

**IN RE: PETITION FOR SPECIAL HEARING**  
N side of Philadelphia Road, 39 feet W  
of c/l of Woodrow Avenue  
15<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
**(8521 Philadelphia Road)**

Betty L. and Charles L. Limmer, Sr.  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2008-0508-SPH**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Betty L. and Charles L. Limmer, Sr., legal property owners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a non-conforming use of a single family dwelling and 10 unit apartments in a 200 foot by 150 foot lot. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief was Betty L. and Charles L. Limmer, Sr., the Petitioners and legal property owners. Also appearing in support of the requested relief was Raymond J. Krul of 8330 Pulaski Highway, Frederick Vogtman of 8339 Philadelphia Road, Ed Creed of 5534 Apperson, and George Borghart of 246 East Burke Avenue. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a square-shaped parcel containing 0.69 acre or 30,000 square feet of land zoned DR 5.5. The property is located on the north side of Philadelphia Road, west of Wood Avenue in the Rosedale Park area of the County. The property is improved with the Petitioners' single family dwelling and 10 unit

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apartment building. Petitioners purchased the property in 1960 from Richard H. Carter and Julia M. Carter. A copy of the Fee Simple Deed was marked and accepted into evidence as Petitioners' Exhibit 4. In addition, Petitioners submitted a copy of their Standard Contract of Sale. This Contract of Sale dated November 28, 1960 describes the property as ...."improved by a 10 apartment brick and frame dwelling". The Contract of Sale also states..."further described in Deed from Mary E. Stohlik, widow, et al, to Richard H. and Julia M. Carter, his wife, recored July 5, 1946, liber H.J.S. 1467, folio 83".

Charles L. Limmer, Sr., Petitioner, attended St. Clemons School, and recalls the subject property and apartment as far back as 1942 when at seven years of age he attended the birthday party of a schoolmate who resided at the apartments.

Mr. Ed Creed, Code Inspector for Baltimore County, knows Mr. Limmer and was born and raised in Rosedale near the subject property. County tax records show that the structures were built in 1930. Since he has known about the property, beginning in 1950-1952, the property has always been apartments and meticulously maintained. Mr. Creed also researched the property through Code Enforcement records and found there have never been any complaints from neighbors, tenants or the County.

An Affidavit of Continuous Use was signed by Raymond J. Krul, who is 84 years old and is familiar with the property. During 1943-1945, he had an ice delivery business and his customers included the 10 unit apartment building. He is aware of the property being used as apartments since 1943. (See Petitioners' Exhibit 3A). An Affidavit of Continuous Use was signed by Frederick Vogtman who indicated that he and his parents resided in one of the apartments from 1944 through 1962. (See Petitioners' Exhibit 3B). An Affidavit of Continuous Use was signed by Frank J. Winter, who is 87 years and has lived in the area since 1941. He is aware of the property

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being used as apartments since 1941. (See *Petitioners' Exhibit 3C*). Mr. Creed also presented knowledge of the property in continuous use as an apartment building since 1950-1952.

A number of photographs were accepted into evidence and marked as Petitioners' Exhibit 2. The photographs depict an attractive brick apartment building, with white wood trim, and neatly trimmed hedges and grass. The single family dwelling also is also well maintained and has a manicured yard. There is an existing small macadam parking lot in front of the apartment building. The property gently slopes to the rear where an existing macadam parking lot is located. Existing parking on the property can accommdate 18 vehicles. A split rail fence borders the rear of the property and separates the property from the County's Rosedale Park. This large County park is located behind the property.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated May 22, 2008 which indicates that the site is currently well buffered and extremely well maintained.

Section 104 of the B.C.Z.R. governs non-conforming uses in Baltimore County. A non-conforming use is defined in Section 101 of the B.C.Z.R. as “[a] legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use.” Often, the non-conforming use designation is applied to “grandfather” an otherwise illegal use. If a Petitioner can establish that the use began prior to the effective date of the zoning regulations which prohibited such use, and the use has continued without interruption since that time, then the use may continue as non-conforming. It is the burden of Petitioners to prove the non-conforming use during the period of time at issue, which often presents its own set of challenges. By virtue of the historical nature of the use, Petitioners must find witnesses with

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memories going back 50 and 60 years, or other anecdotal or documentary evidence, to prove that a use has been ongoing for the period of time at issue.

Turning now to the instant matter, the relevant date in this case is March 30, 1955, the date the current zoning regulations were adopted. Based on the testimony and evidence, I am convinced that the subject property has been used without interruption as a single family dwelling and 10 unit apartments in a 200 foot by 150 foot lot since approximately 1941. The evidence shows that the dwelling was built in 1930 and that the use as a single family dwelling and 10 unit apartments in a 200 foot by 150 foot lot has continued without interruption on the property since that time.

Through testimony and documentation which is contained in the case file, I am persuaded to grant the special hearing relief and approve the use of the subject property as non-conforming use of a single family dwelling and 10 unit apartments in a 200 foot by 150 foot lot. In my judgment, Petitioners' request is appropriate and will not be detrimental to the health, safety, or general welfare of the surrounding locale.

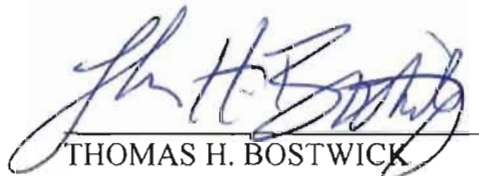
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 24<sup>th</sup> day of July, 2008 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a non-conforming use of a single family dwelling and 10 unit apartments in a 200-foot by 150-foot lot be and is hereby GRANTED, subject to the following:

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1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

COPIES RECEIVED FOR FILING  
Date 7.24.08  
By pz



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

July 24, 2008

BETTY L. AND CHARLES L. LIMMER, SR.  
8521 PHILADELPHIA ROAD  
BALTIMORE MD 21237

Re: Petition for Special Hearing  
Case No. 2008-0508-SPH  
Property: 8521 Philadelphia Road

Dear Mr. and Mrs. Limmer:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Raymond J. Krul, 8330 Pulaski Highway, Baltimore MD 21237  
Frederick Vogtman, 8339 Philadelphia Road, Baltimore MD 21237  
Ed Creed, 5534 Apperson, Baltimore MD 21162  
George Borghart, 246 East Burke Avenue, Baltimore MD 21286  
Lester Reeder, Blue Chip Funding, 2809 Boston Street #441, Baltimore MD 21224



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8521 & 8525 Philadelphia Rd  
which is presently zoned DR 5-5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a non-conforming use of a single family dwelling and 10 units apartments in a 200' x 150' lot.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

Name - Type or Print N/A  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

Name - Type or Print N/A  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

Name - Type or Print \_\_\_\_\_  
Signature CHARLES L. LIMMER SR.  
Charles L. Limmer Sr.  
Name - Type or Print \_\_\_\_\_  
Signature BETTY L. LIMMER  
Betty L. Limmer  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
8521 Phila. Rd. 410-687-8369  
City BALTIMORE State MD. Zip Code 21287

### Representative to be Contacted:

Name Charles L. Limmer Sr.  
Address 8521 Philadelphia Rd. Telephone No. 410-687-8369  
BALTIMORE, MD. State MD. Zip Code 21287

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By JF Date 4-28-08

Case No. 2008-0508-SAH

REV 9/15/98

**STAMP RECEIVED FOR FILED**

7-24-08

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**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: # 2008-0508-SPH**

8521 & 8525 Philadelphia Road  
N/side of Philadelphia Road at a distance of 39 ft. west from the centerline of Woodrow Avenue

15th Election District  
7th Councilmanic District  
Legal Owner(s): Betty L. & Charles L. Limmer, Sr.

**Special Hearing:** to approve a non-conforming use of a single-family dwelling and 10 unit apartments in a 200-foot by 150-foot lot.

**Hearing:** Wednesday, July 2, 2008 at 9:00 a.m., Jefferson Building, 105 W. Chesapeake 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) 887-4386.

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

JT 6/682 June 17 176089

# CERTIFICATE OF PUBLICATION

\_\_\_\_\_ , 2008  
6/19

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 ~~successive weeks~~, the first publication appearing on 6/17, 2008.

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

*J. Wilkinson*

LEGAL ADVERTISING



**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **14065**

PAID RECEIPT

Date: **4-25-08**

BUSINESS ACTUAL TIME 10PM  
 4/29/2008 4/29/2008 09:30:17 1

REC # 01 WALKIN JRIC HR  
 >>RECEIPT # 372322 4/29/2008 OFLN

| Fund | Agcy | Orgn | Sub<br>Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount |
|------|------|------|-------------|---------------|------------|--------------|------------|--------|
| 001  | 000  |      |             | 6150          |            |              |            | 325.00 |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |

Dept 5 528 ZONING VERIFICATION

CR NO. 014065

Recpt Tot 325.00

325.00 CI 1.00 CA

Baltimore County, Maryland

Total: **325.00**

Rec

From:

**CHARLES LEMMER**

For:

**FE21 + FE25 Philadelphia Pol.  
 Station for Special Hearing**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASE # 2004-0508-504

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

RE: Case No.: 2008-0508-SPH

Petitioner/Developer: BETTY L

+ CHARLES Limmer, SR.

