Date 11-28-66

By 10-28-64

IN RE: PETITION FOR VARIANCE

S/S Joppa Road, 204' E Jasper Lane

(McArtor/Penn Property)

11th Election District

6th Council District

Gemcraft Homes Forest Hill, LLC Petitioner * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 07-105-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Gemcraft Homes Forest Hill, LLC, through its attorneys Jeffrey H. Scherr and Brian S. Southard. The Petitioner requests variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Zoning Commissioner's Policy Manual (Z.C.P.M., Page 1B-26), as it applies to corner lots, to permit a side yard setback of ten feet in lieu of the required 25 feet for a proposed replacement dwelling on Lot 1. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were David Taylor, representative of Gemcraft Homes, developer and owner of the property; G. Dwight Little, Professional Engineer with Little and Associates, Inc. who prepared the site plan for the property; Jeffrey H. Scherr, Esquire and Brian S. Southard, Esquire, Kramon and Graham, P.A., attorneys for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence revealed that the variance request for lot 1 is in connection with a minor subdivision of the McArtor/Penn Property. As delineated on the site plan, the overall tract is rectangularly shaped, containing 0.48 acres, zoned D.R.5.5 and located on the south side of East Joppa Road, east of Jasper Lane and lying between the Parkville and Perry Hall areas of the County. Mr. Southard gave a brief history of the property which is not within a duly recorded or

approved subdivision but created by deed in 1958. Lot 1 is 7,148 square feet (67.34' wide x 117.12' deep), currently improved with an existing two-story dwelling, and due to condemnation proceedings (Circuit Court Case No. 90-CG-479) to widen Joppa Road, is located 10 feet from the south edge of Joppa Road's right-of-way. Lot 1 is a corner lot with frontage along Hevesy Court (the internal residential road). The proposed house will face Hevesy Court and the side yard will parallel Joppa Road. Mr. Southard explained that the petition was filed in response to a comment received from John Sullivan during the zoning review process of the subdivision (05-024-M) indicating "corner lot (side street) set back in a D.R.5.5 zone should be 25 feet" (C.Z.P.M.-Page 1B-26)¹. Due to the condition of the existing dwelling, the Petitioner proposes razing the structure and constructing a new upscale single-family dwelling in its place.

As a result of the noted condemnation of this property, the lot was reduced in size. The proposed dwelling will be placed within the 40 x 40 footprint depicted on the site plan. The property is unique to the balance of the neighborhood. The Petitioner desires to maintain the same size lots as otherwise exist in the neighborhood. In order to do that, variance relief is necessary. There were no adverse comments from any county reviewing agency and none of the neighbors voiced any objection. The Office of Planning reviewed the proposal and the building elevations of the home to be placed on the lot and does not oppose the granting of the variance. Moreover, the proposed dwelling will be compatible with other houses in the area and all other development requirements will be met but for the reduced side yard setback. A denial of the variance would render this lot unbuildable and of no real use. The Petitioner should not be caused the practical difficulty of being denied the right to develop this lot under the circumstances. Thus,

Petitioner respectfully submits that Mr. Sullivan has misinterpreted the applicability of Z.C.P.M.-Page 1B-26 as the subject property "is not in a duly recorded subdivision" and not approved by the Baltimore County Planning Board or Planning Commission (Petitioner's Exhibit 2) mandating compliance with the Z.C.P.M. and its attendant small lot table requiring a corner lot to have a 25 foot side yard setback. Petitioner asserts that it is the 10 foot side yard setback that is applicable and depicted on the small lot table of Section 1B02.3.C of the B.C.Z.R. While I concur with Petitioner's argument, it is a distinction without a difference. The application of Section 103.1 of the B.C.Z.R., County Council Bill 24-06 and Z.C.P.M.-Page 1B-26.2 lead me to believe that the requested relief is both appropriate and necessary.

ORDER RECEIVED FOR FILING
Date

By

By

I find that the relief can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the relief granted, the Petitioner shall use the same materials (e.g., stone, brick, etc.) that will be used on the front of the structure on the north side of the house to match and assure consistency from the prospective of pedestrians and traffic traveling on Joppa Road.

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

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November 2006, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and (Page 1B-26) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) as it applies to corner lots, to permit a side yard setback of 10 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded; and
- 2) In addition to the landscaped screening and proposed board-on-board fencing along the rear and northern sides of the dwelling, Petitioner shall use the same building materials (e.g., stone or brick, including window treatments) on the front and north side elevations to match and assure consistency from the traveling public's perspective.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

WJW:dlw

WILLIAM I WISEMAN, III
Zoning Commissioner
for Baltimore County



JAMES T. SMITH, JR. County Executive

November 28, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Jeffrey H. Scherr, Esquire Brian S. Southard, Esquire Kramon and Graham, P.A. One South Street, Suite 2600 Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE

S/S Joppa Road, 204' E Jasper Lane
(McArtor/Penn Property)

11th Election District – 6th Council District
Gemeraft Homes Forest Hill, LLC - Petitioner
Case No. 07-105-A

Dear Messrs. Scherr and Southard:

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

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

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. David Taylor, 305 W. Chesapeake Avenue, Suite 208,
Towson, Md. 21204

Mr. G. Dwight Little, Little and Associates, Inc., 1055 Taylor Avenue,
Suite 307, Towson, Md. 21286
Office of Planning; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>McArtor / Penn Property</u>
which is presently zoned <u>DR - 5.5</u>

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)

See Attacked

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Petitoners seek a variance from Section 1B02.3.C.1 and the Zoning Commissioner's Policy Manual (Page 1B-26) as it applies to comer lots to permit a side yard setback on Lot-1-of-10' in lieu of the required 25'. Lot 1 is a corner lot with frontage along Hevesy Court (the internal residential road) and Joppa Road. The proposed house will face Hevesy Court and the subject side yard will face Joppa Road. Strict compliance with the setback requirement poses a practical difficulty because it unreasonable prevents the overall use of the property for the permitted proposes of creating three single family residences for such other purposes to be set Property is to be posted and advertised as prescribed by the zoning regulations. forth at the hearing. 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:

17.

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Legal Owner(s):

				s Forest Hill, LLC	
Name - Type or Print		Nas	me - Type or Print	and luther	1
Signature	· · · · · · · · · · · · · · · · · · ·		Signature		
Address		Telephone No.	Name - Type or Print	·	
City	State	Zip Code	Signature		
Attorney For Petitione	r:	•	2205 Commerce	Road, Suite A	410-893-8458
	•		Address		Telephone No.
Jeffrey H. Scherr	<u> </u>		Forest Hill	MD	21050
Name Type or Print		City	<i>f</i>	State	Zip Code
XM-XT/M		<u> </u>	Representative	to be Contacted:	
Signature					
Kramon and Graham, P.	A		Jeffrey H. Schen		
Сотралу			Name	-	
One South Street, Suite	2600	410-752-6030	One South Stree	t, Suite 2600	410-752-6030
Address		Telephone No.	Address		Telephone No.
Baltimore	MD	21202	Baltimore	<u> </u>	21202
City	State	Zip Code	City	State	Zip Code
			<u>Of</u>	FICE USE ONLY	
\sim \sim \sim \sim \sim	105-1	4	ESTEMATED LENGTH	OF HEARING	
Case No.	7	<u> </u>			
		Reviewed By	UNAVAILABLE FOR H	oate	
REV 9/15/98 .		ACTIONED DY	187	9/11/06	•
ORDEH RECEIVA	ED FOR FII	Me		-	
5		1140			

1B02.3.C.1 and the Zoning Commissioner's Policy Manual (Page 1B-26) as it applies to corner lots to permit a side yard setback of 10 feet in lieu of the required 25 feet.

DESCRIPTION TO ACCOMPANY PLAN FOR ZONING VARIANCE

SOUTHSIDE OF JOPPA ROAD
EAST OF JASPER LANE
ELEVENTH ELECTION DISTRICT
SIXTH COUNCILMATIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at the end of the second following course and distance measured from the intersection of the centerline of Jasper Lane with the centerline of Joppa Road, (1) Easterly 204 feet, more or less, and thence (2) Southerly 35 feet, more or less, to the place of beginning, thence binding on the south side of Joppa Road (70 feet wide), (1) North 84 degrees 39 minutes 09 seconds East 117.12 feet, thence running for the following three courses and distances, viz: (2) South 02 degrees 27 minutes 53 seconds West 67.34 feet, thence (3) South 89 degrees 11 minutes 04 seconds West 116.22 feet, and thence (4) North 02 degrees 27 minutes 53 seconds East 58.07 feet to the place of beginning; containing 0.167 of an acre of land, more or less.



Item #105

0 Con YELLOW - CUSTOMER ACCOUNT_ AMOUNT FICE OF BUDGET & FINANCE ISCELL'ANEOUS RECEIPT PINK - AGENCY ALTIMORE COUNT DISTRIBUTION
WHITE - CASHIER CEIVED OM:

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: #07-105-A
McArtor/Penn Property
North side E. Joppa Road,
204 feet +/- east of
centerline Jasper Lane.
11th Election District
6th Councilmanic District
Legal Owner(s): Gemcraft
Homes Forest Hill, LLC
Variance: To permit a side
yard setback of 10 feet in
lieu of the required 25 feet.
Hearing: Monday, November 13, 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zonling Review Office at (410) 887-3391.

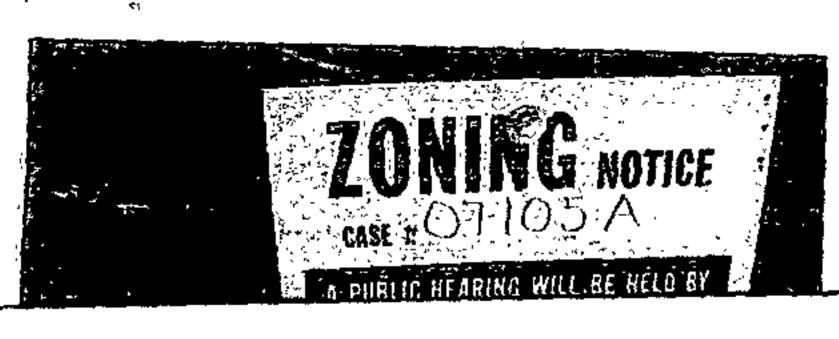
10/333 Oct. 26 113872

CERTIFICATE OF PUBLICATION

10/26/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
n 10 26 ,20 <u>06 .</u>
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-105-A Petitioper/Developer: GENCRAFT HOMES FOREST HILL Date of Hearing/Closing: 101/304 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were MC ARTOR / PENN PRODERTY 10-27-06 (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Ladies and Gentlemen: 👙 🚟

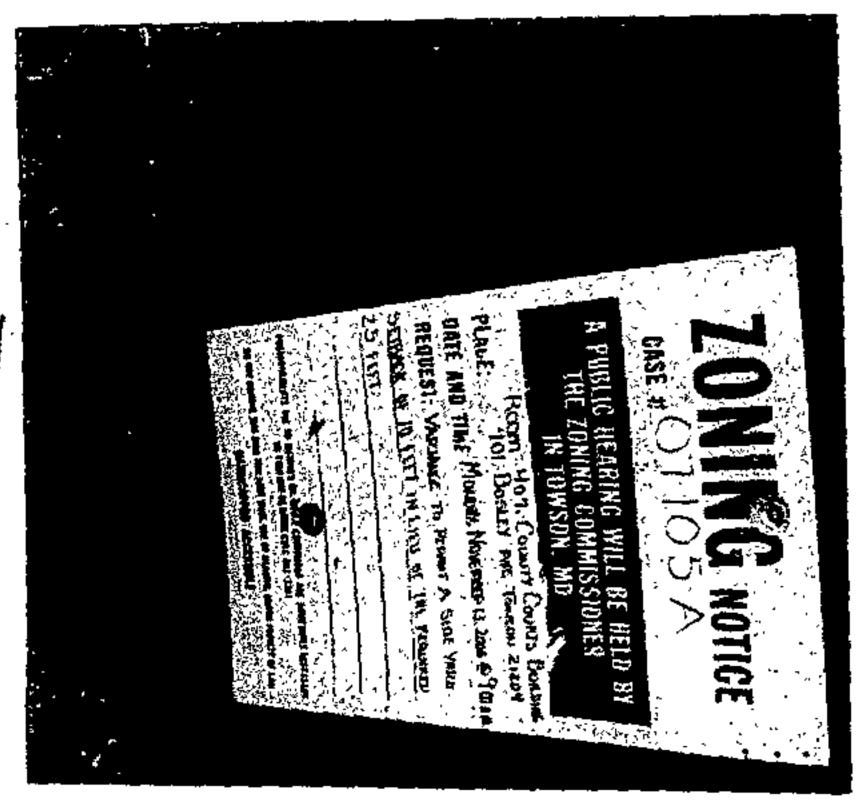
The sign(s) were posted on

Towson, Maryland 21204

Permits and Development Management

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

posted conspicuously on the property located at:



RE: PETITION FOR VARIANCE 5 *

McArtor/Penn Property; MS-B. Joppa Road

204' E of colline Jasper Lane

11th Election & 6th Councilmanic Districts

11th Election & 6th Councilmanic Districts
Legal Owner(s): Gemcraft Homes Forest Hill*
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-105-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 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Jeffrey Scherr, Esquire, Kramon & Graham, P.A. One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

SEP 1 8 2006

TORREDUX SIMMERMAN

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Paranananana -

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 26, 2006 Issue - Jeffersonian

Please forward billing to:

Brian S. Southard Kramon & Graham, P.A. 1 South Street, Suite 2600 Baltimore, MD 21202 410-752-6030

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: 07-105-A

McArtor/Penn Property

North side E. Joppa Road, 204 feet +/- east of centerline Jasper Lane.

