

IN THE MATTER OF

*

BEFORE THE

MARK WILSON – LEGAL OWNER

*

BOARD OF APPEALS

/PETITIONER FOR ADMINISTRATIVE

*

OF

VARIANCE ON THE PROPERTY

LOCATED ON THE E/S PARK HEIGHTS

AVENUE, 2600' N/OF CL GREENSPRING

*

BALTIMORE COUNTY

VALLEY ROAD

(10705 PARK HEIGHTS AVENUE)

*

CASE NO.: 11-129-A

3RD ELECTION DISTRICT

2ND COUNCILMANIC DISTRICT

*

* * * * *

ORDER OF DISMISSAL

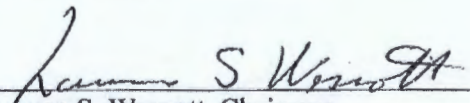
This matter comes to the Board of Appeals by way of an appeal filed by Michael Wyatt, Esquire on behalf of Rainbow Hall, LLC and Henry M. Wright, Jr., from a decision of the Deputy Zoning Commissioner dated November 17, 2010 in which the requested Petition for Administrative Variance was granted.

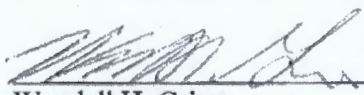
WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of the Petition for Administrative Variance, filed April 13, 2011 and signed by Michael R. McCann, Counsel for Mark Wilson, Petitioner, (a copy of which is attached hereto and made a part hereof); and

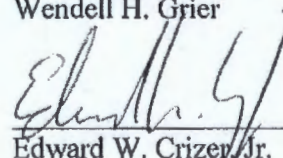
WHEREAS, said Counsel for Petitioner requests that the Petition for Administrative Variance taken in this matter be withdrawn as of April 13, 2011.

IT IS THEREFORE ORDERED this 15th day of April, 2011 by the Board of Appeals of Baltimore County that the Petition for Special Hearing taken in Case No. 11-129-A be and the same is hereby **DISMISSED without prejudice**, thereby rendering the November 17, 2010 Order of the Deputy Zoning Commissioner as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Wendell H. Grier


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 15, 2011

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Michael T. Wyatt, Esquire
Marlow & Wyatt
404 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Mark Wilson – Legal Owner/Petitioner*
Case No.: 11-129-A

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/KC

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Mark Wilson
Rainbow Hall, LLC
Henry M. Wright, Jr.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/ Office of Planning
Nancy West, Assistant County Attorney
Michael E. Field, County Attorney, Office of Law



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 5, 2011

Michael McCann
118 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. McCann:

RE: Case: 2011-0129-A, 10705 Park Heights Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November 17, 2011 by Michael Wyatt on behalf of his clients Rainbow Hall, LLC. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:kl

c: Lawrence Stahl, Administrative Law Judge
Arnold Jablon, Director of PAI
People's Counsel
Michael Wyatt, Marlow & Wyatt, 404 Allegheny Avenue, Towson 21204
Mark Wilson, 10705 Park Heights Avenue, Owings Mills 21117

MARLOW & WYATT

ATTORNEYS-AT-LAW
404 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 821-1013
TELEFAX (410) 821-5432
www.marlowwyatt.com

WILLIAM F. C. MARLOW, JR.
MICHAEL T. WYATT

ADMITTED IN MARYLAND AND
THE DISTRICT OF COLUMBIA

WASHINGTON ADDRESS
SUITE 300
6935 WISCONSIN AVENUE
WASHINGTON, D.C. 20815

November 17, 2010

VIA HAND DELIVERY

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

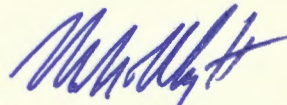
Re: In Re: Petition for Admin. Variance
Mark Wilson / 10705 Park Heights Avenue
Case No: 2011-0129-A

Dear Sir/Madam:

This firm represents Rainbow Hall, LLC and Henry M. Wright, Jr. I am enclosing my clients' Notice of Appeal in the above-referenced administrative zoning case. I am also enclosing this firm's check in the amount of \$325.00 as payment of the filing fee.

Thank you for your customary courtesies.

Very truly yours,



Michael T. Wyatt

MTW/sjm

cc: Michael L. Snyder, Esquire
Michael R. McCann, Esquire
Thomas Bostwick, Deputy Zoning Commissioner
County Board of Appeals for Baltimore County

Enclosure

\\Admin-2\clients\Wright, HVPADM.ltr1.doc

RECEIVED

NOV 17 2010



IN RE: PETITION FOR ADMIN. VARIANCE

E side of Park Heights Avenue; 2600 feet
N of the c/l of Greenspring Valley Road
3rd Election District
2nd Councilmanic District
(10705 Park Heights Avenue)

Mark Wilson
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2011-0129-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Mark Wilson for property located at 10705 Park Heights Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow an accessory structure (garage) in the side yard rather than rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an addition to the existing garage. The property is encumbered by private well and septic systems and the forest conservation easement. The property contains 7.0017 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 18, 2010 which states that the County's GIS system has a different lot configuration than what has been shown on the plat accompanying the administrative variance. Cadastral layer shows the garage on the adjacent lot known as 10715 Park Heights Avenue. Even if the cadastral layer is incorrect, the Petitioner's site plan shows a portion of the existing garage as well as the addition on off-site property owned by Cody Property LLC. A note has been placed on the plan access and construction easement to benefit Lot 1 to be recorded. The Planning Office would prefer to have a

ORDER RECEIVED FOR FILING

Date 11-8-10

By pm

lot line adjustment to include the area shown as access and construction easement as part of Lot 1. The Office is not aware of the ability of the County to approve an easement for the construction of a new structure/addition. If granted, architectural elevation drawings should be submitted for review and approval prior to applying for any building permit.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 17, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Office of Planning did not make any recommendations related to the garage usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Undersigned spoke with the Petitioner's attorney, Michael R. McCann, Esquire, who states that the property at 10715 Park Heights Avenue, which is owned by Cody Property LLC, an entity in which the Petitioners are the sole members. The mailing address for this property according to the Maryland SDAT is the Petitioner's address of 10705 Park Heights Avenue. Mr. McCann will supply documentation to this effect to be placed in the case file.

