

IN RE: PETITIONS FOR VARIANCE
NE/S Tred Avon Road, 35' & 85' NE of
Antietam Road
(2100 & 2100A Tred Avon Road)
15th Election District
6th Council District

Charles A. Sommers, III, et ux and
Robert John Wilson, Sr., et ux

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case Nos. 2011-0150-A &
2011-0051-A

0151

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, Charles and Virginia Sommers and Robert and Deborah Wilson. Since the properties were at one time under common ownership and are adjacent to one another, the two (2) cases were heard contemporaneously. In Case No. 2011-0150-A, the Sommers, in their Petition, request a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling at 2100 Tred Avon Road with a lot width of 50 feet and individual side yard setbacks of 10 feet minimum with a sum of side yards of 22 feet in lieu of the required 70 feet, 10 feet minimum, and 25 feet respectively. In Case No. 2011-0151-A, the Wilsons request similar relief for a proposed new dwelling. Specifically, relief is requested from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 50 feet and side yard setbacks of 10 feet minimum with a sum of 20 feet in lieu of the required 70 feet, 10 feet minimum, and 25 feet respectively. The subject properties and requested relief are more particularly described on the redlined site plan submitted

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Date

12-15-10

By

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in each case, which were accepted into evidence and respectively marked as Petitioners' Exhibits 1.¹

Appearing at the requisite public hearing in support of the requests were Charles A. Sommers, his wife, Virginia L. Sommers, Robert J. Wilson and Deborah B. Wilson, his wife, and their consultant, David Billingsley, with Central Drafting and Design, Inc., who prepared the site plan and is assisting the Petitioners through the permitting process. There were no Protestants or other interested persons in attendance nor were there any adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies. Letters of support were received by the adjacent property owners (Barbara M. Knopp, 2036 Tred Avon Road, and William W. Furst, Jr., 2102 Tred Avon Road) and marked as Petitioners' Exhibit 11.

Testimony indicated that the subject properties, known as 2100 and 2100A Tred Avon Road, are each 50' wide x 200' deep consisting of area(s) of 10,000 square feet, zoned D.R.3.5 and located within the Chesapeake Bay Critical Area (CBCA) with frontage on Hopkins Creek in Middle River. Vehicular access is by way of Tred Avon Road. These two (2) properties are also known as Lots 49 and 50 of the Middleborough subdivision which was recorded in the land records in 1916. Both lots meet or exceed the lot area of the D.R.3.5 zone but do not meet the lot width requirement. Mr. Billingsley discussed the lengthy history of these properties through the Development Review Committee (DRC) process in 2006. That process effectively removed any zoning merger considerations that may have occurred as a result of joining the contiguous properties while under the Wilson's common ownership. See Petitioners' Exhibits 5 through 8.

¹ The Petitioners in Case No. 2011-0151-A amended their site plan in response to the Zoning Advisory Committee (ZAC) comment received from Laurie Hay, on behalf of the Office of Planning, dated November 22, 2010. The redlined amendments clarify that the existing dwelling at 2100A Tred Avon Road will be converted to a storage building and no longer allowed to be used for additional living space purposes. It further identified accessory structures that are to be removed prior to the issuance of a use and occupancy permit.

He then noted that many of the other homes in the neighborhood are built on 50-foot wide lots and that this proposal is compatible with the existing pattern of development.

The Petitioners submitted photographic evidence and plats (Exhibits 4, 9 and 10) noting homes on 50-foot wide lots. The Petitioners' exhibits disclosed that the pattern of development in the immediate neighborhood has taken place on undersized lots, which they say support their request. The properties are served by public water and sewer. The D.R.3.5 zoning classification imposes a number of requirements for the construction of single-family dwellings thereon. First, each lot must be a minimum 10,000 square feet in area; the subject lots are slightly in excess of 10,000 square feet. Secondly, for any single family dwelling on a D.R.3.5 lot the minimum front and rear property line setbacks are 30 feet. Finally, 10-foot side yard setbacks must be maintained on each side with a minimum sum of side yard widths of 25 feet. In this regard, the only deficiency under the current regulations relates to the lot widths and the sum of side yard setbacks. As noted above, these lots were originally laid out as 50-foot wide lots. Although recorded well prior to the adoption of the zoning regulations, the current requirements must be maintained or variance relief acquired before building permits can be approved. Finally, as noted by Mr. Billingsley most of the houses in the immediate vicinity are situated on 50-foot wide lots. This fact was confirmed during a site visit by the Office of Planning. Indeed, this Commission has approved similar variance relief in this area.

Suitable of mention here is the Baltimore County Zoning Commissioner's Policy Manual (ZCPM) which was enacted pursuant to Sections 3-7-203 through 3-7-208 and 32-3-105 of the Baltimore County Code (B.C.C.). The ZCPM was last adopted and approved by the County Council in 1992. The Policy Manual contains policies and other information that assists the reader in interpreting the B.C.Z.R. On Page 3-3 thereof, the requirements of Section 304 of the

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Date 12-15-10

By [Signature]

B.C.Z.R. are discussed. Therein, it is indicated that the Zoning Commissioner has traditionally applied the "six-year rule" in considering adjacent property ownership. It is important to consider the intent of the owner of contiguous undersized lots that were purchased in good faith and without any intent to avoid the area requirements of Section 304.1.C. I am satisfied, given the laborious history of these two (2) lots, that the requirements set forth in Section 304 have been satisfied and that the construction of a new dwelling by the Wilsons on the subject (Lot 49) is appropriate and should be approved.

After due consideration of the testimony and evidence presented, I am persuaded that relief should be granted. To deny relief would result in a practical difficulty for the Petitioners in that there would be no reasonable use of the property for a permitted purpose, a purpose for which these lots and the neighboring properties have previously been used.² The proposed development is in keeping with other homes in the neighborhood and meets the spirit and intent of Section 307 of the B.C.Z.R. and *Cromwell v. Ward* 102 Md. App. 691 (1995) for variance relief to be granted. This subdivision and the subject lots were created in 1916, much before the zoning was imposed on the area. The imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. I find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance when looking at the overall neighborhood density. I find that the Wilson's, who at one time owned the contiguous lot, purchased the subject property in good faith and that by proceeding through the DRC removed any intent to avoid the area requirements. Mr. and Mrs. Wilson wish to build a new 30' wide x 50' deep two-story home on the property they retain at 2100A Tred Avon Road that will be set back 70 feet from the bulkhead at Hopkins

² See Maryland Department of Assessments and Taxation property records (Petitioners' Exhibit 2) evidencing that a modest 660 square foot dwelling was built on Lot 49 in 1927.

Creek. In doing so, they will also remove and/or improve other accessory structures that have existed on this lot (Lot 49) for many years. Finally, I find this variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of December 2010 that the Petition for Variance filed in Case No. 2011-0150-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet and individual side yard setbacks of 10 feet minimum with a sum of side yards of 22 feet in lieu of the required 70 feet, 10 feet minimum and 25 feet, respectively, for an existing dwelling on Lot 50 at 2100 Tred Avon Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 2011-0151-A seeking similar relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 50 feet and individual side yard setbacks of 10 feet minimum with a sum of side yards of 20 feet in lieu of the required 70 feet, 10 feet minimum and 25 feet respectively, for a new single-family dwelling on Lot 49 at 2100A Tred Avon Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions imposed in both cases:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING

Date

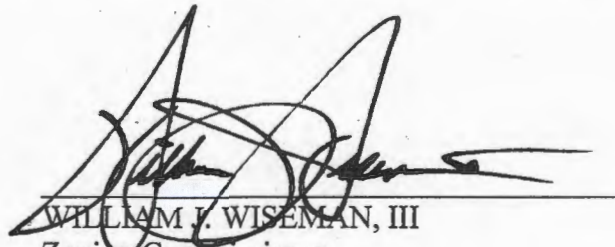
12-15-10

By

123

2. Petitioners shall comply with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated November 22, 2010, and the Department of Environmental Protection and Resource Management (DEPRM), dated December 10, 2010. Copies of these comments have been attached hereto and are made a part hereof.
3. The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the subject property to insure compliance with this Order and approved site plan.
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 shall be taken in accordance with the Baltimore County Code Section 32-3-401.