11th Election District – 6th Councilmanic District

Legal Owner(s): Gemcraft Homes Forest Hill, LLC

Variance To permit a side yard setback of 10 feet in lieu of the required 25 feet.

Hearing: Monday, November 13, 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

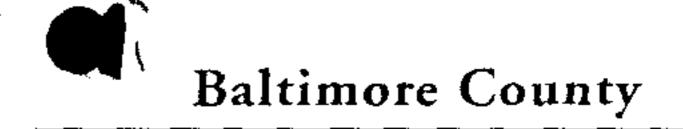
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits de la Development Management

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





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

September 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: 07-105-A

buth Kotroco

McArtor/Penn Property

North side E. Joppa Road, 204 feet +/- east of centerline Jasper Lane.

11th Election District – 6th Councilmanic District

Legal Owner(s): Gemcraft Homes Forest Hill, LLC

Variance To permit a side yard setback of 10 feet in lieu of the required 25 feet.

Hearing: Monday, November 13, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401

Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:amf

C: Jeffrey H. Scherr Kramon and Graham, P.A. One South Street, Suite 2600 Baltimore 21202 Gemcraft Homes Forest Hill, LLC 2205 Commerce Road, Suite A Forest Hill 21050 Brian Southard Kramon & Graham, P.A. 1 South Street, Suite 2600 Baltimore 21202

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

Printed on Recycled Paper

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

<u>For Newspaper Advertising:</u>
Item Number or Case Number: 07-105-A
Petitioner: General Homes Forest Hill, LLC
Address or Location: Jouth Sole of Jopen Road / Fest of Josen Lene
PLEASE FORWARD ADVERTISING BILL TO:
Name: Srica 5. Southud
Address: Kramen . Grahem P.A.
15011 51. Svih 2600
Sa Horas, May land 21202
Telephone Number:



JAMES T. SMITH, JR. County Executive

TIMOTHY M: KOTROCO, Director

Department of Permits and

Development Management

November 8, 2006

Jeffrey H. Scherr Kramon and Graham, P.A. One South Street, Suite 2600 Baltimore, MD 21202

Dear Mr. Scherr:

RE: Case Number: 07-105-A, McArtor/Penn Property

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures -

c: People's Counsel
Gemcraft Homes Forest Hill, LLC 2205 Commerce Road, Suite A Forest Hill 21050
Brian Southard Kramon & Graham, P.A. One South Street, Suite 2600 Baltimore 21202

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination Jule

DATE:

September 25, 2006

SUBJECT:

Zoning Item # See List Below

Zoning Advisory Committee Meeting of September 18, 2006

The Department of Environmental Protection and Resource Management has no comments with regards to the following zoning items:

07-100-A

07-101-A

07-104-A

07-105-A

07-107-A

07-109-A

07-110-A

07-111-A

07-115-A

07-116-A

Reviewer: J. Livingston

Date: September 25, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:	Timothy M. Kotroco, Director Department of Permits and Development Management	DA	ATE:	November	13, 2006
FROM:	Arnold F. 'Pat' Keller, III Director, Office of Planning				
SUBJECT:	North Side E. Joppa, East of Jasper Lane (McAr	tor/Per	ın Pro	perty	
INFORMAT	ION:				
Item Number	: 07-105		**		
Petitioner:	Gemeraft Homes Forest Hill, LLC	` 1			
Zoning:	DR 5.5	- ; •	1. 1. 4	,	4
-	ction: Variance from Section 1B02.3C.1 and to pplies to corner lots to permit a side yard setback		-		*
	OF RECOMMENDATIONS: The Office of Formula of the subject variance of the subject variance of the subject variance.		g has	reviewed th	he subject
Prepared by:	Lamie Xlay			•	
Division Chie	f:				

AFK/LL: CM



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5 E PT. 18, 2006

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

Baltimore County RE:

Item No. 105

#07-105-A GEMCRAFT HOMES FORESTHILL LLC VARIANCE - SIDEYARD SETBACK OF LOFEET

Robert L. Flanagan, Secretary

Neil J. Pedersen, Administrator

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 105

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

Case No.: 07-105-A MCANTOR/Penn Property

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	Collectively DEED History	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8	, 	
No. 9		
No. 10		
No. 11		
No. 12		
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	MCARTOR - PEHH #3607 E, JOPPA RD
, ,,	HISTORY OF CURRENT PARCEL CONFIGURATION
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. !	21103/645 PARCELS 1 2 2
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4 •	SEE 2730/471 JUNE 29,1955
مرد - و و	SYE 2332/65 JAN 31, 1953
	CURRENT TITLE DOES HOT INCLUDE A SAE
	DEED 3467/05 CAME OUT OF PROPERTY ON DEC 19, 1958
4	
	THE CURRENT CONFIGURATION HAS BEEN THE SAME
; .	
٠,	SINCE DEC. 19, 1958 EXCEPT FOR THE WIDENING
	FOR JOPPA ROAD WHICH THE COUNTY ACQUIRED
	ON 8/24/90 : 1/19/90
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PETITIONER'S

EXHIBIT NO.

2

Chesapeake Title Company, LLC File No. 04-C-3324MT Tax ID#

Fi

This Deed, made this 25th day of October, 2004, by and between GRACE PENN MCARTOR and SARAH MARGARET PENN, parties of the first part, Grantors; and GEMCRAFT HOMES FOREST HILL, LLC, party of the second part, Grantee.

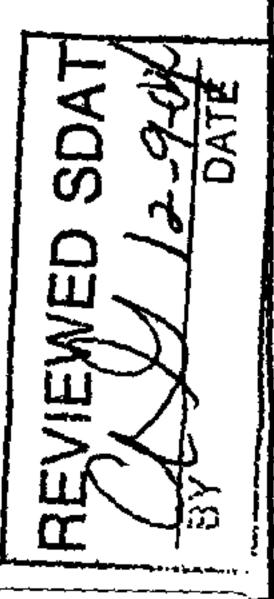
- Witnesseth -

That for and in consideration of the sum of One Hundred Seventy Thousand And 00/100 Dallars (\$170,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said GEMCRAFT HOMES FOREST HILL, LLC, its successors and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING for the first in the center of Joppa Road at a point distant South 87 degrees 43 minutes East 448.90 feet from the beginning of the land described in a deed from Earle W. Blackburn and wife to William H. Penn and wife, dated June 22, 1928 and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 657, folio 300, said point being in line with the east side of a road 30 feet wide, running thence South 87 degrees 43 minutes East binding on the center of Joppa Road 382 feet to a point, said point being the beginning of a parcel of land which by a deed dated December 29, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1427, folio 138 etc. was conveyed by T. Lyde Mason, Jr., et. al. Trustees, to Charles C. Freeland and wife, thence binding reversely on said land the three following courses and distances South 19 degrees 29 minutes West 263.3 feet, South 71 degrees 23 minutes East 125.20 feet and South 25 degrees 14 minutes West 35.40 feet; thence binding of the first parcel of land described in a deed from T. Lyde Mason, Jr., et. al., Trustees, to Frederick A. Horning et. al., dated January 14, 1946 and recorded among the said Land Records of Baltimore County in Liber R.J.S. No. 1416 folio 411 etc. North 81 degrees 40 minutes West 20 feet and North 69 degrees 01 minute West 145 feet running thence South 35 degrees 12 minutes West 372.25 feet to intersect the sixth or North 44 degrees 37 minutes West 492.80 feet line of the land described in the said deed dated June 22, 1948, from Earle W. Blackburm and wife to William H. Penn and wife, and running thence binding on a part of said last mentioned line North 44 degrees 37 minutes West 158.31 feet to the east side of said road 30 feet wide; thence binding thereon the two following courses and distances North 6 degrees 35 minutes East 151.60 feet and North 11 degrees 47 minutes East 150.80 feet and running thence North 11 degrees 24 minutes East and continuing along the East side of the 30 foot road above mentioned 176.95 feet to the Containing 3.718 acres of land, more or less. beginning. improvements thereon being now know as 3607 East Joppa Road.

SAVING AND EXCEPTING therefrom, however, that parcel of ground which by deed dated June 29, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2730, folio 471 was granted and conveyed by Grace Penn McArtor, Donald L. McArtor, her husband, and Sarah Margaret Penn unto Allen P. Miller and Son, Inc., a body corporate.

SAVING AND EXCEPTING therefrom, however, that parcel of ground which by deed dated January 31, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2332, folio 65, was granted and conveyed by Grace Penn McArtor, Donald L. McArtor, her husband, and Sarah Margaret Penn to John William Fantom and Carolyn W. Fantom, his wife, et. al.



PETITIONER'S

0021103 646

BEGINNING for the second and being of the seventh or South 35 degrees 1/2 minutes West 372.25 feet line in a deed dated March 26, 1952 from Daisy Penn Garland et. al. to Grace Penn McArtor and Sarah Margaret Penn and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2096 folio 569 and running thence and binding on a part of said line South 35 degrees 12 minutes West 106 feet to a point running thence southeasterly and at right angles to said line 41 feet 6 inches to a point, thence running North 35 degrees 12 minutes East and parallel to the first mentioned line of the within described lot 156 feet, more or less, to intersect the North 69 degrees 01 minute West 145 feet line mentioned in said deed from Daisy Penn Garland et. al. to Grace Penn McArtor and Sarah Margaret Penn, said point of intersection being also at the end of the South 19 degrees 29 minutes West 33 feet more or less, line in a deed dated January 31, 1953 and recorded from Grace Penn McArtor et. al. to John W. Fantom et. al. and running thence and binding on a part of said North 69 degrees 01 minute West 145 feet line 41 feet 6 inches, more or less, to the beginning.

BEING all that property described in a Deed dated January 10, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2864, folio 101, which was granted and conveyed from Lillian G. Daniels unto Grace Penn McArtor and Sarah Margaret Penn, in fee simple.

SAVING AND EXCEPTING therefrom all that property taken by Inquisition dated August 24, 1990 and recorded among the Land Records of Baltimore County in Liber No. 8591, folio 353, in the matter of Baltimore County, Maryland v. Grace Penn McArtor, Sarah Margaret Penn and First Financial of Maryland Federal Credit Union, in the Circuit Court for Baltimore County, Case No. 90CG-479.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract 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 GEMCRAFT HOMES FOREST HILL, LLC, its successors and assigns, in fee simple.

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 hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness; the hands and seals of said Grantors, the day and year first above written.

ace Penn Mattor (Seal)
PENN MCARTOR
MARGARET PENN

0021103 647

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

Attilliter.

