

M E M O R A N D U M

DATE: June 1, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0230-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 29, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(1313 York Road)
9th Election District
3rd Council District
1313 York Road, LLC
Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2018-0230-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by 1313 York Road, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §450.4 of the Baltimore County Zoning Regulations (“BCZR”) as follows: (1) to allow a freestanding joint identification sign with a maximum sign area/face of 119 sq. ft. in lieu of the permitted 100 sq. ft. with copy a minimum of 3 in. in height for tenants or occupants in lieu of the required 8 in. in height; and (2) to allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces. Prior to the hearing, and based upon discussions between Petitioner and the community, the Petition was amended to delete the variance request pertaining to the size of the freestanding sign. A redlined site plan was marked as Petitioner’s Exhibit 1.

Joe McCormick and landscape architect David Martin appeared in support of the petition. David H. Karceski, Esq. represented the Petitioner. Maxwell Collins II, Esq. appeared on behalf of the Dulaney Valley Improvement Association, Inc., which opposed the requests. The Petition was advertised and posted as required by the BCZR. There were no substantive Zoning Advisory Committee (“ZAC”) comments received from any of the reviewing agencies.

ORDER RECEIVED FOR FILING

Date 4/27/18

By Sen

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

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

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

The subject property is narrow and deep, and that configuration renders the property unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to provide signage for its tenants on the second and third floor of the building. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 27th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §450.4 of the Baltimore County Zoning Regulations ("BCZR): (1) to allow a freestanding joint identification sign with copy a minimum of 3 in. in height for tenants or occupants in lieu of the required 8 in. in height; (2) to allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces; and (3) to allow a freestanding joint-identification sign 75 ft. from a residential zone in lieu of the required 100 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date 4/27/18

By Sen

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:slh

ORDER RECEIVED FOR FILING

Date 4/27/18

By sen



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 1313 York Road which is presently zoned BL
Deed References: 14136-671 10 Digit Tax Account # 0902006330
Property Owner(s) Printed Name(s) 1313 York Road LLC

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

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

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)

SEE ATTACHED SHEET

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print _____
Signature Venable LLP _____
210 W. Pennsylvania Ave., Ste. 500 Towson MD
Mailing Address _____ City _____ State _____
21204 / 410-494-6285 / dhkarceski@venable.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

1313 York Road LLC
By: Douglas B. McDonald, Trustee, General Manager

Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
P.O. Box 34916, Bethesda, Maryland
Mailing Address _____ City _____ State _____
20827-0916
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print _____
Signature Venable LLP _____
210 W. Pennsylvania Ave., Ste. 500 Towson MD
Mailing Address _____ City _____ State _____
21204 / 410-494-6285 / dhkarceski@venable.com
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2018-0230-A Filing Date 3/5/18 Do Not Schedule Dates: _____ Reviewer AT

ORDER RECEIVED FOR FILING

Date _____

By _____

1313 YORK ROAD LLC

~~120~~
ATTACHMENT TO PETITION FOR VARIANCE

1. Variance from B.C.Z.R. Section 450.4 Attachment 1.7(b)(V) and (IX) to allow a freestanding joint identification sign ~~with a maximum sign area/face of 119 square feet in lieu of the permitted 100 square feet~~ with copy a minimum of 3 inches in height for tenants or occupants in lieu of the required 8 inches in height.
2. Variance from B.C.Z.R. Section 450.4 Attachment 1.5(d)(V) and (VI) to allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces.
3. Variance from B.C.Z.R. Section 450.5.B.4.a to allow a freestanding joint identification sign 75 feet from a residential zone in lieu of the required 100 feet.

MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

ZONING DESCRIPTION

February 13, 2018

1313 York Road LLC
1313 York Road
Lutherville, MD 21093
Election District 9
Councilmanic District 3

Beginning for the description of a .964 acre tract identified as Parcel 0318 Tax Map 0061, at a point at the centerline intersections of York Road Road and Westbury Road thence S 28° 20' 20" E 309.51' (feet) more or less to a point of beginning at the northwestern most corner of the subject property thence the following courses:

- 1) N68° 02' 23"E, 349.08', thence
- 2) S21° 45' 20"E, 21.58' thence
- 3) S67° 05' 33"W, 30.63', thence
- 4) S21° 46' 18"E, 102.79', thence
- 5) S67° 56' 44"W, 318.01', thence
- 6) N23° 30' 59"W, 8.83, thence
- 7) N67° 41' 38"W, 11.38', thence
- 8) S23° 30' 59"E, 9.72', thence
- 9) N22° 01' 48"W, 105.96',

back to the point of beginning;

Containing 41,991.84 Square Feet or .964 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175

2018-0230-A



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 5517772

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

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

Mar 22, 2018

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: 2018-0230-A
1313 York Road
E/s York Road, 230 ft. N/of centerline of Greenridge Road
9th Election District - 3rd Councilmanic District
Legal Owners: 1313 York Road, LLC, Douglas McDonald
Variance 1. To allow a freestanding joint identification sign with a maximum sign area/face of 119 sq. ft. in lieu of the permitted 100 sq. ft. with a copy a minimum of 3 in. in height for tenants or occupants in lieu of the required 8 in. in height. 2. To allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a facade without separate exterior customer entrances and in different locations than the tenant spaces.
Hearing: Thursday, April 26, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204
/s/ 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.
3/22/2018 5517772

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING



2018-0230-A

RE: Case No.: _____

Petitioner/Developer: _____

1313 York Road, LLC, Douglas McDonald

April 26, 2018

Date of Hearing/Closing: _____

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



Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

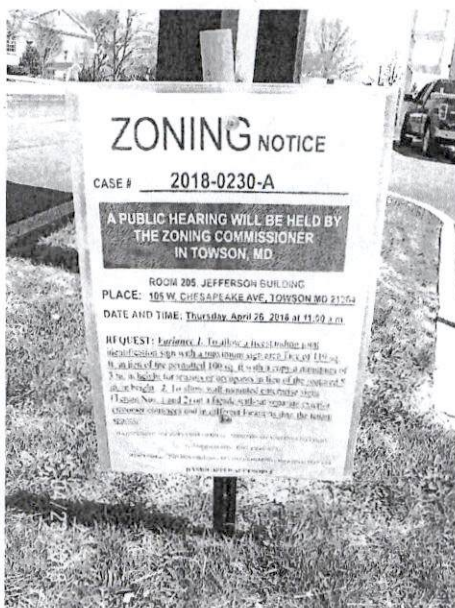
1313 York Road

SIGN 1 RE-CERTIFICATION

April 6, 2018

The sign(s) were posted on _____

(Month, Day, Year)



Sincerely,

 4/23/18
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING



2018-0230-A

RE: Case No.: _____

Petitioner/Developer: _____

1313 York Road, LLC, Douglas McDonald

April 26, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

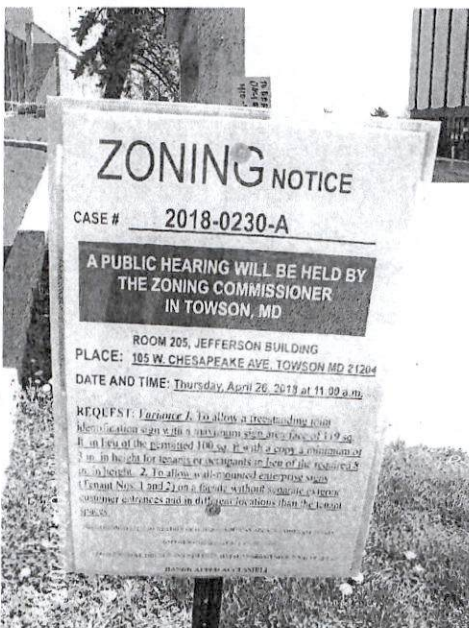
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1313 York Road

