

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/E side of Chestnut Avenue, 40 ft. wide,	*	
N/W of c/l of North Point Road	*	DEPUTY ZONING COMMISSIONER
15 th Election District	*	
7 th Councilmanic District	*	OF BALTIMORE COUNTY
(7608 Chestnut Avenue)	*	
Thomas E. and Frances C. Gray, Jr.	*	
<i>Petitioners</i>	*	CASE NO. 06-153-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Thomas E. and Frances C. Gray, Jr. The variance request is for property located at 7608 Chestnut Avenue in the Ft. Howard area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1

Zoning Advisory Committee

A Zoning Advisory Committee (ZAC) comment was received from the Office of Planning, dated October 5, 2005, which recommended certain restrictions.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 25, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy

ORDER RECEIVED FOR FILING

Date 10-26-05

By

Deputy Zoning Commissioner

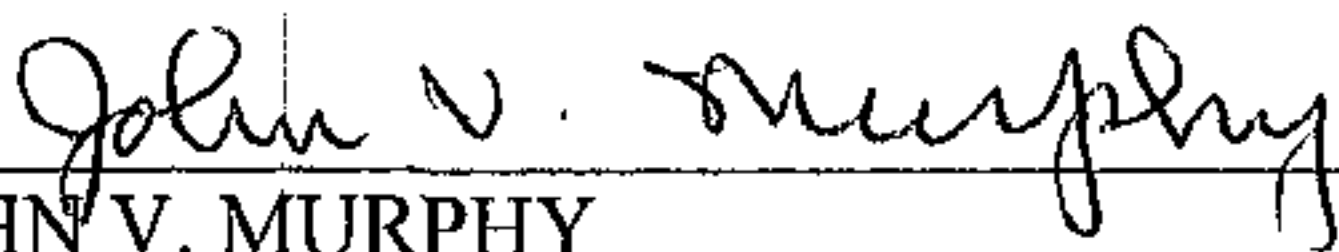
Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20 day of October, 2005, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comments submitted by the Office of Planning, dated October 5, 2005, attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 10-20-05
By Delana Wiley

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
William J. Wiseman III, Zoning Commissioner

December 8, 2005

Michael B. Sauer, Esquire
401 Washington Avenue, Suite 802
Towson, Maryland 21204

Re: Order on Motion for Reconsideration
Case No. 06-153-A
Property: 7608 Chesnut Avenue

Dear Mr. Sauer:

Enclosed please find the decision rendered in the above-captioned case. The Petitioner's Motion for Reconsideration has been Amended in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Mr. and Mrs. Thomas E. Gray, 7608 Chestnut Avenue, Ft. Howard, MD 21052
Mr. and Mrs. Kent W. Hewitt, 9312 Howard Avenue, Ft. Howard, MD 21052
People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info



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
William J. Wiseman III, Zoning Commissioner

October 20, 2005

Mr. Thomas E. Gray, Jr.
Mrs. Frances C. Gray
7608 Chestnut Avenue
Ft. Howard, Maryland 21052

Re: Petition for Administrative Variance
Case No. 06-153-A
Property: 7608 Chestnut Road

Dear Mr. and Mrs. Gray:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info



ORDER RECEIVED FOR FILING
10-20-05
By [Signature]

IN RE: PETITION FOR ADMIN. VARIANCE
N/E side of Chestnut Avenue, 40 ft. wide,
N/W of c/l of North Point Road
15th Election District
7th Councilmanic District
(7608 Chestnut Avenue)

Thomas E. and Frances C. Gray, Jr.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-153-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Thomas E. and Frances C. Gray, Jr. The variance request is for property located at 7608 Chestnut Avenue in the Ft. Howard area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1

Zoning Advisory Committee

A Zoning Advisory Committee (ZAC) comment was received from the Office of Planning, dated October 5, 2005, which recommended certain restrictions.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 25, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7608 Chestnut Ave
which is presently zoned DR 55

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) 400.3 to permit an accessory

structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10-13-05 day of October that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Thomas E Gray Jr.

Name - Type or Print

Signature

Frances C Gray

Name - Type or Print

Frances C Gray

Signature

7608 Chestnut Ave

PO Box 444

Address

Ft. Howard

Md.

410-477-9922

City

State

Telephone No.

21052

Zip Code

Representative to be Contacted:

Thomas Gray

Name

7608 Chestnut Ave

410-477-5115

Address

Ft. Howard

Md.

443-506-2021

City

State

Telephone No.

21052

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By RDD

Date

9-14-05

Estimated Posting Date

9-25-05

CASE NO. 06-153-A

REV 10/25/01

RECEIVED FOR FILMS

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7608 Chestnut Ave
Address
Ft Howard Md. 21052
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to illness in the family (grandmother) an additional storage shed is needed

32' x 40' x 27'
W L H

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Thomas E Gray Jr
Signature

Frances C Gray
Signature

Thomas E Gray Jr
Name - Type or Print

Frances C. Gray
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas E Gray Jr. and Frances C Gray
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Theresa Spelman
Notary Public
My Commission Expires January 1, 2006

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7608 Chestnut Ave
Address
Pt. Howard Md. 21052
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to illness in the family (grandmother) an additional storage shed is needed.

32' x 40 x 27'
W L H

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Thomas E Gray Jr
Signature

Thomas E GRAY JR
Name - Type or Print

Frances C Gray
Signature

Frances C. Gray
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas E Gray Jr. and Frances C Gray
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Theresa Spelman
Notary Public

My Commission Expires January 1, 2006



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7608 Chestnut Ave
which is presently zoned DR 55

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)

400.3 to permit an accessory structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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 N/A Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company N/A
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Thomas E Gray Jr.
Name - Type or Print _____
Signature Thomas E Gray Jr.
Name - Type or Print Frances C Gray
Signature Frances C Gray
Address 7608 Chestnut Ave Telephone No. 410-477-9922
P.O. Box 244
Ft. Howard Md. 21052
City State Zip Code

Representative to be Contacted:

Thomas E Gray Jr.
Name P.O. Box 244
7608 Chestnut Ave Telephone No. 410-477-5115
Ft. Howard Md. 21052
City State Zip Code 443-506-2021

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-153-A

Reviewed By RDD Date 9-14-05

REV 10/25/01

Estimated Posting Date 9-25-05

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 7608 Chestnut Ave. Ft. Howard, Md. 21052

Beginning at a point on the north east side of chestnut ave which is 40 ft wide at the distance of 300 Ft + or - North West of the centerline of the nearest improved intersecting street North Point Rd. which is 40 Ft. wide. *Being Lot #4 thur 9, Block -, Section#F in the subdivision of North Point Terrace, as recorded in Baltimore County Plat Book# 6 , Folio # 155, containing 18,750^{sq ft}. Also known as 7608 chestnut Ave and located in the 15 Election District, 7 Councilmanic District.

Item #153

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0045

DATE 9-14-05

ACCOUNT R001 006 6156

AMOUNT \$ 65.00

RECEIVED FROM

Thomas Gray

FOR

Admin Var Case #06-153-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

Paid Receipt

RECEIVED 9/14/05

9/16/2005 6:15 AM 1000126

RECEIVED 9/14/05

RECEIVED 9/14/05

RECEIVED 9/14/05

RECEIVED 9/14/05

RECEIVED 9/14/05

RECEIVED 9/14/05

RECEIVED 9/14/05

CERTIFICATE OF POSTING

RE: Case No.: 06-153-A

Petitioner/Developer: THOMAS

GRAY

Date of Hearing/Closing: 10-10-05

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

7608 CHESTNUT AVE

The sign(s) were posted on 9-25-05
(Month, Day, Year)

Sincerely,

Robert Black 9-27-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

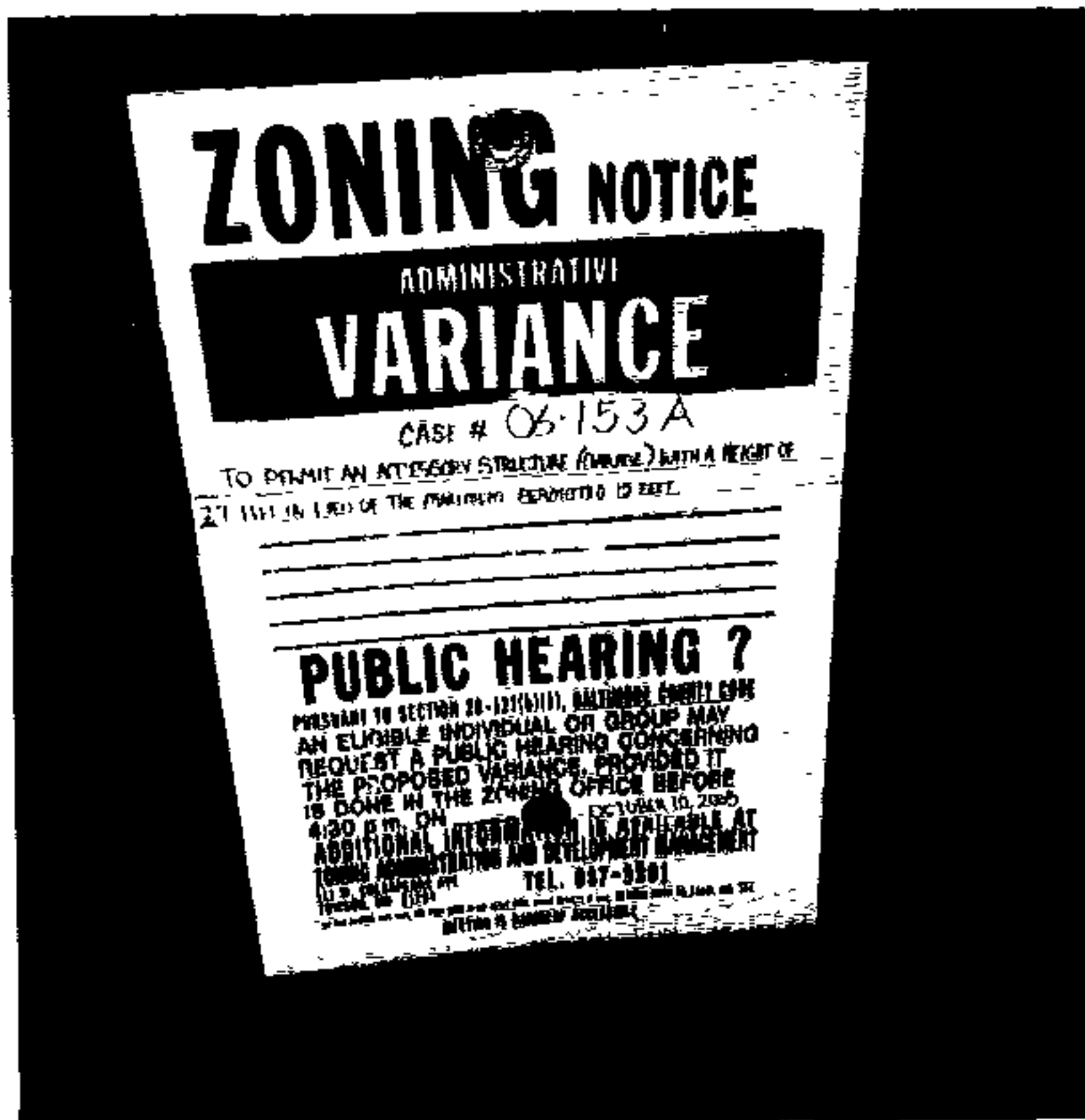
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



7608 CHESTNUT AVE

**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: 06-153-A

Petitioner: THOMAS E GRAY

Address or Location: 7608 CHESTNUT AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS E GRAY

Address: 7608 CHESTNUT AVE FT HOWARD, MD.
21052

Telephone Number: 410-477-9922

Revised 7/11/05 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 153 -A Address 7608 Chestnut Ave

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-14-05 Posting Date: 9-25-05 Closing Date: 10-10-05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 153 -A Address 7608 Chestnut Ave

Petitioner's Name Thomas Gray Telephone 410 477 9922

Posting Date: 9-25-05 Closing Date: 10-10-05

Wording for Sign: To Permit an accessory structure (garage) with a
height of 27 feet in lieu of the maximum permitted
15 feet

WCR - Revised 6/25/04

IN RE: PETITION FOR ADMIN. VARIANCE
N/E side of Chesnut Avenue, 40 ft. wide,
N/W of c/l of North Point Road
15th Election District
7th Councilmanic District
(7608 Chestnut Avenue

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* CASE NO. 06-153-A

Thomas E. and Frances C. Gray, Jr.
Petitioners

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Michael B. Sauer, Esquire representing the Protestants. The Petitioners originally requested an administrative variance for property located at 7608 Chesnut Avenue in the Ft. Howard area of Baltimore County. The relief was requested from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet.

WHEREAS, on November 4, 2005, Counsel for the Protestants has filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated October 20, 2005. Counsel for the Protestants requested that the Deputy Zoning Commissioner rescind the Order and schedule a public hearing to determine the exact location of the garage and access thereto from Chestnut Avenue.

