

IN RE: PETITION FOR SPECIAL HEARING

E side of York Road; SE corner of York Road
and Burke Avenue
9th Election District
5th Councilmanic District
(12 York Road)

Wallace A. Eddleman and Aaron M. Eisenfeld
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0167-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 the legal property owners, Wallace A. Eddleman and Aaron M. Eisenfeld. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the continued use of the subject property as a two apartment structure as a valid non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require within the spirit and intent of the Baltimore County Zoning Regulations ("B.C.Z.R.") and prior approvals for the subject property. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief were Petitioners Wallace A. Eddleman and Aaron M. Eisenfeld, and their attorney, Howard L. Alderman, Jr., Esquire. Also appearing in support of the requested relief were Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the registered property line surveyor who prepared the site plan, and Frank P. Morabito with Morabito Consultants, Inc., Petitioners' structural engineering consultant. The nature of the case and the relief requested generated significant interested in the community and several interested citizens opposed to the relief attended the hearing, including

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Richard Parsons of 412 Woodbine Avenue, Helen Kiplinger of 1 East Burke Avenue, and Paul Hartman of 18½ Cedar Avenue in Towson.

Testimony and evidence presented revealed that the subject property is irregular in shape and consists of approximately 2,854 square feet or 0.066 acre, more or less, zoned D.R.5.5. The property is located at the southeast corner of York Road and Burke Avenue in downtown Towson. As shown on the site plan and the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 2, the property is improved with a three-story end of group row house constructed of brick and wood siding. Although from the front, the structure appears to be two stories because the slope of the property is raised to the entrance from York Road, it has frontage on the ground floor along Burke Avenue and the concrete alley to the rear, making it less of a "basement" level and more akin to a "first floor." This is shown on the street level photograph that was marked and accepted into evidence as Petitioners' Exhibit 3.

In his opening remarks, Petitioners' attorney, Mr. Alderman, indicated that the building has always been two separate apartments -- on the second and third levels. The first floor had historically been used commercially, having been a hair salon many years ago and then a surf shop. Recently, a complaint to the Baltimore County Bureau of Code Inspections and Enforcement alleged that the property had been illegally converted from a dwelling to two apartments. Mr. Alderman further explained that in response to a citation issued in September 2009, Petitioners undertook an investigation into the history of the property and found documentation indicating the building was originally constructed as two separate apartments. Petitioners also engaged an engineering consultant to determine if the original construction was consistent with two separate apartments. As a result, Petitioners filed the instant Petition for Special Hearing seeking confirmation that the existing two apartment structure is a valid nonconforming use.

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The first witness to testify in support of the requested relief was Bruce E. Doak. Mr. Doak is a professional property line surveyor with Gerhold, Cross & Etzel, Ltd. He has a degree in surveying and has been licensed in the State of Maryland since 1989. He has been involved in the review and preparation of site plans for the past 25 years and has reviewed over 500 plans during that time. He has testified as an expert before various Baltimore County tribunals, including this Commission, at least 200 times and was offered and accepted as an expert in land use and zoning issues and interpretation of the Zoning Regulations. He prepared the site plan that shows the subject property's existing conditions and reiterated Mr. Alderman's opening remarks as to the size and location of the property and the improvements thereon. Mr. Doak indicated that through his personal and professional experience in the Towson area for the past 25 years, he has observed that the subject structure has been utilized as second and third floor apartments, as well as the commercial use on the first floor.

To further illustrate the existing conditions, Mr. Doak submitted a site plan to accompany photographs that was marked and accepted into evidence as Petitioners' Exhibit 4, and the photographs themselves were marked and accepted into evidence as Petitioners' Exhibits 5A through 5H. These photographs show a well maintained row house style structure with a number of windows and architectural accents -- including a prominent stone retaining wall -- consistent with a structure built in the 1930's. There is a first floor entrance at the corner of York Road and Burke Avenue, and two separate entrance ways located in front on the second floor. There is also another first floor entrance on the Burke Avenue side, as well as an attached one car garage adjacent to the concrete alley to the rear.

Mr. Doak discussed the zoning history of the property and indicated that the property is presently zoned D.R.5.5. He indicated that when the structure was built in 1932, there was no zoning on the property since there was no zoning in Baltimore County until 1945. In 1945, the

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County first adopted Zoning Regulations and in 1955, the Regulations were updated to include specific residential zones. In particular, the subject property was zoned R.6 as per the 1955 Regulations, which permitted one and two family dwellings. In 1970, under Bill No. 100, the current D.R. zones were created and adopted in Baltimore County. Mr. Doak indicated that based on his observations of the interior and exterior of the structure, it appears to have been constructed as two separate apartment units on the second and third floors, with a separate first floor that had commercial uses for a number of years. Finally, he offered his expert opinion that the use of the structure as two apartments -- a use that has been constant since it was constructed in the 1930's -- would not be detrimental to the health, safety, or general welfare of the locale, nor would it have any detrimental impacts on the criteria set forth in Section 502.1 of the B.C.Z.R. He also indicated that the use as two apartments would actually be less intense than the density would otherwise permit in the D.R.5.5 Zone.

Next to testify was Petitioners' consulting engineer, Frank P. Morabito. A copy of his resume was marked and accepted into evidence as Petitioners' Exhibit 6. Mr. Morabito is a registered structural engineer in 23 states -- including Maryland -- and is President of Morabito Consultants, Inc. He has been involved in the design and supervision of over 2,600 buildings and includes the structural design of all types of building systems. His experience also extends to areas of forensic engineering, in terms of evaluating functionality and original design and construction of improvements. It is in this area that his experience is most germane to this case. He was offered and accepted as an expert in structural engineering.

Mr. Morabito indicated he is familiar with the site, having walked through and evaluated the property and the building on January 26, 2010. He inspected the premises with an emphasis on determining how the improvements were originally built and configured. Based on his experience and expertise, he offered his opinion that the first/ground floor was originally

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constructed as a retail space with storage in the rear. He also concluded that the second and third floors were built for residential occupancy as two separate apartments and not converted as such at a later date.

Mr. Morabito based this opinion on the existing structural configuration and noted that no alterations have been made to the building to suggest changes from a one unit dwelling to two apartments. Specifically, as to the exterior, he noted that the brick has a consistent color and texture throughout and does not appear to have been changed or modified. The siding consists of asbestos shingles that are also intact and have not been changed since they were originally installed and are common for the era in which the structure was built. The windows are original single-pane with hardware from that period and without insulation, and the concrete walkway and retaining wall exhibits the wear and tear that suggests it has been there for the last 70-80 years.

As to the interior, Mr. Morabito indicated that the first floor metal ceiling appears to be in very good shape and is of the type that was installed in the 1930's. As with other aspects of the structure, it appears to be unchanged since originally installed. The second and third floor apartments are not connected and have their own private entrances on the second floor. He noted that it would be unusual for a single-family dwelling to have two main entrances off the front. The stairway leading to the third floor apartment appears to be original, and none of the features of the interior, including the walls, plumbing, and layout, suggests that the stairway or the interior rooms on the second and third floors were added later. Finally, the hardwood floors appear untouched and original, as do the tile floors and the plaster walls. In sum, Mr. Morabito believes that all the exterior and interior features are consistent with a building that was built originally as two separate apartments on the second and third floors.

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The final witness to testify in support of the relief was Aaron Eisenfeld, one of the two owners of the subject property. Mr. Eisenfeld testified that he and Mr. Eddleman purchased the property in 2005 and one of the reasons they did so was because it was marketed for sale as a two apartment unit. They have rented the building as two apartments and have complied with the County's annual licensing requirements to operate as a rental unit. Each apartment has two bedrooms, with a bathroom, living room, dining room, and kitchen. The parking pad adjacent to the alley and Burke Avenue is used by tenants -- one space for each apartment. As shown in the photographs that were referenced earlier, trash containers for each unit are located on the side of the property fronting Burke Avenue.

Mr. Eisenfeld and his attorney, Mr. Alderman, recounted the chain of title for the property and introduced several deeds from years past, which were marked and accepted into evidence as Petitioners' Exhibits 7, 8, 9, 10, and 11, respectively. This history can be summarized as follows: Petitioners purchased the property on January 6, 2005 from Eugene L. Kibbe, III and his wife, Catherine Kibbe. Petitioners then executed a subsequent deed on November 6, 2007 in order to convert ownership of the property from a joint tenancy to tenants in common. Moving back many years and not long after the structure was built in 1932, the property was conveyed on April 27, 1936 from John and Margaret Hill to Marbury B. Fox, Sr. and his wife, Florence H. Fox. Marbury B. Fox, Sr., who died in 1959, and Florence H. Fox, who died in 1968, conveyed the property to their children, Thomasine Fox Kibbe, Dorothy Fox Patterson, and Marbury B. Fox, Jr. Marbury B. Fox, Jr. died in 1986 and devised his one third interest in the property to the Trustees (Lees T. Fox, H. Anthony Mueller, and Mercantile Safe Deposit and Trust Company) of the Residuary Trust of his Will. In 1989, Dorothy Fox Patterson conveyed her one third interest and the Trustees of the Will of Marbury B. Fox, Jr. conveyed its one third interest to Eugene L. Kibbe, III, with Thomasine Fox Kibbe still owning the one third that was conveyed to her by her

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parents. On December 31, 1992, Thomasine Fox Kibbe conveyed her remaining one third interest to Eugene L. Kibbe, III, giving him the 100% ownership of the subject property that was conveyed to Petitioners in 2005.

Of particular relevance to the instant matter is the written statement provided by Thomasine Fox Kibbe, which was marked and accepted into evidence as Petitioners' Exhibit 13. As recounted above, Thomasine Fox Kibbe was the daughter of Marbury B. Fox, Sr. and Florence H. Fox, who acquired the property in 1936. In her statement, Ms. Kibbe indicates that to her knowledge, the three-story structure was built as a row house with two apartments, each with two bedrooms, and Hax Beauty Salon on the first floor. After her father acquired the property, he owned and managed the property until his death in 1959 and then the property was managed by his son, Marbury Fox, Jr., and later by grandsons. For the next 50 years, there were no problems or complaints and the building continued to be used as two apartments and a beauty salon. The beauty salon did not renew its lease when parking on York Road and Burke Avenue became a problem. In 1986, a surf shop opened, but after a year, it was determined that the store front could not be used in that manner and has since been vacant for the last 20 years. Ms. Kibbe also reiterated that the building was not "converted" from a single-family dwelling to two apartments. It was built as two apartments and was owned by her family for about 60 years and operated as two apartments during her family's period of ownership.

As indicated earlier, several interested citizens from the nearby community appeared in opposition to the requested relief, including Richard Parsons, Helen Keplinger, and Paul Hartman. All of these individuals are active in the Towson community and Mr. Hartman is President of the Aigburth Manor Association of Towson, the community association that surrounds the subject property that includes Burkleigh Square. He is also a Delegate with the Greater Towson Council of Community Associations, Inc. (GTCCA), an umbrella organization

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representing the interests and concerns of more than thirty community associations in the Greater Towson area. To summarize their testimony, these communities have always opposed and objected to the conversion of dwellings into multi-family apartments. Multi-family apartments in proximity to residential areas have an adverse effect on these single-family communities, in particular regarding trash and debris, rodent infestation, and parking. Frequently, these apartment units have more than the permitted number of unrelated tenants and the growth of nearby Towson University and the lack of student housing has exacerbated the problem. They generally opposed the use of the subject structure for two apartments.

In addition, Edward T. Kilcullen, Jr., President of the GTCCA, submitted a letter of opposition dated January 25, 2010, which was marked and accepted into evidence as Protestants' Exhibit 1. In his letter, Mr. Kilcullen indicated that all on-street parking in front of the row of townhouses that includes the subject property was eliminated with the widening of York Road a few decades ago. As a result, there is insufficient parking for a two-unit building resulting in added competition for parking in the community. Towson University's significant enrollment growth and severely lagging student housing has made the Burkleigh Square community a target for investors wishing to capitalize on the demand for housing. The community is nearly 50% rental properties with the majority of these properties occupied by college students. This has had a negative impact on the community with more and more owner-occupied homes turning over to investor-owned rental properties and a multitude of related code enforcement and behavioral problems. Allowing this property to continue as a nonconforming two-apartment property would continue to put added stress on the Burkleigh Square community and contribute to the growing trend of single-family homes being converted to rental properties. Further, it would set a dangerous precedent for other nonconforming uses in the area, which has numerous such properties that could seek similar relief should this request be granted. In sum, the Greater

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Towson Council of Community Associations strongly opposed Petitioners' request and respectfully requested that it be denied.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated January 15, 2010 which indicates they do not oppose Petitioners' request provided the proof and evidence can be demonstrated to the Zoning Commissioner that the nonconforming use was lawfully established and not subject to any violations. Comments were received from the Bureau of Development Plans Review dated December 15, 2009 which indicates that the required number of off-street parking spaces should be shown on the plan if they exist or be provided if they do not exist.

