



Board of Appeals of Baltimore County

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

November 16, 2017

Michael C. Lam
2709 Louise Avenue
Baltimore, Maryland 21214

David Dannenman
6801 Woodrow Avenue
Baltimore, Maryland 21224

RE: In the Matter of: *Michael C. Lam*
Case No.: 17-335-SPH

Dear Mr. Lam and Mr. Dannenman:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington" followed by a stylized flourish.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Isaac Gheiger/Genmar Homes
David Billingsley/Central Drafting & Design, Inc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF:
MICHAEL C. LAM
6803 Woodrow Avenue
Baltimore, MD 21214

RE: REQUEST TO CONSTRUCT
BUILDING ON UNDERSIZED LOT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 17-335-SPH

* * * * *

OPINION

This case comes to the Board of Appeals ("CBA") as the result of an appeal of a decision dated August 3, 2017, issued by Administrative Law Judge John E. Beverungen granting permission for a dwelling to be constructed as a matter of right on an undersized lot at 6803 Woodrow Avenue, Baltimore, Md. 21214. The CBA held a *de novo* hearing on October 25, 2017. For the reasons stated at the Public Deliberation on that same day, and as more fully described below, we find, as did Judge Beverungen, that the construction of a dwelling on the lot in question is permitted by right.

This property was initially the subject of a petition for special hearing by which Mr. Lam sought a variance under Baltimore County Zoning Regulations ("BCZR") §307 to construct a single family home at 6803 Woodrow Avenue. That matter was denoted as Case No. 2017-0003-A. Judge Beverungen denied that request. The matter was appealed to the CBA which declined to rule on the variance. Instead, the CBA remanded the matter to permit the Petitioner to file a request to build on an undersized lot pursuant to BCZR §304. A new petition for a special hearing was filed seeking relief under §304. As indicated above, Judge Beverungen approved the application.

The lot in question is 50 feet wide. The width requirement to build on the lot in this subdivision is 55 feet. Absent a finding that this is an undersized lot within the meaning of the BCZR, no dwelling can be built on the lot.

Section 304.1 addresses undersized lots. It provides that a single family or semi-detached dwelling can be built on a lot having an area or width less than that required by the zoning regulations if: (A) the lot had been validly recorded by deed or as part of a subdivision prior to March 30, 1955; (B) the dwelling itself comports with all existing requirements regarding height and area; and (C) the owner of the lot does not own adjoining land by which the undersized lot could be made to conform to the otherwise applicable width and area requirements. The three preconditions are listed in the conjunctive, meaning that the failure to satisfy any one of them precludes construction.

The evidence clearly establishes that all three requirements are met. First, the Petitioner presented a plat proving that the subdivision was validly approved in 1917. A separate deed showed a transfer of the property in 1946. Second, there is no request for a variance from the height or area requirements of the building. Third, neither the Petitioner nor the contract purchaser own any adjoining property. Consequently, all of the conditions in §304.1 are satisfied.

One neighbor has objected. His complaints primarily concern the adequacy of the street to accommodate the heavy equipment needed for construction of the dwelling. He also has serious health issues and is fearful that emergency vehicles will be unable to reach his home during construction. These are not issues which the CBA can address. At the same time, the CBA is more than confident that the building permitting officials will ensure that there is appropriate access to **all** of the area homes both during and after construction.

Based on the foregoing, the record establishes the authority to build a home on the lot as a matter of right.

ORDER

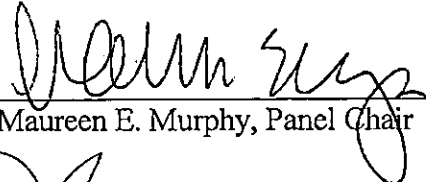
THEREFORE, IT IS THIS 16th day of November, 2017, by the Board of Appeals of Baltimore County,

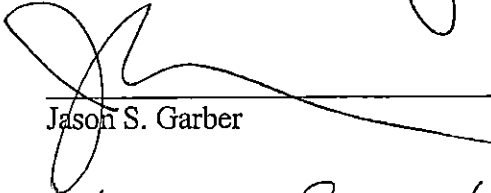
ORDERED that the Petition for Special Hearing, pursuant to §304.1 of the Baltimore County Zoning Regulations, to permit a dwelling to be constructed at 6803 Woodrow Avenue is **GRANTED**; and it is further

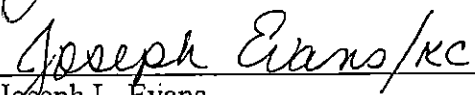
ORDERED that the Petitioner and/or the contract purchaser may apply for necessary permits and licenses upon receipt of this Order, with the understanding that any construction activity undertaken before the expiration of the 30 day period during which an appeal from this Order can be filed or during the pendency of any appeal so filed, may result in being required to return the property to its original condition.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chair


Jason S. Garber


Joseph L. Evans

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Michael Lam 17-335-SPH

DATE: October 25, 2017

BOARD/PANEL: Maureen E. Murphy, Panel Chairman
Joseph L. Evans
Jason S. Garber

RECORDED BY: Sunny Cannington/Administrator

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to allow the development of an undersized lot.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board held the public deliberation immediately following the hearing on this matter. The Board explained the Open Meetings Act and the requirement to decide land use cases publically.
- The Board reviewed that the subject property is 50 feet wide in lieu of the required 55 feet.
- The Board reviewed the request is pursuant to BCZR §304.1 which sets out three criteria for being able to develop an undersized lot: A) Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; B) All other requirements of the height and area regulations are complied with; and C) The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.
- The Board discussed that Petitioner provided the Plat from 1917 which shows the subject property existed prior to 1955; Mr. Lam has not requested any variances to height or area regulations; and Petitioner provided SDAT records to show that he does not own any of the adjoining properties.
- The Board addressed the Protestant's concerns about the traffic, width of the road, and health, safety and welfare of the public. The Board explained that they can only address the issues as presented. While they are sympathetic to Protestant, they are unable to request changes to the road.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Petition for Special Hearing.

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

Respectfully Submitted,


Sunny Cannington

Krysundra Cannington

From: Joe's Email <josephevans2@gmail.com>
Sent: Thursday, October 26, 2017 1:47 PM
To: Krysundra Cannington
Subject: Re: Lam Minutes

Looks good.

Joseph L. Evans
Sent From My iPad

On Oct 26, 2017, at 10:00 AM, Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Hi Joe,

Attached are the deliberation minutes in the Lam matter from yesterday. Please let me know if you think I missed something.

Thank you!

Sunny



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

<Lam 17-335-SPH Minutes.docx>



Board of Appeals of Baltimore County

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

September 7, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Michael C. Lam
6803 Woodrow Avenue
17-335-SPH 12th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR to permit a dwelling to be constructed on an undersigned lot.

8/3/17 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to permit a dwelling to be constructed on an undersized lot was GRANTED.

ASSIGNED FOR: **OCTOBER 25, 2017, AT 10:00 A.M.**

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

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

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

Krysundra "Sunny" Cannington, Administrator

c: Petitioner/Legal Owner
Contract Purchaser

: Michael Lam
: Isaac Gheiger/Genmar Homes

Protestant/Appellant

: David Dannenman

David Billingsley/Central Drafting & Design, Inc.

Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Nancy West, Assistant County Attorney

Arnold Jablon, Director/PAI
Michael Field, County Attorney, Office of Law
Office of People's Counsel



KEVIN KAMENETZ
County Executive

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

August 31, 2017

Michael Lam
2709 Louise Avenue
Baltimore, MD 21214



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2017-0335-~~A~~SPH
Property: 6803 Woodrow Avenue

Dear Mr. Lam:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 31, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: David Billingsley, 601 Charwood Ct., Edgewood, MD 21040
Isaac Gheiler, 3403 Old Post Dr., Pikesville, MD 21208
David & Teresa Dannenman, 6801 Woodrow Ave., Baltimore, MD 21224
✓ Baltimore County Board of Appeals
People's Counsel



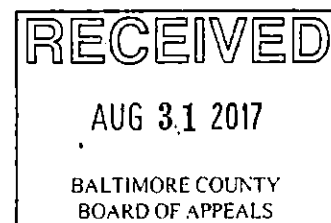
KEVIN KAMENETZ
County Executive

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

August 31, 2017

Michael Lam
2709 Louise Avenue
Baltimore, MD 21214

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2017-0335-A
Property: 6803 Woodrow Avenue



Dear Mr. Lam:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 31, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: David Billingsley, 601 Charwood Ct., Edgewood, MD 21040
Isaac Gheiler, 3403 Old Post Dr., Pikesville, MD 21208
David & Teresa Dannenman, 6801 Woodrow Ave., Baltimore, MD 21224
Baltimore County Board of Appeals
People's Counsel



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 6803 WOODROW AVENUE which is presently zoned ORS-5
 Deed References: L. 26526 F. 507 10 Digit Tax Account # 1219001110
 Property Owner(s) Printed Name(s) MICHAEL C. LAM

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

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

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve TO PERMIT A DWELLING TO BE CONSTRUCTED ON AN UNDERSIZED LOT PER SECT. 304(BCTR)
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

JENMAR HOMES
ISSAC GHEILER

Name- Type or Print

Signature

3403 OLD POST DR. BALTO, MD.

Mailing Address City State

21208 (443)463-1216 etichi@aol.com

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):

MICHAEL C. LAM

Name #1- Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2709 LOUISE AVE BALTO MD.

Mailing Address City State

21214 (443)506-7541 MCLAM2709@COMCAST.NET

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHARWOOD ST. EDGEWOOD, MD.

Mailing Address City State

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

Zip Code Telephone # Email Address

CASE NUMBER 2017-0335-SH Filing Date 6/14/17

Do Not Schedule Dates:

Reviewer gh

REV. 10/4/11

ZONING DESCRIPTION

6803 WOODROW AVENUE

Beginning for the same at a point on the south side of Woodrow Avenue (50 feet wide), distant 251 feet westerly from its intersection with the centerline of 45TH Street, thence being all of Lots 399 and 400 as shown on the plat entitled Section 3, Graceland Park recorded among the Baltimore County plat record in Plat Book 6 Folio 113.

Containing 6,250 square feet or 0.143 acre of land, more or less.

Being known as 6803 Woodrow Avenue. Located in the 12TH Election District, 7TH Councilmanic District of Baltimore County, Md.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 11, 2017 Issue - Jeffersonian

Please forward billing to:
Jenmar Homes
Attn: Issac Gheiler
3403 Old Post Road
Baltimore, MD 21208

443-463-1216

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: 2017-0335-SPH

6803 Woodrow Avenue

S/s Woodrow Avenue, 251 ft. W/of centerline of Graceland Park

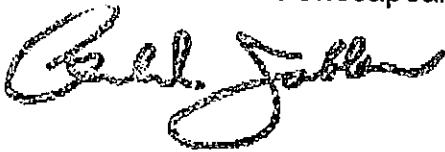
12th Election District – 7th Councilmanic District

Legal Owners: Michael C. Lam

Contract Purchaser/Lessee: Jenmar Homes, Issac Gheiler

Special Hearing to permit a dwelling to be constructed on an undersized lot.

Hearing: Monday, July 31, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

**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: 2017-0335-SPK
Property Address: 6803 WOODROW AVE
Property Description: _____

Legal Owners (Petitioners): MICHAEL LAM
Contract Purchaser/Lessee: JENMAR HOMES

PLEASE FORWARD ADVERTISING BILL TO:

Name: JENMAR HOMES, ISSAC GHEILER
Company/Firm (if applicable): _____
Address: 3403 OLD POST RD
BALTO. MD. 21208

Telephone Number: (443) 463-1216

Revised 7/9/2015

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

NO 154812

Date: 6/14/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		650				75.00

Total: 75.00

Rec From: Dave Billingsley

For: 6823 Woodrow Ave

2017-0335-SPH

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME: DRW
6/15/2017 6/14/2017 09:16:38 1
REG 0501 WALKIN LJR
>>RECEIPT # 725396 6/14/2017 OFLN
Dept 5 520 ZONING VERIFICATION
CR NO. 154812
Recpt Tot \$75.00
\$79.00 OT
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

SE 1-E

PAI # 128021

Lot # ? Pt. Bk. 0000074, Folio 0126
PAI # 128021 Pt. Bk./Folio # 074126

506
1219072660

1213022640

510

1219007350
Pt. Bk./Folio # 012048D

512
1219053000

Pt. Bk./Folio PAI # 120017

Pt. Bk. 0000006, Folio 0122

Pt. Bk. 0000012, Folio 0048
1202071900

Lot # 2 2400000980

DR 5.5

1210002090

524
Lot # 419

Lot # 416

Lot # 416

1216060951

WOODROW AVE

12 ED

1223050320

528
Lot # 393

Pt. Bk. 0000012, Folio 00

1204050510

Lot # 392

PAI # 120038

532 1202002810

1206035332

534
Lot # 388

BL

Lot # 385

1214040240

2017-0183-XA

6842
Lot # 385

R-1946-0503

6844
Lot # 385

FAIT AVE

Lot # 266
1211036830

Pt. Bk. 0000005, Folio 0080

1988-0478-SF

Lot # 267
1219099030

Lot # 269
1207054590

Lot # 271
1223004780

2014-0142-A
R-1948-1268

BL

GRACELAND AVE

Pt. Bk. 0000007, Folio 0035

Pt. Bk./Folio # 007035A

6767

1216045550

1211068060

Lot # 5

Lot # 7

2200016244

Lot # 1

1873-0

Lot # 1

BALTIMORE CITY

SE 2-E 096B3

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment7/3DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no comment6/22DEPS
(if not received, date e-mail sent _____)no comment

FIRE DEPARTMENT

7/12PLANNING
(if not received, date e-mail sent _____)no obj6/21

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2017-0003-A)NEWSPAPER ADVERTISEMENT Date: 7/11/17SIGN POSTING Date: 7/11/17

by

Bellingsley

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Board of Appeals

Case No: 17-335 SH Case Name: Michael C. Lann

Exhibit List

Party: Petitioner Date: 10/25/17

Exhibit No:	Description:
✓ 1.	Sanitary Sewer Plot
✓ 2	Building Plot
✓ 3	Zoning Review
✓ 4	Petitioner for Zoning Hearing ^{first case}
✓ 5	Zoning Regs
✓ 6A	photo
↓ J	
✓ 7	Remand Order
✓ 8	Petition for Special Hearing
✓ 9	Danneman Appeal
✓ 10	Plot
✓ 11	SDAT - 6805 Woodrow
✓ 12	SDAT 6801
✓ 14	2709 Louise Ave
VERIFIED BY <u>KC</u> DATE: <u>10/25/17</u>	

ZONING REVIEW

Revised 5/16

HEARING CHECKLIST

This checklist is provided to you, for your information only, and **is not to be considered legal advice.**

First, and most importantly: You must understand that the relief you request is a quasi-judicial decision and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (BCZR). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence, and cross-examine witnesses. The Office Of Administrative Law will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that if a hearing is required, you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, though it is recommended that you consider obtaining legal representation. If you are incorporated, it is considered a requirement that you be represented by an attorney.

Third: It is strongly recommended that you read and understand the requirements of the BCZR and related policies.

Fourth: No employee of the Department of Permits, Approvals and Inspections (PAI) may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Administrative Law Judge rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the BCZR.

Even though there may not be opposition in a given case, your request may be denied. For further information **or to make the required appointment**, please contact:



Zoning Review Office
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204
Telephone: 410-887-3391

INDIVIDUAL RESIDENTIAL LOTS

Variances
Administrative Variances
Special Hearings
Administrative Special Hearings
Posting & Waivers

YOU MUST MAKE AN APPOINTMENT TO FILE A PETITION

Call 410-887-3391 to make an appointment and confirm filing fees. Due to the exacting review necessary for petition filing, **petitions or revisions will not be processed or accepted if they are just delivered or mailed.**

Petitioner
CBA Exhibit

3

AUTHORITY AND PETITION S BURDEN:

All requests for zoning residential lot variances and special hearings are handled by the Department of Permits, Approvals and Inspections (PAI), Zoning Review Office. Applications/forms are available from Zoning Review or online**. Hearings are scheduled before an Administrative Law Judge. The legislation that provides the Judge with the authority is in Sections 307 & 500 of the BCZR. The Director of PAI interprets and enforces the BCZR. Any disagreement with said interpretation may be taken to the Office of Administrative Law per Section 500.7 (BCZR).

** http://www.baltimorecountymd.gov/Agencies/permits/pdm_zoning/zonforms.html#forms

Legal representation is recommended in all cases, but in the case of a corporation, it is a requirement. The information that proceeds is provided to give the petitioner a basic understanding of the legal burden of proof that must be satisfied prior to the granting of the petition. It is not a substitute for private legal counsel nor should it be construed as legal advice.

Variances: Under the authority of Section 307.1 (BCZR), the Administrative Law Judge, applying the two-step test set forth in Cromwell v. Ward, 100 Md. App. 691 (1995), has the authority to grant variance from the height, area, parking, and sign regulations.

- A. The first step requires the petitioner to prove, to the satisfaction of the hearing officer, that the property whereon structures are to be placed (or uses conducted) is unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding properties.
- B. The second step of the test requires that the petitioner demonstrate that strict compliance with the BCZR would result in either practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
 1. "To prove undue hardship for a use variance, the following three criteria must be met:
 - (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
 - (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
 - (iii) Hardship was not the result of applicant's own actions.
 2. To provide practical difficulty for an area variance, the following criteria must be met:
 - (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.
 - (ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.
 - (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."
- C. No increase in residential density beyond that allowed by the BCZR shall be permitted.
- D. The relief requested must be in strict harmony with the spirit and intent of height, area, parking, or sign regulations.
- E. And only in such manner as to grant relief without substantial injury to the public health, safety, and general welfare.

Special Hearings:

Under the authority of BCZR Section 500.6, the Office of Administrative Law has the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass orders regarding these matters.

Under the authority of BCZR Section 500.7, any person can petition the Office of Administrative Law to hold a public hearing to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such a person in any property insofar as they are affected by the BCZR.

Use Permits:

Certain uses have singular, individual characteristics which make it necessary, in the public interest (even though other County permits may not be required), to specify regulations for each zoning classification. Under the authority of Section 500.4 (BCZR), the Director of PAI has the power to issue a use permit provided that all of the conditions for that particular use specified in the BCZR are met. Under the authority of Section 500.7 (BCZR), he has the right to require a public hearing whenever he deems it in the public interest.

YOU MUST MAKE AN APPOINTMENT TO FILE A PETITION

Call 410-887-3391 to make an appointment and confirm filing fees. Due to the exacting review necessary for petition filing, **petitions or revisions will not be processed or accepted if they are just delivered or mailed.** Revisions must be filed with the original filing intake Planner.

**FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE. CALL TO CONFIRM COST.
SIGN POSTERS FEES VARY. CONTACT POSTERS FOR THEIR SIGN FEES.**

General Application Procedure:

A zoning hearing can only grant relief from the BCZR. **It is y our responsibility** to contact other county/state agencies (See page 5) to determine if your plan meets their requirements!

Normally before granting relief, the Office of Administrative Law shall require advertising and posting of the property and shall require a public hearing. All orders of the Administrative Law Judge shall contain a finding of fact specifying the reason or reasons for granting or denying each request.

The normal time period from time of filing a petition until the time of receipt of the written order is usually somewhere between 45 and 60 days. Also, in addition to filing fees, costs are incurred for posting the property and advertising the hearing in area newspapers.

At the time of petition filing, petitioners will pay the filing costs. **Be aware that fees are subject to change without notice. The posting mu st be arranged by the petitioner.** The property must be posted and the posting sign must remain visible on the property for a period of 15 days. Check with your sign poster before removing the sign.

Zoning petitions may be filed with Zoning Review Office, PAI, **only by appointment** (M-F) during office hours on forms furnished by this office or online (see page 2 **). Information on the forms must be typed or printed legibly and signed by the legal owner(s) with address, **work and home phone numbers** and Email address provided. While the planner will assist the petitioner in interpreting the provisions of the BCZR applicable to their case, the request wording and all other information submitted in the application, shall be the sole responsibility of the petitioner(s).

County employees requesting a hearing must have Council approval. Speak to a planner.

Administrative Variances Hearing/Posting:

To save the individual Baltimore County homeowner time and money, effective March 30, 1990, an administrative variance procedure for an **owner occupied residential lot** was established pursuant to **Section 32-3-303, Baltimore County Code**. This procedure may not require newspaper advertising or a public hearing and, as such, the overall time period from the date of filing to written order will diminish and possibly save costs.

If a formal hearing demand (challenge) is not filed with Zoning Review by a property owner within 1,000 feet of site during the posting period, the administrative procedure may continue. Beyond 1,000 feet, a challenge is honored at the discretion of the Administrative Law Judge. The challenge fee is \$60.00 paid by the challenger. (call 410-887-3391 to confirm the challenge fee.) Without paying the \$60.00 processing fee for a demand for a full hearing, any interested party may address their concerns or concurrence to the hearing officer in writing, well in advance of a decision, c/o Zoning Review Office, which will be forwarded to the Judge making the decision.

Possible Full Public Hearing Required?:

If a hearing demand, as described above, is filed and/or if the Administrative Law Judge, decides there is a need, the application will leave the administrative process, necessitating advertising, re-posting, and a public hearing. In such cases, the petitioner will receive written notice that a standard public hearing will be scheduled under the standard time/cost framework. Petitioners will receive notification by mail. The new fees should be paid by mail upon receipt of the statements.

Who May Use The Administrative Variance Procedure?:

1. Legal owner(s) of a single family owner-occupied residential property.

The above parties must submit a notarized affidavit attesting to the fact that they do now own and occupy said residential property and that there are no active Code Enforcement violation cases on the subject property.

Who May Not Use The Administrative Variance Procedure?:

1. Contract purchaser(s) of a single family residential property.
2. Petitioners filing a residential variance in combination with a special hearing and/or special exception. (Other than an Administrative Special Hearing for Historic Properties)
3. Petitioners filing non-residential variances.
4. A builder or developer requesting variance(s) for lot(s).
5. Vacant lots for homes to be built are not eligible per **Section 32-3-303, BCC**.
6. Properties under an active zoning violation may not use this type of variance.

Administrative Special Hearing Waiver for Historic Properties

Per Section 500.7 BCZR and **Title 32, Baltimore County Code**, alterations to historic property may require a posting notification/or a waiver/public hearing similar to the Administrative Variance process. Contact the Landmarks Preservation Commission representative in the Office of Planning (410-887-3495). Use the following wording in the petition request:

Special Hearing to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2) to raze, alter or construct addition to building: (indicate type of work in this space).

The Petition Application Must Contain:

1. Twelve (12) copies of the hearing plan (14 for floodplain sites) with information as indicated on checklist. **(See Example # 1).**
2. Three (3) copies of petition, typed or printed, with original signatures and applicable information on each copy with daytime telephone numbers and Email address.
3. Three (3) copies of the property description. **(See Page # 8).**
4. One (1) copy of the GIS Zoning Map available from the Zoning Review Counter. **(See Example # 2).**
5. One (1) completed copy of the advertising and posting requirements and procedures form – To be completed at time of filing. **(See last page of this checklist).**
6. Filing Fees: Contact Zoning Review (410-887-3391) to confirm the fees. Variance or special hearing - \$75.00 filing fee due at the time of petition filing. Newspaper will mail the bill to the party indicated on the advertising/posting form for required newspaper advertising. Posting fees vary and are billed by the sign poster you engage to post your property. An additional \$75.00 (as a special hearing fee) is required for an amendment to a final development plan (required for any lot which is on an approved zoning final development plan).

An Administrative Variance Must Contain Items 1-6 Above, And:

1. Affidavit forms (reverse side of petition form) with original signatures and complete notarized statement that petitioners own **and** occupy the described residential property and that there are no active Code Enforcement violation cases on the site.
2. Photographs of the property indicating existing conditions, immediately adjacent dwellings, and area of proposed changes; each clearly labeled and identified for the filing review.

Review / ZAC Agencies: Once filed, the petition information is forwarded by Zoning Review to the Zoning Advisory Committee (ZAC) agencies as necessary for their review. The Petitioner(s) should contact the following agencies prior to plan preparation to be made aware of any comments/issues for their particular case.

- | | |
|---|--------------|
| 1. Tax Assessments (SDAT) | 410-512-4906 |
| 2. Development Plans Review (traffic issues) | 410-887-3751 |
| 3. Fire Department | 410-887-3998 |
| 4. State Highway Administration | 410-545-5600 |
| 5. County Roads | 410-887-3739 |
| 6. Planning (design, screening, landscaping, historic) | 410-887-3211 |
| 7. Plans Review (construction/fire/floodplain codes) | 410-887-3987 |
| 8. Department of Environmental Protection and Sustainability (DEPS) See following note* | 410-887-3980 |
| 9. If <i>floodplain</i> , Department of Natural Resources | 410-631-3902 |
| 10. If <i>critical area</i> , Maryland Office of Planning | 410-767-4485 |

***NOTE:** The Administrative Law Judge **must** have any DEPS Chesapeake Bay Critical Area (CBCA) comments **before your order can be written.**

100-Year Floodplains and waivers:

The 100-year floodplain information and requirements (Bill 173-93, 11/17/93) may be obtained in Public Works (room 311) and Building Plans Review (room 120) in the Baltimore County Office Building. Flood Plain waivers **require** a special hearing. The following wording must be used:

Riverine (No New Buildings): Special Hearing for a **waiver** pursuant to Section 500.6, BCZR; Section 3112.0, Building Code; and Sections 32-4-414, 32-4-107(a)(2), 32-8-301, BCC to (add, build, rebuild, repair, etc.) _____ in a riverine floodplain.

Tidal: Special Hearing for a **waiver** pursuant to Section 500.6, BCZR; Section 3112.0, Building Code, and Sections 32-4-414, 32-4-107(a)(2), 32-8-301, BCC to (add, build, rebuild, repair, etc.) _____ in a tidal floodplain.

Hearing Plan Requirements:

12 copies required. (14 for sites in a flood plain) The plans shall be legible, accurate and in no case can it be larger than 24" x 36". **Plans must be trimmed or folded to a neat 8-1/2" x 11" size.** Use of the checklist blank plan form is not required. Plans shall contain the following information:

1. **TEXT:** Election & Councilmanic districts, hearing type, subdivision information, owner's name(s), property address, plan date, (if, or not in CBCA / historic / or floodplain), zoning, GIS map copy#, and any active zoning violation# with stated reasons for citation.
2. **DRAWING SCALE:** 1"=20', 1"= 30', 1"=40' or 1"=50'. If 40 acres or more, use 1"=100' scale.
3. **OUTLINE OF PROPERTY:** Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
4. **VICINITY MAP:** A legible vicinity map with site outline must be included on all plans WITH SITE AND INTERSECTING ROADS CLEARLY AND ACCURATELY SHOWN AND NAMED. **DO NOT** PUT ON A SEPARATE SHEET; IT MUST BE ON THE SITE PLAN SHEET!
5. **PRIOR ZONING CASES:** The case #, date of the order(s), what was granted or denied, and any restrictions from prior zoning case(s), must be listed on the hearing plan.
6. **CURRENT OR OUTSTANDING ZONING VIOLATIONS:** Any correction notice # and/or citation # and the inspector's name must be listed on the hearing plan.
7. **OWNERSHIP:** On subject and adjacent properties including owner's name(s), lot numbers, subdivision name, 10 digit tax account numbers, and/or deed references. See your GIS Map copy, and contact SDAT or Land Records for more complete information.
8. **LOCATION:** North Arrow, Street address and names of adjoining street(s), beginning point of description and distance from property corner to the nearest public street centerline. Measure this onsite or use record plats, SDAT records, or the utilities maps from room 206, County Office Building.) This beginning point and distance should start the written zoning description.
9. **STREETS, WIDENING, R/W, EASEMENTS:** Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements with the stated type/purpose or any right-of-ways shown and labeled as being public or private.
10. **BUILDINGS:** Use, dimensions, height and location of all existing buildings/improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if changing. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.

11. **STREET SETBACKS:** If a new dwelling is proposed or the new addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.
12. **UTILITIES:** Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities drawings are available in Room 206, County Office Building.)
13. **FEATURES:** Location of streams, storm water management systems drainage, pipe systems on or within 50 feet of the property, and the location of the 100 year floodplain (if any). If floodplain or not, state this on the plan, including the elevation.
14. **B.O.C.A.:** Buildings must meet the building code and fire code requirements.
15. **SPECIAL REQUIREMENTS:** For special hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required. For waterfront construction (over the water), such as piers and piles, ask for a copy of the checklist for waterfront construction.
16. **SPECIAL DISTRICT OR AREA LOCATION:** For sites located in the Back River Neck or Bowleys Quarters Peninsula districts or in the Martin State Airport 3 mile proximity radius, check with Zoning Review for applicability of any special regulations as they relate to your petition request.

EXAMPLE # 1 HEARING PLAN:

(12 COPIES OR IF FLOOD PLAIN, 14 COPIES. DESIGN YOUR SCALED DRAWING (See Page 6, # 2) TO FIT THE PROVIDED BLANK PLAN FORM. IF A LARGER PLAN IS NEEDED, YOU MAY ENLARGE THE BLANK PLAN FORM BEFORE ADDING YOUR CHECKLIST DETAILS.

ZONING HEARING PLAN FOR VARIANCE <u>X</u> FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X) ADDRESS <u>225 LEWIS DRIVE</u> OWNER(S) NAME(S) <u>ROBERT & SANDRA SMITH</u> SUBDIVISION NAME <u>WUTHERING HEIGHTS PLAT 2</u> LOT # <u>4</u> BLOCK # <u>G</u> SECTION # <u>NA</u> PLAT BOOK # <u>23</u> FOLIO # <u>178</u> 10 DIGIT TAX # <u>2175900035</u> DEED REF. # <u>65871/00238</u>	
	SITE VICINITY MAP MAP IS NOT TO SCALE ZONING MAP # <u>108C1</u> SITE ZONED <u>DR 5.5</u> ELECTION DISTRICT <u>1ST</u> COUNCIL DISTRICT <u>13TH</u> LOT AREA ACREAGE <u>0.249</u> OR SQUARE FEET <u>10,875</u> HISTORIC? <u>NO</u> IN CBCA? <u>NO</u> IN FLOOD PLAIN? <u>NO</u> UTILITIES? MARK WITH X WATER IS: PUBLIC <u>X</u> PRIVATE _____ SEWER IS: PUBLIC <u>X</u> PRIVATE _____ PRIOR HEARING? <u>YES</u> IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW: <u>2009-0327-A</u> <u>VARIANCE GRANTED</u> <u>FOR 1 FT SHED SETBACK</u> VIOLATION CASE INFO: _____
PLAN DRAWN BY <u>ROBERT SMITH</u> DATE <u>3/30/11</u> SCALE: 1 INCH = <u>40</u> FEET	

THE ZONING PETITION PROPER DESCRIPTION:

Three (3) typed copies (separate pages) of the zoning description of the property is required. Standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed are too wordy but some of the information must be used. (Note: Old deed information such as perches or a stone, etc. cannot be used as is.) Read your deed, your location survey and your State Assessment record to determine which of the three options you should use. **DO NOT PHOTOCOPY THE DESCRIPTION IN THE DEED.** The zoning property description must include Part A and Part B:

PART A (START DESCRIPTION WITH THE FOLLOWING):

ZONING PROPERTY DESCRIPTION FOR _____
(address or location)

*Beginning at a point on the (north, south, east or west) side of (name of street on which property fronts) which is (width of street right-of-way in feet) feet wide at a distance of (# of feet) feet (north, south, east or west) of the centerline of the nearest improved intersecting street (name of street) which is (width of street right-of-way in feet) feet wide.

ALERT!

*Be aware that the Beginning Point and the distance in feet to the street centerline intersection, as stated in the zoning property description, must be shown and labeled on the hearing plan. The lot area (total square feet or acres) on the hearing plan and the zoning description must agree.

PART B (CONTINUE DESCRIPTION WITH ONE OF THE FOLLOWING 3 OPTIONS):

OPTION 1 (Metes and Bounds Sample – lot not part of record plat or minor subdivision):

THIS IS A SAMPLE ONLY: Thence the following courses and distances: (1st Point of Call-“POC”) N.87° 12' 13" E. 321.1', (2nd POC) S.18° 27' 03" E. 87.2', (3rd POC) S.62° 19' 00" W. 318', and (4th POC) N.08° 15' 22" W. 80', back to the point of beginning as recorded in Deed Liber (____), Folio (____), containing (# of total square feet or acres of lot). Located in the (____) Election District and (____) Council District.

or

OPTION 2 (Subdivision Lot – lot is part of record plat):

Being Lot # (____), Block (____), Section # (____) in the subdivision of (name of subdivision) as recorded in Baltimore County Plat Book # (____), Folio # (____), containing (# of total square feet or acres of lot). Located in the (____) Election District and (____) Council District.

or

OPTION 3 (Minor Subdivision Lot Sample):

THIS IS A SAMPLE ONLY: Thence the following courses and distances: (1st Point of Call-“POC”) N.87° 12' 13" E. 321.1', (2nd POC) S.18° 27' 03" E. 87.2', (3rd POC) S.62° 19' 00" W. 318', and (4th POC) N.08° 15' 22" W. 80' back to the point of beginning, as recorded in Deed Liber (____), Folio (____), containing (# of total square feet or acres of lot). Located in the (____) Election District and (____) Council District. Also known as Lot # (____) in the minor subdivision of (name of minor subdivision), minor subdivision # (____-M), as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.

AVAILABLE FROM THE ZONING REVIEW COUNTER
THE COLOR COPY OF THIS MAP IS REQUIRED FOR PETITION FILING
THIS BLACK AND WHITE EXAMPLE IS KEYED TO THE MAP INFORMATION
OUTLINE THE HEARING SITE CLEARLY ON THIS MAP



ZONING HEARING PLAN FOR VARIANCE ____ FOR SPECIAL HEARING ____ (MARK TYPE REQUESTED WITH X)
ADDRESS _____ OWNER(S) NAME(S) _____
SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____
LAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # _____ DEED REF. # _____ / _____



PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = _____ FEET

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# _____

SITE ZONED _____

ELECTION DISTRICT _____

COUNCIL DISTRICT _____

LOT AREA ACREAGE _____

OR SQUARE FEET _____

HISTORIC ? _____

IN CBCA ? _____

IN FLOOD PLAIN ? _____

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE _____

SEWER IS:

PUBLIC _____ PRIVATE _____

PRIOR HEARING ? _____

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

**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/neighborhood 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: _____

Property Address: _____

Property Description: _____

Legal Owners (Petitioners): _____

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Company/Firm (if applicable): _____

Address: _____

Telephone Number: _____

Revised 7/9/2015



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 6883 Woodrow Avenue which is presently zoned DR 5-5
 Deed References: 26526/00507 10 Digit Tax Account # 1219001110
 Property Owner(s) Printed Name(s) Michael C. Lam

(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 des.

3. a Variance from Section(s)

Petitioner
CBA Exhibit
4

Sections 1B02.3.C.1 and 303.1 – to permit a proposed single family dwelling to be on a parcel 50 feet wide and have a front yard setback of 31 feet in lieu of the required 55 feet and front yard average of 37.7 feet, respectively.