In reviewing the file and the Motion for Reconsideration, I find that there is no real conflict between the parties. The Plat to Accompany shows access to the garage from Chestnut Avenue. There is no indication of any other access.

After due consideration of the arguments raised by Counsel and a further review of my Order, I am not persuaded to schedule the matter for a public hearing; however, after consideration of the Protestants concern regarding access to the garage, I will add as a condition that the garage be accessed from Chestnut Avenue only.

ORDER RECEIVED FOR FILING

Date 12-8-05

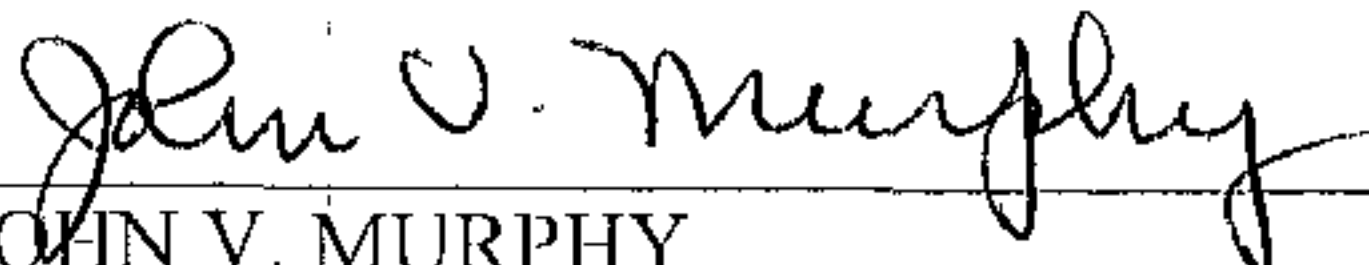
By

THEREFORE, IT IS ORDERED, this 8 day of December, 2005, by this Deputy Zoning Commissioner, that the Order dated October 20, 2005 is hereby AMENDED to incorporate the following new restriction:

"3. Access to the proposed garage shall be from Chestnut Avenue only."

IT IS FURTHER ORDERED that all of the terms and conditions set forth in the Order issued October 20, 2005 shall remain in full force and effect; and,

Any appeal of this decision shall be made within thirty days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 12-8-05
By Deputy Zoning

In the Matter of Petition for
Administrative Variance to permit
an Accessory Structure (Garage)
with a height of 27 feet in lieu of
the maximum permitted 15 feet

Petitioner: Thomas Gray
Property: 7608 Chestnut Avenue
Fort Howard, Maryland 21052

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Item # 06-153-A

* * * * *

MOTION TO RECONSIDER ORDER GRANTING ADMINISTRATIVE VARIANCE

Now come the Protestants, Kent W. Hewitt and Carla R. Hewitt, his wife, by their attorney, Michael B. Sauer, and file this Motion to Reconsider the Order granting an Administrative Variance and give the following reasons:

1. The subject property upon which the requested variance was granted is an improved residential lot zoned DR5.5 located at 7608 Chestnut Avenue, fronting on Chestnut Avenue, in Fort Howard, Maryland.

2. The Protestants property is located at 9312 Howard Avenue located around the corner from the subject property and within less than 1000 feet from the property.

3. Upon learning of the filing of the variance in these proceedings the Protestants came to the Baltimore County government offices in Towson for the expressed purpose of filing a written and timely objection to the variance. The protestants believed that the proposed garage was going to be constructed on the unimproved lots located to the rear of the subject property and that access to the oversized garage was going to be off Howard avenue and directly in front of the Protestants residence property. Protestants were

further concerned that the oversized garage would be unsightly believing that the rear lots were going to be cleared.

4. The Protestants actually filed their objections and made their formal request for public hearing and paid to "Baltimore County" by check a filing fee of \$50.00.

5. The Protestants next contacted PDM for further investigation into the matter. Upon reviewing the file and papers filed by the property owner the proposed garage was being erected on Chestnut Avenue and all documents indicated that access to the garage was to be from Chestnut avenue. The photos, site plan, description of the property and drawings all indicated that the garage was to be accessed off of Chestnut Avenue. No indications whatsoever were given indicating that the garage was going to be accessed from the lots to the rear of the property with a roadway connecting to Howard Avenue, directly in front of the protestants' property.

6. Relying upon the representations presented by the property owner, the Protestants reasonably concluded that the position of the garage would be facing Chestnut Avenue with access from Chestnut Avenue.

7. Based upon the representations contained in the Petition, the Protestants reasonably concluded that the property directly opposite their home and connecting with the subject property was not going to be disturbed, nor cleared, with the intention of a roadway giving the petitioner access to the garage from the rear of the property.

8. For the above reasons the protestants abandoned their written objection and request for a public hearing.

9. Had the Protestants been given any indication that the garage was going to be accessed from the rear of the property, that the lot was going to be cleared and a roadway installed directly in from of their home, they would have pursued their objections and request for a public hearing.

10. Attached are photos reflecting the proposed location of the garage, the clearing of the property and installation of the roadway all done without permission or permits from Baltimore County:

Photo "A": General photo of the Fort Howard area showing the location of Chestnut Avenue and Howard Avenue and the area disturbed to the rear of 7806 Chestnut Avenue.

Photo "B": View from Protestants' home at 9312 Howard Avenue showing the clearing and installation of a roadway on the lots to the rear of 7608 Chestnut Avenue and access to the proposed oversized garage.

Photo "C": View of installed roadway on the lots to the rear of 7608 Chestnut Avenue showing the roadway going directly to the existing shed where the oversized garage is proposed.

Photo "D": Installation of under sized drainage pipe in a railroad easement area without County approval and placement of cinder blocks at the beginning

of petitioner's property line.

Photo "E": Damage to Howard Avenue from petitioner's trucks and equipment traffic at driveway access.

11. The granting of the Variance was contrary to the spirit and intent of the zoning regulations for Baltimore County.

12. It was not until the Order was issued in this case that the Petitioner proceeded to clear the rear lot, grade and install a roadway and make the proposed oversized garage open and visible from the Protestants property.

13. The activity of the petitioner was brought to the attention of Baltimore County and stop work orders were issued. No permits were applied for by the petitioner and the petitioner installed an illegal roadway, crossed over a railroad easement to gain access to the property. The petitioner attempted to gain access to the rear property one year ago without obtaining permits and County approval.

14. Petitioner has shown complete disregard for County regulations and has mislead the public as well as the protestants in the application process for the within Administrative Variance upon which the protestants relied to their detriment.

WHEREFORE, for the reasons given herein, the Protestants request that the Deputy Zoning Commissioner:

A. Rescind its Order issued on October 20, 2005 granting the Administrative Variance.

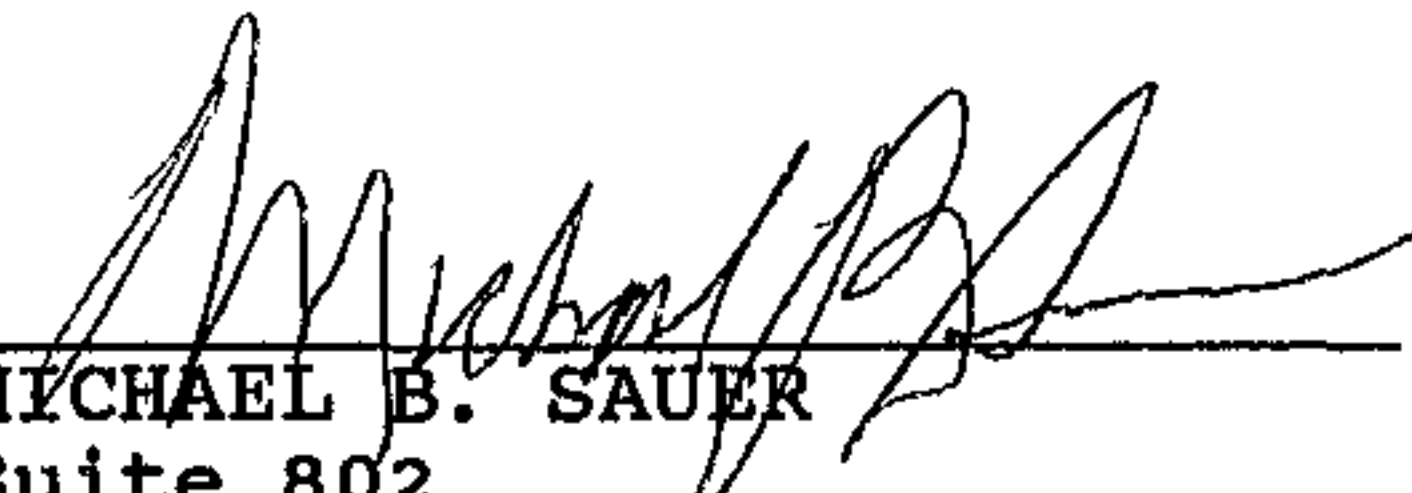
B. Again review the file on the issues of the Petitioners failure to comply with his site plan filed with the

requested proceedings,

C. Grant a public hearing for the purpose of reviewing and determine the exact location of the garage, the issue of improper and illegal access to the garage from the property to the rear, disturbing an area to make the proposed oversized garage visible to the protestants.

D. To issue any further relief necessary to protect the rights of the protestants and to require that the garage be accessed from Chestnut Avenue.

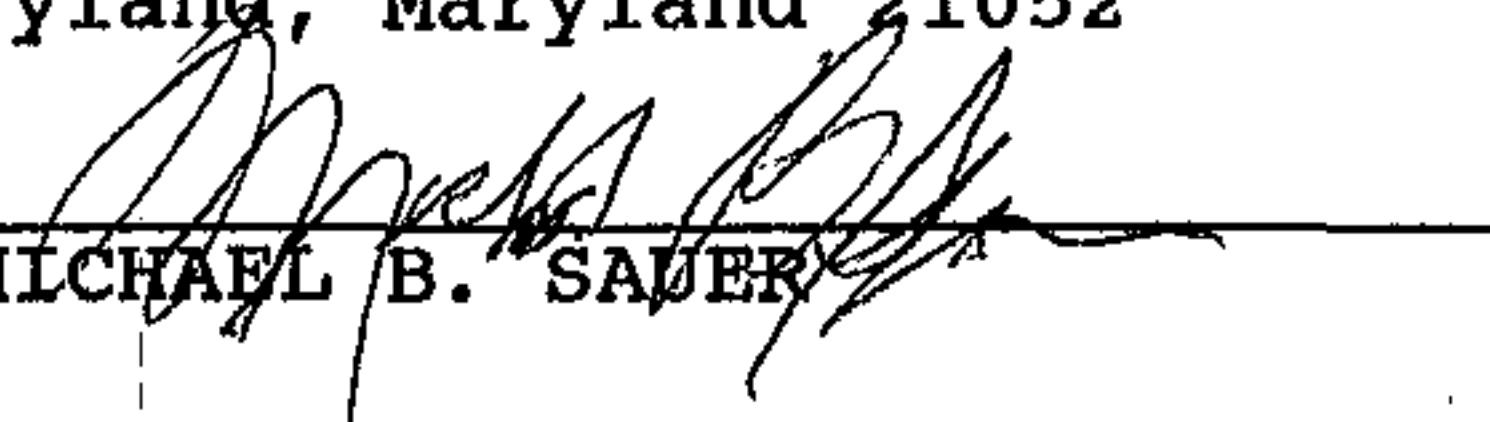
E. And for such other and further relief that the nature of the Protestants cause may require.


