

IN THE MATTER OF:
CAROL LYNN MORRIS AND
C.G. HOMES
206 MORRIS AVENUE

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 15-302-SPHA and 16-201-SPH

* * * * *

AMENDED OPINION

On October 24, 2016, this Board issued an Opinion and Order in the above-captioned matter.

Rule 11 of the Board's Rules of Practice and Procedure states as follows:

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

Accordingly, the Board has reviewed its Opinion and Order issued in these proceedings and finds that an error existed within that Opinion and Order. The caption failed to include related case number 16-201-SPH even though the Majority and Dissenting Opinions discussed a request to consolidate the cases.

IT IS THEREFORE ORDERED that the caption of the Opinion and Order is hereby amended to read:

IN THE MATTER OF:
CAROL LYNN MORRIS AND
C.G. HOMES
206 MORRIS AVENUE

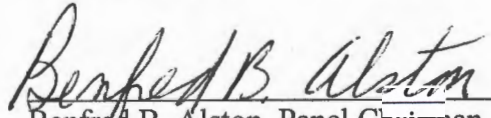
8th Election District
3rd Councilmanic District

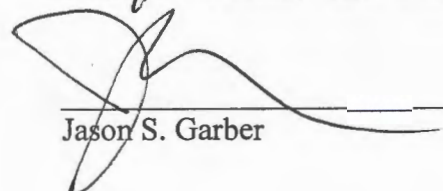
* BEFORE THE
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* BALTIMORE COUNTY
* Case No. 15-302-SPHA and 16-201-SPH

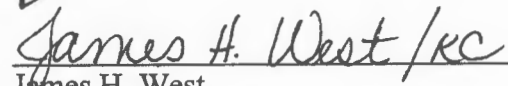
Amended Opinion
In the matter of: C.G. Homes
Case number 15-302-SPHA and 16-201-SPH

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued October 24, 2016.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Benfred B. Alston, Panel Chairman


Jason S. Garber


James H. West



Board of Appeals of Baltimore County

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November 7, 2016

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RE: *In the Matter of: Carol Lynn Morris and C.G. Homes*
Case Nos.: 15-302-SPHA and 16-201-SPH

Dear Counsel:

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

Any petition for judicial review must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the Board's original Opinion and Order issued October 24, 2016, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosures
Multiple Original Cover Letters

c: See Distribution List Attached

Carol Lynn Morris and C.G. Homes
Distribution List
November 7, 2016
Page 2

Carol L. Morris
Thomas Faust/C.G. Homes
Lutherville Community Association
David and Marie Frederick
Walter Brewer, Jr.
Martin Reisinger
William Bafitis, P.E.
Eva Castillo
George Nixon
Marielana Svarez
William and Marie Irwin
Jane Brewer
Stephen Mill
James McGee
Ellen Rappaport
Lexi Liu
Dori Gottfried
Marcia Hettinger
Eric Rockel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF:
CAROL LYNN MORRIS AND
C.G. HOMES
206 MORRIS AVENUE

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 2015-302-SPHA

* * * * *

OPINION AND ORDER

This matter comes to the Baltimore County Board of Appeals (the "Board") originally as an appeal filed by Michael R. McCann, Esquire, on behalf of Lutherville Community Association and affected residents ("Protestants") of the Administrative Law Judge's Order granting the Motion for Reconsideration, dated October 9, 2015. However, prior to any hearing on the merits, People's Counsel for Baltimore County filed a Motion to Dismiss Amended Petition. At deliberation on the Motion, the Board granted the Motion to Dismiss. After the Opinion and Order regarding the disposition of that Motion was drafted but just prior to its issuance, the Board received a request from Lawrence E. Schmidt, Esquire on behalf of Petitioner that the Opinion and Order be stayed so that the above-captioned case could be consolidated with a new, related appeal. A public deliberation on the request to stay the Opinion and Order and consolidate the cases was held on August 9, 2016. This Opinion and Order addresses both, the original Motion to Dismiss as deliberated and the subsequent request to stay and consolidate.

Procedural History

On June 25, 2015, Petitioner, Carol Lynn Morris filed a Petition for Zoning Hearing concerning the above-captioned property, located in historic Lutherville. The Petition requested: (1) a Special Hearing pursuant to Baltimore County Zoning Regulations Section 500.7 seeking

confirmation that the request will not affect the density of the surrounding neighborhood; and (2) a Variance of required setback and lot size minimums. Following the filing of the Petition, a Notice of Zoning Hearing identifying the requests for Special Hearing and the Variances was published in The Jeffersonian. In addition, the property at issue was posted with a Zoning Notice identifying the same requests. The subject matter of the hearing as identified by the public notice was as follows:

Special Hearing to approve a confirmation that density of the surrounding neighborhood is not being affected. Variance to permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of required 40 feet; to permit a lot width of 63 feet in lieu of the required 100 feet, a lot area of 14,189 sq. ft. in lieu of the required 20,000 sq. ft.

A hearing was held in front of the Administrative Law Judge on September 4, 2015. Petitioner was represented by counsel, as were Protestants. People's Counsel also entered its appearance. On September 9, 2015, the Administrative Law Judge issued his Opinion and Order ("ALJ Original Opinion"), denying the Petition for Special Hearing and denying the Petition for Variance. As set forth in the ALJ Original Opinion, a discussion arose during the hearing concerning Baltimore County Zoning Regulation § 304 ("Use of Undersized Single-Family Lots"). The ALJ Original Opinion commented that B.C.Z.R. §304 may have been better designed to accommodate the wishes of Petitioner rather than B.C.Z.R. §307, which was the subject matter of the Petition and the hearing. In the end, however, the Administrative Law Judge denied variance relief, finding that the property was not unique as required by B.C.Z.R. § 307.

With that in mind, on September 18, 2015, Petitioner filed a Motion for Reconsideration seeking approval for an undersized lot pursuant to B.C.Z.R. §304, and variance(s) to accommodate the same, as well as reconsideration of the earlier Petition for Special Hearing and Petition for Variance that sought relief pursuant to B.C.Z.R. §307.1. As part of the Motion for

Reconsideration, Petitioner submitted a new, alternative plan for the proposed dwelling. The Motion was opposed by Protestants. There was no hearing on the Motion for Reconsideration.

On October 9, 2015, the Administrative Law Judge granted the Motion for Reconsideration finding that the new, alternate plan met the requirements of B.C.Z.R. § 304. In doing so, the Administrative Law Judge concluded that notice previously given on the original Petition was sufficient for the consideration of the application of §304 to the newly-submitted plan and that it did not matter, in terms of notice and due process, whether B.C.Z.R. §304 or §307 is the operative provision under which Petitioner sought relief. Moreover, the Administrative Law Judge concluded that notice and due process were particularly not at issue in the Amended Petition as the applicability, *vel non*, of Section 304 was identified by Protestants at the original hearing.

On November 9, 2015, counsel for Protestants appealed the October 9, 2015 Order ("ALJ Reconsideration Opinion"), as well as the ALJ Original Order. Petitioner did not appeal the Order as to the §307 Petition denied by the Administrative Law Judge.

On December 1, 2015, counsel for Petitioners filed a formal Amended Petition for Variance and Special Hearing. People's Counsel filed its Motion to Dismiss on January 20, 2016. A hearing was scheduled in front of the Board of Appeals on February 4, 2016, at which time, it was decided that additional time was needed to review the Motion and materials at issue. As such, a Public Deliberation on the Motion was scheduled for March 9, 2016. At the Public Deliberation, this Board voted 2-1 to grant the Motion to Dismiss as the neither the original Petition, nor the Reconsideration, afforded Protestants adequate public notice or a public hearing on the attempted request for relief pursuant to Section 304.

Just prior to the intended issuance of this Board's Opinion and Order regarding the decision reached at the March 9, 2016 Public Deliberation, Petitioner's counsel filed a letter on May 25,

2016 requesting that the Board of Appeals, in essence, stay its issuance of its Opinion and Order, as a new, related Petition (Case No. 2016-0201-SPH) had been filed and had just been denied on May 18, 2016 by the Administrative Law Judge, and Petitioner wished to consolidate the above-captioned case with the appeal taken on Case No. 2016-0201-SPH.¹

Discussion

In disposing of the Motion to Dismiss, the Board examined whether there had been sufficient public notice and public hearing for the relief sought as part of the §307 Petition, §304 Reconsideration and/or Amended Petition, with respect to the new, alternative dwelling plan, first argued by Petitioner in writing post-hearing as part of its Motion for Reconsideration. For the reasons set forth below, the Board of Appeals concludes that, in this instance, the prior notice for the §307 Petition did not substantially comply with the public notice requirements to permit the §304 Reconsideration going forward. Similarly, the Board of Appeals concludes that the hearing on the §307 Petition did not satisfy the public hearing requirements required to proceed under §304 to grant the Motion for Reconsideration. These failures warrant dismissal of the Amended Petition.

A. The Hearing on the Original Petition Concerned Relief Under Section 307 Only

The §307 Petition filed by Petitioner identified, as is relevant, a variance from Section 1B02.3.C.1, the development standards for small lots, which identifies minimum widths, depths and area. Petitioner did not specifically identify whether relief was sought pursuant to B.C.Z.R. §304 or B.C.Z.R. §307. Both, §304 and §307, are methods by which an owner may seek relief to construct a dwelling on an undersized lot. *Mueller v. People's Counsel*, 177 Md. App. 43; 934

¹ As there are multiple Petitions being discussed, to make sure that the Petitions being discussed are properly differentiated in this Opinion, the original Petition shall be referred to as the "§307 Petition," or "Original Petition;" the Reconsideration shall be referred to as "§304 Reconsideration", the Amended Petition shall be "Amended Petition," and new § 304 Petition shall be "2016 Petition."

A.2d 974 (2007). However, §304 and §307 have differences, particularly: the elements that need to be proved; the evidence for the same; the procedure to obtain relief; and public notice and public hearing requirements.

At the hearing below on the Original Petition, Petitioner spent much time and effort on proving whether the property at issue was unique, an element under §307, but not §304. During that hearing, Petitioner asserted that the size of the lot made the property unique. The Administrative Law Judge, however, questioned whether the size of the lot should be considered as a factor of uniqueness; but, even assuming that it could be a factor, the evidence presented revealed that other lots in the community were similar in size and shape. (ALJ Original Opinion, p. 3-4.)

Ultimately, the Administrative Law Judge, in disposing of the §307 Petition, determined that Petitioner could not “satisfy the stringent requirements for variance relief,” noting that Petitioner’s property did not have any historic structure or inherent historic attributes, a factor of uniqueness identified in *Cromwell v. Ward*, 102 Md.App. 691, 710; 651 A.2d 424, 433-34 (1995). (ALJ Original Opinion, p. 3.) The Administrative Law Judge denied the variance request on the §307 Petition, as the requirements of B.C.Z.R. §307 were not satisfied.

In the ALJ Original Opinion, the Administrative Law Judge noted that B.C.Z.R. §304 is specific to undersized lots and theorized that if Petitioner could construct a dwelling that satisfies the setback requirements in a D.R. 2 zone, “they could take advantage of §304.” (ALJ Original Opinion, at p. 4.) It is clear from the Administrative Law Judge’s comments that Petitioner had not sought variance relief as an undersized lot. Based on the above, it is without question that the public hearing on the original Petition concerned only relief sought under B.C.Z.R. §307.

In Petitioner's Motion for Reconsideration, counsel for Petitioner stated that §304 "was raised as an issue at the hearing," and stressed judicial economy as a reason to avoid having "to file yet another petition and repeat the process." (Reconsideration, at pp. 1, 2.) However, as part of that Motion, Petitioner requested that the Court apply §304 to a new, alternative dwelling plan. The new, alternative plan one differed from the Original Petition and therefore, differed from relief identified in the public notice. Petitioner sought to bypass the requirements of filing a new petition and consequently, bypass the generation of a new public notice regarding the new relief sought. Counsel's statements and actions further illustrate that B.C.Z.R. §304 was not the subject of the Original Petition or hearing.

B. The Original Notice and Hearing Were Not In Substantial Compliance with the Requirements to Proceed Under Section 304

Counsel for both parties cite *Cassidy v. County Board of Appeals of Baltimore County*, 218 Md. 418, 421; 146 A.2d 896, (1958) in their Memoranda on the Motion to Dismiss, and, indeed, *Cassidy* is analogous to this case in certain respects and provides framework helpful in resolving this issue.

In *Cassidy*, one principal contention presented was whether proper notice of a hearing was provided and if not, was such failure fatal to the jurisdiction of the official or board to conduct the hearing. (*Id* at 897-98.) The deficiency claimed was the failure to name a request for a special exception when the notice identified only a reclassification. (*Id* at 898-99.) The Court upheld the decisions below, holding that the notice given was in substantial compliance with the requirements. (*Id.* at 900.) In doing so, the Court concluded that by being on notice of the request to reclassify, the public was on notice of special exception and therefore, preparing for one was akin to preparing for both. (*Id.* at 899-900.) In essence, the failure to specifically identify a request for special exception in addition to a reclassification did not change the course of the hearing or the evidence

needed to defeat the petition. Moreover, the method of notice required by each was identical. (*Id.* at 900.)

The case at hand, however, starkly contrasts with the facts relied upon in *Cassidy* in arriving at its conclusion. Here, §304 and §307 may have similar goals, but notably, the elements, and therefore, the proof needed for each, have significant differences. *Mueller*, 177 Md. App. at 87; 934 A.2d at 999. (e.g., “BCZR §304 does not contain elements of practical difficulty or uniqueness, which are embodied in § 307.”).

In particular, in order to obtain relief pursuant to B.C.Z.R. §307, the more general statute,² Petitioner must prove: (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; 962 A.2d 404, 420 (2008), citing *Cromwell v. Ward*, 102 Md.App. 691, 698-99; 651 A.2d 424, 427-28 (1995). The uniqueness of a property requires a particular property to have an inherent characteristic not shared by other properties in the area --- its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties, or other such restrictions. *Cromwell*, 102 Md.App. at 710; 651 A.2d at 433-34, citing *North v. St. Mary’s County*, 99 Md.App. 502, 512; 638 A.2d 1175 (1994).

On the other hand, B.C.Z.R. §304.1 requires a party to prove its eligibility for relief by demonstrating: (A) the lot was duly recorded by deed or validly approved subdivision prior to March 30, 1955; (B) all other requirements of the height and area regulations are complied with; and (C) the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements in the regulations.

² *Mueller*, 177 Md.App. at 86-87; 934 A.2d at 999.

The Administrative Law Judge noted and counsel for Petitioner argued that Protestants raised the applicability, *vel non*, of §304 in the hearing on the Original Petition, and therefore, consideration of the same in the Motion for Reconsideration was not a surprise. This argument may be more persuasive if the original hearing concerned §304 or the plan at issue in the original hearing was the same plan at issue in the Reconsideration.

Instead, the dwelling plan under consideration pursuant to §304 was a new, alternative plan raised by the first time in the Motion for Reconsideration. It is axiomatic that the plan raised for the first time in the Motion for Reconsideration was not one at issue in the hearing, nor was it the one identified in the public notice. In *Cassidy*, the notice for reclassification and request for special exception concerned the same plan. There were no changes to the plan when under consideration for reclassification or when under consideration for the special exception.

As Petitioner's new, alternative plan was not an issue at the time of the hearing, the quantity and quality of evidence particular to §304 was not relevant. Rather, arguments over facts and issues germane to §304 were newly raised in letter form as part of the Motion for Reconsideration. Again, raising of new facts and issues as part of the Motion for Reconsideration is indicative as to whether the original public notice was sufficient, as well as whether the public hearing was sufficient. The failure to have a public notice and a public hearing regarding that which was at issue in the reconsideration is fatal to the §304 Reconsideration and related Amended Petition.

In addition, §304 has its own specific process (as alluded to above), as well as its own particular public notice and public hearing provisions. If Petitioner intended to proceed under §304 prior to the hearing, Petitioner was required to adhere to those requirements. The failure to do so dictates the same conclusion --- public notice was inadequate, and here, the matter fails under

Section 304.4 as well as there never has been a full public hearing pursuant to Section 304.4 on the new alternative dwelling plan.

It should be noted that there is a question as to whether relief under B.C.Z.R. §304 can be sought via Petition for Zoning Hearing in the absence of a building permit, as §304.3 states “*Upon application for a building permit pursuant to this section*, the subject property shall be posted conspicuously...” (emphasis added).

Petitioner argued that no particular notice under §304.3 was required here because there was no building permit issued as of yet. Petitioner also argued that no notice or hearing under §304 is required if and once a building permit is issued in this case because the Protestants had their day in court. Petitioner wants the relief pursuant to that section, but not the obligations that come with obtaining such relief. Section 304’s specific notice provision, as well as its specific hearing provision, cannot and should not be so lightly disregarded.

Moreover, in the ALJ Reconsideration Opinion, the Administrative Law Judge noted that this property is within the Lutherville historic district and the Landmarks Preservation Commission must review the proposal. (Baltimore County Code (“BCC”) §32-7-404.) The effect, importantly, is that a permit for construction cannot be issued unless the Landmarks Preservation Commission issues a notice to proceed. (BCC §32-7-405.)

Therefore, if it is accepted that a building permit triggers the public notice and public hearing sections on a petition for variance relief pursuant to §304, a party cannot raise the issue by amending an existing petition at a hearing or post hearing, without a building permit *and* without compliance with the public notice and public hearing provisions distinct to §304. By virtue of this analysis, in light of the fact that there has never been a building permit and there has not been public notice following the issuance of a building permit issued under §304.3, this issue is not

properly in front of the Board of Appeals, and the §304 Reconsideration and Amended Petition require dismissal.

This is not a matter where a full public hearing can be dispensed with either. To be excused from a hearing, the property must be an owner-occupied lot zoned residential, and in order to receive a variance without a hearing, the petitioner is required to file a supporting affidavit with the petition under oath made on the personal knowledge of the petitioner that sets forth facts that would otherwise satisfy the petitioner's burden of proof if a hearing were to be required. (BCC §§32-3-303(a)(1), (a)(2)(i).) The affidavit is in addition to the information required by the Administrative Law Judge³ on the petition. (BCC §32-3-303 (a)(2)(ii).) The Administrative Law Judge may not grant a variance under this section unless notice of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of the application in accordance with the requirement of the Department of Permits, Approvals and Inspections. (BCC §32-3-303(a)(3).)

The property is not owner-occupied, as there is no dwelling on that lot. Moreover, none of the requirements to excuse a hearing on a variance request have occurred in order to substantiate the granting of the Motion for Reconsideration, and therefore, relief under Section 304, without a full public hearing. Therefore, the reconsideration and attempted amendment both run afoul of the specific public notice and public hearing sections under §304 that parties are compelled to comply with when proceeding pursuant to that section.

³ § 3-12-104(b) --- Any reference to the Zoning Commissioner, the Deputy Zoning Commissioner or the Hearing Officer in the Charter, the Code or the Baltimore County Zoning Regulations shall be deemed to be a reference to the Office [of Administrative Hearings].

C. The Amended Petition Cannot Be Heard For the First Time by the Board of Appeals

It was also argued that a full hearing on the §304 Reconsideration and/or Amended Petition can occur at the Board of Appeals as our review of variance requests is *de novo*. A *de novo* appeal, however, is an exercise of appellate jurisdiction rather than original jurisdiction. *Halle Companies v. Crofton Civic Ass'n*, 339 Md. 131, 143; 661 A.2d 682, 687-88 (1995); see *Hardy v. State*, 279 Md. 489, 492, 369 A.2d 1043, 1046 (1977). Whether a tribunal's exercise of jurisdiction is appellate or original does not depend on whether the tribunal is authorized to receive additional evidence. *Halle Companies*, 339 Md. at 143; 661 A.2d at 688. Instead, as Chief Justice Marshall explained, "[i]t is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted, and does not create that cause...." *Id.*, quoting, *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 175; 2 L.Ed. 60, 73 (1803).

In the Board's opinion, the plan at issue in the §304 Reconsideration and Amended Petition, submitted for the first time after the original hearing, is not simply new evidence to be received and considered in connection with the reconsideration or by the Board of Appeals. As outlined in detail above, there is a process for relief under §304, a process in which the public is required to have specific notice of as well as a public hearing to participate and present evidence in --- a process the Lutherville Community Association and affected residents were not provided as part of the original hearing or as part of the reconsideration.

In determining the scope of *de novo* hearings in front of the Anne Arundel County Board of Appeals in *Halle Companies*, the Court of Appeals concluded that access to the site and its impact upon public health was an issue "inextricably intertwined with the administrative hearing officer's decision," so that "it was an issue properly before the Board which could be addressed." 339 Md. at 145-46; 661 A.2d at 689. Here, the Board finds that the plan on which Petitioner

intended to proceed in the Amended Petition was not so intertwined for the reasons stated above and therefore, such issues are not properly in front of the Board at this time. For these reasons, the §304 Reconsideration fails as does the Amended Petition.

D. There is No Petition Presently In Front of the Board to Consolidate

Because the Board already deliberated and determined that the Motion to Dismiss should be granted, the pendency of a related Petition does not cause the Board to revisit or vacate its earlier determination. The Board's only course of action here is to issue the Opinion it intended just prior to the request to stay and consolidate.

As set forth above, the Board dismissed the §304 Reconsideration and the Amended Petition. Petitioner did not appeal the Administrative Law Judge's ruling on the §307 Petition. At this time, there is no petition pending in front of the Board to consolidate with the appeal of the Administrative Law Judge's Order denying the Petition in 15-302-SPHA. Therefore, with the issuance of the Opinion and Order on the Motion to Dismiss, the Board has no option but to deny Petitioner's request to consolidate as being moot.

Conclusion

While the recitation of procedural history and analysis above make this matter seem complicated, it really is not. In the end, Protestants did not have sufficient public notice or a public hearing regarding the new, alternative plan and relief under B.C.Z.R. §304. The failure to provide such adequate public notice and a full public hearing requires dismissal of the §304 Reconsideration Petition and the related, subsequent Amended Petition. People's Counsel's Motion to Dismiss is granted. The request to stay the issuance of the Board's Opinion and Order is denied. As the Board granted People's Counsel Motion to Dismiss, there is nothing for the Board to consolidate. Therefore, Petitioner's request to consolidate is denied as moot.

ORDER

THEREFORE, IT IS THIS 24th day of October, 2016, by the Board of Appeals of Baltimore County,

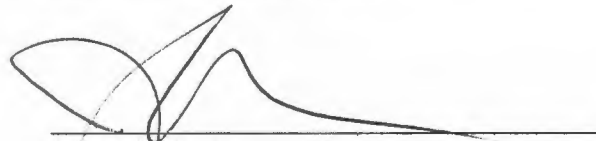
ORDERED that People's Counsel's Motion to Dismiss is hereby **GRANTED**. The Petitioners' §304 Reconsideration Petition and related Amended Petition are **DISMISSED**; and

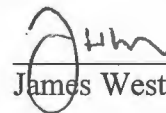
ORDERED that Petitioner's request to stay the issuance of the Board's Opinion and Order disposing of the Motion to Dismiss is **DENIED**; and

ORDERED that Petitioner's request to consolidate the appeal on Case No. 2016-0201-SPH with the above-captioned case is **DENIED, as moot**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber

James West

IN THE MATTER OF:
CAROL LYNN MORRIS AND
C.G. HOMES
206 MORRIS AVENUE

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 2015-302-SPHA

* * * * *

DISSENTING OPINION

I respectfully disagree with the Majority's Opinion as it relates to their interpretation of the public notice requirements enumerated in Section 304 of the Baltimore County Zoning Regulations (BCZR) and their conclusion that the Petition for Special Hearing filed by Carol Lynn Morris and C.G. Homes (hereinafter collectively referred to as the "Petitioners") should be dismissed because there was inadequate public notice provided to the Lutherville Community Association and several nearby property owners (the "Protestants") and that the Board of Appeals of Baltimore County lacked jurisdiction to conduct a *de novo* Special Hearing.

On June 25, 2011, the Petitioners filed a zoning petition for a D.R. 2 zoned lot located in the historic district of Lutherville, known as 206 Morris Avenue (the "Subject Property"), requesting a Special Hearing under BCZR Section 500.7 and Variances of the area size and setback requirements enumerated in BCZR Section 1B02.3.C.1 (Development Standards for Small Lots or Tracts in a D.R. Zone). The public notice requirement attached to the June 17, 2015 Site Plan was consistent with the Petitioner's proposed dwelling outline and setbacks. In accordance with BCZR 307.1 (Authority to Grant Variances; Procedures and Restrictions) and Baltimore County Code (BCC) Section 32-3-303 (Administrative Special Hearing), signs were timely and properly posted on the Subject Property and thereafter a hearing was held on September 4, 2015 (the "September

4th Hearing”) before Administrative Law Judge John E. Beverungen (the “ALJ”). The Lutherville Community Association and other nearby neighbors, David and Marie Frederick, Walter Brewer, Jr. and Martin Reis, were present at the September 4th Hearing before the ALJ¹. The Lutherville Community Association was also represented by legal counsel.

In his Opinion and Order dated September 9, 2015, the ALJ denied the Petitioners their requested relief because the Subject Property lacked the “inherent attributes or uniqueness required to obtain variance relief under BCZR Section 307.1...” Although the ALJ denied the Petitioners’ request for a variance, he opined the following:

Instead, and as discussed at the hearing, B.C.Z.R. §304 (entitled ‘Use of Undersized Single-Family Lots’) was designed to address the scenario in this case; i.e., where a lot of record, by virtue of a subsequent down-zoning, becomes undersized or deficient, preventing the owner from erecting a house thereon. In Mueller v. People's Counsel, 177 Md. App. 43 (2007), the court of special appeals described the two methods by which an owner may receive permission to construct a dwelling on an undersized lot: B.C.Z.R. §307, which requires a showing of uniqueness and practical difficulty, and B.C.Z.R. §304, which does not. *Id.* at 87. While Petitioners satisfy two of the required elements under §304 (a lot recorded prior to 1955 and they own no adjoining land), they do not satisfy the area requirements of the zone (i.e., side yard setbacks). Assuming Petitioners could construct on this lot a dwelling which complied with the setback requirements of the D.R. 2 zone, they could take advantage of §304.

Apparently based upon the ALJ’s comments, on September 18, 2015, the Petitioners filed a Motion for Reconsideration requesting that the ALJ grant the Petitioners relief from the area size and setback restrictions imposed by BCZR Section 1B02.3.C.1 under BCZR Section 304 (Use of Undersized Single Family Lots). On October 2, 2015, the Protestants represented by legal counsel filed an Opposition to the Motion for Reconsideration. No additional public notice was requested by the Petitioners and none of the parties to the dispute requested that the ALJ hold a hearing on

¹ The Citizen’s Sign-in Sheet show that 14 Lutherville residents appeared at the September 4th Hearing.

the Motion for Reconsideration.

On November 9, 2015, the Protestants appealed the October 9, 2015 Order ("ALJ Reconsideration Opinion"), as well as the ALJ Original Order. The Petitioner did not appeal the Order as to the §307 Petition denied by the Administrative Law Judge.

On December 1, 2015, the Petitioners filed an Amended Petition for Variance and Special Hearing. On January 20, 2016, People's Counsel filed a Motion to Dismiss the Petition for Variance and Special Hearing. People's Counsel asserted that the Petitioner's failed to provide adequate public notice and therefore must be dismissed by the Board. A Majority of the Board agreed stating that the Petitioner failed to provide adequate notice pursuant to §304 of the Baltimore County Zoning Regulations (BCZR); therefore, its amended Petition for Variance and Special Hearing must be dismissed without a *de novo* hearing.

DISCUSSION

I respectfully disagree with the Majority that the Board lacked jurisdiction to hear this matter because the Petitioner's failed to provide adequate notice. The purpose of the requirement of public notice is to inform any affected party there is a request or application that is intended to affect the zoning of a particular property. See, Largo Civic Association v. Prince George's County, 21 Md. App. 318 (1974). Where there has been substantial compliance the statute or rule by one party and the other party has not been prejudiced, technical irregularities cannot be used to deny a person's legal rights. Furthermore, failure to provide proper notice is a jurisdictional issue and perhaps fatal to the petitioner's action, the requirement of notification may be satisfied if the objecting party actually appears at the hearing. McLay v. Maryland Assemblies, Inc., 269 Md. 465 (1973).

The notice requirements enumerated in Sections 304² and 307³ of the Baltimore County Zoning Regulations (BCZR) are substantially similar. The public notice requirements issued for the Petitioner's request to deviate from the requirements set forth in §303 of the BCZR clearly advertized to the persons interested that a specific activity would affect the Subject Property. The public notice clearly put all interested persons on notice that the Petitioner wanted a variance to construct a house on an undersized lot. In the ALJ hearing, it was determined that the Petitioner had not met her burden to support the issuance of a variance. However, at that same hearing, the Protestants raised the issue *sua sponte* that the Petitioner could have used §304 of the BCZR (Use of Undersized Lots) to construct a dwelling on the Subject Property. In fact, ALJ stated in the Petitioner's Motion for Reconsideration that the Protestants provided extensive testimony on the use of §304 of the BCZR to construct a dwelling on the Subject Property. Based upon the Motion for Reconsideration and over the opposition filed by the Protestants, the ALJ held that, pursuant §304.4 of the BCZR, the Petitioner could construct a dwelling on the Subject Property subject to certain conditions.

Pursuant to §4-305 of the Land Use Article of the Annotated Code of Maryland (the "Land Use Article"), the Board may "hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer or unit under this division or of any local law adopted under this division. As such, clearly, the appeal of the ALJ Reconsideration Opinion was within the purview of the Board.

The Protestants were fully aware that the Petitioner wanted to construct a dwelling on the undersized Subject Property pursuant to the terms and conditions set forth in §304 of the BCZR. The Protestants filed an opposition to the Petitioner's Motion for Reconsideration as such it cannot

² See, Section 304.3 of the BCZR at Appendix, Page 20.

³ See, Section 32-3-302 of the BCC at Appendix, Page 22.

be said that they were unaware of subject matter of the Special Hearing. Indeed, the Protestant's participated in every proceeding involving the Subject Property. Also, the grounds for the Special Hearing were properly formulated and issues to be presented in the Special Hearing were adequately delineated. See, Board of County Commissioners v. Southern Residential Management, 154 Md. App. 10 (2003). In addition, the Protestants were neither surprised nor prejudiced by the impending Special Hearing that was to be held by the Board and could have adequately defended their position that the Petitioner did not meet the statutory requirements set forth in §304 of the BCZR.

Even though a hearing before the Board may not have offered the Petitioner the relief they sought, the Board had jurisdiction because the Protestants had adequate notice and it is a matter squarely within §4-305 of the Land Use Article. In sum, there was substantial notice because (1) the publication issued by Petitioner, pursuant to §307.1 of the BCZR, is very similar to the publication requirements set forth in §304.3 of the BCZR, (2) the Protestants actually participated in every aspect of the proceedings involving the Subject Property, (3) the grounds for the Special Hearing were properly formulated and issues to be presented in the Special Hearing were adequately delineated for Protestants review and (4) the Protestants were they neither prejudiced nor surprised by any issue that would have been adjudicated, *de novo*, before the Board.

For the reasons stated above, I respectfully disagree with the Majority Opinion that the Board lacked jurisdiction to hear this matter because the Petitioner's failed to provide adequate notice.

October 24, 2016
Date

Benfred B. Alston
Benfred B. Alston

APPENDIX

ARTICLE 3 (BCZR). Exceptions to Height and Area Requirements

SECTION 300 Height Exceptions

§300.1. Applicability.

- A. The height limitations of these regulations shall not apply to barns and silos, grain elevators or other accessory agricultural buildings, nor to church spires, belfries, cupolas, domes, radio or television aerials, drive-in theater screens, observation, transmission or radio towers, or poles, flagstaffs, chimneys, parapet walls which extend not more than four feet above the limiting height, bulkheads, water tanks and towers, elevator shafts, penthouses and similar structures, provided that are such structures shall not have a horizontal area greater than 25% of the roof area of the building. A satellite receiving dish is subject to the height limitations of the zone in which the dish is located.

However, in residential zones, the height of an accessory satellite dish may not exceed 15 feet, unless it is located on the roof of a building.

- B. Notwithstanding the provisions of Subsection 300.1.A, no appurtenances to any building in a B.L. B.M. or B.R. Zone shall exceed the heights specified in Section 231 except any flagstaff, any church spire and any pole for a radio and television aerial not exceeding 50 feet in height *above* the base thereof and not displaying any lettering, sign or other advertising emblem or device.

SECTION 303. Front Yard Depths in Residence and Business Zones

§303.1. Standards for D.R.2, D.R.3.5 and D.R.5.5 Zones.

In D.R.2, D.R.3.5 and D.R.5.5 Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones. In no case, however, shall nonresidential principal buildings have front yards of

less depth than those specified therefore in the area regulations for D.R.2,D.R.3.5 and D.R.5.5 Zones respectively.

SECTION 304. Use of Undersized Single-Family Lots

§ 304.1. Types of dwellings allowed; conditions.

Except as provided in Section 4A03,a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

§304.2. Building permit application.

- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits, Approvals and Inspections, at the time of application for a building permit, plans sufficient to allow the Department of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Department of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
- B. At the time of application for the building permit, as provided above, the Director of Permits, Approvals and Inspections shall request comments from the Director of the Department of Planning (the "Director"). Within 15 days of receipt of a request from the Director of Permits, Approvals and Inspections, the Director shall provide to the Department of Permits, Approvals and Inspections written recommendations concerning the application with regard to the following:
 - 1. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot

coverage, building orientation and location on the lot or tract.

2. Architectural design. Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
 - a. Height.
 - b. Bulk or massing.
 - c. Major divisions, or architectural rhythm, of facades.
 - d. Proportions of openings such as windows and doors in relation to walls.
 - e. Roof design and treatment.
 - f. Materials and colors, and other aspects of facade texture or appearance.
3. Design amendments. The Director may recommend approval, disapproval or modification of the building permit to conform with the recommendations proposed by the Department of Planning.

§304.3. Public notice.

Upon application for a building permit pursuant to this section, the subject property shall be posted conspicuously, under the direction of the Department of Permits, Approvals and Inspections, with notice of the application for a period of at least 15 days.

§304.4. Public hearing.

Within the fifteen-day posting period: (1) Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits, Approvals and Inspections, or (2) the Director of Permits, Approvals and Inspections may require a public hearing. The Department of Permits, Approvals and Inspections shall notify the applicant within 20 days of the receipt of a request for a public hearing. A hearing before the Zoning Commissioner shall be scheduled within 30 days from receipt of the request for public hearing. At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate.

SECTION 307. Variances

§ 307.1 Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

SUBTITLE 3 (BCC). Variances

§ 32-3-301. - Authority Of Zoning Commissioner.

- (a) *In general.* Except as provided in § 32-3-515 of this title and consistent with the general purpose, intent, and conditions set forth in the Baltimore County Zoning Regulations, upon petition, the Zoning Commissioner may:
 - (1) Grant variances from area and height regulations;
 - (2) Interpret the zoning regulations; and
 - (3) Grant special exceptions.
- (b) *Appeal.* A decision of the Zoning Commissioner under subsection (a) of this section may be appealed to the Board of Appeals as provided in this article.
- (c) *Conditional or restricted variance.* The Zoning Commissioner may grant a variance with conditions or restrictions that the Zoning Commissioner determines are appropriate for the purpose of protecting the health, safety, or general welfare of the surrounding community.

§ 32-3-302. - Same - Hearing Required; Notice.

- (a) *In general.* Except as provided in § 32-3-303 of this subtitle, the Department of Permits, Approvals and Inspections shall schedule a public hearing on a petition for a variance or special exception for a date not less than 21 days and not more than 90 days after the petition is accepted for filing.
- (b) *Notice.*
 - 1. The Department of Permits, Approvals and Inspections shall ensure that notice of the time and place of the hearing relating to the property under

petition be provided:

- (i) By conspicuously posting the notice on the property for a period of at least 20 days before the date of the hearing;
- (ii) By a notice in at least one newspaper of general circulation at least 20 days before the hearing; and

(iii) By posting notice on the county's internet website.

2. The notice shall provide:

- (i) The address of the property under petition or, if not available, a description of the property; and
- (ii) The action requested by the petition.

(c) *Referral to Director of Planning.* Once a hearing date for a petition is established, the Department of Permits, Approvals and Inspections shall promptly forward a copy of the petition to the Director or Deputy Director of the Department of Planning for consideration and a written report containing findings relating to planning factors.

§ 32-3-303. - Same - Administrative Special Hearing.

(a) *In general*

(1) Notwithstanding the hearing requirements under § 32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot zoned residential, as defined by the Baltimore County Zoning Regulations.

(2) (i) In order to receive a variance without a hearing, the petitioner shall file a supporting affidavit with the petition under oath made on the personal knowledge of the petitioner that sets forth facts that would otherwise satisfy the petitioner's burden of proof if a hearing were to be required.

(ii) The affidavit is in addition to the information required by the Zoning Commissioner on the petition.

(3) The Zoning Commissioner may not grant a variance under this section unless notice of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of the application in accordance with the requirement of the Department of Permits, Approvals and Inspections.

1. *Request for public hearing.*

- Within the 15 day posting period required under subsection (a)(3) of this

section, an occupant or owner within 1,000 feet of the lot in question may file a written request for a public hearing with the Department of Permits, Approvals and Inspections.

- The Department shall schedule a hearing to be held on a date within 75 days after receiving a request for a public hearing.

2. *Discretion of Commissioner to require a hearing.* If a written request for a public hearing is not filed, the Zoning Commissioner may:

- Grant the variance without a public hearing, if the requested variance is in strict harmony with the spirit and intent of the height and area requirements of the Baltimore County Zoning Regulations, and any other applicable requirement; or
- Require a public hearing during which the petitioner shall be required to satisfy the burden of proof required by the Baltimore County Zoning Regulations for the variance to be granted.

Section 4-305 of the Land Use Article of the Annotated Code of Maryland

A board of appeals may:

- A. hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer or unit under this division or of any local law adopted under this division;
- B. hear and decide special exceptions to the terms of a local law on which the board is required to pass under the local law; and
- C. authorize on appeal in specific cases a variance from the terms of a local law.



Board of Appeals of Baltimore County

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

October 24, 2016

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

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: *In the Matter of: Carol L. Morris – Legal Owner*
C.G. Homes – Contract Purchaser
Case No.: 15-302-SPHA

Dear Counsel:

Enclosed please find a copy of the final Majority Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter, as well as a copy of the Dissenting Opinion.

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

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington tam".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosures
Multiple Original Cover Letters

c: See Distribution List Attached

Carol L. Morris – Legal Owner
C.G. Homes – Contract Purchaser
Distribution List
October 24, 2016
Page 2

Carol L. Morris
Thomas Faust/C.G. Homes
Lutherville Community Association
David and Marie Frederick
Walter Brewer, Jr.
Martin Reisinger
William Bafitis, P.E.
Eva Castillo
George Nixon
Marielana Svarez
William and Marie Irwin
Jane Brewer
Stephen Mill
James McGee
Ellen Rappaport
Lexi Liu
Dori Gottfried
Marcia Hettinger
Eric Rockel
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Carol L. Morris – Legal Owner 15-302-SPHA
CG Homes – Contract Purchaser 16-201-SPH

DATE: August 9, 2016

BOARD/PANEL: Benfred B. Alston, Panel Chairman
Jason S. Garber
James H. West

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Letter dated May 25, 2016 from Lawrence E. Schmidt, Esquire requesting that
 - A. the Opinion in 15-302-SPHA not be issued;
 - B. the above matters be scheduled for a public hearing on the merits; and
 - C. the above matters be consolidated.

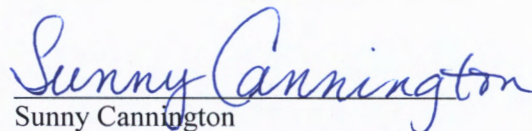
PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board determined that there is nothing to consolidate.
- In the 15-302-SPHA matter, the 307 issue was not appealed but the 304 issue was not properly before the Board therefore the appeal was dismissed.
- The Board determined that 16-201-SPH brings the 304 issue properly before the Board.
- The Board determined since 15-302-SPHA has been dismissed, there is nothing to consolidate.
- 16-201-SPH will be set for a hearing in the normal course.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180
FAX: 410-887-3182

June 28, 2016

NOTICE OF PUBLIC DELIBERATION

IN THE MATTER OF: Carol L. Morris – Legal Owner
CG Homes – Contract Purchaser
15-302-SPHA N/s Morris Avenue, 242 ft NW of C/L of Bellona Avenue
206 Morris Avenue
8th Election District; 3rd Councilmanic District

----SET WITH----

IN THE MATTER OF: Carol L. Morris – Legal Owner
CG Homes – Contract Purchaser
16-201-SPH N/s Morris Avenue, 242 ft NW of C/L of Bellona Avenue
206 Morris Avenue
8th Election District; 3rd Councilmanic District

Re: Letter from Lawrence E. Schmidt, Esquire dated May 25, 2016, requesting that 1) the Opinion in 15-302-SPHA not be issued; 2) the above matters be scheduled for a public hearing on the merits; and 3) that these matters be consolidated. And responses thereto.

ASSIGNED FOR: TUESDAY, AUGUST 9, 2016 AT 9:30 A.M.

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

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: See attached Distribution List

Notice of Public Deliberation

In re: Carol Morris – LO/CG Homes – CP

15-302-SPHA and 16-201-SPH

June 28, 2016

Page 2

c: Counsel for Petitioner
Contract Purchaser/Petitioner
Legal Owner

: Lawrence E. Schmidt, Esquire
: C.G. Homes/Thomas Faust
: Carol L. Morris

Counsel for Protestants/Appellants
Protestants/Appellants

: Michael R. McCann, Esquire
: Lutherville Community Association,
David and Marie Frederick, Walter Brewer, Jr.,
and Martin Reisinger

William Bafitis, P.E.

Eva Castillo

George Nixon

Marielana Svarez

William and Marie Irwin

Jane Brewer

Stephen Mill

James McGee

Ellen Rappaport

Lexi Liu

Dori Gottfried

Marcia Hettinger

Eric Rockel

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Arnold Jablon, Director/PAI

Andrea Van Arsdale, Director/Department of Planning

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

RECEIVED

JUN 21 2016

**BALTIMORE COUNTY
BOARD OF APPEALS**

June 17, 2016

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

via Email & US Mail

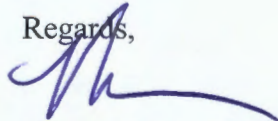
Re: *In re: 206 Morris Avenue*
Case Nos. 2015-302-SPHA and 2016-201 SPH

Dear Ms. Cannington:

In response to Mr. Schmidt's letter of May 25, 2016, the Protestants agree with and adopt the position of People's Counsel set forth in his Memorandum Concerning Procedure, Jurisdiction, Comity, and the Relationship of the 206 Morris Avenue Zoning Cases.

Please contact me if you have any questions. Thank you.

Regards,



Michael R. McCann

cc: Lawrence Schmidt (*via email & US Mail*)
People's Counsel (*via US Mail*)

Sundra Cannington

Lawrence Schmidt <lschmidt@sgs-law.com>
Friday, June 17, 2016 3:02 PM
Michael McCann; Krysundra Cannington
Peoples Counsel
RE: 206 Morris Avenue

I received Mr. McCann's email below and his attached letter adopting People's Counsel's memorandum. I have
receive the memo. I anticipate it is "in the mail" as Mr. Zimmerman had previously indicated he would be filing a
today (June 17) and I suspect he's emailed or personally delivered it to Mr. McCann. In any event, when I received
memorandum, I will respond accordingly.

Lawrence E. Schmidt

SMITH, GILDEA & SCHMIDT, LLC
Washington Avenue, Suite 200
Baltimore, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential, privileged, or otherwise subject to the attorney-client privilege. If you are not an intended recipient, please do not disseminate, copy, or otherwise use this information. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC immediately.

Original Message

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Friday, June 17, 2016 2:52 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt
Subject: 206 Morris Avenue

Sunny: Please see the attached.

Thank you. Have a nice weekend.

Michael
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Baltimore, Maryland 21204
410-225-2150

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Friday, June 17, 2016 2:52 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt
Subject: 206 Morris Avenue
Attachments: 20160617144522378.pdf

Sunny: Please see the attached.

Thank you. Have a nice weekend.

Michael

Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410 825 2150
(f) 410 825 2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

June 17, 2016

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

via Email & US Mail

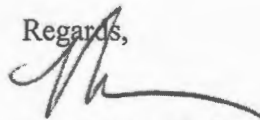
Re: *In re: 206 Morris Avenue*
Case Nos. 2015-302-SPHA and 2016-201 SPH

Dear Ms. Cannington:

In response to Mr. Schmidt's letter of May 25, 2016, the Protestants agree with and adopt the position of People's Counsel set forth in his Memorandum Concerning Procedure, Jurisdiction, Comity, and the Relationship of the 206 Morris Avenue Zoning Cases.

Please contact me if you have any questions. Thank you.

Regards,



Michael R. McCann

cc: Lawrence Schmidt (*via email & US Mail*)
People's Counsel (*via US Mail*)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
 & VARIANCE *
 206 Morris Avenue; N/S Morris Avenue, * BOARD OF APPEALS
 242' NW of Bellona Avenue *
 8th Election & 3rd Councilmanic Districts *
 Legal Owner(s): Carol Lynn Morris * FOR
 Petitioner(s) * BALTIMORE COUNTY
 * 2015-302-SPHA

RECEIVED
 JUN 16 2016

BALTIMORE COUNTY
 BOARD OF APPEALS

* * * * *

RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
 *
 206 Morris Avenue; NE/S Morris Avenue, * BOARD OF APPEALS
 242' NW of Bellona Avenue *
 8th Election & 3rd Councilmanic Districts * FOR
 Legal Owner(s): C.G. Homes, Inc *
 Petitioner(s) * BALTIMORE COUNTY
 * 2016-201-SPH

* * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S MEMORANDUM
CONCERNING PROCEDURE, JURISDICTION, COMITY, AND
THE RELATIONSHIP OF THE 206 MORRIS
AVENUE ZONING CASES

People's Counsel for Baltimore County responds to the letter filed with the County Board of Appeals (CBA) by CG Homes' (CG's) attorney dated May 25. CG requests that the Board not issue a written opinion in Case No. 15-302-SPH (**CG I**) and then consolidate it for hearing with Case No. 16-201-SPH (**CG II**).

To recap, **CG I** began as a variance petition. There was an ALJ public hearing and denial of the variances. Nevertheless, attempting a change in the playing field, CG filed a motion for reconsideration to introduce an undersized lot application. As we know, the ALJ granted the motion without proper public notice and without even a further hearing. After protestants' appeal of this approval, CG filed an amended petition. This added a special hearing to combine an undersized lot request with the original variance. Our office thereafter filed its motion to dismiss, which focused on this addition.

The CBA conducted its CG I motion hearing on February 4, 2016. Upon public deliberation March 9, 2016, the CBA dismissed the amended petition 2-1. The written opinion and order is pending.

CG II came about on February 11. Just one week after the CBA's February 4 CG I hearing, CG filed a new application for building permit for an undersized lot. Under BCZR Sec. 304.3, this led to the posting of a notice sign on the property. Our office and protestants asked for a public hearing. CG filed a new petition for special hearing to obtain approval of the undersized lot.

Our office filed a pre-hearing memorandum. CG filed a response. ALJ Beverungen held a hearing on May 13, 2016 and on May 18 issued his order denying the petition. CG appealed on May 25 and filed its letter and latest aforementioned request.

An already tangled history grew more complicated with CG II. CG's May 25 letter would add another tentacle. The Board should deny CG's irregular requests. We shall try to bring order and perspective to this legal process, moving forward.

I. CG I:

a. The Untimely Undersized Lot Reconsideration/Amendment

1) Record Closed; Legal Requirement to Issue a Written Opinion; CG II Irrelevant

As noted, after extensive oral argument February 4, the CBA deliberated CG I on March 9 and granted 2-1 our office's motion to dismiss. The ruling focused on the timing of CG's (then as contract purchaser) injection, without public notice, of a motion for reconsideration for approval of an undersized lot per BCZR Sec. 304. It was irregular because the CG/Morris original zoning petition was for variances under BCZR Sec. 307.1. The public notice was so framed, and the administrative law judge conducted his trial hearing on this basis. He then had denied the variances. After protestants appealed here, to this CBA, CG (as property owner) attempted, in effect, to "cure" the problem by filing an amended petition. However, we showed the ALJ had lacked jurisdiction and that the CBA's appellate jurisdiction did not allow for such a new subject matter by reconsideration or amendment.

The Maryland Express Powers Act (former Article 25A, recodified as Local Gov't Art. Sec. 10-305) and County Charter Sec. 602(a) require the CBA to make written findings and conclusions of law. At this juncture, the record is closed on the motion to dismiss. The CBA rules do not allow or provide for a party to interject any new matter between the deliberation and written opinion and order.

CBA Rules 10 and 11 allow for "reconsideration" and "revisory power and control," respectively, of a written CBA order under defined circumstances. But they do not allow for the revision or interruption of the process between the time of the public deliberation and the order. Furthermore, there is no precedent for interruption of a written order after due public deliberation.

CG's filing of a new petition in CG II should not and does not affect the CBA's CG I ruling on the illegitimacy of CG's injection of a BCZR Sec. 304 petition in their variance petition proceeding. The ruling must stand. We will deal with the separate procedural aspects of CG II in Section II of this memorandum.

2) There is a Public Interest in Articulation of the Constitutional Requirements for Notice and Procedural Due Process.

In its assigned public defense of the comprehensive zoning maps and master plan under Baltimore County Charter Sec. 524.1, one of our office's concerns is to assure procedural due process, which includes proper notice and the opportunity to be heard. As the Court of Appeals wrote in Maryland State Police v. Zeigler 330 Md. 540, 559 (1993),

"Procedural due process, guaranteed to persons in this State by Article 24 of the Maryland Declaration of Rights, requires that administrative agencies performing adjudicatory or quasi-judicial functions observe the basic principles of fairness as to parties appearing before them. *See, e.g., Schultz v. Pritts, supra*, 291 Md. at 7, 432 A.2d at 1323; *Ottenheimer Pub. v. Employ. Sec. Adm.*, 275 Md. 514, 520, 340 A.2d 701, 704 (1975); *Rogers v. Radio Shack*, 271 Md. 126, 129, 314 A.2d 113, 115 (1974); *Dal Maso v. Bd. of Co. Comm'rs, supra*, 238 Md. at 337, 209 A.2d at 65. *See also Heft v. Md. Racing Comm'n*, 323 Md. 257, 270-272, 592 A.2d 1110, 1116-1118 (1991), and authorities there cited."

The adequacy of public notice is fundamental to procedural due process, as we showed in our motion to dismiss.

At the February 4, 2016 CBA hearing here, CG engaged in protracted but futile argument to escape public recognition and accountability for abuse of the prerequisite notice and procedural due process. Their main argument seemed to be that there are no rules, so, in effect, they can do what they want.

Subsequently, CG employed the CG II proceedings to express dissatisfaction with the CBA's CG I ruling. In its "Response to People's Counsel for Baltimore County's Memorandum" filed in CG II, CG undertook to criticize People's Counsel's CG I position. Pages 3-4. Then, CG used its new application to attack the CBA's decision in CG I. CG wrote, at page 4,

"This ruling makes no sense."

CG then engaged in sharp criticism of the CBA majority's deliberation, (pages 4-5), including a description of the CBA's "demonstration of their bewilderment." CG then stated on page 5,

"In an affront to any concept of judicial economy, fundamental fairness, due process and common sense, People's Counsel has filed its opposition."

It is an unfortunate tactic, but not a new one, for a party to try to shift blame for its own errors and faults.

It should be remembered that CG's introduction of its new claim or cause of action after failing in its variance hearing was unfair to area citizens, compounding the litigation and imposing added work and trial hearings for the all the parties as well as the ALJ and the CBA panel. Attention should be paid to this situation. It is in the interest of justice here for the CBA to enter its opinion and thereby complete its work at this stage of the case. It is also important as a precedent or guide for future cases. CG's disregard of due process deserves the light of day of a CBA opinion.

b. The CBA also Lacks Jurisdiction to Review CG's Variance Petition Because CG Did Not Appeal the ALJ's Order Denying the Variances

While CG's injection of its undersized lot application was the most immediate and pressing problem for us to address in CG I, the time is now ripe as well to focus on CG's

original variance petition. This has been overshadowed as the undersized lot application procedural labyrinth came to the fore. However, it must not be forgotten.

CG did not appeal ALJ Beverungen's Order denying their variances. Therefore, there is no appellate jurisdiction at the CBA to review this Order.

Jurisdiction can be raised at any time. Even where not raised below, an appellate court may consider jurisdiction. The Court of Appeals wrote in Berlinsky v. Eisenberg 190 Md. 636, 640 (1948),

"Nevertheless, matters of jurisdiction are always before the court, and are exceptions to the general rule that we only consider what has been first passed upon below. United States Express Co. v. Hurlock, 120 Md. 107, 87 A. 834, Ann.Cas.1915A, 566."

The appellate courts have followed this path in Webb v. Oxley 226 Md. 3339, 343 (1961), Stacy v. Burke 259 Md. 390, 402-03 (1970); State v. McCray 267 Md. 111, 126 (1972); and Young v. Progressive Casualty Co. 108 Md. App. 233, 241 (1996).

When Protestants filed an appeal of ALJ Beverungen's final order, they were, as a matter of law, appealing the approval of CG's motion for reconsideration. They could not and did not appeal his denial of CG's variances. A party cannot appeal a decision or judgment which is wholly favorable. When there are multiple judgments in a case, some favorable to one party and some favorable to the opposing party. Paolino v. McCormick & Co. 314 Md. 575, 583-84 (1989); Geier v. Maryland Bd. Of Physicians 223 Md. App. 404, 427 (2015):

"But one who seeks to attack, modify, reverse, or amend a judgment (as opposed to seeking to affirm it on a ground different from that relied on by the trial court) is required to appeal or cross appeal from that judgment."

This principle logically extends to administrative agencies which exercise appellate jurisdiction, regardless of the *de novo* nature of their trial proceedings. We have cited Halle Companies vs. Crofton Civic Ass'n 339 Md. 131, 141-44 (1995) on this point relating to the notice issue. It applies again here. CG cannot use Protestants' appeal as a vehicle to engraft or piggyback their own challenge to the separate order and judgment denying the variances. Halle quoted Daihl v. County Board of Appeals 258 Md. 157, 162

(1970) to clarify that, "... on appeal there shall be a *de novo* hearing on those issues which haven appealed and not on every matter covered in the application."

The net result here is that the CBA lacks appellate jurisdiction over CG's entire case, including the original zoning variance petition and the undersized lot application. There is thus no basis or justification for any further hearing on CG I.

In any event, even if there were jurisdiction, the petition does not satisfy the strict variance standards of BCZR Sec. 307.1. In historical context, the 206 Morris Avenue lot was used together with the adjacent Melanchton Avenue lot as an integrated residential tract from 1946-2006 by Dr. Oliver Blaker and then his daughter Carol Morris. The Melanchton Avenue lot included the very nice dwelling and road access, and the Morris Avenue lot was used for accessory gardening and recreation.

Any difficulty or hardship was and is self-created by virtue of Carol Morris' 2006 sale and splitting off of the Melanchton Avenue lot and subsequent 2015 sale of the Morris Avenue lot to CG. This history is a matter of public record. CG cannot properly avoid or escape this history. As successor in interest, CG cannot claim practical difficulty any more than Oliver Blaker or Carol Morris could have made such a claim.

The property could have been used as it always had, for its longstanding gardening and recreation as part of the very nice Blaker residential tract. To shoehorn a dwelling into this undersized lot would be contrary to the character of the neighborhood and adjacent properties and to the public, safety, health, and welfare. This case pits a new corporation's drive for profit against a historic community's quality of life. So, the petition does not qualify on the merits from any point of view.

II. CG II

a. Based on Jurisdiction or Comity, CG II Should be Dismissed or Stayed

At the May 13, 2016 ALJ CG II hearing, CG challenged our office's participation. We briefed this issue in our memorandum. ALJ Beverungen overruled CG's objection. The CBA overruled a similar objection to our office's participation in Petition for Special Hearing, James and Karole Riffin, No. 14-094-SPH, November 7, 2014; affirmed, Circuit Court No. C-14-13332; now pending before the Court of Special Appeals.

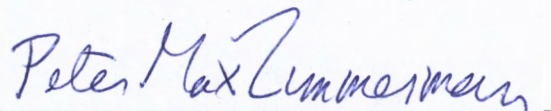
Our office then questioned whether a second case for a dwelling on an undersized lot could be brought while CG I was pending on appeal. We argued the CG II petition should be dismissed or at least stayed pending the conclusion of the first case, citing Crofton Partners. v. Anne Arundel County 99 Md. App. 323 (1994). Nevertheless, noting that parties, experts, and other witnesses were present, ALJ Beverungen found it practical to try the case. He denied the petition on the merits (changing the decision previously made in CG I upon the precipitous and irregular motion for reconsideration).

While denial on the merits was well-deserved, we still submit the filing of CG II is problematic as a matter of jurisdiction, comity, and/or proper administration of justice. Whether or not a dwelling is allowed on this lot must be resolved in one proceeding. The CBA may consider this preliminarily as our motion to dismiss or stay CG II.

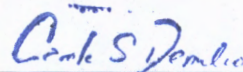
In this context, the filing of CG II does not, as CG claims, "remedy" the situation. It just complicates the litigation. To conduct this litigation in an orderly way, the CBA should first finalize CG I. After the CBA issues its final determination there, we may be in a position to evaluate where things stand in CG II.

b. If There is a Trial on the Merits, the CG II Petition Should Be Denied

If the CBA conducts a trial hearing on the merits of CG II, the petition to erect a dwelling on an undersized lot should anyway be denied, both for reasons expressed by ALJ Beverungen and other reasons stated in our pre-hearing ALJ memorandum.



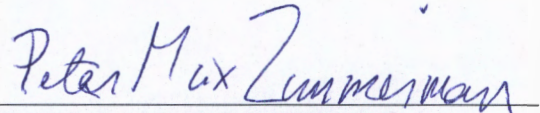
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 16th day of June, 2016, a copy of the foregoing People's Counsel for Baltimore County's Memorandum of Law Concerning Procedure, Jurisdiction, Comity, and the Relationship of the 206 Morris Avenue Zoning Cases was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for CG Homes, Inc. and Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204, attorney for Lutherville Community Association and area citizens.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, May 31, 2016 1:16 PM
To: Peoples Counsel
Cc: Lawrence Schmidt; Michael McCann
Subject: RE: C.G. Homes, Inc., Petitioner - Case Nos: 2015-302-A & 2016-201-SPH

Mr. Zimmerman,

The Board hereby grants your request to respond to Mr. Schmidt's letter by 3:00 p.m. Friday, June 17, 2016.

Mr. McCann,

Should you wish to reply to Mr. Schmidt's May 25, 2016 letter, we would ask that your reply also be filed by 3:00 p.m. Friday, June 17, 2016.

Thank you,

Sunny

From: Peoples Counsel
Sent: Tuesday, May 31, 2016 11:03 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Michael McCann <michael@mmccannlaw.net>
Subject: C.G. Homes, Inc., Petitioner - Case Nos: 2015-302-A & 2016-201-SPH

Dear Ms. Cannington

We have received the May 25, 2016 letter from the attorney for Petitioner in the above cases. We disagree completely with the Petitioner's request to delay or interrupt the Board's written opinion in case number 2015-302-A and to consolidate it for hearing or trial with case number 2016-201-SPH.

In view of the Memorial Day holiday and other office commitments and deadlines, we ask the Board's indulgence so that we may file a detailed response by Friday, June 17, 2016.

We would appreciate the Board's consideration on this matter.

Peter Max Zimmerman
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 Office
(410) 823-4236 Fax

Krysundra Cannington

From: Peoples Counsel
Sent: Tuesday, May 31, 2016 11:03 AM
To: Krysundra Cannington
Cc: Lawrence Schmidt; Michael McCann
Subject: C.G. Homes, Inc., Petitioner - Case Nos: 2015-302-A & 2016-201-SPH

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In view of the Memorial Day holiday and other office commitments and deadlines, we ask the Board's indulgence so that we may file a detailed response by Friday, June 17, 2016.

We would appreciate the Board's consideration on this matter.

Peter Max Zimmerman
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 Office
(410) 823-4236 Fax

SMITH, GILDEA & SCHMIDT^{LLC}

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
MELISSA L. ENGLISH
ELYANA TARLOW
SARAH A. ZADROZNY

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

May 25, 2016

Sent Via Hand Delivery

Krysundra L. Cannington
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
MAY 25 2016

Re: 206 Morris Avenue
Case Nos: 15-302-A and 16-201-SPH

BALTIMORE COUNTY
BOARD OF APPEALS

Dear Ms. Cannington:

Please find enclosed a courtesy copy of the Notice of Appeal that has been filed with the Department of Permits, Approvals and Inspections in Case No. 2016-201-SPH. This appeal is of the Opinion and Order by Administrative Law Judge John E. Beverungen dated May 18, 2016. This decision denied the application of the Petitioner (C.G. Homes, Inc.) for an undersized lot approval for a detached single family dwelling at the above property pursuant to BCZR § 304.

As you may recall, the same property and a similar request is currently before the Board in case number 15-302-A. In that matter, C.G. Homes initially sought approval for certain zoning variances to permit the construction of a single family dwelling on the property. After ALJ Beverungen's decision approving zoning relief was issued, an appeal was filed by certain residents of the locale. People's Counsel participated in that appeal. When the matter came before the Board, People's Counsel moved to dismiss the case, alleging improper notice of an amendment of the zoning relief requested. The Board conducted a deliberation on People's Counsel's Motion on March 9, 2016. At the deliberation, it was indicated that the Board would grant People's Counsel's Motion. To date, and to the best of the undersigned's knowledge, no written decision has yet been issued by the Board.

Under the circumstances, I would respectfully request that the Board not issue its written decision and schedule these matters for a public hearing on the merits. At that hearing, the two cases should be consolidated for hearing and ultimately the Board can issue a single opinion on the substantive issues. As indicated in the pleadings for these matters, both cases involve C.G. Homes requesting relief in order to construct a single family dwelling on the subject property. In Case No.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
ELYANA TARLOW
SARAH A. ZADROZNY

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

December 1, 2015

Via Hand Delivery

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

DEC 01 2015

Re: 206 Morris Avenue
Case No. 2015-0302-SPHA

Dear Ms. Cannington:

As you are aware, the above matter is pending before the Board and is scheduled for public hearing on February 4, 2016. In accordance therewith, please find enclosed an amended Petition for Variance and Special Hearing to be filed in this matter. A brief explanation of the reason that the amended petition is now filed follows.

This matter was instituted before the Office of Administrative Hearings by the filing of a Petition for Variance and Special Hearing by the then property owner (Carol Morris) and contract purchaser (C.G. Homes). This original petition sought the requisite zoning relief to construct a detached single family dwelling (38 feet wide) on the subject property. The subject property located at 206 Morris Avenue is an old existing lot of record in the Lutherville community of central Baltimore County. The size of the dwelling proposed necessitated setback variances for the side yard setbacks due to the narrowness of the lot. Variance relief was also requested as to the area (undersized) and width (narrowness) of the lot.

The matter came in for hearing before Administrative Law Judge ("ALJ") John E. Beverungen. At the hearing, neighbors from the Lutherville community appeared in opposition to the request. They were represented by Michael McCann, Esquire. Following the hearing, ALJ Beverungen issued an order dated September 9, 2015 in which he denied the relief requested. The Petitioner thereafter filed a Motion for Reconsideration. This Motion noted that Baltimore County Zoning Regulations ("BCZR") § 304 was discussed at the ALJ's public hearing and its application argued by the parties. This section permits a single family dwelling to be constructed by right on an undersized/too narrow lot if three conditions are satisfied. The Motion claimed that the three

requirements were met and requested that the ALJ confirm the application of § 304 to the subject property. By supplemental order dated October 9, 2015, ALJ Beverungen granted the Motion for Reconsideration. The grant of this Motion thereby permitted the owner to construct a 23 foot wide dwelling on the property as of right. This order was appealed by the Protestants.

Obviously, the Board of Appeals consideration of this appeal is de novo. As such, please accept the attached as an identification of the issues to be raised by the Petitioner. Please note that the amended petition changes the original request in the following manner:

1. Identifies the current owner of the property. Please note that C.G. Homes (previously identified as contract purchaser) has settled on the property and is now the owner.
2. Requests the same relief as originally sought. These include variances from the lot area, width and side yard setback requirements. A grant of the relief would allow for the construction of a 38 foot wide dwelling on the property. We believe that such approval is appropriate and warranted.
3. In the alternative to the above variance, the Petitioner also seeks special hearing relief and confirmation that (pursuant to BCZR § 304) a 23 foot wide dwelling can be constructed as a matter of right. A dwelling of this size would not require side yard setback variances and Section 304 allows construction on a lot that is undersized and of insufficient width.

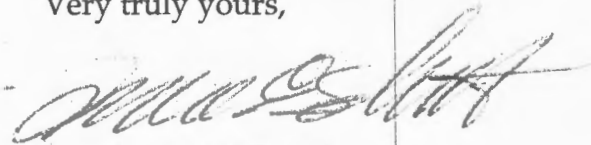
As noted above, issues numbered 1 & 2 above were previously addressed by ALJ Beverungen in his initial order; and issue 3 was addressed in his Motion for Reconsideration. Thus, all issues were considered below. I anticipate a procedural objection from the Protestants about raising these issues. The filing of the amended petition is done so as to fully apprise all parties of the relief sought. Simply stated, the Petitioner seeks approval to construct a single family dwelling on the property, be it either a 38 foot wide structure with variance relief, or a 23 foot wide structure by right. Testimony and evidence supporting both requests will be presented to the Board.

