IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
(4007 Annapolis Road) 13th Election District	*	OFFICE OF
1st Council District Wang Se Oh & Keun Se Oh	*	ADMINISTRATIVE HEARINGS
Legal Owners	*	FOR BALTIMORE COUNTY
Petitioners	*	**Case No. 2021-0337-SPHX**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Wang Se Oh and Keun Se Oh ("Petitioners"). The Special Hearing was filed pursuant to Baltimore County Zoning Regulations ("BCZR") § 500.7 for approval of four (4) non-conforming apartments in a commercial building. In the alternative a Special Exception was filed pursuant to the BCZR § 230.3 to permit living quarters in a commercial building.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. The Petition was advertised and posted as required by the BCZR. The Petitioner, Wang Se Oh, appeared in support of the petition. Jay S. Yoo, Esquire represented the Petitioner. At the request of Mr. Yoo, a Korean language interpreter was provided to assist the Petitioner. The site plan was admitted as Petitioner's Exhibit 1. Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and from the Department of Environmental Protection and Sustainability ("DEPS"). They did not oppose the requested relief. People's Counsel filed an extensive and instructive legal brief on the issues raised by the Petition. There were no protestants or interested citizens that attending the hearing.

This case arises out of a Code Enforcement Citation (Case No. CC2111412) which charged Mr. Oh with unlawfully operating a four unit residential apartment building in a BL zone, in violation of BCZR Sec. 230.1. The undersigned presided over that case on September 22, 2021 and agreed to hold that case *sub curia* so that Mr. Oh could file the instant request for zoning relief.

At the outset of the hearing Mr. Yoo dismissed the request for Special Hearing relief because he conceded that he could not prove the legal elements required for a non-conforming use. Namely, he and his client are unable to prove that the apartment use was lawful at the time the building was constructed in 1955 (People's Counsel's brief explains that it was not); and further, they are unable to prove that this use has continued without interruption since that time. *See, Purich v. Draper Properties*, 395 Md. 694, 708-22 (2006).

Mr. Yoo therefore focused exclusively on the request for special exception. He acknowledged that People's Counsel's interpretation of BCZR § 230 is correct, in that a special exception to permit "living quarters" in a commercial building was not intended to permit apartments or dwellings in the BL zone. Rather, the "living quarters" can only be occupied by the owner or operator of the commercial entity occupying the site. As People's Counsel puts it, "its [Sec. 230.3's] logical scope was to cover persons connected to the business . . . a shop owner, caretaker, worker or the like."

With the assistance of the interpreter Mr. Oh explained that he purchased the property in 2004, and that in doing so he relied on a commercial property appraisal that described the four existing residential apartments, and which claimed – erroneously – that they were permitted under the BL zoning. This appraisal was admitted as Petitioner's Exhibit 3. Mr. Oh and his counsel conceded that this reliance was misplaced but Mr. Oh testified that he believed in good faith that the apartments were legal. Mr. Oh testified that he now intends to terminate the leases of the four existing tenants, and that going forward he would only lease these units to the owner and/or employees of the commercial tenant(s) leasing the subject property. He testified that he will include a clause in all future commercial leases of the premises that will include these restrictions. He further testified that he would require the owner and employees of the commercial entity to park at a parking lot that he owns at the corner of Maple Avenue and Annapolis Road, approximately 500 ft. away from this location. This would allow the ten existing spaces on site to be used exclusively for customer parking.[1]

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Based on the record evidence I find that the Petitioner has satisfied the requirements of BCZR § 502.1 and the Maryland case law interpreting that provision. Specifically, I find that the use of "living quarters" at this location would not have any adverse impacts beyond those inherently associated with the use. I further find that with the conditions imposed below, that the special

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[1] In Case No. 05-331-A a parking variance was granted which allowed 10 spaces in lieu of the required 22 for a carpet business and an electrical contractor. People's Counsel correctly notes that this variance does not automatically cover the now existing auto detailing business, which appears to fall within the "general retail" category of BCZR Sec. 409.6. This in turn would require 18 spaces for the 3600 sq. ft. of commercial space depicted on the site plan. Although a parking variance was not requested in this case I find that the 10 spaces on site are adequate for the existing car detailing business. If a different business leases the space in the future a Petition for Variance may need to be filed.

exception relief can be granted within the spirit and intent of the BCZR and without causing any harm to the general health, safety, and welfare.

However, in order to conform to the spirit and intent of BCZR § 230.3 and the DR 5.5 zone, I believe that only one "living quarters" can be allowed, and that it can only be occupied by the owner or an employee of one of the commercial tenants on the site. To permit four apartments, occupied by four unrelated persons – even if employed by the commercial tenant – would be to impermissibly increase the density allowed in this DR 5.5 zone. As People's Counsel points out, this site is only .23 acres, which in the DR 5.5 zone yields only 1.26 (or 1) density units. BCZR Sec. 307.1 prohibits me from granting relief that would increase the permitted residential density.

THEREFORE, IT IS ORDERED this **9th** day of **March, 2022**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 to permit four (4) non-conforming apartments in a commercial building is hereby **DISMISSED, WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Petition for Special Exception under BCZR § 230.3: to permit "living quarters" in a commercial building is hereby **GRANTED.**

The relief granted herein shall be subject to the following:

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

2. Within 60 days the Petitioner shall terminate the leases of the existing residential tenants on the premises and cause them to cease occupancy. Proof of this shall be provided to the Baltimore County Code Inspections & Enforcement Office.

3. The "living quarters" shall be forever limited to one (1) apartment which shall *only* be occupied by the owner or an employee of one of the commercial tenants at the site. That person's immediate family shall also be permitted to reside there.

4. The "living quarters" shall not exceed the 1800 sq. ft. which is currently being used as four apartments.

5. During the business hours of any of the commercial tenants there shall be no owner or employee parking on site. Parking for the occupants of the "living quarters" shall be permitted on site after business hours.

6. Any separate utility service, meters, or connections of any kind associated with the other three existing apartments shall be disconnected and forever remain disconnected, and proof of this shall be provided to the Baltimore County Code Inspections & Enforcement Office within 60 days of this Order.

7. This Opinion and Order shall be filed in the Baltimore County Land Records.

8. Upon proof to the Baltimore County Code Inspections & Enforcement Office that these conditions have been satisfied the Code Citation in Case No. CC2111412 shall be dismissed and the proposed fine waived.

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

Paul M Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

JOHN A. OLSZEWSKI, JR.
County Executive

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

March 9, 2022

Jay Yoo, Esquire – jayyoolaw@yahoo.com

RE: Petitions for Special Exception & Variance
Case No. 2021-0337-SPHX
Property: 4007 Annapolis Road

Dear Mr. Yoo:

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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: Keun Se Oh and Wang Se Oh – ysoh61@yahoo.com
PAI - Code Enforcement – paienforce@baltimorecountymd.gov
Marissa Merrick, Esq. – mmerrick@baltimorecountymd.gov
People's Counsel - peoplescounsel@baltimorecountymd.gov

Before the Office of Administrative Hearing for Baltimore County

Petition for Special Exception And Special Hearing	*	Case No.
4007 Annapolis Road, Halethorpe, MD 21227 Peitioners: Keun Se Oh and Wang Se Oh	*	2021-0337-XA

* * * * * * * * * * *

REQUEST FOR A KOREAN LANGUAGE INTERPRETER

Dear Madam/Sir:

Petitioners, Wang Se Oh and Keun Se Oh require the assistance of a Korean language interpreter for the hearing scheduled for March 8, 2022, at 1:30 p.m.

