

IN RE: PETITION FOR VARIANCE
W/S of Lodge Farm Road, 732.8 feet N
Of c/l of Blevins Avenue
15th Election District
7th Councilmanic District
(2408 Lodge Farm Road)

Carol Young
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-645-A

* * * * *

IN RE: PETITION FOR VARIANCE
W/S of Lodge Farm Road, 732.8 feet N
Of c/l of Blevins Avenue
15th Election District
7th Councilmanic District
(2410 Lodge Farm Road)

Carol Young
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-646-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Vincent J. Moskunas, Sr., of Site Rite Surveying, Inc., representative for Stephen Thrasher and Kim Greer.

Original Case

These matters originally came before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Carol Young. The Petitioner requested variances relief for properties located at 2408 and 2410 Lodge Farm Road as follows:

Case No. 06-645-A: This property is located at 2408 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations

(B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Case No. 06-646-A: This property is located at 2410 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

The request was denied in an Order issued August 21, 2006 on the basis that the two lots had merged, that the property must go through a resubdivision process, and that "Z" lots were not permitted in DR 2, DR 3.5 and DR 5.5 zones.

Motion for Reconsideration

On September 5, 2006, Vincent J. Moskunas, Sr., of Site Rite Surveying, Inc., filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated August 21, 2006. Mr. Moskunas is seeking reconsideration of that portion of the decision regarding "Z" lots. He met with representatives from the Planning and Zoning Departments. In a letter dated August 31, 2006 to Mr. Moskunas, that Planning Office stated that it does not oppose the zig-zag configuration. He proffers the Zoning Office does not oppose "Z" lots in this situation.

Findings of Fact and Conclusions of Law

I am aware that the Planning Office at times does not oppose "Z" lots considering the alternatives such as panhandle lots as sometimes proposed. I am also aware that the Zoning Office has supported "Z" lots in the past.

However it seems to me that the regulation is quite clear in this regard. Section 303.1 of the BCZR states that

“In D.R.2, D.R.3.5 and D.R.5.5 Zones, ^{EN} the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line,

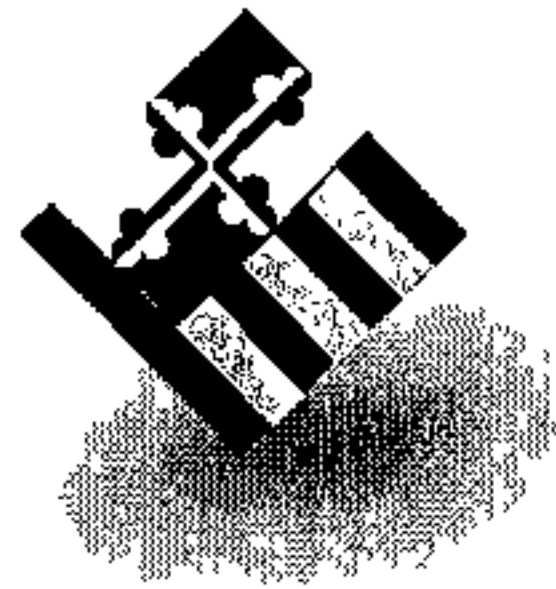
but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones.

In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. [Resolution, November 21, 1956]”

I added the spaces in the above regulation to aid in interpreting the Section. In the first part of Section 303.1, the regulations require averaging setbacks under certain conditions. The word “shall” means what it says and with all respect to the Zoning Office and Planning Office, we must follow the law. The front yard depths must be averaged in these three zones where buildings on adjacent lots are within 200 feet of the joint side property line.

The second section allows a new building to be placed on the lot a minimum of the average of the front yard depths of adjoining properties where there is no building on one side. This is the portion of the regulation which is most often cited by the Planning Office and Zoning Office and frankly most often applies because there are many more zones than the three DR zones listed and/or there are no homes on adjacent properties. This portion allows “Z” lots.

However in the somewhat rare case where the property lies in the three DR zones and there are homes on either side, the front depth setback shall be the average setback as clearly



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 3, 2006

CAROL YOUNG
7708 SEEKFORD ROAD
BALTIMORE MD 21219

Re: Petition for Variance
Order on Motion for Reconsideration
Case No. 06-645-A and 06-646-A
Property: 2408 Lodge Farm Road & 2410 Lodge Farm Road

Dear Ms. Young:

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

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

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Stephen Thrash and Kim Greer, 1034 Nabbs Creek Road, Glen Burnie MD 21060
Vincent Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Towson MD 21286
Lynn Lanham, Section Chief, Office of Planning
W. Carl Richards, Jr., Supervisor, Zoning Review

IN RE: PETITION FOR VARIANCE
W/S of Lodge Farm Road, 732.8 feet N
Of c/l of Blevins Avenue
15th Election District
7th Councilmanic District
(2408 Lodge Farm Road)

Carol Young
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* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
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IN RE: PETITION FOR VARIANCE
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(2410 Lodge Farm Road)

Carol Young
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* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-646-A
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* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Carol Young. The Petitioner is requesting variance relief for properties located at 2408 and 2410 Lodge Farm Road.

Case No. 06-645-A: This property is located at 2408 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Case No. 06-646-A: This property is located at 2410 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations

8-21-06
90-10-6
PZ

(B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

The properties were posted with Notice of Hearing on July 26, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 27, 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 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 letter was received from the Bureau of Development Plans Review dated June 28, 2006, which contains restrictions. A ZAC comment letter was received from the Department of Environmental Protection and

Resource Management dated July 21, 2006 which contains restrictions. A ZAC comment letter was received from the Office of Planning dated July 26, 2006 which contains restrictions. Copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Carol Young, Petitioner, Stephen Thrasher, contract purchaser. Vincent Moskunas with Site Rite Surveying, Inc., prepared the site plan. 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

Testimony and evidence indicated that the subject properties are adjacent lots each containing approximately 10,000 square feet zoned DR 5.5 and improved by a single family home built across the common boundary line between the lots. Mr. Moskunas indicated that the redline changes to Petitioner's exhibit 1, the Plat to Accompany, were made to reflect the ZAC comments from DPDM regarding the right of way for Lodge Farm Road. The wider right of way moves the proposed homes away from the road 5 feet. Mr. Moskunas indicated that the relocated homes would still meet all DR 5.5 setback regulations.

He presented SDAT tax map showing two separate parcels, SDAT data sheets regarding the tax assessment status of the properties, and recent deeds describing title to the properties and letters of support from neighbors who have no objection to the Petitioner razing the existing home and building two new homes on the two lots. See exhibits 2, 3, 4, 5 and 6. He presented extensive photographs of the subject properties and surrounding area with a photograph of the style of the proposed homes to be built.

8-21-06
P3

He noted that the Petitioner could build two homes on the two lots by offsetting the new homes in a "z" lot configuration without variances as shown on exhibit 9 but that this arrangement is not desirable from a planning perspective since the homes would not be aligned along the street.

Finally he presented a Board of Appeals decision in Case No. 05-239-A and 05-240-A which indicates that the small lot table of 1B02.3 C 1 does not apply to these kinds of lots.

Findings of Fact and Conclusions of Law

Mr. Moskunas presented a recent decision from the Board of Appeals in Case No. 05-239-A and 05-240-A which indicates that the small lot table of 1B02.3 C 1 does not apply to these kinds of lots. I understand that this decision is on appeal to the Circuit Court and therefore is not binding on this Commission. I note that literally thousands of variance cases have been decided over many years by this Commission and the Board of Appeals in which the small lot table has been applied. I imagine that if the appellate courts agree with the Board on this matter, the issue will be revisited by legislation.

As I indicated at the hearing, the most striking and persuasive evidence of intent by a prior owner to merge adjacent, commonly owned lots is to build a house across the common property line. This is exactly what a prior owner did in this case. Standing alone building a house across common lot lines would show merger. However in this case there is additional evidence of merger such as the common treatment of both lots as one for tax assessment purposes as shown in the SDAT data sheet and conveyance of both lots in a single deed as shown by the exhibits. There is virtually no evidence the lots have ever been treated separately. I find the lots have merged as described in the case of Remes v Montgomery County 387 Md 52, 874 A 2d 470 (2005). As such according to the Remes Court, there is no

common lot line between the lots which can be varied. Said another way there is only one 100 foot wide lot from a zoning perspective.

In addition as indicated by the Remes decision razing the building bridging the two lots does not unmerge the two lots allowing variances to be granted and two new homes erected. Also see this Commission's decision in Case No. 05-547 et al for a more detailed analysis of the Remes decision and addressing the question of "can you fix it?" To my knowledge neither the Board of Appeals nor appellate courts have modified or overturned this decision.

Therefore I must deny the requested variances.

That said, the Court in the Remes case indicates that the only solution once the lots have merged is to resubdivide the merged lot. The obvious problem is that to end up with two new homes on two resubdivided lots, at least the same variances as requested herein will need to be granted. Perhaps other variances will also be needed because all new regulations apply. In fairness to the Petitioner I want to indicate my concern regarding a second request for variances in this case. It is quite clear from exhibit 7 that the pattern of development of the neighborhood is one house for two 50 foot lots. We have routinely denied variances where the effect of the variance is to change the character of the neighborhood such as building one house on one 50 foot lot while the pattern of development is one house on two 50 foot lots.

Finally exhibit 9 shows two homes can be built on the two lots if the "z" lot configuration is employed. I disagree. Section 303.1 of the BCZR requires that new homes built in DR 2, DR 3.5 and DR 5.5 zones must be built at the average of the front yard depths

of adjoining properties. This is not a minimum dimension but a requirement. "Z" lots are not allowed in these zones.

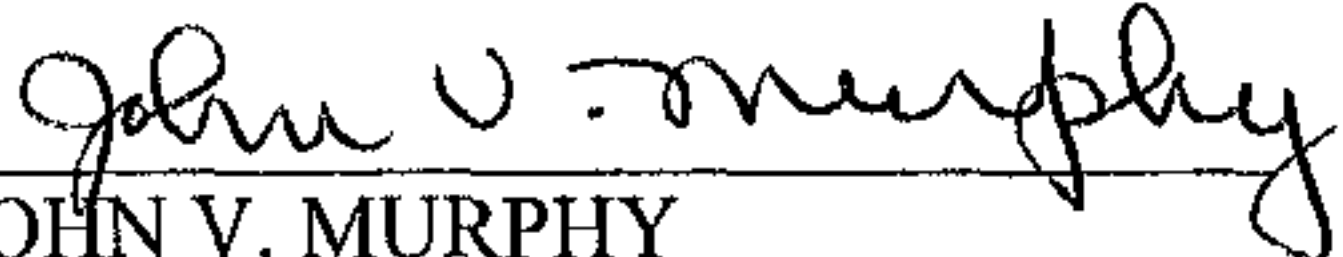
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioner's variance requests should be denied.

THEREFORE, IT IS ORDERED, this 21st day of August, 2006, by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

Case No. 06-645-A: The property is located at 2408 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling is hereby DENIED; and

Case No. 06-646-A: The property is located at 2410 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling is hereby DENIED.

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

8-21-06
90-1-06
B3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 21, 2006

CAROL YOUNG
7708 SEEKFORD ROAD
BALTIMORE MD 21219

Re: Petition for Variance
Case No. 06-645-A and 06-646-A
Property: 2408 Lodge Farm Road & 2410 Lodge Farm Road

Dear Ms. Young:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Stephen Thrash and Kim Greer, 1034 Nabbs Creek Road, Glen Burnie MD 21060
Vincent Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Towson MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2408 LODGE FARM RD.

which is presently zoned DR 5.5

Stone P.B.C.A.

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) 1302.3.C.1 BCZR

To permit a lot width of 50' in lieu of the required 55' for a proposed dwelling,

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

1. EXISTING HOUSE IS STRUCTURAL IN DISREPAIR AND NEEDS TO BE REPAIRED, WOULD BE TOO EXPENSIVE TO REPAIR.
2. OWNERSHIP OF LOT HAS BEEN THE SAME PROPERTY. AREA IS ON A RECORDED PLAT, ENTITLED, "WILLIAM WHITNEY" RECORDED APRIL 10, 1935 #186210 FOLIO 97.
3. THE UNDERSIZE LOT TABLE LINCOLN SECTION 504 AND 1302.3 DOES NOT APPLY IN THIS CASE.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Stephen Thrasher Kim Greer
Name - Type or Print
[Signature] [Signature]
Signature
1034 Nabbs Creek Rd 443
Address 250-3701
Glen Burnie MD 21060
City State Zip Code

Attorney For Petitioner:

Name - Type or Print City

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

CAROL YOUNG
Name - Type or Print
[Signature]
Signature

Name - Type or Print
1108 SEEKFORD RD 410-477-2118
Address Telephone No.
DALTON MD 21219
City State Zip Code

Representative to be Contacted:

SITE RITE SURVEYING, INC.
Name
200 E. TOPPA RD. 410-828-9060
Address Telephone No.
TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

Case No. 06-645-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JF Date 6/15/06

REV 9/15/98

4-2106
[Signature]

**ZONING DESCRIPTION FOR VARIANCE
#2408 LODGE FARM ROAD**

BEGINNING at a point on the west side of Lodge Farm Road which is 30 feet wide at the distance of 732.88 feet north of the centerline of Blevins Avenue which is 30 feet wide. As recorded in deed, Liber 14811, Folio 669 and running thence N7°57'E, 50 feet; thence N82°30'W, 203.67 feet, thence S7°57'W, 50 feet and S82°03'E, 203.67 feet to the PLACE OF BEGINNING, containing 10,183.5 S.F.

Also known as 2408 Lodge Farm Road and located in the 15th Election District, 7th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

645

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE 6-18-86 ACCOUNT 201-10-100-51500

AMOUNT \$ 25.00

RECEIVED FROM: KIM T. WILSON

FOR: 201-10-100-51500 P. 1 P. 1. ITEM # 1015
Pay for Validation

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATE RECEIVED
FILE NUMBER

AMOUNT
TAXES
TOTAL

RECEIVED FROM
DATE
AMOUNT

RECEIVED FROM
DATE
AMOUNT

RECEIVED FROM
DATE
AMOUNT

RECEIVED FROM
DATE
AMOUNT

CASHIER'S VALIDATION

**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: 06-645-A

2408 Lodge Farm Road
West side of Lodge Farm
Road at the distance of
732.8 feet north of the
centerline of Blewins Ave-
nue

15th Election District

7th Councilmanic District

Legal Owner(s): Carol Young

Contract Purchaser:

Stephen Thrasher & Kim Greer

Variance: to permit a lot
width of 50 feet in lieu of
the required 55 feet for a
proposed dwelling.

Hearing: Friday, August
11, 2006 at 9:00 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 accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

7/27/06 Jy27 103224

CERTIFICATE OF PUBLICATION

7/27/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 7/27/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-645-A

Petitioner/Developer: CAROL Yount
STEPHEN THASSEN & KIM GLEER

Date Of Hearing/Closing: 8/11/06

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

Attention:

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
at 2408 LODGE FARM ROAD

This sign(s) were posted on July 26, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 7/26/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

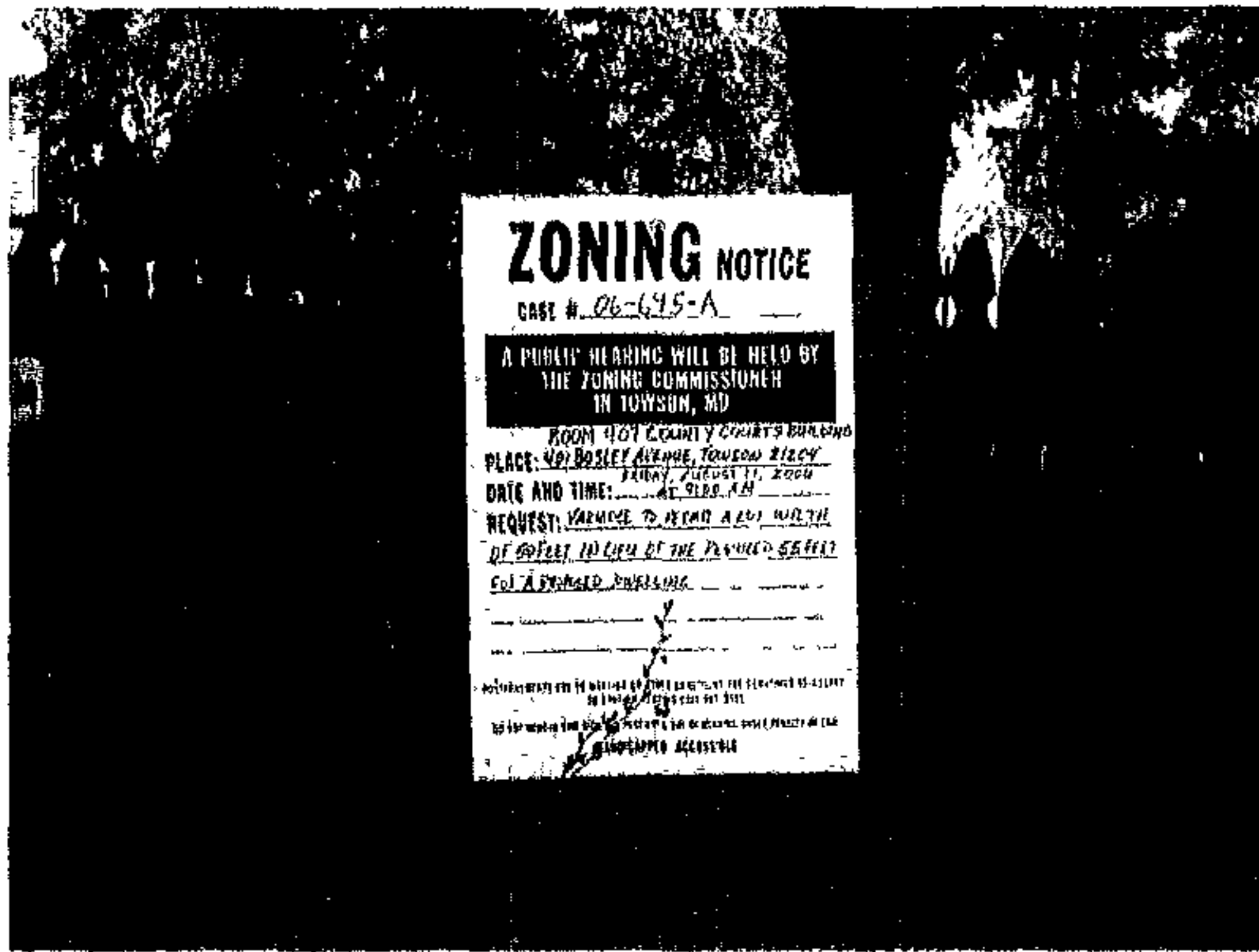
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000745 (1152x864x24b jpeg)



