IN RE: PETITION FOR VARIANCE

W/S of Old Philadelphia Road, 143 feet

W/S of Old Philadelphia Rd, S/S of the
right-of-way known as Lorraine Avenue

15<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District

(8124 Old Philadelphia Road)

(8124 Old Philadelphia Road)

Allen L. and Mary F. Schultheis *Petitioners* 

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 06-553-A

\*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Allen L. and Mary F. Schultheis. The Petitioners are requesting variance relief for property located at 8124 Old Philadelphia Road, in the Rosedale area of the County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 49 feet in lieu of the required 55 feet and a lot area of 5,631.08 square feet in lieu of the required 6,000 square feet.

The property was posted with notice of the public hearing date and time on June 5, 2006. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 6, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

### Applicable Law

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

1500 m

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, off-street 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 June 1, 2006, which contains restrictions, a copy of which is attached hereto and made a part hereof.

## Interested Persons

Appearing at the hearing on behalf of the variance request were Ronald Kirk and Allen L. Schultheis, Petitioners. Douglas Burgess, Esquire, represented the Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

The Petitioners reside in their home at 8122 Old Philadelphia Road located on lot 2 of the small subdivision known as the "Property of Raphael D. Hesse". See exhibit 1, the Plat to Accompany. This subdivision was recorded among the land records in 1947 as shown in exhibit 2. They also own lot 3 which has its long side perpendicular to the long side of lot 2 as shown and also has access to public roads via Lorraine Avenue.

7-5-06

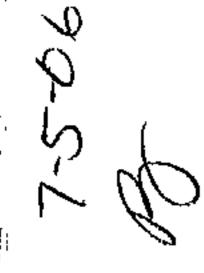
The Petitioners would like to build a one story dwelling with a basement on lot 3 for their son-in-law and daughter who now live with the Petitioners in the basement of their home. However lot 3 is under width at 49 feet and under size at 5631 square feet according to the DR 5.5 regulations which require 55 feet and 6,000 square feet respectively. The new house will be only 27 feet wide to meet the side yard setback regulations.

Mr. Burgess proffered that the lot size and configuration were created before the zoning regulations were imposed. He noted that lot 3 is assessed and taxed separately from lot 2 as shown in exhibit 5 A and 5 B, and has never been improved by a structure. He provided elevations of the proposed house which he opined would be consistent with the Rosedale community. While the lot does not meet the required lot area of 6,000 square feet there will be additional usable space for the residents of the new home toward Lorraine Avenue as this is a narrow dead end street. Consequently there will be additional land along the right of way. He noted the other houses in the neighborhood were on similar sized lots as shown by exhibit 7. He indicated that his client accepted the Planning Office comments and that several neighbors signed a letter of support as shown in exhibit 8.

Upon questions regarding a lot line adjustment with lot 2 which might eliminate the need for variances, (lot 2 has 8550 square feet) he noted that there is an existing garage on lot 2 which would have to be removed as the adjusted lot line would go through it.

## Findings of Fact and Conclusions of Law

It is clearly true that lot 2 has excess size compared to the DR 5.5 regulations and theoretically could give up some land to lot 3 to eliminate the need for the requested



variances. However the existing garage would then be bisected by the new lot line. This is not a reasonable result. A better approach is to approve the variances requested.

Considering the evidence presented I find the lot was created before the DR zoning regulations were imposed and so these regulations impact this property disproportionately as compared to others in the zoning district.

I further find the Petitioners would suffer hardship or practical difficulty if the DR zoning regulations were strictly enforced. The Petitioners' family needs a home of their own to allow them to live out of the Petitioner's basement.

Considering the size of lots 2 and 3 together I find no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result from granting these variances. Again I could insist on a lot line adjustment but this would require razing the existing garage. Finally I find such variances can be granted in strict harmony with the spirit and intent of said regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. While the Roberts' house to the west is on two lots, the houses along Old Philadelphia Road are one house per lot. So I do not see this new house changing the pattern of development on the overall neighborhood. To be sure this very modest house will be compatible with the neighborhood, I will require the Petitioners comply with the Planning Office comments.

THEREFORE, IT IS ORDERED, this 5<sup>th</sup> day of July 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 49 feet in lieu of the required 55 feet and a lot area of 5,631.08 square feet in lieu of the required 6,000 square feet is hereby GRANTED, subject to the following conditions:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Submit building elevations to the Planning Office for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 3. Provide landscaping along the public road, if consistent with the existing streetscape.
- 4. Remove the accessory structure located between the lot 1 (8120 Old Philadelphia Road) and lot 3 (8124 Old Philadelphia Road) if not already removed.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 5, 2006

ALLEN L. AND MARY F. SCHULTHEIS 8122 OLD PHILADELPHIA ROAD BALTIMORE MD 21237

Re: Petition for Administrative Variance (formal hearing)

Case No. 06-553-A

Property: 8124 Old Philadelphia Road

Dear Mr. and Mrs. Schultheis:

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,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz Enclosure

c: Ronald Kirk, 8331 Old Philadelphia Road, Baltimore MD 21237 Douglas Burgess, Esquire, 502 Washington Avenue, Towson, MD 21204



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 8124 OLD Ph. LADELohial 20

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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)

### 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: # 06-553-A

Case: # UU-503-A
8124 Old Philadelphia Road
West side of Old Philadelphia Rd., 143 feet +/- west
from Old Philadelphia Rd., south side of the right-ofway known as "Lorraine Avenuo"
15th Election District — 7th Councilmanic District
Legal Owner(s): Alien L. & Mary F. Schuithels
Variance: to permit a lot width of 49 feet in lieu of the required 55 feet and a lot area of 5631.08 square feet +/- In

lieu of the required 6,000 sq. feet.