SIGN 2 RE-CERTIFICATION

April 6, 2018

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



Sincerely,

 4/23/18
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0230-A

RE: Case No.: _____

Petitioner/Developer: _____

1313 York Road, LLC, Douglas McDonald

April 26, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

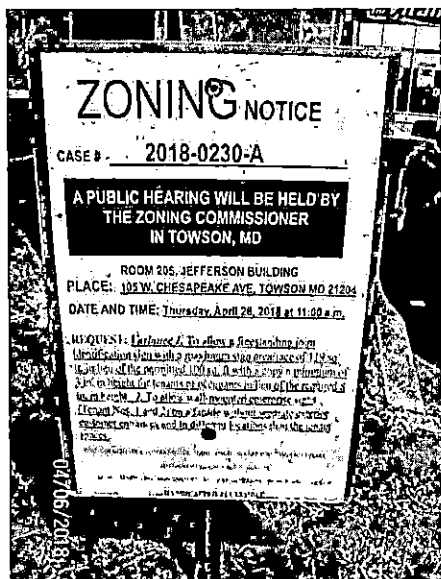
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1313 York Road

SIGN 1

April 6, 2018

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(Month, Day, Year)



Sincerely,

April 6, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0230-A

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Petitioner/Developer: _____

1313 York Road, LLC, Douglas McDonald

April 26, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

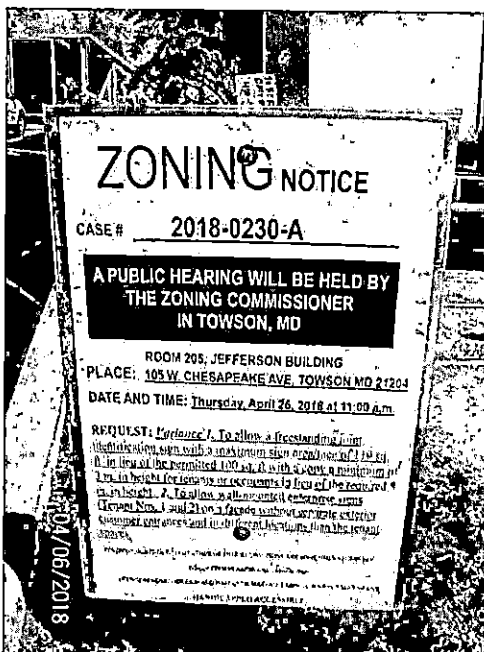
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1313 York Road

SIGN 2

April 6, 2018

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



Sincerely,

April 6, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

March 19, 2018

CORRECTED 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: 2018-0230-A

1313 York Road

E/s York Road, 230 ft. N/of centerline of Greenridge Road

9th Election District – 3rd Councilmanic District

Legal Owners: 1313 York Road, LLC, Douglas McDonald

Variance 1. To allow a freestanding joint identification sign with a maximum sign area/face of 119 sq. ft. in lieu of the permitted 100 sq. ft. with a copy a minimum of 3 in. in height for tenants or occupants in lieu of the required 8 in. in height. 2. To allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces.

Hearing: Thursday, April 26, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Douglas McDonald, P.O. Box 34916, Bethesda 20827-0916

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 6, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 5, 2018 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

CORRECTED 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:

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1313 York Road

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Hearing: Thursday, April 26, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
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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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 22, 2018 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

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: 2018-0230-A

1313 York Road

E/s York Road, 230 ft. N/of centerline of Greenridge Road

9th Election District – 3rd Councilmanic District

Legal Owners: 1313 York Road, LLC, Douglas McDonald

Variance 1. To allow a freestanding joint identification sign with a maximum sign area/face of 119 sq. ft. in lieu of the permitted 100 sq. ft. with a copy a minimum of 3 in. in height for tenants or occupants in lieu of the required 8 in. in height. 2. To allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces.

Hearing: Friday, April 13, 2018 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.



