IN THE MATTER OF MARK KREBS AND JANE DROZINSKI PERSONAL REPRESENTATIVES OF THE ESTATE OF BETTY KREBS PETITIONERS FOR SPECIAL HEARING AND VARIANCE ON THE PROPERTY LOCATED AT 16809 RIDGE ROAD	* * * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY
5TH ELECTION DISTRICT 3RD COUNCIL DISTRICT	*	CASE NO.: 22-152-SPHA

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

OPINION

This case comes before the Board of Appeals of Baltimore County ("Board") as an appeal filed by Mark Krebs and Jane Drozinski ("Petitioners"), of a September 1, 2022 Opinion and Order from Administrative Law Judge Paul Mayhew denying the Petition for Special Hearing pursuant to Baltimore County Zoning Regulations ("BCZR") §500.7 to approve a non-conforming lot created on July 6, 1961, and Petition for Variance pursuant to BCZR §1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

By request of the parties, the *de novo* hearing was held in person before this Board on August 1, 2023. Lawrence E. Schmidt, Esquire of Smith, Gildea and Schmidt, appeared on behalf of the Petitioners. Deputy People's Counsel, Carole S, Demilio Esquire, appeared on behalf of People's Counsel for Baltimore County. Also appearing in opposition of the Petitions was adjacent property owner, Wayne Martin. At the beginning of the hearing, the Petitioners abandoned the Petition for Variance, and sought, solely, the Petition for Special Hearing. A public deliberation was held on October 24, 2023 via Webex.

INTRODUCTION

The Petitioners are seeking permission to build a single-family home on an unimproved property located between 16805 Ridge Road and 16811 Ridge Road, a residential street

intersecting with Black Rock Road ("Subject Property"). The Subject Property is 0.714 acres in gross area, zoned R.C.2.

STIPULATED FACTS

In the interest of judicial economy People's Counsel and Counsel for the Petitioners stipulated to the following facts:

1. The subject site is not part of any development or subdivision plan, whether prior to or subsequent to 1956.
2. The subject site is not a single-family lot duly recorded by deed nor in a validly approved subdivision prior to March 30, 1955.
3. The homes constructed on the surrounding sites (16805, 16811, 16815, 16819 Ridge Road) were constructed in the 1960's, prior to the zoning regulations requiring one- acre minimum lots (RDP in 1971 and R.C.2 in 1975). While they can remain because legally constructed, the lot sizes are undersized under the R.C.2 standards.
4. There is no evidence the subject site sought or was granted a building permit or approval from the agencies (such as County Health Department approval for utilities and services) in effect at any time in its history to current.
5. The subject site was calculated at 0.675 acre (Petitioner's Site Plan) or 0.714 (SDAT) neither of which meets the current R.C.2 one-acre minimum requirement.
6. The subject site is located in the 5th District. The applicable zoning history is:
   (a) 1945 – "A"
   (b) 1955 – "A" became R 6 by virtue of BCZR's statutory conversion
   (c) 1971 – Rural Planning Deferred (RDP) rezoning by County Council and codified in BCZR
   (d) 1975 - Resource Conservation 2 (R.C.2) Enactment of zone by County Council and Mapping
   (e) 1979 - R.C. Zones codified in BCZR
7. The subject site's **deed history** is as follows:
   (a) 10-21-1954 Deed to Raymond and Rachel Armacost ("Armacosts" maternal grandparents of Petitioner) 3.829 acres via survey out of other parcels
   (b) 8-9-1956 Deed from Armacosts to Wallace & Betty Krebs, parents of Petitioner, .828 acres via survey out of 3.829 parcel. 16805 Ridge Road
   (c) 2-6-1961 Deed from Armacosts to Silas and Mary Martin 1.458 acres via survey out of 3.829 parcel above. 16811 Ridge Road

(d) 11-5-1962 Deed from Armacosts to Silas and Mary Martin .821 acres via survey out of 3.829 parcel above. 16815,16819 Ridge Road

(e) 2-28-1973 Deed from Armacosts to Wallace and Betty Krebs via survey and the remaining land (subject site) from the original 3.829 parcel above. Unimproved

8. Petitioner's Plat states the proposed single-family dwelling complies with the front, side and rear setbacks required under the current R.C.2 zoning regulations.

ANALYSIS

A special hearing is effectively a declaratory judgment proceeding to determine issues of zoning law. *Antwerpen v. Baltimore County* 163 Md. App. 194, 209 (2005). The essence of the issue to be determined in this matter is the interpretation of the language found in BCZR §1A.01.3.B.2.

Regarding height and area regulations in the R.C.2 zone, BCZR §1A.01.3.B.2 states: "A lot having an area less than one acre may not be **created** in a R.C.2 zone." (emphasis added) As stipulated by the parties, the property at issue clearly falls short of the one-acre requirement. Petitioners argue that the one-acre requirement does not apply to the proposed development due to their contention that no new lot is being "created" as stated in BCZR §1A.01.3.B.2, in that the lot was already in existence since 1961. People's Counsel argues that this interpretation of the term "created" in erroneous and confounds common sense.

As provided in BCZR §101.1 any word not expressly defined in the BCZR shall be defined as stated in Webster's Dictionary. According to Webster's, "created" is defined as "to bring into existence" or "to produce." As outlined by the Petitioners, following the conveyance of the lot known as 16805 to the Krebs in 1956 and the conveyance of the 1.458-acre lot to the Martins in 1961 (which became 16811 and 16815 when houses were built thereon) the subject Property was "brought into existence." It became (as defined in BCZR) a "Lot of Record." A

Lot of Record is "a parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof." (BCZR §101.1.) The Property's boundaries were established when the conveyances of the lots on both sides were made.

The tenets of statutory construction dictate that the words in any statute be interpreted based upon their clear meaning and that words be given their ordinary effect and not be considered surplusage. *See, e.g., City of Balt. Development Corp v. Carmel Realty Assocs.* 395 Md. 299 (2006). Petitioner contends that if the word "created" in BCZR §1A01.3.B.2 was not afforded a literal interpretation, it would be meaningless and superfluous. In short, if the legislature had not intended that word to have its clear meaning and effect, then it would not have been used.

While a variety of theories could be extrapolated as to the legislative intent behind BCZR §1A01.3.B.2, an investigation of such theories is only warranted when there is ambiguity as to the meaning of a statute.

> If statutory language is unambiguous when construed according to its ordinary and everyday meaning, then we give effect to the statute as it is written. If there is no ambiguity in that language, either inherently or by reference to other relevant laws or circumstances, the inquiry as to legislative intent ends; we do not need to resort to the various, and sometimes inconsistent, external rules of construction, for the Legislature is presumed to have meant what it said and said what it meant.

Chow v State, 393 Md. 431, 443-44 (2006) (quoting *Kushell v. Dept. of Natural Resources*, 385 Md. 563, 576-77 (2005))

People's Counsel contends that the language of BCZR §1A.01.3.B.2 is "ambiguous" in that the term "created" cannot be logically afforded its literal interpretation. People's Counsel notes that when BCZR §1A04.3.B.1.b. regarding the R.C.5 zone was amended in 2004, specific

exceptions were added for lots not meeting the 1 ½ acre requirement.[1] Since statutory language for R.C.5 area requirements also included the term "created," People's Counsel argues that such exceptions would not be necessary if the term "created" were to be afforded a literal interpretation. While this argument has merit, an opposite inference from this amendment is that the County Council could have also included such an amendment to the R.C.2 area requirements and did not, thus leaving the term "created" in the R.C.2 area requirements to be unqualified in its literal meaning.

While not dispositive, guidance as to the legislative intent of BCZR §1A01.3.B.2 may be extrapolated from "Legislative statement of findings" prefacing BCZR §1A01 addressing the R.C.2 (Agricultural) zone. This statement reads:

> **§1A01.1. - General provisions.**
>
> A. Legislative statement of findings.
>
> 1. Declaration of findings. It is found:
>
> a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;
>
> b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;
>
> c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;
>
> d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

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[1] BCZR 1A04.3.B.1.b. in the R.C.5 zone only, provides two specific exceptions to minimum lot size when the County Council, upon enacting Bill 152-2004, raised the minimum size from 1 acre to 1 ½ acres:

> "The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However the provisions of Section 1A04.4 [Performance Standards] may not be varied."

(The second exception pertains to growth allocation sites under the Baltimore County Code and allows a reduction to 1 acre under certain conditions not applicable in this case.)

e. That heretofore Baltimore County has been unable to effectively stem the tide of **new residential subdivisions** in productive agricultural areas of Baltimore County;

f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including **residential subdivisions** which are not located in areas of productive agricultural land.

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

BCZR §1A01.1 (Emphasis Added).

An examination of this statutory language infers that the primary focus of this legislation was the prevention of sprawling **residential subdivisions** in agricultural areas. As noted by the Petitioners, no subdivision is proposed on the Subject Property. Absent from his statement of "Legislative statement of findings" is language inferring that the prevention of a single dwelling on a lot under an acre was a legislative point of concern.

Despite assertions to the contrary, The Board finds that the literal interpretation of the term "created," is in fact logical when interpreting the legislative intent of BCZR §1A01.3.B.2 and finds no reason to disregard its clear meaning. If it were the legislative intent to preclude all development in lots less than one acre in the R.C.2 zone, more precise language was available to meet that end. Such a more precise choice of terms can be found in the statutory language governing area regulations in the R.C.3 zone, which in pertinent part, states the following:

BCZR §1A02.3

b. Area regulations.

1. Cluster development. **Residential development** shall be permitted in the R.C.3 zone classification on lots not less than one acre in area . . .

In this instance, by including the term "residential development," it is clear as to what the statute is prohibiting on lots with area less than one acre. Such language was not included in the acreage requirements for the R.C.2 zone. By using the term "created" for lot size requirements for the R.C.2 zone, it is logically inferred that already "created" lots were not to be governed by the one-acre requirement.

People's Counsel argues that giving the term "created" a literal interpretation is nonsensical and would suggest that properties can never be downzoned. A rational review of the very fact-specific circumstance of this matter reveals that such a forecast of the demise of future zoning legislation and enforcement is hyperbole. In order for other properties to fall under this exception to the one-acre lot requirement in the R.C.2 zone, the property must have been a lot of record before 1978 and meet all other requirements for development in the R.C.2 zone. Almost 45 years have passed since this legislation went into effect, and the number of remaining lots of record fitting this description are most likely finite.

Merger

During the hearing before the Board, People's Counsel raised the issue of "merger" asserting that the Subject Property cannot be built upon because it has merged with the adjacent lot at 16805 Ridge Road. The concept of zoning merger was addressed in *Friends of the Ridge v. Balt. Gas & Elec. Co.* 352 Md. 645 (1999). In that matter, BGE owned multiple lots within a single tract which was the location of an electric substation. BGE sought to enlarge the substation and requested zoning variances to the internal lot lines. The Court of Appeals held that zoning variances were not required as the lots had "merged" for zoning purposes and setbacks to the interior lot lines were not required.

In *Mueller v. People's Counsel,* 177 Md. App. 43 (2007), the court discussed how the intent of the property owner could be ascertained in determining if there was a merger. The Court held that factors evidencing merger included whether there were any permanent structures (e.g., swimming pool, garage, shed) on the lot serving the lot on which the primary residence was built. *Mueller, at* 88.

Mr. Krebs testified before the Board that the Subject Property has never been used to serve the 16805 lot. He confirmed that there had never been a driveway, or any other permanent structures built upon the property. Additionally, the lots have always been taxed separately and considered as separate parcels. Applying this testimony and the lack of evidence to the contrary to the factors for consideration provided in *Mueller*, the Board finds that the Subject Property has not merged with the adjacent lot at 16805 Ridge Road.

CONCLUSION

The Board finds the term "created" found in BCZR §1A.01.3.B.2 is unambiguous. Consequently, the tenets of statutory construction dictate that the term must be afforded its literal meaning. When reading BCZR §1A.01.3.B.2 in such a light, it is clear that the Petitioners are not proposing the creation of a lot less than one-acre, in that the Subject Property already exists as a lot of record. Accordingly, the development of this lot in keeping with all other R.C.2. zoning requirements is permitted. Additionally, when applying the facts regarding the use history the Subject Property the holding in *Mueller*, the Board finds that the Subject Property has not merged with the adjacent lot at 16805 Ridge Road.

ORDER

THEREFORE, it is this 17th day of November, 2023, by the Board of Appeals for Baltimore County:

ORDERED that the Petition for Special Hearing pursuant to BCZR §500.7 to approve a non-conforming lot which was created on July 6, 1961 is hereby **GRANTED.**

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 FOR
BALTIMORE COUNTY

Deborah C. Dopkin

Fred M. Lauer

Andrew M. Belt was the Panel Chair at the time of the hearing and public deliberation. Mr. Belt left the Board effective November 13, 2023.

