

MEMORANDUM

DATE: June 28, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0212-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on June 24, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: *X* Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING

(238 Linden Avenue)

9th Election District

5th Council District

Lori Toscheff & Larry R. Myers

Legal Owners

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0212-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 Lori Toscheff & Larry R. Myers, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the nonconforming use of two separate apartments within the same dwelling unit as constructed originally in 1943.

Lori Toscheff appeared in support of the petition. William J. Wiseman, III, Esq. represented Petitioners. One community member attended the hearing to obtain additional information about the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is 5,355 square feet and zoned DR 10.5. The property is improved with an end-of-group rowhome/townhome which was constructed in 1943. The house is situated on a relatively large lot which is bordered by Linden and Susquehanna Avenues. Photographs submitted at the hearing (Ex. 2) show there are two entrance doors at the front of the subject property. Owner Lori Toscheff testified the door on the left accesses a second-floor apartment, and she presented a floor plan (Ex. 4) which reflects the upstairs unit has a bedroom, bathroom and

ORDER RECEIVED FOR FILING

Date

5/25/16

By

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full kitchen. She explained the door on the right side accesses the first-floor unit which, together with the basement, also contains complete living quarters with two bedrooms, bathroom and a full kitchen.

Ms. Toscheff testified her parents (who have recently become infirm and have moved to assisted care facilities) lived at the property for approximately 48 years, and she identified the various family members and long-term tenants who occupied the second-floor apartment during that time period. She testified upon personal knowledge that since at least 1950 the dwelling has been used as a two unit home, and that such use has continued in an uninterrupted fashion to the present time. Petitioners also presented several affidavits wherein the witnesses stated the home has since 1955 always been "occupied as a two apartment dwelling." Exs. 6-9. As an aside, I believe the relevant date in determining the existence of a nonconforming use in this case is in fact 1970, at which time the County Council enacted Bill No. 100-1970. That law eliminated certain archaic definitions of "duplex" and "semi-detached" dwellings, and specified the circumstances under which a dwelling may be "converted" to multi-family use. B.C.Z.R. §402.1.

Land use expert Craig Rogers also testified in Petitioners' case. Mr. Rogers prepared both the site plan and floor plans in this case. He testified he visited not only the subject property but another dwelling located across the street at 240 Linden Ave. This home (as shown in the photographs admitted as Ex. 5) also has two exterior front entrance doors, and is the only other dwelling in the community so configured. Mr. Rogers noted he compared the construction materials and hardware used in the entrances to both of these homes and found they were identical. Mr. Rogers testified he found no evidence that any brick work, moldings or other materials were changed on the entrances of either of these dwellings. He stated this fact greatly supported his opinion the subject property was originally constructed in a two unit configuration.

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Date

5/25/16

By

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Fred Engesser, a neighbor, testified the community is always concerned with nonconforming use cases, where an owner is excused from complying with current zoning requirements. Even so, he noted he was pleased Petitioners elected to sell the home to a young family that intends to reside there, rather than an investor.

Based on the testimony, affidavits and other exhibits, I believe Petitioners have established the two-family dwelling qualifies as a lawful nonconforming use and/or structure under B.C.Z.R. §§101.1 & 104. This home was constructed prior to the adoption of zoning regulations in Baltimore County, and thus the use was legal when it commenced in or about 1943.

Ms. Toscheff testified that due to her declining health her mother moved from the property in April 2015, and that she thereafter undertook substantial renovations to the home to make it attractive and marketable. She also noted there was a large water main break in this area of Towson at about this time which also prevented or at least delayed the completion of the improvements and sale of the home. The Petition in this case was filed March 10, 2016, and there is a pending contract of sale for the property. Under these circumstances there has not been "any abandonment or discontinuance of such nonconforming use for a period of one year or more," and thus the nonconforming use has not terminated pursuant to B.C.Z.R. §104.1. McLay v. Maryland Assemblies, Inc., 269 Md. 465 (1973)(involuntary cessation of nonconforming use does not constitute a discontinuance or abandonment of the use).

THEREFORE, IT IS ORDERED this 25th 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 the nonconforming use of two separate apartments within the same dwelling unit as constructed originally in 1943, be and is hereby GRANTED.

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Date 5/25/16
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 5/25/16
By sln



PETITION FOR ZONING HEARING(S)

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

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

Address 238 LINDEN AVE, TOWSON, MD. 21286 which is presently zoned DR 10.5

Deed References: 9264/299 10 Digit Tax Account # 0920800820

Property Owner(s) Printed Name(s) JOHN & CHARLOTTE PURKS, TRUST OF PURKS FAMILY REVOCABLE TRUST

(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 THE NON CONFORMING USE OF TWO SEPARATE APARTMENTS WITHIN THE SAME DWELLING AS CONSTRUCTED ORIGINALLY IN 1943.

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)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Lori Toscheff

LARRY R. MYERS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10103 TIPPERARY RD, BALTIMORE, MD.

Mailing Address

City

State

21234

Zip Code

443-824-0379

Telephone #

ltoscheff@msn.com

Email Address

Attorney for Petitioner:

TIMOTHY M. KOTROCO

Name- Type or Print

Signature

305 WASHINGTON AVE, STE 502 TOWSON, MD.

Mailing Address

City

State

21204

Zip Code

410-299-2943

Telephone #

tkotroco@gmail.com

Email Address

Representative to be contacted:

R. CRAIG RODGERS

Name - Type or Print

Signature

7024 GREENBANK RD, BALTIMORE, MD.

Mailing Address

City

State

21220

Zip Code

443-677-2007

Telephone #

craigrodgers200@gmail.com

Email Address

CASE NUMBER 2016-0212-SP4

Filing Date 3/10/16

Do Not Schedule Dates: _____

Reviewer JS

**ZONING HEARING DESCRIPTION FOR
238 LINDEN AVENUE**

Beginning at a point on the north side of Linden Avenue which is 50 feet wide at the distance of 25 feet west of the centerline of Susquehanna Avenue which is 50 feet wide, thence the following courses and distances: (1st POC) North 13° 14' East, 105.0 feet to the south side of a 15 foot alley; (2nd POC) North 76° 46' West binding on said 15 foot alley, 51.0 feet; (3rd POC) South 13° 14' West passing through a partition wall, 105.0 feet; (4th POC) South 76° 46' East, 51.0 feet, back to point of beginning, said property recorded in Deed Liber 9264, Folio 299. Located in the 9th Election District and 5th Council District. Being Lot 147, and parts of Lots 146 and 148 on the Plat of Aigburth, recorded in Plat Book 7, Page 14. Containing 5355 square feet.



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 4149378

Sold To:

Craig Rodgers - CU00510120
7024 Greenbank Rd
Middle River, MD 21220-1111

Bill To:

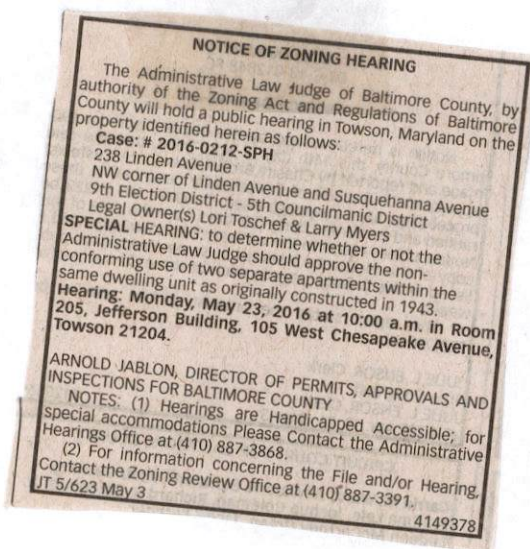
Craig Rodgers - CU00510120
7024 Greenbank Rd
Middle River, MD 21220-1111

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

May 03, 2016

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising



CERTIFICATE OF POSTING

Date: May 3, 2016

RE: Project Name: 238 LINDEN AVENUE
Case Number /PAI Number: 2016-0212-SPH
Petitioner/Developer: Lori Toschef & Larry Myers
Date of Hearing/Closing: May 23, 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 238 LINDEN AVENUE

The sign(s) were posted on May 3, 2016

(Month, Day, Year)

David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



ZONING NOTICE

CASE NO. 2016-0212-SPH

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: MONDAY, MAY 23, 2016 @ 10:00AM

REQUEST: SPECIAL HEARING TO DETERMINE
WHETHER OR NOT THE ADMINISTRATIVE LAW
JUDGE SHOULD APPROVE THE NON-CONFORMING
USE OF TWO SEPARATE APARTMENTS WITHIN THE
SAME DWELLING UNIT AS ORIGINALLY
CONSTRUCTED IN 1943.

Postponements due to weather or other conditions are sometimes
necessary. To confirm hearing or obtain additional information, contact
Department of Permits, Approvals and Inspections, 111 West Chesapeake
Avenue, Towson, Md. 21204 (410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE
DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 3, 2016 Issue - Jeffersonian

Please forward billing to:
Craig Rodgers
7024 Greenbank Road
Baltimore, MD 21220

443-677-2007

NOTICE OF ZONING HEARING

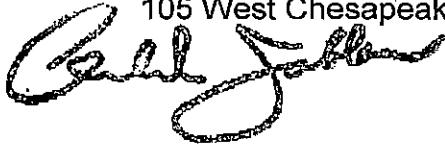
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0212-SPH

238 Linden Avenue
NW corner of Linden Avenue and Susquehanna Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Lori Toschef & Larry Myers

Special Hearing to determine whether or not the Administrative Law Judge should approve the non-conforming use of two separate apartments within the same dwelling unit as originally constructed in 1943.

Hearing: Monday, May 23, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ
County Executive

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

April 4, 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: 2016-0212-SPH

238 Linden Avenue

NW corner of Linden Avenue and Susquehanna Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Lori Toschef & Larry Myers

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Hearing: Monday, May 23, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Lori Toschef, Larry Myers, 10103 Tipperary Road, Baltimore 21234
R. Craig Rodgers, 7024 Greenbank Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 3, 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
238 Linden Avenue; NW corner Linden *
Avenue and Susquehanna Avenue * OF ADMINISTRATIVE
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Lori Toscheff & Larry Myers * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-212-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.

RECEIVED

MAR 18 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to R. Craig Rodgers, 7024 Greenbank Road, Baltimore, Maryland 21220 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2016-0212-SPH
Petitioner: JOHN + CHARLOTTE PURKS ; TRUST OF PURKS FAMILY REVOCABLE TRUST
Address or Location: 238 LINDEN AVE., 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG RODGERS
Address: 7024 GREENBANK RD
BALTIMORE, MD 21220
Telephone Number: 443-677-2007

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

No. **134705**

Date: **3/10/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 3/14/2016 3/10/2016 11:17:55 5

RECEIPT # 343453 3/10/2016 CFLN

5 529 ZENING VERIFICATION

CR NO. 134705

Recpt Tot \$75.00

\$75.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150							75.00

Total: **75.00**

Rec From: **PURKS**

For: **2016-001-SPH**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

May 18, 2016

Lori Toscheff
Larry R Myers
10103 Tipperary Road
Baltimore MD 21234

RE: Case Number: 2016-0212 SPH, Address: 238 Linden Avenue

Dear Ms. Toscheff & Mr. Myers:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 10, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Timothy M Kotroco, 305 Washington Avenue, Suite 502, 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. 2016-0212-SPH

Special Hearing
Lori Toschoff's Larry R. Myers.
238 Linden 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, appearing to read 'David W. Peake'.

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

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: April 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-212

RECEIVED

APR 28 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 238 Linden Avenue
Petitioner: Lori Toscheff, Larry R. Myers
Zoning: DR 10.5
Requested Action: Special Hearing

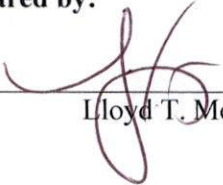
The Department of Planning has reviewed the petition for a special hearing to approve the non-conforming use of two separate apartments within the same dwelling as constructed originally in 1943.

A site visit was conducted on March 24, 2016.