KEVIN KAMENETZ
County Executive

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

March 19, 2018

NOTICE OF ZONING HEARING

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CASE NUMBER: 2018-0230-A

1313 York Road

E/s York Road, 230 ft. N/of centerline of Greenridge Road

9th Election District – 3rd Councilmanic District

Legal Owners: 1313 York Road, LLC, Douglas McDonald

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Hearing: Friday, April 13, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Douglas McDonald, P.O. Box 34916, Bethesda 20827-0916

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 24, 2018.**
- (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 VARIANCE
1313 York Road; E/S York Road, 230' N of
c/line of Greenridge Road
9th Election & 3rd Councilmanic Districts
Legal Owner(s): 1313 York Road, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-230-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 14 2018

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 15th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW 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: 2018-0230-A
Property Address: 1313 ~~York~~ York Road
Property Description: _____
Legal Owners (Petitioners): 1313 York Road, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich
Company/Firm (if applicable): Venable LLP
Address: 210 W. Pennsylvania Ave.
Suite 500
Towson, MD 21204
Telephone Number: (410) 444-6200

Revised 7/9/2015

ME 166114

Date:

Date: 3/5/18

1950-1951

BUSINESS ACTUALS SLIDE 16A

3/05/2019 3/05/2019 10:10:19 1

REB-001 MARK LIF

RECEIPT # 77777 3/05/2018 091

526 ZONING VERIFICATION

CH 19 166124

Receipt for \$500.00

4500.00 CR 4.00 CR

Baltimore County, Maryland

[illegible]

Total:

4,500

Rec

From:

For:

1313 YORK RD

2018-0230-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2018-0230-A

RE: Case No.: _____

Petitioner/Developer: _____

1313 York Road, LLC, Douglas McDonald

April 26, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1313 York Road

SIGN 1

April 6, 2018

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



Sincerely,

 April 23, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0230-A

RE: Case No.: _____

Petitioner/Developer: _____

1313 York Road, LLC, Douglas McDonald

April 26, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1313 York Road

SIGN 2

April 6, 2018

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

Sincerely,

 April 23, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





KEVIN KAMENETZ
County Executive

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

April 4, 2018

1313 York Road LLC
Douglas B McDonald
P O Box 34916
Bethesda MD 20827-0916

RE: Case Number: 2018-0230 A, Address: 1313 York Road

Dear Mr. McDonald:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 5, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw
Enclosures

c: People's Counsel
David H Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

 MDT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 3/13/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 3/13/18. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2018-0230-A.

*1313 York Road LLC, Douglas B. McDonald
1313 York Road*

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 4, 2018

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

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0230-A, 0231-A, 0232-A, 0233-A and 0235-A

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

*

*

*

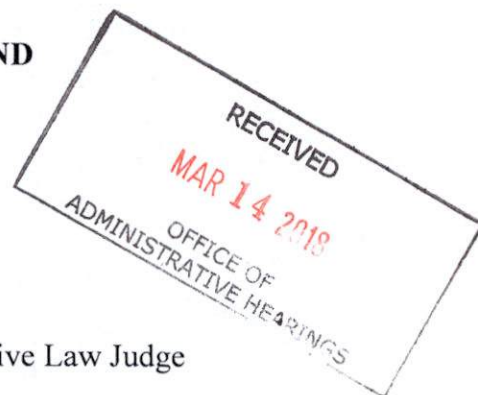
*

*

VKD: cen
cc: file

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: March 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0230-A
Address 1313 York Road
(1313 York Road, LLC Property)

Zoning Advisory Committee Meeting of **March 19, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/10/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-230

INFORMATION:

Property Address: 1313 York Road
Petitioner: Douglas B. McDonald, Trustee, 1313 York Road, LLC
Zoning: BL
Requested Action: Variance

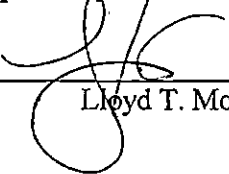
The Department of Planning has reviewed the petition for a variance to allow a freestanding joint identification sign with a maximum sign area/fact of 119 square feet, copy a minimum of 3 inches in height in lieu of the permitted 100 square feet with copy a minimum of 8 inches in height respectively and to allow wall-mounted enterprise signs (Tenant Nos 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces.

