Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

410-887-2188
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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 9, 2021

SENT VIA EMAIL
Maureen E. Murphy, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: Luke Star, LLC (sic), actually Lucky Star, LLC
11 Lynbrook Road
Case No.: 2021-109-A

Dear Judge Murphy:

Upon review of your July 20, 2021 opinion and order, our office asks you to please accept this letter as a motion for reconsideration under Rule 4K. We submit that BCZR Secs. 400.1 to 400.3, covering Accessory Buildings in Residence Zones, do apply to residential buildings in the B.L. Zone and other nonresidential zones which incorporate D.R. (Density Residential Zone), R.C. (Resource Conservation) or other residential zone uses. Therefore, the petition for variance should be reviewed as just that, a petition for variance. We also found several other issues, which we include in our analysis. Among them is that the there is necessary a side yard variance request in addition to that of the requested height variance.

1. The owner of the property is Lucky Star, LLC. ("Lucky") The petition is for a zoning variance under BCZR Sec. 400.3 relating to the height of a proposed detached accessory garage building. The petition mislabels the owner as Luck Star, LLC, apparently a clerical error. The opinion redoes the error as Luke Star, LLC.

2. Preliminarily, we are not inclined on this record to object to the height variance requested in the petition. However, Lucky would have to produce evidence to support the granting of the petition, along with a modest side yard variance.

3 Procedurally, we were surprised to see in the opinion that Lucky brought up the legal issue that the BCZR Sec. 400.1 to 400.3 accessory building requirements should not apply where the residence is in a Business Zone. The zoning petition came in as a petition for height variance for an accessory building in a residence zone. However, your decision to exempt the proposed garage amounts to a special hearing determination. There was no petition for special hearing to determine the use was exempt. Lucky is bound by the four corners of the petition, which is a pleading. People's Counsel v. Mangione 85 Md. App. 738, 744-5 (1991). There was no jurisdiction to decide what amounts to a special hearing in the absence of timely amendment and public notice.

4. In this context, BCZR Sec. 500.7 prescribes the public notice requirements for a petition for special hearing, including "... the action requested in the petition." A special hearing is effectively a declaratory judgment. Antwerpen v. Baltimore County 163 Md. App. 195, 209 (2005). It is settled, as a matter of administrative law, that ".. the failure of an administrative official to give proper notice of a hearing, required by law, is fatal to the jurisdiction of the official or the board to conduct the hearing ...." Cassidy v. County Board of Appeals 218 Md. 418, 421-25 (1958). See Baltimore Street Parking Co. v. Mayor & City Council of Baltimore 194 Md. App. 569, 593-94 (2010); 4 Salkin. American Law of Zoning Sec. 40:21 (2021), updating Anderson's American Law of Zoning. Had a special hearing petition been filed pertinent to the zoning issue, I would have presented the argument made later in this letter that such dwellings are not exempt from BCZR Secs. 400.1-3

5. Turning to the merits, we respectfully disagree with the proposition that buildings and structures accessory to residences and other residential zone uses are exempt from the standard restrictions in BCZR Secs. 400.1-3 if the principal residence happens to be located in a Business Zone.

The premise for residences and other residential zone uses in Business Zones is that they are permitted vicariously as uses "permitted and as limited in the residential zone immediately adjoining...." BCZR Sec. 230.1.A.1. Here, the site plan shows the immediately adjoining zone as D.R. 16.

For the purpose of permitting the residential zone use, the adjoining residential zone is essentially incorporated and grafted, so that the zone becomes a hybrid business/residence zone. It is anomalous and unreasonable to conclude that the legislative purpose is to exempt buildings accessory to residential zone uses from the normal restrictions in a zone which has a nonresidential label but which allows such residential zone uses only by virtue of incorporation from the adjoining residential zone uses.

