IN RE: PETITION FOR VARIANCE E/S Hilton Avenue, 70' S of the c/l Oak Hill Road **(519-C Hilton Avenue)** 1st Election District 1st *Council District* Edward M. Serp, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-437-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Edward M. Serp and Betsy N. Serp, through their attorney, Lawrence M. Hammond, Esquire. As amended, the Petitioners request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width at the front building line of 67 feet in lieu of the required 100 feet; to permit side yard setbacks of 14 feet (south side) and 10 feet (north side) both in lieu of the required 15 feet; and to permit a sum of the side yard widths of 28 feet in lieu of the required 40 feet. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Edward M. Serp, property owner; his son, Edward M. Serp, II; Kevin Wight, with W. Duvall and Associates, Inc., the consultants who prepared the site plan; and, Lawrence M. Hammond, Esquire, attorney for the Petitioners. Appearing as a Protestant in the matter was John B O'Donnell, Jr., a nearby property owner.

It is to be noted that testimony and evidence was received at the public hearing held on May 12, 2004, and both Counsel for the Petitioners and Mr. O'Donnell submitted Post-Hearing Memorandum outlining their positions. In any event, the subject property at issue is a rectangular shaped parcel located on the east side of Hilton Avenue, just south of its intersection with Oak Hill

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Road in Catonsville. The property contains a gross area of 1.0255 acres, more or less, zoned D.R.2 and is improved with a 1.5 story dwelling, known as 519-C Hilton Avenue. The Petitioners have owned and resided on the property since 1987 and are desirous of subdividing same to create a second building lot. In order to subdivide the property as proposed, the requested variance relief is necessary to legitimize the location of the existing dwelling, given the size of the property and it's D.R. zoning classification. For reasons that will be explained hereinafter, it is significant to note that the gross site area of the property, as established in the Deeds of Record for this site and measured to the centerline of Hilton Road, is in excess of 1.0 acres. The net site area is less than 1.0 acre (0.9695 acres, or 42,232 sq.ft.).

Within his Post-Hearing Memoranda, Counsel for the Petitioners submitted a series of Deeds that established the devolution of title for this property. The Petitioners, Edward M. and Betsy N. Serp, acquired the property under deed dated April 22, 2002 from Edward M. Serp, then sole owner. Mr. Serp had apparently previously acquired the property by deed individually from Edward M. Serp and Helen J. Holden in 1991. A further review of the devolution of title shows that Mr. Serp and Ms. Holden acquired the property from Margaret C. Gallagher in 1987 and that Ms. Gallagher had acquired the property in May 1983 from James A. Myers. Apparently, when Mr. Myers owned the property, it was then part of a larger tract of land that he owned, which totaled 2.0608 acres. Mr. Myers apparently subdivided his property and created the subject lot; however, the subdivision was done without Baltimore County approval. Additionally, the property was then zoned D.R.3.5, but was downzoned in 1996 to the less intense classification of D.R.2.

In any event, as noted above, the property is improved with a single family dwelling known as 519-C Hilton Avenue. Mr. Serp resides in that dwelling, which is located approximately 73 feet from the right-of-way for Hilton Avenue. The rear of the property is open and unimproved; however, there apparently is an existing barn/garage on the property, which is not shown on the site plan. As noted above, Mr. Serp proposes to subdivide his property to create a second lot. Proposed Lot 1A would contain a net area of 21,022 sq.ft. and encompass the front portion of the site, including the existing dwelling. Lot 2A would occupy the rear portion of the site and contain

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a net area of 21,210 sq.ft. Additionally, Lot 2A would include a 20-foot wide fee simple strip to provide frontage/access thereto from Hilton Avenue. The details of the proposed subdivision are more particularly shown on the site plan. In order to proceed as proposed the requested variance relief is necessary to legitimize the location of the existing dwelling. It is also to be noted that the Petitioners propose a small addition to the north side of the existing dwelling, which will further reduce the side yard setback on that side to 10 feet.

The positions of the parties are well set out in the memoranda that were submitted after the hearing. Essentially, the Petitioners argue that they are entitled to variance relief pursuant to Section 307 of the B.C.Z.R. They argue that the situation in which they find themselves is not a self-created hardship, but rather is due to the subdivision by a predecessor in title (Mr. Myers). Mr. O'Donnell generally opposes the request and does not believe that the Petitioners have met the burden at law.

Density for the D.R. zone is established in Section 100.1 of the B.C.Z.R. Therein it is provided that two dwelling units are permitted per acre in the D.R.2 zone. It has been the long-standing interpretation and practice of Baltimore County to utilize gross acreage when determining density. As noted above, the subject property is slightly in excess of 1.0 acre in terms of gross area. Thus, pursuant to Section 100.1 of the B.C.Z.R., the property owners are permitted two dwelling units on this site. Moreover, it is to be noted that the Zoning Commissioner cannot variance density. That is, the number of density units associated with a particular parcel is based specifically on the acreage of the tract and its zoning classification. In this instance, the two density units are permitted as of right under the B.C.Z.R.

In addition to the density regulations, special regulations for small lots or tracts such as the subject property are set out in Section 1B02.3.C of the B.C.Z.R. Therein, it is required that the minimum net lot area for a dwelling unit in the D.R.2 zone is 20,000 sq.ft. Again, the Petitioners meet this requirement in that the areas of both prospective lots are in excess of the minimum required. There are, however, other regulations regarding setbacks and lot width requirements for which variance relief is required. For example, Section 1B02.3.C of the B.C.Z.R. requires that

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each lot zoned D.R.2 be a minimum 100 feet in width at the front building line. In this case, the subject property in its current configuration does not meet that criteria. The width of the subject property at the front building line of the existing dwelling is but 87 feet. Apparently, when the house was built, the property was zoned D.R.3.5, which has a lesser requirement (70-foot) for minimum lot width. Thus, the existing house was in compliance with the regulations when it was constructed and is grandfathered from the current regulations. It is to be emphasized that although the lot width is insufficient to meet current setback regulations, the proposed subdivision will further reduce the lot width. As noted above, in order to provide fee simple frontage on Hilton Avenue for proposed Lot 2A, the Petitioners propose conveying a 20-foot wide fee simple strip. Thus, new Lot 1A will be but 67 feet wide.

Variance relief is also requested from side yard setback requirements. Although the existing side yard setbacks are sufficient, relief is necessary in view of the proposed subdivision and the location of the new property line. A minimum side setback of 15 feet is required on each side, and 10 feet is proposed on one side where the addition is proposed, and 14 feet on the other side, adjacent to the new property line established by the fee simple driveway access. Variance relief is also requested in that the sum of the side yards will be 24 feet, less than the 40 feet required.

I have carefully considered the issues raised by the parties and believe it a significant fact that the subject property can be subdivided into two building lots by right under the B.C.Z.R. This is not a case where the Petitioners are seeking to variance density or create a lot that is less in area than the minimum required. The side yard setback variances requested in this case are largely generated by County requirements to provide the fee simple access to the "rear" lot and by the unusual shape of the property. That is, the fact that this is a narrow, yet deep parcel, drives the need for variance relief.

I believe that these factors satisfy the "unique" test required under Cromwell v. Ward, 307 Md. App. 691 (1995). Turning to the practical difficulty requirement, I am persuaded that the Petitioners have met this test and that a denial of the variance would deprive the Petitioners of the

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right to reasonably develop their property in accordance with the regulations. As noted above, the Petitioner is absolutely entitled to subdivide his property into two building lots in view of the acreage and its D.R.2 zoning classification. A denial of this right constitutes practical difficulty under these circumstances. Finally, I believe that a grant of the relief will not detrimentally impact adjacent properties. Variance relief is needed for the existing house, which cannot be moved and conditions on the site will not change. The proposed house to be built to the rear of the property will meet all required setbacks.

In granting the relief, however, I note that the Petitioners must obtain minor subdivision approval in accordance with the appropriate County process. The grant of the variance relief does not excuse the Petitioners from submitting their plans for review and minor subdivision approval by Baltimore County. Mr. O'Donnell also raised an issue regarding the existing accessory structure. If the minor subdivision is approved, it appears that the existing garage/barn will be located on proposed Lot 2A. An accessory structure is only permitted to be located on the same lot as the primary structure (dwelling) to be served. At the present time, the accessory structure is not illegal in that the entire tract is but one lot. However, if the minor subdivision is approved, the Petitioner must either remove the garage/barn as it will not be on the same lot as the existing dwelling, or Petition for variance relief to allow the accessory structure to remain on a lot without a principal dwelling thereon.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of August 2004 that the Petition for Variance seeking relief, as amended, from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width at the front building line of 67 feet in lieu of the required 100 feet; to permit side yard setbacks of 14 feet (south side) and 10 feet (north side) both in lieu of the required 15 feet; and to permit a sum of the side yard widths of 28 feet in lieu of the required 40 feet, for the existing structure on

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proposed Lot 1A, 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, the 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 ninety (90) days of the date hereof, the Petitioners shall submit plans for review and minor subdivision approval by the Department of Permits and Development Management to create the two lots as set forth herein.

3) If the minor subdivision of the subject property is approved, the Petitioners shall either remove the existing garage/barn on proposed Lot 2A, or obtain variance relief to legitimize its existence on a lot that does not contain a principal structure.

4) When applying for a building permit, 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

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IN THE MATTER OF THE APPLICATION OF EDWARD SERP, ET UX – LEGAL OWNER /PETITIONER FOR VARIANCE ON PROPERTY LOCATED ON THE E/S HILTON AVENUE, 70'S OF C/L OAK HILL ROAD (519-C HILTON AVENUE)	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	*	CASE NO. 04-437-A

* * * * * * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals as a Petition for a Variance filed by Edward Serp from an order of then Zoning Commissioner, Lawrence E. Schmidt, in which the requested variance relief was GRANTED with restrictions. The Petitioners requested a variance for property located at 519-C Hilton Avenue, Baltimore, MD 21228, to permit a lot width at the front building line of 67 feet in lieu of the required 100 feet; to permit side yard setbacks of 14 feet (south side) and 10 feet (north side) both in lieu of the required 15 feet; and to permit a sum of the side yard widths of 28 feet in lieu of the required 40 feet. Granting the variance relief would permit the building of a second home at the rear of the property. An appeal was entered by the Office of People's Counsel for Baltimore County.

The Board of Appeals held a public hearing on this matter on October 6, 2005. Carole S. Demilio, Deputy People's Counsel, appeared on behalf of the Office of People's Counsel. Petitioner, Edward Serp, appeared *pro se* and testified on his own behalf. Francis X. Borgerding, Jr., Esquire, appeared on behalf of adjacent property owner, Mary Burton.

The public deliberation took place on November 9, 2005.

Testimony

Mr. Serp presented photos and a site plan showing the proposed development for a house to be built at the rear of his property. He stated that a variance was needed to permit the 20-foot driveway to grant access to the proposed building. He further testified that other properties in the area had been allowed to subdivide and build on lots like his under the previous zoning regulations. He is now seeking to get the variance relief to be allowed to build a second house at some time in the future, possibly for a family member. When he purchased the lot in 1986, the zoning was DR-3.5 but was changed in 1996 to DR-2.5.

On cross-examination by Mr. Borgerding, Mr. Serp testified that he did not know if the other properties that were subdivided were granted or needed a variance, and that he was not familiar with the topography, size or characteristics of the other lots. Mr. Serp opined that he constructed a barn on his site, with a permit, for storage. He also stated his opinion that the proposal to build another house on the lot was not detrimental to the community.

On cross-examination by People's Counsel, Mr. Serp testified that putting an addition on the house could not be completed easily nor would the addition be in harmony with the current dwelling, in his opinion.

Mr. Wilber Duvall, an engineer who developed the proposed site plan for Mr. Serp, then testified that the proposed dwelling on the second lot met the setback requirements (Petitioner's Exhibit 2) and, further, that not granting the variance would

cause a hardship for Mr. Serp. On cross-examination, Mr. Duvall testified that the property's topography falls from the front to the rear. He also stated that development of the lot would not require subdivision or need a public hearing.

People's Counsel presented Dennis Wertz, Senior Planner for Baltimore County's Office of Planning, who testified that he reviewed the proposed building plan and visited the area. He stated that his office opposed this project due to the spirit and intent of the new zoning requirement put in place in 1996 to restrict development in the area. He testified that this proposal does not meet the requirement for a panhandle lot. He felt the variance request did not meet the issue of uniqueness, and that there is no practical difficulty due to the zoning change, the property being of an irregular shape, or different than other parcels in the area.

Testimony of Kenneth Taylor, a real estate appraiser, and neighbors, Mr. and Mrs. Burton, and Julian Strickland opposed Mr. Serp's variance request, and reflected concern for the potential loss of property value by reducing the lot size as a result of subdivision, limited access on street, overall appearance, and privacy as the new house would face the back of the neighbors' houses, and that granting this variance may cause further overdevelopment of the area.

Decision

Section 307 of the *Baltimore County Zoning Regulations* (BCZR) permits granting a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County,* 99 Md. App 502 (1994), when Judge Cathell stated:

> An applicant for variance bears the burden of overcoming the assumption that the proposed use is unsuited. That is done, if at all, by satisfying fully the dictates of the statute authorizing the variance.

Under the Court of Special Appeals' decision in *Cromwell v. Ward,* 102 Md.App.691 (1995), which set forth the legal benchmark by which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered.

The Court in *Cromwell* defined the term "uniqueness" and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., it shape, topography, subsurface condition, environmental factors, historical significance, access or not-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. *Cromwell v. Ward,* 102 Md.App. 691, 651 A.2d 424 (1995)

In deliberation the Board discussed the subject property as to whether or not it was unique from the other properties in the neighborhood. The testimony and evidence show that 519-C Hilton Avenue is substantially the same as other properties in the area with no difference in topography, size, shape or subsurface conditions.

The Petitioners offered no evidence that the subject property is unique. Having found that the first prong of the standard of uniqueness has not been met by the Petitioner, the Board as a matter of law need not consider practical difficulty or spirit and intent.

Therefore, it is the unanimous decision of the Board to deny a Petition for Variance seeking relief from § 1B02.3.C.1 of the *Baltimore County Zoning Regulations*.

ORDER

THEREFORE, IT IS THIS 7th day of December, 2005 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance in Case No. 04-437-A seeking relief from § 1B02.3.C.1 of the *Baltimore County Zoning Regulations* be and the same is hereby **DENIED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Margaret Brassil, Ph.D., Panel Chairperson

John P. Quinn

Edward W. Crizer, Jr.

519C Hilton Avenue East side of Hilton Avenue at the distance of 20 feet S/ of the center line of Oakhill Road Extended First Election District First Councilmanic District	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY
Legal Owners: Edward Serp and Betsy Serp	* * *	Case No. 04-437A

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PETITIONERS' POST-HEARING MEMORANDUM

I. Introduction

This matter comes before the Zoning Commissioner for Baltimore County as a Petition for Variance filed by the legal owners of the subject property, Edward M. Serp and Betsy N. Serp, husband and wife. The Petitioners are requesting variance relief for the property located at 519-C Hilton Avenue. The Petitioners have proposed a minor subdivision of the subject property which would create two (2) lots. Lot 1-A as shown on the plan to accompany Petition for Variances would have an area of 21,022 square feet and would be improved by the existing 1.5 story dwelling presently known as 519-C Hilton Avenue. The second lot would be known as Lot 2-A having an area of 21,210 square feet as set forth on the plan to accompany Petition for Variances. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations as follows:

(1) To permit a lot width at the front building line of 67 feet in lieu of the required minimum of 100 feet for the proposed Lot 1-A;

(2) To permit a lot width for the individual side yard on the south side of the dwelling of 14 feet in lieu of the required minimum 15 feet for the proposed Lot 1-A;

(3) To permit the sum of the minimum side yard width of 24 feet in lieu of the required minimum of 40 feet for the proposed Lot 1-A; and

(4) To permit a lot with an individual side yard on the north side of the dwelling

of 10 feet in lieu of the required minimum of 15 feet for the proposed Lot 1-A.

The subject property was titled in the Petitioners by virtue of a Deed dated April 22, 2002, said Deed being recorded among the Land Records of Baltimore County in Liber S.M. No. 16363, folio 489, having a gross site area of 1.0255 acres, more or less, the improvements thereon being known and designated at 519-C Hilton Avenue. A copy of said Deed is attached hereto and incorporated as Exhibit "A".

The subject property had been previously conveyed to Edward M. Serp individually from the said Edward M. Serp and Helen J. Holden, his wife, by virtue of a Deed dated July 16, 1991, said Deed being recorded among the Land Records of Baltimore County in Liber S.M. No. 8883, folio 573. A copy of said Deed is attached hereto and incorporated as Exhibit "B". Mr. Serp and Ms. Holden were conveyed fee simple title to the subject property from Margaret C. Gallagher by virtue of a Deed dated March 5, 1987, said Deed being recorded among the Land Records of Baltimore County in Liber 7490, folio 341. A copy of said Deed is attached hereto and incorporated as Exhibit "C". Ms. Gallagher was conveyed fee simple title to the subject property from James A. Myers by virtue of a Deed dated May 31, 1983, said Deed being recorded among the Land Records of Baltimore County in Liber 6532, folio 520. A copy of said Deed is attached hereto and incorporated as Exhibit "D". It was by virtue of the aforementioned Deed that Mr. Myers subdivided his property which at the time had a land area of 2.0608 acres by Deed. It appears that Mr. Myers subdivided his property without the benefit of subdivision approval from Baltimore County, Maryland. An examination of the zoning maps for Baltimore County indicate that pursuant to the 1980 zoning maps, the subject property was zoned DR 3.5, and the property retained a zoning designation of DR 3.5 until the 1996 CZMP, at which time the subject property was rezoned to DR 2. Mr. Myers received title to the property by virtue of a Deed dated July 19, 1979 from Herman L. Vordemberge, said Deed being recorded among the Land Records of Baltimore County in Liber 6057, folio 567. A copy of said Deed is attached hereto and incorporated as Exhibit "E". Mr. Vordemberge was the surviving remainderman named in a Deed dated September 25, 1950, from the Land Record Holding Company to Amelia E. Vordemberge, said Deed being recorded among the Land Records of Baltimore County in Liber

1887, folio 187, said property having a land area of 2.0608 acres, more or less. A copy of said Deed is attached hereto and incorporated as Exhibit "F". A copy of the devolution of title for subject property is attached hereto and incorporated as Exhibit "G".

II. Applicable Law

Section 307 of the Baltimore County Zoning Regulations - Variances. "The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance of the Zoning Regulations for Baltimore County would result in particular difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intend of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any such variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a Petition for Reclassification. Any Order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of facts setting forth and specifying the reason or reasons for making such variance."

The Court of Appeals in the case of *Cromwell v. Ward, 102 Md. App 691, 651 A2d 425 (1995)* established a two step sequential process with respect to variances:

(1) The first step requires a finding that the property whereupon the structures are to be placed (where use is conducted) is, in and of itself, unique and unusual in a manner different from the nature of the surrounding properties such as the uniqueness or pecularity of the property causes any provisions to impact disproportionately upon the property. If this finding cannot be made, the process stops. The variance must be denied. If, however, the first step

results in a supportable finding of uniqueness or unusualness, then the second step in the process is taken.

(2) The second step in the determination whether or not reasonable hardship (or practical difficulty), resulting from disproportionate impact of the ordinance caused by the property's uniqueness exists.

In the instant case, due to the events that led to the creation and configuration of the subject property, special circumstances or conditions that are peculiar to the land and/or the structure which are the subjects of the variance requests do exist, said subject property meets the burden of the first test as established in *Cromwell*. Furthermore, all the variances that have been requested by the Petitioners are for the proposed Lot 1-A which is improved by the existing home which was built by the Petitioners after the issuance of a building permit by Baltimore County, Maryland. Proposed Lot 2-A as set forth on the Plan to Accompany Petition for Variances does not require a variance. At the time Mr. Myers undertook his subdivision, the prior property was zoned DR 3.5, and the subject property was zoned DR 3.5 at the time the existing home was built.

Pursuant to the Baltimore County Zoning Regulations which were in place as of 1983, the property had adequate lot width, front yard depth, sum of side yard width, and rear yard depth. Under the present zoning designation of DR 2, said subject property lacks adequate lot width. It is important again to note that the prior subdivision of the property was not at the hand of the Petitioners, but rather of a predessor in title, which takes us to the second step in this process with respect to hardship.

The Office of Planning in a Memorandum dated April 12, 2004 recommended that the Petitioners' request be denied due to the fact that the hardship was self-imposed due to the creation of a panhandle lot. While applying the two-prong test created in *Cromwell*, it must now be considered in light of subsequent cases heard by the Court of Appeals. In *Richard Rosser Professional Builder, Inc. v. Anne Arundel County*, 368 Md. 294, 793 A.2d 545 (2002), the Court of Appeals stated "the types of hardships that are normally considered to be self-created in cases of this type cannot arise from purchase or knowledge of zoning restrictions when purchased but

arise from those actions of the land owner himself or herself that create the hardship after the purchase, rather than the hardship impact, if any, under zoning ordinance of the property. *Id. at, 793 A.2d 558.* The Court gave the example of a classic case of self created hardship of when a property owner builds a car port which is too close to a property line and then seeks a variance. The Court of Appeals in *Stansbury v. Jones, 372 Md. 172, 812 A.2d 312 (2002)* stated "more important, subdividing the property in accordance with all applicable statutes does not generally constitute the self-created hardship in respect to the property within the subdivision." *Id. at 812 A.2d 324.* The Court further stated in *Stansbury* that compliance with the statute ordinarily is not self-created hardship and is not such in the present case. *Id. at 812 A.2d 321.* In the instant case, the Petitioners are attempting to comply with the policies of the Baltimore County Office of Planning by providing the proposed Lot 2-A with fee simple access to the public road right-of-way known as Hilton Avenue. The Petitioners propose to provide fee access via a narrow strip of land which creates a pan handle lot. On the other hand the Office of Planning in Part III: Comprehensive Manual of Development Policies states that in all DR Zones that these "panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas and to provide access to interior lots where a public road is neither feasible or desirable." On one hand the Petitioner is trying to comply with the desire of the Office of Planning for the proposed Lot 2-A to have fee access to Hilton Avenue, but on the other hand, the same Office of Planning issued a comment that the Petitioners attempt to subdivide the subject property via a panhandle lot is a self imposed hardship. The total land area of the subject property is 42,232 square feet, more or less. The minimum lot size for property in an RC 2 zone is 20,000 square feet. It is entirely possible that the proposed lots could be reconfigured in such a way as to avoid the necessity for any variances, however, this could not be done while providing the proposed Lot 2-A with fee simple access to the public road right-of-way. Rather, the owner of proposed Lot 1-A would need to grant an easement for ingress, egress and regress for the use and benefit of proposed Lot 2-A in order to provide for access to Hilton Avenue. However, by proceeding in such a fashion, the Petitioners' plan would not be within the spirit and intent of the policies of the Office of Planning. From a practical

standpoint, whether it is via fee ownership or via an easement, proposed Lot 2-A would access the public road right-of-way known as Hilton Avenue in exactly the same fashion; the only difference being that proposed Lot 1-A would not longer require variances in order to be in compliance with the present zoning regulations. The Office of Planning further states that the Petitioners are not entitled to a panhandle lot by right. Petitioners believe that statement is irrelevant with respect to the two-prong test set forth in *Cromwell*, and that the approval of the proposed pan handle lot is a matter that should be addressed during the minor subdivision process. If it is the position of the Office of Planning that the Petitioners desire to comply with their policies is a self-imposed hardship, the Petitioner argues that the Office of Planning position is not supported by Maryland case law.

III Conclusion

The testimony and evidence presented to the Zoning Commissioner supports the Petitioner's request for variances. The subject property is due to circumstances beyond the Petitioner's control is unique and clearly the Petitioner's would be faced with an undue hardship that is not self imposed. The Petitioners are attempting to create a second building lot, which is permitted under the current zoning designation of DR 2. Additionally, the subject property is not on the Log of Issues for the 2004 CZMP. In order to comply with the desire of the Office of Planning to provide fee simple access to Hilton Avenue, the Petitioners have proposed that Lot 2-A, be a panhandle lot. The Office of Planning comments regarding the proposed pan handle lot should be addressed during the minor subdivision review process. Furthermore, the Petitioner will have to address the situation caused by Mr. Myers, previous subdivision of the property by deed and description. Without the granting of the requested relief, the Petitioners will not be given the opportunity to address the issues that confront them before various agencies of county government. The Petitioners believe that they have met the burden of proof with respect to the requested relief and they are prepared to address any further issues regarding their yet to be submitted minor subdivision plan during the review process. Therefore, the Petitioners

respectfully request that the Zoning Commissioner for Baltimore County pass an order granting the requested variance relief.

Lawrence M. Hammond
Hammond & Hammond, LLC
465 Main Street, P.O. Box 569
Reisterstown, Maryland, 21136
(410) 833-7576
Attorneys for Petitioners

Certificate of Service

I hereby certify that on this 27th day of May, 2004, a copy of the foregoing Post-Hearing Memorandum was mailed, first class, postage prepaid to the following:

Peter Max Zimmerman, Esquire
Peoples' Council for Baltimore County
Old Court House, Room 47
Towson, Maryland 21204

Mr. John B. O'Donnell, Jr.
601 Hilton Avenue
Catonsville, Maryland 21228

Lawrence M. Hammond

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Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

August 5, 2004

Lawrence M. Hammond, Esquire
Hammond & Hammond
465 Main Street, P.O. Box 569
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
E/S Hilton Avenue, 70' S of the c/l Oak Hill Road
(519-C Hilton Avenue)
1st Election District – 1st Council District
Edward M. Serp, et ux - Petitioners
Case No. 04-437-A

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Edward M. Serp
519-C Hilton Avenue, Catonsville, Md. 21228
Mr. Kevin Wight, W. Duvall & Associates, Inc.
530 E. Joppa Road, Towson, Md. 21286
Mr. John B. O'Donnell, Jr., 601 Hilton Avenue, Catonsville, Md. 21228
People's Counsel; Case File

Printed on Recycled Paper

PROPOSED MINOR SUBDIVISION OF THE SERP PROPERTY

PETITION FOR VARIANCE CONTINUATION PAGE

a) 1B02.3.C.1 of the Baltimore County Zoning Regulations requesting a lot width at the front building line of Sixty-six (66) feet in lieu of the required minimum of One Hundred (100) feet for the proposed Lot 1A as shown of the Plan to Accompany Petition for Variances; and

b) 1B02.3.C.1 of the Baltimore County Zoning Regulations requesting ~~a lot width~~ Lot for the individual side yard on the south side of the existing dwelling of Thirteen (13) feet in lieu of the required minimum Fifteen (15) feet for the proposed Lot 1A as shown of the Plan to Accompany Petition for Variances; and

c) 1B02.3.C.1 of the Baltimore County Zoning Regulations requesting the sum of the minimum side yard width of Twenty-eight (28) feet in lieu of the required Forty (40) feet for the proposed Lot 1A as shown of the Plan to Accompany Petition for Variances

PROPOSED MINOR SUBDIVISION OF THE SERP PROPERTY

PETITION FOR VARIANCE CONTINUATION PAGE 2

That the existing lot known as 519C Hilton Avenue is undersized with respect to lot width (at front building line of existing dwelling), and as a result of the orientation of the existing dwelling, the proposed minor-subdivision of the Serp Property would not be possible without the requested relief being granted.

Amended

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 519 C Hilton Avenue

which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE CONTINUATION PAGE

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

PLEASE SEE CONTINUATION PAGE 2

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Lawrence M. Hammond, Esquire
Name - Type or Print

Signature

Hammond & Hammond, LLC
Company

465 Main Street, P.O. Box 569
Address Telephone No.

Reisterstown, MD 21136 (410)833-7576
City State Zip Code

Legal Owner(s):

Edward M. Serp
Name - Type or Print

Signature

Betsy N. Serp
Name - Type or Print

Signature

519 C Hilton Avenue (410) 747-8455
Address Telephone No.

Catonsville, MD 21228
City State Zip Code

Representative to be Contacted:

Lawrence M. Hammond
Name

465 Main Street, P.O. Box 569
Address Telephone No.

Reisterstown, MD (410) 833-7576
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

Case No. _____

ORDER RECEIVED FOR FILING
Date 8/4/14
By

REV 9/15/98

PROPOSED MINOR SUBDIVISION OF THE SERP PROPERTY

PETITION FOR VARIANCE CONTINUATION PAGE

a) 1B02.3.C.1 of the Baltimore County Zoning Regulations requesting a lot width at the front building line of Sixty-seven (67) feet in lieu of the required minimum of One Hundred (100) feet for the proposed Lot 1A as shown on the Plan to Accompany Petition for Variance; and

b) 1B02.3.C.1 of the Baltimore County Zoning Regulations requesting a lot width for the individual side yard on the south side of the dwelling of Fourteen (14) feet in lieu of the required minimum of Fifteen (15)feet for the proposed Lot 1A as shown on the Plan to Accompany Petition for Variance; and

c) 1B02.3.C.1 of the Baltimore County Zoning Regulations requesting the sum of the minimum side yard width of Twenty Four (24) feet in lieu of the required minimum of Forty (40)feet for the proposed Lot 1A as shown on the Plan to Accompany Petition for Variance; and

d) 1B02.3.C.1 of the Baltimore County Zoning Regulations requesting a lot width for the individual side yard on the north side of the dwelling of Ten (10) feet in lieu of the required minimum of Fifteen (15)feet for the proposed Lot 1A as shown on the Plan to Accompany Petition for Variance; and

ORDER RECEIVED FOR FILING
Date 3/4/15
By

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

530 East Joppa Road
Towson, Maryland 21286

e-mail: wduvall2@verizon.net

Telephone: (410) 583-9571
Fax: (410) 583-1513

Zoning Description
Serp Property
519 C Hilton Avenue

Beginning for the same at a point on the easterly side of Hilton Avenue as proposed 60 feet wide, at the distance of 70 feet, more or less south of the centerline of Oak Hill Road, which is 40 feet wide, thence the following courses and distances;

1) South 71 degrees 19 minutes 30 seconds East, 289.17 feet,
2) South 23 degrees 54 minutes 40 seconds West, 87.04 feet,
3) North 66 degrees 05 minutes 20 seconds West, 280.00 feet, and
4) North 16 degrees 25 minutes 36 seconds East, 61.17 feet to the place of beginning.