Law Office of Jay S. Yoo, P.C.
3440 Ellicott Center Drive,
Suite 202
Ellicott City, Maryland 21043
Office: (410) 465-3606
Fax: (410) 988-5390
jayyoolaw@yahoo.com
CPF#0606130334

CERTIFICATE OF SERVICE

I, Jay S. Yoo, hereby certify that on 3rd day of March, 2022, a copy of the foregoing Request was mailed via first class mail, postage prepaid and served via electronic mail to:

People's Counsel for Baltimore County
peoplescounsel@baltimorecountymd.gov
Peter Max Zimmerman, Esq.
Jefferson Building, Suite 204, Towson, MD 21204

Jay S. Yoo,

Exhibit List:

2021-337-XA
Exhibit 1
Savaliski Deed 1984

2021-337-XA
Exhibit 2
Davaliski Estate Record

2021-337-XA
Exhibit 3
4007 2002 Appraisal

2021-337-XA
Exhibit 1
Savaliski Deed 1984

6878 219

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

BAY STATE TITLE CO.
1 East Redwood Street
Baltimore, Md. 21202
539-5878

This Deed, Made This 26 day of December in the year one thousand nine hundred and eighty-four by and between DENNIS L. SITZ and JEROME SAVALISKI, Co-Partners, trading as J & D ENTERPRISES, a Maryland Partnership

of Baltimore County, State of Maryland of the first part, and

JEROME SAVALISKI

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged the actual consideration paid or to be paid is $ 105000.00

the said Dennis L. Sitz and Jerome Savaliski, Co-Partners, trading as J & D Enterprises, a Maryland Partnership

B RC/F 16.00
B T.TX 525.00
B DOCS 525.00
DEED 0
EHK JR T 1066.00
#92314 C004 R01 T11:18
03/06/85

does grant and convey to the said Jerome Savaliski, his personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

No. 4001 and 4007 Annapolis Road

FOR LEGAL DESCRIPTIONS - SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE ____ DATE 3-5-85

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
____ 3-5-85
CLERK DATE

10
525
525

C 071****168000*a 8263A

THE OFFICE OF THE
REGISTER OF WILLS

REGISTER OF WILLS MAIN SITE
ONLINE HELP

2021-337-XA
Exhibit 2
Davaliski Estate Record

ESTATE | CLAIM

Estate Record (Baltimore County)

Estate Number: **000000114613**
Status: **CLOSED**
Date Closed: **06/12/2006**
Decedent Name: **JEROME SAVALISKI**
Date of Death: **1/4/2001**
Will: **PROBATED**
Date of Probate: **01/16/2001**
Aliases:
Personal Reps: **VICTORIA SAVALISKI [7950 TOWER BRIDGE DRIVE, PASADENA, MD 21122]**
Attorney: **ARNOLD R SILBIGER [5420 CARVILLE AVENUE, BALTIMORE, MD 21227]**

Type: **RE**
Date Opened: **01/16/2001**
Reference:

Date of Filing: **01/16/2001**
Date of Will: **05/03/1989**

NOTE: Certified Copies can be requested by contacting the Baltimore County Register of Wills Office.

Docket History

Deselect All | Select All

Filed On	Docket#	Code	Description	Page(s)	Request Copy?
01/16/2001	1	1424	PURPORTED LAST WILL AND TESTAMENT DATED--05/03/1989	5	☐
01/16/2001	2	1112	REGULAR ESTATE PETITION FOR PROBATE	3	☐
01/16/2001	3	1116	NOMINAL BOND OF PERSONAL REPRESENTATIVE	2	☐
01/16/2001	4	1104	LIST OF INTERESTED PERSONS	5	☐
01/16/2001	5	1114	NOTICE OF APPOINTMENT, NOTICE TO CREDITORS, NOTICE TO UNKNOWN HEIRS--ARBUTUS TIMES	1	☐
01/16/2001	6	1119	ADMINISTRATIVE PROBATE ORDER	1	☐
02/01/2001	7	1124	INFORMATION REPORT	2	☐
02/09/2001	8	1378	CERTIFICATE OF PUBLICATION (REGULAR ESTATE)	1	☐
04/02/2001	9	1128	CLAIM AGAINST DECEDENT'S ESTATE COMPONENTS & DISTRIBUTION INC	7	☐
04/16/2001	10	1230	REGISTER OF WILLS APPROVAL OF EXTENSION OF TIME TO MAY 16, 2001 FOR FILING INVENTORY	1	☐
05/16/2001	11	1233	COURT'S APPROVAL OF EXTENSION OF TIME TO 06/15/01 FOR FILING INVENTORY	1	☐
06/15/2001	12	1122	INVENTORY	301	☐
06/15/2001	13	1263	NOTIFICATION TO COMPTROLLER OF ESTATE ASSETS	1	☐
09/27/2001	14	1128	CLAIM AGAINST DECEDENT'S ESTATE--CHARLES W NEEDER JR CPA PA	8	☐
10/23/2001	15	1277	NOTICE OF DELINQUENT ESTATE--ACCOUNT--HEARING NOVEMBER 19, 2001	1	☐
10/26/2001	16	1331	COPY OF MISCELLANEOUS CORRESPONDENCE RECEIVED FROM COMPTROLLER OF MD	1	☐

11/07/2001	17	1228	LETTER FOR EXTENSION OF TIME FOR FILING ACCOUNT GRANTED TO 12/18/01	1	☐
12/19/2001	18	1383	INTERIM ACCOUNT--FIRST	5	☐
12/19/2001	19	1284	ORDER OF COURT APPROVING FIRST ACCOUNT	1	☐
04/09/2002	20	1275	REGISTER OF WILLS' CERTIFICATION OF MARYLAND ESTATE TAX RETURN - MET RECEIVED 04/05/02	1	☐
06/25/2002	21	1277	NOTICE OF DELINQUENT ESTATE - HEARING SCHEDULED FOR 7/30/2002	1	☐
07/26/2002	22	1228	LETTER FOR EXTENSION OF TIME FOR FILING ACCOUNT GRANTED TO 08/16/02	1	☐
08/02/2002	23	1383	INTERIM ACCOUNT--SECOND DATED 08/02/02	4	☐
08/02/2002	24	1396	ORDER OF COURT APPROVING INTERIM ACCOUNT DATED 08/02/02	1	☐
02/10/2003	25	1277	NOTICE OF DELINQUENT ESTATE: INTERIM ACCOUNT	1	☐
02/25/2003	26	1233	COURT'S APPROVAL OF EXTENSION OF TIME TO 03/27/03 FOR FILING ACCOUNT	2	☐
04/17/2003	27	1383	3RD INTERIM ACCOUNT	5	☐
04/18/2003	28	1396	ORDER OF COURT APPROVING INTERIM ACCOUNT DATED 04/17/2003	1	☐
08/26/2003	29	1275	REGISTER OF WILLS' CERTIFICATION OF MARYLAND ESTATE TAX RETURN - MET RECEIVED 8/25/2003	1	☐
10/07/2003	30	1302	ADVANCE NOTICE ISSUED FOR ACCOUNT	1	☐
10/29/2003	31	1223	SATISFACTION OF CLAIM: UNITED SUPPLY & DIST. CO.	2	☐
11/07/2003	32	1245	PETITION FOR ATTORNEY'S FEE	4	☐
11/07/2003	33	1383	INTERIM ACCOUNT (4TH)	5	☐
11/20/2003	34	1245	PETITION FOR PERSONAL REPRESENTATIVE'S COMMISSION	4	☐
11/21/2003	35	1284	ORDER OF COURT APPROVING COUNSEL FEES	1	☐
11/21/2003	36	1396	ORDER OF COURT APPROVING INTERIM ACCOUNT DATED 11/07/2003	1	☐
11/21/2003	37	1284	ORDER OF COURT APPROVING COMMISSIONS	1	☐
04/19/2004	38	1302	ADVANCE NOTICE ISSUED FOR INTERIM ACCOUNT	1	☐
05/03/2004	39	1228	LETTER FOR EXTENSION OF TIME FOR FILING ACCOUNT - GRANTED UNTIL 6/18/2004	1	☐
06/21/2004	40	1261	ORDER TO SHOW CAUSE FOR FAILURE TO RENDER 5TH ACCOUNT	1	☐
07/20/2004	41	1233	COURT'S APPROVAL OF EXTENSION OF TIME TO 8/19/2004 FOR FILING ACCOUNT	1	☐
08/18/2004	42	1383	INTERIM ACCOUNT (5TH)	5	☐
08/19/2004	43	1396	ORDER OF COURT APPROVING INTERIM ACCOUNT	1	☐
08/20/2004	44	1261	ORDER TO SHOW CAUSE WHY 5TH ADMIN ACCOUNT HAS NOT BEEN FILED	1	☐
04/15/2005	45	1302	ADVANCE NOTICE ISSUED FOR INTERIM ACCOUNT	1	☐
05/24/2005	46	1261	ORDER TO SHOW CAUSE FOR FAILURE TO RENDER 6TH ACCOUNT	1	☐
06/23/2005	47	1233	COURT'S APPROVAL OF EXTENSION OF TIME TO 7/25/2005 FOR FILING ACCOUNT	1	☐
07/26/2005	48	1261	ORDER TO SHOW CAUSE FOR FAILURE TO RENDER 6TH ACCOUNT	1	☐