I hereby certify that on this <u>25th</u> day of <u>October</u>, <u>2004</u>, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared <u>GRACE PENN MCARTOR and SARAH MARGARET PENN</u>, the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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

MARLEY MARKET	Mho	
On the state of th	Notary Public My commission expires:	11.105
而结 星星 彩玄三		

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

Attorney

AFTER RECORDING, PLEASE RETURN TO: Chesapeake Title Company, LLC 100 West Road: Suite 215
Towson, MD 21/204

AFFIDAVIT AS TO TOTAL PAYMENT PURSUANT TO SECTION 10-912(B)(2) OF THE TAX-GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND

THE undersigned make(s) oath, in due form of law and under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "withholding law") as follows:

1. That I/we am/are the transferor(s) of that real property described in the accompanying deed (the "property");

2. That I/we have examined the settlement statement prepared in connection with the transfer of the property, including, both the gross amounts due to me/us and the listing of expenses and adjustments which result in a reduction in the net proceeds due to me/us;

3. That with respect to the determination of "total payment" stated below, for the purpose of the withholding law: (a) the "total payment" includes the fair market value of any property transferred to me/us as part of the sale; (b) in calculating the deductions from gross proceeds, "debts incurred in contemplation of sale" (meaning debts secured by the property that were incurred within 120 days of sale, such as loan funds received from a financing or a previous or new line of credit within the past 120 days prior to the sale of the property) were not deducted from gross proceeds; and (c) in calculating deductions from gross proceeds, only my/our expenses arising out of the sale or exchange of the property have been deducted; and

4. That the amount of "total payment" for the purpose of the withholding law is

\$	
DATED this stay of October	, 2004.
Affiant Groce Penn Moerton	Sarah Margaret Benn Affiant Sovsh Margaret Fenn
STATE OF MARYLAND, COUNTY OF Bal	time to wit:
Sworn and subscribed to before the undersigned this	and day of October 2004.
AS WITNESS my hand and Notarial Seal.	•
My Commission Expires: 1/1/5	Notary Public NOTARY PUBLIC SHAPE STORY AND THE COUNTY OF

0021103 649

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

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

Transferor Information

 	TAMBICIUL ABIVI MIAMVA							
Name of Transferor Sarah Margaret Penn								
								
	Reason for Exemption							
Resident	I, Transferor, am a resident of the State of Maryland.							
Status	Transferor is a resident entity under § 10-912(A)(4) of Maryland's							
	Tax General Article, I am an agent of Transferor, and I have authority							
	to sign this document on Transferor's behalf.							
Principal	Although I am no longer a resident of the State of Maryland, the							
Residence	Property is my principal residence as defined in IRC § 121.							
Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.								
	Individual Transferors							
Witness	Sarah Margaret Penn Name							
-	Sough Margaret Denn Signature							
	Entity Transferors							
Witness/Attest	Name of Entity							
{	, ————————————————————————————————————							
	By:							
	· · · · · · · · · · · · · · · · · · ·							
}	Name							

Title

f:\forms\Settlement\Withholding\Affidavit

Book 21103 Page 649

0024183 651

State of Maryland Land Instrument Intake Sheet

[] Baltimore City [X] County: Baltimore
Information provided is for the use of the Clerk's Office and State Department of
Assessments and Taxation, and the County Finance Office only.

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

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	submission of all applicable information.	3607 E. Joppa Road,	, 3 tob	ierty being Con	veyed (2)						
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	Information	Address: 100 West Road			MD 21204		 		 -	J	
		Phone: Telephone: 410	-321-	6316 Fax: 410-	321-1436	·				1	iress Provided
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Witnesseth, but in consideration of the sum of five (CS.OO) Dollars and other good and valuable considerations, the second twissed it besends as hereof her more dependent of the sum of the sum of the second and Earah deposite found of hereby grant and convey unto the sum John William bestored and Corolyn W. Fenton, his wife, an ambivided one-or of interact in the begainster described fee simple property, as tenants by the mattration, their heirs and assigns and to the curvival of them, his or her heirs and actions, in fee simple, and en undivided one-hair interest in unid property to lockered Equit lands, Are and Tourley M. Onlie, his wife, are transfer to the environ time, the or her heirs and assigns, in fac simple, all that lot or normal of them heirs and assigns, in fac simple, all that lot or normal of them heirs and assigns, in fac simple, all that lot or normal of them heirs and assigns, in fac simple, all that lot or normal of them heirs and assigns, in described as rollows, that it to save-

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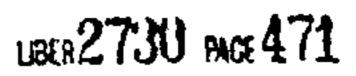
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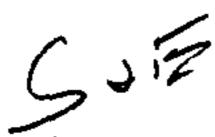
THIS DEED, Made this 29th day of June in the year one thousand nine hundred and fifty-five by GRACE PENN MCARTUR and DONALD LAME MCARTUR, her husband and SARAH MAHGARET PENN, unmarried, of Baltimore County, State of Maryland, parties of the first part; and ALLEN P. MILLER & S.T., INC., a body corporate, duly organized and existing under the laws of the State of Maryland, party of the second part.

MITHESSATH that in consideration of the sum of Five (5.70) Bollars and other good and valuable considerations, the receipt/is hereby acknowledged, the said parties of the first part do grant and convey unto party of the second part, its successors and assigns, in fee-simple, all those lots or parcels of ground situate, lying and being in Baltimore Dounty, State of Maryland, and described as follows, that is to say:

BECIFHING for the first thereof in the center of Johna Road of a point in line with the east side of Jasper Lane (30 feat wide) said toin' being the beginning of the first parcel of land which by deed dated Harch 26, 1948, and recorded among the land decords of Baltimore County in Liber J.L. '. 'o. 2095, folio 559 etc. was conveyed by Laisy Lenn Garland, et al, to Grace enn McArtor, at al, and running thence binding on the center of said Joppa Road and on a part of the first or south 37 degrees 43 minutes 00 seconds east 3%2.0% foot line of said first percel of land south 37 degrees 30 minutes 33 seconds east 179.57 feet, thence leaving the center of said Road and said first line and running for a line of division south 10 degrees 11 minutes 16 seconds west 173.40 feet to intersect the seventh or south 35 degrees 12 minutes 00 seconds west 372.25 foot line of said first parcel of land, thence running with mul binding on a part of said line south 35 degrees 20 minutes his seconds went 136.02 feet to the end thereof, thence running with and binding on the Rith, Rith, 10th and lith lines of said first pacel of land the four following commess and distances north bh degrees 29 minutes 42 seconds west 15 .bl feet to the east side of Jasser Lane (30 fect wide) thence running with and binding on the east side of sald lane the three following courses and distances north 6 degrees 5h minutes 25 seconds east 191.65 feet, north 11 degrees 46 minutes 50 seconds east 190.89 feet and north 11 degrees 23 minutes 50 seconds east 176.95 fant to the place of bujinning. Containing 2.337 nores of land more or less. Fix

CAMPRO DE EXCESSEUR SE CETTER a chuin al Pand In foat wide and aveand thready ing easterly along the 5th, 6th and 7th lines of the bereinabove decreated barcol of land, title to which is bereby reserved in the sold which form Follator and Sarah Margaret Penn. The Grantors herein however by the execution of told - and agree to convey without compensation said 10 feet strip to the Jounty commissioners of Saltimore County Thenever so requested by soid County Commiss thems to Intlients lander on the indening of lasher Tane

BETHU part of the first parcel of land described in a beed dated Opening Narch 26, 1952, and recorded among the Landedecords of Ealthorn Double in Thor G.L.B. No. 2006, folio 569, from Misy Pennigarland, et al, to Grace Fenn McArtor . and Sarah Margaret Penn.



LIBER 2730 PACE 472

BIGENING For the second thereof on the west side of Jasper Lane (30 feet wide) at the beginning of the second parcel of land which by Deed dated March 26, 1952, and recorded arong the Land Mecords of Baltimire County in Liber G.L.B. No. 2096, folio 569 etc. was conveyed by Daisy Penn Garland, et al, to Grace Penn McArtor, et al, and running thence binding on the outlines as described in said deed the five following courses and distances, north blue degrees 29 minutes 42 seconds west 274.92 feet, north 23 degrees 27 minutes 56 seconds west 105.96 feet, south 87 degrees 34 minutes 33 seconds east 279.96 feet to the west side of said Jasper Lane (30 feet wide) thence running with and binding on the west side of said Lane the two following courses and listances couth 11 degrees 16 minutes 50 seconds west 152.07 feet and south 6 degrees 56 minutes 25 seconds west 123.95 feet to the place of beginning. Containing 1.000 acres of land more or less. fix

Tarch 26, 1752, and recorded am no the land Records of Haltimore lowery in Liber ... I. I.o. 2006, folic 569, from Daisy Penn Barland, et al, to Grace Form MoArtor and Sarah Pengeret Penn.

herein is and to the bed of Jasper Lane as not laid out 30 feet wide outending from the southernment outline of the lots of ground hereinabove described not thereby to Joyna land, subject however, to all the terms, possessor indicated and land of the land of the land of the terms, possessor in Jasper and Ja

TIGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, allege, more, outers, inivileges, appurtenances and advantages, to the same belonging, or in any wise apportaining.

TO MANE OF A HOLD the said lots or parcels of graund and premises; above described and mentioned, and hereby intended to be a avered: tagether with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use only benefit of the said works of the second part, its successors and assistant, in for-simple.

Not the sold parties of the first part hereby economic the a sleep have not done or suffered to be done any act, matter or thin, platsoever, it endancer the property hereby conveyed; that they will warnout specially the superty hereby granted, and the they will exact a such further a compared of the part as may be requisited.

TITE RES the A mas and seals of this produce.

Remoth J. Frange

KENNETH J. GAENG

Disce Penn Marton

Sonald Lane The Ontre

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WE 8591 PME 353

BALTIMORE COUNTY, MARYLAND a body corporate and politic

IN THE

SKACE PENN MCARTOR and SKRAH MARGARET PENN

《公司》

THE REPORT OF THE PARTY OF THE

BALTIMORE COUNTY

Case No. 90CG-479

FIRST FINANCIAL OF MARYLAND FEDERAL CREDIT UNION

CIVIL - GENERAL PROCEEDINGS

494902 0001 RO2 T10:

09/11/

INQUISITION

INQUISITION made and taken at Bar in the Circuit Court for Baltimore County, in the matter of the Petition of Baltimore County, Maryland, a body corporate and politic, for the condemnation of the property hereinafter mentioned, witnesseth;

That, I, the Judge, whose name is hereunto subscribed and whose seal is hereunto affixed, hereby fix the damages which the Defendants will sustain by the taking, use and occupation of the following property:

Being a portion of all that parcel of lard located in the 11th Rection District of Baltimore County, Maryland, containing 0.099 sc. ± (4,300 sq. ft.) in fee simple, absolute, of which 0.035 ac. ± (1,519 sq. ft.) consists of existing paving, together with all right, title and interest in and to the bed of Joppa Road; a temporary slope easement area containing 0.008 ac. ± (369 sq. ft.); a temporary construction area containing 0.003 ac. ± (129 sq. ft.); and a drainage and utility easement area containing 0.004 sc. ± (175 sq. ft.). All as more fully shown and described on Baltimore County Plat #RW 88-001-33, attached hereto and made a part hereof.

Having heard the evidence and duly considered the same, I do find and determine that:

It is necessary for the Plaintiff to condemn the said property and that the damages sustained by the Defendants because of the taking of their fee simple interest and estate in and to the parcel of land hereinbefore particularly described and the property and rights as set forth in the Petition are the sum of:

FOURTEEN THOUSAND FIVE HUNDRED DOLLARS

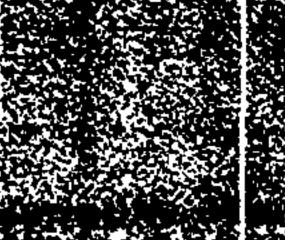
(\$14,500.00).

TRANSPER TAX NOT RECURRED

BALTIMONE COUNTY MARYLAND
Per January And Comments

9-2-90 8-11-4

THIS CONVEYANCE GIVES NOT IMPAIR THE SECURITY FOR ANY PUBLIC TAXES, ARETHEMETRY, AND CHARGES DUE ON THE REMAINING PROPERTY OF THE GRANTOR.



