

IN RE: PETITION FOR SPECIAL HEARING *

N/S Alliston Drive, 2,440' S/E of c/line of
Carroll Manor Road *

(13605A Alliston Drive) *

11th Election District
3rd Council District *

Donald S. Huber, Jr.,
Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0291-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Donald Huber, Jr. The Petitioner requests a special hearing pursuant to Sections 1A04.3.B.1.b(1) and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a lot area of 1.384 acres in lieu of the minimum 1.5 acres required by Section 1A04.3.B.1.a of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Donald Huber, Jr., property owner, Geoffrey C. Schultz, with McKee & Associates, Inc., the professional land surveyor who prepared the site plan for this property, and attorney for the Petitioner, Howard L. Alderman, Jr., Esquire, of Levin & Gann, P.A. Numerous interested citizens from the neighboring Carroll Manor Subdivision appeared in opposition to the development of this subject "enclave" lot. Most notably, William A. Feustle, Jr. (4605 Carroll Manor Road) and John J. Pycha (13612 Brookline Road), on behalf of the Carroll Manor Community Association; Maureen Mackey, daughter and Personal Representative of Maurice F. Mackey, Jr. (13622

ORDER RECEIVED FOR FILING

Date

6-25-10

By

D3

Alliston Drive); David F. Mister, Esquire (13604 Brookline Drive); George T. and Adrienne S. Rodriguez (4817 Bart Allen Lane); Gerard D. Jung (13603 Alliston Drive); Pat Hipsley Shaffer (13607 Alliston Drive); John M. Bowen (13606 Alliston Drive); Daniel A. Ranalli (2 Ascot Court); Herbert E. Shaffer (11 Sylvanhurst Court), and Carol M. Crampton (21 Northampton Road).

Testimony and evidence offered revealed that the subject property is an irregular rectangularly shaped parcel located southeast of Carroll Manor Road in the Baldwin area of Baltimore County. Ingress and egress to the lot is provided from the north side of Alliston Drive between Lots 1 and 2 of the Carroll Manor subdivision. The property contains a gross area of 60,827 square feet or 1.384 acres, more or less and zoned R.C.5. The subject property is unimproved and identified on the Maryland Department of Assessments Tax Map 44 as Parcel 379.

The current R.C.5 zoning regulations require a minimum lot area of 1.5 acres. Thus, it is clear that the subject lot is undersized by today's standards. However, County Council Bill No. 152-2004 provides for an exception to the "lot area - density control". That Section - 1A04.3.B.1.b(1) - provides an exception as follows:

- "(1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement...may apply for a special hearing under Article 5 [500.7] to alter the minimum lot size requirement . . .".

Thus, Petitioner requests special hearing relief to identify the subject property as a buildable lot despite non-conformity with the current Regulations.

A brief history of the subject property is necessary for background purposes. According to testimony proffered by Mr. Alderman, the subject property has been a lot of record since at least November 24, 1954, as indicated on the site plan submitted as Petitioner's Exhibit 1. See

also Deed, dated November 24, 1954 and recorded among the Land Records of Baltimore County in Liber 2610, Folio 252.¹ The subject property, although existing directly in the middle of the Carroll Manor Subdivision, is not part of that subdivision. The tax assessment map submitted and accepted into evidence as Petitioner's Exhibit 2 depicts the outlines of Carroll Manor Subdivision. The subject property, known as the "Grieger Property" to many in attendance at the hearing, was sold in conjunction with 13605 Alliston Drive to Alliston Road Development, LLC, in November 2009.² Alliston Road Development, LLC, in turn sold the subject property to Donald Huber, Jr., in December 2009.³ Mr. Huber now intends to improve the subject property with a single-family dwelling.⁴ Access to Alliston Drive, as shown on the site plan, is via a 20' wide driveway-easement that burdens 13605 Alliston Drive to the benefit of the subject property.⁵ The subject property will have on-site, private well, septic and utility access.

In support of the exception to the minimum lot size request, Petitioner opined that the subject property meets all the requirements of B.C.Z.R. Section 1A04.3.B.1.b(1) and relief is appropriate. Mr. Alderman proffered testimony that the subject property is not in a subdivision and has been in existence prior to September 2, 2003, but that it is 0.116 acres deficient in size and therefore does not meet the minimum acreage requirements.

¹ This Zoning Commissioner acquired Deed 2610/252 as identified on Petitioner's Exhibit 1, which evidences the sale of the subject property from Beckwith to Mr. and Mrs. Grieger.

² Deed - Liber 28983/395 is contained within the case file.

³ Deed - Liber 29161/252 is contained within the case file.

⁴ Petitioner testified that a variance request for set back relief was not needed.

⁵ 13605 Alliston Drive is in the Carroll Manor Subdivision and therefore subject to the Subdivision's restrictive covenants adopted by the Carroll Manor Company, which were marked and accepted into evidence as Protestant's Exhibit 1.

Numerous members of the community attended the hearing and testified in opposition to the granting of Petitioner's special hearing request. The main thrust of the Protestant's grievance was regarding the easement-driveway that cuts through land governed by the Carroll Manor Subdivision Restrictions, a copy of which was submitted (Protestant's Exhibit 1). Although the Protestant's felt that the Zoning Commissioner had authority to resolve this issue, I find that pursuant to the B.C.Z.R. and Baltimore County Code, the County Council has not granted to the Zoning Commissioner authority to pass final judgment upon land disputes of this type. Thus, the issue of whether the driveway easement shown on the site plan bisecting 13605 and 13607 Alliston Drive is governed by subdivision restrictions is neither ripe for consideration nor justiciable at this hearing. Mr. Alderman opined that private easements do not require approval of civic associations. Ms. Mackey, whose father developed the Carroll Manor Subdivision, disagreed. Other concerns voiced include the effects of any improvement on the subject property, given its topography in relation to other lots, will have on the well reserves in the community which many have found to be weak. Several neighbors also expressed concerns as to the wildlife, including foxes, deer, and rabbits that inhabit the subject property and the subsequent effect destruction of that habitat will have on these animals. Additionally, concern was expressed as to the effect development would have on the removal of trees, thereby infringing on the privacy of surrounding homes.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated May 21, 2010, indicating no opposition to Petitioner's request but giving a summary of recommendations dealing with architectural specifications rather than the merits of the special hearing request. See the Performance Standards of B.C.Z.R. Section 1A04.4 that cannot be varied. Comments were

also received from the Department of Environmental Protection and Resource Management (DEPRM) holding that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code (B.C.C.) and with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the B.C.C.). Further, well and septic testing must be reviewed by the Groundwater Management.

While I am appreciative of the concerns of the community and the interesting issues they raised, based upon the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the Petitioner has met all the requirements of Section 1A04.3.B.1.b(1) of the B.C.Z.R. Evidence shows that the subject property fails to meet the minimum acreage requirements, has been a single lot of record in existence prior to September 2, 2003 and is not located within a subdivision. As such, the requested relief is granted to permit a lot size of 1.384 acres, more or less, in lieu of the required 1.5 acres.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of June 2010, that the Petition for Special Hearing filed pursuant to Section 1A04.3.B.1.b(1) of the Baltimore County Zoning Regulations (B.C.Z.R.), requesting approval of a lot area of 1.384 acres in lieu of the required 1.5 acres for a proposed single-family dwelling to be constructed on a single lot of record not in a subdivision, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from

ORDER RECEIVED FOR FILING

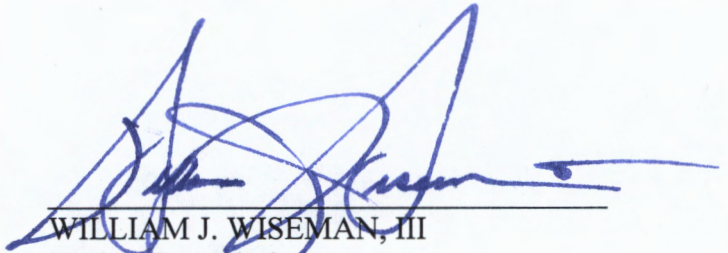
Date 6-25-10

By 102

this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2. Prior to the issuance of any permits, the Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure that the proposed house is compatible with existing homes in the area.
3. Compliance with the ZAC comment submitted by DEPRM, a copy of which is attached hereto and are made a part hereof.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:esl

ORDER RECEIVED FOR FILING

Date 6-25-10

By 1937

BWS 6/22 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 14, 2010
SUBJECT: Zoning Item # 10-291-SPHA
Address 13605A Alliston Drive
(Huber Property)

Zoning Advisory Committee Meeting of May 3, 2010.

- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). – *Adriene Metzbower; Environmental Impact Review*

Additional Comments:

If this proposal is to build a new house on well and septic, then full Groundwater Mgmt. Section review will take place (for perc tests, new well, etc.). – *Dan Esser; Groundwater Management*

ORDER RECEIVED FOR FILING

Date 6-25-10

By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 25, 2010

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

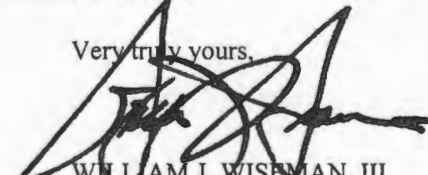
RE: **PETITION FOR SPECIAL HEARING**
N/S Alliston Drive, 2,440' S/E of c/line of Carroll Manor Road
(13605A Alliston Drive)
11th Election District - 3rd Council District
Donald S. Huber, Jr. – *Petitioner*
Case No. 2010-0291-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Donald S. Huber, Jr., 1 Ridge Road, Severna Park, MD 21146
Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1,
Cockeysville, MD 21030
William A. Feustle, Jr., 4605 Carroll Manor Road, Baldwin, MD 21013
John J. Pycha, 13612 Brookline Road, Baldwin, MD 21013
Maureen Mackey, 13622 Alliston Drive, Baldwin, MD 21013
David F. Mister, Esquire, 13604 Brookline Drive, Baldwin, MD 21013
George T. & Adrienne S. Rodriguez, 4817 Bart Allen Lane, Baldwin, MD 21013
Gerard D. Jung, 13603 Alliston Drive, Baldwin, MD 21013
Pat Hipsley Shaffer, 13607 Alliston Drive, Baldwin, MD 21013
John M. Bowen, 13606 Alliston Drive, Baldwin, MD 21013
Daniel A. Ranalli, 2 Ascot Court, Baldwin, MD 21013
Herbert E. Shaffer, 11 Sylvanhurst Court, Nottingham, MD 21236
Carol M. Crampton, 21 Northampton Road, Timonium, MD 21093
People's Counsel; Office of Planning; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 13605A Alliston DRIVE

which is presently zoned RC-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:

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 Ave.

410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Donald S. Huber Jr.

Name - Type or Print

Signature

Name - Type or Print

Signature

1 Ridge Rd.

410-975-9913

Address

Telephone No.

Severna Park

MD

21146

City

State

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz

Name

McKee & Assoc. 5 Shawan Rd. Suite 1

Address

Telephone No.

Cockeysville

MD 21030

(410)527-1555

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2010-0291-SPH
ORDER RECEIVED FOR FILING

UNAVAILABLE FOR HEARING
Reviewed By A. TSUI Date 4/22/10

Date 6-25-10

By [Signature]

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: _____

Address: 13605 A Alliston Drive

Legal Owner: DONALD S. HUBER, JR.

Present Zoning: RC-5

REQUESTED RELIEF:

why the zoning commissioner should approve: (1) pursuant to Baltimore County Zoning Regulations ("BCZR") Sections 1A04.3B.1.b and 500.7, a lot size of ~~0.964~~ *1.384 acres* acres in lieu of the minimum 1.5 acre requirement of BCZR Section 1A04.3E.1.a for the subject lot created in 1955; and (2) for such further relief as the nature of this case and the specific conditions of the subject property may warrant.

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

2010-0291-SPH

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

Zoning Description of
13605A Alliston Drive
11th Election District
3rd Councilmanic District
Baltimore County, MD



Beginning at a point on the north side of Alliston Drive (50 foot wide right-of-way), said point being 2440 feet southeast of the center of Carroll Manor Road, thence running N 04° 34' 43" W 165.11 feet to the true point of the beginning, thence running N 25° 04' 00" W 285.00 feet, N 65° 00' 08" E 200.12 feet, S 45° 57' 57" E 223.68 feet, and S 49° 44' 00" W 290.00 feet to the place of beginning.

Containing 1.384 acres of land as described in Deed Liber 29161 Folio 452.

2010-0291-SPH

**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: 2010-0291-SPH
Petitioner: DONALD S. HUBER, JR.
Address or Location: 13605A ALLISTON DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONALD HUBER
Address: 213 OLD PADONA RD
COCKEYSVILLE MD 21030
410-628-7275
Telephone Number: _____

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

No. 0073

Date: 11/1/00

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	506	0000		1-57					

Total: 440.00

Rec
From:

For:

134-5A POLICE TON DR

2000-10-01-247

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: # 2010-0291-SPH

13605A Alliston Drive
N/side of Alliston Drive, 600
feet west of the centerline
of Ascot Court

11th Election District
3rd Councilmanic District
Legal Owner(s):

Donald S. Huber, Jr.

Special Hearing: for a lot
size of 0.964 acres in lieu of
the minimum 1.5 acres for
the subject lot created in
1955 and for such further
relief as the nature of this
case and the specific condi-
tions of the subject proper-
ty may warrant.

**Hearing: Tuesday, June
22, 2010 at 9:00 a.m. in
Room 104, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

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

JT/6/709 June 8 243038

CERTIFICATE OF PUBLICATION

6/10, 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 6/8, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

LETTER OF TRANSMITTAL

TO: BALTO. COUNTY, PDM
ZONING OFFICE

ATTENTION: MS KRISTEN
MATTHEWS

DATE: JUNE 7, 2010
JOB NO. SP-015
RE: 2010-0291-SPH
#13605A ALLISTON DR.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☒ Prints ☒ Documents ☐ Other

No. of copies	Date	Description
1	6.7.10	CERT. OF POSTING
2	6.7.10	SITE PHOTOS

TRANSMITTALS are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review and comment

☐ Other

REMARKS:

SIGNED

WILLIAM D. GULICK, JR.

McKee & Assoc. INC.
cc: MR. GEOFF C. SCHULTZ
File # MA1 09-117

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

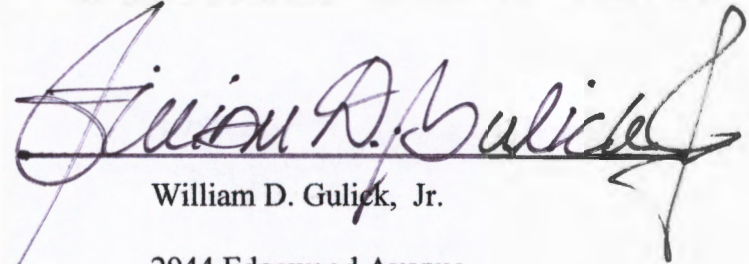
Date: JUNE 7, 2010

ZONING OFFICE
Attention: MS. KRISTEN MATTHEWS

Re: Case Number: 2010-0291-6PH
Petitioner/Developer: DONALD S. HUBER, JR.
Date of Hearing/Closing: JUNE 22, 2010

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: #13605A ALLISTON DRIVE

The sign (s) were posted on:
JUNE 7, 2010



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS



ALLISTON DRIVE



ZONING NOTICE

CASE # 2001-023, SPH

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

JEFFERSON BUILDING ROOM 101
105 WESTCHESTER AVE
PLACE: TOWSON, MD 21204

DATE AND TIME: JUNE 20, 2001 8:00 AM
TUESDAY

REQUEST: SPECIAL HEARING FOR A LOT

SIZE OF 0.064 ACRES IN LIEU OF THE

MINIMUM 1.16 ACRES FOR THE SUBJECT
LOT OPENED IN 1988 AND TO BE USED FOR
FURTHER IMPROVEMENTS AS THE NATURE OF THIS
CASE AND THE SPECIFIC CONDITIONS OF
THE SUBJECT PROPERTY MAY WARRANT.

NOT PROVIDING TO PROVIDE OTHER CONDITIONS THE ZONING COMMISSIONER
IN CONFORM WITH THE ZONING ACT

FOR ANY REASON THE CITY AND COUNTY MAY BE HEARD, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 8, 2010 Issue - Jeffersonian

Please forward billing to:
Donald Huber
213 Old Padonia Road
Cockeysville, MD 21030

410-628-7275

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: 2010-0291-SPH

13605A Alliston Drive
N/side of Alliston Drive, 600 feet west of the centerline of Ascot Court
11th Election District – 3rd Councilmanic District
Legal Owners: Donald S. Huber, Jr.

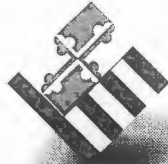
Special Hearing for a lot size of 0.964 acres in lieu of the minimum 1.5 acres for the subject lot created in 1955 and for such further relief as the nature of this case and the specific conditions of the subject property may warrant.

