IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE

North side of Philadelphia Road, 68 feet

Northeast centerline of Neighbors Avenue 14th Election District

7th Councilmanic District

(8224 Philadelphia Road)

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

BEFORE THE

CASE NO. 06-473-SPHA

Yolanda Lamasa, Legal Owner and

JMJA, Inc., by John I. Michael, President Lessee

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Yolanda Lamasa and JMJA, Inc., by John I. Michael, President, Lessee. The Petitioners are requesting special hearing and variance relief for property located at 8224 Philadelphia Road in the eastern area of Baltimore County. The special hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve business parking in a residential zone per Section 409/8.B subject to compliance with Section 409.8.B.2. In addition, variance relief is requested from Sections 409.6, 409.8.a.2 and 409.8.A.6 of the B.C.Z.R., to allow 33 parking spaces, a gravel parking area (rear) with no striping in lieu of the required 57 spaces, durable dustless surface with striping respectively.

The property was posted with Notice of Hearing on April 22, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 20, 2006 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. 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 with the Zoning Regulations for Baltimore County would result in practical 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 intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any 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 fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated April 18, 2006, a copy of which is attached hereto and made a part hereot.

Interested Persons

Appearing at the hearing on behalf of the variance and special hearing requests were John and James Michael, Petitioners. Rick Richardson of Richardson Engineering, Inc., who prepared the site plan was also in attendance. Alfred L. Brennan, Jr., Esquire represented the Petitioners.

Alfred and Betsy Armada appeared at the hearing in opposition to the requests. Chris McCollum

from the Office of the Economic Development appeared at the hearing in support of the requests.

People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 0.564 acres of land zoned BL and Dr 5.5 as shown in Petitioners' Exhibit 1, the Plat to Accompany. The property is located on Philadelphia Road at Neighbors Avenue and is improved by a three bay commercial building which has a Curves Health Club, a carry out restaurant and standard restaurant. The Petitioners operate both restaurants.

The Petitioners would like to obtain a liquor license for their standard restaurant. However to do so they must demonstrate to the Liquor Board they have the proper zoning for this use which in turn triggers a review of the property from a zoning standpoint. Mr. Brennan proffered that the building was erected in the 1980's which is the source of most of the need for special hearing and variance. The building itself is located in the BL zone. However there is a peculiar strip approximately 10 feet wide of DR 5.5 along the northern boundary of the property as shown on exhibit 1. Said another way the zoning line followed the building line and not the property line in this case. Parking is provided in front of the building in 23 spaces. However some of these spaces are located in the DR 5.5 zoned portion of the property. Thus the need for a special hearing to allow business parking in a residential zone pursuant to Section 409.8 of the BCZR. The Petitioners indicated that the front parking spaces are never filled under the present uses of the building.

However given the uses of the building, 57 parking spaces are required. To come close to the required parking, the Petitioners propose to use the unpaved rear lot for additional parking spaces which lot can be accessed via the driveway on the south side of the building. However given the size of the lot, existing transformers and dumpsters on the rear lot, the best the Petitioner can do is to provide ten more spaces for a total of 33 spaces.

STATE STATE

The driveway on the south side of the building is also used by the Armadas to go to and from their home which is located behind the commercial building as shown on exhibit 1. Use of this driveway by the Petitioners' suppliers delivering food and equipment to the Petitioners is the single source of irritation of the Armadas and the reason for their opposition to the Petitioner's requests. The Armadas complain that delivery trucks block their driveway leaving them no means to get to Philadelphia Road. Apparently this dispute has been going on for more than a decade and has involved every level of County government.

Mr. Richardson opined that the property was unique in a zoning sense given the existing building and split zoning. He noted that the parking was originally designed for retail uses with approximately 5000 sq. ft. of space. Now however the uses trigger the need for more parking. He also noted that no customers park in the rear lot and likely would not in the future. This lot has never been paved and should not be so as to minimize run off from the lot. There would be no point to stripe a gravel lot.

Mr. McCollom from the County Department of Economic Development indicated his Department's support for the requests and personally observed on his visits to the site there is no parking problem for customers and delivery trucks can park in the rear.

Mr. Armada reviewed the long and sometimes bitter conflict between his family and the Petitioner's regarding the Petitioner's suppliers parking in the south driveway blocking his path to and from his home. He vigorously opposed any customer parking on the rear lot, or granting any of the Petitioners' requests. He complained about flooding problems on this property which spill over to his property.

At the end of testimony this Commissioner suggested that it may be time to really solve the problem the Armadas have of delivery trucks parking in the common driveway. I suggested that it would be preferable to find a way to have delivery trucks park in rear and use the rear doors for deliveries. As a result the record was kept open to see if the parties could come to terms

DATE OF THE PARTY OF THE PARTY

On May 11, 2006 Mr. Richardson sent a redline plat to accompany which was entered into the record of this case as Petitioner's exhibit 6. In the cover letter he explained that he spoke to Mr. Armada about solutions to address the problem of delivery truck parking in the common driveway, and came to an agreement which involved dramatic striping of the driveway indicating no parking, and creating a truck loading area in the rear. This however would eliminate 5 proposed parking space in the rear. Finally on March 18, 2006 Mr. Armada wrote that while he had agreed to the no parking provisions of the redline plat, he continued to oppose parking in a residential zone and any more spaces in the rear. He noted that he opposed any more parking in his residence because this would cause additional problems with parking in the common driveway. He attached correspondence from County agencies and an attorney dated 1991 and 1992.

Findings of Fact and Conclusions of Law

Special Hearing

I realize that sometimes zoning cases can be very confusing. I want to assure Mr. Armada that the request to have business parking in a residential zone does not in any way involve the Petitioners' customers parking on his residence. Nor does it involve the common driveway. The request arises from an odd situation in which the BL/DR zoning line did not follow the property line on the northern part of the property as would ordinarily have been done. When the County drafted the zoning map for some unknown reason the BL/DR line moved over about 10 feet from the northern property line. I think Mr. Brennan is probably right that this is a simple drafting error. So that by granting the special hearing I am only documenting the fact that two parking spaces now exist on the front of the building in this peculiar 10 foot DR strip. I find that the Petitioner would suffer undue hardship if he could not continue to use these two spaces under these circumstances.

Variances

Having granted the special haring, I will also grant the request for 28 parking spaces in lieu of the required 57 spaces. I find the property unique in a zoning sense given the odd split zoning

and existing building and parking lot. I also find that the Petitioner would suffer practical difficulty if the regulations were strictly enforced.

Finally, I find that these variances can be granted within the spirit and intent of the regulations and will not adversely affect the community. My hope is that the real source of the conflict between the Petitioner and the Armadas will disappear once the new plan shown in exhibit 6 is put in place. I find that it is better to eliminate 5 parking spaces in the rear to solve this decades old controversy between the Armadas and the Petitioner. In addition to require the Petitioner to pave the rear lot would likely increase whatever flooding problems still exist coming from this property onto the Armada property. Clearly there is no sense striping a gravel parking lot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special hearing and variance should be granted.

THEREFORE, IT IS ORDERED, this 19th day of May, 2006, by the Deputy Zoning Commissioner, that the Special Hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve business parking in a residential zone per Section 409/8.B subject to compliance with Section 409.8.B.2., be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the variance relief requested from Sections 409.6, 409.8.a.2 and 409.8.A.6 of the B.C.Z.R., to allow 28 parking spaces, a gravel parking area (rear) with no striping in lieu of the required 57 spaces, durable dustless surface with striping respectively, pursuant to exhibit 6, redline plat to accompany be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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 April 18, 2006, a copy of which is attached hereto and made a part hereof; and
- 3. When applying for a permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

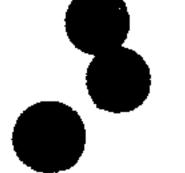
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz







BALTIMORE COUNTY

Maryland May 22, 2006

JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

ALFRED BRENNAN, JR., ESQUIRE BRENNAN & BRENNAN 825 EASTERN BLVD. BALTIMORE MD 21221

Re: Petitions for Special Hearing & Variance

Case No. 06-473-SPHA

Property: 8224 Philadelphia Road

Dear Mr. Brennan:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz Enclosure

JMJA, INC., JOHN I. MICHAEL, 8224 PHILADELPHIA ROAD, BALTIMORE MD 21237 JMJA, INC., JAMES MICHAEL, 8224 PHILADELPHIA ROAD, BALTIMORE MD 21237 YOLAND LAMASA, C/O CHARLES LAMASA, ESQUIRE, 1023 CATHEDRAL STREET, BALTIMORE MD 21201

RICK RICHARDSON, RICHARDSON ENGINEERING, INC., 110 OLD PADONIA ROAD, SUITE, LC, COCKEYSVILLE MD 21030

ALFONSO AND BETTY ARMADA, 8220 PHILADELPHIA ROAD, BALTIMORE MD 21237



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

	fe	or the property loc	cated at 8224	Philadelphi	a Road	
			which is preser	tly zoned <u>F</u>	L /DR 5.5	
made a part hereof.	be filed with the Depart erty situate in Baltimore (hereby petition for a S whether or not the Zonia	pecial Hearing under	described in the d	decription and r	dat attached barata	. ~1
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Subject	to Compliance	with Srct	1000 409.	, 8, B, A	/	

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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.

Contract Purchaser/Lessee: JMJA, INC. John I. Michael, President Name - Type or Print-Signature 8224 Philadelphia Road (410) 391-5900 Address Telephone No. Baltimore, Maryland 21237 City State Zip Code Attorney For Petitioner: Alfred L. Brennan, Jr., Esquire Name - Type or Print Signature Brennan & Brennan, Aftorneys-at-Law. Company Eastern Boulevard (410-687-3434 AUDIOSS Telephone No Baltimore, Maryland 21221 Cit State Zip Code

Case No. 06-473 SPHA

The negrot

is the subject of this Petition. Legal Owner(s): Yolahda Lamasa Name - Type or Print donasa Signature Name - Type or Print Signature c/o Charles Lamasa, Esquire (410) 727-4131 Address 1023 Cathedral Street Telephone No. Baltiore, Maryland 21201 City State Zip Code Representative to be Contacted: Name **Address** elephone No. Zip Code

OFFICE USE ONLY

UNAVAILABLE FOR HEARING

ESTIMATED LENGTH OF HEARING //2 4/25.

Dotte 3

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which



Pethon for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8224 Philadelphia Road

which is presently zoned BL /DR 5.5

his Petition shall be filed with the Department of Permits and Development Management. The undersigned legal owner(s)

f the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part ereof hereby petition for a Variance from Section(s) 409.6, 409.8.1.2 and 409.8.1.6.