W. J. G. 7/26/06



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 27, 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: 06-645-A

2408 Lodge Farm Road

West side of Lodge Farm Road at the distance of 732.8 feet north of the centerline of Blevins Avenue

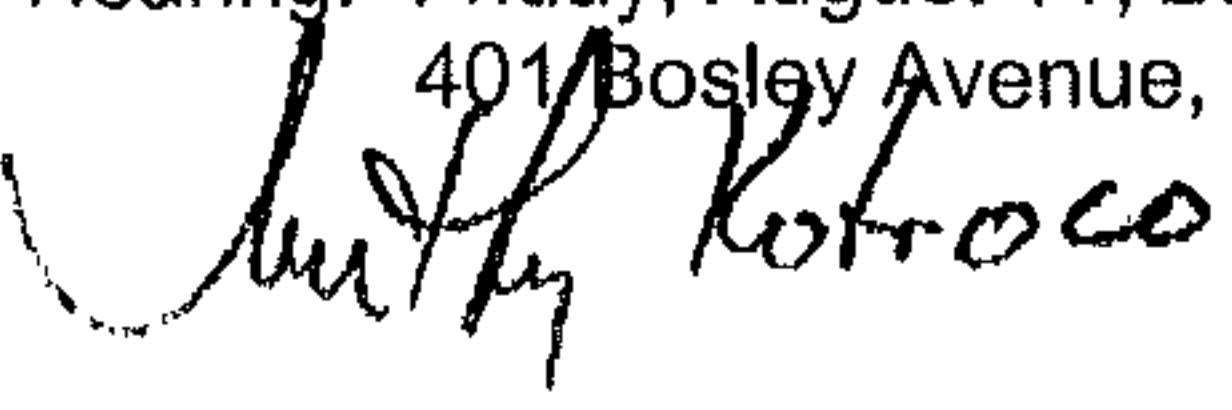
15th Election District – 7th Councilmanic District

Legal Owners: Carol Young

Contract Purchaser: Stephen Thrasher & Kim Greer

Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Hearing: Friday, August 11, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Carol Young, 7708 Seekford Road, Baltimore 21219

Mr. Stephen Thrasher, Ms. Kim Greer, 1034 Nabbs Creek Road, Glen Burnie 21060

Site Rite Surveying, Inc., 200 E. Joppa Road, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 27, 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
Thursday, July 27, 2006 Issue - Jeffersonian

Please forward billing to:
Stephen Thrasher
1034 Nabbs Creek Road
Glen Burnie, MD 21060

443-250-3701

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:

ASE NUMBER: 06-645-A

2408 Lodge Farm Road

West side of Lodge Farm Road at the distance of 732.8 feet north of the centerline of Blevins Avenue

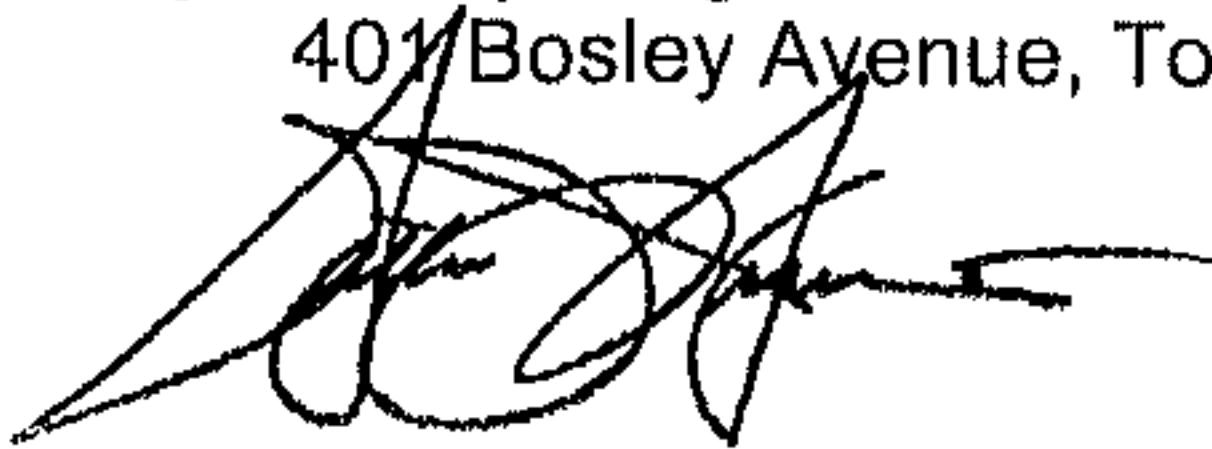
15th Election District -- 7th Councilmanic District

Legal Owners: Carol Young

Contract Purchaser: Stephen Thrasher & Kim Greer

Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Hearing: Friday, August 11, 2006 at 9:00 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

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: OG-645-A

Petitioner: STEPHEN THRASHER

Address or Location: 2408 LODGE FARM ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEPHEN THRASHER

Address: 1034 NABBS CREEK RD.
GLEN BURNIE, MD. 21060

Telephone Number: 443-250-3701



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 1, 2006

Carol Young
7708 Seekford Road
Baltimore, MD 21219

Dear Ms. Young:

RE: Case Number: 06-645-A, 2408 Lodge Farm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Stephen Thrasher Kim Greer 1034 Nabbs Creek Road Glen Burnie 21060
Site Rite Surveying, Inc. 200 E. Joppa Road Towson 21286



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

June 29, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

645

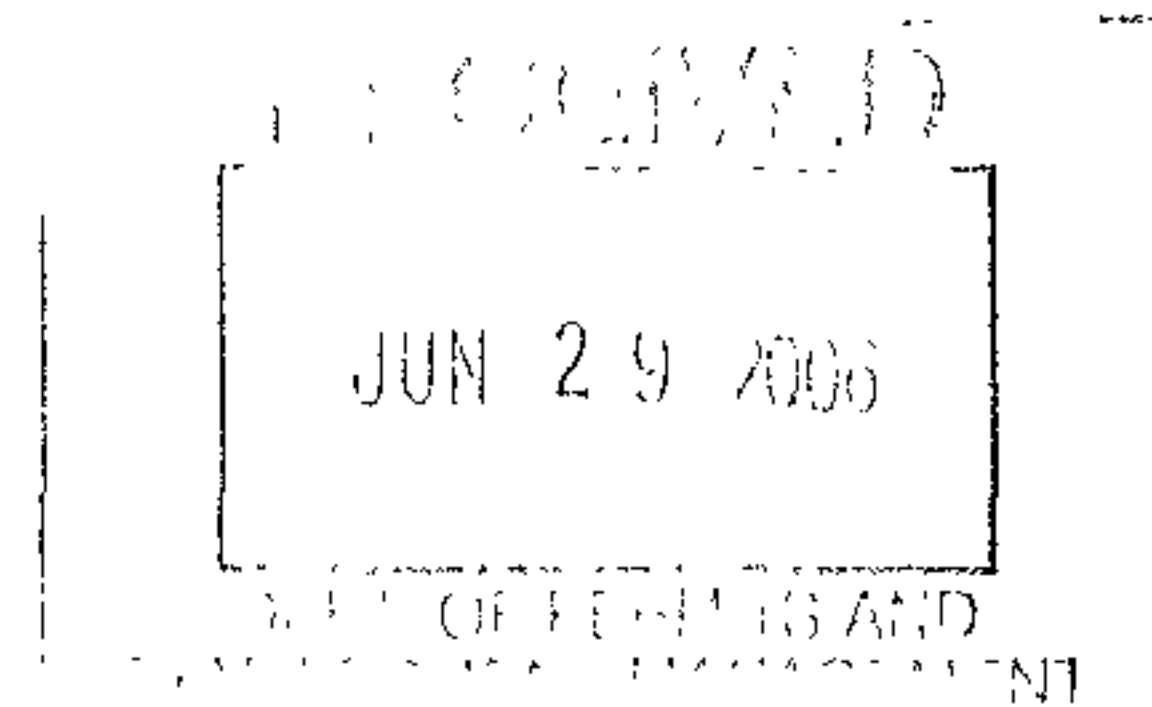
Item Number(s): 644 through 656

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



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



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

Maryland Department of Transportation

Date: 6.27.06

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

RE: Baltimore County
Item No. 645 JRF

Dear Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

NOTE TO THE ZONING COMMISSIONER

Case 06-645-A

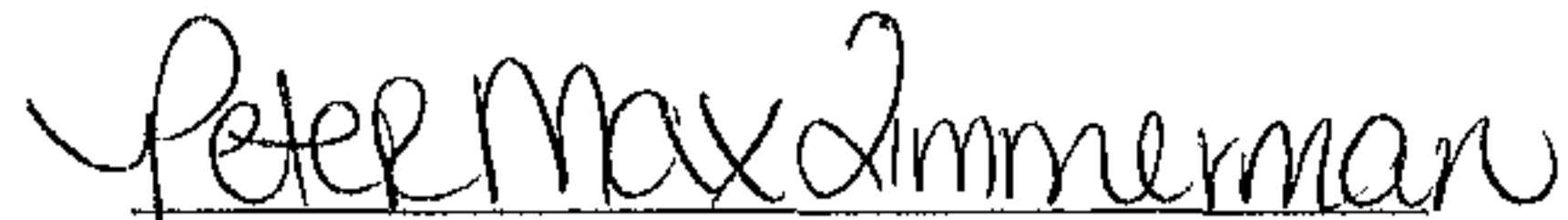
The applicant has been advised about the issue of the merger of these two existing lots since the existing dwelling located in the middle of these two existing lots.

RE: PETITION FOR VARIANCE * BEFORE THE
2408 Lodge Farm Road; W/S Lodge Farm Rd
732.8' N c/line of Blevins Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts
Legal Owner(s): Carol Young * FOR
Contract Purchasers: Stephen Trasher & Kim Greer
Petitioner(s) * BALTIMORE COUNTY
* 06-645-A

* * * * *

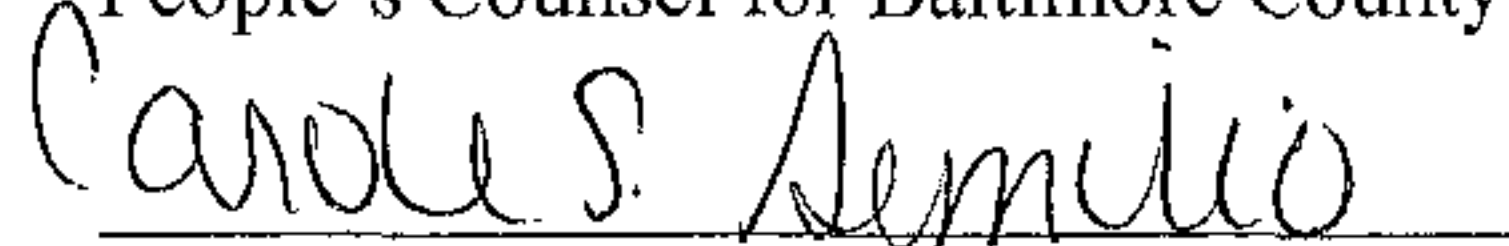
ENTRY OF APPEARANCE

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.



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

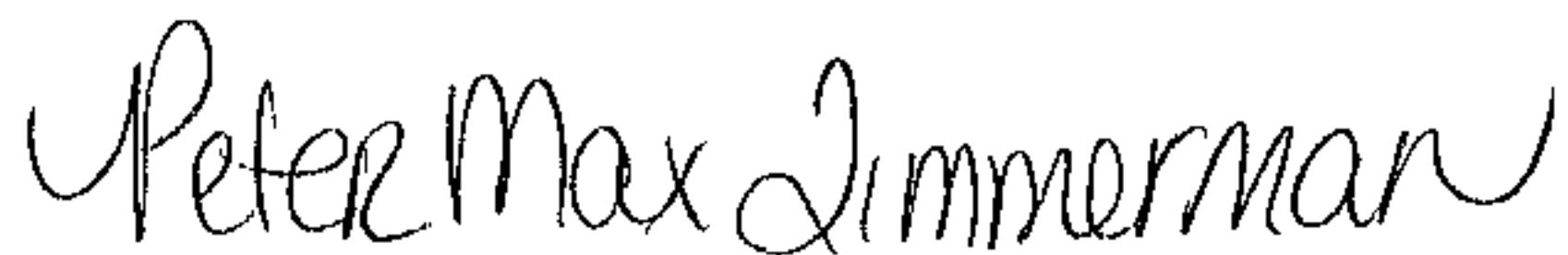
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

JUN 27 2006

Per.....



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Am
8/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-645- Variance (see case 6-646)**

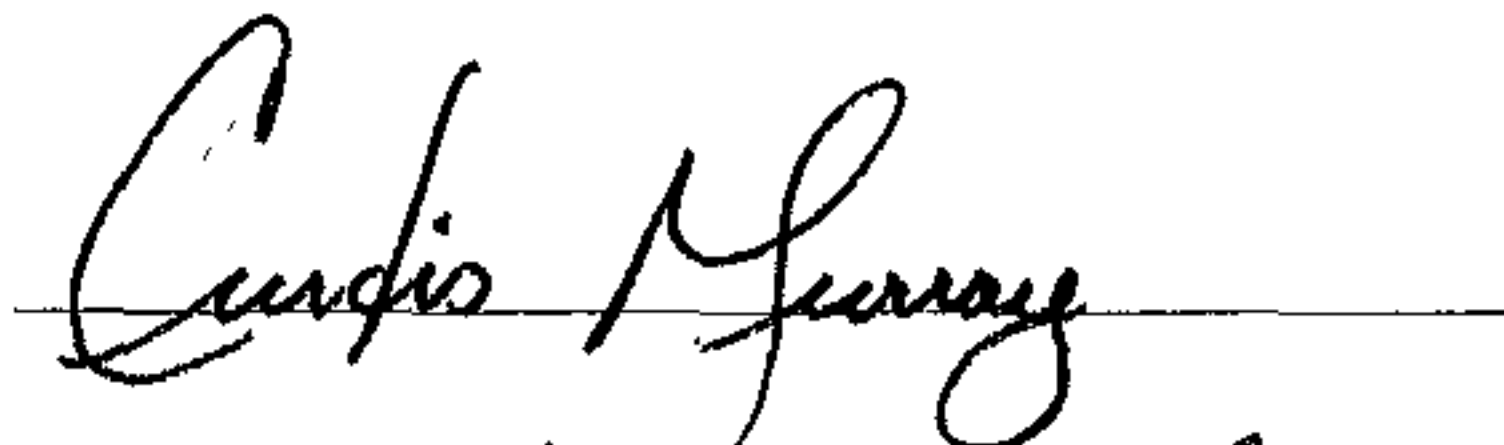
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. There appears to be several existing undersized lots in the neighborhood. The Office of Planning supports the configuration as shown. The alternative of a panhandle or zigzag lot is not within the neighborhood pattern. This configuration is and should be approved subject to the following:

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

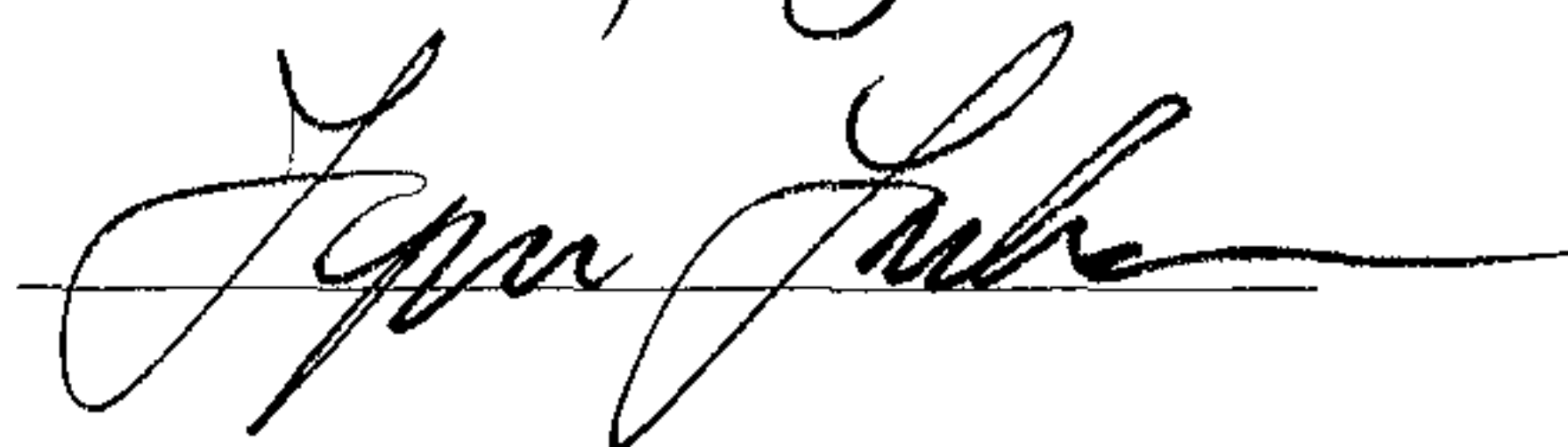
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.

