IN THE MATTER OF SHREYUS PANCHIGAR – LEGAL OWNER AND PETITIONER FOR SPECIAL HEARING AND VARIANCE ON THE PROPERTY LOCATED AT 248 CLYDE AVENUE	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
13TH ELECTION DISTRICT 1ST COUNCIL DISTRICT	*	CASE NO.: 20-207-SPH

* * * * * * * * * * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County (Board) as a *de novo* appeal from an Opinion and Order dated December 22, 2020, from Administrative Law Judge (ALJ) Maureen M. Murphy, denying a request for relief pursuant to Baltimore County Zoning Regulation (BCZR) §500.7. Shreyus Panchigar ("Petitioner") seeks approval as a nonconforming use of an apartment unit in a detached garage at 248 Clyde Avenue ("the subject property"). The ALJ denied the special hearing request, and Petitioner noted this appeal. The Board held a *de novo* hearing on May 12, 2021, using Webex. A public deliberation was held using Webex, immediately following the hearing, and the Board voted unanimously to deny the relief requested by the special hearing petition.

INTRODUCTION

By way of background, Mr. Panchigar owns a number of businesses in the Lansdowne community, and he is well established in that area. In 2020, he purchased the home at 248 Clyde Avenue from one of his employees, Ruth Ann Healy. At the time, there was an apartment over a detached garage that was outfitted as a separate residence and could be used as a rental unit. Mr. Panchigar sought rental licenses for both the house and the garage. He was unable to get two licenses, however, because the property was zoned DR5.5, and in that zone, each

independent residence is required to have approximately 8,000 sq. ft. of area. BCZR § 1B02.2(A). The subject property is only about 8800 sq. ft. Accordingly, Petitioner could not have two detached residences on the property unless he could show that, historically, the two residences were permitted as a non-conforming use.

A nonconforming use occurs where the use of a property was proper when it began but became unpermitted because of subsequent zoning changes. However, as long as the original use continued from its inception without an interruption of one year or more, the original use – though unpermitted under the present zoning -- can lawfully continue as a non-conforming use. *See* BCZR § 104.1. Though nonconforming uses are generally disfavored, it is a necessary accommodation to avoid unfairness. *County Council of Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259, 267 (1982) (citing *Grant v. Mayor and City Council*, 212 Md. 301, 307 (1957). In Baltimore County, in order to satisfy the non-conforming use requirements, the person seeking the benefit of a nonconforming use must prove that: (1) when the use began, it was a legal use; and (2) the use continued from its inception with no break in such use of one year or more. BCZR §§ 101 and 104.1 500.7.

FACTUAL PRESENTATION

The Petitioner's first witness was Patrick Richardson of Richardson Engineering. He was accepted as an expert in site plan preparation, development, and zoning. Mr. Richardson prepared the site plan presented as Petitioner's Exhibit 1. It showed the subject property with a house on Clyde Avenue and a detached garage. Mr. Richardson established that the property was developed before 1945. Its present zoning is DR5.5 and has been so since 1971. The lot is approximately 9,000 sq. ft., and under the DR5.5 classification, two separate dwellings

require a lot size of at least 12,000 sq. ft. The Petitioner purchased the subject property in 2020. Through Mr. Richardson, the Petitioner presented Exhibit 3, which was a report from a consultant familiar with home construction. The report concluded that the electrical system in the garage was *circa* 1956, but the siding dated from the 1960s or 1970s. He concluded therefore that the apartment on the second floor of the garage was built in that latter period. He provided no information regarding the interior of the apartment.

Petitioner then called Elizabeth Yankulov. Ms. Yankulov had lived in that neighborhood in Lansdowne for 83 years. She believed that the house on the subject property was built in the late 1950s or early 1960s. She could not remember when the garage was built but believed it was probably in the 1960s.

The next witness was James H. Trader, Jr. He is presently 62 years old and has lived in the Lansdowne area for 52 years. Mr. Trader testified that he was a paperboy delivering newspapers on Clyde Avenue between 1970 and 1972. He stated unequivocally that during that period he delivered two newspapers at a time to that address – one for the resident of the home and one for the resident of the apartment above the garage. Mr. Trader was eminently credible on this point. He did say, however, that though he knew someone who lived in the apartment for four or five years in the 1980s, he could not say whom, if anyone was in residence there from that date to the present.

The Petitioner also presented three form affidavits as Exhibit 2. They were from Thomas Byrd, Brenda Redden, and Ruth Ann Healy. The printed text in each affidavit was identical, and stated, in part: ". . . the home located at 248 Clyde Ave, Baltimore has been occupied as a 2 apartment dwelling every year since . . .". There was then a blank space and

each affidavit had handwritten dates, attesting that the occupation of the "2 apartment dwelling" went from varying beginning points to the present. For Mr. Byrd the beginning date was March 1990; for Ms. Redden the beginning date was October 1975; and for Ms. Healy the beginning date was April 1955.

People's Counsel introduced a number of documents. People's Counsel Exhibit ("PC Ex.") 7, for example, was the County website showing that there had never been a rental license application for the garage apartment. While this was by no means conclusive, the absence of a license is some evidence that no rental had occurred. PC Ex. 4 and PC Ex.5 were excerpts of the County zoning regulations from 1945 and 1955, respectively.[1] For the purposes of PC Ex. 4, the subject property was defined as a "Class A residence" which permitted a two-family dwelling. Significantly, "two-family dwelling" was defined as a duplex. PC. Ex. 5 created "R" zones. The subject property was zoned "R6". R6 zones permitted two-family dwellings as long as the dwellings were a "duplex" or "semi-detached".

ANALYSIS

The definition of nonconforming use is found in BCZR §101:

> NONCONFORMING USE – A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. . .

Pursuant to BCZR § 104.1, a nonconforming use may continue so long as that use has not been discontinued for a period of one year or more. In short, a nonconforming use is one, which was: (1) lawful at the time it began; (2) became unlawful because of subsequent zoning modifications; and (3) has continued from its inception without being discontinued or

[1] While it is typically unnecessary to introduce zoning regulations as exhibits, in this instance it was quite useful given the age of the regulations and the relative difficulty in accessing them.

abandoned for a period of one year or more. *Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259, 267-68 (1982); *Trip Assocs. V. Mayor and City Council*, 392 Md. 563, 573 (2006). Nonconforming uses are disfavored. *Id.* The burden of proving all aspects of the nonconforming use is upon the party seeking to gain the benefit of the nonconforming use. *County Comm'rs of Carroll County v. Uhler*, 78 Md. App. 140, 145 (1989). As People's Counsel noted in its argument in this matter, where the nonconforming use dates back as far as it does in this case, the difficulty in proving a valid and continuing nonconforming use may well be impossible.

The necessary first step is to determine when the nonconforming use began because only then can one determine whether the use was lawful when it began. *Trip Assocs. V. Mayor and City Council, supra.* 392 Md. at 573. The affidavit of Ruth Ann Healy indicates that she recalls the house, at least, as of April 1955. Ms. Yankulov believed that the present house was built in the late 1950s or early 1960s. The consultant's report said that the single electrical panel, which is for both the home and the garage, is from 1956. Mr. Trader delivered newspapers to the garage apartment in 1970 to 1972. Taking all of these points together seems to justify a finding that the zoning regulations enacted on March 30, 1955, are the operative ones. PC Ex. 5. The 1955 regulations placed the subject property in an R6 zone, which permitted a two-family dwelling as long as the dwelling was a duplex or semidetached. *Id.* The garage apartment was a separate building. Therefore, assuming the apartment was created sometime between 1956 and 1972, it was not a lawful use.[2] Accordingly, the first requirement of a nonconforming use – that the use was proper when it began – is not met.

[2] The result would be the same regardless of which of the three sets of zoning regulations applied. The 1945 regulations required that any two-family unit be a duplex, which the house and apartment clearly was not. The

In addition to the initial use question is the issue of continuous use. Neither of the two live witnesses, Ms. Yankulov and Mr. Trader, both of whom were quite credible, could state that the apartment had been in continuous use since its creation, whenever that was. The best Mr. Trader could say was that he recalled someone who lived there for four to five years in the 1980s. The three affidavits do not have much persuasive power on this point. The assertions are conclusory with no supportive details (like names or descriptions of the tenants, anecdotal information about interactions with any tenants, or even accounts of discussions with the owner of the house about the apartment and its occupants). Additionally, the affidavits do not disclose the basis of knowledge of the three affiants. In other words, is their information based on firsthand knowledge, or is it based on information received from other people whose own credibility and basis of knowledge is unknown? Indeed, one cannot help but wonder whether **any** present Lansdowne resident could say with reasonable probability that the apartment had been continuously occupied without a one-year hiatus for the multiple decades at issue here. Additionally, there is a complete dearth of documentary evidence. There are no leases, no rental licenses, no correspondence, no financial records, and, as indicated above, no separate utility meters. While the absence of these materials is not dispositive, the *presence* of any of them could be highly persuasive. The unavailability of such evidence, if it ever existed, is illustrative of just how difficult it is to show an uninterrupted use over the relevant time span. Finally, there were no photographs or descriptions of the interior of the apartment, which could conceivably have shed some light on its past use. Consequently, along with failing to prove that

present zone is DR5.5, which requires at least 12,000 sq. ft. for two dwellings, and the subject lot is substantially smaller than that. Consequently, the initial use of the garage as an apartment was not permitted no matter which set of zoning regulations is found to be operative.

the initial use was proper, the Petitioner cannot carry his burden of proof to show that the use was not discontinued for a one-year period.

CONCLUSION

Because the Petitioner cannot demonstrate that the initial use of the garage apartment was lawful, or in the alternative, because he cannot demonstrate that the use of such an apartment was continuous without a lapse of at least one year, we deny the Petitioner's request for relief under §500.7 to permit a nonconforming use of a garage apartment on the subject property.

ORDER

THEREFORE, IT IS THIS 15th day of July, 2021 by the Board of Appeals of Baltimore County

ORDERED, that the Petition filed pursuant to BCZR §500.7 to permit the leasing of an apartment in the garage at the subject property as a nonconforming use be, and the same hereby, is, **DENIED**.

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

BOARD OF APPEALS
OF BALTIMORE COUNTY

Deborah C. Dopkin, Chair

See following page
Joseph L. Evans

Adam T. Sampson /Hag
Adam T. Sampson

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

BOARD OF APPEALS
OF BALTIMORE COUNTY

see previous page
Deborah C. Dopkin, Chair

Joseph L. Evans

see previous page
Adam T. Sampson

Board of Appeals of Baltimore County

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

July 15, 2021

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Shreyus Panchigar
2926 W. Almondbury Drive
Pasadena, Maryland 21122

RE: In the Matter of: *Shreyus Panchigar*
Case No.: 20-207-SPH

Dear Messrs. Zimmerman, Demilio and Panchigar:

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

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

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Patrick Richardson, Jr./Richardson Engineering, LLC
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Shreyus Panchigar 20-207-SPH

DATE: May 12, 2021

BOARD/PANEL: Deborah C. Dopkin, Chair
Joseph L. Evans
Adam T. Sampson

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the Petition for Special Hearing pursuant to BCZR § 500.7 to permit a non-conforming use of a second residence unit in the existing detached garage.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

- The Board convened for a hearing, then following the hearing held a public deliberation.

- The Board reviewed the history of the case, and discussed the special hearing request. Important questions are when was the garage constructed, and when did the apartment use begin? A witness for the Petitioner provided credible evidence that he delivered newspapers to the garage apartment in 1970.

- The Board noted that the law is against the Petitioner. People's Counsel provided evidence showing that the zoning maps preclude two residences on the property. The Board concluded that the definition of "multiple dwellings" from both the 1945 and 1955 comprehensive zoning regulations included only duplexes or semi-detached dwellings. The two dwellings in this case are completely detached, and the use was not a legal use under the zoning regulations when it began.

- The Board noted that whether the use began for these purposes under the 1945, 1955 or 1971 zoning requirements, the evidence failed to establish that there had been a continuous use uninterrupted by periods of non-use that were less than one year in duration. The evidence to show continued uninterrupted use of the garage apartment as a rental was lacking.

- The Board commended Mr. Panchigar for wanting to abide by the law, and found his actions to be honorable and admirable.

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

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

Respectfully Submitted,

/s
Tammy A. Zahner

Board of Appeals of Baltimore County

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

March 3, 2021

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Shreyus Panchigar
248 Clyde Avenue
20-207-SPH 13th Election District; 1st Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR to permit a non-conforming use of a second residence unit in the existing detached garage.

12/22/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.

ASSIGNED FOR: MAY 12, 2021, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/Agencies/appeals/index.html **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c.	Legal Owner/Petitioner	: Shreyus Panchigar
	Office of People's Counsel/Protestant	: Peter M. Zimmerman, Esquire and Carole S. Demilio, Esquire

Patrick Richardson, Jr., Richardson Engineering, LLC

Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney
Nancy C. West, Assistant County Attorney

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

January 14, 2021

Patrick Richardson, Jr.
Richardson Engineering, LLC
30 E. Padonia Road, Suite 500
Timonium, MD 21093

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2020-0207-SPH
Location: 248 Clyde Avenue

Dear Mr. Richardson:

Please be advised that an appeal of the above-referenced case was filed in this Office on January 12, 2021. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Shreyus Panchigar, 2926 W Almondbury Drive, Pasadena, MD 21122

APPEAL

Petition for Special Hearing
Case No.: 2020-0207-SPH

13th Election District, 1st Council District

Petition for Special Hearing – 8/12/20

Zoning Description of Property (1 page)

Notice of Zoning Hearing - November 5, 2020

Certification of Publication – *The Daily Record* newspaper - published on November 18, 2020

Certification of Posting by Sgt. Robert Black – November 17, 2020 and December 2, 2020

Entry of Appearance by People's Counsel – Not in file

Attendance Report (3 sheets)

Zoning Advisory Committee Comments: DOP dated 8/10/20 and DEPS dated 8/20/20, People's Counsel Report dated 10/20/20

Petitioner's Exhibits:
(1) Site Plan
(2) Affidavits
(3)
Miscellaneous

Cover Letter and Administrative Law Judge's Order Decision – Special Hearing- DENIED – December 22, 2020 (cover letter and Order – 7 pages)

Notice of Appeal & Check #11275 for $300 - Received on January 13, 2021 –filed by Patrick C. Richardson, Jr. P.E.

Cashier's Receipt – $300 fee for Special Hearing

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax: 443-901-1208

January 12, 2021

Mr. Paul N. Mayhew, Managing Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

Subject: 248 Clyde Avenue – 2020-0207-SPH

Dear Mr. Mayhew:

I am hereby requesting to appeal the decision rendered in this case. Enclosed is a check for the appeal fee as required.

We thank you for your consideration of the above request.

Sincerely,

Patrick C. Richardson, Jr., P.E.

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

No. 174865

Date: 1/13/21

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$300.00

Total: $300.00

Rec From: Patrick C. Richardson, Jr.

For: Office of Administrative Hearings
Case No: 2020-0207-SPH
248 Clyde Ave.
Hearing: 12/8/20
Check # 11275

CASHIER'S VALIDATION

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

PLEASE PRESS HARD!!!!

Attendance Count		Event Name	Event Start Date	Event Start Time
	1	Zoning Hearing - 2020-0207-SPH - 248	December 8, 2020	New York 10:00 am New York Time
	2	Zoning Hearing - 2020-0207-SPH - 248	December 8, 2020	New York 10:00 am New York Time
	3	Zoning Hearing - 2020-0207-SPH - 248	December 8, 2020	New York 10:00 am New York Time
	4	Zoning Hearing - 2020-0207-SPH - 248	December 8, 2020	New York 10:00 am New York Time
	5	Zoning Hearing - 2020-0207-SPH - 248	December 8, 2020	New York 10:00 am New York Time
	6	Zoning Hearing - 2020-0207-SPH - 248	December 8, 2020	New York 10:00 am New York Time

Web Ex Attendance Sheet

FirstName	LastName	Company	Email	Join Time
Debra	Wiley		dwiley@baltimorecountymd.gov	9:47 am New York Time
Maureen	Murphy		mmurphy@baltimorecountymd.gov	9:56 am New York Time
Patrick	Richardson		rick@richardsonengineering.net	9:56 am New York Time
Henry	Ayakwah		hayakwah@baltimorecountymd.gov	9:46 am New York Time
Shreyas	Panchigar	Lansdowne Inn	shreyaspanchigar@hotmail.com	9:58 am New York Time
Shreyas	Panchigar	Lansdowne Inn	shreyaspanchigar@hotmail.com	9:55 am New York Time

Leave Time	Attendance Duration
10:39 am New York Time	51.0 mins
10:39 am New York Time	42.0 mins
10:39 am New York Time	43.0 mins
10:39 am New York Time	53.0 mins
10:39 am New York Time	41.0 mins
9:56 am New York Time	1.0 min

Donna Mignon

From: Donna Mignon
Sent: Tuesday, January 12, 2021 8:02 AM
To: 'Richardson, Patrick'
Cc: Debra Wiley
Subject: RE: appeal

Hi Patrick,
You need to send the appeal letter and check to our office. We will then send the file up to the Board of Appeals. Which case is it so I can let you know how much the appeal will be.

Thank you.
Have a great day.

From: Richardson, Patrick <rick@richardsonengineering.net>
Sent: Tuesday, January 12, 2021 7:33 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: appeal

Good morning Donna,
I have a client that wants to appeal a recent decision.
Do I file the request at your office, zoning office, or directly to the BOA office?

Rick Richardson
Richardson Engineering, LLC
7 Deneison Street
Timonium, MD 21093
410-560-1502-x112

Donna Mignon

From: Richardson, Patrick <rick@richardsonengineering.net>
Sent: Friday, December 4, 2020 3:12 PM
To: Donna Mignon
Subject: RE: 248 Clyde Avenue - Case No: 2020-0207-SPH
Attachments: Exhibit 1 Site Plan.pdf; Exhibit 2 248 clyde affidavits.pdf; Exhibit List.docx

Thanks for the reminder as the day is going fast.

Rick Richardson
Richardson Engineering, LLC
30 E. Padonia Road Suite 500
Timonium, MD 21093
410-560-1502-x112
fax: 443-901-1208

From: Donna Mignon [mailto:dmignon@baltimorecountymd.gov]
Sent: Friday, December 04, 2020 1:48 PM
To: Richardson, Patrick <rick@richardsonengineering.net>
Subject: 248 Clyde Avenue - Case No: 2020-0207-SPH

Hi Rick,
Don't forget we need the exhibits by 4:00 today for Tuesday's hearing. Thank you. Have a great weekend.

From: Donna Mignon
Sent: Wednesday, December 2, 2020 9:58 AM
To: 'Richardson, Patrick' <rick@richardsonengineering.net>
Subject: 248 Clyde Avenue - Case No: 2020-0207-SPH

Good Morning:

As you are aware, a virtual WebEx hearing has been scheduled for December 8, 2020 at 10:00 a.m. You should have received an invitation in an email around November 6, 2020, that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at least two business days in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov Exhibits must be separately numbered and submitted, an exhibit list with the case number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Practice social distancing and wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

JOHN A. OLSZEWSKI, JR.
County Executive

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

November 30, 2020

Richardson Engineering LLC,
30 E. Padonia Road Suite 500
Timonium MD 21093

RE: Case Number: 2020-0207-SPH, 248 Clyde Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 12, 2020. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 9/10/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-207

INFORMATION:
Property Address: 248 Clyde Avenue
Petitioner: Shreyus Panchigar
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for Special Hearing under BCZR Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner should approve a non-conforming use of a 2nd residence unit in the existing detached garage.

The subject property is in Halethorpe. It has an existing two story dwelling and a two story garage. There is a code violation (#CRH1701871) for an unregistered rental single family with carriage unit. The primary structure was built in the 1900s.

A site visit was done on September 3, 2020. The site is subject to the Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access Plan.

The Department of Planning has no objections to granting the petitioned zoning relief. However, the petitioner has to demonstrate to the satisfaction of the Administrative Law Judge to establish themselves as a legal non-conforming use. If established as such, the rental unit must be registered.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

s:\planning\dev rev\zac\zacs 2020\20-207 josephine due 8-21-20\shell\20-207.docx

CPG/JGN/KP/

c: Josephine Selvakumar
Rick Richardson, Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 20, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0207-SPH
Address 248 Clyde Avenue
(Panchigar Property)

Zoning Advisory Committee Meeting of **August 17, 2020.**

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

Reviewer: Steve Ford

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0207-SPH 248 Clyde Avenue.doc

CERTIFICATE OF POSTING

RE: Case No.: 2020-0207-SPH

Petitioner/Developer: Shreyus Panchigar

Date of Hearing/Closing: December 8, 2020

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

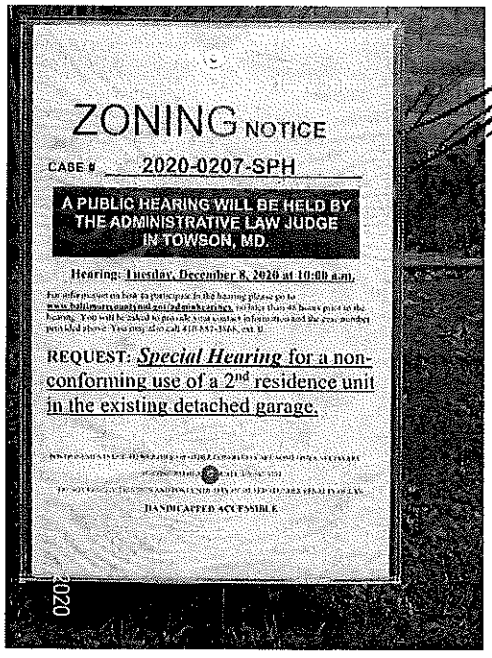
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

248 Clyde Avenue **SIGN 1 Recertification**

The sign(s) were posted on November 17, 2020
(Month, Day, Year)



Sincerely,

December 7, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 2020-0207-SPH

Petitioner/Developer: Shreyus Panchigar

Date of Hearing/Closing: December 8, 2020

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

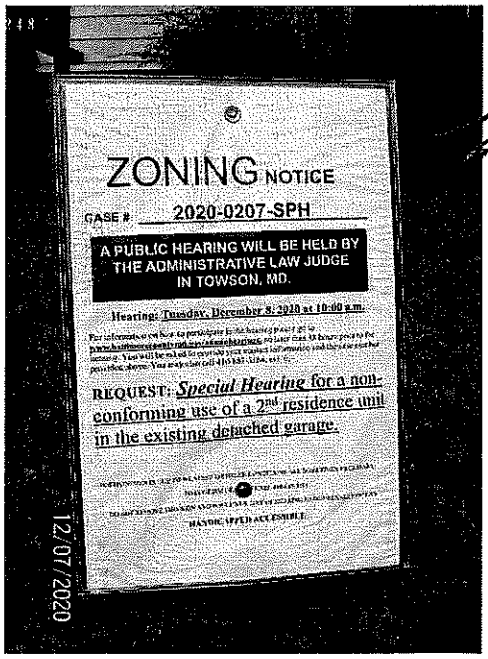
Attn: Kristen Lewis:

Ladies and Gentlemen:

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

248 Clyde Avenue **SIGN 2 Recertification**

The sign(s) were posted on November 17, 2020
(Month, Day, Year)



Sincerely,

December 7, 2020
(Signature of Sign Poster) **(Date)**

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

Donna Mignon

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, December 7, 2020 12:54 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2020-0207-SPH
Attachments: Re-Cert 1 2020-0207-SPH.doc; Re-Cert 2 2020-0207-SPH.doc

Recertification's for 248 Clyde Avenue. Thanks.

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11934242
Case #:
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0207-SPH

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:

11/18/2020

Darlene Miller

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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0207-SPH
248 Clyde Avenue
North side of Clyde Avenue, east of centerline of Charleston Avenue
13th Election District - 1st Councilmanic District
Legal Owners: Shreyus Panchigar

Special Hearing for a non-conforming use of a 2nd residence unit in the existing detached garage.

Hearing: Tuesday, December 8, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

n18

TO: THE DAILY RECORD
Wednesday, November 18, 2020 - Issue

Please forward billing to:
Shreyus Panchigar 443-506-2600
2926 W. Almonbury Drive
Pasadena, MD 21122

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: 2020-0207-SPH
248 Clyde Avenue
North side of Clyde Avenue, east of centerline of Charleston Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Shreyus Panchigar

Special Hearing for a non-conforming use of a 2nd residence unit in the existing detached garage.

Hearing: Tuesday, December 8, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

CERTIFICATE OF POSTING

RE: Case No.: 2020-0207-SPH

Petitioner/Developer: Shreyus Panchigar

Date of Hearing/Closing: December 8, 2020

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

248 Clyde Avenue **SIGN 1**

The sign(s) were posted on November 17, 2020
(Month, Day, Year)

Sincerely,

November 17, 2020

(Signature of Sign Poster) **(Date)**

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

2020-0207-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Shreyus Panchigar

December 8, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

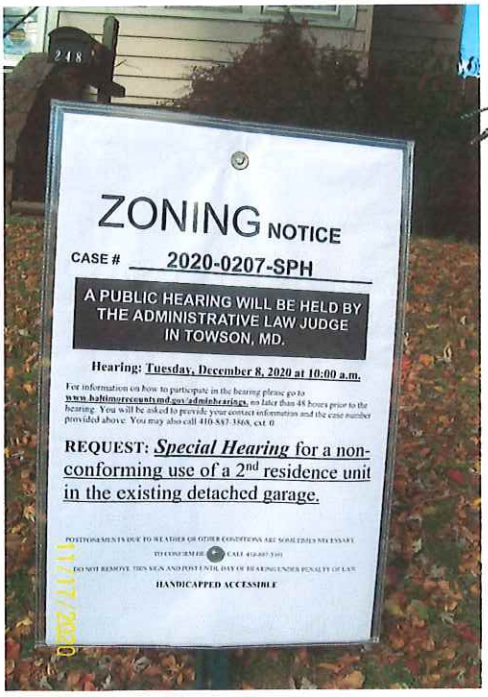
Ladies and Gentlemen:

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

248 Clyde Avenue **SIGN 2**

November 17, 2020

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



Sincerely,

November 17, 2020

(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

JOHN A. OLSZEWSKI, JR.
County Executive

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

November 5, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0207-SPH
248 Clyde Avenue
North side of Clyde Avenue, east of centerline of Charleston Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Shreyus Panchigar

Special Hearing for a non-conforming use of a 2nd residence unit in the existing detached garage.

Hearing: Tuesday, December 8, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Richardson Engineering, 30 East Padonia Road, Ste. 500, Timonium 21093
Shreyus Panchigar, 2926 W. Almondbury Drive, Pasadena 21122

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 18, 2020**

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 9/10/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-207

INFORMATION:
Property Address: 248 Clyde Avenue
Petitioner: Shreyus Panchigar
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for Special Hearing under BCZR Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner should approve a non-conforming use of a 2nd residence unit in the existing detached garage.

The subject property is in Halethorpe. It has an existing two story dwelling and a two story garage. There is a code violation (#CRH1701871) for an unregistered rental single family with carriage unit. The primary structure was built in the 1900s.

A site visit was done on September 3, 2020. The site is subject to the Southwest Baltimore County Revitalization Strategy and Western Baltimore County Pedestrian and Bicycle Access Plan.

The Department of Planning has no objections to granting the petitioned zoning relief. However, the petitioner has to demonstrate to the satisfaction of the Administrative Law Judge to establish themselves as a legal non-conforming use. If established as such, the rental unit must be registered.

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

Prepared by:
Krystle Patchak

Division Chief:
Jenifer G. Nugent

s:\planning\dev rev\zac\zacs 2020\20-207 josephine due 8-21-20\shell\20-207.docx

CPG/JGN/KP/

c: Josephine Selvakumar
Rick Richardson, Richardson Engineering, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 20, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0207-SPH
Address 248 Clyde Avenue
(Panchigar Property)

Zoning Advisory Committee Meeting of **August 17, 2020.**

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

Reviewer: Steve Ford

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 2020-0207-SPH

Petitioner: SHREYUS PANCHIGAR

Address or Location: 248 CLYDE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHREYUS PANCHIGAR

Address: 2926 W ALMONDBURY DRIVE
PASADENA, MD 21122

Telephone Number: 443-506-2600

Revised 2/20/98 - SCJ

PETITION FOR ZONIN_ .IEARING(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 248 Clyde Avenue **which is presently zoned** DR-5.5

Deed References: 43202 / 1 10 Digit Tax Account # 1313400020

Property Owner(s) Printed Name(s) Shreyus Panchigar

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

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

1. X **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a non-conforming use of a 2nd residence unit in the existing detached garage.

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

3. ___ **a Variance** from Section(s)

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Shreyus Panchigar /

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature # 2

2926 W ALMONDBURY DR Pasadena MD

Mailing Address City State

21122 / 443-506-2600 / shreyaspanchigar@hotmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Date 8/12/20

By

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium MD

Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net

Zip Code Telephone # Email Address

CASE NUMBER 2020-0207-SPH **Filing Date** 8/12/20 **Do Not Schedule Dates:** ___ **Reviewer** GJ

REV. 10/4/11

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

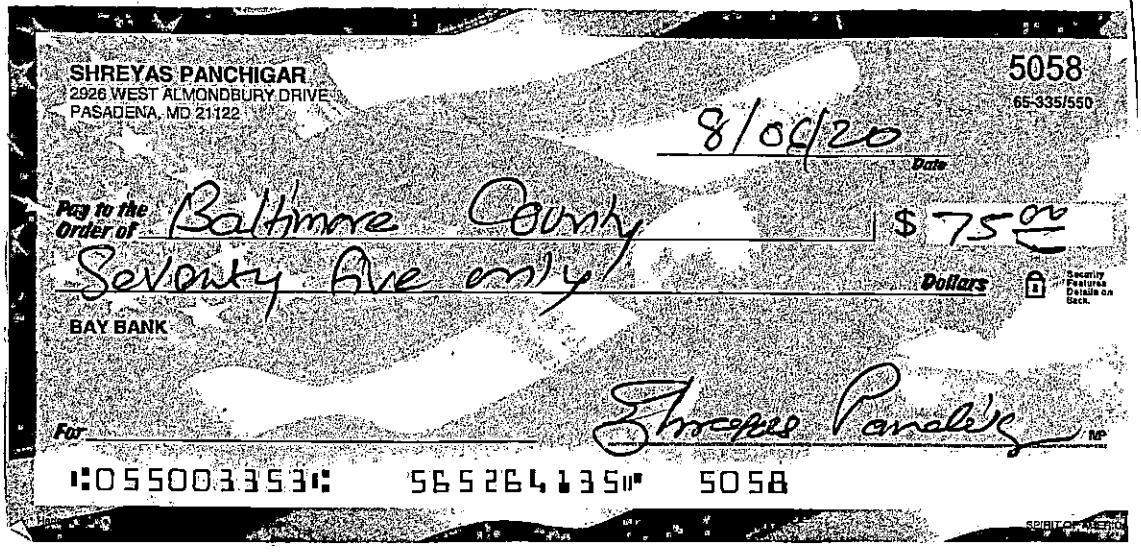
Tel: (410) 560-1502
Fax: (443) 901-1208

ZONING PROPERTY DESCRIPTION FOR
248 CLYDE AVENUE
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Located on Clyde Avenue 392+/- feet East of the intersection of Washington Avenue. Beginning on the centerline of lot #186 on Block 2 as shown on the Plat of Joshua as recorded in Plat Book J.W.S. No. 1 Folio 144 running thence Easterly on the North side of Clyde Avenue 88 feet to the division line between lots #191 and #192; thence running Northerly at right angles to Clyde Avenue and binding on lot #192 100 feet to an alley 14 feet wide; thence running Westerly on said alley 88 feet to the centerline of lot #186, thence Southerly running along the center of lot #186, 100 feet to the place of beginning.

Containing a net area of 8,799 square feet or 0.20 acres +/-.

2020-0267-SPH



SHREYAS PANCHIGAR
2926 WEST ALMONDBURY DRIVE
PASADENA, MD 21122

5058
65-335/550

8/04/20
Date

Pay to the Order of Baltimore County $ 75.00

Seventy five only
Dollars

BAY BANK

For

Shreyas Panchigar

:055003353: 565264135 5058

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

No. 199602

Date: 8/12/2020

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	6000		ce156				75

Total: 75

Rec From: Shreyas Panchigar

For: 2020-0207-SPH
248 Clyde Ave

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

CASHIER'S VALIDATION

12/8 @ 10-

CASE NO. 2020-0207-SPH

CHECKLIST

✓ ltr
✓ order

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
8/20	DEPS (if not received, date e-mail sent _____)	N/C
_____	FIRE DEPARTMENT	_____
9/10	PLANNING (if not received, date e-mail sent _____)	Comment
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/18/20

SIGN POSTING (1st) Date: 11/17/20 by Sgt. Black

SIGN POSTING (2nd) Date: 12/7/20 by " "

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: ~~*~~ See People's Counsel Stuff ~~*~~

~~*~~ No Rental License ~~*~~

ZAC AGENDA

Case Number: 2020-0206-A **Reviewer:** Jason Seidelman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Chad & Gabriela Wasileski
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 6 **Council Dist:** 3

Property Address: 19418 SPOOKS HILL RD
Location: North West side of Spooks Hill Road 1,800 North of intersection with Kidd's Schoolhouse Road (20').

Existing Zoning: RC 8 **Area:** 3.951 AC
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
BCZR 400.1 (1A09.7.C.2e) To permit a proposed accessory structure (shed) to be partially located in the front yard, in lieu of the required side or rear yard placement.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 09/07/2020

Miscellaneous Notes:

Case Number: 2020-0207-SPH **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Shrevus Panchigar
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 13 **Council Dist:** 1

Property Address: 248 CLYDE AVE
Location: North side of Clyde Ave East 135' to the center line of Charleston Ave.

Existing Zoning: DR 5.5 **Area:** .20 AC
Proposed Zoning:
SPECIAL HEARING:
A non-conforming use of a 2nd residence unit in the existing detached garage.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 13 **Account Number -** 1313400020

Owner Information

Owner Name:	PANCHIGAR SHREYAS	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2926 W ALMONDBURY DR PASADENA MD 21122-	**Deed Reference:**	/43202/ 00001

Location & Structure Information

Premises Address:	248 CLYDE AVE 0-0000	**Legal Description:**	LT 187-191 PT 186 JOSHUA

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0109	0002	0357	13010009.04	0000		2	187	2019	Plat Ref:	0001/ 0144

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1900	1,426 SF	448 SF	8,800 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	3	1 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2019	Phase-in Assessments As of 07/01/2020	 As of 07/01/2021
Land:	65,200	65,200		
Improvements	105,800	117,300		
Total:	171,000	182,500	178,667	182,500
Preferential Land:	0			0

Transfer Information

Seller: HEALEY RUTH ANN	**Date:** 08/05/2020	**Price:** $150,001
Type: ARMS LENGTH IMPROVED	**Deed1:** /43202/ 00001	**Deed2:**
Seller: HEALEY CHARLES MICHAEL	**Date:** 05/22/2015	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /36215/ 00356	**Deed2:**
Seller: MALECKI DARRYL A	**Date:** 07/21/1988	**Price:** $86,400
Type: ARMS LENGTH IMPROVED	**Deed1:** /07922/ 00641	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

Donna Mignon

From: Donna Mignon
Sent: Friday, November 6, 2020 2:09 PM
To: Lisa M Henson
Subject: Complaint No: CRH1701871 - 248 Clyde Avenue

Hi Lisa,
I hope things are well. Can you please send me the information regarding the above.
Thank you so much. Have a great weekend. ☺

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

KEVIN KAMENETZ
County Executive

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

HEALEY RUTH ANN
248 CLYDE AVE
BALTIMORE, MD 21227-0000

Date: November 22, 2017

******CORRECTION NOTICE******
RENTAL HOUSING LICENSE

Your property located at the address below has been identified as non-owner occupied and is, therefore, a potential rental property.

All buildings or a portion of a building that contain one to six dwelling units intended or designated as rental units, must register and be licensed with Baltimore County.

YOU ARE IN VIOLATION AND YOUR APPLICATION MUST BE FILED BY

12/18/2017

YOUR PROPERTY HAS NOT BEEN LICENSED

RENTAL PROPERTY ADDRESS:	248 CLYDE AVE, HALETHORPE, MD 21227
TAX ID # :	1313400020
CASE # :	CRH1701871

BCC 35-6-112 CIVIL PENALTIES:

(a) Penalty for failure to be licensed. A person who rents a dwelling unit or portion of a dwelling unit without a license, ***is subject to a civil penalty of $1,000***

(b) Separate Offense. Each day of a violation constitutes a separate offense.

Questions may be directed to:

Kathleen O'Donnell
Rental Registration Administrator

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 20, 2020

SENT VIA EMAIL
Paul M. Mayhew, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Shreyus Panchigar – Legal Owner/Petitioner
248 Clyde Avenue
Case No.: 2020-207-SPH

Dear Judge Mayhew,

Petitioner is Shreyus Panchigar of 2926 W. Almondbury Avenue in Pasadena, Maryland. The petition for special hearing asks to legitimize a garage as a nonconforming use for a second dwelling at 238 Clyde Avenue in Lansdowne. The zoning classification is D.R. 5.5. This allows just one dwelling on a lot.

The site plan lists the net area as .20 acre, or 8799 square feet. There is an existing 2-story dwelling which appears to scale over 1200 square feet per story with a pool to its rear. The focus of the petition is a separate garage, listed as 2 stories (but does not look so high), which scales close to 900 square feet ground coverage. We enclose Google Earth photos.

The property fails to satisfy the area requirements for two dwellings in the D.R. 5.5 Zone. There are required 6000 square feet per lot. BCZR Sec. 1B02.3.C. It is noteworthy that the dwelling itself does not conform to the applicable setback requirements: front yard, 16 feet in lieu of the required 25, and side yard 9 feet in lieu of 10. As to the garage, if it were a dwelling, it would compound the setback deviations: 20 feet rear yard in lieu of 30.

The enclosed SDAT Real Property Data states the principal structure dates from 1900. The transfer information indicates that Petitioner acquired or recorded acquisition on or about August 5, 2020. The property apparently was in the Healey family from 1988 to 2020.

