

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
(940 Elm Ridge Avenue) *
13th Election District * OFFICE OF
1st Councilmanic District *
Mark A. & Mary E. Orlando Llewellyn * ADMINISTRATIVE HEARINGS
Petitioners *
* FOR BALTIMORE COUNTY
* Case No. 2014-0202-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC, on behalf of Mark A. and Mary E. Orlando Llewellyn, ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the nonconforming use and area of the property for two residential apartments pursuant to B.C.Z.R. §104.1.

Appearing at the public hearing in support of the requests was Mark A. Llewellyn, John Cavey and Ed Ostrowski. Lawrence E. Schmidt, Esquire with Smith, Gildea & Schmidt, LLC appeared and represented the Petitioners. There were no Protestants in attendance at the hearing. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP) dated May 7, 2014, indicating that agency did not oppose the request as long as Petitioners followed all rental registration regulations. Mr. Llewellyn stated that the dwelling has been inspected, and a copy of the rental housing license was admitted as Exhibit 8.

ORDER RECEIVED FOR FILING

Date 6/4/14
By Sen

The subject property is 2300 square feet and is zoned DR 10.5. The property is improved with a row home (or townhouse, in modern parlance). The house was constructed in 1948, at which time it was zoned "D", which permitted as of right two family units in a single dwelling, categorized as "dwelling, group house." In 1955, the B.C.Z.R. redefined "dwelling, group house" to provide that it was for one family only. Accordingly, the property became nonconforming upon the adoption of the 1955 Regulations.

In this case, John Cavey (who is 67 years old) testified that he was born in and still resides at 911 Elm Ridge Avenue, across the street from the subject property. Mr. Cavey stated that the houses in the neighborhood were constructed as two apartment units with separate entrances inside a vestibule. He stated that the subject property has always been used as a two apartment dwelling, and has been so used continuously and without interruption. Ed Ostrowski, who has lived at 909 Elm Ridge Avenue since 1986, provided similar testimony.

In these circumstances, the Petitioners have established that a lawful nonconforming use exists at the subject property, and the petition for special hearing will be granted.

THEREFORE, IT IS ORDERED this 4th day of June 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.), to approve the nonconforming use and area of the property for two residential apartments pursuant to B.C.Z.R. §104.1, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

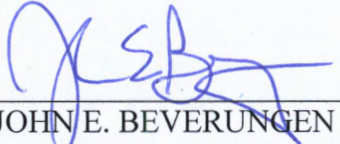
Date

6/4/14

By

Den

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 6/4/14
By sln

KEVIN KAMENETZ
County Executive



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

June 4, 2014

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: 902 & 940 Elm Ridge Avenue
Case No. 2014-0201-SPH & 2014-0202-SPH

Dear Mr. Schmidt:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB: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 940 Elm Ridge Avenue

which is presently zoned DR 10.5

Deed References: 15016/00623

10 Digit Tax Account # 1303230870

Property Owner(s) Printed Name(s) Mark A. Llewellyn and Mary E. Orlando Llewellyn

(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

Please see the attached.

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

3. ☐ a **Variance** from Section(s)

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)

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 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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Mark A. Llewellyn

Mary E. Orlando Llewellyn

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5772 Victor Drive

Eldersburg

MD

Mailing Address

City

State

21784

410-363-7300

mallewellyn@gmail.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204 (410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204 (410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0202-SPH Filing Date 2/26/14

Do Not Schedule Dates: _____

Reviewer [Signature]

ATTACHMENT TO PETITION FOR ZONING RELIEF

940 Elm Ridge Avenue
13th Election District
1st Councilmanic District

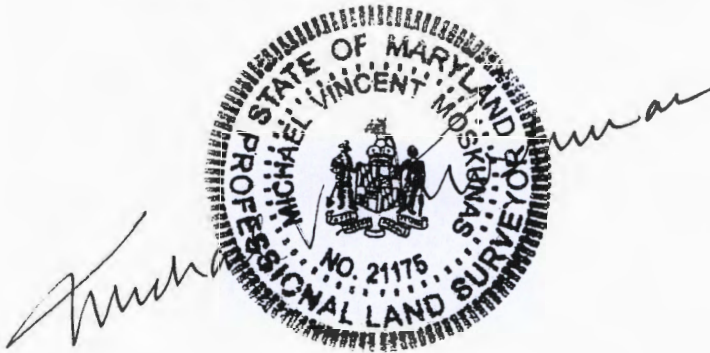
Special Hearing relief:

1. Special Hearing to approve the nonconforming use and area of the property for two residential apartments, pursuant to BCZR Section 104.1; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Item # 0202

ZONING PROPERTY DESCRIPTION
#940 ELM RIDGE AVENUE

BEGINNING at a point on the southwest side of Elm Ridge Avenue which is 60 feet wide at the distance of 60 feet wide at the distance of 582 feet southeast of the center line of College Avenue which is 30 feet wide. Being Lot No. 611 in the subdivision of "Elm Ridge Avenue Revised Plat No. 7" as recorded in Baltimore County Plat Book No. 13, folio No. 133, containing 2300 square feet, more or less. Located in the 13th Election District, 1st Councilmanic District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

**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: 2014 - 0202 - SPH
Petitioner: Mark A. Llewellyn and Mary E. Orlando-Llewellyn
Address or Location: 940 Elm Ridge Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt
Address: Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

Revised 2/20/98 - SCJ

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

109838

No.