WILLIAM F. WISEMAN, III
Zoning Commissioner
For Baltimore County

ORDER RECEIVED FOR FILING

Date 12-15-10

By 102

BW 12/13
10:11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 22, 2010

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 11- 150 and 151- Variance

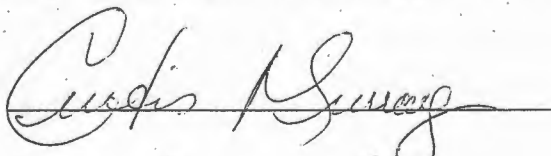
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing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

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

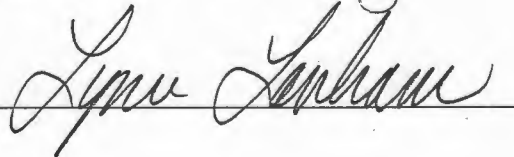
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide building elevations for any proposed exterior changes to the existing dwelling that is to be converted to a storage building. Include a note on the plan that this structure shall no longer be used/inhabited for residential living purposes.
3. After visiting the site, there is an additional accessory structure not shown on the plan located on the lot that appears to be used as a dwelling. This use must be vacated and the structure removed prior to the granting of the subject variance.
4. There appears to be several zoning and building code violations that currently exist on the subject property that must be addressed prior to the granting of the subject variance.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



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DEC 01 2010

ZONING COMMISSIONER

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Date

By

W:\DEVREVZACZACs 2011\11-150.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 13 2010

ZONING COMMISSIONER

TO: Timothy Kotroco
FROM: Dave Lykens, DEPRM
DATE: December 10, 2010
SUBJECT: Zoning Item # 11-0150-A
Address 2100 Tred Avon Rd. 21221
Sommers, Charles A. & Virginia L.

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area. Development of this property must comply with maximum lot coverage limits, must meet restrictions on development within the 100-foot tidal buffer, and must meet a minimum 15% tree cover requirement. In addition, the proposed lot line adjustment must meet the requirements of Code of Maryland Regulations 27.01.02.08 Lot Consolidation and Reconfiguration. Based on this, DEPRM has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of lot coverage and the planting of native trees and shrubs.
2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by bringing the site into compliance with all Critical Area requirements and through mitigation.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property and within the tidal buffer is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Paul Dennis

Date: November 30, 2010

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Date

By



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 15, 2010

David Billingsley
Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, Maryland 21040

RE: PETITIONS FOR VARIANCE

NE/S Tred Avon Road, 35' & 85' NE of Antietam Road
(2100 & 2100A Tred Avon Road)
15th Election District - 6th Council District
Charles A. Sommers, III, et ux and Robert John Wilson, Sr.
Case Nos. 2011-0150-A & 2011-0051-A

Dear Mr. Billingsley:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Charles A. and Virginia L. Sommers, 2100 Tred Avon Road, Baltimore, MD 21221
Robert J. and Deborah B. Wilson, 2100A Tred Avon Road, Baltimore, MD 21221
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; Office of Planning; DEPRM; Bureau of Code Enforcement, DPDM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2100 TRED AVON ROAD
which is presently zoned DR 3.5

Deed Reference: 29853 / 456 Tax Account # 2500004341

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)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

CHARLES A. SOMMERS, 3 RD
Name - Type or Print _____
Charles A. Sommers 3RD
Signature _____
VIRGINIA L. SOMMERS
Name - Type or Print _____
Virginia L. Sommers
Signature _____
2100 TRED AVON RD.
Address _____ Telephone No. _____
BALTO. MD. 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC
Name _____
601 CHARYWOOD CT. (410) 679-8719
Address _____ Telephone No. _____
EDGEWOOD MD 21040
City _____ State _____ Zip Code _____

Case No. 2011-0150-A
ORDER RECEIVED FOR FILING

REV 8/2007 Date 12-15-10

By pw

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by W Date 10/25/10

Section 1B02.3.C.1

To permit a lot width of 50 feet and ^{individual} side yard set backs of 10 feet minimum with a sum of ^{side yards of} 22 feet in lieu of the required 70 feet, 10 feet minimum and 25 feet respectively for an existing dwelling.

0150-A

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

ZONING DESCRIPTION

2100 TRED AVON ROAD

Beginning at a point on the northwest side of Tred Avon Road (35 feet wide), distant 35 feet northeasterly from it's intersection with the center of Antietam Road (30 feet wide) thence being all of Lot 50 as shown on the plat entitled First Amended Plat, Lots 49 and 50, Middleborough recorded among the Baltimore County Plat Records in Plat Book 78 Folio 367. Containing 10,088 square feet or 0.232 acre of land, more or less.

Being known as 2100 Tred Avon Road. Located in the 15TH Election District, 6TH Councilmanic District.

2011-0150 - A

**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: # 2011-0150-A
2100 Tred Avon Road
N/east side of Tred Avon
Road, 35 feet +/- n/east of
the centerline of Antietam
Road

15th Election District
6th Councilmanic District
Legal Owner(s): Charles &
Virginia Sommers, 3rd

Variance: to permit a lot
width of 50 feet and side
yard set backs of 10 feet
minimum with a sum of 22
feet in lieu of the required
70 feet, 10 feet and 25 feet
respectively for an existing
dwelling.

**Hearing: Monday, Decem-
ber 13, 2010 at 10:00
a.m. in Room 104, Jeffer-
son Building, 105 West
Chesapeake 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.

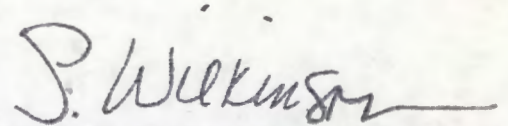
JT/11/693 Nov 23 261595

CERTIFICATE OF PUBLICATION

11/25/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/23/, 2010.

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



LEGAL ADVERTISING



OF POSTING

2011-0150-A

Owner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 12/13/12

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 2100 TRED AVE RD

This sign(s) were posted on November 26, 2010

Month, Day, Year
Sincerely,

m. ogle 11/26/10
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 9, 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: 2011-0150-A

2100 Tred Avon Road

N/east side of Tred Avon Road, 35 feet +/- n/east of the centerline of Antietam Road

15th Election District – 6th Councilmanic District

Legal Owners: Charles & Virginia Sommers, 3rd

Variance to permit a lot width of 50 feet and side yard set backs of 10 feet minimum with a sum of 22 feet in lieu of the required 70 feet, 10 feet and 25 feet respectively for an existing dwelling.

Hearing: Monday, December 13, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Sommers, 2100 Tred Avon Road, Baltimore 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 27, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 23, 2010 Issue - Jeffersonian

Please forward billing to:
Charles Sommers, III
2100 Tred Avon Road
Baltimore, MD 21221

410-679-8719

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: 2011-0150-A

2100 Tred Avon Road

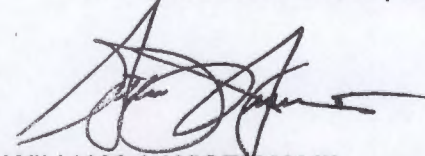
N/east side of Tred Avon Road, 35 feet +/- n/east of the centerline of Antietam Road

15th Election District – 6th Councilmanic District

Legal Owners: Charles & Virginia Sommers, 3rd

Variance to permit a lot width of 50 feet and side yard set backs of 10 feet minimum with a sum of 22 feet in lieu of the required 70 feet, 10 feet and 25 feet respectively for an existing dwelling.

