CALDER RECEIVED FOR FILMS
Date 1-18-06

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE

S/S End of Marcella Avenue, 378.44' W of the

c/l Greens Lane

\* ZONING COMMISSIONER

(9019 Marcella Avenue)

2bnd Election District

4<sup>th</sup> Council District

Vipul Varma Petitioner

Case No. 06-580-SPH

OF BALTIMORE COUNTY

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Vipul Varma. The Petitioner requests a special hearing to approve access to the local street (Marcella Avenue) through the existing right-of-way, which is 20 feet wide and approximately 380 feet long, in lieu of the required in-fee strip, pursuant to Section 32-4-409(c) of the Baltimore County Code, for a proposed two-lot minor subdivision. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Sonny Fadeyi, Power of Attorney for Vipul Varma, property owner, Douglas W. DuVal, the Surveyor who prepared the site plan for this property, and Anthony J. DiPaula, Esquire, attorney for the Petitioner. There were no Protestants or other persons present.

Testimony and evidence offered disclosed that the subject property is a landlocked parcel situated at the end of a panhandle driveway, which is located on the south side of the end of Marcella Avenue, just west of the intersection of Greens Lane and Liberty Road in Randallstown. The property contains a gross area of 6.8 acres, more or less, zoned R.C.5 and is improved with a single family residence, which consists of both a one-story and attached two-story frame structure. Mr. Fadeyi has owned and resided on the property for many years; however, recently sold the parcel to Mr. Varma, who wishes to subdivide the property to create two additional building lots. As shown on the site plan, the property's only access to a County

right of way (Marcella Avenue) is a 380-foot use in common right-of-way/driveway that has been in existence since 1949. This 20-foot easement also provides access to two other dwellings and several unimproved but potentially buildable lots along this panhandle driveway. The proposed lots and dwelling orientations are shown on the site plan marked as Petitioner's Exhibit 1. At issue is whether the proposed lots can utilize the existing common right-of-way for access to Marcella Avenue in lieu of the in-fee access required by the Baltimore County Code.

In support of the proposal, the Petitioner noted that the use in common right-of-way has existed for many years and is currently in use. Moreover, the Petitioner has discussed his plans with adjoining neighbors who have no objections to the proposal. However, there was some concern expressed over future maintenance of the driveway, particularly during the construction phase.

Section 32-4-409(c) of the Baltimore County Code allows access via an existing right-of-way provided that same is established before a proposed development plan is submitted. Subsection (b)2(ii) thereof specifies that a panhandle driveway must be 12 feet wide per lot, or a minimum of 24 feet wide for the two lots proposed here. The Petitioner testified that if the access is approved to permit the proposed subdivision, he will repave the existing driveway to a width of 16 feet.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, the subject use-in-common driveway was established in 1949 and is currently in use. Thus, it appears that relief can be granted without detrimental impact to adjacent properties. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors support the proposal, provided the Petitioner maintains this access as noted above. In this regard, the Petitioner indicated a willingness to enter into a use in common maintenance agreement/covenant with all affected parties for the future upkeep of the driveway. Thus, as a condition to the relief granted, I will require that the Petitioner enter into such an agreement and record a copy of same with the record plat for each of the proposed dwellings. Additionally, I will require that the paved

CENTINE OF PIEMS

portion of the driveway be widened to a width of 16 feet prior to the issuance of any use and occupancy permits for the new dwellings.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_ day of July 2006 that the Petition for Special Hearing to approve access to the local street (Marcella Avenue) through the existing right-of-way, which is 20 feet wide and 380 feet long, in lieu of the required in-fee strip, pursuant to Section 32-4-409(c) of the Baltimore County Code, for the proposed two lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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 shall be required to return, and be responsible for returning said property to its original condition.
- 2) Within ninety (90) days from the date of this Order, Petitioner shall contact all residents who have access to or property adjoining said access road, and prepare at his expense a covenant (use in common maintenance agreement) to be entered into by and between the parties, a copy of which shall be recorded with the record plat for each of the proposed dwellings.
- 3) Prior to the issuance of any use and occupancy permits for the new dwellings, the existing use in common right-of-way shall be repaved to a width of 16 feet and include a tee turn-around on Petitioner's property.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Decision must be made within 30 plays of the date of this Order.