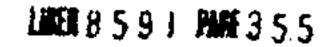
LIEE 8591 ME 354

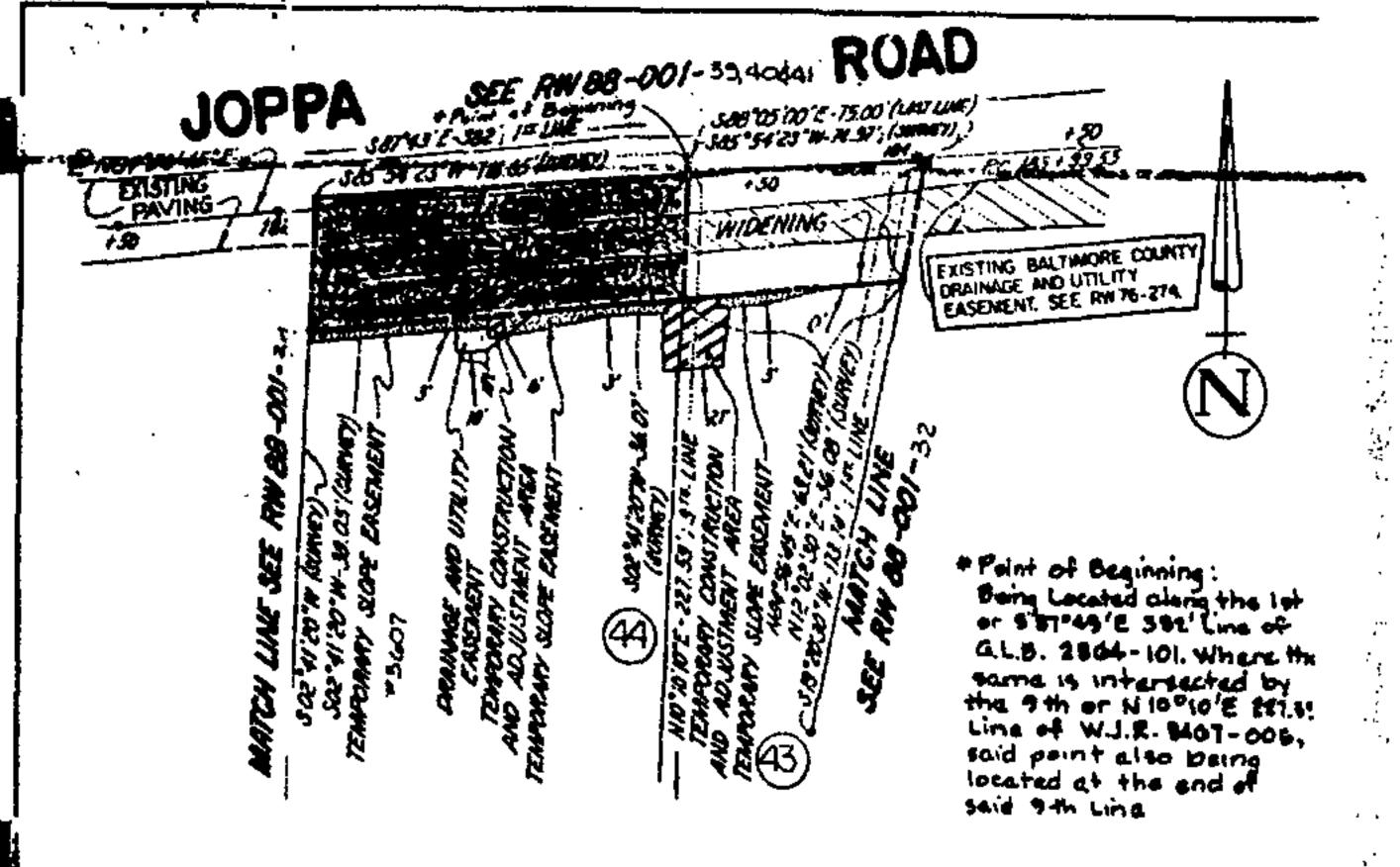
This sum is inclusive of any and all interest which may or will accrue on said sum.

THAT upon the payment of said sum to the Defendants, subject to the adjustment to the date payment is made to the Defendants, of all state and municipal real estate taxes and public charges, and subject to the satisfaction by the Defendants of all mortgages, judgments and encumbrances, if any, the title to the property shall be held and become vested in Baltimore County, Maryland, clear and discharged of any claims, liens and demands of the Defendants and the said Baltimore County, Maryland, shall thereupon have the right to immediate possession of said property.

WITNESS HEREOF, I, the Judge, have hereunto set my hand and seal this day of _______, 1990.

Mrs L. Deuleanan H





JOHN WILLIAM FANTOM AND CAROLYN W.-HIS WIFE, ET.AL.
W.J.R. 3467-005

HIGHWAY WIDSNING AREA = 25.54 SEFT OF 0.058 Ac. 1
TEMPORARY SLAVE EASEMENT AREA = 63 SR FT 1
TEMPORARY CLASTRUCTION AND ADJUSTMENT AREA = 303 SR FX OF 0.007 Ac. 1
AREA IN MAINING = 735 SR FF OF 0.008 Ac. 1

GL.B. 2864-101

HIGHWAY W. DENING AREA = \$,300 38 FT OR 0.099 Ac. ±
DRAINAGE A D UTILITY EASEMENT AREA = 175 58 FT OR 0.004 Ac. ±
TEMPORARY SLIPE EASEMENT AREA = 369 SQ. FT. OR 0.008 Ac. ±
TEMPORARY CONSTRUCTION AND ADJUSTMENT AREA = 129 SQ. FT OR 0.003 Ac. ±
AREA IN PAVING = 1,519 SQ. FT OR 0.035 Ac. ±

BALTIMORE COUNTY	DEPARTMENT OF PUBLIC WOL	RKS ' BUREAU OF LAND ACQUISITION
METRICT NO. 1 C 5 POSITIO	UCTION HEAD NO.	FEDERAL PROJECT NO. OR MARYLAND PROJECT NO
DATE SATE SATES	TATEMENT PROCES	G COUNTY A W COMPLETON EMPLEO OF SURVEYOR
mer suit of the street of	TEMPORARY CONSTRUCTION CONSTRUC	SHEET OF REVISIONS
SUPPLEMENT OF SHAPE O	PL OT CREC	B.C. JOB ORDER NO.
2-1-15	**************************************	

05--RW-88-001 Item #44(I)

BALTIMORE COUNTY, MARTEANS 6

Office of Finance - Revenue Division

REAL PROPERTY TRANSFER - CONSIDERATION AFFIDAVIT

Complete affidavit - original and I copy - for each instrument other than mortgage or deed of trust (with or without consideration). Sign and return both copies.

In compliance with Baltimore County Code Title II, Article IX, Sections 11-73 through 11-87, as amended, it is certified that an instrument described below, representing a transfer of real property including, but not limited to. fee simple estate, leasehold estate, limited estate and legal or equitable intervets. In the trapenty polo wiscalantan na aziola baltizara fantitu The subject property is identified as follows: THE STATE OF THE PARTY OF THE P Prior Deed Reference: Property 101 11-13000125 2864 Folio Liber Account # Balance of Existing Mortgage \$__ Date of Instrument 8724/90 Amount of New Mortgage \$ DOCUMENTS PRESENTED Other (cash, etc.) \$ Agreement Deed Total Consideration \$ 14,500.60 Deed of Trust Mortgage Assessed Factor Lease over Contract 7 years Exempt Status Claimed per Baltimo Other - Specify Inquisition Right-of-way or Easement *Total Consideration is transfer tax base. Agreement *Is Subject Property Financed by Bonds Issued Under Article 41, Section 266, Annotated Code of Maryland PERSON OFFERING INSTRUMENT FOR RECORDING: . TRANSFERRED PROPERTY KNOWN AS: , Containing 0.099 ac (4,300 sq ft) Walter J. Ballesteros more or less. Title Co. or Firm Bureau of Land Acquisition MAIL TON Address C.O.B. WHOLE TRANSFER Towson, Md 21204 PARTIAL TRANSFER-List Improvements or Partial 887-3294 Phone: Transfer GRANTOR: Grace Penn McCartor and Sarah Margaret Penn ___ Is Plat Available for Transfer Office? GRANTEE Bultimore County, No I HEREBY CERTIFY under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief. GRANTEE MAILING ADDRESSCOUZE House Signed Walter J. Ballesters Date 8/29/90 Tax Bill C.B. Credit Ag. Tax or Other Comments:______

Code: 05--RW-88-001-33

J.O. 5-77-8 Item 43 (H)

#51480 COOL ROS TIS:01

92/22/90

COUNTY HIGHWAY DEED

THIS DEED, Made this /19 day of January by JOHN WILLIAM FANTOM and CAROLYN W. FANTOM, his wife, and LOCKERED SCOTT GAHS and VTHURLEY M. GAHS, his wife, of Baltimore County, State of Maryland, Grantors.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey unto BALTIMORE COUNTY, MARYLAND, a body corporate and politic, its successors and assigns, in fee simple, for public highway purposes, all that lot of ground situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEING a parcel of land of irregular dimensions across the property of the Grantors, to be used for the widening of JOPPA ROAD, said parcel of land containing 0.058 acre (2,536 sq. ft.), more or less, of which 0.018 acre (795 sq. ft.), more or less, lies in existing paving, as shown shaded and indicated "HIGHWAY WIDENING" on Baltimore County Bureau of Land Acquisition Drawing No. RW 88-001-33, which is attached hereto and made a

TOGETHER with a temporary easement area across the property of the Grantors containing 83 sq. ft., more or less, as shown indicated "TEMPORARY SLOPE EASEMENT" on the aforesaid Drawing No. RW 88-001-33, which is attached hereto and made a part hereof; to be used during the period of construction only for the purpose of creating the necessary supporting slope, and all rights in said temporary easement hereby granted to Baltimore County, Maryland, shall upon completion of construction of the entire project, terminate and revert to the Grantors.

TOGETHER ALSO with a temporary easement for construction purposes over the property of the Grantor, containing 0.007 acre (303 sq. ft.), more or less, as shown indicated "TEMPORARY CONSTRUCTION AND ADJUSTMENT AREA" on the aforesaid Drawing No. RW 88-001-33, which is attached hereto and made a part hereof; said temporary easement shall become null and void upon the completion of construction of the entire project, and the Grantors herein shall hold the property over which the said temporary easement runs free and clear of said temporary easement. TRANSFER TAX NOT REQUIRED

ATTICULIURAL TRANSPER TAX THE APPLICABLE

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

Director of Finance PALTIMORE COUNTY MARYLAND

Per _____ Authorized Signature Date 2-2

TOGETHER ALSO with the right of Baltimore County, Maryland, its successors or assigns, employees or agents, to remove any tree having a butt diameter of 3" or less, which may be in the aforesaid temporary construction area.

TOGETHER ALSO with all right, title and interest of the Grantors in and to the bed of JOPPA ROAD, as shown on the aforesaid Drawing No. RW 88-001-33, which is attached hereto and made a part hereof.

BEING a portion of the property which by Deed dated December 19, 1958 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3467, folio 5 from Grace Penn McArtor and Sarah Margaret Penn unto John William Fantom and Carolyn W. Fantom, his wife, as to an undivided one-half interest and unto Lockered Scott Gahs and Thurley M. Gahs, his wife, as to an undivided one-half interest.

TOGETHER with the appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above granted property unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, in fee simple, for public highway purposes.

and the said Grantors 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 property granted; and that they will execute such further assurances of the same as may be requisite.

AS WITNESS the due execution hereof by the aforenamed Grantors.

4

40

Campber W. Forton

fortreed Stall 120

(SEAL)

Lockered Scott Gans

_2-

STATE OF MARYLAND, BALTIMORE Lacenty, to wit:

I HEREBY CERTIFY that on this 13th day of familiary in the year 1998, before me, the subscriber, a Notary Public of the State of Maryland, in and for the Caucata aforesaid, personally appeared JOHN WILLIAM FANTOM and CAROLYN W. ANTOM, his wife, and they acknowledged the foregoing Deed to be their act, and IN MY PRESENCE SIGNED AND SEALED THE

AS WITNESS my Hand and Notarial Seal.

I HEREBY CERTIFY that on this day of faculary, in the year 1949, before me, the subscriber, a Notary Public of the State of Maryland, in and for the Caccuty aforesaid, personally appeared LOCKERED SCOTT GAHS and THURLEY M. GARS his wife, and they acknowledged the foregoing Deed to be their act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my Hand and Notarial Seal.