Hearing: Tuesday, June 22, 2010 at 9:00 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

May 20, 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: 2010-0291-SPH

13605A Alliston Drive

N/side of Alliston Drive, 600 feet west of the centerline of Ascot Court

11th Election District – 3rd Councilmanic District

Legal Owners: Donald S. Huber, Jr.

Special Hearing for a lot size of 0.964 acres in lieu of the minimum 1.5 acres for the subject lot created in 1955 and for such further relief as the nature of this case and the specific conditions of the subject property may warrant.

Hearing: Tuesday, June 22, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Floor, Towson 21204
Donald Huber, Jr., 1 Ridge Road, Severna Park 21146
Geoffrey Schultz, 5 Shawan Road, Ste. 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 7, 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

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 14, 2010

Howard Alderman, Jr.
Levin & Gann, PA
Nottingham Centre, 8th floor
502 Washington Ave.;
Towson, MD 21204

Dear: Howard Alderman, Jr.

RE: Case Number 2010-0291-SPH, 13605A Alliston Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 22, 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
Donald Huber, Jr.; 1 Ridge Rd.; Severna Park, MD 21146
Geoffrey Schultz: McKee & Assoc.; 5 Shawan Rd. Ste. 1; Cockeysville, MD 21030

BLW 6/22
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 14, 2010
SUBJECT: Zoning Item # 10-291-SPHA
Address 13605A Alliston Drive
(Huber Property)

Zoning Advisory Committee Meeting of May 3, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). – *Adriene Metzbower; Environmental Impact Review*

Additional Comments:

If this proposal is to build a new house on well and septic, then full Groundwater Mgmt. Section review will take place (for perc tests, new well, etc.). – *Dan Esser; Groundwater Management*

BW 6/22
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 20, 2010

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

SUBJECT: 13605A Alliston Drive

RECEIVED

INFORMATION:

MAY 21 2010

Item Number: 10-291

Petitioner: Donald S. Huber

ZONING COMMISSIONER

Zoning: RC 5

Requested Action: Special Hearing

The petitioner requests a special hearing pursuant to BCZR Sections 1A04.3B.1.b and 500.7, for a lot size of 0.964 acres in lieu of the minimum 1.5 acre requirement of BCZR Section 1A04.3B.1.a for the subject lot created in 1955; and for such further relief as the nature of this case and the specific conditions of the subject property may warrant.

SUMMARY OF RECOMMENDATIONS:

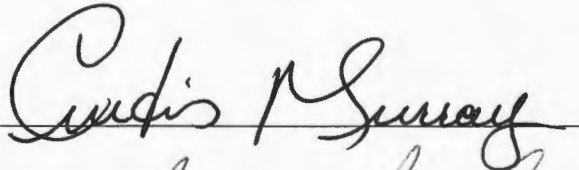
The Office of Planning does not oppose the petitioner's request for a special hearing pursuant to BCZR Sections 1A04.3B.1.b and 500.7, for a lot size of 0.964 acres in lieu of the minimum 1.5 acre requirement of BCZR Section 1A04.3B.1.a for the subject lot created in 1955; and for such further relief as the nature of this case and the specific conditions of the subject property may warrant. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

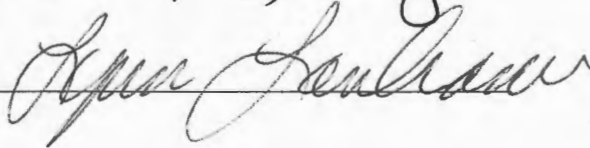
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. The limits of disturbance should be shown on the plan as well as any preservation of existing vegetation.
6. Provide landscaping along the private drive, if consistent with the existing streetscape.

For further information concerning the matters stated here in, please contact Jessie Bialek 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

FROM: Dennis A. ^{DK}Kennedy, 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



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

State Highway
Administration

Beverly K. Swalm-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 - 0291-SPH
13605 ALLISTON DRIVE
HUBER PROPERTY
SPECIAL HEARING -

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 - 0291-SPH.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
13605A Alliston Drive; N/S Alliston Drive,	*	ZONING COMMISSIONER
600' W c/line of Ascot Court	*	FOR
11 th Election & 3 rd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Donald S. Huber, Jr.	*	10-291-SPH
Petitioner(s)		

* * * * *

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 Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 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

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment

<u>5-7</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>6-14</u>	DEPRM	<u>Comments</u>
	FIRE DEPARTMENT	
<u>5-20</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>5-4</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6-8-10SIGN POSTING Date: 6-7-10PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

1A04.3

Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.5 Zone shall exceed a height of 35 feet, except as provided under Section 300.

B. Area regulations.

1. Lot area; density control.

[Bill Nos. 178-1979;

Editor's Note: This bill also repealed former Paragraph 2, "Minimum diametral dimension," which followed this paragraph.

55-2004

Editor's Note: This bill also stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to June 7, 2004, that it would not apply to the Back River Neck District as defined in Section 4A03.13 of the Baltimore County Zoning Regulations, and any structure, building or use in existence prior to the effective date of this bill that is damaged or destroyed by fire or other casualty after the effective date of this bill would be subject to the provisions of Section 104 of the Baltimore County Zoning Regulations regarding nonconforming uses. The effective date of this bill is 6-11-2004.

a. A lot having an area of less than 1 1/2 acres may not be created in an R.C.5 Zone. The maximum gross residential density is 0.5 dwelling per acre.

[Bill No. 128-2005

Editor's Note: This bill also stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing on or before 12-5-2005, nor would it override the grandfathering provisions of Bill No. 55-2004, Bill No. 128-2005 further stated that it would not apply to the Back River Neck District, as defined in Section 4A03.13.

b. Exceptions to minimum lot size.

[Bill No. 152-2004]

(1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied.

(2) The Office of Planning may authorize a smaller lot size per residential unit, but in no event less than one acre per unit, for a tract of property for which growth allocation acreage has been awarded prior to June 11, 2004, pursuant to Article 32, Title 9 of the Baltimore County Code, if at least 50% of the tract is donated to and accepted by the County for public benefit.

2. Building setbacks.

[Bill No. 55-2004]

a. As used in this section, "collector road" means a street or road that is intended for travel, including commuter travel, between residential neighborhoods, but not for travel within neighborhoods, and is not designated as a principal arterial.

[Bill No. 77-2005]

Editor's Note: Section 2 of this bill stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to July 5, 2005, nor would it override any of the grandfathering provisions contained in Bill No. 55-04. Bill No. 77-2005 also stated that it would apply retroactively to May 1, 2005.

b. Any principal building hereafter constructed in an R.C.5 Zone shall be situated at least 150 feet from the center line of any collector road, or any scenic route identified in the Baltimore County Master Plan, and 100 feet from the center line of any road that leads to or connects with a collector road, and at least 75 feet from the center line of any other street or road, and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below.

[Bill No. 77-2005]

Editor's Note: Section 2 of this bill stated that it would not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to July 5, 2005, nor would it override any of the grandfathering provisions contained in Bill No. 55-04. Bill No. 77-2005 also stated that it would apply retroactively to May 1, 2005.

c. Any principal building constructed in an R.C.5 Zone that is contiguous to an R.C.2 or R.C.7 Zone shall be situated at least 150 feet from the zone line.

3. Coverage. No more than 15% of any lot in an R.C.5 Zone may be covered by buildings, except as otherwise provided in Paragraph 5 below.

4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.

5. Dwellings per lot. No more than one dwelling is permitted on any lot in an R.C.5 Zone, but not excluding additional dwellings for bona fide tenant farmers.

results

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

Go Back
View Map
New Search

Account ID: District - 11 Account Number - 1107059725
Owner Information
Use: Principal Residence:
Deed Reference: RESIDENTIAL
NO
1) /29161/ 452
2)

Owning Address: 1 RIDGE RD
SEVERNA PARK MD 21146-4516
Location & Structure Information
Legal Description
1.384 AC ESR
ALLISTON DR RER 300 FT
2000 SE CARROLL MANOR RD
Assessment Area 3
Plat No:
Plat Ref:

Premises Address
ALLISTON DR

Map	Grid	Parcel	Sub District	Town	Ad Valorem	Enclosed Area	Property Land Area	County Use
44	10	379			Tax Class		1.38 AC	04

Special Tax Areas	Primary Structure Built	Basement	Value	Phase-In Assessments	Type
	0000		As Of	As Of	
			01/01/2009	07/01/2009	07/01/2010
Stories	Base Value	Value	13,800	13,800	13,800
			0	0	0
			13,800	13,800	13,800
			0	0	0