To allow 33 panking spaces, a quavel parking aneq (near) with no striping in lieu of the required 57 spaces, danable dustless surface with striping nespectively.

f the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship -practical difficulty) EXISTING SITE CONDITIONS AND OTHER INFORMATION PRESENTED

AT THE HEARING

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

ontract Purchaser/Lessee:	Legal Owner(s):
MIA, Inc. John I. Michael, President	Yolanda Lamasa
navire Manual	Name - Type or Print Manda Tawasa
3224 Philadelphia Rd (410) 391-5900	Signature
Baltimore, MD 21237	Name - Type or Print
State Zip Code	Signature
torney For Petitioner:	c/o Charles Lamasa, Esquire (410) 727-4131
Alfred L. Brennan, Jr., Esquire	Address 1023 Cathedral Street Baltimore, MD 21201
Merry Section of the	City State Zip Code Representative to be Contacted:
Bretoan and Brennan, Attorneys At Law, P.A.	Alfred L. Brennan, Jr., Esquire
825 Easte in Boulevard (410) 687-3434	825 Eastern Boulevard (410) 687-3434
Baltinge MD 21221	Appress Raltimore MI) 21221
State Zip Code	THE COSE
	OFFICE USE ONLY
NO 26-473 SPHA	ESTIMATED LENGTH OF HEARING SEC SPH
Roviowed By	UNAVAILABLE FOR HEARING

110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION 8224 PHILADELPHIA ROAD 14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the north side of Philadelphia Road, a right-of-way (65) feet wide at the distance of 68 feet north east of the centerline of the nearest improved intersecting street Neighbors Avenue, a right- of- way (40) feet wide. Thence the following cources and distances: (1) South 48 degrees 26 minutes 05 seconds West 119.84', (2) North 41 degrees 22 minutes 46 seconds West 175.00', (3) North 48 degrees 26 minutes 05 seconds East 119.84' and (4) South 41 degrees 33 minutes 46 seconds East 175.00' to the place of beginning as recorded in Deed Liber 8364 Folio 280. Being lot #3 in the subdivision of PETER HUDOCK PROPERTY as recorded in Baltimore County Plat Book #49, Folio #80, containing 20,972 Sq.Ft. or 0.481 Ac.+/-. Also known as 8224 Philadelphia Road and located in the 14th. Election District, 7th Councilmanic District.



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The Zoning Commissioner of Ballimore 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: #06-473-SPHA

8224 Philadelphia Road

North side of Philadelphia Road, 68 feet northeast

centerline of Neighbors Avenue 14th Election District — 7th Councilmanic District

Legal Owner(s): Yolanda Lamasa Contract Purchaser: JMJA, Inc., John I. Michael, President -

Special Hearing: to permit business parking in a residential zone.

Variance: to allow 33 parking spaces, a gravel parking area (rear) with no striping in lieu of the required 57 spaces, durable, dustless surface with striping

respectively.

Hearing: Monday, May 8, 2006 at 9:00 a.m. in Room 487, County Courts Building, 401 Bosley Avenue, Towson 21204. $= \frac{1}{2} \left(\frac{1}{2} \left(\frac{1}{2} \left(\frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2} \right) - \frac{1}{2} \left(\frac{1}{2} \frac{1}{2} \frac{1}{2} \right) - \frac{1}{2} \left(\frac{1}{2} \frac$

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 4/231 Apr. 20

CERTIFICATE OF PUBLICATION

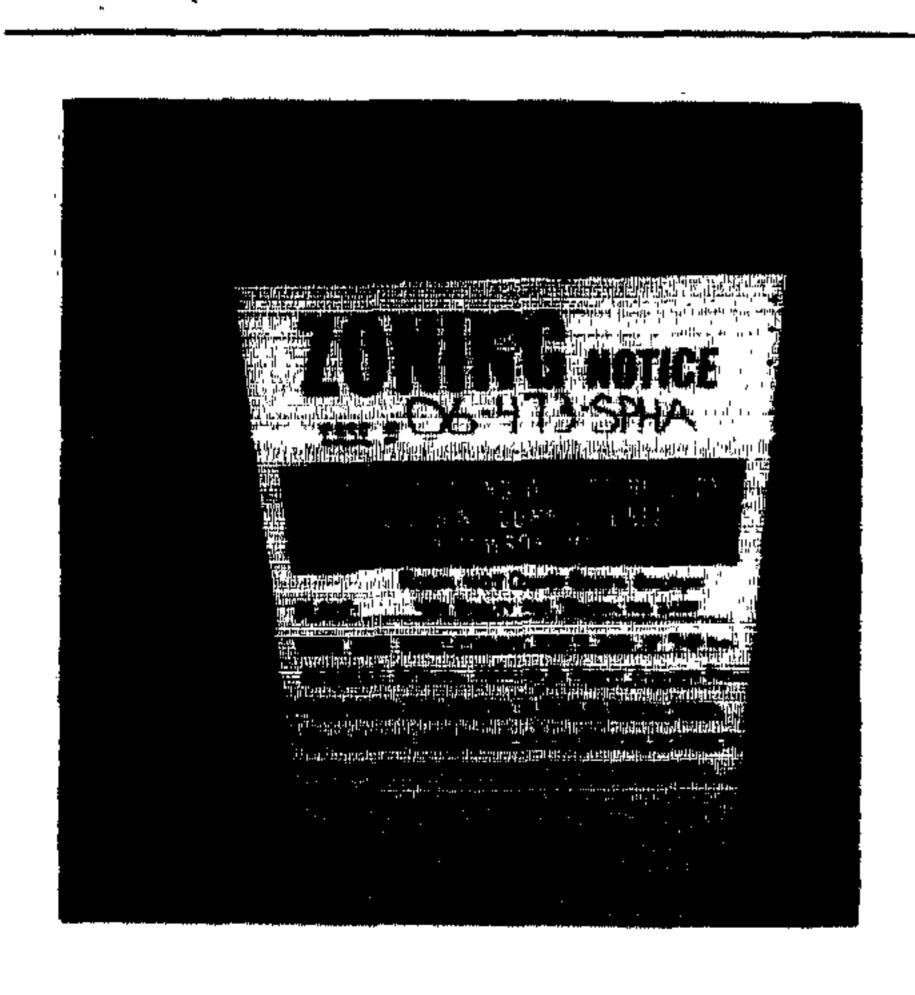
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-473-SP.Hfi

Petitioner/Developer: JMJA, TNC

TOHN 1. MICHAEL, PRES. Date of Hearing/Closing: 5-8-06 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were 8224 PhILADELPHIA RD 4-22-06 (Month, Day, Year) Sincerely,



Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

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

posted conspicuously on the property located at: __

(Signature of Sign Poster) (Date) SSG Robert Black	0C
(Print Name)	
1506 Lestie Road	
(Address)	-
Dundalk, Maryland 21222	
(City, State, Zip Code)	
(410) 282-7940	
(Telephont Number)	11-



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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	
	<u></u>
Petitioner: Albert J. & Yolanda Lamasa Address or Location: 8224 A Philadelphia Rd.	
PLEASE FORWARD ADVERTISING BILL TO: Name 41 fred 1. Brenner TR. Esp.	
Address: 825 Eastern Avec Blad-	
	ANAPAN YARKOR

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

April 7, 2006

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: 06-473-SPHA

8224 Philadelphia Road

North side of Philadelphia Road, 68 feet northeast centerline of Neighbors Avenue

14th Election District - 7th Councilmanic District

Legal Owner: Yolanda Lamasa

Contract Purchaser: JMJA, Inc., John I. Michael, President

Special Hearing to permit business parking in a residential zone.

<u>Variance</u> to allow 33 parking spaces, a gravel parking area (rear) with no striping in lieu of the required 57 spaces, durable, dustless surface with striping respectively.

Hearing: Monday, May 8, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco Director

TK:raj

C: Alfred L. Brennan, Jr., Esq., Brennan & Brennan, 825 Eastern Boulevard, Baltimore, MD 21221 Yolanda Lamasa, c/o Charles Lamasa, Esq., 1023 Cathedral Street, Baltimore, MD 21201 JMJA, inc., c/o John i. Michael, President, 8224 Philadelphia Road, Baltimore, MD 21237

NOTES: (1)THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 22, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 20, 2006 Issue - Jeffersonian

Please forward billing to:

Alfred L. Brennan, Jr., Esquire

(410-687-3434)

825 Eastern Boulevard Baltimore, MD 21221

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: 06-473-SPHA

8224 Philadelphia Road

North side of Philadelphia Road, 68 feet northeast centerline of Neighbors Avenue

14th Election District – 7th Councilmanic District

Legal Owner: Yolanda Lamasa

Contract Purchaser: JMJA, Inc., John I. Michael, President

Special Hearing to permit business parking in a residential zone.

Variance to allow 33 parking spaces, a gravel parking area (rear) with no striping in lieu of the required 57 spaces, durable, dustless surface with striping respectively.

Hearing: Monday, May 8, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

WILLIAM J. WĪSEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391

Department of Permits Development Management

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





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

May 5, 2006

Alfred L. Brennan, Jr., Esquire Brennan & Brennan, Attorneys-at-Law, P.A. 825 Eastern Boulevard Baltimore, MD 21221

Dear Mr. Brennan:

RE: Case Number: 06-473-SPHA, 8224 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2006.

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,

u. Callibal D

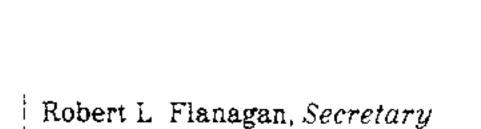
W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

C: People's Counsel
Yolanda Lamasa c/o Charles Lamasa, Esquire 1023 Cathedral Street Baltimore 21201
JMJA, Inc. John I Michael, President 8224 Philadelphia Road Baltimore 21237





Neil J. Pedersen, Administrator

277 2

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

Maryland Department of Transportation

Date: 4.// . 272

Baltimore County

Item No. 473

RE:

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

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 18, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

8224 Philadelphia Road

INFORMATION:

Item Number:

6-473

Petitioner:

Yolanda Lamasa

Zoning:

BL and DR 5.5

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided a full landscape and lighting plan in accordance with IENSA standards is submitted to Avery Harden for review and approval prior to the granting of any zoning relief, should the Zoning Commissioner deem such relief appropriate.