08/01/2005	49	1383	SIXTH INTERIM ACCOUNT	4	☐
08/02/2005	50	1281	AUDIT MEMORANDUM - ATTORNEY NEEDS TO SIGN ALL O THE PAPERWORK (SEE MEMO)	1	☐
08/03/2005	51	1396	ORDER OF COURT APPROVING 6TH INTERIM ACCOUNT - DATED 8/1/2005	1	☐
08/03/2005	52	1284	ORDER OF COURT STAITNG 7TH ACCOUNT IS EXPECTED TO BE FINAL ACCOUNT	1	☐
01/02/2006	53	1302	ADVANCE NOTICE ISSUED FOR INTERIM ACCOUNT	1	☐
01/30/2006	54	1228	LETTER FOR EXTENSION OF TIME FOR FILING FINAL ACCOUNT GRANTED UNTIL 03/01/2006	1	☐
03/02/2006	55	1261	ORDER TO SHOW CAUSE FOR FAILURE TO RENDER 7TH INTERIM ACCOUNT	1	☐
04/04/2006	56	1231	PETITION FOR EXTENSION OF TIME FOR FILING FINAL ACCOUNT	1	☐
04/10/2006	57	1287	MINUTES OF HEARING - TAPE NOS. 12-06 493-559 (SHOW CAUSE ON 4/3/06 AND RECEIVED FROM COURT ON 4/10/06)	1	☐
04/10/2006	58	1331	MISCELLANEOUS CORRESPONDENCE RECEIVED FROM ARNOLD R SILBIGER TO JUDGE LAWLER CONCERNING EXTENSION DATE FILED 04/07/2006	1	☐
04/10/2006	59	1233	COURT'S APPROVAL OF EXTENSION OF TIME TO 05/29/2006 FOR FILING ACCOUNT	1	☐
06/09/2006	60	1385	SEVENTH AND FINAL ACCOUNT	4	☐
06/12/2006	61	1386	ORDER OF COURT APPROVING 7TH & FINAL ACCOUNT (DATED 6/9/2006)	1	☐

Latest data as of: 3/2/2022 4:00:00 PM (rownetweb)

Total Pages Requested:	0
($0.50 per page)	x $0.50
Total Page Charge:	**$0.00**
Total Fees:	**$0.00**

2021-337-XA
Exhibit 3
4007 2002 Appraisal

Restricted Use Appraisal

of

4007 Annapolis Road
Baltimore, Maryland 21227

as of

7/9/02

Hlubb & Associates
Real Estate Appraisers
A division of Buhl Enterprises, Inc.
8492 Baltimore National Pike, Suite 200
Ellicott City, Maryland 21043
Bus 410.465.9970 Fax 410.465.9972

7/16/02

Bithi Bose
Maryland Permanent Bank
9612 Reisterstown Road
Owings Mills, MD 21117

Reference:
4007 Annapolis Road
Baltimore, MD 21227

This is a Restricted Use Appraisal Report that has been prepared for use by Maryland Permanent Bank in conjunction with corporate planning. The purpose is to develop an opinion of the Market Value as defined in FIRREA. It is not intended to be distributed to or relied upon by third parties. The appraiser is not responsible for the unauthorized use of this report. This appraisal was prepared in accordance with the requirements of a Restricted Use Appraisal as set forth in The Uniform Standards of Professional Appraisal Practice.

The real property interest - Fee Simple

Date of Inspection – 7/9/03

Effective date of valuation – 7/9/03

Market value is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: a. buyer and seller are typically motivated; b. both parties are well informed or well advised, and each acting in what he considers his own best interest; c. a reasonable time is allowed for exposure in the open market; d. payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The scope of this appraisal included an inspection of the subject property, the surrounding neighborhood and recent sales of similar type properties. The subject is a multi tenant property but currently has two residential tenants. The appraisal is limited to the sales comparison approach. The cost approach was not considered relevant. The income approach was not developed due to the lack of tenants. It is reported in a Restricted Use report. All supporting information not presented in this report has been retained in the work file by the appraiser.

Legal - Lots 5 – 8, Rosemont, Plat 7/100, Parcel 359, Grid 11, Tax Map 109 among the land records of Baltimore County, Maryland.

Ownership History - the property is currently owned by Jerome Shivaliski who has owned the property since 1985. It is under contract to Wang Se Oh for $230,000.

Assessment - $215,700. Annual taxes are $3,271.

The subject is located in the Baltimore Highlands area of Southwestern Baltimore County. This area is generally bordered by Baltimore City on the North, the Harbor Tunnel Thruway on the East and South and the Baltimore Washington Parkway on the West. The area is residential makeup with commercial uses generally along Annapolis Road and at the corners. The majority of the residential users are with older detached and group homes. The market for properties like the subject is considered good within this area. The convenient location of the area makes it a very desirable location for commercial uses and should continue well into the future.

The subject site is located on the East side of Annapolis Road between Pennsylvania and Alabama Avenues. Annapolis Road is a two lane with a center turn lane paved county street with concrete sidewalks, curbs, gutters and storm sewer. The site fronts on both roads and contains 9,800 sq ft. It is at street grade and level. The site is surrounded by compatible commercial and residential properties to the rear. The site is served with electric, gas, telephone, and public water and sewer. No adverse easements or encroachments are known. Census tract is 4301.

Improvements consist of a two story frame commercial and apartment building built in 1955 and containing 5,268 sq ft. It is of frame construction with shingle siding and an asphalt shingle roof. Windows are wood frame fixed pane storefront and aluminum replacement double hung. Doors are wood in wood frame. Gutters and down spouts are aluminum. The first floor has three commercial spaces in the front. One has two offices, a drive in bay, a lavatory and a loft area. The other two each have 3 rooms and a lavatory. Finish includes vinyl floor, and acoustic tile ceiling with fluorescent lighting.

The rear of the first floor has an apartment with a living room, kitchen, one bedroom and a bath. The second floor has three apartments. Each has a living room, kitchen and bath. One has one bedroom and two have two bedrooms. Finish to the apartments includes carpeted floors, painted gypsum board walls and acoustic drop ceilings. Each unit has separate FWA gas heat and electric A/C. The improvements are in average condition.

Zoning - BL - Business Local District. Current use conforms to the zoning.

The highest and best use of a property is considered to be for the continued use of the subject as a multi use commercial use.

VALUATION

Sales Comparison Approach

There were three sales of properties in the subject neighborhood that were considered indicative of value for the subject. Value is estimated on a price per sq ft of all building improvements. Adjustment for date of sale was based on 2.5% per year which is the average annual CPI rate for the past 5 years. The sales are outlined and adjusted as follows.

# Address	Date	Price	Land SF	Bldg SF	$/Sq Ft	Adj. Value
1. 3612 Annapolis	2/21/03	$199,900	9,453	4,612	$43.34	$43.34
2. 4017 Annapolis	5/21/02	$162,000	6,268	3,507	$46.19	$47.34
3. 1310 Linden	6/8/00	$128,000	2,950	2,895	$44.21	$46.42

The indicated value for the subject is $45.00/sq ft. As the subject contains 5,268ft, value is indicated at $237,000 ®.

Exposure time is estimated to be 6 -12 months.

Marketing time is estimated to be 6 -12 months.

Final opinion of value is $237,000

UNDERLYING ASSUMPTIONS AND CONTINGENT CONDITIONS

This appraisal is subject to the following limiting conditions:

-That the legal description furnished is assumed to be correct.

-That no responsibility is assumed for matters legal in character, nor is any opinion rendered us to title which is assumed to be marketable. All existing liens and encumbrances have been disregarded and the property is appraised as though free and clear, under responsible ownership and competent management.

-That the stamps placed on deeds used to indicate sales are in correct relationship to the actual dollar amount of the transaction.

-That unless otherwise noted, it is assumed there are no encroachments, zoning violations or restrictions existing in the subject property.

-That the appraiser is not required to give testimony or attendance in court by reason of this appraisal, unless previous arrangements have been made therefore.

-The values for land and/or improvements, as contained in this report, are constituent parts of the total value reported and neither is (or are) to be used in making a summation evaluation by a combination of values created by another appraiser. Either is invalidated if so used. The current purchasing power of the dollar is the basis for the value.

-The plans in this report are included to assist the reader in visualizing the property. The appraiser has made no survey of the property and assumed no responsibility in connection with such matters.

-Information, estimated and opinions contained in this report, obtained from sources outside of this office, are considered reliable however, no liability for them can be assumed by the appraiser.

-Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any purposes by any but the applicant without the previous written consent of the appraiser or the applicant, and in any event, only with proper qualifications.

-That this appraisal shall be considered in its entirety. No part thereof shall be utilized separately, or out of context.

-That the value found herein is subject to these and to any other predications set forth in the body of this report but which may have been inadvertently omitted herein.

-That, if required by governmental authorities, any environmental impact statement prepared for the subject property will be favorable and will win approval of the appropriate regulatory bodies.

-That, unless otherwise noted in the body of this report, this appraisal assumes that the subject property does not fall within the areas where mandatory flood insurance is effective.

-The appraiser assumes no guarantee for the condition or purity of the well and/or septic system if applicable. It is assumed that all county standards have or will be met.

-Unless otherwise stated in this report, the existence of any hazardous material (including but not limited to radon, asbestos, urea-formaldehyde, toxic contamination or other environmental hazards) that may or may not be present in or on the property, was not observed by the appraiser. The appraiser is not qualified to detect such substances. The presence of these substances may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise required to discover them. The client should retain an expert in the field, if desired.