We also looked at the B.L. Zone Area Regulations in BCZR Sec. 232. The provisions for front, side, and rear yard setbacks refer to BCZR Sec. 302 for residences. In turn, BCZR Sec. 302.1 states:

> "§ 302.1. - Adherence to Regulations for Adjoining Zone.
>
> Residences hereafter erected in business and manufacturing zones shall be governed by all height and area regulations for the predominant residence zone which immediately adjoins, or by D.R.5.5 Zone"

This corroborates the application of residential zone standards to residences in the B.L. Zone.

Please note this issue broadly extends to the main Business Zones (B.L., B.M. and B.R --- BCZR Secs. 230, 233, 236), the Business Maritime Zones (B.M.M., B.M.B., B.M.Y.C. --- BCZR Secs.216, 221, 225) and the O.R.-1 and O.R. 2 Office Zones (BCZR Secs. 205, 206).

While the situation of the present request does not appear at this juncture to be especially excessive or offensive, it is plausible that there may be accessory residential situations in the various

relevant zones where the BCZR Secs. 400.1-3 standards make sense and should apply from any point of view to projects with potentially problematic locations, lot coverages, setbacks, and/or heights and/or setbacks.

Accordingly, we disagree with engineer Rick Richardson's expert opinion on statutory construction and ultimately your concurrence with his opinion.

6. We contacted Jeffrey Perlow, Zoning Supervisor, to elicit his opinion and experience. He concurs with our analysis, as reflected in the attached e-mail exchange between August 3 and August 6. While the e-mail exchange is informal in style, the substance deserves attention.

He observes that his office would have to view your decision as precedent unless reconsidered. This heightens the importance of the case.

Mr. Perlow adds that a permit for the previously constructed accessory building was recently issued by the County in compliance with your order. He describes the application as representing that the accessory building is for personal/private use. This does not mention the business storage use included in your opinion. He states his office's view that a change in occupancy permit would be required if the garage is to be used commercially. We thank Mr. Perlow very much for his input.

7. This prompted us to obtain the SDAT Real Property Data, attached. It shows Lucky Star, LLC acquired the property by attached deed dated April 30, 2020, recorded May 14, 2020. The property occupies .78 acres and is listed as residential, 1.5 stories, with 1440 square feet living area. The residential listing makes it all the more anomalous to exempt the proposal from BCZR Sec. 400.1.

8. After that, we were able to obtain recent permit data. These include attached permit application B 970580, dated June 15, 2020 and issued July 20, 2020 to Intercoastal Marine, LLC, the previous owner. It is unclear why Lucky, by then property owner, did not file this application. This was for an attached 1142 square feet garage to the side and waterside. The existing use is stated to be "SFD" and the proposed use as "SFD and Addition." There is no mention of commercial use. This apparently was never built as attached, but rather unilaterally built differently as detached.

Subsequently, on March 6, 2021, Lucky filed attached permit application B 979912 for a garage, this time stated as detached and on the "Rear (Waterside) of SFD." This is the application approved on August 5, 2021 based on your order.

The application states that this permit cancels expired permit 970580 and refers to a change in construction. The application also says, "Accessory Structure Letter Required." The implication is that the garage was already constructed by this time, but detached instead of attached as previously approved. There is no mention of any zoning issues, with the expectation and implication that an "Accessory Structure Letter" would suffice. The proposed use is stated to be: "SFD and Garage (For Personal Use Only)." This is another factor which is inconsistent with the claim that BCZR Secs. 400.1-3 do not apply and also their further information that the garage will be used at least somewhat commercially.

Apparently, upon review of this application, the County it looks like the County informed Lucky that they needed to file a zoning petition. This would explain the present zoning variance petition filed on April 20, 2021.

9. Meanwhile, the current April 8, 2021 site plan shows the property has a 1-story house with 1180 square feet. The accessory building is shown as 1-story with 1143 square feet, close to the same size as the house, with a setback of 17.84 feet from the north boundary.

The location of the garage is actually partially, if not to a great extent, in the side yard. Therefore, it is not "only in the rear yard," as required under BCZR Sec. 400.1. The petition should include a request for a side yard variance, albeit partial, under BCZR Sec. 400.1.

