

IN RE: PETITION FOR VARIANCE  
(1628 Cape May Road)  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilman District  
The Estate of Mildred J. Mizell,  
Legal Owner  
Mark A. Fuchsluger,  
Contract Purchaser/Lessee  
Petitioners

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
CASE NO. 2013-0145-A

\* \* \* \* \*

**MOTION FOR RECONSIDERATION**

This matter arises out of a Motion for Reconsideration of my Opinion and Order dated February 27, 2013.

In that Order, I denied a Variance under Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit construction of a detached one-family home on a lot 53 ft. lieu of the required 70 ft.; in addition to Variance relief requested to reduce side setbacks and a reduced sum of side setbacks.

The Motion to Reconsider bases its request on the requirements on Section 304 of the B.C.Z.R., to grant the Petitioner relief to permit a lot width of 53 ft. lieu of the required 70 ft. On that basis, the Motion deletes the additional Variance request as to setbacks and the sum of setbacks.

This Motion was heard on April 3, 2013. The testimony of the Petitioner/Contract Purchaser, Mr. Fuchsluger, was proffered by counsel. It was presented that the subject property satisfies the conditions set out in B.C.Z.R. Section 304.1. To that end, documentation was presented that the subject site was part of a validly approved subdivision prior to March 30, 1955. Further, it was established that the property (of some 15,582 square feet) has sufficient area to

meet the requirements of a single-family dwelling in this DR 3.5 zone. In addition, it was noted

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Date 4-19-13

By pw

that the Petitioner/Contract Purchaser is not seeking any Variances as to height or area regulations; nor does he own sufficient adjoining land to meet the otherwise existing width requirements. The two adjoining lots are already improved, subject site has never been improved, and there is no intent therefore to utilize this site in support of another.

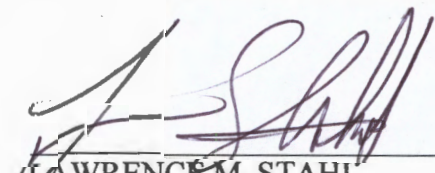
The Petitioner/Contract Purchaser, under oath, adopted as his own the above testimony proffered by his counsel. It should be noted that the original petitioner in this matter had been the sellers of the subject site. The Motion to Reconsider based upon Section 304.1 herein is moved by Mr. Fuchsluger, the contract purchaser.

Finally, it was presented that the Petitioner/Contract Purchaser has constructed other residences in this neighborhood and that the proposed structure in this matter will be consistent with the uses and character of the immediate neighborhood.

I am satisfied that the Petitioner/Contract Purchaser has clearly established the requirements set forth in Section 304.1 of the B.C.Z.R.

THEREFORE, it is this 19<sup>th</sup> day of April, 2013, that the Motion for Reconsideration under B.C.Z.R. 304.1 to permit construction of a detached one-family home on a lot 53 ft. in lieu of the required 70 ft., is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
\_\_\_\_\_  
LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS:dlw  
ORDER RECEIVED FOR FILING

Date 4-19-13

By [Signature]



KEVIN KAMENETZ  
County Executive

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
JOHN E. BEVERUNGEN  
Administrative Law Judge

April 19, 2013

Deborah C. Dopkin, Esquire  
Deborah C. Dopkin, P.A.  
P.O. Box 323  
Brooklandville, Maryland 21022

RE: **MOTION FOR RECONSIDERATION** - Petition for Variance  
Case No.: 2013-0145-A  
Property: 1628 Cape May Road

Dear Ms. Dopkin:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
Baltimore County

LS 4-3

2013-0145-A Mot. for Record.

Please scan & email Order  
to Deborah Dopkin once  
completed.

4/11 5:25 AM  
Jeb



*use permit / variance*

**IN RE: PETITION FOR VARIANCE**  
(1628 Cape May Road)  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District

Mark A. Fuchsluger, Contract Purchaser  
Petitioner

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* CASE No. 2013-0145-A

\*\*\*\*\*

MOTION FOR RECONSIDERATION  
AND  
TO AMEND AND RESTATE PETITION

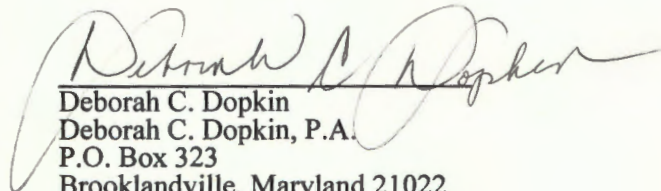
Petitioner Mark A. Fuchsluger, by and through his attorneys, Deborah C. Dopkin, Esquire, Deborah C. Dopkin, P.A., hereby submits this Motion for Reconsideration and to Amend and Restate Petition, for the reasons set forth herein.

1. Petitioner seeks reconsideration of the Opinion and Order of the Managing Administrative Law Judge for Baltimore County dated February 27, 2013, with respect to the above captioned property located at 1628 Cape May Road (the "Property").
2. Petitioner restates the Petition to *reduce* the relief requested in the following manner: In addition to the relief requested pursuant to Baltimore County Zoning Regulations ("BCZR") Section 307, Petitioner seeks relief pursuant Section 304 to permit a lot width of 53 feet in lieu of the required 70 feet. Petitioner further amends the previously filed petition to delete requests for variance relief (i) of reduced side setbacks and (ii) of a reduced sum of side setbacks.
3. The Property's unique shape - long and very narrow - creates a practical difficulty that renders strict compliance with the BCZR impracticable.
4. Further, BCZR Section 304.1 provides that, under particular conditions, a one-family detached dwelling may be erected on a lot having a width at the building line less than that required by the BCZR. The subject Property satisfies the conditions enumerated in BCZR Section 304.1:
  - a. The lot was part of a validly approved subdivision prior to March 30, 1955. The Property is known as Lot 7, of the Nicholas Zinkhand Plat, which plat was recorded among the Plat Records of Baltimore County in Plat Book 10, page 59, January 30, 1930.
  - b. All other requirements of the height and area regulations are complied with. Specifically, the Property contains an area of 15,582 square feet, which provides more than the minimum area needed to support one single family dwelling in the D.R. 3.5 zone in which the Property is located. Petitioner seeks no variances of either height or area.

- c. Petitioner does not own sufficient adjoining land to conform to the width requirements contained in these regulations.
5. The use of the Property is consistent with existing uses in the immediate neighborhood and with relief granted to other properties. Petitioner has recently built single family houses at 1616 Cape May Road and at 1662 Cape May Road, homes that are in keeping with the character of the neighborhood. The property at 1616 Cape May Road is the same size and configuration as the subject Property, and shown on the same plat.
6. If the subject petition is approved, Petitioner accepts and agrees to the provisions of BCZR §304.2, to the extent the Petitioner has not already done so.