ORDER RECEIVED FOR FILING

Date 11-8-10

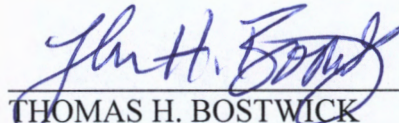
By B3

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of November, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow an accessory structure (garage) in the side yard rather than rear yard is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit 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 this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. Architectural elevation drawings shall be submitted to the Office of Planning for review and approval prior to applying for any building permit.
5. 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 made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 11-8-10 3

By B3



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 8, 2010

MICHAEL R. MCCANN, ESQUIRE
118 WEST PENNSYLVANIA AVENUE
TOWSON MD 21204

Re: Petition for Administrative Variance
Case No. 2011-0129-A
Property: 10705 Park Heights Avenue

Dear Mr. McCann:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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.

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Mark Wilson, 10705 Park Heights Avenue, Owings Mills MD 21117



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 10705 Park Heights Avenue, Owings Mills, MD 21117
which is presently zoned RC2

Deed Reference: SM26952 / 566 Tax Account # 2300003033

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)

400.1 to allow an accessory structure (garage) in side yard rather than rear yard

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael R. McCann

Name - Type or Print

Signature

Michael R. McCann, P.A.

Company

118 W. Pennsylvania Avenue

410- 825-2150

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Mark Wilson

Name - Type or Print

Signature

Name - Type or Print

Signature

10705 Park Heights Avenue

Address

Telephone No.

Owings Mills

MD

21117

City

State

Zip Code

Representative to be Contacted:

Michael R. McCann

Name

118 W. Pennsylvania Avenue

410-825-2150

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No.

2011-0129-A

Reviewed By

A-TsuI

Date

10/05/2010

ORDER RECEIVED FOR FILING

Estimated Posting Date

10/17/10 ~ 11/01/10

FRM476_09

Date

11-8-10

By

P3

Rev 3/09

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently own and reside at 10705 Park Heights Ave
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) Special circumstances and conditions exist, and strict compliance with the Zoning Regulations

would result in practical difficulty and unreasonable hardship, by virtue of configuration of lot, location of dwelling, driveway, and existing
garage, location of well system, and existence of forest conservation easement

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

[Signature]
Signature

Mark Wilson

Name- print or type

Signature

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 30th day of September, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Mark Wilson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

6-1-2011
Commission expires

PLACE SEAL HERE:

2011-0129-A

LAND SURVEYORS
S. J. MARTENET & CO., INC.

JOEL M. LEININGER
DAVID S. PAPLAUCKAS
THOMAS L. WILHELM
JEFFREY A. HOWARD

ESTABLISHED 1849
1114 ST. PAUL STREET
BALTIMORE, MARYLAND 21202
(410) 539-4263

SIMON J. MARTENET	1849-1892
HARRY G. JAVINS	1871-1894
SEPTIMUS P. TUSTIN	1870-1921
J. HOWARD SUTTON	1884-1940
WILLIAM O. ATWOOD	1887-1931
SAMUEL A. THOMPSON	1898-1944
GEORGE E. WIMMER	1907-1943
HOWARD D. TUSTIN	1907-1960
HOWARD C. SUTTON	1944-1969
HOWARD D. TUSTIN, JR.	1945-1988
RICHARD P. TUSTIN	1945-1988

**ZONING DESCRIPTION FOR
No. 10705 PARK HEIGHTS AVENUE**

BEGINNING at a point 630 feet, more or less, east from the east side of Park Heights Avenue, 30 feet wide, at the distance of 2,600 feet, more or less, northeast of the intersection of the center of Park Heights Avenue and the center of Greenspring Valley Road, of variable width.

BEING Lot 1, on the revised subdivision plat of Baptist Home of MD/DE, Inc. (previously recorded in Plat Book S.M. 70, Folio 95) as recorded in Baltimore County Plat Book S.M. 78, Folio 427, containing 6.98 acres, more or less. Also known as 10705 Park Heights Avenue and located in the Third Election District, Second Councilmanic District.

September 2, 2010
110016 Zoning Des
DSP

2011-0129-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0129 -A Address 10705 PARK HEIGHTS AVE

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/05/2010 Posting Date: 10/17/10 Closing Date: 11/01/10

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011- 0129 -A Address 10705 PARK HEIGHTS AVE

Petitioner's Name MARK WILSON Telephone 410-825-2150

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE)
IN THE SIDE YARD RATHER THAN IN THE REAR YARD
AS REQUIRED

WCR - Revised 7/7/08

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

No. **61140**

Date: **11/24/10**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 11/26/2010 11/24/2010 11:03:19 2

REG MS02 MAIL JEVA JEE
 >>RECEIPT # 713389 11/24/2010 OFLH

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	PO6	6000		6150.				325.00

Dept 5 528 ZONING VERIFICATION
 CR NO. 061140

Recpt Tot \$325.00
 \$325.00 CK \$.00 CA
 Baltimore County, Maryland

Total: **325.00**

Rec From: **Marlow + Wlyart**

For: **Appeal**
2011-0129-A
10705 Park Heights Ave

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2011-0129-A

Petitioner/Developer MARK
(WILSON)

Date Of Hearing/Closing: 10/1/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 10705 PARK HEIGHTS AVE

This sign(s) were posted on October 17, 2010

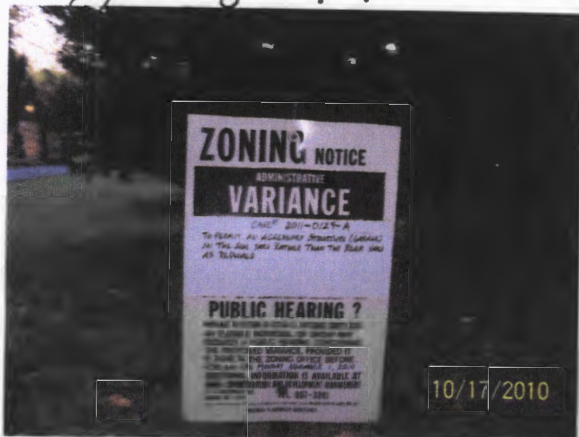
Month, Day, Year

Sincerely,

Martin Ogle 10/17/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 10/17/10





County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

February 28, 2011

NOTICE OF RE-ASSIGNMENT

CASE #: 11-129-A

IN THE MATTER OF: Mark Wilson

Legal Owner /Petitioner

10705 Park Heights Avenue/3rd Election District; 2nd Councilmanic District

Re: Petition for Administrative Variance to permit an accessory structure (garage) in the side yard in lieu of the required rear yard

11/8/10 - Findings of Fact and Conclusions of Law issued by Deputy Zoning Commissioner, GRANTING the Petitioners' requested relief.

This matter has been re-assigned to a date that has been mutually agreed upon by Counsel.