The site plan refers to several permits in Note 11, but does not refer to permit application B 979912. There is no mention of when the garage was constructed.

Concurrently, Note 3 lists the "Existing Use" as "Residence" and the "Proposed Use" as "Residence W/Garage." Whether or not Lucky now anticipates that the garage will include some commercial use relating to an offsite business, it is reasonable to infer substantial personal residential use. All of this again reinforces the conclusion that there is no exemption from the accessory building/residence zone requirements. There is also again no mention of the existing construction.

The site plan should be corrected to show the complete permit history and existing construction, and the petition should be amended to include a side yard variance.

Conclusion

From any point of view, BCZR Secs. 400.1-3 apply. There should have been a zoning petition filed before any construction of the detached garage. Clearly, the 2021 application, after the fact, to ratify the garage as constructed did raise zoning issues. The permit applications should have reflected the proposed use as at least partly commercial, if that appears to have been the concept all along.

Despite the problematic history, we still are not inclined to oppose a retroactive variance for the proposed, now constructed, accessory building which is 20 feet in height in this location, 5 feet above the basic maximum under BCZR Sec. 400.3, as well as the modest side yard variance under BCZ Sec. 400.1. We defer to the zoning and buildings staff as to whether a change of occupancy permit is required. Our priority is to obtain a resolution which confirms the application of BCZR Secs. 400.1 to 400.3 to this case.

Respectfully, we hope this review of the history and legal analysis will cause you to reconsider your decision. We ask you to reverse your ruling that the B.L. Zone property is exempt from the BCZR Secs. 400.1-3 accessory building requirements. This then will require further evidentiary review to determine whether variances are warranted.

The public interest in the exemption issue is of first impression and of such broad legal implications that it will warrant further review in the County Board of Appeals if necessary. As a

matter of law, and on this record, we do not see any legal basis to conclude that the proposed accessory garage is exempt.

Thank you for your continuing attention to this case.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Dino LaFiandra, Esquire, dcl@lafiandralaw.com
Patrick Richardson, Rick@richardsonengineering.net
Wai-Yi & Jenni Lau, wai421@gmail.com
Jenifer Nugent, Planning Division Chief
Stephen Lafferty, Planning Director
Jeffrey Perlow, Zoning Supervisor
John Bryan, Building Supervisor

Rebecca Wheatley

From: Jeffrey N Perlow
Sent: Friday, August 6, 2021 3:27 PM
To: Peter Max Zimmerman
Subject: RE: ALJ Zoning decision in Case No. 2021-109-A, Luke Star, LLC, 11 Lynbrook Road

Pete,
Unfortunately, we ultimately had to approve their building permit because they stated the accessory building was for their personal/private use only. Code Enforcement or Building Inspections may prove that to be a misrepresentation of the use stated on the building permit, but that doesn't change our agreement with your interpretation of the facts. If you would like to arrange a meeting with the ALJ to explain the law to her, I would be glad to attend that meeting. Please let me know. Thanks so much!
Jeff

From: Peter Max Zimmerman
Sent: Friday, August 06, 2021 11:29 AM
To: Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: RE: ALJ Zoning decision in Case No. 2021-109-A, Luke Star, LLC, 11 Lynbrook Road

Thank you very much, Jeff.

I will file a motion for reconsideration. I trust you will be ok with my including our e-mail exchange so as to emphasize the importance of the issue.

I am going to try to correct what we see as a mistaken analysis.