It is noteworthy that the consistent theme in cases such as this, particularly involving properties with structures used as multi-family units located adjacent to the more family oriented neighborhoods with single-family dwellings, is the desire of the communities to see that single-family dwellings remain as such, versus the desire of the owners of multiple apartment structures to utilize them as rental apartments to the extent permitted by law. And what makes the situation even more volatile is the influx of Towson University students who seem to make up the majority of tenants in these rental units, and who bring their own brand of youthful "enthusiasm" to the nearby residential communities.

Generally, this Commission has recognized and given great deference to the concerns of the greater Towson communities where petitioners have sought to convert existing single-family dwellings into rooming houses or multi-family apartments. In a number of cases, this Commission has denied requests to permit a rooming or boarding house based on the adverse

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impact such a use would have on stable, single-family communities.¹ In the instant matter, however, the request is not to permit a rooming house or allow a single-family dwelling to be converted to multiple apartments. Indeed, Petitioners are not seeking to change, alter, or expand the existing use and have acknowledged that the existing use would not be permitted by today's Regulations. Rather, Petitioners seek relief to permit the continued use of the existing building as a two apartment structure under a valid non-conforming use.

A nonconforming 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 use." In addition, Section 104.1 of the B.C.Z.R. states that "[a] nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate." It is well settled that nonconforming uses are not favored under the law. It is also recognized that nonconforming uses are contrary to the zoning scheme established by the Zoning Regulations and that the restrictions on such uses is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *See, County Council of Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259 (1982). Moreover, it is the burden of a petitioner to prove the nonconforming use during the period of time at issue.

¹ See, Case No. 2010-0042-SPH (denied request to permit rooming house for maximum of four unrelated persons at 115 Burke Avenue in Towson); Case No. 2007-0294-SPH (denied request to permit a rooming/boarding house at 7610 Knollwood Road in Towson).

In 1945, the County first adopted Zoning Regulations and delineated four residential (A, B, C, and D) one commercial (E), and two industrial (F and G) zones. On March 31, 1955, the Regulations were updated to include specific residential zones to account for single-family and multi-family residences, as well as more precise classifications to deal with the minimum size required for a lot. In both the 1945 and 1955 Regulations, nonconforming uses were recognized and permitted to continue with certain exceptions and restrictions.

Turning now to the instant matter, the evidence indicates that the row house style building was constructed in 1932. The undisputed and uncontradicted expert testimony indicates that the layout, configuration, and construction materials of the building have remained unchanged since their original construction, well before the initial adoption of Zoning Regulations in Baltimore County in 1945, or their comprehensive re-adoption in 1955. It is also clear that this case comes before me, not as an instance where a single-family dwelling was subsequently converted to a multi-family dwelling, but where the original structure was constructed and used as two separate apartments, well before the adoption of the Zoning Regulations in Baltimore County.

In addition, the deed history of the property reveals that it had been in the Fox/Kibbe family from 1936 through 2005 -- a period of almost 70 years. The uncontroverted written testimony of Thomasine Fox Kibbe indicates that during the time her family owned the property, the building was used continuously as two separate apartments. Petitioners have continued that use through the present time. Thus, it is clear that the nonconforming use presented in this case predates, by a substantial period, the adoption of the B.C.Z.R. on March 31, 1955 and the earlier Regulations in 1945, and I am compelled to grant Petitioners' requested relief. Although I am mindful of the concerns of the community -- and those concerns are certainly understandable --

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By PJ

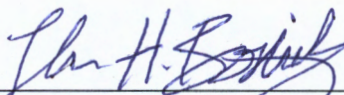
in my judgment, based on the testimony and evidence presented, Petitioners have met their burden at law and are entitled to the special hearing relief as a nonconforming use.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 14th day of April, 2010, that Petitioners' request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the continued use of the subject property as a two apartment structure as a valid non-conforming use, be and is hereby **GRANTED** subject to the following condition:

1. Petitioners may continue the aforementioned nonconforming use (subject to the nonconforming use provisions of the B.C.Z.R.) and apply for any applicable permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 discontinue the nonconforming use of the property as a two apartment structure.

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

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By pjz _____



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 14, 2010

HOWARD ALDERMAN JR., ESQUIRE
LEVIN & GANN
502 WASHINGTON AVENUE, SUITE 800
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2010-0167-SPH
Property: 12 York Road

Dear Mr. Alderman:

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,

A handwritten signature in dark ink, appearing to read "John H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

- c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson, MD 21286
Wallace A. Eddleman and Aaron M. Eisenfeld, 305 East Forest Trail, Crownsville MD 21032
Frank P. Morabito, Morabito Consultants, Inc., 952 Ridgebrook Road #1700, Sparks MD 21152
Edward J. Kilcullen, Jr., The Greater Towson Council of Community Associations, Inc., PO Box 5421, Towson MD 21285-5421
Richard Parsons, 412 Woodbine Avenue, Towson MD 21204
Helen Kiplinger, 1 East Burke Avenue, Towson MD 21204
Paul Hartman, 18½ Cedar Avenue, Towson MD 21204



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12 York Road

which is presently zoned DR 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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
(This box to be completed by planner)

SEE ATTACHED

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L Alderman, Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue

410-321-0600

Address

Telephone No.

City

State

Zip Code

Date

4-10-10

By

pm

ESTIMATED LENGTH OF HEARING

Case No.

2010-0167-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

A-TBI

Date

12/03/2009

Legal Owner(s):

Wallace A. Eddleman

Name - Type or Print

Signature

Aaron M. Eisenfeld

Name - Type or Print

Signature

305 East Forest Trail

410-241-7771

Address

Telephone No.

Crownsville

MD

21032-1800

City

State

Zip Code

Representative to be Contacted:

Wallace A. Eddleman

Name

305 East Forest Trail

410-241-7771

Address

Telephone No.

Crownsville

MD

21032

City

State

Zip Code

OFFICE USE ONLY

Attachment 1

PETITION FOR SPECIAL HEARING

CASE No: _____

Address: 12 York Road [12A & 12B]

Legal Owners: Wallace A. Eddleman
Aaron M. Eisenfeld

Present Zoning: DR 5.5

REQUESTED RELIEF:

why the zoning commissioner should approve: (i) pursuant to *Baltimore County Zoning Regulations* § 104, the continued use of the subject property as a two-apartment structure as a valid, non-conforming use; and (ii) such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and prior approvals for the subject property.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

December 3, 2009

Zoning Description
12 York Road
9th Election District, Baltimore County, Maryland

Beginning for the same at the intersection of the east side of York Road and the south side of Burke Avenue, thence running and binding on the south side of Burke Avenue (1) North 89 degrees 21 minutes 12 seconds East 94.94 feet to the west side of an alley, thence leaving Burke Avenue and running and binding on the west side of said alley (2) South 11 degrees 49 minutes 22 seconds West 40.27 feet, thence leaving said alley and running (3) North 77 degrees 52 minutes 00 seconds West 104.81 feet to intersect the east side of York Road, thence running and binding on the east side of York Road (4) North 44 degrees 44 minutes 15 seconds East 22.82 feet to the place of beginning.

Containing 2854 square feet or 0.066 of an acre of land, more or less.



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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2010-0167-SPH
Petitioner: WALLACE A. EDDLEMAN & AARON M. EISENFELD
Address or Location: 12 YORK ROAD TOWSON MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: WALLACE A. EDDLEMAN
Address: 305 EAST FOREST TRAIL
CROWNSVILLE MD 21032

Telephone Number: 410-241-7771

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

No. _____

Date: _____

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2010-0167-SPH

12 York Road
E/side of York Road, s/east corner of York Road and
Burke Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Wallace Eddleman & Aaron Eisenfeld

Special Hearing: to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Friday, March 12, 2010, at 10:00 a.m. In Room 106, County Office Building, 111 West 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.

2/436 Feb. 25

230866

CERTIFICATE OF PUBLICATION

2/25/, 2010

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 2/25/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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Case: # 2010-0167-SPH

12 York Road

E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Wallace Eddleman & Aaron Elsenfeld

Special Hearing: to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Thursday, February 11, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West 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/1/948 Jan. 26

228028

CERTIFICATE OF PUBLICATION

1/28/, 2010

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 1/26/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

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: # 2010-0167-SPH

12 York Road
E/side of York Road, s/east corner of York Road
and Burke Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Wallace Eddleman & Aaron Eisenfeld

Special Hearing: to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Tuesday, January 26, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 West 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.

11/1/21 Jan. 12

226441

CERTIFICATE OF PUBLICATION

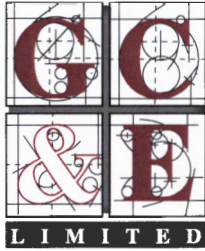
1/14/2010

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 1/12/2010.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2010-0167-SPH

OWNER/DEVELOPER:

Wallace Eddleman & Aaron Eisenfeld

DATE OF HEARING: 2/11/2010

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:
12 York Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 1/26/10

ZONING NOTICE

CASE # :2010-0167-SPH

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.**

PLACE:

**Room 106 County Office Building
111 W. Chesapeake Avenue, Towson 21204**

TIME:

**DATE : Thursday, February 11, 2010
at 9:00 am**

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this petition may required, within the spirit and intent of the BCZR and the prior approvals for the subject property.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.

CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN AND POST DAY OF HEARING. UNDER PENALTY OF LAW

HEARINGS ARE HANDICAPPED ACCESSIBLE

01.26.2010 15:52



ZONING NOTICE

CASE # 2010-0167-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 108 Camp Office Building
111 W. Chesapeake Avenue, Towson 21204

TIME: Tuesday, January 19, 2010
6:00 PM

Subject: Zoning - regarding the consequences of
the proposed change of zoning from R-1 to R-2
and the effect of this change on the use of the
subject property. The zoning change will be
discussed and the effect of this change on the
subject property will be discussed. The zoning
change will be discussed and the effect of this
change on the subject property will be discussed.

FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER
AT 410-281-1234 OR VISIT THE ZONING COMMISSIONER'S WEBSITE
AT WWW.TOWSONMD.GOV/ZONING

01.26.2010 15:52



01.26.2010 15:54



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
February 18, 2010

NEW 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: 2010-0167-SPH

12 York Road

E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Wallace Eddleman & Aaron Eisenfeld

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Friday, March 12, 2010 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Floor, Towson 21204
Wallace Eddleman, Aaron Eisenfeld, 305 East Forest Trail, Crownsville 21032

NOTES: (1) THE ZONING OFFICE WILL REPOST A SIGN ON THE PROPERTY BY THURSDAY, FEBRUARY 25, 2010.

- (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
Thursday, February 25, 2010 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 2010-0167-SPH

12 York Road

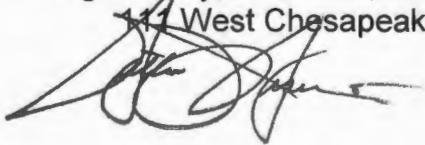
E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Wallace Eddleman & Aaron Eisenfeld

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Friday, March 12, 2010 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 12, 2010 Issue - Jeffersonian

Please forward billing to:
Wallace Edelman
305 East Forest Trail
Crownsville, MD 21032

410-241-7771

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: 2010-0167-SPH

12 York Road

E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District – 5th Councilmanic District

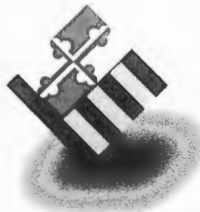
Legal Owners: Wallace Eddleman & Aaron Eisenfeld

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Tuesday, January 26, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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.



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

December 23, 2009

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: 2010-0167-SPH

12 York Road

E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Wallace Eddleman & Aaron Eisenfeld

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Tuesday, January 26, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Howard Aldmerman, Jr., 502 Washington Avenue, 8th Floor, Towson 21204
Wallace Eddleman, Aaron Eisenfeld, 305 East Forest Trail, Crownsville 21032

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 11, 2010.**
- (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, January 26, 2010 Issue - Jeffersonian

Please forward billing to:
Wallace Edelman
305 East Forest Trail
Crownsville, MD 21032

410-241-7771

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: 2010-0167-SPH

12 York Road

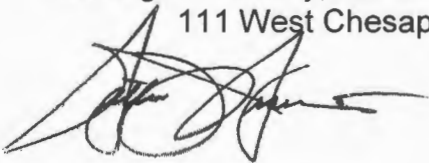
E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Wallace Eddleman & Aaron Eisenfeld

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Thursday, February 11, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 22, 2010

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: 2010-0167-SPH

12 York Road

E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Wallace Eddleman & Aaron Eisenfeld

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Thursday, February 11, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Floor, Towson 21204
Wallace Eddleman, Aaron Eisenfeld, 305 East Forest Trail, Crownsville 21032

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 27, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 23, 2009

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: 2010-0167-SPH

12 York Road

E/side of York Road, s/east corner of York Road and Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Wallace Eddleman & Aaron Eisenfeld

Special Hearing to permit the continued use of the subject property as a two apartment structure as a valid, non-conforming use; and such additional relief as the nature of this case as presented at the time of the hearing on this Petition may required, within the spirit and intent of the BCZR and prior approvals for the subject property.