Hearing: Monday, December 13, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
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

November 9, 2010

ATTENTION: Kristen Mathews
ZAC 11-15-2010

Case Number(s): 2011-0148-SPHA
2011-0150-A
2011-0151-A
2011-0152-SPHA
2011-0153-A

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



**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: 2011-0150-A
Petitioner: CHARLES A SOMMERS, 3RD
Address or Location: 2100 TRED AVON ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES A SOMMERS, 3RD
Address: 2100 TRED AVON ROAD
BALTO MD 21221
Telephone Number: (410) 679-8719

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 22, 2010

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11- 150 and 151- Variance**

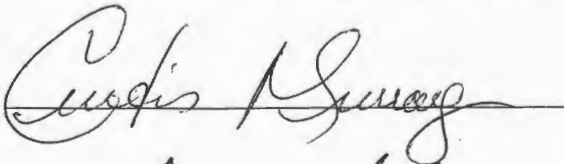
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If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

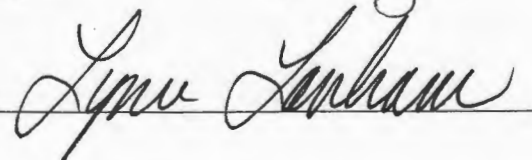
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide building elevations for any proposed exterior changes to the existing dwelling that is to be converted to a storage building. Include a note on the plan that this structure shall no longer be used/inhabited for residential living purposes.
3. After visiting the site, there is an additional accessory structure not shown on the plan located on the lot that appears to be used as a dwelling. This use must be vacated and the structure removed prior to the granting of the subject variance.
4. There appears to be several zoning and building code violations that currently exist on the subject property that must be addressed prior to the granting of the subject variance.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 3, 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. 2011-0150-A
2100 TREE AVENUE RD.
SOMMERS PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0150-A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

December 8, 2010

Charles & Virginia Sommers
2100 Treo Avon Road
Baltimore, Maryland 21221

Dear Charles & Virginia:

RE: 2011-0150-A, 2100 Treo Avon

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 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:rjc

Enclosures

c: People's Counsel
Central Drafting & Design, Inc. David Billingsley 601 Charwood Ct. Edgewood MD 21040

RE: PETITION FOR VARIANCE * BEFORE THE
2100 Tred Avon Road; NE/S Tred Avon *
Road, 35' NE of c/line of Antietam Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owners: Charles & Virginia Sommers * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-150-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

NOV 05 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - Re: ZAC Comments Needed for 12/13 Hearings

From: Debra Wiley
To: Kennedy, Dennis
Date: 12/9/2010 2:53 PM
Subject: Re: ZAC Comments Needed for 12/13 Hearings

Hi Dennis,

Thanks for your prompt reply. I will make sure your e-mail comments gets placed in the files so there's no question. Thanks again for your usual cooperation; it is appreciated.

Debbie Wiley
 Legal Administrative Secretary
 Office of the Zoning Commissioner
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

>>> Dennis Kennedy 12/9/2010 2:51 PM >>>

Hi Deb:

Though both of these sites are along the shore, and the flood plain blank on the agenda is checked as "yes," the building areas are at elevation 18' (well above the flood plain) so we did not provide our standard flood plain comment. We simply had no comment and apparently, our "no comment" was lost.

Dennis

>>> Debra Wiley 12/9/2010 11:54 AM >>>

Good Morning Dennis,

In reviewing the files for next week's hearings, it appears Bill will need ZAC comments from DPR (portion located in flood zone) for the following:

CASE NUMBER: 2011-0150-A

2100 Tred Avon Road

Location: NE side of Tred Avon Road; 35 feet +/- NE of the c/l of Antietam Road.

15th Election District, 6th Councilmanic District

Legal Owner: Charles and Virginia Sommers

VARIANCE To permit a lot width of 50 feet and side yard set backs of 10 feet minimum with a sum of 22 feet in lieu of the required 70 feet, 10 feet minimum and 25 feet respectively for an existing dwelling.

Hearing: Monday, 12/13/2010 at 10:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

CASE NUMBER: 2011-0151-A

2100 A Tred Avon Road

Location: NE side of Tred Avon Road; 85 feet +/- NE of the c/l of Antietam Road.

15th Election District, 6th Councilmanic District

Legal Owner: Robert and Deborah Wilson

VARIANCE To permit a lot width of 50 feet and side yard set backs of 10 feet minimum with a sum of 20 feet in lieu of the required 70 feet, 10 feet minimum and 25 feet respectively for a new dwelling.

Hearing: Monday, 12/13/2010 at 11:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

Debra Wiley - ZAC Comments Needed for 12/13 Hearings

From: Debra Wiley
To: Kennedy, Dennis
Date: 12/9/2010 11:54 AM
Subject: ZAC Comments Needed for 12/13 Hearings

Rec'd
Missing
DPR

Good Morning Dennis,

In reviewing the files for next week's hearings, it appears Bill will need ZAC comments from DPR (portion located in flood zone) for the following:

CASE NUMBER: 2011-0150-A

2100 Tred Avon Road

Location: NE side of Tred Avon Road; 35 feet +/- NE of the c/l of Antietam Road.

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Legal Owner: Robert and Deborah Wilson

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Hearing: Monday, 12/13/2010 at 11:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

If I'm asking for comments that have been previously submitted, I apologize in advance as there's nothing in the file from your section. Please feel free to fax (x3468) or email if it saves your office time.

Thanks and have a great day.

Debbie Wiley
 Legal Administrative Secretary
 Office of the Zoning Commissioner
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 13 2010

TO: Timothy Kotroco
FROM: Dave Lykens, DEPRM
DATE: December 10, 2010

ZONING COMMISSIONER

SUBJECT: Zoning Item # 11-0150-A
Address 2100 Tred Avon Rd. 21221
Sommers, Charles A. & Virginia L.

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This waterfront property is located in a Limited Development Area and a Buffer Management Area within the Chesapeake Bay Critical Area. Development of this property must comply with maximum lot coverage limits, must meet restrictions on development within the 100-foot tidal buffer, and must meet a minimum 15% tree cover requirement. In addition, the proposed lot line adjustment must meet the requirements of Code of Maryland Regulations 27.01.02.08 Lot Consolidation and Reconfiguration. Based on this, DEPRM has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of lot coverage and the planting of native trees and shrubs.
2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by bringing the site into compliance with all Critical Area requirements and through mitigation.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property and within the tidal buffer is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Paul Dennis

Date: November 30, 2010

BW 12/13
10:11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 22, 2010

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11- 150 and 151- Variance**

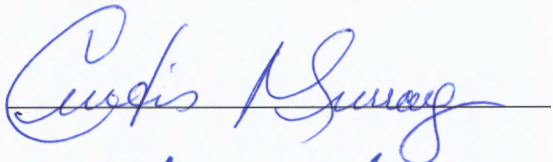
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing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

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

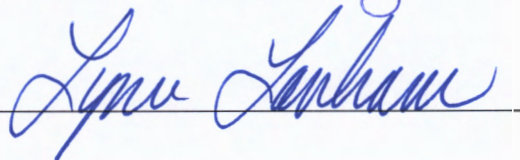
1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide building elevations for any proposed exterior changes to the existing dwelling that is to be converted to a storage building. Include a note on the plan that this structure shall no longer be used/inhabited for residential living purposes.
3. After visiting the site, there is an additional accessory structure not shown on the plan located on the lot that appears to be used as a dwelling. This use must be vacated and the structure removed prior to the granting of the subject variance.
4. There appears to be several zoning and building code violations that currently exist on the subject property that must be addressed prior to the granting of the subject variance.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



RECEIVED

DEC 01 2010

ZONING COMMISSIONER

PLEASE PRINT CLEARLY

CASE NAME 2100-2100 AT RED X YON
CASE NUMBER 2011-0150 A 2011-0150 A
DATE 12/13/2010

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

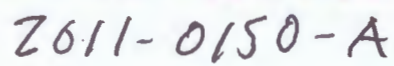
2011-0150-A 2100 TRED AVON RD

Exhibit Sheet

Protestant

Petitioner/Developer

No. 1	Site Plan	
No. 2	Real Property Data Sheet	
No. 3	Midway to Rough Sub-division Record	
No. 5	Plat - 6/16/16 Plat Book 40 page 191 Lot Line Adjustment Plat DRC 010306H 12/5/05	
No. 6	DRC Approval Letter 1-17-06	
No. 7	Amended Plat - Lots 49 & 50 Recorded 6/4/08 - Book 78 folio 367	
No. 8	Aerial Photo	
No. 10 A-F	Photos - Existing Conditions	
No. 11	Approval of Adjacent Neighbors	
No. 12		



Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.3)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 2500004341

Owner Information

Owner Name: SOMMERS CHARLES A,3RD Use: RESIDENTIAL
SOMMERS VIRGINIA L Principal Residence: YES
Mailing Address: 2100 TRED AVON RD Deed Reference: 1) /29853/ 456
BALTIMORE MD 21221-1543 2)

Location & Structure Information

Premises Address Legal Description
2100 TRED AVON RD 0.2301 AC
BALTIMORE MD 21221-1543 2100 TRED AVON RD NS
MIDDLEBOROUGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
97	12	373					50	3		78/ 367

Town
Special Tax Areas Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2000	2,172 SF	10,024.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	200,020	200,020		
Improvements:	238,020	251,260		
Total:	438,040	451,280	446,866	451,280
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
WILSON ROBERT JOHN SR	09/09/2010	\$625,000
Type:	Deed1:	Deed2:
IMPROVED ARMS-LENGTH	/29853/ 456	

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Special Tax Recapture:

Exempt Class:

* NONE *

PETITIONER'S

EXHIBIT NO.