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

Division Chief: AFK/LL: CM

M. 作時 大統章 人名斯 · 咖啡品 中心

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 14, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 17, 2006

Item Nos. 471, 473, 476, 477, 478, 479,

480, 481, and 483

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-04142006 doc

Fire Department



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





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

April 24, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 23, 2007

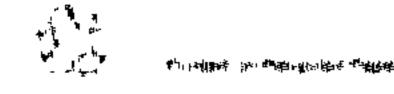
Item No.: 473

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

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

cc: File



RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
8224 Philadelphia Road; N/S Philadelphia
Road, 68' NE c/line Neighbors Ave
14th Election & 7th Councilmanic Districts
Legal Owner(s): Yolanda Lamasa
Contract Purchaser(s): JMJA, Inc by
John I. Michael, President

* BEFORE THE

* ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

Petitioner(s) * 06-473-SPHA

* * * * * * * * *

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 13th day of April, 2006, a copy of the foregoing Entry of Appearance was mailed Alfred L. Brennan, Jr, Esquire, 825 Eastern Boulevard, Baltimore, MD 21221, Attorney for Petitioner(s).

RECEIVED

APR 1 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore Courty

May 15 2006

Mr. and Mrs. Alfonso Armada Armada and Betsy Armada 8220 Philadelphia Road Baltimore, Maryland 21237

Tel: 410-866-9155

Mr. John Murphy Deputy Commissioner Baltimore County Office of Zoning Commissioner 401 Bosley Ave. Towson, Maryland 21204 4th Floor

Subject: Philadelphia Style Pizza

8224 Philadelphia Road Baltimore, Maryland 21237

Re: Case #06-473-SPHA, 8224 Philadelphia Road

Dear Mr. Murphy:

May 13, 2006 I received in the mail from Mr. Patrick C. Richardson, Jr. PE a copy of the letter of May 8, 2006 sent to you and Red line Plan of the Site for Philadelphia Pizza, indicating in his letter of my concern over the parking in the ingress, egress, and regress, that is to be used by the property owners of lot 1, lot 2, and lot 3, as shown on the Plat of the Peter Hudock Property but not parking.

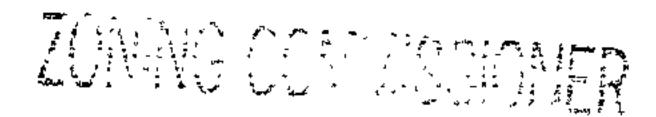
Please be informed to that on Monday May 8, 2006 I only agreed to at the Special Hearing to a red line Plan of the site that will address my concerns:

- The curb along the west side of the property will be painted red like a fire lane.
- The area adjacent to the building will be painted with yellow strips incorporate the words "NO PARKING" and "NO LOADING" at either end.
- Signs on the side of the building will be replaced or repainted to state "NO PARKING" on the ingress, egress, and regress, at the expenses of Mr. John Michael

All of the above is just fine

But please Mr. Commissioner Note that during my testimony at the Hearing on Monday May 8, 2006 I did not agree to permit business parking in the residential Zone to allow additional parking spaces in the (REAR) of the Philadelphia Style Pizza at 8224 Philadelphia Road, Baltimore. Maryland 21237

MAY 1 9 2000



Mr. Patrick C. Richardson, Jr. PE in the revisions section of his plan made a note with a red pen that 5/8/06 revisions agreed to at Hearing PCR to permit 28 parking spaces but we never had such a language at the Hearing.

I Alfonso Armada Armada and my wife Betsy A. Armada oppose to business parking in our residential because we will have additional problems in the ingress, egress, and regress and Mr. Charles Lamasa is very well aware of these problems that we have had all the past years and in April 2006.

I also would like to submit some of the past correspondence that we had in the past with:

- Baltimore County Government Office of Zoning Administration and Development Management and Zoning
- Mr. Arnold Jablon Director
- Mr. James H. Thomson Zoning Enforcement Coordinator
- Also from Mr. Charles Lamasa representing his father Mr. Albert Lamasa before deceased

I just like to prove the information that I am submitting as a reference of the past.

Thank you for your assistance.

Respectfully

Alfonso Armada Armada Armada

Betsy A. Armada

Cc⁻ Patrick C Richardson, Jr. PE
Brennan and Brennan, AL Brennan
John Michael
YoLanda Lamasa c/o Charles Lamasa, Esquire

110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

May 8, 2006

Mr. John Murphy, Deputy Zoning Commissioner Baltimore County Office of Zoning Commissioner 401 Bosley Avenue, 4th Floor Towson, MD 21204 RECEVED

MAY 1 2006

Subject:

Philadelphia Style Pizza 8224 Philadelphia Road ZONNIG COMMISSIONER

Dear Mr. Murphy:

On behalf of my client, John Michael, I am hereby submitting a red line plan of the site that will address the concern of the neighbor Mr. Armada. His concern over the parking along the commercial building leading to his residence can be addressed with the following:

- The curb along the west side of the property will be painted red like a fire lane.
- The area adjacent to the building will be painted with yellow stripes that will also incorporate the words "NO PARKING" and "NO LOADING" at either end.
- The 5 spaces behind the building that are shown west of the transformer will be eliminated and a sign posted with the words "TRUCK LOADING AREA".
- Signs on the side of the building will be replaced or repainted to state "NO PARKING" plus any other language necessary to enforce the parking restrictions as may be required by law.

It is then hereby requested that the variance for parking be modified to request the number of parking spaces that have been removed be added to the total variance number required (from 33 to 28 spaces proposed, or from a 22 to a 27 space variance)

Thank you for your assistance. If you have any questions, please feel free to contact me at any time.

very duly yours,

Patrick C. Richardson, Jr. PE

Cc: Brennan and Brennan, Al Brennan

John Michael Alfonso Armada

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER 06-473-SP4/1 DATE 5/8/06

PETITIONER'S SIGN-IN SHEET

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PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER 06-473-5P4A DATE

CITIZEN'S SIGN-IN SHEET

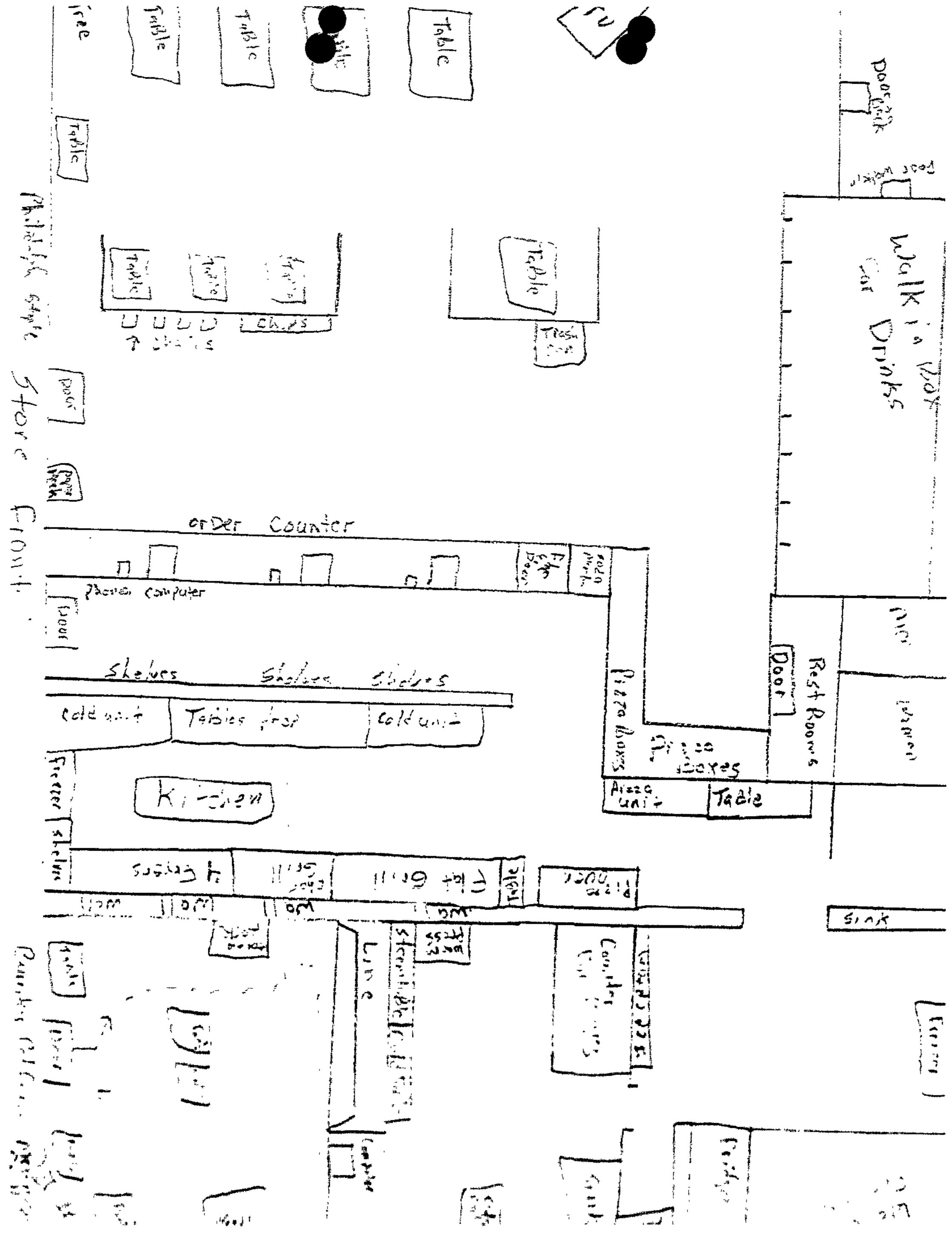
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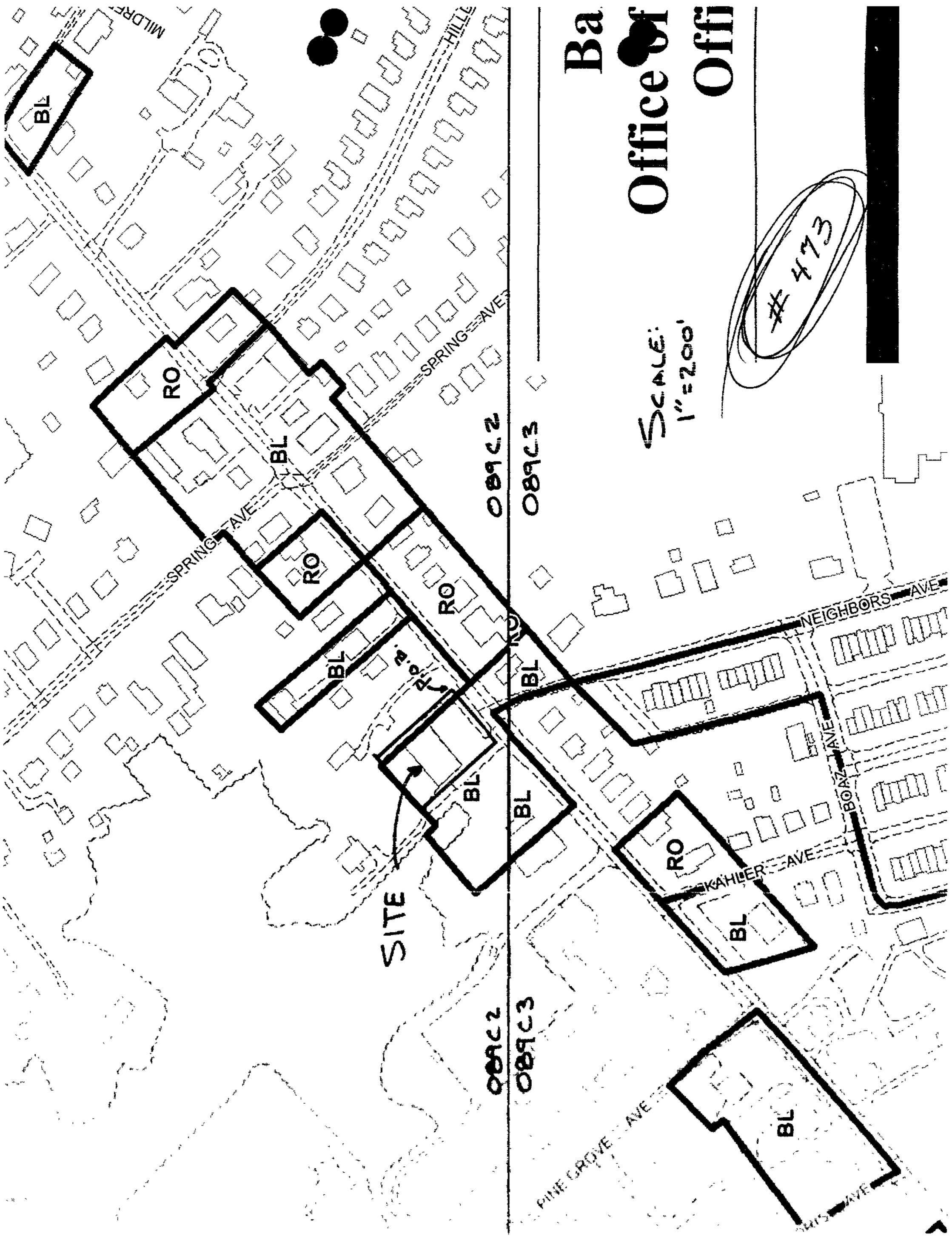
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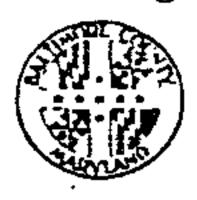
CASE NUMBER 06 - 473-5PHD DATE