APPROVED as to form:

APPROVED as to legal sufficiency:

esistant County Attor

APPROVED and ACCEPTED this 7th

BALTIMORE COUNTY, MANYLAND

Robert M. Infussi, Sr Executive Secretary/

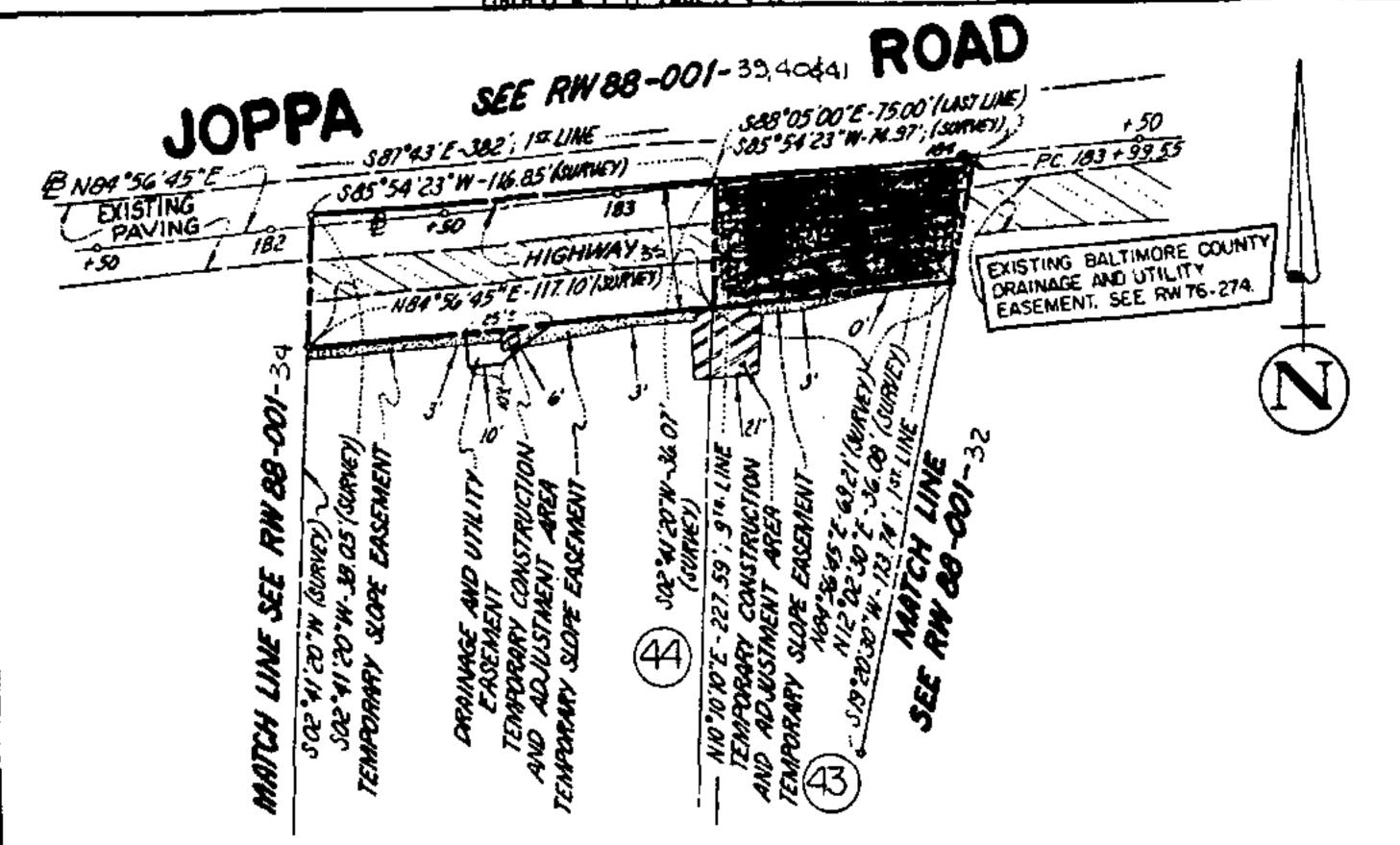
Dennis F. Rasmussen County Executive

2/18/89

WJB:DB:bt

Index: 9/10/88

Acct. No .: 11-06-000274 0d



JOHN WILLIAM FANTOM AND CAROLYN W.-HIS WIFE, ET. AL. W. J. R. 3467-005

HIGHWAY WIDENING AREA = 2,536 SO.FT. OR 0.058 Ac. ±
TEMPORARY SLOPE EASEMENT AREA = 83 SO.FT. ±
TEMPORARY CONSTRUCTION AND ADJUSTMENT AREA = 303 SO.FT. OR 0.007 Ac. ±
AREA IN PAVING = 795 SO.FT. OR 0.008 Ac. ±

GL.B. 2864-101

HIGHWAY WIDENING AREA = 4,300 SO.FT. OR 0.099 Ac. ±
DRAINAGE AND UTILITY EASEMENT AREA = 175 SO.FT. OR 0.004 Ac. ±
IEMPORARY SLOPE EASEMENT AREA = 369 SO.FT. OR 0.008 Ac. ±
IEMPORARY CONSTRUCTION AND ADJUSTMENT AREA = 129 SO.FT. OR 0.003 Ac. ±
AREA IN PAVING = 1,519 SO.FT. OR 0.035 Ac. ±

BALTIMORE COUNTY	DEF	ARTMENT OF	PUBLIC WORK	(\$	BUREAU	OF LAND	ACQUISITION
DISTRICT NO. 11 C 5	POSITION SHEET N	10. 36 NE 2.	2		PROJECT NO. C)A	
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11/ mil	/ Z	MPORARY CONSTRUCTI AREA		EMENT_	SHEET	OF	REVISIONS
CHIEF, BUREAU OF LAND ACQUE	17(0) 17 EM	NO RE	CORDED	JOSE A VENTURINA	SCALE.	= 50'	
ATE 2/8/89			PLAT CHECK	Ker.	8.C. JOE	ORDER NO	
money Mb Bleeces	252		AREA	12 13 6		77-8	
SUPERVISOR, DIVISION OF DR	AFTING		TITLE		Rw 88-	001-33	

Rt -001 Item #43 (H)

(H) BALTIMORE COUNTY, MARYLAND
Office of Finance - Revenue Division

JIER8410 NE546

REAL PROPERTY TRANSFER - CONSIDERATION AFFIDAVIT

Complete affidavit - original and 1 copy - for each instrument other than mortgage or deed of trust (with or without consideration). Sign and return In compliance with Baltimore County Code Title 11, Article IX, Sections li-69 through 11-85, as amended, it is certified that an instrument described below, representing a transfer of real property including, but not limited to, fee simple estate, leasehold estate, limited estate and legal or equitable interests in real property, is offered for record in Baltimore County. The subject property is identified as follows: Property 11-06-000276 Account # Prior Deed Reference:
Liber Folio Date of Instrument Amount of Mortgage \$ DOCUMENTS PRESENTED Other (Cash, etc.) \$ Deed Agreement Total Consideration \$ 3, 405,00. Deed of Trust Mortgage Assessed Factor Contract Lease over Exempt Status Claimed per Baltimore County Code 11-85(A) 7 years Other Right-of-way or *Total Consideration is Easement Agreement transfer tax base. *Is Subject Property Financed by Bonds Issued Under Article 41, Section 266, PERSON OFFERING INSTRUMENT FOR RECORDING: TRANSFERRED PROPERTY KNOWN AS: Parcel cont. 0.058 acre (2,536 sq. Walter J. Ballesteros ft.), more or less, of which 0.018 Title Co. Bureau of Land Acquisition acre (795 sq. ft.), more or less, lies in existing paving C.O.B. Address WHOLE TRANSFER Towson, Md 21204 PARTIAL TRANSFER - List Improve-Phone: 887-3294 ments on Partial Transfer GRANTOR: John William Fantom, et al Is Plat Available for Transfer Office? Baltimore County, MD GRANTEE I HEREBY CERTIFY under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief. GRANTEE MAILING ADDRESS Court House acte 9 Date 2/ OFFICE OF FINANCE USE ONLY:.... Amount \$ Invoice # Tax Bill C.B. Credit Other Credit _____ Comments

time 3467 mes 005

CHAS. A. TRACESEJ ATTORNEY AT LAW MANUET BLDC. BALTONDES 3, ND.

fade this - 7

day of De. C. . D. .

The following thousand nine bundred and fifty-eight - - - by and between Grace Pera

AT IN COMMENT and Sarah Margaret Penn, single - as joint tenants

380WilWS County

₩. 7×

1

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

John William Fanton and Carolyn W. Fanton, his wife as to an undivided one-half interest; and unto lockered Scott Gahs and Thurley M. Gahs, his wife as to an undivided one-half interest; of the second part.

do the grant and convey unto the said John William Fanton and Carolyn W. Fanton, his wife as tenants by the entirety as to an undivided one half interest and unto Lockered Scott Gahs and Thurley M. Gahs, his wife, as tenants by entirety as to one-half interest their.

Baltimore County, Maryland ----- aforesaid, and described as follows, that is to say:-



Beginning for the same at a point in the centerline of loops. Road at the end of the first or 5-87-43-00-5 382.00 foot line of the first parcel of land which by deed dated March 26, 1952 and recorded among the land records of Bultimore County in Liber ... GLB 2096 follo 569 was conveyed by Daisy Penn Garland et al to Grace Penn McAstor et al said point also at the beginning of land which by deed dated April 24, 1957 and recorded among the land records of Baltimore County in LiberGLB 3145 folio 294 was conveyed by Prederick. A. Horning and wife to Ark-Readi Mix Concrete Corp., thence leaving the centerline of Joppa Road and binding on part of the second line in first mentioned deed, Garland to McArtor and reversely on the last line in aforesaid deed, Horning to Art-Readi Mix Concrete Corp. as now surveyed S-19-20-30-6 173.74 feet running thence still binding on part of the aforesaid second line in deed, Garland to McArtor and reversaly on the fifth or N-19-39-B 90.7 foot line of land which by . deed dated October 29, 1958 and recorded among the land records of Baltimore County in Liber GLB 3440 folio 117 was conveyed by Prederick A. Horning and wife to Ark-Readl Mix Concrete Corp. as now surveyed S-19-20-30 w 90.70 feet to the beginning of the land which by deed dated January 31, 1953 and recorded among the land records of Baltimore County in Liber GLB 2332 folio 65 was conveyed by Grace Penn McArtor et al to John William Pantom et al running thence and binding on the first line in aforesaid deed, McArtor et al to Pantom et al, as now surveyed 5-19-20-30-8 34.71 feet to the end of the third or N-35-12-E 156 feet more or less line of land which by deed dated January 31, 1953 and recorded among the land records of Baltimore County in Liber GLE 2332 felio 68 was conveyed by John William Fanton et al to Grace Penn McArtor and Sarah Margaret Penn running themce and binding reversely on the third and second lines in last mentioned deed Fantom et al to McArtor et al as now surveyed 5-35-21-20-W 116,51 feet and N-34-38-40-W 41.50 feet to intersect the seventh or S-35-12-4

1 3467 : 1006 ...

is dest, of the total of 12 to been at all, and been a 170 and part of the third or N-15-12-4 312,25 fact like of tend initiality/caus diself. http://doi.org/ Tecopole Same Configuration of Saltimory Lawry in Liber 518 2108 folly 761 West seasonably Report E. These (manyeright) to John William. Perform of all an our Maryers 5-35-21-20-8 130, 23, to the end of the second or 3-15-11-14-2 475.44 foot line of land which by deed dated Jame 29, 1915 and recreated among the land records of Baltimore County is ther did 2730 follo 471 was conveyed by Grace Pers Militar et al. to Allen P. Miller and Some, Inc. running themen and binding reversely on part of the accord line in aforemaid duck McArtor %1.81, to Miller and Some, Inc. as now surveyed N-10-10-10-2 251.95 feet to the southeast corner of lot #3 as shown on the plates f "Block A. Miller Beights and recorded among the land records of Beltimore County in Liber GLD 22 folio 42 thence leaving the second line in aforesaid doed Mohrton et al to Miller and Soms, Inc. and the southeast corner of aforessid lot #3 and running for lines of division, the two following courses "and distances 5-83-06-39-8 116.22 feet and N-10-10-10-8 227.59 feet to the centerline of Joppa Road and to intersect, the aforessid first line in first mentioned deed. Garland at mito Medator et mi, running thence and binding in centerline of Joppa Road on part of the first line in first mentioned deed, Garland et al to McArtor et al, sa now fur veyed \$-88-05-00-9 75.00 feet to the place of beginning.

Containing 0.505 scree of land, more or less.

Being part of the first parcel of land which by deed dated Narch 20, 1932 and recorded among the land records of Baltimore County in Liber GIH 2096 folio 569 was conveyed by Daisy Penn Garland et al to Grace Penn McArtor et al.

