



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 18, 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: C.G. Homes, Inc.*
Case No.: 16-201-SPH

Dear Counsel:

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

Any petition for judicial review 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
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

C.G. Homes, Inc.
Distribution List
November 18, 2016
Page 2

Thomas Faust/C.G. Homes
Lutherville Community Association
David and Marie Frederick
Walter Brewer, Jr.
Martin Reisinger
Jeffrey Dier
William Bafitis, P.E.
Don Taylor
Walter Brewer
Jane Brewer
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
CG HOMES, INC. – DEVELOPER
206 MORRIS AVENUE
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

RE: Petition for Special Hearing to approve an
undersized lot for construction of a single
family dwelling pursuant to BCZR §304

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 16-201-SPH

* * * * *

ORDER OF DISMISSAL

This case comes to the Board on appeal from the May 18, 2016 decision of the Administrative Law Judge wherein the requested relief was DENIED.

On May 25, 2016, Lawrence E. Schmidt, Esquire filed a Notice of Appeal on behalf of CG Homes, Inc., then Legal Owner and Petitioner. At the same time, Mr. Schmidt filed a letter requesting that the Board not issue its written decision in related matter 15-302-SPHA, schedule these matters for a public hearing on the merits, and consolidate these matters. On August 9, 2016, the Board convened for a public deliberation on Mr. Schmidt's letter and at that time denied Mr. Schmidt's Motion to consolidate these matters. On October 24, 2016 the Board issued the Opinion and Order regarding the Motion to consolidate and completing the decision in 15-302-SPHA.

A hearing was scheduled to be held before this Board on Wednesday, October 26, 2016 at 10:00 a.m., for which proper notice was given. On October 21, 2016 the Board Administrator received a phone call from Protestants' Attorney, Michael R. McCann, Esquire, indicating that his client, Mr. Walter Brewer, purchased the subject property from CG Homes, Inc. On October 24, 2016 People's Counsel for Baltimore County, filed a letter indicating that the subject property was sold and made suggestions as to how the Board should proceed.

On October 25, 2016, Lawrence E. Schmidt, Esquire filed a letter requesting that the Board

In the matter of: CG Homes, Inc./16-201-SPH

strike his appearance in this matter as well as the appearance of CG Homes, Inc as a party to this matter and indicating that he did not intend to appear at the hearing before the Board on October 26, 2016.

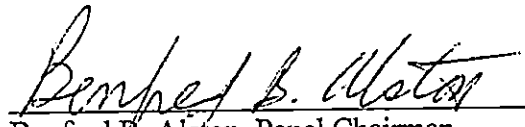
The Board convened for a hearing at 10:00 a.m. on October 26, 2016. On the record and in open hearing, People's Counsel for Baltimore County moved for dismissal for failure to appear. Mr. McCann, Counsel for Protestant and new owner, Walter Brewer, supported the request for dismissal.

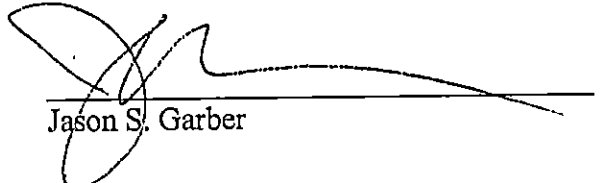
The Board granted said Motion for Dismissal and will so order.

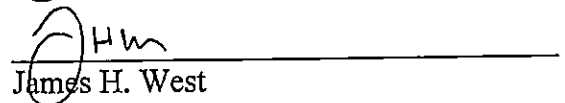
IT IS THEREFORE ORDERED this 18th day of November, 2016 by the Board of Appeals of Baltimore County that the appeal filed in Case No. 16-201-SPH be and the same is hereby **DISMISSED**. The decision of the Administrative Law Judge dated May 18, 2016 remains the Final Order in this matter.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Benfred B. Alston, Panel Chairman


Jason S. Garber


James H. West



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 7, 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 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. 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

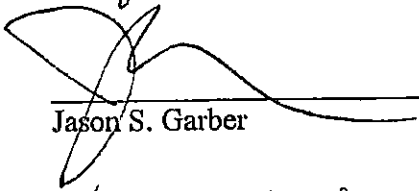
* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 15-302-SPHA and 16-201-SPH

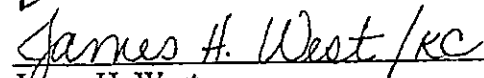
Amended Opinion
In the matter of: C.G. Homes
Case number 15-302-SPHA and 16-201-SPH

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



KEVIN KAMENETZ
County Executive

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

RECEIVED
MAY 31 2016

May 31, 2016

BALTIMORE COUNTY
BOARD OF APPEALS

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

Michael McCann, Esq.
118 West Pennsylvania Avenue
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS** - Petition for Special Hearing
Property: 206 Morris Avenue
Case No.: 2016-0201-SPH

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 25, 2016. 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 be "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
Peter Max Zimmerman, People's Counsel for Baltimore County

APPEAL

**Petition for Special Hearing
(206 Morris Avenue)
8th Election District – 3rd Councilmanic District
Legal Owners: C.G. Homes, Inc.
Case No. 2016-0201-SPH**

Petition for Variance Hearing (March 3, 2016)

Zoning Description of Property

Notice of Zoning Hearing (March 29, 2016)

Certificate of Publication (April 14, 2016)

Certificate of Posting (April 22, 2016) – John Altmeyer

Entry of Appearance by People's Counsel – March 18, 2016

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Map re: houses in vicinity
2. Deed chain Morris Avenue
3. Deed chain Melanchtor Avenue
4. Site Plan
5. Architectural Elevations (4 sheets)
6. Photo of house in vicinity
7. Elevations and floorplan of proposed SFD.

Protestants' Exhibits:

1. Photos of Neighbors' homes
2. Photos in vicinity
3. Chart 200 Block Morris
4. Chart 200 Block Melancthon

People's Counsel:

1. Aerial photo
2. Lutherville Community Plan
3. Official zoning map
4. Zoning history
5. Plat of Lutherville

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (DENIED- May 18, 2016)

Notice of Appeal – May 25, 2016 by Lawrence E. Schmidt



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

(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)

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 _____
Date 5/18/16
By _____
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):

Thomas Faust Authorized Representative of C.G. Homes
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
9475 Deereco Rd. Timonium MD
Mailing Address _____ City _____ State _____
21093 (410) 308-1717 tfcignalcorp.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 2016-0201-SPH Filing Date 3/3/2016 Do Not Schedule Dates: 3/17-3/21 Reviewer SNP

ATTACHMENT TO PETITION
FOR SPECIAL HEARING

206 Morris Avenue
3rd Councilmanic District
8th Election District

Special Hearing Relief:

1. To approve an undersized lot for construction of a single family dwelling pursuant to BCZR § 304; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2016-0201-SPH



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)

RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
 & VARIANCE * BOARD OF APPEALS
 206 Morris Avenue; N/S Morris Avenue, *
 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 * BALTIMORE COUNTY
 Petitioner(s) * 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.

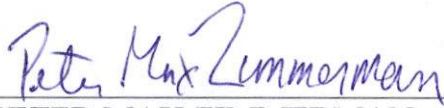
Our office then questioned whether a second case for a dwelling on an undersized lot could be brought while CG I was pending on appeal. We argued the CG II petition should be dismissed or at least stayed pending the conclusion of the first case, citing Crofton Partners. v. Anne Arundel County 99 Md. 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

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 21, 2016 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0201-SPH

206 Morris Avenue

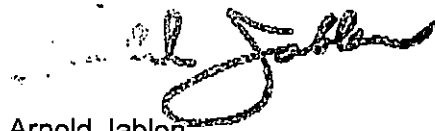
NE/s Morris Avenue, 242 ft. N/west of Bellona Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: C.G. Homes, Thomas Faust, Authorized Rep.

Special Hearing to approve an undersized lot for construction of a single family dwelling; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, May 13, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0201-SPH
Property Address: 206 Morris Avenue
Property Description: Northeast side of Morris Avenue,
242' Northwest of Bellona Avenue
Legal Owners (Petitioners): C. G. Homes, Inc.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt
Company/Firm (if applicable): Smith, Gildea + Schmidt
Address: 600 Washington Ave., Suite 200
Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014

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

October 25, 2016

Sent Via Email and First Class Mail

Board of Appeals of Baltimore County
Attn: Krysundra Cannington, Administrator
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

**Re: In the Matter of C.G. Homes, Inc. – Legal Owner
206 Morris Avenue
Case No. 16-201-SPH**

RECEIVED
OCT 28 2016
BALTIMORE COUNTY
BOARD OF APPEALS

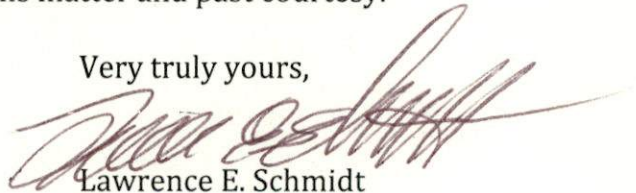
Dear Sunny,

Pursuant to our conversation, kindly strike my appearance as an attorney in above referenced matter and also strike the appearance of C.G. Homes, Inc. as a party. As I advised, C.G. Homes, Inc. has sold and conveyed the subject property (206 Morris Avenue) to Walter Brewer, a Protestant in this case. Just as C.G. Homes, Inc. replaced Carol Morris as owner of the property during the course of this matter, Mr. Brewer could conceivably replace my client as Petitioner/Moving Party in this case. Thus, I am hesitant to withdrawal the pending petition as I believe that is the prerogative of Mr. Brewer. He is represented by Michael McCann, Esquire.

Unless directed otherwise by the Board, I do not intend to appear at the public hearing on this matter on Wednesday, October 26, 2016.

Thank you for your cooperation in this matter and past courtesy.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Michael McCann, Esquire
C.G. Homes, Inc.



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

August 30, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF: C.G. Homes, Inc. – Legal Owner
206 Morris Avenue
16-201-SPH 8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to §500.7 of the BCZR to approve an undersized lot for construction for a single family dwelling pursuant to BCZR §304

5/18/16 Opinion and Order issued by the Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: WEDNESDAY, OCTOBER 26, 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. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- 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.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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

Krysundra "Sunny" Cannington, Administrator

c: Counsel for Petitioner
Petitioner/Legal Owner

: Lawrence E. Schmidt, Esquire
: C.G. Homes, Inc.

Counsel for Protestants
Protestants

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

Eric Rockel
William Bafitis, P.E./Bafitis & Associates, Inc.
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Jane Brewer
Don Taylor/DW Taylor Associates, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

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

October 25, 2016

Sent Via Email and First Class Mail

Board of Appeals of Baltimore County
Attn: Krysundra Cannington, Administrator
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

**Re: In the Matter of C.G. Homes, Inc. – Legal Owner
206 Morris Avenue
Case No. 16-201-SPH**

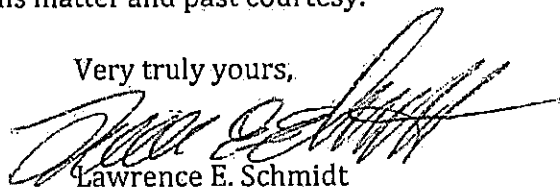
Dear Sunny,

Pursuant to our conversation, kindly strike my appearance as an attorney in above referenced matter and also strike the appearance of C.G. Homes, Inc. as a party. As I advised, C.G. Homes, Inc. has sold and conveyed the subject property (206 Morris Avenue) to Walter Brewer, a Protestant in this case. Just as C.G. Homes, Inc. replaced Carol Morris as owner of the property during the course of this matter, Mr. Brewer could conceivably replace my client as Petitioner/Moving Party in this case. Thus, I am hesitant to withdrawal the pending petition as I believe that is the prerogative of Mr. Brewer. He is represented by Michael McCann, Esquire.

Unless directed otherwise by the Board, I do not intend to appear at the public hearing on this matter on Wednesday, October 26, 2016.

Thank you for your cooperation in this matter and past courtesy.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Michael McCann, Esquire
C.G. Homes, Inc.

Krysundra Cannington

From: Alyssa Fiore <afiore@sgs-law.com>
Sent: Tuesday, October 25, 2016 1:15 PM
To: Lawrence Schmidt; Michael McCann; Peoples Counsel
Cc: erockel@earthlink.net; Krysundra Cannington
Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH
Attachments: Letter to BOA withdrawing party - pdf.PDF

Sunny,

Please see the attached.

Alyssa M. Fiore | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070 afiore@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Lawrence Schmidt
Sent: Monday, October 24, 2016 1:08 PM
To: Michael McCann; Peoples Counsel
Cc: erockel@earthlink.net; Krysundra Cannington; Alyssa Fiore
Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH

Michael: No problem, I knew you were away (as was I) and busy; and although I suspected that Mr. Brewer will just use the property as an expanded side yard and dismiss the case, I didn't want to pre-suppose anything as it was simply not my place. Admittedly, we should have advised the Board earlier. I am sorry for that. In the alternative, PC could have simply picked up the phone (to you or me) and asked "what's going on". Whatever, all's well that ends well.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070 lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, October 24, 2016 2:17 PM
To: Krysundra Cannington; Peter Max Zimmerman
Cc: Michael McCann; erockearthlink.net
Subject: RE: Case Nos. 15-302-SPHA and 16-201-SPH, C.G. Homes, Petitioner, 206 Morris Avenue

Michael: I think you should file a notice to dismiss the appeal. If you need me to countersign on behalf of the prior owner, I would be pleased to do so.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Monday, October 24, 2016 2:09 PM
To: Peter Max Zimmerman
Cc: Lawrence Schmidt; Michael McCann; erockearthlink.net
Subject: RE: Case Nos. 15-302-SPHA and 16-201-SPH, C.G. Homes, Petitioner, 206 Morris Avenue

Hello Counsel,

In the absence of a withdrawal of the petition or appeal, we will treat Mr. Zimmerman's letter from this morning as a Motion to Dismiss and the Board will proceed accordingly.

Thank you,

Sunny

From: Peter Max Zimmerman
Sent: Monday, October 24, 2016 1:38 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Michael McCann <michael@mmccannlaw.net>; erockearthlink.net <erockel@earthlink.net>
Subject: Case Nos. 15-302-SPHA and 16-201-SPH, C.G. Homes, Petitioner, 206 Morris Avenue

Dear Ms. Cannington and the Board of Appeals,

Following my letter this morning, October 24, 2016, I am in receipt of e-mails from the attorney for C.G. Homes, Mr. Schmidt, and from the attorney for Protestants, Mr. McCann.

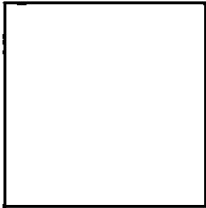
Based on these e-mails, it is my view and request that the Board convene on October 26, 2016 as scheduled, review the situation, deliberate briefly, decide to dismiss the pending zoning petitions by C.G. Homes based on their sale and discontinuance of interest in the property, and follow that with an entry of an appropriate order.

In my opinion, under the circumstances, in the event that the new owner, Walter Brewer, has any interest in developing the lot with a dwelling, it would be a different case with a different land ownership configuration and history. There would have to be a new petition filed, which could again be opposed and litigated. However, it is my impression that Mr. Brewer acquired this property so it would not be developed. There is no indication so far that Mr. Brewer has any interest in development.

In any event, I will attend the October 26 hearing and hope to be of assistance so both cases can be concluded in the necessary, appropriate, and orderly way.

Peter Max Zimmerman, People's Counsel 410- 887-2188

CONNECT WITH BALTIMORE COUNTY



--	--	--	--	--	--

www.baltimorecountymd.gov

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, October 24, 2016 2:09 PM
To: Peter Max Zimmerman
Cc: Lawrence Schmidt; Michael McCann; erockearthlink.net
Subject: RE: Case Nos. 15-302-SPHA and 16-201-SPH, C.G. Homes,¹ Petitioner, 206 Morris Avenue

Hello Counsel,

In the absence of a withdrawal of the petition or appeal, we will treat Mr. Zimmerman's letter from this morning as a Motion to Dismiss and the Board will proceed accordingly.

Thank you,

Sunny

From: Peter Max Zimmerman
Sent: Monday, October 24, 2016 1:38 PM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Lawrence Schmidt <lschmidt@sgs-law.com>; Michael McCann <michael@mmccannlaw.net>; erockearthlink.net <erockel@earthlink.net>
Subject: Case Nos. 15-302-SPHA and 16-201-SPH, C.G. Homes, Petitioner, 206 Morris Avenue

Dear Ms. Cannington and the Board of Appeals,

Following my letter this morning, October 24, 2016, I am in receipt of e-mails from the attorney for C.G. Homes, Mr. Schmidt, and from the attorney for Protestants, Mr. McCann.

Based on these e-mails, it is my view and request that the Board convene on October 26, 2016 as scheduled, review the situation, deliberate briefly, decide to dismiss the pending zoning petitions by C.G. Homes based on their sale and discontinuance of interest in the property, and follow that with an entry of an appropriate order.

In my opinion, under the circumstances, in the event that the new owner, Walter Brewer, has any interest in developing the lot with a dwelling, it would be a different case with a different land ownership configuration and history. There would have to be a new petition filed, which could again be opposed and litigated. However, it is my impression that Mr. Brewer acquired this property so it would not be developed. There is no indication so far that Mr. Brewer has any interest in development.

In any event, I will attend the October 26 hearing and hope to be of assistance so both cases can be concluded in the necessary, appropriate, and orderly way.

Peter Max Zimmerman, People's Counsel 410- 887-2188

Krysundra Cannington

From: Peter Max Zimmerman
Sent: Monday, October 24, 2016 1:38 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt; Michael McCann; erockearthlink.net
Subject: Case Nos. 15-302-SPHA and 16-201-SPH, C.G. Homes, Petitioner, 206 Morris Avenue

Dear Ms. Cannington and the Board of Appeals,

Following my letter this morning, October 24, 2016, I am in receipt of e-mails from the attorney for C.G. Homes, Mr. Schmidt, and from the attorney for Protestants, Mr. McCann.

Based on these e-mails, it is my view and request that the Board convene on October 26, 2016 as scheduled, review the situation, deliberate briefly, decide to dismiss the pending zoning petitions by C.G. Homes based on their sale and discontinuance of interest in the property, and follow that with an entry of an appropriate order.

In my opinion, under the circumstances, in the event that the new owner, Walter Brewer, has any interest in developing the lot with a dwelling, it would be a different case with a different land ownership configuration and history. There would have to be a new petition filed, which could again be opposed and litigated. However, it is my impression that Mr. Brewer acquired this property so it would not be developed. There is no indication so far that Mr. Brewer has any interest in development.

In any event, I will attend the October 26 hearing and hope to be of assistance so both cases can be concluded in the necessary, appropriate, and orderly way.

Peter Max Zimmerman, People's Counsel 410- 887-2188

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, October 24, 2016 1:08 PM
To: Michael McCann; Peoples Counsel
Cc: erockel@earthlink.net; Krysundra Cannington; Alyssa Fiore
Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH

Michael: No problem, I knew you were away (as was I) and busy; and although I suspected that Mr. Brewer will just use the property as an expanded side yard and dismiss the case, I didn't want to pre-suppose anything as it was simply not my place. Admittedly, we should have advised the Board earlier. I am sorry for that. In the alternative, PC could have simply picked up the phone (to you or me) and asked "what's going on". Whatever, all's well that ends well.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070 lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Monday, October 24, 2016 12:54 PM
To: Lawrence Schmidt; Peoples Counsel
Cc: erockel@earthlink.net; Krysundra Cannington; Alyssa Fiore
Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH

Sunny: I have reached out to Mr. Brewer to confirm he is dropping this, as I suspect he will. I will everyone know asap.

Larry: Just so you know, I did call Sunny at the end of the last week about this. Was just a little slow getting to it (as per usual).

Thanks.

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.

-----Original Message-----

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]

Sent: Monday, October 24, 2016 12:43 PM

To: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Michael McCann <michael@mmccannlaw.net>

Cc: erockel@earthlink.net; Krysundra Cannington <kcannington@baltimorecountymd.gov>; Alyssa Fiore <afiore@sgs-law.com>

Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH

Sunny: In response to Mr. Zimmerman's email, it is indeed correct that my client (CG Homes) sold the subject property to a neighbor (Walter Brewer). That sale was part of a "settlement" between CG Homes and the neighbors. As People's Counsel and the opponents residing in the neighborhood were on the same side in opposing CG's petitions; I had assumed that the fact of the sale had been communicated to People's Counsel by the protestants. Apparently not.

I assume that Mr. Brewer (although he has stepped into the shoes of CG as new owner and assumed all rights associated with the property) is not interested in developing the property, but that is certainly his prerogative. I suspect that he could continue on in the cases (just as CG had substituted for the original petitioner/owner). I had asked Mr. McCann (as attorney for Mr. Brewer and other protestants) to communicate to the Board with either a notice of dismissal or whatever was required to conclude the case (assuming that Mr. Brewer was not developing). I know that Mr. McCann was out of the country on vacation and also has been involved in several complex matters recently so perhaps the communication was not made.

In any event, CG is no longer a party in interest. I do not intend to appear on Wednesday unless you (Sunny) direct me to do so. By copy of this email, I would request that Mr. McCann advise the Board whether the matter is dismissed or if Mr. Brewer as owner is moving forward.

Please let me know if anything is required from me.

Thank you.

Larry

Lawrence E. Schmidt | Partner

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070 | lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Peoples Counsel [mailto:peoplescounsel@baltimorecountymd.gov]
Sent: Monday, October 24, 2016 10:49 AM
To: Lawrence Schmidt; Michael McCann
Cc: erockel@earthlink.net; Krysundra Cannington
Subject: C.G. Homes, Inc - Case No.: 2016-201-SPH

Good Morning,

Attached is the letter our office filed this morning with the County Board of Appeals relating to the above-mentioned case. A hardcopy of the letter will also follow by mail.

If you have any trouble viewing the document, please call our office.

Thank you in advance.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 - Office
(410) 823-4236 - Fax

[http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg]<<http://www.baltimorecountymd.gov>>

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg]<<https://www.facebook.com/baltcogov>>
[http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg] <<https://twitter.com/BaltCoGov>>
[http://www.baltimorecountymd.gov/sebin/b/f/socialmedia_BC_NOW.jpg]
<<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>>
[http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg]
<<https://www.youtube.com/user/BaltimoreCounty>>
[http://www.baltimorecountymd.gov/sebin/z/z/socialmedia_camera.jpg]
<<https://www.flickr.com/photos/baltimorecounty>>
[http://www.baltimorecountymd.gov/sebin/d/o/socialmedia_linkedin.jpg]
<<https://www.linkedin.com/company/baltimore-county-government>>

www.baltimorecountymd.gov<<http://www.baltimorecountymd.gov>>

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, October 24, 2016 12:54 PM
To: Lawrence Schmidt; Peoples Counsel
Cc: erockel@earthlink.net; Krysundra Cannington; Alyssa Fiore
Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH

Sunny: I have reached out to Mr. Brewer to confirm he is dropping this, as I suspect he will. I will everyone know asap.

Larry: Just so you know, I did call Sunny at the end of the last week about this. Was just a little slow getting to it (as per usual).

Thanks.

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.

-----Original Message-----

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Monday, October 24, 2016 12:43 PM
To: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Michael McCann <michael@mmccannlaw.net>
Cc: erockel@earthlink.net; Krysundra Cannington <kcannington@baltimorecountymd.gov>; Alyssa Fiore <afiore@sgs-law.com>
Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH

Sunny: In response to Mr. Zimmerman's email, it is indeed correct that my client (CG Homes) sold the subject property to a neighbor (Walter Brewer). That sale was part of a "settlement" between CG Homes and the neighbors. As People's Counsel and the opponents residing in the neighborhood were on the same side in opposing CG's petitions; I had assumed that the fact of the sale had been communicated to People's Counsel by the protestants. Apparently not.

I assume that Mr. Brewer (although he has stepped into the shoes of CG as new owner and assumed all rights associated with the property) is not interested in developing the property, but that is certainly his prerogative. I suspect that he could continue on in the cases (just as CG had substituted for the original petitioner/owner). I had asked Mr. McCann (as attorney for Mr. Brewer and other protestants) to communicate to the Board with either a notice of dismissal or whatever was required to conclude the case (assuming that Mr. Brewer was not developing). I know that Mr. McCann was out of the country on vacation and also has been involved in several complex matters recently so perhaps the communication was not made.

In any event, CG is no longer a party in interest. I do not intend to appear on Wednesday unless you (Sunny) direct me to do so. By copy of this email, I would request that Mr. McCann advise the Board whether the matter is dismissed or if Mr. Brewer as owner is moving forward.

Please let me know if anything is required from me.

Thank you.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070 |schmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Peoples Counsel [mailto:peoplescounsel@baltimorecountymd.gov]
Sent: Monday, October 24, 2016 10:49 AM
To: Lawrence Schmidt; Michael McCann
Cc: erockel@earthlink.net; Krysundra Cannington
Subject: C.G. Homes, Inc - Case No.: 2016-201-SPH

Good Morning,

Attached is the letter our office filed this morning with the County Board of Appeals relating to the above-mentioned case. A hardcopy of the letter will also follow by mail.

If you have any trouble viewing the document, please call our office.

Thank you in advance.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 - Office
(410) 823-4236 - Fax
[http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg]<<http://www.baltimorecountymd.gov>>

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg]<<https://www.facebook.com/baltcogov>>
[http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg] <<https://twitter.com/BaltCoGov>>
[http://www.baltimorecountymd.gov/sebin/b/f/socialmedia_BC_NOW.jpg]
<<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>>
[http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg]
<<https://www.youtube.com/user/BaltimoreCounty>>
[http://www.baltimorecountymd.gov/sebin/z/z/socialmedia_camera.jpg]
<<https://www.flickr.com/photos/baltimorecounty>>
[http://www.baltimorecountymd.gov/sebin/d/o/socialmedia_linkedin.jpg]
<<https://www.linkedin.com/company/baltimore-county-government>>

www.baltimorecountymd.gov<<http://www.baltimorecountymd.gov>>

Krysundra Cannington

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Monday, October 24, 2016 12:43 PM
To: Peoples Counsel; Michael McCann
Cc: erockel@earthlink.net; Krysundra Cannington; Alyssa Fiore
Subject: RE: C.G. Homes, Inc. - Case No.: 2016-201-SPH

Sunny: In response to Mr. Zimmerman's email, it is indeed correct that my client (CG Homes) sold the subject property to a neighbor (Walter Brewer). That sale was part of a "settlement" between CG Homes and the neighbors. As People's Counsel and the opponents residing in the neighborhood were on the same side in opposing CG's petitions; I had assumed that the fact of the sale had been communicated to People's Counsel by the protestants. Apparently not.

I assume that Mr. Brewer (although he has stepped into the shoes of CG as new owner and assumed all rights associated with the property) is not interested in developing the property, but that is certainly his prerogative. I suspect that he could continue on in the cases (just as CG had substituted for the original petitioner/owner). I had asked Mr. McCann (as attorney for Mr. Brewer and other protestants) to communicate to the Board with either a notice of dismissal or whatever was required to conclude the case (assuming that Mr. Brewer was not developing). I know that Mr. McCann was out of the country on vacation and also has been involved in several complex matters recently so perhaps the communication was not made.

In any event, CG is no longer a party in interest. I do not intend to appear on Wednesday unless you (Sunny) direct me to do so. By copy of this email, I would request that Mr. McCann advise the Board whether the matter is dismissed or if Mr. Brewer as owner is moving forward.

Please let me know if anything is required from me.

Thank you.

Larry

Lawrence E. Schmidt | Partner
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070 | lschmidt@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Peoples Counsel [<mailto:peoplescounsel@baltimorecountymd.gov>]
Sent: Monday, October 24, 2016 10:49 AM
To: Lawrence Schmidt; Michael McCann

Cc: erockel@earthlink.net; Krysund, A Cannington
Subject: C.G. Homes, Inc - Case No.: 2016-201-SPH

Good Morning,

Attached is the letter our office filed this morning with the County Board of Appeals relating to the above-mentioned case. A hardcopy of the letter will also follow by mail.

If you have any trouble viewing the document, please call our office.

Thank you in advance.

Rebecca M. Wheatley, Legal Secretary
Office of People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2188 - Office
(410) 823-4236 - Fax

[http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg]<<http://www.baltimorecountymd.gov>>

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg]<<https://www.facebook.com/baltcogov>>
[http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg] <<https://twitter.com/BaltCoGov>>
[http://www.baltimorecountymd.gov/sebin/b/f/socialmedia_BC_NOW.jpg]
<<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>>
[http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg]
<<https://www.youtube.com/user/BaltimoreCounty>>
[http://www.baltimorecountymd.gov/sebin/z/z/socialmedia_camera.jpg]
<<https://www.flickr.com/photos/baltimorecounty>>
[http://www.baltimorecountymd.gov/sebin/d/o/socialmedia_linkedin.jpg]
<<https://www.linkedin.com/company/baltimore-county-government>>

www.baltimorecountymd.gov<<http://www.baltimorecountymd.gov>>



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel



CAROLE S. DEMILIO
Deputy People's Counsel

October 24, 2016

HAND-DELIVERED

Benfred Alston, Panel Chair
Jason Garber, Panel Member
James West, Panel Member
County Board of Appeals of Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Carol Morris/now C.G. Homes, Inc.
206 Morris Avenue
Case No.: 2015-302-SPHA and 16-201-SPH

Dear Panel Chair and Members:

The second of the 206 Morris Avenue zoning petition appeal proceedings --- Case No. 16-201-SPH -- is scheduled for hearing on Wednesday this week, October 26, 2016.

We received this morning a copy of the Board's majority decision in the first case --- Case No. 15-302-SPHA -- which was deliberated on August 9, 2016. We appreciate the effort of the majority as well as the dissent to address all the issues. We believe the majority opinion will provide guidance on notice issues (1) as to the requisite additional public notice for significant amendments to a petition proposed after the initial public notice, and (2) as to whether the *de novo* character of CBA appeals somehow eviscerates the notice requirements (it does not).

The decision also denies Petitioner C.G. Homes' (CG) request to consolidate the two cases: Case No. 16-201-SPH with Case No. 15-302-SPHA.

As the Board panel will recall, CG acquired the 206 Morris Avenue property from Carol Morris during the pendency of the litigation. Meanwhile, we heard informally after the CBA deliberation that CG might be selling the property. We expected that if this were to occur, CG would inform the CBA and the parties, so that this could be taken into account prior to the October 26 hearing.

Benfred Alston, Panel Chair
Jason Garber, Panel Member
James West, Panel Member
October 24, 2016
Page 2

As the hearing approached, and in the absence of additional information or confirmation, our office decided this past Friday, October 21, to check the public State Department of Assessment and Taxation records. The enclosed records show that CG did indeed sell the property to Walter Brewer, the owner of 208 Morris Avenue. The enclosed deed is dated September 8, 2015. The transfer information lists September 15 as the recording date, which is also shown on the deed.

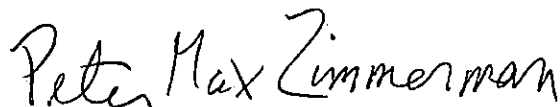
Under these circumstances, it appears likely that CG will discontinue its participation. This should lead to dismissal of both zoning petitions. For various reasons, it seems unlikely that Mr. Brewer wishes to pursue the matter. Anyway, as adjoining property owner to the side, his situation is different from that of CG. Therefore, it is doubtful that he could pick up these cases directly.

To be fair, we trust Mr. Brewer will let the CBA know if he has any further interest in these matters. We are sending him a copy of this letter and have this morning left him a telephone message. We are trying to learn his e-mail address and will send him same if we learn it. The Board may note that Jane Brewer is listed as one of the parties receiving Board transmittals.

We hope this information will assist the Board in advance of Wednesday's hearing. Under the circumstances, we will attend the hearing. We anticipate that the Board will be able to wrap up both these cases up expeditiously.

Thank you in advance for your attention.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw
Enclosures

cc: Lawrence Schmidt, Esquire, attorney for Petitioner (sent via email & first-class mail)
Michael McCann, Esquire, attorney for Protestants (sent via email & first-class mail)
Walter Brewer, 208 Morris Avenue, Lutherville, MD 21093 (sent first-class mail only)
Eric Rockel, President, Lutherville Community Ass'n (send via email & first-class mail)

Real Property Data Search (w1)

Guide to searching the database

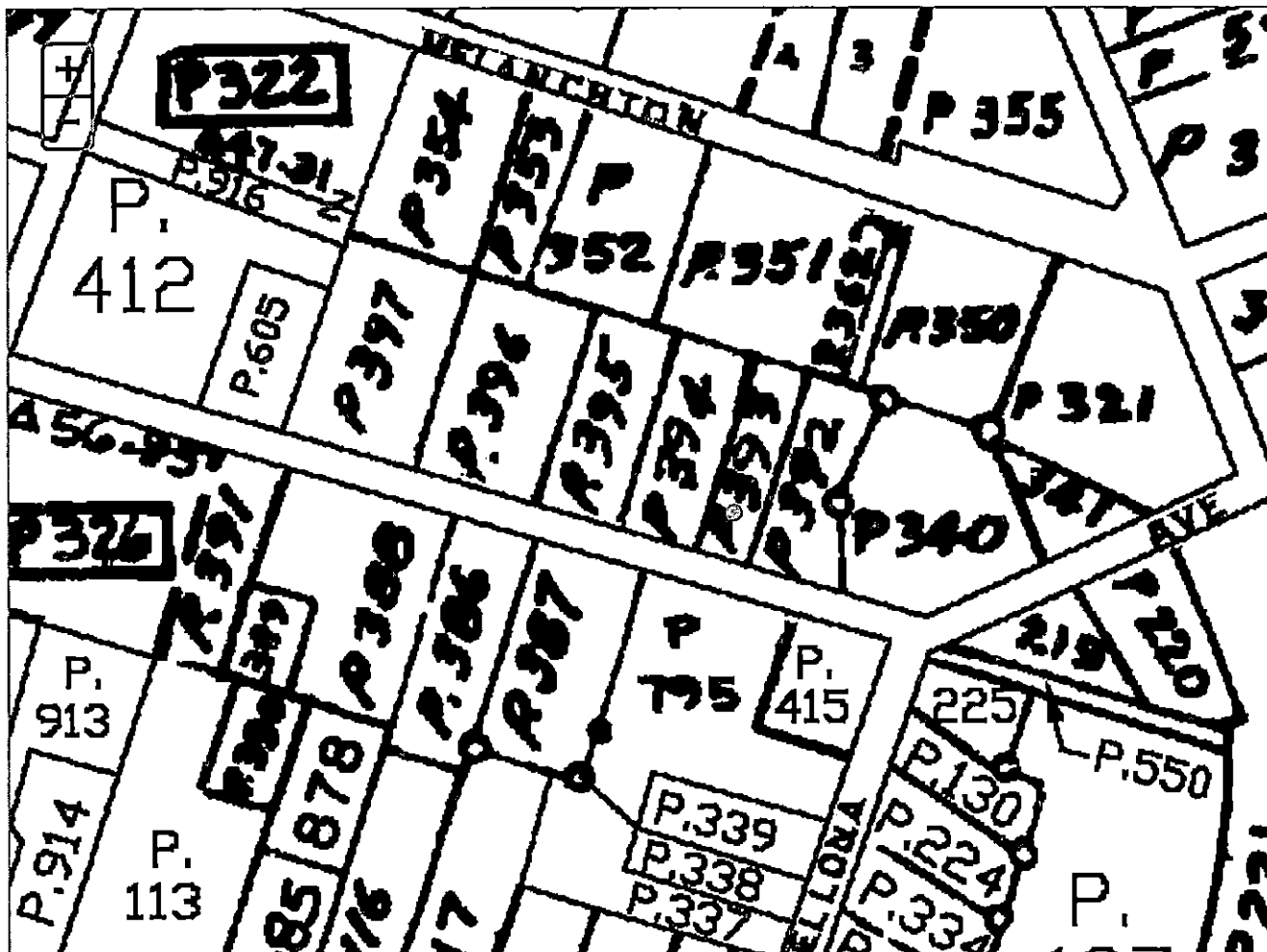
Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Account Identifier:			District - 08 Account Number - 0802047175						
Owner Information									
Owner Name:		BREWER WALTER L III			Use:		RESIDENTIAL		
Mailing Address:		208 MORRIS AVE LUTHERVILLE MD 21093-			Principal Residence:		NO		
					Deed Reference:		/38009/ 00242		
Location & Structure Information									
Premises Address:		MORRIS AVE LUTHERVILLE 21093-			Legal Description:		LT NES MORRIS AVE 229 W BELLONA AVE		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0060	0024	0393		0000				2017	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 01/01/2014		As of 07/01/2016		As of 07/01/2017
Land:			122,700		122,700				
Improvements			0		0				
Total:			122,700		122,700		122,700		
Preferential Land:			0						
Transfer Information									
Seller: C G HOMES INC				Date: 09/15/2016			Price: \$75,000		
Type: ARMS LENGTH VACANT				Deed1: /38009/ 00242			Deed2:		
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:		
Exemption Information									
Partial Exempt Assessments:		Class			07/01/2016		07/01/2017		
County:		000			0.00				
State:		000			0.00				
Municipal:		000			0.00		0.00		
Tax Exempt:					Special Tax Recapture:				
Exempt Class:					NONE				
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

New Search (<http://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, Maryland
 NES Morris Avenue
 Tax Account 08-08-02-047175

DEED

THIS DEED, made this 24 day of September in the year Two Thousand Sixteen (2016), by and between C.G. HOMES, INC., a Maryland corporation, Grantor, and WALTER L. BREWER, III, Grantee.

WITNESSETH, that in consideration of the sum of Seventy-Five Thousand and 00/100 (\$75,000.00) DOLLARS, the actual consideration paid or to be paid, and other good and valuable considerations, receipt of which is hereby acknowledged, the said Grantor does grant and convey to the said Grantee, his personal representatives, 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 same lot of ground which by Deed dated September 22, 2015 and recorded September 24, 2015 among the Land Records of Baltimore County, Maryland in Liber J.L.E. No. 36691, folio 171 was granted by Carol Lynn Morris unto C. G. HOMES, INC., a Maryland corporation, 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, his personal representative, successors and/or assigns, in fee simple, subject to all matters of record.

AND the said Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

[Remainder of page intentionally left blank]

LR - Deed (w Taxes)
 Recording only \$120.00
 Grantor/Grantee Name:
 Brewer
 Reference/Control #: LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State
 Transfer Tax 375.00
 LR - Non-Resident Tax
 - linked 0.00
 SubTotal: 435.00
 Total: 435.00
 09/15/2016 12:06
 #6927130 CC0301 - CC03-TA
 Baltimore
 County/CC03.01.01 -
 Register 01

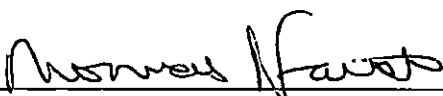
1626712

WITNESS the hands and seals of said Grantor.

WITNESS:

C.G. HOMES, INC., a Maryland corporation

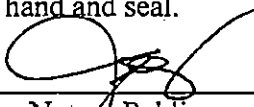


By:  (SEAL)
Thomas J. Faust, Grantor

STATE OF Maryland, COUNTY OF Baltimore, TO WIT:

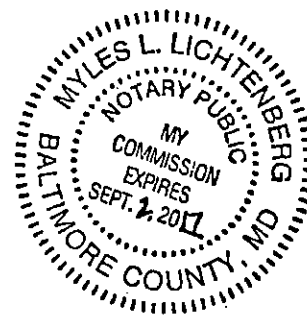
I HEREBY CERTIFY, that on this 6th day of September, 2016, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Thomas J. Faust, President of C.G. HOMES, INC., a Maryland corporation the within named Grantor, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his free and voluntary act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I set my hand and seal.



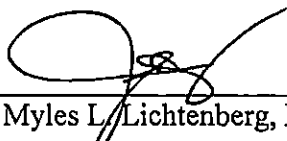
Notary Public [SEAL]

My Commission expires: 9/2/2017



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:

Walter L. Brewer, II
208 Morris Avenue
Lutherville, MD
21093

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.

**2016 Certification of Exemption from Withholding Upon Disposition of Maryland
MARYLAND Real Estate Affidavit of Residence or Principal Residence
FORM**

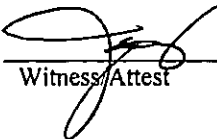
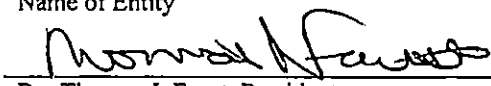
Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification the transferred property is the transferor's principal residence.

1. Transferor Information	
Name of Transferor:	C.G. HOMES, INC., a Maryland corporation

2. Reason for Exemption	
Resident Status	☐ I, Transferor, am a resident of the State of Maryland. ☒ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal Residence	☐ Although I am no longer a resident of the State of Maryland, the property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.
Foreclosure	☐ This is a transfer of REO property acquired by the grantor in a foreclosure action and conveyed herein to a third party. ☐ This is a transfer of a foreclosed property from the Assignees to the secured party or third party bona fide purchaser.
Estate	☐ The subject property is being transferred by the Personal Representative of the decedent's estate. The transferor was a resident of the State of Maryland and the subject property was his/her principal residence at the time of his/her death.
Other	☐ This is a transfer from the U.S. of America and its instrumentalities, or the State of Maryland and its instrumentalities and/or 24 political subdivisions.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct and complete.

3a. Individual Transferors	
Name	Name
Signature	Signature

3b. Entity Transferors	
 Witness/Attest	C.G. HOMES, INC., a Maryland corporation Name of Entity  By: Thomas J. Faust, President

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		☐ Check Box if Addendum Intake Form is Attached. ☐ Deed ☐ Mortgage ☐ Other ☐ Other																																																							
2		Conveyance Type Check Box		☒ Improved Sale Arms-Length(1) ☐ Unimproved Sale Arms-Length(2) ☐ Multiple Accounts Arms-Length(3) ☐ Not an Arms-Length Sale(9)																																																							
3		Tax Exemptions (if Applicable)		Recordation ☐ State Transfer ☐ County Transfer ☐																																																							
4		Consideration and Tax Calculations		Finance Office Use Only Transfer and Recordation Tax Consideration <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Purchase Price/Consideration</td> <td>\$75,000.00</td> <td>Transfer Tax Consideration</td> <td>\$</td> <td>1125.00</td> </tr> <tr> <td>Any New Mortgage</td> <td>\$0.00</td> <td>X() % =</td> <td>\$</td> <td></td> </tr> <tr> <td>Balance of Existing Mortgage</td> <td>\$0.00</td> <td>Less Exemption Amount - Total Transfer Tax =</td> <td>\$</td> <td></td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Recordation Tax Consideration X() per \$500 =</td> <td>\$</td> <td>375.00</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>TOTAL DUE</td> <td>\$</td> <td></td> </tr> <tr> <td>Full Cash Value</td> <td>\$</td> <td></td> <td></td> <td></td> </tr> </table>		Purchase Price/Consideration	\$75,000.00	Transfer Tax Consideration	\$	1125.00	Any New Mortgage	\$0.00	X() % =	\$		Balance of Existing Mortgage	\$0.00	Less Exemption Amount - Total Transfer Tax =	\$		Other:	\$	Recordation Tax Consideration X() per \$500 =	\$	375.00	Other:	\$	TOTAL DUE	\$		Full Cash Value	\$																											
Purchase Price/Consideration	\$75,000.00	Transfer Tax Consideration	\$	1125.00																																																							
Any New Mortgage	\$0.00	X() % =	\$																																																								
Balance of Existing Mortgage	\$0.00	Less Exemption Amount - Total Transfer Tax =	\$																																																								
Other:	\$	Recordation Tax Consideration X() per \$500 =	\$	375.00																																																							
Other:	\$	TOTAL DUE	\$																																																								
Full Cash Value	\$																																																										
5		Fees		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Amount of Fees</td> <td>Doc 1</td> <td>Doc 2</td> <td>Agent</td> </tr> <tr> <td>Recording Charge</td> <td>\$20.00</td> <td>\$</td> <td>Tax Bill</td> </tr> <tr> <td>Surcharge</td> <td>\$40.00</td> <td>\$</td> <td></td> </tr> <tr> <td>State Recordation Tax</td> <td>\$375.00</td> <td>\$</td> <td>C B Credit</td> </tr> <tr> <td>State Transfer Tax</td> <td>\$375.00</td> <td>\$</td> <td></td> </tr> <tr> <td>County Transfer Tax</td> <td>\$1,125.00</td> <td>\$</td> <td>Ag Tax/Other</td> </tr> <tr> <td>Other</td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td>Other</td> <td>\$</td> <td>\$</td> <td></td> </tr> </table>		Amount of Fees	Doc 1	Doc 2	Agent	Recording Charge	\$20.00	\$	Tax Bill	Surcharge	\$40.00	\$		State Recordation Tax	\$375.00	\$	C B Credit	State Transfer Tax	\$375.00	\$		County Transfer Tax	\$1,125.00	\$	Ag Tax/Other	Other	\$	\$		Other	\$	\$																							
Amount of Fees	Doc 1	Doc 2	Agent																																																								
Recording Charge	\$20.00	\$	Tax Bill																																																								
Surcharge	\$40.00	\$																																																									
State Recordation Tax	\$375.00	\$	C B Credit																																																								
State Transfer Tax	\$375.00	\$																																																									
County Transfer Tax	\$1,125.00	\$	Ag Tax/Other																																																								
Other	\$	\$																																																									
Other	\$	\$																																																									
6		Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i). <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>District</td> <td>Property Tax ID No.(1)</td> <td>Grantor Liber/Folio</td> <td>Map</td> <td>Parcel No.</td> <td>Var. Log</td> </tr> <tr> <td></td> <td>08-02-047175</td> <td>36691/171</td> <td>0060</td> <td>0393</td> <td>☐ (3)</td> </tr> <tr> <td colspan="2">Subdivision Name</td> <td>Lot (3a)</td> <td>Block (3b)</td> <td>Section (3c)</td> <td>Sq Ft/Acreage(4)</td> </tr> <tr> <td colspan="6">Location/Address of Property Being Conveyed (2)</td> </tr> <tr> <td colspan="6">Morris Avenue, Lutherville, MD</td> </tr> <tr> <td colspan="4">Other Property Identifiers (if applicable)</td> <td colspan="2">Water meter Account</td> </tr> <tr> <td colspan="6">Residential ☒ or Non-Residential ☐ Fee Simple ☒ Ground Rent ☐</td> </tr> <tr> <td colspan="2">Partial Conveyance ☐ Yes ☒ No</td> <td colspan="4">Description/Amt. Of SqFt/Acreage Transferred:</td> </tr> <tr> <td colspan="6">If Partial Conveyance, List Improvements Conveyed-</td> </tr> </table>				District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. Log		08-02-047175	36691/171	0060	0393	☐ (3)	Subdivision Name		Lot (3a)	Block (3b)	Section (3c)	Sq Ft/Acreage(4)	Location/Address of Property Being Conveyed (2)						Morris Avenue, Lutherville, MD						Other Property Identifiers (if applicable)				Water meter Account		Residential ☒ or Non-Residential ☐ Fee Simple ☒ Ground Rent ☐						Partial Conveyance ☐ Yes ☒ No		Description/Amt. Of SqFt/Acreage Transferred:				If Partial Conveyance, List Improvements Conveyed-					
District	Property Tax ID No.(1)	Grantor Liber/Folio	Map	Parcel No.	Var. Log																																																						
	08-02-047175	36691/171	0060	0393	☐ (3)																																																						
Subdivision Name		Lot (3a)	Block (3b)	Section (3c)	Sq Ft/Acreage(4)																																																						
Location/Address of Property Being Conveyed (2)																																																											
Morris Avenue, Lutherville, MD																																																											
Other Property Identifiers (if applicable)				Water meter Account																																																							
Residential ☒ or Non-Residential ☐ Fee Simple ☒ Ground Rent ☐																																																											
Partial Conveyance ☐ Yes ☒ No		Description/Amt. Of SqFt/Acreage Transferred:																																																									
If Partial Conveyance, List Improvements Conveyed-																																																											
7		Transferred From		Doc 1 - Owner(s) of Record, if Different from Grantor(s) Doc 2 - Owner(s) of Record, if Different from Grantor(s)																																																							
8		Transferred To		Doc 1 - Grantee(s) Name(s) Doc 2 - Grantee(s) Name(s)																																																							
9		Other Names to Be Indexed		Doc 1 - Additional Names to be indexed (Optional) Doc 2 - Additional Names to be indexed (Optional)																																																							
10		Contact/Mail information		Instrument Submitted By or Contact Person 1626712 Name: Myles L. Lichtenberg, Esq. Firm: New World Title Company, LLC Address: 1407 York Road, Suite 304, Lutherville, MD 21093 Phone: (410) 458-8975 ☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided																																																							
11 IMPORTANT BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="2">Assessment Information</td> <td colspan="2"> ☐ Yes ☒ No Will the property being conveyed be the grantee's principal ☐ Yes ☒ No Does transfer include personal property? If yes, identify </td> </tr> <tr> <td colspan="2"> ☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded no copy required) </td> </tr> <tr> <td colspan="3">Assessment Use Only - Do Not Write Below This Line</td> </tr> <tr> <td>☐ Terminal Verification</td> <td>☐ Agricultural</td> <td>☐ Whole ☐ Part</td> </tr> <tr> <td>Transfer Number:</td> <td>Date Received:</td> <td>Deed Reference:</td> </tr> <tr> <td>Assigned Property No.</td> <td colspan="2"></td> </tr> <tr> <td>Geo</td> <td>Map</td> <td>Sub</td> </tr> <tr> <td>Zoning</td> <td>Grid</td> <td>Plan</td> </tr> <tr> <td>Use</td> <td>Parcel</td> <td>Section</td> </tr> <tr> <td>Town Cd.</td> <td>Ex. St.</td> <td>Ex. Cd.</td> </tr> </table>						Assessment Information	☐ Yes ☒ No Will the property being conveyed be the grantee's principal ☐ Yes ☒ No Does transfer include personal property? If yes, identify		☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded no copy required)		Assessment Use Only - Do Not Write Below This Line			☐ Terminal Verification	☐ Agricultural	☐ Whole ☐ Part	Transfer Number:	Date Received:	Deed Reference:	Assigned Property No.			Geo	Map	Sub	Zoning	Grid	Plan	Use	Parcel	Section	Town Cd.	Ex. St.	Ex. Cd.																									
Assessment Information	☐ Yes ☒ No Will the property being conveyed be the grantee's principal ☐ Yes ☒ No Does transfer include personal property? If yes, identify																																																										
	☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded no copy required)																																																										
Assessment Use Only - Do Not Write Below This Line																																																											
☐ Terminal Verification	☐ Agricultural	☐ Whole ☐ Part																																																									
Transfer Number:	Date Received:	Deed Reference:																																																									
Assigned Property No.																																																											
Geo	Map	Sub																																																									
Zoning	Grid	Plan																																																									
Use	Parcel	Section																																																									
Town Cd.	Ex. St.	Ex. Cd.																																																									

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 38009, p. 0246, MSA_CE62 37866. Date available 09/21/2016. Printed 10/21/2016.

9/14/2016	REG 5933	WALIKIN CAM	RECEIPT # 657492	7/19/2016	RECORDATION TAXES	7.70	02047175	Recordation	\$1,500.00	CK	\$1,500.00	CA	Ballwin County, Maryland
-----------	----------	-------------	------------------	-----------	-------------------	------	----------	-------------	------------	----	------------	----	--------------------------

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

Krysundra Cannington

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

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

Best.

Larry Schmidt

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, 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 and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone 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
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.

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*)

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

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

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.

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.

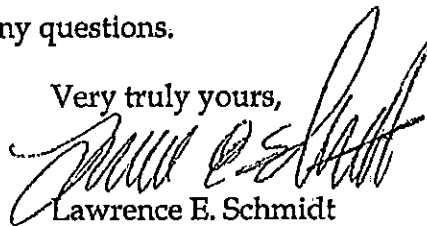
By the separate appeals of the two matters and their consolidation at the Board, the procedural issues which generated People's Counsel's Motions are remedied. Both requests were duly advertised, posted and the requisite public notice has been provided. Both cases have had final decisions issued by the 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,



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.



KEVIN KAMENETZ
County Executive

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

RECEIVED
MAY 31 2016

BALTIMORE COUNTY
BOARD OF APPEALS

May 31, 2016

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

Michael McCann, Esq.
118 West Pennsylvania Avenue
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS** - Petition for Special Hearing
Property: 206 Morris Avenue
Case No.: 2016-0201-SPH

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 25, 2016. 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:slh

c: Baltimore County Board of Appeals
Peter Max Zimmerman, 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**
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

Via Hand Delivery

Arnold Jablon, Esquire
Director
Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

RECEIVED

MAY 25 2016

Re: Notice of Appeal
Property: 206 Morris Avenue
Case No. 2016-0201-SPH

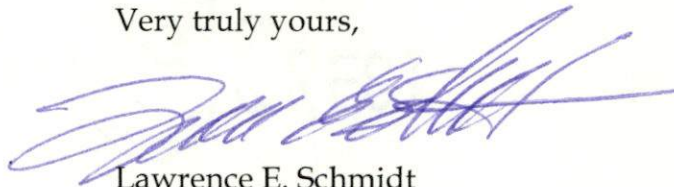
OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Jablon,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, C.G. Homes, Inc., to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of \$265.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,



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.

IN RE:
PETITION FOR SPECIAL HEARING
206 Morris Avenue

8th Election District
3rd Councilmanic District

C.G. Homes, Inc., *Legal Owner*
Appellant

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* **Case No.: 2016-0201-SPH**

*

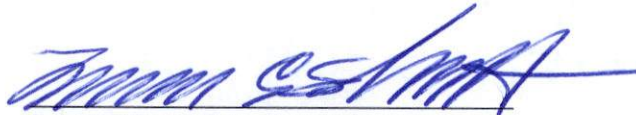
*

* * * * *

NOTICE OF APPEAL

The Appellant, C.G. Homes, Inc., by and through its attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Opinion and Order dated May 18, 2016, in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 2016, a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

John E. Beverungen, Esquire
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

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

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

No. 133685

Date: 5/25/16

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
				Source/	Rev/						
201	8060	0000		10150							2105.00

Total: 2105.00

Rec From: Smith, Michael E. Schmidt, Jr.

For: CK # 15529 (6AH)

20110-0201-SPH

2010 Morris Avenue

DISTRIBUTION

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

CASHIER'S
VALIDATION

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

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

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.

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.

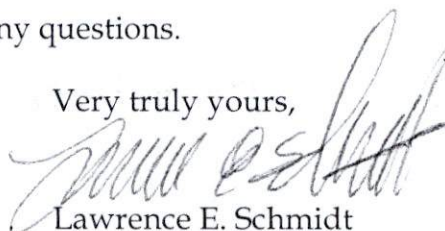
By the separate appeals of the two matters and their consolidation at the Board, the procedural issues which generated People's Counsel's Motions are remedied. Both requests were duly advertised, posted and the requisite public notice has been provided. Both cases have had final decisions issued by the 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,



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.

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

Via Hand Delivery

Arnold Jablon, Esquire
Director

Baltimore County Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

Re: Notice of Appeal
Property: 206 Morris Avenue
Case No. 2016-0201-SPH

RECEIVED
MAY 25 2016

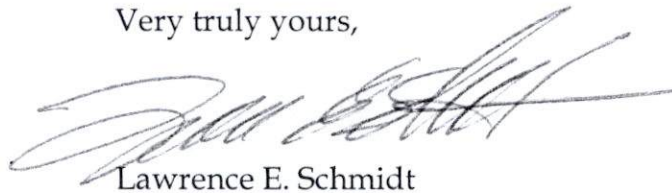
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Mr. Jablon,

Enclosed herewith please find an original and four (4) copies of the Notice of Appeal on behalf of Appellant, C.G. Homes, Inc., to be filed in the above referenced matter. Please date stamp the copies and return the same to our courier. Also enclosed, please find a check in the amount of \$265.00 to cover the filing fee for such appeal.

Please contact me should you have any questions.

Very truly yours,



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.

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellant

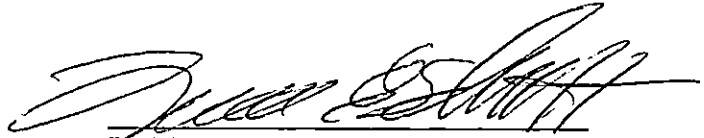
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 2016, a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

John E. Beverungen, Esquire
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

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

IN RE: **PETITION FOR SPECIAL HEARING**

(206 Morris Avenue)

8th Election District

3rd Council District

C.G. Homes, Inc.

Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0201-SPH

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of C.G. Homes, legal owner ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an undersized lot for construction of a single family dwelling.

Thomas Faust appeared in support of the petition. Lawrence E. Schmidt, Esq., represented Petitioner. Michael McCann, Esq., represented the Lutherville Community Association, which opposed the request. Peter Zimmerman, People's Counsel, also participated in the case and opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP).

The subject property is 14,189 square feet and zoned DR 2. The property is unimproved, and Petitioner proposes to construct a single-family dwelling on the undersized lot. Petitioner does not seek a variance under B.C.Z.R. §307; instead it invokes §304 concerning "undersized lots."