RE-ASSIGNED FOR: THURSDAY, APRIL 14, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Michael R. McCann, Esquire
: Mark Wilson

Counsel for Protestant/Appellant
Protestant/Appellant

: Michael T. Wyatt, Esquire
: Henry M. Wright, Jr.
: Rainbow Hall, LLC

Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Chief Administrative Law Judge
Jeff Mayhew, Acting Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(next to Suite 203)

February 7, 2011

NOTICE OF POSTPONEMENT

CASE #: 11-129-A

IN THE MATTER OF: Mark Wilson

Legal Owner /Petitioner

10705 Park Heights Avenue/3rd Election District; 2nd Councilmanic District

Re: Petition for Administrative Variance to permit an accessory structure (garage) in the side yard in lieu of the required rear yard

11/8/10 - Findings of Fact and Conclusions of Law issued by Deputy Zoning Commissioner, GRANTING the Petitioners' requested relief.

*This matter was assigned for Thursday, February 24, 2011 and has been postponed. The matter will be re-assigned upon an agreed date by the parties. Upon the date being established a Notice of Re-Assignment will be sent to all parties. **TO BE RE-ASSIGNED.***

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Michael R. McCann, Esquire
: Mark Wilson

Counsel for Protestant/Appellant
Protestant/Appellant

: Michael T. Wyatt, Esquire
: Henry M. Wright, Jr.
: Rainbow Hall, LLC

Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Chief Administrative Law Judge
Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Handwritten in red:
P. to be
re-assigned

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

January 18, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-129-A

IN THE MATTER OF: Mark Wilson

Legal Owner /Petitioner

10705 Park Heights Avenue/3rd Election District; 2nd Councilmanic District

Re: Petition for Administrative Variance to permit an accessory structure (garage) in the side yard in lieu of the required rear yard

11/8/10 - Findings of Fact and Conclusions of Law issued by Deputy Zoning Commissioner, GRANTING the Petitioners' requested relief.

ASSIGNED FOR: THURSDAY, FEBRUARY 24, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c:	Counsel for Petitioner/Legal Owner	: Michael R. McCann, Esquire
	Petitioner/Legal Owner	: Mark Wilson
	Counsel for Protestant/Appellant	: Michael T. Wyatt, Esquire
	Protestant/Appellant	: Henry M. Wright, Jr.
		: Rainbow Hall, LLC

Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Chief Administrative Law Judge
Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney



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

November 1, 2010

Michael McCann
118 W. Pennsylvania Ave.
Towson, MD 21204

Dear: Michael McCann

RE: Case Number 2011-0129-A, 10705 Park Heights Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 05, 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
Mark Wilson; 10705 Park Heights Avenue; Owings, MD 21117

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 18, 2010

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-129- Administrative Variance**

The petitioner requests an administrative variance to allow an accessory structure in the front yard in lieu of the required rear yard. The Baltimore County GIS system has a different lot configuration than what has been shown on the plat accompanying the administrative variance. Cadastral layer shows the garage on the adjacent lot known as 10715 Park Heights Avenue. Even if the cadastral layer is incorrect the petitioner's site plan shows a portion of the existing garage as well as the addition on off-site property owned by Cody Property LLC. A note has been placed on the plan access and construction easement to benefit Lot 1 to be recorded.

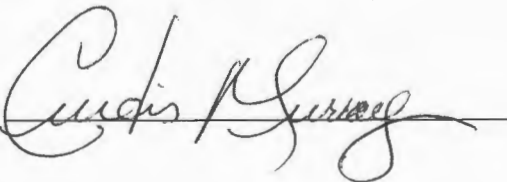
SUMMARY OF RECOMMENDATIONS:

The Office of Planning would prefer to have a lot line adjustment to include the area shown as access and construction easement as part of Lot 1. The office is not aware of the ability of the county to approve an easement for the construction of a new structure/addition.

If granted, architectural elevation drawings should be submitted for review and approval prior to applying for any building permit.

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

Prepared By:
CM/LL





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 13, 2010

ATTENTION: Kristen Mathews
ZAC Agenda 10/25/2010

Item Numbers:

2011-0123-SPHA
2011-125-A
2011-0127-A
2011-0128-A
2011-0129-A
2011-0130-A
2011-0131-A
2011-0132-SPH

The fire marshal's office has no comments at this time.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 20, 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. 2011-0129-A
MD 129 (PARK HEIGHTS AV.)
10205 PARK HEIGHTS AVE
MARK WILSON
ADMIN. VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10-19-10. A field inspection and internal review reveals that an entrance onto MD 129 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 10205 PARK HEIGHTS AVE, Case Number 2011-0129-A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

My telephone number/toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 25, 2010
Item Nos. 2011- 123, 125, 127, 128,
129 and 130

DATE: October 20, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10252010 -NO COMMENTS.doc

AV
11-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 01 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 1, 2010
SUBJECT: Zoning Item # 11-129-A
Address 10705 Park Heights Avenue
(Wilson Property)

Zoning Advisory Committee Meeting of October 11, 2010.

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

Reviewer: JWL Date: 12/1/10

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Park Heights Avenue; 2,600 feet
N of the c/l of Greenspring Valley Road
3rd Election District
2nd Councilmanic District
(10705 Park Heights Avenue)

Mark Wilson
Petitioner / Appellee

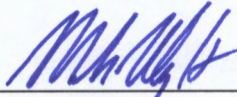
* BEFORE THE BOARD OF
* OF APPEALS OF
* BALTIMORE COUNTY
* **Appeal No:**
* (Before the Deputy
* Zoning Commissioner for
* Baltimore County
* **Case No: 2011-0129-A)**

* * * * *

NOTICE OF APPEAL

RAINBOW HALL, LLC and HENRY M. WRIGHT, JR. ("WRIGHT"), interested and aggrieved persons, hereby file an appeal to the Board of Appeals of Baltimore County from the November 8, 2010 decision of the Deputy Zoning Commissioner.