Date:

3/31/14

PAID RECEIPT

BUSINESS - ACTUAL TIME
 4/01/2014 3/31/2014 11:22:50

REC WSDS WALKIN RDOS LRB
 RECEIPT # 730910 3/31/2014 OFL

Dept 5 528 ZONING VERIFICATION

NO. 109838

Recpt Tot \$75.00
 \$75.00 CX \$4.00 CA
 Baltimore County, Maryland

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6.150				\$75.00

Total:

\$75.00

Rec

From:

For:

zoning hearing case # 2014-0202-SPH

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/14/2014

Case Number: CASE # 2014-0202-SPH

Petitioner / Developer: LAWRENCE SCHMIDT of SMITH, GILDEA & SCHMIDT ~ MR. & MRS. LLEWELLYN

Date of Hearing (Closing): JUNE 3, 2014

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
940 ELM RIDGE AVENUE

The sign(s) were posted on: MAY 14, 2014



Linda O'Keefe

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 1, 2014

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 May 13, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: # 2014-0202-SPH

940 Elm Ridge Avenue
SW/s Elm Ridge Avenue, 582 ft. SE of the centerline
of College Avenue

13th Election District - 1st Councilmanic District

Legal Owner(s): Mark A. & Mary E. Llewellyn

Special Hearing: to approve the nonconforming use and area of the property for two residential apartments, and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, June 3, 2014 at 2:30 p.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.

JT 5/652 May 13

979475



KEVIN KAMENETZ
County Executive

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

April 29, 2014

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: 2014-0202-SPH

940 Elm Ridge Avenue

SW/s Elm Ridge Avenue, 582 ft. SE of the centerline of College Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Mark A. & Mary E. Llewellyn

Special Hearing to approve the nonconforming use and area of the property for two residential apartments, and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, June 3, 2014 at 2:30 p.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: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Mr. & Mrs. Llewellyn, 5772 Victor Drive, Eldersburg 21784

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 14, 2014**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 13, 2014 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2014-0202-SPH

940 Elm Ridge Avenue

SW/s Elm Ridge Avenue, 582 ft. SE of the centerline of College Avenue

13th Election District – 1st Councilmanic District

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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.

M E M O R A N D U M

DATE: July 8, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0202-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on July 7, 2014. 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 SPECIAL HEARING
940 Elm Ridge Avenue; SW/S Elm Ridge
Avenue, 582' SE College Avenue
13th Election & 1st Councilmanic Districts
Legal Owner(s): Mark & Mary LLewellyn
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-202-SPH

* * * * *

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

APR 18 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2014, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment4-10

DEVELOPMENT PLANS REVIEW

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

NC

DEPS

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

FIRE DEPARTMENT

5-11

PLANNING

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

No objection w/cond.4-19

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

5-28

ADJACENT PROPERTY OWNERS

ContestNicole + Tom Richardson, 935 Elm Ridge Ave.

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 5-13-14

SIGN POSTING

Date: 5-14-14 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

May 28, 2014

Mark L. & Mary E. Orlando Llewellyn
5772 Victor Drive
Eldersburg MD 21784

RE: Case Number: 2014-0202 SPH, Address: 940 Elm Ridge Avenue

Dear Mr. & Ms. Llewellyn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 31, 2014. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 4/9/14

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

RE: Baltimore County
Item No 2014-0202-SPH
Special Hearing
Mark A. & Mary E. Orlando Llewellyn
940 Elm Ridge Avenue

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. 2014-0202-SPH.

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/
Development Manager
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

Nicole and Tim Richardson
935 Elm Ridge Avenue
Baltimore, MD 21229

May 28, 2014

Mr. W. Carl Richards, Jr
Zoning Office
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

RE: Zoning for Rental Properties on Elm Ridge Avenue
Case #2014-0201-SPH, house number 902
Case #2014-0202-SPH, house number 940

Dear Mr. Richards

As property owners in the 900 block of Elm Ridge Avenue, we are writing to contest the proposed request to rezone two homes on our street into double occupancy apartment dwellings. In the 10 years in which we have lived at 935 Elm Ridge Ave., we have built a stable and caring home environment for our family; which now includes two daughters under the age of three. However, we have recently witnessed a decline in the quality of the neighborhood due to the increase in renters occupying homes on the street. Therefore, on behalf of several homeowners on the street, we felt compelled to voice our opposition to the applications to rezone houses on Elm Ridge Avenue.

In recent years, we have observed a direct correlation between the rise in renters on the street and the increase in negative occurrences. For example, the number of property code enforcements has increased from 13 to 21 in the past two years. That doesn't reflect the number of calls made to landlords prior to contacting to county. Those renting properties do not tend to the houses' appearances/landscaping needs since they do not have a tangible stake in either the property itself or the neighborhood. Moreover, the landlords display a complete disregard for the residents in the neighborhood as they ignore the upkeep of their properties since these houses are not their primary homes, but rather revenue sources.

Furthermore, the increase in renters has coincided with an uptick in property crime; both of our vehicles were vandalized in some fashion, and our neighbors - who own their homes - have experienced property damage. In addition, the influx of renters in the neighborhood creates an incredible lack of parking available to homeowners. The dwellings on the street that are currently rented average four cars per house...which greatly compounds an already limited street parking situation. Homeowners like us who have small children are repeatedly unable to park near our homes because of this overcrowding.

Above all else, the item that bothers us the most, especially as the parents of two small children, is the questionable character of the individuals who are renting properties on Elm Ridge Avenue. For example, Baltimore County Police Officers and medical personnel are a constant presence at a house across the street from our home. Just recently, the police visited this house five times in a two-week period; once placing the male renter in handcuffs. Incessantly loud arguing; profanity laced tirades; and sounds of physical altercations are routine with these specific renters. As you can imagine, that does not create the type of environment for which we wish to raise our children.

Between our mortgage and associated bills; upkeep on the physical structure/landscaping; and substantial property taxes, we have a significant amount of money invested in our home. Consequently, it is extremely frustrating to watch our neighborhood decline and we have no interest in seeing that slide continue with the addition of more rental properties. To be frank, landlords and renters do not care about the well-being of this neighborhood. Therefore, we are asking that you deny the requests to rezone these houses as rental properties after considering the negative influence rentals have on our neighborhood.