Board of Appeals of Baltimore County

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November 17, 2023

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Towson, Maryland 21204

RE: In the Matter of: *Mark Krebs and Jane Drozinski, Personal Representatives of the Estate of Betty Krebs, Petitioners*
Case No.: 22-152-SPHA

Dear Counsel:

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,

Sunny Cannington Hoy

Krysundra "Sunny" Cannington
Legal Administrative Secretary

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: See Distribution List Following

In the Matter of: Mark Krebs and Jane Drozinski, Personal Representatives of the Estate of Betty Krebs
Case No.: 22-152-SPHA
November 17, 2023
Distribution List

Mark Krebs and Jane Drozinski
Radoslav Tsanev
Maggie Flick
Wayne Martin
Maureen E. Murphy, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

Board of Appeals of Baltimore County

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October 5, 2023

NOTICE OF DELIBERATION

IN THE MATTER OF: Mark Krebs and Jane Drozinski
(Estate of Betty A. Krebs)
22-152-SPHA 16809 Ridge Road
5th Election District; 3rd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to approve a non-conforming lot which was created on July 6, 1961; or in the alternative

Petition for Variance pursuant to BCZR §1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

9/1/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; and the Petition for Variance was DENIED.

This matter having been heard and concluded on August 1, 2023. A public deliberation was scheduled for September 27, 2023 and postponed by the Board. The public deliberation has been

REASSIGNED FOR: OCTOBER 24, 2023, AT 9:00 A.M.

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

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

No further filings will be accepted.

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 deliberation.

Krysundra Cannington
Legal Administrative Secretary

c.	Counsel for Petitioner/Appellant	: Lawrence E. Schmidt, Esquire
	Petitioner/Appellant	: Mark C. Krebs and Jane Drozinski
	Contract Purchaser	: Radoslay Tsaney
	Protestant	: Maggie Flick
	People's Counsel for Baltimore County	: Carole S. Demilio, Deputy

Bruce Doak, Bruce Doak Consulting, LLC

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

Tammy Zahner

From: Thomas Leitch <tleitch@sgs-law.com>
Sent: Friday, September 15, 2023 1:58 PM
To: Appeals Board; Peoples Counsel; 'waynelee3805@gmail.com'
Cc: Lawrence Schmidt; Alyssa Moyers
Subject: Mark Krebs and Jane Drozinski - 16809 Ridge Road - Case No. 2022-0152-SPHA
Attachments: Memorandum In Lieu Of Closing Argument.pdf

Follow Up Flag: Follow up
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CAUTION: This message from tleitch@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon,

Attached for filing is the Memorandum In Lieu Of Closing Argument and Certificate of Service on behalf of the Petitioners in the matter of Mark Krebs and Jane Drozinski, case no. 2022-0152-SPHA.

Thank you,

SGS SMITH GILDEA & SCHMIDT LLC

TJ Leitch
LEGAL ASSISTANT

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IN THE MATTER OF:	*	BEFORE THE
MARK KREBS AND JANE DROZINSKI (ESTATE OF BETTY A. KREBS) *Petitioner/Legal Owner*	*	BOARD OF APPEALS
	*	FOR
16809 RIDGE ROAD	*	BALTIMORE COUNTY
5th Election District 3rd Councilmanic District	*	**Case No.: 2022-0152-SPHA**
	*	

* *

MEMORANDUM IN LIEU OF CLOSING ARGUMEN

This matter comes before the Board as an appeal of the decision of Administrative Law Judge ("ALJ") Paul M. Mayhew dated September 1, 2022, which denied Petitions for Special Hearing and Variance filed by Mark Krebs and Jane Drozinski ("Petitioners"). Mr. Krebs and Ms. Drozinski are brother and sister and owners of the subject property, known as 16809 Ridge Road (the "Property"). The Petition for Variance requested relief from BCZR §1A01.3.B.2 to permit a lot with an area of .67 acres, in lieu of the required one acre. The Petition for Special Hearing requested approval of a "non-conforming lot".

As noted above, the petitions came in for public hearing before ALJ Mayhew. At the hearing, the petitioners were not represented by counsel. After ALJ Mayhew's decision denying the petitions was issued, the Petitioners retained the undesigned counsel and instituted this appeal to the Board. The Board's hearing was conducted in a single day, on August 1, 2023. In addition to the co-Petitioner (Mark Krebs) and his counsel, Deputy People's Counsel Carole Demilio, Esquire also appeared. Also appearing was the owner of two adjacent properties, Wayne Martin. Mr. Martin leases the residences on those properties. At the onset of the hearing, counsel advised

the Board that the issue to be decided was whether the Property can be developed with a single-family dwelling and is thus "buildable." That is, the parties agreed that Petitioners were not bound by the wording of the relief identified in the Petition, but any party could present any "theory of the case" in support of their position (either in support, or opposition, to the request). Counsel also advised the Board that through extensive discussions and pre-hearing document exchange, the case could proceed by way of proffer by Petitioners' counsel and that the documents/exhibits pre-submitted by both sides were not objectionable. The anticipated length of the hearing was thus significantly reduced, and the issue presented clarified.

Following the conclusion of the hearing and at the request of the parties and consent of the Board, the submittal of post hearing memorandum was agreed to; and this memorandum, on Petitioners' behalf, follows.

Statement of Facts

A. The ownership and land title history which "created" the Property

As noted above, this case largely proceeded by way of a proffer of the relevant facts by Petitioners' counsel. The facts presented through the proffer were undisputed.

The Property is .714 acres in gross area, zoned RC 2.[1] It is located on Ridge Road in the northwest section of Baltimore County. As the property is vacant and unimproved, it bears no street address, although the adjoining properties on either side are 16805 Ridge Road and 16811 Ridge Road. Ridge Road is a residential street that intersects with Black Rock Road (Md. Rte. 88). Black Rock Road leads from Falls Road (Md. Rte. 25) to the southeast and extends into Carroll County.

[1] The relevant deeds for the Property (and SDAT information) identify the property as being .714 acres. The surveyor who assisted the Petitioners below indicated that the Property was .67 acres. This minor difference is likely due to the fact that (like many rural properties in Baltimore County) the legal description includes acreage measured to the center of the adjoining public road, whereas the measurement of the land area of the lot does not.

The subject property is located within a rural area, near Carroll County. There are no public facilities (water and sewer) in the area and any residential use of the property would require a functioning well and septic system.

The Petitioners are the children of Wallace Krebs (died in the 1980's) and his wife, Betty Ann Krebs (nee. Armacost) who died in 2021. Betty Krebs was the daughter of Raymond F. Armacost and Rachel R. Armacost, the grandparents of the Petitioners. As was testified to by Mark Krebs, the Armacost family has owned property in this area of Baltimore County since the 1750's. The Armacost family were dairy farmers and members of the extended family which have lived and owned property in this area for multiple generations.

As to the creation and evolution of the Property and the immediate adjacent lots (which are all improved with single family dwellings), the following history was agreed to by all parties and was part of counsel's proffer.

Originally, the Property was part of a tract that was 3.829 acres (hereinafter the "Tract") that was conveyed to Raymond and Rachel Armacost (the Petitioners' grandparents) in 1954 (Petitioners' Ex. 5). It is of note that the grandparents acquired the tract from other members of the Armacost family; reflecting the fact that the Armacost family as a whole had vast land holdings in this area of Baltimore County. At that time, the entire 3.829-acre parcel was unimproved and wooded. In 1956, Wallace Krebs and Betty Ann Krebs (Petitioners' parents) were recently married. As is typical (particularly with rural families which own sizable tracts of land) Mr. and Mrs. Armacost subdivided their property and conveyed to Mr. and Mrs. Krebs (their daughter and son-in-law) a triangular shaped piece of land from the Tract. The deed evidencing this conveyance is recorded in the Land Records of Baltimore County a GLB 2995, Pg. 530 and is Petitioners' Ex. 6. This lot is .828 acres in area. Mr. and Mrs. Krebs then built a house thereon and began to raise

their family. Their children (Mark and Jane, the Petitioners) were born and grew up on the Property. Amazingly, the Petitioners were able to locate in the papers of their parents (both of whom are now deceased) a building permit issued by Baltimore County for that house construction (Petitioners' Ex. 16) and the first tax bill for the .828-acre lot (Petitioners' Ex. 17). That house number for the lot is 16805 Ridge Road. As was stipulated at the hearing and was the proffered testimony of Petitioner's witness Carl Richards (a long-time employee of the County Zoning Office) the policy of Baltimore County (both in 1956 and currently) is that a building permit for construction will only be issued if the lot on which the building is to be located is "legal". It is thus unmistakably clear that the lot known as 16805 is a legally created and existing lot and the logical inference is that other lots created in that time frame from the overall tract (as described below) are likewise 'legal". Mr. and Mrs. Krebs lived and raised their family on the .828-acre lot until the death of Mrs. Krebs (then a widow). Her children (the Petitioners) ultimately sold the house and property to the current owners (Karwacki, Petitioners' Ex. 6C)

Mr. and Mrs. Armacost continued their subdivision of the Tract in 1961. At that time, they carved off a 1.458-acre lot and conveyed it to Silas Martin and Mary Martin, his wife. This conveyed lot is shown on Petitioners Ex. 1 and the deed for this conveyance is Petitioners' Exhibit 8B, recorded at Liber 3810, Page 453 and dated February 6, 1961. By this transfer, the Property was "created" as its' boundaries were established, and it is located between the Krebs lot (16805 Ridge Road) and the 1.458-acre parcel conveyed to the Martins. Mr. and Mrs. Armacost, at that time, retained ownership of the balance of the Tract, which included the Property (again, located between 16805 Ridge Road and the 1.458 acre lot conveyed), as well as additional acreage described below and located on the 'other side" of the 1.458 acre lot conveyed).

Although Silas and Mary Martin are now deceased, their son (Wayne Martin) appeared at the hearing. As was testified to by him, his father (Silas) was a homebuilder (and County employee) by occupation. Upon Silas' acquisition of the 1.458-acre lot, he subdivided the same into two lots and built a house on each. Silas then sold one lot to the Heiss family (16811 Ridge Road) and the second to the Gist family (16815 Ridge Road). The deeds evidencing this subdivision and transfer by Mr. and Mrs. Martin are Petitioners Ex. 8 and 9, respectively. There is seemingly no dispute that these two lots (like the initial conveyance of 16805 to Mr. & Mrs. Krebs) were "legal" and complied with the then review process in Baltimore County concerning the subdivision, conveyance and residential improvement of rural land.

Although not specifically relevant to the Property, the final "piece of the puzzle" regarding the overall tract of 3.82 acres occurred in 1962. On November 15, 1962, Mr. and Mrs. Armacost conveyed a lot which became 16819 Ridge Road, also to Mr. and Mrs. Martin. As with the adjacent two properties, Mr. Martin built a house on it. Presently, that is one of the lots owned and leased by Mr. Martin (Petitioners' Ex. 10).

Thus, by 1962, the original 3.82-acre tract had been subdivided into five lots. Four of the lots were improved with houses, while the fifth (the subject lot/Property) was unimproved. At that time, the lots were then all separately owned; by Krebs (16805), Armacost (the vacant lot/Property), Heiss (16811), Gist (16815) and Martin (16819). Later, after the death of Mr. Armacost, his widow conveyed the Property (in 1973) to her daughter and son-in-law (Mr. & Mrs. Krebs) (Petitioners Ex. 7).

Whether there was ever a plat prepared for the conveyances of the lots as described above is unknown. However, there is no plat recorded in the County Land Records.

B. The Zoning history of the Property

The zoning history of the Property was established and agreed upon by the parties and is evidenced through the County's zoning maps that were submitted at the hearing (Petitioners' Ex. 11)

As is well settled, zoning came to Baltimore County in 1945 when the first zones were created, and initial zoning regulations adopted. The first regulations were rudimentary in nature and established only six zones (i.e., A—F). From 1945 through 1955, the Property was zoned A, a residential classification. In 1955, the County's zoning regulations were comprehensively amended. New zoning classifications were adopted. In fact, the regulations specifically provided that properties with the "A" designation became R 6. Thus, as shown on the 1955 zoning map (Petitioners' Ex. 11) the Property (indeed, the entire 3.829-acre tract) became R 6. The R 6 zoning classification (which was in effect at the time of the subdivision of the Tract as described above) required a minimum lot size of 6,000 square feet. All of the lots conveyed and/or retained by the Armacosts met that minimum acreage requirement. In 1970, the next significant change to the zoning classifications was made by the County Council. Rural zones were introduced. As to this Property, the RDP (Rural Deferred Planning) zone was adopted. The Property was so designated on the 1971 zoning map (Petitioners' Ex. 10). It is of note that the RDP zone was essentially a placeholder until the Council adopted the RC zones in 1975. The Property was zoned RC 2 in 1979 and the current RC 2 regulations (which govern minimum lot size, subdivision, density, etc.) were enacted on November 27, 1979. The regulation at issue (i.e., BCZR §1A01.3.B.2) was adopted as part of the legislation that came onto being in November 1979. The Property has remained RC 2 since that time.

