

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

DATE: July 5, 2019  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0222-SPHA - Appeal Period Expired

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The appeal period for the above-referenced case expired on July 3, 2019. 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.'

/dlw

c: ✓ Case File  
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE**

(1202 Elm Ridge Avenue) \*  
13<sup>th</sup> Election District \*  
1<sup>st</sup> Council District \*

Andrew Chilcoat \*  
*Legal Owner* \*  
Petitioner \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

**Case No. 2019-0222-SPHA**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Andrew Chilcoat, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve an accessory apartment (in-law) in a detached building. In addition, a Petition for Variance was filed pursuant to BCZR Section 400.3 to permit a height of an accessory building to be 23 feet in lieu of the maximum allowed 15 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Petitioner appeared in support of the requests. No protestants or interested citizens were 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 Planning (“DOP”). That agency did not oppose the request.

**SPECIAL HEARING**

The subject property is 7,050 square feet in size and is zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1930 and a detached garage in the rear yard. The previous owner apparently did not obtain a permit to construct the garage which is 23 ft. in height and necessitated the filing of the variance request.

ORDER RECEIVED FOR FILING

Date 6-3-19

By Sen

Petitioner indicated his father plans to live in the apartment and he said the adjoining neighbors are supportive of the special hearing request. There is no reason to believe granting the request would have a detrimental impact upon the community and the petition will be granted.

VARIANCE

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

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

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

As noted above the garage was constructed many years ago and the variance request seeks to legitimize this existing condition. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be required to raze or reconstruct the garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 3<sup>rd</sup> day of **June, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an accessory apartment (in-law) in a detached building, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a height of an accessory building to be 23 feet in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6-3-19

By Sen

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. The detached garage shall not be used for commercial purposes.
3. A second utility meter may not be installed to serve the detached garage.
4. Prior to issuance of permit(s) and/or license(s) Petitioner must file among the land records of Baltimore County the Declaration of Understanding required by BCZR Section 400.4.

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



JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6-3-19

By sln





# PE TITION FOR ZONING HEAR (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 1202 Elm Ridge Avenue which is presently zoned DR B.5  
 Deed References: \_\_\_\_\_ 10 Digit Tax Account # 1323750280  
 Property Owner(s) Printed Name(s) Andrew Chilcoat

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

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

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve  
 an accessory apartment (In-Law) in a detached building per § 400.4.B.1 of 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)  
 400.3 of BCZR to permit the height of an accessory building to be 23 feet in lieu of the maximum allowed 15 feet.

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

I would like to convert the unused storage space in the upstairs section of the detached garage into an in-law suite. To do this I need a permit to construct plumbing into the building.

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:

Andrew Chilcoat  
 Name- Type or Print  
[Signature]  
 Signature

1202 Elm Ridge Ave. Baltimore MD  
 Mailing Address City State

21229 / 410-740-0370 / andrew.chilcoat@gmail.com  
 Zip Code Telephone # Email Address

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Andrew Chilcoat  
 Name #1 - Type or Print Name #2 - Type or Print  
[Signature]  
 Signature #1 Signature #2

\_\_\_\_\_  
 Mailing Address City State

21229 / 410-740-0370 / andrew.chilcoat@gmail.com  
 Zip Code Telephone # Email Address

Representative to be contacted:

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

ORDER RECEIVED FOR FILING  
 6-3-19

2019-  
 CASE NUMBER 0222-SPHA Filing Date 1/29/2019 Do Not Schedule Dates: 5/17/19 Reviewer AT/RJ  
 UNTIL AFTER

REV. 10/4/11

Property Description

ZONING PROPERTY DESCRIPTION FOR 1202 Elm Ridge Avenue Beginning at a point on the south west side of Elm Ridge which is 50 feet wide at a distance of 650 feet south east of the centerline of the nearest improved intersecting street Old Maiden Choice Lane which is 50 feet wide.

Lot numbered 12 in the subdivision known as "Elm Ridge" as per plat recorded in Plat Book WPC 8 at Plat NO. 61 among the Land Records of Baltimore County, Maryland.

CASE No.  
2019- 0222-SPHA

# The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

5/10/2019

Order #: 11737732  
Case #: 2019-0222-SPHA  
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:  
2019-0222-SPHA



Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### Baltimore County

#### 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: 2019-0222-SPHA**

1202 Elm Ridge Avenue

S/w side of Elm Ridge Avenue, 650 ft. s/e of Old Maiden Choice Lane

13th Election District - 16th Councilmanic District

Legal Owners: Andrew Chilcoat

Special Hearing for an accessory (in-law) in a detached building. Variance to permit the height of an accessory building to be 23 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, May 31, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

my 10

## RE-CERTIFICATION OF POSTING

RE: Case No. 2019-0222- A

Petitioner: Kuressa Laughman

Hearing Date: 5/31/19

Baltimore County Department of  
Permits, Approvals and Inspections  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)  
were posted conspicuously on the property located at \_\_\_\_\_

1202 Elm Ridge Avenue – 1 of 2 (south side of property)

1202 Elm Ridge Avenue – 2 of 2 (north side of property)

on 5/11/19 and re-photographed on 5/25/19

Sincerely,

 5/25/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360



# THEORY OF THE EARTH

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**Re-photographed**  
**Certificate of Posting**  
**Case No 2019-0222-A**



**1202 Elm Ridge Avenue – 1 of 2 Re-photographed (north side of property)**

*Richard E. Hoffman* 5/25/19

**Richard E. Hoffman**

**904 Dellwood Drive**

**Fallston, Md. 21047**

**443-243-7360**



**Re-photographed**  
**Certificate of Posting**  
**Case No 2019-0222-A**



**1202 Elm Ridge Avenue – 2 of 2 Re-photographed (north side of property)**

*Richard E. Hoffman* 5/25/19

**Richard E. Hoffman**

**904 Dellwood Drive**

**Fallston, Md. 21047**

**443-243-7360**

התאחדות החרדי  
 המרכז החרדי  
 אגודת חסידי חב"ד

התאחדות החרדי המרכז החרדי  
 אגודת חסידי חב"ד  
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## CERTIFICATE OF POSTING

RE: Case No. 2019-0222- A

Petitioner: Kuressa Laughman

Hearing Date: 5/31/19

Baltimore County Department of  
Permits, Approvals and Inspections  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)  
were posted conspicuously on the property located at \_\_\_\_\_

1202 Elm Ridge Avenue – 1 of 2 (south side of property)

1202 Elm Ridge Avenue – 2 of 2 (north side of property)

on 5/11/19

Sincerely,

 5/23/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

# THEORY OF THE EARTH

1. The Earth is a sphere of diameter 7927 miles.  
2. The Earth is composed of four layers, the crust, the mantle, the core, and the atmosphere.  
3. The crust is the outermost layer, and is composed of solid rock.

The mantle is the layer below the crust, and is composed of molten rock. It is divided into the upper mantle and the lower mantle. The core is the innermost layer, and is composed of molten metal. It is divided into the outer core and the inner core. The atmosphere is the layer of gas surrounding the Earth.

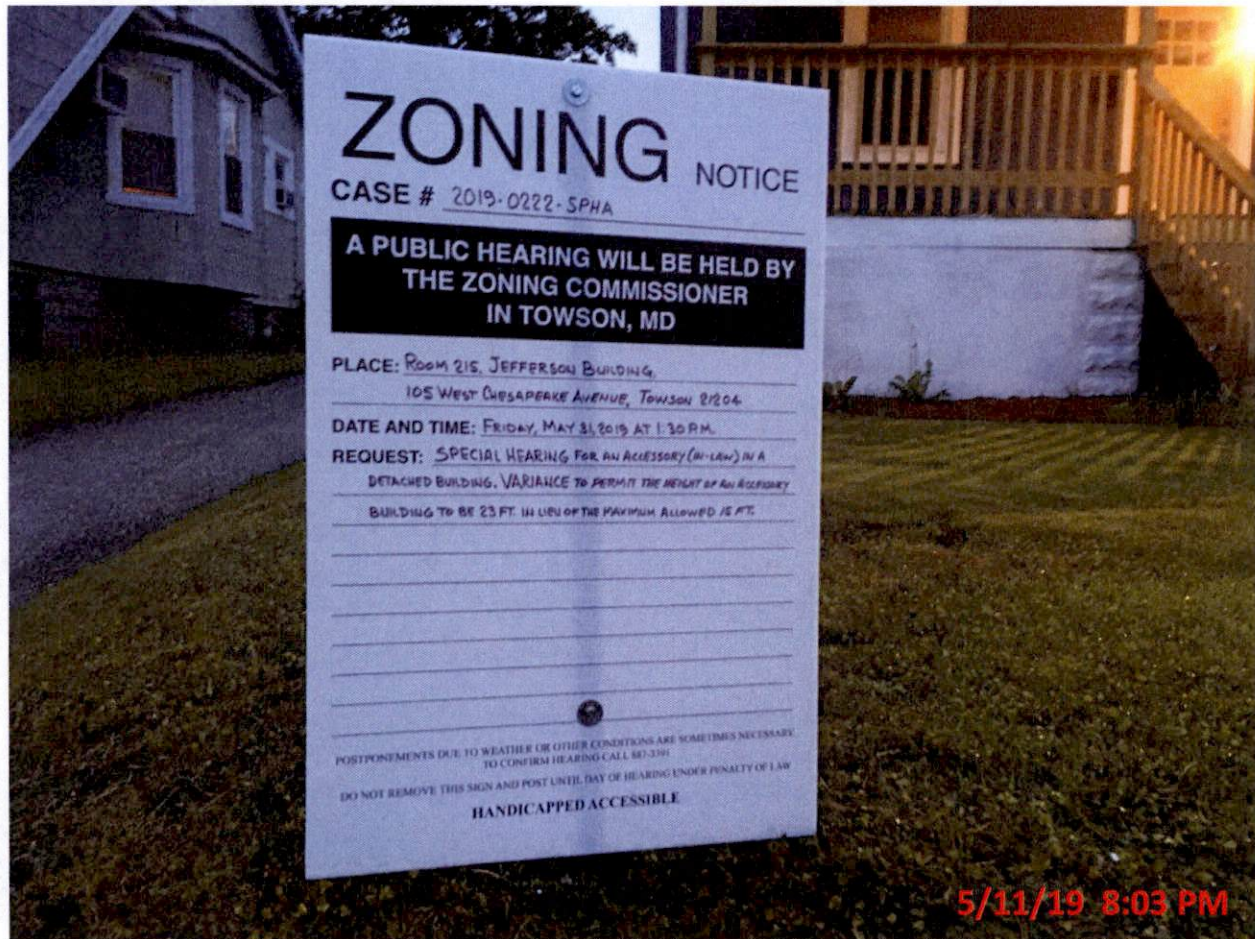
The Earth's crust is composed of solid rock, and is divided into the continental crust and the oceanic crust. The continental crust is composed of granitic rock, and is thicker than the oceanic crust, which is composed of basaltic rock. The mantle is composed of molten rock, and is divided into the upper mantle and the lower mantle. The upper mantle is composed of peridotite, and the lower mantle is composed of silicate perovskite. The core is composed of molten metal, and is divided into the outer core and the inner core. The outer core is composed of iron and nickel, and the inner core is composed of pure iron.

## THE EARTH'S CRUST

The Earth's crust is the outermost layer of the Earth, and is composed of solid rock. It is divided into the continental crust and the oceanic crust. The continental crust is composed of granitic rock, and is thicker than the oceanic crust, which is composed of basaltic rock. The crust is the layer of solid rock that makes up the outermost part of the Earth.

# Certificate of Posting

Case No 2019-0222-A



1202 Elm Ridge Avenue – 1 of 2 (south side of property)

 5/23/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



## Certificate of Posting

Case No 2019-0222-A

**ZONING** NOTICE

CASE # 2019-0222-SPHA

**A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD**

PLACE: Room 205, JEFFERSON BUILDING.  
105 WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, MAY 31, 2019 AT 1:30 PM.

REQUEST:

SPECIAL HEARING FOR AN ACCESSORY (IN-LAW) IN A DETACHED  
BUILDING, VARIANCE TO PERMIT THE HEIGHT OF AN ACCESSORY  
BUILDING TO BE 23 FT. IN LIEU OF THE MAXIMUM ALLOWED 15 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY  
TO CONFIRM HEARING (CALL 410-391-1991)

DONOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**

5/11/19 8:03 PM

1202 Elm Ridge Avenue – 2 of 2 (north side of property)

*Richard E. Hoffman* 5/11/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
AND VARIANCE \*  
1202 Elm Ridge Avenue; SW/S of Elm Ridge \* OF ADMINISTRATIVE  
Avenue, 650' SE of Old Maiden Choice Lane \*  
13<sup>th</sup> Election & 1<sup>st</sup> Councilmanic Districts \* HEARINGS FOR  
Legal Owner(s): Andrew Chilcoat \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2019-222-SPHA

\* \* \* \* \*

**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  
FEB 14 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to Andrew Chilcoat, 1202 Elm Ridge Avenue, Baltimore, Maryland 21229, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL MOHLER, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

April 26, 2019

## 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: 2019-0222-SPHA**

1202 Elm Ridge Avenue

S/w side of Elm Ridge Avenue, 650 ft. s/e of Old Maiden Choice Lane

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Andrew Chilcoat

Special Hearing for an accessory (in-law) in a detached building. Variance to permit the height of an accessory building to be 23 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, May 31, 2019 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Mike Mohler  
Director

MM:kl

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 11, 2019.**
- (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: THE DAILY RECORD  
Friday, May 10, 2019 - Issue

Please forward billing to:  
Andrew Chilcoat  
1202 Elm Ridge Avenue  
Baltimore, MD 21229

410-790-0370

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## NOTICE OF ZONING HEARING

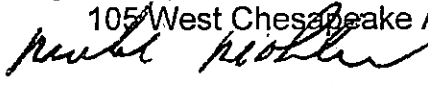
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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1202 Elm Ridge Avenue  
S/w side of Elm Ridge Avenue, 650 ft. s/e of Old Maiden Choice Lane  
13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owners: Andrew Chilcoat

Special Hearing for an accessory (in-law) in a detached building. Variance to permit the height of an accessory building to be 23 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, May 31, 2019 at 1:30 p.m. in Room 205, Jefferson Building,  
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Mike Mohler  
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.



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

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

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

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

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

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**For Newspaper Advertising:**

Case Number: 2019-0222-SPHA  
Property Address: 1202 ELM RIDGE AVENUE, BALT. MD  
Property Description: \_\_\_\_\_  
\_\_\_\_\_  
Legal Owners (Petitioners): ANDREW CHILCOAT  
Contract Purchaser/Lessee: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Andrew Chilcoat  
Company/Firm (if applicable): \_\_\_\_\_  
Address: 1202 ELM RIDGE AVE  
BALTIMORE, MD 21229  
\_\_\_\_\_  
Telephone Number: 410-790-0370



JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

May 21, 2019

Andrew Chilcoat  
1202 Elm Ridge Ave  
Baltimore MD 21229

RE: Case Number: 2019-0222-SHPA, 1202 Elm Ridge Ave

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 29, 2019. 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, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

**TO:** Mike Mohler  
Acting Director, Permits, Approvals and Inspections

**DATE:** 3/12/2019

**FROM:** Jeff Mayhew  
Acting Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-222

**INFORMATION:**

**Property Address:** 1202 Elm Ridge Avenue  
**Petitioner:** Andrew Chilcoat  
**Zoning:** DR 5.5  
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an accessory apartment (in-law) in a detached building and also the petition for variance to permit the height of an accessory building to be 23 feet in lieu of the maximum allowed 15 feet.

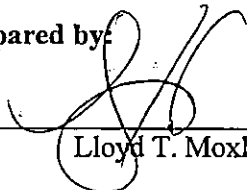
A site visit was conducted on February 19, 2019.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

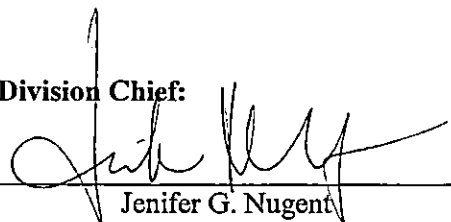
- There shall be no second utility meter.
- There shall be no commercial use of the accessory structure.
- A Declaration of Understanding shall be filed with Baltimore County limiting the use of the in-law apartment to those parties identified in said declaration, as approved and restricted by the Administrative Law Judge.