WHILIAM I WISEMAN, III

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

July 18, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Anthony J. DiPaula, Esquire DiPaula & Sullivan, LLC 34 S. Main Street Bel Air, Md. 21014

RE: PETITION FOR SPECIAL HEARING

S/S End of Marcella Avenue, 378.44' W of the c/l Greens Lane (9019 Marcella Avenue)

2<sup>nd</sup> Election District – 4<sup>th</sup> Council District

Vipul Varma - Petitioner

Case No. 06-580-SPH

Dear Mr. DiPaula:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc:

Mr. Vipul Varma, c/o Mr. Sonny Fadeyi, 9019 Marcella Avenue, Randallstown, Md. 21133

Mr. Douglas W. DuVal, 1729 York Road, Lutherville, Md. 21093

Development Plans Review; People's Counsel; Case File



OCOUNT TO TOR

# Petition for Special Hearing

for the property located at 2019 MARCELLA AVE.

to the Zoning Commissioner of Baltimore County

which is presently zoned

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Special Hearing u County, to determine whether or not the Zoning Commissioner	n is described in the description and plat attached hereto and nder Section 500.7 of the Zoning Regulations of Baltimore resoluted approve
access to the local street (Marce Right - L-Way, which is 20 feet	lla Avenue) through the existing wide and approximately 300
Right-of-Way, which is 20 feet feet long, in lieu of the required Section 32-4-409(c) of the Bal	In-fac stripe, pursuant to
, T	interest country country
proposed Lots 1, 2 and 30	; ; , , , , , , , , , , , , , , , , , ,
Property is to be posted and advertised as prescribed by the z l, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted purs	ng, posting, etc. and further agree to and are to be bounded by the
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	VIPUL VARMA, Sonny Fadey
Name - Type or Print	Name , Type or Print
Signature	Signature Vanue Muy Ofra 14-142
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	9019 MARCIEULA AVENUE 410-961-3700
	Address RANDALLSTOWN MARYLAND 21133
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	DOUGLAS W. DUVal, L.S. PRES, C/O DUValg ASSOC,
Company	Name
Address Telephone No.	1709 York Rd., Sta 205 40.666-546 Address Telephone No.
Address Telephone No.	Lutherville MD 21093
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING HA
3 N-LQN CRU	
Gase No. 16-580 - SPH	UNAVAILABLE FOR HEARING
Revi	ewed By 1 Date 5/12/06
R8V 9115198	• •

SURVEYING . ENGINEERING

Douglas W. DuVal, L.S. Raymond B. Sutton, Jr.

Zoning Description
9019 Marcella Lame AVE DWD

Beginning at a point South 85° 34' 21" West 571.36 feet and South 17° 47' 54" West 378.44 feet from the intersection of the centerlines of Greens Lane and Marcella Lane and running 1) North 84° 56' 08" East 330.28 feet; 2) South 10° 18' 52" East 282. feet; 3) South 75° 28' 16" West 621.67 feet; 4) North 57° 33' 52" West 335.00 feet; 5) North 21° 56' 08" East 376.82 feet and 6) South 71° 03' 52" East 385.12 feet to the place of beginning. Containing 6.8 acres of land, more or less.

500



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: # 06-560-3PH
9019 Marcella Avenue
At the end of Marcella Avenue, approximately 750 feet south westerly from intersection of Marcella Avenue and Greens Lane
Legal Owner(s): Vipul Varina
Special Hearing: for a walver to permit access to the local street (Marcella Avenue) through the existing right-of-way, which is 20 feet wide and approximately 380 feet long, in Ileu of the required in-fee strips, pursuant to Section 32-4-409-A(C).
Hearing: Thursday, July 13, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