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

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NAME															







111 West Chesapeake Avenue Towson, MD 21204

887-3353

July 23, 1991

Mr. and Mrs. Albert J. Lamasa 14711 Manor Road Phoenix, Maryland 21131

> RE: Case No. C-92-254 8224 Philadelphia Road 14th Election District

Dear Mr. and Mrs. Lamasa:

Enclosed is a copy of the most recent site plan, Control No. 103276, that was approved by this office on July 7, 1988 and ultimately issued on July 28, 1988. The issue at hand is the ability of the residents to the rear of this commercial site to have ingress and egress to their home via a 40 foot common use easement. It is imperative that when deliveries are made to the High's Store the service area for this activity be utilized.

Failure to immediately instruct the management of High's of this requirement could result in the issuance of a citation imposing a monetary fine of \$200.00 per day against you as property owners. I trust that such action will not be necessary.

If further questions exist, please contact Inspector Gary Freund at 887-3351.

Sincerely,

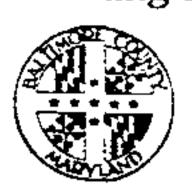
ARNOLD JABLO

Direct

AJ:JT:ls

Enclosure

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning



111 West Chesapeake Avenue Towson, MD 21204

887-3353

July 25, 1991

Mr. Alfonso Armada 8222 Philadelphia Road Baltimore, Maryland 21237

> RE: Case No. C-92-254 8224 Philadelphia Road 14th Election District

Dear Mr. Armada:

As a follow up to Director Arnold Jablon's letter of July 23, 1991, if your ingress and egress should continue to be blocked because of activities at the High's store, simply maintain a log of such occurrences. Then contact Inspector Gary Freund at 887-3351 with the times and dates of these activities wherein we will issue a citation.

However, it is important that you realize that your testimony is essential should the party charged elect to stand trial.

Sincerely,

TAMES H. THOMPSON

Zoning Enforcement Coordinator

JHT: Ljs

cc: Inspector Gary Freund

CHARLES LAMASA ATTORNEY AT LAW 1023 CATHEDRAL STREET BALTIMORE, MARYLAND 21201

(301) 727-4131 TELECOPIER 727-4178

July 30, 1991

Highs of Baltimore, Inc. 2700 Sisson Street Baltimore, Maryland 21211

Attention: Brian Darnell

RE: 8224 Old Philadelphia Road

Dear Mr. Darnell:

With reference to your lease for the above referenced premises, I enclose a letter dated July 23, 1991, and a copy of the most recent platt from Arnold Jablon, Director, Baltimore County Government, Office of Zoning Administration and Development Management, which is self-explanatory. You are hereby instructed, in keeping with Mr. Jablon's letter, that the service area to the rear of your premises be used for deliveries. It is apparent that your employees are not instructing the drivers of this requirement, who naturally use the most accessible place to unload. Unfortunately, this is not permissible.

If you will have any difficulty complying with County requirements or if you wish to discuss the matter for any reason, please do not hesitate to contact me.

I thank you for your prompt attention to this matter.

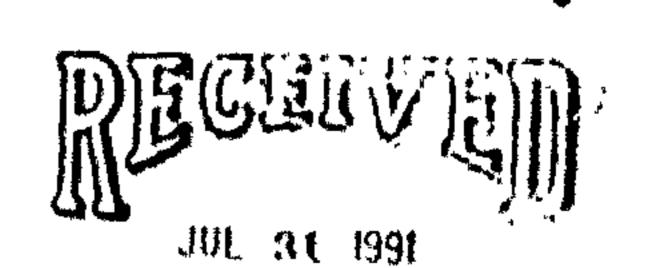
Very truly yours,

Charles Lamasa

CL:11

Enclosure

CC: Mr. & Mrs. Albert J. Lamasa
Arnold Jablon, Director



ZONING OFFICE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue Towson, MD 21204

887-3353

August 1, 1991

Mr. Alfonso Armada 8220 Philadelphia Road Baltimore, Maryland 21237

> RE: Case No. C-92-254 8224 Philadelphia Road 14th Election District

Dear Mr. Armada:

Enclosed is a copy of a letter from the property owner's attorney, Charles Lamasa, to High's of Baltimore, Incorporated.

Hopefully both my letter of July 23, 1991 and that of Mr. Lamasa's will be enough to motivate Brian Darnell as to complying with the zoning laws relative to ingress and egress to your residence.

Kindly notify me at 887-3353 if compliance is attained.

If further questions exist, please do not hesitate to contact James H. Thompson, Zoning Enforcement Coordinator, at 887-3351.

Sincerely,

ARNOLD JABLON

Director

AJ:JT:ls

Enclosure

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CHARLES LAMASA ATTORNEY AT LAW 1023 CATHEDRAL STREET BALTIMORE, MARYLAND 21201 (301) 727-4131 TELECOPIER 727-4178 December 14, 1992 Highs of Baltimore, Inc. 2700 Sisson Street Baltimore, Maryland 21211 Attention: Mr. Darnell Dear Mr. I have been contacted by Mr. Alfonso A. Armada, the property owner behind your Philadelphia Road store, who complains that your delivery trucks, both Highs and for Wonder Bread, have continued to park in the right-of-way along side the subject property blocking his ingress and egress. When he complains to the drivers he is greeted with profanity and defiance. He has contacted your manager who fails or refuses to provide him any relief. As you are well aware from our past conversations this area, per the lease, is to be kept clear. Mr. Armada is entitled to free ingress and egress which is denied to him. Please take the appropriate actions to ensure that your delivery trucks do not park within this rightof-way. Please contact me if you have any questions. Very truly yours, Charles Lamasa CL:11 CC: Albert Lamasa Alfonso A. Armada

LIBERS 450 PAGE 362

DECLARATION OF NON-EXCLUSIVE RECIPROCAL EASEMENT

THIS DECLARATION OF NON-EXCLUSIVE RECIPROCAL EASEMENT is made this Zc/L day of September 1982 by Peter Paul Hudock, Jr., hereinafter referred to as the "Subject Property Owner".

WITNESSETH:

Explanatory Statement:

DECLAR 21.0 #26489 COO2 ROZ T14144

The Subject Property Owner has caused to be processed through 11/03/82 Baltimore County certain site plans, subdivision plate and right-of-way agreements which, among other things, call for the development of a twenty-five foot (25') wide road section in # forty foot (40') wide common-use easement area, which common-use easement is to be used for ingress, egress and regress, but not for parking on certain property owned in fee by the Subject Property Owner. This Declaration of Non-Exclusive Reciprocal Easement is intended to create and declare the rights of subsequent purchasers of Lots 1, 2, and 3, as shown on the Plat of the Peter Hudock Property, which Plat is appended hereto as Exhibit A, and which lots are described as a subdivision of all that property known as 8220 Philadelphia Road, Beltimore County. The entire parcel subject to the subdivision is further described as situate and lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same in the center of the Philadelphia Turnpike Road 1303 feet Southwesterly from the point of beginning of the whole tract described in a deed from Thomas H. Gaither and wife to Charles E. Twitchell et al., dated September 14, 1906 and recorded among the Land Records of Baltimros County in Plat Book W.P.C. 302, folio 364, running thence North 34-1/4 degrees, West 726 feet thence South 55 degrees 45 feet, West 150 feet, thence South 34 degrees 15 feet, East 726 feet to the center of the Philadelphia Road and Northeasterly binding thereon 150 feet to the place of beginning, containing 2-1/2 acres of land, more or leas.

BEING all that property conveyed by Clyde L. Fallin and Betty Fallin, his wife, unto the sforementioned Peter Paul Hudock, Jr., Declarant herein, occasionally referred to as Subject Property Owner, which Deed is dated September 21, 1981 and recorded among the Land Records of Baltimore County at Liber 6331, folio 824.

THE ABOVE described parcel being occasionally referred to as "the Subject Property". Being the same property described in subdivision plat of the Peter Hudock property, said plat being recorded on October 19, 1982 among the Land Records of Baltimore County in Liter E.H.K., Jr., 49, folio 80.

