

MEMORANDUM

DATE: September 18, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0336-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on September 17, 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 SPECIAL HEARING *
(10530 Marriottsville Road)
2nd Election District *
4th Council District *
TSC Marriottsville, LLC *
Legal Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0336-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 TSC Marriottsville, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve a proposed dwelling with front and side yard setbacks of 40 ft. in lieu of the minimum required 50 ft. A site plan was marked and admitted as Petitioner's Exhibit 1.

Craig Rodgers appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Environmental Protection and Sustainability ("DEPS").

The subject property is 2.0 acres in size and zoned RC-5. The property has a separate tax account (Map 76, Parcel 219) although it is not shown on a recorded subdivision plat. The property is unimproved, and Petitioner proposes to construct a new single family dwelling on the parcel. To do so, zoning relief is required.

The relief requested is (in all but name) a variance, although the RC 5 regulations contain a peculiar provision whereby such relief is obtained by filing a petition for special hearing.

ORDER RECEIVED FOR FILING

Date 8-17-18

By 102

BCZR § 1A04.3.B.1.b(1). The available building envelope is constrained by steep slopes at the rear of the site as well as a septic reserve area. As such, I believe there is good cause to grant the request.

THEREFORE, IT IS ORDERED this 17th day of **August, 2018** by this Administrative Law Judge, that the Petition for Special Hearing to approve a proposed dwelling with front and side yard setbacks of 40 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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.
2. Petitioner must comply with DEPS ZAC comment, a copy of which is attached hereto and made a part hereof.
3. Prior to issuance of building permit, Petitioner must submit elevation drawings to the DOP and obtain a positive finding from that agency indicating the RC-5 performance standards are satisfied.

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:dlw

ORDER RECEIVED FOR FILING

Date 8-17-18

By [Signature]



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 10530 MARRIOTTVILLE RD which is presently zoned RC5
 Deed References: 30977/372 10 Digit Tax Account # 0202652350
 Property Owner(s) Printed Name(s) TSC MARRIOTTVILLE, LLC

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

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

1. 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 a proposed dwelling with a front and side yard set back of 40 feet, respectively for both, in lieu of the minimum required 50 feet, respectively for both, pursuant to sections 1A04.3.B.1.b and 1A04.3.B.2.b, BCZR
2. _____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. _____ a Variance from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

S. Bruce Jaffe

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8600 SNOWDEN RIVER PKWY STE. 207 COLUMBIA, MD.

Mailing Address

City

State

21045

Zip Code

301-596-0222 jaffebr@aol.com

Telephone #

Email Address

Representative to be contacted:

CRAG RODGERS

Name - Type or Print

Signature

7024 GREENBANK RD. BALTIMORE, MD

Mailing Address

City

State

21220

Zip Code

443-677-2007 craigr Rodgers200@gmail.com

Telephone #

Email Address

CASE NUMBER 2018-0336-SPH Filing Date 6/5/18

Do Not Schedule Dates: _____

Reviewer JNP

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date

8-17-18

By

[Signature]

ZONING DESCRIPTION FOR:
10530 MARIOTTSVILLE ROAD

Beginning at a point 856.93' north of the centerline of Marriottsville Road which is 70' wide, (said point of beginning on the east side of an existing private 15' right-of-way with use in common with others as recorded in Deed Liber 7209, Folio 353), said centerline point being 335.3' east from the intersection of the centerlines of the aforementioned Marriottsville Road and Kimberly Ann Court which is 50' wide.

Thence S62°34'00"E 248.86', N42°54'E 131.44', N03°00'E 278.43', N79°07'00"W 175.95', S27°26'00"W 330.00' to the point of beginning as recorded in Deed Liber 30,977, Folio 372, containing 2.0 acres. Located in the 2nd Election District and 4th Council District.

2018-0336-SPH

CERTIFICATE OF POSTING

RECERTIFY 8/11/18

Date: JULY 27, 2018

RE: Project Name: 10530 MARRIOTTSVILLE RD # 2
Case Number /PAI Number: 2018-0336-SPH
Petitioner/Developer: JAFFE
Date of Hearing/Closing: AUGUST 16, 2018

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 10530 MARRIOTTSVILLE ROAD

The sign(s) were posted on

RECERTIFY 8/11/18

JULY 27, 2018

(Month, Day, Year)

David Billingsley

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)



CERTIFICATE OF POSTING

RECERTIFY 8/11/18
Date: JULY 27, 2018

RE: Project Name: 10530 MARRIOTTSVILLE RD # 1
Case Number /PAI Number: 2018-0336-SPH
Petitioner/Developer: JAFFE
Date of Hearing/Closing: AUGUST 16, 2018

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 10530 MARRIOTTSVILLE ROAD

The sign(s) were posted on JULY 27, 2018
(Month, Day, Year)

RECERTIFY 8/11/18
David Billingsley
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)



Debra Wiley

8-16
10 AM

From: David Billingsley <dwb0209@yahoo.com>
Sent: Saturday, August 11, 2018 10:32 AM
To: Administrative Hearings
Cc: June Wisnom; Craig Rodgers
Subject: 2018-0336-SPH 10530 MARIOTTSTVILLE ROAD
Attachments: Scan1219.pdf

POSTING RECERTIFICATION ATTACHED
THANKS

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL



CERTIFICATE OF POSTING

RECEIPTIFY 8/11/18
Date: JULY 27, 2018

RE: Project Name: 10530 MARRIOTTSVILLE RD # 1
Case Number /PAI Number: 2018-0336-SPH
Petitioner/Developer: JAFFE
Date of Hearing/Closing: AUGUST 16, 2018

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The sign(s) were posted on JULY 27, 2018
(Month, Day, Year)

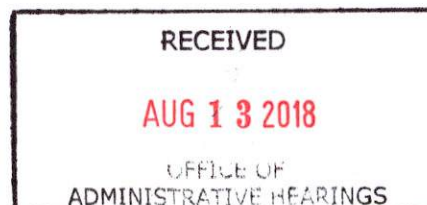
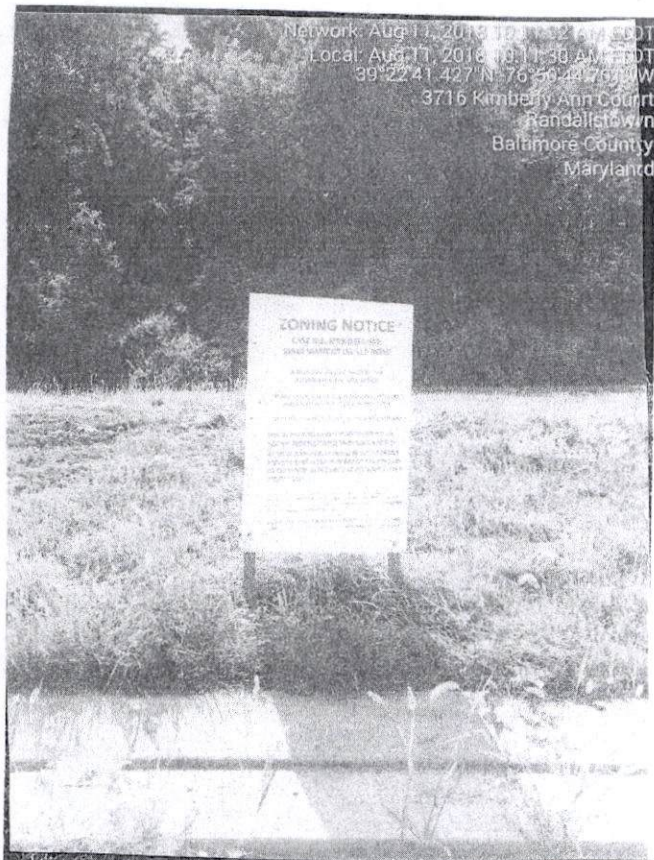
David Billingsley
David Billingsley
(Signature of Sign Poster)

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)



CERTIFICATE OF POSTING

RECERTIFY 8/11/18

Date: JULY 27, 2018

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Case Number /PAI Number: 2018-0336-SPH
Petitioner/Developer: JAFFE
Date of Hearing/Closing: AUGUST 16, 2018

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RECERTIFY 8/11/18
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(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

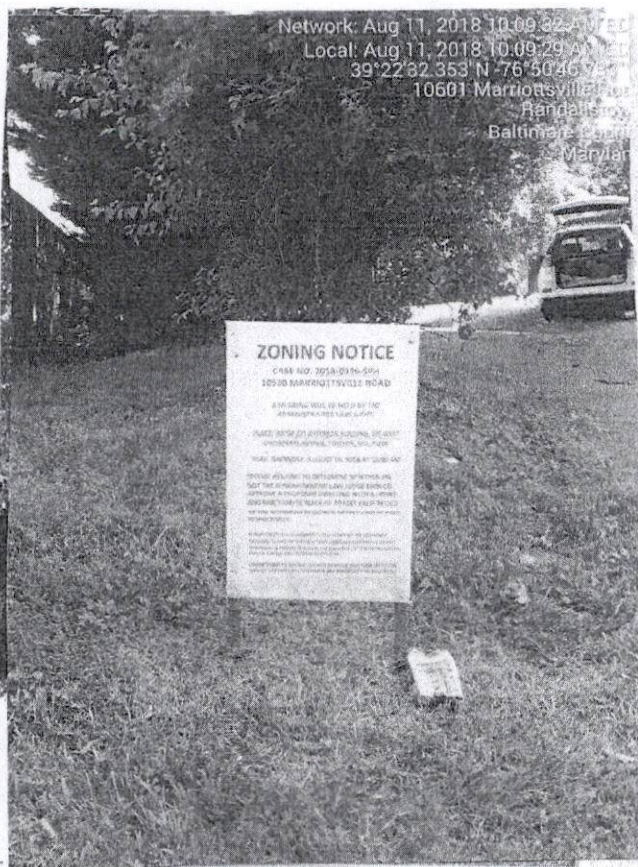
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



RECEIVED

AUG 13 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

11/11



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 5721018

Sold To:

Craig Rodgers - CU00666300
7024 Greenbank Rd
Middle River, MD 21220-1111

Bill To:

Craig Rodgers - CU00666300
7024 Greenbank Rd
Middle River, MD 21220-1111

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

Jul 26, 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: # 2018-0336-SPH
10530 Marriottsville Road
856 ft. NE of Marriottsville Road, east of Kimberly Ann Court
2nd Election District - 4th Councilmanic District
Legal Owner(s) S. Bruce Jaffe

Special Hearing: to determine whether or not the Administrative Law Judge should approve a proposed dwelling with a front and side yard setback of 40 ft., respectively for both in lieu of the minimum required 50 ft., respectively for both.

Hearing: Thursday, August 16, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

07/26/18 5721018

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising



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 5701317

Sold To:

Craig Rodgers - CU00664417
7024 Greenbank Rd
Middle River, MD 21220-1111

Bill To:

Craig Rodgers - CU00664417
7024 Greenbank Rd
Middle River, MD 21220-1111

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

Jul 12, 2018

NOTICE OF ZONING HEARING

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Case: # 2018-0336-SPH
10530 Marriottsville Road

2nd Election District - 4th Councilmanic District
Legal Owner(s) S. Bruce Jaffe

Special Hearing to determine whether or not the Administrative Law Judge should approve a proposed dwelling with a front and side yard setback of 40 ft., respectively for both in lieu of the minimum required 50 ft., respectively for both.

Hearing: Thursday, August 2, 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

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

7/12/2018 5701317

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

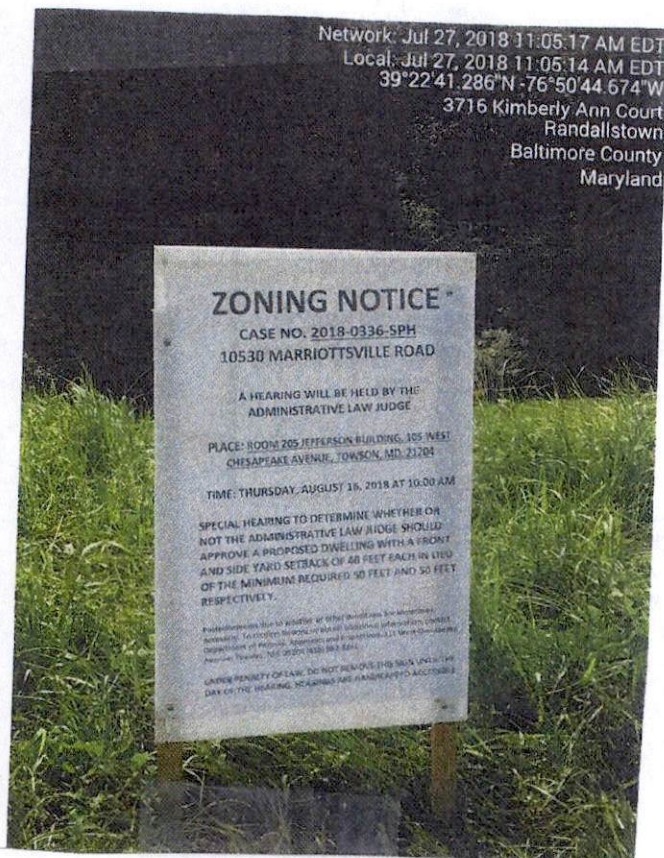
CERTIFICATE OF POSTING

Date: JULY 27, 2018

RE: Project Name: 10530 MARRIOTTSVILLE RD # 1
Case Number /PAI Number: 2018-0336-SPH
Petitioner/Developer: JAFFE
Date of Hearing/Closing: AUGUST 16, 2018

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 10530 MARRIOTTSVILLE ROAD

The sign(s) were posted on JULY 27, 2018
(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)

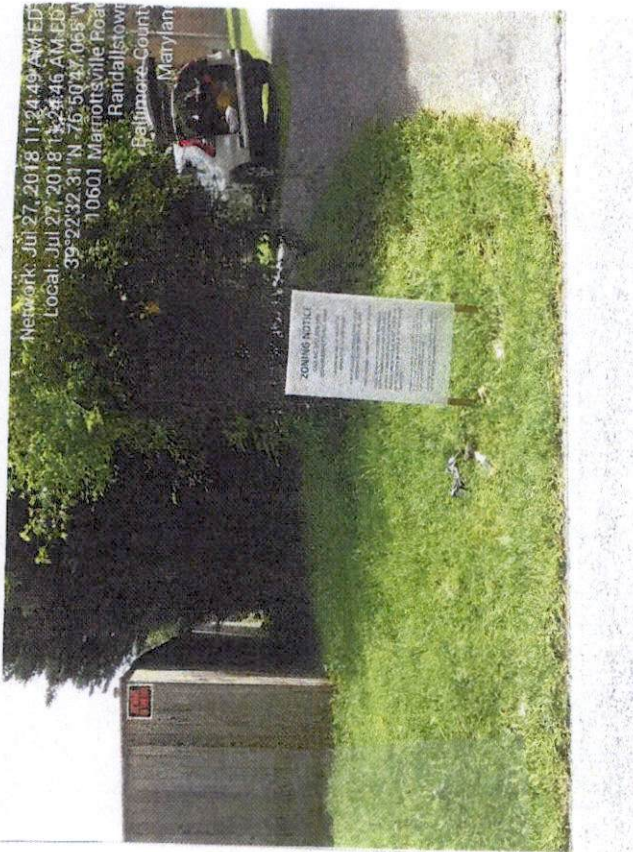
CERTIFICATE OF POSTING

Date: JULY 27, 2018

RE: Project Name: 10530 MARRIOTTSTVILLE RD # 2
Case Number /PAI Number: 2018-0336-SPH
Petitioner/Developer: JAFFE
Date of Hearing/Closing: AUGUST 16, 2018

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 10530 MARRIOTTSTVILLE ROAD

The sign(s) were posted on JULY 27, 2018
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 26, 2018 Issue - Jeffersonian

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

443-677-2007

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0336-SPH

10530 Marriottsville Road
856 ft. NE of Marriottsville Road, east of Kimberly Ann Court
2nd Election District – 4th Councilmanic District
Legal Owners: S. Bruce Jaffe

Special Hearing to determine whether or not the Administrative Law Judge should approve a proposed dwelling with a front and side yard setback of 40 ft., respectively for both in lieu of the minimum required 50 ft., respectively for both.