ARGUMENT

I. This Property/Lot Is Not Being Created Now And Was Legal When Created

The regulation at the center of the issue in this case is BCZR § 1A01.3.B.2. That section states, "Lot size. A lot having an area less than one acre may not be ***created*** in an R.C.2 zone" (emphasis added). This regulation, by its clear and unambiguous terms, applies only to any lot being created after the adoption of that section. It does not apply here because the Petitioners are creating no lot. The lot was created prior to the adoption of this regulation. Thus, the Petitioners are not in violation of this section.

The key word in this regulation is "created". As provided in BCZR §101.1 any word not expressly defined in the BCZR shall be defined as stated in Webster's Dictionary. There, "created" is defined as "to bring into existence" or "to produce." It cannot be disputed that this Property was created in 1961. Following the conveyance of the lot known as 16805 to the Krebs in 1956 and the conveyance of the 1.458 acre lot to the Martins in 1961 (which became 16811 and 16815 when houses were built thereon) the subject Property was then "brought into existence." It became (as defined in BCZR) a "Lot of Record." A Lot of Record is "a parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof." BCZR §101.1. The Property's boundaries were established when the conveyances of the lots on both sides were made. It became taxable as its own lot (Petitioners' Ex. 16). Even Deputy People's Council Demilio conceded (upon questioning by the Board) that a lot "created" by conveyances of parts of an original tract (thereby creating a lot from the remaining acreage, typically described in a savings and excepting clause) is a valid lot. When the adjacent lots were conveyed by the Armacosts to the Krebs and Martins, the boundaries of this lot were established.

During the hearing, People's Counsel argued that Petitioner's position as stated immediately above is contrary to the alleged impact of the subsequent re-zoning and that, if Petitioners' position were adopted, it would render the effect of the re-zoning moot. But that is simply not true and is not what the Petitioner is arguing. The Petitioners acknowledge that the RC 2 zoning regulations are applicable. For example, any use proposed for the Property must comply with the use regulations for the RC 2 zone (BCZR § 1A01.2). Further, the height, setback and other bulk RC 2 regulations are indeed applicable. The Petitioner offered a site plan for the Property (Pet. Ex. 4) which shows that a proposed dwelling can be built on the Property in compliance with the required RC 2 setbacks. In sum, Petitioner does not suggest that the RC 2 regulations do not apply, but that in applying BCZR § 1A01.3.B.2, the Board observe the plain meaning of the words in that regulation and hold that the subject lot is not now being "created" and thus not subject to the one-acre minimum size requirement.

Such a holding would be consistent with the basic tenants of statutory construction. It is fundamental that the words in any statute be interpreted based upon their clear meaning and that words be given their ordinary effect and not be considered surplusage. See, e.g. *City of Balt. Development Corp v. Carmel Realty Assocs*. 395 Md. 299 (2006). If People's Counsel's theory were adopted, then the word "created" in BCZR § 1A01.3.B.2 would be meaningless sand without effect. If the legislature had not intended that word to have its clear meaning and effect, then it would not have been used. To suggest, as People's Counsel argued at the hearing, that the use of the word "created" in the regulation does not ascribe to its clear definition is illogical and contrary to the rudimentary tenants of statutory construction.

As testified by Mark Krebs at the hearing, the Property is essentially worthless unless it is buildable. Mr. Krebs and Ms. Drozinski own only this lot, they do not own adjoining property on

either side of the lot. The adjacent lot known as 16805 is owned by the Karwackis and the lot on the other side (16811) is owned and leased by Mr. Martin. The Petitioners cannot "borrow" acreage from the adjacent lots to increase the lot size because they do not own adjacent land and, as importantly, those lots are themselves undersized and do not meet the minimum one-acre requirement. If the Property is not buildable, then it is essentially without value. It could only be sold to an adjacent neighbor (no doubt at a distressed sales price) for use by them in conjunction with their respective properties. In this regard, Mr. Martin (whose motive in opposition is apparent as the landlord of adjacent properties) no doubt wants to buy the property "on the cheap". His concerns about the aesthetics of the area ring hollow, as he does not live here and contrary to his testimony, there are houses in the neighborhood that are similar in style to what is proposed for the Property (See Petitioners' Ex. 11).

After their acquisition, the Petitioners contracted with a purchaser (Radislav Tsanev) who intended on building on the Property. However, Baltimore County would not issue a building permit and directed the Petitioners to file for relief by the ALJ to confirm that the Property was buildable.[2]

It is vital to appreciate that this case is not about the subdivision of the Property or about its density (or, as known in the RC zones, the "rights of subdivision).[3] The Petitioners propose no subdivision. Subdivision is essentially defined as the division of a single property/lot into multiple lots. The Petitioners propose nothing of the kind. They are dividing nothing and creating nothing.

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[2] It is noted that having received the decision from ALJ Mayhew denying the requested relief, the contract purchaser "bailed out" on the potential purchase of the Property and Mr. Krebs and Ms. Drozinski appear before the Board as the sole petitioners (owners).

[3] In fact, RC properties (under the County's zoning scheme, do not have zoning density per se (as is the case with the DR zones). The DR zones provide for density to permit the number of dwelling units allowed per acre. In contrast, the RC regulations speak more in terms of "rights of subdivision". As noted herein, no subdivision is proposed here.

Thus, the regulations governing subdivision in the RC 2 zone, which require 50 acres of land per dwelling unit, are inapplicable. They, by their express terms, only apply when there is a subdivision proposed. The Petitioners inherited the Property (in its present size, shape and configuration) when their mother died. They are not now subdividing a property to create the lot. It is vital to understand that the regulation at issue (BCZR § 1A01.3.B.2) is not a density or subdivision requirement. It is an area requirement. In the RC 2 zone, properties can be subdivided at a rate of one unit per each 50 acres of land. Further, each lot (when created) needs only be one acre. These requirements are two different things; i.e., a density calculation (1 subdivision per each 50 acres) and an area requirement (minimum one acre for each lot created). For lots created prior to the adoption of the RC 2 zone, the lots need only be sized as required by the zone then applicable.

When the County refused to issue a building permit for this Property because it was less than one acre in size, that action was in error. The Property does not run afoul of the regulations. It is not being "created" now. It was created in 1961. It is to be emphasized that the Property met the required lot size when it was created. Under the R 6 regulations, the minimum lot size for lots in that zone was 6,000 square feet. The property meets that standard. As the proffered testimony of Mr. Richards made clear, the County's development review process in the 1950's and 1960's was "informal" at best. This was well before the current development regulations (Article 32 of the Baltimore County Code) were enacted in 1992. This was before the predecessor process (the County Review Group or "CRG"). Particularly for rural lots, the criteria considered was simply, "does the lot meet the minimum lot size" prescribed by the zoning regulations (it did), and "will it percolate" for a septic system (one-half acre size as a minimum).

In conclusion, this Property was undisputedly "created" in 1961. Thus, the one-acre requirement (established in the current RC 2 regulations adopted in 1979) is simply not applicable.

This Property is effectively "grandfathered" from that requirement and compliant with the RC 2 regulations.

Finally, it need be observed that the one-acre minimum lot size requirement is a "bulk standard" (a/k/a an area requirement). It is not a subdivision or use regulation. The ALJ (and Board on appeal) cannot grant zoning variances as to uses or density requirements. But variances are legally permissible as to the bulk regulations. As such, if the Board is not inclined to accept the argument offered herein above, it could grant a variance from the one acre minimum. The proffered evidence supports a finding of uniqueness (the property is unlike any in the area) and practical difficulty (strict application of the one acre minimum would render the property useless). (See *Cromwell v. Ward* 102 Md. App. 691 (1995). This variance approach to the issue is noted as an alternative to the grant of special hearing relief, finding compliance with the regulations as the lot is not now being created.

II. This case is not a vesting case.

People's Counsel argued at the hearing that the Property is not "vested" as a buildable lot. But that argument misses the point as this case is not about the vesting of any right. The doctrine of vesting applies when a current law or regulation prohibits a particular use. But the doctrine is inapplicable in this case because the regulation at issue does not prohibit the use that is proposed. The regulation does not state, " a dwelling cannot be constructed on a lot less than one acre in size in the RC 2 zone." As noted above, it states that such a sized lot cannot be **created.** The Petitioners do not propose to create a lot. It already exists.

Vesting is a concept most often applied when a plan for development is approved but a subsequent change in the law (or change in the zoning of the property) before construction

prohibits the approved development. No development of this lot has ever been proposed. The issue is whether the lot was legally created and whether § 1A01.3.B.2 prohibits a legally existing lot to be improved with a permitted use. As People's Counsel stated during the hearing, vesting comes into play when there is a change in the law and/or zoning "before you finished your plan or building" or "when you are in the middle of a project"[4] Under the common law, a plan only "vested" if permits were issued and construction had commenced towards completion with reasonable diligence. Baltimore County enacted a regulation which supersedes the permit/construction common law requirements. That legislation (which is codified in BCC § 32-4-264) no longer requires the issuance of permits and construction on the property for a plan to be vested. Instead, the recordation of a plat "vests" a development plan. But that section is not applicable here as there is no development plan to vest. As this is the development of a single property, there is no development plan required (See BCC § 32-4-106(a)(1)(i)). Further, the County had no formal development plan review process when this lot was created. There was (as noted above) no plan submitted nor required in 1956 (or 1961). Petitioners are not trying to utilize some antiquated subdivision regulation or otherwise "create" a lot. The lot exists. BCZR § 1A01.3.B.2 was written to only apply to the creation of a lot. Vesting with respect to this legally existing lot is therefore inapposite.

Moreover, this is not a case where a use is vested. The vesting of a use of land is essentially recognized when the use is determined to be legally "non-conforming" (See BCZR § 104). In that scenario, when a use is permitted and existing, while a subsequent change in the zoning or regulation will render the use non-compliant, it can nonetheless be legitimized and continue as a non-conforming use. As ALJ Mayhew correctly noted, this is not a non-conforming use case; in

[4] These quotes are taken directly from Ms. DeMilio's remarks during the hearing.

that there is no use of the Property. There is no **use** to legitimize. The "right to build" is not a use. The issue is much more subtle; namely, whether the current area requirement governing the creation of RC 2 zoned lots is applicable? And the obvious answer to that question is "NO". The owners did not lose their "right to build" when the Property was zoned RC 2. There was, and is, no use of the land then or currently. The regulation mandating that the lot be one acre in size is not applicable as the lot is existing, and not being created.

During the hearing for this matter, People's Counsel cited several cases in support of its contention that the Property was not vested. But these cases are distinguished from the instant matter. They address whether approved plans/permits (or existing uses of land) are vested when there is a change in the law. In *Marzullo v. Kahl* 366 Md. 158 (2001), the issue presented was whether a property owner had a vested right to continue to operate a business on his property, i.e., whether that use could continue. As noted above, there is no "use" here.

In *Prince George's Co. v Sunrise Dev. Ltd. Partnership* 330 Md. 297 (1992) the question was whether the construction of a single footer vested the previously approved development plan for a residential condominium project. As above, this was about the vesting of an approved plan and is not applicable here. Moreover, the holding in this case was overruled in Baltimore County by legislative act when the County Council enacted BCC § 32-4-264 and redefined how a plan is vested in the County.

Finally, in *O'Donnell v Bassler* 289 Md. 501 (1981) the issue was whether a permit issued for a particular use (an airfield) was vested. As with *Marzullo*, that case was about a use and is inapposite here.

III. The impact of a ruling that the Property cannot be built upon

As explained above, if it is held that this Property cannot be built upon (single family dwelling) then the lot becomes worthless. It is clear that a single-family dwelling is permitted in the RC 2 zone (See BCZR § 1A01.2B.1 permitting a single family as a use allowed by right). This is not a special exception case. There is no relevance (Mr. Martin's testimony notwithstanding) of the impact to the neighborhood of a dwelling on this Property. The issue presented is, does BCZR § 1A01.3.B.2 (i.e., the regulation mandating that lots being ***created*** be at least one acre) apply? If so, then what is the effect of such a ruling on the Petitioner.

There are several legal doctrines that come into play here. First, it can be concluded that Baltimore County is estopped from denying the issuance of a permit for a single-family dwelling under these circumstances. Zoning estoppel applies when a property owner (in this case, the Petitioners) rely on the actions of the government (i.e., approving the subdivision and creation of this lot) and the government subsequently makes a change (i.e. adopting the RC 2 zoning and requiring that a "lot having an area less than one acre ***may not be created*** in an R.C.2 Zone). People's Counsel's theory would add or render meaningless words in BCZR § 1A01.3.B.2, which would destroy the rights of the property owner. See e.g. *Relay Improvement Assn. v. Sycamore Realty Co.* 105 Md. App. 701 (1995).

Indeed, a holding that the Property cannot be improved with a single-family dwelling because it is less than one acre may well be considered an unlawful taking of the Property. Admittedly, the bar to establish a taking is high. There must be no reasonable use of the Property if approval to build were denied (See *Md. Reclamation Assocs. v/ Harford County* 468 Md. 339 (2020). As Mr. Krebs testified, that would be the case here. Given the Property's size, shape and location, there is no reasonable use (as allowed in the RC 2 zone) other than that as a single-family

dwelling. People's Counsel's assertion that the Property could be commercially logged is without merit. There was no evidence that the trees on the Property are suitable for logging and would result in any reasonable financial return or use of the Property. People's Counsel seemingly suggests that any property on which there are trees can be logged and thus has a viable purpose. Such a conclusion strains credibility. Does People's Council seriously contend that this ¾ acre property (with houses on both sides) should be the subject of a commercial logging operation? And that that is a reasonable use?