Containing 0.4826 acres of land, more or less.

Being part of that property described in a deed dated April 21, 2002 and recorded among the Land Records of Baltimore County in Liber 16363, Folio 489. The property specifically described herein is pending the resubdivision of the existing whole parcel into two lots.

457

NOTICE OF ZONING 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: 04-437-A
519-C Hilton Avenue
E/side of Hilton Avenue @ the distance of 20 feet s/of the centerline of Oak Hill Road extended
1st Election District-1st Councilmanic District
Legal Owner(s): Edward & Betsy Serp

Variance: to permit a lot width at the front building line of sixty-six (66) feet in lieu of the required minimum of one hundred (100) feet. To permit for the individual side yard on the south side of the existing dwelling of thirteen (13) feet in lieu of the required *minimum fifteen (15) feet.* To permit the sum of the minimum side yard width of twenty-eight (28) feet in lieu of the required forty (40) feet.

Hearing: Wednesday, May 12, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/4/801 Apr. 27 C661836

CERTIFICATE OF PUBLICATION

4/28/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/27/, 2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 35729

DATE 3-24-04 ACCOUNT 001-000-6150

AMOUNT $ 65.00

RECEIVED FROM Hammond & Hammond

519 E HILTON AVE ITEM # 437

FOR: VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
3/24/2004	3/24/2004	09:42:31	2

RCT WBS04 WALKIN DOCL DWD
>>RECEIPT H 289715 3/24/2004 OFLN
Dept 5 628 ZONING VERIFICATION
CR NO. 035729
Rcpt Tot $65.00
$65.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-437-A

Petitioner/Developer:

Edward + Betsy Serp

Date of Hearing/Closing: 5-12-04

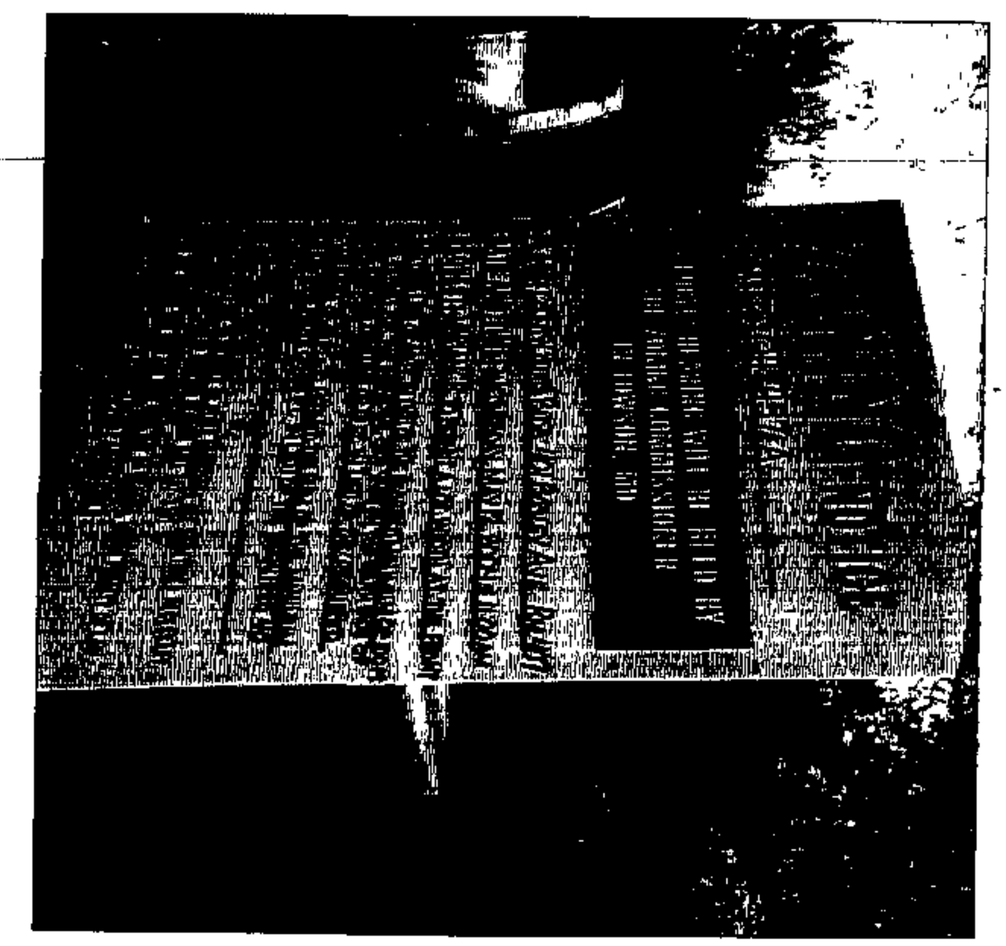
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Becky Hart

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 519C Hilton Avenue Catonsville, MD 21228

The sign(s) were posted on April 22, 2004
(Month, Day, Year)



Sincerely,

Stacy Gardner 4/22/04
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
(Address)

410-781-4000
(City, State, Zip Code)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements The newspaper will bill the person listed below for the advertising This advertising is due upon receipt and should be remitted directly to the newspaper

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:

Item Number or Case Number: 04-437-A

Petitioner: Edward & Betsy Serp

Address or Location: 519C Hilton Avenue, Catonsville MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence M. Hammond, Esquire

Address: 465 Main Street, P.O. Box 569
Reisterstown, MD 21136

Telephone Number: (410) 833-7576

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 27, 2004 Issue - Jeffersonian

Please forward billing to:
Lawrence Hammond
465 Main Street, P.O. Box 567
Reisterstown, MD 21136

410-833-7576

NOTICE OF ZONING 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: 04-437-A
519-C Hilton Avenue
E/side of Hilton Avenue @ the distance of 20 feet s/of the centerline of Oak Hill Road extended
1st Election District – 1st Councilmanic District
Legal Owners: Edward & Betsy Serp

Variance to permit a lot width at the front building line of sixty-six (66) feet in lieu of the required minimum of one hundred (100) feet. To permit for the individual side yard on the south side of the existing dwelling of thirteen (13) feet in lieu of the required minimum fifteen (15) feet. To permit the sum of the minimum side yard width of twenty-eight (28) feet in lieu of the required forty (40) feet.

Hearing: Wednesday, May 12, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T Smith, Jr., County Executive
Timothy M Kotroco, Director

March 31, 2004

NOTICE OF ZONING 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: 04-437-A
519-C Hilton Avenue
E/side of Hilton Avenue @ the distance of 20 feet s/of the centerline of Oak Hill Road extended
1st Election District – 1st Councilmanic District
Legal Owners: Edward & Betsy Serp

Variance to permit a lot width at the front building line of sixty-six (66) feet in lieu of the required minimum of one hundred (100) feet. To permit for the individual side yard on the south side of the existing dwelling of thirteen (13) feet in lieu of the required minimum fifteen (15) feet. To permit the sum of the minimum side yard width of twenty-eight (28) feet in lieu of the required forty (40) feet.

Hearing: Wednesday, May 12, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Lawrence Hammond, 465 Main Street, P.O. Box 569, Reisterstown 21136
Edward & Betsy Serp, 519C Hilton Avenue, Catonsville 21228

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 27, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

PP'd to 7/26/05 - request of Counsel for Mary Burton.

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 1, 2005

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-437-A **IN THE MATTER OF: EDWARD SERP -Petitioner**
519-C Hilton Avenue
1st Election District; 1st Councilmanic District

8/06/04 - Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

which had been assigned to be heard on 3/08/05 has been **POSTPONED** at the request of Counsel for Petitioners due to unavailability of witness; and has been

REASSIGNED FOR: **TUESDAY, JULY 12, 2005 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 B, 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Counsel for Legal Owners /Petitioners : Lawrence Hammond, Esquire
Legal Owners /Petitioners : Edward Serp and Betsy Serp
Kevin Wight /W. Duvall & Associates

John B. O'Donnell
Mary Lewis Burton
aka Mary Catherine Lewis Romoser

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Transcript to 6/23/05 by P.C.

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 14, 2005

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 04-437-A

IN THE MATTER OF: EDWARD SERP -Petitioner
519-C Hilton Avenue
1st Election District; 1st Councilmanic District

8/06/04 - Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

which had been reassigned to be heard on 7/12/05 has been **POSTPONED** at the request of Counsel for Mary Burton due to schedule conflict; and has been

REASSIGNED FOR: **TUESDAY, JULY 26, 2005 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 B, 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Counsel for Legal Owners /Petitioners : Lawrence Hammond, Esquire
Legal Owners /Petitioners : Edward Serp and Betsy Serp

Counsel for Adjacent Property Owner (Burton) : Francis X. Borgerding, Jr., Esquire
Adjacent Property Owner : Mary Burton

Kevin Wight /W. Duvall & Associates

John B. O'Donnell

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 23, 2005

Lawrence M. Stahl, Esquire
Chairman, County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Edward Serp - Petitioner
Case No.: 04-437-A

Dear Mr. Stahl:

I am writing to request a postponement of the hearing set for July 26, 2005 at 10:00 a.m. We have been informed that one of our witnesses will be unavailable due to a prior scheduled vacation followed by a surgical procedure.

Thank you in advance for your anticipated consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel

PMZ\rmw

cc: Lawrence Hammond, Esquire
Francis X. Borgerding, Jr, Esquire

RECEIVED
MAR 23 2005
BALTIMORE COUNTY
BOARD OF APPEALS

PC ✓
Poss 6/23 FB ✓
LH L.M.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd to 10-6-05 - req. of petitioner

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 13, 2005

NOTICE OF REASSIGNMENT

CASE #: 04-437-A

IN THE MATTER OF: EDWARD SERP -Petitioner
519-C Hilton Avenue
1st Election District; 1st Councilmanic District

8/06/04 - Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

which had been scheduled to be heard on 7/26/05 has been **REASSIGNED** for hearing at the request of People's Counsel for Baltimore County Counsel (witnesses unavailable – vacation /surgical procedure); and has been

REASSIGNED FOR: **THURSDAY, JUNE 23, 2005 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 B, 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c:

Appellant	: Office of People's Counsel
Counsel for Legal Owners /Petitioners	: Lawrence Hammond, Esquire
Legal Owners /Petitioners	: Edward Serp and Betsy Serp
Counsel for Adjacent Property Owner (Burton)	: Francis X. Borgerding, Jr., Esquire
Adjacent Property Owner	: Mary Burton
Kevin Wight /W. Duvall & Associates	
John B. O'Donnell	
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Timothy M. Kotroco, Director /PDM	

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 19, 2005

FOURTH NOTICE OF POSTPONEMENT / REASSIGNMENT *

CASE #: 04-437-A **IN THE MATTER OF: EDWARD SERP -Petitioner**
519-C Hilton Avenue
1st Election District; 1st Councilmanic District

8/06/04 - Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

which had been reassigned to be heard on 6/23/05 has been **POSTPONED** at the request of Petitioner (retaining new counsel). ***NO FURTHER POSTPONEMENTS WILL BE GRANTED IN THIS MATTER EXCEPT FOR EXTRAORDINARY CIRCUMSTANCES**. This case has been

REASSIGNED FOR: **THURSDAY, OCTOBER 6, 2005 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 B, 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c:

Appellant	: Office of People's Counsel
Legal Owners /Petitioners	: Edward Serp and Betsy Serp
Counsel for Adjacent Property Owner (Burton)	: Francis X. Borgerding, Jr., Esquire
Adjacent Property Owner	: Mary Burton
Kevin Wight /W. Duvall & Associates	
John B. O'Donnell	
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Timothy M. Kotroco, Director /PDM	

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 12, 2005

NOTICE OF DELIBERATION

IN THE MATTER OF:

Edward Serp – Legal Owner /Petitioner
Case No. 04-437-A

Having heard this matter on 10/06/05, public deliberation has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, NOVEMBER 9, 2005 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel

Legal Owners /Petitioners : Edward Serp and Betsy Serp

Counsel for Adjacent Property Owner (Burton) : Francis X. Borgerding, Jr., Esquire
Adjacent Property Owner : Mary Burton

Kevin Wight /W. Duvall & Associates

John B. O'Donnell

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

FYI: 5-6-7

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Department of Permits and Development Management

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

Baltimore County

James T Smith, Jr., County Executive
Timothy M Kotroco, Director

May 3, 2004

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
P.O. Box 569
Reisterstown, Maryland 21136

Dear Mr. Hammond:

RE: Case Number:04-437-A, 519 C Hilton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Edward M. and Betsy M. Serp 519 C Hilton Avenue Catonsville 21228

Printed on Recycled Paper

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA
State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.5.04

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

RE: Baltimore County
Item No. 437 JRF

Dear. Ms.Matthews:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 31, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2004

Item No.: 436-449 437

Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Printed on Recycled Paper

To DD
See me
2/25/05

BALTIMORE COUNTY, MARYLAND

INTEROFFICE MEMORANDUM

TO: W. CARL RICHARDS, JR., ZONING SUPERVISOR

FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY PMZ

SUBJECT: IN THE MATTER OF EDWARD & BETSY SERP

CASE NO.: 04-437-A

DATE: FEBRUARY 25, 2005

This case has been appealed to the County Board of Appeals and is currently scheduled for hearing on March 8, 2005. The property is located at 519C Hilton Avenue. We request that your office provide us with a letter or memorandum stating the full zoning history of the matter for use at the County Board of Appeals hearing. Be advised we need the zoning history for this case before we need the history on the other cases we requested.

If you have any questions, please contact my office. Thank you in advance for your cooperation. I have enclosed the Zoning Commissioner decision and a copy of the site plan. Please return the site plan, when finished.

SW4F-G

1971 - DR 3.5
1980 DR 3.5
1984 DR 3.5
89 DR 3.5
92 DR 3.5
96 DR 2

PMZ/rmw

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 12, 2004

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

SUBJECT: 519 Hilton Avenue

INFORMATION:

Item Number: 4-437

Petitioner: Edward M. Serp

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request be **DENIED** due to the following reason(s):

1. This office has determined that there are no special circumstances or conditions existing on the subject site that are peculiar to the land or structure where strict compliance of the BCZR would result in practical difficulty of unreasonable hardship.
2. The conditions from which the petitioner is seeking relief are self-imposed due to the creation of a panhandle lot that is not permitted by right.
3. The proposed panhandle lot does not meet the criteria stated in Section 26-266 of the Baltimore County Code.

Prepared by: Martha A Cunningham

Division Chief: Lynn Lanham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JTD

DATE: April 5, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-436
04-437
04-438
04-439
04-440
04-441
04-445
04-446
04-447
04-448
04-449

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: May 18, 2004

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 12, ~~2004~~,
Item Nos. 436, 437, 438, 439, 440, 441,
445, 446, 447, ~~448~~, and 449

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

BEFORE THE COUNTY BOARD OF APPEARS
OF BALTIMORE COUNTY

IN THE MATTER OF:	*	
EDWARD SERP,	*	Case No.: 04-437-A
Petitioner	*	

* * * * * * * * * * * * *

MOTION TO STRIKE APPEARANCE

NOW COMES Lawrence M. Hammond and Hammond & Hammond, LLC and moves to have their appearance stricken in the above entitled matter as counsel for the Petitioner, by agreement.

Lawrence M. Hammond
Hammond & Hammond, LLC
465 Main Street
P. O. Box 569
Reisterstown, MD 21136
410-833-7576

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 2005, a copy of the foregoing Motion to Strike Appearance and proposed Order was mailed, first class postage prepaid, to:

Peter Max Zimmerman, Esquire
Office of People's Counsel
Room 47, Old Court House
400 Washington Avenue
Towson, MD 21204

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Francis X. Borgerding, Jr., Esquire
Suite 600 Mercantile Building
409 Washington Avenue
Towson, MD 21204

Mr. Edward M. Serp
519 Hilton Avenue
Catonsville, MD 21228

Lawrence M. Hammond

e:\mydocs(dje)\lmh\serpmotstrike.app

BEFORE THE COUNTY BOARD OF APPEARS
OF BALTIMORE COUNTY

IN THE MATTER OF:	*	
EDWARD SERP,	*	Case No.: 04-437-A
Petitioner	*	

* * * * * * * * * * * * *

ORDER TO STRIKE APPEARANCE

UPON THE Motion to Strike Appearance filed herein, it is hereby

ORDERED that the appearance of Lawrence M. Hammond and Hammond & Hammond, LLC on behalf of the Petitioner is hereby stricken.

_____

RE:	PETITION FOR VARIANCE 519 C Hilton Avenue; E/side of Hilton Avenue, 20' S c/line of Oark Hill Road extended 1st Election & 1st Councilmanic Districts Legal Owner(s): Edward M & Betty M Serp Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-437-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to, Lawrence M Hammond, Esquire, Hammond & Hammond, LLC, 465 Main Street, P.O. Box 569, Reisterstown, MD 21136, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
APR 0 8 2004
Per.....

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 18, 2004

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE
E/S Hilton Avenue, 70' S of the c/l of Oak Hill Road
(519 C Hilton Avenue)
1st Election District; 1st Council District
Edward M. & Betsy M. Serp - Petitioner(s)
Case No.: 04-437-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated August 6, 2004 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Lawrence M. Hammond, Esquire
Mr. John B. O'Donnell, Jr.

RECEIVED
AUG 18 2004
Per C.L.B.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr, County Executive
Timothy M. Kotroco, Director

September 23, 2004

Lawrence Hammond, Esquire
Hammond & Hammond
465 Main Street, P.O. Box 569
Reisterstown, MD 21136

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Mr. Hammond:

RE: Case: 04-437-A, 519-C Hilton Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on August 18, 2004 by the Office of People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Mr. & Mrs. Edward Serp, 519-C Hilton Avenue, Catonsville 21228
Mr. Kevin Wight, W. Duvall & Associates, 530 E. Joppa Road, Towson 21286
Mr. John B. O'Donnell, Jr., 601 Hilton Avenue, Catonsville 21228

Printed on Recycled Paper

Case No. 04-437-A

In the Matter of: Edward Serp, et ux /Petitioners-Legal Owners
519-C Hilton Avenue 1st E; 1st C

VAR – To permit lot width at the front bldg line of 67' ilo req'd 100'; to permit side yard setbacks of 14' (S/s) and 10' (N/s) ilo required 15' each; and to permit a sum of side yd widths of 28' ilo req'd 40;

8/06/04 - Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

11/22/04 – Letter from Mary L. Burton (aka, Mary C.L. Romoser); to receive notice of hearing and all other correspondence in this matter; to be sent to:

Mary Lewis Burton
aka Mary Catherine Lewis Romoser
521 Hilton Avenue
Catonsville MD 21228
410-747-0355

12/08/04 -Notice of Assignment sent to following; assigned for hearing on Tuesday, March 8, 2005 at 10 a.m.:

Office of People's Counsel
Lawrence Hammond, Esquire
Edward Serp and Betsy Serp
Kevin Wight /W. Duvall & Associates
John B. O'Donnell
Mary Lewis Burton
aka Mary Catherine Lewis Romoser
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

2/28/05 – T/C from office of L. Hammond – engineer has left his position at firm; was to have been called as a witness in this matter; no one is available to appear in his place. Letter requesting PP to be faxed this date. -- Request for PP received this date. Copy also faxed directly to Mr. Zimmerman. PP to be granted. No objection by People's Counsel but would have a conflict with reassignment week of Memorial Day.

3/01/05 – Notice of PP and Reassignment sent to parties this date; case reassigned to Tuesday, July 12, 2005 at 10:00 a.m.

3/10/05 – Entry of Appearance on behalf of Mary Burton, adjoining property owner; request for postponement from 7/12/05 hearing date; will be out of state on vacation.

3/14/05 – Second Notice of PP and Reassignment issued this date; reassigned to Tuesday, July 26, 2005 at 10 a.m.

3/23/05 – Request for postponement filed by Office of People's Counsel; witnesses unavailable on reassigned date due to vacation /surgical procedure. T/Cs to F. Borgerding and L. Hammond to confirm reassignment date; confirmed same with P. Zimmerman (6/23/05).

4/13/05 – Notice of Reassignment sent to parties; case reassigned to earlier date available on Board's schedule; reassigned to Thursday, June 23, 2005 at 10:00 a.m.

4/14/05 – Letter from Lawrence Hammond, Esquire – Mr. Serp is retaining new counsel; will strike his appearance as soon as he is advised of new counsel. In the interim, suggests contacting Mr. Serp directly regarding hearing dates, etc.

4/26/05 – T/C from Mr. Serp. He is retaining new counsel; possible problem with 6/23/05 hearing date. Advised Mr. Serp that a postponement must be requested in writing; also rules re postponement and time frame for such requests.

5/10/05 – As stated in a previous telephone call, letter requesting postponement from 6/23/05 hearing date filed this date by Edward Serp, Petitioner. Mr. Serp is retaining new counsel and needs additional time since the matter was moved from a July date to the June date by request of People's Counsel. Copy of letter provided to Mr. Zimmerman's office this date; copy sent to Mr. Borgerding via FAX this date as well.

5/19/05 – Notice of PP and Reassignment sent to parties; case reassigned to Thursday, October 6, 2005 at 10:00 a.m. NOTE: Notice to all parties that no further postponements will be granted in this matter except for extraordinary circumstances.

6/17/05 – Motion to Strike Appearance filed by Lawrence M Hammond, Esquire as counsel for Petitioner, by agreement. File noted.

6/21/05 – Letter to Mr. Hammond acknowledging receipt of his motion and indicating that the file has been noted and his appearance stricken.

10/06/05 – Board convened for hearing; completed this date. (Brassil, Quinn, Crizer). No memos to be filed ; public deliberation to be scheduled.

10/12/05 – Notice of Deliberation sent to parties; assigned for Wednesday, November 9, 2005 at 9:30 a.m. FYI copy to 5-6-7.

11/09/05 – Board convened for public deliberation (Brassil, Quinn, Crizer); unanimous decision of the Board that the requested variance relief is DENIED; written Opinion and Order to be issued; appellate period to run from date of written Order. (6-J)

EXHIBIT "G"

DEVOLUTION OF TITLE FOR 519-C HILTON AVENUE

The Land Record Holding Company

|

DEED
9/25/1950
9/27/1950
TBS 1887-187
Amelia E. Vordemberge, life estate, full powers with remainder to
Herman L. Vordemberge and Olivia B. Vordemberge, his wife

|

Amelia E. Vordemberge, deceased

|

Olivia B. Vordemberge, deceased, July 13, 1979

|

Herman L. Vordemberge
|
DEED
7/19/1979
8/3/1979
EHK,Jr., 6057-567
James A. Myers

|
DEED
5/31/1983
6/01/1983
EHK, Jr., 6532-520
Margaret C. Gallagher
|

EXHIBIT "G" continued

DEED
3/25/1987
4/16/1987
SM 7490-343
Edward M. Serp & Helen J. Holden
Edward M. Serp
Helen J. Holden
|
DEED
7/16/1991
8/15/1991
SM 8883-575
Edward M. Serp
|
DEED
4/21/2002
SM 16363-489
Edward M. Serp
Betsy N. Serp

Amber Funk
1908 Rollingwood Rd.
Catonsville, MD 21228
September 29, 2005

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

Re: Variance Petition Case #: 04-437-A 519C Hilton Avenue

Dear Sir/Madam,

I am writing to contest the variance petition for the property at 519C Hilton Ave. I thought this was just about some technicalities to put an addition onto the existing house. Then I found out that it is mostly for subdividing the property and constructing a whole additional house in the backyard. These lots are all similar and were not designed to have two houses on them. It won't look right if one is put back there.

Catonsville is being dug up in every nook and cranny. It is losing its charm because of this. Oak Forest is a charming and serene old Catonsville neighborhood. I think it if this variance is permitted and a house is put up in this backyard it will take away from this neighborhood. There is already one large and I must say, gorgeous house and barn on this lot. I see no room for two.

Please do not grant this variance.

Thank you.

Amber Funk

Amber Funk

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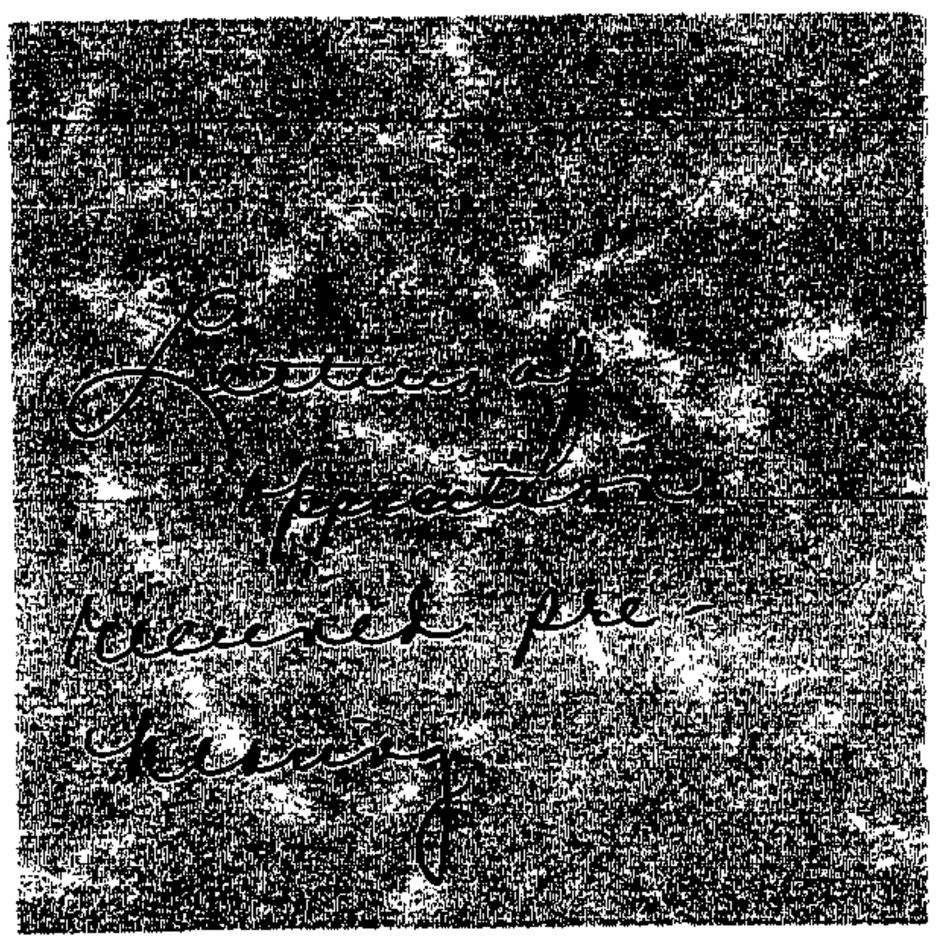

RECEIVED
OCT 03 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Keith MacLeod
1910 Clifden Road
Catonsville, MD 21228
September 26, 2005

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

Re: Variance Petition Case #: 04-437-A
519C Hilton Avenue

Dear County Board of Appeals,

The purpose of this letter is to oppose the above petition for the property at 519C Hilton Ave.

I must say I was surprised to see that the owner would even want to subdivide his lot and build a second house right behind his own and his neighbor's homes. I can't picture a second house on any of those lots. They're all about the same and it just won't look right, nor can I fathom how he could possibly stand it. Though I understand he has talked of plans to move into the new house or just plain move out of state.

This is a peaceful old Catonsville neighborhood. I think it will be harmful this neighborhood if this variance is granted and a house is allowed to be crowded into this backyard. There is yet another new development in the works down the street near the end of Hilton Avenue. That's where the new houses belong, not jammed into someone's back yard in the middle of an old, established, historical neighborhood like this one.

I believe property owners should be allowed to do what they want with their property. However, they must consider the effects of what they are planning to do on others. We all have to live we each other and must be considerate of each other. These folks already have a big house and barn on their property. I don't think it will hurt them not to be able to build another house on it.

Yours Truly

Keith MacLeod

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OCT 03 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Francis Meekins
1621 Park Grove Ave.
Catonsville, MD 21228
September 29, 2005

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

Re: Variance Petition Case #: 04-437-A ----- 519C Hilton Avenue

Dear Board Members:

I am writing to oppose the variance petition for the property at 519C Hilton Ave. I am a resident of the Oak Forest Community and live right around the corner from 519C Hilton.

I was under the mistaken impression that this variance request was just simply for an addition to the existing house, but have since been advised that it is also for subdividing the lot and building a whole second house on that property. I was astonished that the owners would want to build a second house in their back yard. It's too small and won't go with the rest of the lots. They're all similar, large yards that back up to woods and it would be an eyesore.