As noted at the hearing, I believe Petitioner satisfies each of the "threshold" requirements set forth at B.C.Z.R. §304. That is: (1) the lot was recorded prior to 1955; (2) Petitioner complies with all bulk and area regulations other than lot width and area; and (3) Petitioner does not own

ORDER RECEIVED FOR FILING

Date

5/18/16

By

Sen

adjoining land sufficient to satisfy the lot width and area requirements. This was the finding set forth in a previous Order involving this property (Case No.: 2015-0302-SPHA), and that matter is pending at the Board of Appeals. Both Protestants' counsel and People's Counsel argued Petitioner had not satisfied these requirements, but I believe Mueller v. People's Counsel, 177 Md. App. 43 (2007) undercuts each of their arguments.

The only remaining issue is whether construction of the proposed dwelling would be "appropriate." B.C.Z.R. §304.4. Petitioner proposes to construct a 23 ft. wide dwelling. Exhibit 4. The lot is 0.325 acres, and the dwelling would be set back approximately 65 ft. from the street. In these circumstances I do not believe the proposed dwelling would be "appropriate."

Unlike the scenario in Mueller where many of the surrounding homes were situated on 50' wide lots (which is also what the petitioner in that case proposed) the evidence here is that none of the homes in the surrounding community would be as narrow as the dwelling proposed. Protestants submitted exhibits (Protestants' Exhibits 3 & 4) showing the lot size and dimensions of dwellings in the 200-block of Morris and Melancthon Avenues. The proposed dwelling would be nearly 50% narrower than neighboring homes, and would also be positioned quite close to the existing homes at 204 and 208 Morris Avenue.

THEREFORE, IT IS ORDERED this 18th day of **May, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to approve an undersized lot for construction of a single family dwelling, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

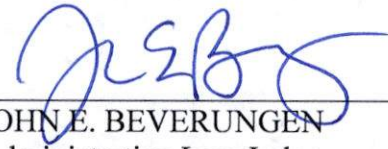
Date

5/18/16

By

sln

Any appeal of this decision must be filed 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 5/18/16

By sln



KEVIN KAMENETZ
County Executive

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

May 18, 2016

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

Michael McCann, Esq.
118 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 2016-0208-SPH
Property: 1613 Dennis Avenue

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

C: Peter Max Zimmerman, Esq., People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
206 Morris Avenue, NE/S Morris Avenue	*	OF ADMINISTRATIVE
242' NW of Bellona Avenue		
8 th Election District	RECEIVED	HEARINGS FOR
3 rd Councilmanic District	MAY 12 2016	
	*	BALTIMORE COUNTY
Legal Owners: C.G. Homes, Inc.	<i>OFFICE OF ADMINISTRATIVE HEARINGS</i>	
Petitioner	*	Case No. 2016-201-SPH

* * * * *

**RESPONSE TO PEOPLE’S COUNSEL FOR BALTIMORE COUNTY’S
MEMORANDUM**

C.G. Homes, Inc., Petitioner/Appellant, through Lawrence E. Schmidt and Smith, Gildea and Schmidt, its attorneys, submits this Response to People’s Counsel for Baltimore County’s Memorandum and respectfully states the following.

STATEMENT OF THE CASE AND FACTUAL BACKGROUND

Once again, People’s Counsel has taken what should be a simple and non-complex matter and turned it into a morass. Their recent filing only provides potential delay and complexity to the prompt and efficient administration of the Baltimore County Zoning Regulations (“BCZR”) to the issue presented and a resolution of the case. Petitioner is compelled to respond and offer the following.

In 2015, an unimproved lot in the long established residential community of Lutherville was owned by Carol Morris. The property is known as 206 Morris Avenue. The lot has existed in its present configuration and size for years, prior to 1955. Indeed, the Lutherville community was originally created by plat recorded in the Land Records of Baltimore County in the 1920’s. The lot came to the attention of C.G. Homes, Inc.

("C.G. Homes"), a Baltimore County based home builder. C.G. Homes, Inc. entered into a contract with Mrs. Morris for the purchase of the property. Mrs. Morris is elderly and wanted to sell the lot. As the lot is nestled in a residential community and was created as a residential building lot, C. G. Homes envisioned building a house thereon. C.G. Home's proposal seems reasonable.

The property is zoned D.R. 2. D.R. 2 requires a lot size of 20,000 square feet and the subject property is 14,189 square feet. D.R. 2 requires a lot width of 100 feet; the subject property is 63 feet wide. C.G. Homes proposed a house 38 feet wide; with side yard setbacks of 10 feet on one side and 15 feet on the other (25 feet total). D.R. 2 requires total combined side yard setbacks of 40 feet, and a minimum setback of 15 feet on each side. Obviously, C.G. Homes could not comply with these requirements. C.G. Homes filed a Petition for Variance asking for relief (i.e. lot size of 14,189 sq. ft. in lieu of 20,000 sq. ft.; lot width of 63 feet in lieu of 100 feet; and a side yard setback of 10 feet on one side in lieu of 15 feet and sum of the side yards of 25 feet in lieu of the required 40).

The case came in for hearing before Administrative Law Judge ("ALJ") John E. Beverungen. People's Counsel entered it's appearance but, as is typical, did not appear at the hearing. However, certain neighbors appeared in opposition represented by Michael McCann, Esquire. At the hearing, both sides presented their cases. During the public hearing, undersigned counsel for C.G. Homes noted that although the three variances at issue were to be adjudged pursuant to BCZR § 307 (as well as Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995) and its progeny) a narrower single family dwelling would be permitted by right pursuant to BCZR § 304. After the hearing, ALJ

Beverungen issued a written decision on September 9, 2015 in which he denied the variances, noting the “schizophrenic” nature of the variance process in Baltimore County. As permitted under the ALJ’s Rules of Practice and Procedure, the Petitioner filed a Motion for Reconsideration. In the Motion, the Petitioner revised its plan to propose a 23 foot wide house. A house of that size would not require side yard setback variances, thus that variance was “off the table.” The only remaining issues were lot size and lot width.

ALJ Beverungen granted the Motion for Reconsideration noting the Petitioner’s compliance with BCZR § 304. That section allows an owner to build a dwelling on an undersized or too narrow lot if three criteria are met. Those are: (1.) that the lot existed prior to 1955; (2.) that the owner has no adjacent land from which it can borrow to cure the deficiency; and (3.) that no other variances are needed. Having eliminated the need for side yard variances, the applicant meets the criteria. The ALJ agreed and granted approval.

The neighbors appealed to the Board of Appeals. Undersigned counsel has dealt with People’s Counsel in the past and anticipated that it would object to anything the Petitioner did in connection with the case. In order to be transparent and provide all parties reasonable notice, Petitioner’s counsel wrote a letter to the Board (attached hereto as **Exhibit 1**) on December 1, 2015. In that letter, Petitioner’s counsel related the above history of the case and advised that at the Board’s de novo hearing it would seek the following: (1.) Approval of the three variances pursuant to BCZR § 307 for a 38 foot

wide house; and/or in the alternative (2.) Approval for an undersized/too narrow lot pursuant to BCZR § 304 for a 23 foot wide house.

There are no rules of pleading before the ALJ or the Board. The Board's hearing is de novo. By analogy, in the Maryland Rules, amendments to pleadings are to be freely allowed to promote the interests of justice. The key is fundamental fairness and reasonable notice. Do all parties know what the issue will be and can they adequately prepare? By sending a copy of its letter of December 1, 2015 to all parties some two months before the Board's hearing, Petitioner believed that the principles of due process and fairness would be met.

Nonetheless, at the onset of the Board's hearing, People's Counsel moved to dismiss the case. He argued that the Board could not hear the request that the ALJ had decided through the Motion for Reconsideration because it was not in the original petition. In response, the Petitioner argued that the issue was one of notice (see *Cassidy v. County Board of Appeals of Baltimore County*, 218 Md. 418, 424 (1958)) as there are no rules of pleading. The three member panel visibly struggled with the issue at the hearing. They recessed the case and scheduled a public deliberation. As noted in the minutes of the deliberation (attached hereto as **Exhibit 2**) they indicated that they were going to grant People's Counsel's Motion to Dismiss. This ruling makes no sense. First of all, the Board is incorrect in thinking that the alternate theory cannot be considered. The ALJ had considered and granted it. Both of the ALJ's orders were appealed. Secondly, in a demonstration of their bewilderment, the Board apparently intends to

dismiss the entire case (including the original request). The undersigned is anxiously awaiting the Board's written ruling and its justification for dismissing the case.

In view of People's Counsel's arguments and the Board's anticipated ruling in **CG I** (called **CG I** in its recent pleading), the Petitioner filed a new case to cure People's Counsel's claim of improper procedure. This is the case (2016-201-SPH) that is scheduled for hearing on May 13, 2016. In an affront to any concept of judicial economy, fundamental fairness, due process and common sense, People's Counsel has filed its opposition. The following addresses their inane arguments.

COMPLIANCE WITH SECTION 304

As noted above, BCZR § 304 requires three criteria to be met if relief is granted thereunder. Even to People's Counsel, two of the criteria are met. Namely, the lot pre-dates 1955 and for a 23 foot wide dwelling and no other variances are needed. The issue is apparently whether the Petitioner "does not own sufficient adjoining land to conform with the width and area requirements."

C.G. Homes owns the property. It does not now, nor has it ever, owned adjacent land. End of story. C.G. Homes complies with this requirement.

C.G. homes bought the property from Carol Morris. As noted above, Carol Morris owned the property for years. At one time, she owned a lot which shares a portion of the rear property line with 206 Morris Avenue. That lot is known as 211 Melanchthon Drive. These are separate lots. Each has its own description in the Land Records for Baltimore County. Carol Morris sold 211 Melanchthon Avenue in 2006 to

William Matthews, who owns the property today. She sold 206 Morris Avenue in 2015 to C.G. Homes.

Thus, for nine years, these properties were under different ownership. They still are today. Following the enactment of BCZR § 304, the County recognized that the ability to build thereunder could be abused through a process known as “checker boarding.” Under this approach an owner, say a husband and wife, could each separately title two adjacent lots. Each might be undersized but together they would meet the applicable size/width requirement. The owners could bifurcate their ownership, assigning the husband one property and the wife the other (or even form an LLC) in order to put ownership in separate entities/persons. Under such approach, they would then take advantage of the BCZR § 304 by claiming that the “owner of the property under consideration did not own adjacent land.” Thus, a provision was added in the Zoning Commissioner’s Policy Manual which established a six year “look back” rule in order to prevent the checker boarding abuse of BCZR § 304. Neither C.G. Homes, nor Carol Morris, have owned any adjacent property in the past six years. Thus, in conclusion, C.G. Homes does not own adjacent property. The prior owner, Carol Morris, did but it was more than six years ago.

Even assuming arguendo that all of the above was disregarded, the requirements of BCZR § 304 are still met. The properties at 206 Morris and 211 Melanchthon are not side by side. That is the scenario under which the “checker boarding” theory applies. Indeed, they share a common rear lot line. Even that lot line is not exclusive to both properties as they are (as shown on the attached **Exhibit 3**) offset. There is no way

under the law of physics that the insufficient width of 206 Morris can be “cured” by utilizing 211 Melanchthon.

That this property qualifies under BCZR § 304 to allow a dwelling is manifest.

MERGER

People’s Counsel also introduces the doctrine of “merger” into the discussion. Simply stated, merger does not apply. In Maryland, “merger” was created (or at least first recognized in this state) in *Friends of the Ridge v. Baltimore Gas and Electric Co.*, 352 MD 645 (1999). In that case, BGE owned several separate but adjoining lots within a single overall tract in northern Baltimore County. BGE had an electric substation on the tract and wanted to expand to serve the growing needs of development in the north County. It petitioned for zoning setback variances for the internal lot lines of the multiple lots that it owned. The case wound its way up to the Court of Appeals. In a case of first impression, the Court gave birth to the doctrine of merger. It held that BGE’s separate lots had “merged” into a single property. No zoning variances were required, as there were no internal lot lines, the tract was a single piece of property.

Over the years, the merger doctrine has been described in appellate decisions subsequent to *Friends of the Ridge* (see e.g. *Remes v. Montgomery Co.*, 387 MD 52 (2005), *Mueller v. People’s Counsel for Baltimore County*, 177 MD App. 43 (2007)). Many resulted from the housing boom and escalating property values in the early 2000’s. Often in those cases, an individual property owner owned two separate lots (a frequent scenario in the waterfront communities of eastern Baltimore County). Often these lots (many 50 feet wide) were individually undersized/too narrow but were separate “lots of record.”

Over the years, the owners used the lots as one but when values dramatically increased, they wished to sell one lot for development. In these cases, the court reasoned that the intent of the owner was paramount in determining whether the lots had merged. Had the owner put a house on one lot and physically improved the other (i.e. garage, shed, swimming pool, and/or driveway) so that both lots were practically used as one.

Here, lots 206 Morris and 211 Melanchthon were never merged. People's Counsel, without the benefit of any evidence in the record that there was a combined utilization of the properties, claims a merger. At the very least, People's Counsel's arguments are premature (i.e. in their Memorandum "the evidence is likely to show" page 9). What is this speculation based upon? The properties have not been used together. Testimony from the prior owner, Carol Morris, would be that the lots have never been used as one. (See attached letter from Mrs. Morris **Exhibit 4**) The fact that Mrs. Morris sold one lot to Mr. Matthews and the other to C.G. Homes nine (9) years later belies People's Counsel's assertion.

People's Counsel also claims "statutory merger." Of this theory, there is little to say other than this is a figment of People's Counsel's imagination. There is no statute in the State of Maryland or Baltimore County which creates merger and/or applies here.

PEOPLE'S COUNSEL'S STANDING

Peoples' Counsel also offers its usual lengthy argument regarding its standing to participate in this case. Its reasoning misses the mark. People's Counsel may participate in a myriad of zoning matters as described in its memorandum. But in this case, the tenets of BCZR § 304 are clear and by specific provision of law supersede the case law

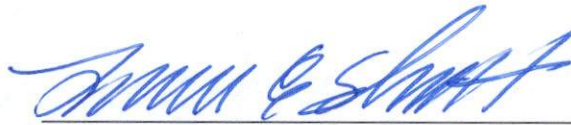
cited. Specifically, upon the filing of a request for approval under BCZR § 304, any owner or occupant within 1,000 feet of the property may request a public hearing. Here, the neighbors requested a hearing. They are within their rights to do so. They may participate. But People's Counsel is not an owner or occupant within 1,000 feet. It fails to meet the specific requirements as stated in BCZR § 304 for standing for this matter.

APPROPRIATENESS OF THE PROPOSED DWELLING

BCZR § 304.2 provides that in order for a proposed dwelling that qualifies under this section to be issued a building permit, plans and/or drawing shall be submitted to the Department of Planning. That Department shall then review that submittal and issue recommendations to the ALJ. The ALJ, upon review of this recommendation and upon hearing the case, shall determine if the dwelling is appropriate. In this case, such a process was followed in **CG I** and the ALJ had already deemed the proposed 23 foot wide dwelling appropriate. A contrary decision is barred by collateral estoppel. Moreover, the Department of Planning has repeated its review in **CG II** and has issued a Zoning Advisory Committee comment supporting the request, subject to certain conditions. Evidence will be offered at the hearing that the conditions are agreeable. Thus, the proposed dwelling is indeed "appropriate."

CONCLUSION

As he did before, the ALJ should grant the relief requested and approve a 23 foot wide dwelling per BCZR § 304. Other than the procedural mess created by People's Counsel and furthered by a confused Board, there has been no change from when the identical relief was approved before.



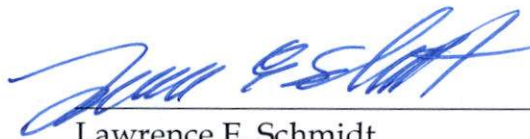
Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Ave., Suite 200
Towson, MD 21204
410-821-0070
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of May, 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

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

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

EXHIBIT

1

600 WASHINGTON AVE
TELEPHONE (410)

tabbles

TOWSON, MARYLAND 21204
(410) 821-0071 • www.sgs-law.com

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.

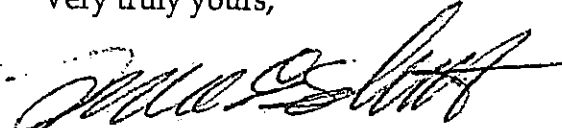
As noted above, issues numbered 1 & 2 above were previously addressed by ALJ Beverungen in his initial order; and issue 3 was addressed in his Motion for Reconsideration. Thus, all issues were considered below. I anticipate a procedural objection from the Protestants about raising these issues. The filing 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written in a cursive style.

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: 38691/00171 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 _____

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.

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

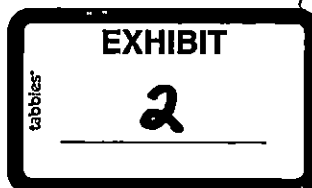
- The Board noted the Motion to Dismiss concerns the issue of whether or not public notice of the hearing was adequate and proper, and if the Board has jurisdiction.
- The Board stated that the notice originally posted specified a different plan, and Code section, than that which the ALJ granted. The 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





My Neighborhood Map

Created By
Baltimore County
My Neighborhood

tabbles

EXHIBIT

3

This data is only for general information purposes only. This data may be inaccurate, contain errors or omissions. Baltimore County, Maryland does not warrant the reliability of the data and disclaims all warranties with regard to the accuracy, completeness, and fitness for any particular purpose. Baltimore County, Maryland is not responsible for any damages, including but not limited to, actual, direct, and consequential damages, attorneys' and experts' fees, and costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

May 13, 2016

Administrative Law Judge John E. Beverungen
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: 206 Morris Avenue and 211 Melanchton Avenue

Dear Judge Beverungen:

I am the former owner of the property known as 206 Morris Avenue in Lutherville. This property has been and is currently the subject of a couple zoning cases before you (Case Numbers 15-302-SPHA and 16-201-SPH). I acquired an interest in 206 Morris Avenue on July 29, 1983 when the property was conveyed to me and my father, Oliver Blaker. My father conveyed his interest in the property to me on December 30, 1996 and I became the sole owner. I sold the property to C.G. Homes on September 22, 2015.

I also once owned 211 Melanchton Avenue. My father and I also acquired it in 1983. I sold 211 Melanchton Avenue to William Matthews on January 3, 2006.

During my period of ownership, 206 Morris Avenue was an unimproved lot. It was never used as or considered part of the property known as 211 Melanchton Avenue. The property known as 211 Melanchton Avenue is a separate property and shares a portion of its rear property line with 206 Morris. The properties are not directly behind one another. The property at 211 Melanchton Avenue is improved with a dwelling which was built in 1903. The two lots are separate and I always considered them as separate properties.

Sincerely,

Carol Morris
Carol Morris



5-13-16 @ 1:30 PM
RECEIVED

APR 25 2016

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

* * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

TABLE OF CONTENTS

Statement of the Case 1

Questions Presented 2

Statement of Facts 3

Argument, including relevant facts 4

I. People's Counsel has authority to participate in these proceedings. 4

II. This case, CG II, should be dismissed or stayed pending the conclusion
of CG I. 6

III. The essential purpose of the law relating to undersized lots is to afford a property
owner some reasonable residential use of an isolated undersized lot 6

IV. Historically, the Melanchton and Morris lots merged for zoning purposes, so the
Morris lot does not qualify as an undersized lot 9

Merger in Two Ways..... 9

Common Law Merger 9

Statutory Merger 9

V. CG is disqualified because it bought the Morris lot when already undersized..... 11

VI. The proposed "shotgun dwelling" fails to satisfy the site design criteria of BCZR
Sec. 304.2.B.1 and architectural design criteria of BCZR Sec. 304.2.B.2 13

VII. Even if not found to be disqualified, the better use of discretion is to deny
this application based on the totality of the circumstances 14

VIII. To the extent the Zoning Commissioner's Policy Manual allows a new owner to avoid the "single and separate ownership" requirement if the new owner holds the lot for six years after split or transferred from owner of the adjoining lot held in common, the Policy Manual conflicts with BCZR Sec. 304.1 and is invalid.....	15
IX. <u>Mueller v. People's Counsel</u> is distinguishable and, at the same time, contrary to the legislative purpose and the predominant judicial view of the legislative purpose of similar undersized lot laws	17
Conclusion.....	18

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

* * * * *

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Statement of the Case

On March 3, 2016, CG Homes (CG), now property owner, filed this petition for special hearing to construct a dwelling on an undersized lot at 206 Morris Avenue in Lutherville. We call this **CG II**. Previously, Carol Morris, property owner, and CG, then contract purchaser, filed a petition for variances to construct a dwelling on this same lot, configured differently, in Case No. 15-302-A, filed June 25, 2015. We call this **CG I**.

As the Administrative Law Judge is aware, based on BCZR Sec. 307.1, he denied the **CG I** variances on September 9, 2015. But upon the Morris/CG motion for reconsideration, with an amended plan under the rubric of undersized lot law, BCZR Sec. 304, he approved the request on October 9, 2015.

There followed in **CG I** an appeal to the County Board of Appeals (CBA) by the Lutherville Community Association and area residents. On December 1, 2015, CG, having acquired the property, filed a letter with an amended petition for special hearing to combine the undersized lot petition with the variance petition.

On January 20, 2016, People's Counsel filed a motion to dismiss the amended petition and memorandum. CG filed a response. On February 4, 2016, the CBA convened and allowed oral argument on the motion. On March 9, 2016, the CBA deliberated publicly and decided to grant People's Counsel's motion. The opinion is to be filed.

In the wake of the CBA hearing in **CG I**, CG applied on February 11, 2016 for a use permit for an undersized lot. On February 26, 2016, our office timely requested a public hearing on CG's application for an undersized lot at 206 Morris Avenue. On February 29,

2016, the Lutherville Community Association and several area citizens also requested a public hearing. There followed on March 3 CG's present petition for special hearing for zoning approval, CG II.

Concurrently, on March 4, CG's attorney sent a letter to challenge our office's right to request a public hearing. CR argued that BCZR Sec. 304.4 refers to building permit applications, and that People's Counsel's charter authority does not refer to building permit applications. CG conceded, however, that there would have to be a public hearing because area citizens had also requested same.

For a variety of reasons, the CG II application must be denied as a matter of law.

Questions Presented

1. Does People's Counsel have authority to participate in these zoning proceedings?
2. Should CG II be dismissed or at least stayed, as a matter of efficient administration of justice, until the conclusion of CG I?
3. What is the essential purpose of the law relating to undersized lots? Is it to afford a property owner a reasonable use of an isolated undersized lot?
4. Did the 206 Morris Avenue lot historically merge with the adjoining lot at 211 Melancton Avenue both as a matter of general zoning merger doctrine and the specific merger doctrine under BCZR Sec. 304.1.C.? As a result, is the 206 Morris Avenue lot disqualified for classification as an undersized lot?
5. Is CG Homes also disqualified for an undersized lot dwelling because it acquired the Morris Avenue lot in 2015 after it was already undersized for the D.R. 2 Zone?
6. Anyway, does the proposed "shotgun dwelling" meet the site design criteria of BCZR Sec. 304.2.B.1 and architectural design criteria of BCZR Sec. 304.2.B.2?
7. Under all the circumstances, even if it were not absolutely disqualified, would it anyway be an abuse of discretion to allow this undersized lot?
8. Is the Zoning Commissioner's Policy Manual inconsistent with BCZR Sec. 304.1 where it creates, as a permissive factor, separate undersized lot ownership for six years after division from an adjoining lot under the same ownership?

9. Is Mueller v. People's Counsel distinguishable and, at the same time, contrary to the legislative purpose and the predominant judicial view of the legislative purpose of similar undersized lot laws?

Statement of Facts

The plat of this area of Lutherville was filed in 1926. The 206 Morris Avenue lot by itself has 14,185 square feet in lot area. Its front lot width on Morris Avenue is 63 feet. It is zoned D.R. 2. The relevant minimum requirements are 20,000 square feet in area and 100 feet in front lot width. The zoning history shows the following: 1945, "A" residence; 1955, R.6; 1971, D.R. 3.5; 1988 to date, D.R. 2.

However, until 2005, the subject lot, 206 Morris Avenue, was combined in one tract by deed with the much larger rear adjoining lot at 211 Melanchton Avenue. The Melanchton lot comprises 1.4 acre, with 180 feet lot width. This Melanchton lot also has a dwelling which the SDAT record dates to 1903.

To be more specific, the deed and SDAT records 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).

So far as the record shows, and so far as we can tell, Oliver Blaker used the combined Melanchton and Morris tract for integrated residential use. Dr. Blaker never made any effort to divide the property. This did not occur until his daughter Carol Morris sold the Melanchton lot in 2005 and, subsequently, the Morris lot in 2015.

Plainly, the combined Morris and Melanchton tract, under single ownership as of 1955 (indeed, 1955-2005) was never undersized. Indeed, the Melanchton lot by itself met all D.R. 2 Zone standards. The tract met all standards either under D.R. 2 or the earlier D.R. 3.5 and R.6 classifications. Taken by itself, the Morris lot became undersized in 1988, when the area was comprehensively rezoned to D.R. 2.

Argument, including relevant facts

I. People's Counsel has authority to participate in these proceedings.

People's Counsel for Baltimore County has charter authority to request a public hearing, and, of course, to participate in cases of undersized lot applications and special hearings to determine rights under zoning law because they involve core zoning density and area issues. To argue otherwise is a cramped and futile exercise. Nevertheless, we must respond in detail.

People's Counsel appears in zoning cases to defend the comprehensive zoning maps and master plan in the public interest. Baltimore County Charter Sec. 524.1 The office's function and responsibility extends broadly to zoning and related cases, including special hearings and development cases with zoning issues.

Section 524.1(a)(3)A, it states in pertinent part,

“Powers and duties. The People's Counsel shall have the following powers and duties:

He shall appear as a party before the zoning commissioner of Baltimore County, his deputy, the county board of appeals, the planning board, and the courts on behalf of the interests of the public in general to defend any duly enacted master plan and/or comprehensive zoning maps as adopted by the county council, and in any matter or proceeding now pending or hereafter brought involving zoning reclassification and/or variance from or special exception under the Baltimore County Zoning Regulations as now or hereafter in force or effect, in which he may deem the public interest to be involved.” (Emphasis supplied).

While zoning reclassifications, variances, and special exceptions are included as familiar types of zoning cases, the charter language refers to them in the conjunctive, following the word “and.” This language is broad in scope and not restrictive. Accordingly, People's Counsel has consistently participated in special hearing, variance, and special variance cases to determine important zoning issues.

Beginning with People's Counsel v. A.V. Williams 45 Md. App. 617 (1980), a zoning reclassification case, the appellate courts have consistently approved or recognized our office's participation and standing. In addition to reclassification, variance, and special exception cases, the many reported appellate decisions include special hearings, development cases, and direct litigation.

In 1989, the Court of Appeals recognized the authority of People's Counsel to participate in special hearing cases. People's Counsel v. Maryland Marine Mfg. Co. 316 Md. 491 (1989), determination of geographic extension of zoning lines into navigable waters; Board of Child Care v. Harker 316 Md. 683 (1989), zoning of child care facilities, including preemption and immunity issues.

In 1992, sustaining People's Counsel's participation in development cases where zoning issues are involved, the Court of Appeals discussed the office's "broad charge to protect the public interest in zoning and related matters." People's Counsel v. Crown Development Corp. 328 Md. 303, 317 (1992). The case arose in a County Review Group residential development proceeding, but also involved a zoning issue relating to transfer of density. Judge McAuliffe wrote:

"People's Counsel has been given a broad charge to protect the public interest in zoning and related matters. See Baltimore County Charter Sec. 524.1. Density regulation is an important part of the zoning process. West Mont. Assn. V. MNCP & P Com'n 309 Md. 183 (1987). Although participation in the development process may often be outside the intended ambit of People's Counsel's authority, where protection against a violation of a density regulation is involved, People's Counsel has a legitimate interest." Emp. suppl.

Here, the interrelated undersized lot and variance issues involve both density and area. Approval of an undersized lot results in more density than otherwise would be permitted.

Crown Development preceded a series of special hearing cases which addressed a variety of land use issues. In Sycamore Realty Co. v. People's Counsel 344 Md. 57 (1996), People's Counsel participated in a landmark development case involving zoning estoppel. A current leading case on the relationship of the master plan to development is HNS Development v. People's Counsel 425 Md. 436 (2012).

Subsequent cases include Marzullo v. Kahl 366 Md. 158 (2001), a special hearing to analyze a snake and reptile breeding and sales business, estoppel, and vested rights issues; Lucas v. People's Counsel 147 Md. App. 209 (2002), in part, the character of helicopter use – helistop, heliport, or airport; Antwerpen v. Baltimore County 163 Md. App. 194 (2005), transitional law issues and vested rights; and People's Counsel v. Surina 400 Md. 662 (2007), legal interpretation of permitted uses, immunity and infrastructure; and Seminary Galleria v. Dulaney Valley Improvement Association 192 Md. App. 719

(2010), *res judicata*. In Antwerpen, the appellate court compared a special hearing to a declaratory judgment proceeding in the judicial context.

The Board of Appeals rejected James Riffin and Will Geddes' recent challenge to the office's participation in Petition for Special Hearing, 11019 Gateview Road, Case No. 2014-094-SPH, November 7, 2014, pages 2-4, affirmed by the Circuit Court (Souder, J), Case No. C-14-13332, decided December 22, 2015; page 3; CSA appeal pending.

II. This case, CG II, should be dismissed or stayed pending the conclusion of CG I.

The present case involves zoning issues relating to the same lot in CG I. It is unnecessary and inappropriate for there to be two zoning cases matriculating at the same time relating to the same property. This is especially true where CG Homes is attempting to raise the same issue in CG I (however inappropriately) as is being raised here.

Multiplication and duplication of litigation burdens excessively the administrative legal process and especially here the Lutherville Community Association and area citizens. They are put to the unfair task of two cases where there should be just one.

III. The essential purpose of the law relating to undersized lots is to afford a property owner some reasonable residential use of an isolated undersized lot

The basic purpose of the law which affords a lot owner the opportunity to build a dwelling on an undersized lot is to assure that zoning laws, enacted after the legal recording of such lots, do not entirely prevent affected property owners from establishing a residential use despite their newly undersized status.

The then Baltimore County Commissioners enacted BCZR Sec. 304 (attached) in 1955, part of a revision of the original 1945 legislation. This law stated,

"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 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."

The prefatory word “may” is ordinarily permissive, not mandatory. Md. Nat’l Cap. Park & Pl. Comm’n v. Silkor Dev. Corp. 246 Md. 516, 524 (1967); Miller v. Pinto 305 Md. 396, 403 n. 4 (1986); Anne Arundel Co. v. Dvorak 189 Md. 46, 83 (2009). So, a lot must not only meet the three enumerated criteria, but also justify an exercise of discretion for approval under the totality of circumstances.

With Bill 47-92, the County Council added BCZR Sec. 304.2 to provide procedural, site design, and architectural design provisions, renumbering Sec. 304 to 304.1. The 1992 legislation amended Sec. 304.1 to clarify that only a “detached or semi-detached” dwelling could be erected and that “March 30, 1955” was the specific time threshold for lot recordation (replacing the more generic “prior to adoption of these Regulations;”). This fits the 1955 provenance of BCZR Sec. 304 as the time prerequisite for an undersized lot.

In 1999, with Bill 64-99, the Council added an exception for the Back River Neck and Bowleys Quarters Growth Management areas, which are covered in BCZR Sec. 4A03. This exception is not relevant to the present situation in the Lutherville area.

Notably, BCZR Sec. 101.1 defines “Building line” as “The line established by law beyond which a building may not extend.” Nevertheless, this appears to have been translated loosely in practice as the front lot width.

Baltimore County’s undersized lot law reflects a national pattern of zoning laws which address the occasional oppressive impact of zoning controls on existing lots. Current BCZR Sec. 304.1.C especially tracks the constitutional foundation of the law with the ultimate requirement,

“That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements.”

The preeminent treatises treat the subject in some depth.

Dean Patricia Salkin describes the subject in her updated 1 American Law of Zoning (5th Ed.) treatise, Secs. 9.68-9.69, attached. Her discussion of “Common ownership of adjacent lots,” Sec. 9.69, is apt. It begins with this observation,

“The common exception of lots which were recorded prior to the effective date of a restrictive ordinance is limited to lots which were in single and separate ownership on

that date. Under such a provision, owners are entitled to an exception only if their lot is isolated. Where owners of such a lot own another lot adjacent to it, they are not entitled to an exception. Rather, they must combine the two lots to form one which will meet, or more closely approximate, the frontage and area requirements of the ordinance”

Williams and Taylor, American Land Planning Law (Rev. Ed.) Sec. 42:1, attached, makes essentially the same point. In a very interesting table, the treatise shows that where there is common ownership of “Lots A and B,” there is ordinarily a merger; and there should be an attempt to sell part of the lots to “C,” the adjacent property owner. The treatise discusses case law at length in Sec. 42:2. Consistent with the table, where a property owns adjoining lots sufficient together to comply with the law, the courts usually conclude there is a merger. See Note 22.

In 1996, the Court of Special Appeals (CSA) decided Grill v. People’s Counsel, unreported, No.268, Sept. Term, 1996, (attached). The CSA affirmed the CBA’s denial of an undersized lot application. Focusing on the legislative purpose of BCZR Sec. 304, the Court wrote, at page 13,

“Baltimore County enacted a comprehensive zoning scheme in 1945. Subsequently in 1955, the County passed B.C.Z.R. 304 to mitigate the harsh effect of the zoning scheme to some property owners, and to avoid constitutional takings violations. The County later added area and density provisions to its zoning scheme for the purpose of improving the health, safety, and general welfare of tis citizens.”

The CSA discussed statutory merger, without deciding the issue, but rather found the application disqualified because the applicant purchased the split off lot after the zoning legislation which rendered it undersized. The same situation is present here.

In 2007, the CSA decided Mueller v. People’s Counsel 177 Md. App. 43. The appellate court deferred to the CBA’s allowance of an undersized lot. We shall discuss this case in detail below. We shall show that it is clearly distinguishable, and at the same time contrary to the legislative intent and predominant national case law.

IV. Historically, the Melanchton and Morris lots merged for zoning purposes, so the Morris lot does not qualify as an undersized lot

Merger in Two Ways

There are two relevant points of view here. The first is the familiar “common law” zoning merger elucidated in Remes v. Montgomery County 387 Md. 52, 63-87 (2005). This involves an objective evaluation of all relevant facts, which include not only the property owner’s subjective intent, but also the objective intent derived from the history of the property’s use and improvements across lot boundaries. The second is the legislative statutory merger embodied in the criterion that the owner of an undersized lot not own sufficient adjoining land to comply with the zoning requirements. In other jurisdictions, this is often put under the rubric of “single and separate ownership.”

If merger has occurred either by common law or statute, then the undersized lot is disqualified. Here, the Morris and Melanchton Avenue lots have merged in both ways.

Common Law Merger

The preliminary evidence indicates a common law merger. As noted, Oliver Blaker owned the two lots from 1946 to 1996, when he deeded them to his daughter Carol. The evidence is likely to show that they were used together, with the Morris Avenue serving for various accessory functions or uses for the Melanchton Avenue dwelling use. There is no evidence that there was ever any attempt to sell or otherwise divide the use until 2005, when Carol sold the Melanchton lot to the current owner, William Mathews. As noted, CG did not acquire the Morris lot until 2015.

Statutory Merger

As noted, the County Council rezoned the area to D.R. 2 in 1988. Oliver Baker then owned both lots. Combined, they more than meet the minimum lot area of 20,000 square feet. The Melanchton lot’s 180 feet of front lot width far exceeds the minimum of 100 feet. So, taken together as adjoining property, they satisfied the zoning law. In similar situations, the appellate courts in other jurisdictions have declared or found a statutory merger.

In West Goshen Township v. Crater 538 A.2d 952 (Pa. Cmwlth. 1988), the Craters in 1964 bought three lots (26-28), with a house on lot 27 and a vacant lot 28 separately

described in their deed. Prior to purchase, they got advice from a township official that lot 28 could be sold separately. But in 1965, the town enacted a zoning ordinance which resulted in lot 28 being undersized as to the minimum 30,000 square feet lot area. In 1984, they applied for a building permit on lot 28. The township denied it, and the zoning board denied their application for “special exception for variance.”

The appellate court sustained the denial as a matter of law. Regardless of the Craters’ subjective intent eventually to sell lot 28, they failed to do so or otherwise manifest a division of the use of the lots on the ground. The appellate court found that lot 28 was not in “single and separate ownership,” a legal criterion virtually identical to BCZR Sec. 304.1.C. The lots had merged.

Skelley v. Zoning Board of Review of the Town of South Kingston 569 A.2d 1054 (R.I. 1990) involved a fairly similar situation. In 1980, the Skelleys purchased lot 20 (23,925 sq. ft.) and adjoining lot 22 (11,650 sq. ft.) in 1980. In 1961, a summer cottage had been built on lot 20. However, in 1976, a comprehensive legislative rezoning rendered each lot undersized based on the new minimum of 30,000 square feet. The 1976 law also prescribed merger of undersized adjoining lots in common ownership, with language comparable to BCZR Sec. 304.1.C. In 1986, the Skelleys requested a variance to build a dwelling on vacant lot 22. The zoning board found the lots had merged, could not be subdivided to facilitate development of an undersized lot, and so denied the variance.

Again, the Supreme Court sustained the denial. They explained in detail that the provisions for allowance of dwellings on lots rendered undersized by a new zoning law were intended for isolated lots, which could not otherwise enjoy any dwelling use at all. This was not intended to facilitate multiple dwellings where adjoining lots together could be used for a dwelling in compliance with the zoning law. 569 A.2d at 1056-59.

Booe v. Zoning Board of Appeals 202 A.2d 245 (Conn. 1962) is telling. There, the owner of 70 acres sold off 66 acres. He subsequently applied for a variance to build a residential hotel on the 4 residual acres despite the minimum 5-acre requirement. In sustaining the denial, the Court observed that Booe had created his own problem by selling off so much land as to leave a residual area below the minimum required acreage.

Other illustrative appellate cases are in accord. Brum v. Conley 572 A.2d 1332 (R.I. 1990); Timperio v. Zoning Board of Appeals of Weston 993 N.E.2d 1211 (Mass. App. 2013); Galdieri v. Board of Adjustment of Town of Morris 398 A.2d 893 (N.J. App. 1979); Application of Fecteau 543 A.2d 693 (Vt. 1988).

Here, Oliver Blaker, and then his daughter Carol, owned sufficient land to utilize their residential lots in compliance with the 1988 rezoning ordinance. Carol Morris then manufactured the undersized lot issue by selling off the Melanchton lot in 2005 and the Morris lot in 2015. CG was on notice as to the zoning law and history. They cannot now overcome the statutory merger. They effectively inherited it.

V. CG is disqualified because it bought the Morris lot when already undersized

There is another limit on the scope of protection or grandfathering for owners of isolated undersized lots. The legislation affords protection only to the property owners who owned the lots at the time of the more restrictive zoning legislation. These are the owners who deserve protection because they relied on the previous zoning in place which allowed their intended development. Anyone who acquires such a lot after the enactment of the more restrictive zoning legislation does not have the necessary reliance interest.

Here, as noted, CG acquired the Morris lot in 2015, 27 years after it became undersized, and 10 years after it was deliberately split off from the Melanchton lot. This alone disqualifies CG from this undersized lot application.

The Court of Special Appeals decided this very issue in affirming the decision of this CBA in Grill v. People's Counsel CBA 94-163 (1995), CSA No. 268, Sept. Term, 1996 (1996), unreported, attached. Here is what the Court said,

“Under appellant’s reading of B.C.Z.R. Sec. 304, it would apply both to those who owned a substandard lot prior to 1955 and to those to whom the pre-1955 owners sold the land subsequent to 1955. Such a reading would defeat the purpose of the zoning scheme.

The parties have not referred us to any Maryland cases concerning undersized lots excepted under B.C.Z.R. § 304. We look, therefore, to other jurisdictions for guidance. In *In re Sofo*, 57 A.D.2d 841, 394 N.Y.S.2d 43 (1977), the Supreme Court of New York has occasion to interpret a provision similar to the provision at issue here. The Town of Yorktown increased its area requirements for a building permit from 5,000 to 10,000 square feet, and adopted a provision to “grandfather” current owners:

A permit may be issued for the erection of a building on a (substandard) lot or parcel for which a valid conveyance has been recorded or contract of sale has been signed and the conveyance recorded prior to August 19 1958 ***provided that the owner of such lot or parcel does not own other lots or parcels contiguous thereto.

Id. at 842. In 1973 and 1974, potential builders bought five substandard lots and applied for building permits. When their applications were denied, they applied for area variances. In reversing the order granting the variances and the building permits, the court reasoned:

We agree with the board's interpretation of the above-quoted "grandfather clause", to wit, that only those who owned the parcels at the time they were rendered substandard by increased area requirements have the right to building on such parcels. Petitioners here, having bought their parcels at least 15 years after they became substandard, are not benefited by such clause."

Id. In further support of its holding, the court noted that "the petitioners purchased the parcels with presumptive knowledge of the zoning ordinance and, to that extend, created their own hardship." Id. See also *Craig v. Zoning Board of Appeals*, 50 A.D.2d 887, 3377 N.Y.S.2d 171 (1975) (Denying building permit to landowner, whether ordinance created vested right in grantor to build on lot that became substandard when are was up-zoned, but vested right did not transfer to grantee).

In *Hays v. Vanek*, 217 Ca. App. 3d 271, 266 Cal. Rptr. 856 (1989), the owner of a parcel of land who sought to develop it into a subdivision attempted to rely on a provision exempting him from compliance with more restrictive zoning requirements enacted after a prior owner has begun development of the subdivision. The court denied relief, reasoning that:

[t]he clear purpose of the so-called "grandfather" clause is to protect developers who have detrimentally relied on an earlier state of the law. That purpose is hardly served by allowing later purchasers of property which has never been sold in subdivided form to take advantage of an exemption. In such cases, the later purchaser placed no reliance on the prior state of the law In simple terms, the purpose of the statutory exemption does not support the conclusion that it runs with the land.

Id. at 289-290.

Zoning matters involve a balancing of the interests of all property owners in an area. In enacting B.C.Z.R. Sec. 304, Baltimore County struck a balance between the expectancy interests of landowners who, in the 1940's and 1950's, had intended to build on land that was affected by the zoning scheme, and the long-term interests of the County in protecting against over-development and overcrowding. At a minimum, forty years later, purchasers of land in Catonsville Gardens made their purchase with constructive knowledge of the zoning scheme."

While Grill is unreported, it is relevant as affirming our CBA's administrative adjudication not subsequently altered or overruled by legislation or later case law.

Balto. Gas & Elec. V. Public Serv. Comm'n, 305 Md. 145, 162 (1986) observed,

“ . . . the nature of the process through which the agency arrived at its interpretation is a relevant consideration in assessing the weight to be accorded the agency's interpretation. . . ”

Similarly, Marriott Employees Federal Credit Union v. Motor Vehicles Administration, 346 Md. 437, 444-446 (1997) evaluated,

“ . . . with greater weight placed on those agency interpretations that are the product of adversarial proceedings or formal rules promulgation. . . ” (citations omitted).

In Washington Suburban Sanitary Commission v. C.I. Mitchell and Best Co. 303 Md. 544, 559 (1985), the Court upheld an existing administrative interpretation that was not disturbed by subsequently enacted statutes.

“This legislative acquiescence in the administrative construction gives rise to a presumption that the administrative interpretation is correct.”

VI. The proposed “shotgun dwelling” fails to satisfy the site design criteria of BCZR Sec. 304.2.B.1 and architectural design criteria of BCZR Sec. 304.2.B.2

CG has tacked and changed course from the original CG I proposal. To satisfy BCZR Sec. 304.1.B, they must comply with all other height and area requirements, here the minimum 40' sum of side yard setbacks. So they now propose a narrow front “shotgun” style dwelling. The site plan shows it is just 23' wide, not counting the porch. It appears to be about 55' to 60' in depth.

The site plan also indicates that it will be a 2-story building. But there is no statement of the precise height, and no architectural drawings. It is a skeletal site plan.

Notably, there is a discrepancy on the site plan. While it labels the side yard setbacks at 20' for each setback, there are covered front porch and side protrusions which actually encroach into the minimum setback area.

The side yard setback encroachments are like foul balls. They should not be disregarded. But even apart from them, the new site design does not fit this Lutherville neighborhood. A shotgun dwelling in this very nice locality of substantial, proportionate

dwelling is like a square peg in a round hole. This is not a case where the undersized lot is proper or suitable relative to the other lots in this established subdivision.

The site and architectural design criteria involve compatibility. See Aubinoe v. Lewis 250 Md. 645, 658-61 (1968); Ware v. People's Counsel 223 Md. App. 669, 685-86, cert. denied 445 Md. 128 (2015). In Mayor & Council of Rockville v. Pumphrey 218 Md. App. 160, 192-95, cert. denied 440 Md. 464 (2014), the Court deferred to the Planning Commission's decision that a proposed resubdivision plat would not "... maintain, to the extent feasible, the average area and frontage of existing lots within 500 feet of the proposed resubdivision." The combined lots there, it turned out, would have far exceeded the average size and lot width in the area. Here, the site design is more objectionable. CG proposes to "shoehorn" in a dwelling which is narrow and disproportionate relative to other area dwellings. On top of this, there is no architectural plan.

VII. Even if not found to be disqualified, the better use of discretion is to deny this application based on the totality of the circumstances

Recently, the Court of Special Appeals issued a very interesting decision on a proposed undersized lot at 327 Hillen Road in the Towson area. Chaka v. Towson Manor Village Community Ass'n, No. 39, Sept. Term, 2014, decided March 16, 2016, attached. The CSA affirmed the CBA's denial of the application. In doing so, Judge Reed emphasized, among other things, the introductory statutory language, at pages 7-9,

"Section 304.1 states that 'a one-family detached or semidetached dwelling *may* be erected on a[n undersized lot]' if the lot adheres to all the conditions enumerated therein." Emphasis in original.

The opinion then interprets this to mean that even if an applicant satisfies the undersized lot criteria of BCZR Secs. 304.1 304.2, the applicant must still satisfy the BCZR Sec. 307.1.

We have tended to assume that BCZR Sec. 304 provides potentially for erection of a dwelling on an undersized lot as a potential alternative or addition to a variance application. But Judge Reed's placement of the word "*may*" in italics reminds us, at the very least, that even if an application satisfies the basic statutory standards, there still must be an exercise of discretion. In other words, it is necessary, but not sufficient, that an application meet the basic criteria.

Here, the totality of circumstances weighs entirely against the approval of this application. The entire history -- the 1926 plat, the Blaker/Morris ownership of the lots in common, the serial transfers, and the incompatibility -- all count against the application. After almost 100 years, CG wants to come in and disrupt this settled area. And for what? For money. For financial advantage. That is not a winning argument.

VIII. To the extent the Zoning Commissioner's Policy Manual allows a new owner to avoid the "single and separate ownership" requirement if the new owner holds the lot for six years after split or transferred from owner of the adjoining lot held in common, the Policy Manual conflicts with BCZR Sec. 304.1 and is invalid

The Zoning Commissioner's Policy Manual (ZCPM) Section 304 policy allows for conditional discretion to approve an undersized lot despite previous ownership in common with an adjoining lot if the owner has held it as such for six years. The ZCPM identifies this as a factor, subject to review of "good faith" intent under all the circumstances.

CG here, of course, does not even meet this 6-year window, but apparently would like to piggyback on Carol Morris, who held the property for about 10 years before splitting off the Melanchton lot. Even if we assume CG could tack on to the Carol Morris interregnum, it does not avail them because the policy conflicts with the legislation.

As we have shown, the discernible purpose of the legislation is to protect owners of lots which exist as isolated, single and separate at the time of the later restrictive legislation which renders the lot undersized. There is absolutely nothing in the legislation to authorize manufacture of a 6-year window loophole to facilitate avoidance. BCZR 304 was effective as soon as enacted in 1955. There is no allowance for a 6-year immunization or loophole.

The Court of Appeals observed in Beneficial Finance Co. v. Administrator of Loan Laws 260 Md. 430, 441-42 (1971), quoting Bouse v. Hutzler 180 Md. 682, 687 (1942),

"Where the language is clear and explicit, and susceptible of a sensible construction, it cannot be controlled by extraneous considerations. No custom however long and generally it has been followed by officials, can nullify the plain meaning and purpose of a statute. An administrative practice contrary to the plain language of a statute is a violation of the law; and a violation of the law, even though customary, does not repeal the law."

There, the Court held that a loan company could not escape the voiding of a loan affected with overcharge by relying on a purported more lenient administrative policy or practice requiring proof of intent to violate the law.

In Mayor & City Council v. William Koons 270 Md. 231, 237 (1973), Chief Judge Robert Murphy put it this way,

“Rules and regulations adopted by an administrative agency must be reasonable and consistent with the letter and policy of the statute under which the agency acts. See *Farber's, Inc. v. Comptroller*, 266 Md. 44, 291 A.2d 658 (1972); *Comptroller v. Rockhill, Inc.*, 205 Md. 226, 107 A.2d 93 (1954); *John McShain, Inc., v. Comptroller*, 202 Md. 68, 95 A.2d 473 (1953). The Committee may not prohibit by regulation that which is permitted by the Housing Code. See *Pressman v. Elgin*, 187 Md. 446, 50 A.2d 560 (1947).”

Conversely, the zoning commissioner may not permit by policy what is impermissible under the relevant zoning legislation.

The situation is reminiscent of West Montgomery Citizens Ass'n v. Md.-Nat'l Cap. Pk. & Pl. Comm'n 309 Md. 183 (1987). There, the Court invalidated a system of “transferable development rights” affecting density because made by or through a planning process rather than via the authorized and established legislative zoning process. Among other things, the Planning Board could not supervise such a regime because the legislature had not delegated such authority or set discernible standards. The same is true of the Zoning Commissioner's attempt here, under the guise of interpretation, to make up policy and standards at odds with the statute

It is basic that to be permitted, a use or structure must be enumerated as permitted by right or special exception. BCZR Sec. 102.1 states,

“No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.”

Kowalski v. Lamar, 25 Md.App. 493, 498 (1975), discussed the BCZR structure,

“Any use other than those permitted and being carried on as of right or by special exception is prohibited.”

Judge Harrell elaborated in People's Counsel v. Surina 400 Md. 662, 688 (2007),

“It must be conceded, as general rule, that, when a zoning ordinance enumerates specifically the permitted uses within a particular zone, the ordinance “establish[es] that

the only uses permitted in the [] zone are those designated as uses permitted as of right and uses permitted by special exception. Any use other than those permitted and being carried on as of right or by special exception is prohibited.” *Kowalski v. Lamar*, 25 Md. App. 493, 499, 334 A.2d 536, 540 (1975) (citations omitted); *see also* Arden H. Rathkopf & Daren A. Rathkopf, 1 *The Law of Zoning & Planning* § 1:7 (4th ed. 2005) (“Reported court decisions often involve simply whether an owner's proposed use within a particular zoning district is a use allowed by right, an accessory use, a specially permitted use, or a use entirely prohibited within that district.”).”

In this context, Grill determined unambiguously that a subsequent property owner is disqualified from application for an undersized lot. Its determination is convincing and correct. The Zoning Commissioner had no authority to fabricate an artificial policy to negate and subvert the sensible legislative intent.

IX. Mueller v. People’s Counsel is distinguishable and, at the same time, contrary to the legislative purpose and the predominant judicial view of the legislative purpose of similar undersized lot laws

To conclude our discussion, we must address Mueller v. People’s Counsel 177 Md. App. 43, 77-102 (2007), cert. denied 403 Md. 307 (2008). There, the CSA allowed the approval of an undersized lot despite our office’s arguments to the contrary.

The case is distinguishable for several reasons. First of all, the applicant, Herman Mueller, owned both lots at the time the rezoning caused them to be undersized. Secondly, he acquired the lots at separate times. Thirdly the CBA found no evidence of common law merger. Fourthly, the erection of a new dwelling on the vacant undersized lot was not incompatible with development in this mixed waterfront area. There were many dwellings built previously on similar area lots which subsequently became undersized. Fifthly, the CSA deferred to the CBA, so the case does not stand for the proposition that the undersized lot had to be approved, just that it was fairly debatable.

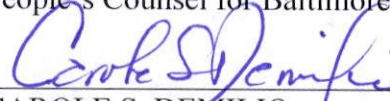
Having said this, we respectfully still believe Mueller is contrary to the sensible legislative purpose of BCZR Sec. 304 to upgrade standards while allowing an exception only for isolated undersized lots in single and separate ownership. We believe it also is contrary to the predominant national case law reviewed earlier.

Conclusion

For all of the above reasons, CG's application to erect a dwelling at 206 Morris Avenue should be denied.



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 25th day of April, 2016, a copy of the foregoing Memorandum of People's Counsel for Baltimore County was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s) and Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, Maryland 21204.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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

PREFACE

The first Zoning Regulations to be adopted in Baltimore County went into effect in 1945. These Regulations served well enough until the tremendous growth of the County beginning about 1950 made it obvious that these Regulations were not sufficiently comprehensive to give adequate protection to the public in the large Metropolitan area which rapidly began to take shape throughout the entire suburban area of the County.

Shortly after the Election of 1950 a County administration requested the then Planning Commissioner to undertake studies looking toward the adoption of complete new and more comprehensive zoning regulations. These studies, under the direction and supervision of Mr. Malcolm H. Dill, then Planning Commissioner, in cooperation with Mr. Augustine J. Muller, the then Zoning Commissioner, later succeeded as Zoning Commissioner by Mr. Wilsie H. Adams, continued over a period of several years. The services of Mr. Flavell Shurtleff, a zoning consultant of recognized national standing were obtained and he participated in many conferences and discussions leading up to the adoption of the new Regulations.

Many varied interests were also brought into consultation including numerous architects, engineers, builders, developers and real estate brokers, all of whom contributed substantially to the Regulations as finally adopted and who are entitled to the thanks of the public for their contribution to this important undertaking. The Director of Planning and the Zoning Commissioner studied many zoning regulations from other jurisdictions and incorporated in these Regulations ideas gleaned from these sources.

After a Preliminary draft of the Regulations had been completed numerous further meetings and discussions were had with various architects, builders and developers in which Mr. Malcolm H. Dill, as Director of Planning, Mr. Wilsie H. Adams, as Zoning Commissioner, Mr. Augustine J. Muller, as a member of the Board of County Commissioners, and former Zoning

Commissioner, and Mr. George M. Berry, Deputy County Solicitor, participated.

As a result of these many conferences a final draft of the new Regulations was prepared and finally adopted by the County Commissioners on March 30, 1955. We have now had more than two years of experience with these new Regulations. Some amendments have been found necessary and undoubtedly further amendments will be found desirable from time to time. On the whole, however, we believe that these Regulations have provided the people of Baltimore County with a sound basis for the protection of property values and the general welfare of the public.

Realizing that future amendments are a certainty and in order to afford an easy and economical method of keeping these Regulations up-to-date, the loose-leaf form was adopted. Recognizing the importance of keeping the public informed of current amendments and revisions these Regulations will be sold on a subscription basis, with the initial cost to include loose-leaf re-prints of any amendments or revisions during the subscription period. The subscription period begins with the date of publication and terminates five years thereafter at which time the service will be made available on some different basis at a nominal cost.

The County authorities wish to extend their sincere thanks to the many persons who gave so generously of their time and effort in making these Regulations as effective and useful as we believe they are.

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.

IN THE MATTER OF
WARREN GRILL, ET UX - Petitioners
 WEST SIDE HILLTOP AVENUE,
 125' WEST OF INGLESIDE AVENUE
 (5902 HILLTOP AVENUE)
 1ST ELECTION DISTRICT
 1ST COUNCILMANIC DISTRICT

BEFORE
 COUNTY BOARD OF APPEALS
 OF
 BALTIMORE COUNTY

RE: ZONING COMMISSIONER'S
 APPROVAL BUILDING PERMIT
 APPLICATION

CASE NO: CBA-94-163

OPINION

This case comes before the Board on appeal from the decision of the Zoning Commissioner dated July 29, 1994 approving a building permit application for the proposed development of an undersized lot known as 5902 Hilltop Avenue (the "Property"). The Zoning Commissioner, pursuant to Section 304.4 of the BCZR, determined that the proposed development of the subject undersized lot was appropriate and approved the proposed dwelling. On appeal, the Board must now review this matter de novo.

Section 304 governs the use of undersized single family lots. That Section provides a property owner with the right to construct a one-family detached or semi-detached dwelling on an undersized lot (i.e. a lot having a substandard area or width at the building line less than that required by the regulations), provided the property owner meets the requirements of a three-pronged test set forth therein. One, the property must be duly recorded, either by deed or a validly approved subdivision, prior to March 30, 1955, the date of the first adopted comprehensive zoning regulations of Baltimore County. Secondly, the Petitioners must demonstrate that all other requirements of the height and area regulations can be

Case No. CBA-94-263 Warren Grill, et ux.