Whereas, for the reasons stated herein, Petitioner respectfully prays that the Honorable Administrative Law Judge reconsider the Opinion and Order dated February 27, 2013, and grant the relief requested as amended and restated herein.

Respectfully submitted,



Deborah C. Dopkin  
Deborah C. Dopkin, P.A.  
P.O. Box 323  
Brooklandville, Maryland 21022  
410-821-0200  
Attorney for Petitioner

LAW OFFICES  
DEBORAH C. DOPKIN, P.A.  
P.O. Box 323  
BROOKLANDVILLE, MARYLAND 21022  
email: ddopkin@dopkinlaw.com

TELEPHONE: (410)821-0200

March 14, 2013

The Honorable Lawrence M. Stahl  
Managing Administrative Law Judge  
Office of Administrative Hearings  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

RECEIVED

MAR 15 2013

OFFICE OF ADMINISTRATIVE HEARINGS

RE: 1628 Cape May Road  
Case No. 2013-0145-A

Dear Judge Stahl:

This office represents Mark A. Fuchsluger, the Petitioner in the above captioned matter.

Please find transmitted herewith Motion for Reconsideration and To Amend and Restate Petition, which is being filed pursuant to Rule 4.K. of the Rules of Practice and Procedure Before the Zoning Commissioner/hearing Officer of Baltimore County, and in response to your Opinion and Order dated February 27, 2013. The filing of the motion shall stay all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal.

We appreciate your prompt consideration. Please call me if I may provide any additional information.

Very truly yours,

  
Deborah C. Dopkin

DCD/  
encl.



IN RE: PETITION FOR VARIANCE  
(1628 Cape May Road)  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilman District  
The Estate of Mildred J. Mizell,  
*Legal Owner*  
Mark A. Fuchsluger,  
*Contract Purchaser/Lessee*  
Petitioners

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
CASE NO. 2013-0145-A

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Robert Mizell, on behalf of the Estate of Mildred J. Mizell, legal owner, and Mark A. Fuchsluger, Contract Purchaser of the subject property. The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a lot width of 53 ft. lieu of the required 70 ft.; (2) To permit side setbacks of 10 and 13 ft. in lieu of the required 10 and 15 ft.; (3) To permit a sum of sides to be 23 ft. in lieu of the permitted 25 ft.; and (4) to permit any other relief deemed necessary by the Administrative Law Judge. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Mark Fuchsluger. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the record of this case. The Department of Planning submitted a comment indicating it did not oppose the Petition, but requested that Petitioner provide (prior to permit issuance) building elevations

ORDER RECEIVED FOR FILING

Date

2-27-13

By

DSN

ORDER RECEIVED FOR FILING

Date

and landscaping along the public road.

Testimony and evidence revealed that the subject property is 15,582 square feet and is zoned DR 3.5. The lot is vacant and is 53' wide, similar to other lots in the neighborhood.

Based upon the testimony and evidence presented, I will deny the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

The Petitioner failed to present any evidence concerning the uniqueness of the property, and thus the request for variance must be denied.

The Petitioner is advised that he may file a Motion to seek Reconsideration of this Order. The variance relief denied herein was based upon the requirements of B.C.Z.R. §307, as interpreted by Cromwell. But the B.C.Z.R. contains another provision (§304) that deals expressly with "undersized lots" such as the one at issue here. That provision does not require a showing of uniqueness and hardship. Mueller v. Baltimore Co., 177 Md. App. 43, 87 (2007). Provided Petitioner can satisfy the three (3) conditions set forth in B.C.Z.R. § 304 (and the DOP's comment seems to indicate the Petitioner could make such a showing), relief would be available under that provision

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

ORDER RECEIVED FOR FILING

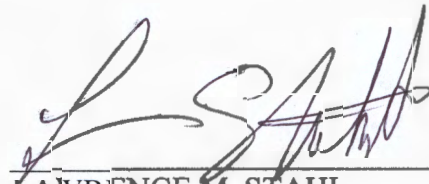
Date 2-27-13

By pen



THEREFORE, IT IS ORDERED, this 27<sup>th</sup> day of February, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a lot width of 53 ft. lieu of the required 70 ft.; (2) To permit side setbacks of 10 and 13 ft. in lieu of the required 10 and 15 ft.; (3) To permit a sum of sides to be 23 ft. in lieu of the permitted 25 ft.; and (4) to permit any other relief deemed necessary by the Administrative Law Judge, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS:sln

ORDER RECEIVED FOR FILING

Date 2-27-13

By sln



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
*Administrative Law Judge*

February 27, 2013

Mark A. Fuchsluger  
P.O. Box 16638  
Baltimore, Maryland 21221

RE: Petition for Variance  
Case No.: 2013-0145-A  
Property: 1628 Cape May Road

Dear Mr. Fuchsluger:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the printed name of Lawrence M. Stahl.

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS:sln  
Enclosure



# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address Cape May Road (1628) Essex, MD 21221

which is presently zoned Residential DR 3.5

Deed References: 09999/00143

10 Digit Tax Account # 1 5 1 6 0 0 0 6 5 0

Property Owner(s) Printed Name(s) The Estate of Mildred J Mizell

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1.      a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2.      a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3.   x   a **Variance from Sec** 1B02.3.C.1

To permit a lot width of 53 feet in lieu of the required 70 feet, to permit side setbacks of 10 and 13 feet in lieu of the required 10 and 15 feet and to permit a sum of sides to be 23 feet in lieu of the permitted 25 feet. Additionally, to permit any other relief deemed necessary by the Hearing Officer.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

## Contract Purchaser/Lessee:

Mark A Fuchsluger

Name- Type or Print

*Mark A Fuchsluger*

Signature

P.O. Box 16638 Baltimore MD

Mailing Address City State

21221 , 410-574-0008

Zip Code Telephone # Email Address

## Attorney for Petitioner:

Name- Type or Print

*2-27-13*

Signature

*Den*

Mailing Address City State

BY Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

The Estate of Mildred J Mizell

*(Robert Mizell)*

Name #1 - Type or Print

Name #2 - Type or Print

*Estate Executor FOR*

Signature #1

Signature #2

208 Fox Haven Court Risterstown MD

Mailing Address City State

21136 , (410) 804-6730 , *cruisincave@verizon.net*

Zip Code Telephone # Email Address

## Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0145-A

Filing Date 12/20/2012

Do Not Schedule Dates: \_\_\_\_\_

Reviewer *tu*



**Zoning Description**

Zoning Property Description For 1628 Cape May Road.

