

IN RE: PETITION FOR VARIANCE

NE side of Homberg Avenue; 1,120 feet
N of the c/l of North Avenue
15th Election District
7th Councilmanic District
(11 Homberg Avenue)

Troy Smith
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0270-A

* * * * *

IN RE: PETITION FOR VARIANCE

NE side of Homberg Avenue; 1,070 feet
N of the c/l of North Avenue
15th Election District
7th Councilmanic District
(13 Homberg Avenue)

Troy Smith
Petitioner
Neil Stillerman
Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* CASE NO. 2010-0271-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance. In each case number, Petitioner is requesting the following Variance relief:

Case No. 2010-0270-A: For the property located at 11 Homberg Avenue, the legal property owner, Troy Smith, requests Variance relief is as follows:

- From Section 1B02.3.C.1 of the of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a minimum lot width of 50 feet in lieu of the minimum lot width of 55 feet; and

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By P3

- From Sections 232.2, 302.1, and 1B02.3.C.1 of the B.C.Z.R. to permit a minimum width of individual side yard of 8 feet in lieu of the minimum width of individual side yard of 10 feet; and
- For such other and further relief as may be required.

Case No. 2010-0271-A: For the property located at proposed 13 Homberg Avenue, the legal property owner, Troy Smith, and the contract purchaser, Neil Stillerman, request Variance relief as follows:

- From Section 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of minimum lot width permitted of 55 feet; and
- For such other and further relief as may be required.

The subject properties and requested relief are more fully described on the redlined site plans which were marked and accepted into evidence as Petitioner's Exhibit 1.¹

Appearing at the requisite public hearing on behalf of the property owner and in support of the variance requests was Jason Vettori, Esquire with Gildea & Schmidt, LLC. Also appearing in support of the relief was Neil Stillerman, the contract purchaser of proposed 13 Homberg Avenue. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the two properties are situated side-by-side at 11 Homberg Avenue and proposed 13 Homberg Avenue, respectively. As depicted on the redlined site plans, 11 Homberg Avenue consists of approximately 8,726 square feet zoned primarily B.L.-A.S. with a small area of D.R.16 near the northeast corner of the property, and proposed 13 Homberg Avenue consists of approximately 8,125 square feet primarily zoned D.R.5.5, also with a small portion of D.R.16 near the northeast corner of the property. Each

¹ The site plans and exhibits for Case No. 2010-0270-A and 2010-0271-A are contained in the respective case files, however exhibit numbers are identical for each case.

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PS

property measures approximately 50 feet wide by 149 feet deep. As shown on the vicinity map on the redlined site plans, they are located on the northeast side of Homberg Avenue and north of the centerline of North Avenue in the Essex area of Baltimore County. The properties are located in the middle of a transitional area, with business and commercial uses to the north and corresponding B.L.-A.S., B.M., and B.L. zoning districts, and residential uses to the south and east with corresponding D.R.16 and D.R.5.5 designations. An aerial photograph of the properties was marked and accepted into evidence as Petitioner's Exhibit 4. Both properties have access to public water and sewer services.

The property at 11 Homberg Avenue (Case No. 2010-0270-A) is improved with an existing single-family dwelling consisting of approximately 1,700 square feet. According to the Real Property Data search contained in the file, the dwelling was built in 1929. Also according to the subdivision plat that was marked and accepted into evidence as Petitioner's Exhibit 3, 11 Homberg Avenue is known as Lot 93 in the "Henry Homberg's Subdivision," and was platted in 1914. The property owner, Mr. Smith, requests variance relief in order to legitimize existing conditions for the lot and his residence at 11 Homberg Avenue.

The property at proposed 13 Homberg Avenue (Case No. 2010-0271-A) is currently unimproved. Proffered testimony from Mr. Vettori revealed that this property is known as Lot 92 in the original subdivision plat as seen in Petitioner's Exhibit 3. However, this lot has never been established as separate from 11 Homberg Avenue. Interestingly, although laid out and platted, Lot 92 exists without a separate deed, address or tax number.² The property owner, Mr. Smith, and the contract purchaser, Mr. Stillerman, request variance relief to establish the property as a buildable lot.

² The subject properties have the same tax number -- 1511671200.

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The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated May 12, 2010 indicate that Petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the B.C.Z.R. However, there appears to be several existing undersized lots in the neighborhood. As such, the Planning Office does not oppose the Petitioner's request. If the variances are granted, the Planning Office suggests conditions, including submitting building elevations for review and approval prior to the issuance of any building permit, requiring that the dwelling shall be compatible with existing dwellings in the area, providing landscaping along the public road, and retaining a large mature evergreen Southern Magnolia tree. As to this last condition pertaining to the Magnolia tree, Petitioners acknowledged the natural aesthetics of the tree, but stated it would be extremely difficult to guarantee that it could be retained, given its location in the front yard of proposed 13 Homberg Avenue. The tree would likely make building a dwelling in line with the other dwellings on the street prohibitive, and might also pose problems tapping into underground water and sewer lines. As such, Petitioners requested that this request by the Planning Office not be included in the condition of the Order if the relief is granted.

Considering of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Without variance relief, Lot 93 would be in violation of the current regulations and Lot 92 could not be developed. Obviously, strict compliance with the Zoning Regulations would create a hardship and would result in a denial of a reasonable and sufficient use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). The evidence indicates that the subject properties were platted as separate lots of record since 1914. As is often the case with older

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By PM

subdivisions, many of the lots in Henry Homberg's Subdivision are undersized and do not meet current width and setback requirements. 11 Homberg Avenue is representative of most of the lots in the subdivision, undersized and improved with a primary structure built over 90 years ago. On the other hand, proposed 13 Homberg Avenue, although unimproved, is almost identical in metes and bounds to other lots in the subdivision. Hence, in my view, the imposition of current zoning disproportionably impacts the subject lots as compared to other properties in the zoning district. Moreover, the irregular, jagged shape to the rear of the properties render the properties unique in my view. Further, the location of the properties in a "transition area" similarly adds to such uniqueness. Thus, I find these variance requests can be granted in strict harmony with the spirit and intent of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995). The only deficiency in both of these instances is the lot width, which is five feet shy of the required 55 feet. As to the side yard setback variance, this is to legitimize an existing condition. It is also noteworthy that this type of proposed in-fill development is a preferred manner of development, since the newly proposed 13 Homberg Avenue, which has existed as a lot of record for almost 100 years, can utilize existing infrastructure and public services. Hence, the variance requests can be granted without any detriment to the public health, safety and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence presented, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 28th day of June, 2010 by this Deputy Zoning Commissioner, that Petitioners' Variance relief requests for the properties set forth as follows:

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By pm

Case No. 2010-0270-A: For the property located at 11 Homberg Avenue, the Variance requests as follows:

- From Section 1B02.3.C.1 of the of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a minimum lot width of 50 feet in lieu of the minimum lot width required of 55 feet; and
- From Sections 232.2, 302.1, and 1B02.3.C.1 of the B.C.Z.R. to permit a minimum width of individual side yard of 8 feet in lieu of the minimum width of individual side yard of 10 feet; and

Case No. 2010-0271-A: For the property located at proposed 13 Homberg Avenue, the Variance request as follows:

- From Section 1B02.3.C.1 of the B.C.Z.R. to permit a minimum lot width of 50 feet in lieu of minimum lot width permitted of 55 feet,

be and are hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building 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 return, and be responsible for returning, said property to its original condition.
2. Petitioners shall submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit.
3. The proposed dwelling shall be compatible in size, exterior building materials, color and architectural details as that of the existing dwellings in the area.
4. Petitioner shall provide landscaping along the public road.

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Date 6-28-10

By [Signature]

Advisory – though not required as a condition of this Order, if possible, the large mature evergreen Southern Magnolia situated on proposed 13 Homberg Avenue should be retained. The Office of Planning indicates in their ZAC comment that it is off to one side of the lot so that access to the lot is not blocked. They also state that the house can be set back from the street further than the neighboring houses and still meet the rear setbacks. This mature tree provides some additional privacy to any proposed new house, and in bloom the tree is the centerpiece of the neighborhood.