A site visit was conducted on March 21, 2018. The site is within the Hunt Valley/Timonium Plan area. The plan was adopted into the Master Plan 2020 on October 19, 1998.

The Department recommends the petitioned zoning relief is not contrary to the goals of MP2020 and has no objections.

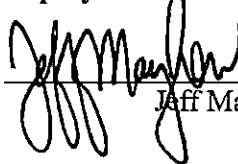
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
David H. Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: March 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0230-A
Address 1313 York Road
(1313 York Road, LLC Property)

Zoning Advisory Committee Meeting of **March 19, 2018**.

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

Reviewer: Steve Ford

Kristen L Lewis

From: Thupari, A. Neill <ANThupari@Venable.com>
Sent: Monday, March 19, 2018 12:58 PM
To: Kristen L Lewis
Subject: Case No. 2018-0230-A

Hi Kristen,

Confirming that we are unable to attend a hearing scheduled for Friday, April 13, 2018 in the above-captioned matter.

As we discussed, please set us in for April 26, 2018 at 11:00 a.m., if possible. Thanks so much.

Neill

A. Neill Thupari, Esq. | Venable LLP
t 410.494.6358 | f 410.821.0147
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

ANThupari@Venable.com | http://secure-web.cisco.com/13oh3m-V3008TMZ2peiSi98233sx1wQgLe34mu9nZ_1YmTpBBBfzINFLGbaS25tLHo7M40bRmMCeXiR-F5iUXwABn2MOB7a9dCaNI3hsTK9EOtgndeY-LufT0KuUvh7i4Uyf7IUxVLFQrDe_c88wPY7WGOBEISznEJg44YxtI2oiEA2Hm46O8mmN_COQ-hkeF4bXayBvH6RnAdXBMgOgivMGHKtWSn2Pa4pZ_0pskMesnS2S8tS7Vnetn2CaUTz1q5xWBIDADALvc-poKOEMZn84P_qtPFIM7S32ipg5EBo1sJuM_vQ5-E00G4zAhmmYzMogKwJYkyBnPDWc5WKxdki0fpEwBYQ0easayfoNOs-JfOLqVOJTSCIL0rhpEUA7ioJvRsZEF8MZ_xp7sQlncRW2GG1Y5Z7KoRfDg66wCYMU_tA96su5uA4XXzYJxqAnlyqI9bFF1pu3C7kCl8Q/http%3A%2F%2Fwww.Venable.com

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DAVID MARTIN	222 BOULEY AVE. S. B1	TOWSON, MD 21204	
JOE MCCORMICK	6100 Dunbar Ct	Bethesda MD 20817	Joemcc5@yahoo.com
DAVID KARCESKI	210 W. Pennsylvania Ave	Suite 500 Towson MD 21204	dkarceski@verizon.com

CASE NAME _____
CASE NUMBER _____
DATE _____

4-26-2018

4-26-2018

E - MAIL

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/4/18

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NO Comments

3/14/18

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

NO Comments

FIRE DEPARTMENT

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

3/13/18

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/22/18

SIGN POSTING (1st)

Date:

4/6/18

by

SSG Block

SIGN POSTING (2nd)

Date:

4/23/18

by

SSG Block

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 09 Account Number - 0902006330							
Owner Information									
Owner Name:		1313 YORK ROAD LLC			Use:		COMMERCIAL		
Mailing Address:		P O BOX 34916 BETHESDA MD 20827-0916			Principal Residence:		NO		
					Deed Reference:		/14136/ 00671		
Location & Structure Information									
Premises Address:		1313 YORK RD 0-0000			Legal Description:		.964 AC ES YORK RD 300FT N GREENRIDGE RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0061	0019	0318		0000				2017	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1958		18388				41,976 SF		15	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		OFFICE BUILDING							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2017		07/01/2018	
Land:		1,218,300		1,259,200					
Improvements		1,260,200		1,544,300					
Total:		2,478,500		2,803,500		2,586,833		2,695,167	
Preferential Land:		0						0	
Transfer Information									
Seller: FAMILY MORTGAGE SERVICE CORP #22				Date: 11/09/1999			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14136/ 00671			Deed2:		
Seller: B B S BUILDING LIMITED PARTNERSHIP				Date: 07/28/1997			Price: \$1,395,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /12299/ 00001			Deed2:		
Seller: BAPTIST CONVENTI ON OF MARYLAND				Date: 10/16/1989			Price: \$2,300,000		
Type: ARMS LENGTH IMPROVED				Deed1: /08299/ 00138			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		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:**

Case No.: 2018-0230-A 1313 York Rd

Exhibit Sheet

Petitioner/Developer

92-1-18

Protestants

Sen
4/27/18

No. 1	Redline Plan	Valley Baptist Church Letter 4-25-2018
No. 2	Martin CV	Dvl. Valley Improv. Assn. Letter April 11, 2018
No. 3	Aerial Photo	
No. 4	4A-4H Photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

CURRICULA VITAE

DAVID L. MARTIN, L.A.

**Martin & Phillips Design Associates, Inc., Principal
Director of Land Planning / Landscape Architecture**

Professional Registration: Landscape Architect
Maryland - No. 776
Pennsylvania - No. 573-E

Education:

The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:

American Society of Landscape Architects, Member
Urban Land Institute, Member

Professional practice includes 36 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts. He also offers zoning, testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

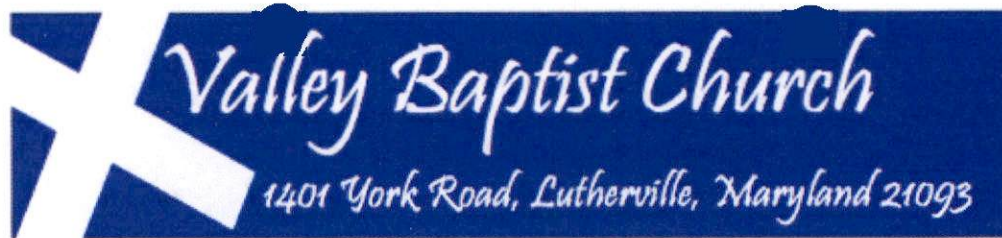
Significant projects include Developments of Regional Impact (DRI) in the State of Florida including: Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Significant local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitmarsh, New England Motor Freight Trucking Facility, Cedar Land Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property.

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County during the 1992, 1996, 2000, 2004 and 2008 CZMP processes and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development reg-

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8591
FAX: 410.321.1175

PETITIONER'S EXHIBIT

2



April 25, 2018

To Zoning Commissioner and Review Board, Baltimore County

On behalf of Valley Baptist Church, 1401 York Road, I am writing in response to the Zoning Notice posted on the property south of our property.

Please accept this letter as evidence of opposition to the request for a variance to increase the sign size in this case. There continues to be a pattern of allowing these kinds of exceptions as demonstrated by what has been allowed on York Road for the property north of our property called the "Galleria", etc.

In this case, this request would increase the existing sign size by 20%, which, we believe, would create an unnecessary driving distraction along York Road and, more importantly, will be a distraction that impacts the visibility of our complex. We support the current regulations, as it exists, and we would ask the Zoning Board to disapprove any variance request that would increase the sign size above what is already allowed by the current regulations. To continue to proliferate the sign variances along this section of York Road will only continue to exacerbate an already inappropriate and unsightly situation.

As far as the second part of the request for wall mounted enterprise signs is concerned, we take no exception, provided this signage is wall mounted on the existing building and is consistent with other wall mounted building signs along this area of York Road.