Respectfully submitted,

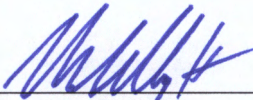


Michael T. Wyatt
Marlow & Wyatt
404 Allegheny Avenue
Towson, Maryland 21204
(410) 821-1013
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of November, 2010, a copy of the foregoing was mailed, postage prepaid, to:

Michael R. McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204
Baltimore, Maryland 21203
Attorney for Petitioner / Appellee



Michael T. Wyatt

APPEAL

Petition for Administrative Variance
10705 Park Heights Avenue
E/s Park Heights Ave., 2600' n/of c/l Greenspring Valley Rd.
3rd Election District – 2nd Councilmanic District
Legal Owners: Mark Wilson

Case No.: 2011-0129-A

Petition for Administrative Variance (October 5, 2010)

Zoning Description of Property

Notice of Hearing – Not applicable

Certificate of Posting (October 17, 2010) by Martin Ogle

Entry of Appearance by People's Counsel (None submitted)

Zoning Advisory Committee Comments

Plat to accompany Petition for Administrative Variance (1 copy)

Miscellaneous (Not Marked as Exhibit)

1. 5 photos taken from different views of subject property
2. Letter dated November 8, 2010 from Mr. McCann w/attached Assignment Letter

Deputy Zoning Commissioner's Order (GRANTED – November 8, 2010)

Notice of Appeal received on November 17, 2010 from Michael Wyatt on behalf of Rainbow Hall

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Office
Arnold Jablon, Director of PAI

date sent January 5, 2011, kl

APPEAL

Petition for Administrative Variance
10705 Park Heights Avenue
E/s Park Heights Ave., 2600' n/of c/l Greenspring Valley Rd.
3rd Election District – 2nd Councilmanic District
Legal Owners: Mark Wilson

Case No.: 2011-0129-A

- ✓ Petition for Administrative Variance (October 5, 2010)
- ✓ Zoning Description of Property
 - Notice of Hearing – Not applicable
- ✓ Certificate of Posting (October 17, 2010) by Martin Ogle
 - Entry of Appearance by People's Counsel (None submitted)
- ✓ Zoning Advisory Committee Comments
- ✓ Plat to accompany Petition for Administrative Variance (1 copy)
 - Miscellaneous (Not Marked as Exhibit)
 - ✓1. 5 photos taken from different views of subject property
 - ✓2. Letter dated November 8, 2010 from Mr. McCann w/attached Assignment Letter.
- ✓ Deputy Zoning Commissioner's Order (GRANTED – November 8, 2010)
- ✓ Notice of Appeal received on November 17, 2010 from Michael Wyatt on behalf of Rainbow Hall

RECEIVED
JAN - 6 2011
BALTIMORE COUNTY
BOARD OF APPEALS

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Office
Arnold Jablon, Director of PAI

date sent January 5, 2011, kl

Petitioner:

Michael McCann, Esquire
118 W. Pennsylvania Avenue
Towson, MD 21204

Mark Wilson
10705 Park Heights Avenue
Owings Mills, MD 21117

Appellants:

Michael T. Wyatt, Esquire
Marlow & Wyatt
404 Allegheny Avenue
Towson, MD 21204

Rainbow Hall, LLC
4804 Benson Avenue
Baltimore, MD 21227

Henry M. Wright, Jr.
c/o 4804 Benson Avenue
Baltimore, MD 21227

Interoffice

Office of People's Counsel
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Chief Administrative Law Judge
Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney

MARLOW & WYATT

ATTORNEYS-AT-LAW
404 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 821-1013
TELEFAX (410) 821-5432
www.marlowwyatt.com

WILLIAM F. C. MARLOW, JR.
MICHAEL T. WYATT

ADMITTED IN MARYLAND AND
THE DISTRICT OF COLUMBIA

WASHINGTON ADDRESS
SUITE 300
6935 WISCONSIN AVENUE
WASHINGTON, D.C. 20815

January 12, 2011

VIA TELEFAX (410-887-3182)

Baltimore County Board of Appeals
Suite 203, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: In Re: Petition for Admin. Variance
Mark Wilson / 10705 Park Heights Avenue
Case No: 2011-0129-A

Dear Sir/Madam:

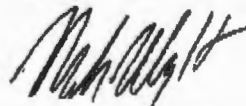
In response to my assistant's telephone conversation with Sunny earlier today, the addresses for this firm's clients are as follows:

Mr. Henry M. Wright, Jr.
c/o 4804 Benson Avenue
Baltimore, Maryland 21227

Rainbow Hall, LLC
4804 Benson Avenue
Baltimore, Maryland 21227

Thank you for your customary courtesies.

Very truly yours,


Michael T. Wyatt

MTW/sjm

\\Admin-2\\clients\\Wright, H\\Board of Appeals.ltr1.doc

RECEIVED

JAN 12 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

April 13, 2011

Via Facsimile & Hand-Delivery

Theresa R. Shelton, Administrator
Baltimore County Board of Appeals
105 West Chesapeake Avenue
Suite 203
Towson, MD 21204

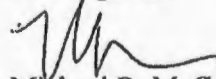
Re: Case Nos.: 11-129-A
10705 Park Heights Avenue
HEARING DATE: April 14, 2011

Dear Ms. Shelton:

Please be informed that my client will not be proceeding with the improvements identified in his Petition for Administrative Variance and, therefore, withdraws said Petition.

Please confirm that tomorrow's hearing is cancelled. Thank you for your cooperation.

Best regards,



Michael R. McCann

cc: B. County Zoning Review Office
Michael Wyatt, Esquire (via facsimile)

RECEIVED

APR 13 2011

BALTIMORE COUNTY
BOARD OF APPEALS

MARLOW & WYATT

ATTORNEYS-AT-LAW
404 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 821-1013
TELEFAX (410) 821-5432
www.marlowwyatt.com

WILLIAM F. C. MARLOW, JR.
MICHAEL T. WYATT
ADMITTED IN MARYLAND AND
THE DISTRICT OF COLUMBIA

WASHINGTON ADDRESS
SUITE 300
6935 WISCONSIN AVENUE
WASHINGTON, D.C. 20815

February 16, 2011

Theresa Shelton, Administrator
County Board of Appeals of Baltimore County
Suite 203, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

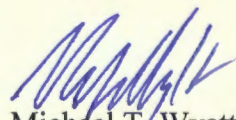
Re: In Re: Mark Wilson
Case No: 2011-0129-A

Dear Ms. Shelton:

This firm represents Rainbow Hall, LLC, Appellee/Protestant in the above-referenced zoning matter. My client and I are available on April 14, 2011 for a rescheduled hearing.

Thank you for your customary courtesies.

Very truly yours,



Michael T. Wyatt

MTW/sjm

cc: Michael L. Snyder, Esquire
David S. Thaler, P.E.
Mr. Henry M. Wright, Jr.

\\Admin-2\clients\Wright, H\Shelton-Board of Appeals.ltr1.doc

RECEIVED

FEB 17 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

February 9, 2011

Theresa R. Shelton, Administrator
Baltimore County Board of Appeals
105 West Chesapeake Avenue
Suite 203
Towson, MD 21204

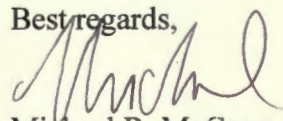
Re: Case Nos.: 11-129-A
10705 Park Heights Avenue

Dear Ms. Shelton:

Thank you for your letter dated February 7, 2011. My client and I are available only on the third date you provided, April 14, 2011.

