

MEMORANDUM

DATE: January 9, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0095-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 6, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(106 Smithwood Avenue)

1st Election District

1st Council District

David G. Schiavone

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0095-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David G. Schiavone, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit proposed additions with a side yard to side street setback of 25 ft., and side yard setback of 2 ft. (with a sum of side yard setbacks of 27 ft.) in lieu of the required 40 ft. and 15 ft. (sum of 40 ft.). A site plan was marked as Petitioners' Exhibit 1.

David G. Schiavone and professional engineer Rick Richardson appeared in support of the petition. Several neighbors attended and opposed certain aspects of the requests. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency opposed one of the variances requested, and the order below will deny the request deemed problematic by the DOP.

The property is approximately 14,720 sq. ft. and is zoned DR 2. The property is improved with a large single family dwelling (SFD) constructed in 1919. Petitioner recently acquired the home, which is in poor condition. Petitioner proposes to renovate and enlarge the structure, but variances are required to do so.

ORDER RECEIVED FOR FILING

Date 12/7/16

By sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The lot has irregular dimensions (i.e., narrow and deep) and was created long before the adoption of the B.C.Z.R. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed additions. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. The relief granted is quite modest; i.e. sum of side yard setbacks of 39 feet in lieu of the required 40, and the rear yard garage location variance will accommodate a large tree, which would need to be removed if the structure was on the third of the lot farthest removed from any street.

THEREFORE, IT IS ORDERED, this 7th day of December, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed addition on the north side of the property with a side yard to side street setback of 25 ft. and a sum of side yard setbacks of 39 ft. in lieu of the required 40 ft. sum of side yards, and to permit a detached accessory building (garage) to be located in the rear yard of the dwelling in the third of the lot that is not farthest removed from any street, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a proposed addition

ORDER RECEIVED FOR FILING

Date 12/7/16
By len

(attached garage) with a side yard setback of 2 feet, be and is hereby DENIED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 12/7/16
By slh



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 106 Smithwood Avenue which is presently zoned DR-2

Deed References: 35486/474 10 Digit Tax Account # 0123350420

Property Owner(s) Printed Name(s) Trolley Properties, LLC

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

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

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

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

3. X a **Variance** from

Section 1B02.3.C.1 – to permit proposed additions with a side yard to street setback of 25 feet and side yard setback of 2 feet (with summation of side yard setbacks of 27 feet) in lieu of the required 40 feet and 15 feet (summation of 40 feet).

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 THE 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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

David G. Schiavone /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

752 White Oaks Avenue, Catonsville, MD
Mailing Address City State

21228 / 410-804-1149 / auntiebee2388@verizon.net
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code Telephone # Email Address

CASE NUMBER 2017-0095-A Filing Date 10/5/16

Do Not Schedule Dates: Reviewer RDP

**ZONING DESCRIPTION FOR
106 SMITHWOOD AVENUE
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the west side right-of-way of Smithwood Avenue (30 feet in width) where it intersects the south side right-of-way of Birdwood Avenue (30 feet in width), thence binding on the west side right-of-way line of Smithwood Avenue; (1) South 34 degrees 26 minutes 19 seconds East 74.88 feet, thence leaving the west side right-of-way of Smithwood Avenue the following courses and distances (2) South 62 degrees 48 minutes 41 seconds West 149.76 feet, thence (3) North 34 degrees 26 minutes 19 seconds West 74.88 feet to a point on the south side right-of-way of Birdwood Avenue, thence binding on the south side right-of-way of Birdwood Avenue; (4) North 62 degrees 48 minutes 41 seconds East 149.76 feet to the point of beginning;

Containing a net area of 11,124 square feet, or 0.26 acres of land, more or less.

Item #0095

CERTIFICATE OF POSTING

2017-0095-A

RE: Case No.: _____

Petitioner/Developer: _____

David Schiavone

December 2, 2016

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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 located at: _____

106 Smithwood Avenue

November 17, 2016

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

November 17, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

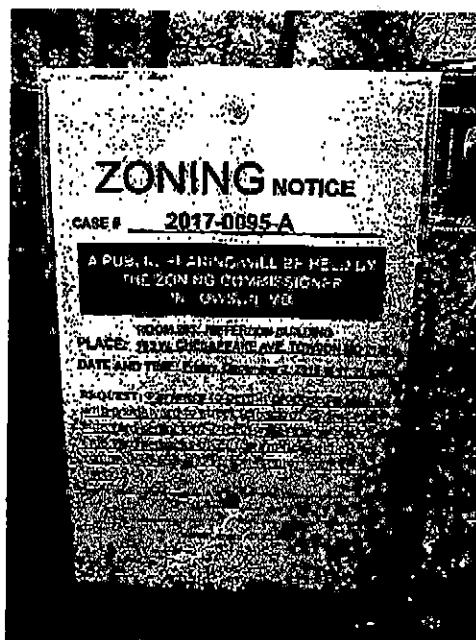
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2017-0095-A

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Petitioner/Developer: _____

David Schiavone

December 2, 2016

Date of Hearing/Closing: _____

Baltimore County Department of
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County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

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(Month, Day, Year)

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 **November 17, 2016**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

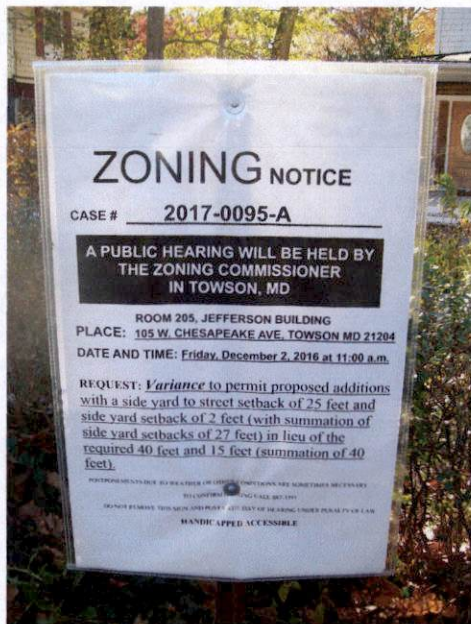
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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 4590468

Sold To:

David Schiavone - CU00544726
752 White Oaks Ave
Catonsville, MD 21228-5868

Bill To:

David Schiavone - CU00544726
752 White Oaks Ave
Catonsville, MD 21228-5868

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

Nov 17, 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: # 2017-0095-A 106 Smithwood Avenue SW/S Smithwood Avenue, SE of Birdwood Avenue 1st Election District - 1st Councilmanic District Legal Owner(s) David Schiavone Variance: to permit proposed additions with a side yard to street setback of 25 feet and side yard setback of 2 feet (with summation of side yard setbacks of 27 feet) in lieu of the required 40 feet and 15 feet (summation of 40 feet). Hearing: Friday, December 2, 2016, at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204. ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868. (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 11/08/17 Nov. 17 4590468
--



KEVIN KAMENETZ
County Executive

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

November 7, 2016

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: 2017-0095-A

106 Smithwood Avenue
SW/s Smithwood Avenue, SE of Birdwood Avenue
1st Election District – 1st Councilmanic District
Legal Owners: David Schiavone

Variance to permit proposed additions with a side yard to street setback of 25 feet and side yard setback of 2 feet (with summation of side yard setbacks of 27 feet) in lieu of the required 40 feet and 15 feet (summation of 40 feet).

Hearing: Friday, December 2, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: David Schiavone, 752 White Oaks Avenue, Catonsville 21228
Richardson Engineering, 30 E. Padonia Avenue, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 17, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 17, 2016 Issue - Jeffersonian

Please forward billing to:
David Schiavone
752 White Oaks Avenue
Catonsville, MD 21228

410-804-1149

NOTICE OF ZONING HEARING

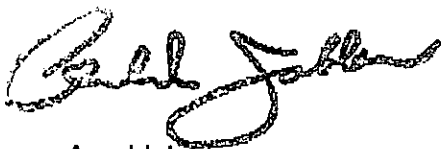
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106 Smithwood Avenue
SW/s Smithwood Avenue, SE of Birdwood Avenue
1st Election District -- 1st Councilmanic District
Legal Owners: David Schiavone

Variance to permit proposed additions with a side yard to street setback of 25 feet and side yard setback of 2 feet (with summation of side yard setbacks of 27 feet) in lieu of the required 40 feet and 15 feet (summation of 40 feet).