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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Date 6-28-10

By pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 28, 2010

JASON VETTORI, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Variance
Case Nos. 2010-0270-A and 2010-0271-A
Property: 11 Homberg Avenue and 13 Homberg Avenue

Dear Mr. Vettori:

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 "TH. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Neil Stillerman, 12C Stanwood Court, Baltimore MD 21220



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 13 Homberg Avenue

which is presently zoned: DR 5.5 + D.R. 1b

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):

PLEASE SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Neil Stillerman

Name - Type or Print

Signature

304 Patuxent Avenue

(410) 262-3207

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Troy Smith

Name - Type or Print

Signature

Name - Type or Print

Signature

1209 Evergreen Lane

(410) 800-6357

Address

Telephone No.

Baltimore

MD

21221

City

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No. 2010-0271-A

ESTIMATED LENGTH OF HEARING _____

Reviewed By D.T. Date 4/7/10

UNAVAILABLE FOR HEARING

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 10-28-10

By pm

ATTACHMENT TO VARIANCE PETITION
13 HOMBERG AVENUE

1. 1B02.3.C.1 to permit a minimum lot width of 50 feet in lieu of the minimum lot width permitted of 55 feet; and
2. For such other and further relief as may be required.

2010-0271-A

ZONING DESCRIPTION

13 Homberg Avenue

BEGINNING at a point on the northeast side of Homberg Avenue which is 40 feet wide at the distance of 1070 feet north of the centerline of North Avenue which is 40 feet wide. Being Lot 92 in the subdivision of "Henry Homberg's Subdivision, Baltimore County Maryland" as recorded in Baltimore County Plat Book 13, folio 27, containing 0.187 acres of land, more or less. Also known as 13 Homberg Avenue and located in the 12th Election District and 6th Councilmanic District.

2010-0271-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2010-0271-A
Petitioner: NEIL STILLERMAN
Address or Location: 13 HOMBERG AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON VETTORI
Address: GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21286
Telephone Number: (410) 825-3570

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

No. **53215**

Date: **4/7/10**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					65.00

Total: **65.00**

Rec From: **GILDEA + SCHMIDT LLC**

For: **2010-0271-A**
13 HOMBERG AVE.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS: ACTUAL TIME: MM
 4/16/2010 4/15/2010 14:32:52 2
 REV: 005 MONTH: APR: 001
 RECEIPT #: 532297 4/15/2010 09:14
 5. 529 ZONING VERIFICATION
 053:15
 Recpt Tot: 165.00
 165.00 DE 1.00 14
 Baltimore County, Maryland

**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: #2010-0271-A

13 Homberg Avenue

N/east side of Homberg Avenue, 1070 feet north of the centerline of North Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Troy Smith

Contract Purchaser: Neil Stillerman

Variance: To permit a minimum lot width of 50 feet in lieu of the minimum lot width permitted of 55 feet, and for such other and further relief as may be required.

Hearing: Friday, June 18, 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.

06/074 June 3

242280

CERTIFICATE OF PUBLICATION

6/3/, 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 6/3/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0271-A

RE: Case No.: 2010-0271-A

Petitioner/Developer: _____
Neil Stillerman

_____ June 18 2010
Date of Hearing/Closing: _____

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

Attn: Kristin 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: _____
13 Homberg Avenue

_____ June 3 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black 6 / 9/10
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE #2010-0271-A

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

ROOM 104 JEFFERSON BUILDING 21204
105 WEST CHESAPEAKE AVENUE TOWSON

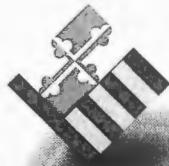
PLACE:

DATE AND TIME: FRIDAY, JUNE 18, 2010 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A MINIMUM LOT WIDTH OF
50 FEET IN LIEU OF THE MINIMUM LOT WIDTH PERMITTED OF
55 FEET AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE
REQUIRED

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Management
~~May 18, 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: 2010-0271-A

13 Homberg Avenue

N/east side of Homberg Avenue, 1070 feet north of the centerline of North Avenue

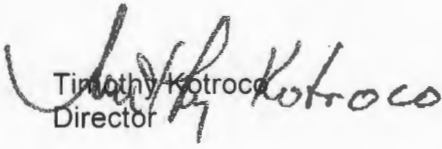
15th Election District – 7th Councilmanic District

Legal Owners: Troy Smith

Contract Purchaser: Neil Stillerman

Variance to permit a minimum lot width of 50 feet in lieu of the minimum lot width permitted of 55 feet, and for such other and further relief as may be required.

Hearing: Friday, June 18, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy M. Kotroco
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Troy Smith, 1209 Evergreen Lane, Baltimore 21221
Neil Stillerman, 304 Patuxent Ave., Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 3, 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, June 3, 2010 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-825-3570

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: 2010-0271-A

13 Homberg Avenue

N/east side of Homberg Avenue, 1070 feet north of the centerline of North Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Troy Smith

Contract Purchaser: Neil Stillerman

Variance to permit a minimum lot width of 50 feet in lieu of the minimum lot width permitted of 55 feet, and for such other and further relief as may be required.

Hearing: Friday, June 18, 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

June 9, 2010

Lawrence Schmidt
Gildea & Schmidt, LLC
600 Washington Ave, Ste. 200
Towson, MD 21204

Dear: Lawrence Schmidt

RE: Case Number 2010-0271-A, 13 Homberg Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 07, 2010. 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
Troy Smith; 1209 Evergreen Ln.; Baltimore, MD 21221
Neil Stillerman; 304 Patuxent Ave.; Baltimore, MD 21234

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 17, 2010
Item Nos. 2010- 253, 270, 271, 290,
291, 292, & 294

DATE: May 7, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05172010 -NO COMMENTS.doc

TB 6/18 10 AM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: May 12, 2010

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

SUBJECT: 11 and 13 Homberg Avenue

RECEIVED

INFORMATION:

MAY 17 2010

Item Number: 10-270 and 10-271

Petitioner: Troy Smith

ZONING COMMISSIONER

Zoning: DR 5.5 and DR 16

Requested Action: Variance

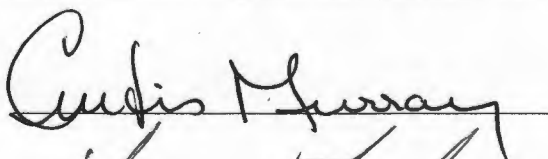
SUMMARY OF RECOMMENDATIONS:

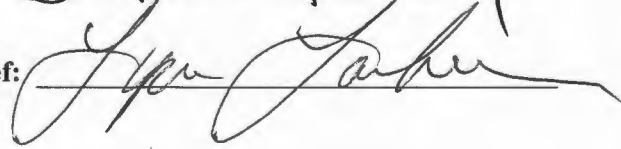
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

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

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road. Additionally the large mature evergreen Southern Magnolia shall be saved. It is off to one side of the lot so that access to the lot is not blocked. The house can be set back from the street further than the neighboring houses and still meet the rear setbacks. The mature tree will provide some additional privacy to any proposed new house, and in bloom is the centerpiece of the neighborhood.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

TB
6-18-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 11 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 11, 2010
SUBJECT: Zoning Item # 10-271-A
Address 13 Homberg Avenue
(Smith Property)

Zoning Advisory Committee Meeting of May 3, 2010.

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 6/11/10



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: May 4, 2010

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

RE: Baltimore County
Item No. 2010-0271-A
13 HOMBERG AVE
TADY SMITH
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0271-A.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR VARIANCE * BEFORE THE
13 Homberg Avenue; NE/S Homberg Avenue, *
1,070' N of c/line North Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Troy Smith * FOR
Contract Purchaser(s): Neil Stillerman *
Petitioner(s) * BALTIMORE COUNTY
* 10-271-A

* * * * *

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.