-Environmental Requirements: any federal, state, or local law, stature, ordinance, or regulation; or court or administrative order or decree; or private agreement pursuant to which materials require special handling in collection, storage, treatment, or disposal.

-Hazardous Material: any hazardous or toxic substance, material, or waste including, but not limited to, those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto, or such substances, materials, and wastes that are or become regulated under any applicable federal, state, or local law, ordinance, or regulations including, but not limited to, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA' or "Superfund"), the Clean Air Act, and the Clean Water Act.

-The appraiser is not qualified to make a compliance analysis/ survey of the property to determine whether or not it is in conformity with the Americans with Disabilities Act. Non compliance could result in a negative effect on the value of the property. Your appraiser did not consider any ADA requirements in estimating the value of the property.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct,

- the reported analysis, opinions and conclusions are limited only by reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analysis, opinions and conclusions.

- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

- my engagement in this assignment was not contingent upon developing or reporting predetermined results.

- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

- my analysis, opinions and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

- I have made personal inspection of the property that is the subject of this report.

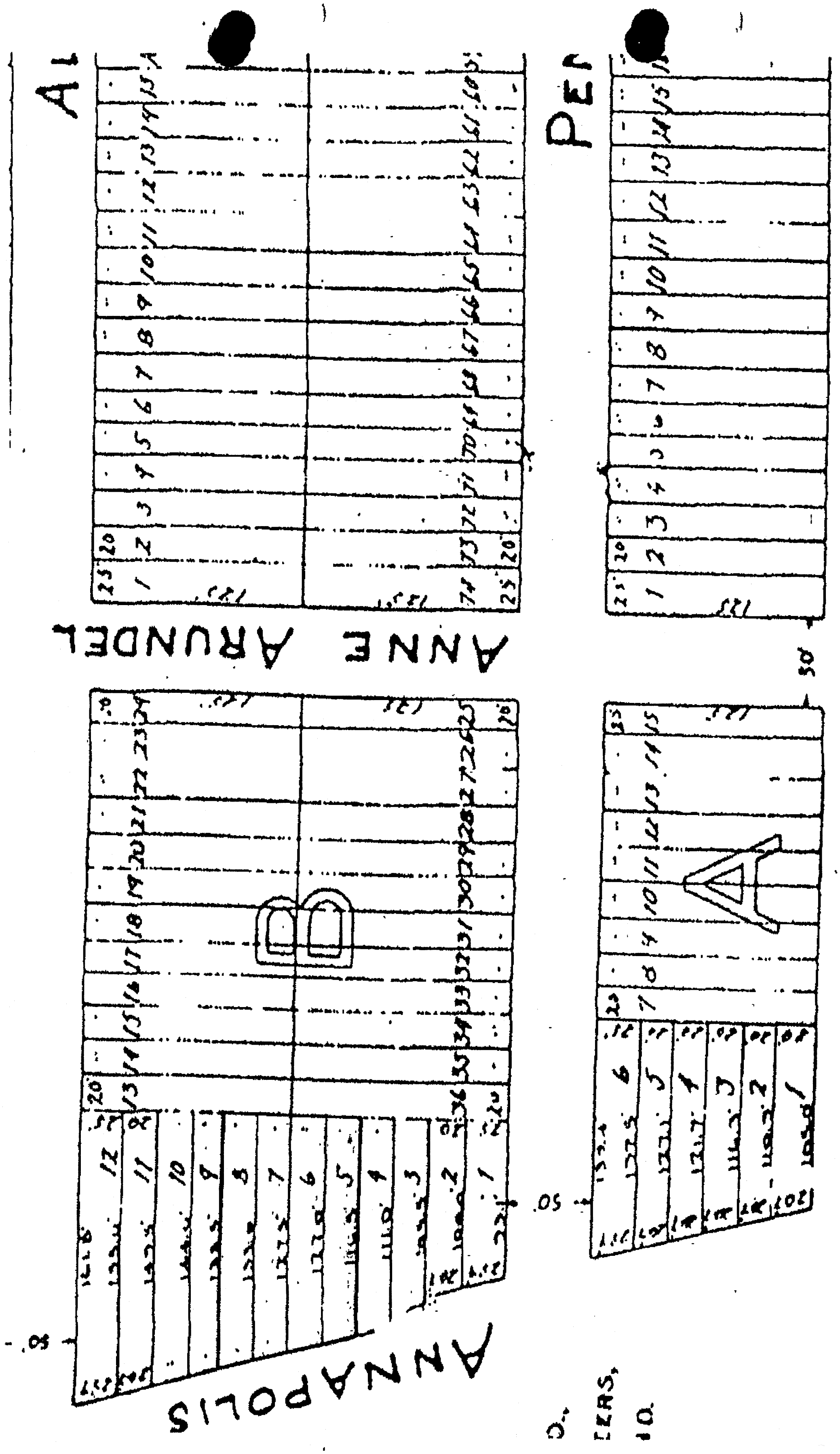
- no one provided significant professional assistance to the person signing this report.

- the reported analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

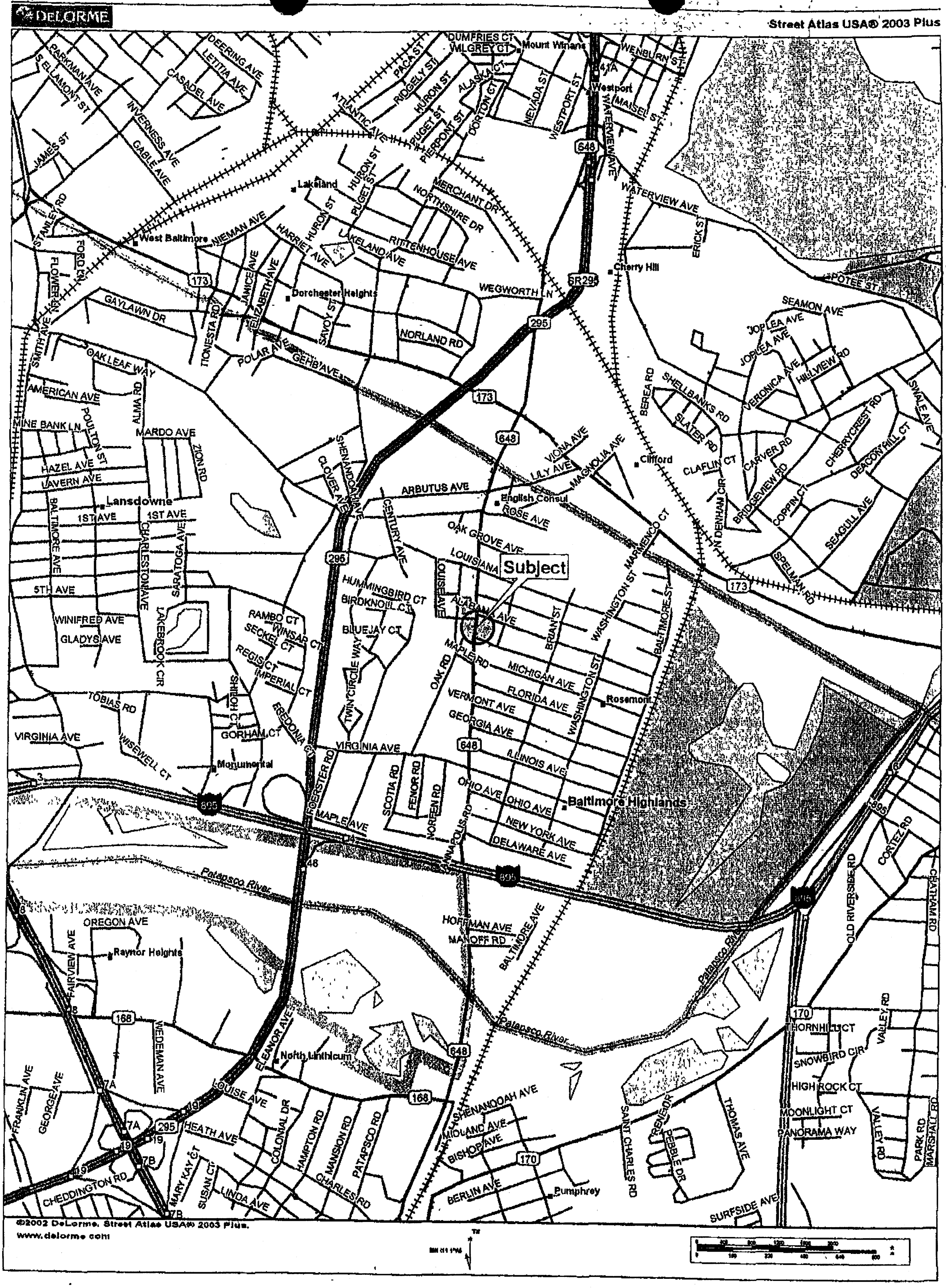
- the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

-as of the date of this appraisal, I have completed the continuing education requirements of the Appraisal Institute.