Please contact me if you have any questions. Thank you for your consideration.

Best regards,



Michael R. McCann

cc: Michael Wyatt, Esquire

RECEIVED
FEB 11 2011
BALTIMORE COUNTY
BOARD OF APPEALS



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 7, 2011

Michael R. McCann Esquire
MICHAEL R. McCANN, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

RE: *In the Matter of: Mark Wilson*
Case No. 11-129-A

Dear Mr. McCann:

This will acknowledge receipt of your correspondence dated February 3, 2011, in which a continuance has been requested of the February 24, 2011 hearing in the subject matter, due to a matter before the Circuit Court for Baltimore City. The continuance is granted and the Postponement Notice is enclosed.

The matter needs to be re-assigned to a mutually agreeable date.

The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the end of March, 2011. Pending confirmation from your respective offices, as to availability, I will hold the following dates:

Tuesday, April 12, 2011 at 10:00 a.m.;
Wednesday, April 13, 2011 at 10:00 a.m.; and
Thursday, April 14, 2011 at 10:00 a.m.

Once an agreeable date has been established, a notice will be sent reassigning the matter on the docket to the confirmed date.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Enclosure: Postponement Notice

c(w/Encl.): Mark Wilson
Michael T. Wyatt, Esquire
Henry M. Wright, Jr.
Rainbow Hall, LLC

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

February 3, 2011

Theresa R. Shelton, Administrator
Baltimore County Board of Appeals
105 West Chesapeake Avenue
Suite 203
Towson, MD 21204

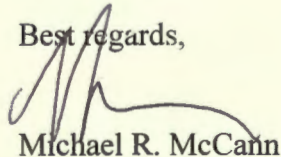
Re: Case Nos.: 11-129-A
10705 Park Heights Avenue

Dear Ms. Shelton:

I write to request a postponement of the hearing in the above-referenced matter. I have a trial scheduled for February 23 and 24, 2011 in the Circuit Court for Baltimore City in the matter of *Premier Laundromat v. Kwang Gae To Realty Brokerage et al.*, Case No. 24-C-09-003151.

Please contact me if you have any questions. Thank you for your consideration.

Best regards,



Michael R. McCann

cc: Michael Wyatt, Esquire

RECEIVED

FEB - 4 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

AV 11/11/10

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

November 8, 2010

Thomas H. Bostwick
Deputy Zoning Commissioner of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

NOV 08 2010

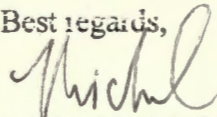
Re: 10705 Park Heights Ave./Wilson Property
Case No. 11-129

ZONING COMMISSIONER

Dear Tom:

In follow-up to our conversation last week, enclosed please find a copy of the Assignment pursuant to which the seller of Lot 2 conveyed Cody, LLC to my clients, Mark and Carrie Wilson. Mr. and Mrs. Wilson remain the sole members in Cody, LLC.

Thank you for your consideration. Please contact me if you have any further questions.

Best regards,

Michael R. McCann

cc: Mark and Carrie Wilson

**ASSIGNMENT OF MEMBERSHIP INTEREST
CODY PROPERTY, LLC**

THIS ASSIGNMENT OF MEMBERSHIP INTEREST (this "Assignment") is made this 15th day of November, 2007, by MGSY Corporation, an Illinois corporation (the "Assignor") and Mark Wilson and Carrie Zimmerman-Wilson (collectively, the "Assignee").

Explanatory Statement

A. Assignor owns all of the membership interests (the "Interest"), in CODY PROPERTY, LLC, a Maryland limited liability company (the "Company").

B. MGSY Property, LLC and the Assignor, as seller, and the Assignee, as buyer, entered into a Residential Contract of Sale signed by the parties on September 12, 2007 (the "Agreement of Sale") whereby MGSY Property, LLC and the Assignor agreed to sell to the Assignee (i) certain real property commonly known as 10705 Park Heights Avenue located in Baltimore County, Maryland and the 100% membership interest in the Company which holds title to certain real property commonly known as 10715 Park Heights Avenue located in Baltimore County, Maryland (hereby referred to as "Lot 2").

C. The Assignor desires to transfer the Interest to the Assignee pursuant to the terms of the Agreement of Sale, by and between MGSY Property, LLC and the Assignor, as seller, and the Assignee, as buyer.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor hereby agrees with Assignee as follows:

1. In consideration of the sum of _____ Dollars (\$ _____) the purchase price paid by the Assignee to the Assignor under the Agreement of Sale, the receipt and sufficiency of which are hereby acknowledged, the Assignor hereby sells, assigns, transfers and conveys to the Assignee all of the Interest. The Assignor intends that the Assignee shall be the substitute member in the Company in its place. The Assignee hereby accepts the Interest.

2. The Assignor hereby transfers to the Assignee any rights it may have to any net worth, equity, capital accounts, loan accounts, cash flow distributions and any other distributions, withdrawals or payments of any kind from the Company. The Assignor hereby waives any and all rights as a member in the Company.

3. Assignor does for itself, and its successors and assigns, covenants and agrees with Assignee to specially warrant and defend title to the said Interests assigned hereby unto the Assignee, their heirs, successors and assigns, against any and all claims thereto by whomsoever made by or through the Assignor.

4. Assignor and Michael L. Morris, individually, hereby jointly and severally warrant and represent to the Assignee that the title conveyed is good, the transfer is rightful; that no consent or approval by any other person or entity is required for the valid assignment by the Assignor to the Assignee of the Interest referenced herein; that the Interest has been, and shall be delivered free and clear from any security interest or other lien or encumbrance; and that the only asset of the Company is Lot 2, the title of which is free of all liens and encumbrances except as is provided in Section 20 of the Agreement of Sale and the Company has no other liabilities or obligations.

5. Assignor and Michael L. Morris, individually, hereby jointly and severally warrant and represent to the Assignee that there are no attachments, executions or other writs of process issued against the Interest conveyed hereunder; that it has not filed any petition in bankruptcy nor has any petition in bankruptcy been filed against it; and that it has not been adjudicated a

bankrupt.

6. The parties hereby ratify and confirm all of the representations, warranties and indemnifications made by them in the Agreement of Sale, as if made on the date hereof.

7. The Assignor agrees to indemnify, hold harmless and defend the Assignee from and against any and all costs, liabilities and expenses incurred by virtue of a breach of any representations, warranties or covenants contained herein or the Agreement of Sale. The Assignee agrees to indemnify, hold harmless and defend the Assignor from and against any and all costs, liabilities and expenses incurred by virtue of a breach of any representations, warranties or covenants contained herein or the Agreement of Sale.