2

met. Finally, the Petitioners must demonstrate that they do not own sufficient adjoining land to conform to the width and area requirements of the BCZR.

Petitioner, Warren G. Grill, and Mr. Russ D. Blackburn testified on behalf of the Petitioner. Mr. Joseph L. Lotz, Protestant, testified on his own behalf. Mr. James Hannon, Mr. Steve M. Nagy, Mr. Scott Shouffer and Community Planner, William Hughey, all testified during the presentation of the Protestants' case.

From the testimony and exhibits, the Board finds the following facts.

The Property is located in Catonsville Gardens, a subdivision granted in 1918. The Property consists of lots originally known as Lots 51 and 52 and portions of lots originally known as Lots 25 and 26. The Property is zoned D.R.5.5. The minimum lot width required in a D.R.5.5 zone is 55 feet. The front lot width of the Property along Hilltop Avenue is only 40 feet +/- . The depth of the Property is approximately 150 feet. The Petitioners first came into title of the Property by virtue of a Deed dated August 19, 1993 and recorded among the Land Records of Baltimore County in Liber 10077, folio 378. Other property was included in said Deed. On November 19, 1993, the Petitioners granted to themselves a new Deed separately describing the subject lot.

The Petitioners desire to construct a single family dwelling

on the subject lot. The Property has a substandard lot width under Section 304. Therefore, the Petitioners seek approval of the Property as an undersized lot pursuant to the requirements contained within Section 304 of the BCZR. The Petitioners have not requested a variance pursuant to Section 307 of the BCZR. The Petitioners argue that they comply with Section 304 and thus should be allowed to develop the Property by right.

The threshold issue for the Board to decide is whether the Property qualifies as an undersized lot pursuant to Section 304.1A.

From the evidence, the Board concludes that the lot in question does not qualify. The subject lot was not "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" as required by Section 304.1A. The basis for the Board's conclusion is that the lot in question was not duly recorded until November 19, 1993. The presence of old Catonsville Gardens subdivision Lots 51 and 52 and portions of Lots 25 and 26 within the Property does not in and of itself qualify the existing reconfigured lot as an undersized lot under Section 304.1A.

The plain and ordinary meaning of the words found in Section 304.1A support the above conclusion. Section 304.1A starts with the words "such lot." The Board finds that "such lot" is the lot which was deeded to the Petitioners in 1993. The Board finds that the Property fails to satisfy the threshold test under Section 304.1A. Therefore, the remaining issues presented under Section

304 are deemed moot.

The Petitioners may want to consider applying for a variance under Section 307. Although a Section 307 variance request is not presently before the Board, the Board acknowledges that strict compliance with the BCZR may unreasonably prevent the use of the Property or be unnecessarily burdensome.

ORDER

For the reasons set out above, it is this 28th day of April, 1995, by the County Board of Appeals of Baltimore County,

ORDERED that the decision of the Zoning Commissioner dated July 29, 1994 be and is hereby REVERSED and that the building permit application for the proposed development of an undersized lot known as 5902 Hilltop Avenue be and is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Judson H. Lipowitz
Judson H. Lipowitz, Acting Chairman

S. Diane Levero
S. Diane Levero

IN THE MATTER OF	BEFORE THE
WARREN GRILL, ET UX -PETITIONERS	COUNTY BOARD OF APPEALS
WEST SIDE HILLTOP AVENUE, 125'	OF
WEST OF INGLESIDE AVENUE	BALTIMORE COUNTY
(5902 HILLTOP AVENUE)	
1ST ELECTION DISTRICT	
1ST COUNCILMANIC DISTRICT	
RE: ZONING COMMISSIONER'S APPROVAL	CASE NO. CBA-94-163
/BUILDING PERMIT APPLICATION	
* * * * *	* * * * *

DISSENTING OPINION

This case centers around the application of Baltimore County Zoning Regulations (BCZR), Section 304 and/or Section 307. The subject property is part of a validly approved subdivision granted in 1918, known as Catonsville Gardens. The facts in the case are nearly altogether undisputed. The point on which this Board member dissents from the majority opinion is the application of Section 304.1A and C. However, this Board member is also compelled to discuss Section 307 as it relates to this case, if one is disposed to strictly adhere to the letter of Section 304.1A.

The subject property is before this Board under Section 304 because of the width of the property at the building line. The recorded lot having been recorded in 1993, it is urged by the majority that Section 304.1A invalidates the application of Section 304 for the purposes of this case. I contend that the lot in question having the substandard lot width at the building line is a condition which existed as of the date of the original subdivision. The current property owner, by changing the lot lines to the rear of the property so as to comply with the minimum area requirement of 6,000 sq. ft., was unable to meet any other requirements under Section 304.1C wherein the property owner, had

Case No. CBA-94-163 Warren Grill, et ux /Dissenting Opinion

he owned adjoining property to either side of the subject property, could have complied and built as a matter of right. Therefore, it is my contention that the intent of Section 304.1A is not to result in the invalidation of existing lots whose constraints were in existence prior to the controlling date, 1955, but to allow for lawful development of property. My argument stems only from my recognition of the fact that the issue in this case is borne solely out of the lot width criteria.

Having taken that step, the next test under Section 304 is in Section 304.2A and B, subparagraphs 1, 2 and 3. Much was said by the Protestants about this case during the hearing, the inappropriateness of the proposed development. Photographs and other evidence concerning the surrounding properties lead me to believe that the subject site is a unique development opportunity which requires sensitive treatment of architectural features and site development. I cannot overlook my own background in architecture and urban theory in evaluating the subject proposal. My review consisted of a review of the facts. In addition, I created an elevation/street scape so as to gain understanding of the height, massing, bulk, major divisions or architectural rhythm of facades, proportions of openings such as windows and doors in relation to walls, roof design and treatment, and materials and colors, and other aspects of facade texture or appearance, as required under Section 304.2B.2. In understanding the site design under Section 304.2B.1, there was adequate evidence as required

Case No. CBA-94-163 Warren Grill, et ux /Dissenting Opinion

under 2A to do analysis of 2B.1 in site design criteria and find that the building line relative to adjoining properties is in fact a very responsive treatment of the building situation on the lot. Therefore, for my interpretation of 304.1 and 2, I believe the subject petition should have been granted.

Assuming that my position on 304.1A is incorrect, then the case centers around 307, wherein the Petitioner would be required to meet the tests under Section 307, Variances. I do not wish to express that I even question my own position on the interpretation of 304.1; I only wish to indicate that the tests under 307.1 have been easily met by the subject petition. Were this case the subject of variance, then this Petitioner would be granted said variance in my opinion. Section 304 is a section which recognizes prior actions by the County in its design criteria and the need to allow property owners with such lots affected by the prior acts of others in this County to pursue their development process. Strict reading of 304 still allows a property owner to do that. Therefore, one criteria under 307 which is particularly difficult for developers to prove is the intent of the proposed developer in meeting the spirit and intent of the zoning regulations. This is a case where the mere application of Section 304 points to the fact that the proposed development is in the spirit and intent of the BCZR. By virtue of the fact that the side lot lines existed as early as the original subdivision plat points to the, what I would call, automatic meeting of the density regulations, and other

Case No. CBA-94-163 Warren Grill, et ux /Dissenting Opinion

height, area, off-street parking, and sign regulations. As I see it, no matter how you slice it, this petition should have been granted under Section 304.1, or, in the strict, literal reading of 304.1A, the requirement to obtain a variance under Section 307.1, this variance should have been granted.

Robert O. Schuetz
Robert O. Schuetz, Member
County Board of Appeals

DATE: 4/21/95

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND
No. 268
SEPTEMBER TERM, 1996

WARREN GRILL, et ux.,

v.

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Fischer,
Hollander,
Bishop, (Ret.'d,
Specially Assigned)
JJ.

PER CURIAM

Filed: November 1, 1996

Warren and Carole Grill, appellants, attempted to obtain a building permit in order to construct a residential dwelling on an undersized lot in Baltimore County. Since the site does not meet the width requirement for the zone, appellants sought relief from that requirement, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") § 304 (1987). Upon a challenge lodged by People's Counsel for Baltimore County, as well as Joseph Lotz, and Steve Nagy, appellees, the Circuit Court for Baltimore County upheld the decision of the Baltimore County Board of Appeals (the "Board") denying appellants' request for a building permit. Appellants now present the following issues for our review:

I. Were the Appellants entitled to a building permit for Constitutional reasons?

II. Did the Appellants correctly apply under Section 304 for a variance in order to obtain a building permit for the undersized lot?

III. Did the transfer of the undersized lots created in 1918 into an undersized lot in 1993 create a new lot or did the transfer merge the undersized lots into a post-1955 undersized lot?

IV. Is the proposed building appropriate in relation to the existing neighborhood?

For the reasons discussed below, we shall affirm the circuit court.

Factual Background

This dispute involves the parcel of land known as 5902 Hilltop Avenue, located in Catonsville Gardens, a subdivision recorded in Baltimore County in 1918, that consisted of 482 lots, most of which were 20 feet wide. The zoning classification is presently Density

Residential 5.5 (i.e., 5.5 units per acre). The current minimum lot width is 55 feet, and the minimum required area is 6000 square feet.

In 1927, Harry and Virginia Blackburn purchased lots 51 and 52,¹ which front on Hilltop, as well as lots 57, 58, 59, and 60, around the corner at 1528 Ingleside Avenue. The properties were acquired from two different owners, but were recorded in the same deed. Lots 51 and 52 are each 20 feet wide, while lots 57-60 are each 25 feet wide. The Blackburns constructed a house on lots 57-60, located at 1528 Ingleside Avenue. Thereafter, in 1943, they acquired the back portions of lots 25 and 26, which they used to add a garage to their property. As a result of this purchase, their land, which had previously been contiguous for only a few feet, then formed an L-shaped parcel.² A neighbor, Mr. Saunders, who once owned the corner lot between the two branches of the Blackburns' property, had permission to use the Hilltop lots (lots 51 and 52) as a vegetable garden, for which he provided vegetables to the Blackburns in return.

In 1945, Baltimore County established a comprehensive zoning scheme and, in 1955, it passed an ordinance to "grandfather" lots

¹ Appellee Lotz owns lots 48-50, fronting on Hilltop Avenue, adjacent to lot 51.

² Specifically, the rear of lots 57-58 share a common boundary with the southeastern rear portion of lot 52. The rear portions of lots 25 and 26 back up to the rear of lots 51 and 52, and share a common boundary, on the side of lot 26, with the rear of lots 57-58.

that had become substandard as a result of the 1945 ordinance, allowing them to be developed under certain conditions. In 1970, the ordinance was amended to create density residential zoning, establishing, as we noted, the present minimum width requirements of 55 feet and minimum area requirements of 6,000 square feet. The ordinance was again amended in 1991 to add a "compatibility review" to the process, requiring a landowner who seeks a building permit to show that the proposed dwelling would be appropriate to the neighborhood.

On August 19, 1993, for the sum of \$70,000, the Grills purchased all of the Blackburn lots from Harry Blackburn, Carole Grill's uncle, who had become sole owner of the land after his wife's death. Before purchasing the property, Ms. Grill wrote a letter on behalf of Harry Blackburn, dated August 6, 1993, requesting a lot line revision to reconfigure the lots. On August 27, 1993, after the Grills had purchased the land from Blackburn, the Baltimore County Office of Zoning Administration approved a limited exemption allowing the Grills to redraw the lot lines.

Thereafter, on November 19, 1993, the Grills recorded the property in two separate deeds. In one deed, they aggregated lots 51 and 52 (on Hilltop Avenue) and part of the rear portions of lots 25 and 26,³ exclusive of the garage, in order to satisfy the area

³ Lots 25 and 26 front on Franklin Avenue. The rear portions of those lots are located in the center of the block. Thus, after having been severed from the front portions, these portions do not front on any street.

requirement. The combined lots, however, were only 40 feet in width, and thus did not satisfy the current width requirement. According to appellants, Mr. Blackburn did not "own any lots that would have allowed him to increase the combined 40' width of the two lots 51 and 52. . . ." Thus, appellant's re-configured parcel remained 15 feet shy of the 55 foot width requirement. Lots 57-60, which contained the house, were aggregated with the portion of lots 25 and 26 that contained the garage. These lots satisfied current zoning requirements, and were described in the other deed.

On August 30, 1994, the Grills sold lots 57-60 and part of lots 25 and 26 to Joseph Hamilton for \$91,000. On December 13, 1993, they applied for a building permit for the newly configured undersized lot, by filing an application under B.C.Z.R. § 304. They did not apply, alternatively, for a variance.

The Zoning Commission held a hearing to determine if appellants complied with B.C.Z.R. § 304. In an order dated July 29, 1994, the zoning commissioner approved the application. Appellees appealed to the Board, which reversed the Zoning Commission's decision, stating:

The threshold issue for the Board to decide is whether the Property qualifies as an undersized lot pursuant to Section 304.1(A).

From the evidence, the Board concludes that the lot in question does not qualify. The subject lot was not "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" as required by Section 304.1(A). The basis for the Board's conclusion is that the lot in question was not duly recorded until November 19, 1993. The presence of old Catonsville Gardens subdivision Lots 51 and 52 and portion of Lots 25

and 26 within the Property does not in and of itself qualify the existing reconfigured lot as an undersized lot under Section 304.1(A).

The plain and ordinary meaning of the words found in Section 304.1(A) support the above conclusion. Section 304.1(A) starts with the words "such lot." The Board finds that "such lot" is the lot which was deeded to Petitioners in 1993.

Thereafter, appellants sought review in the circuit court, which affirmed the Board's decision. This appeal followed.

Discussion

I.

In *Cromwell v. Ward*, 102 Md.App. 691, 709 (1995), we said:

'In reviewing the zoning authority's decision, the court must consider all of the evidence in the administrative record. The reviewing court's role, however, is confined to determining the legality of the procedure employed and whether the decision was fairly debatable in light of the evidence adduced before the zoning authority.'

(quoting *Red Roof Inns, Inc. v. People's Counsel*, 96 Md. App. 219, 224 (1993)). See also *Pub. Serv. Comm'n v. Balto. Gas & Elec. Co.*, 273 Md. 357, 362 (1974); *Dep't Econ. & Emp't Dev't v. Hager*, 96 Md. App. 362 (1993). On review, the circuit court must determine only whether the decision of the agency was in accordance with law. *Levy v. Seven Slade, Inc.* 234 Md. 145, 149 (1964); *Gray v. Anne Arundel Co.*, 73 Md. App. 301 (1987). The Board's decision is not lawful if it is arbitrary, illegal, or capricious. *Moseman v. County Council*, 99 Md. App. 258, 262, cert. denied, 335 Md. 229 (1994). As we said in *Mortimer v. Howard Research*, 83 Md. App. 432, 441 (1989) a decision is "not in accordance with law" when it is

arbitrary, illegal or capricious. In making a determination of whether the [agency] decision is arbitrary, illegal or capricious, the reviewing court must decide whether the question before the agency was fairly debatable. An issue is fairly debatable if reasonable persons could have reached a different conclusion on the evidence, and if so, a reviewing court may not substitute its judgment for that of the administrative agency. The fairly debatable test is analogous to the clearly erroneous standard under Rule 8-131(c) and a decision is fairly debatable if it is supported by substantial evidence on the record taken as a whole.

In reviewing the Board's decision, this Court must not engage in judicial fact-finding. *Anderson v. Dep't of Public Safety*, 330 Md. 187, 212 (1993); *Bd. of County Comm'rs v. Holbrook*, 314 Md. 210, 218 (1988). Nor may we supply factual findings that were not made by the Board. *Ocean Hideaway Condo. v. Boardwalk Plaza*, 68 Md. App. 650, 662 (1986). Moreover, this Court may not uphold the agency's decision "unless it is sustainable on the agency's findings and for the reasons stated by the agency." *United Parcel Serv., Inc.*, 336 Md. at 577 (quoting *United Steelworkers v. Beth. Steel*, 298 Md. 665 (1984)); see also *Harford v. Preston*, 322 Md. 493, 505 (1991).

Factual findings made by an agency are binding upon a reviewing court, so long as they are supported by substantial evidence. *United Parcel Serv.*, 336 Md. at 577; *Mortimer*, 83 Md. App. at 441; *Floyd v. County Council of P.G. Co.*, 55 Md. App. 246 (1983). Substantial evidence has been defined as more than a scintilla of evidence. *Montgomery Co. v. Gr. Colesville Ass'n*, 70 Md. App. 374, 382 (1987). Further, the inferences reasonably to be

drawn from the facts are also left to the Board. *Holbrook*, 314 Md. at 218 (citing *Snowden v. Mayor & C.C. of Balto.*, 224 Md. 443, 448 (1961)); see also *Moseman*, 99 Md. App. at 265. "The Court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness." *Snowden*, 224 Md. at 448 (citations omitted). See also *People's Counsel v. Mangione*, 85 Md. App. 738, 751 (1991). An appellate court must "review the agency's decision in the light most favorable to the agency, since decisions of administrative agencies are prima facie correct and carry with them the presumption of validity." *Baltimore Lutheran High School Ass'n v. Employment Security Administration*, 302 Md. 649, 662-663 (1985).

In contrast to findings of fact, however, an agency's conclusions of law are not entitled to deference. On appeal, the reviewing court must determine whether the agency's decision constitutes an error of law. *Caucus Distributors, Inc. v. Md. Securities Comm'r*, 320 Md. 313, 324 (1990); *State Election Bd. v. Billhimer*, 314 Md. 46, 59 cert. denied, 490 U.S. 1007 (1988); *Washington Nat'l Arena v. Comptroller*, 308 Md. 370, 378-79 (1987); *Bd. of Educ. v. Paynter*, 303 Md. 22, 36 (1985); *Baltimore Lutheran*, 302 Md. at 663.

II.

This appeal turns on the meaning of BCZR § 304, "Use of Undersized Single-Family Lots." It provides a two-step inquiry to

determine whether a building permit is appropriate under the section. The first part, §304.1, sets out the threshold test for eligibility as follows:

A one-family detached or semi-detached 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.C.Z.R., 1955; Bill No. 47, 1992.]
- B. All other requirements of the height and area regulations are complied with [B.C.Z.R., 1955]; 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. [B.C.Z.R., 1955; Bill No. 47, 1992.]

Only if the threshold requirements of B.C.Z.R. §304.1 have been met does the inquiry proceed to the "compatibility review" outlined in B.C.Z.R. §304.2, to determine the appropriateness of the proposed building in the neighborhood.

When appellants acquired the Blackburns' property, they were not content to maintain it as a single residential lot, as it had been used in the past. Rather, they divided the property, sold part of it, created one undersized lot, and now seek relief from their own action.

Appellants acknowledge that the combination of lots 51 and 52 and parts of lots 25 and 26 is undersized in width. They contend, however, that they cannot increase the size of the width because they lack adjacent land to do so. Nevertheless, they claim that

the reconfigured property almost conforms with current width and area requirements. They assert, further, that since the property once qualified for an exemption under B.C.Z.R. § 304, it remains eligible for the exemption, because the exemption "runs with the land."

The Board and the circuit court disagreed. They concluded that the November 19, 1993 deeds, which re-created the boundaries of the property, disqualified the property from eligibility for the exemption, because the property no longer satisfied either condition of eligibility of B.C.Z.R. § 304.1(A); the new lot was neither duly recorded by deed, nor duly recorded in a validly approved subdivision prior to March 30, 1955. In our view, the exemption in B.C.Z.R. 304.1(A) is not available to appellants. Therefore, the Board validly relied on the 1993 deeds to conclude, as a matter of law, that the Grills were ineligible for an exemption pursuant to B.C.Z.R. § 304.1(A).

Preliminarily, we note that appellees argue that, because Blackburn held the Hilltop property and the Ingleside property under single ownership, the two properties merged to form a single parcel for the purposes of B.C.Z.R. § 304.1. Further, they assert that when Blackburn later acquired portions of lots 25 and 26, these also merged into Blackburn's single property. They contend, therefore, on the basis of merger principles, that appellants were not entitled to the building permit for the undersized lot.

In appellees' view, when the Blackburns' parcels merged to

form a single, indivisible parcel, that parcel easily met the width and area requirements imposed in 1945. Thus, lots 51 and 52 would not qualify under B.C.Z.R. § 304.1, because the whole property, as a unit, satisfied the zoning requirements, and lots 51 and 52 were merely part of that property. In contrast, appellants contend that lots 51 and 52 merged only with the back portions of lots 25 and 26 in 1993.

Merger, in the context of land use, is the joining of contiguous parcels under common ownership, so that they are viewed as a single parcel for purposes of zoning regulations. 3 Ziegler, *Rathkopf's Law of Zoning and Planning*, §32.04, n.1 (1994). Section 304.1(C), as we have noted, permits erection of a dwelling on a substandard lot when "The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations." B.C.Z.R. § 304.1(C). See 3 Ziegler, *Rathkopf's Law of Zoning and Planning*, §32.04 & n.1 (1994). The cases appellees cite with respect to merger involve only side-by-side lots. In this case, however, the parcels formed an "L" shaped lot.

Zoning ordinance provisions often limit exemptions or grandfather clauses to lots of record that are in single or separate ownership. Either implicitly by such provisions or expressly by "merger" requirements in the ordinance itself, contiguous substandard lots under common ownership may lose their separate identity and be treated as a single parcel for purposes of zoning area and frontage requirements and subdivision restrictions. Merger provisions generally have been upheld against due process, equal protection, and taking claims. . . . Merger requirements may operate upon contiguous undeveloped lots or upon contiguous lots where one or

more of the lots are already developed.

In dealing with substandard lots . . . the point of reference is the effective date of the bylaw. The basic purpose of the ordinance provision establishing generally applicable minimum lot requirements has as its corollary the purpose to freeze and minimize substandard lots. If there is a merger provision in the ordinance, it is designed to result in a maximum number of standard lots from each separate tract of land in single ownership at the effective date of the ordinance. The number of separately described parcels which an owner or his predecessors in title may have acquired over the course of time to make up the entire tract is thus immaterial.

3 Ziegler, *Rathkopf's Law of Zoning and Planning*, § 32.04 (emphasis in original; footnotes omitted.)

Contiguity alone, however, has not always proved dispositive with respect to the concept of merger. "Cases in which the exemption and protection afforded lots [that do not meet minimum area requirements] have been held to apply have included lots [in single ownership] that are back-to-back (i.e., lots that have a common rear line) and "L" shaped lots (where the rear line of one is to the side of the other and each has frontage on different streets). . . . Lots contiguous for a distance of 105 feet, but related to each other in such a fashion as to form an L shape, have been held not to adjoin each other within the meaning of a provision exemption clause relating to ownership of "adjoining land." Rathkopf, *supra*, at §32.05 (citing *Blue Ridge Gardens, Inc. v. Oswald*, 44 A.D.2d 567, 353 N.Y.S.2d 55 (1974); see *Somol v. Board of Adjustment*, 277 N.J. Super. 220, 229, 649 A.2d 422, 426 (1994) (refusing to apply merger doctrine where lots are "not side to side of each other but are back to side and are not fronting on

the same street"); see also *Chirichello v. Zoning Bd. of Adj., Monmouth Park*, 78 N.J. 544, 397 A.2d 646 (1979) (declining to find merger where acquisition of lot directly behind subject lot did not increase frontage of subject lot).

As we see it, we need not determine whether the parcels merged when the Blackburns owned them. This is because the Board properly concluded that B.C.Z.R. § 304.1 was not applicable to the Grills, based on the deeds they acquired in November 1993.

Courts apply fundamental principles of statutory construction when construing ordinances. *Prince George's County v. Equitable Trust*, 44 Md. App. 272 (1979). A statute must be construed so as to "ascertain and carry out the intent of the legislature." *Montgomery County v. Buckman*, 333 Md. 516, 523 (1994); *Stapleford v. Hyatt*, 330 Md. 388, 400 (1993); *Taxiera v. Malkus*, 320 Md. 471, 480 (1990); *Jones v. State*, 311 Md. 398, 405 (1988). In considering the language of a statute, courts will give that language its natural and ordinary meaning. *Buckman*, 333 Md. at 523; *Harford County v. University of Maryland Medical System Corp.*, 318 Md. 525, 529 (1990); *NCR Corp. v. Comptroller of the Treasury*, 313 Md. 118 (1988). When a statute is unambiguous, the court need not look beyond the statute itself to identify the intent of the legislature. *Buckman*, 333 Md. at 523; *In re Criminal Investigation No. 1-162*, 307 Md. 674, 685 (1986); *Police Comm'r v. Dowling*, 281 Md. 412, 418 (1977). When a statute may reasonably be read to have more than one meaning, the court will look to both the literal

meaning of the ambiguous words and to their meaning in light of the context and purpose of the statute. *Allied Vending, Inc. v. Cite of Bowie*, 332 Md. 279 (1993).

Baltimore County enacted a comprehensive zoning scheme in 1945. Subsequently, in 1955, the County passed B.C.Z.R. § 304 to mitigate the harsh effect of the zoning scheme on some property owners, and to avoid constitutional takings violations. The County later added area and density provisions to its zoning scheme for the purpose of improving the health, safety and general welfare of its citizens.

B.C.Z.R. § 304 contemplates that a landowner is protected against the change in the zoning laws if either, or both, of two events has occurred: 1) the lot was recorded by deed prior to 1955 or 2) the lot was recorded as part of a validly approved subdivision recorded prior to 1955. Thus, the ordinance covers several possible situations. First, the provision would apply to unimproved lots owned by a developer who intended to build on the lots, and then sell them as improved properties. Second, the provision would cover vacant subdivision lots, so that a lot owner who bought the unimproved lot with the intention of building a house on the lot, but who had not yet constructed it, would be protected. In the latter circumstance, the buyer's lot would have been recorded as part of the subdivision recorded by the developer, but this would be superseded for purposes of B.C.Z.R. § 304.1(A) by the deed from the developer to the buyer. In this second scenario,

the deed recorded before 1955 would qualify the buyer under B.C.Z.R. § 304.1(A). Third, the provision might also apply if the land was never part of a subdivision. In such a situation, the only logical reading of the deed provision would be that it was intended to protect landowners who had recorded a deed prior to 1955. Such a reading would defeat the purpose of the zoning scheme.

Under appellant's reading of B.C.Z.R. § 304, it would apply both to those who owned a substandard lot prior to 1955 and to those to whom the pre-1955 owners sold the land subsequent to 1955. Such a reading would defeat the purpose of the zoning scheme.

The parties have not referred us to any Maryland case concerning undersized lots excepted under B.C.Z.R. § 304. We look, therefore, to other jurisdictions for guidance. In *in re Sofo*, 57 A.D.2d 841, 394 N.Y.S.2d 43 (1977), the Supreme Court of New York had occasion to interpret a provision similar to the provision at issue here. The Town of Yorktown increased its area requirements for a building permit from 5,000 to 10,000 square feet, and adopted a provision to "grandfather" current owners:

A permit may be issued for the erection of a building on a (substandard) lot or parcel for which a valid conveyance has been recorded or contract of sale has been signed and the conveyance recorded prior to August 19, 1958 * * * provided that the owner of such lot or parcel does not own other lots or parcels contiguous thereto.

Id. at 842. In 1973 and 1974, potential builders bought five substandard lots and applied for building permits. When their

applications were denied, they applied for area variances.⁴ In reversing the order granting the variances and the building permits, the court reasoned:

We agree with the board's interpretation of the above-quoted "grandfather clause", to wit, that only those who owned the parcels at the time they were rendered substandard by increased area requirements have the right to build on such parcels. Petitioners here, having bought their parcels at least 15 years after they became substandard, are not benefited by such clause."

Id. In further support of its holding, the court noted that "the petitioners purchased the parcels with presumptive knowledge of the zoning ordinance and, to that extent, created their own hardship."

Id. See also *Craig v. Zoning Board of Appeals*, 50 A.D.2d 887, 3377 N.Y.S. 2d 171 (1975) (Denying building permit to landowner; where ordinance created vested right in grantor to build on lot that

⁴ The provision at issue in the instant case is a special exception, rather than a variance, as defined in Maryland. The distinction has often been blurred, particularly because an application for a special exception is often combined with an application for a variance. The distinction has been explained as follows:

. . . [T]he variance and exception are designed to meet two entirely different needs. The variance contemplates a departure from the terms of the ordinance in order to preclude confiscation of property, while the exception contemplates a permitted use . . . [once] the prescribed conditions therefor are met."

Cromwell v. Ward, 102 Md.App. at 699-700. Moreover, "[m]atters relating to area issues are intended to be, and usually are, addressed as special exceptions." *Id.* at 699 n. 5. No cases have been found treating the relevant type of special exception in other jurisdictions. The cases discussed here referred to the ordinances at issue as variances. As the policy considerations are the same, the cases are instructive.

became substandard when area was up-zoned, but vested right did not transfer to grantee).

In *Hays v. Vanek*, 217 Cal. App. 3d 271, 266 Cal. Rptr. 856 (1989), the owner of a parcel of land who sought to develop it into a subdivision attempted to rely on a provision exempting him from compliance with more restrictive zoning requirements enacted after a prior owner had begun development of the subdivision. The court denied relief, reasoning that:

[t]he clear purpose of the so-called "grandfather" clause is to protect developers who have detrimentally relied on an earlier state of the law. That purpose is hardly served by allowing later purchasers of property which has never been sold in subdivided form to take advantage of an exemption. In such cases, the later purchaser placed no reliance on the prior state of the law. . . . In simple terms, the purpose of the statutory exemption does not support the conclusion that it runs with the land.

Id. at 289-290.

Zoning matters involve a balancing of the interests of all property owners in an area. In enacting B.C.Z.R. § 304, Baltimore County struck a balance between the expectancy interests of landowners who, in the 1940's and 1950's, had intended to build on land that was affected by the zoning scheme, and the long-term interests of the County in protecting against over-development and overcrowding. At a minimum, forty years later, purchasers of land in Catonsville Gardens made their purchase with constructive knowledge of the zoning scheme.

Appellants' challenge on constitutional grounds must also

fail. They did not argue in the circuit court that operation of B.C.Z.R. § 304.1 works an unconstitutional taking of their property without due process. Consistent with well-settled principles of appellate review, this issue is not preserved and we decline to address it. Md. Rule 8-131; *Wieland v. State*, 101 Md. App. 1 (1994); *C.S. Bowen Co. v. Maryland Nat'l Bank*, 36 Md. App. 26 (1977); *Washington Homes, Inc. v. Baggett*, 23 Md. App. 167 (1974).

JUDGMENT AFFIRMED. COSTS
TO BE PAID BY APPELLANTS.

IN THE MATTER OF
ZEKARIAS CHAKA/LEGAL OWNER - APPLICANT
NE CORNER OF Hillen Rd and Fairmount Ave.
327 Hillen Road
9th Election District, 5th Councilmanic District

RE: Petition for Special Hearing
Petition for Variance

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CBA Case No.: 12-238-SPHA

* * * * *

OPINION

This case comes to the Board on an appeal from Towson Manor Village Community Association, from a decision of the Administrative Law Judge (ALJ), dated May 15, 2012 on a Petition for Special Hearing and Petition for Variance filed by Legal Property Owner, Zekarias Chaka, which was granted with certain conditions. Petitioner sought relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to permit an undersized lot approximately two thousand six hundred thirty-five (2,635) square feet, in lieu of three thousand (3,000) square feet, which was granted; and relief pursuant to Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling to have a rear yard setback as close as seven (7) feet in lieu of the required fifty (50) feet, which was granted.

A *de novo* hearing was held before the Board on August 15, 2012. Petitioner, Zekarias Chaka was not represented and appeared *pro se*. David Koska appeared *pro se*. Towson Manor Village Community Association was represented by Edward T. Kilcullen, Jr., President. Oral argument was taken on August 15, 2012 at the close of the hearing

Zekarias Chaka / Case No.: 12-238-SPHA

and no closing briefs were submitted. A Public Deliberation was held on September 25, 2012.

Background

The testimony and evidence revealed that subject property is approximately two thousand six hundred thirty-five (2,635) square feet unimproved in Zone DR 10.5. The Petitioner acquired that property in 2011. He intends to construct a dwelling on the lot. Prior to his purchasing the property, a portion of the lot had been condemned by Baltimore County for the purpose of making a curve around the intersection of Hillen Road and Fairmount Avenue, where the property is located. The Petitioner was aware of the fact the lot was undersized when he purchased the property. The Petitioner proposes to construct a dwelling of 27 ft. 5 in. by 26 ft.; the corner of the dwelling being 7 ft. from the property line, in lieu of the required 50 ft. The Petitioner seeks to have a Special Hearing to approve the undersized lot and also for a Variance to approve the 7 ft. set back in lieu of the required 50 ft. Although the lot is a small lot, Stephen Weber of the Division of Traffic Engineering, approved a 20 ft. wide driveway, access onto Fairmount Avenue. He stated: "We realize that the access is within the radius of the inner section, but given the fact that Fairmount Avenue is a very wide one-way street leading away from the intersection with Hillen Road and the lot constraints, we would approve the driveway location."

The Protestants submitted a Memorandum to Arnold Jablon from Andrea Van Arsdale, Director, Department of Planning, in which the Department opposed the Special

Hearing request for the undersized lot: "...the proposed lot is uncharacteristically small for the subject neighborhood and would have little or no front, side or rear yard. The lack of usable yard space is a direct conflict with the Comprehensive Manual Development Policies (CMDP) and a dwelling on this property would over-crowd the subject lot. This condition is also not consistent with the pattern of development in this portion of East Towson." The recommendation went on to state: "the driveway associated with the proposed dwelling is to be directly on the corner of Fairmount Avenue and Hillen Road. There are no stop signs or traffic signals at this intersection and a driveway at this location would create a safety concern for the residence of the proposed dwelling as well as those traveling on either aforementioned road."

The ALJ approved the Variance and the Special Hearing and he stated: "the relief granted herein shall be conditioned upon and subject to the Petitioner obtaining a positive recommendation of the Baltimore County Design Review Panel."

Testimony and Evidence

In support of his position, the Petitioner submitted the decision of the Deputy Zoning Commissioner (now known as the Administrative Law Judge), in case number 2009-0059-A, in the matter of, Ryan Yaffe. Mr. Yaffe was granted permission to put a replacement dwelling with a side yard setback of five feet in lieu of the minimum required ten feet; a rear yard setback of 19 feet in lieu of the minimum 50 feet; and a rear yard setback of 10 feet in lieu of the minimum required 37 ½ feet for an open projection (porch).

Mr. Yaffe had presented his proposal to the Design Review Panel (DRP) for the CT district of Towson in accordance with Section 235 B.7 and 235 B.8 of the Baltimore County Zoning Regulations. The DRP had amended the proposed plat and then approved the plat with the required amendments.

The existing home on the property was in a state of deterioration and was in need of replacement. The Design Review Panel had approved the project and the replacement dwelling could not meet all of the setbacks requirements of the Code and Zoning Regulations but appeared to be within the footprint of the old existing dwelling which had been constructed prior to the zoning regulations. The Deputy Zoning Commission therefore found that the imposition of zoning on the property disproportionately impacted the subject property as compared to others in the zoning district. Therefore the variance was approved for Mr. Yaffe's home which is located adjacent to the lot purchased by the Petitioner.

The difference between Mr. Yaffe's case and the Petitioner's case is that Mr. Yaffe took his plans before the Design Review Panel for the C.T. District of Towson and Mr. Yaffe's property was not an undersized lot.

Decision

This property is located within the C.T. District of Towson, Maryland, therefore the Petitioners could have filed a request for exemption from the Development Plan Process with the Director of Permits, Approvals and Inspections

There seems to be some confusion as to the presentation of the plans to the Development Review Panel under Section 235 B.7 and Section 235 B.8 of the BCZP.

This procedure is an alternative procedure, which may be utilized by the applicant rather than going through the development process. If the applicant elects not to go through the development process, the Design Review Panel has the authority to accept the plan and modify it in any way and the recommendations of the panel are final and binding. This was not done in the present case.

The ALJ conditioned his decision on a review by the Design Review Panel, however, there does not appear to be any authority for the ALJ to require that that be done by the Petitioner.

The Board notes that the Department of Planning opposed the Special Hearing request because the proposed construction of a dwelling on the undersized lot would be uncharacteristically small for the neighborhood and would have very little yard space and would over-crowd the property. In addition, the Department of Planning felt that the proposed driveway would present a hazard because of its location on the curve of Fairmount and Hillen Roads, despite the approval of the Division of Traffic Engineering. The Board agrees with the position of the Department of Planning.

The Board also finds that this variance should not be granted. This decision is based on the fact that the property is not unique. The Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691 (1995), stated:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty..." Both must exist. ...However, as is clear

from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." *Id.* at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its 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.

The fact that the lot is smaller than the rest of the lots in the neighborhood does not make it unique.

In addition, so that the record may be clear, we further find that, even assuming *arguendo* that the subject property was somehow determined to be unique, no showing of practical difficulty has been established. Any hardship which may be alleged by the Petitioner is one that is self-imposed. Petitioner admitted that he knew that the lot was an undersized lot when he purchased it and therefore he was responsible for the hardship. Moreover, the law is clear that self-inflicted hardship cannot form the basis for a claim of practical difficulty. Speaking for the Court in *Cromwell*, *supra*, Judge Cathell noted:

Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted. *Cromwell*, at 722

ORDER

THEREFORE, IT IS THIS 19th day of October, 2012 by the

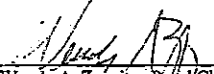
Board of Appeals of Baltimore County

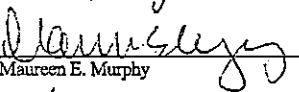
ORDERED that the Petitioners Request for Special Hearing relief filed seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to approve to permit an undersized lot approximately two thousand six hundred thirty-five (2,635) square feet, in lieu of three thousand (3,000) square feet, be and the same is hereby DENIED; and it is further

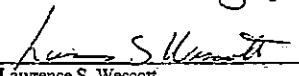
ORDERED that the Petitioners requested for a Variance relief pursuant to Section 1B02.3.C.1 of the BCZR to permit a proposed dwelling to have a rear yard setback as close as seven (7) feet in lieu of the required fifty (50) feet, is DENIED.

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


Wendy A. Zerwitz, *Panel Chair*


Maureen E. Murphy


Lawrence S. Wescott

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0039

September Term, 2014

ZEKARIAS CHAKA

v.

TOWSON MANOR VILLAGE
COMMUNITY ASSOCIATION, et al.

Krauser, C.J.,
Reed,
*Zarnoch, Robert A.,

JJ.

Opinion by Reed, J.

Filed: March 16, 2016

*Zarnoch, Robert A., J., participated in the conference of this case while an active member of this Court; he participated in the adoption of this opinion as a retired, specially assigned member of this Court.

**This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

On October 19, 2012, the Board of Appeals of Baltimore County (hereinafter “the Board”), in a *de novo* review of an Administrative Law Judge’s decision, denied the appellant, Zekarias Chaka’s, request for variance relief for the undersized lot located at 327 Hillen Road, Towson, Maryland 21286 (hereinafter “the Property”). The appellant filed a petition for judicial review with the Circuit Court for Baltimore County, which affirmed the Board of Appeals’ decision on February 7, 2014. This timely appeal followed.

The appellant, filing *pro se*, presents a total of four questions for our review.¹ However, the legal standards governing appellate review of administrative board decisions limit our consideration to the following question:

1. Whether substantial evidence exists in the record to support the Board’s factual determinations and justify its decision to deny the appellant’s request for variance relief?

We answer this question in the affirmative and, therefore, affirm the Board’s decision.

¹ The questions presented by the appellant in his brief are as follows:

1. Did the board correctly deny the appellant’s petition for variance according to Baltimore County section 304.1 standards?
2. Did the Board correctly determine that the lot is not unique even though the lot has six corners that are not shared by the other properties in the subdivision?
3. Was the Board correct [in] determining that a purchase of [a] non-conforming lot to the zoning rule constitutes self-inflicted hardships? Or does purchasing [a] non-conforming lot to the zoning rule stop the right of variance relief for that lot?
4. Did the petitioner cause the lot not to conform to the Baltimore County zoning rule?

FACTUAL AND PROCEDURAL BACKGROUND

The appellant acquired the Property, a two-thousand six-hundred and thirty-five (2,635) square-foot lot consisting entirely of unimproved land, on November 11, 2011, for \$6,000.00. The Property occupies the northeast corner of the intersection dividing Faimount Avenue and Aigburth Avenue as well as Hillen Road and E. Towsontown Boulevard. The appellant desires to build a house on the Property measuring twenty-seven and a half (27.5) feet by twenty-six (26) feet and allowing a rear setback of seven (7) feet, which is shorter than the statutorily required fifty (50) feet. Prior to the appellant's purchase of the Property, Baltimore County condemned a portion of the original lot,² causing it to become undersized. On March 30, 2012, the appellant filed a petition for a special hearing and for a zoning variance to approve an undersized lot and a rear setback deficiency.

A hearing was held before Administrative Law Judge (hereinafter "ALJ") John Beverungen, who granted the appellant's petition upon the condition subsequent that the appellant receive the positive recommendation of the Baltimore County Design Review Panel. The Towson Manor Village Community Association and the Greater Towson Council of Community Associations (hereinafter "the appellees") appealed the ALJ's decision, citing concerns about the Property's ability to accommodate a "reasonably-sized house" as well as its location on the corner of a busy intersection.

The parties appeared before the Board for a *de novo* hearing on August 15, 2012. The appellant testified that Baltimore County had indicated its willingness to sell him

² The condemnation, ordered on December 2, 1985, eliminated seven hundred and nine (709) square feet from the original lot.

additional land so that the Property would be in compliance with the size requirements of the zoning ordinance, but that he chose not to pursue that option because it still would not resolve the setback deficiency. The appellant also testified he was aware the Property was undersized at the time of purchase.

In support of his petition for a variance, the appellant presented to the Board a prior decision of the Deputy Zoning Commissioner to grant a variance for a nineteen (19) foot setback in lieu of the fifty (50) foot requirement for the lot immediately to the east of the Property.³ In addition, the appellant presented email correspondence in which Stephen E. Weber, Chief of the Baltimore County Division of Traffic Engineering, indicated that his agency would approve the appellant's proposed driveway location.

The appellees presented the recommendation of Andrea Van Arsdale, Director of the Baltimore County Department of Planning, who, citing similar concerns to those of the appellees, opposed the special hearing request and variance.

The Board found in favor of the appellees, agreeing with the Department of Planning's contention that the proposed dwelling would be "uncharacteristically small for the neighborhood" and "over-crowd the property." Additionally, the Board denied the appellant's request for a variance, specifically finding the Property was not unique and therefore not deserving of a variance.

³ Administrative Law Judges have since replaced the Zoning Commissioner and Deputy Zoning Commissioner in decisions pertaining to, *inter alia*, zoning and variances, as well as "special hearing" cases. See BALT. CNTY CODE § 3-12-103-05 (2011).

The Board also found that the appellant failed to establish the practical difficulty prong because his own admission that he knew the lot was undersized prior to purchase rendered any claimed hardship self-imposed.

The appellant petitioned for judicial review by the Circuit Court for Baltimore County, which found substantial evidence supporting the Board's decision and thus affirmed the same.

DISCUSSION

I. Parties' Contentions

The appellant contends the Circuit Court for Baltimore County applied the incorrect regulation. The appellant relies on Baltimore County Zoning Regulation (hereinafter "BCZR") § 304.1, which contains a conjunctive list of requisite criteria for the construction of a dwelling on an undersized lot. The appellant asserts his compliance with each of the criterion in § 304.1 nullifies his need to comply with BCZR § 307.1. The latter section, which the circuit court applied, describes the limited circumstances in which the zoning commissioner—now the ALJ—and the Board may grant variances.

In the alternative, the appellant argues his petition demonstrates the special circumstances and unreasonable hardship necessary for the Board to grant a variance. The appellant suggests the Property is unique in shape compared to the other properties in the neighborhood. Additionally, the appellant contends the Board made an erroneous conclusion of law when determining his hardship was self-imposed.

The appellees counter that substantial evidence supports the decision of the Board, which is presumed to be an expert in the area of zoning issues. The appellees contend the

Board's experience and expertise allowed it to weigh the evidence presented at the hearing, make the appropriate factual determinations, and correctly deny the appellant's petition.

II. Standard of Review

"The scope of judicial review of administrative fact-finding is a narrow and highly deferential one." *Trinity Assembly of God of Balt. City, Inc. v. People's Counsel for Balt. Cnty.*, 407 Md. 53, 78 (2008) (citing *People's Counsel for Balt. Cnty. v. Loyola Coll. in Md.*, 406 Md. 54, 66 (2008)). "When reviewing the decision of a local zoning body, such as the Board, we evaluate directly the agency decision, and, in so doing, we apply the same standards of review as the circuit court." *Trinity Assembly*, 407 Md. at 78 (quoting *Loyola Coll.*, 406 Md. at 66). The Court of Appeals has explained the standard as follows:

In judicial review of zoning matters, including special exceptions and variances, "the correct test to be applied is whether the issue before the administrative body is 'fairly debatable,' that is, whether its determination is based upon evidence from which reasonable persons could come to different conclusions." For its conclusion to be fairly debatable, the administrative agency overseeing the variance decision must have "substantial evidence" on the record supporting its decision.

White v. North, 356 Md. 31, 44 (1999) (citations omitted).

III. Analysis

We shall hold that because the Board applied the zoning statutes correctly, there is no erroneous legal conclusion allowing reversal. We explain.

Pursuant to the BCZR, the Board may not grant a variance unless it finds that the land in question is unique and causes the landowner to face practical difficulty or unreasonable hardship. *See* BCZR § 307.1, *infra*. Furthermore, the difficulty or hardship

must not be self-imposed. See *Richard Roeser Prof'l Builder, Inc. v. Anne Arundel Cnty.*, 368 Md. 294, 314 (2002). In the case *sub judice*, the appellant's claimed hardship is the undersized nature of the Property. We recognize that this type of hardship is not considered to be self-imposed *per se*, even when the owner of the land in question is charged with knowledge of the zoning violation at the time of purchase. See *Id.* (explaining that the rule precluding an individual who purchases land with knowledge of an existing zoning violation from obtaining a variance is "more strictly applied in 'use variance' cases than in cases of 'area variances[.]'" (quoting *McLean v. Soley*, 270 Md. 208, 215 (1973))). However, because the Board denied the appellant's petition for a variance based on its preliminary factual determination that the Property was not unique, we need not determine whether the appellant's claimed hardship was self-imposed. As we proceed with our analysis, we do so recognizing that "the correct test to be applied is whether the issue . . . [of uniqueness] is 'fairly debatable,' that is, whether [the Board's] determination is based upon evidence from which reasonable persons could come to different conclusions." *White*, 356 Md. at 44 (quoting *Sembly v. County Bd. of Appeals*, 269 Md. 177, 182 (1973)).

Lots located in Density Residential Zone 10.5, such as the Property addressed herein, require a minimum net lot area of three thousand (3,000) square feet with a minimum rear yard depth of fifty (50) feet. BCZR § 1B02.3(c)1. There does, however, exist an exception wherein

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 . . . if:

(A) Such lot shall have been duly recorded . . . 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 within these regulations.

Id. at § 304.1 (emphasis added). In addition to the requirements of § 1B02.3(c)1, *supra*, the Office of Administrative Hearings and the Board of Appeals are permitted to grant variances

[o]nly 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 of Baltimore County would result in practical difficulty or unreasonable hardship. . . . Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area . . . regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare.

Id. at § 307.1. However, "[t]he general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." *Trinity Assembly*, 407 Md. at 79 (quoting *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995)).

Those petitioning for variance relief must first demonstrate the property is unique, that it "ha[s] an inherent characteristic not shared by other properties in the area." *Trinity Assembly*, 407 Md. at 81 (quoting *Lewis v. Dept. of Natural Res.*, 377 Md. 382, 434 (2003)). Once a property's "uniqueness" is established, the petitioner must then show a connection between the unique characteristics and the "manner in which the zoning law hurts the landowner or user." *Trinity Assembly*, 407 Md. at 82.

The appellant's contention that he is entitled to build as he chooses because the Property currently conforms to Section 304.1 is misguided. Section 304.1 states that "a

one-family detached or semidetached dwelling *may* be erected on a[n undersized lot]" if the lot adheres to all the conditions enumerated therein. That section is not, however, the be-all and end-all. Rather, Section 304.1 is the precursor that, if fully complied with, can trigger the discretionary power accorded by Section 307.1, and the latter, as the circuit court correctly noted, "has [been] interpreted . . . to require both . . . special circumstances and practical difficulty to exist prior to the variance being granted." Cir. Ct. Mem. Op. at 6 (citing *Cromwell*, 102 Md. App. at 698). In fact, the appellees do not contend that the appellant is statutorily barred by Section 304.1 from building on the Property. Instead, they express their concerns regarding the aesthetic and other negative impacts the appellant's proposed construction on the Property would have on neighboring properties and the community as a whole. These concerns touch directly upon Section 307.1's mandate that a 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."

As we indicated *supra*, the decision whether to grant a variance under Section 307.1 is a two-step process. First, it must be determined that the lot is unique; and second, there must be a finding that the lot's uniqueness results in practical difficulty and/or unreasonable hardship. See *Cromwell*, 102 Md. App. at 694-95. We have explained that

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, *i.e.*, its 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.

Therefore, the circuit court was correct in finding that "[t]he Board properly held that the Property at issue was not unique merely based upon the size of the lot." Cir. Ct. Mem. Op. at 7.

In determining the necessity of a Special Hearing to construct a dwelling on the undersized lot, the Board weighed the approval of the Division of Traffic Engineering against the opposition by the Department of Planning and agreed with the latter. The Board considered testimony and physical evidence and found the Property is not unique based on its size alone, and therefore not deserving of a variance. See BCZR § 307.1. In the hearing before the Board, the appellant failed to establish that the Property contained an inherent characteristic distinguishing it from neighboring lots. See, *e.g.*, *Trinity Assembly*, 407 Md. at 82.

"It is a clearly established rule in the law of zoning that a court may not substitute its judgment for that of the Zoning Board." *Stansbury v. Jones*, 372 Md. 172, 182 (2001) (quoting *Dorsey Enters., Inc. v. Schpak*, 219 Md. 16, 23 (1959)). Because the issues before the board were "fairly debatable," see *White*, 356 Md. at 44 (1999) (citations omitted), and because substantial evidence supports the Board's finding that the Property is not unique, we affirm.

JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.

J13 5-13-16 @ 1:30 PM

Microsoft Access - [GenInputFrm : Form]

File Edit View Insert Format Records Tools Window Help

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID: Case Type Prefix: Case Number: Case Type Suffix: Existing Use:

Legal Owners/Petitioner:

Street/House Number: Street Number Range: Street Number Suffix: Street Prefix Direction: Street Prefix Type:

Street Name: Street Suffix Type: Street Suffix Direction: Suite/Apt./Unit Number:

Property Description:

Existing Zoning Classification: Area: Election District: Councilmanic District:

Critical Area: Floodplain: Historic Area: Related (Prior and Future) Cases:

Violation Cases: Concurrent Cases:

Tax Account ID: Deed Liber #: Deed Folio #: Miscellaneous Notes:

Contract Purchaser:

Attorney:

Petition Reviewer: Petition Reviewer 2: Petition Filing Date:

Day of Week: Hearing Date: Hearing Time: Hearing Location:

Add Record Find Record Next Record Previous Record Preview ZAC Agenda Report Public Hearings Admin Variances Open MS Word Exit Access Scanned Image

Record: of 27985

Form View

NUM

12:32 PM 4/27/2016

Microsoft Access - [GetInputForm : Form]

File Edit View Insert Format Records Tools Window Help

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

Day of Week:	Hearing Date:	Hearing Time:	Hearing Location:
Friday	05/13/2016	1:30 PM	Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204
Closing Date:	Adm. Law Judge Hearing Continued From:	Adm. Law Judge Hearing Rescheduled From:	Formal Request For Hearing:

Case Number:

2016 0201 SPH

Petition Type # 1: SPECIAL HEARING

Petition Request # 1: 1. To approve an undersized lot for construction of a single family dwelling.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County

Petition Type # 2:

Petition Request # 2:

Petition Type # 3:

Petition Request # 3:

Petition Type # 4:

Petition Request # 4:

Add Record Find Record Next Record Previous Record Preview ZAC Agenda Report Public Hearings Admin Variances Open MS Word Exit Access Scanned Image

Record: 27925 of 27985

Form View

NUM

12:32 PM 4/27/2016

Baltimore County, MD

Friday, May 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.

WESTLAW

Original Image of 638 A.2d 487 (PDF)

99 Md.App. 233

Court of Special Appeals of Maryland.

Crofton Partners v. Anne Arundel County

Court of Special Appeals of Maryland, January 28, 1994 (Approx. 12 pages)

v.
ANNE ARUNDEL COUNTY, Maryland.

No. 687, Sept. Term, 1993.

Jan. 28, 1994.

Developer appealed the county board of appeals' affirmation of county's refusal to recognize its first application for water and sewer connection permits on ground that appeal was untimely. Developer also filed claim for tax refund with county for difference between higher fee paid as a result of county's refusal to recognize its first application. After the tax court upheld the county's denial of developer's claim for refund, developer appealed. On consolidated appeal, the Circuit Court, Anne Arundel County, Bruce C. Williams, J., affirmed the decision of the board but did not address the appeal from the tax court. Developer appealed. The Court of Special Appeals, WENNER, J., held that: (1) county's unexplained return of developer's application forms did not constitute final appealable decision; (2) appeal to county board of appeals was not premature; and (3) once tax court became aware that issue on appeal before it was already before, and not yet resolved by, county board of appeals, it was beyond province of tax court to make its own determination on same issue on merits.

Reversed and remanded with instructions.

West Headnotes (9)

Change View

- Administrative Law and Procedure** **Law Questions in General**
Counties **Public Improvements**
County board of appeals' determination that developer's appeal of county's refusal to accept developer's application for water and sewer connection permits when first applied for was untimely, was conclusion of law, and thus Court of Appeals would accord no deference to board's decision.
- Administrative Law and Procedure** **Finality; Ripeness**
Decision of administrative agency or official must be final before it may be judicially reviewed.
2 Cases that cite this headnote
- Administrative Law and Procedure** **Finality; Ripeness**
Counties **Public Improvements**
County's unexplained return of developer's application forms for water and sewer connection permits did not constitute final appealable decision.
- Administrative Law and Procedure** **Finality; Ripeness**
In order for decision of administrative agency to constitute final appealable decision, aggrieved party must know that decision has been made and that decision is final.
3 Cases that cite this headnote

SELECTED TOPICS

Taxation

Levy and Assessment
Affirmance of Decision of Board of Assessment Appeals

Administrative Law and Procedure

Judicial Review of Administrative Decisions
Availability of Judicial Review of Final Agency Actions

Counties

Fiscal Management, Public Debt, and Securities
Establishment of County Special Assessment District

Secondary Sources

PAGE SAMPLE JOB CLASSIFICATION SPECIFICATIONS

Public Employer's Guide to FLSA Emp. Clss., 5000

...The job classification specifications ("class spec") provided in this tab cover a wide range of public employer positions. Classification specifications are not job descriptions; they are broader than...

APPENDIX C ADMINISTRATIVE RULINGS

The 401(b) Habit, Appendix C

...Federal agencies issue several different types of guidance to explain and interpret the application of statutes to particular situations. All these different forms of guidance are binding on employees...

APPENDIX V COURT CASES

ADA Compliance Guide Appendix V

...Appendix V contains summaries of significant ADA decisions. See the Index for an alphabetical listing of court cases in the Guide. Readers should note that these cases were decided before the 2003 amendments...

See More Secondary Sources

Briefs

Brief on Behalf of Appellee

1932 WL 33287
THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN IN THE STATE OF OHIO, Etia O. Zurnehly, John W. Danlop, J. W. Leudick, Successor in Office to Aaron T. Harmon, Members of Said Board, C. A. Rusler, Auditor of Said County, Jacob Miller, Successor in Office to John W. Veleh, Treasurer of Said County, and George S. Wood, Appellees, v. THE STATE OF OHIO, On Relation of J. Charles Bowman, Appellee. Supreme Court of the United States Mar. 25, 1932

...This case is here on an appeal by appellants from a final judgment entered September 23, 1931, in the Supreme Court of Ohio in a case instituted September 30, 1930, in that court by appellee, relation...

Brief of Appellees-Cross-Appellants

2003 WL 23312423
Robert P. MAGGS, et al., Appellants, v. GLENN CO. BOARD OF TAX ASSESSORS,

5 Administrative Law and Procedure Time for Proceedings

Counties Public Improvements

County's acceptance of developer's water and sewer connection permit applications constituted final appealable decision, but appeal prior to date of application acceptance was not premature, where county had previously informed developer by letter that it had made a final determination that developer's first submission of application forms, which was refused without comment, did not constitute an application made within county tax ordinance.

6 Counties Public Improvements

Period in which to request tax refund for amount of county's assessment for water and sewer connection permit was governed by state tax statute which provided that request be made within three years of payment of challenged tax payment, rather than 30-day statute of limitations applicable to appeal of final agency action. Code 1957, Art. 24, §§ 9-710, 9-711(b), 9-712(d), 9-724.

