern that the proposal is not consistent with the requirements of Section 102.2 of the B.C.Z.R. That Section provides that no yard space or

OFFICE OF PLANNING
9/10/03
Jep

minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.

In my judgment, that Section is not applicable in this case. The Petitioners propose an in-fee conveyance of a portion of the larger parcel to be added to the area of the smaller parcel. The conveyance will not adversely impact the larger parcel and will not result in any increase in the overall density for both tracts combined. As shown on the plan, the larger parcel will be reconfigured to an area of 8.574 acres after the conveyance. Pursuant to the R.C.5 zoning regulations, the Petitioners will still have sufficient land to subdivide the larger parcel to create five single-family dwelling lots, as is the case under the current acreage (8.89 acres).

Based upon the testimony and evidence offered, and particularly in view of Deputy Commissioner Kotroco's ruling in the prior case, I am persuaded to grant the relief requested. In my judgment, the Petitioners' plan provides an appropriate resolution of the issues presented and use of these properties. I find that the proposal will not detrimentally impact any surrounding properties and is consistent with the spirit and intent of the R.C.5 zoning regulations.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of September, 2003 that the Petition for Special Hearing to approve a non-density transfer of land between two existing parcels, which are currently under the same ownership, so that an existing undersized lot will be able to meet the minimum 1.0-acre area requirement under the R.C.5 zoning regulations, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Within sixty (60) days of the date of this Order, the Petitioners shall record a new deed in the Land Records of Baltimore County showing the conveyance as outlined above and referencing the terms and conditions of the relief granted herein. A copy of the recorded deed shall be forwarded to the Department of Permits and Development Management for inclusion in the case file.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

CHIEF PERMITTING OFFICER
9/17/03
[Signature]

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: June 20, 2003
TO: Zoning Commissioner and File
FROM: Donna Thompson, Planner II, Zoning Review
SUBJECT: Petition for Special Hearing, Item 595,
Case No. 03-595-SPH
1529 Hillside Road



After reviewing the Petition for Special Hearing and accompanying site plan with a representative of the engineering firm, McKee & Associates, it is the opinion of Zoning Review that the petitioners should request a "density transfer" not "non-density transfer" as specified on their petition form. Mr. Guy Ward from McKee & Associates had notified the petitioner, Mr. Leonard Billian who has requested that the petition should continue as shown. Mr. Billian will plead his case before the Zoning Commissioner.

DT

CC: Mr. Guy Ward, McKee & Associates

BALTIMORE COUNTY, MARYLAND
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DT

CC: Mr. Guy Ward, McKee & Associates

Joseph Merrey - 1529 Hillside Road - Response for Verification Dated 4/8/11

From: "Howard Alderman" <halderman@levingann.com>
To: "Jeffrey Perlow" <JPerlow@baltimorecountymd.gov>, <jmerrey@baltimorecoun...
Date: 04/14/11 9:31 AM
Subject: 1529 Hillside Road - Response for Verification Dated 4/8/11
CC: <lillian@comcast.net>
Attachments: Billian - Hillside - Verification.pdf

Jeff, Joe & Carl,

When I returned to the office yesterday, I reviewed Jeff & Joe's letter dated 4/8/11 regarding the Billian Property at 1529 Hillside Avenue. The three of you determined that Restriction (Condition) #2 of the Zoning Commissioner's Order in Case No. 2003-0595-SPH, requiring that the deed merging land from an adjoining parcel was not met as it was not recorded within 60 days of the Order's date of September 17, 2003. I did not consider this an issue needing to be addressed by my letter requesting development verification as that original date was extended. Apparently, your office file does not include the letter of the Zoning Commissioner, dated Nov. 10, 2003, extending the date an additional 60 days, a copy of which he forwarded to PADM for inclusion in the file. Thus, the time for recording the deed was 120 days from 9/17/03. The deed was recorded, as acknowledged in your letter on 1/12/2004, which is 117 days after the date of the Order.

I've attached a copy of your letter and a scan of Commissioner Schmidt's extension letter for your use/reference. Given that Restriction (Condition #2) was met, I would request that the 4/8/11 letter be rescinded and that a new letter be prepared regarding the requested verification. Our clients need the requested verification to provide to potential purchasers.

Thank you and should you be unable to provide the requested verification as requested, please let me know immediately.

Howard

~~~~~  
 Howard L. Alderman, Jr., Esquire  
 Levin & Gann, PA  
 Nottingham Centre, 8<sup>th</sup> Floor  
 502 Washington Avenue  
 Towson, Maryland 21204  
 ☎: 410-321-0600 (voice)  
 📠: 410-296-2801 (fax)  
 📱: 410-456-8501 (cell)  
 ✉: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
 Website: [www.LevinGann.com](http://www.LevinGann.com)

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Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

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