Hearing: Tuesday, January 26, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in cursive.

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Floor, Towson 21204
Wallace Eddleman, Aaron Eisenfeld, 305 East Forest Trail, Crownsville 21032

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 11, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 2, 2010

Howard Alderman
Levin & Gann PA
502 Washington Ave. 8th Fl.
Towson, MD 21204

Dear: Howard Alderman

RE: Case Number 2010-0167-SPH, 12 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 03, 2009. 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
Wallace Eddleman & Aaron Eisenfeld; 305 E. Forest Trail; Crownsville, MD 21032-1800



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

December 23, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 24, 2009

Item Numbers: 0166, 0167, 0168 and 0172

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

INTER-OFFICE CORRESPONDENCE

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

DATE: January 15, 2010

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

SUBJECT: 12 York Road

INFORMATION:

Item Number: 10-167

Petitioner: Wallace Eddleman

Zoning: DR 5.5

Requested Action: **Special Hearing**

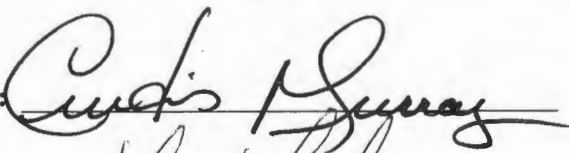
The petitioner is seeking a Special Hearing to allow the continued use of a two-apartment structure as a valid non-conforming use.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning does not oppose the petitioner's request provided the proof and evidence can be demonstrated to the Zoning Commissioner that the non-conforming use was lawfully established and not subject to any violations.

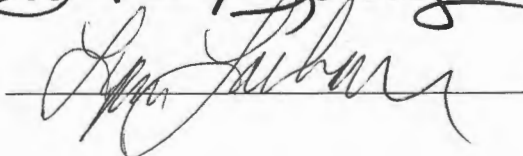
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 28, 2009
Item No.: 2010-167

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

The required number of off-street parking spaces should be shown on the plan if they exist or be provided if they do not exist.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0167-12282009.doc



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

Beverley K. Swain-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: DEC. 18, 2009

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

RE: Baltimore County
Item No. 2010-0167-SPH
MD 45
12 YORK RD
EDDLEMAN/EISENFELD PROPERTY
SPECIAL HEARING -

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 12/15/09. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 12 YORK RD PROPERTY Case Number 2010-0167-SPH.

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 email him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. Bailey".
For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
12 York Road; E/S York Road, SE corner of	*	ZONING COMMISSIONER
York & Burke Avenue	*	
9 th Election & 5 th Councilmanic Districts	*	FOR
Legal Owner(s): Wallace Eddleman &	*	
Aaron Eisenfeld	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	10-167-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

DEC 18 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of December, 2009, a copy of the foregoing Entry of Appearance was mailed to Wallace Eddleman, 305 East Forest Trail, Crownsville, MD 21032 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: February 12, 2010

TO: Kristen Matthews
Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to
Tomas Bostwick, Deputy Zoning Commissioner

RE: Cases To Be Rescheduled Due to Inclement Weather
Case Nos. 2010-0167-SPH and 2010-0178-A

The above-referenced cases need to be rescheduled for hearings because County offices were closed due to inclement weather on Thursday, February 11, 2010.

We are returning the two files to you for further processing, i.e., notifying the Petitioners, posting of the hearing notices, advertising, etc.

Thank you for your attention and cooperation in this matter.

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

January 11, 2010

VIA TELEFAX, EMAIL & REGULAR MAIL

Timothy M. Kotroco, Director
Baltimore County Department of
Permits and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

William J. Wiseman, III, Zoning Commissioner
Zoning Commissioner's Office
The Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: 12 York Road
Case No. **2010-0167-SPH**
Request for Postponement

Dear Mr. Kotroco and Commissioner Wiseman:

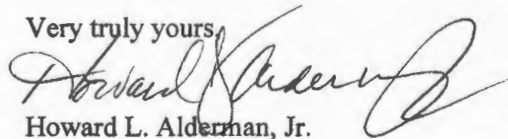
On Saturday, January 9, 2010, my clients, owners of the above-referenced property, received notice of scheduling a hearing pursuant to a zoning Petition filed. That notice, as evidenced by the enclosed scan of the transmittal envelope, was mailed on January 8, 2010 and requires posting of the property by January 11, 2010.

After communicating with my clients, I informed them that I will be out of the State from January 21st and not returning until January 28, 2010. Additionally, one of our key witnesses in this case advised that he will be out of the State from January 28th until February 1, 2010.

Therefore, so that the Petitioners' interests may be represented and necessary evidence be presented, I am requesting that this matter be rescheduled to a date **after February 1, 2010**. As of this time the property has not been posted with the January 26th hearing date.

If Kristen would be so kind as to call me, I will coordinate the schedules of my clients and witnesses with her available dates. Should you need additional information in support of this request, please do not hesitate to contact me.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosures
c (w/encl.):

Messrs. Eddleman and Eisenfeld
Baltimore County Office of People's Counsel
Ms. Kristen Matthews
Michael Mohler, Deputy Director



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

***-8-10BALMD212FRST1STCL

PRESORTED
FIRST CLASS



Master

018425512962
\$00.335
01/08/2010
Billed From: 21204
US POSTAGE

Return Service Requested

MR WALLACE EDDLEMAN
MR AARON EISENFELD
305 EAST FOREST TRAIL
CROWNSVILLE MD 21032

K-ZPS51 21032



Howard Alderman

From: Howard Alderman
Sent: Wednesday, February 17, 2010 1:58 PM
To: 'kmatthews@baltimorecountymd.gov'
Cc: Wally Eddleman; Aaron Eisenfeld; bdoak@gcalimited.com; 'Frank Morabito'
Subject: 12 York Road - Rescheduled Hearing

Kristen,

Thank you for your message. Friday, March 12th works for everyone for a rescheduled hearing

Please note that I have a phone message from Commissioner Wiseman, who first conferred with Tim Kotroco, advising that the County will repost the property since the hearing was cancelled due to snow. I was instructed to ask you to have the County zoning official that posts the property also send a note to the Commissioner advising of the date that the property was posted.

Thank you again and please call me with any questions,
Howard

I will fax a copy of this message to your office as well

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
☎: 410-321-0600 (voice)
☎: 410-296-2801 (fax)
✉: halderman@LevinGann.com
Website: www.LevinGann.com

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: *If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:*
<http://www.adobe.com/products/acrobat/readstep2.html>

CASE NAME _____
CASE NUMBER 2010-0167-SPH
DATE 3-17-10

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Aaron M. Eisenfeld	305 E. Forest Trail	Crownsville, MD 21032	ameisenfeld@comcast.net
Wallace A Eddleman	305 E. Forest Trail	Crownsville MD 21032	weddlleman@comcast.net
FRANK P. MORABITO	952 RIDGE BROOK RD #1700	SPARKS, MD 21152-9412	FRANK.MORABITO@CONSULTANTS.COM
BRUCE E. DOAK			
GERHOLD CROSS & ETZEL	320 E. TOWSON TOWN BLVD	TOWSON MD 21286	
HOWARD L ALDERMAN JR	502 Washington Ave		
LEVIN & GAN PA	Suite 600	TOWSON MD 21204	
Morabito Consultants Inc			

CASE NAME _____
CASE NUMBER 2010-0167-5PH
DATE 3-12-10

[illegible]

M00701140001
RAE 2

1600001943

31

19700209

YORK RD
YORK RD

19710028
0902657640

M00700092001

BM

32

0902190923

1900011466

0908650520

Pt. Bk. 2 Folio 139

19730062

20030544
20030386
19860500
19594603

19640070

19820192
19770022

W BURKE AVE
W BURKE AVE

BURKE AVE

BURKE AVE

W BURKE AVE

W BURKE AVE

19940301 0906450900

12

0916474410

11

0911670730

10

0902573741

9

1900005736

8

0920000621

7

0903771440

6

Lot # 7

0906203110

5

0901350200

4

0908305340

3

0904200300

2

0920200330

1

ALLEY

0912590290

1

0913556180

3

5

7

9

11

0904504280

0908011060

0906350750

0902854360

ALLEY

0912000871

66

0911570770

64

0911150240

62

0920451130

60

0919710580

58 Lot # 34

0902955020

56 Lot # 35

0923353270

54 Lot # 36

0903006270

52 Lot # 37

0918354300

50 Lot # 38

BURKLEIGH RD

BURKLEIGH RD

NE 9-A 070A2

5 CD

DR 2

8000

0920551583

NEWELL AVE

YORK RD
YORK RD

Pt. Bk. 38 Folio 38

8019

1700000870

8015

8013

DR 16

2010-0167-SPH

Case No.: 2010-0162-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	1-25-10 letter from GTCCA opposing SPH relief
No. 2	aerial photograph w/ Zoning Map	
No. 3	photo of property from Burke Ave.	
No. 4	Plan to accompany photographs	
No. 5 A-H	photographs	
No. 6	Resume of Mr. Morabito	
No. 7	Deed dated 1-6-05 showing mle to Petitioners	
No. 8	Deed dated 11-6-07 to convert deed from joint tenants to tenants in common	
No. 9	Deed dated 4-22-99 showing from Eugene Kibbe III to Eugene Kibbe III and Catherine Kibbe	
No. 10	Deed dated 10-5-89 from Dorothy Patterson and Lees Fox, Anthony Mueller, and Mercantile Safe + Trust - Trustees, and Marbury Fox, Jr. to Eugene Kibbe III	
No. 11	Deed dated 12-31-97 from Thomas Fox Kibbe to Eugene Kibbe III - giving her 1/2 to him - so he now owned all interest	
No. 12	SDAT search - home built in 1932	