The site plan does not show any zoning case history. There is no record of any previous request to determine any nonconforming use. In this context, it appears incongruous at the outset that a new owner would precipitate a nonconforming use case, which requires convincing proof of a consistent and extensive past history.

* * *

A petition for a special hearing via BCZR Sec. 500.7 effectively requests a declaratory judgment. Antwerpen v. Baltimore County 163 Md. App. 194, 209 (2005). To assist with the review of nonconforming use petitions, it is often helpful to review the zoning history.

Baltimore County enacted its first comprehensive zoning map in 1945. See Kahl v. Consolidated Gas, Electric Light, and Power Co. 191 Md. 249 (1948). Upon inquiry from our office, Jeffrey Perlow of the zoning staff provided the enclosed history.

In 1945, the property was classified as "A" Residence. The 1955 comprehensive revision of regulations and maps led to classification in the R-6 Zone. We enclose the pertinent regulations for the "A" Residence Zone, Sec. III (1945) and R-6 Zone, Sec. 209 (1955). As we read these past zones, they allowed single-family and two-family dwellings, but not separate apartments.

Then came Bill 100, 1970, which replaced the R Zones with the D.R. Zones, which focus on density. The ensuing 1971 countywide comprehensive zoning map reclassified the property to D.R. 5.5. Generally speaking, this zone succeeded the R-6. See current BCZR Secs. 100.1.A.2, 100.3.A. There is no dispute that the D.R. 5.5 Zone does not allow a separate apartment.

Given this history, Petitioner must prove that the property was used for two dwellings, including the garage as an apartment, at least since before January 2, 1945. Petitioner must also show that these uses have existed since then continuously, that is to say, without discontinuity for a year.

The burden of proof is on the Petitioner. The law is construed strictly against nonconforming uses, which the law intends to disappear. Prince George's County v. E.L. Gardner 293 Md. 259, 267-70 (1982); Purich v Draper Properties 395 Md. 694, 708-22 (2006); Canada's Tavern v. Town of Glen Echo 260 Md. 206 (1970).

In sum, substantively, resolution of the present nonconforming use issue depends on the aforesaid law as applied to the facts presented at the hearing. That will be a mixed factual/legal determination. Petitioner must show there was a legal use for two such dwellings prior to 1945 and if so, that use has continued without any 1-year interruption until the present.

* * *

We participated recently in another zoning petition for approval of nonconforming apartment use. On September 3, 2020, Administrative Law Judge Lawrence Stahl denied the petition in Case No. 2019-0437, 14721 Manor Road, Jacqueline Frank, Petitioner. It is enclosed.

Petitioner and/or her late husband had owned the property since the 1980s. She produced witnesses, including a member of the family which had previously owned the property. Nevertheless, their testimonial evidence was unconvincing, incomplete, and sparse.

Significantly, Petitioner failed to produce any leases, tax records, financial records of any kind, rental licenses, permits, correspondence or other documents normally expected to occur in apartment use. Anomalously, Petitioner obtained a BGE PS Meter from 1966, which turned out not necessarily to reflect apartment use.

We argued that Petitioner's failure to produce documents which a party would normally be expected to have in their possession virtually disqualified the petition. Here is what we wrote in our memorandum,

> "The Court of Appeals held it a confession of untruth where a party fails to produce or withholds records on matters where they would be expected to have it within their power to produce. The Court wrote in Turner's Executor v. Turner 98 Md. 22 (1903),
>
> > "The proposition is applicable with especial force in this case, against the defendant Joseph Turner, because the books of the firm are shown to have been left, upon its dissolution, in his possession, and under his control, and he has failed to respond to the demand for their production.
> >
> > * * *
> >
> > Such conduct has been repeatedly held by this court to raise a strong presumption against the party who withholds the evidence which he has it in his power to produce, and has even been held to amount to a confession of the untruth of the allegations which he thus fails to support." Citations omitted.
>
> Radin v. Supervisor of Assessments 254 Md. 294, 300-02 (1969) applied this law against a company whose witnesses failed to produce relevant records. P.C. Exh. 11.

ALJ Stahl identified Petitioner Frank's failure to produce such relevant documents as an important factor in his decision.

In this context, we cited Baltimore County rental housing license legislation, which covered the three apartments. Bill 87-07; County Code Article 35, Title 6. It also covers the two-apartment situation. Sec. 35-6-103.

The approved licenses are posted on the county Rental Housing Registration website. As in the Frank case, we checked and could find no licenses identified for 248 Clyde Avenue. Unless Petitioner can prove consistent compliance with the rental license law, this alone may disqualify the petition. The reason is that the BCZR Sec. 2101.1 definition of nonconforming use refers to "A legal use that does not conform …." Emphasis supplied.

We bring this up to emphasize the importance here for Petitioner Panchigar to produce sufficient documents to establish or corroborate historic apartment use.

Separately, ALJ Stahl did not believe that the "A" Residence Zone (1945-55) and R-6 Zones (1955-71) were clear enough to count. Therefore, he viewed the baseline as 1971. We believe these zones are clear enough and do not allow separate apartments. Furthermore, the R-6

Zone was not so particular for rural areas as for properties in the more urban or suburban areas such as Lansdowne. Therefore, we still maintain 1945 is the relevant baseline.

It is noteworthy that Petitioner Jacqueline Frank filed a motion for reconsideration. ALJ Stahl denied it on October 13, 2020. His Order is enclosed. Whether or not the case is appealed, we believe the decision provides additional context.

* * *

To be sure, it is an overwhelming, if not impossible, task for a petitioner to prove the continuous existence of a nonconforming use for so many decades. But this follows from the premise that the law intends for nonconforming uses to disappear. It behooves owners of properties who seek to establish nonconforming uses to file the appropriate petitions with reasonable timeliness after an adverse zoning change.

We appreciate your careful consideration of these matters of public interest.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: SENT VIA EMAIL
Patrick Richardson, Representative for Petitioners
Carl Richards, Zoning Supervisor
Jeff Perlow, Office of Planning
Peter Gutwald, Director of Planning
Jennifer Nugent, Office of Planning

Donna Mignon

From: Peoples Counsel
Sent: Tuesday, October 20, 2020 12:07 PM
To: Administrative Hearings; Paul Mayhew
Cc: Rick@richardsonengineering.net; Carl Richards Jr; Jeffrey N Perlow; Peter Gutwald; Jenifer G. Nugent
Subject: Shreyus Panchigar - 248 Clyde Avenue - Case No.: 2020-207-SPH
Attachments: Ltr to Mayhew on Shreyus Panchigar - Case No 2020-207-SPH with attachments.pdf

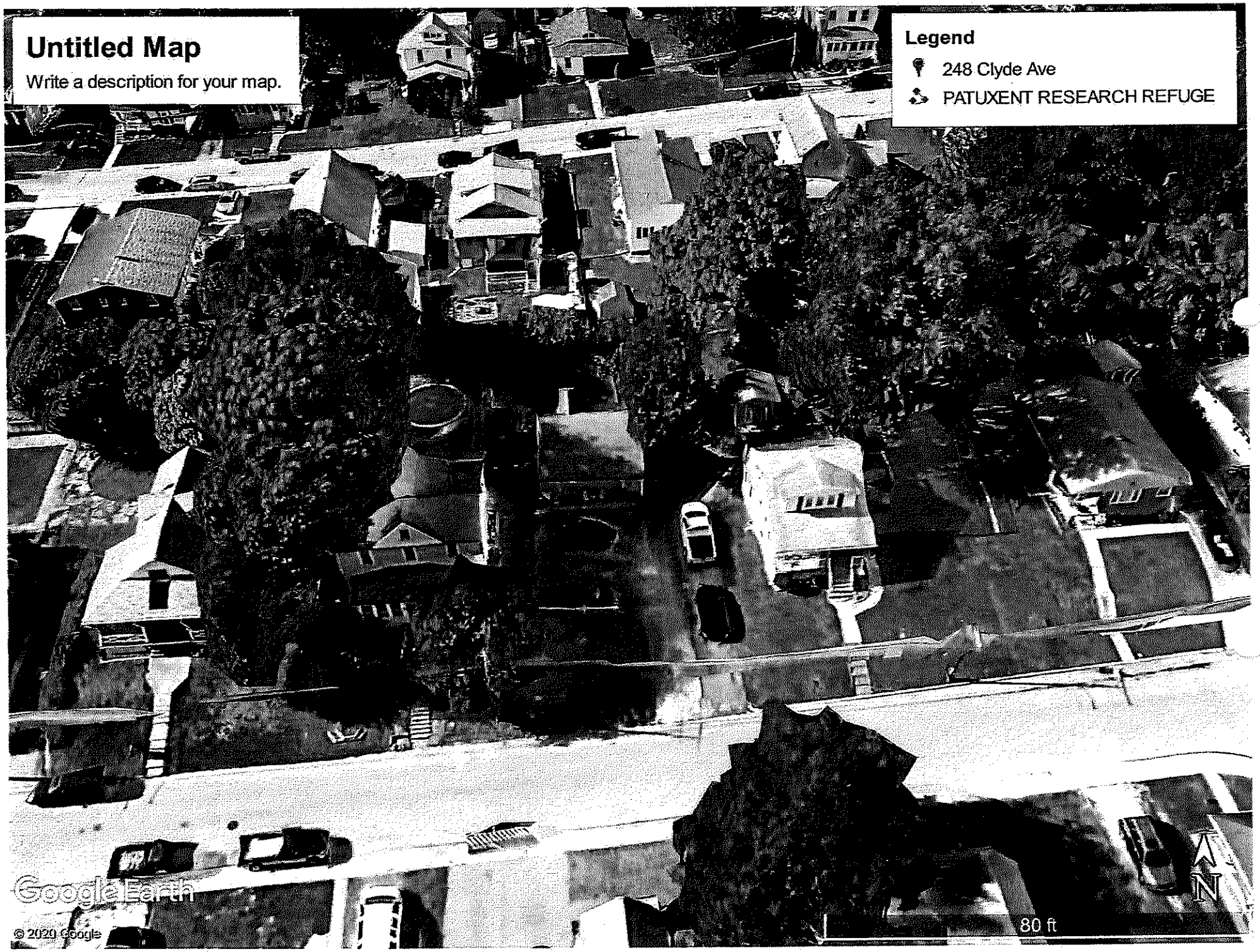
Good Afternoon,

Attached for filing is a letter from our office relating to the above-mentioned case.

Thank you for your consideration.

Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax


Untitled Map
Write a description for your map.
Legend
REFUGE
Google Earth
© 2020 Google
8.70 ft
N


Untitled Map
Write a description for your map.
Legend
248 Clyde Ave
PATUXENT RESEARCH REFUGE
Google Earth
© 2020 Google
80 ft
N

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 13 **Account Number -** 1313400020

Owner Information

Owner Name:	PANCHIGAR SHREYAS	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2926 W ALMONDBURY DR PASADENA MD 21122-	**Deed Reference:**	/43202/ 00001

Location & Structure Information

Premises Address:	248 CLYDE AVE 0-0000						**Legal Description:**	LT 187-191 PT 186 JOSHUA		
Map:	**Grid:**	**Parcel:**	**Neighborhood:**	**Subdivision:**	**Section:**	**Block:**	**Lot:**	**Assessment Year:**	**Plat No:**	
0109	0002	0357	13010009.04	0000		2	187	2019	**Plat Ref:**	0001/ 0144

Town: None

Primary Structure Built	**Above Grade Living Area**	**Finished Basement Area**	**Property Land Area**	**County Use**
1900	1,426 SF	448 SF	8,800 SF	04

Stories	**Basement**	**Type**	**Exterior**	**Quality**	**Full/Half Bath**	**Garage**	**Last Notice of Major Improvements**
2	YES	STANDARD UNIT	SIDING/	3	1 full	1 Detached	

Value Information

	Base Value	**Value** As of 01/01/2019	**Phase-in Assessments** As of 07/01/2020	As of 07/01/2021
Land:	65,200	65,200		
Improvements	105,800	117,300		
Total:	171,000	182,500	178,667	182,500
Preferential Land:	0			0

Transfer Information

Seller: HEALEY RUTH ANN	**Date:** 08/05/2020	**Price:** $150,001
Type: ARMS LENGTH IMPROVED	**Deed1:** /43202/ 00001	**Deed2:**
Seller: HEALEY CHARLES MICHAEL	**Date:** 05/22/2015	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /36215/ 00356	**Deed2:**
Seller: MALECKI DARRYL A	**Date:** 07/21/1988	**Price:** $86,400
Type: ARMS LENGTH IMPROVED	**Deed1:** /07922/ 00641	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

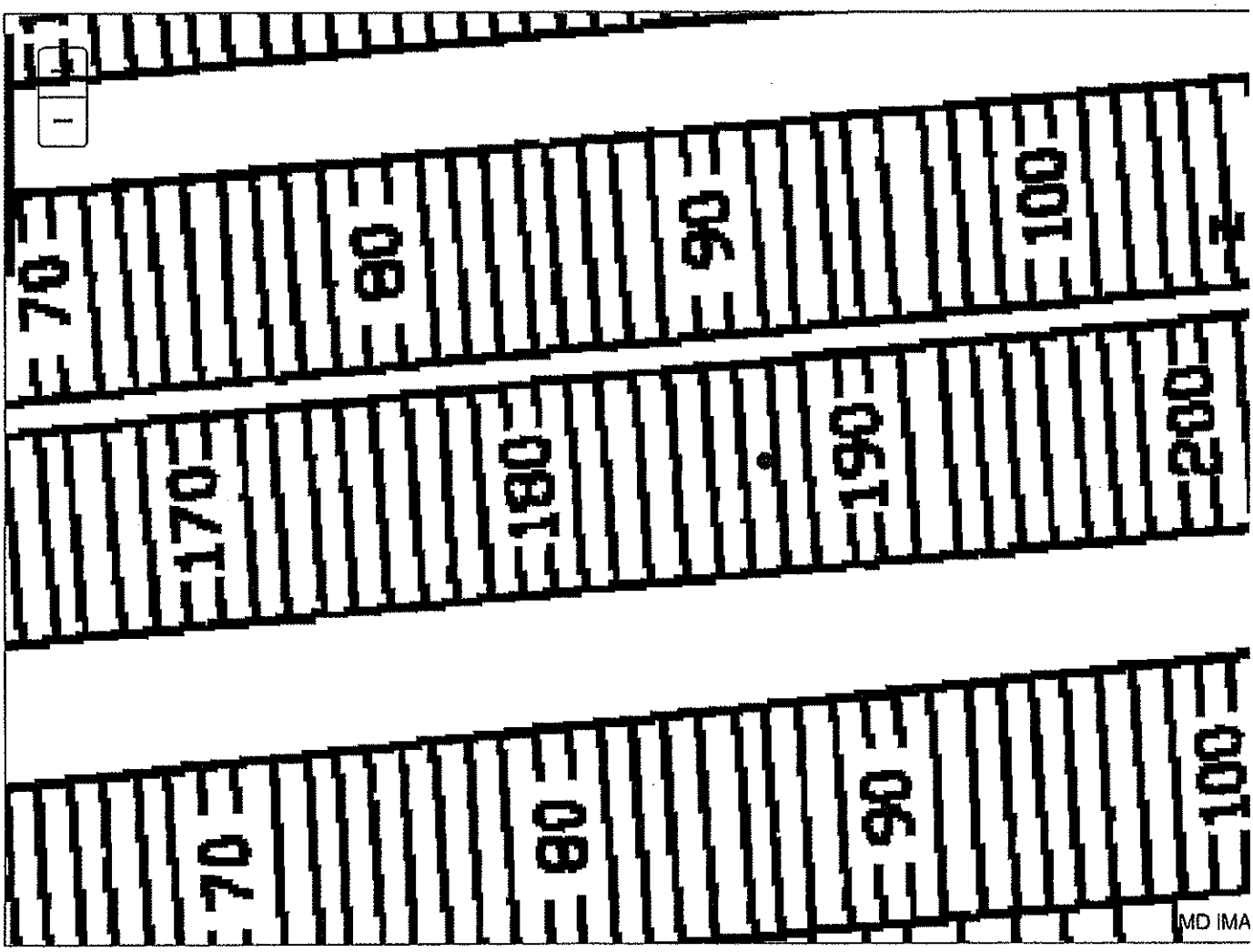
Homeowners' Tax Credit Application Status: No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Baltimore County

New Search (https://sdat.dat.maryland.gov/RealProperty)

District: 13 Account Number: 1313400020



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx).

Rebecca Wheatley

From: Jeffrey N Perlow
Sent: Tuesday, August 25, 2020 11:51 AM
To: Peoples Counsel; Rebecca Wheatley; Peter Max Zimmerman
Cc: Carl Richards Jr
Subject: RE: Shreyus Panchigar - 248 Clyde Avenue - Case No 2020-207-SPH
Attachments: 1__109B1.pdf; 08_109B1.pdf; 200scale_109B1.pdf; 1945 Map 13th Dist Sections 1 & 2.pdf; 1960's_SW 5-C.pdf; 1971_SW 5-C.pdf; 1976_SW 5-C.pdf; 1980_SW 5-C.pdf; 1984 _SW 5-C.pdf; 1988_SW 5-C.pdf; 1992_SW 5-C.pdf; 1996_SW 5-C.pdf; 2000_SW5c.pdf; 2012_200scale_109B1.pdf

Rebecca,

Attached are the Zoning Maps from 1945 through 2016. The location of the subject property is circled in red on each map.

Jeff

-----Original Message-----
From: Peoples Counsel
Sent: Thursday, August 20, 2020 1:55 PM
To: Carl Richards Jr <CRichards@baltimorecountymd.gov>
Cc: Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: Shreyus Panchigar - 248 Clyde Avenue - Case No 2020-207-SPH

Mr. Richards,

Our office kindly requests the complete zoning history for 248 Clyde Avenue . Please include copies of each four year map with the property highlighted.

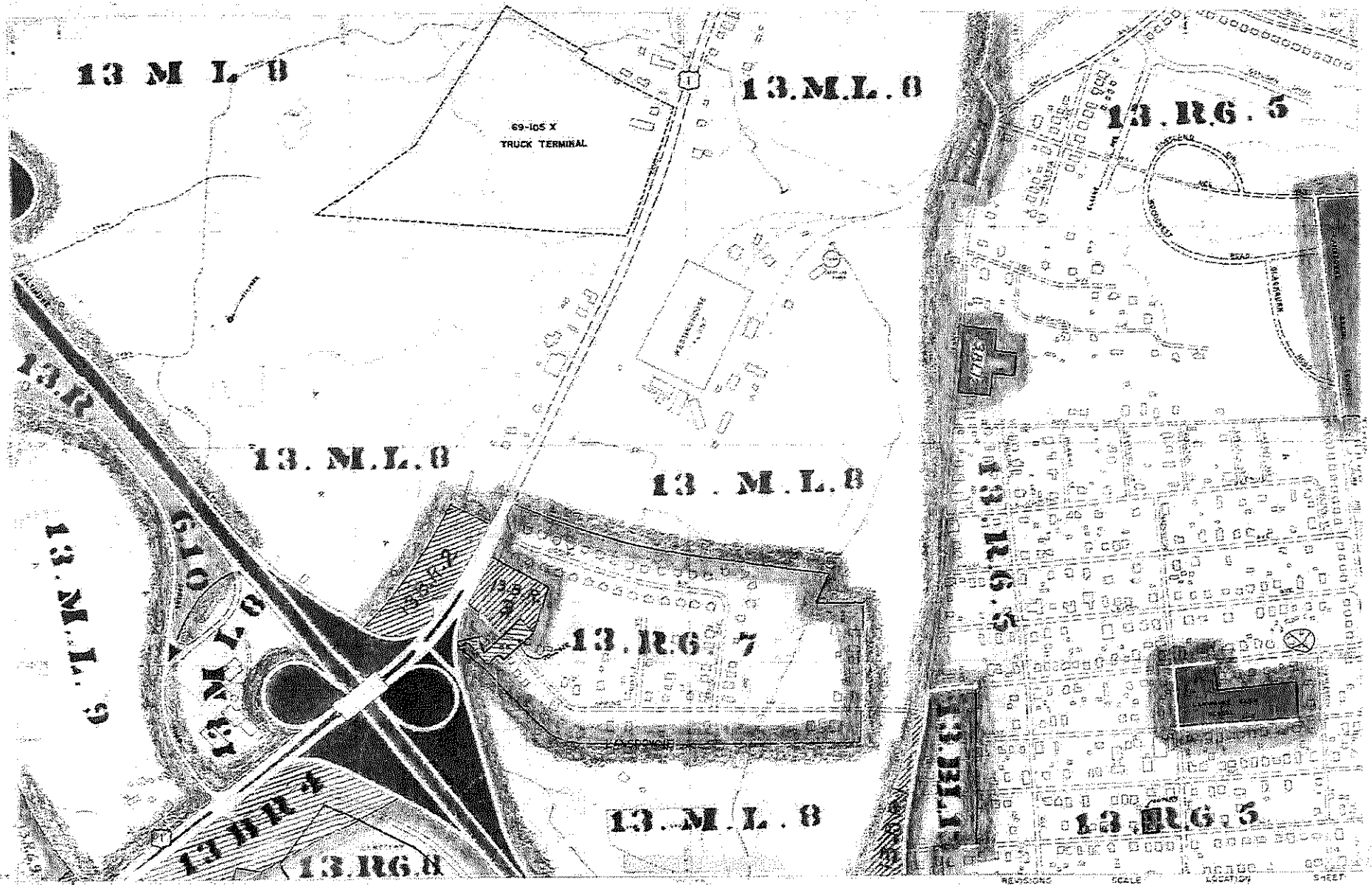
The Tax Account number is 1313400020. The property is owned by Shreyus Panchigar. I have attached a copy of the petition for reference.

Please let me know if you need further information.

Thank you in advance for your consideration.

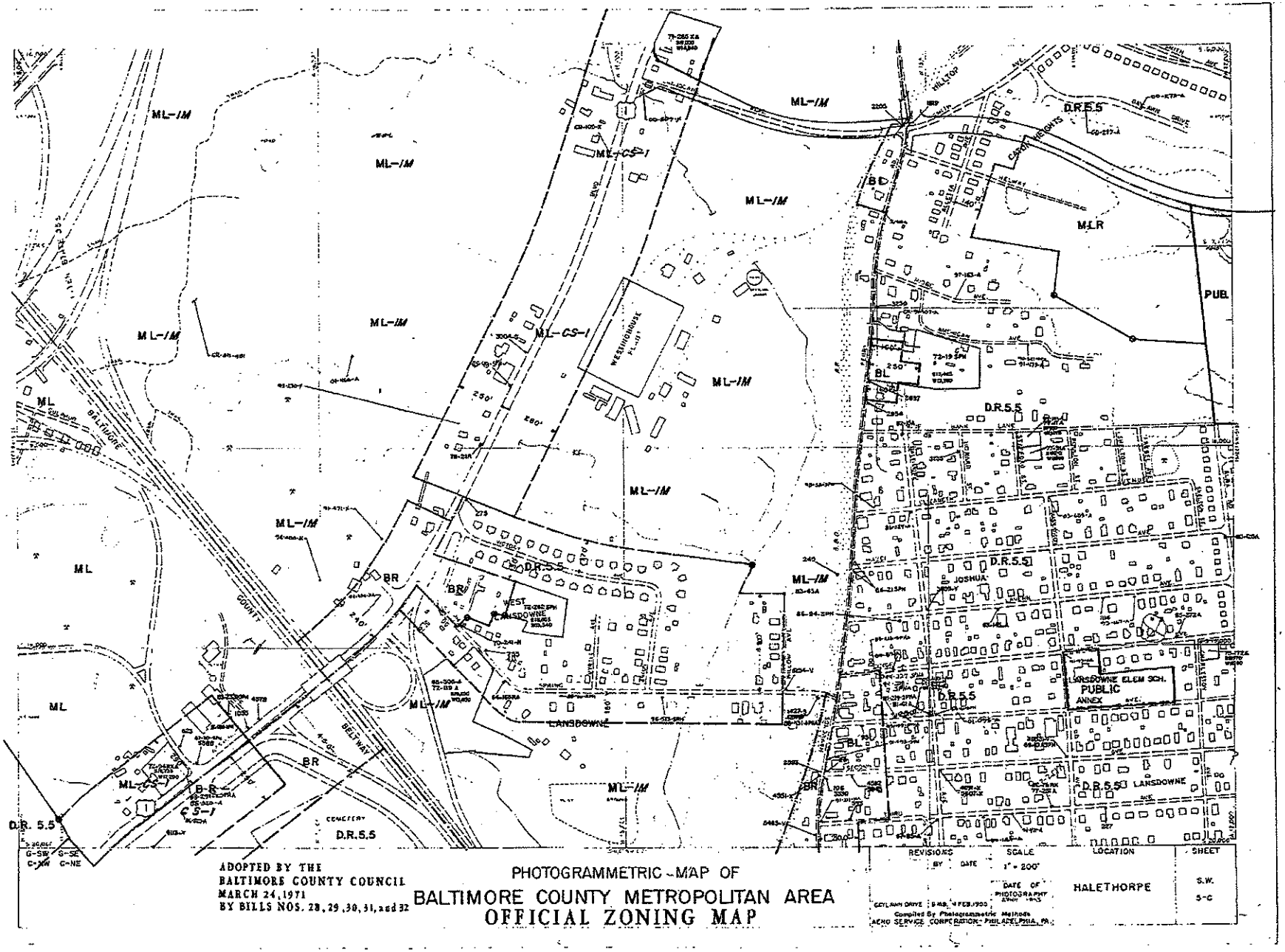
Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax


USE DISTRICT MAP (1945)



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

HALETHORPE
13TH DIST.



ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

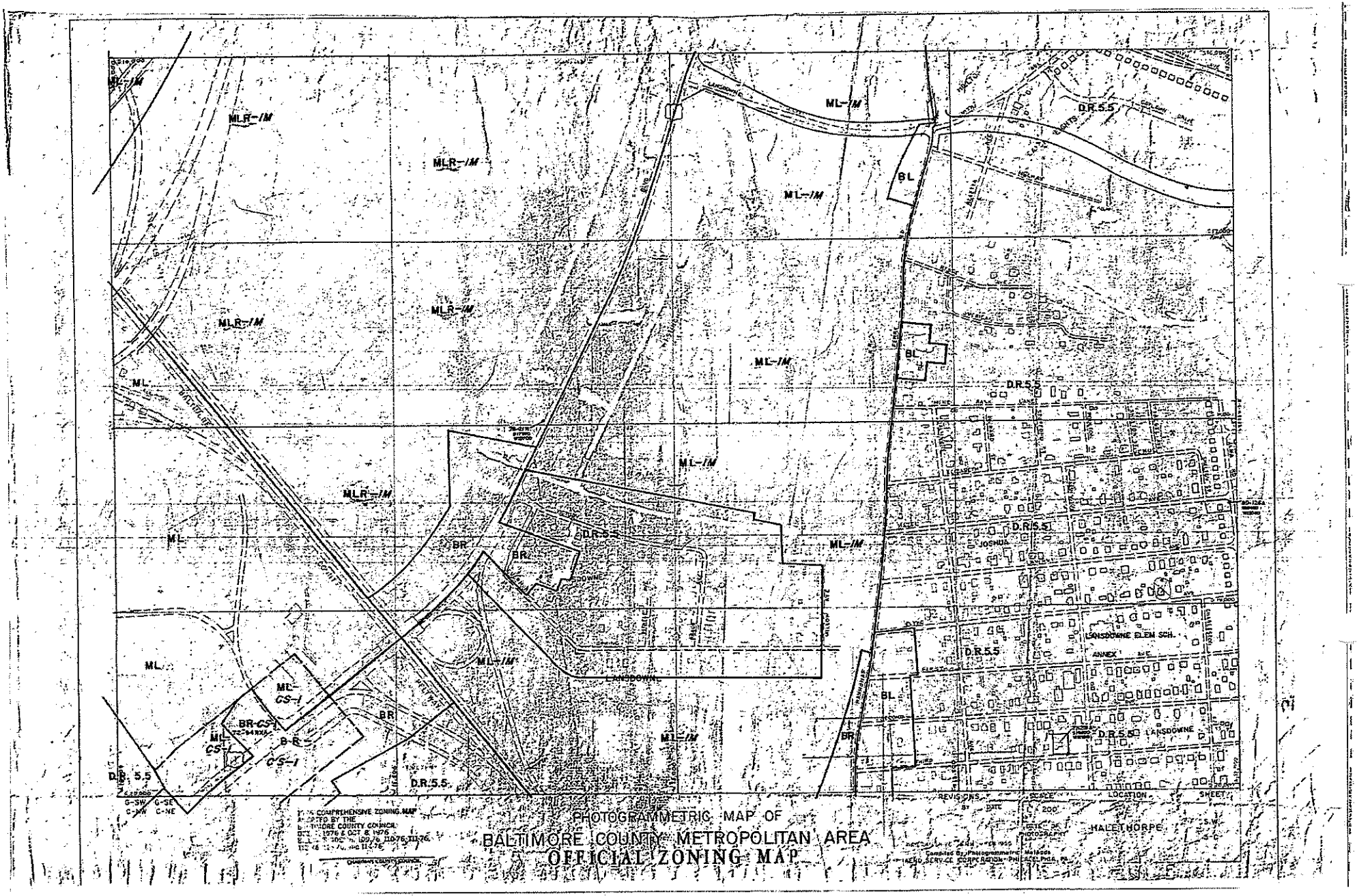
REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
			1" = 200'	HALETHORPE	S.W. 5-C

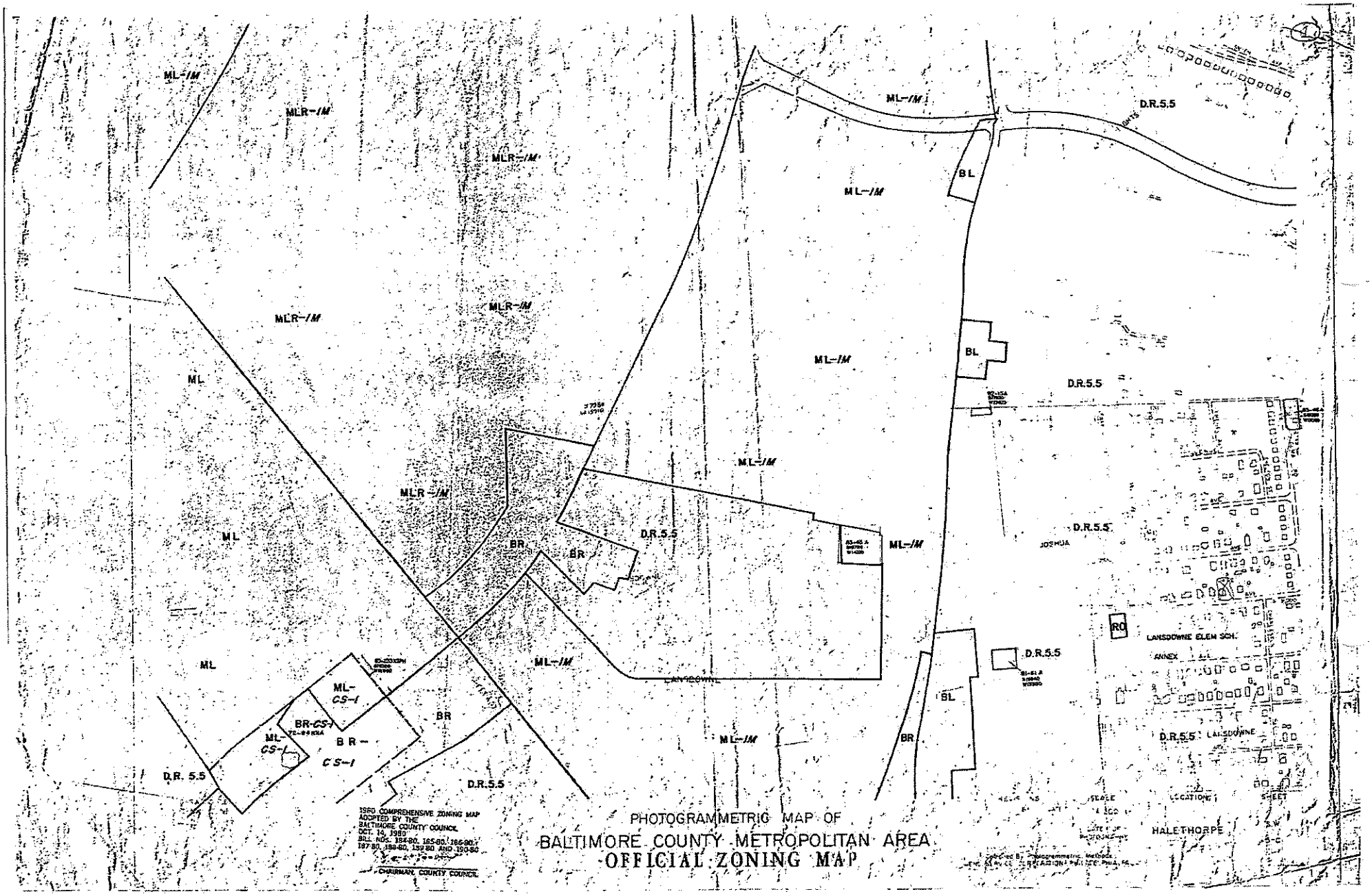
DATE OF PHOTOGRAPHY: FEB. 1955

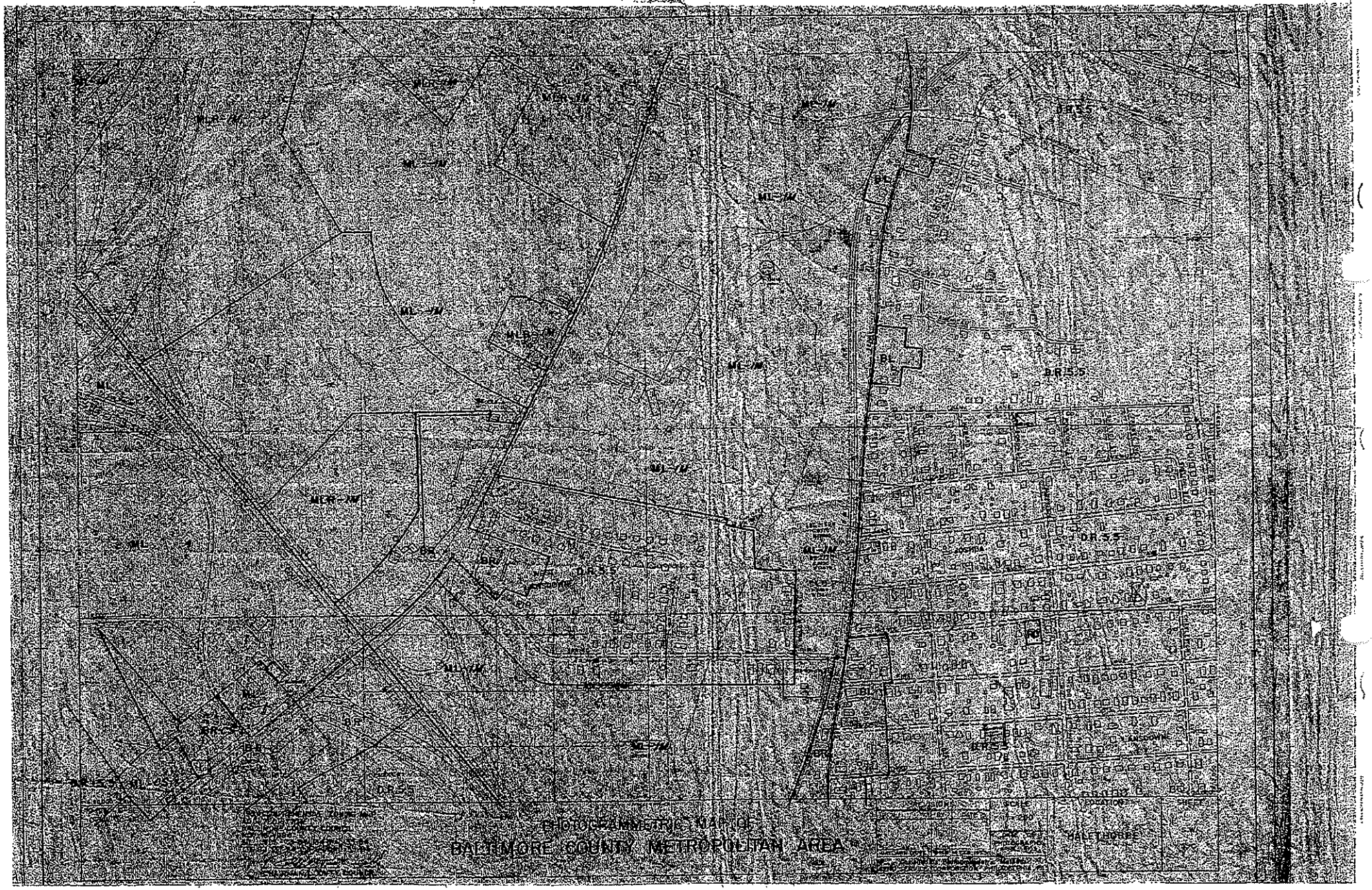
Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION - PHILADELPHIA, PA.