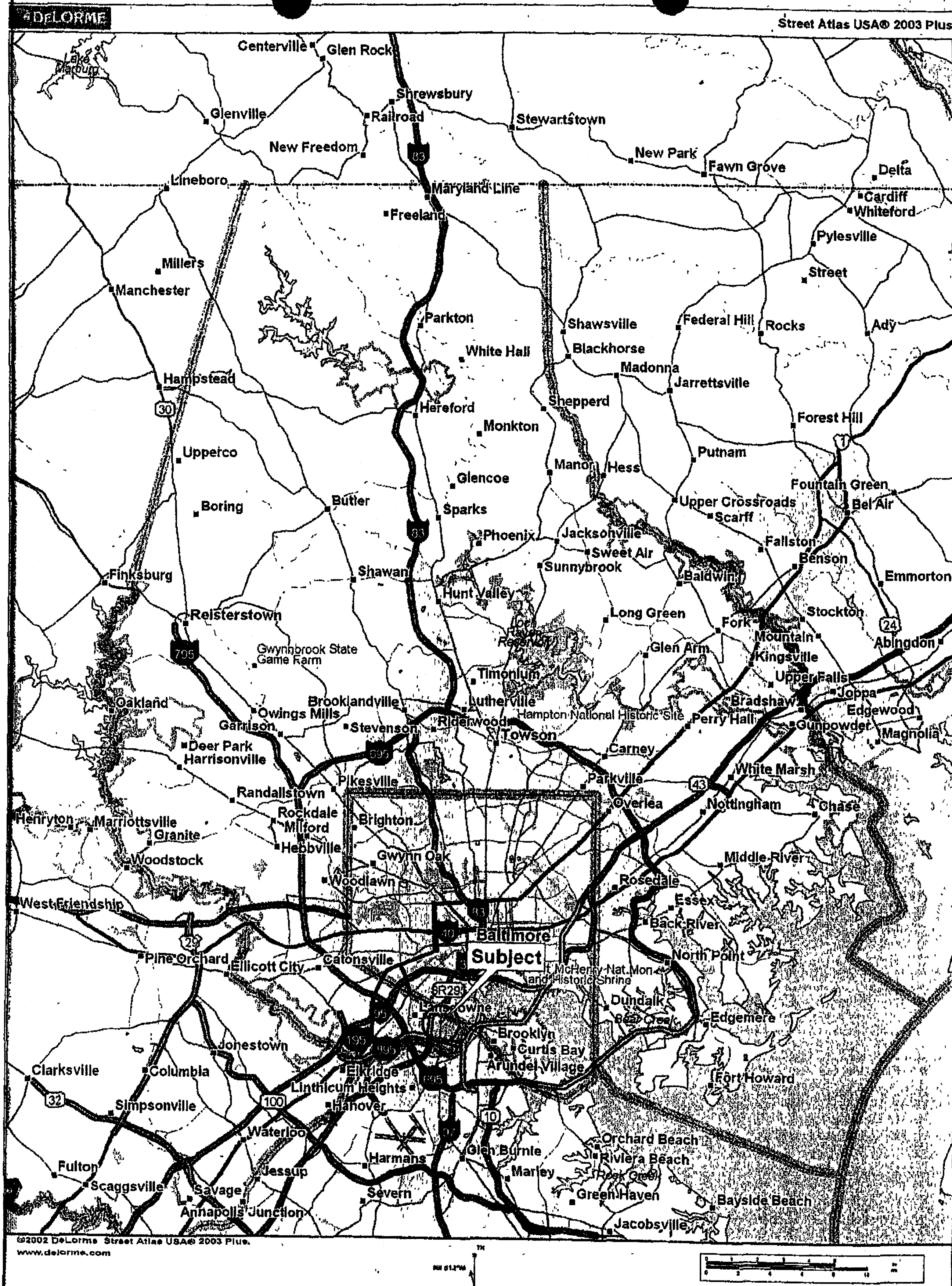
Paul F. Hlubb, Jr. CRE, MAI, SRA
Certified General Appraiser
Maryland # 04-2284