IV. The Property has not merged with 16805 Ridge Road

People's Counsel also asserted at the hearing that the Property cannot be built upon because it has merged with 16805 Ridge Road (i.e., the Karwacki, formerly the Krebs, lot). The concept of zoning merger was not created by statute but came into being via a decision of the Maryland Court of Appeals in *Friends of the Ridge v. Balt. Gas & Elec. Co.* 352 Md. 645 (1999).[5] In that matter, BGE owned multiple lots within a single tract on which there was located an electric substation. BGE wished to enlarge the substation and requested zoning variances to the internal lot lines. The Court of Appeals held that zoning variances were not required as the lots had "merged" for zoning purposes and setbacks to the interior lot lines were not required.

The holding in *Friends of the Ridge* has been revisited by the appellate courts over the years. First, in *Remes v. Montgomery Co.* 387 Md. 52 (2005) the Court of Appeals held that two adjacent residential lots had merged. The Court noted that the test for finding a merger was based upon the intent of the owner and if the lots "were clearly used in the service of one another." *Remes*, *infra.* pg. 77. People's Counsel suggested that *Remes* also stood for the proposition that merger could happen "automatically" to cure an area deficiency of an undersized lot. But *Remes* says no

[5] The undersigned is well familiar with this case as he (as Zoning Commissioner, now ALJ) heard the initial case below.

such thing. Perhaps People's Counsel is confusing the Court's discussion of merger (which it identifies as a "zoning issue") with its discussion of "subdivision". As is well settled, zoning and subdivision are two different issues within the area of land use law and are separately regulated. (See e.g. *People's Counsel v. Elm Street* 172 Md. App. 690 (2007).

A subsequent merger case (*Mueller v. People's Counsel* 177 Md. App. 43 (2007)) further clarified how the intent of the property owner could be ascertained in determining if there was a merger.[6] The Court held that factors evidencing merger included whether there were any permanent structures (e.g. swimming pool, garage, shed) on the lot serving the lot on which the primary residence was built. (*Mueller, infra* pg. 88) Moreover, the Court opined that the mere existence of lots adjacent to one another does not equate to a merger. If such an unreasonable conclusion were drawn, the Court noted that such would create an untenable situation "that almost any time a landowner owns adjoining and contiguous parcels, they would merge as a matter of law for zoning purposes." (pg. 89). Subsequent decisions of the appellate courts have confirmed these principles.

Mr. Krebs' unrefuted testimony clearly demonstrated that no merger has occurred here. The Property has never been used to serve the 16805 lot. There have been no permanent structures built thereon, not even a driveway. The lots have always been taxed separately and considered as separate parcels. Mr. Martin's testimony that he offered to by the lot further establishes that even the neighbors recognized that the Property was a separate lot and had not merged with 16805 Roidge Road. There is simply no evidence in the record of this case that supports the conclusion that the lots have merged.

[6] Ms. Demilio argued this case for People's Counsel at the Court of Special Appeals.

V. The impact of BCZR § 103.1 and other provisions

During the hearing, People's Counsel also cited BCZR § 103.1 to support its proposition that the Property is not buildable. But this section is inapplicable. First, as noted above, Petitioner is not arguing that the RC 2 regulations are not applicable. As noted above, the Petitioners agree that the RC 2 regulations apply. But in so saying, Petitioner avers that the provision mandating the one-acre minimum size is required does not apply here because the lot is not now being created.

Moreover, as Mr. Richards' proffered testimony indicated, the section is not applicable because of the process then in place which governed the subdivision of a small rural tract into single lots. As he indicated, there was no Planning Commission review. When applications to approve the subdivision of a rural tract were received, they were approved by him (for zoning compliance with the minimum 6,000 square foot size) and by the County Health Department (the predecessor agency to the Department of Environmental Protection and Sustainability) to ensure that the proposed lot would percolate for septic purposes (one half acre minimum required). For these reasons, BCZR § 103.1 does not render the Property unbuildable for a single-family detached dwelling.

It is finally to be noted that the regulations governing lot size in the County's primary residential zoning classification (i.e., the DR zones) do not have the same "created" language. The lot sizes required for the DR zones are simply stated as numeric requirements and it does not matter when a DR zoned lot was created. It simply must be of a certain size to be built upon. Historically, the process and provisions of BCZR § 304 have been applied to determine when an undersized DR zoned lot can be built upon. But that section is inapplicable here. Instead, when the RC zones were established, that legislation specifically added the "created" wording to establish a minimum size for lots that came into being after the RC zones were established.

Conclusion

For the above reasons, the Petitioners request that the Board issue an order that the Property is compliant with the BCZR and can be improved with a single-family dwelling.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of **September 2023,** a copy of the foregoing Memorandum in Lieu of Closing Argument was emailed to:

Carole DeMilio, Esquire
Peoplescounsel@baltimorecountymd.gov

Wayne Martin
Waynelee3805@gmail.com

LAWRENCE E. SCHMIDT

Tammy Zahner

From: Peoples Counsel
Sent: Friday, September 15, 2023 1:40 PM
To: Appeals Board
Cc: lschmidt@sgs-law.com
Subject: Krebs - 16809 Ridge Road - Case No.: 2022-152-SPHA
Attachments: Krebs - CBA Post-Hearing Memo Complete - 2022-152-SPHA.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

Attached for filing, please find People's Counsel for Baltimore County's Post-Hearing Memorandum with regard to the above-mentioned case.

Thank you for you for your consideration.

Rebecca Wheatley, Legal Secretary
Office of People's Counsel
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
410-887-2188

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE BOARD
16809 Ridge Road; S/S of Ridge Road, 2,300' E of Black Rock Road	*	OF APPEALS
5th Election & 3rd Councilmanic Districts	*	FOR
Legal Owner(s): Mark Krebs & Jane Drozinski on behalf of Betty Krebs Estate	*	BALTIMORE COUNTY
Contract Purchaser(s): Radoslav Tsanev Petitioner(s)	*	2022-152-SPHA

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

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S POST-HEARING MEMORANDUM

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

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S POST-HEARING MEMORANDUM

Introduction

People's Counsel (PC) submits this Post-hearing Memorandum in opposition to Petitioner's Special Hearing/Variance/Nonconforming Use Petition seeking density on a Resource Conservation (R.C.) 2 property that fails to meet the one acre minimum lot requirement.

PC maintains there is no authority in the R.C. 2 zoning regulation in BCZR 1A01 *et seq* authorizing density on this site. PC also maintains the site does not qualify for density under any statutory exception/grandfather provision in BCZR or under prevailing case law.

This Memorandum will address issues raised by Petitioner at the ALJ level and by Petitioner and members of the County Board of Appeals at the CBA hearing on August 1, 2023. They include density under R.C. 2 and other Baltimore County zoning provisions, undersized lots, subdivisions and plats, nonconforming uses, variance law, and confiscation and takings under the U.S. Constitution.

Because Petitioner, (Mark Krebs and Jane Drozonski) (sometimes referred to as he) through their Counsel, and PC stipulated and agreed to many of the facts in this matter, or included the information in the parties' exhibits at the hearing, including devolution of title and zoning history, P C sets forth the following facts in a numbered sentence format rather than the traditional narrative.

A. People's Counsel states that the following facts are agreed to by the parties:

1. The subject site is not part of any development or subdivision plan, whether prior to or subsequent to 1956, and whether active or lapsed; Petitioner's Plat (Exhibit 4) states "There are no previous zoning cases on the subject lot."

2. The subject site is not a single family lot duly recorded by deed nor in a validly approved subdivision prior to March 30, 1955.

3. The homes constructed on the surrounding sites (16805, 16811, 16815, 16819 Ridge Road) were constructed in the 1960's, prior to the zoning regulations requiring 1 acre minimum lots (RDP in 1971 and R.C.2 in 1975). While they can remain because legally constructed, the lot sizes are undersized under the R.C. 2 standards.

4. There is no evidence the subject site sought or was granted a building permit or approval from the agencies (such as County Health Department approval for utilities and services) in effect at any time in its history to current; none was produced by Petitioner although the Petitioner's family did retain the building permit and assessment notices for their adjoining property at 16805 Ridge Road. (PC alleges it is reasonable to assume they would have kept such approvals and documents for the subject site if any existed.)

5. The subject site was calculated at .675 acre (Petitioner's Site Plan) or .714 (SDAT) neither of which meets the current R.C. 2 one acre minimum requirement.

6. The subject site is located in the 5th District. The applicable zoning history is:
   (a) 1945 – "A"
   (b) 1955 – "A" became R 6 by virtue of BCZR's statutory conversion
   (c) 1971 – Rural Planning Deferred (RDP) rezoning by County Council and codified in BCZR
   (d) 1975 - Resource Conservation 2 (R.C. 2) Enactment of zone by County Council and Mapping
   (e) 1979 - R.C. Zones codified in BCZR

7. The subject site's **deed history** is as follows:

(a) 10-21-1954 Deed to Raymond and Rachel Armacost ("Armacosts" maternal grandparents of Petitioner) 3.829 acres via survey out of other parcels

(b) 8-9-1956 Deed from Armacosts to Wallace & Betty Krebs, parents of Petitioner, .828 acres via survey out of 3.829 parcel. 16805 Ridge Road

(c) 2-6-1961 Deed from Armacosts to Silas and Mary Martin 1.458 acres via survey out of 3.829 parcel above. 16811 Ridge Road

(d) 11-5-1962 Deed from Armacosts to Silas and Mary Martin .821 acres via survey out of 3.829 parcel above. 16815,16819 Ridge Road

(e) 2-28-1973 Deed from Armacosts to Wallace and Betty Krebs via survey and the remaining land (subject site) from the original 3.829 parcel above. Unimproved

8. Petitioner's Plat states the proposed single family dwelling complies with the front, side and rear setbacks required under the current R.C. 2 zoning regulations.[1]

9. PC adds the following fact: Petitioner filed Inventory Schedule A Real Property in mother Betty Kreb's estate (predeceased by Wallace Krebs, husband) listing 16805 Ridge Road (Petitioner's family home) and the subject site; Register of Wills requires S.D.A.T (State Department of Assessments and Taxation) value as Inventory value, or, alternatively, a licensed appraiser's value; the SDAT value was used and Personal Representatives (Petitioner) stated the following in the Inventory, Schedule A and acknowledged the language in cross examination at CBA hearing: "Separately deeded unimproved lot. Value is from SDAT assessment-attached. If lot is buildable, then value will be $100,000 to $125,000. If not buildable, then value is $25,000."

B. The subject site fails to meet the statutory standards in BCZR exempting a proposed house from the current one acre minimum lot size regulation in the R.C. 2 zone. The following zoning regulations set forth the exemptions and/or

[1] Footnote 1: Petitioner in effect amended his petition at the CBA with a different special hearing relief than that originally stated in his Petition and reviewed by the agencies. The undersigned agreed that in this case the change could be made at the Board, and not remanded to ALJ, without prejudice to Deputy People's Counsel and citizen opposition. In this case, Counsel for Petitioner shared legal positions, theories and exhibits prior to the hearing, thus providing advanced notice. Our office is not waiving the right to request a remand in other cases we deem appropriate.

"grandfather" provisions. PC avers the language is clear Petitioner does not meet the requirements for relief under the following sections B.1.–B.5.

1. "BCZR 103.1 "Applicability; when effective. [Resolution, [of County Council] November 21, 1956; Bill Nos. 100-1970; 55-2011]

"These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area, and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then Baltimore County Planning Commission (now Planning Board) and approved or tentatively approval (including any approval made subject to any conditions or conditions under the ten existing official procedure in Baltimore county, prior to the adoption of these regulations." Footnote 2 refers to the Baltimore county Zoning regulations (BCZR) adopted 3-30-1955." (emphasis added).

2. "BCZR 103.3 "Effect on subdivision plats previously recorded and approved. [Bill No. 98-1975]

> "In an R.C.2, R.C.3, R.C.4 or R.C.5 Zone, contrary provisions of Subsection 103.1 and any other contrary provisions of or pursuant to these regulations notwithstanding, in the case of property covered by a recorded subdivision plat which was approved by the Baltimore County Planning Commission or Board before the effective date of this subsection, and which remains in effect, buildings may be constructed, residential densities and lot lines may be established, and yards and other open areas may be laid out in accordance with that plan, subject to any conditions of the approval.
>
> Where such a plan has been so approved but does not indicate densities or the situations of buildings or yards or other open spaces, these may be established or situated only in accordance with the standards as prescribed and in force at the time of the lot recordation."

This is the applicable law which, because it is undisputed the subject site is not within nor covered by "a recorded subdivision plat" let alone with the required approval before 1975, Petitioner must abide by the current R.C. 2 zoning regulations requiring a 1 acre minimum lot. It couldn't be clearer.