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:



RECEIVED

AUG 02 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: July 21, 2006

SUBJECT: Zoning Item # 06-645-A
Address 2408 Lodge Farm Road
Baltimore, MD 21219

Zoning Advisory Committee Meeting of June 26, 2006

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Limited Development Area of the CBCA. According to the Baltimore County Code Section 33-2-603, total impervious surface area over an entire subdivision may not exceed 15%, and 15% tree cover must be maintained.

Reviewer: Kevin Brittingham

Date: July 13, 2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 28, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 3, 2006
Item No. 645

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

The minimum right-of-way for public roads in Baltimore County is 40-feet. Show the right-of-way for Lodge Farm Road and Xenia Road centered on existing 30-foot right-of-way, adjust the setback respectively.

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 645—06282006.doc

LETTER OF TRANSMITTAL

Site Rite Surveying, Inc.

DIRECT CORRESPONDENCE TO:

**Shell Building, Room 101
200 East Joppa Road
Towson, Maryland 21286
410-828-9060
Fax 410-828-9066**

TO: ZONING COMMISSIONER'S OFFICE

DATE: 9-05-06

SUBJECT: ZONING CASE NOS 06-645-A & 646-A
RECONSIDERATION REQUEST

ATTENTION: MR. JOHN V. MURPHY

OUR FILE: # 9371

WE ARE, ☒ ~~HEREWITH~~ ☐ UNDER SEPERATE COVER, TRANSMITTING VIA, ☒ ~~MESSANGER~~ ☐ U.S. MAIL () THE FOLLOWING:

QUANTITY	DRAWING	DESCRIPTION AND/OR TITLE
1	1	LETTER (PLANNING)
1	1	EXHIBIT "A"
2	2	LETTER

RECEIVED

SEP - 5 2006

ZONING COMMISSIONER

TRANSMITTED AS INDICATED BELOW:

- ☐ PER AGREEMENT
- ☐ PER YOUR REQUEST
- ☐ FOR YOUR INFORMATION
- ☐ FOR APPROVAL
- ☐ FOR COMMENT

- ☐ APPROVED - DWG(S) _____
- ☐ APPROVED AS NOTED - DWG(S) _____
- ☐ RETURNED FOR CORRECTION - DWG(S) _____
- ☐ PLEASE RESUBMIT - DWG(S) _____
- ☐ _____

____ COPY(S) OF _____ SENT TO _____

____ COPY(S) OF _____ SENT TO _____

____ COPY(S) OF _____ SENT TO _____

REMARKS: _____

PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL AS A RECEIPT

VERY TRULY YOURS,
Site Rite Surveying, Inc.

SENT BY: _____

RECEIVED BY: _____

DATE: _____

SITE RITE SURVEYING, INC.

200 East Joppa Road, Suite 101

Towson Maryland 21286

(410) 828-9060

September 5, 2006

Mr. John V. Murphy
Deputy Zoning Commissioner
County Courts Building
402 Bosley Avenue
Suite 405
Towson MD 21204

Re: Reconsideration for Petition Variance
Case No. 06-645-A & 06-646-A
Property: #2408 & #2410 Lodge Farm Rd

Dear Mr. Murphy:

This firm is acting on behalf of our clients, Stephen Thrasher and Kim Greer re the above project. We have had meetings with the Planning and Zoning Departments for the reference projects.

Enclosed you will find a copy of the results of the Planning Department. The findings simply put resulted in the support of the "Z" lot configuration. The Planning Dept. was hoping for approval of the 50 foot lots. As this is not the case, they will support the new configuration.

My meeting with Mr. Richards of the Zoning Department resulted in a decision that if the property meets the Zoning Regulations as to area, width and no variances to side yard, front yard and rear yard that the reconfigured lots could be approved as "Z" lots.

Both the Planning Department and the Zoning Department agreed that the project would have to go before the Development Review Committee for the direction needed to process the project through the County whether by the minor subdivision process or by revising the deeds to reflect the new lot line configuration.

There is no doubt that the lots were merged but the development rights of the lot owner should not be taken away from them. The process, as indicated above for the development of property, is not directed by the status of the improvements on the property but whether or not the area of the deed description of the ownership has the ability to support two (2) lots and it does meet the regulations of the B.C.Z.R.

Mr. John V. Murphy
September 5, 2006
Page 2

As to the Remes' decision. We have no variances to deal with since we are allowed by the Zoning Regulations to have two (2) lots. We are not asking to unmerge the lots as they had previously existed but to record new lots which are allowed under the Development Regulation and to process this property as allowed under the law.

The average front setback in the case has been addressed and in no Section of the B.C.Z.R. does it deny "Z" lots. As indicated in Planning's Revised Comments that this configuration is within the keeping of the neighborhood because of the various setbacks that exist. The regulation simply states to meet the average setback in DR5.5, the maximum is 40 foot (*see enclosed Exhibit "A"*). It does not regulate the location of the second, third or fourth house as long as each meets the requirement of the average setback. This is what counts not that one setback is farther back than the other.

We are not suggesting reconsideration of the 50 foot wide lots sided-by-sided but the reconsideration of the "Z" lot. All the enclosed evidence supports the purchaser's request to further subdivide the ownership into two (2) lots. He will follow the recommendation from the DRC Meeting on how to process the reconfigured lots.

Sincerely,



Vincent J. Moskunas, Sr.
President

VJM/atm
Enclosures

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us



Baltimore County

Arnold F. Pat Keller, III, Director

August 31, 2006

Mr. Vincent Moskunas
Site Rite Surveying, Inc.
200 East Joppa Road
Towson, MD 21286

Re: Case No. 06-645 A and 06-646 A
2408 and 2410 Lodge Farm Road

Dear Mr. Moskunas:

Upon further consideration of your request, while the zig-zag lot line is not a pattern of the neighborhood there is evidence of house variation in setback. The other alternative of a panhandle subdivision as proposed by your office is less desirable, therefore the Office of Planning does not oppose the zig-zag configuration.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Lanham".

Lynn Lanham

LL

EXHIBIT "A"

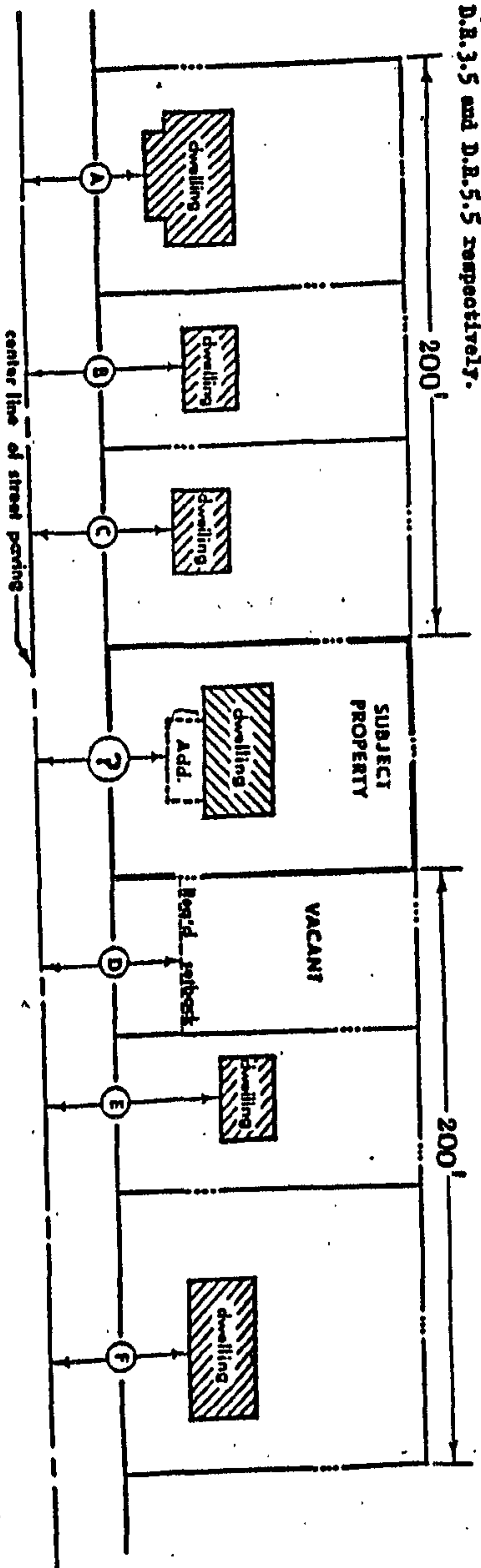
SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILIENCE ZONES
WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED
Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 - In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A _____ Ft.
B _____ Ft.
C _____ Ft.
D _____ Ft.
E _____ Ft.
F _____ Ft.
TOTAL (_____) ÷ (_____) =
of dwellings
REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS
D.R.2 - 65 ft.
D.R.3.5- 55 ft.
D.R.5.5- 50 ft.

applicant's name _____
building address _____
date _____



[illegible][illegible][illegible][illegible]

Section 301
Projections Into Yards
[BCZR 1955]

301.1 Carports or open porches.

- A. If attached to the main building, a carport or a one-story open porch, with or without a roof, may extend into any required yard not more than 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard. Any carport or open porch so extended must be open on three sides. **[Bill Nos. 150-1983; 2-1992]**
- B. Notwithstanding the provisions of Subsection A, open projections in the side yard are permitted in residential large tract subdivisions only in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies. **[Bill No. 2-1992]**

301.2 Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and leaders may extend into any required yard not more than 4 feet, provided that such projections (excepting eaves) are not over 10 feet in length.

301.3 No side and/or rear yard is required for a business or manufacturing use in that portion of any property located in a B.R., M.R., M.L.R., M.L. or M.H. Zone if such side and/or rear line abuts on a railroad right-of-way or siding, to either of which it uses rail access. **[Bill No. 56-1961]**

Section 302
Height and Area Regulations for New
Residences in Business and Manufacturing Zones
[BCZR 1955; Resolution, November 21, 1956]

Residences hereafter erected in business and manufacturing zones shall be governed by all height and area regulations for the predominant residence zone which immediately adjoins, or by D.R.5.5 Zone² regulations if no residence zone immediately adjoins.

Section 303
Front Yard Depths in Residence and Business Zones
[BCZR 1955]

303.1 In D.R.2, D.R.3.5 and D.R.5.5 Zones,³ the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of

² Editor's Note: In this section, the R.6 Zone was redesignated as the D.R.5.5 Zone pursuant to Section 100.3A.

³ Editor's Note: In this section, the R.20, R.10 and R. 6 Zones have been redesignated as D.R.2, D.R.3.5 and D.R.5.5, respectively, pursuant to Section 100.3A.

1B02.3 Special regulations for certain existing developments or subdivisions and for small lots or tracts in D.R. Zones.

A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

X 1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;

X 2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;

X 3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;

X 4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or

X 5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

X C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

WE FALL
UNDER SECT 304.1
ALSO.

WE ARE
NEITHER
A.1 OR A.2

PERTAINS ONLY
TO SUBSECTION
A.3 OR A.4
DOES NOT A.5
CALL

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

VACANT LOTS

4660 0680
3285-212
3249-317

IN THE MATTER OF
THE APPLICATION OF
E & M ENTERPRISES, INC. - PETITIONER
FOR ZONING VARIANCE ON PROPERTY
LOCATED ON THE E/S MARINE AVENUE
346' N C/L SPARROWS POINT ROAD
(2623 MARINE AVE, UNDERSIZED LOT 1)
AND 445' N C/L SPARROWS POINT ROAD
(2623 MARINE AVE, UNDERSIZED LOT 2)

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

- * BEFORE THE 4318-332
- * COUNTY BOARD OF APPEALS
- * OF
- * BALTIMORE COUNTY
- * CASE NO. 05-239-A and
CASE NO. 05-240-A

* * * * *

OPINION

This matter comes on appeal from a decision of the Deputy Zoning Commissioner (DZC) dated January 26, 2005 in which Petitioner's requests for variance from §§ 1B02.3.1, 303.1 and 304 of the *Baltimore County Zoning Regulations* (B.C.Z.R.) for properties located at 2623 Marine Avenue, Lot 1 and 2, in the southeastern area of Baltimore County, to permit homes to be constructed on each lot with a width of 50 feet in lieu of the required 55 feet and 25-foot front yard setback in lieu of the required front yard average of 30.75 feet, which relief was DENIED. The Board of Appeals for Baltimore County held *de novo* hearings on August 17, 2005 and November 22, 2005, and public deliberation was held on January 5, 2006. The Petitioner, F&M Enterprises Inc., was represented by Arnold Jablon, Esquire. Protestant Thomas Nelson appeared *pro se*.

Facts

In opening statements, Mr. Jablon withdrew Petitioner's request for the setback variance relief. He stated that the Petitioner would comply with the existing setback requirements. As to the remaining request for 50-foot wide lot in lieu of 55 feet, he stated that the "small lot table" under §§

504 and 1B02.3 does not apply in this case.

The subject property is in an area described as "Sparrows Point Manor" and F & M Enterprises, Inc., (F & M) has been the owner of the property since the 1930's. The subject property consists of five (5) 20-foot lots that were platted and recorded in the Baltimore County Land Records in 1921 as a single area built to support the manufacturing companies in the area. They were never approved by the Baltimore County Planning Board or the Baltimore County Planning Commission as neither existed at the time this land was platted and recorded. Additionally, the houses in this area were built prior to the *Baltimore County Zoning Regulations* that came into effect in 1955.

Testimony

Petitioner Mike Narutowicz, co-owner of F & M Enterprises, testified that he is a third generation co-owner of F & M and the legal owner of the five 20-foot lots in question (Petitioner's Exhibit 1). Mr. Narutowicz stated that they (F & M) are proposing to build two single-family homes on these lots, which are located in an extremely diverse section of Baltimore County, with numerous commercial sites in the nearby area (Petitioner's Exhibit 3A-R.).

Under cross-examination, Mr. Narutowicz was questioned about the ownership dates as well as Protestant's Exhibit 1 (deed indicating purchase in 1940). Mr. Thomas, a neighbor to this site, appearing *pro se*, questioned the Petitioner about financial hardships and profits if F & M were unable to build the properties as requested and about other F & M holdings in the area. The witness testified to owning 40 to 45 houses in the area and conceded that *variance relief had been* requested and denied by Baltimore County in the past on this property. **Mr. Thomas questioned** him about the uniqueness of the properties in the area and the witness **responded that they "were**

not substantially" different and that there were "no real differences" from other properties in the area. Mr. Thomas inquired as to the effect the proposed houses would have on the area. The witness replied it was his belief that they would actually improve the area.

Upon redirect, Mr. Jablon submitted Petitioner's Exhibit 4A-B which contained names of property owners in the area collected by the Petitioner in support of the relief requested. Although Mr. Nelson raised questions on the record as to the substance and manner in which the exhibit was collected; the Board accepted the exhibit.

Paul Lee, a civil engineer, was recognized and accepted as an "expert witness" on land use and zoning. He testified that he is familiar with the property, which is zoned D.R. 5.5, the surrounding zoning classifications, and the proposed plan. He stated that the area known as "Sparrows Point Manor" was platted in 1921 and has mixed zoning classifications, including D.R. 5.5, B.L. and R.O. He maintained that the different types of zoning classifications on the properties render this area "unique." The witness testified there were 43 houses in the area on 40-foot wide lots and some on 60- and 80-foot wide lots. He testified that the intent at the beginning of the development was to construct as many residences as possible in the area of the Sparrows Point plant to permit workers to live near their work. Mr. Lee testified that the density of home development that resulted rendered this area "unique." The witness noted that this platted area of record was not approved by the Baltimore County Planning Board or the Baltimore County Planning Commission as they did not exist at that time. Mr. Lee observed that the 55-foot width requirement was imposed by the zoning regulations that were adopted in 1955; and, therefore, as a practical result by virtue of the new regulations, the subject lots were rendered non-compliant immediately upon the adoption of the regulations. Additionally, he testified as to his belief that

the "small lot table" under § 1B02.3.A5, B and C does not apply here and is not applicable to the proposed development.

Mr. Lee also presented his belief that the subject site was unique. He testified that any house which would be larger would be out of character with the area; and further stated that this development would not impair the public interest or the land and that public health, safety and welfare would be maintained.

Protestant Nelson, testifying on his own behalf, contradicted Petitioner's claim of uniqueness and questioned the validity of Petitioner's Exhibit 4A-B (names of neighbors submitted in support of requested relief). He also cited the fact that Baltimore County had previously denied variance requests and that there was no financial hardship to F & M Enterprises in building one house versus two.

Applicable Law

In reviewing this matter the parties have presented § 1B02.3 which states in part:

A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in

accordance with the maximum permitted density in the D.R. Zone in which such tract is located;

4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or

5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table [table not included here].

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section , 1B01.3.A.7.

Decision

In view of Mr. Jablons' withdrawal of the requested variance, we need not consider the statutes and case law relating to the granting or denial of variances.