To the best of my knowledge, there are no technical rules of pleading before the Board. Case law (see e.g. *Cassidy v. Baltimore County Board of Appeals*, 218 Md. App. 418, (1958)) requires that notice be given to all interested and appropriate parties and thus this correspondence and attached petition are copied to Mr. McCann. Based upon the prior proceedings below and this correspondence, there can be no doubt as to what the Petitioner is requesting.

Krysundra Cannington
December 1, 2015
Page 3

Please do not hesitate to contact me if you have any questions or if further information/documentation is required to ratify your acceptance of this amended petition for filing. Thank you for your anticipated cooperation in this matter.

Very truly yours,



Lawrence E. Schmidt

LES/amf
Enclosure

cc: Michael McCann, Esquire
Lloyd Moxley, Office of Planning
Carl Richards, Department of Permits, Approvals and Inspections
Thomas Faust, President of C.G. Homes



AMENDED

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 206 Morris Avenue

which is presently zoned DR 2

Deed References: 36691/00171

10 Digit Tax Account # 0802047175

Property Owner(s) Printed Name(s) C.G. Homes, Inc.

(SELECT THE HEARING(S) BY MARKING ☒ 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 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)

Please see attached.

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

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

Legal Owners (Petitioners):

C.G. Homes, Inc. by Thomas J. Faust, President

Name #1 - Type or Print

Name #2 - Type or Print

Thomas J. Faust

Signature #1

Signature #2

9475 Deereco Rd. Suite 404 Timonium MD

Mailing Address

City

State

21093 (410) 308-1717 tf@signalcorp.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

Filing Date / /

chedule Dates:

Reviewer

**ATTACHMENT TO AMENDED PETITION
FOR VARIANCE AND SPECIAL HEARING**

206 Morris Avenue
3rd Councilmanic District
8th Election District

Variance Relief:

1. To permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of required 40 feet; to permit a lot width of 63 feet in lieu of the required 100 feet, a lot area of 14,189 sq. ft. in lieu of the required 20,000 sq. ft.; and
2. For such other and further relief as may be required by the Board of Appeals of Baltimore County.

Special Hearing Relief:

1. To approve a confirmation that density of the surrounding neighborhood is not being affected;
2. In the alternative to the above variance relief, to approve an undersized lot for construction of a single family dwelling pursuant to BCZR § 304; and
3. For such other and further relief as may be required by the Board of Appeals of Baltimore County.



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 206 Morris Avenue which is presently zoned DR-2
 Deed References: 12209/544 10 Digit Tax Account # 08-02047175
 Property Owner(s) Printed Name(s) Carol Lynn Morris

(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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve To approve a confirmation that density of the surrounding neighborhood is not being affected.

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

3. X a Variance from Section(s) BO2.3.C.1 To permit a proposed dwelling with a side set back of 10 feet in lieu of the minimum set back of 15 feet, with a sum of 25 feet in lieu of the required 40 feet. To permit a lot wide of 63 feet in lieu of the required 100 feet, a lot area of 14,189 S.F. 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)

in lieu of the required 20,000 S.F.

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:

C.G. Homes
 Name- Type or Print
Monica Fawcett
 Signature
9475 Deereco Road Timonium Maryland
 Mailing Address City State
21093 / 410-308-1717 / tf@signalcorp.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

LAWRENCE E. SCHMIDT ESQ
 Name- Type or Print
[Signature]
 Signature
600 Washing ton State 200
 Mailing Address City State
21204 / 410-821-0070
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Carol Lynn Morris
 Name #1 - Type or Print Name #2 - Type or Print
[Signature]
 Signature #1 Signature #2
20 E. High Street Lebanon Pennsylvania
 Mailing Address City State
17042 /
 Zip Code Telephone # Email Address

Representative to be contacted:

William N. Bafitis, P.E.
 Name- Type or Print
[Signature]
 Signature
1249 Engleberth Road Baltimore Maryland
 Mailing Address City State
21221 / 410-391-2336 / bafitisassoc@comcast.net
 Zip Code Telephone # Email Address

CASE NUMBER 2015-0302-SPBA Filing Date 6/25/15 Do Not Schedule Dates: _____ Reviewer G. H

REV. 10/4/11

PET. NO 1



Bafitis & Associates, Inc.

William N. Bafitis, P.E.

PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
FOR
#206 MORRIS AVENUE

8TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

 WILLIAM N. BAFITIS, P.E. Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2015	1	SCALE:
		1" = 20'
		JOB ORDER NO:
		21509
		DATE:
		06/17/15
		CHECKED:
		W.N.B.
		DRAWN:
		N.W.B.
SHEET 1 OF 1		
NO.	REVISIONS	DATE

EXISTING ZONING
USE: RESIDENTIAL

WALTER L. BREWER 3RD
DEED: 30078/057
TAX NO. 08-13024150

MARIE ELANA SUAREZ
DEED: 35698/441
TAX NO. 08-11047250

B.R.L.

EX. SHED

MORNING ROOM

FIRE PLACE

#208
EX. 2-STY.
DWLG.

#206
PROP. 2-STORY
DWELLING
(1,528 S.F.)

#204
EX. 1-STY.
DWLG.

PORCH

B.R.L.

PROP. DRIVEWAY

EX. 6" WATER (RC.DWG.40-530)

N 72°39'22" W 63.00'

EX. BIT. PAVING

P.O.B.

242'± NORTHWESTERLY FROM
THE CENTERLINE INTERSECTION
OF BELLONA AVENUE

EX. 8" SEWER (RC.DWG.53-665)

MORRIS AVENUE

EXISTING ZONING DR 2
USE: RESIDENTIAL

APP. 3

CERTIFICATE OF POSTING

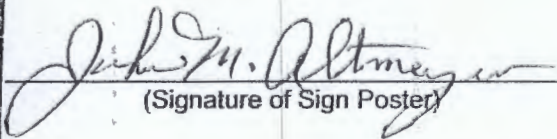
Date: 08/14/2015

RE: Project Name: Public Hearing
Case Number /PAI Number: 2015-0302-SPHA
Petitioner/Developer: C.G. Homes
Date of Hearing/Closing: 09/04/2015

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 206 Morris Avenue

The sign(s) were posted on 08/14/2015

(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

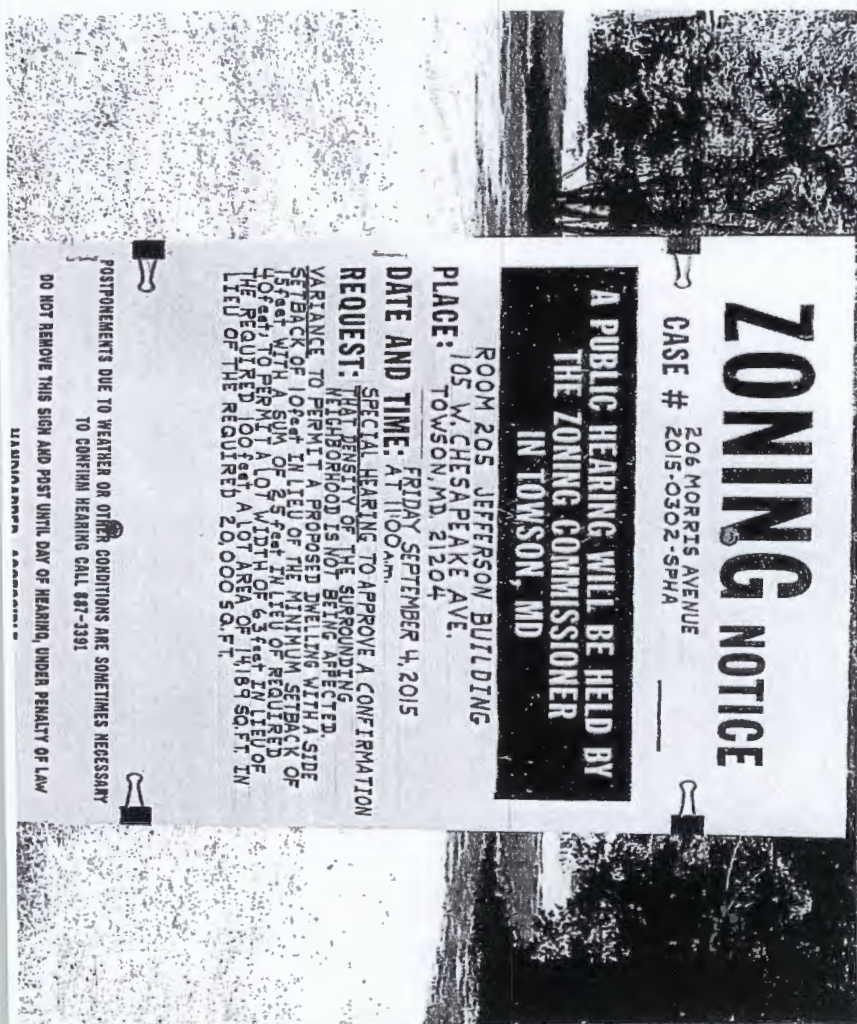
(Street Address of Sign Poster)

Freeland, Md. 21053

(City, State, Zip Code of Sign Poster)

(410) 382-6580

(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

July 21, 2015

CORRECTED 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: 2015-0302-SPHA
206 Morris Avenue
N/s Morris Avenue, 242 ft. NW of Bellona Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Carol Lynn Morris
Contract Purchaser/Lessee: C.G. Homes

Special Hearing to approve a confirmation that density of the surrounding neighborhood is not being affected. Variance to permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of required 40 feet; to permit a lot width of 63 feet in lieu of the required 100 feet, a lot area of 14.189 sq. ft. in lieu of the required 20,000 sq. ft.

Hearing: Friday, September 4, 2015 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
CG Homes, 9475 Deereco Road, Timonium 21093
Carol Lynn Morris, 20 E. High Street, Lebanon PA 17042
William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES:** (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 15, 2015.
(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.

Filed w/
Motion for
Reconsideration



Bafitis & Associates, Inc.

William N. Bafitis, P.E.

PRESIDENT

Civil Engineers/Land Planners

SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
AND SPECIAL HEARING
FOR

#206 MORRIS AVENUE

8TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



WILLIAM N. BAFITIS, P.E.

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2015

1

SCALE:

1" = 20'

JOB ORDER NO:

21509

DATE:

09/16/15

CHECKED:

W.N.B.

DRAWN:

N.W.B.

SHEET 1 OF 1

NO.	REVISIONS	DATE

WILLIAM H. MATTHEWS
DEED: 25161/282
TAX NO. 08-02047200

MARTIN A. REISINGER
MARY M. REISINGER
DEED: 16697/711
TAX NO. 08-22900650

EXISTING ZONING DR 2
USE: RESIDENTIAL

S 72°42'41" E 63.00'

WER 3RD
357
3024150

MARIC ELAHA SUAREZ
DEED: 35698/441
TAX NO. 08-11047250

B.R.I.

225.39'

95'±

225.39'

S 19°20'38" W

N 19°20'38" E

#206

PROP. 2-STY.
DWELLING
(1,380 S.F.)

#204
EX. 1-STY.
DWLG.

B.R.I.

(40-530)

N 72°39'22" W 63.00'

EX. BIT. PAVING

P.O.B.

242'± NORTHWESTERLY FROM
THE CENTERLINE INTERSECTION
OF BELLONA AVENUE

EX. 8" SEWER (BO.DWG.53-065)

MORRIS AVENUE

EXISTING ZONING DR 2

APP. 7

9-4-2015

Case No.:

2015-0302-SPHA

Exhibit Sheet

SPH
10-9-15SPH
9-9-15

Petitioner/Developer

Protestants

No. 1	Site plan	House of Delegate Joint Resolution No. 80
No. 2	Aerial photo	Petition for Historic District
No. 3	Map re: historic district	Neighborhood Petition
No. 4	Plot of Lutherville	Photos
No. 5	Key Sheet for Photos	Deed - Title history
No. 6	Photos	Deed
No. 7	STAT Record	Deed - 1946
No. 8	Castillo resume	Deed - 1946
No. 9	Elevation drawings.	
No. 10	Floor Area Ratios Comparisons	
No. 11	Community Plan Lutherville	
No. 12	Rendered Site plan	

Case No.: 2015 - 302 - SPHA

Exhibit Sheet - Continued

	Petitioner/Developer	Respondent
No. 13	Historic Preservation Design Guidelines	
No. 14	ZCPM	
No. 15	History - Nomination Form	
No. 16	SDAT records + Map re: homes on Seminary	
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		



Introduction

Pet No 13

BALTIMORE COUNTY HISTORIC PRESERVATION DESIGN GUIDELINES

A publication of the Baltimore County Department of Planning

Credits and Acknowledgements:

In 2009 the Baltimore County Landmarks Preservation Commission (LPC) decided to update the county's 1991 Historic Preservation Design Guidelines for the rehabilitation of historic structures and for the design of additions to historic structures and for infill development in historic districts. The new Design Guidelines are based on the Secretary of the Interior's Standards for Rehabilitation. For more than a year, the task force committee worked tirelessly reviewing, analyzing, and rewriting the design guidelines to reflect contemporary needs. The task force committee is particularly indebted to the District of Columbia and the City of Annapolis, whose historic district guidelines served as resources for content and graphic representations, and The Old House Journal for authorizing the use of the illustration titled Anatomy of a Window and for the volunteer services of Frank Kaufmann, who contributed photographs and Jasmine Brown, who, apart from contributing photographs and illustrations provided Photoshop and graphic design services.

The Design Guidelines Taskforce Committee of the
Baltimore County Landmarks Preservation Commission:

Bruce Boswell, Chair, Landmarks Preservation Commission
Carol Allen, LPC Vice Chair
John W. Hill, FAIA, Commissioner, former LPC Chair
Nancy Horst, Commissioner
Robert Brennan, AIA, Commissioner
Karin Brown, Chief, Preservation Services

Layout: Amy Mantay

Graphic Design and Illustrations: Shahid Rana, Scott Templin, Jasmine Brown

Photography: Karin Brown, Jasmine Brown, Frank Kaufmann

Baltimore County has a wealth of cultural and historic resources. The preservation of the County's historic and architectural heritage is an important planning tool that furthers neighborhood stability and increases property values. Communities that have retained their historic character are generally well planned, with diverse architectural styles that are visually interesting and inherently healthy for the environment. They are built at a human scale and tend to be walkable – each providing a unique sense of place with characteristics unlike those of any other neighborhood. Historic buildings link us to our past in a manner that mere words can not - they provide tangible evidence of the County's cultural, social and architectural past – a testimony to the women and men who came before us.

Proper in-kind maintenance of historic buildings, however, can be expensive, and finding appropriate solutions to preserve historic buildings poses unique challenges. To encourage good stewardship of historic resources and authentic rehabilitation, the County offers a generous rehabilitation property tax credit that, if combined with the State historic income tax credit, provides an incentive to maintain historic properties in a state of good and authentic repair.

Additionally, the Baltimore County Landmarks Preservation Commission has adopted architectural design guidelines that inform property owners about the criteria that should be considered when rehabilitating a historic home.



Communities that have retained their historic character are generally well planned, with diverse architectural styles that are visually interesting and inherently healthy for the environment.



This former slave quarter was stabilized with the aid of County tax credits.

The principle and standards presented below are based on the *Secretary of the Interior's Standards*, which under the auspices of the National Park Service, provides guidance for the rehabilitation of historic structures.

The purpose of the Design Guidelines is to:

- § Assist owners of historic buildings to preserve and enhance the architectural character of their property.
- § Advise owners, architects, contractors and others wishing to rehabilitate historic buildings how to plan and implement rehabilitation projects that meet design standards and treatments of historic materials.
- § Offer guidance regarding compatible new construction in County historic districts and fitting additions to historic structures.
- § Explain the application process and other legal requirements involved in the rehabilitation of historic structures.
- § Serve as a tool for the Landmarks Preservation Commission and staff in evaluating exterior alterations of historic resources and new construction.

Introduction

The Landmarks Preservation Commission (LPC)

The Baltimore County Landmarks Preservation Commission (LPC) consists of 15 volunteers who have a demonstrated interest in historic preservation, history, architecture, conservation, or related fields. The County Executive appoints eight members and the County Council appoints seven – one from each district. The LPC conducts public hearings on nominations to the Preliminary Landmarks List; and for County Historic District and National District designations, the latter by conveying its finding to the Maryland Historical Trust. Additionally, the Commission reviews exterior alterations to historic structures, new development in County Historic Districts and additions to designated historic structures, as well as tax credit applications. The Commission meets on the second Thursday of the month, except for August and December. If a LPC meeting day falls on a holiday, the meeting will be rescheduled. All hearings are open to the public and provide stakeholders a forum for comment and testimony.

The Process

Section 32-7-403¹ of the Baltimore County Code requires that any exterior alteration to every structure located within a County Historic District be subject to Landmarks Preservation Commission approval. This affects non-contributing structures² as well as contributing historic structures, and affects fences, walls, steps

It is advisable that the applicant contact Preservation Services staff to ascertain whether the work qualifies as routine maintenance.

or accessory structures such as garages, sheds, barns or carriage houses. This review guarantees that the character of the historic district is protected and that new development is compatible in scale and design with the community character. Likewise, any exterior alteration to a structure on the Preliminary or Final Landmarks List, or within the Historic Environmental Setting³ of a Landmarks structure, is subject to LPC approval.



ABOVE In 2009, the Landmarks Preservation Commission reviewed a request for the adaptive re-use of the former Baltimore County jail, a structure on the Baltimore County Final Landmarks List (#54). BELOW In 2008, the LPC saved the L. Meadows barn from demolition by placing it on the Preliminary Landmarks List.



¹ A person shall apply for and receive from the Building engineer a permit before a person may begin any:

- (1) Excavation, construction, alteration, reconstruction, moving, demolition, removal, or erection of any building, fence, wall, or other new structure of any kind in a proposed or designated county historic district;
- (2) Alteration, demolition, reconstruction, moving, erection, or removal of an exterior architectural feature of any existing structure; or
- (3) Demolition of any structure.

²Non-contributing structures are those that were built outside the period of significance.

³Historic Environmental Setting "Historic environmental setting" means the property or lot or portion thereof, as delineated by the Commission, which is historically, architecturally, archeologically, or culturally connected to the historic significance of a landmark structure.

The following alterations are **not** subject to LPC approval, **unless the owner submits a tax credit application.**

Alterations to:

- Contributing structures within a National Register District (Note: If a County Historic District and a National Register District coincide, the County Historic District requirements prevail);
- Structures individually listed on the National Register of Historic Places;
- Interior rehabilitation work;
- Routine (in-kind) maintenance of historic features.

Most types of work require a standard County permit. Approval of the historic permit application does not eliminate the need to comply with other County regulatory requirements.

Persons wishing to rehabilitate or alter their properties must complete a historic permit application and submit (20) copies to Preservation Services in the Department of Planning **two weeks prior** to the scheduled LPC meeting along with any requested materials. Such materials typically consist of photographs of all sides of the historic resource, photographs of any abutting homes that may be visually impacted and a detailed description of the work to be performed including information about the proposed materials. After receiving the requested materials, staff will inform the applicant whether his or her presence at the LPC meeting is advisable.

Additions and any type of new infill development also require a site plan, indicating where the proposed construction is planned. Elevations of all sides and a graphic display of how the proposed structure relates to abutting structures in height and massing, as well as a detailed description of the materials proposed, must be submitted as well.

If the site is located within a County Historic District that has a local historic advisory group, it is strongly suggested that the applicant contact the local group. In many cases local historic advisory groups can counsel applicants about what the LPC may or may not approve.

One week prior to the meeting, staff sends all relevant materials to members of the LPC, so they can study agenda items prior to the meeting. On the night of the meeting, the Landmarks Preservation Commission hears testimony about the various issues and, after careful consideration, either votes to issue a *Certificate of Appropriateness* or a *Notice to Proceed* (in which case the applicant may begin the work), or it denies the request (in which case the project will have to be redesigned and revisited). In all cases the Secretary of the Interior's Standards and Baltimore County Design Guidelines direct the LPC's actions.

A person shall apply for and receive from the Building engineer a permit before a person may begin any:

- (1) Excavation, construction, alteration, reconstruction, moving, demolition, removal, or erection of any building, fence, wall, or other new structure of any kind in a proposed or designated county historic district;
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Introduction

Standards for Rehabilitation

The Secretary's Standards for Rehabilitation are established for programs under the Department of the Interior's authority and for advising Federal agencies on the preservation of historic properties listed in, or eligible for listing in the National Register of Historic Places. The Standards, which are codified in 36 CFR 67, were initially only intended as a guide for applicants to the Federal Historic Preservation Tax Incentives program. However, because non-compliance with these Standards would jeopardize Federal and State tax credit projects, historic district commissions nationwide have adopted them.

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

Without distracting from the property's historic appearance and integrity, economic and technical feasibility will be considered on a case by case basis and may be influenced by the following: the degree to which failure to use historically appropriate materials would affect the overall character of the property and abutting properties; the past performance of historic materials at the property concerned; and the invention of new products whose efficacies may prove superior to historic products.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments such as sandblasting that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Organization of the Baltimore County Historic Preservation Design Guidelines

The Baltimore County Design Guidelines are organized into six sections dealing with the various aspects of exterior rehabilitations, such as windows and doors, roofs, porches and steps, façade treatments, new construction and additions, fences and landscape features.

Each section discusses the character-defining elements of the respective object and suggests appropriate measures for rehabilitation. One brochure deals with fences, walkways, accessory structures and various landscape features. A glossary for all six topics is provided in a separate document.

Windows & Doors



Roofs



Porches & Steps



Facade Materials



Infill & Additions



Fences & Landscape



A character-defining element is a feature that, if inappropriately altered or removed, would detract from the structure's historic significance.

For additional information please contact the Preservation Services Division of the
Baltimore County Department of Planning :: 410-887-3495 ::

Please visit our website

www.baltimorecountymd.gov/agencies/planning/historic_preservation



BALTIMORE COUNTY HISTORIC PRESERVATION
DESIGN GUIDELINES

Windows & Doors

Organization of the Baltimore County Historic Preservation Design Guidelines

The Baltimore County Historic Preservation Design Guidelines are organized into six sections dealing with the various aspects of exterior rehabilitations, such as windows and doors, roofs, porches and steps, façade treatments, new construction and additions, fences and landscape features.

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Introduction



A character-defining element is a feature that, if inappropriately altered or removed, would detract from the structure's historic significance.

Roofs



Porches & Steps



Facade Materials



Infill & Additions



Fences & Landscape



These guidelines are based on the *Secretary of the Interior's Illustrated Guidelines for Rehabilitation of Historic Buildings*. Considered advisory for structures contributing to a National Register District, or on the National Register of Historic Places, they are mandatory for structures listed on Baltimore County's Preliminary or Final Landmarks List; for contributing structures in a County Historic District; or for National Register structures for which a tax credit application has been submitted. Historic windows or exterior doors on designated structures may not be altered, removed or replaced without prior approval by the Baltimore County Landmarks Preservation Commission (LPC).

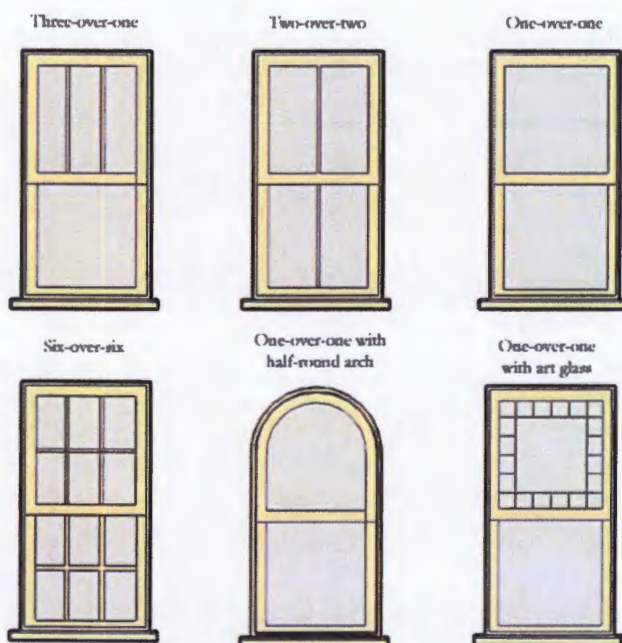
Historic windows or exterior doors on designated structures may not be altered, removed or replaced without prior approval by the Baltimore County Landmarks Preservation Commission (LPC).



Historic windows and doors are important features that define the character of a historic structure. Changing the design, size, materials and placement of windows and doors undermines a building's architectural integrity and is generally not approved by the LPC.

Windows & Doors

A window unit is constructed of several components. The fixed frame, which is placed in the window opening, consists of a top horizontal framing member called the head and a bottom horizontal member known as the sill. The side of a window frame is called a jamb. The operable portion of a window is the sash. The number of sashes and manner of operation is frequently reflected in the descriptive name of the window. For example, a window consisting of two sashes which open and close vertically is called a double-hung window. The horizontal part of the sash is called the rail and a meeting rail is one of the two horizontal members of a double-hung sash that come together. The vertical part of the sash is labeled the stile. The glass panes within the sashes are known as lights. The number of panes or lights in each sash also determines the name of the window. For example, a double-hung window consisting of two lights or panes of glass in the bottom sash and two lights in the top sash is called a two-over-two window. A wooden strip which separates lights, is known as a muntin. The shape, or profile of the muntin frequently provides information about the age of the window.



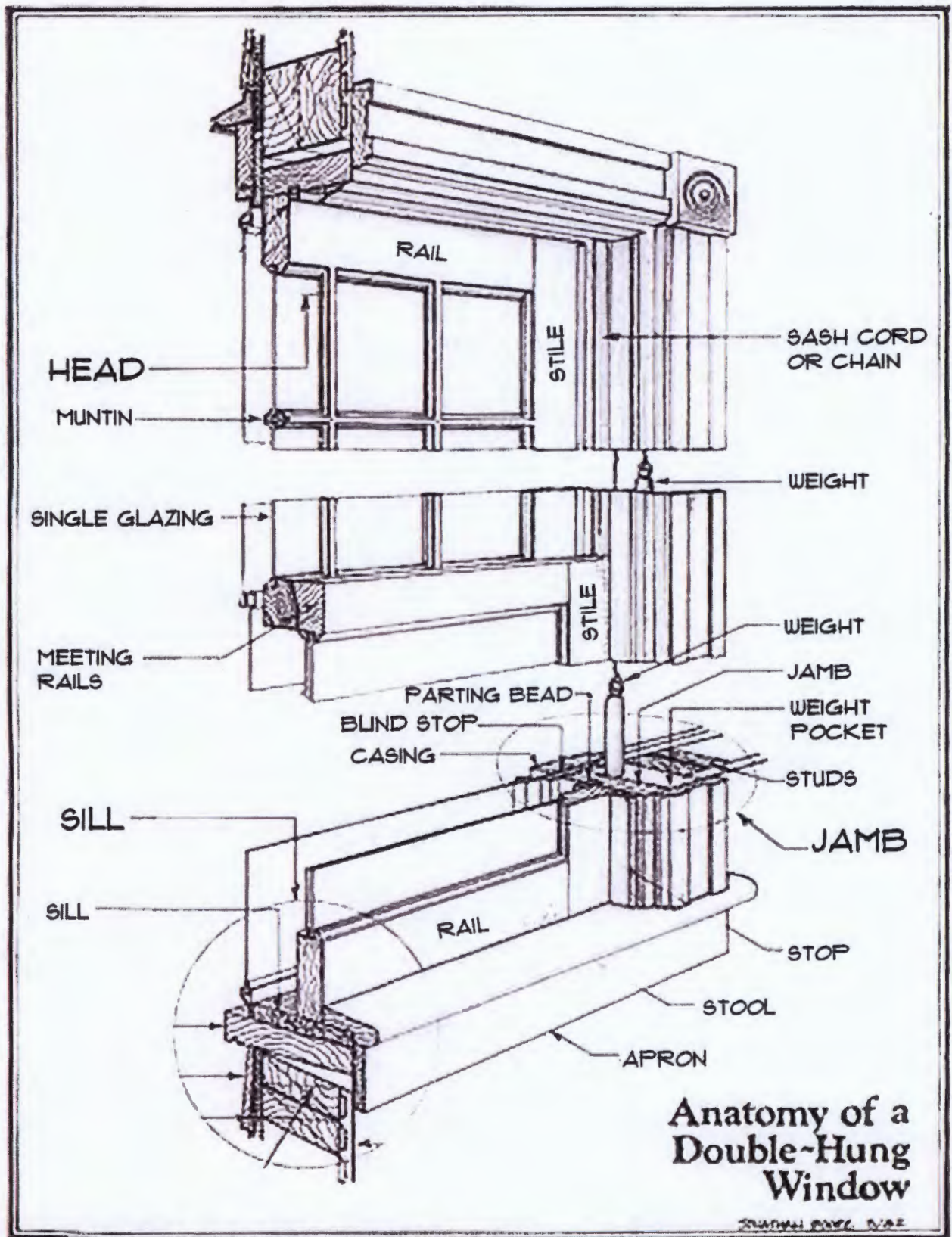
Hardware used to operate and secure windows also contributes to their design. Historic hardware on double-hung windows consists of counter weights and sash cords or chains hidden in weight pockets inside the jambs. Sash locks are usually located at the meeting rails between the upper and lower sash. Sashes may have lifts, handles or recesses.

Casement windows, which swing open like doors, are another type of window found in historic buildings; for example in Gothic Revival, Romanesque Revival and Italian Renaissance Revival Style buildings.

Historic windows must be repaired or replaced in kind. The Landmarks Preservation Commission will not approve the replacement of historic windows

unless their deteriorated condition makes repair impossible. Broken glass, a partly deteriorated sash, high air infiltration, stuck sash or even deteriorated or broken muntins or sash components do not comprise sufficient justifications for replacement. Missing or deteriorated sections of wood can usually be satisfactorily repaired by means of a Dutchman or other restoration techniques. If the LPC concurs that a historic window must be replaced, an in-kind replacement is required. In-kind replacement refers to a substitute consisting of the same material, light, sash and other component part configurations. Vinyl and metal clad replacement windows are not permitted. Vinyl or metal windows installed in historic dwellings in the past are not required to be replaced with historically appropriate windows.

In order to determine the condition and type of appropriate repair, each window should be evaluated individually. In historic buildings most historic windows can be retained and repaired. Should a few be beyond repair, the original windows may be relocated to the front façade and in-kind replacement windows installed at the rear, or the side least visible from the street provided that window openings and light configurations are the same.



Reprinted courtesy of **Old-House Journal**, Lafayette Center Drive, Suite 100, Chantilly, Virginia, 20151

Windows & Doors

Improving Thermal Efficiency of Windows

Historic weather stripping is made from thin strips of copper, zinc or felt. Located between the sash and the jambs, weather stripping provides an almost airtight seal. The tar-impregnated hemp used historically as a sealant can be replaced today with caulking composites that also improve the energy efficiency of the window. Caulking materials should be chemically compatible with the materials of the window and wall.

The LPC generally approves the use of storm windows provided they are visually consistent with the materials of the historic fabric. It is desirable that the configuration of the historic window be clearly visible through the storm windows and that the meeting rail, or horizontal muntin dividing the upper and lower portions of the storm window, lines up with that of the historic window.

Window Sashes

Historic window sashes are generally made of wood, but metal sashes can be found in some later residential, institutional, industrial or government buildings. Wood sashes are subject to deterioration due to rot, usually caused by improper maintenance of paint, or insect infestation. Minor rot or insect damage can be repaired using an appropriate wood consolidant after the affected area has been properly prepared. If the putty that seals the joint between the glass and the muntin is cracked or brittle it should be removed and replaced. The clips that hold the glass in place (glazing points) should be examined. If they are corroded or missing they must be replaced.

Metal sashes are subject to corrosion caused by improper maintenance of paint. Glass may become loose due to failure of glazing putty. Cleaning the affected area with a wire brush and repainting can repair minor corrosion of a metal sash. More extensive corrosion may necessitate removal and replacement of the affected areas. If this is necessary, it is important that the replacement metal be the same type as the original, so that the new and existing materials expand and contract at the same rate.

Applicants wishing to replace old windows frequently cite energy efficiency as the primary reason for their request. However, the original window can often be made as energy efficient as new windows via weather stripping, caulking and the installation of interior or exterior storm windows.

Many contemporary window manufacturers offer a variety of window designs that may be appropriate replacements without exactly duplicating the original. For example, it is desirable but not always necessary to have true divided lights in replacement windows. New windows with muntins that are fixed to the sash and applied to the exterior and interior of the window may be appropriate because they duplicate the appearance of true divided lights. On the other hand, the LPC is not likely to approve windows that fail to duplicate the true profile of the original design, such as ones that use removable snap-on muntins or muntins placed between panes of insulated glass.



Historic windows are made of old growth wood which is superior to wood products available today. It is denser and prevents insect damage and water penetration better than new growth wood.

Skylights

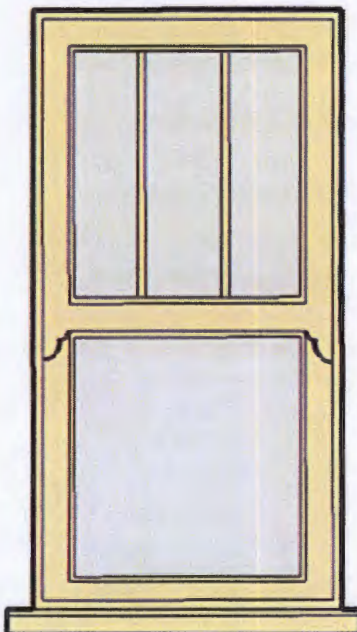
Where skylights already exist in a designated historic resource, the guidelines for historic windows apply. If a new skylight is proposed, the LPC will generally approve a design proposal where the proposed skylight is not visible from the street.

The LPC will not approve any change in the number of lights, for example, changing a two-over-two muntin pattern to a six-over-six.

Altering Existing Windows

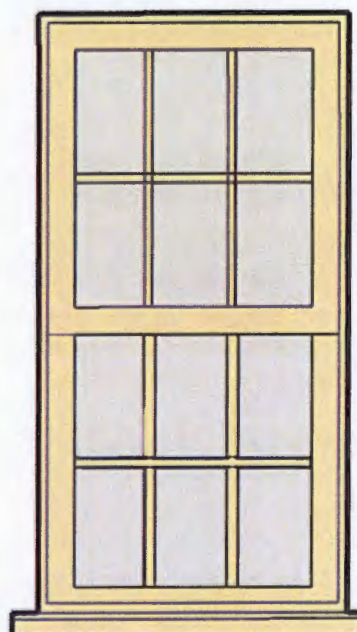
Windows located on the primary façade of a building are generally arranged in set patterns. The patterns may be symmetrical, which is typical for classical styles – including classical revival styles – or asymmetrical, such as in the various expressions of Victorian architecture. On a primary facade, changing the location, covering-up, changing the dimensions of a window opening, or adding new windows disturbs the structure's rhythm and undermines the historic integrity. Such requests are rarely appropriate. On the other hand, the LPC may approve enlarging or adding a window at the rear, or other portions of the house not visible from the street, if the proposal respects the historic character of the house.

Original Window



Bungalow Style

Replacement Window



Inappropriate Colonial Revival Style

New windows, or windows in additions

In the case of proposed additions to listed landmarks buildings or contributing structures in a County historic district, proposed windows should be harmonious and compatible with the visual characteristics of the fenestration of the historic structure, but they are not required to be identical in material and arrangement. Proposed sash patterns should repeat or be sympathetic to the sash pattern of the historic building.

Windows in New Buildings within County Historic Districts

Windows in new buildings within the bounds of a County Historic

District should relate to the scale and proportion of openings on buildings in the immediate neighborhood and to the design of the new building. The allowable percentage of glass permitted on a building façade depends upon the individual building and cannot be established by a fixed percentage. The allowable percentage of glass should relate to the proportions of the façade, which in turn should follow the scale and proportions of historic neighboring buildings.

Windows & Doors

Exterior Shutters

Where historic exterior shutters survive, they should be carefully preserved and repaired. If no shutters are present, but proof exists that the structure once had them (as evidenced in either historic photographs or surviving hardware), the LPC will approve exact replicas of the historic shutters. They shall be fabricated of painted wood. The LPC will rarely approve alternative materials. Shutters shall be hung on existing repaired hardware or accurate reproduction hardware.

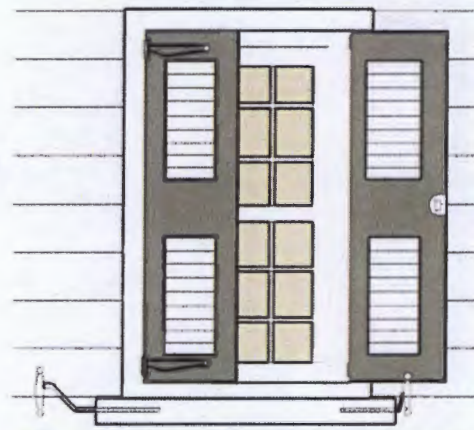
Storefront Windows

Storefronts on historic commercial buildings generally consist of large panes of fixed glass and smaller transom windows located above entry doors and display windows. A display window may be framed in wood, copper, bronze, aluminum or other metal. Transom windows may be set in lead or zinc frames, called cames. They may consist of a single sheet of glass or be subdivided into multiple panes of clear, colored, stained, prism or other types of specialty glass. Transom windows may be fixed or operable.

Until the development of plate glass in the 1850s, display windows on storefronts were not much different from windows in residential buildings. The invention of plate glass allowed using large sheets of glass for displaying merchandise and subsequent alterations to storefront windows were common. While the earlier alterations gained historic significance in their own right, later attempts at “modernizing” storefronts were often historically inappropriate.

Historic display and transom windows should be repaired rather than replaced, unless the owner provides documentation that they are beyond repair. In cases where storefronts were previously altered in a manner inconsistent with the character of the buildings, the display and or transom windows may be replaced with windows that are historically appropriate.

New storefronts in existing commercial buildings shall be designed in a way that complements the character and scale of the building while also reflecting the prevalent pattern of the local streetscape.



Replacement shutters should be custom sized to each opening so that the pair could entirely close the opening in the plane of the window frame.



Design of Doors



Photos by Frank Kaufmann

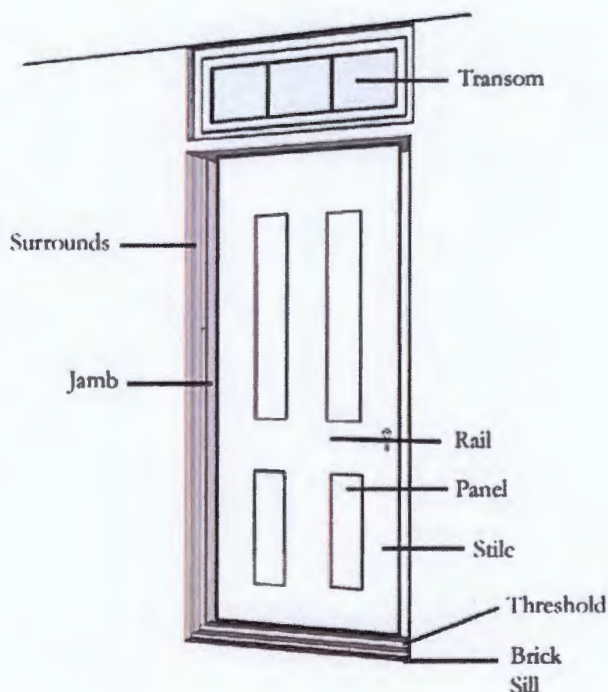
The location and appearance of doors are important character-defining features of historic buildings. Main entry doors, commonly located on the front façade, typically use richer materials and more elaborate designs than the rear and side doors. In addition to allowing access into the building, main entry doors are usually designed to symbolically greet a guest.

Doors have a number of components. Structural lintels above the top of a door opening are usually provided to support a masonry wall above the door opening; in other cases the masonry is formed into an arch which supports the wall above. The frame members at the sides of the door are called the jambs. The frame member at the top is called the header, and the member below the door is called the threshold. In some cases decorative surrounds frame the opening. The operable portion of a door is called the leaf, which may contain a glass panel of plain, colored, stained, beveled or etched glass, or it may have solid panels, rails and stiles. Almost all historic residential front doors are made of wood with raised or recessed panels. Many nineteenth century doors had recessed panels framed by raised molding.

Some doors have transom windows above the doors, decorated with clear, colored, etched or stained glass patterns. Transom windows may be fixed or operable. Sidelights are windows on the sides of the main entry door. A semi-circular window above a door is referred to as a fanlight. These elements are typically made of wood with the glass subdivided by muntins. Like the design of the door, transom, side and fanlights are character-defining features that contribute to the historic integrity of a historic structure.

Maintaining and Repairing Doors

Historic wood doors are subject to rot, usually caused by improper maintenance of paint and insect damage. This is particularly true of wood thresholds and lower portions of wood surrounds. Using an appropriate wood consolidant, after the affected area has been properly prepared, can often repair minor rot or insect damage. More extensive damage may require scabbing-in wood patches, sized and profiled to match the existing features.



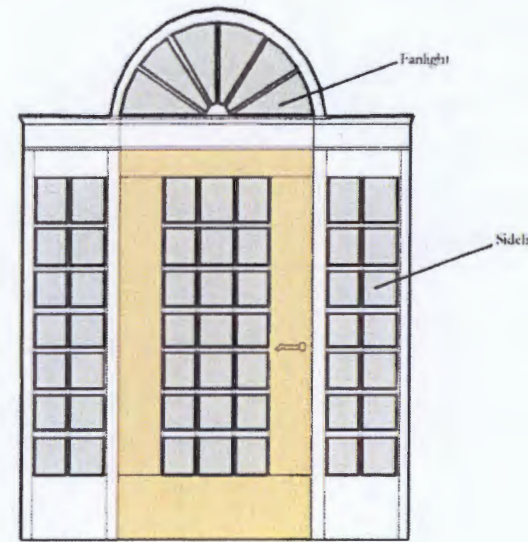
Windows & Doors

Improving Thermal Efficiency of Doors

Weather stripping for wood doors used to be made of thin strips of copper or other metal attached to the jambs and head. When the door was closed, the strip provided an almost airtight barrier between the leaf, jambs and head. While copper is still being used for this purpose, today there are many alternatives available. If the existing weather-stripping is deteriorated or missing, it should be replaced.

Owners of historic buildings can improve the thermal efficiency of doors by weather stripping, caulking or adding new storm doors.

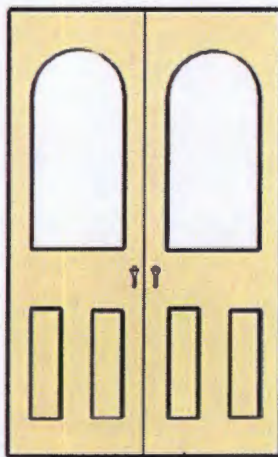
Adding a new storm door will also help to improve a building's thermal efficiency. If this option is considered, the building owner should make sure that the design, size, materials and color of the new storm door is compatible with the existing door and that clear glazing is used, which allows a clear view of the historic door.



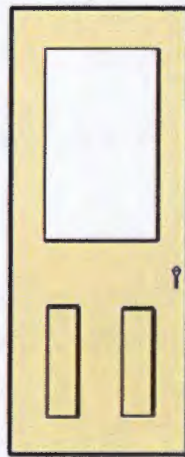
Replacing Doors

If repairing the historic door is not technically feasible, the LPC may approve the replacement of the door. The replacement should be designed in a manner that replicates the original door in size, material, profile, number of panels and other character defining features. Transoms, side and fanlights are important components of a historic door and must be replicated to match the original doorframe in design, materials, type of glass and pattern design.

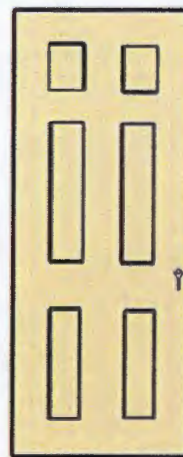
In cases where a door has been previously removed and been replaced with a historically inappropriate door, owners may wish to replace it with a more authentic door. Old photographs may yield information about what type of door originally existed. Where such documentation is not available, property owners may look for similar housing types in the neighborhood to find information about authentic door styles. Also, the LPC is always willing to assist homeowners in their quest for authenticity.



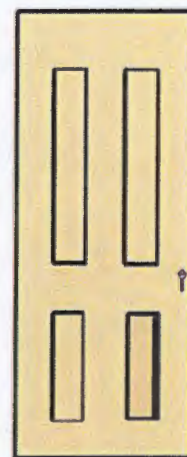
Double door with glass panels



Beveled glass panel door



Six panel door

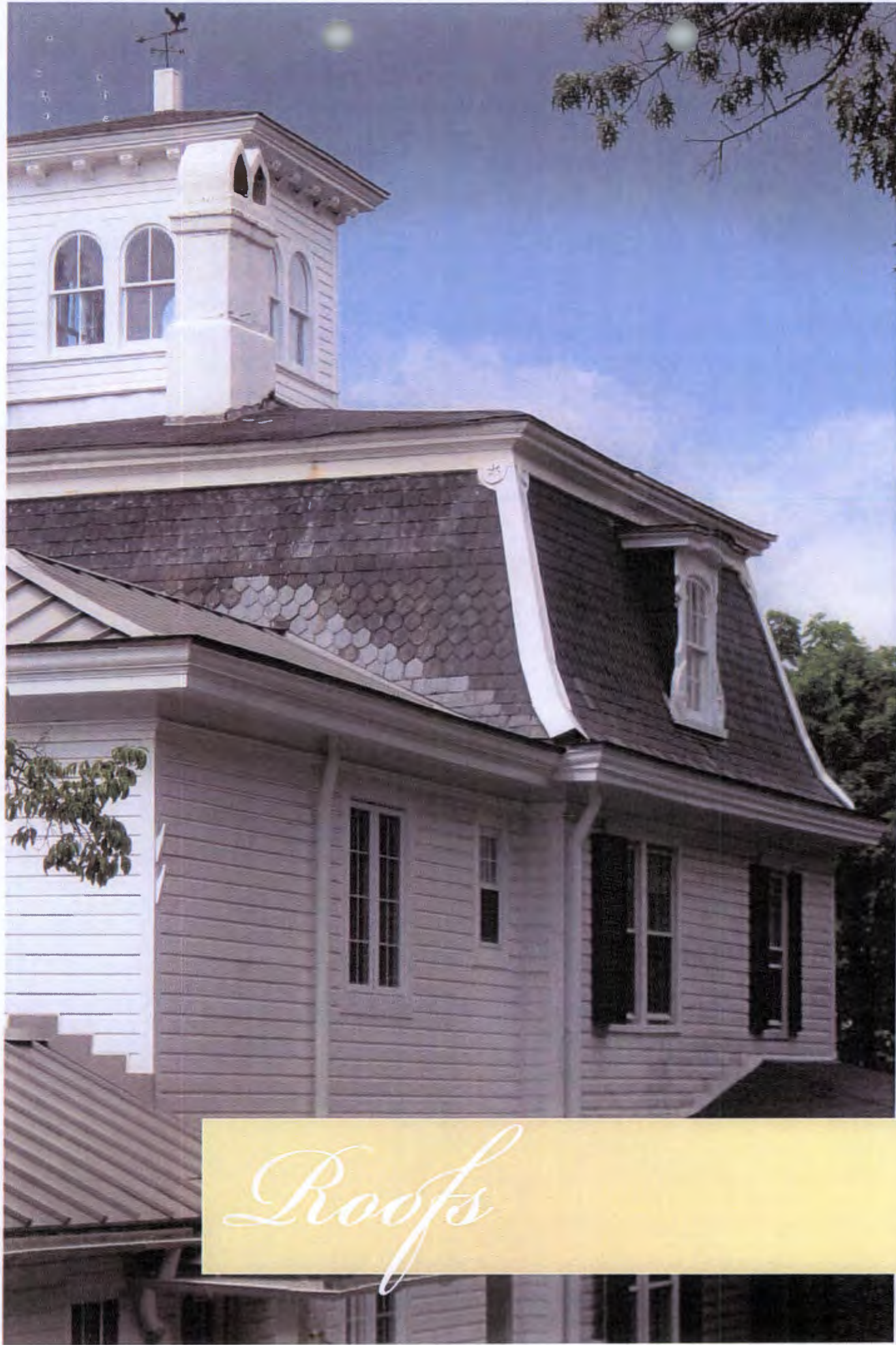


Four panel door

For additional information please contact the Preservation Services Division of the
Baltimore County Department of Planning :: 410-887-3495 ::

Please visit our website

www.baltimorecountymd.gov/agencies/planning/historic_preservation



Roofs

Organization of the Baltimore County Historic Preservation Design Guidelines

The Baltimore County Historic Preservation Design Guidelines are organized into six sections dealing with the various aspects of exterior rehabilitations, such as windows and doors, roofs, porches and steps, façade treatments, new construction and additions, fences and landscape features.

Each section discusses the character-defining elements of the respective object and suggests appropriate measures for rehabilitation. One brochure deals with fences, walkways, accessory structures and various landscape features. A glossary for all six topics is provided in a separate document.

Introduction



A character-defining element is a feature that, if inappropriately altered or removed, would detract from the structure's historic significance.

Windows & Doors



Porches & Steps



Facade Materials



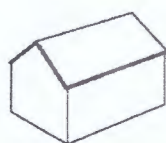
Infill & Additions



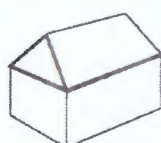
Fences & Landscape



These guidelines are based on the *Secretary of the Interior's Illustrated Guidelines for the Rehabilitating of Historic Buildings*. Considered advisory for structures contributing to a National Register District or on the National Register of Historic Places, they are mandatory for structures listed on the Baltimore County Preliminary or Final Landmarks List, for contributing structures in a County Historic District, or for National Register structures for which a tax credit application has been submitted. Roofs on designated structures may not be altered, removed or replaced without prior approval by the Baltimore County Landmarks Preservation Commission (LPC).



Gable



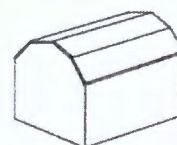
Hipped



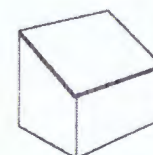
Cross Gable



Mansard



Gambrel



Shed

In many architectural styles the roof contributes considerably to a building's design and aesthetic appeal. The hipped roofs of Georgian architecture, the turrets and steep pitches of the Queen Anne style and the mansard roof associated with the Second Empire are examples of the use of roof form as a major design element.

Baltimore County's climate with its intense summer heat and winter freeze and thaw cycles is especially wearing on roof surfaces. There is often urgency involved in repairing a leaky roof since repair costs quickly escalate if action is not quickly taken. Temporary patching methods can be undertaken, but any approach should be chosen carefully to prevent inadvertent damage to sound roofing materials. Before repair work is performed, the historic value of the material should be understood. An inspection by a reputable roofer, building inspector or architect should be performed to assure that all the causes of roof failure are recognized and to determine whether repair is advised as an alternative to replacement.



The roof — its shape and the materials with which it is constructed — is an important character-defining feature on a historic building. Apart from impacting the visual appearance of a building, the roof shelters the building and its occupants from the weather and provides the primary means of directing water to the ground and shading from the sun.

Roofs

ROOF SHAPES

Roof shapes on historic buildings in Baltimore County are mostly sloped, but a few instances of flat roofs exist.

Flat Roofs

Flat roofs are widely used on modern, art deco and many other historic building types. They are also prevalent on commercial, institutional or government buildings. The term flat roof is somewhat misleading, since very few roofs are completely flat. Instead, they slope slightly for positive drainage. A flat roof is generally not visible from the street and thus its design does not contribute to the building's historic integrity. On the other hand, a cornice, parapet, pent roof or other features adjoining a roof's edge are all the more visible and thus are character defining.

Sloped Roofs

Sloping roofs come in a variety of shapes and its slopes and shapes are important character defining features of the building.

Gable

The gable roof is the most common shape for free-standing residential buildings in Baltimore County. It consists of two sloping planes that extend from a central ridge to the sidewalls. The junction between the sloping planes and the walls may include overhanging eaves with gable ends embellished with wood bargeboards or other decorative elements. The gable also functions as a descriptive feature of a dwelling. Depending on the location of the main entrance door, a dwelling is described as having a 'front' or 'side' gabled roof.



In Baltimore County, flat roofs can be found on commercial, institutional, or government buildings.

Cross Gable

A cross gable is formed by the intersection of two gables, generally crossing at the center of the roof. This type of roof is commonly found on buildings that have an L-shape, T-shape, or are built over a Cross-shaped floor plan.

Gambrel

Gambrel roofs are similar in shape to the gable roof except that in place of a single ridge, a gambrel roof has three ridges – one at the peak and one on each sloping side of the roof. This roof form is often found on residential buildings with finished attics. It is characteristic of Dutch Colonial Revival style buildings.

ROOF ELEMENTS AND DETAILS

Other elements and details, such as cornices, parapets, eaves, dormers, towers, chimneys, finials, cresting, gutters and downspouts also contribute to a roof's character.

Cornice

The front elevations of some flat-roofed buildings have a cornice, which on freestanding structures may extend around all sides of the building. In addition to providing a visual terminus at the top of the wall, a cornice helps to make the junction between the wall and roof weather-tight.

Cornices come in a variety of styles, employing different details and materials, such as the elaborate brackets, modillions and dentils seen on Italianate cornices. They may be constructed of wood, tin, zinc or other metals. Queen Anne style buildings frequently feature elaborate brick corbels. Classical and Romanesque cornices may be made of metal, stone, brick or terra cotta.



Cornices employ different details such as brackets, modillions and dentils.

Parapet

Parapets are commonly found on flat-roofed urban commercial, institutional and residential buildings. They are generally designed to give a building greater visual height and, like cornices, provide a weather-tight junction between the roof and the wall. Parapets often have caps, called copings that may be designed plainly or elaborately.



Eave

The lower horizontal edge of a sloped roof extending beyond a wall is called the eave. The sloping trim where the roof meets the gable is called the rake. Functionally, an overhang serves to protect the wall from rain and snow and provides a place to attach gutters. Visually it creates a transition between the vertical wall and the sloping planes of a roof. Eaves are usually made of wood, which are sometimes decorated with brackets or other details. Vents, which can be rectangular, round or half-round in shape, are also sometimes located under the eave at the gable ends.

Parapets are generally designed to give a building greater visual height.

Roofs

Dormer

A dormer is a small projection above a sloping roof consisting of a window or vent and a small roof. Windows in dormers are commonly double-hung or casement, and less commonly diamond, round and half-round. Dormer windows and vents are capped with a variety of roof shapes, such as gable, hipped, shed, or round.

Towers

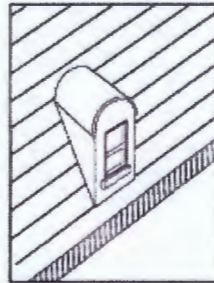
Towers are important character defining elements. They are often situated on top of projecting bays and are finished by conical, multi-faceted or flat roofs.



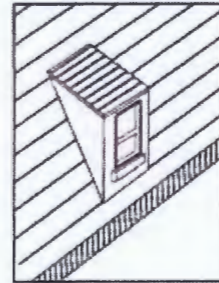
Towers are often located on top of projecting bays.

Chimney

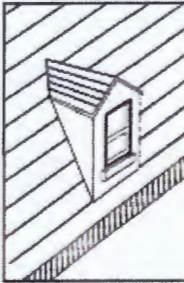
Chimneys are frequently prominent features on historic buildings. They are usually constructed of brick, but stone or stucco-finished masonry chimneys are characteristic of some historical styles. A chimney may be located on the front, side or rear walls projecting above the eave, or through roof slopes or ridges. Stepped flashing is also an important visible element.



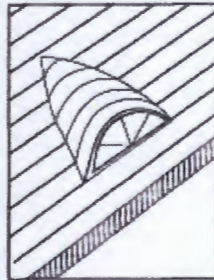
Rounded



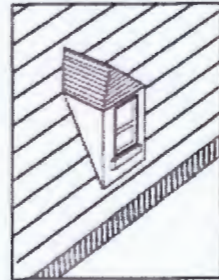
Shed



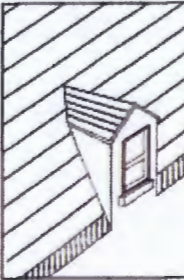
Front Gable



Eye-brow



Hipped



Engaged



Chimneys are frequently prominent features on historic buildings.

Finials and Cresting

At times finials and cresting decorate the roofs of historic buildings. Finials are usually located on the roof ridges or towers, whereas cresting is used to add character to a cornice or ridge. They are generally made of metal, but stone and other materials are also found.

Gutters and Downspouts

Gutters and downspouts are the primary means of channeling water from the roof to the ground. Properly maintained gutters and downspouts are critical for maintaining a watertight building. Additionally their design is important to the physical appearance of the structure. The most widely used system in Baltimore County is one where the gutters are mounted at the roof edge, but there are also buildings with built-in gutters. Another method relies on roof overhangs that allow water to drip off the edge. Historic exterior gutters and downspouts are made of copper or galvanized steel. Internal gutters, which are fairly rare in Baltimore County, are frequently constructed of terne plate, lead or copper.



Gutters and downspouts contribute to a roof's character.

Roofs

ROOF MATERIALS

The roof is typically a highly visible element. Wood shingles, wood shakes and clay tile are relatively rare. In cases where the roof is flat, or not visible from the street, substitute materials may be allowed in the repair of, or on an addition to, a protected historic building.

Apart from the shape and details, the material with which a roof is constructed is an important character-defining feature. The most common roofing materials found in Baltimore County are slate, metal and asphalt shingles.

Wood Shingles

Wood shingles were commonly used on early structures, with continued wide application on Victorian houses, turn of the 20th century shingle style houses, and Colonial Revival and Bungalow style houses of the 20th century. In Baltimore County white pine and Atlantic white cedar shingles were common. Because of fire risks, wood shingle roofs in urban areas were often replaced with metal roofs as technological advances in metal roofing

allowed wider availability in the 1800s.



Because of fire hazards, wood shingles are no longer in frequent use.

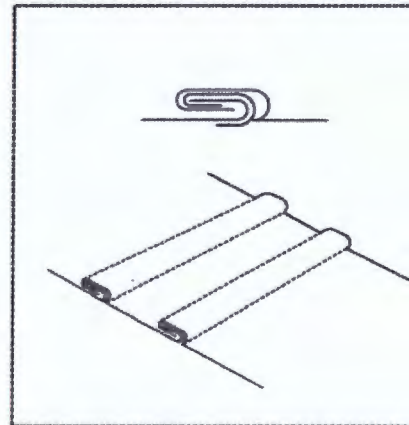
Metal

The earliest metal roofs were terne and copper. In the 1800s additional types of sheet metal and lower production costs resulted in the widespread use of metal for roofing. The low cost, lightweight, and low maintenance of tin plate made it the most common metal roofing material in the 19th century. Tin 'shingles' were popular throughout Baltimore County in the late 19th century.

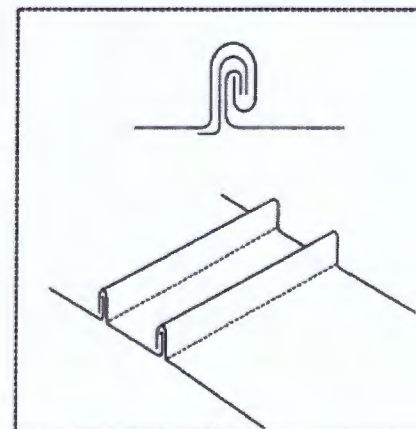
The appearance of a metal roof is primarily derived from the type of metal used, how it is finished and the method by which sections are joined together. For example, copper is conventionally left unpainted, weathering naturally to a green patina over many years. Similarly, lead is customarily left unpainted, weathering to a soft gray. All other types of metal roofing are painted to resist corrosion. Metal roofing comes in sections joined together on site. The two types of joints commonly found are flat-seam and raised-seam. The first gives a roof a flat, uniform appearance. Raised-seam joints give a roof a distinctive ribbed appearance.

Clay Tile

Clay tiles have been used on structures since the earliest European settlements. The first were S shaped tiles (Pantiles) and flat tiles. Flat tiles were used most commonly from the 17th through the beginning of the 19th century. At the turn of the 20th century, the Romanesque Revival, Spanish Colonial Revival and Mission styles created the resurgence in the use of clay roofing tiles.



Flat-Seam Metal Roof



Raised-Seam Metal Roof

Slate

Slate shingles became more available as means of transportation improved in the mid 19th century. This allowed quarries in Pennsylvania to supply slate to Baltimore City and its surrounding jurisdictions. Slate is popular for its durability, fireproof qualities, and aesthetic appeal. It comes in different shapes (rectangular, diamond and hexagonal) and colors (gray, red and green), which made its use popular for decorative patterns on many 19th century Gothic and Mansard style roofs. Slate continues to be used on revival style buildings.

Asphalt Shingles

In the late nineteenth century, asphalt shingles were introduced as an inexpensive roofing material. By the mid-twentieth century, asphalt shingles became the most commonly used material for residential sloping roofs. Asphalt shingles come in a variety of shapes, with rectangular, diamond and hexagonal shapes being the most common. Asphalt shingles come in a wide array of colors, such as red, green, gray or black. Asphalt shingles are rarely defined as architecturally significant and are often not the original roofing material on historic buildings.



Photo by Frank Kaufmann

Clay tiles are a durable material that has been used since the earliest European settlements.

Roofs

MAINTAINING, REPAIRING AND REPLACING ROOFS AND ASSOCIATED ELEMENTS

The roof is the first line of defense when preserving historic buildings and should be regularly monitored and maintained. Roof materials and their associated elements and decorative details are subject to many forms of deterioration.

Wear and tear may be caused by rain, snow, hail, sunlight, wind or pollutants, or by insects, birds, squirrels and vegetation. As a consequence it is advised that property owners inspect their roofs regularly.

A general understanding of how problems should be addressed may help with answering the question of whether a roof can be repaired or whether replacement is needed. In most cases, first consideration should be given to repairing the existing materials, elements and details. If historic roofing cannot be repaired it should be replaced in kind.

In some cases, however, there may be valid reasons for replacing the roof with a material other than the original. The LPC may consider a replacement other than in-kind, if:

- The original material is no longer available
- The existing material has failed and is likely to fail again
- The existing material is not original
- The roof is not visible from the street

Any decision to use an alternative material should be weighed against the primary concern of maintaining the building's historic character. If, for instance, the roof is flat and not visible, there may be economic and/or construction advantages to substituting a modern built-up roof for what had been a flat metal roof. In areas that are visible, the LPC will sometimes approve some less expensive metals as long as the appearance, texture and color are similar to the original roof.

Wood Shingles and Shakes

Treatment: Wood shingles and shakes are subject to rot, detachment and insect infestation. Deteriorated sections should be removed and replaced in-kind with high quality wood shingles or shakes that match the installation and decorative pattern of the original roofing material. Regular oiling and proper underside ventilation will prolong the life cycle of a wood shingle roof.

Substitutes: Ceramic tiles have been approved as a replacement material, because they simulate the appearance and texture of wood shingles. They are, however, heavy and thus may overcome the carrying capacity of the existing roof structure.

Metal

Metal is subject to pitting and abrasion due to wind-borne grit, rain and pollutants. Painted metal roofs, such as terne plated, zinc and galvanized steel are subject to the same problems, including the corrosion caused by improperly maintained paint.

Treatment: Minor corrosion may be removed by wire brushing and repainting. More extensive corrosion, as well as pitting and abrasion, may require replacing the deteriorated sections with the same type of metal. If the deterioration is extensive, the entire roof surface should be replaced with an in-kind metal roof. The installation details must match the original in terms of seam width and profile.

Substitutes: Alternative metals

Slate

Slate is one of the most robust roof materials in existence with a life up to 100 years. Nevertheless, slate is subject to cracking, usually caused by hail or falling tree limbs, or extensive oxidation. Additionally, because of the corrosion of their anchors, slate tile may become detached from a roof's sheathing. Slate shingle failure is sometimes caused by delamination of the material.



Slate roof in need of repair work.

Treatment: Good maintenance involves repair and replacement of individual slates as they break down. Replacement slates can be easily obtained in a variety of colors and shapes to match the existing roof.

Substitutes: Original slate roofs should be replaced with slate. If a roofing material is not original and evidence suggests that slate was the initial cover, it may be appropriate to use one of a variety of rubber or polymer based or other synthetic substitutes, as they imitate the texture, profile and character of slate. Long-term performance of these materials has, however, not been proven.

Clay Tile

Clay tile is another long lasting roofing material, but it too can crack or experience corrosion of its anchors.

Treatment: Replacement clay tile that matches the existing tile is readily available, or can be made to order. Attention should be paid that the replacement tile replicates the profile, texture and color of the original. As with slate, clay tile can be replaced individually.

Substitutes: Original clay tile should be replaced in kind. If, however, the existing roofing material is not original and there is evidence that clay tile once existed, concrete tile, or mineral fiber-cement tile that replicate the general look of clay tile may be approved.

Roofs

Asphalt Shingles

Asphalt shingles are subject to abrasion and lifting from wind, as well as puncture from hail and falling tree limbs. Typically, good quality asphalt shingles will last over twenty years before they require replacement. Fortunately, apart from some early twentieth century asphalt shingles, most of the sizes, shapes and colors of asphalt shingles found on historic roofs can be obtained today.