8. This Assignment and the terms hereof shall inure to the benefit of, and shall be binding upon, the parties and (in context) their respective heirs, personal representatives, successors and assigns.

9. The Assignor, on its own behalf and on behalf of its successors and assigns, hereby releases and forever discharges the Company and its members and affiliates from any and all claims, damages, causes of action, actions, demands, suits, rights, costs, and expenses (including attorneys fees), known or unknown, which it has or ever could have against them relating to the Company.

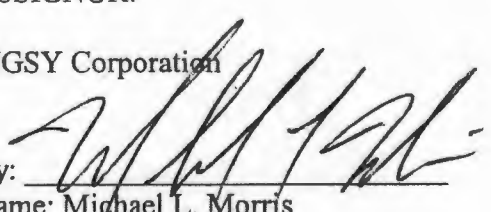
10. The parties hereto hereby agree to execute and deliver promptly upon request of the other party such further agreements or instruments and do, or cause to be done, such further agreements or instruments and do, or cause to be done, such further acts and things as may be necessary or desired by the other party to complete the assignment and transfer of the Interest to the Assignee as contemplated hereby.

11. This Assignment may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Signatures may be exchanged by facsimile, and each party agrees that it will be bound by its facsimile signature and that it accepts the facsimile signatures of the other parties to this Assignment.

IN WITNESS WHEREOF, the Assignor and the Assignee have executed this Assignment as of the day and year first above written.

ASSIGNOR:

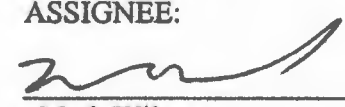
MGSY Corporation

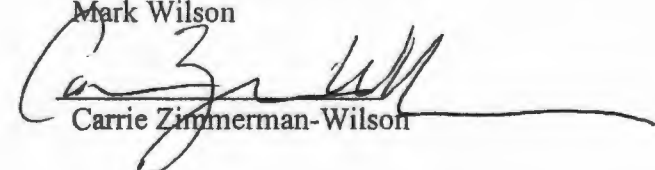
By: 

Name: Michael L. Morris

Title: President

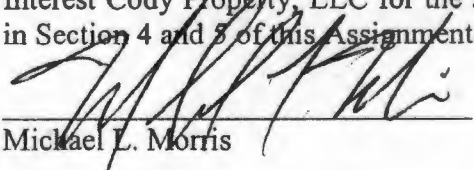
ASSIGNEE:


Mark Wilson


Carrie Zimmerman-Wilson

JOINDER

Michael L. Morris, individually, hereby joins in the execution of this Assignment of Membership Interest Cody Property, LLC for the sole purpose of the representations and warranties contained in Section 4 and 5 of this Assignment.


Michael L. Morris

*site plan shows a
portion of garage constructed on this property*

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

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

Account Identifier: District - 03 Account Number - 2300003034

Owner Information

Owner Name: CODY PROPERTY LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 10705 PARK HEIGHTS AVE
OWINGS MILLS MD 21117-3012 **Deed Reference:** 1) /23979/ 696
2)

Location & Structure Information

Premises Address 10715 PARK HEIGHTS AVE
Legal Description 7.8097 AC
10715 PARK HGHTS AVE ES
BPTST HOME OF MD/DE INC

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
59	20	270					2	2	Plat Ref: 70/ 95

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		7.81 AC	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2010	07/01/2011
Land	774,300	774,300		
Improvements:	0	0		
Total:	774,300	774,300	774,300	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: BRUSH EDWARD J	Date: 06/09/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23979/ 696	Deed2:
Seller: BAPTIST HOME OF MD INC	Date: 09/28/2000	Price: \$451,050

subject property

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

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

Account Identifier: District - 03 Account Number - 2300003033

Owner Information

Owner Name:	WILSON MARK ZIMMERMAN-WILSON CARRIE	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	10705 PARK HEIGHTS AVE OWINGS MILLS MD 21117-3012	Deed Reference:	1) /26952/ 566 2)

Location & Structure Information

Premises Address	Legal Description
10705 PARK HEIGHTS AVE	7.0017 AC 10705 PARK HGHTS AVE ES BPTST HOME OF MD/DE INC

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
59	20	270					1	2	Plat Ref: 78/ 427

Special Tax Areas	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2001	7,156 SF	7.00 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	1/2 STUCCO FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2010	07/01/2011
Land	900,000	900,000		
Improvements:	2,319,080	2,319,080		
Total:	3,219,080	3,219,080	3,219,080	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	MGSY PROPERTY LLC	Date:	12/13/2007	Price:	\$2,750,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/26952/ 566	Deed2:	