2

File No. M11381CC

This Deed, made this 26th day of August, 2010, by and between ROBERT JOHN WILSON SR. and DEBORAH B. WILSON, parties of the first part, Grantors; and CHARLES A. SOMMERS, III and VIRGINIA L. SOMMERS, his wife, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of SIX HUNDRED TWENTY FIVE THOUSAND DOLLARS 00/100 (\$625,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said CHARLES A. SOMMERS, III and VIRGINIA L. SOMMERS, his wife, as Tenants by the Entirety, their assigns, the survivor of them, and the survivor's heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEING ALL THAT LOT OF GROUND SITUATE AND LYING IN THE 15TH ELECTION DISTRICT OF BALTIMORE COUNTY AND BEING KNOWN AND DESIGNATED AS LOT 50 AS SHOWN ON THE AMENDED PLAT OF SECOND AMENDED PLAT, LOTS 49 AND 50, MIDDLEBOROUGH, PLAT BOOK 4, FOLIO 191 AND SAID PLAT IS RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY IN PLAT BOOK 78, FOLIO 367.

The property thereon being known as No. 2100 Tred Avon Road.

BEING THE SAME lot as described in a Deed dated May 15, 1997, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber SM No. 12207, folio 732, was granted and conveyed by Thomas Marion Brown unto Robert John Wilson, Sr., and Deborah B. Wilson.

Subject to and together with a Confirmatory Cross-Easement Declaration to be recorded among the Land Records of Baltimore County prior hereto.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract 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 CHARLES A. SOMMERS, III and VIRGINIA L. SOMMERS, his wife, as Tenants by the Entirety, their assigns, the survivor of them, and the survivor's heirs, personal representatives and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby conveyed; that they will execute such further assurances of the same as may be required.

PETITIONER'S

EXHIBIT NO. 3

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

January 17, 2006

Central Drafting & Design, Inc.
601 Charwood Court
Edgewood, MD 21040

RE: Middleborough Lots 49 & 50
2100 Tred Avon Road
DRC Number 010306H; Dist. 15C6

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on January 3, 2006, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(a)(1)(viii). You will need to amend the Record Plat. Please provide copies of the newly recorded deeds to the Land Acquisition Office so our Geographical Information System (GIS) database files can be brought up-to-date.

PETITIONER' S

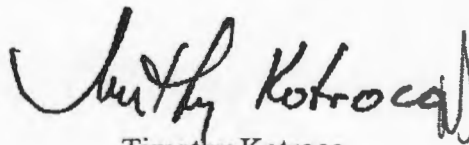
EXHIBIT NO. 6

Central Drafting & Design, Inc.
Middleborough Lots 49 & 50
January 17, 2006
Page 2

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 17th day of January, 2006, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", with a stylized flourish at the end.

Timothy Kotroco
Director

TK:DTR:sem

c: File

After Recording, Return to:

**CONFIRMATORY
CROSS-EASEMENT DECLARATION**

THIS CONFIRMATORY CROSS-EASEMENT DECLARATION (hereinafter "Confirmatory Declaration"), Made this 26th day of August, 2010, by ROBERT JOHN WILSON, SR. and DEBORAH B. WILSON (hereinafter "Declarants").

By Cross-Easement Declaration (the "Declaration") dated December 2, 2008 and recorded among the Land Records of Baltimore County in Liber SM No. 27497, folio 596, the Declarants subjected 2100 Tred Avon Road (hereinafter "2100 Tred Avon Road") and 2100A Tred Avon Road (hereinafter "2100A Tred Avon Road") to perpetual easements, and imposed covenants and conditions upon 2100 Tred Avon Road and 2100A Tred Avon Road.

Said Declaration contained as Exhibit A the "Plat to Accompany Descriptions for Land Use Easements" that erroneously labeled the Land Use Easement From #2100A to #2100 and the the Land Use Easement From #2100 to #2100A

This Confirmatory Declaration is being executed and recorded to correct Exhibit A, the "Plat to Accompany Descriptions for Land Use Easements" and confirm the original Declaration dated December 2, 2008.

DECLARATION	20.00
RECORDING FEE	20.00
TOTAL	40.00
Rest # B485	Rcpt # 57560
RDA CR	Blk # 606
Sep 09, 2010	12:12 PM

RECITALS

Declarants are the owners of the property known as 2100 Tred Avon Road by virtue of the Deed dated May 15, 1997, and recorded among the Land Records of Baltimore County in Liber SM No. 12207, folio 732. 2100 Tred Avon Road and 2100A Tred Avon Road are hereinafter sometimes jointly referred to as the "Lots."

The Declarants desire to subject 2100 Tred Avon Road to a perpetual easement for the use and enjoyment by the owner of 2100A Tred Avon Road of that parcel of ground identified as Easement Area "A" more fully described on Exhibit "A" attached hereto, and as more fully described by metes and bounds in Exhibit "B" attached hereto (hereinafter "Easement Area A").

The Declarants desire to subject 2100A Tred Avon Road to a perpetual easement for the use and enjoyment by the owner of 2100 Tred Avon Road of that parcel of ground identified as Easement Area "B" more fully described on Exhibit "A" attached hereto, and as more fully described by metes and bounds in Exhibit "C" attached hereto (hereinafter "Easement Area B").

NOW, THEREFORE, the Declarants hereby declare that the Lots shall be subject to the following covenants and conditions:

PETITIONER'S

EXHIBIT NO. 8

1. The word "Owner", when used in this Cross-Easement Declaration, shall mean the record Owner of a Lot that is subject to this Cross-Easement Declaration and, if more than one person, firm, corporation, trustee, or other legal entity, or any combination thereof, holds the record title to any Lot, all of the same, as a unit and not otherwise, shall be deemed a single Owner of a Lot. However, the term "Owner" shall not mean, refer to or include any contract purchaser, nor the Owner of any redeemable ground rent issuing out of any Lot, nor shall it include the holder of any deed of trust or mortgage covering any Lot designed solely for the purpose of securing performance of an obligation or payment of a debt.

2. Easement Area A shall be for the unrestricted exclusive use, benefit and enjoyment of the Owners of 2100A Tred Avon Road, their heirs, personal representatives and successors in title, including, but not limited to, the right to erect a fence thereon that would make it appear that Easement Area A is part of 2100A Tred Avon Road.

3. Easement Area B shall be for the unrestricted exclusive use, benefit and enjoyment of the Owners of 2100 Tred Avon Road, their heirs, personal representatives and successors in title, including, but not limited to, the right to erect a fence thereon that would make it appear that Easement Area B is part of 2100 Tred Avon Road.

4. The height of any fence erected by any Owner on 2100 Tred Avon Road, 2100A Tred Avon Road, or in Easement Area A or in Easement Area B that is within one hundred feet (100') of the water line of Middle River shall not exceed four feet (4') in height. The purpose of this restriction is to preserve the scenic view of Middle River from either of the Lots.

5. The Owner of 2100 Tred Avon Road will maintain the Easement Area B in the same manner and in the same condition as 2100 Tred Avon Road and will indemnify and hold harmless the Owner of 2100A Tred Avon Road, the survivor of them, the personal representatives, heirs and assigns of the survivor, and their successors in title, from all claim or liability emanating or resulting from the Owner of 2100 Tred Avon Road's use and enjoyment of the Easement Area B, pursuant to the easement granted hereunder. The Owner of 2100 Tred Avon Road shall be responsible for all costs of the maintenance of Easement Area B, except that Easement Area B shall be included as part of the real property tax bill for 2100A Tred Avon Road.