nue, 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 6/748 June 27

# CERTIFICATE OF PUBLICATION

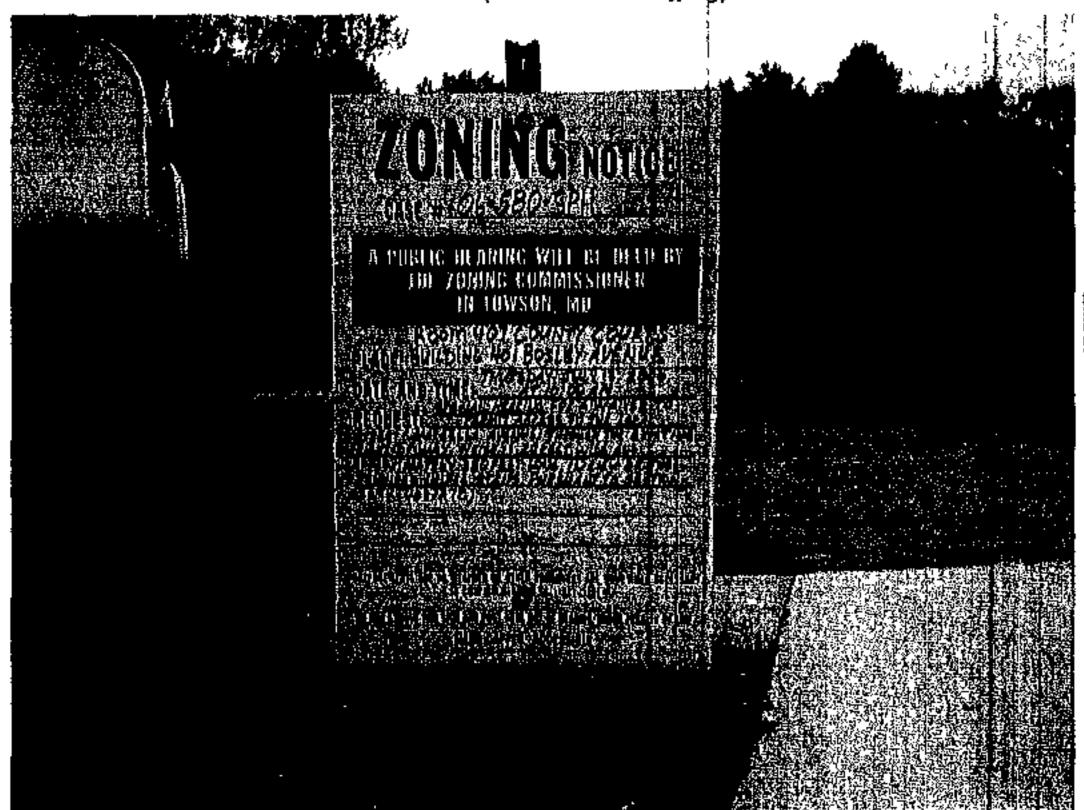
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THIS IS TO CERTIFY, that the a	annexed adv	ertisement	was published
in the following weekly newspaper [	oublished in	Baltimore	County, Md.,
once in each ofsuccessive	weeks, the fi	rst publica	tion appearing
on 627 ,20 <u>06</u> .		,	
The Jeffersonian		,	
🖵 Arbutus Times			
Catonsville Times			
☐ Towson Times		1	1
Owings Mills Times			1
☐ NE Booster/Reporte	er	ı	1
North County News			1
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# CERTIFICATE OF POSTING

		Ole-580-5PH
	Petitioner/Deve	loper: Vipuc
	Date Of Hearing	/Closing: 7/13/06
Baltimore County Department of Permits and Development Manag County Office Building, Room 11	ement	x
111 West Chesapeake Avenue	L A	
Attention:		, , , , , , , , , , , , , , , , , , ,
	r	
Ladies and Gentlemen:		
This letter is to certify under the poste	penalties of perjury ed conspicuously of MARCECLA AUE	the property
This letter is to certify under the posterior of the post	ed conspicuously or	n the property

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

Revised 2/20/98 - SCU

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 06-580-5PH	,
Petitioner: Vipul B. Varma	
Address or Location: 9019 Marcella Avenue	<u> </u>
PLEASE FORWARD ADVERTISING BILL TO	
Name Douglas W DuVI a/o DuVal & Associates, P.A.	1
Address: 1729 York Rd., 5ta. 205	
_ Cutherville, ND 21093	<del> -</del>
Telephone Number	<del> </del>

# Department of Permits Development Management

## Baltimore County

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

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

June 1, 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: 06-580-SPH

9019 Marcella Avenue

At the end of Marcella Avenue, approximately 750 feet south westerly from intersection of

Marcella Avenue and Greens Lane

Legal Owners: Vipul Varma

Special Hearing for a waiver to permit access to the local street (Marcella Avenue) through the existing right-of-way, which is 20 feet wide and approximately 380 feet long, in lieu of the required in-fee strips, pursuant to Section 32-4-409-A (C).