Case No.: _____

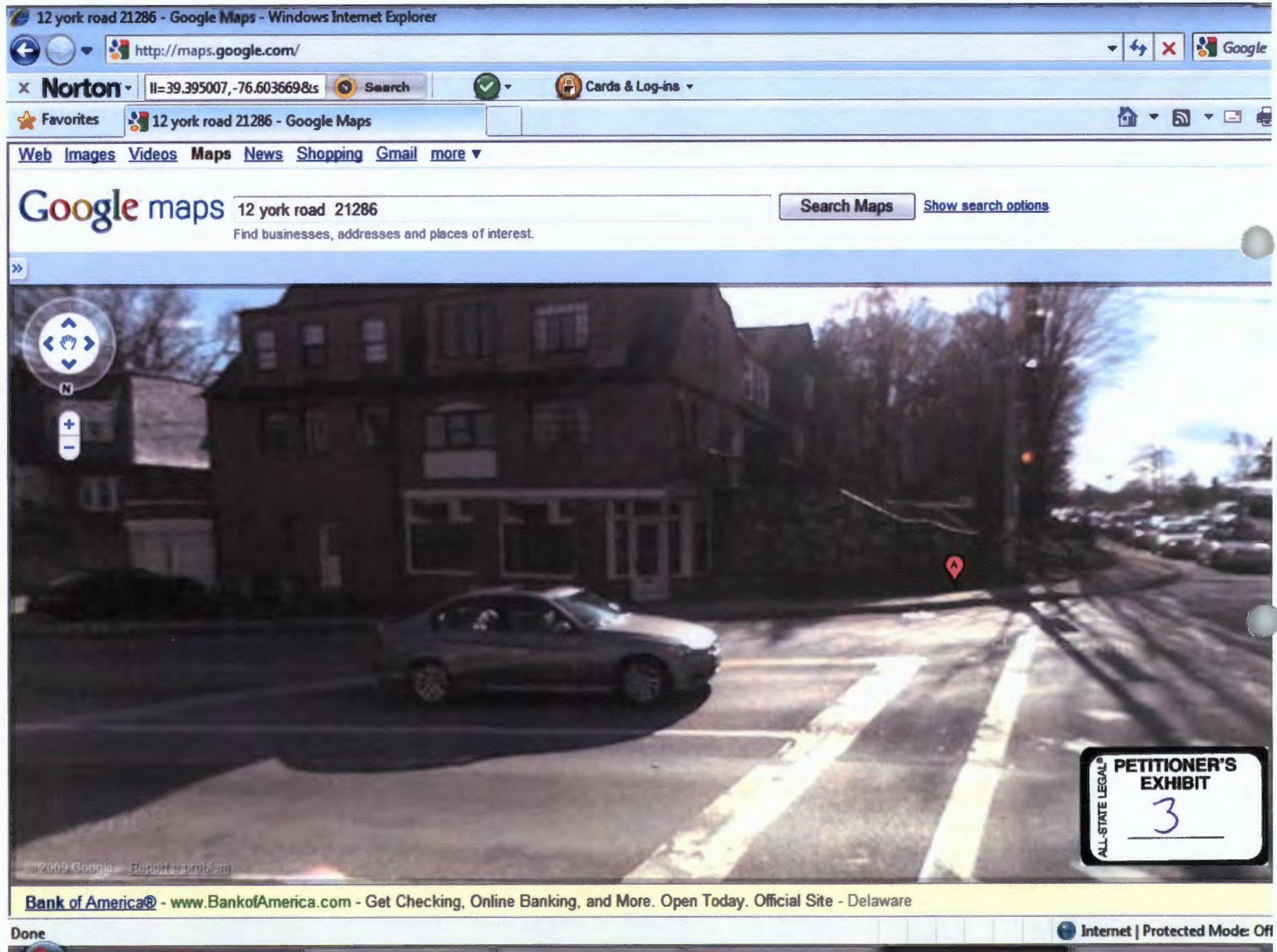
Exhibit Sheet

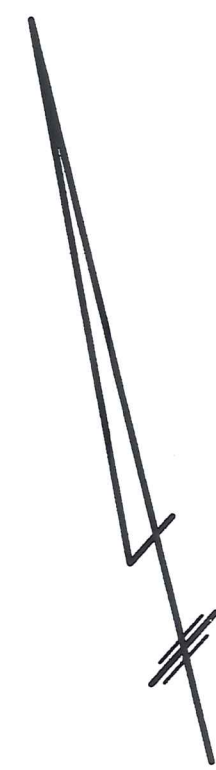
Petitioner/Developer

Protestant

No. 13	Statement of Thomas Fox Kibbe - undated	
No. 14	Photograph of front of property	
No. 15	Residential parking form for 4 residents of property - 7-8-08	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





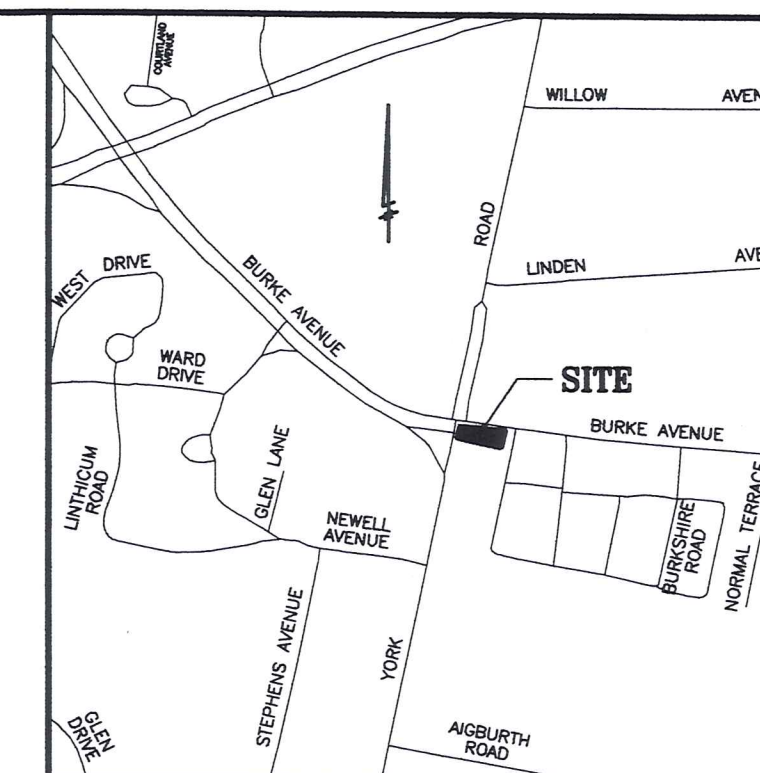
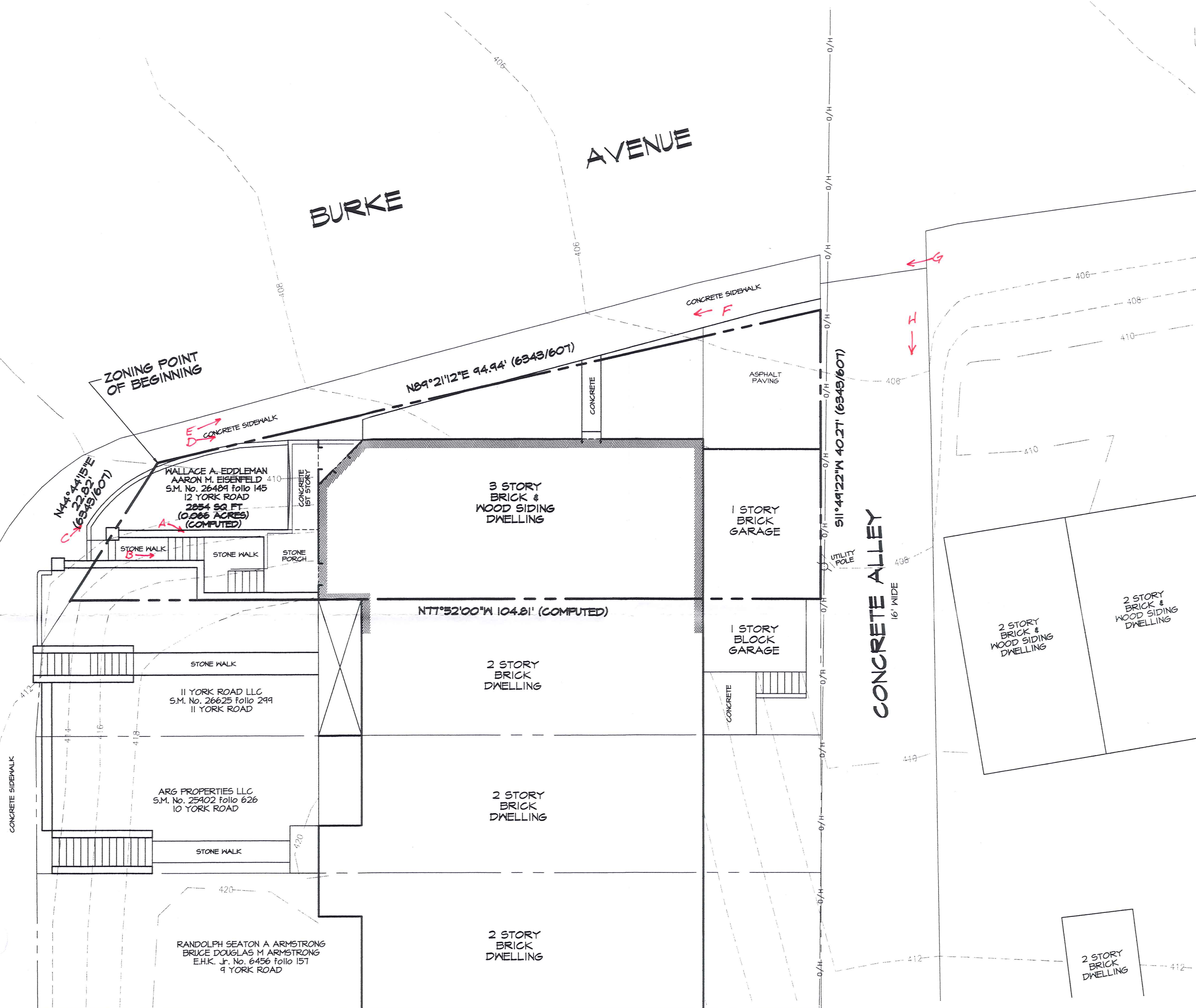


ROAD

YORK

BURKE AVENUE

ZONING POINT OF BEGINNING



VICINITY MAP

1" = 500'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED OF RECORD (E.H.K. J. No. 6343 Folio 607).
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 070A2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 31.
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEPTIC SYSTEMS.

OWNER/DEVELOPER

WALLACE A. EDDLEMAN
AARON M. EISENFELD
305 E FOREST RAIL
CROWNSVILLE, MD 21032-1800
(410) 241-7771

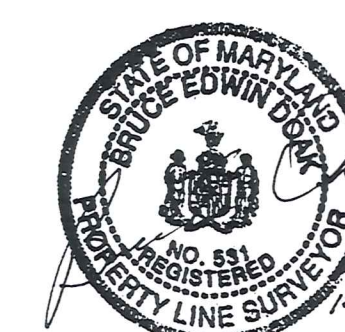
Plan to Accompany Photographs

PLAN TO ACCOMPANY
A PETITION FOR A
SPECIAL HEARING
FOR THE

**EISENFELD & EDDLEMAN
PROPERTY**

12 YORK RD
Deed Ref: S.M. No. 26489 folio 145
Tax Account No.: 09-06-450900
Zoned DR-5.5; GIS Tile 070A2
Tax Map 70; Grid 14; Parcel 1089

9th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=10'

DATE: NOVEMBER 24, 2009

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

SPECIAL HEARING REQUESTED

(i) pursuant to the Baltimore County Zoning Regulations section 10.4, the continued use of the subject property as a two-apartment structure as a valid, non-conforming use; and (ii) such additional relief as the nature of the case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and prior approvals for the subject property.

COUNCILMANIC DISTRICT CORRECTED & BUILDING SETBACK CHART REMOVED	12/4/09	COMPUTED: JTM	DRAWN: JTM	CHECKED: B.E.D.	PETITIONER'S EXHIBIT
REVISION	DATE				1

FILE: X:\Eddleman_York\ZONING PLAT 11-20-09.prn







D











RESUME

Name: **FRANK P. MORABITO, P.E.**
frank@morabitoconsultants.com

Title: President - Morabito Consultants, Inc.
Structural Engineers

Project Assignment: Principal In Charge

Years Experience: With This Firm: since 07/83 With Other Firms: 6.5

Education: BS / 1977 / Civil Engineering
MS / 1984 / Structural Engineering – University MD College Park

Registration: States of CO, DC, DE, FL, GA, KY, LA, MA, MD, MI, MO, NJ, NY,
NC, OH, PA, SC, TN, TX, VA, & WV

Professional Organizations:

ACI - American Concrete Institute; AF&PA - American Forest & Paper Association;
AIA - American Institute of Architects; AISC - American Institute of Steel Construction;
APA - American Plywood Association; ASCE - American Society Civil Engineers;
AWS - American Welding Society; CRSI - Concrete Reinforcing Steel Institute;
ICRI - International Concrete Repair Institute; IPI - International Parking Institute;
NSPE - National Society of Professional Engineers; PTI - Post-Tensioning Institute;
TCA - Tilt-Up Concrete Association

Since the founding of Morabito Consultants, Inc., Frank has been responsible for the design and supervision of over 2,600 buildings, including numerous office buildings, schools, condominiums, parking garages, hospitals, nursing homes, industrial buildings, apartments, townhouses, and hi-rise structures. His experience encompasses the structural design of all types of building systems, including steel, poured and precast concrete, masonry, wood, and prefabricated building structures. His extensive design experience has been utilized in several design/build projects where Morabito Consultants' alternative design solutions have saved numerous owners construction time and large sums of money. In addition to his building experience, Frank has been involved in the design of unique structures and the development of new construction concepts. His experience also extends into the areas of Forensic Engineering and structural repair, which includes the investigation and repair of numerous concrete, masonry, steel and wood framed structures which have collapsed or are experiencing signs of structural failure.



WHEN RECORDED RETURN TO:

3840-04-06347

Aaron M. Eisenfeld and Wallace A. Eddleman

12536 Woodridge Lane
Highland, MD 20777

THIS DEED, Made this 6th day of January, 2005, by and between **Eugene L. Kibbe, III and Catherine Norman Kibbe**, also known as Catherine N. Kibbe, parties of the first part, Grantors, and **Aaron M. Eisenfeld and Wallace A. Eddleman**, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Two Hundred Fifty Thousand and 00/100 DOLLARS (\$250,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said parties of the second part, as joint tenants, and not as tenants in common, their heirs and assigns, the survivor of them, and the heirs, Personal Representatives and assigns of the survivor, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

BEGINNING FOR THE SAME at the intersection of the southeasternmost side of Burke Avenue, forty feet wide with the easternmost side of York Road, 66 feet wide and running thence South 19 degrees 11 minutes West bounding on the East side of York Road 30.36 feet to a point in line with the center of the partition wall between the house on the lot now being described and that adjoining on the southwest, thence South 70 degrees 45 minutes East to and through the center of said partition wall and continuing the same course in all 115 feet to the westernmost side of an alley 15 feet wide, thence North 19 degrees 11 minutes East bounding on said alley 44.27 feet to the southernmost side of Burke Avenue and thence North 77 degrees 44 minutes West binding thereon 115.84 feet to the place of beginning. The improvements thereon are known as 12 York Road, erroneously entered previously as Court, (Burkleigh Square) at the southeast corner of York Road and Burke Avenue.