2011-0129-A

Existing garage



2011-0129-A

East



2011-0129-A

South



2011-0129-A

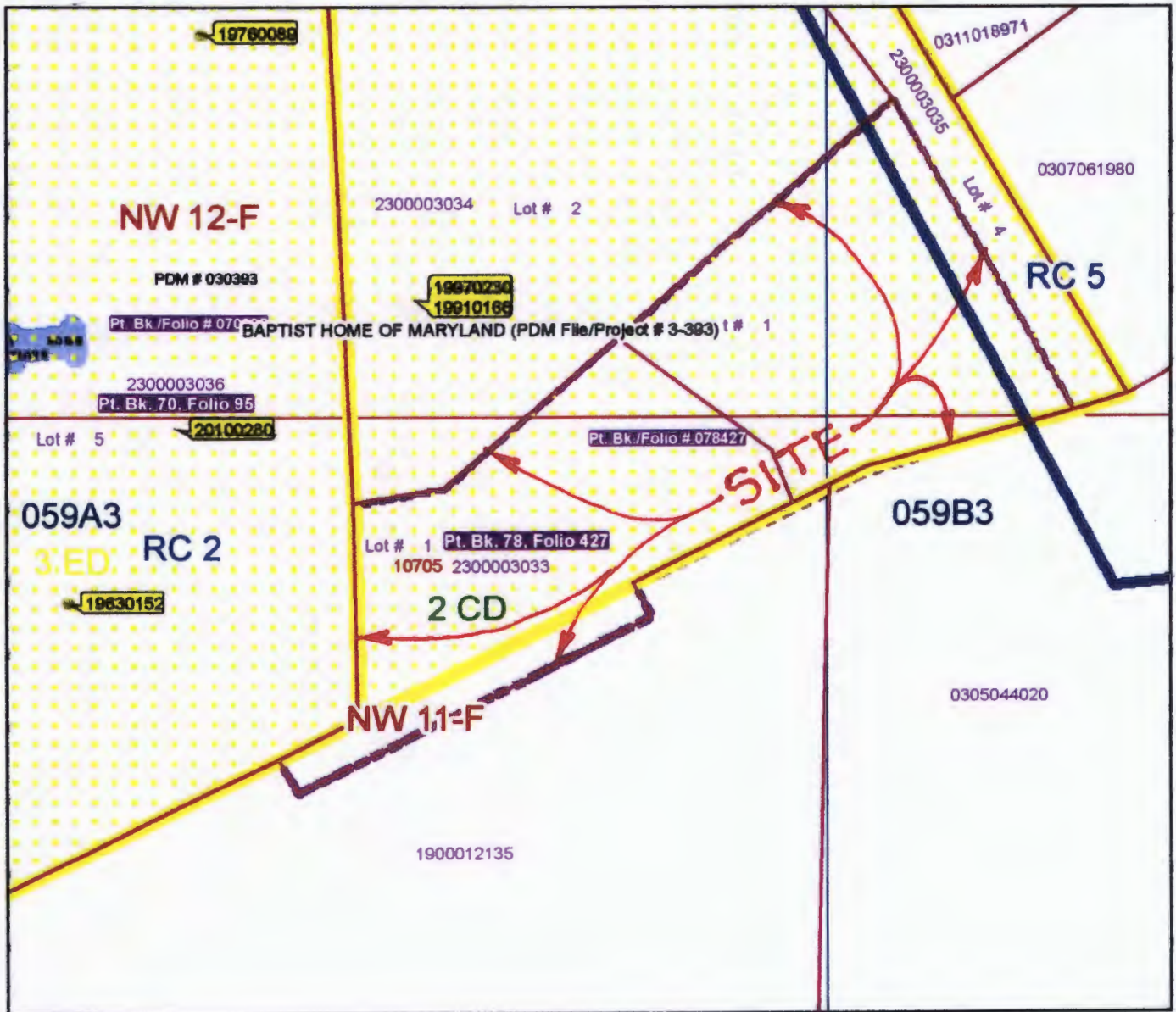
West towards Park Heights



2011-0129-A

North (existing garage)

10705 Park Heights Avenue



Publication Date: September 02, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 200 400
Feet

1 inch = 200 feet

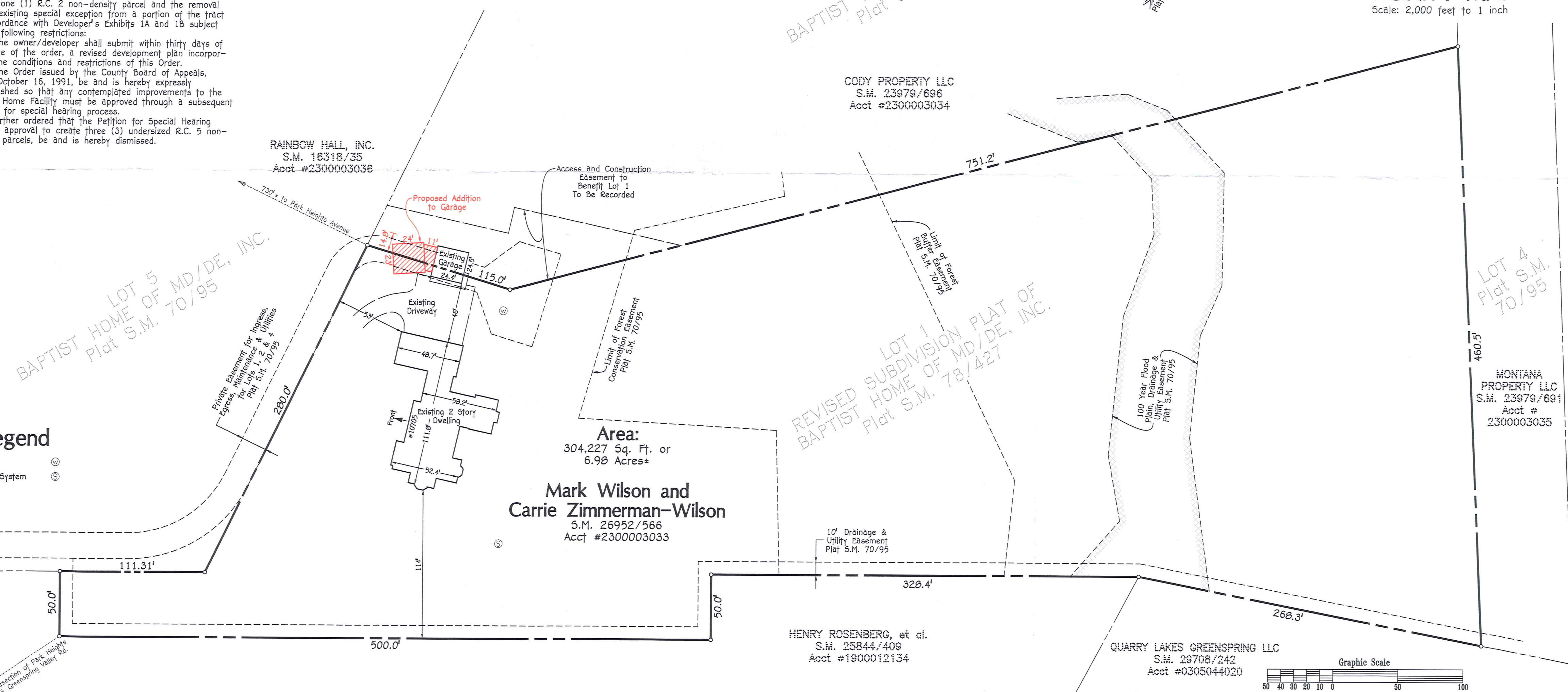
2011-0129-A

General Notes

Current zoning: R.C. 2
Zoning Maps: 059A3 and 059B3
This site utilizes private water and sewer systems.
Section District: 3
Municipal District: 2
Historic Property/Building: Yes ☐ No ☒
Chesapeake Bay Critical Area: Yes ☐ No ☒
100 Year Flood Plain: Yes ☒ No ☐
Nearest building over 200 feet away.
Prior Zoning Hearing: Yes, see Case No. 97-230-5PH.
Hearing to create three (3) undersized R.C. 5 non-parcels and one (1) R.C. 2 non-density parcel and removal of an existing special exception from a portion of the tract. The request was granted on June 3, 1997 to one (1) R.C. 2 non-density parcel and the removal of an existing special exception from a portion of the tract in accordance with Developer's Exhibits 1A and 1B subject to the following restrictions:
The owner/developer shall submit within thirty days of the order, a revised development plan incorporating the conditions and restrictions of this Order.
The Order issued by the County Board of Appeals, October 16, 1991, be and is hereby expressly amended so that any contemplated improvements to the Home Facility must be approved through a subsequent special hearing process.
The Board further ordered that the Petition for Special Hearing for approval to create three (3) undersized R.C. 5 non-parcels, be and is hereby dismissed.