MICHAEL B. SAUER
Suite 802
401 Washington Avenue
Towson, Maryland 21204
(410) 296-2151
Attorney for Protestants

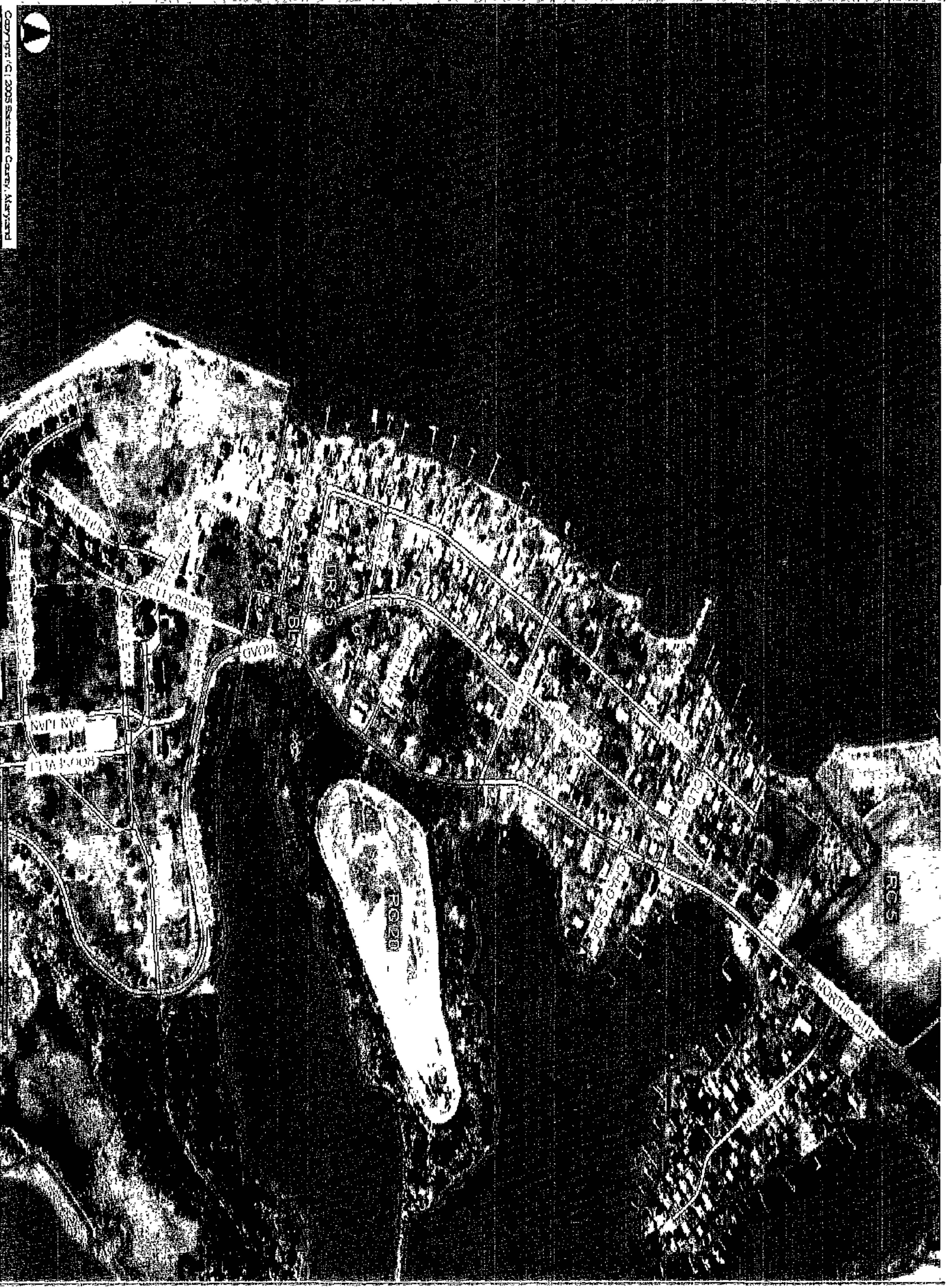
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 4th day of November, 2005 a copy of the foregoing Motion to Reconsider Order granting Administrative Variance was mailed to:

Thomas Gray
7608 Chestnut Avenue
Fort Howard, Maryland, Maryland 21052


MICHAEL B. SAUER

A



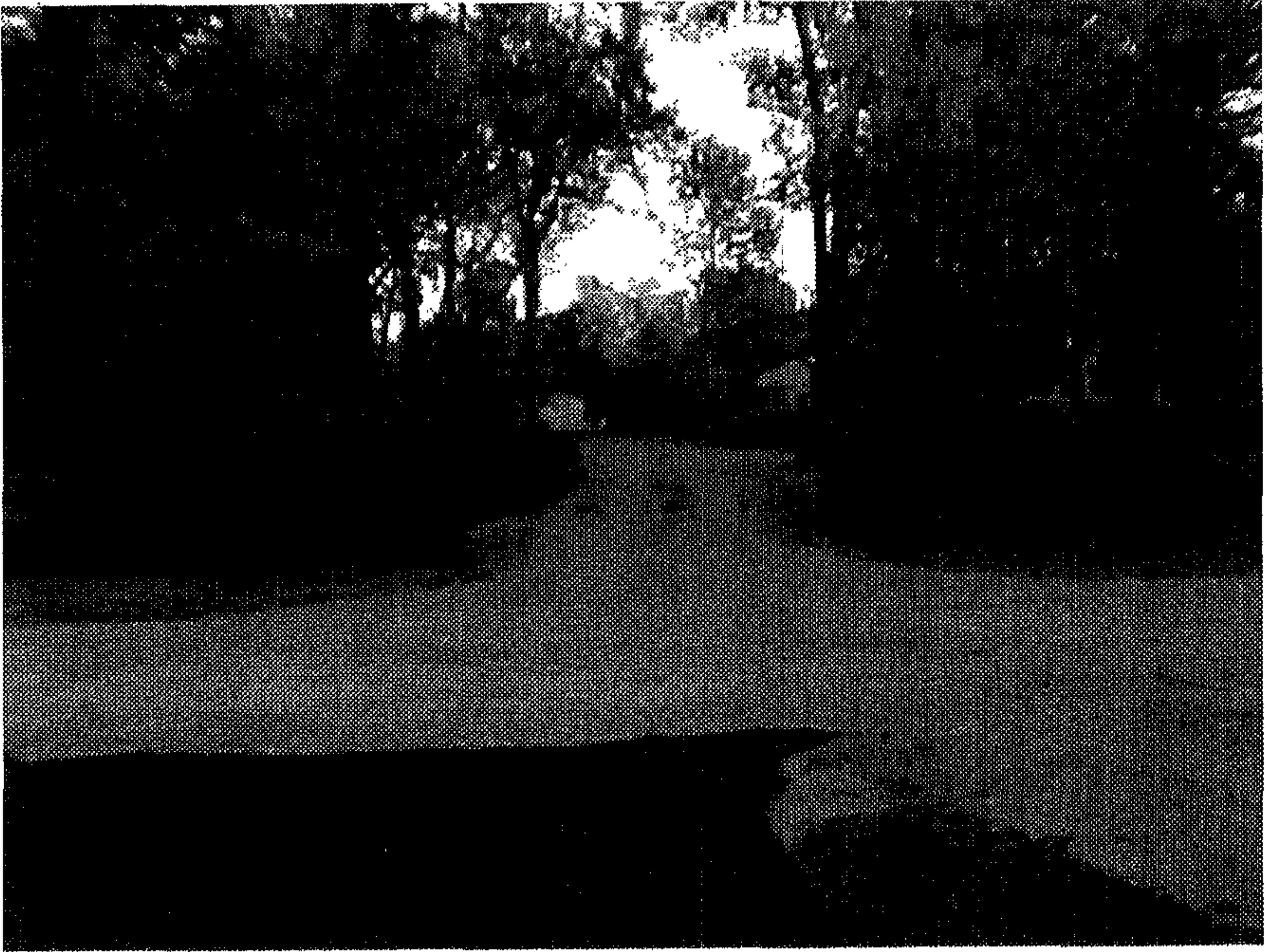


PHOTO "B"

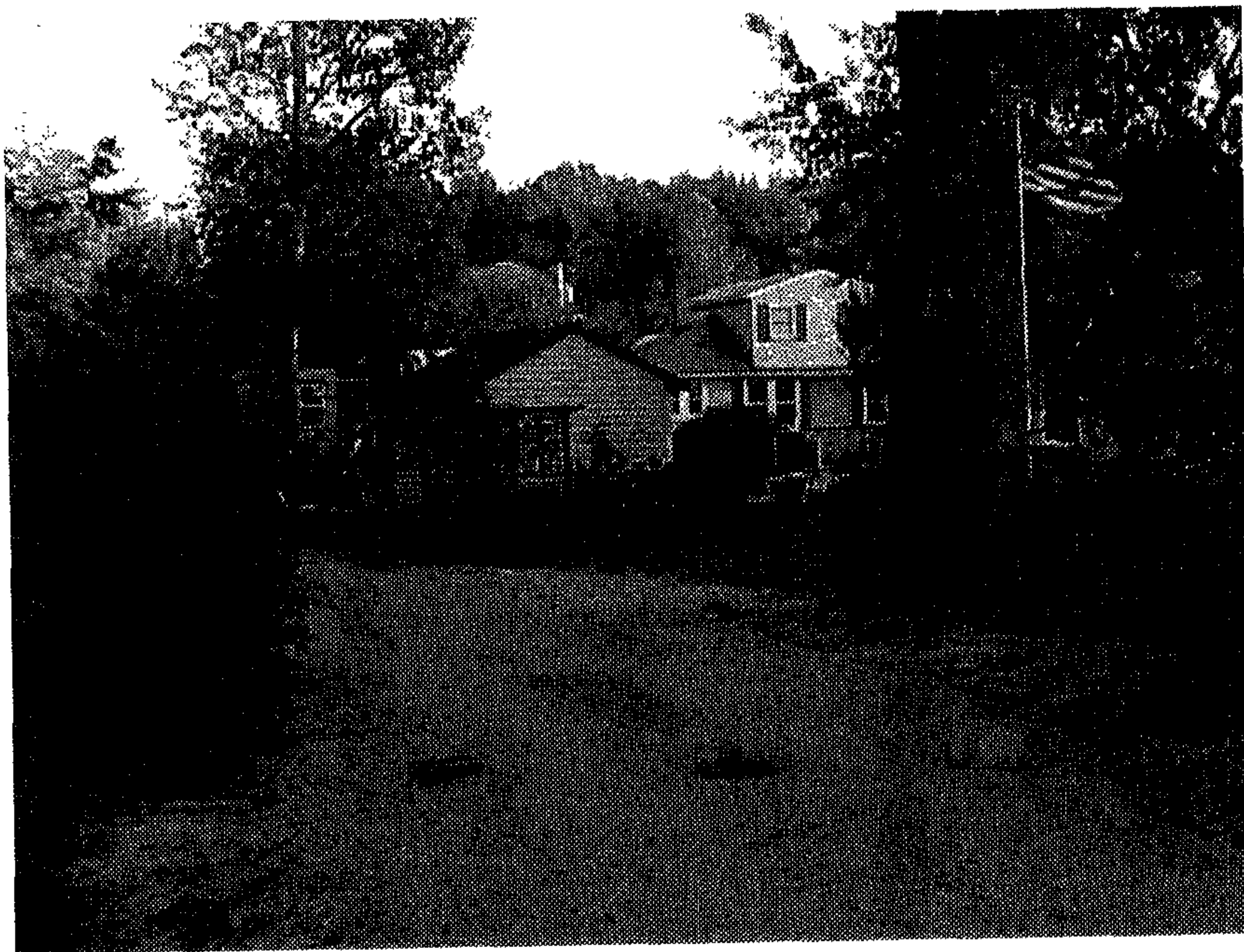


PHOTO "C"

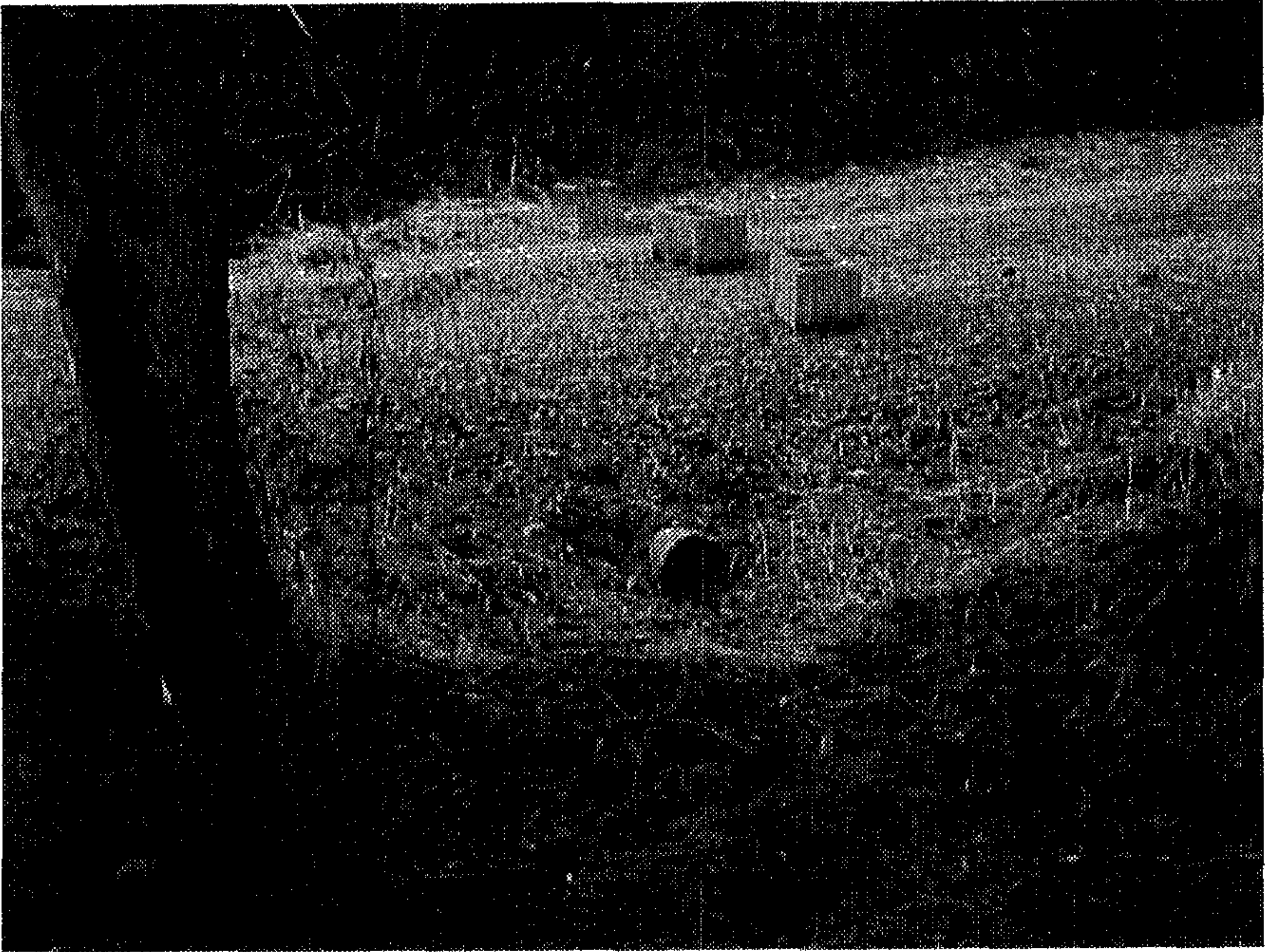


PHOTO "D"