This Department has no objection to granting the petitioned zoning relief.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Laurie Hay
R. Craig Rodgers
Office of the Administrative Hearings
People's Counsel for Baltimore County

5/23

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 # 2016-0212-SPH
Address 238 Linden Avenue
(Toscheff & Myers 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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: April 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-212

INFORMATION:

Property Address: 238 Linden Avenue
Petitioner: Lori Toscheff, Larry R. Myers
Zoning: DR 10.5
Requested Action: Special Hearing

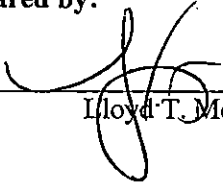
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This Department has no objection to granting the petitioned zoning relief.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Laurie Hay
R. Craig Rodgers
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME 238 Linden Ave
CASE NUMBER 2010-212-SPH
DATE 5-23-16

[illegible]

CASE NAME 2016-0212-SPH
CASE NUMBER _____
DATE 5/23/16

[illegible]

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

4/22/16

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

no obj

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:

5/3/16

SIGN POSTING

Date:

5/3/16

by

Billingsley

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

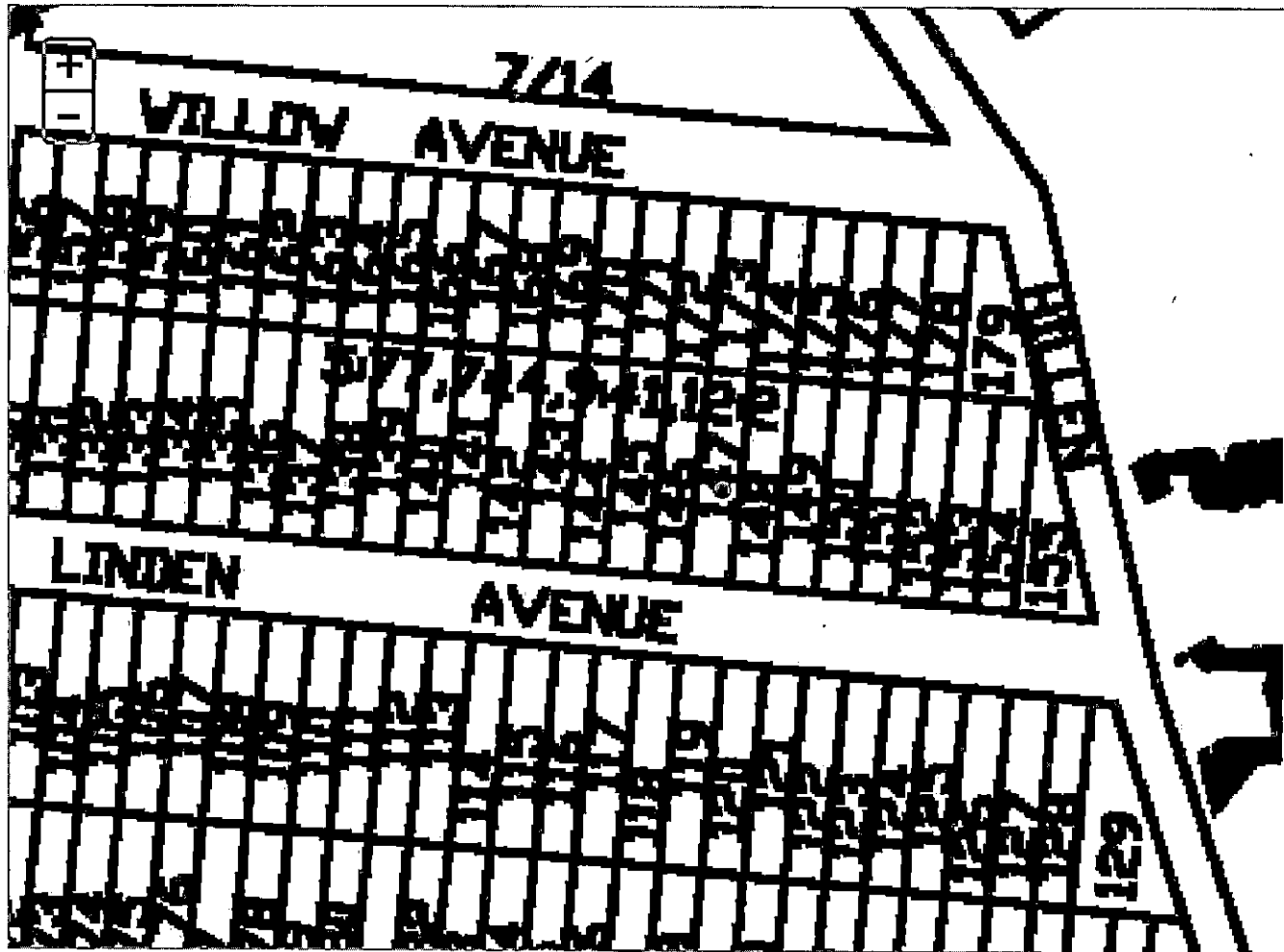
Search Result for BALTIMORE.COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 09 Account Number - 0920800820							
Owner Information									
Owner Name:		PURKS JOHN N PURKS CHARLOTTE B TR OF PURKS FAMILY REVOCABLE TRST				Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:		563 WYNN WOOD CIR CAMDEN WYO DE 19934-4427				Deed Reference:		/09264/ 00299	
Location & Structure Information									
Premises Address:		238 LINDEN AVE TOWSON 21286-5426				Legal Description:		LT 147 PT 146,148 AIGBURTH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0070	0015	0726	✓	0000			147	2014	0007/ 0014
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built 1943		Above Grade Enclosed Area 1,408 SF		Finished Basement Area 352 SF		Property Land Area 5,355 SF		County Use 04	
Stories 2	Basement YES	Type END UNIT	Exterior BRICK	Full/Half Bath 2 full		Garage	Last Major Renovation		
Value Information									
		Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015			
Land:		75,000		75,000		As of 07/01/2016			
Improvements		123,800		93,700					
Total:		198,800		168,700		168,700		168,700	
Preferential Land:		0						0	
Transfer Information									
Seller: PURKS JOHN N Type: NON-ARMS LENGTH OTHER				Date: 07/02/1992 Deed1: /09264/ 00299				Price: \$0 Deed2:	
Seller: Type:				Date: Deed1:				Price: 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									

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)

District: 09 Account Number: 0920800820



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>).

Case No.: 2016-0212-SPH

Exhibit Sheet

Petitioner/Developer

DW
6-2816

Protestant

Sen
5-25-16

No. 1	zoning plan	
No. 2	photos(4) of sub. property	
No. 3	SDAT record	
No. 4	Floor plan	
No. 5	photos(2) of 240 Linden Av	
No. 6	Affidavit - Kiser	
No. 7	" " Matthews	
No. 8	" " Arnold	
No. 9	" " Phipps	
No. 10		
No. 11		
No. 12		

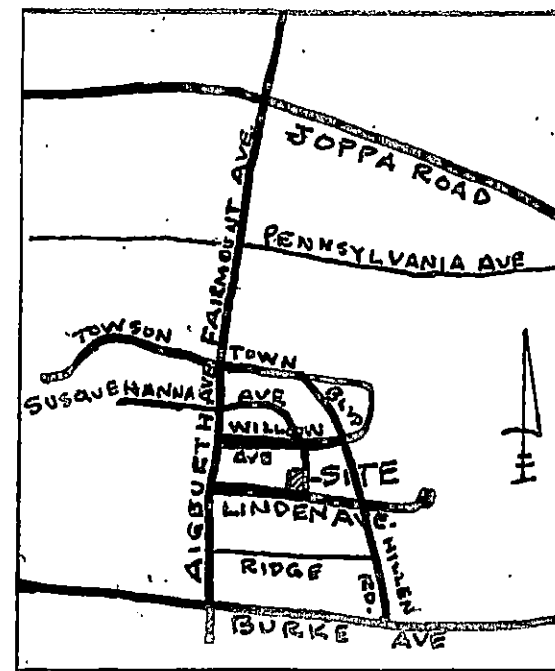
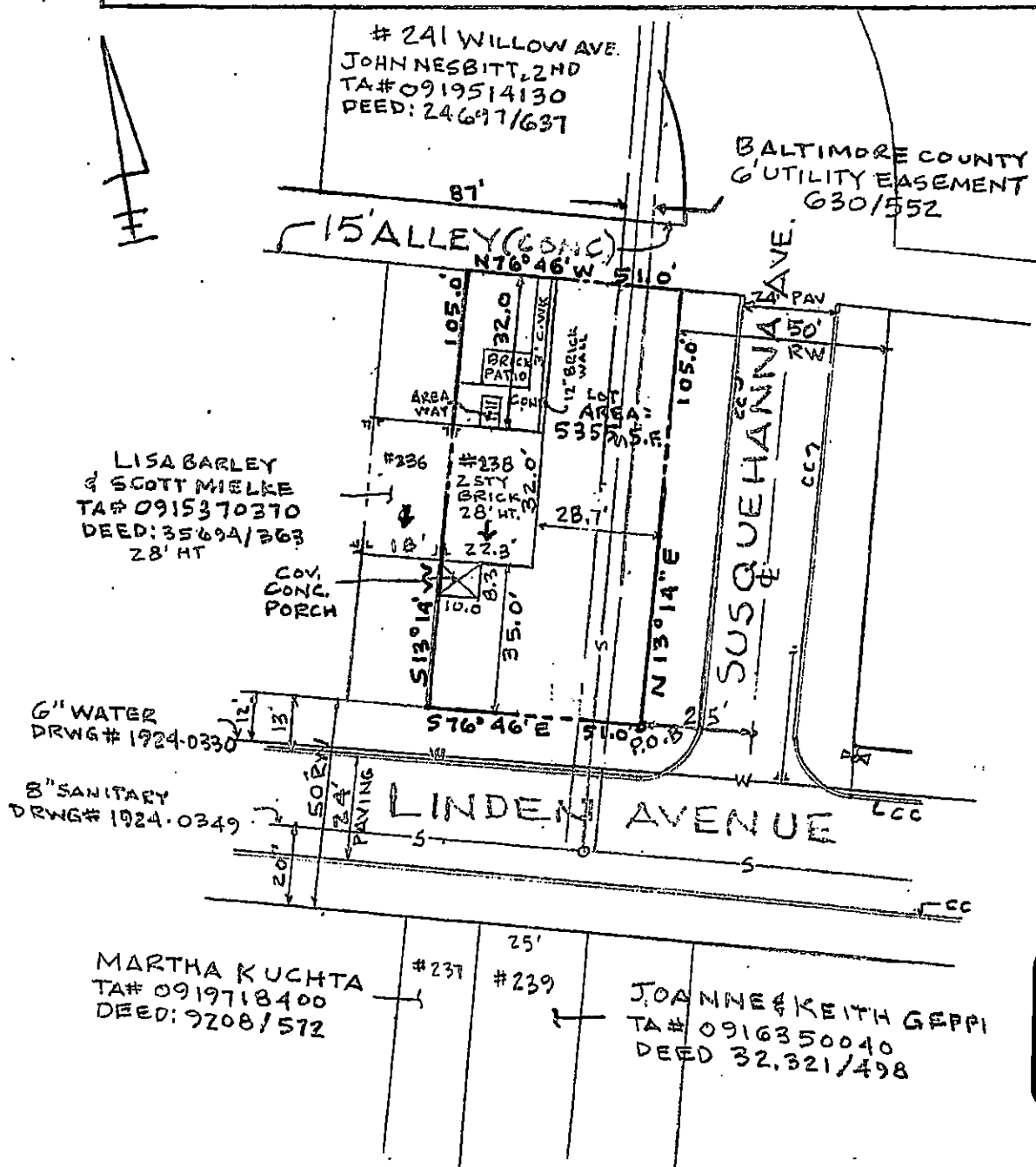
ZONING PLAN FOR VARIANCE FOR SPECIAL HEARING X

ADDRESS: 238 LINDEN AVENUE

OWNERS: JOHN AND CHARLOTTE PURKS, TRUST OF PURKS FAMILY REVOCABLE TRUST

SUBDIVISION NAME: AIGBURTH LOT #: 147 AND PARTS OF LOTS 146 AND 148

PLAT BOOK #: 7 FOLIO#: 14 TAX ACCT #: 0920800820 DEED REF.: 9264/299



VICINITY MAP
SCALE 1" = 1000'

GENERAL NOTES

ZONING MAP# 070B2
 SITE ZONED: DR10.5
 ELECTION DISTRICT: 9
 COUNCIL DISTRICT: 5
 LOT AREA ACREAGE: 0.123
 OR SQUARE FEET: 5355
 HISTORIC: NO
 IN CBCA: NO
 IN FLOOD PLAIN: NO
 WATER IS:
 PUBLIC X PRIVATE
 SEWER IS:
 PUBLIC X PRIVATE
 PRIOR HEARING? NO