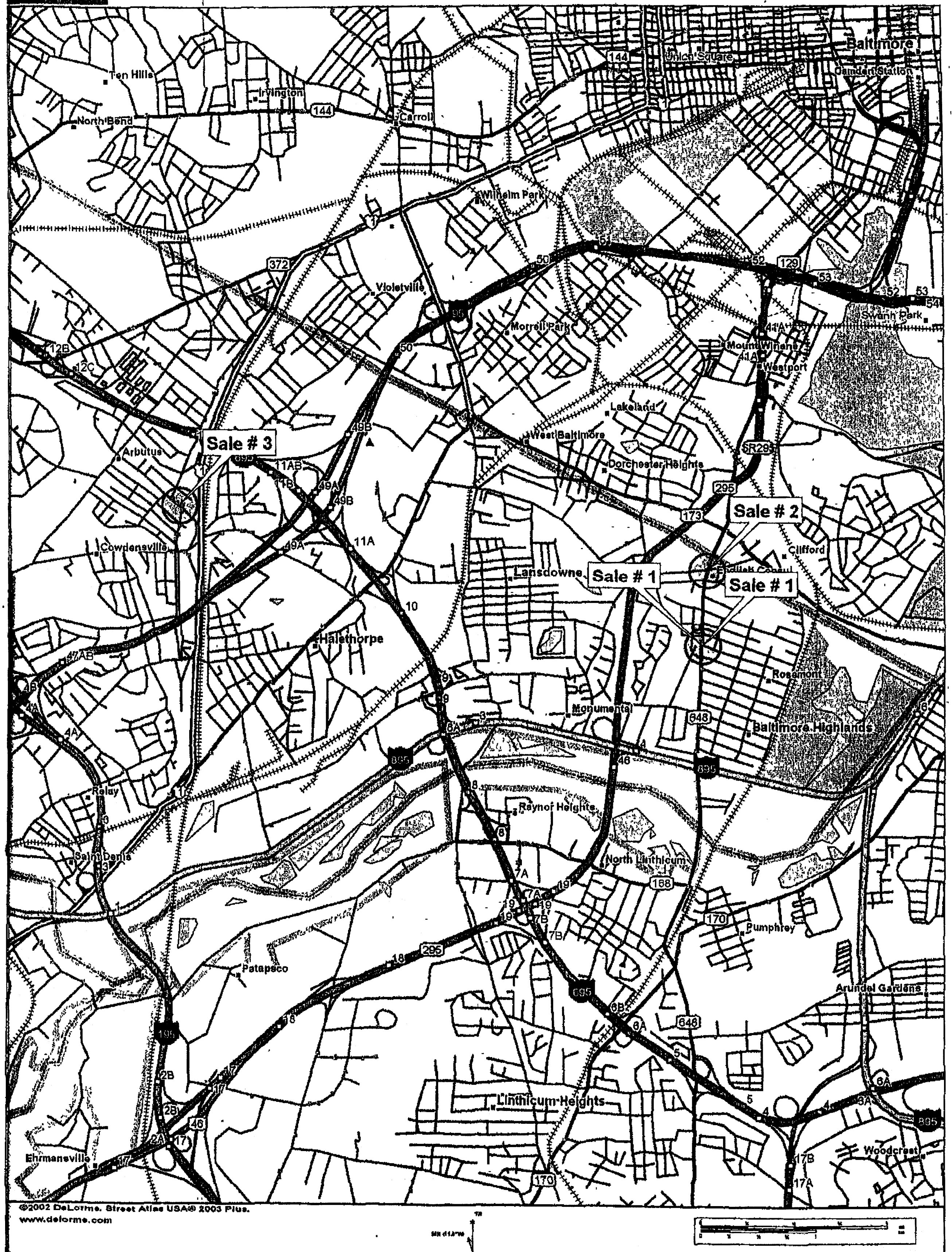
Plat



Neighborhood Map



Baltimore County Map



Sales Comparison Map

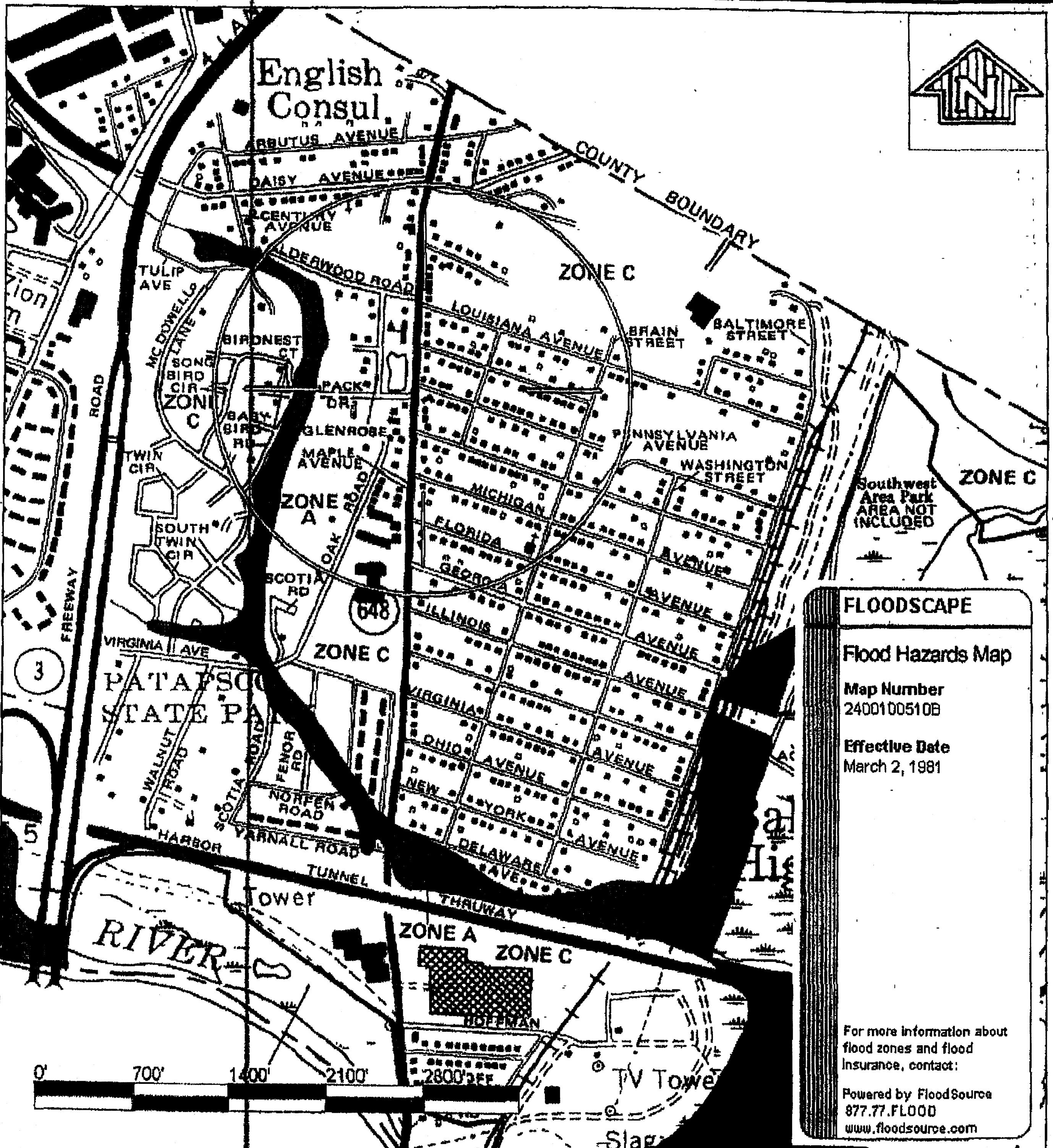
InterFlood

by a la mode

www.interflood.com • 1-800-252-6633

Prepared for:
Hlubb & Associates

4007 Annapolis Road
Halethorpe, MD 21227-3629



FLOODSCAPE

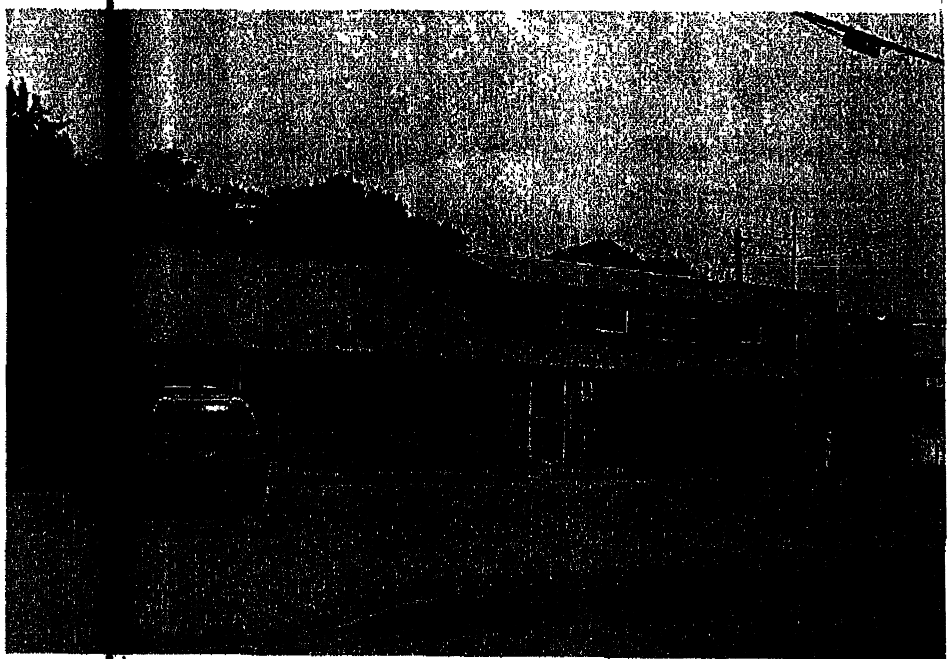
Flood Hazards Map

Map Number
2400100510B

Effective Date
March 2, 1981

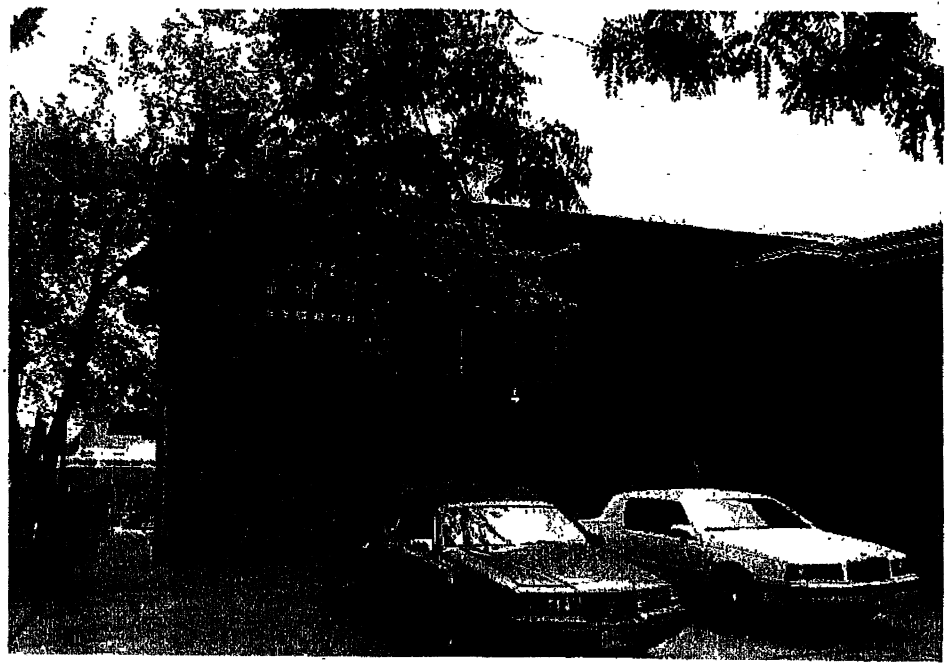
For more information about flood zones and flood insurance, contact:

Powered by FloodSource
877.77.FLOOD
www.floodsource.com



Front

Rear



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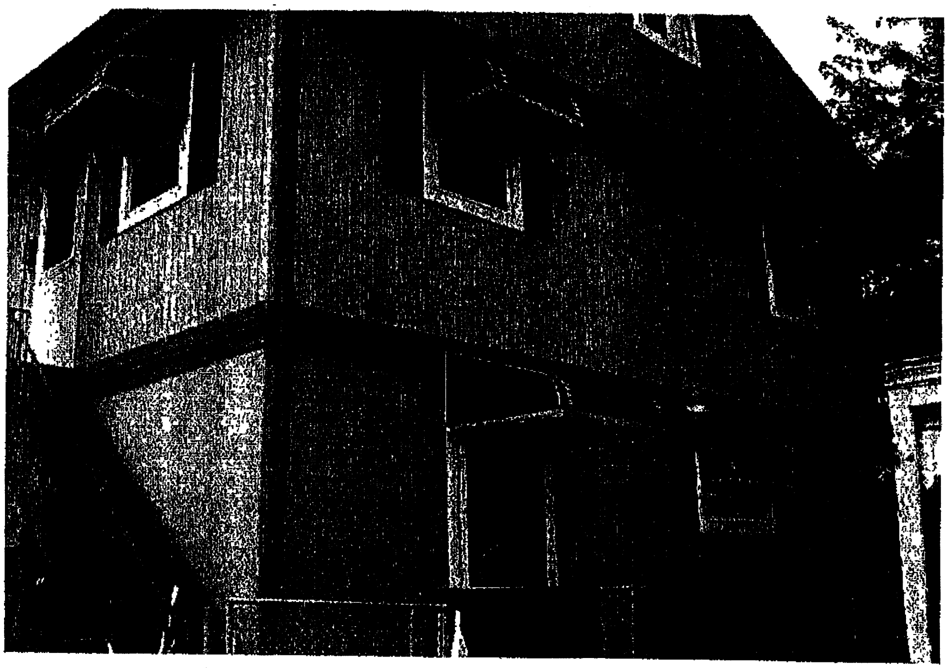