Hearing: Thursday, August 16, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



KEVIN KAMENETZ
County Executive

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

July 19, 2018

NEW 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: 2018-0336-SPH

10530 Marriottsville Road
856 ft. NE of Marriottsville Road, east of Kimberly Ann Court
2nd Election District – 4th Councilmanic District
Legal Owners: S. Bruce Jaffe

Special Hearing to determine whether or not the Administrative Law Judge should approve a proposed dwelling with a front and side yard setback of 40 ft., respectively for both in lieu of the minimum required 50 ft., respectively for both.

Hearing: Thursday, August 16, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: R. Craig Rodgers, 7024 ^{Greenbank} Greenspring Road, Baltimore 21220
S. Bruce Jaffe, 8600 Snowden River Pkwy., Ste. 207, Columbia 21045

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 27, 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, July 12, 2018 Issue - Jeffersonian

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

443-677-2007

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0336-SPH
10530 Marriottsville Road
2nd Election District – 4th Councilmanic District
Legal Owners: S. Bruce Jaffe

Special Hearing to determine whether or not the Administrative Law Judge should approve a proposed dwelling with a front and side yard setback of 40 ft., respectively for both in lieu of the minimum required 50 ft., respectively for both.

Hearing: Thursday, August 2, 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*

July 2, 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: 2018-0336-SPH

10530 Marriottsville Road

2nd Election District – 4th Councilmanic District

Legal Owners: S. Bruce Jaffe

Special Hearing to determine whether or not the Administrative Law Judge should approve a proposed dwelling with a front and side yard setback of 40 ft., respectively for both in lieu of the minimum required 50 ft., respectively for both.

Hearing: Thursday, August 2, 2018 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: R. Craig Rodgers, 7024 Greenspring Road, Baltimore 21220
S. Bruce Jaffe, 8600 Snowden River Pkwy., Ste. 207, Columbia 21045

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 13, 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 SPECIAL HEARING * BEFORE THE OFFICE
10530 Marriottsville Road; 856' to NE of *
Marriottsville Rd, 335' E of Kimberly Ann Ct * OF ADMINSTRATIVE
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): S. Bruce Jaffe * HEARINGS FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2018-336-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JUN 15 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2018, a copy of the foregoing Entry of Appearance was mailed to R. Craig Rodgers, 7024 Greenbank Road, Baltimore, Maryland 21220, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2018-0336-SPH
Property Address: 10530 Marriottsville Road
Property Description: NE/s of Marriottsville Road, 335' E. of
Kimberly Ann Road
Legal Owners (Petitioners): S. Bruce Jaffe
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG RODGERS
Company/Firm (if applicable): CRAIG CONSULTING, LLC
Address: 7024 GREENBANK RD
BALTIMORE, MD. 21220

Telephone Number: 443-677-2007

Date: 6/5/2018

RECEIVED

BUSINESS	ACTUAL	TIME	DRM
6/05/2018	6/05/2018	10:36:14	5

WIDE ORALIN LRI
EFFECT H 255899 6/05/2010 ORLIN

5 528 ZONING VERIFICATION
148243

Receipt Total \$75.00
\$75.00 CR 1.00 CA
Baltimore County, Maryland

[illegible]

Total: 75.00

Rec From: GreenSpring Valley Homes, LLC

For: Special Hearing - 10530 Marriottsville Road
2018-0336-SPH (JAFFE)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



DONALD I. MOHLER III
County Executive

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

August 7, 2018

S Bruce Jaffe
8600 Snowden River Parkway
Suite 207
Columbia MD 21045

RE: Case Number: 2018-0336 SPH, Address: 10530 Marriottsville Road

Dear Mr. Jaffe:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 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.", is written over a circular stamp that contains the text "BALTIMORE COUNTY" and "MARYLAND".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
R Craig Rodgers, 7024 Greenbank Road, Baltimore MD 21220

Date: 6/11/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2018-0336-SPH.

*Special Hearing
S. Bruce Jelle
10530 Marriottsville Road.*

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

WW/RAZ

8-16

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-336



INFORMATION:

Property Address: 10530 Marriottsville Road

Petitioner: S. Bruce Jaffe

Zoning: RC 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 proposed dwelling with a front and side yard setback of 40 feet, respectively for both, in lieu of the minimum required 50 feet.

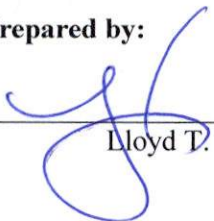
The property is 100% wooded and is constrained by a stream and steep slopes with associated buffers.

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

Please be advised that pursuant to BCZR §1A04.4.B.2 building elevations for the principal structure must be provided to the Department at the time of building permit application.

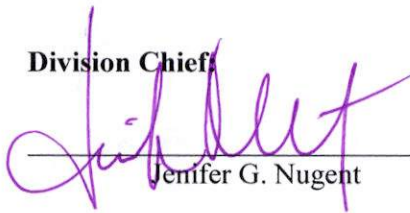
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief



Jennifer G. Nugent

AVA/JGN/LTM/

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 19 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: June 19, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0336-SPH
Address 10530 Marriottsville Road
(Jaffe Property)

Zoning Advisory Committee Meeting of **June 18, 2018.**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Libby Errickson

Additional Comments:

1. Prior to approval of a building permit, a percolation test application must be submitted to verify that adequate soils are available for sewage disposal. In addition, yield test for existing well must meet the minimum yield test requirements.

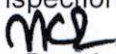
Reviewer: Kevin Koepenick, GWM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2018
Item No. 2018-0333-A, 0334-A, 0335-A, 0336-SPH and 0337-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 MEMORANDUM

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

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-336

INFORMATION:

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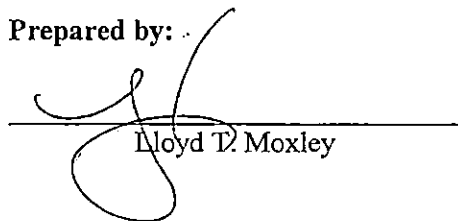
The property is 100% wooded and is constrained by a stream and steep slopes with associated buffers.

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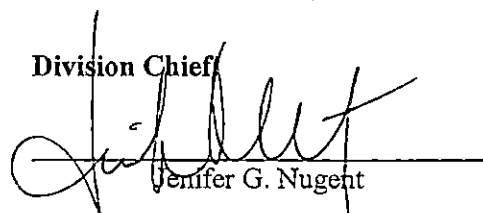
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For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief


Jennifer G. Nugent

AVA/JGN/LTM/

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

BALTIMORE COUNTY, MARYLAND

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Reviewer: Kevin Koepenick, GWM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 19 2018

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Reviewer: Kevin Koepenick, GWM

ORDER RECEIVED FOR FILING

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet
Files\Content.Outlook\DXWB6LKP\ZAC 18-0336-SPH 10530 Marriottsville Road.doc

Date 8-17-18
By BW

CASE NAME 2018-0336-SPH
CASE NUMBER 10530 Marriottsville Rd.
DATE 8-16-2018

[illegible]

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

7/5

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

No Comment

6/19

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

Comment

7/5

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

No Objection

6/11

STATE HIGHWAY ADMINISTRATION
TRAFFIC ENGINEERING

No Objection

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/26/18

SIGN POSTING (1st) Date: 7/27/18

by Billingsley

SIGN POSTING (2nd) Date: 8-11-18

by " "

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			
Tax Exempt:			Special Tax Recapture:						
Exempt Class:			NONE						
Account Identifier:			District - 02 Account Number - 0202652350						
Owner Information									
Owner Name:		TSC/MARRIOTTSVILLE L L C				Use:		RESIDENTIAL	
						Principal Residence:		NO	
Mailing Address:		STE 207 8600 SNOWDEN RIVER PKWY COLUMBIA MD 21045-				Deed Reference:		/30977/ 00372	
Location & Structure Information									
Premises Address:		MARRIOTTSVILLE RD 0-0000				Legal Description:		2 AC NSR MARRIOTTSVILLE RD 845 NW HERNWOOD RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0076	0003	0219		0000				2019	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	
						2.0000 AC		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
					01/01/2016		07/01/2018		07/01/2019
Land:			94,800		94,800				
Improvements			0		0				
Total:			94,800		94,800		94,800		
Preferential Land:			0						
Transfer Information									
Seller: MARRIOTTSVILLE MANOR LLC				Date: 06/30/2011			Price: \$850,000		
Type: ARMS LENGTH MULTIPLE				Deed1: /30977/ 00372			Deed2:		
Seller: KOSSA ROMAINE,ET AL				Date: 12/21/2006			Price: \$100,000		
Type: ARMS LENGTH VACANT				Deed1: /24957/ 00742			Deed2:		
Seller: KOSSA ROMAINE E BRADY ROBERT E				Date: 06/01/1976			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /08489/ 00225			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
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:**

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 (mailto:?)

subject=Attorney%20Grievance%20v.%20Jaffe%2C%20.%20at%20CourtListener.com&body=https://www.courtlistener.com/opinion/4260203/attorney-grievance-v-jaffe/)  (http://www.facebook.com/share.php?u=https://www.courtlistener.com/opinion/4260203/attorney-grievance-v-jaffe/&t=Attorney Grievance v. Jaffe, . at CourtListener.com)  (http://twitter.com/home?status=https://www.courtlistener.com/opinion/4260203/attorney-grievance-v-jaffe/)

<https://www.courtlistener.com/opinion/4260203/attorney-grievance-v-jaffe/>



Attorney Grievance v. Jaffe, . (Md. 2016)

Court of Appeals of Maryland

Filed: September 27th, 2016

Precedential Status: Precedential

Citations: .

Docket Number: 102ag/15

Judges: Order

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ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND

Petitioner

v.

SANFORD BRUCE JAFFE

Respondent

IN THE
COURT OF APPEALS
OF MARYLAND

Misc. Docket AG No. 102

September Term 2016

ORDER

Upon consideration of the Joint Petition filed herein pursuant to Maryland Rule 19-736,
tb
it is this 27 :Gay of September, 2016,

ORDERED, that Respondent, Sanford Bruce Jaffe, be and he is hereby indefinitely
suspended from the practice of law in the State of Maryland for a violation of Rule 8.4 (d)
of the Maryland Lawyers' Rules of Professional Conduct; and it is further

ORDERED, that the Clerk of this Court shall remove the name of Sanford Bruce Jaffe
from the register of attorneys in the Court and certify that fact to the Client Protection Fund
of the Bar of Maryland and all Clerks of all judicial tribunals in this State in accordance
with Maryland Rule 19-742(a) and issue notice of such action in accordance with Maryland Rule
19-761(6).

/s/ Mary Ellen Barbera
Chief Judge

Newsletter

SANCTIONS AND ACTIONS AFFECTING LICENSURE (FY 2017)

ADOFF, Leonard H. – Disbarred by Consent on December 16, 2016, as a reciprocal action to his disbarment in New Jersey for failing to safe-keep property, for misappropriating client funds held in trust, for failing to maintain proper trust account records and for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

ALLENBAUGH, Mark Howard – Disbarred on October 7, 2016 as a reciprocal action to his United States Court of Appeals (Fourth Circuit) suspension, for failing to represent his client competently and diligently, for failing to respond to court orders and for failing to refund a fee that had not been earned.

ANDERSON, Gary Michael – Indefinite Suspension by Consent on February 16, 2017, effective thirty (30) days from the date thereof, for failing to comply in a material way with the terms of a Conditional Diversion Agreement (“CDA”) that he entered into with Bar Counsel related to failing to safe-keep client funds in an attorney trust account and for failing to communicate, and in another matter, for failing to represent his client competently and diligently, resulting in entry of a judgment against his client, for failing to keep his client informed of the status of her case, for failing to provide his client with an accounting of fee payments and upon termination of the representation, for failing to cooperate with requests from his former client’s new counsel.

BARBER, Andre P. – Disbarred on August 19, 2016, as a reciprocal action to his District of Columbia disbarment for filing frivolous pleadings and appeals, for making misrepresentations to an arbitrator and for making misrepresentations to the disciplinary authorities.

BELLAMY, Denise Leona – Disbarred on April 3, 2017, for multiple acts of dishonesty, deceit, misrepresentation, client neglect, abandonment and criminal conduct reflecting adversely on her honesty and trustworthiness.

BROWN, Ajile Fernandez – Commission Reprimand on December 2, 2016, for the unauthorized practice of law in Maryland.

BYRD, Charles Grant, Jr. – Disbarred by Consent on April 5, 2017, for criminal conduct (misappropriation of funds belonging to his law firm for his personal use and benefit) and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

DENRICH, Diana Beth – Disbarred by Consent on December 11, 2017, following her conviction in the Circuit Court for Baltimore County for drug possession, theft under \$1,000 and drug prescription forgery. Respondent was previously suspended on an interim basis on February 16, 2017.

DYER, Allen Ray – Reprimand on June 23, 2017, for failing to adequately respond to lawful demands for information from Bar Counsel, for challenging Bar Counsel’s authority to conduct “confidential” investigations under Maryland Rules and failing to provide any meaningful substantive response to Bar Counsel’s request.

ELLIS, Thomas Francis, III – Commission Reprimand on September 29, 2016, for failing to safe-keep client funds until earned, for failing to ensure that his firm had in effect measures giving

failing to keep the client informed of the status of the case and failing to respond promptly to the client's reasonable requests for information, failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, charging an unreasonable fee, failing to communicate the scope of the representation and basis or rate of the fee within a reasonable time after commencing the representation, failing to safe-keep the client's funds in a trust account, failing to deliver promptly to the client funds or other property that the client is entitled to receive, failing to take reasonable steps to protect his client's interests upon termination of the representation, including failing to refund an advance payment of fee or expense that had not been earned or incurred, and failing to respond to lawful demands for information from a disciplinary authority.

HARPER, George A. – Commission Reprimand on July 20, 2016, for failing to deposit his client's fees, paid in advance, into his attorney trust account without obtaining his client's informed written consent.

HARRIS, Roger Lee, Jr. – Disbarred by Consent on May 25, 2017, for willfully forging client signatures on settlement checks, failing to disburse funds to his clients and a third-party medical provider, misappropriating client funds to his own use and benefit, failing to represent these clients with competence and reasonable diligence and failing to keep his clients reasonably informed about the status of their cases.

HECHT, Spencer Michael - Commission Reprimand on May 26, 2017, for failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the course of the representation and entering into a business transaction with a client without advising the client in writing of the desirability of seeking legal advice.

HENDERSON, Reid Donalan – Disbarred by Consent on September 16, 2016, as a reciprocal action to his disbarment in the District of Columbia, for failing to represent his clients with competence and reasonable diligence, for representing his clients when his physical or mental condition materially impaired his ability and upon termination of the representation, for failing to take reasonable steps to protect his clients' interests and for failing to surrender papers and property to which his clients were entitled and refunding any advance payment of fee or expense that had not been earned or incurred.

JAFFE, Sandford Bruce – Indefinite Suspension by Consent on September 27, 2016, in connection with his operation of a commercial property leasing company, for permitting his employee to submit documents containing false or misleading information to a bank relating to a loan, for making inaccurate statements to a bank representative and for failing to correct false information that was previously provided. Respondent met with the bank's officers, apologized for the problems created by his employee, provided an explanation letter for the loan file promising to rectify the problem and shortly thereafter repaid the loan prior to the termination date.