PLAN HOLD

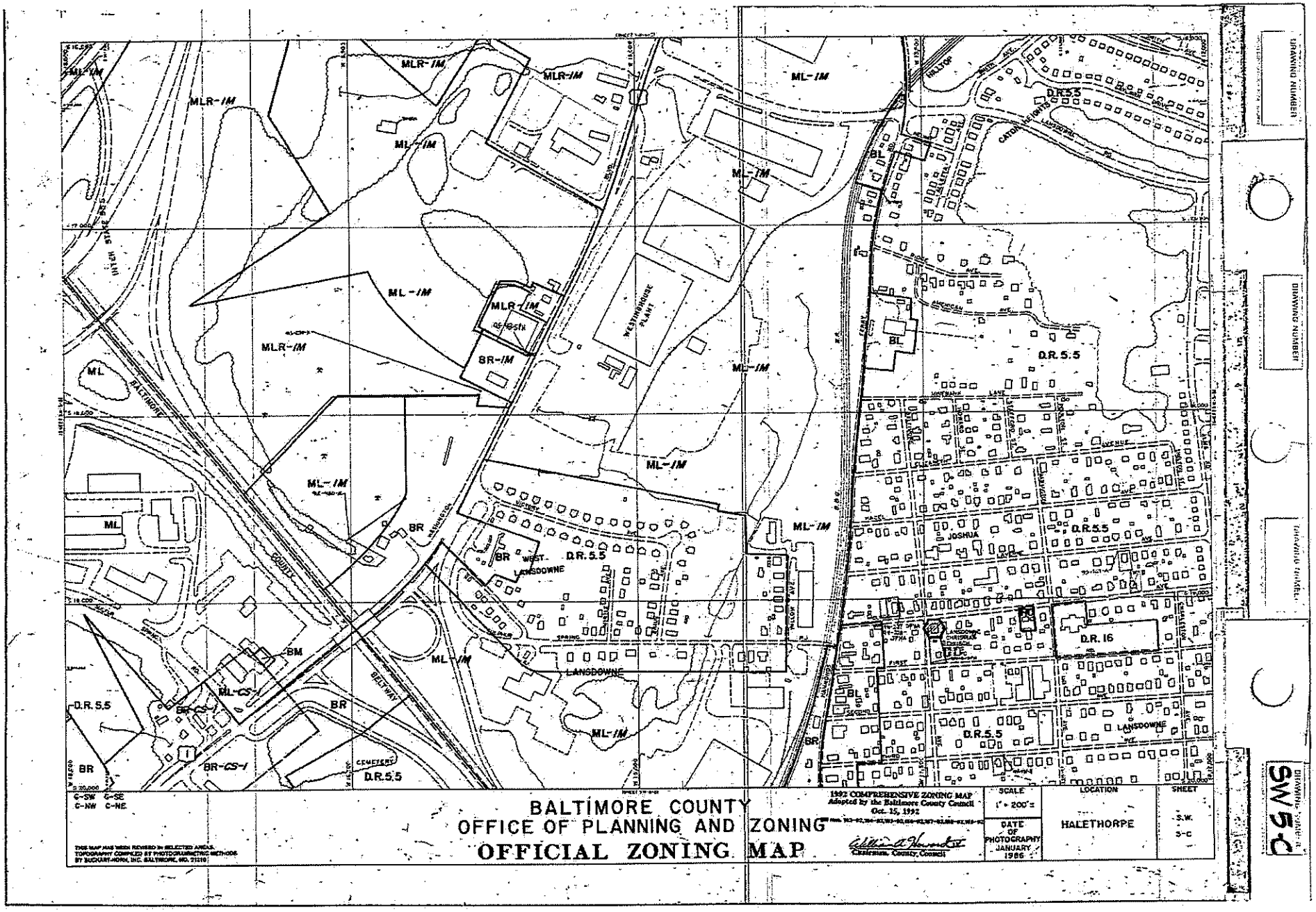
SW-5-C

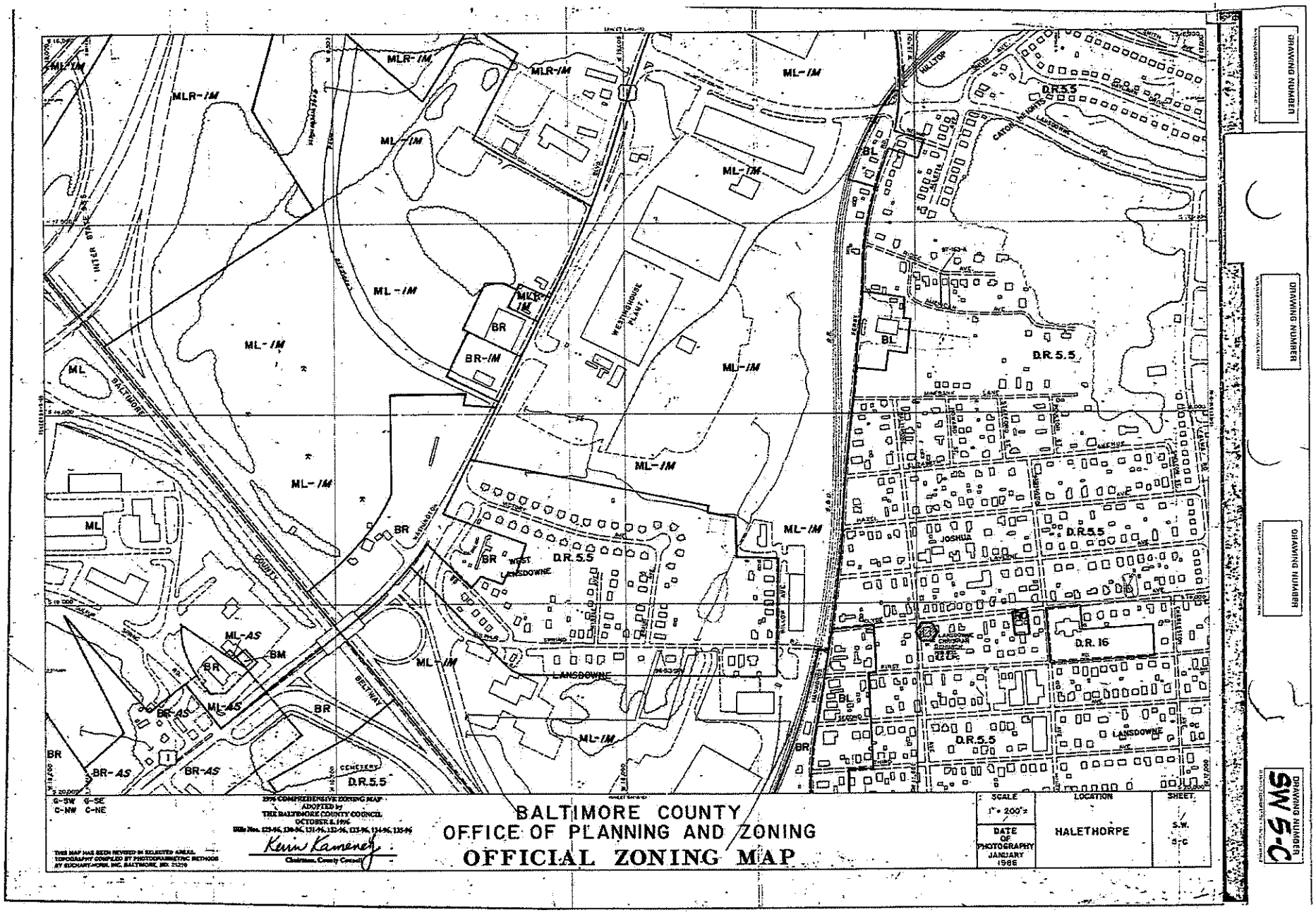

MLR-IM
ML-IM
BL
D.R.5.5
ML
BR
CS-1
LANSDOWNE
LANSDOWNE ELEM SCH.
ANNEX
JOSHUA
HALETHORPE
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP


ML-IM
MLR-IM
D.R.5.5
BL
ML
BR
CS-1
RO
LANSDOWNE ELEM SCH.
ANNEX
JOSHUA
LANSDOWNE
1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 14, 1980
BILL NOS. 184-80, 185-80, 186-80,
187-80, 188-80, 189-80 AND 190-80
CHAIRMAN, COUNTY COUNCIL
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP
SCALE
LOCATION
SHEET
HALETHORPE



GROWTH TIER MAP OF
BALTIMORE COUNTY METROPOLITAN AREA


ML-IM
MLR-IM
BR-IM
ML
BR
D.R.5.5
D.R.16
BM
BR-CS-1
ML-CS
BALTIMORE
BELTWAY
COUNTY
WEST
LANSDOWNE
JOSHUA
HALETHORPE
WESTINGHOUSE PLANT
CEMETERY
C-SW C-SE
C-NW C-NE
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY SUCKART-HORN, INC. BALTIMORE, MD. 21210
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Chairman, County Council
SCALE
1" = 200'=
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
HALETHORPE
SHEET
S-W
S-C
DRAWING NUMBER
SW 5-C


ML-IM
MLR-IM
BR
BR-IM
BR-AS
ML-AS
BM
BL
D.R.5.5
D.R.16
WESTINGHOUSE PLANT
WEST LANSDOWNE
LANSDOWNE
CATON HEIGHTS
JOSHUA
BALTIMORE
BELTWAY
SOUTH
CEMETERY
G-SW G-SE
C-NW C-NE
1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 2, 1996
Bills Nos. 125-96, 126-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kevin Kamenetz
Chairman, County Council
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY RICHART-HOWE, INC. BALTIMORE, MD. 21210
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP
SCALE
1" = 200'
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
HALETHORPE
SHEET
S.W.
S-C
DRAWING NUMBER
SW 5-C

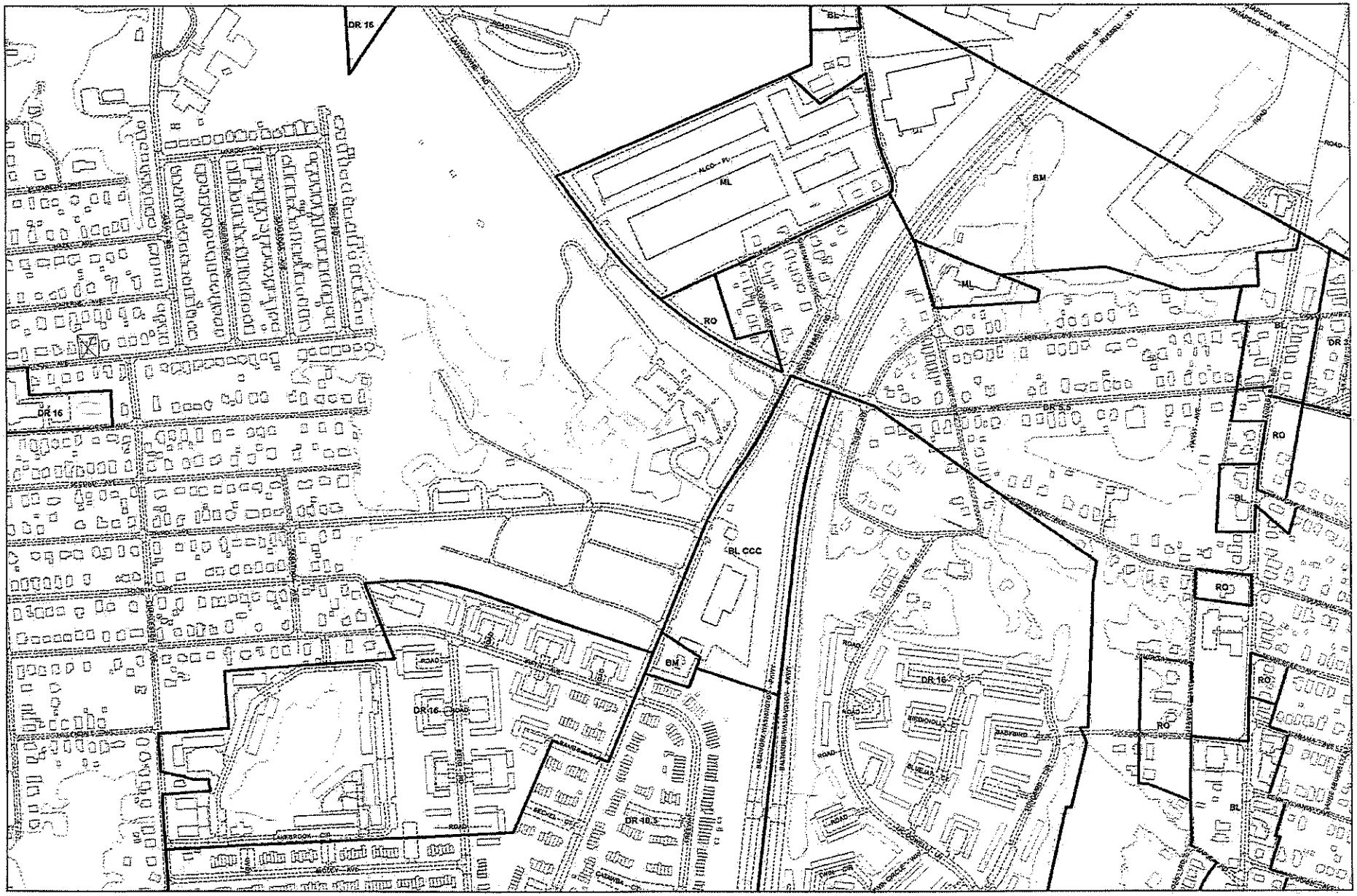
G-SW G-SE
C-NW C-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21215

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	HALETHORPE	S.W. 5-C
DATE OF PHOTOGRAPHY JANUARY 1986		

SW 5C



Plan Sheet: *109B1*

Note:
The zoning depicted in this application reflects all the actions associated with County Council Bills 32-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

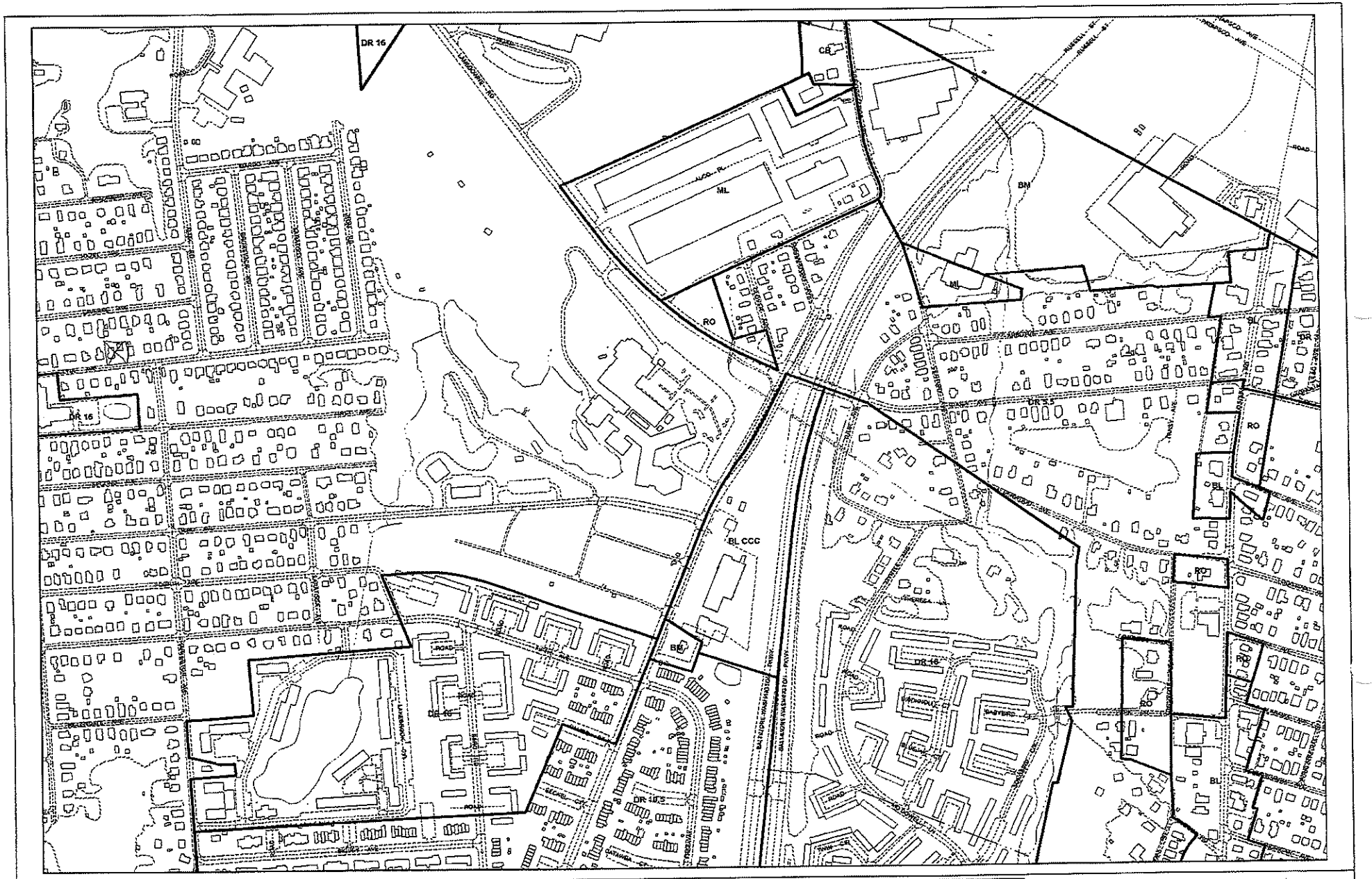
Baltimore County
Office of Planning and Zoning
Official Zoning Map

109C2	102A3	102B3	
109C1	109A1	109B1	103C1
108C2	109A2	108B2	109C2

Scale
1" = 200'
0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
GBTGIS Services LLC
1:2400, from 1999/00 photography
Zoning - Baltimore County, Office of Planning
1:2400, 2004



Plan Sheet: *109B1*

Note
The zoning depicted on this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31 2008

Legend

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

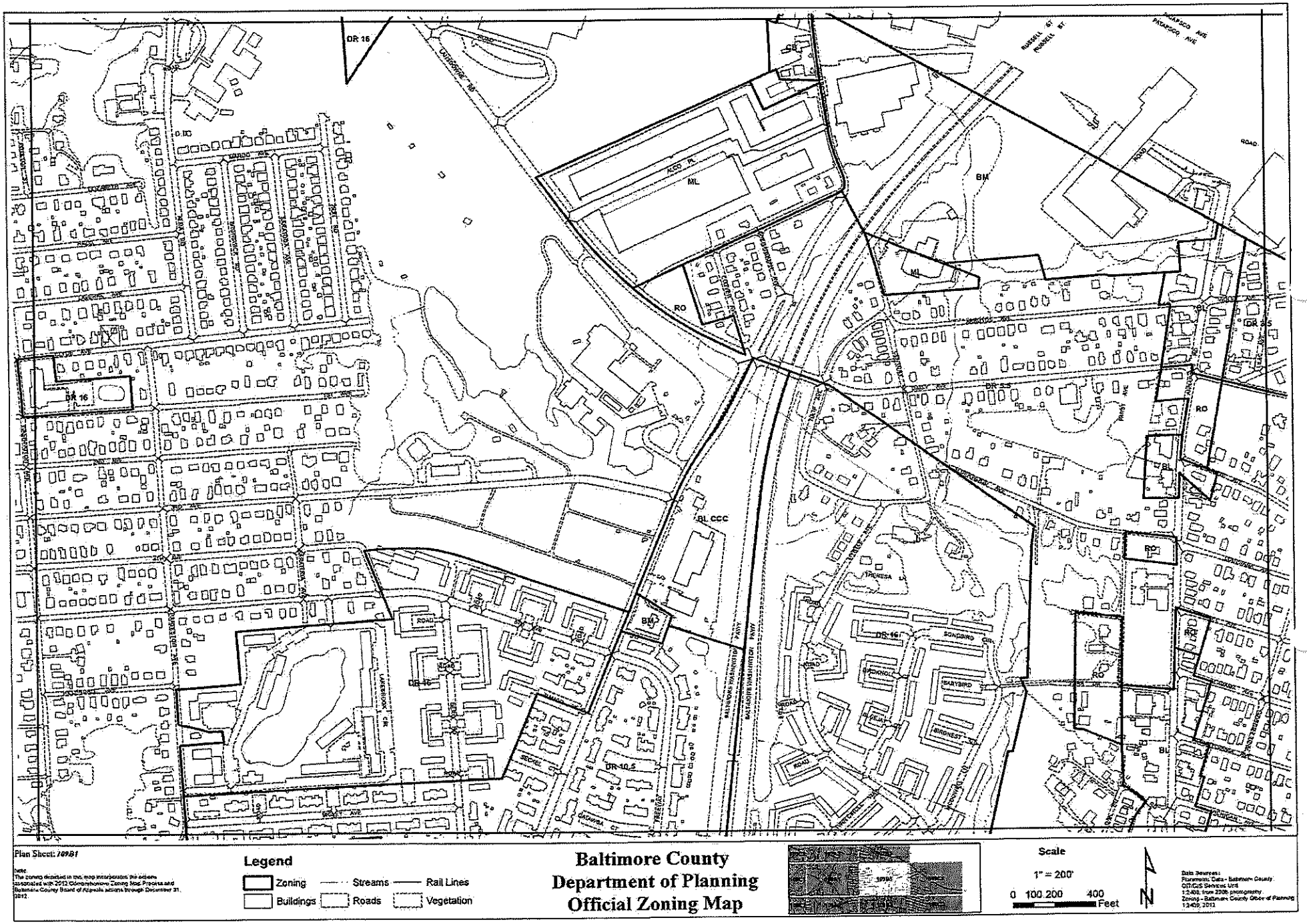
Baltimore County
Office of Planning and Zoning
Official Zoning Map

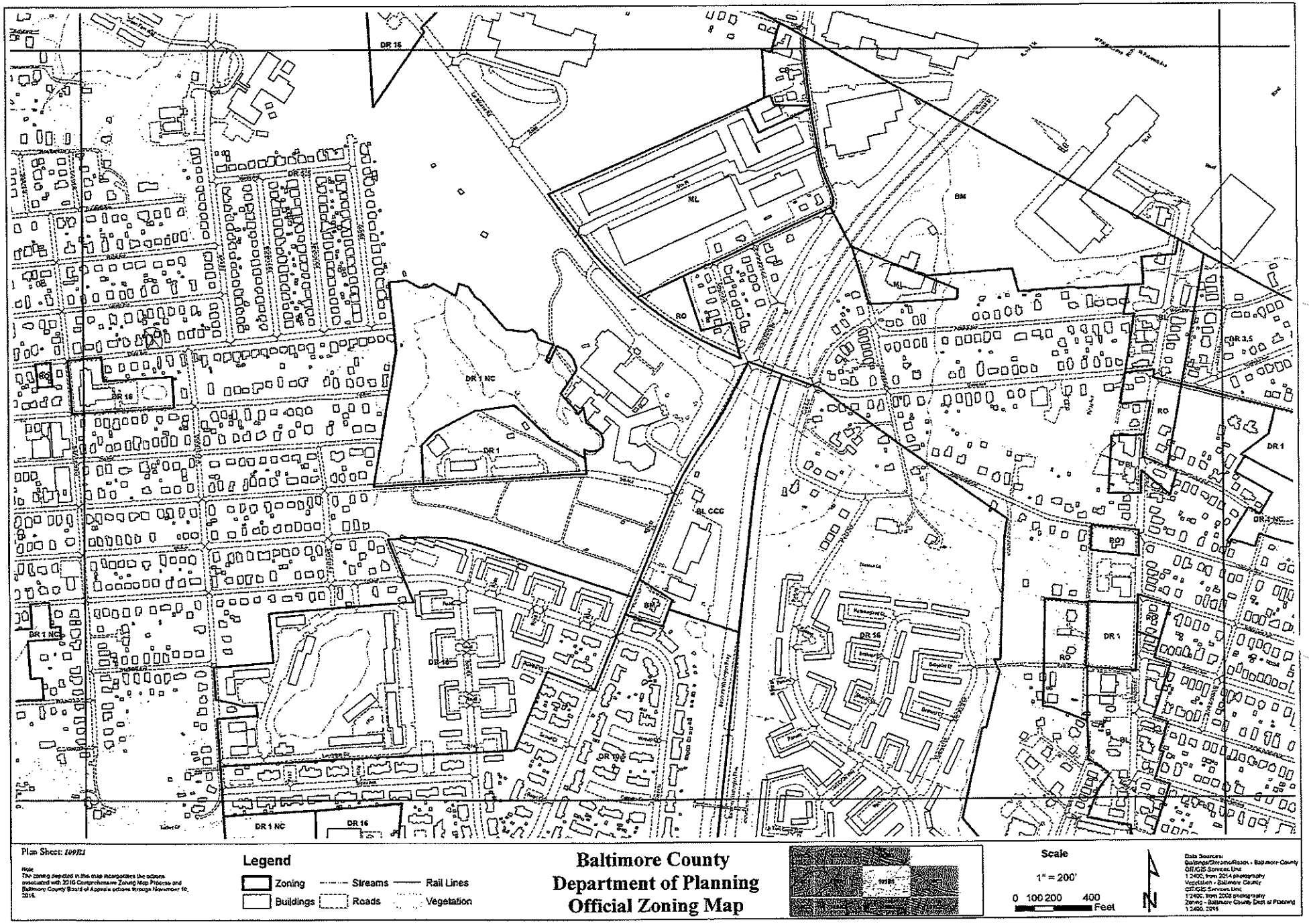
101C3	102A3	102B3	
109C1	109A1	109B1	109C1
109C2	109A2	109B2	109C2

Scale
1" = 200'
0 100 200 400 Feet

N

Data Sources:
Parametric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008


Plan Sheet: 109B1
Legend
Zoning
Streams
Rail Lines
Buildings
Roads
Vegetation
Baltimore County
Department of Planning
Official Zoning Map
Scale
1" = 200'
0 100 200 400
Feet
N


DR 16
ML
BM
RO
DR 1 NC
DR 1
BL CCG
DR 3.5
BL
DR 2 NC
Plan Sheet: 109E1
Note:
The zoning depicted in this map incorporates the actions associated with 2016 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through November 16, 2016.
Legend
Zoning
Buildings
Streams
Roads
Rail Lines
Vegetation
Baltimore County
Department of Planning
Official Zoning Map
Scale
1" = 200'
0 100 200 400
Feet
N
Data Sources:
Baltimore County Department of Planning
1:2400, 2014
1:2400, 2008
1:2400, 2016

Received this day from Zoning Office

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

INDEX

People's Counsel ALJ Exh. 2

January 2, 1975

ADOPTED BY THE COUNTY COMMISSIONERS
OF BALTIMORE COUNTY,
Enabling Acts of the General Assembly of Maryland:

Session of 1941, Chapter 247

Session of 1943, Chapter 877

Session of 1945, Chapter 502

Session of 1947, Chapter 915

CHRISTIAN H. KAHL,
President

JOHN R. HAUT

BREMEN A. TRAIL
County Commissioners
of Baltimore County

Codified Sept. 1, 1948 by

CHAS. H. DOING
Zoning Commissioner of Baltimore County.

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot asthe building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

"A" Residence Zone - - - (Cottage)
"B" Residence Zone - (Semi-detached)
"C" Residence Zone - - (Apartment)
"D" Residence Zone - - - (Group)
"E" Commercial Zone.
"F" Light Industrial Zone.
"G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.

2. Dwelling, single family.

3. Dwelling, two-family.

4. Farming and buildings incidental thereto.

5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.

7. Public park or playground.

8. Public building.

9. Public water works reservoir.

10. Trailer, one unoccupied, for storage only.

11. Tourist home.

12. Truck garden.

13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:

(a) Any accessory building when located not less than 60 feet from front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.

(b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.

14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.

B. Height Regulations: No building shall exceed a height of forty feet or three stories.

C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:

1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.

2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.

3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.

4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

5. No portion of an alley shall be considered as any part of any side or rear yard.

6. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural right-of-way.

SECTION IV—"B" RESIDENCE ZONE

A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations:

2. Children's Home.

3. Dwellings—semi-detached.

4. Fraternity or Sorority House.

5. Orphanage.

6. Tea Room, when operated as a home occupation.

B. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.

C. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

SECTION V—"C" RESIDENCE ZONE

A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in the "B" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section IV-A.

2. Apartment house.

3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street line except when contained within the main building and provided further that any accessory building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.

B. Height Regulations: Building height unlimited.

C. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:

1. Lot Area Per Dwelling Unit. Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.

2. Front Yard: Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, except apartment buildings shall set back to provide for a front yard of not less than 55 feet in depth, measured from the center of the front street, in no case less than 25 feet from the front lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.

BALTIMORE COUNTY

ZONING REGULATIONS

ADOPTED BY

COUNTY COMMISSIONERS

OF

BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section 532 (c) of the Code of Public Local Laws of Baltimore County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

People's Counsel ALJ Exh. 3

BALTIMORE COUNTY ZONING REGULATIONS

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ARTICLE 3—

Excepton to Height and Area Requirements

ARTICLE 4—

Special Regulations

per cent of the lots may have an area less than 10,000 square feet (see Section 304).

208.2—Front Yard—For dwellings, the front building line shall be not less than 30 feet from the front lot line and not less than 55 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—50 feet from the front lot line and not less than 75 feet from the center line of the street, except as specified in Section 303.1.

208.3—Side Yards—For dwellings, 10 feet wide for one side yard and not less than 25 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 30 feet from the side lot line and not less than 55 feet from the center line of the street; for other principal buildings—20 feet wide, except that for a corner lot the building line along the side street shall be not less than 35 feet from the side lot line and not less than 60 feet from the center line of the street.

208.4—Rear Yard—30 feet deep.

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R. 40 Zone;

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R. 10 Zone, except sanitary landfills and trailer parks which are not permitted (see Sections 270 and 502).

Section 210—HEIGHT REGULATIONS:

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1 — Lot Area and Width — Each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than

10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304).

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3 — Side Yards — For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

IN RE: **PETITION FOR SPECIAL HEARING** **(14721 Manor Road)** 10th Election District 3rd Council District Jacqueline R. Frank, *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2019-0437-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of Jacqueline R. Frank, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 104.1 of the Baltimore County Zoning Regulations ("BCZR") to approve a nonconforming apartment building use (i.e., three-apartment/dwelling units) on the subject property. A site plan was marked and admitted as Petitioner's Exhibit 1.

This matter was heard on two dates, November 15, 2019 and July 21, 2020. Due to the COVID-19 pandemic, a public WebEx hearing was conducted for the second date in lieu of an in-person public hearing. Jacqueline R. Frank appeared in support of the petition. Lawrence E. Schmidt, Esq. represented the Petitioner. A number of neighbors and citizens attended the hearing as protestants, and their names are listed on the sign-in sheet. At the second hearing, Mr. Schmidt continued to represent the Petitioner. Protestants included Rebecca Heyman Magaziner, Esq., Steven Weinberg and John Raley. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS"). Neither agency opposed the request.

The subject property is 1.410 acres in size and zoned RC-5. The law as regards non-conforming use is clear and well settled. As stated in Petitioner's Memorandum:

> "A non-conforming use is a 'grandfathered' use. The BCZR recognizes that some uses of land are not permitted under a property's existing zoning classification but that those uses pre-date the date when the zoning classification/regulation prohibiting the use became applicable. A valid and lawful nonconforming use is established if the owner can demonstrate that *before and at the time* of the adoption of a new zoning classification/ordinance, the property was being used in a lawful manner that, by later legislation, became non-permitted. *Trip Assoes., Inc. v. Mayor and City Council of Baltimore*, 392 Md. 563, 569 (2006).
>
> In Baltimore County, the law regarding nonconforming uses is set forth in Section 104.1 of the BCZR, which provides:
>
> A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate." (Emphasis Added)

The burden of proving the existence of a lawful nonconforming use falls upon the party asserting that claim. *County Comm'rs of Carroll County v. Uhler*, 78 Md. App. 140 (1989). Nonconforming uses are disfavored and the goal of zoning is to eliminate nonconforming uses through "economic attrition and physical obsolescence." *Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259, 268 (1982).

The two questions to be resolved in this matter: (1) Whether or not the use of the subject property existed prior to the inception of a zoning regulation prohibiting that use; and (2) If so, whether that use continued interruptedly and was not abandoned or discontinued for a period of one year or more.

As to the first issue, People's Counsel makes a concerted effort to establish the date of the applicable zoning regulations which prohibit the Petitioner's use as far back as 1945. He bases his contention primarily on a memorandum supplied by Mr. Perlow of the Baltimore County Office of Zoning Review. I have reviewed Mr. Perlow's memo. I agree with Petitioner's counsel that the map of the sixth zone set out in the 1945 zoning is illegible, and of no probative use. Mr. Perlow notes that there are no maps for the 1955 – 1971 era, when regulations were promulgated. Based on the date of purchase by the Petitioner and testimony as to the creation and use for three apartments; and the requirements of the applicable zoning regulations prior to 1971, I find that the applicable date for this inquiry is in fact 1971, which would "grandfather" the use. Earlier regulations appear to have allowed one-family as well as two-family homes. There was no limitation of only one such structure on the property.

Testimony of all of Petitioner's witnesses and even some of the Protestants, establish that there are two structures on the property; namely one with two apartments and one with an apartment over a separate garage.

Having determined that the zoning regulations of 1971 are operative in this case, Petitioner's greater problem is establishing that the nonconforming use has continued uninterruptedly since before 1971. On the first day of the hearing, Mitchell Kellman, a land planner for Daft, McCune & Walker, appeared on behalf of the Petitioner and was accepted as an expert witness in land planning and the Baltimore County Zoning Regulations. He described the property as, in fact, having two buildings with the primary structure being built in 1898. He stated that he reviewed the land records provided by the State Department of Assessments and Taxation and testified that since 1965 two families, the Lintz's, and since 1983, the Frank's, have owned the property.

In response to questions from Protestants, the witness acknowledged that Mr. Frank was deceased and that none of the deeds described the residence as a two-family unit, nor that there was a residence over the garage.

Petitioners Counsel proffered testimony on behalf of Mrs. Frank that she would testify that since she had been living on the property, the two apartments in the main house and the apartment over the garage had been rented continuously. She further stated that Mr. Lintz, the previous owner, told her that the three apartments had been continuously rented since 1966 and that he had three separate meters installed by Baltimore Gas and Electric ("BGE") when the barn was built and the third apartment was created. Finally, he proffered that she would also testify that her late husband had managed the property until his death. Unfortunately, she acknowledged that she had "cleaned out his papers" after his demise.

Cynthia Wates-Balog testified that the main house had two separate entrances, separate kitchens and two bedrooms each.

At this point, counsel for the Petitioner requested a continuance of the hearing in order to obtain from BGE any records related to the three meters on the property. He stated for the record that he had been unsuccessful to that time in obtaining a response to his requests. He was granted the continuance. Unfortunately, the continuance was initially granted until February 28, 2020. Thereafter, while arranging a new date acceptable to all parties, matters were significantly delayed as a result of the COVID-19 pandemic. With the partial reopening of County departments, including the establishment of virtual hearings for the OAH, a hearing date was set for July 21, 2020.

A word needs to be said at this point regarding objections raised by some Protestants and People's Counsel as to the presentation not only of BGE records but of additional testimony and

evidence by counsel for the Petitioner in the July 21, 2020 hearing. The OAH, being administrative in nature, is not bound to the rigid rules of evidence found in the District or Circuit Courts. Rather, I believe that our hearings are a search for the truth and proper determination of matters before us. To that end, I allowed additional evidence and testimony to be presented.

The deed to Mr. Lintz dated in 1958 was presented, to establish clearly the ownership of the Lintz family through Mrs. Frank for some 62 years. A letter to Mrs. Frank from BGE set out that a "PS" meter was installed on the property in 1966. However, no documentation from BGE was presented to establish that three separate meters were installed (one for each apartment); nor were any bills or statements for separate electric service to the three apartments provided.

Howard Lintz, son of the owner previous to the Franks, was presented as a witness by the Petitioner. Counsel also submitted an affidavit signed by the witness, dated July 8, 2020. Mr. Lintz testified that he and his wife moved into one of the two apartments in the main house in 1968. He further stated that they moved out in 1977, but that while they lived there, a second tenant occupied the other apartment. He added that the third apartment over the barn was also continuously occupied while he and his wife resided on the property. He noted that he was still familiar with the property, having moved only a short distance away; and related that he often sees multiple cars in the driveway.

In response to questions posed by Protestants, he acknowledged that he couldn't tell who owned the cars; and that he "assumed" they belonged to residents of the three apartments. He conceded that he has no personal knowledge concerning the site since he moved out. He also stated that he received his own BGE bill while residing on the subject property, but never handled any business records for his father.

Upon questioning by Mr. Zimmerman, Mr. Lintz stated that "since he was five years old, a 'handyman' or tenant always resided in the apartment over the garage" (the barn). He recalled that his parents always had leases for their tenants (including him); although he doesn't now have a copy of his lease. Finally, he recalled a tenant who lived there from 1970 to 1977, but that after that date, he acknowledged that he had no direct connection with the property.

Kristine Derkach testified that she lived in the upstairs apartment from 1999 to 2016 and for a short period of time in 2017 in the apartment over the garage. She recalls that during that time someone lived in the other apartment and that, when she was in the main house the apartment over the garage was also occupied.

She recalled that there were two BGE meters on the house and one on the barn (or garage?) apartment. She related that she had a signed lease and her own separate BGE bill. Finally, she stated that, throughout her tenancy, she believes all apartments were occupied.

Steven Weinberg, who lives across the street from the subject property, offered a photo which suggests, along with his personal knowledge, that the main house "over the past year" is dark and that there is visible construction debris. He stated that to his knowledge, not all of the three units have been rented for most of the year. In response to a question from Petitioner's counsel, he did acknowledge that there had been a County's zoning violation that was issued on the property in 2019.

Mr. Weinberg's comment of no occupancy for "a year or so" calls for a comment. As Petitioner's counsel points out in his Memorandum, the subject property was cited on July 25, 2019 for "failure to cease illegal conversion of dwelling, failure to convert dwelling back to a single family residence". By an Order dated August 14, 2019, the Petitioner was fined $6,000. A notice of the fine also stated, "Please note that the Administrative Law Judge's Final Order requires

you to correct within seven days the violation detailed in the Citation." The Order and notice placed the Petitioner in a true "rock or hard place" position. If she continued to rent the three units, she would be in continuing violation of the Order and subject to further fines. If she ceased renting the apartments pending this special hearing case, the "one-year abandonment" could be tolled against her. It should be noted that the Petitioner, a senior citizen with some cognitive issues, failed to appear at the violation hearing. Therefore, no evidence supporting or contradicting the violation was presented; neither was there a "finding" based on any evidence as to the violation. As the judge who solely hears the code enforcement violation dockets for the past ten years, I must note that, even if I found the Petitioner in violation, I would likely have stayed any further citations or need to remove any tenants pending the result of the special hearing case on the site's nonconforming status. Therefore, I cannot in good conscious count the period from August 14, 2019 to the present against the Petitioner.