Date of Hearing/Closing: \_\_\_\_\_

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

8521 + 8525 PHILADELPHIA RD

The sign(s) were posted on 6-17-08  
(Month, Day, Year)

Sincerely,

Robert Black 6-19-08  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

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**For Newspaper Advertising:**

Item Number or Case Number: 2008-0508-SPH  
Petitioner: CHARLES L. LIMMER JR.  
Address or Location: 8521 & 8525 Philadelphia Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Charles L. Limmer  
Address: 8521 Philadelphia Rd.  
Baltimore, MD 21237  
Telephone Number: 410-687-8369

Revised 2/20/98 - SCJ



BALTIMORE COUNTY  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

May 29, 2008  
TIMOTHY M. KOTROCO, Director  
Department of Permits and  
Development Management

**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: 2008-0508-SPH**

8521 & 8525 Philadelphia Road

N/side of Philadelphia Road at a distance of 39 ft. west from the centerline of Woodrow Avenue  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Betty L. & Charles L. Limmer, Sr.

Special Hearing to approve a non-conforming use of a single-family dwelling and 10 unit apartments in a 200-foot by 150-foot lot.

Hearing: Wednesday, July 2, 2008 at 9:00 a.m. in Room 102, Jefferson Building,  
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Charles & Betty Limmer, Sr., 8521 Philadelphia Road, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 17, 2008.**
- (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.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, June 17, 2008 Issue - Jeffersonian

Please forward billing to:  
Charles Limmer, Sr.  
8521 Philadelphia Road  
Baltimore, MD 21237

410-687-8369

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## NOTICE OF ZONING HEARING

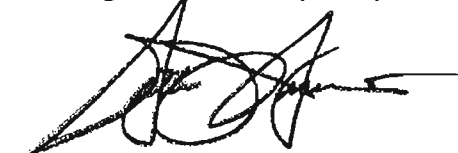
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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8521 & 8525 Philadelphia Road  
N/side of Philadelphia Road at a distance of 39 ft. west from the centerline of Woodrow Avenue  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: Betty L. & Charles L. Limmer, Sr.

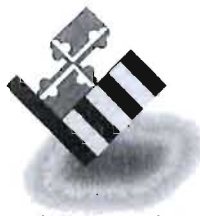
Special Hearing to approve a non-conforming use of a single-family dwelling and 10 unit apartments in a 200-foot by 150-foot lot.

Hearing: Wednesday, July 2, 2008 at 9:00 a.m. in Roo



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.



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

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

June 23, 2008

Charles L. & Betty L. Limmer  
8521 Philadelphia Road  
Baltimore, MD 21237

Dear: Charles L. & Betty L. Limmer

RE: Case Number 2008-0508-SPH, Address: 8521 Philadelphia Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 28, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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:lnw

Enclosures

c: People's Counsel

TB 07/2  
1 pm

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** May 22, 2008

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

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MAY 28 2008

BY:.....

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 08-508- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The site is currently well buffered and externally well maintained.

For further questions or additional information concerning the matters stated herein, please contact John Alexander in the Office of Planning at 410-887-3480.

**Prepared By:** Curtis Murray

**Division Chief:** John Alexander  
CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

**DATE:** May 9, 2008

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 12, 2008  
Item Nos. 08-504, 506, 507, 508, 509,  
511, 512, 513, 515, 516, 517, and 519

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

DAK:CEN:lrk  
ZAC-04092008-NO COMMENTS  
cc: File





Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 15, 2008

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


RE: Baltimore County  
Item No. 8-508-SPH  
8521 & 8525 PHILADELPHIA ROAD  
LIMMER PROPERTY  
SPECIAL HEARING  
VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 5/9/08. A field inspection and internal review reveals that the existing entrance onto MD is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 8521 & 8525 PHILADELPHIA RD, Case Number 8-508-SPH approval.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at ([mbailey@sha.state.md.us](mailto:mbailey@sha.state.md.us)). Thank you for your attention.

Very truly yours,

  
Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA  
Mr. Michael Pasquariello, Utility Engineer, SHA



RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
8521 & 8525 Philadelphia Road; N/S ZONING COMMISSIONER  
Philadelphia Rd, 39' W c/line Woodrow Ave\*  
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts FOR  
Legal Owner(s): Betty & Charles Limmer, Sr\*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 08-508-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carol S. Demilio*  
\_\_\_\_\_  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

RECEIVED

MAY 14 2008

Per.....

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14th day of May, 2008, a copy of the foregoing Entry of Appearance was mailed to Charles Limmer, 8521 Philadelphia Road, Baltimore, MD 21237, Petitioner(s).

*Peter Max Zimmerman*

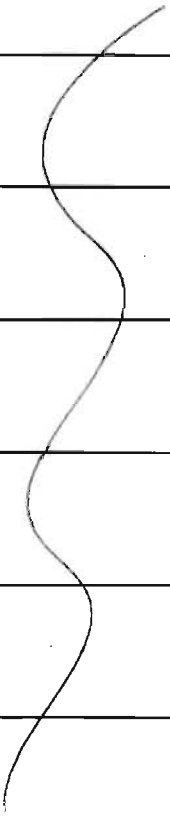
\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Case No.: 2008-0508-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

| No. 1       | Petitioner/Developer                 | Protestant   |
|-------------|--------------------------------------|--|
| No. 2       | site plan                            | none   |
| No. 3<br>A  | photographs                          |  |
| No. 4<br>3B | affidavit of<br>Raymond J. Krul      |  |
| No. 5<br>3C | affidavit of<br>Frederick Vogtman    |  |
| No. 6<br>4  | affidavit of<br>Frank J. Winter      |  |
| No. 7<br>5A | contract of sale<br>Carter to Limmer |  |
| No. 8<br>5B | letter to Jim<br>Koctroco            |  |
| No. 9       | letter to<br>Hester Reider           |  |
| No. 10      |                                      |  |
| No. 11      |                                      |  |
| No. 12      |                                      |  |

8525 PHILADELPHIA ROAD  
LIMMER PROPERTY

CASE No. 08 - -SPH

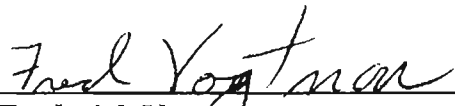
**AFFIDAVIT OF CONTINUOUS USE 10 UNIT APARTMENT BUILDING**

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1. I am a person over 18 years of age, and am legally competent to execute and deliver this Affidavit.
2. I currently reside at 8339 Philadelphia Road, Baltimore, MD 21237.
3. I am familiar with the property located at 8525 Philadelphia Road, Rosedale, Maryland (the "Property").
4. During the period from 1944 through 1962, my parents (Fred and Selman Vogtman) and I resided in one of the 10 apartments that existed in the Property.
5. Based upon personal knowledge, I am aware that the Property was used as a **10 unit apartment building** between 1944 and 1962.
6. If my health permits, I would like to be present at the hearing on this matter, otherwise please accept this, my sworn affidavit.
7. I have no interest in nor will I receive any gain from the approval of this property as a valid non-conforming use as a 10 unit apartment building.

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the above facts set forth are true and correct.

  
\_\_\_\_\_  
Frederick Vogtman

PETITIONER' S

EXHIBIT NO.

3B

8525 PHILADELPHIA ROAD  
LIMMER PROPERTY

CASE No. 08 - -SPH

**AFFIDAVIT OF CONTINUOUS USE 10 UNIT APARTMENT BUILDING**

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1. I am a person over 18 years of age, and am legally competent to execute and deliver this Affidavit.
2. I reside at 6717 Kenwood Avenue, Baltimore, MD 21237.
3. I am familiar with the property located at 8525 Philadelphia Road, Rosedale, Maryland (the "Property").
4. I am 87 years old and have lived in the area of the Property since 1941.
5. Based upon personal knowledge, I am aware that the Property has been used continuously, without interruption for more than one year, as a **10 unit apartment building** since 1941.
6. If my health permits, I would like to be present at the hearing on this matter, otherwise please accept this, my sworn affidavit.
7. I have no interest in nor will I receive any gain from the approval of this property as a valid non-conforming use as a 10 unit apartment building.

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the above facts set forth are true and correct.