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 _____

Legal Owners (Petitioners):

Michael C. Lam,
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
[Signature] [Signature]
 Signature #1 _____ Signature #2 _____
2709 Louise Ave. Baltimore MD
 Mailing Address _____ City _____ State _____
21214-443-506-7541, mclam2709@
 Zip Code _____ Telephone # _____ Email Address _____
comcast.net

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Ebenezer Oluarewaju
 Name - Type or Print _____
[Signature]
 Signature _____
3607 Langrehr Rd. Baltimore MD
 Mailing Address _____ City _____ State _____
21244-440-984-1057, ferni@fermrica.com
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2017-0003-A Filing Date 7, 6, 16

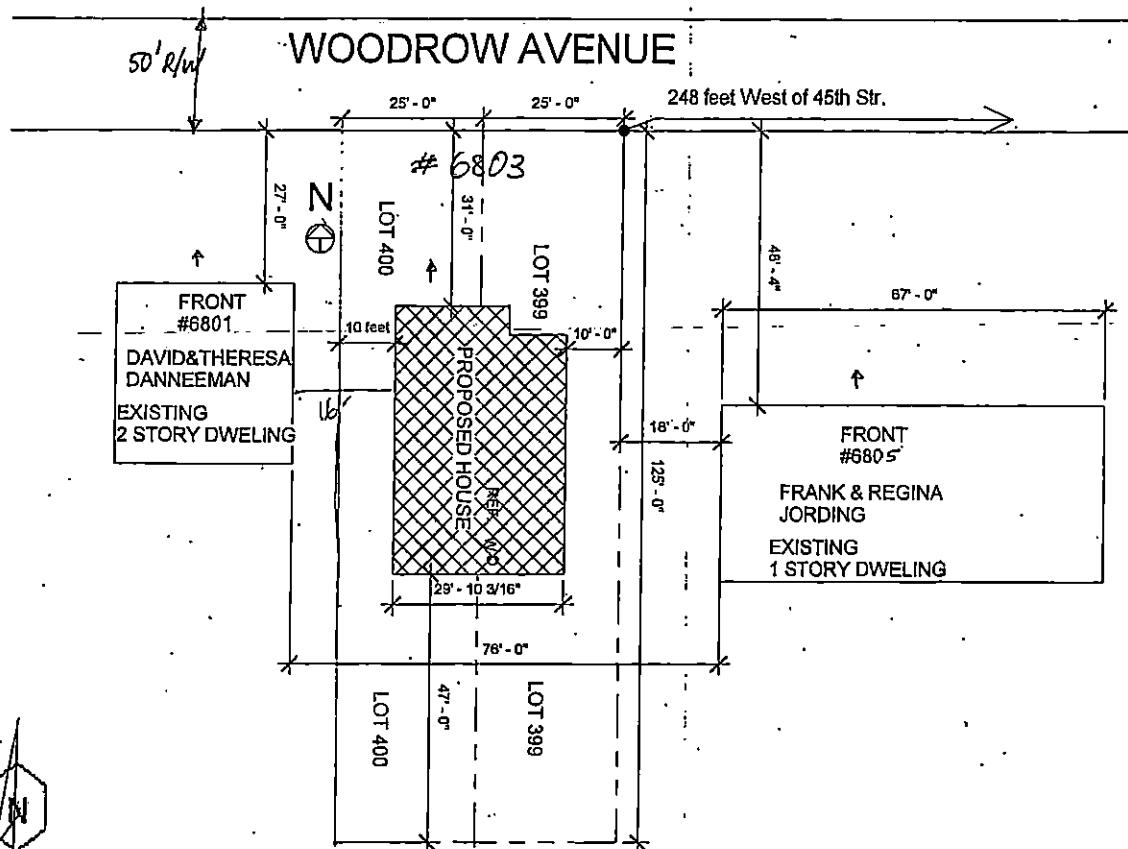
Do Not Schedule Dates: _____ Reviewer [Signature]

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 6803 WOODROW AVE. OWNER(S) NAME(S) MICHAEL C. LAM

SUBDIVISION NAME GRACELAND PARK LOT # 399&400 BLOCK # _____ SECTION # 3

PLAT BOOK # 6 FOLIO # 113 10 DIGIT TAX # 1219001110 DEED REF. # 26526 / 00507



PLAN DRAWN BY EBENEZER OLAREWAJU DATE 6/29/2016 SCALE: 1 INCH = 1\" = 20 FEET



MAP IS NOT TO SCALE
ZONING MAP# 096B3
SITE ZONED DR 5.5
ELECTION DISTRICT 12
COUNCIL DISTRICT 7
LOT AREA ACREAGE _____
OR SQUARE FEET 6250
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2017-0003-A

R.D.J.

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES
WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED
Reference - Section 303.1 Baltimore County Zoning Regulations

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

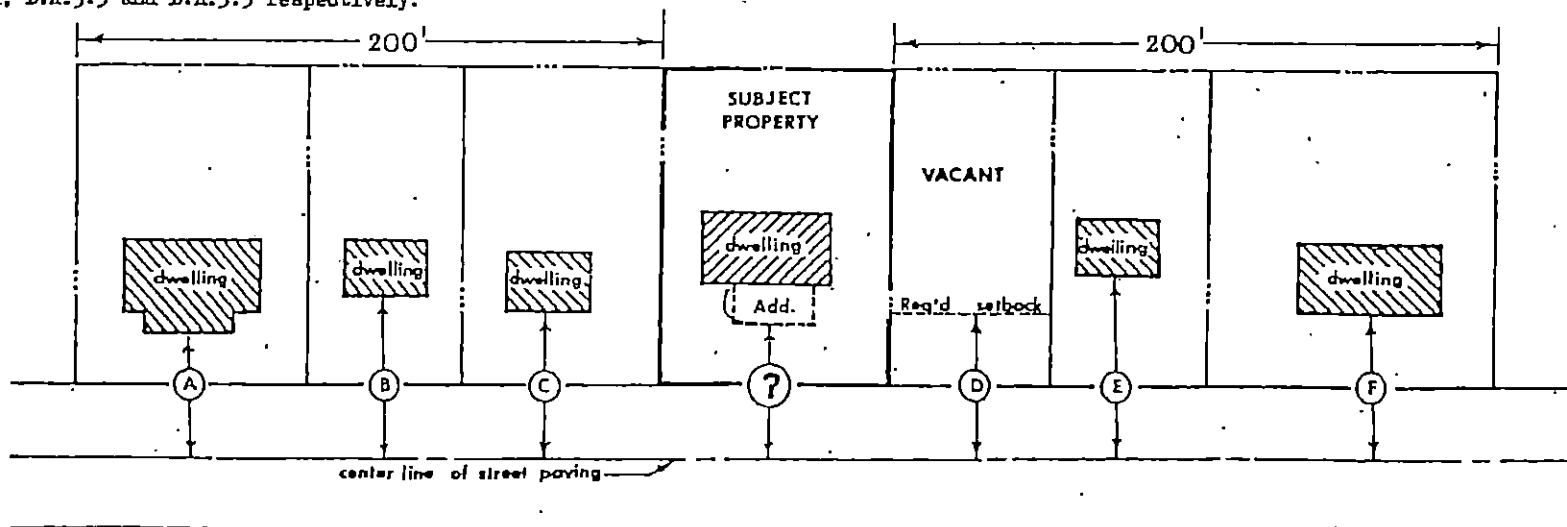
A _____ FT.
B _____ FT.
C 48.4 FT.
D 27.0 FT.
E _____ FT.
F _____ FT.

applicant's name _____
building address _____
date _____

TOTAL: $(75.4) \div (2) = 37.7'$
of dwellings REQUIRED FRONT SETBACK (averaged)

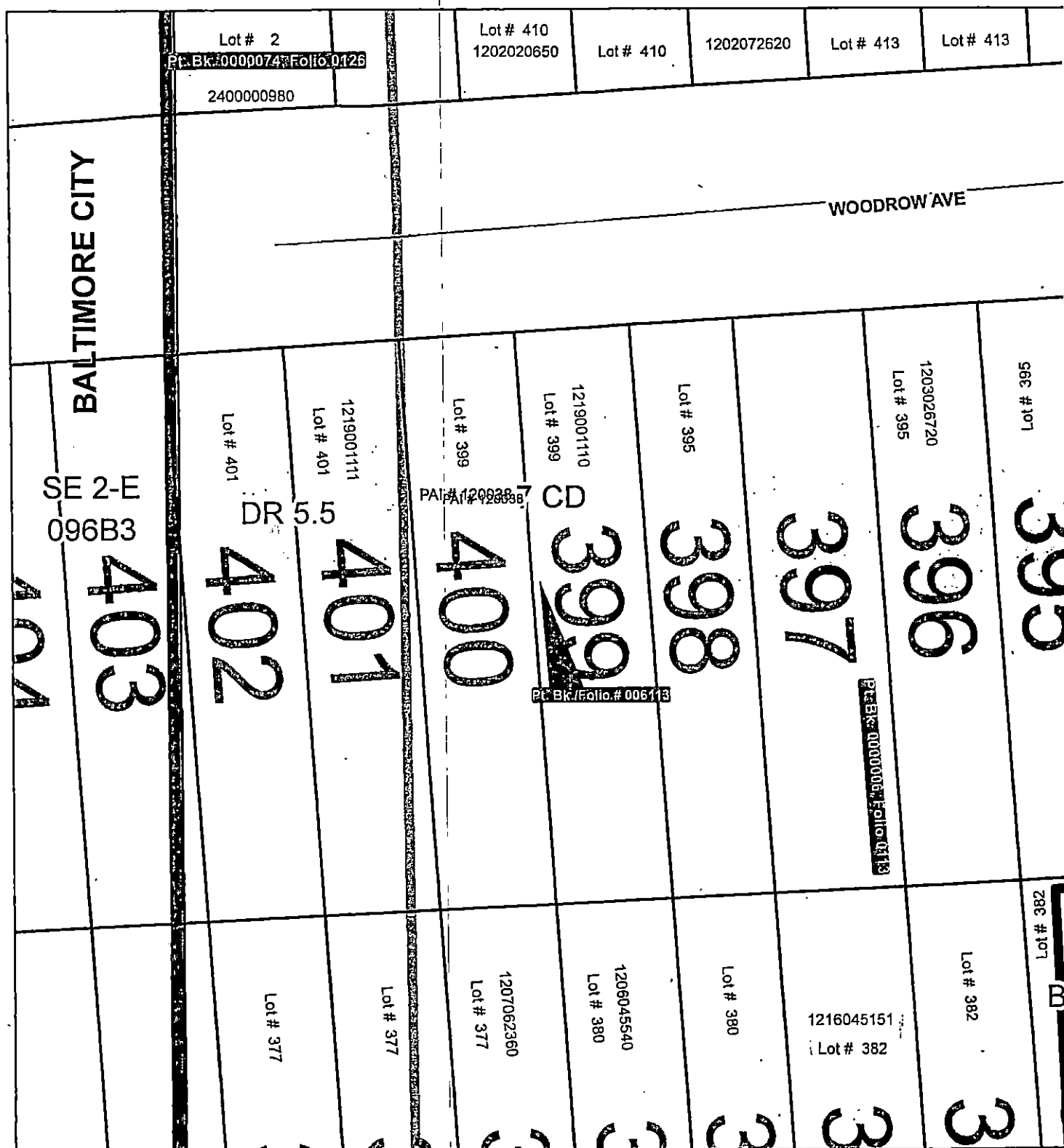
NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.
D.R.3.5- 55 ft.
D.R.5.5- 50 ft.



Item #0003

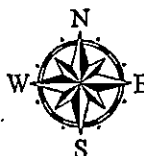
Woodrow Avenue



Publication Date: 6/22/2016



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



0 5 10 20 30 40 Feet

1 inch = 30 feet

Item # 0003



KEVIN KAMENETZ
County Executive

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

September 8, 2016

Michael C Lam
2709 Louise Avenue
Baltimore MD 21214

RE: Case Number: 2017-0003 A, Address: 6803 Woodrow Avenue

Dear Mr. Lam:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 6, 2016. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Ebenezer Olarewaju, 3607 Langehr Road, Baltimore MD 21244

§ 501.2

§ 501.7

§ 501.2. Quorum.

Two members of the Board of Zoning Appeals shall constitute a quorum. All decisions of the Board shall be concurred in by at least two members thereof.

§ 501.3. Meetings; hearings.

Meetings of the Board shall be held from time to time upon the call of the Zoning Commissioner. All hearings before the Board shall be open to the public. The Board shall prescribe rules and regulations for the conduct of hearings before it.

§ 501.4. Right to employ experts, summon witnesses and administer oaths; record of proceedings. [Bill No. 122-2010]

The Board shall have the right to employ such technical, expert and other assistance as in its judgment may be necessary to aid in the proper investigation and determination of any questions pending before it. It shall have the right and power to summon and compel the attendance of witnesses before it and to administer oaths. It shall keep minutes of its proceedings and shall maintain, in the office of the Department of Permits, Approvals and Inspections, a public record of all proceedings before it.

§ 501.5. Record of testimony.

It shall cause an accurate record to be made of all testimony presented at hearings before it and shall have said record transcribed whenever called upon to do so as hereinafter set forth. Upon an appeal from said Board or upon any order or writ of the Circuit Court for Baltimore County, the Board shall submit to the court the original or certified copies of all papers in connection with such proceeding as may have been filed with it together with a transcript of the testimony taken before the said Board, but only after payment of the reasonable cost thereof shall have been received, by the Zoning Commissioner, from the party entering such appeal.

§ 501.6. Appeals from Zoning Commissioner.

Appeals from the Zoning Commissioner shall be heard by the Board of Zoning Appeals de novo. At such hearing, all parties, including the Zoning Commissioner, shall have the right to be represented by counsel, to produce witnesses and to file and submit all proper oral or written evidence.

§ 501.7. Affirming, modifying or reversing of decisions.

The decision and order of the Board of Zoning Appeals may affirm or reverse in whole, or in part, any decision or order of the Zoning Commissioner, or may modify the order appealed from and direct the issuance of a permit for such modified use as it may deem proper, subject, however, to zoning regulations and restrictions.

**Petitioner
CBA Exhibit**

§ 303.1

nonresidential pr
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Order Instructions

§ 304.2

ified therefor

§ 303.2. Standards for B.L., B.M. and B.R. Zones.

In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.

SECTION 304
Use of Undersized Single-Family Lots
[BCZR 1955; Bill No. 47-1992]

§ 304.1. Types of dwellings allowed; conditions. [Bill Nos. 64-1999; 28-2001]

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

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

§ 304.2. Building permit application. [Bill Nos. 122-2010; 55-2011]

- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits, Approvals and Inspections, at the time of application for a building permit, plans sufficient to allow the Department of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Department of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
- B. At the time of application for the building permit, as provided above, the Director of Permits, Approvals and Inspections shall request comments from the Director of the Department of Planning (the "Director"). Within 15 days of receipt of a request from the Director of Permits, Approvals and Inspections, the Director shall provide to the



Petitioner
CBA Exhibit

6A

POT 6



Petitioner
CBA Exhibit
63



Petitioner
CBA Exhibit

62



Petitioner
CBA Exhibit

D



Petitioner
CBA Exhibit
66

6800 WOODROW



6805 WOODROW



6803 WOODROW

Petitioner
CBA Exhibit

F



Petitioner
CBA Exhibit

68

Petitioner
CBA Exhibit

CB 6H

6834 FAIT AVE.
REAR



Petitioner
CBA Exhibit

6I

6836 FAIT AVE
REAR



65



IN THE MATTER OF
MICHAEL C. LAM - PETITIONER
6803 Woodrow Avenue
Baltimore, MD 21224

Re: Petition for Variance

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 17-003-A

* * * * *

REMAND ORDER

This matter comes before this Board on appeal of the denial by the Administrative Law Judge (“ALJ”) as contained in the Opinion and Order dated September 19, 2016 regarding a Petition for Variance from §§1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed single family dwelling to be on a parcel 50’ wide and have a front yard setback of 31’ in lieu of the required 55’ and front yard average of 37.7’, respectively, and from the denial by the ALJ of a Motion for Reconsideration dated October 12, 2016.

On or about November 22, 2016, the Petitioner, Michael C. Lam, (“Mr. Lam”) filed with this Board, *pro se*, a document styled “Amendment to Petition for Zoning Hearing” (the “Amended Petition”). In the Amended Petition, Mr. Lam sought relief under BCZR §304 entitled “Use of Undersized Single-Family Lots” (a “304 Case”).

This Board held a *de novo* hearing on December 15, 2016. Mr. Law appeared *pro se*. Peter Max Zimmerman, People’s Counsel for Baltimore County, attended the hearing. Also in attendance were Protestants David Dannenman and Frank Jording. Following the hearing, the Board publically deliberated.

Decision

Prior to the Board’s deliberation, People’s Counsel advised the Board that a 304 case involves

-AM'S
-YARD
#1
(3 PAGES)

a process which is separate and apart from a request for variance relief under BCZR §307. People's Counsel further advised that this Board would not have jurisdiction to consider a 304 Case without the appropriate application having first been filed, and proper procedures having been followed, as set forth in BCZR §304 *et seq.* We agree.

Consistent with the Majority Opinion as written *In the Matter of Carol Lynn Morris/C.G. Homes*, Case No.: 15-302-SPHA, this Board's authority to hear a case *de novo* is an exercise of appellate jurisdiction rather than original jurisdiction. *Halle Companies v. Crofton Civic Ass'n*, 339 Md. 131, 143; 661 A.2d 682, 687-88 (1995). See also *Hardy v. State*, 279 Md. 489, 492, 369 A.2d 1043, 1046 (1977).

Mr. Lam and People's Counsel consented to this Board issuing the instant Remand Order such that this case would be remanded to the ALJ with instructions to remand this case to the appropriate County agencies as designated in BCZR §304. Mr. Lam agreed to file the application for a 304 case and to follow the proper procedures as set forth in BCZR §§304.2, 304.3, 304.4, 304.5 and if necessary, 304.6. Mr. Lam further understood and acknowledged that this Remand Order is *not* an approval to obtain a building permit under BCZR §304, but rather a procedural necessity to commence a 304 Case.

③ People's Counsel and the Protestants agreed that when the case is heard on the merits, they would not object to the filing of a 304 Case on any procedural grounds, including *res judicata* and *collateral estoppel*.

ORDER

Upon consideration of the arguments of the Parties at the hearing, it is this 12th day of

January, 2017, by the Board of Appeals of Baltimore County,

ORDERED that said above-captioned case be, and it is hereby **REMANDED** to the

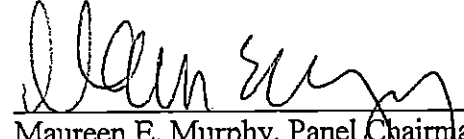
In the matter of: Michael Lam
Case No: 17-003-A

Administrative Law Judge with instructions to **REMAND** the case to the appropriate County agencies as set forth in BCZR §304; and it is further,

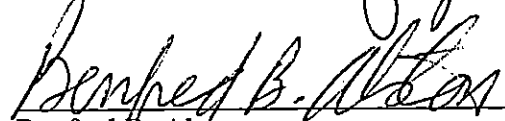
1 **ORDERED**, that Mr. Lam shall file the appropriate application and follow the proper procedures as set forth in BCZR §304.2, §304.3, §304.4, §304.5 and if necessary, §304.6 on appeal to this Board; and it is further,

2 **ORDERED**, that neither People's Counsel nor the Protestants shall oppose the 304 Case any procedural grounds, including *res judicata* and *collateral estoppel*.

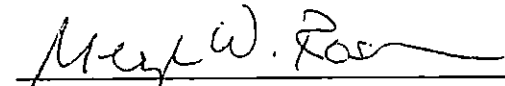
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Maureen E. Murphy, Panel Chairman



Benfred B. Alston



Meryl W. Rosen

LAM'S
EXHIBIT
#2
(3 PAGES)

IN RE: **PETITION FOR SPECIAL HEARING** *
 (6803 Woodrow Avenue) *
 12th Election District *
 7th Council District *
 Michael C. Lam *
 Legal Owner *
 Isaac Gheiger *
 Contract Purchaser *
 Petitioners *

Petitioner
CBA Exhibit *g*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0335-SPH

* * * * *

OPINION AND ORDER

① This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Michael C. Lam, legal owner, and Isaac Gheiger, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a dwelling to be constructed on an undersized lot.

