

**IN RE: PETITION FOR VARIANCE**  
(1702 Beechwood Avenue)  
15<sup>th</sup> Election District  
7th Council District  
John F., Sr. & Anita A. Totty, et al.  
*Legal Owners*  
  
Petitioners

\*  
\*  
\*  
\*  
\*

BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2017-0247-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by John F., Sr. & Anita A. Totty, et al., owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §1A04.3.B.2.b, of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed single-family dwelling with a front yard setback from the centerline of a street of 50 ft., a side yard setback of 40 ft., and a rear yard setback of 25 ft. in lieu of the minimum required 75 ft., 50 ft., and 50 ft., respectively. A site plan was marked as Petitioners' Exhibit 1.

John F. Totty, Sr. and David Billingsley appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS), the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). None of the reviewing agencies opposed the requests.

The site is 43,995 sq. ft. (approximately one acre) in size and zoned RC-5. The property was improved with a single-family dwelling constructed in 1934. That dwelling was razed several years ago, and Petitioners propose to construct a new single-family dwelling on the lot.

**ORDER RECEIVED FOR FILING**

Date 5-8-17

By WJ

To do so variances are required.

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).

Petitioners have met this test. The property has a triangular shape and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed single-family dwelling. Finally, I find that the variances 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. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 8<sup>th</sup> day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to §1A04.3.B.2.b, of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed single-family dwelling with a front yard setback from the centerline of a street of 50 ft., a side yard setback of 40 ft., and a rear yard setback of 25 ft. in lieu of the minimum required 75 ft., 50 ft., and 50 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 5-8-17

By DW

2. Prior to issuance of permits Petitioners must comply with critical area and flood protection regulations.
3. Prior to issuance of permits Petitioners must submit architectural elevations to the DOP to enable that agency to make the requisite finding under the RC-5 Performance Standards.

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:slm

ORDER RECEIVED FOR FILING

Date 5-8-17

By 



KEVIN KAMENETZ  
*County Executive*

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

May 8, 2017

John & Anita Totty, et al  
3 Misty Meadows Ct.  
Essex, Maryland 21221

RE: Petition for Variance  
Case No. 2017-0246-A, 2017-0247-A & 2017-0248-A  
Property: 1701, 1702 & 1704 Beechwood Avenue

Dear Mr. & Mrs. Totty:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:slh  
Enclosure

c: Dave Billingsley, 601 Charwood Ct., Edgewood, Maryland 21040



CBCA

# 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 1702 BEECHWOOD AVENUE which is presently zoned RC5

Deed References: L. 38394 F. 317 10 Digit Tax Account # 1501280000

Property Owner(s) Printed Name(s) JOHN FRANCIS TOTTY, SR., ANITA ANN TOTTY,  
JOHN F. TOTTY, JR. & STEPHANIE M. TOTTY

(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

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:  
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

## Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

## Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

**Legal Owners (Petitioners):** JOHN FRANCIS TOTTY, SR.  
ANITA ANN TOTTY  
JOHN F. TOTTY, JR. STEPHANIE M. TOTTY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3 MISTY MEADOWS CT. ESSEX MD.

Mailing Address City State

21221 (410) 952-3850 johntottysr@comcast.net

Zip Code Telephone # Email Address

## Representative to be contacted:

DAVID BILLINGSLEY

Name Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD

Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

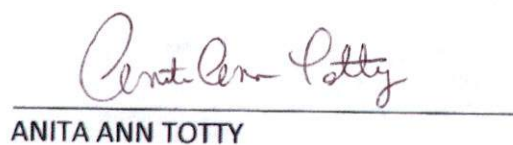
CASE NUMBER 2017-0247-A Filing Date 3/16/17

Do Not Schedule Dates:

Reviewer P.D.D.



JOHN FRANCIS TOTTY, SR



ANITA ANN TOTTY



JOHN F. TOTTY, JR



STEPHANIE M. TOTTY

Item #0247

## VARIANCE REQUEST

Section 1A04.3.B.2.b – to permit a proposed single family dwelling with a front yard setback from the center line of a street of 50 feet, a side yard setback of 40 feet, and a rear yard setback of 25 feet in lieu of the minimum required 75 feet, 50 feet, and 50 feet, respectively.

Item #0247

## DESCRIPTION 1702 BEECHWOOD AVENUE

Beginning for the same at a point formed on the ~~east~~<sup>west</sup> side of Beechwood Avenue (30 feet wide) distant 93.75 feet northerly from its intersection with the centerline of Kelly Case Lane (30 feet wide) thence being all of Lots 50 as shown on the plat entitled Evergreen Park, recorded among the Baltimore County Plat Records in Plat Book 7 Folio 174.

Containing 43,995 square feet or 1.01 acre of land more or less.

Located in the 15<sup>TH</sup> Election District, 7<sup>TH</sup> Councilmanic District. Being known as 1702 Beechwood Avenue

*Item #0247*

Item #0247

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

No 148677

Date: 3/16/17

| Fund | Dept | Unit | Sub Unit | Rev     | Sub  | Obj | Sub Obj | Dept Obj | BS Acct | Amount             |
|------|------|------|----------|---------|------|-----|---------|----------|---------|--------------------|
|      |      |      |          | Source/ | Rev/ |     |         |          |         |                    |
| 001  | 806  | 0000 |          | 6150    |      |     |         |          |         | 5225 <sup>00</sup> |
|      |      |      |          |         |      |     |         |          |         |                    |
|      |      |      |          |         |      |     |         |          |         |                    |
|      |      |      |          |         |      |     |         |          |         |                    |
|      |      |      |          |         |      |     |         |          |         |                    |

Total: 5225<sup>00</sup>

Rec  
From:

D. D. Haysley

For:

Three (3) zoning hearings

Case # 2017-0246-A # 2017-0247-A  
and # 2017-0248-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW  
3/16/2017 3/16/2017 10:21:54 1

REG WSO1 WALKIN LTR

>>RECEIPT # 711690 3/16/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 148677

Recpt Tot \$225.00

\$225.00 CR \$0.00 CA

Baltimore County, Maryland

CASHIER'S  
VALIDATION



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 4890865

**Sold To:**

John Totty, Sr. - CU00593782  
3 Misty Meadows Ct  
Essex, MD 21221-3353

**Bill To:**

John Totty, Sr. - CU00593782  
3 Misty Meadows Ct  
Essex, MD 21221-3353

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

Apr 13, 2017

**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: # 2017-0247-A**  
1702 Beechwood Avenue  
W/s Beechwood Avenue, 90 ft. +/- North of Kelly Case Lane  
15th Election District - 7th Councilmanic District  
Legal Owner(s) John Totty, Sr., John Totty, Jr., Anita Totty, Stephanie Totty

**Variance:** to permit a proposed single family dwelling with a front yard setback from the centerline of a street of 50 ft., a side yard setback of 40 ft., and a rear yard setback of 25 ft. in lieu of the minimum required 75 ft., 50 ft. and 50 ft. respectively.

**Hearing: Thursday, May 4, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.**

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

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

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

J 4/051 April 13

4890865

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

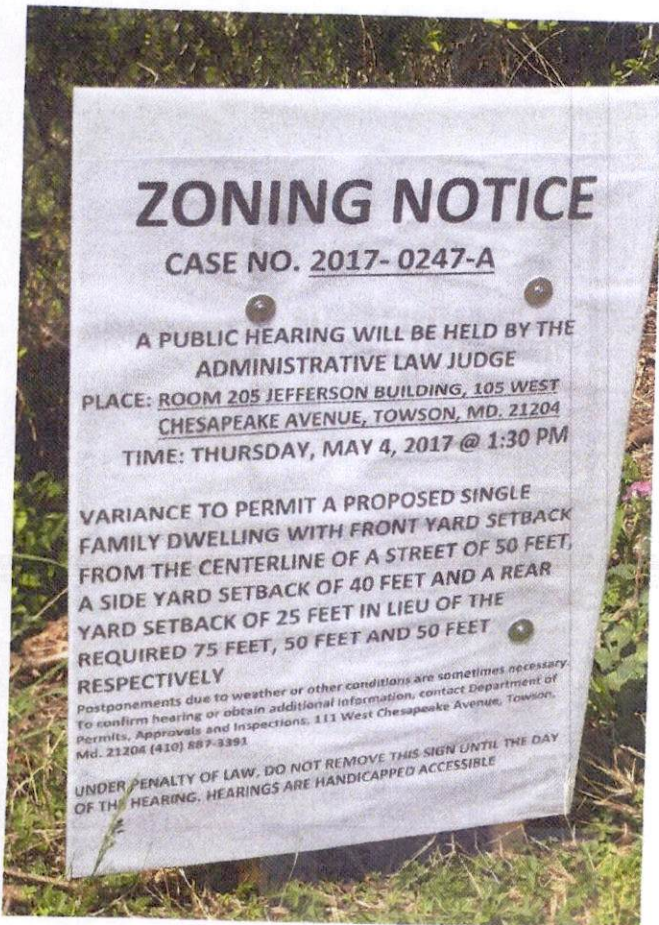
# CERTIFICATE OF POSTING

Date: APRIL 14, 2017

RE: Project Name: 1702 BEECHWOOD AVENUE  
Case Number /PAI Number: 2017-0247-A  
Petitioner/Developer: JOHN TOTTY  
Date of Hearing/Closing: MAY 4, 2017