Besides the effect it would have on the neighbors, it would be bad for our entire neighborhood. Allowing this subdivision could be the start of a bad trend. We're already dealing with a new development that might be built at the end of Hilton Avenue. This part of Hilton is older, peaceful and beautiful. Let's not allow it to be chopped up and every square inch of it built upon until there's nothing left.

Sincerely,

Francis Meekins

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POST – APPEAL

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OCT 03 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Mr. & Mrs. Julius Stiffler
518 Hilton Avenue
Catonsville, MD 21228
September 25, 2005

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

Re: Variance Petition Case #: 04-437-A
519C Hilton Avenue

Dear Baltimore County Board of Appeals,

We are writing in reference to the above petition for variances requested for the Serp property at 519C Hilton Ave. We would like to advise that we are against the granting of this variance for a variety of reasons and it is unfortunate that we are unable to appear in person to discuss them. We hope this letter will adequately explain our position.

From what we understand there are specific issues at hand. One is whether or not it will cause the Serps any "unreasonable hardship" or "practical difficulty" if the variance is denied they don't build this additional house. We can not see how not being able to build a second house in your backyard could possibly cause either of those situations.

Another is whether or not the lot is "unique" or not. The property at 519C is similar to other lots in the neighborhood. There's nothing distinctive or unique about it.

We were happy when Mr. Serp purchased the property in 1988 from Mrs. Gallagher and built such an attractive home that blended in so well with the rest of our neighborhood. We are objecting to this subdivision because a second house will be crowded into the backyard, and it will look like it is crowed into a backyard. It will not blend in with the rest of the neighborhood.

If the variance is granted, it will be bad for the entire neighborhood. It will take away from the quintessence of the neighborhood and could have a domino effect as well.

We are asking that you please deny this variance petition.

Thank you for taking the time to read this letter.

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Sincerely,

Julius M Stiffler

Mr. & Mrs. Julius Stiffler

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OCT 03 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Bonnie B. Bilson
2021 Devere Lane
Catonsville, Maryland 21228

September 30, 2005

County Board of Appeals of Baltimore County
Hearing Room – Room 48
400 Washington Avenue
Towson, Maryland 21204

Re: 519C Hilton Avenue
Case No.: 04-437-A

Dear Sir or Madam:

It is my understanding that a zoning variance appeal hearing is going to be taking place in the above-referenced matter on October 6, 2005. I am a very concerned neighbor and wanted to express my sincere concerns and problems with this; however I am unable to attend the hearing myself as I have previously-scheduled plans.

I have lived in this area for my entire life (44 years). I enjoy Catonsville because of the atmosphere and serenity that I get when I come home. I am able to come home from work and enjoy the peace and quiet and privacy from my neighbors. I grew up on McCurley Avenue, only blocks away from Hilton and have many fond memories of riding my bike in the area and hanging out with the kids in the neighborhood. Traffic was not heavy since the neighborhoods were pretty spread out and we as children felt safe.

I understand that Mr. Serp wants to subdivide his lot and build a second house in his backyard. All of the houses along this section of Hilton Avenue back up to woods. All of the properties on Hilton Avenue have substantially the same amount of land. The neighborhood that was put at the end of Hilton has drastically changed the traffic pattern in the area. It is my belief that we don't need another house in the backyard of a neighbor. All of the neighbors on Hilton Avenue live in the area because they enjoy the atmosphere that they are so accustomed to because of the area and the neighborhood. If Mr. Serp is allowed to build this other house on his property, then slowly, there were be another house, and another house, and before we know it, there will be a development of houses. This is not why the people live on Hilton Avenue. If Mr. Serp desires to have two houses so close in proximity, then I suggest he buy a home where you could throw a rock at his neighbor. To my knowledge, this is purely a financial gain, and if that truly is the case, then Mr. Serp needs to sell his property and buy another home elsewhere. He would be sure to have a financial gain without jeopardizing the other neighbors' privacy or their livelihood.

Thank you for your consideration.

Very truly yours,

Bonnie B. Bilson

/bb

695791

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OCT 03 2005
BALTIMORE COUNTY
BOARD OF APPEALS

John B. O'Donnell, Jr.
601 Hilton Ave.
Catonsville, MD 21228

September 30, 2005

County Board of Appeals of Baltimore County
400 Washington Ave.
Towson MD 21204

RECEIVED
POST - APPEAL

Re: Case #04-437-A
Petition for variance 519C Hilton Ave.

Greetings:

I am writing to oppose the variances sought by Edward Serp for the property at 519C Hilton Ave. in Catonsville. I am a neighbor and live four houses away from the Serp property. Moreover, my wife and I own a one-half acre lot that abuts the Serp property on its southern boundary for approximately 110 feet.

Unfortunately, I am unable to attend the Oct. 6 hearing in the above captioned matter. I would have been able to be present at the first three dates scheduled for the hearing for which postponements were granted.

As I understand it, the Baltimore County Zoning Code allows variances "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." The application says, "The proposed minor subdivision would not be possible without the requested relief being granted."

I find it difficult to fathom how the inability to build a house in one's backyard – or to sell part of the backyard to a buyer who would build a house – constitutes a "practical difficulty or unreasonable hardship." I note that when this petition was before the Zoning Commissioner last year, the Department of Planning found that the petition did not meet that test. The department also noted that "the conditions from which the petitioner is seeking relief are self-imposed due to the creation of a panhandle lot that is not permitted by right," and that the proposed panhandle lot did not meet the criteria of Section 26-266 of the Baltimore County Code.

I might also note that the Serp property is much like the other properties on the east side of his area of Hilton Avenue, most of which are long and narrow lots.

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OCT 03 2005
BALTIMORE COUNTY
BOARD OF APPEALS

I also question whether, so to speak, the cart is before the horse in this matter. In other words, should Mr. Serp be in this forum now or should he be elsewhere? When this matter was before the Zoning Commissioner, Mr. Serp's attorney at that time disclosed that the subject property appears to be part of an unapproved subdivision. As I understand it, the Serp property was once part of a parcel of about two acres that was subdivided by deed – that is, the owner simply filed new deeds creating two parcels out of one. The owner apparently did not seek approval from the county for a minor subdivision.

As I understand matters, Mr. Serp needs to get approval for that earlier subdivision before he can subdivide his property to build a house in the back yard. Should he accomplish that before he seeks zoning variances? Without approval of the original subdivision, Mr. Serp cannot proceed with his plan. Therefore, without approval of the original subdivision, there is no point in the board considering his request for zoning variances.

I also wonder if Mr. Serp should not also file a minor subdivision plan for his current proposal at the same time that he seeks approval for the original subdivision – before seeking any zoning variances. I raise that question because Mr. Schmidt, in his Findings of Fact and Conclusions of Law, said that Mr. Serp may well have to seek yet another zoning variance if he wins approval to subdivide his lot into two lots. As Mr. Schmidt noted, Mr. Serp has an accessory structure on the back part of his property. That structure was not shown when he applied for the zoning variances he now seeks. Mr. Schmidt noted that accessory structures must be on the same lot as the primary structure. He wrote that if Mr. Serp wins approval to subdivide his lot, he *will either have to remove the structure, a two-story garage or barn, or obtain variance* relief.

I might note that Mr. Schmidt, in his Findings of Fact and Conclusions of Law, wrote at page 3, line 4, "Petitioners propose a small addition to the north side of the existing dwelling, which will further reduce the side yard setback on that side to 10 feet." It is my understanding that the addition already exists.

There appears to be a proliferation of houses being built behind other houses – perhaps in what was once a back yard – in our neighborhood, particularly on Hilton Avenue south of Mr. Serp's property. While I don't think that property owners should be denied any rights to which they are entitled, I would not like to see exceptions and variances to the Zoning Code and county regulations used to accelerate this trend.

Thank you for your attention to this.

Sincerely,

John B. O'Donnell, Jr.

RECEIVED
PO[illegible] APPEAL

Tom & Victoria Goodman
523 Hilton Avenue
Catonsville, MD 21228
September 22, 2005

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

RECEIVED
POST – APPEAL

Re: Case #: 04-437-A - 519C Hilton Avenue - Variance

Dear Panel Members,

We are writing in opposition to the petition for variances on Mr. and Mrs. Serp's property at 519C Hilton Ave. We live at 523 Hilton Ave., two houses down from the Serp's. Unfortunately we are unable to appear in person on the rescheduled hearing date.

Our understanding is that the Baltimore County Zoning Code allows variances "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship".

The lot in question is comparable to most of the lots on Hilton Avenue and there is nothing special or distinctive or "peculiar to the land" about it.

We don't see how not being able to build a second house in their backyard would result in "practical difficulty or unreasonable hardship". They have built a large, beautiful house with a 4 car garage and a second large detached 2-3 car garage or barn-like dwelling on the property and are certainly using their land. The only reason for the second house is for monetary gain.

We moved into Oak Forest and this particular house four years ago. We were attracted to the ambience of the "olde" neighborhood with big houses and large old growth trees. We chose our house because the backyard backs up to woods and is very private and tranquil. We spend a lot of time in our yard. This new house would change the atmosphere of our own backyard along with the possibility of starting a trend that would continue to wear away at the "olde" neighborhood until it loses its character and charm.

Granting this variance is just not worth the risk of the possible consequences of it, nor would it be fair to the surrounding neighbors, all of who are vehemently opposed to it.

Thank you for taking the time to read this.

Sincerely,
Mr & Mrs Tom Goodman
Mr. & Mrs. Goodman

RECEIVED
SEP 29 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Mr. & Mrs. Edward Kernan
525 Hilton Avenue
Catonsville, MD 21228
September 25, 2005

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

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POST - APPEAL

Re: Variance Petition Case #: 04-437-A - 519C Hilton Avenue

Dear County Board Members,

We live a couple of doors down from the property in question and ask that you please not grant the Variance requested.

Our backyard backs up to woods as do those most of the houses on this side of the street and this part of Hilton Avenue, including 519C. Subdividing that lot and putting a house there will destroy the continuity of all of our backyards on this part of Hilton Avenue. The Serp's lot is the same shape and structure as the rest of the lots on this section of Hilton and we all enjoy the luxury of our properties backing up to the same woods. Sticking a house in the middle of that backyard will greatly affect all of us other property owners.

It also will not cause the Serp's any extreme ''hardships or practical difficulties'' if they do not build a house in their backyard. They are already using their property and want to build this house for financial gain.

If this subdivision and additional house is allowed, we believe it will be detrimental to the entire neighborhood. This is an old Catonsville neighborhood with large homes and well-groomed, large lots. This subdivision just won't fit in with the neighborhood and may start something we don't want or won't be able to stop in the name of ''progress''.

Thank you.

Regards,

Mr & Mrs Edward Kernan

Mr. and Mrs. Edward Kernan

RECEIVED
SEP 2 9 2005
BALTIMORE COUNTY
BOARD OF APPEALS

September 23, 2005

County Board of Appeals
Old Courthouse, Room 49
Hearing Room, Room 48
400 Washington Ave.
Towson, MD 21204

RECEIVED
POST – APPEAL

Dear Board Members:

I am writing in reference to Variance Petition Case [04-437-A] which concerns a proposal to subdivide the property at 519C Hilton Ave.

The above variance petition case is in an area called Oak Forest in Catonsville. Oak Forest is a beautiful, tree lined neighborhood that is a pleasure to walk through on a nice afternoon. The houses are of different construction and style which adds to the unique character of the neighborhood. The neighborhood is bordered by Patapsco State Park.

I do not believe that further subdivision in Oak Forest would be beneficial to the area. Catonsville is currently very congested. Traffic on Frederick Road and Rolling Road as well as other places in Catonsville is frequently backed up—especially at rush hours.

Properties on the north side of Baltimore National Pike on North Rolling Road have been subdivided. As a result, numerous homes are now crowded onto pieces of property that formerly contained only one dwelling. Even though the houses that have been built are attractive, the positioning of numerous houses which almost touch each other on what was a one dwelling property looks very unattractive.

I oppose the subdivision of 519C Hilton Ave. because I believe that the practice of cramming more houses on one dwelling properties is not a good idea and this practice should not be expanded in the area of Oak Forest. To do so would only serve to begin the deterioration of a very special neighborhood.

Sincerely,

Charles F. Cook
215 Rollingfield Rd.
Catonsville, MD 21228

RECEIVED
SEP 2 9 2005
BALTIMORE COUNTY
BOARD OF APPEALS

S. Boarman
5 Rumford Drive, Unit 204
Catonsville, MD 21228

September 26, 2005

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
Hearing Room - Room 48
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
POST - APPEAL

Dear Sir/Madam,

Regarding Zoning Variance Appeals Case # 04-437-A

Please stop the building of homes on every inch of land in Catonsville. This trend has gotten out of control and is ruining the quality of life that long-time residents wanted most when they moved here. Deer and other animals from wooded areas are often seen on neighborhood streets due to the rapid development of open spaces leaving no where else for them to roam.

Now the owner of 519C Hilton Avenue wants to build a house in the yards of neighbors who would never have bought there had they known this infringement on their property would be tolerated. If one neighbor is allowed to chop up his land for profit, others will follow and everyone will suffer. Please don't let this happen.

Sincerely,

S. Boarman

Sally Boarman

RECEIVED
SEP 2 9 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Susan Dunn
2408 Harborwood Rd.
Catonsville, MD 21228
September 29, 2005

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

Re: Variance Petition Case #: 04-437-A 519C Hilton Avenue

Dear County Board of Appeals,

I am writing to oppose the above petition for the property at 519C Hilton Ave. I had originally understood that this was just a request for an addition to the existing house, which I would certainly have no problems with. But then I found out that it is also, and mainly for, subdividing the lot and building an entire second house in 519C's backyard and I felt compelled to voice my opinion.

There is so much building going on in Catonsville everywhere you turn. This is a peaceful old Catonsville neighborhood. I think it will be harmful to it if this variance is granted and a house is allowed to be stuffed into this yard. There is already another new development brewing down the street near the park which will bring 42 new houses to the neighborhood. While no one is thrilled with this, at least they will all be together and on the correct sized lots and place for the homes. Not crammed into a backyard and disrupting the continuity of the lots on that part of Hilton Avenue. It will also disturb an established old neighborhood and may start a trend that no one I know who lives there wants.

I do think that property owners should be able to do what they wish with their property up to a point, but they must consider what consequences their actions may have on their neighbors and neighborhood as a whole. In this case, the consequences outweigh the property owners' rights. These individuals have a big house and huge garage on their lot. I don't think it will harm them not to be able to build a second house in their yard.

Thank you for your time and interest in my opinion.

Best Regards,

Susan Dunn

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POST - APPEAL

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OCT 04 2005
BALTIMORE COUNTY
BOARD OF APPEALS

5/04/05

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

Dear Ms. Bianco,

My Case# 04-437-A has been reassigned a court date for Thursday June 23,2005. As you are aware I am retaining new counsel to represent me in this case and will not have the time to secure this counsel by the date given (which had been previously assigned for 7/26/05 but was changed due to a request from People's counsel). I would request that the case be reassigned to new date that I understand are now being set for the docket in October 2005 timeframe. I would appreciate your help in getting this hearing date changed.

Sincerely

Edward Serp

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MAY 10 2005
BALTIMORE COUNTY
BOARD OF APPEALS

HAMMOND & HAMMOND, L.L.C.
ATTORNEYS AT LAW
465 MAIN STREET
P. O. BOX 569
REISTERSTOWN, MARYLAND 21136-0569
(410) 833-7576
FAX: (410) 833-4744

LLOYD J. HAMMOND (RETIRED)
LAWRENCE M. HAMMOND

OF COUNSEL
DOUGLAS S. CURTIS

April 7, 2005

Ms. Kathy Bianco
County Board of Appeals
of Baltimore County
Room 49, Old Court House
400 Washington Avenue
Towson, MD 21204

RE: Edward Serp, Petitioner
Case No. 04-437-A
519 Hilton Avenue

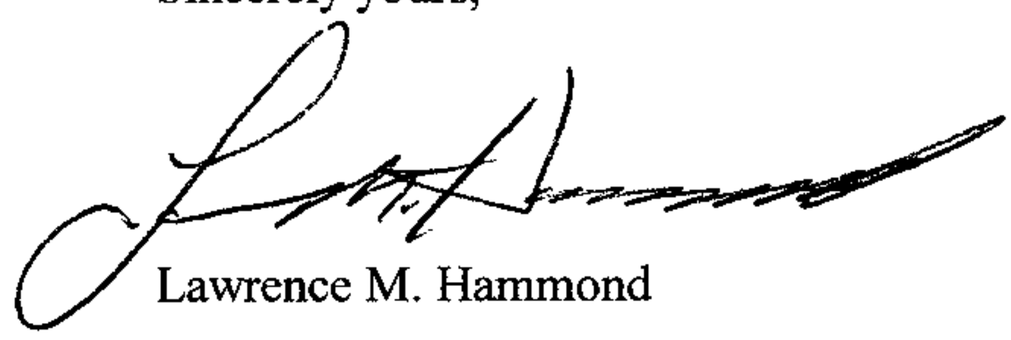
Dear Ms. Bianco:

I appreciate your calling my office to advise of the postponement caused by the fact that a witness cannot be present to testify for People's Counsel.

I am informed that Mr. Serp is retaining new counsel. As of yet, he has not advised me who that will be. Regarding scheduling this matter, I suggest you contact Mr. Serp directly. As soon as we are advised of his new counsel, I will be striking my appearance.

Thank you for your attention to this matter.

Sincerely yours,



Lawrence M. Hammond

LMH:dje
cc: Mr. Edward Serp
Peter Max Zimmerman, Esquire, People's Counsel
Francis X. Borgerding, Jr., Esquire

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BALTIMORE COUNTY
BOARD OF APPEALS

FRANCIS X. BORGERDING, JR.
Attorney at Law
MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

March 9, 2005

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

RE: Case No.: 04-437-A
In the Matter of Edward Serp-Petitioner
519-C Hilton Avenue
1st Election District, 1st Councilmanic District
Hearing Date: Tuesday, July 12, 2005 at 10:00 a.m.

Dear Clerk:

I am writing to enter my appearance on behalf of Mary Burton who resides at 521 Hilton Avenue, Catonsville, Maryland 21228, adjacent property owner of the property at issue in the above-referenced hearing. In addition, I am writing to request a postponement of the Board's presently scheduled July 12, 2005 hearing date. The reason for my request for postponement is I will be out of state on vacation on the hearing date. If the requested postponement is granted, I will make every effort to coordinate with the Board and all parties to schedule this matter at the Board's earliest convenience.

Thank you very much for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Ms. Mary Burton
Lawrence Hammond, Esquire
People's Counsel for Baltimore County

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Mary Lewis Burton (aka Romoser)
521 Hilton Avenue
Catonsville, Maryland 21228
November 19, 2004

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

Re: Case #: 04 -437-A

Dear Ms. Bianco,

Thank you for taking the time to talk to me today. As we discussed, please include my name and address in the file for notice of appeal for the above referenced case. I will contact Mr. Zimmerman after Thanksgiving as you suggested.

Mary Lewis Burton, aka Mary Catherine Lewis Romoser
521 Hilton Avenue
Catonsville, Maryland 21228
410-747-0355

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NOV 2 2 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Thanks again.

Sincerely,

Mary L. Burton (aka, Mary C. L. Romoser)

cc: Mr. John B. O'Donnell
601 Hilton Avenue

Petition to Deny the Variance Petition Case #: 04-437-A

Petition summary and background	Relief from Zoning Regulations in order to subdivide the property to create a second building lot at 519C Hilton Ave.
Action petitioned for	We, the undersigned, are concerned citizens who urge the Board to deny the above variance request.

Printed Name	Signature	Address	Comment	Date
Victoria Goodman	Victoria Goodman	523 Hilton Ave 21228	Against Variance Request	9-25-05
Rebecca Karn	Rebecca Karn	525 Hilton Ave 21228	Against Variance Request	9/25/05
Sue Capozzi	Sue Capozzi	517 Hilton Av. 21228	Against variance request	9.25.05
Virginia Emerson	Virginia Emerson	522 Hilton Ave. 21228	Against varance request	9-28-05
Julius Stiffler	Julius Stiffler	518 Hilton Avenue 21228	Against variance request	9-28-05
Bill McClung	Bill McClung	2528 Fredrick Rd 21228	Against	9-29-05
Andrew Berenz	A Berenz	1912 Clifden Rd 21228	too crowded	9-29-05
Thomas Moore	Thomas Moore	6104 Mt Ridge Rd 21228	over construction	9-29-05
Edward Swift	Edward Swift	9 Old Cistern Ct 21228	Against var. request	9-29-05
Thomas J. Wilkins	Thomas J. Wilkins	220 Rollingbrook Way 21228	too close to other houses	9/29/05
Susan M. Dunn	Susan M. Dunn	2408 Harborwood Rd 21228	Too Close to other houses	9/29/05
Thomas F. Funk	Thomas F. Funk	14 Maple Dr. 21228	Too Crowded.	9/29/05

Citizens Ex. #5

Printed Name	Signature	Address	Comment	Date
Barry VanDenend	Barry VanDenend	48 Winesap Court 21228	Against	9-28-05
Tim Underhill	Tim Underhill	124 Smithwood Ave Catonsville 21228	Against variance	9/29/05
Frank Meekins	[illegible]	1621 Park Grove Ave 21228	Against	9/31/5
ANN O'DONNELL	Ann O'Donnell	601 Hilton Ave 21228	against variance	9-30-05
JOHN O'DONNELL	[illegible]	601 Hilton Ave 21228	Against variances	9/30/05
STEVEN McKEW	[illegible]	516 HILTON AVE 21228	AGAINST VARIANCE	10/3/05
Stephanie McKew	[illegible]	516 Hilton Ave 21228	AGAINST VARIANCE	10/3/05
Bill + Ruth Turner		519 Hilton Ave 21228	Against	10/4/05
Pat TORNER	Pat Turner	519 Hilton Ave 21228	Against	10/4/05
Mary Burton	Mary Burton	521 Hilton Ave 28	against	10/5/05
Patrick Dunn	Patrick Dunn	2408 Harborwood Rd 28	No	10-5-05
Amber Funk	Amber Funk	1908 Rollingwood 28	against	10/5/05
Bonnie Bilson	Bonnie Bilson	2021 Devere Lane 28	Against	10-5-05
C.F. Cook	Charles Cook	215 Rollingfield Rd 28	Against	10/5/05
Keith MacLeod	Keith MacLeod	1910 Clifden Road 28	~~Against~~ Against	10-5-05
Sally Boarman	Sally Boarman	5 Rumford Rd. 28	Nay	10/5/05

Printed Name	Signature	Address	Comment	Date
Patricia Carroll	Patricia Carroll	2211 Old Frederick Rd	Against Variance	10/5/05
Ken Taylor	Ken Taylor	1204 Canberwell Rd	Against	10/5/05
Rosemary Taylor	Rosemary Taylor	1204 Canberwell Rd	against	10/5/05
LORENZO HAPPEL	Lorenzo Happel	524 Hilton Ave.	against	10-5-05

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lawrence Hammond	465 Main Street	Reisterstown, MD 21136	
Kevin Wight (W. Duvall & Assoc.)	530 E. Joppa Road	Towson, MD. 21286	wduvall2@verizon.net
FD SERP	519-C HILTON AVE.	BALTO MD 21228	
FD SERP III	5919 Foxhall Manor Dr.	Catonsville, MD 21228	

PLEASE PRINT CLEARLY

CASE NAME 519C Hilton Ave
CASE NUMBER 4-437
DATE 5/12/04

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
John B. O'Donnell Jr	601 Hilton Ave	Catonsville MD 21228	JODON18323@AOL.COM

10/4/05 Serp – Variance at back rear.
Ed. / Tom Titus
No Counsel → Witness #1 Mr Serp. 515 C Walton Ave.
Exhibit #1 a-e photos of lot & area with other homes displayed
"Flag lot" AC-1555.

Same size & configuration?
Took Title 1986 3.5 → 2.5 1556
20' driveway
development of other property under old zoning
Development req for second home in for future

Cross Exam Bergeding
Exh. Photos other neighborhood, yes.
other variances – Don't know

Prior req to subdivided demand.
Purchased from Mr Lockhart made addition + barn 20' ft
Restriction – DEIS planning – yes. Lt Permit – yes.
Bldg Dept 5 yr

P/C Cross.
Planning residence – could add room but not easily –
not good appearance.
Have comfortable expenses – self employed.?

Witness #2 Mr Walter Bedrall. engineer
Variance req. to meet
Driveway material Set back have been met.
Type of lot.? 5/6/04 Plat.

Cross – Gann
Net area of lot – Less than 1 acre.
Other Parkwoods in area – Vaugh. – Varies ?
Wardakis
Minor Subdivision discussion req requirements in 1983
Exh #1 Plat – req DE requirement.
Not familiar of area

Page #2

People Counsel Cross

Use in area

Lots don't meet min set backs

side yard set backs. Not Would meet 3.5 requirements

New Zoning ordin lot non-conforming use.

Change to front lot is @ half size.

— Lots on other side developed?

No public hearing on second house.

People Counsel

Witness #1 County Planner.

Review site plan. Has written note. & petition.

opposes — due to: "Spirit & intent"

1) rezoning requirement change — intent to limit building

2)

5/27/04 By Hommond. — opinion.

Exhibit #1 + #2 - Plat

requirements req by neighbors for downzoning

Cankerdale lot — purpose — 3X-4-½ 409(a) req criteria to

allow ½ lots. — this req. does not meet this criteria

Opponents

Witness #1 Mr Ken Taylor N/E opposes. Dot.

Prior req for subdivision.

Exhibit 2(a-h) Views of [illegible] of property

May lower property Value

Exhibit #3 a+b — N/E Compar out format. ½ etc.

" " next to " smaller lots. less Value

Lunch

Opposition — People

Witness #2 Mary Burton Walton Ave. 15 yrs Next Door Neighbor

Opposes 1) Proposed property will face their back yard

2) Decrease Value. [Could you not divide] Zoning Issue

3) Clearance of driveway being proposed — Traffic — main

4)

Exhibit #4 Tax Map of Location

Page #3 Cont.

519

identify Property - Subject + Neighbor Prop. 1727

Proportions are of size + shape of Subject

double lots but No development.

Neighbors appear than letter & petition by Her

→ any Property for Sale in area?

Exhibits 6 - N.D Photo.

" 7 - letter from neighbor objecting to variance

8 - letter - N/E ask to compare selling property

Not unique - variance let in others. - Similarity - no

Self inflicted - No Yes.

— Opinion of Value for Her Home.

Cross

If property sold - would appear. - No.

9 - D proposed area of Home.

Gh. 8 (A- Photo:

Witness #3 Mr Jeff Burton.

Approve 1) View from rear deck

2) Fit in neighborhood - out of character

Cross by owner

If permit Home owner in orig - would my home have detrimental effect. - No.

Would new home in back of lot increase your value. - No

Re-direct - Not opposed to addition to his parent Home.

Witness #4 Mr Julian Stickler across street, 35 yrs

1) Let thought it was just an addition - Not home

2) Photo: Taken by Petitioner Taken out of area. that show development.

Cross

Photo: the neighborhood area Photos are in area.

Homes in area non-conforming

Re direct - Value of property if Var granted - may increase

Variances Not Met!

Purpose of Zoning law changing from 7.5 - 20.

Spec - with Variance not meet reqs.

practical difficulty - N/A

Self inflicted Has change been different since & before zoning change.

insufficient Site plan - NE!

Carol Kl. - People Comment.

alters non-conforming & New development increases density.

No public form for improved house, if Variance approved.

Spirit & Intent.

SERP

CBA 04-437-A

Frank Borgerding - Binder

Cand - P.C.

Serp - without counsel

Serp - Testimony
prop owner 519-C Hilltop

Record from below entered

Photos.
Flag lot house

Photo
Flag lot house

800-900 Block of Hilda

Within neighborhood often lots subdivided

Does not know if often lots = photos were same size

Odd shaped lot -
BCZR's forced placement of house
- D.R. 2 now
D.R. 3 - when bought ≈ 1986-87
then built house

B Ex 1
A-B
A-F
A-B
E-B

Cancl - Brief Summary and O.S.

PC1 GIS aerial map

Property @ lace
old Catonsville
DR 2 - 1996 -
prior DR 3.5

~~Proceed~~

On GIS map - near middle
single family with driveway
Red lines = property lines
Wants to subdivide with house
in back
Rear house would need panhandle
driveway off current driveway

When DR 3.5 - width regs
satisfied

Rezone D.R 2 - house become
legal non conforming - doesn't
conform.
Lot width does not comply with
DR Zone
2nd house makes worse
the deficiency

With panhandle driveway
makes Sep house lot more narrow
and needs variances

House in back may conform -
depending on where placed.

BC2R
Small Lot Table 1B-24
1B02.C3

Shows req. for DR2

20,000 sq. area
Lot width = 100
Side yard = 15

Variance request is for current house width

Out of character for neighborhood

Borgending Statement

RE - Small Lot Chart

CROSS - Borgending
Ref Sep

Yes photos off GIS map
Further down on Hilite
Part of older neighborhood
Did other flag lot houses get variances?
Don't Know
Doesn't Know specifics of lots physical characteristics
Does not Know zoning

Employed - Dept. of Defense
might be transferred to Calif.

Parents currently live in Cartersville
Father had heart valve issue
but good health now
Mom in remission for cancer
but good health
70s - age

At this time independent - no need
to be cared for.
Speculative as to ~~[illegible]~~ what
care they will need in future or
where needed.