Hearing: Friday, December 2, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
106 Smithwood Avenue; SW/S Smithwood
Avenue, SE of Birdwood Avenue
1st Election & 1st Councilmanic Districts
Legal Owner(s): David G. Schiavone
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-095-A

* * * * *

ENTRY OF APPEARANCE

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

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

NOV 14 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2016, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 twenty (20) 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: 2017-0095-A
Property Address: 106 SMITHWOOD RD
Property Description: southwest side of Smithwood Ave., southeast of
Birdwood Ave. (ie: south side of intersection)
Legal Owners (Petitioners): TROLLEY PROPERTIES, LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID SCHIAVONE
Company/Firm (if applicable): _____
Address: 752 WHITE OAKS AVE
CATONSVILLE, MD 21228
Telephone Number: 410-804-1149

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

NO 145710

Date:

10/5/16

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept Obj	BS Acct	Amount
				Source/	Rev/			
001	806	0000		6150				1575.00

Total:

575.00

Rec

From:

Trotter, Prop. LLC

For:

zoning hearing - case # 20 7 00 15 A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME ERW
10/05/2016 10/05/2016 10:07:34 2
REG WED2 WALKIN JEE
XXRECEIPT # 984633 10/05/2016 CFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 145710

Recpt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

November 22, 2016

David G Schiavone
752 White Oaks Avenue
Catonsville MD 21228

RE: Case Number: 2017-0095 A, Address: 106 Smithwood Avenue

Dear Mr. Schiavone:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 5, 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.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Richardson Engineering LLC, Patrick Richardson, 30 E Padonia Road, Timonium MD 21093

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



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

Date: 10/11/16

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. 2017-0095-A

Varience
David G. Schiavone
106 Smithwood 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,

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

JB 12/2
11 Am

Debra Wiley

From: Lili Mundroff <lmundroff@brennanarch.com>
Sent: Thursday, December 01, 2016 2:35 PM
To: June Wisnom
Cc: Debra Wiley
Subject: Variance Hearing_106 Smithwood 21228_2017-0095A
Attachments: 106Smithwood_Zoning_VarianceHearing.pdf; ATT00001.htm

Good afternoon,

I called in yesterday to discuss this upcoming setback variance hearing for 106 Smithwood Avenue, case no. 2017-0095A scheduled for Friday, December 2 at 11:00 am. Please see the attached petition letter expressing some of the neighbors' concerns. Some of us will also be attending the hearing meeting tomorrow. Please let me know if you have any questions in regards to this.

Thank you for all your help.

Regards,

Lili
cell 410.458.6457

lili mundroff, assoc. aia
project manager

brennan + company architects
8333 main street, 2nd floor
ellicott city, maryland 21043
p. 410.313.8310

www.brennanarch.com

RECEIVED

DEC 01 2016

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: November 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-095

INFORMATION:

Property Address: 106 Smithwood Avenue

Petitioner: David G. Schiavone

Zoning: DR 2

Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an existing single family dwelling with additions to have a side yard to street setback of 25 feet, a side yard setback of 2 feet and a summation of side yard setbacks of 27 feet in lieu of the required 40 feet, 5 feet and sum of 40 feet respectively.

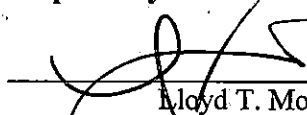
A site visit was conducted on October 18, 2016. The property is located inside the Old Catonsville National Register Historic District.

The Department has no objection to granting variance relief attached to the proposed addition which would result in a 25 foot side yard to street setback.

The Department does not support granting variance relief that would allow a 2 foot side yard setback. The requested setback crowds the adjacent residential property and is inconsistent with other properties in the neighborhood. The Department recommends that there is sufficient area in the rear yard to accommodate a detached garage which is more in keeping with the historic neighborhood.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KSL/TM/ka

c: Dennis Wertz
Patrick Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: November 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

NOV 30 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-095

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

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Petitioner: David G. Schiavone
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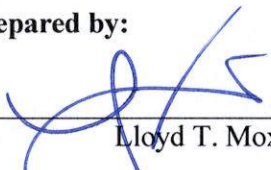
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For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Patrick Richardson, Jr., Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED

BALTIMORE COUNTY, MARYLAND

OCT 13 2016

Inter-Office Correspondence

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: October 13, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0095-A
Address 106 Smithwood Avenue
(Schiavone Property)

Zoning Advisory Committee Meeting of **October 17, 2016**.

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

Reviewer: Steve Ford

Date: 10-13-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 17, 2016

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2016
Item No. 2017-0093, 0094, 0095, 0096 and 0098

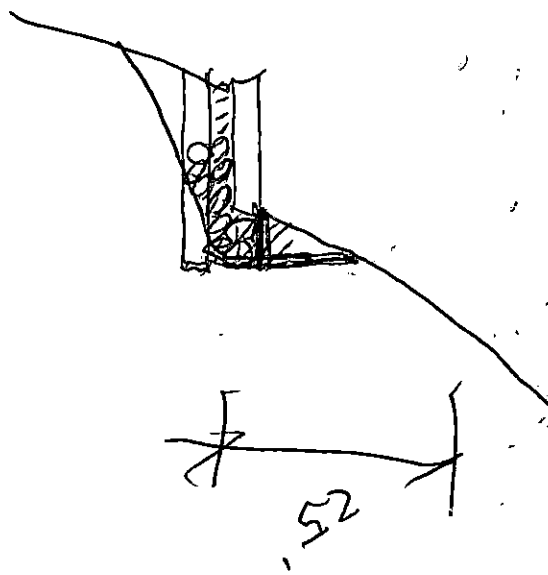
The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK: CEN
cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC10172016.doc

CASE NAME _____
CASE NUMBER 2017-0095-A
DATE 12/2/16

[illegible]



CASE NAME _____
CASE NUMBER 2017-0095-A
DATE _____

[illegible]

November 29, 2016

Baltimore County Zoning Review Office
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Case No. 2017-0095-A
106 Smithwood Avenue
Catonsville MD 21228

Dear Members of the Zoning Review Board,

We are writing this letter in order to petition against the variance to the proposed additions on 106 Smithwood Avenue. The proposed additions would not comply with the Baltimore County DR-2 zone setbacks while negatively affecting the scale and potentially the historic character of the Old Catonsville National Historic District, BA-2975, recognized by the National Park Service (NPS) on December 27, 2002.

The existing house built in 1919, is described in the National Historic District application as characteristic L-shaped type, sided with wood shingles and German siding with the use of decorative staggered butt shingles in the gable end¹. Despite small alterations and neglect in the last decades, the house maintains the scale and character of the houses contributing to the historic district, as shown on Exhibit A. In this case, historic character is defined as the house's volume, setbacks from the street, roof lines, gable orientation, glazing to wall ratio etc.

Nested at the corner of Smithwood and Birdwood, the house is located at a critical intersection from visibility and traffic viewpoints. We are concerned that the proposed 2-story north addition as described in the zoning hearing notice will adversely affect the scale of the house's elevation and its relationship to the street as well as introduce a foreign 'new suburb - developer' prototype into a historic fabric that simply does not fit or act as a good neighbor to the existing rich fabric.

The second proposed attached garage on the south side, proposed as 2 (two) feet from the property line to 104 Smithwood is also a concern. Historically, the garages in these houses would have been detached and set back from the front elevation, as to not take away or adversely affect the character of the façade. We are unclear on the footprint, location and size of the garage as proposed in this variance. The house currently seems to have two separate driveways with access from

¹ NPS Form 10, National Register of Historic Places Form. "Old Catonsville Historic District." Accessed Nov. 28, 2016. http://aok.lib.umbc.edu/staff/Wilt/Old_Catonsville_NR_Form_in_html.htm

Smithwood and Birdwood Avenue. We would suggest that considerations be made to relocate the proposed garage to the rear of the property.