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

RECEIVED

MAY 07 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment5-7-10

DEVELOPMENT PLANS REVIEW

nc6-11-10

DEPRM

nc

FIRE DEPARTMENT

5-12-10

PLANNING

(if not received, date e-mail sent _____)

support
w/ condition5-4-10

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 6-3-10

SIGN POSTING

Date: 6-3-10

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐Comments, if any: see ZRO memo

Patricia Zook - Cases 2010-0270-A and 2010-0271-A - posting certifications needed-hearing is Friday June 18

From: Patricia Zook
To: Lewis, Kristen; Williams, LaShenda
Date: 6/11/2010 4:15 PM
Subject: Cases 2010-0270-A and 2010-0271-A - posting certifications needed-hearing is Friday June 18
CC: Bostwick, Thomas

Ladies -

We need the certification of postings for the following cases that are scheduled for hearings on Friday, June 18, 2010:

2010-0270-A and 2010-0271-A

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

5/14/10
never
received
response

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: April 27, 2010
TO: Zoning Commissioner and File
FROM: Donna Thompson, Planner II, Zoning Review
SUBJECT: Petition for Variance
Case No. 2010-0270-A & 2010-0271-A
11 & 13 Homberg Avenue

Both of these petitions were accepted for filing. The sealed plans presented do not show adjacent zone lines and also show an inaccurate zoning designation for 2010-0271-A. The attorney for the petition, Jason Vettori with Gildea & Schmidt, LLC has informed our office that these items will be rectified at the public hearing.

Please call me if you have any questions.

dt

Case No.: 8010-0271-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2 A+B	2 best references	
No. 3	subdivision plat	
No. 4	aerial photography	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

S & B No. 08-137818

FEE SIMPLE TRUSTEE'S DEED

THIS TRUSTEE'S DEED is made this 7th day of July, 2009, by and between William M. Savage, SOLE ACTING SUBSTITUTE TRUSTEE, 13135 Lee Jackson Highway, Suite 201, Fairfax, Virginia 22033, Party of the First Part, and DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2, 1100 Virginia Drive P.O. Box 8300 Fort Washington, PA 19034, the Party of the Second Part.

WITNESSETH THAT:

WHEREAS, by Deed of Trust dated April 3, 2006, and duly recorded among the land records of the COUNTY OF BALTIMORE, in Liber/Book 0023683 at Page 173, AQUILES ALVAREZ AND EMMA ALVAREZ did grant and convey the property described hereinafter to PENTAGON TITLE & ESCROW, LLC, TRUSTEE(S), in trust to secure the payment of the original principal sum of \$248,000.00, with interest thereon as stated in the promissory note (hereinafter referred to as "Note") evidencing said indebtedness; and

WHEREAS, John S. Burson, William M. Savage, Gregory N. Britto, Jason Murphy, Kristine D. Brown and Erik W. Yoder have been appointed by instrument duly recorded among the land records of the said COUNTY OF BALTIMORE, as Substitute Trustees, any one of whom may act, to execute the Deed in accordance with the terms thereof to the same extent as is they had been originally designated as such Trustees; and

WHEREAS, the Party of the First Part, by the terms of said Deed of Trust, were empowered upon default in payment of principal of interest secured by said Deed of Trust and upon request of the beneficiary thereof to sell the hereinafter described real property (hereinafter referred to as "Property") at public auction; and

WHEREAS, the default was made in the payment of the Note, and the holder thereof requested said Party of the First Part to sell the Property pursuant to the power of sale contained in said Trust; and

WHEREAS, the Party of the First Part posted bond and advertised the place, time and terms of the sale, and exposed the Property to sale at public auction on April 16, 2009 at 1:30 PM, to the highest bidder for cash, all in strict accordance with the terms of the Deed of Trust, at which sale DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2 became the purchaser of the property for the sum of Two Hundred Six Thousand Five Hundred Fifty Dollars and No Cents (\$206,550.00), that being the highest bid; and

WHEREAS, said sale was ratified by a Judge of the Circuit Court of the County in which the Property is located in Civil (Equity) No. 03-C-09-000894, on May 28, 2009;

WHEREAS, none of the parties in interest is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act; and

NOW, THEREFORE, in consideration of the said property and the amount of the aforementioned prevailing bid paid by the Party of the Second Part to the Party of the First Part, at and before the sealing and delivery of this Deed, receipt of which is hereby acknowledged, which sum is to be appropriated and applied as provided in the Deed of Trust, the Party of the First Part grant and convey unto DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2, the party of the Second Part WITH SPECIAL WARRANTY OF TITLE all of the following described Property, with its appurtenances, situated in COUNTY OF BALTIMORE, Maryland, to wit:

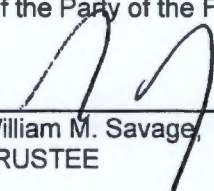
SEE EXHIBIT A

Property Address: 11 HOMBERG AVENUE, Essex, MD 21221

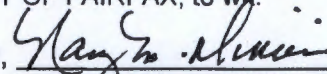
PETITIONER'S

EXHIBIT NO. 2A

WITNESS the hands and seals of the Party of the First Part:


William M. Savage, SOLE ACTING SUBSTITUTE
TRUSTEE

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to wit:

I, , a notary public for the Commonwealth of Virginia, at large, do hereby certify that William M. Savage, Attorney, SOLE ACTING SUBSTITUTE TRUSTEE, as aforesaid, is personally well known to me and personally appeared before me and acknowledged the foregoing Deed to be his/her act and deed.

Given under my hand this 7th day of July, 2009

My commission expires: 5-31-2012



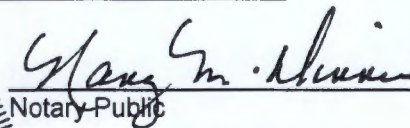
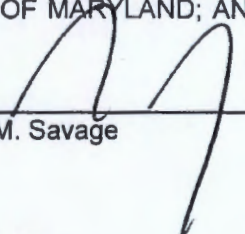

Notary Public

EXHIBIT "A"**LEGAL DESCRIPTION**

Being Known and Designated as Lots Nos. 92 and 93 as Shown on the Plat of Henry Homberg's Subdivision which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 124. The improvements thereon being now or formerly known as 11 Homberg Avenue.

AFFIDAVIT OF CONSIDERATION
ATTORNEY'S CERTIFICATE

I, William M. Savage, HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE ACTUAL CONSIDERATION PAID OR TO BE PAID FOR THE AFOREGOING CONVEYANCE, INCLUDING THE AMOUNT OF ANY MORTGAGE OR DEED OF TRUST ASSUMED BY THE GRANTEE, IS IN THE SUM TOTAL OF \$206,550.00; THAT THE FOREGOING DEED WAS PREPARED UNDER MY SUPERVISION; THAT I AM AN ATTORNEY ADMITTED TO PRACTICE BEFORE THE COURT OF APPEALS OF MARYLAND; AND THAT I AM ONE OF THE PARTIES TO THIS INSTRUMENT.

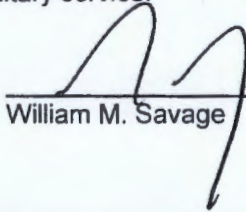


William M. Savage

Return to: SHAPIRO & BURSON, LLP
13135 LEE JACKSON HIGHWAY
SUITE 201
FAIRFAX, VA 22033

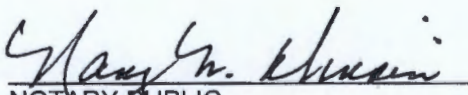
AFFIDAVIT OF NON-MILITARY STATUS

I, William M. Savage, being first duly sworn on oath, depose and say that I am the agent of DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2, and that to the best of my belief AQUILES ALVAREZ AND EMMA ALVAREZ, is/are not in the military service of the U.S.; is/are not in the military service of any ally of the U.S.; has/have not been ordered to report for induction under the Selective Training and Service Act of 1940, as amended; is/are not a member of the Enlisted Reserve Corps who has been ordered to report for military service.