Hearing: Tuesday, June 20, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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.

JT 6/613 June 6

# CERTIFICATE OF PUBLICATION

6/8,20 <u>ce</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 6/6,20 <u>06</u>
The Jeffersonian  Arbutus Times  Catonsville Times  Towson Times  Owings Mills Times  NE Booster/Reporter  North County News
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LEGAL ADVERTISING

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## CERTIFICATE OF POSTING

RE: Case No.: \_\_\_OG-553-A Petitioner/Developer: MARS. SCHULTHETS Date of Hearing/Closing: 6/20/06 Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) KICHARD E. HOFFMAN (Printed Name) (Address) FALLSTONI, MO 21047 (City, State, Zip Code) (Telephone Number)

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

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

8124 OLD PHILADEZPHIA

The sign(s) were posted on \_

PLACE- RIM AND COMME PORCE BE NO. 400 HOURS AND d at their on mich tangerrary der som mer s mest bant RANDICATIVA ARCEISMIE

OG-553-A

8124 OCOPHINDER PHIA RD. POSTED 6/5/06

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 6, 2006 Issue - Jeffersonian

Please forward billing to:

Allen Schultheis 8122 Old Philadelphia Road Baltimore, MD 21237 410-780-4911

### **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: 06-553-A

8124 Old Philadelphia Road

West side of Old Philadelphia Rd., 143 feet +/- west from Old Philadelphia Rd., south side of the right-of-way known as "Lorraine Avenue"

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Allen L. & Mary F. Schultheis

<u>Variance</u> to permit a lot width of 49 feet in lieu of the required 55 feet and a lot area of 5631.08 square feet +/- in lieu of the required 6,000 sq. feet.

Hearing: Tuesday, June 20, 2006 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

## Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708



## Baltimore County

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

May 9, 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: 06-553-A

8124 Old Philadelphia Road

West side of Old Philadelphia Rd., 143 feet +/- west from Old Philadelphia Rd., south side of the right-of-way known as "Lorraine Avenue"

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Allen L. & Mary F. Schultheis

Variance to permit a lot width of 49 feet in lieu of the required 55 feet and a lot area of 5631.08 square feet +/- in lieu of the required 6,000 sq. feet.

Hearing: Tuesday, June 20, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Schultheis, 8122 Old Philadelphia Road, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 5, 2006.

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



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

# 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.

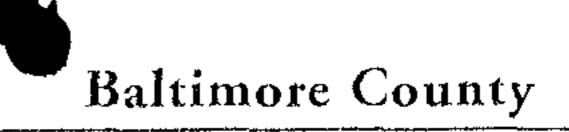
### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
tem Number or Case Number:
Petitioner: ALLEN Schultheis
Address or Location: 8124 OLD Philadelphia Rol. Balm. Md. 21237
PLEASE FORWARD ADVERTISING BILL TO:
Address:
- DAME
Гelephone Number: <u>410-780-4911</u>

# 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





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

'June 15, 2006

Allen L. Schultheis Mary F. Schultheis 8122 Old. Philadelphia Rd. Baltimore, MD, 21237

Dear: Mr. & Mrs. Schultheis

RE: Case Number: 06-553-A, 8124 Old Philadelphia Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 1, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callala Da

WCR:sma

Enclosures

c: People's Counsel



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



## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** June 1, 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-553 Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road, if consistent with the existing streetscape.
- 3. The accessory structure located between the lot 1 (8120 Old Philadelphia Road) and lot 3 (8124 Old Philadelphia Road) is removed.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

JUN 0 7 2006

William Commonant

## 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

May 8,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15,2006

Item Numbers: 537 thru 557

553

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

## BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 12, 2006

Management

FROM:

Dennis Λ. Kennedy, Supervisor

Bureau of Development Plans Review

Department of Permits & Development

SUBJECT:

Zoning Advisory Committee Meeting

For May 15, 2006

Item Nos: 441, 537, 538, 539, 540, 542, 544, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, and 557

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-05102006.doc



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

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

### Maryland Department of Transportation

Date: 5.5.04

**Baltimore County** 

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

Item No. 553

RE:

Jem

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

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**Engineering Access Permits Division** 

RE:	PETITION FOR VARIANCE	*	BEFORE THE
	8124 Old Philadelphia Road; 143' W Old Philadelphia Rd; S/S Lorraine Avenue	*	ZONING COMMISSIONER
	Legal Owner(s): Allen & Mary Schulus	*	FOR
	Petitioner(s)	*	BALTIMORE COUNTY
		*	06-553-A

## ENTRY OF APPEARANCE

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

RECEIVED

PLY 08 2006

Per.....