1 Case that cites this headnote

7 Taxation Appeal

On appeal from refusal to grant claim for tax refund, tax court has jurisdiction to determine underlying issue of whether challenged tax assessment is invalid. Code 1957, Art. 24, § 9-712(d).

8 Administrative Law and Procedure Preservation of Questions Before

Administrative Agency

Taxation **Presentation and Reservation Before Board or Officer of Grounds of Review**

Once tax court became aware that issue on appeal before it was already before, and not yet resolved by, county board of appeals, it was beyond province of tax court to make its own determination on same issue on merits. Code, Tax-General, § 13-514.

9 Administrative Law and Procedure Jurisdiction

Courts Pendency and Scope of Prior Proceeding

In absence of extraordinary circumstances, once circuit court, or administrative agency, has assumed jurisdiction over particular matter, court or agency with concurrent jurisdiction should not interfere with those proceedings.

Attorneys and Law Firms

**488 *235 Julie Ellen Squire (Peter E. Keith and Galager, Evelius & Jones, on the brief), Baltimore, for appellant.

Stephen M. LeGendre, Deputy County Atty. (Judson P. Garred, Jr., County Atty., on the brief), Annapolis, for appellee.

Argued before BISHOP, WENNER and FISCHER, JJ.

Opinion

*238 WENNER, Judge.

Although the substantive issues raised by this appeal are fairly significant, they are not nearly as significant as the procedural quagmire that we find before us. What began as a developer's test of a newly enacted Anne Arundel County tax ordinance has brought to light an apparent anomaly in the statutory scheme that provides administrative review by both the Anne Arundel County Board of Appeals (the Board) and the Maryland Tax Court of the imposition of certain local taxes.

The Anne Arundel County ordinance in question governs the assessment of charges for connection to county water and wastewater facilities. Anne Arundel County Code, Article 6, § 5-208. The ordinance was amended in 1988 to provide for a five year phase-in of increased connection fees. To accomplish this, the amount of the connection fee was tied to

et al., Appellees-Cross-Appellants.
United States Court of Appeals, Eleventh Circuit.
Jan. 06, 2003

...The United States Court of Appeals for the Eleventh Circuit has jurisdiction over the issues on appeal pursuant to 28 U.S.C. § 1292. I/Whether the District Court should have dismissed Count One of Pla...

Motion for Leave to File Brief as Amicus Curiae.

1932 WL 33287
THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN IN THE STATE OF OHIO, Etia O. Zurnehly, John W. Danlop, J. W. Leudick, Successor in Office to Aaron T. Harmon, Members of Said Board, C. A. Rusler, Auditor of Said County, Jacob Miller, Successor in Office to John W. Veleh, Treasurer of Said County and George S. Wood, Appellees, v. THE STATE OF OHIO, On Relation of J. Charles Bowman, Appellee. Supreme Court of the United States Apr. 15, 1932

...May it please the Court: The undersigned, as counsel for the state of Ohio, respectfully moves this honorable court for leave to file the accompanying brief as amicus curiae. A summary list heretofore under ...

See More Briefs

Trial Court Documents

In re Landstock, LLC

2009 WL 8184970
In re: LANDSTOCK, LLC, Debtor, United States Bankruptcy Court, S.D. Mississippi, May 26, 2009

...[Chapter 11] This Cause came on for hearing on the Motion of Creditor, Madison County Mississippi, by and through Kay Price, Tax Collector and for said County, for relief from the automatic stay to ...

In re UTGR, Inc.

2010 WL 6882359
In re: UTGR, INC. d/b/a Twin River, et al., Debtors, United States Bankruptcy Court, D. Rhode Island, June 24, 2010

...FNI. The Debtors in these chapter 11 cases are SLB Management Services, Inc., SLB Worldwide Holdings, Inc., and UTGR, Inc. Chapter 11 The above-captioned debtors in possession (collectively, the "Debtors..."

In re Boulder Crossroads, LLC

2009 WL 8186933
In re: BOULDER CROSSROADS, LLC, Debtor, United States Bankruptcy Court, D. Delaware, Feb. 17, 2009

...SIGNED the 30th day of November, 2010.
"signature" CRAIG A. GARDOTTA
UNITED STATES BANKRUPTCY JUDGE
CHAPTER 11 Boulder Crossroads, LLC ("Boulder" or "Boulder Crossroads" or "Debtor"), filed a petition...

See More Trial Court Documents

the "date application (for a connection permit) is made." Appellant, Crofton Partners (Crofton), was in the initial planning and permitting stages of a proposed eleven building "luxury apartment complex," to be known as Saddle Ridge Apartments, when the first increase occurred. In order to "lock-in" at the lower connection rates, Crofton sought to apply for water and sewer connection permits for each building in Saddle Ridge Apartments on the day before the "489 fee increase, although neither water and sewer lines nor buildings were yet on the property. The application forms were returned to Crofton a week later, without comment. Crofton eventually paid connection charges based upon an application filed nearly a year later.

Crofton appealed appellee Anne Arundel County's (the County) refusal to recognize its first application to the Board. The Board determined that Crofton's appeal was untimely, and granted the County's motion to dismiss. Crofton then filed with the County a claim for a tax refund, asserting that the higher connection charge based upon the date of the later application was erroneously assessed. Crofton treated the County's failure to respond as a rejection of its claim, and "237 noted an appeal to the Tax Court of Maryland. The Tax Court determined that the County's assessment of the higher connection charges was proper and upheld the denial of Crofton's claim for a refund. Crofton's appeals from the decision of the Board and the decision of the Tax Court were consolidated in the Circuit Court for Anne Arundel County. The circuit court affirmed the decision of the Board, but failed to address Crofton's appeal from the Tax Court.

On appeal, Crofton presents us with the following questions:

1. Did the Circuit Court err in not reviewing the decision of the Tax Court, thereby depriving Appellant of its right to judicial review?
2. Did the Circuit Court err in affirming the decision of the County Board of Appeals dismissing the administrative appeal as untimely?
3. Is Crofton Partners entitled to a refund of \$162,400.00 plus interest, because the County has retained this sum in violation of Article 6, § 5-208 of the Anne Arundel County Code?

For reasons hereinafter explained, we shall reverse the judgment of the circuit court.

Background

On May 9, 1988, the County Council of Anne Arundel County approved and enacted Bill No. 22-88 for the purpose of "altering certain utilities charges, assessments, and fees." Among other things, Bill No. 22-88 amended Article 6, § 5-208 of the County Code, increasing the water and wastewater system connection charges and assessments on July 1 of each year from 1989 through 1992. In pertinent part, § 5-208 now reads:

(e) For connections to the County's water system, the capital facility connection charge for each single-family dwelling and each equivalent unit for a commercially or industrially zoned property is:

....

(2) For properties with new improvements:

"238 (i) For connection permits for which application is made on or after April 19, 1988, \$1,900;

(ii) For connection permits for which application is made on or after July 1, 1989, \$2,175;

(iii) For connection permits for which application is made on or after July 1, 1990, \$2,450;

....

....

(h) For connections to the County's wastewater system, the capital facility connection charge for each single-family dwelling and each equivalent unit for a commercially or industrially zoned property is:

....

(2) For properties with new improvements:

(i) For connection permits for which application is made on or after April 19, 1988, \$1,500;

(ii) For connection permits for which application is made on or after July 1, 1989, \$1,625;

(iii) For connection permits for which application is made on or after July 1, 1990, \$1,750;

.....

Thus, prior to July 1, 1989, the total capital facility connection charge for both water and wastewater was \$3,400. On July 1, 1989, however, that charge increased to \$3,800, a difference of \$400 per unit. Inasmuch as "490 Crofton's proposed Saddle Ridge Apartments consisted of 408 units, Crofton could realize a potential savings of \$162,400 if application were made before July 1, 1989.

In an attempt to realize these savings, Crofton submitted application forms to the County's Department of Utilities on June 30, 1989 for connection permits for each building in the Saddle Ridge Apartments. Whether the submission of these forms constitutes an "application made" under § 5-208 is the sole substantive issue upon which our determination of this "239 appeal turns.¹ For some reason, it also appears to have been an issue to be avoided at all costs, judging from the sequence of events that followed.

At Crofton's insistence, the first application form was marked "Rec'd 6-30-89 3:00 Buildings 1 thru 11 D. Woodrow" and the forms were left with the Department of Inspections and Permits. The forms were returned to Crofton about one week later, unaccompanied by a cover letter or correspondence of any sort. Crofton met with various officials from the County's Department of Utilities in October 1989. At this meeting, Crofton was advised verbally that the County did not consider Crofton's earlier submission to be an application, and that applications for connection permits could be made only after the water and sewer lines to which the housing units were to be connected had been installed and inspected by the County. Notwithstanding this discussion, in November Crofton sent Thedy Yox, an official in the Department of Utilities, a letter setting forth its contention that the lower fees should be assessed and asking Ms. Yox to indicate her concurrence with Crofton's view by signing at the bottom of the letter. The County did not respond.

In January 1990, as required by Article 27, § 3-308(b) of the Anne Arundel County Code,² Crofton paid the connection charge in order to obtain a building permit. The amount paid was based upon the higher fee imposed upon "applications made on or after July 1, 1989." In a letter dated April 17, 1990, the County made a "formal reply to [Crofton's] written request regarding the water and wastewater capital facility "240 connection charges for Saddle Ridge Apartments." In its letter the County said "we cannot agree to your request" to accept payment of the lower charges, and continued:

As we indicated during our meeting, the County cannot accept an application for public water and wastewater service connections until the necessary lines are installed to serve your project. The water and wastewater lines for your project must be installed and accepted under the terms of our utility agreement before you submit your applications for the needed connection permits. Also, the dollar amount levied for a connection is established on the basis of the capital facility connection charge in effect at the time a connection is made to the utility line. The legal basis for this practice is set forth in Article 27, 3-309(c).³

Following construction of the utility lines and the buildings of Saddle Ridge Apartments, the County simultaneously accepted Crofton's applications for connection permits and issued them on June 30, 1990, one day "491 prior to the next scheduled increase in the capital facility connection charges.

The Decision of the Board of Appeals

I.

Believing that the County's letter of April 17 represented a "final decision" by the County, Crofton noted an appeal to the Board on May 18, 1990. The County responded with a Motion to Dismiss, arguing, among other things, that the 30-day appeal period⁴ began either on the date Crofton's first application "241 was refused, or on the date Crofton paid the higher capital facility connection charge. According to the County, its letter of April 17

"merely states the basis for refusing to receive [Crofton's] attempted applications on June 30, 1989" and is therefore not an appealable "decision."

The Board convened on October 15, 1990. After hearing argument concerning the County's Motion to Dismiss, the Board reserved ruling on that motion and heard Crofton's appeal on its merits. On January 4, 1991, the Board filed a Memorandum and Order of Dismissal, granting the County's Motion to Dismiss, reasoning that:

... We believe that [Crofton] should have taken the appeal within the 30 day period after January 10, 1990 when [it] paid the higher fee for the water and sewer connection. Although [Crofton] stated that [it] was negotiating with the county to obtain the lower connection costs, [it] states that [it] was not given any indication when [it] paid the higher fee that [it] would get a rebate. It is our opinion that [Crofton] had nothing to rely upon that the amount of money was negotiable, and the only manner in which [it] could assure some recourse, if [it] was dissatisfied with the decision of the Department of Utilities, would have been to appeal the payment of the greater amount within the required 30 days appeal period after payment was rendered.... Unfortunately, since [Crofton] did not take a timely appeal, this Board does not have jurisdiction to hear the matter.

Two members of the Board dissented, asserting that they "believe that the testimony given indicated that [Crofton] was negotiating in good faith with the county and did not believe that it was necessary to file an appeal until a final decision was rendered."

The Circuit Court for Anne Arundel County affirmed the decision of the Board of Appeals, and this appeal followed. In "242 order to determine whether the circuit court erred, we must repeat its task. *Mortimer v. Howard Research and Development Corp.*, 83 Md.App. 432, 442, 575 A.2d 750, 755, cert. denied, 321 Md. 164, 582 A.2d 499 (1990). In reviewing the decisions of a county Board of Appeals, the circuit court must determine whether the decision is "not in accordance with the law." Maryland Code, art. 25A, § 5(U) (1957, 1990 Repl.Vol.); see also Anne Arundel County Charter § 604 (1972). In short, was the Board's decision arbitrary, illegal, or capricious? *Mortimer*, 83 Md.App. at 441, 575 A.2d 750. A distinction is made, however, between reviewing an agency's fact finding and reviewing its legal conclusions:

[T]he order of an administrative agency must be upheld on judicial review if it is not based on an error of law, and if the agency's conclusions reasonably may be based upon the facts proven. But a reviewing court is under no constraints in reversing an administrative decision which is premised solely upon an erroneous conclusion of law.

Younkers v. Prince George's County, 333 Md. 14, 19, 633 A.2d 861 (1993) (quoting *People's Counsel v. Maryland Marine*, 316 Md. 491, 496-97, 560 A.2d 32 (1989) (citations omitted)).

1 What is at issue here is which of several events commenced the running of the 30-day appeal period. Therefore, the Board's determination that Crofton's appeal was untimely is a conclusion of law. Consequently, we need accord no deference to the Board's decision. See "492 *Liberty Nursing Center, Inc. v. Department of Health & Mental Hygiene*, 330 Md. 433, 443, 624 A.2d 941 (1993) (no deference is appropriate and reviewing court may substitute its judgment for that of the agency when issue before agency is one solely of law).

II.

2 According to Article 27, § 2-508 of the Anne Arundel County Code, the fee for connecting water and wastewater facilities is determined by the date connection permits are applied for. Crofton asserts that its application was made on June 30, 1989. Conversely, the County asserts that Crofton's "243 application was not made until June 30, 1990. It is well established that the decision of an administrative agency or official must be final before it may be judicially reviewed. *U.S. Health, Inc. v. State*, 87 Md.App. 116, 120, 589 A.2d 485, cert. denied, 324 Md. 69, 595 A.2d 482 (1991). This requirement is not negated because we are here dealing with administrative review, rather than judicial review. The inquiry we must therefore make is when the County's decision that Crofton's submission of application forms on June 30, 1989 did not constitute an "application made" pursuant to § 2-508 was final.

3 4 Had the County explained in writing why it was returning Crofton's June 30, 1989 application forms, that explanation may well have constituted a final appealable decision. Implicit in the requirement that an appeal lies only from a final decision, however,

are the correlative requirements that the aggrieved party know that the decision has been made and that the decision is final. See *Clarke v. Greenwell*, 73 Md.App. 446, 452-53, 534 A.2d 1344 (1988) (finding appeal time to have begun at point where "all parties are clearly informed of the time running for an appeal" is the "better result"). The County's unexplained return of Crofton's June 30, 1989 application forms did not constitute a final appealable decision.

5 We next evaluate the date chosen by the Board as constituting the County's "final decision," i.e., the date Crofton's building permits were issued and the balance of the facility connection charges collected. If, as the County asserts, a valid connection permit application was not filed until June 30, 1990, the capital facility connection charges could not have been calculated until that date. Until that date, all payments toward the capital facility connection charges would simply have been estimates, subject to revision by the County when the charges became final. Upon plat approval in February 1989, Crofton was required to pay 25% of the connection charges in order to receive its water and wastewater allocation. "244 3 The amount paid, \$345,100, was based upon the charges effective prior to July 1, 1989. No one contends that the connection assessment was final at that point. Neither then can the payment made in January 1990, based upon the charges effective prior to July 1, 1990, be considered a final assessment of charges. In the absence of anything more, neither estimated payment constitutes the County's final decision with respect to the total assessment. 6

Thus, without further action by the County, there would have been no final appealable decision until the final calculation of the water and wastewater capital facility connection charges. If Crofton had appealed within 30 days of June 30, 1990, the date the County accepted its connection permit applications, the appeal would have been timely. We must now determine whether the May 16, 1990 appeal was premature.

"493 The Court of Appeals has said that the action of an administrative agency "is final if it determines or concludes the rights of the parties, or if it denies the parties means of further prosecuting or defending their rights and interests in the subject matter before the agency, thus leaving nothing further for the agency to do." *Maryland Commission on Human Relations v. Baltimore Gas & Electric Co.*, 296 Md. 46, 56, 459 A.2d 205 (1983) (emphasis added). In its letter of April 17, "245 1990 to Crofton, the County said that it was making "a formal reply to your [Crofton's] written request regarding the water and wastewater capital facility connection charges for Saddle Ridge Apartments" and went on to say that "we cannot agree to your request to accept \$1,900 per unit for water service and \$1,500 per unit for wastewater service." These are the charges that would have been due had the June 30, 1989 application forms been accepted. We believe that Crofton was informed by this April 17, 1990 letter that the County had made a final determination that Crofton's June 30, 1989 submission of application forms was not an "application made" pursuant to § 2-508, and that any further pursuit of Crofton's claim to the lower rates would be futile. We therefore conclude that Crofton's appeal to the Board within 30 days of the County's April 17, 1990 letter was timely and shall reverse the judgment of the circuit court affirming the decision of Board of Appeals.

The Proceeding in the Tax Court

I.

6 Crofton sent the County a letter in February 1991 requesting a tax refund under Maryland Code, Article 24, § 9-710. Section 9-710 provides:

A claim for refund may be filed with the tax collector who collects the tax, fee, charge, interest, or penalty by a claimant who:

- (1) Erroneously pays to a county or municipal corporation a greater amount of tax, fee, charge, interest, or penalty than is properly and legally payable; or
- (2) Pays to a county or municipal corporation a tax, fee, charge, interest, or penalty that is erroneously, illegally, or wrongfully assessed or collected in any manner.

Such a claim for a tax refund may be made within three years of the tax payment being challenged. *Id.* §§ 9-711(b), 9-724. One who is unhappy with the determination of a claim for a refund may appeal to the Maryland Tax Court pursuant to Article 24, § 9-712(d). Section 9-712(d) provides:

"246 (d) Appeal.—(1) Except as provided in paragraph (2) of this subsection, within 30 days after the date on which a notice is mailed, a person who is aggrieved by the action in the

notice [of determination of the claim] may appeal to the Maryland Tax Court in the manner allowed in Title 13, Subtitle 5, Parts IV and V of the Tax-General Article.

(2) If a tax collector does not make a determination on a claim for refund within 6 months after the claim is filed, the claimant may:

- (i) Consider the claim as being disallowed; and
- (ii) Appeal the disallowance to the Tax Court.

Treating the County's failure to respond to its claim for a tax refund as a denial of its claim, Crofton appealed to the Tax Court. In its appeal to the Tax Court, Crofton contended that the County had erroneously assessed the increase of \$162,400 in the connection charges occurring after Crofton's application of June 30, 1989.

In denying Crofton's request for a refund, the Tax Court looked to the introductory clauses of § 5-208(e)(2) and (h)(2), which provide that the specified rates are for "new construction." In doing so, the Tax Court reasoned that if it were to interpret the term "application" literally, the term "new construction" must also be interpreted literally. The Tax Court continued:

I tell you how I am construing that property [sic] or that language of the statute, is when it says with new improvements it doesn't mean contemplated new improvements necessarily. I think that what again the legislative intent was and what common sense dictates is that until the improvements are in place that are going to be serviced by, for instance, the "494 water and sewer connection, that there is no reason for anybody to make application for a connection.

And again, I simply cannot accept that if they weren't in a position to even have the application approved at that point in time, that I should construe this statute as meaning that the mere filing of it should lock in the rates.

*247.11.

We shall first address the County's Motion to Dismiss Tax Refund Claim, filed in response to this appeal. The County contends that as Crofton has "maintained [throughout these proceedings] that the County's letter dated April 17, 1990 is final agency action denying a refund of excess connection charges," Crofton should have appealed the denial of the refund within 30 days of that date.

The County's contention is disingenuous at best. The County here relies upon the very premise it contested vigorously before the Board and on appeal of the Board's decision. Moreover, the County's letter of April 17, 1990 was in response to Crofton's November 1989 letter to the County. Crofton's November 1989 letter to the County does not in any manner refer to a refund, but asserts Crofton's belief that its capital facility connection charges should be based upon the pre-July 1989 rates. As of November 1989, Crofton had paid only the 25% of the connection charges required to be paid upon final plat approval. That payment of \$345,100 was based upon charges effective prior to July 1, 1989. Crofton has never challenged this payment. As the contested payment was not made until February 1990, Crofton's letter of November 1989 cannot be considered a "refund request" that the County denied by its letter of April 17, 1990.

Crofton's request for a tax refund was made by its letter of February 15, 1991. This was well within the three year period established by Article 24, § 9-724. When the County failed to respond to Crofton's letter within six months, Crofton was entitled to treat the County's silence as a refusal of its claim. Article 24, § 9-712(d)(2). Crofton then noted a timely appeal to the Tax Court.

III.

Crofton also urges us to reverse the judgment of the Tax Court, inasmuch as the circuit court failed to act upon Crofton's appeal from the judgment of the Tax Court. The County contends that the judgment of the Tax Court was "248 correct. Although neither party has addressed the propriety of the Tax Court reaching a decision on the merits, as we believe the jurisdiction of the Tax Court to be in question, we shall raise and decide the issue *nostra sponte*. *County Council v. Supervisor of Assessments*, 274 Md. 116, 119, 332 A.2d 887 (1975).

By presenting to the Tax Court an appeal of the County's denial of its claim for a tax refund rather than an appeal of the County's assessment of the higher amount charged, Crofton

was indirectly able to present the Tax Court with the exact issue then before the Board. Although the Board had not reached the merits of the claim before it, its decision was on appeal to the circuit court at the time Crofton appealed the County's denial of its claim for a tax refund to the Tax Court. Thus, on appeal of the same issue involving the same parties has arrived in Annapolis from two different forums.

7 In an appeal from a refusal to allow a claim for a tax refund, the Tax Court has jurisdiction to determine the underlying issue of whether a challenged tax assessment is invalid. *See Prince George's County v. White*, 275 Md. 314, 315, 340 A.2d 236 (1975) (finding Prince George's County resolution establishing amount of recordation tax invalid on appeal of unsuccessful claim for partial refund). On the other hand, Maryland Code (1986), § 13-514 of the Tax-General Article provides:

Unless a person has exhausted all available administrative remedies before the appropriate tax determining agency, the person may not appeal to the Tax Court.

Had Crofton appealed the County's decision not to consider its submission of application forms on June 30, 1989 to be an "application made" under § 2-508, and the consequent assessment of higher connection charges to "495 the Tax Court, § 13-514's exhaustion clause would have precluded Crofton from appealing to the Tax Court until its appeal to the Board had been exhausted.

It is not at all clear, however, whether and how, if at all, the exhaustion provision of § 13-514 should apply to a claim for a "249 tax refund. The legislature has provided for a direct appeal from the denial of a claim for a tax refund to the Tax Court. *Cf. Baltimore County v. Xerox Corp.*, 41 Md App. 485, 471-72, 397 A.2d 278, *aff'd*, 286 Md. 220, 406 A.2d 917 (1979) (characterizing protest of tax assessment and request for a refund as "two separate and distinct administrative procedures"). Arguably, exhaustion of available administrative remedies in pursuing a claim for a tax refund would be submitting the claim and having it determined by the appropriate tax collector. On the other hand, it is also possible that if there is an administrative means by which the underlying validity of the tax assessment may be determined, then a taxpayer would be required to pursue that remedy before appealing denial of a tax refund.

8 We need not determine, however, whether the exhaustion doctrine deprives the Tax Court of jurisdiction in the case *sub judice*. For even were we to find that the Tax Court has jurisdiction, the Board and the Tax Court would have concurrent jurisdiction and, for practical purposes, the result would be the same. Although it may not have been improper for Crofton to have brought its claim in both forums, once the Tax Court became aware that the issue was already before, and not yet resolved by, the Board, it should not have proceeded.

9 In the absence of extraordinary circumstances, once a circuit court or an administrative agency has assumed jurisdiction over a particular matter, a court or an agency with concurrent jurisdiction should not interfere with those proceedings. *Sieff v. 91st Street Joint Venture*, 330 Md. 620, 628, 630, 625 A.2d 953 (1993). We apply that principle in this case to these administrative agencies because these agencies have concurrent jurisdiction and comparable expertise. In the case *sub judice*, the Tax Court was well aware of the proceedings before the Board and of the appeal of the Board's decision to the circuit court, because the entire transcript from the hearing before the Board was admitted into evidence by the Tax Court. When questioned by the Tax Court, counsel for both parties discussed, in depth, the procedural posture of the case. The Tax Court was fully informed that the issues presented to "250 the circuit court on appeal of the Board's decision reached both the question of the Board's jurisdiction and the merits of Crofton's claim. Yet, following this discussion, the Tax Court, without comment, called for Crofton's first witness.

As we see it, the proper action for the Tax Court would have been to stay the proceedings brought before it pending final resolution of the judgment of the Board, then on appeal to the circuit court. So long as there was any possibility that the appeal from the judgment of the Board would lead to a determination of Crofton's claim on its merits, it was beyond the province of the Tax Court to make its own determination of the same issue on the merits.

We shall therefore remand this matter to the circuit court with instructions to vacate the judgment of the Tax Court, and instruct the Tax Court to stay its proceedings pending resolution of Crofton's appeal to the Board on its merits.

APPELLEE'S MOTION TO DISMISS TAX REFUND CLAIM DENIED.

JUDGMENT REVERSED, CASE REMANDED TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY WITH INSTRUCTIONS TO 1) REVERSE THE JUDGMENT OF THE ANNE ARUNDEL COUNTY BOARD OF APPEALS AND REMAND TO THE BOARD OF APPEALS FOR A DETERMINATION ON THE MERITS, AND 2) VACATE THE JUDGMENT OF THE MARYLAND TAX COURT AND REMAND WITH INSTRUCTIONS TO THE TAX COURT TO STAY PROCEEDINGS PENDING THE OUTCOME OF THE PROCEEDINGS BEFORE THE ANNE ARUNDEL COUNTY BOARD OF APPEALS.

COSTS TO BE PAID BY APPELLEE.

All Citations

99 Md.App. 233, 636 A.2d 487

Footnotes

- 1 We note that resolution of this issue will apply only to the immediate parties, as Article 6, § 5-208 of the Anne Arundel County Code was amended in 1991 to add subsection (7), which reads:

An application for connection to a utility for new construction may not be made until a building permit is issued and any work required under a utility agreement is completed.
- 2 Section 3-306(b) provides:

Except as set forth in subsection (d) of this section [relating to owner-occupied single-family dwellings], a building permit may not be issued until all fees required by this subtitle are paid.
- 3 Section 3-309(c) reads:

Notwithstanding the provisions of subsections (a) and (b) of this section [requiring a payment of 25% of the capital facility connection charge within 60 days of final plat approval and requiring annual payments of at least one-fifth of the balance remaining due after that initial payment in order to preserve the water and wastewater capacity allocated to the subdivision], the capital facility connection charge in effect at the time a connection is made to a utility shall be paid in full prior to connection to the utility.
- 4 Anne Arundel County Code, Appendix B, Rules of Practice and Procedure of the County Board of Appeals, § 2-101(a) provides that "All appeals from orders or decisions from which an appeal is authorized by law shall be taken within 30 days of such an order or decision...."
- 5 Anne Arundel County Code, Article 27, § 3-309(a)(1) reads:

(a) ... [A] subdivider shall:

(1) pay at least 25% of the capital facility connection charge no later than 60 working days after final plat approval....
- 6 As the County's position in its April 17, 1990 letter to Crofton indicates, § 3-309, enacted as part of Bill No. 72-88 on October 6, 1988, while apparently intended to govern the timing of payment for capital facility connection charges, can also be read as replacing the date *application for a connection permit is made* with the date the *connection is actually made* as the critical date for determining the appropriate connection charges.

The issue of whether this is an appropriate interpretation is not presented to us in this appeal, as, despite the contents of its April 17, 1990 letter, the County apparently did not attempt to charge Crofton based upon its actual connection date. What the letter shows, however, is that the County did not consider the February payment to be final.

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

Westlaw © 2016 Thomson Reuters Privacy Statement Accessibility Supplier Terms Contact Us 1-800-REF-ATTY (1-800-733-2859) Improve Westlaw



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

March 4, 2016

Sent Via Hand Delivery

Mr. Jeff Perlow
Department of Permits, Approvals, and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

**Re: C. G. Homes, Inc.
206 Morris Avenue**

Dear Mr. Perlow:

I understand that you are handling the undersized lot application/special hearing for the above property. Please add this correspondence to the file.

I note that Mr. Zimmerman (People's Counsel) by letter of February 26, 2016, filed a request for hearing under BCZR Section 304.4. On behalf of the Property Owner (C.G. Homes, Inc.), please note that I object to that request and ask that it be stricken. BCZR § 304.4 is quite specific. Requests for hearing can be made by anyone who resides or owns property within 1,000 feet of the Director of PAI. Mr. Zimmerman is not the Director of PAI. Mr. Jablon currently holds that position. Also, Mr. Zimmerman does not own or reside within 1,000 feet of the subject property. Thus, he does not meet either criteria under § 304.4.

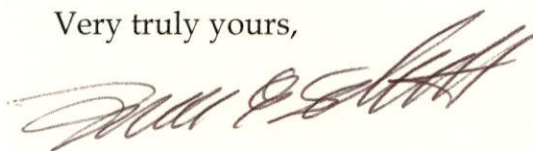
Mr. Zimmerman's letter asserts his ability to file this request is pursuant to People's Counsel's "defense of the comprehensive zoning maps" authority. That assertion, in and of itself, is incorrect. This matter in no way impacts the comprehensive zoning maps. But, even if he were entitled to request a hearing under that alleged authority; that is not related to the criteria required under BCZR § 304.4. As indicated above, the criteria is clearly stated and simple, either the Director or a nearby resident can request a hearing. Not People's Counsel.

Mr. Jeff Perlow
Department of Permits, Approvals, and Inspections
March 4, 2016
Page 2

This objection does not necessarily mean the case cannot go forward. I understand that Mr. McCann has requested a hearing on behalf of a qualified resident. I have not seen that request. Assuming it is proper; I assume that this matter will move forward in due course. I make this objection only to document and preserve my position in that I anticipate there will be appeals of whatever decision is made by the ALJ.

Thank you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written in a cursive style.

Lawrence E. Schmidt

LES/amf

cc: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Michael McCann, Esquire
Thomas Faust, C.G. Homes, Inc.



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

(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)

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 _____
 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):

Thomas Faust Authorized Representative of C.G. Homes
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 _____ Signature #2 _____
 9475 Deereco Rd. Timonium MD
 Mailing Address _____ City _____ State _____
 21093 (410) 308-1717 tfsignalcorp.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 2016-0201-SPH Filing Date 3/3/2016 Do Not Schedule Dates: 3/17-3/21 Reviewer JWP

ATTACHMENT TO PETITION
FOR SPECIAL HEARING

206 Morris Avenue
3rd Councilmanic District
8th Election District

Special Hearing Relief:

1. To approve an undersized lot for construction of a single family dwelling pursuant to BCZR § 304; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2016-0201-SPH



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;

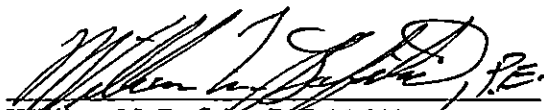
- 1.) Thence running along Morris Avenue North $72^{\circ}-39'-22''$ West 63.00 feet to a point;

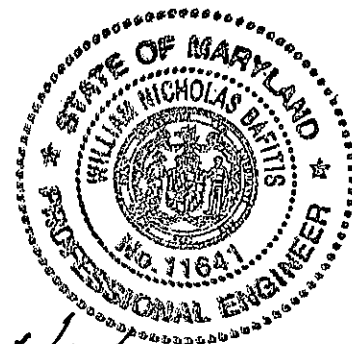
Thence leaving said Avenue the following three courses:

- 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)



KEVIN KAMENETZ
County Executive

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

March 29, 2016

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: 2016-0201-SPH

206 Morris Avenue

NE/s Morris Avenue, 242 ft. N/west of Bellona Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: C.G. Homes, Thomas Faust, Authorized Rep.

Special Hearing to approve an undersized lot for construction of a single family dwelling; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, May 13, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Thomas Faust, 9475 Deereco Road, Timonium 21093
Peter Zimmerman, People's Counsel

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 23, 2016**
- (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.



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 4102180

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 14, 2016

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: # 2016-0201-SPH

206 Morris Avenue
NE/s Morris Avenue, 242 ft. N/west of Bellona Avenue
8th Election District - 3rd Councilmanic District
Legal Owner(s) C.G. Homes, Thomas Faust, Authorized Rep.

SPECIAL HEARING to approve an undersized lot for construction of a single family dwelling; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, May 13, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

4/073 April 14 4102180

CERTIFICATE OF POSTING

Date: April 22, 2016

RE: Project Name: Public Hearing
Case Number /PAI Number: 2016-0201-SPH
Petitioner/Developer: C.G. Homes, Thomas Faust, Authorized Rep.
Date of Hearing/Closing: May 13, 2016

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 Ave.

The sign(s) were posted on April 22, 2016

(Month, Day, Year)



John M. Altmeyer
(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*

March 29, 2016

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: 2016-0201-SPH

206 Morris Avenue

NE/s Morris Avenue, 242 ft. N/west of Bellona Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: C.G. Homes, Thomas Faust, Authorized Rep.

Special Hearing to approve an undersized lot for construction of a single family dwelling; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, May 13, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp that contains the name "Arnold Jablon" and the title "Director".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Thomas Faust, 9475 Deereco Road, Timonium 21093
Peter Zimmerman, People's Counsel

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 23, 2016**
- (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.**

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

No. **135719**

Date: **3/3/2016**

PAID RECEIPT

BUSINESS PHONE TIME DAY
 3/03/2016 1:00 PM 03/03/2016
 REC NO. 135719
 RECEIPT & AMOUNT 1 OF 2016
 REC. 5 500 DPHM VERIFICATION
 REC. 135719
 Receipt 135719
 135719 1 1:00 PM
 Baltimore, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
0001	206	0000		6150					75.00

Total: **75.00**

Rec From

For:

Smith Gildes & Schmidt, LLC
Special Hearing (Based on Demand)
206 Morris Avenue
2016-2201-SPH (C.T. Hammer, Inc)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

RE: PETITION FOR SPECIAL HEARING

*

BEFORE THE OFFICE

206 Morris Avenue; NE/S Morris Avenue,
242' NW of Bellona Avenue

*

OF ADMINISTRATIVE

8th Election & 3rd Councilmanic Districts

*

HEARINGS FOR

Legal Owner(s): C.G. Homes, Inc

*

BALTIMORE COUNTY

Petitioner(s)

*

2016-201-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Jefferson Building, Room 204

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

RECEIVED

MAR 18 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to 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

CASE NAME CG Homey
CASE NUMBER _____
DATE 5/13/16

[illegible]

CASE NAME 206 Morris Ave.
CASE NUMBER 2016-211-SPH
DATE May 13, 2016

[illegible]



KEVIN KAMENETZ
County Executive

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

May 4, 2016

Thomas Faust
9475 Deereco Road
Timonium MD 21093

RE: Case Number: 2016-0201 SPH, Address: 206 Morris Avenue

Dear Mr. Faust:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 3, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 3/21/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0201-SPH

Special Hearing

C.G. Homes, Inc. Thomas Faust, Authorized Representative.
206 Morris Avenue.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink that reads "Richard A. Zeller".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

5-13

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 18, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-201

RECEIVED

MAY 05 2016

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Property Address: 206 Morris Avenue
Petitioner: Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Zoning: DR 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether the Administrative Law Judge should approve an undersized lot for construction of a single family dwelling.

A site visit was conducted on July 27, 2015. The site 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 plan titled, "A Community Conservation Plan for Lutherville", adopted by County Council on February 20, 1996 and made a part of the Master Plan 2020.

This community is characterized by single family dwellings on large lots and tree-lined streets, creating a quiet, rural atmosphere. The relationship between the street edge and dwellings as established on Morris Avenue gives a spacious impression when viewed from the street. The guidelines set by the above referenced community plan must be maintained.

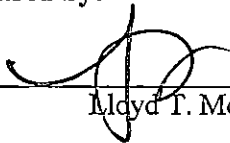
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- 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 any Order establishing the residential use on the undersized lot, the petitioner must re-petition the Administrative Law Judge to address any zoning deficiency.
- The Department will only support granting zoning relief that results in the site being developed in accordance with the aforesaid community plan and in a manner consistent with the site plan submitted in support of the petition. The 40' building restriction line notwithstanding, a minimum 65' front setback to the dwelling must be maintained with all required off-street parking in the rear.

- 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.
- Confirm with the Zoning Review office that the detached accessory structure may have a height of 24' without the benefit of a variance.

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

5-13

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 17 2016

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 17, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0201-SPH
Address 206 Morris Avenue
(C.G. Homes, Inc. Property)

Zoning Advisory Committee Meeting of March 21, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 03-17-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 15, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2016
Item No. 2016-0181, 0201, 0202, 0204, 0205, 0206, 0207, 0208, 0210,
0211, 0212 and 0213

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\ZAC03212016.doc

CG Homes



FORMAL DEMAND FOR HEARING

CASE NUMBER: _____

Address: 206 Morris Avenue

Petitioner(s): ~~Michael McGinnis on behalf of~~
Jeff Dier

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Jeff Dier et al. (see letter)
Name - Type or Print

☒ Legal Owner OR ☐ Resident of

209 Morris Ave

Address

Croftsville MD 21094
City State Zip Code

410 825-2150

Telephone Number

which is located approximately _____ feet from the
property, which is the subject of the above petition, do hereby
formally demand that a public hearing be set in this matter.
**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

[Signature] 2/29/16
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

Michael R. McCann, P.A.

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

February 29, 2016

Via Hand Delivery

Arnold Jablon, Director
Baltimore County Permits, Approvals and Inspections
County Office Building
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: In re: 206 Morris Avenue
~~Case No. 2015-0302 SPHA~~
REQUEST FOR PUBLIC HEARING

Dear Mr. Jablon:

Pursuant to section 304.4 of the Baltimore County Zoning Regulations, and on behalf of the association and individuals identified below, I am requesting a public hearing on the application for building permit recently filed regarding the above-referenced property.

Lutherville Community Association
PO Box 6
Lutherville, MD 21094

David and Marie Frederick
223 Morris Avenue
Lutherville, MD 21094

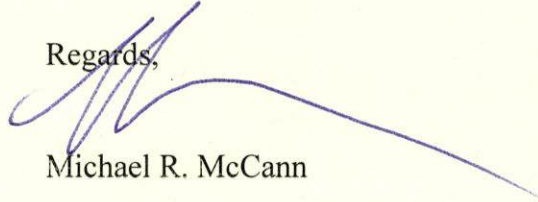
Walter Brewer, Jr.
212 Morris Avenue
Lutherville, MD 21094

Martin Reisinger
207 Melancthon Avenue
Lutherville, MD 21094

Jeffrey Dier
209 Morris Avenue
Lutherville, MD 21094

Thank you for your attention to this matter. Please contact me if you have any questions.

Regards,

A handwritten signature in blue ink, appearing to be 'M. McCann', with a long horizontal flourish extending to the right.

Michael R. McCann

cc: Lawrence Schmidt, Esq. (via email)
Peter Zimmerman, People's Counsel (via email)

Jeffrey N Perlow

From: Jenifer G. Nugent
Sent: Wednesday, March 02, 2016 2:15 PM
To: Lawrence Schmidt; Jeffrey N Perlow
Cc: Alyssa Fiore
Subject: RE: Message from "RNP002673A5B368"

The sequence is fine

I confirmed with Wally that giving a conditional approval was acceptable.

Meaning, we approve the request for the undersized lot provided that the proposed architecture go to the LPC for approval.

He was in agreement with that because his comment seemed somewhat undecipherable as well to me but I clarified it with him Thanks

Jenifer G. Nugent
Landscape Designer/Planner III
Development Review Section of the Strategic Planning Division Baltimore County Department of Planning
410.887.3480
410.887.7499 Direct

-----Original Message-----

From: Lawrence Schmidt [mailto:lschmidt@sgs-law.com]
Sent: Wednesday, March 02, 2016 1:41 PM
To: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Cc: Alyssa Fiore <afiore@sgs-law.com>
Subject: RE: Message from "RNP002673A5B368"

Jen: Just because the wording of Wally Lippincott's note is somewhat difficult to decipher, I wanted to make sure that I understood your comment to indicate that the Department of Planning approves the application; subject to the review and approval of the LPC.

We will have a contested case insofar as whether the property complies with the requirements of Section 304. The neighbors have requested a hearing. Although I believe that the opponents concede that two of the required elements are met (i.e. that the property existed before 1955 and that no other variances are required) the opponents contend that because the rear property line of our lot touches the rear property line of a lot that was in common ownership over ten years ago, that we might not meet the third requirement of 304; that is, that we don't own adjacent land. I believe that the opponents objections are erroneous because my client has never owned the adjacent lot to the rear (it was owned by a prior owner) and that the adjacent land in the 304 requirements means side by side properties, not rear to rear. We couldn't use the rear property (even if we owned it) to "cure" the lot width deficiency anyway. As Carl Richards told me, the adjacent lot must be side by side, not rear to rear.

In any event, the opponents have requested a hearing on our 304 application. Insofar as timing, I think we need to have that hearing first (so that all their issues can be considered) and that, assuming we are approved, we would then go to the LPC. I had at one time talked to Lloyd Moxley and he agreed to this sequence

I would appreciate a simple reply that that time sequence is agreeable to you.

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue, Suite 200
Towson, 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 and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Jenifer G. Nugent [mailto:jnugent@baltimorecountymd.gov]
Sent: Wednesday, March 02, 2016 9:57 AM
To: Jeffrey N Perlow
Cc: Lawrence Schmidt
Subject: FW: Message from "RNP002673A5B368"

Undersized lot
Conditional approval

Jenifer G. Nugent
Landscape Designer/Planner III
Development Review Section of the Strategic Planning Division Baltimore County Department of Planning
410.887.3480
410.887.7499 Direct

-----Original Message-----

From: Planningcopier@baltimorecountymd.gov [mailto:Planningcopier@baltimorecountymd.gov]
Sent: Tuesday, March 01, 2016 4:17 PM
To: Jenifer G. Nugent <jnugent@baltimorecountymd.gov>
Subject: Message from "RNP002673A5B368"

This E-mail was sent from "RNP002673A5B368" (MP 4054).

Scan Date: 03.01.2016 16:16:36 (-0500)
Queries to: Planningcopier@baltimorecountymd.gov

[http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg]<<http://www.baltimorecountymd.gov>>

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg]<<https://www.facebook.com/Baltimorecounty>>
[http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg] <<https://twitter.com/BaltCoGov>>
[http://www.baltimorecountymd.gov/sebin/b/f/socialmedia_BC_NOW.jpg]

<<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>>
[http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg]
<<https://www.youtube.com/user/BaltimoreCounty>>
[http://www.baltimorecountymd.gov/sebin/z/z/socialmedia_camera.jpg]
<<https://www.flickr.com/photos/baltimorecounty>>
[http://www.baltimorecountymd.gov/sebin/d/o/socialmedia_linkedin.jpg]
<<https://www.linkedin.com/company/baltimore-county-government>>

www.baltimorecountymd.gov<<http://www.baltimorecountymd.gov>>

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

Permit or Case No. B-903728

RECEIVED

FEB 16 2016

FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Undersized Lots

DEPARTMENT OF PLANNING

Residential Processing Fee Paid

(\$100.00)

Accepted by NP per WCR
Date 2/11/2016

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, the Zoning Review Office of PAI is requesting recommendations and comments from the Office of Planning prior to Zoning Review Office approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Thomas J Faust 9475 Deereco Rd 410 308 1717
Print Name of Applicant Address Telephone Number Email Address
suretech timonium MD 21093 tf@dcignatcorp.com

Lot Address 200 Morris Avenue Election District 8 Councilmanic District 3 Square Feet 14,175
Lot Location: NE side/corner of Morris Avenue 232 feet from NE SW corner of Bellona Avenue
(street) (street)
Land Owner(s): CG Homes Inc 10 Digit Tax Account Number 08-02-047175
Address: 9475 Deereco Rd Telephone Number 410 308-1717
Timonium, MD 21093 Email Address tf@dcignatcorp.com

CHECKLIST OF MATERIALS- (to be submitted at the filing appointment for design review by the Office of Planning)

APPLICANT MUST PROVIDE 1 through 6

1. This Recommendation Form (3 copies)

2. Permit Application

3. Site Plan
Property (3 copies)

4. Building Elevation Drawings

5. Photographs (please label all photos clearly)
Adjoining Buildings

Surrounding Neighborhood

6. Current Zoning Classification: DR2

Planner Acceptance Check Off

YES	NO
☒	☐
☒	☐
☒	☐
☒	☐
☒	☐

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☒ Approval conditioned on required modifications of the application to conform with the following recommendations:

See attached comment
LPC review - condition of approval

Signed by [Signature]
For the Director, Office of Planning

Date: 3/1/2016

Revised 7/07/11

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING
Memorandum

TO: Jenifer Nugent

DATE: February 26, 2016

FROM: Wally Lippincott, Jr. *Wally*

SUBJECT: 206 Morris Avenue – Undersize lot

This property is in the Lutherville Historic District. It must first go before the Landmarks Preservation Commission for review and approval before this request can be acted upon.

Initials sample - JM:rk

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: BUILDING PERMIT APPLICATION

PETITIONER/DEVELOPER

TOM FAUST

DATE OF HEARING/CLOSING:

3/1/14

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

206 MORRIS AVENUE

THIS SIGN(S) WERE POSTED ON February 13, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 2/13/14
SIGNATURE OF SIGN POSTER AND DATE:

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



maulaga 2/13/16

Date to be posted: Anytime before but no later than 2/23/2016

Request for Building and/or Use Permit

ZONING NOTICE

BUILDING AND/OR USE PERMIT APPLICATION

ADDRESS: 206 Morris Avenue

PROPOSAL: Undersize Lot Approval Pursuant to Section 304.2, BCZR.

PUBLIC HEARING ?

PURSUANT TO THE BALTIMORE COUNTY ZONING REGULATIONS,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSAL, PROVIDED THE REQUEST FOR HEARING
IS RECEIVED IN THE ZONING REVIEW OFFICE BEFORE 4:30 P.M. ON

MARCH 9, 2016.

THE REQUEST FOR HEARING MUST ALSO REFERENCE THE ADDRESS ON THIS SIGN.
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS,
APPROVALS & INSPECTIONS, ZONING REVIEW OFFICE, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204 PHONE: (410) 887-3391

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

HANDICAPPED ACCESSIBLE

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

No. **135704**

Date: **2/11/2016**

PAID RECEIPT

RECEIVED BY: **ALFRED** DATE: **2/11/2016** TIME: **10:12AM**

FOR: **MAILED 1155 LAR**

BY: **ALFRED** DATE: **2/11/2016** TIME: **10:12AM**

FOR: **528 BATHS (100) 10/10/16**

BY: **ALFRED**

PAID TO: **1100.00**

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
000	806	0000		650				100.00

Total: **100.00**

From: **Thomas J. Faust**

For: **Undersized Lot Approval - 206 Morris Ave.**

Thomas J. Faust

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

Permit or Case No. B-903728

FROM: Arnold Jablon, Director
Department of Permits, Approvals and Inspections

RE: Undersized Lots

Residential Processing Fee Paid
(\$100.00)

Accepted by JNP per WCR
Date 2/11/2016

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, the Zoning Review Office of PAI is requesting recommendations and comments from the Office of Planning prior to Zoning Review Office approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Thomas J Faust 9475 Deereco Rd, Suite 404 Timonium, MD 21093 410 308 1717 tf@cignalcorp.com
Print Name of Applicant Address Telephone Number Email Address

Lot Address 206 Morris Ave Election District 8 Councilmanic District 3 Square Feet 14,175
Lot Location: N 1/2 S W side/corner of Morris Ave 232 feet from N E S W corner of Bellona Avenue
(street) (street)
Land Owner(s): C G Homes Inc 10 Digit Tax Account Number 08-02-047175
Address: 9475 Deereco Rd, Suite 404 Telephone Number 410 308-1717
Timonium, MD 21093 Email Address tf@cignalcorp.com

CHECKLIST OF MATERIALS- (to be submitted at the filing appointment for design review by the Office of Planning)

APPLICANT MUST PROVIDE 1 through 6

1. This Recommendation Form (3 copies)
2. Permit Application
3. Site Plan
Property (3 copies)
4. Building Elevation Drawings
5. Photographs (please label all photos clearly)
Adjoining Buildings
Surrounding Neighborhood
6. Current Zoning Classification: DR 2

Planner Acceptance Check Off

YES	NO
☒	☐
☒	☐
☒	☐
☒	☐
☒	☐

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____
For the Director, Office of Planning

Date: _____

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

A FILING REVIEW APPOINTMENT IS REQUIRED

Department of Permits, Approvals and Inspections (PAI)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3391

The review application for your proposed Building Permit has been reviewed and is accepted for filing by Jeffrey Perlow per WCR on 2/11/2016 Date (A)
(Name of planner)

A sign indicating the proposed building/development must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$100.00. The applicant is responsible for the posting and costs. An approved sign poster must be used. The fee is subject to change. Confirm all current fees prior to filing the application.

The Planning Office decision can be expected within approximately four weeks. However, if a valid hearing demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 2/23/2016 D (15 Days Before C)
DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 3/1/2016 C (B-3 Work Days)
TENTATIVE DECISION DATE 3/14/2016 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: 8th

Location of Property: 206 Morris Avenue

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: April 18, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-201

INFORMATION:

Property Address: 206 Morris Avenue
Petitioner: Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Zoning: DR 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether the Administrative Law Judge should approve an undersized lot for construction of a single family dwelling.

A site visit was conducted on July 27, 2015. The site 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 plan titled, "A Community Conservation Plan for Lutherville", adopted by County Council on February 20, 1996 and made a part of the Master Plan 2020.

This community is characterized by single family dwellings on large lots and tree-lined streets, creating a quiet, rural atmosphere. The relationship between the street edge and dwellings as established on Morris Avenue gives a spacious impression when viewed from the street. The guidelines set by the above referenced community plan must be maintained.

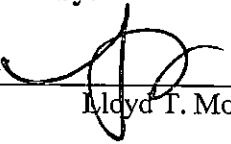
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- 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 any Order establishing the residential use on the undersized lot, the petitioner must re-petition the Administrative Law Judge to address any zoning deficiency.
- The Department will only support granting zoning relief that results in the site being developed in accordance with the aforesaid community plan and in a manner consistent with the site plan submitted in support of the petition. The 40' building restriction line notwithstanding, a minimum 65' front setback to the dwelling must be maintained with all required off-street parking in the rear.

- 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.
- Confirm with the Zoning Review office that the detached accessory structure may have a height of 24' without the benefit of a variance.

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott

Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

3/15/16

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

N/C

3/17/16

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

N/C

FIRE DEPARTMENT

4/18/16

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

C

3/21/16

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/14/16

SIGN POSTING

Date:

4/22/16

by

Altmeppen

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

Memorandum of Peoples Counsel

April 25, 2016

Real Property Data Search (w4)

Guide to searching the database

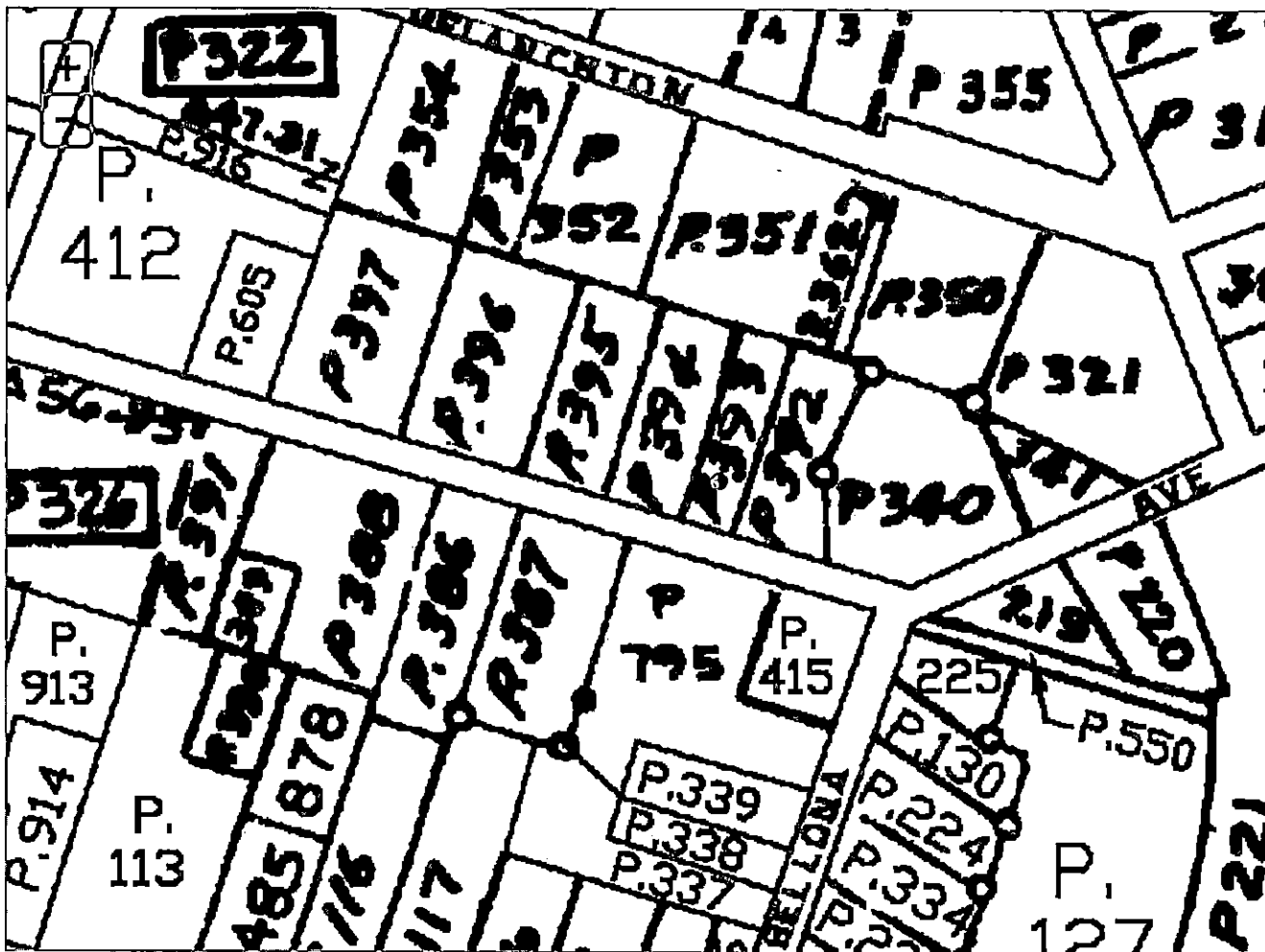
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 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:	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
				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: 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>)

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>).

Pt. Bk. 0000008, Folio 0057

0813056461

213

211

1972-0292-A

0802047200

Lot # 74

0822000651

207

0822000650

210

0806010930

PAI # 080078

060C3
3 CD

DR 2
8 ED

0813024150
PAI # 080078

208

Pt. Bk./Folio # 008057

0802047175
2015-0302-SPHA

NW 12-A

0811047250

200

1992-0380-A 0802003940

MORRIS AVE

0816017140

0810046240

207

0820000601

2016-0201-SPH

BELLONA AVE

JB 5/13

1:30 PM

Case No.: 2016-0201-SPH (Deethman's Inc.)