EXHIBIT

tabbier

1

PREPARED BY:

CRAIG CONSULTING, LLC
 7024 GREENBANK RD.
 BALTIMORE, MD 21220
 443-677-2007

SSCALE: 1"=40 DATE: 3/9/16



238 LINDEN AVE.





238 LINDEN AVE - FRONT DUAL ENTRIES
TOWSON



238 LINDEN AVE. REAR



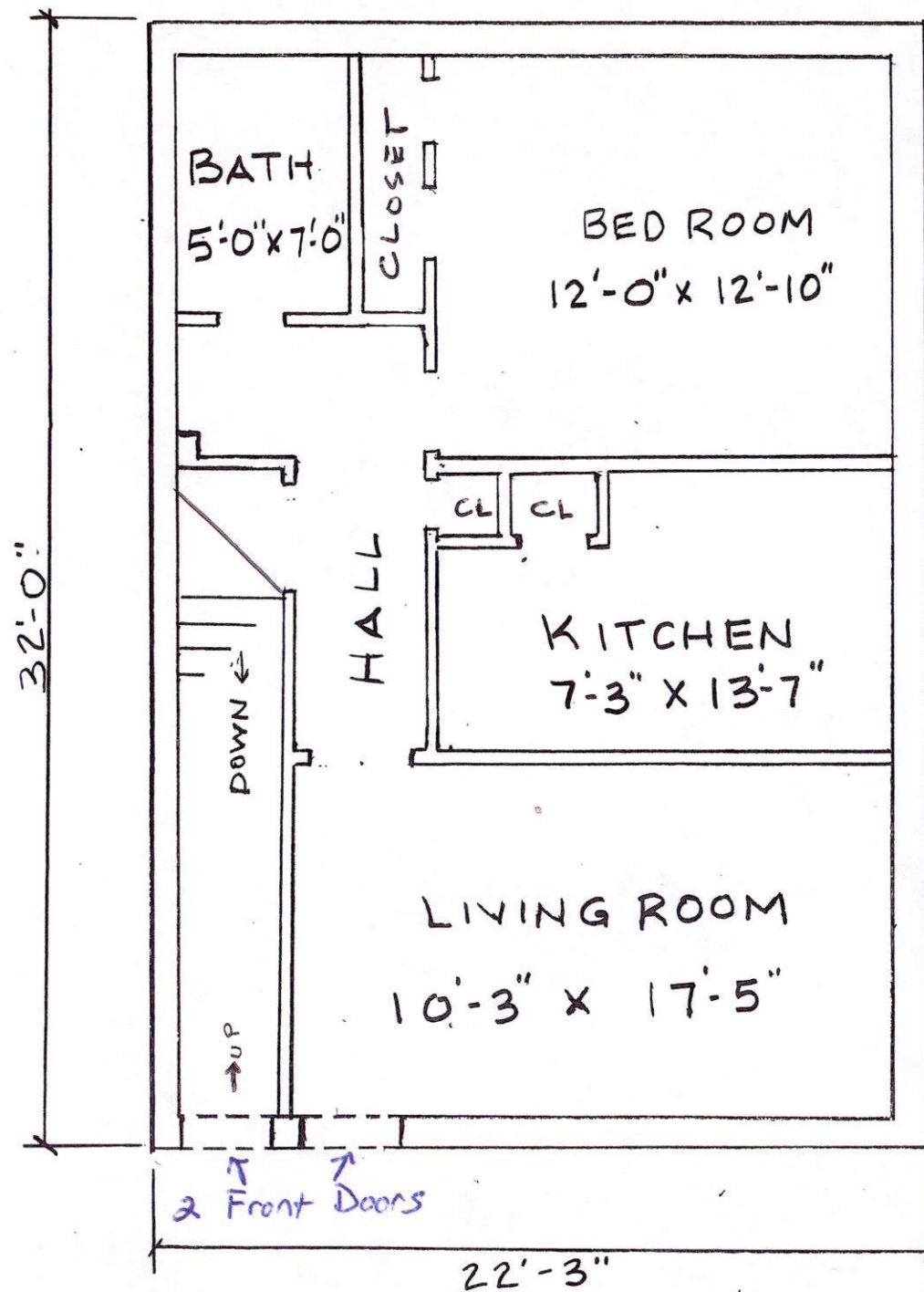
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0920800820			
Owner Information					
Owner Name:	PURKS JOHN N PURKS CHARLOTTE B TR OF PURKS FAMILY REVOCABLE TRST		Use: Principal Residence:	RESIDENTIAL NO	
Mailing Address:	563 WYNN WOOD CIR CAMDEN WYO DE 19934-4427		Deed Reference:	/09264/ 00299	
Location & Structure Information					
Premises Address:		238 LINDEN AVE TOWSON 21286-5426		Legal Description:	LT 147 PT 146,148 AIGBURTH
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0070	0015	0726		0000	
					Block:
					147
					Lot:
					147
					Assessment Year:
					2014
					Plat No:
					0007/
					Plat Ref:
					0014
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1943	1,408 SF		352 SF		5,355 SF
					County Use
					04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	END UNIT	BRICK	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:	75,000	75,000			
Improvements	123,800	93,700			
Total:	198,800	168,700		168,700	168,700
Preferential Land:	0				0
Transfer Information					
Seller: PURKS JOHN N		Date: 07/02/1992		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /09264/ 00299		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: Denied					

PETITIONER' S

EXHIBIT NO.

3



FLOOR PLAN
238 LINDEN AVE.

APT. # 2

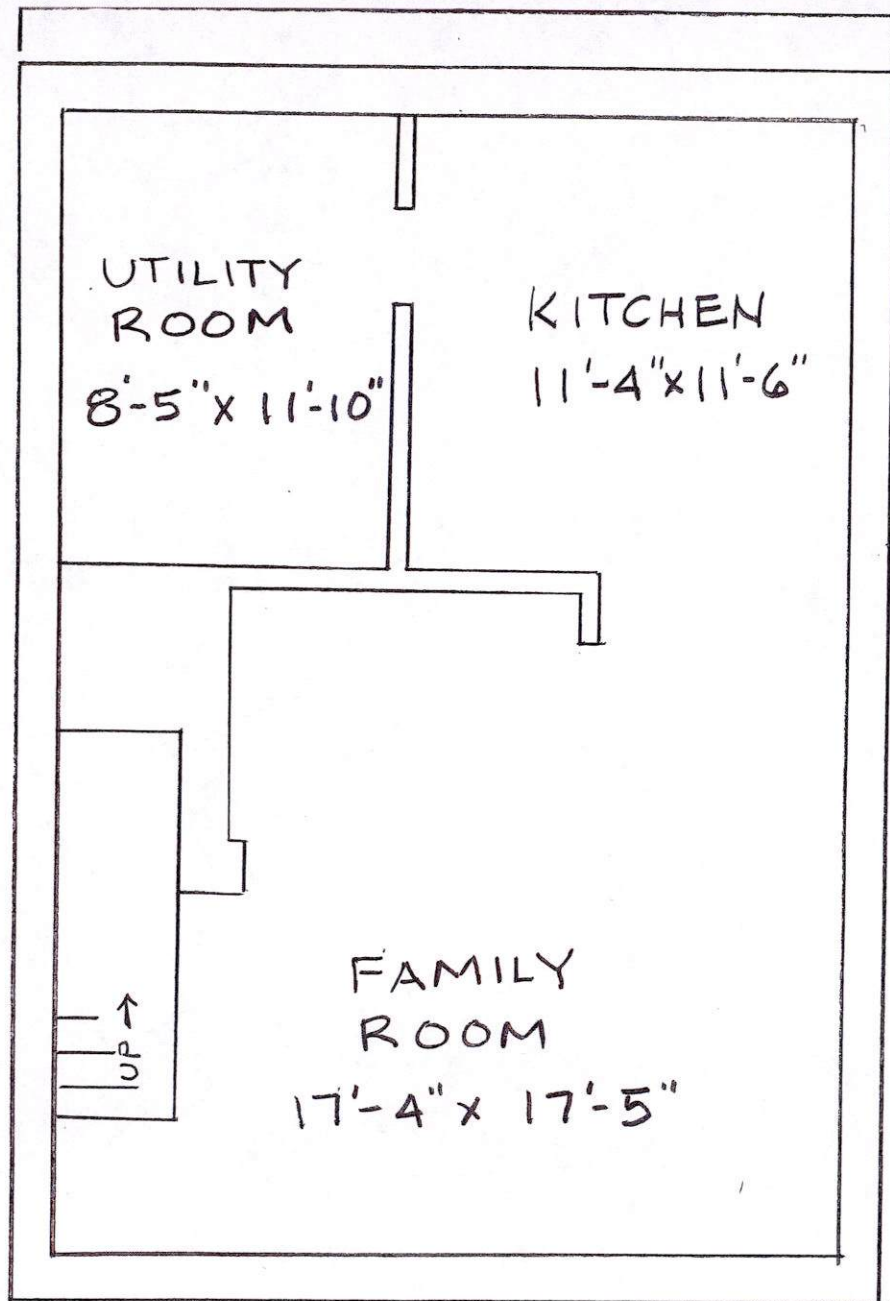
2ND FLOOR

SCALE: 1" = 5'-0"

CASE NO. 2016-0212SPH

Upstairs Apartment

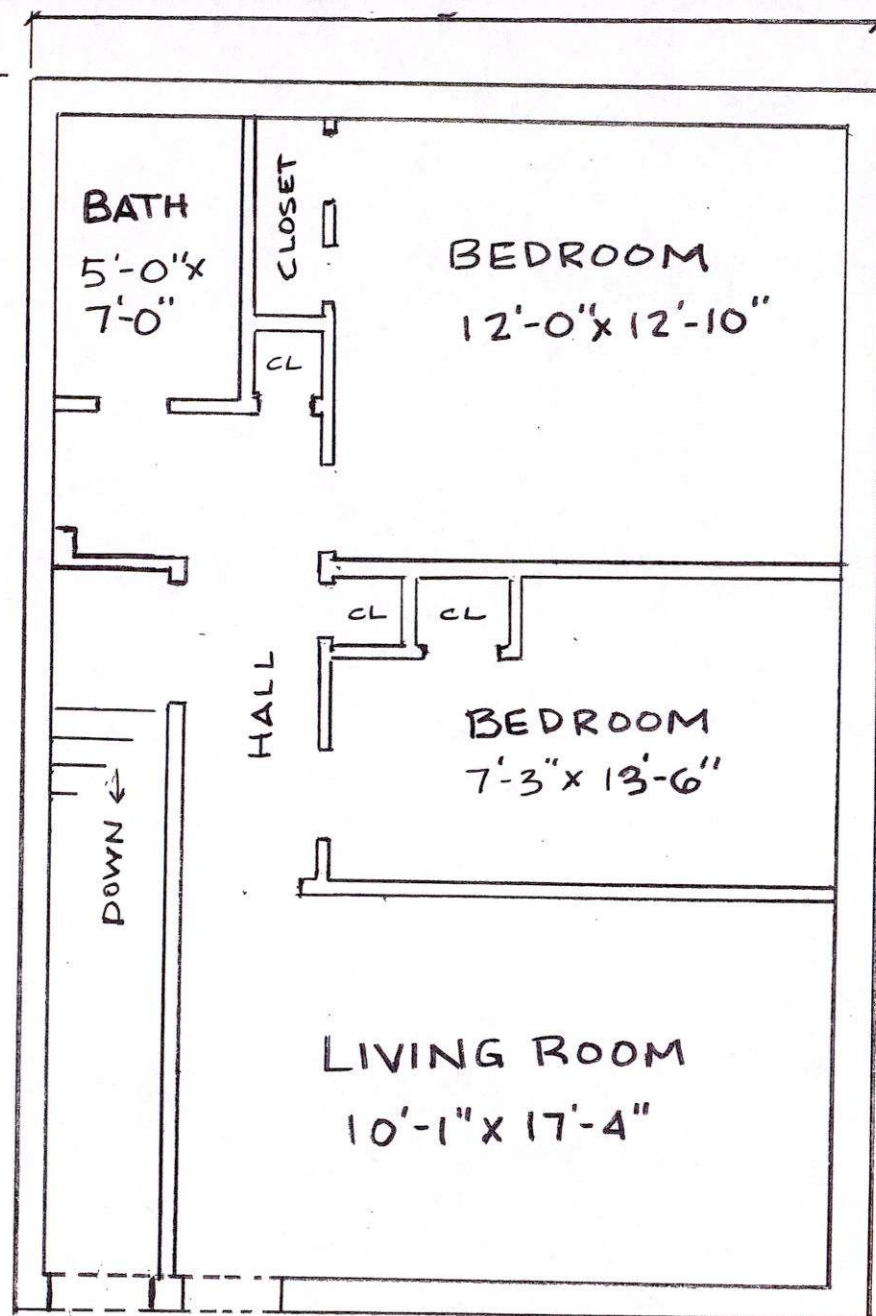




APT. #1
BASEMENT

238 LINDEN AVE.
SCALE: 1" = 5'-0"
CASE NO. 2016-0212 SPH

32'-0"