→ ② Michael Lam and David Billingsley appeared in support of the petition. The adjoining neighbors at 6801 Woodrow Avenue opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies, although the Department of Planning noted it "has no objection to granting the petitioned zoning relief."

The property was previously the subject of Case No. 2017-0003-A, wherein Petitioners requested variance relief under B.C.Z.R. §307 to construct a single-family dwelling on this unimproved lot. The variance request was denied, and an appeal was filed by Petitioners. The County Board of Appeals (CBA) did not decide the case, but instead remanded it to the OAH with instructions to transfer the case to the Department of Permits, Approvals and Inspections so

Petitioners could file an application for an undersized lot approval. The Petitioners filed the application and a public hearing was then scheduled in the OAH.

① While it is true the variance was denied in the prior case, this is not a variance petition. Instead, this is a request under B.C.Z.R. §304 which concerns the use of undersized lots. The court of special appeals has stressed an applicant under §304 does not need to establish uniqueness and/or special circumstances, which are required in a variance case. *Mueller v. People's Counsel*, 177 Md. App. 43, 87 (2007) ("B.C.Z.R. § 304 does not contain elements of practical difficulty or uniqueness, which are embodied in § 307"). That regulation provides in pertinent part as follows:

§304.1. Types of dwellings allowed; conditions

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

A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;

B. All other requirements of the height and area regulations are complied with; and

C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Addressing these in sequence, the lots here were created by a plat recorded in 1917. Petitioners' Exhibit 6. The Petitioners are not requesting any variances for height or yard setbacks. As such, "all other requirements of the height and area regulations are complied with," per B.C.Z.R. § 304.1. B. Finally, the owners do not own any other land adjoining the subject property, and thus B.C.Z.R. §304.1.C. is satisfied.

I can certainly understand the neighbors' concerns, and if I lived in the community I too would not want a house to be constructed on this lot, which has been vacant for many years. But I am obligated to enforce the zoning regulations as they are written, and B.C.Z.R. §304 (relied upon by Petitioners) provides an alternate methodology to construct a dwelling on an undersized lot. Distilled to its essence, the only deficiency which prevents Petitioners from constructing a

dwelling by right is the lot width (i.e., 50 ft. in lieu of the required 55 ft.), and B.C.Z.R. §304 provides the authority to build a home on such a lot.

① THEREFORE, IT IS ORDERED this 3rd day of **August, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to permit a dwelling to be constructed on an undersized lot, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

LAM'S
EXHIBIT
3
(1 PAGE)

August 31, 2017

I David Dannenman request an appeal
on property 6803 Woodrow Ave Balto. MD.
21224 Case No. 2017-335-SPH

Petitioner
CBA Exhibit
9

RECEIVED
AUG 31 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

Petitioner
CBA Exhibit

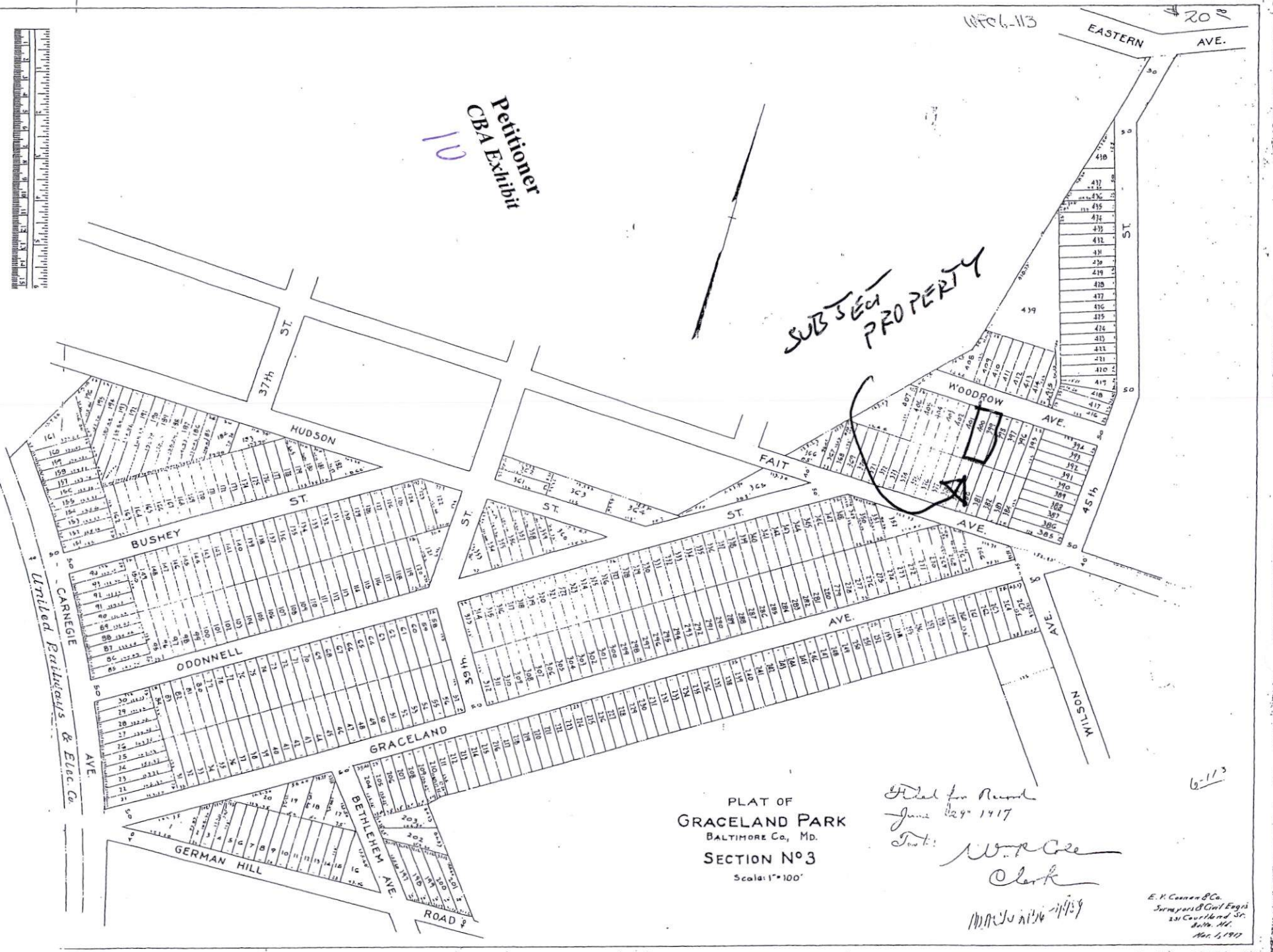
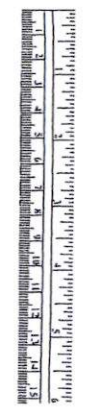
10

SUBJECT
PROPERTY

PLAT OF
GRACELAND PARK
BALTIMORE Co., MD.
SECTION N^o 3
Scale: 1"=100'

Filed for Record
June 29th 1917
Test: *W. P. Cee*
Clerk
W. P. Cee 6/13/17

E. K. Conner & Co.
Surveyors & Civil Eng'rs
231 Courtland St.
Baltimore, Md.
Mar. 1, 1917



Real Property Data Search

Search Result for BALTIMORE COUNTY

LAM'S
EXHIBIT
D
(PAGE)

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1203026720			
Owner Information					
Owner Name:	JORDING FRANK JORDING REGINA C		Use:	RESIDENTIAL	
Mailing Address:	6805 WOODROW AVE BALTIMORE MD 21224-3041		Principal Residence:	YES	
			Deed Reference:	/16954/ 00712	
Location & Structure Information					
Premises Address:		6805 WOODROW AVE 0-0000		Legal Description:	LT 395-398 6805 WOODROW AVE GRACELAND PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0096	0021	0200		0000	3
					Block:
					395
					Assessment Year:
					2018
					Plat No:
					Plat Ref: 0006/0113
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1970		1,344 SF		12,500 SF	
				Property Land Area	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	BRICK	2 full/ 1 half	1 Attached
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2015		07/01/2017	
				As of	
				07/01/2018	
Land:	63,600	63,600			
Improvements	94,200	94,200			
Total:	157,800	157,800		157,800	
Preferential Land:	0				
Transfer Information					
Seller: CHAWLITKO CELIA		Date: 10/17/2002		Price: \$115,000	
Type: ARMS LENGTH IMPROVED		Deed1: /16954/ 00712		Deed2:	
Seller: CHAWLITKO FRANK P		Date: 06/25/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /16562/ 00612		Deed2:	
Seller: BUZGIERSKI STEPHEN P & IRENE		Date: 12/26/1968		Price: \$6,000	
Type: ARMS LENGTH IMPROVED		Deed1: /04950/ 00699		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2017	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 03/29/2010					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Petitioner
CBA Exhibit

11

Real Property Data Search

Search Result for BALTIMORE COUNTY

HAM!
 EXHIBIT
 # 6
 (1 PAGE)

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1219001111			
Owner Information					
Owner Name:	DANNENMAN DAVID DANNENMAN TERESA		Use:	RESIDENTIAL	
Mailing Address:	6801 WOODROW AVE BALTIMORE MD 21224-		Principal Residence:	YES	
			Deed Reference:	/30890/ 00282	
Location & Structure Information					
Premises Address:		6801 WOODROW AVE BALTIMORE 21224-		Legal Description:	LT 401,402 6801 WOODROW AVE GRACELAND PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0096	0021	0200		0000	3 401 2018 0006/0113
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1921		1,128 SF		6,250 SF	
				Property Land Area	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE	2 full	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of		
		01/01/2015	07/01/2017		
			As of		
			07/01/2018		
Land:	62,000	62,000			
Improvements	106,500	106,500			
Total:	168,500	168,500	168,500		
Preferential Land:	0				
Transfer Information					
Seller: QUICK HOME SOLUTION LLC		Date: 06/09/2011		Price: \$177,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /30890/ 00282		Deed2:	
Seller: SAFCHUCH PAUL L		Date: 09/01/2009		Price: \$65,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /28590/ 00005		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2017		07/01/2018
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00		0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Petitioner
 CBA Exhibit
 12

Real Property Data Search

Search Result for BALTIMORE COUNTY

LAM
EX #1
#1
(PAGE)

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1219001110			
Owner Information					
Owner Name:		LAM MICHAEL C		Use:	RESIDENTIAL
Mailing Address:		2709 LOUISE AVE BALTIMORE MD 21214-1213		Principal Residence:	NO
				Deed Reference:	/26526/ 00507
Location & Structure Information					
Premises Address:		WOODROW AVE 0-0000		Legal Description:	LT 399,400 TXSLE 03-C-06-010164 GRACELAND PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0096	0021	0200		0000	3
		Block:	Lot:	Assessment Year:	Plat No:
			399	2018	Plat Ref: 0006/0113
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area
					6,250 SF
					County Use
					04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2017	07/01/2018
Land:		6,200	6,200		
Improvements		0	0		
Total:		6,200	6,200	6,200	
Preferential Land:		0			
Transfer Information					
Seller: SAFCHUCH PAUL L		Date: 12/28/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26526/ 00507		Deed2:	
Seller: HAPPEL F		Date: 05/26/1947		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /01562/ 00230		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2017	07/01/2018
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00	0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Petitioner
CBA Exhibit

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Board of Appeals

Case No: 17-355-SPH Case Name: Michael Lam

Exhibit List

Party: Protestant (Donald Pennemon) Date: 10/25/17

[illegible]

PETITIONER'S EXHIBITS

**6803 WOODROW AVENUE
CASE NO. 2017-0335-SPH**

Den
8-3-17

1. PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING REVISED JUNE 6, 2017
2. SDAT REAL PROPERTY DATA SEARCH
3. DEED OF RECORD L.26526 F.507 DATED NOV. 26, 2007
4. DEED DATED MAY 23, 1947 L.1562 F.230 TO PAUL SAFCHUCK (TITLE TO LOTS 399 & 400)
5. DEED DATED JULY 13, 1946 L.1483 F.35 TO PAUL SAFCHUCK (TITLE TO LOTS 401 & 402)
6. PLAT OF GRACELAND PARK P.B. 6 F. 113 RECORDED JUNE 29, 1917
7. AERIAL PHOTO
- 8a – 8c. PHOTOS

Real Property Data Search (w2) Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1219001110			
Owner Information					
Owner Name:		LAM MICHAEL C		Use:	RESIDENTIAL
Mailing Address:		2709 LOUISE AVE BALTIMORE MD 21214-1213		Principal Residence:	NO
				Deed Reference:	/26526/ 00507
Location & Structure Information					
Premises Address:		WOODROW AVE 0-0000		Legal Description:	LT 399,400 TXSLE 03-C-06-010164 GRACELAND PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0096	0021	0200		0000	3 399
				Assessment Year:	Plat No:
				2015	0006/0113
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				6,250 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		6,200	6,200		
Improvements		0	0		
Total:		6,200	6,200	6,200	6,200
Preferential Land:		0			0
Transfer Information					
Seller: SAFCHUCH PAUL L		Date: 12/28/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26526/ 00507		Deed2:	
Seller: HAPPEL F		Date: 05/26/1947		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /01562/ 00230		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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					

3. The Baltimore County Department of Planning and Economic Development hereby certifies that the information contained herein is true and correct to the best of its knowledge and belief. While we have confidence in

PETITIONER'S
EXHIBIT NO. 2

After recording, return to
Michael C. Lam
2709 Louise Avenue
Baltimore, Maryland 21214

0026526 507

TAX SALE DEED

THIS TAX SALE DEED, made this 26th day of NOVEMBER 2007, by and between **Keith Dorsey, Director of Office of Budget and Finance for Baltimore County and Collector of State and County Taxes**, party of the first part ("Grantor"); and **Michael C. Lam**, party of the second part ("Grantee").

WITNESSETH, Whereas, State and County taxes on the lot of ground hereinafter described, having been due and unpaid, the Director of Office of Budget and Finance for Baltimore County and Collector of State and County Taxes, after having given due notice and having complied with all other prerequisites provided by law, did sell the hereinafter referred to property on June 2, 2005, to **Michael C. Lam**; and

WHEREAS, the said property has not been redeemed and the purchase money and all taxes and other municipal liens, and interest and penalty thereon accruing since the date of tax sale having been paid; and

WHEREAS, by Decree of the Circuit Court for Baltimore County dated 09/24/2007, it was ordered that a fee simple title to the said property should vest in Michael C. Lam, as will more fully appear from proceedings relating thereto, entitled:

Michael C. Lam, Plaintiff

Vs

(03-C-06-010164)

Paul Safchuch, et al, Defendants

NOW, THEREFORE, THIS DEED WITNESSETH that in consideration of One Hundred Eight-Three and 38/100 **Dollars (\$183.38)**, the receipt of which is hereby acknowledged, the said Keith Dorsey, Director of Office of Budget and Finance for Baltimore County and Collector of State and County Taxes, by virtue and in pursuance of the power and authority in him vested, does grant and convey unto grantee, in fee simple, all that lot of ground situate, lying or being in the 12th District of Baltimore County, State of Maryland, Parcel No. 1219001110, and known as Woodrow Avenue Lots 399, 400 on the Tax Rolls of the Director of Budget and Finance.

TOGETHER with the buildings and improvements thereupon, and all the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises described hereinafter unto and to the use of said Grantee, and his heirs and assigns, in fee simple.

PETITIONER'S
EXHIBIT NO. 3

RECEIVED

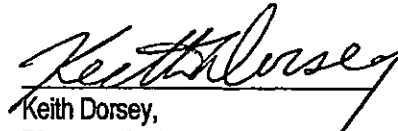
OCT 31 2007

LAW OFFICE

WITNESSETH the hand of Grantor.

WITNESS:



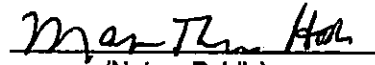


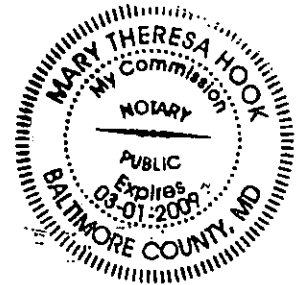
Keith Dorsey,
Director of Office of Budget and Finance for Baltimore
County and Collector of State and County Taxes

STATE OF MARYLAND)
CITY OF BALTIMORE) to wit:

I HEREBY CERTIFY, that on this 26th day of November, 2007 before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Keith Dorsey, Director of Office of Budget and Finance for Baltimore County and Collector of State and County Taxes, the Grantor named in the foregoing Deed, and acknowledged the said Deed to be his act, and in my presence signed the same.

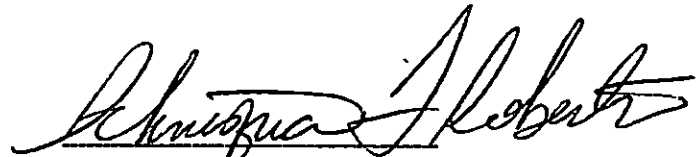
IN WITNESS WHEREOF, I hereunto set my hand and official seal.


(Notary Public)

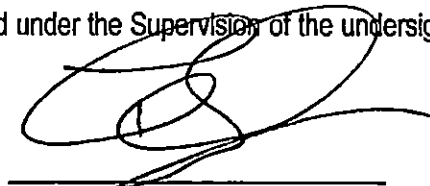


My Commission expires:

APPROVED as to form and Legal sufficiency this _____ day of _____, 2007.


Assistant County Attorney

Pursuant to Real Property §3-104, this Deed was prepared under the Supervision of the undersigned State of Maryland Attorney.


Anthony C. Onwuanibe, Esquire

Michael C. Lam

Plaintiff

v.

Paul Safchuck, et al.

Defendants

* IN THE

* CIRCUIT COURT

* FOR

* BALTIMORE COUNTY

* CASE NO.: 03-C-06-010164

AMENDED JUDGMENT FORECLOSING RIGHT OF REDEMPTION

The Proceedings in the captioned case having been read and considered, the Court finds that all known defendants were personally served or were given notice in accordance with Maryland Code Annotated, Tax - Property Article, Section 14-839 (a)(4) and also were notified by an Order of Publication issued out of this Honorable Court, and no redemption has been made by any party in interest. Therefore, it is this 24th day of Sept, 2007.

ORDERED that judgment be and is hereby entered in favor of Plaintiff foreclosing the right of redemption in the property located in the District 12 of Baltimore County and described as Parcel No.: 1219001110, known as Woodrow Avenue, LT 399,400 on the Tax Rolls of the Director of Finance.