ACRICUTAR TRANSFER TAX NOT ALL ABLE

STATE DEPARTMENT TAX •8 ASSESSMENTS

CHRISTOPHER H. HILL Amoney & Counchy at Law Seventa Park Commercial Center #16 Ruche Hay., Some 22 Several Park, MD 21140

BA CIRCUIT COURT (Land Records) [MSA CE 62-6305] EHK Jr. 6450, p. 0362

LIBERG 4 5 0 - PAGE 3 6 3

This creation of a common-use essement (25-foot road section within the 40-foot common-use essement area) is intended to run with the land and be appurtenant thereto, and bind as a property right vested in and subject to the rights and responsibilities of the subsequent owners of Lots 1, 2, and 3, all portions of the Subject Property from the date hereof.

NOW, THEREFORE, in consideration of the mutual coverants contained herein, but without further consideration, the parties do hereby grant, covenant and declare as follows:

Operative Provisions:

- the benefit and use of Lots 1, 2, and 3, as shown on the Plat attached hereto as Exhibit A, for the subsequent owners of Lots 1, 2, and 3, their respective agents, employees, business invitees, licensees and all other parties claiming by or through such lot owners, a non-exclusive, common-use easement, which easement includes the right and privilege to use a twenty-five foot (25') paved road section (as subsequently expanded or modified) within a forty foot (40') common-use easement for the purpose and use of vehicular and pedestrian ingress, agress and regress, but not parking. The common-use easement extends on and across all those portions of the Subject Property designates on the Plat appended hereto as Exhibit A labelled "40-foot wide use-in-common easement for ingress and egress".
- 2. The Subject Property Owner does hereby decises and create a forty foot (40°) common-use easement where and as shown on the Plat appended hereto as Exhibit A, which easement will run respectively across the eighteen foot (18°) section retained in fee by Lot 1, the twelve foot (12°) section retained in fee by Lot 2, and the ten foot (10°) section retained in fee by Lot 3, all of which sections are shown and labelled within the easement area on the Plat appended hereto as Exhibit A.
- J. There is declared within that area designated as Lot 3 on the Plat, which is intended for commercial use, this right to use the full forty foot (40') common-use section for

CHRISTOPHER H. HILL, Artimory & Cameuche et Law Severna Pack Communicial Confer \$36 Ritchie Hwy , Space 22 Severna Pack, MD 21136 . LIBERS 450 PAGE 364

purposes of ingress, egress and regress to its commercial lot, and to make a curb cut as required to facilitate such commercial use. It is expressly contemplated that the various business invitees, users and owners of Lot 3 shall be entitled to use the twenty-five foot (25') paved section, to increase the paved section should Baltimore County so require, and generally shall have the right to use the easement as necessary for any and all commercial purposes on Lot 3.

- the maintenance responsibility for the full forty foot (40')
 common-use easement and the twenty-five foot (25') paved section
 within such easement shall be the sole responsibility of the
 owner of Lot 3 to operate, maintain and replace. However, the cost/
 maintenance, repair, improvement or development of the twentyfive foot (25') wide use-in-common easement shall be
 divided equally among
 all lot owners within the
 subject property.
- himself, his successors in whole or in part, the right to install, operate, maintain, replace or remove conduits, wires and other utility installations in, over, under and across all portions of the forty foot (40°) common-use assement, including the paved twenty-five foot (25°) wide road section within the easement area, provided such work is not inconsistent with the rights and privileges established herein. It is expressly contemplated that occasional maintanance, operation, replacement or removal of wires or other utilities may, in fact, result in an occasional temporary interruption of all or a portion of the right-of-way and/or the paved section thereof.

CHRISTOPHER H. HILL.
Accomes & Commercial Center
Severna Park Commercial Center
836 Ritchie Hwy., Suite 22
Severna Park, MD 21140

declared within the forty foot (40°) wide use-in-common easement hereby established, which temporary construction easement shall inure to the beneift of the Subject Property Owner, and all of his successors and assigns, and which shall in addition to the

LIBER6450 PAGE365

common-use easement area extend for an additional ten (10) feet on the roughly northern boundary of the property contiguous with Lot 3, (as well as within the easement area itself), which construction easement shall hereby expressly permit the clearing, levelling, grading and paving of the adjoining property and the common-use easement itself and further contemplates that within the construction easement area work such as the construction of additional curbs, gutters, storm drains, and the like, (as the same may be required now or hereafter by Baltimore County) shall be done. All work done within the easement shall fully comply with all local and governmental regulations. All work done to pave and finish the twenty-five foot (25') wide road section within the common-use easement shall be at the sole cost and expense of the party actually performing the work. It is understood that the Subject Property Owner shall be under no obligation to finish, pave or improve the twenty-five foot (25') paved section within the common-use easment, but may elect to do so at any time within his sole discretion and at his sole expense.

7. The terms, conditions, covenants and warranties herein contained shall inure to and be binding upon the Declarant and his respective sucscessors and assigns in title, in whole or in part. All grants of property herein (whether Lot 1, Lot 2 or Lot 3) shall be appurtenant to and run with the land of the subsequent purchasers, their successors, heirs, or assigns, all as set forth herein.

IN WITNESS WHEREOF, the Declarant affixes his hand and seal on the date and year first above written.
WITNESS:

CHRISTOPHER H. HILL Artomey & Counselor at Law Severna Park Commercial Center #30 Ruchie Hwy , Suite 22 Severna Park, MD 21140

insent Time

Poter Paul Hudock, Jr.

LIBER6450 PAGE366

STATE OF MARYLAND, COUNTY OF _____ , to wit:

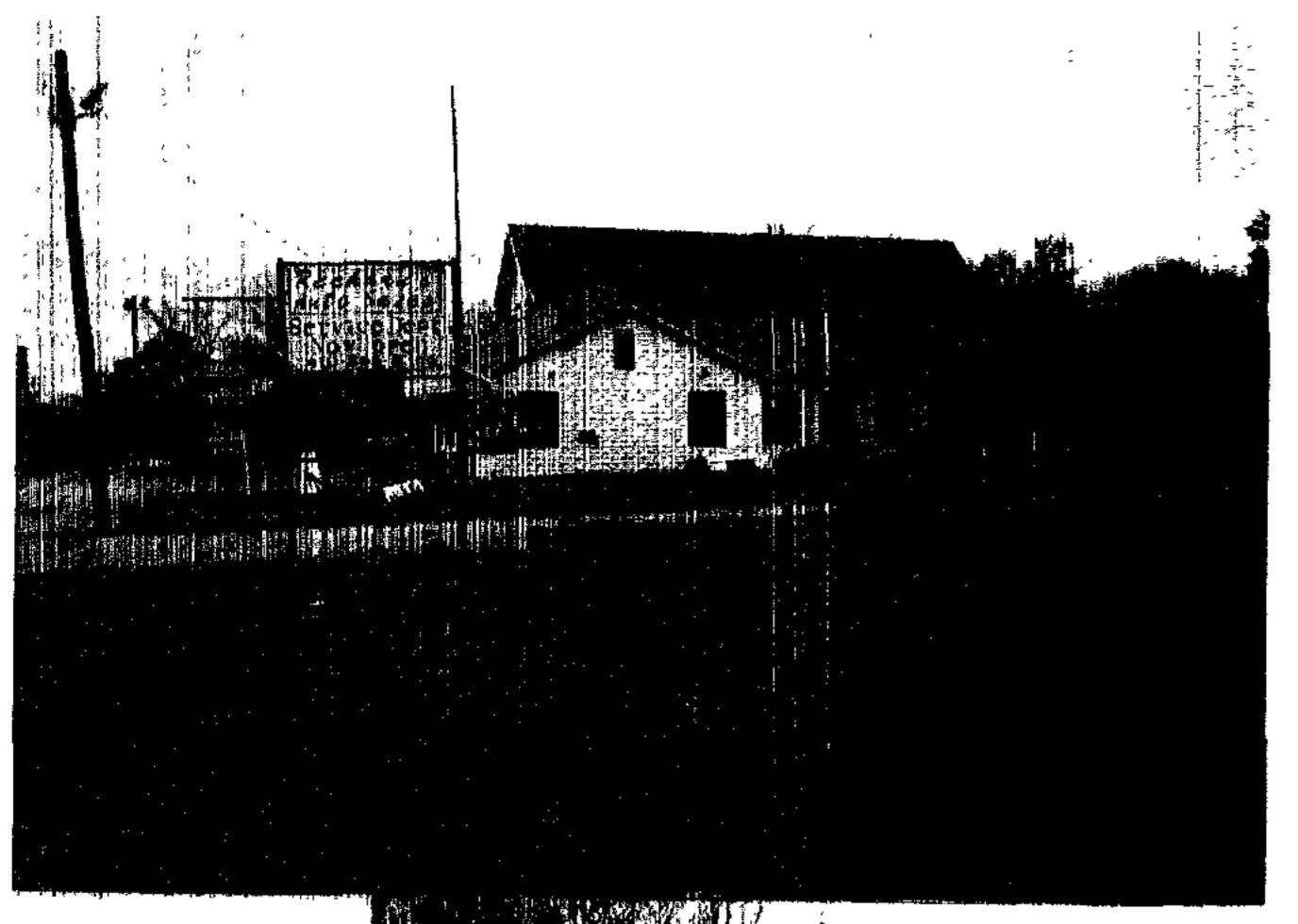
I HEREBY CERTIFY that before me, the aubacriber, a Notary Public in and for the State and County as aforesaid, this gold day of September 1982 personally appeared Peter Paul Hudock, Jr., Subject Property Owner herein, and acknowledged the foregoing Declaration of Non-Exclusive Reciprocal Easement to be his act and deed.

WITNESS my hand and Notarial Seal.