JOHNSON, Jerome P – One (1) –year Suspension on December 14, 2016, effective January 13, 2017, for failing to represent a client with reasonable diligence, for failing to adequately communicate with his client, upon termination of the representation, for failing to take steps to



10840 Little Patuxent Parkway is one of several commercial properties owned by Sanford Bruce Jaffe, COSTAR GROUP INC.

IN THIS ARTICLE

Commercial Real Estate
Industry

Gerard T. McDonough
Person

Glen Burnie
Person

By Holden Wilen - Reporter, Baltimore Business Journal
Mar 26, 2018, 7:07am

Sanford Bruce Jaffe owns a cluster of limited liability corporations, all based at 8600 Snowden River Parkway in Columbia, that have piled up almost \$47 million of debt.

Home → Collections → Finance Reports



Last hurrah for the 'LLC loophole'

Tweet

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Candidates for governor still taking money from LLCs

January 18, 2014 | By Michael Dresser, The Baltimore Sun

For decades, well-heeled contributors have been able to dodge Maryland's campaign donation limits through a quirk in state law known to reform advocates as the "LLC loophole."

The General Assembly passed legislation in 2013 to close the loophole as of the next four-year election cycle, but campaign finance reports filed last week show it is enjoying a last hurrah in the 2014 governor's race.

Here's how the loophole works: Maryland law limits an individual or company to a donation of \$4,000 to a single candidate or \$10,000 to all candidates combined. But a wealthy business owner who wants to maximize political influence can donate the maximum in the names of all of the corporate entities under his or her control.

Large developers typically set up many limited liability corporations to control their various interests. By contributing through those entities, they can form "clusters" of giving power that increase their political clout into the hundreds of thousands of dollars.

In finance reports filed by Democrats Anthony G. Brown and Douglas F. Gansler there are many examples of each campaign receiving tens of thousands of dollars last year from clusters using the LLC loophole. Here are just two:

Lieutenant Governor Brown and his running mate, Howard County Executive Ken Ulman, got donations from a cluster of LLCs and limited liability partnerships sharing the same Columbia address as the Sanford Cos. and its chief executive, S. Bruce Jaffe. Ulman reported \$27,000 and Brown \$27,000. With contributions to Ulman in the two previous years, the total for the cluster comes to at least \$72,000.

Attorney General Gansler, who set up a task force in 2010 that recommended that the loophole be closed, benefited from a similar cluster surrounding the Washington office of The Bernstein Cos., a real estate development company with interests in Maryland, and CEO Adam K. Bernstein, Gansler's campaign finance chair. Gansler and his running mate, Del. Jolene Ivey, reported receiving \$54,000 from that address last year alone. That brings Gansler's total from that cluster to \$80,000 since the 2010 election.

The chief executives of Sanford and Bernstein did not return calls seeking comment.

The third candidate in the Democratic race, Del. Heather R. Mizeur of Montgomery County, reported no such clusters of big giving. She said she has stopped accepting corporate contributions since deciding in December to accept public financing. With \$284,000 in public matching money, she raised \$1.1 million last year.

Asked about the clusters, Brown campaign manager Justin Schall said the fundraising total reflects "broad, diverse support" from 6,000 donors. The Gansler campaign declined to comment.

When they filed their finance reports, the campaigns put a spin on their fundraising practices.

Brown's campaign boasted that the \$7 million he and Ulman have in the bank "caps a successful year of grass-roots growth." Gansler's campaign, which fell behind after being outraised 3-1 by Brown last year, accused the lieutenant governor of "shaking down special interests."

The records show that Brown's campaign was far from just a grass-roots effort, while Gansler took plenty of money from special interests as well.

michael.dresser@baltisun.com

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Smith, Gansler well-off
January 22, 2009

The LLC shell game
June 22, 2008

O'Malley tops donations
August 15, 2006

Gansler releases first radio ad
March 12, 2014

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Does Anyone Have Experience With Sanford Companies?

By Lori Struss · Posted on Saturday, April 22, 2017 · Tagged in General Discussion

👁 240 ❤ 2 💬 2

[Post Answer](#)

Hello All, thank you in advance for your advice. I am currently leasing space from Sanford Companies, Bruce Jaffe. He keeps hiking the CAM (Common Area Maintenance) and won't provide the back up billing. Does anyone have experience with him or this issue?

Answers (1-2)

CA McClintic from **Ju-Jitsu Dojo of Columbia**

0 Locals Recommend Them • Answered on Monday, June 12, 2017

Yep - way too much experience. You have the right to go in once a year and review the books. Check your lease. Notify them you want to do it, and do it. I got our CAM reduced several years in a row by doing that.

Make sure they don't charge you for other tenants' charges, make sure they're not charging you for *their* late fees because they can't pay their own phone bills (for the lines they use for the alarms in the buildings), question anything that seems a bit off. If they can't show you the bill, tell them to take it off. Also make sure you know the code...

(more)

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JOIN NOW - IT'S FREE

By submitting, you acknowledge you have read and agree to the [Alignable terms of use](#).

Posted By

**Lori Struss from
Genesis Arts
LLC
Columbia, MD**

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Tuesday, June 13, 2017

Thank you. I created a tenants organization and we've been experiencing the same things. Legal battles with them tend to be costly since Bruce has experience dragging them on

[Like](#)**Lori Struss from Genesis Arts LLC**

0 Locals Recommend Them • Replied on

Tuesday, June 13, 2017

So many people don't get paid as contractors and so many renters get raked over the coals for money. It's incredibly hard to work with an attorney turned landlord who uses the law strictly to benefit himself. My prayer is that people become wise because it certainly appears that his change will not be forthcoming.

[Like](#)**CA McClintic from Ju-Jitsu Dojo of Columbia**

0 Locals Recommend Them • Answered on

Tuesday, June 13, 2017

Being a small business vs. a large business (however badly run) has it issues, since we don't have the deep pockets. Good luck with the tenants' organization!

[Reply](#) [Like](#)**Related Posts**

What's Your Biggest Challenge When Attending Networking Events?

Asked by Jaclyn Zoccoli on Apr 13, 2017

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Are You Using Facebook Ads To Generate Leads?

Asked by Ian Cantle on Apr 24, 2017

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Sanford Construction Services, LLC

8600 Snowden River Parkway

Columbia, MD 21045

Phone: Show Number

Own This Business?



Sanford Construction Services, LLC is a privately held company in Columbia, MD and is a Single Location business.

Categorized under Home Builders. Our records show it was established in 2014 and incorporated in MD. Current estimates show this company has an annual revenue of 121308 and employs a staff of approximately 1.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

STEWART TITLE GUARANTY
COMPANY,

Plaintiff,

v.

SANFORD TITLE SERVICES, LLC,
et al.,

Defendants.

Civil Action No. ELH-11-620

MEMORANDUM OPINION

Plaintiff, Stewart Title Guaranty Company (“Stewart Title”), is a title insurance company that insured many of the customers of Sanford Title Services, LLC (“Sanford Title”). Complaint ¶ 41 (ECF 1). Stewart Title has sued Sanford Title and sixteen other defendants, alleging that they misappropriated settlement funds held in escrow by Sanford Title in connection with various real estate transactions, using the escrow accounts “as personal slush funds.” *Id.* ¶ 30.¹

Of import here, Stewart Title contends that this lawsuit constitutes a *lis pendens* upon two parcels of real property in Maryland: 820 Hillside Avenue, in Edgewater, Anne Arundel County (the “Hillside Property”); and 4313 Quanders Promise Drive, in Bowie, Prince George’s County (the “Quanders Property”). Accordingly, Stewart Title has filed a Notice of *Lis Pendens* on each of the two properties with the clerk of the circuit court in the county where each property is located.

¹ The allegations of Stewart Title’s Complaint are summarized in the Court’s earlier Memorandum Opinion dated May 4, 2011 (ECF 59). In this opinion, I will assume the parties’ familiarity with many of the underlying factual allegations.

Now pending for decision is a “Motion to Terminate Lis Pendens” (ECF 65) filed by defendants Sanford Bruce Jaffe (“Mr. Jaffe”); Sanford Title; The Sanford Companies, Inc.; U.S. Financial Capital, Inc.; and TSC/820 Hillside, LLC (“TSC”) (collectively, “Jaffe Defendants”). For the reasons that follow, the Jaffe Defendants’ motion will be denied.

Background

Stewart Title’s claim of *lis pendens* derives from Counts VIII and IX of its Complaint. These counts assert, respectively, claims of constructive trust and equitable lien upon the two properties.² Specifically, the Complaint alleges that two defendants, Daniel and Siegrid Barnett, purchased the Hillside Property for \$413,000. Complaint ¶ 31. The Barnetts were supposed to obtain a mortgage loan of \$405,519.00 to finance the purchase, but never received the loan. *Id.* However, the purchase money was disbursed from Sanford Title’s account, from “funds that Sanford Title had received for other transactions,” and thus the Barnetts “received a house without a mortgage.” *Id.* At the time, Mr. Barnett was the boyfriend of another defendant who was employed by Sanford Title. *Id.* Subsequently, Mr. Jaffe, who is the owner of Sanford Title, “caused” the Barnetts to convey the Hillside Property to TSC, which is “a separate entity owned by Mr. Jaffe.” *Id.* ¶ 87.

The Quanders Property is owned by defendant Senyo Bulla. Complaint ¶ 32. Mr. Bulla refinanced an existing mortgage on the Quanders Property. *Id.* According to the Complaint, Sanford Title disbursed escrow funds to pay Bulla’s mortgage, in the amount of \$497,026.38, at the settlement for the refinancing. Funds for that payment were supposed to come from a new loan that Mr. Bulla was to obtain, in the amount of \$508,519. *Id.* However, like the Barnetts, he

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² Counts VIII and IX also assert a constructive trust and an equitable lien upon a 2010 Chevrolet Camaro owned by one of the defendants, but those claims are not at issue here.

did not actually obtain the loan. *Id.* “As it stands, Mr. Bulla is living in the Quanders Property mortgage free.” *Id.*

Plaintiff claims that, due to the shortfalls in Sanford Title’s escrow account resulting from the transactions concerning the Quanders Property and the Hillside Property, as well as other derelictions, Stewart Title has “been caused to pay numerous items that should have been paid from Sanford Title’s escrow funds but were not.” *Id.* ¶ 85. Accordingly, Stewart Title asserts that it is entitled to the imposition of a constructive trust and/or an equitable lien on both the Hillside Property and the Quanders Property. In its view, the claim of entitlement constitutes a *lis pendens*.

In their motion, the Jaffe Defendants argue that Stewart Title’s notices of *lis pendens* were wrongfully filed. Thus, they ask the Court to terminate the *lis pendens*.

Discussion

Subject matter jurisdiction is founded on diversity of citizenship.³ In a diversity action, “on questions of substantive law, this court must apply the law that the forum state . . . would apply if it heard the case.” *Homeland Training Ctr., LLC v. Summit Point Auto. Research Ctr.*, 594 F.3d 285, 290 (4th Cir. 2010). Here, the forum state is Maryland.

In Maryland, *lis pendens* is a common law doctrine. *See Greenpoint Mortg. Funding, Inc. v. Schlossberg*, 390 Md. 211, 223 (2005). It concerns “the jurisdiction, power, or control which a court acquires over property involved in a lawsuit pending its continuance and final judgment.” *DeShields v. Broadwater*, 338 Md. 422, 433 (1995). *Lis pendens* “generally arises

³ Stewart Title is a Texas corporation with its principal place of business in Houston, Texas. None of the defendants are citizens of Texas, and more than \$75,000 is in controversy. *See* 28 U.S.C. § 1332(a) (diversity jurisdiction).

in the context of disputes in which one or more parties have possession of real property and the potential of premature, precipitous, undue or untoward alienation of that property needs to be avoided.” *Greenpoint*, 390 Md. at 222-23. “Under the doctrine, an interest in property acquired while litigation affecting title to that property is pending is taken subject to the results of that pending litigation.” *DeShields*, 338 Md. at 433.

A *lis pendens* does not enjoin the sale of property pending litigation. Rather, its “basic function” is simply “to advise a person who seeks to acquire an interest in property subject to a *lis pendens* that he will be bound by the outcome of the noticed litigation.” *Greenpoint*, 390 Md. at 222. The *DeShields* Court explained, 338 Md. at 435-36 (internal citations omitted; some alterations in *DeShields*):

A “*lis pendens* is a general notice of an equity to all the world,” not notice of an actual lien. Consequently *lis pendens* proceedings do not technically prevent alienation; they place a cloud on title to the property and “[create] a priority in favor of the plaintiff, which, if the plaintiff succeeds on the merits of the claim, relates back to the date of the filing of the complaint . . . [and, thus, preserve] for a successful plaintiff the opportunity to have a lien relating back to the date of the filing of the complaint.”

* * *

[W]hen, after the complaint has been filed, the defendant transfers his or her interest in the property which is the subject of the lawsuit, *lis pendens* applies to subject that property to the result of the pending litigation Because *lis pendens* provides constructive notice of the equity claimed by the plaintiff, the transferee’s actual notice of that equitable claim prevents that transferee from being a purchaser in good faith.

Notably, *lis pendens* applies only in “proceedings directly relating to the title to the property transferred or in which the ultimate interest and object is to subject the property in question to the disposal of a decree of the court.” *DeShields*, 338 Md. at 435. In *Greenpoint*, 390 Md. at 223, the Maryland Court of Appeals said: “[I]t is clear in Maryland that generally,

prior to judgment, the nature of the action must be such that it directly involves the property, if the property is to be subject to a *lis pendens*.”

Maryland Rule 12-102 is Maryland’s primary provision regulating the doctrine of *lis pendens*. It states, in part: “This Rule applies to an action filed in a circuit court or in the United States District Court for the District of Maryland that affects title to or a leasehold interest in real property located in this State.” Md. Rule 12-102(a). The remaining provisions of the rule provide that the filing of a complaint or notice of *lis pendens* is constructive notice of the *lis pendens* to any purchaser when filed in the county where the property is located, Md. Rule 12-102(b), and establish that termination of a *lis pendens* may be ordered “[o]n motion of a person in interest and for good cause” while the action is pending, and is mandatory upon conclusion of the action. Md. Rule 12-102(c). According to the Court of Appeals, the rule “contains no substantive modification of the common law.” *Greenpoint*, 390 Md. at 223.⁴

The question raised by the Jaffe Defendants’ motion is whether Stewart Title’s claims for imposition of a constructive trust and/or an equitable lien are sufficient to support a *lis pendens*. The Jaffe Defendants insist that Stewart Title’s claims are not sufficient because Stewart Title has “no ownership interest in the property.” They analogize Stewart Title’s claim to an attempt to “attach assets of Sanford Title in advance of any judgment.” “By this logic,” they argue, Stewart Title could assert *lis pendens* “on any property” the Jaffe Defendants owned, or “any property conveyed to any individual as a result of a Sanford Title closing.” In the Jaffe

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⁴ The only other statutory or regulatory provision concerning *lis pendens* in Maryland is found in Md. Code (2006 Repl. Vol., 2010 Supp.), § 1-203(b) of the Family Law Article, which states that an annulment or divorce action does not constitute *lis pendens* unless the court orders otherwise. See *Greenpoint*, 390 Md. at 223 (“Except for the statute in respect to divorce cases above noted, the Maryland General Assembly has not seen fit to enact further statutes modifying *lis pendens* . . .”).

Defendants' view, "there is no authority for [Stewart Title] to assert a claim of title over real estate [it has] no interest in, simply because [it is] bringing this action against a title company."⁵

In contrast, Stewart Title maintains that the "only cognizable purpose" for the Jaffe Defendants' motion to terminate the *lis pendens* is "for the Defendants to complete their laundering of escrow funds through the properties by converting the equity in those properties to cash." In its view, the Jaffe Defendants' motion fails, because "the doctrine of *lis pendens* does not only apply to claims for actual ownership of property," and, in any event, "Stewart Title has a claim to title to the subject properties."