SAVING AND EXCEPTING therefrom so much thereof as was acquired by Baltimore County, Maryland by Inquisition dated November 2, 1981 (Circuit Court for Baltimore County Condemnation 13/143/2449) and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 6343, folio 607 and as shown on a Plat to Accompany Acquisition of Highway Widening FRW-74-172-1C appended thereto.

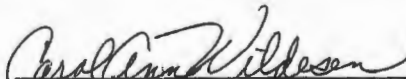
BEING the same property, which by Deed dated April 22, 1994 and recorded among the Land Records of Baltimore County in Liber No. SM 10509, folio 338, was granted and conveyed by Eugene L. Kibbe, III unto Eugene L. Kibbe, III and Catherine Norman Kibbe, also known as Catherine N. Kibbe, the Grantors herein.

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 in anywise appertaining.

TO HAVE AND TO HOLD the said lots 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 parties of the second part, as joint tenants, and not as tenants in common, their heirs and assigns, the survivor of them, and the heirs, Personal Representatives and assigns of the survivor, 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.

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland Attorney.


Carol Ann Wildesen, Attorney



**CERTIFICATE OF EXEMPTION FROM WITHHOLDING
Upon Disposition of Maryland Real Property**

AFFIDAVIT OF RESIDENCE OR PRINCIPAL RESIDENCE

TRANSFEROR CLAIMS EXEMPTION, based on the certifications below, from the tax withholding requirements of the Annotated Code of Maryland, Tax General Article, Section 10-912 which requires that tax payments are required to be withheld when a deed or other instrument is recorded and affects a change of ownership. The requirements of withholding DO NOT apply when a transferor of real property executes a certification of Maryland residence OR a certification that the property transferred is the principal residence of the transferor.

A. TRANSFEROR INFORMATION

NAME OF TRANSFEROR:

Catherine Norman Kibbe

B. REASON FOR EXEMPTION

RESIDENT STATUS

☒ I, the Transferor, am a resident of the State of Maryland.

☒ Transferor is a resident entity under Section 10-912(A)(4) of the Tax General Article of the Annotated Code of Maryland. I am an agent of the Transferor, and I have the authority to sign this document on behalf of the Transferor.

**PRINCIPAL
RESIDENCE**

☒ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in the Internal Revenue Code, Section 121.

The undersigned transferor, under the penalties of perjury, certifies that I have examined this declaration and to the best of my knowledge, that it is true, correct and complete.

INDIVIDUAL TRANSFEROR

Witness

Ronny L. Kibbe

Name (Printed)

CATHERINE NORMAN KIBBE

Signature

Catherine Norman Kibbe

D. ENTITY TRANSFEROR

Witness/Attest

Name of Entity (Printed)

By:

Name

Title

NRT File No. 3840-04-06347
Property: 12 York Road, Towson, MD 21204

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City☒ County: Baltimore County

0021541 122

Information provided is for use of the Clerk's Office, State Department of Assessments and Taxation and County Finance Office only.
(Type or Print in Black Ink Only - All Copies Must Be Legible)

1	Type(s) of Instruments	☐ Check Box if Addendum Intake Form is Attached	
		☒ Deed ☐ Mortgage ☐ Other ☐ Other	
		☒ Deed of Trust ☐ Lease ☐ Other ☐	
2	Conveyance	☒ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale	
3	Type Check Box (if Applicable)	Arms-Length[1]	Arms-Length[2]
3	Tax Exempt	Arms-Length[3]	Length Sale[9]
3	Cite or Explain Authority	Recordation:	
4	Consideration And Tax Calculations	State Transfer:	
		County Transfer:	
		Consideration Amount	Finance Office Use Only
		Purchase Price/Consideration	\$ 250,000.00
		Any New Mortgage	\$ 200,000.00
		Balance of Existing Mortgage	\$
		Other:	\$
		Other:	\$
		Full Cash Value	\$
		Transfer and Recordation Tax Consideration	\$
		Transfer Tax Consideration	\$
		Less Exemption Amount -	\$
		Total Transfer Tax =	\$
		Recordation Tax Consideration	\$
		X () per \$500 =	\$
		TOTAL DUE	\$
5	Fees	Amount of Fees	Doc. 1
		Recording Charge	\$20.00
		Surcharge	\$20.00
		State Recordation Tax	\$1,250.00
		State Transfer Tax	\$1,250.00
		County Transfer Tax	\$3,750.00
		Other	\$
		Total Fees	\$
		Doc. 2	\$75.00
		Agent:	
		Tax Bill:	
		C.B. Credit	
		Ag. Tax/Other:	
6	Description of Property	District	Property Tax ID No. (1)
	SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	Grantor Liber/Folio	Map
		Parcel No.	Var. LOG
		Subdivision Name	Lot (3a)
		Block (3b)	Sect/AR(3c)
		Plat Ref.	Sq.Ft./Acreage(4)
		Burkleigh Square	
		Location/Address of Property Being Conveyed (2)	
		12 York Road, Towson, MD 21204	
		Other Property Identifiers (if applicable)	Water Meter Account No.
		Residential ☒ or Non-Residential ☐	Fee Simple ☒ or Ground Rent ☐
		Partial Conveyance? ☐ Yes ☒ No	Amount:
		Description/Amt. of SqFt/Acreage Transferred:	
			250.00
		If Partial Conveyance, List Improvements Conveyed:	
		Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
		Eugene L. Kibbe III and Catherine Norman Kibbe	Aaron M. Eisenfeld
			Wallace A. Eddleman
		Doc. 1 - Owner(s) of Record, if different from Grantor(s)	Doc. 2 - Owner(s) of Record, if different from Grantor(s)
		Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
		Aaron M. Eisenfeld	Suburban Federal Savings Bank
		Wallace A. Eddleman	
		New Owner's (Grantee) Mailing Address	
		12536 Woodridge Lane Highland, MD 20777	
		Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)
		Instrument Submitted By or Contact Person	☐ Return to Contact Person
		Name: Mary Baust 03-03-05	
		Firm: NRT Mid-Atlantic Title Services, LLC	☐ Hold for Pickup
		Address: 11350 McCormick Road Executive Plaza III, Suite 200	
		Hunt Valley, MD 21031	☒ Return Address Provided
		Phone: (410) 252-1208	

11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER			
Assessment	Yes	X	No	Will the property being conveyed be the grantee's principal residence?
Information	Yes	X	No	Does transfer include personal property? If yes, identify:
	Yes	X	No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).
Assessment Use Only - Do Not Write Below This Line				
☐ Terminal Verification	☐ Agricultural Verification	☐ Whole	☐ Part	☐ Tran. Process Verification
Transfer Number:	Date Received:	Deed Reference	Assigned Property No.	
Year	19	18	Geo.	Map
Land			Zoning	Grid
Use			Parcel	Section
Ex. St.			Ex. Cd.	Occ Cd.
RECORDATION TAX NOT REQUIRED				
Director of Budget and Finance				
BALTIMORE COUNTY, MARYLAND				
T.P. ART 12-108				
3/4/05				
Date				

WHEN RECORDED RETURN TO:

File #3840-04-06347

Aaron M. Eisenfeld and Wallace A. Eddleman
 305 East Forest Trail
 Crownsville, MD 21032

ID # 09-0906450900

**NO TITLE SEARCH MADE OR REQUESTED
 DEED PREPARED WITHOUT LIABILITY TO GRANTEE OR GRANTOR
 CHANGE OF TENANCY ONLY**

THIS DEED, Made this 6 day of November, 2007, by and between **Aaron M. Eisenfeld and Wallace A. Eddleman**, parties of the first part, Grantors, and **Aaron M. Eisenfeld and Wallace A. Eddleman**, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of ZERO DOLLARS (\$0.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said parties of the second part, as tenants in common, their respective heirs, Personal Representatives and assigns, in fee simple, all that lot or parcel of ground situate in **Baltimore County**, State of Maryland, and described as follows:

SEE EXHIBIT A ATTACHED HERETO

BEING the same property which by Deed dated January 6, 2005 and recorded among the Land Records of Baltimore County in Liber No. 21517, folio 118, was granted and conveyed by Eugene L. Kibbe, III and Catherine Norman Kibbe, also known as Catherine N. Kibbe unto Aaron M. Eisenfeld and Wallace A. Eddleman, the Grantors herein. This Deed is being executed to change the tenancy from joint tenants to tenants in common.

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 in anywise appertaining.

TO HAVE AND TO HOLD the said lots 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 parties of the second part, as tenants in common, their respective heirs, Personal Representatives 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.

THIS CONVEYANCE is of the property acquired by Grantor(s) by a Deed recorded in Liber 21517, folio 118, and there have been no subsequent conveyances; in whole or in part, since that deed. This Deed has been prepared without the benefit of a title examination. All parties affirm their understanding that only a title examination will disclose the status of title, including but not limited to, the quality and quantity of title; the possibility of other persons having an interest in the property conveyed by this deed, as well as any other matters disclosed by an examination of title. Notwithstanding this disclosure and having been fully informed of the cost of accomplishing an examination of title, we elect not to have an examination of this title and release the scrivener of this deed from all and any loss, claim, demand or liability resulting from a condition of title which might have been disclosed by a title examination of the property conveyed by this deed.

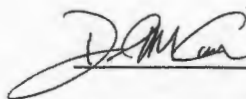
ALL INSTRUCTIONS CONCERNING the preparation of this Deed are fully contained herein and there is no other file or record of the scrivener regarding the preparation and recording of this Deed or any prior deed. I hereby authorize the scrivener to dispose of the file created for this transaction in accordance with the scrivener's practice of file destruction without further communication to the signatories hereto.

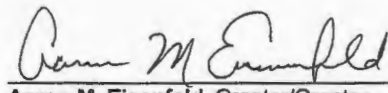


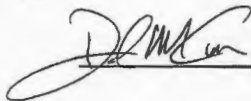
0026489 147

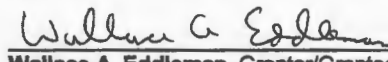
WITNESS the hands and seals of the within Grantor(s) and Grantee(s).

WITNESS:




Aaron M. Eisenfeld, Grantor/Grantee (SEAL)



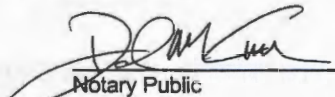

Wallace A. Eddleman, Grantor/Grantee (SEAL)

STATE OF MARYLAND, COUNTY OF Anne Arundel, to wit:

I HEREBY CERTIFY, That on this 6 day of November, 2007 before me, the subscriber, a Notary Public of the State and jurisdiction aforesaid, personally appeared **Aaron M. Eisenfeld and Wallace A. Eddleman** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Deed, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

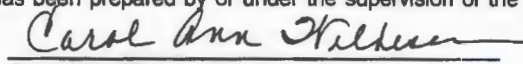
AS WITNESS my hand and Notarial Seal.

DAVID M. GREM
NOTARY PUBLIC
HARFORD COUNTY, MD
MY COMMISSION EXPIRES 7/21/2011


Notary Public

My Commission Expires: _____

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland Attorney.


Carol Ann Wildesen, Attorney

NRT Mid-Atlantic Title Services, LLC
11350 McCormick Road, Suite 200
Executive Plaza III
Hunt Valley, MD 21031
410-252-1208
File #3840-04-06347

NO CONSIDERATION

THIS DEED, Made this 22nd day of April in the year One Thousand Nine Hundred and Ninety-Four by and between **EUGENE L. KIBBE, III**, of Baltimore County, State of Maryland, Grantor, and **EUGENE L. KIBBE, III** and **CATHERINE NORMAN KIBBE**, married persons, of the County and State aforesaid, Grantees.