Thank you for your time and the opportunity to express our concerns.

Sincerely,



Nicole and Tim Richardson

Ryan & Tessa Hurd
920 Elmridge Avenue
Baltimore, MD 21229

RECEIVED

JUN 10 2014

OFFICE OF ADMINISTRATIVE HEARINGS

W. Carl Richards, Jr.
Zoning Office
111 West Chesapeake Ave
Room 111
Towson, MD 21204

**RE: OPPOSITION TO ZONING HOMES INTO APARTMENTS: CASES, 902
ELMRIDGE AVENUE (2014-0201-sph) AND 940 ELMRIDGE AVENUE (2014-0202-sph)**

May 29, 2014

Dear Mr. Richards:

We are writing in opposition to approving the apartments on Elmridge Avenue, in Baltimore, 21229. As concerned homeowners for the past 5 years, the homes on each both sides of our row home have renters on both the main floor and upstairs units. In the years we have lived here we have seen renters come and go, but they all have one thing in common. None of them maintain their yards. Our current renting neighbor's front lawn and back lawn has grown 2 feet tall, if not more. They do not make any attempt to maintain the yard because it is not "theirs", nor do they have the storage or funds available to purchase/own a lawnmower. The renters do not purchase the necessary lawn care items to keep up with routine yard work. In the 6 years that we have lived here, we have seen the landlords of both properties maybe a 5 times. They do not check on their homes and they do not see the lack of maintenance in their yard. I have spoken with a property manager who does what he can to maintain multiple lawns in the neighborhood, and he agrees that his services should be called upon more often because the yards are unkempt and attract unwanted pests.

Apartments have led to an infestation of rodents. The corner home next to us feeds animals constantly, and they live in the other neighbor's unmaintained yard. They do not appropriately protect their garbage (plastic containers, no lids), they literally throw handfuls of bird seed, bread, cat food and more into the yard, alley and even put feed on my fence until they were told not to (multiple times). I have found countless peanut shells throughout my yard and the alley to accompany these other items and along with them come rat droppings. I understand the city and county were instituting a plan to eliminate the rats, but have yet to see any workers come to our neighborhood after filing multiple claims. Our neighbors feel that they are feeding the squirrels and birds (90% of which are pigeons) and ignore the fact that rats come to feast on the remains of "food" that the birds do not pick up. Because they are provided a constant food source, the rats will never go away. Like I said, these neighbors throw handfuls of seed/food out MULTIPLE times a day. They do not care how the rodents effect the value of the property because they are renting. Combine the constant feeding along with tall grass for hiding and

burrowing, the renters provide an ideal habitat for unwanted pests and rodents. Again, they do not see the importance of maintaining property value which is easily deteriorating due to their negligence.

When we moved into our home 5 years ago we envisioned raising our children in what was a pleasant neighborhood. As we have seen more renters move into the area, homes have become devalued and we are attracting a lower income population. When we had new renters move in somewhere around 6+ months ago, we have since heard constant fighting which include far too many curse words and have seen the police show up on their doorstep 4 times. Who knows how many times they have been there while we are at work or away from our home. We have a 2 year old son and it pains us to know he is being exposed to this behavior. Due to the addition of rental properties on our street, our home has become far too devalued to be able to move.

A final concern we have is parking. We have off street parking and there are already far too many cars on our street to accommodate the addition of 4 new apartments. Adding 2 apartments to what was 1 home is potentially changing the average of 2 cars per housing unit to 4 cars because there are now 2 families per house. The alley behind our home does not provide parking spaces and yet it is being used by renters. As parents of 1 child, with another on the way this is a major concern. Carrying a toddler, infant carrier and diaper bag down the street each day because there is no parking in front of or near to our home should never happen, but adding apartments would make this a common occurrence. As homeowners, we 100% oppose adding any more apartments to Elmridge Avenue.

Thank you for taking the time to read our letter.

Regards,

Tessa Hurd & Ryan Hurd

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 14, 2014
Item Nos. 2014- 0201, 0202, and 0204

DATE: April 10, 2014

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

DAK:CEN.

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04142014 -NO COMMENTS.doc

6/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 7, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

MAY 07 2014

SUBJECT: 940 Elm Ridge Avenue

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 14-202

Petitioner: Mark A. Llewellyn, Mary E. Orlando Llewellyn

Zoning: DR 10.5

Requested Action: Special Hearing

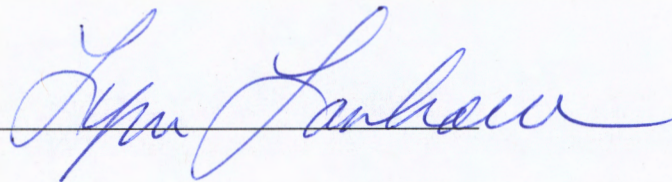
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a Special Hearing to approve the nonconforming use and area of the property for two residential apartments.

The Department of Planning has no objection to the petitioner's request as long as the petitioner has followed all rental registration regulations.