Beginning at a point on the north side of (Cape May Road on which property fronts) which is (40foot right-of-way width) wide at the distance of (403feet) (south of the center line of the nearest improved intersecting street Wrights LN.) which is 40foot wide. Located in the 15<sup>th</sup> Election District and 6<sup>th</sup> Councilmanic District. *Containing 15,582 square feet,*

*2013-0145-A*

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

No. 92780

Date: 12/20/12

| Fund | Dept | Unit | Sub Unit | Rev     | Sub  | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|---------|------|------|-----|---------|--------|
|      |      |      |          | Source/ | Rev/ |      |     |         |        |
| 001  | 806  | 0000 |          | 650     |      |      |     |         | 75.00  |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |

Total: 75.00

Rec

From:

Mark Fuchsinger Fuchsinger

For:

P.O. Box 16430 Baltimore MD 21221

2013-0145A

**NOTICE OF ZONING HEARING**

The Administrative Law Judges 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: # 2013-0145-A**

1628 Cape May Road

N/side of Cape May Road, 403 ft. +/- S/ of centerline of Wrights Lane

15th Election District - 6th Councilmanic District

Legal Owner(s): The Estate of Mildred Mizell

(Robert Mizell, executor)

Contract Purchaser: Mark Fuchsluger

**Variance:** to permit a lot width of 53 ft. in lieu of the required 70 ft., to permit side setbacks of 10 ft. and 13 ft. in lieu of the required 10 and 15 ft. and to permit a sum of sides to be 23 ft. in lieu of the permitted 25 ft. Additionally, to permit any other relief deemed necessary by the Administrative Law Judge.

**Hearing:** Friday, February 22, 2013, at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.  
1/364 Jan. 31 901504



501 N. Calvert Street, Baltimore, MD 21278

January 31, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 31, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

*Susan Wilkinson*



CERTIFICATE OF POSTING  
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0145-A

PETITIONER/DEVELOPER \_\_\_\_\_

MARK FUCHSLUGER

DATE OF HEARING/CLOSING: \_\_\_\_\_

2/22/13

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 THE PENALTIES OF PERJURY THAT THE  
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE  
PROPERTY AT 1628 CAPE MAY ROAD

THIS SIGN(S) WERE POSTED ON February 1, 2013  
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 2/1/13  
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE  
(SIGN POSTER)  
60 CHELMSFORD COURT  
BALTIMORE, MD 21220  
(ADDRESS)  
PHONE NUMBER: 443-629-3411

# ZONING NOTICE

CASE # 2013-0145-A

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

PLACE: ROOM 205, JEFFERSON BUILDING  
105 WESTCHESTER AVE. TOWSON 21204

DATE: FRI, FEBRUARY 22, 2013 AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A LOT WIDTH OF 63 FT. IN  
LIEU OF THE REQUIRED 70 FT., TO PERMIT SIDE SETBACKS  
OF 10 FT. AND 13 FT. IN LIEU OF THE REQUIRED 10 AND 15 FT.  
AND TO PERMIT A SUM OF SIDES TO BE 23 FT. IN LIEU OF THE  
PERMITTED 25 FT. ADDITIONALLY, TO PERMIT ANY OTHER  
RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW  
JUDGE.

POSTPONEMENTS DUE TO WEATHER AND OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY  
TO CURE THE HEARING. CALL 410-887-0811

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

*made of 2/1/13*

TO: PATUXENT PUBLISHING COMPANY  
Thursday, January 31, 2013 Issue - Jeffersonian

Please forward billing to:  
Mark Fuchsluger  
P.O. Box 16638  
Baltimore, MD 21221

410-574-0008

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## NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0145-A**

1628 Cape May Road

N/side of Cape May Road, 403 ft. +/- S/of centerline of Wrights Lane

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: The Estate of Mildred Mizell (Robert Mizell, executor)

Contract Purchaser: Mark Fuchsluger

Variance to permit a lot width of 53 ft. in lieu of the required 70 ft., to permit side setbacks of 10 ft. and 13 ft. in lieu of the required 10 and 15 ft. and to permit a sum of sides to be 23 ft. in lieu of the permitted 25 ft. Additionally, to permit any other relief deemed necessary by the Administrative Law Judge.

Hearing: Friday, February 22, 2013 at 11:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





KEVIN KAMENETZ  
County Executive

ARNOLD JABLON  
Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections  
November 22, 2011

## NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0145-A**

1628 Cape May Road

N/side of Cape May Road, 403 ft. +/- S/of centerline of Wrights Lane

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: The Estate of Mildred Mizell (Robert Mizell, executor)

Contract Purchaser: Mark Fuchsluger

Variance to permit a lot width of 53 ft. in lieu of the required 70 ft., to permit side setbacks of 10 ft. and 13 ft. in lieu of the required 10 and 15 ft. and to permit a sum of sides to be 23 ft. in lieu of the permitted 25 ft. Additionally, to permit any other relief deemed necessary by the Administrative Law Judge.

Hearing: Friday, February 22, 2013 at 11:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:kl

C: Mark Fuchsluger, P.O. Box 16638, Baltimore 21221  
Robert Mizell, 208 Fox Haven Ct., Reisterstown 21136

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 2, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

## 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.**

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#### For Newspaper Advertising:

Item Number or Case Number: 2013-0145-A  
Petitioner: Robert Mizell Estate Executor for (The Estate of Mildred J. Mizell)  
Address or Location: 1628 Cape May Road

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Mark A. Fuchsluger  
Address: PO Box 16638  
Baltimore MD 21221  
Telephone Number: 410 574 0008

To permit a lot width of 53 feet in lieu of the required 70 feet, to permit side setbacks of 10 and 13 feet in lieu of the required 10 and 15 feet and to permit a sum of sides to be 23 feet in lieu of the permitted 25 feet. Additionally, to permit any other relief deemed necessary by the Hearing Officer.