Under subsection A.5 of the applicable zoning section the subject lots are in single

ownership with in a duly recorded subdivision plat, and were not approved by the Baltimore County Planning Board or Planning Commission. Subsection B of 1B02.3 states in part:

Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefore, Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

Subsection C states,

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the following table (table not included here).

Subsection A.5, which accurately describes the subject sites, is specifically not included in subsection C. The intent of the legislation is clearly that those properties described by subsection A.5 were not subject to the table in subsection C.

As a result, the properties described in subsection A.5 are clearly exempted from the width requirements of the table.

Therefore, the Board unanimously finds that, based upon the above, Petitioner's request to construct two houses on lots with a width of 50 feet in lieu of the required 55 feet is granted.

ORDER

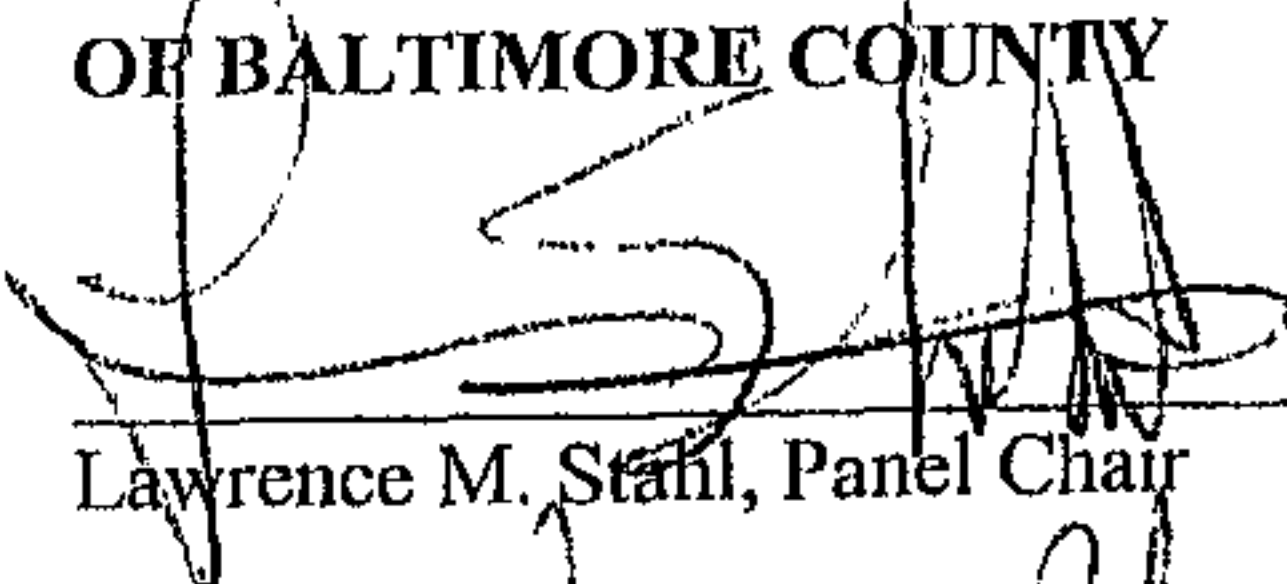
THEREFORE, IT IS THIS 17th day of April, 2006 by the County

Board of Appeals of Baltimore County

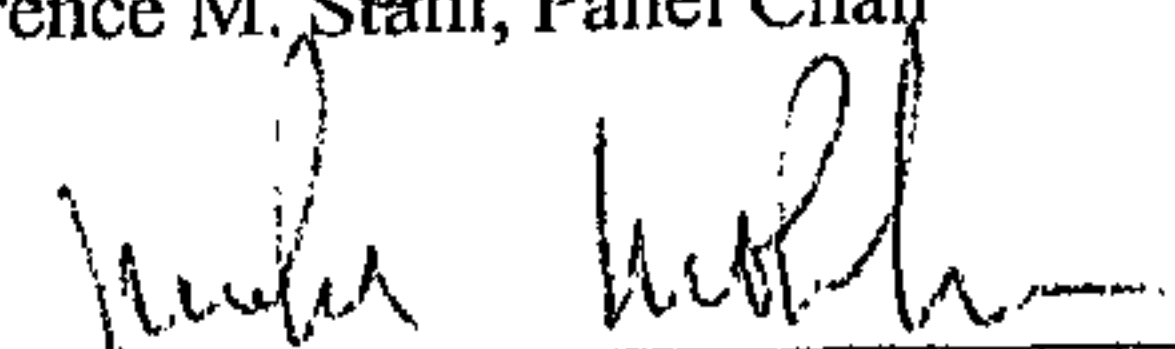
ORDERED that Petitioner's request to construct two houses on lots with a width of 50 feet in lieu of the required 55 feet be and the same is hereby **GRANTED**.

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

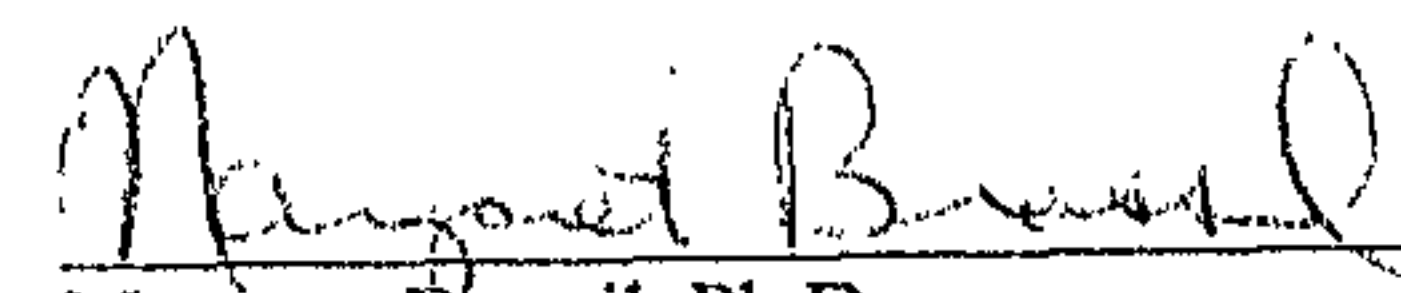
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Panel Chair



Mike Mohler



Margaret Brassil, Ph.D.

2 LOTS, 2408 & 2410

LIBER 6450 PAGE 433

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
CLERK 11/31/82
PAID

This Deed, MADE THIS 27th day of October

by and between

In the year one thousand nine hundred and Eighty-Two

EUNICE H. ELLENBERGER, By BOBBY WAYNE CAMPBELL, Attorney in Fact,

of BALTIMORE COUNTY, STATE OF MARYLAND, party

of the first part, and

WILLIAM B. MADDOX, SR. and EDNA L. MADDOX, his wife, parties

D RC/F 14.00

D T TX 310.00

D DOCS 310.00

of the second part.

DEED 0 W

EHK JR T 634.00

11/31/82 0002 R02 T09103

11/04/82

WITNESSETH, That in consideration of the sum of SIXTY-TWO THOUSAND AND 00/100THS (\$62,000.00) DOLLARS, and other good and valuable considerations, the receipt

whereof is hereby acknowledged,

the said party of the first part

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE

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, all

that lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND,

and described as follows, that is to say:

BEGINNING FOR THE FIRST on the west side of Lodge Farm Road at the distance of 717.88 feet northerly from the northwest corner of Lodge Farm Road and Blevins Avenue; and running thence binding on the west side of Lodge Farm Road North 7 degrees 57 minutes East 50 feet to the division line between Lots J-2 and J-1, Plat of the property of John W. Hinson, hereinafter referred to; thence leaving Lodge Farm Road binding on the division line between said lots North 82 degrees 03 minutes West 203.67 feet to the center of Xenia Road proposed 30 feet wide; thence running and binding on the center of Xenia Road South 7 degrees 57 minutes West 50 feet; and thence running South 82 degrees 03 minutes East 203.67 feet to the place of beginning. Being a part of Lot J-2 as shown on the Plat of the property of John W. Hinson, dated April 10, 1935 and recorded among the Land Records of Baltimore County in Plat Book LMCLM No. 10, folio 97.

BEGINNING FOR THE SECOND on the northwest side of Lodge Farm Road 30 feet wide as shown on the Plat of the property of John W. Hinson, dated April 10, 1935, recorded among the Land Records of Baltimore County in Plat Book LMCLM No. 10, folio 97, said place of beginning also being the beginning point described in a Deed from Cora A. Hinson Dunn, widow, to James T. Hairston, dated April 6, 1951, recorded among the Land Records of Baltimore County in Liber GLB No. 1988, folio 266, etc; running thence along the northwest side of Lodge Farm Road South 07 degrees 57 minutes West 50 feet to the dividing line between Lots Nos. J-1 and J-2 as shown on the above-mentioned plat; running thence binding on said dividing line North 82 degrees 03 minutes West 188.67 feet to the southeast side of Xenia Road 30 feet wide as shown on the afore-mentioned plat; running thence along the southeast side of that road North 07 degrees 57 minutes East 50 feet and to the end of the South 07 degrees 57 minutes West 50-foot line as described in the above-mentioned Deed; running thence binding on that Deed and parallel with the second line of the parcel being described herein, South 82 degrees 03 minutes East 188.67 feet to the place of beginning. Containing 0.217 acre of land, more or less.

The improvements thereon being known as 2408-10 Lodge Farm Road.

BEING the second and third lots of ground which by Deed dated February 27, 1981 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 6265 folio 220 was granted and conveyed by Eunice H. Ellenberger unto Eunice H. Ellenberger wherein the said Eunice H. Ellenberger retained a Life Estate with full powers of sale and disposition. The said EUNICE H. ELLENBERGER is acting pursuant to powers and authority as contained in the above mentioned Deed.

3 LOTS
2406, 2408 & 2410

THIS DEED, Made this *27th* day of *February*, 1981, by and between EUNICE H. ELLENBERGER, of Baltimore County, in the State of Maryland, of the first part, and EUNICE H. ELLENBERGER, of the second part.

WITNESSETH: That for no consideration, the said Eunice H. Ellenberger doth grant and convey unto herself, Eunice H. Ellenberger, for and during the term of her natural life, with powers of disposition as hereinafter provided, and from and immediately after the death of Eunice H. Ellenberger, as to so much thereof or any interest therein as may not have been disposed of by her under the powers hereinafter set forth, unto her sons, *Billie R. Campbell* and *Bobby W. Campbell*, their personal representatives and assigns, in fee simple, as tenants in common, unto each a one-half undivided interest in and to all those three parcels of ground situate, lying and being in the 15th Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING FOR THE FIRST on the west side of Lodge Farm Road at the distance of 667.88 feet northerly from the northwest corner of Lodge Farm Road and Blevins Avenue; and running thence binding on the west side of Lodge Farm Road North 7 degrees 57 minutes East 50 feet to a point 50 feet south of the division lines between Lots J-2 and J-1, as laid out in the Plat filed in the case of Cora A. Hinson vs. Mary S. Cremen, et al., said Plat being recorded among the Land Records of Baltimore County in Plat Book LMCLM No. 10, folio 97; thence leaving Lodge Farm Road for three new division lines through the land of Mary S. Cremen as follows: North 82 degrees 3 minutes West 203.67 feet to the center of Xenia Road proposed 30 feet wide; thence running and binding on the center of Xenia Road South 7 degrees 57 minutes West 50 feet; and thence running South 82 degrees 3 minutes East 203.67 feet to the place of beginning. The improvements thereon being known as 2406 Lodge Farm Road.

BEGINNING FOR THE SECOND on the west side of Lodge Farm Road at the distance of 717.88 feet northerly from the northwest corner of Lodge Farm Road and Blevins Avenue; and running thence binding on the west side of Lodge Farm Road North 7 degrees 57 minutes East 50 feet to the division line between Lots J-2 and J-1, Plat of the property of John W. Hinson, hereinafter referred to; thence leaving Lodge Farm Road binding on the division line between said lots North 82 degrees 03 minutes West 203.67 feet to the center of Xenia Road proposed 30 feet wide; thence running and binding on the center of Xenia Road South 7 degrees 57 minutes West 50 feet; and thence running South 82 degrees 03 minutes East 203.67 feet to the place of beginning. Being a part of Lot J-2 as shown on the Plat of the property of John W. Hinson, dated April 10, 1935 and recorded among the Land Records of Baltimore County in Plat Book LMCLM No. 10, folio 97.

BEING the same two lots of ground which, by Deed dated November 27, 1959 and recorded among the Land Records of Baltimore County in Liber WJR No. 3649, folio 317, were granted and conveyed by The Combine Holding Company to Marlin I. Ellenberger and Eunice H. Ellenberger, his wife, the said Marlin I. Ellenberger having departed this life on the 19th day of November, 1980, in Sussex County, State of Delaware.

TRANSFER TAX NOT REQUIRED
RECORDED IN 3.8.81

BALTIMORE COUNTY, MARYLAND

Billie R. Campbell
NOTARY PUBLIC

3-4-81

BEGINNING FOR THE THIRD on the northwest side of Lodge Farm Road 30 feet wide as shown on the Plat of the property of John W. Hinson, dated April 10, 1935, recorded among the Land Records of Baltimore County in Plat Book LMCLM No. 10, folio 97, said place of beginning also being the beginning point described in a Deed from Cora A. Hinson Dunn, widow, to James T. Hairston, dated April 6, 1951, recorded among the Land Records of Baltimore County in Liber GLB No. 1988, folio 266, etc.; running thence along the northwest side of Lodge Farm Road South 07 degrees 57 minutes West 50 feet to the dividing line between Lots Nos. J-1 and J-2 as shown on the above-mentioned plat; running thence binding on said dividing line North 82 degrees 03 minutes West 188.67 feet to the south-east side of Xenia Road 30 feet wide as shown on the aforementioned plat; running thence along the southeast side of that road North 07 degrees 57 minutes East 50 feet and to the end of the South 07 degrees 57 minutes West 50-foot line as described in the above-mentioned Deed; running thence binding on that Deed and parallel with the second line of the parcel being described herein, South 82 degrees 03 minutes East 188.67 feet to the place of beginning. Containing 0.217 acre of land, more or less. The improvements thereon being known as 2410 Lodge Farm Road.

BEING the same lot of ground which, by Deed dated June 22, 1964 and recorded among the Land Records of Baltimore County in Liber RRG No. 4318, folio 332, was granted and conveyed by Pet W. Mahoney to the said Marlin I. Ellenberger and Eunice H. Ellenberger, his wife; and, as above set forth, the said Marlin I. Ellenberger departed this life on the 19th day of November, 1980, in Sussex County, State of Delaware, thereby vesting fee-simple absolute title in the said Eunice H. Ellenberger.

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.

TO HAVE AND TO HOLD the said parcels of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said Eunice H. Ellenberger, for and during the term of her natural life, with full power during her lifetime, however, to grant, convey, sell, mortgage, lease, or in any other manner dispose of or encumber the whole or any part of or interest in said property in any manner whatsoever (except, however, the power of disposition thereof by Last Will and Testament) without the consent or joinder of the remaindermen or any one else, and the proceeds of any sale or sales thereof, or money borrowed and secured by any mortgage thereof, to take and expend or dispose of in any manner that she may wish, or to consume for her own purposes without obligation on the part of the purchaser, mortgagee, lessee, assignee or grantee to see to the application of the money so borrowed or any money which may be the proceeds of

This Deed, Made this 27th day of NOVEMBER.

In the year one thousand nine hundred and fifty-nine, by and between MARLIN I. ELLENBERGER and EUNICE H. ELLENBERGER, formerly EUNICE H. CAMPBELL, his wife, of Baltimore County in the State of Maryland, of the first part, and THE COMBINE HOLDING COMPANY, a body corporate, duly incorporated under and by virtue of the laws of the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, receipt of which is hereby acknowledged, the said Marlin I. Ellenberger and Eunice H. Ellenberger, formerly Eunice H. Campbell, his wife, do grant and convey unto the said Combine Holding Company, its successors

~~here~~ and assigns, in fee simple, all those lots of the ground, situate, lying and being in Baltimore County, aforesaid, and described as follows, that is to say:--

Beginning for the first on the west side of Lodge Farm Road at the distance of 717.88 feet northerly from the northwest corner of Lodge Farm Road and Blevins Avenue and running thence binding on the west side of Lodge Farm Road North 7 degrees 57 minutes East 50 feet to the division line between Lots J-2 and J-1, Plat of the property of John W. Hinson, hereinafter referred to, thence leaving Lodge Farm Road binding on the division line between said lots North 82 degrees 03 minutes West 203.67 feet to the center of Xenia Road proposed 30 feet wide thence running and binding on the center of Xenia Road South 7 degrees 57 minutes West 50 feet and thence running South 82 degrees 03 minutes East 203.67 feet to the place of beginning. Being a part of Lot J-2 as shown on the Plat of the property of John W. Hinson, dated April 10, 1935 and recorded among the Land Records of Baltimore County in Plat Book LMOIM No. 10, folio 97.

2408

BEING the same lot of ground which, by Deed of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto, was conveyed by Mary N. Weeks unto the Grantors herein.

BEGINNING FOR THE SECOND on the west side of Lodge Farm Road at the distance of 667.88 feet northerly from the northwest corner of Lodge Farm Road and Blevins Avenue and running thence binding on the west side of Lodge Farm Road North 7 degrees 57 minutes East 50 feet to a point 50 feet south of the division lines between Lots J-2 and J-1, as laid out in the Plat filed in the case of Cora A. Hinson vs. Mary S. Cremen, et al, said Plat being recorded among the Land Records of Baltimore County in Plat Book LMOIM No. 10, folio 97, thence leaving Lodge Farm Road for 3 new division lines through the land of Mary S. Cremen as follows: North 82 degrees 3 minutes West 203.67 feet to the center of Xenia Road proposed 30 feet wide,

thence running and binding on the center of Xenia Road South 7 degrees 57 minutes West 50 feet and thence running South 82 degrees 3 minutes East 203.67 feet to the place of beginning. The improvements thereon being known as 2406 Lodge Farm Road.