Such a principle is fundamental to rezoning law, common law and other vesting or grandfather provisions that are in accord in principle. In the interest of fairness and equity, the legislative authorities and courts have recognized exceptions, but only for

those projects which are platted and/or significantly in construction when the new zone or regulation is applied. The new zone will still apply to the site, but the project can continue as platted and approved.

3. BCZR 304.1 also provides an exception for a one-family detached or semidetached dwelling, which, if deficient in area, may be constructed provided the lot was duly recorded by deed or subdivision prior to March 30, 1955, among other requirements. Obviously, the subject site does not meet this requirement. It is undisputed the subject site was the land that remained with the Armacosts from a larger 3+ acre site (as of 1962 according to Petitioner) and deeded to Mr. and Mrs. Krebs (parents of Petitioner) in 1973. The subject site did not exist as a duly recorded lot as of March 30, 1955.

This statute existed in the 1955 BCZR long before the R.C. zones came about. It is generally applied to the residential zones now known as the various D.R (Density Residential) zones. BCZR 103.3 above is its counterpart for the R.C. zones.

4. Baltimore County Code (BCC) 32-4-264(c)(2) states a residential development plan having been approved under the required development process and for which "a plat is recorded vests when the plat recordation occurs for any lot, tract, section or parcel thereof." Construction must occur within 9 years, otherwise the current laws in effect at the time permits are issued apply.

4. A. Baltimore County Code 32-4-109. As a corollary, and in response to a CBA comment, an unapproved but recorded plat is null and void:

> "(a) *In general*. A person may not offer and the Clerk of the Circuit Court may not accept a plat for recording in the plat records of the county unless the plat has been approved for recording as required by this title [Title 4 Development].
>
> (b) *Enforcement.* If a plat that has not been approved is recorded, the recording shall be considered a nullity."

5. BCZR 1A04.3.B.1.b. in the **R.C. 5 Zone** only, provides two specific exceptions to minimum lot size when the County Council, upon enacting Bill 152-2004, raised the minimum size from 1 acre to 1 ½ acres:

> "The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However the provisions of Section 1A04.4 [Performance Standards] may not be varied."

(The second exception pertains to growth allocation sites under the Baltimore County Code and allows a reduction to 1 acre under certain conditions not applicable in this case.)

The R.C. 5 zone, like the R.C. 2, was approved and applied in 1975 and codified in 1979. The exception was codified when the regulation was amended in 2004, and is an example of the required affirmative action on the part of the Council to make an exception in a comparable rural zone, such as R.C. 2. It must be noted that no exception for undersized unimproved lots was presumed nor implied when the R.C. 5 was amended in 2004, or when the R.C. 5 and R.C. 2 zones were applied to the rural lands in 1975. The correct interpretation for the Resource Conservation Zones is application of BCZR 103.1 above that mandates the current law applies unless specific and legitimate legislation specifically provides an exception under specific conditions.

Petitioner contends that since he is not "creating" a new lot, the current area zoning regulations do not apply. This violates every zoning principle long held by the appellate courts. The current minimum lot size applies when the property owner proposes constructions of the house, unless it qualifies for an exception. Clearly Petitioner's site does not meet any of the requirements for the statutory exceptions under BCZR.

C. The current site has never sought nor obtained a building permit nor commenced construction, as required under the common law doctrine of vested rights, in order to be exempt from the one acre minimum lot size applicable under the R.D.P. Zone applied in 1971 and the R.C.2 Zone applied in 1975.

Long ago, the Court of Appeals evolved a common law doctrine of "vested rights" to delineate the prerequisites for a use to survive adverse intervening legislation. The Court decided to require a valid building permit and substantial construction visible to the public. This doctrine drew upon the constitutional principle that it could be confiscatory

to restrict a property owner who had progressed validly to construction. On the other hand, the Court drew attention to the public's reasonable expectation that a new law would be enforced if there were no such visible construction. The Court has kept the doctrine intact for decades.

This legal principle can begin in Maryland by citing Board of County Comm'rs v. Snyder 186 Md. 342 (1946); Mayor & City Council v. Shapiro 187 Md. 623 (1947); Ross v. Montgomery County 252 Md. 497 (1969); Richmond Corp. v. Board of County Comm'rs for Prince George's County 254 Md. 244 (1969); Rockville Fuel & Feed Co. v. Gaithersburg 266 Md. 117 (1972); Steuart Petroleum Co. v. Board of County Comm'rs of St. Mary's County 276 Md. 435 (1975); O'Donnell v. Bassler 289 Md. 501 (1981); Prince George's County v. Sunrise Development LP 330 Md. 297 (1993); Sycamore Realty Co. v. People's Counsel 344 Md. 57 (1996); and Marzullo v. Kahl 366 Md. 158 (2001).

In 1975, Judge Frederick Singley, citing Rockville Fuel v. City of Gaithersburg, 266 Md. 117, 133-35, (1972), wrote in Steuart, at 443,

> "While a property owner has no vested right in an existing zoning classification, there may be circumstances under which a property owner may either acquire a vested right to continue the construction under a validly issued permit or a right to assert an estoppel against the issuer of the permit:
>
> > 'The majority rule, which can be synthesized from the multitudinous decisions in this area, may be stated as follows: A landowner will be held to have acquired a vested right to continue the construction of a building or structure and to initiate and continue a use despite a restriction contained in an ordinance where, prior to the effective date of the ordinance, in reliance upon a permit theretofore validly issued, he has, in good faith, made a substantial change of position in relation to the land, made substantial expenditures, or has incurred substantial obligations.' 5 A. Rathkopf, The Law of Zoning and Planning ch. 57-6, 57-7 (3d ed. 1972). Emphasis added.
>
> See also 1 E. Yokley, Zoning Law and Practice § 9-5 at 403-12 (3d ed. 1965); 9 E. McQuillin, The Law of Municipal Corporations § 26.214 at 558-60 (rev. 3d ed. 1964)."

In 1981, Judge Rita Davidson provided this recapitulation in O'Donnell, 289 Md. at 508,

> "An appellate court must apply the law in effect at the time a case is decided, provided that its application does not affect intervening vested rights. County Council for Prince George's County v. Carl M. Freeman Assocs., Inc., 281 Md. 70, 76, 376 A.2d 860, 863-64 (1977); Rockville Fuel & Feed Co. v. City of Gaithersburg, 266 Md. 117, 127, 291 A.2d 672, 677 (1972). Generally, in order to obtain a vested right in an existing zoning use that will be protected against a subsequent change in a zoning ordinance prohibiting that use, the owner must initially obtain a valid permit. Additionally, in reliance upon the valid permit, the owner must make a substantial beginning in construction and in committing the land to the permitted use before the change in the zoning ordinance has occurred. Steuart Petroleum Co. v. Board of County Comm'rs of St. Mary's County, 276 Md. 435, 442-44, 347 A.2d 854, 859-60 (1975); County Council for Montgomery County v. District Land Corp., 274 Md. 691, 707, 337 A.2d 712, 721 (1975)."

The related principle that intervening land use legislation applies retroactively to pending litigation was also well established long ago. Yorkdale Corp. v. Powell 237 Md. 121 (1964) cited three clear precedents. Banner v. Home Sales Company D 201 Md. 425 (1953); Lake Falls Ass'n v. Board of Zoning Appeals 209 Md. 561 (1956); Grau v. Board of Zoning Appeals 210 Md. 19 (1956). Subsequent cases included Mandel v. Board of Co. Comm'rs. 238 Md. 208 (1965); Dal Maso v. Board of County Comm'rs 264 Md. 691 (1972); O'Donnell v. Bassler 289 Md. 501 (1981); Powell v. Calvert County 368 Md. 400 (2002); Antwerpen v. Baltimore County 163 Md. App. 194 (2005); and Grasslands Plantation v. Frizz-King Enterprises 410 Md. 191 (2009).

Judge Cathell explained in Powell, 368 Md. At 409,412-413:

> "Respondent did not obtain a vested right because he never used his property for the storage of materials under a valid special exception. We have held that a vested right does not come into being until the completion of any litigation involving the zoning ordinance from which the vested right is claimed to have originated. In *Ross v. Montgomery County,* 252 Md. 497, 250 A.2d 635 (1969), we stated that:
>
> > "The appellants have also interposed, as working in their favor, the theory of vested rights. Their contention being that, because of the high price they paid for the land based on its then authorized use for an apartment hotel, their expenditure for architect's fees and the cost incurred in site preparation, the zoning regulations which the County seeks to impose have been rendered inoperative."

In Mandel v. Bd. of County Comm'rs of Howard County, 238 Md. 208, 208 A.2d 710 (1965), a change in zoning regulations was enacted while litigation was pending in respect to the use of the appellants' property under the former zoning regulations. The appellants contended that this violated their constitutional rights. Judge Oppenheimer, writing the opinion for this Court stated:

> "* * * this case is to be determined under the law as it now exists, that the appellants had not secured a final decree establishing their rights to use their properties for the use permitted under the former classification, that they had no vested rights, and that the change in the regulations is not invalid because it eliminates the proposed use." *Id.* at 215, 208 A.2d 710.

The same principle applies evenhandedly when intervening relevant legislation favors the property owner in pending litigation. Layton v. Howard County Board of Appeals 399 Md. 36 (2007); Armstrong v. Mayor and City Council 409 Md. 648 (2009).

D. Likewise, estoppel does not grant Petitioner authority to disregard current law requiring a minimum lot size merely because at one time that site may have met the area regulations.

Judge Barnes stated clearly in Rockville Fuel, *supra* at 133-134:

> "'However, no authority has been brought to our attention, nor have we been able to find any, which holds that a municipal corporation may be estopped from amending an ordinance on the basis that someone previously purchased property in reliance upon the ordinance. Public policy considerations alone would appear to constitute an overwhelming answer to that contention.
>
> * * *
>
> 'Finally, there is no evidence that Rockville Fuel, in acquiring the land and being unable to seek a special exception, has suffered injury, since the testimony did not disclose the present worth as compared to its purchase price. Savonis v. Burke, supra."

Later Marzullo, *supra*, held the doctrine of equitable estoppel did not permit a property owner with a permit wrongfully issued to continue with a use clearly prohibited. Judge Cathell cited Lipsitz v. Parr 164 Md 222, 227-228 (1933):

> "If the provision of the ordinance be constitutional, it was therefore unlawful for the officers and agents of the municipality to grant the permit, and it would be unlawful for the licensee to do what the purporting permit apparently sanctioned. . . Everyone dealing with the officers and agents of a municipality is charged with knowledge of the nature of their duties and the extent of their powers, and therefore

such a person cannot be considered to have been deceived or misled by their acts when done without legal authority."

More will be said about estoppel and takings in this Memorandum in Section J. below.

E. Variance Law. BCZR 307.1 ALJ Mayhew's denial of the variance to reduce the area requirement for the site is absolutely correct. The statute is clear – a variance cannot be granted to increase density. It appears Petitioner did not pursue this relief at the Board. Nonetheless, it should be emphasized that a variance is not available to alter an area requirement if density will be increased: "No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations."

Here Petitioner does not have the density required for issuance of a building permit; the request is essentially for one density unit when none exists under the prevailing R.C. 2 zone. Even so, the site possesses none of the unique factors required for consideration of a variance that also generate the required practical difficulty. To be sure, there are area requirements that do not involve a residential density increase. For instance, open space ratios, and area regulations for child care facilities in the residential zones do not relate to density; density is defined strictly in terms of residential housing in BCZR 101.

F. Nonconforming Use. BCZR 104. This regulation refers to "structures", "Buildings" and "uses". These terms do not include vacant land. As ALJ Mayhew again correctly ruled, this regulation is not available to determine if a house can be constructed on undersized vacant land. The purpose of the statute is akin to the above described statutes or common law that permit "grandfathering" under certain circumstances, when the zoning or development regulations change on a given site. It has long been held by treatises and appellate courts, including Maryland Court of Appeals and Court of Special Appeals, that nonconforming uses are not looked upon favorably and should cease. In Trip v. Baltimore 392 Md 563, 573 (2006), the Court stated: "As the Court of Special Appeals recognized, nonconforming uses are not favored. *County* legislation). *Council v.*

Gardner, Inc. 293 Md. At 268, 443 A.2d at 119 ("These local ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses.");"

Moreover, BCZR 104 restricts or prohibits expansions, changes, additions or improvements. In some cases the use must actually abate after a reasonable time period. Local governments on occasion provide a definitive time period to terminate legal nonconforming uses, as reasonable amortization. (BCZR 450.8.D. Abatement. Which requires removal of nonconforming signs after a 15 year period from enactment of the new sign law.) See Grant v. Mayor and City Council of Baltimore 212 Md. 301, 314-21 (1957), sustaining five-year amortization period for nonconforming billboard uses; Eutaw Enterprises v. City of Baltimore 241 Md. 686, 693-99 (1966), five years sufficient to amortize check-cashing business use and church's rental income; Shifflett v. Baltimore County 247 Md. 151, 154-62 (1967), four-and-half year period sufficient to terminate nonconforming junkyard uses. In Harris v. Mayor and City Council 35 Md. App. 572, cert. denied 280 Md. 731 (1977) and Lone v. Montgomery County 85 Md. 477, 494-501 (1991), the Courts required residential multifamily units to terminate and revert to dwellings compliant with their lot size or single family uses, respectively.