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 8<sup>th</sup> day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, Allen & Mary Schultheis, 8122 Old Philadelphia Road, Baltimore,MD 21237, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

## 05/01/06

Note to File! Petitioner was advised that "Lorraine Avenue" must be a Public Right of Way, or, the subject lot must have in-fee access to Old Philadelphia Road. They insisted that there lawyer had given them assurances that they had a right to use Lorraine Avenue to access the subject lot. I had them meet with Vishnu of Developers Plan Review, and he indicated to me that he also had concerns. Petitioner insisted on filing this date. In my mind, this issue remains unresolved.

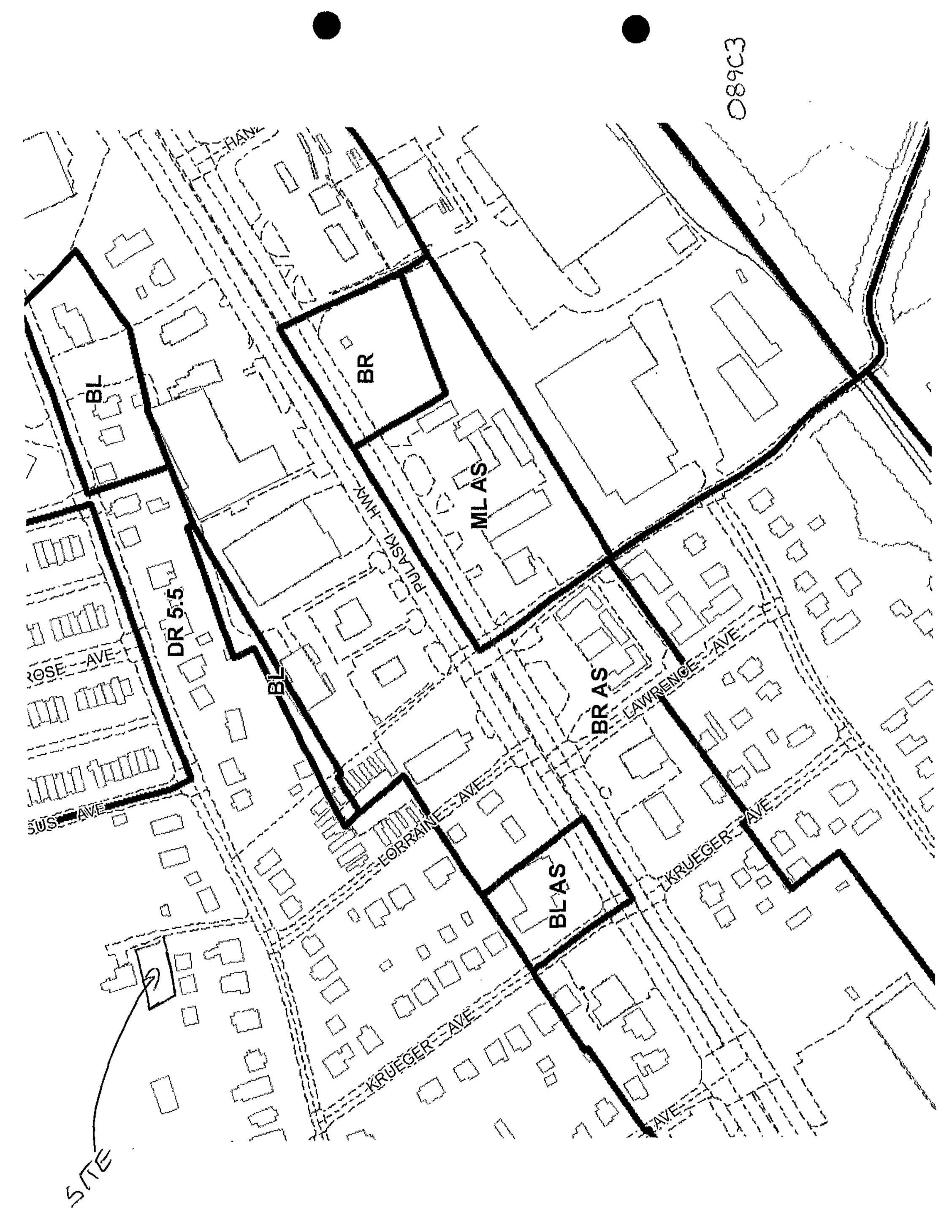
**JCM** 

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP	The To Month	Batto mn 21237									
ADDRESS	18931 Milles	8122 Old Philadelphia AD	502 WASHINGTON AVE.	TONISOR DISOR							
NAME	Marko Kirk	Allen L. Schultheis	Dublas Buncess =								



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#### DEED

THIS DEED made this October \_\_\_\_\_\_, 2003, by and between ALLEN L. SCHULTHEIS and MARY F. SCHULTHEIS, his wife, herein referred to as Grantor, and KIMBERLY J. VON CANON, STEPHANIE J. SCHULTHEIS AND TRACY J. MADRID, hereinafter referred to as Grantees.