Additional critical points affecting the property include street steep slope, limited street width, street parking and lack of sidewalks on either side (Hillcrest Elementary School and Summit Park Health and Rehabilitation Center are located approx. 800 feet from the property).

We are concerned that the variance sought is not based on hardship of reasonable use of this residential property as a single family residence for the DR-2 zone. We believe that compliance with the zoning requirements can be further investigated to allow for smaller scale addition/s on the side and/or rear.

We hope that you will take in consideration our petition and deny the request for variance and request an amended proposal that addresses the aforementioned concerns while maintaining the historic character of the neighborhood, which past, current and future neighbors seek to preserve and cherish.

Thank you for your attention in this matter.

Sincerely,

Lili Mundroff	99 Smithwood Avenue, Catonsville MD 21228	410.747.585
Anne King	103 Smithwood Avenue Catonsville MD 21228	410.612.9957
Andrew Mundroff	99 Smithwood Avenue Catonsville MD 21228	410.747.5854
Alan Gruber	100 Smithwood Avenue Catonsville MD 21228	410.788.7499
Sue Poandl	102 Smithwood Avenue Catonsville MD 21228	443.257.4669
Dave Perez	102 Smithwood Avenue Catonsville MD 21228	443.257.4421
Rob Brennan	102 Rosewood Avenue, Catonsville, MD 21228	443.925.4448
Chris Brennan	102 Rosewood Avenue, Catonsville, MD 21228	410.925.4860
Kathryn Ossing	110 Smithwood Avenue, Catonsville, MD 21228	410.744.199
Catherine Prendergast	105 N Beechwood Ave, Catonsville MD 21228	410.747.6817
Dan Prendergast	105 N Beechwood Ave, Catonsville MD 21228	410.747.6817
Kirby Spencer	11 N Beechwood Ave, Catonsville MD 21228	410.747.1280
Carri Beer	2027 Edmondson Ave, Catonsville MD 21228	443.802.1682

Name	Address	Phone
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Exhibit A.



CASE NO. 2017- 0095-A

C H E C K L I S T

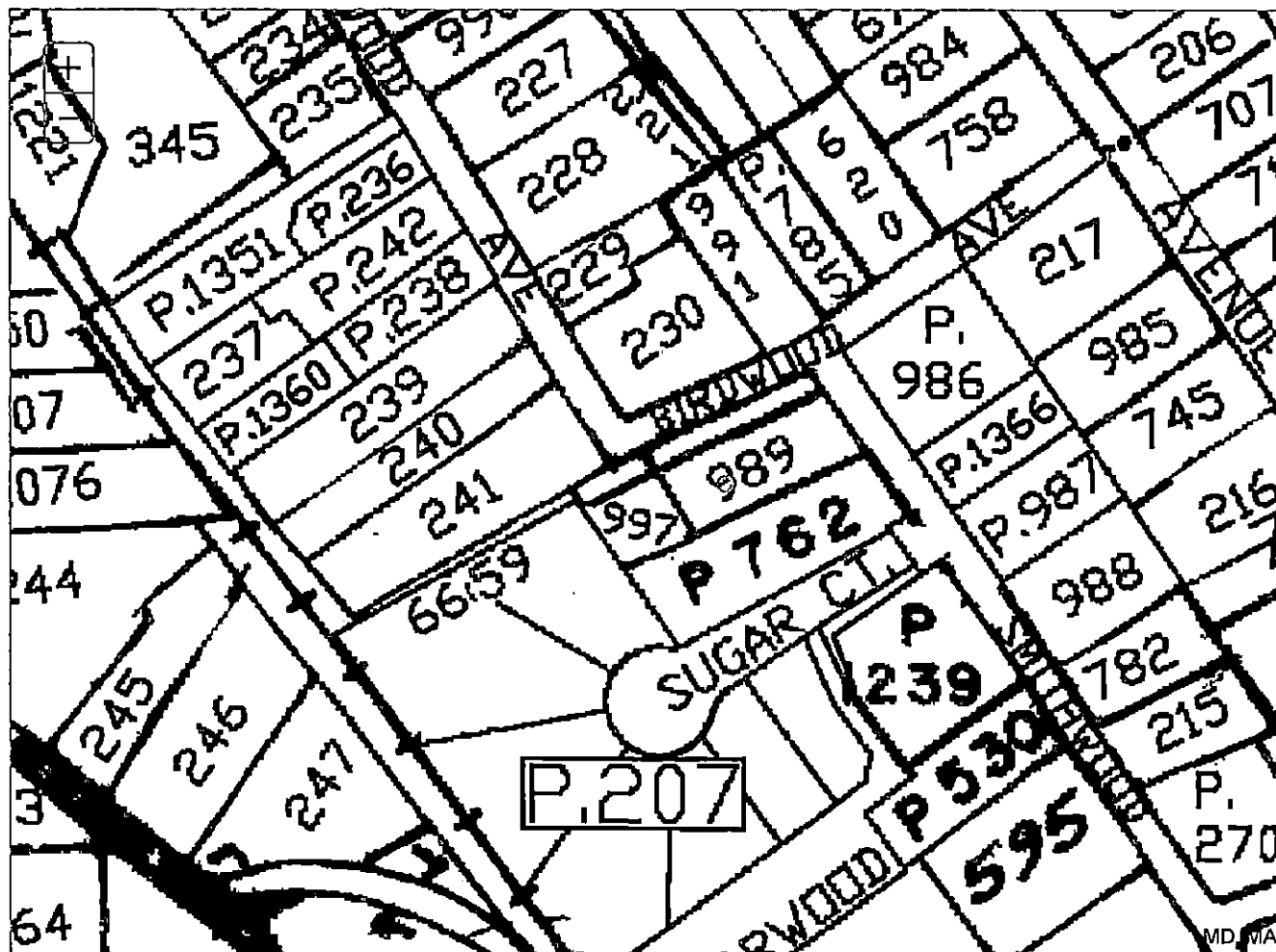
<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10/17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>10/13</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>11/22</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>10/11/16</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: <u>11/17/16</u>	
SIGN POSTING	Date: _____	by _____
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

[Real Property Data Search](#) [Guide to searching the database](#)
[Search Result for BALTIMORE COUNTY](#)

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 01 Account Number - 0123350420								
Owner Information										
Owner Name:		TROLLEY PROPERTIES LLC			Use:		RESIDENTIAL NO			
Mailing Address:		752 WHITE OAKS AVE BALTIMORE MD 21228-			Principal Residence:		Deed Reference: /38018/ 00257			
Location & Structure Information										
Premises Address:		106 SMITHWOOD AVE 0-0000			Legal Description:		LOT WS SMITHWOOD AVE SW COR BIRCHWOOD RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0100	0012	0989		0000				2016	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		
1919		2,024 SF				11,250 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
2 1/2	YES	STANDARD UNIT	WOOD SHINGLE	2 full						
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of 01/01/2016		As of 07/01/2016		As of 07/01/2017		
Land:		107,500		107,500						
Improvements		59,300		69,800						
Total:		166,800		177,300		170,300		173,800		
Preferential Land:		0						0		
Transfer Information										
Seller: GODLEY-DAVIS ALBERT				Date: 09/19/2016			Price: \$325,000			
Type: ARMS LENGTH IMPROVED				Deed1: /38018/ 00257			Deed2:			
Seller: GODLEY-DAVIS ALBERT				Date: 03/01/2013			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /35486/ 00474			Deed2:			
Seller: STONEBURNER W HARVEY				Date: 08/30/1983			Price: \$74,500			
Type: ARMS LENGTH IMPROVED				Deed1: /06582/ 00534			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		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: **01** Account Number: **0123350420**

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.:

2017-0095-A

Exhibit Sheet

Petitioner/Developer

PW
1-9-17

Protestant

sero
12-7-16

No. 1	Plan	Photos of nearby home renovated by Petitioner
No. 2	Deeds to property	
No. 3	Aerial zoning map	
No. 4	Photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

10

10-10-10





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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