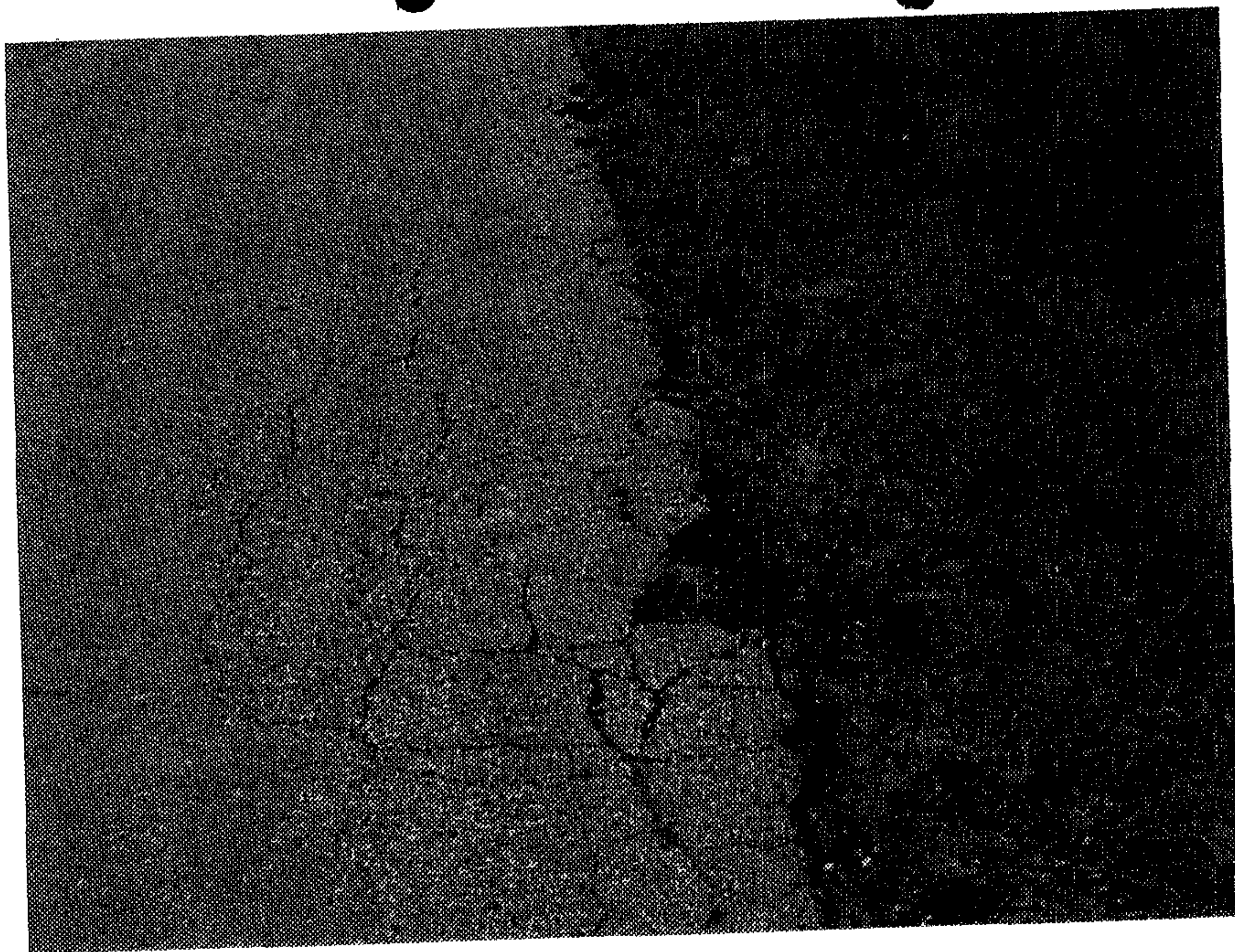


PHOTO "E"

**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

October 11, 2005

Thomas E. Gray, Jr.
Frances C. Gray
7608 Chestnut Avenue
Ft. Howard, Maryland 21052

Dear Mr. and Mrs. Gray:

RE: Case Number: 06-153-A, 7608 Chestnut Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



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

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: ~~September 26~~ 2005

Item No.: 127,138-141,143-144,146-154

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 9-21-05

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

RE: Baltimore County
Item No. 153 DD

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,

Steven D. Foster, Chief
Engineering Access Permits Division

10/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED
OCT 12 2005
ZONING COMMISSIONER

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

DATE: October 5, 2005

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

SUBJECT: 6-153 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 27 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:

Carlis Perry

Section Chief:

John P. [Signature]

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2005

FROM: Dennis A. Kennedy^{DM}, Supervisor
Bureau of Development Plans Review

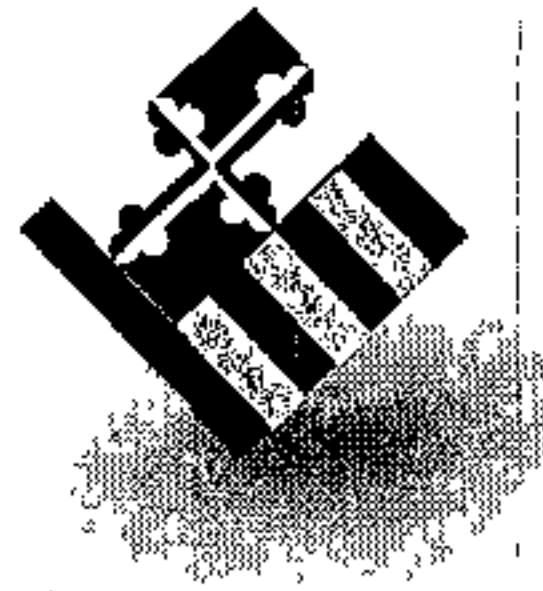
SUBJECT: Zoning Advisory Committee Meeting
For October 3, 2005
Item Nos. 139, 142, 144, 145, 146, 147,
148, 149, 150, 152, 153 and 154

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09232005.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 6, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 06-153-A
Property: 7608 Chestnut Avenue

Dear Mr. Jablon:

Pursuant to your letter dated February 9, 2006, it is my understanding that your clients, Mr. and Mrs. Gray (the Petitioners) wish to withdraw their Motion for Reconsideration and it is their intention to comply with my Amended Order dated December 8, 2005 that incorporated the following restriction:

“3. Access to the proposed garage shall be from Chestnut Avenue only.”

Please note that all of the terms and conditions set forth in the Order issued October 20, 2005 shall remain in full force and effect.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw

c: Mr. and Mrs. Thomas Gray, 7608 Chestnut Avenue, Ft. Howard, MD 21052
Mr. and Mrs. Kent W. Hewitt, 9312 Howard Avenue, Ft. Howard, MD 21052
Michael B. Sauer, Esq., 401 Washington Avenue, Suite 802, Towson, MD 21204
People's Counsel; ~~Case File~~

ARNOLD JABLON
(410) 494-6298

aejablon@venable.com

9 February 2006

Hon. John V. Murphy, Esq
Deputy Zoning Commissioner
Suite 405
County Courts Bldg
401 Bosley Ave.
Towson, Maryland 21204

Re: Case No. 06-153A
7608 Chestnut Ave.

Dear Mr. Murphy:

Recently I was retained by the Petitioners in the aforecited matter, Mr. and Mrs. Thomas Gray, the owners of the property located at 7608 Chestnut Ave.

On 20 October 2005, you granted an administrative variance to Mr. and Mrs. Gray to permit an accessory structure (garage) with a height of 27 feet in lieu of the permitted 15 feet, with certain conditions precedent. Subsequently, on or about 4 November, 2005, Michael Sauer on behalf of his client, Mr. and Mrs. Hewitt, filed a Motion for Reconsideration. As a result of that Motion, you issued an "Order on Motion for Reconsideration" on 8 December 2005. In your Order, you amended the original Order of 20 October to incorporate a new restriction, namely:

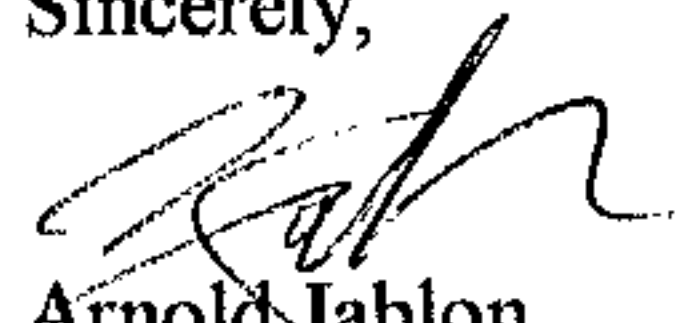
"3. Access to the proposed garage shall be from Chestnut Avenue only."

Thereafter, my clients apparently contacted your office and verbally requested that a hearing be held on the Motion and on your amended Order. After consultations with my clients, I am hereby authorized to inform you that they have withdrawn any such request. My clients will comply with your amended Order of 8 December, therefore no further action by your office is necessary.

February 9, 2006
Page 2

Should you have any questions, please feel free to contact me. Thank you for your consideration.

Sincerely,


Arnold Jablon
AEJ/aj

C: Michael B. Sauer, Esq.
401 Washington Ave., Suite 802
Towson, Maryland 21204

Mr. and Mrs. Thomas Gray
7608 Chestnut Ave.
Ft. Howard, Maryland 21052

Carl Hobson

- Need a letter to interpret
what "Access" means.

To Carl:

Please write a letter to this
Petitioner. He wants to know
how we will interpret Murphy's
restriction as to "access" is it
just "vehicles" or is it "pedestrian".
Vco.

T-

RECEIVED

MICHAEL B. SAUER

ATTORNEY AT LAW

NOV - 7 2005

SUITE 802, 401 WASHINGTON AVENUE, TOWSON, MARYLAND 21204

TELEPHONE (410) 296-2151

FAX (410) 321-1820

November 4, 2005

John V. Murphy,
Deputy Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

(Hand Delivered ^{11/7/05} ~~11/4/05~~)

RE: Request for Reconsideration of Issuance of
Order dated October 20, 2005 granting an
Administrative Variance for accessory
structure (garage) 27 feet in height in lieu
of maximum 15 feet.

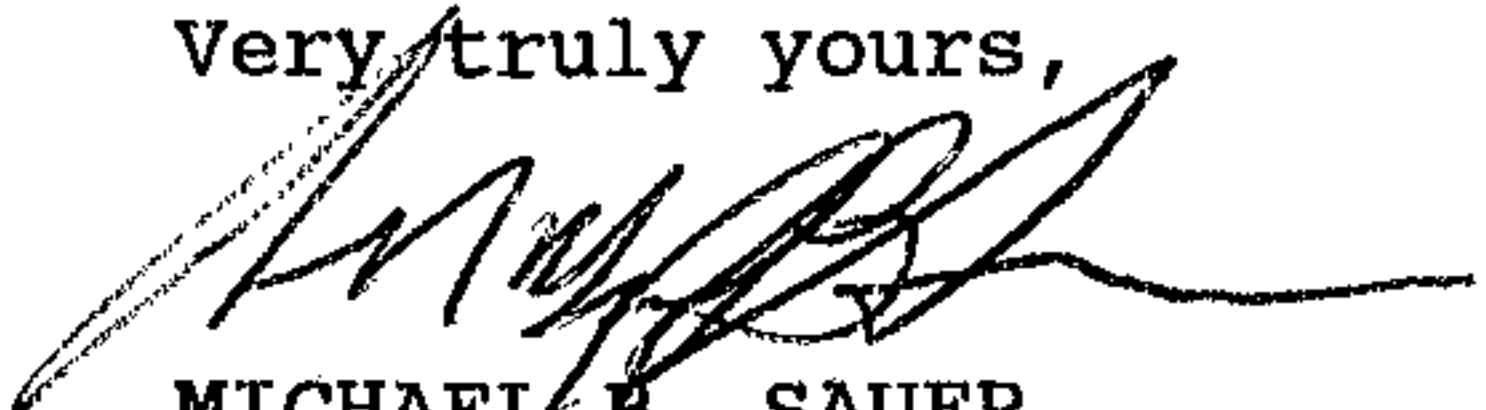
Item #: 06-153-A
Property: 7608 Chestnut Avenue
Protestants: Hewitt and Carla Hewitt

Dear Commissioner Murphy:

On behalf of my clients, Kent W. Hewitt and Carla R. Hewitt,
his wife, enclosed please find Motion for Reconsideration of Order
granting an Administrative Variance dated October 20, 2005 together
with proposed Order to Rescind the Variance.