Treatment: The LPC allows in-kind replacement of asphalt shingle roofs, as long as the replacement matches the original roof in profile, pattern, and texture.

Built-up Roofing

Built-up roofing is subject to cracking, delamination of the felt layers and thinning of the gravel ballast.

Treatment: Built-up roofing can often be repaired by applying roofing tar to the affected area. More extensive cracking may require that the affected section be removed and new built-up roofing installed. If the gravel is thin, a new layer of tar and gravel should be applied. If the built-up roofing is extensively deteriorated, or is more than twenty years old, the owner should consider replacing the entire membrane.

Substitute: E.P.D.M. (rubber) or other synthetic membrane roofing is an acceptable substitute material.

Gutters and Downspouts

Treatment of built-in gutters: The appropriate repair is to rebuild the original built-in style, which will require custom fabrication.

Substitute: There are no substitutes.

Treatment for edge-mounted gutters: This type of gutter system is not integral to the structure and thus easier to repair or replace. The use of K-style or Half-Round gutters depends on the architectural design of the roof and eaves of the building. K-style gutters were designed for use on roofs with flat vertical fascia boards. It is mounted against the flat fascia board. It is not an appropriate use when it is hung freely beneath the roof edge. On buildings with tapered eaves and eaves with open rafter tails, the half-round design is normally appropriate. Visually inappropriate gutters are often functionally deficient because the gutters cannot be supported in the manner for which they were designed. This would be the case if a K-style gutter were to be hung from rafter ends where a vertical fascia was not present.

Flashing

If the flashing fails it should be determined what caused the failure: poor workmanship, thermal stress, or metal deterioration.

Treatment: Replacement of flashings is often a major undertaking, which may require taking up a section of the historic roofing material. It is important to use top quality compatible flashings such as copper, lead, or galvanized steel on any new or repaired roof.

Failure of a roof flashing system can lead to significant repairs.

Aluminum should generally only be used for in-kind replacement.

Brick and Stone Cornices, Elements and Details

Weather, wind-borne grit or pollutants may erode brick and stone.

Treatment: If the erosion is not extensive, the affected brick or stone should be left in place. A consolidant may be used to halt or slow further deterioration. If the deterioration is pronounced, particularly if it threatens the structural integrity of the cornice, element or detail, the brick or stone should be replaced in-kind.

Substitute: Cast Stone (concrete cast to look like stone) has been used to replace stonework. Such an option, however, does not constitute replacement in-kind and will rarely be approved. In making its decision on designated resources, the LPC will carefully consider where on the structure the replacement will occur and the extent to which the area is exposed to the elements.

Metal and Wood Cornices, Elements and Details

Metal cornices, elements and details may be pitted or abraded by wind-borne grit or pollutants, corrode or become detached due to deterioration of anchors and connectors.

Treatment: Wire brushing and repainting may repair light corrosion. Heavy corrosion and pitting may require that the affected area be removed and replaced in-kind. Wood cornices, elements and details often deteriorate because paint is not maintained. These elements are also subject to rot and insect infestation. Minor rot or damage by insects may be repaired by using an appropriate wood consolidant, or by scabbing in new wood. In both cases, the repair should be detailed in the same manner as the existing cornice. In cases of extensive deterioration, the entire cornice, eave or detail may need to be replaced in-kind.

Substitutes: Fiberglass has been used to replace metal and wood cornices, elements and details. Such options, however, do not constitute replacement in-kind and will rarely be approved. In making its decision on designated resources, the LPC will carefully consider where on the structure the replacement will occur and the extent to which the area is exposed to the elements.

Roofs

ROOF ALTERATIONS

Altering roof shapes, materials, elements and details will affect the design and appearance of the building. Thus, any alteration must be undertaken with extreme care to ensure that the character of the roof is retained.

Before proceeding with any roof alteration the owner of a historic building should consult with Preservation Services, in the Office of Planning (410.887.3495).

Changing the Shape of the Roof

Changing the shape of a historic roof is discouraged, because it generally alters the character of a historic building. In some cases additions involve changes to the shape of the historic roof. Contemplation of such alteration generally necessitates the services of an architect who is familiar with historic preservation and should be done in a manner, which retains the character of the historic building to the greatest extent possible.

Insulating the Roof

Roofs are sometimes insulated to reduce energy consumption. The location of roof insulation rarely affects the appearance of a building and thus has no impact on its historic character. However, adding insulation may cause roof materials to deteriorate if it is not properly installed and ventilated.

Adding Satellite Dishes

Adding satellite dishes to a roof of a historic dwelling may be incompatible with its character. Accordingly, if such a device must be added, it should be located in such a manner that the satellite dish is not visible from the public street.

Adding Skylights and Dormers

Owners wishing to create additional living space in the attic sometimes consider adding skylights or dormers to their historic homes. If dormers are added to a sloping roof, they should be located in a manner where they cannot be viewed from the public street. In design and materials they should be compatible with the character of the existing structure. Likewise, skylights should be located where they will not be visible from a public street.

Adding Solar Panels

Some owners wish to install solar panels on their historic roofs. If installed on flat roofs, solar panels should be located so that they are not visible from the public street. If located on sloping roof buildings, they should generally be installed on rear slopes that cannot be viewed from a public street, or be located on an unobtrusive location on site.

Adding HVAC Equipment

Heating, ventilating and air conditioning equipment is at times added to roofs of historic buildings. In most cases this is done because it is the most economical and technically appropriate location for such equipment. HVAC equipment should be located so that it is not visible from a public street. If this is not possible, the equipment should be screened from view. The screen should be designed to be compatible with the proportion, scale, materials, color and other character-defining elements of the building.



HVAC equipment should be located so that it is not visible from the public street. If this is not possible it should be screened from view.

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BALTIMORE COUNTY HISTORIC PRESERVATION
DESIGN GUIDELINES

Porches & Steps

Organization of the Baltimore County Historic Preservation Design Guidelines

The Baltimore County Design Guidelines are organized into six sections dealing with the various aspects of exterior rehabilitations, such as windows and doors, roofs, porches and steps, façade treatments, new construction and additions, fences and landscape features.

Each section discusses the character-defining elements of the respective object and suggests appropriate measures for rehabilitation. One brochure deals with fences, walkways, accessory structures and various landscape features. A glossary for all six topics is provided in a separate document.

Introduction



A character-defining element is a feature that, if inappropriately altered or removed, would detract from the structure's historic significance.

Windows & Doors



Roofs



Facade Materials



Infill & Additions



Fences & Landscape



These guidelines are based on the *Secretary of the Interior's Illustrated Guidelines for the Rehabilitating of Historic Buildings*. Considered advisory for structures contributing to a National Register District or on the National Register of Historic Places, they are mandatory for structures listed on the Baltimore County Preliminary or Final Landmarks List, for contributing structures in a County Historic District, or for National Register structures for which a tax credit application has been submitted. Porches and steps on designated structures may not be demolished or altered without prior approval by the Baltimore County Landmarks Preservation Commission (LPC).

Historic porches and steps are important character defining features. Front porches frequently add a unifying element to the streetscape of Baltimore County's historic communities. They continue to provide a means to sit, socialize and observe life in the neighborhood, which strengthens the sense of community. Historically, porches were sometimes used for sleeping. Front porches and steps are generally more ornamental in appearance than rear porches and steps. The LPC will be more strict when evaluating porches visible from the public way.



Front porches add a unifying element to the streetscape.

Porches & Steps

DESIGN OF PORCHES AND STEPS

Porches consist of a variety of components, such as the structure and decking; the stairs and railing, and the supporting columns and roof. Each of these elements may be made of different materials, such as stone, wood, brick, metal or concrete. A porch may be roofed, be open to the sky, have sidewalls, be open sided, or be enclosed with screened walls.

Front Porches on Rowhouses

Rowhouses that were constructed in the late nineteenth and early twentieth centuries tend to have front porches that stretch halfway or fully across the façade. Their porches are usually constructed of wood or brick with wood columns. Most have flat or slightly sloped roofs with beaded-board ceilings. The flooring material is generally concrete or wood.



Rear Porches on Rowhouses

Open, enclosed and screened rear porches can be found in many historic rowhouse communities. Some rear porches were built at the same time the rowhouses were constructed, but many were added at a later time. Some were intended as sleeping porches. Some have been enclosed to create additional interior living space, while others have been converted into a contemporary deck.

Porches on Free-standing Buildings

In Baltimore County wooden porches prevail, with roofs, piers, columns, ceilings, floors and railings made of wood.

Historic porches on free-standing residential buildings come in many shapes, styles and materials. They may be located in the front, side or rear of the house - in a combination of front & side, front & rear, - or continue along several of the facades of the dwelling. Depending on the building's architectural style, they may be one or two stories high and may be highly decorative. Most front porches are covered by a roof, but many rear yard

porches are also roofed or screened-in. In other examples, the piers are made of brick, concrete, or stone, while the remaining elements are made of wood. For many vernacular buildings, the front porch is the most important visual and decorative building feature. The LPC is unlikely to approve changing the style of piers, columns or balusters on front or side porches, because of the visual importance of these components. Likewise, the LPC is unlikely to approve the enclosure of historic front or side open or screened porches to create additional living space.



Steps

Steps in Baltimore County are generally constructed of wood, stone, marble or brick, and usually have a simple design. The grand entrance stairways common in the elegant urban townhouse mansions of Washington DC and Baltimore City neighborhoods are rare in Baltimore County. Nevertheless, steps contribute to the structure's historic character in an important way.

MAINTAINING AND REPAIRING PORCHES AND STEPS

Porches and steps are subject to various forms of deterioration. Wood elements may rot or become infested with insects. Brick and stone steps are subject to erosion, spalling and the deterioration of mortar joints. Cast and wrought iron elements may rust and corrode.

For complex problems, it is advisable to consult an architect, engineer or contractor familiar with the construction methods of historic porches and steps. In some cases, it may suffice to repair the area in disrepair with in-kind materials. If the damage is beyond repair and if in-kind replacement is technically or economically not feasible, the LPC may, in some cases, approve substitute materials that are compatible with the existing materials.



Wood

Traditionally, wooden porch columns, ceilings, floors, railings, and steps were painted to protect them from weather. That protection is lost when paint peels, cracks or flakes. Loose paint should be removed and bare wood should be primed before repainting. Details and ornamentation that have been obscured by numerous layers of paint should be stripped to the bare wood. Paint that predates the 1978 could contain lead. Before sanding or stripping the paint should be tested. If it contains lead, a certified contractor should be retained to remove the paint. This is particularly important if small children live in the house, or in the immediate vicinity.

Owners of historic buildings should regularly inspect their porches and steps for signs of decay and insect damage.

Various elements of wood porches are subject to rot and insect infestation.



Porches & Steps

The Landmarks Preservation Commission does not participate in color selection. Property owners wishing to select a historically accurate color may want to analyze existing paint layers to determine previous color schemes. They also can consult a wide selection of books dealing with this subject.

In many cases, deteriorated porch columns, balusters, steps, flooring or ceiling boards can be repaired; there are a number of appropriate products available for preparing and patching the wood components. If structural wood members are damaged beyond repair, they must be replaced in kind. Any details and ornamentation should be carefully removed prior to replacing the damaged structural element. Once the structural members are back in place, the ornamentation should be reinstalled.

Substitute materials

Because wooden porches and steps are particularly exposed to weather, the LPC has at times approved floorboards made of composite materials. In cases where substitute floorboards are being considered, the composite material should replicate the width, grain and tongue and groove profile of the original material to the greatest extent possible.

The LPC is less likely to approve replacing wooden posts and balustrades with substitute materials. Replacing wooden posts and balustrades with substitute products will be considered on a case by case basis. Desired characteristics in substitute materials include but are not limited to durability and appearance. In cases where a porch has been previously stripped of historic materials, the LPC may approve composite posts or balustrades.

Brick and Stone

Brick and stone elements on porches and steps may erode or become dirty through airborne grit or pollutants. They may be subject to spalling or the erosion of mortar joints. Also, steps may become loose through the wear and tear of frequent use.

Water can seep through cracks and pores and penetrate behind the brick or stone surface. In cold weather, water freezes and expands, causing the surface to break away. This type of failure, where the surface breaks away, is called spalling. Spalling may also be a more commonly encountered problem with certain types of stone. For example, certain sandstone and limestone is very porous and thus subject to water penetration. Additionally, spalling may have been caused by improperly laid stone; when stone is laid with the cleavage planes exposed, water will readily penetrate the surface. Lastly, spalling may be the result of inappropriate cleaning methods which remove the protective surface of the brick or stone. Sand blasting is known to have such an effect on brick.

Using an appropriate cement based repair material can repair lightly spalled stone, but it is often difficult to match the color of the existing stone. Also, the patch may become more visible as the repaired area weathers. Another way to slow down spalling is to apply a stone consolidant to the area. Severely spalled stone or brick should be replaced in kind.

The mortar in brick and stone porches and steps is also subject to deterioration. When mortar joints have receded more than half an inch behind the original surface of the mortar joint, owners should consider repointing or tuckpointing the areas of deterioration. The new mortar should be chemically similar to the existing material. It is particularly important not to use modern high-strength Portland

cement where a low strength cement mortar was previously used for it may cause future maintenance problems. The old mortar should be carefully removed by using hand tools. Power tools and saws may damage the brick or stone. The new mortar should have the same tooling (profile) and color as the existing mortar.

Cleaning Brick and Stone

Airborne pollutants can also cause spalling of brick and stone surfaces. Cleaning brick and stone porches and steps reduces maintenance problems and improves their visual appeal. When cleaning porches and steps the gentlest means possible should be employed. The mildest form of cleaning is washing the area with a mild detergent and a brush. If this method is not successful, power washing the area with water and steam may be used. It is recommended to start at the lowest pressure setting - slowly increasing it until the desired results are achieved. If this method is also not successful, approved chemical cleaners may be used. However, it is of utmost importance to select the appropriate chemical cleaner

for the substance to be removed and type of stone or brick being cleaned. Aggressive cleaning methods, such as sandblasting, or blasting with grit, plastic beads or other substances, should not be used.

Cast and Wrought Iron

Cast iron or wrought iron railings and other cast or wrought iron features of porches and steps should be painted to prevent corrosion. Property owners should test the existing paint for lead before stripping cast or wrought iron elements. Old paint may be stripped by wire-brushing, sanding or by using an appropriate chemical stripper. Once the old paint is removed, cast or wrought iron features should be primed immediately and repainted.



Concrete

Concrete steps or porch floors are subject to chipping, spalling or erosion.

Minor damage may be patched using concrete that is textured, colored and finished in the same manner as the existing material. Substantial damage requires replacement in kind.

Substitute Materials

While the preferred option is always to repair or replace porches and steps in kind, there are instances where it is not technically or economically feasible to do so. For example, a wooden open porch floor may repeatedly rot because of its exposure to inclement weather. On such occasions the LPC may approve substitute materials. When selecting substitute materials, property owners should ascertain that the substitute material has the same properties regarding expansion and contraction. Similarly, materials weather at different rates, changing appearance over time. New materials may also react chemically to adjacent materials, causing them, or the historic material, to deteriorate rapidly.

Porches & Steps

ALTERATIONS TO PORCHES AND STEPS

Historic porches and steps are important character-defining features on a building. In some cases porches and steps have been removed or inappropriately altered in the past. In other instances porches or steps have been added. Either type of alteration is not appropriate on a primary façade (front or side façade that is visible from the public street). On a secondary façade, the LPC may approve alterations to porches and steps.

In Baltimore County, property owners frequently ask to enclose an existing porch to create additional year-round living space. If the porch is on a secondary façade not visible from the street, the LPC generally approves such alteration, provided the proposal is compatible with the character, massing and design of the historic dwelling. In order to assure maximum compatibility, it is highly recommended that the owner engage the services of an architect familiar with historic preservation.



The front porches in this historic community have all been enclosed, which greatly undermines the integrity of the homes.

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Facade Materials

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DESIGN OF WALLS AND FOUNDATIONS

Apart from contributing significantly to the aesthetics of a building, exterior walls are also structurally important, since they carry the weight of the floors and roof to the foundation. The original materials of exterior walls in Baltimore County are typically wood, brick, stone or stucco. Facades constructed of cast-iron or terra cotta are rare in this jurisdiction. Today, many wooden facades have been covered in vinyl, aluminum, or asbestos, and some brick buildings

have been wrapped in Formstone. Wood-sided buildings and brick and stucco structures generally have foundations constructed of stone, brick or concrete, while stone and other brick buildings are usually finished to the ground in stone or brick respectively. The material used for an exposed foundation wall, and how it is finished and how it connects to the wall above, are all character-defining features.

Exterior walls and above ground foundations are among the most important character-defining elements of historic buildings. The materials used, the location, proportions and scale of door and window openings, the massing and rhythm of features such as bays and porches, and the details and ornamentation all affect the design of walls and foundations.



Most historic buildings have a primary façade facing a public street, which contains the front entrance. It may be more formally composed than the other exterior walls of the building. Sometimes primary walls are adorned with intricate designs and ornamentation and the materials used may be of a higher quality than the rest of the building.

The Landmarks Preservation Commission (LPC) readily approves historically appropriate front wall repairs and in-kind replacements. On the other hand, the LPC generally does not approve alterations to front facades or side facades that are visible from the street. The LPC may allow greater flexibility when considering alterations to rear facades and sidewalls not visible from the public right-of-way.

Facade Materials

WOOD

Wood siding was at one time the most common material used on freestanding residential buildings and some rowhouse buildings and commercial buildings. There are many varieties and shapes of wood siding. In Baltimore County horizontal wood siding such as German, beveled and shiplap siding are the most prevalent. Vertical siding such as board and batten siding are relatively rare. Many historic dwellings in Baltimore County are clad in shingles. Each type of cladding gives a wall a unique character and is usually associated with a particular building period or architectural style; it is, therefore, a character-defining element whose pattern should generally not be changed when making repairs or replacing materials.



Vertical siding such as the board and batten siding is rare.



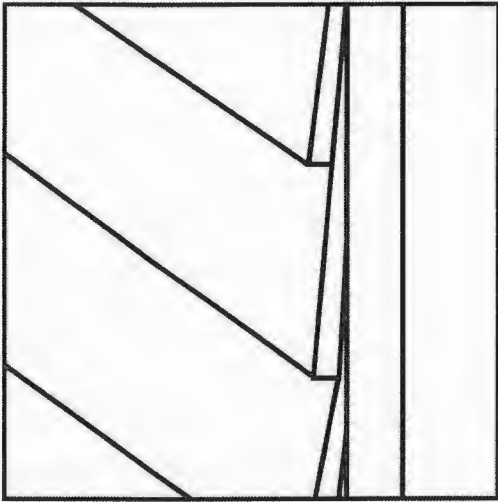
The type of shiplap used on this structure is also rare.

LOG CONSTRUCTION

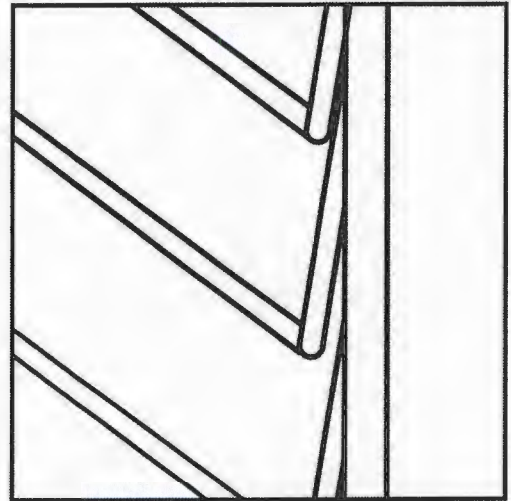
Baltimore County had a large influx of German immigrants who brought with them a tradition of building log structures. By the late 1700's, a great number of settlers were familiar with the techniques of log construction. The 1798 tax list reveals a sparsely inhabited and primitively developed county with only 1,495 total residences, over half of which were of log construction. Buildings were often constructed from materials available locally, and the abundance of timber provided a natural resource. Common materials used were chestnut, poplar, oak and pine. Although there are multiple types of log wall notches used in log building construction, the most common joint used in Baltimore County was the V-notch. Use of this indicated that there was some effort required in workmanship and demonstrated that it was not a hastily built building. It was also relatively common to have the logs covered with clapboard siding or shingles.



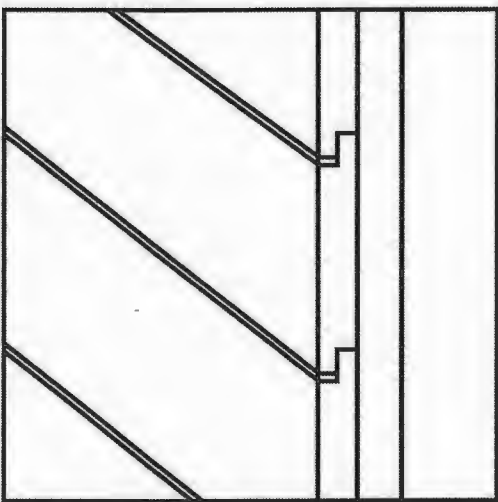
Types of Wood Siding



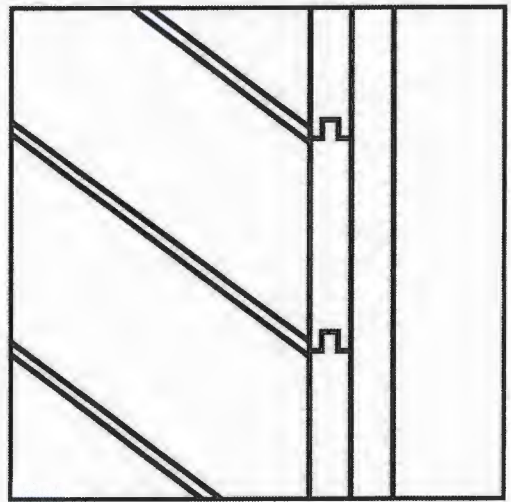
Beveled



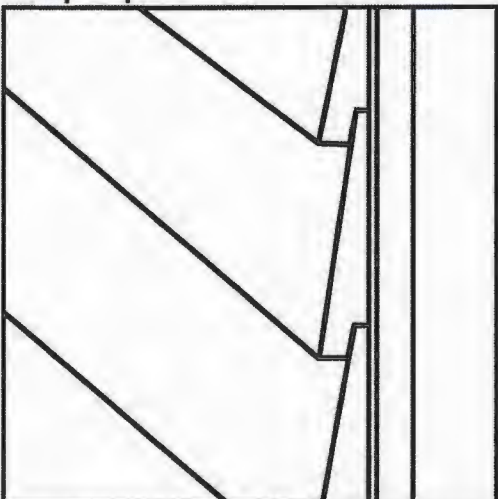
German



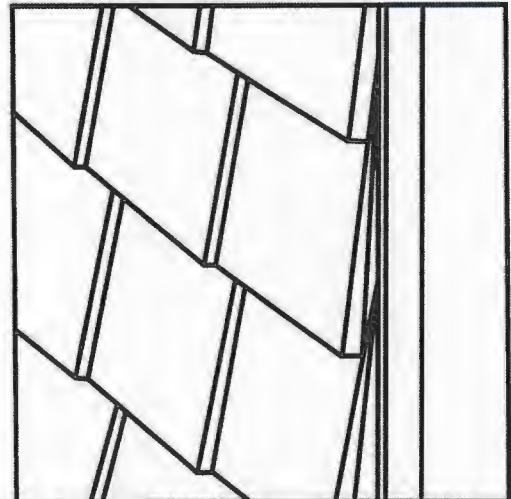
Shiplap



V-rustic



Simple-drop



Shingle

Facade Materials

BRICK

The most common types of brick are pressed, common, Roman and utility. The brick in existing historic buildings was mostly manufactured in iron or steel molds using local clay, but some early buildings were made of hand-made brick formed in wooden molds. The molds used to produce brick give it its

Brick is a prevalent local wall and foundation material. It is found in a wide variety of sizes, shapes, textures and shades, but there is no pattern of development in Baltimore County that can be associated with a particular style of brick.

texture, shape and size. The type of clay and the temperature of the kiln during firing give brick its color and hardness. The manner in which stretchers (the long side of the brick) and headers (the ends of the brick) are used, how the rows are laid, and the width, profile and color of the mortar joints, all contribute to the character of brick walls and foundations.

The hand-made brick that was manufactured prior to the 1870s was sometimes fairly porous and was in some cases painted to protect it from the weather. Pressed brick, which is smoother and more regular in appearance than hand-made brick, was introduced in the 1870s and quickly became a popular building material. Machine-made common brick was also introduced around this time.

By the 1880s most bricks were produced in gas-fueled kilns, which generated higher temperatures. They had a harder surface that was less porous and could be left unpainted. However, not all bricks produced by gas-fired kilns were of the same hardness. Bricks stacked in the center of the kiln were less exposed to the heat and therefore softer and more porous than those on the outside of the stack. The softer bricks were frequently used for party-walls or rear walls, while the hard-fired bricks from the outside of the kiln stack were used for primary elevations.

Local clay gives the majority of unglazed brick a red color, but brown and gray brick are also common. Glazed brick, manufactured by adding glaze to the finished brick and re-firing, can be found in a wide range of colors.

A horizontal row of brick is called a course, or coursing. The regular pattern in which overlapping courses of brick are laid is called the bond. The name comes from the practice of using headers, intermittently, to tie the interior and exterior wythes (layers) of brick which comprise the wall, together. The pattern of headers and stretchers comprises the specific bond of the wall. Different bonds produce different decorative results and different strength. The most popular brick bonds in the early 18th century were Flemish bond, produced by alternating headers and stretchers within a course, and English bond, consisting of alternating courses of headers and stretchers. Common bond, constructed by laying multiple courses of stretchers interspersed with a row of headers, became popular in the second half of the 19th century.



The manner in which stretchers (the long side of the brick) and headers (the ends of the brick) are used, how the rows are laid, and the width, profile and color of the mortar joints, all contribute to the character of brick walls and foundations.

In addition to the bonding, the width, color and profile of mortar joints contribute significantly to the appearance of the wall. Mortar joints vary from 1/8" to 1/2" in width, although other widths exist. Common mortar joint profiles include struck, weather, and flush. Other less common profiles include raked, vee and concave. Mortar is naturally a grey-white color, although some mortar used in historic brick walls and foundation is red or some other color due to the addition of coloring agents.

STONE

Stone is a wall and foundation material commonly found in residential, commercial, institutional, government and some industrial buildings. Baltimore County's abundance of quarries in Texas, Cockeysville, Butler and Granite provided a rich supply of stones, which accounts for the prevalence of stone structures in the area. Stone is also found in combinations with brick and stucco and the foundations of wood sided dwellings.

The type of stone used, how it is finished and laid, and the width, color and profile of the mortar joints all contribute to the appearance of a stonewall or above-ground foundation. Stone commonly used for walls and foundations include granite, limestone, sandstone, serpentine and marble. Each comes in a variety of colors ranging from buff, gray, cream and white to pink, green and brown. However, the most prevalent stone used in Baltimore County is granite-based fieldstone.

In addition to the type of stone used, the appearance of a stone wall or foundation also depends on how the surface is finished and how it is cut and laid. The type of mortar joints used also contributes to the appearance of stone walls and foundations. Stone is traditionally finished using a variety of hand tools and machines including saws, planes and chisels. A stone's finish may also be the result of grinding or rubbing the surface with an abrasive. Popular finishes include tooth chiseled, tooled, saw-faced

and rock-faced. Stone may be hand or machine cut with square edges giving it a geometric appearance (called ashlar) or with irregular edges (called rubble or fieldstone wall). Stone coursing may be regular, broken range, rough or uncoursed. Most of the residential stone houses in Baltimore County are constructed in uncoursed or rubble style with a rock-faced finish.



The type of stone used, how it is finished and laid, and the width, color and profile of the mortar joints all contribute to the appearance of a stonewall or above-ground foundation.

Facade Materials

STUCCO

The purpose of stuccoing was to refine and unify the appearance of the building and also to provide an insulating layer to keep the house warmer and drier.

Stucco is a non-structural, cement-based material. Historically stucco was applied over substructures of stone, brick, log or frame construction or combinations of several structural methods. Finished in a variety of textures, it can be colored by adding stone dust to the mixture or by painting the surface after it hardens. Less prevalent than wood, brick and stone, it can be found on historic buildings in Baltimore County.

CONCRETE BLOCK

Rusticated concrete block, also called rockfaced concrete was produced by a new technology that emerged in the early 20th century and was very popular for a time. Apart from being inexpensive, it was quick and easy to produce. Its major appeal was that it could be molded into a number of shapes and made to look like older, more traditional building materials. The artificial stone pattern was the most popular, being available in multiple shapes and finishes.



ALTERING OPENINGS IN WALLS

Creating a new opening or enlarging an existing opening in a primary character-defining wall for a window, a door or for any other reason is rarely acceptable. If a new opening must be created to make a building more functional, it should be created in the rear, or on a side wall that is not visible from a public street. The size, design and detailing of the new opening should be compatible with the character of the wall.

Likewise, it is generally not appropriate to close or cover up an existing opening in a primary wall or a sidewall visible from a public street. The LPC may approve, at times, closing or covering up openings on a secondary wall, provided the material used is compatible with the existing façade treatment.



Creating a new opening or changing the size of an existing opening in a primary character-defining wall for a window, a door or for any other reason is generally not appropriate.

NON-ORIGINAL WALL COVERINGS

Sometimes the walls and above ground foundations of a historic building are covered with non-historic materials, such as asbestos, aluminum or vinyl. As a rule, these materials were installed directly over the historic material to hide deterioration or to “modernize” the appearance of the building. Asbestos and asphalt shingles came into use during a period that stretched from the 1890s to the 1940s. After World War II aluminum and vinyl siding became prevalent in Baltimore County, with vinyl being popular to this day. Similarly, stucco has been used since the 19th century to cover historic brick and stonewalls. After 1929, a type of simulated masonry called Formstone¹, or Permastone, became popular in Baltimore City, where it was patented in 1929. More recently, cement-based composite materials resembling wood siding are being used as a wood alternative.

The removal of a non-original wall should not be undertaken without a thorough examination of the technical issues involved. For example, removing asbestos shingles is difficult because of strict regulations on the handling and disposition of this material. On the other hand, stucco often bonds tightly to brick and stone surfaces. Removing it can damage the surface of the underlying material. The same holds true for Formstone. Additionally, both stucco and Formstone have, in the minds of some preservationists, achieved significance in their own right and the LPC may vote that it should be maintained and repaired rather than removed.

In many cases, these non-historic materials were installed over the original façade in the belief that they provided protection against the elements and were maintenance free. In reality, however, the use of these materials may ultimately cause damage by preventing ventilation of the wall, which can lead to trapped moisture and subsequent rot.

The condition of the underlying wall material is another aspect that must be considered before proceeding with the removal of non-historic façade treatments. The historic fabric may have been badly damaged prior to, or during, the installation of the non-historic covering. On the other hand, the underlying wall material is frequently in satisfactory condition and can be easily restored to its former beauty.

Covering primary walls with a material other than the original fabric is generally not appropriate and the LPC is unlikely to approve such a request. On the other hand, if a wall is not character-defining, as for example in the façade of a non-historic addition, the LPC may approve a wall cover made of a non-historic material, such as composite siding.

In accordance with the Secretary of the Interior’s Standards, the LPC does not require the removal of an existing, non-historic covering. For example, a dwelling which is clad in vinyl siding may be reclad in vinyl siding if the owner wishes to do so.

¹The historic significance of Formstone is highly controversial and has not gained universal acceptance.

Facade Materials

ADDING INSULATION TO WALLS AND FOUNDATIONS

Freestanding buildings can lose up to 20-30% of their heating or cooling through walls and foundations, but the majority is lost through roofs, windows and doors. Before adding insulation to walls and foundations, building owners should consider weather-stripping windows and doors, installing storm windows and storm doors and insulating roofs.

If the owner decides to insulate the walls, it is important that the insulation material and method of installation does not create maintenance problems down the road, or harm the appearance of the wall. Brick and stone cavity walls¹ are often insulated by filling the cavity with foam. However, since this alters the density of the wall, interstitial² condensation may occur. If not properly vented, the moisture may cause interior paint and wallpaper to peel or plaster to deteriorate, or it may accelerate the deterioration of the mortar joints.

With regular maintenance, most exterior walls and foundations require relatively little repair. Property owners are encouraged to inspect the exterior walls of their buildings regularly.

MAINTAINING AND REPAIRING WALLS AND FOUNDATIONS

Rain, snow, hail, wind-borne grit and pollutants can affect all types of walls and foundations. Wood is susceptible to insect damage; wood and masonry walls can be damaged by vegetation, such as ivy.

Upon detecting deterioration, homeowners should promptly repair the damage, concentrating only on those areas in need of attention. Where replacement of materials is necessary, only in-kind materials should be considered. To learn about appropriate materials and techniques, a property owner may need to consult an architect, engineer or contractor familiar with preserving historic buildings.

SPALLING BRICK AND STONE

Brick and stone are among the most durable materials, but they can be subject to spalling. There are several conditions that may cause spalling. One is water penetration through cracks and fissures. Water seeping behind the surface of brick and stone freezes and thaws, which causes the water to expand and contract. Over time the brick or stone surface will break off, producing severe erosion of the facade.

¹A cavity wall's interior and exterior surfaces are separated by an air space.

²Interstitial condensation occurs in the cavity between the exterior and interior wall surfaces.



Spalling may also be caused by the type of stone used in the wall or foundation, or be the result of stone that was improperly laid. For example, the stone may have been laid with its cleavage planes exposed, which allows water to penetrate the surface. Spalling may also occur as a result of sandblasting or other inappropriate cleaning techniques that remove the protective surface of stone or brick. Spalling stone or brick foundation walls also may be the result of rising damp.

Lightly spalled stone may be patched using appropriate cement-based materials. However, it is often difficult to match the color of the existing stone. Thus, over time, the patch may become more evident as it weathers differently from the stone. An alternative to patching lightly spalled stone is to apply an appropriate stone consolidant. This will not cosmetically improve the appearance of the stone, but it will slow its deterioration. Heavily spalled stone or spalled brick should be replaced in-kind with an effort made to match the new material with the historic material.

CLEANING BRICK AND STONE

Brick and stone walls can become defaced by air-borne grit or pollutants, which, over time, contribute to spalling and other brick and stone surface deterioration problems.

To protect the physical integrity of the surface, brick or stone should be cleaned, beginning with the gentlest means possible and proceeding carefully to more aggressive methods until all dirt and pollutants are removed. Aggressive cleaning methods, such as sandblasting should not be used, since they cause the surface to erode.



Aggressive cleaning methods probably contributed to the erosion of this brick facade.

Cleaning methods should first be tested on an inconspicuous area of the wall for effectiveness. The gentlest method for cleaning brick and stone is washing it with water and a gentle detergent. If this method is unsuccessful, the owner should resort to power washing the façade with water or steam, beginning at the lowest pressure setting and increasing it gradually until the desired result is achieved. The most aggressive method which has been approved by the LPC is chemical cleaning. It is important that the owner selects the appropriate chemical for the surface and controls the resulting run-off.

SEALING BRICK AND STONE

An array of masonry sealants have been developed that promise to correct surface deterioration of brick and stone. The use of such sealants needs to be carefully considered, as they may be of questionable effectiveness and may have possible side effects. For example, some sealants will discolor the wall materials, while others may trap moisture inside the wall, effecting interior materials. Other sealants may be effective for only a few years. The use of sealants must be approved by the LPC, which will evaluate the characteristics of the product prior to approval.

Facade Materials

PREVENTING BELOW-GRADE WATER PENETRATION

In the 19th century, the below-grade outer surface of brick and stone foundation walls were sealed with a cement-based coating called parging. Foundations constructed in the 20th century were usually sealed with a tar-based material. Both act as a waterproof membrane, keeping the crawl space or basement dry and preventing rising damp. In addition, some historic freestanding buildings had French drains installed at the base of the foundation wall, which carried ground water away from the building.

It should be noted that before any below grade repairs are made it is important to evaluate the roof and surface water run-off around the building. Clogged gutters, downspouts and/or underground leaders may cause below grade water penetration.

Care must be taken to insure that water is effectively directed away from the building. Maintaining free flowing gutters and spouts along with a positive ground slope away from the building will often correct water penetration issues. Concentrated water next to the foundation from faulty gutters and spouts or puddling water due to lack of a positive slope will often lead to water penetration. With foundation wall water penetration it is always important to check the above items first

After all the above causes have been eliminated, the homeowner should check whether the waterproof foundation wall or under-slab membrane has deteriorated, or whether the drain tiles have become clogged with soil or roots, allowing water to penetrate into the basement. The most effective and usually most expensive method of repair is to replace the membrane or tiles. Another often effective corrective measure is to have an expanding cement-based compound injected into the ground against the foundation wall.

Historic brick and stone foundations are also subject to rising damp. The pores in the masonry act as a wick drawing ground water up into the wall. If the base of the wall or top of the above ground foundation wall is spalling, but other areas are not, the cause may be rising damp. Installing a damp-proof course at the horizontal mortar joint between the foundation and wall is the best solution to this problem. However, since this involves cutting the mortar joint, it should only be done after consulting an architect or contractor experienced in historic preservation.

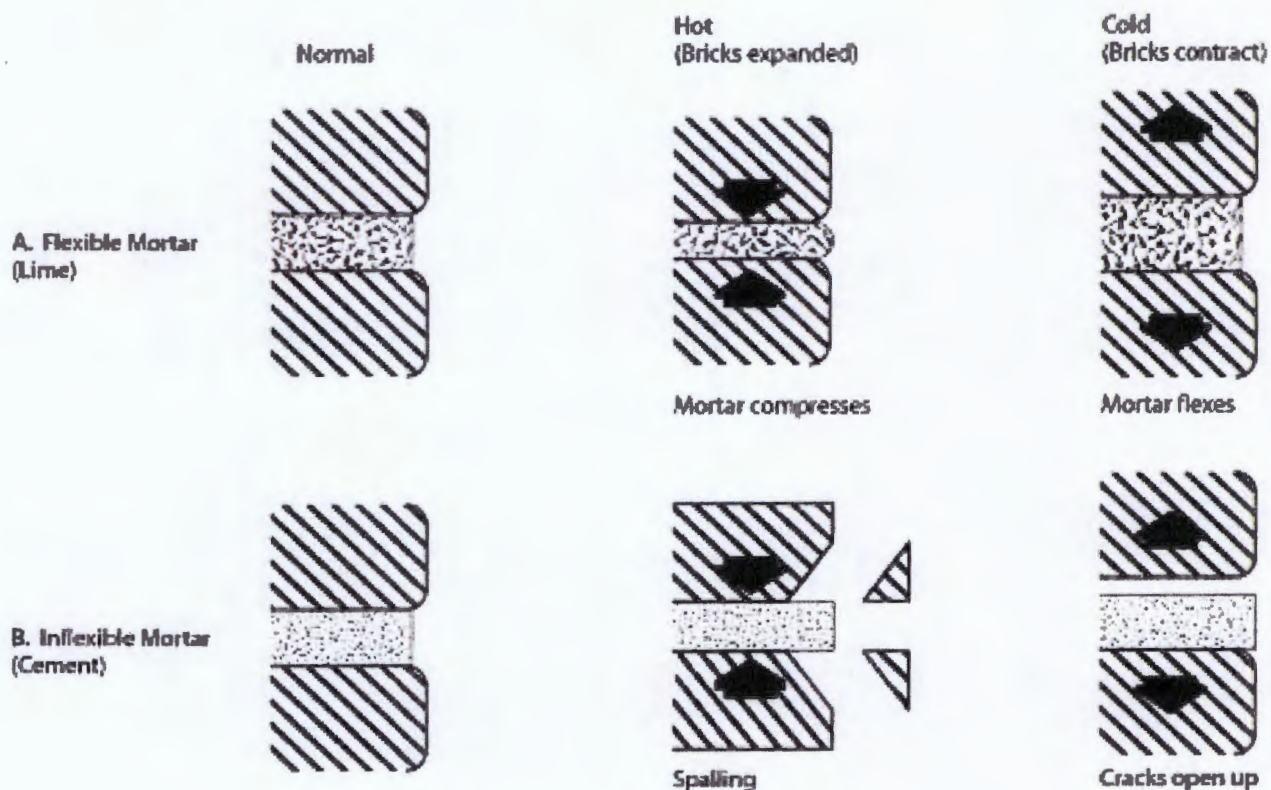
REPOINTING MORTAR JOINTS

The mortar used in brick and stone walls and foundations is subject to deterioration. Before beginning, the existing mortar should be carefully cleaned out by hand to a one-inch depth. Saws and other power tools should generally not be used, for they may cause the brick or stone to chip. The new

When mortar joints have eroded $\frac{1}{2}$ " or more behind their original surface area, the property owner should consider having the mortar joints repointed.

mortar must be chemically similar to the existing material. It is of utmost importance not to use modern full strength Portland cements. Modern mortar is harder than most historic brick and stone and thus seals masonry too tightly. This prevents the necessary expansion and contractions that occur with the freezing and thawing cycle. Additionally, it will cause moisture migration from the interior to the exterior via the masonry units rather than the mortar joints, which in time will cause spalling.

The Effects of Temperature Change Upon Masonry



REPAIRING AND REPAINTING WOOD WALLS

Many historic wood walls were painted or stained to protect them from the weather. When paint blisters, cracks, flakes or peels, the protection is lost. Loose paint should be removed by hand scraping and sanding and the bare wood should be primed prior to repainting. Heavily encrusted paint that obscures details and profiles should be stripped to the bare wood by hand scraping and sanding or with appropriate chemical strippers before priming and repainting. Sandblasting, open flame torches, or other methods likely to damage the wood should not be used.

Many wood walls constructed prior to 1978 were painted with lead-based paint. Before repainting historic wood walls, the property owner should have samples tested by a reputable testing laboratory. If lead-based paint is found, the owner should contact a paint removal contractor that is qualified to properly remove and dispose of the lead-based paint.



The LPC has no purview over color selection, so there are no regulatory requirements in this regard.

analyze the various coats of paint on the building. Another is to consult books, magazines and to conduct research on line. A number of paint companies have reintroduced historic colors from their archives. Whichever method is chosen, paint colors, should complement other painted surfaces on the house proper, as well as those found on adjacent buildings.

Minor rot and insect infestation can be repaired by consolidating the affected areas with epoxy or other appropriate wood consolidant, after the affected area has been treated and properly dried. If the damage is more extensive, the affected areas should be replaced in-kind, using the same or similar species of wood, finish and profile as the existing.

Selecting new paint colors is often a difficult decision. For property owners wishing to select historically appropriate palettes, there are several ways to go about obtaining information. One method is to

MAINTAINING AND REPAIRING STUCCO AND CAST STONE

Concrete and cast stone are subject to spalling and deteriorating mortar joints. Using an appropriate patching concrete colored and finished to match the existing material can repair minor spalling. Deteriorated mortar joints should be repointed.

Property owners wishing to repair their stucco finish should first remove all areas of loose stucco, cutting out old material along crack lines in a manner that retains a solid base of historic stucco. The new stucco can then be applied to the prepared areas. The new stucco should be identical in composition, finish and color to the existing material. Original historic stucco should generally not be removed to expose the underlying stone or brickwork.

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BALTIMORE COUNTY HISTORIC PRESERVATION
DESIGN GUIDELINES

Additions & Infill

Organization of the Baltimore County Historic Preservation Design Guidelines

The Baltimore County Design Guidelines are organized into six sections dealing with the various aspects of exterior rehabilitations, such as windows and doors, roofs, porches and steps, façade treatments, new construction and additions, fences and landscape features.

Each section discusses the character-defining elements of the respective object and suggests appropriate measures for rehabilitation. One brochure deals with fences, walkways, accessory structures and various landscape features. A glossary for all six topics is provided in a separate document.

Introduction



A character-defining element is a feature that, if inappropriately altered or removed, would detract from the structure's historic significance.

Windows & Doors



Roofs



Porches & Steps



Facade Materials



Fences & Landscape



These guidelines are based on the *Secretary of the Interior's Illustrated Guidelines for the Rehabilitation of Historic Buildings*. Considered advisory for structures contributing to a National Register District, or on the National Register of Historic Places, they are mandatory for structures listed on the Baltimore County Preliminary or Final Landmarks List, for contributing structures in a County Historic District, or for National Register structures for which a tax credit application has been submitted.

Landmarks Preservation Commission (LPC) approval is necessary if an owner proposes the construction of an addition to a designated historic building or to build a new structure within the bounds of a County Historic District or within the boundary of a Historic Environmental Setting¹ of a Landmarks structure. Such new construction should follow the design principles outlined below.



Several additions were added to this log structure, which have gained historic significance in their own right.

¹Historic Environmental Setting is defined as "the property or lot or portion thereof, as delineated by the Commission, which is historically, architecturally, archeologically, or culturally connected to the historic significance of a landmark structure".

Additions & Infill

New Additions

Many historic structures in Baltimore County have acquired additions over time, which in many instances have gained historic significance in their own right. The LPC generally supports an addition to a historic building if it:

is appropriately located;

relates visually to the size, scale, massing and materials of the historic structure and buildings in the immediate neighborhood;

does not destroy significant historical, architectural or cultural materials and

does not imitate the historic structure in such a way that the new addition is indistinguishable from the original fabric.

There is no rule that prescribes a specific architectural style for an addition. A well thought-out modern plan, designed by a qualified architect, can be visually more interesting than one that tries to replicate the historic form. What is most important is that the location, size, scale, massing and materials are compatible with the historic structure and the surrounding community.

Location

Most expansion requests in Baltimore County involve adding a living space to a residential dwelling. Generally such additions are located at a secondary façade, i.e. the rear or side façade that is not visible from the public road. While this is usually the preferred option, there are instances where the rear or side facades are not sufficiently secondary,

or where site constraints prevent locating the addition in the rear. A

careful site analysis may identify a suitable location for the addition.

It is paramount to design the addition in a manner that respects and is harmonious with the overall character of both the historic property and neighboring properties.

In cases where the alteration is visible from the public right-of-way, it is paramount to design the addition in a manner that respects and is harmonious with the overall character of both the historic property and neighboring properties. Factors that affect the relationship of the addition to the original building are its size, scale, massing and materials.



This infill structure emulates the size, scale and massing of the abutting historic structure. Prevalent design elements of the historic community are replicated in the new building and the garage is accessed from the rear.

Size, scale and massing of the new addition.

To determine if the overall dimensions are compatible with the historic structure, the elements of size, scale and massing should be considered.

An appropriately designed addition should be visually subordinate to the primary building and the historic character of the principal structure should be preserved. As a general rule, the size of the addition should have a smaller footprint and be lower in overall height than the historic structure. Nevertheless, there are circumstances where other considerations may sway the LPC to forgo this basic principle.



This garage addition visually dominates the historic structure.

In considering scale, one looks at how the individual parts relate to the whole. An addition, and its individual components such as doors and windows, should be of a scale compatible with the principal structure. That is, the addition and its windows and doors should be similar, and proportionate in size, to those already existing. In a County Historic District, evaluation of the appropriateness of the scale of the proposed addition also involves a comparison of the altered structure to existing neighboring buildings.

Significant historical, architectural or cultural materials

Construction of a new addition should not destroy significant historical, architectural or cultural materials. When selecting an appropriate location, attention should be paid to positioning the addition in a location where it will do the least damage to the historic fabric. This can frequently be accomplished by siting the addition in such a way that an existing opening can provide access to the addition. Connecting the addition to the historic structure can also be accomplished by the use of a connecting link. Rear or sides that have previously been altered also offer excellent locations for additions.

Also, an addition should be constructed in a manner that is reversible, in the event that a subsequent owner wishes to remove the addition and restore the historic structure to its original form.

Differentiating the new addition from the historic building

The Secretary of the Interior's Standard # 9 states:

New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

To preserve a property's historic integrity, a new addition should be distinguishable from the original structure. This can be achieved by providing a recessed, small-scale connecting link that physically separates the new addition from the historic structure; a change in plane or materials may achieve the same objective.

Additions & Infill

The Baltimore County Landmarks Preservation Commission interprets Standard # 9 in a manner that allows for a great deal of latitude. That is, an addition can have a modern design, replicate the design of the historic structure, or be a hybrid of the two. The most important aspect is that it is well designed and that it is harmonious in its massing, details and materials with the preexisting historic structure. It is recommended that an architect familiar with historic preservation be consulted in identifying the appropriate location and design of a compatible addition.

Materials used to construct a new addition do not necessarily have to exactly replicate those used to construct the historic building. They may be contemporary products such as fiber cement siding or stone and brick veneer. Like-

wise, windows and doors need not have the same light or muntin patterns as the historic openings. The LPC may approve windows that have aluminum cladding on the exterior, or doors that are not solid wood doors. Vinyl siding, or vinyl windows, however, are generally not appropriate.



This side addition is inappropriately positioned and does not relate architecturally to the house.

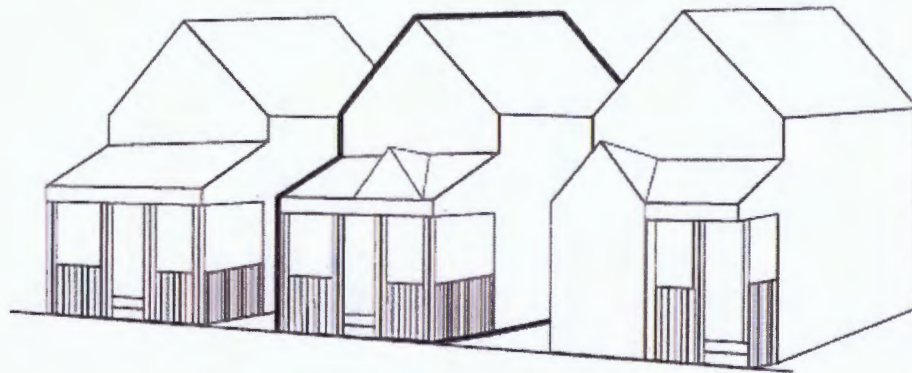
INFILL DEVELOPMENT

New construction in an established community is generally referred to as infill development. In County Historic Districts new buildings should be designed in a manner that preserves the community's character. Accordingly, infill development should be compatible with other buildings in the immediate neighborhood – that is, with buildings within a half-block of the subject lot, and with the lots on both sides of the street on which the lot fronts. For a corner lot or a lot adjacent to a corner lot, the immediate vicinity includes all sides of the intersection. Similarly, infill development within the Historic Environmental Setting (HES) of a Landmarks structure should be harmonious with the historic structure and its surroundings.

Compatibility requires a thorough understanding of the design of the existing neighboring housing stock. This includes principal dwellings, accessory buildings such as carriage houses, sheds and garages and the landscape features and materials that characterize the community. There are certain key design principles that should be considered to assure that new buildings are compatible with the community character with respect to setback, orientation, scale, rhythm, massing, height, style, materials, and landscape features.

Setback

The prevailing pattern of front yard setbacks at the street should be preserved to the greatest extent possible.



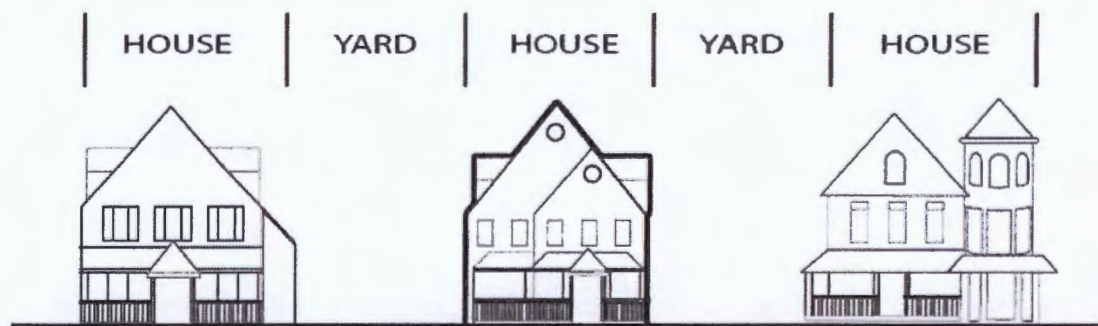
CORRECT RELATIONSHIP TO STREET

Orientation

The orientation of a building is the direction the primary facade faces. In Baltimore County, most historic buildings are oriented towards the street. However, in some cases a building may face the side yard, or front and side yard. Any infill development should respect the prevailing orientation of neighboring properties.

Scale

Scale is the relative or apparent size of a building in relation to neighboring properties. In the case of infill development, it refers to the size and proportion of the proposed structure and its individual elements. The size and proportions of façade elements such as doors, windows, porches and the like emphasize the vertical and horizontal dimensions of the façade. Exaggeration of these elements or a proposal for large picture or bow windows may not be appropriate in an historic district. In an infill project where more light is desired, or where a view from the house is a consideration, the 'ganging', or grouping, of windows compatible in scale and proportion with neighborhood windows should be considered. There are no precise proportions that determine a proper scale for window openings.

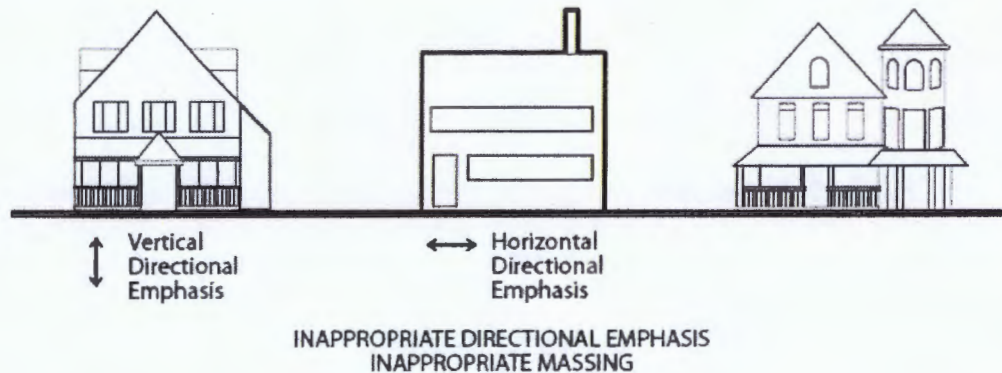


APPROPRIATE SCALE
APPROPRIATE COMPOSITION
APPROPRIATE MASSING

Additions & Infill

Rhythm and Massing

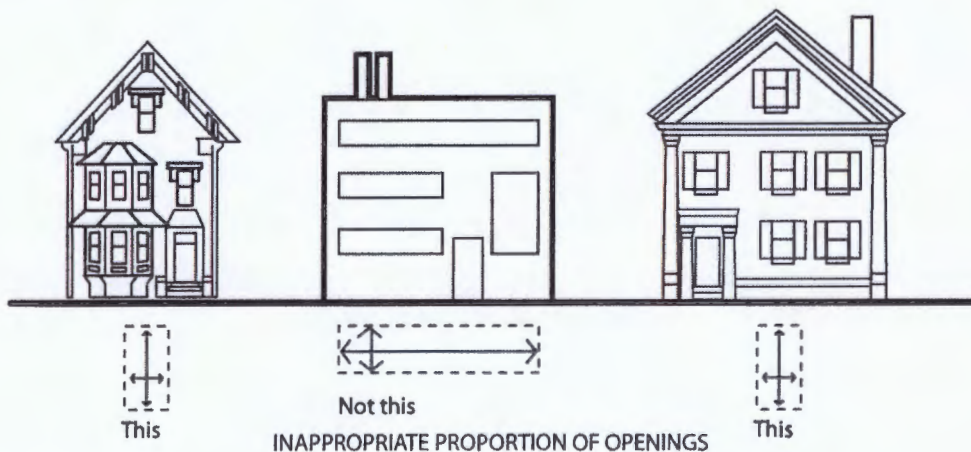
The spacing of repetitive façade elements such as porches, windows, doors, steps and the like establish the rhythm of the street. Massing is affected by the height, width and depth and the articulation of a building's façade projections such as porches and steps and roof projections like dormers and towers. Both rhythm and massing contribute significantly to the street character. Infill development should respect the existing rhythm and massing patterns of the street.



Height

The height of walls, cornices, roofs and chimneys contribute to the character of existing buildings and districts. A new structure should be constructed in a manner that respects the prevailing heights of buildings in the area. For example, in a community where the usual height of buildings is 2 ½ stories, infill development should be the same. Typically, if a new building is more than a story higher or lower than existing buildings, it will be out of character.

The perceived height of a building is also influenced by the relationship of its first floor elevation or first floor to the ground plane, and by its ceiling heights and roof pitch. Accordingly, infill development should be constructed at a similar relationship to grade with ceiling heights similar to structures in the immediate vicinity. Windows and door openings should be compatible in size, proportion and scale with those of the neighborhood. The roof shape and pitch of a new building should respect those in the immediate neighborhood. For example, in an historic district where gable roofs predominate, a new building with a hipped-roof would probably not be compatible. Infill dwellings that loom over the community's historic homes are generally not appropriate.



Design and Materials

When designing a new building in a County Historic District or within the bounds of an Historic Environmental Setting (HES) the architectural style of structures in the community, should be considered. In the case of a proposed new structure within the HES, the style of the Landmarks should be considered.

Most historic buildings do not have an attached garage. Garages on new buildings should therefore be located on a façade not visible from the street – ideally the side or the rear, or in a separate structure placed at the rear of the lot.



The garage shown here compliments the historic structure.

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Fences & Landscape

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Landmarks Preservation Commission (LPC) approval is necessary if an owner proposes the construction or removal of a fence, a wall, steps or any secondary structure or hardscape (walkways, driveways, etc) within the bounds of a County Historic District or within the boundary of an Historic Environmental Setting of a Landmarks structure. Plant materials, such as trees, shrubs and other plantings are not within the purview of the LPC.



Trees were commonly planted to give the new suburbs a park like feel.

The same holds true for secondary structures such as carriage houses, garages, sheds and other types of construction. In County Historic Districts all secondary structures are part of the whole and must be evaluated as such. On landmark properties, significant character defining buildings are frequently listed in association with the landmark and are subject to the same level of review as the principal structure.

In Baltimore County, most existing historic landscapes are found in residential or rural residential areas; few are associated with governmental, commercial or institutional buildings. Landscape design and taste regarding landscape features have evolved over the past two hundred years. During the first



half of the nineteenth century, native flowers, shrubs and ornamental trees were commonly used in landscape design. The plantings were located to add depth, design, color and focus to views to and from the main building. Property lines were often planted to separate a property from its neighbors.

The landscape design, trees and shrubbery used, contribute greatly to the character of historic properties.

The layout of the land, the landscape design, trees and shrubbery used, fences, walls, gateways, driveways, vistas and open spaces all contribute to the character of historic communities and structures.

Fences & Landscape

Any proposed alteration to historic landscapes, landscape features and secondary buildings should be designed in consideration of the affect of the change on the character of the existing main building, its property and on the community.

In the latter half of the nineteenth and early part of the twentieth century, the Victorian Garden landscape style became popular. It emphasized informal, or natural forms and groupings of plant materials. Shrubs and densely planted flowerbeds were often located close to the house to obscure the building's foundation and connection to the ground. Trees were commonly planted to give the new suburbs a park like feel.

Design of Landscaping, Landscape Features and Secondary Buildings

The landscape design of each historic district and property in Baltimore County is unique. Changes must therefore be evaluated on a case-by-case basis. Fences and secondary buildings will be evaluated differently in a County historic district than on a rural landmark property that is far apart from its neighbor. Some of the important issues related to historic landscaping, landscape features and existing or proposed secondary buildings are described in this section. Existing landscaping and landscape features in front and rear yards such as paths, driveways, sidewalks and curb cuts, walls and fences, or patios, terraces and decks, may have been altered or removed. New landscaping and landscape features may have been added. Similarly, existing secondary buildings such as garages and sheds may have been altered, removed or added and the alterations may have gained historic significance in their own right.



Emperor Hirohito gave this spectacular maple to Douglas MacArthur

Landscapes in front yards



Many stone walls also serve as retaining walls. They have a structural function in addition to their aesthetic appeal

The design of front yards is an important character-defining feature of historic buildings. The front yard establishes the context for a building and helps to relate it to its neighbors through the use of a common design and plant materials. While the Landmarks Preservation Commission has no purview over plant materials, the Commission does review fences, walls and the location of driveways and paths that are located within the bounds of a County historic district or within the Historic Environmental Setting .

Relocating a driveway, straightening a curved driveway or vice versa; or removing or changing the layout of a walkway is generally not appropriate in a County Historic District. Similarly, enclosing a front yard with a fence or wall, where previously no fence or wall existed, is rarely approved. This is especially true in County Historic Districts where an open landscape design is one of the character defining features.

Historic picket fences, wrought iron fences and stone-walls must be preserved. They cannot be removed, altered or replaced unless the property owner offers proof that the fence or wall is beyond repair, in which case the LPC will approve an appropriate replacement. Walls located in front yards are rare in Baltimore County. Where they exist, they contribute to the character of the property and the surrounding neighborhood. They are

generally constructed of stone, although some are built of brick. In addition to the materials used, the profile of the mortar joints and the type of coursing contributes to the character of the wall. The design, placement, and materials of a new wall are subject to LPC approval and may require a building permit.

The placement, width, design and materials of curb cuts are regulated by County code. The Baltimore County Department of Permits and Development Management must approve any changes to existing curb cuts or the addition of new ones.

Fences & Landscape

Landscape features in rear yards

Fences and walls in rear yards may define property lines. They may provide privacy and security for children and pets. The LPC generally approves fences that are of an appropriate design, material, height and location. In the rear yards of historic districts and individually listed structures, picket and split rail, wrought iron or aluminum fences will be approved if in keeping with the community character. Chain-link and vinyl fences are not suitable in a County historic district or on a Landmark property. A stockade fence may be appropriate in areas not visible from the public right-of-way.



Where no previous fences existed, new fences should be located at or behind the front façade line of the historic structure.

Unless the property has a historic fence or wall, or is located in a community where fences prevail, fences should be located at or behind the front façade line of the historic structure. The type and height of the fence may vary depending on its location on the property. Fences visible from the public right-of-way should be of an appropriate aesthetic quality and should, as a rule, not exceed 42 inches in height. In areas that are not visible, a greater height may be approved. It should be noted that height and setback of fences are regulated by the County Code and may require a permit from the Department of Permits and Development Management.

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Decks and Patios

Most decks and patios in Baltimore County are not original. Rather, they were added after World War II when outdoor living became popular. In most cases they are located in rear yards, although some can be found in side yards. As a rule, decks and patios do not contribute to the character of a property or its neighborhood. New decks and patios should ideally be located in the rear yard and designed in a manner that is compatible with the principle structure and landscaping. The LPC is generally less stringent in its review of decks and patios because they are considered to be reversible. Decks require a building permit.

Terraces

In the foregoing, the term 'patio' is used to describe a roofless, paved open area which does not contribute to the historic character of a property. A patio may be situated in the rear or side yard of a property. With the exception of historic structures in the Spanish Colonial Revival Style and twentieth-century Modern structures designed with outdoor open spaces, patios are not, typically historic.

However, in popular usage, the terms 'patio' and 'terrace' are sometimes used interchangeably. The important issue, for LPC purposes, is whether the 'patio' or 'terrace' in question is original or an early addition to an historic property and essential to its historic character. In such cases patios or terraces are considered 'historic' and are subject to LPC review. Changes in the layout, configuration or details of construction of such historic patios or terraces may not be undertaken without LPC approval. Likewise, their demolition in whole or in part may not be undertaken without LPC approval.

The term 'terrace' is used herein to describe a raised, roofless, paved open area belonging to a historic structure which does contribute to the historic character of the structure. A terrace may be raised only slightly from grade, or may be situated at a higher elevation, for example, at the level of the main floor of a structure. It may be contiguous with the structure or connected to it by means of a walkway or walkways. A historic terrace or historic patio may be unbounded or bordered by a low wall, a colonnade or other defining architectural element and it may be located at the front, side or rear of a structure.

Since terraces and historic patios are understood here, by definition, to contribute to the historic character of a landmark property, they may not be removed or altered in form or material without LPC approval. Should any of the architectural elements of such a terrace or historic patio be deteriorated, it is strongly recommended that they be repaired rather than replaced. Should such repair be deemed impracticable or impossible, the owner should offer evidence of such a condition and propose repair with in-kind materials. The LPC will look with favor on repair with in-kind materials when repair of the original materials is impracticable or impossible; for example, an owner may expect LPC approval of a proposal to repair damaged paving brick, stone or tile with material as identical as possible to the historic material. In general, a proposal for replacement of historic terrace elements should propose replacement materials which replicate the originals as nearly as possible in form, detail and material.

New garages should ideally be located in a separate free-standing building at the rear of the lot, or on a façade not visible from the street.

Garages, sheds and other accessory buildings

Garages and sheds are among the most frequently requested accessory structures on landmark properties and in historic districts. Generally, an historic building would not have had an attached garage. Sheds likewise, should be located in an area not visible from the public right-of-way and should be of a size compatible with the principal structure. Large metal sheds, or container storage facilities, are not compatible in a residential historic district. Additionally, accessory structures should be constructed of materials compatible with the principle dwelling and incorporate some of its design characteristics.

Landmarked rural properties typically have numerous accessory buildings; for example, a tenant house, ice-house, barn and corncrib. These secondary structures are part of a farmstead and should not be removed or altered.

The LPC routinely approves swing sets, slides, trampolines, play and tree houses, except in cases where they are unreasonably large. Homeowners who abide by the law and present their plans to the LPC prior to constructing accessory structures on their historic property will find the Commission helpful in guiding them towards an appropriate design.