Exhibit Sheet - Continued

SEN
5-18-16

Petitioner/Developer

Respondent

People's Counsel

No. 18 1	Map re: houses in vicinity	Photos of Neighbors' homes	Aerial photo
No. 18 2	Deed Chain Morris Ave.	Photos in vicinity	Lutherville Community plan
No. 18 3	Deed Chain Melancton Ave.	Chart - 200 Block Morris	official zoning map
No. 18 4	Site Plan	Chart 200 Block Melancton	zoning history
No. 18 5	Architectural Elevations (4 sheets)		Plat of Lutherville
No. 18 6	Photo of House in Vicinity		
No. 18 7	Elevations + floorplans of proposed SFD.		
No. 20			
No. 21			
No. 22			
No. 23			
No. 24			

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 - 0802003940			
Owner Information					
Owner Name:	ROWLAND LAWRENCE E VANAMAN FRANK B VANAMAN ANN H			Use: Principal Residence:	RESIDENTIAL YES
Mailing Address:	200 MORRIS AVE LUTHERVILLE TIMONIUM MD 21093- 5324			Deed Reference:	/27125/ 00246
Location & Structure Information					
Premises Address:		200 MORRIS AVE 0-0000		Legal Description:	.92 AC 200 MORRIS AVE NWS WS BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat 2014 No: Plat Ref:
0060	0024	0340		0000	
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1902		3,211 SF			35,719 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	SIDING	2 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:		218,600	218,600		
Improvements		441,600	406,900		
Total:		660,200	625,500	625,500	625,500
Preferential Land:		0			0
Transfer Information					
Seller: NIXON GEORGE F, JR		Date: 06/24/2008		Price: \$743,000	
Type: ARMS LENGTH IMPROVED		Deed1: /27125/ 00246		Deed2:	
Seller: GIVEN CECIL A, 3RD		Date: 08/03/1979		Price: \$68,500	
Type: ARMS LENGTH IMPROVED		Deed1: /06057/ 00654		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 09/23/2008					

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 (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 - 0820000601			
Owner Information					
Owner Name:		ASH JOHN D MASLYK JOYCE E		Use:	RESIDENTIAL
Mailing Address:		201 MORRIS AV LUTH-TIMONIUM MD 21093-5325		Principal Residence:	YES
				Deed Reference:	/08957/ 00257
Location & Structure Information					
Premises Address:		201 MORRIS AVE 0-0000		Legal Description:	LT SS MORRIS AVE SW COR BELLONA AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0413		0000	2014
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built 1910		Above Grade Enclosed Area 2,400 SF		Finished Basement Area	Property Land Area 18,887 SF
Stories 2 1/2	Basement YES	Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 1 full/ 1 half	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:		214,400	214,400		
Improvements		168,500	152,500		
Total:		382,900	366,900	366,900	366,900
Preferential Land:		0			0
Transfer Information					
Seller: TAYLOR EDYTHE J		Date: 10/31/1991		Price: \$165,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08957/ 00257		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 04/23/2014					

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 (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 - 0811047250			
Owner Information					
Owner Name:	SUAREZ MARIE ELANA			Use:	RESIDENTIAL
Mailing Address:	204 MORRIS AVE LUTHERVILLE TIMONIUM MD 21093-5324			Principal Residence:	YES
				Deed Reference:	/35698/ 00441
Location & Structure Information					
Premises Address:		204 MORRIS AVE LUTHERVILLE 21093-		Legal Description:	.54 AC 204 MORRIS AVE NES 119 NW BELLONA AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0024	0392		0000	
Assessment Year:	2014				
Plat No:	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	
1941	2,208 SF	200 SF	24,829 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	BRICK	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:		135,400	135,400		
Improvements		178,000	183,200		
Total:		313,400	318,600	316,867	318,600
Preferential Land:		0			0
Transfer Information					
Seller: CRAMER CARLA DIPASQUALE		Date: 12/29/2014		Price: \$477,000	
Type: ARMS LENGTH IMPROVED		Deed1: /35698/ 00441		Deed2:	
Seller: DIPASQUALE RICHARD J TRUSTEE		Date: 11/05/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35535/ 00364		Deed2:	
Seller: MORRIS NELLIE L TRUSTEE		Date: 04/29/2009		Price: \$400,200	
Type: ARMS LENGTH IMPROVED		Deed1: /27997/ 00284		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: Application received					

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.

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 - 0810046240				
Owner Information						
Owner Name:		RICKETSON JOHN C RICKETSON BRENDA P		Use: Principal Residence:	RESIDENTIAL NO	
Mailing Address:		936 CHARADA LAKE RD RAINBOW CITY AL 35906-7325		Deed Reference:	/06956/ 00098	
Location & Structure Information						
Premises Address:		207 MORRIS AVE LUTHERVILLE 21093-5325		Legal Description:	1.47 AC SS MORRIS AV 100FT W BELLONA AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:	
0060	0024	0795		0000	2014	
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:			
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area	
1910		4,249 SF			1.0000 AC	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2 1/2	YES	STANDARD UNIT	FRAME	2 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:		189,000		189,000		
Improvements		283,100		274,700		
Total:		472,100		463,700		
Preferential Land:		0		463,700		
Transfer Information						
Seller: JORDAN PETER F		Date: 07/08/1985		Price: \$161,000		
Type: ARMS LENGTH IMPROVED		Deed1: /06956/ 00098		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 05/07/2008						

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 (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 - 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:	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: 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					

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.

Guide to searching the database

View Map		View GroundRent Redemption		View GroundRent Registration		
Account Identifier:		District - 08 Account Number - 0813024150				
Owner Information						
Owner Name:		BREWER WALTER L 3RD		Use: Principal Residence:	RESIDENTIAL YES	
Mailing Address:		208 MORRIS AVE LUTHERVILLE TIMONIUM MD 21093-5324		Deed Reference:	/30078/ 00057	
Location & Structure Information						
Premises Address:		208 MORRIS AVE 0-0000		Legal Description:	.51 AC 208 MORRIS AVE NES 292 NW BELLONA AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:	
0060	0018	0394		0000		
Special Tax Areas:				Town: Ad Valorem: Tax Class:	NONE	
Primary Structure Built 1941		Above Grade Enclosed Area 2,530 SF		Finished Basement Area	Property Land Area 22,216 SF	
County Use	04					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	BRICK	2 full/ 1 half	1 Attached	
Value Information						
		Base Value	Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		134,800	134,800			
Improvements		277,300	281,300			
Total:		412,100	416,100		414,767	416,100
Preferential Land:		0				0
Transfer Information						
Seller: BREWER WALTER L,3RD/WALTER L,JR			Date: 11/03/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER			Deed1: /30078/ 00057		Deed2:	
Seller: BREWER THERESA A			Date: 05/08/2009		Price: \$458,000	
Type: ARMS LENGTH IMPROVED			Deed1: /28050/ 00003		Deed2:	
Seller: BREWER WALTER L,3RD			Date: 11/30/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER			Deed1: /26435/ 00648		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 05/05/2010						

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.

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 - 0816017140			
Owner Information					
Owner Name:	DIER JEFFREY MITCHELL DIER JOAN F C		Use:	RESIDENTIAL	
Mailing Address:	209 MORRIS AVE LUTH-TIMONIUM MD 21093-5325		Principal Residence:	YES	
			Deed Reference:	/12137/ 00290	
Location & Structure Information					
Premises Address:		209 MORRIS AVE 0-0000		Legal Description:	.840 AC SWS MORRIS A 209 MORRIS AVE 300FT W OF BELLONA AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0387		0000	
Assessment Year:			Plat No: Plat Ref:		
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	
1971	2,128 SF		37,897 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	STANDARD UNIT	1/2 BRICK SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
Base Value		Value As of		Phase-in Assessments	
		As of		As of	
		01/01/2014		07/01/2015	
				As of	
				07/01/2016	
Land:	138,700	138,700			
Improvements	211,600	193,500			
Total:	350,300	332,200	332,200	332,200	
Preferential Land:	0			0	
Transfer Information					
Seller: ARMOR JOHN CHARLES		Date: 04/21/1997		Price: \$230,000	
Type: ARMS LENGTH IMPROVED		Deed1: /12137/ 00290		Deed2:	
Seller: BOSLEY ARTHUR K		Date: 12/31/1975		Price: \$89,900	
Type: ARMS LENGTH IMPROVED		Deed1: /05597/ 00267		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 09/03/2008					

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.

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 - 0806010930			
Owner Information					
Owner Name:	FINKELSTEIN JAMES KENNEDY NICOLE		Use:	RESIDENTIAL YES	
Mailing Address:	210 MORRIS AVE LUTHERVILLE TIMONIUM MD 21093-5324		Principal Residence:	Deed Reference: /31431/ 00425	
Location & Structure Information					
Premises Address:		210 MORRIS AVE 0-0000		Legal Description:	.50 AC 210 MORRIS AVE NES 218 FT NW MORRIS AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0395		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	
1930	2,060 SF		21,696 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	FRAME	2 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:		134,600	134,600		
Improvements		197,000	184,000		
Total:		331,600	318,600	318,600	318,600
Preferential Land:		0			0
Transfer Information					
Seller: BLAISDELL CAROL J		Date: 11/28/2011		Price: \$410,000	
Type: ARMS LENGTH IMPROVED		Deed1: /31431/ 00425		Deed2:	
Seller: MURRAY ROBERT B		Date: 08/24/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13097/ 00024		Deed2:	
Seller: THOMAS LEONARD S		Date: 12/09/1991		Price: \$215,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08994/ 00510		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					

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 - 0818052180			
Owner Information					
Owner Name:		BREWER WALTER L JR BREWER JANE M		Use: Principal Residence:	RESIDENTIAL YES
Mailing Address:		212 MORRIS AVE LUTHERVILLE TIMONIUM MD 21093-5324		Deed Reference:	/17288/ 00594
Location & Structure Information					
Premises Address:		212 MORRIS AVE 0-0000		Legal Description:	NES MORRIS AV 212 MORRIS AVE 540 S FRANCKE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0396		0000	2014
Special Tax Areas:			Town: Ad Valorem: Tax Class: NONE		
Primary Structure Built 1935		Above Grade Enclosed Area 2,971 SF		Finished Basement Area	Property Land Area 27,007 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	FRAME	3 full	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:		136,000	136,000		
Improvements		340,000	288,000		
Total:		476,000	424,000	424,000	424,000
Preferential Land:		0			0
Transfer Information					
Seller: BREWER WALTER M,JR		Date: 12/27/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /17288/ 00594		Deed2:	
Seller: ROBERTS WILLIAM C		Date: 10/19/1990		Price: \$137,500	
Type: ARMS LENGTH IMPROVED		Deed1: /08626/ 00277		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 10/05/2009					

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 - 0822025075							
Owner Information									
Owner Name:		PUGH WILLIAM N S 3RD				Use:		RESIDENTIAL	
Mailing Address:		213 MORRIS AVE LUTH-TIMONIUM MD 21093-5325				Principal Residence:		YES	
						Deed Reference:		/28183/ 00291	
Location & Structure Information									
Premises Address:		213 MORRIS AVE 0-0000				Legal Description:		LT SS MORRIS AV 213 MORRIS AV SS 560 E FRANKE AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0060	0024	0386		0000				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
1941		1,894 SF					30,928 SF		04
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
2	YES	STANDARD UNIT		SIDING	2 full/ 1 half	1 Attached			
Value Information									
				Base Value	Value	Phase-in Assessments			
					As of	As of		As of	
					01/01/2014	07/01/2015		07/01/2016	
Land:		136,900		136,900					
Improvements		161,900		143,500					
Total:		298,800		280,400		280,400		280,400	
Preferential Land:		0						0	
Transfer Information									
Seller: PUGH,3RD WILLIAM N S				Date: 06/04/2009		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /28183/ 00291		Deed2:			
Seller: VERPLANCK SARA ANN				Date: 02/08/1993		Price: \$160,000			
Type: ARMS LENGTH IMPROVED				Deed1: /09593/ 00512		Deed2:			
Seller: VERPLANCK CHARLOTTE V				Date: 03/04/1976		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /07591/ 00787		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 04/22/2014									

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 - 0823050927			
Owner Information					
Owner Name:		NIXON GEORGE F NIXON PAMELA S		Use: RESIDENTIAL	
Mailing Address:		214 MORRIS AVE LUTH-TIMONIUM MD 21093-5324		Principal Residence: YES	
				Deed Reference: /22756/ 00272	
Location & Structure Information					
Premises Address:		214 MORRIS AVE 0-0000		Legal Description: LT 214 MORRIS AVE NES 349 FT SE FRANKE AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0018	0397		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	
1935	4,295 SF		43,124 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	FRAME	2 full/ 2 half	2 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:		140,000	140,000		
Improvements		407,500	346,100		
Total:		547,500	486,100	486,100	486,100
Preferential Land:		0			0
Transfer Information					
Seller: WINGARD ROBERT P		Date: 10/20/2005		Price: \$581,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22756/ 00272		Deed2:	
Seller: WINGARD ROBERT A		Date: 04/20/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06164/ 00694		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 05/07/2008					

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 - 0821085053			
Owner Information					
Owner Name:		UTERMOHLE CHARLES E UTERMOHLE OLIVENE T		Use:	RESIDENTIAL
Mailing Address:		215 MORRIS AV LUTH-TIMONIUM MD 21093-5325		Principal Residence:	YES
				Deed Reference:	/15115/ 00415
Location & Structure Information					
Premises Address:		215 MORRIS AVE 0-0000		Legal Description:	1.1526 AC SW MORRIS 215 MORRIS AVE 394 SE FRANCKE AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0388		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1949		1,743 SF			1.1500 AC
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	STONE	2 full	1 Attached
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		142,100	142,100		
Improvements		199,600	175,100		
Total:		341,700	317,200	317,200	317,200
Preferential Land:		0			0
Transfer Information					
Seller:		UTERMOHLE CHARLES E		Date:	04/12/2001
Type:		NON-ARMS LENGTH OTHER		Deed1:	/15115/ 00415
				Price:	\$0
				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 05/13/2008					

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 - 0802069560			
Owner Information					
Owner Name:	BRACKEN LESLIE L TRUSTEE		Use:	RESIDENTIAL	
Mailing Address:	216 MORRIS AV LUTHERVILLE MD 21093-5324		Principal Residence:	YES	
			Deed Reference:	/24894/ 00057	
Location & Structure Information					
Premises Address:		216 MORRIS AVE 0-0000		Legal Description:	.482 AC NS MORRIS AV 216 MORRIS AVE 349 SE FRANKE AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0018	0605		0000	
					Block:
					Lot:
					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	County Use
1960	2,189 SF		842 SF	20,995 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Split Foyer	YES	SPLIT FOYER	SIDING	2 full	1 Attached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2014	07/01/2015	07/01/2016
Land:		134,400	134,400		
Improvements		214,900	176,000		
Total:		349,300	310,400	310,400	310,400
Preferential Land:		0			0
Transfer Information					
Seller: BRACKEN JAMES R		Date: 12/11/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24894/ 00057		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 08/11/2008					

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 - 0807061781			
Owner Information					
Owner Name:		WALLACE M PAMELA		Use: Principal Residence:	RESIDENTIAL YES
Mailing Address:		1511 FRANCKE AVE LUTH-TIMONIUM MD 21093-5307		Deed Reference:	/14075/ 00749
Location & Structure Information					
Premises Address:		1511 FRANCKE AVE LUTHERVILLE TIMONIUM 21093-5307		Legal Description:	LT REAR SES MORRIS A 1511 FRANCKE AVE 365 FT SE OF FRANCKE AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0389		0000	2014
Special Tax Areas:			Town: Ad Valorem: Tax Class: NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1840		1,400 SF			8,464 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	STANDARD UNIT	SIDING	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:		190,400	190,400		
Improvements		82,200	59,500		
Total:		272,600	249,900	249,900	249,900
Preferential Land:		0			0
Transfer Information					
Seller: GREEN CHERRY BROWN		Date: 10/07/1999		Price: \$175,000	
Type: ARMS LENGTH IMPROVED		Deed1: /14075/ 00749		Deed2:	
Seller: GREEN EDWARD B		Date: 02/14/1995		Price: \$130,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /10942/ 00015		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 04/06/2011					

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 - 0802057975			
Owner Information					
Owner Name:	RAPPAPORT ELLEN GOTTFRIED DORINDA L		Use: Principal Residence:	RESIDENTIAL YES	
Mailing Address:	219 MORRIS AVE LUTHERVILLE TIMONIUM MD 21093-5325		Deed Reference:	/15714/ 00360	
Location & Structure Information					
Premises Address:	219 MORRIS AVE LUTHERVILLE TIMONIUM 21093-5325		Legal Description:	LT SS MORRIS AVE 219 MORRIS AVE 314 E FRANCKE AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat 2014 No: Ref:
0060	0024	0391		0000	
Special Tax Areas:			Town: Ad Valorem: Tax Class:	NONE	
Primary Structure Built 1950		Above Grade Enclosed Area 1,436 SF		Finished Basement Area 798 SF	Property Land Area 20,160 SF
Stories 1 1/2	Basement YES	Type STANDARD UNIT	Exterior STUCCO	Full/Half Bath 2 full	Garage 1 Attached
Last Major Renovation					
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015	
Land:		134,200	134,200	As of 07/01/2016	
Improvements		220,700	184,100		
Total:		354,900	318,300	318,300	318,300
Preferential Land:		0			0
Transfer Information					
Seller: MORGAN CAROL CLARK Type: ARMS LENGTH MULTIPLE		Date: 11/01/2001 Deed1: /15714/ 00360		Price: \$275,000 Deed2:	
Seller: BOLZ MARY LOUISE M Type: NON-ARMS LENGTH OTHER		Date: 06/28/1989 Deed1: /08212/ 00697		Price: \$0 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 09/16/2008					

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 - 0807015910			
Owner Information					
Owner Name:	PIAZZA VINCENT J PIAZZA CYNTHIA A		Use: Principal Residence:	RESIDENTIAL YES	
Mailing Address:	1603 FRANCKE AVE LUTHERVILLE TIMONIUM MD 21093-5309		Deed Reference:	/19856/ 00001	
Location & Structure Information					
Premises Address:	1603 FRANCKE AVE 0-0000		Legal Description:	.942 AC 1603 FRANCKE AVE NES NE COR FRANCKE AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat 2014 No: Plat Ref:
0060	0018	0412		0000	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built 1900	Above Grade Enclosed Area 4,325 SF		Finished Basement Area	Property Land Area 40,946 SF	County Use 04
Stories 2 1/2	Basement YES	Type STANDARD UNIT	Exterior STONE	Full/Half Bath 3 full/ 1 half	Garage 1Det/1Carport
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:	219,900	219,900			
Improvements	497,100	477,200			
Total:	717,000	697,100		697,100	697,100
Preferential Land:	0				0
Transfer Information					
Seller: NAYLOR JAMES E,JR		Date: 04/07/2004		Price: \$775,000	
Type: ARMS LENGTH IMPROVED		Deed1: /19856/ 00001		Deed2:	
Seller: ZERELLA WILLIAM R		Date: 12/31/1997		Price: \$462,500	
Type: ARMS LENGTH IMPROVED		Deed1: /12581/ 00112		Deed2:	
Seller: ALBERS RUSSELL C		Date: 02/22/1994		Price: \$410,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10357/ 00521		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 07/31/2009					

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 - 2000014724			
Owner Information					
Owner Name:		WINDSOR ROBERT R WINDSOR SALLY		Use:	RESIDENTIAL
Mailing Address:		1513 FRANCKE AV LUTH-TIMONIUM MD 21093-5307		Principal Residence:	YES
				Deed Reference:	/07786/ 00843
Location & Structure Information					
Premises Address:		1513 FRANCKE AVE 0-0000		Legal Description:	.54 AC VICTOR H POOLE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0024	0326		0000	2 2014 0056/0093
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1988		2,427 SF			23,522 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		135,100	135,100		
Improvements		286,100	261,800		
Total:		421,200	396,900	396,900	396,900
Preferential Land:		0			0
Transfer Information					
Seller:		POOLE VICTOR H		Date:	02/05/1988
Type:		ARMS LENGTH IMPROVED		Price:	\$283,000
				Deed1:	/07786/ 00843
Seller:				Price:	
Type:				Deed2:	
Seller:				Price:	
Type:				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 05/07/2008					

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 - 2200022869			
Owner Information					
Owner Name:		FREDERICK DAVID R FREDERICK MARIE		Use:	RESIDENTIAL
Mailing Address:		223 MORRIS AVE LUTH-TIMONIUM MD 21093		Principal Residence:	YES
				Deed Reference:	/09976/ 00188
Location & Structure Information					
Premises Address:		223 MORRIS AVE 0-0000		Legal Description:	.992AC 223 MORRIS AVE SS VICTOR H POOLE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0326		0000	
				Assessment Year:	Plat No:
				2014	
				Plat Ref:	0056/ 0093
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1865	4,209 SF				43,124 SF
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	YES	STANDARD UNIT	FRAME	2 full	
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:		220,500	220,500		
Improvements		263,700	241,000		
Total:		484,200	461,500	461,500	461,500
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 08/11/2008					

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 (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 - 0808006450			
Owner Information					
Owner Name:	HAWKINS JOHN W HAWKINS JUNE C		Use:	RESIDENTIAL	
Mailing Address:	1602 BELLONA AV LUTH-TIMONIUM MD 21093-5527		Principal Residence:	YES	
			Deed Reference:	/04928/ 00527	
Location & Structure Information					
Premises Address:		1602 BELLONA AVE 0-0000		Legal Description:	LT NWS BELLONA AVE 130 NW MORRIS AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0024	0341		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
1954	1,379 SF			16,625 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	BRICK	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:		126,900	126,900		
Improvements		126,600	110,200		
Total:		253,500	237,100	237,100	237,100
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 10/06/2008					

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 (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 - 0806022210			
Owner Information					
Owner Name:		NO BOAT PROPERTIES LLC		Use:	RESIDENTIAL
Mailing Address:		3900 CHAPEL FORGE DR BOWIE MD 20715-1309		Principal Residence:	NO
				Deed Reference:	/25043/ 00430
Location & Structure Information					
Premises Address:		201 MELANCTHON AVE 0-0000		Legal Description:	1.02 AC WS DIVISION 201 MELANCTHON AVE NS SW COR MELANCTHON AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0321		0000	2014
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built 1902		Above Grade Enclosed Area 6,276 SF		Finished Basement Area	Property Land Area 29,621 SF
					County Use 04
Stories 3	Basement YES	Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 6 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:		217,100	217,100		
Improvements		410,400	411,000		
Total:		627,500	628,100	627,900	628,100
Preferential Land:		0			0
Transfer Information					
Seller: BOSLEY ARTHUR K,SR		Date: 01/09/2007		Price: \$800,000	
Type: ARMS LENGTH IMPROVED		Deed1: /25043/ 00430		Deed2:	
Seller: BOSLEY ARTHUR K		Date: 11/27/2001		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /15793/ 00674		Deed2:	
Seller: FISHER LUCRETIA B		Date: 04/07/1994		Price: \$145,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10451/ 00528		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					

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 (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 - 0822000650			
Owner Information					
Owner Name:		REISINGER MARTIN A REISINGER MARY M		Use: Principal Residence:	RESIDENTIAL YES
Mailing Address:		207 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321		Deed Reference:	/16697/ 00711
Location & Structure Information					
Premises Address:		207 MELANCTHON AVE 0-0000		Legal Description:	LT SS MELANCTHON AVE 207 MELANCTHON AVE 125 W DIVISION AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0350		0000	2014
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built 1917		Above Grade Enclosed Area 2,784 SF		Finished Basement Area	Property Land Area 1.0000 AC
Stories 1	Basement NO	Type STANDARD UNIT	Exterior FRAME	Full/Half Bath 2 full	Garage 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:		210,000	210,000		
Improvements		292,900	237,000		
Total:		502,900	447,000	447,000	447,000
Preferential Land:		0			0
Transfer Information					
Seller: VANHORN THOMAS J		Date: 08/13/2002		Price: \$335,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /16697/ 00711		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 05/15/2008					

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.

Guide to searching the database

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 As of 07/01/2016		
Land:			219,000		219,000				
Improvements			156,100		66,600				
Total:			375,100		285,600		285,600		
Preferential Land:			0				0		
Transfer Information									
Seller: MORRIS CAROL LYNN Type: NON-ARMS LENGTH OTHER				Date: 01/03/2006 Deed1: /23161/ 00282			Price: \$660,000 Deed2:		
Seller: BLAKER OLIVER F Type: NON-ARMS LENGTH OTHER				Date: 06/04/1997 Deed1: /12209/ 00544			Price: \$0 Deed2:		
Seller: Type:				Date: 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: Exempt Class:				Special Tax Recapture: NONE					
Homestead Application Information									
Homestead Application Status: Denied									

- <http://sdat.dat.maryland.gov/RealProperty/Pages/viewdetails.aspx?County=04&SearchTyp...> 1/29/2016

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 - 0813056461		
Owner Information		
Owner Name:	CIMINO MATTHEW LEHSON JESSICA	Use: Principal Residence: Deed Reference: RESIDENTIAL YES /35729/ 00182
Mailing Address:	215 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321	
Location & Structure Information		
Premises Address:	215 MELANCTHON AVE 0-0000	Legal Description: 215 MELANCTHON AVE SS LUTHERVILLE
Map: 0060	Grid: 0018	Parcel: 0352
Sub District:	0000	Assessment Year: 2014
Plat No:	0008/0057	Plat Ref:
Special Tax Areas:	Town: NONE	Ad Valorem: NONE
Tax Class:		
Primary Structure Built 1887	Above Grade Enclosed Area 3,106 SF	Finished Basement Area
Property Land Area 40,511 SF	County Use 04	
Stories 2 1/2	Basement YES	Type STANDARD UNIT
Exterior SIDING	Full/Half Bath 2 full	Garage 1 Detached
Last Major Renovation		
Value Information		
Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015
Land: 219,800	219,800	As of 07/01/2016
Improvements 222,900	191,800	
Total: 442,700	411,600	411,600
Preferential Land: 0		411,600
		0
Transfer Information		
Seller: STERNE BARBARA	Date: 01/07/2015	Price: \$420,000
Type: ARMS LENGTH IMPROVED	Deed1: /35729/ 00182	Deed2:
Seller: STERNE JOSEPH R L	Date: 06/18/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09831/ 00532	Deed2:
Seller: LJUNGQUIST MARIE G	Date: 09/13/1972	Price: \$57,000
Type: ARMS LENGTH IMPROVED	Deed1: /05299/ 00795	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 02/18/2015		

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 (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 - 0813092440			
Owner Information					
Owner Name:	SEIPP W STEPHEN SEIPP DEIDRE A		Use: Principal Residence:	RESIDENTIAL YES	
Mailing Address:	217 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321		Deed Reference:	/06513/ 00821	
Location & Structure Information					
Premises Address:	217 MELANCTHON AVE 0-0000		Legal Description:	LT SS MELANCTHON AV 450 E FRANCKE AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0353		0000	2014
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built 1892	Above Grade Enclosed Area 2,644 SF		Finished Basement Area		Property Land Area 17,850 SF
Stories 2 1/2	Basement YES	Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 1 full/ 1 half	Garage Last Major Renovation
Value Information					
Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015	
Land:		214,200		As of 07/01/2016	
Improvements		177,400			
Total:		391,600		366,000	
Preferential Land:		0		366,000 0	
Transfer Information					
Seller: MCADAMS DAN WOODROW		Date: 04/18/1983		Price: \$97,820	
Type: ARMS LENGTH IMPROVED		Deed1: /06513/ 00821		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 04/07/2011					

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 (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 - 0804022530			
Owner Information					
Owner Name:		BALDANZA TODD BALDANZA LISA		Use:	RESIDENTIAL
Mailing Address:		219 MELANCTHON AVE LUTHERVILLE MD 21093-5321		Principal Residence:	YES
				Deed Reference:	/21994/ 00737
Location & Structure Information					
Premises Address:		219 MELANCTHON AVE 0-0000		Legal Description: 219 MELANCTHON AVE LUTHERVILLE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0060	0018	0354		0000	60
					Assessment Year: 2014
					Plat No: 0008/0057
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1872	6,861 SF		24,394 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
3	YES	STANDARD UNIT	STONE	5 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:		215,800	215,800		
Improvements		331,000	220,700		
Total:		546,800	436,500	436,500	436,500
Preferential Land:		0			0
Transfer Information					
Seller: DEALE WILLIAM WALTER M		Date: 06/08/2005		Price: \$475,000	
Type: ARMS LENGTH IMPROVED		Deed1: /21994/ 00737		Deed2:	
Seller: DEALE WILLIAM W M		Date: 02/25/1980		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06138/ 00585		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					

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 (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 - 1900000714			
Owner Information					
Owner Name:		LINDER RICHARD E LINDER VANITA P		Use: RESIDENTIAL	
Mailing Address:		221 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321		Principal Residence: YES	
				Deed Reference: /09417/ 00671	
Location & Structure Information					
Premises Address:		221 MELANCTHON AVE 0-0000		Legal Description: .330 AC MELANCTHON CHARLES P FORBES	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0018	0322		0000	
					Block:
					2
					Lot:
					2014
					Assessment Year:
					0047/ 0031
					Plat No:
					Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1983		2,031 SF		14,374 SF	
				Property Land Area	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	FRAME	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:		132,800	132,800		
Improvements		219,700	203,800		
Total:		352,500	336,600	336,600	336,600
Preferential Land:		0			0
Transfer Information					
Seller: LAIRD DONALD S		Date: 10/20/1992		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /09417/ 00671		Deed2:	
Seller: FORBES CHARLES P		Date: 04/22/1983		Price: \$30,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06517/ 00139		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 07/03/2008					

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 (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 - 1900010562			
Owner Information					
Owner Name:		LINDER RICHARD E LINDER VANITA P		Use: RESIDENTIAL	
Mailing Address:		221 MELANCTHON AVE LUTHERVILLE TIMONIUM MD 21093-5321		Principal Residence: YES Deed Reference: /09417/ 00671	
Location & Structure Information					
Premises Address:		MELANCTHON AVE 0-0000		Legal Description: PTLT 1 0.014AC RER11 CHARLES P FORBES PROP	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0322		0000	1 2014 0047/0031
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			610 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:		100	100		
Improvements		0	0		
Total:		100	100	100	100
Preferential Land:		0			0
Transfer Information					
Seller: LAIRD DONALD S		Date: 10/20/1992		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /09417/ 00671		Deed2:	
Seller: FORBES CHARLES P		Date: 04/22/1983		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /06517/ 00139		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 07/03/2008					

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 (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 - 2500004307			
Owner Information					
Owner Name:	MULLIN TIMOTHY L JR ONEILL PATRICIA D		Use:	RESIDENTIAL	
Mailing Address:	1611 FRANCKE AVE LUTH-TIMONIUM MD 21093-5309		Principal Residence:	YES	
			Deed Reference:	/19576/ 00402	
Location & Structure Information					
Premises Address:		1611 FRANCKE AVE 0-0000		Legal Description:	PRT LT 1 & ADJ LND 1611 FRANCKE AVE CHARLES P FORBES
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0916		0000	1 2014 0047/0031
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1897	4,495 SF		600 SF		1.4200 AC
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2 1/2	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:	218,800	218,800			
Improvements	402,500	365,700			
Total:	621,300	584,500		584,500	584,500
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 02/20/2014					

PA No 2

Morris Ave. Property
Deed Chain

<u>9/22/15</u>	Liber: 36691 Folio: 171	Carol Morris to C.G. Homes (Morris Ave.)
<u>12/30/96</u>	Liber: 12209 Folio: 544	Blaker to Carol Morris (Morris & Melanchton)
<u>7/29/83</u>	Liber: 6619 Folio: 545	Blaker to Blaker & Morris (Morris & Melanchton)
<u>12/9/46</u>	Liber: 1527 Folio: 389	Barren to Blaker (Morris Ave.)
<u>4/4/46</u>	Liber: 1439 Folio: 542	Flack to Barren (Morris Ave.)
<u>5/26/45</u>	Liber: 1388 Folio: 224	Hihn to Flack (Morris Ave.)

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.

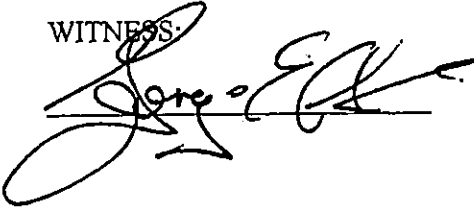
TO HAVE AND TO HOLD the said described lot of ground and premises to the said Grantee, its successors and/or assigns, in fee simple, subject to all matters of record.

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]

WITNESS the hands and seals of said Grantor.

WITNESS:

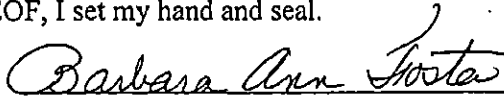


 (SEAL)
CAROL LYNN MORRIS, Grantor

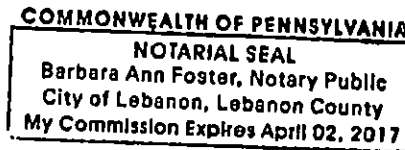
STATE OF Pennsylvania, COUNTY OF Lebanon, TO WIT:

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.

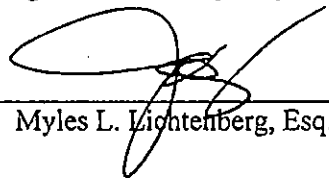
 [SEAL]
Notary Public

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

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.

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)

IMP FD SURE	40.00
RECORDING FEE	20.00
VR TAX STATE	250.00
NON-RESIDENT	3,415.14
TOTAL	3,725.14
Rest RAB3	Rcpt # 36039
DLE CR	Bk # 3586
Sep 24, 2015	09:37 AM

Type(s) of Instruments		() Check Box if Addendum Intake Form is Attached.	
		() Deed	() Mortgage Lease
		() Other _____	() Other _____
Conveyance Type Check Box		(X) Improved Sale Arms-Length(1)	() Unimproved Sale Arms-Length(2)
		() Multiple Accounts Arms-Length(3)	() Not an Arms-Length Sale(9)
Tax Exemptions (if Applicable)		Recordation	State Transfer
County Transfer			
Cite or Explain Authority			
Consideration and Tax Calculations		Finance Office Use Only	
		Transfer and Recordation Tax Consideration	
		Purchase Price/Consideration \$50,000.00	Transfer Tax Consideration \$
		Any New Mortgage	X (%) = \$
		Balance of Existing Mortgage \$0.00	Less Exemption Amount - Total Transfer Tax = \$ 750.00
		Other:	Recordation Tax Consideration X() per \$500 = \$ 250.00
		Other:	TOTAL DUE \$
		Full Cash Value \$	Doc 1 Doc 2 Agent BP
Fees		Amount of Fees	Doc 1 Doc 2 Agent BP
		Recording Charge \$20.00	\$
		Surcharge \$40.00	\$
		State Recordation Tax \$250.00	\$
		State Transfer Tax \$250.00	\$
		County Transfer Tax \$750.00	\$
		Other \$	\$
		Other \$	\$
Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).		District Property Tax ID No.(1) Grantor Liber/Folio Map Parcel No. Var. Log	
		08-08-02-047175 12209/ 544 0060 0393	(S)
		Subdivision Name Lot (3a) Block (3b) SectAR(3c) Plat Ref. SqFt/Acreage(4)	
		Location/Address of Property Being Conveyed (2)	
		Morris Avenue, Baltimore, MD	
		Other Property Identifiers (If applicable)	
		Water meter Account	
		Residential (X) or Non-Residential () Fee Simple (X) Ground Rent ()	\$50.00
		Partial Conveyance () Yes (X) No Description/Amt. Of Sqft/Acreage Transferred:	
		If Partial Conveyance, List Improvements Conveyed-	
Transferred From		Grantor(s) Name(s)	Doc 2 - Grantor(s) Name(s)
		Carol Lynn Morris	
		Doc 1 - Owner(s) of Record, If Different from Grantor(s)	Doc 2 - Owner(s) of Record, If Different from Grantor(s)
Transferred To		Doc 1 Grantee(s) Name(s)	Doc 2 - Grantee(s) Name(s)
		C. G. Homes, Inc., a Maryland corporation	
		New Owner's (Grantee) Mailing Address	
		9475 Deero Road, Ste. 404, Timonium, MD 21093	
Other Names to Be Indexed		Doc 1 - Additional Names to be indexed (Optional)	Doc 2 - Additional Names to be indexed (Optional)
Contact/Mail Information		Instrument Submitted By or Contact Person - 1523940	
		Name: Myles L. Lichtenberg, Esq.	() Return to Contact Person
		Firm: New World Title Company, LLC	() Hold for Pickup
		Address: 1407 York Road, Suite 304, Lutherville, MD 21093	(X) Return Address Provided
		Phone- (410) 458-8975	
IMPORTANT BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER			
Assessment Information		() Yes (X) No Will the property being conveyed be the grantee's principal	
		() Yes (X) No Does transfer include personal property? If yes, identify	
		() Yes (X) No Was property surveyed? If yes, attach copy of survey (if recorded no copy required)	
Assessment Use Only - Do Not Write Below This Line			
() Terminal Verification		() Agricultural	() Whole () Part
() Tran Process Verification			
Transfer Number:		Date Received:	Deed Reference:
Geo Zoning Map Sub		Assigned Property No.	
Use Parcel Grid Plat Lot			
Town Cd. Ex. St. Ex. Cd. Doc Od.			

[illegible]

THIS DEED MADE THIS 30th DAY OF December 1996, by and between Oliver F. Blaker of Baltimore County, Maryland, party of the first part, Grantor, and Carol Lynn Morris, his daughter of Melanchton, 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, 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

HPR 6/4/97
Date

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 A. 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 A. 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

0012209.547

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 _____ ☐ Deed of Trust ☐ Lease ☐ Other _____		FF FD SURE	5.00																																																	
2. Conveyance Type Check Box	☐ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms- Arms-Length [1] Arms-Length [2] Arms-Length [3] Length Sale [9]		RECORDING FEE	20.00																																																	
3. Tax Exemptions (If Applicable) Cite or Explain Authority	<u>Transfer to Daughter</u>		NOTES	25.00																																																	
4. Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only																																																		
	Purchase Price/Consideration	\$ <u>0.00</u>	Transfer and Reimbursement Tax Consideration																																																		
	Any New Mortgage	\$ <u>0.00</u>	Transfer Tax Consideration \$ _____																																																		
	Balance of Existing Mortgage	\$ <u>0.00</u>	X (_____) % = \$ _____																																																		
	Other:	\$ _____	Loan Exemption Amount = \$ _____																																																		
	Other:	\$ _____	Total Transfer Tax = \$ _____																																																		
	Full Cash Value	\$ _____	Reimbursement Tax Consideration \$ _____																																																		
			X (_____) per \$500 = \$ _____																																																		
			TOTAL DUES \$ _____																																																		
5. Fees BLA	Amount of Fee		Agent																																																		
	Recording Charge	\$ <u>20.00</u>	Tax Bill																																																		
	Search Fee	\$ <u>5.00</u>	C.S. Credit																																																		
	State Reconciliation Tax	\$ _____	Ag. Tax/Other																																																		
	State Transfer Tax	\$ _____																																																			
	County Transfer Tax	\$ _____																																																			
	Other	\$ _____																																																			
	Other	\$ _____																																																			
6. Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	Property Tax ID No. (1)	County	Map	Parcel No.	Var. LOG																																																
	<u>08-02-047170</u>	<u>Baltimore</u>	<u>60</u>	<u>351 + 393</u>	☐ (C)																																																
	Subdivision Name	Lot (No)	Block (No)	Section (No)	Sq/Ft/Acreage (4)																																																
	<u>Lutherville</u>				<u>8157</u>																																																
	Location/Address of Property Being Conveyed (2)																																																				
	<u>211 Melancton Ave + 1st on Morris Ave.</u>																																																				
	Other Property Identifiers (if applicable)																																																				
	<u>08-02-047170</u>																																																				
	Residential ☐ Non-Residential ☐ For Sale ☐ Of Record ☐ Amount:																																																				
	Partial Conveyance? ☐ Yes ☒ No Description/Amnt. of Sq/Ft/Acreage Transferred:																																																				
7. Transferred From	If Partial Conveyance, List Improvements Conveyed:																																																				
	Dec. 1 - Grantor(s) Name(s)		Dec. 2 - Grantor(s) Name(s)																																																		
	<u>Oliver F. Blaker</u>																																																				
	Dec. 1 - Owner(s) of Record, if Different from Grantor(s)		Dec. 2 - Owner(s) of Record, if Different from Grantor(s)																																																		
8. Transferred To	Dec. 1 - Grantee(s) Name(s)		Dec. 2 - Grantee(s) Name(s)																																																		
	<u>Carol Lynn Morris</u>																																																				
	New Owner's (Grantee) Mailing Address																																																				
	<u>20 E. High St. Lebanon, Pa. 17042</u>																																																				
9. Other Names to Be Indexed	Dec. 1 - Additional Names to be Indexed (Optional)		Dec. 2 - Additional Names to be Indexed (Optional)																																																		
10. Contact/Mail Information	Instrument Submitted By or Contact Person:		☒ Return to Contact Person																																																		
	Name: <u>Carol Lynn Morris</u>		☐ Hold for Pickup																																																		
	Address: <u>20 E. High St. Lebanon, Pa. 17042</u>		☐ Return Address Provided																																																		
11. IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information		Assessment Fee Only - See Fee Table Below This Page																																																		
	Yes ☐ No ☒	Will the property being conveyed be the grantor's principal residence?																																																			
	Yes ☐ No ☒	Does transfer include personal property? If yes, identify:																																																			
	Yes ☐ No ☒	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).																																																			
	Assessment Fee Table - See Fee Table Below This Page																																																				
	<table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <tr> <th colspan="2">Single Detached</th> <th colspan="2">Semi-Detached</th> <th colspan="2">Townhouse</th> <th colspan="2">Condo</th> </tr> <tr> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> </tr> <tr> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> </tr> <tr> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> </tr> <tr> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> </tr> <tr> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> </tr> </table>					Single Detached		Semi-Detached		Townhouse		Condo		Area	Value	Area	Value	Area	Value	Area	Value	1st	1st	1st	1st	1st	1st	1st	1st	2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	4th	4th	4th	4th	4th	4th	4th	4th
	Single Detached		Semi-Detached		Townhouse		Condo																																														
	Area	Value	Area	Value	Area	Value	Area	Value																																													
	1st	1st	1st	1st	1st	1st	1st	1st																																													
	2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd																																													
3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd																																														
4th	4th	4th	4th	4th	4th	4th	4th																																														
<table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <tr> <th colspan="2">Single Detached</th> <th colspan="2">Semi-Detached</th> <th colspan="2">Townhouse</th> <th colspan="2">Condo</th> </tr> <tr> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> </tr> <tr> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> </tr> <tr> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> </tr> <tr> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> </tr> <tr> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> </tr> </table>					Single Detached		Semi-Detached		Townhouse		Condo		Area	Value	Area	Value	Area	Value	Area	Value	1st	1st	1st	1st	1st	1st	1st	1st	2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	4th	4th	4th	4th	4th	4th	4th	4th	
Single Detached		Semi-Detached		Townhouse		Condo																																															
Area	Value	Area	Value	Area	Value	Area	Value																																														
1st	1st	1st	1st	1st	1st	1st	1st																																														
2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd																																														
3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd																																														
4th	4th	4th	4th	4th	4th	4th	4th																																														
<table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <tr> <th colspan="2">Single Detached</th> <th colspan="2">Semi-Detached</th> <th colspan="2">Townhouse</th> <th colspan="2">Condo</th> </tr> <tr> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> </tr> <tr> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> </tr> <tr> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> </tr> <tr> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> </tr> <tr> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> </tr> </table>					Single Detached		Semi-Detached		Townhouse		Condo		Area	Value	Area	Value	Area	Value	Area	Value	1st	1st	1st	1st	1st	1st	1st	1st	2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	4th	4th	4th	4th	4th	4th	4th	4th	
Single Detached		Semi-Detached		Townhouse		Condo																																															
Area	Value	Area	Value	Area	Value	Area	Value																																														
1st	1st	1st	1st	1st	1st	1st	1st																																														
2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd																																														
3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd																																														
4th	4th	4th	4th	4th	4th	4th	4th																																														
<table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <tr> <th colspan="2">Single Detached</th> <th colspan="2">Semi-Detached</th> <th colspan="2">Townhouse</th> <th colspan="2">Condo</th> </tr> <tr> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> </tr> <tr> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> </tr> <tr> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> </tr> <tr> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> </tr> <tr> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> </tr> </table>					Single Detached		Semi-Detached		Townhouse		Condo		Area	Value	Area	Value	Area	Value	Area	Value	1st	1st	1st	1st	1st	1st	1st	1st	2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	4th	4th	4th	4th	4th	4th	4th	4th	
Single Detached		Semi-Detached		Townhouse		Condo																																															
Area	Value	Area	Value	Area	Value	Area	Value																																														
1st	1st	1st	1st	1st	1st	1st	1st																																														
2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd																																														
3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd																																														
4th	4th	4th	4th	4th	4th	4th	4th																																														
<table border="1" style="width:100%; border-collapse: collapse; font-size: small;"> <tr> <th colspan="2">Single Detached</th> <th colspan="2">Semi-Detached</th> <th colspan="2">Townhouse</th> <th colspan="2">Condo</th> </tr> <tr> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> <th>Area</th> <th>Value</th> </tr> <tr> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> <td>1st</td> </tr> <tr> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> <td>2nd</td> </tr> <tr> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> <td>3rd</td> </tr> <tr> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> <td>4th</td> </tr> </table>					Single Detached		Semi-Detached		Townhouse		Condo		Area	Value	Area	Value	Area	Value	Area	Value	1st	1st	1st	1st	1st	1st	1st	1st	2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd	4th	4th	4th	4th	4th	4th	4th	4th	
Single Detached		Semi-Detached		Townhouse		Condo																																															
Area	Value	Area	Value	Area	Value	Area	Value																																														
1st	1st	1st	1st	1st	1st	1st	1st																																														
2nd	2nd	2nd	2nd	2nd	2nd	2nd	2nd																																														
3rd	3rd	3rd	3rd	3rd	3rd	3rd	3rd																																														
4th	4th	4th	4th	4th	4th	4th	4th																																														

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 12209, p. 0547, MSA_CE62_12064, Date available 03/04/2005, Printed 07/23/2015.

 TRANSFER TAX NOT REQUIRED
 DIRECTOR OF LAND AND FINANCE
 BALTIMORE COUNTY MARYLAND
 P.O. Box 370
 Baltimore, MD 21203
 Date 04/07/07 See 02-130 C

State reserved for County Verdict

 Distribution: White - Clerk's Office
 Green - SDAT
 Pink - Office of Finance
 Gold - Recorder

DEED PREPARED WITHOUT TITLE EXAMINATION
NO CONSIDERATION - STAMPS AND TRANSFER TAX NOT REQUIRED
DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

DEED 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 #
ENK JR T 15.00
477393 0002 R02 T08:50
11/08/83

WITNESSETH, That in consideration of the sum of No Dollars

the said Oliver F. Blaker

STATE DEPARTMENT OF
ASSESSMENTS & TAXES
11/11/83
CLERK DATE

does 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 ~~part~~ 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 situated 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 Melancthon 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 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 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 Melancthon 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

15

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.

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 lots of ground and premises 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 hereinabove 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/~~successors~~

and assigns, as to all or any ~~in fee simple~~ part or interest therein not disposed of by the said Oliver F. Blaker during his lifetime pursuant to the powers hereinabove granted, in fee simple.

And the said party of the first part 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.

WITNESS the hand and seal of said grantor.

Test:

Gloria Jean Bortz
Gloria Jean Bortz

Oliver F. Blaker (SEAL)
Oliver F. Blaker

(SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 29th day of July, in the year one thousand nine hundred and eighty-three, 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 instrument, and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

Gloria Jean Bortz
Gloria Jean Bortz Notary Public

My Commission expires



Rec'd for record NOV 8, 1983 at 9:50 PM
Per Elmer H. Kahline, Jr. - Clerk
Mail to Phyllis B. Haddaway
Receipt No. 15.00

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 27 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 feet 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

As Witness the hand and seal of said grantor

TEST

Dorothy R Eichelberger

Stella P Barren (Seal)

State of Florida County of Dade to wit

On this 9th day of December in the year 1946 before me Alice W Menzies a Notary Public of the State of Florida in and for the County aforesaid the undersigned officer personally appeared Stella P Barren the grantor named in the foregoing deed known to me or satisfactorily proven to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained

In Witness Whereof I hereunto set my hand and affixed my official seal

(notarial seal)

Alice W Menzies

Notary Public

My commission expires Oct 23 1950

Notary Public State of Florida at Large My Commission expires Oct 23 1950

Recorded Dec 18 1946 at 3:00 P M & exd per

John W Bishop

Clerk

(Rec by BL R)

Exd (AkaV)

0 - - - - - Del'd to
1812 : This mortgage made this 21st day of January A.D 1947 Wm C Rogers Esq
Chester F Sinsko & Wf : by and between Chester F Sinsko and Freda M Sinsko his 1/23/47
Wtg to : wife of Baltimore County in the state of Maryland herein-
Vermont Fed Eggs & Ln Assn : after called the mortgagor and The Vermont Federal
----- : Savings and Loan Association a corporation organized
and existing under the laws of the United States hereinafter called the mortgagee
WHEREAS the mortgagor is justly indebted to the mortgagee for a loan contemporaneous
herewith in the principal sum of five thousand dollars (\$5000.00) with interest from
date at the rate of four per centum (4%) per annum on the unpaid principal until paid
principal and interest being payable at the office of Vermont Federal Savings and Loan
Association in Baltimore City State of Maryland Maryland at such other place as the
holder hereof may designate in writing delivered or mailed to the mortgagor in monthly
installments of thirty six dollars and ninety eight cents (\$36.98) commencing on the first
day of February 1947 and continuing on the first day of each month thereafter until the
principal and interest are fully paid except that the final payment of principal and
interest if not sooner paid shall be due and payable on the first day of January 1962
Privilege is reserved to prepay at any time without premium or fee the entire indebted-
ness or any part thereof not less than the amount of one installment or one hundred dollars
(\$100.00) whichever is less

AND WHEREAS this mortgage shall also secure future advances so far as legally
permissible at the date hereof

AND WHEREAS it was a condition precedent to the making of the aforesaid loan that
the repayment thereof with interest should be secured by the execution of these presents

NOW THEREFORE THIS MORTGAGE WITNESSETH that in consideration of the premises and the
sum of one dollar (\$1.00) this day paid the receipt whereof is hereby acknowledged the

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 set in the concrete driveway at the

Dec 9/27/46
Stella P Barren

First time case used prior (not recorded)

#7

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 Hahn 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 Hahn Jr and wife unto said Grantors herein in fee simple

Together with the buildings 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 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 Darien 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

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 CWB 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 Scine

John B Hihn Jr (seal)

Helen M Hihn (seal)

State of Maryland

Baltimore County to wit

I Hereby Certify that on this 26 day of May 1945 before me the subscriber a Notary Public of the State of Maryland in and for the County aforesaid personally appeared John B Hihn Jr and Helen M Hihn his wife the Grantors named in the foregoing deed and they acknowledged the foregoing deed to be their act

As Witness my hand and Notarial Seal

(Notarial Seal)

Carl A T Soint

Notary Public

Recorded May 28 1945 at 9.25 a m & exd per

Robert J Spittel

Clerk

(Red by MEB)
(Exd McCas)

NOT RECORDED AUG 13 1945

80689

Herbert N Flack & wf
Mtg to
First Fed S & L Assn

This Mortgage Made this 26th day of May in the year nineteen hundred and forty-five by and between Herbert N Flack and Mary A Flack his wife Mortgagors and First Federal Savings and Loan Association of Towson a corporation Mortgagee

Recitals said Mortgagors being members of said corporation have received therefrom a loan or advance of Forty-five Hundred Dollars (\$4500.00) (said sum constituting and being applied as a part of the purchase money of the property hereinafter described) which said sum said Mortgagors agree to repay said Mortgage with interest thereon at 4½ per annum in instalments of Forty-five Dollars and Fourteen Cents (\$55.14) each on or before the first day of each month hereafter until the whole of said principal sum and interest thereon shall be paid in full Said Mortgage may apply said instalment payments in the following order (1) to the payment of said interest (2) to the payment of taxes water rent public dues and charges of every kind fire and tornado insurance premiums premiums on any life insurance policy or policies assigned or caused to be assigned by the mortgagors to said mortgage as additional collateral for said loan and other charges affecting the property hereby mortgaged and (3) towards the payment of said principal sum or said Mortgage may apply said payments to said items in any other order which to it may seem proper To secure the repayment of said principal sum with interest thereon as aforesaid this mortgage is executed

This Mortgage Therefore Witnesseth that in consideration of the premises and of the sum of one dollar said Mortgagors do hereby grant and convey unto said Mortgagee and its assigns all that lot of ground situate in Baltimore County and described as follows

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 feet 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

Ref No 3

211 Melanchton Avenue
Deed Chain

<u>1/3/06</u>	Liber: 23164 Folio: 282	Carol Morris to William Matthews (Melanchton Ave.)
<u>12/30/96</u>	Liber: 12209 Folio: 544	Blaker to Carol Morris (Morris & Melanchton)
<u>6/28/89</u>	Liber: 8215 Folio: 51	Blaker to Blaker Life Estate (Melanchton Ave.)
<u>4/30/41</u>	Liber: 1152 Folio: 135	Gontrum to Blaker (Melanchton Ave.)
<u>4/12/30</u>	Liber: 847 Folio: 279	Illgenfritz to Gontrum

Advance Title Services, Inc.
File No. 8298
Tax ID # 08 08-02-047200

0023164 282

return to:
Advance Title Services
Suite 404 - Padonia Center
30 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

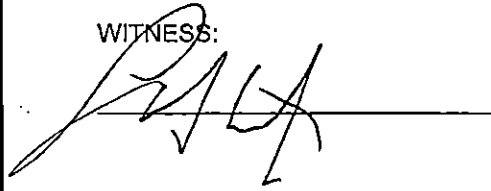
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

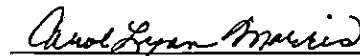
To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said William H. Mathews, as sole 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 Melanchton Avenue at the distance of 684 feet, South 66° 15' 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 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 Melanchton 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 Melanchton 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.

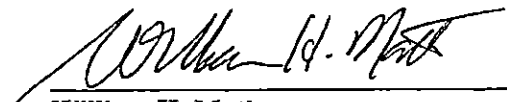
TOGETHER WITH and Easement Agreement dated of even date herewith and intended to be recorded prior hereto by and between Barbara G. Sterne of Baltimore County, Maryland and Carol Lynn Morris of Lebanon County, Pennsylvania, as to the garage of No. 211 Melanchton Avenue which encroaches onto the rear portion of No. 215 Melanchton Avenue.

0023164 284

**AFFIDAVIT OF GRANTEE.
PRIMARY RESIDENCE**

THE UNDERSIGNED STATES UNDER OATH AS FOLLOWS:

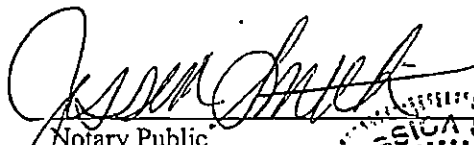
1. The undersigned is the Grantee of residentially improved real property located at 211 Melancthon Avenue, Lutherville MD 21093 in Baltimore County, Maryland.
2. The undersigned state that the above referenced property will be his principal residence which he will occupy.

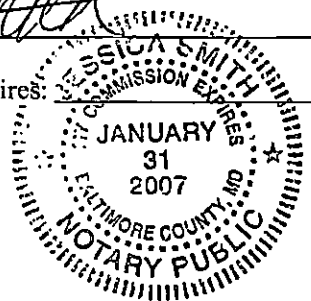

_____{SEAL}
William H. Mathews

_____{SEAL}

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.



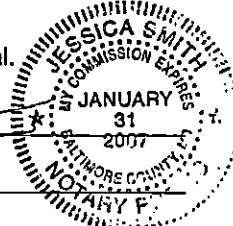
Notary Public
My Commission Expires: 1-31-07


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.

Jessica Smith
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.