Printed 12/2/2016

#3

#2

1935

DEL. PER TICKET JUN 14 1934

14410 : This Deed made this 9th day of September in the year nineteen hundred
 Clara F Kerr & Hus : and thirty-three by and between Clara F Kerr and Frank P Kerr her hus-
 Deed to : band of Baltimore County State of Maryland parties of the first part
 Julius F Litzau : and Julius F Litzau of the City of Baltimore State of Maryland party
 U S S \$1.00 : of the second part

Witnesseth that in consideration of the sum of Five Dollars and of other valuable con-
 siderations the said Clara F Kerr and Frank P Kerr her husband do grant and convey unto the
 said Julius F Litzau his heirs and assigns in fee simple all that tract of land situate in
 Baltimore County State of Maryland and described as follows

Beginning at the end of the first line of the lot of ground described in a deed from
 Matilda B Smith to John Hubner dated June 12 1896 and recorded among the Land Records of
 Baltimore County in Liber L M B No 217 folio 342 etc and continuing said line for its same
 course ninety feet thence south sixty-eight and three-quarter degrees west a distance of
two hundred and fifty-five feet thence northwesterly parallel to the first line of the lot
 now being described ninety feet until it intersects the second line of the lot of ground de-
 scribed in said deed from Matilda B Smith to John Hubner dated and recorded as aforesaid
 thence northeasterly along said last mentioned line two hundred and fifty-five feet to the
 place of beginning Reserving of the said lot herein described a strip of land thirty feet
 wide along the first line thereof and one of fifteen feet width along the fourth line thereof
 as hereinbefore described for the uses and purposes set forth in an agreement between John
 Hubner Matilda B Smith and Charles Edward Porter dated February 26 1907 and recorded among
 the Land Records aforesaid in Liber W P C No 311 folio 302 etc

Being and intending to convey hereby the entire tract of land described in the deed from
 John F Morrison and Matilda E Morrison his wife to the said Clara F Kerr dated August 22
 1924 and recorded among the Land Records of Baltimore County in Liber W P C No 597 folio
 464 etc

Together with the buildings and improvements thereupon erected made or being and all and
 every the rights alleys ways waters privileges appurtenances and advantages thereunto be-
 longing or in anywise appertaining

To have and to hold the above described lot of ground and premises unto and to the use of
 the said Julius F Litzau his heirs and assigns forever in fee simple subject to the operation
 and effect of a mortgage from the said Clara F Kerr and Frank P Kerr her husband to The
 Rolling Road Building and Loan Association of Baltimore County dated August 22 1924 and
 recorded among the Mortgage Records of Baltimore County in Liber ~~in October~~ W P C No 685 folio
 575 etc the remainder due whereon is now the sum of \$1312.66/100

And the said Clara F Kerr and Frank P Kerr her husband hereby covenant that they have not
 done or suffered or permitted to be done any act matter or thing whatsoever to encumber the
 property hereby granted except the mortgage hereinbefore referred to that they will warrant
 specially the property hereby conveyed and that they will execute such further assurances
 of the same as may be requisite

Witness the hands and seals of the said grantors

938

(Notarial seal)

Fred J Van Slyke

Notary Public

Recorded Nov 21 1938 at 12.50 P M & EXD Per C Willing Browne Jr Clerk

112871

Julius F Litzau unmarried

Deed to

Agnes M Kuhlmann unmarried

U S S \$5.00 S R T \$5.00

This deed made this 17th day of November in the year one thousand nine hundred and thirty eight by and between Julius F Litzau unmarried of Baltimore County in the State of Maryland of the first part and Agnes Meta Kuhlmann unmarried of the second part

Witnesseth that in consideration of the sum of five (5) dollars and other good and valuable considerations the said party of the first part doth grant and convey unto the said party of the second part 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 the end of the first line of the ground described in a deed from Matilda B Smith to John Hubner dated June 26th 1896 recorded among the Land Records of Baltimore County in Liber L M B No 217 folio 342 and continuing said line for its same course ninety feet thence south sixty eight and three fourths degrees west for a distance of one hundred eighty feet thence northwesterly parallel to the first line of the lot now being described ninety feet until it intersects the second line of the lot of ground described in said deed from Matilda B Smith to John Hubner dated and recorded as aforesaid thence northeasterly along the said last mentioned line one hundred eighty feet to the place of beginning

Reserving out of the said lot herein described however a strip of land thirty feet wide along the first line thereof and one of fifteen feet along the fourth line thereof for the uses and purposes set forth in an agreement between John Hubner Matilda B Smith and Charles Edward Porter dated February 26th 1907 and recorded among the aforesaid Land Records in Liber W P C No 311 folio 302

Being a part of the lot of ground and premises described in a deed from Clara F Kerr and Frank P Kerr her husband to Julius F Litzau dated September 9th 1933 and recorded among the aforesaid Land Records in Liber L M L No 915 folio 560

BEL PER TICKET JUN 25 1949

Beginning for the same at the end of the first line of the ground described in a deed from Katilda B Smith to John Hubner dated June 26th 1896 recorded among the Land Records.

Received 4/25/29
J. K. Sullivan

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I HEREBY CERTIFY, that this 26th day of July in the year one thousand nine hundred and forty-eight, before me the undersigned officer, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared ESTHER J. PFARR, known to me (or satisfactorily proven), to be the person whose name is subscribed to the within instrument, and she acknowledged said Deed to be her act, and further acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

(Notarial Seal) My commission expires May 2 1949 William H. Gisin

William H. Gisin Notary Public

Recorded Jul 31 1948 at 11:45 A M exd per

T Braden Silcott Clerk Rcd MAM

Exd FM & MJ

63426 Agnes Meta Kuhlman : THIS DEED, Made this 29th day of July in the year one thousand nine hundred and forty-eight, by and between Agnes Meta Deed to James A White et al : sand nine hundred and forty-eight, by and between Agnes Meta ST \$13.20 FED \$13.20 : Kuhlman, unmarried, of the County of Baltimore, in the State of Maryland, of the first part, and James A. White and Elizabeth M. White, his wife, of the second part.

WITNESSETH, THAT in consideration of the sum of Five (\$5.00) dollars and other valuable considerations, the said Agnes Meta Kuhlman, unmarried, does grant and convey unto the said James A. White and Elizabeth M. White, his wife, as tenants by the entireties, their heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in the County of Baltimore, aforesaid, and described as follows, that is to say:-

BEGINNING for the same at the end of the first line of the ground described in a deed from Matilda B. Smith to John Hubner dated June 26, 1896, recorded among the Land Records of Baltimore County in Liber L. M. B. No. 217, folio 342 and continuing said line for its same course 90 feet thence south 68 and 3/4 degrees west for a distance of 180 feet thence northwesterly parallel to the first line of the lot now being described 90 feet until it intersects the second line of the lot of ground described in said deed from Matilda B. Smith to John Hubner dated and recorded as aforesaid thence northeasterly along said last mentioned line 180 feet to the place of beginning. Known as 100 Smithwood Avenue.

Reserving out of the said lot herein described however a strip of land 30 feet wide along the first line thereof and one of 15 feet along the fourth line thereof for the uses and purposes set forth in an agreement between John Hubner, Matilda B. Smith, and Charles Edward Porter dated February 26, 1907, and recorded among the aforesaid Land Records in Liber W. P. C. No. 311, folio 302.

BEING the same lot of ground described in a deed dated November 17, 1938, and recorded among the Land Records of Baltimore County in Liber C. W. B. Jr. 1047, folio 357, which was granted and conveyed by Julius F. Litzav, single, to the herein grantor.

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 anywise appertaining.