APT. #1
1ST FLOOR
+
Basement



240 LINDEN AVE





240 LINDEN AVE.

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

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

Maria Sharon Kiser
AFFIANT (Handwritten Signature)
Maria Sharon Kiser
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 238 Linden Ave, Towson MD 21286 has been occupied as a TWO (two, three, etc.) apartment dwelling since prior to January, 1955? Yes
(month) (year) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since January, 1955? Yes
(month) (year) (answer)
3. Will you realize any gain from the sale of this Property? NO
(answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of May, 2016, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Maria Sharon Kiser, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Donna M. Wingerd
Notary Public
State of Maryland
County of Baltimore
My Commission Expires
9/22/2017

Donna M. Wingerd
NOTARY PUBLIC
My Commission Expires:

EXHIBIT
6

AFFIDAVIT OF

Name: Maria Sharrd Kiser
Address: 222 East Susquehanna Avenue, 21286
Phone: 410-821-0149 E-mail: SKiser099@gmail.com

1. I, Maria Sharrd Kiser, am over 18 years of age and am competent to testify to the matters stated herein.

2. I am familiar with the property located at 238 Linden Avenue, Towson, Maryland 21286. My familiarity with this property is based on the following circumstances: (please write in your familiarity in the spaces below.)

My parents Raymond & Audessa Blotkamp owned
said residence, I was a child and went to 1st grade 1954
@ Immaculate Conception. My parents rented
the top floor of said home.

3. Based on facts and information known to me, I can say that the property located at 238 Linden Avenue has been used as a two-apartment dwelling since prior to 19 55. This knowledge is based on the following facts and circumstances: (please write in your facts in the spaces provided.)

This home has always had 2 dwellings
I lived there for many years there
were always tenants upstairs.
My family and myself lived in the
downstairs apartment.

4. I can also state that this two-apartment use on the subject property has continued openly, continuously and interruptedly, since the date that I stated above up until the current date or until April 2015.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION PROVIDED IN THIS AFFIDAVIT IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY ABILITY, BELIEF, AND KNOWLEDGE.

Nakia Shanon Kiser

5/9/16

SIGNATURE

DATE

Sworn and subscribed to before me this 9th day of May, 20 16.

As witness my Hand and Notarial Seal:

Donna M. Wingard

Notary Public, My Commission Expires: 9/22/2017

(CONTINUATION SHEET)

Donna M. Wingard
Notary Public
State of Maryland
County of Baltimore
My Commission Expires
9/22/2017

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

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

Kelly M. Matthew
AFFIANT (Handwritten Signature)
Kelly M. Matthew
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 238 Linden Ave, Towson MD 21286 has been occupied as a TWO apartment dwelling since January (month), 1955 (year)? YES (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since January (month), 1955 (year)? YES (answer)
3. Will you realize any gain from the sale of this Property? NO (answer)

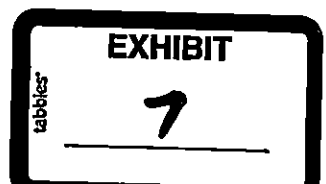
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of May, 2016, before me, a Notary Public of the State of Maryland, in and for the County of 19, aforesaid, personally appeared Kelly M. Matthew, the Affiant herein, personally known and satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
William L. Hertzog, Notary Public
Myerstown Boro, Lebanon County
My Commission Expires May 08, 2017

William L. Hertzog
NOTARY PUBLIC
My Commission Expires:



AFFIDAVIT OF

Name: Kelly M. Mattheu
Address: 310 S. Mountain Road Robesonia, PA 19551
Phone: (610) 589-4078 E-mail mattheuKM29@gmail.com

1. I, Kelly M. Mattheu, am over 18 years of age and am competent to testify to the matters stated herein.

2. I am familiar with the property located at 238 Linden Avenue, Towson, Maryland 21286. My familiarity with this property is based on the following circumstances: (please write in your familiarity in the spaces below.)

My grandparents have owned the property at 238 Linden Avenue all of my life.

3. Based on facts and information known to me, I can say that the property located at 238 Linden Avenue has been used as a two-apartment dwelling since prior to 19 55. This knowledge is based on the following facts and circumstances: (please write in your facts in the spaces provided.)

During that time I am aware that the house has always been a two-apartment dwelling. A number of people have resided at this residence in the second floor apartment. I am aware that my mother, sister, uncle, grandfather's sister and brother-in-law, nephew and children lived there various times throughout the years. Most recently I resided there for the past several years caring for my elderly grandparents.

4. I can also state that this two-apartment use on the subject property has continued openly, continuously and interruptedly, since the date that I stated above up until the current date or until 4-20-15.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION PROVIDED IN THIS AFFIDAVIT IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY ABILITY, BELIEF, AND KNOWLEDGE.

Kelly M. Hatcher

5-16-16

SIGNATURE

DATE

Sworn and subscribed to before me this 16th day of May, 2016.

As witness my Hand and Notarial Seal:

William L. Hertzog

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

William L. Hertzog, Notary Public

Myerstown Boro, Lebanon County

My Commission Expires May 08, 2017

Notary Public, My Commission Expires: May 8, 2017

(CONTINUATION SHEET)

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

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

Connie E. Arnold
AFFIANT (Handwritten Signature)
CONNIE E. ARNOLD
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 238 Linden Ave, Towson MD 21286 has been occupied as a TWO apartment dwelling since January, 1955 ? YES
(month) (year) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since January, 1955 ? YES
(month) (year) (answer)
3. Will you realize any gain from the sale of this Property? NO
(answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of May, 2016, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared CONNIE E. ARNOLD, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
William L. Hertzog, Notary Public
Myerstown Boro, Lebanon County
My Commission Expires May 08, 2017

William L. Hertzog
NOTARY PUBLIC
My Commission Expires: May 8, 2017

EXHIBIT
8

AFFIDAVIT OF

Name: CONNIE E. ARNOLD

Address: 5 GABLE DR, MYERSTOWN PA 17067

Phone: 717-866-4252

E-mail ARNOLDTEE@comcast.net

1. I, CONNIE E. ARNOLD, am over 18 years of age and am competent to testify to the matters stated herein.

2. I am familiar with the property located at 238 Linden Avenue, Towson, Maryland 21286. My familiarity with this property is based on the following circumstances: (please write in your familiarity in the spaces below.)

SEE ATTACHED SHEET.

3. Based on facts and information known to me, I can say that the property located at 238 Linden Avenue has been used as a two-apartment dwelling since prior to 19 55. This knowledge is based on the following facts and circumstances: (please write in your facts in the spaces provided.)

I AMY KNOWLEDGE THE HOUSES IN THE TOWSON
MARR VILLAGE WERE BUILT IN 1943. THE HOUSE
AT 238 LINDEN AVE WAS BUILT AS A TWO-APARTMENT
DWELLING AND HAS ALWAYS BEEN USED AS A
TWO-APARTMENT DWELLING.

2. I resided at 250 Susquehanna Ave. as a child on or about 1955 to 1962. During that time my parents were friends with Mr. And Mrs. Raymond Blotkamp who owned and resided at 238 Linden Ave. At that time my parents were aware that the residence was a two-apartment dwelling.

After a marriage, I again resided at a residence on Susquehanna Ave. and was aware that the house at 238 Linden Ave. was still a rented two-apartment dwelling.

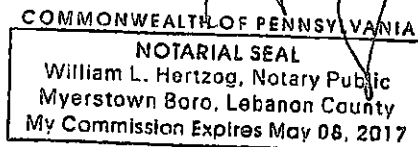
On or about 1968 my mother resided as a renter in the bottom floor apartment at 238 Linen Ave. At that time the second floor apartment was currently rented to another resident (Mrs. Spath). My mother later purchased the home from the owner and Mrs. Spath stayed on as a renter on the second floor.

After a divorce in 1991 I moved into the second floor apartment at 238 Linden Ave. after Mrs. Spath moved out. I resided there until 2000.

In 2000 I purchased a home and moved across the street to 221 Linden Ave. After that various people have resided in the second floor apartment.

Lorrie E. Arnold

William L. Hertzog



4. I can also state that this two-apartment use on the subject property has continued openly, continuously and interruptedly, since the date that I stated above up until the current date or until 4/20/2015.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION PROVIDED IN THIS AFFIDAVIT IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY ABILITY, BELIEF, AND KNOWLEDGE.

Connie E. Arnold

SIGNATURE

5/16/2016

DATE

Sworn and subscribed to before me this 16th day of May, 2016.

As witness my Hand and Notarial Seal:

William L. Hertzog

Notary Public, My Commission Expires: May 8, 2017

(CONTINUATION SHEET)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
William L. Hertzog, Notary Public
Myerstown Boro, Lebanon County
My Commission Expires May 08, 2017

AFFIDAVIT OF

Barry Louise Phipps

Name: Barry Louise Phipps

Address: 233 Linden Ave Towson, MD 21286

Phone: 410-321-5786 E-mail BLP15@Verizon.net

1. I, Barry Phipps, am over 18 years of age and am competent to testify to the matters stated herein.

2. I am familiar with the property located at 238 Linden Avenue, Towson, Maryland 21286. My familiarity with this property is based on the following circumstances: (please write in your familiarity in the spaces below.)

I have lived at my current address for over 12 years, which is across the street from Charlotte and John Purks.

3. Based on facts and information known to me, I can say that the property located at 238 Linden Avenue has been used as a two-apartment dwelling since prior to 2004. This knowledge is based on the following facts and circumstances: (please write in your facts in the spaces provided.)

The Purks' home is 1 of the 2 houses on Linden that were originally built with an upstairs apartment, having 2 distinct entrances in front. Since 2004, throughout my time as their neighbor, they have rented the apartment to various family members at different times. A son was there for a few years and I know of at least 2 grandchildren who lived in the upstairs apartment.

I have also been in the house – the main living quarters are on the first floor and the basement. The upstairs apartment has a bedroom, kitchen and living room with an interior stairway from the front door. It does not appear that this house was ever a single family dwelling.



4. I can also state that this two-apartment use on the subject property has continued openly, continuously and interruptedly, since the date that I stated above up until the current date or until April 2015.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION PROVIDED IN THIS AFFIDAVIT IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY ABILITY, BELIEF, AND KNOWLEDGE.



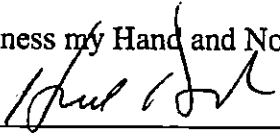
SIGNATURE

5/12/16

DATE

Sworn and subscribed to before me this 12th day of May, 2016.

As witness my Hand and Notarial Seal:



Notary Public, My Commission Expires: 5/14/2020

(CONTINUATION SHEET)

TO KRISTEN - SEE CML
KOTROCO, JACOBSON & PERRY, LLC.

ATTORNEYS AT LAW

Towson Office:
305 Washington Ave. Suite 502
Towson, Maryland 21204
(410) 299-2943

Annapolis Office:
125 Cathedral Street
Annapolis, Maryland 21401
(410) 205-6252

March 10, 2016

2016-0212 SPH

Mr. Carl Richards, Zoning Supervisor
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Expedited Hearing
238 Linden Avenue

Dear Mr. Richards,

Today, Mr. Craig Rodgers filed a request for Special Hearing with your office involving a property located at 238 Linden Avenue, Towson, Maryland 21286. The request is to approve the non-conforming use of a 2 apartment dwelling at that location.

We respectfully request that the case be given an expedited hearing date in that one of the owners of the property is awaiting entry into a nursing home and the special hearing relief is necessary to allow this property to be sold to a buyer. The proceeds of the sale of this house will be used to pay entry into the nursing home. This is the only item holding up settlement on the sale of this home.