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

Division Chief:
AVA/LL



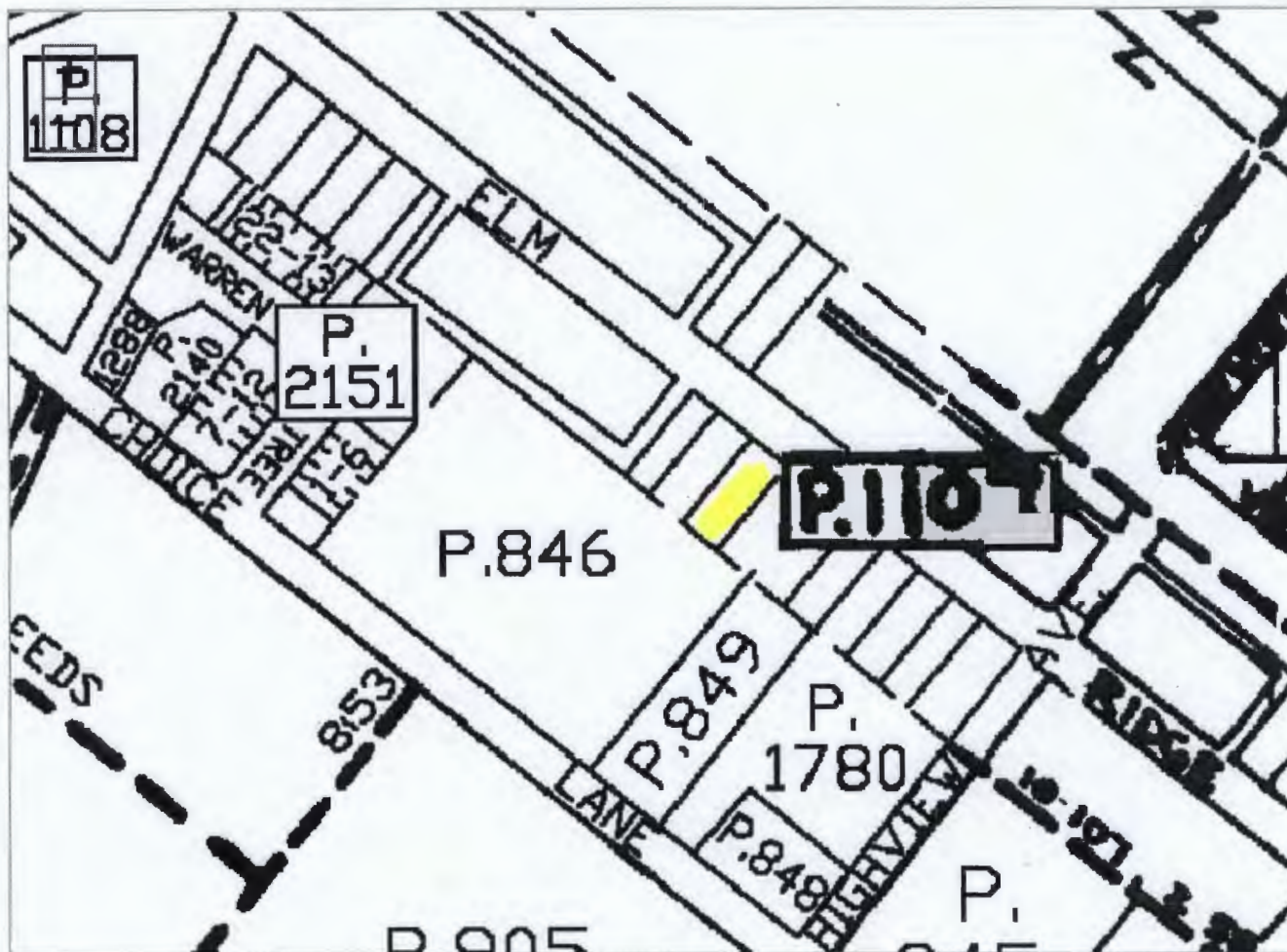
Real Property Data Search (w2)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 13 Account Number - 1303230870	
Owner Information		
Owner Name:	LLEWELLYN MARK A	Use: RESIDENTIAL
	ORLANDO-LLEWELLYN MARY E	Principal Residence: NO
Mailing Address:	5772 VICTOR DR	Deed Reference: 1) /15016/ 00623
	ELDERSBURG MD 21784-8920	2)
Location & Structure Information		
Premises Address:	940 ELM RIDGE AVE	Legal Description: 940 ELM RIDGE AVE
	0-0000	ELM RIDGE
Map: 0101	Grid: 0017	Parcel: 1107
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 611	Assessment Year: 2013
Town:	Plat No:	
	Plat Ref: 0013/ 0133	
Special Tax Areas:	Tax Class: NONE	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1948	1,200 SF	300 SF
Property Land Area	County Use	
2,300 SF	04	
Stories	Basement	Type
2.000000		CENTER UNIT
Exterior	Full/Half Bath	Garage
BRICK	2 full	
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2013	07/01/2013
Land:	68,000	51,000
Improvements	98,300	78,800
Total:	166,300	129,800
Preferential Land:	0	129,800
		0
Transfer Information		
Seller: GRECO JOHN GRECO CONCETTA	Date: 03/06/2001	Price: \$85,000
Type: NON-ARMS LENGTH OTHER	Deed1: /15016/ 00623	Deed2:
Seller: KLEINTANK THOMAS G	Date: 02/07/1991	Price: \$73,000
Type: ARMS LENGTH IMPROVED	Deed1: /08709/ 00519	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search \(http://sdats.resiusa.org/RealProperty/\)](http://sdats.resiusa.org/RealProperty/)District: **13** Account Number: **1303230870**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)☒ Loading... Please

Loading... Please Wait.