The abatement provisions give some recognition to an investment dimension, but still maintain the use must cease after a reasonable time period. Anyway, nonconforming use law does not inquire into personal and financial condition and quality. An economic argument is often made in zoning cases but the law still has to be applied, regardless of the applicant's seemingly good intentions or the nature of the request.

It is noteworthy Petitioner here has made no monetary investment in the site. The deed history confirms the site was devised with no consideration to the elder Krebs by Mrs. Kreb's parents. The subject site was held by the Krebs family for at least 50 years with no attempt to construct a home. It passed to Petitioner at no out of pocket cost, consideration, or inheritance and estate taxes.

G. BCZR 1B02.3. Special Regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones. This statute modifies area, width, front, side and rear yard setbacks for certain lots or tracts of lots in

the suburban Density Residential Zones. These provisions, enacted in 1979, some 5 years after the D.R. zones were established in 1970, and the same year the R.C. zones were passed, demonstrate the County Council is aware of its authority to revisit area regulations, if they believe certain exceptions to current standards are warranted. There are no comparable provisions pertaining to the R.C. 2 zone.

H. People's Counsel's Position

Petitioner disregards both the specific statutes applicable to the site's zone as well as the legislative process defining exceptions to area standards. The language that an undersized lot cannot be "created" in the R.C.2 zone is in sync and compatible with BCZR 103.3. It reinforces the one acre minimum requirement. It is a restriction, not an authorization to ignore the minimum lot size. Well established statutory construction principles require consideration of the phrase in the context of the entire statutory scheme.

> "We do not read statutory language in a vacuum, nor do we confine strictly our interpretation of a statute's plain language to the isolated section alone." . . ."Rather, the plain language must be viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim, policy of the Legislature in enacting the statute." . . . "We presume the Legislature intends its enactments to operate together as a consistent and harmonious body of law, and thus we seek to reconcile and harmonize the parts of a statute, to the extent possible consistent with the statute's "object and scope."" (citations omitted). Pabst Brewing Company v. Frederick P. Winner, LTD 478 Md. 61,75 (2021).

Settled law requires adherence to the current zoning regulations unless the property owner qualifies for a specific exception. The Baltimore County Charter gives the County Council exclusive power to rezone property under the quadrennial CZMP. The statute would be meaningless if property owners could develop under repealed legislation or practices. The Comprehensive Zoning Mapping Procedure (CZMP) in B.C.C. *Subtitle 2. Zoning Process Parts II. III.* is a nearly 18 month process, encompassing the work of various County agencies, including significant work by the Planning Office, extensive studies by County Council members and their staff, numerous public meetings, and finally generating the new zoning maps for the public. It is

counterproductive and wrong to dismiss this process if a property owner can elect to follow a repealed zone or process.

Likewise, a property owner's burden to prove County Council erred in the CZMP under Cycle Zoning BCC 32-3-501 et. seq. is extremely high and rarely affirmed.

But, rezoning is, in effect, what the Petitioner is asking this Board to do – with no regard for the legislature's exclusive Charter authority.

Petitioner misinterprets one sentence taken out of context, despite the long standing zoning principles and statutes that shape the statutory scheme. The exceptions for R.C. 2 sites to develop under a prior zone are limited to approved subdivisions set out in a recorded plat. That is not the case here. Moreover, there is no evidence the subject site would have qualified as a building lot under repealed zones and processes.

Indicative of Petitioner's misplaced interpretation and reliance, we find comparable language in the R.C. 5 zone and subsequent legislation for an exception. BCZR 1A04.3.B1.a. states: "A lot having an area of less than one and one-half acres <u>may not be created</u> in an R.C. 5 Zone." emphasis added. The regulations then explicitly provide an exception to minimum lot size 1A04.3.B1.b.(1):

> "b. Exceptions to minimum lot size.
>
> (1)The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied."

Why would the exception provision be needed if there is already an exception for an existing lot that is "not being created" as Petitioner contends?

Petitioner's position confounds common sense, and disregards the statutory scheme, both fundamental principles in applying the rules of statutory construction when interpretation of a regulation is made an issue.

Loss of density on unimproved rezoned land is a common result of the legislative prerogative. In Bills 73-2000 and 74-2000 the Council created the R.C. 6 and R.C.7

zones, respectively. Both new zones established minimum lot size and density calculations resulting in significant reductions in density on unimproved sites.

R.C. 7 was enacted in response to guidance in Master Plan 2010 to reduce "permitted residential densities" by requiring 25 acres per dwelling on sites between 25-50 acres. BCZR 1A08. The RC 7 would not apply to R.C. 2 land which already limited development to two densities on sites between 2-100 acres, with a one acre minimum lot size. The predominant zoning change was from R.C. 5 to R.C. 7.

As an example of the effect on density for a 25 acre site, the R.C. 5 allowed .667 density per acre or 16 houses on 25 acres with a minimum lot size of 1 acre and later 1 ½ acres. Under the same 25 acres now zoned RC 7, the maximum lot density is .04 or one house on 25 acres, with a 1 acre lot minimum. There was no vested rights or statutory "grandfather" clause for .667 density on the former R.C. 5 sites. If the property owner did not lawfully develop the 25 acres under R.C. 5, he is limited to a single dwelling on the site when the zoning changed.

To be sure, the Council elected in some residential Resource Conservation zones to allow a dwelling on a lot or parcel of land lawfully existing at the time of the new zone, but did not include any such provision in the R.C. 2 zone either originally or by amendment at a later date. The Council could have explicitly included such blanket exception but did not. The Council's legislative prerogative must be respected and not tossed out to satisfy a Petitioner's desire for perceived economic advantages.

I. The Merger Doctrine compels contiguous lots under single ownership to "merge" to bring the site into compliance with current zoning regulations.

In Remes v. Montgomery County 387 Md. 52, (2005), the Court of Appeals (now the Supreme Court of Maryland) explained that contiguous lots can merge by operation of law for zoning purposes even if the lot lines separating them remain intact. In other words, merger does not require re-subdividing and drawing new lot lines. Judge Cathell explained other "indicia of merger such as common ownership, contiguous parcels, use of one or more lots in service of another" are valid zoning mergers without "creating" a new lot by combining the sites. The Judge stated at page 67:

> "The respondents' assertion illustrates a point, that we emphasized in Ridge, [Friends of the Ridge v. Balt. Gas & Elec. Company, 352 Md. 645 (1999)] and that bears repeating: zoning merger is not a resubdivision. When zoning merger occurs, the lots remain divided. Thus, zoning merger, in effect is an adjustment of zoning requirements."

The property owners in Remes sought a building permit on Lot 11. The Court denied the right to a permit. Judge Cathell explained that if the adjoining lots are under separate ownership, their improved lot could not comply with setback requirements. The Court rejected this outcome and ruled for purposes of compliance the two lots merged:

> "Another question that would be left wanting, should this Court approve the agencies' approval of a building permit issued for Lot 11, is what becomes of Lot 12? We begin by noting that one of the primary goals of zoning and subdivision controls is to avoid the creation of nonconforming lots (and uses) and "to restrict undersize parcels, not oversized parcels." *Ridge,* 352 Md. at 653, 724 A.2d at 34; *see Fred McDowell, Inc. v. Wall Twp. Bd. of Adjustment,* 334 N.J.Super. 201, 224, 757 A.2d 822, 835 (App.Div.2000) (invoking *Loechner v. Campoli,* 49 N.J. 504, 231 A.2d 553 (1967), New Jersey's seminal zoning merger case which we discussed in *Ridge,* and stating "merger is employed to further the goal of bringing (or keeping) nonconforming lots into conformity with the zoning ordinance and thereby serving the overall goals of the master plan"). Thus, based on the setback encroachments existing as a result of the structures on Lot 12, the proposed construction on Lot 11 would make Lot 12, if in separate ownership, a new and illegal nonconforming lot, unless, under the doctrine of zoning merger, the uses of Lot 11 are appropriately limited."

The Special Hearing to establish density here would create area noncompliance for Petitioner's contiguous 16805 Ridge Road, an outcome the Remes Court held rejected as an unacceptable zoning practice.

J. The Distinct "Takings" Issue: There is No Denial of All Reasonable Use; Downzoning Does Not Amount to a Constitutional Taking.

A property owner is not entitled to all uses on a site, only a reasonable use. Petitioner here admitted at the hearing that the property has a value as an unimproved piece of land, as he reported on the Inventory described in paragraph 9, page 3 above. Mr. Martin, who owns the adjoining property testified he was interested in buying the property for $30,000, $5000 more than Petitioner reported, to keep it in its current forested state. So clearly there is value in the property just not the amount of money Petitioner wants. Petitioner sold 16805 Ridge for $325,000. According to Petitioner's

exhibits 6 a. c., there was no mortgage to be paid off, and no assessment for inheritance or estate taxes.

A key dimension of "takings" law in the instant case is that the relevant property to be considered is the subject site and 16805 Ridge Road. As Justice Brennan wrote in Penn Central Transportation Company v. New York City, 438 U.S. 104, 130 (1978):

> "'Taking' jurisprudence does not divide a single parcel into discrete segments and attempt to determine whether rights in a particular segment have been entirely abrogated."

There, the Court upheld the restriction on building above the historic Grand Central Terminal in the interest of historic preservation. See, e.g. Keystone Bituminous Coal Ass'n v. DeBendectis 480 U.S. 487 (1987), requiring 50% of subsurface coal beneath certain structures be left in place and compensation of above-surface landowners for subsidence damage; Lucas, *supra*, 505 U.S. 1003 (1992), restricting residential development in sensitive coastal area; Potomac Sand & Gravel Co. v. Governor 266 Md. 358, 370-71 (1972), restricting dredging for sand and gravel in wetlands; Baltimore City v. Borinsky 239 Md. 611, 622 (1965), restriction on residential development; Bureau of Mines v. George's Creek 272 Md. 143, 167-78 (1974), prohibiting strip and open pit coal mining; Maryland Aggregates v. State 337 Md. 658, 682-86 (1995), restricting right to pump water in mining operation,. City of Annapolis v. Waterman 357 Md. 484, 526-32 (2000), restricting part of residential subdivision area to recreational use.

Any inquiry into "regulatory takings" translates to the question of denial of all reasonable use of the property. Lingle, *supra*, summarized that the Court's takings jurisprudence "… aims to identify regulatory actions that are functionally equivalent to the classic taking in which government directly appropriates private property or ousts the owner from his domain." 544 U.S. at 539, quoting Lucas v. South Carolina Coastal Council 505 U.S. 1003, 1017 (1992), "(positing that 'total deprivation of beneficial use is, from the landowner's point of view, the equivalent of a physical appropriation')." 544 U.S. at 539-540. Otherwise stated, Lucas explained that where,

> "… the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that it, to leave his property economically idle, [that] he has suffered a taking." 505 U.S. at 1019.

To illustrate, Greenspring Racquet Club v. Baltimore County 70 F. Supp. 2d 598, 604 (D. Md. 1999), aff'd *per curiam* 232 F.3d 887 (4th Cir. 2000), involved denial of an exemption from height and area regulations, Judge Andre Davis referred to the test as deprivation of "substantially all economic value." He added,

> "As the Fourth Circuit explained in Front Royal [and Warren Park Industrial Park Corp.] v. Town of Front Royal 135 F.3d 275, 286 (4th Cir. 1988), 'not all regulatory deprivations amount to regulatory takings, and a regulatory deprivation that causes land to have ''less value' does not necessarily make it 'valueless.'"

In Stop the Beach Renourishment v. Florida Dep't of Environmental Protection 130 S.Ct. 2592, 2601 (2010), incorporating Florida property law, the Supreme Court held that beach restoration by "avulsion" (a sudden addition or change of land) did not effect a taking although it impaired the rights of littoral (adjoining the water) property owners to any accretion (gradual accumulation) of land seaward of their properties. The littoral property owners still retained substantial beneficial use of their properties.