[Signature]
Attorney, Leslie A. Winter

AFTER RECORDING, PLEASE RETURN TO:
Advance Title Services, Inc.
30 E. Padonia Road
Suite 404
Timonium, MD 21093

State of Maryland Land Instrument Intake Sheet

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)

0023164 286

1	Type(s) of Instruments	☒ Deed ☐ Mortgage ☐ Other Easement ☐ Other		Jan 8, 2006 INF FD SURE \$ 20.00 RECORDING FEE 20.00 TR TAX STATE 3,380.00 30,775.57 TOTAL 34,115.57 Recd BACS Rcpt # 35922 CM TO 311 3 01 00:15 25																																					
2	Conveyance Check Box	☒ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Arms Length [3]	☐ Not an Arms-Length Sale Length Sale [4]																																				
3	Tax Exemptions (if Applicable) Cite or Explain Authority	Recordation State Transfer County Transfer																																							
4	Consideration and Tax Calculations	<table border="1"> <thead> <tr> <th>Consideration</th> <th>Amount</th> <th colspan="2">Finance Office Use Only</th> </tr> </thead> <tbody> <tr> <td>Purchase Price/Consideration</td> <td>\$ 660,000.00</td> <td colspan="2">Transfer and Recordation Tax Consideration</td> </tr> <tr> <td>Any New Mortgage</td> <td>\$ 528,000.00</td> <td>Transfer Tax Consideration</td> <td>\$</td> </tr> <tr> <td>Balance of Existing Mortgage</td> <td>\$</td> <td>x () %</td> <td>= \$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Less Exemption Amount</td> <td>= \$</td> </tr> <tr> <td></td> <td></td> <td>Total Transfer Tax</td> <td>= \$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Recordation Tax Consideration</td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td>x () per \$500</td> <td>= \$</td> </tr> <tr> <td>Full Cash Value</td> <td>\$ 660,000.00</td> <td>TOTAL DUE</td> <td>\$</td> </tr> </tbody> </table>				Consideration	Amount	Finance Office Use Only		Purchase Price/Consideration	\$ 660,000.00	Transfer and Recordation Tax Consideration		Any New Mortgage	\$ 528,000.00	Transfer Tax Consideration	\$	Balance of Existing Mortgage	\$	x () %	= \$	Other:	\$	Less Exemption Amount	= \$			Total Transfer Tax	= \$	Other:	\$	Recordation Tax Consideration	\$			x () per \$500	= \$	Full Cash Value	\$ 660,000.00	TOTAL DUE	\$
Consideration	Amount	Finance Office Use Only																																							
Purchase Price/Consideration	\$ 660,000.00	Transfer and Recordation Tax Consideration																																							
Any New Mortgage	\$ 528,000.00	Transfer Tax Consideration	\$																																						
Balance of Existing Mortgage	\$	x () %	= \$																																						
Other:	\$	Less Exemption Amount	= \$																																						
		Total Transfer Tax	= \$																																						
Other:	\$	Recordation Tax Consideration	\$																																						
		x () per \$500	= \$																																						
Full Cash Value	\$ 660,000.00	TOTAL DUE	\$																																						
5	Fees	<table border="1"> <thead> <tr> <th>Amount of Fees</th> <th>Doc. 1</th> <th>Doc. 2</th> <th>Agent:</th> </tr> </thead> <tbody> <tr> <td>Recording Charge</td> <td>\$ 20.00</td> <td>\$ 20.00</td> <td></td> </tr> <tr> <td>Surcharge</td> <td>\$ 20.00</td> <td>\$ 20.00</td> <td></td> </tr> <tr> <td>State Recordation Tax</td> <td>\$ 30.00</td> <td>\$ 3,330.00</td> <td></td> </tr> <tr> <td>State Transfer Tax</td> <td>\$ 30.00</td> <td>\$ 3,330.00</td> <td></td> </tr> <tr> <td>County Transfer Tax</td> <td>\$ 90.00</td> <td>\$ 9,660.00</td> <td></td> </tr> <tr> <td>Other</td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td>Other</td> <td>\$</td> <td>\$</td> <td></td> </tr> </tbody> </table> Tax Bill: C.B. Credit: Ag. Tax/Other:				Amount of Fees	Doc. 1	Doc. 2	Agent:	Recording Charge	\$ 20.00	\$ 20.00		Surcharge	\$ 20.00	\$ 20.00		State Recordation Tax	\$ 30.00	\$ 3,330.00		State Transfer Tax	\$ 30.00	\$ 3,330.00		County Transfer Tax	\$ 90.00	\$ 9,660.00		Other	\$	\$		Other	\$	\$					
Amount of Fees	Doc. 1	Doc. 2	Agent:																																						
Recording Charge	\$ 20.00	\$ 20.00																																							
Surcharge	\$ 20.00	\$ 20.00																																							
State Recordation Tax	\$ 30.00	\$ 3,330.00																																							
State Transfer Tax	\$ 30.00	\$ 3,330.00																																							
County Transfer Tax	\$ 90.00	\$ 9,660.00																																							
Other	\$	\$																																							
Other	\$	\$																																							
6	Description of Property	District: 08 Property Tax ID No.(1): 08-02-047200 Grantor Liber/Folio: 12209/544 Subdivision Name: Lutherville Lot (3a): 74 Block(3b): Map: Parcel No.: Var. LOG: 1 (5) Location/Address of Property Being Conveyed (2): 211 Melancthon Avenue, Lutherville MD 21093 Other Property Identifiers (if applicable): Water Meter Account No.: Lot 74 and part of lot 85 see description Residential [X] or Non-Residential [] Fee Simple [X] or Ground Rent [] Amount: \$N/A Partial Conveyance? [X] Yes [] No Description/Amt. of SqFt/Acreage Transferred: Easement approx. 2' x 54' see description If Partial Conveyance, List Improvements Conveyed: Easement ONLY is partial conveyance EASEMENT ONLY SURVEYED																																							
7	Transferred From	Doc. 1 - Grantor(s) Name(s): Barbara G. Sterne Doc. 2 - Grantor(s) Name(s): Carol Lynn Morris Doc. 1 - Owner(s) of Record, if Different from Grantor(s): Doc. 2 - Owner(s) of Record, if Different from Grantor(s):																																							
8	Transferred To	Doc. 1 - Grantee(s) Name(s): Carol Lynn Morris Doc. 2 - Grantee(s) Name(s): William H. Mathews New Owner's (Grantee) Mailing Address: William H. Mathews c/o 17 Linden Terrace, Towson, Maryland 21286																																							
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional): Manufacturers and Traders Trust Company Doc. 2 - Additional Names to be Indexed (Optional):																																							
10	Contact/Mail Information	Instrument Submitted By or Contact Person: Steve Marsalek for Benchmark Firm: Advance Title Services, Inc. Address: 30 E. Padonia Road Suite 404 Timonium, MD 21093 Phone: Telephone: 410-667-6212 Fax: 410-560-0588 ☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided																																							
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information: ☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence? ☐ Yes ☒ No Does transfer include personal property? If yes, identify: ☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)																																							

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 23164, p. 0286, MSA_CES2_23019, Date available 02/07/2006, Printed 02/03/2016

DUPLICATE PAID RECEIPT

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	Consideration Amount/Recordation Fees	Doc. 3	Doc. 4	Doc. 5	Doc. 6
		Consideration, Including Assumed Indebtedness	\$ 20	\$	\$	\$
		Recording Charge	\$ 20	\$	\$	\$
		Surcharge	\$	\$	\$	\$
		State Recordation Tax	\$	\$	\$	\$
		State Transfer Tax	\$	\$	\$	\$
		County Transfer Tax (if Applicable)	\$	\$	\$	\$
		Other	\$	\$	\$	\$
		Total Fees	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

6	(Continued) Transferred From	<table style="width: 100%;"> <tr> <td style="width: 50%;">Doc. 3 - Grantor(s) Name(s)</td> <td style="width: 50%;">Doc. 4 - Grantor(s) Name(s)</td> </tr> <tr> <td>William H. Mathews</td> <td></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Doc. 5 - Grantor(s) Name(s)</td> <td>Doc. 6 - Grantor(s) Name(s)</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Doc. 3 - Owner(s) of Record, if Different from Grantor(s)</td> <td>Doc. 4 - Owner(s) of Record, if Different from Grantor(s)</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Doc. 5 - Owner(s) of Record, if Different from Grantor(s)</td> <td>Doc. 6 - Owner(s) of Record, if Different from Grantor(s)</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Doc. 3 - Grantor(s) Name(s)	Doc. 4 - Grantor(s) Name(s)	William H. Mathews				Doc. 5 - Grantor(s) Name(s)	Doc. 6 - Grantor(s) Name(s)			Doc. 3 - Owner(s) of Record, if Different from Grantor(s)	Doc. 4 - Owner(s) of Record, if Different from Grantor(s)			Doc. 5 - Owner(s) of Record, if Different from Grantor(s)	Doc. 6 - Owner(s) of Record, if Different from Grantor(s)		
Doc. 3 - Grantor(s) Name(s)	Doc. 4 - Grantor(s) Name(s)																			
William H. Mathews																				
Doc. 5 - Grantor(s) Name(s)	Doc. 6 - Grantor(s) Name(s)																			
Doc. 3 - Owner(s) of Record, if Different from Grantor(s)	Doc. 4 - Owner(s) of Record, if Different from Grantor(s)																			
Doc. 5 - Owner(s) of Record, if Different from Grantor(s)	Doc. 6 - Owner(s) of Record, if Different from Grantor(s)																			
7	(Continued) Transferred To	<table style="width: 100%;"> <tr> <td style="width: 50%;">Doc. 3 - Grantee(s) Name(s)</td> <td style="width: 50%;">Doc. 4 - Grantee(s) Name(s)</td> </tr> <tr> <td>TRSTE, INC., Trustee</td> <td></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Doc. 5 - Grantee(s) Name(s)</td> <td>Doc. 6 - Grantee(s) Name(s)</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Doc. 3 - Grantee(s) Name(s)	Doc. 4 - Grantee(s) Name(s)	TRSTE, INC., Trustee				Doc. 5 - Grantee(s) Name(s)	Doc. 6 - Grantee(s) Name(s)										
Doc. 3 - Grantee(s) Name(s)	Doc. 4 - Grantee(s) Name(s)																			
TRSTE, INC., Trustee																				
Doc. 5 - Grantee(s) Name(s)	Doc. 6 - Grantee(s) Name(s)																			
8	(Continued) Other Names To Be Indexed	<table style="width: 100%;"> <tr> <td style="width: 50%;">Doc. 3 - Additional Names to be Indexed (Optional)</td> <td style="width: 50%;">Doc. 4 - Additional Names to be Indexed (Optional)</td> </tr> <tr> <td>Wachovia Mortgage Corporation</td> <td></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Doc. 5 - Additional Names to be Indexed (Optional)</td> <td>Doc. 6 - Additional Names to be Indexed (Optional)</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	Doc. 3 - Additional Names to be Indexed (Optional)	Doc. 4 - Additional Names to be Indexed (Optional)	Wachovia Mortgage Corporation				Doc. 5 - Additional Names to be Indexed (Optional)	Doc. 6 - Additional Names to be Indexed (Optional)										
Doc. 3 - Additional Names to be Indexed (Optional)	Doc. 4 - Additional Names to be Indexed (Optional)																			
Wachovia Mortgage Corporation																				
Doc. 5 - Additional Names to be Indexed (Optional)	Doc. 6 - Additional Names to be Indexed (Optional)																			
9	(Continued) Special Instructions	Special Recording Instructions (if any) Record Easement, then Deed, then Deed of Trust in that order please. Survey was done ONLY for the easement area of the garage.																		

08-02-047200

RECORDATION TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
T.P. ART 12-108

DOC # 2 3 4 5 6

Initial: [Signature]

Date: 11/3/05

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 Lebanon, 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 Melancton 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 Melancton Avenue with the center line of Franck Avenue, said point of beginning being at the intersection of the center line of Melancton 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 Melancton 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 Melancton 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. 6819, 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

DATE

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

HR 6/4/97
by Date

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 A. 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 A. 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

BALTIMORE COUNTY MARYLAND
Per R. W. Holmes
Authorized Signatory

Correct/False
Information

PROPERTY OF
COUNTY ARIZONA

91

11/11/11

Indicated From

1-10-61

U2 RINGS REVEALS THE
SECRET OF THE
NEW ALBUM

OF THE
 INFORMATION
 OF THE

Description of Property



(52A)

1

• •

COLLECTIONS

7
I
→

Tax Exemptions
(If Applicable)

Conveyance Type	Check Box
-----------------	-----------

(b)(7)(D)

☐ **Bulleted**

1990

0012209.547

0012209.547

[illegible][illegible][illegible]

more City ☒ County: San Diego
actions provided for the use of the Clerk's Office, State Department of

0012209 547

100-443887-100

THIS DEED, MADE This 28th day of June 1989, by and between Oliver F. Blaker, party of the first part, Grantor, and Oliver F. Blaker, life tenant with powers as hereinafter set forth, party of the second part, and Carol Lynn Morris, remainderman, party of the third part, Grantee.

WITNESSETH, That in consideration of the sum of one dollar (\$1.00) and natural love and affection (the actual consideration paid or to be paid being \$0.00), the receipt and adequacy of which are hereby acknowledged, the said Oliver F. Blaker, Grantor, does hereby grant and convey unto Oliver F. Blaker, for and during the term of his natural life, with the power hereinafter set forth, with remainder over, if any, upon his death unto the said Carol Lynn Morris, her heirs, personal representatives and assigns, in fee simple, all that lot of ground situate and lying in Baltimore County, in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same 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 JWS, 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 east 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 JWS, No. 8, folio 57.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

RECEIVED FOR TRANSFER
State Department of
Assessment and Taxation
for Baltimore County

TRANSFER TAX NOT REQUIRED

Director of Finance

BALTIMORE COUNTY MARYLAND

Par *Richard H. Hasty*

Authorized Signature

Date *6-29-89* Sec. 11-83 H

SIGNATURE *OF*

DATE *6-29-89*

BEING the same lot of ground which by Deed dated April 30, 1941, and recorded among the Land Records of Baltimore County, in Liber CWS. Jr., No. 1152, folio 135, was granted and conveyed by John B. Gontrum and Mary von W. Gontrum, his wife unto Oliver F. Blaker and Beatrice J. Blaker, his wife, in fee simple. The said Beatrice J. Blaker departed this life on or about March 18, 1983 thereby vesting title in the said Oliver F. Blaker.

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 parcel of ground and premises unto the party of the second part for and during the term of his natural life, with full power in and during the term of his natural life, to sell, lease, mortgage, assign or otherwise dispose of the entire estate herein both the life estate and the estate or estate in remainder, including the power in the said party of the second part to execute any Deed, Lease, Mortgage, or other instrument necessary in connection with the transfer of the property hereinabove described or any part or parts thereof (except by Last Will and Testament), without the obligation of any purchaser, grantee, mortgagee, or lessee, to see to the application of any of the purchase money or mortgage money in connection therewith, and immediately upon the death of the said party of the second part, the remainder, if any, unto the party of the third part, her heirs, personal representatives and assigns, in fee simple.

AND the said party of the first part 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.

WITNESS the hand and seal of said grantor:

WITNESS:

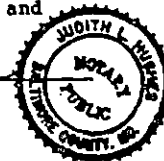
Judith L. Hughes Oliver F. Blaker
OLIVER F. BLAKER (SEAL)

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this 26th day of June, 1989, 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 instrument, 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.

Judith L. Hughes
Notary Public



My Commission Expires: July 1, 1990
1.1

TITLE WARRANTEE CORPORATION
606 BALTIMORE AVENUE
SUITE 101
TOWSON, MD 21204

the Chief Clerk and Auditor of said County Commissioners

ATTEST

James G. Selfe (h)

Chief Clerk and Auditor of

the County Commissioners of Baltimore
County (Corporate Seal)

COUNTY COMMISSIONERS OF BALTIMORE COUNTY

By H Street Baldwin

President of the Board of County Commis-
sioners of Baltimore County

STATE OF MARYLAND BALTIMORE COUNTY TO WIT

I HEREBY CERTIFY that on this 2nd day of January 1940 before me the subscriber a
Notary Public of the State of Maryland in and for the County aforesaid personally appeared
H STREET BALDWIN President of the Board of County Commissioners of Baltimore County and
acknowledged the foregoing Deed to be the act and deed of the County Commissioners of
Baltimore County a corporation and a body politic

AS WITNESS my hand and Notarial Seal

Teresa H Kline

(Notarial Seal)

Notary Public

FORM AND LEGAL
SUFFICIENCY APPROVED
THIS 2nd DAY OF JAN 1940

J Howard Murray

Counsel to County Commissioners
of Baltimore County

179105

JOHN B GONTRUM & Wf

Deed to

OLIVER F BLAKER & Wf

USs \$13.75 Ss \$12.20

) THIS DEED Made this 30th day of April in the year one thousand nine
) hundred and forty-one by and between JOHN B GONTRUM and MARY von W
) GONTRUM his wife of Baltimore County in the State of Maryland of
) the first part and OLIVER F BLAKER and BEATRICE J BLAKER his wife
) of Baltimore County in the State of Maryland of the second part

WITNESSETH that in consideration of the sum of Five Dollars (\$5.00) and other good and
valuable considerations the receipt of which is hereby acknowledged the said John B Gontrum
and Mary von W Gontrum his wife do grant and convey unto the said Oliver F Blaker and
Beatrice J Blaker his wife as tenants by the entireties their assigns and unto the survivor
of them his or her heirs and assigns in fee simple all that lot of ground situate lying
and being in Baltimore County State of Maryland aforesaid and described as follows that is
to say

BEGINNING for the same at a point in the center of Melanhton 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 Melanhton Avenue with the center line of Francke Avenue said point;
of beginning being at the intersection of the center line of Melanhton 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 Melanhton 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

BEING Lot No 74 and was seventy-two and twenty-five one-hundredths (72.25) feet of Lot No 86 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 --- Records of Baltimore County in Liber L McL M No 847 Folio 279 was granted and conveyed by Joseph L. Ilgenfritz widower to the with- in named Grantors in fee simple

TO HAVE AND TO HOLD the said lot 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 ODIVER F BLAKER and BEATRICE J BLAKER his wife as tenants by the entireties their assigns and unto the survivor of them his/her heirs and assigns in fee simple

WITNESS the hands and seals of said grantors

Mary von W Gontrum (SEAL)

I HEREBY CERTIFY That on this 30th day of April in the year one thousand nine hundred and forty-one before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared John B Guntrum ~~and~~ Mary von W. Guntrum his wife and they acknowledged acknowledged the foregoing Deed to be their respective act

Notary Public

Recorded May 2 1941 at 9.30 A.M. & exd per C Willing Browne Jr Clerk

THIS DEED Made this 29th day of April in the year nineteen hundred and forty-one by RALPH W SIMMERS and MARY E SIMMERS his wife of the City of Baltimore State of Maryland of the first part and CELIA GOLDBERG Widow of the City of Baltimore State of Maryland of the second part

WITNESSETH That in consideration of the sum of Thirteen
said HALEY & SINGERS and MARY E. HINGSTON his wife do hereby

RECEIVED FEB 19 1942

18 1941

of the said body corporate

As Witness my hand and Notarial seal

(Notarial seal)

Mary E O'Connor

Notary Public

Recorded April 14 1930 at 11 A M & EXD Per Louis McL Merryman Clerk

12960

Joseph L Ilgenfritz

Deed to

John B Gontrum & wf

This Deed Made this twelfth day of April in the year one thousand nine hundred and thirty by and between Joseph L Ilgenfritz widower of Baltimore County and State of Maryland of the first part and John B Gontrum and Mary von W Gontrum his wife of Baltimore City and State aforesaid of the second part

Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Joseph L Ilgenfritz does hereby grant and convey unto the said John B Gontrum and Mary von W Gontrum his wife as tenants by the entireties their assigns and to the survivor of them and to the heirs and assigns of such survivor in fee simple all that lot piece or parcel of land situate lying and being at Lutherville in Baltimore County State aforesaid and described as follows

Beginning for the same at a point in the center of Melanhton 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 Melanhton Avenue with the center line of Francke Avenue said point of beginning being at the intersection of the center line of Melanhton 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 6 folio 57 &c and running thence binding in the center line of Melanhton Avenue as now located sixty six feet wide south sixty six degrees fifteen minutes east two hundred forty three and twenty five one hundredths feet to a point north twenty five degrees fifty minutes east thirty one and sixty five one hundredths 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 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 feet to a stone now standing in the southern outline of lot No 85 as originally laid out in 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 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 fifty seven feet to the place of beginning - Being lot No 74 and west seventy two and twenty five one hundredths feet of lot No 85 as laid out on the Plat of Lutherville said plat being duly recorded among the Land Records of Baltimore County in Plat Book J W S No 6 folio 57 &c

Being the same land which by a deed dated July 14th 1902 and recorded among the Land Records of Baltimore County in Liber N B M No 262 folio 385 &c was conveyed by Belles Davis and Herbert Davis her husband to Joseph L Ilgenfritz and Margaret Weakley Ilgenfritz his wife the said Margaret Weakley Ilgenfritz having departed from this life on or about the 23rd day of February 1927

Together with the buildings and improvements thereupon erected made or being and all

and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To have and to hold the lot 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 John B Gontrum and Mary von W Gontrum his wife as tenants by the entirety their assigns and to the survivor of them and to the heirs and assigns of such survivor in fee simple

And the said Grantor hereby covenants that he has not done or suffered to be done any matter or thing whatsoever to encumber the property hereby conveyed that he will warrant specially the property hereby granted and conveyed and that he will execute such further assurances of the same as may be requisite

Witness the hand and seal of said Grantor

Test

Joseph L Ilgenfritz

(SEAL)

Edwin K Gontrum

State of Maryland Baltimore City to wit

I Hereby Certify that on this twelfth day of April in the year one thousand nine hundred and thirty before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared Joseph L Ilgenfritz widower Grantor and he acknowledged the foregoing deed to be his act

Witness my hand and Notarial seal

(Notarial seal)

Edwin K Gontrum

Notary Public

Recorded April 14 1930 at 11 A M & EXD Per Louis McL Merryman Clerk

18962

Henry Hale & wf

Mtg to

John W Mann

This Mortgage Made this 1st day of March in the year nineteen hundred and thirty by and between Henry Hale and Margaret A Hale his wife Mortgagees of Baltimore County in the State of Maryland of the first part and John W Mann of Baltimore City in the State of Maryland Mortgagee of the second part

Whereas the said Mortgagees have this day borrowed from the said Mortgagee the full sum of eight hundred dollars (\$800.00) for which said sum they have passed their promissory note of even date herewith and payable to the order of the said Mortgagee in five years after the date thereof and for the interest to accrue thereon they have passed their ten promissory notes each for the sum of twenty four dollars all of even date herewith and payable to the order of the said Mortgagee respectively in 8-12-18-24-30-36-42-48-54 and 60 months after the date thereof and to secure the prompt payment of said notes when and as they shall respectively become due and payable these presents are executed

Now this Mortgage Witnesseth that in consideration of the premises and the sum of one dollar the said Mortgagees do grant and convey unto the said Mortgagee his heirs and assigns in fee simple all lot or parcel of ground situate and lying in Baltimore County aforesaid and described as follows

Beginning for the same in the centre of the Trumpa Mill Road at the end of the north 43 degrees west 3-1/8 perches line of the Land conveyed by Ellen H Brown to L W Pohlman by deed dated February 1st 1903 and recorded among the Land Records of said County of Baltimore in Liber N B M No 257 folio 12 &c and running thence bounding on the center of said Road the three following courses and distances viz north 42 degrees 21 minutes west 178-2/10

feet
115-
scrip
and 1
bindi
Rober
said
greed
convi
40 d
B
Land
Mort
T
priv
T
use
P
sign
lars
perf
void

heir
tax
levi
cha
rep
fau
cit
nan
dem
ass
sel
pay
the
and
the
suc
dec
ed
der
in
ori
see
and



Google earth

feet 8
meters 2



PROTESTANT' S

EXHIBIT NO. /



Google earth

feet 8
meters 2



Google earth

feet
meters

2

8





PROTESTANT' S

EXHIBIT NO.

2

201 MORRIS



207 Morris



210 (left) & 208 (right) MORRIS

215 MBP/R15





223 MORRIS



207 Melancthon



208 Melancthon



216 Melancthon



219 Melancthon

220 Melrose + hen



200-Block Morris Avenue Profile

ADDRESS	OWNER	LOT SIZE	DWELLING SIZE & TYPE	DWELLING WIDTH
206 Morris	C G Homes, Inc.	.326 acre	2,436 sq. ft.; 2 ½ story, to be built	23 ft.
200 Morris	Vanaman, et al	.92 acre	3,211 sq. ft ; 2 ½ story; built 1902	38 ft. for main, ex. addition
204 Morris	Suarez	.54 acre	2,208 sq. ft.; 1 story; built 1941	40 ft.
208 Morris	Brewer, III	.51 acre	2,530 sq. ft.; 2 story; built 1941	40 ft.
210 Morris	Finkelstein, et al	.5 acre	2,060 sq. ft.; 2 story; built 1930	54 ft.
212 Morris	Brewer, Jr.	.61 acre	2,971 sq. ft.; 1 story; built 1935	74 ft.
214 Morris	Nixon	.98 acre	4,295 sq. ft.; 1 story; built 1935	86 ft
216 Morris	Bracken, trustee	.48 acre	2,189 sq. ft.; split foyer; built 1960	68 ft.
223 Morris	Frederick	.99 acre	4,200 sq. ft.; 2 ½ story; built 1865	46 ft.
219 Morris	Rappaport, et al	.462 acre	1,436 sq. ft.; cape cod; built 1950	44 ft.
215 Morris	Utermohle	1.1 acre	1,743 sq. ft.; cape cod; built 1949	42 ft. (plus garage)

213 Morris	Pugh	.71 acre	1,894 sq. ft.; 2 story; built 1941	62 ft.
209 Morris	Dier	.86 acre	2,128 sq. ft.; 2 story; built 1971	44 ft.
207 Morris	Ricketson	1.47 acre	4,249 sq. ft.; 2 ½ story; built 1910	44 ft
201 Morris	Maslyk	.43 acre	2,400 sq. ft.; 2 ½ story; built 1910	42 ft

200-Block Melancthon Avenue Profile

ADDRESS	OWNER	LOT SIZE	DWELLING SIZE & TYPE	DWELLING WIDTH
206 Melancthon	Hillis	.71 acre	3,785 sq. ft.; 2 story; built 1887	58 ft.
208 Melancthon	Shea	.45 acre	2,523 sq. ft.; 2 story; built 1961	38 ft.
210 Melancthon	Van Ness	.43 acre	2,029 sq. ft.; 2 story; built 1961	36 ft.
212 Melancthon	Curry	2 acre	4,058 sq. ft.; 2 & 1/2 story; built 1876	40 ft.
216 Melancthon	Hager, et al	.91 acre	3,232 sq. ft.; 2 & 1/2 story; built 1902	38 ft.
220 Melancthon	Anderson	.47 acre	2,491 sq. ft.; 2 & 1/2 story; built 1892	46 ft.
226 Melancthon	Miran	.9 acre	4,136 sq. ft.; 2 & 1/2 story; built 1866	46 ft.
221 Melancthon	Linder	.33 acre	2,031 sq. ft.; cape cod; built 1983	58 ft.
219 Melancthon	Baldanza	.56 acre	6,861 sq. ft.; 3 story; built 1872	50 ft.
217 Melancthon	Seipp	.41 acre	2,644 sq. ft.; 2 & 1/2 story, built 1892	38 ft.
215 Melancthon	Cimino, et al	.9 acre	3,106 sq. ft.; 2 & 1/2 story; built 1887	38 ft.

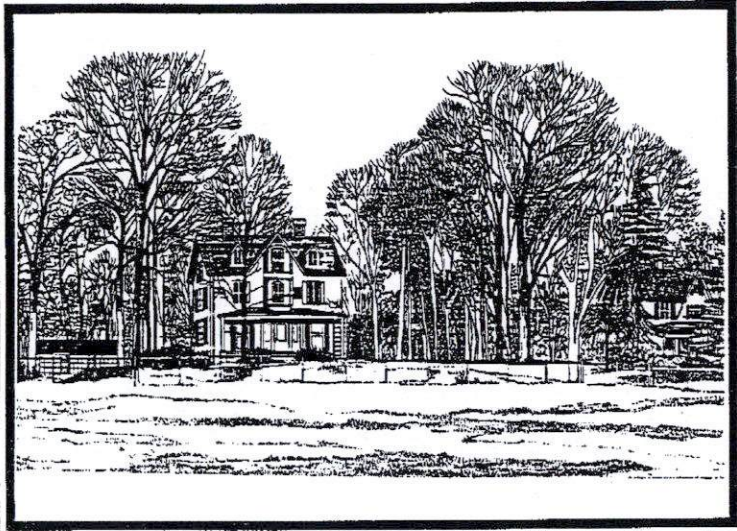
Prot 4

211 Melancthon	Matthews	1.4 acre	2,430 sq. ft.; 1 & ½ story; built 1093	58 ft.
207 Melancthon	Reisinger	1 acre	2,784 sq. ft.; 1 story; built 1917	72 ft.
201 Melancthon, former school	No Boat Properties, LLC	1 acre	6,276 sq. ft.; 3 story, built 1902	54 ft.



People's Counsel #1

2015-304-SHA



Baltimore County Focus on Community

A COMMUNITY CONSERVATION PLAN FOR LUTHERVILLE

As Adopted by the Baltimore County Council on February 20, 1996

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1996, LEGISLATIVE DAY NO. 4
RESOLUTION NO. 8-96

MR. DOUGLAS B. RILEY, COUNCILMAN

BY THE COUNTY COUNCIL, FEBRUARY 20, 1996

A RESOLUTION to adopt the Lutherville Community Conservation Plan as part of the Baltimore County Master Plan 1989-2000.

WHEREAS, the Baltimore County Council adopted the Baltimore County Master Plan 1989-2000 on February 5, 1990; and

WHEREAS, the Master Plan advocates strong actions for conserving and enhancing the County's established communities, including the preparation of detailed local plans for certain designated areas; and

WHEREAS, a committee composed of County staff and residents of the Lutherville area, working under the auspices of the Lutherville Community Association, prepared the Lutherville Community Conservation Plan; and

WHEREAS, the Plan thoroughly documents existing conditions and issues in the Lutherville community, which is a logical unit for planning within Baltimore County, and proposes reasonable actions for protecting and improving the community, in accord with the principles adopted in the Master Plan; and

WHEREAS, by Resolution adopted September 21, 1995, the Baltimore County Planning Board adopted the Lutherville Community Conservation Plan, with amendments, to constitute a part of and an amendment to the Master Plan; and

WHEREAS, the County Council held a public hearing on the recommended Lutherville Community Conservation Plan on January 16, 1996.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Lutherville Community Conservation Plan, a copy of which is attached hereto and made a part hereof, be and it is hereby adopted and incorporated into the Baltimore County Master Plan 1989-2000 to be a guide for development of the Lutherville community, subject to such further modifications as deemed advisable by the County Council.

R00896.

People's Counsel
~~PETITIONER'S~~

EXHIBIT NO. 2



Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

RESOLUTION
Adopting and Recommending the
COMMUNITY CONSERVATION PLAN
FOR LUTHERVILLE

WHEREAS, the Baltimore County Master Plan 1989-2000 advocates strong actions for conserving and enhancing the County's established communities, including the preparation of detailed local plans for certain designated areas; and

WHEREAS, the Master Plan also specifies that plans prepared by community associations should be evaluated for possible adoption by Planning Board and County Council; and

WHEREAS, a Committee of residents in the Lutherville area, working under the auspices of the Lutherville Community Association, and with assistance by County staff, has prepared a Community Conservation Plan for Lutherville; and

WHEREAS, the draft plan thoroughly documents existing conditions and issues in the Lutherville community, which is a logical unit for planning within Baltimore County, and proposes reasonable actions for protecting and improving the community in accord with the principles adopted in the Master Plan; and

WHEREAS, the draft of the Community Plan, as submitted on April 27, 1995, was the subject of a public hearing on May 18, 1995, and was discussed in Committee meetings on June 1, June 15, and September 21, 1995;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 26-61 of the Baltimore County Code, 1988, that the Baltimore County Planning Board hereby adopts the Community Conservation Plan for Lutherville, February, 1995, as amended on September 21, 1995, to constitute a part of and an amendment to the Baltimore County Master Plan 1989-2000; and

BE IT FURTHER RESOLVED, that the Community Conservation Plan for Lutherville shall be transmitted to the Baltimore County Council for adoption in accordance with Section 523(a) of the Baltimore County Charter.

DULY ADOPTED by vote of the
Planning Board this 21st day
of September, 1995

Pat Keller

Pat Keller
Secretary to the Planning Board

TABLE OF CONTENTS

	Page
Introduction	1
Need for a Community Conservation Plan	1
Purpose of the Plan	1
Regional Context	2
Key Issues, Goals and Actions	3
Land-use and Zoning Conflicts	3
Traffic and Circulation patterns	5
Environmental Features	7
Open Space and Recreation	9
Historic Preservation and Design Quality	12
Conclusion	14
Summary	13
Implementation Priorities and Responsibilities	13
Funding	14
Appendices	
A. Brief History of Lutherville	A1
B. Glossary of Zoning Classifications	B1
C. Alternative Futures for Lutherville by Wallace, Roberts & Todd	C1
D. Traffic Mitigation Plan	D1
E. Design Guidelines for New Residential Development	E1
F. Design Guidelines for Enhancement of Non-residential Properties	F1
G. Maps	G1

(rev.11/95)

PK/rh
RESOLUTION/PZONE/TXTRLH



INTRODUCTION

NEED FOR A COMMUNITY CONSERVATION PLAN

Founded in 1852, Lutherville is one of the oldest settlements in Baltimore County, predating the County's incorporation (see Appendix A). Lutherville is an unique and eclectic mix of the past and present with a wealth of diverse historical resources and some attractive natural features. It is well located near major transportation routes with convenient access to jobs, stores, and community services.

The area represented by the Lutherville Community Association is bounded by Ridgely Road to the north, Interstate 83 to the west, Interstate 695, Seminary Avenue and Bellona Avenue to the South, and York Road to the east. Lutherville is defined as a Community Conservation Area in the Baltimore County 1989-2000 Master Plan. In addition, a substantial portion of the area is designated as a Baltimore County Historic District.

The Lutherville Community Association (LCA) has a well established history of involvement in community issues. However, with increasing pressures a more formal plan is needed. The long settled "neighborhoods" of Lutherville are facing encroachment of higher intensity uses on every front: retail and residential development along Seminary Avenue; office encroachment along Bellona Avenue near the Charles Street Beltway interchange; office, retail and light industrial uses in the Ridgely Road corridor; slowly intensifying retail and office use along York Road. These encroachments and the dramatic traffic increases associated with area-wide development are threatening the quality of life and the very essence of this long established historically residential community.

There are requests for higher intensity rezoning during each comprehensive zoning cycle. The Hunt Valley-Timonium Redevelopment Study established there should be no additional commercial encroachment upon Lutherville's residential community. These rezoning requests involve properties along the boundary areas of the community, as well as within its heart. Also of concern are development sites within the community: the College Manor Nursing Home property, the Bautz property and many smaller in-fill residential parcels. The community is also concerned about expansion of the Lutherville Fire Station and of the light rail stations and parking areas.

Lutherville residents recognize that development and change are inevitable and the forces of change represent both adversity and opportunity. Adversity, because in the absence of a Community Conservation Plan, inappropriate development will overtake the community, causing a permanent decline in the quality of life. Opportunity, because the implementation of a well defined Community Plan will help preserve and improve the character of this unique community. Active involvement of Lutherville residents and businesses in addressing the issues affecting our neighborhood is essential to the preservation of this community.

PURPOSE OF THE PLAN

The Community Plan for Lutherville has been developed by the LCA to assess critical issues and to define goals and an action plan. The key issues are: zoning and land use, traffic, pedestrian safety, environment, open space, recreation and preservation of the residential character of the community. The Lutherville Community Association is also the guardian of one of Baltimore County's premier Historic Districts, safeguarding this valuable resource for all county residents now and in generations to come. As such, the Plan also addresses issues related to preservation of the Historic District and the quality of new development.

The LCA is presenting this draft for discussion by community residents and businesses so that consensus can be achieved on the communities' goals and the action plan for achieving these goals. The revised Plan will be submitted to the Baltimore County Planning Board and the Baltimore County Council for adoption as an amendment to the Baltimore County Master Plan. When adopted, the Plan will provide guidance to the LCA, property owners, residents and businesses. It is also intended to help the LCA better communicate the community's concerns to elected representatives, to Baltimore County agencies (Planning and Zoning, Public Works, Parks and Recreation, Environmental Protection, Board of Education, etc.) and to state agencies (Transportation, Natural Resources, Environment, the Maryland Historic Trust, etc.)

REGIONAL CONTEXT

The Lutherville Community Plan (LCP) area is located in the Central Sector of Baltimore County, to the south of the Hunt Valley-Timonium Redevelopment Study (HV/T) area and north of the Towson Community Plan area. The HV/T Plan, adopted by the Baltimore County Planning Board on April 15, 1993, promotes the area located to the north of Lutherville as a more intensive office, industrial and mixed use development area. The area serves as a major employment center due to the existing zoning and land use patterns as well as the infrastructure that is in place. As of January 1993, the HV/T area employed over 10 percent of the County's total work force and about one fourth of the County's industrial workers. The Towson community Plan, adopted by the Baltimore County Council on February 3, 1992, has designated the area to the south of the Lutherville Community Plan area as a Community Conservation Area, Outer Neighborhood. This designation was developed in the 1989-2000 Baltimore County Master Plan in order to maintain and enhance the physical, social and economic resources of the County's older, urban area communities.

Major transportation systems are located in proximity to the LCP area, i.e. Charles Street, York Road, I-695, I-83 and the Central light rail transit line. Seminary Avenue and Bellona Avenue serve as major collector roads which traverse the plan area. Along the south side of the plan area, the terminus of Charles Street at I-695 and the configuration of the Charles Street interchange contribute to traffic patterns that funnel traffic through the residential community between I-695 and Seminary Avenue and/or Ridgely Road.

The major transportation systems have shaped the development of the Hunt Valley-Timonium employment center as well as the Lutherville community. They have provided significant benefits to both areas. While there are few undeveloped parcels in the HV/T area, redevelopment potential of under utilized parcels is very attractive and would allow the County to maximize its investment in the existing infrastructure. The Central light rail transit line, the extension of Warren Road to Beaver Dam Road with the construction of a partial interchange at I-83, the proposed Beaver Dam Road extension to Padonia Road and the construction of a connector road between Greenspring Drive and Aylesbury Road have greatly improved or will improve traffic circulation and accessibility within the HV/T area.

Lutherville, designated as a Community Conservation area in the 1989-2000 Baltimore County Master Plan, has the County's commitment to continue into the future as a strong, viable residential community. While growth and redevelopment will occur in the HV/T area to the north, it should occur in a manner that uses the regional transportation system and not the local neighborhood streets of Lutherville. A proposed Beltway stop for the Central light rail transit line should be designed with direct access to the Beltway and not local streets.

A transportation study is needed to consider additional transportation improvements to divert non-local traffic from Lutherville's neighborhood streets. The study will evaluate the major transportation network and will consider the most appropriate mechanisms to accomplish the aforementioned goal. The

study would enhance both the Lutherville National Register Historic District and the regional transportation network.

KEY ISSUES, GOALS AND ACTIONS

LAND USE AND ZONING CONFLICTS

Lutherville has several distinct "neighborhoods", Historic Lutherville, Country Club Park, School Lane, Burton Avenue and the neighborhood south of Seminary Avenue. These are all long settled and largely built out residential neighborhoods. Recognizing that a change of character would result if the Historic District were built out to DR-3.5 zoning, the residents supported downzoning some of the community to DR-2 during the 1988 Comprehensive Zoning Map Process. However, there is still considerable development pressure on undeveloped or under utilized parcels.

A major concern to the residents of Lutherville is the prospect of Seminary Avenue changing, over time, to resemble York Road or East Joppa Road, with strip commercial uses and multiple traffic access points. The concern is based upon a pattern of spot rezoning to higher intensity uses along Seminary Avenue, Bellona Avenue and Ridgely Road. Roundtop Apartments, the DR 16 zone on the north side of Seminary Avenue just east of I-83, represented the first intrusion of higher density residential uses along Seminary Avenue. While this development presented little disruption to the quiet historic community, it set a precedent for the addition of similar uses along a narrow tree-lined roadway poorly suited to accommodate a proliferation of traffic access points. By contrast the Business Roadside Zone south of Seminary Avenue along the railroad tracks and the O-R-1 zone adjacent to it were serious intrusions, located deep within the neighborhood, more than a quarter of a mile from I-83 and nearly three quarters of a mile from York Road. Along Bellona Avenue as it approaches the Beltway, non-residential zoning is appropriate, but the current zoning BR (Business Roadside) is too intensive for this location on the Beltway ramp. Commercial and office zoning along Ridgely Road and York Road needs to be contained; the homes on Seminary Road closest to York Road are being used for offices despite residential zoning.

Although RO (Residential Office) zoning on the south side of Ridgely Road at Kurtz Avenue is intended to function as a buffer between commercial uses to the north and residential uses to the south of Ridgely, requests for higher intensity non-residential zoning south of the RO zone suggest that there has been a misinterpretation of this zone as the initial phase of non-residential zoning of this northern part of Lutherville. No further expansion of non-residential uses should be permitted.

Lutherville is not alone in its struggle to protect the residential character of the community from commercial encroachment. To help established communities, several new zoning zones have recently been created. A community conservation overlay zone might be created for Lutherville which would restrict certain uses currently allowed in the underlying existing zoning zones. Alternately, the new CB (Community Business) or BLR (Business Local Restricted) zones may be appropriate. These options need to be explored to determine what to request during the next Comprehensive Zoning.

The current zoning is shown in Map 2. Appendix B provides a brief description of the various zoning classifications, including a chart summarizing the new CB and BLR zones.

In addition to commercial zoning problems, the community also has concerns about several other types of developments. Many existing residential lots are still large enough to permit subdivision. Parhandle lots create awkward relationships and should be discouraged.

College Manor occupies a very large site and includes another parcel on the SE corner of

Seminary and Francke Avenues. Some expansion of the nursing home or a related residential development would be appropriate. Traffic design compatibility and retention of some open space will be of concern.

The community is concerned about an increase in crime in the Ridgely Road area. LCA should continue to work with the MTA and the County police to improve security.

Goal: To protect Lutherville's residential character by deterring any further expansion of non-residential uses.

Action 1: Work with Baltimore County and non-residential business/property owners to refine Lutherville's zoning during the next Comprehensive Zoning Map Process (beginning August 1, 1995). Lutherville's existing residential zoning pattern should be retained (DR 2, 3.5 or 5.5). No further encroachment of commercial, office or light industrial uses within these traditionally residential areas should be allowed.

The BR and BL commercial zones near the railroad tracks should be changed to the new CB (Community Business) zone if business/property owner support can be obtained. Language was added when this zone was adopted to prevent its application to already developed commercial areas. This prohibition should be removed if it is to be useful in protecting established neighborhoods such as Lutherville. If this prohibition can not be changed, the LCA should work with the County to define how a community conservation overlay zone could be designed specifically for Lutherville. Certain intensive uses which are permitted in the BR and BL zones should be prohibited. The only reason for commercial zoning at these sites was the existence of a few scattered commercial uses predating zoning. The intent is to recognize existing commercial uses, but to take a definite stand against any expansion or intensification of commercial use within the residential community. Similar treatment of the BL zoned land on Seminary just west of York Road should also be considered. The LCA should request zoning enforcement to prevent adjacent homes being used for offices.

The offices on Bellona Avenue at the Beltway ramp should be changed from BR to O-3. Access is very restricted and retail uses permitted in the BR zone would cause major traffic problems on the Beltway ramp.

The LCA and property owners will need to reach agreement on appropriate zoning modifications, and they are to be included in the 1995 Comprehensive Zoning Map Process.

Action 2: Work with MTA and local elected officials to insure that light rail operations and parking facilities are planned so there is no intensification of non-residential activity. Continue to work with the MTA and County police to improve the security plan for the existing Lutherville Light Rail station.

Action 3: Work with the owner of College Manor to ensure that any development plans would be for a nursing home/life care facility or single family homes that would be compatible with the design of the existing building and adjacent residences. Re-zoning for office, retail or apartment use would generate too much traffic and adversely impact the community. Due to noise and traffic, the corner of Seminary and Front Avenues should ideally become a park.

Action 4: Develop guidelines for new in-fill residential development to ensure it is compatible with the fabric of the surrounding neighborhood. (See draft guidelines in Appendix E).

TRAFFIC CIRCULATION PATTERNS

Traffic is choking Lutherville's residential neighborhoods. The residents of Country Club Park have difficulty getting out of their neighborhood onto Seminary Avenue. The residents of the historic district have so much cut-through traffic that it is difficult for them to safely walk around their neighborhood.

Even though Lutherville has been nearly completely built-out for over thirty years, the amount of traffic cutting through the community has continued to increase dramatically each year. The County has approved extensive residential development along Seminary Avenue west of I-83 without planning appropriate commercial services such as a grocery store or pharmacy. Riderwood and Ruxton are also underserved. This is turning the historic district into a highway. Seminary Avenue has experienced a volume increase of approximately 80% just within the past 5 years. It is likely that 75 - 80% of the traffic on Francke and Kurtz Avenues is short-cutting between Ridgely and Seminary Avenue. Seminary, Bellona, Front, Kurtz, Francke, Lincoln and Clark Avenues are currently experiencing excessive through traffic. The intersection of Francke, Kurtz and Ridgely is very congested and confusing because of the irregular configuration. Every effort should be made to redirect non-local traffic around Lutherville via arterial roads (695, I-83, and York Roads).

The existing Lutherville Light Rail station has become a transit hub, greatly increasing bus traffic as well as automobile traffic in the area. New or expanded Light Rail stations near or in the Lutherville Community Conservation area have the potential to add a traffic burden to currently over-used neighborhood streets. LCA will work with the MTA to minimize the traffic impact of any new or expanded Light Rail station. MTA should be encouraged to provide a traffic analysis for any new or expanded Light Rail Station in conjunction with the development process.

While through-trucks over 3/4 ton are not allowed on Charles Street south of the Baltimore City line, no such prohibition exists on the County portion of Charles Street nor on Seminary and Bellona Avenues. A prohibition against trucks does exist on Front, Francke and Kurtz Avenues, but is not uniformly enforced. Vibration damage from increasing truck traffic threatens many of the historic structures in Lutherville.

Despite heavy traffic, there are few sidewalks in the area. In the past, there were asphalt walkways in the historic part of Lutherville, but most of these have deteriorated with time and are now overgrown with grass. It is therefore difficult for residents and visitors to the historic district to walk around the immediate neighborhood and to access community parks, stores, and churches. With the 1993 reopening of the Lutherville Elementary School, pedestrian safety and the need for sidewalks has become more pressing. Many neighborhood children live close enough to walk, but must be bused due to the lack of sidewalks. A well-planned system of asphalt sidewalks could be financed with the savings from reduced busing costs and would greatly enhance the community.

Finally, as traffic on I-83 continues to grow the noise levels are rising for adjacent Country Club Park homes. Sound barriers would reduce noise and increase privacy and security. This area meets SHA standards for receiving noise mitigation, but unfortunately, the SHA has a long list of communities requesting noise barriers.

Goal: To protect residential neighborhoods and the historic district from encroachment of higher intensity activities requires a long range commitment to minimizing through traffic.

Action 1: Work with owner of the Timonium Mall to reduce cut-through traffic between Ridgely Road and Aylesbury.

Action 2: Work with the County and State to adopt a traffic mitigation plan to reduce the use of Lutherville's roadways for non-local travel, specifically between Falls Road and York Road and Seminary Avenue and Ridgely Roads, as well as between the Beltway and York Road. LCA will undertake origin and destination studies for traffic using these routes to verify the amount of non-local traffic. Identify measures for diverting through traffic to arterial roads outside the residential community. A series of alternatives are presented in the draft traffic mitigation plan in Appendix D. After the traffic mitigation plan is refined, the LCA will meet to select preferred alternatives for testing.

Action 3: Any future widening of Seminary and Bellona Avenues should be limited to intersection-related improvements to preserve the tree-lined historic character of Lutherville, to provide pedestrian access and to discourage use of these roads as alternatives to the Beltway, Joppa Road, Timonium Road or York Road.

Action 4: Monitor speeds and traffic volumes on local neighborhood streets. If excessive, the LCA and the Bureau of Highways and Traffic Engineering should identify the best means to alleviate the problem. This would apply immediately to Front, Kurtz, and Francke Avenues, and perhaps Clark to Lincoln Avenues as well. Consideration should be given to making some of these streets one way, with bike lanes and pedestrian walkways. Testing of alternatives may be the best way to achieve consensus on the preferred solution.

Action 5: Retain speed limits at a maximum of 25 mph. Study the possibility of restricting through-trucks over 3/4 ton capacity on Charles Street, Seminary and Bellona Avenues. Work with the Police Department to enforce. Also work with the police to enforce stop sign violations.

Action 6: Continue to improve the sight lines at Seminary and Greenspring so that residents of Country Club Park can safely access Seminary Avenue. Retest periodically for signal warrant at Seminary and Greenspring.

Action 7: Develop a system of asphalt paths throughout the community to connect the Lutherville Elementary School, parks, churches, and commercial areas. The heavily used dirt path linking Country Club Park to Ridgely Road shopping is very muddy adjacent to Roland Run. Consideration should be given to installing an improved walkway, possibly with a footbridge over the stream.

Action 8: Urge the SHA to install noise barriers along I-83 adjacent to the 700 - 900 blocks of College and Morris Avenues, as well as Goucher at Spring Avenue.

ENVIRONMENTAL FEATURES

Streams and woods are important environmental features of Lutherville. Protecting these features and addressing flooding and water quality problems are key objectives.

Streams and Floodplains

There are two ridge lines within the community: one is located along Hilltop Road; the other is located in the Historic District east of College Manor. These hills are separated by Roland Run. A branch of this stream runs along the western edge of Country Club Park southward between School Lane and Burton Avenue.

The floodplains created by these streams have helped to define existing development within Lutherville, creating boundaries between neighborhoods built in different periods and styles. In many places north of Seminary Avenue, the width of the floodplain exceeds 200 feet, and south of Seminary, the floodplain spreads to as much as 600 feet wide (see Map 4). These streams, which provide natural buffers between neighborhoods, can also function as important open space connectors which serve to bring residents together via pathways linking the community.

Roland Run presents several challenges. Some improved properties experience flooding or the continuous threat of flooding. Development upstream that predates current stormwater management practices is partly responsible. Other factors include the under-sized roadway culverts and the relocation of some portions of the stream bed to accommodate past development. Culverts under Morris Avenue, Seminary Avenue and the Beltway have helped to shape the current floodplain, sometimes to the detriment of nearby properties.

In addition to flooding problems, increased runoff from development has caused stream channel erosion, leading to sedimentation, reduced water quality, and degradation of stream life. Fill and debris are encroaching on the streambanks in the commercial area south of Seminary Avenue.

Goal: To reduce flooding and improve water quality in the Roland Run tributaries.

- Action 1:** An engineering study undertaken by Purdum and Jeschke, funded by the Baltimore County Department of Public Works, identified the impact of the floodplain on improved properties. That study could be used as a starting point to refine the HUD/FEMA mapping in this area, and to address the complaints of flooding on Trevor Court.
- Action 2:** Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) should assess the possibility of constructing a storm water management facility that would provide quantity and quality control for run-off from adjacent commercial areas that have no stormwater management in conjunction with the Jones Falls Watershed Management Plan. A possible site for such a facility is the publicly owned land located at the northeast corner of Country Club Park. This should improve water quality in Roland Run and reduce streambank erosion.
- Action 3:** Streambank stabilization should be undertaken in places where erosion has occurred in conjunction with the Jones Falls Watershed Management Plan. Cleanup and/or reforestation of the stream buffer should be undertaken south of Seminary Avenue and may be appropriate in other areas. The community can provide support and seek assistance from the Boy Scouts, Save-Our-Streams, and other volunteer groups. A joint effort with the County Dept. of the Environmental Protection and Resource Management could produce significant improvements to stream ecology and aesthetics.

- Action 4:** The impact of the proposed "Towson/Beltway" Light Rail station on Roland Run would be negative for the community. Parts of this site are located within the floodplain and exhibit wetlands characteristics. The required facilities and associated large parking area could exacerbate upstream and downstream flooding and have an adverse water quality impact on Roland Run. LCA has serious concerns about construction within the 100 year flood plain.

Wooded Areas

The community is characterized by numerous wooded areas of several acres or more. The western, northern, and eastern boundaries of Country Club Park form a nearly continuous wooded buffer between the neighborhood and I-83 on the west, office and light industrial uses on the north, and the railroad on the east.

Goal: To preserve and enhance Lutherville's woodland and street trees.

- Action 1:** The LCA and DEPRM should undertake a program to plant additional trees and appropriate groundcovers adjacent to the Roland Run tributaries. DEPRM will evaluate appropriate locations and species of trees to be planted. This would help minimize erosion and would enhance the water quality in these tributaries.
- Action 2:** Almost all of the streets in the community including Seminary and Bellona Avenues are tree-lined. The LCA Greening Committee should continue working with the State Forest Conservancy District Board to regenerate and enhance the street tree population.
- Action 3:** Residents along the stream should be encouraged to utilize environmentally sound land use practices on their portions of the stream edge. DEPRM should undertake a public education program in conjunction with LCA.

OPEN SPACE AND RECREATION

Lutherville is fortunate to have some publicly owned parks and open spaces that should be protected (see Map 4). There are also some open space acquisition and enhancement possibilities.

Lutherville Elementary School and Seminary Park

These sites have served as major recreational areas in the community for many years. In the future there could be pressures for commercial redevelopment, a light rail station, or other high intensity uses. This type of redevelopment would damage the quality of life in two ways: the taking of recreational land and problems related to the new use (such as traffic and deterioration of the natural land features).

Goal: To protect and enhance these key recreational resources.

- Action 1:** Continue to use Seminary Park as a prime recreation site and discourage non-recreational uses such as Light Rail expansion.
- Action 2:** Improve pedestrian access to both recreation areas. Sidewalks or walkways are needed to provide safe access for children to the elementary school and access for all residents to the ballfield and fitness trail. A walking, jogging path along the Roland Run floodplain would improve access to Seminary Park for residents of Country Club Park, as well as those living east of the railroad tracks.
- Action 3:** Work with the County and Board of Education to further upgrade the playground facilities in conjunction with reopening Lutherville Elementary School. Consideration should be given to creating parallel or diagonal parking along Francke to accommodate sports events.
- Action 4:** The LCA should continue to work with the Dept. of Recreation and Parks to upgrade and maintain Seminary Park, especially the playground equipment.
- Action 5:** Since Lutherville residents utilize the Orchard Hills Park on Belona Avenue, the LCA should support the Orchard Hills Community Association in ensuring this park is retained by the County for recreational use.

Passive Recreation and Natural Open Space

Passive recreation and natural open space is an important amenity in the community, particularly surrounding the Country Club Park neighborhood. As illustrated in Map 4, portions of this ring of wooded, natural open space around Country Club Park are already publicly owned, either as park land, drainage easements, or as floodplain.

Goal: To permanently protect natural buffer areas.

- Action 1:** The owners of floodplain or wooded land adjacent to Country Club Park should be encouraged to donate the land or conservation easements to the County. There are tax benefits from such donations. The LCA should identify the locations of undeveloped parcels that are candidates for additions to the community's open space system and approach the property owners about protecting these important natural areas.
- Action 2:** Encourage the County to purchase additional natural open space adjacent to the lands they

already own to further protect this natural neighborhood buffer. The LCA should evaluate undeveloped parcels and identify acquisition priorities.

Roland Run Stream Park

The LCA and Baltimore County have in recent years created a playground and small stream park in the floodplain adjacent to Morris Avenue in Country Club Park. Some of the adjacent floodplain is publicly owned. Additional floodplain acquisition could create a stream park linking the Country Club Park neighborhood to Seminary Park. Paths, streambank restoration and planting would greatly enhance both the environmental and recreational value of the area. Roland Run is designated as a greenway in the County Master Plan. The Roland Run greenway concept involves constructing a trail along the stream and MTA right of way from Lake Roland to the Northern Central Railroad Trail in Ashland.

Goal: To create a Roland Run Stream Park.

- Action 1:** The LCA should work with the OPZ and Dept. of Recreation and Parks to evaluate environmental resources and land ownership in order to define greenway park alternatives for community discussion. If there is community support, work with the Dept. of Recreation and Parks to develop a master plan, cost estimates, and funding strategy for creation of this stream park within our neighborhood.
- Action 2:** Work with the Ruxton/Riderwood Community Association to determine whether there is land and support for creating a path within the Roland Run greenway. If so, plans for linking Lutherville portion of the greenway to these communities could be incorporated as a second phase after completion of Lutherville's stream park.

Victorian Park

The possibility exists to create a more formal Victorian park at the intersection of Seminary and Front Avenues that could be a focal point for the community.

Goal: To create a Victorian Park in the heart of Lutherville.

- Action:** The LCA should work with the owner of College Manor and the Department of Recreation and Parks to evaluate use and design possibilities, then to develop cost estimates and a funding strategy. This could be a public or a private park, depending on the concept and available resources.

HISTORIC PRESERVATION AND DESIGN QUALITY

Article X, Section 26-532 of the Baltimore County Code defines the following purpose for the establishment of historic preservation districts:

"In providing for the protection, enhancement and perpetuation of those structures and districts in the County of historical, architectural, archaeological, or cultural merit, the following objectives are sought to be attained:

- 1) To safeguard the heritage of the County as embodied and reflected in such structures and districts;
- 2) To stabilize and improve property values in such districts and in the County generally;
- 3) To strengthen the economy of the County; and
- 4) To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the residents of the County.

The Lutherville Historic District is a primary feature of the community, listed both as a National Historic District and as a Baltimore County Historic District (see Map 2). As such, preservation of this area is important, not only to the residents of Lutherville, but to residents of Baltimore County and the State. For this reason, and in light of the objectives stated in the County Code, special consideration must be given to the needs of Lutherville, as external forces continue to threaten the preservation of this valuable resource.

Private development of parcels, as well as County and State projects such as the light rail and road improvements all impact the character of the historic district and the community as a whole. The LCA should take an active role to ensure that development is of high quality within the entire community. There are well-established design standards for restoration and additions to historic structures. However, design guidelines are needed for new residential development. Most development will involve single "in-fill" lots, but there are a few parcels with significant development potential, most notably College Manor.

The appearance of existing businesses within and adjacent to Lutherville is also of concern. Finally, the entrance points or "gateways" to Lutherville are not very distinctive or inviting and should be enhanced.

Goal: To protect and enhance Lutherville's historic residential character.