The LPC found this tree house to be incompatible with the historic community character.

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Apron	The molding or casing under a window sill.
Ashlar	A square-hewn stone; masonry constructed of such stones are laid in horizontal courses with vertical joints.
Baluster	Vertical member supporting a railing.
Balustrade	An assembly consisting of a railing or capping supported by a series of balusters.
Bargeboard	Wood trim along the edge of a gable, scroll- cut to emulate Gothic tracery.
Batten	A small strip of wood.
Bevel	A line or surface that meets another at any angle other than a right angle.
Bond	The setting pattern of bricks or stones, such as common bond, Flemish bond, etc.
Bracket	Small projections built out from the wall to support the eaves of the roof, can be ornate.
Broken Range	Horizontal courses of varying heights, any one of which may be broken at intervals into one or more courses.
Casement	A window that opens out from hinges on its side.
Casing	The exposed architectural trim or lining around a wall opening.
Clapboard	Overlapping horizontal wood boards covering a timber-framed wall.
Cleavage Plane	A relatively smooth surface along which certain rocks will tend to split.
Certificate of Appropriateness	Documentation issued by the Commission indicating its approval for plans for construction, reconstruction, alteration, moving or demolition of an historic resource.
Colonial Revival	Very popular late 19th and 20th century styles recalling historic styles such as the French Colonial, German Colonial, Dutch or Southern Colonial styles. Elements of the style are still with us in high-styled subdivisions.
Common Bond	A brickwork bond having a course of headers between every five or six courses of stretchers.
Coping	A finishing or protective course to an exterior wall usually sloped or curved to shed water.

Glossary

Corbel	Multiple bricks or stones projecting successively from a wall plane to support the structure above.
Cornice	A horizontal molding projecting along the top of a wall.
Course	A continuous, usually horizontal range of bricks, tiles, or shingles as in a wall or roof.
Cresting	A carved, incised or perforated repeating design along the top of a wall or roof.
Cross-Gable	Two pitched roofs, such as two gabled roofs, which cross at a right angle, for example, to cover an L-shaped or crossed-shaped plan.
Dentil	One of a series of closely spaced, small, rectangular blocks installed along and under the projecting cornice of Classically detailed buildings.
Double-hung window or sash	A window with two vertical sliding sash, each closing half of the window opening.
Dormer	A roofed structure with a vertical window that projects from a pitched roof.
Dutch Colonial Revival	A house style reminiscent of the Colonial dwellings popular in New Jersey and Long Island after 1750. The style is usually characterized by a gambrel roof, sometimes with extended eaves.
Eave	The horizontal, lower part of a roof that projects beyond the wall; the horizontal edge of a flat or pitched roof.
Elevation	A scale drawing of an exterior or interior wall of a building.
English Bond	A brickwork bond having alternate courses of headers and stretchers in which the headers are centered above and below a stretcher.
Eyebrow window	A low dormer window over which the arched roofline forms a reverse curve at each end, presenting the outline of an eyebrow.
Façade	The main exterior wall of a building, usually at the front or entry wall.
Fascia	Any long, flat horizontal band or member.
Fanlight	An arched window over the main entrance, often with radial muntins suggesting a fan.
Fieldstone	Rough, natural stone used in the uncoursed construction of walls and foundations.

Finial	An ornamental spire often used at the top of roof peak on Gothic Revival houses.
Flashing	Pieces of sheet metal or other thin impervious material installed to prevent the passage of water into a structure from an angle or joint between materials.
Flemish Bond	A brickwork bond having alternating headers and stretchers in each course, each header being centered above and below a stretcher.
Gable	The upper part of an exterior wall under the end point of a roof ridge. The term 'gabled roof' describes a roof made up of two, sloping planes meeting at a ridge.
Gambrel	A roof with two pitches on each side of the ridge line.
Grade	The ground surface level, e.g. 'at grade'; 'sloping grade'.
Head	The horizontal top member of a door or window frame.
Header	The short end of a brick when exposed in a wall. Also a structural member across an opening.
Hipped Roof	A roof with slopes on all four sides. The hips are the lines of meeting of the slopes at the corner.
In-kind	Replacement of building components matching the original components in material, size, profile, texture, and color.
Interstitial	Forming an intervening space.
Jamb	Either of two vertical side pieces of a door or window frame.
Lath	Thin strips of wood spaced close together and attached to a structural surface to provide for the attachment and support of a plaster finish; wire mesh ('metal lath') or especially-made composite board is also commonly used for this purpose.
Light	A pane of glass installed in a window sash or door.
Lintel	A horizontal structural member that spans an opening, for example a window lintel.
Mansard Roof	A roof with two slopes to all four sides, the lower one being much steeper than the upper.
Mass	The bulk or three-dimensional size of an object.

Glossary

Massing	Combination of several masses to create a building volume; organization of the shape of a building, as differentiated from wall treatment, fenestration, etc.
Mission	An early 20th-century style looking to the historic Spanish California missions for architectural inspiration.
Modillion	A small bracket used in a series to support the uppermost part of a classical cornice, usually found in the Corinthian or Composite Order.
Molding	Wood that has been milled into special shapes and designs for use as trim.
Mortise	A hole cut into a piece of wood to receive a tenon or tongue shaped at the end of another piece of wood. The resulting fit is called a mortise and tenon joint.
Mullion	A vertical member separating windows, doors or panels set in series; often used for structural purposes.
Muntin	A slender member separating panes of glass in a window sash.
Nogging	In timber frame construction, the material used to fill the space between the structural members in the exterior wall.
Palladian Window	A three-part window consisting of a prominent center arched window unit, flanked by two smaller trabeated windows.
Pantiles	A roofing tile having an S-shaped cross section, laid so the downturn of one overlaps the upturn of the next in the same course.
Parapet	A low guarding wall at the edge of a roof or balcony; the portion of a fire wall or party wall above the roof level.
Pediment	In classical architecture, the triangular gable end of a roof above a horizontal cornice. In a door frame, a broken pediment is a triangular door top that is interrupted by an opening surrounding a decorative element, such as a pineapple.
Pent Roof	A shed roof projecting from a wall or the side of a building, for example, to shelter a door.
Pergola	A garden structure with an open wood-framed roof, often latticed.
Pilaster	A flat or rounded vertical 'columnar' element applied to the wall, either to provide structural resistance to compressive forces or as a decorative feature, or both; pilasters are also referred to as 'attached columns'. Pilasters which are used in arrangements, where detached columns are present will typically replicate the columns in their decorative elements, for example, in their bases and capitals.

Pitch	The degree of slope of a roof.
Porte-Cochere	A projecting covered structure, attached to the main building that provides shelter to arriving vehicle passengers
Portico	A large porch having a roof, often with a pediment, supported by columns or pillars.
Primary Spaces	Spaces that are essential in conveying the historic and architectural character of a building. Entrance hall and parlor; lobby and corridors are common examples of primary spaces.
Proportion	The relation of one dimension to another; in architecture, proportions determine the creation of visual order through coordination of shapes in a design.
Quoin	A masonry (or simulated masonry) unit applied to the corner of a building; often slightly projecting.
Queen Anne	In the United States, a flamboyant interpretation of the earlier English Queen Anne style; popular from about 1880 through 1910.
Rake	The slope or pitch of a sloping roof; also used to describe the sloping edge of a roof (as opposed to 'eave', which refers to the level edge of a roof).
Rhythm	In architecture, the repeated pattern of building elements such as doors and windows.
Ridge, Ridge Line	The horizontal line formed by the juncture of two sloping roof planes.
Rustication	The emphasis on masonry joints by beveling, chamfering, or rounding the exposed edges of stones often at foundation walls and quoins.
Sash	The movable framework holding the glass in a window.
Scale	The relationship between the apparent size of a human being; in a drawing, a system of proportion by which precise magnitudes represent larger magnitudes, usually the life-size dimensions of a building.
Secondary Spaces	Spaces which because of size, location, or function have less of an impact when progressing through the building. They are usually more simple spaces with restricted access – such as offices or bedrooms.
Second Empire	Eclectic Victorian style derived from the French architecture associated with Napoleon's Second Empire (1852-70). Often elaborate and ornate, it is most noted for the Mansard roof.

Glossary

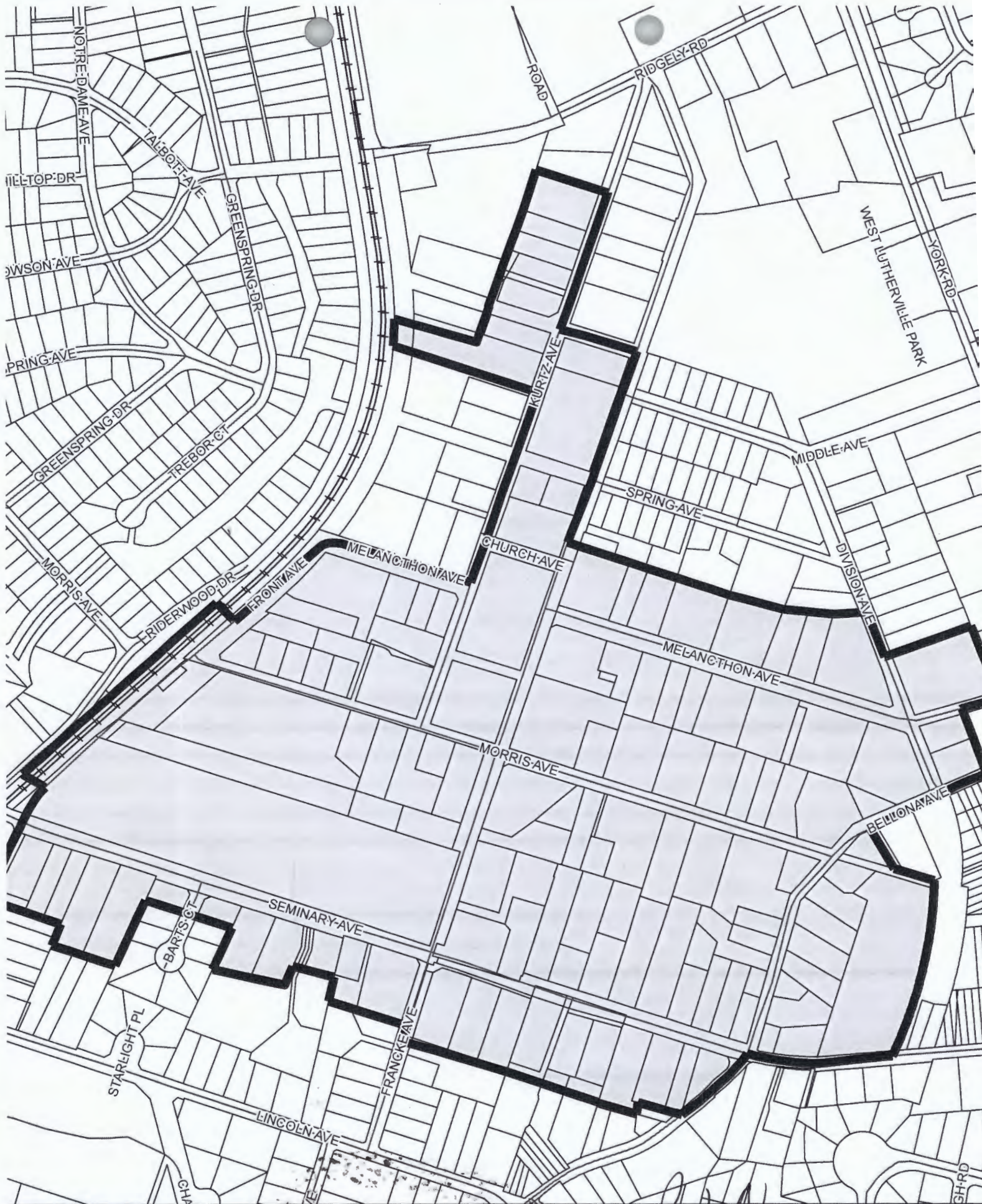
Shake	A wood shingle split from a short log by hand.
Shingle	A thin usually oblong piece of wood, asphalt, slate, metal, or concrete, laid in overlapping rows to cover the roof and walls of a building.
Sill	The horizontal lower member of a window or other frame.
Sidelight	A framed area of fixed glass alongside a door or window opening.
Soffit	The surface on the underside of an architectural feature; often in wood.
Spalling	The chipping or scaling of a hardened concrete or masonry surface caused by freeze-thaw cycles or the application of de-icing salts.
Spanish Colonial Revival	Early 20th century style using elements of Spanish Colonial Architecture.
Stile	Any of various upright members framing panels, as in a system of paneling, a paneled door or window sash.
Stretcher	A brick laid with the long side visible in the finished work.
String Course	A horizontal course of masonry or wood trim which projects from a wall.
Stucco	A lime and sand plaster finish on an exterior wall.
Stud	One of a row of posts to which laths boards are nailed to form room partition.
Tenon	Tongue or lip cut on a piece of wood to fit into a mortise.
Terra Cotta	Fired but unglazed clay mainly used as wall covering and ornamentation on building exterior as it can be fired in molds.
Trabeated	The adjective describing a building constructed on the post-and-lintel principle, as in Greek architecture.
Transom	A glazed opening, often operable, directly over an exterior or interior doorway intended for day lighting and ventilation
Tudor Revival	A masonry or stucco style that recalls the English architecture of the Tudor period (1485-1588) featuring steep roofs, cross gables, and massive chimneys; sometimes referred to as Elizabethan Revival.
Valley	The intersection of two roofs of different angles or pitch.
Vernacular	A mode of building based on regional forms and materials.

Veneer	A thin outer layer of better quality wood or other material on the outside of a more economical base material.
Verge Board	A wide board fastened on the edge below the slope of the roof on the gable end, often carved or scroll-sawn in ornamental tracery.
Wainscoting	A decorative band of material along the lower part of an interior wall, the upper edge of which is usually at about waist height. May be of any material, such as wood, finished stone, plaster or an even decorative paint treatment.
Water Table	A horizontal course of masonry or wood trim separating the foundation walls from the exterior walls above.

For additional information please contact the Preservation Services Division of the
Baltimore County Department of Planning :: 410-887-3495 ::

Please visit our website

www.baltimorecountymd.gov/agencies/planning/historic_preservation



LUTHERVILLE



— Baltimore County Historic District Boundary □ Parcel Boundaries

—+— Rail

0 100 200 400 Feet

Eva Castillo

6033 Majors Lane, Apt 6, Columbia MD 21045
(C) 757.581.7595 (E) evamariecastillo@gmail.com

Summary

Highly motivated Architect with 12 years of experience in residential architecture design. Deadline-driven and motivated to promote client satisfaction. Versed in overall design elements including plans, elevation and sections for residential structures.

Highlights

- Registered Architect in the state of Maryland.
- Strong conceptual and schematic design skills
- AutoCAD
- Google Sketch Up
- LEED AP

Accomplishments

- Licensed Architect in the State of Maryland
- Project manager of first LEED Platinum Home in the State of Maryland

Experience

09/2003 - Current **d w taylor Associates - Ellicott City, MD**
Position: Project Manager-Registered Architect
Manage projects that range from small detached garaged to ~10,000 Sqft Single family homes

Oversee projects from Programing & Schematic Design Phases to end of Construction Administration Phase.

Education

2003

University of Maryland-College Park - College Park, MD, USA
Bachelor of Science: Architecture

Ref No 8

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802047200			
Owner Information					
Owner Name:		MATHEWS WILLIAM H		Use: Principal Residence:	RESIDENTIAL NO
Mailing Address:		211 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321		Deed Reference:	/23161/ 00282
Location & Structure Information					
Premises Address:		211 MELANCTHON AVE LUTHERVILLE TIMONIUM 21093-5321		Legal Description:	LT 74 PT 85 211 MELANCTHON AVE LUTHERVILLE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0351		0000	74 2014
Special Tax Areas:				Town: Ad Valorem: Tax Class:	NONE
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1903		2,430 SF			1.4300 AC
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	1/2 STONE FRAME	1 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		219,000		219,000	
Improvements		156,100		66,600	
Total:		375,100		285,600	
Preferential Land:		0		285,600	
Transfer Information					
Seller: MORRIS CAROL LYNN		Date: 01/03/2006		Price: \$660,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /23161/ 00282		Deed2:	
Seller: BLAKER OLIVER F		Date: 06/04/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12209/ 00544		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Denied					

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.

Rel No 7

Floor Area Ratio Computations for Morris Avenue 200-216

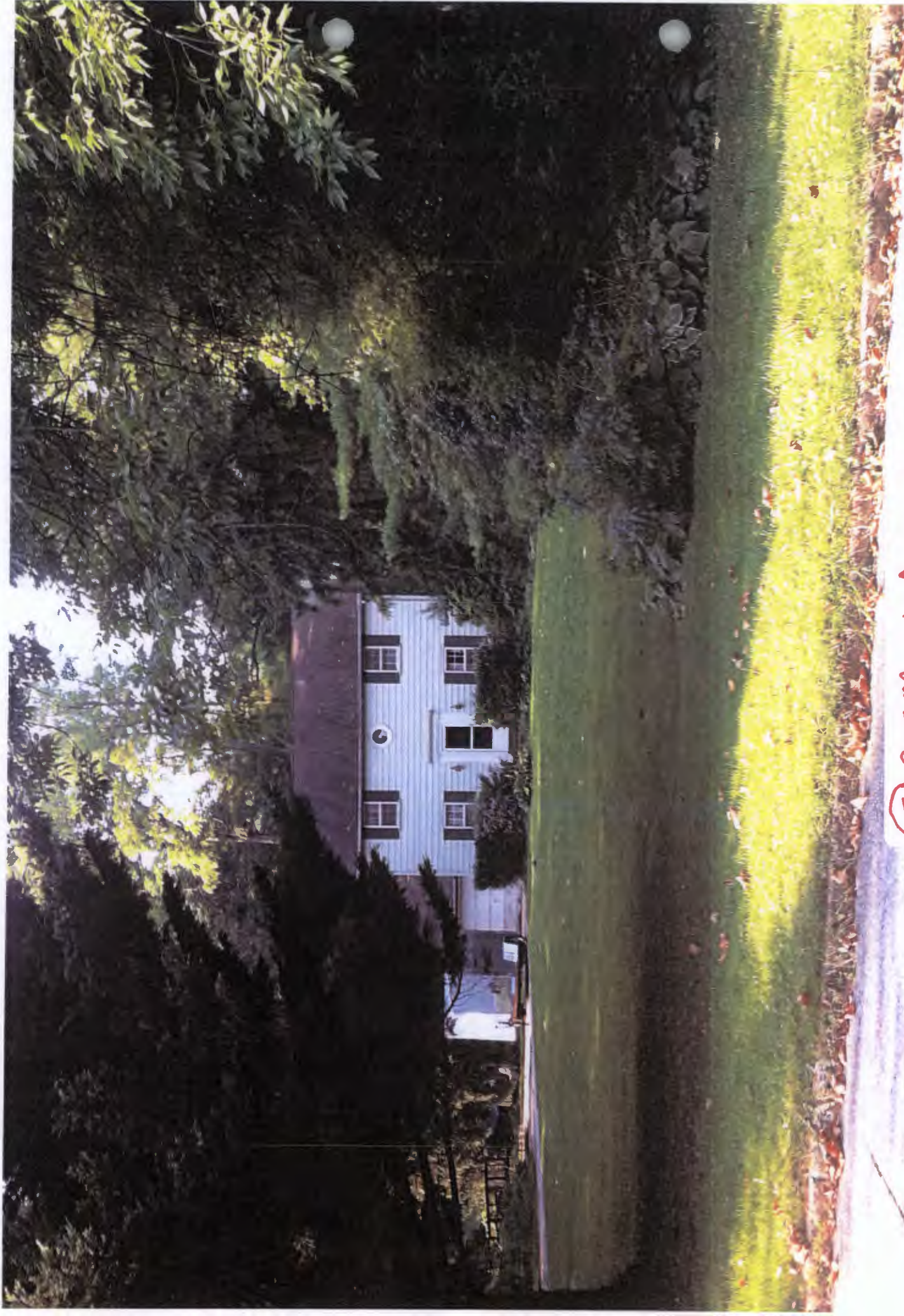
Address	House/Lot*	Floor Area Ratio
200 Morris Avenue	3211/35719	9%
204 Morris Avenue	2208/24829	9%
206 Morris Avenue	1528/14189	11%
208 Morris Avenue	2530/22216	11%
210 Morris Avenue	2060/21696	9.5%
212 Morris Avenue	2971/27007	11%
214 Morris Avenue	4295/43124	10%
216 Morris Avenue	2189/20995	10.5%

*All dimensions are shown in square feet

let No 10



② 219 Morris Avenue



③ 213 Morris Avenue



(3) 213 MORRIS AVENUE

④ 214 Morris Avenue



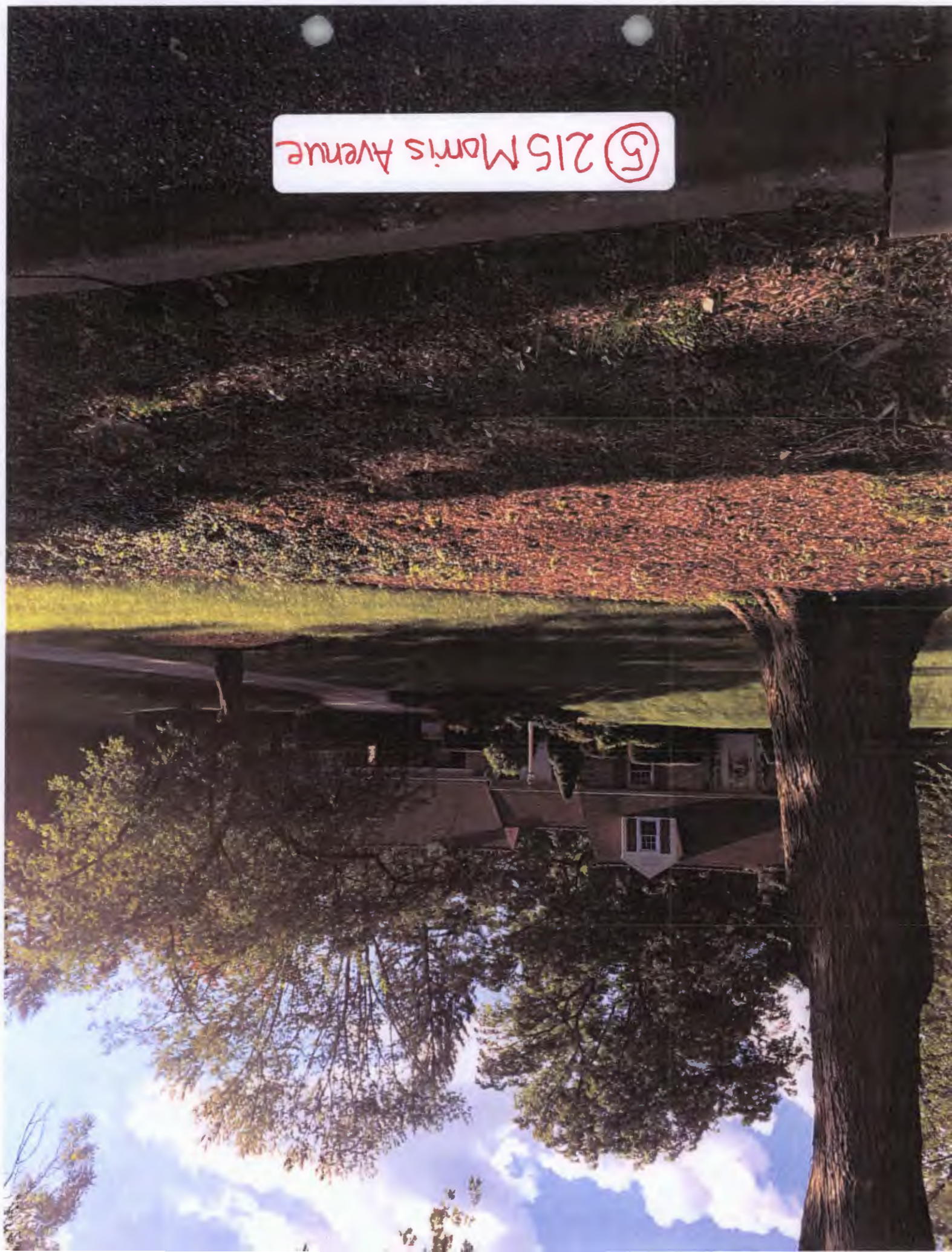


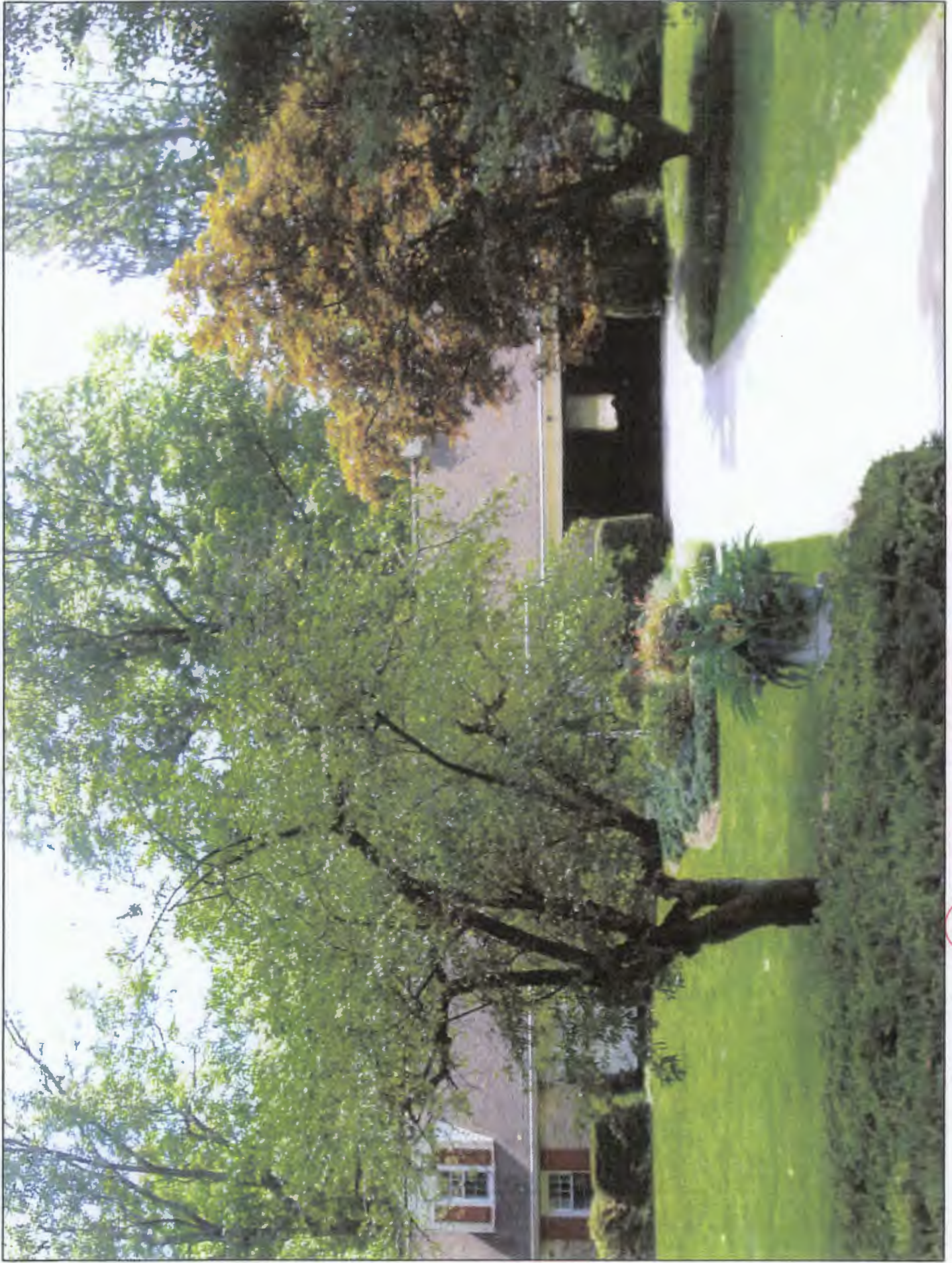
4 214 MORRIS AVENUE



⑤ 215 Morris Avenue

⑤ 215 Morris Avenue





5 215 MORRIS AVENUE



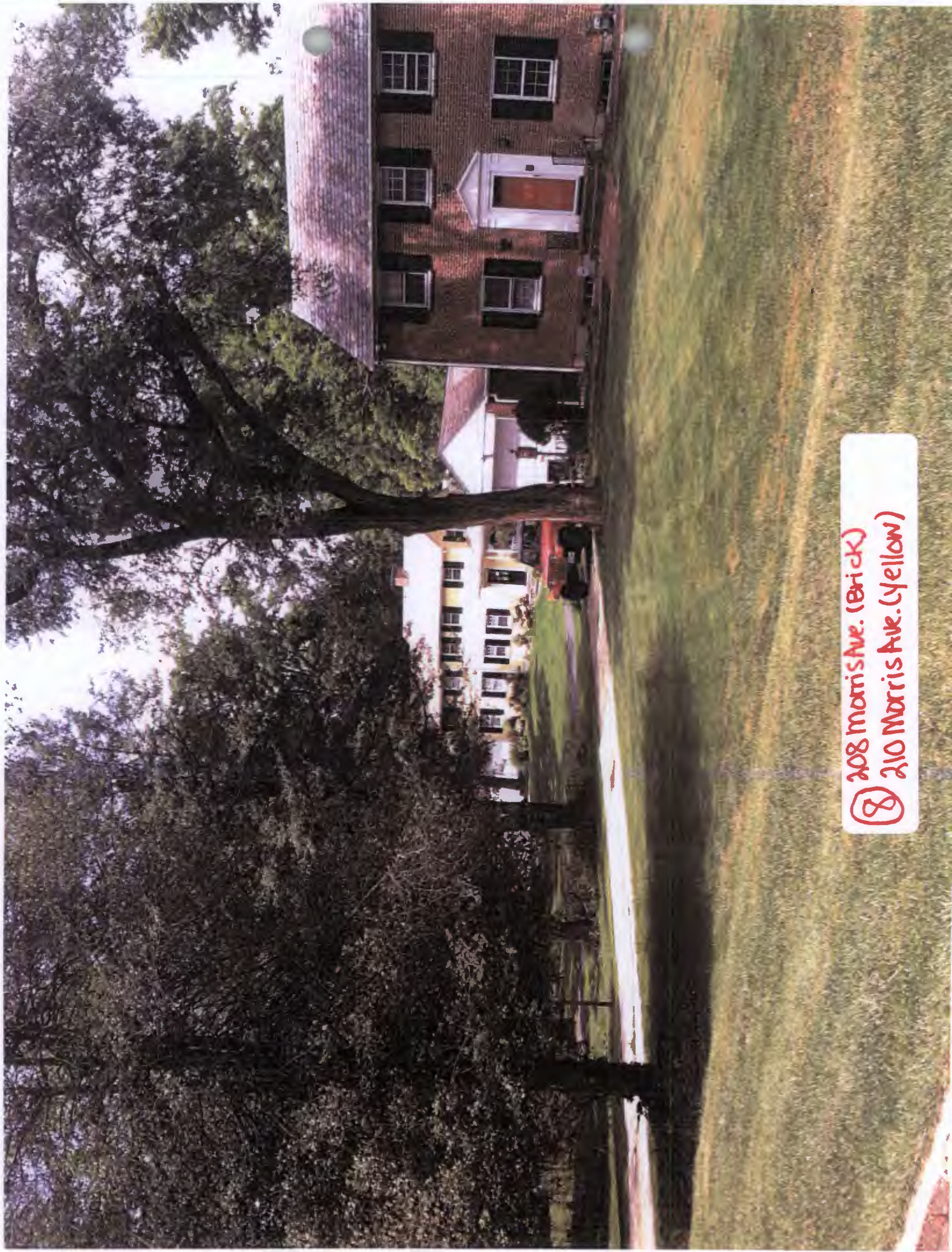
@ 219 Morris Avenue



(6) 219 MORRIS AVENUE



(7) 216 MORRIS AVENUE



⑧ 208 Morris Ave. (Brick)
210 Morris Ave. (Yellow)



9210 Morris Avenue



⑩ 206 Morris Avenue



⑪ 204 Morris Avenue



⑫ 212 Morris Avenue



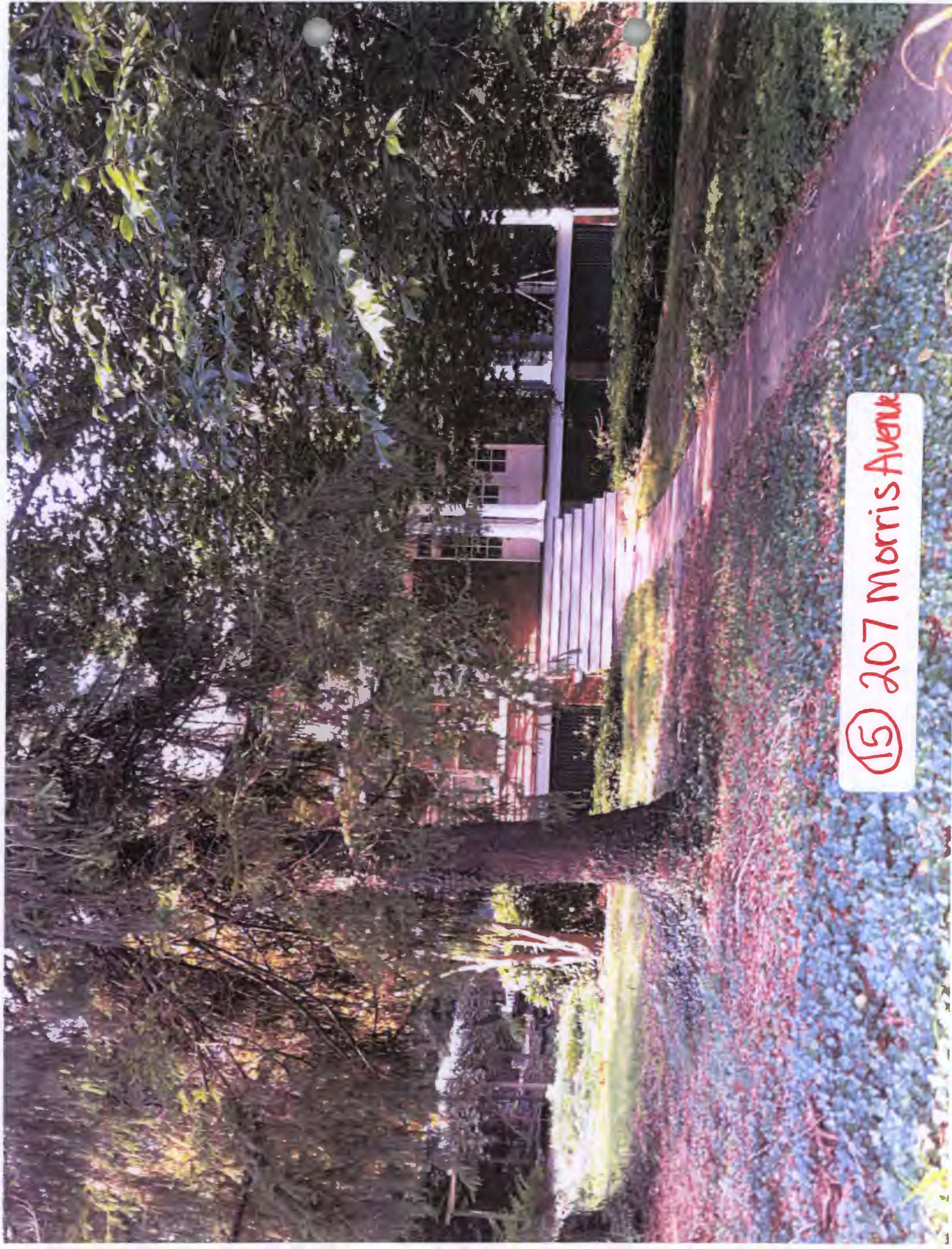
⑬ 200 Morris Avenue



⑬ 200 Morris Avenue



①④ 201 Morris Avenue



⑮ 207 Morris Avenue



(15) 207 Morris Avenue



⑪ 1511 Francke Ave.

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)

Form 10-300
(July 1969)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Type all entries - complete applicable sections)

STATE: Maryland	
COUNTY: Baltimore	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

1. NAME					
COMMON: Lutherville Historic District					
AND/OR HISTORIC: Lutherville					
2. LOCATION					
STREET AND NUMBER: North of I-695, West of York Road, South of Ridgely Road, East of Lutherville-Riderwood Drive					
CITY OR TOWN: Lutherville					
STATE Maryland		CODE 24	COUNTY: Baltimore		CODE 005
3. CLASSIFICATION					
CATEGORY (Check One)		OWNERSHIP		STATUS	ACCESSIBLE TO THE PUBLIC
☒ District ☐ Building ☐ Site ☐ Structure ☐ Object		☐ Public ☐ Private ☒ Both		☒ Occupied ☐ Unoccupied ☐ Preservation work in progress	Yes: ☒ Restricted ☐ Unrestricted ☐ No
PRESENT USE (Check One or More as Appropriate)					
☐ Agricultural ☐ Commercial ☐ Educational ☐ Entertainment		☐ Government ☐ Industrial ☐ Military ☐ Museum		☐ Park ☒ Private Residence ☒ Religious ☐ Scientific	☐ Transportation ☐ Other (Specify) _____ _____ _____
4. OWNER OF PROPERTY					
OWNER'S NAME: Multiple Private and Public Owners					
STREET AND NUMBER: 					
CITY OR TOWN: 		STATE: Maryland		CODE 24	
5. LOCATION OF LEGAL DESCRIPTION					
COURTHOUSE, REGISTRY OF DEEDS, ETC: Baltimore County Courthouse					
STREET AND NUMBER: Washington Avenue					
CITY OR TOWN: TOWSON		STATE: Maryland		CODE 24	
6. REPRESENTATION IN EXISTING SURVEYS					
TITLE OF SURVEY: Maryland Register of Historic Sites and Landmarks					
DATE OF SURVEY: 1972 ☐ Federal ☒ State ☐ County ☐ Local					
DEPOSITORY FOR SURVEY RECORDS: Maryland Historical Trust					
STREET AND NUMBER: 2525 Riva Road					
CITY OR TOWN: Annapolis		STATE: Maryland		CODE 24	

SEE INSTRUCTIONS

 STATE: Maryland
 COUNTY: Baltimore
 ENTRY NUMBER: 2418
 FOR NPS USE ONLY

7. DESCRIPTION	
CONDITION	(Check One) ☐ Excellent ☒ Good ☐ Fair ☐ Deteriorated ☐ Ruins ☐ Unexposed
	(Check One) ☐ Altered ☒ Unaltered (Check One) ☐ Moved ☒ Original Site
DESCRIBE THE PRESENT AND ORIGINAL (If Known) PHYSICAL APPEARANCE	
Lutherville Historic District is located north of the Baltimore Beltway (Interstate 695), west of York Road, south of Ridgely Road and east of Riderwood-Lutherville Drive. The district is an irregularly shaped urban entity bounded by the streets and lot lines hereinafter cited. The district is bounded on the south by the north side of I-695, the Baltimore Beltway, by the northwest side of Bellona Avenue, by the south side of Lincoln Avenue, by the southeast and east lot lines on the southeast side of Bellona Avenue, by the south side of Seminary Avenue, by the east side of the lot of the Chapel of the Redeemer and the other east lot lines on the east side of Bellona Avenue, by the south side of Bellona Avenue, by the east lot lines on the east side of North Avenue, by the north side of Middle Avenue, by the east side of Division Avenue, by the north side of North Avenue, by the east side of Franke Avenue, by the northeast side of Division Avenue, by the north side of Ridgely Road and by the east side of Riderwood-Lutherville Drive. 1852 - see notes page 1852 Founded in 1855, Lutherville began as a mid-nineteenth-century summer resort and suburb of Baltimore City. One-family dwellings on large lots characterize the community, and tree-lined streets, laid out on a grid pattern, still lend it a quiet, rural atmosphere. Most of the structures pre-date World War I, although ranch-type and "colonial" houses have appeared in the past three decades. The new construction, so far, has not altered or infringed upon the nineteenth-century character of the district. Just east of the western boundary of Lutherville, along Riderwood-Lutherville Drive, run the tracks of the Pennsylvania Railroad. The completion of the railroad from Baltimore north to Lutherville in the mid-1850's spurred development of the area by providing easy access to the city. Eighty structures of architectural merit stand in Lutherville. Most of these are houses, but there are a few churches and a stone railroad station. The following examples typify the character of Lutherville: <u>Oak Grove, 313 Morris Avenue (1852) 64</u> This house, an example of the Gothic Revival, was built as his own residence by the founder of Lutherville, and the founder of Female Seminary - Dr. J.G. Morris. It began as a symmetrical house, "T" shaped in plan, and was gradually expanded as the Morris family grew. The first addition, connected directly to the original house, was a two-story wing extending to the south. A summer kitchen, added later to the north, was connected by a breezeway, now enclosed.	

(See Continuation Sheet)

SEE INSTRUCTIONS

SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- ☐ Pre-Columbian ☐ 16th Century ☐ 18th Century ☒ 20th Century
☐ 13th Century ☐ 17th Century ☒ 19th Century

SPECIFIC DATE(S) (If Applicable and Known)

1853 to the present (1972)

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|--|--------------------------------------|---|---|
| ☐ Aboriginal | ☐ Education | ☐ Political | ☒ Urban History History |
| ☐ Prehistoric | ☐ Engineering | ☐ Religion/Philosophy | ☐ Other (Specify) _____ |
| ☐ Historic | ☐ Industry | ☐ Science | _____ |
| ☐ Agriculture | ☐ Invention | ☐ Sculpture | _____ |
| ☒ Architecture | ☐ Landscape | ☒ Social/Humanitarian | _____ |
| ☐ Art | ☐ Literature | ☐ Theater | _____ |
| ☐ Commerce | ☐ Military | ☐ Transportation | _____ |
| ☐ Communications | ☐ Music | | |
| ☐ Conservation | | | |

STATEMENT OF SIGNIFICANCE

Lutherville, Maryland, is a nineteenth century residential community that has retained its original character while growing at a moderate pace. The village still conveys the rural atmosphere of its original plan as seen in its large lots and tree shaded streets.

Architecturally, Lutherville aptly expresses the rationale for an historic district: a geographical entity comprised of structures that individually have limited architectural merit but express a unity of scale and urban design when viewed ensemble.

The village contains examples of the dominant domestic American architectural styles. The Gothic Revival in the tradition of Andrew Jackson Downing and Calvert Vaux is represented in several dwellings among which is 313 Morris Avenue. Other styles include the octagon mode, 1708 Kurtz Avenue, the Second Empire Revival with its characteristic Mansard roof, at 308 Morris Avenue, Shingle Style (St. Paul's Lutheran Church), the Queen Anne style, at 200 Morris Avenue, and the Georgian Revival, at 1611 Francke Avenue. The genre architecture of the twentieth century is present in several bungalow style houses such as 1510 Bellona Avenue and a tract house at 1603 Front Avenue.

In 1852 two Lutheran clergymen, Dr. John Gottlieb Morris and Dr. Benjamin Kurtz, and a Lutheran layman, Charles Augustus Morris, founded the village and named it after Martin Luther. They laid out the streets in a grid pattern that radiated from the lot set aside for the Lutheran Church.

The founders named the streets in the village for Lutheran clergymen. Morris Avenue bears the name of Dr. Morris; Kurtz Avenue for Dr. Kurtz. Melancthon Avenue was named for Philip Melancthon, a sixteenth-century reformer who assisted Luther. August Hermann Francke, an early nineteenth century German educator, was remembered on Francke Avenue.

Dr. Morris planned the village as a residential setting for the Lutherville Female Seminary, a women's college, that he founded in 1853. At that time it was one of the few advanced education-

SEE INSTRUCTIONS

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Recorders: Rodd L. Wheaton, A.I.A., 127 West Lafayette Avenue,
Baltimore, Maryland 21217

Nancy Miller, Maryland Historical Trust, 2525 Riva
Road, Annapolis, Maryland 21401

Sources:

Baltimore County Land Records. Baltimore County Courthouse,
(See Continuation Sheet)

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY				LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES			
CORNER	LATITUDE			LONGITUDE			
	Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
NW	39	25	43	76	37	39	
NE	39	25	49	76	37	08	
SE	39	24	52	76	37	12	
SW	39	25	09	76	38	12	

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: 276.53 acres

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE: Nancy Miller, Historian and Rodd L. Wheaton, A.I.A.		DATE July 14, 1972
ORGANIZATION Maryland Historical Trust		
STREET AND NUMBER: 2525 Riva Road		
CITY OR TOWN: Annapolis	STATE Maryland 21401	CODE 24

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National ☐ State ☒ Local ☐

Name Orlando Ridout IV
Orlando Ridout IV

Title State Liaison Officer for Maryland

Date July 17, 1972

NATIONAL REGISTER VERIFICATION

I hereby certify that this property is included in the National Register.

Chief, Office of Archeology and Historic Preservation

Date _____

ATTEST:

Keeper of The National Register

Date _____

SEE INSTRUCTIONS

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Continuation Sheet)

STATE Maryland	
COUNTY Baltimore	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

(Number all entries)

7. DESCRIPTION continued

The original house, constructed of stone and sheathed in narrow, flush, vertical siding, indicates the mid-nineteenth-century interest in the Gothic Revival style as being suitable for the residence of a clergyman.

Its front (west) facade is symmetrical with a central gable, lower than the main roof ridge, flanked by gabled dormer windows which extend below the eaves of the main roof and project beyond the walls with the window sills supported on brackets with pendants. The dormers have pairs of three-light casement sash similar to the casements of the central gable which latter open inward.

Openwork scalloped vergeboards, flush with the fascia boards of the rakes, ornament the front central gable with its apex finial, the dormer-gables and the end-gables of the side elevations. A pair of corbeled cap chimneys at the roof ridge flank the central gable.

At the first floor level pairs of elongated casements, or French doors, flank the front (west) entry with its paneled, double door. The sidelights, as do the windows, have full length, paneled shutters. All open onto the one-story front porch, the length of the main house. The shed roof of the porch is supported on chamfered columns which have corner brackets at the eave fascia. The columns flanking the front steps are doubled with an "X" replacing the center brackets.

The south elevation of the main house has an oriel-type bay window with an elongated pair of casements being flanked by similar single casements at each angled elevation. Above a moulded mullion, square quatrefoil panels repeat the casement mullion spacing. At the second floor level a typical casement window with louvre blinds has above it a cast iron roundel attic vent seen in the apexes of the highest gables including the east facade with its large single gable having one second floor window and a low, stair landing, window above a simplified, shortened version of the front porch. Two windows with casements flank the sidelighted, double door entrance, which opens nearly onto grade.

This rear (east) facade, now the main entrance from the driveway, is even more noticeably asymmetrical with the addition of the two-story, gabled wing to the south and is characterized at the original front (west) facade with an off-center attic gable, perpendicular to the main roof slope, over the two window bays balanced by a shed roof dormer which extends well below the eaves. The windows of this wing are double hung, sliding sash

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7. DESCRIPTION continued

with a wide center muntin imitating the casements of the older house. Louvre blinds are hung awkwardly at the second floor wing windows within the gable, while paneled shutters are hung at the first floor windows.

The opposite wing is a two-story block with a shallow sloped shed roof which provides a full second floor area. The highly architectural west facade modillioned cornice and the two vertical bays suggest a misplaced urban, rowhouse. Six-over-six sash fill the window openings.

In plan there are two rooms, the parlour and dining room, on either side of the central hall at the front (west) of the original house. The hall extends to the rear (east) entrance between the kitchen and stair hall in the stem of the "T" shape.

Similar to several Gothic Revival houses in this region, the interior woodwork is of simplified classic revival detail. All the mantels are Greek-Revival in character with those of the first floor being of marble with flat, unmoulded pilasters supporting unmoulded frieze sections and mantel shelves. At the second floor of the main house fine "dog eared" crossette architrave mantelpieces front the chimney breasts. The staircase has turned balusters, turned newels and moulded rail.

Octagon House, 1708 Kurtz Avenue (1856) 66

Done in what Marcus Wiffen has dubbed "the octagon mode," this is the only example of a style of architecture that gained wide currency throughout the United States in the mid-nineteenth century. Dr. Owen S. Fowler, a Hudson River phrenologist, promoted the style in A Home for All (1854) and in an article in the popular Godey's Magazine & Ladies Book (1855). The Lutherville octagon followed the plans published in the magazine.

The eight-sided house was constructed of "grout or gravel" walls, another of Dr. Fowler's ideas. All the walls in the house were cast in place out of an early form of concrete consisting of mud with lime, to hold it together, and rocks. As a result the walls are eighteen inches thick.

The octagon house has a low-pitched hipped roof. The windows have the elongated proportions characteristic of Greek Revival style with four-over-four lights at the second floor and four-over-six lights at the first floor.

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7. DESCRIPTION continued

Originally the house had an octagonal belvedere and a two-story veranda that encircled the entire house. A mansard roof existed on Octagon House c. 1911, but this may have been an alteration of a still earlier roof. These details have all disappeared. The house had deteriorated considerably before 1947 when the current (1972) owners renovated the building.

311 West Seminary Avenue (1863) 196

This house with its German siding is the best preserved example of the Second Empire Revival style in Lutherville. The house is characterized by the belvedere, which has pairs of four light arched windows on each side and a modillioned cornice supporting a pyramidal roof with its ornamental finial, on top of the slightly ogee curved mansard roof still trimmed with moulded corner boards set with fan corner decorations at the joint with the upper moulded cornice's frieze board. A decorative band of pointed shingles is set between regular shingle coursing on each face of the slate roof with its dormers. The dormers, two on the three bay front facade and one on each of two bay side facades as well as on the back slope of the roof, have elaborately scrolled trim with raised, applied decoration at the sill and moulded lintels over the segmentally arched heads. The eaves of the main roof slope are further ornamented with scroll modillions supporting the flared roof's moulded cornice. Finally regarding the roof, there are two corbeled cap chimneys set somewhat between the belvedere. An end chimney of similar design is seen at the rear (east) of the original back two-story wing.

A one-story veranda with square Tuscan-type columns supporting its corniced eaves wraps around the front (west) facade and sides of the house. It is enclosed on the south side for a conservatory or solarium. The fenestration of the glazing, doors and wainscot-high paneling suggests that it is an early addition.

Typically, the windows of the house, including the dormers, have six-over-six light sash set into the architrave trimmed openings. Those of the first floor, flanking the sidelighted and transomed front door with its six heavily moulded panels, have six-over-nine light sash. The first floor windows are hung with paneled shutters with interesting sets of hardware, while the second floor windows are hung with louvered blinds.

The two-story, hipped roof wing extends to the rear of the main structure of the house. Its cornice line is even with that of the lower cornice of the main roof. With its several later additions, it is partially connected to two small, square out-

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7. DESCRIPTION continued

buildings with pyramidal roofs topped by turned finials. The buildings, nearly two stories high under their roofs, were probably originally a dairy and smoke house originally located at each corner of the east facade of the rear (east) wing.

Sitting on a tract of land larger than the average town lot, outside the original boundaries of the 1854 Lutherville plat, the grounds are well established with mature trees. The house and grounds present a picture of a nearly complete domestic scene depicting an affluent 1860's country house.

St. Paul's Evangelical Lutheran Church, Kurtz and Melancton Avenues (1898-1899)

290

St. Paul's, begun October 1, 1898, and dedicated May 21, 1899, was built on the original block set aside by Dr. John G. Morris for the Lutheran Church in the initial plat of Lutherville (1854). The present (1972) church when built replaced a simple, Gothic Revival board and batten structure (1856) which had four bays of pointed arch nave windows on each side and a central open-belfry steeple set at the front (west) gable-end which provided a narthex entrance at its base.

The present St. Paul's is a superb example of the Shingle Style combined with Gothic forms. Basically a Latin cross in plan, it is extended to the south with the addition of a school room which can be used for overflow seating space. Each front (west) and rear (east) gable with its nave windows are characterized by the use of an enlarged open ended trefoil motif suggesting boarding, though with solid soffits all shingled with square-butt shingles. The gables are sheathed with the same shingles, though set with a band of several courses of decoratively cut semi-hexagonal-butt shingles.

At each gable a circular window with quatrefoil metal mutins is set at the apex above a large ogee arched window with its arch projecting into the shingling. Below the arched opening filled with typical Gothic leaded, marbleized and colored glass in non-religious motives are three windows separated by wide mullions. Each with double-hung sash has a trefoil arch in the upper sash. Flanking the large window unit are tall narrow double-hung sash which have smaller ogee arches projecting into the shingled gables. Their flat trim, like that of the large central windows is set with a crocket finial at the topmost point.

Between the window openings below the gable shingles is narrow horizontal clapboarding. This walling and the window sills are

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7. DESCRIPTION continued

carried on a high random coursed stone foundation slightly battered and set at the front (southwest) facade with cellar windows which provide an interesting crenelation at grade.

The north and south wings each with a hip roof, provide continued clapboarding and stone work around the building. The double-hung sash windows of the wings are set on the high stone foundation and under the eaves. The round altar window, centered on the north elevation and flanked by pairs of windows, defines the apse end. Similar windows light the south wing.

Completing the southwest facade is the belfry set within the angle of the main structure and south wing. The stone foundation of the main front gable projects slightly to provide a base for the tower, though it is interrupted at each side for double entry doors opening into the tower narthex. The doors, such as the exterior sacristy door, are set with pointed arch panels filled with diagonal boarding all set under a pointed arch transom with foliate leaded glass. Over each doorway of each face, reached by simple wooden steps, are hoods which reflect the large gables. The hoods, with similar shingled verges and soffits, are cut to fit the arched transom. Their eaves extend below the flat ceilings at the arches' imposts which are supported by two large solid brackets, with relief carving, at each side of the doorways.

The tower or belfry, with typical corner boards with moulded bases, has similar horizontal clapboarding slightly higher than the level of the clapboarding of the main structure, which at the front facade, receives the extended eaves of the main gable supported by a typical scrolled bracket. Above the clapboarding the square tower is shingled with regular butt shingles, although the bottom course is scalloped and therefore similar to the bottom course of each door hood. Circular windows with quatrefoil metal muntins are set in the shingled area of the outside faces of the tower. This section receives a pyramidal hip roof supported by shingled square corner piers providing an open belfry set with simple railings.

The nave, entered through the corner tower narthex has semicircular ranges of pews somewhat perpendicular to the rectangular space with its exposed truss ceiling. St. Paul's golden oak interior is more anti-architecture by presenting an unusual arrangement of the space. It would be expected that the gable windows would provide an altar backdrop instead of the altar being placed within the north wing and flanked by the sacristy and the organ pipe chamber. The ceiling of the apse extends into its

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7. DESCRIPTION continued

attic space and further confuses the trussed ceiling treatment of the nave.

The overflow/educational room is divided from the nave by a wooden partition which can be rolled up into a housing over the openings.

302 North Avenue (1879) 69

A delightful small residence of Gothic Revival character, this house reflects the best of the Andrew Jackson Downing and Calvert Vaux cottage designs presenting an example of the domestic use of board and batten siding.

The symmetrical front (south) facade is characterized by the pair of steeply pitched, approximately 70°, attic gables set at right angles to the main roof ridge (east/west). Each encloses an arched attic window and extends below the flat heads of the second floor windows. The attic windows, similar to those of the first and second floor windows, have wide, flat sectioned, tapered trim which is notched near the sills and eared at the heads to receive the plain lintel trim. The sash is typically two over two.

A one-story shed roof front porch spans the south facade at the first floor level with its central transomed door and flanking windows under each bay of each gable. The porch is supported on square chamfered columns with simple, unmoulded eaves, like the front and side gables.

At the rear (north) a two-story wing with its roof ridge (north/south) the same height and perpendicular to the main roof ridge extends beyond the northwest corner. Its second floor windows are set directly under the eaves.

In plan the house is basically one room deep with the front (south) door opening directly into a large dining room containing a narrow stairway to the second floor. To the west is a parlour with three exposures. The dining room opens into the rear (north) kitchen wing surrounded by the semi-enclosed, one-story summer kitchen which wraps around two sides of the wing. The second floor is similarly arranged to accommodate the bedrooms. The interior door and window trim is typified by flat, beaded boards mitered at the corners.

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7. DESCRIPTION continued

Johnson Bowie House, 1611 Franke Avenue (1899) 306

Purchased by the Bowie family in 1912, this house, like its neighbor 1603 Franke Avenue, is an example of Georgian Revival style. A one-story veranda with Tuscan columns wraps around the north elevation and the near symmetrical west, front facade. A pediment with a shingled tympanum over the front (west) steps defines the entrance, a side-lighted door under an elliptically arched transom filled with leaded colored glass. Typical one-over-one sash are in the double parlour windows under a similar elliptical arch and a bowed library bay with three windows flank the entry.

At the second floor level, west facade, a central bowed bay with triple windows projects onto the ridge of the veranda pediment and is flanked by double windows having muntins in the top half of the upper sash forming "Gothick" tracery.

A curved balcony, which caps the second floor bowed windows, has turned balusters, finialed newels and "goose necked" railing. It fronts a large, central dormer with angled side windows flanking an oversized central window all under a pediment which repeats the veranda pediment with a similar shingled tympanum. Continuing the three, vertical bay spacing of the front (west) facade, the central dormer and balcony is flanked by small hip roof dormers reflecting the main hip roof of the house and the hip roofs of the side and rear (east) elevation dormers with three windows each. Corbeled brick chimney caps further punctuate the roof profile.

A two-story, semi-octagonal hip roof bay, with one window opening on each of the three sides at each floor, stops the veranda. Behind the veranda at the first floor level there are two windows with similar windows at the second floor level, all with louvre blinds, typically extending to the deep frieze space of the moulded cornice.

The squareness of the south facade is characterized by the Palladian stair landing window with leaded, colored glass in the double-hung sash and somewhat centrally located between the four vertical bays of the first and second floor windows. A one-story porch extends across the rear (east) of the house and has a multiple louvre jalousie set in one bay between square Tuscan columns. Narrow clapboard siding sheaths the house and contrasts with the wide, molded trim of the doors and windows.

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7. DESCRIPTION continued

The interior of the Bowie house is particularly interesting in that it retains most of its original period (1899) woodwork. The parlor and dining room have mantelpieces with tiled facias. The mantels are exaggerated adaptations of authentic Georgian details. A handsome golden oak staircase, which rises several steps to the first landing, turns and rises to the landing under the Palladian window, and then turns to reach the second floor. The stair has heavy newels and railings which unit forms part of a hall nook at the foot of the stairs around the hall fireplace. The golden oak interior is carried into the library with its built-in, glazed door bookcases flanking an enriched mantelpiece.

A large water tank survives within an attic room. When in use it was filled by a water pump, still located on the rear (east) porch, and originally provided the domestic water supply by gravity flow.

8. SIGNIFICANCE continued

al institutions for women in the area. He financed the college through the sale of the 118 lots in Lutherville. The Seminary flourished through the opening decade of the twentieth century. A fire in 1911 marked the beginning of its gradual decline.

The construction of the railroad station on Front Street (1856) was crucial to the development of Lutherville because it provided easy access to Baltimore. The railroad allowed Lutherville residents to commute to jobs in the city. The village never experienced commercial development. The few stores that did exist were located in private homes on Front Street.

The railroad brought city residents to Lutherville in the summer to escape the heat. Landon House, a large stone structure on Melanchthon Avenue, was a fashionable boarding house which served the summer residents.

Thomas Dixon, one of the most outstanding mid-nineteenth century Baltimore County architects, designed two of the major buildings in Lutherville: the railroad station (1856) and the Lutherville Female Seminary (1853).

Baltimore County chose Dixon as the architect of their courthouse in Towson (1854), a stone Greek Revival structure. Dixon's major commission for the County consisted of a series of plans for schools executed in the late 1850's. His most outstanding work

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8. SIGNIFICANCE continued

in Baltimore City is the Mount Vernon Place United Methodist Church (1870; National Register of Historic Places).

Lutherville has survived two assaults by highway planners, one in the first decade of the twentieth century and one in the fourth. Both times local residents have repulsed the attacks, illustrating the long-standing interest of Lutherville residents in preserving the character of their community. The appreciation of this village dates back to 1881 when J. Thomas Scharf, the dean of historians of Maryland said: "Lutherville is an exceedingly handsome town"

J. Thomas Scharf, History of Baltimore City and County from the Earliest Period to the Present Day: . . . (Philadelphia, 1881).

9. BIBLIOGRAPHICAL REFERENCES continued

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Scharf, J. Thomas. History of Baltimore City and County from the Earliest Period to the Present Day: Philadelphia: Louis H. Everts, 1881.