Wifes parents also have health
issues. Father with Alzheimers
* also speculative

No certainty parents will move
in.
House could be rented / sold / or
nothing.
If Sep moved to Calif, could
be sold also

Neighbors 519 Hutten - Turners
similar shape and size lot
517 - ~~Chapparrals~~ similar shape
and size?
Dont Know
Q 513 / 515 -
A closer to road may be
narrower.
Q. When lot purchased predecessor
had split lots but not legally
subdivided

Bargending

When prop bought -
additions to structure made

Barn - back - added after prop purchased
Deck in back
Addition inside

1D Pet 2 - Site Plan with existing structure -
Circle = red additions

Barn/Garage - 20ft high

Permits?
Yes

Constructed by self.
Pulled permits self.
Not present
Doesn't recall when - early 1990's roughly.

Other lots in area of similar shape and size
Yes, but doesn't know exactly.

Area Old Cartersville
- back yard important - aesthetics etc.? important to area.
A Doesn't think been beneficial.

Carol Cross

Primary res.
live with wife
lived there 15-20 years

In fee strip

Room to rear of house for extra rooms?

A Not easily ~~[illegible]~~ would not look good. Additions don't help character of house. Cape Cod houses - hard to expand - back

Could sell lot as is without subdivision

Contracting work - does on side builder. self employed as. Barn houses building equipment

Testimony - Milton Duvall
Duvall and Assoc.
Sep's engineer for project

Pet 2 Plan incorporates Red lined from below

House in back does not need var - meets side yard req.

Zoning order Sep had right to develop land had ship inable to develop

Sep has development rights No one would even know there

Best way - if divided in half would req one variance

Cross - Bargending

Pet 2 last revised May 04
Final revision
A Correct

Said met req. for small lot
subdiv. but net area of lot
is under
Yes
~~Cross area~~
What is net lot?
A Dead area
Cross area includes roadway
up to 30ft.

To get gross area need to include
roadway.
Net area does not meet

A Net area not used for density

A Just barely over acre with gross

Office confirmed there were other
panhandle lots - area
Did not research size or
zoning of those lots.
Does not know characteristics of
other lots.
Does not know if variances granted

Property was illegally subdivided
A At time there was no minor subdiv
process so not illegal

Q When was subdiv process begun in County
No
1983? Inference
Yes

Pet 1 Subdiv plan dated 1983 — Meyers
Is that this property?
Yes

Rode down street once —
Not very familiar with hood
Doesn't know what neighbors do
in back yard.

Carol — Cross

Prop as is has reasonable
use as SF home
Same as neighbor on street

Not all uses grandfathered.

Area met but other deficiencies
Yes
Lot already deficient —
now adding side yard setbacks

Legal nonconforming use now
Yes
Making lot smaller
Yes

Side yard of proposed lot adjacent
rear of existing

Neighbors - not in favor.
14 letters sent to board.

Turners could not be present,
brought letters and pictures

Citizens 5 — Petition against variance
collected by Butlers
Bill & Ruth

Citizens 6 A-D — Letter from Turners in lieu
of personal appearance

Citizen 7A-D — - Letter from Pat Turner

Letter from O'Donnell

Citizens 8 A-L — All surrounding neighbors
Other letters (14)

Back yards are important
selling point in area.

To maintain quality of life and
preserving charm of 'hood

CROSS

Nothing critical

Re Direct

9 Photos taken by Mary Butler
A- From Hilton showing ons and Seps
B. From Hilton showing Sep & Turner
C. Deck in winter showing Sep lot where house might go.
D. On yard Sep's yard Turner yard.
E. Use of deck - view of area.

Testimony - Jeff Butler
521 Hilton

Husband to Mary
Agrees with her testimony

Opposition -
Deck is important
View nice - likes deer
House would disrupt.

House would not fit in 'hood.
Not in character with area

No uniqueness

No practical difficulty if no variance.

Testimony Julius Stiffler
518 Hilton
Directly across street on
corner 39 years

Looks out front sees Senp house

Opposition
Thought it would be additional
No opp to that.
Seen community grow from 25
to 350 houses
Opposed to all new dev.
Hilton was small road
past 15 yrs 325 homes but H
now addtl 42.

Senp's photos - @ 1/2 mile from 'hood.
3/4 mile
one double lot belongs
Pet - 1A to one family 29 acres — 6 parcels
Pet - 1B butts to State Park
Get variance
Pet 1C — Turner 800 / 900 Block belong
to family - 6 acres to build on
~~2 houses~~
In area of New Patapsco Woods
homes.
State Park behind

Pet D - Part of Peters property.

Decrease to value of homes
next door, not nec. entire 'hood.

SERP

$500 + $600, - houses selling within 2 blocks

PC 3 Zoning MAP

SERP Closing

Thullas change would increase values.
No lot is the same.
Yes not norm, but downstream same similar
Remains within character of community + have 1/2 acre lot

~~Vann~~ Thus variences valid

Frank - Closing

Not a personal matter.
Var. req. - burden of proof needed.

Cromwell etc.

Not proved

Pet nor engineer made argument for uniqueness - no evidence

Lots similar size shape topo that need to argue for uniqueness
Standards not proven

Without uniqueness, stops.

Width disproportionate impact would have to cause difficulty

Other lots are mirror
Other neighbors would have to meet for var.

Hose would be for econ. gain - not allowed by Cromwell
∴ No PD

Self - Inflicted hardship creates need for variances.

Cont.

Agrees with Frank

Burden not met by Pet
Sang has use of prop

Request for 2nd dwelling has caused need for var. on first

NC use was legal
now needs var.
~~Changes~~
Var can't be approved w/out panhandled driveway -
With panhandle driveway need to meet other criteria - Sect 32-4-409

Sect 307 -
Spirit & Intent of DR2 zone
Character of 'hood.
w/out injury to public HSGW

Serp. 04-437-A
10-06-05
Verified

Petitioners Exhibits

1.a - f Pictures of houses in neighborhood
2. Serp. Property site plan

Pet. Ex 1a

lot_3 (1600x1200x24b jpeg)

PICTURE 1 OF 2

FLAG LOT HOUSE

APPROX LOCATION

700 HILTON AVE

(TWO BLOCKS DOWN THE ROAD
OPPOSITE SIDE)

Pet. Ex 1b

lot_4 (1600x1200x24b jpeg)

PICTURE 2 OF 2

MOG (MILTON)

Pet. Ex 1c

lot_5 (1600x1200x24b jpeg)

- FLAG LOT HOUSE

- APPROX TWO MORE BLOCKS DOWN THE ROAD (800 HILTON?)

Pet. Ex 1 d

lot_9 (1600x1200x24b jpeg)

PICTURE 1 OF 2

- ANOTHER FLAG LOT

LOCATION 800/900 BLOCK HILTON

Pet. Ex. 1e

lot_8 (1600x1200x24b jpeg)

PICTURE 2 OF 2

- LOCATION: 200, 300 BLOCK HILTON

Pet. Ex. 1 f.

lot_7 (1600x1200x24b jpeg)

— ANOTHER FLAG LOT

800/900 HILTON AVE

Myers", a copy of which plat is attached hereto as a part hereof.

Together with a right of ingress and egress to and from South Hilton Avenue over the five foot widening strip retained by James A. Myers.

BEING the same property which was by Deed dated May 31, 1983, and recorded among the Land Records of Baltimore County in Liber 6532, at folio 520, granted and conveyed by James A. Myers unto Margaret C. Gallagher.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the survivor's personal representatives and assigns, in fee simple.

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

WITNESS the hand and seal of said Grantor.

Witness

Margaret C. Gallagher (SEAL)
MARGARET C. GALLAGHER

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 1987, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared MARGARET C. GALLAGHER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the

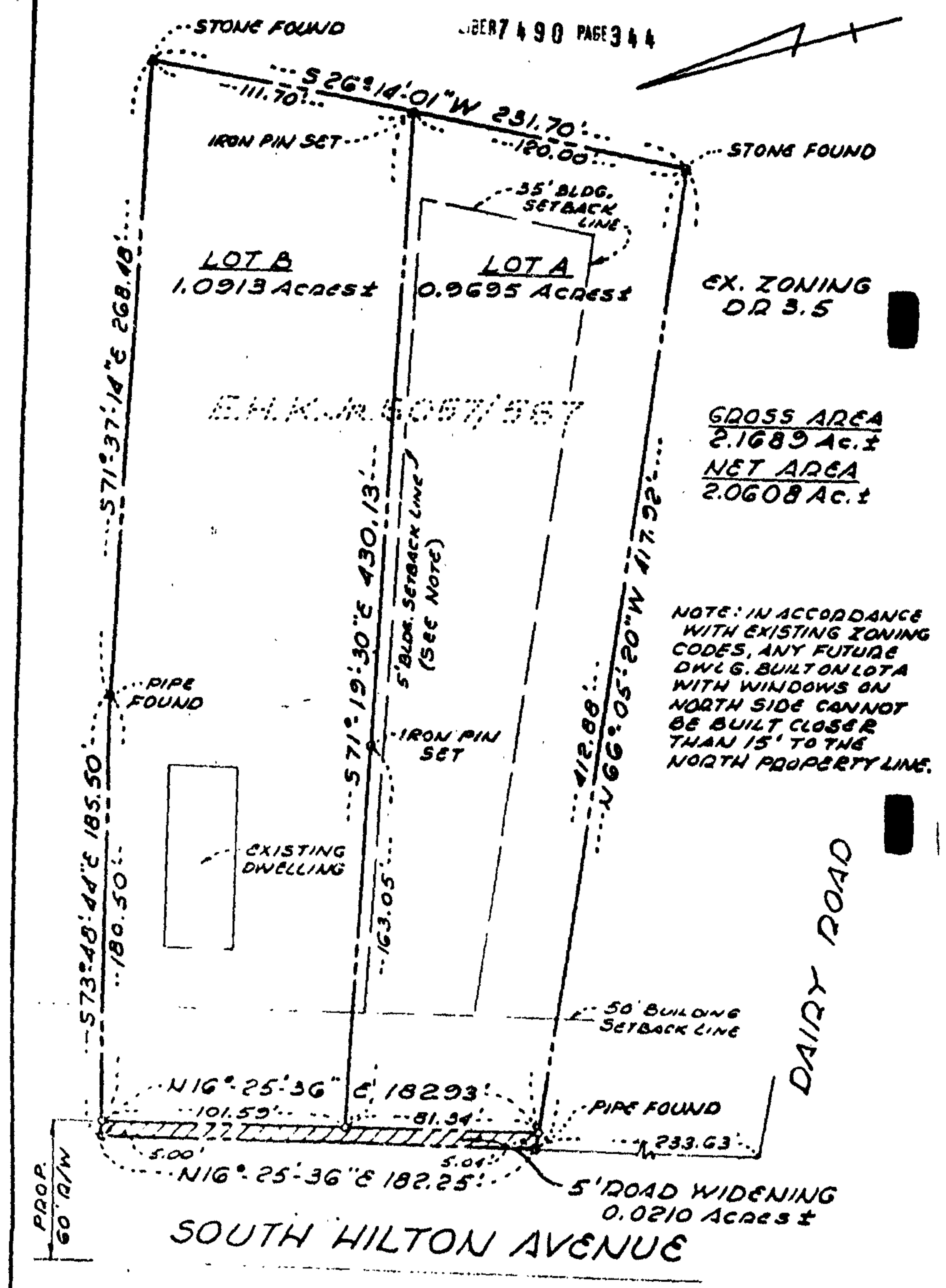
foregoing Deed to be her act, and in my presence signed and sealed the same.

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

Notary Public

My Commission Expires:

July 1, 1990



BER 7490 PAGE 344

STATE OF MARYLAND
LORENZO ROSSI
No. 241
REGISTERED
PROPERTY LINE SURVEYOR

SUBDIVISION PLAT
PROPERTY OF
JAMES A. MYERS
C.H.K. Jr. 6057/567
1ST ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SPOTTS, STEVENS and McCOY, INC.
CONSULTING ENGINEERS

MADE	CHKD.	APPROVALS	DATE
			5/26/83
1"=50'		8614-000-L-001	
SCALE		DRAWING NUMBER	REV.

Exhibit "C"

Lockowicz, etc.
7439 Belle Grove Blvd.
Pod 849
Glen Burnie 21061-0849

THIS DEED, Made this 5th day of July, 1987, by and between MARGARET C. GALLAGHER, of Baltimore County, State of Maryland, of the first part, and EDWARD M. SERP and HELEN J. HOLDEN, his wife, of the second part.

WITNESSETH, That in consideration of the sum of Thirty-Five Thousand Dollars ($35,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in the First Election District of Baltimore County, State of Maryland, and described as follows, that is to says:

> Beginning for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point in the fifth or North 65 degree 48 minute West 418 foot 6 inch line of that parcel of land which by deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland, in Liber E.H.K.Jr. 6057 folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers, thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 81.34 feet to a point; thence leaving said point and running for a line of division as now established South 71 degrees 19 minutes 30 seconds East passing over an iron pin set at a distance of 163.05 feet for a total distance of 430.13 feet to an iron pin set in the fourth or South 26 degree 31 minute West 231 foot 8-1/2 inch line of the entire tract, thence running with and binding on a portion of said fourth line as now surveyed, South 26 degrees 14 minutes 01 seconds West 120.00 feet to a stone found at the end of said fourth line, thence leaving said point and running with and binding on a portion of the fifth or North 65 degree 48 minute West 418 foot 6 inch lne of the entire tract as now surveyed, North 66 degrees 05 minutes 20 seconds West 412.88 feet to the place of beginning. Containing 0.9695 acres of land, more or less, and being all that lot or parcel of land identified as "Lot A" on that certain plat dated May 26, 1983, entitled "Subdivision Plat Property of James A.

JR 3-10-87

FOR TAX DATE
JR 3-10-87

Exhibit "[redacted]"

LIBER 6532 520

THIS DEED, made this 31ST day of May in the year nineteen hundred and eighty-three, by and between JAMES A. MYERS of Baltimore County, State of Maryland, party of the first part; and MARGARET C. GALLAGHER of Baltimore County, State of Maryland, party of the second part.

D REC/F 18.00
D 1 TX 150.00
D DOCS 150.00
DEED 0
EHK JR 1 318.00
WS970 CON. 002 108:
06/01/

W I T N E S S E T H :

THAT in consideration of the sum of THIRTY THOUSAND DOLLARS ($30,000.00), the said party of the first part does grant and convey unto the said MARGARET C. GALLAGHER, her personal representatives and assigns, all that tract or parcel of ground situate, lying and being in the First Election District of Baltimore County, State of Maryland, and known as Lot A on the attached Plat and description according to a survey by Spotts, Stevens and McCoy, Inc. dated May 26, 1983 and described as follows

BEGINNING for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point in the fifth or North 65 degree 48 minute West 418 foot 6 inch line of that parcel of land which by deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.Jr. 6057 folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers, thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 81.34 feet to a point; thence leaving said point and running for a line of division as now established South 71 degrees 19 minutes 30 seconds East passing over an iron pin set at a distance of 163.05 feet for a total distance of 430.13 feet to an iron pin set in the fourth or South 26 degree 31 minute West 231 foot 8¼ inch line of the entire tract, thence running with and binding on a portion of said fourth line as now surveyed, South 26 degrees 14 minutes 01 seconds West 120.00 feet to a stone found at the end of said fourth line, thence leaving said point and running with and binding on a portion of the fifth or North 65 degree 48 minute West 418 foot 6 inch line of the entire tract as now surveyed, North 66 degrees 05 minutes 20 seconds West 412.88 feet to the place of beginning. Containing 0.9695 acres of land, more or less.

BEING part of the property which, by Deed dated July 19, 1979 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6057, folio 567, was granted and conveyed by Herman L. Vordemberge to James A. Myers wherein Herman L. Vordemberge retained a life estate with full power of sale. Said Herman L. Vordemberge departed this life on or about April 11, 1983.

TOGETHER with a right of ingress and egress to and from South Hilton Avenue over the five foot widening strip retained by James A. Myers.

RETAINING to James A. Myers the balance of the property acquired by Deed recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6057, folio 567 and described as follows:

0 0001****30000A 801CA

150.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE
DATE 6/1/83

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK
DATE 6/1/83

JOHN H. DITTO, JR.
ATTORNEY AT LAW
1614 COURT SQUARE BLDG
BALTIMORE MD 21202

BEGINNING for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point North 16 degrees 25 minutes 36 seconds East 81.34 feet from a point in the fifth or North 65 degree 48 minute West 418 foot 6 inch line of that parcel of land which by deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.Jr. 6057, folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers; thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 101.59 feet to a point in the second or South 73 degree 51 minute East 186 foot 11½ inch line of the aforesaid deed; thence running with and binding on a portion of said second line as now surveyed South 73 degrees 48 minutes 44 seconds East 180.50 feet to a pipe found; thence running with and binding on the third or South 71 degree 12 minute East 267 foot 11½ inch line of the aforesaid deed as now surveyed South 71 degrees 37 minutes 14 seconds East 268.48 feet to a stone found; thence running with and binding on a portion of the fourth or South 26 degree 31 minute West 231 foot 8½ inch line of the aforesaid deed as now surveyed South 26 degrees 14 minutes 01 seconds West 111.70 feet to an iron pin set; thence leaving said point and running for a line of division as now established North 71 degrees 19 minutes 30 seconds West passing over an iron pin set at a distance of 163.05 feet from the end of said division line for a total distance of 430.13 feet to the place of beginning. Containing 1.0913 acres of land, more or less.

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

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said MARGARET C. GALLAGHER, her personal representatives and assigns, forever, in fee simple.

AND the said party of the first part hereby covenants that he has not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor.

TEST:

_____ _____ (SEAL)
James A. Myers

JOHN H. DITTO JR
ATTORNEY AT LAW
1014 COURT SQUARE BLDG.
BALTIMORE, MD. 21202

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

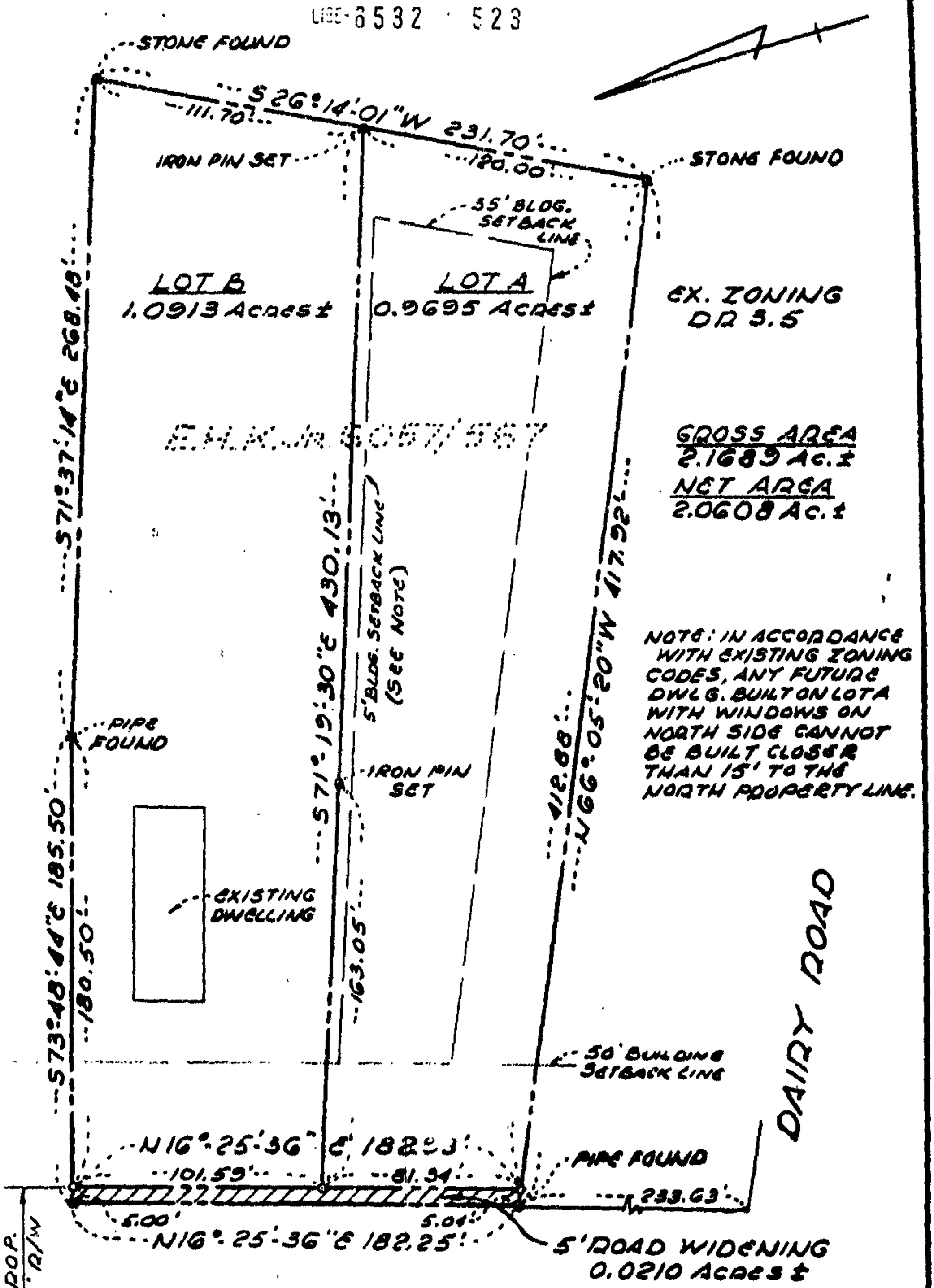
I HEREBY CERTIFY that on this 31st day of May in the year nineteen hundred and eighty-three, before me, the subscriber, a Notary Public of the State of Maryland, in and for Howard County, personally appeared JAMES A. MYERS known to me (or satisfactorily proven) to be the person named in the foregoing instrument and he acknowledged the foregoing Deed (to Margaret C. Gallagher) to be his act and that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

John H. Ditto, Jr. Notary Public

JOHN H. DITTO, Jr.
ATTORNEY AT LAW
1614 COURT SQUARE BLDG.
BALTIMORE, MD 21202

LIBER 6532 · 523



STATE OF MARYLAND
LORENZO ROJAS
No. 241
REGISTERED
PROPERTY LINE SURVEYOR

SUBDIVISION PLAT
PROPERTY OF
JAMES A. MYERS
E.H.K. Jr. 6057/567
1ST ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SPOTTS, STEVENS and McCOY, Inc.
CONSULTING ENGINEERS

MAP					5/26/83
MAP CHECK		APPROVAL			DATE
1"=50'	8614-000-L-001				
SCALE		DRAWING NUMBER			REV.

Filed for record JUN 1 1983

857 Hm

Per Elmer H. Kahline, Jr., Clerk
Mail to John H. Lentz
Receipt No. 1 [illegible]

Exhibit "E"

6057/567

567

THIS DEED, Made this 17th day of July, 1979, by and between HERMAN L. VORDEMBERGE, of Baltimore County, State of Maryland, party of the first part, and JAMES A. MYERS, of Baltimore County, State of Maryland, party of the second part.

WITNESSETH: That for no actual consideration, the said HERMAN L. VORDEMBERGE does hereby grant and convey unto JAMES A. MYERS, in fee simple, his personal representatives and assigns, reserving, however, unto the said HERMAN L. VORDEMBERGE a life estate with power of disposition as hereinafter recited, all that lot of ground situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the southeast side of South Hilton Avenue at the distance of two hundred thirty-three feet seven and one-half inches northeasterly from the intersection of the southeast side of South Hilton Avenue with the northeast side of Dairy Road and running thence binding on the southeast side of South Hilton Avenue north sixteen degrees thirty-six minutes east one hundred eighty-two feet three inches to the southwest outline of that parcel of land heretofore conveyed by Vordenberge to Dahlstrom then running and binding on said outline as follows: south seventy-three degrees fifty-one minutes east one hundred eighty-six feet eleven and one-half inches and south seventy-one degrees twelve minutes east two hundred sixty-seven feet eleven and one-half inches to a stone on the southeast outline of the whole tract of land of which the land now being described is a part thence running and binding on part of said outline as follows: south twenty-six degrees thirty-one minutes west two hundred thirty-one feet eight and one-half inches to a stone and north sixty-five degrees forty-eight minutes west four hundred eighteen feet six inches to the place of beginning.

BEING the same lot or parcel of ground described in a Deed dated September 25, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. 1887folio 187 was granted and conveyed by THE LAND RECORD HOLDING COMPANY unto AMELIA E. VORDEMBERGE, for life, with full power of disposition, and the remainder to HERMAN L. VORDEMBERGE and OLIVIA B. VORDEMBERGE, his wife. The said OLIVIA B. VORDEMBERGE having departed this life on or about July 13, 1979, thereby vesting fee simple title in HERMAN L. VORDEMBERGE, the Grantor herein.

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

TO HAVE AND TO HOLD the said described lot or parcel of ground and promises unto the said HERMAN L. VORDEMBERGE for and during the term of his natural life with full power and authority

TRANSFER TAX NOT REQUIRED
RANDOLPH B. ROSENGRANTZ
DIRECTOR OF FINANCE
BALTIMORE COUNTY, MARYLAND

For: _____
AUTHORIZED SIGNATURE

in the said HERMAN L. VORDEMBERGE (without the joinder or consent of the remainderman hereinafter mentioned) to sell, lease, mortgage or otherwise dispose of said property (except by Last Will and Testament), or any part thereof, or any interest therein, including the life estate and remainder therein, at any time during his natural life in such manner that the purchaser or purchasers, lessee or lessees, mortgagee or mortgagees, grantee or grantees, thereof will not be liable to see to the application of the purchase or mortgage money or rent; and immediately after the death of the said HERMAN L. VORDEMBERGE, then the said property, or so much thereof, or any interest therein, as may not have been disposed of by the exercise of the powers herein mentioned, subject to such mortgages as may be then a lien against the said property, to the said JAMES A. MYERS, his personal representatives and assigns, in fee simple forever.

AND the said HERMAN L. VORDEMBERGE hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted, and that he will execute such further assurances of the said land as may be requisite.

WITNESS the hand and seal of the said Grantor.

WITNESS:

Herman L. Vordemberge (SEAL)
HERMAN L. VORDEMBERGE

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 17th day of July, 1979, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared HERMAN L. VORDEMBERGE, the within named grantor, and he acknowledged the aforegoing Deed to be his act.

WITNESS my hand and Notarial Seal.

Notary Public

My Commission expires:

Rec'd for record AUG 3 1979 at
For Elmer H. Kahline, Jr., Clerk
Mail to
Receipt No.

Exhibit "B"

in and for Baltimore County personally appeared.Amelia E Vordenberge widow and she acknowledged the foregoing deed to be her act.

WITNESS my hand and notarial seal the day and year last above written.

(Notarial Seal) John G Rose

John G Rose Notary Public

Rec Sep 27 1950 at 2;10 PM & exd per T Braden Silcott Clerk rec map
Exd by AM&EH

- -

159499 The Land Record Holding Co)
Deed to Amelia E Vordenberge widow)

THIS DEED made this 25th day of September, in the year one thousand nine hundred and fifty, by and between THE LAND RECORD HOLDING COMPANY, a body corporate, duly organized and existing under the laws of the State of Maryland,

WITNESSETH: that for and in consideration of the sum of one dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said The Land Record Holding Company doth hereby grant and convey unto AMELIA E. VORDEMBERGE, widow for life, with full powers as hereinafter mentioned, and after her death unto HERMAN L. VORDEMBERGE and OLIVIA B. VORDEMBERGE, his wife, their heirs and assigns, all that lot of ground situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the southeast side of South Hilton Avenueat the distance of two hundred thirty-three feet seven and one-half inches northeasterly from the intersection of the southeast side of southHilton Avenue with the northeast side of Dairy Road and running thence binding on the southeast side of South Hilton Avenue north sixteen degrees thirty-six minutes east one hundred eighty-two feet three inches to the southwest outline of that parcel of land heretofore conveyed by Vordenberge to Dahlstrom thence running and binding on said outline as follows: south seventy-three degrees fifty-one minutes east one hundred eighty-six feet eleven and one-half inches and south seventy-one degrees twelve minutes east two hundred sixty seven feet eleven and one-half inches to a stone on the southeast outline of the whole tract of land of which the land now being described is a part thence running and binding on part of said outline as follows: south twenty-six degrees thirty-one minutes west two hundred thirty-one feet eight and one-half inches to a stone and north sixty-five degrees forty-eight minutes west four hundred eighteen feet six inches to the place of beginning.

BEING the same lot or parcel of ground described in a Deed dated of even date herewith and recorded or intended to be recorded among the land records of Baltimore County immediately prior hereto from Amelia E Vordehberge widow, to the Grantor herein. Amelia E. Vordemberge being the correct name of theGrantor in said Deed.

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

TO HAVE AND TO HOLD the said described lot or parcel of ground and premises, unto the said AMELIA E VORDEMBERG widow for and during the term of her natural life, with full power and authority in the said Amelia E. Vordemberge widow (without the joinder or consent of the remainderman hereinafter mentioned) to sell,lease, mortgage or otherwise dispose of said property, or any part thereof, or any interest therein, including the life estate and remainder therein, at any time during her natural life in such manner that the purchaser or purchasers, lessee or lessees, mortgagee or mortgagees, grantee or grantees,

MAR 13 1957

thereof will not be liable to see to the application of the purchase or mortgage money or rent; and immediately after the death of the said Amelia E. Vordemberge widow, then the said property, or so much thereof, or any interest therein, as may not have been disposed of by the exercise of the powers herein mentioned, subject to such mortgages as may be then a lien against the said property, to the said HERMAN L. VORDEMBERGE and OLIVIA B. VORDEMBERGE, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns, of such survivor in fee simple forever.