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

**Prepared by:**

  
Lloyd T. Moxley

**Division Chief:**

  
Jenifer G. Nugent

JM/JGN/LTM/

c: Josephine Selvakumar  
Andrew Chilcoat  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

501

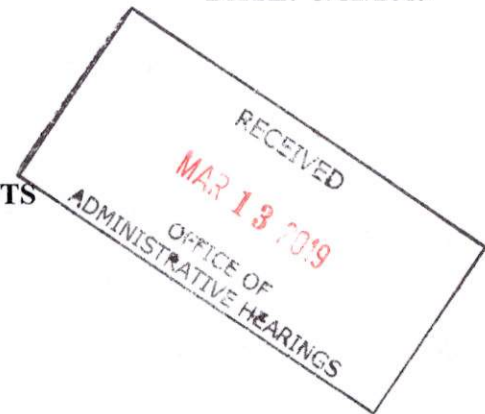
## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** Mike Mohler  
Acting Director, Permits, Approvals and Inspections

**DATE:** 3/12/2019

**FROM:** Jeff Mayhew  
Acting Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-222



**INFORMATION:**

**Property Address:** 1202 Elm Ridge Avenue  
**Petitioner:** Andrew Chilcoat  
**Zoning:** DR 5.5  
**Requested Action:** Special Hearing, Variance

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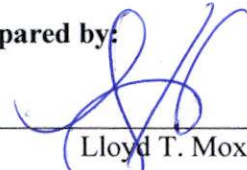
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The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

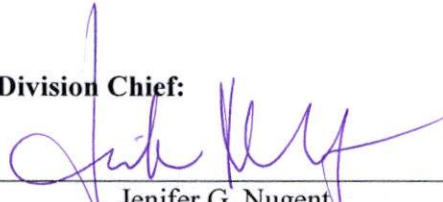
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For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

**Prepared by:**

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

**Division Chief:**

  
\_\_\_\_\_  
Jenifer G. Nugent

JM/JGN/LTM/

c: Josephine Selvakumar  
Andrew Chilcoat  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



RECEIVED  
**FEB 21 2019**  
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: February 21, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0222-SPHA  
Address 1202 Elm Ridge Avenue  
(Chilcoat Property)

Zoning Advisory Committee Meeting of **February 18, 2019.**

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

Reviewer: Steve Ford

Date: 2/19/19

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

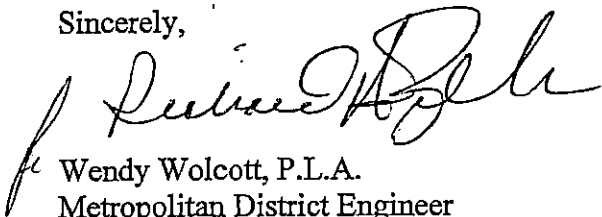
Dear Ms. Lewis:

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. 2019-0222-SPHA

*Variance, Special Hearing  
Address Chikora  
1202 Elm Ridge Avenue*

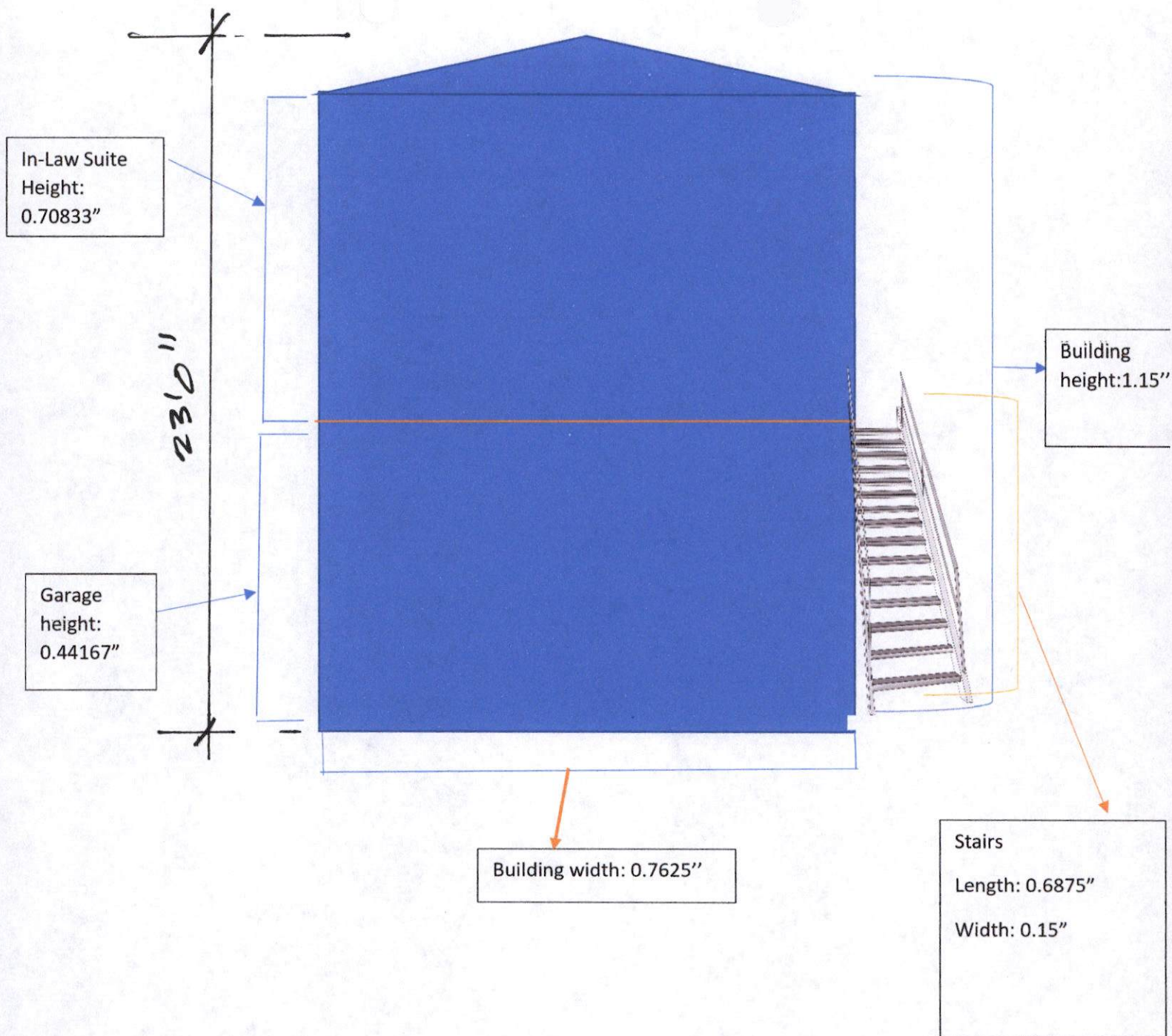
Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



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

WW/RAZ



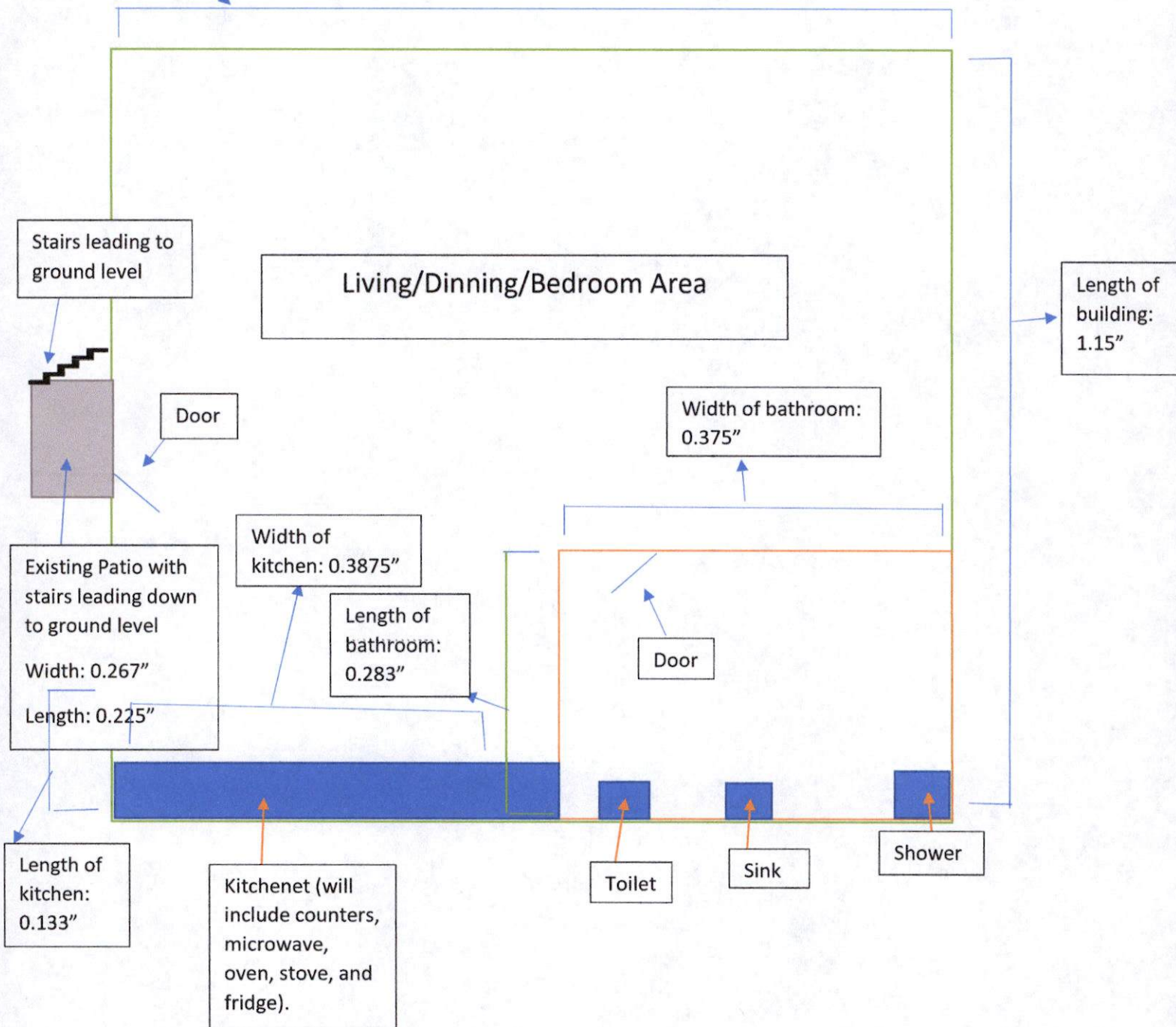
1 inch = 20 feet

CASE No.  
2019-0222-SPHA



Width of building:  
0.7625"

### In-Law Suite Layout



1 inch = 20 feet

CASE No.  
2019 - 0222 - SPH A



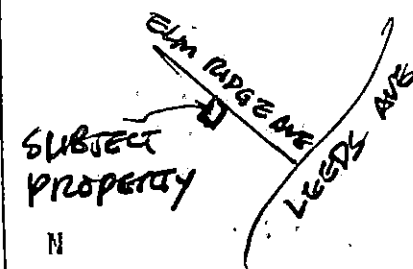
ZONING HEARING PLAN FOR VARIANCE \_\_\_\_ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 1202 Elm Ridge Ave. Baltimore OWNER(S) NAME(S) Andrew Chilcoat

SUBDIVISION NAME Elm Ridge LOT # 12 BLOCK # \_\_\_\_ SECTION # \_\_\_\_

PLAT BOOK # 18 FOLIO # 61 10 DIGIT TAX # 1323750280 DEED REF. # \_\_\_\_

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP # 101C2

SITE ZONED DR5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 16T

LOT AREA ACREAGE \_\_\_\_

OR SQUARE FEET 7050

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE \_\_\_\_

SEWER IS:

PUBLIC X PRIVATE \_\_\_\_

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

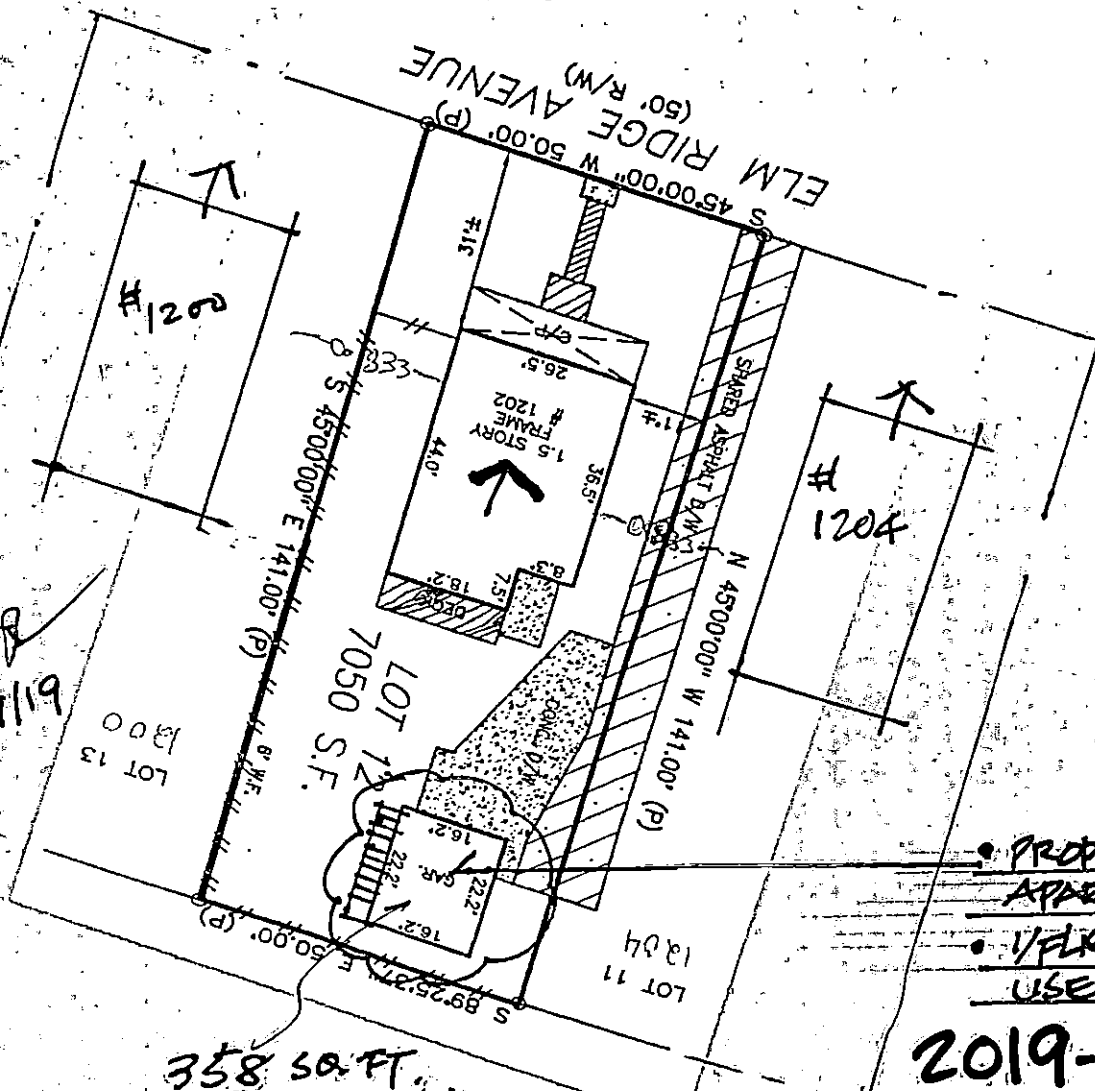
AND ORDER RESULT BELOW

NIL

**2019-0222-SPHA**

VIOLATION CASE INFO:

N/A



• PROPOSED IN-LAW  
APARTMENT ON 2/F  
• 1/F TO BE CLARAGE  
USE

PLAN DRAWN BY

IN-LAW APARTMENT

DATE 1/27/19 SCALE: 1 INCH = 30 FEET

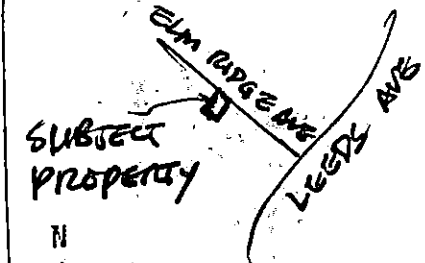
ZONING HEARING PLAN FOR VARIANCE \_\_\_\_\_ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)