Hearing: Thursday, July 13, 2006 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Anthony DiPaula, 34 South Main Street, Bel Air 21014
Vipul Varma, 9019 Marcella Avenue, Randallstown 21133
Douglas Duvall, 1729 York Road, Ste. 205, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 28, 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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 27, 2006 Issue - Jeffersonian

Please forward billing to:

Douglas Duval 1729 York Road, Ste. 205 Lutherville, MD 21093 410-666-5467

#### **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: 06-580-SPH

9019 Marcella Avenue

At the end of Marcella Avenue, approximately 750 feet south westerly from intersection of

Marcella Avenue and Greens Lane Legal Owners: Vipul Varma

Special Hearing for a waiver to permit access to the local street (Marcella Avenue) through the existing right-of-way, which is 20 feet wide and approximately 380 feet long, in lieu of the required in-fee strips, pursuant to Section 32-4-409-A (C).

Hearing: Thursday, July 13, 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

July 7, 2006

Vipul Varma 9019 Marcella Ave. Randallstown, MD 21133

Dear: Mr. Varma,

RE: Case Number: 06-580-SPH, 9019 Marcella Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 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. Call Rill

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:sma

**Enclosures** 

c: People's CounselCountry
Douglas DuVal 1729 York Rd. Suite 205 Lutherville, MD 21093



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date:

5.19.06

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

RE:

**Baltimore County** 

Item No.

58

166

Dear, Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division.

# BALTIMORE COUNTY, MARYLAND

# Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM – Development Coordination TWL

DATE:

May 31, 2006

SUBJECT:

Zoning Item # See List Below

Zoning Advisory Committee Meeting of May 22, 2006

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

06-569-A

06-570-A

06-574-SPH

06-575-A

06-576-A

06-577-A

06-580-SPE

06-583-SPH

06-584-SPHA

06-586-A

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** May 26, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 30, 2006

Item No. 580

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

If access is granted through the existing right-of-way we recommend that the driveway is made to conform to the following county standard panhandle requirements:

- 16 feet paved width.
- 30x70 tee-turn around at the end of the use-in common.
- Trash & mail pads.
- Max grade of 14%.

Developer shall also demonstrate that he has the right to burden the existing right-of-way.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 580-05252006.doc

RE: PETITION FOR SPECIAL HEARING

9019 Marcella Avenue; End of Marcella Ave

750' SW Marcella Ave & Greens Lane 2<sup>nd</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Vipul Varma by

Sonny Fadey - Attorney-in-fact

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

06-580-SPH

#### 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.

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 22nd day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, Douglas Duval, Duval & Associates, P.A., 1729 York Road, Suite 205, Lutherville, MD 21093, Representative for Petitioner(s).

RECEIVED

MAY 2 2 2006

Per Lin

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

# DIPAULA & SULLIVAN, LLC

ATTORNEYS AT LAW

Anthony J. DiPaula aid@dipaulasullivan.com

34 South Main Street
Bel Air, Maryland 21014

Roger J. Sullivan

Telephone: 410-893-4255 Fax: 410-893-4277

May 23, 2006

Baltimore County Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

RE:

Zoning Case No.: 06-580SPH

9019 Marcella Avenue

Dear Sir:

Please enter my appearance as counsel for the legal owner in the above matter. Please contact me with respect to scheduling a hearing date to avoid any scheduling conflicts. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/dh

cc:

Sonny Fadeyi

Douglas DuVal

s:\das\ajd\Fadeyi, S.\Permits.ltr.1

- (2) The total number of signs to be kept to a minimum; and
- (3) Informational signs not to be placed or be of such a number or design as to distract drivers' attention from traffic-control signs or devices.
  - (c) Benches and street lighting.
- (1) The county may require benches and other outdoor furniture to be grouped and to be of a "break-away" design.
- (2) The county shall require street lighting to be of a type and size that is adequate for safety and appropriate to the vicinity.
- (d) Transit facilities. The county may require transit facilities, such as bus turnouts, for sites to be served by public transit.