->

Case No.: 2014 - 0202 - SPH

Exhibit Sheet

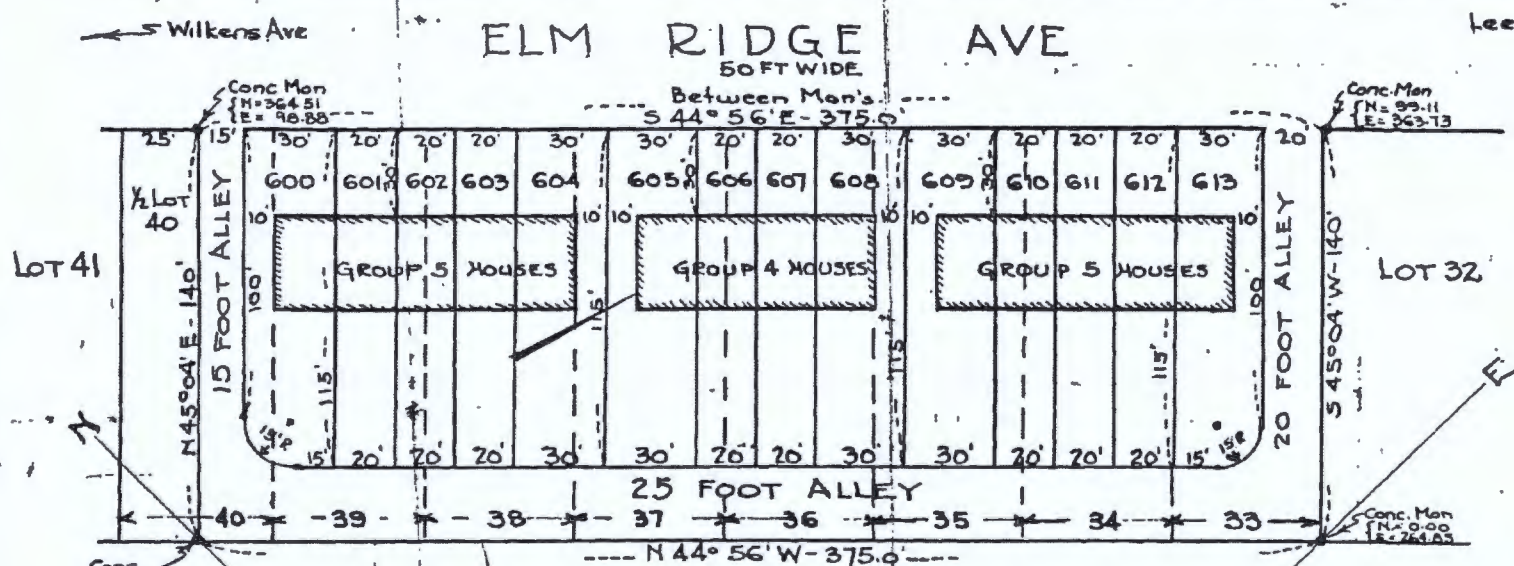
Petitioner/Developer

DW
7-8-14

Protestant

Serv
6-4-14

No. 1	Plan	
No. 2	Elm Ridge Plat	
No. 3	SDAT record	
No. 4	Zoning map	
No. 5	Aerial photo	
No. 6	Conditional Use permit	
No. 7	Use permit	
No. 8	Rental Housing License	
No. 9		
No. 10		
No. 11		
No. 12		



Note - Green Figures indicate
old 50' lot layout made
in Oct. 1926

CERTIFICATION

The requirements of Sections 72A, 72B, 72C, of article 17 of the Annotated Code of Maryland - 1939 Edition (Title: Clerks of Court, Sub-Title: Clerks of Circuit Courts) as far as they relate to the making of this Plat and setting of the markers, have been complied with

REVISED PLAT 7

SHOWING THAT PORTION OF ELM
RIDGE REVISED IN JULY 1945.
BEING A PART OF THE WHOLE
OF "ELM RIDGE" AS LAID OUT
IN OCT. 1926. REVISED SECT-
ION INCLUDES LOTS 33-39
INCL. & 1/2 OF LOT 40.

Scale - 1" = 50'

July 1945

J. R. McCrone, Jr.

Registered Prof. Eng. & Land Surveyor



**Baltimore County Circuit Court
Land Survey, Subdivision, and Condominium Plats**

**MSA C2136: (Plats)
Index by Reference**

Reference: Plat Book CHK 13, p. 133
Date: 1946/02/04
Description: Runge, Elmer R. and Wife to Harry L. Warnken, Elm Ridge, Revision
Storage Location: 3/62/ 3
Image(s): *Direct Scan(s):*
MSA C2136-1643, p. 1 From S454-p17291a.tif (File Size: 75 kb)

Note: If images prove unsatisfactory or there are errors in this citation, please send this page to Geographical Services. Every effort is being made by the Maryland State Archives to improve the archival quality of plat images and citations. Your help in making this possible is appreciated.