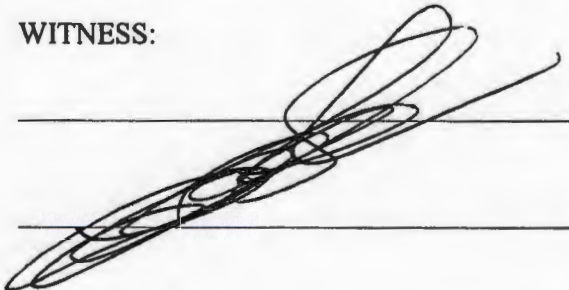
6. The Owner of 2100A Tred Avon Road will maintain the Easement Area A in the same manner and in the same condition as 2100A Tred Avon Road and will indemnify and hold harmless the Owner of 2100 Tred Avon Road, the survivor of them, the personal representatives, heirs and assigns of the survivor, and their successors in title, from all claim or liability emanating or resulting from the Owner of 2100A Tred Avon Road's use and enjoyment of the Easement Area A, pursuant to the easement granted hereunder. The Owner of 2100A Tred Avon Road shall be responsible for all costs of the maintenance of Easement Area A, except that Easement Area A shall be included as part of the real property tax bill for 2100 Tred Avon Road.

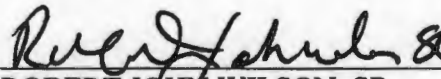
7. The Owners of the Lots will maintain comprehensive public liability insurance with coverage limits of not less than \$300,000.00 protecting the other from loss or damage as a result of their respective use of the property of the other as provided by the terms of this Declaration.

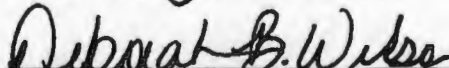
8. The easements, benefits and obligations set forth in this Declaration shall create a servitude upon 2100 Tred Avon Road for the benefit of 2100A Tred Avon Road and a servitude upon 2100A Tred Avon Road for the benefit of 2100 Tred Avon Road, which said servitudes shall be perpetual and shall run with the land.

9. These easements, covenants, restrictions and conditions shall run with and bind the land and shall be binding upon all parties having or acquiring any right, title and interest in the described property, or any part hereof, and shall inure to the benefit of each Owner thereof and the respective personal representatives, successors, and assigns of each Owner.

WITNESS:



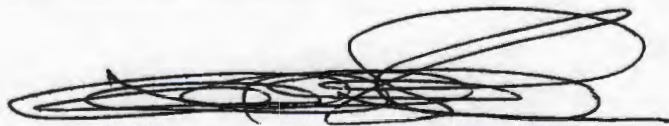
 (SEAL)
ROBERT JOHN WILSON, SR.

 (SEAL)
DEBORAH B. WILSON

STATE OF MARYLAND, ~~CITY~~ COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 26th day of August, 2010, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared ROBERT JOHN WILSON, SR. and DEBORAH B. WILSON, who acknowledged themselves to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Declaration to be their act and in my presence signed and sealed the same. .

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



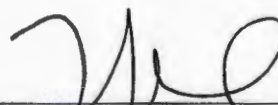
Notary Public

COLLIER M. CONKLIN
NOTARY PUBLIC, STATE OF MD
BALTIMORE CITY

My Commission Expires March 26, 2012

My Commission Expires: _____

THIS IS TO CERTIFY that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney.

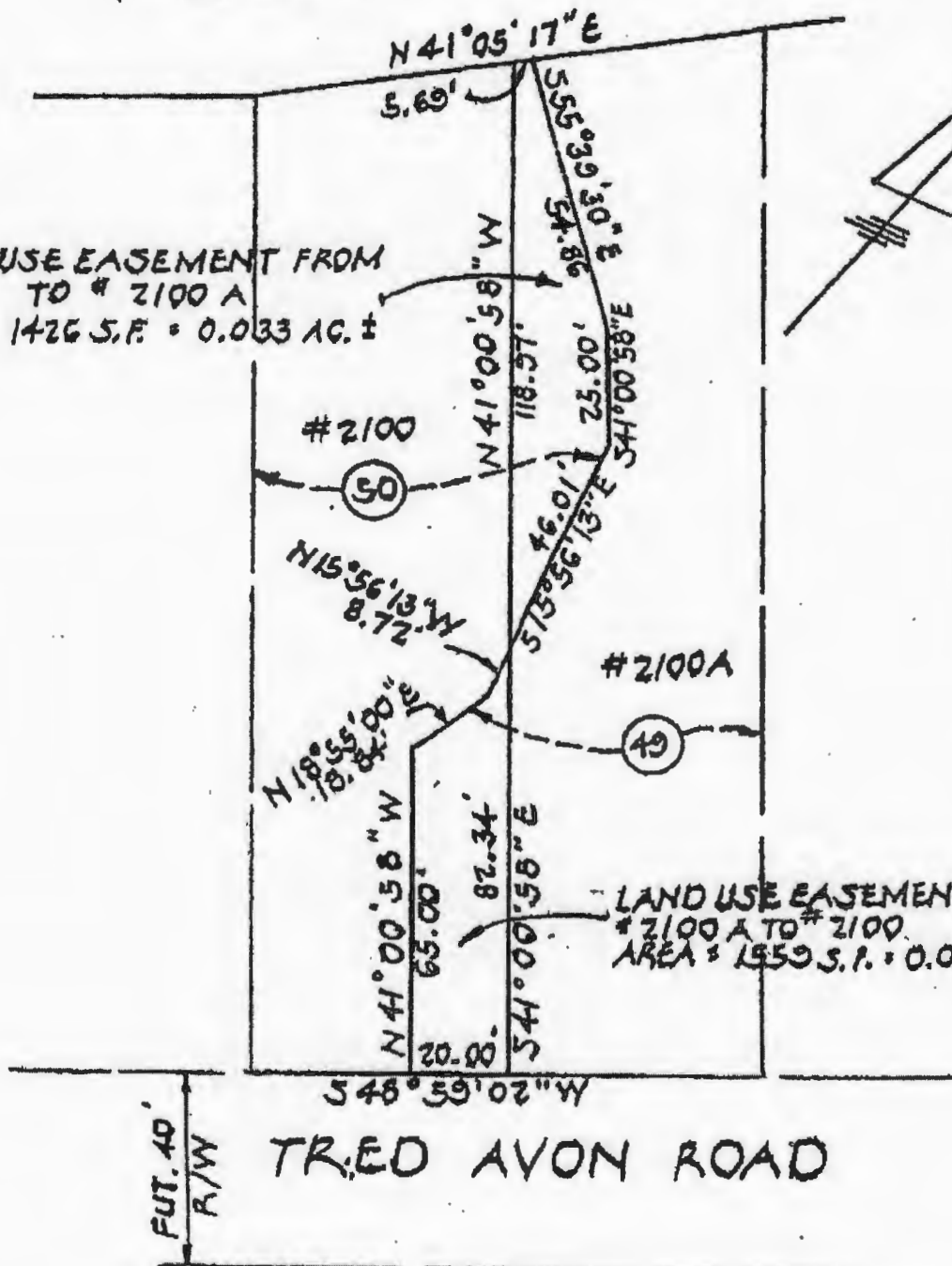

Mary Ann Hammel, Attorney

f:\UDO\Wilson, R\Confirmatory Cross easement Decl2

MIDDLE RIVER

Exhibit A

LAND USE EASEMENT FROM
#2100 TO #2100A
AREA = 1426 S.F. = 0.033 AC. ±



TRED AVON ROAD

PLAT TO ACCOMPANY DESCRIPTIONS FOR
LAND USE EASEMENTS

2100 AND 2100A TRED AVON ROAD
FIRST AMENDED PLAT LOTS 49 AND 50
MIDDLEBOROUGH P.B. 78 F. 367

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-29708] Book 12111/2010, Page 4531, Printed 12/11/2010, Online
09/13/2010.