  
\_\_\_\_\_  
Frank J. Winter

PETITIONER' S

EXHIBIT NO. 3C





**Maryland Department of Assessments and Taxation**  
**BALTIMORE COUNTY**  
**Real Property Data Search** (2007 vw6.1)

[Go Back](#)  
[View Map](#)  
[New Search](#)

**Account Identifier:** District - 15 **Account Number -** 1512401030

**Owner Information**

**Owner Name:** LIMMER CHARLES L **Use:** COMMERCIAL  
 LIMMER BETTY L **Principal Residence:** NO  
**Mailing Address:** 8525 PHILADELPHIA RD **Deed Reference:** 1) / 3799/ 579  
 BALTIMORE MD 21237-3014 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 8525 PHILADELPHIA RD LT SS PHILADELPHIA R  
 SW COR WOODROW AV

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:        |
|-----|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------------|
| 89  | 12   | 633    |              |             |         |       |     | 3               | Plat Ref: 9/ 27 |

**Special Tax Areas** **Town**  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1930                    | 5,304 SF      | 30,000.00 SF       | 06         |
| Stories                 | Basement      | Type               | Exterior   |

**Value Information**

|                           | Base Value | Value   | Phase-in Assessments |            |
|---------------------------|------------|---------|----------------------|------------|
|                           |            |         | As Of                | As Of      |
|                           |            |         | 01/01/2006           | 07/01/2007 |
| <b>Land</b>               | 165,000    | 262,500 |                      | 07/01/2008 |
| <b>Improvements:</b>      | 148,900    | 165,500 |                      |            |
| <b>Total:</b>             | 313,900    | 428,000 | 389,966              | 428,000    |
| <b>Preferential Land:</b> | 0          | 0       | 0                    | 0          |

**Transfer Information**

**Seller:** CARTER RICHARD A & JULIA **Date:** 01/09/1961 **Price:** \$25,000  
**Type:** IMPROVED ARMS-LENGTH **Deed1:** / 3799/ 579 **Deed2:**  
**Seller:** **Date:** **Price:**  
**Type:** **Deed1:** **Deed2:**  
**Seller:** **Date:** **Price:**  
**Type:** **Deed1:** **Deed2:**

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2007 | 07/01/2008 |
|----------------------------|-------|------------|------------|
| County                     | 000   | 0          | 0          |
| State                      | 000   | 0          | 0          |
| Municipal                  | 000   | 0          | 0          |

**Tax Exempt:** NO **Special Tax Recapture:**  
**Exempt Class:** \* NONE \*

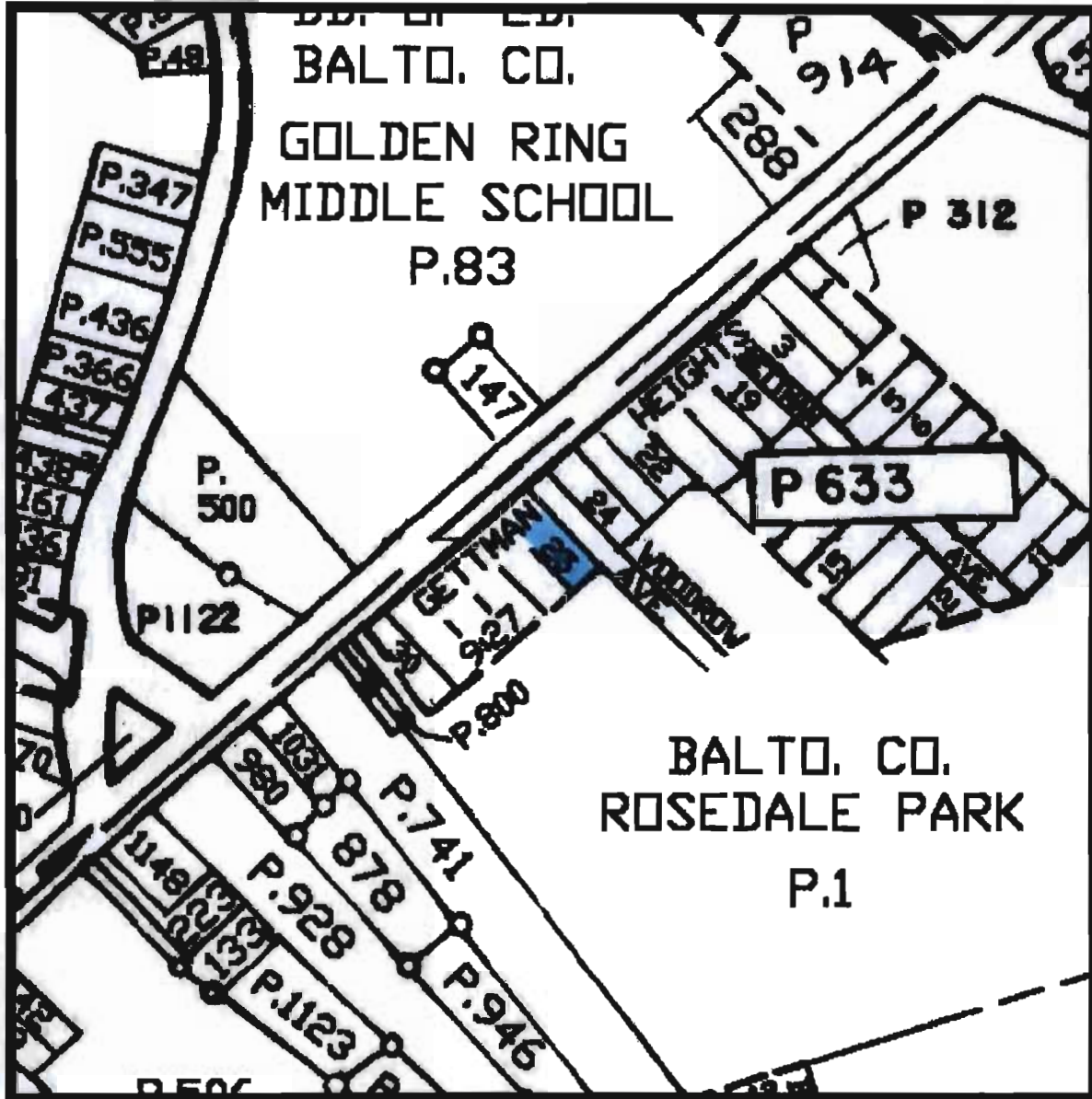




Maryland Department of Assessments and Taxation  
BALTIMORE COUNTY  
Real Property Data Search

Go Back  
View Map  
New Search

District - 15 Account Number - 1512401030



Property maps provided courtesy of the Maryland Department of Planning ©2004.  
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/webcom/index.html](http://www.mdp.state.md.us/webcom/index.html)

DATE: 04/03/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 13:21:38

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE

15 12 401030 15 3-0 06-00 N NO 02/15/08

LIMMER CHARLES L DESC-1.. IMPSLT SS PHILADELPHIA

LIMMER BETTY L DESC-2.. SW COR WOODROW AV

8525 PHILADELPHIA RD , PREMISE. 08525 PHILADELPHIA RD

00000-0000

BALTIMORE MD 21237-3014 FORMER OWNER: CARTER RICHARD A & JULIA

----- FCV ----- PHASED IN -----

|       | PRIOR   | PROPOSED |         | CURR    | CURR    | PRIOR   |
|-------|---------|----------|---------|---------|---------|---------|
|       |         |          |         | FCV     | ASSESS  | ASSESS  |
| LAND: | 165,000 | 262,500  |         |         |         |         |
| IMPV: | 148,900 | 165,500  | TOTAL.. | 428,000 | 428,000 | 389,966 |
| TOTL: | 313,900 | 428,000  | PREF... | 0       | 0       | 0       |
| PREF: | 0       | 0        | CURT... | 0       | 0       | 0       |
| CURT: | 0       | 0        | EXEMPT. |         | 0       | 0       |
| DATE: | 09/02   | 08/05    |         |         |         |         |

| ---- | TAXABLE BASIS   | ---- | FM DATE  |
|------|-----------------|------|----------|
|      | ASSESS: 428,000 |      | 11/10/05 |
|      | ASSESS: 389,966 |      |          |
|      | ASSESS: 0       |      |          |

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/03/2008

STANDARD ASSESSMENT INQUIRY (2)

TIME: 13:21:55

|              |          |       |          |      |                 |           |           |
|--------------|----------|-------|----------|------|-----------------|-----------|-----------|
| PROPERTY NO. | DIST     | GROUP | CLASS    | OCC. | HISTORIC        | DEL       | LOAD DATE |
| 15 12 401030 | 15       | 3-0   | 06-00    | N    | NO              |           | 02/15/08  |
| LOT....      | BOOK.... | 0009  | MAP..... | 0089 | LOT WIDTH.....  | 200.00    |           |
| BLOCK..      | FOLIO... | 0027  | GRID.... | 0012 | LOT DEPTH.....  | 100.00    |           |
| SECTION..    |          |       | PARCEL.. | 0633 | LAND AREA..     | 30000.000 | S         |
| PLAT..       |          |       |          |      | YEAR BUILT..... | 30        |           |

-----TRANSFER DATA-----

NUMBER..... 017496  
DATE..... 01/09/61  
PURCHASE PRICE..... 25,000  
GROUND RENT..... 0  
DEED REF LIBER..... 03799  
DEED REF FOLIO..... 0579  
CONVEYED IND..... 1  
TOT-PART TRAN IND..... T  
GRANTOR ACCT NO.. 15-12-401030

-----EXEMPT DATA-----

STATUS.....  
CLASS CODE..... 000  
STATE EXEMPT CODE..... 000  
COUNTY EXEMPT CODE..... 000  
CURR STATE EX ASMT.... 0  
PRIOR STATE EX ASMT... 0  
CURR COUNTY EX ASMT... 0  
PRIOR COUNTY EX ASMT.. 0