According to Stewart Title, a claim for a constructive trust or equitable lien is "directly related to the property," even if it does not concern actual ownership, and thus is appropriate for *lis pendens*. Quoting *Kim v. Nyce*, 2010 U.S. Dist. LEXIS 122781, 9-10 (D. Md. 2010), Stewart Title asserts that a claim for constructive trust is a claim "'to convert the holder of the legal title to property into a trustee for one who in good conscience should reap the benefits of possession of said property.'" Thus, as Stewart Title sees it, "a claim for constructive trust takes the beneficial interest in title to real property, and vests that interest in the aggrieved party," leaving the record owner with only "bare legal title." Stewart Title opines that it is "nonsensical" to assert that such a claim does not relate to title to a property.

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⁵ The Jaffe Defendants argue that Sanford Title (not Stewart Title) has "suffered monetary loss" due to Sanford Title's payment of Bulla's original mortgage, despite Bulla's failure to arrange a replacement mortgage. They note that Sanford Title has sued Bulla in the Circuit Court for Prince George's County, alleging unjust enrichment. *See Sanford Title Servs., LLC v. Bulla*, Civ. No. CAE10-06876 (Md. Cir. Ct. Prince Geo. County). But, they assert that Sanford Title has not sought reimbursement from Stewart Title for its losses in connection with Bulla's refinancing.

Stewart Title suggests that the Jaffe Defendants' motion is really an attempt to attack the adequacy of its claims for constructive trust and equitable lien. According to plaintiff, the Jaffe Defendants "should have filed motions to dismiss those counts" if they contest the adequacy of Stewart Title's pleading. Regardless, Stewart Title insists that it has adequately pled both constructive trust and equitable lien claims; it has asserted that Sanford Title's escrow funds were misappropriated to pay for the Hillside Property and the Quanders Property, and that it has "also pled that it was forced to make up the shortfall in Sanford Title's escrow accounts due in part to those payments." In its view, "[t]he Defendants' theft of escrow funds followed by Stewart Title's replacement of those funds is all the proof that is necessary."

A constructive trust is a type of equitable remedy, and not a cause of action. *Lyon v. Campbell*, 33 F. App'x 659, 663 (4th Cir. 2002) (applying Maryland law and stating: "A constructive trust is an equitable remedy, not a cause of action in and of itself."). In *Wimmer v. Wimmer*, 287 Md. 663, 668 (1980), the Maryland Court of Appeals said that a constructive trust "is the remedy employed by a court of equity to convert the holder of the legal title to property into a trustee for one who in good conscience should reap the benefits of the possession of said property." The remedy applies where the defendant has acquired property by "fraud, misrepresentation, or other improper method, or where the circumstances render it inequitable for the party holding the title to retain it." *Id.*; see also *Washington Suburban Sanitary Comm'n v. Utilities, Inc.*, 365 Md. 1, 39 (2001) ("The constructive trust, like its counterpart remedies 'at law,' is a remedy for unjust enrichment.' The remedy 'is no longer limited to misconduct cases; it redresses unjust enrichment, not wrongdoing.'") (quoting 1 DAN B. DOBBS, LAW OF REMEDIES § 4.3(2), at 597 (2d ed. 1993) ("DOBBS")). Put another way, a constructive trust applies "where a

person holding title to a property is subject to an equitable duty to convey it to another person on the ground that he would be unjustly enriched if he were permitted to retain it.” *Siemiesz v. Amend*, 237 Md. 438, 441-42 (1965); *see also* 1 DOBBS, § 4.3(2), at 590-91 (“[T]he constructive trust plaintiff who proves his claim by clear and convincing evidence wins an *in personam* order that requires the defendant to transfer legal rights and title of specific property or intangibles to the plaintiff.”).

Similarly, an equitable lien is also a restitutionary remedy. *See Mass Transit Admin. v. Granite Const. Co.*, 57 Md. App. 766, 774 (1984) (“In equity, the principal restitutionary remedies are the constructive trust, the equitable lien, subrogation, and the accounting for profits.”); *accord Alternatives Unlimited, Inc. v. New Baltimore City Bd. of Sch. Comm’rs*, 155 Md. App. 415, 460 (2004). Professor Dobbs’ treatise enumerates “two fairly disparate senses” of the equitable lien remedy. 1 DOBBS, § 4.3(3), at 601. The first is an “equitable lien created by express or implied-in-fact contract,” and the second is an equitable lien imposed “to prevent unjust enrichment.” *Id.* Maryland case law primarily focuses on the first, contract-based form of the remedy.⁶ However, some Maryland cases have recognized the second type of equitable lien, including cases in which an equitable lien was imposed to enforce a right of contribution. *See, e.g., Aiello v. Aiello*, 268 Md. 513, 519 (1973). According to Professor Dobbs, the unjust enrichment variety of equitable lien “is imposed for reasons that, in principle, are the same as

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⁶ Maryland courts have said that an equitable lien “is based on specific enforcement of a contract to assign property as security.” *Pence v. Norwest Bank Minnesota, N.A.*, 363 Md. 267, 287 (2001) (internal citations and quotation marks omitted). It applies when a “contracting party sufficiently indicates an intention to make some particular property . . . a security for a debt or other obligation, or whereby the party promises to convey or assign or transfer the property as security.” *Id.* at 287-88 (internal citations and quotation marks omitted). “[I]n order to create an equitable lien there must be a clear intent by the parties to establish the lien.” *Id.* at 290.

those that warrant the constructive trust, and it works in substantially the same way.” 1 DOBBS, § 4.3(3), at 601. “The difference,” Dobbs explains, “is that restitution is measured differently. Where the constructive trust gives a complete title to the plaintiff, the equitable lien only gives him a security interest in the property, which he can then use to satisfy a money claim.” *Id.*

Thus, although Stewart Title has set forth its requests for imposition of a constructive trust and an equitable lien in separate counts, they are actually remedial requests that depend upon plaintiff’s substantive causes of action. These include, *inter alia*, breach of contract, misappropriation, breach of fiduciary duty, constructive fraud, fraudulent conveyance, and unjust enrichment.

As noted, *lis pendens* in Maryland applies only to a case in which “the nature of the action [is] such that it directly involves the property.” *Greenpoint*, 390 Md. at 223. A complaint for title or possession of real property certainly satisfies that standard. Similarly, the standard would also be satisfied in a condemnation proceeding. *See Md.-Nat’l Capital Park & Planning Comm’n v. Town of Washington Grove*, 408 Md. 37, 91 (2009). In contrast, *lis pendens* does not apply to “an action seeking recovery of money damages” for a tort unrelated to a defendant’s property, in which the plaintiff simply seeks to “short cut the legal process” by encumbering the property so that there will be an asset from which the plaintiff can satisfy a judgment if it prevails. *Warfel v. Brady*, 95 Md. App. 1, 8, *cert. denied*, 331 Md. 88, *cert. denied*, 510 U.S. 977 (1993).

The parties have not cited any case in which a court in Maryland has directly addressed whether or when a claim for a constructive trust or an equitable lien may support a *lis pendens*,

and I have found none.⁷ But, courts in other states have considered the question.

Some courts adhere to the view that an action to establish a constructive trust can never support a *lis pendens*. See, e.g., *S. Utsunomiya Enters., Inc. v. Moomuku Country Club*, 866 P.2d 951 (Haw. 1994) (holding, under Hawaii *lis pendens* statute, that “*lis pendens* should be limited to actions *directly* seeking to obtain title to or possession of real property,” and rejecting *lis pendens* as to an equitable lien) (emphasis in original); *Urez Corp. v. Superior Ct.*, 235 Cal. Rptr. 837, 842 (Cal. App. 2d Dist. 1987) (rejecting *lis pendens* in case that was “essentially a fraud action seeking money damages with additional allegations urged to support the equitable remedies of a constructive trust or an equitable lien[, where plaintiff] does not claim any

⁷ In two cases, courts appeared to assume that *lis pendens* would ordinarily apply in an action to impose a constructive trust. In *DeShields, supra*, 338 Md. 422, the Court of Appeals considered whether a *lis pendens* was appropriate in a case seeking to impose a constructive trust on real property. But, the Court held that *lis pendens* did not apply because the lawsuit was initiated after a bona fide purchaser had already made a binding contract to purchase the property from the defendant. Thus, by the doctrine of equitable conversion, equitable title to the property had already passed to the purchaser by the time the suit was filed, and *lis pendens* could not attach to the bare legal title held by the defendant. *Id.* at 437-440. The Court did not suggest that *lis pendens* would not have applied to the constructive trust claim in the absence of equitable conversion.

In *Byrd v. Hoffman*, 417 B.R. 320 (D. Md. 2008), the court considered the validity of the bankruptcy court’s order approving a trustee’s sale of debtors’ property, “free and clear of all liens, claims, interests, and encumbrances.” There, while the bankruptcy proceeding was pending, the debtors had filed a complaint in state circuit court against the bankruptcy trustee, “alleging abuse of process and civil conspiracy and seeking the imposition of a constructive trust against the Property as a remedy.” *Id.* at 324. The court “assume[d],” without deciding, “that Appellants’ constructive trust claim was akin to a *lis pendens*.” *Id.* at 328. The *Byrd* Court held that the circuit court action did not constitute a *lis pendens* on the property, reasoning that, in an “ongoing bankruptcy proceeding, the Bankruptcy Court retains exclusive jurisdiction, to the exclusion of other courts, over the Property” of the debtor, and thus, “the Circuit Court in which Appellants filed their constructive trust claim against property subject to the Bankruptcy Court’s exclusive jurisdiction could not acquire or exercise jurisdiction over the Property and could not make a ruling ‘affecting title to’ the Property.” *Id.* at 330.

ownership or possessory interest in the subject property”).⁸ These courts would reject a *lis pendens* under the circumstances of this case. For instance, in *Asher v. Alkan Shelter, LLC*, 212 P.3d 772, 782 n.34 (Alaska 2009), the Alaska Supreme Court stated that *lis pendens* is “inappropriate where the litigation sought damages for breach of fiduciary duty and breach of contract, even though the complaint demanded an accounting of all defendant’s ill-gotten gains that might be traced to the property on which the plaintiff filed a *lis pendens*.”

Other courts, however, have held that “[t]here is no doubt that an action to impress a constructive trust on realty affects title to that property, so that a notice of *lis pendens* may be filed” *Polk v. Schwartz*, 399 A.2d 1001, 1004 (N.J. Super Ct. App. Div. 1979); *see also Heck v. Adamson*, 941 A.2d 1028, 1030 (D.C. 2008) (“On its face, Heck’s action asserting an equitable interest in the Naylor Road property *via* a constructive trust is *an* ‘interest in real property,’ which is all the [D.C. *lis pendens*] statute requires.”) (emphasis in original); *Kerns v. Kerns*, 53 P.3d 1157, 1165 (Colo. 2002) (holding “that an action to impose a constructive trust on real property . . . entitles the party bringing the action to file a notice of *lis pendens*”); *Ross v. Specialty Risk Consultants, Inc.*, 621 N.W.2d 669, 676 (Wisc. 2000) (holding that *lis pendens* applies to an action seeking constructive trust because such an action “may ultimately change legal title” and thus “is an action seeking relief that ‘might confirm or change interests in the real property’”) (quoting Wisconsin *lis pendens* statute); *Fingerhut Corp. v. Suburban Nat’l Bank*,

⁸ Other California appellate courts have come to the opposite conclusion. *See, e.g., Coppinger v. Superior Ct.*, 185 Cal. Rptr. 24, 29 (Cal. App. 4th Dist. 1982) (holding that “an action to impose a constructive trust on real property is an action affecting title to or possession of real property” so as to support imposition of *lis pendens*). California’s Supreme Court has not yet resolved the split. *See Kirkeby v. Superior Ct. of Orange County*, 93 P.3d 395, 400 n.7 (Cal. 2004) (declining to resolve “whether a claim that seeks to impose a constructive trust or equitable lien may be a basis for a *lis pendens*”).

460 N.W.2d 63, 67 (Minn. App. 1990) (“Although a constructive trust is not in itself construed as a lien, it establishes an equitable lien for enforcement of the trust which brings the cause of action within the *lis pendens* statute.”). This view is supported by a leading treatise on real property law. *See* 14 POWELL ON REAL PROPERTY § 82A.02[4][a], at 82A-16 (Michael Allen Wolf, ed. 2011) (“*Lis pendens* also applies to actions seeking creation of a constructive trust on specific property . . .”).

And, other courts recognize that whether a *lis pendens* is appropriate depends upon whether the plaintiff’s assertion of a constructive trust is legitimate, or is merely an attempt to bootstrap a *lis pendens* onto an action for money damages. *Cf. Warfel, supra*, 95 Md. App. 1 (*lis pendens* is not appropriate in a claim for money damages). For instance, in *Levinson v. Eighth Judicial Dist. Ct.*, 857 P.2d 18, 19-21 (Nev., 1993), the Nevada Supreme Court rejected a plaintiff’s *lis pendens* claim, where the plaintiff had filed a complaint to impose a constructive trust on realty owned by the owners of a stable, so as to collect on a judgment she had obtained in an earlier proceeding against the stable for personal injuries she had incurred while horseback riding there. The *Levinson* Court stated that the plaintiff “has merely attempted to obtain what amounts to a prejudgment attachment on the [owners’] property through the guise” of *lis pendens*, and that “*lis pendens* is not available to merely enforce a personal or money judgment.” *Id.* at 21. The Nevada court emphasized that, for a *lis pendens* to be valid, there “must be some claim of entitlement to the real property affected by the *lis pendens*.” *Id.* *See also Flores v. Haberman*, 915 S.W.2d 477, 478 (Tex. 1995) (directing trial court to vacate *lis pendens*, where “plaintiffs seek a constructive trust in the purchased properties only to satisfy the judgment they seek against [defendant]”).

I find particularly persuasive the analysis of the Superior Court of New Jersey, Appellate Division, in *Polk v. Schwartz, supra*, 399 A.2d 1001. In *Polk*, the plaintiffs were the owners of a nursing home in Atlantic City, which was leased to a corporation operated by the defendants, called the Senator Convalescent Center Corporation (“SCCC”). *Id.* at 1002-03. The plaintiffs were also minority stockholders of SCCC, having sold 90% of its stock to the defendants for a sum to be paid in monthly installments over ten years. *Id.* In their complaint, the plaintiffs contended that the defendants “‘conspired to deplete the corporation (SCCC) of its assets and working capital, and to defraud the plaintiffs of the sums due under the lease and of the balance due under the sale of the stock,’” by (among other alleged acts) “drawing excessive salaries”; “charging personal expenditures, such as car rental, legal fees, travel and life insurance” to the nursing home; borrowing interest-free loans from the nursing home and failing to repay them; and converting patients’ Medicaid funds to personal use. *Id.* at 1003 (quoting complaint).

In particular, the plaintiffs “alleged that during this period of alleged financial mismanagement of the nursing home a total of \$632,174.63 due them under the lease and the contract of sale was fraudulently retained by the individual defendants and used to purchase certain properties in Atlantic City.” *Id.* Accordingly, the plaintiffs sought to impose a constructive trust on the Atlantic City properties acquired by defendants, and filed notices of *lis pendens* on the properties. *Id.* On defendants’ motion, the trial court discharged the *lis pendens*, and the plaintiffs appealed. *Id.* at 1002, 1004.