WITNESSETH, That in consideration of the sum of **FIVE AND NO/100 DOLLARS (\$5.00)**, the receipt of which is hereby acknowledged, the said Grantor does grant and convey to the said **EUGENE L. KIBBE, III** and **CATHERINE NORMAN KIBBE**, married persons, as tenants by the entireties, their assigns, and to the survivor of them and the personal representatives, heirs and assigns of the survivor, in fee simple, all that lot of ground situate in the Ninth District, Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME at the intersection of the southeasternmost side of Burke Avenue forty feet wide with the easternmost side of York Road 66 feet wide and running thence South 19 degrees 11 minutes West bounding on the East side of York Road 30.36 feet to a point in line with the center of the partition wall between the house on the lot now being described and that adjoining on the southwest, thence South 70 degrees 45 minutes East to and through the center of said partition wall and continuing the same course in all 115 feet to the westernmost side of an alley 15 feet wide, thence North 19 degrees 11 minutes East bounding on said alley 44.27 feet to the southernmost side of Burke Avenue and thence North 77 degrees 44 minutes West binding thereon 115.84 feet to the place of beginning. The improvements thereon are known as 12 York Court (Burkleigh Square) at the southeast corner of York Road and Burke Avenue, Towson, Maryland.

SAVING AND EXCEPTING therefrom so much thereof as was acquired by Baltimore County, Maryland, by Inquisition dated November 2, 1981 (Circuit Court for Baltimore County Condemnation 13/143/2449) and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 6343, folio 607 and as shown on a Plat to Accompany Acquisition of Highway Widening FRW-74-172-1C appended thereto.

FOR TITLE SEE:

1. Deed dated October 5, 1989, and recorded among the Land Records of Baltimore County in Liber 8404, Folio 101, from Dorothy F. Patterson, Lees T. Fox, H. Anthony Mueller and Mercantile-Safe Deposit and Trust Company to Eugene L. Kibbe, III, as to an undivided 2/3 interest.

2. Deed dated December 31, 1992, and recorded among the Land Records of Baltimore County immediately prior hereto from Thomasine F. Kibbe unto Eugene L. Kibbe, III, as to an undivided 1/3 interest.

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said **EUGENE L. KIBBE, III** and **CATHERINE NORMAN**

RECEIVED
MAY 8
VETERAN
ATTORNEYS AND
COUNSELLORS AT LAW
BALTIMORE COUNTY CIRCUIT COURT
DATE 03/03/2005
JANUARY FEDERAL BLDG.
GLEN BURKE, MD 21001

RECEIVED FOR TRANSFER

State Department of

AGRICULTURAL TRANSFER TAX

for Baltimore County

By 74 Date 5/5/94

MSA CE 62-10364-Book SM 16500, P. 0334 Printed 02/08/20

NOT AFFIXABLE

SIGNATURE AK DATE 5/5/94

ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
9

Deed No. 09.340

Baltimore County, Maryland Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §§33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §11-101 through 11-408, as amended, it is certified that an instrument of writing dated **APRIL 22, 1994** conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

1	Description of Property (Check box(es) for item(s) to be indexed in land records)	Property Tax ID No. 09-06-450900	Lot/Block 09	Map/Grid/Parcel No.	Subdivision/Tract	Lot Acreage	Prior Deed Ref.	VAR. L.A.G. (L)
2	Transferred From	Grantor(s) () check box if additional sheets are attached EUGENE L. KIBBE, III Owner of record (if different from grantor)						
3	Transferred To	Grantee(s) () check box if additional sheets are attached EUGENE L. KIBBE, III and CATHERINE NORMAN KIBBE						
4	Type of Instrument	☒ Deed ☐ Deed of Trust ☒ Mortgage ☐ Lease ☐ Assignment of Mtg/DOT ☐ Contract ☐ Land Installment Cont. ☐ Power of Attorney ☐ Financing Statement ☐ Other (Specify)						
5	Exemptions (Cite authority or explain briefly)	Baltimore County Exempt Status Claimed: Recordation Tax Exempt Status Claimed: Transfer from husband to husband & wife State Exempt Status Claimed:						
6	Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	Consideration Amount Purchase Price/Consideration (including any new mortgage) \$ Real Property Personal Property Balance of Assumed Mortgage Other Total Consideration or Assessed Factor \$		County Taxes to be Paid Transfer Tax Consideration \$ 0 x 1.6% = \$ Agent: <i>[Signature]</i> Office of Finance Use Only Tax Bill: <i>[Signature]</i> C.B. Credit: Ag. Tax/Other:				
7	Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2850	Recording Fees Recording Charges \$ 18.00 State Transfer Tax County Recordation Tax Surcharge Other Total \$ 18.00		Special Recording Instructions (if any) 135				
8	Contact/Mail Information	Instrument Prepared By Name: Carl A. Muly Firm: Manger, Muly & Yatsman Address: 655 Crain Hwy. Glen Burnie, MD 21061 Phone: (410) 766-9115		Return Instrument To Name: Carl A. Muly Firm: Manger, Muly & Yatsman Address: 655 Crain Hwy. Glen Burnie, MD 21061 Phone: (410) 766-9115		Mailing Address for Tax Bill Name: Eugene L. Kibbe, III Catherine Norman Kibbe Address: 12 York Road Towson, MD 21204		
9	Certification	I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief. Signature: <i>[Signature]</i> Date: 4/22/94						
10	Assessment Information (410) 321-2200	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER ☒ Yes ☐ No Will grantor be living at property conveyed? ☐ Yes ☐ No Is grantor currently receiving a homeowners' tax credit? ☐ Yes ☒ No Is property conveyed subject to agricultural transfer tax? If yes, enter amount: ☐ Yes ☒ No If agricultural assessment on conveyance is to continue, have you attached a letter of intent? ☐ Yes ☒ No Partial conveyance? If yes, amount of acreage transferred: List improvements conveyed: If subdivision occurred after July 1, indicate former property tax ID number: A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time. Optional Expediting Information ☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage): SE corner York Rd. & Burke Ave. Baltimore County Location and improvement address: 12 York Road, Towson, Maryland 21204 Assessment Use Only - Do Not Write Below This Line ☐ Terminal Verification ☐ Train Process Verification ☐ Whole ☐ Desc. ☐ Part Baltimore County Clerk of the Circuit Court and Records [MSA CE 62-10364] Box 10509, R 0340. Printed 02/08/2010. Online 3/03/2005. Baltimore County, Maryland Sec 33-170 AOC-CC-100						

THIS DEED, Made this 5th day of October, 1989, by and between DOROTHY F. PATTERSON, party of the first part, and LEES T. FOX, V.H. ANTHONY MUELLER and MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY, Trustees of Residuary Trust under Item 4 of the Will of Marbury B. Fox, Jr., deceased, parties of the second part, Grantors, and EUGENE L. KIBBE, III, party of the third part, Grantee.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$60,000.00, the said party of the first and the said parties of the second part do grant and convey unto the said party of the third part, his personal representatives and assigns, an undivided 2/3 interest in and to the hereindescribed fee simple lot of ground in Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at the intersection of the southeasternmost side of Burke Avenue forty feet wide with the easternmost side of York Road 66 feet wide and running thence South 19 degrees 11 minutes West bounding on the east side of York Road 30.36 feet to a point in line with the center of the partition wall between the house on the lot now being described and that adjoining on the southwest, thence South 70 degrees 45 minutes East to and through the center of said partition wall and continuing the same course in all 115 feet to the westernmost side of an alley 15 feet wide, thence North 19 degrees 11 minutes East bounding on said alley 44.27 feet to the southernmost side of Burke Avenue and thence North 77 degrees 44 minutes West binding thereon 115.84 feet to the place of beginning. The improvements thereon are known as 12 York Court (Burkleigh Square) at the southeast corner of York Road and Burke Avenue, Towson, Maryland.

SAVING AND EXCEPTING therefrom so much thereof as was acquired by Baltimore County, Maryland by Inquisition dated November 2, 1981 (Circuit Court for Baltimore County Condemnation 13/143/2449) and recorded among the Land Records of Baltimore County in Liber EHK, Jr., No. 6343 folio 607 and as shown on a Plat to Accompany Acquisition Highway Widening FRW-74-172-1C appended thereto.

For Title, see:

1. Deed of Assignment dated April 27, 1936, and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 972, folio 398 from John R. Hill and Margaret H. Hill, his wife, to Marbury B. Fox and Florence H. Fox, his wife, subject to the payment of an annual ground rent of \$120.00, payable half-yearly on the 15th days of April and October, in each and every year.

2. Deed dated April 25, 1941 and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 1157, folio 410 from Margaret Harrison Price, Trustee, et al, to Marbury B. Fox and Florence H. Fox, his wife, wherein said ground rent was extinguished, thereby vesting fee simple title in Marbury B. Fox and Florence H. Fox, his wife.

The said Marbury B. Fox departed this life on the 15th day of March, 1959. The said Florence H. Fox died on or about the 17th day of January, 1968, and by her Last Will and Testament which has been duly probated in the Orphans Court for Baltimore County and is now of record in the Office of the Register of Wills of said County in Wills Liber JLD No. 102, folio 19, devised all of her estate, of which an undivided one-third interest in the above described property is a part, unto her three children, Thomasine F. Kibbe, Dorothy F. Patterson and Marbury B. Fox, Jr.

B B 051*****960D0:a 21822

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE *[Signature]* DATE *11-20*

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

102088

*300 -
300 -
21 -*



MERCANTILE-SAFE DEPOSIT AND
TRUST COMPANY, Trustee as
aforesaid

M. Wayne Townsend
By: *Hugh J. [Signature]* (SEAL)
Vice-President

STATE OF MARYLAND, *Baltimore County*, to wit:

I HEREBY CERTIFY, That on this *5* day of October, 1989, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Dorothy F. Patterson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.



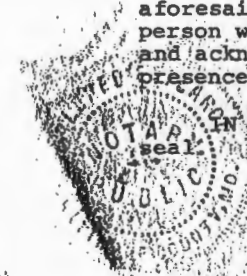
IN WITNESS WHEREOF, I hereunto set my hand and official

Sheldahl E. [Signature]
Notary Public

My Commission Expires: 7/1/90

STATE OF MARYLAND, *Baltimore County*, to wit:

I HEREBY CERTIFY, That on this *5* day of October, 1989, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Lees T. Fox, Trustee as aforesaid, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.



IN WITNESS WHEREOF, I hereunto set my hand and official

Sheldahl E. [Signature]
Notary Public

My Commission Expires: 7/1/90

ALL-STATE LE

Dead No 1

(Type or print in black ink only—all copies must be legible)

1	Description of Property (Check box(es) for item(s) to be indexed in land records)	☒ Property Tax ID No. 09-06-450900	☒ Lot/Block 09	Map/Grid/Parcel No.
		☐ Subdivision/Tract	☐ Lot Acreage	Prior Deed Ref.
		☐ Street Address (or description if partial conveyance) 12 Tuck Rd.		

2 Grantor(s) (☐ check box if additional sheets are attached)
THOMASINE F. KIBBE
 Transferred From
 Owner of record (if different from grantor)

3 Transferred To

4	Type of Instrument	☒ Deed	Assignment of Mtg/DOT Contract Land Installment Cont. Power of Attorney	Financing Statement Other (Specify) _____
		☐ Deed of Trust		
		☐ Mortgage		
		☐ Lease		
		☐ _____		

5 Exemptions (Cite authority or explain briefly)	Baltimore County Exempt Status Claimed:	Transfer from mother to
	Recordation Tax Exempt Status Claimed:	
	State Exempt Status Claimed:	

6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	Consideration Amount		Ca
	Purchase Price/Consideration (including any new mortgage)	\$30,000.00	Transfer Tax Consideration
	Real Property		\$ 30,000.00 x
	Personal Property		
	Balance of Assumed Mortgage		
	Other		Agent: 
	Total Consideration or Assessed Factor	\$30,000.00	C.E. Credit: _____

7	Recording Fees	Special R
Fees and Recording Instructions	Recording Charges	\$17.00
Make check payable to	State Transfer Tax	
Clerk of the Circuit Court	County Recordation Tax	
(410) 887-2650	Surcharge	
	Other	
	Total	\$17.00

8	Instrument Prepared By		Return Instrument To	
	Name: Carl A. Muly		Name: Carl A. Muly	
	Firm: Mezger, Muly & Yateman		Mezger, Muly & Yateman	
	Address: 655 Crain Hwy.		Address: 655 Crain Hwy.	
	Glen Burnie, MD 21061		Glen Burnie, MD 21061	
Contact/Mail Information	Phone: (410) 766-9115		(410) 766-9115	

9
Certification I hereby certify under the penalties of perjury that the information given above is true and belief.
Signature 

10 Assessment Information (10) 321-2299 BA C01D177A

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST BE SUBMITTED TO THE COUNTY CLERK'S OFFICE.

Yes No Will grantee be living at property conveyed?

Yes No Is grantor currently receiving a home-owner's tax credit?