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 James A. White and Elizabeth M. White, his wife, as tenants by the entireties, their heirs and assigns and the survivor of them and the heirs and assigns of the survivor, 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 enumber the property hereby conveyed; that she will warrant specially the property granted; and that she will execute such further assur-

DEL. PER TICKET OCT 1 - 1948

personal representatives or assigns or to whoever may be entitled to the same

And it shall be lawful for the said Mortgagee its successors or assigns or for William C Rogers its attorney or agent at any time after default in any of the covenants or conditions of this mortgage to sell the hereby mortgaged property or so much thereof as may be necessary to satisfy said mortgage debt and interest and all expenses incident to said sale and to grant assign or convey the said property to the purchaser thereof his her or their heirs personal representatives or assigns and which sale shall be made in the following manner to wit upon giving twenty days notice of the time place manner and terms of sale in some newspaper published in Baltimore County and such other notice as by said Mortgagee may be deemed expedient and in the event of such sale under the powers hereby granted the proceeds thereof shall be applied as follows first to the payment of all expenses incident thereto including a fee of one hundred dollars and a commission to the party making sale of said property equal to the commission allowed Trustees for making sale of similar property by virtue of a decree of a Court of equity Jurisdiction in the State of Maryland secondly to the payment of all claims of the Mortgagee its successors and assigns under this mortgage whether or not the same shall have then matured and the surplus shall be paid to the Mortgagors their heirs personal representatives or assigns or to whomsoever may be entitled to the same

And the said Mortgagors for their heirs personal representatives and assigns do hereby covenant that immediately upon the first insertion of the notice of sale as aforesaid under the powers hereby granted there shall be and become due by them to the party inserting said advertisement all expenses incident to said advertisement or notice all Court costs and expenses incident to the foreclosure proceedings under this mortgage and a commission on the total mortgage debt principal and interest equal to one half the percentage allowed as commissions to trustees making sale under decrees of the Circuit Court of Baltimore County in Equity which said expenses costs and commission the said Mortgagors for their heirs personal representatives or assigns hereby covenant to pay and the said Mortgagee its successors or assigns or its attorneys or agents shall be required to receive the principal and interest only of said mortgage debt in satisfaction thereof unless the same be accompanied by a tender of said expenses costs and commission but said sale may be proceeded with unless prior to the day appointed therefor legal tender be made of said principal interest costs expenses and commissions

The said Mortgagors covenant that they will warrant specially the property hereby conveyed and that they will execute such further assurances as may be requisite

Witness the hands and seals of the said Mortgagors

Test

William R Sedicum (SEAL)

Ruth J Pagrick

Priscilla Sedicum (SEAL)

State of Maryland City of Baltimore to wit

I Hereby Certify that on this 17th day of November 1938 before me the subscriber a Notary Public of the State of Maryland in and for the City aforesaid personally appeared William R Sedicum and Priscilla Sedicum his wife the Mortgagors named in the foregoing Mortgage and they acknowledged the foregoing Mortgage to be their act at the same time also appeared William F Zeller President of the within named corporation Mortgagee and made oath in due form of law that the consideration set forth in the foregoing mortgage is true and bona fide as therein set forth

REAL ESTATE TITLE COMPANY,
INCORPORATED
Keyser Building
Baltimore, Md.
LE 414100 9-3212



PER SINGLE DEED

This Deed, Made this 23rd day of July
in the year one thousand nine hundred and seventy-six by MARY ELIZABETH
HANEY and PATRICIA ANNE CITRO, Personal Representatives of the Estate of James
A. White, deceased, of the first part; and THOMAS N. COKENIAS and SUZANNE L. COKENIAS,
husband and wife, of the second part.

WGC-6-76	249973d	***442.00
WGC-6-76	249973D3	***192.00
WGC-6-76	249972D-	***240.00
WGC-6-76	249971D2	***10.00

WITNESSETH that in consideration of the sum of Five (\$5.00) Dollars and other
good and valuable considerations, the receipt of which is hereby acknowledged,
the said parties of the first part

do grant and convey unto the said parties of the second part, as tenants by
the entirety, their heirs and assigns, the survivor of them, and the survivor's
personal representatives, heirs and assigns, in fee-simple, all that lot of ground
situate, lying and being in
The First Election District of Baltimore
in the State of Maryland

and described as follows, that is to say

BEGINNING for the same at the end of the first line of the ground described in
a deed from Matilda B. Smith to John Hubner dated June 26, 1896, recorded among
the Land Records of Baltimore County in Liber LMB No. 217, folio 342 and continuing
said line for its same course 90 feet thence south 68 and 3/4 degrees west
for a distance of 180 feet thence northwesterly parallel to the first line of
the lot now being described 90 feet until it intersects the second line of the
lot of ground described in said deed from Matilda B. Smith to John Hubner dated
and recorded as aforesaid thence northeasterly along said last mentioned line
180 feet to the place of beginning.

The improvements thereon being known as 106 Smithwood Avenue.

Reserving out of the said lot herein described however a strip of land 30 feet
wide along the first line thereof and one of 15 feet along the fourth line thereof
for the uses and purposes set forth in an agreement between John Hubner, Matilda B.
Smith, and Charles Edward Porter dated February 26, 1907, and recorded among the
aforesaid Land Records in Liber WFC No 311, folio 302.

BEING the same lot of ground which by Deed dated July 29, 1948 and recorded among
the Land Records of Baltimore County in Liber T88 1680, folio 385 was granted and
conveyed by Agnes Heta Kuhlman, unmarried, to James A. White and Elizabeth M. White,
husband and wife; James A. White having died on May 28, 1975 and Elizabeth M. White,
his wife, having died on or about April 24, 1969.
The Estate of James A. White is recorded in Estate Docket 37, folio 286 #37046
where the said Mary Elizabeth Haney and Patricia Anne Citro were appointed
Personal Representatives.

103 3 22 AUG 5

720.00 MSC

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD 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 parties of the second part, as tenants by the entirety, their heirs and assigns, the survivor of them, and the survivor's personal representatives, heirs and assigns, ----- in fee-simple.

AND the said parties of the first part 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.

WITNESS the hands and seals of said grantors

Test:

Colleen McLachlen
Colleen McLachlen

Mary Elizabeth Haney [SEAL]
MARY ELIZABETH HANEY
Patricia Anne Citro [SEAL]
PATRICIA ANNE CITRO
[SEAL]

STATE OF MARYLAND,

TO WIT:

I HEREBY CERTIFY, that on this 23rd day of July in the year one thousand nine hundred and seventy-six before me, the subscriber, a Notary Public of the State of Maryland, in and for

MARY ELIZABETH HANEY and PATRICIA ANNE CITRO, Personal representatives of the Estate of James A. White, deceased. and they acknowledged the foregoing Deed to be their act, deed and for the purposes therein set forth.

WITNESS my hand and notarial seal the day and year last above written.

Rec'd for record AUG 6 1976 at 9:36
For Elmer H. Kahline, Jr., Clerk
Mail to REAL ESTATE TITLE CO., INC.
Receipt No. 1 ✓ \$ 10.00
Colleen McLachlen
Colleen McLachlen
NOTARY PUBLIC
BALTIMORE COUNTY, MD.

1983

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

This Deed, MADE THIS 25th day of February

in the year one thousand nine hundred and eighty-three by and between
THOMAS N. COKENIAS and SUZANNE L. COKENIAS, his wife by THOMAS JOSEPH
O'CONNELL, their Attorney - in Fact

of Baltimore County, State of Maryland of the first part, and
W. HARVEY STONEBURNER and ROBIN B. STONEBURNER, his wife

of the second part.

Witnesseth, That in consideration of the sum of SIXTY-EIGHT THOUSAND AND XX/100
DOLLARS, the receipt of which is hereby acknowledged
the said parties of the first part

D RC/F	16.00
D T TX	340.00
D DOCS	340.00
DEED	0 #
EHK JR T	696.00
HA0828 C002 R02 T09:01	
	03/04/83

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

personal representatives and assigns, in fee simple, all
that lot of ground situate in Baltimore County, State of Maryland
and described as follows, that is to say:

BEGINNING for the same at the end of the first line of the ground described
in a deed from Matilda B. Smith to John Hubner dated June 26, 1896, recorded
among the Land Records of Baltimore County in Liber LMB No. 217, folio 342
and continuing said line for its same course 90 feet thence south 68 and 3/4
degrees west for a distance of 180 feet thence northwesterly parallel to the
first line of the lot now being described 90 feet until it intersects the
second line of the lot of ground described in said deed from Matilda B.
Smith to John Hubner dated and recorded as aforesaid thence northeasterly
along said last mentioned line 180 feet to the place of beginning. The
improvements thereon being known as 106 Smithwood Avenue.