The New Jersey appellate court reversed. It observed that a *lis pendens* is not appropriate “in an action to recover a judgment for money or damages only.”⁹ *Id.* at 1004. Nevertheless, the court had “no doubt” that “an action to impress a constructive trust on realty affects title to that property, so that a notice of *lis pendens* may be filed.” *Id.* Further, in comments that are equally apt in this case, the *Polk* Court stated, *id.* at 1005 (internal citation omitted; boldface added):

It appears to us that unless the complaint unequivocally recited a cause of action which, under the statute, would not permit the filing of a notice of *lis pendens*, it was not appropriate for defendants to move directly for a discharge of the notice; instead, they should have moved either to dismiss the complaint or pertinent counts thereof for failure to state a claim upon which relief can be granted or for summary judgment, which motion would have included a request to discharge the notice of *lis pendens*. In that way, the legal sufficiency of the count in question or of the facts therein stated, or the existence of genuine issues of material fact, could have been tested in accordance with well-settled applicable rules of law. If it had been determined that there was no legally sufficient basis for plaintiffs’ claim of a constructive trust, the pertinent counts would have been dismissed and the notice of *lis pendens* discharged. It should be noted that such course of action is still available to defendants. **Otherwise, there is the incongruous prospect that plaintiffs may ultimately succeed in establishing their entitlement to a constructive trust on the affected realty, but will nonetheless have been deprived in the interim of the statutory protection of a notice of *lis pendens*.**

The allegations of misappropriation of funds presented in *Polk* are strikingly similar to those in this case, and the *Polk* Court’s admonition against attempting to challenge the merits of a plaintiff’s cause of action by filing a motion to lift a *lis pendens* rings true here. This is not a case, such as *Warfels*, *supra*, 95 Md. App. 1, or *Levinson*, *supra*, 857 P.2d 18, in which the plaintiff’s complaint clearly sounds only in damages, and where the assertion of a *lis pendens* is a transparent attempt to attach the defendant’s assets before judgment by clouding the title of properties that are unrelated to the merits of the plaintiff’s claim. Rather, like the plaintiffs in

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⁹ *Polk* was cited with approval in *Warfel*, *supra*, 95 Md. App. at 8, for the principle that “*lis pendens* may not be predicated upon an action seeking recovery of money damages.”

Polk, Stewart Title alleges a constructive trust on properties that are closely connected with defendants' alleged fraudulent course of conduct. Stewart Title alleges that these specific properties were purchased illegitimately with monies misappropriated from Sanford Title's escrow account, creating a shortfall in that account, which Stewart Title has been forced to repay.

To be sure, some courts would reject imposition of a *lis pendens* under these circumstances. See, e.g., *Asher, supra*, 212 P.3d 772. But, as the *Polk* Court suggested, termination of a *lis pendens* before reaching the merits of a facially plausible constructive trust claim would create the potential for the defendant to sell the property to an innocent purchaser before the constructive trust claim is resolved, thus rendering the constructive trust a dead letter. Preventing such mischief is the entire purpose of a *lis pendens*.

Moreover, I am satisfied that a complaint seeking to establish a constructive trust on specified real property is an action whose "nature . . . [is] such that it directly involves the property," *Greenpoint*, 390 Md. at 223, and is a proceeding "directly relating to the title to the property transferred or in which the ultimate interest and object is to subject the property in question to the disposal of a decree of the court." *DeShields*, 338 Md. at 435.¹⁰ Thus, it is within the ambit of Maryland's *lis pendens* doctrine.

¹⁰ Notably, Professor Dobbs provides a hypothetical example to distinguish between a constructive trust and an equitable lien; the hypothetical is similar to the facts of this case, and underscores that constructive trust actions satisfy Maryland's *lis pendens* standard, as enunciated in *Greenpoint* and *DeShields*. Dobbs states, 1 DOBBS, § 4.3(3), at 602 (emphasis added):

If the defendant secures money from the plaintiff by embezzlement and then uses that money to purchase a house and lot, the plaintiff is entitled to a constructive trust, *which in the end will operate to give him title to the property purchased with his money*. But if the defendant merely uses the plaintiff's money to add a house on a lot he already owns, it is clear that the plaintiff has no claim to a constructive trust on the house and lot because his money did not go into the lot. He is entitled instead to an equitable lien on the house and lot for the amount of money

Under these circumstances, I agree with Stewart Title that the Jaffe Defendants' motion to terminate the *lis pendens* is, in essence, an inappropriate lateral attack on the merits of plaintiff's Complaint. If the defendants believe that plaintiff cannot prevail on Counts VIII and IX of its Complaint, the provisions of Rule 12 and Rule 56 of the Federal Rules of Civil Procedure give defendants an ample arsenal to meet allegedly deficient allegations head on. Until such time as the merits of Stewart Title's request to impose a constructive trust and an equitable lien are resolved, however, Stewart Title's Complaint constitutes a valid *lis pendens* on the Hillside Property and the Quanders Property.

The Jaffe Defendants' request to remove the *lis pendens* from the Quanders Property is unfounded for another reason. Bulla, rather than any of the Jaffe Defendants, owns the Quanders Property, and Bulla has not moved to lift the *lis pendens*. The Jaffe Defendants have advanced no evidence or authority for the proposition that they have an interest in the Quanders Property sufficient to give them standing to request termination of the *lis pendens*.

Accordingly, I will deny the Jaffe Defendants' Motion to Terminate Lis Pendens (ECF 65). An Order implementing this ruling follows.

Dated: July 8, 2011

/s/
Ellen Lipton Hollander
United States District Judge

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embezzled from him. This will permit him to force a sale of the property if necessary and to use the proceeds of the same to reimburse himself.

For purposes of the Jaffe Defendants' motion, it is not necessary for me to decide whether a claim for an equitable lien, separate from a claim for a constructive trust, could constitute a *lis pendens* in Maryland.

Case No.: 2018-0336-SPH

Exhibit Sheet

Petitioner/Developer

193
8-17-18

Protestant

193
9-18-18

No. 1	Site plan	
No. 2	My Neighborhood Map	
No. 3	Plat - Strauss property	
No. 4	Perc Test plan	
No. 5	Photo exhibit w/ photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County - My Neighborhood

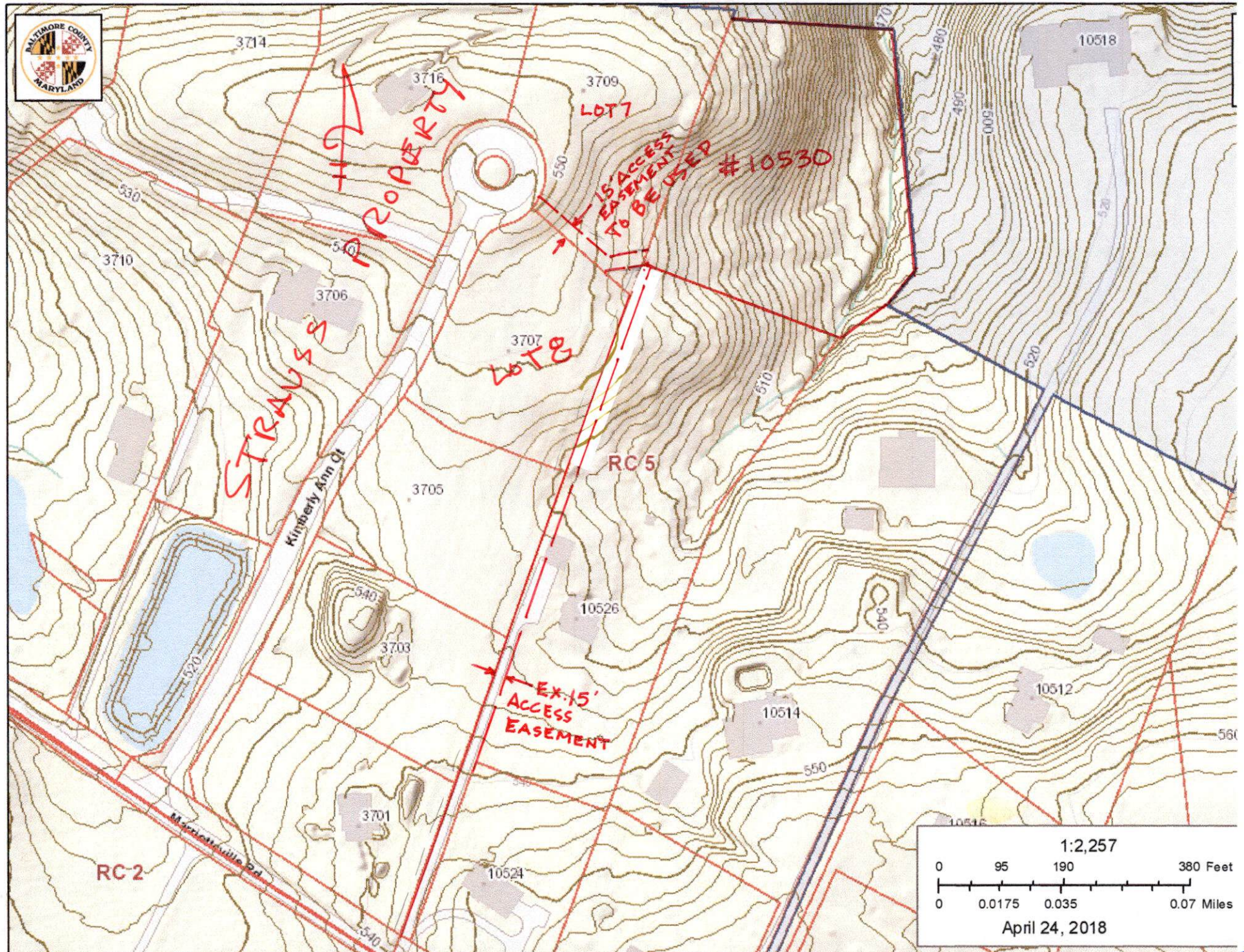


EXHIBIT "B-1"

GENERAL NOTES:

1. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
2. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION 22-4-273.
3. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
4. THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
5. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT.
6. THE OWNER HEREBY RESERVES AND OFFERS FOR DEDICATION TO BALTIMORE COUNTY ALL SUCH RIGHTS OF WAY AND PROPERTY INTERESTS OF ANY KIND DESIGNATED HEREON OR OTHERWISE REASONABLY DETERMINABLE TO BE INTENDED FOR DEDICATION TO BALTIMORE COUNTY (THE "PROPERTY INTERESTS"). THE PROPERTY INTERESTS MAY INCLUDE, BUT ARE NOT LIMITED TO, HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, RIGHT-OF-WAY EASEMENTS, FIRE SUPPRESSION EASEMENTS, FOREST CONSERVATION AREAS IN FILL OR EASEMENT, ACCESS EASEMENTS, FIRST BUFFER AREAS IN FILL OR EASEMENT, CRITICAL AREA EASEMENTS, LOCAL OPEN SPACE, GREENWAY AREAS IN FILL OR EASEMENT, STORM WATER MANAGEMENT AREAS, CONSERVANCY AREAS, AND ANY OTHER SIMILAR RIGHTS OF WAY OR PROPERTY INTERESTS, NO MATTER HOW ENTITLED, EXCEPT FOR THOSE INDICATED AS PRIVATE. THE OWNER SHALL CONVEY SAID PROPERTY INTERESTS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST TO BALTIMORE COUNTY. THE OBLIGATION TO CONVEY SAID PROPERTY INTERESTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, THE OWNER'S PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS. UPON FINAL APPROVAL OF THIS PLAT BY THE REQUIRED GOVERNMENTAL AUTHORITIES, AND UNTIL SUCH TIME AS SAID CONVEYANCE IS ACCEPTED BY BALTIMORE COUNTY, THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS, TO ENTER UPON THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND REPAIRING ROADS, UTILITY LINES AND FACILITIES, AND STORM WATER MANAGEMENT PONDS AND FACILITIES, AND FOR OTHER PUBLIC PURPOSES AS REASONABLY NECESSARY. THE PROPERTY SHOWN HEREON SHALL BE SUBJECT TO THE RIGHTS OF BALTIMORE COUNTY IN AND TO THE PROPERTY INTERESTS.
7. THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
8. EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS A RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT.
9. THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE EDEGAL TO PUBLIC USE. THE FEE IN THIS TITLE TO THE BEDS THEREOF ARE EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
10. PARKING DRIVEWAYS SHALL BE MAINTAINED BY THE OWNERS OF THE PROPERTIES SOLD.
11. EASEMENT AGREEMENTS FOR PARKING ARE INTENDED TO BE RECORDED SIMULTANEOUSLY WITH THE PLAT.
12. TRASH COLLECTION, SNOW REMOVAL, AND ROAD MAINTENANCE ARE TO BE PROVIDED TO THE JUNCTION OF THE PARKING DRIVE AND STREET RIGHT-OF-WAY.
13. THE FORMED DRIVE OF DEDICATION HAVE BEEN MADE.
14. THE REQUIREMENTS OF THE MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT AND BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT PERTAINING TO PRIVATE WATER AND/OR SOIL REMEDIATION SHALL BE COMPLIED WITH PRIOR TO THE APPROVAL OF BUILDING PERMITS.
15. SOIL PERCOLATION TESTS WILL BE VALID FOR A PERIOD OF FIVE YEARS AFTER THE DATE THE PLAT IS SIGNED BY THE DIRECTOR OF THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT. AFTER THAT PERIOD, NEW TESTS MAY BE REQUIRED.
16. THIS SITE IS LOCATED IN THE PATAPUSCO WATERSHED.
17. COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING BALTIMORE COUNTY TRAVERSE STATIONS: (EAD 83/91 NAVD83) CSD 197 N 52°51'24"E 1,327.384 ± 6.3 ELEV. 698.66 SCD 198 N 43°04'28"E 1,339.319 ± 6.1 ELEV. 626.39
18. THE ENHANCED DEVELOPMENT PLAN FOR THIS PROPERTY SHOWN ON THIS PLAT WAS APPROVED.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD LENGTH
C1	126.10	980.00	72°22'	63.14	S29°29'53"E	126.01
C2	103.16	520.00	11°22'00"	81.75	S31°29'43"E	103.00
C3	70.42	335.00	14°02'26"	55.24	N31°29'27"E	70.00
C4	64.28	50.00	87°19'22"	24.02	S60°19'23"E	63.30
C5	306.84	62.00	382°36'08"	48.64	N64°39'31"E	77.80
C6	64.78	30.00	61°18'04"	24.02	S60°29'41"E	63.30
C7	78.66	322.00	13°02'22"	38.46	N31°29'27"E	78.46
C8	59.23	480.00	11°22'00"	47.77	S31°29'43"E	59.07
C9	131.24	1020.00	72°22'	65.71	N28°29'53"E	131.19

DENSITY NOTES

	PLAT 1	PLAT 2	OVERALL SITE
1. EXISTING ZONING	RC-5	RC-5	RC-5
2. GROSS AREA	8,828 AC.	12,077 AC.	20,905 AC.
3. NO. OF LOTS ALLOWED (AC/0.687)	12,857	17,580	30,437
4. NO. OF LOTS PROPOSED	8	0.345 AC.	0.854 AC.
5. HIGHWAY WIDENING AREA	0.309 AC.	0.000 AC.	0.000 AC.
6. FOREST BUFFER EASEMENT	0.957 AC.	1.181 AC.	2.138 AC.
7. FOREST CONSERVATION EASEMENT	0.000 AC.	5.727 AC.	5.727 AC.
8. OPEN AREA	0.000 AC.	0.000 AC.	0.000 AC.
9. SHM RESERVATION	0.000 AC.	0.959 AC.	0.959 AC.
10. NET AREA OF LOTS	7,236 AC.	10,773 AC.	18,009 AC.
11. PARKING REQUIREMENTS (PER LOT)	12 SPACES	8 SPACES	20 SPACES
12. PARKING PROVIDED	12+ SPACES	8+ SPACES	20+ SPACES

McKee & Associates, Inc.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, SUITE 1
CROFTSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1585 FAX: (410) 527-1583

COMPUTED BY: *BC SSS 7/6/07* DRAWN BY: *BC SSS 7/6/07* CHECKED BY: *BC SSS 7/6/07* JOB NO.: *04-142* DATE: *7/6/07*
BY: *BC SSS 7/6/07* MARYLAND REG. NO. 21154

SURVEYOR'S CERTIFICATION

I, the undersigned, a Registered Land Surveyor by the State of Maryland, DOES HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THIS PLAT AND THAT THE LAND SHOWN HEREON HAS BEEN SURVEYED AND THE PLAT PREPARED IN COMPLIANCE WITH SUBSECTION 3-106 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INCLUDING AS THE SAME CONCERNING THE SETTING OF THE MARKERS.