Being slac all of that land which by Geed dated languary 31, 1953 and recorded among the land records of Baltimpre County in Liber GLB 2332 folio 68 was conveyed by John William Fanton et al to Grace Penn McArtor et al.

As now surveyed by Miller, Raphel and Associates Surveyors, Towson,

MCARTOR/PENN PROPERTY MINOR SUB # 05-024-M

Plan Date: February 10, 2005 Comments Due: March 18, 2005 Comments Date: March 16, 2005 Comments Typed: March 16, 2005

- 1. Add Owner's telephone number.
- 2. Add Minor Subdivision Number (05-024-M) to the Title Block.
- 3. Omer Lot (side street) setback in a DR 5.5 zone is 25 feet (see enclosed highlighted copy of the Zoning Commissioner's Policy Manual Page 13-26).
 - (3). Add the distance of proposed Lot # 1 to the closest intersecting street (Jasper Lane).
 - 5. Show a revision block and date all revisions.
 - 6. The date in General Note # 4 must be prior to 9-19-70 (enactment date of DR zones).
 - 7. Add the addresses of the 3 proposed lots.

Any requests for further information from the Zoning Office must include a reference to the minor subdivision file number and written correspondence or revised plans must be accompanied by a copy of these comments.

John J. Sullivan, Jr.

Planner II

Zoning Review

JJS/clb

ZONING COMMISSIONER'S POLICY MANUAL

DR's

BOZ.3.B SETBACK REQUIREMENTS - PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS	_
ELLENIS - PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS	6 11 4 a

TIME PERIOD (1971) (1955) (1945Xuoushua Tyrk) DR 1 R 40 DR 2 R 20 DR 3.5 R 10 A CIPIT PARKET DR 5.5 R 6 B (contributed) DR 1.5 R 6 DR 5.5 R 6 DR 5.5 R 6 DR 5.5 R 6 DR 6 DR 7 DR 1.5 DR 2.5 DR 3.5 R 10 A CIPIT PARKET DR 1.5 DR 3.5 R 6 B (contributed) DR 1.5 DR 1.5 DR 2.5 DR 3.5 R 6 D		A50 4	INCRE	704 M	E d	-				_		•			FOR A		- 10 14 (
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C1971) C1955) C1945Xuousina TYE) DR 1 R 40 DR 2 R 20 C25 DR 2 R 20 DR 3 R 40 DR 40 DR 6 DR 7 R 40 DR 8 R 40 DR 9 DR 9 DR 1 R 40 DR 1 R 40 DR 1 R 40 DR 1 R 40 DR 2 R 20 DR 2 R 20 DR 2 R 20 DR 3 R 40 DR 3 R 40 DR 40 DR 40 DR 50 DR 6 DR 7 R 40 DR 6 DR 7 R 40 DR 9 R 40 DR 15 DR 16 R 40 DR 17 R 40 DR 17 R 40 DR 18	R IO		15	7	15	25	20		. [30	30			30	30	4	-
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TIME	ZONE PERIOD (1971) (1955)	1 2		.	ZEZ		1	.	CORNER	FRON T		SIDE	CORNER	FRONT	¥ 4	1.	

- 1802.3.B.1 PARCELLING OR DEVIDING ADREADY DEVELOPED PROPERTY Parcelling or dividing developed property that is under one ownership and meets the overall density, would be permitted for mortgage purposes provided that:
 - a. the ownership remains the sume, and
 - b. That the existing uses of the Class of separation would not change in a way that would increase the overall density.

SECTION

- 1802.3.C.1 APPLICABILITY 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 must also comply with this small lot table.
 - a. SIDE STREET SETBACKS when the small lot table applies are the same as the required front yard setback. Averaging is not permitted on a side street setback.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

 W_{i}^{-1}

Joe Chmura

DATE: March 18, 2005

Department of Permits and Development Management

FROM:

Curtis Murray

Development Review Section

Office of Planning

PROJECT NAME:

McArtor / Penn Property

PROJECT NO.:

05024 M

The Office of Planning has reviewed the above referenced project and offers the following comments:

- 1. If basements are provided, they shall be in-ground, (e.g. no above grade walk-out basements allowed). Place a note on the plan to that effect.
- 2. Provide typical elevations of the proposed dwellings.
 - a. All building facades, including rears and sides shall be similar in design, building material, and articulation (e.g. if front is brick, sides and rears shall be brick etc..).
- 3. A fence and landscaping shall be installed by the developer on lot one.
 - a. Show the plan location of said fence (minimum 10' back from right-of-way of Joppa Road and rear property line).
 - b. Provide an elevation with height and materials indicated for the fence.
- 4. If the applicant would choose to reduce the setbacks between lots 1 and 2 in order to increase the setback along Joppa Road the Office of Planning would support this request.

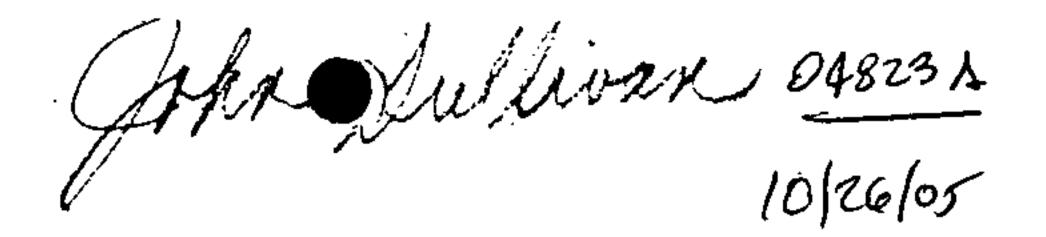
Curtis Murray

Lynn Lanham, Chief

Development Review

CM:kma





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Joe Chmura

DATE: October 26, 2005

Department of Permits and Development Management

FROM:

Donnell Zeigler

Development Review Section

Office of Planning

PROJECT NAME:

McArtor / Penn Property – SECOND REVIEW

PROJECT NO.:

05024 M

The Office of Planning has reviewed the above referenced project and offers the following comments:

- 1. Provide typical elevations of the proposed dwellings.
 - a: All building facades, including rears and sides shall be similar in design, building material, and articulation (e.g. if front is brick, sides and rears shall be brick etc..).
- 2. A fence and landscaping shall be installed by the developer on lot one.
 - a. Provide an elevation with height and materials indicated for the fence.
- 3. If the applicant would choose to reduce the setbacks between lots 1 and 2 in order to increase the setback along Joppa Road the Office of Planning would support this request.
- 4. A zoning relief will be requested for the side setback on Lot 1 (To Joppa Road).

Donnell Zeigler

Lynn Lanham, Chief

Development Review

DZ:kma

LITTLE & ABOX.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Joe Merry

Department of Permits and Development Management

FROM:

Donnell Zeigler

Development Review Section

Office of Planning

PROJECT NAME:

McArtor / Penn Property - SECOND REVIEW

PROJECT NO.:

05024 M

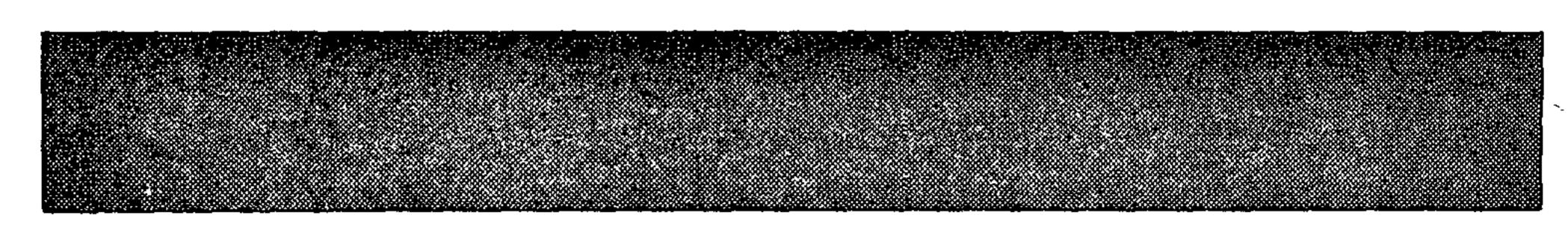
The Office of Planning has reviewed the above referenced project and recommends approval subject to the case number and conditions of the zoning order being placed on the plan.

Joinson Leigher

Lynn Lanham/Chief
Development Review

DATE: July 7, 2006

DZ:kma



1992 Edition

Baltimore County Zoning Commissioner's Policy Manual



amended May 13, 1992

adopted May 21, 1991

Administrative Supplement to the Baltimore County Zoning Regulations

BO2.3.B SETBACK REQUIRE	EMENTS - PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS ONLY
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TIME	JAN.	2,1945	+6JUL	Y 1,1983	JULY 2	,1983 +	O MARCH	19,1955	MARCH	50, I 9 55	HO MARCH	30,197	MARCH	\$1,1971	₩ PRE	SENT
ZONE PERIOD (1971) (1955) (1945)Housing Type)	FRONT	REAR	SIDE	CORNER (SIDE STREET	FRONT	REAR	SIDE (COMBINED)	CORNER (SIDE STREET)	FRONT	REAR	SIDE	CORNER (SIDE STREET)	FRONT	REAR	SIDE Ccombined)	CORNER.
DR 1 R 40					25	20	7 (17)	40 Q	50	50	20 (50)	50	50	50	20 (50)	
DR 2 R 20					25	20	7 (TI)	40 £	40	40	15	40	40	40	15 (40)	_
DR 3.5 R 10 A (1002 FAMILY)	25	15	7	15	25	20	7 (17)	40 L	30	30	10 (25)	30	30	30	10 (25)	_
DR 5.5 R 6 B (SENT-DETACHED)	25	15	7	15	25	20	7 (17)	40 £	25	30	8 (20)	25	25	30	10	
DR 10.5 R.G. D atown houses)	25	25	IO ENG GEOUD	25	25	50	15	25	25	50	15	_	10	50	10	
DR 16 R.A. C CAPARTMENTS)	55 FO	26	7		25	25	7	15	25	50	15		10	30	25	
		INCHES	POR EA									** ONLY FOR SUBDIVISIONS WITH NO FDP				

1802.3.8.1 - PARCELLING OR DIVIDING ALREADY DEVELOPED PROPERTY Parcelling or dividing developed property that is under one
ownership and meets the overall density, would be permitted for
mortgage purposes provided that:

a. the ownership remains the same, and

b. That the existing uses at the time of separation would not change in a way that would increase the overall density.

SECTION

1B02.3.C 1 APPLICABILITY - 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 must also comply with this small lot table.

a. SIDE STREET SETBACKS when the small lot table applies are the same as the required front yard setback. Averaging is not permitted on a side street setback.

SECTION

1802.3.C.2 - BMALL LOT TABLE APPLICATIONS

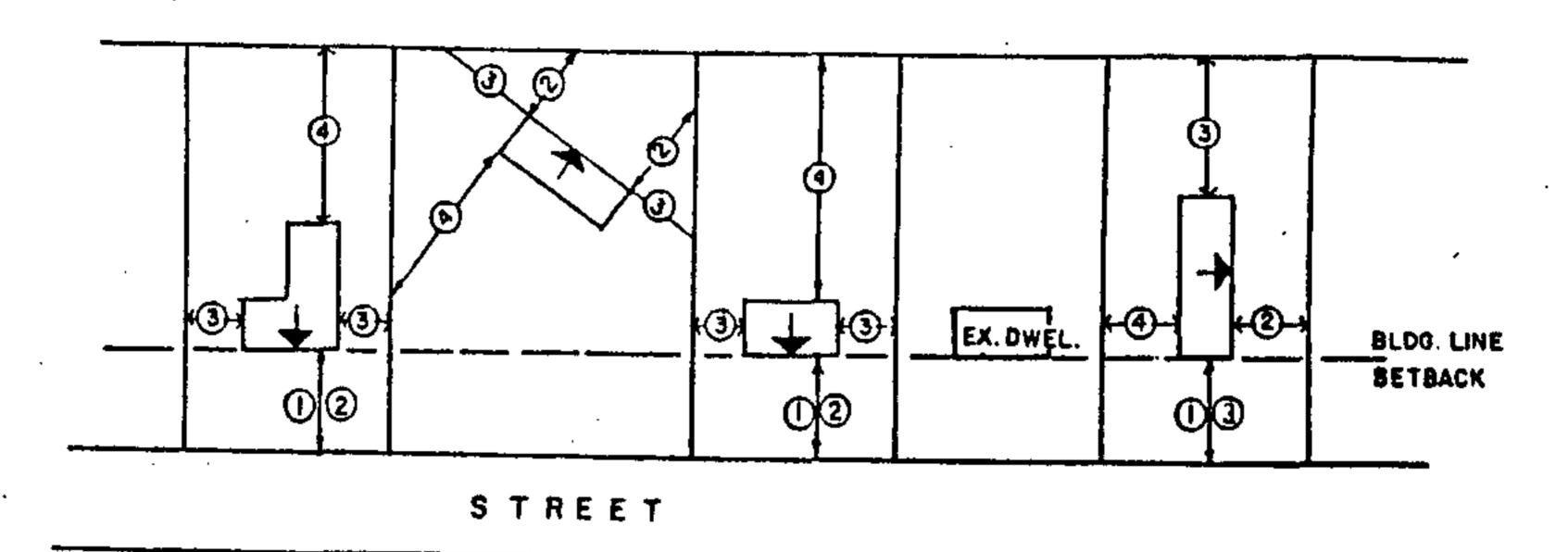
- Hetween September 19, 1970 (Bill 100) and September 25, 1981 (Bill 124), if a tract of land qualified to be subdivided under the small lot table, the residential transition use and area charts would not have been used. Density and the 75 foot setback in D.R. 16 would also not have been applied. However, the transition use chart was used partially as a guide as follows:
 - i. If the zoning was D.R. 1, 2, 3.5, 5.5 it was determined that the intent was to permit single family detached dwellings only. And this use limitation was carried over to a small lot table.
 - 11. If the zoning was D.R. 10.5 or 16 it was determined that the intent was to permit townhouses or apartments, but the transition use chart was used purticity as a guide so as not to conflict with existing developments or adjacent properties.