- Action 1:** The LCA should take maximum advantage of Lutherville's National and County Historic District designations. Monitor the County's actions on zoning and development proposals to ensure the County preserves the community's historic character. Monitor Federal and State actions to ensure they comply with requirements to evaluate and minimize adverse impacts on historic districts and structures.
- Action 2:** The LCA should investigate whether there is interest among the residents of Lutherville's two historically African American neighborhoods in expanding the boundaries of the National and/or the County Historic Districts to incorporate the School Lane/Railroad Avenue neighborhood or the neighborhood surrounding the Edgewood United Methodist Church on Bellona Avenue.
- Action 3:** The Lutherville Advisory Committee (LAC), which advises the Baltimore County Landmarks Preservation Commission, should prepare design guidelines for new in-fill development within the County historic district. These should address compatibility with the neighborhood. Draft guidelines are proposed in Appendix E. The County's Offices of Planning and Community Conservation should be encouraged to use these guidelines to evaluate in-fill development in areas of Lutherville outside the historic district.
- Action 4:** The LCA should work with the County and State to develop a plan and funding strategy to replace modern street signs, streetlights, and other fixtures in the historic district with historically compatible fixtures. Funding for signs would be provided either by LCA or through grant application.
- Action 5:** The LCA should work with Bell Atlantic and BGE to develop a cost estimate and assess funding alternatives to determine the feasibility of undergrounding utilities in the historic district.

Goal: To enhance the appearance of the entire community.

- Action 1:** The LAC or a sub-committee of the LCA should encourage existing owners to upgrade the appearance of businesses within and adjacent to the community by adding landscaping; screening parking and loading areas; improving signage; and designing any building renovations to upgrade the existing appearance. Commercial design guidelines as proposed in Appendix F.
- Action 2:** LCA's zoning committee should monitor development proposals in the County's review process to ensure that adjacent commercial development provides adequate landscaping to screen service areas and buffer neighbors.
- Action 3:** The LCA should develop an annual award program to recognize "good neighbor" businesses for design enhancements (and community support).
- Action 4:** The LAC or a sub-committee of LCA should evaluate community entrance points and identify appropriate locations for signs and/or plantings to accent arrival in Lutherville. The LCA should work with property owners and the Lutherville Garden Club to develop planting and maintenance agreements.

CONCLUSION

Summary

While this Plan is intended to set forth long range goals for Lutherville, the future begins today. The community needs to be continually alert in order to realize the key goals of the plan: to divert conflicting uses and non-local traffic away from Lutherville's longstanding residential neighborhoods and to further enhance the attractive residential character of the community. Particularly important elements of the overall strategy include:

- a long-range zoning concept;
- a traffic mitigation plan;
- measures to enhance stream, woodland, and street tree resources;
- open space preservation, acquisition and enhancement;
- communication of the community's design objectives to the County and to property owners; and
- monitoring development proposals to ensure community objectives are achieved.

Implementing these strategies and accomplishing our goals will require everyone's participation in one way or another. Residents should let the LCA Board know your priorities and should volunteer to help on the issue most cared about.

Implementation Priorities And Responsibilities

The LCA Board, after input from the community, should establish implementation priorities and a "5 year Action Plan" for accomplishing these priorities. Implementation responsibilities need to be assigned among LCA's standing committees. Everyone in the community should be encouraged to work on an issue that is important to them.

Critical to implementation will be regular and effective communication between the Lutherville Community Association and the various County and State agencies charged with making decisions affecting the community's future. With the completion of the Community Plan, it may be appropriate to formalize responsibilities for communication relating to implementation of the plan, assigning to the LCA Long Range Planning, the LCA Zoning and the LCA Traffic Committees the responsibility for regular communication with key governmental officials and making periodic progress reports to the LCA Board and membership on the results of these communications.

Funding

While many of the recommended actions can be undertaken by the LCA or private property owners at little or no cost, there are a number of important projects that will be expensive. The LCA recognizes that in the current economic climate, Baltimore County and the state government have limited resources. The LCA will need to work in partnership with local residents and businesses to seek creative means of accomplishing the community's goals. For example, soliciting tax-deductible donations of Roland Run floodplain or access easements for pedestrian paths could reduce the cost of creating these community amenities.

A BRIEF HISTORY OF LUTHERVILLE

One of the earliest communities with a suburban flavor was Lutherville, the planned village of Lutheran ministers the Reverend Dr. John Morris and the Reverend Dr. Benjamin Kurtz, and Charles Morris of York, Pennsylvania. The founders envisioned the Lutherville Female Seminary, a woman's school that would reflect the values of their faith, as the village's focal point. After purchasing the land and dividing it into lots, the partners used the profits from the sale of these lots to construct the seminary, and a separate subscription raised money for the building of St. Paul's Evangelical Lutheran Church. The seminary opened in 1854. Tuition, room and board cost \$92.50 per session in 1855, and courses of instruction included philosophy, classical and modern languages, chemistry, mathematics and the arts. The founder's high moral character was reflected in the institution's strict disciplinary code. Chaperons accompanied the young ladies when not in class, and proper manners were strictly enforced. In 1880 Dr. J.H. Turner bought the school from Dr. Morris, and in 1895 he gained a college charter for the institution, renaming it the Maryland College for Young Ladies. In 1898 it was sold to Dr. C. W. Gallagher. The original building was destroyed by fire in 1911, and in 1952 the college closed its doors.

Lutherville's early success rested on the attractions of the women's school and its suitability as a summer village for the city's wealthy. City businessmen turned summer residents waited for the Northern Central's commuter service into Baltimore. Commuter business subsided each October as families returned to Baltimore, only to revive by the middle of the next spring. The village's present train station, on Front Avenue, was built in the 1870s to replace an 1855 structure destroyed by fire.

From its earliest history in the 1850s until the present, Lutherville has been the home of many professionals, businessmen and politicians. Probably the village's most famous resident was Congressman J.F.C. Talbot, whose home, Keyburn, stood until the 1920s on Front Avenue near Melancthon Avenue. Lutherville's other prominent nineteenth century resident, the Reverend Morris, chartered the county's first historical society in 1886 and served as president of the Maryland Historical Society in 1895. Other important residents included Judge D. C. H. Emory, the Reverend William Heilig and Jasper M. Berry.

With its many influential residents, Lutherville enjoyed various improvements unusual for its size. In 1868 it became the first incorporated town in the county. Headed by a three-member board of commissioners, the village improved its streets and added a drinking water basin to the west of Spring Avenue before the repeal of incorporation in 1874. During the 1880s James Reese, John H. Emory and others led a successful drive to construct a town hall where lectures, music recitals and social functions could be held. Standing near the southwest corner of Francke and Seminary Avenues, the hall was used from the mid-1880s until 1894. In 1891 the Lutherville Improvement Association furthered the amenities begun during the incorporation period. Under the presidency of seminary Professor James Nussear, the association macadamized streets, built sidewalks and placed sixty street lamps around the village. The town's population of 700 in 1897 included a number of blacks who had arrived in the Reconstruction era and who lived in many of the same places their descendants do today: Lincoln Avenue, School Lane and West Seminary Avenue near the railroad tracks. But the village stood primarily as a summer retreat for urban families and as a popular residence for the political and business figures of Towson.

From: A Brief History of Baltimore County by Neal A. Brooks and Eric G. Rockel (Friends of the Towson Library, 1979)

BALTIMORE COUNTY ZONING INFORMATION

Note: For detailed information, see Baltimore County Zoning Regulations, 1987 Edition, as amended.

Zoning Terms and Classifications	Summary
R.C. 2	Resource Conservation
R.C. 3	Agricultural Protection
R.C. 4	Deferral of Planning and Development
R.C. 5	Watershed Protection
R.C. 10, R.C. 10	Rural Residential
R.C. 20, R.C. 10	Resource Conservation - critical area
DR. 1, 2, 3.5, 5.5, 10.5 & 16	Density Residential
Residential Transition Areas	Density Residential -- for low, medium and high density urban residential areas. Numerical in each classification indicates maximum number of units permitted per acre. No standard minimum lot size is required except for small tracts.
R.A.E. 1	Residential areas where dwelling type and lot size requirements must be compatible with existing residences or subdivision lots.
R.A.E. 2	Elevator Apartment
R.O.A.	Residence, Apartment, Elevator -- for mid-rise elevator apartment building development in designated town and community centers. Forty density units per acre.
R.O.	Residence, Apartment, Elevator -- for high-rise elevator apartment buildings within designated town centers only. Eighty density units per acre.
OR-1	Office
OR-2	Residential Office -- (Class A) to accommodate house conversion to office buildings as of right.
O-3	Residential Office -- to accommodate house conversion to office buildings as of right; small conventional office buildings permitted by special exception.
O.T.	Office / Residential -- to accommodate development or limited enlargement of a single medium-size office building or residential development potential to D.R. 5.5.
S.E.	Office / Residential -- to provide for development of office buildings with supportive accessory commercial uses or residential development potential to D.R. 10.5.
B.L.R.	Office Park Zone -- to provide a zone to be used exclusively for office development.
B.L.	Office and Technology -- to permit employment-intensive office development in combination with certain high technology and residential development.
B.M.	Service Employment -- to permit and encourage the development of offices, related business service uses and small, low impact, light industrial uses; stresses compatibility with residential uses.
B.M.M.	Business
B.M.D.	Resource Conservation -- Commercial
M.R.	Community Business -- to provide for daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic; stresses compatibility with residential uses.
M.L.R.	Business Light Restricted -- to permit a range of retail and service uses; performance standards are required to protect adjacent communities.
M.L.	Business Local - small-scale commercial
M.H.	Business Major - large-scale commercial
	Business Roadside - the most permissive commercial classification
	Business Maritime Marina - is established to accommodate water-dependent facilities and associated uses at a scale in keeping with the surrounding residential community.
	Business Maritime Boatyard - is established to accommodate water-dependent facilities and includes more intense uses than those permitted in the B.M.M. zone.
	Manufacturing
	Manufacturing Restricted -- the most restrictive industrial classification.
	Manufacturing Light Restricted - permits industrial plants and offices with convenient access to expressways to serve as industrial employment centers.
	Manufacturing Light -- provides for light industrial uses such as assembly plants, processing, etc.
	Manufacturing Heavy -- the most permissive industrial classification.
	Districts -- to further the purposes of zones; they provide greater refinement in land use regulation.
	A.S. -- Automotive Service
	C.T. -- Commercial, Town-Center Core
	C.R. -- Commercial, Rural
	I.M. -- Industrial, Major
	C.C.C. -- Commercial, Community Core

ALTERNATIVE FUTURES FOR LUTHERVILLE

The Development of Alternatives

In 1988 several "Alternative Futures" were developed for the community by a planning consultant, Wallace, Roberts and Todd, to illustrate different approaches that the LCA and Baltimore County can take to preserve the existing character of the community, its historic value, and its natural environmental amenities in the face of pressures for change.

The Preferred Alternative

After review and discussion of the alternative concepts for Lutherville's future, the Long Range Planning Committee and the members of the Board of the Lutherville Community Association decided in favor of combining desirable features of the Diversion and Enclosure Alternative and the Buffered Joint Development Alternative to serve as a basis for the community's plan. The light rail station locations of the Diversion and Enclosure Alternative, its "community service" designations for both the College Manor site and the Lutherville School, its proposed open space enclosure of Country Club Park, and its emphasis upon respecting the boundaries of the Lutherville local historic district have been incorporated in its plan. These are supplemented with the buffer principle set out in the Buffered Joint Development Alternative, defining stream valley floodplains, and wooded areas as important boundaries to be respected in planning and zoning, and as features to be preserved in the development process.

This plan has evolved considerably as ideas about how the community can achieve its objective have become more specific. However, the basic framework for the plan uses many of the principles initially set forth by Wallace, Roberts and Todd.

DRAFT TRAFFIC MITIGATION PLAN

Reducing the amount and speed of traffic cutting through Lutherville will not be easy. Many solutions have been discussed. Most are controversial because any change in traffic pattern inconveniences some people who may have to drive a little further. Also reduction of traffic on one street means increasing traffic on another. However, pedestrian safety and enjoyment of the community are concerns shared by all of us. The following traffic mitigation measures are presented in two groups:

Short term: These are the measures that appear to have broadest support in the community and are relatively low cost.

Alternatives: These mitigation proposals are more controversial and should be given additional study in the future if implementation of the short term measures is not effective.

Consensus will have to be developed by the LCA before major changes will occur. Short term testing of some measures may be the best means of evaluating effectiveness and building support.

SHORT TERM MITIGATION MEASURES

1. Cut-Through Traffic

Work with the owner of the Timonium Mall to reduce cut-through traffic between Ridgely Road and Aylesbury.

2. Sidewalks or Walkways

The asphalt pathways that once paralleled many of the avenues in old Lutherville have badly deteriorated or disappeared entirely. The Lutherville Elementary School reopened in 1993, but the Board of Education considers our children sufficiently in danger to spend many thousands of dollars busing students from as close as a block away. Construction of sidewalks on at least one side of our residential streets would not only increase safety for both children and adults, but it should provide a savings from the cost of busing children within walking distance of the school. A one-time expenditure for sidewalks is economically much more efficient than an ever increasing annual expenditure for busing. Asphalt paths which are cheaper than concrete sidewalks would be appropriate.

The LCA needs to work with the Dept. of Public Works and the Board of Education to identify path locations, funding, and the quickest means of installation.

3. Kurtz and Francke between Ridgely and Seminary Avenue.

Francke and Kurtz/Front Avenues are "short cuts" through the Historic District for residents coming from the west on Seminary as far away as the Valleys, and all points between.

The volume and speed of through traffic divides the historic community, reduces pedestrian enjoyment and increases safety hazards to children and adults alike.

To improve the existing situation, conversion of Francke to one-way northbound from Lincoln to Ridgely Road and conversion of Kurtz Avenue and Front Avenue to one-way southbound from Ridgely Road to Seminary Avenue is proposed. The streets should simultaneously be

restriped to provide one motor vehicle lane with a pedestrian walking/jogging lane and bike lane. Stop signs and pedestrian crosswalks should be used at key intersections. North Avenue is in terrible condition and needs to be resurfaced.

It is desirable to test the effectiveness of this solution by using signing and/or striping to close one lane of traffic for a 1-2 month test period. If this approach is not satisfactory, the alternative of simply making Kurtz and Francke one way between Ridgely and Melancton should also be tested.

One way streets with bike and pedestrian lanes and additional stop signs should reduce the amount of traffic cutting through our neighborhood, as well as overall vehicle speed, with minimal impact to the immediate residential area. Over 30 homes on these combined routes will have much increased safety and less noise, dust and fumes. In exchange they may have to change their habitual route to and from their homes to accommodate the one-way streets. Overall, it will bring the community closer together and discourage ever-increasing through traffic.

4. Traffic Light on Seminary at Greenspring.

Greenspring is the main gateway to the Country Club Park neighborhood. Although the sight distance at the intersection of Greenspring and Seminary has been improved by the State, visibility is still blocked by trees and vegetation. Given the speed of traffic on Seminary, this intersection currently is both a safety hazard and inconvenient. A traffic light would resolve the safety problem and the anxiety of waiting until one "thinks" the eastbound traffic lane is clear. A traffic light will be installed if it meets the warrants.

5. Cul-De-Sac Melancton Ave. between Division and York Road.

Attempts at commercial redevelopment of the Jack's Corned Beef site have revealed the State Highway Administration's and the County Public Works Department's intent to close the York Road entrance nearest to the Bellona intersection. Due to the difficulty of turning left onto York Road, many drivers will choose to use Melancton Road to exit.

Experience with Jack's Corned Beef has not been good. Extensive littering, speeding, and even picnickers on residents' lawns, recommend strongly against allowing Melancton Avenue to remain open. If Melancton is converted to a dead end street just before it reaches the commercial properties, parking for Jack's and Kirsch's Dry Cleaning will be combined, with access for both from Bellona Avenue. Integrating the use of these two commercial properties would provide safer access, prevent existing traffic from being diverted down Melancton Avenue and would provide a more attractive landscaped frontage along the York Road-Bellona intersection. At a heavily attended General Meeting of the Association the vote was almost unanimous to close Melancton for the above reasons. Since that time a county hearing officer has approved the road closing.

ALTERNATIVE MITIGATION MEASURES

Only if it is not possible to reduce cut through traffic via recommendations #3 above, consideration should be given to redirecting traffic to minimize its impact.

1. Extension of Front Avenue between Melancton and Ridgely Avenue

LCA will study a possible extension of Front Avenue to Ridgely Road with assistance from Baltimore County.

2. Reduce traffic on Bellona Avenue between Charles Street and York Road.

LCA will study the reduction of traffic on Bellona Avenue between Charles Street and York Road with the assistance of Baltimore County.

3. If future improvements are made to the Charles Street, Bellona Avenue, I-695 Interchange, consideration should be given to discouraging through traffic via Bellona Avenue.

IMPLEMENTATION

Some projects like sidewalks, asphalt pathways, stop signs, and restriping of streets to provide pedestrian and bike paths, can be done at relatively little cost to solve immediate safety problems. The LCA Traffic Committee should start action on these as soon as possible.

Other options will take time to achieve consensus. It is important that these options are in the Plan to encourage further discussion as we test and evaluate the effectiveness of the various short-term mitigation measures.

GUIDELINES FOR NEW RESIDENTIAL DEVELOPMENT

The Baltimore County Landmarks Preservation Commission's handbook, *Historic Design Guidelines: Basic Principles of Historic Preservation*, has useful guidelines for the rehabilitation of historic resources. However, the handbook's guidelines for new construction related to historic resources are so general that more specific guidelines are needed. Guidelines are also needed for residential development outside of the historic district. Architectural styles are more diverse outside the historic district, but compatibility with the well established character of Lutherville's neighborhoods is nonetheless important.

The following guidelines should apply to new residential development throughout the community.

Large Developments (Major subdivisions - 4 lots or more)

Section 26-282 of *Baltimore County's Development Regulations* sets forth the following guidelines on "compatibility" which are also very general, but would be helpful in evaluating a relatively large infill development such as College Manor or the Bautz property:

1. The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood;
2. The building and parking layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood;
3. The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood;
4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.
5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design;
6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities;
7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood;
8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

Single Family Homes (Minor subdivisions and existing lots of record)

Since most infill development will be single family homes, it seems useful to have more specific guidelines to ensure that new homes are compatible with the overall character of the community and do not adversely impact the adjacent historic properties. These guidelines are not intended to frustrate property owners' desires or to stifle design creativity by dictating a single design solution. They are intended to provide a flexible framework for designing new development that harmonizes with the well-established character of Lutherville's historic and non-historic neighborhoods.

1. **Architecture:**

Within the Historic District, the architecture of new development should be compatible with adjacent historic structures. Architecture that utilizes the building proportions, gabled roofs, fenestration, porches, materials, and some architectural detailing that is typical of the Victorian period is strongly preferred. Elsewhere in the community, traditional pre-twentieth century American architectural styles are preferred (i.e. Federal, Georgian, Cape Cod, etc.) More contemporary styles are discouraged (i.e. split-level, rancher, etc.)

2. **Building Orientation**

On lots adjacent to a public street, the front facade of homes must orient toward the street. Panhandle lots are not in keeping with Lutherville's existing development pattern and are discouraged. However, if the County were to approve panhandle lots, homes should be oriented diagonally or sideways to avoid facing the rear of adjacent homes. Landscaping or fencing should be provided if necessary for privacy.

3. **Building Setback**

Homes should be setback the same distance from the street as adjacent homes. If these vary, the average of the two neighboring property setbacks should be used. On panhandle lots, minimum front setbacks required by zoning may be used as long as privacy for neighboring rear yards is provided.

4. **Shade Trees**

Lutherville derives much of its character from its wealth of shade trees. The County's landscaping regulations require that deciduous street trees be located along the property's street frontage. Species used should be tall (50 ft. or more) at maturity where there are no overhead wires, with smaller trees beneath wires. Spacing for street trees should be forty foot or to match existing spacing. In addition to street trees, at least two other shade trees per lot are requested on new lots.

GUIDELINES FOR ENHANCING THE APPEARANCE OF NON-RESIDENTIAL PROPERTIES

Commercial and other non-residential properties along the edges of Lutherville (York Road, Ridgely Road and Bellona Avenue) function as entrances to the community. First impressions do count and the LCA should encourage all abutting commercial properties to be "good neighbors." Even more important are the non-residential properties that lie within the Lutherville historic district. The guidelines for these properties are more extensive and emphasize compatibility with the historic district.

Businesses Adjacent to Lutherville

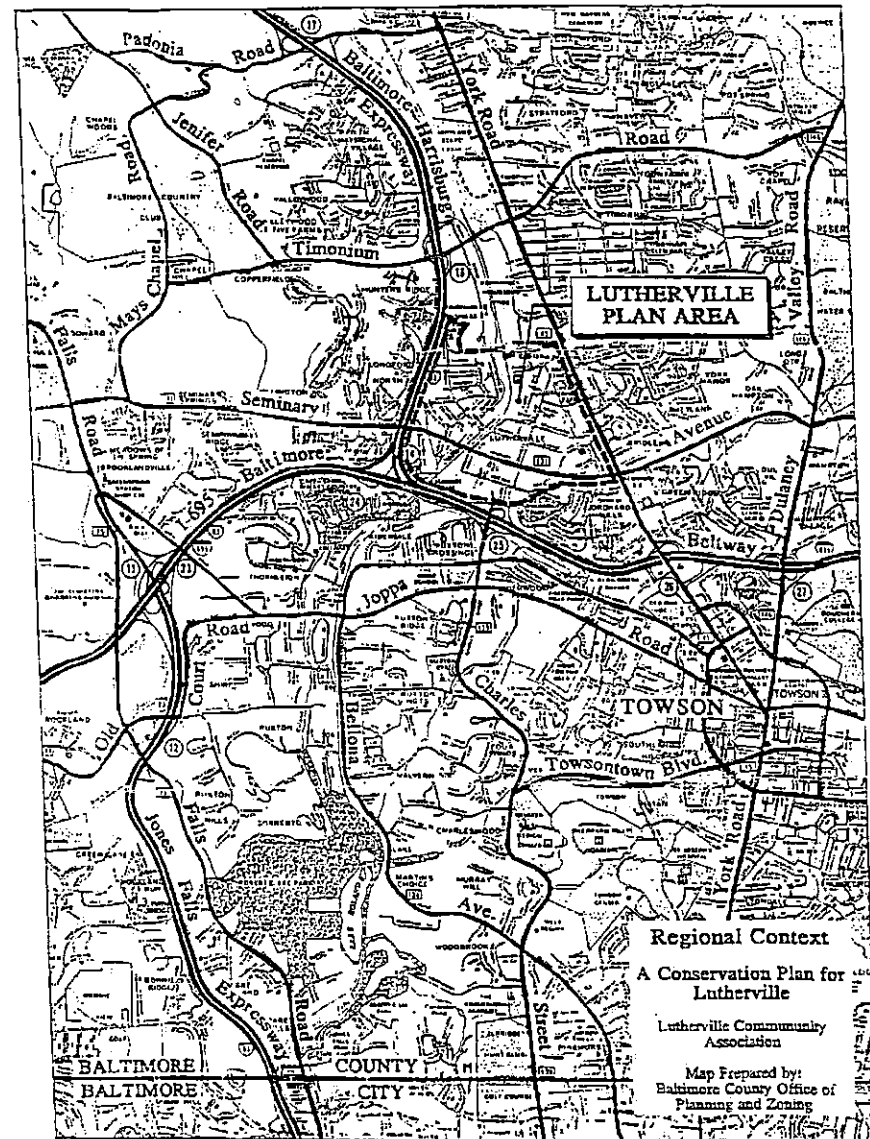
The appearance of businesses along York Road, Ridgely Road and Bellona Avenue varies greatly. LCA should make specific requests on a case by case basis as appropriate.

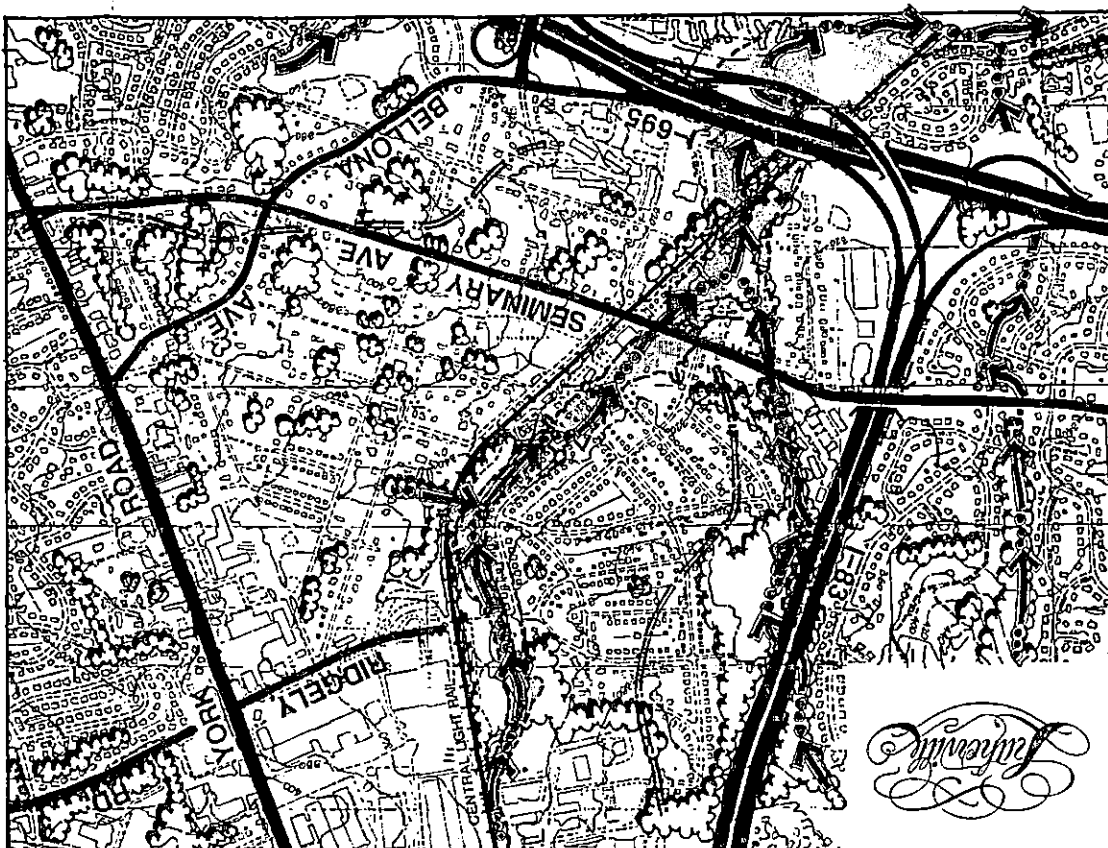
- 1). Landscaping should be provided to screen dumpsters, parking areas, and storage areas. Street trees to enhance the street frontage is very desirable. Ornamental landscaping to enhance the building, driveway entrances, and parking areas is desired.
- 2). Signage should meet current county sign code requirements, be attractive and be professionally designed.
- 3). Renovations or new construction – The eclectic architecture of existing non-residential properties is accepted, if not beloved. Renovations or new construction which employs Victorian architectural elements in a traditional or contemporary manner to reflect the character of the community would be desirable at community entrances.
- 4). All building elements should be well maintained.

Businesses within historic Lutherville

In addition to the above guidelines the following apply to businesses within the historic district:

- 1). Signage – should comply with the sign design guidelines for historic districts set forth in the Baltimore County Landmark Preservation Commission's handbook, *Historic Design Guidelines: Basic Principles of Historic Preservation*.
- 2). Renovation or new construction – The architecture of most of the historic district commercial properties is not distinctive. Any renovation or new construction provides an opportunity to upgrade the business' physical appearance and therefore its commercial appeal. *Hiring an architect is strongly recommended.* A good architect can suggest affordable means of making a commercial property more compatible with the Victorian character of the historic district. Even paint colors and sign design can make a huge difference. The Lutherville Architectural Advisory Committee can provide free design advice to property owners thinking about possible improvements.







Baltimore County
Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Robert David Duvall

From: Peoples Counsel
Sent: Friday, August 07, 2015 11:02 AM
To: Robert David Duvall
Subject: 206 Morris Avenue - Case No.: 2015-302-SPHA

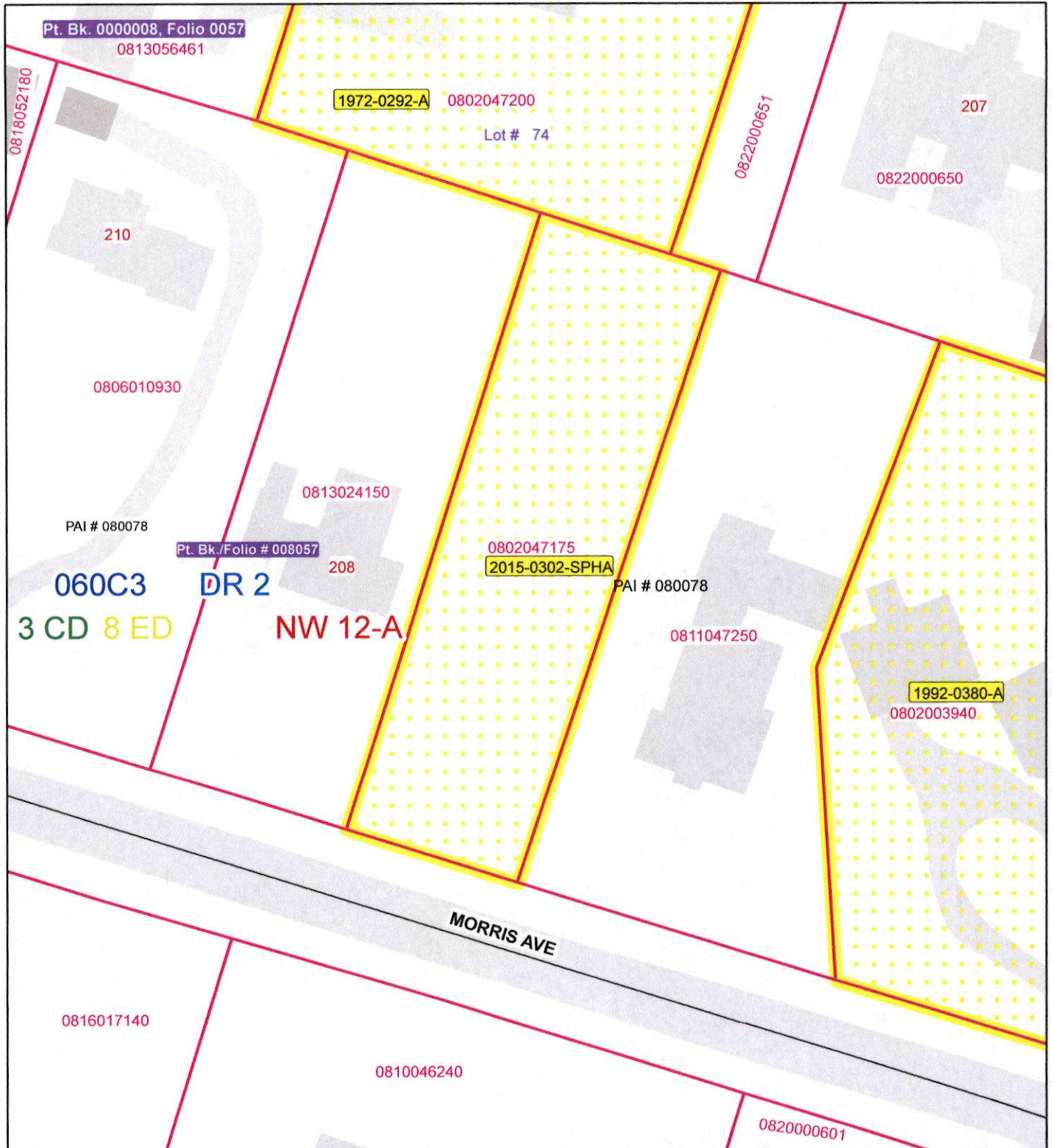
Mr. Duvall,

Our office kindly request the complete zoning history for 206 Morris Avenue back to 1945. Please include copies of each map. The property owner is Carol Lynn Morris. A hearing is scheduled for early September, therefore, we would like the zoning history by August 28, 2015. Please let me know if you have any questions or concerns.

Thank you in advance.

Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax

206 Morris Avenue



Publication Date: 8/10/2015



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet



RIGHT SIDE ELEVATION

206 MORRIS AVENUE, LUTHERVILLE

dw taylor
associates, inc.
ARCHITECT

Baltimore County, Maryland



REAR ELEVATION

206 MORRIS AVENUE, LUTHERVILLE



LEFT SIDE ELEVATION

206 MORRIS AVENUE, LUTHERVILLE

Baltimore County, Maryland



FRONT ELEVATION

206 MORRIS AVENUE, LUTHERVILLE

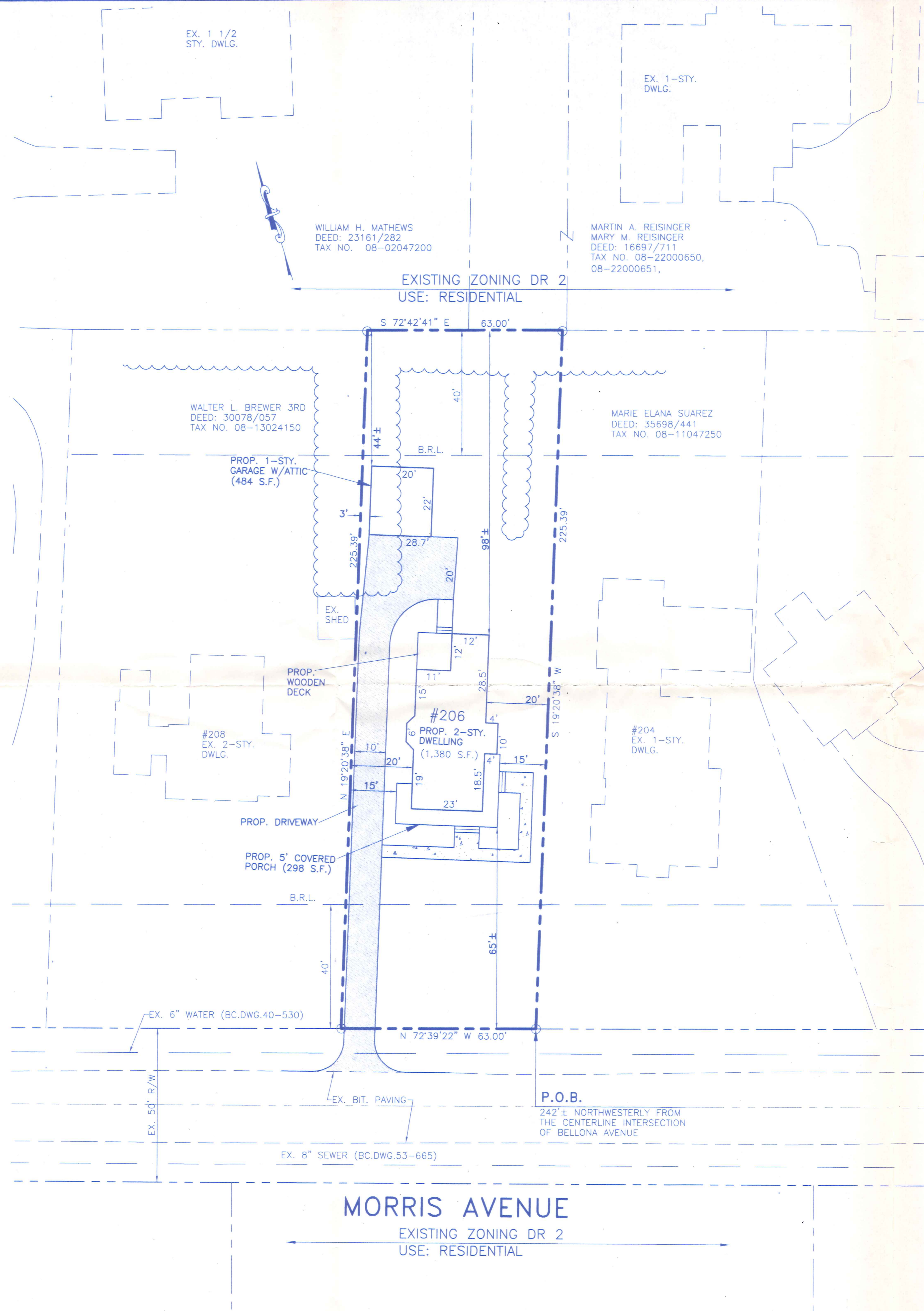
Baltimore County, Maryland

dw taylor
associates, inc.
ARCHITECT

PETITIONER'S

EXHIBIT NO.

5

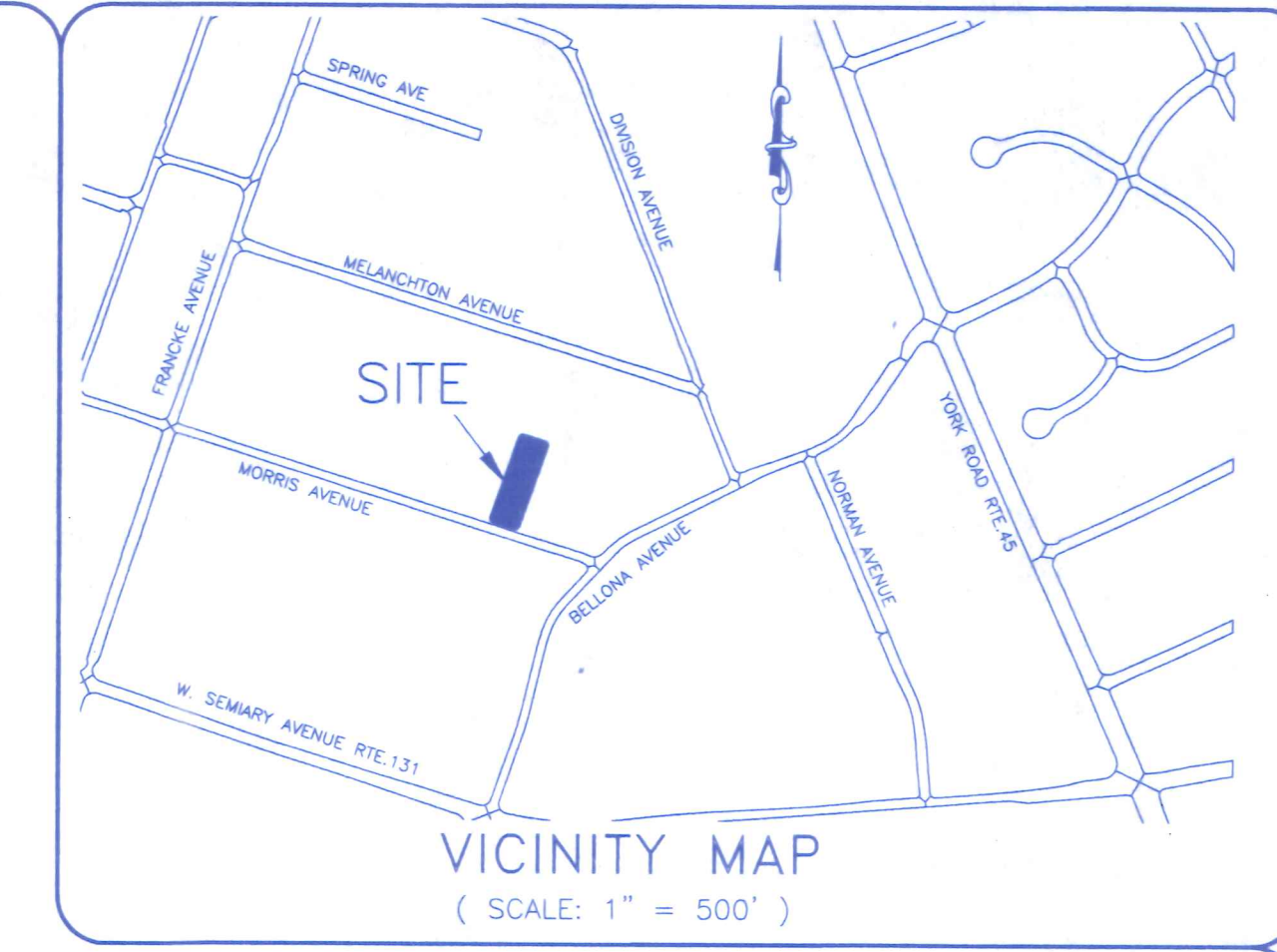


NOTES

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 240010V000B. 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

CASE NO. 2015-0302-SPHA (DENIED DATED: 09/09/2015)
RECONSIDERATION UNDER SECTION 304 (GRANTED DATE: 10/08/2015)



SITE DATA

- 1) OWNER: 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.

Rel No 4



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 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: 09/09/2017

1

SHEET 1 OF 1

SCALE:
1" = 20'

JOB ORDER NO:
21509

DATE:
03/03/16

CHECKED:
W.N.B.

DRAWN:
N.W.B.

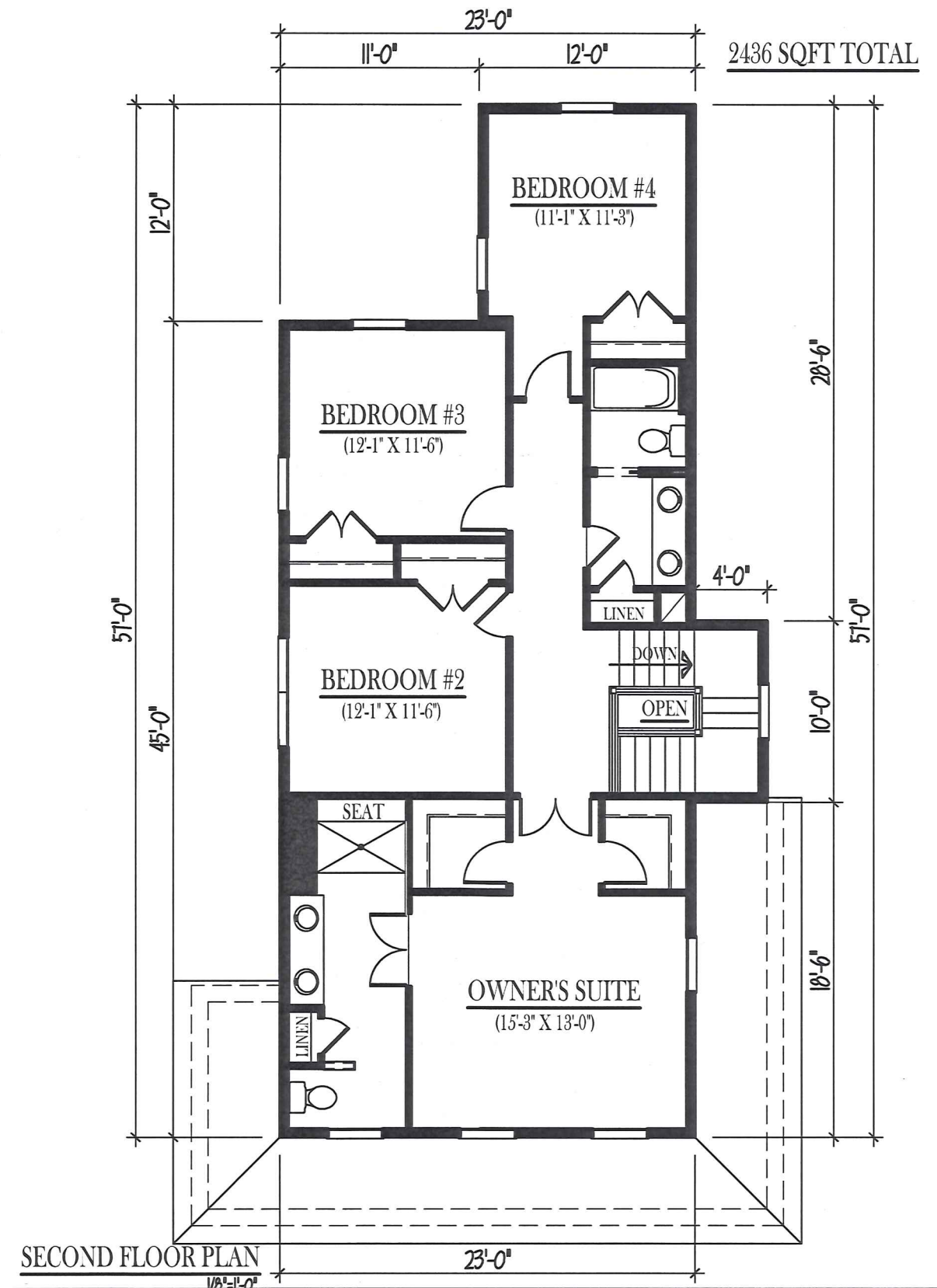
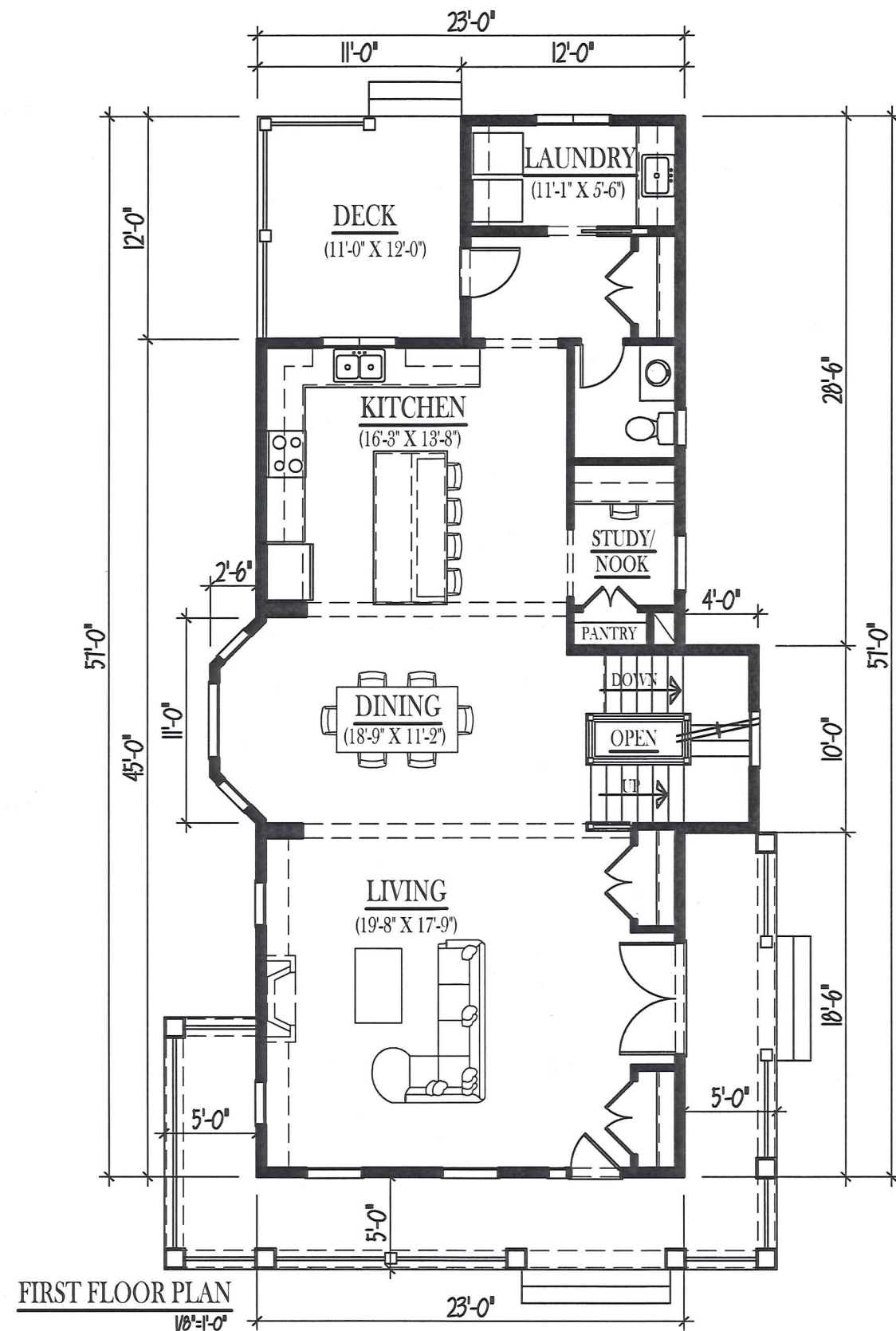
NO.	REVISIONS	DATE
	REVISED GARAGE TO 20'X22' INSTEAD OF 22'X22'	05/13/16

LEGEND

- PROPERTY LINE
- - - LOT LINE
- - - B.R.L. - - - BUILDING RESTRICTION LINE

Red No 6

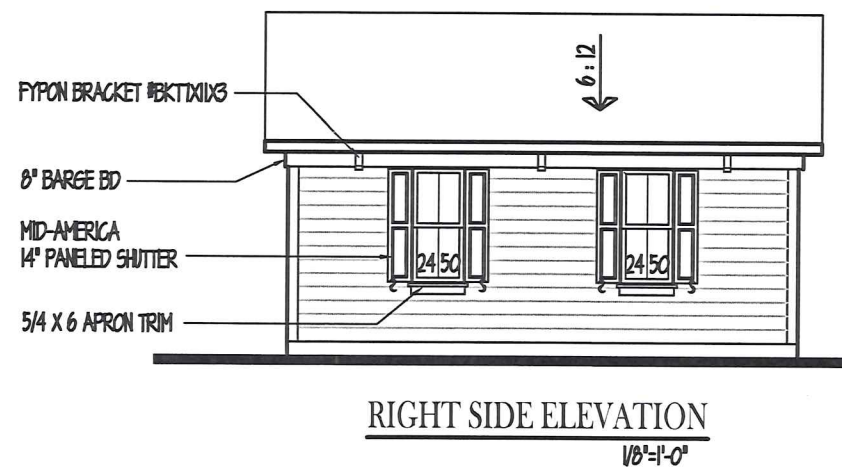
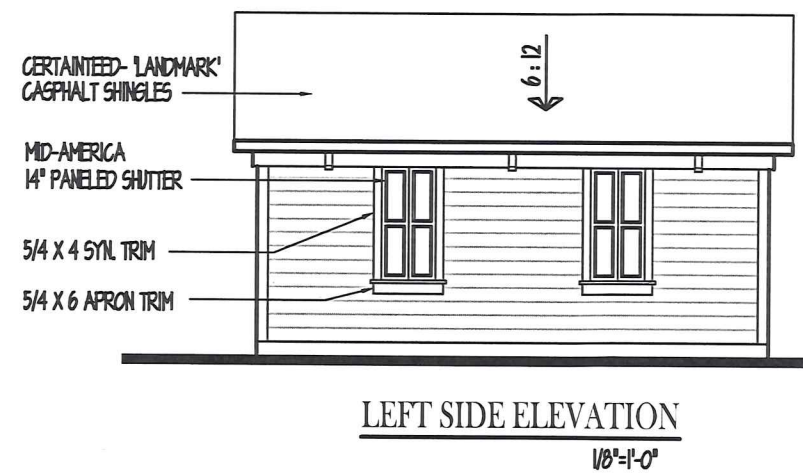
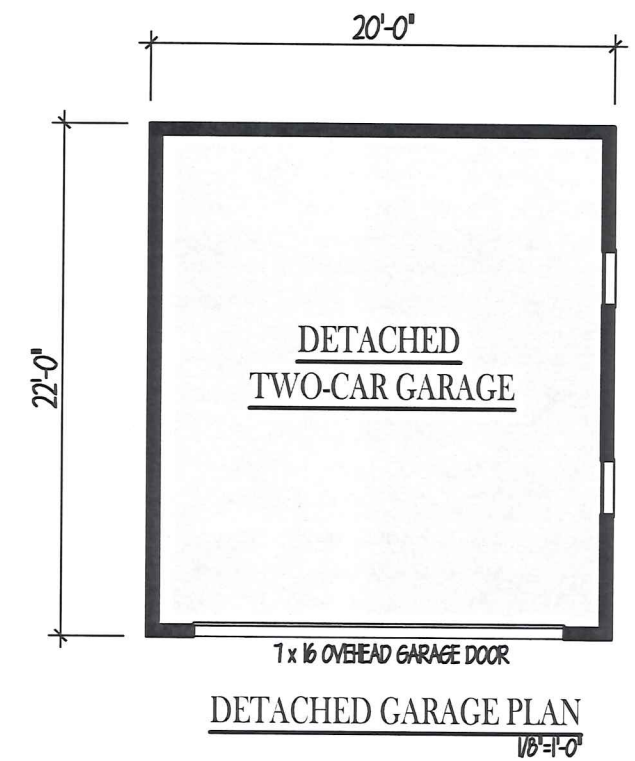
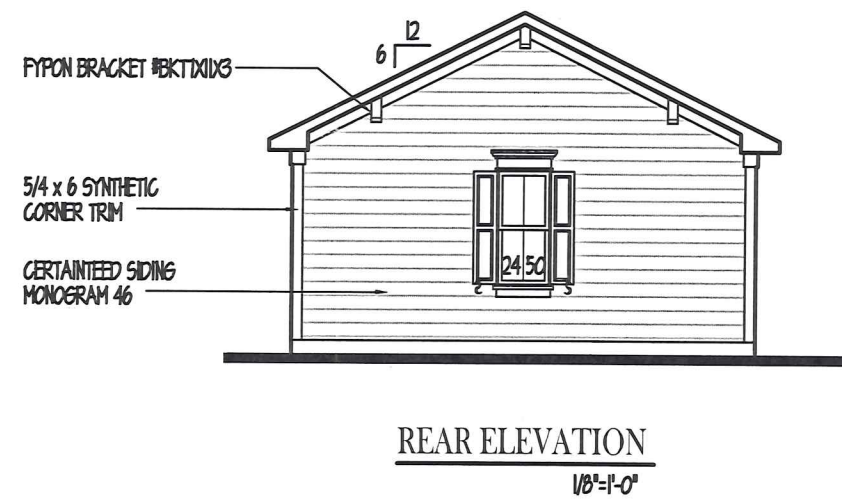
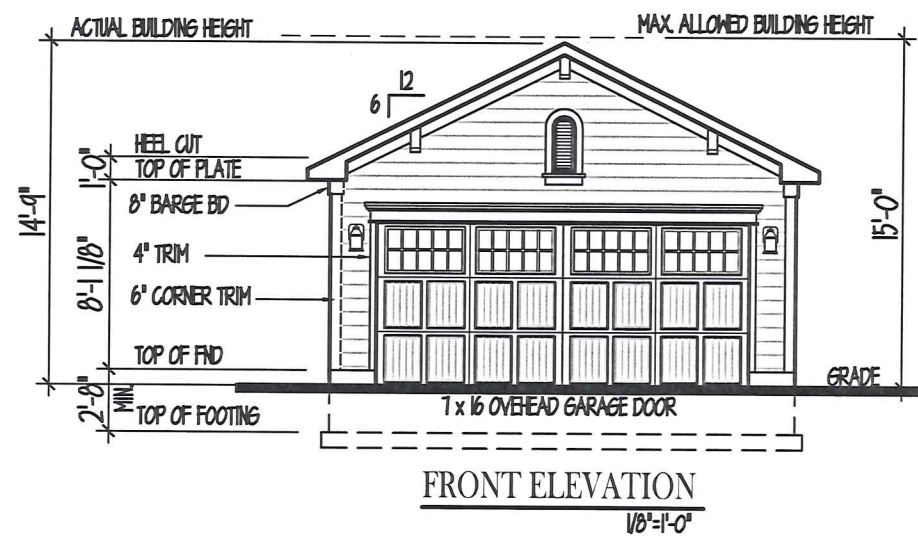