For the reasons given in the Motion we are requesting that the
proposed Order be approved and the matter set for a public hearing.

Very truly yours,


MICHAEL B. SAUER

MBS/ms

Enclosures

CC: Kent W. Hewitt and Carla R. Hewitt

**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

December 30, 2005

Thomas E. Gray, Jr.
76089 Chestnut Avenue
Ft. Howard, Maryland 21052

Re: Variance Case 05-153-A
NE/s Chestnut Avenue, 300 feet northwest North Point Road
Dist. 15C7

Dear Mr. Gray,

Reference is made to the above zoning case in which the Deputy Zoning Commissioner granted a garage height variance with restrictions on October 20, 2005. Subsequent to the grant, protestants filed a motion for reconsideration and was granted same on December 8, 2005, adding an additional restriction #3 as follows: "Access to the proposed garage shall be from Chestnut Avenue only."

Timothy Kotroco, the director of Permits and Development Management, has requested the staff to clarify and interpret "access." The protestants motion dated November 4, 2005 indicated that the petition represented the access to be from Chestnut Avenue, which could not be confirmed by this staff, due to the fact that the access was not a zoning review or relief issue. The Protestants further indicated that property in the rear of the petitioner was cleared for an access road adjoining the property that they objected to.

Based on the major objection that the Deputy Zoning Commissioner was responding to, the staff would interpret that vehicle access, which was probably the primary purpose of the roadway, would be restricted to Chestnut Avenue. The staff believes that pedestrian access is not regulated by this zoning order.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

C: File, TMK

Visit the County's Website at www.baltimorecountyonline.info



Document (A) ORIGINAL PLAN
REVIEWED BY HOB
BALTIMORE CO

Thomas E Gray Jr
Office 410-477-5115
Home 410-477-9922
Cell 443-506-2021

District 15
Councilman 7

Proposed - Detached garage two story , barn style for storage to be build in place of existing shed on property of Thomas E Gray and Frances C Gray at 7608 Chestnut Ave., Ft. Howard MD. 21052. Filo P 151, Lib. 4119, DR55 Lots 4 thru 9, Total Sq. Ft. of Land is 18.750 Sq. Ft. Total coverage with new garage 33 1/2 percent.

Note: Property behind 7608 chestnut st is also owned by Thomas and Frances Gray all the way to Howard Ave lots 29 thru 38. Proposed stone driveway 10 ft wide thru grass area along property line to enter back of garage. From Howard ave to garage 10ft. X 175ft (see page #3)

Note: For Construction of garage and stone driveway. There are no forestry obstructions.

RECEIVED

JAN 06 2006

ZONING COMMISSIONER

← TO HOWARD ST RD

CHESTNUT ST FT HOWARD, MO.

← 150' →

tree X

tree X

tree X

tree X

POLE + CABLES
PARKING AREA

DRIVE WAY ENTRANCE

35 X 50
(50 FT)
(1750)

STORAGE

THOMAS & GRAY + FRANCES C GRAY
(ONE STORY HOUSE)

7608 CHESTNUT RD FT HOWARD, MO, 21052

DR 55

418 4119

1240 P151

LOTS 4 THURS?

28 X 74'

(50 FT 2072)

CONCRETE PATIO

(50 FT) 10 X 30
(300)

35 X 21
(50 FT)
(735)

INGROUND POOL

47' X 28

(50 FT)
(1316)

tree X

tree X

tree X

tree X

DOOR

PROPOSED

32' X 40' X 27'

DET GARAGE

TWO CAR, TWO

STORY BARN

STYLE,

(50 FT)
(1200)

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D 30 x 50

B SIDEWALK 10 x 60

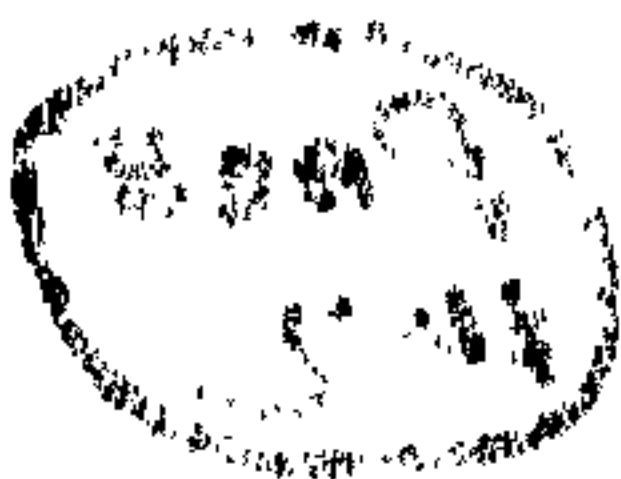
$$\begin{array}{r} 125 \\ \times 150 \\ \hline \end{array}$$

18.750 SQ FT

6.293 SQ FT

COVERED

= 33 $\frac{1}{2}$



RECEIVED

Dear Mr. Murphy:

JAN 0 5 2006

12/30/05

ZONING COMMISSIONER

Pursuant to your motion to limit access to my proposed garage to only Chestnut Ave.:
Case No. 06-153-A Property: 7608 Chestnut Avenue.

The initial reason for needing access to my rear property of Walnut Ave. would be for entering and parking of my motor home/accessory trailer on this Walnut Ave. fenced in driveway.

Please reconsider:

- 1) On Chestnut Ave. side there is an obstruction preventing me from pulling my recreational vehicle with attached trailer (Motor Home with trailer) into the rear of the property. The size of the road being only 12 ft. and a telephone pole and guide cables protruding in my driveway.
- 2) Additionally my concern for keeping these personal vehicles out of view of Chestnut Ave. is and remains a concern.
- 3) The rear access (Howard Ave.) will be used as parking for my (Motor Home/ trailer). This is an existing gravel driveway with existing permits to move the fence and gate back to enclose my parking area on my walnut Ave. property.
- 4) The deed and easement agreement to the Walnut Ave. property allows me right away to enter my property through United Railways land off Howard Ave. that is connected to my property.(see attachment easement documents)
- 5) The Howard Ave. side of the property has a 19 ft. wide road with no obstructions on my property. This will make the exit and entrance on the existing drive way to my rear 6ft tall private fenced in parking area assessable with the least amount obstructions and the least visibility to any neighborhood road ways. Please Note: this fenced in parking area is a wooded and secluded area.
- 6) The main garage access would remain on Chestnut Ave, however the one back entrance of my garage that exits on my back parking area and property (Walnut Ave) is only for occasional use. (see attached document A page #3)

The original plans that were reviewed by Baltimore Co. clearly indicated the rear access for parking reviewed on Sept. 13, 2005. The revised plans that were actually submitted did not indicate access from either side front or rear based on coaching from Zoning.

Thank You very much for reconsidering this motion!

RECEIVED

JAN 0 5 2006

Per



Regards,

Thomas Gray Jr.

7608 CHESTNUT AVE

115 C 1

15TH DIST

DR 5.5

BL

HOWARD AVE

BAYSIDE AVE

CHESTNUT AVE

NORTHPOINT RD

OAK RD

FORT AVE

ROAD

BEANK AVE

HOWARD AVE

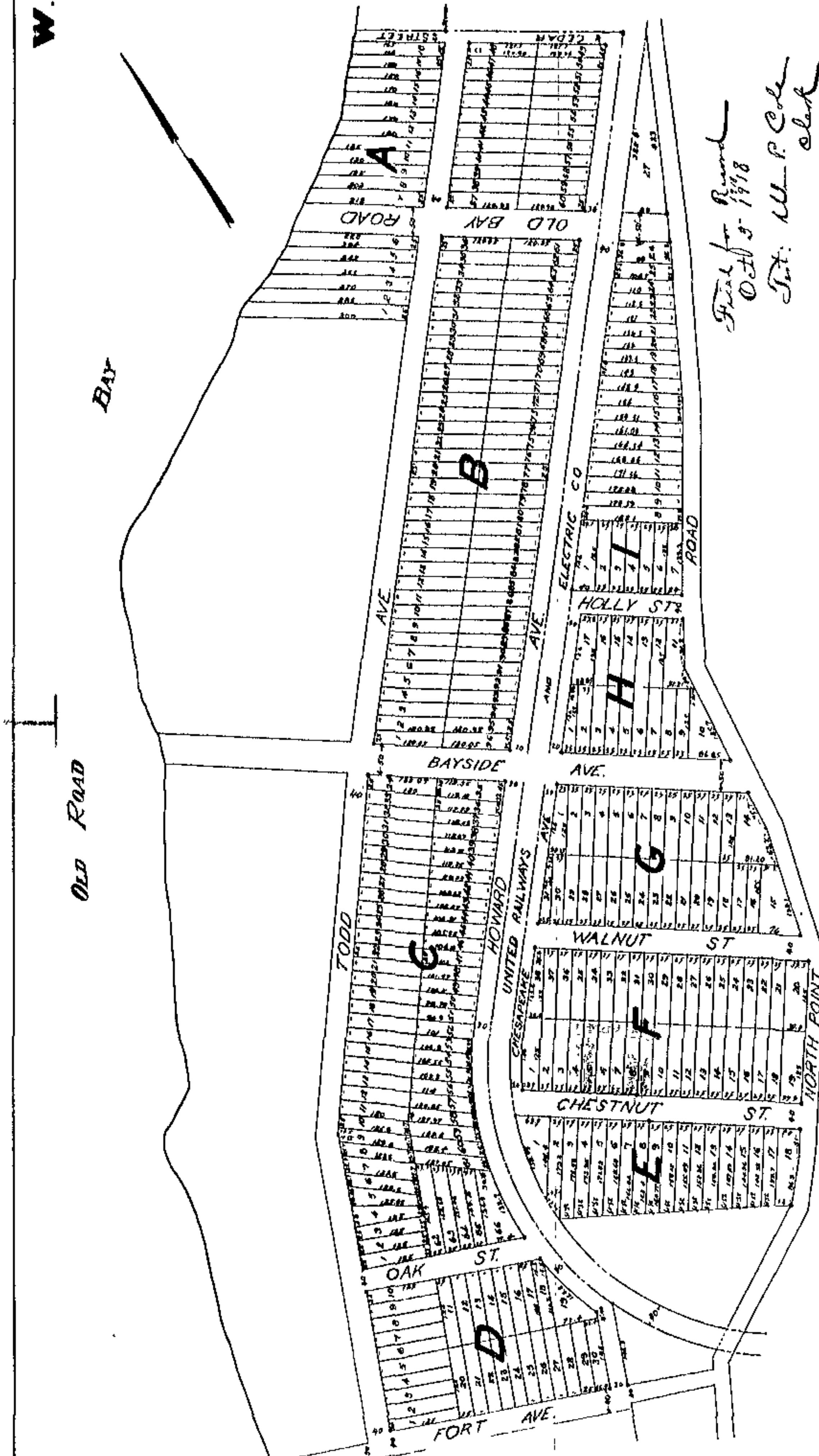
BL

ROAD

RC 20

Item # 153

W.P.C. N26-153



Filed for Record
Oct 9-1918
J. W. P. Cole
clerk

AMENDED PLAT OF
NORTH POINT TERRACE
PROPERTY BELONGING TO
THE BALTIMORE - STEELTON
DEVELOPMENT CO.
BALTIMORE COUNTY, MD.