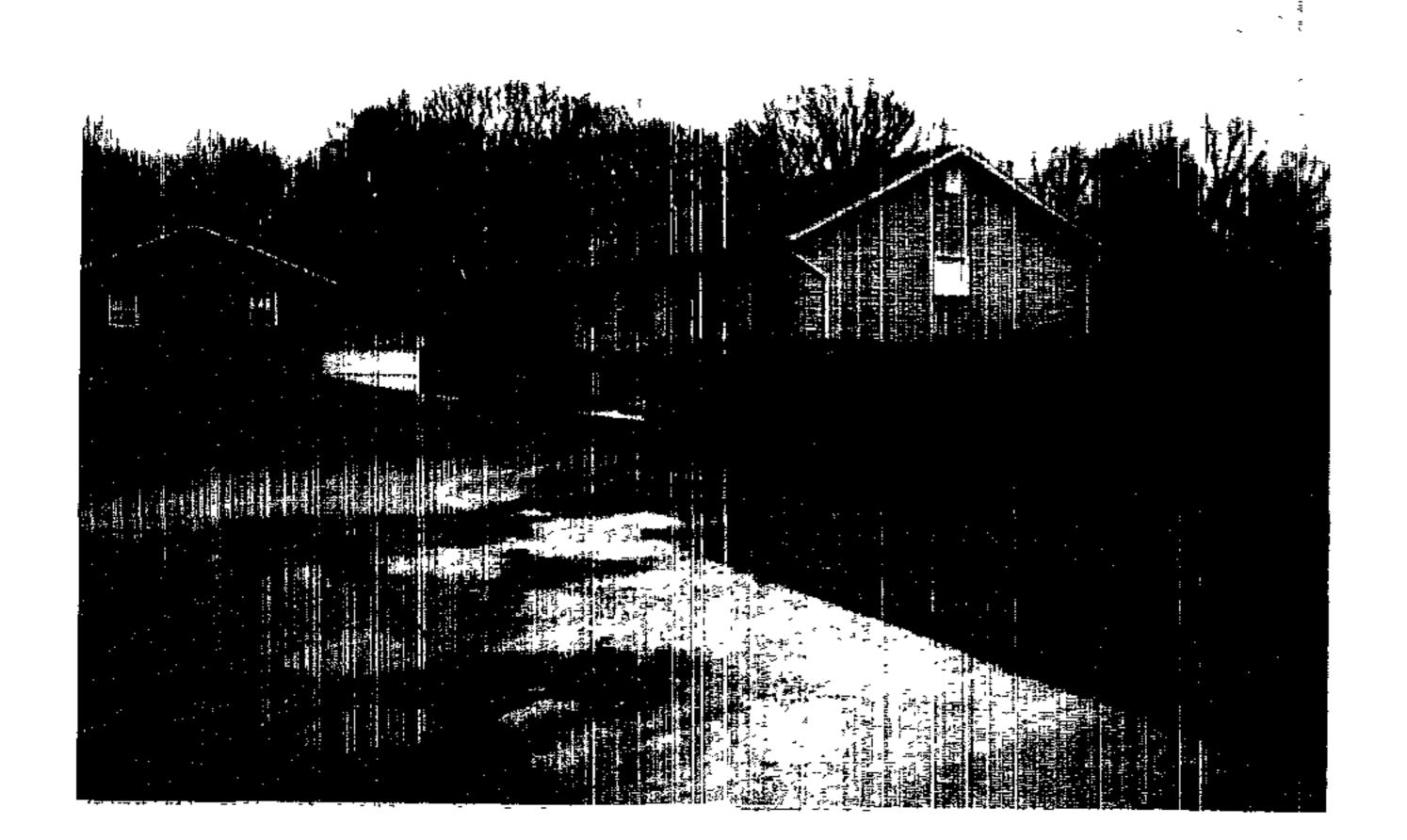
My Commission Expires:

Med.q tox second WOA Per Elmer H. Kehling. Jrys Cleak

CHRISTOPHER H. HILL.
Animey & Councilor at Law
Severna Park Commercial Genter
\$16 Ruchie Hwy., Soite 22
Severna Park, MD 21140