KEVIN KAMENETZ  
*County Executive*

ARNOLD JABLON  
*Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections*

February 13, 2013

The Estate of Mildred J. Mizell  
C/O Robert Mizell  
208 Fox Haven Court  
Reisterstown MD 21136

RE: Case Number: 2013-0145 A, Address: Cape May Road (1628), 21221

Dear Mr. Mizell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 20, 2012. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Mark Fuchsluger, P. O. Box 16638, Baltimore MD 21221





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

Darrell B. Mobley, Acting Secretary  
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-7-13

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

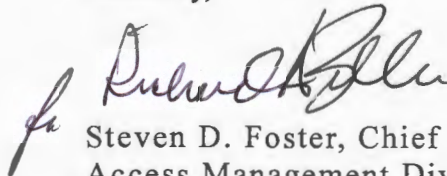
RE: Baltimore County  
Item No 2013-0145-A  
Variance  
The Estate of Mildred J. Muzel  
1628 Cape May Road

Dear Ms. Lewis:

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. 2013-0145-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

  
Steven D. Foster, Chief  
Access Management Division

SDF/raz

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.roads.maryland.gov

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon  
Deputy Administrative Officer and  
Director of Permits, Approvals and Inspections

**DATE:** January 8, 2013

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 1628 Cape May Road

**INFORMATION:**

**Item Number:** 13-145

**Petitioner:** The Estate of Mildred J. Mizell

**Zoning:** DR 3.5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

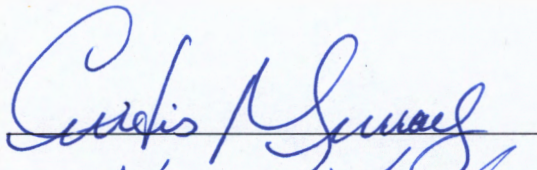
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standards stated in Section 304.1.C of the BCZR. Furthermore, there appears to be several existing undersized lots in the neighborhood. As such, this department does not oppose the petitioner's request.

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

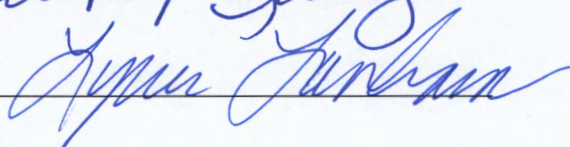
- ✓ 1. Submit building elevations to this department for review and approval prior to the issuance any building permits. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- ✓ 2. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:



Division Chief:  
AVA/LL: CM



RECEIVED

JAN 14 2013

OFFICE OF ADMINISTRATIVE HEARINGS

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections

**DATE:** January 02, 2013

**FROM:** Dennis A. <sup>DAK</sup>Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 07, 2012  
Item Nos. 2013-0121, 0139, 0140, 0141,0142,0143,0144 and 0145.

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

DAK:CEN  
Cc: file



## MEMORANDUM

DATE: May 28, 2013  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2013-0145-A - Appeal Period Expired

---

The appeal period for the above-referenced case expired on May 20, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File  
Office of Administrative Hearings

|                                                                    |   |                   |
|--------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR VARIANCE                                          | * | BEFORE THE OFFICE |
| 1628 Cape May Road; N/S Cape May Road,                             | * |                   |
| 403' S c/line of Wrights Lane                                      | * | OF ADMINISTRATIVE |
| 15 <sup>th</sup> Election & 6 <sup>th</sup> Councilmanic Districts | * |                   |
| Legal Owner(s): The Estate of Mildred Mizell                       | * | HEARINGS FOR      |
| Contract Purchaser(s): Mark Fushsluger                             | * |                   |
| Petitioner(s)                                                      | * | BALTIMORE COUNTY  |
|                                                                    | * | 2013-145-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.

RECEIVED

DEC 28 2012

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Robert Mizell, 208 Fox Haven Court, Reisterstown, Maryland 21136 and Mark Fushsluger, P.O. Box 16638, Baltimore, MD 21221, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

LS - 4/3 1:30 PM Rm 205

**Debra Wiley - 2013-0145-A - Hearing on Motion for Reconsideration**

**From:** Debra Wiley  
**To:** ddopkin@dopkinlaw.com  
**Date:** 3/20/2013 1:50 PM  
**Subject:** 2013-0145-A - Hearing on Motion for Reconsideration  
**CC:** Lewis, Kristen

*Larry Davis 3/20*

Good Afternoon,

As discussed, please be advised that the hearing for the above-referenced is confirmed for **Wednesday, April 3, 2013, at 1:30 PM, in Room 205** of the Jefferson Building.

By copy of this email, I am notifying Kristen Lewis to place on the April calendar. There is no need to re-post or re-advertise, and this should be a quick hearing. Our office will hold onto the file until the scheduled hearing.

Thanks in advance.

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



**Debra Wiley - RE: 2013-0145-A - 1628 Cape May Rd. - Motion for Reconsideration**

---

**From:** "Deborah Dopkin" <ddopkin@dopkinlaw.com>  
**To:** "'Debra Wiley'" <dwiley@baltimorecountymd.gov>  
**Date:** 3/19/2013 4:46 PM  
**Subject:** RE: 2013-0145-A - 1628 Cape May Rd. - Motion for Reconsideration

---

Hi Debbie –

I am sorry, but I did not get the voice mail. Thanks for following up with an email.

I am available either Wednesday or Thursday April 3 or 4, and I can make sure my client is also. Do you have any idea why he wants a hearing on this? I hate to run up a bill if it is not necessary.

However, if it must go to hearing, let's do Wednesday, April 3, just cause it's sooner.

Deborah

---

**From:** Debra Wiley [mailto:dwiley@baltimorecountymd.gov]  
**Sent:** Tuesday, March 19, 2013 4:29 PM  
**To:** ddopkin@dopkinlaw.com  
**Cc:** Kristen Lewis  
**Subject:** 2013-0145-A - 1628 Cape May Rd. - Motion for Reconsideration

Ms. Dopkin,

I left a voice mail message for you yesterday @ 12:50 PM at Judge Stahl's request in reference to the Motion for Reconsideration filed in the above case.

Pursuant to the Motion for Reconsideration and to Amend and Restate Petition received on March 15th (specifically, pages #1 and #2, which referenced Section 304), Judge Stahl would like to schedule the Motion for a quick hearing. There is no need for re-posting and/or re-advertisement. The two dates are as follows:

Wednesday, April 3 or Thursday, April 4  
1:30 PM  
Room 205, Jefferson Building

Please advise which date works best for you and I'll be happy to confirm with Kristen. Thanks in advance.