William M. Savage

STATE OF VIRGINIA
COUNTY OF FAIRFAX

Subscribed and sworn to before me, a Notary Public in and for the aforesaid jurisdiction this 7th day of July, 2009.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 5-31-2012



AFFIDAVIT AS TO TOTAL PAYMENT

THE undersigned certifies under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with § 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "Withholding Law"):

1) That I am/we are the transferor(s), [or agent of the transferor(s) if so indicated], of that real property described in the accompanying deed.

2) The amount of total payment for the purpose of the Withholding Law is \$206,550.00. This amount is to be audited by a court appointed Auditor pursuant to Maryland Rule 2-543.

3) That pursuant to § 10-912(d)(3) said transfer is exempt as it is transferred pursuant to a foreclosure.

Dated this 16th day of July, 2009

WITNESS:

Way Martin

TRANSFEROR(S)

William M. Savage
WILLIAM M. SAVAGE, SOLE ACTING
SUBSTITUTE TRUSTEE

08-137818

0028710 280

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Baltimore

Information provided is for use of the Circuit Court, 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 or Trust	☐ Cease		
2	Conveyance Type Check Box	☒ Improved Sale	☐ Unimproved Sale	☐ Multiple Accounts	☐ Not an Arms-Length Sale
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	Length Sale [9]
3	Tax Exemptions (If Applicable)	Recordation			
		State Transfer			
	Cite or Explain Authority	County Transfer			
4	Consideration and Tax Calculations	Consideration Amount			
		Purchase Price/Consideration	\$ 306,550.00		
		Any New Mortgage	\$		
		Balance of Existing Mortgage	\$		
		Other:	\$		
		Other:	\$		
		Full Cash Value:	\$		
5	Fees	Amount of Fees Doc. 1 Doc. 2			
		Recording Charge	\$ 40.00	\$	
		Surcharge	\$	\$	
		State Recordation Tax	\$ 1035.00	\$	
		State Transfer Tax	\$ 1032.75	\$	
		County Transfer Tax	\$ 3098.25	\$	
		Other	\$	\$	
		Other	\$	\$	
6	Description of Property	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map
		15	1511671200	23683/173	
		Subdivision Name		Lot (3a)	Block (3b) Sect/AR (3c)
		Homberg		92	
		Location/Address of Property Being Conveyed (2)			
		11 Homberg Avenue, Essex, MD 21221			
		Other Property Identifiers (if applicable)		Water Meter Account No.	
		Residential ☒ or Non-Residential ☐	Fee Simple ☒ or Ground Rent ☐	Amount:	
		Partial Conveyance? ☐ Yes ☒ No	Description/Amt. of SqFt/Acreage Transferred: 1032.75		
		If Partial Conveyance, List Improvements Conveyed:			
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)	
		William M. Savage, Substitute Trustee			
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)	
		Aquilos Alvarez and Emma Alvarez			
8	Transferred To	Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)	
		Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement relating to Impac...			
		New Owner's (Grantee) Mailing Address			
		1100 Virginia Avenue, Fort Washington, PA 19034			
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)	
10	Contact/Mail Information	Instrument Submitted By or Contact Person			
		Name: Maureen Bravo			
		Firm: Shapiro & Burson LLP			
		Address: 13135 Lee Jackson Highway Suite 201			
		Fairfax, VA 22033 Phone: (703) 449-5800			
		☒ Return to Contact Person			
		☐ Hold for Pickup			
		☐ Return Address Provided			
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER				
	Assessment Information	Yes ☒ No Will the property being conveyed be the grantee's principal residence?			
		Yes ☒ No Does transfer include personal property? If yes, identify:			
		Yes ☒ 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: 20 Date Received: 20 Deed Reference: Assigned Property No.:					
Geo. Map Sub Block					
Zoning Plat Lot					
Use Parcel Section Occ. Cd.					
Town Cd. Ex. St. Ex. Cd.					
REMARKS: 10/20/2009					
C6 # 1-103275					
10/20/2009					

FD SURE \$ 29.00
RECORDING FEE 29.00
TAX STATE 1,032.75
TOTAL 1,072.75
RPT # 89224
CR Rk # 1277

Finance Office Use Only	
Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	\$
X () % =	\$
Less Exemption Amount -	\$ 3098.25
Total Transfer Tax	\$
Recordation Tax Consideration	\$
X () per \$500 =	\$ 1035.00
TOTAL DUE	\$
Agent:	NS
Tax Bill:	PA
C.B. Credit:	
Ag. Other:	

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Blue - Department of Assessments and Taxation

Return to: GOLDSTAR TITLE COMPANY
826 Eastern Boulevard
Baltimore, MD 21221

PETITIONER'S

EXHIBIT NO. 2B

This Deed

Tax Account No.: 15-11-671200

Made this 1st day of October, 2009, by and between

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
TRUSTEE UNDER THE POOLING AND SERVICING
AGREEMENT RELATING TO IMPAC SECURED ASSETS
CORP., MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2006-2**

Party (ies) of the first part, and

TROY F. SMITH

party(ies) of the second part:

Witnesseth, that in consideration of the sum of **ONE HUNDRED FIFTEEN THOUSAND DOLLARS AND NO/00 (\$115,000.00)**, receipt of which is hereby acknowledged, and which party of the first part certify under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party of the first part does grant and convey unto the parties of the second part, in FEE, all that property situate in **Baltimore County**, State of Maryland, described as follows:

Being Known and Designated as Lots Nos. 92 and 93 as Shown on the Plat of Henry Homberg's Subdivision which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 124. The improvements thereon being now or formerly known as 11 Homberg Avenue.

Commonly known as: 11 Homeberg Avenue, Essex, MD 21221

BEING the same property which, by Deed dated July 7, 2009, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. * , folio , was granted and conveyed by WILLIAM M. SAVAGE, SOLE ACTING SUBSTITUTE TRUSTEE, unto DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2.

*RECORDED IMMEDIATELY PRIOR HERETO

Subject to covenants, easement and restriction of record.

To Have and to Hold said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings, and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only, benefit and behalf forever of said party (ies) of the second part in FEE.

And the said party (ies) of the first part covenants that it will warrant specially the property hereby conveyed and that it will execute such further assurances of said land as may be requisite or necessary.

In Testimony Whereof, the said, Impac Funding Corporation, Attorney-in-Fact for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2, Hath on the 1st day of October, 2009, caused these presents to be signed by Greg Davis its Senior Vice President and doth hereby appoint Impac Funding Corporation its true and lawful attorney in fact to acknowledge and deliver these presents as its act and deed.

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2

By: Impac Funding Corporation, its Attorney-in-Fact

By: [Signature]

Name: GREG DAVIS

Title: SENIOR VICE PRESIDENT

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED BY A PARTY TO THIS INSTRUMENT.

By: [Signature]

Name: GREG DAVIS

Title: SENIOR VICE PRESIDENT

State of California
County of Orange §:

On October 1, 2009 before me, Christina Saas, Notary Public
personally appeared Greg Davis

Who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Notary Public

Grantor's Address: 2711 N. Haskell, Ste. 900
Dallas, TX 75204

Grantee's Address: 1209 Evergreen Ln.
Essex, MD 21221



2009MARYLAND
FORM

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

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

1. Transferor Information

Name of Transferor

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE UNDER THE
POOLING AND SERVICING AGREEMENT RELATING TO IMPAC SECURED
ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-2**

2. Reasons for Exemption

Resident
Status

- ☐ I, transferor, am a resident of the State of Maryland.
- ☒ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02b(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal
Residence

- ☐ Although I am no longer a resident of the State of Maryland, the property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

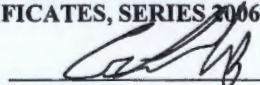
Witness

Name

Signature

3b. Entity Transferors

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE UNDER THE
POOLING AND SERVICING AGREEMENT
RELATING TO IMPAC SECURED ASSETS
CORP., MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-2**


Witness/Attest *PLE PARSONS - Attorney in Law*

By: *Greg Davis*

Name:

Senior Vice President

Title:

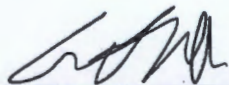
STATEMENT OF EXEMPTION PURSUANT
FROM NON-RESIDENT WITHHOLDING TAXES

The within Deed is exempt from the tax withholding requirements of Section 10-912 of the Tax-General Article of the Annotated Code of Maryland, because the property is transferred pursuant to foreclosure of a mortgage, deed of trust, or other lien instrument, or deed in lieu of foreclosure.