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 1702 BEECHWOOD AVENUE

The sign(s) were posted on APRIL 14, 2017  
(Month, Day, Year)



David 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)

TO: PATUXENT PUBLISHING COMPANY  
Thursday, April 13, 2017 Issue - Jeffersonian

Please forward billing to:  
John Totty, Sr.  
3 Misty Meadows Court  
Essex, MD 21221

410-952-3850

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## 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: 2017-0247-A**

1702 Beechwood Avenue

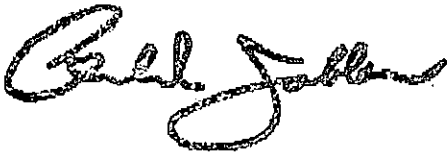
W/s Beechwood Avenue, 90 ft. +/- North of Kelly Case Lane

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: John Totty, Sr., John Totty, Jr., Anita Totty, Stephanie Totty

Variance to permit a proposed single family dwelling with a front yard setback from the centerline of a street of 50 ft., a side yard setback of 40 ft., and a rear yard setback of 25 ft. in lieu of the minimum required 75 ft., 50 ft. and 50 ft. respectively.

Hearing: Thursday, May 4, 2017 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ  
County Executive

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

March 28, 2017

## 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: 2017-0247-A**

1702 Beechwood Avenue

W/s Beechwood Avenue, 90 ft. +/- North of Kelly Case Lane

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: John Totty, Sr., John Totty, Jr., Anita Totty, Stephanie Totty

Variance to permit a proposed single family dwelling with a front yard setback from the centerline of a street of 50 ft., a side yard setback of 40 ft., and a rear yard setback of 25 ft. in lieu of the minimum required 75 ft., 50 ft. and 50 ft. respectively.

Hearing: Thursday, May 4, 2017 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: Totty Residence, 3 Misty Meadows Court, Essex 21221  
David Billingsley, 601 Charwood Ct, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 14, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

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**For Newspaper Advertising:**

Case Number: 2017-0247-A  
Property Address: 1702 Beechwood Ave  
Property Description: west side of Beechwood Ave, +/- 90' north  
of Kelly Case Ln  
Legal Owners (Petitioners): John Totty Sr.  
Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN TOTTY SR  
Company/Firm (if applicable): \_\_\_\_\_  
Address: 3 Misty Meadows Ct  
Baltimore MD 21221  
Telephone Number: (410) 952-3850

Revised 7/9/2015



KEVIN KAMENETZ  
County Executive

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

April 25, 2017

John Francis Totty Sr., Anita Ann Totty  
John F Totty Jr., Stephanie M Totty  
3 Misty Meadows Court  
Essex MD 21221

RE: Case Number: 2017-0247 A, Address: 1702 Beechwood Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 16, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel  
David Billingsley, 601 Charwood Court, Edgewood MD 21040

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE MEMORANDUM**

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

**DATE:** 4/14/2017

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-247

**RECEIVED**

**MAY 01 2017**

**INFORMATION:**

**Property Address:** 1702 Beechwood Avenue  
**Petitioner:** John F. Totty, Jr., John Francis Totty, Sr., Anita Ann Totty, Stephanie M. Totty  
**Zoning:** RC 5  
**Requested Action:** Variance

The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a front yard setback from the center line of the street of 50 feet, a side yard setback of 40 feet, and a rear yard setback of 25 feet in lieu of the minimum required 75 feet, 50 feet, and 50 feet, respectively.

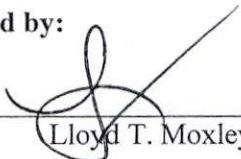
A site visit was conducted on April 4, 2017.

The Department has no objection to granting the petitioned zoning relief and approves of the exception of the subject lot from the area requirements of BCZR § 1A04.3.

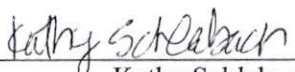
Please be advised this site is subject to the RC 5 Performance Standards as listed in BCZR §1A04.4. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

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

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak  
David Billingsley, Central Drafting & Design, Inc.  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

Date: 3/27/17

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

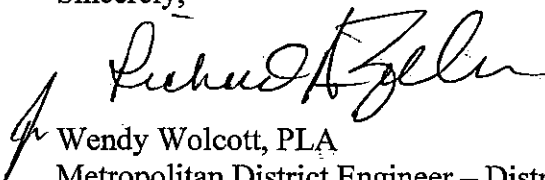
Dear Ms. Lewis:

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. 2017-0247-A

*Variance  
John Francis Totty Sr.  
1702 Beechwood 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  
Metropolitan District Engineer – District 4  
Baltimore & Harford Counties

WW/RAZ

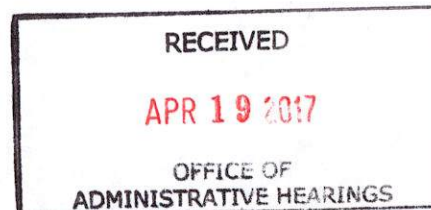
## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-247

**DATE:** 4/14/2017



**INFORMATION:**

**Property Address:** 1702 Beechwood Avenue  
**Petitioner:** John F. Totty, Jr., John Francis Totty, Sr., Anita Ann Totty, Stephanie M. Totty  
**Zoning:** RC 5  
**Requested Action:** Variance

The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a front yard setback from the center line of the street of 50 feet, a side yard setback of 40 feet, and a rear yard setback of 25 feet in lieu of the minimum required 75 feet, 50 feet, and 50 feet, respectively.

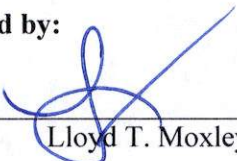
A site visit was conducted on April 4, 2017.

The Department has no objection to granting the petitioned zoning relief and approves of the exception of the subject lot from the area requirements of BCZR § 1A04.3.

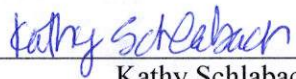
Please be advised this site is subject to the RC 5 Performance Standards as listed in BCZR §1A04.4. Architectural elevations must be submitted to the Department of Planning for review at the time of building permit application.

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

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak  
David Billingsley, Central Drafting & Design, Inc.  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



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: April 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0247-A  
Address 1702 Beachwood Avenue  
(Totty, John and Anita Property)

**Zoning Advisory Committee Meeting of April 3, 2017.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a new dwelling with integral garage with zoning relief for setbacks. The proposed development must meet LDA and MBA requirements for lot coverage. Because there are issues with the property area indicated on the plan, it needs to be noted that Critical Area lot coverage allowances would be based on the property area above mean high water as indicated in the following table:

| LOT/PARCEL SIZE    | LOT COVERAGE           |
|--------------------|------------------------|
| 0 – 8,000 SF       | 25% of Parcel + 500 SF |
| 8,000 – 21,780 SF  | 31.25% of Parcel       |
| 21,781 – 36,300 SF | 5,445 SF               |
| 36,301 – 43,560 SF | 15 % of Parcel         |
| Over 43, 560 SF    | 15 % of Parcel         |

If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Back River with a required Critical Area buffer that measures 100-feet off tidal waters. The proposed setback relief would allow the applicant to meet the MBA requirements for location of the dwelling and for minimization of buffer impacts. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the proposed construction can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: April 7, 2017

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 3, 2017  
Item No. 2017-0247

**DATE:** April 4, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set.

\* \* \* \* \*

DAK:CEN  
cc:file  
ZAC-ITEM NO 17-0247-04032017.doc

|                                                                    |   |                   |
|--------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR VARIANCE                                          | * | BEFORE THE OFFICE |
| 1702 Beechwood Avenue; W/S Beechwood                               | * |                   |
| Avenue, 90' N Kelly Case Lane                                      | * | OF ADMINISTRATIVE |
| 15 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts | * |                   |
| Legal Owner(s): John, Sr. & Jr., Anita                             | * | HEARINGS FOR      |
| & Stephanie Totty                                                  |   |                   |
| Petitioner(s)                                                      | * | BALTIMORE COUNTY  |
|                                                                    | * | 2017-247-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