Yes No Is property conveyed subject to agricultural transfer tax? If yes, _____

Yes No If agricultural assessment on conveyance is to continue, have you _____

Yes No Partial conveyance? If yes, amount of acreage transferred: _____

Yes No List improvements conveyed: _____

If subdivision occurred after July 1, indicate former property tax _____

**Optional
Expediting
Information**

A delay in processing may be incurred if a conveyance property description, preferably a survey or area calculation, requires additional processing time.

Yes No Was property surveyed? If yes, attach copy of survey. If partial, attach complete description of property conveyed (subdivision, lot, block, section, plat ref.)

SE corner York Rd. & Burke Ave., Baltimore County

Location and improvement address:

12 York Road, Towson, Maryland 21204

Validation
Recording
Client
Court
Print

A RCF	12.00
AC IMP	5.00
A T TX	150.00
A DOCS	150.00
SH CLERK	317.00

#16095 0003 R01 711534
05/03/94

Assessment Use Only - Do Not Write Below This Line

BALTIMORE COUNTY (Circuit Court and Records) [MSA CE 62-10364] Book BM 10509, p. 0337. Printed 02/08/2010. On 03/03/2005.

☐ Terminal Verification
☐ Physical Verification
☐ Trans. Process Verification
☐ Whole

11 Desc. Part

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

Dead Plotter
Disk Reference
Assigned Property No

AOC-CC-100



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

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

Account Identifier: District - 09 Account Number - 0906450900

Owner Information

Owner Name:	EISENFELD AARON M EDDLEMAN WALLACE A	Use:	RESIDENTIAL
Mailing Address:	305 E FOREST TRAIL CROWNSVILLE MD 21032-1800	Principal Residence:	NO
		Deed Reference:	1) /26489/ 145 2)

Location & Structure Information

Premises Address	Legal Description
12 YORK RD	12 YORK RD ES BURKLEIGH SQUARE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
70	14	1089						2	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1932	2,376 SF	3,224.00 SF	04
Stories	Basement	Type	Exterior
2	YES	END UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	33,000	80,000		
Improvements:	156,520	194,100		
Total:	189,520	274,100	245,906	274,100
Preferential Land:	0	0	0	0

Transfer Information

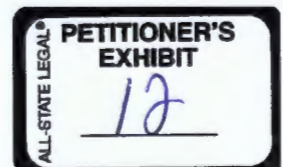
Seller: KIBBE EUGENE L,3RD	Date: 03/07/2005	Price: \$250,000
Type: IMPROVED ARMS-LENGTH	Deed1: /26489/ 145	Deed2:
Seller: KIBBE EUGENE L,3RD	Date: 05/05/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10509/ 338	Deed2:
Seller: FOX MARBURY B,SR	Date: 10/27/1989	Price: \$60,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8309/ 342	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



**THOMASINE FOX KIBBE
303 SOMBRERO BLVD. UNIT 112
MARATHON, FL 33050**

TO WHOM IT MAY CONCERN

Re: 12 A&B York Road

To my knowledge the two sections (6 units each for 12 units) of row houses were built in the late 1920's or early 1930's on the south side of York Road across from then the Towson Normal School now the Towson State University. Eleven of the 12 units were single family dwellings but the last one on the north end (#12) was built as two two bedroom apartments and Hax Beauty Salon. This was the original construction and not a conversion at a later date and was before the county had zoning maps. At the time the units backed up to open fields.

Later the fields behind these two sections were developed as Burkleigh Square also of single family row houses. Thus 12 York Road was the only property that was originally built as a multi unit dwelling with a commercial business on the lower level. Later when the county started the zoning maps this exception was not taken into consideration and the whole area was zoned residential.

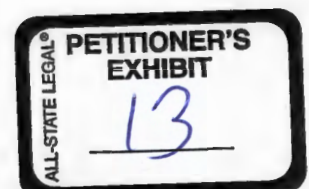
My father (Marbury B. Fox, Sr) bought 12 York Road in the late 1930's and was the owner/manager until his death in 1959. After that date the property remained in the family and managed first by his son and later by grandsons. The family kept the property until the 1990's. To my knowledge none of the owner/ managers were informed that the zoning did not agree with the original and continued use of the property. For about 50 years there were no problems or complaints from the neighbors or the county and continued to be two, two bedroom apartments and a Beauty Salon.

As Towson University grew parking became a problem and Burkleigh Square went to parking permits which was a problem for the Beauty Salon. They found space in a lot in the unit block of York Rd. north of Burke Avenue. When they lost this space to development they did not renew their lease. The owner/manager rented the salon area in 1986 to a Surf Shop based on the peddlers license issued by the county. After the shop was there for one year a shop across the street brought a complaint which ended in the courts. The courts ruled that the owners had lost the nonconforming use of the store front on the lower level and that area could not be used for anything. So the owners have lost the use of 1/3 of their property and it has stayed vacant for over 20 years.

The complaining party is wrong in stating that there was a conversion. This property was owned by my family for about 60 years and it was built and continued to operate as two apartments and a salon for 50 of those years with no problems. Several times in the late 1980' and '90's Eugene L. Kibbe, III (Marbury B. Fox, Sr.'s grandson) the owner at the time tried to get the zoning corrected to comply with the original and continued use with no success so he sold the property.

I lived in one of the apartments for several years and later owned a house on Burke Avenue in the 50's and 60's. It was a great neighborhood until the college started to grow. I don't know if the college or county realize the impact the university has had on neighborhoods.

Thomasine Fox Kibbe
Thomasine Fox Kibbe.





ALL-STATE LEGAL® PETITIONER'S
EXHIBIT
14



DESIGNATED RESIDENTIAL PARKING AREA IN BALTIMORE COUNTY

PROPERTY INFORMATION SHEET

ONE FORM PER PROPERTY



The property owner must complete this form at least once each license year. If circumstances change during the license year (i.e. change of ownership, occupants, tenants, etc.) an updated form must be submitted within 30 days of the change. Any person withholding information or providing misinformation is in violation of Baltimore County Code, and upon conviction shall be guilty of a misdemeanor and subject to fines up to \$200.00 per day, per violation.

(If you have recently purchased this property, please provide a copy of a recorded property deed or a copy of the signed settlement sheet.)

INFORMATION FORM FOR PROPERTY WITHIN A DESIGNATED RESIDENTIAL PERMIT PARKING AREA

Property Address 12 York Road, Towson, MD Zip Code 21204
 (Address must be within a designated residential permit parking area)
 Property Tax No. 0449096450908 Property Owner Eisenfeld, Aaron M.; Eddleman, Wallace A Telephone No. 410-241-7771
 Property Owner's Mailing Address 305 E. Forest Trail, Crownsville, MD Zip Code 21032
 (If different than the address above)
 Is the property Owner Occupied? YES ☒ NO ☐ (If NO, this form must be notarized, below) Resident Agent N/A
 (For property that is owned or managed by a corporation/LLC)

Total number of persons living on this property, including residents who may not be applying for a parking sticker? (all units combined) 4

* Note - If three or more unrelated individuals reside at the above address, only two of those residents will be issued an annual residential parking permit on a first-come, first-serve basis. If the property owner can provide evidence that a Zoning "special exception" for a rooming house exists, and the dwelling is not subject to area "A" restrictions then additional permit stickers may be issued.

Please list below, ALL residents of this property. Include those not currently applying for a sticker.

FULL NAME (A resident under the age of 16 may be listed as, "1 non-driver under the age of 16")	Related to Owner by blood, adoption or marriage?		APT/UNIT #	VEHICLE (Owned or Operated by Person Listed under Full Name):		YEAR
	YES	NO		MAKE	MODEL	
Lori Hogan		✓	12A	Honda	Civic	1998
Ashton Harrington		✓	12A	Honda	CRV	2001
Carson Baus		✓	12B	Volkswagen	Jetta	2002
Jeffrey Malone		✓	12B	none	—	—

DESIGNATED RESIDENTIAL PARKING PROPERTY OWNERSHIP AFFIDAVIT

I, Aaron M. Eisenfeld & Wallace A Eddleman, solemnly affirm under the penalties of perjury that I am
 (Print Name of Property Owner)
 the legal owner of the property described above, and that the information shown above is true and correct, to the best of my knowledge.

Property Owner's Signature Aaron Eisenfeld Wallace Eddleman Date 7/08/2008

NOTARY PUBLIC FORM

(* This form is to be notarized when the property described above is NOT owner occupied.)

State of Maryland, County of or City of Howard, to wit:

On this the 8th day of July, 20 08, before me, Wallace A Eddleman
 (1st through 31st) (month) (Name of Notary Public)

the undersigned, personally known to me, Aaron M. Eisenfeld & Wallace A Eddleman, of the State of Maryland
 (Print Name of Property Owner)

known to me (or satisfied by proven) to be the person whose name is described in the DESIGNATED RESIDENTIAL PARKING PROPERTY OWNERSHIP AFFIDAVIT and acknowledged that he/she executed the same in the capacity therein stated and for the purposes therein contained.

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

Wallace A Eddleman
 (Notary Public)

OFFICE USE ONLY

Owner of Record _____ Date _____
 Property Ownership Information Reviewed: MD Tax Assessment _____ Signed Settlement Sheet _____ Reviewed By (Staff Initials) _____ /08



The Greater Towson Council of Community Associations, Inc.

♦ P.O. Box 5421 ♦ Towson, MD 21285-5421 ♦ www.gtcca.org

January 25, 2010

Mr. William Wiseman
Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RE: Case number: 2010-0167-SPH
12 York Road
RECEIVED

JAN 25 2010

ZONING COMMISSIONER

Dear Mr. Wiseman:

I am writing on behalf of the Greater Towson Council of Community Associations (GTCCA) in opposition to the property owners' request to continue the use of the above-referenced property as a two-apartment structure as a valid, non-conforming use, and any additional relief the owners are seeking.

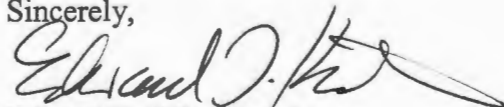
This property is an end unit of a row of townhouses built in the 1930s. When the State Highway Administration widened York Road a few decades ago, all on-street parking was eliminated in front of the row of townhouses. As a result, there is insufficient parking for a two-unit building, resulting in added competition for parking in the community.

Towson University's significant enrollment growth and severely lagging student housing has made the Burkleigh Square community a target for investors wishing to capitalize on the demand for housing. The community is nearly 50% rental properties, with the majority of these properties occupied by college students. This has had a negative impact on the community, with more and more owner-occupied homes turning over to investor-owned rental properties and a multitude of related code enforcement and behavioral problems.

Allowing this property to continue as a non-conforming two-apartment property will continue to put added stress on the Burkleigh Square community and contribute to the growing trend of single-family homes being converted to rental properties. Further, it will set a dangerous precedent for other non-conforming uses in the area, which has numerous such properties that could seek similar relief should this request be granted. The Greater Towson Council of Community Associations strongly opposes this request and respectfully requests that you deny the petition.

Thank you for your attention to this serious matter.

Sincerely,



Edward T. Kilcullen, Jr.
President

PROTESTANT'S

EXHIBIT NO. 1

BW
1-26-10

County

Complaint could prove costly for landlord

By Loni Ingraham
lgraham@patuxent.com

Should an anonymous complaint cost a landlord nearly \$10,000?

That's the question owners of 12 York Road, a Burkleigh Square townhouse with two apartments in it, are asking.

"It's ridiculous," said Wally Edleman, a Crownsville resident who, with Aaron Eisenfeld, owns the house on the southeast corner of York Road and Burke Avenue.

The owners say they will have to pay nearly \$10,000 in research and legal fees because of an anonymous allegation that the house was illegally converted from a one-family dwelling into two apartments.

There's a perennial conflict in Burkleigh Square between residents and investors, such as Edleman and Eisenfeld, who buy houses and rent them out.

A survey several years ago said more than 50 percent of the 95 houses in Burkleigh Square are rented. Tenants, more often than not, are students of Towson University, right across York Road.

The issue at 12 York, which the men purchased for \$250,000 in 2005, is an anonymous complaint made to Baltimore County Code Enforcement officials in September 2009, claiming the house was illegally converted.

Residential zoning in that area does not allow conversion of single-family dwellings into two units. An illegal conversion violation comes with a potential fine of \$200 a day.

But until the complaint, the existence

'We have to weigh the value of anonymous complaints.'

Baltimore County spokesman Don Mohler

of two apartments at 12 York Road had gone unchallenged. In fact, the complaint provided no evidence to support the claim the building ever was a single-family structure, according to the code enforcement file.

However, in response, the county cited Edleman and Eisenfeld in September for an illegal conversion.

Edleman said the second and third floors of 12 York Road were already separate apartments when they purchased the house. The street-level floor, which has storefront windows, is used for storage.

He said nobody has been able to recall a time when the house, built in 1932, didn't have two apartments.