Having so stated, the question is whether or not there has been an abandonment or discontinuance of the nonconforming use under Section 104.1 of the BCZR. As set out above, the burden is completely upon the Petitioner to prove that there was no fatal interruption in the nonconforming use. As a nonconforming use is disfavored under the zoning regulations, the burden to establish that a nonconforming use should be allowed to continue must be strictly construed against the Petitioner.

Unfortunately in this case, that burden is problematic for the Petitioner. I believe there is sufficient testimony to support the existence of three apartments on the subject property. I also believe that, based on the testimony of Mr. Lintz and Ms. Derkach there is sufficient testimony to establish that BGE installed meters and sent statements to individual tenants. However, there is little support for the premise that the three tenant nonconforming use has continued without

interruption since its inception. There is the proffered testimony of the Petitioner and there are "assumptions" and "beliefs" by the Petitioner's witnesses. Even if their testimony is to be believed, Mr. Lintz can only testify as to the period of 1968 to 1977 and Ms. Derkach the period from 1990 to 2018. There are therefore significant caps not addressed by any of the Petitioner's witnesses.

Finally, as each of the Protestants Memoranda point out, there is no supporting documentary evidence presented by the Petitioner in support of her case. Other than the letter from BGE as to the "PS" meters, there are no copies of leases or BGE statements and bills to support Petitioner's claim. Likewise, there are no tax returns showing rental income and expenses. Finally, even though Baltimore County has required rental licenses for a number of years, Petitioner never requested any licenses nor were any licenses ever issued by Baltimore County for any of the three apartments.

I come therefore to the conclusion that the Petitioner has not met her significant burden of establishing that there has been no discontinuance or abandonment of the property's nonconforming use as set out in Section 104.1 of the BCZR.

THEREFORE, IT IS ORDERED this 3rd day of **September, 2020** by this Administrative Law Judge, that the Petition for Special Hearing to approve a nonconforming apartment building use (i.e., three-apartment/dwelling units) on the subject property, be and is hereby DENIED.

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

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:dlw

IN RE: **PETITION FOR SPECIAL HEARING** **(14721 Manor Road)** 10th Election District 3rd Council District Jacqueline R. Frank, *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2019-0437-SPH**

* * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of Jacqueline R. Frank, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 104.1 of the Baltimore County Zoning Regulations ("BCZR") to approve a nonconforming apartment building use (i.e., three-apartment/dwelling units) on the subject property.

By Opinion and Order dated September 3, 2020, the undersigned denied the Petition for Special Hearing.

On October 1, 2020, Lawrence E. Schmidt, Esq., counsel for Petitioner, filed via e-mail a timely Motion for Reconsideration of the September 3, 2020 Opinion and Order.

In addition, Peter Max Zimmerman, People's Counsel for Baltimore County, filed via e-mail an Answer to Petitioner's Motion for Reconsideration on October 9, 2020.

I have reviewed the Motion for Reconsideration filed on behalf of the Petitioner and the response of the People's Counsel for Baltimore County. I find nothing in the Motion to Reconsider that would justify altering my finding that there was a failure to prove to my satisfaction that there

had been no discontinuance of the property's use as set out in Section 104.1 of the BCZR. The burden rests upon the Petitioner and she has not met that burden, for the reasons set forth in my Opinion and Order of September 3, 2020.

THEREFORE, IT IS ORDERED, this **13th** day of **October, 2020** by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration, be and is hereby DENIED.

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

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:dlw

File

Baltimore County, Maryland

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October 20, 2020

SENT VIA EMAIL
Paul M. Mayhew, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Shreyus Panchigar – Legal Owner/Petitioner
248 Clyde Avenue
Case No.: 2020-207-SPH

Dear Judge Mayhew,

Petitioner is Shreyus Panchigar of 2926 W. Almondbury Avenue in Pasadena, Maryland. The petition for special hearing asks to legitimize a garage as a nonconforming use for a second dwelling at 238 Clyde Avenue in Lansdowne. The zoning classification is D.R. 5.5. This allows just one dwelling on a lot.

The site plan lists the net area as .20 acre, or 8799 square feet. There is an existing 2-story dwelling which appears to scale over 1200 square feet per story with a pool to its rear. The focus of the petition is a separate garage, listed as 2 stories (but does not look so high), which scales close to 900 square feet ground coverage. We enclose Google Earth photos.

The property fails to satisfy the area requirements for two dwellings in the D.R. 5.5 Zone. There are required 6000 square feet per lot. BCZR Sec. 1B02.3.C. It is noteworthy that the dwelling itself does not conform to the applicable setback requirements: front yard, 16 feet in lieu of the required 25, and side yard 9 feet in lieu of 10. As to the garage, if it were a dwelling, it would compound the setback deviations: 20 feet rear yard in lieu of 30.

The enclosed SDAT Real Property Data states the principal structure dates from 1900. The transfer information indicates that Petitioner acquired or recorded acquisition on or about August 5, 2020. The property apparently was in the Healey family from 1988 to 2020.

The site plan does not show any zoning case history. There is no record of any previous request to determine any nonconforming use. In this context, it appears incongruous at the outset that a new owner would precipitate a nonconforming use case, which requires convincing proof of a consistent and extensive past history.

* * *

A petition for a special hearing via BCZR Sec. 500.7 effectively requests a declaratory judgment. Antwerpen v. Baltimore County 163 Md. App. 194, 209 (2005). To assist with the review of nonconforming use petitions, it is often helpful to review the zoning history.

Baltimore County enacted its first comprehensive zoning map in 1945. See Kahl v. Consolidated Gas. Electric Light, and Power Co. 191 Md. 249 (1948). Upon inquiry from our office, Jeffrey Perlow of the zoning staff provided the enclosed history.

In 1945, the property was classified as "A" Residence. The 1955 comprehensive revision of regulations and maps led to classification in the R-6 Zone. We enclose the pertinent regulations for the "A" Residence Zone, Sec. III (1945) and R-6 Zone, Sec. 209 (1955). As we read these past zones, they allowed single-family and two-family dwellings, but not separate apartments.

Then came Bill 100, 1970, which replaced the R Zones with the D.R. Zones, which focus on density. The ensuing 1971 countywide comprehensive zoning map reclassified the property to D.R. 5.5. Generally speaking, this zone succeeded the R-6. See current BCZR Secs. 100.1.A.2, 100.3.A. There is no dispute that the D.R. 5.5 Zone does not allow a separate apartment.

Given this history, Petitioner must prove that the property was used for two dwellings, including the garage as an apartment, at least since before January 2, 1945. Petitioner must also show that these uses have existed since then continuously, that is to say, without discontinuity for a year.

The burden of proof is on the Petitioner. The law is construed strictly against nonconforming uses, which the law intends to disappear. Prince George's County v. E.L. Gardner 293 Md. 259, 267-70 (1982); Purich v Draper Properties 395 Md. 694, 708-22 (2006); Canada's Tavern v. Town of Glen Echo 260 Md. 206 (1970).

In sum, substantively, resolution of the present nonconforming use issue depends on the aforesaid law as applied to the facts presented at the hearing. That will be a mixed factual/legal determination. Petitioner must show there was a legal use for two such dwellings prior to 1945 and if so, that use has continued without any 1-year interruption until the present.

* * *

We participated recently in another zoning petition for approval of nonconforming apartment use. On September 3, 2020, Administrative Law Judge Lawrence Stahl denied the petition in Case No. 2019-0437, 14721 Manor Road, Jacqueline Frank, Petitioner. It is enclosed.

Petitioner and/or her late husband had owned the property since the 1980s. She produced witnesses, including a member of the family which had previously owned the property. Nevertheless, their testimonial evidence was unconvincing, incomplete, and sparse.

Significantly, Petitioner failed to produce any leases, tax records, financial records of any kind, rental licenses, permits, correspondence or other documents normally expected to occur in apartment use. Anomalously, Petitioner obtained a BGE PS Meter from 1966, which turned out not necessarily to reflect apartment use.

We argued that Petitioner's failure to produce documents which a party would normally be expected to have in their possession virtually disqualified the petition. Here is what we wrote in our memorandum,

> "The Court of Appeals held it a confession of untruth where a party fails to produce or withholds records on matters where they would be expected to have it within their power to produce. The Court wrote in Turner's Executor v. Turner 98 Md. 22 (1903),
>
> > "The proposition is applicable with especial force in this case, against the defendant Joseph Turner, because the books of the firm are shown to have been left, upon its dissolution, in his possession, and under his control, and he has failed to respond to the demand for their production.
> >
> > * * *
> >
> > Such conduct has been repeatedly held by this court to raise a strong presumption against the party who withholds the evidence which he has it in his power to produce, and has even been held to amount to a confession of the untruth of the allegations which he thus fails to support." Citations omitted.
>
> Radin v. Supervisor of Assessments 254 Md. 294, 300-02 (1969) applied this law against a company whose witnesses failed to produce relevant records. P.C. Exh. 11.

ALJ Stahl identified Petitioner Frank's failure to produce such relevant documents as an important factor in his decision.

In this context, we cited Baltimore County rental housing license legislation, which covered the three apartments. Bill 87-07; County Code Article 35, Title 6. It also covers the two-apartment situation. Sec. 35-6-103.

The approved licenses are posted on the county Rental Housing Registration website. As in the Frank case, we checked and could find no licenses identified for 248 Clyde Avenue. Unless Petitioner can prove consistent compliance with the rental license law, this alone may disqualify the petition. The reason is that the BCZR Sec. 2101.1 definition of nonconforming use refers to "A legal use that does not conform …." Emphasis supplied.

We bring this up to emphasize the importance here for Petitioner Panchigar to produce sufficient documents to establish or corroborate historic apartment use.

Separately, ALJ Stahl did not believe that the "A" Residence Zone (1945-55) and R-6 Zones (1955-71) were clear enough to count. Therefore, he viewed the baseline as 1971. We believe these zones are clear enough and do not allow separate apartments. Furthermore, the R-6

Zone was not so particular for rural areas as for properties in the more urban or suburban areas such as Lansdowne. Therefore, we still maintain 1945 is the relevant baseline.

It is noteworthy that Petitioner Jacqueline Frank filed a motion for reconsideration. ALJ Stahl denied it on October 13, 2020. His Order is enclosed. Whether or not the case is appealed, we believe the decision provides additional context.

* * *

To be sure, it is an overwhelming, if not impossible, task for a petitioner to prove the continuous existence of a nonconforming use for so many decades. But this follows from the premise that the law intends for nonconforming uses to disappear. It behooves owners of properties who seek to establish nonconforming uses to file the appropriate petitions with reasonable timeliness after an adverse zoning change.

We appreciate your careful consideration of these matters of public interest.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: SENT VIA EMAIL
Patrick Richardson, Representative for Petitioners
Carl Richards, Zoning Supervisor
Jeff Perlow, Office of Planning
Peter Gutwald, Director of Planning
Jennifer Nugent, Office of Planning


Untitled Map
Write a description for your map.
Legend
REFUGE
Google Earth
© 2020 Google
8.70 ft
N


Untitled Map
Write a description for your map.
Legend
248 Clyde Ave
PATUXENT RESEARCH REFUGE
Google Earth
© 2020 Google
80 ft
N

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District - 13 Account Number -** 1313400020

Owner Information

Owner Name:	PANCHIGAR SHREYAS	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2926 W ALMONDBURY DR PASADENA MD 21122-	**Deed Reference:**	/43202/ 00001

Location & Structure Information

Premises Address:	248 CLYDE AVE 0-0000	**Legal Description:**	LT 187-191 PT 186 JOSHUA

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0109	0002	0357	13010009.04	0000		2	187	2019	Plat Ref:	0001/ 0144

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1900	1,426 SF	448 SF	8,800 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	3	1 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2019	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	65,200	65,200		
Improvements	105,800	117,300		
Total:	171,000	182,500	178,667	182,500
Preferential Land:	0			0

Transfer Information

Seller: HEALEY RUTH ANN	**Date:** 08/05/2020	**Price:** $150,001
Type: ARMS LENGTH IMPROVED	**Deed1:** /43202/ 00001	**Deed2:**
Seller: HEALEY CHARLES MICHAEL	**Date:** 05/22/2015	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /36215/ 00356	**Deed2:**
Seller: MALECKI DARRYL A	**Date:** 07/21/1988	**Price:** $86,400
Type: ARMS LENGTH IMPROVED	**Deed1:** /07922/ 00641	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

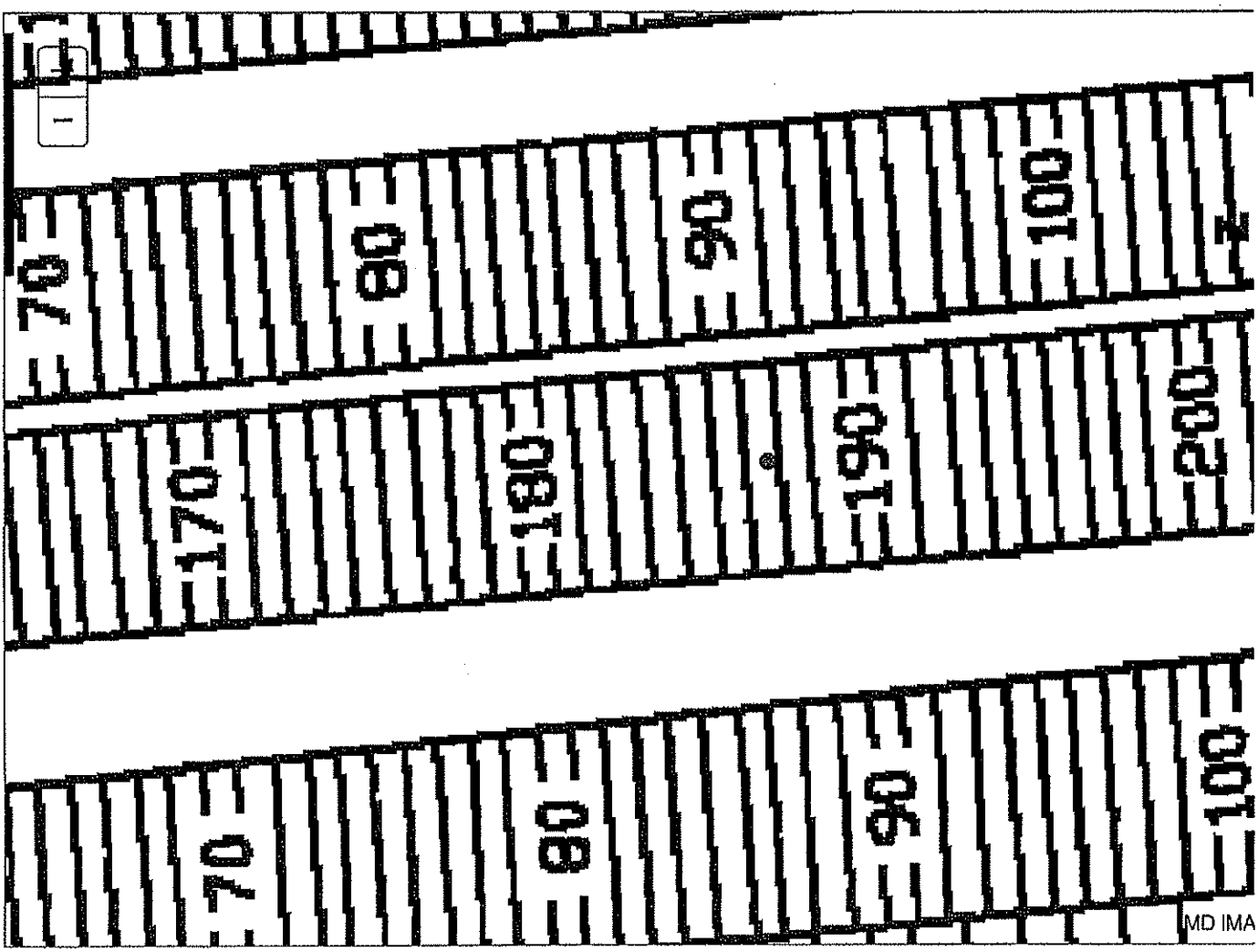
Homeowners' Tax Credit Application Status: No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Baltimore County

New Search (https://sdat.dat.maryland.gov/RealProperty)

District: 13 Account Number: 1313400020



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx).

Rebecca Wheatley

From: Jeffrey N Perlow
Sent: Tuesday, August 25, 2020 11:51 AM
To: Peoples Counsel; Rebecca Wheatley; Peter Max Zimmerman
Cc: Carl Richards Jr
Subject: RE: Shreyus Panchigar - 248 Clyde Avenue - Case No 2020-207-SPH
Attachments: 1__109B1.pdf; 08_109B1.pdf; 200scale_109B1.pdf; 1945 Map 13th Dist Sections 1 & 2.pdf; 1960's_SW 5-C.pdf; 1971_SW 5-C.pdf; 1976_SW 5-C.pdf; 1980_SW 5-C.pdf; 1984 _SW 5-C.pdf; 1988_SW 5-C.pdf; 1992_SW 5-C.pdf; 1996_SW 5-C.pdf; 2000_SW5c.pdf; 2012_200scale_109B1.pdf

Rebecca,

Attached are the Zoning Maps from 1945 through 2016. The location of the subject property is circled in red on each map.

Jeff

-----Original Message-----
From: Peoples Counsel
Sent: Thursday, August 20, 2020 1:55 PM
To: Carl Richards Jr <CRichards@baltimorecountymd.gov>
Cc: Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: Shreyus Panchigar - 248 Clyde Avenue - Case No 2020-207-SPH

Mr. Richards,

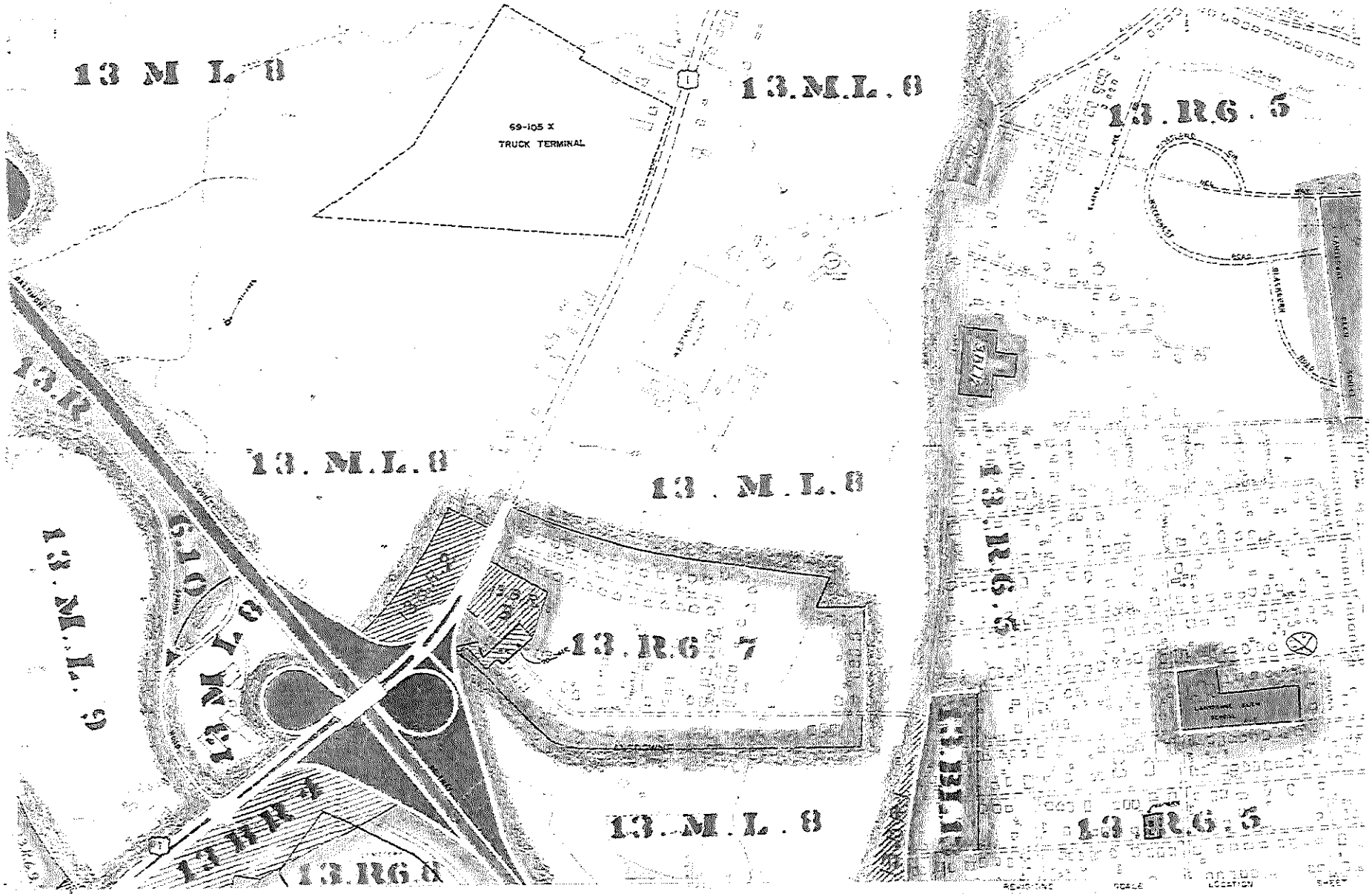
Our office kindly requests the complete zoning history for 248 Clyde Avenue . Please include copies of each four year map with the property highlighted.

The Tax Account number is 1313400020. The property is owned by Shreyus Panchigar. I have attached a copy of the petition for reference.

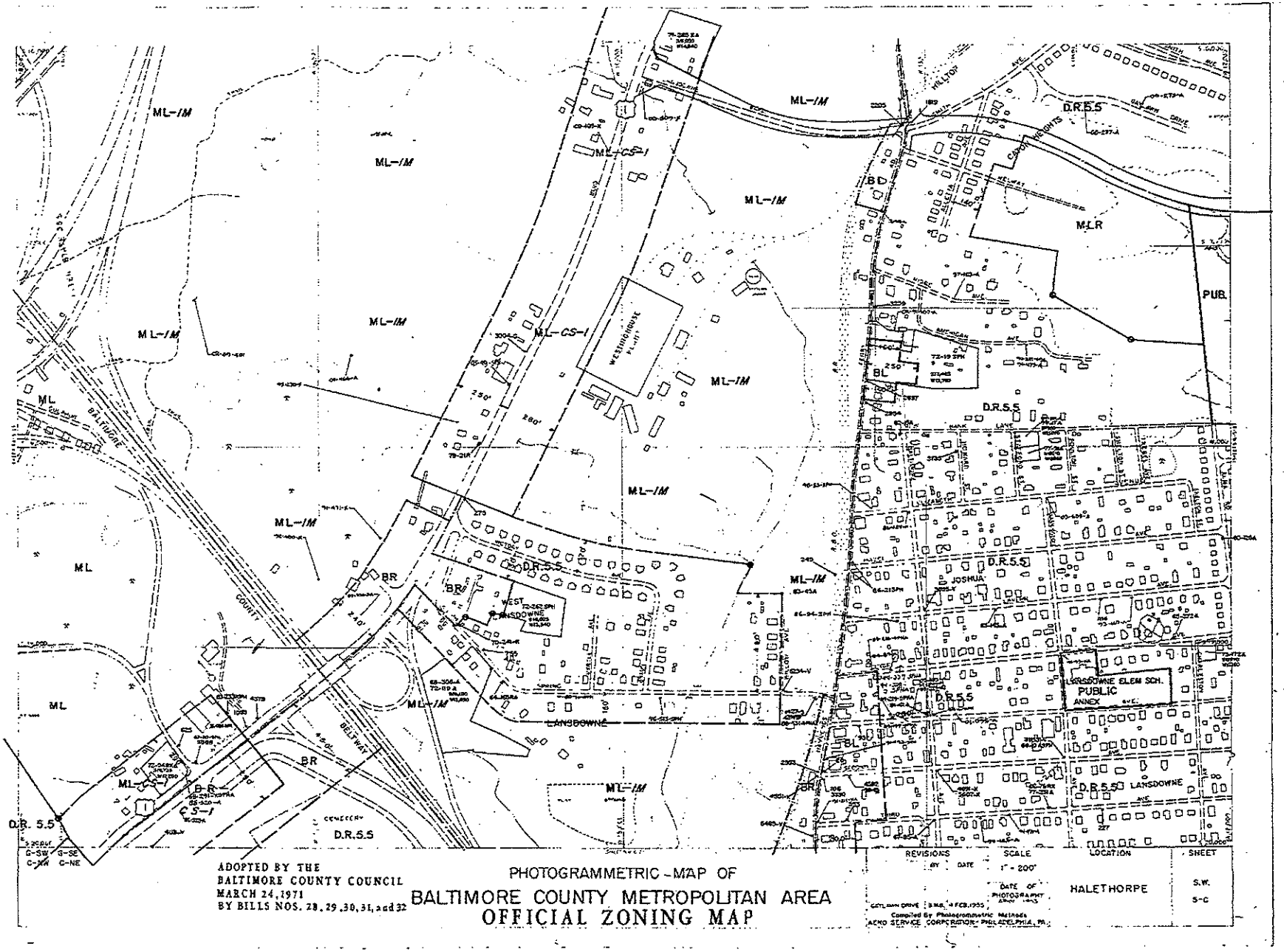
Please let me know if you need further information.

Thank you in advance for your consideration.

Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax

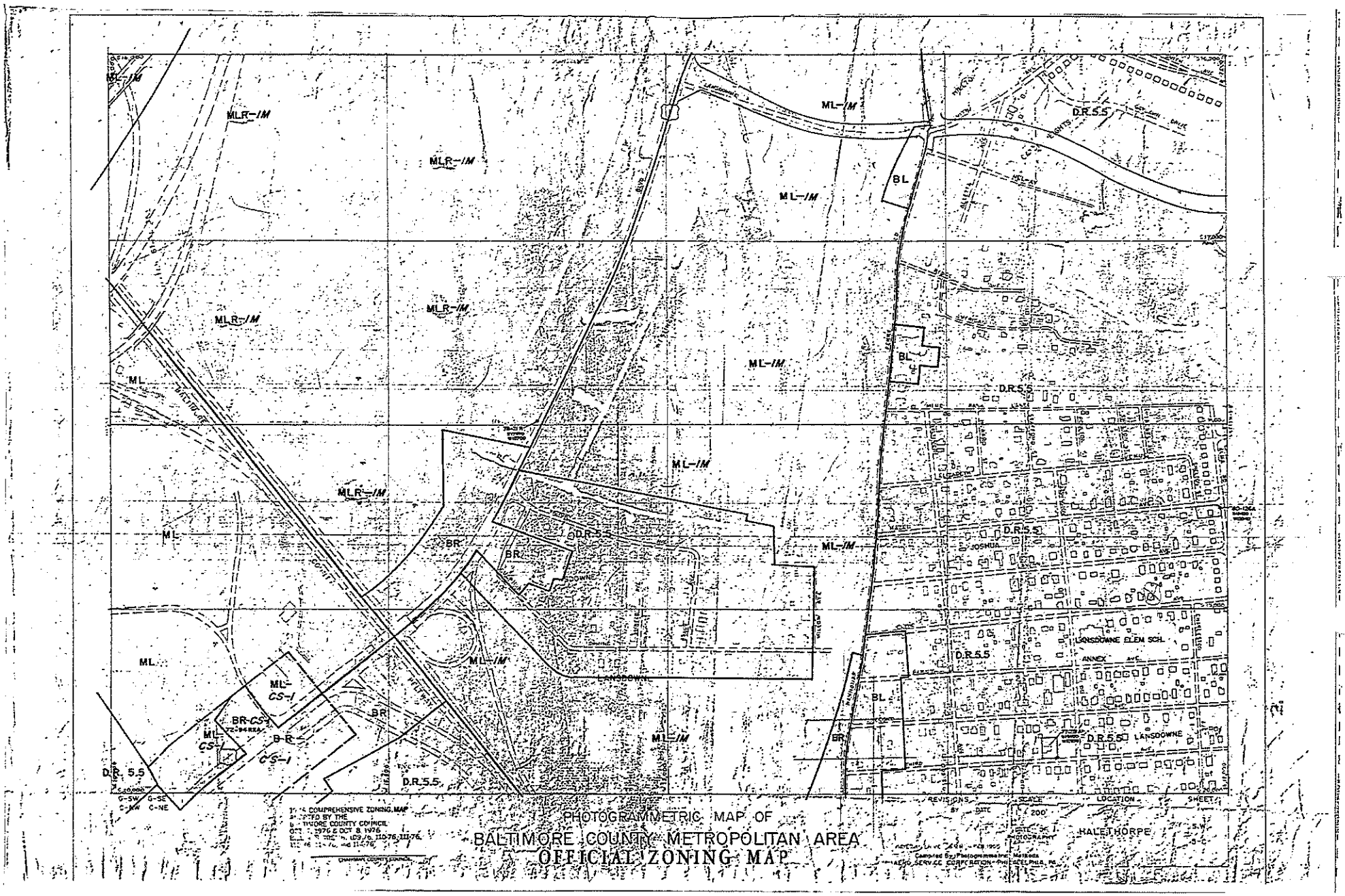


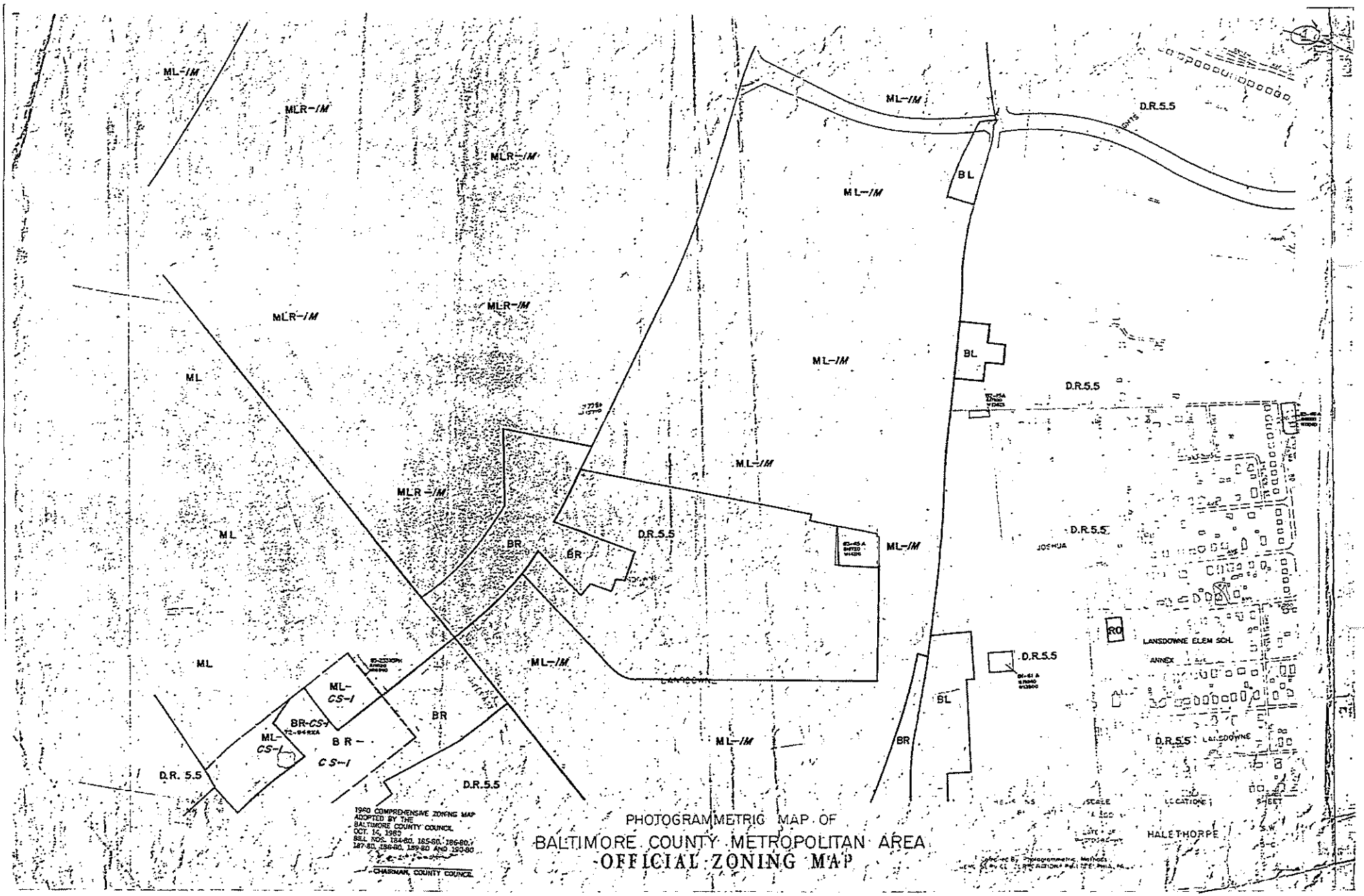
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