ELECT. DIST. 15 BALTO. CO., MD
SCALE: 1 INCH = 30 FEET JUNE 11, 2008
REV: 8/3/10

00298531 4541

Exhibit B
Easement Area A

DESCRIPTION

LAND USE EASEMENT FROM 2100 TRED AVON ROAD TO 2100A TRED AVON ROAD

Beginning at a point on the south side of Middle River in the division line between Lot 49 and Lot 50 as shown on the First Amended Plat of Lots 49 and 50, Middleborough recorded among the Baltimore County Plat Records in Plat Book 78 Folio 367, thence leaving said Middle River and binding along said division line, the three following courses and distances viz: (1) S 55-39-30 E 54.86 feet (2) S 41-00-58 E 25 00 feet and (3) S 15-56-13 E 46.01 feet, thence leaving said division line and running for a line of division through said Lot 50 (4) N 41-00-58 W 118.97 feet to the south side of said Middle River, thence binding thereon (5) N 41-05-17 E 5.69 feet to the place of beginning.

Containing 1,426 square feet or 0.033 acre of land, more or less.

Being a part of Lot 50 of the above mentioned plat.

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO.

9



100a



100d



100b



100c



(102)



10F

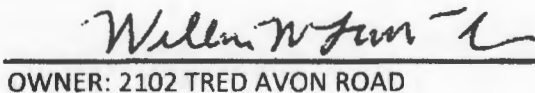
Zoning Commissioner of Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: 2100 AND 2100A TRED AVON ROAD
ZONING CASE NOS. 2011-0150-A AND 2011-0151-A

Dear Mr. Commissioner:

We the undersigned have reviewed the referenced variances filed by the Wilsons and the Sommers and have no objection to the approval of the request to permit the lot width of 50 feet and the reduced side yards of 10 feet with a sum of 20 feet and 10 feet with a sum of 22 feet.

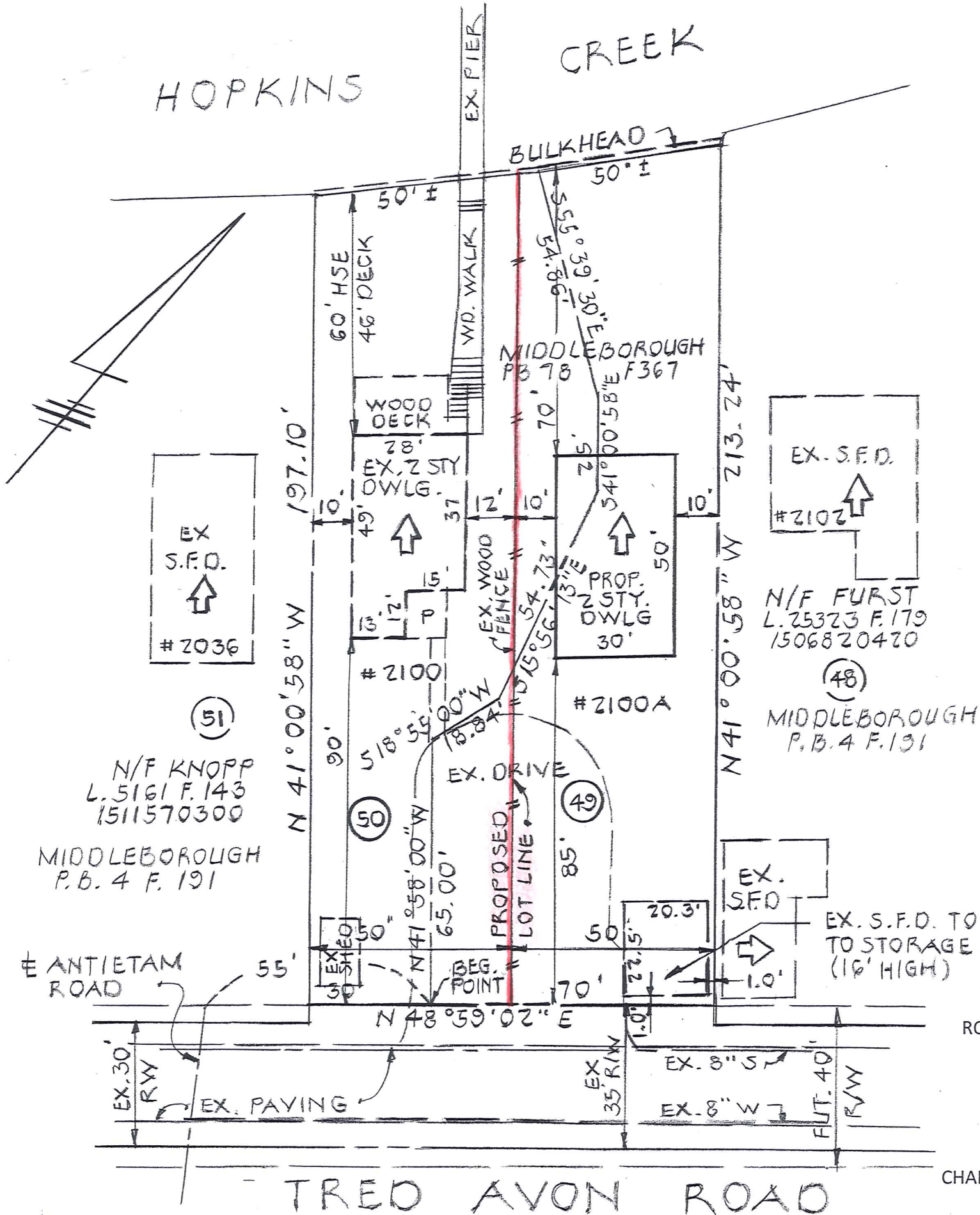

OWNER: 2036 TRED AVON ROAD


OWNER: 2102 TRED AVON ROAD

PETITIONER' S

EXHIBIT NO.

11



NOTES

1. ZONING...DR 3.5 (MAP 097C1 & 098A1)
2. ADDRESS EXISTING LOT AREA PROPOSED LOT AREA
2100 10,088 S.F. 10,050 S.F.
2100A 10,106 S.F. 10,144 S.F.
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
4. SITE IS LOCATED IN CBCA
5. A PORTION OF THIS SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
6. PUBLIC WATER AND SEWER IS EXISTING
7. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND FUEL STORAGE TANKS, HISTORIC STRUCTURES OR ARCHEOLOGICAL SITES EXIST

2011-0150-A

PLAT TO ACCOMPANY PETITION FOR VARIANCES

2100 TRED AVON ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET OCTOBER 15, 2010

OWNERS

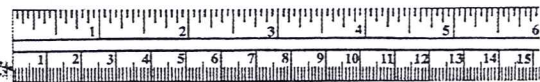
ROBERT J. WILSON, SR & DEBORAH B. WILSON
2100A TRED AVON ROAD
BALTO., MD. 21221
DEED REF: L.12207 F.729 & 732
PROPERTY NO. 2500004340

CHARLES A. SOMMERS 3RD & VIRGINIA L SOMMERS
2100 TRED AVON ROAD
BALTO., MD. 21221
DEED REF: L.29853 F.456
PROPERTY NO. 2500004341

PETITIONER'S

EXHIBIT NO. 1

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



"MIDDLEBOROUGH"