AND the said The Land Record Holding Company hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted, and that it will execute such further assurances of the said land as may be requisite.

WITNESS thesignature of the Land Record Holding Company by the hand of Francis X McDonough, vice president with its corporate seal hereunto affixed.

WITNESS: THE LAND RECORD HOLDING COMPANY

John G Rose By Francis X McDonough

John G Rose Francis X McDonough vice president

(Corporate seal)

STATE OF MARYLAND, CITY OF BALTIMORE TO WIT:

I HEREBY CERTIFY, that on this 25th day of September, in the year one thousand nine hundred and fifty, before me, the subscriber a Notary Public of the State of Maryland, in and for Baltimore County personally appeared Francis X. McDonough vice president of The Land Record Holding Company, the within named grantor, and he acknowledged the aforegoing Deed to be the act of said body corporate.

WITNESS my hand and Notarial Seal

(Notarial Seal) John G Rose

John G Rose Notary Public

Rec Sep 27 1950 at 2;10 PM & exd per T Braden Silcott Clerk rec map
Exd by AM&EH

- -

159500 Keystone Realty Co Inc)
Deed Julius Segall & Wf)
USS $2.75 ST $2.75)

THIS DEED made this 25th day of September, 1950, by Keystone Realty Co., Inc., a body corporate, duly incorporated under the laws of the State of Maryland.

WITNESSETH, that in consideration of five dollars and other valuable considerations, the receipt whereof is hereby acknowledged, the said Keystone Realty Co., Inc., does grant and convey unto Julius Segall and Mary Segall, his wife, of the City of Baltimore, in the State of Maryland, as tenants by the entirety, and unto the survivor of them, their assigns, and the heirs and assigns, of the survivor of them, in fee simple, all that lot of ground situate in Baltimore County, in said State, thus described:

BEGINNING for the same at a point on the northwesternmost side of Slade Avenue as now laid out 60 feet wide at a point distant 120.30 feet measured northeasterly along the northwesternmost side of Slade Avenue from a point of curve situated on the northwesternmost side of Slade Avenue and distant north 67 degrees 00 minutes 00 seconds east 55.30 feet from the extension southeasterly of the northeasternmost side of Seven Mile Lane as now laid out 60 feet wide, and running thence and binding on the northwesternmost side of Slade Avenue, and referring the courses of this description to the system of coordinates as established in the Baltimore County Metropolitan District, north 66 degrees 00 minutes 00

DEL. PER TICKET DEC 12

1996 1-045

South Rolling Road Community Association

1996 COMPREHENSIVE ZONING MAP APPLICATION ATTACHMENT

PROPERTY INFORMATION

The South Rolling Road Community Association requests the following changes that relate *exclusively* to areas within the boundaries of the Association (see attached map) that are zoned as residential (i.e. DR areas). We request that all areas within our boundaries that are zoned at either DR 3.5 or DR 5.5 be rezoned to DR 2.

The perimiter of this area is bounded approximately by the following streets: Frederick Road to the north, between Hilton Avenue as the east boundary, west to Bloomsbury Avenue, from the intersection of Frederick Road and Hilton Avenue south to Tredegar Avenue, west to Seminole Avenue, south to Park Grove, west to the intersection of Valley Road and South Rolling Road, northeast along Valley Road to Hilltop Avenue, northwest along Hilltop to Bloomsbury, and north to Frederick Road.

This area is shown on Baltimore county maps G-1 and F-2 in the following blocks:
Map G-1: G4 and F4
Map F-2: G3 and F3 (southern half of map)

REZONING RATIONALE

The South Rolling Road Community Association believes that thie requested rezoning will benefit both the residents and the county by preserving the low-density residential character of our Catonsville neighborhood. Rezoning would provide needed stability to one of the county's older neighboorhoods by preventing inappropriate development inconsistent with the character of the neighboorhood. Further, this change would prevent the blight of 'back-yard subdivision' which has already appeared at several locations. By preserving the essential character of our neighborhood area property values will be preserved.

P.C. Ex #2a

1996 CZMP Issue 1-045

SUPPLEMENTAL INFORMATION 1-045

Every four years, the Baltimore County Council comprehensively reviews and revises the County's Official Zoning Maps as required by County law.

An issue has been raised during the current Comprehensive Zoning Map Process (CZMP) that encompasses your property specified on the attached notification. The raising of this issue does not necessarily mean that your property will be rezoned, but that the County is investigating the appropriateness of the current zoning.

The petitioner for Issue 1-045 is the South Rolling Road Community Association. The area involved in the request totals 488 acres and involves hundreds of property owners. The existing zoning is DR 5.5 (5 1/2 homes per acre) for 211 of the 488 acres, and DR 3.5 (3 1/2 homes per acre) on 277 acres.

The suggested new zoning is DR 2 (2 homes per acre) on the entire 488 acres. The expressed intent of the issue is to limit infill development by decreasing the number of homes permitted per acre and increasing the required minimum lot size.

When an issue is raised, a thorough investigation is performed before any recommendation is made. During this process County planners are available to receive your comments, questions and concerns. County planners will make recommendations to the Baltimore County Planning Board on all issues by March 1, 1996, and in April, 1996, the Planning Board will hold public hearings to receive testimony on all zoning requests.

Before the end of June, 1996, the Planning Board will make recommendations to the County Council, which will hold its own hearings in September, 1996. Times and dates of all hearings will be advertised in local newspapers.

The County Council has sole authority to determine the final zoning on each property. The Council may accept, reject, or modify the recommendations of the Planning Board. These options include retaining the existing zoning or applying to a property any zone or combination of zones. The Council's final adoption of the Official Zoning Maps will take place by October 16, 1996.

Please do not hesitate to contact this office, either in writing or by phone at (410) 887-3480. To assure that written comments are incorporated into the appropriate file, please be certain to include the Issue Number (referenced on the notification letter) on all correspondence.

P.C. Ex. 2b

Prepared by Office of Planning

Citizens Ex. 6a

Bill & Ruth Turner
519A Hilton Avenue
Catonsville, MD 21228
October 5, 2005

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

Subject: Variance Petition Case #: 04-437-A - 519C Hilton Avenue

Dear Board Members,

Please accept this letter in lieu of our personal appearance. We were planning on appearing but Ruth is having unexpected eye surgery. We were available for the first three hearing dates.

We are completely against the granting of this variance petition by my next door neighbor's, Ed and Betsy Serp. We live at 519A Hilton Ave., which is next door to 519C. We enjoy our backyard and have put in a nice pool. If a house is built in the Serp's backyard it will take away our privacy. It will be right next to our pool. We feel it is unfair to grant a variance so something can be built. These lots are all about the same. Starting out wider and narrowing down to the woods. A house would be too crowded back there, let alone what it would do to us and the rest of the neighbors' quality of life.

We have also talked with Mr. Serp and he has told us of several different plans he has for this new house. It will not cause them any "undue hardships" or "practical difficulties" if they don't build this house.

I am also sure that the building of this house will have a negative effect on the value of our house. Currently we have a beautiful, tranquil yard that slopes down and backs up to woods. From the side yard all you see is lawn, our pool and woods of all of the houses on either side of ours. If this house is built, we will then have a house with a yard (that may or may not be tranquil anymore) that slopes down and looks onto a big house.

Please don't grant this variance.

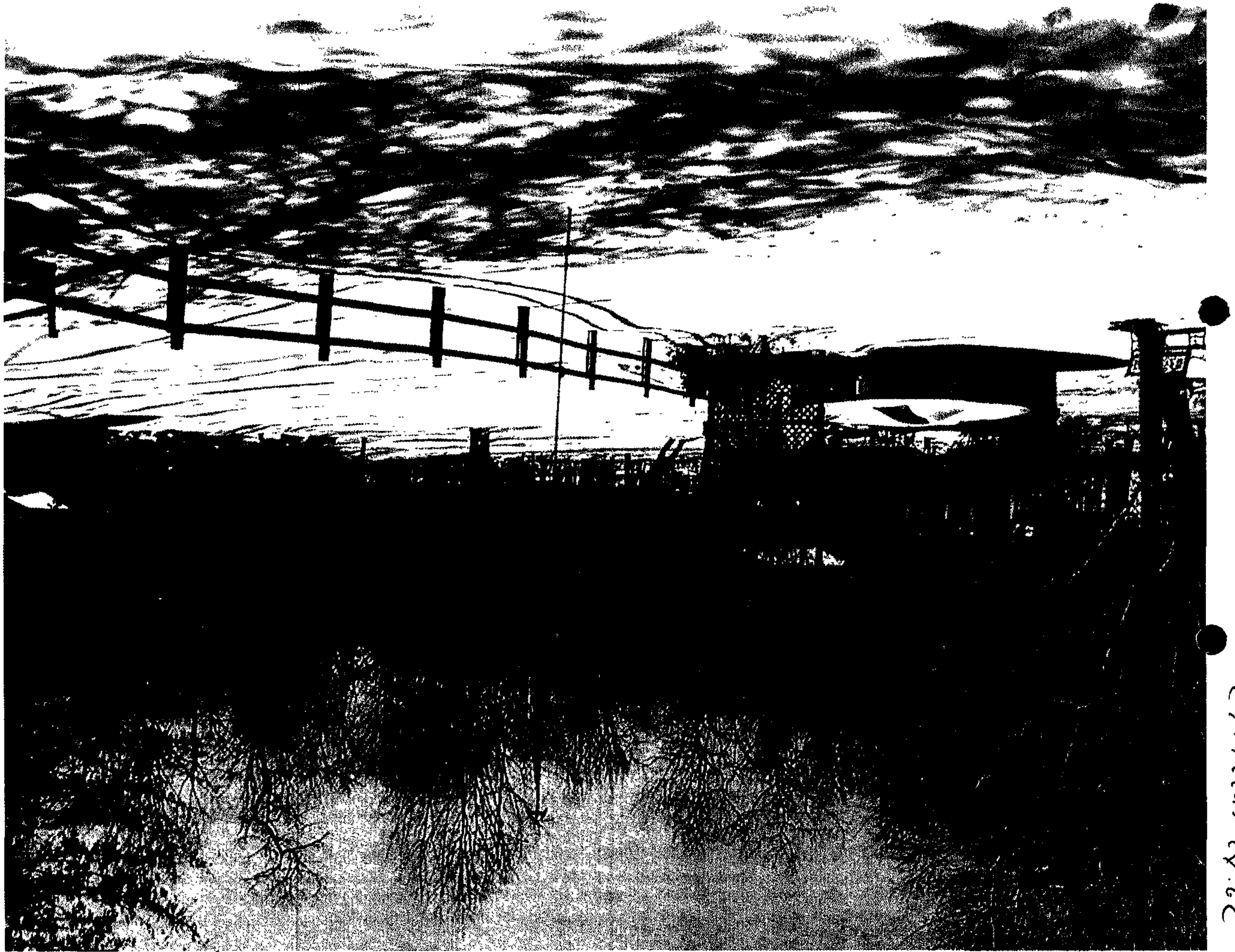
Sincerely,

Bill & Ruth Turner

Bill + Ruth Turner

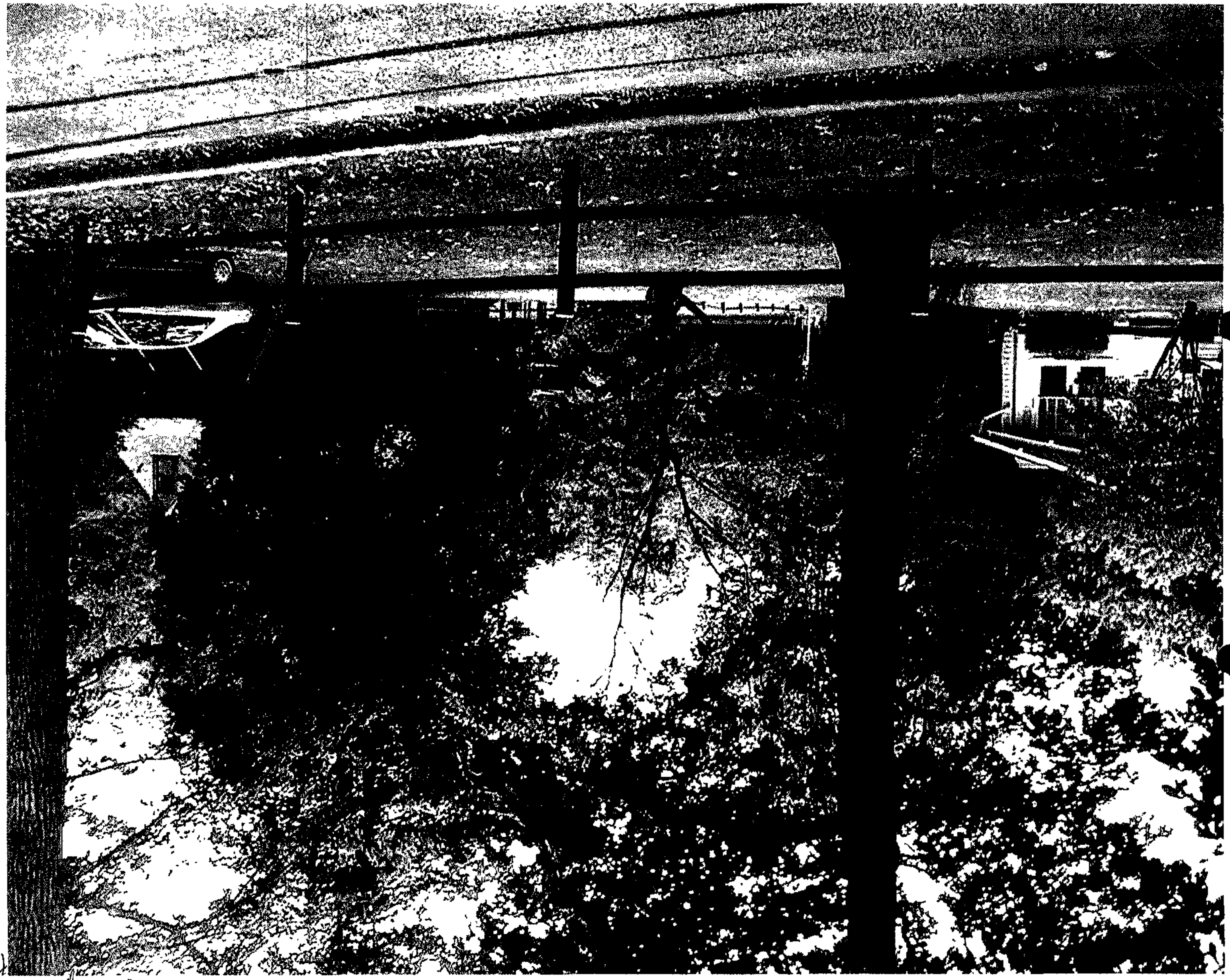
Bill + Janine Turner

Citizens Ex. 6b



Citizens Ex. 6C

Blue Dunne Tuna



City Center Rd

Blue Plume

Citizens Ex. 7a

Mrs. Pat Turner
519B Hilton Avenue
Catonsville, MD 21228
October 5, 2005

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

Subject: Variance Petition Case #: 04-437-A - 519C Hilton Avenue

Dear Panel Members,

Please accept this letter as my testimony that I am totally against the granting of this variance petition of my next door neighbor's, Ed and Betsy Serp. I was hoping to appear in person, but I am in poor health and I never know from one day to the next what I will be able to do.

I have lived in this house for over 20 years and enjoyed countless days in my backyard gardening or just sitting in the peace and quiet watching the birds, rabbits, squirrels and deer. And now, I since I am on disability, this yard is my greatest pleasure in life. A house crammed into my neighbor's backyard, overshadowing my yard and being so close, will destroy my respite and quality of life. I am just sick about this.

I have talked with Mr. Serp and he has told me several different plans for this new house. All of which are purely for making money. It will not cause them any "undue hardships" or "practical difficulties" if they cannot build this house.

I realize and agree that people have rights to do what they want with their own property, but if they need to get a variance to do it, then it obviously isn't up to snuff to begin with. And if a project like this is going to affect so many other people's lives, the variance shouldn't be granted. Besides, there is too much building in Catonsville anyway. From what I read in the Catonsville Times every week, there will not be one blade of grass left if it is allowed to continue.

Thank you for listening to my side of the story and please consider it when making your decision.

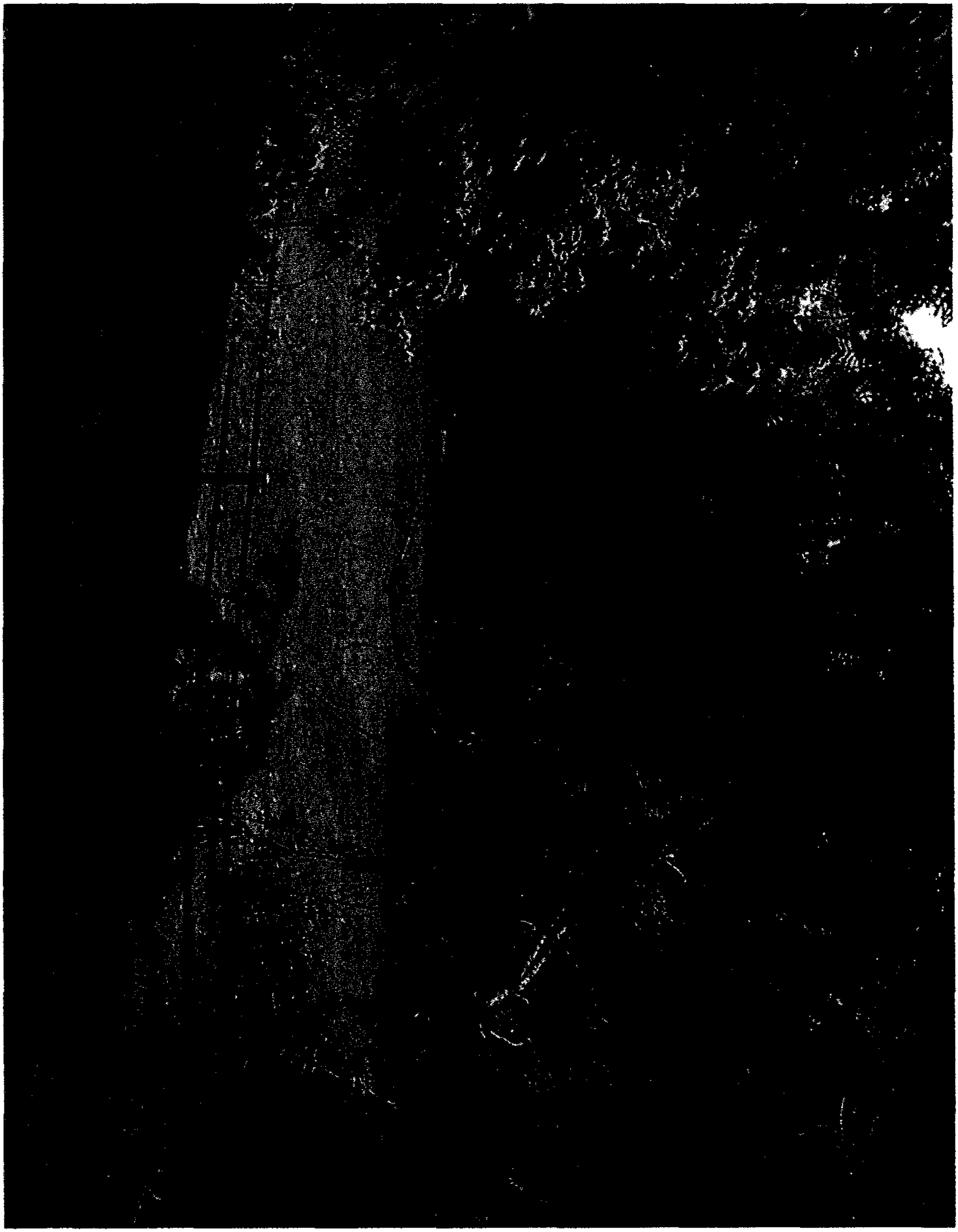
Sincerely,

Pat Turner

Pat Turner

Pat Turner

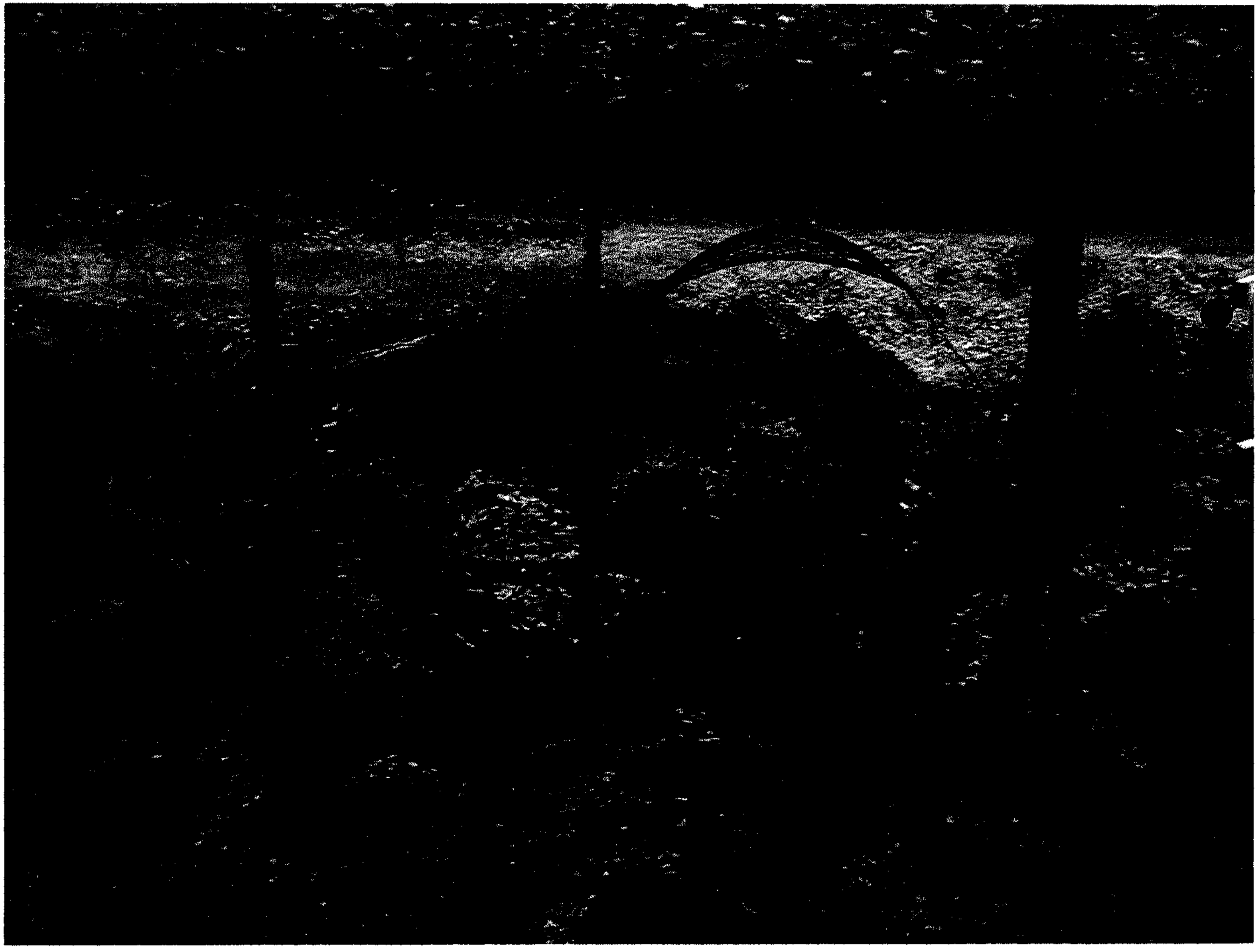
7b



7c

Pat Turner

Pat Turner



Bob Turner

Citizens Ex 8a

John B. O'Donnell, Jr.
601 Hilton Ave.
Catonsville, MD 21228

September 30, 2005

County Board of Appeals of Baltimore County
400 Washington Ave.
Towson MD 21204

Re: Case #04-437-A
Petition for variance 519C Hilton Ave.

Greetings:

I am writing to oppose the variances sought by Edward Serp for the property at 519C Hilton Ave. in Catonsville. I am a neighbor and live four houses away from the Serp property. Moreover, my wife and I own a one-half acre lot that abuts the Serp property on its southern boundary for approximately 110 feet.

Unfortunately, I am unable to attend the Oct. 6 hearing in the above captioned matter. I would have been able to be present at the first three dates scheduled for the hearing for which postponements were granted.

As I understand it, the Baltimore County Zoning Code allows variances "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship." The application says, "The proposed minor subdivision would not be possible without the requested relief being granted."

I find it difficult to fathom how the inability to build a house in one's backyard – or to sell part of the backyard to a buyer who would build a house – constitutes a "practical difficulty or unreasonable hardship." I note that when this petition was before the Zoning Commissioner last year, the Department of Planning found that the petition did not meet that test. The department also noted that "the conditions from which the petitioner is seeking relief are self-imposed due to the creation of a panhandle lot that is not permitted by right," and that the proposed panhandle lot did not meet the criteria of Section 26-266 of the Baltimore County Code.

I might also note that the Serp property is much like the other properties on the east side of his area of Hilton Avenue, most of which are long and narrow lots.

I also question whether, so to speak, the cart is before the horse in this matter. In other words, should Mr. Serp be in this forum now or should he be elsewhere? When this matter was before the Zoning Commissioner, Mr. Serp's attorney at that time disclosed that the subject property appears to be part of an unapproved subdivision. As I understand it, the Serp property was once part of a parcel of about two acres that was subdivided by deed – that is, the owner simply filed new deeds creating two parcels out of one. The owner apparently did not seek approval from the county for a minor subdivision.

As I understand matters, Mr. Serp needs to get approval for that earlier subdivision before he can subdivide his property to build a house in the back yard. Should he accomplish that before he seeks zoning variances? Without approval of the original subdivision, Mr. Serp cannot proceed with his plan. Therefore, without approval of the original subdivision, there is no point in the board considering his request for zoning variances.

I also wonder if Mr. Serp should not also file a minor subdivision plan for his current proposal at the same time that he seeks approval for the original subdivision – before seeking any zoning variances. I raise that question because Mr. Schmidt, in his *Findings of Fact and Conclusions of Law*, said that Mr. Serp may well have to seek yet another zoning variance if he wins approval to subdivide his lot into two lots. As Mr. Schmidt noted, Mr. Serp has an accessory structure on the back part of his property. That structure was not shown when he applied for the zoning variances he now seeks. Mr. Schmidt noted that accessory structures must be on the same lot as the primary structure. He wrote that if Mr. Serp wins approval to subdivide his lot, he will either have to remove the structure, a two-story garage or barn, or obtain variance relief.

I might note that Mr. Schmidt, in his Findings of Fact and Conclusions of Law, wrote at page 3, line 4, "Petitioners propose a small addition to the north side of the existing dwelling, which will further reduce the side yard setback on that side to 10 feet." It is my understanding that the addition already exists.

There appears to be a proliferation of houses being built behind other houses – perhaps in what was once a back yard – in our neighborhood, particularly on Hilton Avenue south of Mr. Serp's property. While I don't think that property owners should be denied any rights to which they are entitled, I would not like to see exceptions and variances to the Zoning Code and county regulations used to accelerate this trend.

Thank you for your attention to this.

Sincerely,

John B. O'Donnell, Jr.

86

Mr. & Mrs. Julius Stiffler
518 Hilton Avenue
Catonsville, MD 21228
September 25, 2005

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

Re: Variance Petition Case #: 04-437-A
519C Hilton Avenue

Dear Baltimore County Board of Appeals,

We are writing in reference to the above petition for variances requested for the Serp property at 519C Hilton Ave. We would like to advise that we are against the granting of this variance for a variety of reasons and it is unfortunate that we are unable to appear in person to discuss them. We hope this letter will adequately explain our position.

From what we understand there are specific issues at hand. One is whether or not it will cause the Serps any "unreasonable hardship" or "practical difficulty" if the variance is denied they don't build this additional house. We can not see how not being able to build a second house in your backyard could possibly cause either of those situations.

Another is whether or not the lot is "unique" or not. The property at 519C is similar to other lots in the neighborhood. There's nothing distinctive or unique about it.

We were happy when Mr. Serp purchased the property in 1988 from Mrs. Gallagher and built such an attractive home that blended in so well with the rest of our neighborhood. We are objecting to this subdivision because a second house will be crowded into the backyard, and it will look like it is crowed into a backyard. It will not blend in with the rest of the neighborhood.

If the variance is granted, it will be bad for the entire neighborhood. It will take away from the quintessence of the neighborhood and could have a domino effect as well.

We are asking that you please deny this variance petition.

Thank you for taking the time to read this letter.

Sincerely,

Julius M. Stiffler

Mr. & Mrs. Julius Stiffler

8c

Mr. & Mrs. Daniel Capozzi
517 Hilton Avenue
Catonsville, MD 21228
September 24, 2005

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

Re: Variance Petition Case #: 04-437-A
519C Hilton Avenue

Dear Board Members,

We are writing to oppose the above petition for setback variances on Mr. and Mrs. Serp's property at 519C Hilton Ave.