Improvements:	Land	Transfer Information	Date:	Price:
Total:	13,800		02/04/2010	\$0
Preferential Land:	13,800		Deed1: /29161/ 452	Deed2:
	0		Date: 12/16/2009	Price: \$50
			Deed1: /28983/ 400	Deed2:
			Date:	Price:
			Deed1:	Deed2:

Seller:	Type:	Exemption Information	Class	07/01/2009	Special Tax
ALLISTON ROAD DEVELOPMENT LLC	NOT ARMS-LENGTH		000	0	*
GRIEGER THOMAS H	UNIMPROVED ARMS-LENGTH		000	0	
			000	0	

Partial Exempt Assessments

County
State
Municipal
Tax Exempt:
Exempt Class: NO

18

CARROLL

The information shown on this map
survey. The map should not be used.
Maryland Department of Planning Ma

If a plot for a property is needed, contact

sa.org/rp_rewrite/details.aspx?County=04



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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

Account Identifier: District - 11 **Account Number -** 1107059726

Owner Information

Owner Name: ALLISTON ROAD DEVELOPMENT LLC **Use:** RESIDENTIAL
Mailing Address: 213 OLD PADONIA RD **Principal Residence:** NO
 COCKEYSVILLE MD 21030-4935 **Deed Reference:** 1) /28983/ 395
 2)

Location & Structure Information

Premises Address
 13605 ALLISTON DR

Legal Description

13605 ALLISTON DR
 CARROLL MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
44	17	246			2	A	2	3	Plat Ref: 21/ 25

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	1,586 SF	1.00 AC	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2009	07/01/2009	07/01/2010	
Land	130,000	130,000			
Improvements:	171,460	158,160			
Total:	301,460	288,160	288,160	288,160	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: GRIEGER THOMAS H	Date: 12/16/2009	Price: \$220,000
Type: IMPROVED ARMS-LENGTH	Deed1: /28983/ 395	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

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

Account Identifier: District - 11 Account Number - 1108056150

Owner Information

Owner Name: SHAFFER PATRICIA **Use:** RESIDENTIAL
Mailing Address: 13607 ALLISTON DR **Principal Residence:** YES
 BALDWIN MD 21013-9749 **Deed Reference:** 1) /27546/ 317
 2)

Location & Structure Information

Premises Address
 13607 ALLISTON DR

Legal Description

13607 ALLISTON DR
 CARROLL MANOR

Map Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
44	10	246		2	A	1	3	Plat Ref: 21/ 25

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1963	1,770 SF	1.08 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-In Assessments		
		As Of	As Of	As Of	
		01/01/2009	07/01/2009	07/01/2010	
Land	131,040	131,040			
Improvements:	252,130	236,070			
Total:	383,170	367,110	367,110	367,110	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: HIPSLEY WILLIAM B	Date: 01/07/2009	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /27546/ 317	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

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

Account Identifier: District - 08 Account Number - 0807060940

Owner Information

Owner Name: CRAMPTON CAROL M **Use:** RESIDENTIAL
Mailing Address: 21 NORTHAMPTON RD **Principal Residence:** YES
 LUTH-TIMONIUM MD 21093-5108 **Deed Reference:** 1) / 7121/ 241
 2)

Location & Structure Information

Premises Address
 21 NORTHAMPTON RD

Legal Description

NORTHAMPTON

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	B
60	12	570					93	2	Plat Ref:	19/ 127

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,572 SF	10,000.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD 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	98,000	162,000		
Improvements:	191,280	231,100		
Total:	289,280	393,100	358,492	393,100
Preferential Land:	0	0	0	0

Transfer Information

Seller: GREENE FORD J	Date: 03/27/1986	Price: \$118,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7121/ 241	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

NO EXAMINATION OF TITLE
NO MONETARY CONSIDERATION

Property Tax Acc't No. 11-11-07-059725

DEED

THIS DEED made this 30th day of December, 2009, by and between ALLISTON ROAD DEVELOPMENT LLC, a Maryland limited liability company (the "Grantor") and DONALD S. HUBER, JR. [son of the members of Alliston Road Development, LLC] (the "Grantee").

WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) and the mutual love and affection between parents who are the only members of Grantor, a Maryland limited liability company and their son, the Grantee and other good and valuable consideration, the adequacy of which is hereby acknowledged, the Grantor, does hereby grant and convey unto the Grantee, his heirs, personal representatives, successors and assigns, in fee simple all of that lot of ground, located in Baltimore County and described in Exhibit A, attached hereto and incorporated herein.

BEING all that tract or parcel of ground described and conveyed by a Deed, dated November 24, 1954, recorded among the Land Records of Baltimore County in Liber 2610, folio 252, which was granted and conveyed by Marguerite B. Beckwith unto Thomas H. Grieger and Geneva Lois Grieger, as tenants by the entirety.

BEING ALSO all that tract or parcel of ground described and conveyed by a Deed, dated November 13, 2009, recorded among the Land Records of Baltimore County in Liber 28983, folio 400, which was granted and conveyed by Geneva Lois Grieger, surviving tenant by the entirety [the said Thomas H. Grieger having departed this life on or about August 25, 2006, vesting title solely in Geneva Lois Grieger as surviving tenant] unto Alliston Road Development LLC, Grantor herein.

TOGETHER with the buildings and improvements thereupon erected, made or being, and, all rights, roads, and/or alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in any way appertaining.

TO HAVE AND TO HOLD the property hereby conveyed unto the Grantee his heirs, personal representatives, successors and assigns, in fee simple, forever, subject to all matters of record recorded prior hereto.

AND, the said Grantor hereby covenants that it has done no act to encumber the property conveyed hereby; that it will warrant specially the property hereby granted and conveyed; and that

it will execute such further assurances of the same as may be requisite.

IN ACCORDANCE WITH § 10-912 OF THE ANNOTATED CODE OF MARYLAND (THE "WITHHOLDING LAW"), THE UNDERSIGNED ACKNOWLEDGE(S) THAT I AM/WE ARE THE TRANSFEROR(S) (OR AGENT OF THE TRANSFEROR(S) IF SO INDICATED), OF THAT REAL PROPERTY DESCRIBED IN THIS DEED. THE UNDERSIGNED FURTHER ACKNOWLEDGE(S) (PLEASE CHECK ONE OF THE FOLLOWING):

(A) ____ THAT THE WITHHOLDING LAW DOES NOT APPLY TO THE INSTANT TRANSFER IN THAT IT DOES NOT EFFECT A CHANGE OF OWNERSHIP UNDER THE ASSESSMENT BOOKS OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND; OR

(B) X THE GRANTOR IS A RESIDENT OR A RESIDENT ENTITY OF THE STATE OF MARYLAND; OR

(C) ____ THE AMOUNT OF TOTAL PAYMENT FOR THE PURPOSE OF THE WITHHOLDING LAW IS ZERO DOLLARS; OR

(D) ____ NEITHER A, B, NOR C ABOVE ARE APPLICABLE (SEE ATTACHED TOTAL PAYMENT FORM).

CERTIFICATION OF MEMBERSHIP INTERESTS

Donald S. Huber, Sr. and Carol M. Crampton, husband and wife, hereby certify that they are the only Members of and, together, own 100% of the Membership Interests in Alliston Road Development, LLC, Grantor herein.

WITNESS the hands and seals of all of the members of the Grantor, the date and year first above written.

WITNESS

[Handwritten signature]
[Handwritten signature]
 PS TO BOA

GRANTOR:

Alliston Road Development, LLC, a Maryland limited liability company

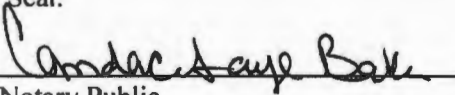
By: *[Handwritten signature]* (SEAL)
 Donald S. Huber, Sr., Member

By: *[Handwritten signature]* (SEAL)
 Carol M. Crampton, Member

STATE OF MARYLAND, Anne Arundel COUNTY, TO WIT:

I HEREBY CERTIFY that on this 30th day of December, 2009, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Donald S. Huber, Sr. and Carol M. Crampton, husband and wife, Members of Alliston Road Development, LLC, a Maryland limited liability company, Grantor herein and that he, as such Members, being authorized so to do, executed the within instrument on behalf of said company for the purposes herein contained by signing the name of the company by themselves as such Members.

AS WITNESS my Hand and Notarial Seal.

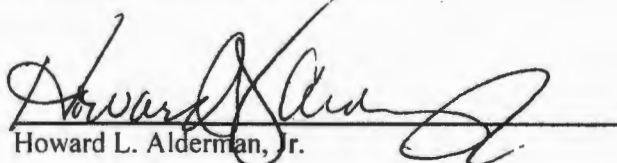

Notary Public

My Commission expires: 7-11-11

CANDACE FAYE BAKER
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES JULY 11, 2011

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that the above instrument was prepared by me, an attorney admitted to practice before the Court of Appeals of Maryland, or under my supervision.