OWNER'S CERTIFICATION

I, the undersigned, OWNER OF THE LAND SHOWN HEREON, HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION 3-106 OF SECTION 3-106 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH, AND THE SAME CONCERNING THE SETTING OF THE MARKERS.

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE APPROVED PLAT DEVELOPMENT PLAN DATED *06/28/07* AND HAVE PREPARED WITH DUE DILIGENCE THIS RECORDING PLAT FOR SAID TO THAT APPROVED PLAT DEVELOPMENT PLAN.

APPROVED

[Signature]
DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

APPROVED

[Signature]
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT

F.W.A. COMPLETED: *[Signature]*
FINAL PLAT CHECKED: *[Signature]*
PLANNING: *[Signature]*
ENGINEERING: *[Signature]*
HOUSE NUMBERING: *[Signature]*
LAND ACQUISITION: *[Signature]*
RECREATION AND PARKING: *[Signature]*

FINAL SUBDIVISION PLAT

PLAT 1 OF 2
STRAUSS PROPERTY
POM NO. 00-640
2ND ELECTION DISTRICT
SCALE: 1"=50'
BALTIMORE COUNTY, MARYLAND
DATE: FEBRUARY 22, 2007
4TH COUNCILMANIC DISTRICT

COORDINATE TABLE

POINT NUMBER	NORTHING	EASTING
100	822,468.884	1,055,760.247
101	822,628.456	1,055,871,786
102	822,683.083	1,055,940,449
103	822,867.137	1,055,963,794
104	822,811.444	1,055,618.195
105	822,488.128	1,055,703.193
106	823,048.029	1,055,763.063
107	823,096.919	1,055,786.533
108	823,067.950	1,055,627.347
109	823,067.950	1,055,981.186
110	823,398.083	1,055,914.835
111	823,331.227	1,055,844.762
112	823,197.828	1,055,845.037
113	823,174.227	1,055,791.185
114	823,114.343	1,055,797.738
115	823,070.473	1,055,771.264
116	822,892.858	1,055,697.201
117	822,828.982	1,055,692.337
118	822,719.487	1,055,639.871
119	822,685.078	1,055,607.237
120	822,677.937	1,055,472.810
121	822,648.7005	1,055,453.3678
122	823,054.8274	1,055,829.271
123	823,276.8841	1,055,762.922
124	823,313.4855	1,055,815.8857
125	823,024.4445	1,055,692.6219
126	823,179.3225	1,055,697.0778
127	823,358.3883	1,055,620.5265
128	822,438.587	1,055,777.935
129	823,550.320	1,055,184.216

OWNER:
MARIOTTVILLE MANOR, LLC
5 SHAWAN ROAD, SUITE 1
CROFTSVILLE, MD 21030
TAX ACCOUNT NO. 20000010209
TAX MAP 78, PARCEL 363
DEED REF: 21438/291

DESIGN AND DRAWING BASED ON
AERIAL AND GROUNDWATER SYSTEM
HORIZONTAL - MAD 83/91
VERTICAL - MAD 83/91

P14341 USA SSS 1234 11675-1

EX-3

1. THE RECORDING OF THIS PLAY DOES NOT CONSTITUTE OR SHALL BE ACCEPTED BY THE COUNTY OF ANY OTHER
2. EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
3. THIS PLAY MAY BE DONE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION
4. 2-1-1.

[illegible]

EXISTING ZONING CROSS AREA	AC-B BLAND AC.	RC-B 12.07 AC.	RC-B 22.805 AC.	AC-B Y

[illegible][illegible][illegible]

S.M. 78-278

[illegible]

WESTER COUNTRY THAT I HAD RECEIVED WITH ONE DISCREPANCY: THE APPROPRIATE AS THE PAGE CONTAINED THE NUMBER OF THE JURY AND THE



ANDERSON, OWNER OF THE LAUD STATION FILLING, TELL US THAT, TO THE BEST OF HIS KNOWLEDGE, THE RECORDED EASEMENT OF EJECTION IS-1 DO OF THE REAL PROPERTY, EASEMENTS COVER OF LAUD AND THIS PROPERTY, ON THE

PLEASE CONSIDER THE HAZARD OF THE FLU AND THE SEASONAL
INFLUENZA VIRUS.

Call 1-800-4-A-777, DR. TATONE

2

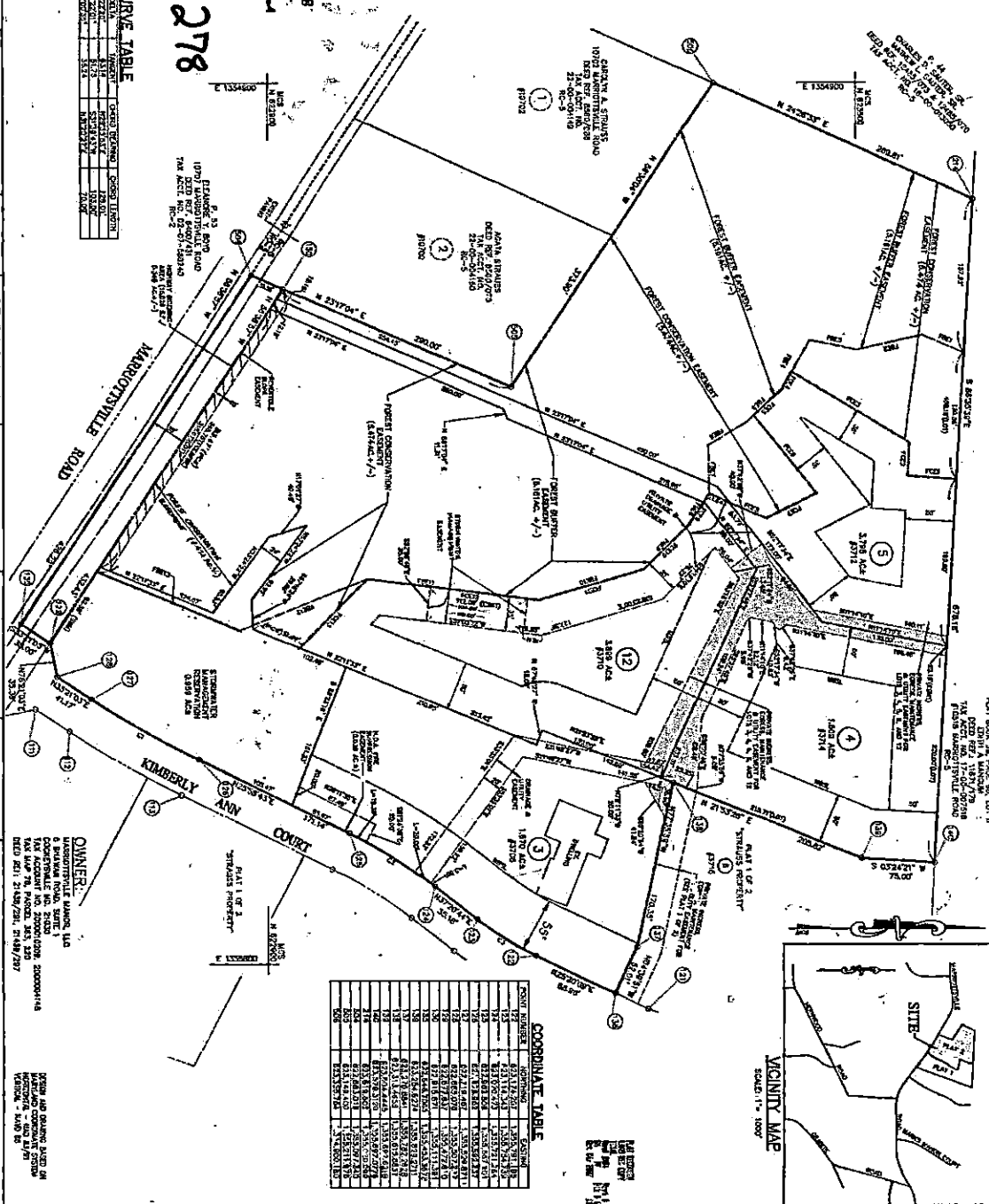
DATE OF BIRTH: 1961

Director, FBI

PLAT 2 OF

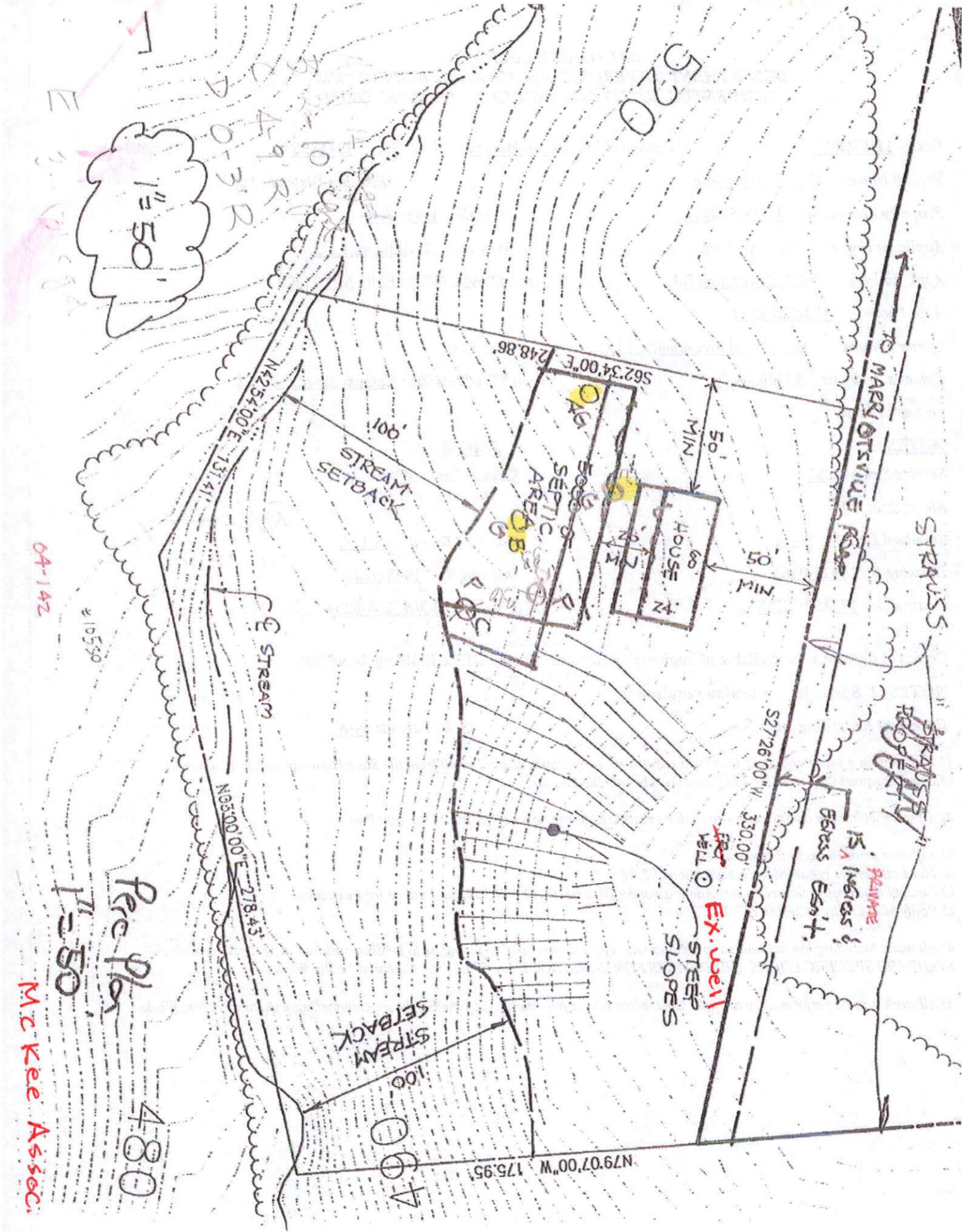
STRAUSS PRO

4



	POOL NUMBER	MORNING	EVENING
172	172	1,538,741	1,538,741
173	173	1,538,741	1,538,741
174	174	1,538,741	1,538,741
175	175	1,538,741	1,538,741
176	176	1,538,741	1,538,741
177	177	1,538,741	1,538,741
178	178	1,538,741	1,538,741
179	179	1,538,741	1,538,741
180	180	1,538,741	1,538,741
181	181	1,538,741	1,538,741
182	182	1,538,741	1,538,741
183	183	1,538,741	1,538,741
184	184	1,538,741	1,538,741
185	185	1,538,741	1,538,741
186	186	1,538,741	1,538,741
187	187	1,538,741	1,538,741
188	188	1,538,741	1,538,741
189	189	1,538,741	1,538,741
190	190	1,538,741	1,538,741
191	191	1,538,741	1,538,741
192	192	1,538,741	1,538,741
193	193	1,538,741	1,538,741
194	194	1,538,741	1,538,741
195	195	1,538,741	1,538,741
196	196	1,538,741	1,538,741
197	197	1,538,741	1,538,741
198	198	1,538,741	1,538,741
199	199	1,538,741	1,538,741
200	200	1,538,741	1,538,741

EXHIBIT C



04-142

McKee Assoc.

EX 4

**BALTIMORE COUNTY
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
RESIDENTIAL UTILITY CONNECTION TRACKING FORM**

Date: 11/17/2017

Reviewed By: Robin Hurley

B941895

Project Name: 241 N Marlyn Ave

Election District: 15C7

Property Account #: 15-19-510991

Vicinity: Essex Ave

Applicant Name: Justin A. Grier

Appl. T/A: JG Builders, LLC

Appl. Address: 8052 Kavanaugh Rd

Appl./City/State/Zip: Balto MD 21222

Appl. Phone: 410-528-3319

Owner's Name: Homestead Investments, LLC

Owner T/A:

Owner's Address: 5 Hillside Dr

Own./City/State/Zip: Catonsville MD 21228

Owner's Phone:

WATER

SEWER

Service Size: 1.5"

Service Size: 6"

Meter Size: 1"

Standard Detail: W-24

Standard Detail: S-12A

Drawing #: 1925-0163

Drawing #: 1948-0787

Contract#: 17345 WS1, SS2

J.O.#: 210-201, 203-6204

R. Hurley

11-28-17

Copies of drawings are available in Engineering Records; County Office Building Room 206.

NOTES 1. Sprinkler protection required

Easement Recording Ref: N/A

SHA Permit: N/A

1) Work within a Maryland State Road will require a Utility Construction Permit from the State Highway Administration, Michael Pasquariello, 410-229-2341. and must be attached hereto.

2) All work within the county roadway shall be restricted to the hours of 9:00 A.M. to 3:00 P.M.