Reserving out of the said lot herein described however a strip of land 30
feet wide along the first line thereof and one of 15 feet along the fourth
line thereof for the uses and purposes set forth in an agreement between
John Hubner, Matilda B. Smith, and Charles Edward Porter dated February 26,
1907, and recorded among the aforesaid Land Records in Liber WPC No. 311,
folio 302.

BEING the same lot of ground which by deed dated July 23, 1976 and
recorded among the Land Records of Baltimore County in Liber EHKJR No.
5662 folio 165 was granted and conveyed by Mary Elizabeth Haney etal
Personal Representatives, to the within Grantors.

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
KAP 3/3/83
CLERK DATE

RECORDS & TRANSFER
NOT APPLICABLE
KAB 3/3/83

8 8234****10200000 6038A 300-
300-
16-

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK JR 6/8/84 p 0367 MSA C562 R349 Date 4/4/83: 01,13,22,23. Printed 1/2/2016.

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

parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's

personal representatives ~~and assigns~~

and assigns, in fee simple.

And the said parties of the first part 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.

Witness the hands and seals of said grantor by their Attorney-in-Fact

Test:

Patricia A. Hess

Thomas N. Cokenias
THOMAS N. COKENIAS by his Attorney-in-Fact Thomas Joseph O'Connell

Suzanne L. Cokenias
SUZANNE L. COKENIAS, by her Attorney-in-Fact Thomas Joseph O'Connell

STATE OF MARYLAND, County of Baltimore

I HEREBY CERTIFY, That on this 35th day of February

in the year one thousand nine hundred and eighty-three, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

THOMAS JOSEPH O'CONNELL as Attorney-in-Fact for THOMAS N. COKENIAS and SUZANNE L. COKENIAS, his wife, whose name is subscribed to known to me (or satisfactorily proven) to be the person he executed the same for the purposes

the within instrument, and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same as Attorney-in-Fact and further *

In Witness Whereof, I hereunto set my hand and official seal.



Patricia A. Hess
Notary Public

My Commission expires:

7-1-86

* made oath that at the time of signing this Deed, he had no actual knowledge of the revocation or termination of the Powers of Attorney, by death or otherwise.

Rec'd for record MAR 4 1983 at 9:00 A.
Per Elmer H. Fahlino, Jr., Clerk
Mail to Little Co. of Md.
Receipt No. 1600

1983

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

DEED 582 534

This Deed, MADE THIS 15th day of August

in the year one thousand nine hundred and eighty-three

by and between

W. HARVEY STONEBURNER and ROBIN B. STONEBURNER, his wife,

of Baltimore County, Maryland

of the first part, and

ALBERT GODLEY-DAVIS and JEANNE GODLEY-DAVIS, husband and wife,

of the second part.

WITNESSETH, That in consideration of the sum of \$74,500.00,

D RC/F 16.00
D T TX 372.50
D DOCS 372.50
DEED 0 H
EHK JR T 761.00
#67156 C002 R02 T11:36
08/31/83

the said parties of the first part

do grant and convey to the said parties of the second part, as tenants by the

entireties, their assigns, the survivor of them, and the survivor's

heirs personal representatives ~~successors~~ and assigns, in fee simple, all

that lot of ground situate in the First Election District of Baltimore County, in the State of Maryland and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

BEING the same property as in Deed recorded EHK Jr. No. 6494, folio 667, etc.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE Ben DATE 8/30/83

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

Beard 8/30/83
CLERK DATE

372.50
372.50
16-

EXHIBIT "A"

BEGINNING FOR THE SAME at the end of the first line of the ground described in a deed from Matilda B. Smith to John Hubner dated June 26, 1896, recorded among the Land Records of Baltimore County in Liber LMB No. 217, folio 342 and continuing said line for its same course 90 feet thence south 68 and 3/4 degrees west for a distance of 180 feet thence northwesterly parallel to the first line of the lot now being described 90 feet until it intersects the second line of the lot of ground described in said deed from Matilda B. Smith to John Hubner dated and recorded as aforesaid thence northeasterly along said last mentioned line 180 feet to the place of beginning.

The improvements thereon being known as 106 Smithwood Avenue.

Reserving out of the said lot herein described however a strip of land 30 feet wide along the first line thereof and one of 15 feet along the fourth line thereof for the uses and purposes set forth in an agreement between John Hubner, Matilda B. Smith, and Charles Edward Porter dated February 26, 1907, and recorded among the aforesaid Land Records in Liber WPC No. 311, folio 302.

DEP 5502 4596

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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs personal representatives and assigns, in fee simple.

And the said parties of the first part 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.

Witness the hand s and seal s of said grantor s,

Test:

AMY GRIM

W. HARVEY STONEBURNER

ROBIN B. STONEBURNER

STATE OF MARYLAND, Howard County, to wit:
I HEREBY CERTIFY, That on this 10th day of August, in the year one thousand nine hundred and eighty-three, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

W. HARVEY STONEBURNER and ROBIN B. STONEBURNER, his wife, known to me (or satisfactorily proven) to be the persons whose name s are subscribed to the within instrument, and acknowledged that they 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.

My Commission expires:

7/1/86

AMY GRIM

Notary Public

PUBLIC

HOWARD COUNTY, MD

rec'd for record AUG 31 1983 at 1:30
Per Elmer H. Kahling, Jr., Clerk
Mail to [unclear] [unclear]
Receipt No. [unclear]

03324" 304

SCAN
Date
By DE FILED 12/18/12

1 of 1
2012

Tax ID # 01-23350420
Property: 106 Smithwood Avenue
Baltimore, MD 21228

NO CONSIDERATION
NO TITLE EXAMINATION
NO TITLE LIABILITY
NO TITLE INSURANCE

DEED
(LIFE ESTATE WITH FULL POWERS)

THIS DEED, Made this 10 day of October, 20 12 by and between **ALBERT GODLEY-DAVIS** party of the first part, **ALBERT GODLEY-DAVIS** life tenant with powers as hereinafter set forth, party of the second part, and **LANE CHARLES MEHR**, (son of Albert Godley-Davis) remaindermen, party of the third part.

WITNESSETH, That in consideration of the sum of **ZERO DOLLARS (\$0.00)**, the said party of the first part does hereby grant and convey unto the said party of the second part, for and during the term of his natural life, with the powers hereinafter set forth, with remainder over, if any, upon his death unto the said party of the third part, his personal representative(s), successors and assigns, in fee simple, all that lot of ground situate in **BALTIMORE COUNTY, STATE OF MARYLAND**, and described as follows, that is to say:

BEGINNING FOR THE SAME at the end of the first line of the ground described in deed from Matilda B. Smith to John Hubner dated June 26, 1896, recorded among the Land Records of Baltimore County in Liber LMB No. 217, folio 342 and continuing said line for its same course 90 feet thence south 68 and $\frac{3}{4}$ degrees west for a distance of 180 feet thence northwesterly parallel to the first line of the lot now being described 90 feet until it intersects the second line of the lot ground described in said deed from Matilda B. Smith to John Hubner dated and recorded as aforesaid thence northeasterly along said last mentioned line 180 feet to the place of beginning.

The improvements thereon being known as 106 SMITHWOOD AVENUE.

Reserving out of the said lot herein described however a strip of land 30 feet wide along the first line thereof and one of 15 feet along the fourth line thereof for the uses and purposes set forth in an agreement between John Hubner, Matilda B. Smith and Charles Edward Porter dated February 26, 1907, and recorded among the aforesaid Land Records in Liber WPC No. 311, folio 302.

BEING the same property which by Deed dated August 15, 1983, and recorded among the Land Records of Baltimore County, Maryland in Liber 6582, folio 534, was granted and

conveyed by W. HARVEY STONEBURNER and ROBIN B. STONEBURNER unto ALBERT GODLEY-DAVIS and JEANNE GODLEY DAVIS, husband and wife; the said JEANNE GODLEY DAVIS having departed this life on or about August 9, 2012, thereby vesting title to the Grantor herein as surviving tenant.