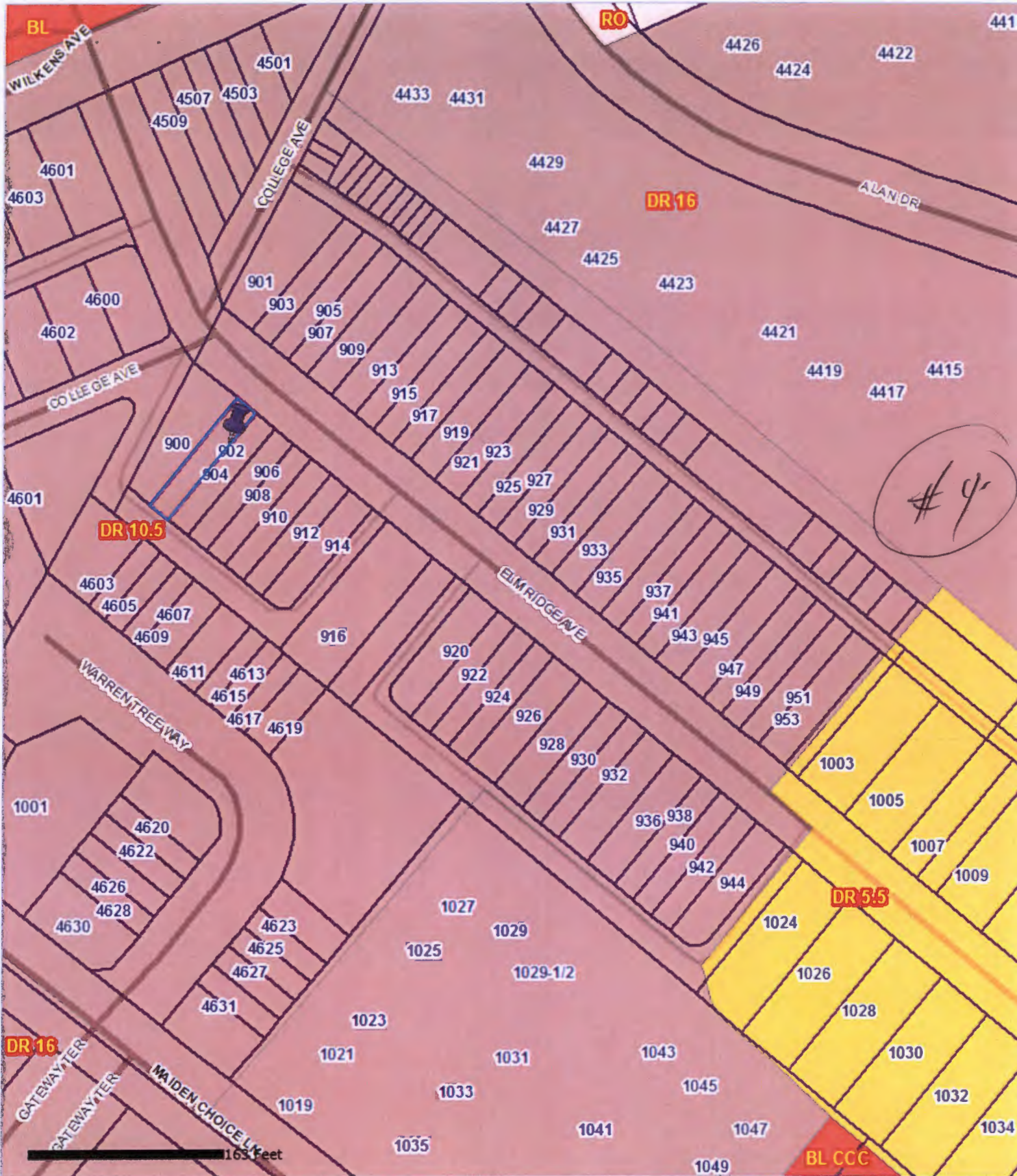
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[Maryland State Archives](#) |

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Version 2.1.11.9

[Search Help](#)

View Map	View GroundRent Redemption	View GroundRent Registration
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Map: 0101	Grid: 0017	Parcel: 1107
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 611	Assessment Year: 2013
Plat No:		Plat Ref: 0013/ 0133
Special Tax Areas:		Town: NONE
Ad Valorem:		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1948	1,200 SF	300 SF
Property Land Area	County Use	
2,300 SF	04	
Stories	Basement	Type
2.000000		CENTER UNIT
Exterior	Full/Half Bath	Garage
BRICK	2 full	
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2013	07/01/2013
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Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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.



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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.

Printed 6/2/2014

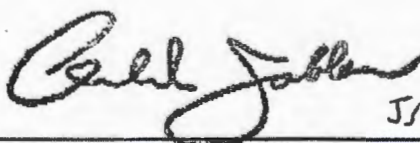
**CONDITIONAL USE PERMIT
FOR
TWO APARTMENTS**

This use permit for two apartments at 940 Elm Ridge Ave, Baltimore, MD 21229
(address)

is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged, our approval is automatically withdrawn; the use permit will be reinstated only after public hearing and submission of testimony that alleviates the allegations contained in the challenge and otherwise provides the proofs necessary to establish a legal non-conforming use for the number of apartments claimed. Knowingly falsifying the affidavit information on the reverse side of this permit is subject to the penalties of perjury.

DATE: 1/27/14 APPROVED

BY:


J/

DIRECTOR, DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Revised 1/13/12

#6

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits, Approvals and Inspections (PAI), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Mark A. Hewell (Attorney for owner)

Mark A. Hewell
AFFIANT (Handwritten Signature)

Mark A. Hewell
AFFIANT (Printed Name)

5772 Victor Dr., Eldersburg, MD 21784
ADDRESS (Printed)

TELEPHONE

443-742-9544
NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 940 Elm Ridge Ave., Balto MD 21229 has been occupied as a 2 apartment dwelling since Oct 1956? Yes
(address) (month) (year) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since _____? _____
(month) (year) (answer)

3. Will you realize any gain from the sale of this property? _____
(answer)

**If the answer is yes, this form cannot be approved.*

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this, 24th day of January, 2014, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Mark A. Hewell, the Affiant herein, personally known or satisfactorily identified to me as such Affiant.

AS WITNESS my hand and Notarial Seal.

James Rice
NOTARY PUBLIC
My Commission Expires 5/6/2017

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

[Handwritten Signature]
AFFIANT (Handwritten Signature)

SAL F. CULATHA
AFFIANT (Printed Name)

217 WEST HILLS PARKWAY
ADDRESS (Printed)

BALTIMORE MD 21229

410-747-0998
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 940 Elmwood Ave (address) has been occupied as a 2 (2, etc.) apartment dwelling since OCT (month) 1956 (year)? YES (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since OCT (month) 1956 (year)? YES (answer)

3. Will you realize any gain from the sale of this property? NO (answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 22nd day of December, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared SAL F. CULATHA, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

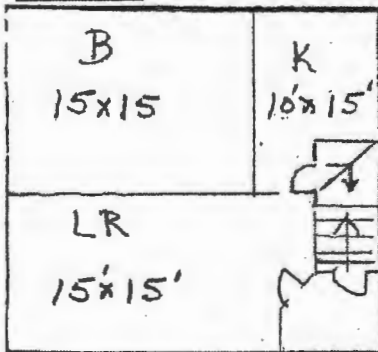
AS WITNESS my hand and Notarial Seal.