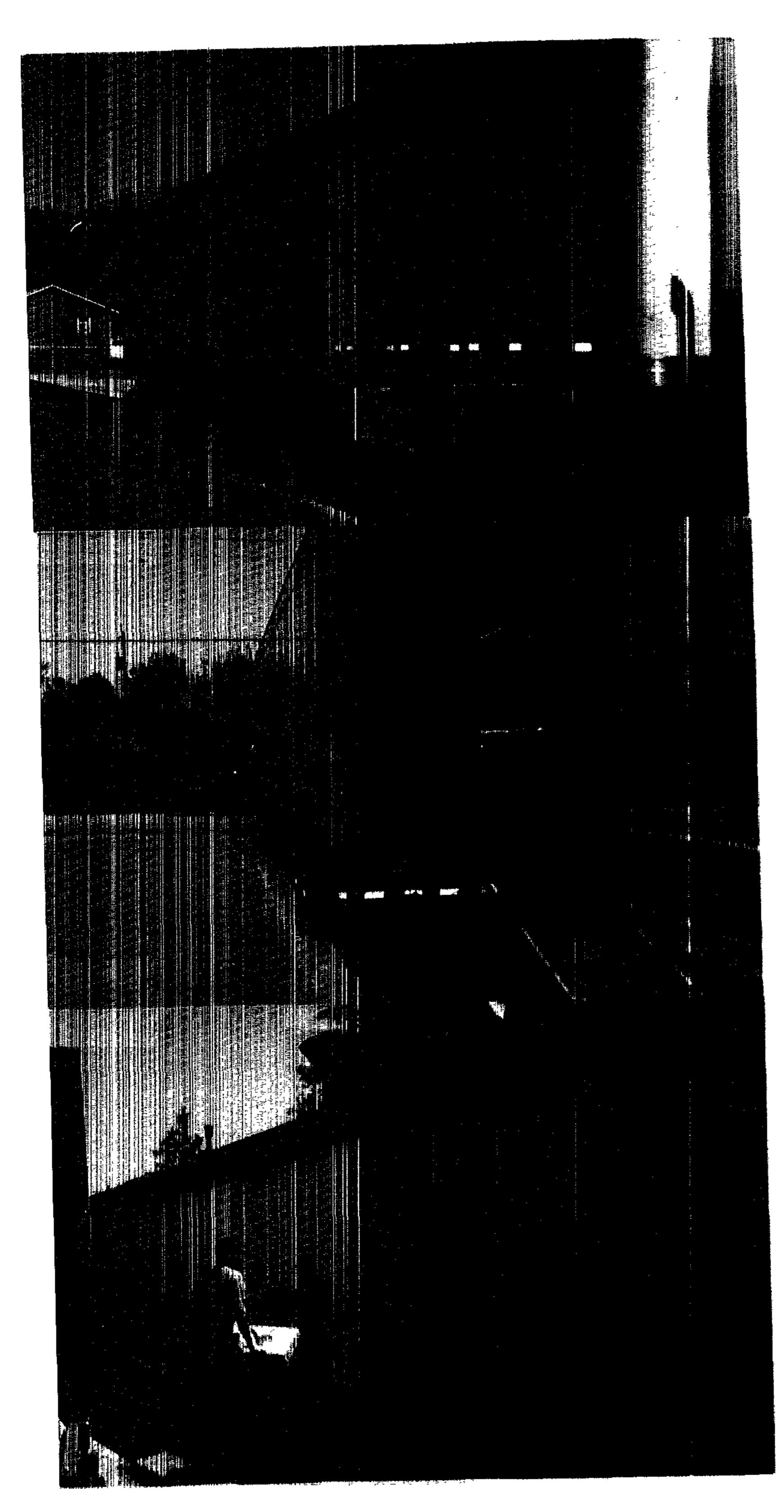


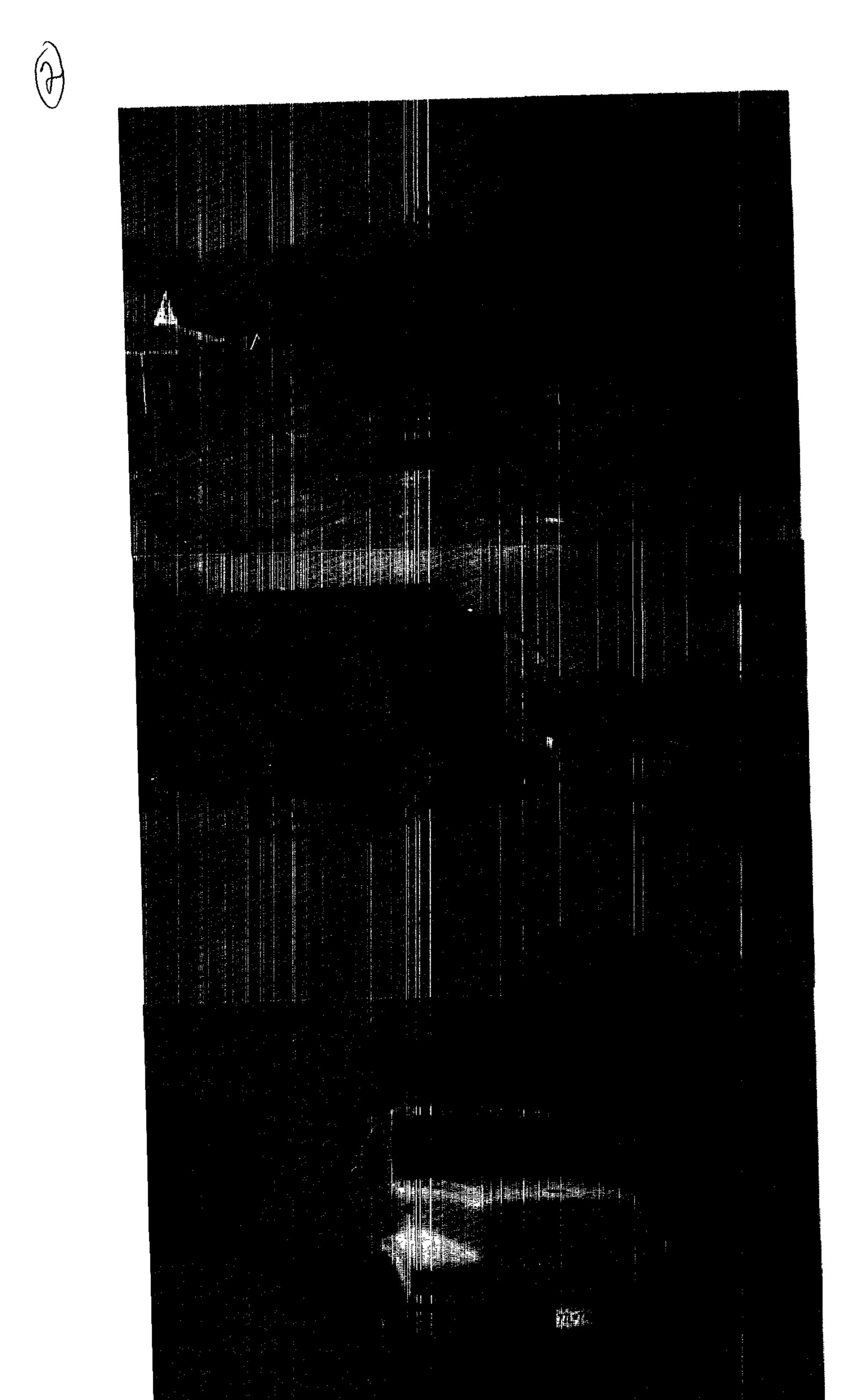




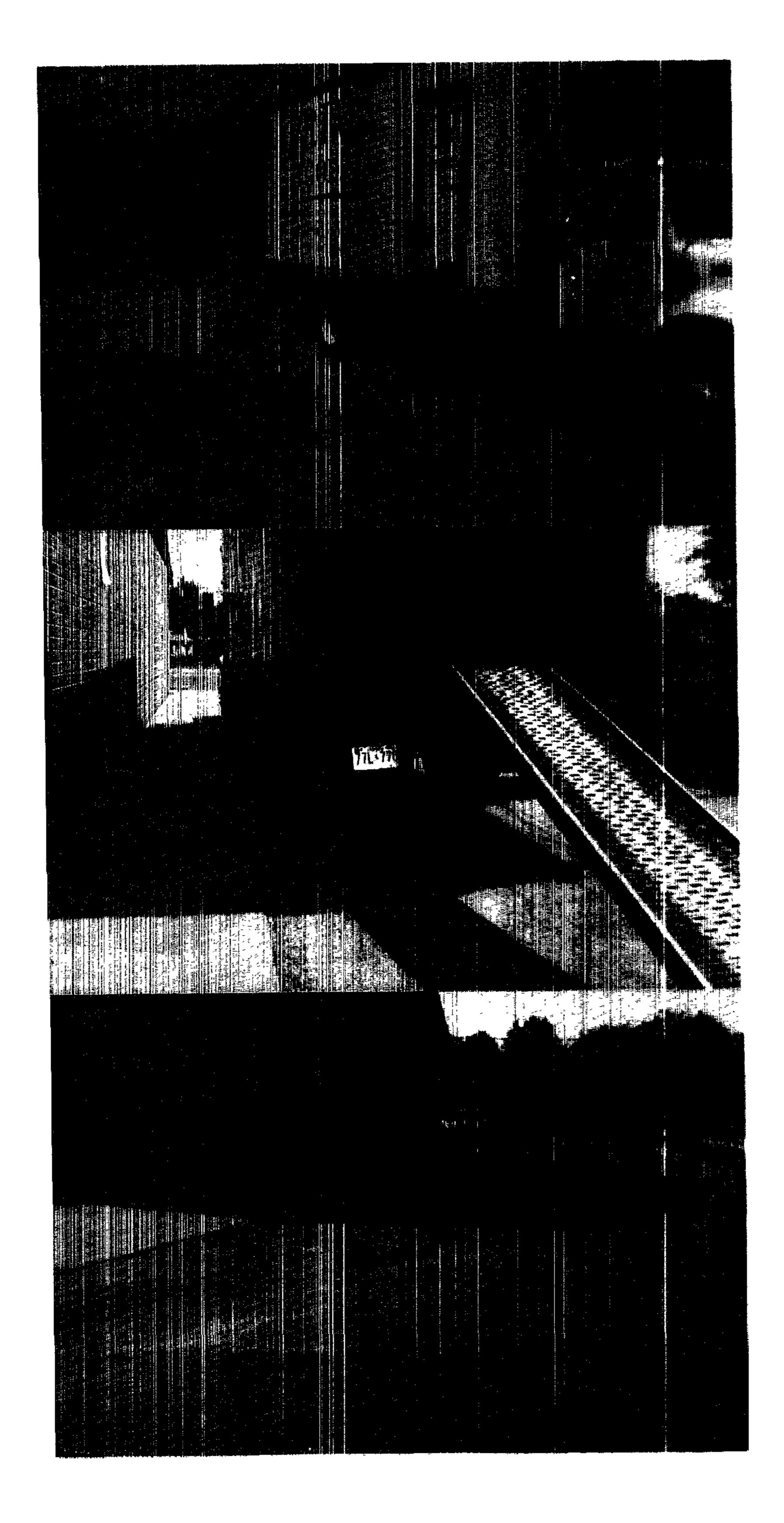
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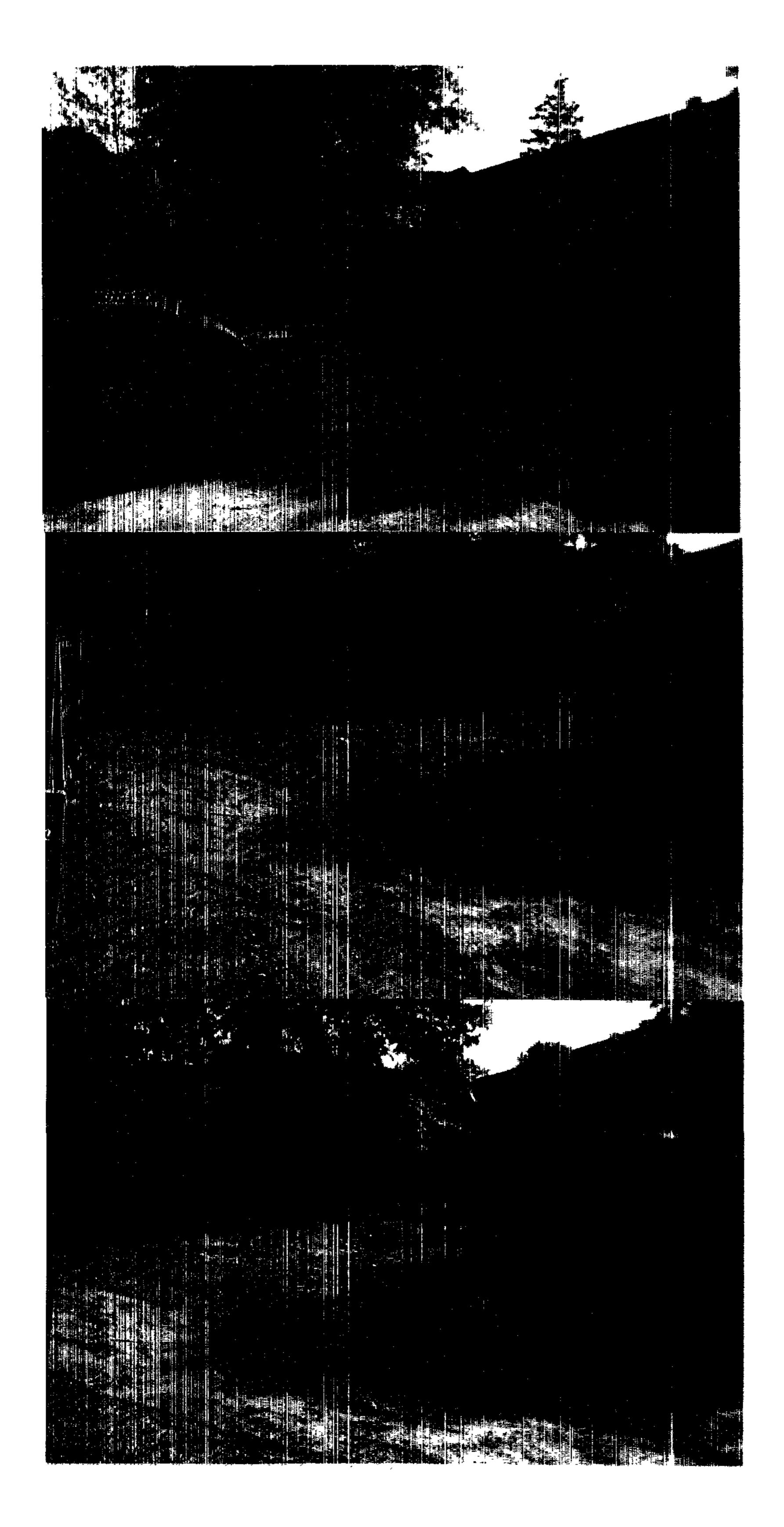