WITNESSETH, that for no consideration other than the Grantors' love and affection for the Grantces, but subject to the reservations set forth below, the Grantors do grant and convey unto the said Grantees, their personal representatives, heirs and assigns, as tenants-in-common and not joint tenants, in Fee Simple, all that lot of ground situate in the County of BALTIMORE, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot Nos. 2 and 3 as shown on the Plat entitled "Property of Mr. And Mrs. Raphael D. Hesse", which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.B. No. 14, folio 15. The improvements thereon being known as 8122 Old Philadelphia Road, Baltimore, MD 21237 (Tax ID No. 15-04-351570)

RESERVING, however, the right to the use in common with others entitled thereto of Lorraine Avenue as a means of ingress and egress for Lots 2 and 3 as shown on the aforesaid Plat. The right of use does not extend northerly from the division line between Lots 3 and 4.

This being the same property granted and conveyed unto Allen L. Schultheis and Mary F. Schultheis, his wife, by Deed dated July 3, 2000 and recorded among the Land Records of Baltimore County in Liber 14590, folio 001.

This conveyance is made subject to Easements, Restrictions, Covenants, and Conditions of record, including matters shown on recorded plats.

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

TO HAVE AND TO HOLD the said described lot of ground and premises before mentioned unto the said Grantees, their personal representatives, heirs and assigns, as tenants-incommon and not joint tenants, in Fee Simple, but reserving unto the Grantors a Life Estate in the property for their joint lives, without liability for waste, and also reserving unto the Grantors, or the survivor of them, the full power and authority during their/his/her lifetime to sell, convey and dispose of the property (but not to devise the property) and to retain absolutely as their/his/her own all of the proceeds thereof, thereby divesting the remainder granted by this deed. The Grantors, or the survivor of them, also reserves the right to mortgage the entire fee simple estate in the property, including the remainder granted herein, and to retain absolutely as their/his/her own all of the proceeds thereof.

AND THE GRANTORS do hereby covenant that they have not done or suffered to be done, any act, matter or thing whatsoever, to encumber the property hereby conveyed; that Grantors will warrant specially the property hereby granted; and that Grantors will execute such

Det His

further assurances of the same as may be requisite.

IN WITNESS WHEREOF the said grantors have caused this Deed to be duly executed.

Signed, Sealed and Delivered in the Presence of:

ALLEN L. SCHULTHEIS

COUNTY OF BALTIMORE COUNTY, STATE OF MARYLAND; TO WIT:

I HEREBY CERTIFY, That on this \_\_\_\_\_ day of October, 2003, before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared ALLEN L. SCHULTHEIS and MARY F. SCHULTHEIS, his wife, 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 their act, and in my presence signed and sealed same.

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

GARY A. GRAHAM

Notary Public

Baltimore County, Maryland

Commission Expires: 12/1/2004

My Commission Expires:

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

Gary A. Graham, Attorney-At-Law

# Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of Section 10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of Section 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

	Transferor Inf	tormation				
	Name of Tran	sferor:	Allen L. Schultheis			
			Mary F. Schultheis			
2.	Reasons for E	emption				
	Resident	-				
	Status	X	We, Transferors, are residents of the State of Maryland Transferor is a resident entity under Section 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this on Transferor's behalf.			
	Principal					
	Residence Although I am no longer a resident of the State of Maryland, the Prope principal residence as defined in IRC Section 121.					
	penalty of perjustorrect, and comp		that I have examined this declaration and that, to the best of my knowledge, it is			
nuc, c						
3a.	Individual Tra					
·	Individual Tra		Allen L. Schultheis			

### AFFIDAVIT AS TO TOTAL PAYMENT

The undersigned certify under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "Withholding Law"):

- That I am/we are the transferor(s), [or agent of the transferor(s) if so indicated], of that real property described in the accompanying deed.
- 2. The amount of total payment for the purpose of the Withholding Law is \$0.00

DATED this 20th day of June, 2004.

Witness:

Transferor(s)

\_

Witness

Witnes

Mary F. Schaltheis

DEED RESERVING LIFE ESTATE

FROM

ALLEN L. SCHULTHEIS and MARY F. SCHULTHEIS

TO

KIMBERLY J. VON CANON, STEPHANIE J. SCHULTHEIS and TRACY J. MADRID

(RESERVING LIFE ESTATE IN GRANTORS)

### Mail To:

PHOENIX TITLE COMPANY 222 Bosley Avenue, Suite C-4 Towson, MD 21204 (410)828-4853 File Schultheis 3