BEING the same lot of ground which, by Deed dated December 9, 1957 and recorded among the Land Records of Baltimore County in Liber GLE No. 3285, folio 212, was conveyed by Captain F. Rogers and wife unto Eunice H. Campbell, the said Eunice H. Campbell having since intermarried with Marlin I. Ellenberger.



This Deed,

Made this

9th

day of

December

in the year one thousand nine hundred and fifty-seven, by and between

CAPTAIN F. ROGERS and DONIE E. ROGERS, his wife

BALTIMORE
of Baltimore County

in the State of Maryland, of the first part, and

EUNICE H. CAMPBELL of Baltimore County, in the State of Maryland

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged the said parties of the first part

do grant and convey unto the said Eunice H. Campbell, her

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in 15th Elec. Dist. of Balto. County, aforesaid, and described as follows, that is to say:—

Beginning for the same on the west side of Lodge Farm Road at the distance of 667.88 feet northerly from the northwest corner of Lodge Farm Road and Blevins Avenue and running thence binding on the west side of Lodge Farm Road north 7 degrees 57 minutes, east 80 feet to a point 50 feet south of the division lines between lots J-2 and J-1, as laid out in the Plat filed in the case of Cora A. Hinson vs. Mary S. Cremen, et al, said Plat being recorded among the Land Records of Baltimore County in Plat Book L.McL.M. No. 10, folio 97, thence leaving Lodge Farm Road for 3 new division lines through the land of said Grantors as follows: north 82 degrees 3 minutes west 203.67 feet to the center of Xenia Road proposed 30 feet wide, thence running and binding on the center of Xenia Road south 7 degrees 57 minutes west 50 feet and thence running south 82 degrees 3 minutes east 203.67 feet to the place of beginning. 2406

Being part of land allotted to Mary S. Cremen by the Circuit Court of Baltimore County in the case of Cora A. Hinson vs. Mary S. Cremen, et al, Equity Docket L.McL.M. No. 35-13 and recorded in Judicial Liber CWBJr. 404-87, as shown and designated on a plat of said property recorded in the above-entitled case, and being part of the parcel therein designated as "J2" on said plat, Plat also recorded among the Plat Records of Baltimore County in Plat Book L.McL.M. No. 10, folio 97. The improvements thereon being known as 2406 Lodge Farm Road.

BEING the same lot of ground which by Deed dated June 6, 1953 and recorded among the Land Records of Baltimore County in Liber GLB No. 2304 folio 82, was granted and conveyed by Mary S. Cremen to Captain F. Rogers and Donie E. Rogers, the Grantors herein.

...the right of the said grantors to the property hereinafter mentioned and the same to be conveyed to the said grantee with the appurtenances and advantages thereunto in anywise appertaining and to the proper use and behoof of the said grantee.

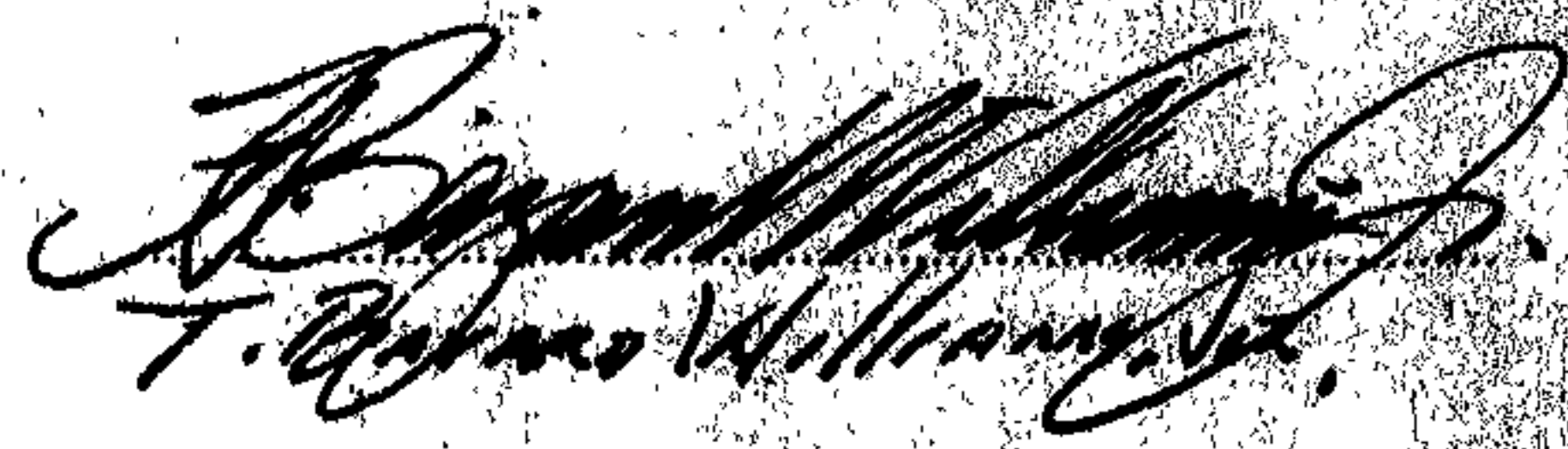
To Have and to hold the above premises unto the said grantee and his heirs and assigns forever with the appurtenances and advantages thereunto in anywise appertaining and to the proper use and behoof of the said grantee.

Eunice H. Campbell, his wife

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

Witness the hands and seals of said grantors.

TEST:

	}	 (SEAL) Captain F. Rogers
		 (SEAL) Donie E. Rogers

STATE OF MARYLAND, *CITY OF BALTIMORE*, to wit:

I HEREBY CERTIFY, That on this *9th* day of *December* in the year one thousand nine hundred and *fifty-seven*, before me, the subscriber, a Notary Public of the State of Maryland, in and for *Baltimore County* aforesaid, personally appeared *CAPTAIN F. ROGERS and DONIE E. ROGERS, his wife*

the above named grantor, and they acknowledged the foregoing Deed to be their act and deed.

As Witness my hand and Notarial Seal.



MARYLAND COMMERCIAL TITLE COMPANY
22 LIGHT STREET - SUITE 450
BALTIMORE, MARYLAND 21202

0014811 669

②

MC-3041
NG
2408 Lodge Farm Road

DEED

THIS DEED, made this 27th day of May, 1999, by and between **OCWEN FEDERAL BANK F.S.B.**, party of the first part; and **CAROL M. YOUNG**, party of the second part.

WITNESSETH, That in consideration of \$5.00 and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the actual monetary consideration as certified by the parties hereto being ONE HUNDRED FIFTEEN THOUSAND AND 00/100's DOLLARS (\$115,000.00), the said party of the first part, does hereby grant and convey unto the said party of the second part, as sole owner, her personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland and described in exhibit "A" attached hereto and made a part hereof.

SEE EXHIBIT "A" ATTACHED HERETO

BEING the same lot or parcel of ground which by Deed dated May 26, 1999 and recorded, or intended to be recorded immediately prior hereto, among the Land Records of Baltimore County, Maryland from Howard N. Bierman, Jacob Geesing and Kenya D. McRae, Substitute Trustees unto Ocwen Federal Bank FSB, the grantor herein.

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

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

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

AND the said party of the first part hereby certifies that the within transaction is not a transaction involving the sale or transfer of all or substantially all of the assets of the within grantor.

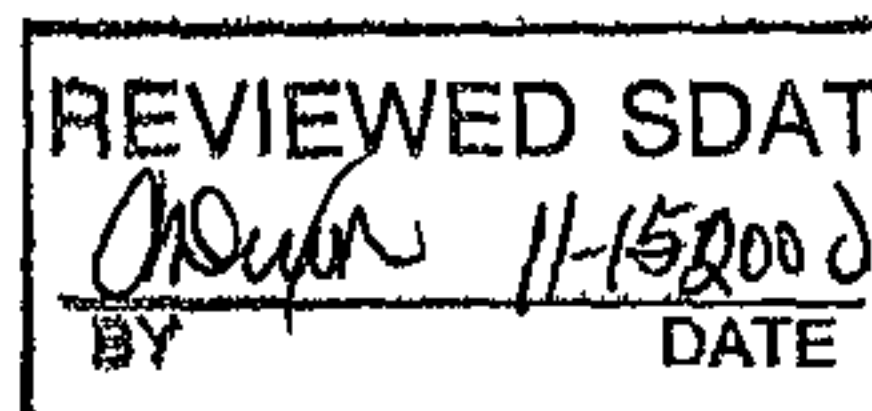


EXHIBIT A

BEGINNING FOR THE FIRST ON THE WEST SIDE OF LODGE FARM ROAD AT THE DISTANCE OF 717.88 FEET NORTHERLY FROM THE NORTHWEST CORNER OF LODGE FARM ROAD AND BLEVINS AVENUE; AND RUNNING THENCE BINDING ON THE WEST SIDE OF LODGE FARM ROAD NORTH 7 DEGREES 57 MINUTES EAST 50 FEET TO THE DIVISION LINE BETWEEN LOTS J-2 AND J-1, PLAT OF THE PROPERTY OF JOHN W. HINSON, HEREINAFTER REFERRED TO; THENCE LEAVING LODGE FARM ROAD BINDING ON THE DIVISION LINE BETWEEN SAID LOTS NORTH 82 DEGREES 03 MINUTES WEST 203.67 FEET TO THE CENTER OF XENIA ROAD PROPOSED 30 FEET WIDE; THENCE RUNNING AND BINDING ON THE CENTER OF XENIA ROAD SOUTH 7 DEGREES 57 MINUTES WEST 50 FEET; AND THENCE RUNNING SOUTH 82 DEGREES 03 MINUTES EAST 203.67 FEET TO THE PLACE OF BEGINNING. BEING A PART OF LOT J-2 AS SHOWN ON THE PLAT OF THE PROPERTY OF JOHN W. HINSON, DATED APRIL 10, 1935 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK LMCLM NO. 10, FOLIO 97.

#2408

BEGINNING FOR THE SECOND ON THE NORTHWEST SIDE OF LODGE FARM ROAD 30 FEET WIDE AS SHOWN ON THE PLAT OF THE PROPERTY OF JOHN W. HINSON, DATED APRIL 10, 1935, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK LMCLM NO. 10, FOLIO 97, SAID PLACE OF BEGINNING ALSO BEING THE BEGINNING POINT DESCRIBED IN A DEED FROM CORA A. HINSON DUNN, WIDOW, TO JAMES T. HAIRSTON, DATED APRIL 6, 1951, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER GLB NO. 1948, FOLIO 266, ETC; RUNNING THENCE ALONG THE NORTHWEST SIDE OF LODGE FARM ROAD SOUTH 07 DEGREES 57 MINUTES WEST 50 FEET TO THE DIVIDING LINE BETWEEN LOTS NOS. J-1 AND J-2 AS SHOWN ON THE ABOVE-MENTIONED PLAT; RUNNING THENCE BINDING ON SAID DIVIDING LINE NORTH 82 DEGREES 03 MINUTES WEST 188.67 FEET TO THE SOUTHEAST SIDE OF XENIA ROAD 30 FEET WIDE AS SHOWN ON THE AFOREMENTIONED PLAT; RUNNING THENCE ALONG THE SOUTHEAST SIDE OF THAT ROAD NORTH 07 DEGREES 57 MINUTES EAST 50 FEET AND TO THE END OF THE SOUTH 07 DEGREES 57 MINUTES WEST 50-FOOT LINE AS DESCRIBED IN THE ABOVE MENTIONED DEED; RUNNING THENCE BINDING ON THAT DEED AND PARALLEL WITH THE SECOND LINE OF THE PARCEL BEING DESCRIBED HEREIN, SOUTH 82 DEGREES 03 MINUTES EAST 188.67 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.217 ACRE OF LAND, MORE OR LESS.

#2410.

THE IMPROVEMENTS THEREON BEING KNOWN AS 2408-10 LODGE FARM ROAD.

BEING the same property which by Deed dated October 27, 1982 and recorded among the Land Records of Baltimore County in Liber 6450 folio 433 was granted and conveyed by Eunice H. Ellenberger, by Bobby Wayne Campbell, her attorney in fact, unto the within Mortgagors, in fee simple.



SITE

COMBINED

$$\#2408 = 0.234$$

$$\#2410 = 0.217$$

$$\text{Combined} = 0.451$$

Pat HZ

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 - 1800002938

Owner Information

Owner Name:	YOUNG CAROL M	Use:	RESIDENTIAL
Mailing Address:	2408 LODGE FARM RD BALTIMORE MD 21219-1936	Principal Residence:	YES
		Deed Reference:	1) /14811/ 669 2) /14811/ 662

Location & Structure Information

Premises Address	Legal Description
2408 LODGE FARM RD	PT LT 1J-2J 2408-10 LODGE FRM RD WS J W HINSON

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
111							1J	3		10/ 97

Special Tax Areas	Town Ad Valorem Tax Class
-------------------	---------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1979	1,232 SF	19,500.00 SF	04

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-In Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	31,870	76,870		
Improvements:	87,550	112,630		
Total:	119,420	189,500	119,420	142,780
Preferential Land:	0	0	0	0

Transfer Information

Seller: MADDOX WILLIAM B,SR	Date: 11/15/2000	Price: \$115,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14811/ 669	Deed2: /14811/ 662
Seller: ELLENBERGER EUNICE H	Date: 11/03/1982	Price: \$62,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6450/ 433	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Pet #4

24

0014811 662

①

AFTER RECORDING, PLEASE RETURN TO:

Tax I.D.# (15) 18-00-002938

MARYLAND COMMERCIAL TITLE COMPANY
5 LIGHT STREET
SUITE 1000
BALTIMORE, MARYLAND 21202

mc3041

SUBSTITUTE TRUSTEES' DEED

THIS DEED, is made this 26th day of May 1999, by and between HOWARD N. BIERMAN, JACOB GEESING and KENYA D. McRAE, Substitute Trustees, hereinafter referred to as parties of the first part, and OCWEN FEDERAL BANK, FSB ('OCWEN FEDERAL BANK, FSB'), c/o OCWEN Federal Bank, FSB, 1675 Palm Beach Lakes Blvd., Suite 411, West Palm Beach, Florida 33401, hereinafter referred to as party of the second part;

WHEREAS, by virtue of a Deed of Appointment of Substitute Trustee recorded among the Land Records of Baltimore County Maryland, the parties of the first part were appointed Substitute Trustees to make sale of the hereinafter described property;

WHEREAS, default having occurred under the terms of a certain Deed of Trust from William B. Maddox, Sr. and Edna L. Maddox, dated June 27, 1991 and recorded among the Land Records of Baltimore County, Maryland in Liber 8856, Folio 415, said Substitutes Trustees, in exercise of the power of sale conferred by said Deed of Trust, and pursuant to foreclosure proceedings filed in the Circuit Court for Baltimore County as Case No. 03-C-99-000471, first having posted bond for the faithful performance of their trust, and after having given prior notice of the time, place, manner and terms of sale by advertisement placed once a week for three successive weeks in a newspaper published in Baltimore County, Maryland, at a public sale held within the Auctioneer's Gallery located at 908 York Road, Towson, Maryland, on February 12, 1999, did sell the property described in said Deed of Trust, to Ocwen Federal Bank, FSB for the sum of \$80,000.00, it being the highest and best bidder at said public sale;

WHEREAS, the aforesaid public sale has been duly reported to, and ratified and confirmed by, the Circuit Court for Baltimore County, Maryland, and purchase money of \$80,000.00 as aforesaid, has been fully paid and satisfied to the Substitute Trustees, said Substitute Trustees are now authorized by said Decree to execute these presents.

NOW, THEREFORE, THIS DEED WITNESSETH, that the said parties of the first part, Substitute Trustees, as aforesaid, for and in consideration of the premises, and the sum of \$80,000.00 current money, paid by the said Ocwen Federal Bank, FSB at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by the aforesaid parties, do grant unto the said Ocwen Federal Bank, FSB, its successors and assigns, in fee simple, all of their interest in those pieces or parcels of land, together with the improvements, easements and appurtenances thereunto belonging situate, namely:

Ref #5

SEE ATTACHED LEGAL DESCRIPTION

and further known as 2408 Lodge Farm Road, Edgemere, MD 21219

Subject to restrictions, covenants and easements of record.

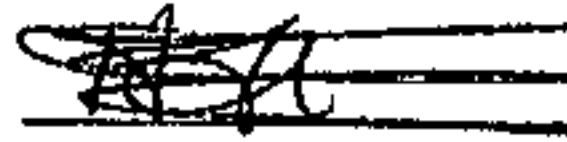
I hereby certify that the within instrument was prepared under the supervision of either Howard N. Bierman, Jacob Geesing and Kenya D. McRae, attorneys-at-law duly admitted to practice before the Court of Appeals of the State of Maryland.



Howard N. Bierman
Jacob Geesing
Kenya D. McRae

WITNESS the hands and seals of the said Substitute Trustees.

IN PRESENCE OF

Howard N. Bierman




Jacob Geesing




Kenya D. McRae

STATE OF MARYLAND)

COUNTY OF MONTGOMERY) ss.

I, NOVA ALINDOGAN, a Notary Public in and for the aforesaid jurisdiction do hereby certify that Howard N. Bierman, Jacob Geesing and Kenya D. McRae, parties to a certain deed bearing the date of the 26th day of May, 1999, and hereto annexed, personally appeared before me in said jurisdiction, the said parties, being personally well known to me or satisfactorily proven to me as the persons who executed the same deed and acknowledged the same to be their intentional act and deed.