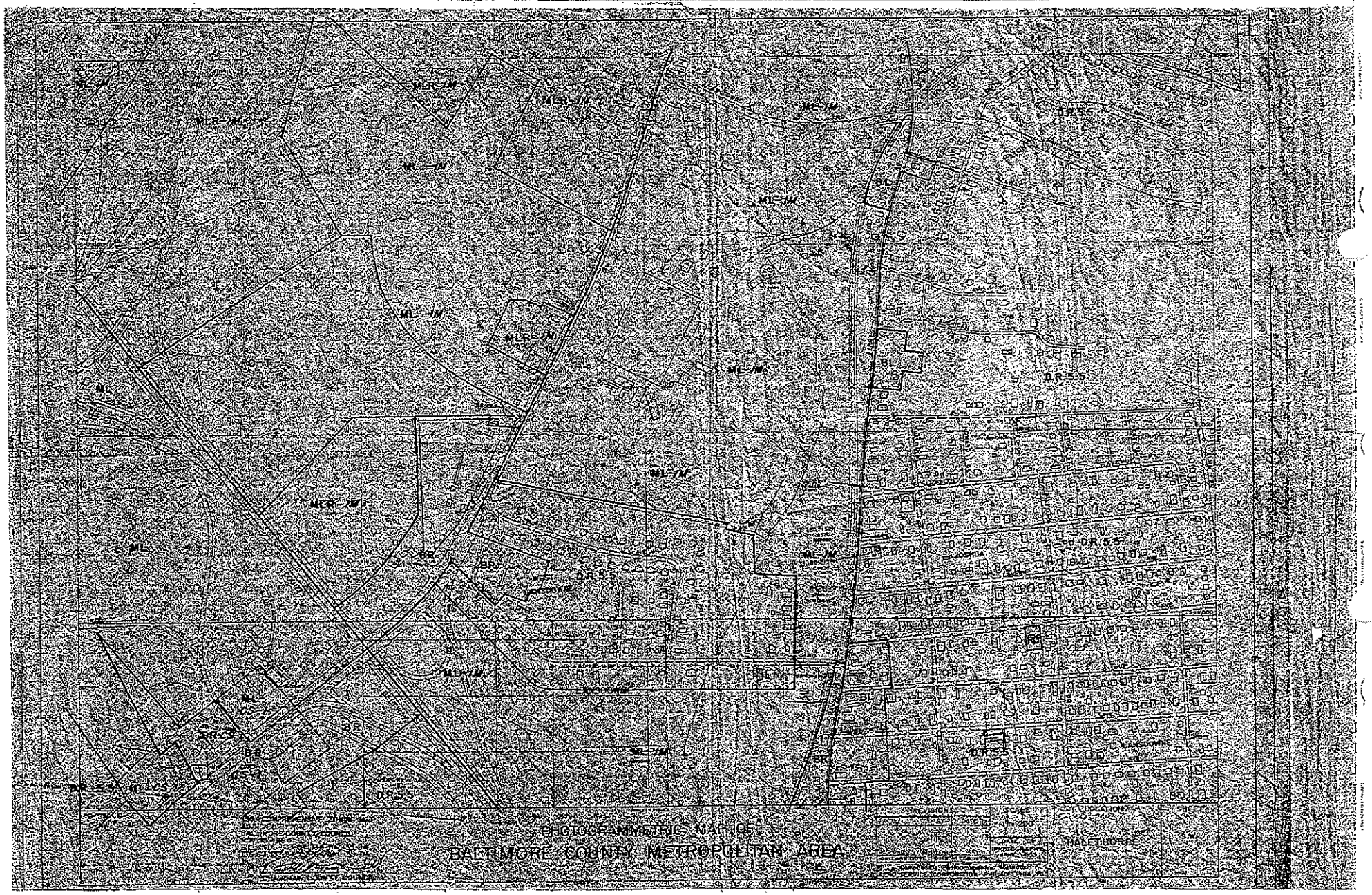


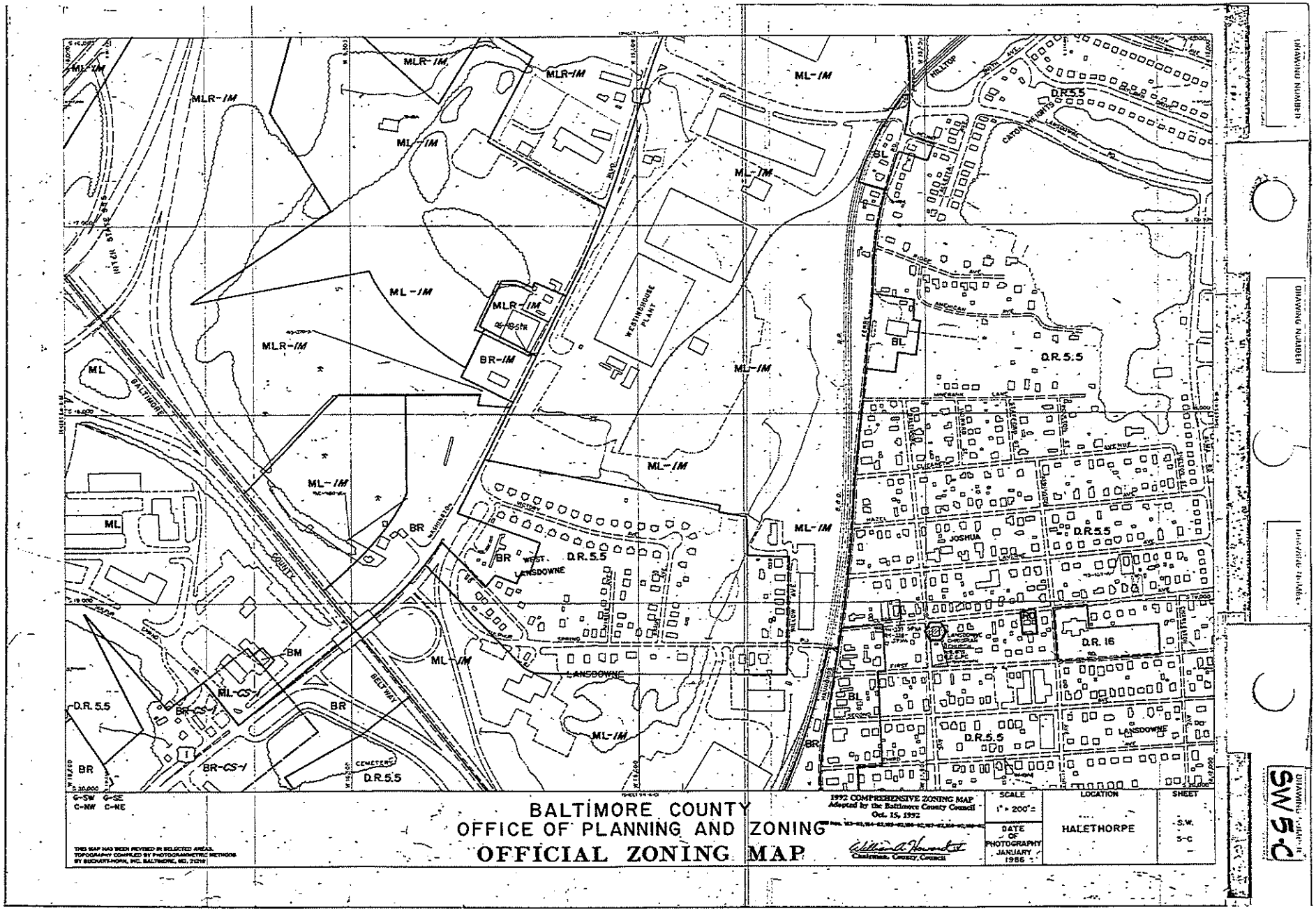
PLAN HOLD

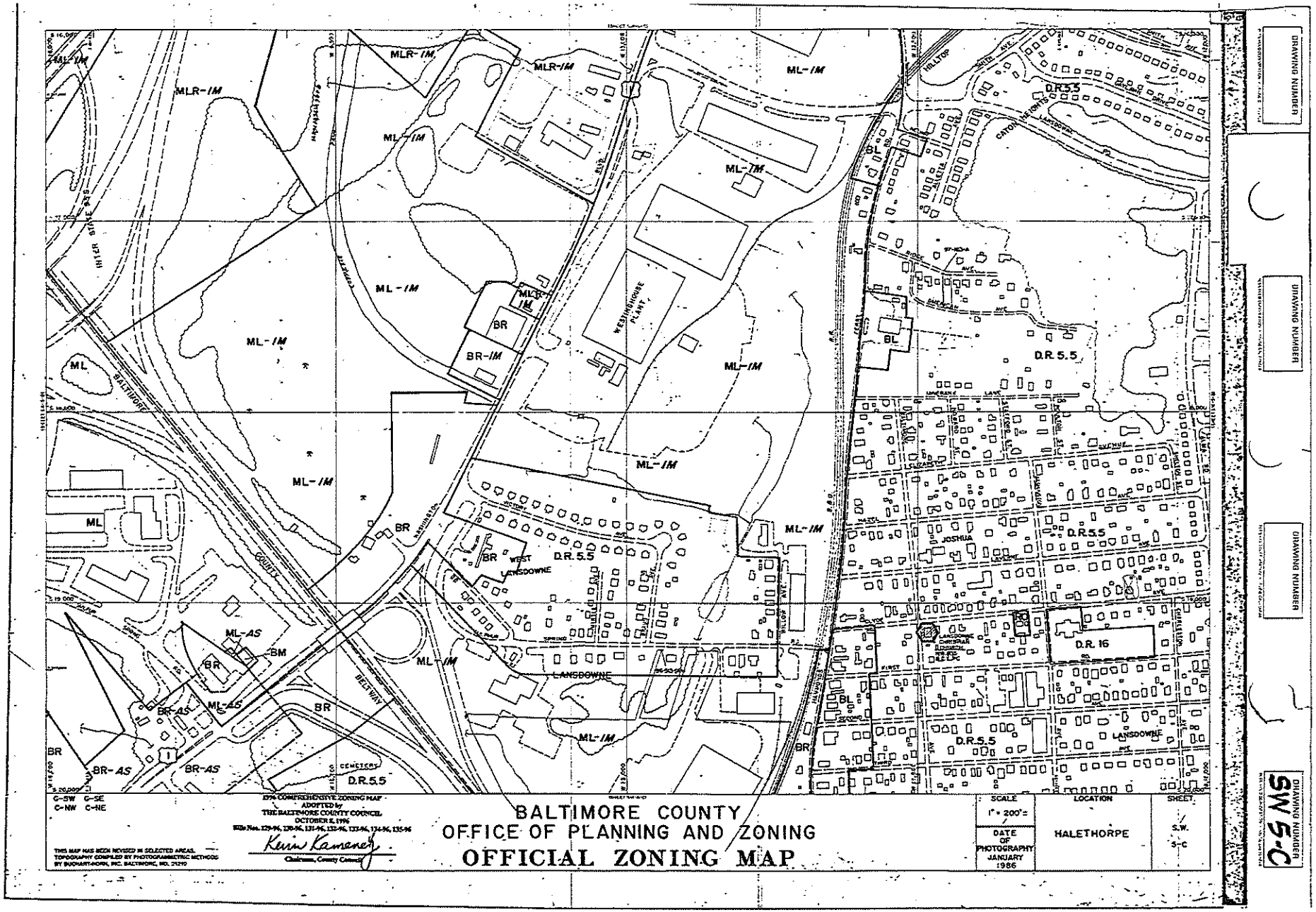
SW-5-C


MLR-IM
ML-IM
BL
D.R.5.5
ML
BR
BR-CS-1
ML-CS-1
B-R
CS-1
LANSDOWNE
JOSHUA
LANSDOWNE ELEM SCH.
ANNEX
HALETHORPE
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP


ML-IM
MLR-IM
D.R.5.5
BL
BR
ML
ML-CS-I
BR-CS-I
CS-I
RO
LANSDOWNE ELEM SCH.
ANNEX
JOSHUA
LANSDOWNE
HALETHORPE
1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 14, 1980
BILL NOS. 184-80, 185-80, 186-80,
187-80, 188-80, 189-80 AND 190-80
CHAIRMAN, COUNTY COUNCIL
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP


PHOTOGRAMMETRIC MAP 05
BALTIMORE COUNTY METROPOLITAN AREA


ML-IM
MLR-IM
BR-IM
BR
BM
ML
D.R.5.5
D.R.16
BR-CS-1
ML-CS-1
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
SCALE
1" = 200'
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
HALETHORPE
SHEET
S.W.
S-C
DRAWING NUMBER
SW 5-C


MLR-IM
ML-IM
BR
BR-IM
ML
BR-AS
ML-AS
BM
D.R.5.5
D.R.16
BL
WESTINGHOUSE PLANT
WEST LANSDOWNE
LANSDOWNE
CEMETERY
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
HALETHORPE
SHEET
S.W.
S-C
DRAWING NUMBER
SW 5-C

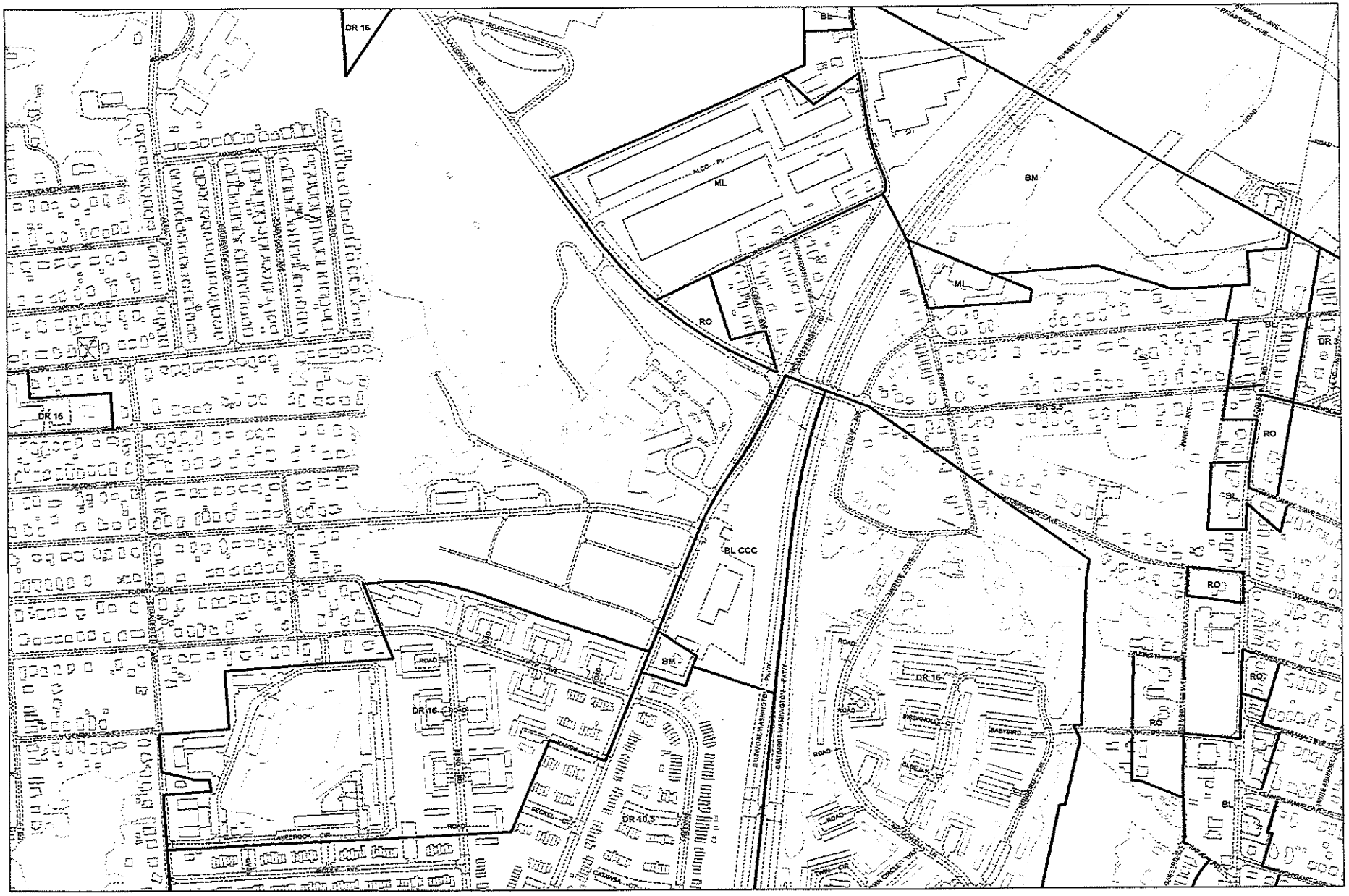
G-SW G-SE
C-NW C-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	HALETHORPE	S.W. 5-C
DATE OF PHOTOGRAPHY JANUARY 1986		

SW 5C



Plan Sheet: *169B1*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills #30-04, #3-04, #4-04, #5-04, #6-04, #7-04, #8-04, and #9-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill #30-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03 and MC 05-04 on February 9, 2005 are represented on this application.

Legend

Zoning — Streams — Vegetation

Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

169C3	169A3	169B3	
169C1	169A1	169B1	169C1
169C2	169A2	169B2	169C2

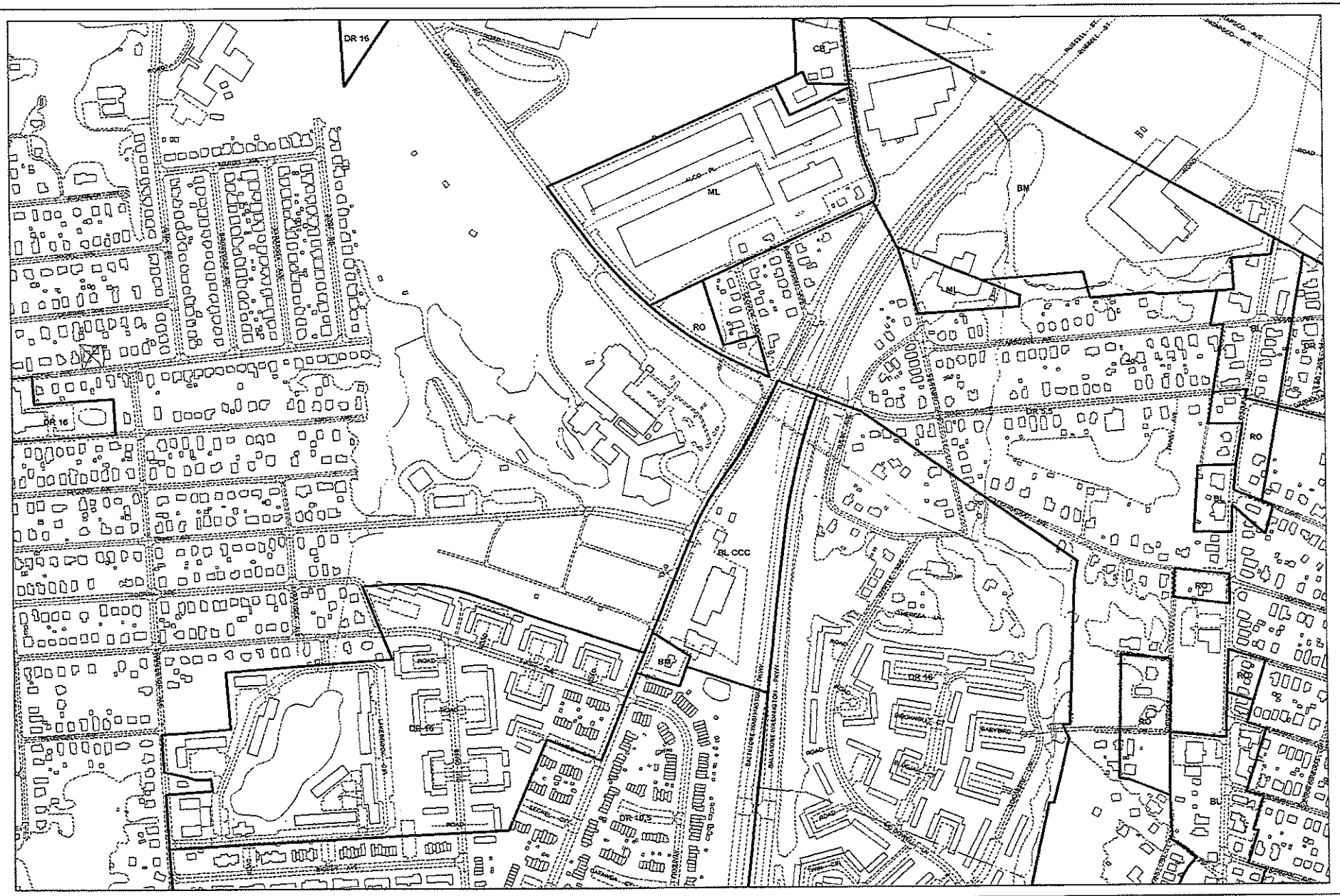
Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1999/06 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004



Plan Sheet: *109B1*

Note
The zoning depicted on this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an Adopted Community Plan and, Baltimore County Board of Appeals actions through December 31 2008

Legend

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

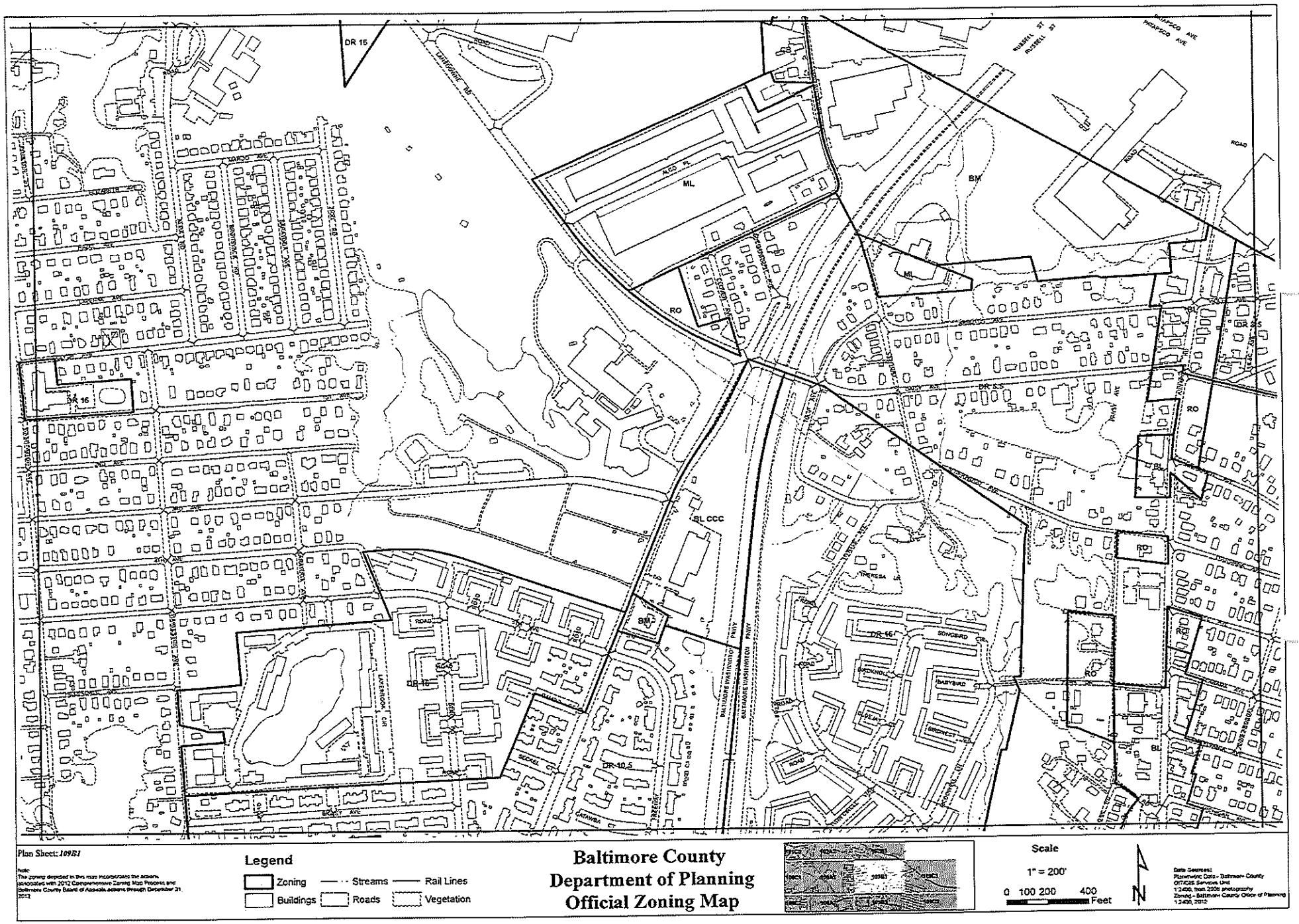
Baltimore County
Office of Planning and Zoning
Official Zoning Map

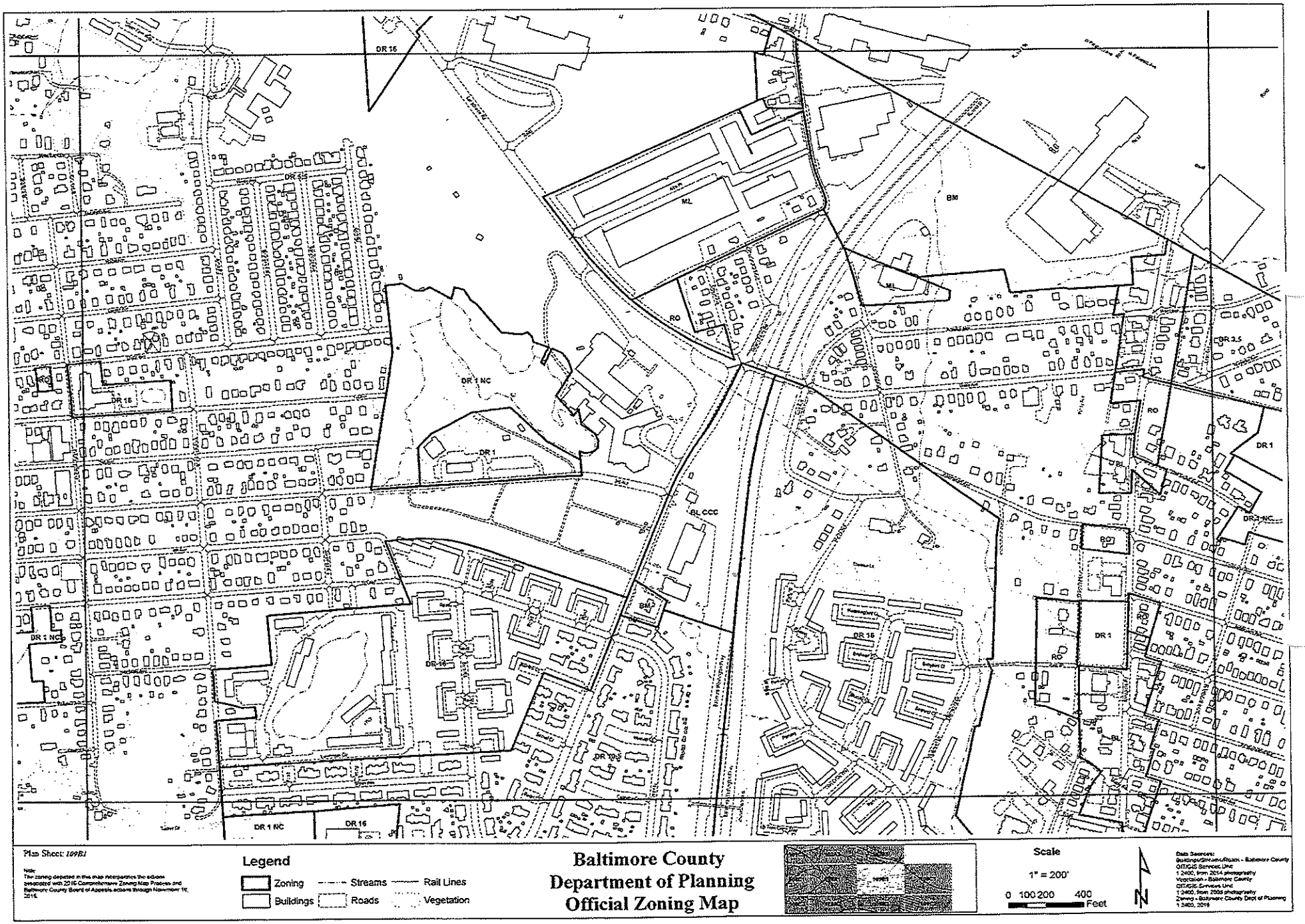
101C3	102A3	102B2	
103C1	103A1	103B1	103C1
103C2	103A2	103B2	103C2

Scale
1" = 200'
0 100 200 400 Feet

N

Data Sources:
Planimetric Data - Baltimore County
OITGIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008


DR 15
ML
RO
BM
SL CCC
DR 16
DR 10.5
DR 5.5
Plan Sheet: 109B1
Legend
Zoning
Streams
Rail Lines
Buildings
Roads
Vegetation
Baltimore County
Department of Planning
Official Zoning Map
Scale
1" = 200'
0 100 200 400
Feet


DR 16
ML
BM
RO
DR 1 NC
DR 1
BL CCC
DR 3.5
DR 2 NC
Plan Sheet: 109B1
Note:
The zoning depicted in this map incorporates the actions associated with 2015 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through November 16, 2015.
Legend
Zoning
Buildings
Streams
Roads
Rail Lines
Vegetation
Baltimore County
Department of Planning
Official Zoning Map
Scale
1" = 200'
0 100 200 400
Feet
N

Received this day from Zoning Office

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

INDEX

People's Counsel ALJ Exh. 2

January 2, 1975

ADOPTED BY THE COUNTY COMMISSIONERS
OF BALTIMORE COUNTY,
Enabling Acts of the General Assembly of Maryland:

Session of 1941, Chapter 247

Session of 1943, Chapter 877

Session of 1945, Chapter 502

Session of 1947, Chapter 915

CHRISTIAN H. KAHL,
President

JOHN R. HAUT

BREMEN A. TRAIL
County Commissioners
of Baltimore County

Codified Sept. 1, 1948 by

CHAS. H. DOING
Zoning Commissioner of Baltimore County.

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot asthe building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

"A" Residence Zone - - - (Cottage)
"B" Residence Zone - (Semi-detached)
"C" Residence Zone - - (Apartment)
"D" Residence Zone - - - (Group)
"E" Commercial Zone.
"F" Light Industrial Zone.
"G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.

2. Dwelling, single family.

3. Dwelling, two-family.

4. Farming and buildings incidental thereto.

5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.

7. Public park or playground.

8. Public building.

9. Public water works reservoir.

10. Trailer, one unoccupied, for storage only.

11. Tourist home.

12. Truck garden.

13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:

(a) Any accessory building when located not less than 60 feet from front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.

(b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.

14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.

B. Height Regulations: No building shall exceed a height of forty feet or three stories.

C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:

1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.

2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.

3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.

4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

5. No portion of an alley shall be considered as any part of any side or rear yard.

6. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural right-of-way.

SECTION IV—"B" RESIDENCE ZONE

A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations:

2. Children's Home.

3. Dwellings—semi-detached.

4. Fraternity or Sorority House.

5. Orphanage.

6. Tea Room, when operated as a home occupation.

B. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.

C. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

SECTION V—"C" RESIDENCE ZONE

A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in the "B" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section IV-A.

2. Apartment house.

3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street line except when contained within the main building and provided further that any accessory building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.

B. Height Regulations: Building height unlimited.

C. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:

1. Lot Area Per Dwelling Unit. Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.

2. Front Yard: Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, except apartment buildings shall set back to provide for a front yard of not less than 55 feet in depth, measured from the center of the front street, in no case less than 25 feet from the front lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.

BALTIMORE COUNTY

ZONING REGULATIONS

ADOPTED BY

COUNTY COMMISSIONERS

OF

BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section 532 (c) of the Code of Public Local Laws of Baltimore County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

People's Counsel ALJ Exh. 3

BALTIMORE COUNTY ZONING REGULATIONS

TABLE OF CONTENTS

RESOLUTION AND ORDER OF THE COUNTY COMMISSIONERS OF BALTIMORE COUNTY

ARTICLE 1—General Provision

ARTICLE 2—

Zones: Use, Height, and Area Regulations

ARTICLE 3—

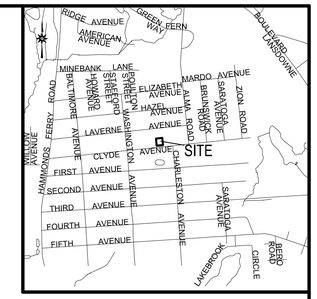
Excepton to Height and Area Requirements

ARTICLE 4—

Special Regulations

Case 2020-0207-SPH, 248 Clyde Avenue

Exhibit 1	Site Plan
Exhibit 2	Affidavits



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: SHREYUS PANCHIGAR
   2926 W. ALMONDBURY DRIVE
   PASADENA, MD 21122
2. SITE AREA:
   NET: 8,799 SF OR 0.20 Ac.±
   GROSS: 10,799 SF OR 0.25 AC.±
3. USE:
   EXISTING: 1 RESIDENTIAL DWELLING
   PROPOSED: 1 RESIDENTIAL DWELLING
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF: 43202/1
   PLAT REF: 1/144 "JOSHUA"
6. TAX ACCOUNT: 1313400020
7. ZONING: DR 5.5
   (PER 1"=200' ZONING MAP 109A1)
8. TAX MAP: 109
   GRID: 2
   PARCEL: 357
   BLOCK 2, LOTS 187-191, PT LT 186
9. LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100510G DATED MAY 5, 2014.
10. PREVIOUS ZONING CASES: NONE ON FILE.
11. PREVIOUS PERMITS: NONE ON FILE.
12. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
14. SETBACKS FOR DR 5.5

	REQUIRED	PROVIDED
FRONT	26'	16'±
SIDE	10'	9'±
REAR	30'	35'±

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

PANCHIGAR PROPERTY

248 CLYDE AVENUE

BALTIMORE COUNTY — MARYLAND
13TH ELECTION DISTRICT — 1ST COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
	DATE: 05-30-20	JOB NO.: 20064	SHEET NO.: 1 OF 1

AFFIDAVIT

The undersigned herby affirms under the penalties of perjury to the Director of Department of Permits, Approvals and Inspections (PAI), as follows:

That the information herein given with n the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Thomas Byrd

Affiant (Signature)

Thomas Byrd

Affiant (Print Name)

204 Hazel Ave
Balt MD. 21227

Address

443-929-6437

Phone Number

BASED ON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 248 Clyde Ave, Baltimore has been occupied as a 2 apartment dwelling every year since

   3 - 1990 (Month) (Year) Yes (Answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 3 - 1990 (Month) (Year) Yes (Answer)

3. Will you realize any gain from the sale of this property? NO
   (Answer)
   *If the answer is yes, this form cannot be approved

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify this 24 day of November, 2020, before me, a Notary Public of the State of Maryland, in and for the County afores aid, personally appeared Thomas Byrd.

The Affiant herin, personally know or satisfactory identified to me such Affaint.

AS WITNESS my hand and Notorial Seal.

SHREYAS PANCHIGAR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 25, 2021

Shreyas Panchigar

Notary Public
My commission Expires 9/25/2021

AFFIDAVIT

The undersigned herby affirms under the penalties of perjury to the Director of Department of Permits, Approvals and Inspections (PAI), as follows:

That the information herein given with n the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Brenda Redden

Affiant (Signature)

Brenda Redden

Affiant (Print Name)

2765 Norfen Rd

Address

443-527-1723

Phone Number

BASED ON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 248 Clyde Ave, Baltimore has been occupied as a 2 apartment dwelling every year since
   10 / 75 Yes
   (Month) (Year) (Answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 10 / 75 Yes
   (Month) (Year) (Answer)

3. Will you realize any gain from the sale of this property? No
   (Answer)
   *If the answer is yes, this form cannot be approved

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify this 24 day of November, 2020, before me, a Notary Public of the State of Maryland, in and for the County afores aid, personally appeared Brenda Redden.

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SHREYAS PANCHIGAR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 25, 2021

Shreyas Panchigar

Notary Public

My commission Expires 9/25/2021

AFFIDAVIT

The undersigned herby affirms under the penalties of perjury to the Director of Department of Permits, Approvals and Inspections (PAI), as follows:

That the information herein given with n the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Ruth Ann Healy
Affiant (Signature)

Ruth Ann Healy
Affiant (Print Name)

7648 Berry Dr
PASADENA MD 21122
Address

410-982-5986
Phone Number

BASED ON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 248 Clyde Ave, Baltimore has been occupied as a 2 apartment dwelling every year since
   4 - 1955 Yes
   (Month) (Year) (Answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 4 - 1955 Yes
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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify this 24th day of November, 2020, before me, a Notary Public of the State of Maryland, in and for the County afores aid, personally appeared Ruth Ann Healy.

The Affiant herin, personally know or satisfactory identified to me such Affaint.

AS WITNESS my hand and Notorial Seal.

Shreyas Panchigar
Notary Public
My commission Expires 9/25/2021

SHREYAS PANCHIGAR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 25, 2021

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 248 Clyde Avenue **which is presently zoned** DR-5.5

Deed References: 43202 / 1 10 Digit Tax Account # 1313400020

Property Owner(s) Printed Name(s) Shreyus Panchigar

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

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

1. X **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a non-conforming use of a 2nd residence unit in the existing detached garage.

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

3. ___ **a Variance** from Section(s)

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

TO BE PRESENTED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 8/12/20
By DMG

Legal Owners (Petitioners):

Shreyus Panchigar / Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature # 2

2926 W ALMONDBURY DR Pasadena MD
Mailing Address City State

21122 / 443-506-2600 / shreyaspanchigar@hotmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code Telephone # Email Address

CASE NUMBER 2020-0207-SPH **Filing Date** 8/12/20 **Do Not Schedule Dates:** ___ **Reviewer** GK

REV. 10/4/11

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: (410) 560-1502
Fax: (443) 901-1208

ZONING PROPERTY DESCRIPTION FOR
248 CLYDE AVENUE
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Located on Clyde Avenue 392+/- feet East of the intersection of Washington Avenue. Beginning on the centerline of lot #186 on Block 2 as shown on the Plat of Joshua as recorded in Plat Book J.W.S. No. 1 Folio 144 running thence Easterly on the North side of Clyde Avenue 88 feet to the division line between lots #191 and #192; thence running Northerly at right angles to Clyde Avenue and binding on lot #192 100 feet to an alley 14 feet wide; thence running Westerly on said alley 88 feet to the centerline of lot #186, thence Southerly running along the center of lot #186, 100 feet to the place of beginning.

Containing a net area of 8,799 square feet or 0.20 acres +/-.

2020 - 0207-SPH

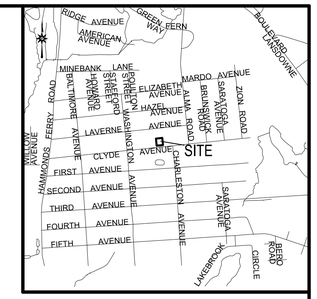
Board of Appeals

Exhibit List

Case No.: 2020-207-SPH Case Name: Shreyas Pachigar

Party: Appellant / Petitioner Shreyas Pachigar Date: 05/12/2021

Exhibit No.	Description	ID Only
1	Site Plan	
3	Inspection Report	
2	ARB daily	
	VERIFIED BY: _____ DATE: _____	



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: SHREYUS PANCHIGAR
   2926 W. ALMONDBURY DRIVE
   PASADENA, MD 21122
2. SITE AREA:
   NET: 8,799 SF OR 0.20 Ac.±
   GROSS: 10,799 SF OR 0.25 AC.±
3. USE:
   EXISTING: 1 RESIDENTIAL DWELLING
   PROPOSED: 1 RESIDENTIAL DWELLING
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF: 43202/1
   PLAT REF: 1/144 "JOSHUA"
6. TAX ACCOUNT: 1313400020
7. ZONING: DR 5.5
   (PER 1"=200' ZONING MAP 109A1)
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14. SETBACKS FOR DR 5.5

	REQUIRED	PROVIDED
FRONT	26'	16'±
SIDE	10'	9'±
REAR	30'	35'±

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

PANCHIGAR PROPERTY

248 CLYDE AVENUE

BALTIMORE COUNTY — MARYLAND
13TH ELECTION DISTRICT — 1ST COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
	DATE: 05-30-20	JOB NO.: 20064	SHEET NO.: 1 OF 1

AFFIDAVIT

The undersigned herby affirms under the penalties of perjury to the Director of Department of Permits, Approvals and Inspections (PAI), as follows:

That the information herein given with n the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Thomas Byrd

Affiant (Signature)

Thomas Byrd

Affiant (Print Name)

204 Hazel Ave
Balt MD. 21227

Address

443-929-6437

Phone Number

BASED ON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

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3. Will you realize any gain from the sale of this property? NO
   (Answer)
   *If the answer is yes, this form cannot be approved

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify this 24 day of November, 2020, before me, a Notary Public of the State of Maryland, in and for the County afores aid, personally appeared Thomas Byrd.

The Affiant herin, personally know or satisfactory identified to me such Affaint.

AS WITNESS my hand and Notorial Seal.

SHREYAS PANCHIGAR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 25, 2021

Shreyas Panchigar

Notary Public
My commission Expires 9/25/2021

AFFIDAVIT

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Brenda Redden

Affiant (Signature)

Brenda Redden

Affiant (Print Name)

2765 Norfen Rd

Address

443-527-1723

Phone Number

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SHREYAS PANCHIGAR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
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Shreyas Panchigar

Notary Public

My commission Expires 9/25/2021

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That the information herein given with n the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Ruth Ann Healy
Affiant (Signature)

Ruth Ann Healy
Affiant (Print Name)

7648 Berry Dr
PASADENA MD 21122
Address

410-982-5986
Phone Number

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The Affiant herin, personally know or satisfactory identified to me such Affaint.

AS WITNESS my hand and Notorial Seal.

Shreyas Panchigar
Notary Public
My commission Expires 9/25/2021

SHREYAS PANCHIGAR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 25, 2021

Your Castle Home Inspections

Glenn Miller
MD State licensed #29991
410-409-7647
yourcastlehi@gmail.com

Home Inspection Consultation

The following is a consultation only -this is not a full home inspection -Only the items listed were evaluated/checked .

Date of Inspection: 2-5-21
Address of Property: 248 Clyde Ave. Halethorpe/ Baltimore Md 21227
Owner : George Panchigar
Fee : $ 200.00
Comments:
The Garage was inspected in effort to determine the date of the construction.
The electric panel serial number was researched; it has been determined that the panel was built in 1956 or 1970. (the serial number does not have exact specific dates - other factors such as type of foundation of the house and the construction method has to be used to ascertain what year better matches the listed dates)
The older T-111 plywood siding was popular in the 1960's and 1970's.
The Concrete block foundation was typically used for foundations from 1950,s 60's, 70's and later .
Extensive rotted /deteriorated wood siding and trims were also found; that suggest the construction is of considerable age.

Older wood at siding and trims

Older Concrete block foundation

Older door trims

In summary, it is my opinion that it is likely that this building / garage was built around 1960,s-1970 .