ADDRESS 1202 Elm Ridge Ave. Baltimore OWNER(S) NAME(S) Andrew Chilcoat

SUBDIVISION NAME Elm Ridge LOT # 12 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_

PLAT BOOK # 28 FOLIO # 61 10 DIGIT TAX # 1323750220 DEED REF. # \_\_\_\_\_

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 101C2

SITE ZONED DR5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 16T

LOT AREA ACREAGE \_\_\_\_\_

OR SQUARE FEET 7050

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC ☒ PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

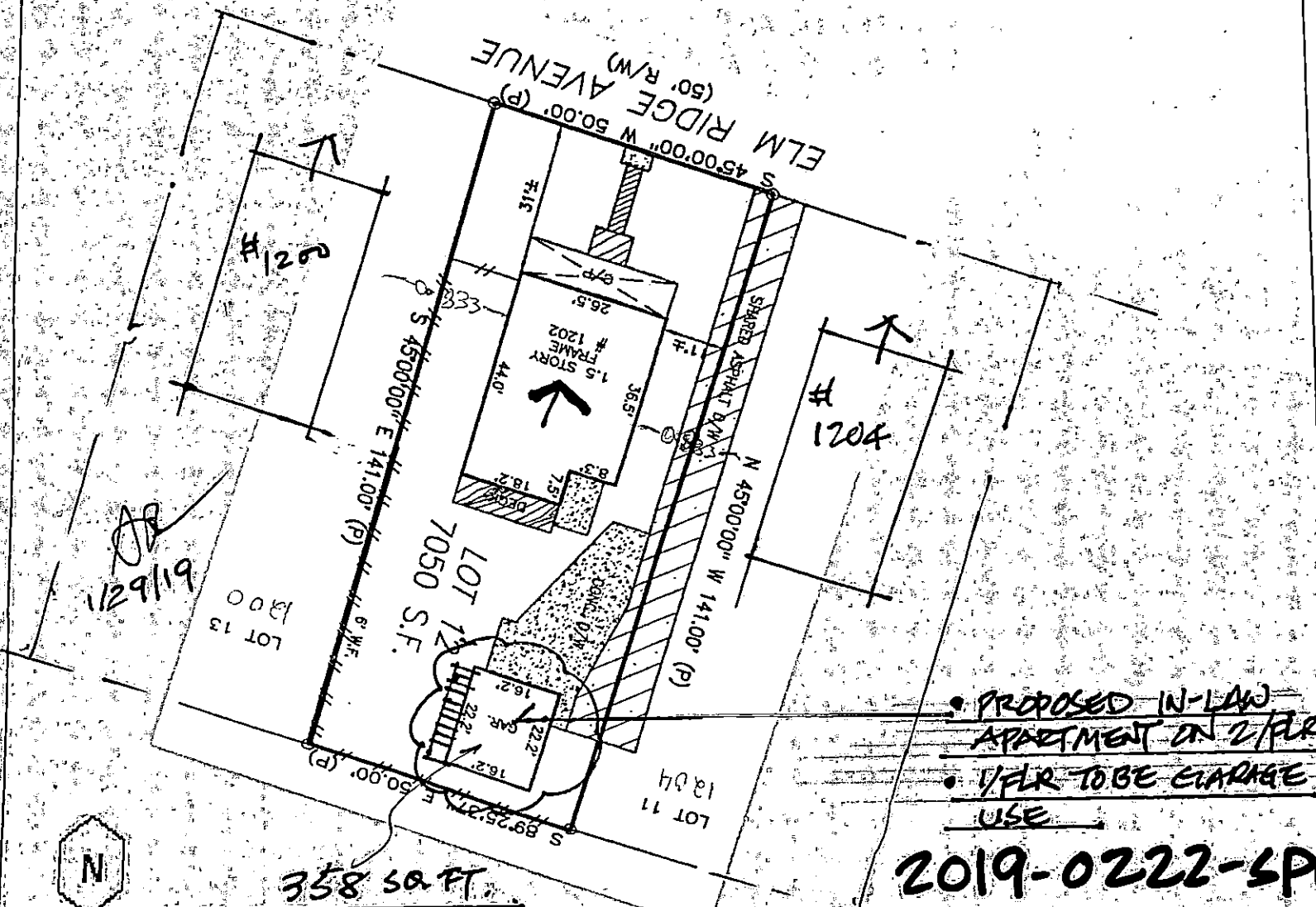
AND ORDER RESULT BELOW

NIL

**2019-0222-SPHA**

VIOLATION CASE INFO:

N/A



PLAN DRAWN BY \_\_\_\_\_

DATE 1/27/19 SCALE: 1 INCH = 30 FEET

• PROPOSED IN-LAW  
APARTMENT ON 2/F  
• 1/F LR TO BE GARAGE  
USE

PET. EX. 1

CASE NAME

DATE \_\_\_\_\_

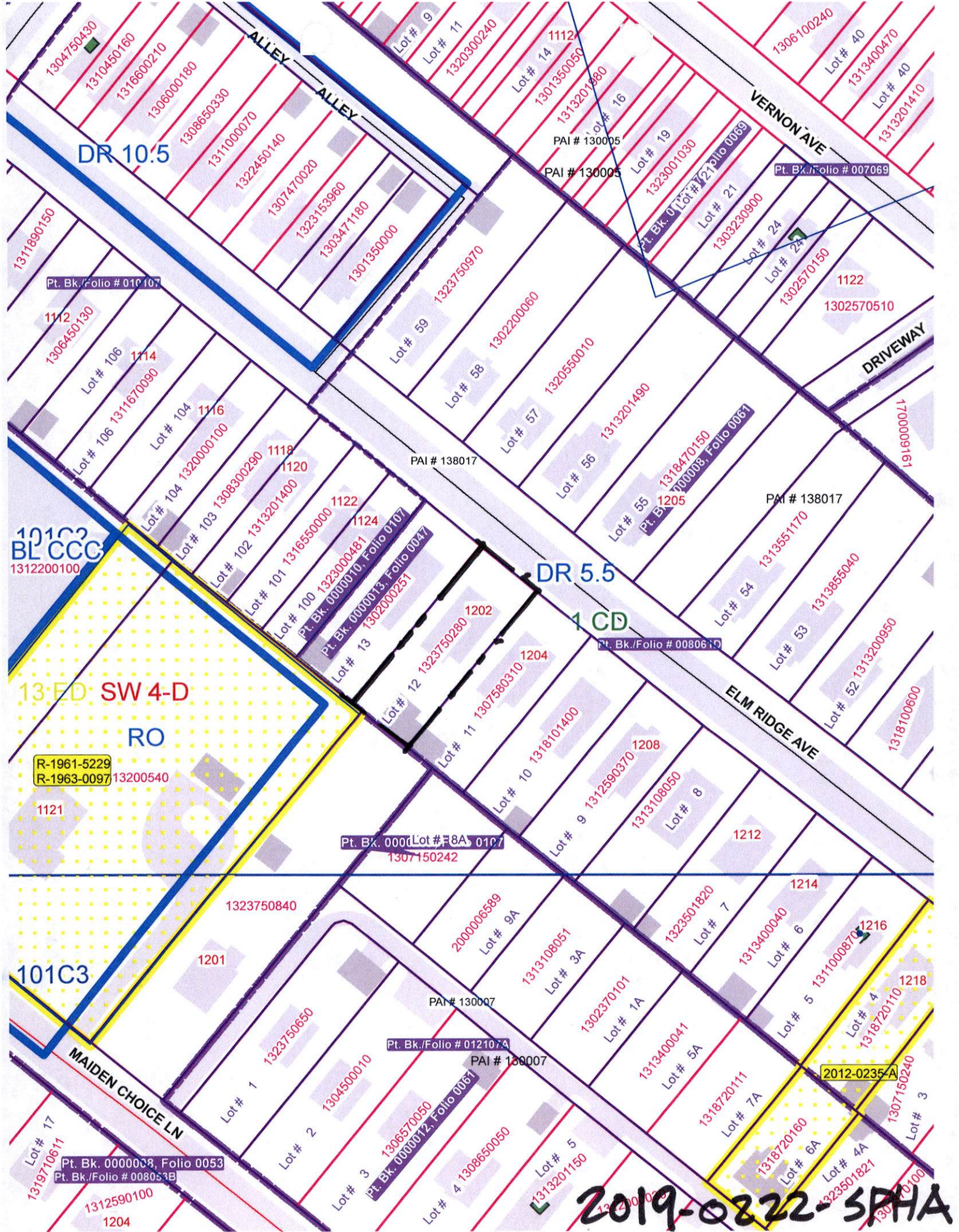
2019-0222-SPHA

5-31-19

E - MAIL

Andrew.Chilcoat@gmail.com





2019-0222-SPHA



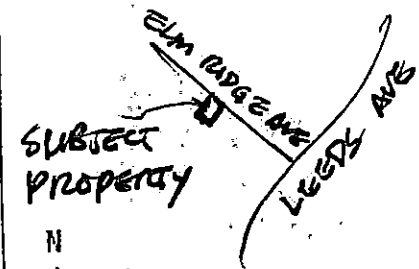
ZONING HEARING PLAN FOR VARIANCE \_\_\_\_\_ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 1202 Elm Ridge Ave. Baltimore OWNER(S) NAME(S) Andrew Chilcoat

SUBDIVISION NAME Elm Ridge LOT# 12 BLOCK# \_\_\_\_\_ SECTION# \_\_\_\_\_

PLAT BOOK # 28 FOLIO # 61 10 DIGIT TAX # 1323750280 DEED REF. # \_\_\_\_\_

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 101C2

SITE ZONED DR5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 16T

LOT AREA ACREAGE \_\_\_\_\_

OR SQUARE FEET 7050

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC X PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

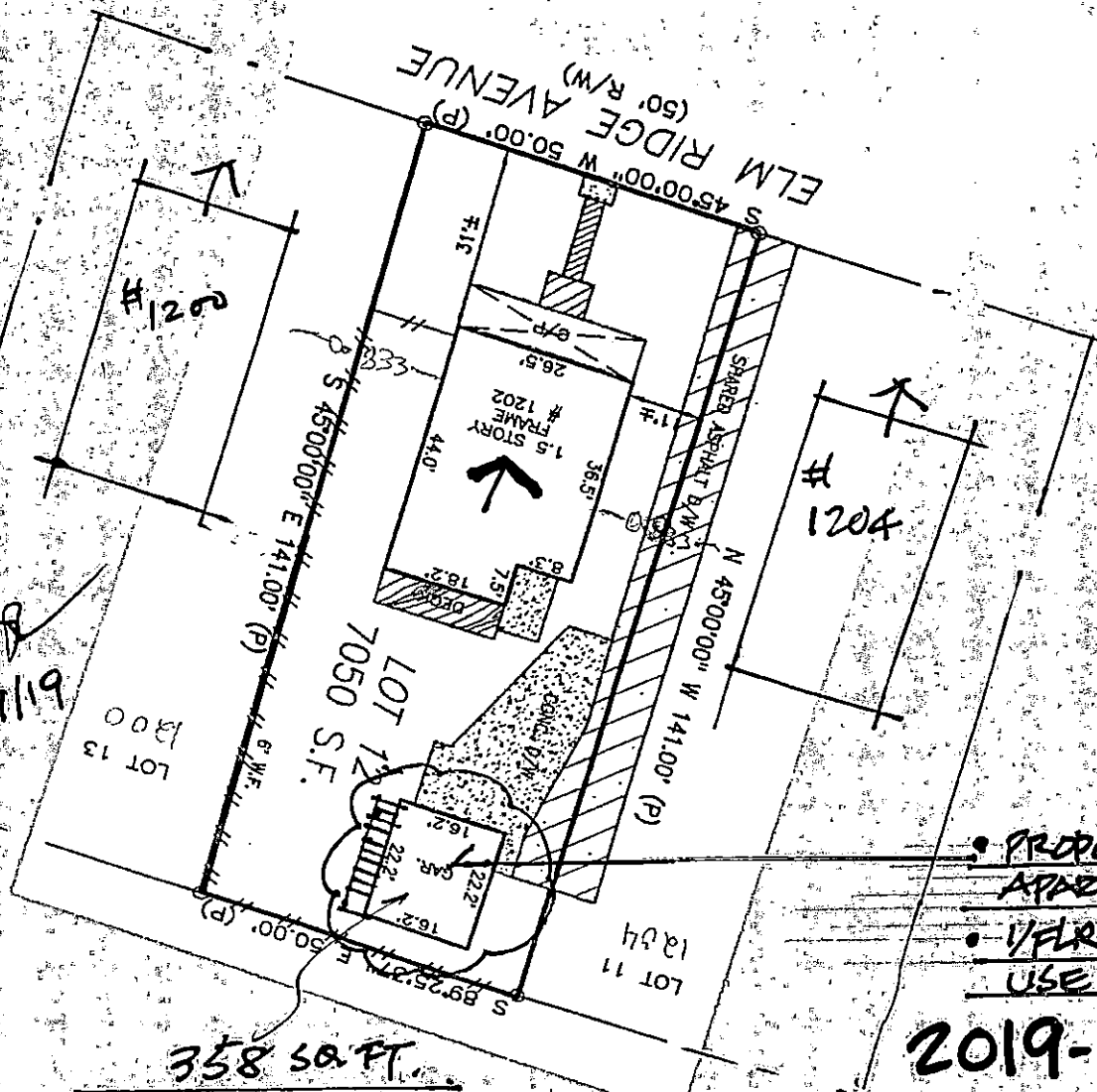
AND ORDER RESULT BELOW

NIL

**2019-0222-SPHA**

VIOLATION CASE INFO:

N/A



PLAN DRAWN BY \_\_\_\_\_

DATE 1/27/19 SCALE: 1 INCH = 30 FEET

C H E C K L I S T

| <u>Comment Received</u>         | <u>Department</u>                                                     | <u>Support/Oppose/<br/>Conditions/<br/>Comments/<br/>No Comment</u> |
|---------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------|
| _____                           | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | _____                                                               |
| 2/21                            | DEPS<br>(if not received, date e-mail sent _____)                     | N/c                                                                 |
| _____                           | FIRE DEPARTMENT                                                       | _____                                                               |
| 3/12                            | PLANNING<br>(if not received, date e-mail sent _____)                 | NO Obj<br>w/conditions                                              |
| 2/19                            | STATE HIGHWAY ADMINISTRATION                                          | NO Obj                                                              |
| _____                           | TRAFFIC ENGINEERING                                                   | _____                                                               |
| _____                           | COMMUNITY ASSOCIATION                                                 | _____                                                               |
| _____                           | ADJACENT PROPERTY OWNERS                                              | _____                                                               |
| <hr/>                           |                                                                       |                                                                     |
| ZONING VIOLATION                | (Case No. _____)                                                      |                                                                     |
| PRIOR ZONING                    | (Case No. _____)                                                      |                                                                     |
| <hr/>                           |                                                                       |                                                                     |
| NEWSPAPER ADVERTISEMENT         | Date: 5/10/19                                                         |                                                                     |
| SIGN POSTING (1 <sup>st</sup> ) | Date: 5/11/19                                                         | by Hoffman                                                          |
| SIGN POSTING (2 <sup>nd</sup> ) | Date: 5/25/19                                                         | by Hoffman                                                          |
| <hr/>                           |                                                                       |                                                                     |
| PEOPLE'S COUNSEL APPEARANCE     | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>   |                                                                     |
| PEOPLE'S COUNSEL COMMENT LETTER | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                                     |
| <hr/>                           |                                                                       |                                                                     |
| Comments, if any: _____         |                                                                       |                                                                     |
| <hr/>                           |                                                                       |                                                                     |

## Search Result for BALTIMORE COUNTY

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application

**Date:**



**CAPITOL TITLE INSURANCE AGENCY, INC.**  
**650 RITCHIE HIGHWAY, STE 200**  
**SEVERNA PARK, MD 21146**  
**410-544-0393**