Howard L. Alderman, Jr.

AFTER RECORDATION, PLEASE RETURN TO:

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

EXHIBIT A

Beginning for the same at a concrete monument heretofore planted at the beginning of the last line of that tract of land which by Deed dated October 21, 1953, and recorded among the Land Records of Baltimore County, Maryland, in Liber G.L.B. No. 2378 folio 239 was conveyed by Harry Schweikert to Marguerite Beckwith said point being also the beginning of the fifteenth or North twenty-five degrees four minutes West twenty-one hundred twenty-six and no one hundredths foot line of that tract of land which by Deed dated November 3, 1953, and recorded among the Land Records of Baltimore County, Maryland, in Liber G.L.B. No. 2386 folio 62 was conveyed by John P. Raab and wife to The Carroll Manor Company and running with and binding on a part of the last line of the firstly described deed and on part of the fifteenth line of the secondly described deed North twenty-five degrees four minutes West two hundred eighty five and no one-hundredths feet to an iron pipe now planted thence leaving said lines and running for a line of division North sixty-five degrees no minutes eight seconds East two hundred and twelve one-hundredths feet to an iron pipe now planted thence running for a second line of division South forty-five degrees fifty-seven minutes fifty-seven seconds East two hundred twenty-three and sixty-eight one-hundredths feet to an iron pipe now planted in the eighth or South forty-five degrees West fifty-four perch line of the firstly described deed and also in the fourteenth or South forty-nine degrees forty-seven minutes West nine hundred six and no one-hundredths foot line of the secondly described deed thence running with and binding on a part of said eighth and fourteenth lines South forty-nine degrees forty-four minutes West two hundred ninety and no one-hundredths feet to the place of beginning, containing 1.384 acres of land, more or less.

Case No.: TM09-0407-AB-

Title Insurer: STG, LLC--MD & DC-First American Title

Tax Account No.: 11-11-07-059726

THIS DEED

This Deed, made this 13th day of November, 2009, by and between **Geneva L. Grieger**, party of the first part, and **Alliston Road Development LLC**, of the second part:

WITNESSETH, that in consideration of the sum of **Two Hundred Twenty Thousand and 00/100 Dollars (\$220,000.00)**, receipt of which is hereby acknowledged, and which the party of the first part certify(ies) 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 do/does grant and convey unto the of the second part, in fee simple all that property situate in Baltimore, Maryland, and **as described in Exhibit A attached hereto and made a part hereof.**

BEING all of the same property as described in a deed dated December 10, 1954, recorded among the Land Records of Baltimore County, Maryland, at Liber 2610, folio 256, which was granted and conveyed by The Carroll Manor Company, a body corporate, duly incorporated under the Laws of the State of Maryland unto Thomas H. Grieger and Geneva Lois Grieger. The said Thomas H. Grieger having since departed this life on or about August 25, 2006 vesting title solely in the said Geneva Lois Grieger surviving tenant by the entirety.

SUBJECT to covenants, easements and restrictions 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 and benefit forever of said of the second part in fee simple.

AND said party of the first part do/does hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as it may be requisite or necessary.

RETURN TO AFTER RECORDING:

Alliston Road Development LLC

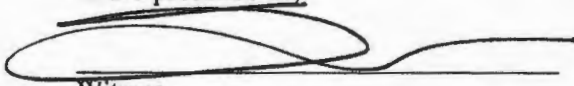
213 Old Padonia Road

Cockeysville, Maryland 21030

Case No. TM09-0407-AB-
Page 2

WITNESS my/our hand(s) and seal(s) on the day and year first hereinbefore written.

Signed, sealed and delivered
in the presence of,


Witness

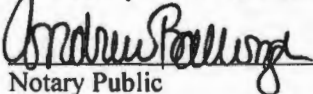

Geneva L. Grieger

STATE OF Maryland

COUNTY OF Baltimore

I, Andrew Ballinger, a Notary Public of the County and State first above written, do hereby certify that Geneva L. Grieger personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 13th day of November, 2009..


Notary Public

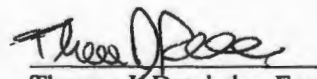
My Commission Expires: 11/11

(SEAL)

ANDREW E. BALLINGER
Notary Public-Maryland
Carroll County
My Commission Expires
January 01, 2011

ATTORNEY CERTIFICATION

I the undersigned certify that this instrument was prepared under the supervision of the undersigned an attorney admitted to practice before the Court of Appeals of Maryland.


Thomas J. Drechsler, Esq.

*after recording return to
21301st Pastoria Rd
Cockeysville Md 21030*

Case No.: TM09-0407-AB-/

EXHIBIT A LEGAL DESCRIPTION

All of Lot No. 2, Block A, Section 2 as shown on Plat entitled, "Carroll Manor" and recorded in the Land Records of Baltimore County, Maryland in Plat Book 21 at plat 25, and being more particularly described as follows:

Beginning for the same at a concrete monument heretofore planted at the beginning of the fifteenth or North twenty-five degrees four minutes West twenty-one hundred twenty-six and no one-hundredths foot line of that tract of land which by deed dated November 3, 1953, and recorded among the Land Records of Baltimore County, Maryland, in Liber G.L.B. No. 2386 folio 62 etc. was conveyed by John P. Raab and wife to The Carroll Manor Company and running thence binding on a part of said line North twenty-five degrees four minutes West one hundred forty and no one-hundredths feet, thence leaving said line and running for a line of division South fifty-one degrees nine minutes fourteen seconds West two hundred forty-nine and eighty one-hundredths feet to the northeast side of Alliston Drive, as proposed fifty feet wide, thence running with and binding on the northeast side of said Drive, as proposed, southeasterly by a line curving to the east with a radius of seven hundred and sixty-nine one-hundredths feet for a distance of one hundred twenty-nine and thirteen one-hundredths feet, thence still binding on the northeast side of said Drive, as proposed, easterly by a line curving to the north with a radius of three hundred twenty and no one-hundredths feet for a distance of one hundred fifty-two and no one-hundredths feet, thence leaving said Drive and running for a second line of division North four degrees thirty-four minutes forty-three seconds East one hundred sixty-five and eleven one-hundredths feet to the place of beginning, containing .964 acres of land, more or less.

Tax ID#:11-1107059726

2009

MARYLAND
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 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

Geneva L. Grieger

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

Geneva L. Grieger

Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

Case No.: TM09-0407-AB

State of Maryland Land Instrument Intake Sheet									
[] Baltimore City [x] County: Baltimore									
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 Applicable, Mark if Not Applicable)							
		X Deed	Mortgage	Other	Other				
		Deed of Trust	Lease						
2	Conveyance Type Check box	X Improved Sale Arms-Length(1)	Unimproved Sale Arms-Length(2)	Multiple Accounts Arms-Length(3)	Not an Arms-Length Sale(9)				
3	Tax Exemptions (if Applicable) Cite Or Explain Authority	Recordation State Transfer County Transfer							
4	Consideration And Tax Calculation	Consideration Amount Purchase Price/Consideration 220,000.00 Any New Mortgage Balance of Existing Mortgage \$ Other: \$ Other \$ Full Cash Value \$				Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ X()% = \$ Less Exemption Amount \$ Total Transfer Tax \$ Recordation Tax Consideration \$ X()per \$500 = \$ TOTAL DUE \$			
5	Fees	Amount of Fees Recording Charge \$20.00 Surcharge \$20.00 State Recordation Tax \$1,100.00 State Transfer Tax \$1,100.00 County Transfer Tax \$3,300.00 Other \$ Other \$				Doc. 1 Doc. 2 Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:			
6	Description of Property	District 11	Property Tax ID No.(1) 11-07-059726	Grantor Liber/Folio 2610/256	Map	Parcel No.	Var.LOG (5)		
	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)	Subdivision Name		Lot(3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage	
		Location/Address of Property Being Conveyed (2)							
		13605 Alliston Drive, Baldwin, MD 21013-9749							
		Other Property Identifiers (if applicable)						Water Meter Account No.	
		Residential [X] or Non-Residential [] Fee Simple [X] or Ground rent [] Amount:							
		Partial Conveyance? [Yes [X] No] Description/Amt. of SqFt/Acreage Transferred: 1100.00							
		If Partial Conveyance, List Improvements Conveyed:							
7	Transferred From	Doc.1 - Grantor(s) Name(s) Geneva L. Grieger				Doc.2 - Grantor(s) Name(s) Alliston Road Development LLC			
		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	Doc.1 - Grantee(s) Name(s) Alliston Road Development LLC				Doc.2 - Grantee(s) Name(s)			
		New Owner's (Grantee) Mailing Address 213 Old Padonia LLC, Cockeysville, Maryland 21030							
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: Carol Hendrix							
		Firm: Sage Title Group, LLC							
		Address: 16 Greenmeadow Drive, Suite 200, Timonium, MD 21093							
		Phone: (410)252-8211							
		[X] Return Address Provided							
		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER							
		[] Yes [X] No Will the property being conveyed be the grantee's principal residence?							
		[] 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 [] Pad [] Tran. Process Verification							
		Transfer Number: Date Received: Deed Reference: Assigned Property No.:							
		Geo.		Map		Sub.		Block	
		Zoning		Grid.		Plat		Lot	
		Use		Parcel		Section		Occ.Cd.	
		Town Cd.		Ex.St.		Ex.Cd.			
		REMARKS: 12/17/2009 12:07:21 BUSINESS TIME BALTIMORE COUNTY							