Peter

From: Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Sent: Tuesday, August 3, 2021 4:49 PM
To: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Subject: RE: ALJ Zoning decision in Case No. 2021-109-A, Luke Star, LLC, 11 Lynbrook Road

Pete,
The Zoning Review Office agrees with your interpretation completely. We put the building permit on hold because we believe that they would need a Change of Occupancy permit if they are going to use the accessory structure for commercial purposes. However, if she (or the Board of Appeals) does not reverse the decision, the Zoning Office may ultimately be bound by her decision and we may have to approve their building permit application in the future.
Jeff

From: Peter Max Zimmerman
Sent: Tuesday, August 03, 2021 10:21 AM
To: Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: ALJ Zoning decision in Case No. 2021-109-A, Luke Star, LLC, 11 Lynbrook Road

Hi Jeff,

This case began with a typical petition for height variance for a garage accessory to a dwelling. It went to hearing. ALJ Murphy's July 20, 2021 decision is attached.

The property happens to be in a BL Zone.

At the hearing, Petitioner's consultant Rich Richardson claimed that because the property is in the BL Zone and not the Residence Zones referred to in BCZR Sec. 400.1, then it is exempt from this section.
The ALJ agreed with Mr. Richardson and dismissed the petition as moot, allowing the garage to remain as constructed.

I disagree with this interpretation.

Because a dwelling is permitted in the B.L. Zone by virtue of the BCZR Sec. 230.1.A.1 incorporation of the uses permitted in the immediately adjacent residential zone, here D.RR. 16, then the dwelling use effectively is grafted or transmuted into a residential zone for the purpose of residential use.

I note that there are many zones which incorporate D.R. Zone uses. These include the O.R-1, O.R.-2 --- 205.3, 206.3 ---- and all the Business Maritime Zones ---- 216.1, 221.1, 225.1.
So this ruling has larger implications.

I assume that the office has viewed accessory residential buildings and structures as subject to BCZR Sec. 400.1, whether in residential or business zones, or other zones incorporating D.R. Zone uses.

I would appreciate your thoughts, including any past office policy, written or informal.

I anticipate requesting reconsideration of this ruling.

Thank you as usual.

Peter Max Zimmerman, People's Counsel

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District - 15 Account Number -** 1501920231

Owner Information

Owner Name:	LUCKY STAR LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	7839 SAINT THOMAS LANE NOTTINGHAM MD 21236-	**Deed Reference:**	/42843/ 00048

Location & Structure Information

Premises Address:	11 LYNBROOK RD BALTIMORE 21220-2809	**Legal Description:**	.781 AC 11 LYNBROOK RD ES

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0091	0008	0287	15030020.04	0000				2021	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1929	1,440 SF		34,020 SF	04

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

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2021	As of 07/01/2022
Land:	87,500	87,500		
Improvements	60,800	107,100		
Total:	148,300	194,600	163,733	179,167
Preferential Land:	0	0		

Transfer Information

Seller: INTERCOASTAL MARINE LLC	**Date:** 05/14/2020	**Price:** $300,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /42843/ 00048	**Deed2:**
Seller: FEDERAL HOME LOAN MORTGAGE CORPORATION	**Date:** 03/10/2015	**Price:** $37,500
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35916/ 00267	**Deed2:**
Seller: STEELE CAROLE A	**Date:** 09/16/2014	**Price:** $34,232
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35367/ 00496	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2021	07/01/2022
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