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

*Peter Max Zimmerman*

\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

## **M E M O R A N D U M**

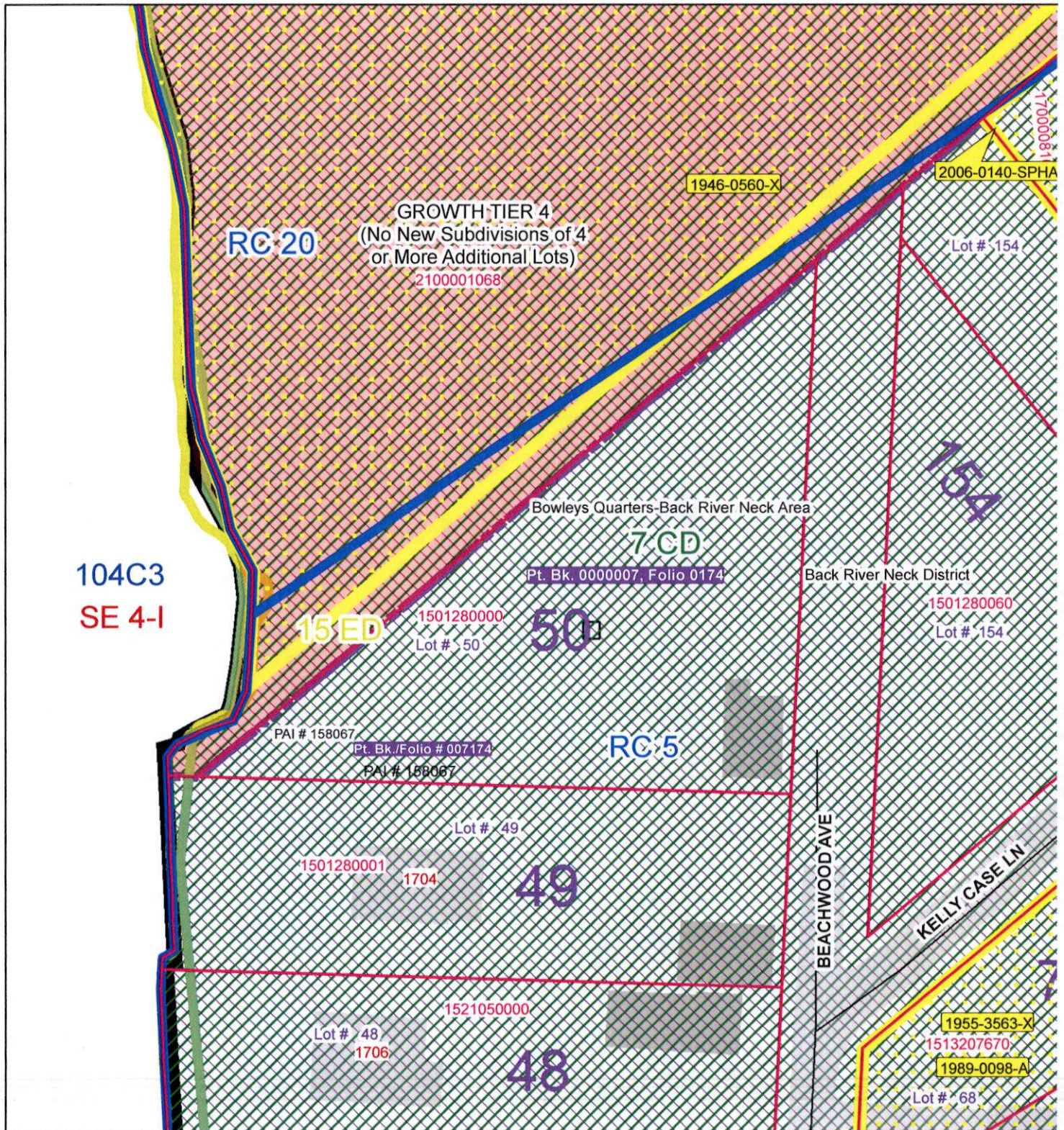
DATE: June 8, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0247-A- Appeal Period Expired

---

The appeal period for the above-referenced case expired on June 7, 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

# 1702 Beechwood Avenue, Lot #50



Publication Date: 3/15/2017



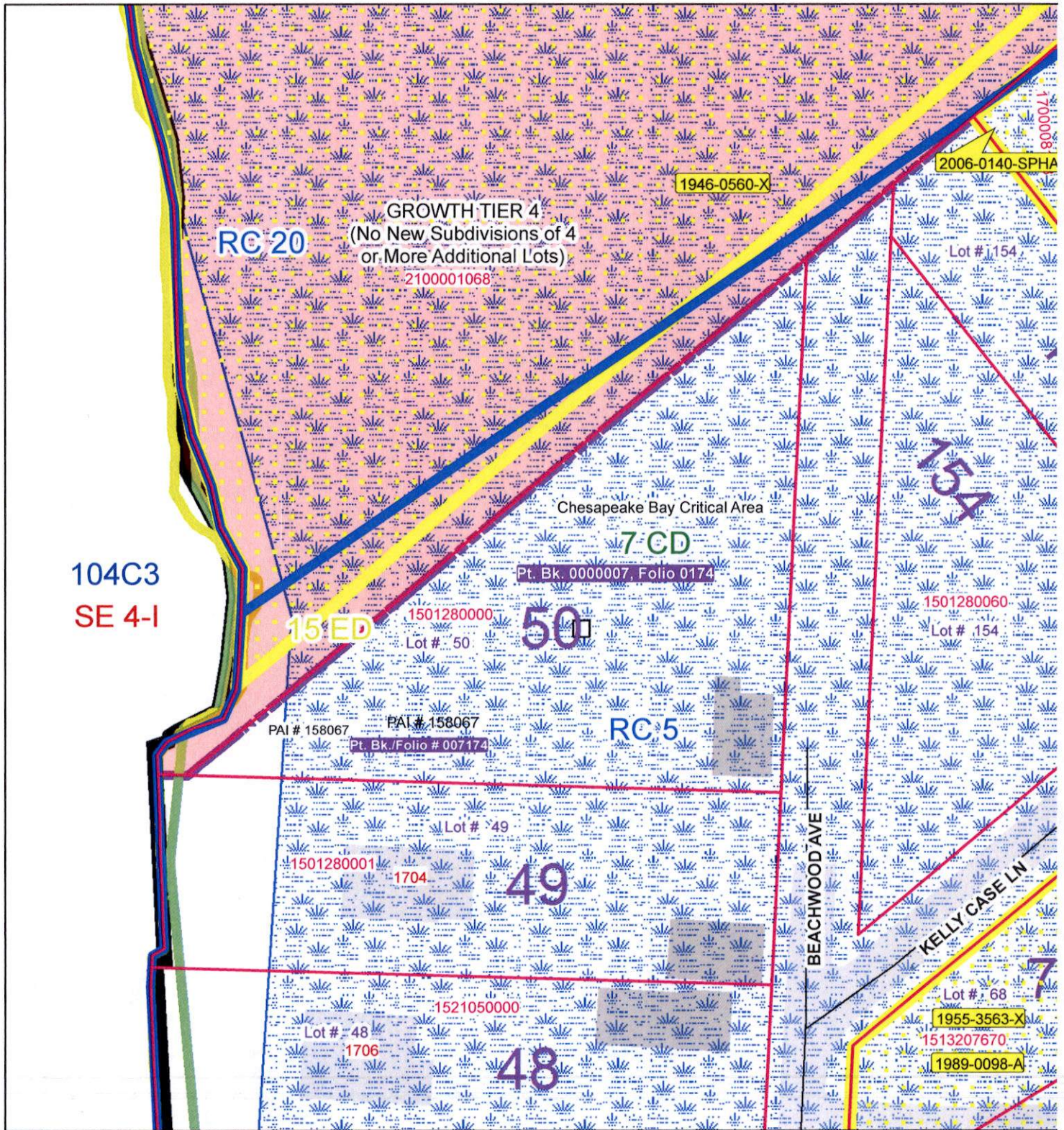
Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.525 50 75 100 Feet