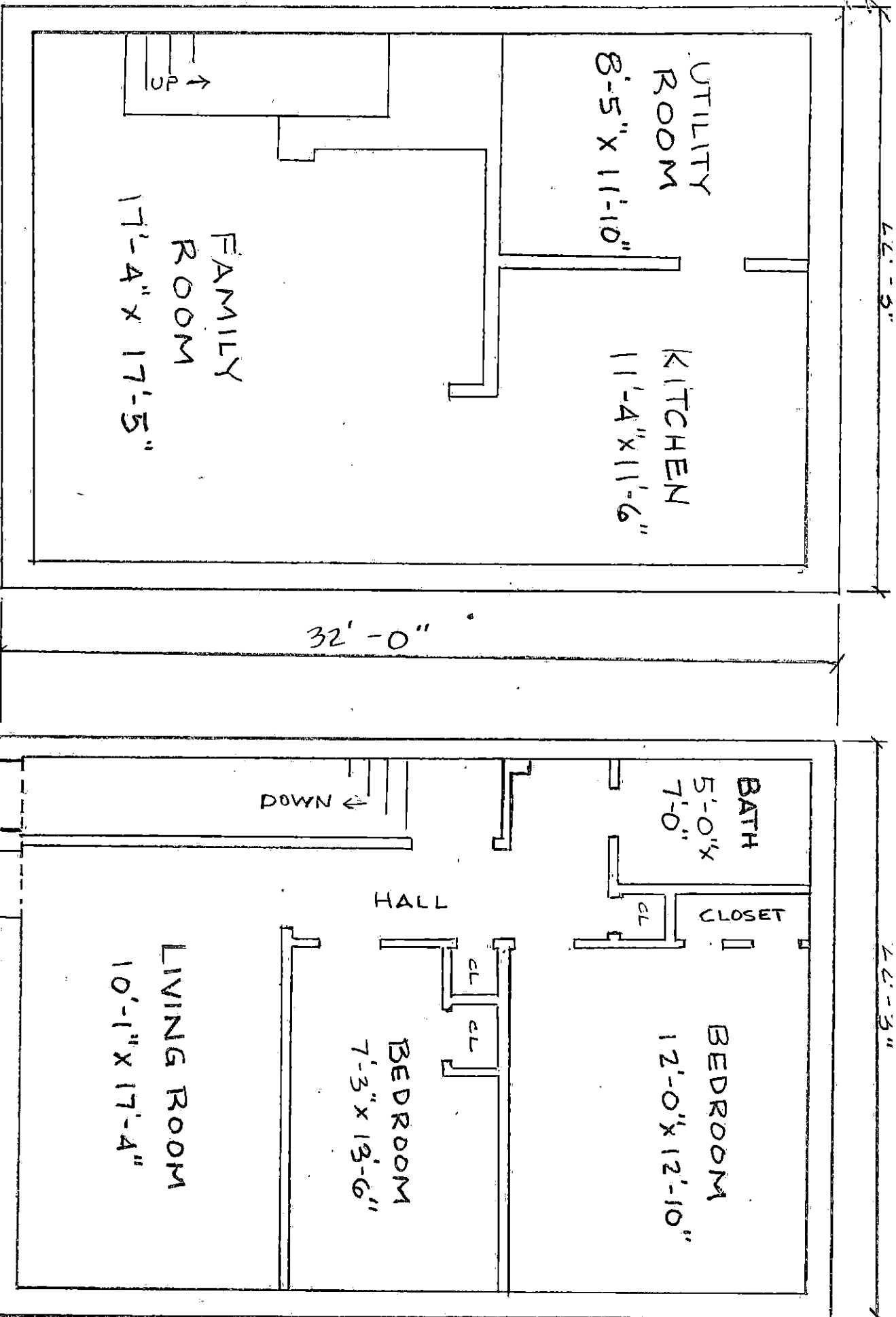
Thank you for your assistance in expediting this hearing. We anticipate that the matter will be uncontested and should take no more than 1 hour to present to the ALJ.