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				סיליות					
St. D. M.	ate of Maryland Lan more City 🔯 Cou	d Instrument Intake	Sheet	88 80 80					
☐ Balti	more City <b>(24</b> Cou	of the Clerk's Office, State Den	artment of	l <del>ě</del>					
Injore	Assessments and Taxation, a	and County Finance Office Oni	ly.	INP FD SIRE \$ 20.00					
		Only-All Copies Must Be Leg	ible)						
of Instruments	<u> </u>	Intake Form is Attached.) rtgage Other	Other						
Of High Pinetics	Deed of Trust Leas	H H		Rest BADS Rept # 64126 StG BC Blk # 6467					
2 Conveyance Type	Improved Sale Unit	improved Sale Multiple Ac	counts Not an Arms-	91 July 30, 2004 01:52 PB					
Check Box	<del></del>	ns-Length [2] Arms-Length	th [3] Length Sale [	91					
3 Tax Exemptions	Recordation State Transfer		····						
(if Applicable) Cite or Explain Authority				°					
4	<del></del>	ition Amount		nce Office Use Only					
Consideration	Purchase Price/Consideration	\$ 0.00		Recordation Tax Consideration					
and Tax	Any New Mortgage  Balance of Existing Mortgage	<b>.</b>	Transfer Tux Considers X ( ) %	1001   \$ == \$					
Calculations	Other:	<u> </u>	Less Exemption Amou						
			Total Transfer Tax	= \$					
	Other:	\$	Recordation Tax Consi						
	Eul Carls Volum	<u> </u>	X ( ) per \$5 TOTAL DUB	000 =   \$					
5	Full Cash Value  Amount of Fees	Doc. 1	Doc. 2	Agent:					
	Recording Charge	\$ 20.00	\$	- CAHA					
Fees	Surcharge	\$ 20.00	\$	Tax Bill:					
	State Recordation Tax	\$	<u> </u>	C.B. Credit:					
	State Transfer Tax  County Transfer Tax	18	<del>                                    </del>	C.B. Crount					
	Other	\$	\$	Ag. Tax/Other:					
	Other	\$	\$						
6	District Property Tax II 13-04-351370	No. (1) Grantor Liber/Folio 14590 / 001	Map	Parcel No.   Var. LOC					
Description of	Subdivision N	<del> </del>		Plat Ref. SqFt/Acreage (4					
Property SDAT requires	Spout 14	value 150t (5a)	Bitch (Sty) Stebrit (St)						
submission of all			operty Being Conveyed (	2)					
., .	8122 Old Philadelphia I		<del></del>	I 377-4 November 1 10					
A maximum of 40 characters will be	Other P	roperty Identifiers (if applicat	He)	Water Meter Account No.					
indexed in accordance	Residential or Non-Reside	ential Fee Simple or	Ground Rent□ Ame	ount:					
with the priority cited in			Ft/Acreage Transferred:						
Real Property Article Section 3-104(g)(3)(l).	TOD I LO								
7	If Partial Conveyance, List Imp	ntor(s) Name(s)	Doc. 2	- Grantor(s) Name(s)					
	Allen L. Schultheis	itor(s) (vanic(s)		, - (3) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1					
	Mary F. Schultheis								
From	Doc. 1 - Owner(s) of Record	l, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s						
8 Transferred	Doc. 1 Grav	ntee(s) Name(s)	Doc. 2	- Grantee(s) Name(s)					
	Kimberly J. Von Canon,	, Stéphanie J. Schultheis							
То	And Tracy J. Madrid			<u>, , , , , , , , , , , , , , , , , , , </u>					
	8122 Old Philadelphia R	New Owner's (Grav Road Bultimore 7/11) 21	ntee) Mailing Address 237						
		es to be Indexed (Optional)	<del></del>	l Names to be Indexed (Optional)					
9 Other Names	20012 1814011-08181 1 141-151								
to Be Indexed									
10 Contact/Mail	Name: Phoenix Title Co	nt Submitted By or Contact P	erson	Return to Contact Person					
Information			······································	Hold for Pickup					
		, 3U. V-41							
	Address: Towson, MD 212	204 Phone: ( 410	) <b>828-4853</b>	Return Address Provided					
	· · · · · · · · · · · · · · · · · · ·			ACCOMPANY EACH TRANSFER					
	Assessment Yes X	No Will the property being con No Does transfer include perso		•					
	Information - 1	7							
۶.	Yes			y (if recorded, no copy required).					
idati	Terminal Verification	Assessment Use Only - Dr Agricultural Verification	Not Write Below This Whole	8 Line Part Tran. Process Verification					
No.	Transfer Number,	Date Received:							
o.	Year 20 Land	20 Geo. Zoning	David Reference:  Directing of Budget	And Petraneo Lot					
<u>چ</u>	Buildings Total	Use	EX. ST A	TV Wagner Occ Cd.					
- A	REMARKS:	19478		Q.,					
9. 9.	<del></del>	rer.		Sec 33-13%					
왕[ 왕]		Dreil	THE PARTY OF THE REAL PROPERTY.	11/2					
اري ا			7 / 27	T.E. ART 12-11:0					
	Distribution: White - Clerk's Office Canary - SDAT		Dun (0/30	104					
BA CIRCUIT COI	Pink - Office of Finance JRT (Land <b>Phylenge</b> sfripaler) AOC-CC-300 (6/95)		, ρ. 0712	• •					
יייי אייייי אייייי אייייי איייייי איייייי	AOC-CC-300 (b/95)		-						

This Deed, MADE THIS 3rd day of July in the year Two Thousand by and between Betty J. Mullaney, party of the first part, and Allen L. Schultheis and Mary F. Schultheis, parties of the second part.

Witnesseth, That in consideration of the sum of One Hundred Forty Two Thousand Dollars and NO Cents (\$142,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, as Tenants by the Entireties, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple, that parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots Nos. 2 and 3 as shown on the Plat entitled "Property of Mr. and Mrs. Raphael D. Hesse", which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.B. No. 14, folio 15. The improvement thereon being known as No. 8122 Old Philadelphia Road.