CRITICAL NEW CONST CARD  
AREAS CODE YEAR NO  
00681

-----STRUCTURE-----

CODE SQ. FEET  
5304

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/03/2008

STANDARD ASSESSMENT INQUIRY (3)

TIME: 13:22:11

| PROPERTY NO. | DIST | GROUP | CLASS | OCC. | HISTORIC | DEL | LOAD DATE |
|--------------|------|-------|-------|------|----------|-----|-----------|
| 15 12 401030 | 15   | 3-0   | 06-00 | N    | NO       |     | 02/15/08  |

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 10/23/92

82 NO C

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 11/10/05

LAST FM TYPE..... C

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 02/15/08

PRIOR LOAD DATE.. 02/05/08

STATE TAXABLE ASSESS

ASSESS: 428,000

ASSESS: 389,966

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF

PHOTOGRAPHIC RECORD

8525 PHILADELPHIA RD 21287

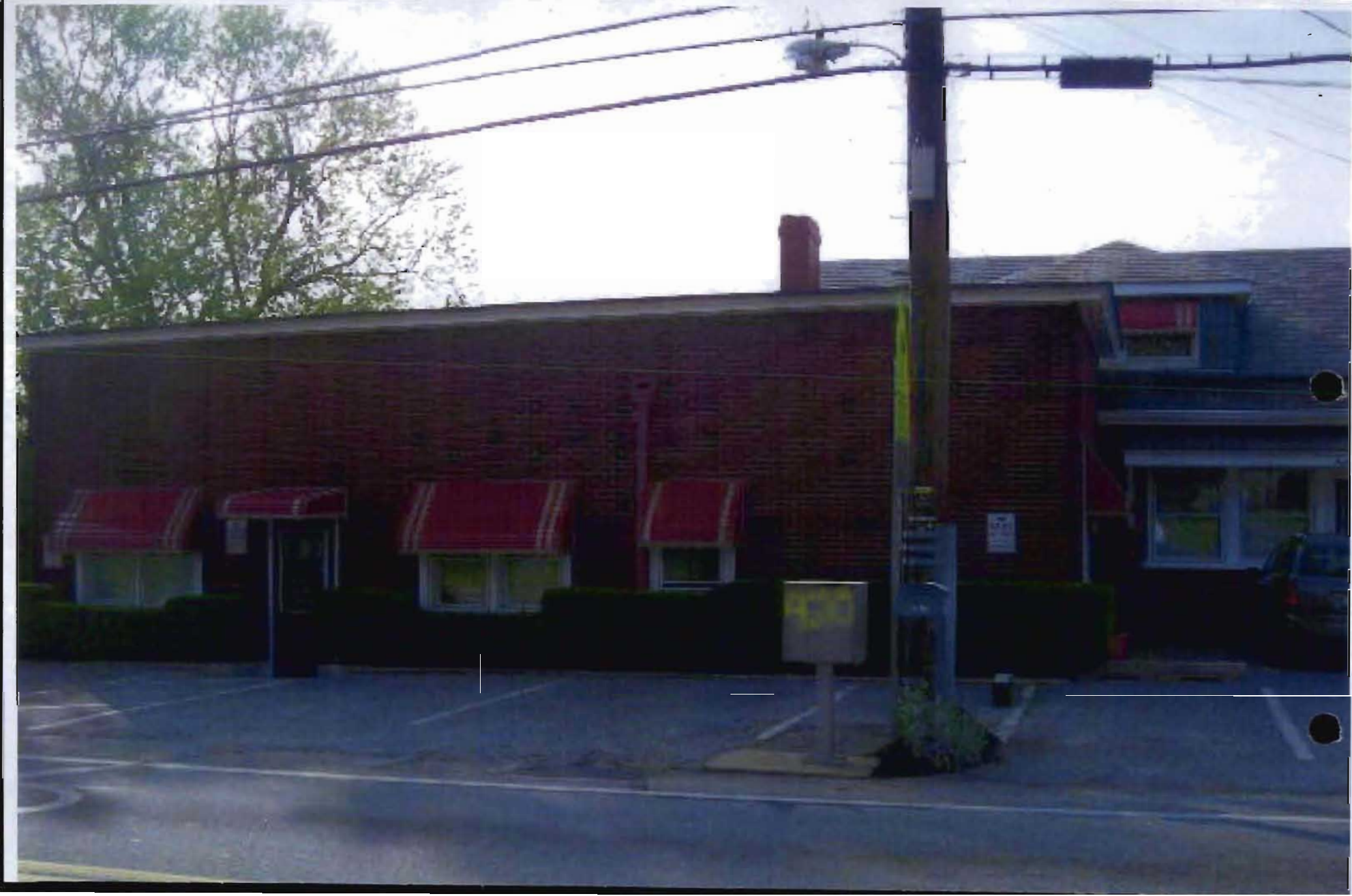
Date of Photographs: 4-1-08

2008 - 0508 - SPH

PETITIONER'S

EXHIBIT NO. 2

I HEREBY CERTIFY that I took the 10 photographs set out above, and that these photographs  
(number of photos)  
fairly and accurately depict the condition of the property that is the subject of the above-referenced