  (1988 Code, § 26-264) (Bill No. 79-01, § 2, 7-1-2004)

#### § 32-4-409. PANHANDLE DRIVEWAYS.

- (a) In general.
  - (1) The county may only allow a panhandle lot:
    - (i) To achieve better use of irregularly shaped parcels;
    - (ii) To avoid development in environmentally sensitive areas;
    - (iii) Where the lot will not be detrimental to adjacent properties; and
    - (iv) Were the lot will not conflict with efforts to provide for public safety and general welfare.
- (2) The county may only allow a panhandle driveway where necessary to provide access to interior lots where a public road is neither feasible nor desirable.
  - (b) In-fee strip; required.
- (1) Except as provided in subsection (c) of this section, the county may permit a panhandle lot if the lot includes an in-fee strip of land for access to the local street.
  - (2) Panhandle fee strips shall be a minimum of:
    - (i) 20 feet in width to serve one lot;
    - (ii) 12 feet in width per lot where two lots are involved;

- (iii) 10 feet in width per lot where three or more lots are involved; or
- (iv) 12 feet in width per lot where there are two or more lots in a development that is within the metropolitan area where public water and sewer services are available, planned, or considered.
- (c) Same; exception. In cases where a right-of-way has been established before the submission of the Development Plan, the Hearing Officer may approve access to the local street or collector street through the existing right-of-way instead of an in-fee strip.

#### (d) Panhandle driveways.

- (1) A single panhandle driveway may serve up to five dwellings, three of which may be on internal lots not adjacent to the local street or collector street.
- (2) Panhandle driveways serving lots greater than 20,000 square feet may serve five internal lots plus two dwellings on the front lots adjacent to the panhandle driveway and the local street or collector street.
  - (3) Front lots are not required to be part of the panhandle driveway development.
- (4) Notwithstanding the provisions of § 32-4-107 of this title, the requirements of this subsection may not be waived.
  - (e) Length of panhandle in DR and RC zones.
    - (1) In a DR zone, the panhandle length may not exceed 500 feet.
    - (2) In an RC zone, the panhandle length may not exceed 1,000 feet.
- (3) The maximum permitted length of a panhandle is subject to variance under § 307 of the Baltimore County Zoning Regulations.
  - (f) Panhandle driveways serving multiple lots.
- (1) For panhandle driveways serving more than one lot, the developer shall note on the record plat any covenants that provide for common use and maintenance of the panhandle driveway and culvert.
- (2) A use in common agreement is established if the panhandle driveway serves two or more abutting panhandle lots.
  - (g) Dwelling orientation on panhandle lot.
- (1) The orientation of the dwelling on each panhandle lot shall be indicated on the Development Plan.

# DURABLE POWER OF ATTORNEY

EY 580

KNOW ALL MEN BY THESE PRESENTS, that I VIPUL VARMA, of 333 W. CITY DRIVE, 17'I'H FLOOR, ORANGE, CALIFORNIA 92868 do hereby make, constitute and appoint SONNY FADEYI of 9019 MARCELLA AVENUE, RANDALLS'TOWN, MARYLAND 21133 my true and lawful attorney for me and in my name, place and stead, and in my behalf, and for my use and benefit:

- 1. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have, or may hereafter acquire the legal right, power, or capacity to exercise or perform, in connection with, arising from, or relating to any person, item, transaction, thing, business, real property, real or matter whatsoever directly related to 9019 MARCELLA AVENUE, RANDALLSTOWN, MARYLAND 21133
- 2. To grant, bargain, sell, exchange, pledge and contract for all of the foregoing, and in any way or manner deal with all or any part of real property known as 9019 MARCELLA AVENUE, RANDALLSTOWN, MARYLAND 21133, or any interest therein, that I now own or may hereafter acquire, in my behalf, and in my name; and to effect any or all of the above-described transactions to any entities on such terms and at prices my attorney-in-fact may deem proper, and in my name to make, execute, acknowledge and deliver any deed of conveyance or other instrument, necessary to effect such transactions; and to ask for, demand, sue for, collect, recover and receive all monies which may become due and owing to me by reason of such transaction.
- 3. To conduct, engage in, and transact any and all lawful business of whatever nature or kind RELATED TO THE SUBJECT REAL PROPERTY for me, on my behalf and in my name.
- 4. To make, receive, sign, endorse, execute, acknowledge, deliver, and possess such applications, contracts, agreements, options, covenants, conveyances, deeds, trust deeds, security agreements, bills of sale, leases, mortgages, assignments, insurance policies, documents of title, proofs of loss, evidences of debts, releases, and satisfaction of mortgages, lien, security agreements and other debts and obligations and such other instruments in writing of whatever kind and nature DIRECTLY RELATED TO THE SUBJECT REAL PROPERTY as may be necessary or proper in the exercise of the rights and powers herein granted.
- 5. I grant to said attorney full power and authority to do, take, and perform, all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully for all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
- 6. No person shall be required to inquire as to the circumstances of the issuance or use of this instrument or as to the disposition of any proceeds paid to my attorney based on this instrument.