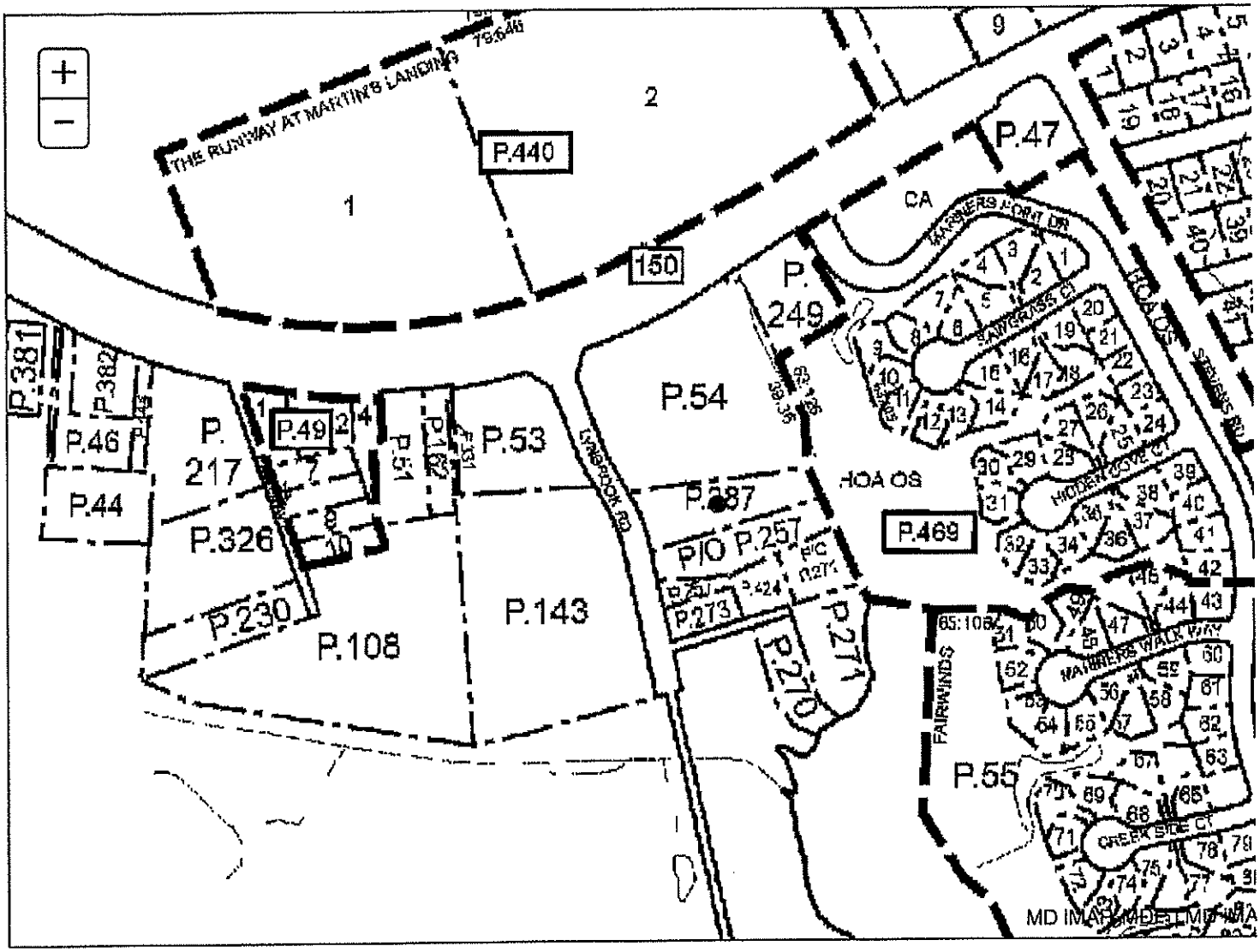
Homeowners' Tax Credit Application Information

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

Baltimore County

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

District: 15 **Account Number: 1501920231**



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).

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Goldstar Title Company
File No. 19-17759
Tax ID # 15-1501920231

This Deed, made this 30th day of APRIL, 2020, by and between Intercoastal Marine, LLC, party of the first part, Grantor; and Lucky Star, LLC, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Three Hundred Thousand And 00/100 Dollars ($300,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Lucky Star, LLC, 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 northeast side of Lynbrook Road at the end of the first line of that parcel of land which by Deed dated June 13, 1952, and recorded among the Land Records of Baltimore County in Liber G.W.B. No. 2140, Folio 520, was conveyed by Andrew Ochab and wife, to Romero F. Hawkins and wife and running thence binding on the northeast side of Lynbrook Road, 20 feet wide, south 5 degrees 30 minutes east 116.70 feet, thence leaving Lynbrook Road for a new division line north 82 degrees 44 minutes east 353.56 feet to intersect the last or north 17 ¾ degrees west 295.5 foot line of land in Deed referred to; thence running with and binding on part of said line as now surveyed north 14 degrees 53 minutes west 78.65 feet to the beginning of the first line of said parcel of land; and thence running with and binding on said line south 89 degrees 14 minutes west 341.75 feet to the place of beginning.