1 inch = 50 feet  
Item #0247

# Chesapeake Bay Critical Area



Publication Date: 3/15/2017



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

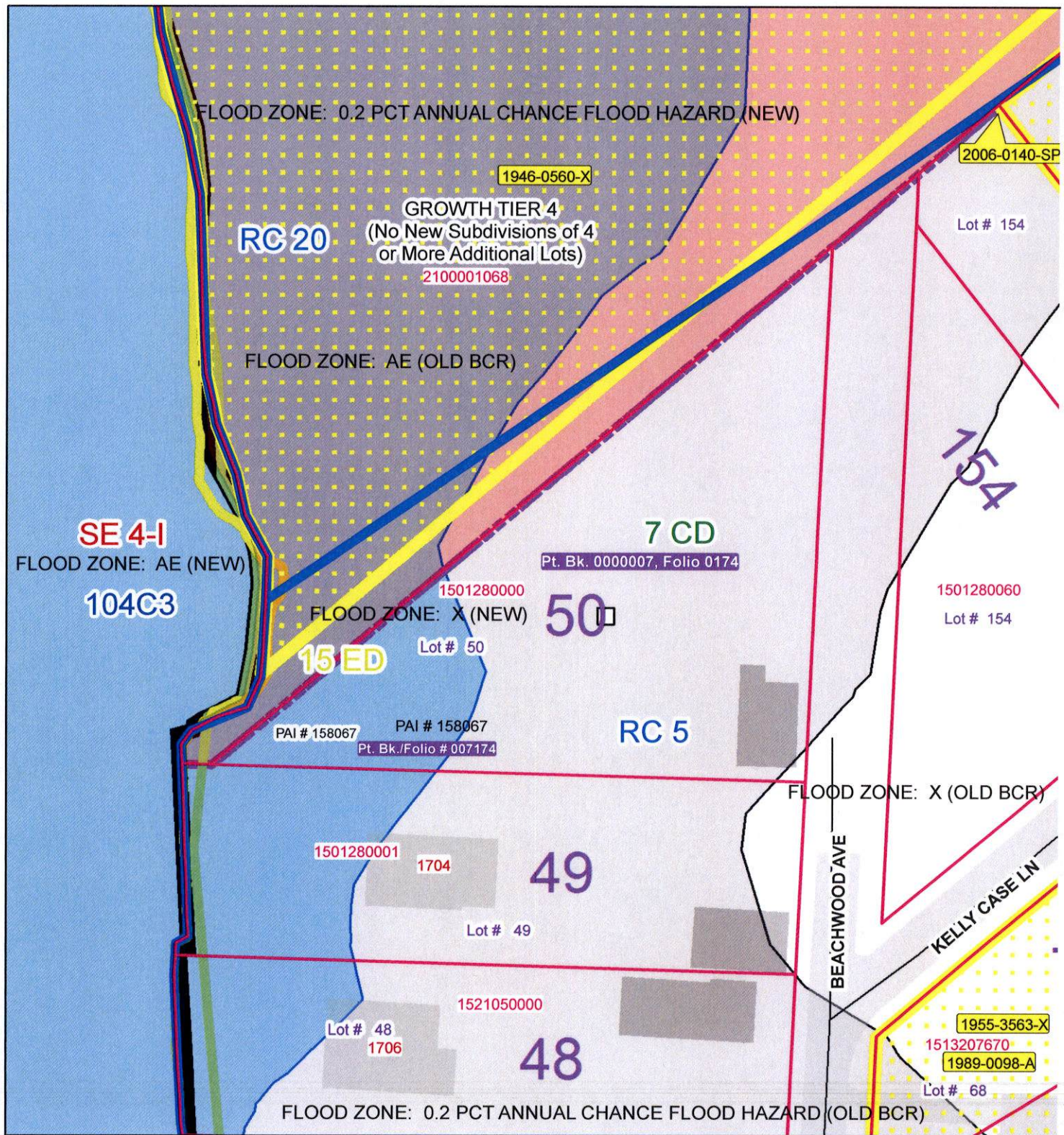


0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item # 0247

# Flood Hazard Areas



Publication Date: 3/15/2017



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 # 0247

CASE NAME 1702 BEECH WOOD AVE  
CASE NUMBER 2017-0247-A  
DATE 5/4/17

[illegible]

**PETITIONER'S EXHIBITS**

**1701, 1702 AND 1704 BEECHWOOD AVENUE**

**CASE NOS. 2017-0246-A, 2017-0247-A AND 2017-0248-A**

1. PLAT TO ACCOMPANY PETITION FOR VARIANCES DATED APRIL 16, 2017 (CHANGE MADE TO ROAD NAME FROM RIVERSIDE TO BEECHWOOD IN TITLE)
2. SDAT REAL PROPERTY DATA SEARCH
3. DEED OF RECORD LIBER 38394 FOLIO 317 DATED NOVEMBER 18, 2016
4. PLAT OF EVERGREEN PARK PLAT BOOK 7 FOLIO 174 RECORDED NOVEMBER 6, 1924
5. BALTIMORE COUNTY MY NEIGHBORHOOD MAPS AERIAL PHOTO
6. GOOGLE MAPS AERIAL PHOTO
7. BALTIMORE COUNTY SEWER PLAN 2002-1825 SHOWING EXISTING DWELLING AT 1702 BEECHWOOD AVENUE
- 8 a-d. PHOTOS

19w 6-8-17  
19w 5-8-17

## Real Property Data Search (w1) Guide to searching the database

## Search Result for BALTIMORE COUNTY

| View Map                                     |          | View GroundRent Redemption                 |               |                        | View GroundRent Registration                                  |                       |                   |                  |                     |
|----------------------------------------------|----------|--------------------------------------------|---------------|------------------------|---------------------------------------------------------------|-----------------------|-------------------|------------------|---------------------|
| Account Identifier:                          |          | District - 15 Account Number - 1501280001  |               |                        |                                                               |                       |                   |                  |                     |
| Owner Information                            |          |                                            |               |                        |                                                               |                       |                   |                  |                     |
| Owner Name:                                  |          | TOTTY JOHN FRANCES SR<br>TOTTY ANITA ANN   |               |                        | Use:<br>Principal Residence:                                  |                       | RESIDENTIAL<br>NO |                  |                     |
| Mailing Address:                             |          | 3 MISTY MEADOWS CT<br>ESSEX MD 21221-      |               |                        | Deed Reference:                                               |                       | /38394/ 00317     |                  |                     |
| Location & Structure Information             |          |                                            |               |                        |                                                               |                       |                   |                  |                     |
| Premises Address:                            |          | 1704 BEECHWOOD AVE<br>0-0000<br>Waterfront |               |                        | Legal Description:<br><br>NW COR OAK AVENUE<br>EVERGREEN PARK |                       |                   |                  |                     |
| Map:                                         | Grid:    | Parcel:                                    | Sub District: | Subdivision:           | Section:                                                      | Block:                | Lot:              | Assessment Year: | Plat No:            |
| 0104                                         | 0024     | 0268                                       |               | 0000                   |                                                               |                       | 49                | 2015             | Plat Ref: 0007/0174 |
| Special Tax Areas:                           |          |                                            |               |                        | Town:<br>Ad Valorem:<br>Tax Class:                            |                       | NONE              |                  |                     |
| Primary Structure Built                      |          | Above Grade Enclosed Area                  |               | Finished Basement Area |                                                               | Property Land Area    |                   | County Use       |                     |
| 1924                                         |          | 864 SF                                     |               |                        |                                                               | 11,470 SF             |                   | 34               |                     |
| Stories                                      | Basement | Type                                       | Exterior      | Full/Half Bath         | Garage                                                        | Last Major Renovation |                   |                  |                     |
| 1                                            | YES      | STANDARD UNIT                              | SIDING        | 1 full                 | 1 Detached                                                    |                       |                   |                  |                     |
| Value Information                            |          |                                            |               |                        |                                                               |                       |                   |                  |                     |
|                                              |          |                                            | Base Value    | Value                  | Phase-in Assessments                                          |                       |                   |                  |                     |
|                                              |          |                                            |               | As of                  | As of                                                         |                       | As of             |                  |                     |
|                                              |          |                                            |               | 01/01/2015             | 07/01/2016                                                    |                       | 07/01/2017        |                  |                     |
| Land:                                        |          |                                            | 202,300       | 202,300                |                                                               |                       |                   |                  |                     |
| Improvements                                 |          |                                            | 54,100        | 47,400                 |                                                               |                       |                   |                  |                     |
| Total:                                       |          |                                            | 256,400       | 249,700                | 249,700                                                       |                       | 249,700           |                  |                     |
| Preferential Land:                           |          |                                            | 0             |                        |                                                               |                       | 0                 |                  |                     |
| Transfer Information                         |          |                                            |               |                        |                                                               |                       |                   |                  |                     |
| Seller: LIBERCCI ANNETTE                     |          |                                            |               | Date: 12/14/2016       |                                                               | Price: \$340,000      |                   |                  |                     |
| Type: ARMS LENGTH MULTIPLE                   |          |                                            |               | Deed1: /38394/ 00317   |                                                               | Deed2:                |                   |                  |                     |
| Seller: AHL FRANK J                          |          |                                            |               | Date: 04/21/2014       |                                                               | Price: \$0            |                   |                  |                     |
| Type: NON-ARMS LENGTH OTHER                  |          |                                            |               | Deed1: /34884/ 00081   |                                                               | Deed2:                |                   |                  |                     |
| Seller: AHL FRANK J                          |          |                                            |               | Date: 01/13/2003       |                                                               | Price: \$0            |                   |                  |                     |
| Type: NON-ARMS LENGTH OTHER                  |          |                                            |               | Deed1: /17367/ 00469   |                                                               | 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 |          |                                            |               |                        |                                                               |                       |                   |                  |                     |