Mary C. Hayward
NOTARY PUBLIC

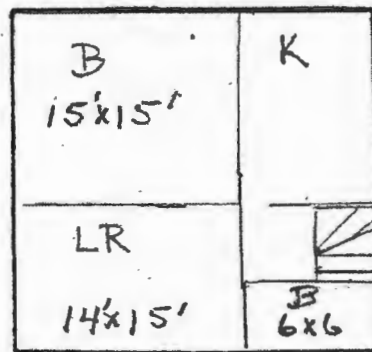
My Commission Expires

MARY C. HAYWARD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 7, 2003

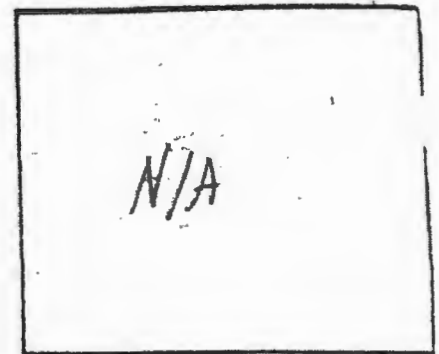
THIS SHEET TO BE SUBMITTED WITH 2 APARTMENT AFFIDAVIT AND A CHECK FOR \$ 60.00 MADE PAYABLE TO: BALTIMORE COUNTY, MARYLAND



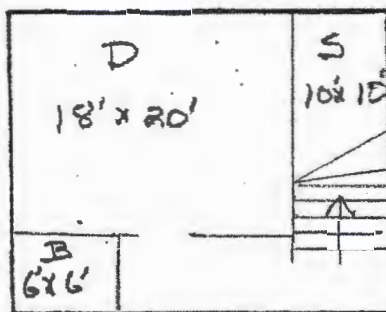
FIRST FLOOR



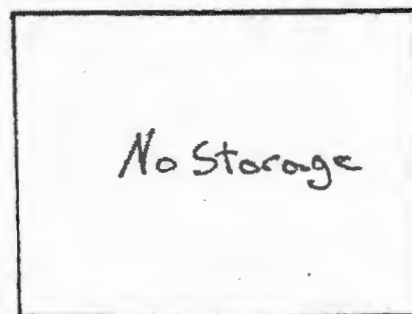
SECOND FLOOR



THIRD FLOOR



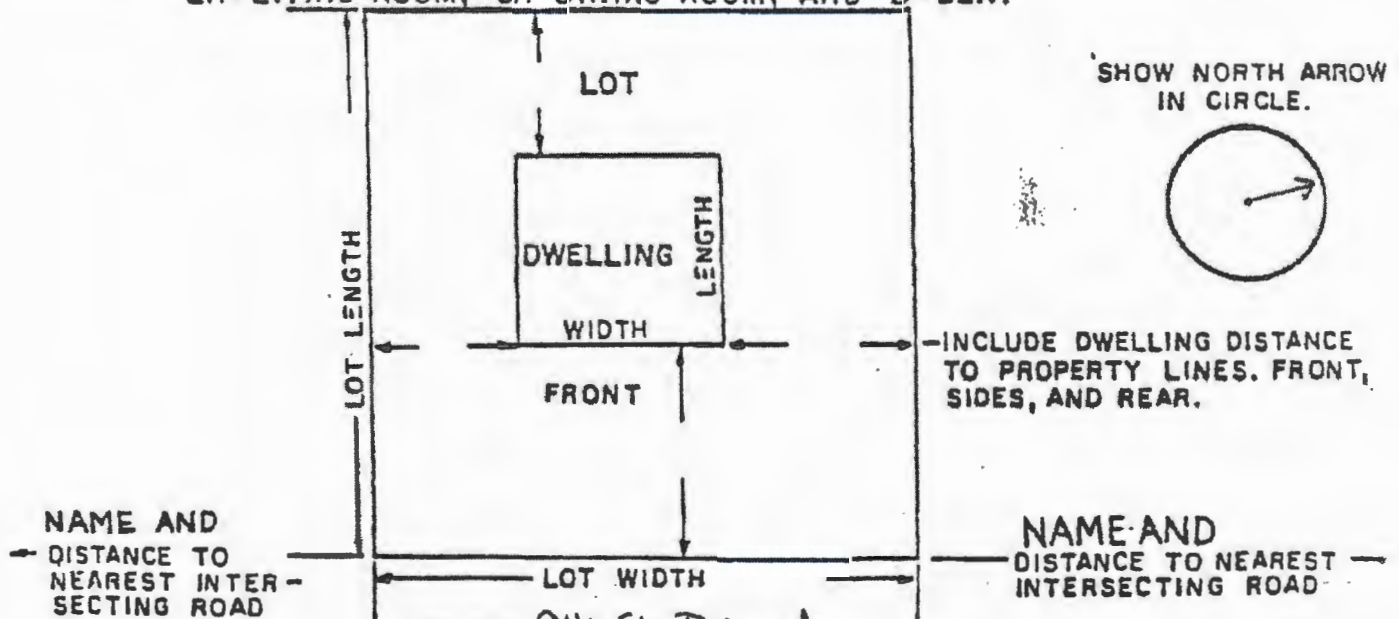
BASEMENT



ATTIC

DIRECTIONS: DRAW IN EACH ROOM AND MARK ITS USE/LENGTH AND WIDTH. MARK WHICH FLOOR HAS APARTMENT. IF DWELLING IS SEMI DETACHED USE 1 SHEET FOR EACH APARTMENT.