RESERVING, however, the right to the use in common with others entitled thereto of Lorraine Avenue as a means of ingress and egress for Lots 2 and 3 as shown on the aforesaid Plat. This right of use does not extend northerly from the division line between Lots 3 and 4.

BEING the same parcel of ground which by deed dated April 15, 1986 and recorded among the Land Records of Baltimore County, Maryland in Liber EHK JR No. 7152, folio 197 was granted and conveyed by Rita R. Dilorio unto Betty J. Mullaney, the Grantors herein.

THE WITHIN GRANTEE(S) DO HEREBY CERTIFY UNDER THE PENALTY(IES) OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY US AS EVIDENCED BY THE SIGNATURE(S) BELOW.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

F. Michael Grace

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part as Tenants by the Entireties, their assigns, the survivor of them and the survivor's personal representatives, heirs 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.

WITNESS the hands and seals of said Grantor(s) and Grantce(s).

Test:

\* Berry J. Mullaney (SEAL)
BETTY J. MULLANEY

(SEAL)

MARY F. SCHULTHEIS (SEAL)

REVIEWED SDAT

Piet

I Hereby Certify, That on this 3rd day of July in the year Two Thousand, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore personally appeared Betty J. Mullaney and Allen L. Schultheis and Mary F. Schultheis 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

Kimberly T. Schertle

My Commission Expires: October 1, 2002

Kimberly T. Schertie

Kimberly T. Schertie

Kimberly T. Schertie

Notary Public

Baitimore County

Marylana

My Commission Expires Oct. 1, 2002

THE FOUNTAINHEAD GROUP 2045 YORK ROAD TIMONIUM, MD 21093 File Number: 10704TIM

AFTER RECORDATION, RETURN TO:

MR. AND MRS. ALLEN L. SCHULTHEIS 8122 OLD PHILADELPHIA ROAD BALTIMORE, MD 21237-2840

State of Maryland Land Instrument Intake Sheet

| Baltimore City | County: Baltimore County

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only. 710.B TAX STATE (Type or Print in Black Ink Only - All Copies Must Be Legible) 1,445.00 ([] Check Box if Addendum Imake Porm is Attached.) Type(s) Rcpt # 73602 Other 1 Deed Other Mortgage of Instruments Blk # 1320 2 Deed of Trust Lease 03:25 PB 20+ Not an Arms-Multiple Account Unimproved Sale X Improved Sale 2 Conveyance Type Length Sale[9] Arms-Length[3] Arm-Length[1] Arms-Length[2] Check Box Tax Exemptions Recordation State Transfer (if applicable) Cite or Explain Authority County Trausfer kinance Office Use Only Consideration Amount Transfer and Recordation Pax Consideration 142,000.00 Purchase Price/Consideration Transfer Pax Consideration 113,600.00 Any New Mortgage Consideration X( )% \*\* Balance of Existing Mortgage and Tax Less Exemption Amount -Other: Calculations Total Transfor Tax Recordation Tax Consideration \$ Other: X( ) per \$500 # TOTAL DUB Full Cash Value Doc. 1 Doc. 2 Agent Amount of Fees Recording Charge 20.00 20.00 Fees Tax Bill. Surcharge 5.00 5.00 State Recording Tax 710.00 C.B. Credit State Transfer Tax 710.00 County Transfer Tax 1800.00 A.G. Tax/Ouer: Other Other Property Lax ID No.(1) Granter Liber/Kelle 6 Map Parcel No. Var. LOG District [](6) 15-04-351570 & 577152/197 Description of Lot (3a) Block (3b) Sect/AR (3c) Plat Ref. Subdivision Name SqF1/Acreage(4) Property 14/15 SDAT Requires Location/Address of Property Being Conveyed (2) Submission of all 8122 Old Philadelphia Road, Baltimore, MD 21237 applicable information. Other Property Identifiers (if applicable) Water Meter Account No. A maximum of 40 characters will be Lee Simple | For Ground Rent | Amount: \$ Residential (Lor Non-Residential [ indexed in accordance Description/Amt. of SqFt/Acreage Transferred: Partial Conveyance? [ ] Yes [ 1 No with the priority cited in Real Property Article If Partial Conveyance, List Improvements Conveyed: Section 3-10(g)(3)(i). Doc. 1 - Grantor(s) Name(s) Doc. 2 - Grantor(s) Name(s) 7 Allen L. Schultheis Transferred Betty J. Mullaney From Mary F. Schultheis Dac. 1 · Owner(s) of Recard, if Different form Grantor(s) | Doc. 2 · Owner(s) of Recard, if Different form Grantor(s) Doc. 2 - Granteg(s) Name(s) Doc. 1 - Grantee(s) Name(s) В Edward J. Brush, Trustee Allen L. Schultheis Transferred Mary F. Schultheis Point Breeze Credit Union New Owner's (Grantee) Mailing Address To 8122 Old Philadelphia Road, Baltimore, MD 21237 Doc. 2 - Additional Name(s) to be Indexed (Optional) Doc. 1 - Additional Name(s) to be Indexed (Optional) Other Names To Be Indexed Return to Contact Person Instrument Submitted By or Contact Person 10 Contact/Mail 10704TIM FILE: Name: Hold for Pickup Information Firm: The Fountainhead Title Group Address: 2045 York Road X Return Address Provided 3rd Floor, Lutherville-Timoni (410) 561-4848 III IMPORTANT BOTH THE ORIGINAL DEED AND A PHOTOCOLY MUST ACCOMPANY EACH TRANSFER X Yes No Will the property being conveyed be the grantee's principal residence? Yes X No Does transfer include personal property? If yes, identity: Assessment Information Yes X No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required) - Baltamore County, Maryland Assessment Use Only - Do Not Write Below This Line 9905224 Nav Verification Tran Process Venticellon Agricultural Verificiation Vihole AND THE STATE OF LOT Date Received T.800.00 Lieed Reference Assigned Properly No. ylen Block Ggo Zonico Gild (to OŁFM Buildings 10 (COE) Coo Cd Use THE TRANSFER TAX The Time of the Clark's Office