VICINITY MAP
Scale: 2,000 feet to 1 inch



Legend

W
S

Prepared by:
J. Martenet and Co. Inc.
Surveyors since 1849
St. Paul Street
Towson, Maryland 21202
Phone (410) 539-4263
martenet.com

Owner
Mark Wilson and
Carrie Zimmerman-Wilson
10705 Park Heights Avenue
Owings Mills, Maryland 21117

Attorney
Michael R. McCann, P.A.
118 West Pennsylvania Avenue
Towson, Maryland 21204
Telephone: (410) 825-2150

Zoning Office Use Only		
Reviewed by	Item #	Case #

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE ZONING VARIANCE
of
No. 10705 PARK HEIGHTS AVENUE
Baptist Home of MD/DE, Inc.
Plat S.M. 78/427 - Lot 1

Tax Map: 59 Grids: 20 & 21 Parcel: 270
Third Election District - Baltimore County, Maryland
Scale: 50 feet to 1 inch Date: September 2, 2010

2011-0129-A

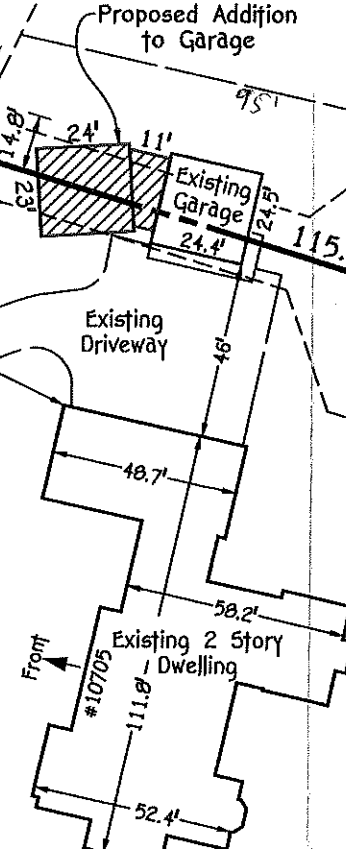
General Notes

1. Current zoning: R.C. 2
2. Zoning Maps: 059A3 and 059B3
3. This site utilizes private water and sewer systems.
4. Election District: 3
5. Councilmanic District: 2
6. Historic Property/Building: Yes ☐ No ☒
7. Chesapeake Bay Critical Area: Yes ☐ No ☒
8. 100 Year Flood Plain: Yes ☒ No ☐
9. Nearest building over 200 feet away.
10. Prior Zoning Hearing: Yes, see Case No. 97-230-SPH. Special hearing to create three (3) undersized R.C. 5 non-density parcels and one (1) R.C. 2 non-density parcel and the removal of an existing special exception from a portion of the tract. The request was granted on June 3, 1997 to create one (1) R.C. 2 non-density parcel and the removal of an existing special exception from a portion of the tract in accordance with Developer's Exhibits 1A and 1B subject to the following restrictions:
 - 1) The owner/developer shall submit within thirty days of the date of the order, a revised development plan incorporating the conditions and restrictions of this Order.
 - 2) The Order issued by the County Board of Appeals, dated October 16, 1991, be and is hereby expressly extinguished so that any contemplated improvements to the Baptist Home Facility must be approved through a subsequent petition for special hearing process.It is further ordered that the Petition for Special Hearing seeking approval to create three (3) undersized R.C. 5 non-density parcels, be and is hereby dismissed.

RAINBOW HALL, INC.
S.M. 16318/35
Acct #2300003036

LOT 5
BAPTIST HOME OF MD/DE, INC.
Plat S.M. 70/95

Private Easement for Ingress,
Egress, Maintenance & Utilities
Plat S.M. 70/95



Area:
304,227 Sq. Ft. or
6.98 Acres±

**Mark Wilson and
Carrie Zimmerman-Wilson**
S.M. 26952/566
Acct #2300003033

LOT 2
BAPTIST HOME OF MD/DE, INC.
Plat S.M. 70/95

CODY PROPERTY LLC
S.M. 23979/686
Acct #2300003034

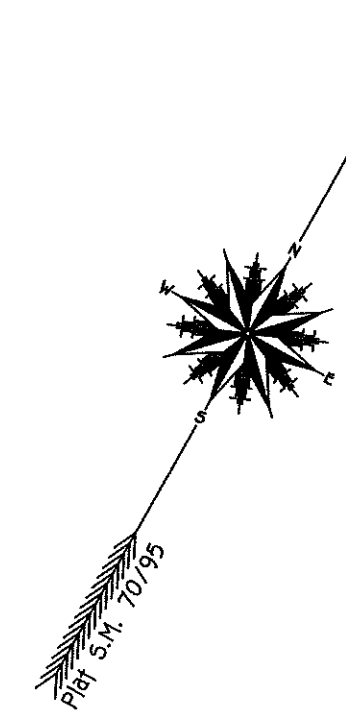
LOT 1
REVISED SUBDIVISION PLAT OF
BAPTIST HOME OF MD/DE, INC.
Plat S.M. 78/427

HENRY ROSENBERG, et al.
S.M. 25844/408
Acct #1900012134

QUARRY LAKES GREENSPRING LLC
S.M. 29708/242
Acct #0305044020

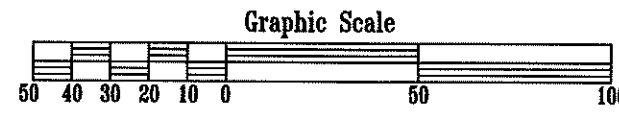
LOT 4
Plat S.M.
70/95

MONTANA
PROPERTY LLC
S.M. 23979/681
Acct #
2300003035



VICINITY MAP
Scale: 2,000 feet to 1 inch

- Legend**
- Well (W symbol)
 - Septic System (S symbol)



PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE ZONING VARIANCE
of

No. 10705 PARK HEIGHTS AVENUE

Baptist Home of MD/DE, Inc.
Plat S.M. 78/427 - Lot 1

Tax Map: 59 Grids: 20 & 21 Parcel: 270
Third Election District - Baltimore County, Maryland
Scale: 50 feet to 1 inch Date: September 2, 2010

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Zoning Office Use Only		
Reviewed by	Item #	Case #