IMP FD SURE \$ 20.00
 RECORDING FEE 20.00
 TR TAX STATE 1,100.00
 TOTAL 1,140.00
 Rest # B402 Rcpt # 91811
 SM CR Blk # 1442
 Dec 16, 2009 12:32 PM



This Deed, Made this 24th day of November

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

MARGUERITE B. BECKWITH, Divorced,

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

THOMAS H. GRIEGER and GENEVA LOIS GRIEGER, his wife, of Baltimore County,
 State of Maryland,
 of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other good and
 valuable considerations, receipt of which is hereby acknowledged,
 the said MARGUERITE B. BECKWITH, Divorced,

do th grant and convey unto the said THOMAS H. GRIEGER and GENEVA LOIS GRIEGER, his
 wife, as tenants by the entireties, their assigns, and unto the survivor
 of them, his or her,

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

Beginning of the

According to survey made by Thompson, Grace & Mays, Engineers, dated
 November 9, 1954.

BEGINNING for the same at a concrete monument heretofore planted at
 the beginning of the last line of that tract of land which by Deed dated
 October 21, 1953 and recorded among the Land Records of Baltimore County
 in Liber G.L.B. No. 2378 folio 239 was conveyed by Harry Schweikert to
 Marguerite B. Beckwith said point being also the beginning of the fifteenth
 or north twenty-five degrees four minutes west twenty-one hundred twenty-six
 and no one-hundredths foot line of that tract of land which by Deed dated
 November 3, 1953 and recorded among the Land Records of Baltimore County in
 Liber G.L.B. No. 2386 folio 62 was conveyed by John P. Raab and wife to
 The Carroll Manor Company and running with and binding on a part of the last
 line of the firstly described deed and on part of the fifteenth line of
 the secondly described deed north twenty-five degrees four minutes west two
 hundred eighty-five and no one-hundredths feet to an iron pipe now planted
 thence leaving said lines and running for a line of division north sixty-five

PAID PER UNIT DEC 30 1954

degrees no minutes eight seconds east two hundred and twelve one-hundredths feet to an iron pipe now planted thence running for a second line of division south forty-five degrees fifty-seven minutes fifty-seven seconds east two hundred twenty-three and sixty-eight one-hundredths feet to an iron pipe now planted in the eighth or south forty-five degrees west fifty-four perch line of the firstly described deed and also in the fourteenth or south forty-nine degrees forty-seven minutes west nine hundred six and no one-hundredths foot line of the secondly described deed thence running with and binding on a part of said eighth and fourteenth lines south forty-nine degrees forty-four minutes west two hundred ninety and no one-hundredths feet to the place of beginning. Containing 1.384 acres of land, more or less.

BEING part of that tract of land which by Deed dated October 21, 1953 and recorded among the Land Records of Baltimore County in Liber C.L.B. No. 2378 folio 239 was granted and conveyed by HARRY SCHWEIKART, Unmarried unto MARGUERITE B. BECKWITH, the within named Grantor.

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

To Have and To Hold the said lot of ground - - - and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

THOMAS H. GRIEGER and GENEVA LOIS GRIEGER, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her,

----- heirs and assigns, in fee simple.

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

Witness the hand and seal of said grantor.

TEST:

Josephine G. Grizzle
JOSEPHINE G. GRIBBLE

Marguerite B. Beckwith (SEAL)
MARGUERITE B. BECKWITH

(SEAL)

FLORIDA,
STATE OF ~~MARYLAND~~, COUNTY OF PINELLAS, to wit:

I HEREBY CERTIFY, That on this 24th day of November
in the year one thousand nine hundred and fifty-four - - - , before me, the subscriber,
Florida
a Notary Public of the State of ~~MISSISSIPPI~~ ~~MISSISSIPPI~~ aforesaid,
personally appeared MARGUERITE B. BECKWITH, - - - - -

the above named grantor, and she acknowledged the foregoing Deed to be her act.

As Witness my hand and Notarial Seal.

My commission expires

19

F.G. SLICKER

Notary Public.

SEE OVER

STATE OF FLORIDA }
COUNTY OF PINELLAS }

I, Avery W. Glickerson, Clerk of the County of Pinellas, and also Clerk of the Circuit Court of the said County, the same being a Court of Record,

LIBER 2610 PAGE 255

DO HEREBY CERTIFY THAT E. G. Slickter
whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument and thereon written, was at the time of taking such proof and acknowledgment, a Notary Public, in and for said County, residing therein, duly commissioned and sworn, and authorized by the laws of said State to take the acknowledgments and proofs of deeds or conveyances, for land, tenements or hereditaments in said State, to be recorded therein. And further, that I am well acquainted with the handwriting of such Notary Public, and verily believe the signature to said certificate of proof or acknowledgment is genuine; that I have compared the impression of the seal affixed thereto with a specimen impression thereof filed or deposited in my office, and that I believe the impression of the seal upon the original certificate is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County, this 24th day of November, 1954

AVERY W. GLICKERSON, Clerk Circuit Court

By: W. J. Wilger
Deputy Clerk

1352

DEED

FROM

MARGUERITE B. BECKWITH,

Divorced

TRANSFERRED

DATE 12-14-54
PER W. J. Wilger

THOMAS H. GRIEGER and

GENEVA LOIS GRIEGER, his wife

BLOCK NO.

Received for Record OCT 14 1954 19

at 2:30 o'clock P. M. Same day recorded

in Liber 54B No. 2610 Folio 252 &c.,

one of the Land Records of

Balto: 003

Berge & Co. and examined per
Clerk.

Cost of Record, \$

THE SECURITY TITLE GUARANTEE
CORPORATION OF BALTIMORE

The Rogers Building
113 E. Baltimore Street
Baltimore 2, Md.

The Daily Record Company, Baltimore, Md.

FILE NO. 27464

WRITTEN BY W. J. Wilger

FORM APPROVED W. J. Wilger

READY FOR RECORD W. J. Wilger

CASE NAME Huber Property
CASE NUMBER 2010-0291-SPA
DATE 22 June 10

[illegible]

CASE NAME Huber
CASE NUMBER 2010-0291-SPH
DATE 6/22/2010

[illegible]

Case No.: 2010-0297-SPH 13605-A Alliston Drive

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	CARROLL MANOR RESTRICTIONS
No. 2	TAX MAP 44 Md. Dept. of Assessments & Taxation	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Case No.: 2010-0297-SPH 13605-A Alliston Drive

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	CARROLL MANOR RESTRICTIONS
No. 2	TAX MAP 44 Md. Dept. of Assessments & Taxation	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CARROLL MANOR RESTRICTIONS

Schedule of restrictive covenants and easements adopted by The Carroll Manor Company to apply to that tract of land lying in the Eleventh Election District in Baltimore County, State of Maryland as shown on a plat expressly made a part hereof; said plat being filed concurrently herewith among the Land Records of Baltimore County and marked "Plat of Carroll Manor." This schedule with said plat as filed and recorded are to be a part of each deed of any part of the land shown on said plat from The Carroll Manor Company to any and every purchaser.

PARAGRAPH A, DEFINITIONS

The word "Company" shall mean "The Carroll Manor Company" unless and until it be merged with or shall sell out to any other Company in which case it shall mean such successor Company.

The words "Tract" and "Tract of Land" shall mean the land shown on said plat No. 1 of The Carroll Manor Company mentioned above.

The word "Plat" shall mean any piece or parcel of this tract on which in accordance with the provisions hereof and or any Deed from the Company hereafter transferring title thereto the purchasers shall have the right to erect a building as hereafter defined. A Plat may consist of a single lot or of more or less than a single lot.

The word "Building" as used herein is intended to mean one detached building.