The undersigned as agent for the transferor certifies under the penalties of perjury that the following is true to the best of his/her knowledge, information and belief, in accordance with Section 10-912 (b) (2) of the Tax-General Article of the Annotated Code of Maryland

1. The he/she is the agent of the transferor of the real property described in the accompanying deed.
2. That the deed is exempt from the tax withholding requirements of Section 10-912 (d) (3) and the related regulations thereto.
3. That the amount of the total payment for the purpose of the Withholding Law is \$EXEMPT.

Dated this 1st day of October, 2009.


AGENT OF TRANSFEROR

0028770 293

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

1 Type(s) of Instruments		☐ Check Box if addendum Intake Form is Attached.				IMP FD SURE \$ 20.00 RECORDING FEE 20.00 TR TAX STATE 575.00 TOTAL 615.00 Rest B402 Rcpt # 89225 SM CR Blk # 1200 Oct 21, 2009 02:37 PM		
2 Conveyance Type Check Box		☒ Improved Sale Arms-Length [1] ☐ Mortgage Lease ☐ Unimproved Sale Arms-Length [2]	☐ Other POA ☐ Multiple Accounts Arms-Length [3]	☐ Other ☐ Not an Arms-Length Sale [9]				
3 Tax Exemptions (if applicable) Cite or Explain Authority		Recordation State Transfer County Transfer						
4 Consideration and Tax Calculations		Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration				
		Purchase Price/Consideration	\$ 115,000.00	Transfer Tax Consideration		\$		
		Any New Mortgage	\$.00	X () % =		\$		
		Balance of Existing Mortgage	\$	Less Exemption Amount		\$		
		Other:	\$	Total Transfer Tax		\$		
		Other:	\$	Recordation Tax Consideration		\$		
5 Fees		Amount of Fees		Doc. 1		Doc. 2		
		Recording Charge	\$ 20.00	\$ 20.00		Agent:		
		Surcharge	\$	\$ 20.00		Tax Bill:		
		State Recordation Tax	\$	\$ 575.00		C.B. Credit:		
		State Transfer Tax	\$	\$ 575.00		Ag. Tax/Other:		
		County Transfer Tax	\$	\$ 1,725.00				
		Other	\$	\$				
		Other	\$	\$				
6 Description of Property 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).		District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
		15	15-11-671200	prior hereto			☐ (5)	
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
		Henry Homberg's Subdivision		92893			6/124	
		Location/Address of Property Being Conveyed (2)						
		11 Homberg Avenue, Essex, MD 21221						
		Other Property Identifiers (if applicable)						
		Water Meter Account No.						
		Residential ☒ or Non-Residential ☐ Fee Simple ☒ or Ground Rent ☐ Amount: N/A Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred: N/A						
		If Partial Conveyance, List Improvements Conveyed: N/A						
7 Transferred From		Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)				
		Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement relating to Impac Secured*		Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement relating to Impac**				
		Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)				
8 Transferred To		*Assets Corp., Mortgage Pass-through Certificate, Series 2006-2		**Secured Assets Corp., Mortgage Pass-Through ***				
		Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)				
		Impac Funding Corporation		Troy F. Smith				
9 Other Names to Be Indexed		Doc. 1 - Additional Names to be Indexed (Optional)						
		Doc. 2 - Additional Names to be Indexed (Optional)						
		*** Certificates, Series 2006-2, by Impac Funding Corporation, its Attorney in Fact						
10 Contact/Mail Information		Instrument Submitted By or Contact Person				☒ Return to Contact Person		
		Name: Goldstar Title Company				☐ Hold for Pickup		
		Firm: Goldstar Title Company				☐ Return Address Provided		
		Address: 826 Eastern Boulevard Essex, MD 21221 Phone: (410) 682-5200						
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER								
Assessment Information		☐ Yes ☒ No	Will the property being conveyed be the grantee's principal residence?					
		☐ Yes ☒ No	Does transfer include personal property? If yes, identify: _____					
		☐ Yes ☒ No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).					
Assessment Use Only - Do Not Write Below This Line								
Terminology Verification		Agricultural Verification		Whole Part		Trans. Process Verification		
Transfer Number		Date Received:		Deed Reference:		Assigned Property No.:		
20		20		Geo. Map Sub Block				
Zoning Grid Plat Lot		Use Parcel Section Occ. Cd.		Town Cd. Ex. St. Ex. Cd.				