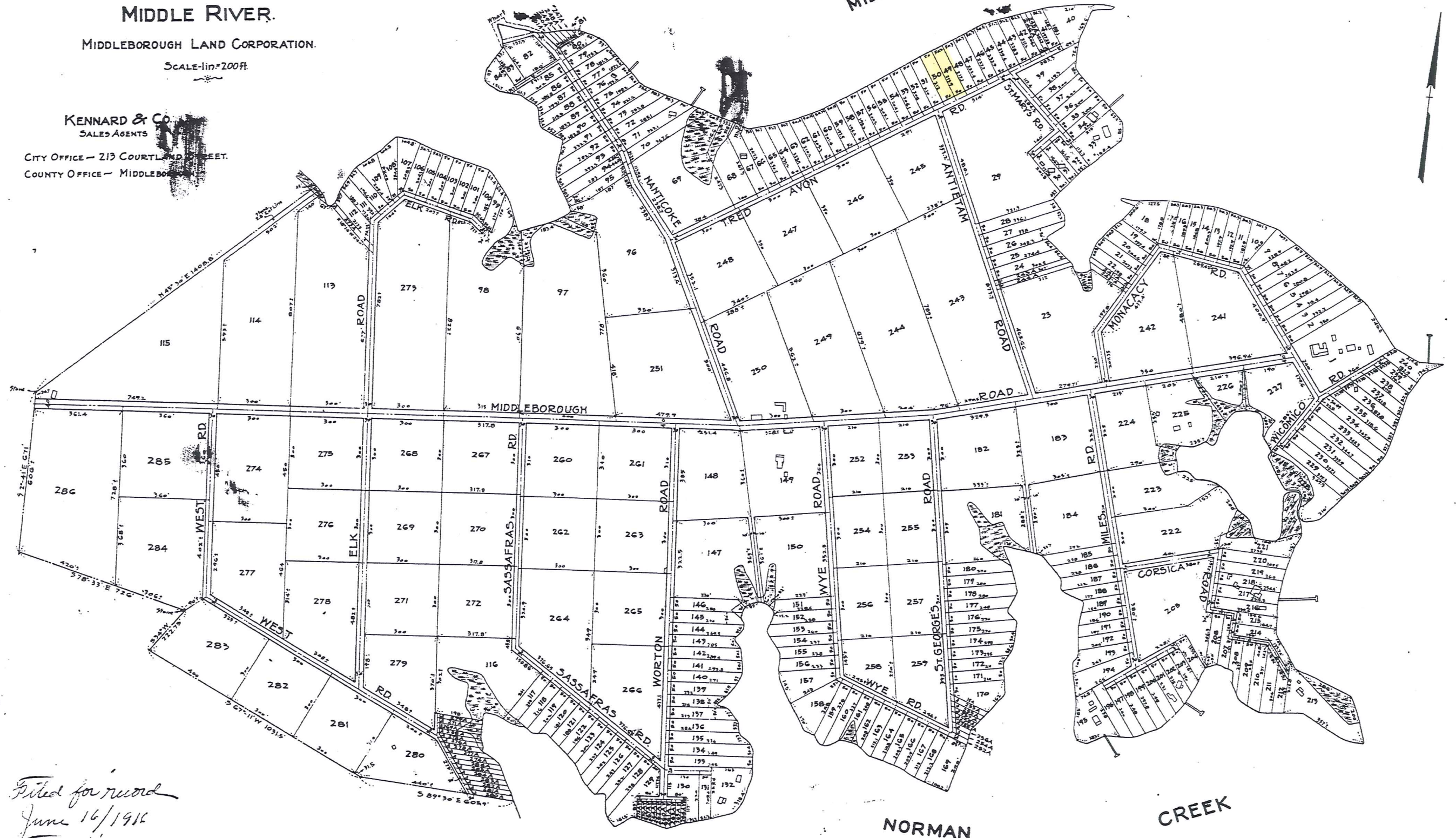
ON
MIDDLE RIVER.

MIDDLEBOROUGH LAND CORPORATION.

SCALE-1 in. = 200 ft.

KENNARD & CO.
SALES AGENTS

CITY OFFICE - 213 COURTLAND STREET.
COUNTY OFFICE - MIDDLEBOROUGH.



Filed for record
June 16/1916
Test: Wm. P. Leary & Co.

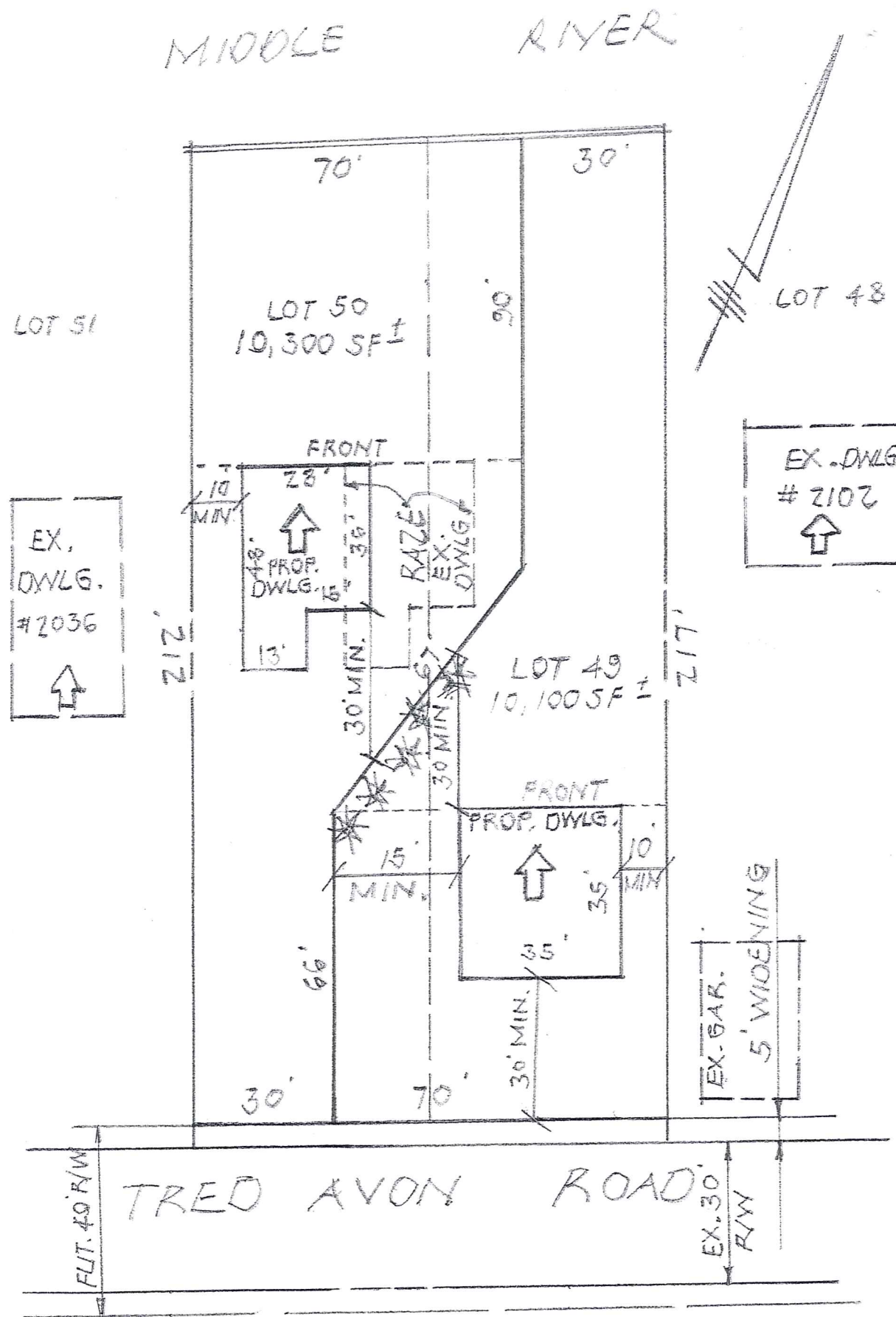
P.B. 4/191

JUNE 16, 1916

PETITIONER'S

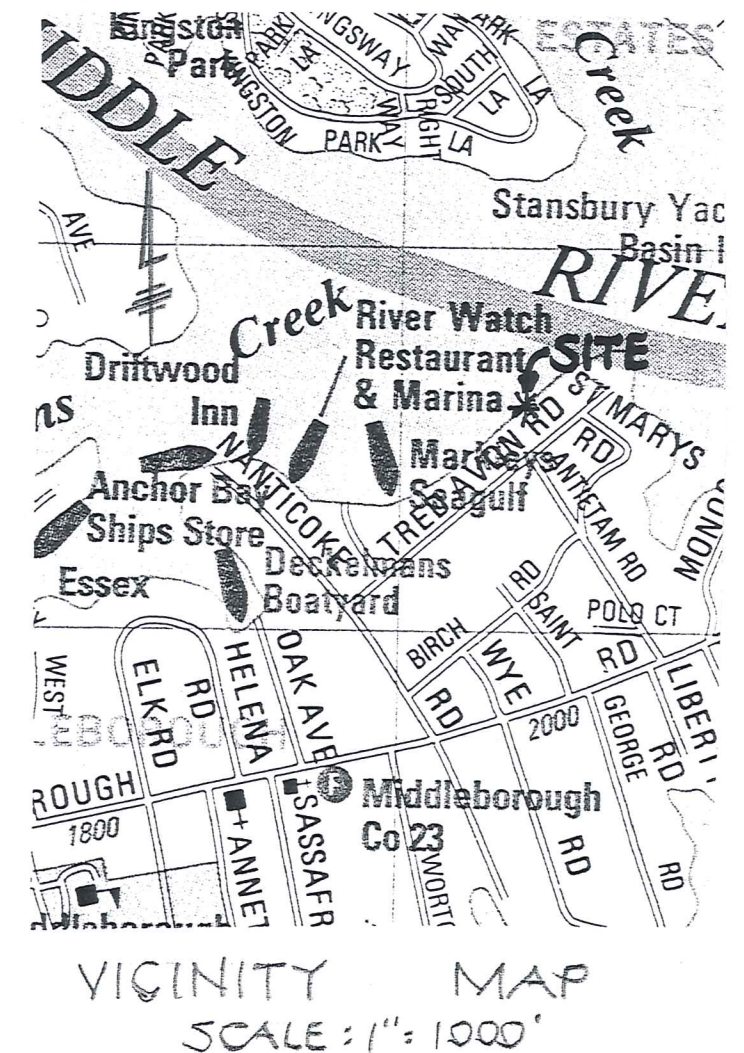
EXHIBIT NO. 4

Edward V. Coonan & Co.
Surveyors & Civil Engs.
231 Courtland St.
Baltimore
May, 1916