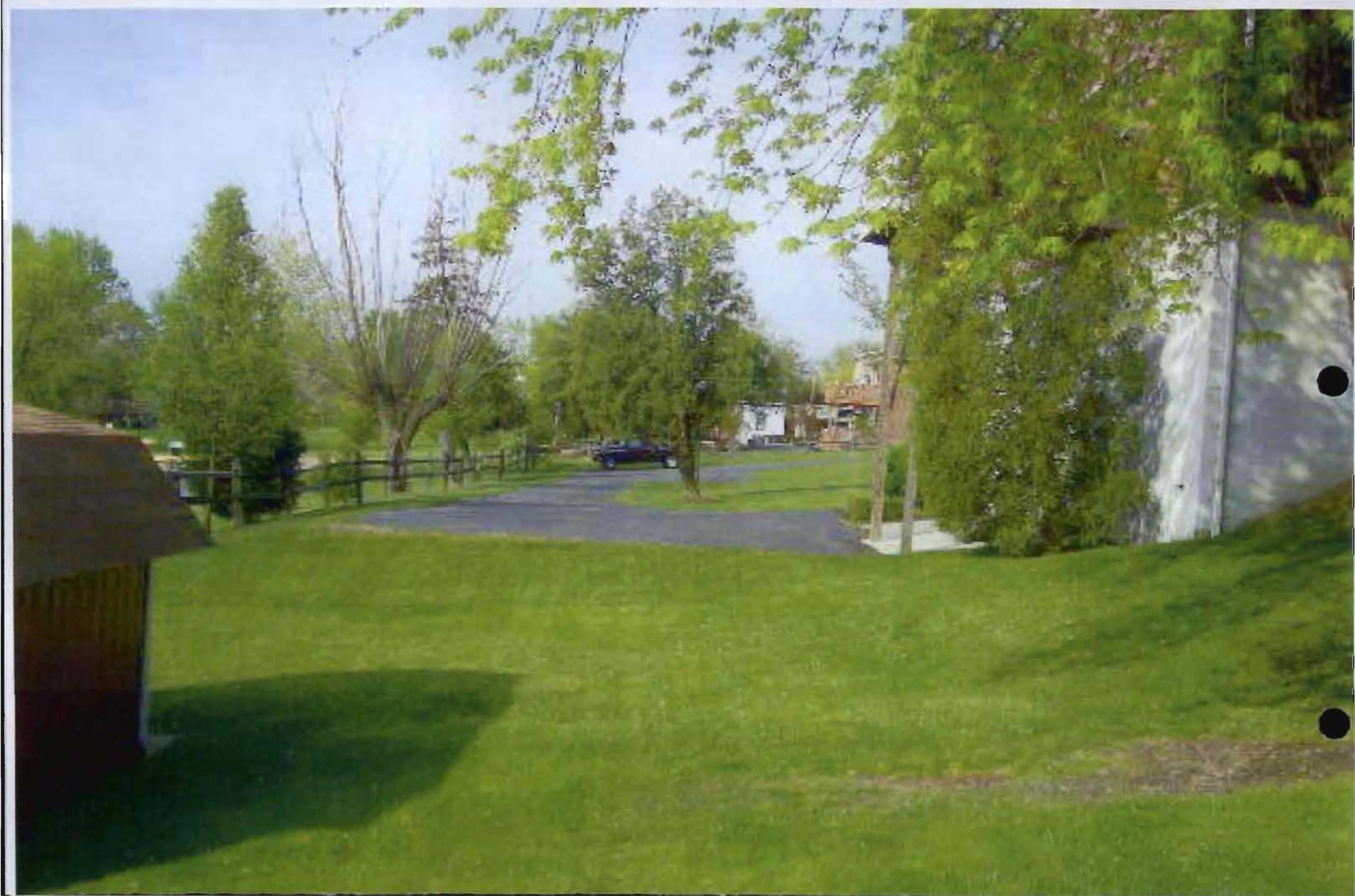


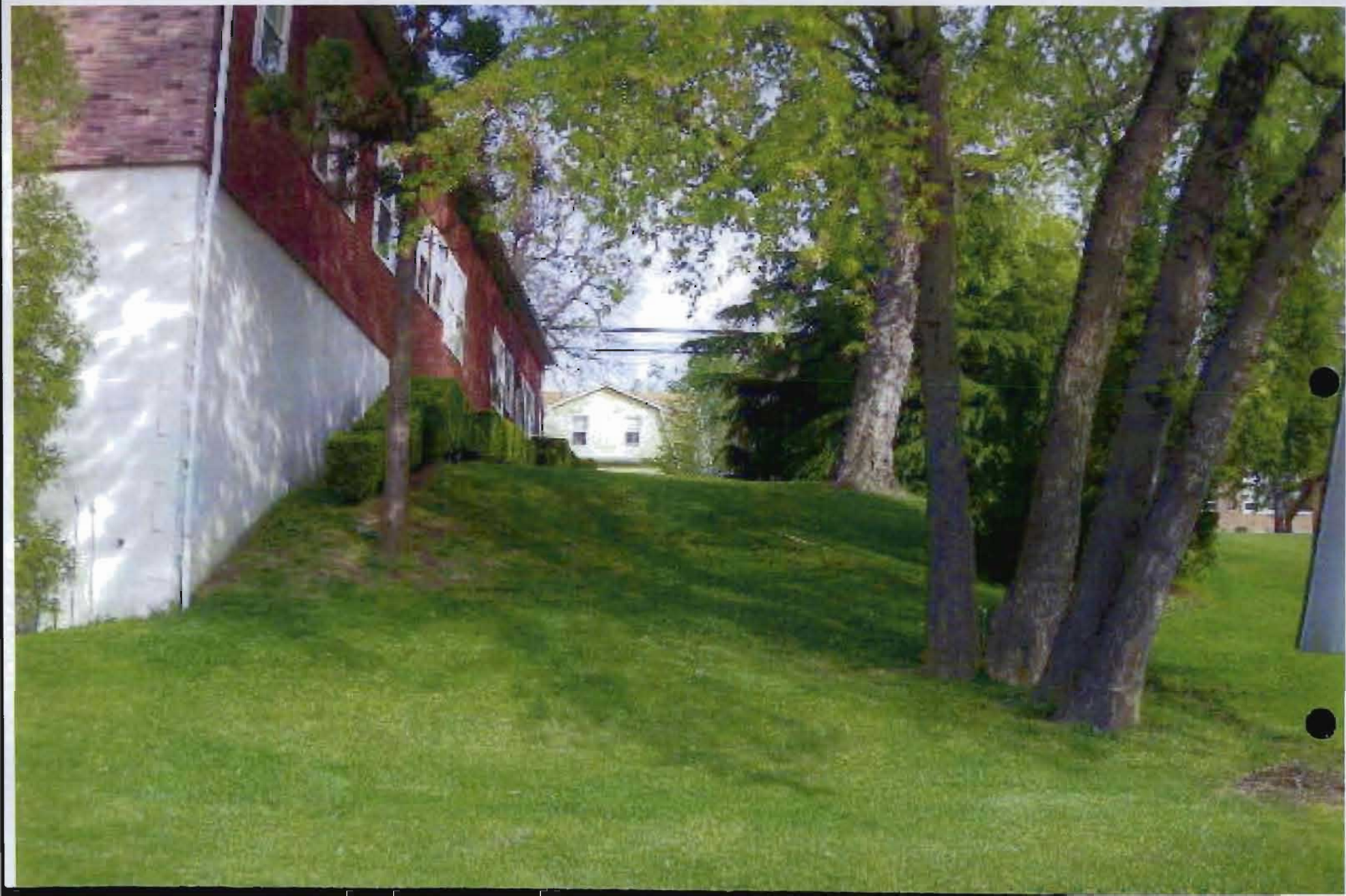








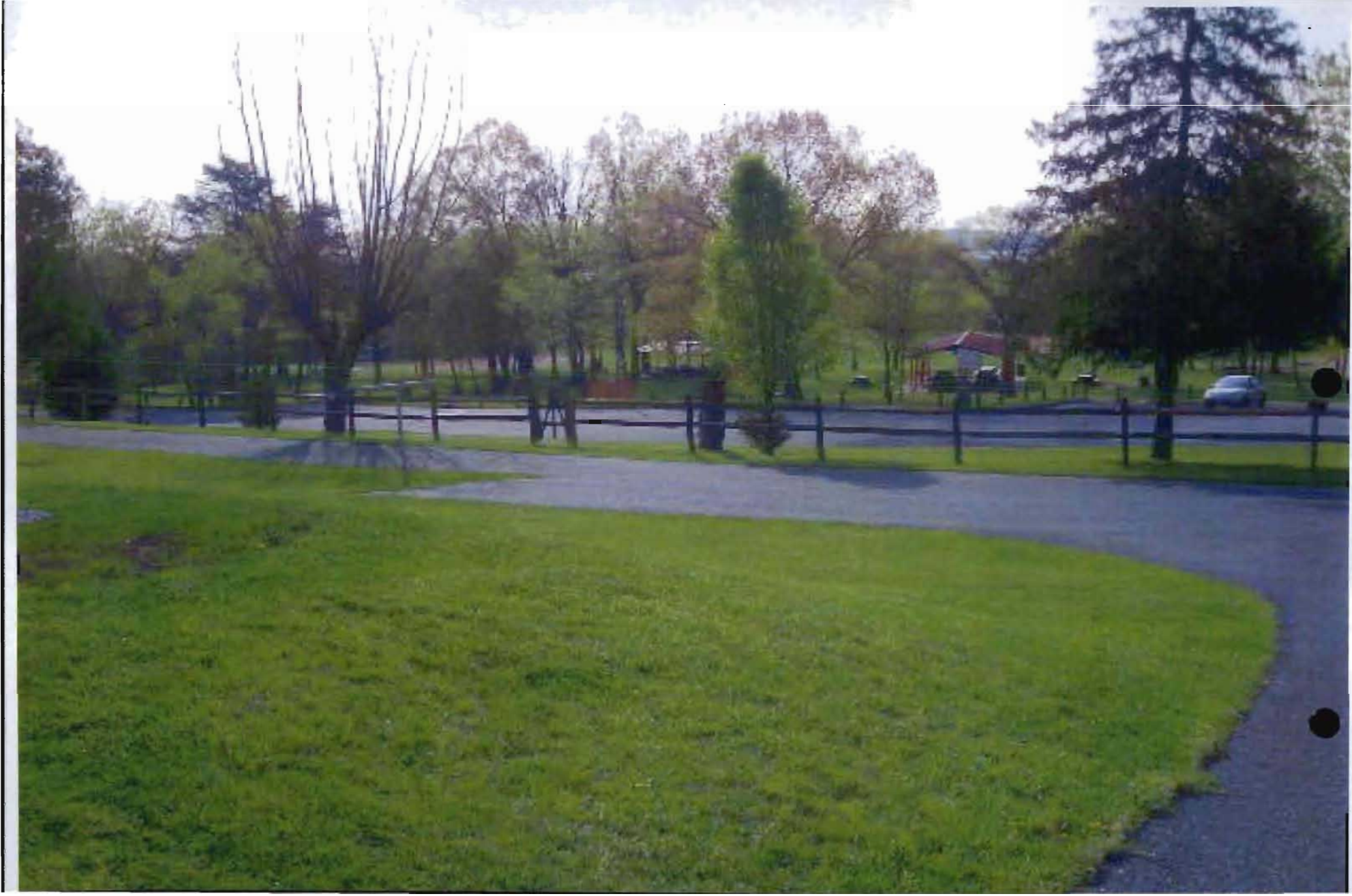


















# Standard Contract of Sale

Approved by Real Estate Board of Greater Baltimore

R.E.B. No. 1  
As Amended 5/9/57.

Hamilton 6-4220

PETITIONER'S

H. F. ENGELHARDT

REALTOR

EXHIBIT NO. 4

6025 Belair Road - - Baltimore 6, Md

3799 / 579

This Agreement of Sale, made this 22nd day of November

nineteen hundred and sixty, between

Richard H. Carter & Julia M. Carter, his wife Seller, and

Charles L. Linner & Betty L. Linner, his wife Buyer.

**Witness** that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in

14th District, Baltimore County, State of Maryland, further known as property 8535 Philadelphia Road, in fee simple. Said property having a frontage of 300 ft. with a depth of 150 ft. w/l, improved by a 10 apartment brick and frame dwelling.

Also included in selling price are 8 kitchen stoves located in 8 of the apartments and 2 kitchen stoves which are in basement, oil burner, linoleum, scrubbery, electric light fixtures, 2-1/2 Aerial, and all permanent fixtures now in and on said premises.

Further described in Deed from Mary E. Stoblik, widow, et al. to Richard H. & Julia M. Carter, his wife, recorded July 5, 1946, Liber R.J.S. 1467, folio 88.

at and for the price of

Twenty-Five Thousand - - - - - 00/100 Dollars (\$ 25,000.00 )

of which Five Hundred - - - - - 00/100 Dollars (\$ 500.00 )

have been paid prior to the signing hereof, and the balance to be paid as follows:

Five Thousand Five Hundred Dollars (\$5,500.00) cash at settlement which shall take place on or before January 5, 1961.