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BA CIRCUIT COURT (Land Records) [MSA CE 62-14445] SM 14590, p. 0003

Click here for a plain text ADA compliant screen.



Go Back View Map **New Search Ground Rent** 

**Account Identifier:** 

**Mailing Address:** 

**District - 15 Account Number - 1504351571** 

**Owner Information** 

**Owner Name:** SCHULTHEIS ALLEN L

SCHULTHEIS MARY F

Use:

RESIDENTIAL

8122 OLD PHILADELPHIA RD

BALTIMORE MD 21237-2840

Principal Residence:

YES

**Deed Reference:** 

1) 2)

**Location & Structure Information** 

**Premises Address** 

8122 OLD PHILADELPHIA RD

**Preferential Land:** 

**Legal Description** 

8122 OLD PHILADELPHIA RD

R D HESSE PLAT

**Subdivision** Grid **Parcel** Map **Sub District** Plat No: Section Block Lot **Assessment Area** 23 716 89 Plat Ref: 14/ 15

Town **Ad Valorem Special Tax Areas** 

**Tax Class Primary Structure Built Enclosed Area Property Land Area County Use** 1961 8,550.00 SF 1,152 SF

04 **Stories Basement** Exterior Type YES STANDARD UNIT BRICK

**Value Information** 

Base Value Phase-in Assessments Value As Of As Of As Of 01/01/2006 07/01/2005 07/01/2006 Land: 29,880 47,380 **Improvements:** 79,960 135,950 Total: 109,840 183,330 109,840 134,336

**Transfer Information** 

Seller: SCHULTHEIS ALLEN L 06/30/2004 \$0 Date: Price: NOT ARMS-LENGTH Type: Deed1: Deed2:

0

Seller: MULLANEY BETTY J 07/20/2000 Price: \$142,000 Date: **MULT ACCTS ARMS-LENGTH** /14590/ 1 Type: Deed1: Deed2:

Seller: **DIIORIO CARMINE** 05/05/1986 Date: Price: \$0 NOT ARMS-LENGTH Type: **Deed1:** / 7152/ 197 Deed2:

**Exemption Information** 

07/01/2005 Partial Exempt Assessments Class 07/01/2006 County 000 State 000 Municipal 000

Tax Exempt: **Exempt Class:**  NO

Special Tax Recapture:

\* NONE \*



Click here for a plain text ADA compliant screen.



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

Go Back View Map **New Search Ground Rent** 

**Account Identifier:** 

District - 15 Account Number - 1504351570

**Owner Information** 

**Owner Name:** 

**Mailing Address:** 

SCHULTHEIS ALLEN L

SCHULTHEIS MARY F

Use:

RESIDENTIAL

8122 OLD PHILADELPHIA RD

**BALTIMORE MD 21237-2840** 

**Deed Reference:** 

**Principal Residence:** 

ΝO 1) /20348/ 707

**Location & Structure Information** 

Section

Block

**Premises Address** 

8122 OLD PHILADELPHIA RD

Parcel

716

**Legal Description** 

.1291 AC

8122 OLD PHILA RD

R D HESSE

**Assessment Area** 

Plat No: Plat Ref:

14/ 15

**Special Tax Areas** 

Grid

23

Map

89

Town Ad Valorem Tax Class

**Basement** 

Subdivision

**Primary Structure Built** 

**Sub District** 

**Enclosed Area** 

**Property Land Area** 5,625.00 SF

**County Use** 

04

**Stories** 

0000

Type

Lot

**Exterior** 

**Value Information** 

	Base	Value	Phase-in Assessments			
	Value	As Of	As Of	As Of		
		01/01/2006	07/01/2005	07/01/2006		
Land:	1,400	1,400	•			
Improvements:	0	0				
Total:	1,400	1,400	1,400	1,400		
Preferential Land:	. 0	. 0	0	0		

**Transfer Information** 

SCHULTHEIS ALLEN L Seller: NOT ARMS-LENGTH Type:

Seller: MULLANEY BETTY J **MULT ACCTS ARMS-LENGTH** Type:

Seller: **DIIORIO CARMINE** Type: NOT ARMS-LENGTH Date: 06/30/2004 Deed1:

Date:

Date:

Deed1:

/20348/ 707 🛂 07/20/2000 Deed1: /14590/ 1

05/05/1986

/ 7152/ 197

Price: \$0 Deed2:

Price:

\$142,000

Deed2:

\$0

Price: Deed2:

**Exemption Information** 

**Partial Exempt Assessments** Class 07/01/2005 07/01/2006 County 000 State 000 Municipal 000

Tax Exempt: **Exempt Class:**  NO

Special Tax Recapture:

\* NONE \*





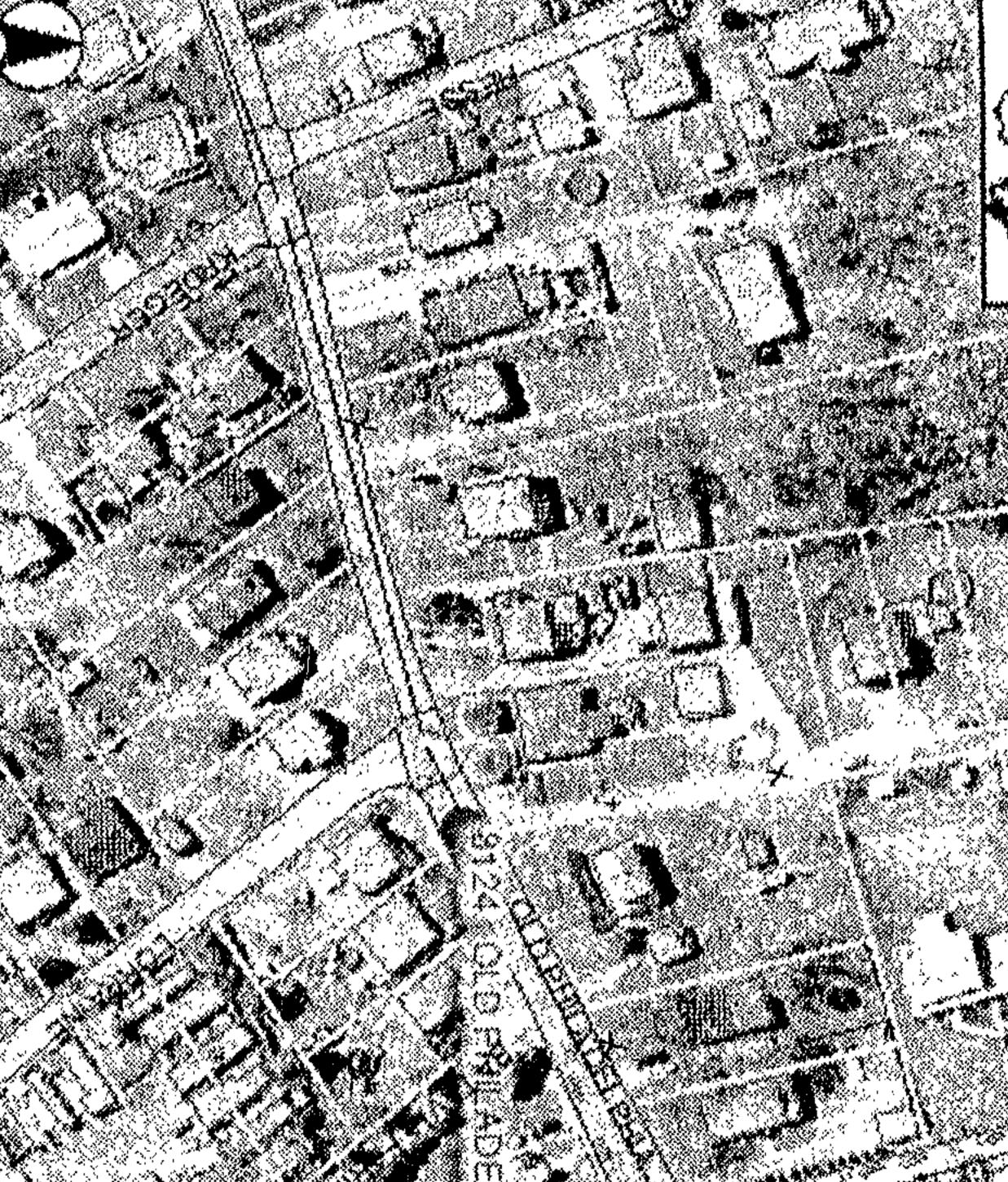






WIDE

**(4)** 



ADELPHIA SUPPORT ROAD

ズ F. SCHULTHEIS 21237 ASSOCIATES 410-687-3107 D PHILADELPHIA ROAD BA TIMORE, MD. DRAWN BY

DRAWING NUMBER

(GIW

To Whom It May Concern:,

In reference to Allen and Mary Schultheis' variance to build a house on the lot 8124 Old Philadelphia Rd. The undersigned agrees to this variance.

Robert, 14. Kowakczy/2 8/28-01-0-PHILA, RD, BALTO, 140-21237 Chester F. Kowalozyk 8128 Old Phila Rd Rosedalo, Md 21237

JOSEPH D. ELROD 1213 Navassus Ave Balto. MD 21237 Alland

pot #8