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0812040625			
Owner Information					
Owner Name:		JONES ANDREW		Use:	RESIDENTIAL
Mailing Address:		200 W SEMINARY AVE TIMONIUM MD 21093-5337		Principal Residence:	YES
				Deed Reference:	/30082/ 00475
Location & Structure Information					
Premises Address:		200 W SEMINARY AVE 0-0000		Legal Description:	NS SEMINARY AV .189A 200 W SEMINARY AVE NW COR BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0335		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1890	2,072 SF				8,232 SF
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2014		07/01/2015	
				As of 07/01/2016	
Land:	211,200	211,200			
Improvements	183,800	185,100			
Total:	395,000	396,300		395,867	396,300
Preferential Land:	0				0
Transfer Information					
Seller: HEAD JAMES		Date: 11/03/2010		Price: \$395,000	
Type: ARMS LENGTH IMPROVED		Deed1: /30082/ 00475		Deed2:	
Seller: WINDER BRIAN E		Date: 01/07/2002		Price: \$299,000	
Type: ARMS LENGTH IMPROVED		Deed1: /15937/ 00440		Deed2:	
Seller: MATTHEISS BRIAN D		Date: 10/10/1997		Price: \$206,500	
Type: ARMS LENGTH IMPROVED		Deed1: /12431/ 00167		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 03/04/2011					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2100001342			
Owner Information					
Owner Name:		LINSENMEYER ROBERT J LINSENMEYER PHYLLIS A		Use:	RESIDENTIAL
Mailing Address:		201 W SEMINARY AVE LUTH-TIMONIUM MD 21093-5338		Principal Residence:	YES
				Deed Reference:	/07799/ 00160
Location & Structure Information					
Premises Address:		201 W SEMINARY AVE 0-0000		Legal Description:	.2873 AC SS W SEMINARY AV SW COR BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0839		0000	2014 Plat Ref:
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1933		1,806 SF			12,501 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	FRAME	1 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		132,300	132,300		
Improvements		140,000	126,600		
Total:		272,300	258,900	258,900	258,900
Preferential Land:		0			0
Transfer Information					
Seller:		RUHL BUILDING CO RPORATION		Date:	02/24/1988
Type:		ARMS LENGTH IMPROVED		Deed1:	/07799/ 00160
				Price:	\$210,000
				Deed2:	
Seller:				Date:	
Type:				Deed1:	
				Price:	
				Deed2:	
Seller:				Date:	
Type:				Deed1:	
				Price:	
				Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015		07/01/2016
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00		0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 01/19/2012					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0810046710			
Owner Information					
Owner Name:		JONES EARL P JR JONES DRUSILLA P		Use:	RESIDENTIAL
Mailing Address:		202 W SEMINARY AV LUTHERVILLE MD 21093-5337		Principal Residence:	YES
				Deed Reference:	/04190/ 00056
Location & Structure Information					
Premises Address:		202 W SEMINARY AVE 0-0000		Legal Description:	LT NE SEMINARY AV 75 W BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0120		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1890	2,408 SF				24,829 SF
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	FRAME	1 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		215,900	215,900		
Improvements		152,500	135,500		
Total:		368,400	351,400	351,400	351,400
Preferential Land:		0			0
Transfer Information					
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/14/2008					

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Real Property Data Search (w4)

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Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 08 Account Number - 0823003600							
Owner Information									
Owner Name:		MILLER BENJAMIN A HUFNAGL-MILLER CHRISTINE A				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		204 W SEMINARY AVE LUTHERVILLE TIMONIUM MD 21093-5337				Deed Reference:		/29573/ 00237	
Location & Structure Information									
Premises Address:		204 W SEMINARY AVE 0-0000				Legal Description:		.37 AC 204 W SEMINARY AVE 150 W BELLONA AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0060	0024	0119		0000				2014	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built 1882		Above Grade Enclosed Area 2,697 SF		Finished Basement Area		Property Land Area 15,750 SF		County Use 04	
Stories 2 1/2	Basement YES	Type STANDARD UNIT		Exterior FRAME	Full/Half Bath 2 full	Garage	Last Major Renovation		
Value Information									
			Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015		
							As of 07/01/2016		
Land:			213,600		213,600				
Improvements			174,600		150,800				
Total:			388,200		364,400		364,400		
Preferential Land:			0				0		
Transfer Information									
Seller: TODD RICHARD T Type: ARMS LENGTH IMPROVED				Date: 06/10/2010 Deed1: /29573/ 00237			Price: \$425,000 Deed2:		
Seller: TODD RICHARD T Type: NON-ARMS LENGTH OTHER				Date: 11/27/2006 Deed1: /24810/ 00291			Price: \$0 Deed2:		
Seller: HOFFMEISTER RALPH A Type: ARMS LENGTH IMPROVED				Date: 08/12/1985 Deed1: /06971/ 00822			Price: \$138,250 Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class				07/01/2015		07/01/2016	
County:		000				0.00			
State:		000				0.00			
Municipal:		000				0.00 0.00		0.00 0.00	
Tax Exempt: Exempt Class:				Special Tax Recapture: NONE					
Homestead Application Information									
Homestead Application Status: No Application									

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0818013200			
Owner Information					
Owner Name:		BAUER STEVE WITTELSBERGER MARIANNE		Use:	RESIDENTIAL
Mailing Address:		206 W SEMINARY AVE LUTHERVILLE MD 21093-5337		Principal Residence:	YES
				Deed Reference:	/20655/ 00528
Location & Structure Information					
Premises Address:		206 W SEMINARY AVE 0-0000		Legal Description:	LT NS SEMINARY AV 206 W SEMINARY AVE 225 W BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0716		0000	
				Assessment Year:	Plat No: Plat Ref:
				2014	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1910		2,214 SF			23,958 SF
					County Use
					04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	FRAME	2 full	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		215,700	215,700		
Improvements		135,600	124,900		
Total:		351,300	340,600	340,600	340,600
Preferential Land:		0			0
Transfer Information					
Seller: REECE ROBY JUNIOR		Date: 09/08/2004		Price: \$250,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /20655/ 00528		Deed2:	
Seller: REECE R JUNIOR		Date: 08/10/1982		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06421/ 00776		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015	07/01/2016
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/15/2008					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0807030160			
Owner Information					
Owner Name:	THOMPSON ZACHARY V THOMPSON ROBERT W 3RD		Use: Principal Residence:	RESIDENTIAL YES	
Mailing Address:	207 W SEMINARY AVE LUTHERVILLE TIMONIUM MD 21093-5338		Deed Reference:	/33603/ 00352	
Location & Structure Information					
Premises Address:		207 W SEMINARY AVE LUTHERVILLE TIMONIUM 21093-5338		Legal Description:	LT SS SEMINARY AV 120 W BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0134		0000	2014
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1892	3,426 SF			23,958 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2 1/2	YES	STANDARD UNIT	FRAME	1 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		215,700	215,700		
Improvements		202,500	180,700		
Total:		418,200	396,400	396,400	396,400
Preferential Land:		0			0
Transfer Information					
Seller:		Date:		Price:	
GILMORE JEANNE S		05/13/2013		\$350,000	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/33603/ 00352			
Seller:		Date:		Price:	
GILMORE GEORGE T		06/16/1987		\$0	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/07572/ 00178			
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802085950			
Owner Information					
Owner Name:	DELUCA S FRANK BURCH-DELUCA MARY KAREN		Use: Principal Residence:	RESIDENTIAL YES	
Mailing Address:	208 W SEMINARY AV LUTH-TIMONIUM MD 21093- 5337		Deed Reference:	/06749/ 00005	
Location & Structure Information					
Premises Address:		208 W SEMINARY AVE 0-0000		Legal Description:	LT NS SEMINARY AV 325 W BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0117		0000	2014
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1862	2,574 SF			41,382 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	FRAME	2 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		220,000	220,000		
Improvements		204,900	194,600		
Total:		424,900	414,600	414,600	414,600
Preferential Land:		0			0
Transfer Information					
Seller: VENNES JOHN F		Date: 07/16/1984		Price: \$147,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06749/ 00005		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0801002175			
Owner Information					
Owner Name:		ABBOTT HARVEY F ABBOTT MARGARET A		Use:	RESIDENTIAL
Mailing Address:		209 W SEMINARY AV LUTH-TIMONIUM MD 21093-5338		Principal Residence:	YES
				Deed Reference:	/02734/ 00375
Location & Structure Information					
Premises Address:		209 W SEMINARY AVE 0-0000		Legal Description:	SS W SEMINARY AVE 300FT W OF BELLONA AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0135		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1892	2,936 SF				27,007 SF
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	FRAME	1 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		216,500	216,500		
Improvements		188,600	171,500		
Total:		405,100	388,000	388,000	388,000
Preferential Land:		0			0
Transfer Information					
Seller: BOYCE WM W		Date: 07/13/1955		Price: \$18,500	
Type: ARMS LENGTH IMPROVED		Deed1: /02734/ 00375		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		HOMEOWNERS TAX CREDIT			
Homestead Application Information					
Homestead Application Status: Approved 08/23/2008					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802085725			
Owner Information					
Owner Name:	FACKLER NELSON H JR FACKLER ANN CARROLL		Use:	RESIDENTIAL	
Mailing Address:	210 W SEMINARY AV LUTH-TIMONIUM MD 21093-5337		Principal Residence:	YES	
			Deed Reference:	/07174/ 00480	
Location & Structure Information					
Premises Address:		210 W SEMINARY AVE 0-0000		Legal Description:	LT NS W SEMINARY AV 403 W BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0116		0000	
Assessment Year:				Plat No:	
2014				Plat Ref:	
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1874	3,943 SF			42,689 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2 1/2	YES	STANDARD UNIT	FRAME	2 full/ 1 half	
Value Information					
Base Value		Value		Phase-in Assessments	
		As of 01/01/2014		As of 07/01/2015 As of 07/01/2016	
Land:	220,400	220,400			
Improvements	220,500	203,100			
Total:	440,900	423,500		423,500	423,500
Preferential Land:	0				0
Transfer Information					
Seller: KOEHLER HENRY W		Date: 06/06/1986		Price: \$180,000	
Type: ARMS LENGTH IMPROVED		Deed1: /07174/ 00480		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 01/19/2012					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2300009025			
Owner Information					
Owner Name:		BROWN JANICE A		Use:	RESIDENTIAL
Mailing Address:		211A W SEMINARY AVE LUTHERVILLE MD 21093-5338		Principal Residence:	YES
				Deed Reference:	/20110/ 00427
Location & Structure Information					
Premises Address:		211A W SEMINARY AVE 0-0000		Legal Description:	.458 AC PRT LT 9 211A W SEMINARY AVE SWS GREENWELL
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: MS
0060	0024	0650		0000	3 2014 Plat Ref: 0014/0087
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built 2001		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
		2,688 SF			19,950 SF
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
2001					
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2014	07/01/2015	07/01/2016
Land:		134,200	134,200		
Improvements		407,300	306,400		
Total:		541,500	440,600	440,600	440,600
Preferential Land:		0			0
Transfer Information					
Seller: TRACEY JOSEPH G,3RD		Date: 05/24/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /20110/ 00427		Deed2:	
Seller: RHK BUILDERS INC		Date: 02/11/2002		Price: \$375,000	
Type: ARMS LENGTH IMPROVED		Deed1: /16093/ 00025		Deed2:	
Seller: SNYDER LARRY WAYNE		Date: 11/28/2000		Price: \$87,500	
Type: ARMS LENGTH VACANT		Deed1: /14830/ 00691		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 10/08/2009					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2300009024			
Owner Information					
Owner Name:		BROWN JAMES W BROWN SARALEE E		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		211B W SEMINARY AVE LUTH-TIMONIUM MD 21093-5338		Deed Reference: /14888/ 00625	
Location & Structure Information					
Premises Address:		211B W SEMINARY AVE 0-0000		Legal Description: .448 AC PRT LT 9 211B W SEMINARY AVE SWS GREENWELL	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0650		0000	2
Assessment Year: 2014				Plat No: MS	
				Plat Ref: 0014/0087	
Special Tax Areas:				Town: NONE	
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
2001		2,826 SF		19,514 SF	
Property Land Area		County Use			
19,514 SF		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of 01/01/2014		As of 07/01/2015	
				As of 07/01/2016	
Land:		134,100		134,100	
Improvements		451,400		342,400	
Total:		585,500		476,500	
Preferential Land:		0		476,500	
				0	
Transfer Information					
Seller: SNYDER LARRY WAYNE		Date: 12/28/2000		Price: \$88,000	
Type: ARMS LENGTH VACANT		Deed1: /14888/ 00625		Deed2:	
Seller: SNYDER LARRY WAYNE		Date: 05/25/2000		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /14487/ 00726		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2015	
				07/01/2016	
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: Approved 11/29/2008					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 1800013940			
Owner Information					
Owner Name:		ALTHAUS JANYNE		Use:	RESIDENTIAL
Mailing Address:		212 W SEMINARY AV LUTH-TIMONIUM MD 21093-5337		Principal Residence:	YES
				Deed Reference:	/24958/ 00692
Location & Structure Information					
Premises Address:		212 W SEMINARY AVE 0-0000		Legal Description:	.50AC 212 SEMINARY RD 500 E FRANCKE AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0485		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1877		3,113 SF			21,780 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2 1/2	YES	STANDARD UNIT	FRAME	2 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		215,100	215,100		
Improvements		268,800	248,900		
Total:		483,900	464,000	464,000	464,000
Preferential Land:		0			0
Transfer Information					
Seller: SCHLENOFF MARK J		Date: 12/21/2006		Price: \$575,000	
Type: ARMS LENGTH IMPROVED		Deed1: /24958/ 00692		Deed2:	
Seller: MILLER JUDITH B		Date: 12/04/1987		Price: \$215,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08464/ 00156		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/29/2008					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2500001635			
Owner Information					
Owner Name:		ORTUGLIO KEVIN ORTUGLIO LISA		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		219 W SEMINARY AVE LUTHERVILLE MD 21093-		Deed Reference: /30655/ 00149	
Location & Structure Information					
Premises Address:		219 SEMINARY AVE LUTHERVILLE 21093-0000		Legal Description: .667 AC SEMINARY AVE 330' E OF FRANKE AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0024	0922		0000	
Block:	Lot:	Assessment Year:	Plat No:	MS	
	3	2014	Plat Ref:		
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
2012		2,400 SF		830 SF	
Property Land Area		County Use			
29,061 SF		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of		Phase-in Assessments	
		01/01/2014		As of 07/01/2015 As of 07/01/2016	
Land:	136,500	136,500			
Improvements	321,100	259,600			
Total:	457,600	396,100		396,100	
Preferential Land:	0			0	
Transfer Information					
Seller: KELLEN PROPERTY & INVESTMENTS LLC		Date: 03/25/2011		Price: \$210,000	
Type: ARMS LENGTH VACANT		Deed1: /30655/ 00149		Deed2:	
Seller: BAYLINE CONSTRUCTION INC		Date: 05/20/2010		Price: \$150,000	
Type: ARMS LENGTH VACANT		Deed1: /29491/ 00023		Deed2:	
Seller: BAYLINE CONSTRUCTION INC		Date: 12/20/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24957/ 00477		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/20/2012					

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. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 08 Account Number - 2400000588		
Owner Information		
Owner Name:	BARISH SETH M BARISH ASHLEY H	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	221 W SEMINARY AVE LUTHERVILLE TIMONIUM MD 21093-5338	Deed Reference: /25416/ 00614
Location & Structure Information		
Premises Address:	221 W SEMINARY AVE 0-0000	Legal Description: .602 AC 221 W SEMINARY AVE 174 FT E FRANCKE AVE
Map: 0060	Grid: 0024	Parcel: 0911
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 1	Assessment Year: 2014
Plat No:	Plat Ref:	MS
Special Tax Areas:		Town: NONE Ad Valorem: Tax Class:
Primary Structure Built 2002	Above Grade Enclosed Area 3,038 SF	Finished Basement Area
Property Land Area 26,237 SF	County Use 04	
Stories 2	Basement YES	Type STANDARD UNIT
Exterior FRAME	Full/Half Bath 2 full/ 1 half	Garage 1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2014
Land:	135,800	135,800
Improvements	451,800	354,000
Total:	587,600	489,800
Preferential Land:	0	0
Phase-in Assessments		
	As of 07/01/2015	As of 07/01/2016
	489,800	489,800
Transfer Information		
Seller: ALDRIDGE RICHARD B	Date: 03/28/2007	Price: \$753,500
Type: ARMS LENGTH IMPROVED	Deed1: /25416/ 00614	Deed2:
Seller: RHK BUILDERS INC	Date: 04/10/2002	Price: \$130,000
Type: ARMS LENGTH VACANT	Deed1: /16304/ 00332	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2015
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: Approved 12/31/2012		

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3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2400000586			
Owner Information					
Owner Name:		MCCURDY GAIL H		Use:	RESIDENTIAL
Mailing Address:		223 W SEMINARY AVE LUTH-TIMONIUM MD 21093-5338		Principal Residence:	YES
				Deed Reference:	/18094/ 00452
Location & Structure Information					
Premises Address:		223 W SEMINARY AVE 0-0000		Legal Description:	.608 AC 223 W SEMINARY AVE 224 FT SE FRANCKE AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: MS
0060	0024	0909		0000	2 2014 Plat Ref:
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
2003	2,742 SF		144 SF		26,504 SF
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		129,900		129,800	
Improvements		445,700		341,000	
Total:		575,600		470,800	
Preferential Land:		0		470,800	
				0	
Transfer Information					
Seller:		Date: 05/30/2003		Price: \$495,710	
Type:		ARMS LENGTH IMPROVED		Deed1: /18094/ 00452	
				Deed2:	
Seller:		Date: 04/08/2002		Price: \$0	
Type:		NON-ARMS LENGTH OTHER		Deed1: /16290/ 00044	
				Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/10/2008					

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 08 Account Number - 2400001618		
Owner Information		
Owner Name:	BYRD WAYNE D BYRD THERESA A	Use: Principal Residence: Deed Reference: RESIDENTIAL YES /17486/ 00177
Mailing Address:	1501 FRANCKE AVE LUTHERVILLE TIMONIUM MD 21093-5307	
Location & Structure Information		
Premises Address:	1501 FRANCKE AVE 0-0000	Legal Description: .783 AC 1501 FRANCKE AVE ES COR SEMINARY AVE
Map:	Grid:	Parcel:
0060	0024	0608
Sub District:	Subdivision:	Section:
0000	0000	
Block:	Lot:	Assessment Year:
	1	2014
Plat No:	Plat Ref:	MS
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1862	3,448 SF	
Property Land Area	County Use	
34,090 SF	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
WOOD SHINGLE	3 full/ 1 half	
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2014
Land:	218,200	218,200
Improvements	196,900	181,700
Total:	415,100	399,900
Preferential Land:	0	0
Phase-in Assessments As of 07/01/2015	As of 07/01/2016	
399,900	399,900	
Transfer Information		
Seller: THOMSON C JOHN,3RD	Date: 02/04/2003	Price: \$285,000
Type: ARMS LENGTH IMPROVED	Deed1: /17486/ 00177	Deed2:
Seller: THOMSON C JOHN III	Date: 08/19/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16722/ 00651	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2015
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: Approved 04/25/2014		

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Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 08 Account Number - 2400000587		
Owner Information		
Owner Name:	KOLBERG GEOFFREY V WINDNER-KOLBERG MARGARET TRUSTEES	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	1431 FRANCKE AVE LUTH-TIMONIUM MD 21093-5330	Deed Reference: /17874/ 00719
Location & Structure Information		
Premises Address:	1431 FRANCKE AVE 0-0000	Legal Description: .720 AC 1431 FRANCKE AVE ES COR OF SEMINARY AVE
Map:	Grid:	Parcel:
0060	0024	0909
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	3	2014
Plat No:	Plat Ref:	MS
Special Tax Areas:	Town:	Ad Valorem:
		NONE
Tax Class:		
Primary Structure Built 2003	Above Grade Enclosed Area	Finished Basement Area
	2,784 SF	
Property Land Area	County Use	
31,364 SF	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
FRAME	3 full/ 1 half	1 Detached
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2014
Land:	137,000	137,000
Improvements	445,700	359,000
Total:	582,700	496,000
Preferential Land:	0	0
Transfer Information		
Seller: RHK BUILDERS INC	Date: 04/21/2003	Price: \$165,000
Type: ARMS LENGTH VACANT	Deed1: /17874/ 00719	Deed2:
Seller: RHK BUILDERS INC	Date: 04/08/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16290/ 00038	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2015
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		

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HOUSE OF DELEGATES

BY DELEGATES HOPKINS, PRICE AND STROBLE—Environmental Matters

By the HOUSE OF DELEGATES, March 8, 1972.

Rules suspended.

Introduced, read first time and referred to the Committee on Environmental Matters.

By order, JACQUELINE M. SPELL, Assistant Chief Clerk.

JOINT RESOLUTION

No. 80

House Joint Resolution recognizing the community of Lutherville in Baltimore County as an historical district and urging all State and County agencies to consider its preservation when authorizing, consenting to, or undertaking any construction projects in that area.

1 WHEREAS, the community of Lutherville in Baltimore County is
2 a unique area filled with many unusual 19th Century structures
3 and comprising an attractive and unparalleled reminder of earlier
4 days in this State.

5 The community now is endangered by plans for new structures
6 and arterial roadways, all of which will destroy the unique and
7 historic atmosphere of this gracious old community.

8 The historic district of Lutherville and its present problems
9 recently were described by Mr. Rodd L. Wheaton, as part of an
10 architectural evaluation of the community:

11 "Lutherville is a surviving nineteenth century suburban residential
12 village imminently in danger of falling victim to twentieth century
13 Baltimore suburban sprawl. Unprotected, the area proposed for an
14 historic district will be engulfed in shopping centers, strip com-
15 mercial development and high rise and low rise apartment com-
16 plexes, and will be bisected by the proposed Charles Street extension.
17 Protected, the community will be in a position to encourage the
18 preservation of its architecture, its environment and its village
19 identity.

20 The community's history commences with the establishment of
21 the Lutherville Female Seminary in 1853 and the development of the
22 nearby land by its founder, Dr. John Gottlieb Morris. Among his
23 concerns was the idea of providing a suitable residential setting for
24 the seminary, an early institution of higher education for young
25 ladies. Officially surveyed and platted into 118 lots in 1854, the village

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.

PROTESTANT' S

EXHIBIT NO. 1

2

HOUSE JOINT RESOLUTION NO. 80

26 streets, which were named for prominent Baltimore clergymen,
27 extended in a grid-iron pattern from the central "Church Lot,"
28 which has remained the site for the Lutheran Church.

29 In conjunction with the railroad and the construction of the exist-
30 ing station in 1856, which provided easy access to Baltimore, the
31 village developed through the second half of the nineteenth century
32 as a "summering" community complete with a summer hotel,
33 'Landon House.' Thus, along with the resident clergy Baltimore
34 business and professional men built moderate to substantial houses
35 with various out-buildings, and churches of several denominations
36 within the original platted village as well as south of Seminary
37 Avenue on private acreages. (Eighty structures which are archi-
38 tecturally of merit have been inventoried.) The range of houses in-
39 cludes Dr. Morris' own house, 'Oak Grove,' a substantial Gothic Re-
40 vival structure which he built in 1852 on a lot which he set aside
41 for himself next to the seminary. Rev. Heilig, the first pastor of the
42 Lutheran Church, built for himself 'The Octagon' which was pat-
43 terned after plans in an article written by Orson Fowler for *Godey's*
44 *Magazine and Lady's Book* in 1855. George Sadtler built on land
45 south of Seminary Avenue the fine 1863 Second Empire Mansard
46 style house which is currently threatened by demolition for garden
47 type apartments. The Gothic Revival style flourished through the
48 1970's as indicated by 302 North Avenue, a somewhat sophisticated
49 example of moderate houses which form Lutherville's streetscapes.
50 A particularly fine Georgian Revival house, 1611 Franke Avenue,
51 exemplifies turn of the century architecture in Lutherville. In addi-
52 tion, some early speculative housing is evidenced by the several
53 'twin' houses, often with reversed plans, neighboring one an-
54 other.

1 Despite certain adverse influences of this century, Lutherville
2 still retains its nineteenth century village atmosphere. Though many
3 lots and adjacent acreages have been subdivided resulting in the
4 demolition of some houses, particularly since the 1950's, there re-
5 mains an openness with tree lined avenues and private lanes, all
6 helping to provide an environment for the veritable open text book
7 of assorted Victorian and Edwardian architectural styles with A. J.
8 Downing-Calvert Vaux cottage forms prevailing, now side by side
9 with twentieth century Williamsburg Revival houses.

10 The original seminary building burned in 1911. Though it was
11 rebuilt, the fire marked the gradual decline of the college which was
12 eventually converted into a nursing home. The college's decline has
13 coincided with a more intensive development of the village to ac-
14 commodate the mid-twentieth century commuter; but the old char-
15 acter of Lutherville still survives, confined within the Baltimore
16 Beltway, Interstate 83, York Road and Ridgely Road. Presently
17 there is an active interest by residents, many of whom live in the
18 village's older houses, to preserve the community from continuing
19 suburban blight and protect their late nineteenth century heritage
20 by promoting an historic district."

21 Obviously, it is of high importance to the Lutherville commu-
22 nity, to Baltimore County and to the entire State of Maryland that
23 every care be taken to preserve this attractive, unique and historic
24 community; now, therefore, be it

HOUSE JOINT RESOLUTION NO. 80

2

25 *Resolved by the General Assembly of Maryland, That the com-*
26 *munity of Lutherville in Baltimore County be recognized as an*
27 *historical district; and be it further*

28 *Resolved, That all Departments and Agencies of Baltimore County*
29 *and of the State of Maryland are requested to recognize the unique*
30 *characteristics of the Lutherville area when authorizing, consenting*
31 *to or undertaking any construction of capital improvement projects*
32 *in that area; and be it further*

33 *Resolved, That copies of this Resolution be sent by the Secretary*
34 *of State to the Governor, the Chairman of the Maryland Historical*
35 *Trust, the Secretary of the Board of Public Works, the Director of*
36 *the State Highway Administration, the Secretary of the Department*
37 *of Economic and Community Development, the Secretary of the*
38 *Department of State Planning, the Secretary of the Department of*
39 *Transportation, the Chairman of the Maryland Environmental*
40 *Trust, the Chairman of the Public Service Commission, the County*
41 *Executive of Baltimore County, the County Council of Baltimore*
42 *County, and the offices of Planning and Zoning of Baltimore County.*

Petition for Historic District

I/we, the undersigned wish to petition The Landmarks Preservation Commission of Baltimore County that an Historic District of Lutherville be established and that my/our property be included in said district.

I/we are the sole/joint owners of the listed property and certify that I/we have read and understand the explanation of the formation and regulation of an historic district in Baltimore County given to me by the person circulating this petition.

Name
(Printed with address)
Signature below)

Acreage

Sole
Joint

Liber & Folio
Ref.

Oliver T Blaker

2 PROPERTIES :

Oliver T Blaker
211 Melancton Ave
206 Morris. Ave

1.43
.33

N.G.
N.G.

PROTESTANT'S
EXHIBIT NO. 2

PROPOSAL FOR A
BALTIMORE COUNTY HISTORIC DISTRICT
FOR
LUTHERVILLE, MARYLAND

PRESENTED TO THE
BALTIMORE COUNTY LANDMARKS PRESERVATION COMMISSION

JULY 16, 1987

CONTENTS

- . SUMMARY
- . MAP
- . LUTHERVILLE ADVISORY COMMITTEE GUIDELINES
- . PETITIONS
- . LUTHERVILLE HISTORIC DISTRICT TASK FORCE
- . ACKNOWLEDGMENTS

SUMMARY

The Lutherville Historic District Task Force is pleased to submit to the Baltimore County Landmarks Preservation Commission this proposal to create a Baltimore County Historic District for Lutherville.

This proposal exceeds the requirements of the Baltimore County Code needed to establish a historic district as shown by the following:

Proposed District total acreage..... 92.36

District acreage for which landowners
have signed petitions..... 75.55

Percentage of total district acreage
represented by signed petitions..... 82%

Also included are guidelines for the Lutherville Advisory Committee which defines the manner in which the LAC will function with respect to the Lutherville Historic District and Baltimore County Landmarks Preservation Commission.

Lutherville, currently a National Register District, is an important resource for Baltimore County. We request your approval and support in the promotion of this proposal thru the approval cycle.

GUIDELINE FOR THE LUTHERVILLE ADVISORY COMMITTEE

I. Membership

- A. The LAC shall consist of 9 members, each of whom shall be a resident/owner of the Lutherville Historic District. At least one member shall be qualified by special interest and knowledge in the history of the LHD. One member shall be by training and occupation, involved in the field of architecture or historic renovation (if no resident/owner is available, a nonresident can serve as an unpaid consultant). One member shall be selected by the Lutherville Community Association from it's Board of Directors. One member is to be from the governing body of one of the three churches in the LHD (the term and rotation to be controlled solely by the churches themselves). One member shall represent the business interests in the LHD (at this time no business is located in the historic district). The balance shall be resident/owners of the LHD with no more than one from any single block.
- B. Selection of the LAC nominees shall be undertaken by the Vice-Chair of the LAC.
- C. Members nominated should be satisfactory to the resident/owners of the LHD and confirmed by same at a September annual meeting, where a quorum of 20 are present.
- D. The terms of LAC membership shall be two years. There is no limit on the number of terms any member can serve, but each member must be confirmed by a quorum of resident/owners at first annual meeting following the completion of each term. Should a members term expire more than 30 days prior to an annual meeting, a majority of the remaining LAC members must vote to extend said members term until the next annual meeting. In the event a member is unable to complete a term, the Chair will appoint a person to complete the unfinished term, confirmed by a majority vote of the LAC membership.
- E. Officers of the LAC shall consist of: Chair, Vice-Chair, Secretary, and Treasurer, to be selected by the members of the LAC. Their terms will be for two years, to be served in concurrence with each members own two year term. Their duties are as follows:
 1. The Chair shall conduct LAC meetings, assign duties within the LAC membership as required, cast tie-breaker votes as neccessary, and follow Roberts Rules of Order in the management of LAC business.
 2. The Vice-Chair shall fulfill the Chair's responsibilities should the Chair be unable to do so. The Vice-Chair shall also be responsible for the selection and presentation of nominees for LAC membership at the Annual meeting.
 3. The Secretary shall keep minutes of LAC meetings, notify members and interested parties of LAC meetings, and be responsible for any mailings to LHD resident/owners.
 4. The Treasurer shall handle the expenditures and income the LAC as directed by the LAC membership.
- F. A quorum of 5 is required for regular LAC business.

- G. Any member or officer can be removed by a 2/3 vote of resident/owners at a special meeting of the Lutherville Community Association (under the LCA Bylaw requirements for a special meeting), where a quorum of 30 resident/owners are present. Votes can only be cast by resident/owners of the LHD at this special meeting held by the LCA.
 - H. The initial members and officers of the LAC will be presented by the Lutherville Historic Task Force to the BCLPC for appointment at the time a LHD is established
- II. Responsibilities and duties of the LAC. The LAC shall assist resident/owners within the LHD as a committee of the BCLPC in the following areas:
- A. The LAC shall advise resident/owners of the LHD on the meaning and intention of historic preservation in the District especially as concerns the Historic Area Work Permit provision.
 - B. The LAC shall be involved in the Historic Area Work Permit process in the following ways:
 - 1. The LAC shall be available on a regularly scheduled basis and on an informal basis to assist property owners who are contemplating making alterations to their building or property. This advisory service may, at the request of the LCA, be available to all residents of the LCA membership and not just those living within the boundaries of the LHD.
 - 2. The LAC shall be aware of changes within the LHD and provide information to property owners as early as possible in their planning process. These changes shall include exterior alterations to buildings, demolition of structures, and subdivision of property.
 - 3. The LAC shall make recommendations to the BCLPC on work for which an HAWP is being applied.
 - 4. The LAC shall advise the BCLPC if the actual work differs from that for which plans were approved.
 - C. As possible, the LAC shall provide educational materials about architectural compatibility of alterations and new construction. They may request the support of the BCLPC for these activities.
 - D. The LAC shall act as a clearinghouse for legislation which affects the LHD.
 - E. The LAC shall assist the BCLPC in researching and evaluating historic resources within the area.
 - F. The LAC shall work with the BCLPC in developing design review guidelines which would set a standard for physical changes which could be made in the district.

LUTHERVILLE HISTORIC DISTRICT TASK FORCE MEMBERSHIP

Jeff Fones, Co-Chair..... 252-0551

Pen Jones, Co-Chair..... 321-6687

Arlene Bowes

Terry Feelemyer

Marie & Dave Frederick

Norma Iglehart

Brenda & John Ricketson

ACKNOWLEDGMENTS

As with any activity of this size, there are people who have helped us achieve a goal that at one time seemed difficult to attain. Mark Edwards of the Maryland Historic Trust assisted in the start-up of our process and gave us documents and encouragement. Tim Dugan of the Planning Office also assisted in the early stages and was helpful with his ideas and concepts. John McGrain, Historic Officer of the Baltimore County Planning Department for his answers of Code questions and assistance in gathering land information for our proposal.

Yet, there is one person who has been with us from the first thought of a protected district, through the planning, numerous meetings with landowners, strategy sessions, task force meetings, and too many other activities to mention. He is the advisor and friend of our small group. So particularly, we thank Bernie Callan, Chairman of the Fredrick, Md. Historic Commission and President of the National Alliance of Historic Commissions.

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)	ADDRESS	DATE
<i>Richard M. Hill</i> Richard M. Hill	206 MELANCHTON AVENUE	8/31/2015
<i>John R. Alexander</i> John R. Alexander	115 MELANCHTON	8-31-2015
<i>Deborah Miran</i> Deborah Miran	226 Melancthon	8/31/15
Alex Miran	226 MELANCTHON	8/31/15
Jeffrey Dier	209 Morris Ave Lot 1	8/31/07

Prots' 3

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

Richard E. Linder RICHARD E. LINDER 224 MELANCTHON 8-30-15

Matt Cirino Matt Cirino 215 Melancthon 8-30-15

Jessica Leshan JESSICA LESHAN 215 Melancthon 8/30/15

Alec Mizak ALEC MIZAK 226 MELANCTHON 8/30/15

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

<u>K. Shee (Kara Shee)</u>	<u>206 Melancthon Ave</u>	<u>8/30/15</u>
<u>M. A. (Verna Acharya)</u>	<u>216 Melancthon Ave</u>	<u>8/30/15</u>
<u>William D. Andersen</u>	<u>220 Melancthon Ave.</u>	<u>8/30/15</u>
<u>Vanita P. Linder</u>	<u>VANITA LINDER 221 Melancthon Ave.</u>	<u>8/30/15</u>

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

<u>Donna</u>	<u>Deborah Milon 226 Melancthon</u>	<u>8/30/15</u>
<u>Martin Reisinger</u>	<u>Martin Reisinger 207 Melancthon</u>	<u>8/30/15</u>
<u>Mary M. Reisinger</u>	<u>Mary M. Reisinger 207 Melancthon Ave.</u>	<u>8/31/2015</u>

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)	ADDRESS	DATE
Marie & David Frederick	223 Morris Ave	8/31/15
Ellen & Kenneth	219 Morris Ave	8/31/15
Ellyn Kuppert	219 Morris Ave	8/31/15
Sumich J. Gottfried	219 Morris Ave	8/31/15
JORINNA GOTTFRIED	219 Morris Ave	8/31/15
Stephanie Gamble	1413 Kurtz Ave	8/31/15

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)	ADDRESS	DATE
<i>Charles E. Schmitt</i> Charles E. Schmitt	322 Morris Ave.	8/31/15
<i>Christine M. Schmitt</i> Christine M. Schmitt	322 Morris Ave	8/31/15
<i>Julie H. Szymaszek</i> Julie H. Szymaszek	1705 Division Ave	8/31/2015

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)	ADDRESS	DATE
Jim Mc Gee	1505 Front Ave.	Aug 28, 2015
Kathleen T. Mc Gee	1505 Front Ave.	8/29/2015
Dion Colglain	313 Morris Ave.	8/29/2015
Karl D Schaff	314 Morris Ave	8/29/2015
Potter Fair	314 Morris Ave	8/29/2015
Martha Robinson	318 Morris Ave	8/29/2015
Virginia M Becker	1603 Front Ave.	8/29/2015
Eric Becker	1603 Front Ave	8/29/2015
Kirk Seese		
Ed Seese	1605 Front Ave.	8/29/2015
Carl Seese	1605 Front Ave.	8/29/2015
John Seese	364 Melancthon Ave	" "
Al Seese	305 Melancthon Ave	8/29/15

PETITION

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NAME (Sign and Print)	ADDRESS	DATE
Glenn Kasob's Mubry	1701 Franck Ave	8.29.15
JUDITH EARLY Early	229 Spring Ave	8/29/15
Stuart Renaud	305 Morris Ave.	8/29/15
Karen Pugatch Karen Lytle	308 Morris Ave	8/29/15
John Lytle	1503 FRANKIE AVE	8/29/15
Bob Lytle	1513 Frankie Ave	8/29/15
Sally Windsor	1513 Francke Ave	8/29/15
TERESA BYRN	1501 FRANKIE AVE	8/29/15
Wayne Doff	1501 Francke Ave	8/29/15
K Lytle	305 MORRIS AVE	8/29/15
Shara Huber-Plank	320 Morris Ave	8/30/15
Steve Plank	320 Morris Ave	8.30.15

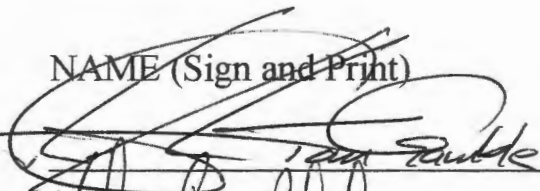
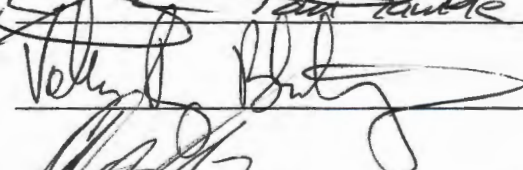
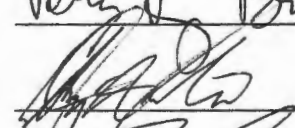
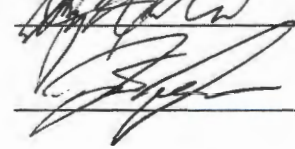
PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

	1613 Kurtz Ave	8/29/2015
	1615 Kurtz Ave.	8/29/2015
	226 Division Ave	8/29/15
	226 Division Ave	8/29/15

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

FRANCIS E RALEY 213 DIVISION AVE 8/29/15

Francis E Raley

Janet N. Morris 219 Division Ave 8/29/15

Joe McGinley 225 Division Ave 8/29/15

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

Edgar T. Korman	216 Division Ave	21093	8-29-2015
 Whitney Duple	214 Division	21093	8/29/2016

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

Marcia Hettinger 1401 Clarke Aug. 29

JAMES BRITMAN 305 W. SEMINARY AVE 8/29/15

BALLAN BRITMAN 305 W. SEMINARY AVE 8/29/15

WALTER HETTINGER 1401 CLARKE AVE 31 AUG 15

PETITION

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NAME (Sign and Print)

ADDRESS

DATE

Donn Brown 1510 Franchoise 8/31/15

PETITION

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NAME (Sign and Print)

ADDRESS

DATE

JANE H Raley / Jane H Raley	213 Division Ave 21093	8/29/15
Gary Waldor	217 Division Ave	8-29-15
Jeanne Bonnett	217 Division Ave	8-29-2015
David Peyser	227 Division Ave	8/29/15

PETITION

We, the undersigned, believe that Old Lutherville's designation as both a National and Baltimore County Historic District means, in part, that in-fill housing should be discouraged if it does not fit the aesthetics of the community. As such, we **oppose** the requested variances for 206 Morris Avenue, including allowing a lot that is only 71% of the required size (14,189 square feet out of the minimum lot size of 20,000 square feet), a width of 63 feet vs. the required minimum of 100 feet and combined side yard setbacks of 25 feet in lieu of the required combined side setbacks of 40 feet. We are requesting that the Office of Administrative Law deny these variance requests.

NAME (Sign and Print)

ADDRESS

DATE

Martin R. Metter (MARTIN R. METTER) 221 DIVISION AVE. 8/29/15

Mackenzie Peyser 221 Division Ave 8/29/15

1/3
Pro's Ex



715 Adams Ave



THIS DEED MADE THIS 30th DAY OF December 1896, by and between Oliver F. Blaker of Baltimore County, Maryland, party of the first part, Grantor, and Carol Lynn Morris, his daughter of Lebanon Co, Pa, party of the second part, Grantee.

WITNESSETH, That in consideration of the sum of \$5.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Oliver F. Blaker does hereby grant and convey to Carol Lynn Morris, her personal representatives and assigns in fee simple all those two lots of ground situate in Baltimore County, Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST THEREOF at a point in the center of Melanchton Avenue at the distance of six hundred eighty-four feet south sixty-six degrees fifteen minutes east from the intersection of the center line of Melanchton Avenue with the center line of Francke Avenue, said point of beginning being at the intersection of the center line of Melanchton Avenue with the division line between Lots Nos. 68 and 74, as originally laid out on the Plat of Lutherville, and recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 8, folio 57; and running thence binding on the center line of Melanchton Avenue, as now located sixty-six feet wide, south sixty-six degrees fifteen minutes east two hundred forty-three and twenty-five one-hundredths (243.25) feet to a point north twenty-five degrees fifty minutes east thirty-one and sixty-five one-hundredths (31.65) feet from a stone now planted on the southwest side of said Avenue; thence reversing said line so drawn and running south twenty-five degrees fifty minutes west thirty-one and sixty-five one-hundredths (31.65) feet to said stone still continuing the same course and passing over said stone south twenty-five degrees fifty minutes west two hundred twenty-five and thirty-five one-hundredths (225.35) feet to a stone now standing on the southern outline of Lot No. 85, as originally laid out on the Plat of Lutherville aforesaid; thence running and binding on part of the outline of Lot No. 85 and the southern outline of Lot No. 74 north sixty-six degrees fifteen minutes west two hundred forty-three and twenty-five one-hundredths (243.25) feet to intersect the division line between Lot No. 68 and Lot No. 74, as laid out on the Plat above referred to; and thence running and binding on said division line north twenty-five degrees fifty minutes east two hundred and fifty-seven feet to the place of beginning.

BEING Lot No. 74 and west seventy-two and twenty-five one-hundredths (72.25) feet of Lot No. 85, as laid out on Plat of Lutherville, said Plat recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 8, folio 57. The improvements thereon being known as No. 211 Melanchton Avenue.

BEING the first lot of ground described in a Deed dated July 29, 1963, and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 6619, folio 545 from Oliver F. Blaker to Oliver F. Blaker, life tenant with powers of disposition.

BEING also the same lot of ground described in a Deed dated June 28, 1989, and recorded among the aforesaid Land Records in Liber SM No. 8215, folio 51, from Oliver F. Blaker to Oliver F. Blaker, life tenant with powers of disposition.

NO TITLE EXAMINATION

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE ALL DATE 6/4/97

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

HRP 6/4/97
By Date

page 1

APP. 13

Pro b Ex S

BEGINNING FOR THE SECOND THEREOF at a point on the northeast side of Morris Avenue, distant north 64 degrees 30 minutes West 229.97 feet from a cross cut in the concrete driveway at the northernmost corner of Morris and Bellona Avenue, said point of beginning being also at the end of the first line of the parcel of ground described in a Deed dated August 29, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1404, folio 153 etc., which was conveyed by Herbert N. Flack and wife unto Carroll S. Klingelhofer, Jr. and wife, running thence and binding on the northeast side of Morris Avenue, North 64 degrees 30 minutes West 63 feet to a stake at the end of the first or North 64 degrees 30 minutes West, 173.2 foot line of the parcel of ground described in a Deed dated May 28, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1388, folio 224, etc., which was granted and conveyed by John B. Hihn, Jr. and wife unto Herbert N. Flack and wife, running thence and binding on the second line of the last mentioned conveyance, North 27 degrees 30 minutes East, 225.39 feet to the end of said second line, running thence and bounding on the third or South 64 degrees 19 minutes East, 128.99 foot line of said last mentioned conveyance, South 64 degrees 19 minutes East, 63 feet to the end of the second or North 27 degrees 30 minutes East 225.39 foot line of said parcel of ground which was conveyed by Herbert N. Flack and wife unto said Carroll S. Klingelhofer, Jr. and wife, hereinbefore mentioned and running thence and binding on said second line reversely South 27 degrees 30 minutes West, 225.39 feet to the place of beginning.

BEING the second lot of ground set forth in a Deed dated July 29, 1983, and recorded among the aforesaid Land Records in Liber EHK, Jr. No. 6619, folio 545, from Oliver F. Blaker to Oliver F. Blaker, life tenant with powers of disposition.

THIS DEED is executed pursuant to the powers of disposition set forth in said Deeds dated July 29, 1983 and June 28, 1989, respectively, referred to above.

TOGETHER with the buildings thereupon and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described parcels of ground and premises unto Carol Lynn Morris, her personal representatives and assigns in fee simple.

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

0012209 546

WITNESS the hand and seal of said grantor:

WITNESS:

William S. Bonnet Oliver F. Blaker (SEAL)
OLIVER F. BLAKER

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:
I HEREBY CERTIFY, That on this 30th day of December
1996, before me, the subscriber, a Notary Public of the State aforesaid,
personally appeared Oliver F. Blaker, known to me (or satisfactorily proven)
to be the person whose name is subscribed to the within Deed, and
acknowledged the foregoing Deed to be his act, and in my presence signed
and sealed the same.

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

William S. Bonnet
NOTARY PUBLIC

MY COMMISSION EXPIRES: 11/1/99

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of
the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

William S. Bonnet
William S. Bonnet, Attorney

page 3

APP. 15

Advance Title Services, Inc.
File No. 8298
Tax ID # 08 08-02-047200

0023164 282

return to
Advance Title Services
Suite 404 - Padonia Center
80 East Padonia Road
Timonium, MD 21093

This Deed, made this 13th day of December, 2005, by and between Carol Lynn Morris, party of the first part, Grantor;

and William H. Mathews, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Six Hundred Sixty Thousand Dollars 00/100 (\$660,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said William H. Mathews, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

See Attached Exhibit A

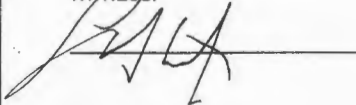
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

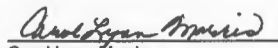
To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said William H. Mathews, as sole owner, in fee simple.

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

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:



 (Seal)
Carol Lynn Morris

Legal Description

Tax I.D. No. [08] 08-02-047200

Lot numbered Seventy-Four (74) and the west 72.25 feet of Lot numbered Eighty-Five (85) in a subdivision known as *Lutherville*, as per plat thereof recorded in Plat Book J.W.S. No. 8 at plat 57 described as follows:

Beginning for the same at a point in the center of Melancthon Avenue at the distance of 684 feet, South 66° 15' East from the intersection of the center line of Melancthon Avenue with the center line of Francke Avenue, said point of beginning being at the intersection of the center line of Melancthon Avenue with the division line between Lots numbered Sixty-Eight (68) and Seventy-Four (74) as originally laid out on the plat of *Lutherville* and recorded among the Land Records of Baltimore County in Plat Book J.W.S. 8 at plat 57, and running thence binding on the center line of Melancthon Avenue, as now located sixty-six (66) feet wide, South 66° 15' East, 243.25 feet to a point, thence North 25° 50' East, 31.65 feet from a stone now planted on the southwest side of said Avenue, thence reversing said line so drawn and running South 25° 50' West, 31.65 feet to said stone, still continuing the same course and passing over said stone, South 25° 50' West, 225.35 feet to a stone now standing on the southern outline of Lot numbered Eighty-Five (85) as originally laid out on the Plat of *Lutherville* aforesaid, thence running and binding on part of the outline of Lot numbered Eighty-Five (85) and the southern outline of Lot numbered Seventy-Four (74), North 66° 15' West, 243.25 feet to intersect the division line between Lot numbered Sixty-Eight (68) and Lot numbered Seventy-Four (74) as laid out on the plat above referred to, and thence running and binding on said division line North 25° 50' East, 257 feet to the place of beginning, improved by the premises known as 211 Melancthon Avenue.

Being the part of the same property conveyed unto the Record Owner(s) by Deed dated December 30, 1996 and recorded in Liber 12209 at folio 544 among the aforesaid Land Records.

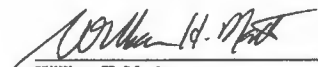
TOGETHER WITH and Easement Agreement dated of even date herewith and intended to be recorded prior hereto by and between Barbara G. Sterne of Baltimore County, Maryland and Carol Lynn Morris of Lebanon County, Pennsylvania, as to the garage of No. 211 Melancthon Avenue which encroaches onto the rear portion of No. 215 Melancthon Avenue.

0023164 284

**AFFIDAVIT OF GRANTEE
PRIMARY RESIDENCE**

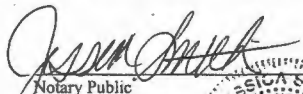
THE UNDERSIGNED STATES UNDER OATH AS FOLLOWS:

1. The undersigned is the Grantee of residentially improved real property located at 211 Melancthon Avenue, Lutherville MD 21093 in Baltimore County, Maryland.
2. The undersigned state that the above referenced property will be his principal residence which he will occupy.

 (SEAL)
William H. Mathews

STATE OF MARYLAND
COUNTY OF BALTIMORE

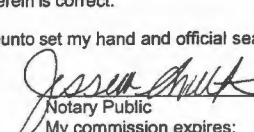
Subscribed and Sworn to before me, a Notary Public in and for the State of Maryland, County of Baltimore, this 13th day of December, 2005.


Notary Public
My Commission Expires: 1-31-07

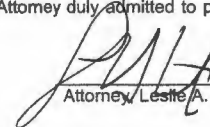

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I hereby certify that on this 13th day of December, 2005, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Carol Lynn Morris, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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


Notary Public
My commission expires: 1-31-2007


THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Attorney, Leslie A. Winter

AFTER RECORDING, PLEASE RETURN TO:

Advance Title Services, Inc.
30 E. Padonia Road
Suite 404
Timonium, MD 21093

0023164 286

State of Maryland Land Instrument Intake Sheet

| Baltimore City | X | County: Baltimore
 Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.
 (Type or Print in Black Ink Only All Copies Must Be Legible)

1 Type(s) of Instruments
 2 Deed ☒ Mortgage ☐ Other Easement ☐ Other ☐
 3 Conveyance ☒ Improved Sale ☐ Unimproved Sale ☐ Multiple ☐ Not an Arms-Length Sale ☐
 4 Tax Exemptions (if Applicable)
 5 Consideration and Tax Calculations
 6 Fees
 7 Description of Property
 8 Transferred From
 9 Transferred To
 10 Other Names to Be Indexed
 11 Contact/Mail Information
 12 Assessment Information
 13 Assessment Use Only - Do Not Write Below This Line

0023164 287

Addendum
 State of Maryland Land Instrument Intake Sheet
 County: Baltimore

The addendum form should be used when one transaction involves more than two instruments.
 Each instrument should be itemized in accordance with Section No. 1 of the Intake Sheet.

2 (Continued) Consideration and Fees
 6 (Continued) Transferred From
 7 (Continued) Transferred To
 8 (Continued) Other Names To Be Indexed
 9 (Continued) Special Instructions

08-02-047200
 RECORDATION TAX NOT REQUIRED
 Director of Budget and Finance
 BALTIMORE COUNTY, MARYLAND
 T.P. ART 12-108
 DOC # 2
 Initial: [Signature]
 Date: 1/3/06

BOOK: 36691 PAGE: 171

Baltimore County, Maryland
 NES Morris Avenue
 Tax Account 08-08-02-047175

DEED

THIS DEED, made this 22nd day of September in the year Two Thousand Fifteen (2015), by and between CAROL LYNN MORRIS, a Pennsylvania resident, Grantor, and C.G. HOMES, INC., a Maryland corporation, Grantee.

WITNESSETH, that in consideration of the sum of Fifty Thousand and 00/100 (\$50,000.00) DOLLARS, the actual consideration paid or to be paid, and other good and valuable considerations, receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the said Grantee, its successors and/or assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

See EXHIBIT "A" attached hereto and made a part hereof.

BEING the second lot of ground which by Deed dated December 30, 1996 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 12209, folio 544 was granted by Oliver F. Baker unto his daughter, the Grantor herein.

TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Grantee, its successors and/or assigns, in fee simple, subject to all matters of record.

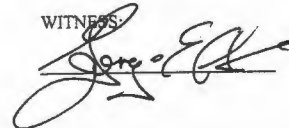
AND the said Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

[Remainder of page intentionally left blank]

BOOK: 36691 PAGE: 172

WITNESS the hands and seals of said Grantor.

WITNESSES:



Carol Lynn Morris (SEAL)
 CAROL LYNN MORRIS, Grantor

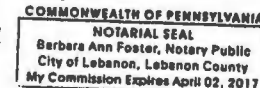
STATE OF Pennsylvania COUNTY OF Lebanon, TO WIT:

I HEREBY CERTIFY, that on this 21st day of September, 2015, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared CAROL LYNN MORRIS, the within named Grantor, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her free and voluntary act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I set my hand and seal.

Barbara Ann Foster [SEAL]
 Notary Public

My Commission expires: 4/2/17

**ATTORNEY CERTIFICATION**

IN ACCORDANCE with Section 3-104 (f) (1), of the Real Property Article of the Annotated Code of Maryland, this is to certify that the foregoing instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals in Maryland.

Myles L. Lichtenberg, Esq.

RETURN TO:
 C.G. Homes, Inc.
 Attention: Thomas J. Faust, President
 9475 Deereco Road, Suite 404
 Timonium, Maryland 21093

1523940

Page 2

BOOK: 36691 PAGE: 173

Escrow File No.: 1523940

EXHIBIT "A"

BEGINNING FOR THE SAME THEREOF at a point on the northeast side of Morris Avenue, distant north 64 degrees 30 minutes West 229.97 feet from a cross cut in the concrete driveway at the northernmost corner of Morris and Bellona Avenue, said point of beginning being also at the end of the first line of the parcel of ground described in a Deed dated August 29, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1404, folio 153, etc., which was conveyed by Herbert N. Flack and wife unto Carroll S. Klingelhofer, Jr. and wife, running thence and binding on the northeast side of Morris Avenue, North 64 degrees 30 minutes West 63 feet to a stake at the end of the first or North 64 degrees 30 minutes West, 173.2 foot line of the parcel of ground described in a Deed dated May 26, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1388, folio 224, etc., which was granted and conveyed by John B. Hihn, Jr. and wife unto Herbert N. Flack and wife, running thence and binding on the second line of the last mentioned conveyance, North 27 degrees 30 minutes East, 225.39 feet to the end of said second line, running thence and bounding on the third or South 64 degrees 19 minutes East, 128.99 foot line of said last mentioned conveyance, South 64 degrees 19 minutes East, 63 feet to the end of the second or North 27 degrees 30 minutes East 225.39 foot line of said parcel of ground which was conveyed by Herbert N. Flack and wife unto said Carroll S. Klingelhofer, Jr. and wife, hereinbefore mentioned and running thence and binding on said second line reversely South 27 degrees 30 minutes West, 225.39 feet to the place of beginning.

BOOK: 36691 PAGE: 174

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.
(Type or Print in Black Ink Only-All Copies Must Be Legible)

1	Type(s) of Instruments	☒ Deed ☐ Mortgage ☐ Other ☐ Other		DP FD SURE	48.00
2	Conveyance Type	☒ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale		RECORDING FEE	20.00
3	Tax Exemptions (if Applicable)	Arms-Length(1) Arms-Length(2) Arms-Length(3) Arms-Length(4)		FR TAX STATE	250.00
4	Cite or Explain Authority	County Transfer		NON-RESIDENT	3415.14
5	Consideration and Tax Calculations	Consideration Amount		TOTAL	3725.14
6	Description of Property	Purchase Price/Consideration \$50,000.00		Rest BMO3	Rest # 36839
7	Transferred From	Any New Mortgage \$0.00		FILE CR	File # 3586
8	Transferred To	Balance of Existing Mortgage \$0.00		Rep 24, 2015	09:37 am
9	Other Names to Be Indexed	Other: \$			
10	Contact/Mail information	Full Cash Value \$			
11	Assessment Information	Amount of Fees Doc 1 Doc 2			
12	Assessment Use Only - Do Not Write Below This Line	Recording Charge \$28.00			
13	Assessment Use Only - Do Not Write Below This Line	Surcharge \$40.00			
14	Assessment Use Only - Do Not Write Below This Line	State Recordation Tax \$250.00			
15	Assessment Use Only - Do Not Write Below This Line	State Transfer Tax \$750.00			
16	Assessment Use Only - Do Not Write Below This Line	County Transfer Tax \$			
17	Assessment Use Only - Do Not Write Below This Line	Other \$			
18	Assessment Use Only - Do Not Write Below This Line	Other \$			
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Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802047175			
Owner Information					
Owner Name:		MORRIS CAROL LYNN		Use:	RESIDENTIAL
Mailing Address:		20 E HIGH ST LEBANON PA 17042-5454		Principal Residence:	NO
				Deed Reference:	/12209/ 00544
Location & Structure Information					
Premises Address:		MORRIS AVE 0-0000		Legal Description:	LT NES MORRIS AVE 229 W BELLONA AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0393		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area 14,175 SF
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value		Phase-in Assessments
			As of		As of
			01/01/2014		07/01/2014
					07/01/2015
Land:		122,700	122,700		
Improvements		0	0		
Total:		122,700	122,700		122,700
Preferential Land:		0			0
Transfer Information					
Seller: BLAKER OLIVER F		Date: 06/04/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12209/ 00544		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802047200			
Owner Information					
Owner Name:		MATHEWS WILLIAM H		Use: Principal Residence:	RESIDENTIAL NO
Mailing Address:		211 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093- 5321		Deed Reference:	/23161/ 00282
Location & Structure Information					
Premises Address:		211 MELANCTHON AVE LUTHERVILLE TIMONIUM 21093- 5321		Legal Description:	LT 74 PT 85 211 MELANCTHON AVE LUTHERVILLE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0351		0000	74 2014
Special Tax Areas:			Town: Ad Valorem: Tax Class:		NONE
Primary Structure Built 1903	Above Grade Enclosed Area 2,430 SF		Finished Basement Area		Property Land Area 1.4300 AC County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	1/2 STONE FRAME	1 full/ 1 half	1 Detached
Value Information					
	Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015
Land:	219,000		219,000		As of 07/01/2016
Improvements	156,100		66,600		
Total:	375,100		285,600		285,600
Preferential Land:	0				0
Transfer Information					
Seller: MORRIS CAROL LYNN		Date: 01/03/2006		Price: \$660,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /23161/ 00282		Deed2:	
Seller: BLAKER OLIVER F		Date: 06/04/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12209/ 00544		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class		07/01/2015		07/01/2016
County:	000		0.00		
State:	000		0.00		
Municipal:	000		0.00 0.00		0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Denied					

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.

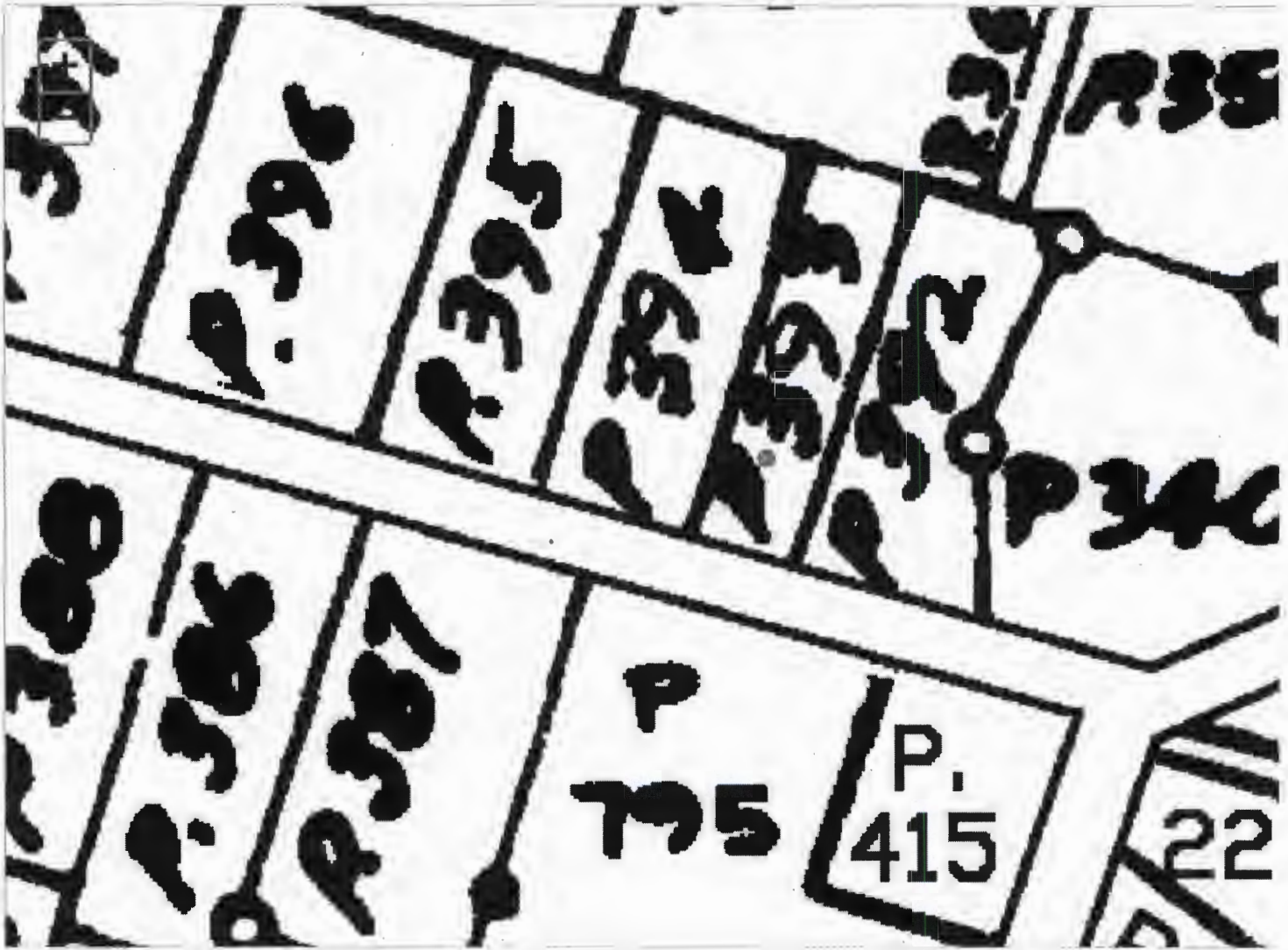
Rel No 7

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802047175			
Owner Information					
Owner Name:		C G HOMES INC		Use:	RESIDENTIAL
Mailing Address:		STE 404 9475 DEERCO RD TIMONIUM MD 21093-		Principal Residence:	NO
				Deed Reference:	/36691/ 00171
Location & Structure Information					
Premises Address:		MORRIS AVE 0-0000		Legal Description:	LT NES MORRIS AVE 229 W BELLONA AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0393		0000	
				Assessment Year:	2014
				Plat No:	
				Plat Ref:	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
					14,175 SF
County Use		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2014	07/01/2015	07/01/2016
Land:		122,700	122,700		
Improvements		0	0		
Total:		122,700	122,700	122,700	122,700
Preferential Land:		0			0
Transfer Information					
Seller: MORRIS CAROL LYNN		Date: 09/24/2015		Price: \$50,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36691/ 00171		Deed2:	
Seller: BLAKER OLIVER F		Date: 06/04/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12209/ 00544		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015		07/01/2016
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00		0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **08** Account Number: **0802047175**

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.

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>).

Baltimore County Code

- (a) *In general.* The Board of Appeals shall:
 - (1) Conduct a hearing on the petition within 30 days after the petition was filed or as immediately thereafter as the Board's schedule provides; and
 - (2) Issue an order within 10 days after the hearing if there is no opposition.
- (b) *Opposition to a petition.* If there is opposition to a petition, the Board of Appeals may continue a hearing to allow for further presentation of the issues.
(1988 Code, § 26-134) (Bill No. 42, 1990, § 1; Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-236. EXCLUSIVE PROCEDURE.

A petition filed under this Part is not subject to any procedure for the filing of petitions set forth under this Code but is required to satisfy the procedure as set forth under this Part.
(1988 Code, § 26-134) (Bill No. 42, 1990, § 1; Bill No. 103-02, § 2, 7-1-2004)

SUBTITLE 3. VARIANCES

§ 32-3-301. AUTHORITY OF ZONING COMMISSIONER.

- (a) *In general.* Except as provided in § 32-3-515 of this title and consistent with the general purpose, intent, and conditions set forth in the Baltimore County Zoning Regulations, upon petition, the Zoning Commissioner may:
 - (1) Grant variances from area and height regulations;
 - (2) Interpret the zoning regulations; and
 - (3) Grant special exceptions.
- (b) *Appeal.* A decision of the Zoning Commissioner under subsection (a) of this section may be appealed to the Board of Appeals as provided in this article.
- (c) *Conditional or restricted variance.* The Zoning Commissioner may grant a variance with conditions or restrictions that the Zoning Commissioner determines are appropriate for the purpose of protecting the health, safety, or general welfare of the surrounding community.
(1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-302. SAME – HEARING REQUIRED; NOTICE.

- (a) *In general.* Except as provided in § 32-3-303 of this subtitle, the Department of Permits, Approvals and Inspections shall schedule a public hearing on a petition for a variance or special exception for a date not less than 21 days and not more than 90 days after the petition is accepted for filing.
- (b) *Notice.*
 - (1) The Department of Permits, Approvals and Inspections shall ensure that notice of the time and place of the hearing relating to the property under petition be provided:

Baltimore County Code

- (i) By conspicuously posting the notice on the property for a period of at least 20 days before the date of the hearing;
- (ii) By a notice in at least one newspaper of general circulation at least 20 days before the hearing; and
- (iii) By posting notice on the county's internet website.
- (2) The notice shall provide:
 - (i) The address of the property under petition or, if not available, a description of the property; and
 - (ii) The action requested by the petition.
- (c) *Referral to Director of Planning.* Once a hearing date for a petition is established, the Department of Permits, Approvals and Inspections shall promptly forward a copy of the petition to the Director or Deputy Director of the Department of Planning for consideration and a written report containing findings relating to planning factors. (1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004; Bill No. 122-10, §§ 12, 30, 1-16-2011; Bill No. 55-11, §§ 1, 2, 10-16-2011; Bill No. 15-12, § 1, 5-20-2012)

§ 32-3-303. SAME – ADMINISTRATIVE SPECIAL HEARING.

- (a) *In general.*
 - (1) Notwithstanding the hearing requirements under § 32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot zoned residential, as defined by the Baltimore County Zoning Regulations.
 - (2) (i) In order to receive a variance without a hearing, the petitioner shall file a supporting affidavit with the petition under oath made on the personal knowledge of the petitioner that sets forth facts that would otherwise satisfy the petitioner's burden of proof if a hearing were to be required.
 - (ii) The affidavit is in addition to the information required by the Zoning Commissioner on the petition.
 - (3) The Zoning Commissioner may not grant a variance under this section unless notice of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of the application in accordance with the requirement of the Department of Permits, Approvals and Inspections.
- (b) *Request for public hearing.*
 - (1) Within the 15 day posting period required under subsection (a)(3) of this section, an occupant or owner within 1,000 feet of the lot in question may file a written request for a public hearing with the Department of Permits, Approvals and Inspections.
 - (2) The Department shall schedule a hearing to be held on a date within 75 days after receiving a request for a public hearing.
- (c) *Discretion of Commissioner to require a hearing.* If a written request for a public hearing is not filed, the Zoning Commissioner may:
 - (1) Grant the variance without a public hearing, if the requested variance is in strict harmony with the spirit and intent of the height and area requirements of the Baltimore County Zoning Regulations, and any other applicable requirement; or

**BALTIMORE COUNTY
ZONING REGULATIONS**

**ADOPTED BY
COUNTY COMMISSIONERS
OF
BALTIMORE COUNTY**

March 30, 1955, in accordance with Title 30, Section
532 (c) of the Code of Public Local Laws of Baltimore
County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill

Augustine J. Muller

County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

Section 303—FRONT YARD DEPTHS IN RESIDENCE AND BUSINESS ZONES

303.1—In R. 20, R. 10, and R. 6 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in R. 20 Zones, 50 feet in R. 10 Zones and 40 feet in R. 6 Zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for R. 20, R. 10, and R. 6 zones, respectively.

303.2—In B. L., B. M. and B. R. Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

Section 304—USE OF UNDERSIZED SINGLE-FAMILY LOTS

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided:

- a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and
- b. That all other requirements of the height and area regulations are complied with; and
- c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements.

Baltimore County, MD
Wednesday, January 13, 2016

ARTICLE 3. Exceptions to Height and Area Requirements

SECTION 304. Use of Undersized Single-Family Lots

§ 304.1. Types of dwellings allowed; conditions.

[Bill Nos. 64-1999; 28-2001]

Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

§ 304.2. Building permit application.

[Bill Nos. 122-2010; 55-2011]

- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits, Approvals and Inspections, at the time of application for a building permit, plans sufficient to allow the Department of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Department of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
- B. At the time of application for the building permit, as provided above, the Director of Permits, Approvals and Inspections shall request comments from the Director of the Department of Planning (the "Director"). Within 15 days of receipt of a request from the Director of Permits, Approvals and Inspections, the Director shall provide to the Department of Permits, Approvals and Inspections written recommendations concerning the application with regard to the following:
 - 1. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
 - 2.

Architectural design. Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:

- a. Height.
 - b. Bulk or massing.
 - c. Major divisions, or architectural rhythm, of facades.
 - d. Proportions of openings such as windows and doors in relation to walls.
 - e. Roof design and treatment.
 - f. Materials and colors, and other aspects of facade texture or appearance.
3. Design amendments. The Director may recommend approval, disapproval or modification of the building permit to conform with the recommendations proposed by the Department of Planning.

§ 304.3. Public notice.