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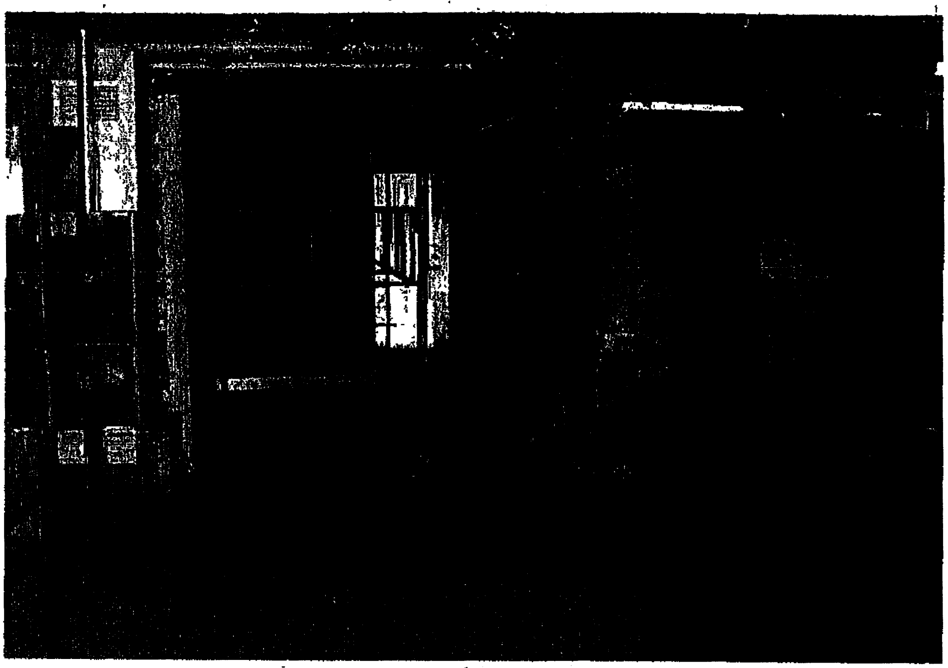
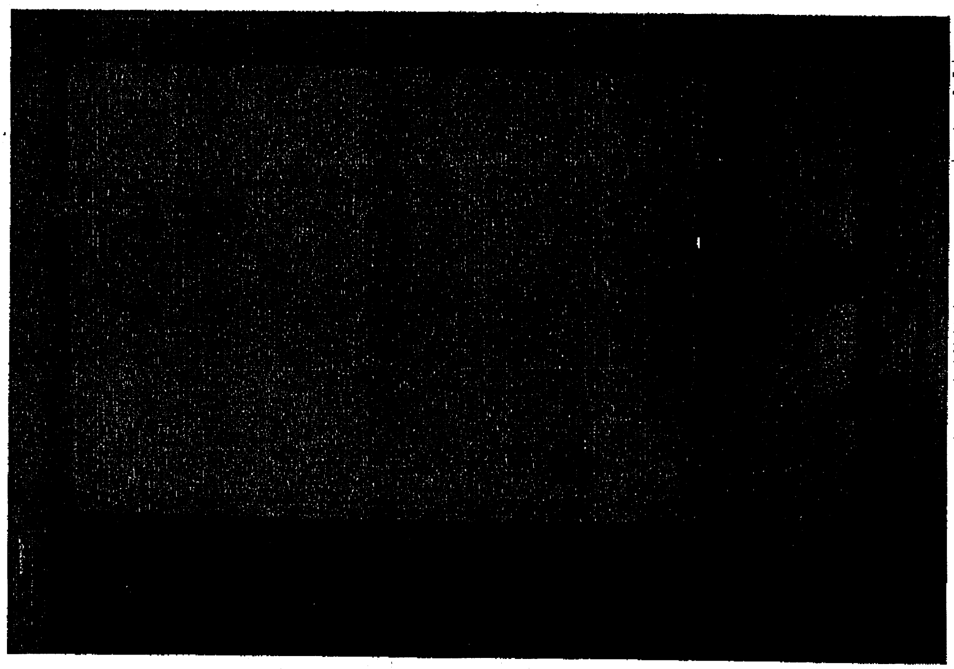
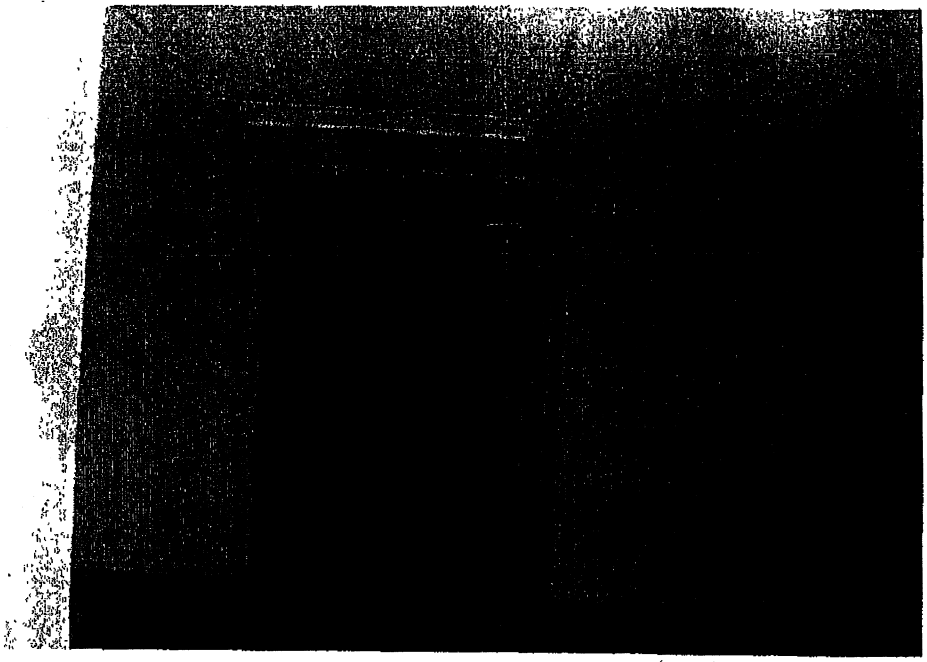