The Serp's property is no different from the rest of the lots on most of Hilton Avenue. It is the same shape as all of ours on this block. This neighborhood is the old Catonsville neighborhood of Oak Forest and it would be really detrimental for Oak Forest if this variance is granted and a house is crammed into this backyard. The next thing you know, another variance request will appear and another house stuffed into another yard, and another, and, well you get the picture.

We are all for property owners exercising their rights, as they should be able to do, however not at the expense of the neighbors' rights and quality of life. Our backyard backs up to woods as do those most of the houses on this side of the street and this part of Hilton Avenue. We would personally hate to have a big house practically behind our house. It will destroy the natural environment all of us enjoy so much and it will stick out like a sore thumb.

The Serp's already enjoy their property with their large house and garages they have built on it and it will not cause them any "unreasonable hardship" if they don't build this additional house. It will not cause them any "practical difficulty" either as they are only doing it for financial gain. The zoning regulations exist for a reason and exceptions should only be granted when compelling reasons exist. We just don't think that is the case here.

Thank you for your taking the time to read this and consider our point of view.

Sincerely,

Mr. & Mrs. Daniel Capozzi

8d

Tom & Victoria Goodman
523 Hilton Avenue
Catonsville, MD 21228
September 22, 2005

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

Re: Case #: 04-437-A - 519C Hilton Avenue - Variance

Dear Panel Members,

We are writing in opposition to the petition for variances on Mr. and Mrs. Serp's property at 519C Hilton Ave. We live at 523 Hilton Ave., two houses down from the Serp's. Unfortunately we are unable to appear in person on the rescheduled hearing date.

Our understanding is that the Baltimore County Zoning Code allows variances "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship".

The lot in question is comparable to most of the lots on Hilton Avenue and there is nothing special or distinctive or "peculiar to the land" about it.

We don't see how not being able to build a second house in their backyard would result in "practical difficulty or unreasonable hardship". They have built a large, beautiful house with a 4 car garage and a second large detached 2-3 car garage or barn-like dwelling on the property and are certainly using their land. The only reason for the second house is for monetary gain.

We moved into Oak Forest and this particular house four years ago. We were attracted to the ambience of the "olde" neighborhood with big houses and large old growth trees. We chose our house because the backyard backs up to woods and is very private and tranquil. We spend a lot of time in our yard. This new house would change the atmosphere of our own backyard along with the possibility of starting a trend that would continue to wear away at the "olde" neighborhood until it loses its character and charm.

Granting this variance is just not worth the risk of the possible consequences of it, nor would it be fair to the surrounding neighbors, all of who are vehemently opposed to it.

Thank you for taking the time to read this.

Sincerely,

Mr. & Mrs. Goodman

8e

Mr. & Mrs. Edward Kernan
525 Hilton Avenue
Catonsville, MD 21228
September 25, 2005

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

Re: Variance Petition Case #: 04-437-A - 519C Hilton Avenue

Dear County Board Members,

We live a couple of doors down from the property in question and ask that you please not grant the Variance requested.

Our backyard backs up to woods as do those most of the houses on this side of the street and this part of Hilton Avenue, including 519C. Subdividing that lot and putting a house there will destroy the continuity of all of our backyards on this part of Hilton Avenue. The Serp's lot is the same shape and structure as the rest of the lots on this section of Hilton and we all enjoy the luxury of our properties backing up to the same woods. Sticking a house in the middle of that backyard will greatly affect all of us other property owners.

It also will not cause the Serp's any extreme ''hardships or practical difficulties'' if they do not build a house in their backyard. They are already using their property and want to build this house for financial gain.

If this subdivision and additional house is allowed, we believe it will be detrimental to the entire neighborhood. This is an old Catonsville neighborhood with large homes and well-groomed, large lots. This subdivision just won't fit in with the neighborhood and may start something we don't want or won't be able to stop in the name of ''progress''.

Thank you.

Regards,

Mr. and Mrs. Edward Kernan

87

Susan Dunn
2408 Harborwood Rd.
Catonsville, MD 21228
September 29, 2005

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

Re: Variance Petition Case #: 04-437-A 519C Hilton Avenue

Dear County Board of Appeals,

I am writing to oppose the above petition for the property at 519C Hilton Ave. I had originally understood that this was just a request for an addition to the existing house, which I would certainly have no problems with. But then I found out that it is also, and mainly for, subdividing the lot and building an entire second house in 519C's backyard and I felt compelled to voice my opinion.

There is so much building going on in Catonsville everywhere you turn. This is a peaceful old Catonsville neighborhood. I think it will be harmful to it if this variance is granted and a house is allowed to be stuffed into this yard. There is already another new development brewing down the street near the park which will bring 42 new houses to the neighborhood. While no one is thrilled with this, at least they will all be together and on the correct sized lots and place for the homes. Not crammed into a backyard and disrupting the continuity of the lots on that part of Hilton Avenue. It will also disturb an established old neighborhood and may start a trend that no one I know who lives there wants.

I do think that property owners should be able to do what they wish with their property up to a point, but they must consider what consequences their actions may have on their neighbors and neighborhood as a whole. In this case, the consequences outweigh the property owners' rights. These individuals have a big house and huge garage on their lot. I don't think it will harm them not to be able to build a second house in their yard.

Thank you for your time and interest in my opinion.

Best Regards,

89

Amber Funk
1908 Rollingwood Rd.
Catonsville, MD 21228
September 29, 2005

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

Re: Variance Petition Case #: 04-437-A 519C Hilton Avenue

Dear Sir/Madam,

I am writing to contest the variance petition for the property at 519C Hilton Ave. I thought this was just about some technicalities to put an addition onto the existing house. Then I found out that it is mostly for subdividing the property and constructing a whole additional house in the backyard. These lots were not designed to have two houses on them and it won't look right if one is put back there.

Catonsville is being dug up in every nook and cranny. It is losing its charm because of this. Oak Forest is a charming and serene old Catonsville neighborhood. I think it if this variance is permitted and a house is put up in this backyard it will take away from the neighborhood.

Sincerely,

Amber Funk

8h

Francis Meekins
1621 Park Grove Ave.
Catonsville, MD 21228
September 29, 2005

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

Re: Variance Petition Case #: 04-437-A ----- 519C Hilton Avenue

Dear Board Members:

I am writing to oppose the variance petition for the property at 519C Hilton Ave. I am a resident of the Oak Forest Community and live right around the corner from 519C Hilton.

I was under the mistaken impression that this variance request was just simply for an addition to the existing house, but have since been advised that it is also for subdividing the lot and building a whole second house on that property. I was astonished that the owners would want to build a second house in their back yard. It's too small and won't go with the rest of the lots. They're all similar, large yards that back up to woods and it would be an eyesore.

Besides the effect it would have on the neighbors, it would be bad for our entire neighborhood. Allowing this subdivision could be the start of a bad trend. We're already dealing with a new development that might be built at the end of Hilton Avenue. This part of Hilton is older, peaceful and beautiful. Let's not allow it to be chopped up and every square inch of it built upon until there's nothing left.

Sincerely,

Francis Meekins

8i

Bonnie B. Bilson
2021 Devere Lane
Catonsville, Maryland 21228

September 30, 2005

County Board of Appeals of Baltimore County
Hearing Room – Room 48
400 Washington Avenue
Towson, Maryland 21204

Re: 519C Hilton Avenue
Case No.: 04-437-A

Dear Sir or Madam:

It is my understanding that a zoning variance appeal hearing is going to be taking place in the above-referenced matter on October 6, 2005. I am a very concerned neighbor and wanted to express my sincere concerns and problems with this; however I am unable to attend the hearing myself as I have previously-scheduled plans.

I have lived in this area for my entire life (44 years). I enjoy Catonsville because of the atmosphere and serenity that I get when I come home. I am able to come home from work and enjoy the peace and quiet and privacy from my neighbors. I grew up on McCurley Avenue, only blocks away from Hilton and have many fond memories of riding my bike in the area and hanging out with the kids in the neighborhood. Traffic was not heavy since the neighborhoods were pretty spread out and we as children felt safe.

I understand that Mr. Serp wants to subdivide his lot and build a second house in his backyard. All of the houses along this section of Hilton Avenue back up to woods. All of the properties on Hilton Avenue have substantially the same amount of land. The neighborhood that was put at the end of Hilton has drastically changed the traffic pattern in the area. It is my belief that we don't need another house in the backyard of a neighbor. All of the neighbors on Hilton Avenue live in the area because they enjoy the atmosphere that they are so accustomed to because of the area and the neighborhood. If Mr. Serp is allowed to build this other house on his property, then slowly, there were be another house, and another house, and before we know it, there will be a development of houses. This is not why the people live on Hilton Avenue. If Mr. Serp desires to have two houses so close in proximity, then I suggest he buy a home where you could throw a rock at his neighbor. To my knowledge, this is purely a financial gain, and if that truly is the case, then Mr. Serp needs to sell his property and buy another home elsewhere. He would be sure to have a financial gain without jeopardizing the other neighbors' privacy or their livelihood.

Thank you for your consideration.

Very truly yours,

Bonnie B. Bilson

/bb

695791

8

September 23, 2005

County Board of Appeals
Old Courthouse, Room 49
Hearing Room, Room 48
400 Washington Ave.
Towson, MD 21204

Dear Board Members:

I am writing in reference to Variance Petition Case [04-437-A] which concerns a proposal to subdivide the property at 519C Hilton Ave.

The above variance petition case is in an area called Oak Forest in Catonsville. Oak Forest is a beautiful, tree lined neighborhood that is a pleasure to walk through on a nice afternoon. The houses are of different construction and style which adds to the unique character of the neighborhood. The neighborhood is bordered by Patapsco State Park.

I do not believe that further subdivision in Oak Forest would be beneficial to the area. Catonsville is currently very congested. Traffic on Frederick Road and Rolling Road as well as other places in Catonsville is frequently backed up—especially at rush hours.

Properties on the north side of Baltimore National Pike on North Rolling Road have been subdivided. As a result, numerous homes are now crowded onto pieces of property that formerly contained only one dwelling. Even though the houses that have been built are attractive, the positioning of numerous houses which almost touch each other on what was a one dwelling property looks very unattractive.

I oppose the subdivision of 519C Hilton Ave. because I believe that the practice of cramming more houses on one dwelling properties is not a good idea and this practice should not be expanded in the area of Oak Forest. To do so would only serve to begin the deterioration of a very special neighborhood.

Sincerely,

Charles F. Cook
215 Rollingfield Rd.
Catonsville, MD 21228

8K

Keith MacLeod
1910 Clifden Road
Catonsville, MD 21228
September 26, 2005

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

Re: Variance Petition Case #: 04-437-A
519C Hilton Avenue

Dear County Board of Appeals,

The purpose of this letter is to oppose the above petition for the property at 519C Hilton Ave.

I must say I was surprised to see that the owner would even want to subdivide his lot and build a second house right behind his own and his neighbor's homes. I can't picture a second house on any of those lots. They're all about the same and it just won't look right, nor can I fathom how he could possibly stand it. Though I understand he has talked of plans to move into the new house or just plain move out of state.

This is a peaceful old Catonsville neighborhood. I think it will be harmful this neighborhood if this variance is granted and a house is allowed to be crowded into this backyard. There is yet another new development in the works down the street near the end of Hilton Avenue. That's where the new houses belong, not jammed into someone's back yard in the middle of an old, established, historical neighborhood like this one.

I believe property owners should be allowed to do what they want with their property. However, they must consider the effects of what they are planning to do on others. We all have to live we each other and must be considerate of each other. These folks already have a big house and barn on their property. I don't think it will hurt them not to be able to build another house on it.

Yours Truly,

Keith MacLeod

8L

S. Boarman
5 Rumford Drive, Unit 204
Catonsville, MD 21228

September 26, 2005

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
Hearing Room - Room 48
400 Washington Avenue
Towson, Maryland 21204

Dear Sir/Madam,

Regarding Zoning Variance Appeals Case # 04-437-A

Please stop the building of homes on every inch of land in Catonsville. This trend has gotten out of control and is ruining the quality of life that long-time residents wanted most when they moved here. Deer and other animals from wooded areas are often seen on neighborhood streets due to the rapid development of open spaces leaving no where else for them to roam.

Now the owner of 519C Hilton Avenue wants to build a house in the yards of neighbors who would never have bought there had they known this infringement on their property would be tolerated. If one neighbor is allowed to chop up his land for profit, others will follow and everyone will suffer. Please don't let this happen.

Sincerely,

Sally Boarman

Exhibit "A"

FEE SIMPLE—Individual(s)
No Consideration. Transfer adding wife.
No Title Exam. No Title Insurance.

Case No.**1010710**

This Deed, Made this 21 day of APRIL, **2002**, by and between

Edward M. Serp, Sole Owner,

party of the first part, and

Edward M. Serp and Betsy N. Serp,

parties of the second part.

Witnesseth, that in consideration of the sum of **$.00** and other good and valuable considerations, receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the parties of the second part, as tenants by the entirety, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple, all that property lying and being in **Baltimore County**, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point in the fifth or North 65 degrees 48 minutes West 418 foot 6 inch line of that parcel of land which by Deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K. Jr., 6057, folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers, thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 81.34 feet to a point; thence leaving said point and running for a line of division as now established South 71 degrees 19 minutes 30 seconds East passing over an iron pin set at a distance of 163.05 feet for a total distance of 430.13 feet to an iron pin set in the fourth or South 26 degrees 31 minutes West 231 foot 8-1/2 inch line of the entire tract, thence running with and binding on a portion of said fourth line as now surveyed, South 26 degrees 14 minutes 01 seconds West 120.00 feet to a stone found at the end of said fourth line, thence leaving said point and running with and binding on a portion of the fifth or North 65 degrees 48 minutes West 418 foot 6 inch line of the entire tract as now surveyed, North 66 degrees 05 minutes 20 seconds West 412.88 feet to the place of beginning. Containing 0.9695 acres of land, more or less and being all that lot or parcel of land identified as "Lot A" on that certain plat dated May 26, 1983, entitled "Subdivision Plat Property of James A. Myers", a copy of which is recorded among the Land Records of Baltimore County in Liber 7490, at folio 344.

TOGETHER WITH a right of ingress and egress to and from South Hilton Avenue over the five foot widening strip retained by James A. Myers.

BEING ALL THAT REAL PROPERTY granted and conveyed by Deed dated July 16, 1991 and recorded August 15, 1991 among the Land Records of Baltimore County, Maryland in Liber 8883, folio 575 unto the Grantor herein.

Subject to covenants, easements and restrictions of record.

AFTER RECORDING MAIL TO:
Edward Serp
519 C HILTON AVE.
CATONSVILLE, MD 21228

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

To Have and To Hold the said lot of ground, land and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereunto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part as tenants by the entirety, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple.

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

Witness *the hand and seal of said Grantor.*

WITNESS:

_____ Edward M. Serp {SEAL}
Edward M. Serp

State of Maryland
County of Howard, to wit:

I Hereby Certify that on this 21 day of April, **2002**, before me, the undersigned subscriber, a Notary Public of the State of Maryland, in and for the State and County aforesaid, personally appeared **Edward M. Serp**, the above named Grantor, known to me to be the person whose names is subscribed to the within instrument and did acknowledge that he executed the same for the purposes therein contained.

AS WITNESS MY HAND AND NOTARIAL SEAL.

Laura L. Burd
Notary Public
My Commission Exp

LAURA L. BURD
Notary Public
Howard Co., MD
My Comm. Exps. Jan. 3, 2006

THE UNDERSIGNED CERTIFIES THAT THE WITHIN INSTRUMENT WAS PREPARED BY HIM/HER AND HE/SHE IS A PARTY TO THE INSTRUMENT.

Edward M. Serp
Edward M. Serp

Exhibit "B"

NO TITLE EXAMINATION
NO CONSIDERATION

THIS DEED, Made this 16th day of July, 1991, by and between EDWARD M. SERP and HELEN J. HOLDEN, his wife, of the first part, and EDWARD M. SERP, of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt of which is by the Grantors hereby acknowledged, the said parties of the first part do grant and convey to the said party of the second part, his personal representatives and assigns, in fee simple, all that lot of ground situate in the First Election District of Baltimore County, State of Maryland, and described as follows, that is to says:

Beginning for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point in the fifth or North 65 degree 48 minute West 418 foot 6 inch line of that parcel of land which by deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland, in Liber E.H.K.Jr. 6057 folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers, thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 81.34 feet to a point; thence leaving said point and running for a line of division as now established South 71 degrees 19 minutes 30 seconds East passing over an iron pin set at a distance of 163.05 feet for a total distance of 430.13 feet to an iron pin set in the fourth or South 26 degree 31 minute West 231 foot 8-1/2 inch line of the entire tract, thence running with and binding on a portion of said fourth line as now surveyed, South 26 degrees 14 minutes 01 seconds West 120.00 feet to a stone found at the end of said fourth line, thence leaving said point and running with and binding on a portion of the fifth or North 65 degree 48 minute West 418 foot 6 inch lne of the entire tract as now surveyed, North 66 degrees 05 minutes 20 seconds West 412.88 feet to the place of beginning. Containing 0.9695 acres of land, more or less, and being all that lot or parcel of land identified as "Lot A" on that certain plat dated May 26, 1983, entitled "Subdivision Plat Property of James A.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JR 8-14-91

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR DATE 8-14-91

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per
Authorized Signature
Date 8-14-91 Sec. 33 130 A

Myers", a copy of which plat is recorded among the Land Records of Baltimore County in Liber 7490, at folio 344.

Together with a right of ingress and egress to and from South Hilton Avenue over the five foot widening strip retained by James A. Myers.

BEING the same property which was by Deed dated March 5, 1987, and recorded among the Land Records of Baltimore County in Liber 7490, at folio 341, granted and conveyed by Margaret C. Gallagher unto the within Grantors.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the first part, his personal representatives and assigns, in fee simple.

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

THE undersigned hereby certify under the penalties of perjury that this Deed is made pursuant to the terms of a Property Settlement Agreement between the parties, and for that reason, this Deed is exempt from the payment of the recordation tax and State and local transfer tax, pursuant to the provisions of Section 12-108, 13-207, and 13-403 of the Tax-Property Article of the Annotated Code of Maryland.

WITNESS the hands and seals of said Grantors.

Witness — EDWARD M. SERP (SEAL)

Witness — HELEN J. HOLDEN (SEAL)

H RC/F 15.00
AC IMP 5.00
DEED 0 #
DEED
SH CLERK 20.00
R02187 C003 R01 T08:41
08/15/91

STATE OF MARYLAND, Anne Arundel Co., to wit:

I HEREBY CERTIFY that on this 11th day of July, 1991, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared EDWARD M. SERP, known to me (or satisfactorily proven) to be one of the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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

Notary Public

My Commission Expires:

2/1/92

STATE OF MARYLAND, City of Baltimore, to wit:

I HEREBY CERTIFY that on this 27 day of June, 1991, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared HELEN J. HOLDEN, known to me (or satisfactorily proven) to be one of the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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

Notary Public

My Commission Expires:

4-1-95

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

EDWIN A. LECHOWICZ

Central Md. Title Co.
5 Crain Hwy., N.E.
Glen Burnie, Md. 21061

Exhibit "C"

Lockowicz, etc.
7439 Gale Group. Blvd.
P.O. Box 849
Glen Burnie 21061-0849

THIS DEED, Made this 7th day of July, 1987, by and between MARGARET C. GALLAGHER, of Baltimore County, State of Maryland, of the first part, and EDWARD M. SERP and HELEN J. HOLDEN, his wife, of the second part.

WITNESSETH, That in consideration of the sum of Thirty-Five Thousand Dollars ($35,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in the First Election District of Baltimore County, State of Maryland, and described as follows, that is to says:

> Beginning for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point in the fifth or North 65 degree 48 minute West 418 foot 6 inch line of that parcel of land which by deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland, in Liber E.H.K.Jr. 6057 folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers, thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 81.34 feet to a point; thence leaving said point and running for a line of division as now established South 71 degrees 19 minutes 30 seconds East passing over an iron pin set at a distance of 163.05 feet for a total distance of 430.13 feet to an iron pin set in the fourth or South 26 degree 31 minute West 231 foot 8-1/2 inch line of the entire tract, thence running with and binding on a portion of said fourth line as now surveyed, South 26 degrees 14 minutes 01 seconds West 120.00 feet to a stone found at the end of said fourth line, thence leaving said point and running with and binding on a portion of the fifth or North 65 degree 48 minute West 418 foot 6 inch lne of the entire tract as now surveyed, North 66 degrees 05 minutes 20 seconds West 412.88 feet to the place of beginning. Containing 0.9695 acres of land, more or less, and being all that lot or parcel of land identified as "Lot A" on that certain plat dated May 26, 1983, entitled "Subdivision Plat Property of James A.

JR 3-10-87

TAX
JR 3-10-87
DATE

Myers", a copy of which plat is attached hereto as a part hereof.

Together with a right of ingress and egress to and from South Hilton Avenue over the five foot widening strip retained by James A. Myers.

BEING the same property which was by Deed dated May 31, 1983, and recorded among the Land Records of Baltimore County in Liber 6532, at folio 520, granted and conveyed by James A. Myers unto Margaret C. Gallagher.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the survivor's personal representatives and assigns, in fee simple.

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

WITNESS the hand and seal of said Grantor.

Witness

Margaret C. Gallagher (SEAL)
MARGARET C. GALLAGHER

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, to wit:

I HEREBY CERTIFY that on this _____ day of _____, 1987, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared MARGARET C. GALLAGHER, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the

foregoing Deed to be her act, and in my presence signed and sealed the same.

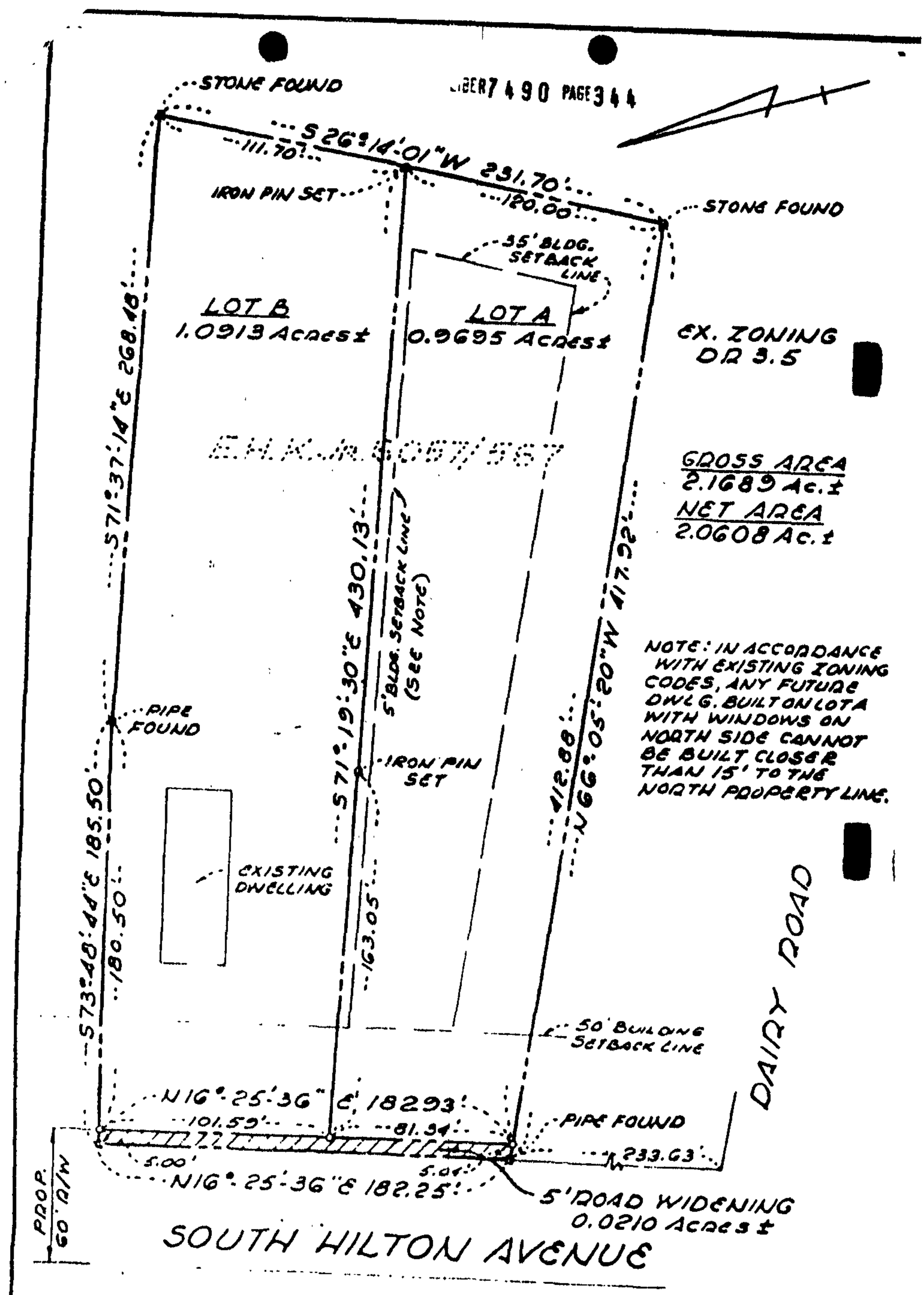
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

July 1, 1990

12.00
175.00
N
65.00
14:49
10/16/97



STATE OF MARYLAND
LORENZO ROSSI
No. 241
REGISTERED
PROPERTY LINE SURVEYOR

SUBDIVISION PLAT
PROPERTY OF
JAMES A. MYERS
E.H.K. JR. 6057/567
1ST ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SPOTTS, STEVENS and McCOY, INC.
CONSULTING ENGINEERS

					5/26/83
MADE BY	CHECK	APPROVAL			DATE
1"=50'	0614-000-L-001				
SCALE	DRAWING NUMBER				REV.

Exhibit "D"

LIBER 6532 520

THIS DEED, made this 31ST day of May in the year nineteen hundred and eighty-three, by and between JAMES A. MYERS of Baltimore County, State of Maryland, party of the first part; and MARGARET C. GALLAGHER of Baltimore County, State of Maryland, party of the second part.

D RCPF 18.00
D I TX 150.00
D DOCS 150.00
DEED 0
EHK JR I 318.00
WS 378 COD. 002 108:
06/01/

W I T N E S S E T H :

THAT in consideration of the sum of THIRTY THOUSAND DOLLARS ($30,000.00), the said party of the first part does grant and convey unto the said MARGARET C. GALLAGHER, her personal representatives and assigns, all that tract or parcel of ground situate, lying and being in the First Election District of Baltimore County, State of Maryland, and known as Lot A on the attached Plat and description according to a survey by Spotts, Stevens and McCoy, Inc. dated May 26, 1983 and described as follows

BEGINNING for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point in the fifth or North 65 degree 48 minute West 418 foot 6 inch line of that parcel of land which by deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.Jr. 6057 folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers, thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 81.34 feet to a point, thence leaving said point and running for a line of division as now established South 71 degrees 19 minutes 30 seconds East passing over an iron pin set at a distance of 163.05 feet for a total distance of 430.13 feet to an iron pin set in the fourth or South 26 degree 31 minute West 231 foot 8½ inch line of the entire tract, thence running with and binding on a portion of said fourth line as now surveyed, South 26 degrees 14 minutes 01 seconds West 120.00 feet to a stone found at the end of said fourth line, thence leaving said point and running with and binding on a portion of the fifth or North 65 degree 48 minute West 418 foot 6 inch line of the entire tract as now surveyed, North 66 degrees 05 minutes 20 seconds West 412.88 feet to the place of beginning. Containing 0.9695 acres of land, more or less.

BEING part of the property which, by Deed dated July 19, 1979 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6057, folio 567, was granted and conveyed by Herman L. Vordemberge to James A. Myers wherein Herman L. Vordemberge retained a life estate with full power of sale. Said Herman L. Vordemberge departed this life on or about April 11, 1983.

TOGETHER with a right of ingress and egress to and from South Hilton Avenue over the five foot widening strip retained by James A. Myers.

RETAINING to James A. Myers the balance of the property acquired by Deed recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6057, folio 567 and described as follows:

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE
DATE 6/1/83

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK
DATE 6/1/83

JOHN H. DITTO, JR.
ATTORNEY AT LAW
1014 COURT SQUARE BLDG
BALTIMORE MD 21202

0 0001*****30000A3 801EA

150
150

BEGINNING for the same at a point on the easterly side of South Hilton Avenue as proposed 60 feet wide at a point North 16 degrees 25 minutes 36 seconds East 81.34 feet from a point in the fifth or North 65 degree 48 minute West 418 foot 6 inch line of that parcel of land which by deed dated July 19, 1979 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.Jr. 6057, folio 567 was granted and conveyed by Herman L. Vordemberge to James A. Myers; thence leaving said point and running with and binding on the easterly side of said South Hilton Avenue as now surveyed North 16 degrees 25 minutes 36 seconds East 101.59 feet to a point in the second or South 73 degree 51 minute East 186 foot 11½ inch line of the aforesaid deed; thence running with and binding on a portion of said second line as now surveyed South 73 degrees 48 minutes 44 seconds East 180.50 feet to a pipe found; thence running with and binding on the third or South 71 degree 12 minute East 267 foot 11½ inch line of the aforesaid deed as now surveyed South 71 degrees 37 minutes 14 seconds East 268.48 feet to a stone found; thence running with and binding on a portion of the fourth or South 26 degree 31 minute West 231 foot 8½ inch line of the aforesaid deed as now surveyed South 26 degrees 14 minutes 01 seconds West 111.70 feet to an iron pin set; thence leaving said point and running for a line of division as now established North 71 degrees 19 minutes 30 seconds West passing over an iron pin set at a distance of 163.05 feet from the end of said division line for a total distance of 430.13 feet to the place of beginning. Containing 1.0913 acres of land, more or less.