Glenn Miller - - - Signed - Glenn M. Miller

Case 2020-0207-SPH, 248 Clyde Avenue

Exhibit 1	Site Plan
Exhibit 2	Affidavits
Exhibit 3	Inspection Report

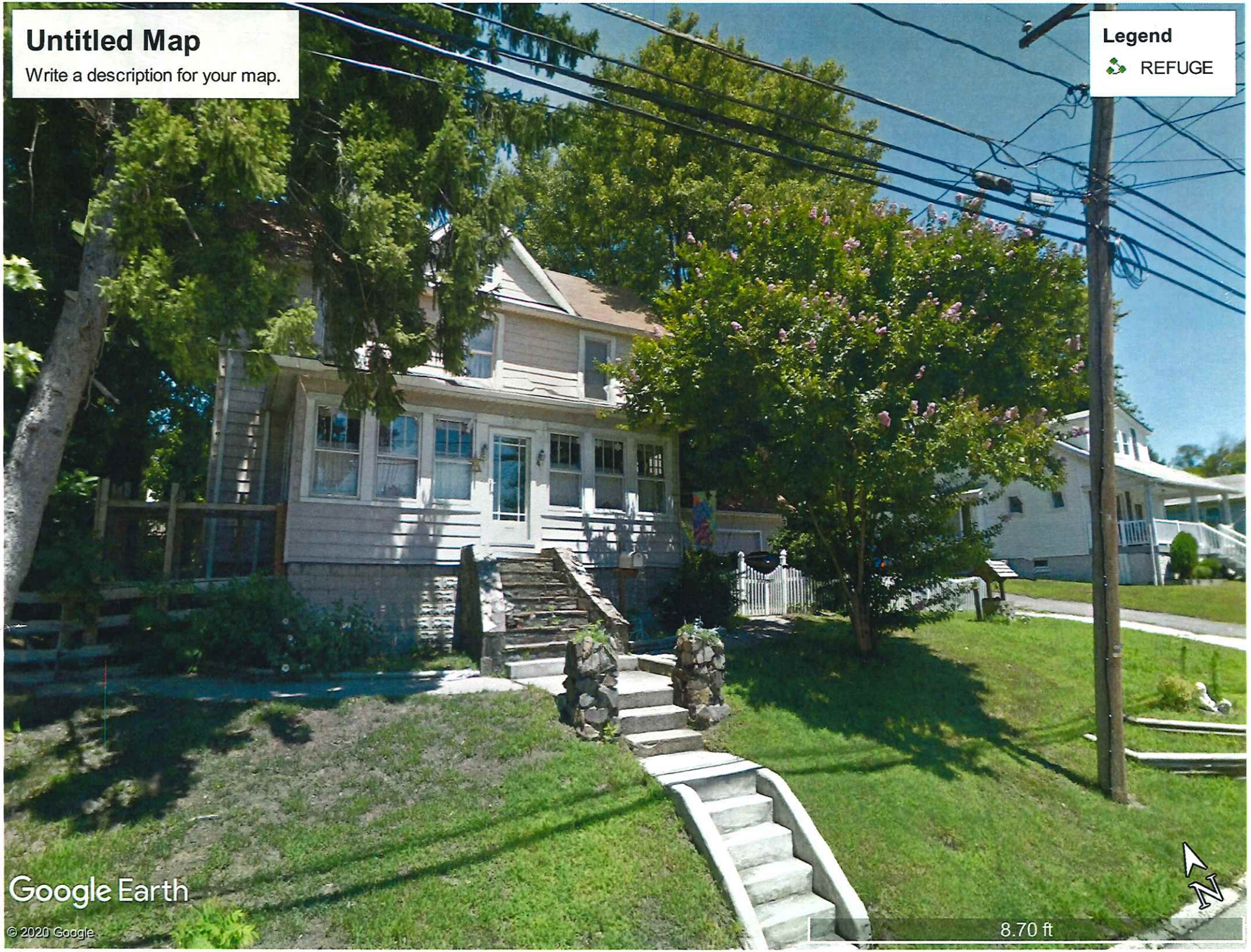
Board of Appeals

Exhibit List

Case No.: 2020-207-SPH Case Name: Shreyas Panchigar

Party: People's Counsel Date: 05/12/2021

Exhibit No.	Description	ID Only
1	Aerial Photo	
2	SDAT Printout	
3	Zoning History	
4	BCZR 1945	
5	BCZR 1955	
6A	My Neighborhood Map	
6B	" " Aerial Map	
7	Real Registration	
8A	Panchigar Deed 43202/001	
8B	Deed 3621/0356	
8C	Deed 7922/0641	
	VERIFIED BY: _____ DATE: _____	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Write a description for your map.
Legend
REFUGE
Google Earth
© 2020 Google
8.70 ft
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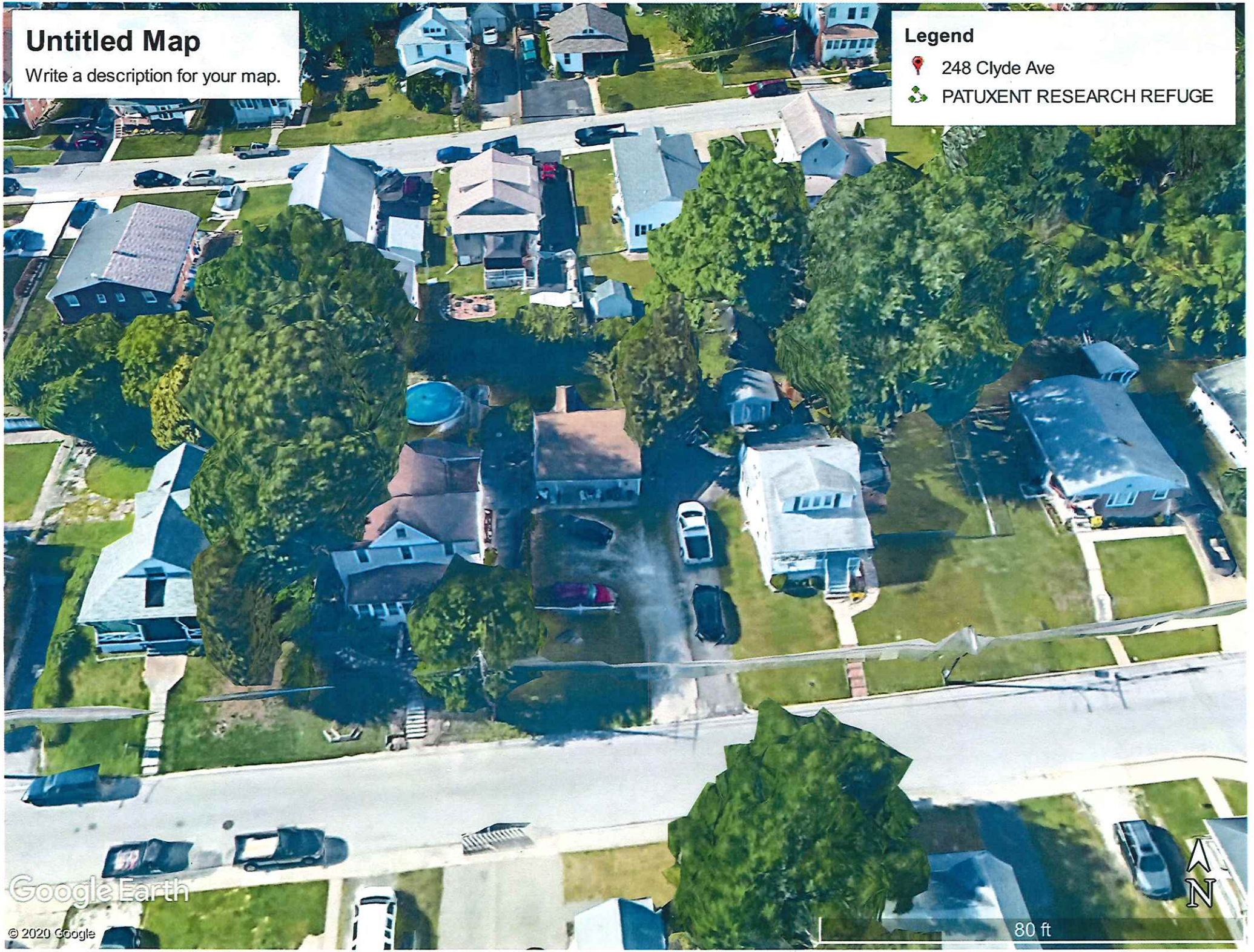

Untitled Map
Write a description for your map.
Legend
248 Clyde Ave
PATUXENT RESEARCH REFUGE
Google Earth
© 2020 Google
80 ft
N

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 13 **Account Number -** 1313400020

Owner Information

Owner Name:	PANCHIGAR SHREYAS	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2926 W ALMONDBURY DR PASADENA MD 21122-	**Deed Reference:**	/43202/ 00001

Location & Structure Information

Premises Address:	248 CLYDE AVE 0-0000	**Legal Description:**	LT 187-191 PT 186 JOSHUA

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0109	0002	0357	13010009.04	0000		2	187	2019	Plat Ref:	0001/ 0144

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1900	1,426 SF	448 SF	8,800 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	3	1 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2019	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	65,200	65,200		
Improvements	105,800	117,300		
Total:	171,000	182,500	178,667	182,500
Preferential Land:	0			0

Transfer Information

Seller: HEALEY RUTH ANN	**Date:** 08/05/2020	**Price:** $150,001
Type: ARMS LENGTH IMPROVED	**Deed1:** /43202/ 00001	**Deed2:**
Seller: HEALEY CHARLES MICHAEL	**Date:** 05/22/2015	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /36215/ 00356	**Deed2:**
Seller: MALECKI DARRYL A	**Date:** 07/21/1988	**Price:** $86,400
Type: ARMS LENGTH IMPROVED	**Deed1:** /07922/ 00641	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

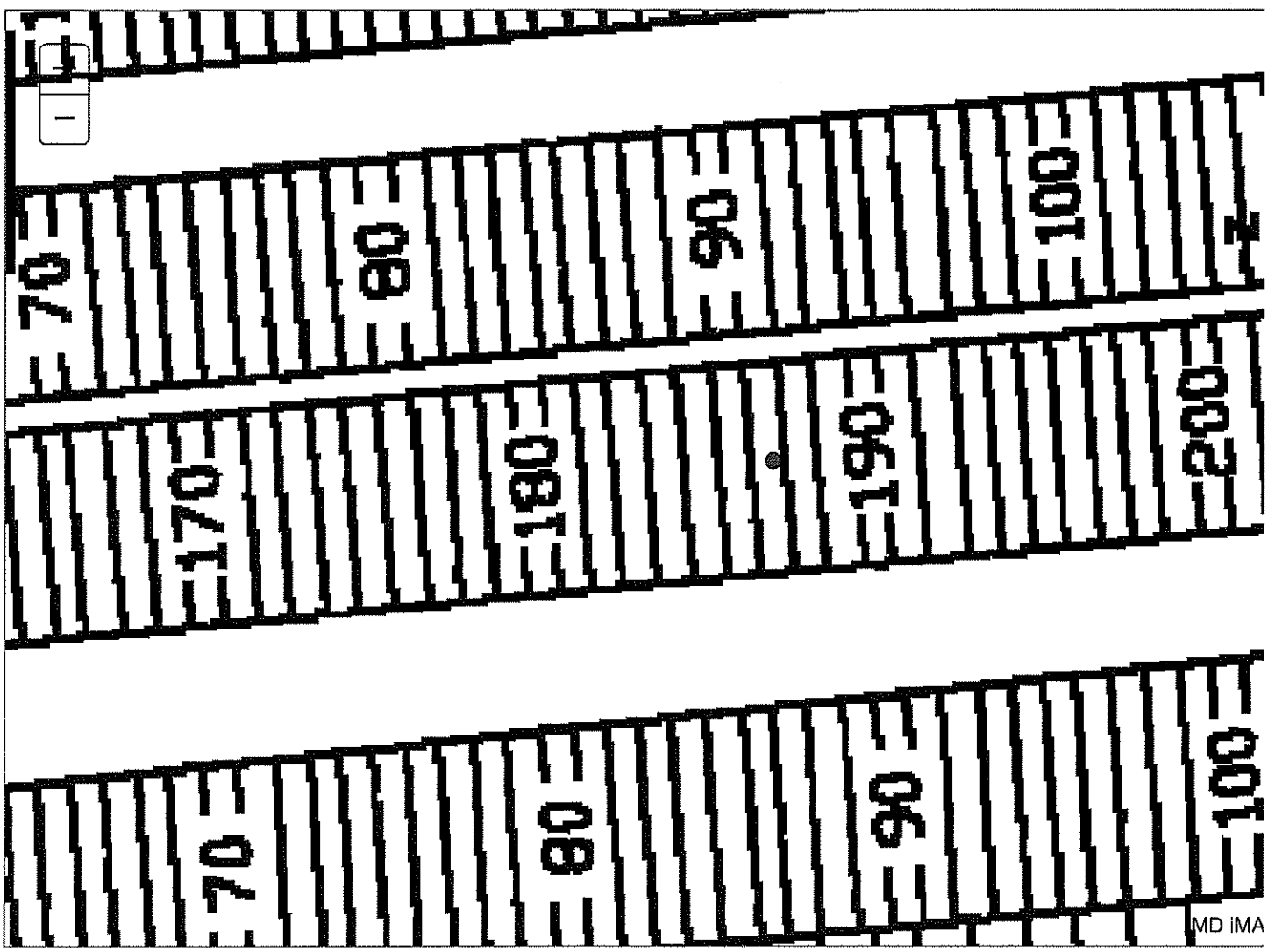
Homeowners' Tax Credit Application Status: No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Baltimore County

New Search (https://sdat.dat.maryland.gov/RealProperty)

District: 13 Account Number: 1313400020



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at **www.plats.net (http://www.plats.net)**.

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at **http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx)**.

Rebecca Wheatley

From: Jeffrey N Perlow
Sent: Tuesday, August 25, 2020 11:51 AM
To: Peoples Counsel; Rebecca Wheatley; Peter Max Zimmerman
Cc: Carl Richards Jr
Subject: RE: Shreyus Panchigar - 248 Clyde Avenue - Case No 2020-207-SPH
Attachments: 1__109B1.pdf; 08_109B1.pdf; 200scale_109B1.pdf; 1945 Map 13th Dist Sections 1 & 2.pdf; 1960's_SW 5-C.pdf; 1971_SW 5-C.pdf; 1976_SW 5-C.pdf; 1980_SW 5-C.pdf; 1984 _SW 5-C.pdf; 1988_SW 5-C.pdf; 1992_SW 5-C.pdf; 1996_SW 5-C.pdf; 2000_SW5c.pdf; 2012_200scale_109B1.pdf

Rebecca,

Attached are the Zoning Maps from 1945 through 2016. The location of the subject property is circled in red on each map.

Jeff

-----Original Message-----
From: Peoples Counsel
Sent: Thursday, August 20, 2020 1:55 PM
To: Carl Richards Jr <CRichards@baltimorecountymd.gov>
Cc: Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: Shreyus Panchigar - 248 Clyde Avenue - Case No 2020-207-SPH

Mr. Richards,

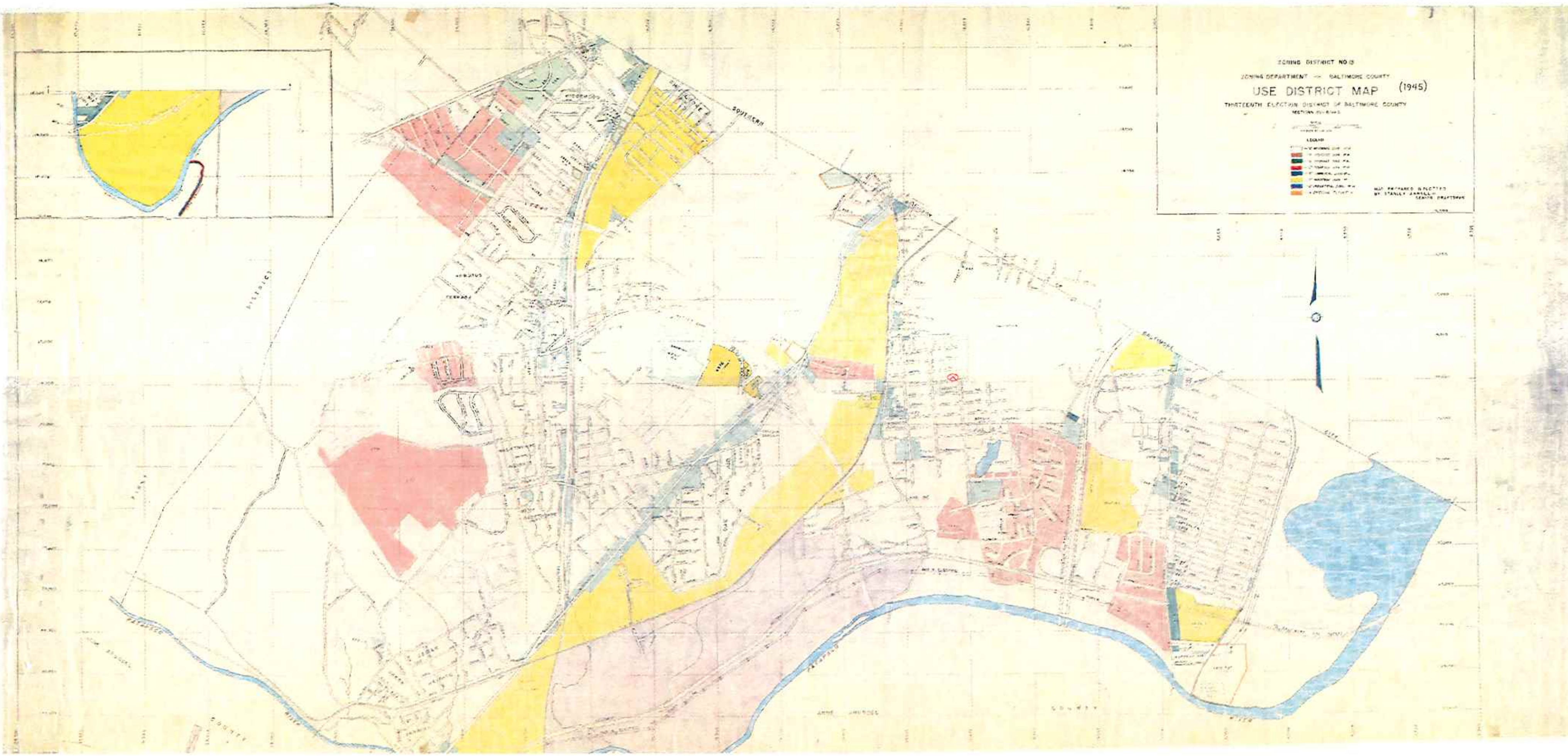
Our office kindly requests the complete zoning history for 248 Clyde Avenue . Please include copies of each four year map with the property highlighted.

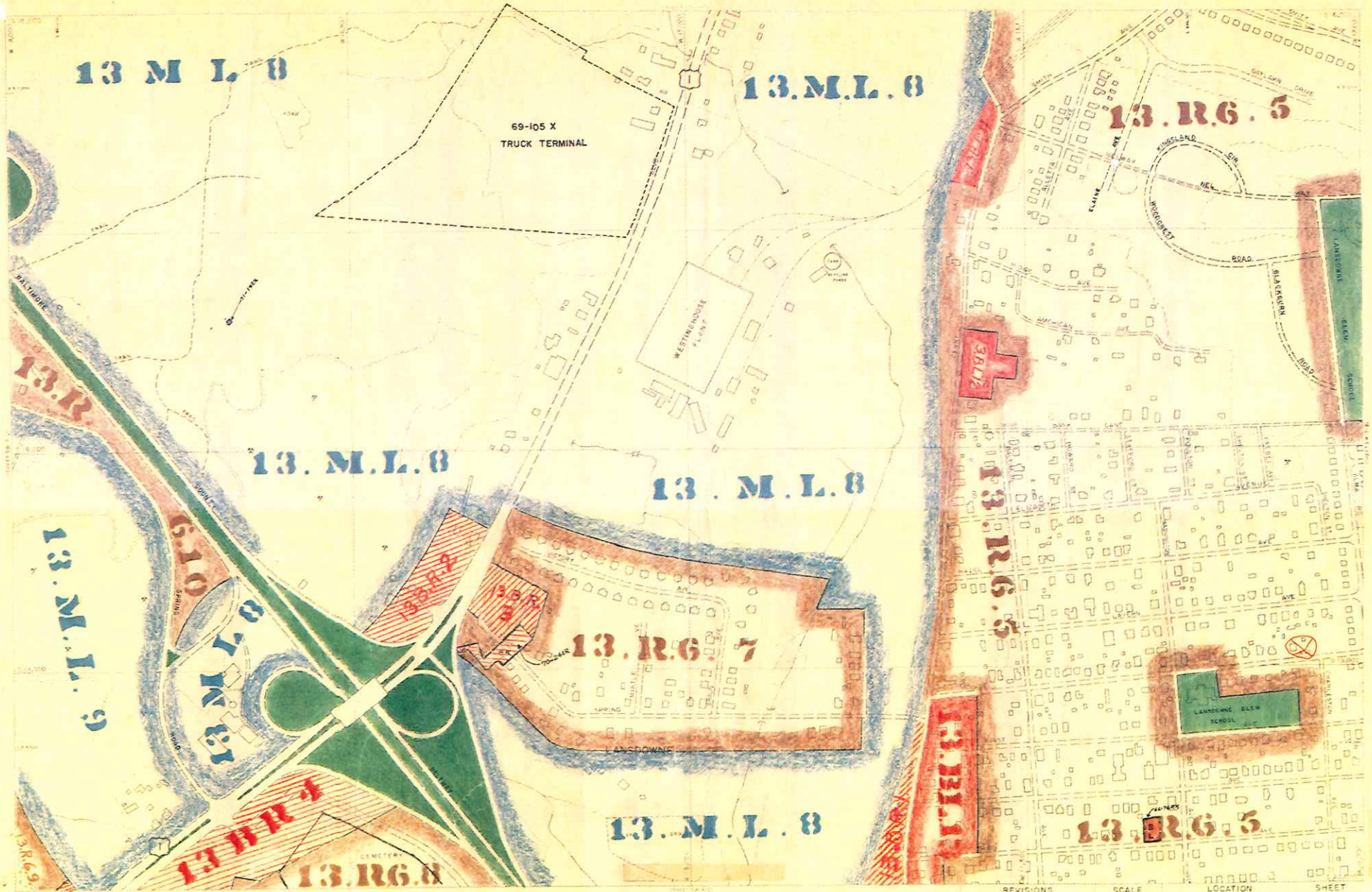
The Tax Account number is 1313400020. The property is owned by Shreyus Panchigar. I have attached a copy of the petition for reference.

Please let me know if you need further information.

Thank you in advance for your consideration.

Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax


ZONING DISTRICT NO 13
ZONING DEPARTMENT — BALTIMORE COUNTY
USE DISTRICT MAP (1945)
THIRTEENTH ELECTION DISTRICT OF BALTIMORE COUNTY
LEGEND
SOUTHERN
BALTIMORE
ARBUTUS
TERRACE
DISTRICT
ANNE ARUNDEL
COUNTY
PATAPSCO
RIVER



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	BY	DATE
ZONE COLORS	AMGILL	9-30-59

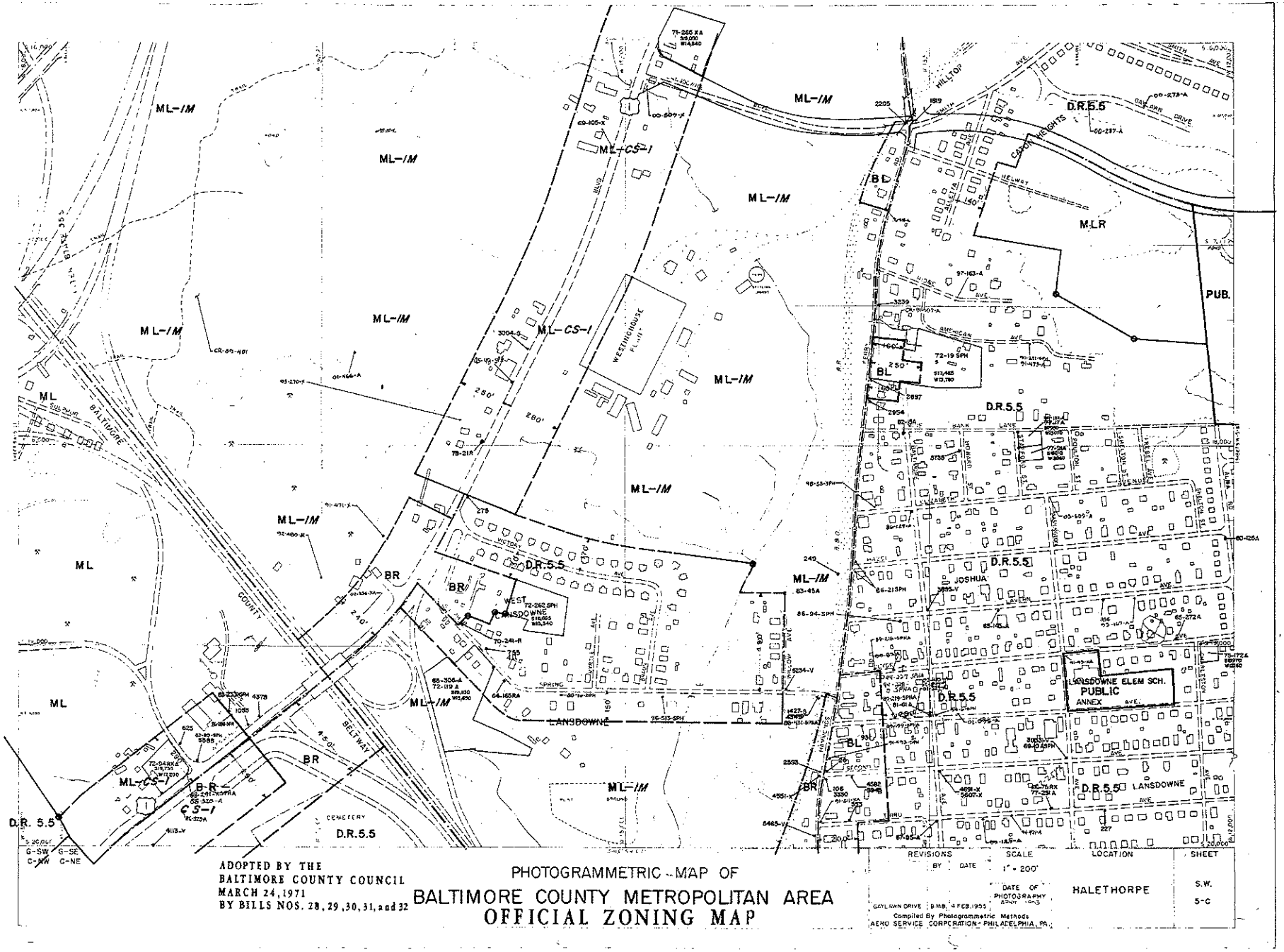
SCALE 1" = 200'

DATE OF PHOTOGRAPHY

Compiled By Photogrammetric Methods

LOCATION
HALETHORPE
13TH DIST.

SHEET
S-W
5-C



ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

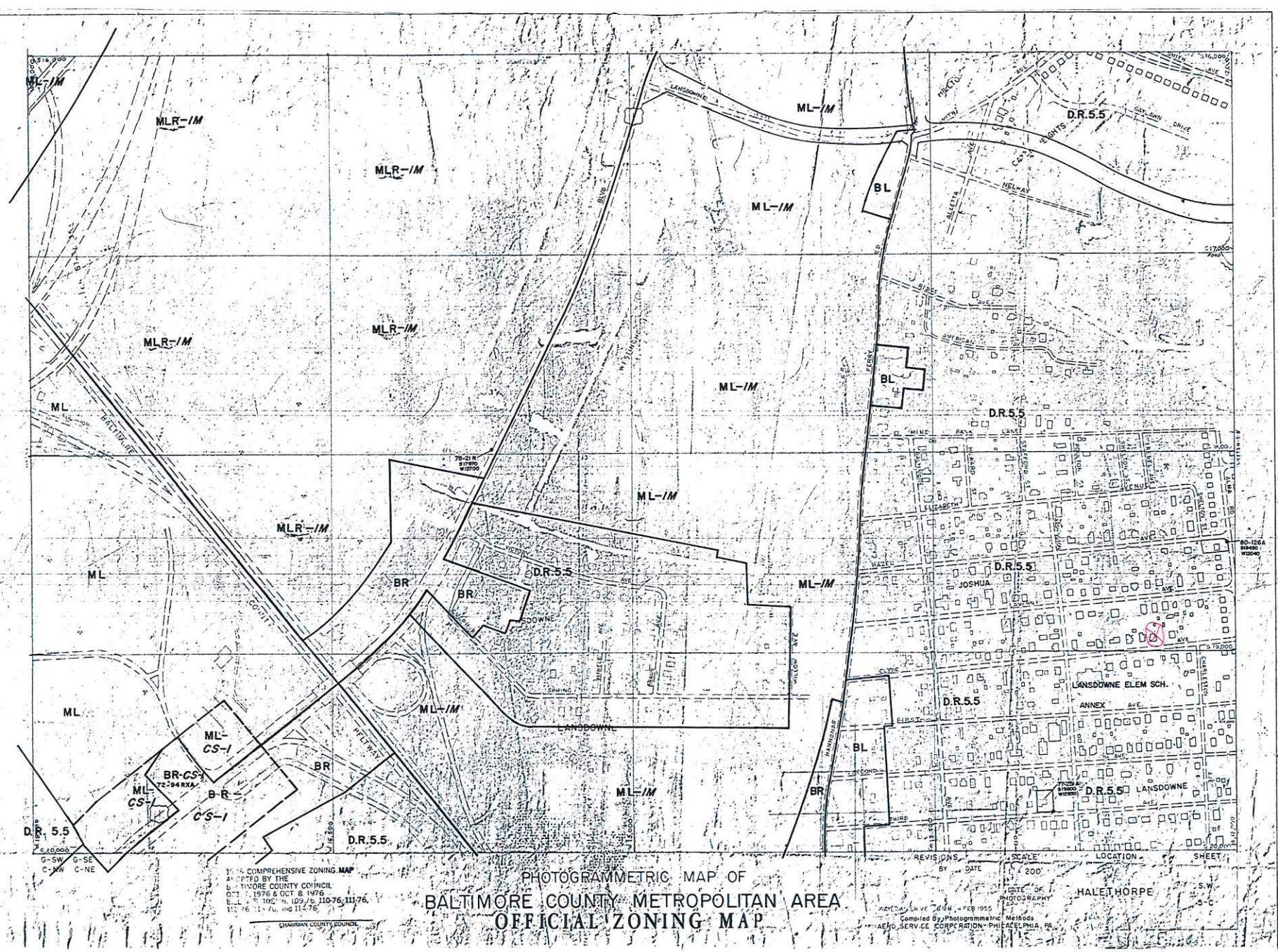
REVISIONS BY DATE	SCALE	LOCATION	SHEET
	1" = 200'	HALETHORPE	S.W. 5-C

DATE OF PHOTOGRAPHY 3 FEB. 1955

Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION - PHILADELPHIA, PA.

PLAN HOLD

SW-5-C



1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 1, 1976 & OCT. 8, 1976
Bill No. 109, No. 110-76, 111-76,
112-76, 113-76, and 114-76

CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS — BY — DATE

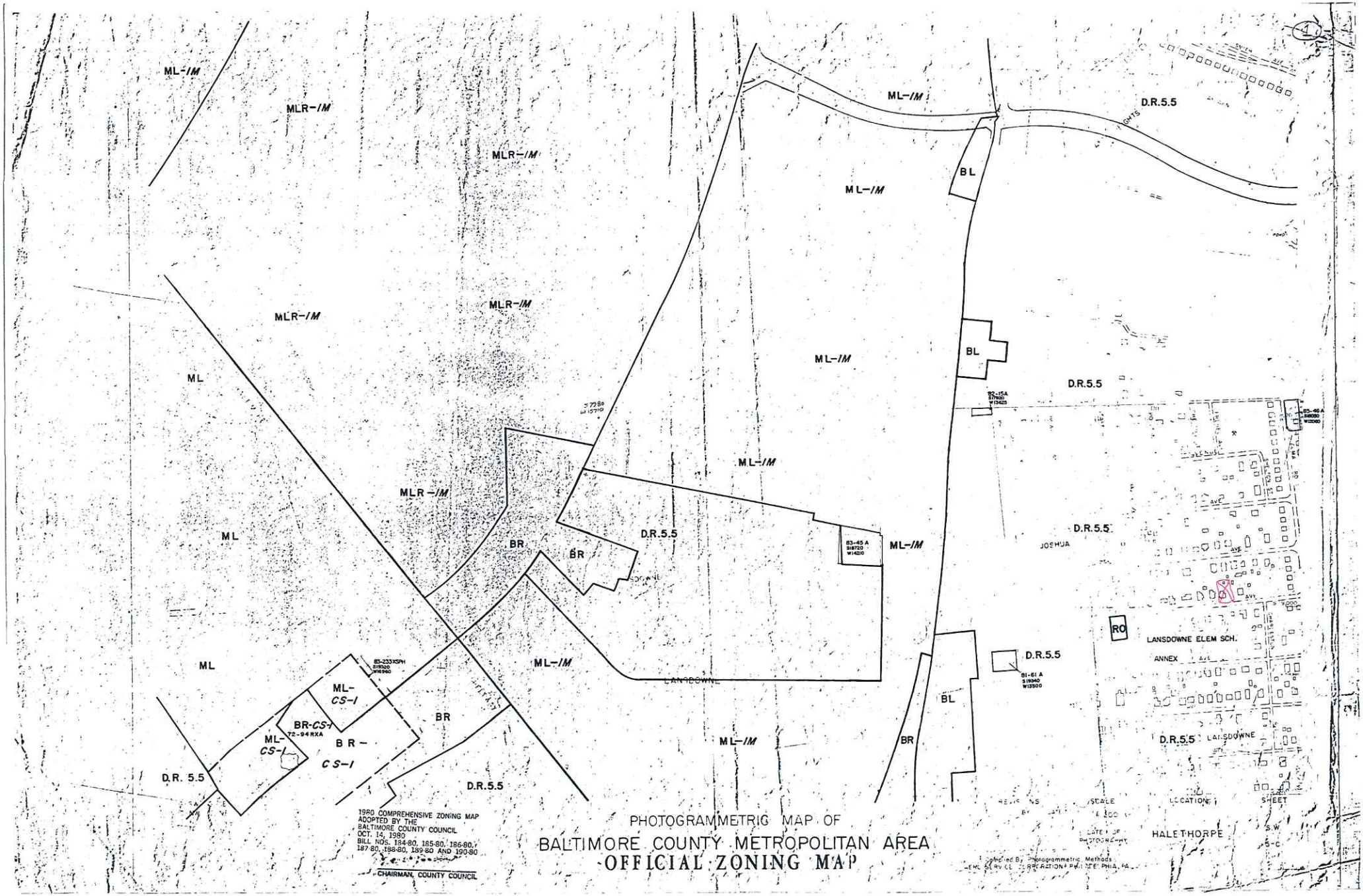
SCALE 1" = 200'