7. This is a durable power of attorney. The rights, powers, and authority of my agent shall commence and be in full force and effect on the date of execution of this instrument, and such rights, powers, and authority shall remain in full force and effect thereafter until my death. This power of attorney shall not terminate on my subsequent disability or incapacity.

As used herein, "disability" or "incapacity" shall mean that my ability to receive and evaluate information effectively or to communicate decisions, or both, is impaired to such an extent that I lack the capacity to manage my financial resources as determined by the certification of one licensed physician, and shall include by inability to take actions due to involuntary detention or disappearance, as determined by affidavit of one party with knowledge regarding the same. I hereby waive any physician-client privilege for this limited purpose and authorize the disclosure or such certification by the physician to my agent for use by that person as necessary hereunder.

14. My attorney shall not be compensated for services performed or activities carried out on my behalf pursuant to this Durable Power of Attorney.

If this Durable Power of Attorney is terminated by operation of law, any person acting in reliance upon it without notice of such termination shall be held harmless. The enumeration of specific terms, rights, acts or powers is not intended to limit the definition or scope of powers granted herein.

IN WITNESS WHEREOF, VIPUL VARMA has executed this Durable Power of Attorney on

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		VIPUL VARMA	;	
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State of	) ) ss		- -	i !
County of	)	•	i i i	
On this, before me person described in and who executed the foregoing executed the same as	nally appeareding instrument affect are	VIPUL VARMA, to me knowledged to me that deed.	nown to be the	person RMA

Notary Public

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA COUNTY OF	}ss	1 ; ;	ا د امر	
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personally appeared Lifell Life	10111	] ] ]		<u> </u>
personally known to me (or proved to me on the basi and acknowledged to me that he/she/they executed the	s of satisfactory evidence) to e same in his/her/their author	be the person(s) whose na rized capacity(ies) and that	me(s) is/are subscribed by his/her/their signal	to the within instrument ure(s) on the instrument
the person(s) or the entity upon behalf of which the p	erson(s) acted, executed the	instrument.	and the second the sec	
WITNESS my hand and official seal			DENNIS STEVEN SI Commission # 1	HERMAN .
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CASE NAME CASE NUMBER DATE

# PETITIONER'S SIGN-IN SHEET

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NAME	Antron J. O. Miller	Day les (2) Day	Sowwy Frack!								1.1955		

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# **Exhibit Sheet**

# Petitioner/Developer

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No. 1	Sitz Plan				1		·   · · · · · · · · · · · · · · · · · ·
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This Deed, MADE THIS 16 day of MICHAEL between Sonny Fadeyi, Sole Owner, party of the first part, GRANTOR; and Vipul B. Varma, party of the second part, GRANTEE.

WITNESSETH, That in consideration of the sum of EIGHT HUNDRED SIXTY THOUSAND AND 00/100 DOLLARS (\$860,000.00), the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said Vipul B. Varma, his heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING for the same at a point in the Old Church Road at the end of 33 perches on the first line of the whole tract of land described in a deed from A.T. Randall and wife, et al. to Elizabeth M. Shipley dated October 31, 1871 and recorded among the Land Records of Baltimore County in Liber E.H.A. No. 73, Folio 546, thence bounding on said first line and also on said Old Church Road north 22-1/2 degrees west 12 perches, thence bounding on the second line of said whole tract of land south 88 degrees west 51.3 perches to the end of said line, thence north 68 degrees west 23.2 perches to intersect the south 25 degrees west 42 perches line of said whole tract of land, thence bounding on said line south 25 degrees west 22.7 perches to the end of the fourth line of a lot conveyed to Henry Trieschman, thence bounding on said Trieschman lot South 54-1/2 degrees east 21 perches to a bounded maple tree, thence north 79-1/2 degrees east 71.7 perches to the beginning. Containing 9 acres, 3 rods, 20 square perches, more or less.