Debbie Wiley

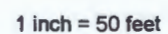
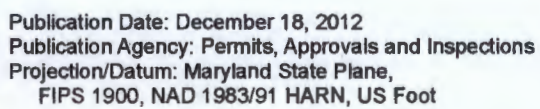
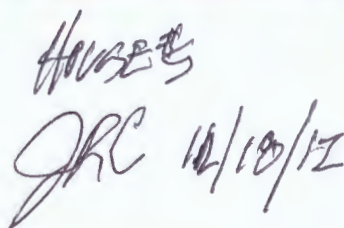
Ment Fuchswoor  
K puncher  
2408 Laurel Brook Dr  
Fall ~~to~~ 21047

empty lot  
potted #1

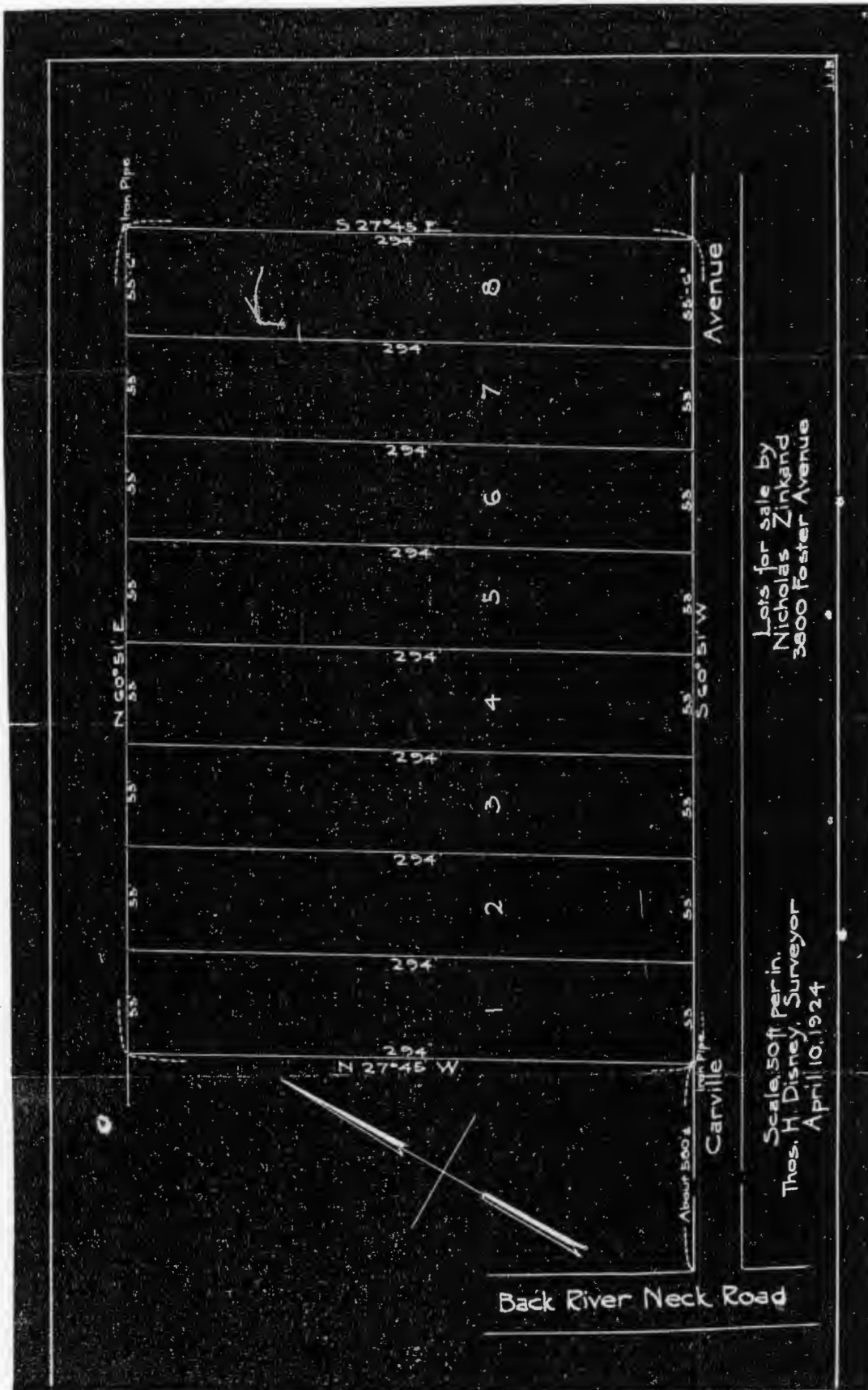
knows nothing - ~~spoke of~~  
last night. Appendix  
Plans -



2013-0145-A







CASE NAME M.A. Fuchsluger  
CASE NUMBER 2013-145A  
DATE 4-3-2013

[illegible]

Case No.:

2013-0145A

## Exhibit Sheet

DW 5-28-13  
DW 4-23-13

Petitioner/Developer

Protestant

|        |                                                                      |  |
|--------|----------------------------------------------------------------------|--|
| No. 1  | A - neighborhood ariel<br>B House detail ariel                       |  |
| No. 2  | MULLER v Peoples Counsel<br>11-3-07<br>CITE SP. APPEALS              |  |
| No. 3  | Zoning Commissioners<br>minutes - Sect. 304                          |  |
| No. 4  | SDAT 1630 ERB MAX RD<br>+ Deed<br>+ <del>SDAT</del> Zoning Var. Deed |  |
| No. 5  | SDAT - CARVILLE PLAT<br>+ DEED                                       |  |
| No. 6  | SDAT 1630 + DEED                                                     |  |
| No. 7  |                                                                      |  |
| No. 8  |                                                                      |  |
| No. 9  |                                                                      |  |
| No. 10 |                                                                      |  |
| No. 11 |                                                                      |  |
| No. 12 |                                                                      |  |





|                                                                                    |                                   |                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><b>My Neighborhood Map</b></p> | <p>Created By<br/>Baltimore County<br/>My Neighborhood</p>  | <p>This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.</p> <p>Printed 4/2/2013</p> |
|------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|





My Neighborhood Map  
*Auth IB*

Created By  
Baltimore County  
My Neighborhood



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Handwritten: #2

934 A.2d 974

177 Md. App. 43

Herman MUELLER, Jr., et al.

v.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY.

No. 319, September Term, 2006.

Court of Special Appeals of Maryland.

November 2, 2007.

[934 A.2d 977]

Edward J. Gilliss (Leanne M. Schrecengost, Royston, Mueller, McLean & Reid, LLP, on the brief), Towson, for appellant.

Carole S. Demilio (Peter Max Zimmerman, on the brief), Towson, for appellee.

Panel: HOLLANDER, DEBORAH S. EYLER, and WOODWARD, JJ.

HOLLANDER, J.

In this appeal, we are asked to determine whether the Circuit Court for Baltimore County erred in reversing the Baltimore County Board of Appeals (the "Board"), which had granted a "Petition for Variance" (the "Petition") as to an undersized waterfront lot owned by Herman Mueller, Jr. and Grace Mueller, appellants. The lot became undersized as a result of changes to Baltimore County's zoning laws.