Please accept our thanks for your consideration of our concerns as it relates to this matter. We trust you will rule in favor of applying current regulations as it relates to the allowable size of road signage in Baltimore County to this case.

Chad Morreau

Chad Morreau, Pastor

Valley Baptist Church

Harold W. Tinsley

Harold W. Tinsley, Trustee

Valley Baptist Church

PROTESTANT' S

EXHIBIT NO. 1



**Dulaney
Valley
Improvement
Association, Inc.**

P.O. Box 102 · Lutherville, MD · 21094-0102

11 April 2018

RESOLVED: That the position of the Association as recommended by the unanimous vote of the Zoning Committee and adopted by the majority vote of the Board of Directors on the zoning matter known as

Case Number 2018-0230-A

Property Location: 1313 York Road, Lutherville, MD 21093

Legal Owners: 1313 York Road LLC

A variance from B.C.Z.R. Section 450.4 Attachment 1.7(b)(V) and (IX) to allow a freestanding joint identification sign with a maximum sign area/face of 119 square feet in lieu of the permitted 100 square feet with copy a minimum of 3 inches in height for tenants or occupants in lieu of the required 8 inches in height.

A variance from B.C.Z.R. Section 450.4 Attachment 1.5(d)(V) and (VI) to allow wall-mounted enterprise signs (Tenant Nos. 1 and 2) on a façade without separate exterior customer entrances and in different locations than the tenant spaces.

is that the Petition for the Variances is **OPPOSED**.

AS WITNESS OUR HANDS AND SEAL THIS 11th day of APRIL 2018.

ATTEST:

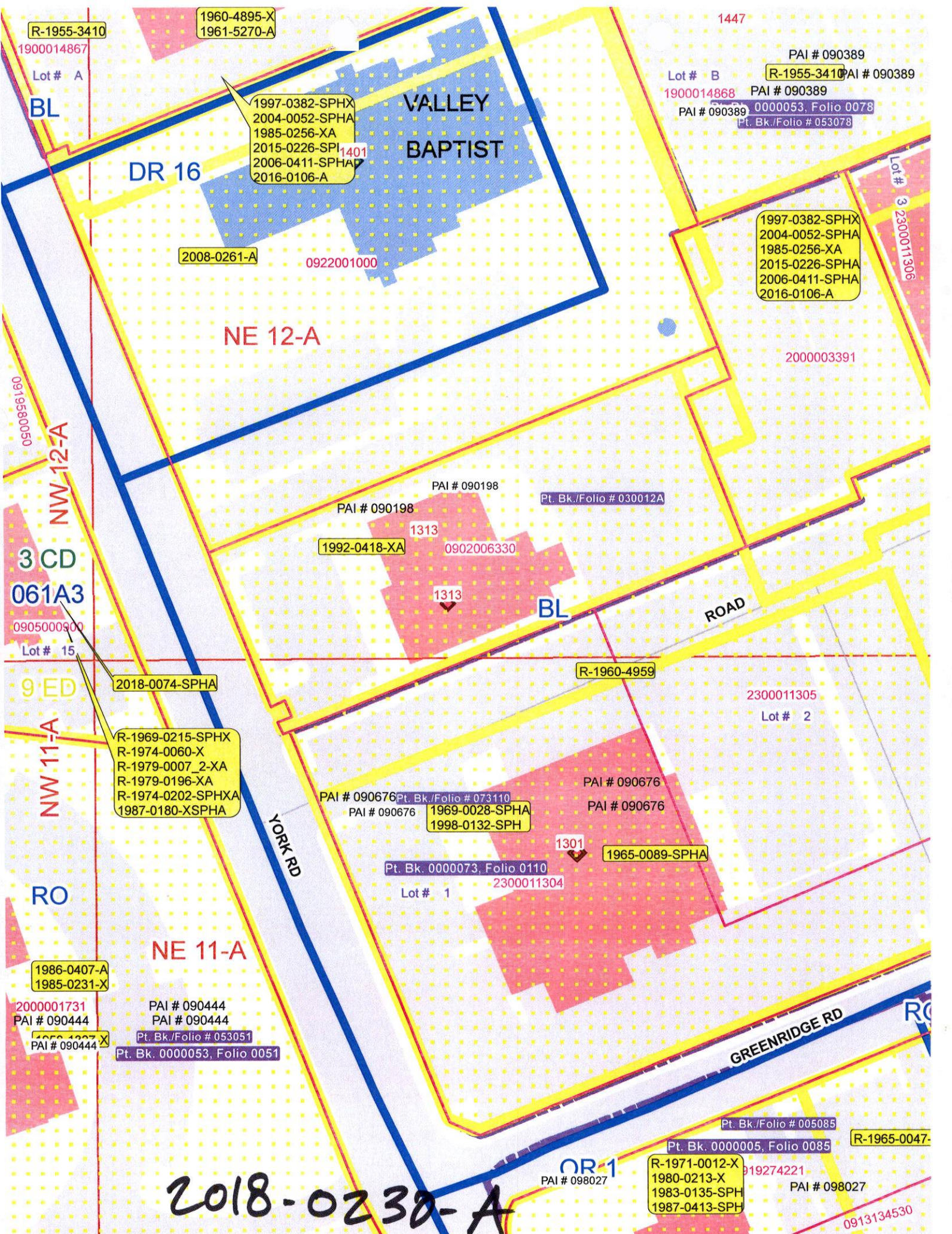
Dulaney Valley Improvement Association, Inc.