SCALE - 1100'

Edward V. Carson & Co.
Surveyors and Engineers
Baltimore, Md.
May 14, 1918

Item # 153



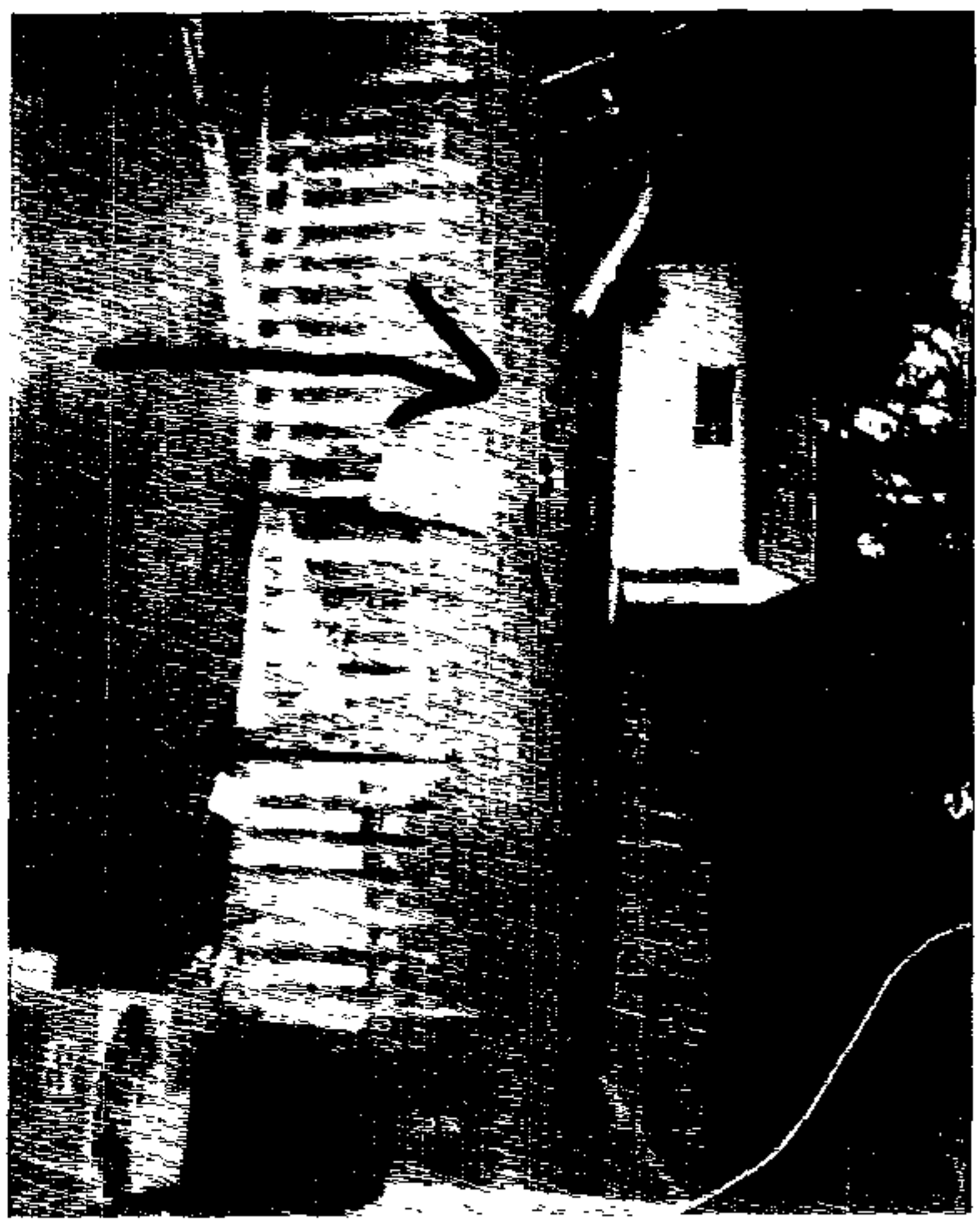
House on 6000 7th St
 (7th St on left)



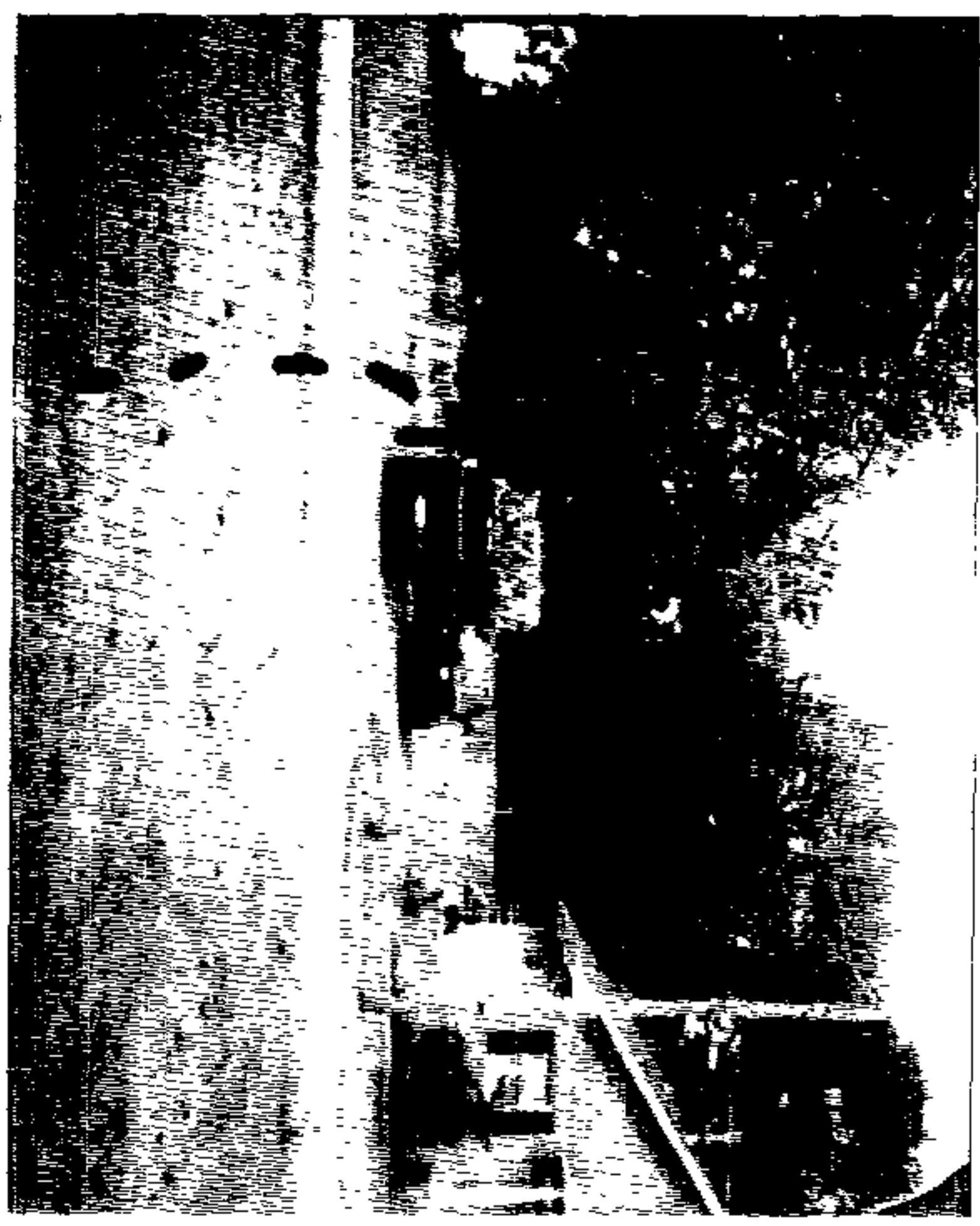
House on 6000 7th St
 Item # 153



House on 6000 7th St
 (7th St on left)



House on 6000 7th St
 Place on 6000 7th St
 5450



House on 6000 7th St
 Cor. of 7th St & 7th St



House on 6000 7th St
 Cor. of 7th St & 7th St
 5450



JAN 6 C 2000

NOT A PHOTOGRAPH

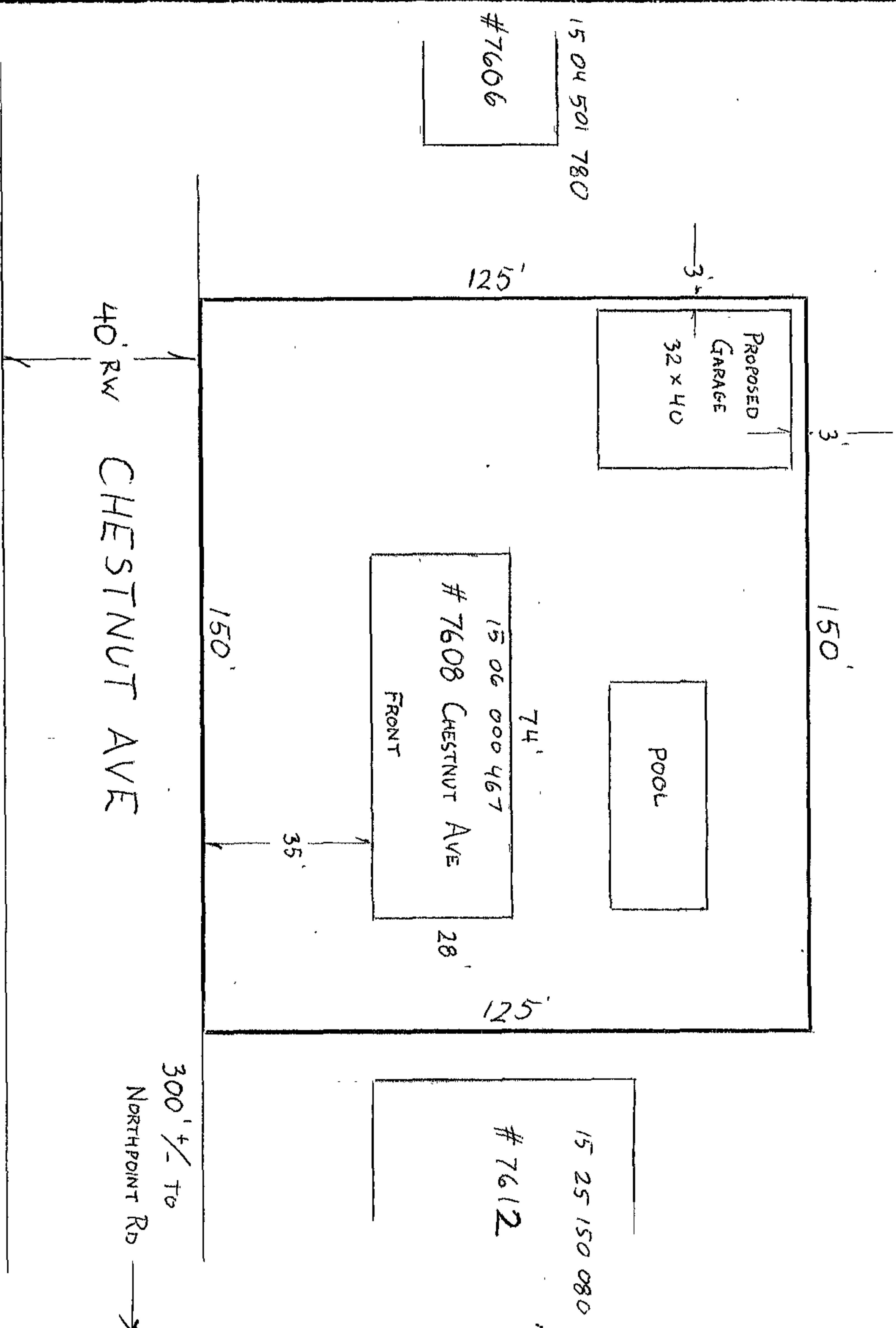
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 7608 CHESTNUT AVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME NORTH POINT TERRACE

PLAT BOOK # 6 FOLIO # 155 LOT # 4-2 SECTION # E

OWNER THOMAS & FRANCES GRAY

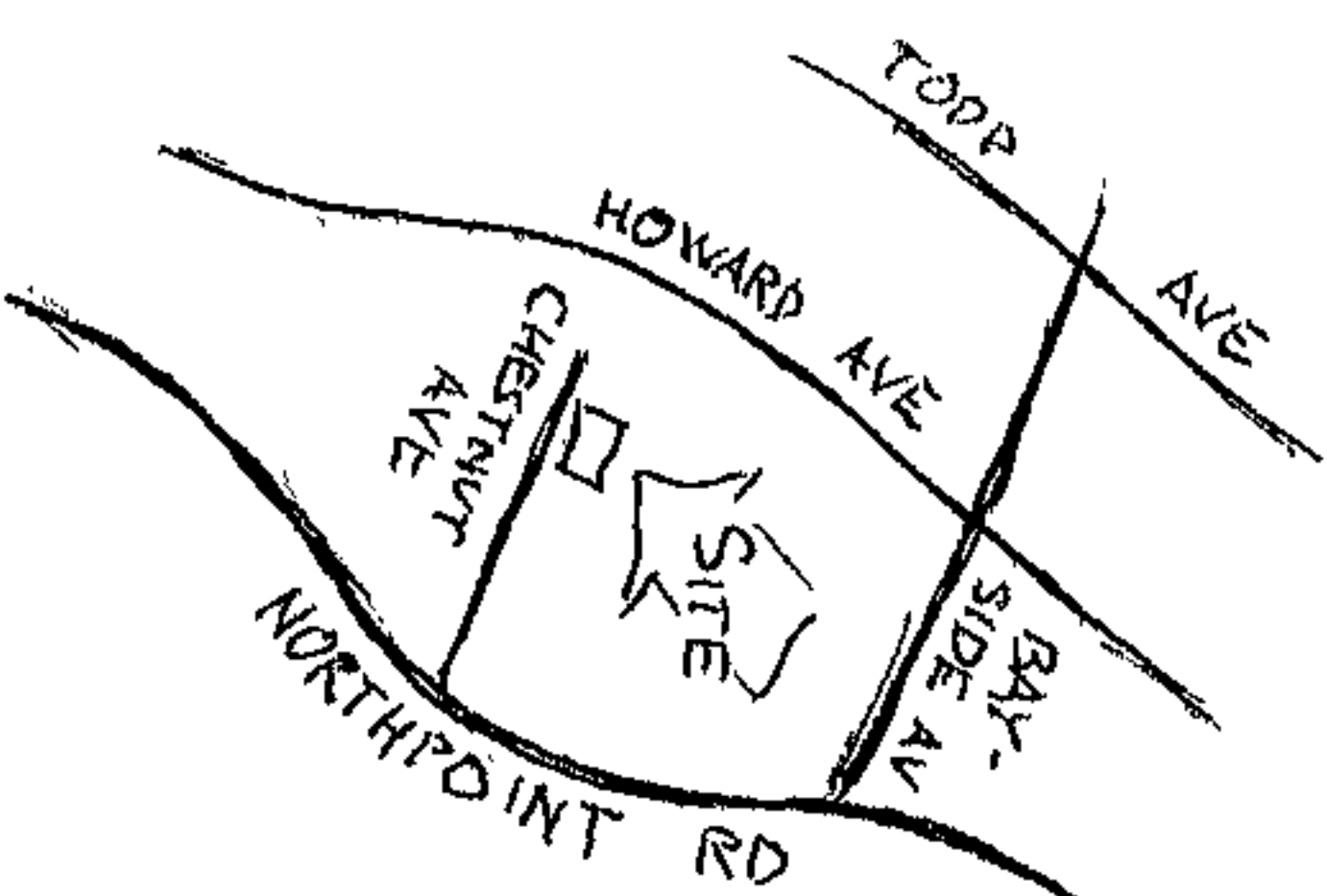


PREPARED BY

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 7TH

~~1"=200'~~ SCALE MAP # 115C1

ZONING DR 5.5

LOT SIZE 18,750 SQUARE FEET

ACREAGE 0.425

PUBLIC ☒ PRIVATE ☐

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY 153 CASE # 06-153-A

**Baltimore County, Maryland
Land Instrument Intake Sheet**

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §§33-120 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and December 31, 1993, conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