3) 48 hours prior to beginning work:

a) Make all notices required by Specification 105.07

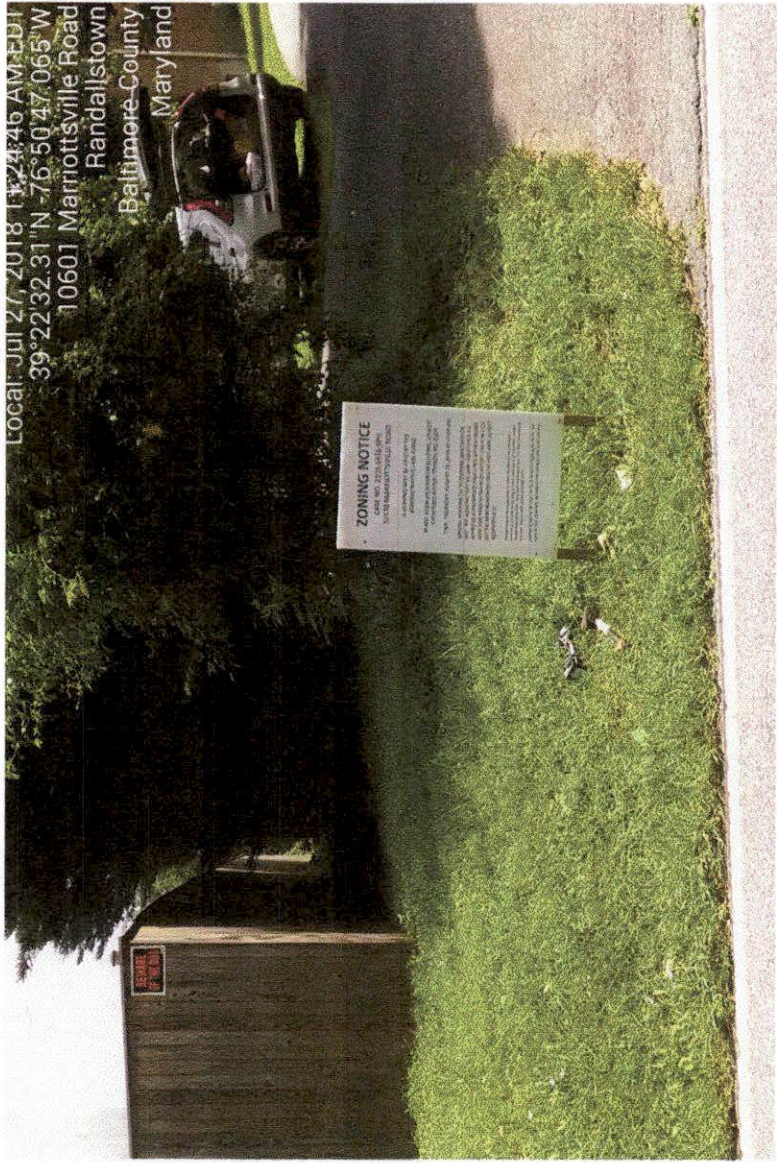
b) Contact the construction contracts Administration Division (410) 887-3531 to arrange for inspection.

c) Notify Miss Utility at 1-800-257-7777.

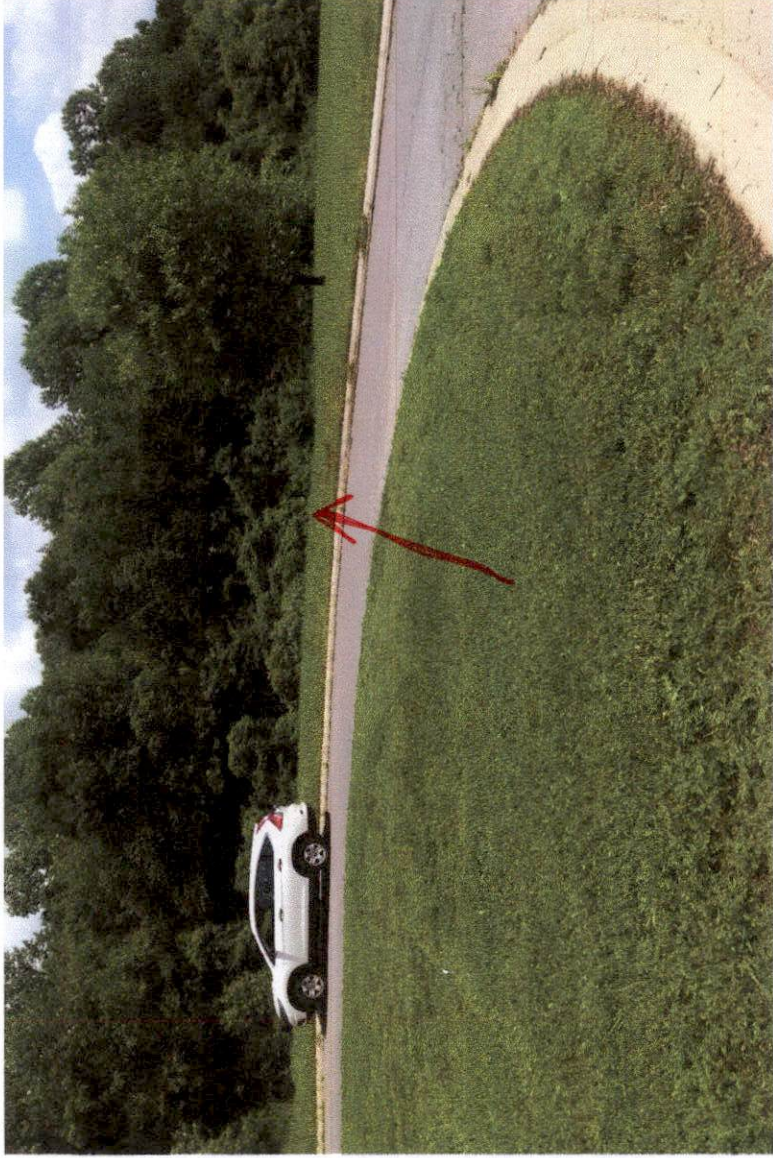
4) All work, including but not limited to installation, traffic control and repaving, is to be accomplished in accordance with the STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION of the Department of Public Works.

5) All work is to be performed by a Utility Contractor who is pre-qualified by the Baltimore County Department of Public Works.

EXHIBIT C



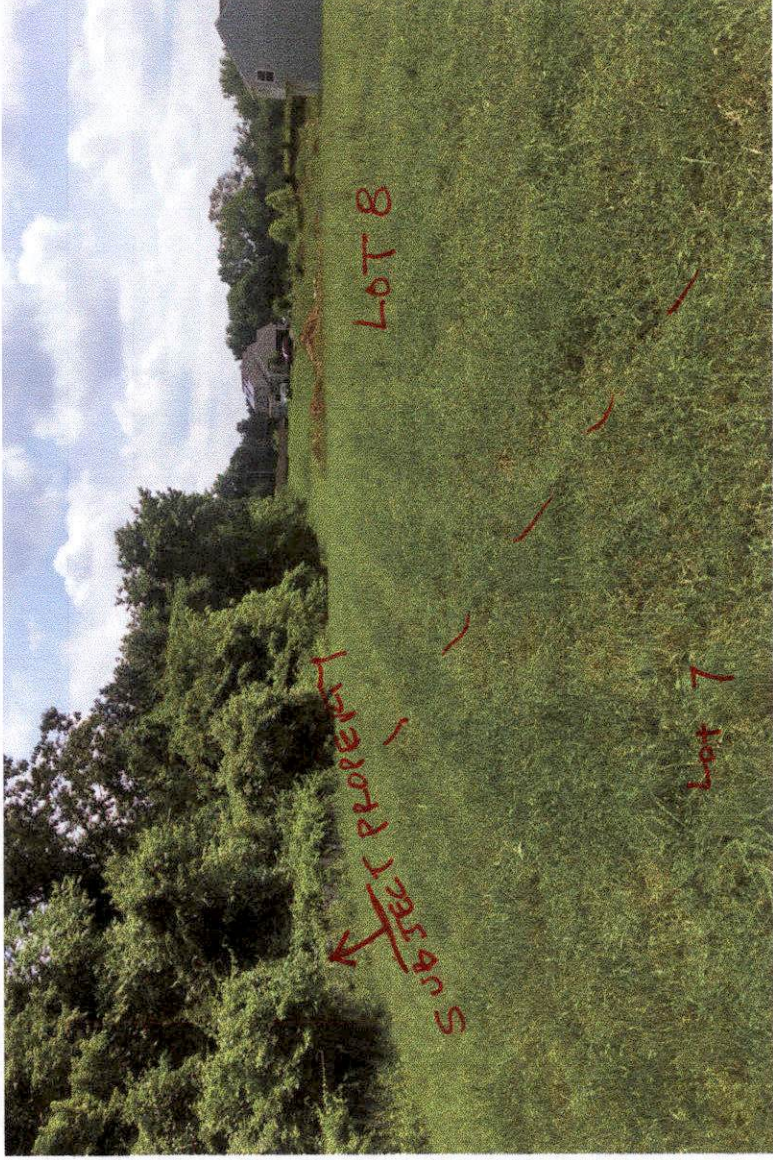
① LOOKING NORTH AT SOUTH END OF EX.
15' ACCESS EASEMENT AT
MARRIOTTSVILLE RD.



② LOOKING EAST AT SUBJECT WOODED
PROPERTY; ACCESS IS BETWEEN VEHICLE
& TREE ACROSS LOT 7



③ LOOKING NORTH ON WEST PROPERTY



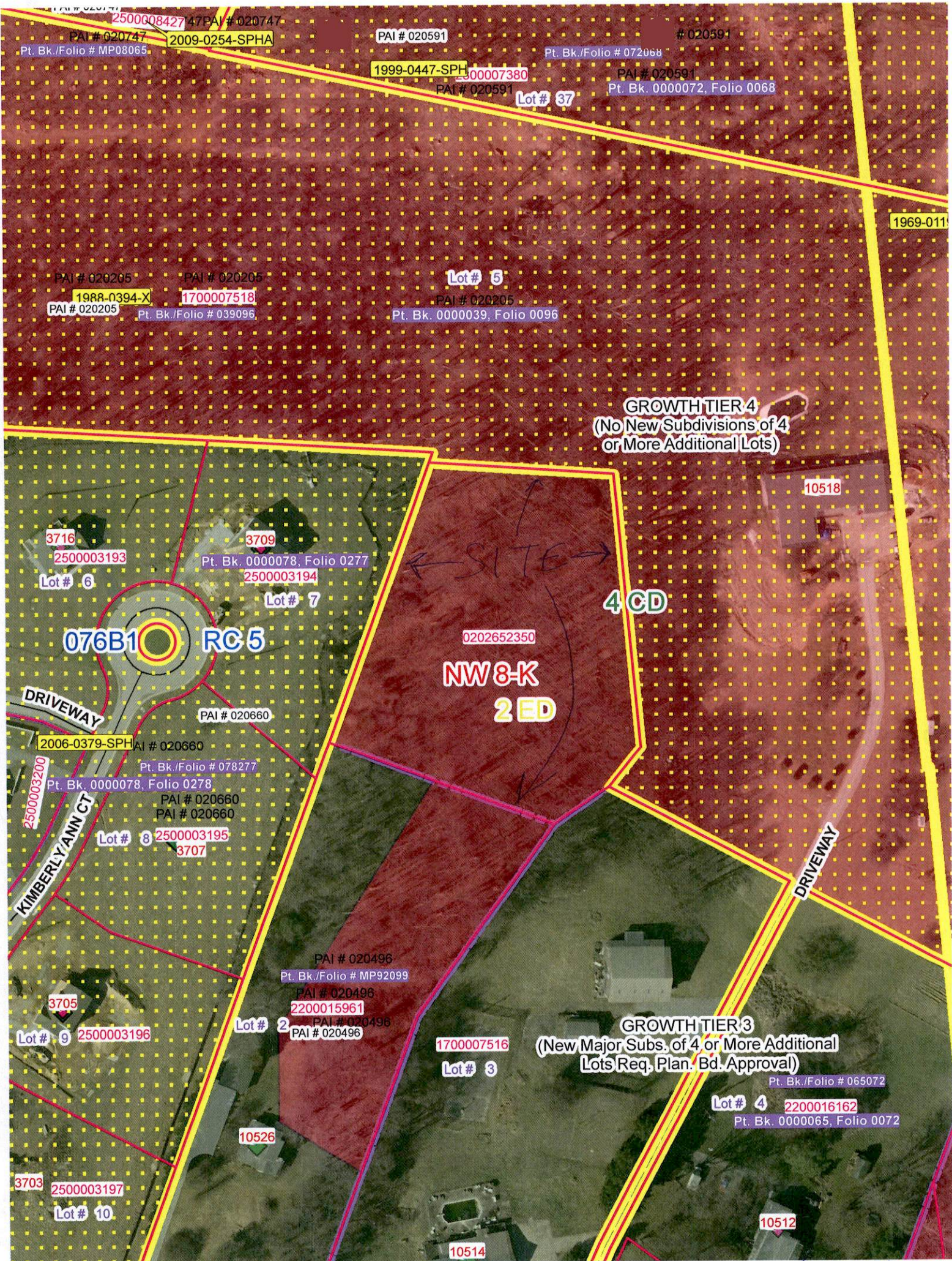
④ LOOKING SOUTH ALONG WEST PROPERTY LIN



⑤ LOOKING AT STREAM VALLEY FROM NORTH
SIDE OF PROPOSED DWELLING



⑥ LOOKING SOUTH AT HOUSE LOCATION



2500008427 PAI # 020747
PAI # 020747
2009-0254-SPHA
Pt. Bk./Folio # MP08065

PAI # 020591

020591

1999-0447-SPH
00007380
PAI # 020591
Lot # 37

Pt. Bk./Folio # 072068

PAI # 020591
Pt. Bk. 0000072, Folio 0068

1969-011

PAI # 020205
1988-0394-X
PAI # 020205
Pt. Bk./Folio # 039096

1700007518

Lot # 5
PAI # 020205
Pt. Bk. 0000039, Folio 0096

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

10518

3716
2500003193
Lot # 6

3709
Pt. Bk. 0000078, Folio 0277
2500003194
Lot # 7

← SITE →

4 CD

076B1 RC 5

0202652350
NW 8-K
2 ED

DRIVEWAY

2500003200
KIMBERLY ANN CT

2006-0379-SPH
PAI # 020660
Pt. Bk./Folio # 078277
Pt. Bk. 0000078, Folio 0278
PAI # 020660
PAI # 020660
Lot # 8
2500003195
3707

3705
2500003196
Lot # 9

PAI # 020496
Pt. Bk./Folio # MP92099
PAI # 020496
2200015961
PAI # 020496
PAI # 020496
Lot # 2