(i) **Murr v. Wisconsin**. In 2017, the Supreme Court decided the attached case involving inherited contiguous residential lots where the property owners alleged a takings when the local authorities refused a building permit on the unimproved lot. The Court held the lots merged for purposes of compliance with local ordinances establishing a one acre minimum to develop and denied the takings claim. Murr v. Wisconsin 137 S. Ct. 1933, 582 U.S. 383 (2017). The statement of the case and facts were set out in a 2017 law review article:

> "The Murr siblings own two adjacent lots, E and F, on the Wisconsin banks of a portion of the St. Croix River protected by the Wild and Scenic Rivers Act.[7] These lots were separately owned by the Murr parents and the Murr family plumbing company until Lot F was conveyed to the Murr children in 1994 and Lot E was conveyed to them in 1995.[8]
>
> A decade after the conveyances, the children decided to sell Lot E and use the proceeds to upgrade a cabin on Lot F.[9] But state and local restrictions prevented the sale. Under state rules promulgated to bring Wisconsin into compliance with the federal Wild and Scenic Rivers Act, only lots with one or more acres of "land suitable for

development" could be used as separate building sites.[10] While a grandfather clause exempted lots that were substandard as of the regulation's effective date,[11] a "merger provision" provided that neighboring lots under common ownership could not be sold or developed separately unless each independently met the minimum size requirement.[12] St. Croix County reflected these state provisions in its local zoning ordinance[13] and retained the right to provide variances in cases of "unnecessary hardship."[14]

Practically, the County's zoning ordinance prohibited the Murrs from selling Lot E or building a separate home on it. They could build *one* home on Lot E or Lot F, or straddling both lots.[15] They could also sell Lots E and F together as a single lot.[16] They could not, however, sell Lot E to fund improvements on Lot F, as they intended.[17]

Disappointed, the Murrs sought and were denied a variance from the St. Croix County Board of Adjustment.[18] The Murrs challenged the denial in state court and lost, with the Wisconsin Court of Appeals holding that the regulations "effectively merged" the two lots.[19] After the loss, the Murrs filed a second action in Wisconsin state court — this time claiming that the State and local authorities effected a regulatory taking by depriving them of "all, or practically all, of the use of Lot E."[20] The Circuit Court of St. Croix County granted summary judgment to the State, explaining that the Murrs retained "several available options" for using their property and noting that the combined value of Lots E and F decreased by less than ten percent as a result of the regulations.[21] " 131 Harvard Law Review 253 (2017).

Justice Kennedy delivered the Opinion of the Court. He reviewed that a takings under the Fifth Amendment and applied to the states under the Fourteenth includes both "direct appropriation of property" and an especially "burdensome" regulation. 582 U.S. 393. The latter applied in Murr.

While the Court recognized there are no definite standards to assess the regulations, the Opinion stated two guidelines, either ". . . a regulation which denies all economically beneficial or productive use of land" . . . or a "regulation the impedes the use of property without depriving the owner of all economically beneficial use." *Id*. Justice Kennedy explained the latter is based upon a "complex of factors" including the ". . . economic impact, . . . interference with distinct investment-backed expectations, . . . and the character of the government action.". *Id.*

The Court must therefore balance the "freedom of private ownership" against the "well-established power of government to adjust rights for public good." *Id*. 394. This necessarily raises the question of the effect of the regulation on what property is to be considered – all owned by the Petitioner or the portion impacted directly? *Id.* 396.

Recognizing that "no single consideration can supply the exclusive test . . ." the Court developed a three prong test to ". . . determine whether reasonable expectations about property ownership would lead a land owner to anticipate that his holdings would be treated as one parcel, or, instead, as separate tracts."

> "First, the courts should give substantial weight to the treatment of the land, in particular how it is bounded or divided, under state and local law. The reasonable expectations of an acquirer of land must acknowledge legitimate restrictions affecting his or subsequent use and dispensation of the property. . . . A reasonable restriction that predates a landowner's acquisition, however can be one of the objective factors that most landowners would reasonably consider in forming fair expectations about their property. . . ("[A] prospective enactment, such as a new zoning ordinance, can limit the value of land without affecting a taking because it can be understood as reasonable by all concerned"). Citations omitted.
>
> Second, the courts must look to the physical characteristics of the landowner's property. These include the physical relationship of any distinguishable tracts, the parcel's topography, and the surrounding human and ecological environment. In particular, it may be relevant that the property is located in an area that is subject to, or likely to become subject to environmental or other regulation.
>
> Third, courts should assess the value of the property under the challenged regulations, with special attention to the effect of burdened land on the value of other holdings. Though a use restriction ay decrease the market value of the property, the effect many be tempered if the regulated land adds value to the remaining property, such as by increasing privacy, expanding recreational space, or preserving natural beauty. . . if the landowner's other property is adjacent to the small lot, the market value of the properties may well increase if their combination enables expansion of a structure . . . That in turn may counsel favor of treatment as a single parcel and may reveal the weakness of a regulatory takings challenge to the law." 582 U.S. 398, 399.

We pause here to compare the facts in the instant case to the above three tests, keeping in mind the applicable merger policy discussed by Judge Cathell in Remes, *supra*.

First, Petitioner's grandparents (Armacosts) deeded 16805 Ridge Road in 1962 to Petitioner's parents, who then constructed their home. The lot was less than one acre but met the applicable standards at the time. At about the same time, the Armacosts deeded two parcels to the Martins who constructed three homes on their holdings, also legal under the applicable regulations. The subject site remained with the Armacosts. Over a decade later, after the RDP zone was applied to the unimproved parcel, the Armacosts

deeded this remaining land to Petitioner's parents. The minimum lot size under RDP was one acre so this remaining piece did not meet the applicable zoning regulation at the time it was held simultaneously with 16805 Ridge. Now the zone required a minimum one acre for a dwelling, so neither lot was in compliance. The Krebs parents never proposed a house on the site. Nor was any boundary line between the lots visible or created.

In 1975 the area, including the Krebs' properties, was rezoned R.C. 2, with its own regulation requiring one acre for a dwelling. Nothing changed at the site, the lots continued to be held by the Krebs parents who remained on the site until Mrs. Krebs, who survived her husband, passed away in 1921. There is no evidence throughout their nearly 50 year ownership of both lots that the Krebs viewed the site as a building lot. The area is well known to Mr. Martin, the adjoining owner, who testified the site has not changed from his family's initial purchase of the adjoining property. Only after Petitioner, as Personal Representative, took title and elected to sell the lots separately in 2022, were they treated separately. But there was no reasonable justification or expectation of authority to sell the property as a building lot.

Second, the Krebs' lots have similar if not identical geographic features that comport with the factors cited by Justice Kennedy as a basis for looking at both lots as a single entity. The site plan shows both lots front identically in a straight line on Ridge Road; their common property line is nearly identical in length; both properties have angled rear property lines adjoining a common landowner to the rear. The subject site has remained wooded but there is no fence or other structure that would indicate separate lots. The topography does not differ as to slopes or level grades. There is no forest buffer designation that impeded using the site in connection with the adjoining dwelling homesite.

Third, the unimproved lot provides privacy, potential additional recreational area, and opportunities to construct accessory uses for the dwelling lot, all recognized viable features that enhance the adjoining residence, as the majority reasoned in Murr.

The Court would not adopt the Respondent's position to rely solely on the merger regulation, explaining its impact on legitimate expectations of the owner is also a factor

to consider. Likewise, the Court rejected the Petitioners' test ". . . to adopt a presumption that lot lines define the relevant parcel in every instance". In response to Petitioners the Court pointed out the established law is ". . . reasonable land-use regulations do not work a taking." Citations omitted. *Id*. 399.

Alternatively, the Court said the proper standard is the reasonableness of the applicable regulations – the minimum lot size requirements and merger resolution - (and by extension for the instant case, the merger policy articulated in Remes) – *vis a vis* petitioners' property rights:

> "The merger provision here is likewise a legitimate exercise of government power, as reflected by its consistency with a long history of state and local merger regulations that originated nearly a century ago. See Brief for National Association of Counties et al. as *Amici Curiae* 5-10. . .. Merger provisions often form part of a regulatory scheme that establishes a minimum lot size in order to preserve open space while still allowing orderly development. . .."
>
> "When States or localities first set a minimum lot size, there often are existing lots that do not meet the new requirements, and so local governments will strive to reduce substandard lots in a gradual manner. The regulations here represent a classic way of doing this: by implementing a merger provision, which combines contiguous substandard lots under common ownership, alongside a grandfather clause which preserves adjacent substandard lots that are in separate ownership." Murr at 401.
>
> "Petitioners' insistence that lot lines define the relevant parcel ignores the well-settled reliance on the merger provision as a common means of balancing the legitimate goals of regulation with the reasonable expectations of landowners. Petitioners' rule would frustrate municipalities' ability to implement minimum lot size regulations by casting doubt on the many merger provisions that exist nationwide today. See brief for National Association of Counties et al. as Amici Curiae 12-31 (listing over 100 examples of merger provisions)." *Id.* 402.

Baltimore County implemented a merger policy as early as 1955 when the Council passed BCZR 304.1 described above in Paragraph 3, page 5. The regulation included a condition that to qualify for density under this exception to the minimum lot size regulation, contiguous lots must be viewed as a single entity. And Judge Cathell in Remes explained a merger will be implemented to bring contiguous parcels in conformity with current regulations. There the Court of Appeals ruled the unimproved lot could not be sold for development because, concomitantly, it would render the adjacent improved

lot undersized under the application setback requirements. It follows then the CBA here should not allow a double violation by authorizing density on the unimproved undersized lot while furthering noncompliance on the improved 16805 home site.

We must also note that as to minimum lot size, zoning treatises concur they have a valid place in residential development. Salkin, American Law of Zoning 5th Edition states in Section 9:66 Lot Area Regulations:

> "Regulations which require that residential lots have at least a specified minimum area are a basic tool for implementing a plan for maximum density. . .. Zoning Regulations which prohibit the construction of a residence or other building on a lot containing less than a specified area are authorized by the delegations of zoning power and the enabling statutes of several states. Reasonable area restrictions control density, reduce congestion, and prevent undue concentration of populations. All of these are objectives of zoning which are included in the several enabling acts.. The more extravagant area requirements frequently imposed in suburban area . . . relate to the police power . . . to preserve open spaces which are aesthetically satisfying, and their tendency to preserve property values. Whatever may be their rational connection with the police power, the validity of restrictions upon lot area is well established."

Justice Kennedy concluded:

> "Under the appropriate multifactor standard, it follows that for purposes of determining whether a regulatory taking has occurred here, petitioners' property should be evaluated as a single parcel consisting of Lots E and F together."*Id.* 402.

Justice Kennedy reiterated the facts satisfied the three prong test outlined in the Opinion. He explained first that not only is the merger provision for a legitimate purpose but the petitioners brought the lots ". . . under common ownership after the regulations were enacted. As a result, the valid merger of the lots under state law informs the reasonable expectation they will be treated as a single property.

> Second, the physical characteristics of the property support its treatment as a unified parcel.
>
> Third, the prospective value that Lot E brings to Lot F supports considering the two as one parcel for purposes of determining if there is a regulatory taking." *Id.* 402,403.

And the Supreme Court Opinion also explained that while the properties are prohibited from building dwellings on each, the restriction is "mitigated" by the benefits

of using the property as an "integrated whole" for "increased privacy and recreational space, plus the optimal location of any improvements." *Id.* 403,404.

As a result:

> "Petitioners have not suffered a taking . . . as they have not been deprived of all economically beneficial use of their property. . .. Petitioners cannot claim that they reasonably expected to sell or develop their lots separately given the regulations which predated their acquisition of both lots. Finally, the government action was a reasonable land-use regulation, enacted as part of a coordinated federal, state, and local effort to preserve the river and surrounding land." citations omitted. *Id.* 405.

Similarly, the R.C. 2 zone's one acre minimum regulation is an established zoning tool to support the long-standing respected purposes in the resource conservation zones to reduce "undesirable land use patterns" described as "urban sprawl". **BCZR Findings Section 1A00.1 E.** The section also states, *inter alia*:

> "**C**. That this development has occurred without the framework of a land use plan or other planning components. . .. **G.** That the aspect of the comprehensive plan that is applicable and which is being considered for rural Baltimore County embodies solutions to various problems; . . .**H**. That effective implementation of this plan requires additional zoning classifications;"

BCZR 1A00.2 Purposes continues: "Pursuant to the above findings, it is the purpose of the Resource Conservation Zones to: A. Discourage present land use patterns of development and to create a framework for planned or orderly development;"

At .714 acres, (Petitioner's site plan computed .675 acres) the subject site would not even qualify as a buildable lot in the D.R. 1 zone, and barely meets the acreage for D.R. 2, both applied to the suburban areas in the County. It would not even meet the 1 ½ acres in the higher density R.C. 5 designated as "Rural-Residential".

As we have shown above, the facts describing the sites here meet the three prong test in Murr establishing a merger and setting the parameters for reasonable economic expectations. Petitioner knew the minimum lot size restriction because in cross-examination he identified it as such in the estate Inventory filed on September 17, 2021. He elected to sell the improved lot separately and before ascertaining the building rights on the subject site. He is bound by his choice. There is no taking because the lots merged at the time the Petitioner's parents were in possession of both lots. At the elder Mrs.

Krebs' death, they transferred by law to Petitioners as her Personal Representatives. Throughout, the lots were subject to the one acre minimum, retained their common geographic features, boundary lines, and uses. There is absolutely no evidence the lots were held for separate purposes for over 50 years. Before Petitioner's actions, the subject site complemented the residential use of the adjoining dwelling. These factors cannot be undone or ignored because of Petitioner's precipitous action in selling off the improved home site first.

The subject site contains mature hickory and oak trees. Mr. Martin testified they are suitable for selective forestry, a viable and productive farming use.