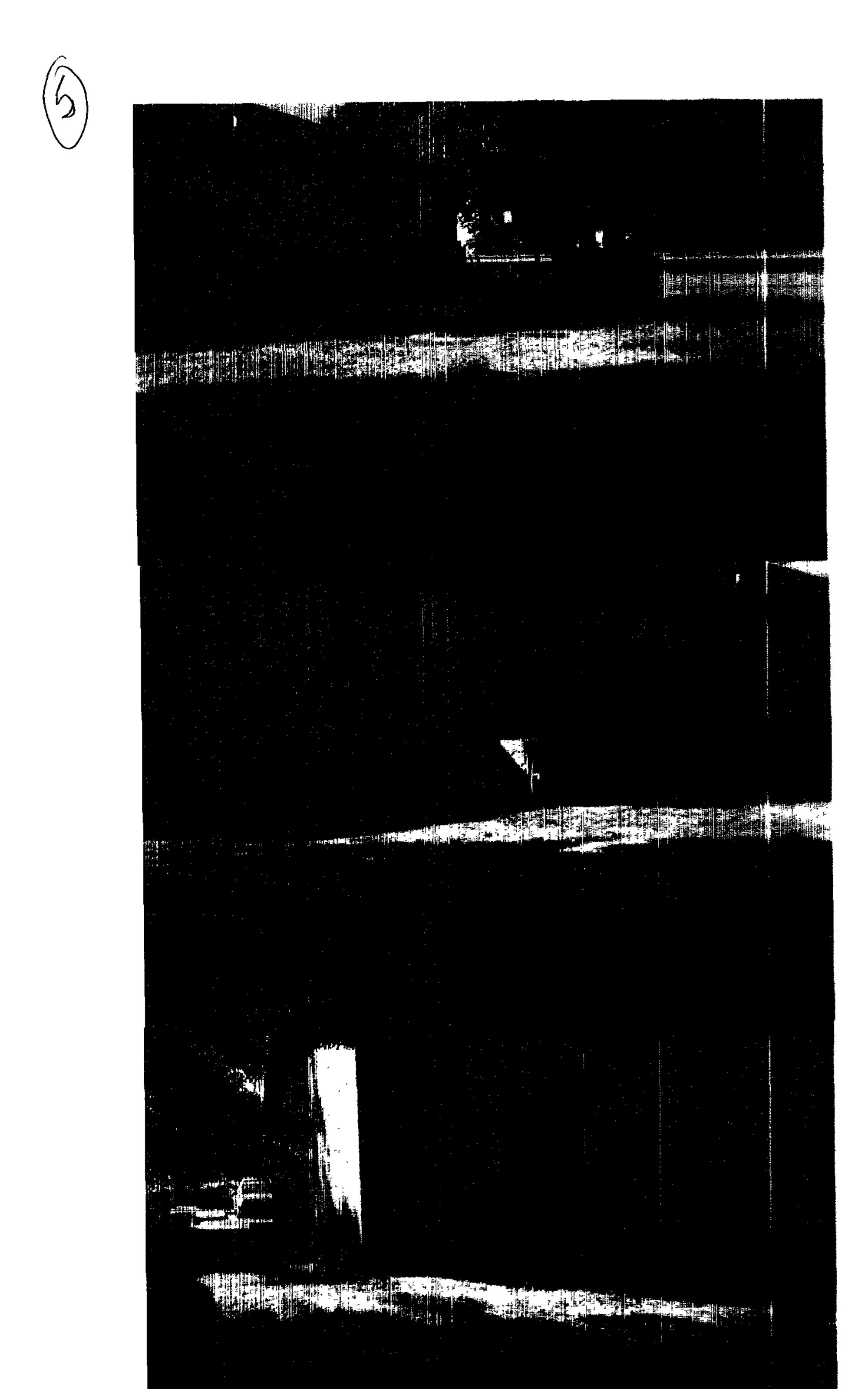




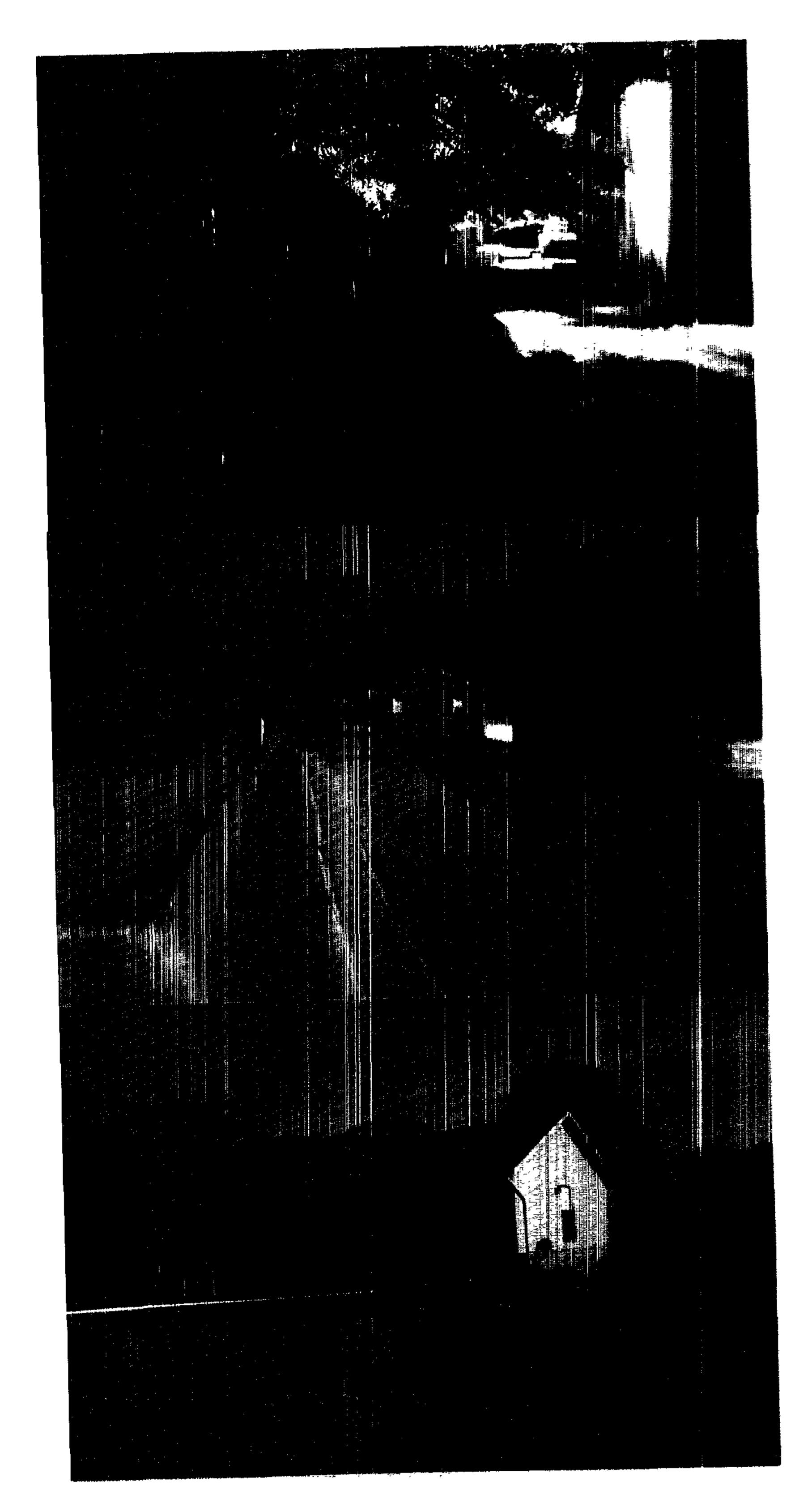




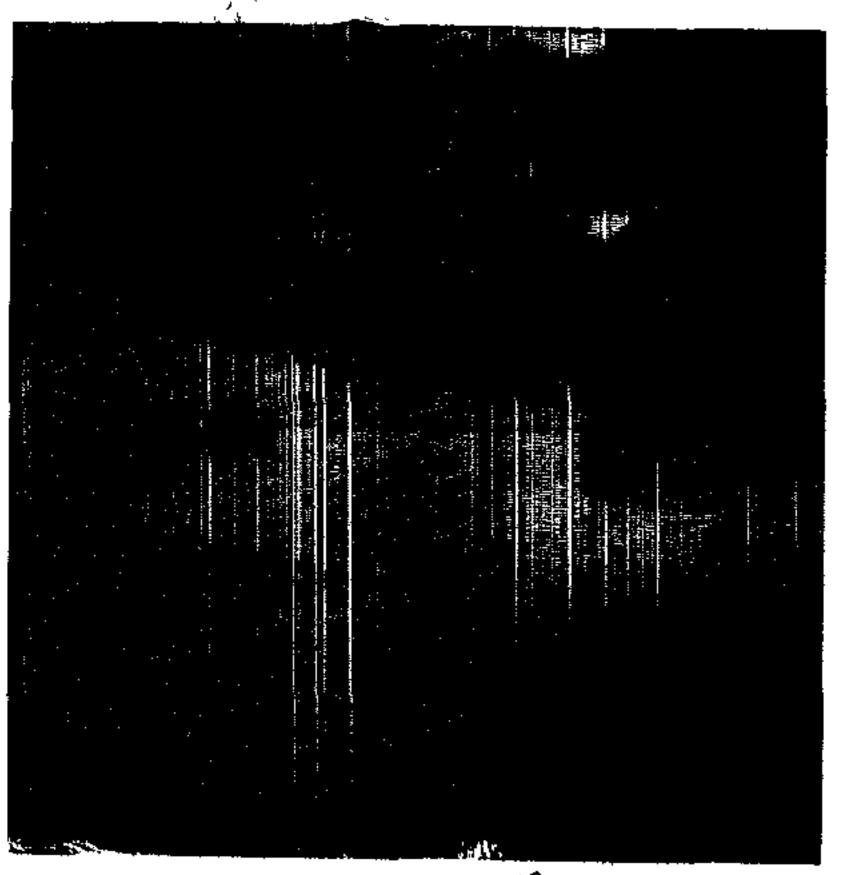











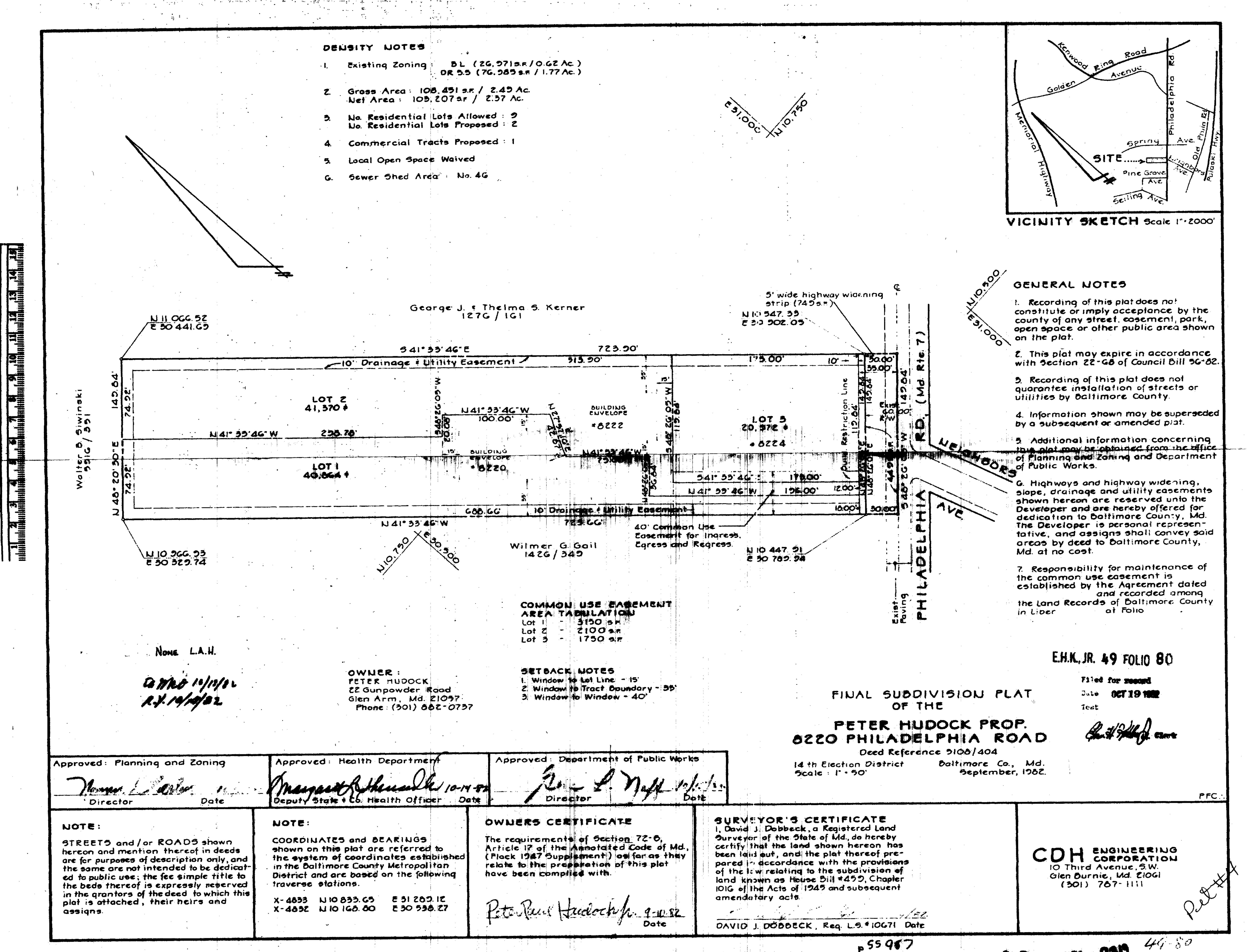












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