1	Description of Property (Check box(es) for item(s) to be indexed in land records)	15-20-550121 Subdivision/Tract North Point Street Address (or description if partial conveyance) Lots 29-38 Walnut Street Baltimore, Maryland
2	Transferred From	Hilda S. Todd Grantor(s) () () check box if additional sheets are attached
3	Transferred To	Gray Transport, Incorporated Grantee(s) () () check box if additional sheets are attached
4	Type of Instrument	☒ Deed ☐ Deed of Trust ☐ Mortgage ☐ Lease ☐ Assignment of Mfg/DOT ☐ Contract ☐ Land Installment Cont. ☐ Power of Attorney ☐ Amendment of ☐ Basement
5	Exemptions (Cite authority or explain briefly)	Baltimore County Exempt Status Claimed: Recordation Tax Exempt Status Claimed: State Exempt Status Claimed:
6	Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	Purchase Price/Consideration (including any new mortgage): \$ 36,000.00 Real Property Personal Property Balance of Assumed Mortgage Other Total Consideration \$ 36,000.00 or Assessed Factor \$ Recording Charges \$ 64.00 State Transfer Tax \$ 175.00 County Recordation Tax \$ 180.00 Surcharge \$ 12.00 Total \$ 431.00
7	Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650	Record Amendment of Basement 1st Record Deed 2nd Record Deed of Trust 3rd Special Recording Instructions (if any)
8	Contact/Mail Information	Name: Jerry S. Sophor, P.A. Firm: Jerry S. Sophor, P.A. Address: 913 S. Charles St. Balto., MD 21230 Phone: (410) 837-0022 Address: 2855 Lodge Road Balto., MD 21219
9	Certification	I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge. Signature: <i>[Signature]</i> Date: 12/31/94
10	Assessment Information (410) 321-2299	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Will grantee be living at property conveyed? Yes ☒ No ☐ Is grantor currently receiving a homeowners' tax credit? Yes ☒ No ☐ Is property conveyed subject to agricultural transfer tax? If yes, enter amount: ☒ No ☐ If agricultural assessment on conveyance is to continue, have you attached a letter of intent? Yes ☒ No ☐ Partial conveyance? If yes, amount of acreage transferred: ☒ No ☐ Last improvements conveyed: ☒ No ☐ If subdivision occurred after July 1, indicate former property tax ID number: _____ A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time. Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: ☒ Yes ☐ No ☐ Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage): Lots 29-38, Section F-1, Plat of North Point Terrace - 6/155 Location and improvement address: Lots 29-38 Walnut Street, Baltimore, Maryland

Distribution: Whole ☐ Part ☐ Desc. ☐ Tran. Process Verification ☐ Agricultural Verification ☐ Terminal Verification ☐ Assessment Use Only - Do Not Write Below This Line Assigned Property No _____ Deed Reference _____ Deed Plotter _____ AOC-CC-100	
Space Reserved for County Transfer Tax	

03/04/94
 #48992 C002 R02 T12:47
 DEED
 0 #
 369.00
 0 DUCS
 175.00
 0 I TX
 175.00
 00 LMP
 5.00
 0 RC/F
 14.00

Space Reserved for Circuit Court Clerk Recording Valuation

THIS DEED, Made this 31st day of December, in the year one thousand nine hundred and ninety-three, by and between HILDA S. TODD, of Baltimore County, State of Maryland, party of the first part, and GRAY TRANSPORT, INCORPORATED, a Maryland Corporation, party of the second part.

WITNESSETH, That in consideration of THIRTY-FIVE THOUSAND and 00/100 Dollars, (\$35,000.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey to the said party of the second part, its successors and assigns, in fee simple, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

FOR LEGAL DESCRIPTION, SEE EXHIBIT A, ATTACHED HERETO

AND MADE A PART HEREOF

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 parcel of land and premises to the said party of the second part, its successors and assigns, in fee simple.

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

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE J. W. [Signature] DATE 3/2/94

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

J. W. [Signature] 3/2/94
By Date

WITNESS the hand and seal of said Grantor.

WITNESS:

X [Signature]

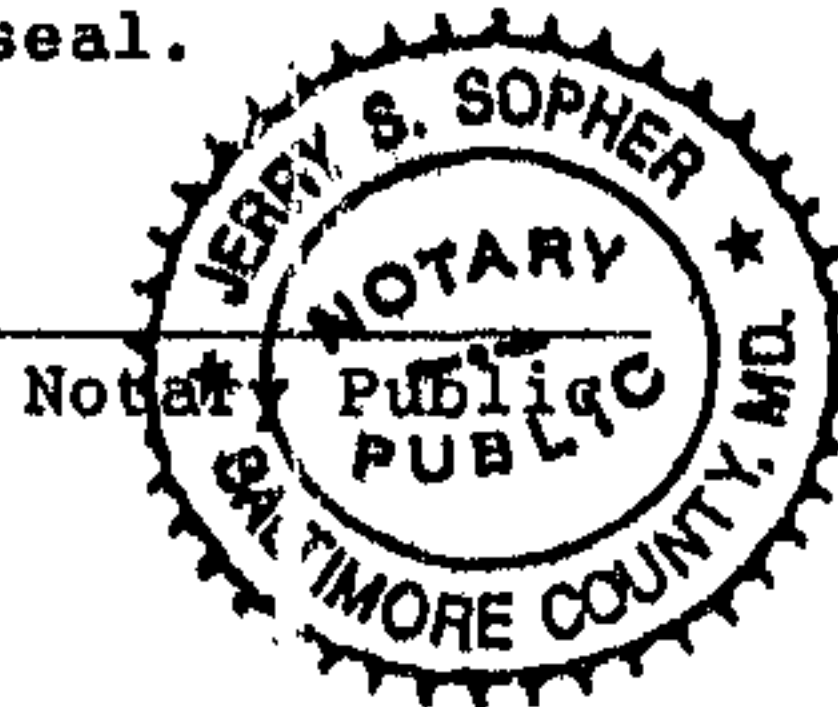
Hilda S. Todd (SEAL)
Hilda S. Todd

STATE OF MARYLAND, COUNTY/CITY of BALTIMORE, to wit:

X I HEREBY CERTIFY, That on this 31st day of December, 1993, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Hilda S. Todd, 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.

[Signature]



My commission expires: December 1, 1994

This is to certify that the within instrument has been prepared under the supervision of the undersigned Maryland attorney.

[Signature]
Jerry S. Sopher, Esquire

AFTER RECORDATION, PLEASE RETURN TO:

Jerry S. Sopher, P.A.
913 South Charles Street
Baltimore, Maryland 21230
(410) 837-0022

(Lots 29-38 Walnut Street/V-5424-93)
JSS/dmc/5989K

EXHIBIT A

BEGINNING for the same and being known and designated as Lots numbered Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37); and Thirty-eight (38), Section "F", as shown on the Plat of North Point Terrace, which Plat is recorded among the Plat Records of Baltimore County in Plat Book Liber W.P.C. No. 6, folio 155.

5998K

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("this Agreement"), made this 28th day of JANUARY, 1992, by and between the State of Maryland to the use of the Department of Natural Resources, ("GRANTOR"), and Hilda Marie Stratmann Todd, ("GRANTEE").

WITNESSETH, THAT WHEREAS GRANTOR is the owner of all that land, situate and lying in Baltimore County, Maryland, as more fully described in a deed dated September 4, 1992, from Hilda Marie Stratmann Todd, et al. to the GRANTOR and recorded among the Land Records of the aforesaid County in Liber 9357, folio 010 (the "Land"); and

WHEREAS, in connection with the conveyance of the land to the GRANTOR, the GRANTOR agreed to convey to GRANTEE an easement in, over and through a portion of the Land for and only for the purpose of ingress and egress; and

WHEREAS, GRANTOR is willing to grant two such easements to GRANTEE, thirty (30) feet in width on a portion of the Land in an area more particularly described in Exhibit A, Parcels One and Two, (the "Easement Area"), upon the terms and subject to the conditions which are hereinafter set forth,

NOW, THEREFORE, FOR AND IN CONSIDERATION of the payment of \$0.00 Dollars by GRANTEE to GRANTOR and the mutual entry into this Agreement by the parties hereto, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by each party hereto, the parties hereto agree as follows:

Section 1. Grant of Easements.

1.1. The GRANTOR hereby grants and conveys to GRANTEE, subject to all restrictions, covenants, instruments and matters of public record or in fact, and upon the terms and conditions contained herein, a non-exclusive easement in the Easement Area, for and only for the purpose of provided ingress and egress ("the Easement") only for the single family lots shown on Exhibit A.

1.2. The GRANTEE shall have the right of ingress or egress over the Easement Area along the lines designated on Exhibit A.

1.3. The granting of this Easement does not convey to GRANTEE any interest in or to any mineral rights.

1.4. The GRANTOR reserves the right to continue to use the Land and the Easement Area for any purpose, provided the GRANTOR'S use of the Easement Area does not materially interfere with GRANTEE'S Easement.

Section 2. Use of Easements.

2.1. The GRANTEE'S use of the Easement and the Easement Area, including the construction, installation, maintenance, repair, replacement or use of any improvements in the Easement Area shall be done only in accordance with all applicable Federal, State and local laws, ordinances, and regulations.

2.2. Any improvements required to be constructed in the Easement Area for GRANTEE'S use of the Easement, shall be constructed by GRANTEE at GRANTEE'S sole expense, and in compliance with plans and specifications approved in advance by GRANTOR. The GRANTEE agrees that any and all cutting of timber and clearing of the Easement Area will be reviewed and inspected by the Area Manager (as defined in the Notice provision below), before any work is initiated, to insure that all such cutting, etc., is within the construction area.

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

Page 1 of 5

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE [Signature] DATE 2-10-93

By [Signature] Date 2-10-93

2.3. The GRANTEE shall be responsible for obtaining, at its sole cost and expense, all permits, licenses, inspections and approvals required for its use of the Easement and the Easement Area. The granting of this Easement does not imply exemption to or approval of any permit requirements of the Department of Natural Resources. The GRANTEE shall deliver to GRANTOR copies of all necessary permits, licenses, inspections and approvals, prior to taking any action requiring such permit, license or approval.

Section 3. Maintenance.

3.1. The GRANTEE shall, at its sole expense, at all times maintain the Easement Area in good order and repair, including all necessary maintenance and repair of, and replacements to improvements situated on the Easement Area; and

3.2. In the event the Land, the Easement Area or any improvements situated thereon are damaged as a result of GRANTEE'S exercise of the Easement or use of the Easement Area, the GRANTEE shall promptly restore and repair such damage, so that such damaged area is in as good or better condition than it was immediately before such damage occurred.

3.3. The GRANTEE agrees that there shall be no use nor spraying of pesticides and/or herbicides on the land or the Easement Area except by selective injection methods and only as approved, in advance, in writing, by the Area Manager.

3.4. The GRANTEE agrees that there shall be no burning, burial or disposal of any waste or excess materials, of any kind, on any portion of the Land, including the Easement Area.