LEGEND: K=KITCHEN, B=BEDROOM, BH=BATH, S=STORAGE, C=CLOSET, LR=LIVING ROOM, DR=DINING ROOM, AND D=DEN.



ADDRESS: 940 Elm Ridge Ave.
 NAME OF STREET FRONTING PROPERTY
 (IF A CORNER LOT NAME SIDE STREET) OWNERS
 SIGNATURE
 Attorney for owners

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 27 day of JANUARY, 2014, that MARK A. LLEWELLYN located at 902 ELM RIDGE AVE, 21229 should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: TWO APARTMENT USE,
CONDITIONALLY, UNTIL A PUBLIC COMPLAINT IS RECEIVED.

108184
Permit (or Receipt) Number

Carl John
Director, Permits, Approvals and Inspections

Planner's Initials JS

Revised 10/17/11

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 27 day of JANUARY, 2014, that MARK A. LLEWELLYN located at 940 ELM RIDGE AVE, 21229 should be and the

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108184
Permit (or Receipt) Number

Carl John
Director, Permits, Approvals and Inspections

Planner's Initials JS

Revised 10/17/11

#7



RENTAL HOUSING LICENSE

Baltimore County
Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room G-14
Towson, MD 21204

License No.: PT0013544
Date Issued: 07/03/2011
Expiration Date: 07/03/2014

Name and Address for Mailing

LLEWELLYN MARK A ORLANDO-LLEWELLYN MARY E
5772 VICTOR DR
ELDERSBURG MD 21784

Property Owner Name and Address

(If different from mailing name and address)

Rental Property Address

940 ELM RIDGE AVE APT 1
BALTIMORE, MD 21229

Number of Dwelling Units:

1

Property Account:

13-03-230870

In accordance with Baltimore County Code, 2003, Article 35, Title 6, the above property owner is granted permission to rent the dwelling unit(s) described above.

Director, Permits, Approvals and Inspections

This license is purely governmental in nature, and may not be construed as providing any warranty or representation concerning the condition of the dwelling unit to the tenant or the public, or that the premise is in compliance with all applicable county, state and federal laws and regulations.



RENTAL HOUSING LICENSE

Baltimore County
Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room G-14
Towson, MD 21204

License No.: PT0013543
Date Issued: 07/03/2011
Expiration Date: 07/03/2014

Name and Address for Mailing

LLEWELLYN MARK A ORLANDO-LLEWELLYN MARY E
5772 VICTOR DR
ELDERSBURG MD 21784

Property Owner Name and Address

(If different from mailing name and address)

Rental Property Address

940 ELM RIDGE AVE APT 2
BALTIMORE, MD 21229

Number of Dwelling Units:

1

Property Account:

13-03-230870

In accordance with Baltimore County Code, 2003, Article 35, Title 6, the above property owner is granted permission to rent the dwelling unit(s) described above.

Director, Permits, Approvals and Inspections

This license is purely governmental in nature, and may not be construed as providing any warranty or representation concerning the condition of the dwelling unit to the tenant or the public, or that the premise is in compliance with all applicable county, state and federal laws and regulations.

940 Elm Ridge Avenue



Publication Date: 3/31/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



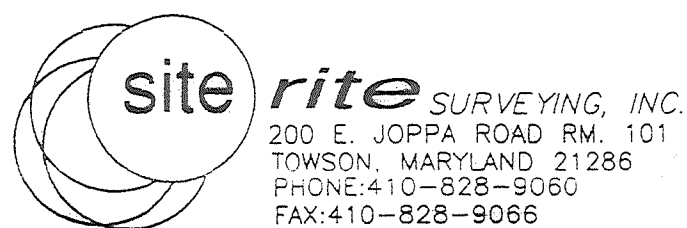
0 5 10 20 30 40 Feet

1 inch = 20 feet

Item #0202

GENERAL NOTES:

- Existing Zoning: D.R. 10.5 (101C2)
- Lot Area: 2300 square feet / 0.528 Ac +/-
- Existing Use: Two apartments per Conditional Use Permit approved January 27, 2014 signed by Arnold Jablon
Proposed Use: Continued use of existing two apartments
- This property is not located within The Chesapeake Bay Critical Area, Historic District or 100 Year Flood Plain Area
- This property is serviced by public water and sewer
- There are no current or outstanding violations for this property
- There is no prior zoning history
- This property is a lot of record on the "Revised Elm Ridge" Plat dated July 1945. Said subdivision was originally created in 1926.
- This plan was prepared with the use of public records: title deeds, record plat, GIS portal data and utility drawings. The improvements for the subject property were field located; although no boundary survey was completed.
- There is no contiguous ownership
- The existing structure was built in 1948



Special Hearing relief:

- Special Hearing to approve the nonconforming use and area of the property for two residential apartments, pursuant to BCZR Section 104.1; and
- For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

PLAN TO ACCOMPANY SPECIAL HEARING
#940 ELM RIDGE ROAD
LOT 611

"ELM RIDGE REVISED PLAT 7" 13/133
ELECTION DISTRICT NO. 13
COUNCILMANIC DISTRICT NO. 1
BALTIMORE COUNTY, MD

SCALE: 1" = 20'
MARCH 14, 2014
JOB #10268

OWNER: Mark and Mary Llewellyn
 5772 Victor Drive
 Eldersburg Md 21784
 443-742-9544
 Tax Map: 101 Grid: 17 Parcel: 1107
 Tax Acct. No. 1203230870
 Deed Ref.: 15016 / 623

#2014-0202-SPH

RD

Petitioners #1