Robert M. Cordes, MD
Acting Recording Secretary

Ellen Birkenthal
Vice President

PROTESTANT' S

EXHIBIT NO. 2



R-1955-3410

1960-4895-X
1961-5270-A

1900014867

Lot # A

BL

DR 16

1997-0382-SPHX
2004-0052-SPHA
1985-0256-XA
2015-0226-SPH
2006-0411-SPHA
2016-0106-A

VALLEY
BAPTIST

2008-0261-A

0922001000

NE 12-A

1447

PAI # 090389

R-1955-3410 PAI # 090389

1900014868

PAI # 090389

PAI # 090389

0000053, Folio 0078
Pt. Bk./Folio # 053078

1997-0382-SPHX
2004-0052-SPHA
1985-0256-XA
2015-0226-SPHA
2006-0411-SPHA
2016-0106-A

2000003391

0919580050

NW 12-A

3 CD
061A3

0905000900

Lot # 15

9 ED

NW 11-A

2018-0074-SPHA

R-1969-0215-SPHX
R-1974-0060-X
R-1979-0007_2-XA
R-1979-0196-XA
R-1974-0202-SPHXA
1987-0180-XSPHA

PAI # 090198

PAI # 090198

Pt. Bk./Folio # 030012A

1313

1992-0418-XA

0902006330

1313

BL

ROAD

R-1960-4959

2300011305

Lot # 2

RO

NE 11-A

1986-0407-A
1985-0231-X

2000001731
PAI # 090444

1986-0407-A
1985-0231-X
PAI # 090444

PAI # 090444
PAI # 090444

Pt. Bk./Folio # 053051

Pt. Bk. 0000053, Folio 0051

PAI # 090676
PAI # 090676

Pt. Bk./Folio # 073110
1969-0028-SPHA
1998-0132-SPH

PAI # 090676

PAI # 090676

Pt. Bk. 0000073, Folio 0110

Lot # 1

2300011304

1301

1965-0089-SPHA

GREENRIDGE RD

Pt. Bk./Folio # 005085

Pt. Bk. 0000005, Folio 0085

R-1965-0047-

OR-1
PAI # 098027

R-1971-0012-X
1980-0213-X
1983-0135-SPH
1987-0413-SPH

19274221

PAI # 098027

0913134530

2018-0230-A