Section 4. Indemnification. The GRANTEE shall be responsible for, and shall defend, indemnify and hold harmless the State of Maryland, the Department of Natural Resources, their members, officers, agents, and employees against and from, any and all liability or claim of liability (including reasonable attorneys' fees) arising out of (a) the GRANTEE'S use, occupancy, conduct, operation or management of the Easement and the Easement Area, or (b) any work or thing whatsoever done or not done on the Easement Area, or (c) any breach or default by the GRANTEE in performing any of its obligations under the provisions of this Agreement or applicable law, or (d) any negligent, intentionally tortious or other act or omission of the GRANTEE or any of its agents, contractors, servants, employees, subtenants, licensees or invitees, or (e) any injury to or death of any person or damage to any property occurring on the Easement Area during the Term.

Section 5. Assignment.

5.1. The GRANTEE shall not be permitted to assign, lease, sublease or in any manner transfer its rights and obligations under this Agreement without obtaining the prior written consent of the GRANTOR and the State of Maryland Board of Public Works.

5.2. GRANTEE further understands and agrees that it shall have no authority, expressed or implied, to create or place any lien or encumbrance of any kind or nature upon any portion the GRANTOR'S land or GRANTEE'S interest in the Easement Area.

Section 6. Default.

6.1. The GRANTOR reserves the right to order the immediate cessation of work in the event that GRANTEE fails to abide by any condition contained herein or any conditions or requirements contained in permitting procedures, and fails to take corrective action within twenty-four (24) hours after receiving telephonic notification from the GRANTOR, or fails to diligently pursue such corrective action thereafter until completion.

6.2. In the event that GRANTEE fails to perform all necessary maintenance, repair of and replacement of the Land and Easement Area, as required by this Agreement, and such failure is not cured within ten (10) days after the GRANTEE is given written notice thereof from GRANTOR, the GRANTOR may enter upon the Easement Area and take whatever steps it deems reasonably necessary to maintain the Easement and the Easement Area, and the GRANTEE shall reimburse the GRANTOR for all reasonable costs incurred as a result of such maintenance.

6.3. In the event GRANTEE either abandons, or ceases to use the Easement for the purpose specified herein for a period of ninety (90) days or more, or in the event of a default by GRANTEE which is not cured within the applicable grace period, the GRANTOR shall have the right to enter and take possession of the Easement Area, and terminate all right, title and interest of the GRANTEE in the Easement Area. In such event, the GRANTEE shall, immediately upon GRANTOR'S request, execute in recordable form, an appropriate release of the GRANTEE'S rights hereunder.

6.4. Nothing contained in this Agreement shall be interpreted as a waiver or limitation of any rights or remedies which the GRANTOR may have in law or in equity.

Section 7. General.

7.1. Effectiveness. This Agreement shall become effective on and only on its execution and delivery by each party hereto, and after it is approved by the State of Maryland Board of Public Works.

7.2. Amendment. This Agreement may only be amended by an instrument executed and delivered by each party hereto.

7.3. Applicable law. This Agreement shall be given effect and construed by application of the law of Maryland.

7.4. Notices. Any written notice, demand, consent approval or request to be provided to a party hereto shall be deemed to be given forty-eight (48) hours after being sent as certified or registered mail, postage prepaid, return receipt requested if to the GRANTOR: Department of Natural Resources, c/o Director of Enterprise Development, Public Lands, 580 Taylor Avenue, E-3, Annapolis, Maryland 21401, with a copy to the Area Manager, North Point State Park, P.O. Box 176, Fort Howard, MD 21052 and if to GRANTEE at 1505 Woodland Drive, Salisbury, MD 21801, or to such other address in the United States as such party may designate.

7.5. Exhibits. Each writing or plat referred to herein as being attached hereto as an exhibit or otherwise designated herein as an exhibit hereto is hereby made a part hereof.

IN WITNESS WHEREOF, each party hereto has executed and
ensealed this Agreement or caused it to be executed and ensealed on
its behalf by its duly authorized representative, the day and year
first above written.

WITNESS:

Tera H. Matuckey

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES

BY: Torrey C. Brown (SEAL)
Torrey C. Brown, M.D.
Secretary

STATE OF MARYLAND
BOARD OF PUBLIC WORKS

BY: William Donald Schaefer (SEAL)
William Donald Schaefer
Governor

BY: Louis L. Goldstein (SEAL)

Louis L. Goldstein
Comptroller

ATTEST:

Sandra K. Reynold
Sandra K. Reynold
Secretary, Board of Public
Works

BY: Lucille Maurer (SEAL)
Lucille Maurer
Treasurer

I hereby certify this deed was
prepared by and reviewed for form
and legal sufficiency by
Jodi R. O'Day
an attorney admitted to practice
by the Court of Appeals of Maryland.

Jodi R. O'Day
Assistant Attorney General

RETURN TO:

Susan M. Kephart
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
E-3
Annapolis, MD 21401

STATE OF MARYLAND
COUNTY OF ANNE ARUNDEL, TO WIT:

BEFORE ME, THE UNDERSIGNED Notary Public of the State of Maryland, in and for the aforesaid County, personally appeared this 9th day of September, 1992, Torrey C. Brown, M.D., Secretary to the Department of Natural Resources of the State of Maryland, who acknowledged the aforesaid Agreement to be the true, lawful, and voluntary act of the Department of Natural Resources.

Tara A. Matusky
Notary Public

My Commission expires 11/1/93

STATE OF MARYLAND
COUNTY OF ANNE ARUNDEL, TO WIT:

BEFORE ME, THE UNDERSIGNED Notary Public of the State of Maryland, in and for the aforesaid County, personally appeared this 28th day of January, 1993, Sandra K. Reynold, Secretary to the Board of Public Works of the State of Maryland, who acknowledged the aforesaid Agreement to be the true, lawful, and voluntary act of the Board of Public Works.

Margaret J. Bochen
Notary Public

My Commission expires 11-1-95

EXHIBIT A

DESCRIPTION OF EASEMENT

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
TO
HILDA STRATMANN TODD

PARCEL ONE

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE UNITED RAILWAYS AND ELECTRIC COMPANY AND WALNUT AVENUE EXTENDED AS SHOWN ON THE AMENDED PLAT OF "NORTH POINT TERRACE" (LOTS 29-38, SECTION F) AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN PLAT BOOK 6, FOLIO 155, SAID POINT ALSO BEING LOCATED NORTH 65 DEGREES 35 MINUTES 29 SECONDS WEST A DISTANCE OF 20.00 FEET FROM THE NORTHWESTERLY CORNER OF LOT 38 SECTION F AND RUNNING:

1. SOUTH 39 DEGREES 26 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 30.00 FEET ALONG THE EASTERLY SIDE OF THE FORMER RAILWAY RIGHT OF WAY, THENCE,

2. NORTH 55 DEGREES 35 MINUTES 29 SECONDS WEST FOR A DISTANCE OF 40.00 FEET TO THE WESTERLY SIDE OF THE FORMER RAILWAY RIGHT OF WAY, THENCE,

3. NORTH 39 DEGREES 26 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 30.00 FEET ALONG THE WESTERLY SIDE OF THE FORMER RAILWAY RIGHT OF WAY, THENCE,

4. SOUTH 55 DEGREES 35 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 40.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,200.00 SQUARE FEET OF LAND, MORE OR LESS.

PARCEL TWO

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE UNITED RAILWAYS AND ELECTRIC COMPANY AND CHESTNUT STREET EXTENDED AS SHOWN ON THE AMENDED PLAT OF "NORTH POINT TERRACE" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN PLAT BOOK 6, FOLIO 155, SAID POINT ALSO BEING LOCATED NORTH 65 DEGREES 35 MINUTES 20 SECONDS WEST A DISTANCE OF 20.00 FEET FROM THE SOUTH WESTERLY CORNER OF LOT 1, SECTION F AND RUNNING:

1. NORTHWESTERLY ALONG THE NORTH EDGE OF CHESTNUT STREET EXTENDED TO INTERSECT THE WESTERLY LINE OF THE UNITED RAILWAYS AND ELECTRIC COMPANY AND THE EASTERLY EDGE OF HOWARD AVENUE, THENCE,

2. RUNNING ALONG THE WEST EDGE OF THE UNITED RAILWAYS AND ELECTRIC COMPANY AND THE EAST EDGE OF HOWARD STREET TO A POINT INTERSECTING THE SOUTHERN EDGE OF CHESTNUT STREET EXTENDED, THENCE,

3. RUNNING EASTERLY ALONG THE SOUTH EDGE OF CHESTNUT STREET EXTENDED TO A POINT, THAT POINT BEING THE NORTHWESTERLY CORNER OF LOT 1, SECTION E AS SHOWN ON THE AFORESAID PLAT, THENCE,

4. RUNNING NORTHEASTERLY ALONG THE EAST SIDE OF THE UNITED RAILWAYS AND ELECTRIC COMPANY TO THE POINT OF BEGINNING.

CONTAINING 1500.00 SQUARE FEET OF LAND, MORE OR LESS.

Baltimore County, Maryland
Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated 1/23/92 conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

1	Description of Property (Check box(es) for item(s) to be indexed in land records)	☒ Property Tax ID No. <u>Easement</u>	☐ Lot/Block	Map/Grid/Parcel No.
2	Transferred From	☐ Subdivision/Tract	☐ Lot Acreage	Prior Deed Ref. VAR. LOG
3	Transferred To	Street Address (or description if partial conveyance) <u>*NOT LISTED IN TAX BOOKS</u> <u>FORMER RAILROAD PROPERTY</u>		
4	Type of Instrument	Grantor(s) (☐ check box if additional sheets are attached) <u>STATE OF MARYLAND to the USE OF THE DEPARTMENT OF NATURAL RESOURCES</u> Owner of record (if different from grantor) <u>N/A</u>		
5	Exemptions (Cite authority or explain briefly)	Grantee(s) (☐ check box if additional sheets are attached) <u>HILDA MARIE STRATMAN TODD</u>		
6	Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	Deed ☐ Deed of Trust ☐ Mortgage ☐ Lease ☐ Assignment of Mig/DOT ☐ Contract ☐ Land Installment Cont. ☐ Power of Attorney ☐ Financing Statement ☒ Other (Specify) <u>EASEMENT</u>		
7	Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650	Baltimore County Exempt Status Claimed: <u>N/A</u> Recordation Tax Exempt Status Claimed: <u>N/A</u> State Exempt Status Claimed: <u>N/A</u>		
8	Contact/Mail Information	Consideration Amount Purchase Price/Consideration (including any new mortgage) \$ Real Property Personal Property Balance of Assumed Mortgage Other Total Consideration \$ <u>N/A</u> or Assessed Factor \$ County Taxes to be Paid Transfer Tax Consideration \$ <u>N/A</u> x 1.6% = \$ Office of Finance Use Only Agent: <u>feh</u> Tax Bill: <u>—</u> C.B. Credit: Ag. Tax/Other:		
9	Certification	Recordation Fees Recording Charges \$ <u>26.00</u> State Transfer Tax \$ <u>70.00</u> County Recordation Tax \$ <u>80.00</u> Surcharge \$ <u>5.00</u> Other Total \$ <u>31.00</u> Special Recording Instructions (if any)		
10	Assessment Information (410) 321-2299	Instrument Prepared By Name: <u>JODI O'DAY</u> Firm: <u>ATTY. GEN. OFFICE</u> Address: <u>DPT. NATURAL RES</u> Phone: <u>410-974-2501</u> Return Instrument To Name: <u>JEAN LIPPHARD</u> Firm: <u>E-3</u> Address: <u>580 TAYLOR AVE</u> Phone: <u>410-974-2501</u> Mailing Address for Tax Bill Name: <u>N/A</u> Address: <u>ANNAP. MD. 21401</u> Phone: <u>974-3585</u>		
I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.		Signature: <u>[Signature]</u> Date: <u>2/10/92</u>		
IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER		Yes ☒ No ☐ Will grantee be living at property conveyed? Yes ☒ No ☐ Is grantor currently receiving a homeowners' tax credit? Yes ☒ No ☐ Is property conveyed subject to agricultural transfer tax? If yes, enter amount: _____ Yes ☒ No ☐ If agricultural assessment on conveyance is to continue, have you attached a letter of intent? Yes ☒ No ☐ Partial conveyance? If yes, amount of acreage transferred: _____ List improvements conveyed: _____ If subdivision occurred after July 1, indicate former property tax ID number: _____ Optional Expediting Information A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time. Yes ☒ No ☐ Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: _____ Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage): <u>PLAT - PLAT BOOK 6/155 (SEE EXHIBIT "A")</u> Location and improvement address: _____		
Distribution: White - Clerk's Office \ Canary - Office of Finance \ Pink - SDAT \ Goldinked - Preparer		Assessment Use Only - Do Not Write Below This Line		
☐ Terminal Verification ☐ Agricultural Verification ☐ Tran. Process Verification ☐ Whole ☐ Desc. ☐ Part		☐ Deed Plotter ☐ Deed Reference ☐ Assigned Property No		

C REC/F 26.00
CC INP 5.00
ACRNT
SH CLERK 31.00
#54059 C001 R02 T10
02/10

For Baltimore County Department of Finance
Assessment & Taxation
Date: 2-10-92 Sec. 11-55 Eminent Domain

Space Reserved for County Transfer Tax