ORDERED that plaintiff is vested with an absolute and indefeasible Fee Simple title, free and clear of all alienation and descents of the property occurring before the date of the judgment and encumbrances on the property, except taxes and municipal liens that have accrued after the date of the sale and easements of record and any other easement to which the property are subject that may be observed by an inspection of the property;

AND IT IS FURTHER ORDERED that the Director of Finance shall execute a Deed to the Plaintiff, his successors and assigns, in accordance herewith, upon payment to the said Collector of the balance of the purchase price due on account of the purchase of the above described property, together with all taxes and interest and penalties that have accrued thereon subsequent to the date of sale.

AND IT IS FURTHER ORDERED that the Supervisor of Assessments of Baltimore County shall enroll plaintiff as the Fee Simple owner of the above described property.

Patricia Conroy
Judge

True Copy Test
SUZANNE MENSCH, Clerk

Per *Patricia Conroy*
Deputy Clerk

FILED OCT 04 2007



BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF TAX SALE

I, Fred Homan, Director of the Office of Budget and Finance for Baltimore County and Collector of State and County Taxes for said County, hereby certifies that on 6/2/2005, I sold to Michael C. Lam

at public auction, for the sum of \$183.38 of which \$183.38 has been paid.

Said property having been assessed to SAFCHUCH PAUL L located in the District 12 of Baltimore County, described as follows, that is to say:

Parcel No.: 1219001110 Known as: WOODROW AVE
LT 399,400

The amount paid represents the total amount of taxes due on the property sold at the time of sale, together with interest and penalties thereon and expenses incurred in making the sale. The property described herein is subject to redemption. Upon redemption, the holder of this certificate will be refunded the sums paid on account of the purchase price together with interest thereon at the rate of twelve (12) percent per annum from the date of payment to the date of redemption together with all other amounts specified by The Tax Property Article, Annotated Code of Maryland. The balance due on account of the purchase price and all taxes together with interest and penalties thereon accruing subsequent to the date of sale must be paid to the Collector before a deed can be delivered to the purchaser.

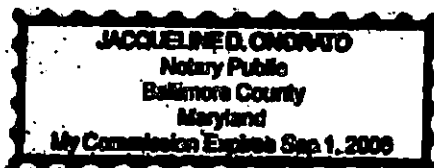
After December 2, 2005, a proceeding can be brought to foreclose all rights of redemption in the property. This certificate will be void unless such proceeding is brought within two years from the date of this certificate.

WITNESS my hand and seal, this Second day of June, 2005.

Director of the Office of Budget and
Finance and Collector of State and
County Taxes for Baltimore County

State of Maryland, County of Baltimore, To Wit:

I, HEREBY CERTIFY that on this Second day of June in the year 2005, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared Fred Homan, Director of the Office of Budget and Finance for Baltimore County and Collector of State and County Taxes for said County, and he did acknowledge the foregoing Certificate of Tax Sale to be his act.



Notary Public

00 526 511

State of Maryland Land Instrument Intake Sheet

[X] Baltimore City [] County:

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.
(Type or Print in Black Ink Only All Copies Must Be Legible)

1	Type(s) of Instruments	([] Check Box if Addendum Intake Form is Attached.)			
		1 Deed	Mortgage	Other	Other
		Deed of Trust	Lease		
2	Conveyance Check Box	X Improved Sale	Unimproved Sale	Multiple	Not an Arms-Length Sale []
		Arms-Length [1]	Arms-Length [2]	Arms Length [3]	
3	Tax Exemptions (if Applicable)	Recordation			
	Cite or Explain Authority	State Transfer			
		County Transfer			
4	Consideration and Tax Calculations	Consideration		Amount	
		Purchase Price/Consideration	\$	138.38	
		Any New Mortgage	\$		
		Balance of Existing Mortgage	\$		
		Other:	\$		
		Other:	\$		
		Full Cash Value	\$		
		Finance Office Use Only			
		Transfer and Recordation Tax Consideration			
		Transfer Tax Consideration		\$	
		x () %		=	\$
		Less Exemption Amount		=	\$
		Total Transfer Tax		=	\$
		Recordation Tax Consideration		=	\$
		x () per \$500		=	\$
		TOTAL DUE		=	\$
5	Fees	Amount of Fees		Doc. 1	
		Recording Charge	\$	35.00	
		Surcharge	\$	5.00	
		State Recordation Tax	\$	0.00	
		State Transfer Tax	\$	0.00	
		County Transfer Tax	\$	0.00	
		Other	\$		
		Other	\$		
		Agent:			
		Tax Bill:			
		C.B. Credit:			
		Ag. Tax/Other:			
6	Description of Property	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map
		12	12-19-001110	1562/230	96
		Subdivision Name		Lot (3a)	Block(3b)
				399	3
		Sect/AR(3c)		Plat Ref.	SqFt/Acreage(4)
					6/113
		Location/Address of Property Being Conveyed (2)			
		Woodrow Avenue			
		Other Property Identifiers (if applicable)		Water Meter Account No.	
		Residential [X] or Non-		Fee Simple [X] or Ground Rent []	Amount: \$N/A
		Partial Conveyance? [] Yes [X]		Description/Amt. of SqFt/Acreage Transferred:	N/A
		If Partial Conveyance, List Improvements Conveyed: N/A			
7	Transferred From	Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)	
		Keith Dorsey, Director of Office of Budget and Finance			
		Doc. 1 - Owner(s) of Record, if Different from		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)	
8	Transferred To	Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)	
		Michael C. Lam			
		New Owner's (Grantee) Mailing Address			
		2709 Louise Ave, Baltimore, MD 21214			
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed		Doc. 2 - Additional Names to be Indexed (Optional)	
				Countrywide Bank, FSB	
10	Contact/Mail Information	Instrument Submitted By or Contact Person			
		Name:			
		Firm: Law Offices of Anthony C. Onwuanibe			
		Address: 114 W. Mulberry St. Baltimore, MD 21201			
		Phone: Telephone: 410-779-7040 Fax: 410-779-7045			
		[X] Return to Contact Person			
		[] Hold for Pickup			
		[] Return Address Provided			
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER				
	Assessment Information	Yes [X] No	Will the property being conveyed be the grantee's principal residence?		
		Yes [X] No	Does transfer include personal property? If yes, identify:		
		Yes [X] No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)		
	Assessment Use Only - Do Not Write Below This Line				
	Transfer Number: [] Agricultural Verification [] Whole [] Part [] Tran. Process Verification				
	Date Received:	Deed Reference:	Assigned Property No.:		
	Geo.	Map	Sub	Block	
	Zoning	Grid	Plat	Lot	
	Use	Parcel	Section	Occ. Cd	
	Town Cd.	Ex. St.	Ex. Cd.		
	REMARKS				
	12/31/2007 12/28/2007 12/28/2007 15:30:25				
	BUSINESS ACTUAL				
	REVELATION				
	DUPLICATE PAID RECEIPT				

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 26526, p. 0511, MSA_CE62_26381 Date available 01/04/2008. Printed 07/29/2017.

07-11-14

L 1562 F 230
MAY 23, 1947

for value received the LEEDS FEDERAL SAVINGS AND LOAN ASSOCIATION releases the within mortgage and mortgage debt as witness the corporate seal of the said corporation and the signature of George S M Kieffer its president this 20th day of July 1951

attest R W Bratton secy LEEDS FEDERAL SAVINGS AND LOAN ASSOCIATION BY GEORGE S M KIEFFER PRESIDENT
rec Aug 2 1951 at 10 AM & exd per George L Byerly clerk rec map

14007

Frederick W Happel et al

Deed to

Paul Safchuck et al

USS \$.55 SS \$.50

THIS DEED Made this 23rd day of May in the year

year one thousand nine hundred and forty-seven

by and between FREDERICK W HAPPEL also called

FREDK W HAPPELL AND MARY R HAPPEL his wife of

Baltimore City in the State of Maryland of the

first part and PAUL SAFCHUCK and Deermeedia L

Safchuck his wife of Baltimore County in the State of Maryland of the second part

Delvd to
Nathan E
Johnson
May 26 1947

Witnesseth that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations receipt whereof is hereby acknowledged the said Frederick W Happel and Mary R Happel his wife do grant and convey unto the said PAUL SAFCHUCK and Deermeedia L Safchuck his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor in fee simple all those lots or parcels of ground situate in Baltimore County State aforesaid and being the same lots of ground mentioned and described as Lots Nos 399 and 400 in Section three (3) as laid down on a plat of Graceland Park recorded among the Plat Records of Baltimore County in Plat Liber W P C No 103

Together with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To Have and To Hold the said lots 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 Paul Safchuck and Deermeedia L Safchuck his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor 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 granted and that they will execute such further assurances of the same as may be requisite

Witness the hands and seals of said

TEST

MILNER SALTZ

PETITIONER'S
EXHIBIT NO. 4

TEST

John W Nash

(SEAL)

Edward F Dobihal

Mary E Nash

(SEAL)

STATE OF MARYLAND CITY OF BALTIMORE to wit

I HEREBY CERTIFY that on this 12th day of July 1946 before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared John W Nash and Mary E Nash his wife the within named mortgagors and they acknowledged the foregoing mortgage to be their act At the same time also appeared Frank J Hejny President of the within named corporate body 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

AS WITNESS my hand and Notarial Seal

(Notarial Seal)

Edward F Dobihal

Notary Public

Recorded July 15 1946 at 9:30 A M & exd per

Robert J Spittel

Clerk

Rec by L F

Exd by T&K

L. 1483 F 35
JULY 13, 1946

PETITIONER'S
EXHIBIT NO. 5

119082 : THIS DEED made this 13th day of July in the year one thou-
Clemence J Bornhorn : sand nine hundred and forty-six between Clemence J Born-
Deed to : horn unmarried of Baltimore County in the State of Mary-
Paul L Safchuck & wife : land of the first part and Paul L Safchuck and Deermeedia
U S \$4.40 St \$3.80 : Safchuck his wife of the same County and State of the
----- : second part

WITNESSETH that in consideration of the sum of Five Dollars and of other good and valuable considerations the receipt whereof is hereby acknowledged the said Clemence J Bornhorn does grant and assign unto the said Paul L Safchuck and Deermeedia Safchuck his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of the survivor forever in fee simple all that lot or parcel of ground situate in Baltimore County State of Maryland and described as follows that is to say

BEING all those two lots of ground known and designated as Lots Nos 401 and 402 Section 3 as laid down on the Plat of Graceland Park which plat is recorded among the

SEP 17 1946

Plat Records of Baltimore County in Plats Liber W P C No 6 folio 113 Known as No 6801
Woodrow Avenue

BEING the same property which by Deed dated the 28th day of February 1944 and recorded among the Land Records of Baltimore County in Liber R J S No 1335 folio 44 etc was granted and conveyed by Adam C Bolleck and wife to said Clemence J Bornhorn

TOGETHER with the buildings thereupon and all the rights privileges and appurtenances thereto belonging

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said Paul L Safchuck and Deermesdia Safchuck his wife as tenants by the entirety their assigns the survivor of them and the heirs and assigns of the survivor forever in fee simple

AND the said Grantor hereby covenants that he has not done nor 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 will execute such further assurances of the same as may be requisite

WITNESS the hand and seal of said Grantor

TEST

Clemence J Bornhorn

(SEAL)

Willis A Myers

STATE OF MARYLAND CITY OF BALTIMORE to wit

I HEREBY CERTIFY THAT ON THIS 13th day of July in the year one thousand nine hundred and forty-six before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Clemence J Bornhorn the within named Grantor and acknowledged the foregoing Deed to be his act

WITNESS my hand and Notarial Seal

Willis A Myers

Notary Public

(Notarial Seal)

Recorded July 15 1946 at 9:45 A M & exd per

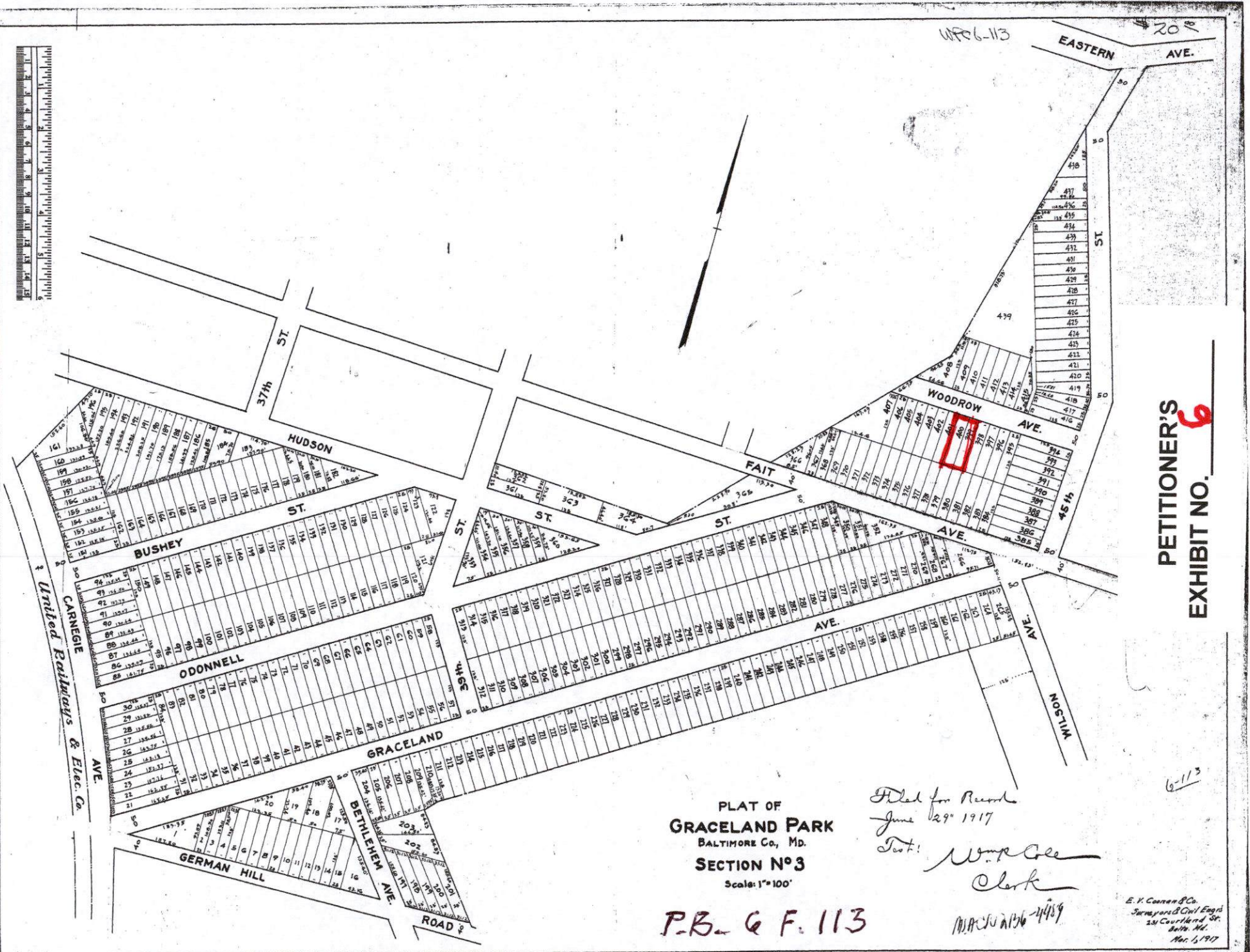
Robert J Spittel

Clerk

Rec by L F

Exd by T&K

119083 : THIS MORTGAGE made this 13th day of July in
Paul L Safchuck & wife : the year nineteen hundred and forty-six be-
Mortgage to : tween Paul L Safchuck and Deermesdia Safchuck
The Fireside Bldg Ass'n of Balto City : his wife of the City of Baltimore in the State
: of Maryland Mortgages and THE FIRESIDE BLDG
ASSOCIATION OF BALTIMORE CITY a body corporate of the City of Baltimore aforesaid duly
incorporated Mortgagee Whereas the said Mortgagors being members of the said body cor-
porate have received therefrom an advance of One thousand dollars on ten shares of its
stock being the full par value of said ten shares of stock when fully paid up and com-
pleted and being also part of the purchase price of the property hereinafter described
and whereas it was a condition precedent to granting said advance that these presents
should be executed to secure to the Mortgagee the payment of all sums of money at the
times and in the manner hereinafter mentioned and the performance of all covenants con-
ditions and agreements hereinafter expressed to be paid and performed on the part of



PETITIONER'S
EXHIBIT NO. **6**

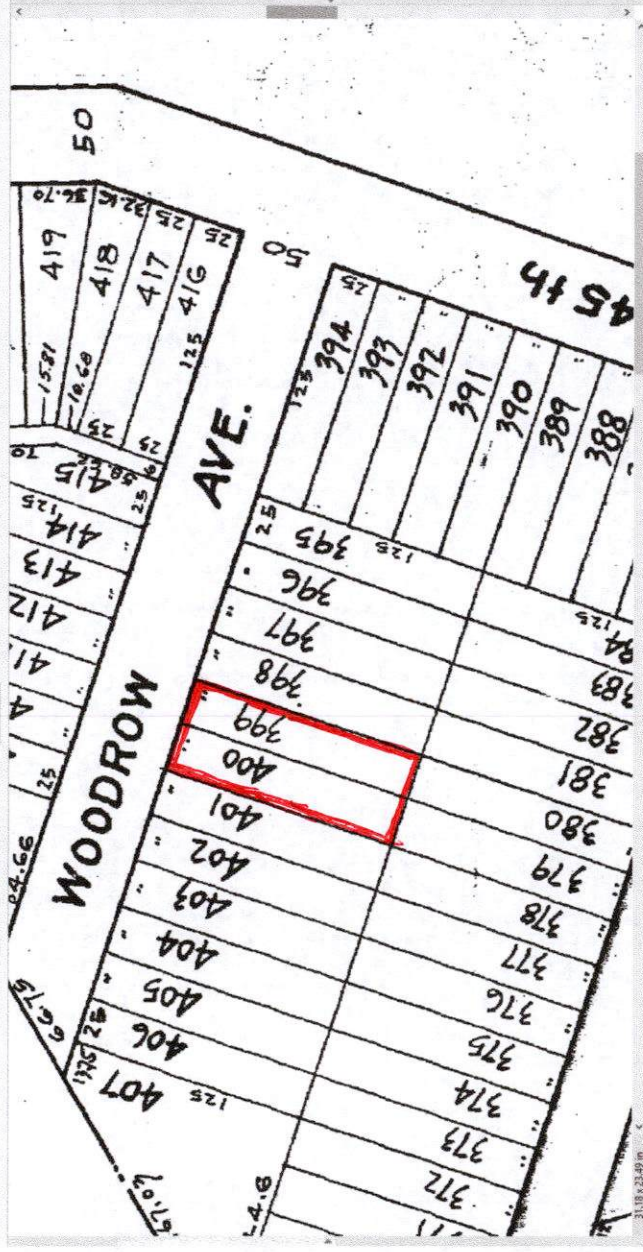
PLAT OF
GRACELAND PARK
BALTIMORE CO., MD.
SECTION N°3
Scale: 1"=100'

P.B. & F. 113

Filed for Record
June 29th 1917
Test: *Wm. C. Lee*
Clerk

WPC 6-113

E. K. Conner & Co.
Surveyors & Civil Engs.
25 Courtland St.
Baltimore, Md.
Mar. 1, 1917





PETITIONER'S
EXHIBIT NO. **7**

2112



a



b





Protestant
CBA Exhibit

4

August 31, 2017

I David Dannenman request an appeal
on property 6803 Woodrow Ave Balto. MD.
21224 Case No. 2017-335-SPH

RECEIVED

AUG 31 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

RECEIVED
AUG 8 1 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

IN RE: **PETITION FOR SPECIAL HEARING**

(6803 Woodrow Avenue)

12th Election District

7th Council District

Michael C. Lam

Legal Owner

Isaac Gheiger

Contract Purchaser

Petitioners

*

*

*

*

*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0335-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Michael C. Lam, legal owner, and Isaac Gheiger, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a dwelling to be constructed on an undersized lot.