BALTIMORE COUN
10/23/2009

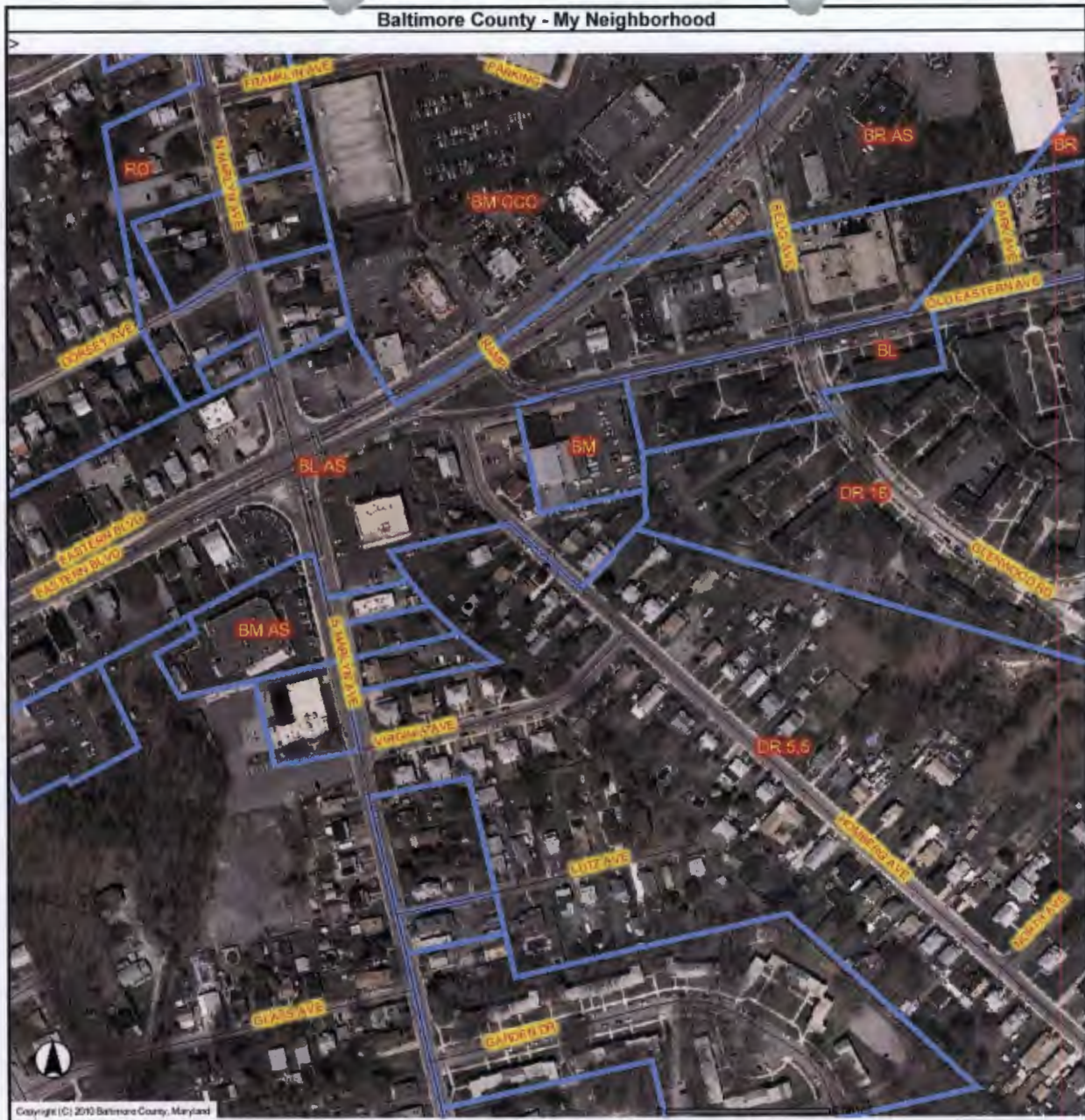
DUE DATE PAID RECEIPT

☐ Clark's Office
☐ Office of Finance

☐ SDAT
☐ Encoder

AOC-CC-300 (5/2007)

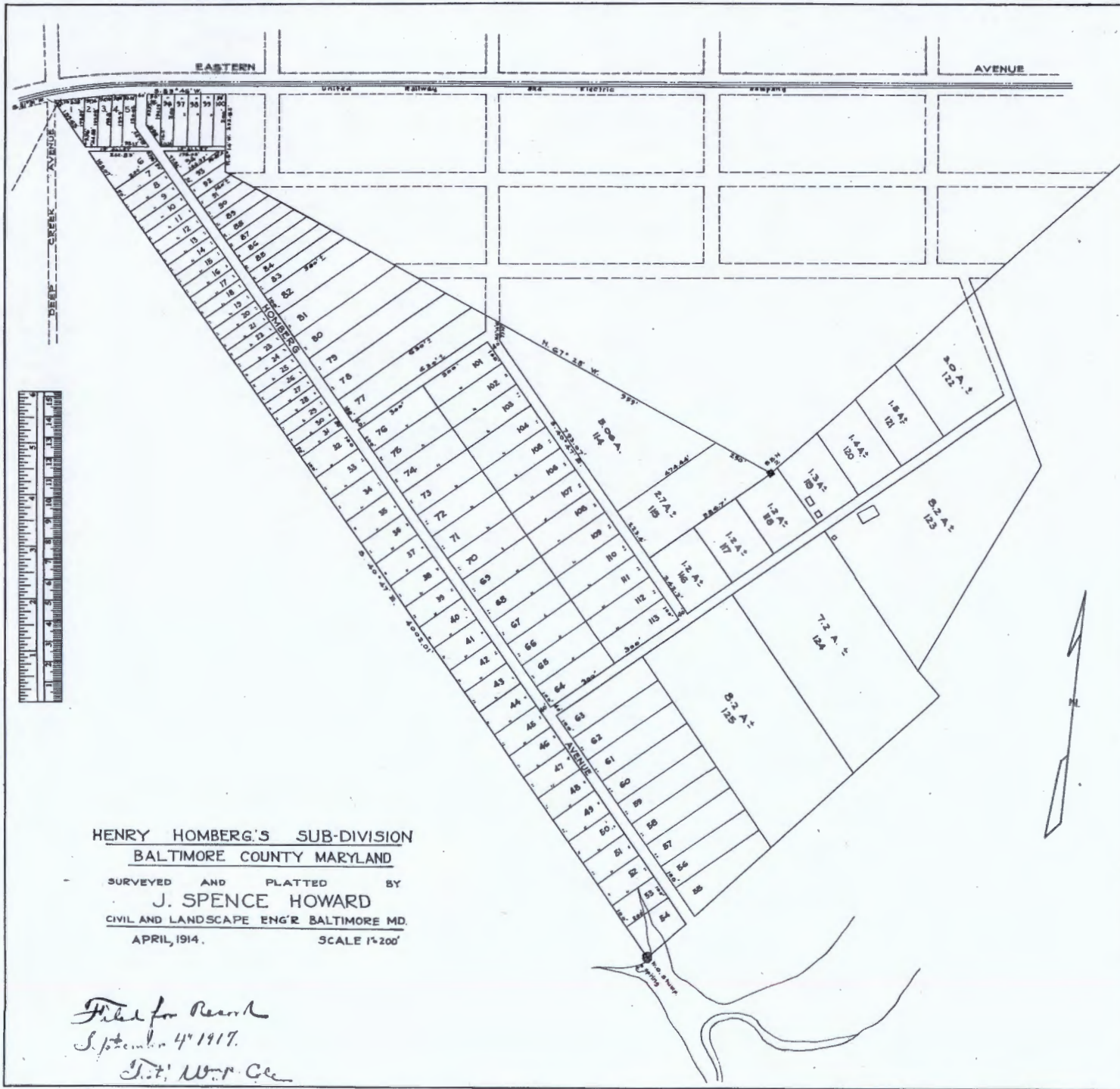
09-12206KDA



PETITIONER'S

EXHIBIT NO.

4



HENRY HOMBERG'S SUB-DIVISION
BALTIMORE COUNTY MARYLAND

SURVEYED AND PLATTED BY
J. SPENCE HOWARD
CIVIL AND LANDSCAPE ENG'R BALTIMORE MD.
APRIL, 1914. SCALE 1"=200'