File No./Escrow No.: P1811016  
 Print Date & Time: December 21, 2018 at 2:17 PM  
 Officer/Escrow Officer: RICHARD C. LEGARE  
 Settlement Location: CAPITOL TITLE INSURANCE AGENCY, INC.  
 650 RITCHIE HIGHWAY, STE 200, SEVERNA PARK, MD 21146  
 Property Address: 1202 ELM RIDGE AVENUE, BALTIMORE, MD 21229  
 LOT 12, ELM RIDGE  
 Borrower: ANDREW CHILCOAT  
 Seller: CT HOMES, LLC  
 Lender: 1st Financial, Inc.  
 Settlement Date: December 21, 2018  
 Disbursement Date: December 21, 2018

| Seller                            |            | Description                                |                                     | Borrower/Buyer |            |
|-----------------------------------|------------|--------------------------------------------|-------------------------------------|----------------|------------|
| Debit                             | Credit     |                                            |                                     | Debit          | Credit     |
| Financial                         |            |                                            |                                     |                |            |
|                                   | 294,000.00 | Sale Price of Property                     |                                     | 294,000.00     |            |
|                                   |            | Deposit including earnest money            |                                     |                | 1,000.00   |
|                                   |            | Loan Amount                                |                                     |                | 300,321.00 |
| 11,025.00                         |            | Seller Credit                              |                                     |                | 11,025.00  |
|                                   |            | Lender Credit                              |                                     |                | 728.67     |
| Prorations/Adjustments            |            |                                            |                                     |                |            |
|                                   | 1,457.57   | County Taxes from 12/21 to 06/30           |                                     | 1,457.57       |            |
| 70.92                             |            | Water Bills Due Acct 08011807008           | DIRECTOR OF FINANCE                 |                |            |
| 30.00                             |            | Overnight Delivery Service                 | CTIA, INC.                          |                |            |
| 6.91                              |            | Water/Sewer Adjustment from 11/20 to 12/21 |                                     |                | 6.91       |
| 2,868.97                          |            | Annual RE Taxes Due thru 12/31             |                                     |                |            |
| Loan Charges to 1ST FINANCIAL LLC |            |                                            |                                     |                |            |
|                                   |            | Prepaid Interest                           |                                     | 429.91         |            |
|                                   |            | 39.0829 per day from 12/21/18 to 01/01/19  |                                     |                |            |
| Other Loan Charges                |            |                                            |                                     |                |            |
|                                   |            | % of Loan Amount (Points)                  |                                     | 2,000.14       |            |
|                                   |            | Appraisal Fee                              |                                     | 525.00         |            |
|                                   |            | Credit Report Fee                          |                                     | 68.06          |            |
|                                   |            | Flood Certification                        |                                     | 14.00          |            |
|                                   |            | Inspection Fee                             |                                     | 150.00         |            |
| 39.00                             |            | Pest Inspection                            | PestNow, LLC - Superior Pest Manage |                |            |
|                                   |            | Va Funding Fee                             |                                     | 6,321.00       |            |
|                                   |            | Survey Fee                                 | EXACTA MARYLAND SURVEYORS, IN       | 200.00         |            |
| Impounds                          |            |                                            |                                     |                |            |
|                                   |            | Homeowner's Insurance                      |                                     | 276.21         |            |
|                                   |            | 92.07 per month for 3 mo.                  |                                     |                |            |
|                                   |            | Property Taxes                             |                                     | 696.36         |            |
|                                   |            | 232.12 per month for 3 mo.                 |                                     |                |            |
| Title Charges                     |            |                                            |                                     |                |            |
|                                   |            | Title - Lender's title insurance           | CTIA, INC.                          | 948.00         |            |
|                                   |            | Title - Owner's title insurance (optional) | CTIA, INC.                          | 902.00         |            |
|                                   |            | Title - Closing Protection Letter fee      | FATIC                               | 30.00          |            |
|                                   |            | Title - E-Recording Fee                    | CLOSELINE E-FILE                    | 6.00           |            |
|                                   |            | Title - Lien/Tax Certificate               | Baltimore County, MD                | 55.00          |            |
| 15.00                             |            | Title - Notary Fee                         | CTIA, INC.                          | 35.00          |            |
| 50.00                             |            | Title - Obtain/Prep Payoff & Release       | CTIA, INC.                          |                |            |

**2019-0222-SPHA**

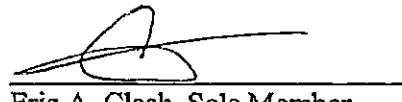
| Seller                                           |            | Description                       |                             | Borrower/Buyer |            |
|--------------------------------------------------|------------|-----------------------------------|-----------------------------|----------------|------------|
| Debit                                            | Credit     |                                   |                             | Debit          | Credit     |
|                                                  |            | Title - Recording Service Fee     | CLOSELINE SETTLEMENTS       | 25.00          |            |
| 35.00                                            |            | Title - Release Tracking Fee      | CTIA, INC.                  |                |            |
|                                                  |            | Title - Settlement or closing fee | CTIA, INC.                  | 725.00         |            |
|                                                  |            | Title - Title Abstract            | REGIONAL ABSTRACTS, LLC     | 275.00         |            |
|                                                  |            | Title - Title Commitment          | CTIA, INC.                  | 75.00          |            |
| <b>Commission</b>                                |            |                                   |                             |                |            |
| 7,350.00                                         |            | Real Estate Commission            | KLR REAL ESTATE             |                |            |
| 7,350.00                                         |            | Real Estate Commission            | FATHOM REALTY               |                |            |
| <b>Government Recording and Transfer Charges</b> |            |                                   |                             |                |            |
|                                                  |            | Record Deed                       | CLERK OF THE COURT          | 60.00          |            |
|                                                  |            | Record Trust/Deed Mortgage        | CLERK OF THE COURT          | 60.00          |            |
| 50.00                                            |            | Releases                          | BALTIMORE COUNTY            |                |            |
| 2,205.00                                         |            | COUNTY TRANSFER TAX               | BALTIMORE COUNTY            | 1,875.00       |            |
| 735.00                                           |            | RECORDATION TAX                   | BALTIMORE COUNTY            | 735.00         |            |
|                                                  |            |                                   | BALTIMORE COUNTY            | 32.50          |            |
| 735.00                                           |            | STATE TRANSFER TAX                | CLERK OF THE COURT          |                |            |
| <b>Payoff(s)</b>                                 |            |                                   |                             |                |            |
| 182,359.04                                       |            | Payoff of First Mortgage Loan     | HOWARD SAPERSTEIN AND LYNNE |                |            |
|                                                  |            | as of 12/21/18                    |                             |                |            |
|                                                  |            | Principal Balance \$182,359.04    |                             |                |            |
| <b>Other Charges</b>                             |            |                                   |                             |                |            |
|                                                  |            | Homeowner's Insurance Premium     | USAA                        | 1,104.83       |            |
|                                                  |            | 12 (mo.)                          |                             |                |            |
| 460.00                                           |            | Home Warranty                     | AHS                         |                |            |
|                                                  |            |                                   |                             |                |            |
| Seller                                           |            | Description                       |                             | Borrower/Buyer |            |
| Debit                                            | Credit     |                                   |                             | Debit          | Credit     |
| 215,384.84                                       | 295,457.57 | <b>Subtotals</b>                  |                             | 313,081.58     | 313,081.58 |
|                                                  |            | Due From Borrower                 |                             |                |            |
| 80,072.73                                        |            | Due To Seller                     |                             |                |            |
| 295,457.57                                       | 295,457.57 | <b>TOTALS</b>                     |                             | 313,081.58     | 313,081.58 |

ADDENDUM TO  
ALTA SETTLEMENT STATEMENT - COMBINED

Acknowledgment & Certification

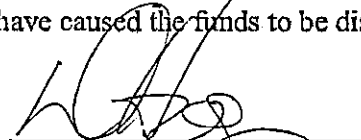
I have carefully reviewed the ALTA Settlement Statement -- Combined, and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account, or by me in this transaction. I further certify that I have received a copy of the ALTA Settlement Statement -- Combined.

  
Borrower  
ANDREW CHILCOAT

  
Eric A. Clash, Sole Member  
CT HOMES, LLC  
Seller

To the best of my knowledge, the ALTA Settlement Statement -- Combined which I have prepared is a true and accurate account of this transaction. I have caused the funds to be disbursed in accordance with this statement.

12/21/18  
Date

  
Settlement Agent

Property Address: 1202 ELM RIDGE AVENUE, BALTIMORE, MD 21229  
Combined ALTA Settlement Statement Acknowledgment

CTIA File #: P1811016

# DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING is made on this Friday of January 2019, by Andrew Chilcoat and the Department of Permits, Approvals and Inspections.

## Recitals

A. The Declarant(s) who is also the owner of this property has filed an application for a use permit and special hearing to: convert existing garage that has a storage space on top of it into an in-law suite. The location of the proposed in-law suite is behind my primary dwelling on the property. The building doesn't need anything added to it, except for inside the in-law suite. In the in-law suite we will be adding 2 walls to create a bathroom.

The property being located at: 1202 Elm Ridge Avenue, Baltimore MD, 21229 and is more particularly described by metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned residential, which is the particular zone in which the property is located.

B. The accessory apartment will be the housing for: My father, will be living in the in-law suite. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarant(s) request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning

2019-0222-SPHA



hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

A. 3: Upon use permit termination: The Declarant upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

5. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

6. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

Krueger Zayman

State of Maryland, County of Baltimore to wit:

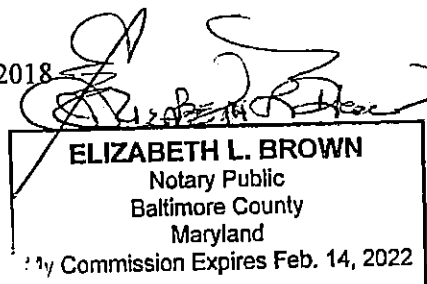
I HEREBY CERTIFY that on this 10<sup>th</sup> day of 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared

KRUEGER ZAYMAN

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 12/22/2018



Deborah Hogan

Notary Public

**TYPE 1:**

***Recorded Subdivision: Plat at Elm Ridge Liber 8 at 61 (book 8 at page 61)***

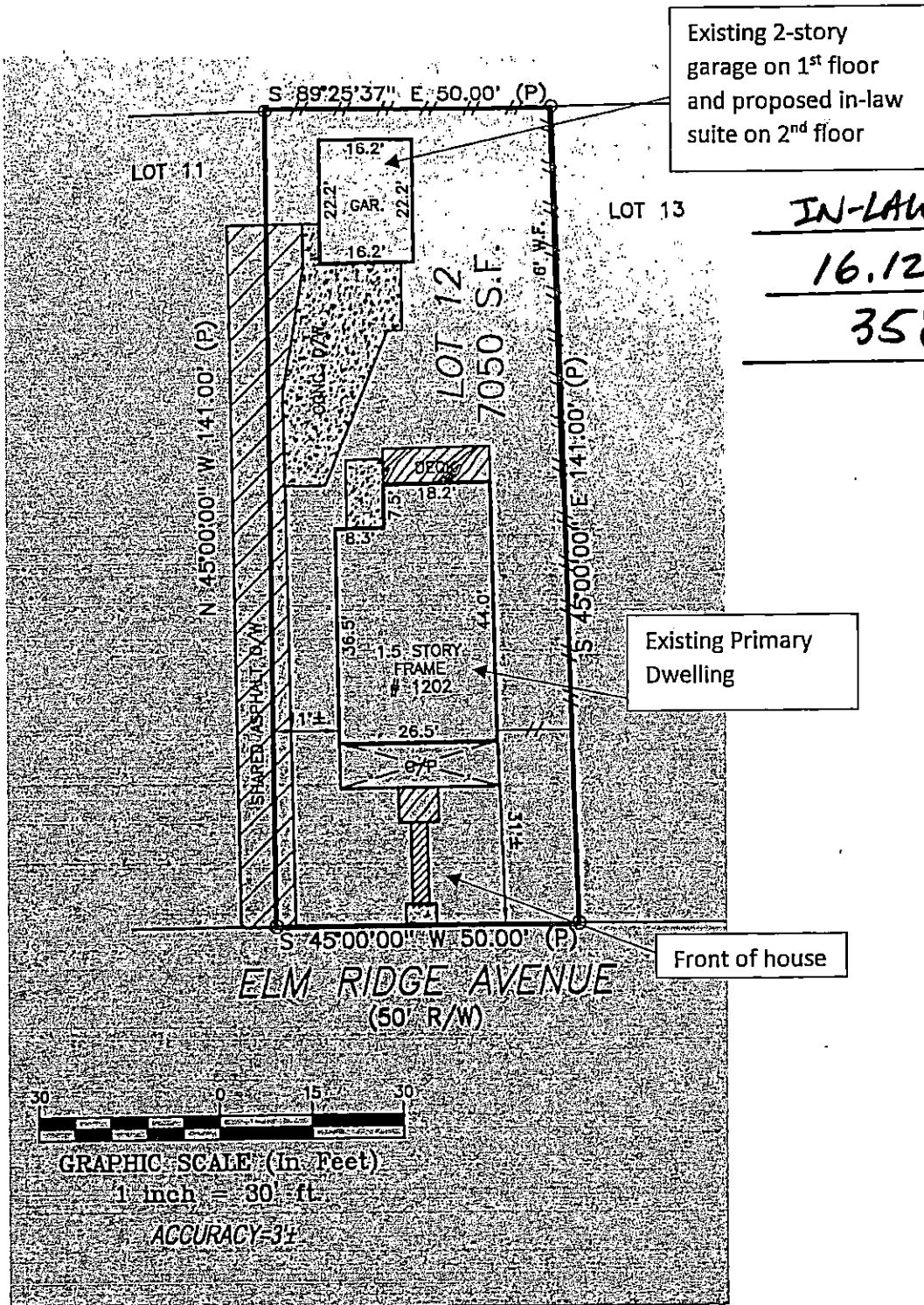
**BEING KNOWN AND DESIGNATED** as Parcel, Lot No. 12 as shown on the Plat of Section Elm Ridge, which Plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 08, folio 61.

The improvements thereon being known as No. 1202 Elm Ridge Avenue Baltimore, MD - 21229 and recorded among the Land Records of Baltimore County in Liber 8

**BEING THE SAME** lot of ground which by Deed dated 12/21/2018, was granted and conveyed by Lori L. Makowski to grantor herein by Deed recorded in LIBER 40220, FOLIO 374

# USE PERMIT SITE PLAN

FOR AN ACCESSORY APARTMENT IN A SINGLE FAMILY RESIDENCE THIS WILL  
BE THE SITE PLAN FOR THE USE PERMIT FILING REVIEW



The Declaration of Understanding for the Accessory Apartment at:

1202 Elm Ridge Avenue, Baltimore MD, 21229

is approved: \_\_\_\_\_

Arnold Jablon, Director-PAI

\_\_\_\_\_  
Date

111 West Chesapeake Avenue Room 111 Towson Md 21204



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

No. **178455**

Date: **1/29/2019**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DRW  
 1/29/2019 1/28/2019 10:32:03 3

RECEIPT # 805603 1/28/2019 DFLN  
 DEPT 5 528 ZONING VERIFICATION

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept | Obj | BS Acct | Amount | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|------|-----|---------|--------|------|-----|---------|--------|
| 001  | 806  | 0000 |          | 6150           |             |      |     |         | 75.00  |      |     |         | 75.00  |
|      |      |      |          |                |             |      |     |         |        |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |      |     |         |        |
|      |      |      |          |                |             |      |     |         |        |      |     |         |        |

Total: **150.00**

Rec From: **ANDREW CHILCOAT - 1202 Elm Ridge Ave.**

For: **0222 - SPH-A VARIANCE: HEIGHT  
 SPECIAL HEARING: IN-LAW  
 APT/SUITE**

**DISTRIBUTION**

WHITE - CASHIER RINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

## MEMORANDUM

DATE: July 5, 2019  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0222-SPHA - Appeal Period Expired

---

The appeal period for the above-referenced case expired on July 3, 2019. 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.'