Very truly yours,



Timothy M. Kotroco

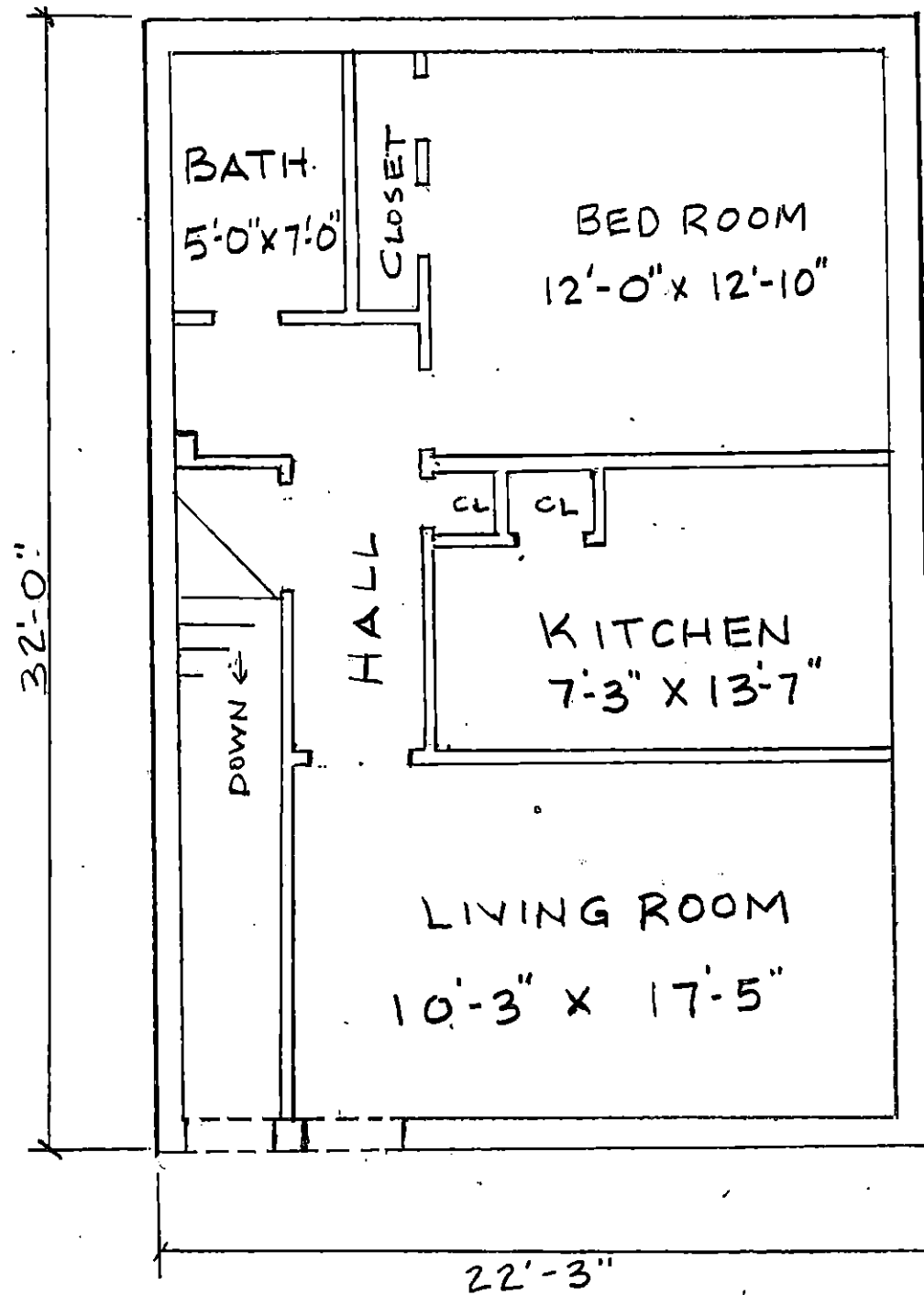
TMK/tk



APT. # 1
BASEMENT

238 LINDEN AVE.
SCALE: 1" = 5'-0"
CASE NO. 2016-0212 SPH

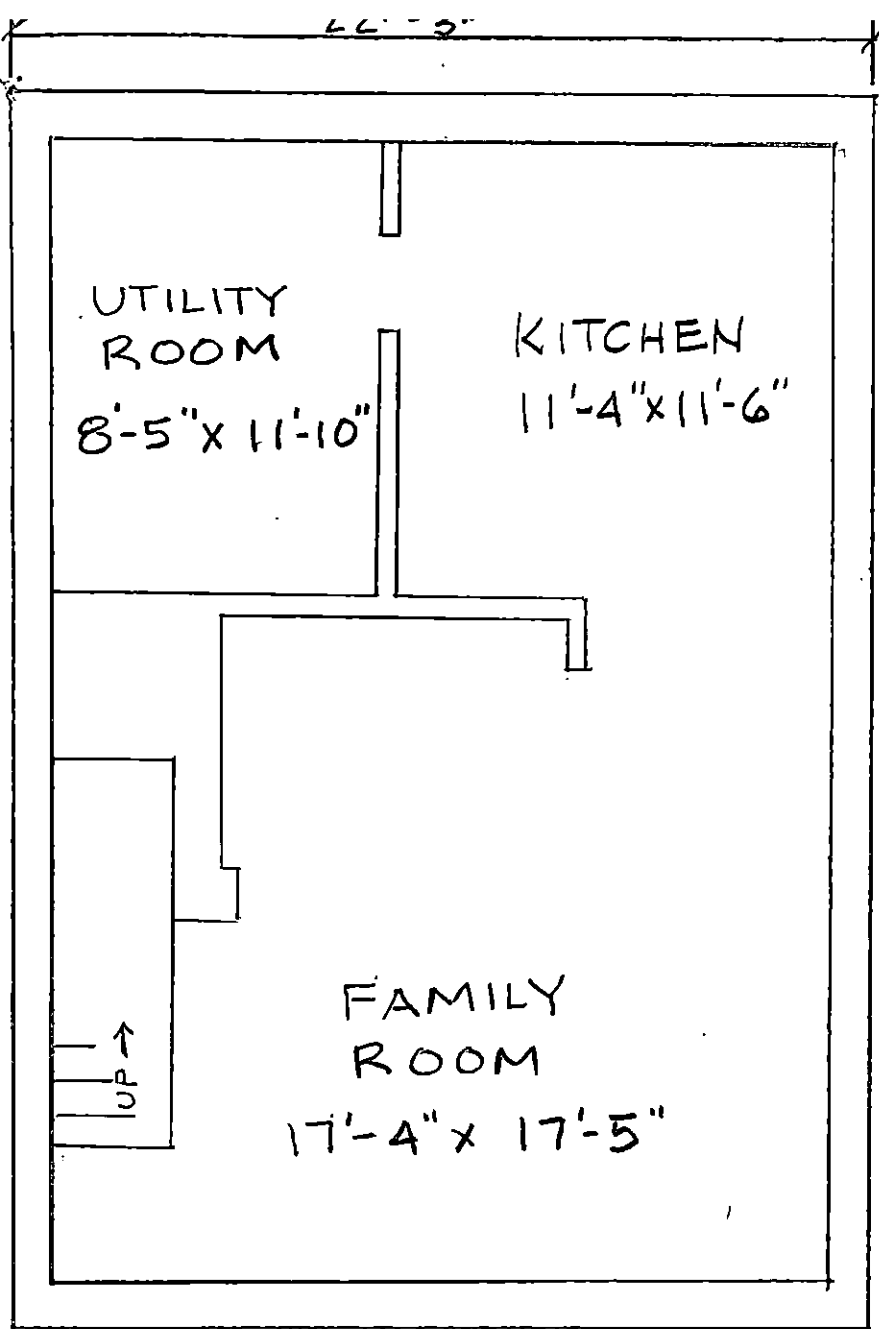
APT. # 1
1ST FLOOR



FLOOR PLAN
238 LINDEN AVE.
APT. # 2

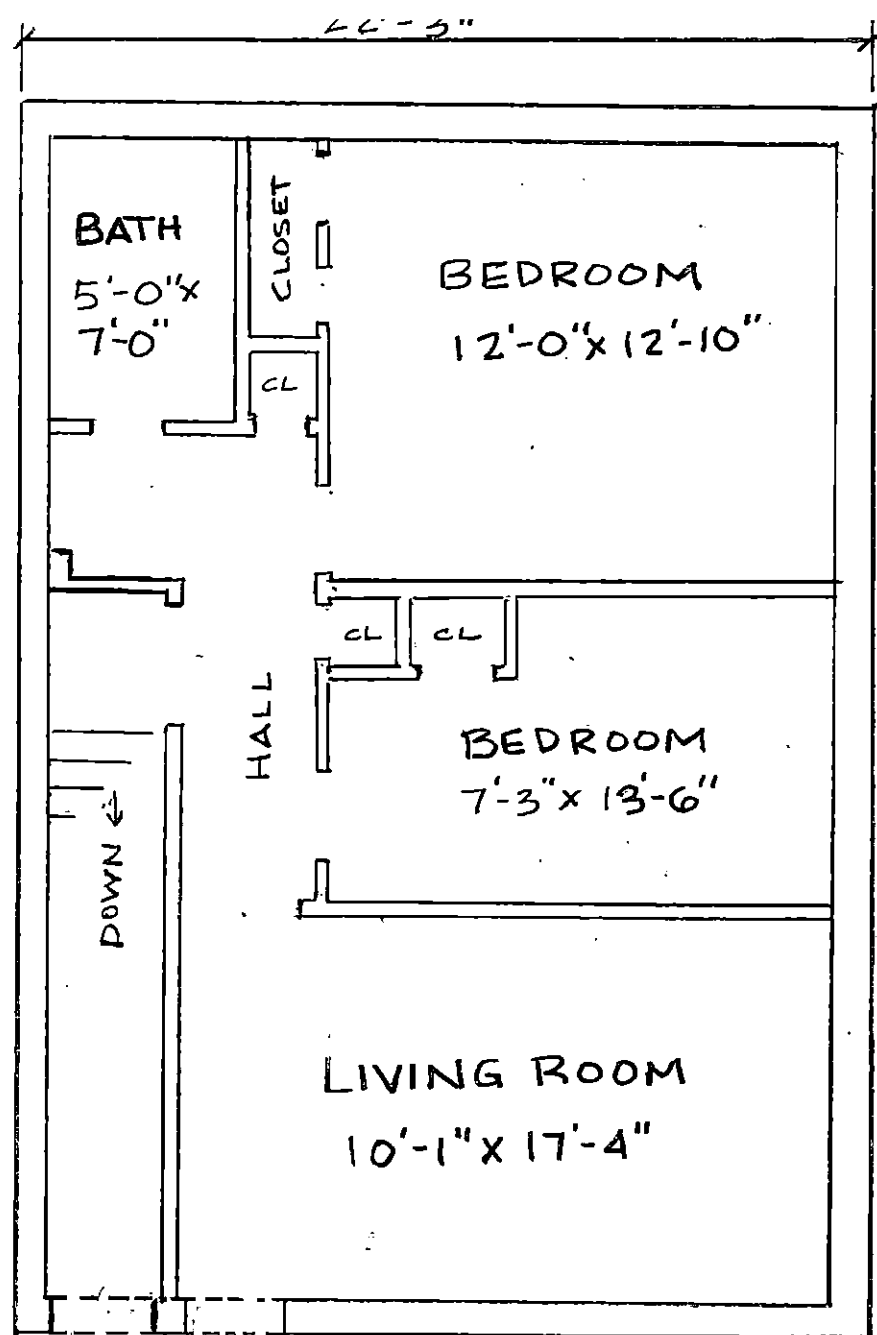
2ND FLOOR

SCALE: 1" = 5'-0"
CASE NO. 2016-0212SPH

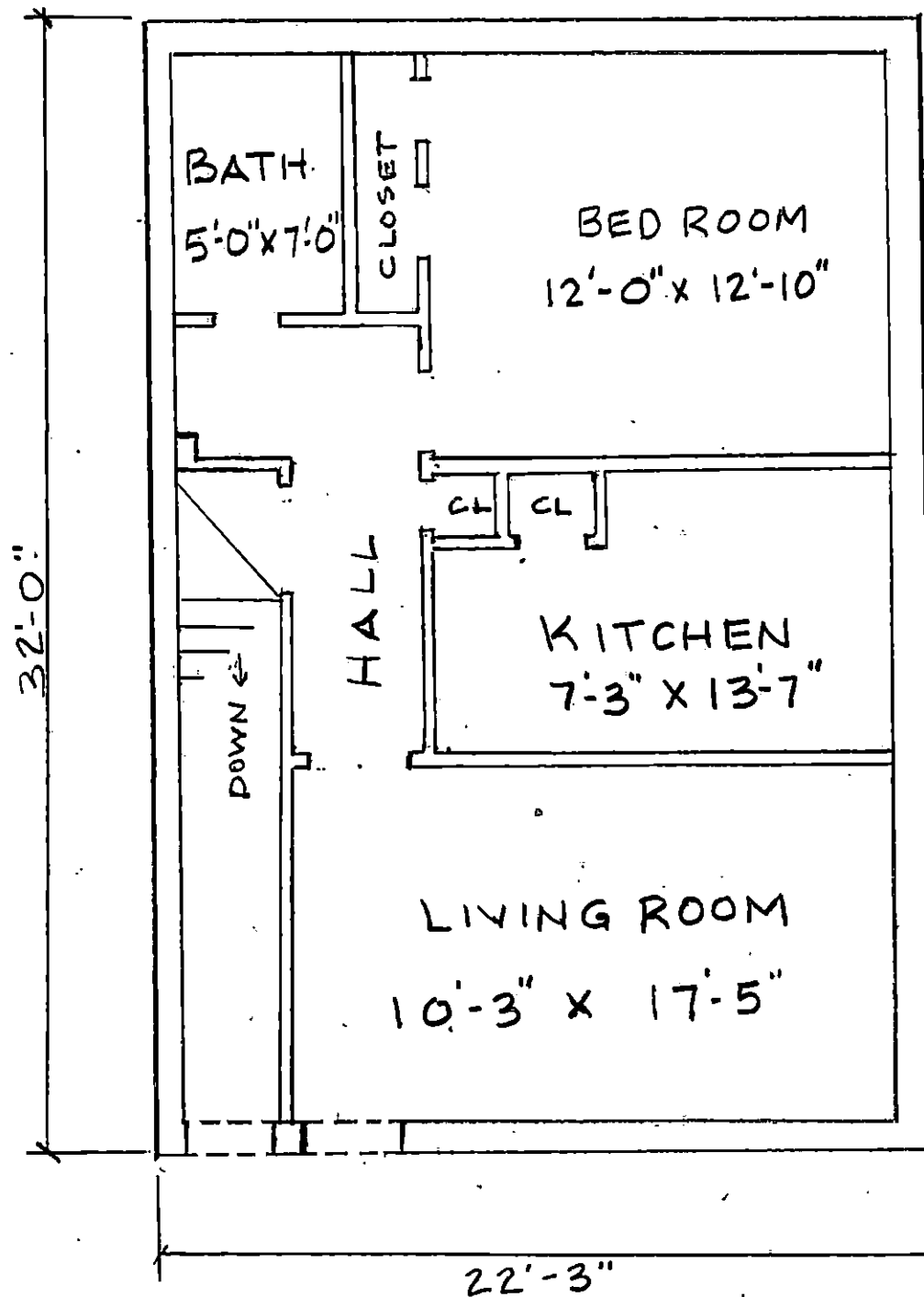


APT. #1
BASEMENT

238 LINDEN AVE.
SCALE: 1" = 5'-0"
CASE NO. 2016-0212 SPH



APT. #1
1ST FLOOR



FLOOR PLAN
238 LINDEN AVE.
APT. # 2

2ND FLOOR

SCALE: 1" = 5'-0"

CASE NO. 2016-0212SPH

THIS FIRST AMENDMENT to The Purks Family Revocable Trust dated May 22, 1992 by and between John N. Purks and Charlotte B. Purks, Grantors and Trustees, is dated this 20 day of September, 2008.

WHEREAS, on May 22, 1992, the Grantors created The Purks Family Revocable Trust; and

WHEREAS, in Article Seventh (c), Grantors reserved the right to modify or amend the Agreement; and

WHEREAS, the Grantors desire to amend the Agreement as described below.

Now, THEREFORE, for good and valuable consideration, it is agreed by and between the parties hereto as follows:

FIRST: Article NINTH (C) is deleted in its entirety and replaced with the following:

"(C) Division and Disposition of Trust Estate

The Trustees shall distribute to those of the Grantors' children, Connie E. Arnold, Larry R. Myers, Lori A. Toscheff, Stephen R. Purks and Susan R. Romberger, who survive the Grantors such of the property constituting the Irrevocable Trust Share for which the special power of appointment set forth in Paragraph (B) above shall not be validly exercised."

SECOND: Article ELEVENTH (A) shall be deleted in its entirety and replaced with the following:

"(A) Larry R. Myers and Lori A. Toscheff are hereby designated by the Grantors to serve as successor TRUSTEES hereunder, subject to the provisions set forth herein below."

THIRD: Article TWELFTH shall be deleted in its entirety and replaced with the following:

"TWELFTH: (A) Wherever the Grantor has provided for payments of income or principal to any beneficiary, the Trustees may apply those payments directly for the benefit of the beneficiary or pay those amounts to any parent, guardian, custodian,

2

relative or other person then assuming responsibility for the care of the beneficiary, without requiring the recipient to account for those amounts. The Trustees may also deposit payments of income or principal to the beneficiary's credit in any bank or other financial institution. The Trustees shall not be liable to the beneficiary for the application, payment or deposit of funds in accordance with these provisions.

(B) If any asset of any trust becomes distributable to any beneficiary who has not attained the age of twenty-one (21) at the time for distribution of that asset, then the Trustees are authorized to distribute that asset to a person (including any of the Trustees) whom they select, to be held by that person as Custodian for the beneficiary under the Maryland Uniform Transfers to Minors Act until the beneficiary attains the age of twenty-one (21).

(C) Wherever the Grantor has given the Trustees authority to make payments of income or principal to any beneficiary, the exercise of that authority shall be in the sole and absolute discretion of the Trustees, even if, as a result, the complete exhaustion and termination of the trust occur. Further, that authority shall not be construed as obligating the Trustees to support the beneficiary.

(D) The interest of a beneficiary in the income and principal of any trust created by this Trust Agreement shall not be subject to the claims of creditors or others, and may not be voluntarily or involuntarily alienated, anticipated or encumbered."

FOURTH: All questions pertaining to the validity, construction and interpretation of this Trust shall be determined in accordance with the law of the State of Maryland.

THIS TRUST has been signed, sealed, published, and declared by JOHN N. PURKS and CHARLOTTE B. PURKS in the joint presence of the two witnesses to their signature who, at their request, have signed their names as attesting witnesses in her presence and in the presence of each other on the day and year first above written.

Dor Pearson
Witness as to the Grantor

John N. Purks
John N. Purks, Grantor

Dor Pearson
Printed Name

Joe Parker
Witness as to the Grantor

JOE PARKER
Printed Name

Dor Pearson
Witness as to the Grantor

Charlotte B. Purks
Charlotte B. Purks, Grantor

Dor Pearson
~~Charlotte B. Purks~~
Printed Name

Joe Parker
Witness as to the Grantor

JOE PARKER
Printed Name

Dori Pearson
Witness as to the Trustee

John N. Purks
John N. Purks, Trustee

Dori Pearson
John N. Purks
Printed Name

Dori Pearson
Witness as to the Trustee

Charlotte B. Purks
Charlotte B. Purks, Trustee

Dori Pearson
Charlotte B. Purks
Printed Name

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

[NOTARY SEAL]

Dori Pearson
Notary Public

My Commission Expires: 1.1.2011

THE PURKS FAMILY REVOCABLE TRUST DTD 5/22/92

RESIGNATION OF TRUSTEE

THIS RESIGNATION OF TRUSTEE is made on the 14th day of May, 2015, by JOHN H. PURKS.

WHEREAS, by a written Agreement of Trust dated May 22, 1992, by and between JOHN H. PURKS and CHARLOTTE B. PURKS, as Grantors and Trustees (hereinafter referred to as the "Trust Agreement"), the said Grantors established The Purks Family Revocable Trust (hereinafter the "Trust"); and

WHEREAS, by the First Amendment to The Purks Family Revocable Trust dtd September 20, 2008, JOHN H. PURKS and CHARLOTTE designated LARRY R. MYERS and LORI A. TOSCHEFF to succeed them as Trustees of said Trust;

WHEREAS, pursuant to the provisions of ARTICLE ELEVENTH (G) of said Trust Agreement, the Trustees may at any time resign by giving written notice to any remaining Trustees, the successor Trustees and the then living Grantors, if any; and

WHEREAS, the JOHN H. PURKS desires now to resign as Trustee of said Trust.