Given under my hand and seal this 26th day of May, 1999.



Notary Public

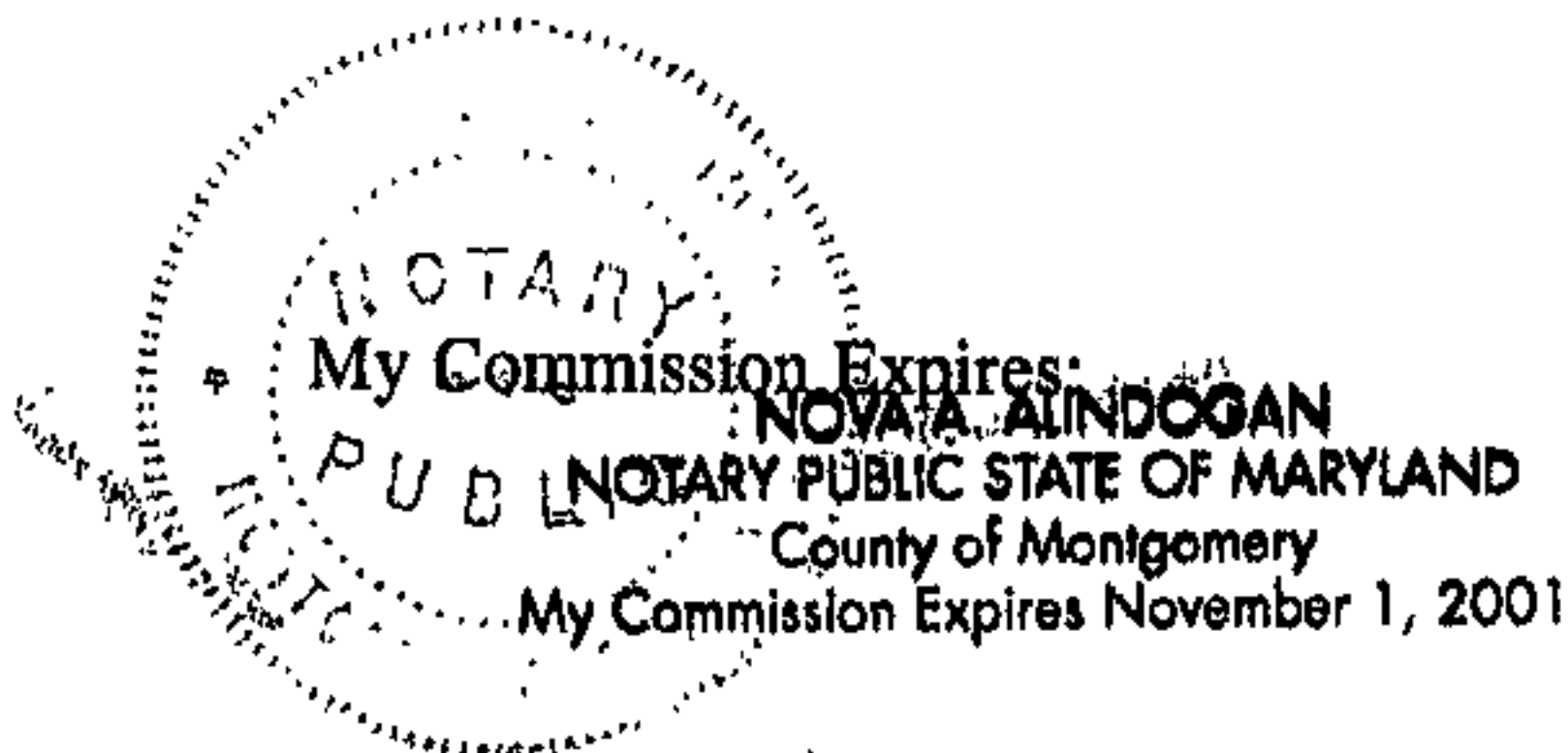


EXHIBIT A

BEGINNING FOR THE FIRST ON THE WEST SIDE OF LODGE FARM ROAD AT THE DISTANCE OF 717.88 FEET NORTHERLY FROM THE NORTHWEST CORNER OF LODGE FARM ROAD AND BLEVINS AVENUE; AND RUNNING THENCE BINDING ON THE WEST SIDE OF LODGE FARM ROAD NORTH 7 DEGREES 57 MINUTES EAST 50 FEET TO THE DIVISION LINE BETWEEN LOTS J-2 AND J-1, PLAT OF THE PROPERTY OF JOHN W. HINSON, HEREINAFTER REFERRED TO; THENCE LEAVING LODGE FARM ROAD BINDING ON THE DIVISION LINE BETWEEN SAID LOTS NORTH 82 DEGREES 03 MINUTES WEST 203.67 FEET TO THE CENTER OF XENIA ROAD PROPOSED 30 FEET WIDE; THENCE RUNNING AND BINDING ON THE CENTER OF XENIA ROAD SOUTH 7 DEGREES 57 MINUTES WEST 50 FEET; AND THENCE RUNNING SOUTH 82 DEGREES 03 MINUTES EAST 203.67 FEET TO THE PLACE OF BEGINNING. BEING A PART OF LOT J-2 AS SHOWN ON THE PLAT OF THE PROPERTY OF JOHN W. HINSON, DATED APRIL 10, 1935 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK LMCLM NO. 10, FOLIO 97.

BEGINNING FOR THE SECOND ON THE NORTHWEST SIDE OF LODGE FARM ROAD 30 FEET WIDE AS SHOWN ON THE PLAT OF THE PROPERTY OF JOHN W. HINSON, DATED APRIL 10, 1935, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK LMCLM NO. 10, FOLIO 97, SAID PLACE OF BEGINNING ALSO BEING THE BEGINNING POINT DESCRIBED IN A DEED FROM CORA A. HINSON DUNN, WIDOW, TO JAMES T. HAIRSTON, DATED APRIL 6, 1951, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER GLB NO. 1948, FOLIO 266, ETC; RUNNING THENCE ALONG THE NORTHWEST SIDE OF LODGE FARM ROAD SOUTH 07 DEGREES 57 MINUTES WEST 50 FEET TO THE DIVIDING LINE BETWEEN LOTS NOS. J-1 AND J-2 AS SHOWN ON THE ABOVE-MENTIONED PLAT; RUNNING THENCE BINDING ON SAID DIVIDING LINE NORTH 82 DEGREES 03 MINUTES WEST 188.67 FEET TO THE SOUTHEAST SIDE OF XENIA ROAD 30 FEET WIDE AS SHOWN ON THE AFOREMENTIONED PLAT; RUNNING THENCE ALONG THE SOUTHEAST SIDE OF THAT ROAD NORTH 07 DEGREES 57 MINUTES EAST 50 FEET AND TO THE END OF THE SOUTH 07 DEGREES 57 MINUTES WEST 50-FOOT LINE AS DESCRIBED IN THE ABOVE MENTIONED DEED; RUNNING THENCE BINDING ON THAT DEED AND PARALLEL WITH THE SECOND LINE OF THE PARCEL BEING DESCRIBED HEREIN, SOUTH 82 DEGREES 03 MINUTES EAST 188.67 FEET TO THE PLACE OF BEGINNING. CONTAINING 0.217 ACRE OF LAND, MORE OR LESS.

THE IMPROVEMENTS THEREON BEING KNOWN AS ~~2408-10~~ LODGE FARM ROAD.

BEING the same property which by Deed dated October 27, 1982 and recorded among the Land Records of Baltimore County in Liber 6450 folio 433 was granted and conveyed by Eunice H. Ellenberger, by Bobby Wayne Campbell, her attorney in fact, unto the within Mortgagors, in fee simple.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

HOWARD N. BIERMAN

JACOB GEESING

KENYA D. McRAE

7315 Wisconsin Avenue, Suite 601, North Tower *

Bethesda, Maryland 20814 *

Substitute Trustees *

Plaintiffs *

vs. *

Case No. C-99-471

WILLIAM B. MADDOX, SR. *

EDNA L. MADDOX *

2408 Lodge Farm Road *

Edgemere, MD 21219 *

Defendants *

* * * * *

REPORT OF SALE

Kenya D. McRae, Substitute Trustee under and by virtue of the authority contained in a certain Deed of Trust from William B. Maddox, Sr. and Edna L. Maddox, grantor(s), and Howard N. Bierman, Jacob Geesing and Kenya D. McRae, Substitute Trustees, dated June 27, 1991, and recorded among the land records of Baltimore County, Maryland in Liber 8856 at Folio 415, respectfully reports unto this Court as follows:

That after default had occurred under the terms of said Deed of Trust and at the request of the parties secured thereby, and after having given bond with security for the faithful performance of his/her trust by law, and after having given due notice of time, place, manner and terms of sale by advertisement in a newspaper published in Baltimore County, Maryland, once a week for at least three successive weeks before the day of sale, as will more fully appear by the printer's certificate to be filed herein, the said Substitute Trustee did attend the sale at the courthouse on February 12, 1999, and then and there did proceed to offer for sale the following property secured by said Deed of Trust:

2408 Lodge Farm Road, Edgemere, MD 21219

And your Trustee sold said property unto OCWEN FEDERAL BANK, FSB, title to be in the name of same, the purchaser at and for the sum of \$80,000.00, the said purchaser(s) being at that price, the highest bidder therefor.

AND, as in duty bound, etc.

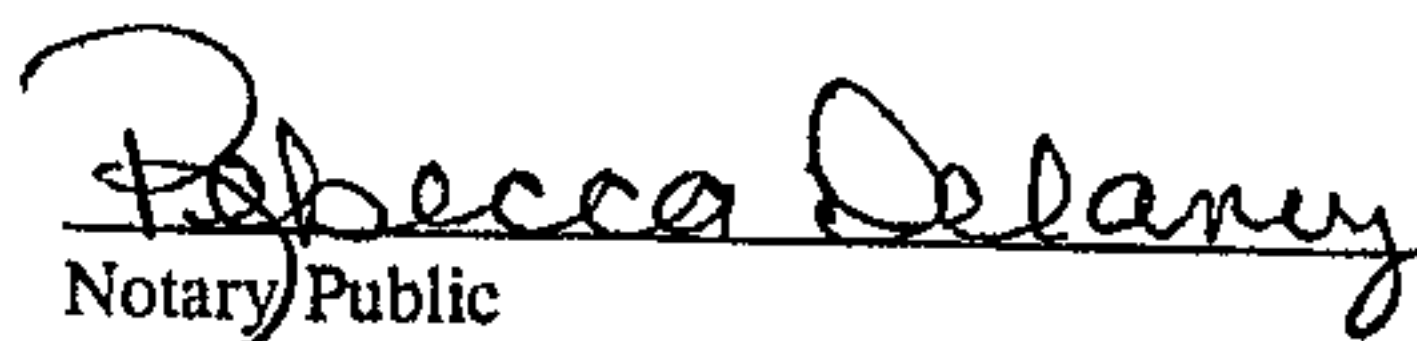


Kenya D. McRae,
Substitute Trustee

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 12 day of February, 1999, before me, the Subscriber, a Notary Public of the State of Maryland, personally appeared Kenya D. McRae, Substitute Trustee, and made oath in due form of law that the facts stated in the foregoing Report of Sale are true, as therein set forth, and that the sale thereby reported was fairly made.

AS WITNESS my hand and Notarial Seal.


Notary Public

My Commission Expires:

REBECCA DELANEY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 10, 2001

Owen
2698355

CIRCUIT COURT FOR BALTIMORE COUNTY

0014811 667

Howard N Bierman
Jacob Geesing
Kenya D McRae

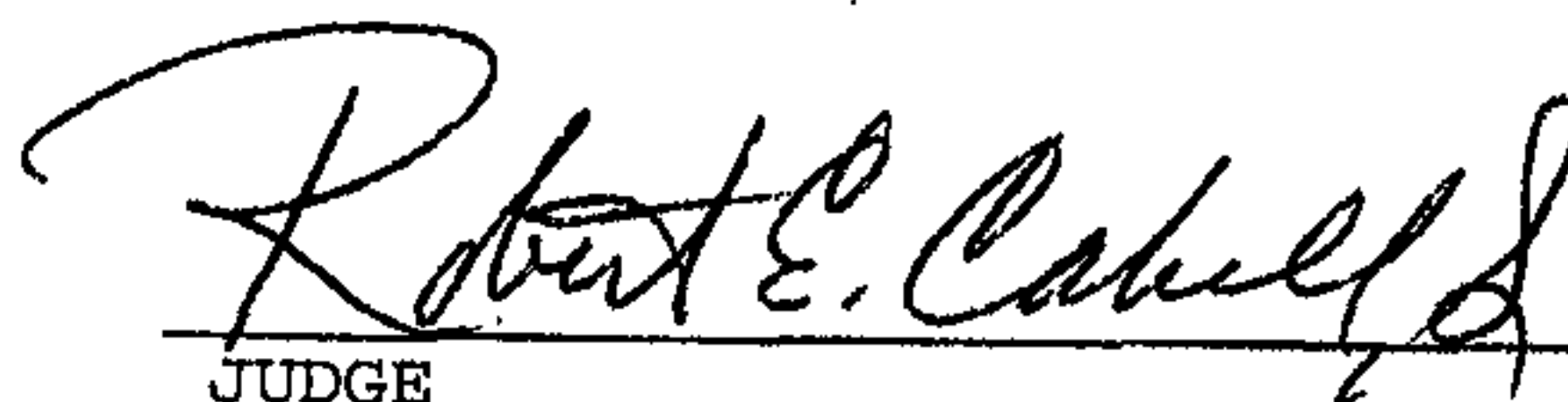
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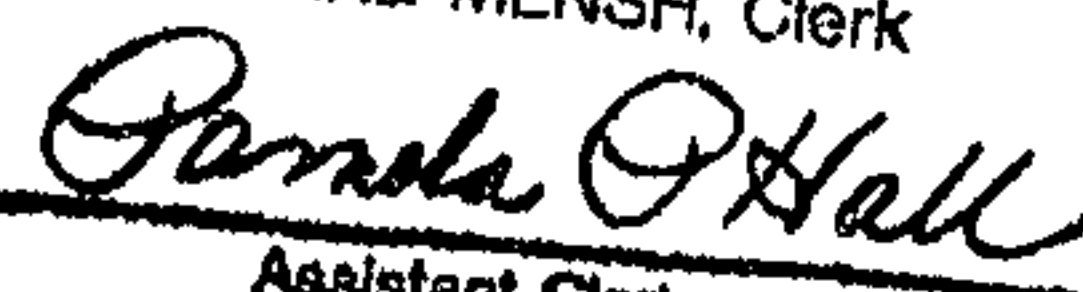
William B Maddox Sr
Edna L Maddox

Case Number: 03-C-99-000471 FC

It is ORDERED this 23rd day of March 1999,
that the sale made by
Kenya D. McRae

Substitute Trustee appointed for the sale of the Real Estate described in these proceedings and reported by said Substitute Trustee appointed to this Court on the 16th day of February 1999 be and the same is hereby finally ratified and confirmed, no cause to the contrary having been shown and due Notice having been given, and that the Substitute Trustee appointed be allowed the usual commissions and all proper expenses for which she shall produce vouchers to the Auditor.


JUDGE

True Copy Test
SUZANNE MENSCH, Clerk
Per 
Assistant Clerk

FILED MAR 24 1999

043269 NOV 15 8

State of Maryland Land Instrument Intake Sheet

☒ Baltimore City ☒ County: Me. 304, Balto.

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only — All Copies Must Be Legible)

1	Type(s) of Instruments	☐ Check Box if Addendum Intake Form is Attached,) ☒ Deed ☐ Mortgage ☐ Other ☐ Other ☐ Deed of Trust ☐ Lease ☐ Multiple Accounts ☐ Not an Arms- Arms-Length [1] Arms-Length [2] Arms-Length [3] Length Sale [9]				RECORDATION F PR TAX STATE TOTAL 400.00 400.00 325.00 Rcpt # 88071 Bk # 1363 03:51 PM																																																																	
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Total		Town Cd	Ex. St.																																																																				
REMARKS: 1313.00			Ex. Cd.																																																																				

[illegible]

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

To Whom it may concern,

My name is Shirley Siegesto. I live at 2412 Lodge Farm Rd. I do not object to the subdivision of the lot at 2408-2410 Lodge Farm Rd.

Yours truly
Mrs S. Siegesto

#2

CD

August 2, 2006

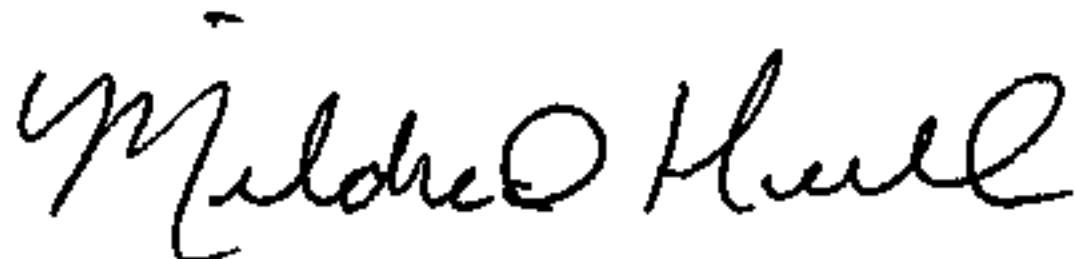
Mildred Hull
2214 Lodge Farm Rd
Edgemere, MD 21219

To Whom It May Concern:

My name is Mildred Hull and I have lived on Lodge Farm Rd. for the past 18 years. My husband and I do not have a problem with two (2) houses being built on the lot currently listed as 2408 Lodge Farm Rd.