/dlw

c: ✓ Case File  
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE

(1202 Elm Ridge Avenue) \*  
13<sup>th</sup> Election District \*  
1<sup>st</sup> Council District \*

Andrew Chilcoat \*  
Legal Owner \*  
Petitioner \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0222-SPHA

\* \* \* \* \*

### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Andrew Chilcoat, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve an accessory apartment (in-law) in a detached building. In addition, a Petition for Variance was filed pursuant to BCZR Section 400.3 to permit a height of an accessory building to be 23 feet in lieu of the maximum allowed 15 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Petitioner appeared in support of the requests. No protestants or interested citizens were 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 Planning (“DOP”). That agency did not oppose the request.

### SPECIAL HEARING

The subject property is 7,050 square feet in size and is zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1930 and a detached garage in the rear yard. The previous owner apparently did not obtain a permit to construct the garage which is 23 ft. in height and necessitated the filing of the variance request.

ORDER RECEIVED FOR FILING

Date 6-3-19

By Sen

Petitioner indicated his father plans to live in the apartment and he said the adjoining neighbors are supportive of the special hearing request. There is no reason to believe granting the request would have a detrimental impact upon the community and the petition will be granted.

VARIANCE

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

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

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

As noted above the garage was constructed many years ago and the variance request seeks to legitimize this existing condition. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be required to raze or reconstruct the garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 3<sup>rd</sup> day of **June, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an accessory apartment (in-law) in a detached building, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a height of an accessory building to be 23 feet in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6-3-19

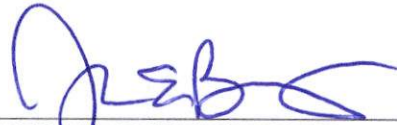
By Sen



The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. The detached garage shall not be used for commercial purposes.
3. A second utility meter may not be installed to serve the detached garage.
4. Prior to issuance of permit(s) and/or license(s) Petitioner must file among the land records of Baltimore County the Declaration of Understanding required by BCZR Section 400.4.

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



JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6-3-19

By sln



# 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 1202 Elm Ridge Avenue which is presently zoned DB 5.5  
 Deed References: \_\_\_\_\_ 10 Digit Tax Account # 1323750280  
 Property Owner(s) Printed Name(s) Andrew Chilcoat

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

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

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve  
 an accessory apartment (In-Law) in a detached building per § 400.4.B.1 of 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)  
 400.3 of BCZR to permit the height of an accessory building to be 23 feet in lieu of the maximum allowed 15 feet.

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

I would like to convert the unused storage space in the upstairs section of the detached garage into an in-law suite. To do this I need a permit to construct plumbing into the building.

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:

Andrew Chilcoat  
 Name- Type or Print  
[Signature]  
 Signature

1202 Elm Ridge Ave. Baltimore MD  
 Mailing Address City State

21229 / 410-790-0370 / andrew.chilcoat@gmail.com  
 Zip Code Telephone # Email Address

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Andrew Chilcoat  
 Name #1 - Type or Print Name #2 - Type or Print  
[Signature]  
 Signature #1 Signature #2

\_\_\_\_\_  
 Mailing Address City State

21229 / 410-790-0370 / andrew.chilcoat@gmail.com  
 Zip Code Telephone # Email Address

Representative to be contacted:

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

2019-  
 CASE NUMBER 0222-SPHA Filing Date 1/29/2019 Do Not Schedule Dates: 5/17/19 Reviewer AT/RJ  
UNTIL AFTER

REV. 10/4/11

Property Description

ZONING PROPERTY DESCRIPTION FOR 1202 Elm Ridge Avenue Beginning at a point on the south west side of Elm Ridge which is 50 feet wide at a distance of 650 feet south east of the centerline of the nearest improved intersecting street Old Maiden Choice Lane which is 50 feet wide.

Lot numbered 12 in the subdivision known as "Elm Ridge" as per plat recorded in Plat Book WPC 8 at Plat NO. 61 among the Land Records of Baltimore County, Maryland.

CASE No.  
2019- 0222-SPHA



# The Daily Record

11 East Saratoga Street  
Baltimore, MD 21202-2199  
(443) 524-8100  
<http://www.thedailyrecord.com>

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

5/10/2019

Order #: 11737732  
Case #: 2019-0222-SPHA  
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:  
2019-0222-SPHA



**Darlene Miller, Public Notice Coordinator**  
(Representative Signature)

### Baltimore County

#### 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: 2019-0222-SPHA**

1202 Elm Ridge Avenue  
S/w side of Elm Ridge Avenue, 650 ft. s/e of Old Maiden Choice Lane  
13th Election District - 15th Councilmanic District  
Legal Owners: Andrew Chilcoat

Special Hearing for an accessory (in-law) in a detached building. Variance to permit the height of an accessory building to be 23 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, May 31, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

my10



## RE-CERTIFICATION OF POSTING

RE: Case No. 2019-0222- A

Petitioner: Kuressa Laughman

Hearing Date: 5/31/19

Baltimore County Department of  
Permits, Approvals and Inspections  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)  
were posted conspicuously on the property located at \_\_\_\_\_

1202 Elm Ridge Avenue – 1 of 2 (south side of property)

1202 Elm Ridge Avenue – 2 of 2 (north side of property)

on 5/11/19 and re-photographed on 5/25/19

Sincerely,

 5/25/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

PROBABILITY AND STATISTICS

1. The probability of a person being a doctor is 0.02.  
2. The probability of a person being a lawyer is 0.03.  
3. The probability of a person being a teacher is 0.05.

4. The probability of a person being a nurse is 0.04.  
5. The probability of a person being a police officer is 0.01.  
6. The probability of a person being a firefighter is 0.02.  
7. The probability of a person being a soldier is 0.01.  
8. The probability of a person being a pilot is 0.01.

9. The probability of a person being a scientist is 0.01.  
10. The probability of a person being an artist is 0.01.  
11. The probability of a person being a musician is 0.01.  
12. The probability of a person being a writer is 0.01.  
13. The probability of a person being a philosopher is 0.01.  
14. The probability of a person being a mathematician is 0.01.  
15. The probability of a person being a physicist is 0.01.

16. The probability of a person being a chemist is 0.01.  
17. The probability of a person being a biologist is 0.01.  
18. The probability of a person being a geologist is 0.01.  
19. The probability of a person being a meteorologist is 0.01.  
20. The probability of a person being an astronomer is 0.01.

**Re-photographed**  
**Certificate of Posting**  
**Case No 2019-0222-A**



**1202 Elm Ridge Avenue – 1 of 2 Re-photographed (north side of property)**

*Richard E. Hoffman* 5/25/19

**Richard E. Hoffman**

**904 Dellwood Drive**

**Fallston, Md. 21047**

**443-243-7360**

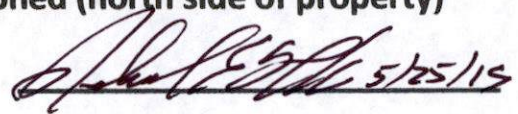




**Re-photographed**  
**Certificate of Posting**  
**Case No 2019-0222-A**



**1202 Elm Ridge Avenue – 2 of 2 Re-photographed (north side of property)**

 5/25/19

**Richard E. Hoffman**

**904 Dellwood Drive**

**Fallston, Md. 21047**

**443-243-7360**

1892  
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1895  
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## CERTIFICATE OF POSTING

RE: Case No. 2019-0222- A

Petitioner: Kuressa Laughman

Hearing Date: 5/31/19

Baltimore County Department of  
Permits, Approvals and Inspections  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)  
were posted conspicuously on the property located at \_\_\_\_\_  
1202 Elm Ridge Avenue – 1 of 2 (south side of property)  
1202 Elm Ridge Avenue – 2 of 2 (north side of property)  
\_\_\_\_\_ on 5/11/19

Sincerely,

 5/23/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

# CHANGES IN STANDING

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## Certificate of Posting

Case No 2019-0222-A



1202 Elm Ridge Avenue – 1 of 2 (south side of property)

*Richard E. Hoffman* 5/23/19

Richard E. Hoffman

904 Dellwood Drive

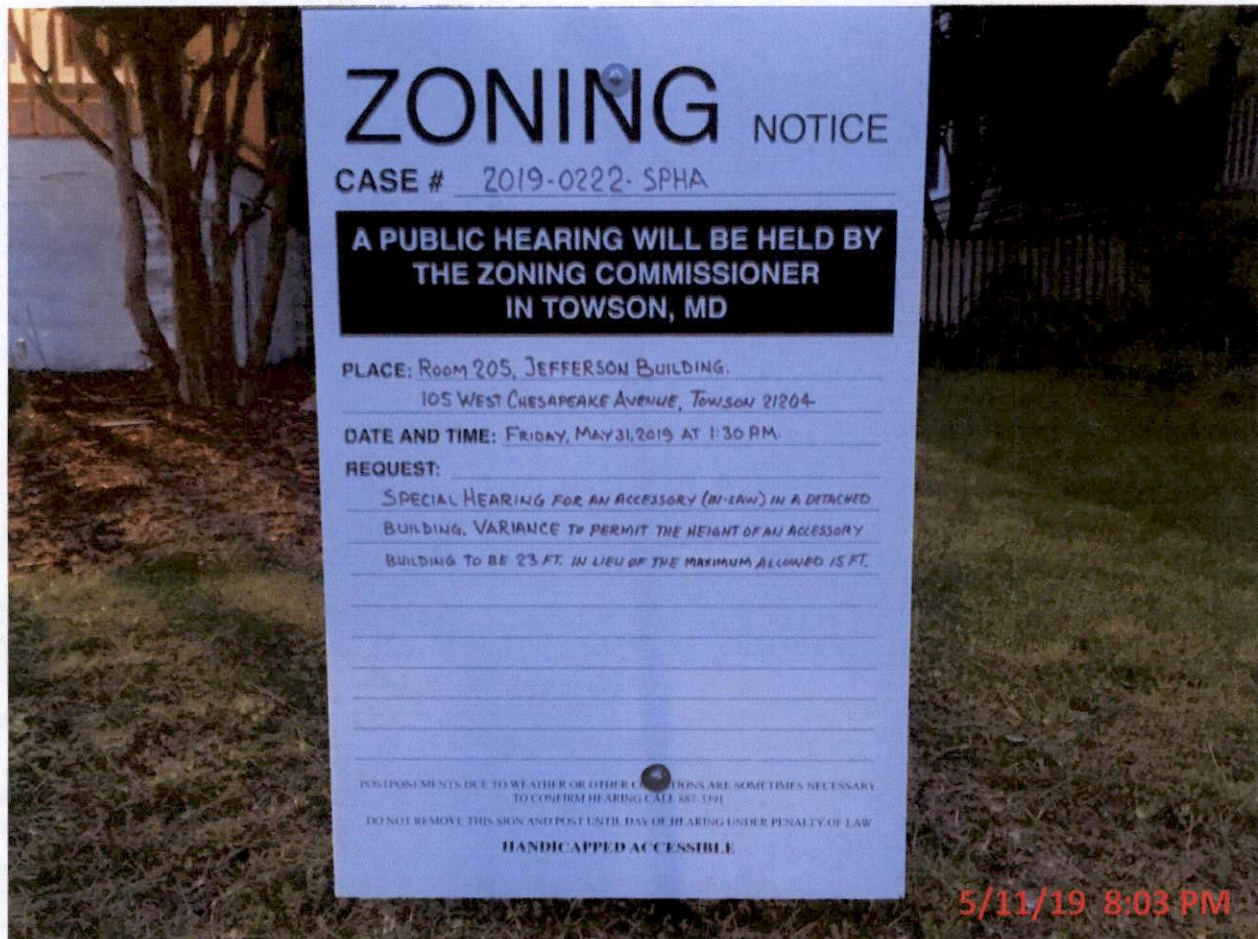
Fallston, Md. 21047

443-243-7360



## Certificate of Posting

Case No 2019-0222-A



**ZONING** NOTICE

CASE # 2019-0222-SPHA

**A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD**

PLACE: Room 205, JEFFERSON BUILDING,  
105 WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, MAY 31, 2019 AT 1:30 PM.

REQUEST:

SPECIAL HEARING FOR AN ACCESSORY (M-LAW) IN A DETACHED  
BUILDING, VARIANCE TO PERMIT THE HEIGHT OF AN ACCESSORY  
BUILDING TO BE 23 FT. IN LIEU OF THE MAXIMUM ALLOWED 15 FT.

POSTPONENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY  
TO CONFIRM HEARING CALL 877-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**

5/11/19 8:03 PM

1202 Elm Ridge Avenue – 2 of 2 (north side of property)

*Richard E. Hoffman* 5/31/2019

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
AND VARIANCE \*  
1202 Elm Ridge Avenue; SW/S of Elm Ridge \* OF ADMINISTRATIVE  
Avenue, 650' SE of Old Maiden Choice Lane \*  
13<sup>th</sup> Election & 1<sup>st</sup> Councilmanic Districts \* HEARINGS FOR  
Legal Owner(s): Andrew Chilcoat \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2019-222-SPHA

\* \* \* \* \*

**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  
FEB 14 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of February, 2019, a copy of the foregoing Entry of Appearance was mailed to Andrew Chilcoat, 1202 Elm Ridge Avenue, Baltimore, Maryland 21229, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.  
County Executive

MICHAEL MOHLER, Director  
Department of Permits,  
Approvals & Inspections

April 26, 2019

## 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: 2019-0222-SPHA**

1202 Elm Ridge Avenue

S/w side of Elm Ridge Avenue, 650 ft. s/e of Old Maiden Choice Lane

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Andrew Chilcoat

Special Hearing for an accessory (in-law) in a detached building. Variance to permit the height of an accessory building to be 23 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, May 31, 2019 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Mike Mohler  
Director

MM:kl

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 11, 2019.**
- (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: THE DAILY RECORD  
Friday, May 10, 2019 - Issue

Please forward billing to:  
Andrew Chilcoat  
1202 Elm Ridge Avenue  
Baltimore, MD 21229

410-790-0370

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## NOTICE OF ZONING HEARING

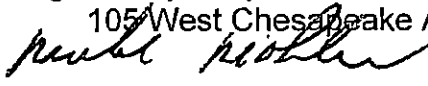
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S/w side of Elm Ridge Avenue, 650 ft. s/e of Old Maiden Choice Lane  
13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owners: Andrew Chilcoat

Special Hearing for an accessory (in-law) in a detached building. Variance to permit the height of an accessory building to be 23 ft. in lieu of the maximum allowed 15 ft.

Hearing: Friday, May 31, 2019 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

  
Mike Mohler  
Director of Permits, Approvals and Inspections for Baltimore County

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

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

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

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

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

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

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**For Newspaper Advertising:**

Case Number: 2019-0222-SPHA  
Property Address: 1202 ELM RIDGE AVENUE, BALT. MD 21229  
Property Description: \_\_\_\_\_  
\_\_\_\_\_  
Legal Owners (Petitioners): ANDREW CHILCOAT  
Contract Purchaser/Lessee: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Andrew Chilcoat  
Company/Firm (if applicable): \_\_\_\_\_  
Address: 1202 ELM RIDGE AVE  
BALTIMORE, MD 21229  
\_\_\_\_\_  
Telephone Number: 410-790-0370



JOHN A. OLSZEWSKI, JR.  
*County Executive*

MICHAEL D. MALLINOFF, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

May 21, 2019

Andrew Chilcoat  
1202 Elm Ridge Ave  
Baltimore MD 21229

RE: Case Number: 2019-0222-SHPA, 1202 Elm Ridge Ave

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 29, 2019. 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, appearing to read "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

**TO:** Mike Mohler  
Acting Director, Permits, Approvals and Inspections

**DATE:** 3/12/2019

**FROM:** Jeff Mayhew  
Acting Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-222

**INFORMATION:**

**Property Address:** 1202 Elm Ridge Avenue  
**Petitioner:** Andrew Chilcoat  
**Zoning:** DR 5.5  
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an accessory apartment (in-law) in a detached building and also the petition for variance to permit the height of an accessory building to be 23 feet in lieu of the maximum allowed 15 feet.

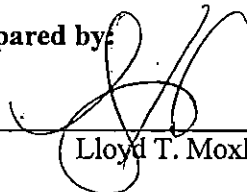
A site visit was conducted on February 19, 2019.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

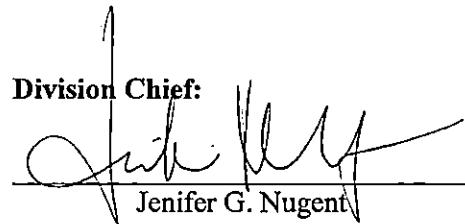
- There shall be no second utility meter.
- There shall be no commercial use of the accessory structure.
- A Declaration of Understanding shall be filed with Baltimore County limiting the use of the in-law apartment to those parties identified in said declaration, as approved and restricted by the Administrative Law Judge.