But the burden of proof is on the owner, not the county, said Code Enforcement

Chief Mike Mohler.

"All they had to do is find it was built in two units," or at least was two units by the time county zoning laws were created in the mid-1950s, he said.

In fact, the attorney for the landlords has a letter from former owner Eugene Kibbe III, stating his wife's grandmother lived in the house in the 1930s — when it was two apartments.

The owners also gathered data from BGE showing how far back separate meters were used. There are two meters, Edleman said, but BGE records only go back to the last meters installed, sometime in the 1970s.

None of this was enough to mollify the county, which let the illegal conversion charge stand.

However, code enforcement officials are suggesting that Edleman and Eisenfeld pursue a "non-conforming use" status from the county zoning commissioner. If they secure that designation, it would legitimize the two-dwelling house and absolve them of the illegal conversion charge.

Non-conforming use is a way "to solve the problem once and for all," said Mohler.

But the process has been costly.

"We have been forced to spend nearly \$10,000 to prove that what has always been true, has always been true," Edleman said.

They have had to hire an attorney, a structural engineer and a professional land surveyor to prove they are innocent of the charge — and prove the house

deserves non-conforming use status.

And it's all because of an anonymous complaint, they said.

Mohler said his office has accepted anonymous complaints for about two years, at the request of many people, some of whom fear retaliation.

"We have to weigh the value of anonymous complaints," Mohler said.

Not all the opposition is anonymous. The Greater Towson Council of Community Associations is supporting Burkleigh Square Community Association's opposition to the effort to legitimize the two apartments.

Parking is one issue that impacts the whole neighborhood, said GTCCA president Ed Kilcullen.

Burkleigh association board member Matt Parlakian had little sympathy for the landlords' financial plight.

On principal, he'd like to see lower density living arrangements in the area, he said.

Speaking on his own behalf, he feels the house may have been built with two apartments. However, he noted that while his neighborhood is home to many residents, it is a business for investors such as Edleman and Eisenfeld. If the conversion is deemed to be legitimate, it'll pay off for the landlords because they'll have more tenants and more income.

And if there's a process they have to go through to legitimize that venture, so be it, he said.

"It's a business expense," Parlakian said. "If you're going to be in business, you have to deal with the headaches."



ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE BOARD OF ZONING ADJUSTMENTS
ON THE FOLLOWING MATTER:

Case # 2010-01675PH

10000 BUCHANAN AVENUE, BETHESDA, MARYLAND
10000 BUCHANAN AVE. TOWNSHIP

THE BOARD OF ZONING ADJUSTMENTS WILL BE HELD AT 10000 BUCHANAN AVE. TOWNSHIP, MARCH 12, 2010 AT 10:00 AM. THE PURPOSE OF THE HEARING IS TO REVIEW THE APPLICATION FOR A ZONING VARIANCE TO PERMIT THE CONSTRUCTION OF A TWO-UNIT APARTMENT STRUCTURE AS A VALID NONCONFORMING USE, AND SUCH ADDITIONAL REVIEW AS THE BOARD OF ZONING ADJUSTMENTS MAY REQUIRE AT THE TIME OF THE HEARING ON THIS APPLICATION. THE BOARD OF ZONING ADJUSTMENTS MAY REQUIRE, WITHIN THE SCOPE AND INTENT OF THE BETHESDA COUNTY ZONING REGULATIONS AND RECORD APPROVALS FOR THE SUBJECT PROPERTY.

DO NOT REMOVE THIS SIGN
UNTIL THE DAY OF THE HEARING
UNLESS PENALTY OF LAW





ZONING

NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case # 2010-0167-SPH

PLACE: ROOM 106, COUNTY OFFICE BUILDING,
JULIA SHEPHERD AVE., TOWSON

TIME & DATE: FRIDAY, MARCH 12, 2010 AT 10:00 AM
SPECIAL HEARING TO PERMIT THE CONTINUED USE
OF THE SUBJECT PROPERTY AS A TWO APARTMENT
STRUCTURE AS A VALID NONCONFORMING USE AND
SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE
AS PRESENTED AT THE TIME OF THE HEARING OR THIS
PETITION MAY REQUIRE WITHIN THE SPIRIT AND INTENT
OF THE BALTIMORE COUNTY ZONING REGULATIONS
AND POLICE APPEALS FOR THE SUBJECT PROPERTY

DO NOT REMOVE THIS SIGN
UNTIL THE DAY OF THE HEARING
UNDER PENALTY OF LAW

PUSH BUTTON
TO CROSS
YORK ROAD

START CROSSING
WATCH FOR
TRUCKS & CARS

DON'T START
Crossing
IF SHORT
TIME REMAINING
To Finish Crossing

PEDESTRIANS
SHOULD NOT BE
IN MEDIAN



M00701140001

RAE 2

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31

19700209

YORK RD
YORK RD

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Pt. Bk. 2 Folio 139

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ALLEY

ALLEY

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BURKLEIGH RD

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0902854360

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0919710580

58 Lot # 34

0902955020

56 Lot # 35

0923353270

54 Lot # 36

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52 Lot # 37

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50 Lot # 38

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YORK RD

Pt. Bk. 38 Folio 38

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2010-0167-SPT

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ALLEY ALLEY

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ALLEY ALLEY

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0911150240

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0919710580

58 Lot # 34

0902955020

56 Lot # 35

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54 Lot # 36

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52 Lot # 37

0918354300

50 Lot # 38

BURKLEIGH RD

BURKLEIGH RD

NE 9-A 070A2
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NEWELL AVE

YORK RD
YORK RD

Pt. Bk. 38 Folio 38

8019

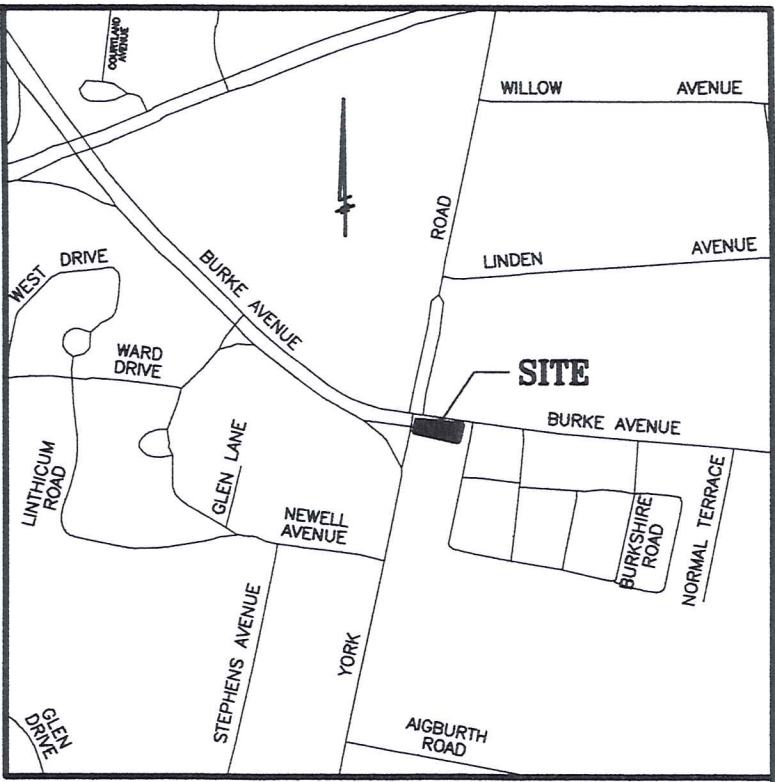
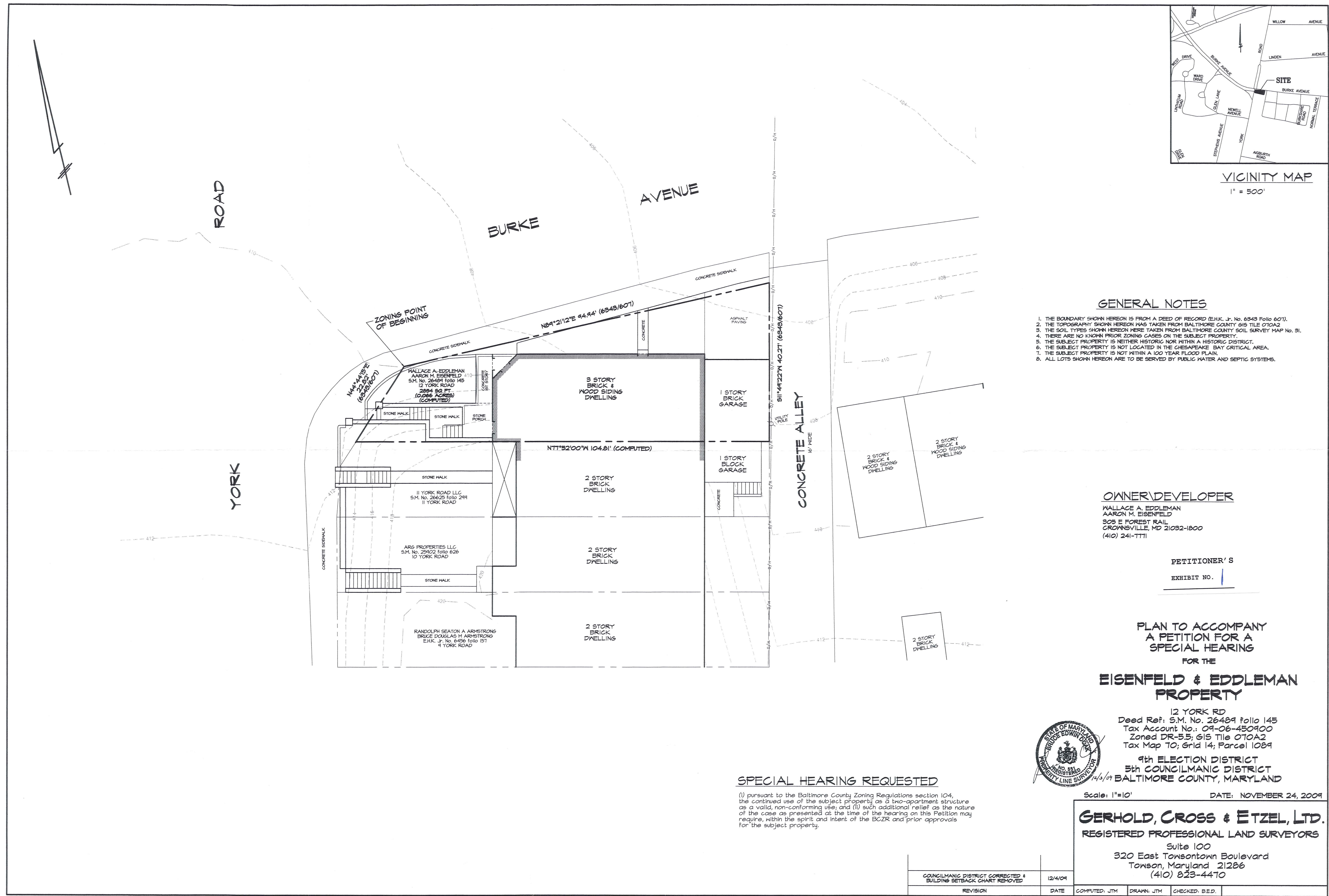
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DR 16

2010-0167-SPH



VICINITY MAP
1" = 500'

GENERAL NOTES

- 1. THE BOUNDARY SHOWN HEREON IS FROM A DEED OF RECORD (E.H.K. J. No. 6343 Folio 607).
- 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 070A2.
- 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 31.
- 4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
- 5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
- 6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- 7. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
- 8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEPTIC SYSTEMS.

OWNER/DEVELOPER

MALLAGE A. EDDLEMAN
AARON M. EISENFELD
305 E FOREST RAIL
CROWNSVILLE, MD 21032-1800
(410) 241-7771

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY
A PETITION FOR A
SPECIAL HEARING
FOR THE

EISENFELD & EDDLEMAN
PROPERTY

12 YORK RD
Deed Ref: S.M. No. 26489 folio 145
Tax Account No.: 09-06-450900
Zoned DR-5.5; GIS Tile 070A2
Tax Map 70; Grid 14; Parcel 1089
9th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=10' DATE: NOVEMBER 24, 2009

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

SPECIAL HEARING REQUESTED

(i) pursuant to the Baltimore County Zoning Regulations section 10.4, the continued use of the subject property as a two-apartment structure as a valid, non-conforming use; and (ii) such additional relief as the nature of the case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR and prior approvals for the subject property.

COUNCILMANIC DISTRICT CORRECTED & BUILDING SETBACK CHART REMOVED	12/4/09
REVISION	DATE

COMPUTED: JTM	DRAWN: JTM	CHECKED: B.E.D.
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2010-0167-SPH