LOCATION

SHEET

DATE OF PHOTOGRAPHY

Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION - PHILADELPHIA, PA.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MLR-IM
MLR-IM
MLR-IM
ML-IM
BL
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GMTS
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JOSHUA
AVE
RO
LANSDOWNE ELEM SCH.
ANNEX
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BR
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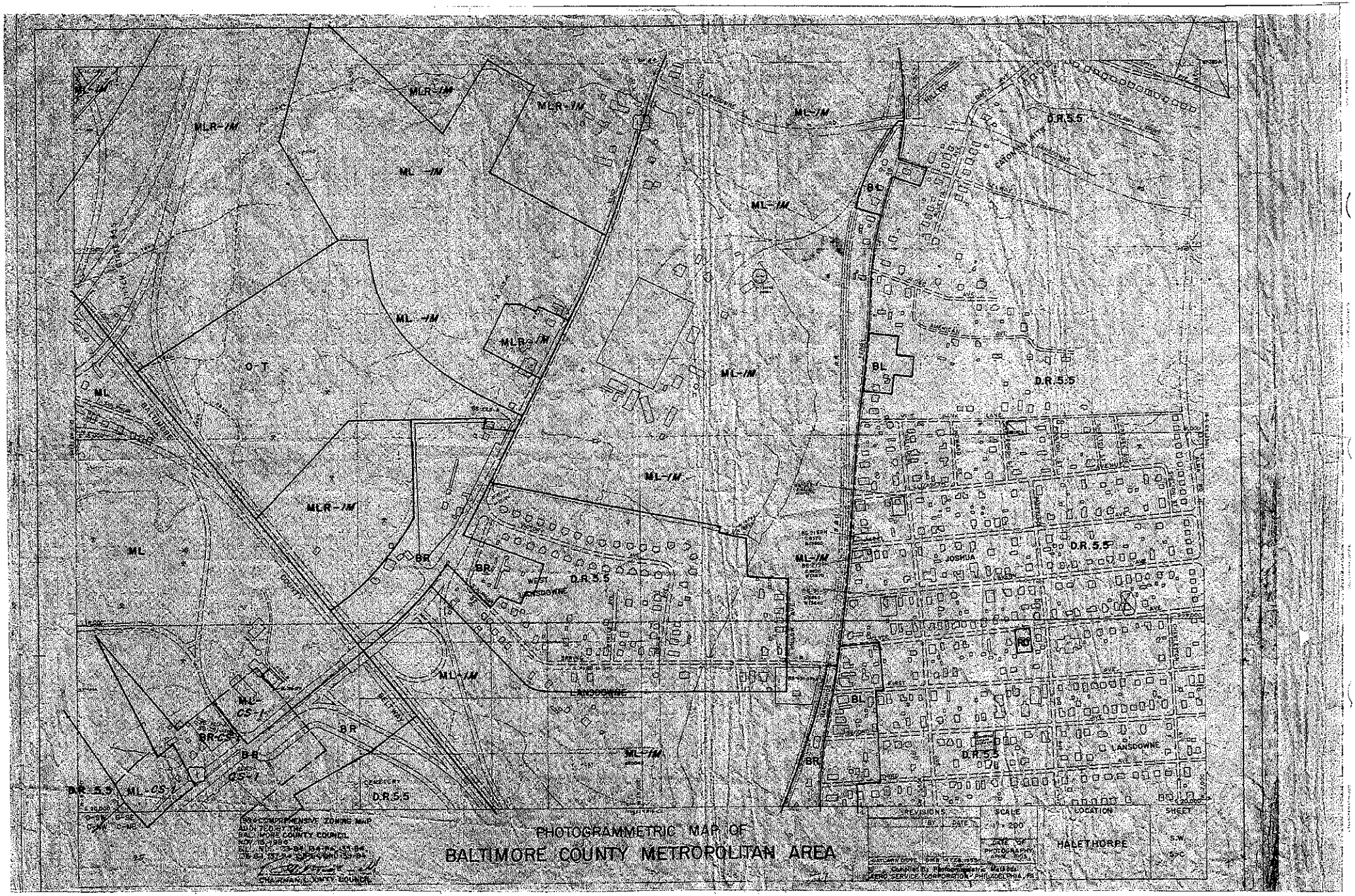
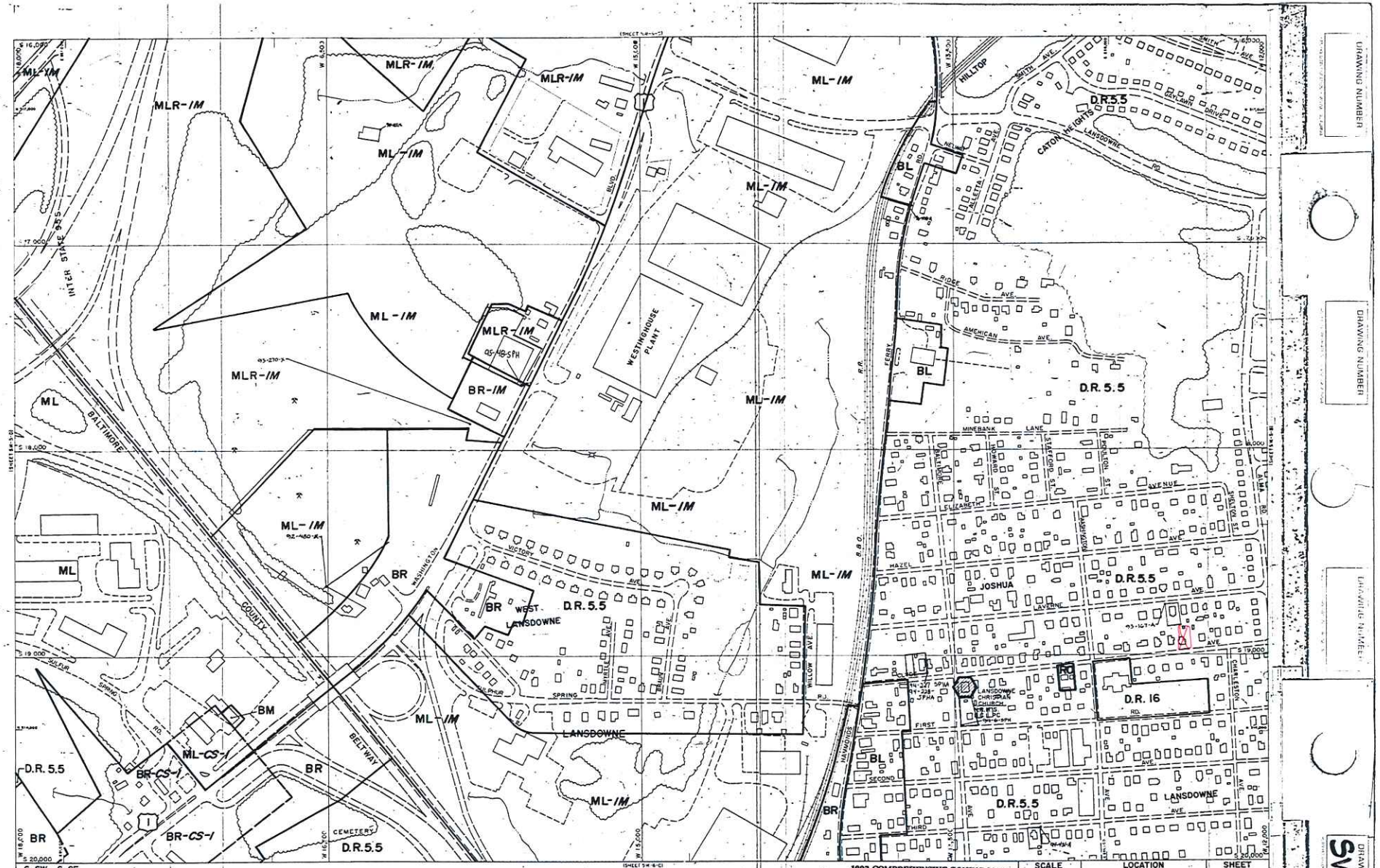
BR
D.R.5.5
LANSDOWNE
D.R. 5.5
D.R.5.5
1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 14, 1980
BILL NOS. 184-80, 185-80, 186-80,
187-80, 188-80, 189-80 AND 190-80
CHAIRMAN, COUNTY COUNCIL
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP
SCALE
1 800
LOCATION
SHEET
HALETHORPE
S.W.
5-C



PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA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MLR-IM
BR-IM
ML
BR
BL
D.R.5.5
D.R. 16
BM
ML-CS-1
BR-CS-1
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
HALETHORPE
SHEET
S.W.
5-C
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210
G-SW G-SE
C-NW C-NE
Chairman, County Council
DRAWING NUMBER
SW 5-C

G-SW G-SE
C-NW C-NE

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenetz
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	HALETHORPE	S.W. S-C
DATE OF PHOTOGRAPHY JANUARY 1986		

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER SW S-C

G-SW G-SE
C-NW C-NE

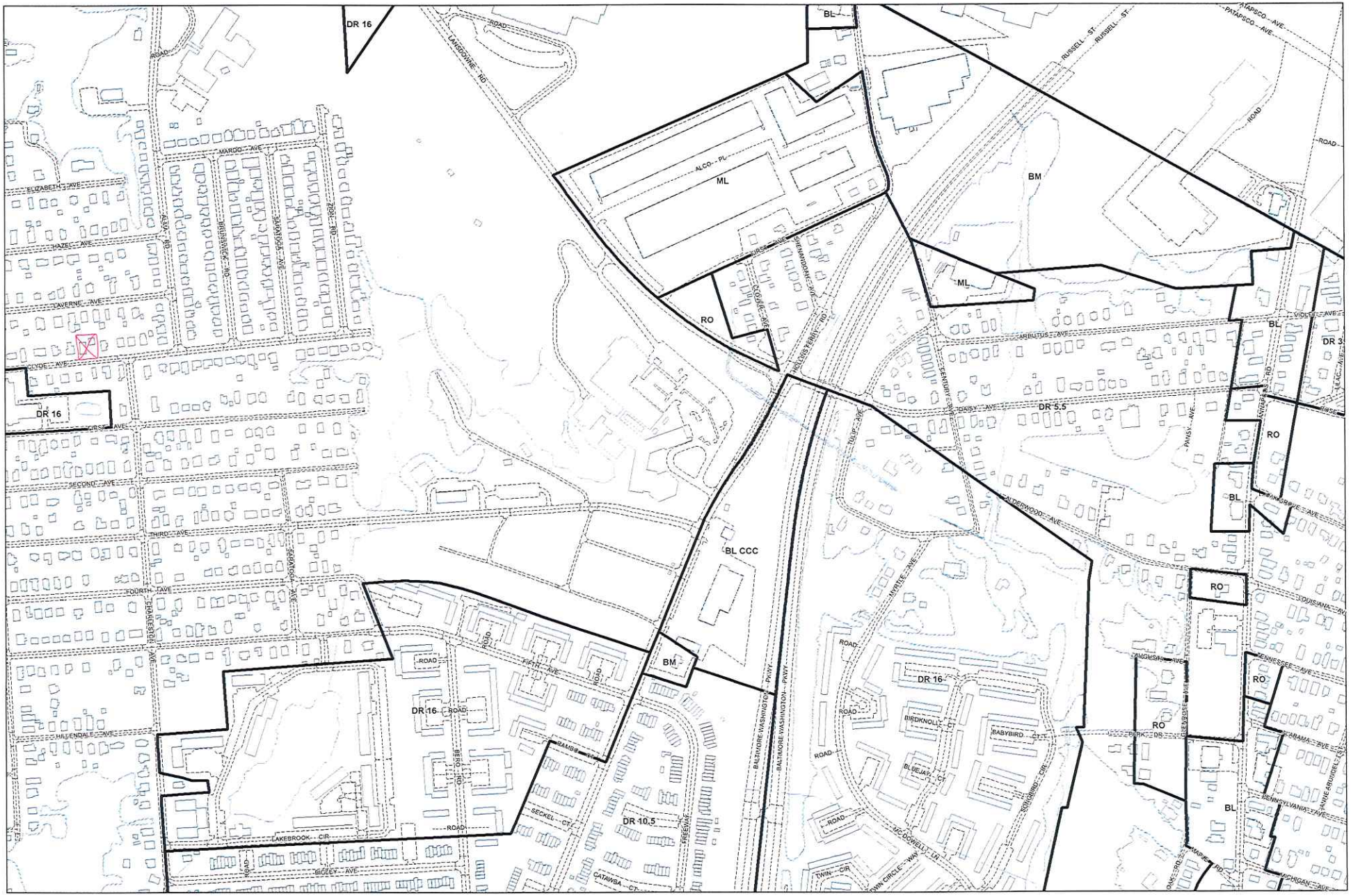
ADOPTED by THE BALTIMORE COUNTY COUNCIL

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21215

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	HALETHORPE	S.W. 5-C
DATE OF PHOTOGRAPHY JANUARY 1986		

SW 5C



Plan Sheet: *109B1*

Note
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

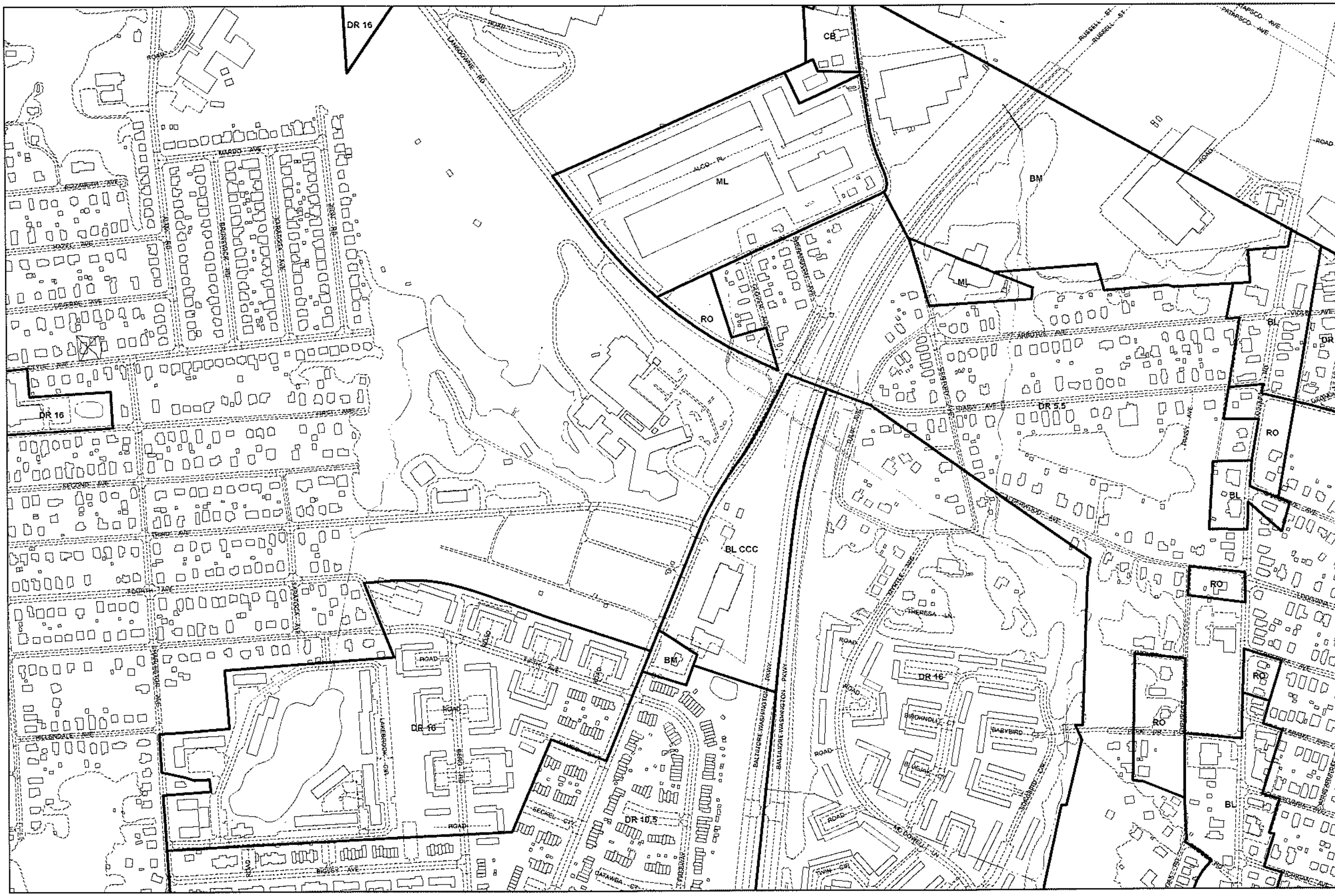
Baltimore County
Office of Planning and Zoning
Official Zoning Map

101C3	102A3	102B3	
108C1	109A1	109B1	109C1
108C2	109A2	109B2	109C2

Scale
1" = 200'
0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit 1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning 1:2400, 2004



Plan Sheet: *109B1*

Note
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31 2008

Legend

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

101C3	102A3	102B3	
108C1	109A1	109B1	109C1
108C2	109A2	109B2	109C2

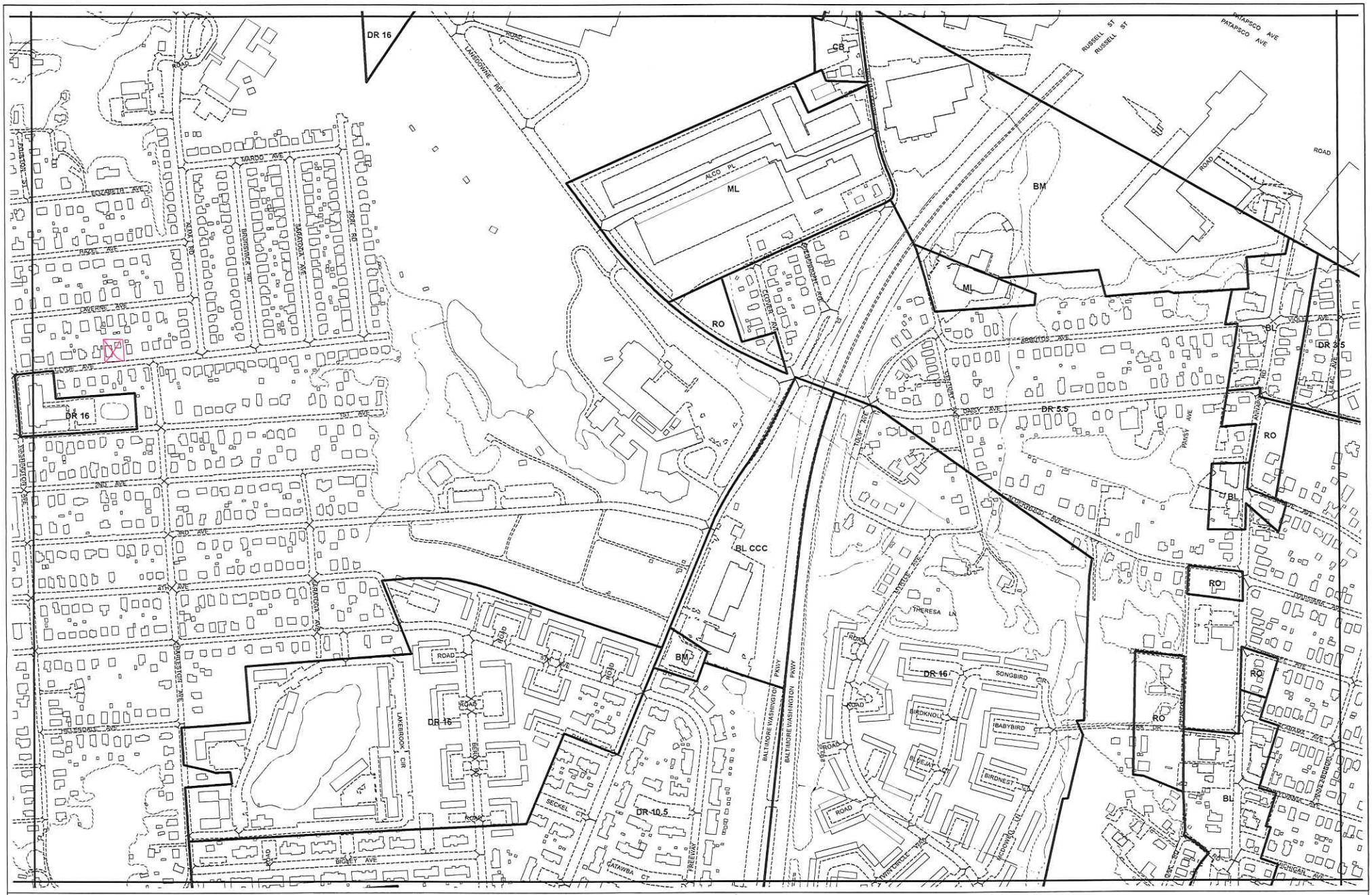
Scale

1" = 200'

0 100 200 400 Feet

N

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008



Plan Sheet: *109B1*

Note:
The zoning depicted in this map incorporates the actions associated with 2012 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through December 31, 2012.

Legend

Zoning — Streams — Rail Lines
Buildings — Roads — Vegetation

Baltimore County
Department of Planning
Official Zoning Map

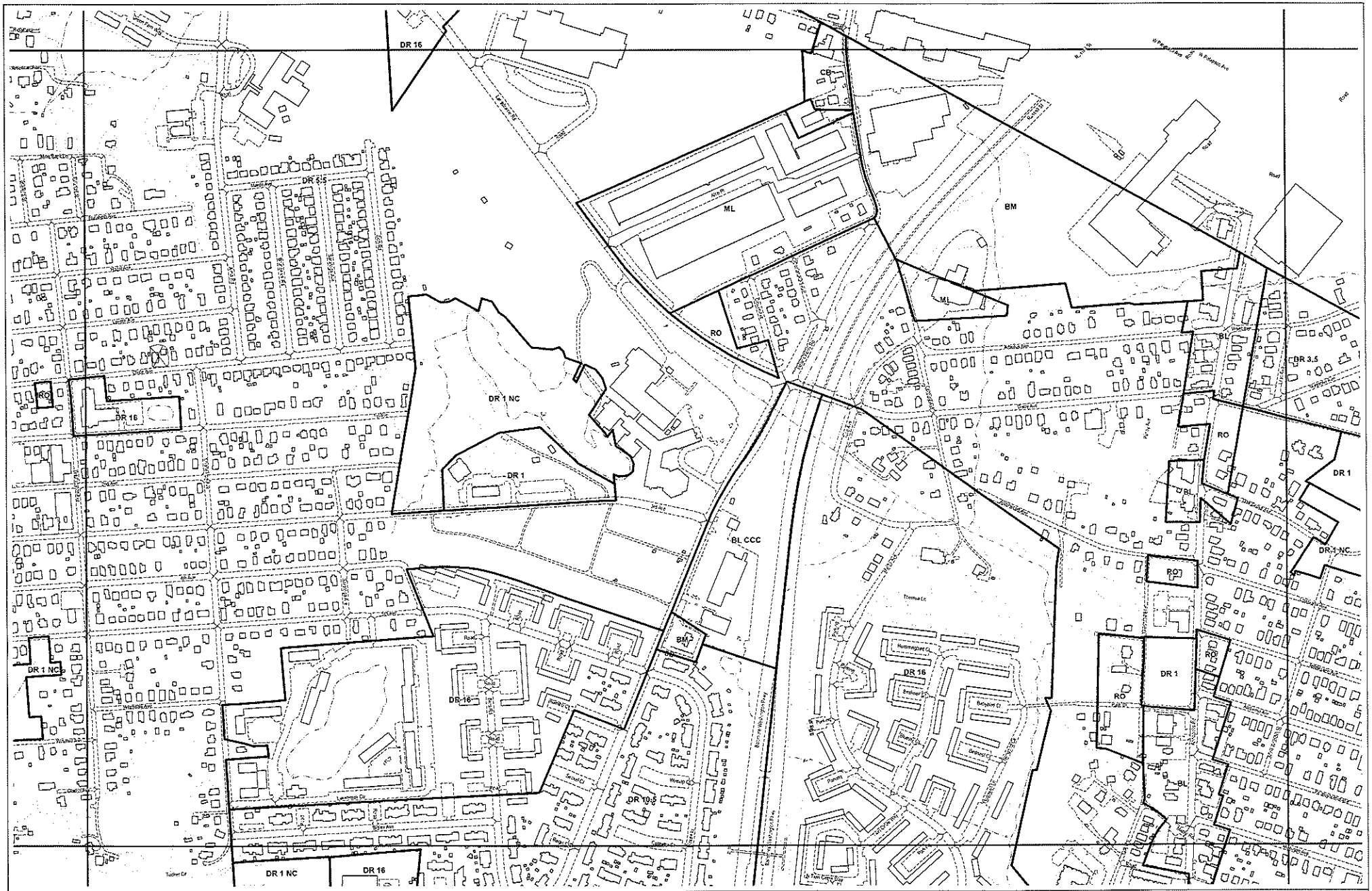
Scale

1" = 200'

0 100 200 400 Feet

N

Data Sources:
Planimetric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 2008 photography
Zoning - Baltimore County Office of Planning
1:2400, 2012


DR 16
CR
ML
BM
RO
DR 3.5
DR 1 NC
DR 1
BL CCC
DR 10.5
BL
Plan Sheet: 109B1
Note:
The zoning depicted in this map incorporates the actions associated with 2016 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through November 18, 2016.
Legend
Zoning
Buildings
Streams
Roads
Rail Lines
Vegetation
Baltimore County
Department of Planning
Official Zoning Map
Scale
1" = 200'
0 100 200 400
Feet
Data Sources:
Buildings/Streams/Roads - Baltimore County OIT/GIS Services Unit
1:2400, from 2014 photography
Vegetation - Baltimore County OIT/GIS Services Unit
1:2400, from 2008 photography
Zoning - Baltimore County Dept of Planning
1:2400, 2016

Received this day from Zoning Office

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

INDEX

January 2, 1945

ADOPTED BY THE COUNTY COMMISSIONERS
OF BALTIMORE COUNTY,
Enabling Acts of the General Assembly of Maryland:

Session of 1941, Chapter 247

Session of 1943, Chapter 877

Session of 1945, Chapter 502

Session of 1947, Chapter 915

CHRISTIAN H. KAHL,
President

JOHN R. HAUT

BREMEN A. TRAIL
County Commissioners
of Baltimore County

Codified Sept. 1, 1948 by

CHAS. H. DOING
Zoning Commissioner of Baltimore County.

ZONING REGULATIONS AND RESTRICTIONS FOR BALTIMORE COUNTY

SECTION 1—DEFINITIONS

Words used in the present tense includes the future; words in the singular number include the plural number; the word "shall" is mandatory and not directory.

For the purpose of this Resolution certain terms and words are defined as follows:

1. Accessory Building: A subordinate building, except structures used exclusively for farm operation, located entirely in and not occupying more than 35 per cent of a rear yard and whose use is wholly incidental to that of the main building on the same lot and which does not exceed 15 feet in height above the ground level. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use on the same lot shall be deemed to be an accessory building. A trailer shall not be considered an accessory building.

2. Advertising structures: Any sign, billboard, surface, object or structure used for advertising purposes.

3. Airport: Any area of land or water designed and set aside for landing or taking-off of aircraft and utilized or to be utilized for such purposes.

4. Alley: A public way less than 30 feet in width and designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed.

5. Apartment House: A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities.

6. Basement or Cellar: That portion of a building below the first floor joists the floor of which is more than one-half the clear ceiling height below the adjacent ground.

7. Building: A structure having a roof supported by columns or walls for the shelter, support, or inclosure of persons, animals, or chattels. When any portion thereof is completely separated from all other portions by a division wall from the ground up to the roof and without any door or other openings, such portion shall be deemed a separate building.

8. Building Line: A line beyond which the foundation wall of a building shall not project.

9. Courts: An open, unoccupied space, other than a yard, on the same lot with a building, opening upon a street, alley, yard, lot line or setback, and which is bounded on two or more sides by such building.

10. Depth of Lot: The mean horizontal distance between the front line and the rear lot line.

11. Dwelling, Single Family: A detached dwelling arranged or used for occupancy by one family.

12. Dwelling, Two-Family. A detached dwelling arranged or used for occupany by not more than two families as separate housekeeping units, and with not more than one entrance on any side. Such a dwelling shall have one housekeeping unit over the other.

13. Dwelling, Semi-detached: Two (single or two family) dwelling designed and erected, side by side, as a single detached building and with not more than two entrances on any one side, such (single or two-family) dwellings shall be separated by a solid fire-proof partition wall from foundation to roof.

14. Dwelling, Group House: Not less than three or more than seven (single or two-family) dwellings designed and erected as a single detached building and with not more than one entrance for each (single or two family) dwelling on any one side, such (single or two family) dwellings shall be separated by a solid fireproof partition wall from foundation to roof.

15. Garage, Private: An accessory building used only for storage of not more than three motor driven vehicles, only one of which may be a commercial vehicle.

16. Garage, Public-Storage: Garage other than a private garage in which the repair facilities are incidental to its primary use for storage.

17. Garage, Public Service: A garage other than a private or public storage garage where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

18. Height of Building: The vertical distance measured from the average ground level at the front of the building to the highest point of the building.

19. Home Occupation: An occupation in connection with which there is used no display, (other than signs otherwise herein permitted), that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in connection with which there is kept no stock in trade or commodity sold upon the premises, no person employed other than servants or a member of the immediate family residing on the premises, and no mechanical equipment except such as is used for purely domestic or household purposes.

20. Junk Yard: Any land or area used, in whole or in part, for storage of paper, rags, scrap metal or other junk or for the storage of automobiles not in running condition or for the dismantling of automobiles or other vehicles or machinery.

21. Lot: Land occupied, or to be occupied, by a building and its accessory buildings, together with such open spaces as may be required under these regulations, having its frontage upon a public street.

22. Lot, Corner: A lot fronting on and at the intersection of two or more streets intersecting at an angle or not more than one hundred thirty-five (135) degrees.

23. Lot Lines: Lines bounding a lot. Provided, however, that the lot lines shall conclusively be presumed to be the lines separating the lot from streets and highways.

24. Non-conforming Use: A building or land occupied by a use that does not conform to the provisions of the regulations for the zone in which it is located.

25. Setback: The shortest distance between the building line and the street line or lot line.

26. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling above it, provided that a cellar shall not be considered a story.

27. Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

28. Stable, Private: An accessory building used only for the stabling or keeping of horses, and/or other animals, (not more than three in number) for private use only and not for livery or hire.

29. Stable, Public: An accessory building and/or other building, other than a private stable where horses and/or other animals are kept for livery or hire.

30. Tourist Cabin Camp: Any land on which there is located or erected one or more cabins, structures, tents or out-buildings, other than trailer or house car or combined trailer and house car, and other than a dwelling on the same premises, which are used or occupied, whether habitually or infrequently, as a dwelling, lodging or sleeping place by one or more persons, and shall include any structure or building used as a service building for such camp or intended for use as part of the equipment of such camp.

31. Tourist Home: A dwelling used exclusively (other than residence of the family) to provide not more than five rooms for rent to transients.

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot asthe building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

"A" Residence Zone - - - (Cottage)
"B" Residence Zone - (Semi-detached)
"C" Residence Zone - - (Apartment)
"D" Residence Zone - - - (Group)
"E" Commercial Zone.
"F" Light Industrial Zone.
"G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.

2. Dwelling, single family.

3. Dwelling, two-family.

4. Farming and buildings incidental thereto.

5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.

7. Public park or playground.

8. Public building.

9. Public water works reservoir.

10. Trailer, one unoccupied, for storage only.

11. Tourist home.

12. Truck garden.

13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:

(a) Any accessory building when located not less than 60 feet from front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.

(b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.

14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.

B. Height Regulations: No building shall exceed a height of forty feet or three stories.

C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:

1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.

2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.

3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.

4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

5. No portion of an alley shall be considered as any part of any side or rear yard.

6. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural rights-of-way.

SECTION IV—"B" RESIDENCE ZONE

A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations:

2. Children's Home.

3. Dwelling—semi-detached.

4. Fraternity or Sorority House.

5. Orphanage.

6. Tea Room, when operated as a home occupation.

B. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.

C. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

SECTION V—"C" RESIDENCE ZONE

A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in the "B" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section IV-A.

2. Apartment house.

3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street line except when contained within the main building and provided further that any accessory building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.

B. Height Regulations: Building height unlimited.

C. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:

1. Lot Area Per Dwelling Unit. Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.

2. Front Yard: Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, except apartment buildings shall set back to provide for a front yard of not less than 55 feet in depth, measured from the center of the front street, in no case less than 25 feet from the front lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.

BALTIMORE COUNTY

ZONING REGULATIONS

ADOPTED BY

COUNTY COMMISSIONERS

OF

BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section 532 (c) of the Code of Public Local Laws of Baltimore County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

BALTIMORE COUNTY ZONING REGULATIONS

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ARTICLE 2—

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ARTICLE 3—

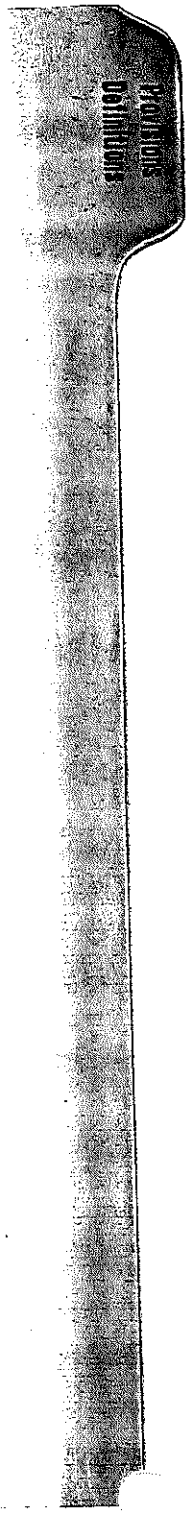
Excepton to Height and Area Requirements

ARTICLE 4—

Special Regulations

Section 100—Zones and Zone Boundaries

Section 101—Definitions



ARTICLE 1—GENERAL PROVISIONS

Section 100—ZONES AND ZONE BOUNDARIES

100.1—For the purpose of these regulations, Baltimore County is hereby divided into zones, as follows:

R. 40 Zone	Residence, one-family
R. 20 Zone	Residence, one-family
R. 10 Zone	Residence, one-family
R. 6 Zone	Residence, one and two-family
R. G. Zone	Residence, group house
R. A. Zone	Residence, apartment
B. L. Zone	Business, local
B. M. Zone	Business, major
B. R. Zone	Business, roadside
M. R. Zone	Manufacturing, restricted
M. L. Zone	Manufacturing, light
M. H. Zone	Manufacturing, heavy

100.2—The Official Zoning Map of Baltimore County, hereby adopted as part of these regulations, is the existing map in the office of the Zoning Commissioner of Baltimore County on which are designated the zones and zone boundaries adopted on January 2, 1945 together with all amendments thereto and the changes in zone designations set forth in Section 100.3 herein.

100.3—The zones as created in Section 100.1 change the present zone designations as follows:

A or B Residence to R. 6 Zone
C Residence to R. A. Zone
D Residence to R. G. Zone
E Commercial to B. L. Zone
F Light Industrial to M. L. Zone
G Heavy Industrial to M. H. Zone

100.4—The location of any zone boundary, unless indicated by dimensions shown on the zoning map, shall be determined by use of the map scale shown thereon and scaled to the nearest foot.

Section 101—DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these Regulations, certain terms and words are defined as follows:

DEFINITIONS

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

Airport: Any area of land or water designed and set aside for landing or taking off of aircraft.

Alley: A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property.

Apartment House: A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

Basement: That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground. (See definitions of Cellar and Story)

Boarding House: A building other than a hotel in which meals or rooms and meals are provided for compensation for four or more persons, including a "care home," as defined by the Maryland State Health Department.

Building: A structure enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building Height: The vertical distance measured from the average grade to the average elevation of the roof of the highest story.

Building Line: The line established by law beyond which a building shall not extend.

Cellar: That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground. (See definition of Basement)

DEFINITIONS

Convalescent Home: This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care. It does not include a "care home" as defined by the Maryland State Health Department, which merely provides board, shelter, and personal services in a protective environment for persons not gainfully employed.

Density, Gross: The acres within each separate zone in a project divided into the dwelling units in each such zone, including not more than half the width of bordering streets and alleys.

Density, Net: Net Density is based on the area of the lot or lots involved. Offstreet parking space shall be considered part thereof only if contained therein.

Dwelling: A building or portion thereof which provides living facilities for one or more families.

Dwelling, One-Family: A detached building arranged or used for occupancy by one family.

Dwelling, Two-Family: A building arranged or used for occupancy by two families as separate housekeeping units. It may be either a duplex or a semi-detached dwelling.

Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides.

Dwelling, Group House: A building that has not less than three nor more than six one-family housekeeping units erected in a row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

per cent of the lots may have an area less than 10,000 square feet (see Section 304).

208.2—Front Yard—For dwellings, the front building line shall be not less than 30 feet from the front lot line and not less than 55 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—50 feet from the front lot line and not less than 75 feet from the center line of the street, except as specified in Section 303.1.

208.3—Side Yards—For dwellings, 10 feet wide for one side yard and not less than 25 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 30 feet from the side lot line and not less than 55 feet from the center line of the street; for other principal buildings—20 feet wide, except that for a corner lot the building line along the side street shall be not less than 35 feet from the side lot line and not less than 60 feet from the center line of the street.

208.4—Rear Yard—30 feet deep.

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R. 40 Zone;

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R. 10 Zone, except sanitary landfills and trailer parks which are not permitted (see Sections 270 and 502).

Section 210—HEIGHT REGULATIONS:

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1 — Lot Area and Width — Each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than

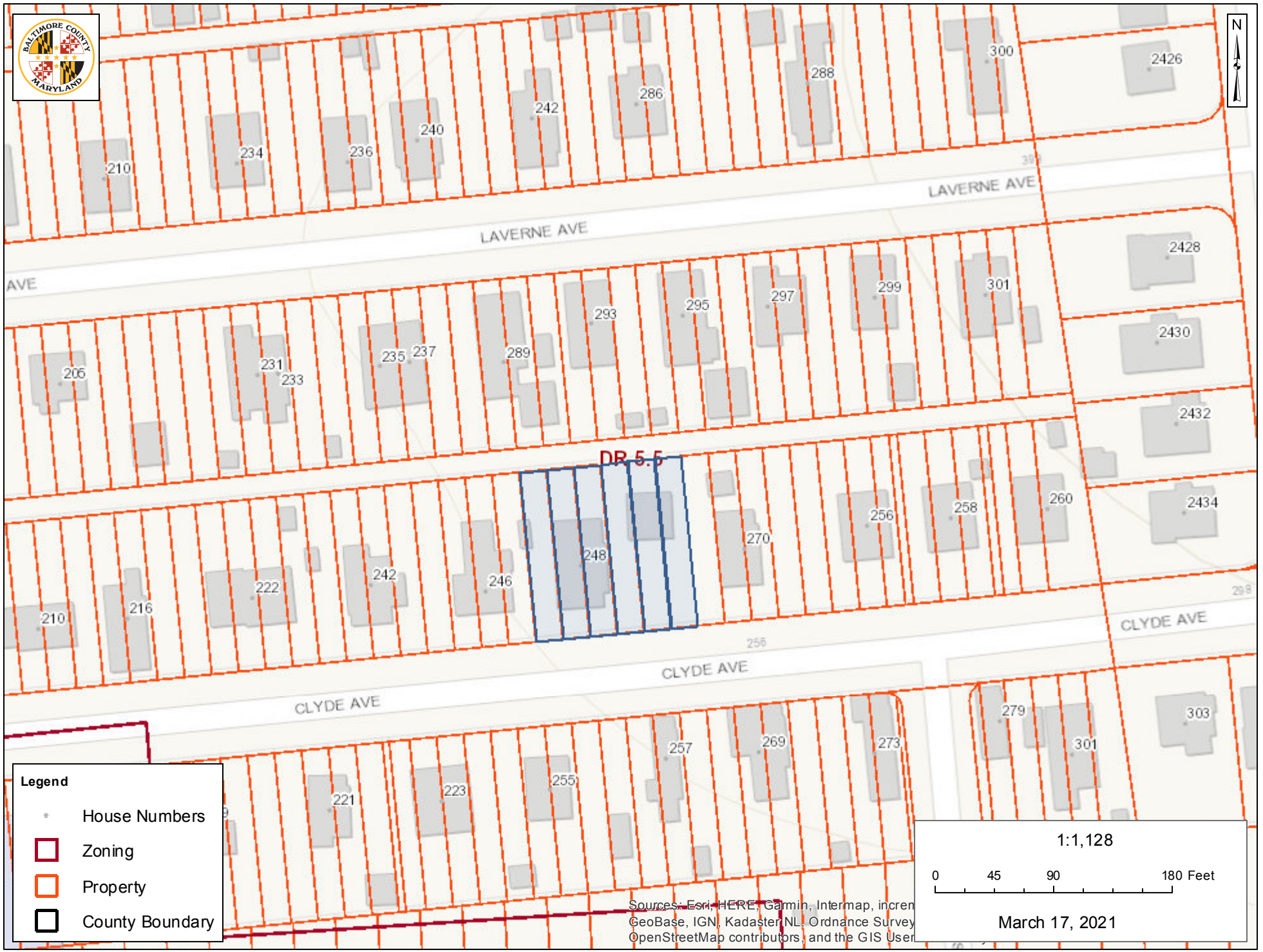
10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304).