When the Petition was filed, appellants also owned an adjoining waterfront lot that Mr. Mueller's parents had purchased in 1947, and on which they had constructed a residence in 1948 (referred to as "Lot 66" or "Property I"). The lot at issue here (referred to as "Lot 67" or "Property II"), was purchased by Mr. Mueller's parents in 1960, and has remained undeveloped. Appellants acquired the properties in 1979. In 2004, they sought a variance as to the undeveloped lot in order to construct a dwelling on it. People's Counsel for Baltimore County, appellee, opposed the Petition. After appellants prevailed before the Board, appellee sought judicial review in the circuit court. That court reversed the Board.

This appeal followed. Appellants pose the following questions:

1. Did the Board properly grant the Appellants' Petition for Variance in Accordance with the standards for undersized lots established in BCZR Section 304.1?

2. Did the Board properly grant Appellants' Petition for Variance in accordance with the BCZR Section 307 variance process?

3. Was the Board correct in finding that the doctrine of merger is inapplicable to Properties I and II?

For the reasons set forth below, we shall reverse the circuit court and remand to the Board for further proceedings.

#### FACTUAL AND PROCEDURAL SUMMARY

In 1947, Herman Mueller, Sr. and his wife, Thelma Mueller (the "elder Muellers"), the parents of appellant Herman Mueller, Jr., acquired Lot 66, located at 2606 Bauernschmidt Drive in Baltimore County (the "County"). In 1948, they constructed a dwelling on Lot 66, which is used as a summer home and weekend retreat. The elder Muellers purchased the adjacent waterfront lot, Lot 67, in 1960,

[934 A.2d 978]

located at 2608 Bauernschmidt Drive. Lot 66 is approximately 8,400 square feet in area, and 50 feet wide, while Lot 67 is approximately 6,812 square feet in area and about 61 feet wide.<sup>1</sup>

The lots are located in Bauernschmidt Manor, a 1940 waterfront subdivision on the Turkey Point Peninsula, in eastern Baltimore County. Bauernschmidt Manor consists



SECTION 304 -- USE OF UNDERSIZED SINGLE-FAMILY LOTS - Prior to the application for a building permit, the applicant must provide satisfactory documentation. The applicant may be required to furnish:

- a. a copy of the pre-1955 deed or subdivision plat;
- b. (no additions)
- c. contiguous ownership

It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

1. Section 304 B.C.Z.R., however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.
2. It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 304 BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304c. cannot be invoked and variances must be required. An obvious method used is called "checkerboarding". The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.
3. If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, 304c. may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels, the purpose of the purchase, the intent of the purchase, can be utilized to so determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criteria to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304c. would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid area requirements.
4. Ownership Information Including:
  - ( i ) a property tax computer printout for all adjacent properties, in addition to the subject property;
  - ( ii ) copies of the deeds for all adjacent properties, in addition to the subject property; and
  - (iii) a notarized affidavit stating that the applicant has had no financial interests for the prior six years in any adjacent properties.

Interpretation: The Zoning Commissioner retains the right Section 500.6 B.C.Z.R. to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis (see Section 101 - Ownership Z.C.P.M., Page 1-23)

Relt #4 Site

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

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[GroundRent](#)  
[Redemption](#)  
[GroundRent](#)  
[Registration](#)

Account Identifier: District - 15 Account Number - 1516000650

**Owner Information**

Owner Name: MIZELL ROBERT L  
MIZELL MILDRED J  
Use: RESIDENTIAL  
Principal Residence: NO  
Mailing Address: 208 FOX HAVEN CT  
REISTERSTOWN MD 21136-  
Deed Reference: 1) /09999/ 00143  
2)

**Location & Structure Information**

Premises Address  
CAPE MAY RD  
0-0000  
Legal Description  
1630 CAPE MAY RD NS  
NICHOLAS ZINKHAND

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:   |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|------------|
| 0097 | 0018 | 0124   |              | 0000        |         |       | 7   | 3               | 0010/ 0059 |

Special Tax Areas  
Town NONE  
Ad Valorem  
Tax Class

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
|                         |               | 15,582 SF          | 04         |

Stories Basement Type Exterior

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2012 | 07/01/2012           | 07/01/2013 |
| <u>Land</u>               | 60,300     | 60,300     |                      |            |
| <u>Improvements:</u>      | 0          | 0          |                      |            |
| <u>Total:</u>             | 60,300     | 60,300     | 60,300               | 60,300     |
| <u>Preferential Land:</u> | 0          |            |                      | 0          |

**Transfer Information**

| <u>Seller:</u>       | <u>Date:</u>  | <u>Price:</u> |
|----------------------|---------------|---------------|
| PATTISALL SYLVIA     | 09/08/1993    | \$20,000      |
| <u>Type:</u>         | <u>Deed1:</u> | <u>Deed2:</u> |
| ARMS LENGTH IMPROVED | /09999/ 00143 |               |
| <u>Seller:</u>       | <u>Date:</u>  | <u>Price:</u> |
|                      |               |               |
| <u>Type:</u>         | <u>Deed1:</u> | <u>Deed2:</u> |
|                      |               |               |
| <u>Seller:</u>       | <u>Date:</u>  | <u>Price:</u> |
|                      |               |               |
| <u>Type:</u>         | <u>Deed1:</u> | <u>Deed2:</u> |
|                      |               |               |

**Exemption Information**

| <u>Partial Exempt Assessments</u> | <u>Class</u> | 07/01/2012 | 07/01/2013 |
|-----------------------------------|--------------|------------|------------|
| <u>County</u>                     | 000          | 0.00       |            |
| <u>State</u>                      | 000          | 0.00       |            |
| <u>Municipal</u>                  | 000          | 0.00       | 0.00       |

Tax Exempt: Special Tax Recapture:  
Exempt Class: NONE

**Homestead Application Information**

Homestead Application Status: No Application



1624  
LIBER 9999 PAGE 43

THIS DEED, made this 28<sup>th</sup> day of July, 1993, by and between JAMES J. NOVAK, Personal Representative of The Estate of SYLVIA PATTISALL hereinafter referred to as Grantor, and ROBERT L. MISELL and MILDRED J. MISELL, his wife, hereinafter referred to as Grantees.