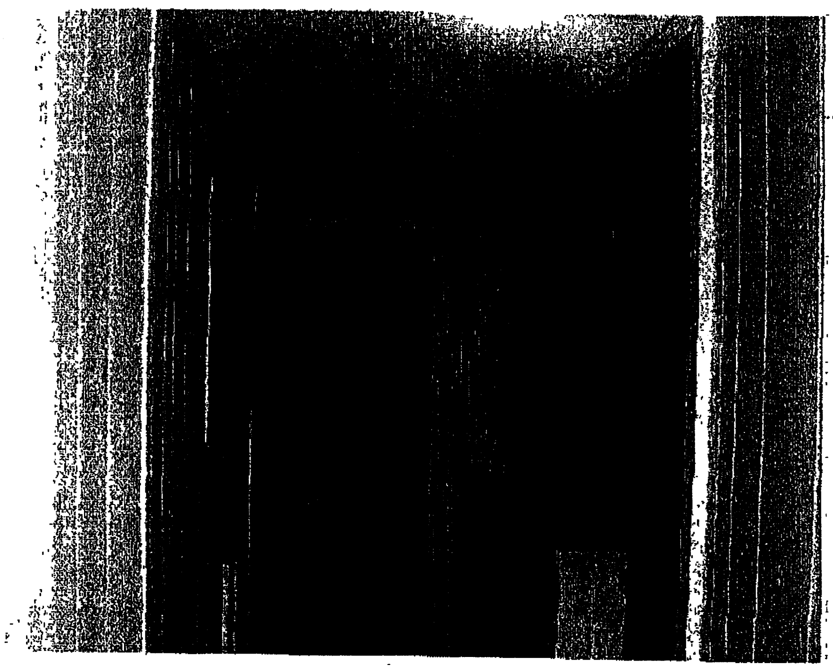
First Floor Garage



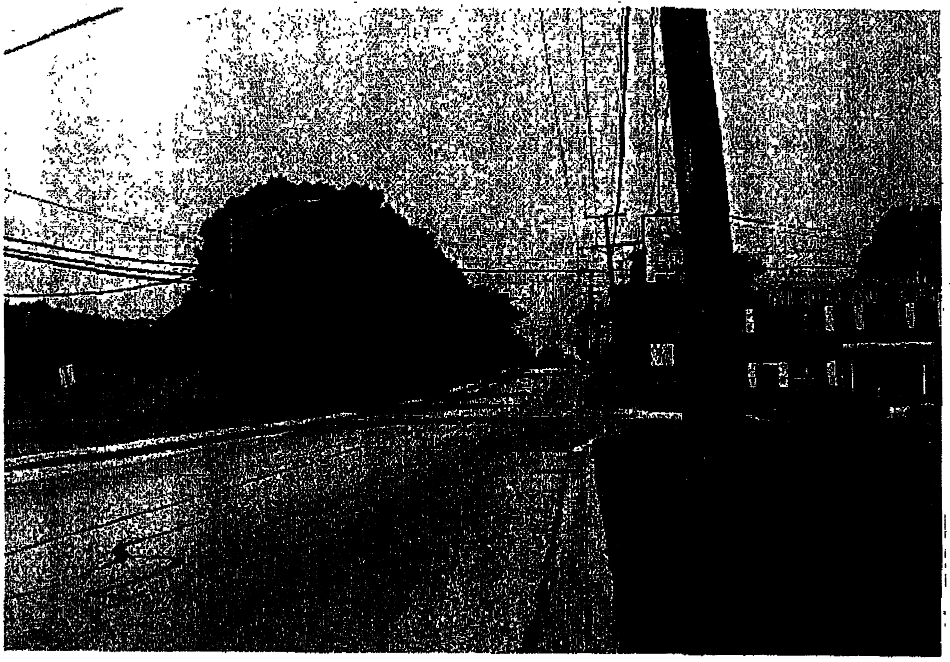
First Floor Commercial



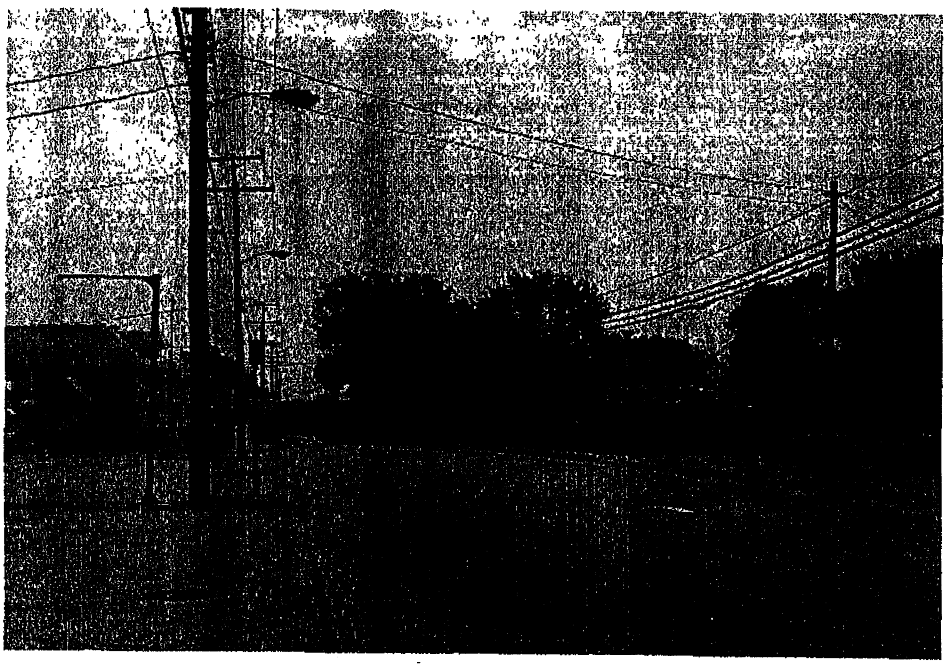
First Floor Office



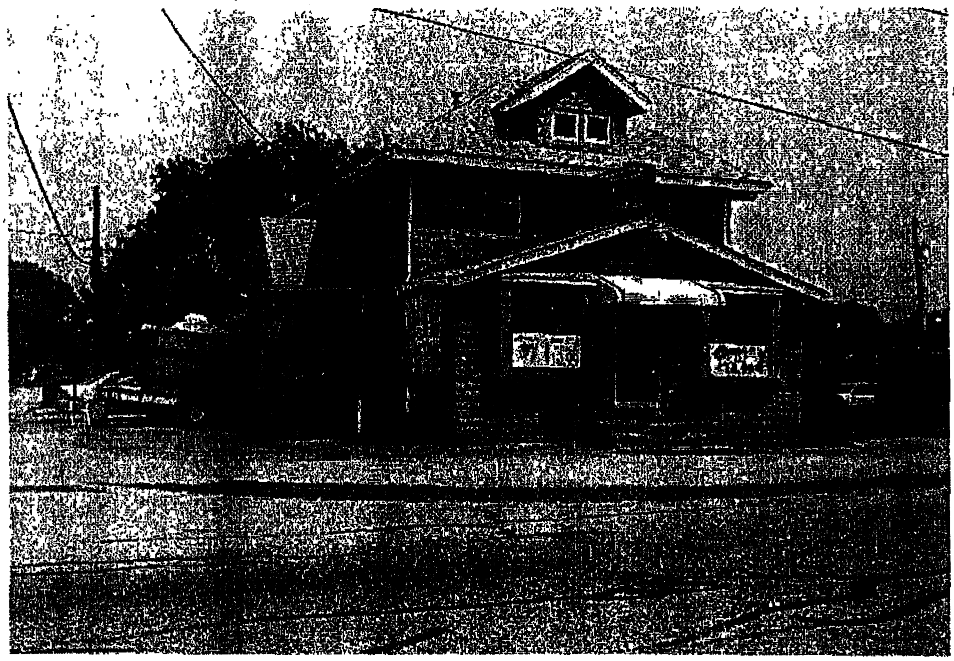
First Floor Office



Annapolis Road Looking North



Annapolis Road Looking South



Sale Number One – 4017 Annapolis Road

Sale Number Two – 3612 Annapolis Road

Sale Number Three – 1310 Linden Avenue

QUALIFICATIONS OF

PAUL F. HLUBB, JR
Real Estate Appraiser and Consultant

MEMBER:
The Counselors of Real Estate - CRE
Appraisal Institute - MAI , SRA - Past Chapter President
International Real Estate Federation - FIABCI
Urban Land Institute
Mortgage Bankers Advisory Committee to MICRF (1981 – 82)
Greater Baltimore Board of Realtors - Realtor Member - Board Member (1986-87)
Greater Capital Area Association of Realtors - Realtor Member
Maryland Association of Realtors - Realtor Member
National Association of Realtors - Realtor Member
Licensed Real Estate Broker - Maryland Real Estate Commission
Certified General Appraiser - State of Maryland, Commonwealth of Virginia and District of Columbia

EDUCATION AND BACKGROUND
Baltimore Polytechnic Institute
Clemson University, BA Economics
Staff Appraiser - American National Building & Loan Assn.
Associate Appraiser - McCurdy-Lipman and Associates
Assistant Vice President - Maryland National Bank
President - Maryland Capital Services Corporation
President - Maryland Realty Appraisers, Inc.
Vice President and Chief Appraiser - First Maryland Bancorp
President – Buhl Enterprises, Inc. - Independent Fee Appraiser and Consultant

HAVE APPRAISED AND CONSULTED FOR;

Key Bank & Trust	Allied Irish Bank
BB & T Bank	McDonald's Corporation
Allfirst Bank	PNC Bank
Farmers and Mechanics Bank	Maryland Permanent Bank
1st Mariner Bank	Westminster Union Bank
Potomac Valley Bank	Bay-Vanguard Federal Savings Bank
National Bank of Fredericksburg	Equitable Life Assurance Society
Kan Am Properties, Ltd.	Resolution Trust Corp.
New Windsor State Bank	Bucs Federal Bank

Various other banks, savings and loan associations, relocation companies, attorneys, developers and individuals.

Qualified as an expert witness before the Anne Arundel County Circuit Court, the City of Annapolis, the Howard County Circuit Court and Federal Bankruptcy Court.

ASSIGNMENTS HAVE INCLUDED;

Appraisal and counseling assignments of commercial and retail establishments, motels and hotels industrial land and buildings, warehouses, inner city urban renewal projects, condominiums, office buildings, apartment buildings, cooperatives, special purpose properties, subdivisions, land parcels and numerous old and new single family residential properties in the Baltimore-Washington Metropolitan areas, along with Virginia, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Texas, Colorado, Minnesota, Illinois, West Virginia, New York and Pennsylvania.