NOW THEREFORE WITNESSETH, that JOHN H. PURKS hereby resigns as Trustee of the Trust, effective as of the date first above written.

WITNESS:

5/14/15 _____

John H. Purks (SEAL)
JOHN H. PURKS

RECEIPT OF NOTICE OF RESIGNATION OF CHARLOTTE B. PURKS

The undersigned, constituting all Trustees, successor Trustees and Grantors hereby acknowledge receipt of this Resignation of Trustee.

WITNESS:

<u>5/14/15</u>	<u>John N. Purks</u> (SEAL) John N. Purks
<u>5/14/15</u>	<u>Lori A. Toscheff</u> (SEAL) Lori A. Toscheff
<u>5/14/15</u>	<u>Larry R. Myers</u> (SEAL) Larry R. Myers

THE PURKS FAMILY REVOCABLE TRUST DTD 5/22/92

RESIGNATION OF TRUSTEE

THIS RESIGNATION OF TRUSTEE is made on the 10th day of May, 2015, by CHARLOTTE B. PURKS.

WHEREAS, by a written Agreement of Trust dated May 22, 1992, by and between JOHN H. PURKS and CHARLOTTE B. PURKS, as Grantors and Trustees (hereinafter referred to as the "Trust Agreement"), the said Grantors established The Purks Family Revocable Trust (hereinafter the "Trust"); and

WHEREAS, by the First Amendment to The Purks Family Revocable Trust dtd September 20, 2008, JOHN H. PURKS and CHARLOTTE designated LARRY R. MYERS and LORI A. TOSCHEFF to succeed them as Trustees of said Trust;

WHEREAS, pursuant to the provisions of ARTICLE ELEVENTH (G) of said Trust Agreement, the Trustees may at any time resign by giving written notice to any remaining Trustees, the successor Trustees and the then living Grantors, if any; and

WHEREAS, the CHARLOTTE B. PURKS desires now to resign as Trustee of said Trust.

NOW THEREFORE WITNESSETH, that CHARLOTTE B. PURKS hereby resigns as Trustee of the Trust, effective as of the date first above written.

WITNESS:

5/16/15

Charlotte B. Purks (SEAL)
CHARLOTTE B. PURKS

RECEIPT OF NOTICE OF RESIGNATION OF JOHN N. PURKS

The undersigned, constituting all Trustees, successor Trustees and Grantors hereby acknowledge receipt of this Resignation of Trustee.

WITNESS:

5/10/15

Charlotte B. Purks (SEAL)
Charlotte B. Purks

5/10/15

Lori A. Toscheff (SEAL)
Lori A. Toscheff

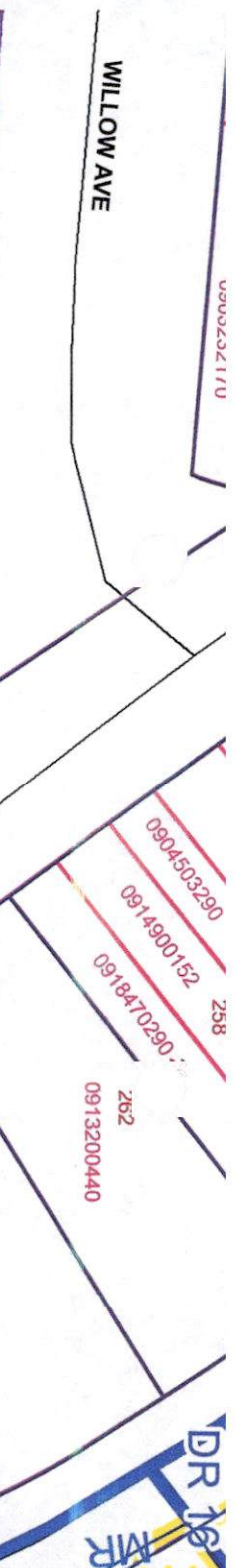
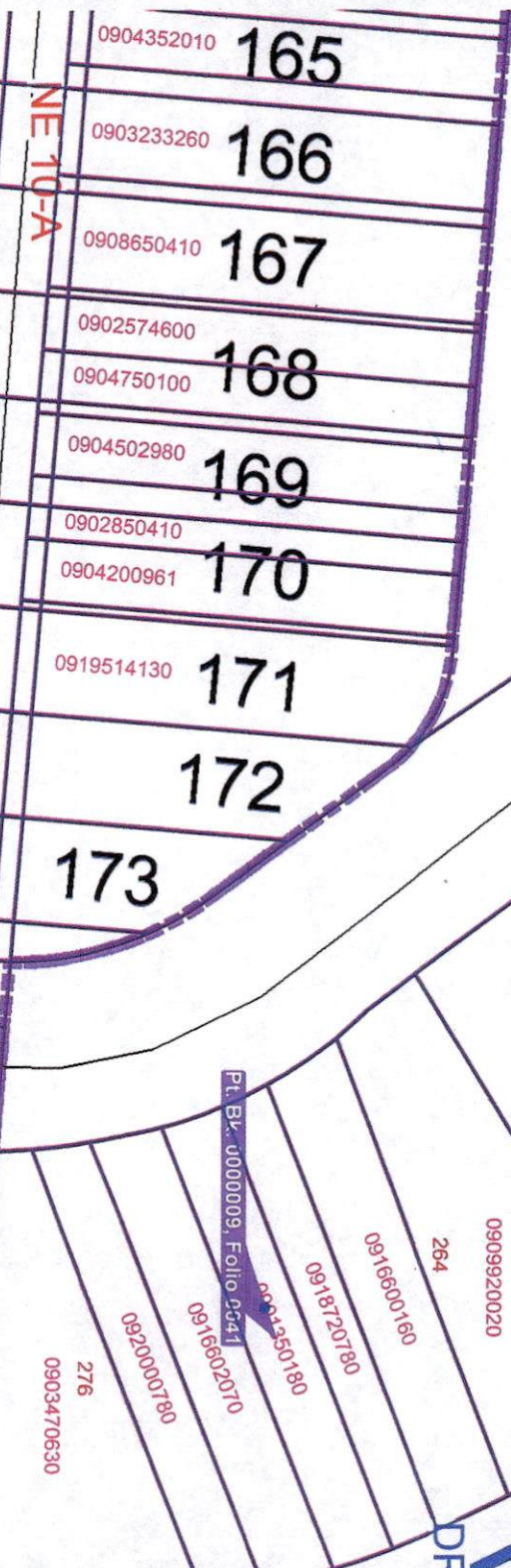
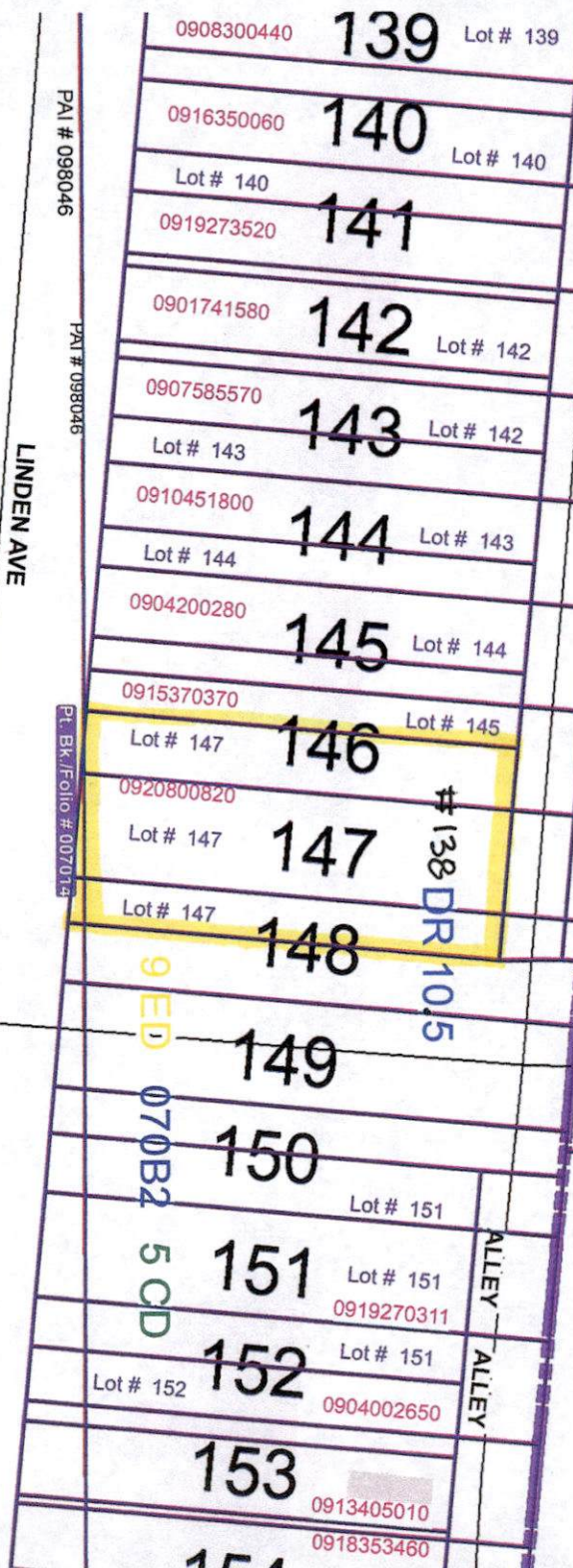
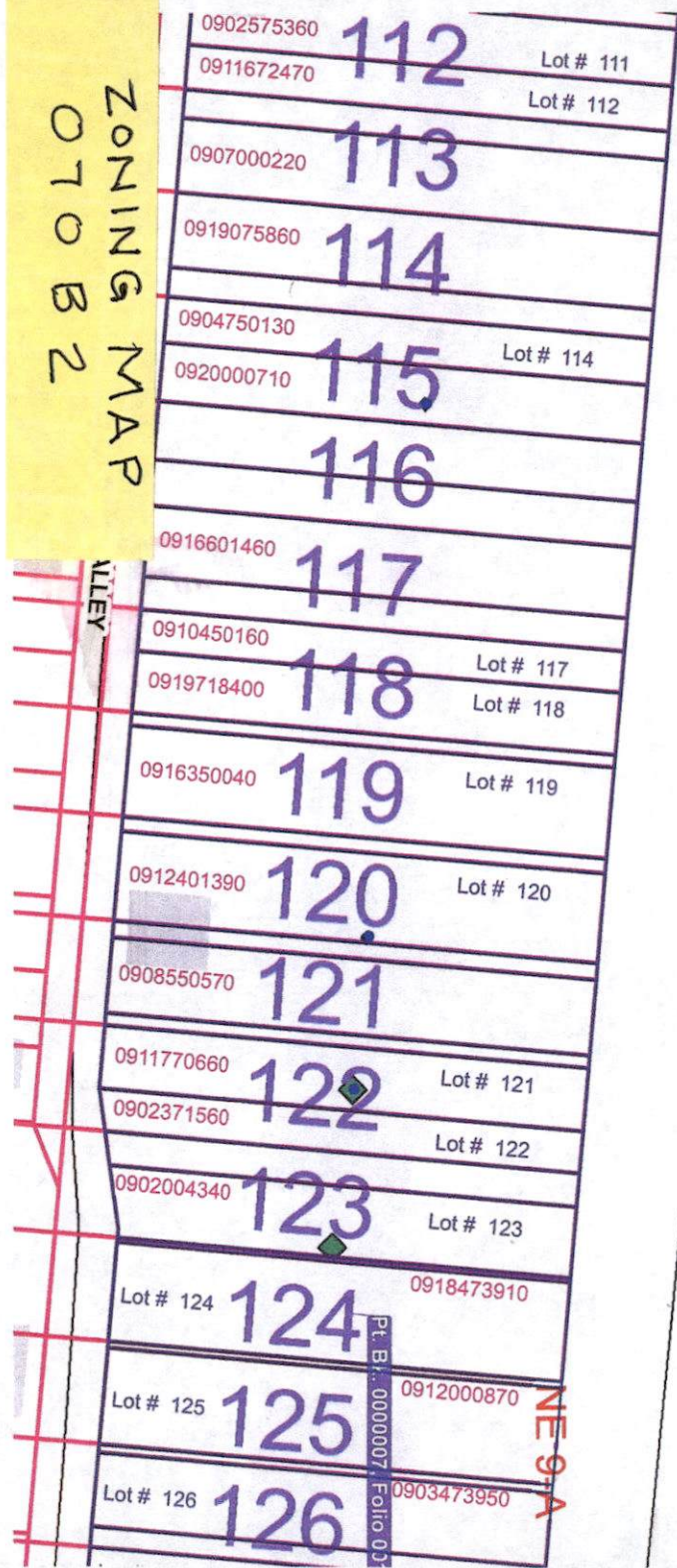
5/10/15