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

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said MARGARET C. GALLAGHER, her personal representatives and assigns, forever, in fee simple.

AND the said party of the first part hereby covenants that he has not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor.

TEST:

_____ _____ (SEAL)
James A. Myers

JOHN H DITTO JR
ATTORNEY AT LAW
1014 COURT SQUARE BLDG.
BALTIMORE, MD. 21202

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

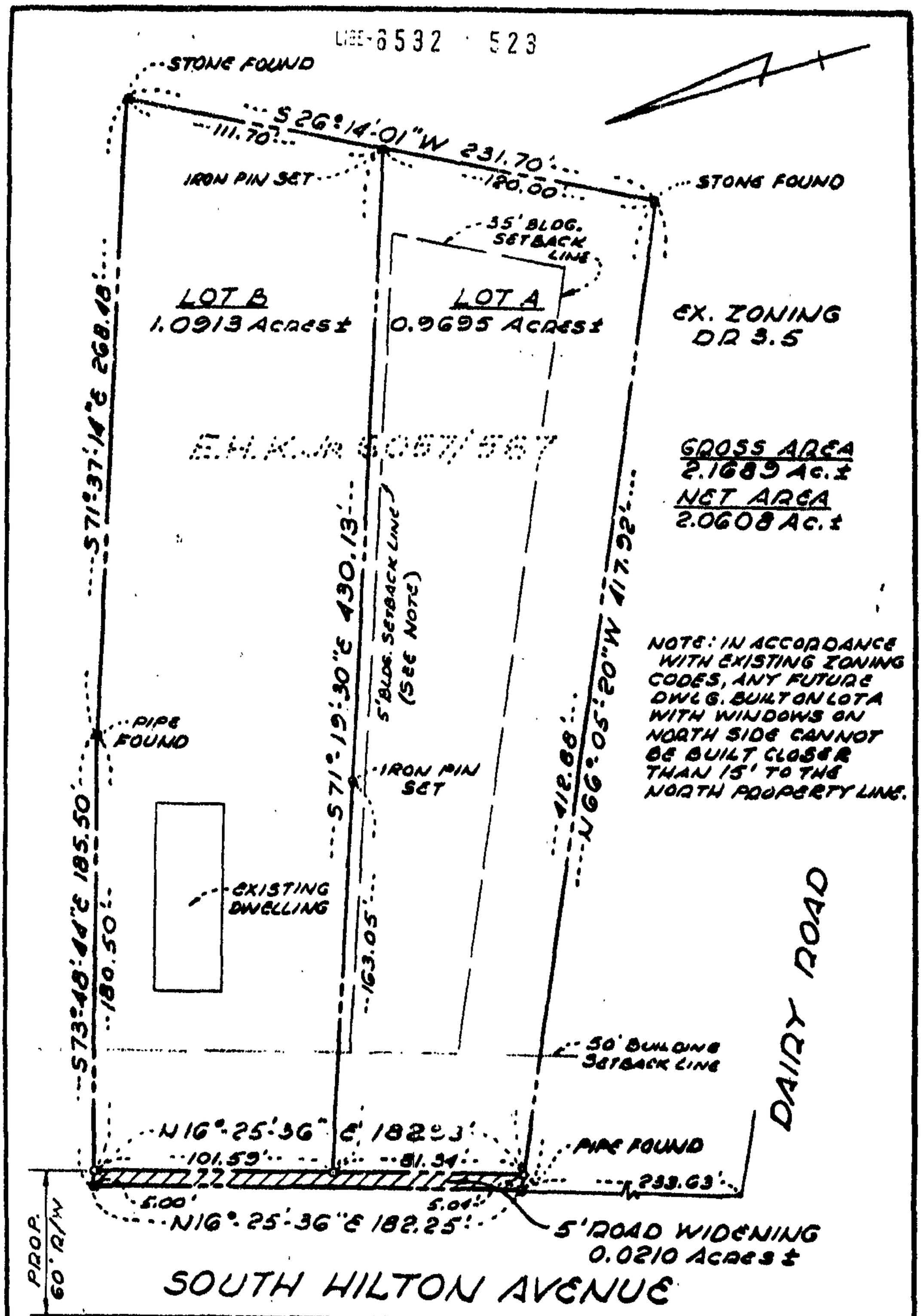
I HEREBY CERTIFY that on this 31st day of May in the year nineteen hundred and eighty-three, before me, the subscriber, a Notary Public of the State of Maryland, in and for Howard County, personally appeared JAMES A. MYERS known to me (or satisfactorily proven) to be the person named in the foregoing instrument and he acknowledged the foregoing Deed (to Margaret C. Gallagher) to be his act and that he executed the same for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

John H. Ditto, Jr. Notary Public

JOHN H. DITTO, JR.
ATTORNEY AT LAW
1014 COURT SQUARE BLDG.
BALTIMORE, MD 21202

LIBER 6532 · 523



STATE OF MARYLAND
LORENZO ROSS
No. 241
REGISTERED
PROPERTY LINE SURVEYOR

SUBDIVISION PLAT
PROPERTY OF
JAMES A. MYERS
C.H.K. JR. 6057/567
1ST ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SPOTTS, STEVENS and McCOY, Inc.
CONSULTING ENGINEERS

					5/26/83
MAIN CHECK		APPROVAL			DATE
1"=50'		8614-000-L-001			
SCALE		DRAWING NUMBER			REV.

Filed for record JUN 1 1983 at ... P.M.
Per Elmer H. Kahline, Jr., Clerk
Mail to John H. Leitz
Receipt No. 8 1800

857 Hm

Exhibit "C"

6057/567

567

THIS DEED, Made this 17th day of July, 1979, by and between HERMAN L. VORDEMBERGE, of Baltimore County, State of Maryland, party of the first part, and JAMES A. MYERS, of Baltimore County, State of Maryland, party of the second part.

WITNESSETH: That for no actual consideration, the said HERMAN L. VORDEMBERGE does hereby grant and convey unto JAMES A. MYERS, in fee simple, his personal representatives and assigns, reserving, however, unto the said HERMAN L. VORDEMBERGE a life estate with power of disposition as hereinafter recited, all that lot of ground situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the southeast side of South Hilton Avenue at the distance of two hundred thirty-three feet seven and one-half inches northeasterly from the intersection of the southeast side of South Hilton Avenue with the northeast side of Dairy Road and running thence binding on the southeast side of South Hilton Avenue north sixteen degrees thirty-six minutes east one hundred eighty-two feet three inches to the southwest outline of that parcel of land heretofore conveyed by Vordenberge to Dahlstrom then running and binding on said outline as follows: south seventy-three degrees fifty-one minutes east one hundred eighty-six feet eleven and one-half inches and south seventy-one degrees twelve minutes east two hundred sixty-seven feet eleven and one-half inches to a stone on the southeast outline of the whole tract of land of which the land now being described is a part thence running and binding on part of said outline as follows: south twenty-six degrees thirty-one minutes west two hundred thirty-one feet eight and one-half inches to a stone and north sixty-five degrees forty-eight minutes west four hundred eighteen feet six inches to the place of beginning.

BEING the same lot or parcel of ground described in a Deed dated September 25, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. 1887folio 187 was granted and conveyed by THE LAND RECORD HOLDING COMPANY unto AMELIA E. VORDEMBERGE, for life, with full power of disposition, and the remainder to HERMAN L. VORDEMBERGE and OLIVIA B. VORDEMBERGE, his wife. The said OLIVIA B. VORDEMBERGE having departed this life on or about July 13, 1979, thereby vesting fee simple title in HERMAN L. VORDEMBERGE, the Grantor herein.

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

TO HAVE AND TO HOLD the said described lot or parcel of ground and promises unto the said HERMAN L. VORDEMBERGE for and during the term of his natural life with full power and authority

TRANSFER TAX NOT REQUIRED
RANDOLPH B. ROSENCRANTZ
DIRECTOR OF FINANCE
BALTIMORE COUNTY, MARYLAND

For: _____
AUTHORIZED SIGNATURE

in the said HERMAN L. VORDEMBERGE (without the joinder or consent of the remainderman hereinafter mentioned) to sell, lease, mortgage or otherwise dispose of said property (except by Last Will and Testament), or any part thereof, or any interest therein, including the life estate and remainder therein, at any time during his natural life in such manner that the purchaser or purchasers, lessee or lessees, mortgagee or mortgagees, grantee or grantees, thereof will not be liable to see to the application of the purchase or mortgage money or rent; and immediately after the death of the said HERMAN L. VORDEMBERGE, then the said property, or so much thereof, or any interest therein, as may not have been disposed of by the exercise of the powers herein mentioned, subject to such mortgages as may be then a lien against the said property, to the said JAMES A. MYERS, his personal representatives and assigns, in fee simple forever.

AND the said HERMAN L. VORDEMBERGE hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted, and that he will execute such further assurances of the said land as may be requisite.

WITNESS the hand and seal of the said Grantor.

WITNESS:

Herman L. Vordemberge (SEAL)
HERMAN L. VORDEMBERGE

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 17th day of July, 1979, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared HERMAN L. VORDEMBERGE, the within named grantor, and he acknowledged the aforegoing Deed to be his act.

WITNESS my hand and Notarial Seal.

(SEAL)
Notary Public

My Commission expires:

Rec'd for record AUG 3 1979 at
Per Elmer H. Kahline, Jr., Clerk
Mail to
Receipt No.

Exhibit "F"

in and for Baltimore County personally appeared Amelia E Vordenberge widow and she acknowledged the foregoing deed to be her act.

WITNESS my hand and notarial seal the day and year last above written.

(Notarial Seal) John G Rose

John G Rose Notary Public

Rec Sep 27 1950 at 2;10 PM & exd per T Braden Silcott Clerk rec map
Exd by AM&EH

- -

159499 The Land Record Holding Co)
Deed to Amelia E Vordenberge widow)

THIS DEED made this 25th day of September, in the year one thousand nine hundred and fifty, by and between THE LAND RECORD HOLDING COMPANY, a body corporate, duly organized and existing under the laws of the State of Maryland,

WITNESSETH: that for and in consideration of the sum of one dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said The Land Record Holding Company doth hereby grant and convey unto AMELIA E. VORDEMBERGE, widow for life, with full powers as hereinafter mentioned, and after her death unto HERMAN L. VORDEMBERGE and OLIVIA B. VORDEMBERGE, his wife, their heirs and assigns, all that lot of ground situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the southeast side of South Hilton Avenueat the distance of two hundred thirty-three feet seven and one-half inches northeasterly from the intersection of the southeast side of southHilton Avenue with the northeast side of Dairy Road and running thence binding on the southeast side of South Hilton Avenue north sixteen degrees thirty-six minutes east one hundred eighty-two feet three inches to the southwest outline of that parcel of land herefofore conveyed by Vordenberge to Dahlstrom thence running and binding on said outline as follows: south seventy-three degrees fifty-one minutes east one hundred eighty-six feet eleven and one-half inches and south seventy-one degrees twelve minutes east two hundred sixty seven feet eleven and one-half inches to a stone on the southeast outline of the whole tract of land of which the land now being described is a part thence running and binding on part of said outline as follows: south twenty-six degrees thirty-one minutes west two hundred thirty-one feet eight and one-half inches to a stone and north sixty-five degrees forty-eight minutes west four hundred eighteen feet six inches to the place of beginning.

BEING the same lot or parcel of ground described in a Deed dated of even date herewith and recorded or intended to be recorded among the land records of Baltimore County immediately prior hereto from Amelia E Vordenberge widow, to the Grantor herein. Amelia E. Vordemberge being the correct name of theGrantor in said Deed.

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

TO HAVE AND TO HOLD the said described lot or parcel of ground and premises, unto the said AMELIA E VORDEMBERG widow for and during the term of her natural life, with full power and authority in the said Amelia E. Vordemberge widow (without the joinder or consent of the remainderman hereinafter mentioned) to sell,lease, mortgage or otherwise dispose of said property, or any part thereof, or any interest therein, including the life estate and remainder therein, at any time during her natural life in such manner that the purchaser or purchasers, lessee or lessees, mortgagee or mortgagees, grantee or grantees,

MAR 13 1951

thereof will not be liable to see to the application of the purchase or mortgage money or rent; and immediately after the death of the said Amelia E. Vordemberge widow, then the said property, or so much thereof, or any interest therein, as may not have been disposed of by the exercise of the powers herein mentioned, subject to such mortgages as may be then a lien against the said property, to the said HERMAN L. VORDEMBERGE and OLIVIA B. VORDEMBERGE, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns, of such survivor in fee simple forever.

AND the said The Land Record Holding Company hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted, and that it will execute such further assurances of the said land as may be requisite.

WITNESS thesignature of the Land Record Holding Company by the hand of Francis X McDonough, vice president with its corporate seal hereunto affixed.

WITNESS: THE LAND RECORD HOLDING COMPANY

John G Rose By Francis X McDonough

John G Rose Francis X McDonough vice president

(Corporate seal)

STATE OF MARYLAND, CITY OF BALTIMORE TO WIT:

I HEREBY CERTIFY, that on this 25th day of September, in the year one thousand nine hundred and fifty, before me, the subscriber a Notary Public of the State of Maryland, in and for Baltimore County personally appeared Francis X. McDonough vice president of The Land Record Holding Company, the within named grantor, and he acknowledged the aforegoing Deed to be the act of said body corporate.

WITNESS my hand and Notarial Seal

(Notarial Seal) John G Rose

John G Rose Notary Public

Rec Sep 27 1950 at 2;10 PM & exd per T Braden Silcott Clerk rec map
Exd by AM&EH

- -

159500 Keystone Realty Co Inc)
Deed Julius Segall & Wf)
USS $2.75 ST $2.75)

THIS DEED made this 25th day of September, 1950, by Keystone Realty Co., Inc., a body corporate, duly incorporated under the laws of the State of Maryland.

WITNESSETH, that in consideration of five dollars and other valuable considerations, the receipt whereof is hereby acknowledged, the said Keystone Realty Co., Inc., does grant and convey unto Julius Segall and Mary Segall, his wife, of the City of Baltimore, in the State of Maryland, as tenants by the entirety, and unto the survivor of them, their assigns, and the heirs and assigns, of the survivor of them, in fee simple, all that lot of ground situate in Baltimore County, in said State, thus described:

BEGINNING for the same at a point on the northwesternmost side of Slade Avenue as now laid out 60 feet wide at a point distant 120.30 feet measured northeasterly along the northwesternmost side of Slade Avenue from a point of curve situated on the northwesternmost side of Slade Avenue and distant north 67 degrees 00 minutes 00 seconds east 55.30 feet from the extension southeasterly of the northeasternmost side of Seven Mile Lane as now laid out 60 feet wide, and running thence and binding on the northwesternmost side of Slade Avenue, and referring the courses of this description to the system of coordinates as established in the Baltimore County Metropolitan District, north 66 degrees 00 minutes 00

Citizens Ex. 9a

Pet # 9a

96

Pet. # 9b

I; II & III

Burton deck – Serp + Turner yards

copy

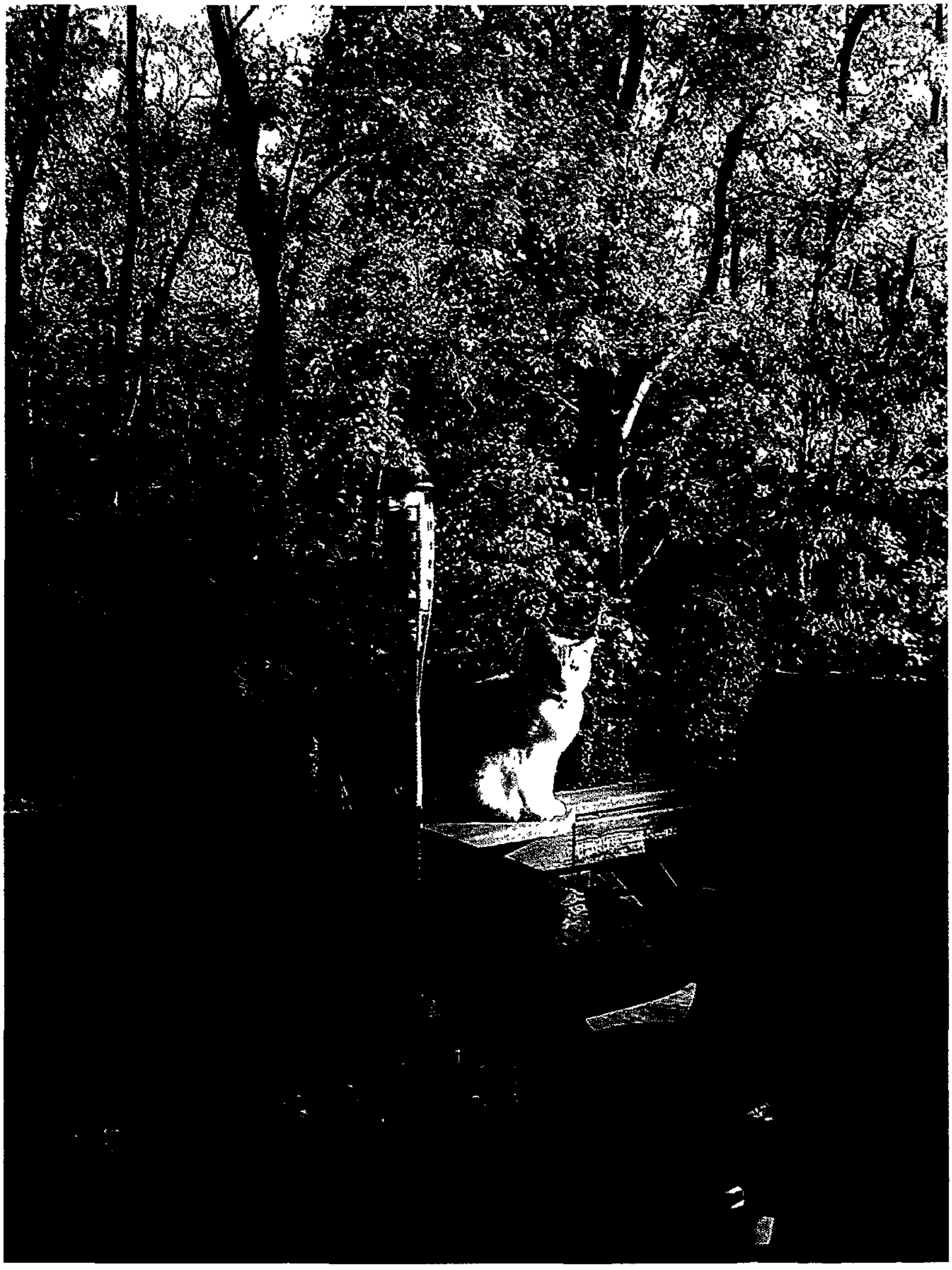
9c

Pb

Pet #92

I. & II.
Burton Deck

9e

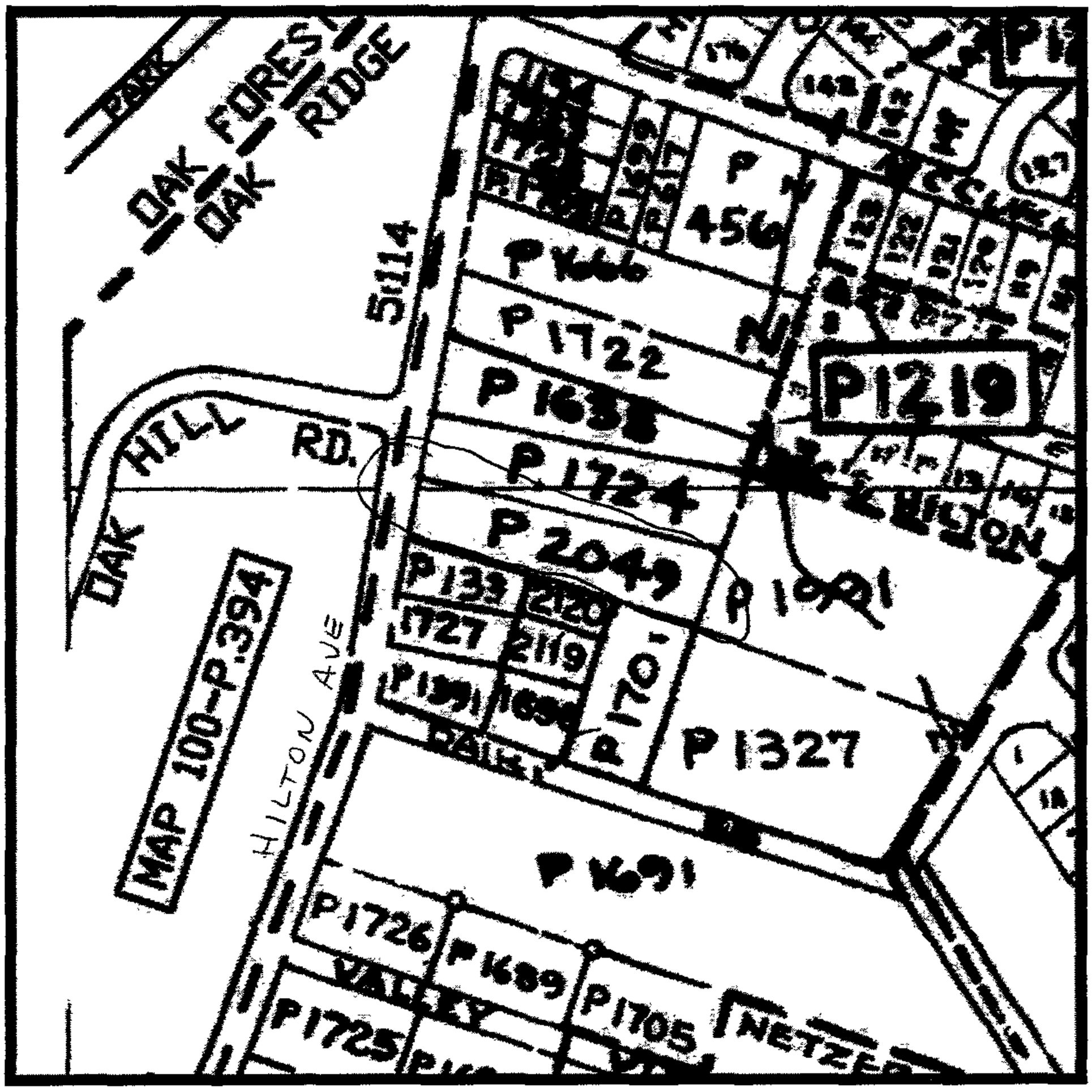


Citizens Ex. #4

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 01 **Account Number** - 1900009687



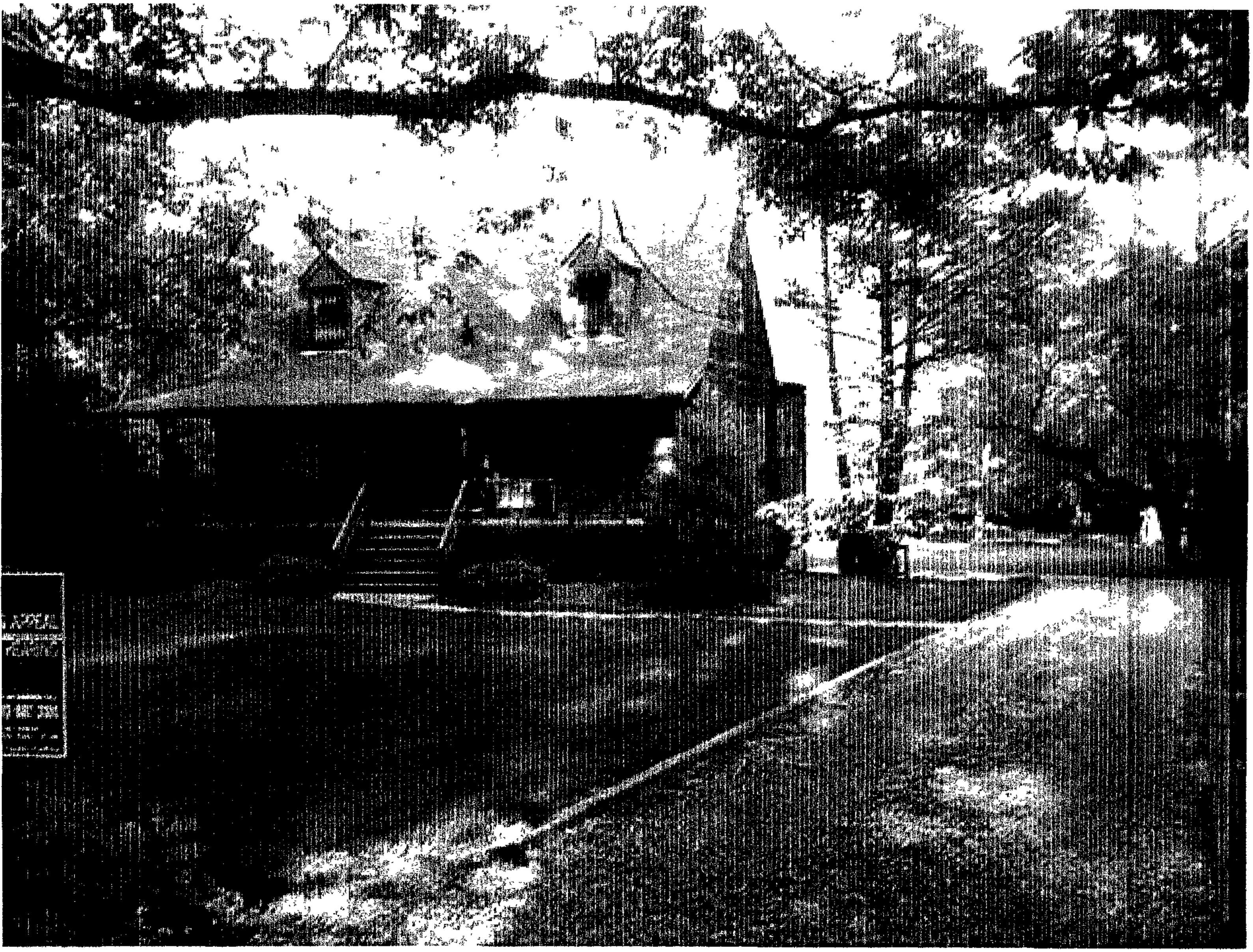
Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

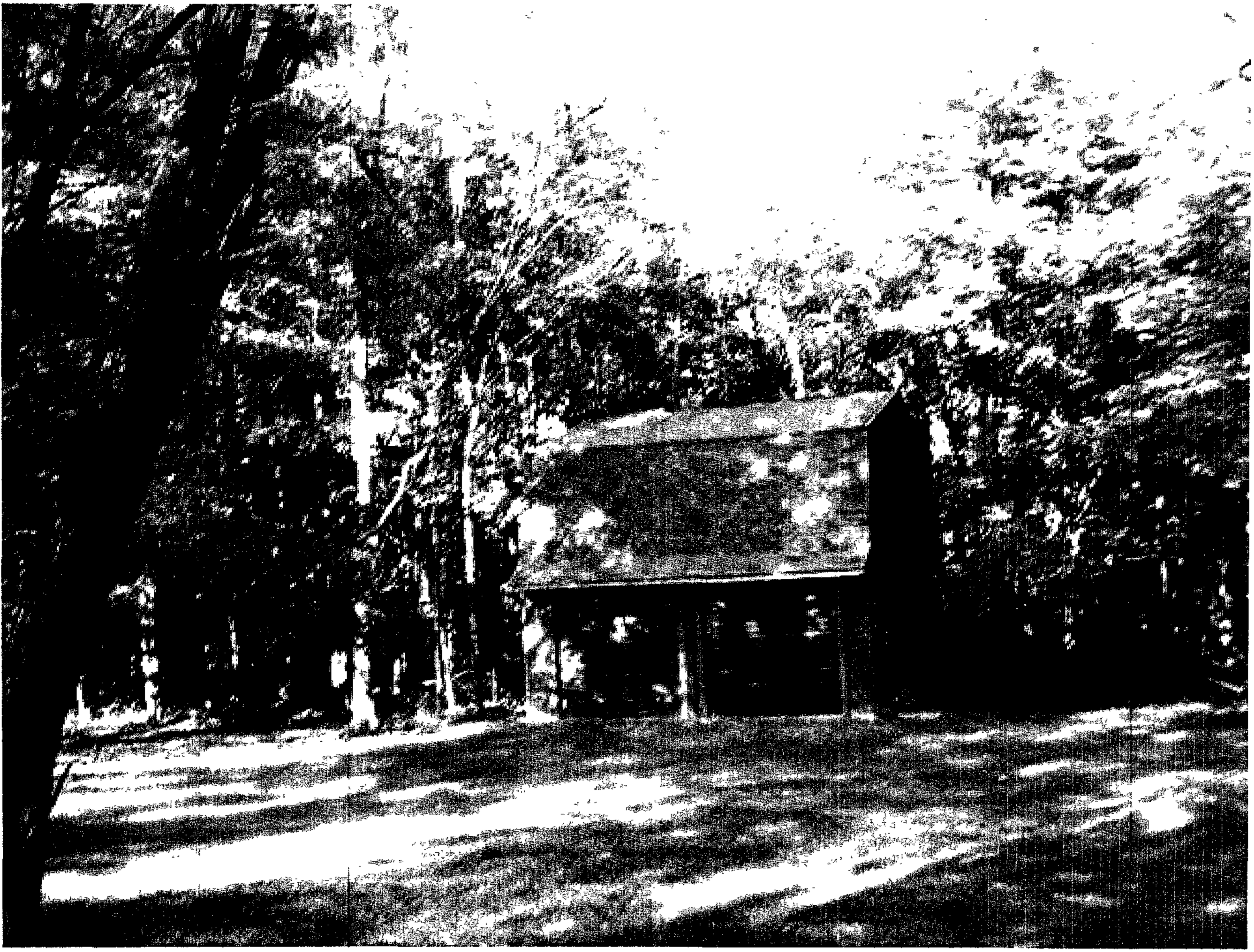
2049 - 519 C - Serp
133|2120 - 521 - Romoser (Burton)
1727|2119 - 523 - Goodman
1391|1692 - 525 - Kernan
1701+1691 - 601 - O'Donnell