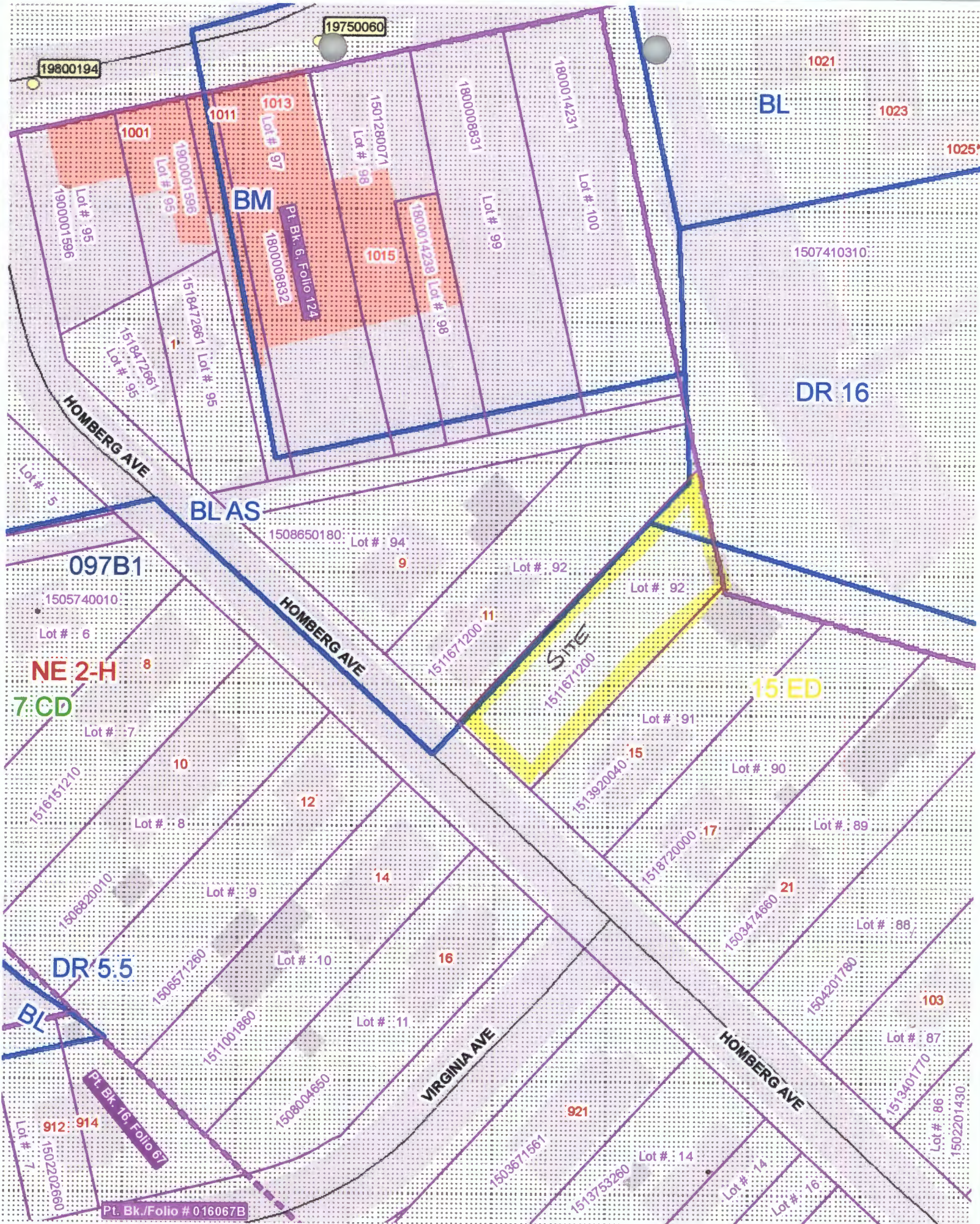
*Filed for Record
September 4th 1917.*

J. T. W. C. C.

MSA C 123136-4502

3
PETITIONER'S
EXHIBIT NO.

2136-4502



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS - #13 HOMBERG AVENUE

SUBDIVISION NAME - HENRY HOMBERG'S SUBDIVISION

PLAT BOOK 6 FOLIO 124 LOT 92

OWNER: TROY F. SMITH

TAX NO. 15-11-671200

DEED REF. 28770/274 & 28770/289

CONTRACT PURCHASER/PETITIONER:
NEIL STILLERMAN



LOCATION INFORMATION

ELECTION DISTRICT 15 th

COUNCILMANIC DISTRICT 7 th

1"=200 SCALE MAP #097B1

ZONING DR-5.5 & DR-16

LOT SIZE 0.187 ACRES 8,125 SQUARE FEET

SEWER	PUBLIC ☒	PRIVATE ☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

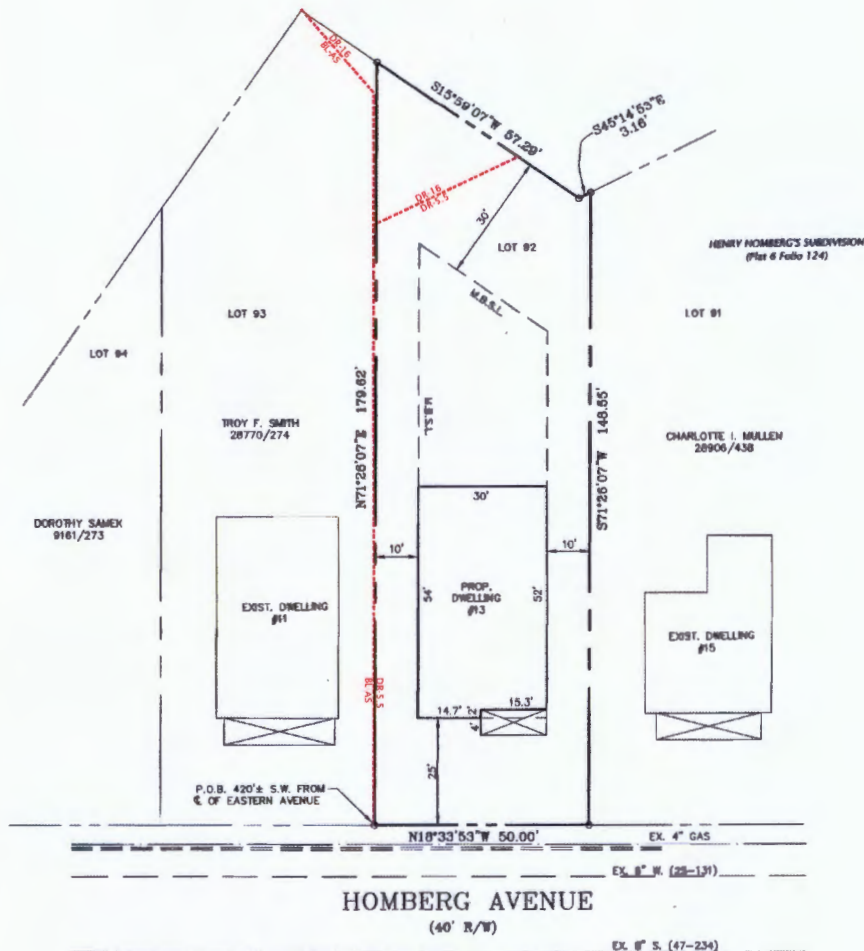
100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

ZONING HISTORY - NONE

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM #	CASE #
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PETITIONER'S

EXHIBIT NO. 1

I, LEONARD G. BUERHAUS, THE SURVEYOR WHOSE SEAL AND SIGNATURE IS FIXED ON THIS SURVEY PLAT EITHER PERSONALLY PREPARED THE BOUNDARY SURVEY OR WAS IN RESPONSIBLE CHARGE OVER ITS PRODUCTION AND THE SURVEYING WORK REFLECTED IN IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 09.13.06 OF THE ANNOTATED CODE OF MARYLAND. THIS SURVEY IS FOR THE EXCLUSIVE USE OF NEIL STILLERMAN. THERE ARE NO VISIBLE ENCROACHMENTS ACROSS PROPERTY LINES EXCEPT WHERE SHOWN.