Nineteen Thousand Dollars (\$19,000.00) by the proceeds of a first lien 6% 15 year mortgage payable in regular monthly installments of \$100.00 plus 1/12th of the annual expenses of taxes, insurance, and any other public charges against said premises. Said mortgage to be procured thru the efforts of the buyer and/or H. F. Engelhardt, Realtor. If said financing cannot be arranged, all deposits are to be returned in full and this contract declared null and void.

It is understood and agreed that the cost of County Transfer Tax is to be equally divided between seller and buyer.

It is further understood and agreed that at the present time 3 of the 10 apartments are vacant and if said apartments were all occupied and/or rented, total rental would be \$600.00, less the rental of Apartment #7 which is occupied by the caretaker rent free.

AND upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer. Title to be good and merchantable, free of liens and encumbrances except as specified herein and except: Use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the sub-division in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

Ground rent, rent, water rent, taxes, (including Metropolitan District charges for sewer and water, if any) and all other public charges, on an annual basis, against the premises shall be apportioned as of date of settlement, at which time possession shall be given; and the said parties hereto hereby bind themselves, their heirs, executors and administrators and assigns, for the faithful performance of this agreement.

The herein described property is to be held at the risk of the Seller except as to damages arising from accidental fire or other insurable casualty until legal title has passed or possession given; it is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto, as their interests may appear, and continue said insurance in force during the life of this Contract.

This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written; time being of the essence of this Agreement. Cost of all documentary stamps required by law shall be divided equally between the parties hereto.

Seller hereby agrees to pay commission on this sale, in accordance with the Standard Schedule of Commissions of the Real Estate Board of Greater Baltimore, to H. F. ENGELHARDT

3 copies

**Witness** to the hands and seals of the parties hereto the day and year first above written.

Emily M. Moore  
WITNESS - AS TO SELLER'S SIGNATURE

Richard H. Carter (SEAL)  
SELLER'S SIGNATURE

Emily M. Moore  
WITNESS - AS TO SELLER'S SIGNATURE

Julia M. Carter (SEAL)  
SELLER'S SIGNATURE

Ray Murawski  
WITNESS - AS TO BUYER'S SIGNATURE

Charles L. Linner (SEAL)  
BUYER'S SIGNATURE

Ray Murawski  
WITNESS - AS TO BUYER'S SIGNATURE

Betty L. Linner (SEAL)  
BUYER'S SIGNATURE

579 142854  
**DEED**

55  
FROM  
RICHARD H. CARTER & WIFE

TRANSFERRED

DATE \_\_\_\_\_  
PER \_\_\_\_\_ TO \_\_\_\_\_  
CLERK  
CHARLES L. LIMMER AND WIFE

BLOCK NO. \_\_\_\_\_  
No. 8525 Philadelphia Road

JAN 9 1961  
Received for Record \_\_\_\_\_, 19\_\_\_\_,  
at 5:19 o'clock \_\_\_\_\_ M. Same day recorded  
in Liber 111 No 3799 Folio 579 &c.,  
one of the Land Records of

\_\_\_\_\_, and examined per  
*Walter K. Mussler*  
\_\_\_\_\_, Clerk.

Cost of Record, \$ 6.00

VAN SLYKE & DOYLE,  
Attorneys-at-Law,  
730 N. Collington Ave.,  
Baltimore 5, Maryland

1--9-61 7 8 1 • 07967 PPG-- 250.00  
1--9-61 7 8 1 • 07967 PPG-- 250.00

**This Deed,** Made this 4th day of January

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

RICHARD H. CARTER and JULIA M. CARTER, HIS WIFE, Grantors

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

CHARLES L. LIMMER AND BETTY L. LIMMER, HIS WIFE, Grantees,

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable consideration the receipt whereof is hereby acknowledged, the said Grantors

do grant and convey unto the said Grantees, as Tenants by the Entireties, their assigns, the survivor of them, and the survivor's

heirs and assigns, in fee simple, all those lots of ground, situate, lying and being in Baltimore County, State, aforesaid, and described as follows, that is to say:—

**Beginning for the**

BEING known and designated as Lots Nos. 25, 26, 27 and 28, as laid out and shown on the Plat of Gettman Heights, which said plat is duly recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 27. Known as No. 8525 Philadelphia Road.

BEING the same lots of ground which by Deed dated July 3rd, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1467, folio 83, were granted and conveyed by Mary R. Stehlik et al unto the Grantors herein, in fee simple.



Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot 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

Grantees, as Tenants by the Entireties, their assigns, the survivor of

them, and the survivor's ----- heirs 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 granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors

TEST:

*James Doyle 3rd*  
James Doyle 3rd

*Richard H. Carter* (SEAL)  
RICHARD H. CARTER  
*Julia M. Carter* (SEAL)  
JULIA M. CARTER

STATE OF MARYLAND, Baltimore City, to wit:

I HEREBY CERTIFY, That on this 4th day of January in the year one thousand nine hundred and sixty-one, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Richard H. Carter and Julia M. Carter, His Wife,

the above named grantors and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.



*James Doyle 3rd*  
James Doyle 3rd Notary Public.

Rec'd for record JAN 9 1961 at 11:54 M  
Per Walter J. Rasmussen, Clerk  
Maid by Van Slyke Eagle  
Rec'd No. 142854 \$6-

**This Mortgage,** Made this 4<sup>th</sup> day of January, in the year one thousand, nine hundred and sixty-one, between CHARLES L. LIMMER and BETTY L. LIMMER, HIS WIFE,

of Baltimore County, in the State of Maryland, Mortgagor, and BELMAR PERMANENT BUILDING AND LOAN ASSOCIATION, INCORPORATED,  
OF BALTIMORE CITY a body corporate, duly incorporated under the laws of Maryland, Mortgagee.

WHEREAS, said Mortgagor s . being member s of said body corporate, have received therefrom an advance of NINETEEN THOUSAND ----- (\$19,000.00) Dollars, being part of the purchase money for the property hereinafter described:

AND WHEREAS, said Mortgagor s ha ve agreed to repay the said sum so advanced in installments, with interest thereon from the date hereof at the rate of -----six----- per cent. ( -6- %) per annum in the manner following:

By the payment of TWO HUNDRED FIFTY (\$250.00) ----- Dollars, on or before the first day of each and every month from the date hereof, until the whole of said principal sum and interest shall be paid, which interest shall be computed by the calendar month, and the said installment payments may be applied by the Mortgagee in the following order: (1) to the payment of interest; (2) to the payment of all taxes, water rent, assessments or public charges of every nature and description, ground rent, fire and tornado insurance premiums and other charges affecting the hereinafter described premises, and (3) towards the payment of the aforesaid principal sum.

The due execution of this mortgage having been a condition precedent to the granting of said advance.

AND WHEREAS this Mortgage shall also secure future advances as provided by Chapter <sup>178</sup>~~723~~ of the Laws of Maryland passed at the January session in the year <sup>1955</sup>~~1943~~ or any supplement thereto.

NOW, THEREFORE, THIS MORTGAGE WITNESSETH, that in consideration of the premises, and of the sum of one dollar, the said Mortgagor s do grant, convey and assign unto the said Mortgagee, its successors and assigns, ~~an in fee simple, all those~~ lots of ground situate and lying in Baltimore County, known as No. 8525 Philadelphia Road, in said State, and described as follows:

BEING known and designated as Lots Nos. 25, 26, 27 and 28, as laid out and shown on the Plat of Gettman Heights, which said Plat is duly recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 27.

BEING the same lots of ground which by Deed dated of even date and recorded prior hereto among the Land Records of Baltimore County, were granted and conveyed by Richard H. Carter and Wife unto the Mortgagors, herein, in fee simple.

IF the above mortgage loan is paid off in full within five years from the date hereof, the Mortgagee may make a charge of three per cent. (3%) of the amount prepaid.

AT Mortgagee's option, Mortgagors will pay a "late Charge" not exceeding four per cent. (4%) of any installment when paid more than fifteen (15) days after the due date thereof to cover the extra expense involved in handling delinquent payments.

SHOULD the annual taxes or other public dues and charges be increased over and above those due and payable in the current year, then said Mortgagee may increase the above monthly payment proportionately to pay said yearly taxes or public dues and charges.

Together with the improvements thereon and the rights or appurtenances thereto belonging or in anywise appertaining, including all heating, gas and plumbing apparatus and fixtures, and all rents, issues and profits accruing from the premises hereby mortgaged.

TO HAVE AND TO HOLD the said lot of ground and premises unto the said Mortgagee, its successors and assigns, in fee simple; ~~for all the rest and residue of the term of years yet to come, and unexpired therein, with the right and benefit of renewal of said term forever, subject to the payment of the yearly rent of \$ -~~

Provided, however, if the said Mortgagors, their heirs, personal representatives or assigns, shall make or cause to be made the payments, and perform and comply with the covenants and conditions herein mentioned on their part to be made and done, then this mortgage shall be void.