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

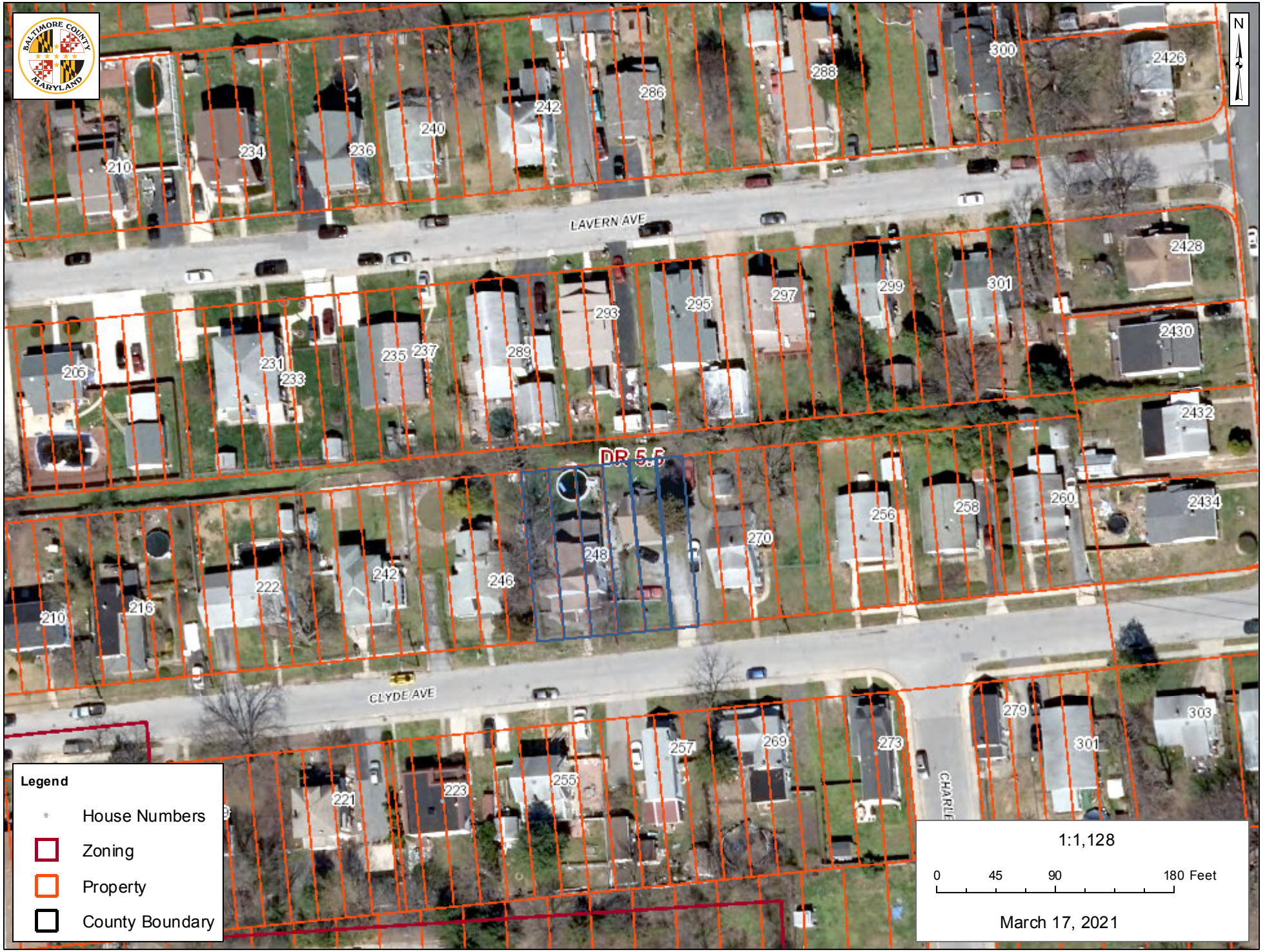
211.3 — Side Yards — For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood



COVID-19 Coronavirus Updates and Guidance

The County is taking a number of actions to keep residents safe and minimize the spread of COVID-19. Find status information for County operations and services.

Rental Registration Data

The County regulates rental units on properties with six or less; the state regulates larger rental properties.

Rental Property License Search

The Rental Registration Property Search displays all rental properties currently registered or exempt from registration in Baltimore County. Use the search to identify and monitor specific rental properties in your neighborhood or community. Select your desired license type to search the map by street name, ZIP code, councilmanic district or record ID.

View Data

View or download rental registration data, including the rental property address, name and address of the property owner, and the reason for exemption, if applicable.

Disclaimer: This information was provided by property owners and compiled by Baltimore County for public access. Baltimore County makes no representations regarding the completeness or accuracy of this information, but rather disclaims responsibility for errors herein and reserves the right to make changes at any time without notice.

Revised August 7, 2019

COVID-19 Coronavirus Updates and Guidance

The County is taking a number of actions to keep residents safe and minimize the spread of COVID-19. Find status information for County operations and services.

Rental Housing Registration

If you own a building in Baltimore County that contains six dwelling units or fewer that you intend to rent, including Section 8 and BRHP-assisted properties, each rental unit must be registered or approved for exemption by Baltimore County before tenants move in.

There are a number of conditions that may qualify your property for exemption. Review the criteria listed on the Exemption Affidavit (PDF) and if any of these conditions apply, complete an application for exemption.

If your property is not qualified for exemption, follow the steps below to register it with Baltimore County.

Step 1: Know the Registration Fees

- Owner-occupied, one or two tenants: $48 per unit
- Owner-occupied, three or more tenants: $60 per unit
- Not owner-occupied: $60 per unit

Step 2: Have Your Property Inspected

Have an inspection performed by a state-licensed home inspector. The inspector must complete an Inspection Sheet (PDF) for each unit you intend to rent.

Step 3: Gather Required Documentation

You must provide the following with your application:

- The Inspection Sheet (PDF) completed by a licensed home inspector in Step 2 above
- A Carbon Monoxide Alarm Verification (PDF)
- If the home was built before 1978, a lead inspection certificate

Step 4: Read the Non-Discrimination Regulations

You must comply with federal, State and County non-discrimination and accessibility regulations, as applicable. The regulations, exceptions and waiver conditions are described in the following pamphlets:

- Fair Housing Law (PDF)
- Maryland Accessibility Act (PDF)

You will be required to attest that you have reviewed and understand the regulations before completing your application.

Step 5: Decide How You Want to Apply

Apply or Renew Online

Note: Please be sure to check that your rental property complies with all the Baltimore County Zoning Regulations. To locate your Zoning Designation, please visit My Neighborhood.

To apply for or renew your license online, you'll need:

- A valid email address
- A Visa or Mastercard to pay applicable fees
- All documentation from Step 3 above

You will be required to create an account and accept terms of use before beginning your application.

APPLY OR RENEW

Apply or Renew by Mail or In Person

To apply or renew by mail or in person, you must:

- Print and complete the Rental Housing Application (PDF)
- Print and complete a payment coupon (PDF)
- Include all documentation from Step 3 above

Then, return your application and supporting documentation to:

Rental Housing License Payments
Historic Courthouse, Room 151
400 Washington Avenue
Towson, Maryland 21204

Additional Resources

- Carbon Monoxide Frequently Asked Questions (PDF)
- Carbon Monoxide Alarm Regulations (PDF)
- Landlords and Tenants: Tips on Avoiding Disputes (PDF)
- Nuisance Complaints Procedure and Form (PDF)

Changes for Rental Property Owners

Baltimore County Bill 26-18 amended the limitations on applicability of the Rental Housing License requirements. Property owners who are no longer exempted from the licensing requirements of Article 35, Title 6 of the County Code as a result of this Act shall obtain a Rental Housing License:

- Dwellings not connected to public sewer are **no longer exempt.**
- Dwelling units solely occupied by a person related to the owner must be related by blood, marriage or adoption or under the legal custody of the owner. Individuals must be related as grandparents, parents, children or grandchildren **only**. Family members other than those listed are not exempt.

These properties must now be inspected and registered with Baltimore County by following the process outlined below.

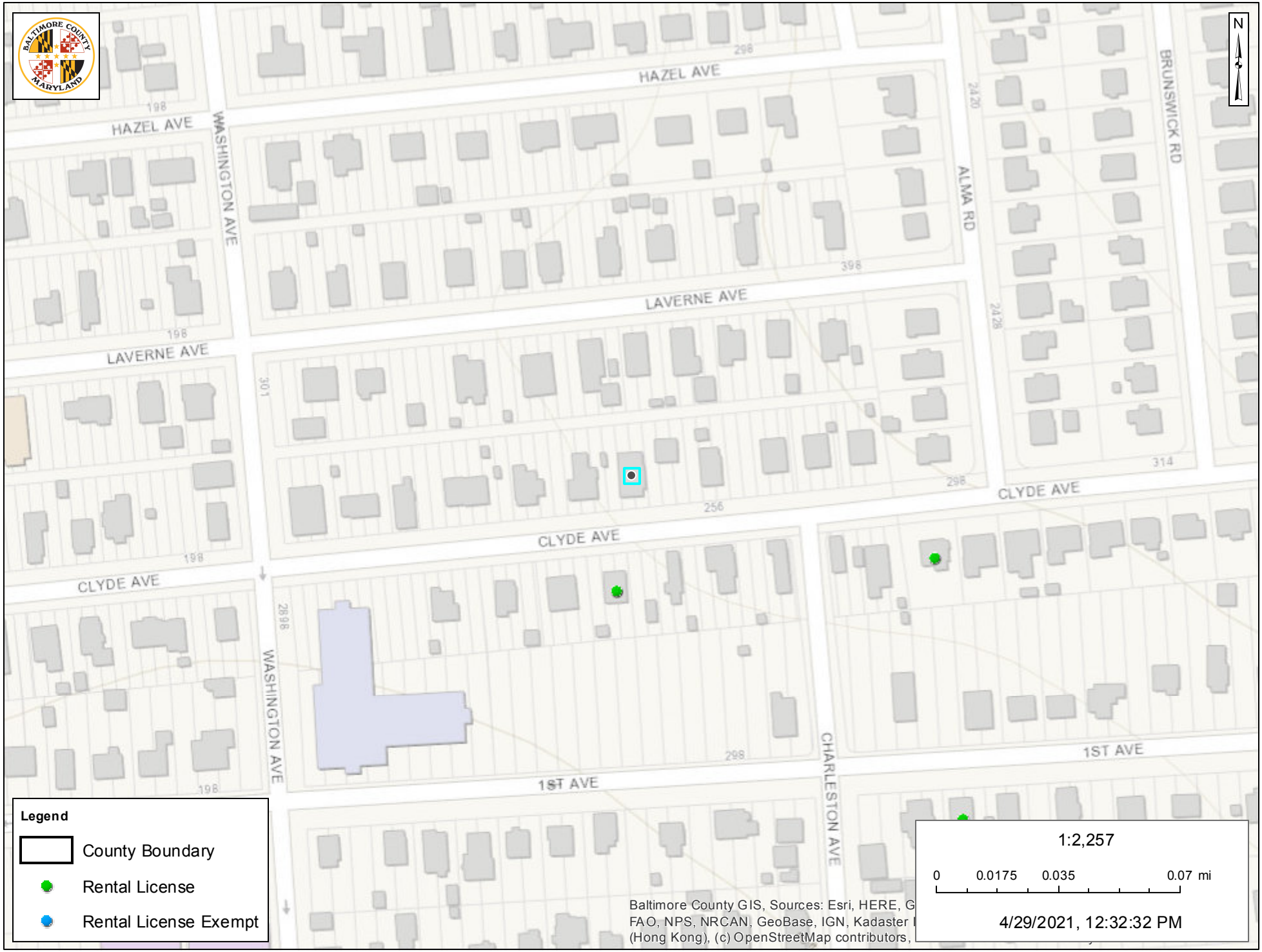
More Information

If you have questions about the registration or exemption process, email the Department of Permits, Approvals and Inspections at pairentalregistration@baltimorecountymd.gov or call 410-887-6060.

Revised July 29, 2019

PERMITS, APPROVALS AND INSPECTIONS

ArcGIS Web Map



Home First Title Group, LLC
File No. **RR-20-0638**
Tax ID # **13 1313400020**

Baltimore County Cir Crt
IMP FD SURE $40.00
RECORDING FEE $20.00
TR TAX STATE $750.01
TOTAL $810.01
JLE ES
Aug 05, 2020 03:56 pm

This Deed, made this 5th day of May, 2020, by and between **Ruth Ann Healey**, GRANTOR, and **Shreyas Panchigar**, GRANTEE.

Witnesseth –

That in consideration of the sum of One Hundred Fifty Thousand One and 00/100 Dollars ($150,001.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME on the north side of Clyde Avenue (also known as Clyde Street) at the distance of 392 feet easterly from the corner formed by the north side of Clyde Avenue and the east side of Washington Avenue (also known as Washington Street) as shown on the Plat of Joshua recorded among the Land Records of Baltimore County in Plat Book JWS No. 1, folio 144, which point of beginning is at the center line of Lot No. 186 in Block 2 as shown on the above mentioned plat; running thence easterly binding on the north side of Clyde Avenue 80 feet to the division line between Lots Nos. 191 and 192 as shown on said Plat; thence northerly at right angles to Clyde Avenue and binding on Lot No. 192, 100 feet to an alley 14 feet wide; thence westerly binding on said alley with the use thereof in common 80 feet to the center line of Lot No. 186 and thence southerly binding on said center line and parallel with Washington Avenue 100 feet to the place of beginning.

The improvements thereon being known as 248 Clyde Avenue Baltimore MD 21227

Tax ID#13-1313400020

Being the same fee simple property which by Deed dated April 22, 2015 and recorded May 22, 2015 among the Land Records of Baltimore County, Maryland in Liber 36215 Folio 356 was granted and conveyed by and between Charles Michael Healey and Ruth Ann Healey unto Ruth Ann Healey.

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

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Shreyas Panchigar, as sole owner, in fee simple.

And the Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant Specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

PAID RECEIPT
DATE 08/05/2020 TIME 14:31:17
TAX ID: 1313400020
CO. TR TAX $2,250.02
RECORDATION TAX $752.50
CR Baltimore County, Maryland

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

Ruth Ann Healey (SEAL)
Ruth Ann Healey

STATE OF MARYLAND }
COUNTY OF BALTIMORE } ss

I hereby certify that on this 5th day of May, 2020, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Ruth Ann Healey, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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

Baltimore County, Maryland
Notary Public
Rhonda Richards
My Commission Expires 7/21/2023

Notary Public

My Commission Expires: _____

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

G. Russell Donaldson, Esquire

AFTER RECORDING, PLEASE RETURN TO:
Home First Title Group, LLC
1655 Crofton Boulevard
Suite 201
Crofton, Maryland 21114

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2020

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor: Ruth Ann Healey

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

248 Clyde Avenue, Baltimore, MD 21227

3. Reasons for Exemption

Resident Status

☑ As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Ruth Ann Healey — 5/5/20
Name — **Date

Ruth Healey — 5/5/20
Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name — **Date

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

20-49

BOOK: 43202 PAGE: 4

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only–All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

X	Deed Deed of Trust	☐	Mortgage Lease	☐	Other	☐	Other

2 Conveyance Type Check Box

X	Improved Sale Arms-Length *[1]*	☐	Unimproved Sale Arms-Length *[2]*	☐	Multiple Accounts Arms-Length *[3]*	☐	Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		
Purchase Price/Consideration	$	150,001.00
Any New Mortgage	$	
Balance of Existing Mortgage	$	
Other:	$	
Other:	$	
Full Cash Value:	$	

Finance Office Use Only Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount –	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$
Surcharge	$ 40.00	$
State Recordation Tax	$ 752.50	$
State Transfer Tax	$ 750.01	$
County Transfer Tax	$ 2,250.02	$
Other	$	$
Other	$	$

Agent:

TReal Property

PAID

C.B. Credit:

Ag. Tax/Other:

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
13	1313400020	36215/356			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
	187	2		jws1/144	

Location/Address of Property Being Conveyed (2)

248 Clyde Avenue, Baltimore, MD 21227

Other Property Identifiers (if applicable)	Water Meter Account No.

Residential [X] **or Non-Residential** ☐ | **Fee Simple** [X] **or Ground Rent** ☐ | **Amount:** N/A

Partial Conveyance? ☐ **Yes** [X] **No** | Description/Amt. of SqFt/Acreage Transferred: N/A

If Partial Conveyance, List Improvements Conveyed: N/A

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Ruth Ann Healey	
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 – Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
Shreyas Panchigar	N/A CASH

New Owner's (Grantee) Mailing Address

2926 W. Almondbury Dr Pasadena MD 21122

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Post Closing

Firm Home First Title Group, LLC

Address: 1655 Crofton Boulevard, Suite 201

Crofton, Maryland 21114 Phone: (410) 451-8844

☒ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

11 IMPORTANT: *BOTH* **THE ORIGINAL DEED** *AND* **A PHOTCOPY MUST ACCOMPANY EACH TRANSFER**

Assessment Information

☐ Yes [X] No Will the property being conveyed be the grantee's principal residence?

☐ Yes [X] No Does transfer include personal property? If yes, identify:

[X] Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only – Do Not Write Below This Line

Terminal Verification | Agricultural Verification | Whole | Part | Tran. Process Verification

Transfer Number | Date Received: | Deed Reference: | Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: ☐ Clerk's Office ☐ Office of Finance ☐ SDAT ☐ Preparer

AOC-CC-300 (5/2007)

RR-20-0638

INTRA-SPOUSAL DEED
EXEMPT FROM IMPOSITION OF TRANSFER AND RECORDATION TAXES
PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION

DEED IN SEVERALTY

THIS DEED IN SEVERALTY, dated this 22ND day of April, 2015, from **CHARLES MICHAEL HEALEY** and **RUTH ANN HEALEY** (the "Grantors"), to **RUTH ANN HEALEY**, solely, as tenant in severalty (the "Grantee").

WHEREAS, the Grantors acquired title to the hereinafter described property, as tenants by the entireties, during the term of their marriage; and

WHEREAS, the Grantors have now separated and pursuant to the terms of an agreement between them as to the separation of property, the Grantors have agreed to convey the property hereinafter described to the Grantee as tenant in severalty; and

WHEREAS, pursuant to the provisions of §§12-108(d) and 13-207(a)(3) of the Tax-Property Article of the Annotated Code of Maryland, the within conveyance is exempt from the imposition of transfer and recordation taxes.

NOW, THEREFORE, THIS DEED WITNESSETH: The Grantors, in fulfillment of the terms and conditions of their agreement regarding the hereinafter described property, do grant, convey and assign to the Grantee, as tenant in severalty, her personal representatives, heirs and assigns, in fee simple, the real property located in Baltimore County, Maryland and described as follows:

> **BEGINNING** for the same on the north side of Clyde Avenue (also known as Clyde Street) at the distance of 392 feet easterly from the corner formed by the north side of Clyde Avenue and the east side of Washington Avenue (also known as Washington Street) as shown on the Plat of Joshua recorded among the Land Records of Baltimore County in Plat Book JWS No. 1, folio 144, which point of beginning is at the centre

line of Lot No. 186 in Block 2 as shown on the above mentioned plat; running thence easterly binding on the north side of Clyde Avenue 80 feet to the division line between Lots Nos. 191 and 192 as shown on said Plat; thence northerly at right angles to Clyde Avenue and binding on Lot No. 192 100 feet to an alley 14 feet wide; thence westerly binding on said alley with the use thereof in common 80 feet to the centre line of Lot No. 186 and thence southerly binding on said centre line and parallel with Washington Avenue 100 feet to the place of beginning. The improvements thereon being now or formerly known as 248 Clyde Avenue (also known as Clyde Street).

BEING the same property which by Deed, dated July 8, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber 7922, folio 641, was granted and conveyed by Darryl A. Malecki and Diane M. Malecki, unto the Grantors herein, as tenants by the entireties.

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

TO HAVE AND TO HOLD the property hereby conveyed to the Grantee, as tenant in severalty, her personal representatives, heirs and assigns, in fee simple, forever.

AND the Grantor hereby covenants to warrant specially the property hereby granted; that he has not done or suffered to be done any act, matter or thing whatsoever to encumber the property; and that he will execute such further assurances of the property as may be requisite.

WITNESS the hand and seal of the said Grantor:

WITNESS:

_____ _____(Seal)
Charles Michael Healey

Ruth Ann Healey (Seal)
Ruth Ann Healey

STATE OF MARYLAND
COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 22ND day of April, 2015, before me, a Notary Public of the State aforesaid, personally appeared **CHARLES MICHAEL HEALEY**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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

Notary Public
My Commission expires: _____

MARY KOCH NOTARY PUBLIC MY COMMISSION EXPIRES MAY 13, 2017 BALTIMORE COUNTY, MD

STATE OF MARYLAND
COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 22ND day of April, 2015, before me, a Notary Public of the State aforesaid, personally appeared **RUTH ANN HEALEY**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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

Notary Public
My Commission expires: _____

MARY KOCH NOTARY PUBLIC MY COMMISSION EXPIRES MAY 13, 2017 BALTIMORE COUNTY, MD

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF MARYLAND REAL ESTATE AFFIDAVIT OF RESIDENCE OR PRINCIPAL RESIDENCE

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor: Charles Michael Healey and Ruth Ann Healey

2. Reasons for Exemption

Resident Status: ✓ We, Transferors, are residents of the State of Maryland.

___ Transferor is a resident entity under §10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferors, and have authority to sign this document on Transferors' behalf.

Principal Residence: ___ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC §121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3. Transferors

WITNESS:

_____

_____

_____ (Seal)
Charles Michael Healey

_____ (Seal)
Ruth Ann Healey

OWNER OCCUPANCY AFFIDAVIT

RUTH ANN HEALEY, the Grantee, hereby certifies under the penalties of perjury, that the land conveyed in this Deed is residentially improved owner-occupied real property and that the residence will be occupied by the Grantee.

Witness

Ruth Ann Healey (SEAL)
Ruth Ann Healey

I HEREBY CERTIFY that this instrument was prepared by or under the supervision of the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

Molly K. Decker

Tax Acct. No. 13-13400020

Address for Grantee:

Ruth Ann Healey
248 Clyde Avenue
Baltimore, Maryland 21227

After recording, please return this instrument to:

Northco Title Corporation
7419 Baltimore-Annapolis Blvd.
P. O. Box 1330
Glen Burnie, Maryland 21060

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

IMP FD SURE 40.00
RECORDING FEE 20.00
TOTAL 60.00
Rcpt # BAD5 Rcpt # 12128
JLE CC Blk # 1917
Nov 22, 2015 01:43 PM

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

x Deed / Deed of Trust	☐ Mortgage / Lease	☐ Other	☐ Other

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length *[1]*	☐ Unimproved Sale Arms-Length *[2]*	☐ Multiple Accounts Arms-Length *[3]*	☐ Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only
Transfer and Recordation Tax Consideration

Transfer Tax Consideration		$
X ( ) %	=	$
Less Exemption Amount	-	$
Total Transfer Tax	=	$
Recordation Tax Consideration		$
X ( ) per $500	=	$
TOTAL DUE		$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 40.00	$
Surcharge	$ 20.00	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$	$

Agent:
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
	13-13400020	7922/641			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
Joshua	187-191	2			

Location/Address of Property Being Conveyed (2): 248 Clyde Ave., Baltimore, MD 21227

Other Property Identifiers (if applicable) | Water Meter Account No.:

Residential ☑ or Non-Residential ☐ | Fee Simple ☑ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Charles Michael & Ruth Ann Healey	
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 – Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
Ruth Ann Healey	

New Owner's (Grantee) Mailing Address: 248 Clyde Ave., Baltimore, MD 21227

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Mary Koch
Firm Northco Title Corporation
Address: 7419 Baltimore-Annapolis Blvd., Glen Burnie, MD 21061
Phone: (410) 768.0026

☑ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment information

✓ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☐ No Does transfer include personal property? If yes, identify:
☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only – Do Not Write Below This Line

Terminal Verification | Agricultural Verification | Whole | Part | Tran. Process Verification
Transfer Number | Date Received: | Deed Reference: | Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Total Assess.	Ex. St.	Ex. Cd.	

REMARKS:

TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND

☐ COUNTY TRANSFER TAX Per _____ ART 11 TITLES SUBTITLE 2, 11-3-202

☐ RECORDATION TAX Per _____ ART 12-108

Date 11/22/15

Distribution: White – Clerk's Office; Pink – Office of Finance; Canary – SDAT; Goldenrod – Preparer AOC-CC-300 (5/2007)

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

This Deed, MADE THIS 25th day of July

in the year one thousand nine hundred and eighty-eight by and between

DARRYL A. MALECKI and DIANE M. MALECKI, his wife

of Baltimore County of the first part, and

CHARLES MICHAEL HEALEY and RUTH ANN HEALEY, his wife

of the second part.

WITNESSETH, That in consideration of the sum of Eighty-Six Thousand Four Hundred Dollars ($86,400.00)

C RC/F 16.00
C T TX 307.00
C DOCS 432.00
DEED 0
SM CLERK 758.00
#67231 C001 R02 T10:4
07/21/8

the said parties of the first part

do grant and convey to the said parties of the second part, as tenants by the entireties, the survivor thereof, his or her

personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

BEGINNING for the same on the north side of Clyde Avenue (also known as Clyde Street) at the distance of 392 feet easterly from the corner formed by the north side of Clyde Avenue and the east side of Washington Avenue (also known as Washington Street) as shown on the Plat of Joshua recorded among the Land Records of Baltimore County in Plat Book JWS No. 1, folio 144, which point of beginning is at the centre line of Lot No. 186 in Block 2 as shown on the above mentioned plat; running thence easterly binding on the north side of Clyde Avenue 80 feet to the division line between Lots Nos. 191 and 192 as shown on said Plat; thence northerly at right angles to Clyde Avenue and binding on Lot No. 192 100 feet to an alley 14 feet wide; thence westerly binding on said alley with the use thereof in common 80 feet to the centre line of Lot No. 186 and thence southerly binding on said centre line and parallel with Washington Avenue 100 feet to the place of beginning. The improvements thereon being now or formerly known as 248 Clyde Avenue (also known as Clyde Street).

BEING the same lot of ground described in a deed dated March 13, 1924 and recorded among the Land Records of Baltimore County in Liber WPC No. 590, folio 328 was granted and conveyed by Anthony J. Slavotinski and Mary K. Slavotinski, his wife unto Henry J. Meier, Sr. and Ethel May Meier, his wife; the said Henry J. Meier, Sr. and Ethel May Meier having departed this life.

BEING ALSO the same lot of ground described in a deed dated September 1, 1978 and recorded among the Land Records of Baltimore County in Liber EHK,JR. No. 5941, folio 118, was granted and conveyed by Henry J. Meier, Jr., Personal Representative of the estate of Henry J. Meier, Sr. unto Darryl A. Malecki and Diane M. Malecki, his wife, the within Grantors.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE [signature] DATE 7-14-88

B 068****138240Da 5143A

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

[signature] 7-14-88
Date

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said CHARLES MICHAEL HEALEY and RUTH ANN HEALEY, his wife, as tenants by the entireties, the survivor thereof, his or her personal representatives/successors and assigns, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand S and seal S of said grantor S

Test:

Sandra A. McKeldin

Darryl A. Malecki (SEAL)

Darryl A. Malecki

Diane M. Malecki (SEAL)

Diane M. Malecki

STATE OF MARYLAND, Balto. County, to wit:

I HEREBY CERTIFY, That on this 8th day of July in the year one thousand nine hundred and eighty-eight, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Darryl A. Malecki and Diane M. Malecki, his wife known to me (or satisfactorily proven) to be the person S whose name S is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

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

Sandra A. McKeldin
Notary Public

My Commission expires:

7/1/90

Sandra A. McKeldin
NOTARY PUBLIC
Baltimore County
State of Maryland

Pursuant to the provisions of Article-Tax-Property Section 13-203 (b) the undersigned Grantee(s) hereby make oath that the residence on the property described in the Deed to which this Affidavit is attached will be occupied by the Grantee(s)

Charles Michael Healey

Charles Michael Healey

Ruth Ann Healey

Ruth Ann Healey

Subscribed and Sworn to this 8 day of July , 1988.

Sandra A. McKeldin

Notary Public

My commission expires 7/1/90

Sandra A. McKeldin
NOTARY PUBLIC
Baltimore County
State of Maryland

MAIL TO:
Wonneman, Styles & McConkey
1320 Linden Ave.
21227

IN RE: **PETITION FOR SPECIAL HEARING** **(248 Clyde Avenue)** 13th Election District 1st Council District Shrevus Panchigar *Legal Owner* **Petitioner**	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No. 2020-0207-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Shrevus Panchigar ("Mr. Panchigar") for the property known as 248 Clyde Avenue in the Halethorpe area (the "Property"). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7 to permit a non-conforming use of a second residence unit in the existing detached garage.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Mr. Panchigar appeared along with Patrick Richardson, Jr., P.E. who prepared and sealed a site plan (the "Site Plan"). (Pet. Ex. 1).

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and from Department of Environmental Protection and Sustainability ("DEPS"). Those agencies did not oppose the requested relief, subject to proof of non-conforming use status. People's Counsel opposed the requested relief in a letter dated September 20, 2020.

The Property is approximately .20 acres and is zoned DR 5.5. According to the SDAT records, the home was built in 1900. An aerial photo of the Property provided by People's Counsel shows a home and a garage. The rental space at issue here is the second floor of the garage. No evidence was presented as to the date when the garage was constructed. The garage does not have

a separate address.

By way of background, Mr. Panchigar is an established businessman in the Lansdowne area. He testified that one of his employees, Ruth Ann Healey, who owned the Property between May 22, 2015 and August 5, 2020, had financial problems and needed to sell it. To assist her financially, Mr. Panchigar bought the Property in August of 2020. Mr. Panchigar does not live there. He applied for two (2) rental licenses - one for the home and one for the garage. Although it was not produced at the hearing, he testified that the County gave him a rental license for the home, but not for the garage. Mr. Panchigar added that he is renting the home to a tenant who signed a lease.

Mr. Panchigar testified that Ms. Healey told him that she was born in 1958 or 1959 in the house next door (246 Clyde Ave). She also told him that, at some point, her parents bought the Property and that they told her that the garage was rented. The SDAT record indicates that Charles Michael Healey (who is apparently Ms. Healey's ex-husband) owned the Property between July 21, 1988 and May 22, 2015. Prior to that, the SDAT record indicates that Darryl Malecki owned the Property. No deeds were produced at the hearing.

Approximately three (3) years ago, a Code Violation Correction Notice dated November 22, 2017 was issued to Ms. Healey for failure to have a rental license. According to the Notice, the violation was for 248 Clyde Avenue which is the address for the home. According to Mr. Panchigar, Ms. Healey previously lived in the home; she did not rent it.

With regard to the garage, Mr. Panchigar testified Ms. Healey told him that a tenant named David Beckner ("Mr. Beckner") has been living in the second floor of the garage for 15 years. Despite the length of this tenancy, no written lease between Ms. Healey and Mr. Beckner was produced at the hearing and/or does not exist. There is no separate BGE or electric meter and no

separate cable bill for the garage. It was Mr. Panchigar's understanding that Mr. Beckner pays one lump sum for rent, electricity and cable. It is unclear how a tenant in the garage would receive mail or deliveries as there is only one (1) address for the Property.

To meet the burden of proof for a non-conforming use, Mr. Panchigar produced three (3) Affidavits wherein individuals affirmed that, at various times, the home located at 248 Clyde Avenue has been occupied by renters as a 2-apartment dwelling every year. (Pet. Ex. 2). Each of the Affidavits was notarized on November 24, 2020 by Mr. Panchigar. (Mr. Richardson represented that it was difficult to obtain a notary during the Covid pandemic). None of the Affidavits mention rental of the garage.

The burden of proving the existence of a lawful nonconforming use falls upon the party asserting that claim. *County Comm'rs of Carroll County v. Uhler*, 78 Md. App. 140 (1989). Nonconforming uses are disfavored and the goal of zoning is to eliminate nonconforming uses through "economic attrition and physical obsolescence." *Prince George's County v. E.L. Gardner,* Inc., 293 Md. 259, 268 (1982). A valid and lawful nonconforming use is established if the owner can demonstrate that *before and at the time* of the adoption of a new zoning classification/ordinance, the property was being used in a lawful manner that, by later legislation, became non-permitted. *Trip Assoc., Inc. v. Mayor and City Council of Baltimore*, 392 Md. 563, 569 (2006).

In Baltimore County, the law regarding nonconforming uses is set forth in BCZR, §104.1, provides:

> A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to

continue or resume such nonconforming use shall terminate.

The definition of non-conforming use in BCZR, §101.1 is:

> NONCONFORMING USE — A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

The two questions to be resolved in this case are: (1) Whether or not the use of the Property existed prior to the inception of a zoning regulation prohibiting that use; and (2) If so, whether that use continued uninterruptedly and was not abandoned or discontinued for a period of one year or more. As to the first, the specific issue is the date when the zoning regulation prohibited two (2) dwellings on one lot in the DR 5.5 zone. I find that the applicable year is 1971 when the countywide zoning map reclassified the Property from the R.6 zone to DR 5.5. (Bill 100-70). Prior to 1971, both the 1945 and 1955 BCZR permitted two-family dwellings in the R.6 zone. Importantly, there was no limitation in either of those earlier regulations of only one structure on the Property.

Having determined that the zoning regulations of 1971 pertaining to the DR 5.5 zone is operative here, the Petitioner's greater problem is establishing that the nonconforming use of that garage unit existed before and after 1971 uninterruptedly and continuously up to the hearing date. Here, Mr. Panchigar does not have personal knowledge or other documentary evidence about the nonconforming use before 1971. While Mr. Panchigar was accurately testifying about information provided to him by Ms. Healey, his testimony is uncorroborated. The Affidavit of Ms. Healey, was the only evidence presented regarding the time period before 1971. However, it failed to address the garage as a rental unit. Additionally, there was no supporting documentary evidence

from Ms. Healey's ownership, or from the prior owners, that the garage was used as a rental unit before and after 1971 including, without limitation: no leases, no BGE/electric statements, no telephone bills, no cable bills, no repair bills or other expense reports, and no tax returns showing rental income and expenses. Given the span of 49 years, the burden of proof on the Petitioner here is not insignificant. Accordingly, I find that there has not been sufficient evidence by Affidavit or testimony to establish that the garage has, before and after 1971, been used as a second rental unit.

Another problem arises from Ms. Healey's Affidavit in that she certified she would not realize a gain from the sale of Property. Yet, she clearly sold the Property to Mr. Panchigar with an open Code Violation dating back to November 22, 2017, for failure to obtain a rental license. According to People's Counsel's letter, as of October 20, 2020, there were no rental licenses issued for the Property, much less the garage. The regulations requiring a rental license went into effect on February 3, 2008 (Bill 87-07). Therefore, assuming *arguendo* that the garage was being rented continuously before and after 1971, on February 3, 2008 the garage unit became illegal because it did not have a rental license. As a result, the garage unit, by definition, has not been a 'legal use' under BCZR, §101.1for approximately 12 years.

Finally, even assuming for the sake of argument that the use was 'nonconforming', the evidence was also deficient on the issue of whether or not there has been an abandonment or discontinuance of the nonconforming use for more than 1 year under BCZR, §101.1. As set out above, the burden is upon a petitioner to prove that there was no fatal interruption in the nonconforming use and that burden has not been met.

THEREFORE, IT IS ORDERED this **22nd** day of **December, 2020** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from the BCZR § 500.7 to permit

ORDER RECEIVED FOR FILING
Date 12/22/20
By

a non-conforming use of a second residence unit in the existing detached garage is and hereby DENIED.

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

Maureen E. Murphy

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

ORDER RECEIVED FOR FILING
Date 12/22/20
By

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

December 22, 2020

Shreyus Panchigar
2926 W. Almondbury Drive
Pasadena, MD 21122

RE: Petitions for Special Hearing
Case No. 2020-0207 SPH
Property: 248 Clyde Avenue

Dear Mr. Panchigar:

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

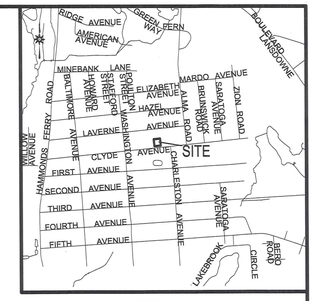
Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

Maureen E. Murphy

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure
c: Patrick Richardson, Jr., Richardson Engineering, 30 East Padonia Road, Suite 500, Timonium, MD 21093



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: SHREYUS PANCHIGAR
   2926 W. ALMONDBURY DRIVE
   PASADENA, MD 21122
2. SITE AREA:
   NET: 8,799 SF OR 0.20 Ac.±
   GROSS: 10,799 SF OR 0.25 AC.±
3. USE:
   EXISTING: 1 RESIDENTIAL DWELLING
   PROPOSED: 1 RESIDENTIAL DWELLING
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF: 43202/1
   PLAT REF: 1/144 "JOSHUA"
6. TAX ACCOUNT: 1313400020
7. ZONING: DR 5.5
   (PER 1"=200' ZONING MAP 109A1)
8. TAX MAP: 109
   GRID: 2
   PARCEL: 357
   BLOCK 2, LOTS 187-191, PT LT 186
9. LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100510G DATED MAY 5, 2014.
10. PREVIOUS ZONING CASES: NONE ON FILE.
11. PREVIOUS PERMITS: NONE ON FILE.
12. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
14. SETBACKS FOR DR 5.5

	REQUIRED	PROVIDED
FRONT	25'	16'±
SIDE	10'	9'±
REAR	30'	35'±

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR PANCHIGAR PROPERTY

248 CLYDE AVENUE

BALTIMORE COUNTY — MARYLAND
13TH ELECTION DISTRICT — 1ST COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
	DATE: 05-30-20	JOB NO.: 20064	SHEET NO.: 1 OF 1

2020-0207-SPA