CG HOMES

206 MORRIS AVENUE
LUTHERVILLE, MD 21093

dw taylor
associates inc
ARCHITECT



CG HOMES

206 MORRIS AVENUE
LUTHERVILLE, MD 21093

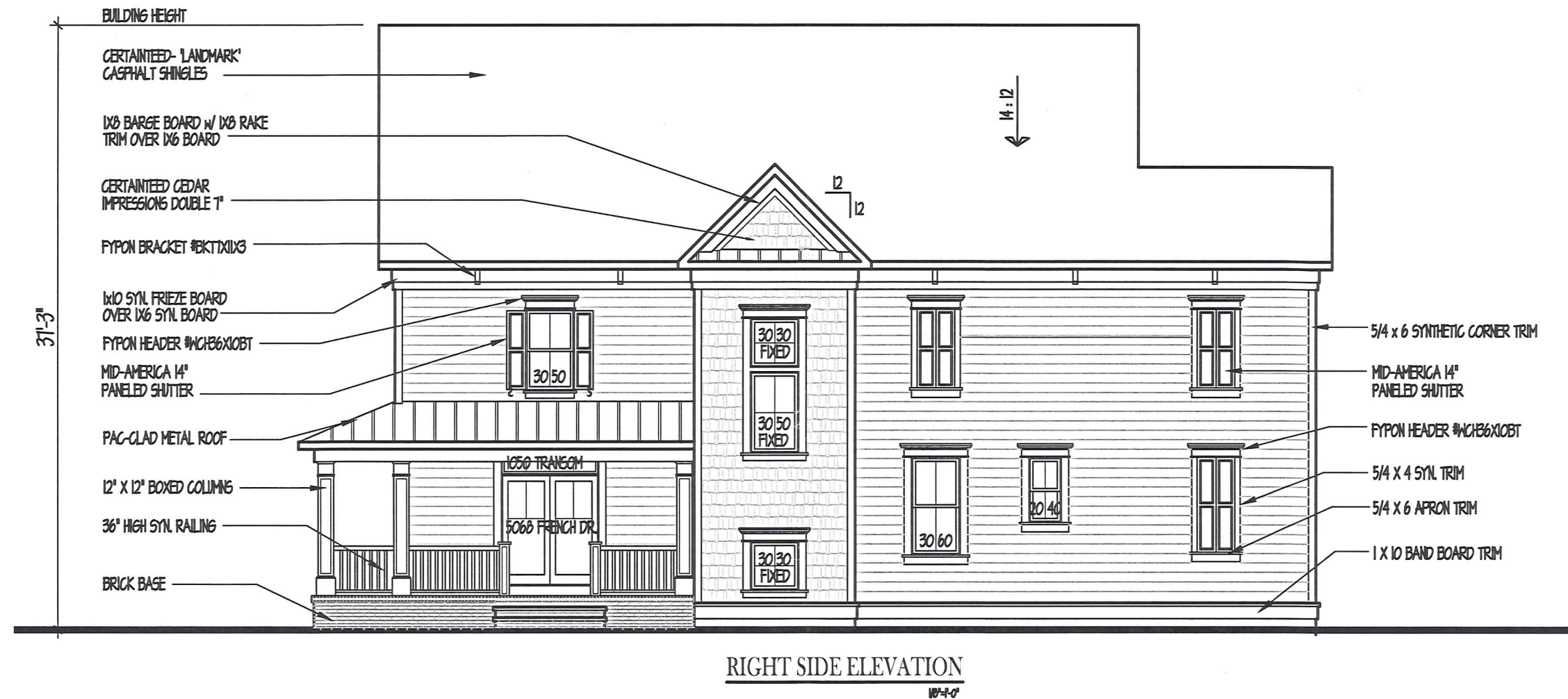
dw taylor
associates inc
ARCHITECT



CG HOMES

206 MORRIS AVENUE
LUTHERVILLE, MD 21093

dw taylor
associates inc
ARCHITECT

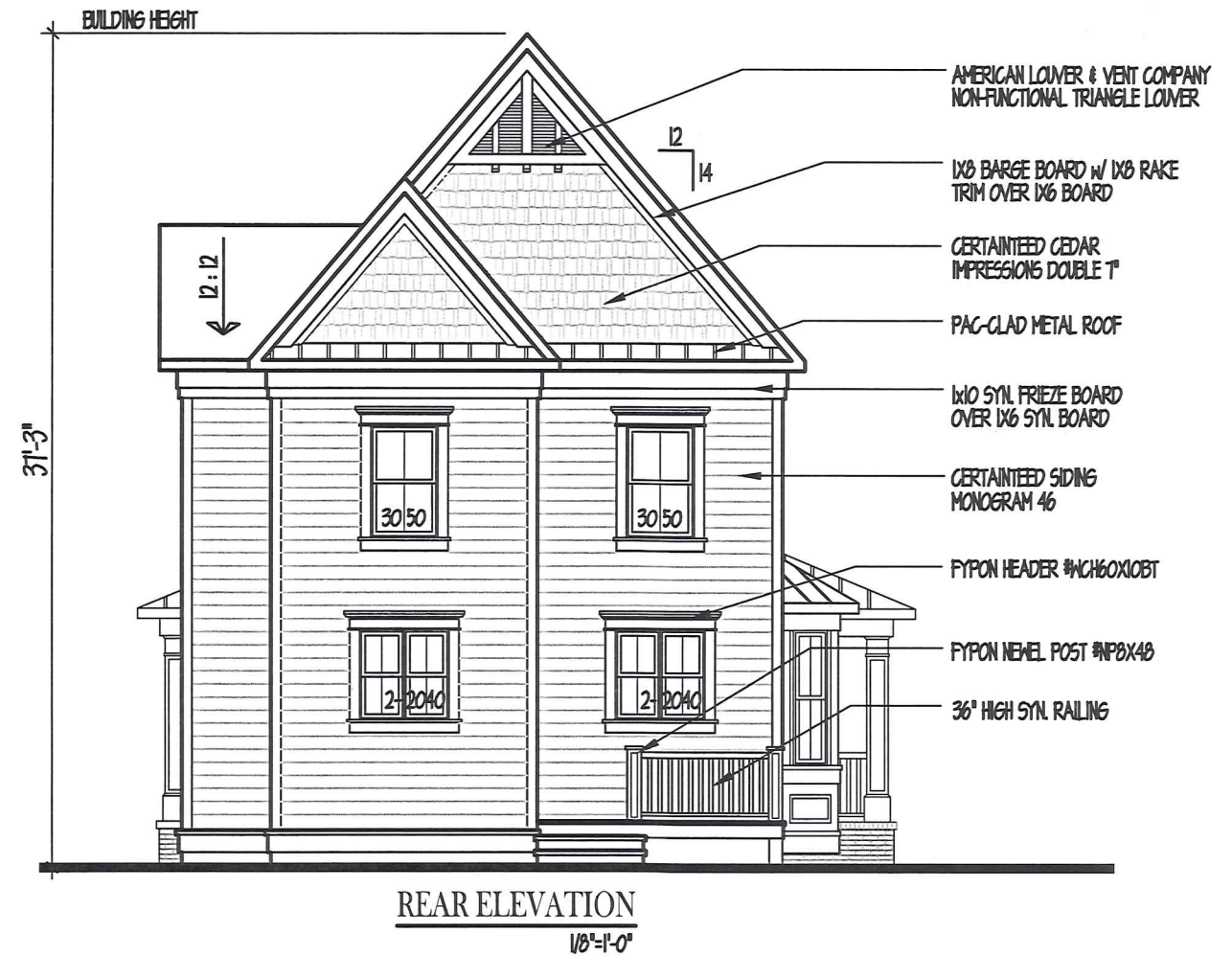
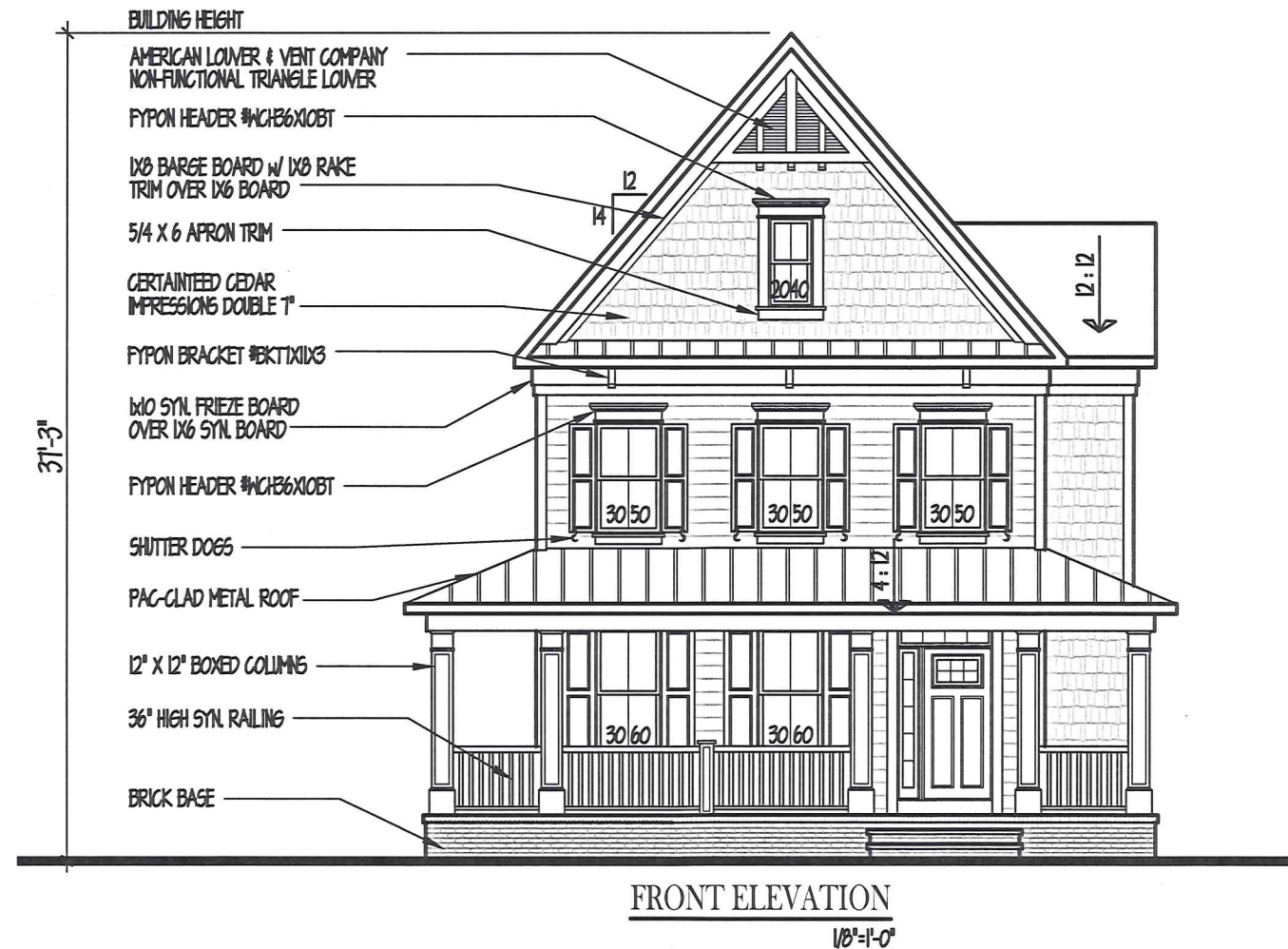


CG HOMES

206 MORRIS AVENUE
LUTHERVILLE, MD 21093

dw taylor
associates inc
ARCHITECT

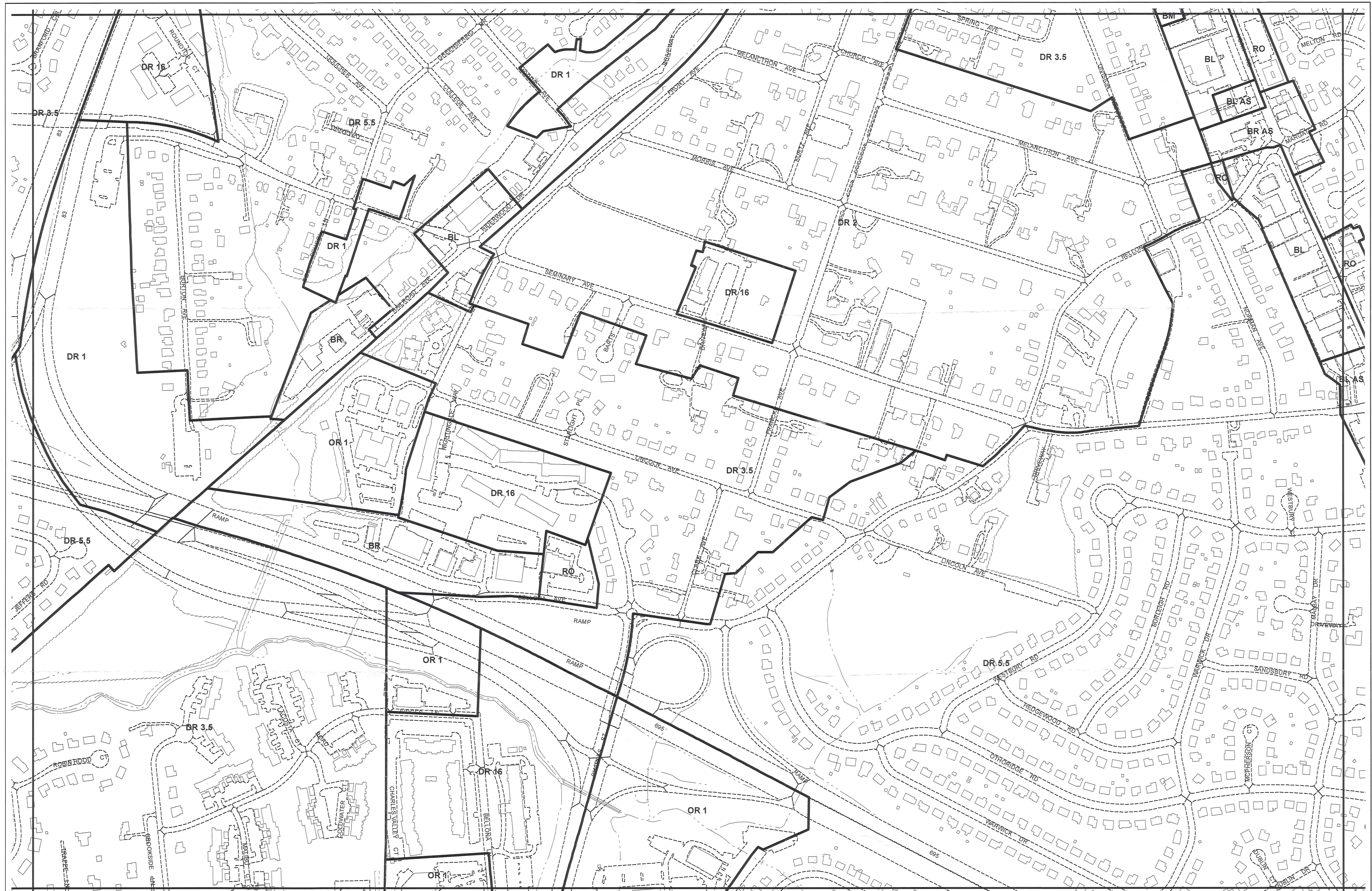
Red No 7



CG HOMES

206 MORRIS AVENUE
LUTHERVILLE, MD 21093

dw taylor
associates inc
ARCHITECT



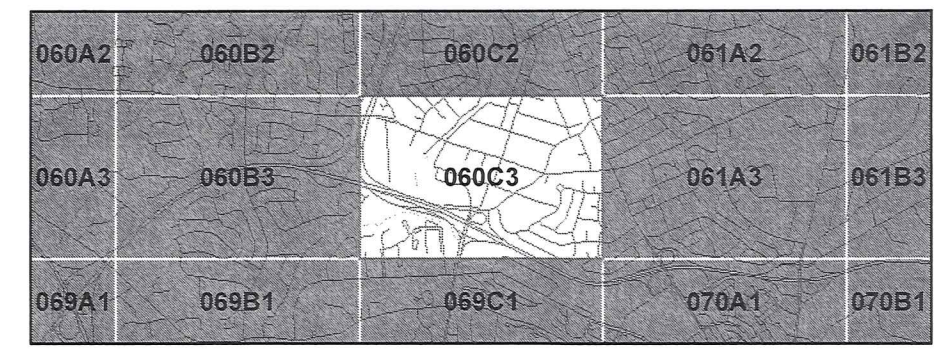
Plan Sheet: 060C3

Note:
The zoning depicted in this map incorporates the actions associated with 2012 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through December 31, 2012.

Legend

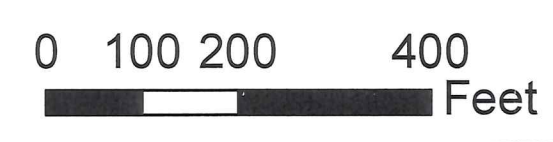
- Zoning
- Streams
- Rail Lines
- Buildings
- Roads
- Vegetation

**Baltimore County
Department of Planning
Official Zoning Map**



Scale

1" = 200'

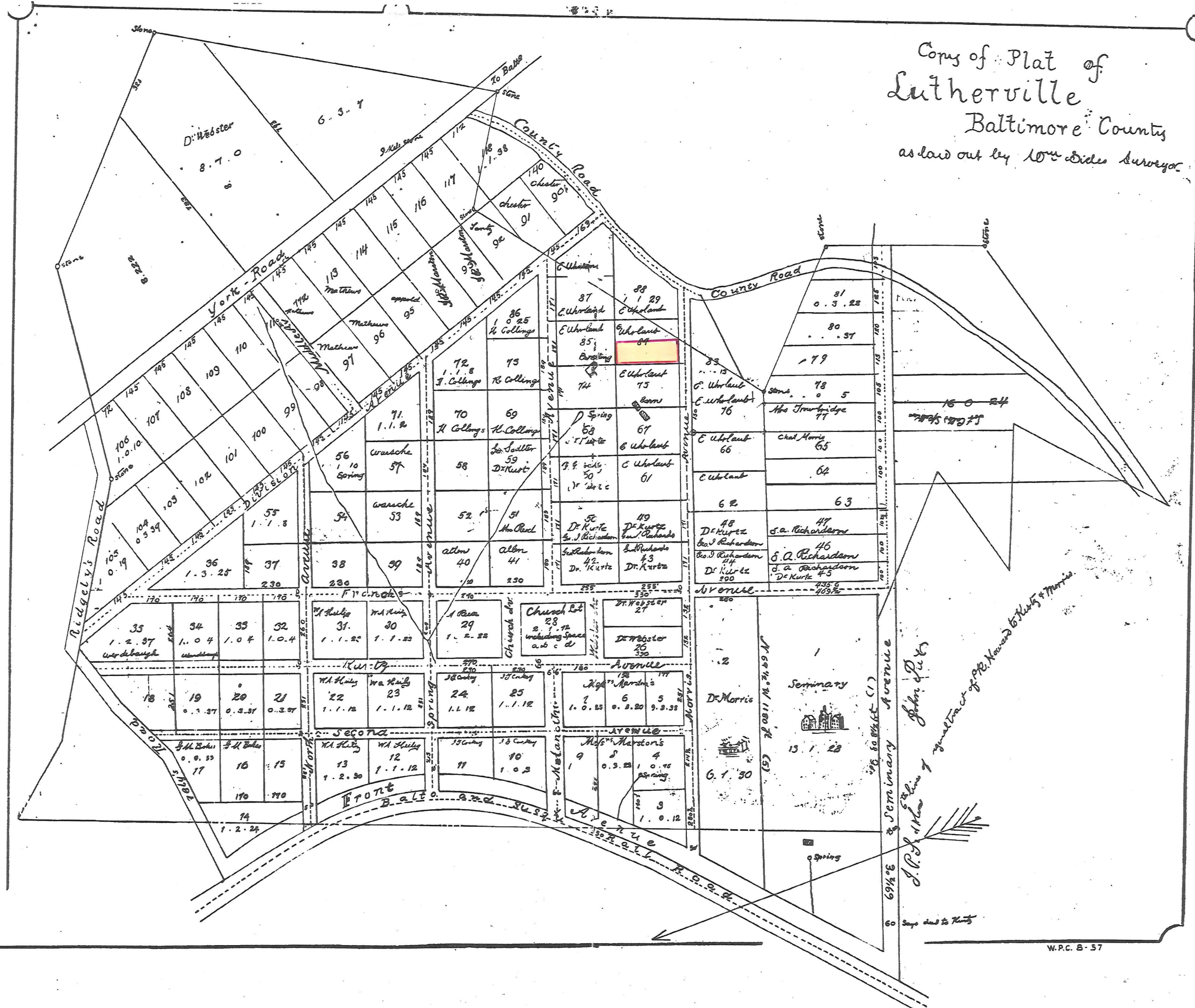


Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 2008 photography
Zoning - Baltimore County Office of Planning
1:2400, 2012

2015-302-SPH A

P.C. #3

Copy of Plat of
Lutherville
Baltimore County
as laid out by 10th Sides Surveyor





PLANNING DEPARTMENT

BALTIMORE

8TH DISTRICT

ELECTION DISTRICT OF BALTIMORE

SCALE

1 500 1000 1500
400 FEET TO ONE INCH

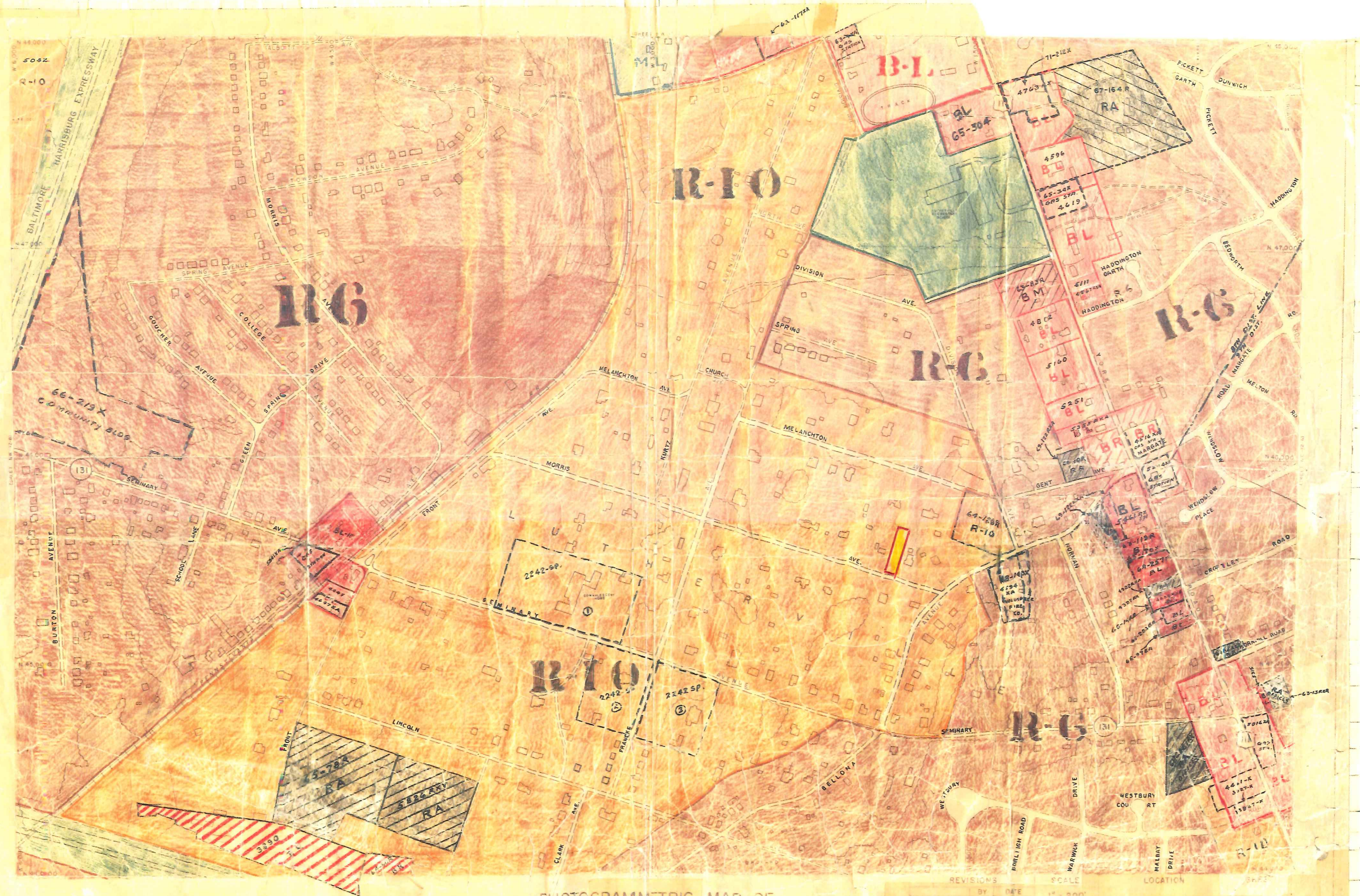
8TH DISTRICT

"B"

1945

LEGEND

- "A" RESIDENCE ZONE - R.G.
- "B" RESIDENCE ZONE - R.G.
- "C" RESIDENCE ZONE - R.A.
- "D" RESIDENCE ZONE - R.G.
- "E" COMMERCIAL ZONE - B.L.
- "F" INDUSTRIAL ZONE - M.L.



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS

BY DATE

SCALE

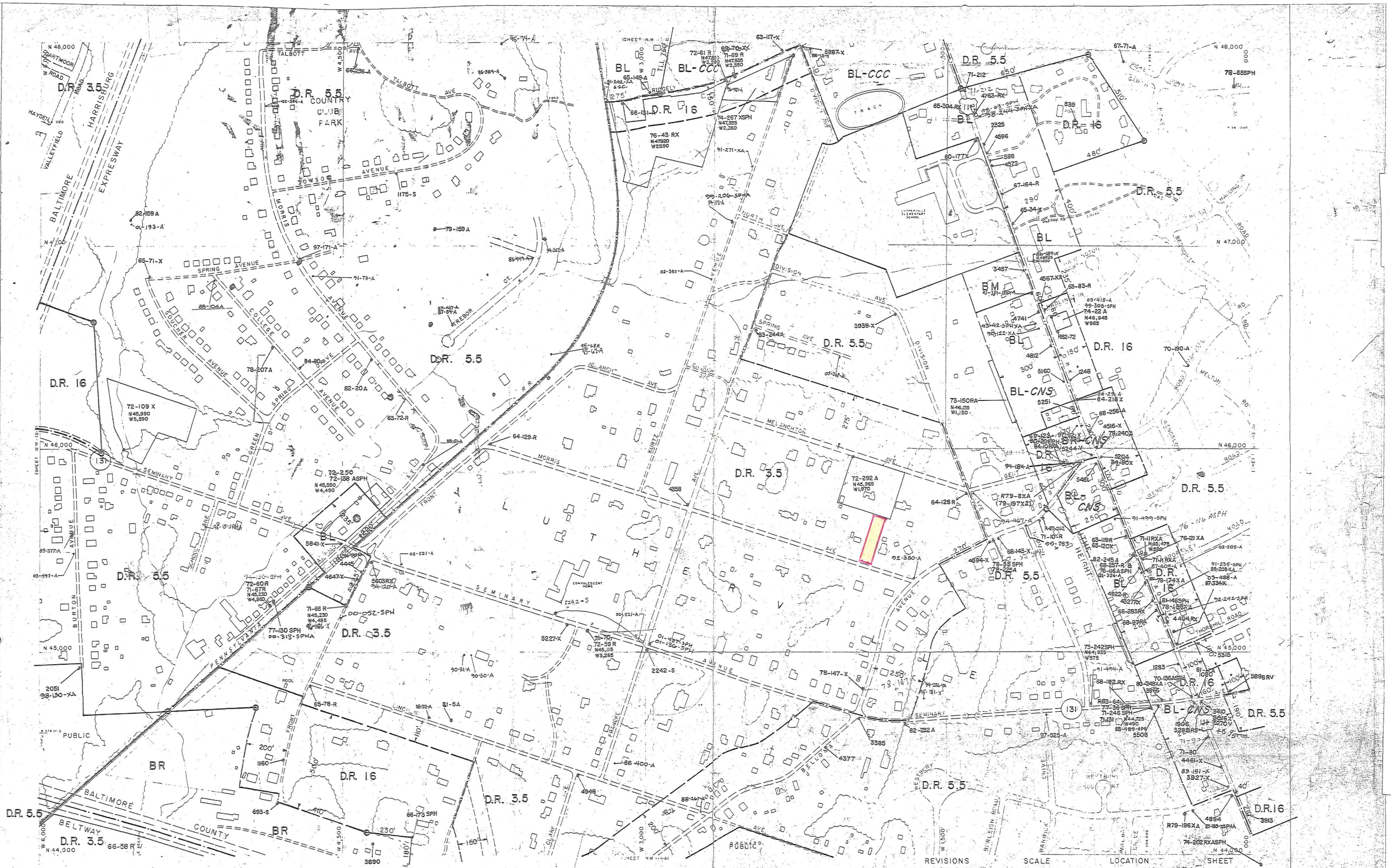
 $1'' = 200'$

LOCATION

Griffiths

LUTHERVILLE

8TH DISTRICT

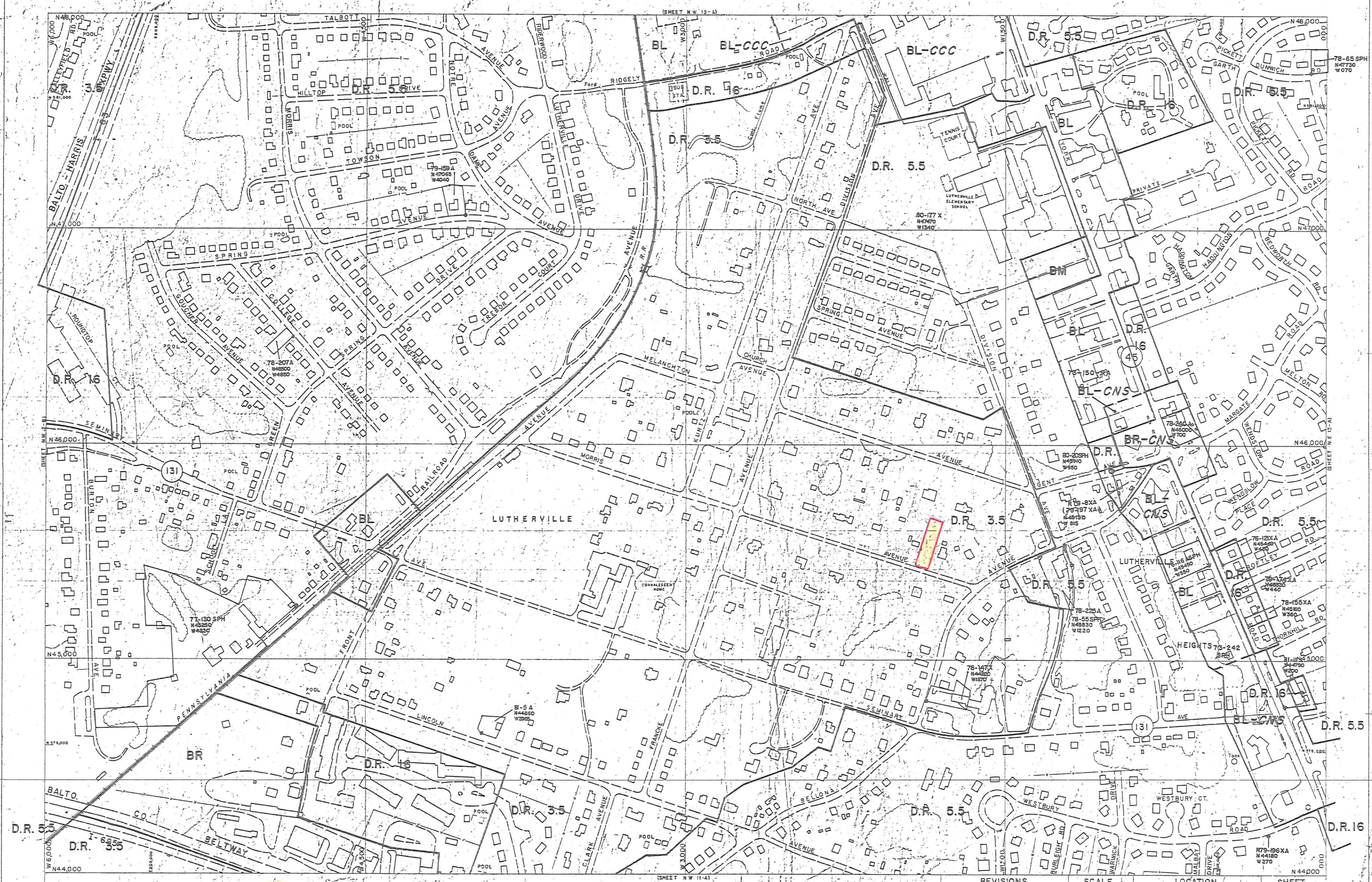


ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS BY DATE
SCALE 1" = 200'
DATE OF PHOTOGRAPHY APRIL 1953
LUTHERVILLE
SHEET
N.W. 12-A

Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION - PHILADELPHIA, PA.



S - SE R - SW

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 7, 1976 & OCT. 8, 1976
BILL NOS. 108-76, 109-76, 110-76, 111-76,
112-76, 113-76, and 114-76
CHAIRMAN COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
BY	DATE				
Planimetric	MAPS, INC.	4-11-70	1" = 200'	LUTHERVILLE	N.W. 12-A
			DATE OF PHOTOGRAPHY APRIL 1953		
Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.					

1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 14, 1980
BILL NOS. 184-80, 185-80, 186-80,
187-80, 188-80, 189-80, AND 190-80
Thomas H. Rawlings
CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS: BY DATE
Planimetric MAPS 4-11-70
INC.
SCALE 1" = 200'
DATE OF PHOTOGRAPHY APRIL 1953
LOCATION LUTHERVILLE
SHEET N.W. 12-A
Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA



Plan Sheet: 060C3

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- | | | |
|-----------|---------|------------|
| Zoning | Streams | Vegetation |
| Buildings | Roads | Rail Lines |

Baltimore County Office of Planning and Zoning Official Zoning Map

060A2	060B2	060C2	061A2	061B2
060A3	060B3	060C3	061A3	061B3
069A1	069B1	069C1	070A1	070B1

Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
CIT/GIS Services Unit
1:2400, from 1989/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



Plan Sheet: 060C3

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- | | | | | | |
|--|-----------|--|---------|--|------------|
| | Buildings | | Streams | | Vegetation |
| | Zoning | | Roads | | Rail Lines |

Baltimore County Office of Planning and Zoning Official Zoning Map

060A2	060B2	060C2	061A2	061B2
060A3	060B3	060C3	061A3	061B3
069A1	069B1	069C1	070A1	070B1

Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS

DATE: 2/11/2016

B-903728

OE: E.D. 101

HISTORIC DISTRICT/BLDG.

PERMIT #: B-903728
RECEIPT #: A2058
CONTROL #: NR
XREF #:

PROPERTY ADDRESS 206 MORRIS AVENUE
SUITE/SPACE/FLOOR NA
SUBDIV: NA 229 W. BELLONA AVE
TAX ACCOUNT #: 0802047175

YES ☒ NO ☐
DO NOT KNOW ☐
DISTRICT/PRECINCT 08 14

FEE: 205410450
PAID: 265

OWNER'S INFORMATION (LAST, FIRST)
NAME: C.G. HOMES, INC.
ADDR: 9475 DEERCO ROAD SUITE 404 TIMONIUM MD 21043

PAID BY:
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION

NAME: TOM FAUST
COMPANY: C.G. HOMES INC
STREET: 9475 DEERCO ROAD SUITE 404
CITY, ST, ZIP: TIMONIUM MD 21043
PHONE #: 410-308-1717 MHIC #

DOES THIS BLDG. HAVE SPRINKLERS
YES ☒ NO ☐

APPLICANT SIGNATURE: [Signature] DRC#
PLANS: CONST 25 PLOT 7 PLAT DATA EL 1 PL 1
TENANT: SPRINKLERS REQUIRED FOR FIRE PROTECTION
CONTR: C.G. HOMES, INC.
ENGR: BAFIS & ASSOCIATES
SELLR:

TYPE OF IMPROVEMENT

1. ☒ NEW BLDG CONST
2. ☐ ADDITION
3. ☐ ALTERATION
4. ☐ REPAIR
5. ☐ WRECKING
6. ☐ MOVING
7. ☐ OTHER

DESCRIBE PROPOSED WORK: CONSTRUCT SFD 41,380 SF (2 STORY) WITH SIDE YARD SETBACKS OF 20 FEET EACH COMBINATION OF 40 FEET TOTAL COVERED W/RAIP AROUND PORCH, SIDE BAY WINDOW, COVERED WOOD REAR DECK, UNFINISHED 1ST, 2 BEDROOMS

TYPE OF USE

RESIDENTIAL

01. ☒ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY (ENTER NO UNITS)
05. ☐ SWIMMING POOL
06. ☒ GARAGE
07. ☐ OTHER

- NON-RESIDENTIAL SEE B FOR DETACHED GARAGE
08. ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ☐ CHURCH, OTHER RELIGIOUS BUILDING
10. ☐ FENCE (LENGTH HEIGHT)
11. ☐ INDUSTRIAL, STORAGE BUILDING
12. ☐ PARKING GARAGE
13. ☐ SERVICE STATION, REPAIR GARAGE
14. ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ☐ OFFICE, BANK, PROFESSIONAL
16. ☐ PUBLIC UTILITY
17. ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ☐ SIGN
19. ☐ STORE MERCANTILE RESTAURANT
20. ☐ SWIMMING POOL SPECIFY TYPE
21. ☐ TANK, TOWER
22. ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. ☐ OTHER

TYPE FOUNDATION

1. ☐ SLAB
2. ☐ BLOCK
3. ☒ CONCRETE

BASEMENT

1. ☐ FULL
2. ☐ PARTIAL
3. ☐ NONE

TYPE OF CONSTRUCTION

1. ☒ MASONRY
2. ☒ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☒ GAS
2. ☐ OIL
3. ☐ ELECTRICITY
4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☐ PUBLIC SEWER ☒ EXISTS ☐ PROPOSED
2. ☐ PRIVATE SYSTEM
SEPTIC ☐ EXISTS ☐ PROPOSED
PRIVY ☐ EXISTS ☐ PROPOSED

CENTRAL AIR: 1. ☒ 2. ☐
ESTIMATED COST: \$100,000

1. ☐ PUBLIC SYSTEM ☒ EXISTS ☐ PROPOSED
2. ☐ PRIVATE SYSTEM ☐ EXISTS ☐ PROPOSED

OF MATERIALS AND LABOR

PROPOSED USE: SFD - NOT PATTERN BOOK
EXISTING USE: VACANT

OWNERSHIP

1. ☒ PRIVATELY OWNED 2. ☐ PUBLICLY OWNED 3. ☒ SALE 4. ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: 4 TOT APTS/CONDOS: 6. ☐ HIRISE

1. FAMILY BEDROOMS

GARBAGE DISPOSAL 1. ☒ YES 2. ☐ NO BATHROOMS 2 CLASS LIBER 12209 FOLIO 544
POWDER ROOMS 1 KITCHENS 1

BUILDING SIZE 3615 LOT SIZE AND SETBACKS 14175 SF
FLOOR 1218 x 2 SIZE 14184
WIDTH 23 FRONT STREET 65'
DEPTH 357 SIDE STREET
HEIGHT 37 FRONT SETBK 65
STORIES 2 SIDE SETBK 20120 12/14
LOT #'S 1 SIDE STR SETBK
CORNER LOT REAR SETBK 98
1. ☐ YES 2. ☒ NO ZONING DR 2

APPROVAL SIGNATURES DATE
BLD INSP : :
BLD PLAN : :
FIRE : :
SEDI CTL : :
ZONING OK TO FILE ONLY INSP PER MCR : 2/11/2016
PUB SERV : :
ENVRMNT : :
PLANNING OK TO FILE T.R. : 2/11/16
PERMITS : :

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

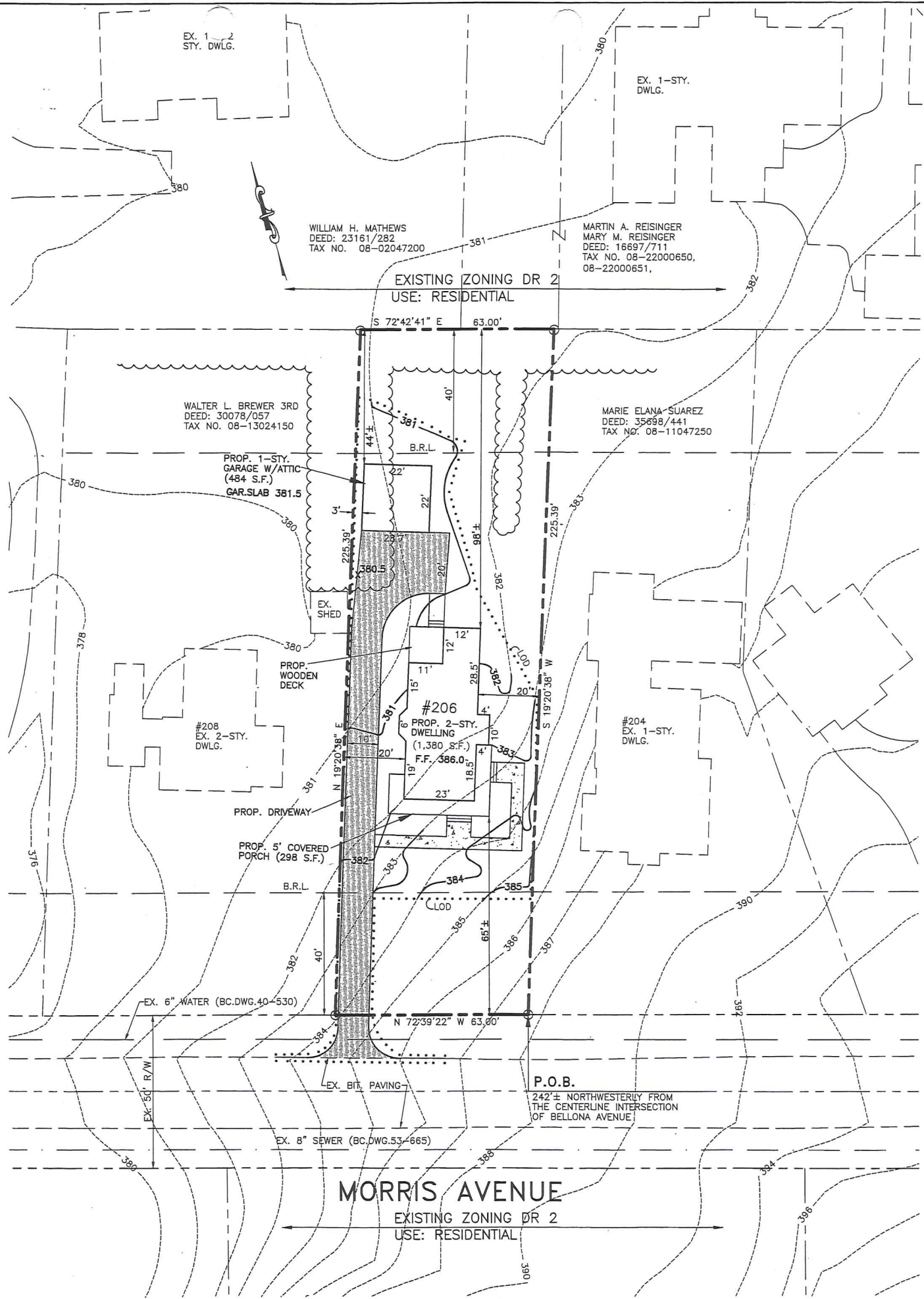


My Neighborhood Map

Created By
Baltimore County
My Neighborhood



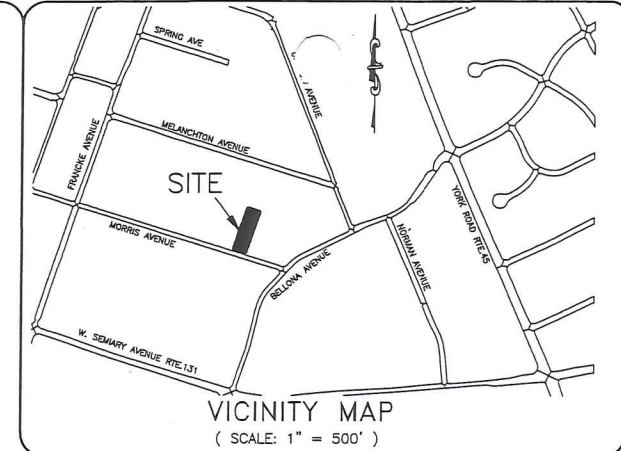
This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties,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



- ### 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 240010V0008. 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

CASE NO. 2015-0302-SPHA (DENIED DATED: 09/09/2015)
RECONSIDERATION UNDER SECTION 304 (GRANTED DATE: 10/08/2015)



- ### SITE DATA
- OWNER: 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.

OLD UNDERSIZE LOT
SITE PLAN

Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336

GRADING & SITE PLAN FOR BUILDING PERMIT APPLICATION 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. 11841 Expiration Date: 09/09/2017

1

SHEET 1 OF 1

NO.	REVISIONS	DATE

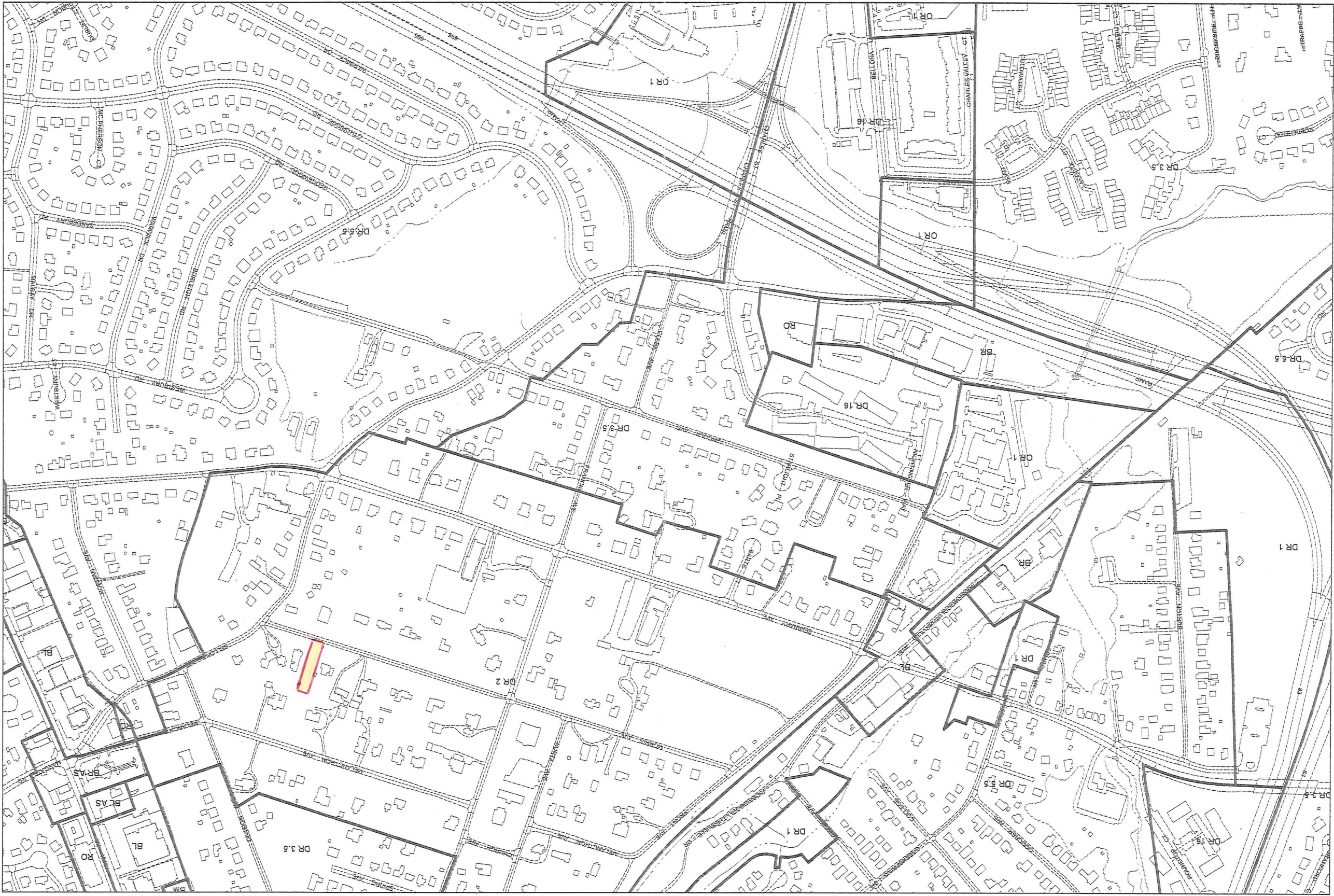
- ### LEGEND
- PROPERTY LINE
 - LOT LINE
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - PROPOSED SPOT GRADE
 - BUILDING RESTRICTION LINE
 - LIMIT OF DISTURBANCE

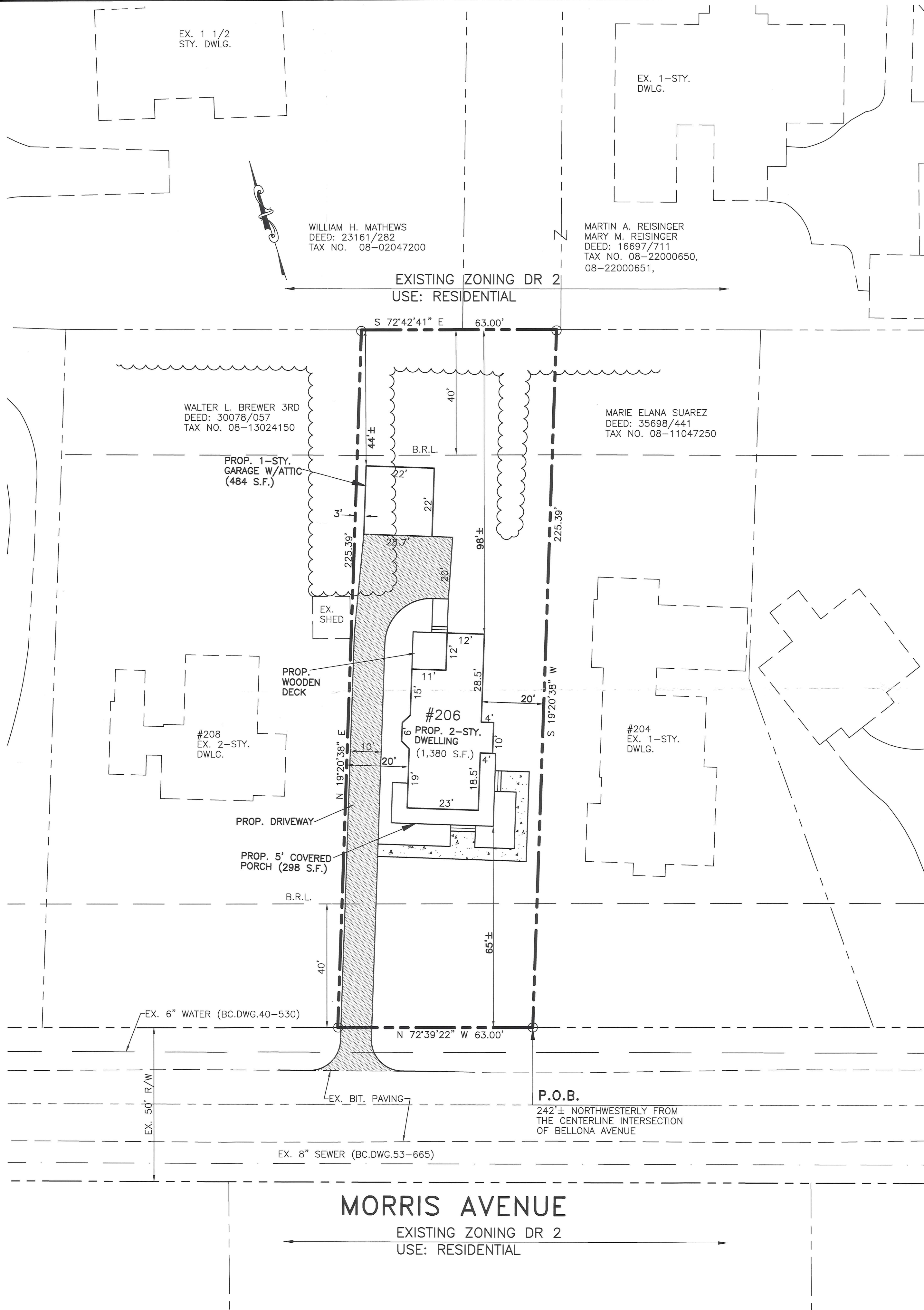
**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

069A1	069B1	069C1	070A1	070B1
060A3	060B3	060C3	061A3	061B3
060A2	060B2	060C2	061A2	061B2

Scale
1" = 200'

Data Sources:
 Planimetric Data - Baltimore County
 OIT/GIS Services Unit
 1:2400, from 1995/96 photography
 Zoning - Baltimore County Office of Planning
 1:2400, 2008



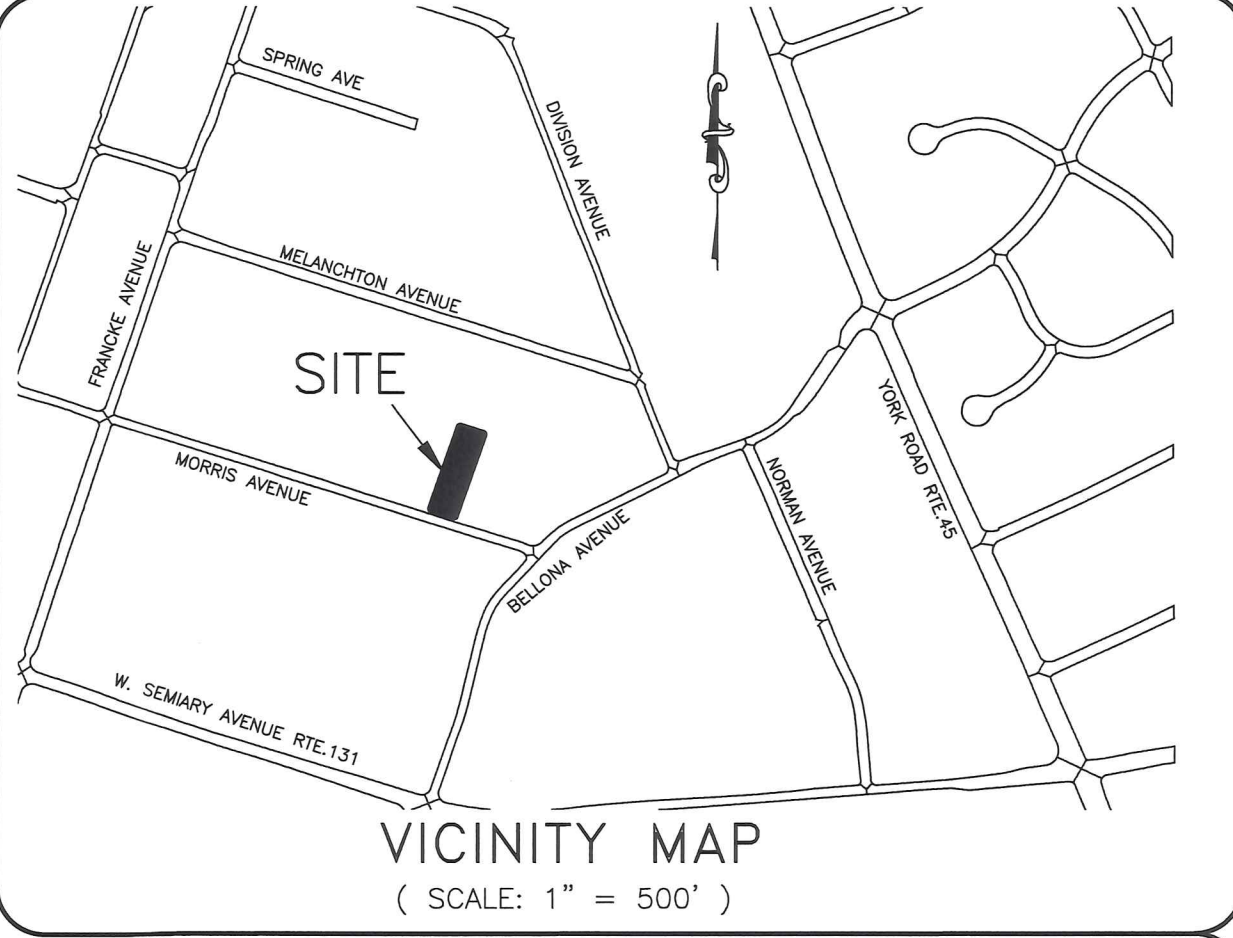


NOTES

- 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

CASE NO. 2015-0302-SPHA (DENIED DATED: 09/09/2015)
RECONSIDERATION UNDER SECTION 304 (GRANTED DATE: 10/08/2015)



SITE DATA

- OWNER: 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.



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

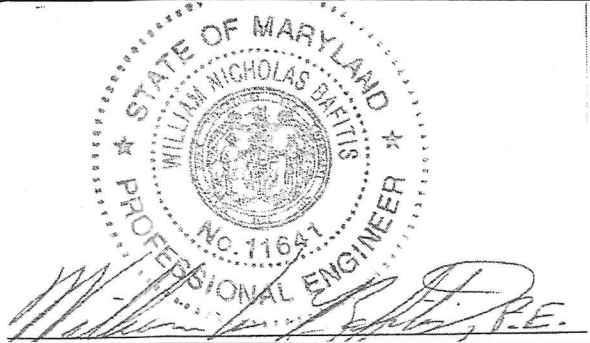
1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY
PETITION FOR 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: 09/09/2017

1

SHEET 1 OF 1

SCALE:

1" = 20'

JOB ORDER NO:

21509

DATE:

03/03/16

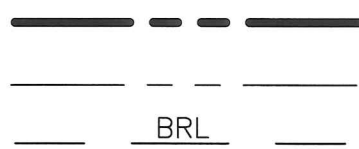
CHECKED:

W.N.B.

DRAWN:

N.W.B.

LEGEND



PROPERTY LINE

LOT LINE

BUILDING RESTRICTION LINE

2016-0201-SPH