Michael Lam and David Billingsley appeared in support of the petition. The adjoining neighbors at 6801 Woodrow Avenue opposed the request. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies, although the Department of Planning noted it "has no objection to granting the petitioned zoning relief."

The property was previously the subject of Case No. 2017-0003-A, wherein Petitioners requested variance relief under B.C.Z.R. §307 to construct a single-family dwelling on this unimproved lot. The variance request was denied, and an appeal was filed by Petitioners. The County Board of Appeals (CBA) did not decide the case, but instead remanded it to the OAH with instructions to transfer the case to the Department of Permits, Approvals and Inspections so

ORDER RECEIVED FOR FILING

Date

8/31/17

By

Den

Petitioners could file an application for an undersized lot approval. The Petitioners filed the application and a public hearing was then scheduled in the OAH.

While it is true the variance was denied in the prior case, this is not a variance petition. Instead, this is a request under B.C.Z.R. §304 which concerns the use of undersized lots. The court of special appeals has stressed an applicant under §304 does not need to establish uniqueness and/or special circumstances, which are required in a variance case. *Mueller v. People's Counsel*, 177 Md. App. 43, 87 (2007) ("B.C.Z.R. § 304 does not contain elements of practical difficulty or uniqueness, which are embodied in § 307"). That regulation provides in pertinent part as follows:

§304.1. Types of dwellings allowed; conditions

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

A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;

B. All other requirements of the height and area regulations are complied with; and

C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Addressing these in sequence, the lots here were created by a plat recorded in 1917. Petitioners' Exhibit 6. The Petitioners are not requesting any variances for height or yard setbacks. As such, "all other requirements of the height and area regulations are complied with," per B.C.Z.R. § 304.1. B. Finally, the owners do not own any other land adjoining the subject property, and thus B.C.Z.R. §304.1.C. is satisfied.

I can certainly understand the neighbors' concerns, and if I lived in the community I too would not want a house to be constructed on this lot, which has been vacant for many years. But I am obligated to enforce the zoning regulations as they are written, and B.C.Z.R. §304 (relied upon by Petitioners) provides an alternate methodology to construct a dwelling on an undersized lot. Distilled to its essence, the only deficiency which prevents Petitioners from constructing a

ORDER RECEIVED FOR FILING

Date 8/3/17

By Sen

dwelling by right is the lot width (i.e., 50 ft. in lieu of the required 55 ft.), and B.C.Z.R. §304 provides the authority to build a home on such a lot.

THEREFORE, IT IS ORDERED this 3rd day of **August, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to permit a dwelling to be constructed on an undersized lot, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 8/31/17
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 6803 WOODROW AVENUE which is presently zoned DRS.5
 Deed References: L.26526 F. 507 10 Digit Tax Account # 1219001110
 Property Owner(s) Printed Name(s) MICHAEL C. LAM

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

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

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve TO PERMIT A DWELLING TO BE CONSTRUCTED ON AN UNDERSIZED LOT PER SECT. 304 (BCZK)
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

JENMAR HOMES
ISSAC GHEILER

Name- Type or Print

Signature

3403 OLD POST DR. BALTO, MD.

Mailing Address City State

21208 (443)463-1216 etichig@aol.com

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):

MICHAEL C. LAM

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2709 LOUISE AVE BALTO MD.

Mailing Address City State

21214 443-506-7541 McLam2709@comcast.net

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD ST. EDGEWOOD, MD.

Mailing Address City State

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

Zip Code Telephone # Email Address

CASE NUMBER 2017-0335-SPN Filing Date 6/14/17

Do Not Schedule Dates: _____

Reviewer gh

REV. 10/4/11

ZONING DESCRIPTION

6803 WOODROW AVENUE

Beginning for the same at a point on the south side of Woodrow Avenue (50 feet wide), distant 251 feet westerly from its intersection with the centerline of 45TH Street, thence being all of Lots 399 and 400 as shown on the plat entitled Section 3, Graceland Park recorded among the Baltimore County plat record in Plat Book 6 Folio 113.

Containing 6,250 square feet or 0.143 acre of land, more or less.

Being known as 6803 Woodrow Avenue. Located in the 12TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2017-0335-SPH /

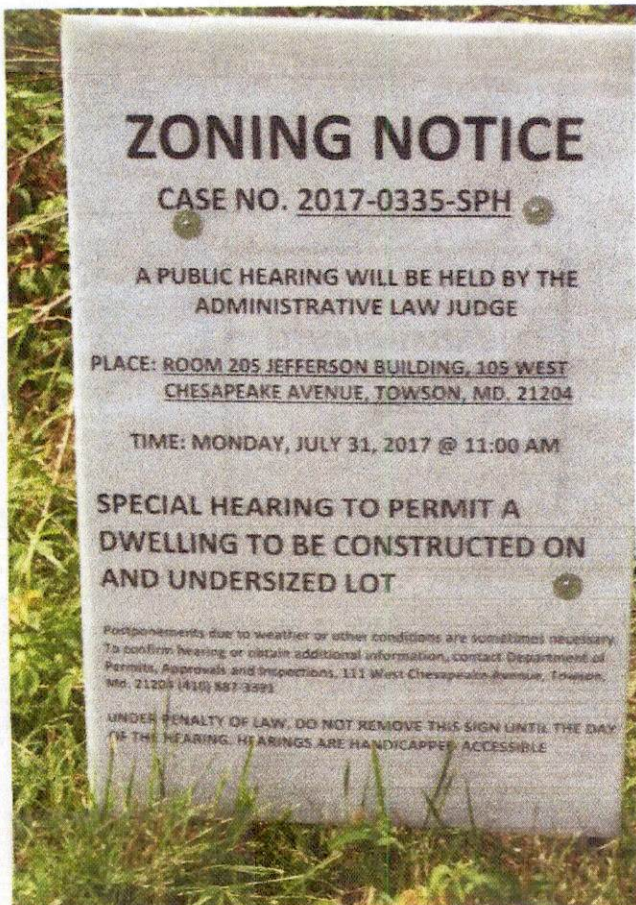
CERTIFICATE OF POSTING

Date: JULY 11, 2017

RE: Project Name: 6803 WOODROW AVENUE
Case Number /PAI Number: 2017-0335-SPH
Petitioner/Developer: JENMAR HOMES, ISSAC GHEILER
Date of Hearing/Closing: JULY 31, 2107

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 6803 WOODROW AVENUE

The sign(s) were posted on JULY 11, 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)



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 5059392

Sold To:

Jenmar Homes at Whiskey Bottom, LLC - CU00588058
3403 Old Post Dr
Pikesville, MD 21208-3120

Bill To:

Jenmar Homes at Whiskey Bottom, LLC - CU00588058
3403 Old Post Dr
Pikesville, MD 21208-3120

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

Jul 11, 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: # 2017-0335-SPH

6803 Woodrow Avenue
S/s Woodrow Avenue, 251 ft. W/of centerline of
Graceland Park

12th Election District - 7th Councilmanic District

Legal Owner(s) Michael C. Lam

Contract Purchaser(s): Jenmar Homes, Issac Gheiler

Special Hearing to permit a dwelling to be constructed on an undersized lot.

Hearing: Monday, July 31, 2017 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.

JT 7/636 July 11

5059392

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising



KEVIN KAMENETZ
County Executive

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

June 26, 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: 2017-0335-SPH

6803 Woodrow Avenue

S/s Woodrow Avenue, 251 ft. W/of centerline of Graceland Park

12th Election District – 7th Councilmanic District

Legal Owners: Michael C. Lam

Contract Purchaser/Lessee: Jenmar Homes, Issac Gheiler

Special Hearing to permit a dwelling to be constructed on an undersized lot.

Hearing: Monday, July 31, 2017 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: Jenmar Homes, Issac Gheiler, 3403 Old Post Drive, Baltimore 21208
Michael Lam, 2709 Louise Avenue, Baltimore 21214
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 11, 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.**

RE: PETITION FOR SPECIAL HEARING
6803 Woodrow Avenue; S/S Woodrow
Avenue, 251' W of c/line of Graceland Park
12th Election & 7th Councilmanic Districts
Legal Owner(s): Michael C. Lam
Contract Purchaser(s): Jenmar Homes
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-335-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 20 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 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

CASE NAME 6803 WOODROW AVE
CASE NUMBER 2017 - 0335 - SPH
DATE 7-31-17

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME

DATE 7/31/17

[illegible]



KEVIN KAMENETZ
County Executive

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

July 27, 2017

Michael C Lam
2709 Louise Avenue
Baltimore MD 21214

RE: Case Number: 2017-0335 SPH, Address: 6803 Woodrow Avenue

Dear Mr. Lam:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 14, 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
Jenmar Homes, Issac Gheiger, 3403 Old Post Drive, Baltimore MD 21208
David Billingsley, 601 Charwood Road, Edgewood MD 21040

7-31

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: 17-335

DATE: 7/10/2017



INFORMATION:

Property Address: 6803 Woodrow Avenue
Petitioner: Michael C. Lam
Zoning: DR 5.5
Requested Action: Special Hearing

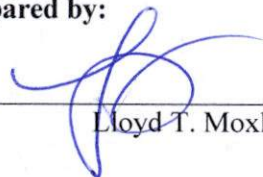
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a dwelling to be constructed on an undersized lot.

A site visit was conducted on June 22, 2017.

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

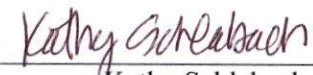
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 26, 2017
Item No. 2017-0332, 0334, 0335, 0336 and 0337

DATE: July 3, 2017

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

VKD:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC06262017.doc

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: June 22, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0335-SPH
Address 6803 Woodrow Avenue
(Lam Property)

Zoning Advisory Committee Meeting of **June 26, 2017**.

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

Reviewer: Steve Ford

Date: 6-22-2017

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

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/21/17

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.

2017-0335-SPH
Special Hearing
Michael C. Lam
6803 Woodrow 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

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367



KEVIN KAMENETZ
County Executive

March 24, 2017

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

Isaac Gheiler
3403 Old Post Road
Baltimore, Maryland 21208

RE: 6803 Woodrow Avenue
Undersize Lot

To Whom It May Concern:

Your February 27, 2017 application for an under size approval has been superseded by a formal demand submitted on March 23, 2017. If you choose to pursue your request any further a public hearing is required before the administrative law judge.

Sincerely,

A handwritten signature in blue ink that reads "Gary Hucik". The signature is written in a cursive style.

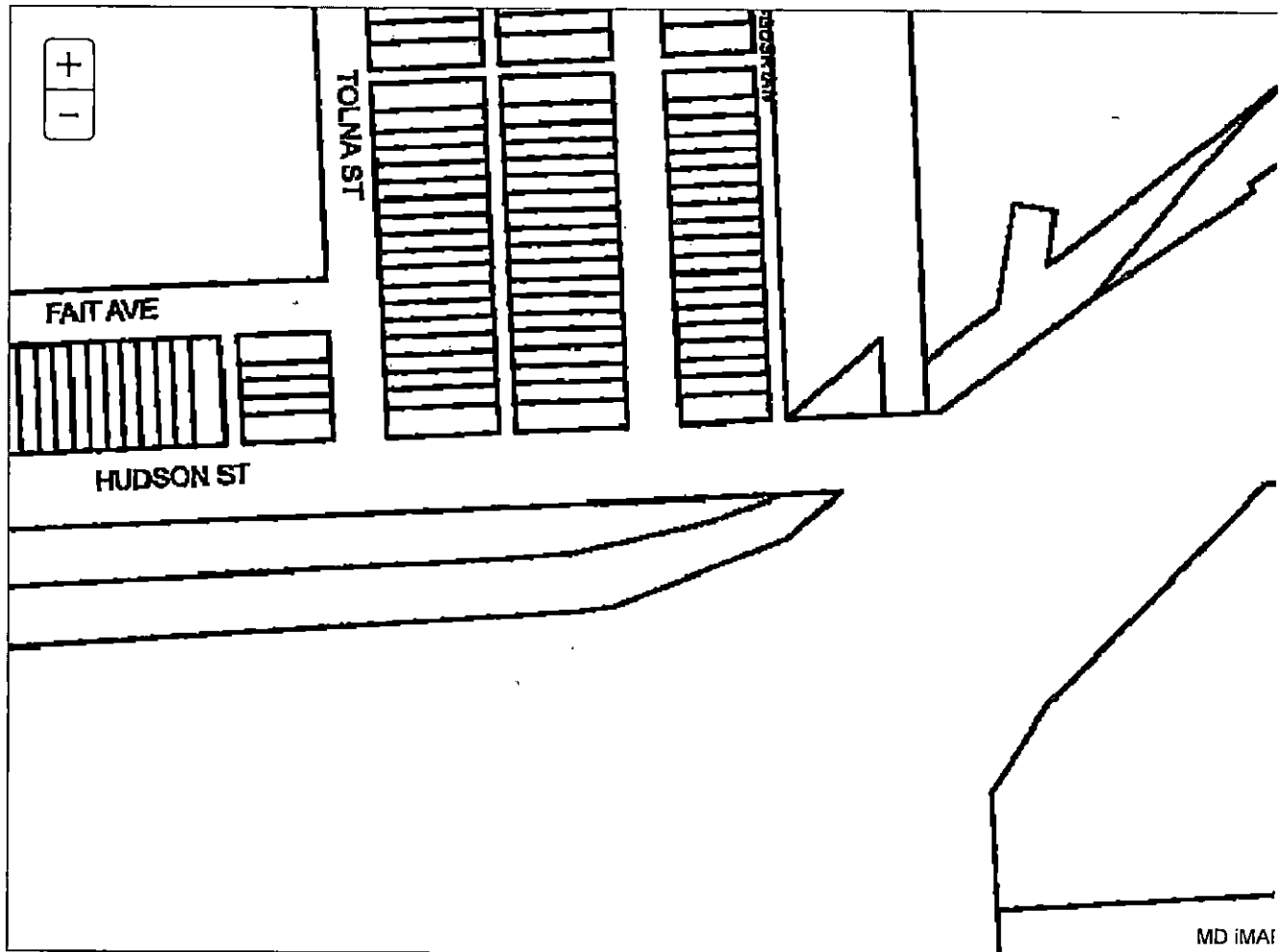
Gary Hucik
Planner II, Zoning Review

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1219001110			
Owner Information					
Owner Name:		LAM MICHAEL C		Use:	RESIDENTIAL
Mailing Address:		2709 LOUISE AVE BALTIMORE MD 21214-1213		Principal Residence:	NO
				Deed Reference:	/26526/ 00507
Location & Structure Information					
Premises Address:		WOODROW AVE 0-0000		Legal Description:	LT 399,400 TXSLE 03-C-06-010164 GRACELAND PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0096	0021	0200		0000	3 399
				Assessment Year:	Plat No:
				2015	0006/0113
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			6,250 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2016	07/01/2017
Land:		6,200	6,200		
Improvements		0	0		
Total:		6,200	6,200	6,200	6,200
Preferential Land:		0			0
Transfer Information					
Seller: SAFCHUCH PAUL L		Date: 12/28/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26526/ 00507		Deed2:	
Seller: HAPPEL F		Date: 05/26/1947		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /01562/ 00230		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **12** Account Number: **1219001110**

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>).

IN THE MATTER OF
MICHAEL C. LAM - PETITIONER
6803 Woodrow Avenue
Baltimore, MD 21224

Re: Petition for Variance

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 17-003-A

* * * * *

REMAND ORDER

This matter comes before this Board on appeal of the denial by the Administrative Law Judge ("ALJ") as contained in the Opinion and Order dated September 19, 2016 regarding a Petition for Variance from §§1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed single family dwelling to be on a parcel 50' wide and have a front yard setback of 31' in lieu of the required 55' and front yard average of 37.7', respectively, and from the denial by the ALJ of a Motion for Reconsideration dated October 12, 2016.

On or about November 22, 2016, the Petitioner, Michael C. Lam, ("Mr. Lam") filed with this Board, *pro se*, a document styled "Amendment to Petition for Zoning Hearing" (the "Amended Petition"). In the Amended Petition, Mr. Lam sought relief under BCZR §304 entitled "Use of Undersized Single-Family Lots" (a "304 Case").

This Board held a *de novo* hearing on December 15, 2016. Mr. Lam appeared *pro se*. Peter Max Zimmerman, People's Counsel for Baltimore County, attended the hearing. Also in attendance were Protestants David Drannenman and Frank Jording. Following the hearing, the Board publically deliberated.

Decision

Prior to the Board's deliberation, People's Counsel advised the Board that a 304 case involves

In the matter of Michael Lam
Case No: 17-003-A

a process which is separate and apart from a request for variance relief under BCZR §307. People's Counsel further advised that this Board would not have jurisdiction to consider a 304 Case without the appropriate application having first been filed, and proper procedures having been followed, as set forth in BCZR §304 *et seq.* We agree.

Consistent with the Majority Opinion as written in the *Matter of Carol Lynn Morris/C.C.F. Homes*, Case No.: 15-302-SPHA, this Board's authority to hear a case *de novo* is an exercise of appellate jurisdiction rather than original jurisdiction. *Halle Companies v. Crofton Civic Ass'n*, 339 Md. 131, 143; 661 A.2d 682, 687-88 (1995). See also *Hardy v. State*, 279 Md. 489, 492, 369 A.2d 1043, 1046 (1977).