The word "Lot" shall mean one unit of said tract as at present shown by the recorded map of said tract.

PARAGRAPH B, USE

The land included in the tract shall be used for private residence purposes only, and no building of any kind whatsoever shall be erected or maintained thereon except (a) detached, single private dwelling houses, (b) private garages for the sole use of the respective owners or occupants of the lots upon which said garages are erected, and (c) such other non-commercial buildings as may be in keeping with these covenants, restrictions and agreements. No more than one dwelling may be erected on a lot.

PARAGRAPH C, APPROVAL AND PLANS

Prior to erection of any structure, fence or wall on any lot of the said tract the purchaser or owner thereof must submit, to the Company, his heirs, assigns or duly appointed agent complete plans of the structure to be built accompanied with grading and plot plans. The Company reserves the right to approve or reject any such plans, specifications, grading plans

PROTESTANT' S

EXHIBIT NO. 1

or plot plans which in the Company's opinion are undesirable. A copy of all plans shall be left permanently with the Company. The Company will permit the examination of any plans, specifications, grading plans, and plot plans by anyone or more of the lot owners in Carroll Manor.

PARAGRAPH D, GENERAL RESTRICTIONS

No trailer, basement, tent, shack, garage, barn or other out-buildings erected or maintained on any lot shall at anytime be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

Sewerage disposal systems shall be constructed and maintained on said tract in conformance with the laws and regulations of the State of Maryland and Baltimore County.

No swine, poultry, goats, cattle or other livestock shall be kept on the tract.

PARAGRAPH E, SET BACK OF BUILDINGS

In order that the tract in the entirety may be developed in harmony with the surroundings and to the best effect, no building or part thereof as hereinafter provided shall be erected or maintained on any part of a lot less than 100 feet from any street or road on which such lot binds or less than 25 feet from any side line or 10 feet from any rear line of the plat upon which said building is erected. On certain lots where 100 feet set back is not practical because of grades, the Company or the authorized agent of the Company may determine proper set back. In no instance shall the set back be less than 50 feet.

PARAGRAPH F, EASEMENTS AND RIGHTS RESERVED

The rights and easements are reserved to construct and maintain on the rearmost ten feet strip or portion of any lot shown on the plat, the poles, anchors and guys with their attachments that may be reasonable necessary in the construction and maintenance of the pole lines erected in furnishing electric current, telephone and other public utility services to the occupants of said tract provides that if any poles, anchor, guy or attachment shall interfere with any building that may heretofore, be erected in said tract, the pole, anchor, guy or attachment shall be relocated without expense to the owner of the plot on which it is located. The right is reserved to prune or trim any tree or shrub in any lot that interferes with the construction, maintenance or efficiency of said electric current, telephone or other public utility service, also to trim or prune at the expense of the owner maintaining the same, any hedge or other planting that in the

Company's opinion by reason of its location on the lot or the height to which it is permitted to grow is unreasonable detrimental to the adjoining property or obscures the view in street traffic or is unattractive in appearance.

Also along such ten foot strips for the construction and maintenance of conduits to carry such wires below ground and for the construction and maintenance of storm water drains, land sewer, pipe lines supplying gas, water or heat and for any other public or quasi public utility or function conducted, maintained, furnished or performed by or in any method beneath the surface of the ground.

The same easements are reserved over a ten foot strip along the side lines of certain lots as designated on recorded plat.

Certain lots as shown on plat recorded in Baltimore County are subject to easements and right of way in effect with the American Telephone and Telegraph Co.

The Company shall have the right to enter upon said reserved strips of land for any of the purposes for which said easements and rights of way are reserved.

The Company reserves the right at the time of or after grading any street or any part thereof, to enter upon any abutting lot and grade the portions of such lot, adjacent to such streets to a slope of two to one, but the Company shall not be obligated to do such grading or to maintain the slope and it further expressly reserves the exclusive right to grade, change the grade or regrade, change the location or close or partly close any street or private lane shown on the map before mentioned, but not change of location or closing shall be made that will materially interfere with the said right of convenient ingress and egress to and from or take any portion of any lot sold or conveyed by the Company prior to such change of location or closing.

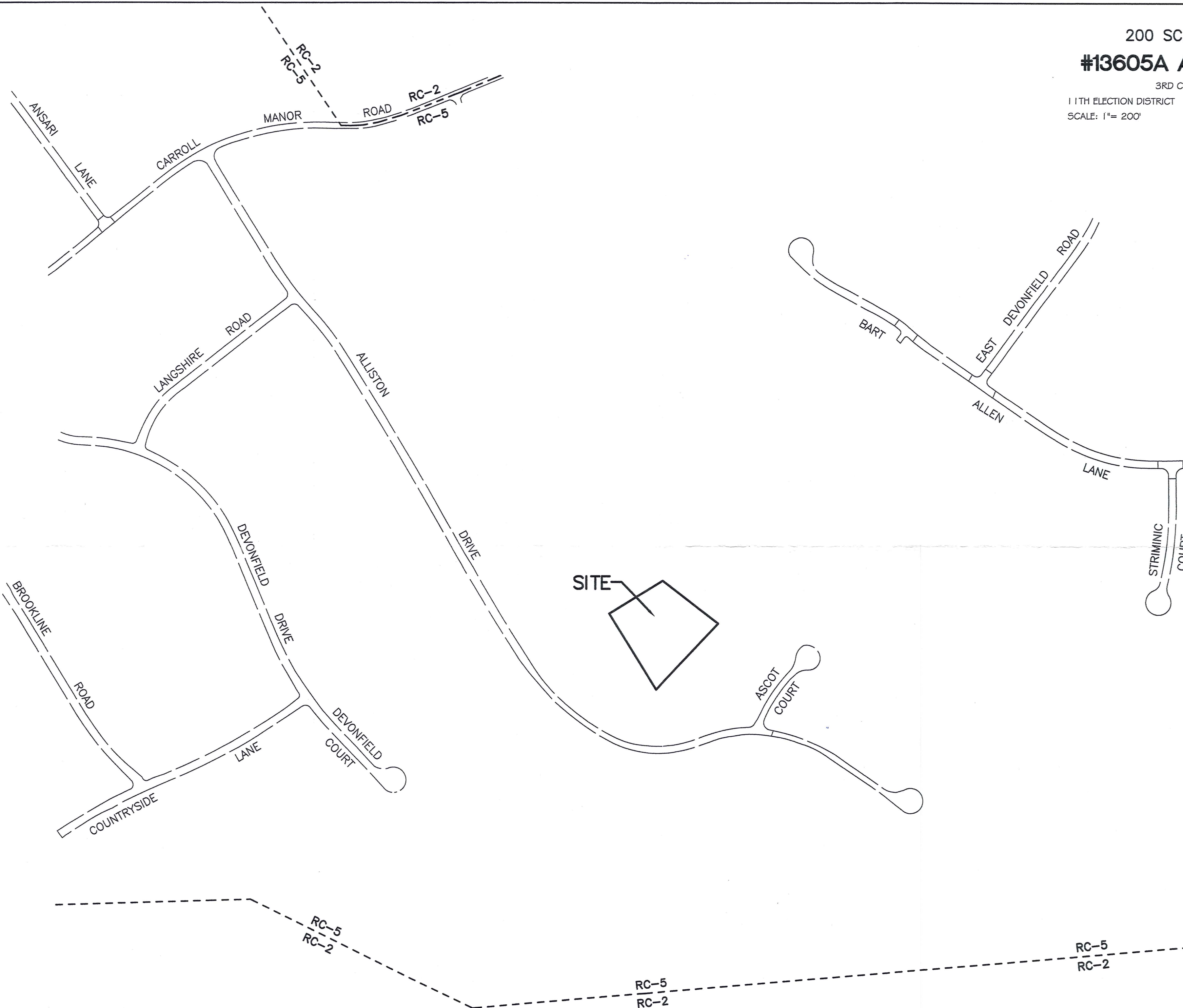
PARAGRAPH G, DURATION OF RESTRICTION

All of the restrictions, conditions, covenants, easements, and agreements contained herein shall be in perpetuity, provided however, that at any time after December 31, 1980 any of the provisions contained in Paragraphs B, C, D and E hereof may be cancelled or abrogated in whole or in part by the recording in proper public Land Records of an appropriate instrument or instruments in writing executed by the then owners (not including mortgagees) of a majority in the area of the land included in said tract, exclusive of streets and other land there dedicated to the public use or to the general use of the occupants of said tract, provided further that if the Company shall hereafter develop all or any portion of the remaining property acquired by it by the deed hereinbefore mentioned and shall subject the same to similar restrictions and provisions to those imposed by said paragraphs hereof, then such additional land shall be regarded

and taken as part of the land to be included in estimating the majority in the area under the provision of this said paragraph and the respective owners of such additional property shall be entitled to join in said instrument or instruments and be regarded as if the land so added to this development had been included in the plat hereinbefore mentioned and the Company with respect to all land within said development which may be then owned by it shall be included like any other owner for the purpose of this paragraph.