FOR INFORMATIONAL PURPOSE ONLY:

Which has a mailing address of: 11 Lynbrook Road
Middle River, MD 21220

LR - Deed (w Taxes)
Recording only ST20.00
Name: INTERCOASTAL
MARINE/LUCKY STAR LLC
Ref:
LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 1,500.00
LR - NR Tax - 1kd 0.00
SubTotal: 1,560.00
Total: 1,905.00
05/15/2020 11:50
CC03-LL
#19677285 CC0301 -
Baltimore
County/CC03.01.06 -
Register 06

BEING the same lot of ground described in a Deed dated March 4, 2015 and recorded in the Land Records of the County of Baltimore, Maryland, in Liber JLE 35916 folio 267 was granted and conveyed by Federal Home Loan Mortgage Corporation unto Intercoastal Marine, LLC.

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 Lucky Star, LLC, in fee simple.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42843, p. 0048, MSA_CE62_42700. Date available 05/22/2020. Printed 08/09/2021.

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

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:

Intercoastal Marine, LLC

(Seal)
By: Terry Martin as Sole Member

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I hereby certify that on this 30th day of APRIL, 2020, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Terry Martin as Sole Member of Intercoastal Marine, LLC, the Grantor herein, 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 his 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.

NOTARY PUBLIC BALTIMORE COUNTY, MD

Notary Public
My commission expires: 6/19/2023

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.

Mark S. Sheffield, Attorney

AFTER RECORDING, PLEASE RETURN TO:
Goldstar Title Company
826 Eastern Boulevard
Baltimore, MD 21221

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42843, p. 0049, MSA_CE62_42700. Date available 05/22/2020. Printed 08/09/2021.

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: Intercoastal Marine, LLC

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

11 Lynbrook Road, Middle River, MD 21220

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

Name **Date

Signature

3b. Entity Transferors

Witness/Attest

INTERCOASTAL MARINE, LLC
Name of Entity

By

Terry Martin 4/30/2020
Name **Date

Sole Member
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

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42843, p. 0050, MSA_CE62_42700. Date available 05/22/2020. Printed 08/09/2021.

BOOK: 42843 PAGE: 51

State of Maryland 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 ([X] Check Box if addendum intake Form is Attached.)

1 Deed	Mortgage	Other	Other
2 Deed of Trust	Lease	3 Assignmt.R&L	4 Assignmt R&L

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	$ 300,000.00
Any New Mortgage	$ 340,000.00
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$ 4500.00
X ( )% =	$
Less Exemption Amount -	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$ 1700.00
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$ 115.00
Surcharge	$ 40.00	$
State Recordation Tax	$ 1,700.00	$
State Transfer Tax	$ 1,500.00	$
County Transfer Tax	$ 4,500.00	$
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
15	15-1501920231	35916/267			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/Alt (3c)	Plat Ref.	Sq Ft/Acreage (4)

Location/Address of Property Being Conveyed (2)

11 Lynbrook Road, Middle River, MD 21220

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)
Intercoastal Marina, LLC	Lucky Star, LLC and
	Wai-Yi Lau
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)
Lucky Star, LLC	Alison W. Rind and
	Arnold D. Spevack, Trustees

New Owner's (Grantee) Mailing Address

7839 Saint Thomas Lane, Nottingham, MD 21236

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)
	Berkshire Bank

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Kim

Firm: Goldstar Title Company

Address: 826 Eastern Boulevard

Baltimore, MD 21221 Phone: (410) 682-5200

☒ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Yes [X] No Will the property being conveyed be the grantee's principal residence?