And the said Mortgagors, for themselves, their heirs, personal representatives and assigns, covenant with the said Mortgagee, as follows: (1) to repay the indebtedness, together with interest, as herein provided; (2) to keep the buildings on the premises insured against loss by fire and windstorm for the benefit of the Mortgagee, its successors or assigns, in some company acceptable to the Mortgagee, its successors or assigns, to the extent of its lien thereon, and to deliver the policy and all renewal receipts to the Mortgagee, its successors or assigns; and in case of failure of the mortgagors, their heirs, personal representatives and assigns, so to do, the Mortgagee, its successors or assigns, may do so and add the cost thereof to the amount of the mortgage indebtedness so as to become so much additional indebtedness secured by this mortgage; (3) to pay all ground rent, taxes, water rent, insurance, public dues and assessments of every kind whatsoever, for which the property hereby mortgaged may become liable when payable. The Mortgagee, its successors or assigns, being hereby authorized to pay the same, and the amount so paid shall then be added to the principal debt named herein and bear interest at



the rate of six per cent. (6%) per annum from the date of said payment, and the said Mortgagee, its successors or assigns, shall have a lien hereunder on said premises for the amount so paid, together with said interest thereon, so that the same shall become so much additional indebtedness secured by this mortgage and be included in any decree foreclosing this mortgage, or in any sale of the premises for the foreclosure of the same; (4) to permit, commit or suffer no waste, impairment or deterioration of said property, or any part thereof, and upon the failure of the Mortgagor s their heirs, personal representatives and assigns, to keep the buildings on said property in good condition of repair, the Mortgagee, its successors or assigns, may demand the immediate repair of said buildings, or an increase in the amount of security, or the immediate repayment of the debt hereby secured, and the failure of the Mortgagor s their heirs, personal representatives and assigns, to comply with said demand of the Mortgagee, its successors or assigns, for a period of thirty days shall constitute a breach of this mortgage, and, at the option of the Mortgagee, its successors or assigns, immediately mature the entire principal and interest hereby secured, and the Mortgagee, its successors or assigns, may, without notice, institute proceedings to foreclose this mortgage, and apply for the appointment of a Receiver, as herein provided; (5) that the holder of this mortgage in any action to foreclose it, shall be entitled (without regard to the adequacy of any security for the debt) to the appointment of a receiver to collect the rents and profits of said premises and account therefor as the Court may direct; (6) that should the title to the herein mortgaged property be acquired by any person, persons, partnership or corporation, other than the Mortgagor s, by voluntary or involuntary grant or assignment, or in any other manner without the Mortgagees written consent, or should the same be encumbered by the Mortgagor s their heirs, personal representatives and assigns, without the Mortgagee's written consent, then the whole of said principal sum shall immediately become due and owing as herein provided; (7) that the whole of said mortgage debt intended hereby to be secured shall become due and demandable after default in the payment of any monthly installment, as herein provided, shall have continued for thirty days, or after default in the performance of any of the foregoing covenants or conditions for thirty days.

AND IT IS AGREED AND UNDERSTOOD that until default is made, the said Mortgagor s their heirs, personal representatives and assigns, may retain possession of the hereby mortgaged property.

AND the said Mortgagor s hereby assent to the passage of a decree for the sale of the property hereby mortgaged, (the sale to take place after a default in any of the covenants or conditions of this mortgage as herein provided), and the said Mortgagor s hereby also authorize the said Mortgagee, its successors or assigns or Fred J. Van Slyke, its duly authorized Attorney or Agent, after any default in the terms of this mortgage, to sell the hereby mortgaged property, and any such sale, whether under the above assent to a decree or under the above power of sale, shall be under the provisions of Article LXVI of the Public General Laws of Maryland, or under any other General or Local Law of the State of Maryland relating to mortgages, or any supplement, amendment, or addition thereto. And upon any sale of said property, whether under the above assent to a decree or under the above power of sale, the proceeds shall be applied as follows: (1) to the payment of all expenses incident to such sale, including a fee of One hundred Dollars and a commission to the party making the sale of said property equal to the commission allowed Trustee for making sale of property by virtue of a decree of a Court having equity jurisdiction in the State of Maryland; (2) to the payment of all claims of the said Mortgagee, its successors or assigns, under this mortgage whether the same shall have matured or not; (3) the surplus (if any there be), to the said Mortgagor s their heirs, personal representatives or assigns, or to whoever may be entitled to the same.

The said Mortgagor s covenant that they will warrant specially the property hereby conveyed, and that they will execute such further assurances as may be requisite.

WITNESS the hands and seals of the said Mortgagor s.

WITNESS:

Charles L. Limmer (SEAL)  
CHARLES L. LIMMER  
Betty L. Limmer (SEAL)  
BETTY L. LIMMER  
\_\_\_\_\_  
(SEAL)  
\_\_\_\_\_  
(SEAL)

James Doyle 3rd  
James Doyle 3rd

STATE OF MARYLAND, Baltimore City, to wit:  
I HEREBY CERTIFY that on this 4th day of January, 1960, before me, the subscriber, a Notary Public, of the State of Maryland in and for Baltimore County, personally appeared Charles L. Limmer and Betty L. Limmer, His Wife, the Mortgagors herein, and they acknowledged the foregoing mortgage to be their act. At the same time also appeared John H. Otto, President of the within named corporation, Mortgagee, and made oath in due form of law that the consideration set forth in the foregoing mortgage is true and bona fide as therein set forth.

AS WITNESS my hand and Notarial Seal.

Reg'd for record, JAN 19 1960 at 11524 James Doyle 3rd Notary Public.  
Per Walter J. Neumann, Clerk  
Mail to Van Slyke & Doyle  
Receipt No. 142856 3750

FOR VALUE RECEIVED, BELMAR PERMANENT BUILDING AND LOAN ASSOCIATION, INCORPORATED OF BALTIMORE CITY, hereby releases the within Mortgage and mortgage debt.

WITNESS the seal of said Association by the hand of J. Thomas Lewis, Vice President.

WITNESS:

BELMAR PERMANENT BUILDING AND LOAN ASSOCIATION, INCORPORATED OF BALTIMORE CITY:

*Susan L. Russell*

BY: *J. Thomas Lewis* (SEAL)  
J. THOMAS LEWIS, Vice President

581  
7.900  
142855  
2  
MORTGAGE

FROM  
CHARLES L. LIMMER & WIFE ✓

TO ✓

BELMAR PERMANENT BUILDING AND LOAN ASSOCIATION, INCORPORATED, OF BALTIMORE CITY

BLOCK NO.  
No. 8525 Philadelphia Road

Received for Record JAN 9 1981 19

at 11:52 o'clock A.M. Same day recorded in

Liber 3799 No. 3799 Folio 581 etc.

one of the Sand Records of

and examined per

*Walter H. Hennessey*, Clerk.

Cost of Record, \$

VAN SLYKE & DOYLE,  
Attorneys-at-Law,  
730 N. Collington Ave.,  
Baltimore 5, Md.

750

[REDACTED]

**Blue Cap Funding**

Office: (410) 522-2388 (800) 379- 6980 Efax: 1(443) 836-0320 www.BlueCapFunding.com 2809 Boston St., Suite 441 Baltimore, MD 21224

February 20, 2008

Mr. Timothy Kotroco, Director  
The Department of Permits and Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Subject: Written Zoning Verification Request for 8525 Philadelphia Road

Dear Mr. Kotroco,

I am contacting you on behalf of a potential purchaser of the property located at 8525 Philadelphia Road. Mr. Charles Limmer has owned the property since 1961. Since that time a single-family residence and a 10-unit apartment building have existed on the site. The property is currently zoned DR 5.5 and CB according to the zoning map information provided by the Office of Planning. The bank that is granting the loan to the seller is requiring written documentation from the county as to whether a use permit is required for the 10-unit apartment complex.

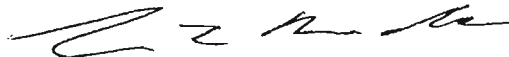
Mr. Limmer states that at the time of the purchase of the property, a use permit was not required as the property was purchased as-is (house and apartment building).

We are providing copies of the deeds and a letter written from Mr. Limmer that hopefully provides some helpful information in your research for your response.

The questions/issues that I am requesting at this time are as follows:

1. Can the site continue to be used as is?
2. If the property and its uses are not in conformance, what is the best procedure to go about having it established as a "legal" non-conforming use. And if so, could something be stated that it would be likely for the existing conditions to continue based on the information provided?

Respectfully,



Lester Reeder

Enclosures (4)

cc: File

**PETITIONER' S**

**EXHIBIT NO.** 5A

Roy's Copy



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

February 22, 2008

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

Mr. Lester Reeder  
2809 Boston Street, Suite 441  
Baltimore, Maryland 21224

RE: Zoning Verification  
Single-family Residence and 10-unit apartment  
8525 Philadelphia Road, 15<sup>th</sup> Election District

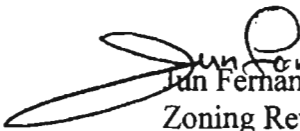
Dear Mr. Reeder:

Pursuant to your letter to Mr. Kotroco, Director of Permits and Development Management, I have been instructed by Mr. Carl Richards, Zoning Supervisor, to advise you that the above referenced property and its uses are not in compliance with the Baltimore County Zoning Regulations. A petition for Special Hearing before the Zoning Commissioner for Baltimore County would be required if you desire to proceed to establish this use as "legal" non conforming. Enclosed are copies of the petition forms and checklist requirement.