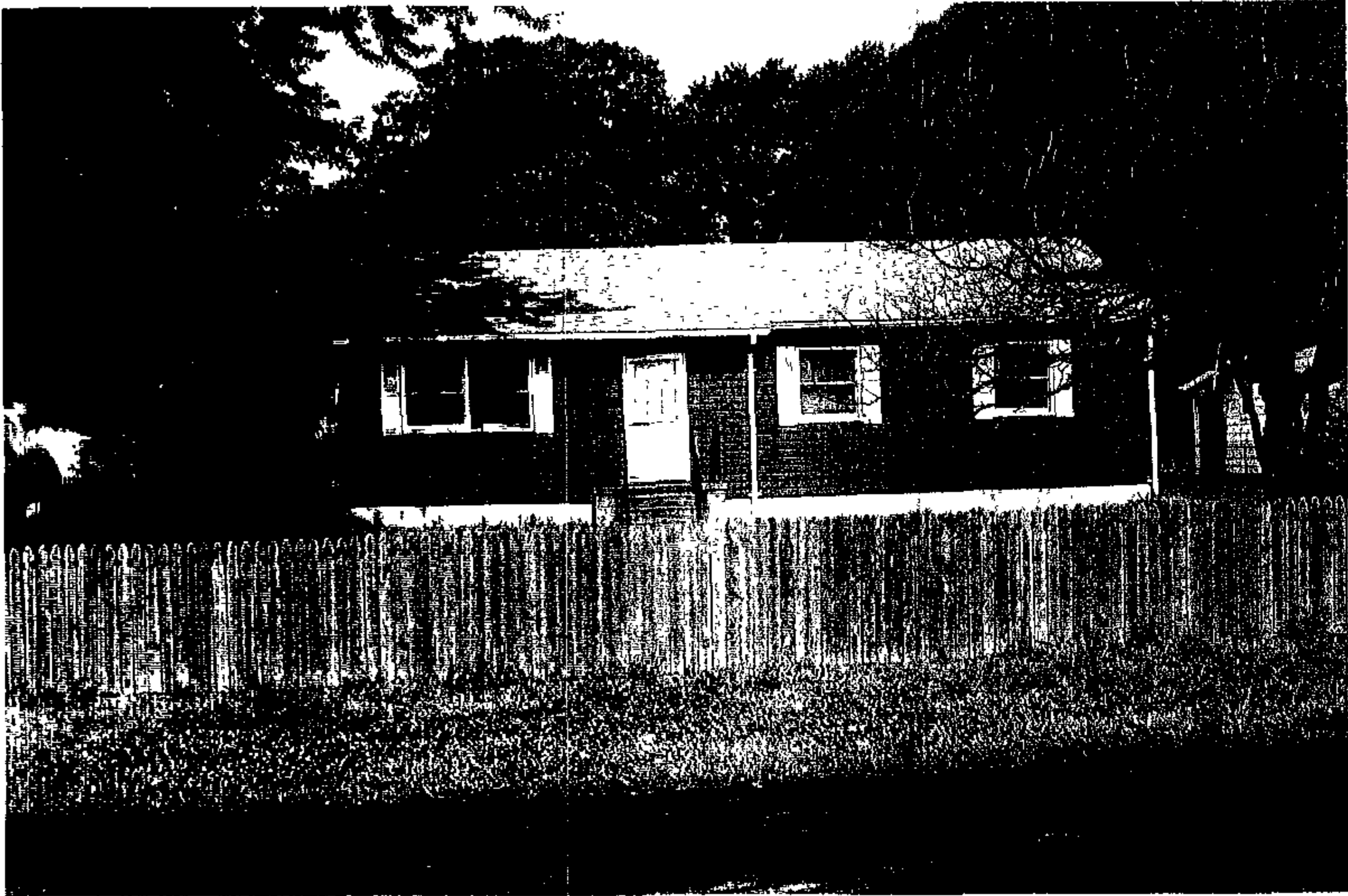
We feel that the addition of two newly constructed homes will only add to the charm of our neighborhood.

Regards,


Mildred Hull

By BEVIN GIVE
LODGE FARM RD

h B



#1A

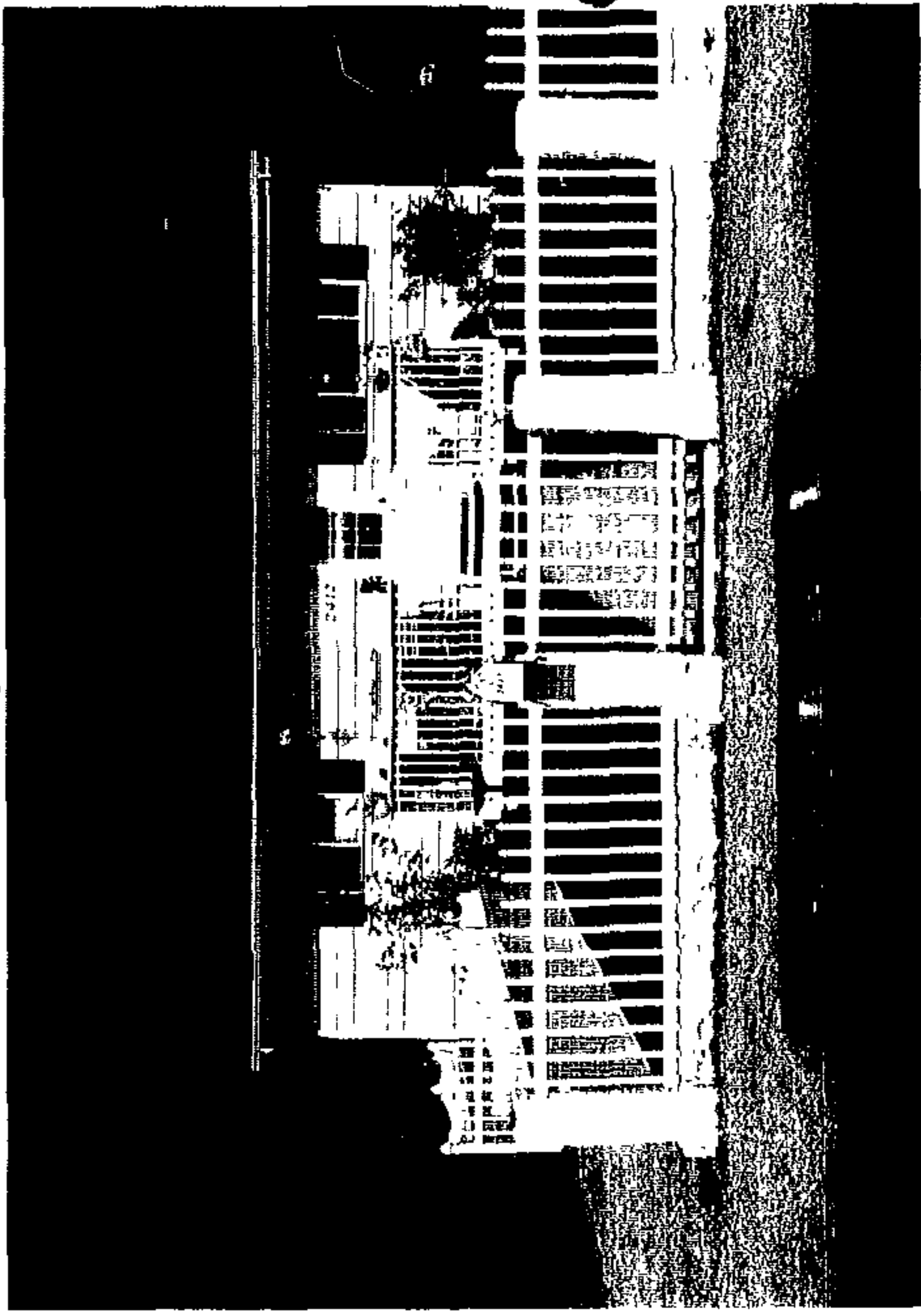
8A

#1

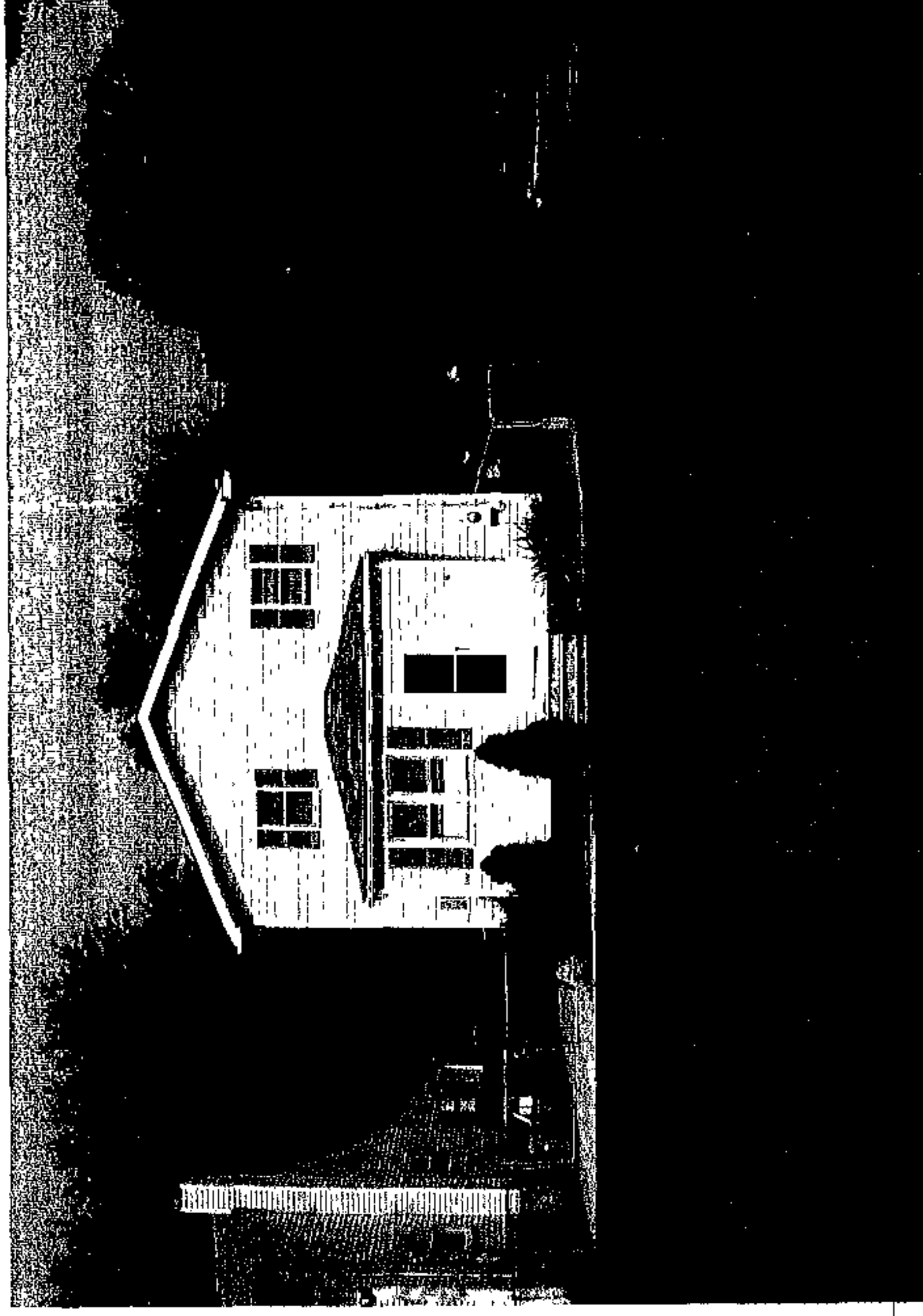


2404

#2



2412



2406 : #3

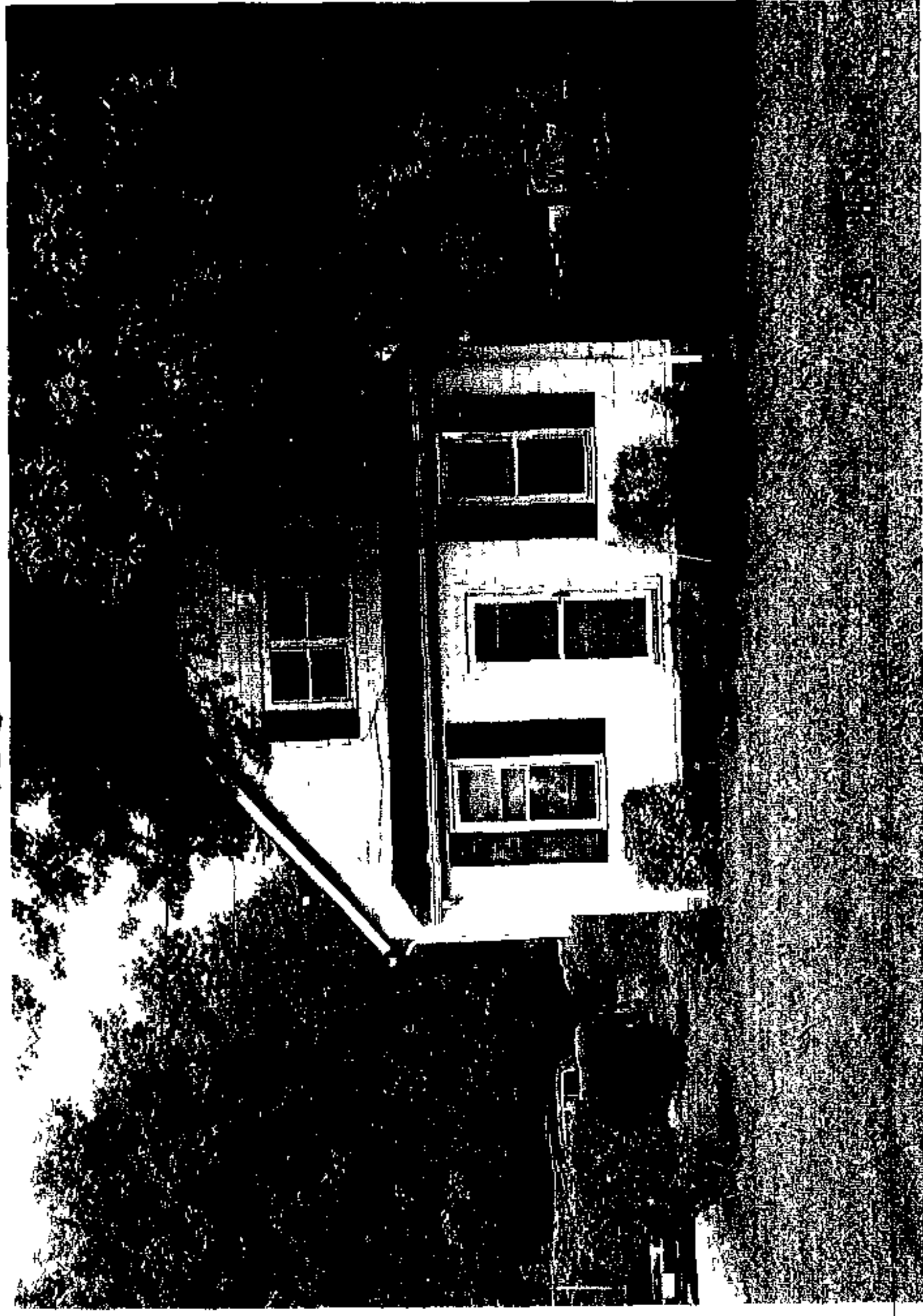


2320 #4

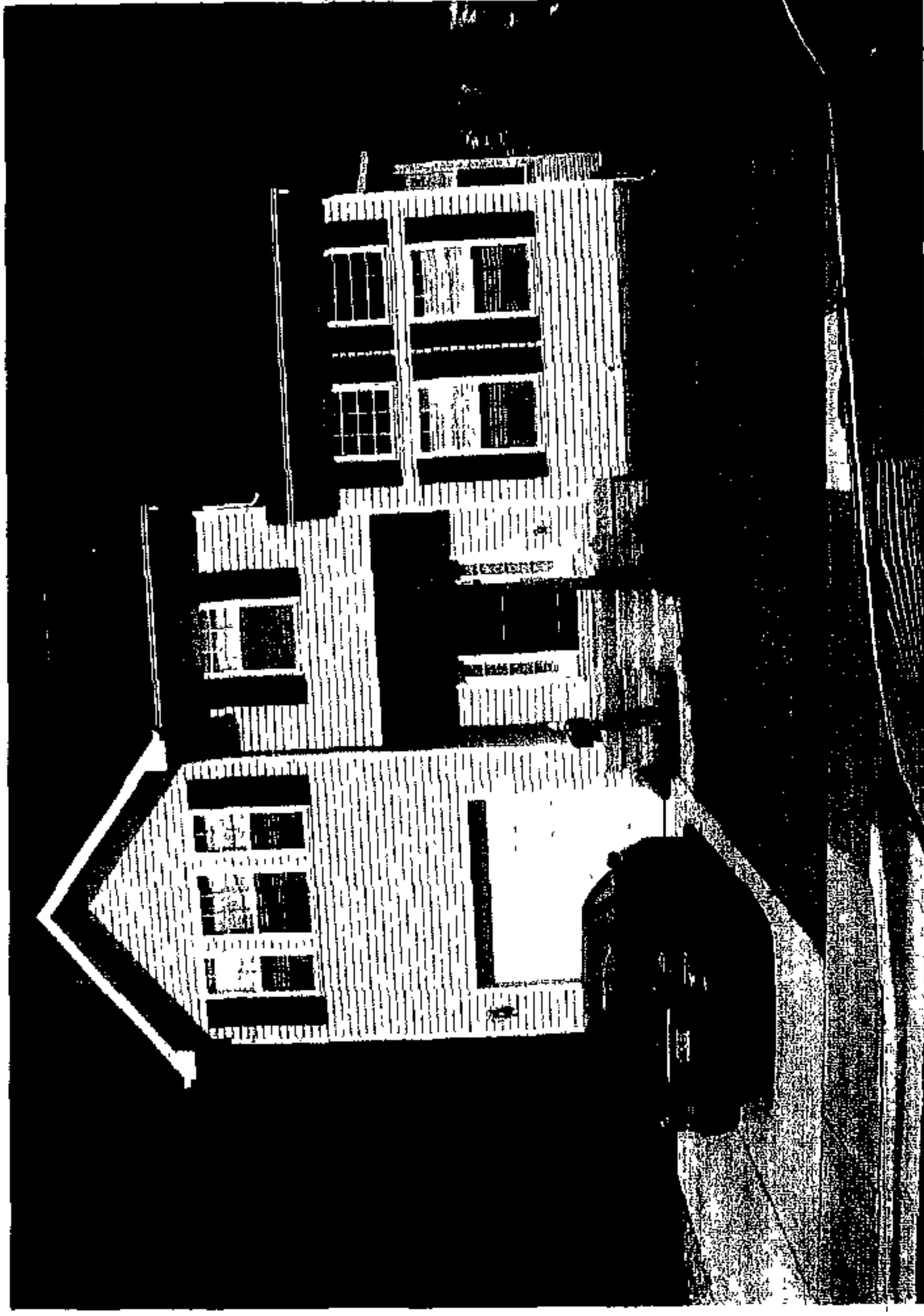
8 B



7436 BLEVINS AVE #5



2424 #6



PROP. HOUSE TO BE BUILT

TOPO MAP FOR 2408 LODGE FARM ROAD



Coordinate System:
Maryland State Plane: MADS3/91 Horizontal Datum
Elevations in Feet: NAVD83 Vertical Datum

Date of Data Capture: March 1995
Scale of Data Capture: 1" = 400'

Date of Aerial Photography: March 2002

For internal use only.
The cadastral information on this plot was compiled
from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked
and certified by a licensed land surveyor.