Larry R. Myers (SEAL)
Larry R. Myers



ZONING MAP

070B2



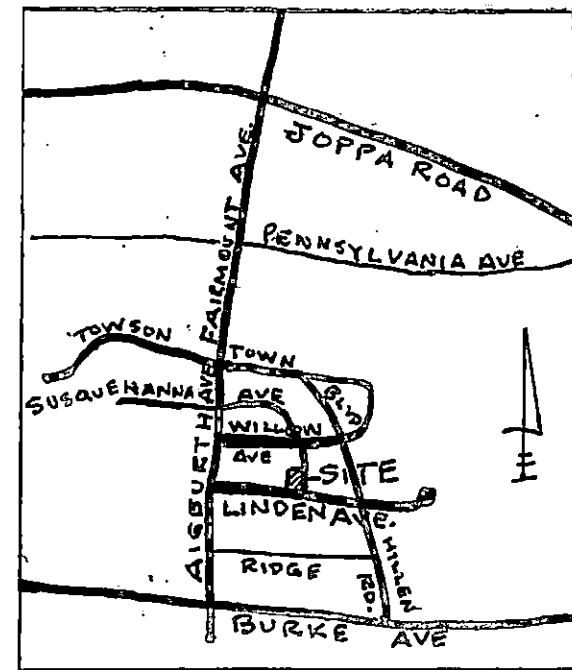
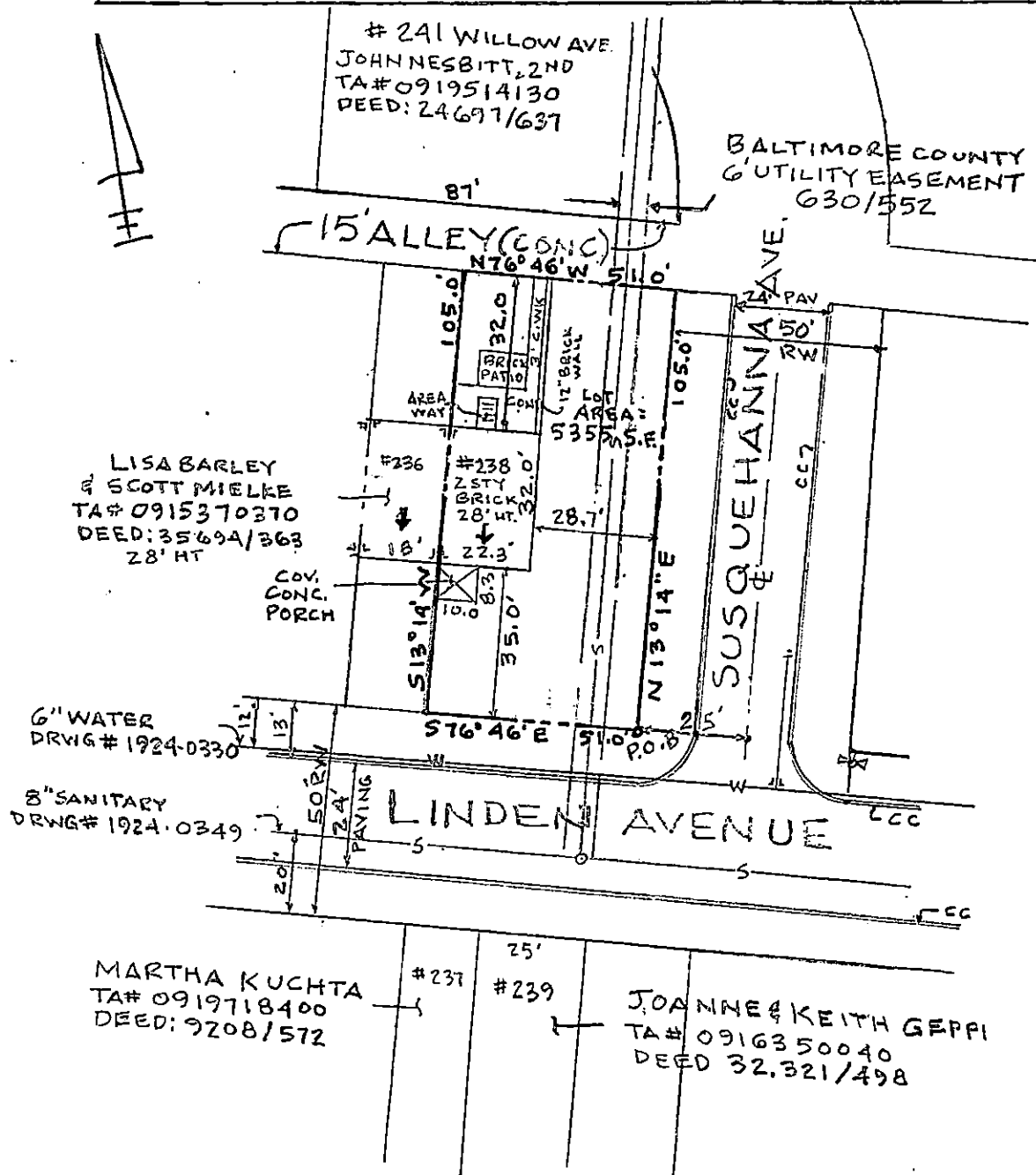
ZONING PLAN FOR VARIANCE FOR SPECIAL HEARING X

ADDRESS: 238 LINDEN AVENUE

OWNERS: JOHN AND CHARLOTTE PURKS, TRUST OF PURKS FAMILY REVOCABLE TRUST

SUBDIVISION NAME: AIGBURTH LOT #: 147 AND PARTS OF LOTS 146 AND 148

PLAT BOOK #: 7 FOLIO#: 14 TAX ACCT #: 0920800820 DEED REF.: 9264/299



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

ZONING MAP# 070B2
 SITE ZONED: DR10.5
 ELECTION DISTRICT: 9
 COUNCIL DISTRICT: 5
 LOT AREA ACREAGE: 0.123
 OR SQUARE FEET: 5355
 HISTORIC: NO
 IN CBCA: NO
 IN FLOOD PLAIN: NO
 WATER IS:
 PUBLIC X PRIVATE
 SEWER IS:
 PUBLIC X PRIVATE
 PRIOR HEARING? NO

PREPARED BY:

CRAIG CONSULTING, LLC
 7024 GREENBANK RD.
 BALTIMORE, MD 21220
 443-677-2007
 SSCALE: 1"=40 DATE: 3/9/16

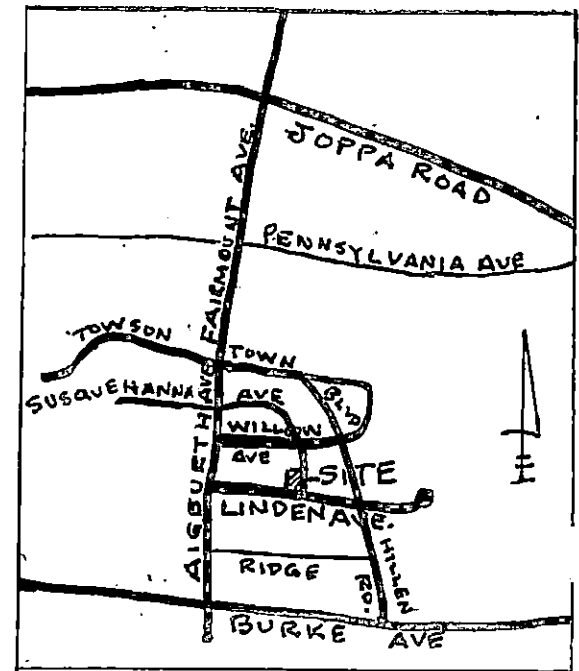
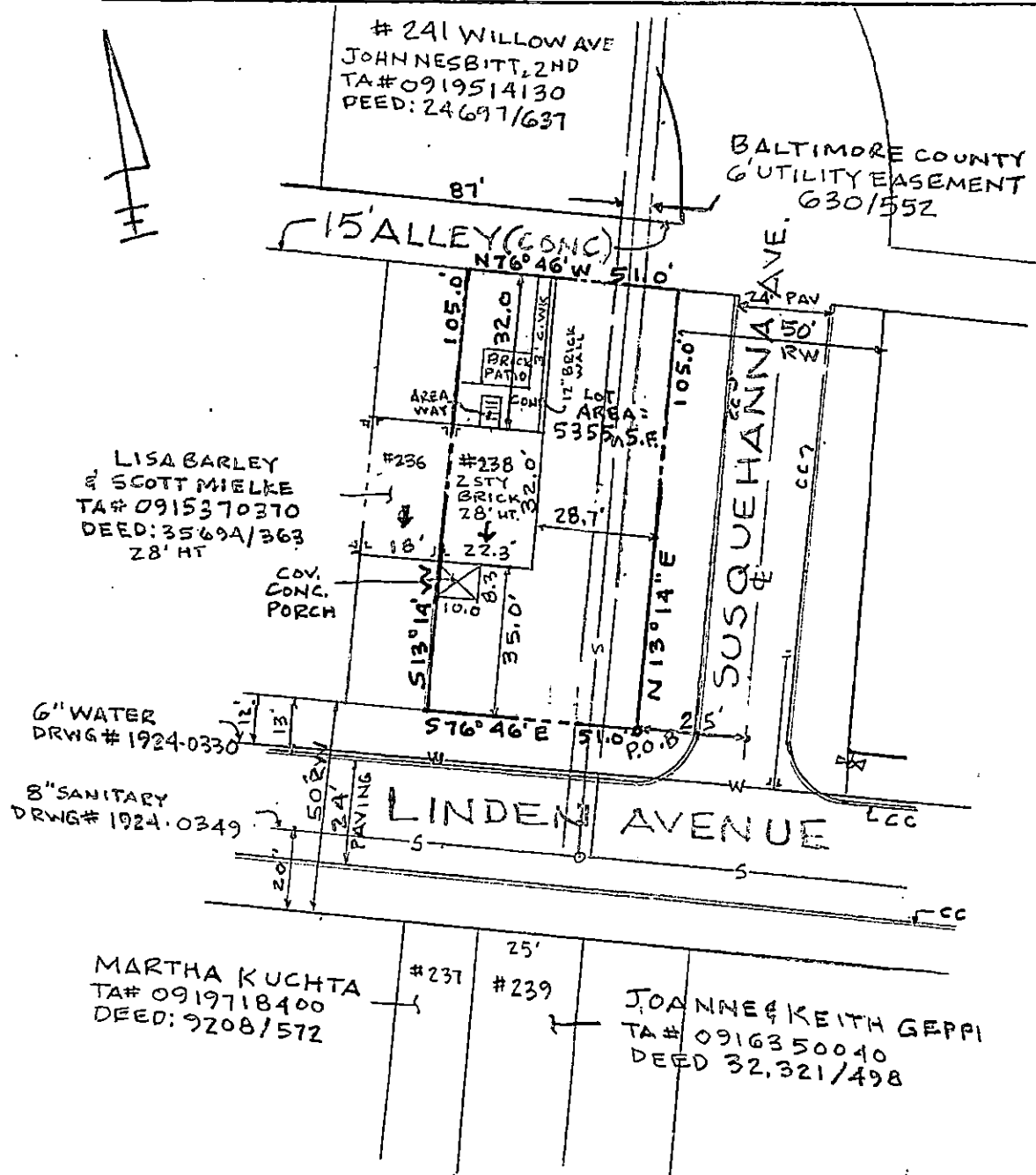
ZONING PLAN FOR VARIANCE FOR SPECIAL HEARING X

ADDRESS: 238 LINDEN AVENUE

OWNERS: JOHN AND CHARLOTTE PURKS, TRUST OF PURKS FAMILY REVOCABLE TRUST

SUBDIVISION NAME: AIGBURTH LOT #: 147 AND PARTS OF LOTS 146 AND 148

PLAT BOOK #: 7 FOLIO#: 14 TAX ACCT #: 0920800820 DEED REF.: 9264/299



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 WATER IS:
 PUBLIC X PRIVATE
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 PRIOR HEARING? NO

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