1700007516
Lot # 3

GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

Pt. Bk./Folio # 065072

Lot # 4
2200016162
Pt. Bk. 0000065, Folio 0072

3703
2500003197
Lot # 10

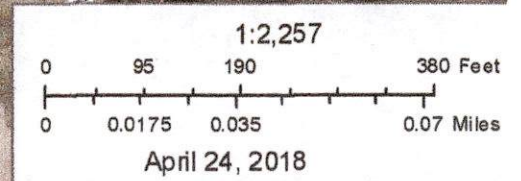
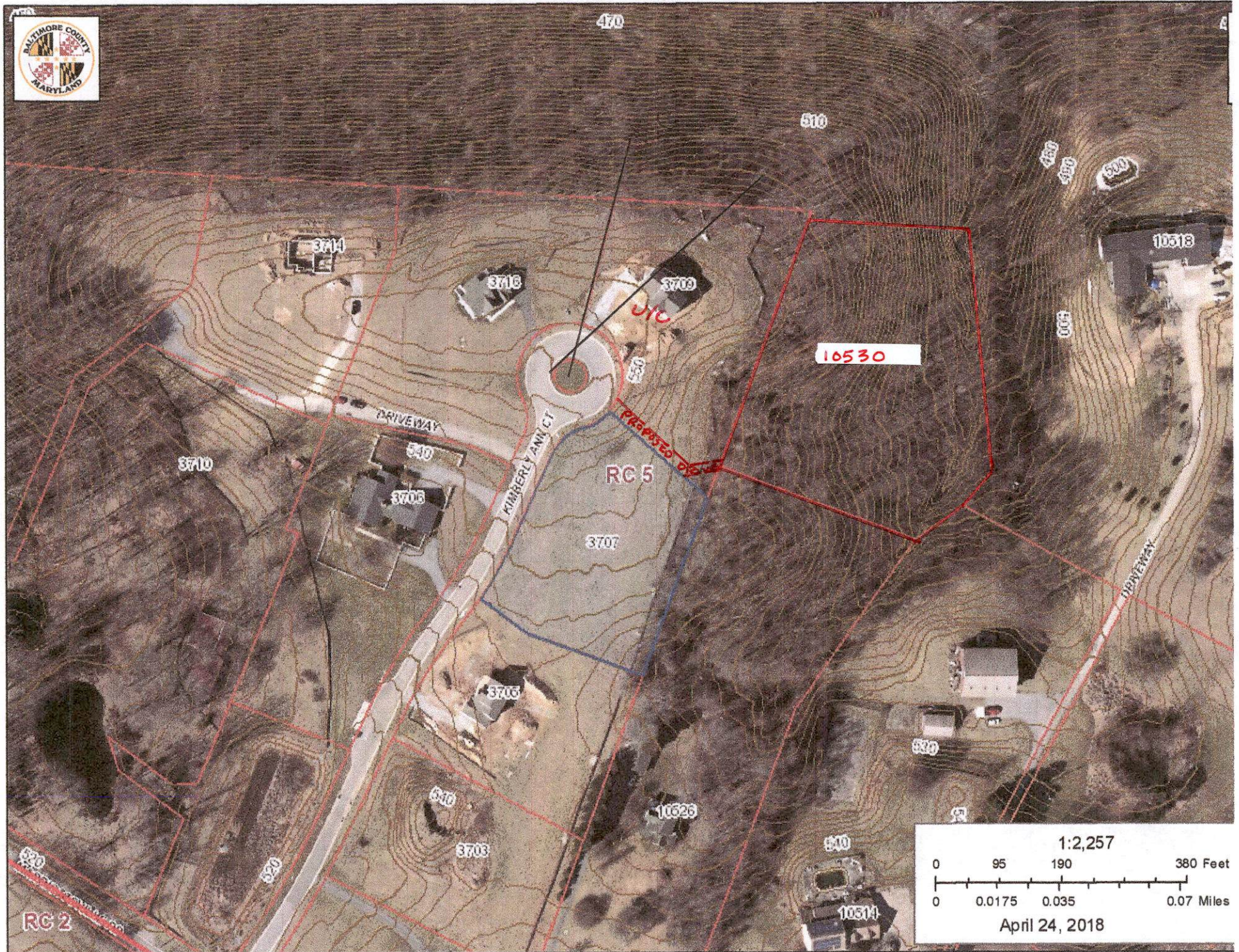
10526

10514

10512

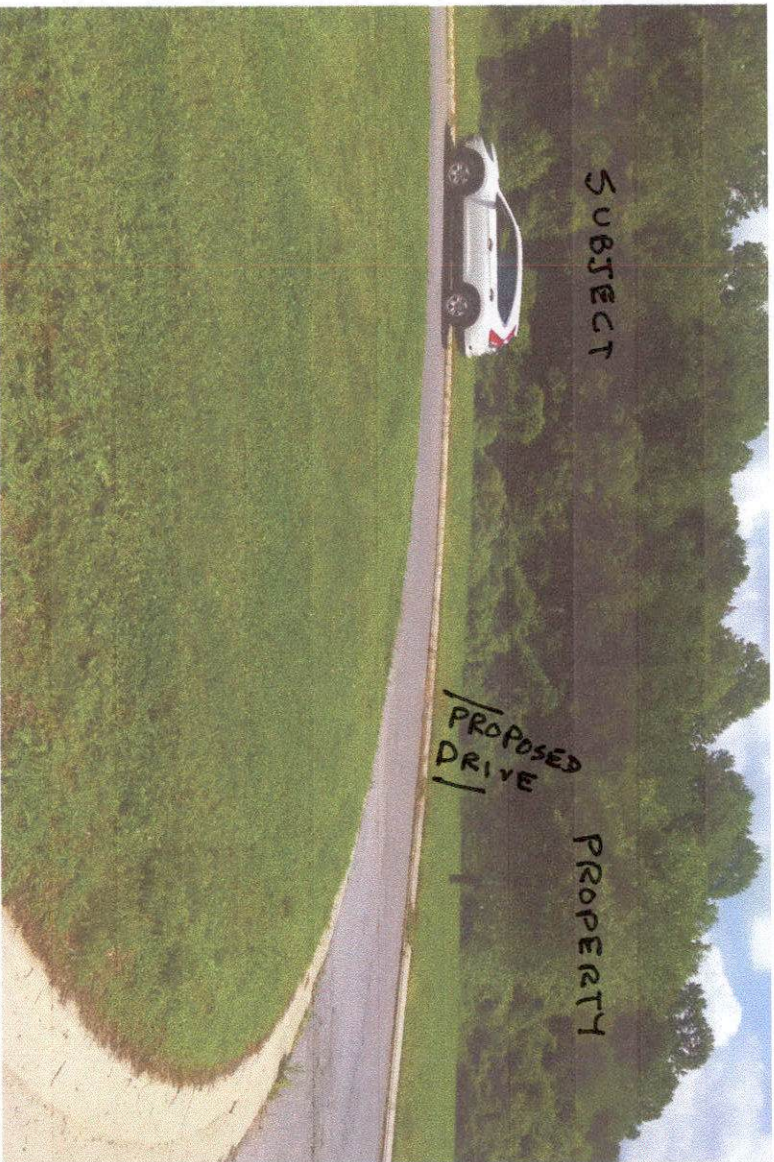
2-10-2021-POA

Baltimore County - My Neighborhood



2018-0336-SP4

10530



- ① LOOKING EAST AT PROPERTY FROM KIMBERLY ANN COURT CULDE SAC.

2018-0336-SPH

10530



② LOOKING AT WEST PROPERTY - LOT 7 DW(UIC)
TO THE LEFT - PROPOSED DRIVEWAY BEHIND
CAMERA

2018-0336-SPH

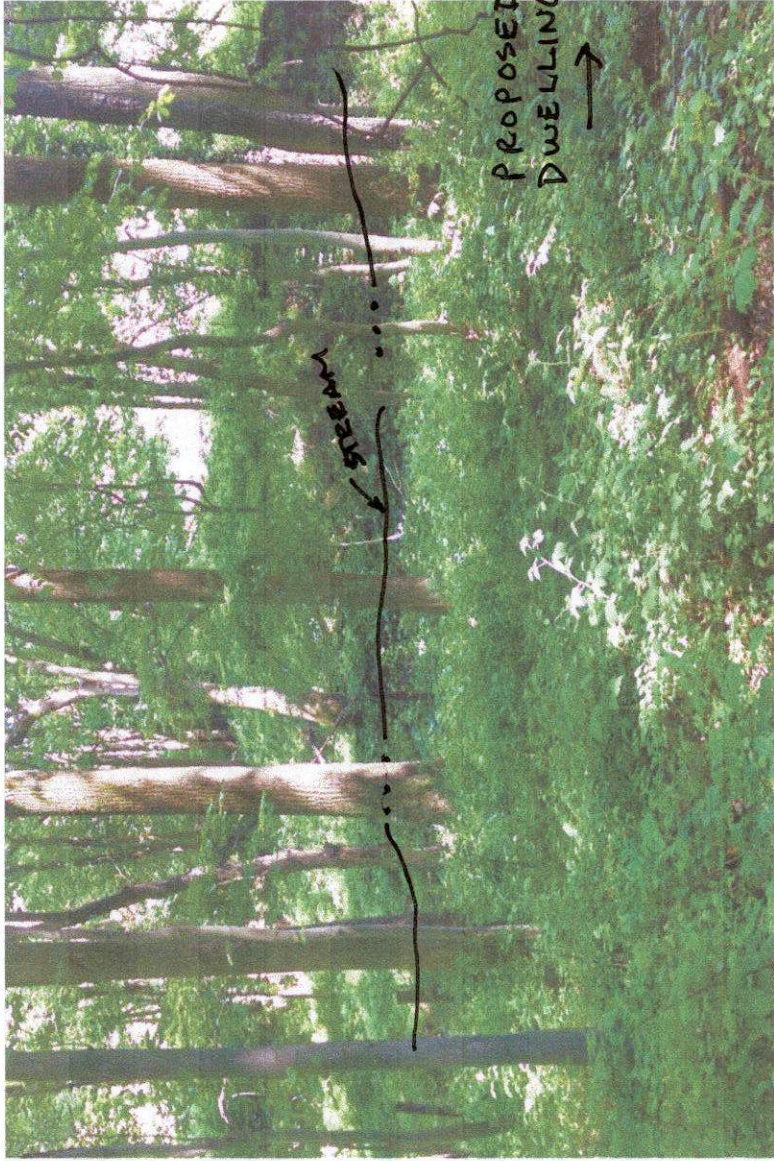
10530



③ LOOKING SOUTH FROM PROPOSED DRIVEWAY

2018-0336-JPH

10530



④ LOOKING EAST TO STREAM, NORTH OF PROPOSED DWELLING

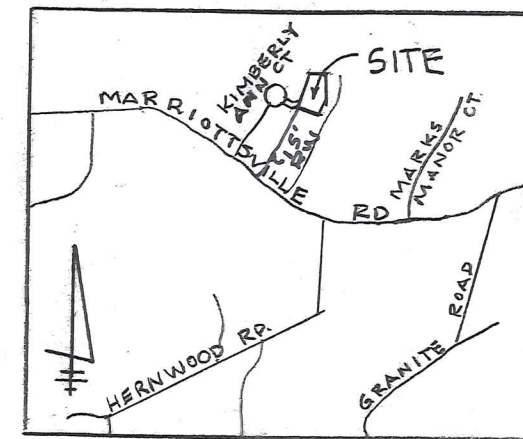
2018-0336-SP14

10530



⑤ LOOKING SOUTH OPPOSITE DWELLING SITE

2018-0336-SP14



VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES:

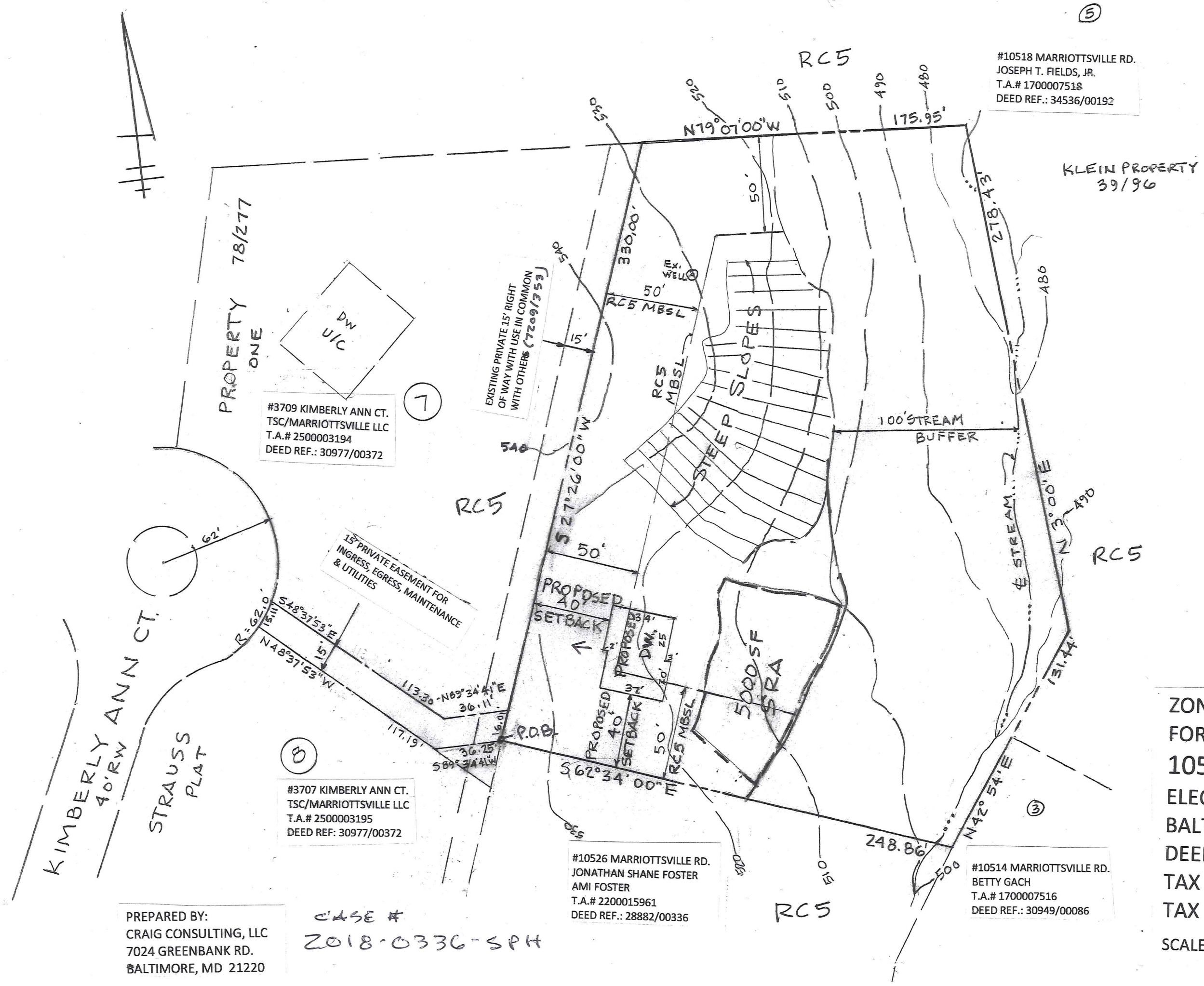
ZONING MAP #	076B1
SITE ZONED:	RC5
LOT AREA	2.0 ACRE OR 87,120 SQ. FT.
HISTORIC:	NO
IN CBCA:	NO
IN FLOOD PLAIN:	NO
WATER IS:	
PUBLIC	PRIVATE ☒
SEWER IS:	
PUBLIC	PRIVATE ☒
PRIOR HEARING?	NO
PRIOR VIOLATIONS?	NO

OWNER:
TSC MARRIOTTSVILLE, LLC
STE. 207
8600 SNOWDEN RIVER PKWY.
COLUMBIA, MD 21045

**ZONING HEARING PLAN
FOR VARIANCE REQUEST FOR:
10530 MARRIOTTSVILLE ROAD
ELECTION DISTRICT 2C4
BALTIMORE COUNTY, MD
DEED REF: 30977/372
TAX ACCT. NO. 0202652350
TAX MAP 76, PARCEL 219**

SCALE: 1"=50' DATE: 4/27/18

EX. 1



#10518 MARRIOTTSVILLE RD.
JOSEPH T. FIELDS, JR.
T.A.# 1700007518
DEED REF.: 34536/00192

KLEIN PROPERTY
39/96

#3709 KIMBERLY ANN CT.
TSC/MARRIOTTSVILLE LLC
T.A.# 2500003194
DEED REF.: 30977/00372

#3707 KIMBERLY ANN CT.
TSC/MARRIOTTSVILLE LLC
T.A.# 2500003195
DEED REF.: 30977/00372

#10526 MARRIOTTSVILLE RD.
JONATHAN SHANE FOSTER
AMI FOSTER
T.A.# 2200015961
DEED REF.: 28882/00336

#10514 MARRIOTTSVILLE RD.
BETTY GACH
T.A.# 1700007516
DEED REF.: 30949/00086

PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220

CASE #
2018-0336-SPH

Ex. 5