NOTES

1. ZONING.....DR 3.5
2. AREA.....20,400 S.F. = 0.468 ACRE
3. SITE IS LOCATED IN THE CBCA
4. SITE IS LOCATED IN FLOOD ZONE B & C
5. PUBLIC WATER AND SEWER IS EXISTING



OWNER
 ROBERT J. WILSON, SR.
 DEBORAH B. WILSON
 2100 TRED AVON ROAD
 BALTO., MD. 21221
 DEED REF.: L12207 F732
 ACCT. NO. 1502655020

PLAT TO ACCOMPANY DRC REQUEST
 2100 TRED AVON ROAD
 LOTS 49 AND 50
 MIDDLEBOROUGH PB4 F191
 ELECTION DISTRICT 15C6
 SCALE: 1 INCH PETITIONER'S
 DECEMBER EXHIBIT NO. 5

1 2 3 4 5 6
Maryland State Archives

- CBCA NOTES**

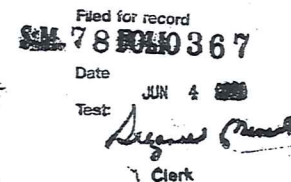
- SURVEYOR'S CERTIFICATE:

Henry J. Knell, Jr. 3-27-07
HENRY J. KNELL, JR.: PLS 484

APPROVED FOR THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

APPROVED BY THE DIRECTOR OF PERMITS AND DEVELOPMENT
MANAGEMENT PURSUANT TO SECTION 37-4-27, BALTIMORE
COUNTY CODE

PWA COMPLETED
REC & PARK: JHC 6-29-08
PDM [Signature] DTR 5-7-08
STREETS, NUMBERING 6-1-09
DEV. PLAN REVIEW D64 5/31/07
DEV. ENGINEER DAD 5/31/07
DIV. OF REAL ESTATE
ASSESSMENTS



Robert J. Wilson, Jr. Deborah B. Wilson
ROBERT J. WILSON, JR. DEBORAH B. WILSON

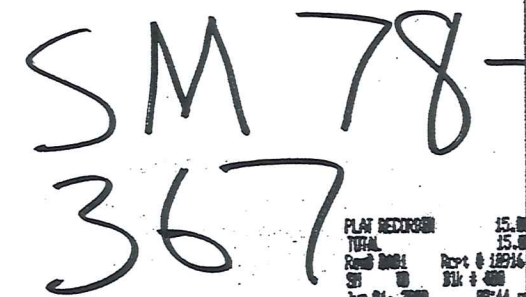
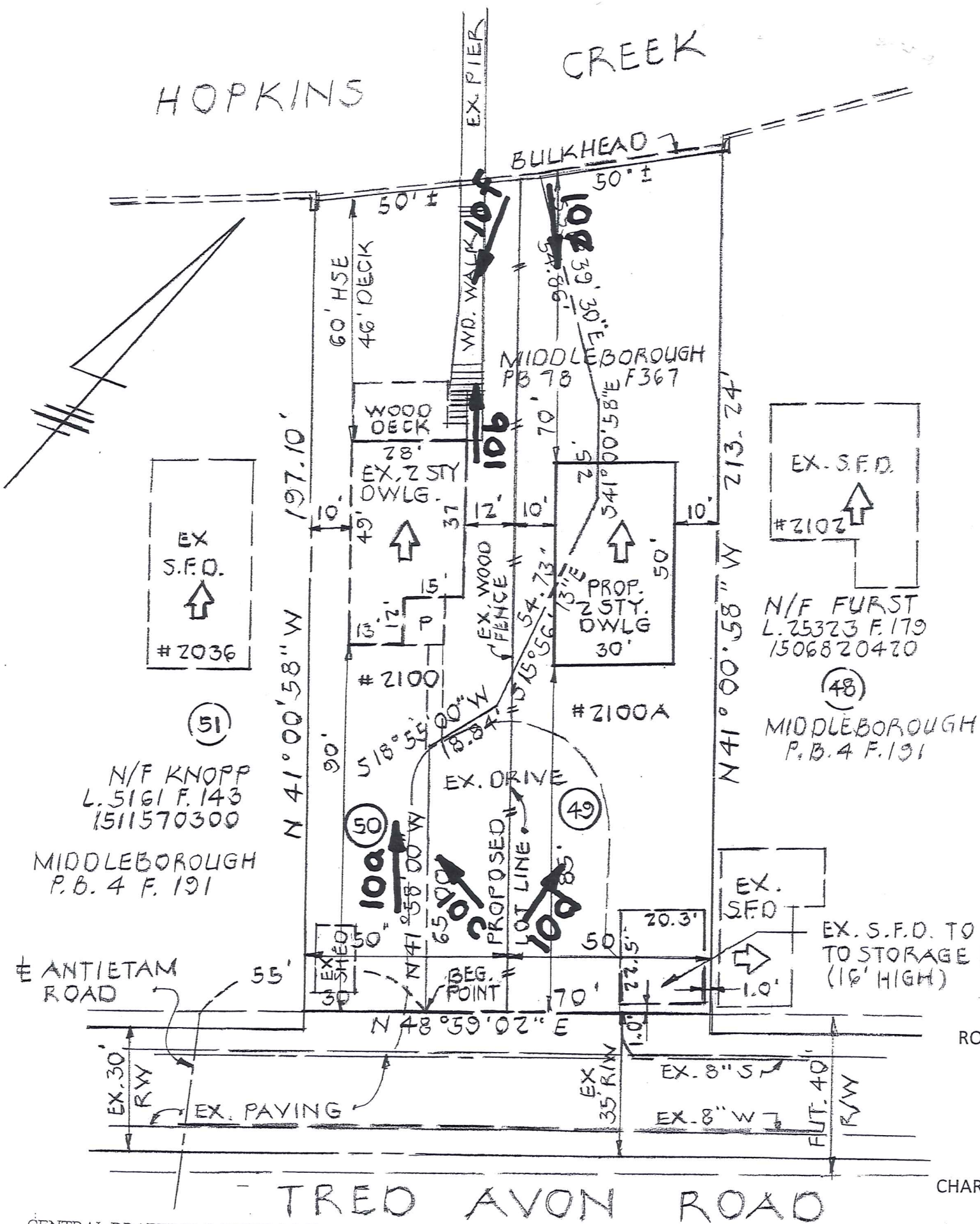


EXHIBIT NO.

915:



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PETITIONER'S

EXHIBIT NO. 10a-10f

NOTES

1. ZONING...DR 3.5 (MAP 097C1 & 098A1)
2. ADDRESS EXISTING LOT AREA PROPOSED LOT AREA
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PHOTOS

PLAT TO ACCOMPANY PETITION FOR VARIANCES

2100 TRED AVON ROAD
ELECTION DISTRICT 15C6

BALTIMORE COUNTY, MARYLAND

SCALE: 1 INCH = 30 FEET OCTOBER 15, 2010

OWNERS

ROBERT J. WILSON, SR & DEBORAH B. WILSON
2100A TRED AVON ROAD
BALTO., MD. 21221
DEED REF: L.12207 F.729 & 732
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