SUBJECT TO COVENANTS RESTRICTIONS EASEMENTS AND MORTGAGES, IF ANY, OF RECORD.

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 described lot of ground and premises to the said party of the second part, for and during the term of his natural life, with full powers to sell, lease, mortgage, assign, convey or otherwise dispose of the entire estate herein, both the life estate and the 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 leasee, to see to the application of any of the purchase money or mortgage money in connection therewith, and immediately upon the death of said party of the second part, the remainder, if any, unto the party of the third part, his personal representative(s), successors and assigns, in fee simple.

AND the party of the first part, grantor herein, hereby certifies, under the penalties of perjury, that the actual consideration paid or to be paid hereunder, including the amount of any mortgage or deed of trust outstanding, is as hereinbefore set forth.

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 the said party of the first part, the day and year first above written.

WITNESS:




ALBERT GODLEY-DAVIS

STATE OF MARYLAND, COUNTY OF Howard, TO WIT:

I HEREBY CERTIFY that on this 10th day of October, 2012, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ALBERT GODLEY-DAVIS, 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 his 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.

Harry Gueno

Notary Public

Howard County, MD

My Commission Expires 6/9/2015

My commission expires: 6/9/15

Harry Gueno
Notary Public Harry Gueno

THIS IS TO CERTIFY that this Deed was prepared by or under the supervision of the undersigned Maryland Attorney.

[Signature]
Jack R. Cooper, Attorney

AFTER RECORDING, RETURN ORIGINAL TO:

JACK R. COOPER, P.A.

3454 Ellicott Center Drive #101

Ellicott City, MD 21043

(410)465-5822

EC-12287-13LAW

Tax ID # 01-23350420
Property: 106 Smithwood Avenue
Baltimore, MD 21228

NO CONSIDERATION
NO TITLE EXAMINATION
NO TITLE LIABILITY
NO TITLE INSURANCE

THIS DEED, Made this th 15 day of May, 2014, by and between ALBERT GODLEY-DAVIS, party of the first part, Grantor, and ALBERT GODLEY-DAVIS, party of the second part, Grantee, a resident of Maryland.

WITNESSETH, that in consideration of the premises and other good and valuable considerations, the actual consideration and total payment being Zero (\$0.00) Dollars, the said Grantor does hereby grant and convey unto the said Grantee, his heirs, personal representatives, and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at the end of the first line of the ground described in deed from Matilda B. Smith to John Hubner dated June 26, 1896, recorded among the Land Records of Baltimore County in Liber LMB No. 217, folio 342 and continuing said line for its same course 90 feet thence south 68 and 3/4 degrees west for a distance of 180 feet thence northwesterly parallel to the first line of the lot now being described 90 feet until it intersects the second line of the lot of ground described in said deed from Matilda B. Smith to John Hubner dated and recorded as aforesaid thence northeasterly along said last mentioned line 180 feet to the place of beginning.

The improvements thereon being known as 106 Smithwood Avenue.

Reserving out of the said lot herein described however a strip of land 30 feet wide along the first line thereof and one of 15 feet along the fourth line thereof for the uses and purposes set forth in an agreement between John Hubner, Matilda B. Smith and Charles Edward Porter dated February 26, 1907, and recorded among the aforesaid Land Records in Liber WPC No. 311, folio 302.

BEING the same property which by deed dated October 10, 2012 and recorded among the Land Records of Baltimore County in Liber 33244, folio 304 was granted and conveyed by Albert Godley-Davis, the within Grantor, unto Lane Charles Mehr, but with reservation in Albert Godley-Davis of full powers of disposition as set out in said deed. It is in exercise of those powers that this within deed is executed.

SUBJECT to covenants, restrictions, easements and mortgages, if any, of record.

TOGETHER with the building 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 described lot of ground and premises unto the said Grantee, his heirs, personal representatives, and assigns, in fee simple.

AND the said Grantor 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 the said party of the first part, Grantor, the day and year first above written.

WITNESS:

[Signature]

[Signature] (SEAL)
ALBERT GODLEY-DAVIS, Grantor

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 15 day of May, 2014, before me, a Notary Public of the State aforesaid, personally appeared ALBERT GODLEY-DAVIS, Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his 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 Notarial Seal.

CARROLL S.
KLINGELHOFER III
ATTORNEY AT LAW
SUITE 820
THE MERCANTILE-
TOWSON BUILDING
609 WASHINGTON AVE.
TOWSON, MARYLAND
21204-4903
(410) 828-0088
FAX (410) 828-0117



[Signature]
Notary Public

My Commission Expires:

6/10/16

#4









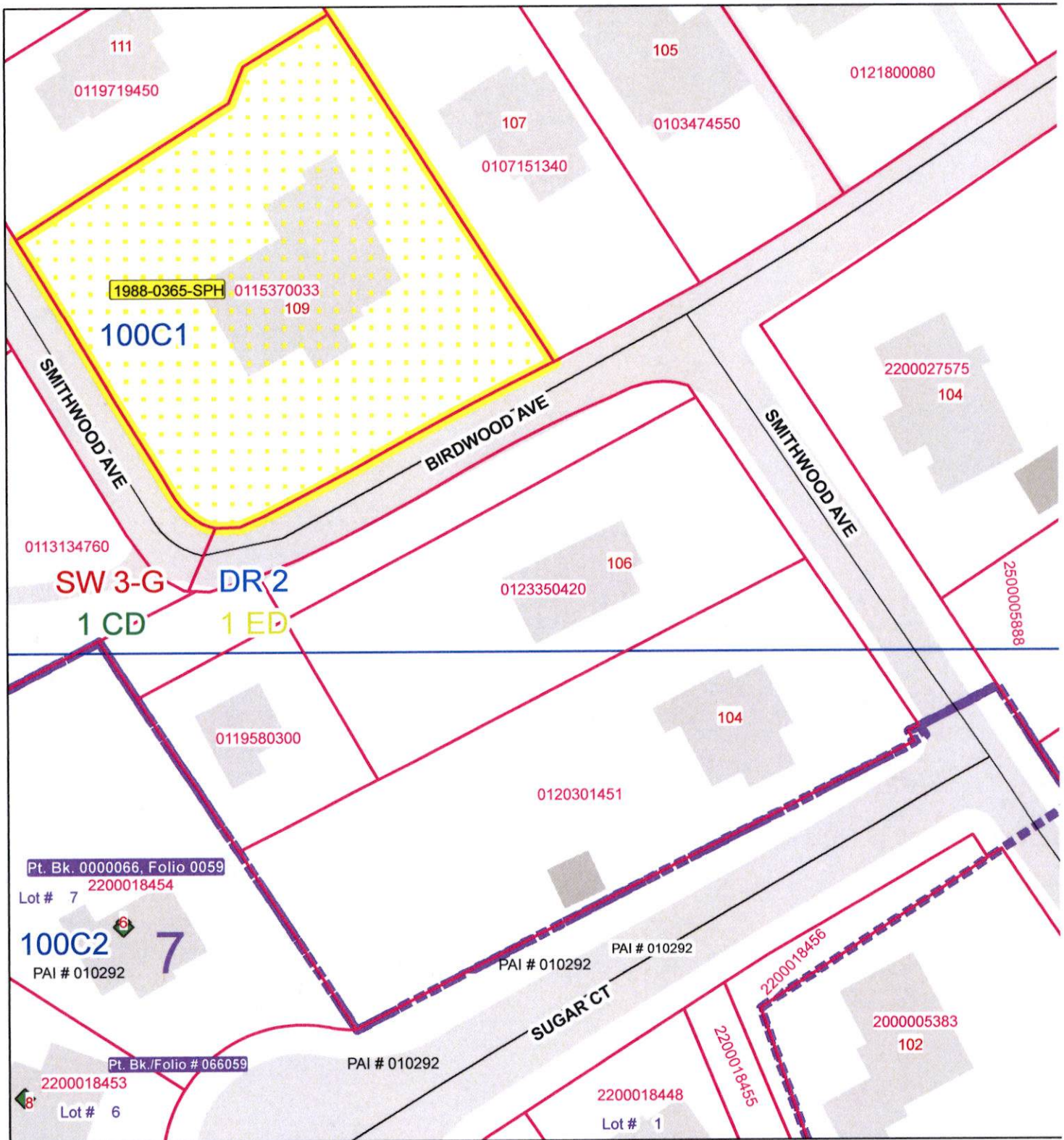
Prot.
1







6 Smithwood Ave. Ne



Publication Date: 10/3/2016



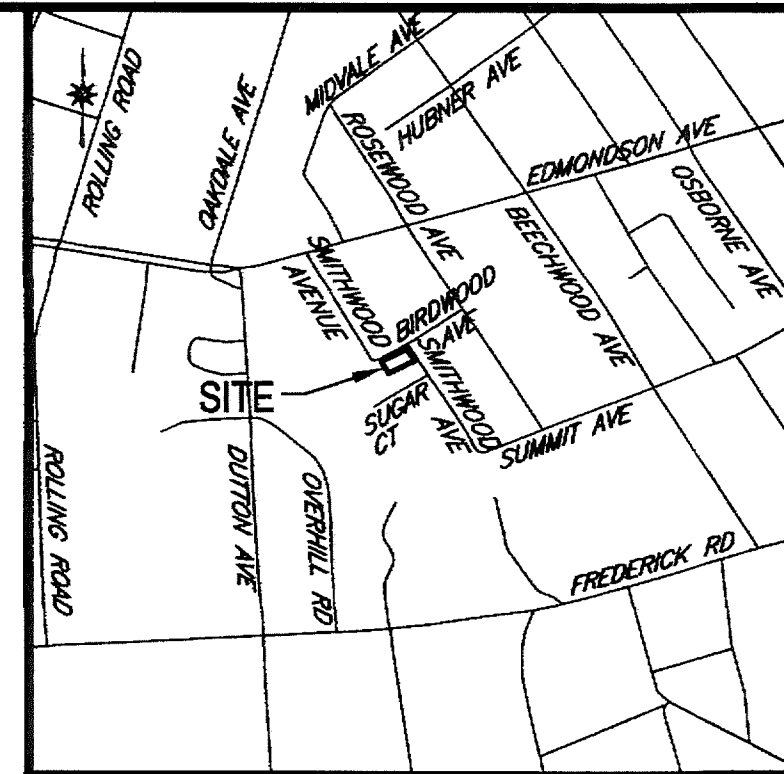
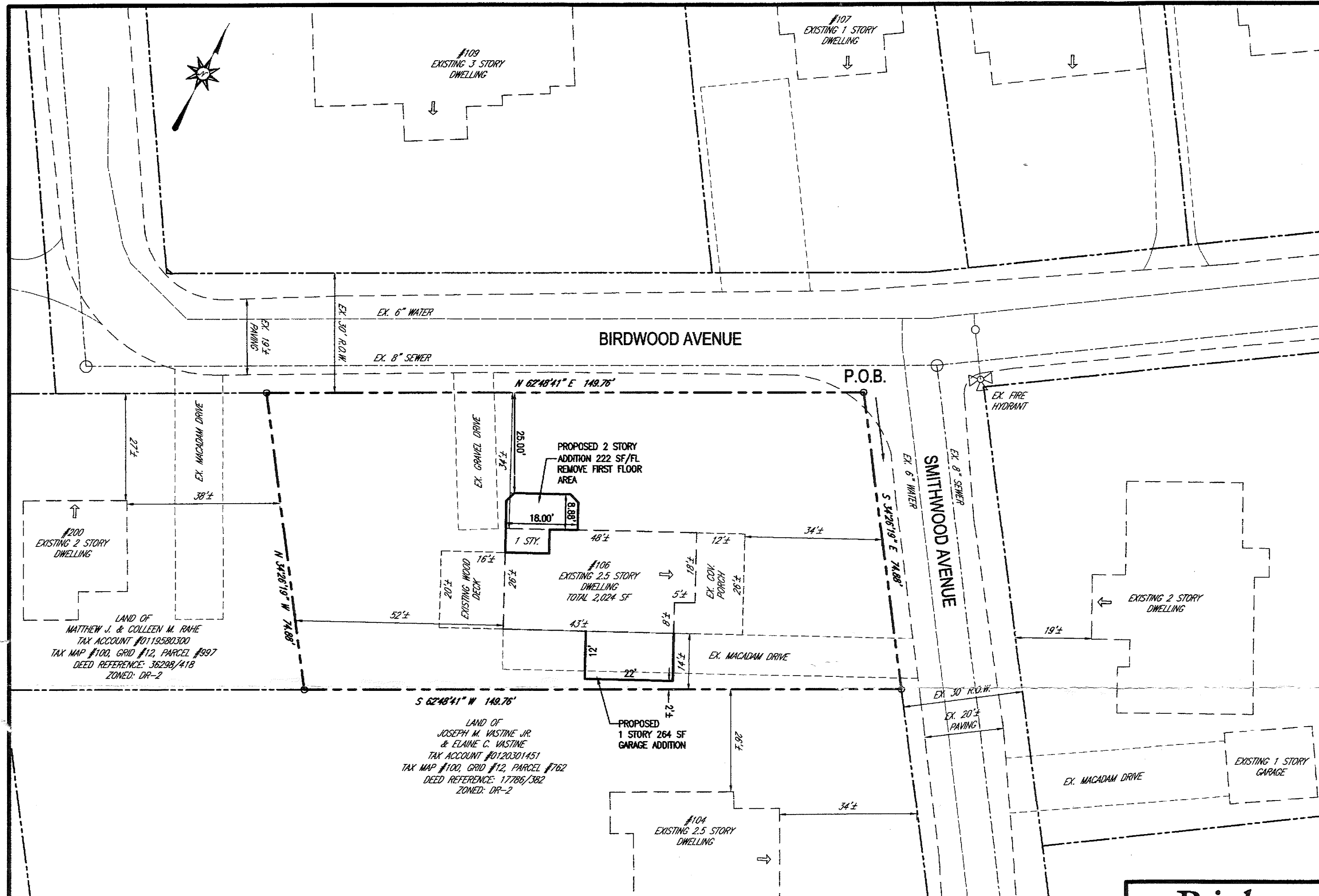
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item # 0095



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: ALBERT GODLEY-DAVIS
#106 SMITHWOOD AVENUE
BALTIMORE, MARYLAND 21228
- SITE AREA:
GROSS: 14,720 SF or 0.34 Ac.±
NET: 11,124 SF or 0.26 Ac.±
- USES:
EXISTING: 2.5 STORY SINGLE FAMILY DWELLING.
PROPOSED: 2.5 STORY SINGLE FAMILY DWELLING WITH ATTACHED GARAGE.
- UTILITIES:
PUBLIC WATER & SEWER
- DEED REF: 35486/474
- TAX ACCOUNT: #0123350420
- COUNCILMANIC DISTRICT: 1ST
- ZONING: DR 2
(PER 1"=200' ZONING MAP 100C1 & 100C2)
- TAX MAP #100, GRID #12, PARCEL #989.
- SITE LIES WITHIN ZONE "X" OF FLOOD INSURANCE RATE MAP- (FIRM)
PANEL #2400100388 F PANEL 388 OF 580 DATED SEPT. 26, 2008.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- NO PREVIOUS ZONING CASES OR VIOLATIONS ON FILE.
- NO PREVIOUS PERMITS ON FILE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY IS NOT HISTORIC.
- BUILDING COVERAGE:
EXISTING HOUSE: 1,170 SF
PROPOSED ADDITION: 156 SF
PROPOSED GARAGE: 264 SF
TOTAL: 1,590 SF
- WATERSHED: PATAPSCO RIVER

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

RESIDENCE
#2017-0095-A

106 SMITHWOOD AVENUE
BALTIMORE, MARYLAND 21228

1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS		DRAWN BY:	CHECKED BY:	SCALE:
		CND	PCR	1" = 20'
		DATE:	JOB NO.:	SHEET NO.:
		09-08-16	16089	1 OF 1

PETITIONER'S
EXHIBIT NO. 1