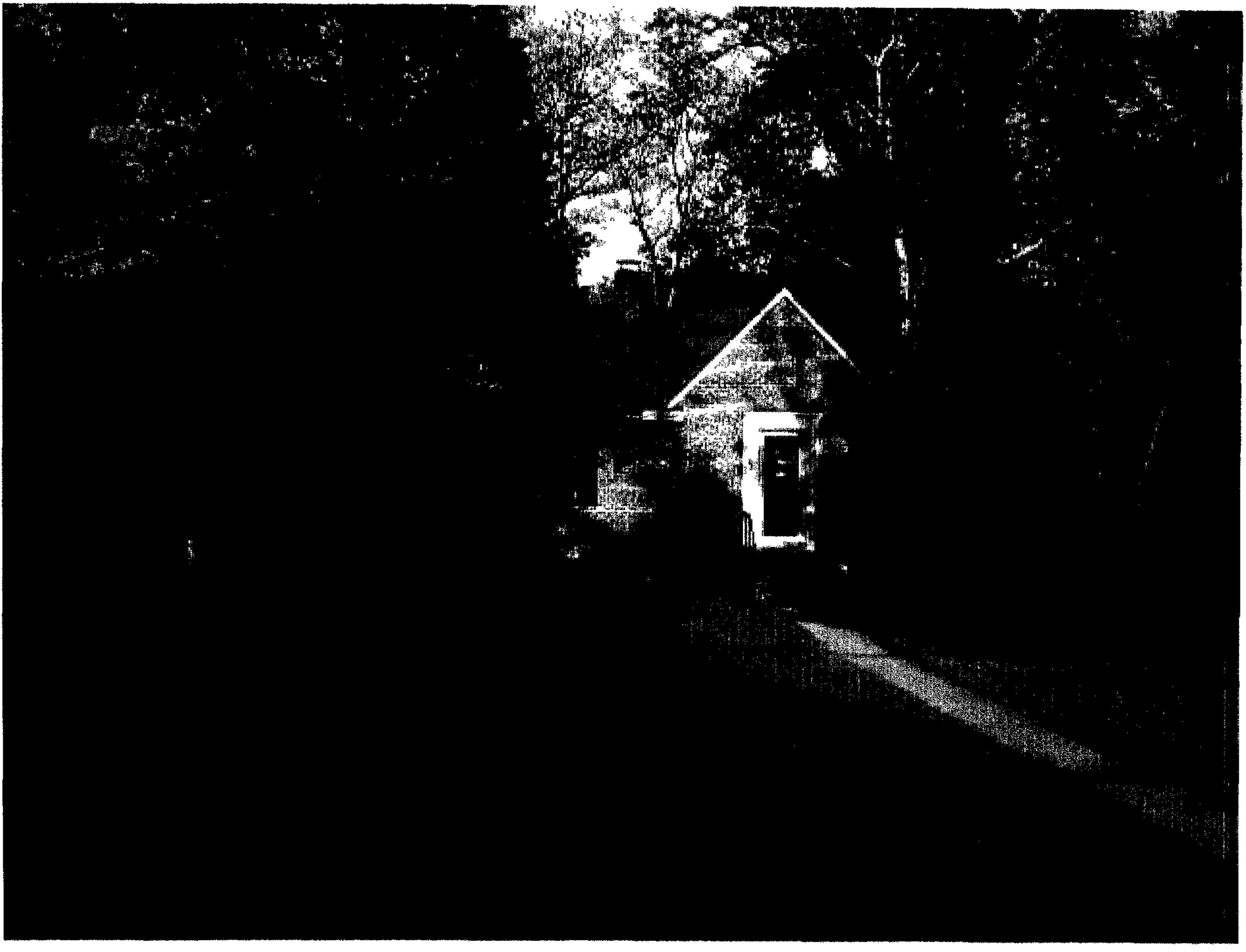
1724 - 519 A+B - Turner
1633 - 517 - Capozzi
1722 515 - Fader
1666 - 513 - VanSant

Petitioner

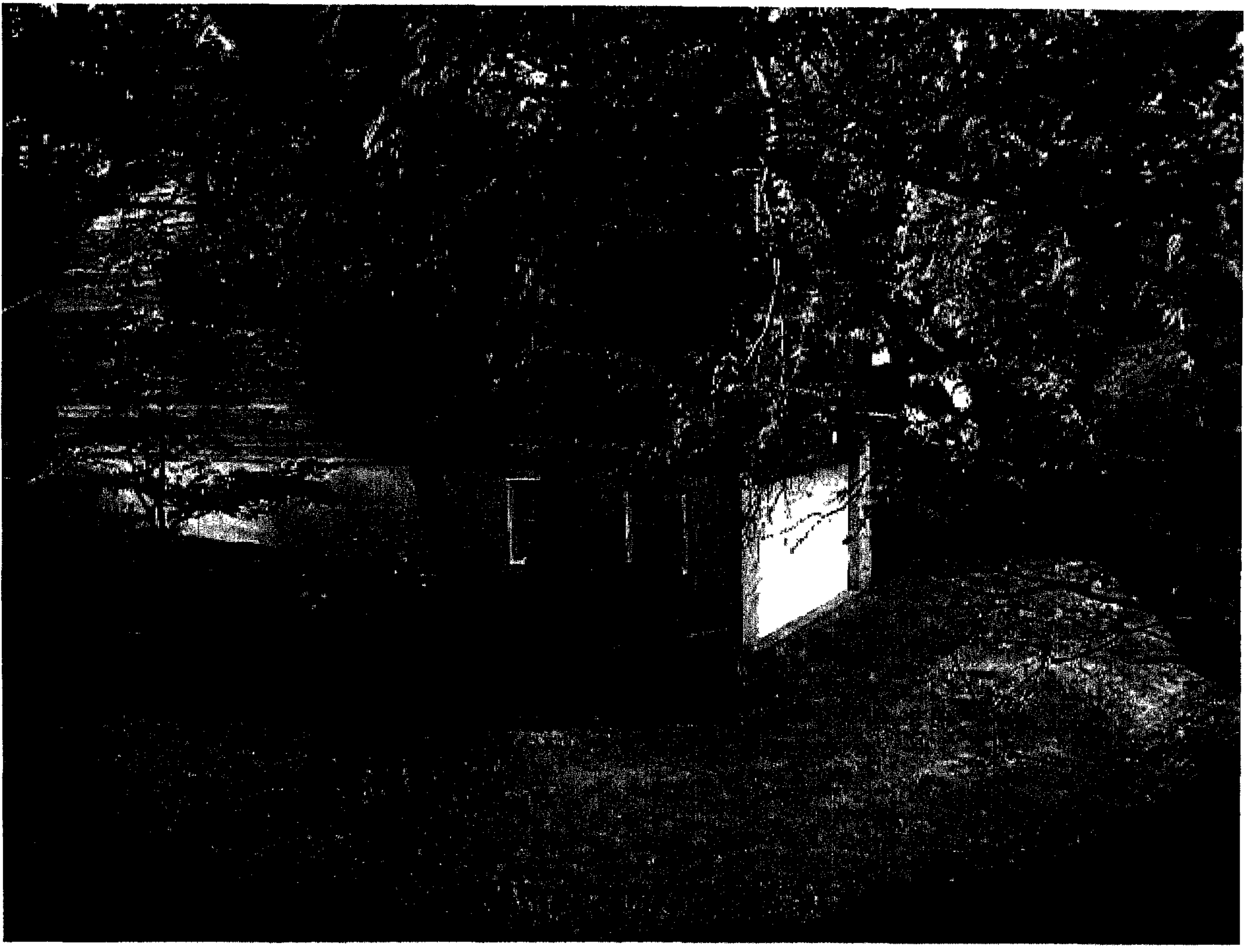
Citizens
Exhibits
2 a-h







Pet #29



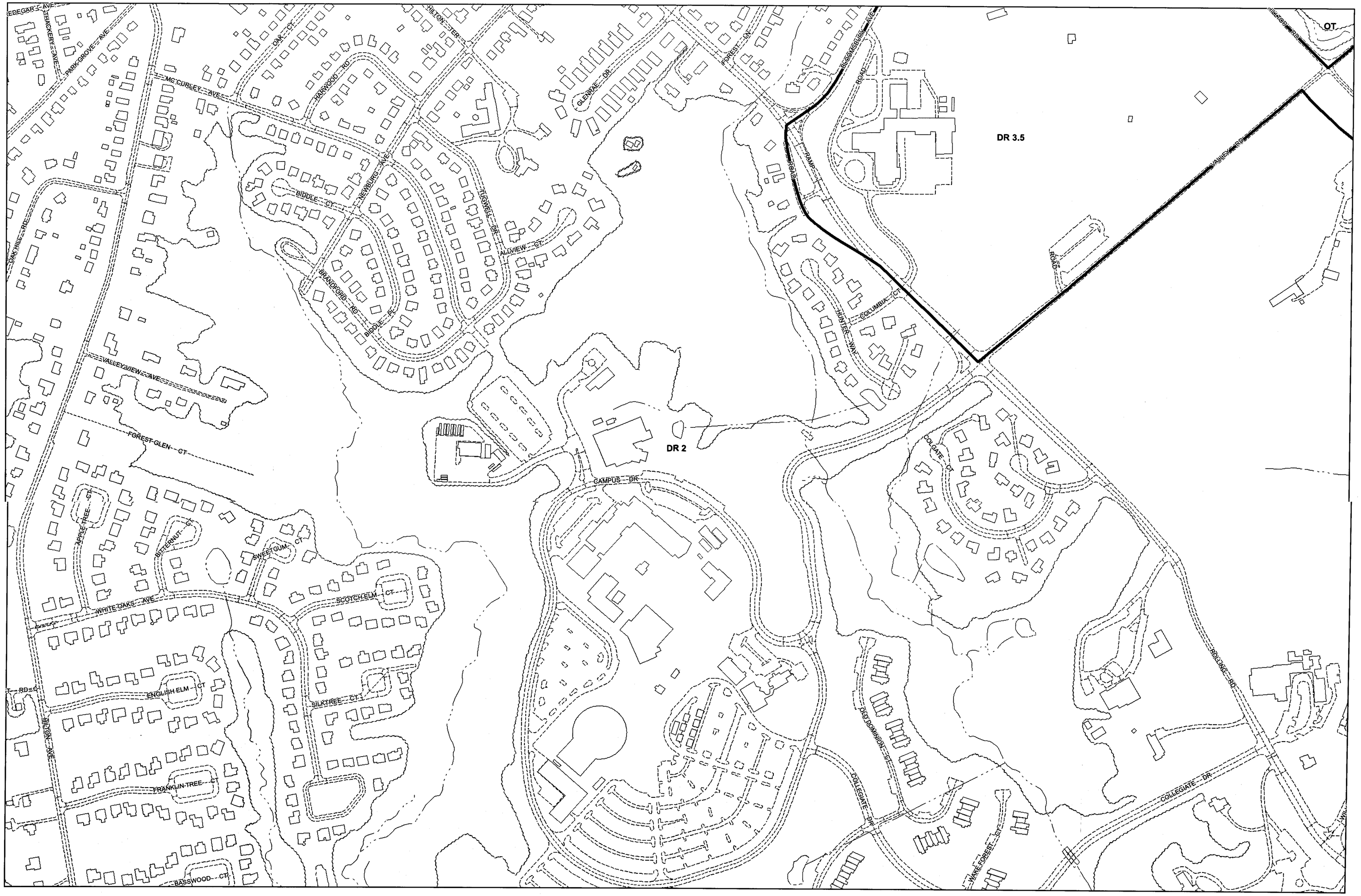
519 Hilton Ave

Map Produced By Baltimore County GIS Services
Production Date: September 20, 2004

0 25 50 100 150 200 Feet

04-437-A

PC#1



Plan Sheet: *101A3*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

100B2	100C2	101A2	101B2	101C2
100B3	100C3	101A3	101B3	101C3
	107C1	108A1	108B1	108C1

Scale

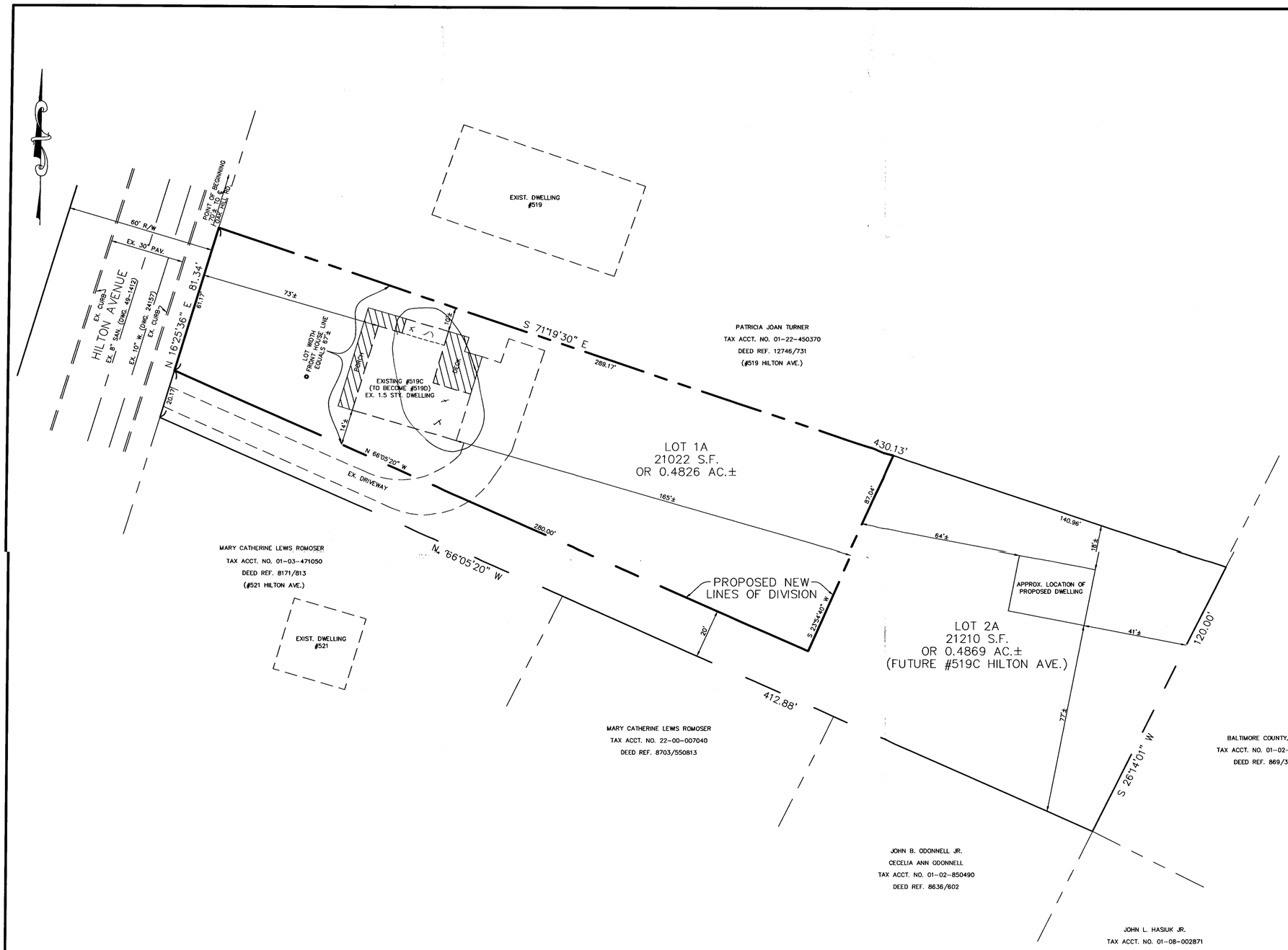
1" = 200'

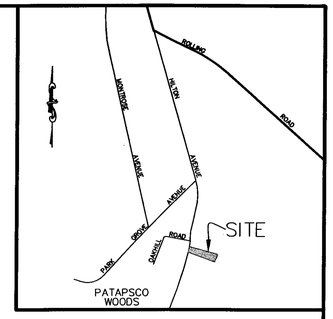
0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

PC # 3





VICINITY MAP
1"=1000'

GENERAL NOTES

– PROPERTY OWNER:	EDWARD M. SERP BETSY N. SERP 16363/489
– PROPERTY LOCATION:	519C HILTON AVE.
– PROPERTY ZONED:	DR 2 (ZONING MAP SW 4F AND SW 4G)
– PROPERTY TAX ACCOUNT NO.:	19-00-009687 (TAX MAP 101, GRID 19, PARCEL 2049)
– PROPERTY AREA:	42232 S.F. OR 0.9695 AC. ±
– GROSS SITE AREA (GSA):	44672 S.F. OR 1.0255 AC.±

– THERE IS NO KNOWN ZONING CASE HISTORY.
– THIS SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA OR ANY HISTORIC DISTRICT
– FLOOD INSURANCE RATE MAP (FIRM) PANEL 390 OF 575, COMMUNITY-PANEL NUMBER 240010 0390 B, EFFECTIVE DATE: MARCH 2, 1981. THE ZONE DESIGNATION ON THE MAP IS ZONE C.
– ON VARIOUS DOCUMENTS, HILTON AVENUE IS ALSO KNOWN AS S. HILTON AVENUE AND SOUTH HILTON AVENUE.
– THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER, AS SHOWN WITHIN HILTON AVENUE.

ZONING RELIEF BEING REQUESTED

NOTE:
THE ZONING RELIEF BEING REQUESTED IS RELATIVE TO PROPOSED NEW LINES OF DIVISION AS SHOWN HEREON. PENDING THE DECISION RENDERED IN REGARD TO THE REQUESTED RELIEF, THE OWNER PLANS TO SUBDIVIDE THE PROPERTY INTO TWO LOTS, AS SHOWN.

LOT 1A
– LOT WIDTH (AT FRONT BUILDING LINE OF EXISTING DWELLING) OF 67 FEET IN LIEU OF THE REQUIRED MINIMUM OF 100 FEET (B.C.Z.R. 1B02.3.C.1.).
– WIDTH OF INDIVIDUAL SIDE YARD (SOUTH SIDE OF EXISTING DWELLING) OF 14 FEET IN LIEU OF THE REQUIRED MINIMUM OF 15 FEET (1B02.3.C.1.)
– WIDTH OF INDIVIDUAL SIDE YARD (NORTH SIDE OF EXISTING DWELLING) OF 10 FEET IN LIEU OF THE REQUIRED MINIMUM OF 15 FEET (1B02.3.C.1.)
– SUM OF SIDE YARDS WIDTH (SOUTH AND NORTH SIDES OF EXISTING DWELLING) OF 24 FEET IN LIEU OF THE REQUIRED MINIMUM OF 40 FEET (B.C.Z.R. 1B02.3.C.1.).

LOT 2A
– (NONE REQUIRED)

PET # 2

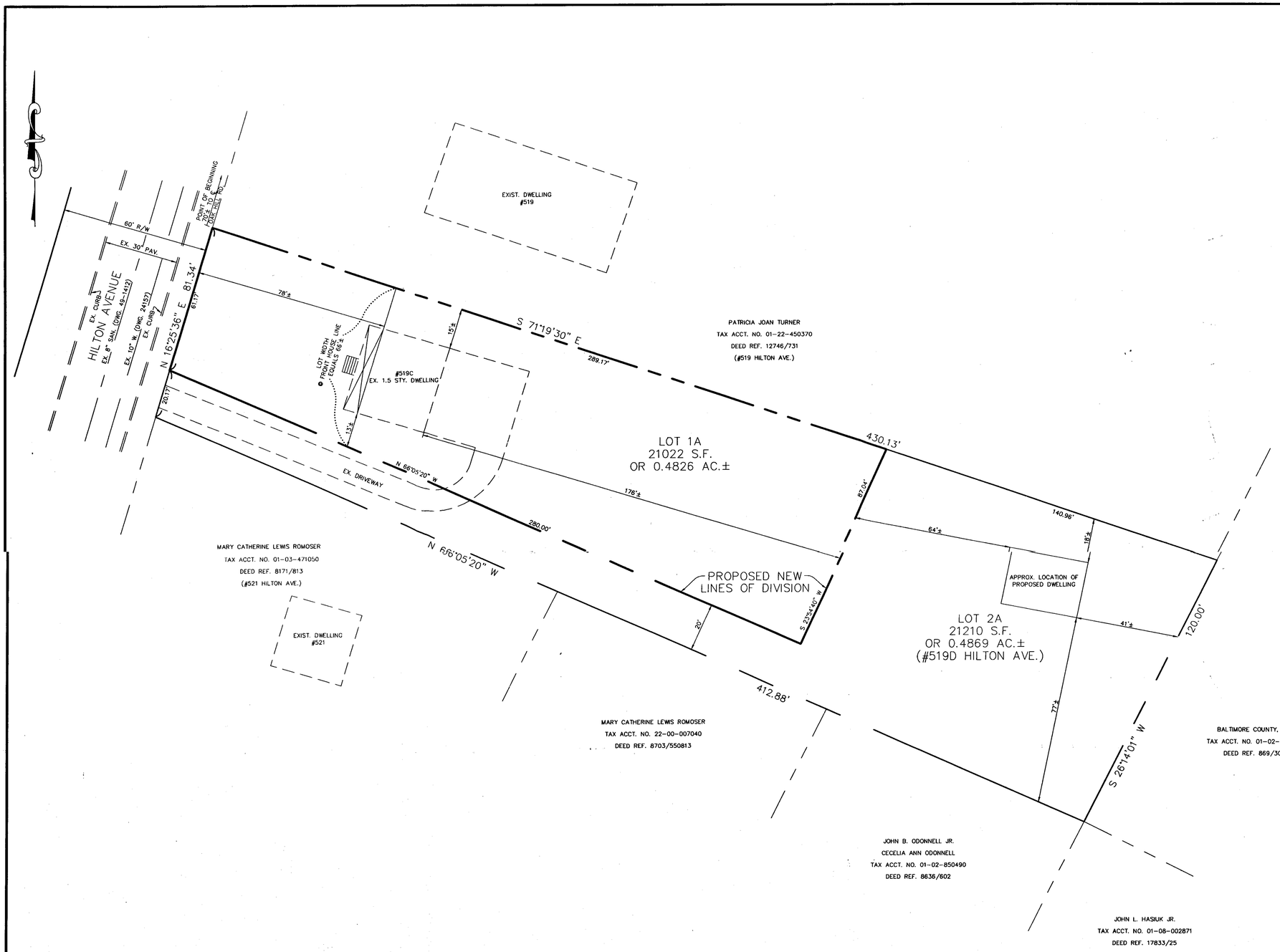
W. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
Phone: 410.583.9571
E-mail: wduvall2@verizon.net

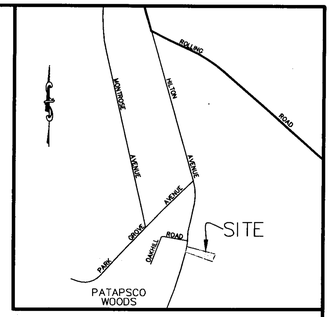
OWNER
EDWARD M. SERP
BETSY N. SERP
519C HILTON AVE.
BALTIMORE, MD. 21228
DEED REF. 16363/489

PLAN TO ACCOMPANY PETITION
FOR VARIANCES
SERP PROPERTY
519C HILTON AVENUE

COUNCILMANIC DISTRICT 1
ELECTION DISTRICT 1 BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20' DATE: FEBRUARY 16, 2004
REVISED: MAY 6, 2004

03029





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SERP PROPERTY
519C HILTON AVENUE

COUNCILMANIC DISTRICT 1
ELECTION DISTRICT 1 BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20' DATE: FEBRUARY 16, 2004

#457

03029

Sup.

Quinn - Lot is NC in front with drive now 20 feet shorter
Yes
In back would conform - lot gets wider in back

Topo - falls from front to back
no great variance - height
not steep

Neighboring properties -
Not subdivided similar to this lot

Canal -

No public hearing for house
& approved
A Public can review files
Planning office can dictate type of house.

~~Tool~~

Peoples Counsel Case

Testimony - Dennis Wentz

Panhandle ~~1988~~ - Explanation
Law
Special criteria for
Council considered prohibiting
b/c they cause problems.
Detailed log & review criteria
developed.
Not allowed by right
BCZR Section 32-4-409 A
1) 4 reasons to build one
to satisfy
1) Prop is not irreg. shaped
2 no environmental reasons
3) - ~~to~~ Rear lot would be detrimental
to adjacent prop.
Rear yards are private open space.
so putting dwelling adjacent to
4) Safety & Welfare - not great impact
but to neighbors

Not all criteria met.

~~Nothing in Zoning Law~~

Creating new lot causes need for
variances

Serp.

Testimony - Kenneth Taylor
1204 Canberwell Rd.

lives in Catonsville @ 23 years
Real Est Appraiser - Cert. in MD
since late 1980s.

Has testified - Fed Court as expert

Accepted.

~~Asked~~ Investigated affects of
rear prop. house.

Physical inspection / Photos

A ~~B~~ View of where new bldg would
be, from Buton's back deck
B Area where house would be in H

Citizens 2 A-H Photos

C Standing on lot looking at Serp's house
D Front of Serp house
E. From proposed lot to Buton house
F Garage / Barn

SERP

Adjacent lots similar size & shape

Citizens 4 - SDAT MAP -
Shows prop areas with parcel #s
Lots
133 > Abt each other
2120 >
2049 - Subject prop
1724 - 519 Hilton / Turner prop
1633 - 517 / Sue Capozzi
1722 - 511 Van Sant
1666 - 515 / Faden

Parcels N along Hilton Ave
Similar in size and shape

Combination of 2 lots - Buten -
1727 - 2119 - double lot
1391 - 1896 - " "
1691 - O'Donnell parcel
longer than subject prop.

No dev. behind any of these parcels

Circle around Buten prop
Red around Serp prop.

Acre = ? Sq. ft ?

(8)

Sep.

Lot size is important

If Sep house sold as is worth more new with land

No pd or hardship if not subdiv.

Sep Cross

1) Large lot not only factor -
Would Myers house sell for same as mine
Each house unique

A. # of facades lot size is one

2) If O'Donnel built house in back - same affect on Burton as mine?
A. No - they wouldn't stare off back deck into house
O'Donnel lot further back woods in between.

Testimony - Mary Burton
521 Hilfe 5 AK Romosen

Lives with husband Jeff Burton
16 years.
Right next door to Sarp
Aunt and grandfather lived in before Burton
Opposite - Reasons
- Neighbors long time.
Don't want house in our face
Yard is respite
relaxing
House will impinge
Property value - only asset
Value would go down.
Panhandle drive -
next to our bedroom
Second house - more cars more noise

Not trying to be nasty neighbor
Lot too small
not designed for 2nd house
in back

Back deck vis a vis new lot
- Spend nights and weekends on
deck. Where we relax, escape

Compared prop now to prop
more densely populated.
Oak Forest
Sales - Compared to Old Cantsville
& more densely populated
Prices vary by 150-200 thou.
less in more dense area
lookat
Appeal of prop - Amenities
Street view, surroundings
Quiet serene now
with house - diminish appeal
of prop.

~~Rather the~~ From Buten's
will look at house from deck will
neg impact their property - ability
to sell

Citizens Data -
3A & B B - Properties - Oak Forest
sold this year - 400s
shows lot sizes
B. A Prop. near Oak Forest
smaller lot size
area more dense
high $300s

Comp -

other variances

Cross - Sep

Map - is there a standard lot in Oak Forest?

A: Are a variety of sizes and widths ~~Equal~~

Q: Possible that other lots could subdivide and build 2 houses in rear

A: Potentially but don't know if panhandle lots

Follow-up

Future use would have to be heard by ZC

Yes

Several adjoining neighbors have identical lots to Sep

Yes

No rear developments.

No panhandle lots in area

Qin: Disagreeing with Schmidt decision

A: Comments made 2 years to bring

1) Rezoning - 1996
Initiated by Comm. Assoc.
Covered large area
Inc'd area rezoned to DR2
including Pet property,

Justification statement -
1) to preserve low density of area
2) inappropriate .....
3) Back yard subdiv.

PC 2 A&B

Impacted prop owners mailed notice
indicated reasons for rezoning
Comm. Assoc. application
Our Op is Var. is inconsistent with
rezoning issue.
CC intended to limit infill dev.

Strict compliance - no pract. diff
or hrd
Does not deprive reasonable use
of land.
Panhandle lots not permitted as
Right in DR Zone.
Should not be approved when var
needed.

Se 2 PCC not affected at C