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

**Prepared by:**

  
Lloyd T. Moxley

**Division Chief:**

  
Jenifer G. Nugent

JM/JGN/LTM/

c: Josephine Selvakumar  
Andrew Chilcoat  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



501

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** Mike Mohler  
Acting Director, Permits, Approvals and Inspections

**DATE:** 3/12/2019

**FROM:** Jeff Mayhew  
Acting Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-222



**INFORMATION:**

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**Petitioner:** Andrew Chilcoat  
**Zoning:** DR 5.5  
**Requested Action:** Special Hearing, Variance

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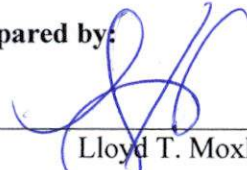
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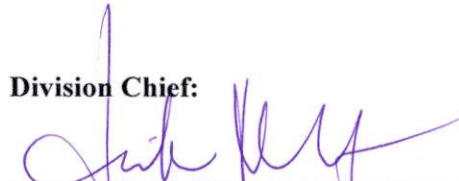
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**Prepared by:**

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

**Division Chief:**

  
\_\_\_\_\_  
Jenifer G. Nugent

JM/JGN/LTM/

c: Josephine Selvakumar  
Andrew Chilcoat  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



RECEIVED  
**FEB 21 2019**  
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: February 21, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0222-SPHA  
Address 1202 Elm Ridge Avenue  
(Chilcoat Property)

Zoning Advisory Committee Meeting of **February 18, 2019.**

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

Reviewer: Steve Ford

Date: 2/19/19

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

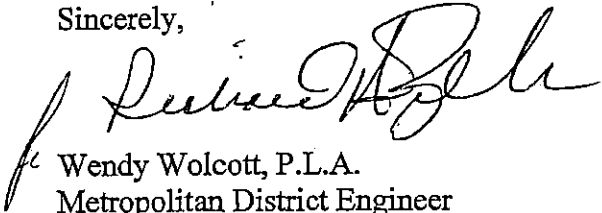
Dear Ms. Lewis:

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. 2019-0222-SPHA

*Variance, Special Hearing  
Address Chikora  
1202 Elm Ridge Avenue*

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

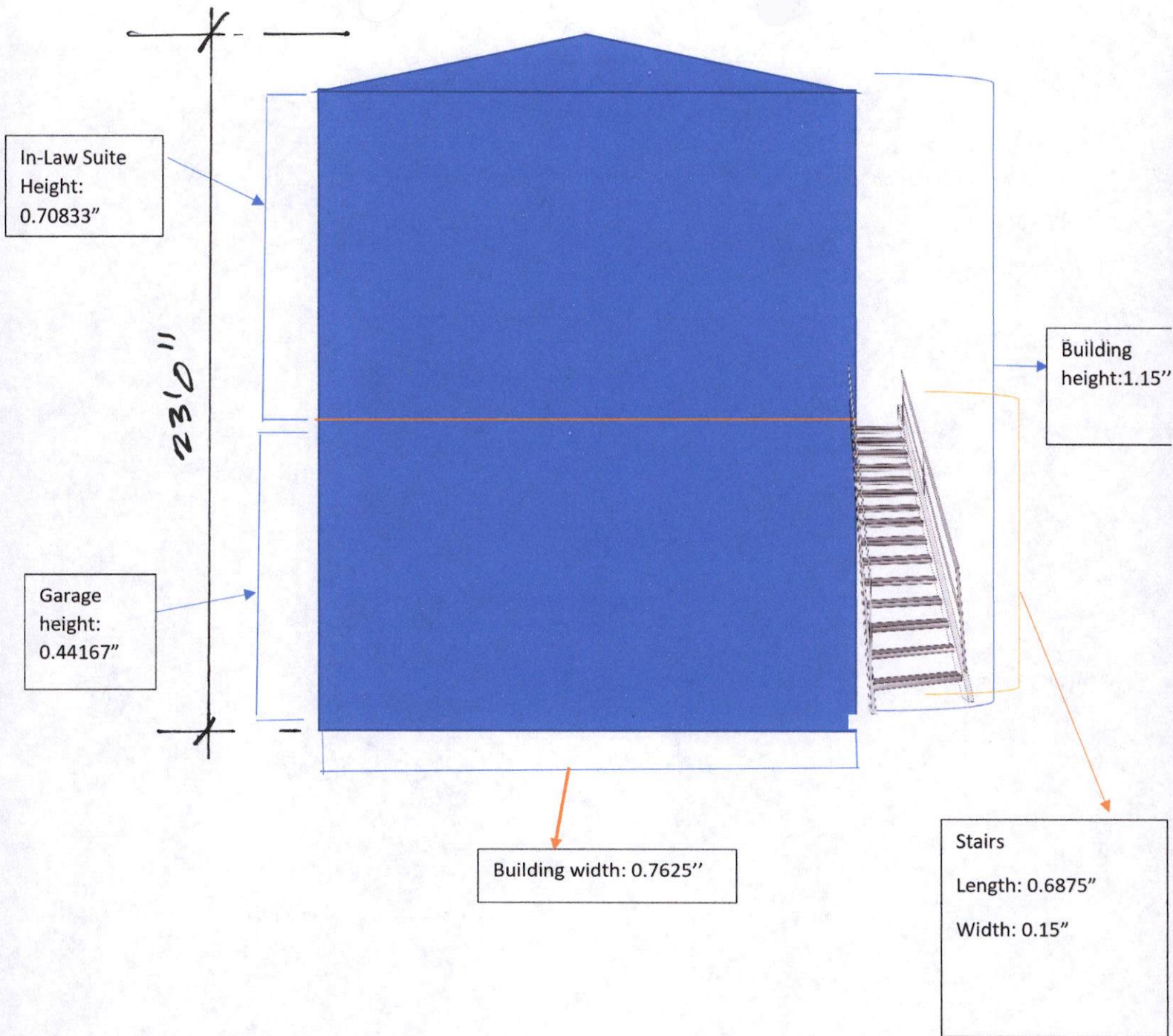
Sincerely,



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

WW/RAZ



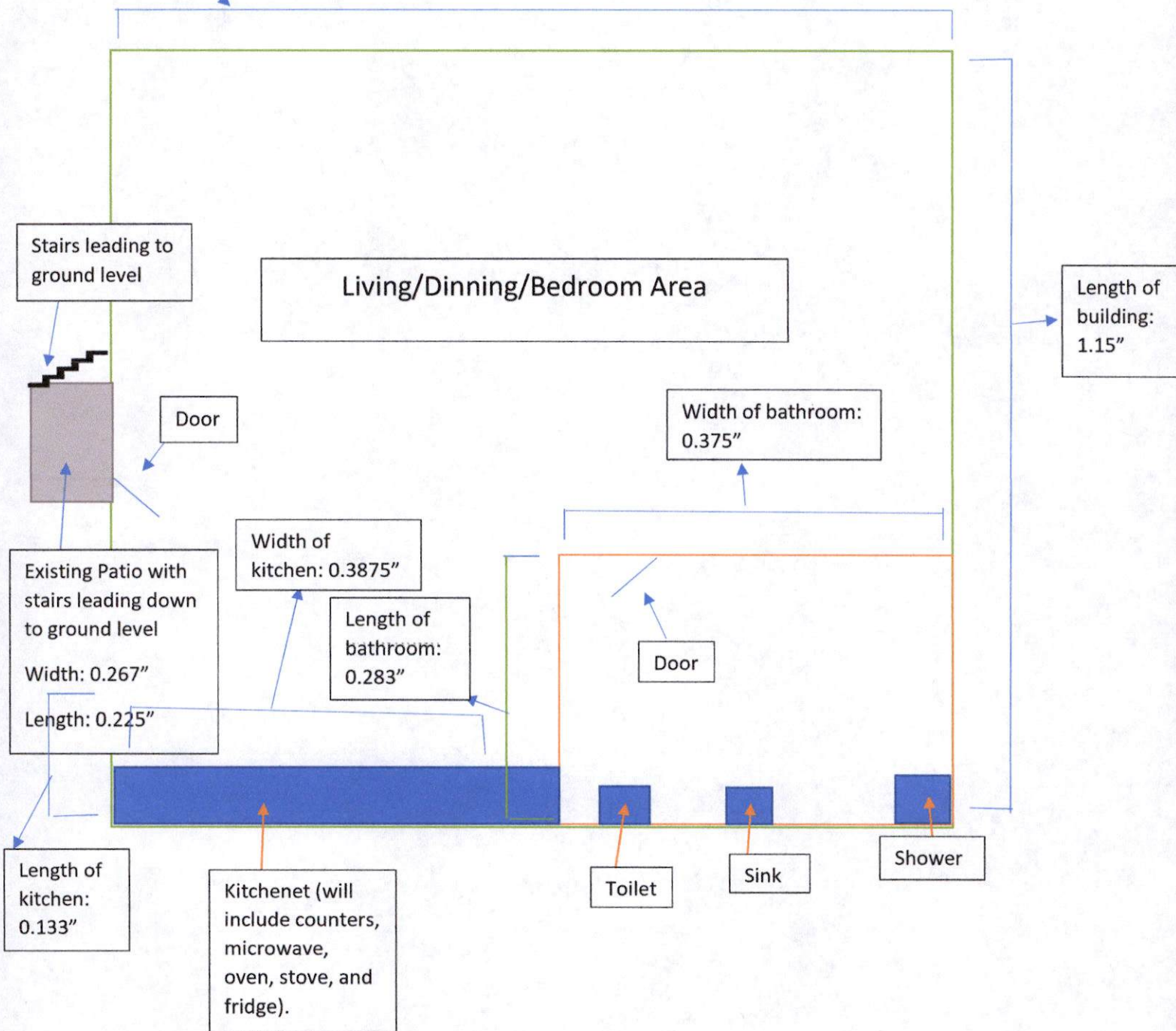


CASE No.  
2019-0222-SPHA



Width of building:  
0.7625"

### In-Law Suite Layout



1 inch = 20 feet

CASE No.  
2019-0222-SPH A

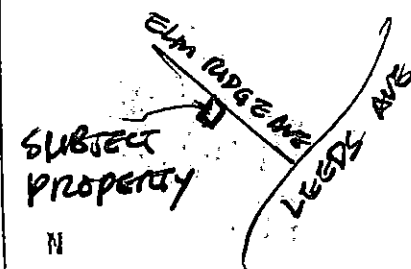
ZONING HEARING PLAN FOR VARIANCE \_\_\_\_\_ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 1202 Elm Ridge Ave. Baltimore OWNER(S) NAME(S) Andrew Chilcoat

SUBDIVISION NAME Elm Ridge LOT# 12 BLOCK# \_\_\_\_\_ SECTION# \_\_\_\_\_

PLAT BOOK# 18 FOLIO# 61 10 DIGIT TAX# 1323750280 DEED REF.# \_\_\_\_\_

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 101C2

SITE ZONED DR5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 16T

LOT AREA ACREAGE \_\_\_\_\_

OR SQUARE FEET 7050

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC X PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

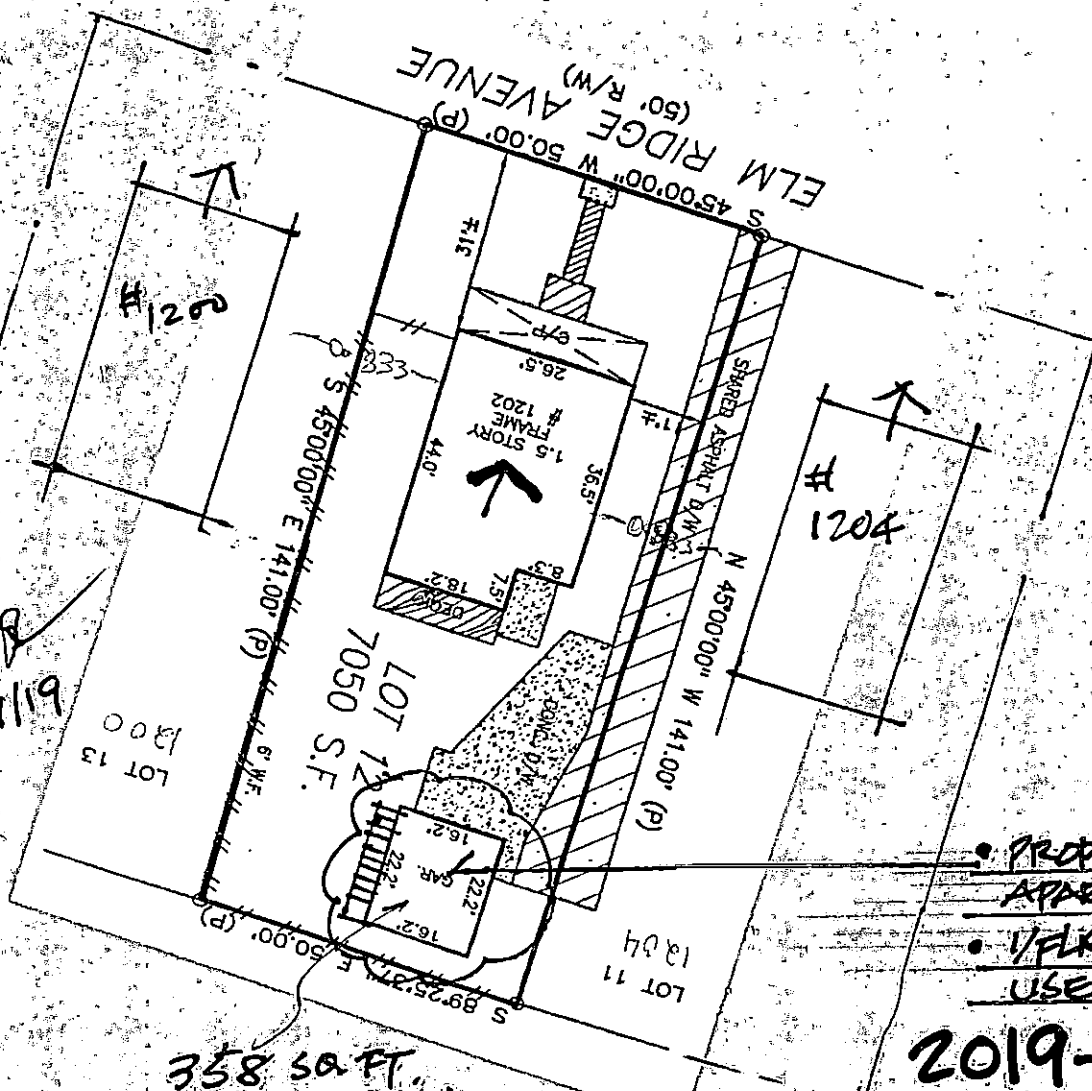
IF SO GIVE CASE NUMBER  
AND ORDER/RESULT BELOW

NIL

**2019-0222-SPHA**

VIOLATION CASE INFO:

N/A



• PROPOSED IN-LAW  
APARTMENT ON 2/FLR  
• 1/FLR TO BE CHANGE  
USE

PLAN DRAWN BY \_\_\_\_\_

DATE 11/27/19 SCALE: 1 INCH = 30 FEET

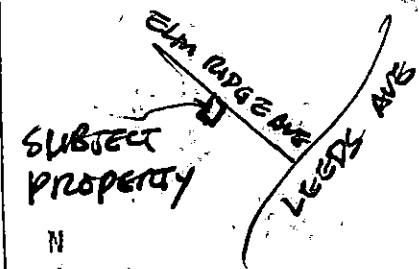
ZONING HEARING PLAN FOR VARIANCE \_\_\_\_\_ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)

ADDRESS 1202 Elm Ridge Ave. Baltimore OWNER(S) NAME(S) Andrew Chilcoat

SUBDIVISION NAME Elm Ridge LOT # 12 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_

PLAT BOOK # 38 FOLIO # 61 10 DIGIT TAX # 1323750380 DEED REF. # \_\_\_\_\_

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP # 101C2

SITE ZONED DR5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 16T

LOT AREA ACREAGE \_\_\_\_\_

OR SQUARE FEET 7050

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC ☒ PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