WITNESSETH, that for and in consideration of the sum of Twenty Thousand Dollars (\$20,000.00), the receipt of which is hereby acknowledged, Grantor does hereby grant and convey unto Grantees, their heirs, personal representatives and assigns, as tenants by the entireties, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING all those lots of ground known and designated as Lot No. 7 on the plat of Carville Avenue, the property of Nicholas Zinkand and Rose Zinkand, his wife, as surveyed by Thomas H. Disney, Surveyor, said plat being dated April 10, 1924, and recorded among the Plat Records of Baltimore County in Plat Book L.McL.M. No. 10, folio 59. Known as 1630 Cape May Road.

BEING part of that lot of ground which by Deed dated October 19, 1948, and recorded among the Land Records of Baltimore County in Liber T.B.S. 1712, folio 014, granted and conveyed by Milton F. Lapinski and Caroline Lapinski, his wife unto Guy R. Pattisall and Sylvia Pattisall, his wife, as tenants by the entireties, in fee simple. That the said Guy R. Pattisall departed this life on May 8, 1968, leaving the fee simple title to vest solely in Sylvia Pattisall. That the said Sylvia Pattisall departed this life on January 7, 1993.

TOGETHER with the buildings and improvements thereupon



August A. Kozlovsky  
Attorney at Law  
2739 East Monument Street  
Baltimore 5, Maryland

LIBER 3891 PAGE 490

This Deed, Made this 17th day of July

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

Catherine Bednar Kaspar, widow,

of Baltimore City,

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

Robert L. Mizell and Mildred J. Mizell, his wife,

of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and valuable consideration the receipt of which is hereby acknowledged the said Catherine Bednar Kaspar

do es grant and convey unto the said Robert L. Mizell and Mildred J. Mizell, his wife, their

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

**BEING THE SAME**

All that lot or parcel of ground known and designated at Lot No. 6, on the Flat of "Carville Avenue" - said Flat being dated April 10, 1924, and surveyed by Thomas H. Disney, Surveyor, and recorded among the Flat Records of County aforesaid, in Flat Book Liber L.M.C. No. 10, folio 59. The improvements thereon being known as No. 236½ Cape May Road.

BEING the same lot of ground which by Deed dated July 29, 1942, and recorded among the Land Records of County aforesaid, in Liber C.H.K. No. 1245, folio 176 &c. from Nicholas Zinkand and Rose Zinkand, his wife, to Charles C. Bednar, for life, with the powers therein set forth and after his death unto the within Grantor; the said Charles C. Bednar having departed this life on 30th September 1960.



PAID - Baltimore County, Md. - Office of the Clerk

9-8-61 2951 • 16232 PPE- 60.00  
9-8-61 2951 • 16232 PPE- 60.00



Maryland Department of Assessments and Taxation  
Real Property Data Search (vw6.1A)  
BALTIMORE COUNTY

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[GroundRent](#)  
[Redemption](#)  
[GroundRent](#)  
[Registration](#)

**Account Identifier:**

District - 15 Account Number - 1513553640

**Owner Information**

**Owner Name:** ULBIG ZACHARY  
ULBIG BROOKE  
**Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 1626 CAPE MAY ROAD  
BALTIMORE MD 21221-  
**Deed Reference:** 1) /33004/ 00018  
2)

**Location & Structure Information****Premises Address**

1626 CAPE MAY RD  
BALTIMORE 21221-1611

**Legal Description**

CARVILLE PLAT

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No: | Plat Ref:  |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|----------|------------|
| 0097 | 0018 | 0124   |              | 0000        |         |       | 6   | 3               |          | 0010/ 0059 |

**Special Tax Areas**  
**Town** NONE  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1944                    | 1,313 SF      | 15,582 SF          | 04         |

| Stories  | Basement | Type                 | Exterior |
|----------|----------|----------------------|----------|
| 1.000000 | NO       | STANDARD UNIT SIDING |          |

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2012 | 07/01/2012           | 07/01/2013 |
| <b>Land</b>               | 79,100     | 79,100     |                      |            |
| <b>Improvements:</b>      | 96,900     | 76,400     |                      |            |
| <b>Total:</b>             | 176,000    | 155,500    | 155,500              | 155,500    |
| <b>Preferential Land:</b> | 0          |            | 0                    |            |

**Transfer Information**

| Seller:              | Date:         | Price:    |
|----------------------|---------------|-----------|
| MIZELL ROBERT JOSEPH | 01/04/2013    | \$169,900 |
| Type:                | Deed1:        | Deed2:    |
| ARMS LENGTH IMPROVED | /33004/ 00018 |           |
| Seller:              | Date:         | Price:    |
|                      | 12/30/1899    | \$0       |
| Type:                | Deed1:        | Deed2:    |
|                      | /03891/ 00490 |           |
| Seller:              | Date:         | Price:    |
|                      |               |           |
| Type:                | Deed1:        | Deed2:    |
|                      |               |           |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2012 | 07/01/2013 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 000   | 0.00       |            |
| <b>State</b>               | 000   | 0.00       |            |
| <b>Municipal</b>           | 000   | 0.00       | 0.00       |

**Tax Exempt:**  
**Exempt Class:**

**Special Tax Recapture:**  
NONE

**Homestead Application Information**

0894.582

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM  
8.1099/94k

**This Deed,** MADE THIS 16th day of December

in the year one thousand nine hundred and ninety four by and between

ROGER WADKINS, SR. and BEATRICE WADKINS, his wife, parties

of the State of Maryland parties of the first part, and

RONALD LEE JENKINS, II and DENISE K. JENKINS, his wife,

of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED TWENTY NINE THOUSAND NINE HUNDRED DOLLARS (\$129,900.00) and other good and valuable consideration, the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey to the said parties of the second part, as Tenants by the Entireties, their assigns, the survivor of them and the survivor's heirs,

personal representatives/successors 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 those lots of ground known and designated as Lot No. 8 on the plat of Carville Avenue, the property of Nicholas Zinkand and Rose Zinkand, his wife, as surveyed by Thomas H. Disney, Surveyor, said plat being dated April 10, 1924, and recorded among the Plat Records of Baltimore County in Plat Book LMCLM No. 10, folio 59. Known as 1630 Cape May Road.

BEING the same property which by Deed dated July 28, 1993 and recorded among the Land records of Baltimore County in Liber SM No. 10015, folio 120, was granted and conveyed by James J. Novak, Personal Representative of the Estate of Sylvia Pattisall, unto the grantors herein.

I/WE HEREBY CERTIFY under penalty of perjury that the residentially improved property which is located at 1630 Cape May Road is the owner occupied residence of the undersigned.