2. **Disability Insurance Program of the Federal Deposit Insurance Corporation:** The Board has approved a new rule to provide for the payment of disability benefits to insured depository institutions. While we have confidence in

PETITIONER'S  
EXHIBIT NO. 2

Real Property Data Search (-w1) **Guide to searching the database**

Search Result for BALTIMORE COUNTY

| View Map                                            |                 | View GroundRent Redemption                       |                      | View GroundRent Registration  |                         |
|-----------------------------------------------------|-----------------|--------------------------------------------------|----------------------|-------------------------------|-------------------------|
| <b>Account Identifier:</b>                          |                 | <b>District - 15 Account Number - 1501280000</b> |                      |                               |                         |
| Owner Information                                   |                 |                                                  |                      |                               |                         |
| <b>Owner Name:</b>                                  |                 | TOTTY JOHN FRANCES SR<br>TOTTY ANITA ANN         |                      | <b>Use:</b>                   | RESIDENTIAL             |
| <b>Mailing Address:</b>                             |                 | 3 MISTY MEADOWS CT<br>WESSEX MD 21221-           |                      | <b>Principal Residence:</b>   | NO                      |
|                                                     |                 |                                                  |                      | <b>Deed Reference:</b>        | /38394/ 00317           |
| Location & Structure Information                    |                 |                                                  |                      |                               |                         |
| <b>Premises Address:</b>                            |                 | 1702 BEECHWOOD AVE<br>0-0000                     |                      | <b>Legal Description:</b>     |                         |
| EVERGREEN PARK                                      |                 |                                                  |                      |                               |                         |
| <b>Map:</b>                                         | <b>Grid:</b>    | <b>Parcel:</b>                                   | <b>Sub District:</b> | <b>Subdivision:</b>           | <b>Section:</b>         |
| 0104                                                | 0024            | 0268                                             |                      | 0000                          |                         |
|                                                     |                 |                                                  |                      |                               | <b>Block:</b>           |
|                                                     |                 |                                                  |                      |                               | 50                      |
|                                                     |                 |                                                  |                      |                               | <b>Lot:</b>             |
|                                                     |                 |                                                  |                      |                               | 50                      |
|                                                     |                 |                                                  |                      |                               | <b>Assessment Year:</b> |
|                                                     |                 |                                                  |                      |                               | 2015                    |
|                                                     |                 |                                                  |                      |                               | <b>Plat No:</b>         |
|                                                     |                 |                                                  |                      |                               | 0007/                   |
|                                                     |                 |                                                  |                      |                               | <b>Plat Ref:</b>        |
|                                                     |                 |                                                  |                      |                               | 0174                    |
| <b>Special Tax Areas:</b>                           |                 |                                                  | <b>Town:</b>         |                               |                         |
|                                                     |                 |                                                  | NONE                 |                               |                         |
|                                                     |                 |                                                  | <b>Ad Valorem:</b>   |                               |                         |
|                                                     |                 |                                                  | <b>Tax Class:</b>    |                               |                         |
| <b>Primary Structure Built</b>                      |                 | <b>Above Grade Enclosed Area</b>                 |                      | <b>Finished Basement Area</b> |                         |
| 1934                                                |                 | 628 SF                                           |                      |                               |                         |
|                                                     |                 |                                                  |                      | <b>Property Land Area</b>     |                         |
|                                                     |                 |                                                  |                      | 1.0100 AC                     |                         |
|                                                     |                 |                                                  |                      | <b>County Use</b>             |                         |
|                                                     |                 |                                                  |                      | 04                            |                         |
| <b>Stories</b>                                      | <b>Basement</b> | <b>Type</b>                                      | <b>Exterior</b>      | <b>Full/Half Bath</b>         | <b>Garage</b>           |
| 1                                                   | NO              | STANDARD UNIT                                    | ASBESTOS SHINGLE     | 1 full                        |                         |
| Value Information                                   |                 |                                                  |                      |                               |                         |
|                                                     |                 | <b>Base Value</b>                                | <b>Value</b>         | <b>Phase-in Assessments</b>   |                         |
|                                                     |                 |                                                  | As of 01/01/2015     | As of 07/01/2016              | As of 07/01/2017        |
| <b>Land:</b>                                        |                 | 95,000                                           | 95,000               |                               |                         |
| <b>Improvements</b>                                 |                 | 500                                              | 500                  |                               |                         |
| <b>Total:</b>                                       |                 | 95,500                                           | 95,500               | 95,500                        | 95,500                  |
| <b>Preferential Land:</b>                           |                 | 0                                                |                      |                               | 0                       |
| Transfer Information                                |                 |                                                  |                      |                               |                         |
| <b>Seller:</b> LIBERCCI ANNETTE                     |                 | <b>Date:</b> 12/14/2016                          |                      | <b>Price:</b> \$340,000       |                         |
| <b>Type:</b> ARMS LENGTH MULTIPLE                   |                 | <b>Deed1:</b> /38394/ 00317                      |                      | <b>Deed2:</b>                 |                         |
| <b>Seller:</b> AHL FRANK J                          |                 | <b>Date:</b> 04/21/2014                          |                      | <b>Price:</b> \$0             |                         |
| <b>Type:</b> NON-ARMS LENGTH OTHER                  |                 | <b>Deed1:</b> /34884/ 00081                      |                      | <b>Deed2:</b>                 |                         |
| <b>Seller:</b> AHL FRANK J                          |                 | <b>Date:</b> 01/13/2003                          |                      | <b>Price:</b> \$0             |                         |
| <b>Type:</b> NON-ARMS LENGTH OTHER                  |                 | <b>Deed1:</b> /17367/ 00469                      |                      | <b>Deed2:</b>                 |                         |
| Exemption Information                               |                 |                                                  |                      |                               |                         |
| <b>Partial Exempt Assessments:</b>                  | <b>Class</b>    | <b>07/01/2016</b>                                |                      | <b>07/01/2017</b>             |                         |
| <b>County:</b>                                      | 000             | 0.00                                             |                      |                               |                         |
| <b>State:</b>                                       | 000             | 0.00                                             |                      |                               |                         |
| <b>Municipal:</b>                                   | 000             | 0.00 0.00                                        |                      | 0.00 0.00                     |                         |
| <b>Tax Exempt:</b>                                  |                 | <b>Special Tax Recapture:</b>                    |                      |                               |                         |
| <b>Exempt Class:</b>                                |                 | NONE                                             |                      |                               |                         |
| Homestead Application Information                   |                 |                                                  |                      |                               |                         |
| <b>Homestead Application Status:</b> No Application |                 |                                                  |                      |                               |                         |

2. ~~Disclaimers~~ While we have confidence in the accuracy of the data provided, we do not warrant the accuracy of the data provided. We have confidence in the accuracy of the data provided.