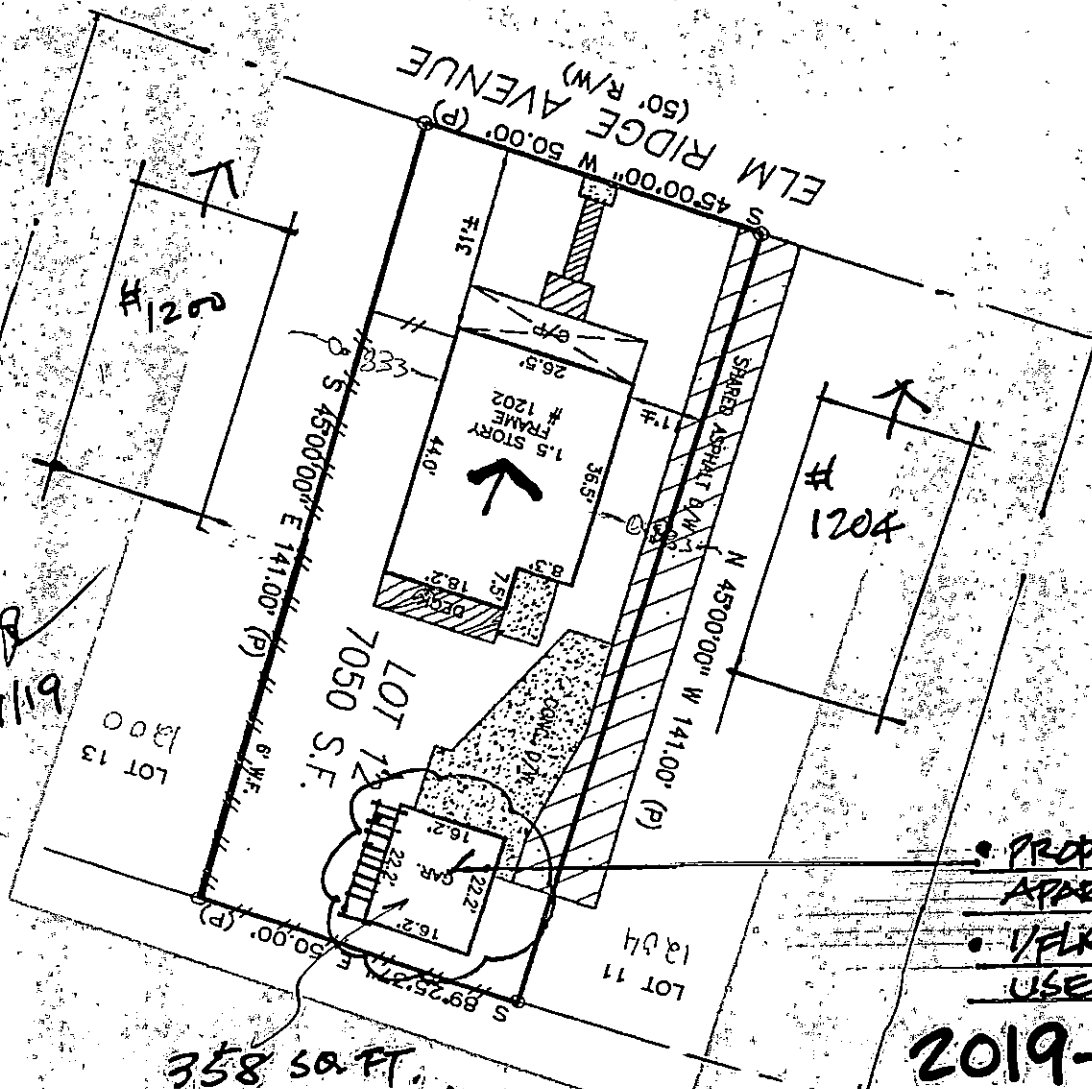
IF SO GIVE CASE NUMBER  
AND ORDER RESULT BELOW

NIL

**2019-0222-SPHA**

VIOLATION CASE INFO:

N/A



- PROPOSED IN-LAW APARTMENT ON 2/FLOOR
- 1/2 FLOOR TO BE ENLARGED
- USE \_\_\_\_\_

PLAN DRAWN BY \_\_\_\_\_

DATE 1/27/19 SCALE: 1 INCH = 30 FEET

PET. EX. 1

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE \_\_\_\_\_

2019-0222-SPHA

5-31-19

# PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

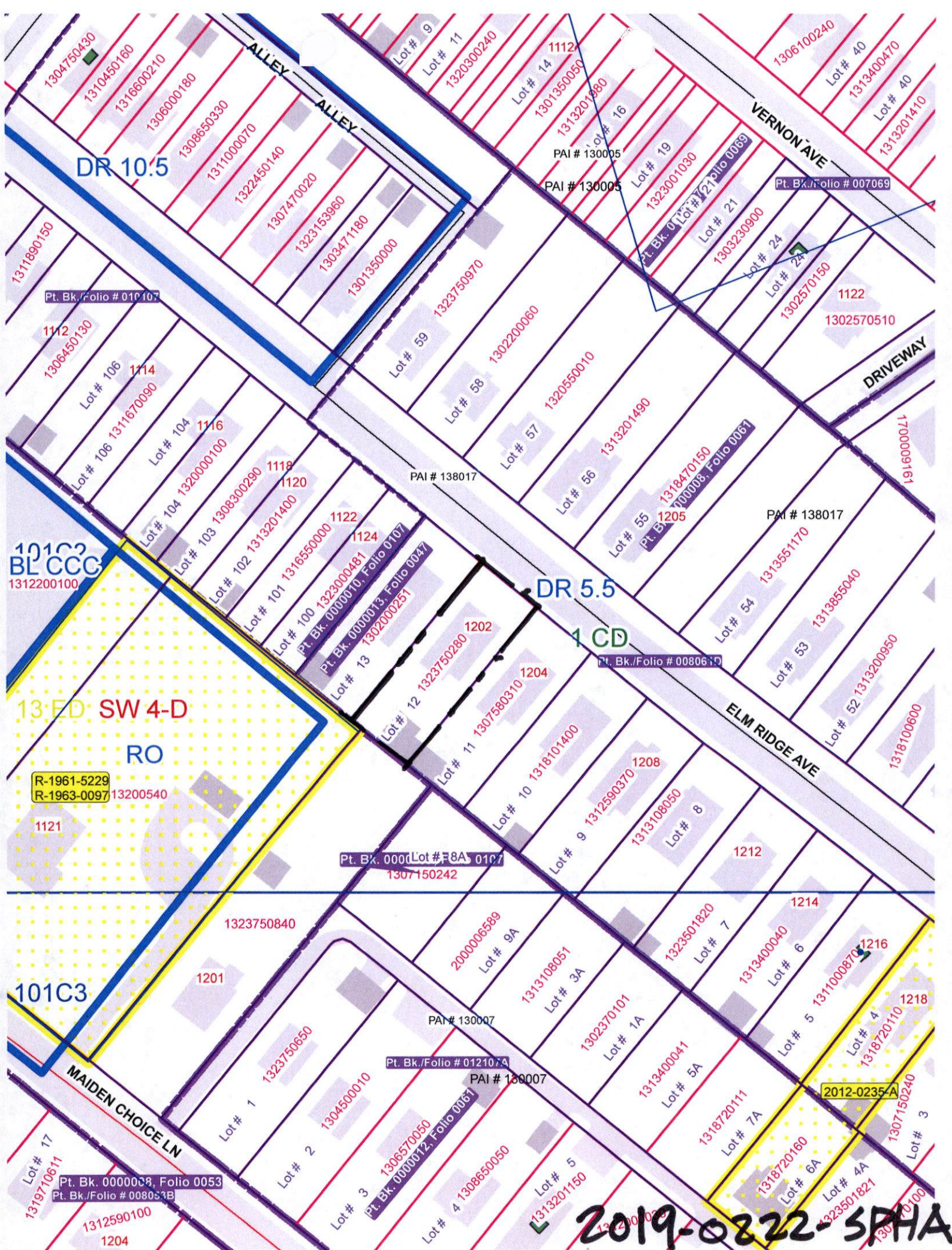
Andrew Chilcoat

1202 Elm Ridge Ave.

Baltimore, MD, 21229

Andrew.Chilcoat@gmail.com







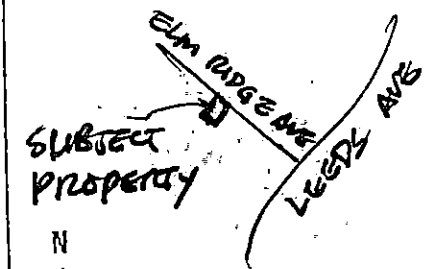
ZONING HEARING PLAN FOR VARIANCE \_\_\_\_\_ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 1202 Elm Ridge Ave. Baltimore OWNER(S) NAME(S) Andrew Chilcoat

SUBDIVISION NAME Elm Ridge LOT # 12 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_

PLAT BOOK # 18 FOLIO # 61 10 DIGIT TAX # 1323750280 DEED REF. # \_\_\_\_\_

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP # 101 C 2

SITE ZONED DR5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 16T

LOT AREA ACREAGE \_\_\_\_\_

OR SQUARE FEET 7050

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? N/O

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC X PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

NIL

- PROPOSED IN-LAW
- APARTMENT ON 2/F
- 1/F TO BE CLARAGE
- USE

**2019-0222-SPHA**

358 SQ. FT.

IN-LAW APARTMENT

PLAN DRAWN BY \_\_\_\_\_

DATE 1/27/19

SCALE: 1 INCH = 30 FEET

VIOLATION CASE INFO:

N/A

C H E C K L I S T

| <u>Comment<br/>Received</u>     | <u>Department</u>                                                            | <u>Support/Oppose/<br/>Conditions/<br/>Comments/<br/>No Comment</u> |
|---------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <u>2/21</u>                     | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____)        | <u>N/c</u>                                                          |
| <u>3/12</u>                     | DEPS<br>(if not received, date e-mail sent _____)                            | <u>NO Obj<br/>w/conditions</u>                                      |
| <u>2/19</u>                     | FIRE DEPARTMENT<br><br>PLANNING<br>(if not received, date e-mail sent _____) | <u>NO<br/>Obj</u>                                                   |
|                                 | STATE HIGHWAY ADMINISTRATION                                                 |                                                                     |
|                                 | TRAFFIC ENGINEERING                                                          |                                                                     |
|                                 | COMMUNITY ASSOCIATION                                                        |                                                                     |
|                                 | ADJACENT PROPERTY OWNERS                                                     |                                                                     |
| ZONING VIOLATION                | (Case No. _____)                                                             |                                                                     |
| PRIOR ZONING                    | (Case No. _____)                                                             |                                                                     |
| NEWSPAPER ADVERTISEMENT         | Date: <u>5/10/19</u>                                                         |                                                                     |
| SIGN POSTING (1 <sup>st</sup> ) | Date: <u>5/11/19</u> by <u>HOFFMAN</u>                                       |                                                                     |
| SIGN POSTING (2 <sup>nd</sup> ) | Date: <u>5/25/19</u> by <u>HOFFMAN</u>                                       |                                                                     |
| PEOPLE'S COUNSEL APPEARANCE     | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>          |                                                                     |
| PEOPLE'S COUNSEL COMMENT LETTER | Yes <input type="checkbox"/> No <input type="checkbox"/>                     |                                                                     |

Comments, if any: \_\_\_\_\_

## Search Result for BALTIMORE COUNTY

| View Map                         |          | View GroundRent Redemption                    |                  |                        |                | View GroundRent Registration |                  |                                 |                     |
|----------------------------------|----------|-----------------------------------------------|------------------|------------------------|----------------|------------------------------|------------------|---------------------------------|---------------------|
| Tax Exempt:                      |          | Special Tax Recapture:                        |                  |                        |                |                              |                  |                                 |                     |
| Exempt Class:                    |          | NONE                                          |                  |                        |                |                              |                  |                                 |                     |
| Account Identifier:              |          | District - 13 Account Number - 1323750280     |                  |                        |                |                              |                  |                                 |                     |
| Owner Information                |          |                                               |                  |                        |                |                              |                  |                                 |                     |
| Owner Name:                      |          | CHILCOAT ANDREW                               |                  |                        |                | Use:                         |                  | RESIDENTIAL                     |                     |
|                                  |          |                                               |                  |                        |                | Principal Residence:         |                  | YES                             |                     |
| Mailing Address:                 |          | 1202 ELM RIDGE AVE<br>BALTIMORE MD 21229-5401 |                  |                        |                | Deed Reference:              |                  | /41060/ 00278                   |                     |
| Location & Structure Information |          |                                               |                  |                        |                |                              |                  |                                 |                     |
| Premises Address:                |          | 1202 ELM RIDGE AVE<br>BALTIMORE 21229-5401    |                  |                        |                | Legal Description:           |                  | 1202 ELM RIDGE AVE<br>ELM RIDGE |                     |
| Map:                             | Grid:    | Parcel:                                       | Sub District:    | Subdivision:           | Section:       | Block:                       | Lot:             | Assessment Year:                | Plat No:            |
| 0101                             | 0017     | 1107                                          |                  | 0000                   |                |                              | 12               | 2019                            | Plat Ref: 0008/0061 |
| Special Tax Areas:               |          |                                               |                  | Town:                  |                |                              | NONE             |                                 |                     |
|                                  |          |                                               |                  | Ad Valorem:            |                |                              |                  |                                 |                     |
|                                  |          |                                               |                  | Tax Class:             |                |                              |                  |                                 |                     |
| Primary Structure Built          |          | Above Grade Living Area                       |                  | Finished Basement Area |                | Property Land Area           |                  | County Use                      |                     |
| 1930                             |          | 1,518 SF                                      |                  |                        |                | 7,050 SF                     |                  | 04                              |                     |
| Stories                          | Basement | Type                                          | Exterior         |                        | Full/Half Bath |                              | Garage           | Last Major Renovation           |                     |
| 1 1/2                            | YES      | STANDARD UNIT                                 | ASBESTOS SHINGLE |                        | 2 full         |                              | 1 Detached       |                                 |                     |
| Value Information                |          |                                               |                  |                        |                |                              |                  |                                 |                     |
|                                  |          | Base Value                                    |                  | Value                  |                | Phase-in Assessments         |                  |                                 |                     |
|                                  |          |                                               |                  | As of 01/01/2019       |                | As of 07/01/2018             |                  | As of 07/01/2019                |                     |
| Land:                            |          | 68,500                                        |                  | 68,500                 |                |                              |                  |                                 |                     |
| Improvements                     |          | 119,800                                       |                  | 121,600                |                |                              |                  |                                 |                     |
| Total:                           |          | 188,300                                       |                  | 190,100                |                | 188,300                      |                  | 188,900                         |                     |
| Preferential Land:               |          | 0                                             |                  |                        |                |                              |                  | 0                               |                     |
| Transfer Information             |          |                                               |                  |                        |                |                              |                  |                                 |                     |
| Seller: CT HOMES LLC             |          |                                               |                  | Date: 01/16/2019       |                |                              | Price: \$294,000 |                                 |                     |
| Type: ARMS LENGTH IMPROVED       |          |                                               |                  | Deed1: /41060/ 00278   |                |                              | Deed2:           |                                 |                     |
| Seller: MAKOWSKI LORI L          |          |                                               |                  | Date: 05/04/2018       |                |                              | Price: \$165,000 |                                 |                     |
| Type: ARMS LENGTH IMPROVED       |          |                                               |                  | Deed1: /40220/ 00374   |                |                              | Deed2:           |                                 |                     |
| Seller: MAKOWSKI JOHN P JR       |          |                                               |                  | Date: 10/01/2013       |                |                              | Price: \$0       |                                 |                     |
| Type: NON-ARMS LENGTH OTHER      |          |                                               |                  | Deed1: /34282/ 00424   |                |                              | 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              |                | 0.00 0.00                    |                  |                                 |                     |
| Tax Exempt:                      |          | Special Tax Recapture:                        |                  |                        |                |                              |                  |                                 |                     |
| Exempt Class:                    |          | NONE                                          |                  |                        |                |                              |                  |                                 |                     |



Homestead Application Information

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**Homestead Application Status:** No Application

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Homeowners' Tax Credit Application Information