Yes [X] No Does transfer include personal property? If yes, identify:

Yes [X] No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only – Do Not Write Below This Line

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
Building			Use	Parcel	Section	Geo. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS

Dept. of Tax Education Taxes

5/08/2020 DFLN

RECEIPT # 0642 Receipt No. Process Validation

REG #505 MARK LBB

5/11/2020

BUSINESS ACTION TIME MAN

DUPLICATE PAID RECEIPT

Baltimore County, Maryland

6,200.00

.00 CA

Distribution: ☐ Clerk's Office ☐ Office of Finance ☐ SDAT ☐ Preparer

AOC-CC-300 (5/2007)

19-17759

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42843, p. 0051. MSA_CE62_42700. Date available 05/22/2020. Printed 08/09/2021

Addendum
State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

The addendum form should be used when one transaction involves more than two instruments. Each instrument should be itemized in accordance with Section No. 1 of the Intake Sheet.

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

5 (Continued) Fees	Amount of Fees	Doc. 3	Doc. 4	Doc. 5	Doc. 6
	Recording Charge	$ 115.00	$ 115.00	$	$
	Surcharge	$	$	$	$
	State Recordation Tax	$	$	$	$
	State Transfer Tax	$	$	$	$
	County Transfer Tax	$	$	$	$
	Other	$	$	$	$
	Other	$	$	$	$

7 (Continued) Transferred From	Doc. 3 – Grantor(s) Names(s)	Doc. 4 – Grantor(s) Names(s)
	Lucky Star, LLC	Wai-Yi Lau
	Doc. 5 – Grantor(s) Names(s)	Doc. 6 – Grantor(s) Names(s)
	Doc. 3 – Owners(s) of Record, if Different from Grantor(s)	Doc. 4 – Owners(s) of Record, if Different from Grantor(s)
	Doc. 5 – Owners(s) of Record, if Different from Grantor(s)	Doc. 6 – Owners(s) of Record, if Different from Grantor(s)

8 (Continued) Transferred To	Doc. 3 – Grantee(s) Names(s)	Doc. 4 – Grantee(s) Names(s)
	Berkshire Bank	Berkshire Bank
	Doc. 5 – Grantee(s) Names(s)	Doc. 6 – Grantee(s) Names(s)

9 (Continued) Other Names to be Indexed	Doc. 3 – Additional Names to be Indexed (Optional)	Doc. 4 – Additional Names to be Indexed (Optional)
	Doc. 5 – Additional Names to be Indexed (Optional)	Doc. 6 – Additional Names to be Indexed (Optional)

Special Instructions	Special Recording Instructions (If any)

1501920231

RECORDATION TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
T.P. ART 12-108

DOC# 2 3 4 5 6

Initial KP KP

Date 5/8/20

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42843, p. 0052, MSA_CE62_42700. Date available 05/22/2020. Printed 08/09/2021.

Distribution: ☐ White – Clerk's Office ☐ Pink – Office of Finance ☐ Canary – SDAT ☐ Goldenrod – Preparer

AOC-CC 301 (5/2001)

19-17759

PANEL BP1003M

TIME: 10:38:52 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/15/2020
DATE: 08/09/2021 GENERAL PERMIT APPLICATION DATA AB 12:39:12

PERMIT #: B970580 PROPERTY ADDRESS
RECEIPT #: A820157 11 LYNBROOK RD
CONTROL #: MR SUBDIV:
XREF #: B970580 TAX ACCOUNT #: 1501920231 DISTRICT/PRECINCT 15 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 142.00 NAME: INTERCOASTAL MARINE LLC
PAID: 142.00 ADDR: 2925 EASTERN BLVD,BALTIMORE MD 21220
PAID BY: APPL

DATES APPLICANT INFORMATION

APPLIED: 06/15/2020 NAME: CHUCK MEYER
ISSUED: 07/20/2020 COMPANY: MD BLDG PERMITS
OCCPNCY: ADDR1: 1602 PINNACLE RD
FINAL INSPECT: F ADDR2: TOWSON MD 21286
INSPECTOR: 15R PHONE #: 410-296-6900 LICENSE #:
NOTES: AB