Will 124-81 (effective September 25, 1981) deleted the limitation of only one principal dwelling on a lot, the Residential Transition Area chart, and also deleted the 75 foot setback in D.R. 16.

- Subsequently, any tract of land that qualifies for the small lot table would continue to use the bulk regulations of the chart and the concept of the use regulations would be upplied as before under a. The difference being that more than one dwelling could occupy the same lot provided that planning would not require subdivision and the combined area, setbacks, lot width, and distances between principal buildings are complied with.
- .c. METHOD OF MEASURING SETBACKS
 - Street Frontage & Building to Lot Line Orientation
 - i. The front setback distance is measured radial or perpendicular to the road or front right-of-way.
 - il. Side and rear setback distances are measured by extending the foundation wall lines to the nearest intersection of the property line.
 - iii. The building line setback required by the lot's zoning classification must be maintained from all abutting street frontages.
 - iv. Additionally, if a building is oriented so as to face or front a lot line other than a street, applicable front, side and rear setbucks relative to the building's front must also be maintained as required by the property's class.

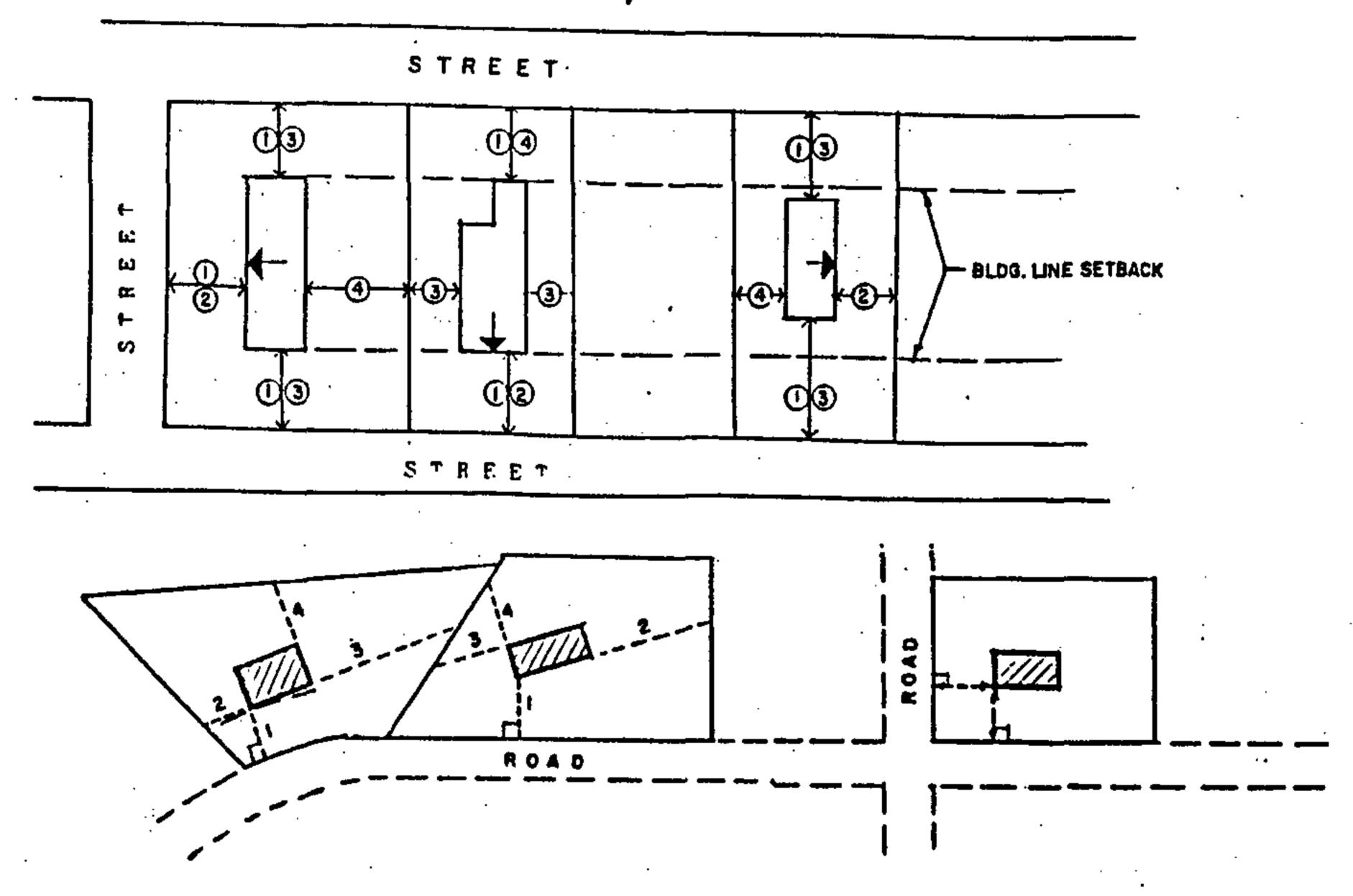
SECTION 1B02.3.C.2.c

Diagrams v.



- 1. Street Building Line Sethack (If two setbacks conflict the greater of the two shall be maintained)
- 2. Front Yard Setback
- 3. Side Yard Setback
- 4. Rear Yard Setback

=FRONT OF BUILDING

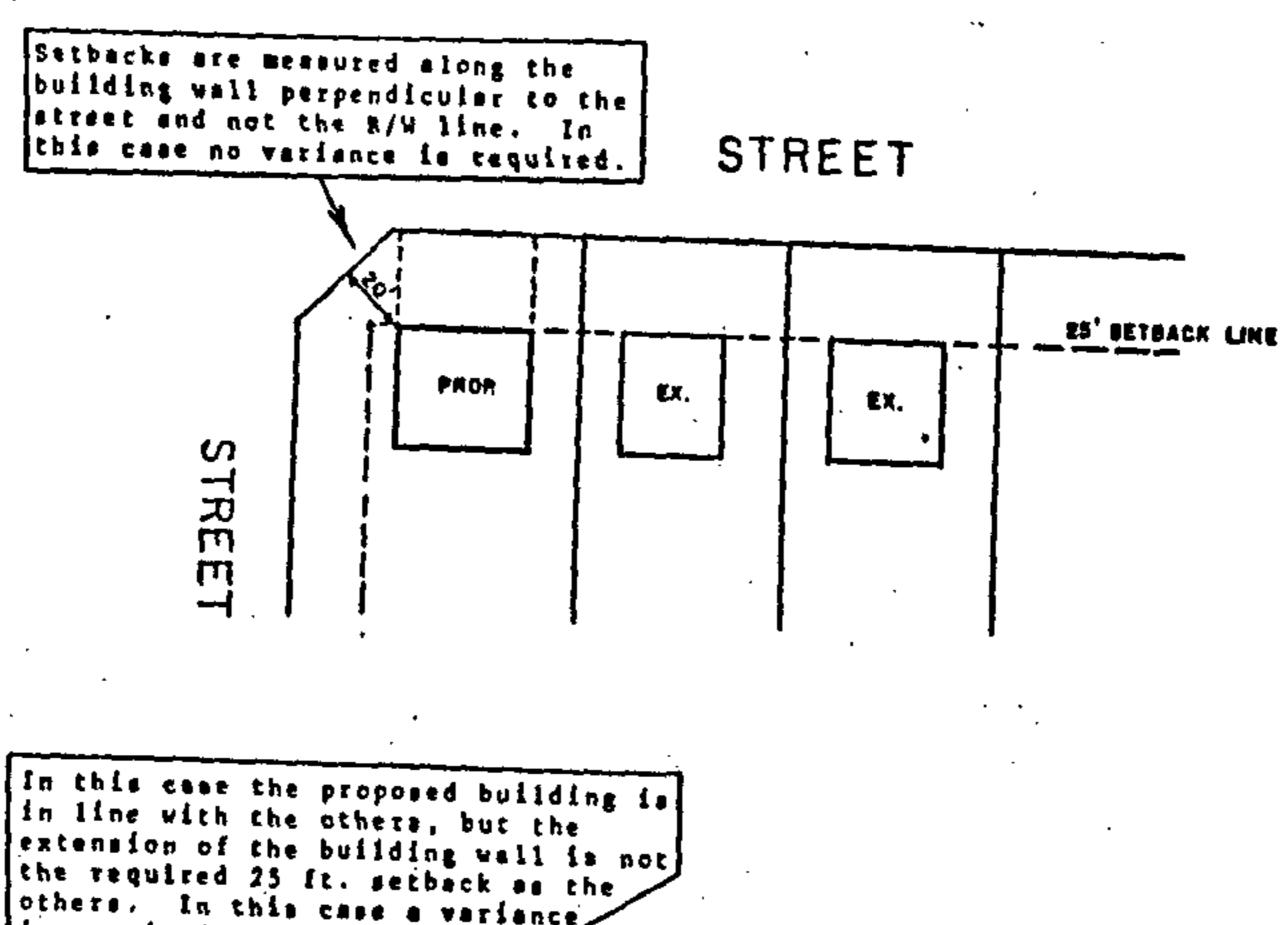


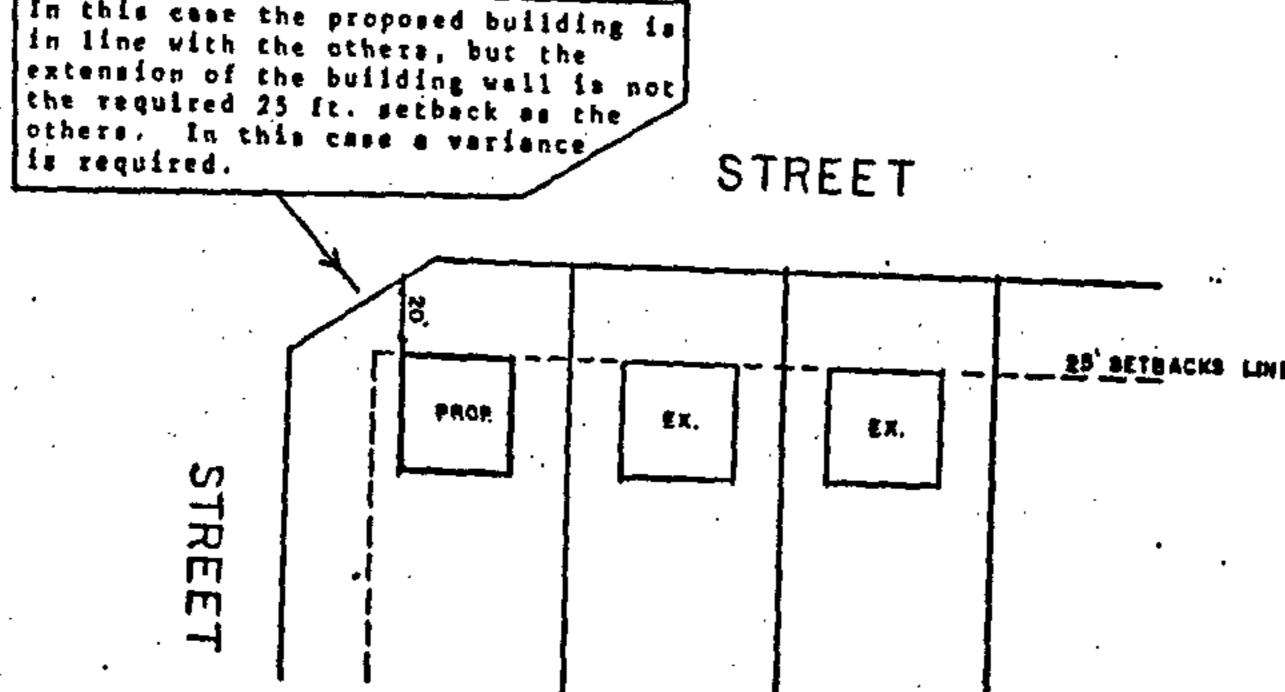
(See Section 103.3 ZCPM, Page 1-43.1 for diagrams showing method of measuring setback in R.C. zones).