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**Homeowners' Tax Credit Application Status:** No Application**Date:**

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**CAPITOL TITLE INSURANCE AGENCY, INC.**  
**650 RITCHIE HIGHWAY, STE 200**  
**SEVERNA PARK, MD 21146**  
**410-544-0393**

File No./Escrow No.: P1811016  
 Print Date & Time: December 21, 2018 at 2:17 PM  
 Officer/Escrow Officer: RICHARD C. LEGARE  
 Settlement Location: CAPITOL TITLE INSURANCE AGENCY, INC.  
 650 RITCHIE HIGHWAY, STE 200, SEVERNA PARK, MD 21146  
 Property Address: 1202 ELM RIDGE AVENUE, BALTIMORE, MD 21229  
 LOT 12, ELM RIDGE  
 Borrower: ANDREW CHILCOAT  
 Seller: CT HOMES, LLC  
 Lender: 1st Financial, Inc.  
 Settlement Date: December 21, 2018  
 Disbursement Date: December 21, 2018

| Seller                                   |            | Description                                |                                     | Borrower/Buyer |            |
|------------------------------------------|------------|--------------------------------------------|-------------------------------------|----------------|------------|
| Debit                                    | Credit     |                                            |                                     | Debit          | Credit     |
| <b>Financial</b>                         |            |                                            |                                     |                |            |
|                                          | 294,000.00 | Sale Price of Property                     |                                     | 294,000.00     |            |
|                                          |            | Deposit including earnest money            |                                     |                | 1,000.00   |
|                                          |            | Loan Amount                                |                                     |                | 300,321.00 |
| 11,025.00                                |            | Seller Credit                              |                                     |                | 11,025.00  |
|                                          |            | Lender Credit                              |                                     |                | 728.67     |
| <b>Prorations/Adjustments</b>            |            |                                            |                                     |                |            |
|                                          | 1,457.57   | County Taxes from 12/21 to 06/30           |                                     | 1,457.57       |            |
| 70.92                                    |            | Water Bills Due Acct 08011807008           | DIRECTOR OF FINANCE                 |                |            |
| 30.00                                    |            | Overnight Delivery Service                 | CTIA, INC.                          |                |            |
| 6.91                                     |            | Water/Sewer Adjustment from 11/20 to 12/21 |                                     |                | 6.91       |
| 2,868.97                                 |            | Annual RE Taxes Due thru 12/31             |                                     |                |            |
| <b>Loan Charges to 1ST FINANCIAL LLC</b> |            |                                            |                                     |                |            |
|                                          |            | Prepaid Interest                           |                                     | 429.91         |            |
|                                          |            | 39.0829 per day from 12/21/18 to 01/01/19  |                                     |                |            |
| <b>Other Loan Charges</b>                |            |                                            |                                     |                |            |
|                                          |            | % of Loan Amount (Points)                  |                                     | 2,000.14       |            |
|                                          |            | Appraisal Fee                              |                                     | 525.00         |            |
|                                          |            | Credit Report Fee                          |                                     | 68.06          |            |
|                                          |            | Flood Certification                        |                                     | 14.00          |            |
|                                          |            | Inspection Fee                             |                                     | 150.00         |            |
| 39.00                                    |            | Pest Inspection                            | PestNow, LLC - Superior Pest Manage |                |            |
|                                          |            | Va Funding Fee                             |                                     | 6,321.00       |            |
|                                          |            | Survey Fee                                 | EXACTA MARYLAND SURVEYORS, IN       | 200.00         |            |
| <b>Impounds</b>                          |            |                                            |                                     |                |            |
|                                          |            | Homeowner's Insurance                      |                                     | 276.21         |            |
|                                          |            | 92.07 per month for 3 mo.                  |                                     |                |            |
|                                          |            | Property Taxes                             |                                     | 696.36         |            |
|                                          |            | 232.12 per month for 3 mo.                 |                                     |                |            |
| <b>Title Charges</b>                     |            |                                            |                                     |                |            |
|                                          |            | Title - Lender's title insurance           | CTIA, INC.                          | 948.00         |            |
|                                          |            | Title - Owner's title insurance (optional) | CTIA, INC.                          | 902.00         |            |
|                                          |            | Title - Closing Protection Letter fee      | FATIC                               | 30.00          |            |
|                                          |            | Title - E-Recording Fee                    | CLOSELINE E-FILE                    | 6.00           |            |
|                                          |            | Title - Lien/Tax Certificate               | Baltimore County, MD                | 55.00          |            |
| 15.00                                    |            | Title - Notary Fee                         | CTIA, INC.                          | 35.00          |            |
| 50.00                                    |            | Title - Obtain/Prep Payoff & Release       | CTIA, INC.                          |                |            |

**2019-0222-SPHA**

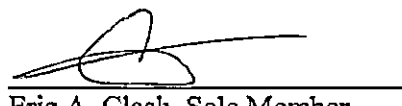
| Seller                                           |            | Description                       |                             | Borrower/Buyer |            |
|--------------------------------------------------|------------|-----------------------------------|-----------------------------|----------------|------------|
| Debit                                            | Credit     |                                   |                             | Debit          | Credit     |
|                                                  |            | Title - Recording Service Fee     | CLOSELINE SETTLEMENTS       | 25.00          |            |
| 35.00                                            |            | Title - Release Tracking Fee      | CTIA, INC.                  |                |            |
|                                                  |            | Title - Settlement or closing fee | CTIA, INC.                  | 725.00         |            |
|                                                  |            | Title - Title Abstract            | REGIONAL ABSTRACTS, LLC     | 275.00         |            |
|                                                  |            | Title - Title Commitment          | CTIA, INC.                  | 75.00          |            |
| <b>Commission</b>                                |            |                                   |                             |                |            |
| 7,350.00                                         |            | Real Estate Commission            | KLR REAL ESTATE             |                |            |
| 7,350.00                                         |            | Real Estate Commission            | FATHOM REALTY               |                |            |
| <b>Government Recording and Transfer Charges</b> |            |                                   |                             |                |            |
|                                                  |            | Record Deed                       | CLERK OF THE COURT          | 60.00          |            |
|                                                  |            | Record Trust/Deed Mortgage        | CLERK OF THE COURT          | 60.00          |            |
| 50.00                                            |            | Releases                          | BALTIMORE COUNTY            |                |            |
| 2,205.00                                         |            | COUNTY TRANSFER TAX               | BALTIMORE COUNTY            | 1,875.00       |            |
| 735.00                                           |            | RECORDATION TAX                   | BALTIMORE COUNTY            | 735.00         |            |
|                                                  |            |                                   | BALTIMORE COUNTY            | 32.50          |            |
| 735.00                                           |            | STATE TRANSFER TAX                | CLERK OF THE COURT          |                |            |
| <b>Payoff(s)</b>                                 |            |                                   |                             |                |            |
| 182,359.04                                       |            | Payoff of First Mortgage Loan     | HOWARD SAPERSTEIN AND LYNNE |                |            |
|                                                  |            | as of 12/21/18                    |                             |                |            |
|                                                  |            | Principal Balance \$182,359.04    |                             |                |            |
| <b>Other Charges</b>                             |            |                                   |                             |                |            |
|                                                  |            | Homeowner's Insurance Premium     | USAA                        | 1,104.83       |            |
|                                                  |            | 12 (mo.)                          |                             |                |            |
| 460.00                                           |            | Home Warranty                     | AHS                         |                |            |
|                                                  |            |                                   |                             |                |            |
| Seller                                           |            |                                   |                             | Borrower/Buyer |            |
| Debit                                            | Credit     |                                   |                             | Debit          | Credit     |
| 215,384.84                                       | 295,457.57 | Subtotals                         |                             | 313,081.58     | 313,081.58 |
|                                                  |            | Due From Borrower                 |                             |                |            |
| 80,072.73                                        |            | Due To Seller                     |                             |                |            |
| 295,457.57                                       | 295,457.57 | TOTALS                            |                             | 313,081.58     | 313,081.58 |

ADDENDUM TO  
ALTA SETTLEMENT STATEMENT - COMBINED

Acknowledgment & Certification

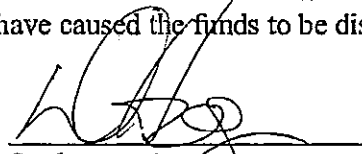
I have carefully reviewed the ALTA Settlement Statement – Combined, and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account, or by me in this transaction. I further certify that I have received a copy of the ALTA Settlement Statement – Combined.

  
Borrower  
ANDREW CHILCOAT

  
Eric A. Clash, Sole Member  
CT HOMES, LLC  
Seller

To the best of my knowledge, the ALTA Settlement Statement – Combined which I have prepared is a true and accurate account of this transaction. I have caused the funds to be disbursed in accordance with this statement.

12/21/18  
Date

  
Settlement Agent

Property Address: 1202 ELM RIDGE AVENUE, BALTIMORE, MD 21229  
Combined ALTA Settlement Statement Acknowledgment

CTIA File #: P1811016



## DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING is made on this Friday of January 2019, by Andrew Chilcoat and the Department of Permits, Approvals and Inspections.

### Recitals

A. The Declarant(s) who is also the owner of this property has filed an application for a use permit and special hearing to: convert existing garage that has a storage space on top of it into an in-law suite. The location of the proposed in-law suite is behind my primary dwelling on the property. The building doesn't need anything added to it, except for inside the in-law suite. In the in-law suite we will be adding 2 walls to create a bathroom.

The property being located at: 1202 Elm Ridge Avenue, Baltimore MD, 21229 and is more particularly described by metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned residential, which is the particular zone in which the property is located.

B. The accessory apartment will be the housing for: My father, will be living in the in-law suite. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarant(s) request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning

2019-0222-SPHA

hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

A. 3: Upon use permit termination: The Declarant upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

5. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

6. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

Kubessa Lausman

State of Maryland, County of Baltimore to wit:

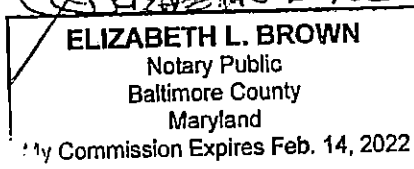
I HEREBY CERTIFY that on this 10<sup>th</sup> day of 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared

Kubessa Lausman

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 12/22/2018



Deborah Hogan

Notary Public

**TYPE 1:**

***Recorded Subdivision: Plat at Elm Ridge Liber 8 at 61 (book 8 at page 61)***

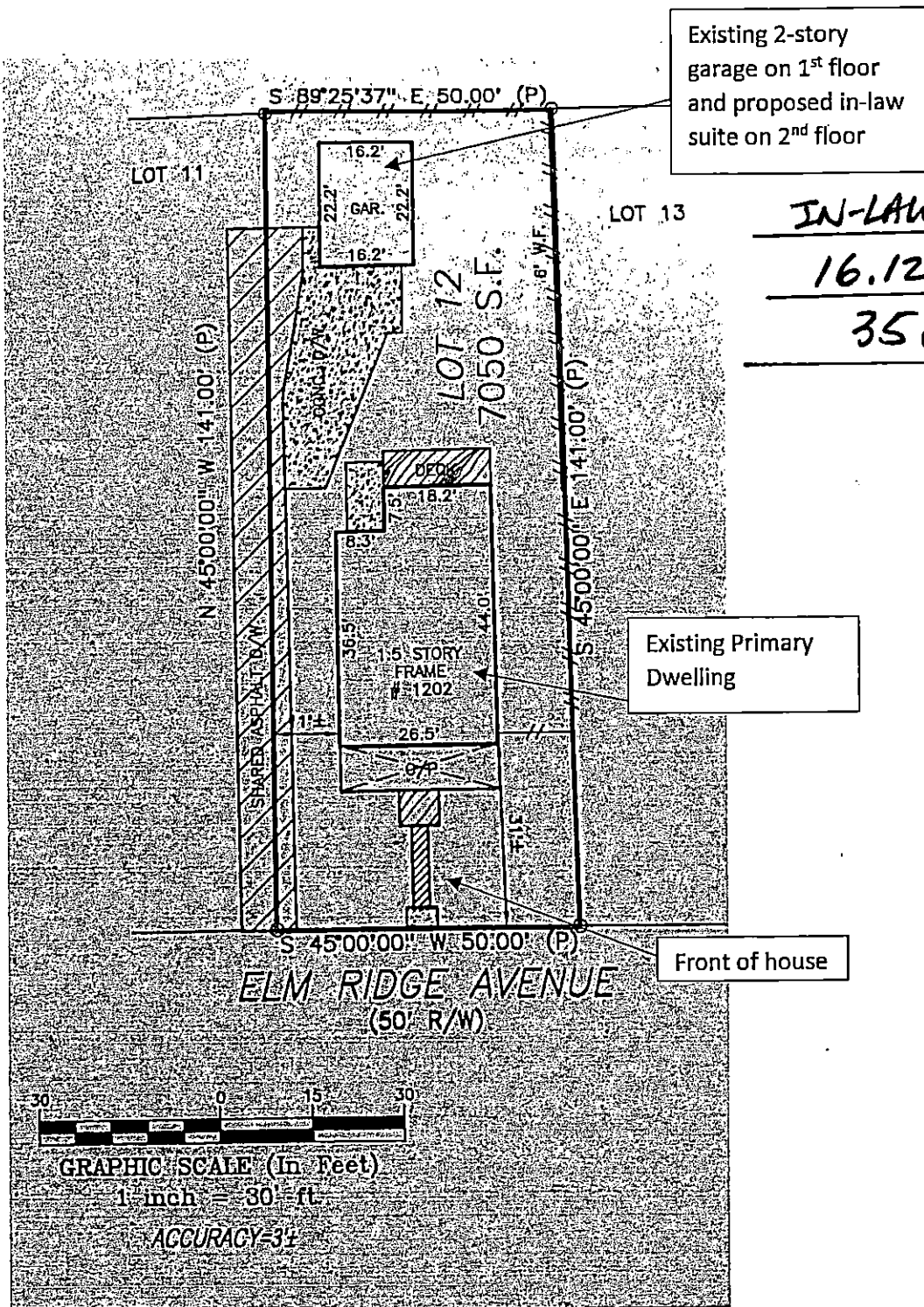
**BEING KNOWN AND DESIGNATED** as Parcel, Lot No. 12 as shown on the Plat of Section Elm Ridge, which Plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 08, folio 61.

The improvements thereon being known as No. 1202 Elm Ridge Avenue Baltimore, MD - 21229 and recorded among the Land Records of Baltimore County in Liber 8

**BEING THE SAME** lot of ground which by Deed dated 12/21/2018, was granted and conveyed by Lori L. Makowski to grantor herein by Deed recorded in LIBER 40220, FOLIO 374

# USE PERMIT SITE PLAN

FOR AN ACCESSORY APARTMENT IN A SINGLE FAMILY RESIDENCE THIS WILL BE THE SITE PLAN FOR THE USE PERMIT FILING REVIEW





The Declaration of Understanding for the Accessory Apartment at:

\_\_\_\_ 1202 Elm Ridge Avenue, Baltimore MD, 21229 \_\_\_\_

is approved: \_\_\_\_\_

Arnold Jablon, Director-PAI

\_\_\_\_\_  
Date

111 West Chesapeake Avenue Room 111 Towson Md 21204

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

No. **178455**

Date: **1/29/2019**

**PAID RECEIPT**

BUSINESS ACTUAL TIME  
 1/29/2019 1/28/2019 10:32:03

WALKIN CAN  
 RECEIPT # BUS603 1/28/2019 DFLN

Dept: 5-528 ZONING VERIFICATION  
 Amount 178455

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept | Obj | BS Acct |
|------|------|------|----------|----------------|-------------|------|-----|---------|
| 001  | 806  | 000  |          | 6150           |             |      |     |         |
|      |      |      |          |                |             |      |     |         |
|      |      |      |          |                |             |      |     |         |
|      |      |      |          |                |             |      |     |         |
|      |      |      |          |                |             |      |     |         |

75.00  
 75.00  
 Tot: \$ 150.00  
 MD CK 150.00 CA  
 Baltimore County, Maryland

Total: **150.00**

Rec:

From: **ANDREW CHILCOAT - 1202 Elm Ridge Ave.**

0222

For:

**- SPH-A**

**VARIANCE: HEIGHT**

**SPECIAL HEARING: IN-LAW**

**APT./SUITE**

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**