[Bill No. 122-2010]

Upon application for a building permit pursuant to this section, the subject property shall be posted conspicuously, under the direction of the Department of Permits, Approvals and Inspections, with notice of the application for a period of at least 15 days.

§ 304.4. Public hearing.

[Bill No. 122-2010]

Within the fifteen-day posting period: (1) Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits, Approvals and Inspections, or (2) the Director of Permits, Approvals and Inspections may require a public hearing. The Department of Permits, Approvals and Inspections shall notify the applicant within 20 days of the receipt of a request for a public hearing. A hearing before the Zoning Commissioner shall be scheduled within 30 days from receipt of the request for public hearing. At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate.

§ 304.5. Final approval.

[Bill No. 122-2010]

- A. The Director of Permits, Approvals and Inspections may issue the building permit; or
- B. Notwithstanding any provision to the contrary, the Director of Permits, Approvals and Inspections may require a public hearing before the Zoning Commissioner pursuant to Section 304.4 above; or
- C. If the Department of Permits, Approvals and Inspections has not notified the applicant of a determination pursuant to the provisions of this section, or has not notified the applicant pursuant to Section 304.4 above of the intention to require a public hearing, the dwelling shall be considered appropriate for purposes of this section.

§ 304.6. Appeals.

[Bill No. 122-2010]

The decision of the Zoning Commissioner or the Director of Permits, Approvals and Inspections may be appealed, in which case the hearing shall be scheduled by the Board of Appeals within 45 days from receipt of the request.

§ 304.7. Establishment of fees.

[Bill No. 122-2010]

The Director of Permits, Approvals and Inspections shall establish appropriate fee schedules.

Baltimore County, MD
Wednesday, January 13, 2016

ARTICLE 3. Exceptions to Height and Area Requirements

SECTION 307. Variances

[BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

§ 307.1. Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification.^[1] Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

[1] *Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning Regulations.*

Baltimore County, MD
Wednesday, January 13, 2016

ARTICLE 5. Administration and Enforcement

SECTION 500. Zoning Commissioner and/or Deputy Zoning Commissioner

§ 500.7. Petitions for public hearing; notice.

[Bill No. 18-1976]

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors.

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§ 40:21. Notice and hearing, generally—Content

American Law of Zoning Procedure Before the Zoning Board of Appeals (Approx. 7 pages)

4 Am. Law. Zoning § 40:21 (5th ed.)

American Law of Zoning

Database updated November 2015

Patricia E. Salkin

Chapter 40. Procedure Before the Zoning Board of Appeals

V. Notice

References

§ 40:21. Notice and hearing, generally—Content

Most enabling acts and ordinances require that a board of adjustment hearing be preceded by "due" notice or "reasonable" notice, but do not provide in detail what the notice of hearing shall contain. Accordingly, the contents of the notice of hearing have been prescribed by judicial decision. Ruling on the adequacy of notices which contained varied deficiencies, the courts have been guided by the main objective of notices of hearing, to inform persons entitled to notice of the purpose and subject of the hearing.¹ While it has been held that a notice of hearing is not to be judged as harshly and rigorously as a pleading in a civil action,² it is clear that where notice of hearing is required the notice must inform the party entitled to it of the nature of the application and of the land which is involved.³

A notice of hearing must describe with reasonable accuracy the relief which is sought by the applicant or appellant.⁴ One Court noted that, "Although a prehearing notice need not predict the precise action to be taken by the commission, the notice must 'fairly and sufficiently [apprise] those who may be affected of the nature and character of the action proposed, so as to make possible intelligent preparation for participation in the hearing, if such action seems desirable.'"^{4,50} A notice of a hearing to consider an application for a variance will not support a decision granting a special permit.⁵ A notice is inadequate which fails to state that the appellant is seeking a reversal of a decision by a building inspector,⁶ or which neglects to state whether an application for a variance involves a new building or an alteration of an old building, and the location of the property in issue.⁷ A notice which states that a request for a variance will be considered is not adequate to support a hearing on a special exception.⁸ A notice which informs that the applicant seeks a "lesser" nonconforming use, but fails to describe the character or extent of the use sought, is not specific enough to support a decision.⁹

Where the ordinance "requires a notice in the nature of a pleading setting forth a cause," a notice which simply recites that the applicant has requested consideration by the board of adjustment of an application which was denied by the building inspector is fatally defective.¹⁰

A notice is not adequate if it does not reasonably apprise the public of the premises which are involved in the matter to be heard.¹¹ Thus, a notice which refers to an application for a variance relating to lot 52 will not support a decision granting a variance in the use of lots 52 and 165.¹² Similarly, a notice which specifies only one lot, although the building for which a variance is sought is located on two lots, is ineffective.¹³ A notice is adequate where it refers to the assessor's lots, and effectively names and locates each lot involved.¹⁴

Some courts have said that the notice must be in substantial compliance with the applicable enabling act or ordinance. Minor deficiencies have been overlooked where the courts were satisfied that no harm was done, and no litigant was prejudiced. Thus, a notice was held adequate although it gave both an accurate and an inaccurate reference to the lots involved. The Court found the defect to be a harmless typographical error.¹⁵ A notice which advised that the applicant was seeking a reclassification was held to support jurisdiction to grant a special exception, where the court was convinced that all parties were aware of the essential character of the relief sought, and no one was injured.¹⁶ The same result was reached where a statutory reference in the notice was inaccurate.¹⁷

SELECTED TOPICS

Zoning and Planning

Judicial Review or Relief

Commonwealth Court Scope of Review of Trial Court Affirmance of Decision of Township Zoning Hearing Board

Secondary Sources

Right to Cross-Examination of Expert and Lay Witnesses at Zoning Board of Appeals Hearings

91 Am. Jur. Trials 233 (Originally published in 2004)

...Zoning ordinances authorize the creation of zoning boards of appeals, also known as boards of review or boards of adjustment, with administrative and quasi-judicial functions. A zoning board of appeals...

Compelling Zoning Board Hearing on Variance or Special Permit By Writ of Mandamus and Other Judicial Remedies

72 Am. Jur. Proof of Facts 3d 257 (Originally published in 2003)

...The development of orderly towns, cities, and communities is accomplished by land use planning and restricting the location, size, and types of certain land uses. Local authority for zoning and other d...

APPENDIX IV: ADMINISTRATIVE LETTER RULINGS: DOL, WAGE AND HOUR DIVISION

FLSA Emp. Exemption Hdbk. Appendix IV

...(The following article appeared in the July 1995 update to the Employer's Guide to the Fair Labor Standards Act, published by Thompson Publishing Group. It is intended to provide basic information on c...

See More Secondary Sources

Briefs

Brief of Appellant

1998 WL 34098263
AT&T WIRELESS PCS, INCORPORATED, Plaintiff-Appellee, v. THE WINSTON-SALEM ZONING BOARD OF ADJUSTMENT, Defendant-Appellant.
United States Court of Appeals, Fourth Circuit.
August 26, 1998

...The District Court had subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the action is one arising under the laws of the United States regulating commerce, specifically,...

Brief of Amicus Curiae International Municipal Lawyers Association and North Carolina League of Municipalities in Support of Appellant

1998 WL 34098262
AT&T WIRELESS PCS, INC., Appellees, v. THE WINSTON-SALEM ZONING BOARD OF ADJUSTMENT, Appellant.
United States Court of Appeals, Fourth Circuit.
August 27, 1998

...The International Municipal Lawyers Association is a nonprofit professional organization of more than 1,500 members that has provided services and programs to local government lawyers since 1935. IMLA ...

Brief of Appellee

1998 WL 34098260
AT&T WIRELESS PCS, INCORPORATED,

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Footnotes

- 1 The purpose of public notice is to give persons reasonable warning that their property may be affected. Notice is adequate if it affords an opportunity to any person, by the exercise of reasonable diligence, to determine if his property would be affected and to what extent. *East Camelback Homeowners Ass'n v. Arizona Foundation for Neurology and Psychiatry*, 18 Ariz. App. 121, 500 P.2d 906 (Div. 1 1972), opinion supplemented on denial of reh'g, 19 Ariz. App. 118, 505 P.2d 286 (Div. 1 1973). Notice of public hearing, referring to special exception for "a new dormitory" rather than to the three buildings actually proposed, was sufficient to apprise protestants of the general nature of the application for special exception. *Dale v. Zoning Hearing Bd. of Tredyffrin Tp.*, 91 Pa. Commw. 220, 496 A.2d 1321, 27 Ed. Law Rep. 215 (1985). The purpose of the notice of a zoning board hearing is to apprise the public of the general nature of a zoning application. *Holmes v. Board of Zoning Appeals City of Scranton*, 130 Pa. Commw. 349, 568 A.2d 301 (1990).

The purpose of the public prehearing notice is to fairly and efficiently apprise the public of the proposed action, so as to enable intelligent preparation for participation in the hearing. *R.B. Kent & Son, Inc. v. Planning Com'n of Town of Ledyard*, 21 Conn. App. 370, 573 A.2d 760 (1990).

But see *Exmoor House, LLC v. Village of Millbrook Planning Bd.*, 82 A.D.3d 763, 917 N.Y.S.2d 905 (2d Dep't 2011) (the New York Open Meetings Law does not require notice to be given to the public of the agenda for a special meeting).

California: In *Environmental Defense Project of Sierra County v. County of Sierra*, 158 Cal. App. 4th 877, 70 Cal. Rptr. 3d 474 (3d Dist. 2008), as modified, (Jan. 9, 2008), a California court invalidated a county's "streamlined zoning process," because this process did not provide the public adequate information regarding the matters to be heard by the board. A zoning ordinance required that the board of supervisors hold hearings which include discussion of recommendations from a separate hearing, held by the planning commission. The court ruled that the county could not "streamline" this process by giving notice of the board hearings before planning commission hearings were held.
- 2 *Hilton v. Board of Appeals of City of Geneva*, 18 N.Y.S.2d 213 (Sup 1940). Notice is adequate if it affords an opportunity to any person by the exercise of reasonable diligence to determine if his property would be affected and to what extent. *East Camelback Homeowners Ass'n v. Arizona Foundation for Neurology and Psychiatry*, 18 Ariz. App. 121, 500 P.2d 906 (Div. 1 1972), opinion supplemented on denial of reh'g, 19 Ariz. App. 118, 505 P.2d 286 (Div. 1 1973). Planning board notices which described land subject to rezoning in general terms and indicated that a fuller description could be found in petition and plan filed with the planning board were sufficient. *Crall v. City of Leominster*, 362 Mass. 95, 284 N.E.2d 610 (1972).
- 3 See *Deile v. Boettger*, 250 A.D. 633, 295 N.Y.S. 115 (2d Dep't 1937). Where mayor's agent authorized construction of a mixed use development on the waterfront the notice of the hearing given was timely and adequately identified the issues to be addressed at the hearing. *Committee for Washington's Riverfront Parks v. Thompson*, 451 A.2d 1177 (D.C. 1982). Cf. *Fedder v. McCurdy*, 768 P.2d 711 (Colo. Ct. App. 1988) (notice was insufficient and did not provide adequate information to all persons whose rights might be affected by proposed height variance). Notice of hearing concerning the issuance of a zoning permit was insufficient in that it failed to identify the subject matter of the appeal, the location of the property, the owner of the property, or the proposed use. The board was therefore without jurisdiction. *Koepeke v. Zoning Bd. of Appeals of Coventry*, 223 Conn. 171, 610 A.2d 1301 (1992). Failure to state in the published notice that persons were entitled to counsel is not grounds for invalidating a decision of the planning commission where the

Plaintiff-Appellee, v. THE WINSTON-SALEM ZONING BOARD OF ADJUSTMENT, Defendant-Appellant.
United States Court of Appeals, Fourth Circuit.
September 28, 1998

...AT&T Wireless PCS, Inc. ("AT&T Wireless"), brought this action pursuant to Section 704 of the Telecommunications Act of 1996 ("TCA"), which is codified at 47 U.S.C. § 332(c)(7). The TCA confers subject...

See More Briefs

Trial Court Documents

In re River Canyon Real Estate Investments, LLC

2013 WL 4792272
In re River Canyon Real Estate Investments, LLC
United States Bankruptcy Court, D. Colorado.
July 31, 2013

...THIS MATTER comes before the Court on the (i) Revised Fourth Amended Plan of Reorganization Proposed by River Canyon Real Estate Investments, LLC (the "Plan"), filed by Debtor River Canyon Real Estate ...

In re Sugarleaf Timber, LLC

2013 WL 6927342
In re Sugarleaf Timber, LLC
United States Bankruptcy Court, M.D. Florida.
November 22, 2013

...THIS CASE came before the Court for a final evidentiary hearing to consider confirmation of the Debtor's Chapter 11 Plan, as amended. (Doc. 211). Farm Credit of North Florida, ACA (Farm Credit) filed a...

In re Capmark Financial Group Inc.

2011 WL 6013698
In re Capmark Financial Group Inc.
United States Bankruptcy Court, D. Delaware.
April 15, 2011

...FN1. This constitutes the Court's findings of fact and conclusions of law under Bankruptcy Rules 7052 and 9014. Chapter 11 1. Before the court are competing motions relating to the claims of the Debtor...

See More Trial Court Documents

complainant was properly notified informally and in writing of such right. *Chang v. Planning Commission of Maui County*, 64 Haw. 431, 643 P.2d 55 (1982). Under the Kansas City Zoning Ordinance, notice by the Board of Zoning Adjustment is sufficient if it mentions the general purpose of the hearing. *Murphy v. Board of Zoning Adjustment of City of Kansas City*, 593 S.W.2d 549 (Mo. Ct. App. W.D. 1979). A notice of hearing which stated that the board "may impose reasonable conditions as to cause the least disturbance of and the greatest harmony with adjoining or adjacent residential districts" is sufficient to give notice of conditions imposed to those ends. Plaintiffs who attended the hearing and participated therein cannot fairly claim that a more specific notice would have enabled them to urge even more stringent conditions than those actually imposed for their benefit. *Albright v. Town of Manlius*, 28 N.Y.2d 108, 320 N.Y.S.2d 50, 268 N.E.2d 785 (1971).

Where a variance is remanded with instructions that the board conduct a new hearing, the notice of hearing should adequately inform the parties and the public of the nature of the application. *Steiner v. Board of Appeals of Village of Great Neck*, 63 A.D.2d 1005, 406 N.Y.S.2d 126 (2d Dep't 1978); *Fisher v. Rutherford County Regional Planning Com'n*, 2013 WL 2382300 (Tenn. Ct. App. 2013) (holding that the county provided proper notice for the planning commission meeting because as the plain language of the statute did not address publication of the meeting content, the county was not in violation by listing only the time and location of the meeting).

- 4 *Shea v. Zoning Bd. of Appeals of Town of Waterford*, 25 Conn. Supp. 275, 202 A.2d 837 (C.P. 1964). A Notice for a public hearing in response to a request for a special permit "to permit construction of an 8-unit apartment building at 415 N. Venice Boulevard" was deemed sufficient in content to comply with the statutory requirement. It satisfied due process requirements since the recipient of such notice was thereby put on inquiry as to any further information needed. *Kennedy v. South Coast Regional Com.*, 68 Cal. App. 3d 660, 137 Cal. Rptr. 396 (2d Dist. 1977). Written notice which the planning commission sent to adjacent property owners in connection with the submission of plans by defendant for development of a commercial tract adjacent to subdivisions was not inadequate for failure to indicate that plans included a proposal to connect two subdivision streets to the commercial development. The notice complied with statutory requirements and notified property owners that some development was being proposed. *Inniswold-Jefferson Terrace Civic Ass'n, Inc. v. Louisiana Health Services & Indem. Co., Inc.*, 396 So. 2d 348 (La. Ct. App. 1st Cir. 1981).

An area variance was improperly granted where the applicant had sought a use variance, and no mention of an area variance was included in the notice of hearing. *Burke v. Village of Colonie Zoning Bd. of Appeals*, 199 A.D.2d 611, 604 N.Y.S.2d 343 (3d Dep't 1993).

The zoning hearing board is required by the MPC to give notice of hearing to the public and while the code provisions do not set out in detail what the notice must include, it seems fundamental that due process demands that such notice give a reasonable accurate description of the nature of the question involved. *In re Appeal of Upper Moreland Tp. Com'rs*, 9 Pa. D. & C.3d 99, 1979 WL 567 (C.P. 1979).

A notice of a hearing on remand, to determine whether an environmental impact statement was essential to the issuance of a permit for a mobile home park, was adequate although it stated only that the hearing was on the application for a mobile home park, and not that it would be limited to the environmental impact issue. *Johnston v. Grays Harbor County Bd. of Adjustment*, 14 Wash. App. 378, 541 P.2d 1232 (Div. 2 1975).

See *McCowin v. Salt Lake City Corp.*, 2008 UT App 12, 176 P.3d 492 (Utah Ct. App. 2008), cert. denied, 189 P.3d 1276 (Utah 2008) (rejecting claims that notice of a public hearing regarding the application to erect a structure was inadequate, where the notice contained a description of the proposed structure as well as the name and phone number of city planning staff who could address questions regarding the structure).

- 4.50 Cassidy v. Zoning Com'n of Town of Woodbury, 116 Conn. App. 542, 976 A.2d 29 (2009).
- 5 Foland v. Zoning Bd. of Appeals of Town of Bethlehem, Albany County, 26 Misc. 2d 1093, 207 N.Y.S.2d 607 (Sup 1960).
- 6 Shea v. Zoning Bd. of Appeals of Town of Waterford, 25 Conn. Supp. 275, 202 A.2d 837 (C.P. 1964).
- 7 Kane v. Board of Appeals of City of Medford, 273 Mass. 97, 173 N.E. 1 (1930).
- 8 Where a zoning hearing board in its notice of hearing states that a request for a variance will be presented, the board may not grant a special exception to that applicant. The heavier burden of proof that a variance entails may sway objectors to forego attending the hearing. In re Appeal of Upper Moreland Tp. Com'rs, 9 Pa. D. & C.3d 99, 1979 WL 567 (C.P. 1979). But cf. Appeal of Booz, 111 Pa. Commw. 330, 533 A.2d 1096 (1987) (notice of hearing for a variance was sufficient, even though board granted a variance and a special exception for signs).
- 9 Lunt v. Zoning Bd. of Appeals of Town of Wallingford, 150 Conn. 532, 191 A.2d 553 (1963). A notice of hearing which stated that the board "may impose reasonable conditions as to cause the least disturbance of and the greatest harmony with adjoining or adjacent residential districts" is sufficient to give notice of conditions imposed to those ends. Plaintiffs who attended the hearing and participated therein cannot fairly claim that a more specific notice would have enabled them to urge even more stringent conditions than those actually imposed for their benefit. Albright v. Town of Manlius, 28 N.Y.2d 108, 320 N.Y.S.2d 50, 268 N.E.2d 785 (1971). Where the public notice for a meeting of the zoning board refers to a variance to allow the property to be used for established nonconforming uses, the board is without jurisdiction to review a building inspector's order to cease and desist all operations on that property. Arager v. Summer, 70 A.D.2d 877, 417 N.Y.S.2d 870 (2d Dep't 1979). A board of appeals is without jurisdiction to rule on the question whether a nonconforming use was lost through abandonment where the issue was not raised at the hearing on a conditional use permit or included in the board's notice of such hearing. Carlington Corp. v. Siegel, 61 A.D.2d 813, 402 N.Y.S.2d 46 (2d Dep't 1978).
- 10 State ex rel. Russell v. Board of Appeals of Village of Prairie du Sac, 250 Wis. 394, 27 N.W.2d 378 (1947).
- 11 Dietz v. Remington, 118 N.Y.S.2d 177 (Sup 1952).
- 12 Mello v. Board of Review of City of Newport, 94 R.I. 43, 177 A.2d 533 (1962).

See also Merciol v. New England Tel. & Tel. Co., 110 R.I. 149, 290 A.2d 907 (1972).
- 13 Richard v. Board of Review of Woonsocket, 129 A. 736 (R.I. 1925).
- 14 Signore v. Zoning Bd. of Review of Town of Barrington, 98 R.I. 26, 199 A.2d 601 (1964).
- 15 Pascalides v. Zoning Bd. of Review of City of Cranston, 97 R.I. 364, 197 A.2d 747 (1964). Where a notice was published stating that a hearing was to be held on a petition to construct a nursing home situated on two named roads and shown on a plan filed therewith, such notice was sufficient even though it failed to state the size of the building or the number of patients to be housed. Moore v. Cataldo, 356 Mass. 325, 249 N.E.2d 578 (1969).
- 16 Cassidy v. County Bd. of Appeals of Baltimore County, 218 Md. 418, 146 A.2d 896 (1958). Where the board of zoning appeals improperly labeled an appeal from the denial of a building permit as a petition for a variance in the notice of the public hearing, the notice was adequate since the purpose of the proceeding was made known by a reading of the notice in its entirety and the party objecting to the notice and his attorney were in attendance and fully heard. Danseyar v. Zoning Bd. of Appeals of City of Middletown, 164 Conn. 325, 321 A.2d 474 (1973).

See also *In re Appeal of MDY Taxes, Inc.*, 2015 VT 65, 2015 WL 1780196 (Vt. 2015) (where appellants did not attend the hearing reviewing the car wash's application, but later sought to appeal the approval, the court found that the board complied with all procedural requirements for both constructive and actual notice, and there was no merit to the appellants' argument that the notice was defective merely because it did not apprise them that the zoning permit application had been converted to a PUD application since "regardless of the format Jolley's application ultimately took at the October 14 hearing, the notice stated that Jolley sought to construct a car wash").

- 17 *Slawson v. Zoning Bd. of Review of Town of Barrington*, 100 R.I. 485, 217 A.2d 92 (1966). For later litigation involving the same parties, see *Slawson v. Zoning Bd. of Review of Town of Barrington*, 102 R.I. 552, 232 A.2d 362 (1967).

End of Document

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**Admitted in MD, FL, PA

December 1, 2015

Via Hand Delivery

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED

DEC 01 2015

BALTIMORE COUNTY
BOARD OF APPEALS

Re: 206 Morris Avenue
Case No. 2015-0302-SPHA

Dear Ms. Cannington:

As you are aware, the above matter is pending before the Board and is scheduled for public hearing on February 4, 2016. In accordance therewith, please find enclosed an amended Petition for Variance and Special Hearing to be filed in this matter. A brief explanation of the reason that the amended petition is now filed follows.

This matter was instituted before the Office of Administrative Hearings by the filing of a Petition for Variance and Special Hearing by the then property owner (Carol Morris) and contract purchaser (C.G. Homes). This original petition sought the requisite zoning relief to construct a detached single family dwelling (38 feet wide) on the subject property. The subject property located at 206 Morris Avenue is an old existing lot of record in the Lutherville community of central Baltimore County. The size of the dwelling proposed necessitated setback variances for the side yard setbacks due to the narrowness of the lot. Variance relief was also requested as to the area (undersized) and width (narrowness) of the lot.

The matter came in for hearing before Administrative Law Judge ("ALJ") John E. Beverungen. At the hearing, neighbors from the Lutherville community appeared in opposition to the request. They were represented by Michael McCann, Esquire. Following the hearing, ALJ Beverungen issued an order dated September 9, 2015 in which he denied the relief requested. The Petitioner thereafter filed a Motion for Reconsideration. This Motion noted that Baltimore County Zoning Regulations ("BCZR") § 304 was discussed at the ALJ's public hearing and its application argued by the parties. This section permits a single family dwelling to be constructed by right on an undersized/too narrow lot if three conditions are satisfied. The Motion claimed that the three

requirements were met and requested that the ALJ confirm the application of § 304 to the subject property. By supplemental order dated October 9, 2015, ALJ Beverungen granted the Motion for Reconsideration. The grant of this Motion thereby permitted the owner to construct a 23 foot wide dwelling on the property as of right. This order was appealed by the Protestants.

Obviously, the Board of Appeals consideration of this appeal is de novo. As such, please accept the attached as an identification of the issues to be raised by the Petitioner. Please note that the amended petition changes the original request in the following manner:

1. Identifies the current owner of the property. Please note that C.G. Homes (previously identified as contract purchaser) has settled on the property and is now the owner.
2. Requests the same relief as originally sought. These include variances from the lot area, width and side yard setback requirements. A grant of the relief would allow for the construction of a 38 foot wide dwelling on the property. We believe that such approval is appropriate and warranted.
3. In the alternative to the above variance, the Petitioner also seeks special hearing relief and confirmation that (pursuant to BCZR § 304) a 23 foot wide dwelling can be constructed as a matter of right. A dwelling of this size would not require side yard setback variances and Section 304 allows construction on a lot that is undersized and of insufficient width.

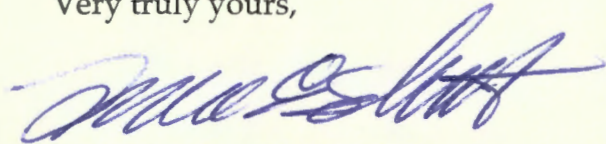
As noted above, issues numbered 1 & 2 above were previously addressed by ALJ Beverungen in his initial order; and issue 3 was addressed in his Motion for Reconsideration. Thus, all issues were considered below. I anticipate a procedural objection from the Protestants about raising these issues. The filing of the amended petition is done so as to fully apprise all parties of the relief sought. Simply stated, the Petitioner seeks approval to construct a single family dwelling on the property, be it either a 38 foot wide structure with variance relief, or a 23 foot wide structure by right. Testimony and evidence supporting both requests will be presented to the Board.

To the best of my knowledge, there are no technical rules of pleading before the Board. Case law (see e.g. *Cassidy v. Baltimore County Board of Appeals*, 218 Md. App. 418, (1958)) requires that notice be given to all interested and appropriate parties and thus this correspondence and attached petition are copied to Mr. McCann. Based upon the prior proceedings below and this correspondence, there can be no doubt as to what the Petitioner is requesting.

Krysundra Cannington
December 1, 2015
Page 3

Please do not hesitate to contact me if you have any questions or if further information/documentation is required to ratify your acceptance of this amended petition for filing. Thank you for your anticipated cooperation in this matter.

Very truly yours,



Lawrence E. Schmidt

LES/amf
Enclosure

cc: Michael McCann, Esquire
Lloyd Moxley, Office of Planning
Carl Richards, Department of Permits, Approvals and Inspections
Thomas Faust, President of C.G. Homes



AMENDED

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 206 Morris Avenue which is presently zoned DR 2
Deed References: 36691/00171 10 Digit Tax Account # 0802047175
Property Owner(s) Printed Name(s) C.G. Homes, Inc.

(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 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)

Please see attached.

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

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

Legal Owners (Petitioners):

C.G. Homes, Inc. by Thomas J. Faust, President

Name #1 - Type or Print Name #2 - Type or Print

Thomas J. Faust PRES

Signature #1 Signature #2

9475 Deereco Rd. Suite 404 Timonium MD

Mailing Address City State

21093 (410) 308-1717 tf@signalcorp.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 Filing Date / / Do Not Schedule Dates: Reviewer

**ATTACHMENT TO AMENDED PETITION
FOR VARIANCE AND SPECIAL HEARING**

206 Morris Avenue
3rd Councilmanic District
8th Election District

Variance Relief:

1. To permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of required 40 feet; to permit a lot width of 63 feet in lieu of the required 100 feet, a lot area of 14,189 sq. ft. in lieu of the required 20,000 sq. ft.; and
2. For such other and further relief as may be required by the Board of Appeals of Baltimore County.

Special Hearing Relief:

1. To approve a confirmation that density of the surrounding neighborhood is not being affected;
2. In the alternative to the above variance relief, to approve an undersized lot for construction of a single family dwelling pursuant to BCZR § 304; and
3. For such other and further relief as may be required by the Board of Appeals of Baltimore County.



RECEIVED

NOV 13 2015

BALTIMORE COUNTY
BOARD OF APPEALS

KEVIN KAMENETZ
County Executive

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

November 13, 2014

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: APPEAL TO BOARD OF APPEALS
Case No. 2015- 0302-SPHA
Location: 206 Morris Avenue

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 9, 2015. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

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

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
ELYANA TARLOW
SARAH A. ZADROZNY

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

November 12, 2015

Via First Class Mail

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: 206 Morris Avenue
Case No. 2015-0302-SPHA

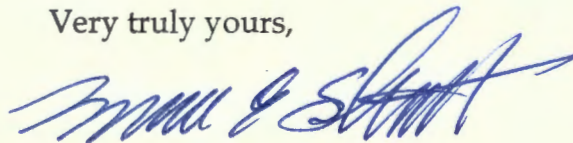
Dear Sunny,

I write by way of follow up to the Notice of Appeal which was filed in the above referenced matter on November 9, 2015. I would note that the property was incorrectly listed at "26 Morris Avenue". The property at issue is 206 Morris Avenue.

Please be advised that I represent CG Homes, who purchased the above mentioned property from Carol Lynn Morris on September 24, 2015. Accordingly, please be sure to include me on any notices sent.

Please call should you have any interim questions.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Michael McCann, Esquire
C.G. Homes

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NOV 16 2015

BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petitions for Special Hearing and Variance
(206 Morris Avenue)
8th Election District – 3rd Councilmanic District
Legal Owner: Carol Lynn Morris
Contract Purchaser, C.G. Homes
Case No. 2015-0302-SPHA

Petition for Zoning Hearing (June 25, 2015)

Zoning Description of Property

Notice of Zoning Hearing (July 21, 2015)

Certificate of Publication (August 13, 2015)

Certificate of Posting (August 14, 2015) John Altmeyer

Entry of Appearance by People's Counsel (July 10, 2015)

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Site Plan
2. Aerial photo
3. Map re: historic district
4. Plat of Lutherville
5. Key sheet for photos
6. Photos
7. SDAT Record
8. Castillo resume
9. Elevation drawings
10. Floor Area Ratios comparisons
11. Community Plan Lutherville
12. Rendered site plan
13. Historic Preservation Design Guidelines
14. ZCPM
15. History- Nomination Form
16. SDAT records & Map re: homes on Seminary

Protestants' Exhibits –

1. House of Delegate Joint Resolution No. 80
2. Petition for Historic District
3. Neighborhood Petition
4. Photos
5. Deed- Title History
6. Deed
7. Deed-1946
8. Deed 1946

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and E-mail (Denied on September 9, 2015)

Motion for Reconsideration- Lawrence E. Schmidt on September 18, 2015

Response to Motion for Reconsideration from Michael McCann- October 2, 2015

Motion for Reconsideration Order and Letter (Granted on October 9, 2015)

Notice of Appeal –November 9, 2015- Michael R. McCann

Notice of Assignment

In re: Carol Morris – LO/CG Homes – CP

15-302-SPHA

Page 2

c: Counsel for Petitioner
Contract Purchaser/Petitioner
Legal Owner

: Lawrence E. Schmidt, Esquire
: C.G. Homes/Thomas Faust
: Carol L. Morris

Counsel for Protestants/Appellants
Protestants/Appellants

: Michael R. McCann, Esquire
: Lutherville Community Association,
David and Marie Frederick, Walter Brewer, Jr.,
and Martin Reisinger

William Bafitis, P.E.

Eva Castillo

George Nixon

Marielana Svarez

William and Marie Irwin

Jane Brewer

Stephen Mill

James McGee

Ellen Rappaport

Lexi Liu

Dori Gottfried

Marcia Hettinger

Eric Rockel

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Arnold Jablon, Director/PAI

Andrea Van Arsdale, Director/Department of Planning

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

November 9, 2015

Via Hand Delivery

Baltimore County Permits, Approvals and Inspections

Attn: Zoning Appeals

County Office Building

111 W. Chesapeake Avenue, Room 111

Towson, Maryland 21204

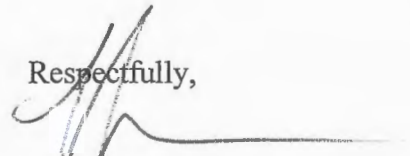
Re: In re: 26 Morris Avenue
Case No.: 2015-0302-SPHA

To Whom It May Concern:

Enclosed, please find a Notice of Appeal in the above-referenced matter, as well as a check for the requisite filing fee.

Thank you for your consideration.

Respectfully,



Michael R. McCann

cc: Board of Appeals

Enclosures

RECEIVED
NOV 12 2015

BALTIMORE COUNTY
BOARD OF APPEALS

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

RECEIVED

NOV 09 2015

OFFICE OF ADMINISTRATIVE HEARINGS

November 9, 2015

Via Hand Delivery

Baltimore County Permits, Approvals and Inspections

Attn: Zoning Appeals

County Office Building

111 W. Chesapeake Avenue, Room 111

Towson, Maryland 21204

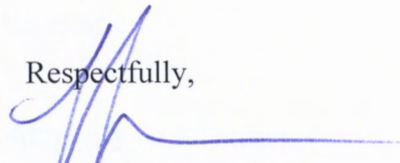
Re: In re: 26 Morris Avenue
Case No.: 2015-0302-SPHA

To Whom It May Concern:

Enclosed, please find a Notice of Appeal in the above-referenced matter, as well as a check for the requisite filing fee.

Thank you for your consideration.

Respectfully,

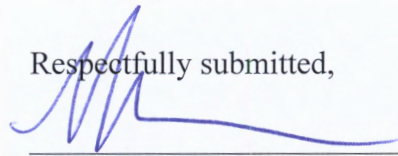


Michael R. McCann

cc: Board of Appeals

Enclosures

Respectfully submitted,



Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on 9th day of November a copy of the foregoing Notice of Appeal was mailed, via first-class mail, postage prepaid to:

Lawrence Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, Maryland 21204



Michael R. McCann

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

26 Morris Avenue

8th Election District

3rd Councilmanic District

Legal Owner: Carol Lynn Morris

Contract Purchaser: CG Homes

Petitioners

* * * * *

NOTICE OF APPEAL

Lutherville Community Association, David and Marie Frederick, Walter Brewer, Jr., and Martin Reisinger, pursuant to Baltimore County Code §32-3-401, hereby file an appeal to the Board of Appeals of Baltimore County from the Order on Motion for Reconsideration of the Administrative Law Judge dated October 9, 2015 and Order dated September 9, 2015. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the addresses of the appellants are:

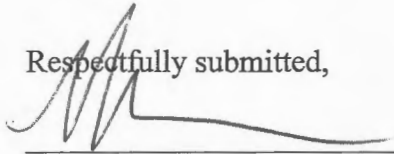
Lutherville Community Association
PO Box 6
Lutherville, MD 21094

David and Marie Frederick
223 Morris Avenue
Lutherville, MD 21094

Walter Brewer, Jr.
212 Morris Avenue
Lutherville, MD 21094

Martin Reisinger
207 Melancthon Avenue
Lutherville, MD 21094

Respectfully submitted,



Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on 9 day of November a copy of the foregoing Notice of

Appeal was mailed, via first-class mail, postage prepaid to:

Lawrence Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, Maryland 21204



Michael R. McCann



RECEIVED

NOV 13 2015

KEVIN KAMENETZ
County Executive

BALTIMORE COUNTY
BOARD OF APPEALS
LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 13, 2014

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: APPEAL TO BOARD OF APPEALS

Case No. 2015- 0302-SPHA
Location: 206 Morris Avenue

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 9, 2015. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County

IN RE: **PETITIONS FOR SPECIAL HEARING ***
AND VARIANCE

(206 Morris Avenue) *

8th Election District *

3rd Council District *

Carol Lynn Morris, *Owner* *

C.G. Homes, *Contract Purchaser* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0302-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioners' Motion for Reconsideration, which has been opposed by Protestants. As explained below, the Motion will be granted, subject to review by the Landmarks Preservation Commission (LPC).

It is true that the petition in this case does not expressly mention B.C.Z.R. §304, but that does not prevent the issue from being considered. That would be true in any case where an owner provided appropriate notice that he was seeking a "variance" to construct a dwelling on an undersized lot. The public is on notice that such a proposal will be considered, and it does not matter - - in terms of notice and due process - - whether B.C.Z.R. §§ 304 or 307 is the operative provision. As noted in Meuller, these are the two methods available in Baltimore County to construct a dwelling on an undersized lot.

This is especially the case here, where Protestants themselves raised the issue of the applicability, *vel non*, of §304 with extensive testimony regarding the parcels owned by Mrs. Morris. The Protestants and their counsel were aware of B.C.Z.R. § 304 and consideration of that issue at this juncture does not in my opinion come as a surprise.

As noted in the September 9, 2015 Order, I believe Petitioners at the hearing established two of the elements required by § 304; the lot was recorded prior to 1955 and Petitioners do not own sufficient adjoining land to comply with the "width and area" requirements of the zone.

ORDER RECEIVED FOR FILING

Date 10-9-15

By Sen

Protestants make much of the fact that Mrs. Morris owned at one time a lot which was situated to the rear of the subject property. Leaving aside the obvious fact that she no longer owns this property, its addition to the subject lot may have satisfied the lot area requirement, but would not have cured the deficiency as to lot width as expressly enumerated in §304.

The only remaining issue was whether Petitioners can comply with the "height and area" requirements of the zone. Petitioners submitted with the motion for reconsideration a plan depicting a single-family dwelling that does in fact meet these requirements, and thus I believe Petitioners satisfy § 304. Counsel for Protestants correctly notes that this regulation requires a finding the proposed dwelling is "appropriate." In particular, the regulation states as follows: "[a]t the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate." B.C.Z.R. §304.4.

As with many provisions in the B.C.Z.R., this regulation is vague and provides the undersigned with no standards or criteria to evaluate whether such a dwelling would be "appropriate." Petitioners submitted at the hearing an aerial photo (Ex. 2) of the neighborhood which shows that lots of a similar size are improved with single-family dwellings. In addition, the dwelling shown on the revised plan would satisfy all "other...height and area requirements," and thus I believe the dwelling would be appropriate as that term is used in B.C.Z.R. §304.4.

Fortunately, in this case the property is within the Lutherville historic district, and the LPC must therefore review the proposal in accordance with B.C.C. §32-7-403. That body, which includes among its members design professionals, will be well-suited to determine the appropriateness of the proposed dwelling. In fact, the building engineer cannot issue a permit for construction unless the LPC after review issues a "certificate of appropriateness" or notice to proceed. B.C.C. §§32-7-404 *et. seq.*

ORDER RECEIVED FOR FILING

Date 10-9-15

By Sen

THEREFORE, IT IS ORDERED this 9th day of October, 2015, by this Administrative Law Judge, that Petitioners' Motion for Reconsideration be and is hereby GRANTED.

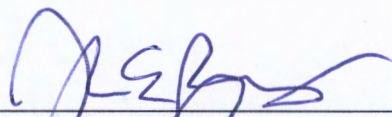
IT IS FURTHER ORDERED that a single-family dwelling may be erected on the subject lot in accordance with B.C.Z.R. §304.

The relief granted herein shall be subject to the following:

1. Petitioners must obtain approval from the Baltimore County Landmarks Preservation Commission to construct on the subject property a dwelling with the footprint and setbacks as shown on the site plan which accompanied the Motion for Reconsideration.
2. Petitioners must comply with the ZAC comment submitted by the DOP, which is attached hereto and incorporated herein.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10-9-15

By sln



KEVIN KAMENETZ
County Executive

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

October 9, 2015

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

MOTION FOR RECONSIDERATION

RE: Petition for Special Hearing and Variance
Property: 206 Morris Avenue
Case No. 2015-0302-SPHA

Dear Counsel:

Enclosed¹ 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 the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

RECEIVED

OCT 02 2015

OFFICE OF ADMINISTRATIVE HEARINGS

October 2, 2015

Via Hand-Delivery

The Honorable John Beverungen
Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: 206 Morris Avenue
Case no 2015-0302-SPHA

Dear Judge Beverungen:

I write in response to Mr. Schmidt's letter dated September 18, 2015 in which he asks your Honor to reconsider your Opinion and Order dated September 9, 2015.

Preliminarily, Protestants object to Mr. Schmidt's attempt to both (1) amend the Petition for Special Hearing to seek relief under section 304 and (2) file the new plan he attaches to his letter. While it is true that section 304 was discussed at the hearing, that does not cure the failure to seek relief regarding that provision in the Petition. I certainly understand Mr. Schmidt's concern about judicial economy, but I think it is in the best interests of all parties that the proper procedure is followed, particularly since there is a distinct process set forth in sections 304.1 through 304.7 that has not been initiated in this case. That process includes referral to the Office of Planning for a determination regarding the "appropriateness" of the proposed dwelling in terms of its size, lot coverage, architectural design and other factors. Ultimately, it is your Honor who determines whether the dwelling is "appropriate," what the Court in *Meuller v. People's Counsel*, 177 Md. App. 43 (2007) called a "compatibility review." If your Honor is nevertheless inclined to consider the application of section 304 and accept the new plan, then we would ask that you find that the proposed dwelling is *not* appropriate.¹

¹ I am not certain if Mr. Schmidt is suggesting he did not have the opportunity to request such relief when he states that "I was not retained by my client until after the zoning petitions at issue in this case were filed and I signed them at the Zoning Office after the Petitioner was advised by staff that, as a corporate entity, the co-Petitioner (CG Homes Inc.) was required to be represented by counsel." Mr. Schmidt signed the

Assuming your Honor decides to address the applicability of section 304, I would state, first, that I don't necessarily agree that the third requirement of that section is met in this case. It is undisputed that Mrs. Morris previously owned an adjoining parcel, 211 Melancthon, and that both parcels were owned by Mrs. Morris and/or her father from 1946 until 2006 when she sold 211 Melancthon to its current owner. During that term of ownership, Mrs. Morris and her father owned more than sufficient land to conform to the minimum lot area requirements. The total area of the two lots exceeds 40,000 feet and, thus, they had ample opportunity to create, by means of a simple lot line adjustment, two lots, each of which met the 20,000 square foot minimum under the DR2 regulations. Indeed, during the time the property was zoned DR 3.5, prior to the change to DR 2 in 1988, the minimum lot area was only 10,000 square feet. So, from 1988 until 2006, Mrs. Morris and her father should have known that the lot did not conform to the DR2 lot area requirement and could have undertaken a lot line adjustment.

It is true that, grammatically speaking, section 304.1C is stated in the present tense ("The owner of the lot *does not* own sufficient adjoining land..."), which arguably suggests that the owner must meet that requirement only at the time of her application to build on the undersized lot. However, it would be inconsistent with the grandfathering purpose of section 304 to allow an owner, after voluntarily relinquishing the rights she was grandfathered by selling off the adjoining parcel, to then turn around and sell the offending parcel as if she never owned the adjoining one. Grandfathering statutes, in general, are based on principles of fairness and equity and are intended to protect property owners from divestiture of rights previously granted them. Here, Mrs. Morris and her family owned the two lots for nearly 60 years, yet took no action to construct a dwelling on the subject parcel. Indeed, Mrs. Morris's father, Mr. Blaker, supported the designation of Lutherville as a historic district and did not challenge the change in zoning from DR 3.5 (which would have allowed a dwelling on this lot without an area variance) to DR 2. In short, Mrs. Morris is in this predicament because she and her family put themselves there.

The so-called "six year rule" in the Policy Manual relied upon by Mr. Schmidt (Petitioner's Ex. 14) does not change this analysis. That provision merely applies when determining whether a parcel was conveyed in bad faith (*i.e.*, for the purpose of avoiding the requirement in 304.1C that the applicant must not own a contiguous parcel). The rule provides that if the applicant waited six years or more after conveyance of the adjoining parcel to seek relief under 304.1, then that conveyance six years earlier was not intended to avoid the requirement in 304.1C and thus not in bad faith. Compliance with the six year rule does *not*, however, affirmatively prove that the applicant has complied with 304.1C. In other words, by waiting six years or more the applicant does not establish that she does not own sufficient adjoining land to conform to the width and area requirements. In any event, the six year rule is just "one criteria to be used." Ultimately your Honor

Petition and, when signing it, certainly could have changed the relief requested, or amended it later, so that it included a request for relief under section 304.

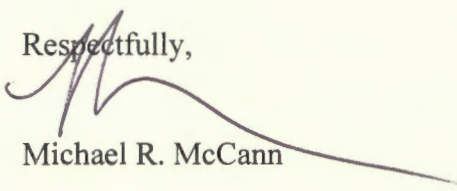
"retains the right to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis."

Mr. Schmidt argues that "even if this property was in common ownership, acreage could not be borrowed to cure the *width* deficiency" because the two lots are situated back to back rather than side to side. This is precisely the circumstance where section 307, rather than section 304, comes into play. If an applicant owns adjoining land to meet some, but not all, of the width and area requirements, then the applicant must seek a variance under 307 for those requirements she cannot meet. In this case, as your Honor has already found, there is nothing unique about this lot in terms of its width to warrant the granting of a variance under section 307.

For these reasons, we ask that your Honor deny the motion for reconsideration.

Thank you.

Respectfully,



Michael R. McCann

cc: Larry Schmidt, via email and US Mail

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
ELYANA TARLOW
SARAH A. ZADROZNY

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

September 18, 2015

Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

SEP 18 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Re: 206 Morris Avenue
Case No. 2015-0302-SPHA

Dear Administrative Law Judge Beverungen:

Kindly accept this correspondence as a Motion for Reconsideration of your Opinion and Order issued in the above case. This request is filed pursuant to Rule K, within Appendix G of the Baltimore County Zoning Regulations ("BCZR"), which authorizes reconsideration of a decision made by you.

As you are aware, the subject property is an old lot of record and is zoned DR 2. When this zoning was applied it effectively made this lot nonconforming to the area requirements for that zone. Therefore, the instant petition for variance was filed.

Although one might debate the variance standard and whether such a strict interpretation thereof would result in the practical result of zoning variances never being granted (which would render BCZR § 307 a legal nullity) the request herein does not seek a revisit of that issue. Rather, it seeks further clarification and findings regarding the application of BCZR § 304 to this parcel. As you recall, this Section was raised as an issue at the hearing and indeed was addressed in your decision.

BCZR § 304 is entitled "Use of Undersized Single- Family Lots" and addresses those circumstances when a one family detached dwelling (as is proposed here) is proposed for a lot which is undersized insofar as area requirements (as is the case here) and/or is too narrow to meet width requirements (as is also the case here). As was discussed at the hearing, the Section permits the erection of a single family detached dwelling when three conditions are met. As already determined by you on page four of your opinion, two of the conditions are met under Petitioners' initial proposal. I explain.

First, the lot at issue shall have been duly recorded in the Land Records of Baltimore County prior to 1955. Indeed, Protestant's counsel offered into evidence a deed evidencing the existence of the subject lot in 1946 (Protestant's exhibit 8). Therefore, this requirement is obviously met. Second, the owner cannot own adjacent land which would allow the lot to conform to the width and area requirements. You found that this requirement is also met. In this regard, contradicted evidence was that neither C.G. Homes, nor Mrs. Morris, now own adjacent land. Moreover, although Mrs. Morris at one time owned an adjacent parcel, it was sold by her nearly ten years ago (well beyond the six years prescribed in the "look back" provision in the Zoning Commissioner's Policy Manual). More importantly, the configuration of the adjacent lot (now owned by Mathews) is back to back and not side to side. Therefore even if this property was in common ownership, acreage could not be "borrowed" to cure the width deficiency.

The third requirement is the one that you indicated was not met, i.e. that all other requirements of height and area (setback regulations) were satisfied. Indeed, under Petitioners' proposal as then before you, variances as to side yard setbacks were required. Per the attached drawing, Petitioners have revised their request so as to propose a twenty three foot wide dwelling, which meets the requisite side yard setbacks. **Thus, via this Motion for Reconsideration, the Petitioners request that you issue a supplemental order confirming that a single family detached dwelling can be constructed on the subject lot in accordance with BCZR § 304.**

Upon receipt of your Opinion and Order, I conferred with Carl Richards in the Zoning Office. He and I both recalled the former practice of that office whereby "walk ups" to the Zoning Office would produce documentation regarding the requirements of BCZR § 304 and the Office (upon satisfactory review of that documentation) would release permits for dwelling construction. However, we both recognized the change to that process brought about by Bill 122-10, which introduced a public notice and hearing requirement to § 304 applications. As those sections now indicate, upon application of a § 304 request, the property is posted and a hearing can be requested.

In this case, the prior proceedings before you already addressed the matters that would be at issue in a § 304 hearing. In the interest of judicial economy and fairness to the parties, there is no reason to require the petitioner to file yet another petition and repeat the process. With that said, I have (obviously) copied Mr. McCann on this correspondence and if he wants to request that further proceedings are convened before you, I do not object to a resumption of the hearing. I would further point out that I was not retained by my client until after the zoning petitions at issue in this case were filed and I signed them at the Zoning Office after the Petitioner was advised by staff that, as a corporate entity, the co-Petitioner (C.G. Homes Inc.) was required to be represented by counsel. More importantly, there are no formal rules of pleading in an administrative proceeding such as matters of this type before you. Instead, the applicable standard is whether all parties are informed of the matters at issue and have the opportunity to participate. As noted above, this matter was previously addressed at your hearing and was referenced in your written opinion. Further, as indicated, I have no objection to resuming the hearing if that is what the

John E. Beverungen, Esquire

September 18, 2015

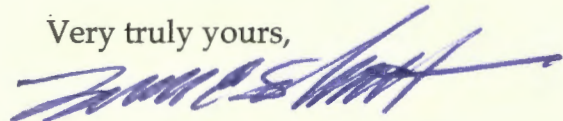
Page 3

Protestant's desire. Thus, there is no reason to require the applicant to refile a § 304 request, as all the issues generated thereby can be resolved through this requested reconsideration.

I would also observe that BCZR § 304 provides for the opportunity for the Department of Planning to comment on a dwelling proposed thereunder. You have already received their ZAC comment, which essentially observes the property's location within the Lutherville Historic District and that the matter will require review by the Landmarks Preservation Commission. That Commission will ultimately pass upon the design and architectural features of the proposed dwelling. Their review will, most obviously, be limited by the constraints established by your decision. Although my clients believe that the dwelling originally proposed is most compatible with historic character of the neighborhood, the Protestants objections to the proposal (as noted in the beginning of your decision in describing the schizophrenic quality of the variance process) have necessitated development of the property as now proposed. As observed in the oft repeated idiom, "be careful what you wish for, lest you just might get it." I respectfully suggest that the Protestants concerns about compatibility will be more difficult to address given the constraints imposed through the limitations imposed by your decision. Nonetheless, at this time, we understand the neighbors' concerns, respect your decision and ruling, and will proceed accordingly.

Thank you for your consideration of this request.

Very truly yours,



Lawrence E. Schmidt

LES/amf

Enclosure

cc: Michael McCann, Esquire
W. Carl Richards, Jr., Department of Permits, Approvals and Inspections
Jeff Mayhew, Department of Planning
William Bafitis, Bafitis & Associates, Inc.
Tom Faust, C.G. Homes, Inc.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: John E. Beverungen
Administrative Law Judge

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 206 Morris Avenue
Case N. 2015-0302-SPHA
Motion for Reconsideration

DATE: September 30, 2015

In response to Lawrence E. Schmidt, Esquire, September 18, 2015 letter to you requesting you reconsider your Opinion and Order, the Department of Planning reiterates its recommendations made in its correspondence to you dated August 24, 2015 and ask that you contemplate these recommendations as part of any reconsideration.

1. Any proposed dwelling shall provide the required two off-street parking spaces at the rear of the property. The architecture shall not include garage doors as a part of the front façade. The dwelling footprint shall be situated on the lot such that a driveway accessing the rear yard for purposes of parking can be accommodated. A detached accessory garage pursuant to BCZR Section 400 may be utilized.
 2. Any permits or plans for new construction, along with the related architecture and materials being proposed, will be subject to the review of the Landmark Preservation Commission (LPC) in accordance with Section 32-7-403 of the Baltimore County Code who may change, alter or otherwise amend said architecture. In the event any required changes by the LPC places the property outside of the "spirit and intent" of this Order, the petitioner must re-petition the Administrative Law Judge to address any zoning deficiency. *
- (* or any subsequent Motion for Reconsideration)
3. The Petitioner shall submit a landscape plan to the Baltimore County Landscape Architect for review and approval prior to the issuance of any building permits. The plan shall include the planting of large shade trees along Morris Avenue and in the front of the house as called for in the Community Plan on Page E3.

Please be advised that these recommendations do not constitute an approval by the Department or the LPC in the consideration of any future architecture submitted for review in accordance with condition #2 above.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Division Chief: Kathy Schabach
AVA/KS

c: Wallace S. Lippincott, Jr., DP
Teri Rising, DP
Jeanette Tansey, RLA, PAI
W. Carl Richards, Jr., PAI
Lawrence E. Schmidt, Esquire, Smith, Gildea & Schmidt, LLC
Michael McCann, Esquire
William Bafitis, Bafitis & Associates, Inc.
Tom Faust, C.G. Homes, Inc.

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ORDER RECEIVED FOR FILING

Date 10-9-15

By sen

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(206 Morris Avenue) *

8th Election District *

3rd Council District *

Carol Lynn Morris, *Owner* *

C.G. Homes, *Contract Purchaser* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0302-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Carol Lynn Morris, legal owner, and C. G. Homes, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking confirmation that the zoning request will not affect the density of the surrounding neighborhood. In addition, a Petition for Variance seeks the following: (1) to permit a proposed dwelling with a side setback of 10 ft. in lieu of the minimum setback of 15 ft. with a sum of 25 ft. in lieu of the required 40 ft.; and (2) to permit a lot width of 63 ft. in lieu of the required 100 ft., and a lot area of 14,189 sq. ft. in lieu of the required 20,000 sq. ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Tom Faust and William Bafitis, P.E., who was accepted as an expert. Lawrence E. Schmidt, Esq. represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP).

VARIANCES

To obtain variance relief requires a showing that:

ORDER RECEIVED FOR FILING

Date 9/9/15

By Sen

RECEIVED
FEB 01 2016

IN THE MATTER OF:
Carol Lynn Morris and
C.G. Homes

206 Morris Avenue

8th Election District
3rd Councilmanic Districts

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 2015-302-SPHA

* * * * *

**RESPONSE TO PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S MOTION TO
DISMISS AMENDED PETITION AND SUPPORTING MEMORANDUM**

C.G. Homes, Petitioner/Appellant, through Lawrence E. Schmidt and Smith, Gildea and Schmidt, its attorneys, submits this Response to People's Counsel for Baltimore County's Motion to Dismiss Amended Petition and Supporting Memorandum and respectfully states the following.

Facts

Carol Lynn Morris ("Morris", then property owner) and C. G. Homes ("CG", then contract purchaser) filed a Petition for Variance and Special Hearing for the property known as 206 Morris Avenue in Lutherville with the Zoning Department of the Office of Permits, Approvals and Inspections on June 25, 2015.

The Petition sought the approval of three variances to allow the construction of a single family detached dwelling on a lot zoned DR 2. The variances were to allow a lot area of 14,189 square feet (in lieu of the minimum required 20,000 square feet), to allow a lot width of 63 feet (in lieu of the minimum 100 feet) and to allow a dwelling with a

side yard setback of 10 feet (in lieu of 15 feet) and sum of the side yard setbacks of 25 feet (in lieu of 40 feet). At the request of the intake reviewer, a special hearing was also requested "to approve a confirmation that density of the surrounding neighborhood is not being affected."

As required by the County's filing requirements, attached to the Petition was a site plan. It depicted the property and proposed dwelling. The dwelling proposed was shown as being 38 feet wide, thus necessitating the variances as to side yard setbacks.

As is the County's procedure, a copy of the request and plan was circulated to the member agencies of the Zoning Advisory Committee for comment/recommendation to the Zoning Commissioner (a.k.a. ALJ). Among the agencies commenting was the Department of Planning, which issued a written "comment" on August 24, 2015. The comment stated, in part, that the property was in the Lutherville Historic District and, thus, any dwelling would ultimately need to be approved by the Landmarks Preservation Commission ("LPC"). The comment also stated that the Department "has no objection" to the proposal, given that the neighborhood is "characterized by single family dwellings". The comment requested that, if the ALJ approved the variances, that on site parking be provided in the rear of the property, that the request be reviewed by the LPC and that landscaping be provided.

The matter came in for hearing on September 4, 2015. People's Counsel had entered its appearance, but was apparently uninterested enough to appear. Although no entry of appearance was filed in advance, attorney Michael McCann appeared at the

hearing on behalf of the Lutherville Community Association and several individual residents of the locale.

At the hearing, the parties presented their respective cases. During those presentations, the potential impact of BCZR § 304 was discussed. This section (commonly referred to as the "undersized lot law") essentially allows single family dwellings on a lot that is undersized and/or too narrow if three conditions are met. Those are, that the lot was in existence before 1955, that no other variances are required and that the owner does not have adjacent land from which to "borrow" to cure the area and/or width deficiency. The Petitioner acknowledged that this law did not apply to the proposed 38 foot wide dwelling, given that side yard variances were required.

ALJ Beverungen issued his written decision on September 9, 2015. Therein, he described the "schizophrenic" variance process in Baltimore County. Reading between the not so subtle lines, it is clear that he thought the proposed dwelling should be allowed on the property, but that the unbending (in his opinion) tenets of Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995) and its progeny prohibited such a result. Thus, a narrow and myopic view of the law triumphed over a reasoned interpretation and common sense. The variance was denied.

On September 18, 2015, Petitioners filed a Motion for Reconsideration. The subject matter therein was no surprise; it requested approval of an alternate dwelling as had been discussed at the hearing. The alternate request proposed a dwelling that would be 23 feet wide which did not require side yard variances. The petitioner sought a ruling from the ALJ that this alternate could be built per Section 304.

The Petitioner, not to be devious or sneaky (People's Counsel's allegation notwithstanding) forwarded a copy of a revised plan, showing a 23 foot wide house, to the Department of Planning, reasoning that since that Department had reviewed and commented on the original proposal, that they were entitled to review the alternate. A copy of the alternate plan was also submitted with the Motion to the ALJ and provided to attorney McCann. The Department of Planning thereafter issued an amended comment/recommendation, similar to their initial comment and supporting the request.

On October 9, 2015, ALJ Beverungen granted the Motion for Reconsideration and approved the alternate 23 foot wide house. On November 9, 2015, attorney McCann appealed the ALJ's ruling to the Board of Appeals on behalf of his clients. People's Counsel did not appeal.

Although it was clearly apparent what the Petitioners were seeking, in order to be as transparent as possible, Petitioner's counsel wrote to the Board on December 1, 2015. In this 2 plus page submittal, it was explained that the Petitioner's would seek alternate relief before the Board, as was done before the ALJ. That the Petitioners would request the Board's approval of the originally requested 38 foot wide dwelling (with variances) or a 23 foot wide dwelling per Section 304. Additionally, the Petitioners enclosed with their letter an amended petition; so it was clear what would be sought at the Board's de novo hearing. The Petitioners also wrote to the Department of Planning, formally advising them of the appeal and request, as formally amended.

The Board has scheduled this matter for hearing on February 4, 2016.

Argument

Simply stated, there is no reasonable, rational, legal or practical basis for People's Counsel's Motion. It should be summarily denied and, if it were within the jurisdiction of the Board, sanctions should be imposed for the costs that Petitioner will bear to address the Motion.

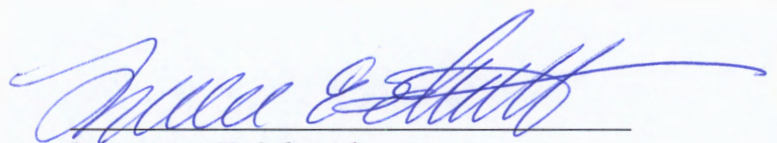
There are no codified procedures or processes to amend a zoning petition. People's Counsel cites none because there are none. Unlike the Circuit Court and District Court rules in the Maryland Rules, there are no rules in the BCZR or elsewhere governing amending a zoning petition in Baltimore County. But the Maryland Rules, by analogy, are instructive. Assuming that the petition in a zoning case is akin to a pleading in a court case, the following is noted. Md. Rule 2-341 governs amendments in the Circuit Court. That rule has been interpreted thusly: "(the) objective of this Rule is to facilitate the attainment of a just, speedy and inexpensive determination of all disputes between the same parties." *Robertson v. Davis*, 271 Md. 708, 710 (1974). Moreover, "amendments should be freely allowed to serve the ends of justice." *Stoewer v. Porcelain Enamel & Mfg. Co.*, 199 Md. 146, 151 (1952). It is recognized that People's Counsel has no interest in justly, speedily and/or inexpensively determining whether a single family dwelling should be permitted at 206 Morris Ave. Instead, they would rather enter into a legal morass of technical objections and subterfuge in an effort to avoid the actual issue (i.e. what house should be built on 206 Morris Avenue). But that the intent of the law to freely allow amendments is manifest.

People's Counsel is correct however, that the issue of notice is a fair consideration. Indeed, Maryland's appellate courts have held that the parties must have reasonable notice of what is to be litigated. See *Cassidy v. County Board of Appeals of Baltimore County*, 218 Md. 418, 424 (1958). The fact of the matter is that the question of the 38 foot house, or as an alternative a 23 foot wide house, has been at issue since it was discussed at the September 4, 2015 hearing. That is five months (to the day) prior to the Board's hearing. Is that not enough time for people to understand the nature of this case? Is five months an insufficient period of notice? The initial proposal and alternate were discussed in open hearing before ALJ Beverungen. They have been the subject of pleadings, motions and written correspondence. Can anyone seriously contend that the parties don't know the issues? If the neighbors and/or People's Counsel need a postponement of the Board's hearing because they can't figure out what is requested and need additional time to prepare, then the Petitioners will willingly consent. But absent that, this hearing should proceed on the requests sought by the Petitioners. Finally, the motion begs the questions, "what would People's Counsel have Petitioner do that it has not?" File a new Petition? (so they could object on the grounds of res judicata). Remand this to the ALJ? (even though he already considered it?)

Finally, it goes without saying that the Board's hearing is de novo. The last time that the undersigned checked, that meant "anew" and that the Board's hearing is a "do over." This is a new proceeding. The Petitioners are not laying in wait until the hearing so they can spring a new theory of the case on their opponents and catch them off guard. Is People's Counsel serious when they state "that additional area citizens might

have been interested if the notice had highlighted the application for an undersized lot and the different issues entailed?" (Pg. 7) Apparently they think there is some resident of Lutherville who could care less about a zoning hearing related to the grant of a variance pursuant to BCZR § 307; but would feel an urgent need to attend a hearing wherein BCZR § 304 is at issue. News flash to People's Counsel, the citizens don't want a house on this lot and could care less under what legal approach it may be approved. Anyone who attended the previous hearing will appear at the Board's hearing. The Board's proceeding is a new one and it will consider the issues that have been raised by the parties. The Petitioners are not asking for anything that was not requested of the ALJ.

Wherefore, Petitioner C.G. Homes requests that People's Counsel's Motion to Dismiss be denied.



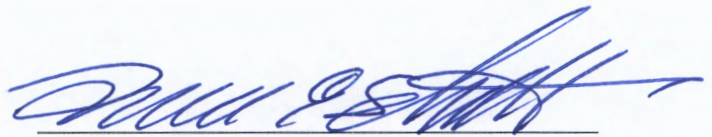
Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Ave., Suite 200
Towson, MD 21204
410-821-0070
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February, 2016 a copy of the foregoing document was mailed via first class mail, postage prepaid to:

Michael McCann, Esquire
118 West Pennsylvania Avenue
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204



Lawrence E. Schmidt

Sherry Nuffer

no cover ltr
Per John - e-mail

From: Sherry Nuffer
Sent: Wednesday, September 09, 2015 3:38 PM
To: 'Alyssa Fiore'
Cc: 'michael@mmccannlaw.net'; 'erockel@earthlink.net'
Subject: 2015-0302-SPHA
Attachments: 20150909153048576.pdf

Alyssa,

Attached please find Judge Beverungs final Order rendered in the above mentioned case.

Thank you,

Sherry

ORDER RECEIVED FOR FILING

Date 10-9-15

By Sen

IN THE MATTER OF:

C.G. Homes

206 Morris Avenue

8th Election District; 3rd Councilmanic

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 2015-302-SPHA

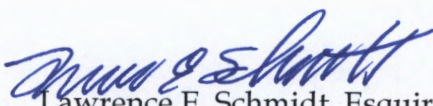
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the above captioned matter currently scheduled on Thursday, February 4, 2016, at 10:00 AM a.m./p.m. in Hearing Room 2, The Jefferson Building, located at 105 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Lloyd Moxley, Department of Planning
Address: 105 W. Chesapeake Ave., Suite 101
Towson, MD 21204

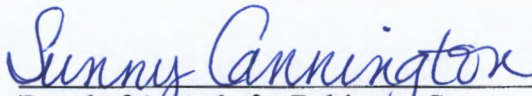
Requested by:

Name:  Lawrence E. Schmidt, Esquire
Firm: Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests () the Sheriff, () Private Process Server, to issue the summons set forth herein.

RECEIVED
JAN 28 2016

BALTIMORE COUNTY
BOARD OF APPEALS


Board of Appeals for Baltimore County

IN THE MATTER OF:

C.G. Homes

206 Morris Avenue

8th Election District; 3rd Councilmanic

* BEFORE THE
* BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* CASE NO.: 2015-302-SPHA

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the above captioned matter currently scheduled on Thursday, February 4, 2016, at 10:00 AM a.m./p.m. in Hearing Room 2, The Jefferson Building, located at 105 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Carl Richards (Permits, Approvals and Inspections)
Address: 105 W. Chesapeake Ave., Suite 105
Towson, MD 21204

Requested by:

Name: *Lawrence E. Schmidt, Esquire*
Firm: Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests () the Sheriff, () Private Process Server, to issue the summons set forth herein.