Mr. Lam and People's Counsel consented to this Board issuing the instant Remand Order such that this case would be remanded to the ALJ with instructions to remand this case to the appropriate County agencies as designated in BCZR §304. Mr. Lam agreed to file the application for a 304 case and to follow the proper procedures as set forth in BCZR §§304.2, 304.3, 304.4, 304.5 and if necessary, 304.6. Mr. Lam further understood and acknowledged that this Remand Order is *not* an approval to obtain a building permit under BCZR §304, but rather a procedural necessity to commence a 304 Case.

People's Counsel and the Protestants agreed that when the case is heard on the merits, they would not object to the filing of a 304 Case on any procedural grounds, including *res judicata* and *collateral estoppel*.

ORDER

Upon consideration of the arguments of the Parties at the hearing, it is this 12th day of

January, 201 7, by the Board of Appeals of Baltimore County,

ORDERED that said above-captioned case be, and it is hereby REMANDED to the

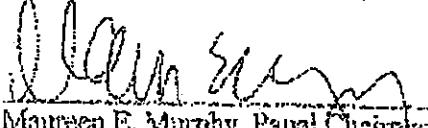
In the matter of: Michael Lam
Case No: 17-003-A

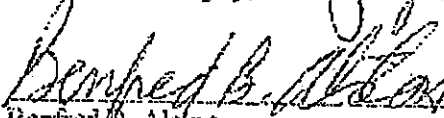
Administrative Law Judge with instructions to REMAND the case to the appropriate County agencies as set forth in BCZR §304; and it is further,

ORDERED, that Mr. Lam shall file the appropriate application and follow the proper procedures as set forth in BCZR §304.2, §304.3, §304.4, §304.5 and if necessary, §304.6 on appeal to this Board; and it is further,

ORDERED, that neither People's Counsel nor the Protestants shall oppose the 304 Case any procedural grounds, including *res judicata* and *collateral estoppel*.

BOARD OF APPEALS
OF BALTIMORE COUNTY


Maureen E. Murphy, Panel Chairman


Benfred B. Alston


Meryl W. Rosen

JB 9-15-16

IN RE: PETITION FOR VARIANCE
(6803 Woodrow Avenue)
12th Election District
7th Council District
Michael C. Lam
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2017-0003-A

* * * * *

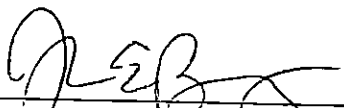
ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration, filed by Petitioner on October 1, 2016. Therein, Petitioner contends he is entitled to relief under B.C.Z.R. §304.1, concerning undersized lots.

As noted in the original Order, Petitioner sought only variance relief under B.C.Z.R. §§1B02.3.C.1 and 303.1. The petition did not contain a special hearing request under B.C.Z.R. §304.1 nor was an amendment sought at the hearing to include such a request. As such, the Motion for Reconsideration must be denied.

WHEREFORE, IT IS ORDERED, this 12th day of October, 2016, by the Administrative Law Judge for Baltimore County, that the Petitioner's Motion for Reconsideration, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

9-15-14

IN RE: PETITION FOR VARIANCE
(6803 Woodrow Avenue)
12th Election District
7th Council District
Michael C. Lam
Petitioner

*
*
*
*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0003-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Michael C. Lam, owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single-family dwelling to be constructed on a parcel 50 ft. wide with a front yard setback of 31 ft. in lieu of the required 55 ft. and front yard average of 37.7 ft., respectively. A site plan was marked as Petitioner's Exhibit 1.

Ebenezer Olarewaju appeared in support of the petition. Neighbors adjoining the subject property attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county agencies.

The subject property is approximately 6,250 square feet and is zoned DR 5.5. The property is unimproved and Petitioner proposes to construct a single-family dwelling on the lot. Neighbors oppose the request and are concerned with the noise and disruption of constructing a new home on the lot. They also contend the zoning code should be enforced as written.

It is clear the lot is undersized in that it is 50' wide while the B.C.Z.R. requires 55 ft. I respectfully disagree with the County's determination that the front yard setback required is 37.7

ft. I understand how that average setback was obtained under B.C.Z.R. §303.1, but I do not believe that provision is applicable here. These lots (Nos. 399 & 400) were created by the plat of Graceland Park, recorded in 1917. As such, these lots are ones described in B.C.Z.R. §1B02.3.A.3, 4, and 5. The "small lot" table specifies for this property a 55 ft. width requirement and front yard depth of 25 ft. So in my opinion Petitioner requires relief for the lot width deficiency but not the front yard setback, which is shown on the plan as 31 ft.

As noted many times previously, obtaining a variance in a contested case is an uphill battle, and Maryland courts have stated variances should only be granted sparingly. 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 cannot satisfy these requirements. The lots in question are virtually identical to the more than 400 other lots shown on the plat of Graceland Park. There is simply no basis upon which a variance can be granted.

Petitioner's only request was for variance relief. But Petitioner may be entitled to construct a dwelling on the property pursuant to B.C.Z.R. §304, which concerns undersized lots. That regulation permits an owner to construct a dwelling on property which does not satisfy the minimum lot width requirement. It also requires the owner to comply with all other zoning requirements. As such, the pivotal question becomes whether the applicable front yard depth is 37.7 ft. or 25 ft. as provided in the small lot table. If the former, as determined by County zoning staff, the Petitioner would not be entitled to construct the dwelling. In any event, the Petitioner

did not seek relief under B.C.Z.R. § 304 and it will be up to the zoning review office in the first instance to determine whether the owner can seek a building permit in these circumstances.

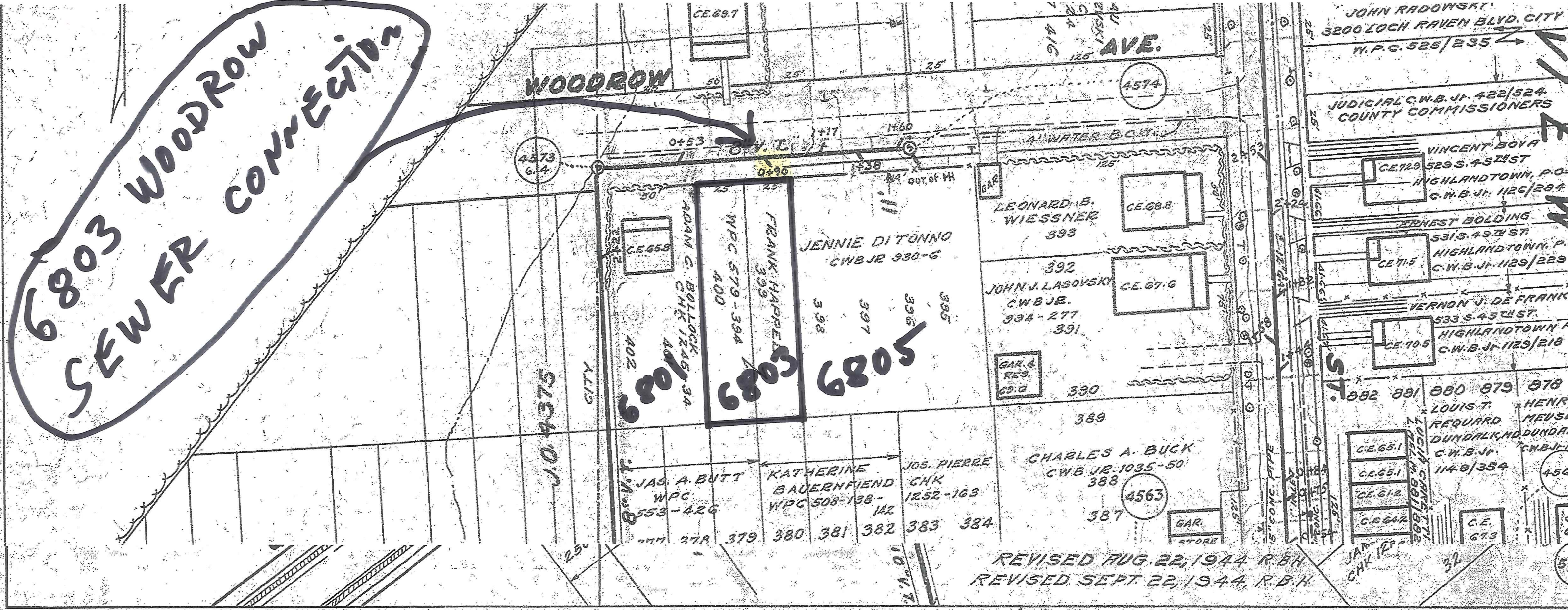
THEREFORE, IT IS ORDERED, this 19th day of September, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed single-family dwelling to be constructed on a parcel 50 ft. wide with a front yard setback of 31 ft. in lieu of the required 55 ft. and front yard average of 37.7 ft., respectively, be and is hereby DENIED.

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


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

6803 WOODROW
SEWER CONNECTION



DRAWN: NELSON TRACED: NELSON CHECKED: EXAMINED:	BALTIMORE COUNTY METROPOLITAN DISTRICT	APPROVED: <i>March 29, 1943</i> <i>Geoffrey</i> CHIEF ENGINEER	COUNTY COMMISSIONERS OF BALTIMORE COUNTY PRESIDENT	HARBOR VIEW
	SEE SECTION D-D SHEET			

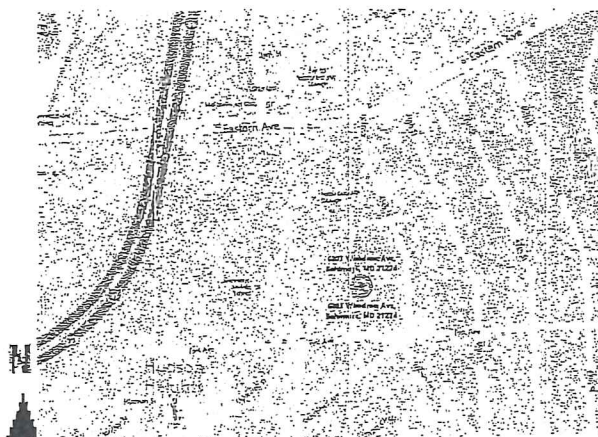
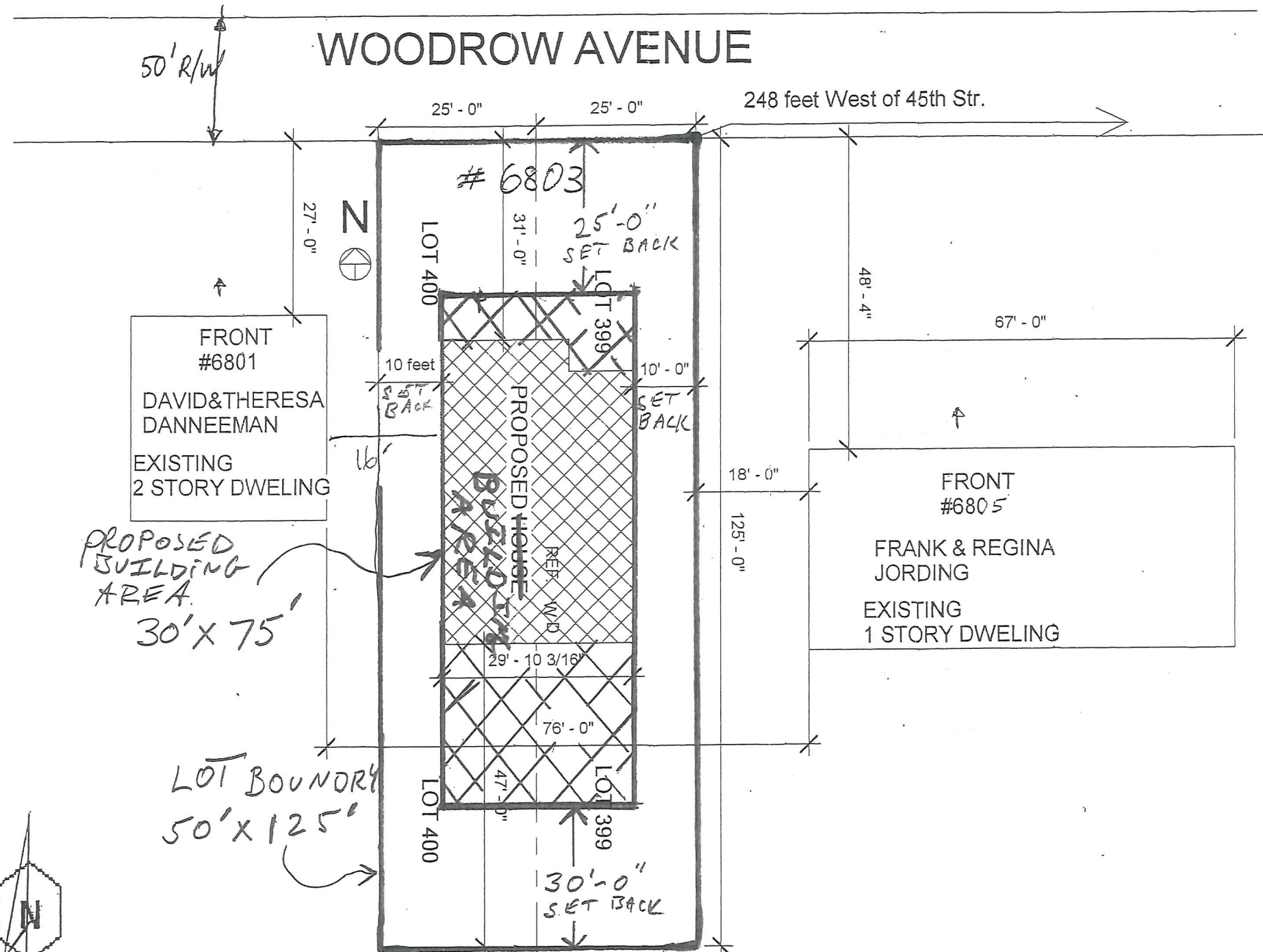
PLAN No. 42925 SANITARY SEWERS HARBOR VIEW	REVISED AS PER RECORD PRINT 4/24/45 U.P.A.	APPROVED AS TO LOCATION <i>April 6, 1943</i> <i>Joseph D. Thompson</i> ROAD ENGINEER BALTO. COUNTY	DRAWING NO. <i>2</i> OF <i>12</i>	SCALE 1"=50' F-NE	J.O. 4080 43-015 FILE
	ELECTION DIST. No. 12	9/10/09 ADD SV# T.S.H.	500 K.S. 7/13/45 U.P.A.		
	PCT				

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS ⁶⁸⁰³ WOODROW AVE. OWNER(S) NAME(S) MICHAEL C. LAM

SUBDIVISION NAME GRACELAND PARK LOT # 399&400 LOCK # _____ SECTION # 3

PLAT BOOK # 6 FOLIO # 113 10 DIGIT TAX # 1219001110 DEED REF. # 26526 / 00507



MAP IS NOT TO SCALE
ZONING MAP# 096B3
SITE ZONED DR 5.5
ELECTION DISTRICT 12
COUNCIL DISTRICT 7
LOT AREA ACREAGE _____
OR SQUARE FEET 6250
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

PLAN DRAWN BY EBENEZER OLAREWAJU DATE 6/29/2016 SCALE: 1 INCH = 1" = 20 FEET

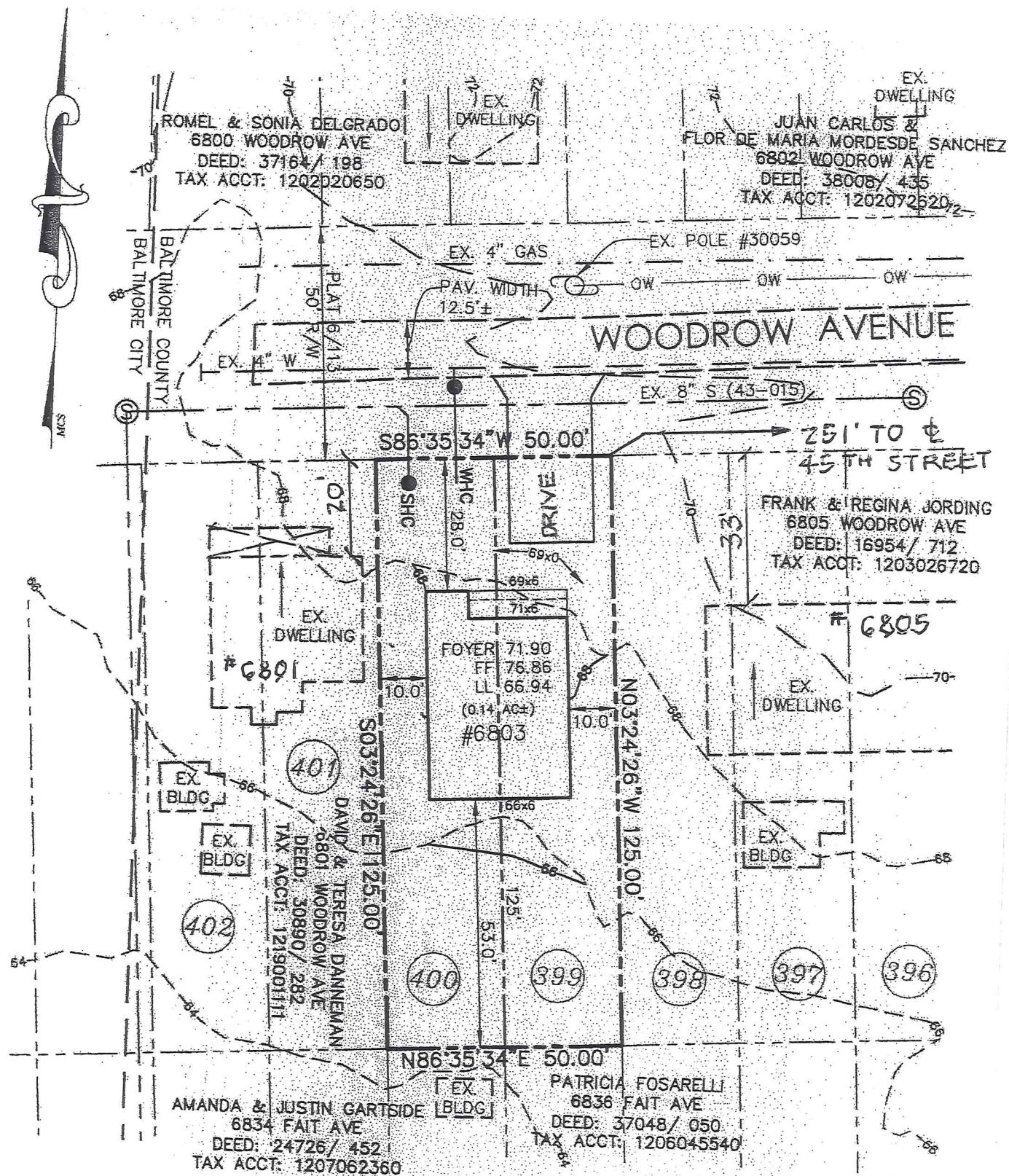
MODIFIED BY: MICHAEL LAM ON 11/18/16

#2017-0003-A

VIOLATION CASE INFO:

Petitioner
CBA Exhibit

(Signature)



FRONT YARD AVERAGING

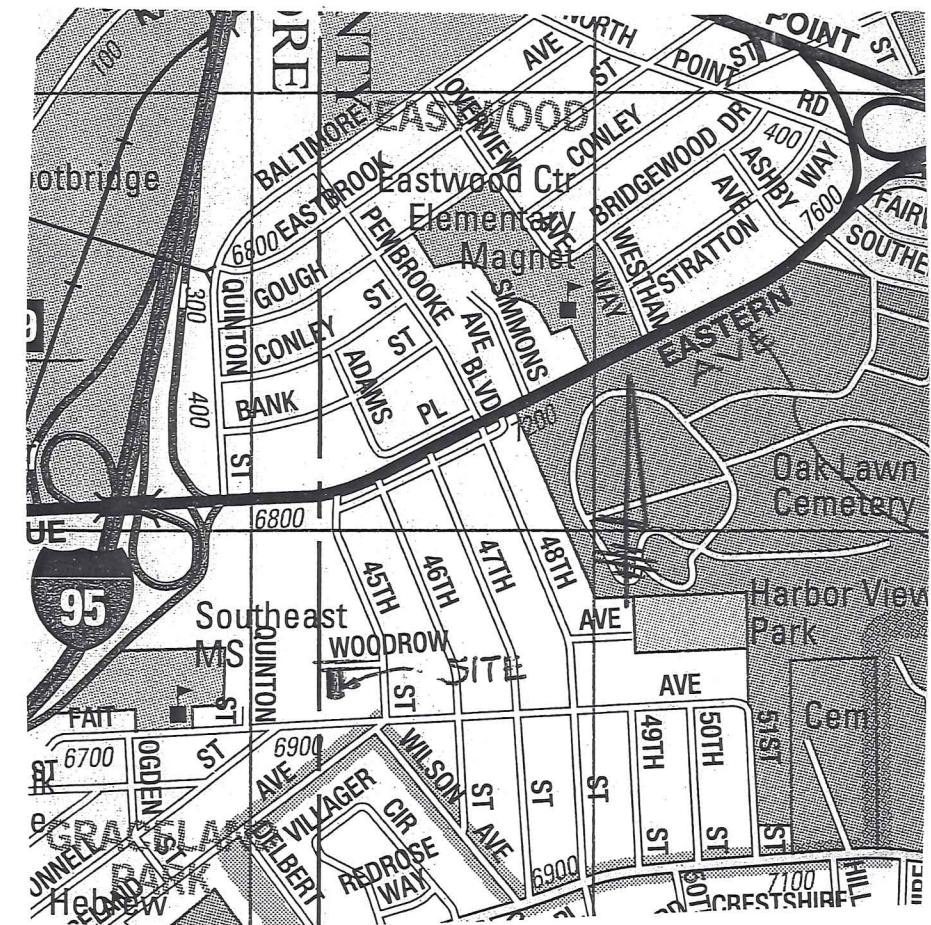
6801 FRONT YARD SETBACK IS 20 FEET
6805 FRONT YARD SETBACK IS 33 FEET
AVERAGE SETBACK IS $53 / 2 = 26.5$ FEET

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PETITIONER'S
EXHIBIT NO. 1

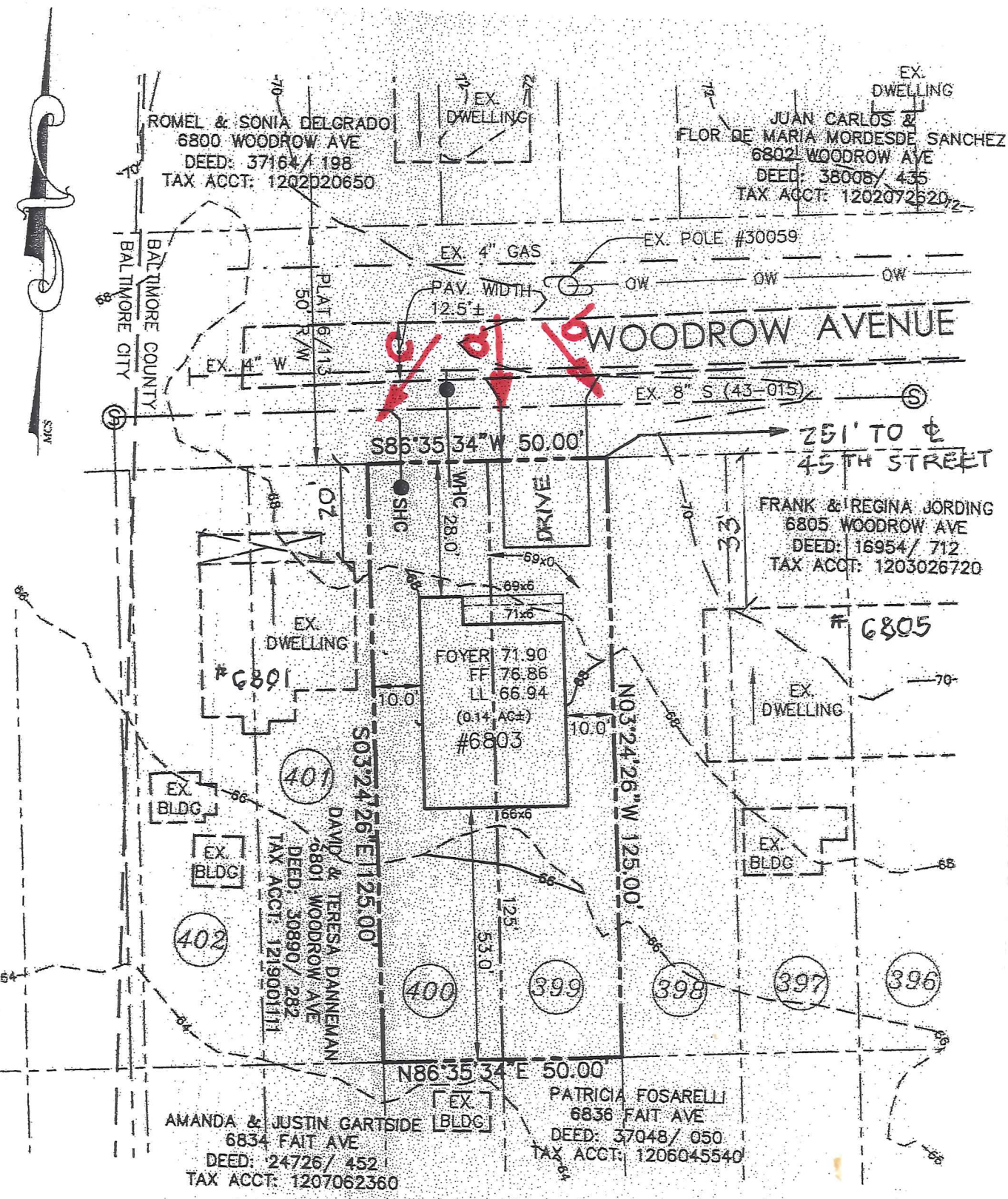
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

6803 WOODROW AVENUE
LOTS 399 AND 400 GRACELAND PARK P.B. 6 F. 113
ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET APRIL 20, 2017
REV: G-27-17



NOTES

1. ZONING.....DR 5.5 (MAP NO. 096B3)
2. AREA.....6,250 S.F. = 0.143 ACRE +/-
3. PUBLIC WATER AND SEWER IS AVAILABLE
4. SITE IS NOT LOCATED IN THE CBCA OR 100 YEAR FLOOD ZONE
5. NO CRITICAL AREAS, HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST.
6. PREVIOUS ZONING HISTORY
CASE NO. 2017-0003-A DENIED A VARIANCE TO PERMIT A SINGLE FAMILY DWELLING ON A 50 FOOT WIDE LOT WITH A FRONT YARD SETBACK AND 31 FEET IN LIEU OF THE REQUIRED 55 FEET AND 37.7 FEET.



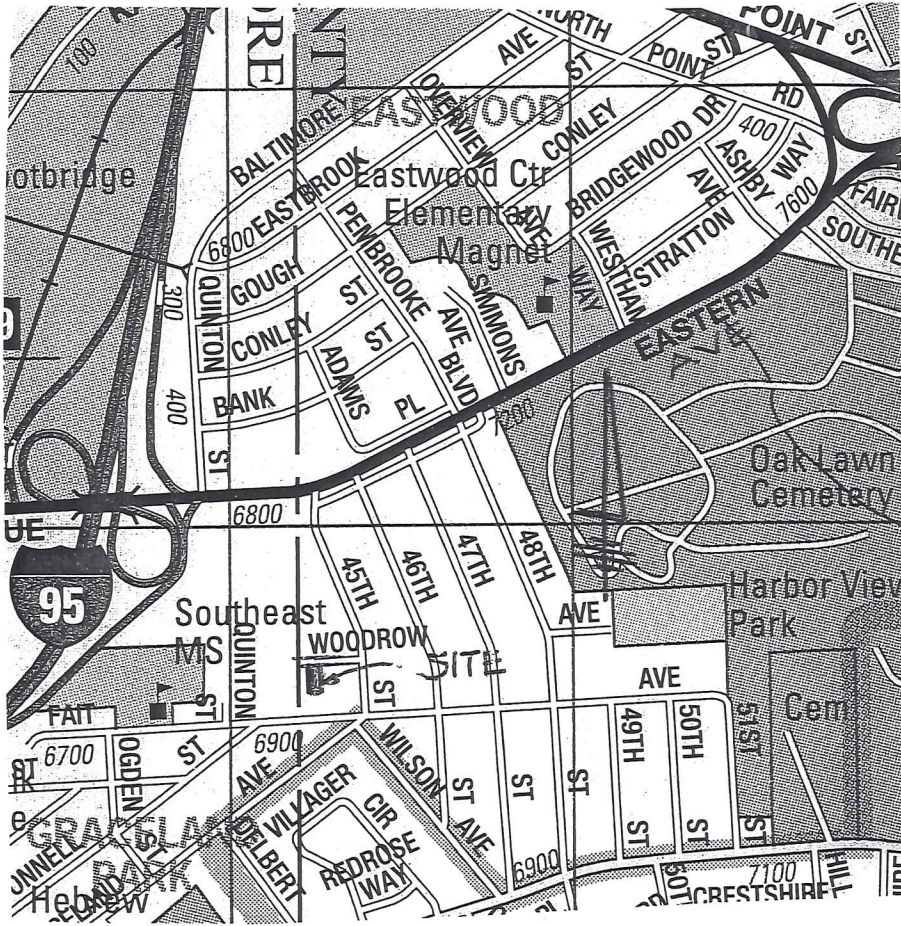
FRONT YARD AVERAGING

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CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

PETITIONER'S
 EXHIBIT NO. **8**

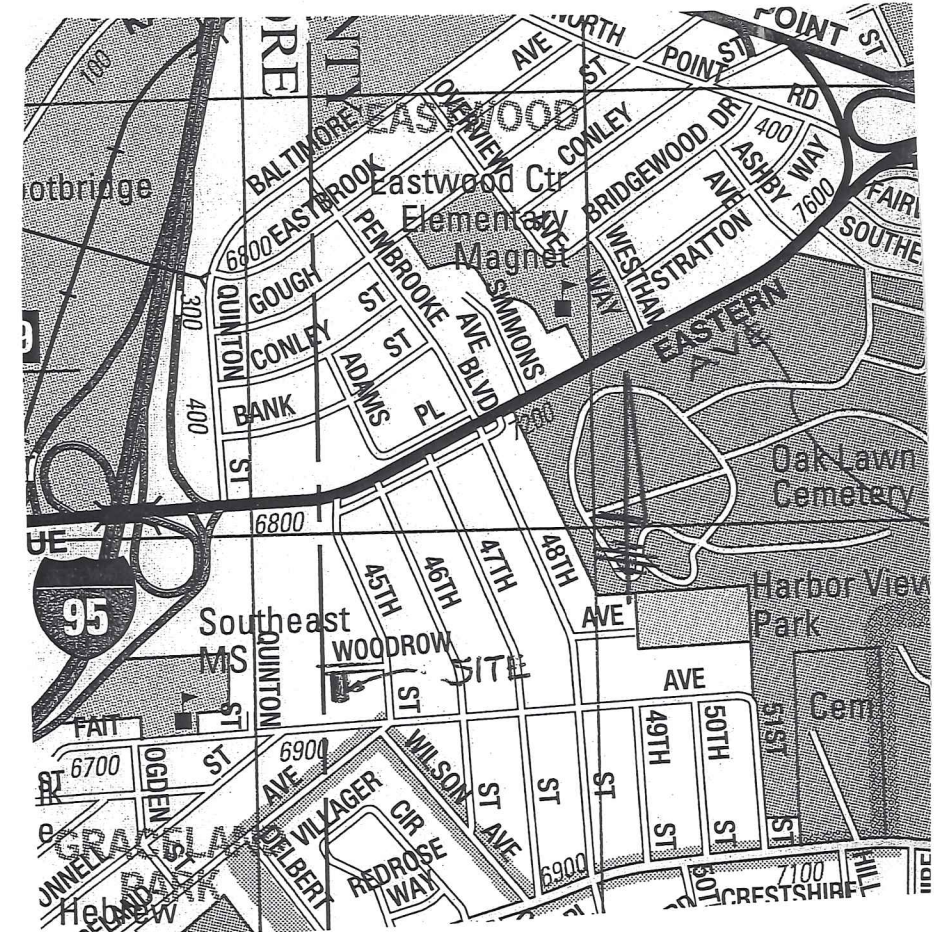
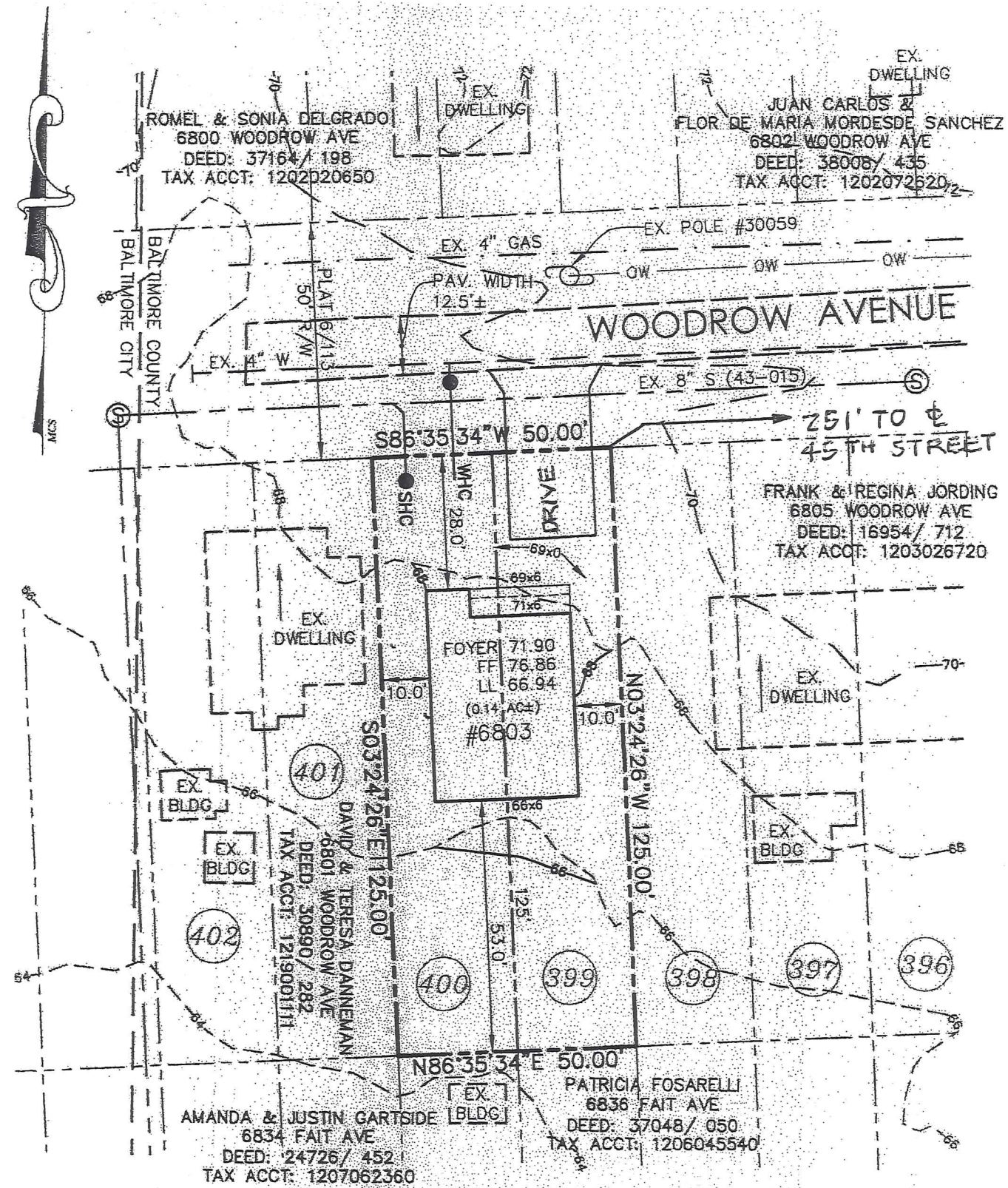
**PLAT TO ACCOMPANY PETITION FOR
 SPECIAL HEARING
 6803 WOODROW AVENUE
 LOTS 399 AND 400 GRACELAND PARK P.B. 6 F. 113
 ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MARYLAND
 SCALE: 1 INCH = 30 FEET APRIL 20, 2017
 REV: G-77-17**



NOTES

1. ZONING.....DR 5.5 (MAP NO. 096B3)
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PHOTOS



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PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

6803 WOODROW AVENUE
LOTS 399 AND 400 GRACELAND PARK P.B. 6 F. 113
ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET APRIL 20, 2017