The foregoing is merely an informal opinion, it is not an expert or legal opinion. It is not intended to be relied on as expert or legal advise, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, I can be reached at 410-887-3391.

Sincerely,

  
Juan Fernando, Planner II.  
Zoning Review

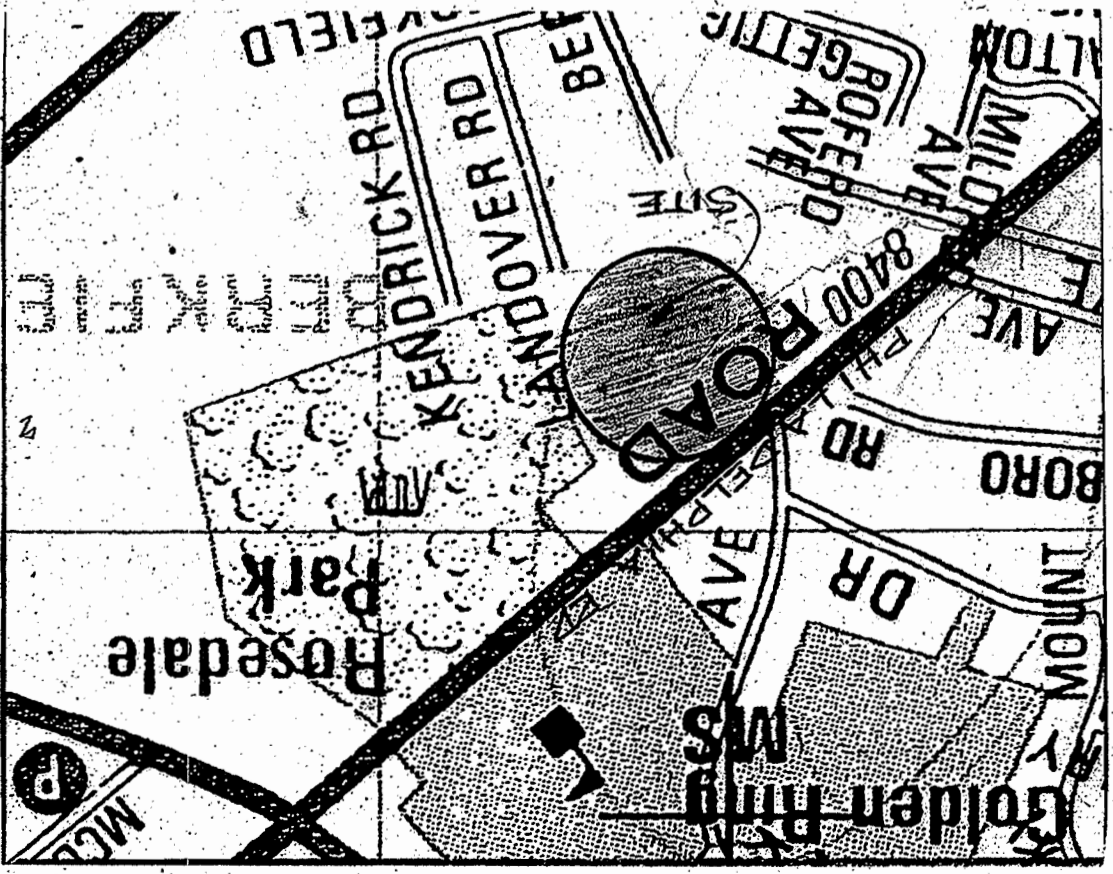
JF:dt

PETITIONER'S

EXHIBIT NO. 5B

PLAT TO ACCOMPANY PETITION FOR ZONING CHANGE  SPECIAL HEARING

PROPERTY ADDRESS: 8025 PHILADELPHIA RD  
 SUBDIVISION NAME: GETHMAN HEIGHTS (SW 602 WOODROW AV.)  
 DEED REF LIBER 03799  
 DEED REF FOLIO 0519  
 DATE 07/27/01  
 OWNERS: CHARLES L. LEMMER AND WIFE



VISUAL MAP, N.T.S.

SECTION DISTRICT 15  
 ZONING: DR-5-B  
 MAP NO: 892  
 LOT SIZE: 0.69  
 AVERAGE SQ. FEET 30,000

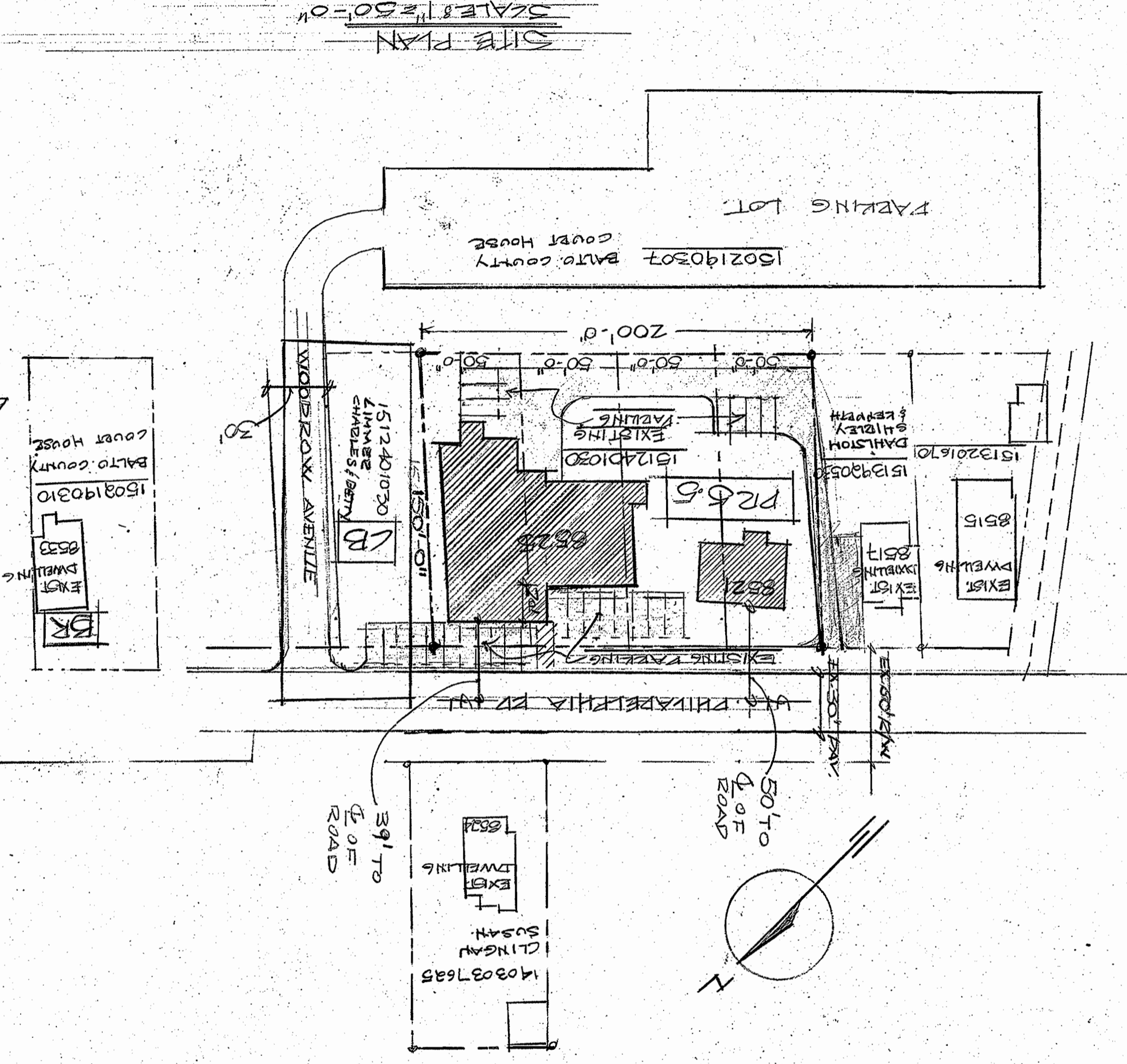
SEWER  PUBLIC  PRIVATE  
 WATER

YES \_\_\_\_\_ NO \_\_\_\_\_

THESAPAKE BAR   
 CRITICAL AREA   
 100 YEAR FLOOD PLAIN   
 HISTORIC PROPERTY/BLDG   
 PRIOR ZONING   
 18 SPACES

| ZONING OFFICE USE ONLY | REVIEWED BY | DATE |
|------------------------|-------------|------|
| CASE #                 | DATE        | DATE |

PETITIONER'S EXHIBIT NO.



SITE PLAN SCALE 1/8\"/>