SECTION 1B02.3.C.2.c

v. Diagrams

REFERENCE! CASE NO. 74-246XA





Baltimore County Zoning Regulations

1998 Edition

Originally printed as amended through July 6, 1998

GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, NY 14624

GENERAL CODE PUBLISHERS CORP.

INSTRUCTIONS

Baltimore County Zoning Regulations Supplement No. 16

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
Table of Contents,	Table of Contents,
vii – viii	vii – viii
1-37-1-38	1-37 - 1-38
 _	1-38.1
1A-29 - 1A-30	1A-29-1A-30
2-51 - 2-54	2-51-2-54
	2-54.1
2-63-2-64	2-63-2-64
2-95 – 2-96	2-95 - 2-96
4-101 - 4-102	4-101-4-102
	4-102.1
4-105 - 4-106	4-105 - 4-106
4-115 - 4-118	4-115 ~ 4-118
	4-118.1 - 4-118.2
4A-1-4A-2	4A-1-4A-2
4A-13-4A-19	4A-13-4A-19
4B-1-4B-2	4B-1-4B-2
DL-5 - DL-7	DL-5 - DL-7
Index Pages IDX-1 – IDX-42	Index Pages IDX-1 – IDX-42

Legislation, by number or date of adoption, included in this supplement: Bill Nos. 5-2006; 10-2006; 24-2006; 28-2006; 30-2006; 32-2006; 35-2006; 46-2006; 71-2006.

- 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:
 - 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:

Zoning Classifica- tion	Minimum Net Lot Area per Dwlling 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.

- C. If the Department of Permits and Development Management has not notified the applicant of a determination pursuant to the provisions of this section, or has not notified the applicant pursuant to Section 304.4 above of the intention to require a public hearing, the dwelling shall be considered appropriate for purposes of this section.
- The decision of the Zoning Commissioner or the Director of the Department of Permits and Development Management may be appealed, in which case the hearing shall be scheduled by the Board of Appeals within 45 days from receipt of the request.
- The Director of the Department of Permits and Development Management shall establish appropriate fee schedules.

Section 305 Replacement of Destroyed or Damaged Dwellings [BCZR 1955; repealed by Bill No. 124-1991; re-enacted by Bill No. 214-1991]

In case of complete or partial casualty loss by fire, windstorm, flood or otherwise of an existing dwelling that does not comply with height or area requirements of the zone in which it is located, such dwelling may be restored, provided area or height deficiencies of the dwelling before the casualty are not increased in any respect, and such restoration is subject to the limitations imposed by Section 104.2 of the Baltimore County Zoning Regulations.

Section 306 Minor Public Utility Structures [BCZR 1955; Resolution, November 21, 1956; Bill No. 32-2004]

Minimum lot area regulations in any zone shall not apply to:

- A. Repeater, booster or transformer stations;
- B. Bus shelters, Class A or B; or
- C. Small community dial offices.

Section 307 Variances

[BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

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 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.

Section 308 Variances and Special Exceptions for Radiation Fallout Shelters [Bill Nos. 87-1961; 19-1962]

Radiation fallout shelters may be erected and constructed in accordance with specifications published by the Office of Civil and Defense Mobilization of the United States Government for one of the shelter types or designs approved by said agency as being effective for affording protection from radiation fallout, and the Zoning Commissioner may grant variances from area and height regulations and may make special exceptions to the Zoning Regulations where strict compliance with those regulations would result in practical difficulty or unreasonable hardship, and where the owner of the lot does not own sufficient adjoining land to conform strictly to the width and area requirements. However, any such variance or special exception shall be granted by the Zoning Commissioner only if in harmony with the general purpose and intent of the Zoning Regulations. All decisions of the Zoning Commissioner with respect to such matters shall be subject to appeal to the Board of Appeals. Every radiation fallout shelter which may be erected and constructed under this section shall be used only for the purpose of protection from radiation fallout, and not for normal residential, commercial or industrial uses.

Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code 1988 Edition, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code. See Section 26-127 for authority of the Zoning Commissioner to grant variances, and Section 26-117 for provision regarding conflicts between Title 26 and the Zoning Regulations.

Section 503 Violations [BCZR 1955]

Any violation of regulations and restrictions adopted pursuant to this ordinance²⁴ shall be a misdemeanor, punishable by a fine not to exceed \$100 or by imprisonment not to exceed 30 days, or both fine and imprisonment. Any person who shall violate such regulations and restrictions shall be deemed guilty of a separate offense for every day that such violation shall continue.

Section 504 Furthering Policies and Procedures [Bill No. 100-1970]

- Authorization. The Planning Board may adopt and implement administrative, project-design or planning policies or procedures which are not inconsistent with these regulations and which further the purposes hereof, as specified in the preceding sections of these regulations and as set forth below. However, no such policy or procedure, or amendment thereto, may hereafter be adopted except by a resolution which has been entered on and appended to the advance tentative agenda for a regular meeting of the Planning Board and thereafter approved at such meeting without amendment, all as shall be more particularly prescribed in the bylaws of the Planning Board.
- Comprehensive Manual. The Office of Planning shall compile and codify, in an 504.2 appropriate and practical form, a comprehensive manual of the Planning Board's land use and development policies and zoning resolutions. The manual shall include the statements of all policies and procedures adopted under Section 504.1 and all other formal Planning Board actions taken pursuant to these Zoning Regulations, the subdivision regulations and such other land use and development regulations as may hereafter be effected, except actions on subdivision plans or other routine actions in individual cases. The form of the manual may be such as to include, in addition, provisions of these Zoning Regulations, of the subdivision regulations or of other rules, regulations or laws, with the sources of all such provisions clearly identified. Such provisions may be printed together as they were promulgated, and placed in separate sections of the manual, or they may be separated and integrally codified with other manual provisions or statements, placed in order according to subject or other logical arrangement. The manual also may include such other matter as the Office of Planning or the Planning Board deems relevant. The manual shall be submitted to the County Council for approval. The proposed manual or change shall take effect 45 days after submission to the Council, unless within the forty-five-day period, the County Council objects. In such case, the manual or change requires legislative approval. [Bill No. 2-1992]

²⁴ Editor's Note: Thus in B.C.Z.R. 1955.

PLEASE PRINT CLEARLY


CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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NAME	Daish Little	Tetra 1+ Scher	Daim S. Southerd	DAVID TAYLOR									

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I tem # 105





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

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

September 24, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 18, 2006

Item Number(s): 100 thru 112, 114,115, 116

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item Nos. 07-101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115,

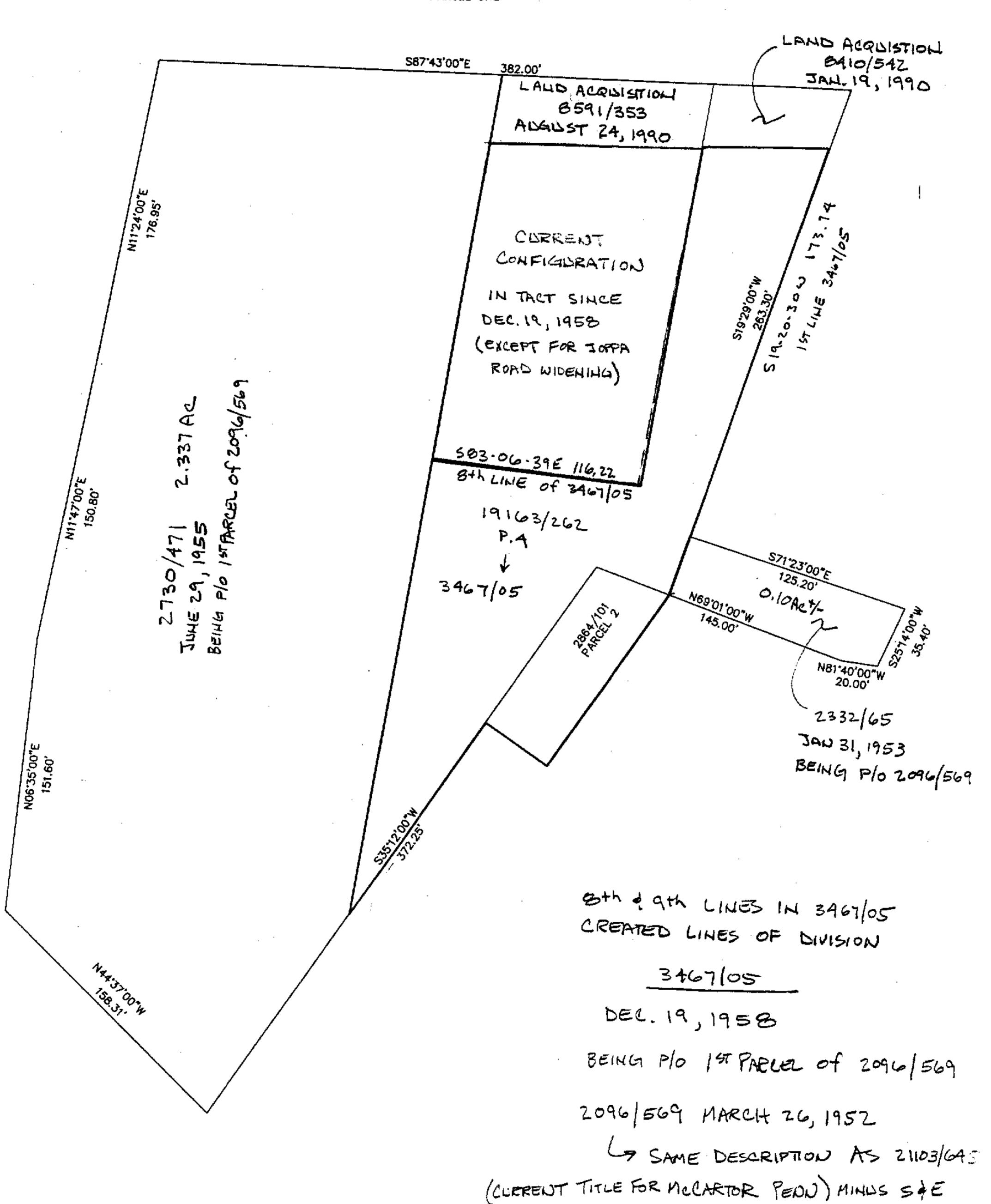
And 116

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09212006.doc



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

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

Transferor Information

Reason for Exemption

Grace Penn Mcarton

Name of Transferor

Resident	46	I, Transferor, am a resident of the State of Maryland.	
Status		Transferor is a resident entity under § 10-912(A)(4) of Maryland	l's
		Tax General Article, I am an agent of Transferor, and I have author	ity
		to sign this document on Transferor's behalf.	
Principal		Although I am no longer a resident of the State of Maryland, t	he
Residence		Property is my principal residence as defined in IRC § 121.	
Under penalty best of my know	of perju vledge, i	ry, I certify that I have examined this declaration and that, to t t is true, correct, and complete.	he
		Individual Transferors	
Witness	2	Grace Penn Mcarton	
		Mame Lace Penn Mart Signature	- 01
	· · · · · · · · · · · · · · · · · · ·	Entity Transferors	
			•
Witness/Attest		Name of Entity	
		By:	
		Signature	