RECEIVED
JAN 28 2016

BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
Board of Appeals for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
 & VARIANCE *
 206 Morris Avenue; N/S Morris Avenue, * BOARD OF APPEALS
 242' NW of Bellona Avenue
 8th Election & 3rd Councilmanic Districts
 Legal Owner(s): Carol Lynn Morris * FOR
 Petitioner(s) * BALTIMORE COUNTY
 * 2015-302-SPHA

* * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S
MOTION TO DISMISS AMENDED PETITION AND SUPPORTING
MEMORANDUM

RECEIVED
 JAN 20 2016

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 BOARD OF APPEALS**

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APPENDIX

Petition for Special Hearing and Variance for Case No.: 2015-302-SPHA	App. 1
Excerpt of site plan – Petitioner's Exhibit 1	App. 2
Certificate of Posting including photo of sign posted on property	App. 4

Excerpt of Site Plan filed with Motion for Reconsideration.....	App. 6
Letter to Board of Appeals from Lawrence Schmidt dated December 1, 2015	App. 8
Amended Petition for Special Hearing and Variance-Case #: 2015-302-SPHA	App. 11
Deed dated December 30, 1996, Liber 12209 Folio 544	App. 13
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Baltimore County Zoning Regulations Section 304 (1955).....	App. 27
Baltimore County Zoning Regulations Section 304	App. 29
Baltimore County Zoning Regulations Section 307	App. 32
Baltimore County Zoning Regulations Section 500.7	App. 33
American Law of Zoning Section 40:21 – Notice and Hearing,	App. 34

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE COUNTY
& VARIANCE		
206 Morris Avenue; N/S Morris Avenue,	*	BOARD OF APPEALS
242' NW of Bellona Avenue		
8 th Election & 3 rd Councilmanic Districts		
Legal Owner(s): Carol Lynn Morris	*	FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2015-302-SPHA

* * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S
MOTION TO DISMISS AMENDED PETITION AND SUPPORTING
MEMORANDUM

People's Counsel for Baltimore County files this Motion to Dismiss Amended Petition to identify and analyze a threshold jurisdictional issue and to assist the County Board of Appeals (CBA) in this case now scheduled for a February 4, 2016 hearing.

The Original Petition for Variances

The record shows that on June 25, 2015, Petitioners Carol Lynn Morris ("Carol"), property owner, and C.G. Homes, Inc, ("CGH") contract purchaser, filed the attached original zoning petition for this lot zoned D.R. 2 (Density Residential), about 1/3 acre in size, on Morris Avenue in historic Lutherville. She requested,

- (1) a "special hearing ... to approve a confirmation that density of the surrounding neighborhood is not being effected (sic);" and
- (2) a petition for "variance from Section 1B02.3.C.1 to permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet, with a sum of 25 feet in lieu of the required 40 feet. To permit a lot wide (sic) of 63 feet in lieu of the required 1000 feet, a lot area of 14,189 S.F. in lieu of the required 20,000 SF."

The June 17, 2015 site plan, excerpt attached, shows the lot, a proposed dwelling outline, and the setback variances. The public notice, attached, tracked the petition.

Our office entered an appearance, as is our custom.

The Public Hearing and Judge Beverungen's Decision to Deny the Variances

As described in ALJ John Beverungen September 9, 2015 opinion, area citizens participated at the public hearing and expressed opposition. Upon review of the record and the evidence, and applying BCZR Sec. 307.1, Judge Beverungen denied the variances, and so also the special hearing. He mentioned BCZR Sec. 304, relating to approval of undersized lots; but the petition was for variances, which he denied.

Petitioners' Motion for Reconsideration

Soon after, on September 18, 2015, Petitioners filed a letter motion for reconsideration. For the first time, they asked approval of an undersized lot under BCZR Sec. 304.1, which allows a dwelling on such lots duly recorded before March 30, 1955 (the effective date of the 1955 BCZR), subject to specified criteria. An approval under this provision requires its own public hearing. BCZR Secs. 304.3, 304.4. Bill 122-10.

Petitioners narrowed the width of the proposed dwelling from 38 feet to 23 feet, thereby increasing the side yard setbacks to satisfy the BCZR Sec. 304.1.B standard,

"B. All other requirements of the height and area regulations are complied with;"

Their letter enclosed a September 16, 2015 amended site "plan to accompany petition for zoning variance and special hearing." This skeleton plan, excerpt attached, outlines a narrow "shotgun" or "railroad car" shaped dwelling, with a reduced width of 23 feet, but an increased depth of 60 feet, spanning 1380 square feet. It is significantly different from the original June 17, 2015 site "plan to accompany petition for zoning variance," which shows a fairly proportional shape, with a width of 40 feet and a depth of about 47 feet, spanning 1,528 square feet, but with the very short setbacks.

Petitioners' letter admitted that "although [Carol] at one time owned an adjacent parcel, it was sold by her nearly ten years ago" Based on BCZR Sec. 304.1.C, this appears to disqualify their new petition. BCZR 304.1.C requires, *inter alia*, that,

"C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."

But Petitioners argued for application of a "look-back" provision in the Zoning Commissioner's Policy Manual (ZCPM). This provision purported to excuse "good faith"

transfers made at least six years before depending on the totality of circumstances. See ZCPM RM-16. Page 3-3.

Petitioners admitted it to be questionable if their new proposal for such a narrow dwelling is compatible in historic Lutherville. See BCZR Sec. 304.2. But they blamed Protestants for objecting to their better original proposal.

Meanwhile, likely without notice to Protestants, Petitioners secured quickly a renewed favorable Planning Department (DOP) recommendation. The DOP issued their repeated support on September 30, 2015, essentially rubber-stamping their previous comment. Neither of the DOP comments addressed the law.

On October 2, Protestants replied. They objected to the change in requested relief. They argued the proper procedure is by petition explicitly based on BCZR Sec. 304. They also objected substantively, noting that well past 1955, the required date for establishment and review of the undersized lot, the lot in question does not, in context, meet the BCZR Sec. 304.1.C requirement.

They cited the deed history, which shows that until 2005, the subject lot, 206 Morris Avenue, was combined in one tract by deed with the much larger rear adjoining 211 Melanchton Avenue, fronting on Melanchton. This latter lot comprises 1.4 acre, with 180 feet lot width, thus meeting all D.R. 2 Zone standards. This Melanchton Avenue lot also has a dwelling dated to 1903. So, in combination, the property under single ownership as of 1955 (indeed, 1955-2005) was not undersized and met all standards either under D.R. 2 of the earlier D.R. 3.5 and R.10 classifications.

The deed and SDAT records, attached, show that from 1946 to 1996, Carol's father, Oliver Blaker, owned both lots either himself or with Carol; on December 30, 1996, he executed a deed (12209/00544, recorded June 4, 1997) transferring his title interest in both lots to Carol; on December 13, 2005, Carol executed a deed (23164/282, recorded January 3, 2006) to transfer 211 Melanchton Avenue to William Mathews; and on September 22, 2015, Carol transferred 206 Morris Avenue to C.G. Homes, Inc. (36691/171, recorded September 24, 2015). Protestants emphasized that the combined tract is not undersized, meets all current standards, and has a dwelling on it.

They also disputed Petitioners' reliance on the "six-year lookback" policy. The argued that even if the policy is valid, the six-year time period is just one factor.

Judge Beverungen's Decision to Grant the Motion for Reconsideration

Judge Beverungen did not convene a new hearing. He issued his Order on Motion for Reconsideration on October 9, 2015. He decided to address the matter under BCZR Sec. 304. He found that the public was on notice of the nature of a proposal to construct a dwelling on an undersized lot, that it does not matter – in terms of notice and due process -- whether the petition came in under BCZR Sec. 304 or Sec. 307, as both may be available; and that the Protestants anyway had mentioned Sec. 304 during the hearing, referring the deed history.

He went on to grant the motion for reconsideration. Despite the deed history and the adequate size of the transferred Melanchton Avenue lot, Judge Beverungen focused only on the Morris Avenue lot and found that it could not meet the D.R. 2 Zone standards, so that, viewed separately, it satisfied Sec. 304. In essence, he found that the combined ownership history was irrelevant.

He noted Petitioners reduced the width of the proposed dwelling to comply with the other requirements for setbacks. Finally, he noted that BCZR Sec. 304 provided no guidance as to how to meet the "appropriateness" standard, but observed there is here a safeguard that the Landmark Preservation Commission (LPC) must review the appropriateness of the building, and that the building engineer cannot issue a permit without an LPC certificate of appropriateness under County Code Sec. 32-7-404 et seq.

The Protestants' *De Novo* Appeal

On November 9, 2015, the Lutherville Community Association, and nearby property owners David and Marie Frederick, Walter Brewer, Jr. and Martin Reisinger filed an appeal to this County Board of Appeals.

C.G. Homes' Amended Petition for Approval of an Undersized Lot

On December 1, 2015, CGH (having acquired the property) filed the attached letter with an amended petition for special hearing and variance, added a petition for undersized lot approval under BCZR Sec. 304.

CGH included a “brief explanation” to support the amendment, arguing that the matter was discussed at the ALJ hearing; that it was the subject of their motion for reconsideration, which was granted; that “... the Board of Appeals’ consideration of this appeal is *de novo*, the appeal *de novo*; and that “... there are no technical rules of pleading before the Board.” CGH added they “... anticipate a procedural objection from the Protestants about the raising of these issues.” The letter attached an amended petition, but no site plan. We assume they pursue the amended site plan dated September 16, 2015.

Our office finds that there are serious procedural issues, going to subject-matter jurisdiction and the adequacy of public notice pertinent to the amended petition. We believe it is helpful to raise this issue as a preliminary motion to notify CGH, provide relevant legal analysis, and facilitate disposition. We also believe there are serious objections to the merits of the amended petition, but shall defer any argument, if necessary, until the CBA’s disposition of this motion.

Questions Presented

1. Is there subject-matter jurisdiction to review the amendment to the petition and requested relief, which adds, after the ALJ hearing and decision on the petition for variances, a new and independent request for an undersized lot under BCZR Sec. 304; and, in this context, was there adequate public notice of the amended petition?
2. Does the *de novo* appellate jurisdiction of the County Board of Appeals allow for such a change in the petition and requested relief?

Relevant Legislative Sources and Treatise Material

The following provisions are in the appendix:

Baltimore County Code Secs. 32-3-301 (Authority of Zoning Commissioner) and 32-3-302 (Same-Hearing Required – Notice).

BCZR Sec. 500.7. (Petitions for public hearing; notice).

BCZR Sec. 304 (Use of Undersized Single-Family Lots), both 1955 and current.

BCZR Sec. 307 (Variances).

4 Salkin, American Law of Zoning 5th Ed. 2016), Sec. 40:21.

Argument

I. There is no subject-matter jurisdiction to review the amendment to the petition; and there is a lack of adequate public notice.

A petition for special hearing under BCZR Sec. 500.7 is like a request for declaratory judgment. Antwerpen v. Baltimore County 163 Md. 194, 209 (2005). This authorizes determination of nonconforming use status specifically and other legal issues generally. BCZR Sec. 500.7 includes detailed provisions for public notice and hearing,

“With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors”

Attention must be paid, especially to the requirement to “... describe the property, if any, and the action requested in the petition”

There are also specific provisions for public notice and public hearings before the Zoning Commissioner (now Administrative Law Judge, see County Code Sec. 3-12-104(b)) on applications to erect dwellings on undersized lots. BCZR Sec. 304.3; 304.4. There are also detailed application and review requirements, including detailed comments by the Director of Planning and a recommendation by the Director of Permits, Approval, and Inspections. BCZR Sec. 304.2.

In parallel, the County Code includes requirements for public notice and public hearings on petitions for variances and special exceptions and, implicitly, cases on interpretation of the zoning law. Code Secs. 32-3-301, 32-3-302. This includes notice of: “The action requested by the petition.” Sec. 32-3-302(b)(2)(ii).

Here, the requested amendment differs both factually and legally from the original petition. The new action involves a request to approve for the first time “an undersized

lot” in addition to the variances, with a different statute, and with a dwelling which has a reduced width, increased depth, and different shape.

Indeed, there is a specific procedure and public notice requirement for applications for undersized lots. There are also different criteria for the approval of undersized lots under BCZR Sec. 304 from variances under BCZR Sec. 307.1.

The factual changes are likewise important. The initial notice linked to a site plan with a dwelling relatively conventional in configuration and dimensions. In contrast, the amended plan shows a very narrow “shotgun” style dwelling, which arguably is more incompatible and inappropriate in site design for this historic area. Additional citizens might have been interested in this aspect of the amended petition.

To sum up, while some citizens participated at the ALJ variance hearing, it is plausible that additional area citizens might have been interested if the notice had highlighted the application for undersized lot and the different legal issues entailed. It is also probable that our office would have participated more actively to address serious substantive issues under BCZR Sec. 304, including the history of the property, the family and Carol’s aggregate ownership of the adjoining lot, and the matter of compatibility.

In their December 1, 2015 letter enclosing the amended petition, Petitioners cited **Cassidy v. Board of Zoning Appeals** 218 Md. 418, 421-22 (1956). This is a Baltimore County case, in which the Court of Appeals confirmed,

“It has been stated so frequently and so generally that the failure of an administrative official or board to give a proper notice of a hearing, required by law, is fatal to the jurisdiction of the official or the board to conduct the hearing that it requires no citation of authority to support the proposition;”

The Court of Appeals quoted Professor Merrill’s treatise on Notice,

“Professor Merrill has this to say concerning the sufficiency of notice in administrative procedure:

‘In the first place, I think we may say that the notification, to be effective, must clearly apprise the notice that he is to defend his interests with respect to action yet to be taken rather than create in him the impression that appearance on his part is futile because a final decision already has been achieved. But, the monition must be read by the notice in the light of the provisions of the law under which it is given, and in that

light statements may appear clearly to relate to contemplated action despite some awkwardness of phrase.

‘In the second place, the notification must indicate the authority under which the administration is acting and the facts which bring the matter within its jurisdiction. A monition of a proceeding of one character may not be used as the foundation for action of a different sort, though it may bear some relation to the subject of the original hearing. The notification is adequate if it fairly informs the noticee of the nature of the proceedings and the capacity in which he is required to appear and answer.

‘Finally, and here is the heart of the requirement of notification in administrative proceedings, the noticee should be apprised clearly of the character of the action proposed and enough of the basis upon which it rests to enable him intelligently to prepare for the hearing. If this minimum requirement is met, the notification is adequate, no matter how much it may fall short of the standards of pleading in judicial contests.’ 2 Merrill, Notice, sec. 796.”

Cassidy describes the Maryland law of public notice. There, the Court held that notice of the Baltimore Gas & Electric Company’s petition for zoning reclassification from R.6 (residential) to M.H. (heavy manufacturing substantially complied to allow the approval of a special exception not mentioned in the notice. The core justification was that the requisite evidence to satisfy special exception standards would also be necessary to satisfy the requisites for a zoning reclassification. In effect, the special exception was a lesser included petition. As Judge Prescott wrote, 218 Md. at 425,

“The Board, in its able opinion, in answering the protestants’ argument that different standards of proof apply to petitions of reclassification than do to special exceptions and that constitutional requirements concerning notice, therefore, had not been met by advertising and posting for a reclassification, pointed out that all matters of proof which must appear to support a special exception case, plus either a showing of error in the original zoning or a substantial change in neighborhood conditions, must be established in a reclassification case. It cited as authority the case of Price v. Cohen, 213 Md. 457, 137 A.2d 125, where a reclassification was denied because a situation detrimental to public safety and welfare existed. The Board, therefore, held that the notice of the attempt to reclassify was sufficient to meet the constitutional need of notice, as well as that required by sec. 500.5 for granting the special exception. It stated, however, that it would not make a similar ruling if the situation were in reverse, namely, had the notice been for a special exception and a reclassification granted.”

The present situation is very different. The matters of proof for variances under BCZR Sec. 307.1 are entirely different from the matters of proof to gain approval of an

undersized lot per BCZR Sec. 304. In addition, Petitioners here made significant changes to the configuration and dimensions of the proposed dwelling. The situation here is much closer to that in the concluding comment of the Cassidy CBA, that it would not have allowed a petition for zoning reclassification based upon a special exception notice.

While it may be that Protestants mentioned the undersized aspect of the lot during the ALJ hearing, Petitioners did not at that time request a continuance or stay to amend their petition and provide new public notice. Rather, they went ahead with their variance petition. Only when the ALJ denied their petition did they attempt to bootstrap a new undersized lot petition. It should again be underlined that public notice of an undersized lot petition might have sparked interest from additional members of the public.

To gain perspective, let us highlight some pertinent subsequent cases. It should be underlined that in each of the following cases, the Court voided legislative actions because of deviations from the required public notice, although legislatures traditionally have far more discretion than administrative agencies.

Rasnake v. Board of County Comm'rs 268 Md. 295 (1973). This case involved a deviation from public notice of proposed legislative action. The County Commissioners gave notice of a bill to allow the Zoning Inspector (in place of the Board of Appeals, as under existing law) to approve temporary construction of mobile homes on lots where the owners were building homes. But, upon legislative hearing, the Commissioners added a \$500 bond requirement at the suggestion of the County Engineer. The Court of Appeals reversed the Circuit Court's decision allowing this change. The appellate court held that the amendment involved a substantial change from the scope of the legislation described in the public notice and so could not be sustained. 268 Md. at 303-04.

Von Lusch v. Board of County Comm'rs 268 Md. 445 (1973). Here, the notice described a bill which deemed existing airports and landing strips as nonconforming uses, which could not be extended except by conditional uses approved by the board of appeals. But the bill as adopted provided that every existing airport should be deemed a conditional use, without requiring any approval by the county board of appeals. Again,

the Court of Appeals reversed the Circuit Court's allowance of the change because of the substantial deviation from the public notice. 268 Md. at 454-58.

Meadowridge Industrial Center L.P. v. Howard County 109 Md. App. 410 (1996). The Howard County Board of Appeals granted Browning-Ferris, Inc's (BFI's) petition to establish a Solid Waste Overlay Zone on a property in Elkridge. Upon appeal, Meadowridge Industrial Center L.P. challenged the validity of the County's authorization of such facility by virtue of a then recent Solid Waste Plan Amendment. The County's public notice had stated that the County "will" own and operate its transfer station, and that the preferred site would be the Alpha Ridge Landfill. But the plan as passed stated that the County "may" own the transfer station built in the County and recognized the potential for a private BFI-owned (Browning-Ferris Inc.) transfer station in Elkridge. The Court of Special Appeals reversed the Circuit Court's allowance of this plan because of the enactment deviated substantially from the public notice. 109 Md. App. at 424-27.

Freestate Recycling Systems v. Board of County Comm'rs 885 F. Supp. 798 (D. Md. 1994). The Court entered a declaratory judgment which invalidated the Frederick County zoning text amendments relating to solid waste facilities. Again, the Court found that the legislation as enacted deviated from that described in the public notice. 885 F. Supp. at 801-09.

The Maryland law tracks the national law. Professor Salkin in 4 **Am. Law Zoning** Sec. 40:21 (5th Ed. 2016), reviews the matter of content pertinent to notice and hearing in zoning cases. We have attached the entire section, but highlight the following:

"A notice of a hearing to consider an application for variance will not support a decision granting a special permit." ... A notice which states that a request for variance will be considered is not adequate to support a hearing on a special exception. A notice which informs that the applicant seeks a 'lesser' nonconforming use, but fails to describe the character or extent of the use sought, is not specific enough to support a decision."

For all of the above reasons, ALJ Beverungen lacked jurisdiction to consider the Petitioners' substantial amendment and/or addition to their petition.

II. The *De Novo* function of the County Board of Appeals does not afford jurisdiction to review a substantial amendment to the original petition

While the CBA review is *de novo* under County Charter Sec. 603 (see Pollard's Towing v. Berman's Body & Mechanical 137 Md. App., 277 (2001), the CBA nevertheless exercises appellate jurisdiction in zoning cases, apart from its original jurisdiction over petitions for zoning reclassification under Sec. 602(e). The key case elucidating the scope of the CBA's appellate jurisdiction is Halle Companies v. Crofton Civic Ass'n 339 Md. 131 (1995). There, the Court explained that while the CBA could accept new evidence on the relevant petition, the CBA could not accept what amounts to a new petition or a petition beyond the scope of the original proceeding. Here is Judge Karwacki's detailed explanation, 339 Md. at 142-43,

"In *UPS*, we interpreted the power granted by the Express Powers Act as providing charter counties the option to vest the board of appeals with either original jurisdiction or appellate jurisdiction over any subject matter set forth therein. *UPS*, 336 Md. at 588, 650 A.2d at 236. We concluded that it was the intent of the General Assembly that "[u]nder the Express Powers Act, a board of appeals is primarily an appellate tribunal, having only such original jurisdiction as a county's charter and ordinances expressly grant [.]" *Id.* at 591, 650 A.2d at 237.

"The protestants also rely upon *People's Counsel v. Crown Development*, 328 Md. 303, 316, 614 A.2d 553, 559 (1992), where this Court held, *inter alia*, that on an appeal from the decision of administrative officials granting final approval of a development plan, the Baltimore County Board of Appeals was authorized under the Express Powers Act and local law to receive and consider evidence in addition to that contained in the record before the administrative officials. The *Crown Development* case, like the *Hope* [*v. Baltimore County*, 288 Md. 656, 421 A.2d 576 (1980)] case, was concerned only with the appellate jurisdiction of the Board of Appeals. Our holding with regard to additional or *de novo* evidence before the Board of Appeals does not support the view that the Board has original jurisdiction over all subjects delineated in § 5(U). The fact that an appellate tribunal may be authorized to receive additional evidence or hear a case *de novo* does not mean that it is exercising original jurisdiction. A *de novo* appeal is nevertheless an exercise of appellate jurisdiction rather than original jurisdiction. See *Hardy v. State*, 279 Md. 489, 492, 369 A.2d 1043, 1046 (1977). Whether a tribunal's exercise of jurisdiction is appellate or original does not depend on whether the tribunal is authorized to receive additional evidence. Instead, as Chief Justice Marshall explained, "[i]t is the essential criterion of appellate jurisdiction that it revises and corrects the proceedings in a cause already instituted, and does not create that cause...." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 175, 2 L.Ed. 60, 73 (1803)."

Id. at 589-90, 650 A.2d at 236. That decision, however, does not conflict with our prior interpretation of *de novo* proceedings. The Anne Arundel County Board of Appeals may not entertain a truly original petition for variance or special exception, but it may review the actions of the administrative hearing officer and take any action which that officer could have taken in the original proceeding. *See Soothcage v. King*, 227 Md. 142, 152-53, 176 A.2d 221, 227 (1961)."

To make a long story short, CGH cannot properly employ the CBA's *de novo* scope of appellate review to add or engraft a new petition which was not properly within the ALJ's jurisdiction.

Conclusion

For the above reasons, the County Board of Appeals should dismiss the amended petition for lack of jurisdiction and insufficient public notice.

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 20th day of January, 2016, a copy of the foregoing People's Counsel for Baltimore County's Motion to Dismiss Amended Petition and Supporting Memorandum was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, and Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County





2011 11/20/2011

2008 M. 10



THIS DEED MADE THIS 30th DAY OF December 1986, by and between Oliver F. Blaker of Baltimore County, Maryland, party of the first part, Grantor, and Carol Lynn Morris, his daughter of Chabon Co, Pa. party of the second part, Grantee.

WITNESSETH, That in consideration of the sum of \$5.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Oliver F. Blaker does hereby grant and convey to Carol Lynn Morris, her personal representatives and assigns in fee simple all those two lots of ground situate in Baltimore County, Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST THEREOF at a point in the center of Melanchton Avenue at the distance of six hundred eighty-four feet south sixty-six degrees fifteen minutes east from the intersection of the center line of Melanchton Avenue with the center line of Francie Avenue, said point of beginning being at the intersection of the center line of Melanchton Avenue with the division line between Lots Nos. 68 and 74, as originally laid out on the Plat of Lutherville, and recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 8, folio 57; and running thence binding on the center line of Melanchton Avenue, as now located sixty-six feet wide, south sixty-six degrees fifteen minutes east two hundred forty-three and twenty-five one-hundredths (243.25) feet to a point north twenty-five degrees fifty minutes east thirty-one and sixty-five one-hundredths (31.65) feet from a stone now planted on the southwest side of said Avenue; thence reversing said line so drawn and running south twenty-five degrees fifty minutes west thirty-one and sixty-five one-hundredths (31.65) feet to said stone still continuing the same course and passing over said stone south twenty-five degrees fifty minutes west two hundred twenty-five and thirty-five one-hundredths (225.35) feet to a stone now standing on the southern outline of Lot No. 85, as originally laid out on the Plat of Lutherville aforesaid; thence running and binding on part of the outline of Lot No. 85 and the southern outline of Lot No. 74 north sixty-six degrees fifteen minutes west two hundred forty-three and twenty-five one-hundredths (243.25) feet to intersect the division line between Lot No. 68 and Lot No. 74, as laid out on the Plat above referred to; and thence running and binding on said division line north twenty-five degrees fifty minutes east two hundred and fifty-seven feet to the place of beginning.

BEING Lot No. 74 and west seventy-two and twenty-five one-hundredths (72.25) feet of Lot No. 85, as laid out on Plat of Lutherville, said Plat recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 8, folio 57. The improvements thereon being known as No. 211 Melanchton Avenue.

BEING the first lot of ground described in a Deed dated July 29, 1983, and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 6619, folio 545 from Oliver F. Blaker to Oliver F. Blaker, life tenant with powers of disposition.

BEING also the same lot of ground described in a Deed dated June 28, 1989, and recorded among the aforesaid Land Records in Liber SM No. 8215, folio 51, from Oliver F. Blaker to Oliver F. Blaker, life tenant with powers of disposition.

NO TITLE EXAMINATION

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE ALL

DATE 6/4/97

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

HAR 6/4/97
By Date

page 1

Probs Exs

BEGINNING FOR THE SECOND THEREOF at a point on the northeast side of Morris Avenue, distant north 64 degrees 30 minutes West 229.97 feet from a cross cut in the concrete driveway at the northernmost corner of Morris and Bellona Avenue, said point of beginning being also at the end of the first line of the parcel of ground described in a Deed dated August 29, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1404, folio 153 etc., which was conveyed by Herbert N. Flack and wife unto Carroll S. Klingelhofer, Jr. and wife, running thence and binding on the northeast side of Morris Avenue, North 64 degrees 30 minutes West 63 feet to a stake at the end of the first or North 64 degrees 30 minutes West, 173.2 foot line of the parcel of ground described in a Deed dated May 26, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1388, folio 224, etc., which was granted and conveyed by John B. Hihn, Jr. and wife unto Herbert N. Flack and wife, running thence and binding on the second line of the last mentioned conveyance, North 27 degrees 30 minutes East, 225.39 feet to the end of said second line, running thence and bounding on the third or South 64 degrees 19 minutes East, 128.99 foot line of said last mentioned conveyance, South 64 degrees 19 minutes East, 63 feet to the end of the second or North 27 degrees 30 minutes East 225.39 foot line of said parcel of ground which was conveyed by Herbert N. Flack and wife unto said Carroll S. Klingelhofer, Jr. and wife, hereinbefore mentioned and running thence and binding on said second line reversely South 27 degrees 30 minutes West, 225.39 feet to the place of beginning.

BEING the second lot of ground set forth in a Deed dated July 29, 1983, and recorded among the aforesaid Land Records in Liber EHK, Jr. No. 6619, folio 545, from Oliver F. Blaker to Oliver F. Blaker, life tenant with powers of disposition.

THIS DEED is executed pursuant to the powers of disposition set forth in said Deeds dated July 29, 1983 and June 28, 1989, respectively, referred to above.

TOGETHER with the buildings thereupon and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described parcels of ground and premises unto Carol Lynn Morris, her personal representatives and assigns in fee simple.

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

0012209 546

WITNESS the hand and seal of said grantor:

WITNESS:

William S. Bonnet *Oliver F. Blaker* (SEAL)
OLIVER F. BLAKER

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:
I HEREBY CERTIFY, That on this 30th day of December
1998, before me, the subscriber, a Notary Public of the State aforesaid,
personally appeared Oliver F. Blaker, known to me (or satisfactorily proven)
to be the person whose name is subscribed to the within Deed, and
acknowledged the foregoing Deed to be his act, and in my presence signed
and sealed the same.

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

William S. Bonnet
NOTARY PUBLIC

MY COMMISSION EXPIRES: 11/1/99

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of
the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

William S. Bonnet
William S. Bonnet, Attorney

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802047200			
Owner Information					
Owner Name:		MATHEWS WILLIAM H		Use:	RESIDENTIAL
Mailing Address:		211 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321		Principal Residence:	NO
				Deed Reference:	/23161/ 00282
Location & Structure Information					
Premises Address:		211 MELANCTHON AVE LUTHERVILLE TIMONIUM 21093-5321		Legal Description:	LT 74 PT 85 211 MELANCTHON AVE LUTHERVILLE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0018	0351		0000	
Block:	Lot:	Assessment Year:	Plat No:		
	74	2014	Plat Ref:		
Special Tax Areas:			Town:		
			Ad Valorem:		
			Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1903	2,430 SF		1.4300 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	1/2 STONE FRAME	1 full/ 1 half	1 Detached
Value Information					
Base Value		Value As of 01/01/2014	Phase-in Assessments		
			As of 07/01/2015	As of 07/01/2016	
Land:	219,000	219,000			
Improvements	156,100	66,600			
Total:	375,100	285,600	285,600	285,600	
Preferential Land:	0			0	
Transfer Information					
Seller: MORRIS CAROL LYNN		Date: 01/03/2006		Price: \$300,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /23161/ 00282		Deed2:	
Seller: BLAKER OLIVER F		Date: 06/04/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12209/ 00544		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Denied					

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.

DEED PREPARED WITHOUT TITLE EXAMINATION
NO CONSIDERATION - STAMPS AND TRANSFER TAX NOT REQUIRED.
DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM
LICER 6619 TAX: 545

This Deed, MADE THIS 29th day of July

in the year one thousand nine hundred and eighty-three

by and between

OLIVER F. BLAKER,

of Baltimore County, State of Maryland,

of the first part, and

OLIVER F. BLAKER and CAROL LYNN MORRIS, his daughter, both of Baltimore County, State of Maryland,

of the second part.

0 RC/F 15.00
DEED 0 H
STAMP JR 7 15.00
477.383 0002 R02 T08:50
11/08/83

WITNESSETH, That in consideration of the sum of No Dollars

the said Oliver F. Blaker

STATE DEPARTMENT
ASSESSMENTS & CHIEF
11/11/83
CLERK DATE

do es grant and convey to the said Oliver F. Blaker, for and during the term of his natural life, with full power in the said Oliver F. Blaker in his lifetime to sell, mortgage, lease, convey, exchange or otherwise dispose of the property hereinafter described (except by Last Will and Testament), both life estate and remainder, absolutely, without any obligation on the part of any purchaser to see to the application of the purchase money; and from and after the death of the said Oliver F. Blaker, then unto Carol Lynn Morris, her heirs, personal representatives and assigns, as to all or any part or ~~as to~~ ^{as to} ~~as to~~ interest therein not disposed of by the said Oliver F. Blaker during his lifetime pursuant to the powers hereinabove granted, in fee simple, all those two lots of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST THEREOF at a point in the center of Melanchton Avenue at the distance of six hundred eighty-four feet south sixty-six degrees fifteen minutes east from the intersection of the center line of Melanchton Avenue with the center line of Francke Avenue, said point of beginning being at the intersection of the center line of Melanchton Avenue with the division line between Lots Nos. 68 and 74, as originally laid out on the Plat of Lutherville, and recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 8, folio 57; and running thence binding on the center line of Melanchton Avenue, as now located sixty-six feet wide, south sixty-six degrees fifteen minutes east two hundred forty-three and twenty-five one-hundredths (243.25) feet to a point north twenty-five degrees fifty minutes east thirty-one and sixty-five one-hundredths (31.65) feet from a stone now planted on the southwest side of said avenue; thence reversing said line so drawn and running south twenty-five degrees fifty minutes west thirty-one and sixty-five one-hundredths (31.65) feet to said stone still continuing the same course and passing over said stone south twenty-five degrees fifty minutes west two hundred twenty-five and thirty-five one-hundredths (225.35) feet to a stone now standing on the southern outline of Lot No. 85, as originally laid out on the Plat of Lutherville aforesaid; thence running and binding on part of the outline of Lot No. 85 and the southern outline of Lot No. 74 north sixty-six degrees fifteen minutes west two hundred forty-three and twenty-five one-hundredths (243.25) feet to intersect the division line between Lot No. 68 and Lot No. 74, as laid out on the Plat above referred to; and thence running and binding on said division line north twenty-five degrees fifty minutes east two hundred and fifty-seven feet to the place of beginning.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE 23 DATE 11-4-83

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Authorized Signature
Date 11/4/83 Sec. 11-85 - H

Prots
Ex. 6

BEING Lot No. 74 and west seventy-two and twenty-five one-hundredths (72.25) feet of Lot No. 85, as laid out on Plat of Lutherville, said Plat recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 8, folio 57. The improvements thereon being known as No. 211 Melancton Avenue.

BEING the same lots of ground which by Deed dated April 30, 1941 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1152, folio 135, were granted and conveyed by John B. Gontrum and Mary von W. Gontrum, his wife, unto Oliver F. Blaker and Beatrice J. Blaker, his wife. The said Beatrice J. Blaker having departed this life on or about March 18, 1983.

BEGINNING FOR THE SECOND THEREOF at a point on the northeast side of Morris Avenue, distant North 64 degrees 30 minutes West 229.97 feet from a cross cut in the concrete driveway at the northernmost corner of Morris and Bellona Avenues, said point of beginning being also at the end of the first line of the parcel of ground described in a Deed dated August 29, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1404, folio 153 etc., which was conveyed by Herbert N. Flack and wife unto Carroll S. Klingelhofer, Jr. and wife, running thence and binding on the northeast side of Morris Avenue, North 64 degrees 30 minutes West 63 feet to a stake at the end of the first or North 64 degrees 30 minutes West, 173.2 foot line of the parcel of ground described in a Deed dated May 26, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1388, folio 224, etc. which was granted and conveyed by John B. Hihn, Jr. and wife unto Herbert N. Flack and wife, running thence and binding on the second line of the last mentioned conveyance, North 27 degrees 30 minutes East, 225.39 feet to the end of said second line, running thence and bounding on the third or South 64 degrees 19 minutes East, 128.99 foot line of said last mentioned conveyance, South 64 degrees 19 minutes East, 63 feet to the end of the second or North 27 degrees 30 minutes East 225.39 foot line of said parcel of ground which was conveyed by Herbert N. Flack and wife unto said Carroll S. Klingelhofer, Jr. and wife, hereinbefore mentioned and running thence and binding on said second line reversely South 27 degrees 30 minutes West, 225.39 feet to the place of beginning.

BEING the same lot of ground which by Deed dated December 9, 1946 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1527, folio 389, was granted and conveyed by Stella P. Barren unto Oliver F. Blaker, the within named Grantor.

137955 : This Deed made this 9th day of December in the year nineteen
 Stella P Barren : hundred and forty six by and between Stella P Barren widow
 Deed To : Grantor and Oliver F Blaker Grantee all of Baltimore City
 Oliver F Blaker : in the State of Maryland
 US \$1.65 ST \$1.50 : Witnesseth that in consideration of the sum of five dollars

-----: and of other good and valuable considerations the receipt of
 which is hereby acknowledged the said Stella P Barren does hereby grant and convey unto
 the said Oliver F Blaker his heirs and assigns in fee simple all that parcel of ground
 and premises situate in the Eighth Election District of Baltimore County in the State of
 Maryland in the village of Lutherville and particularly described as follows that is to say

Beginning for the same at a point on the northeast side of Morris Avenue distant
 north 64 degrees 30 minutes west 229.97 feet from a cross cut in the concrete driveway
 at the northernmost corner of Morris and Bellona Avenues said point of beginning being
 also at the end of the first line of the parcel of ground described in a deed dated
 August 29 1945 and recorded among the land records of Baltimore County in Liber RJS No
 1404 folio 153 etc which was conveyed by Herbert N Flack and wife unto Carroll S Klingelhofer
 Jr and wife running thence and binding on the northeast side of Morris Avenue north 64
 degrees 30 minutes west 63 feet to a stake at the end of the first or north 64 degrees
 30 minutes west 173.2 foot line of the parcel of ground described in a deed dated May
 26 1945 and recorded among the land records of Baltimore County in Liber RJS No 1388
 folio 224 etc which was granted and conveyed by John B Hihn Jr and wife unto Herbert N
 Flack and wife running thence and binding on the second line of the last mentioned conveyance
 north 27 degrees 30 minutes east 225.39 feet to the end of said second line running
 thence and bounding on the third or south 64 degrees 19 minutes east 128.99 foot line of
 said last mentioned conveyance south 64 degrees 19 minutes east 63 feet to the end of
 the second or north 27 degrees 39 minutes east 225.39 foot line of said parcel of ground
 which was conveyed by Herbert N Flack and wife unto said Carrol S Klingelhofer Jr and
 wife hereinbefore mentioned and running thence and binding on said second line reversely
 south 27 degrees 30 minutes west 225.39 foot to the place of beginning

Being all and the same parcel of ground and premises described in a deed dated
 April 4 1946 and recorded among the land records of Baltimore County in Liber RJS No
 1439 folio 542 etc which was granted and conveyed by Herbert N Flack and wife unto the
 said Stella P Barren in fee simple

Together with the building and improvements thereon and all and every the rights
 alleys ways waters privileges advantages and appurtenances thereto belonging or in anywise
 appertaining

To have and to hold the hereinabove described parcel of ground and premises unto
 and to the proper use and benefit of the said Oliver F Blaker his heirs and assigns
 forever in fee simple

Said grantor hereby covenants that she has not done or suffered to be done any act
 matter or thing whatsoever to encumber the property hereby conveyed that she will
 warrant specially the property hereby granted and that she will execute such further
 assurances of the same as may be required

Prok
 Ex. 1

Liber 1439/542

State of Maryland

Washington County to wit

I Hereby Certify that on this 6th day of April 1946 before me the subscriber a Notary Public of the State of Maryland in and for the County aforesaid personally appeared Arthur F Martin and Madeline P Martin his wife the above named Mortgagors and acknowledged the foregoing mortgage to be their act

At the same time also personally appeared Ira F Martin and Katherine M Martin the within named Mortgagees and made oath in due form of law that the considerations of said mortgage is true and bona fide as therein set forth

In Testimony Whereof I have hereunto set my hand and affixed my official seal the day and year aforesaid

(Notarial seal)

Geraldine Martin

Notary Public

My Commission expires May 5 1947

Recorded Apr 10 1946 at 2.30 P M & EXD

Per Robert J Spittel Clerk

(Rec By R D B)

(Examiners W & G)

107059

Herbert N Flack and wife

Deed to

Stella P Barren

U S S \$1.65 S R T \$1.20

This Deed made this 4th day of April in the year

Nineteen hundred and forty six by and between Herbert

N Flack and Mary A Flack his wife Grantors and Stella

P Barren Grantee

Witnesseth that in consideration of the sum of five dollars and of other good and valuable consideration the receipt of which is hereby acknowledged the said Herbert N Flack and Mary A Flack his wife do hereby grant and convey unto the said Stella P Barren her heirs and assigns in fee simple all that parcel of ground and premises situate in the Eighth Election District of Baltimore County State of Maryland in the Village of Lutherville and particularly described as follows that is to say Beginning for the same at a point on the northeast side of Morris Avenue distant north 64 degrees 30 minutes west 229.97 feet from a cross cut in the concrete driveway at the

Dec 9/27/46
Stella P Barren

First mortgage in deed (see index)

Prot
Ex 5

northernmost corner of Morris and Bellona Avenues said point of beginning being also at the end of the first line of the parcel of ground described in a deed dated August 29 1945 and recorded among the Land Records of Baltimore County in Liber R J S No 1404 folio 153 etc which was conveyed by said Herbert N Flack and wife unto Carroll S Klingelhofer Jr and wife running thence and binding on the northeast side of Morris Avenue north 64 degrees 30 minutes west 63 feet to a stake at the end of the first or north 64 degrees 30 minutes west 173.2 foot line of the parcel of ground described in a deed dated May 26 1945 and recorded among the Land Records of Baltimore County in Liber R J S No 1388 folio 224 etc which was granted and conveyed by John B Hihn Jr and wife unto the said Herbert N Flack and wife running thence and binding on the second line of the last mentioned conveyance north 27 degrees 30 minutes east 225.39 feet to the end of said second line running thence and bounding on the third or south 64 degrees 19 minutes east 128.99 foot line of said last mentioned conveyance south 64 degrees 19 minutes east 63 feet to the end of the second or north 27 degrees 30 minutes east 225.39 foot line of said parcel of ground which was conveyed by said Herbert N Flack and wife unto said Carroll S Klingelhofer Jr and wife hereinbefore mentioned and running thence and binding on said second line reversely south 27 degrees 30 minutes west 225.39 feet to the place of beginning 1945

Being a part of that parcel of ground described in a deed dated May 26 and recorded among the Land Records of Baltimore County in Liber R J S No 1388 folio 224 etc which was conveyed by John B Hihn Jr and wife unto said Grantors herein in fee simple

Together with the buildings and improvements thereon and all and every the rights alleles ways waters privileges advantages and appurtenances thereto belonging or in anywise appertaining

To have and to hold the hereinabove described parcel of ground and premises unto and to the proper use and benefit of the said Stella P Barren her heirs and assigns forever in fee simple

Said Grantors hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requisite

As Witness the hands and seals of said Grantors

Test

Claire E Costanzo

Walter W Cox

State of Connecticut

City of Danbury to wit

Herbert N Flack (SEAL)

Mary A Flack (SEAL)

On this 4 day of April in the year 1946 before me Mildred S Trolle a Notary Public of the State of Connecticut in and for the City aforesaid the undersigned Officer personally appeared Herbert N Flack and Mary A Flack his wife the Grantors named in the aforesaid deed known to me or satisfactorily proven to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained

In Witness Whereof I hereunto set my hand and affix my Official seal
(Notarial seal)

Mildred S Trolle
Notary Public

Liber 1388

80688

John B Hihn Jr & wf

Deed to

Herbert N Flack & wf

US\$ \$9.35 Ss\$8.50

This Deed Made this 26th day of May in the year One Thousand Nine Hundred and Forty-five by and between John B Hihn Jr and Helen M Hihn his wife Grantors and Herbert N Flack and Mary A Flack his wife Grantees all of Baltimore County in the State of Maryland

Witnesseth that in consideration of the sum of Five Dollars and of other good and valuable considerations the receipt of which is hereby acknowledged the said John B Hihn Jr and Helen M Hihn his wife do hereby grant and convey unto the said Herbert N Flack and Mary A Flack his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor forever in fee simple all that parcel of ground and premises situate in the Eighth Election District of Baltimore County State aforesaid and particularly described as follows that is to say

Beginning for the same at a stake set on the northeast side of Morris Avenue distant North 64 degrees 30 minutes west 119.77 feet from a cross cut in the concrete driveway at the northernmost corner of Morris and Bellona Avenues said stake also being South 64 degrees 30 minutes east 51.23 feet from a stone heretofore set on the northeast side of Morris Avenue thence binding on the northeast side of Morris Avenue North 64 degrees 30 minutes west 173 and 2/100ths feet to a stake thence running for a line of division North 27 degrees 30 minutes east 225.39 feet to a stake set in the northeast outline of the whole tract of land of which the lot now being described is a part thence binding on said outline south 64 degrees 19 minutes east 128.99 feet to a stake thence running for lines of division the two following courses and distances viz south 27 degrees 30 minutes west 112.50 feet to a stake and south 5 degrees 52 minutes west 119.38 feet to the place of beginning Containing \$2/100 of an acre of land more or less

Being the same parcel of ground and premises described in a deed dated October 29 1940 and recorded among the Land of Baltimore County in Liber CWS Jr No 1135 folio 187 etc which were granted and conveyed by Walter B Davis and wife unto the said Grantors herein

Together with the buildings and improvements thereupon erected and all and every the rights alleys ways waters privileges appurtenances and advantages thereto belonging or in anywise appertaining

To Have and to Hold the hereinabove described parcel of ground and premises unto the said Herbert N Flack and Mary A Flack his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivors forever in fee simple

Said Grantors hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby granted that they will warrant specially the property hereby conveyed and that they will execute such further assurances of the same as may be requisite

As Witness the hands and seals of said Grantors

Test

Carl A T Seine

John B Hihn Jr

(seal)

Helen M Hihn

(seal)

Krysundra L. Cannington
May 25, 2016
Page 2

15-302-A, C.G. Homes is requesting certain zoning variances (per BCZR § 307) to allow the construction of a 38-foot wide dwelling. In Case No. 16-201-SPH, C.G. Homes requests approval per BCZR § 304 to allow the construction of a 23-foot wide dwelling.

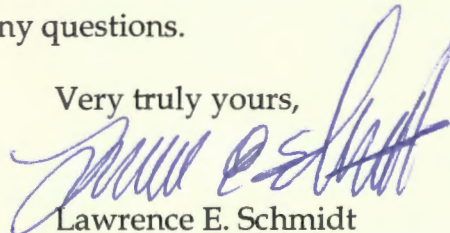
By the separate appeals of the two matters and their consolidation at the Board, the procedural issues which generated People's Counsel's Motions are remedied. Both requests were duly advertised, posted and the requisite public notice has been provided. Both cases have had final decisions issued by the ALJ and are thus properly before the Board on appeal. As the property and petitioner are both the same and the relief requested similar, it would appear that the commonality of the cases and issues presented therein would be appropriately addressed via a consolidation of the matters. Only a single public hearing on the merits of both cases will be required, thereby promoting judicial economy and an opportunity to be heard on all issues can be afforded to the parties.

I have copied opposing counsel with this letter (Mr. McCann for the individual neighbors opposing and the Lutherville Community Association, and People's Counsel). I would be pleased to discuss with them scheduling and any preliminary procedural issues to facilitate the appropriate handling of these matters by the Board. In my view, at this point (particularly given the history of these cases) a single de novo hearing before the Board on the issues raised in both cases would seemingly be an appropriate manner by which all parties could be heard and all issues duly considered.

I appreciate your attention to this request and please contact me should any further information be required.

Please contact me should you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt

LES/amf
Enclosures

cc: Administrative Law Judge John E. Beverungen
Michael McCann., Esquire
Peter Max Zimmerman, Esquire
Krysundra Cannington, Board of Appeals
C.G. Homes, Inc.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Carol Morris – Legal Owner
C.G. Homes – Contract Purchaser

15-302-SPHA

DATE: March 9, 2016

BOARD/PANEL: Benfred B. Alston, Panel Chairman
Jason S. Garber
James H. West

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate People's Counsel's Motion to Dismiss Amended Petition and Supporting Memorandum, and Response thereto.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

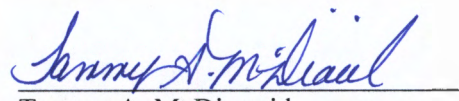
STANDING

- The Board noted the Motion to Dismiss concerns the issue of whether or not public notice of the hearing was adequate and proper, and if the Board has jurisdiction.
- The Board stated that the notice originally posted specified a different plan, and Code section, than that which the ALJ granted. The Board notes that the issue of notice is an important one to allow the neighbors/community the right to participate in the hearing. Two of the Board members believe that notice was deficient as to the plan which was approved and proposed today, and believe the property should have been reposted for an undersized lot under Section 304.
- One board member disagrees and believes that the Board has jurisdiction to schedule a hearing and proceed as the ALJ made a ruling on the proposed plan. He notes that the purpose of notice is to make the public aware of the hearing. He believes that case law is adequate and sufficient to support his finding. The property was originally posted as a Variance to allow the construction of a house. He questions whether anyone was harmed by the change in plan. All parties and neighbors were aware of the hearing. He believes that notice was adequate, and finds that the error was harmless, even though the original notice stated a different statute. He finds that a *de novo* hearing is appropriate and that no one has been prejudiced by not having exact wording on the notice.
- The Board noted that although the issue of *res judicata* is not before the Board, they do not believe it is applicable and believe that the Petitioners should be able to file a Petition to proceed under Section 304.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board majority agreed to GRANT the Motion to Dismiss made by People's Counsel, with one Board member dissenting.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Tammy A. McDiarmid



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180
FAX: 410-887-3182

February 5, 2016

NOTICE OF PUBLIC DELIBERATION

IN THE MATTER OF: Carol L. Morris – Legal Owner
CG Homes – Contract Purchaser
15-302-SPHA N/s Morris Avenue, 242 ft NW of C/L of Bellona Avenue
206 Morris Avenue
8th Election District; 3rd Councilmanic District

Re: People's Counsel for Baltimore County's Motion to Dismiss and responses thereto,

This matter having been argued on February 4, 2016, a public deliberation on the Motion has been

ASSIGNED FOR: WEDNESDAY, MARCH 9, 2016 AT 9:30 A.M.

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

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: See attached Distribution List

Notice of Public Deliberation

In re: Carol Morris – LO/CG Homes – CP

15-302-SPHA

February 5, 2016

Page 2

c: Counsel for Petitioner
Contract Purchaser/Petitioner
Legal Owner

: Lawrence E. Schmidt, Esquire
: C.G. Homes/Thomas Faust
: Carol L. Morris

Counsel for Protestants/Appellants
Protestants/Appellants

: Michael R. McCann, Esquire
: Lutherville Community Association,
David and Marie Frederick, Walter Brewer, Jr.,
and Martin Reisinger

William Bafitis, P.E.
Eva Castillo
George Nixon
Marielana Svarez
William and Marie Irwin
Jane Brewer
Stephen Mill
James McGee
Ellen Rappaport
Lexi Liu
Dori Gottfried
Marcia Hettinger
Eric Rockel
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180

FAX: 410-887-3182

November 23, 2015

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

15-302-SPHA

Carol L. Morris – Legal Owner
CG Homes – Contract Purchaser
N/s Morris Avenue, 242 ft NW of C/L of Bellona Avenue
206 Morris Avenue
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing to approve a confirmation that density of the surrounding neighborhood is not being affected; and

Petition for Variance from Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of the required 40 feet. To permit a lot width of 63 feet in lieu of the required 100 feet, with a lot area of 14,189 square feet in lieu of the required 20,000 square feet.

9/9/15 Opinion and Order of Administrative Law Judge wherein the Petition for Special Hearing and Variance were DENIED.

10/9/15 Ruling on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion for Reconsideration was GRANTED and it was further ordered that a single-family dwelling may be erected on the subject lot in accordance with BCZR 304 and with conditions.

ASSIGNED FOR: THURSDAY, FEBRUARY 4, 2016 AT 10:00 A.M.

LOCATION:

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

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

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

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

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

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: See attached Distribution List

Notice of Assignment

In re: Carol Morris – LO/CG Homes – CP

15-302-SPHA

Page 2

c: Counsel for Petitioner
Contract Purchaser/Petitioner
Legal Owner

: Lawrence E. Schmidt, Esquire
: C.G. Homes/Thomas Faust
: Carol L. Morris

Counsel for Protestants/Appellants
Protestants/Appellants

: Michael R. McCann, Esquire
: Lutherville Community Association,
David and Marie Frederick, Walter Brewer, Jr.,
and Martin Reisinger

William Bafitis, P.E.

Eva Castillo

George Nixon

Marielana Svarez

William and Marie Irwin

Jane Brewer

Stephen Mill

James McGee

Ellen Rappaport

Lexi Liu

Dori Gottfried

Marcia Hettinger

Eric Rockel

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Arnold Jablon, Director/PAI

Andrea Van Arsdale, Director/Department of Planning

Nancy West, Assistant County Attorney

Michael Field, County Attorney, Office of Law

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(206 Morris Avenue) *

8th Election District *

3rd Council District *

Carol Lynn Morris, *Owner* *

C.G. Homes, *Contract Purchaser* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0302-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Carol Lynn Morris, legal owner, and C. G. Homes, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking confirmation that the zoning request will not affect the density of the surrounding neighborhood. In addition, a Petition for Variance seeks the following: (1) to permit a proposed dwelling with a side setback of 10 ft. in lieu of the minimum setback of 15 ft. with a sum of 25 ft. in lieu of the required 40 ft.; and (2) to permit a lot width of 63 ft. in lieu of the required 100 ft., and a lot area of 14,189 sq. ft. in lieu of the required 20,000 sq. ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Tom Faust and William Bafitis, P.E., who was accepted as an expert. Lawrence E. Schmidt, Esq. represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP).

VARIANCES

To obtain variance relief requires a showing that:

ORDER RECEIVED FOR FILING

Date 9/9/15

By Sen

- (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).

As explained in greater detail below, I do not believe Petitioners can satisfy these requirements.

There is a schizophrenic quality to the variance process in Baltimore County. On the one hand, owners of dwellings (in which they reside) are permitted to obtain an "administrative variance" permitting a relaxation of the height, setback or area zoning regulations. B.C.C. § 32-3-303. While the law purports to require that a petitioner establish (by way of an affidavit) that the property is unique and that she will experience a practical difficulty if the regulations were strictly construed, the reality is that 95% or greater of these requests are granted without much scrutiny. And that is often the case as well for "unopposed" variance requests for which public hearings are held.

But the reality is the procedure is quite different when, as here, neighbors or the community oppose the request and through counsel or otherwise insist upon a rigorous application of the variance standard. In those circumstances, the Petitioner faces an uphill battle. In fact, I was unable to locate a Maryland appellate court opinion from the last twenty years which granted a variance petition. And, as conceded by Petitioner's counsel, the Cromwell court noted that such relief should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." Cromwell v. Ward, 102 Md. App. 691, 699 (1995).

In this case, the community vehemently opposed the request, and several neighbors testified about the pride they take in historic Lutherville. Community members volunteer considerable amounts of time in an effort to preserve the appearance and quality of life in this desirable community. Such efforts through the years have in fact yielded tangible results: an

ORDER RECEIVED FOR FILING

Date 9/9/15

By sen

historic district designation and “downzoning” in prior comprehensive zoning cycles. The property’s D.R. 2 zoning, long sought by the community, imposes significant setback and area requirements, and it is from these regulations that Petitioners seek relief.

William Bafitis described the property and testified that in his opinion it was unique. Factors cited in support of this opinion were the historic designation and size of the subject property. Having reviewed the exhibits and applicable case law, I do not believe the Petitioners can satisfy the stringent requirements for variance relief.

In this case, the Lutherville community is recognized as an historic district, but the Petitioners’ unimproved property obviously has no historic structure thereon or any inherent historic attributes. In addition, even if one considers the property “historic” - - a uniqueness factor identified in Cromwell - - Protestants’ counsel accurately notes that while that may be a fact about the property, it has no bearing upon the need for variance relief. As such, I do not believe this factor renders the property unique.

The other factor identified by Mr. Bafitis is the size of the property, which is certainly smaller than the parcels immediately adjacent. Based on the testimony, this property was created by deed sometime prior to 1955, and Mr. Bafitis opined the lot was comprised of a portion of one or both of the adjoining lots shown on the original plat of Lutherville, admitted as Petitioners’ Ex. No. 4. At the outset, it is not clear that the “size” of a property is one of the uniqueness factors identified in Cromwell. That court stated that “unique” has a “customized meaning” which includes “shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.” Id. at 710.

Assuming for sake of argument that the size of a property would constitute a uniqueness factor, I do not believe it can suffice to entitle Petitioners to variance relief. Protestants’ counsel

ORDER RECEIVED FOR FILING

Date

9/9/15

By

Ben

noted that the aerial zoning photo (Petitioners' Exhibit # 2) depicts several lots in the community which are comparable in size to Petitioners' lot, and the subject property is rectangular in shape with regular dimensions. If the size of the lot alone could justify relief, then any undersized lot in the county would also be eligible for a variance, which would obviously be an untenable standard.

Instead, and as discussed at the hearing, B.C.Z.R. §304 (entitled "Use of Undersized Single-Family Lots") was designed to address the scenario in this case; i.e., where a lot of record, by virtue of a subsequent down-zoning, becomes undersized or deficient, preventing the owner from erecting a house thereon. In Mueller v. People's Counsel, 177 Md. App. 43 (2007), the court of special appeals described the two methods by which an owner may receive permission to construct a dwelling on an undersized lot: B.C.Z.R. §307, which requires a showing of uniqueness and practical difficulty, and B.C.Z.R. §304, which does not. Id. at 87. While Petitioners satisfy two of the required elements under §304 (a lot recorded prior to 1955 and they own no adjoining land), they do not satisfy the area requirements of the zone (i.e., side yard setbacks). Assuming Petitioners could construct on this lot a dwelling which complied with the setback requirements of the D.R. 2 zone, they could take advantage of §304. But I do not believe the property has the inherent attributes or uniqueness required to obtain variance relief under §307 and the case law interpreting that regulation, and the request will therefore be denied.

THEREFORE, IT IS ORDERED this 9th day of September, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking confirmation that the zoning request will not affect the density of the surrounding neighborhood, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a proposed dwelling with a side setback of 10 ft. in lieu of the minimum setback of 15 ft. with a sum of 25 ft.

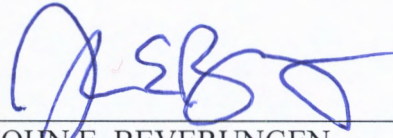
ORDER RECEIVED FOR FILING

Date 9/9/15

By Sen

in lieu of the required 40 ft.; and (2) to permit a lot width of 63 ft. in lieu of the required 100 ft. and a lot area of 14,189 sq. ft. in lieu of the required 20,000 sq. ft., be and is hereby DENIED.

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

9/9/15

By

sln



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 206 Morris Avenue which is presently zoned DR-2
 Deed References: 12209/544 10 Digit Tax Account # 08-02047175
 Property Owner(s) Printed Name(s) Carol Lynn Morris

(SELECT THE HEARING(S) BY MARKING ☒ 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 To approve a confirmation that density of the surrounding neighborhood is not being affected.

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

3. ☒ a Variance from Section(s) 1802.3 C.1 To permit a proposed dwelling with a side set back of 10 feet in lieu of the minimum set back of 15 feet with a sum of 25 feet in lieu of the required 40 feet. To permit a lot wide of 63 feet in lieu of the required 100 feet, a lot area of 14,189 S.F 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)

in lieu of the required 20,000 S.F

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:

C.G. Homes
 Name- Type or Print
Norman Fawcett
 Signature
9475 Deereco Road Timonium Maryland
 Mailing Address City State
21093 / 410-308-1717 / tf@signalcorp.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

LAWRENCE E. SCHMIDT, ESQ
 Name- Type or Print
[Signature]
 Signature
600 Washing. for State 200
 Mailing Address City State
21204, 410-821-0070,
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Carol Lynn Morris /
 Name #1 - Type or Print Name #2 - Type or Print
[Signature]
 Signature #1 Signature #2
20 E. High Street Lebanon Pennsylvania
 Mailing Address City State
17042 / /
 Zip Code Telephone # Email Address

Representative to be contacted:

William N. Bafitis, P.E.
 Name- Type or Print
[Signature]
 Signature
1249 Engleberth Road Baltimore Maryland
 Mailing Address City State
21221 / 410-391-2336 / bafitisassoc@comcast.net
 Zip Code Telephone # Email Address

CASE NUMBER 2015-0302-SHA Filing Date 6/25/15

Do Not Schedule Dates:

Reviewer G. A

ORDER RECEIVED FOR FILING
 REV. 10/4/11

Date 9/9/15

By Den



Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
206 MORRIS AVENUE
BALTIMORE COUNTY, MARYLAND 21093

Beginning at a point on the Northside of Morris Avenue 50 feet wide; at a distance of 242',
Northwesterly from the centerline intersection of Bellona Avenue 50 feet wide;

1.) Thence running along Morris Avenue North $72^{\circ}-39'-22''$ West 63.00 feet to a point;

Thence leaving said Avenue the following three courses:

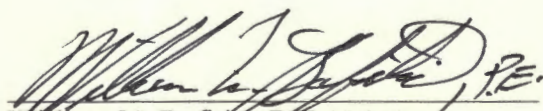
2.) North $19^{\circ}-20'38''$ East 225.39 feet to a point;

3.) Thence South $72^{\circ}-42'-41''$ East 63.00 feet to a point;

4.) Thence South $19^{\circ}-20' -38''$ West 225.39 feet to the point of beginning.

Containing 14,189 S.F. or 0.325 Acres more or less.

Deed Ref: 12209/544


William N. Bafitis, P.E. 11641



Date 6/17/15 (Seal)



THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3487536

Sold To:

CG Homes - CU00462435
9475 Deereco Rd
Lutherville Timonium, MD 21093-2124

Bill To:

CG Homes - CU00462435
9475 Deereco Rd
Lutherville Timonium, MD 21093-2124

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Aug 13, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2015-0302-SPHA
206 Morris Avenue
N/s Morris Avenue, 242 ft. NW of Bellona Avenue
8th Election District - 3rd Councilmanic District
Legal Owner(s) Carol Lynn Morris
Contract Purchaser/Lessee: C. G. Homes

Special Hearing: to approve a confirmation that density of the surrounding neighborhood is not being affected.

Variance: to permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of required 40 feet; to permit a lot width of 63 feet in lieu of the required 100 feet, a lot area of 14,189 sq. ft., in lieu of the required 20,000 sq. ft.

Hearing: Friday, September 4, 2015 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.

8/103 Aug. 13 3487536



KEVIN KAMENETZ
County Executive

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

July 21, 2015

CORRECTED 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: 2015-0302-SPHA

206 Morris Avenue

N/s Morris Avenue, 242 ft. NW of Bellona Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: Carol Lynn Morris

Contract Purchaser/Lessee: C.G. Homes

Special Hearing to approve a confirmation that density of the surrounding neighborhood is not being affected. Variance to permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of required 40 feet; to permit a lot width of 63 feet in lieu of the required 100 feet, a lot area of 14,189 sq. ft. in lieu of the required 20,000 sq. ft.

Hearing: Friday, September 4, 2015 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: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
CG Homes, 9475 Deereco Road, Timonium 21093
Carol Lynn Morris, 20 E. High Street, Lebanon PA 17042
William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 15, 2015.**
- (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.

CERTIFICATE OF POSTING

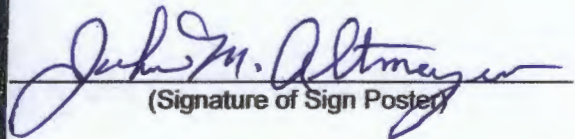
Date: 08/14/2015

RE: Project Name: Public Hearing
Case Number /PAI Number: 2015-0302-SPHA
Petitioner/Developer: C.G. Homes
Date of Hearing/Closing: 09/04/2015

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 206 Morris Avenue

The sign(s) were posted on 08/14/2015

(Month, Day, Year)


(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, Md. 21053

(City, State, Zip Code of Sign Poster)

(410) 382-6580

(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

July 21, 2015

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Contract Purchaser/Lessee: C.G. Homes

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Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
CG Homes, 9475 Deereco Road, Timonium 21093
Carol Lynn Morris, 20 E. High Street, Lebanon PA 17042
William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 15, 2015.**
(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.**

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
206 Morris Avenue; N/S Morris Avenue, * OF ADMINISTRATIVE
242' NW of Bellona Avenue *
8th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Carol Lynn Morris * BALTIMORE COUNTY
Petitioner(s) *
* 2015-302-SPHA

* * * * *

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

JUL 10 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2015, a copy of the foregoing Entry of Appearance was mailed to William Bafitis, P.E., 1249 Engleberth Road, Baltimore, MD 21221 and Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Morris Ave

DATE 9/4/75

DATE 9/4/15

[illegible]

CASE NAME 206 Morris Ave
CASE NUMBER 2015-302 SPHX
DATE 9-4-15

[illegible]



KEVIN KAMENETZ
County Executive

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

August 27, 2015

Carol Lynn Morris
20 E High Street
Lebanon PA 17042

RE: Case Number: 2015-0302 SPHA, Address: 206 Morris Avenue

Dear Ms. Morris:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 25, 2015. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
C.G. Homes 9475 Deereco Road, Suite 404, Timonium MD 21093
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204
William N Bafitis, P E, 1249 Engleberth Road, Baltimore MD 21221

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 7/7/15

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

RE: Baltimore County
Item No 2015-0302-SPHA
Special Hearing Variance
Carol Lynn Morris
206 Morris 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. 2015-0302-SPHA

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2398 or 1-866-998-0367 (in Maryland only) extension 2398, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

9/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

AUG 26 2015

SUBJECT: 206 Morris Avenue

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Item Number: 15-302
Petitioner: Carol Lynn Morris
Zoning: DR 2
Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Hearing to determine whether or not the Administrative Law Judge should confirm that the density of the surrounding neighborhood is not being affected and also approve the Petition for Variance to permit a side yard setback of 10' a sum of side yards of 25', a lot width of 63' and a lot area of 14,189 sq. ft. in lieu of the required 15 feet, 40', 100' and 20,000 sq. ft. respectively.

A site visit was conducted on July 27, 2015.

The DR 2 zoned subject property is located within the Baltimore County Historic District of Lutherville, which was established in 1987, and thus is subject to the *Baltimore County Historic Preservation Design Guidelines* as adopted by the Baltimore County Council in 2011. The property is also subject to the *Community Conservation Plan for Lutherville*, adopted by County Council on February 20, 1996 and made a part of the *Master Plan 2020*.