Leonard G. Buerhaus
LEONARD G. BUERHAUS, REGISTERED PROPERTY LINE SURVEYOR #349

LGB SURVEYS LLC
9432 BELLHALL DRIVE
NOTTINGHAM MD. 21236
410-256-3135



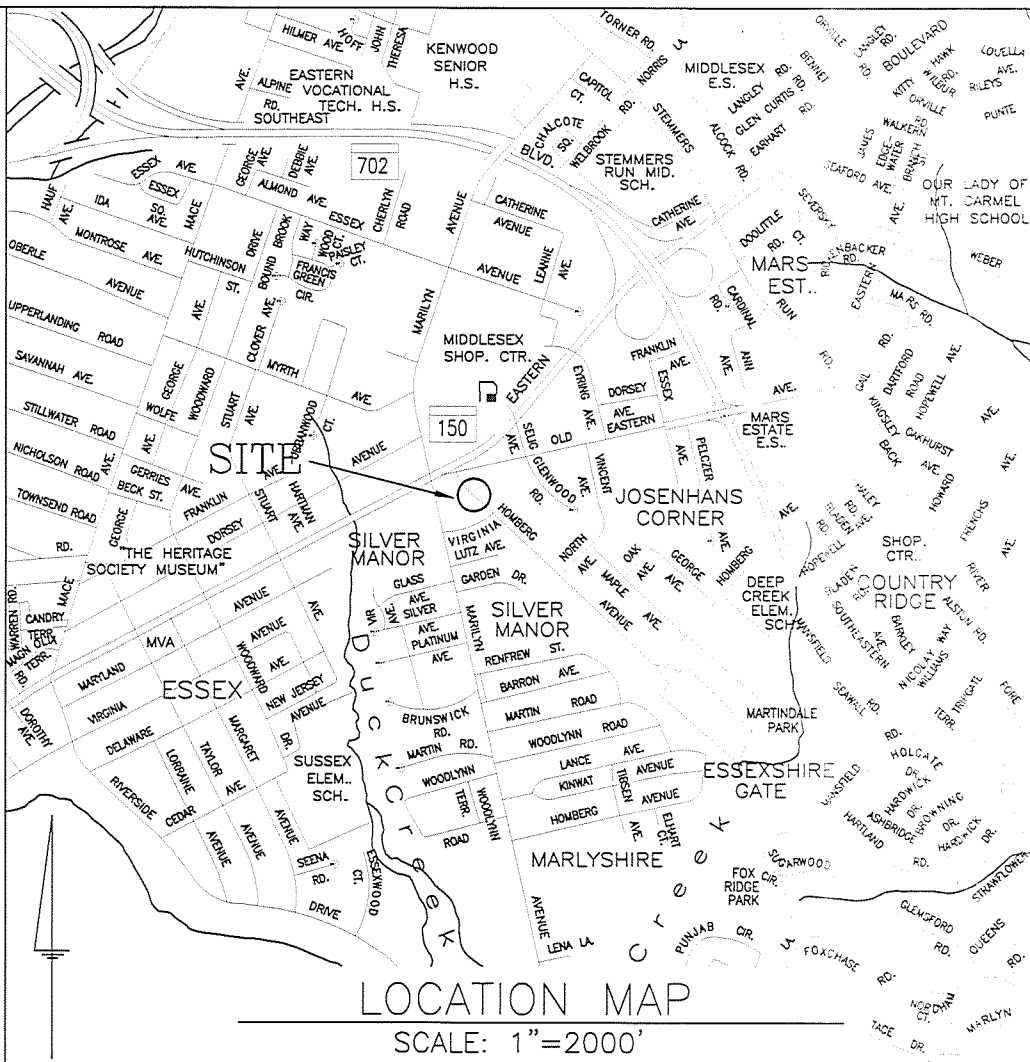
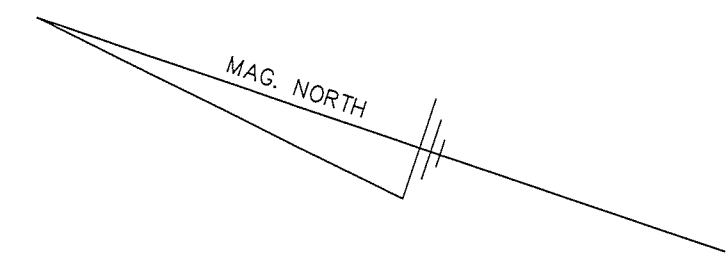
Minimum Building Setback (DR 5.5)
FRONT: 25'
SIDE: 10'
REAR: 30'
MAX. BUILDING HEIGHT: 50'

REDLINE
JUNE 18, 2010

DATE: APRIL 13, 2010
SCALE: 1" = 20'

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS — #13 HOMBERG AVENUE
SUBDIVISION NAME — HENRY HOMBERG'S SUBDIVISION
PLAT BOOK 6 FOLIO 124 LOT 92
OWNER: TROY F. SMITH
TAX NO. 15-11-671200
DEED REF. 28770/274
CONTRACT PURCHASER/PETITIONER:
NEIL STILLERMAN

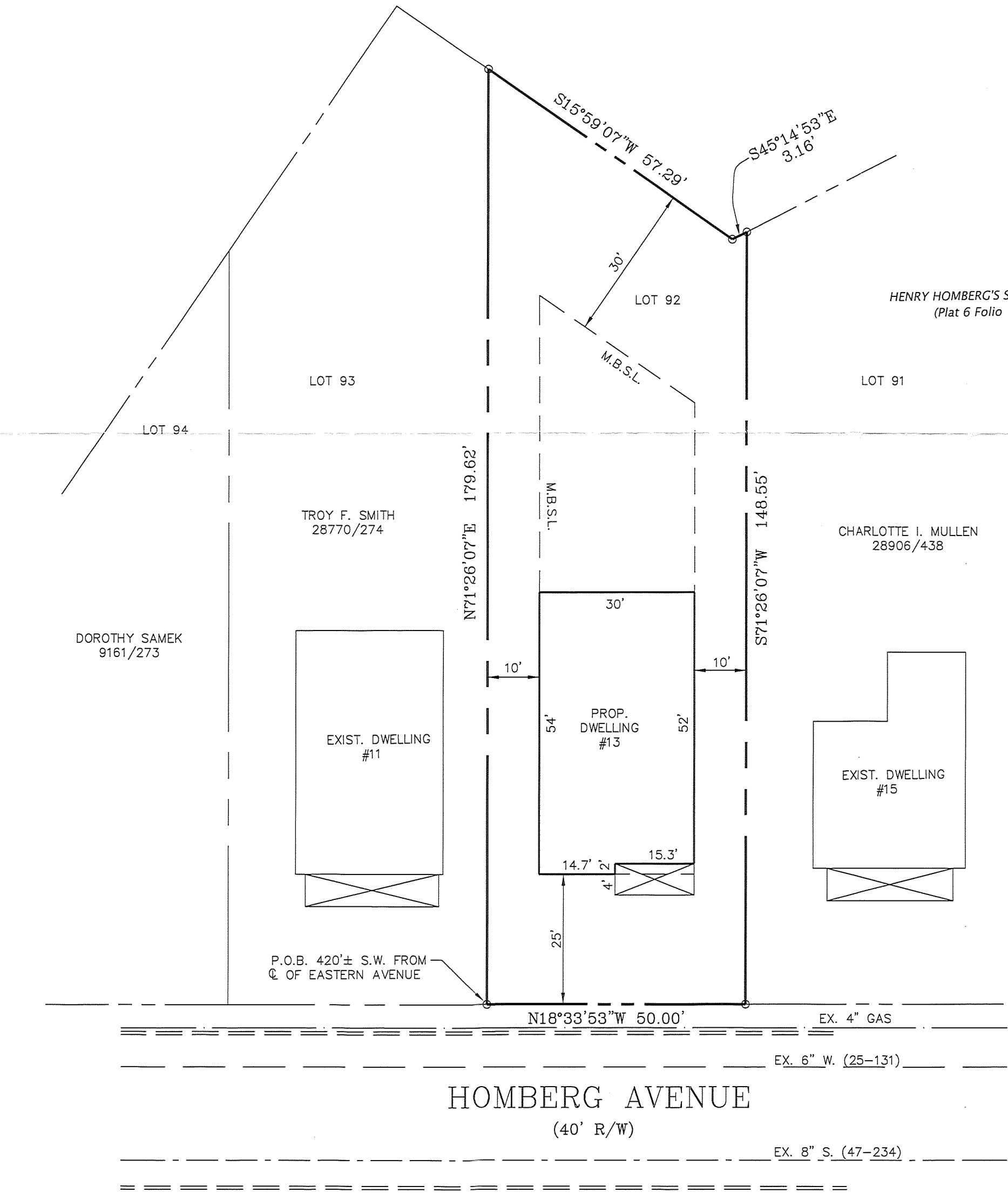


LOCATION INFORMATION

ELECTION DISTRICT	15 th
COUNCILMANIC DISTRICT	7 th
1"=200 SCALE MAP	#097B1
ZONING	DR-5.5
LOT SIZE	0.187 ACREAGE
	8,125 SQUARE FEET
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ ☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	☐ ☒
HISTORIC PROPERTY/BUILDING	☐ ☒
ZONING HISTORY	NONE

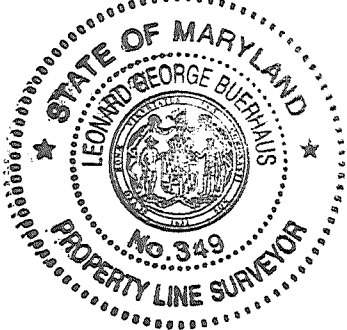
ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM #	CASE #
DT.	0271	2010-0271-A



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Leonard G. Buerhaus
LEONARD G. BUERHAUS, REGISTERED PROPERTY LINE SURVEYOR #349



LGB SURVEYS LLC
9432 BELLHALL DRIVE
NOTTINGHAM MD. 21236
410-256-3135

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