Real Property Data Search (w/1) Guide to searching the database

Search Result for BALTIMORE COUNTY

| View Map                                            |                                  | View GroundRent Redemption                       |                                           | View GroundRent Registration                                                      |                                            |
|-----------------------------------------------------|----------------------------------|--------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------|
| <b>Account Identifier:</b>                          |                                  | <b>District - 15 Account Number - 1501280060</b> |                                           |                                                                                   |                                            |
| Owner Information                                   |                                  |                                                  |                                           |                                                                                   |                                            |
| <b>Owner Name:</b>                                  |                                  | TOTTY JOHN FRANCES SR<br>TOTTY ANITA ANN         |                                           | <b>Use:</b><br>Principal Residence: RESIDENTIAL NO                                |                                            |
| <b>Mailing Address:</b>                             |                                  | 3 MISTY MEADOWS CT<br>ESSEX MD 21221-            |                                           | <b>Deed Reference:</b><br>/38394/ 00317                                           |                                            |
| Location & Structure Information                    |                                  |                                                  |                                           |                                                                                   |                                            |
| <b>Premises Address:</b>                            |                                  | OAK AVE<br>0-0000                                |                                           | <b>Legal Description:</b><br>LT 154,155<br>NE COR BEACHWOOD AVE<br>EVERGREEN PARK |                                            |
| <b>Map:</b>                                         | <b>Grid:</b>                     | <b>Parcel:</b>                                   | <b>Sub District:</b>                      | <b>Subdivision:</b>                                                               | <b>Section: Block: Lot:</b>                |
| 0104                                                | 0024                             | 0268                                             |                                           | 0000                                                                              | 154                                        |
|                                                     |                                  |                                                  |                                           |                                                                                   | <b>Assessment Year:</b><br>2015            |
|                                                     |                                  |                                                  |                                           |                                                                                   | <b>Plat No:</b><br>Plat Ref: 0007/<br>0174 |
| <b>Special Tax Areas:</b>                           |                                  |                                                  | <b>Town:</b><br>Ad Valorem:<br>Tax Class: |                                                                                   |                                            |
|                                                     |                                  |                                                  | NONE                                      |                                                                                   |                                            |
| <b>Primary Structure Built</b>                      | <b>Above Grade Enclosed Area</b> | <b>Finished Basement Area</b>                    | <b>Property Land Area</b>                 | <b>County Use</b>                                                                 |                                            |
|                                                     |                                  |                                                  | 31,222 SF                                 | 04                                                                                |                                            |
| <b>Stories</b>                                      | <b>Basement</b>                  | <b>Type</b>                                      | <b>Exterior</b>                           | <b>Full/Half Bath</b>                                                             | <b>Garage Last Major Renovation</b>        |
| Value Information                                   |                                  |                                                  |                                           |                                                                                   |                                            |
|                                                     |                                  | <b>Base Value</b>                                | <b>Value As of 01/01/2015</b>             | <b>Phase-in Assessments As of 07/01/2016 As of 07/01/2017</b>                     |                                            |
| <b>Land:</b>                                        |                                  | 64,200                                           | 64,200                                    |                                                                                   |                                            |
| <b>Improvements</b>                                 |                                  | 0                                                | 0                                         |                                                                                   |                                            |
| <b>Total:</b>                                       |                                  | 64,200                                           | 64,200                                    | 64,200                                                                            | 64,200                                     |
| <b>Preferential Land:</b>                           |                                  | 0                                                |                                           |                                                                                   | 0                                          |
| Transfer Information                                |                                  |                                                  |                                           |                                                                                   |                                            |
| <b>Seller: LIBERCCI ANNETTE</b>                     |                                  | <b>Date: 12/14/2016</b>                          |                                           | <b>Price: \$340,000</b>                                                           |                                            |
| <b>Type: ARMS LENGTH MULTIPLE</b>                   |                                  | <b>Deed1: /38394/ 00317</b>                      |                                           | <b>Deed2:</b>                                                                     |                                            |
| <b>Seller: AHL FRANK J</b>                          |                                  | <b>Date: 04/21/2014</b>                          |                                           | <b>Price: \$0</b>                                                                 |                                            |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |                                  | <b>Deed1: /34884/ 00075</b>                      |                                           | <b>Deed2:</b>                                                                     |                                            |
| <b>Seller: AHL FRANK J</b>                          |                                  | <b>Date: 01/13/2003</b>                          |                                           | <b>Price: \$0</b>                                                                 |                                            |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |                                  | <b>Deed1: /17367/ 00473</b>                      |                                           | <b>Deed2:</b>                                                                     |                                            |
| Exemption Information                               |                                  |                                                  |                                           |                                                                                   |                                            |
| <b>Partial Exempt Assessments:</b>                  | <b>Class</b>                     | <b>07/01/2016</b>                                |                                           | <b>07/01/2017</b>                                                                 |                                            |
| <b>County:</b>                                      | 000                              | 0.00                                             |                                           |                                                                                   |                                            |
| <b>State:</b>                                       | 000                              | 0.00                                             |                                           |                                                                                   |                                            |
| <b>Municipal:</b>                                   | 000                              | 0.00 0.00                                        |                                           | 0.00 0.00                                                                         |                                            |
| <b>Tax Exempt:</b>                                  |                                  | <b>Special Tax Recapture:</b>                    |                                           |                                                                                   |                                            |
| <b>Exempt Class:</b>                                |                                  | NONE                                             |                                           |                                                                                   |                                            |
| Homestead Application Information                   |                                  |                                                  |                                           |                                                                                   |                                            |
| <b>Homestead Application Status: No Application</b> |                                  |                                                  |                                           |                                                                                   |                                            |

3. The Baltimore County Department of Planning and Zoning has reviewed the information provided and has determined that the information is accurate and complete. While we have confidence in

Lawyers Trust Company

File No. 16-1252MSH

Tax ID # (15) 15-01-280001, (15) 15-01-280000 and (15) 15-01-280060

**This Deed**, made this 18th day of November, 2016, by and between Annette Libercci, Rosemary Stinebert, Ellen Gatta and Diane Meyer, parties of the first part, Grantors; and John Francis Totty, Sr., Anita Ann Totty, John F. Totty, Jr. and Stephanie M. Totty, parties of the second part, Grantees.

- **Witnesseth** -

**That for and in consideration** of the sum of Three Hundred Forty Thousand And 00/100 Dollars (\$340,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said John Francis Totty, Sr., Anita Ann Totty, John F. Totty, Jr. and Stephanie M. Totty, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING for the first and being all those lots or parcels of ground known and designated as Lots Nos. 49 and 50 on the Plat of Evergreen Park, said Plat being recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7 folio 174, etc.

BEGINNING for the second and being known and designated as Lots Nos. 154 and 155, as shown on the Plat of Evergreen Park, duly recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 7 folio 174.

Being the same property, which by deed dated October 14, 2013 and recorded among the Land Records of Baltimore County in Liber JLE 34884 at Folio 75, was granted and conveyed by Annette Libercci, Rosemary Steinbert, Ellen Gatta and Diane Meyer unto Annette Libercci, Rosemary Stinebert, Ellen Gatta and Diane Meyer.

ALSO Being the same property, which by deed dated October 14, 2013 and recorded among the Land Records of Baltimore County in Liber JLE 34884 at Folio 81, was granted and conveyed by Annette Libercci, Rosemary Steinbert, Ellen Gatta and Diane Meyer unto Annette Libercci, Rosemary Stinebert, Ellen Gatta and Diane Meyer.

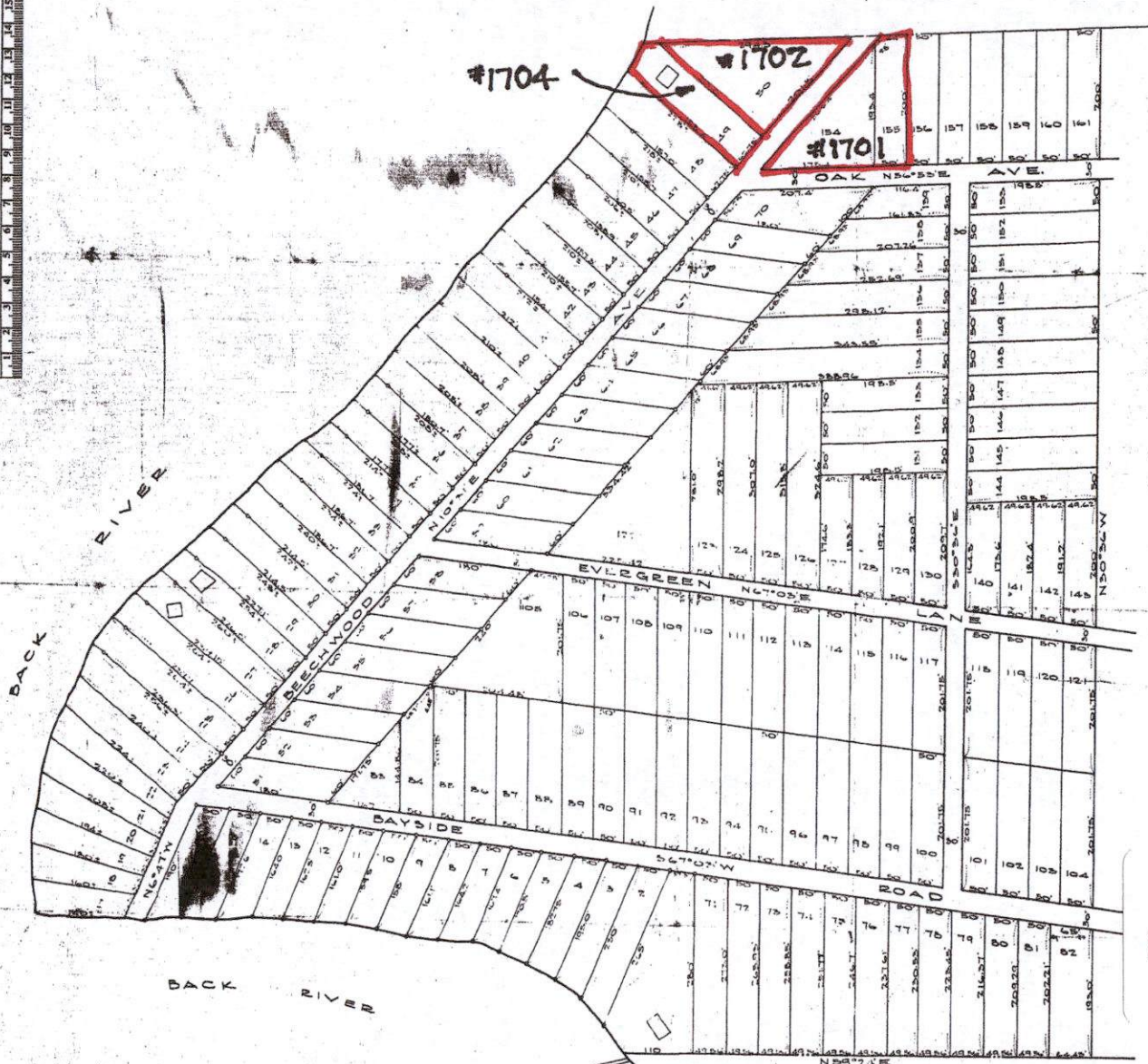
LR - Deed (w Taxes)  
Recording only ST20.00  
Name: Anita Totty  
Ref:  
Deed (with Taxes)  
Surcharge 40.00  
LR JLE  
Deed State  
Deed Tax 1,790.00  
LR - No Tax - 1kd 0.00  
SubTotal: 1,760.00  
Total: 1,820.00  
12/14/2016 02:34  
CC03-CG  
CC03-01  
Baltimore  
County CC03-01.04 -  
Register 04