200 SCALE ZONING MAP
#13605A ALLISTON DRIVE

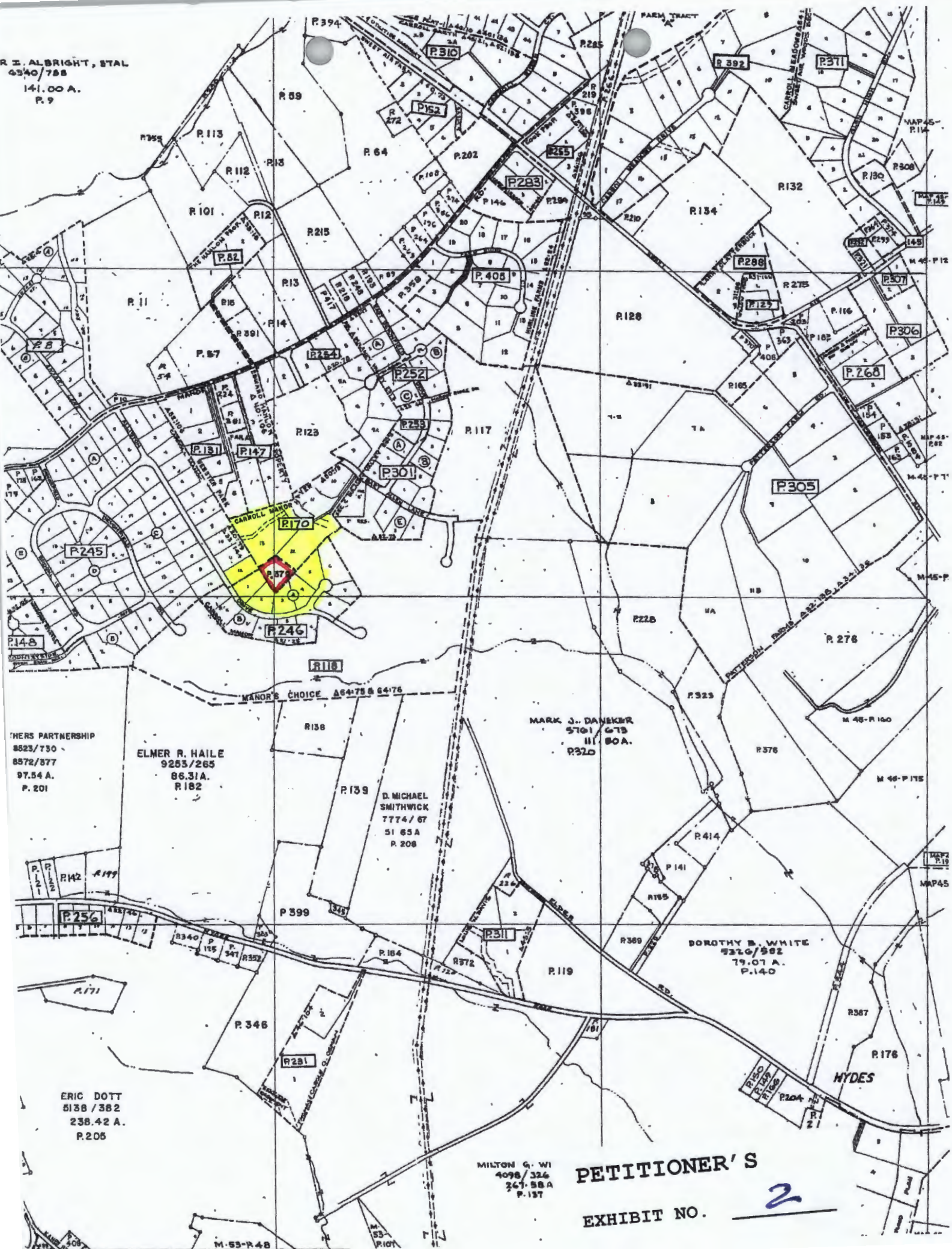
3RD COUNCILMANIC DISTRICT
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 200'
DATE: APRIL 22, 2010



McKee & Associates, Inc.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

2010-0291-SPH

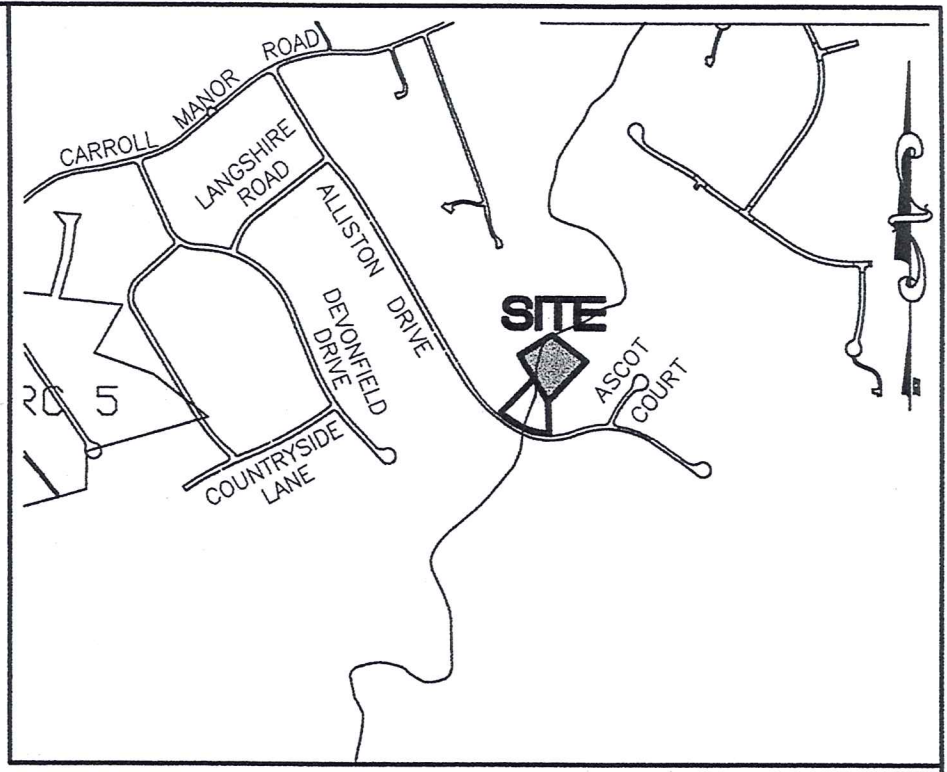
R. I. ALBRIGHT, STAL
4340/788
141.00 A.
P. 9



PETITIONER'S

EXHIBIT NO.

2



VICINITY MAP
SCALE: 1" = 1000'

DEVOLUTION OF TITLE
THE PROPERTY AS SHOWN HEREON
HAS BEEN HELD IN-TACT SINCE
NOVEMBER 24, 1954 (DEED: 2610/252)

PROPERTY INFORMATION

ELECTION DISTRICT: 11TH
COUNCILMANIC DISTRICT: 3RD
200 SCALE MAP No.: 044B2 & 044C2
PRESENT ZONING: RC-5
LOT SIZE: 60,287 = 1.384 ACRES +/- (GROSS AND NET)

	PUBLIC	PRIVATE
WATER	☐	☒
SEWER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA:	☐	☒
100-YEAR FLOOD PLAIN:	☐	☒
HISTORIC PROPERTY/ BUILDING:	☐	☒
PRIOR ZONING HEARINGS:	☐	☒

THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.

OWNER INFORMATION:

DONALD S. HUBER, JR.
DEED REF.: 29161/452
TAX ACT. NO.: 1107059725
TAX MAP 44, GRID 10, PARCEL 379

NO STREAMS, STORMWATER MANAGEMENT SYSTEMS, DRAINAGE SYSTEMS, OR PIPE SYSTEMS ON OR WITHIN 50 FEET OF THE PROPERTY.

PETITIONER'S

EXHIBIT NO. 1

**PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING REQUEST
#13605A ALLISTON DRIVE**

11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50' DATE: APRIL 22, 2010

DESIGN AND DRAWING BASED ON
MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83/91 VERTICAL -
NAVD 88

DRAWN BY: REK/JMB CHECKED BY: GCS JOB No.: 09-117

2010-0291-SPH

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



4/22/10