The Department has no objection to the residential use of the undersized lot and the proposed variances, if established within the guidance of the adopted community plan and in compliance with the historic district guidelines. The community is characterized by single family dwellings on large lots and tree-lined streets, creating a quiet, rural atmosphere. The site design depicting a double front-loaded garage with a parking pad are not appropriate for the Lutherville Historic District, and would detract from its established character. A parking pad or attached or detached garage located in the rear yard would allow more green space in the front yard, and thus present a more spacious impression as viewed from the street. It would also provide more space for the planting of large shade trees in the front yard as recommended by the community plan.

To achieve conformance with the guidelines established for the Lutherville community and historic district, the Department recommends the following conditions be made a part of any Order establishing a residential use at 206 Morris Avenue:

- Any proposed dwelling shall provide the required two off-street parking spaces at the rear of the property. The architecture shall not include garage doors as a part of the front façade. The dwelling footprint shall be situated on the lot such that a driveway accessing the rear yard for purposes of parking can be accommodated. A detached accessory garage pursuant to BCZR Section 400 may be utilized.
- Any permits or plans for new construction, along with the related architecture and materials being proposed, will be subject to the review of the Landmark Preservation Commission (LPC) in accordance with Section 32-7-403 of the Baltimore County Code who may change, alter or otherwise amend said architecture. In the event any required changes by the LPC places the property outside of the "spirit and intent" of this Order, the petitioner must re-petition the Administrative Law Judge to address any zoning deficiency.
- The Petitioner shall submit a landscape plan to the Baltimore County Landscape Architect for review and approval prior to the issuance of any building permits. The plan shall include the planting of large shade trees along Morris Avenue and in the front of the house as called for in the Community Plan on Page E3.

It is the further recommendation of the Department of Planning that any approval of this petition does not constitute an approval by the Department or the LPC in the consideration of any future architecture submitted for review.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley, at 410-887-3480.

Division Chief: Kathy Schlabach
AVA/KS

c: Wallace S. Lippincott, Jr.
Teri Rising
Jeanette Tansey, RLA, Permits, Approvals & Inspections

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 10, 2015

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 13, 2015
Item No. 2015-0302, 0303, 0307, 0308 and 0309

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\ZAC07132015.doc



RECEIVED

NOV 13 2015

KEVIN KAMENETZ
County Executive

BALTIMORE COUNTY
BOARD OF APPEALS
LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 13, 2014

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: APPEAL TO BOARD OF APPEALS

Case No. 2015- 0302-SPHA
Location: 206 Morris Avenue

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 9, 2015. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County



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 206 Morris Avenue which is presently zoned DR-2

Deed References: 12209/544 10 Digit Tax Account # 08-02047175

Property Owner(s) Printed Name(s) Carol Lynn Morris

(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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve To approve a confirmation that density of the surrounding neighborhood is not being affected.

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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)

in lieu of the required 20,000 S.F.

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:

C.G. Homes
Name- Type or Print
Norman Fawcett
Signature
9475 Deereco Road Timonium Maryland
Mailing Address City State
21093 / 410-308-1717 / tf@signalcorp.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

LAWRENCE E. SCHMIDT ESQ
Name- Type or Print
[Signature]
Signature
600 Washing. fog Suite 200
Mailing Address City State
21204 / 410-821-0070
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Carol Lynn Morris /
Name #1 - Type or Print Name #2 - Type or Print
Carol Lynn Morris
Signature #1 Signature #2
20 E. High Street Lebanon Pennsylvania
Mailing Address City State
17042 / /
Zip Code Telephone # Email Address

Representative to be contacted:

William N. Bafitis, P.E.
Name- Type or Print
[Signature]
Signature
1249 Engleberth Road Baltimore Maryland
Mailing Address City State
21221 / 410-391-2336 / bafitisassoc@comcast.net
Zip Code Telephone # Email Address

CASE NUMBER 2015-0302-SPHA Filing Date 6/25/15

Do Not Schedule Dates:

Reviewer G. H

ORDER RECEIVED FOR FILING 1
REV. 10/4/11

Date 9/9/15

By Sen



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:

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 Deed References: 12209/544 10 Digit Tax Account # 08-02047175
 Property Owner(s) Printed Name(s) Carol Lynn Morris

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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 To approve a confirmation that density of the surrounding neighborhood is not being affected.

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

3. ☒ a Variance from Section(s) 1802.3.C.1 To permit a proposed dwelling with a side set back of 10 feet in lieu of the minimum set back of 15 feet with a sum of 25 feet in lieu of the required 40 feet. To permit a lot wide of 63 feet in lieu of the required 100 feet, a lot area of 11,189 S.F.

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)

in lieu of the required 20,000 S.F.

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:

C.G. Homes
 Name- Type or Print
Norman Favara
 Signature
9475 Deereco Road Timonium Maryland
 Mailing Address City State
21093 / 410-308-1717 / tf@signalcorp.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

LAWRENCE E. SCHWIDT ESQ
 Name- Type or Print
Lawrence E. Schwidt
 Signature
600 Washing. Bldg Suite 200
 Mailing Address City State
21204 / 410-821-0070
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Carol Lynn Morris
 Name #1 - Type or Print Name #2 - Type or Print
Carol Lynn Morris
 Signature #1 Signature #2
20 E. High Street Lebanon Pennsylvania
 Mailing Address City State
17042 / /
 Zip Code Telephone # Email Address

Representative to be contacted:

William N. Bafitis, P.E.
 Name- Type or Print
William N. Bafitis, P.E.
 Signature
1249 Engleberth Road Baltimore Maryland
 Mailing Address City State
21221 / 410-391-2336 / wbf@bafitisassoc.com
 Zip Code Telephone # Email Address

CASE NUMBER 2015-0302-SPHA Filing Date 6/25/15

Do Not Schedule Dates:

Reviewer G. W

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 9/9/15

By Sen

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

No. 127155
 Date: 6/25/15

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/25/2015 6/25/2015 14:25:29 2
 RECEIPT # 127155
 RECEIPT # 127155
 Receipt Tot \$150.00
 \$150.00 OK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					150.00

Total: 150.00

Rec From: William Bafitis D.F

For: 206 Morris Ave.
2015-0302-SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CASE NO. 2015-0302-SPHA

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

7/10

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

N/c

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

FIRE DEPARTMENT

8/24

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

G

7/7

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 8/13/15

SIGN POSTING

Date: 8/14/15

by Altmeier

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

0813092440

2014-011215

Bk. 0000027, Folio 0020

G # 027020

0802001230

PL

MELANCTHON AVE

0813056461
Pt. Bk. 0000008, Folio 0057

1972-0292-A802047200

Lot # 74

213

0822000651

0822000650

207

210

0818052180

212

PAI # 080078

0806010930

3 CD

Pt. Bk./Folio # 008057

060C3

DR 2

8 ED

NW 12-A

0813024150

PAI # 080078

0802047175

208

0811047250

200

1992-0380-A802003940

MORRIS AVE

0822025078

209

0816017140

207

0810046240

0820000601
201

BELLONA AVE

1978-014

0813023730

0802060600

2005-0038-A

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0802047175			
Owner Information					
Owner Name:		MORRIS CAROL LYNN		Use:	RESIDENTIAL
Mailing Address:		20 E HIGH ST LEBANON PA 17042-5454		Principal Residence:	NO
				Deed Reference:	/12209/ 00544
Location & Structure Information					
Premises Address:		MORRIS AVE 0-0000		Legal Description:	LT NES MORRIS AVE 229 W BELLONA AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0393		0000	
				Assessment Year:	Plat No: Plat Ref:
				2014	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			14,175 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2014	Phase-In Assessments As of 07/01/2015 As of 07/01/2016	
Land:		122,700	122,700		
Improvements		0	0		
Total:		122,700	122,700	122,700	122,700
Preferential Land:		0			0
Transfer Information					
Seller: BLAKER OLIVER F		Date: 06/04/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12209/ 00544		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

Original **TAX MAP** [click here...](#)

(<http://imsweb05.mdp.state.md.us/website/mosp/>)

⚠ Loading... Please Wait. Loading... Please Wait. -->

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 13, 2015 Issue - Jeffersonian

Please forward billing to:
CG Homes
9475 Deereco Road
Timonium, MD 21093

410-308-1717

CORRECTED NOTICE OF ZONING HEARING

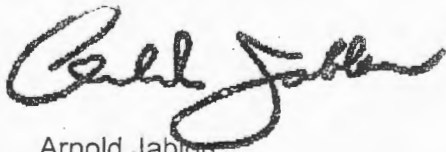
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0302-SPHA

206 Morris Avenue
N/s Morris Avenue, 242 ft. NW of Bellona Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Carol Lynn Morris
Contract Purchaser/Lessee: C.G. Homes

Special Hearing to approve a confirmation that density of the surrounding neighborhood is not being affected. . Variance to permit a proposed dwelling with a side setback of 10 feet in lieu of the minimum setback of 15 feet with a sum of 25 feet in lieu of required 40 feet; to permit a lot width of 63 feet in lieu of the required 100 feet, a lot area of 14,189 sq. ft, in lieu of the required 20,000 sq. ft.

Hearing: Friday, September 4, 2015 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 13, 2015 Issue - Jeffersonian

Please forward billing to:

CG Homes
9475 Deereco Road
Timonium, MD 21093

410-308-1717

NOTICE OF ZONING HEARING

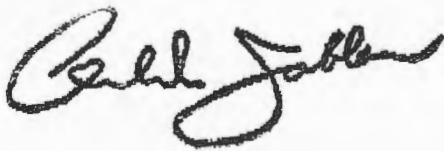
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Contract Purchaser/Lessee: C.G. Homes

Special Hearing to approve a confirmation that density of the surrounding neighborhood is not being affected. Variance to permit a proposed

Hearing: Friday, September 4, 2015 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

July 9, 2015

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: 2015-0302-SPHA

206 Morris Avenue
N/s Morris Avenue, 242 ft. NW of Bellona Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Carol Lynn Morris
Contract Purchaser/Lessee: C.G. Homes

Special Hearing to approve a confirmation that density of the surrounding neighborhood is not being affected. Variance to permit a proposed

Hearing: Friday, September 4, 2015 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", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
CG Homes, 9475 Deereco Road, Timonium 21093
Carol Lynn Morris, 20 E. High Street, Lebanon PA 17042
William Bafitis, 1249 Engleberth Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 15, 2015.**
- (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.

For Newspaper Advertising:

Item Number or Case Number: 2015-032-SPHA

Petitioner: C.G. HOMES

Address or Location: 206 MORRIS AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: C.G. HOMES

Address: 5475 DEERE CO ROAD
TIMON IUM, MARYLAND 21093

Telephone Number: 410-308-1717

IN THE MATTER OF:

C.G. Homes

206 Morris Avenue

8th Election District; 3rd Councilmanic

*

BEFORE THE

*

BOARD OF APPEALS

*

OF

*

BALTIMORE COUNTY

*

CASE NO.: 2015-302-SPHA

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SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the above captioned matter currently scheduled on Thursday, February 4, 2016, at 10:00 AM a.m./p.m. in Hearing Room 2, The Jefferson Building, located at 105 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Carl Richards (Permits, Approvals and Inspections)

Address: 105 W. Chesapeake Ave., Suite 105

Towson, MD 21204

Requested by:

Name: *Lawrence E. Schmidt, Esquire*

Firm: Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

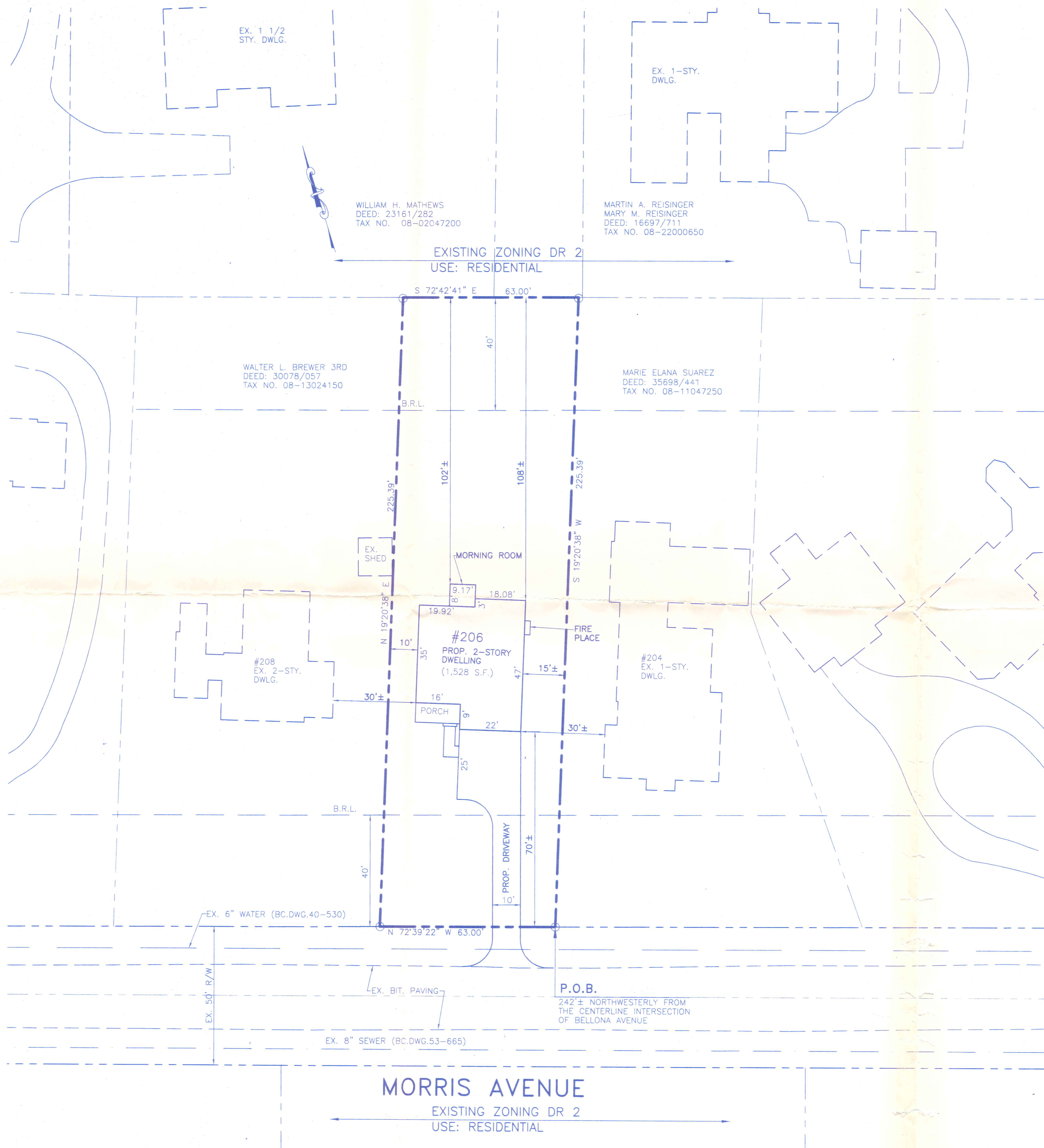
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests () the Sheriff, () Private Process Server, to issue the summons set forth herein.

RECEIVED
JAN 28 2016

BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
Board of Appeals for Baltimore County

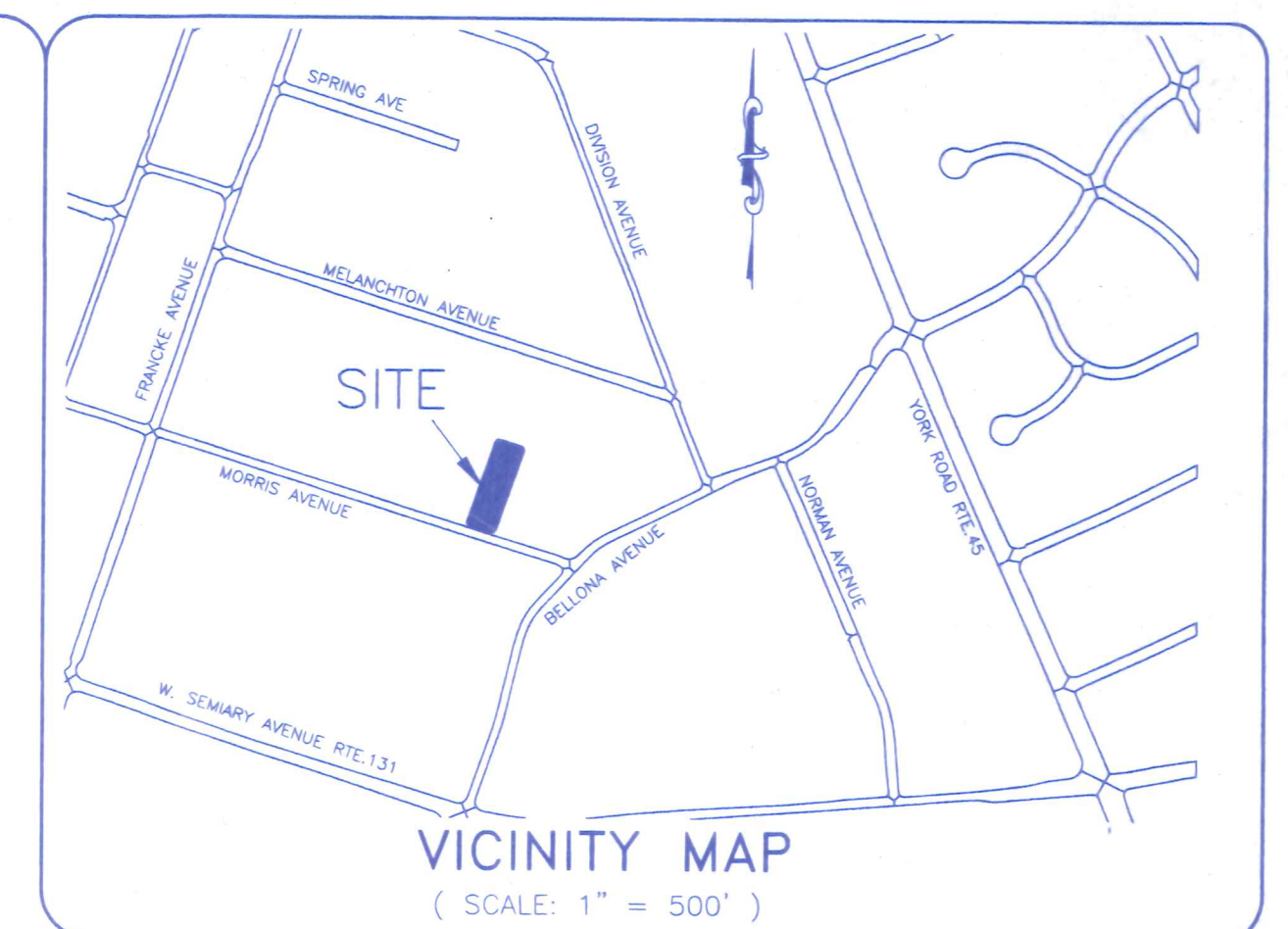


NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography.
- The Firm Insurance Rate Map, 240010-0245 F indicates this is situated within flood Zone X. F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V000B. A minimum first floor elevation 10.5 NAVD 88.
- Property lines shown hereon were established by public information.
- This site is not situated within the Chesapeake Bay Critical Areas. (Map 60)
- There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- There are no forest or developed woodlands on this site.
- There are no Tidal & Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- This site is in the Lutherville Historical District.
- Public Water and sewer serve this site.
- Caution underground utilities may exist in Morris Avenue & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- Proposed dwelling height < 50'.

ZONING HISTORY

THERE ARE NO ZONING CASES FOR THIS SITE.



SITE DATA

- OWNER: CAROL LYNN MORRIS
#20 E.HIGH STREET
LEBANON, PENNSYLVANIA 17042
- CONTRACT PURCHASER: C.G. HOMES
#9475 DEERCO ROAD
TIMONIUM, MARYLAND 21093
(410-308-1717)
- DEED REF: 12209/544
- TAX ACC. NO.: 08-02047175
- TAX MAP: 60 PARCEL: 393 LOT: NONE
- PLAT REF: NONE
- ELECTION DISTRICT: 8TH
- COUNCILMANIC DISTRICT: 3RD
- REGIONAL PLANNING DISTRICT: 308
- CENSUS TRACT: 4088
- ZONING: DR 2
- ZONING MAP: 060C3
- USE: EXISTING: VACANT
PROPOSED: RESIDENTIAL ONE SINGLE FAMILY DWELLING
- SITE AREA: 14,189 S.F. OR 0.325 AC.

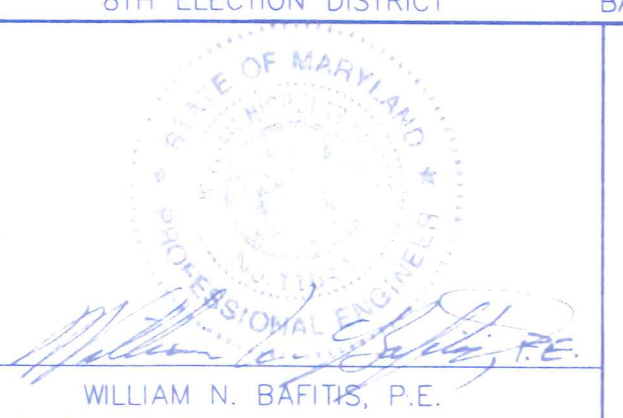
Pet. No 1

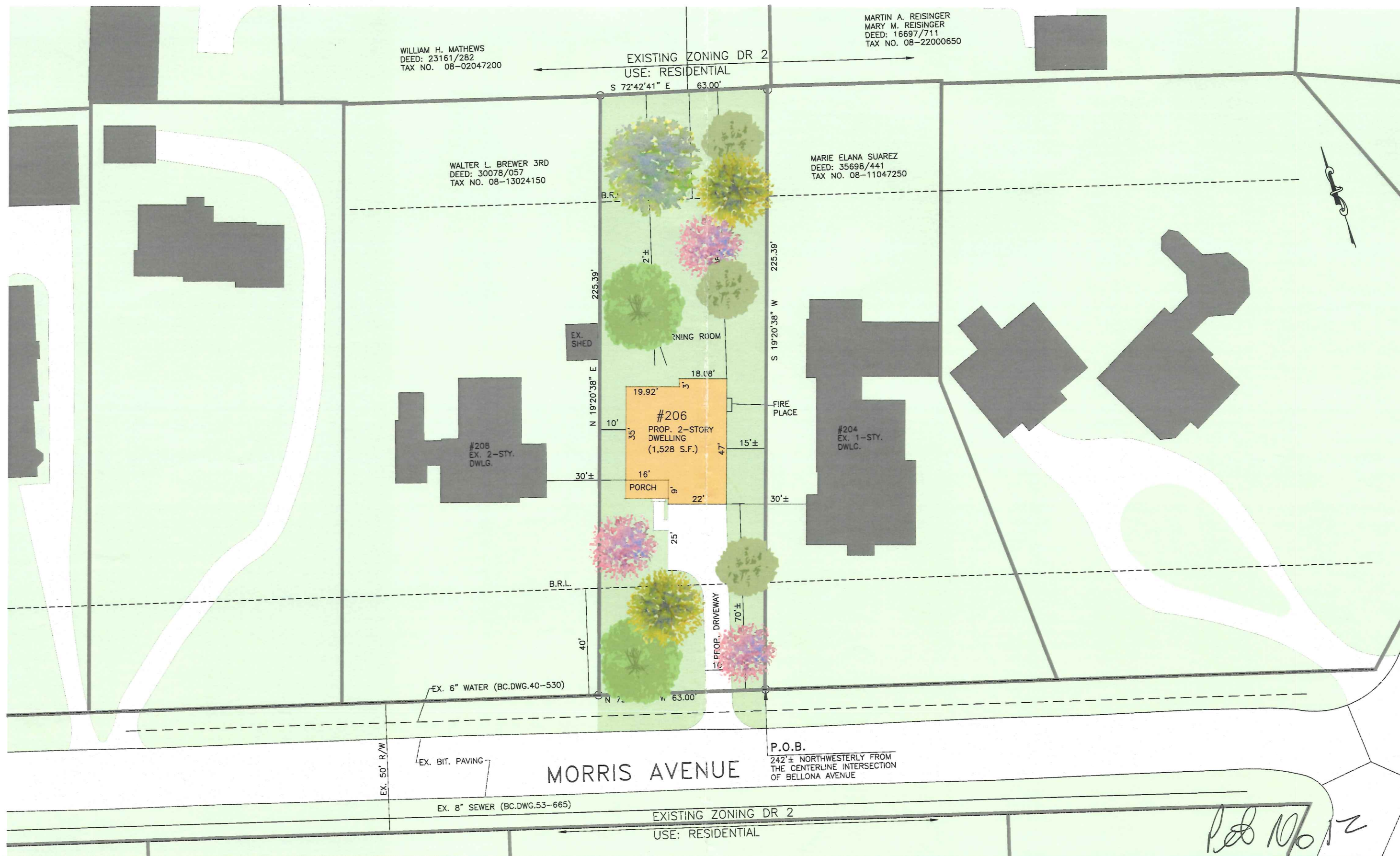


Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221

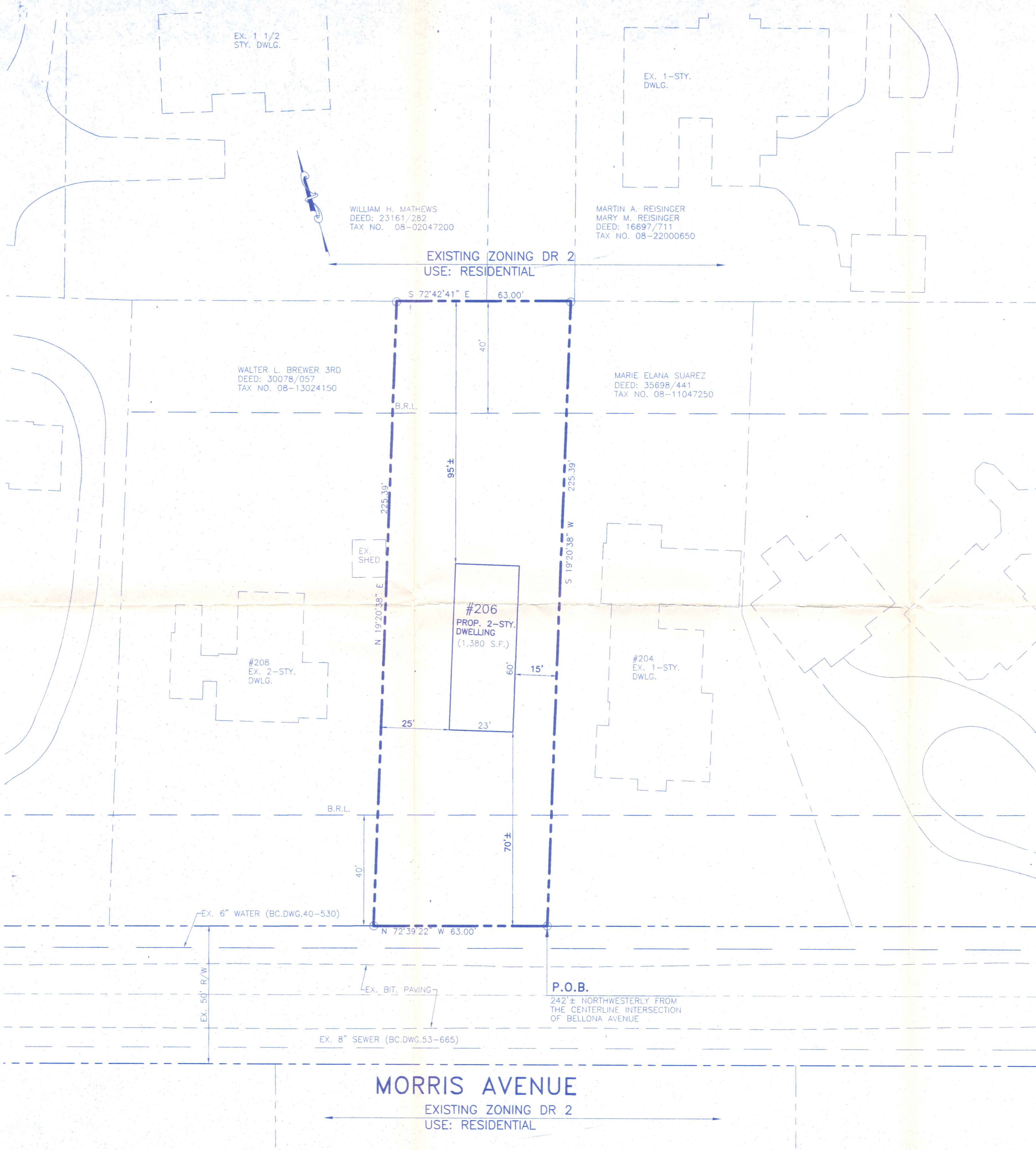
William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE FOR #206 MORRIS AVENUE

8TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
 WILLIAM N. BAFITIS, P.E. Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2015		SCALE: 1" = 20'	JOB ORDER NO: 21509
		DATE: 06/17/15	CHECKED: W.N.B.
SHEET 1 OF 1		DRAWN: N.W.B.	
NO.	REVISIONS	DATE	



206 MORRIS AVENUE, LUTHERVILLE

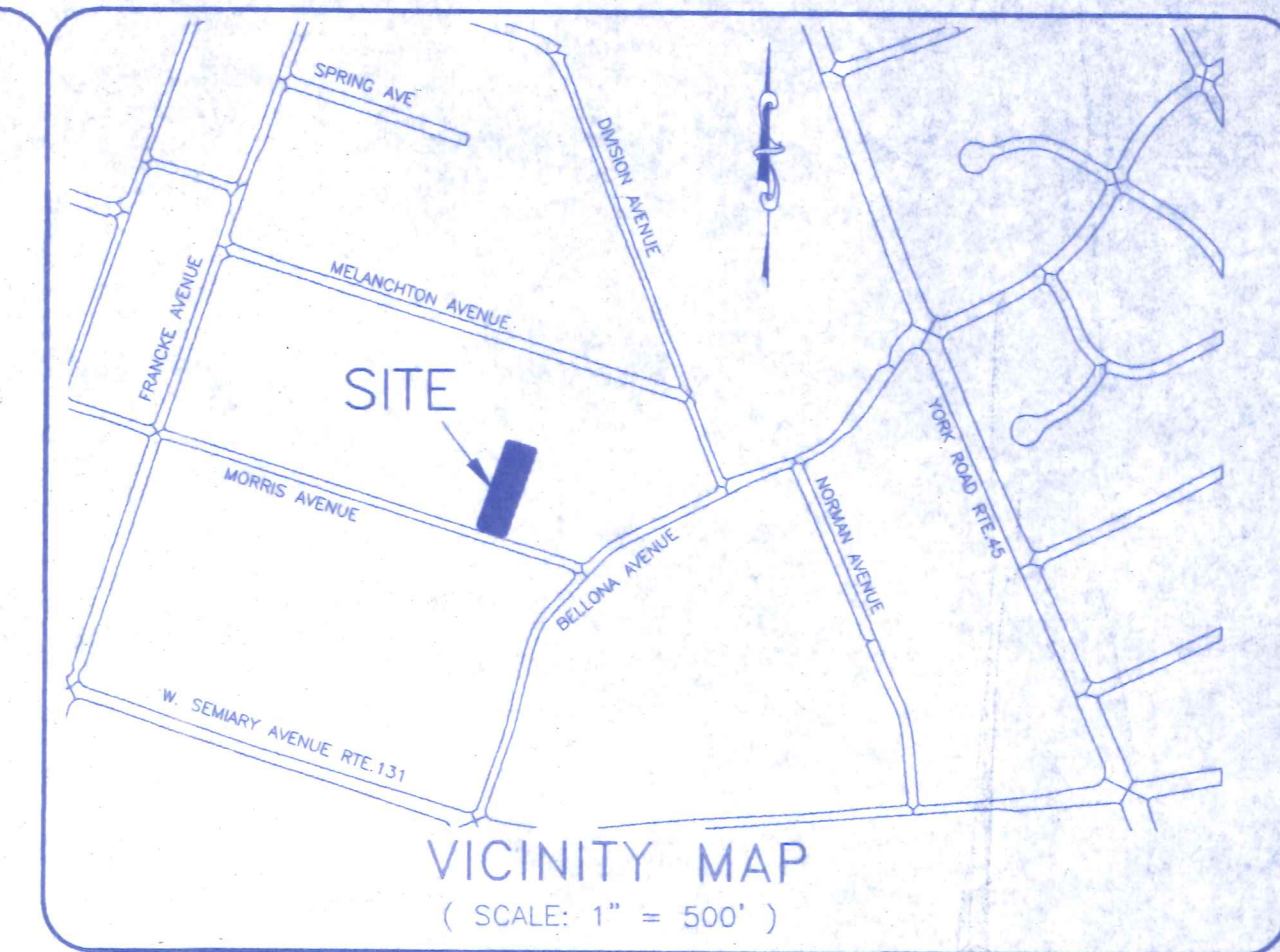


NOTES

1. Topography shown hereon was taken from Baltimore County GIS Topography.
2. The Firm Insurance Rate Map, 240010-0245 F indicates this is situated within flood Zone X. F.E.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V0008. A minimum first floor elevation 10.5 NAVD 88.
3. Property lines shown hereon were established by public information.
4. This site is not situated within the Chesapeake Bay Critical Areas. (Map 60)
5. There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
6. There are no forest or developed woodlands on this site.
7. There are no Tidal & Non-Tidal Wetlands shown on this site.
8. There is no significant plant or animal habitat on this site.
9. There are no slopes greater than 15% on this site.
10. There are no known wells on this site.
11. There are no known underground storage tanks or septic systems on this site.
12. There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
13. This site is in the Lutherville Historical District.
14. Public Water and sewer serve this site.
15. Caution underground utilities may exist in Morris Avenue & onsite, contact Miss Utility (800-257-7777) prior to any construction.
16. Proposed dwelling height < 50'.

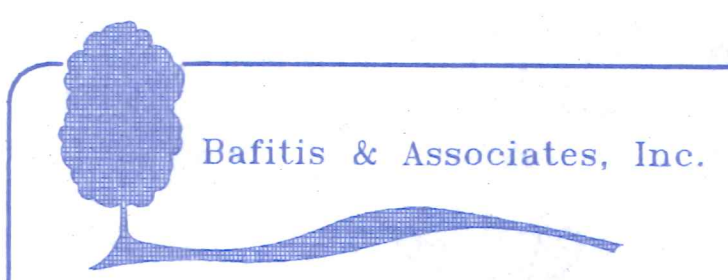
ZONING HISTORY

THERE ARE NO ZONING CASES FOR THIS SITE.



SITE DATA

- 1) OWNER: CAROL LYNN MORRIS
#20 E.HIGH STREET
LEBANON, PENNSYLVANIA 17042
- 1A) CONTRACT PURCHASER: C.G. HOMES
#9475 DEERCO ROAD
TIMONIUM, MARYLAND 21093
(410-308-1717)
- 2) DEED REF: 12209/544
- 3) TAX ACC. NO.: 08-02047175
- 4) TAX MAP: 60 PARCEL: 393 LOT: NONE
- 5) PLAT REF: NONE
- 6) ELECTION DISTRICT: 8TH
- 7) COUNCILMANIC DISTRICT: 3RD
- 8) REGIONAL PLANNING DISTRICT: 308
- 9) CENSUS TRACT: 4088
- 10) ZONING: DR 2
- 11) ZONING MAP: 060C3
- 12) USE: EXISTING: VACANT
PROPOSED: RESIDENTIAL ONE SINGLE FAMILY DWELLING
- 13) SITE AREA: 14,189 S.F. OR 0.325 AC.



William N. Bafitis, P.E.
PRESIDENT

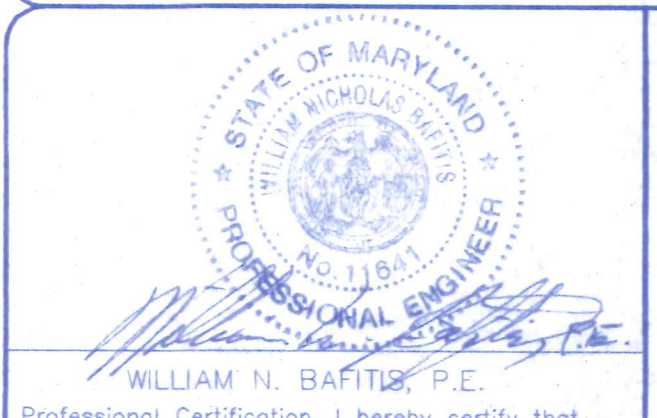
Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
AND SPECIAL HEARING
FOR
#206 MORRIS AVENUE

8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

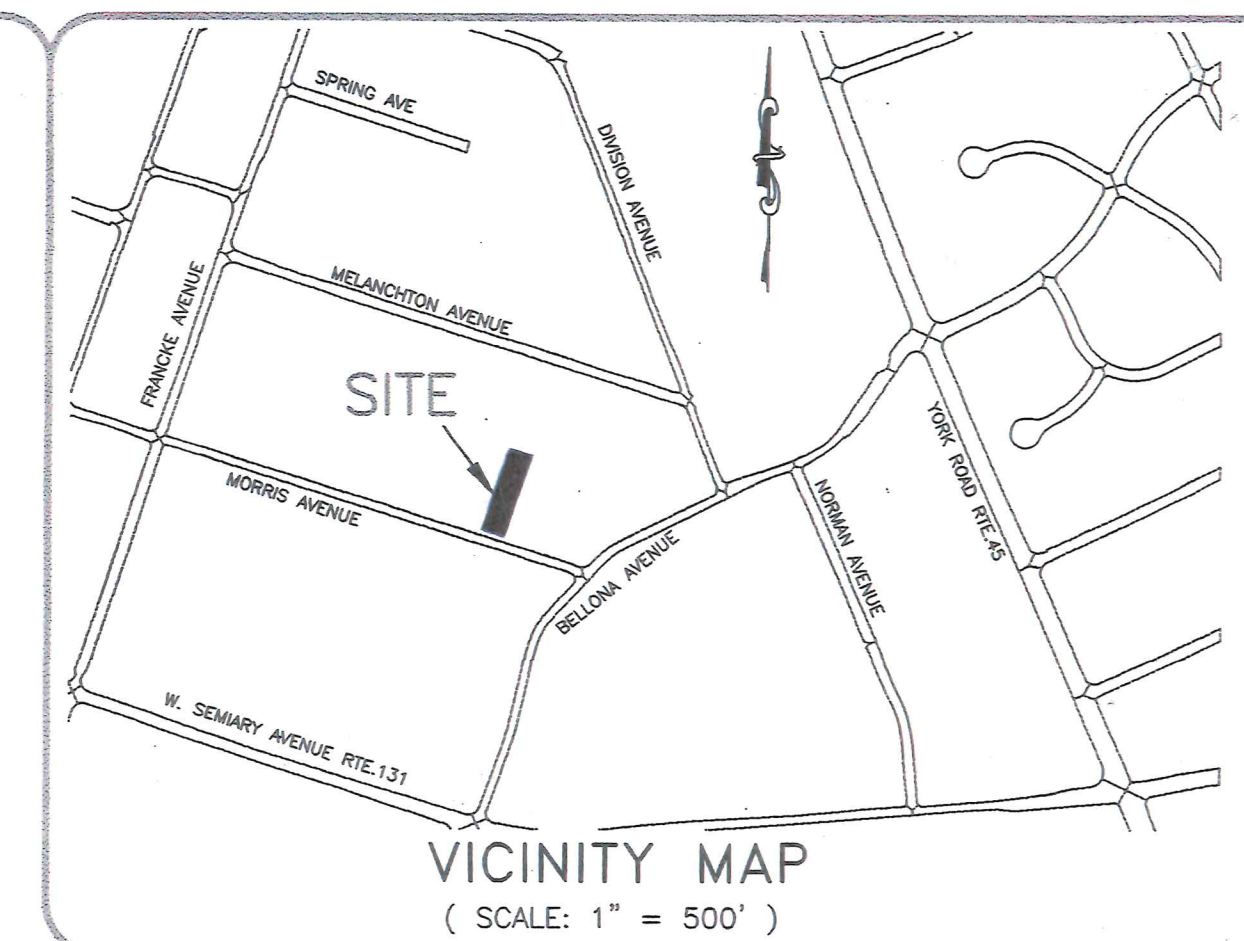
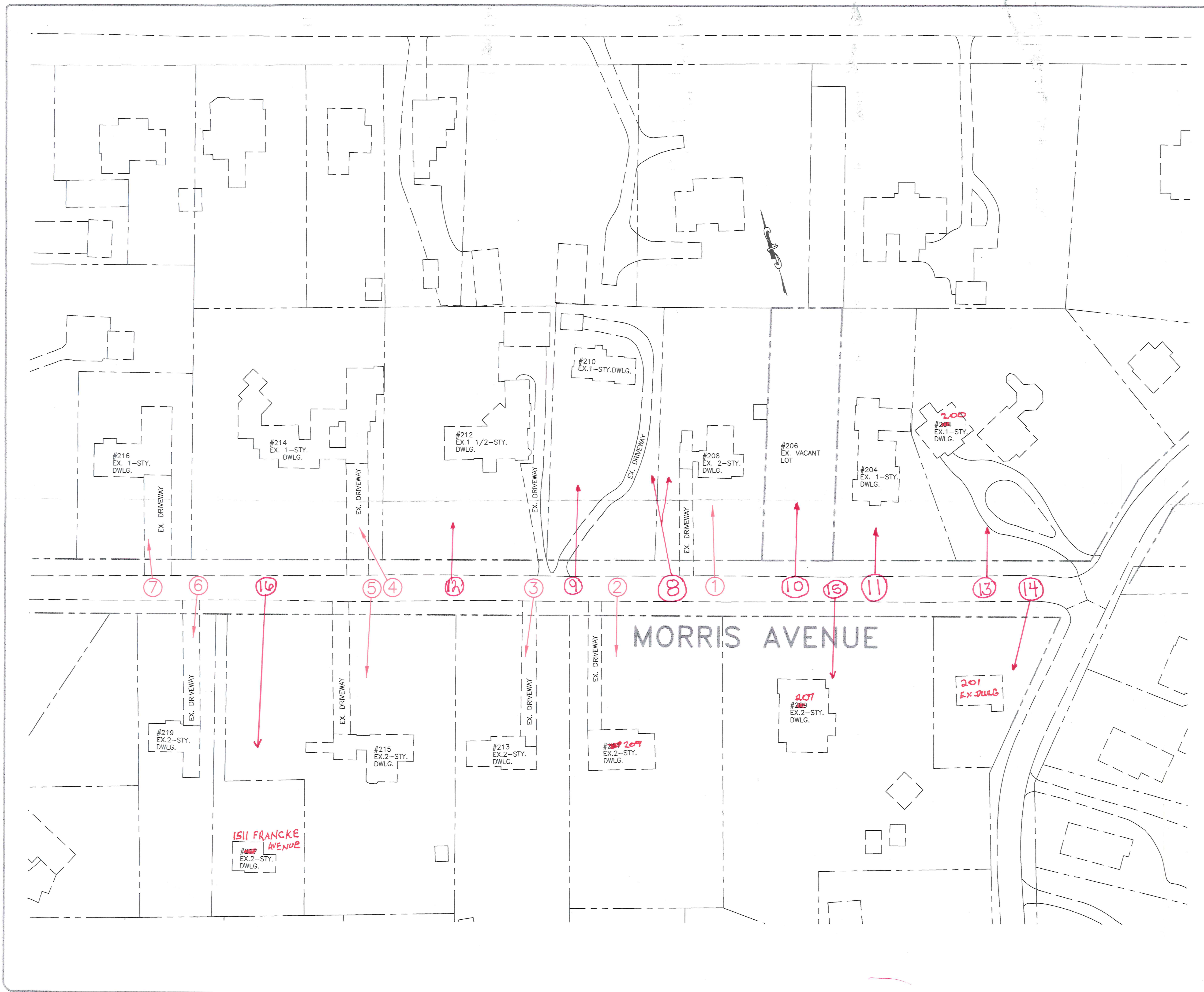


Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2015

1
SHEET 1 OF 1

SCALE:
1" = 20'
JOB ORDER NO:
21509
DATE:
09/16/15
CHECKED:
W.N.B.
DRAWN:
W.N.B.

NO.	REVISIONS	DATE



SITE DATA

- 1) OWNER: CAROL LYNN MORRIS
#20 E.HIGH STREET
LEBANON, PENNSYLVANIA 17042
- 1A) CONTRACT PURCHASER: C.G. HOMES
#9475 DEERCO ROAD
TIMONIUM, MARYLAND 21093
(410-308-1717)
- 2) DEED REF: 12209/544
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- 5) PLAT REF: NONE
- 6) ELECTION DISTRICT: 8TH
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- 10) ZONING: DR 2
- 11) ZONING MAP: 060C3
- 12) USE: EXISTING: VACANT
PROPOSED: RESIDENTIAL ONE SINGLE FAMILY DWELLING
- 13) SITE AREA: 14,189 S.F. OR 0.325 AC.

Pl No 5

**Bafitis & Associates, Inc.**

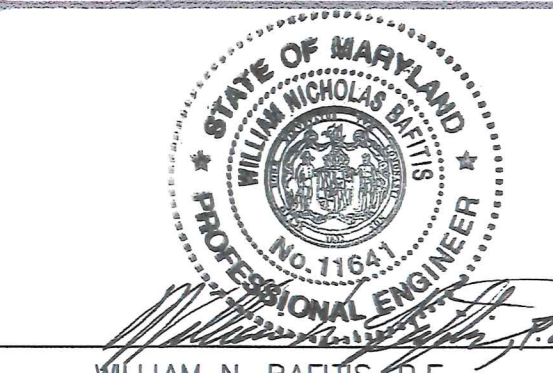
William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221 (410) 391-2336

PHOTOGRAPH PLAN FOR #206 MORRIS AVENUE

8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

 WILLIAM N. BAFITIS, P.E. Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/08/2015	SCALE: 1" = 40'	JOB ORDER NO: 21509
	DATE: 06/18/15	CHECKED: W.N.B.
	DRAWN: N.W.B.	SHEET 1 OF 1
	NO. REVISIONS DATE	

Pl No 5



LEFT SIDE ELEVATION

REAR ELEVATION

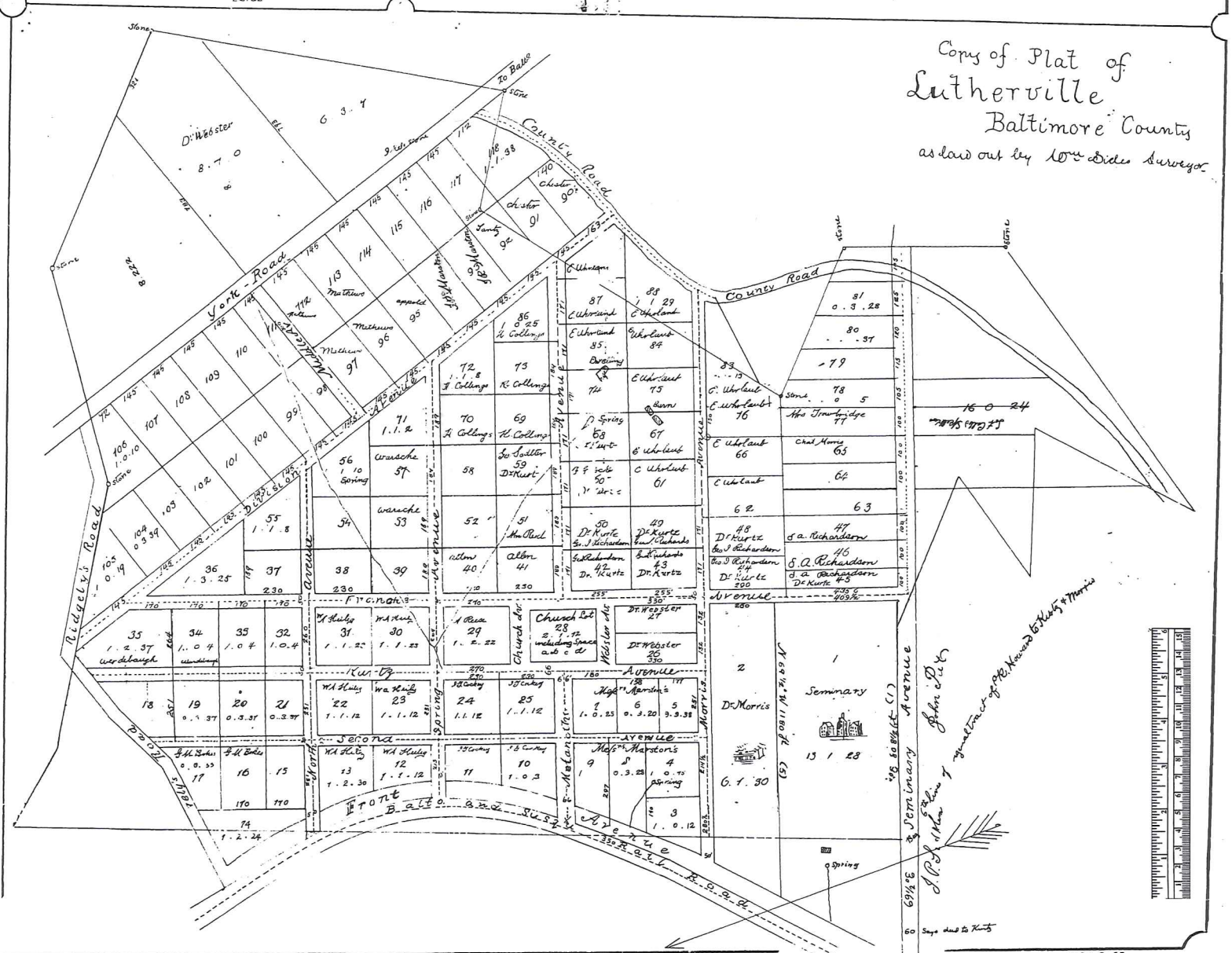
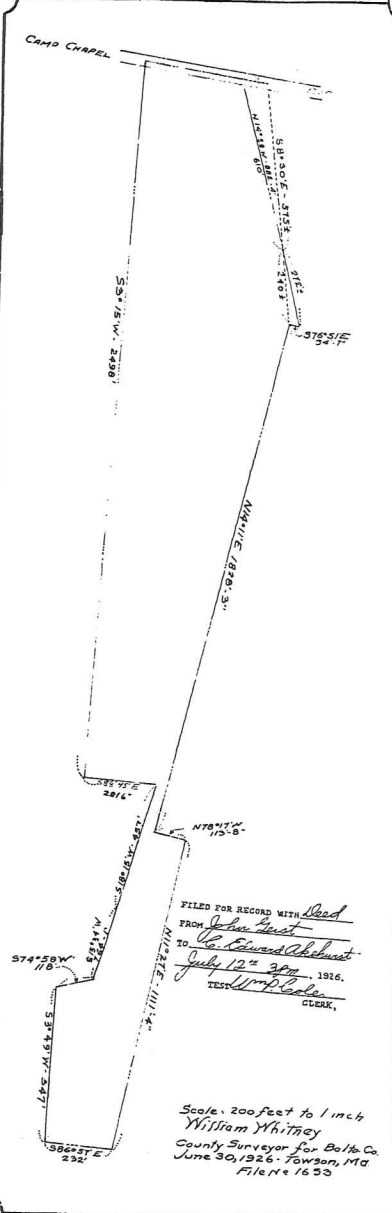
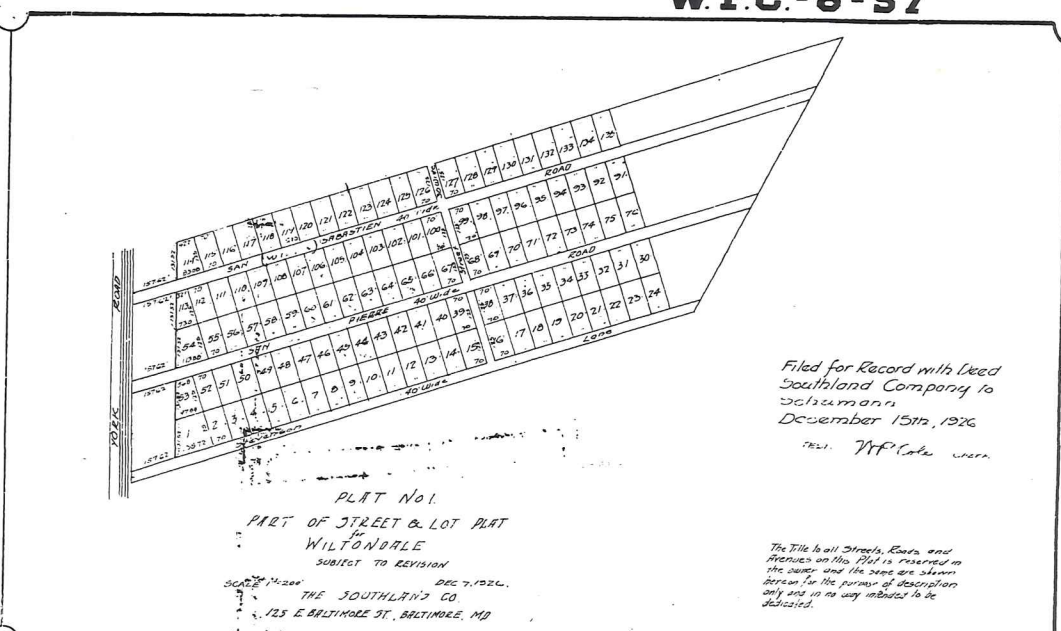
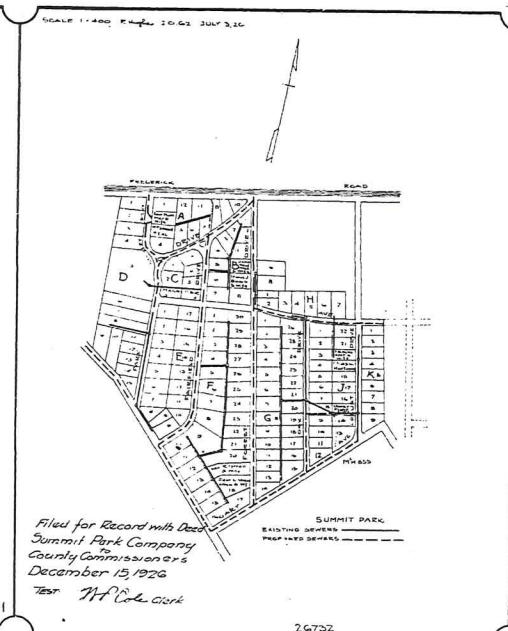
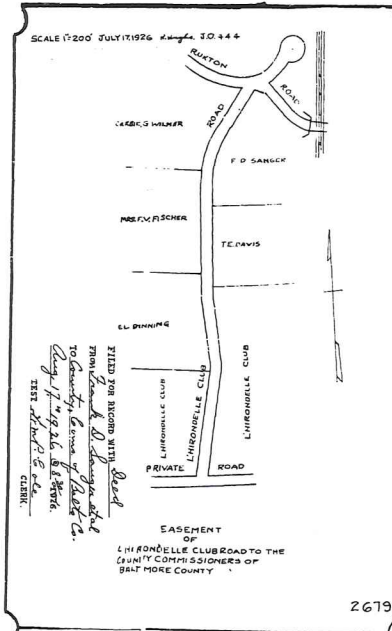
RIGHT SIDE ELEVATION



Pet No 9

206 MORRIS AVENUE, LUTHERVILLE

Baltimore County, Maryland



Ref No 4



My Neighborhood Map

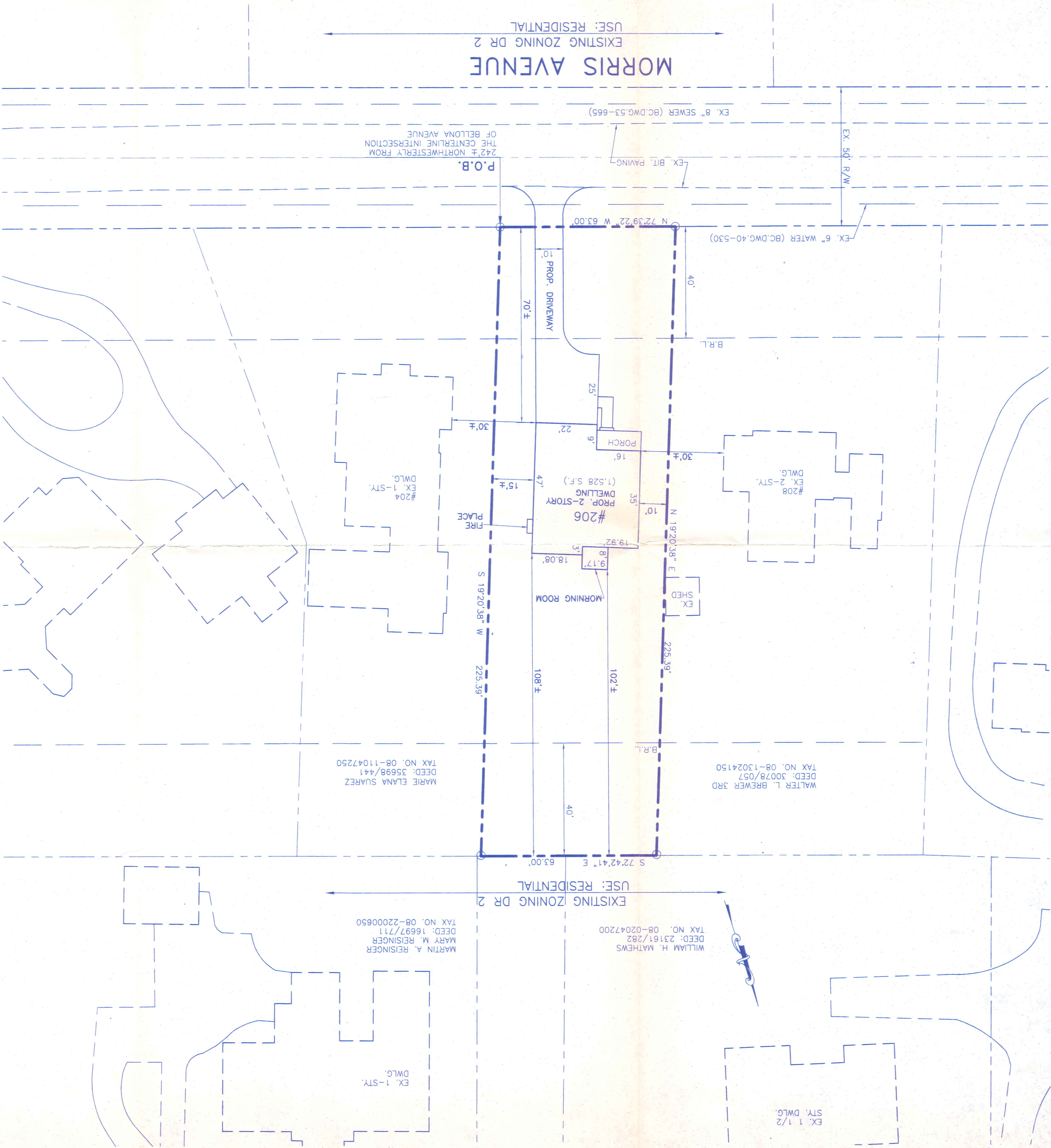
Created By
Baltimore County
My Neighborhood



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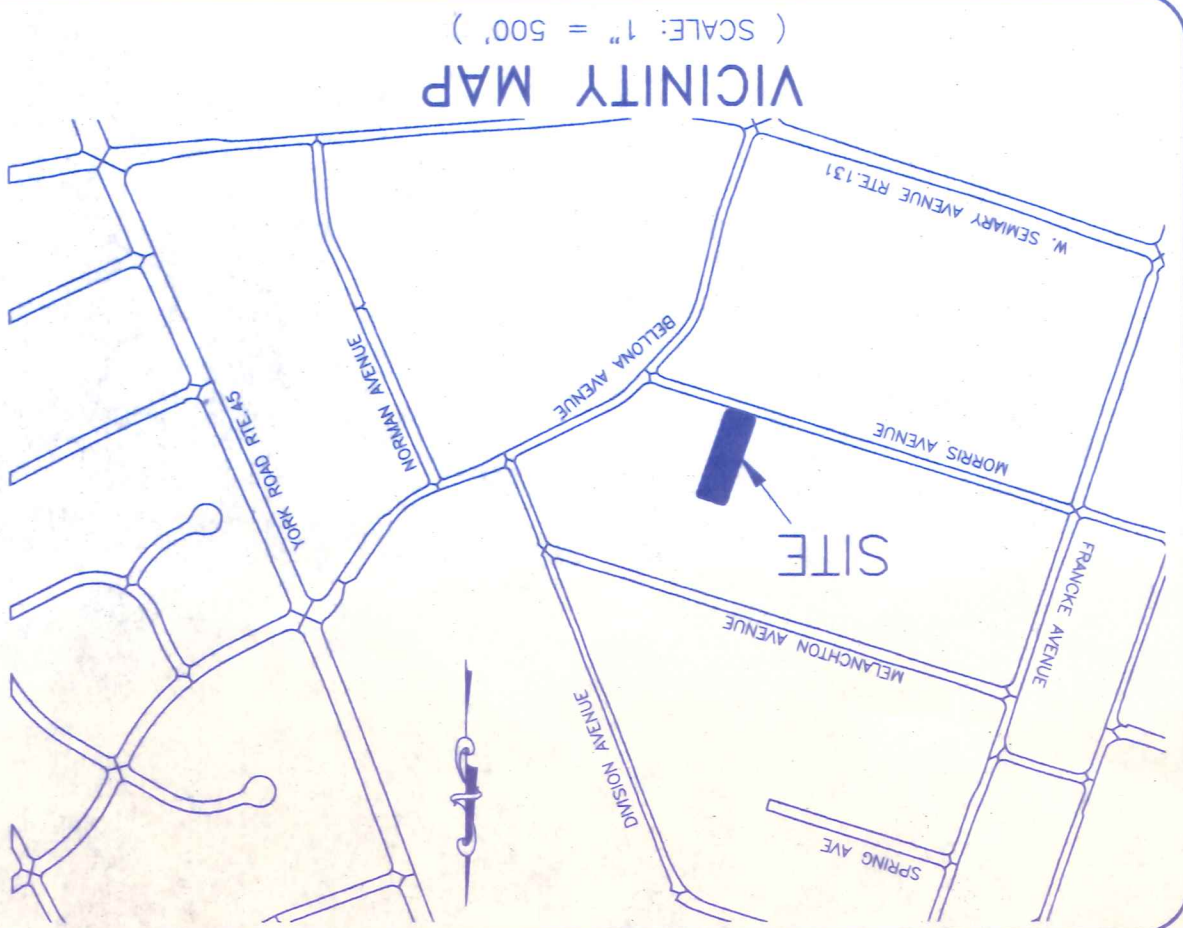
- ### NOTES
- Topography shown hereon was taken from Baltimore County GIS Topography
 - The firm Insurance Rate Map, 240010-0245 F indicates this is situated within Flood Zone X.
 - F.L.M.A. indicates a Flood Elevation of 8.5 NAVD 88 based on a Flood Insurance Study Number 240010V000B. A minimum first floor elevation 10.5 NAVD 88.
 - Property lines shown hereon were established by public information
 - This site is not situated within the Chesapeake Bay Critical Areas (Map 60)
 - There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
 - There are no forest or developed woodlands on this site.
 - There are no tidal & Non-Tidal Wetlands shown on this site.
 - There is no significant plant or animal habitat on this site.
 - There are no slopes greater than 15% on this site.
 - There are no known wells on this site.
 - There are no known underground storage tanks or septic systems on this site.
 - There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
 - This site is in the Lutherville Historical District.
 - Public Water and sewer serve this site.
 - Caution underground utilities may exist in Morris Avenue & onsite, contact Miss Utility (800-257-7777) prior to any construction.
 - Proposed dwelling height < 50'.

ZONING HISTORY

THERE ARE NO ZONING CASES FOR THIS SITE.

SITE DATA

- OWNER: CAROL LYNN MORRIS
#20 E HIGH STREET
LEBANON, PENNSYLVANIA 17042
- CONTRACT PURCHASER: C.G. HOMES
#9475 DEERCO ROAD
TIMONIUM, MARYLAND 21093
(410-308-1717)
- DEED REF: 12209/544
- TAX ACC. NO.: 08-0204715
- TAX MAP: 60
- PARCEL: 393
- LOT: NONE
- PLAT REF: NONE
- ELECTION DISTRICT: 8TH
- COUNCILMANIC DISTRICT: 3RD
- REGIONAL PLANNING DISTRICT: 308
- CENSUS TRACT: 4088
- ZONING: DR 2
- ZONING MAP: 060C3
- USE: EXISTING: VACANT
- PROPOSED: RESIDENTIAL ONE SINGLE FAMILY DWELLING
- SITE AREA: 14,189 S.F. OR 0.325 AC.



William N. Baritis, P.E. PRESIDENT Civil Engineers/Land Planners SURVEYORS 1249 Englebert Rd. Baltimore, MD 21221 (410) 391-2336		2015-0302-SPHA	
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE FOR #206 MORRIS AVENUE			
BTH ELECTION DISTRICT, MARYLAND			
SCALE: 1" = 20'	JOB ORDER NO: 21509	DATE: 06/17/15	CHECKED: W.N.B.
DRAWN: N.W.B.		REVISIONS	
DATE		NO.	
Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2015 Professional Engineer WILLIAM N. BARITIS, P.E. Professional Engineer STATE OF MARYLAND MAY 11 2015			



1 208 MORRIS AVENUE



(2) 209 MORRIS AVENUE



② 209 Morris Avenue