Anne Arundel County, MD
Department of Public Works
GIS Services

100 50 0 100 Feet



Prepared By:
Robin Hurley, EA114
DPW Director's Office
June 13, 2006

Handwritten signature/initials

XENIA ROAD
(UNIMPROVED)
30' RW

S 7°57' W 50'

93'±

N 82°03' W 203.67'

EXISTING
CONCRETE
TO BE RAZED

PROPOSED
2 STORY
DWELLING W/
GARAGE

12

12

12

12

12

12

12

12

12

EXISTING MACADAM DRIVEWAY
TO BE REMOVED

PROPOSED 10' DRIVEWAY

47.5'± AVERAGE SETBACK

#2410

49'±

BRIAN & SHIRLEY
SIEGERT
1519320840
14878/426

50'±

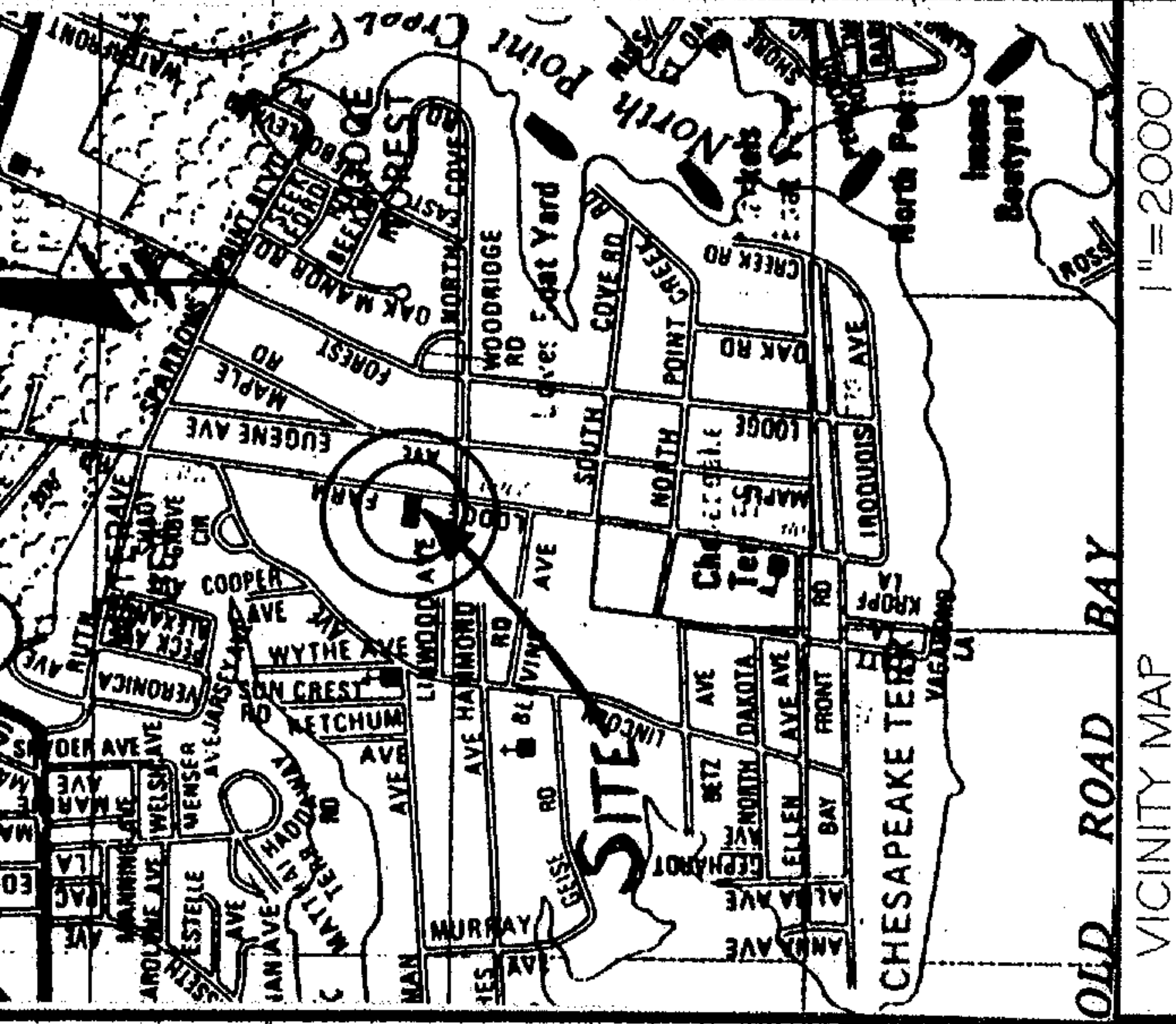
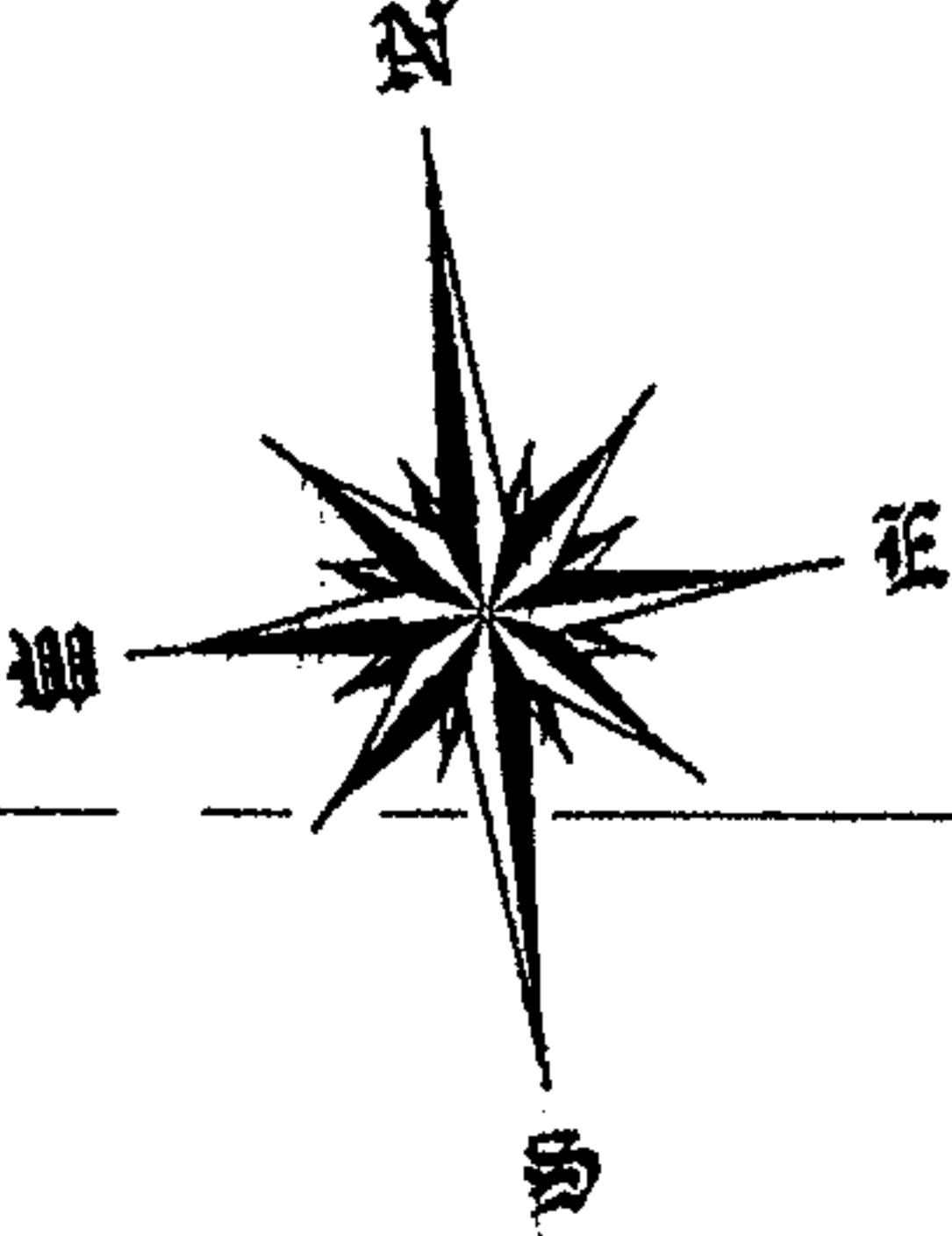
#2412
EXISTING
DWELLING

#2414
EXISTING
DWELLING

EVELYN VALENTINE
2200025989
11502/686

45'±

645



1"=200'

VICINITY MAP

LODGE FARM ROAD
30' RW

POB
732.88' TO
LEVIN'S AVENUE

RONALD &
TERESA MCLUCAS
1504351310
21378/552

PLAN TO ACCOMPANY
PETITION FOR VARIANCE

EDGE MERE

#2408 LODGE FARM ROAD

BALTIMORE COUNTY, MD

(UNIMPROVED)

THE
S
T
S
M
S
O
I
-

934

N 82°03' W 203.67'

TO BE RAZED

#2404
EXISTING
DWELLING

15663/565

21378/552

 $46' \pm$

EX

A

PR

4

#2410

49

五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

TO BE RAZED

EXISTING PAVING

GENERAL NOTES

1. EXISTING ZONING: DR 5.5 (111C3)
2. EXISTING USE: SINGLE FAMILY DWELLING
3. PROPOSED USE: SINGLE FAMILY DWELLINGS
4. PRIOR ZONING HEARINGS: NONE
5. LOT AREA: 10183.500 S.F. ± / 0.234 AC±
6. TAX MAP: 111

GRD: N/A

PARCEL: 392

OWNER

(UNIMPROVED)
30' RAW

931±

5 82°03' E 188.67

BRIAN & SHIRLEY
SIEGERT
1519320840
14878/426

11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-10

47.5' ± AVERAGE SETBACK

57°57' W 50'

30 PM

POB

#2408

EXISTING
CONCRETE
TO BE RAZED

N 82°03' W 188.67'

#2406
EXISTING
DWELLING

49 ±

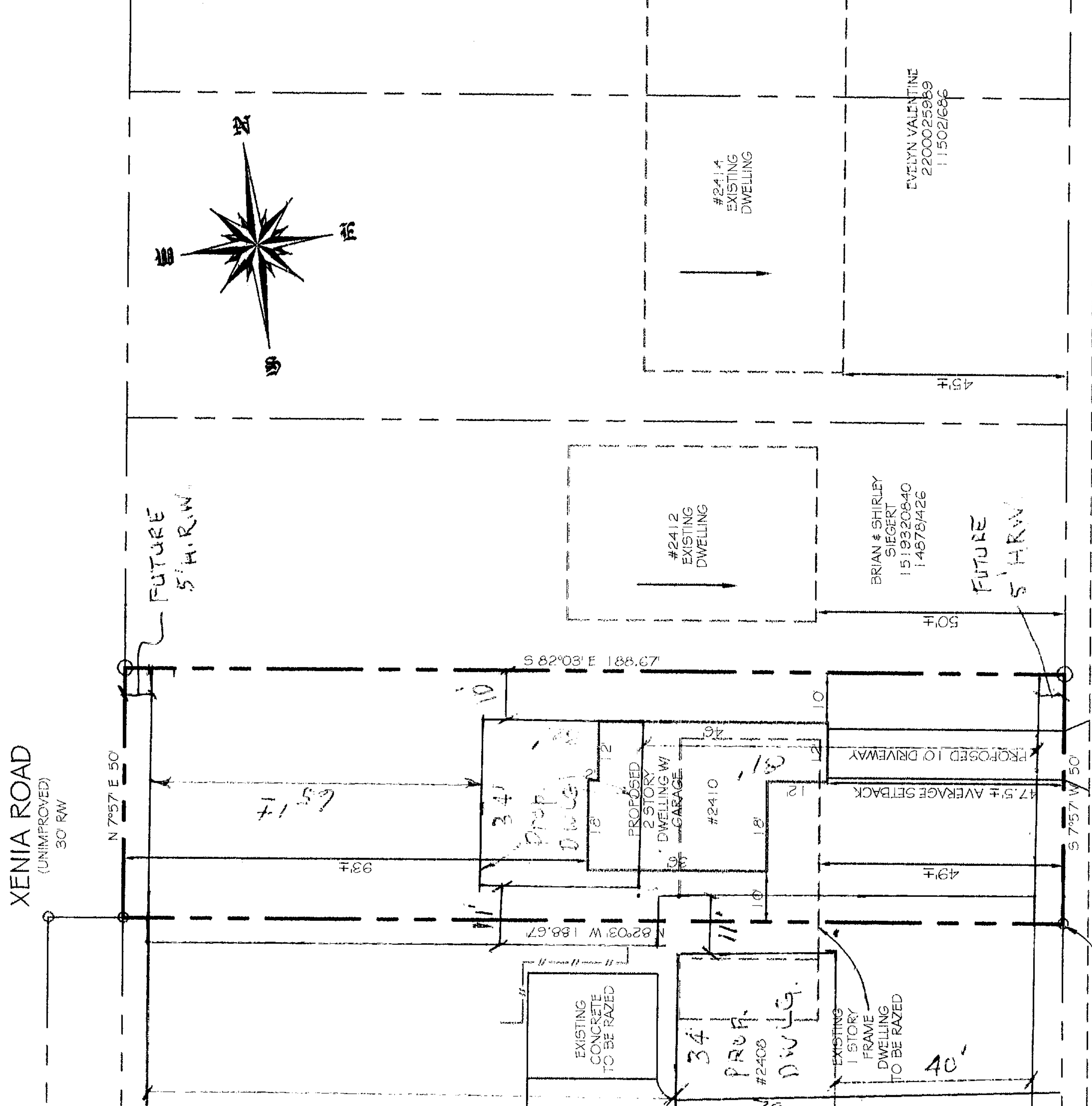
46'±

1. EXISTING ZONING: DR 5.5 (MNC3)
2. EXISTING USE: SINGLE FAMILY DWELLING
3. PROPOSED USE: SINGLE FAMILY DWELLINGS
4. PRIOR ZONING HEARINGS: NONE
5. LOT AREA: 9433.500 S.F. ± / 0.217 AC ±
6. TAX MAP: 111

GRID: N/A

PARCEL: 148

OWNER



POB
782.68 TO
BLEVINS AVENUE

BALTIMORE COUNTY, MD

"In D.R.2, D.R.3.5 and D.R.5.5 Zones, ^{EN} the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line,

but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones.

In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. [Resolution, November 21, 1956]"

I added the spaces in the above regulation to aid in interpreting the Section. In the first part of Section 303.1, the regulations require averaging setbacks under certain conditions. The word "shall" means what it says and with all respect to the Zoning Office and Planning Office, we must follow the law. The front yard depths must be averaged in these three zones where buildings on adjacent lots are within 200 feet of the joint side property line.

The second section allows a new building to be placed on the lot a minimum of the average of the front yard depths of adjoining properties where there is no building on one side. This is the portion of the regulation which is most often cited by the Planning Office and Zoning Office and frankly most often applies because there are many more zones than the three DR zones listed and/or there are no homes on adjacent properties. This portion allows "Z" lots.

However in the somewhat rare case where the property lies in the three DR zones and there are homes on either side, the front depth setback shall be the average setback as clearly