**Together** with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

**To Have and To Hold** the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John Francis Totty, Sr., Anita Ann Totty, John F. Totty, Jr. and Stephanie M. Totty, as joint tenants unto the survivor of them, their 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 hereof and that they will execute such further assurances of the same as may be required.

PETITIONER'S  
EXHIBIT NO. 3



PETITIONER'S  
EXHIBIT NO. 4

P.B. 7 / 174  
RECORDED 11/6/1924

SCALE 1"=100 OCT 29 1924  
BY COONAN AND CO.  
SURVEYORS & CIVIL ENGRS.  
251 COURTLAND STREET  
BALTIMORE, MD.

PLAT OF  
EVERGREEN PARK  
FIFTEENTH DISTRICT  
BALTIMORE COUNTY  
MARYLAND



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. The data is not a warranty of accuracy, implied, of merchantability, or fitness for a particular purpose. Baltimore County, Maryland does not warrant, and is not responsible for, any errors or omissions, whether in connection with the data or otherwise. This data is provided as is, with all faults. The user assumes all liability for any use of the data.

**PETITIONER'S  
EXHIBIT NO. 5**



1702

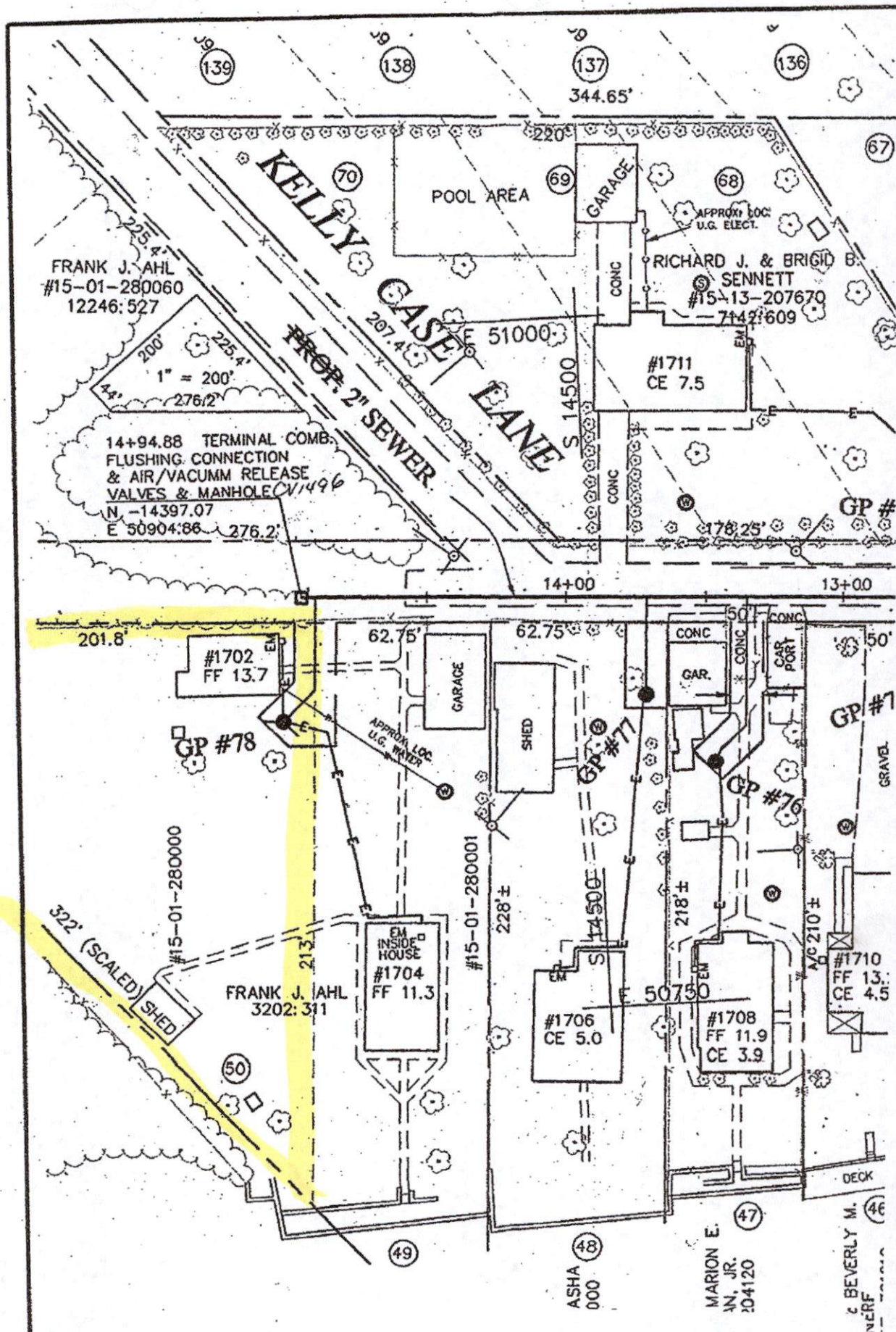
1704

1701

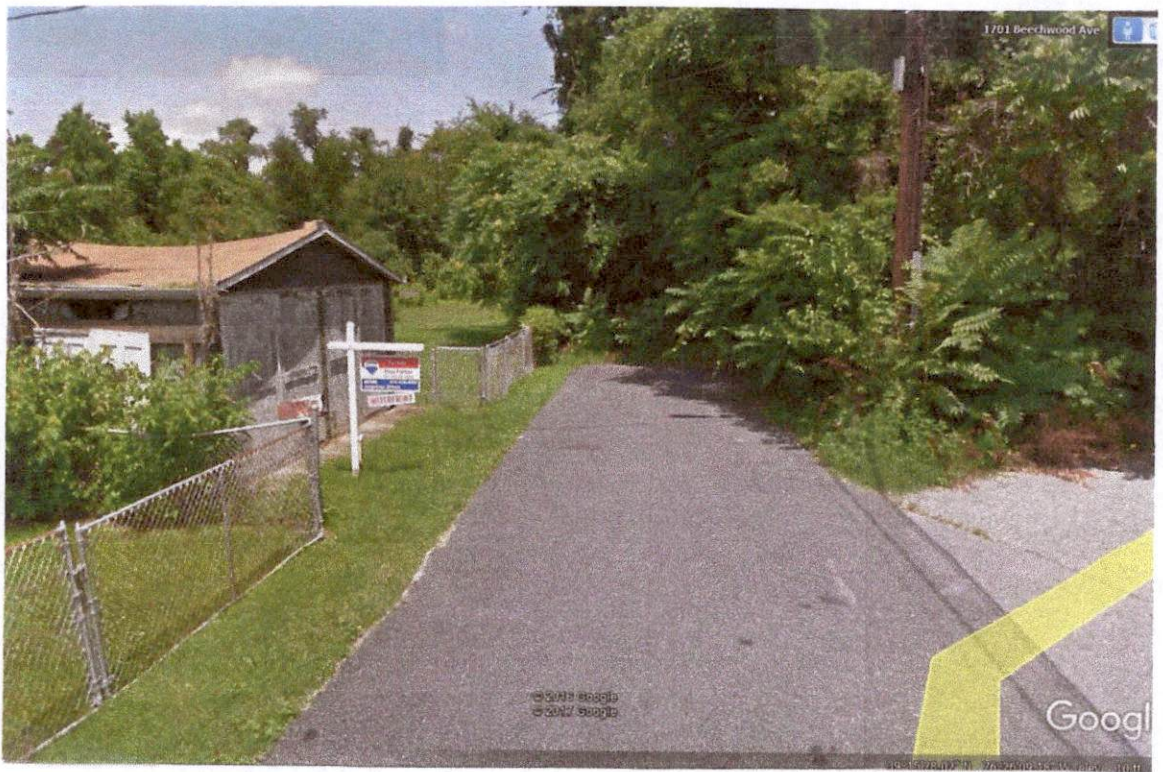
PETITIONER'S  
EXHIBIT NO. 6

Imagery Date:

G  
4" W



PETITIONER'S  
EXHIBIT NO. 7



a



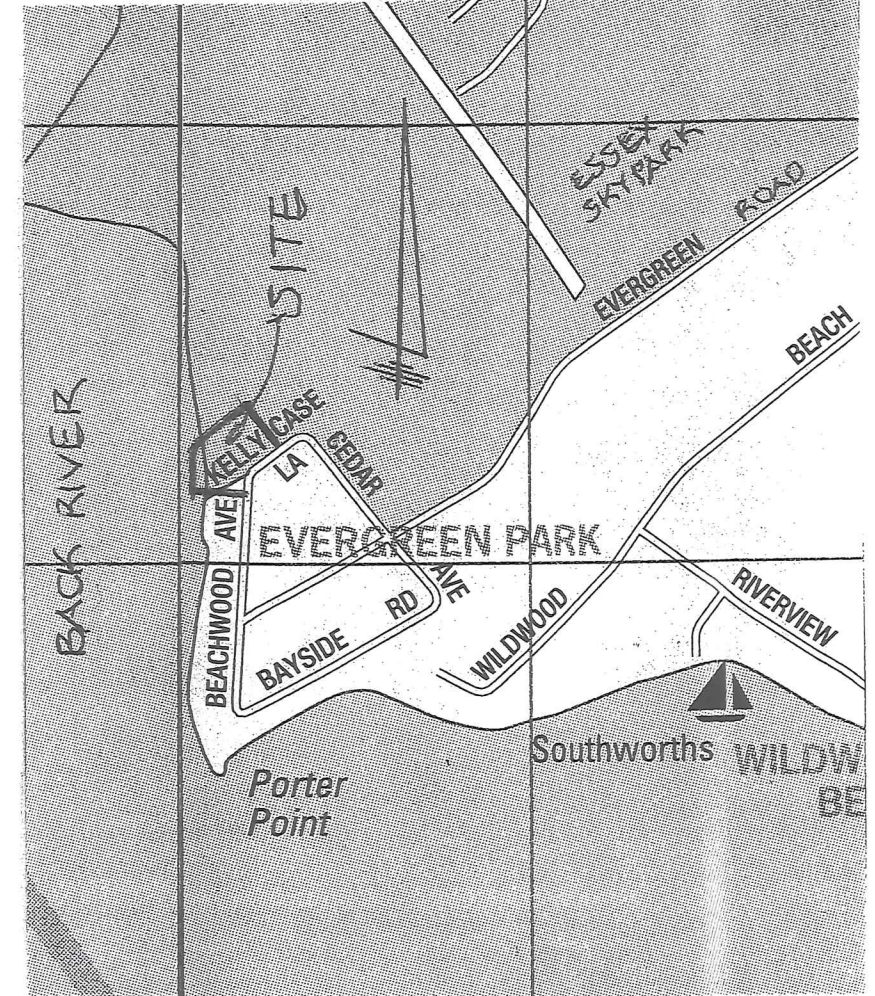
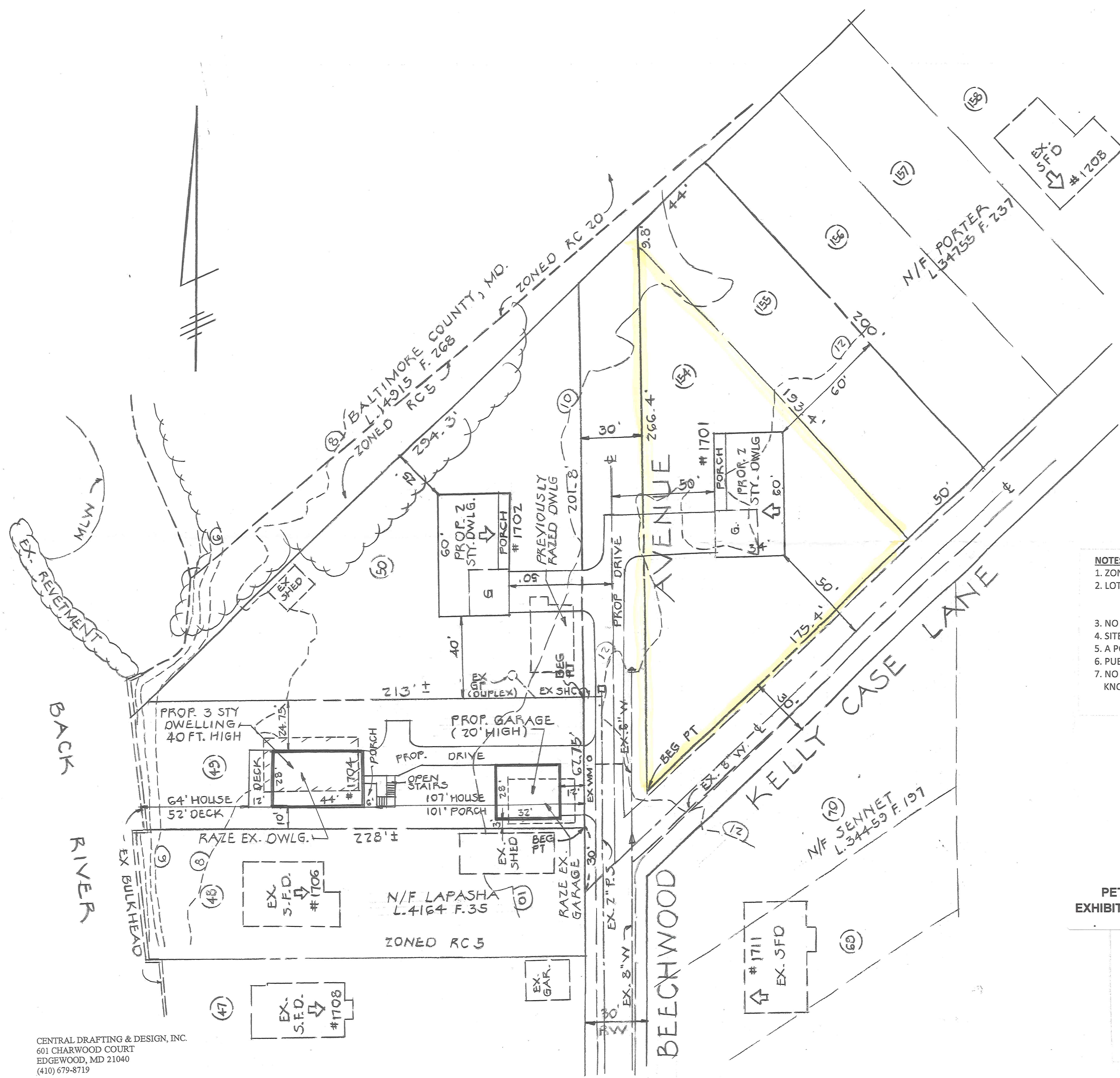
b



C



D



VICINITY MAP  
 SCALE: 1" = 1000'

- NOTES**
1. ZONING.....RC5 (MAP NO. 104C3)
  2. LOT AREAS: # 1701.....31,222 S.F. = 0.717 ACRE +/-  
# 1702.....43,995 S.F. = 1.010 ACRE +/-  
# 1704.....11,470 S.F. = 0.263 ACRE +/-
  3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
  4. SITE IS LOCATED IN THE CBCA
  5. A PORTION OF # 1702 AND # 1704 ARE WITHIN THE 100 YEAR FLOOD ZONE
  6. PUBLIC WATER AND SEWER
  7. NO HISTORIC STUCTURES OR SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST.

**OWNERS**  
 JOHN FRANCIS TOTTY, SR, ANITA ANN TOTTY,  
 JOHN F. TOTTY, JR. AND STEPHANIE M. TOTTY  
 C/O JOHN TOTTY  
 3 MISTY MEADOWS COURT  
 ESSEX, MD. 21221  
 DEED REFERENCE: L.38394 F.317  
**ACCT. NOS.**  
 # 1701 - 1501280060  
 # 1702 - 1501280000  
 # 1704 - 1501280001

PETITIONER'S  
 EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION  
 FOR VARIANCES  
 1701, 1702 AND 1704 BEECHWOOD AVENUE  
 ELECTION DISTRICT 15C37  
 BALTIMORE COUNTY, MARYLAND  
 SCALE: 1 INCH = 30 FEET APRIL 16, 2017