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

TIME: 10:37:09 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/27/2020

DATE: 08/09/2021 BUILDING DETAIL 1 KLC 08:20:41

DRC#

PERMIT # B970580 PLANS: CONST 02 PLOT 4 PLAT 0 DATA 0 EL 1 PL 1

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 2 ENGNR:

USE 06 SELLR:

FOUNDATION BASE WORK: CONSTRUCT 1-STY GARAGE ADD'N ATTACHED TO SIDE AND WATERSIDE OF SFD 39.75'X28.75'X20'=1142SF CBCA. NOT IN FP PER RH/TK. PLUMBING FOR HOSE BIB ONLY.

CONSTRUC FUEL SEWAGE WATER

1E 1E

CENTRAL AIR

ESTIMATED COST

30K PROPOSED USE: SFD AND ADD'N

OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE

PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1003M

TIME: 10:41:59 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 03/16/2021
DATE: 08/09/2021 GENERAL PERMIT APPLICATION DATA VLC 10:34:20

PERMIT #: B979912 PROPERTY ADDRESS
RECEIPT #: A834106 11 LYNBROOK RD
CONTROL #: MR SUBDIV:
XREF #: B979912 TAX ACCOUNT #: 1501920231 DISTRICT/PRECINCT 15 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 142.00 NAME: LUCKY STAR LLC
PAID: 142.00 ADDR: 7839 SAINT THOMAS LANE,NOTTINGHAM MD 21236
PAID BY: APPL

DATES APPLICANT INFORMATION

APPLIED: 03/06/2021 NAME: CHUCK MEYER
ISSUED: 08/05/2021 COMPANY: MD BLDG PERMITS
OCCPNCY: ADDR1: 1602 PINNACLE RD
FINAL INSPECT: ADDR2: TOWSON MD 21286
INSPECTOR: 15R PHONE #: 410-296-6900 LICENSE #:
NOTES: AB

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

TIME: 10:42:14 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 08/05/2021

DATE: 08/09/2021 BUILDING DETAIL 1 KLC 09:00:42

DRC#

PERMIT # B979912 PLANS: CONST 00 PLOT 5 PLAT 0 DATA 0 EL 1 PL 1

TENANT

BUILDING CODE: CONTR: OWNER

IMPRV 1 ENGNR:

USE 06 SELLR:

FOUNDATION BASE WORK: CONST 1-STY GARAGE DETACHED GARAGE ON REAR (WATERSIDE) OF SFD. 39.75'X28.75'X20'=1142SF. CBCA. PLG FOR HOSE BIB ONLY. THIS PERMIT CANCEL & REPLACES EXPIRED B970580 CHG IN CONSTRUCTION REFER BACK FOR CONST PLANS. ACCESSORY STRUCTURE LETTER REQUIRED.

CONSTRUC FUEL SEWAGE WATER

1E 1E

CENTRAL AIR

ESTIMATED COST

10,000.00 PROPOSED USE: SFD AND GARAGE(FOR PERSONAL USE ONLY)

OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE

PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

Debra Wiley

From:	Peoples Counsel
Sent:	Monday, August 9, 2021 2:16 PM
To:	Administrative Hearings; Maureen E Murphy
Cc:	'Dino La Fiandra'; Rick@richardsonengineering.net; wai421@gmail.com; Jenifer G. Nugent; Steve Lafferty; Jeffrey N Perlow; John Bryan
Subject:	Lucky Star LLC (Luke Star LLC) - 11 Lynbrook Road - Case No. 2021-109-A
Attachments:	Ltr to ALJ Murphy - Mot for Clarification - Lucky Star LLC - 2021-109-A.pdf

Good Afternoon,

Attached for filing, please find our office's Motion for Reconsideration in 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

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ADMINISTRATIVE HEARINGS