*Ronald L. Jenkins II*  
RONALD LEE JENKINS II

*Denise K. Jenkins*  
DENISE K. JENKINS

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

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

SIGNATURE *RL* DATE *1-5-95*



IN RE: PETITION FOR VARIANCE  
NW-S Cape May Road, 330' SW of  
its intersection w/Wrights Lane  
(1630 Cape May Road)  
15th Election District  
5th Councilmanic District

Roger Wadkins, et ux  
Petitioners

• BEFORE THE  
• DEPUTY ZONING COMMISSIONER  
• OF BALTIMORE COUNTY  
• Case No. 94-196-A

94-196-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Roger and Beatrice K. Wadkins. The Petitioners seek relief from Section 1802.3C1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 55.5 feet in lieu of the minimum required 70 feet for a proposed dwelling reconstruction in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Roger and Beatrice Wadkins, property owners, and Dwight Little, Professional Engineer with W. Davall and Associates, Inc. there were no Protestants.

Testimony indicated that the subject property, known as 1630 Cape May Road, consists of 3.346 acres, more or less, zoned D.R. 3.5 and was previously improved with a single family dwelling and detached garage which were recently razed due to their poor condition. The Petitioners are desirous of reconstructing a new dwelling on the lot; however, due to the width of the lot which does not meet current lot width requirements, the requested variance is necessary. Testimony revealed that this property is part of an older subdivision which was developed with smaller width lots many years ago.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

ORDER RECEIVED FOR FILING

Date

By

12/13/93

[Signature]

Case No.:

2013-0145 A

ALN  
2-27-13

Exhibit Sheet

Petitioner/Developer

Protestant

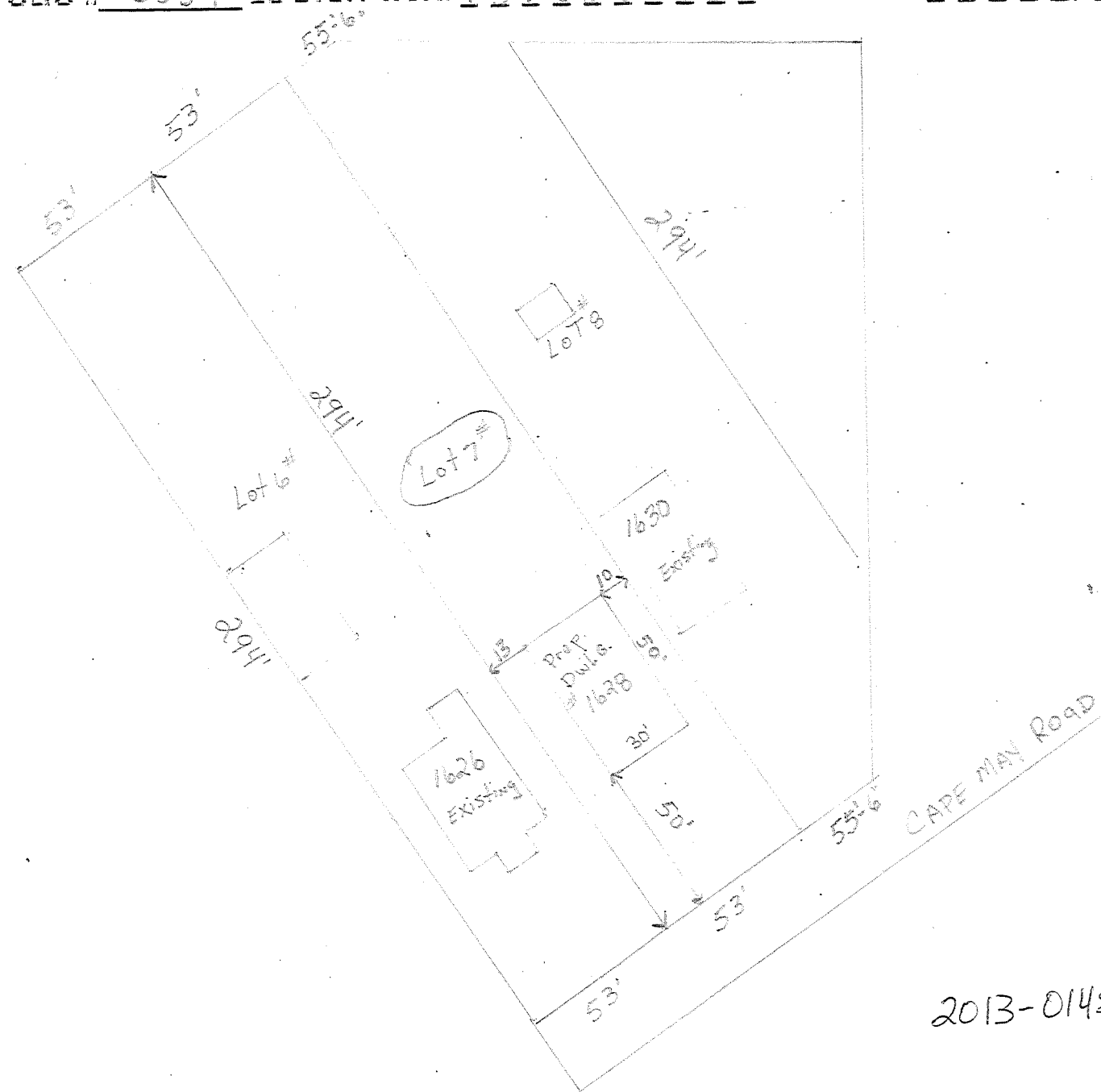
|        |           |  |
|--------|-----------|--|
| No. 1  | Sitz Plan |  |
| No. 2  |           |  |
| No. 3  |           |  |
| No. 4  |           |  |
| No. 5  |           |  |
| No. 6  |           |  |
| No. 7  |           |  |
| No. 8  |           |  |
| No. 9  |           |  |
| No. 10 |           |  |
| No. 11 |           |  |
| No. 12 |           |  |

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)

ADDRESS 1628 Cape May Road OWNER(S) NAME(S) Mizzell Robert L. Estate

SUBDIVISION NAME Nicholas Zinkhand LOT # 7 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_

PLAT BOOK # 0010 FOLIO # 0059 10 DIGIT TAX # 1516000650 DEED REF. # 09999/00143



SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# 097 C2

SITE ZONED DR-3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE 0.36

OR SQUARE FEET 15,582

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC X PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

VIOLATION CASE INFO:

\_\_\_\_\_

\_\_\_\_\_

PETITIONER'S

EXHIBIT NO. 1

CAPE

MAY

Ryan Frost Way

N

PLAN DRAWN BY \_\_\_\_\_ DATE \_\_\_\_\_ SCALE: 1 INCH = 50 FEET

2013-0145A