TOGETHER WITH the right to the said Ivan D. Junk and Beatrice M. Junk, his wife, their heirs and assigns, to the use in common with those entitled thereto of all that road more particularly described in two deeds from Louise Sudmen, the first thereof to John Robert Hagenrater and wife dated October 29, 1949 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1789, Folio 318; and the second thereof to John Hagenrater and wife dated December 19, 1949 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1793, Folio 348 and also with the right to the use in common with others entitled thereto of Marcella Avenue from the end o the aforesaid right of way described in the above two deeds to Liberty Road.

BEING all the same property which by Deed dated December 19, 1949 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1793, Folio 350 was granted and conveyed by Louisa W. Sudman, unmarried unto Leonard G. Kelly and Eva D. Kelly, his wife, in fee simple.

SAVING AND EXCEPTING, however, from the above described property all that portion thereof described as follows:

BEGINNING for the same at a point on the west margin of Green Lane, it being the beginning of the first parcel described in the deed from William E. Sudman, executor of John D. Sudman to Louise W. Sudman, dated February 11, 1927, and recorded among the Land Records of Baltimore County, in Liber W.P.C. No. 645, Folio 74, c., and running with the first and a part of the second lines of the first parcel, (1) North 22-1/2 degrees west 198.0 feet to a point on the said margin of the road, thence leaving the road and running, (2) South 88 degrees West 521.3 feet to a stake now set, thence running by a line of division now made, (3) South 7-1/4 degrees East 282.0 feet to a stake now set in the sixth or North 79-1/2 degrees East 71.7 perches line of the said first parcel, and binding thereon, (4) North 79-1/2 degrees East 572.5 feet to the place of beginning and containing 3.12 acres of land.

TOGETHER WITH the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining; and especially the right unto Ivan D. Junk and Beatrice M. Junk, his wife, their heirs and assigns, to use a right of way 20 feet wide in common with the said Leonard G. Kelly and wife, their heirs and assigns, said 20 foot right of way lying adjacent to the south side and south of the second line of the hereinbefore described excepted parcel for the use of one dwelling on the property hereby conveyed.

The improvements thereon being known as 9019 Marcella Avenue, Randallstown, MD 21133.

Tax Account No. 02-0210950010

Title Insurer: First American Title Lisurance Company

REVIEWED SDAT

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EXHIBIT

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BEING all and the same lot of ground which by Deed dated May 7, 1999, and recorded among the Land Records of Baltimore County, Maryland in Liber 13767, folio 599, was granted and conveyed by Beatrice M. Junk, by Ivan Richard Junk, her Attorney-in-Fact unto Sonny Fadeyi, Sole Owner.

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 Vipul B. Varma, Married, as his sole and separate property, his heirs, personal representatives and assigns, in Fee Simple.

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

assurances of the same as may be rec	luisite.	inge the Alli everance pricit totille
WITNESS the hand and seal of said	GRANTOR.	
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CAROL K. LISMAN HOWARD COUNTY, MD NOTARY PUBLIC My Commission Expires 10-1-09	Sonny/Fadeyi /	
	·	-
STATE OF MARYLAND,	Baltimore 1	COUNTY, to wit:
I HEREBY CERTIFY, that o	n this 10 day of	donles, 2005, before
me, the subscriber, a Notary Public o	f the State and County afor	resaid personally appeared Commi
radeyi, bote Owner, the GRANTO	k herem, known to me (c	ir satisfactorily proven) to be the
person whose name is subscribed to Deed to be his act, and in my presence	e signed and sealed the sat	and acknowledged the foregoing
IN WITNESS WHEREOF, I	rereunto set my hand and	official seal.
	MAL	
My commission expires:	Notary Public	
		- <u>i</u>
Vipul B. Varma, party of the second of perjury, that the land conveyed in property and that the residence will be WITNESS:	said Deed is residentially	improved, owner-occupied, real
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THIS IS TO CERTIFY that	the within The d	•••
of the undersigned, an Attorney du	y admitted to practice b	ared by, or under the supervision before the Court of Appeals of
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	David L. Thu	rston, Attorney
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


EXHIBIT NO.