(ii) **Quinn v. Board of County Commissioners for Queen Anne's.** Murr was cited approvingly and factored in the decision in a 2017 case in United States Court of Appeals, Fourth Circuit, originating in Queen Anne's County, Maryland, attached. There the Court followed Murr's analysis, upheld the merger doctrine for unimproved contiguous lots in single ownership, and denied the property owner's "takings" claim. Quinn v. Board of County Commissioners for Queen Anne's . . .862 F.3d 433 (2017). Opinion attached.

Judge Wilkerson in Quinn echoed Justice Kennedy, and underscored the "Grandfather/Merger Provisions" are "a common means of balancing the legitimate goals of regulation with the reasonable expectations of landowners" by limiting building on lots that do not meet the current minimum lot size while ensuring that all property owners can still build on their land." (citation omitted) and as ". . .a 'classic way' for local governments to accomplish the important goal of "preserv[ing] open space while still allowing orderly development." (citation omitted). Quinn, *supra* at 438.

The Fourth Circuit Opinion refused to hold that the merger of some of Quinn's unimproved contiguous lots constitute a taking.

The Court pointed out the merger is not pressing Quinn's land,

". . . into some form of public service. . .. Instead, it resembles standard zoning tools – such as minimum lot sizes, setback requirements, or restrictions on subdividing lots- that local governments use all the time to temper the density of development. . .. Not only are local governments concerned about congestion on roads, overcrowding in schools, overuse of sewer systems, and exhaustion of other public services, they must consider the costs of overdevelopment on the environment and on the fundamental character of the community. Managing the density of development – even if it disappoints a particular developer-is thus a crucial goal of land use planning." Citations omitted. *Id.* 441.

The Court looked at all Quinn's holding at the site and reasoned that some of Quinn's lots at the site -12 lots that will merge into four buildable lots - are suitable for the planned public sewer connection and can be developed. "The multifactor standard established by the Supreme Court's decision in *Murr* suggests that the lots subject to merger should be viewed as a collective. In that case, the Supreme Court held that the *Murr* siblings' two adjacent lots, which were subject to a merger provision, "should be evaluated as a single parcel" for purposes of regulatory taking analysis. Citation omitted. *Id.* 441.

Again, the Court succinctly dismissed Quinn's alleged potential loss of revenue if all his lots cannot be developed:

> "A regulation is not a taking merely because it "prohibit[s] the most beneficial use of the property, . . . and the Supreme Court has upheld regulations causing diminutions in value far greater than any diminution here. . ." citations omitted. *Id.* 442.

• * * * *

> "Finally, the character of the Grandfather/Merger provision does not suggest a taking. Interference with property is less likely to be considered a taking when it "arises from some public program adjusting the benefits and burdens of economic life to promote the common good." Citation omitted. *Id.*443.

BCZR's "Findings" and "Purposes" language for the R.C. zones demonstrates the common good benefit in limiting development and preserving the natural beauty and resources in the rural areas of Baltimore County.

Consistent with the later decided Murr and Quinn Opinions, the Maryland Court of Special Appeals was in accord by denying a takings claim in HNS v. People's Counsel, 200 Md. App.1 (2011) The Court held that since part of the property has been developed and sold, the property owner is not denied a use by denying a further subdivision. Judge Watts explained:

> "[15] "In zoning cases, in determining whether the challenged zoning regulation amounts to a taking of private property, we have said that no compensable taking occurs so long as the zoning regulation does not deprive the owner of 'all beneficial use of the property.' " *Md.-Nat'l Cap. P. & P. Comm'n v. Chadwick,* 286 Md. 1, 10, 405 A.2d 241 (1979) (citations omitted); *Penn Cent. Transp. Co. v. N.Y. City,* 438 U.S. 104, 127, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978) (to constitute a taking the county by denying the proposed plan would have to deny appellant all reasonable use of its property).

[16] Longfield Estates is an existing development consisting of 194 acres and 67 lots. During the December 17, 2008, hearing, counsel for appellees explained that in 2004, appellant purchased thirteen acres of Longfield Estates for $ 880,000. 00. Subsequently, while seeking approval of the amended plan, appellant renovated the Langenfelder mansion and sold a five acre lot containing the mansion for $1,350,000.00. Appellant acknowledges having sold Lot 42 in 2007, while retaining the right to subdivide the lot. Given that the property has already been improved and sold,[21] in part, appellant has not been denied all reasonable or beneficial use of the property." The Court of Appeals affirmed on other grounds, HNS Development v. Baltimore County, 425 Md. 436 (2012).

K. PC Position Consistent With Other Baltimore County Administrative Decisions.

It is noteworthy that final decisions from the ALJ and the CBA have consistently denied density on undersized lots in the R.C. zones as well as the D.R. zones, based on the applicable regulations in BCZR. In these cases, the property owner's perceived economic loss was not a factor. The following final decisions are consistent with People's Counsel's position in the instant case. The relevance is the letter and spirit of the law must be followed even for a single dwelling:

Petition for Special Hearing 1306 Ivy Hill Road 2023-0111-SRH, 1.21 acre lot in lieu of 3 acres in R.C. 4; Denied 8-7-2023 ALJ Murphy.

Petition for Special Hearing 3921 Briar Point Drive, 4034 Bay Drive, 05-405 SPH and 05-406 SPH, .15 and .23 (combined .38 for single house) in lieu of 1.5 R.C. 5 zone; Denied 8-25-2006 CBA.

Petition for Special Hearing 2119 Stringtown Road 99-11-SPH, .306 and .541 acres from deed out-conveyances in R.C.2; Denied CBA 10-15-1999. (denied density on these undersized vacant lots where Petitioner wanted to reconfigure along with another 10 acre parcel (with 2 density units) for 3 new homes.

Petition for Variance 809 Coldspring Road 04-522-A, 5092 sq. ft. in lieu of 10,000 sq.ft.D.R. 3.5, Denied CBA 12-20-2005.

Petition for Special Hearing, Variance, 327 Hillen Rd.; 12-238-SPHA; D.R. 2,635 sq. ft in lieu of 3000 sq. ft. D.R. 10.5; Denied CBA 10-19-2012.

Petition Special Hearing, 15605 Dark Hollow Rd.2020-0100 SPH, .057 acres in lieu of 1 acre. R.C.2 Denied ALJ February 16, 2021

Petition for Special Hearing, Variance, 11319 Bird River Grove Road, 17-122 SPHA., ALJ Granted and Denied July 6, 2017; Affirmed CBA July 7, 2017.

The Bird River Grove case warrants further explanation because it differs markedly from the facts here and actually supports People's Council's position. Mr. Schmidt also represented the Petitioner in that case at both the ALJ and CBA. There the Petitioner sought 3 density units on what Petitioner claimed were 4 lots. The ALJ agreed Lot 1 and Lot 2, zoned R.C.2, but each less than 1 acre, were part of a 1925 Plat of Bird River Grove. The SDAT shows the Plat recorded in the land records for Baltimore County in Plat Book WPC 7, folio 189. In accordance with the subdivision, the ALJ found each Lot was improved prior to the sites' rezoning to R.C.2. The ALJ held the unimproved "Lots" 3 (.068acres) and 4 (.175 acres), undersized under the current R.C. 2 zone, and, significantly, are not shown on the Bird River Grove Plat. ALJ Beverungen ruled those sites have no density and denied the request to construct a dwelling on the combined parcels.

A Protestant appealed the decision regarding Lots 1 & 2 and the CBA affirmed the ALJ. There was no appeal of the decision denying density on the so-called lots 3 & 4. The CBA decision supports PC's position that parcels or lots not part of an approved and recorded subdivision plat must meet the current zone's area standards. On the other hand, the approval of density for Lots 1 & 2 under the recorded subdivision Plat comports with the exception in BCZR 103.3 cited in this Memorandum's Section B.2, page 4 above. It is undisputed the subject site here was not part of an approved and recorded subdivision plat prior to the application of both R.D.P. and R.C.2 zones requiring 1 acre minimum lot size for a residential dwelling in the R.C. 2 zone. It is clear from the SDAT records there is no plat reference for 16805 Ridge Road and the subject site. Petitioner's Exhibits 6a.7a.

L. Conclusion

To be sure, Baltimore County's minimum lot size zoning regulations are in step with national standards. Petitioner's contends that since he is not <u>creating</u> a lot, the current one acre minimum lot size does not apply. But the consequences of that position violate the long standing interpretation and application of zoning procedures and processes.

First, there is nothing in the R.C. 2 zoning regulations that in any way suggest a property owner can construct a dwelling on an undersized lot as long as it is not a newly created lot. And if Petitioner's position is adopted, what is the next step, that is, what zoning regulations do apply? In those circumstances, the County agencies, and the ALJ and CBA must ascertain the site's zoning history (not always an easy nor exact process in the rural areas) to determine all the zoning and development regulations and procedures in effect at the time. If the lot size area regulations at the time it was "created" apply, so must the setbacks and height restrictions. It creates a quagmire to find and muddle through decades old laws. And it can't be overstated that Petitioner's position usurps the legislative authority of the County Council to rezone unimproved sites under the quadrennial Comprehensive Zoning Map Process.

Rather, the rational and harmonious interpretation is that in addition to prohibiting the creation of an undersized lot in the R.C. 2 zone, specific regulations in BCZR and the case law set out the only exceptions allowing a dwelling on an existing undersized lot. Otherwise the current zoning regulations must be followed. The rules of statutory construction require the administrative agency to adhere to the entire statutory scheme, and not base a decision on a word or phrase taken out of context, which is what Petitioner is asking this Board to do.

Second, there was no need and it would have been redundant for the County Council to repeat the exceptions to the area standards because those statutes were enacted and in effect before the R.C. 2 Regulations were codified in Bill 178-1979. BCZR 103.1. (Application of Zoning Regulations), BCZR 304.1 (Use of Undersized Single-Family Lots), BCZR 104.1. (Nonconforming Uses), BCZR 307.1. (Variances), were all enacted in 1955. BCZR 103.3. (Effect on subdivision plats previously recorded and approved [in the R.C.2, 3, 4, 5 zones]) was enacted in 1975.

This case requires adherence to settled law, and not an empirical response deeming the proposed relief minimal and unobtrusive. After all, the Murr case involved only two lots as well. Rather, respect the law and the consequences of the decision on an important provision in the R.C. 2 Zone cannot be overstated.

Finally, guidance can be found in Judge Kehoe's recent opinion in Grier v. Heisenberg 255 Md. App. 526, cet. denied 482 Md. 149 (2022) with this quotation from Oliver Wendell Holmes, Jr.

> "The language of judicial decision is mainly the language of logic." 10 Harv. L. Rev. 457, 465 (1897).

Based on the language of logic, and in accordance with prevailing law, including the astute analysis in the Supreme Court's decision in Murr v. Wisconsin, the relief requested by Petitioner on any basis must be denied.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September, 2023, a copy of People's Counsel for Baltimore County's Post-Hearing Memorandum was emailed Lawrence Schmidt, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, lschmidt@sgs-law.com, Attorney for Petitioner(s).

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel for
Baltimore County

KeyCite Yellow Flag - Negative Treatment
Distinguished by Yim v. City of Seattle, 9th Cir.(Wash.), March 21, 2023

137 S.Ct. 1933
Supreme Court of the United States

Joseph P. MURR, et al., Petitioners
v.
WISCONSIN, et al.

No. 15–214
|
Argued March 20, 2017.
|
Decided June 23, 2017.

Synopsis
Background: Owners or two contiguous parcels located along scenic river brought action against State and county, alleging that ordinance preventing them from separately using or selling parcels resulted in uncompensated taking. The Circuit Court, St. Croix County, Scott R. Needham, J., granted summary judgment to State and county, and owners appealed. The Wisconsin Court of Appeals affirmed, 359 Wis.2d 675, 859 N.W.2d 628, and certiorari was granted.

Holdings: The Supreme Court, Justice Kennedy, held that:

merger provision in local minimum lot size regulation applicable to property along river was legitimate exercise of government power;

parcels were required to be evaluated as a single parcel in determining whether the regulations effected a regulatory taking; and

regulations did not effect a compensable regulatory taking.

Affirmed.

Chief Justice Roberts filed a dissenting opinion in which Justices Thomas and Alito joined.

Justice Thomas filed a dissenting opinion.

Justice Gorsuch took no part in the consideration or decision of the case.

****1936** *Syllabus*[*]

The St. Croix River, which forms part of the boundary between Wisconsin and Minnesota, is protected under federal, state, and local law. Petitioners own two adjacent lots—Lot E and Lot F—along the lower portion of the river in the town of Troy, Wisconsin. For the area where petitioners' property is located, state and local regulations prevent the use or sale of adjacent lots under common ownership as separate building sites unless they have at least one acre of land suitable for development. A grandfather clause relaxes this restriction for substandard lots which were in separate ownership from adjacent lands on January 1, 1976, the regulation's effective date.

Petitioners' parents purchased Lots E and F separately in the 1960's, and maintained them under separate ownership until transferring Lot F to petitioners in 1994 and Lot E to petitioners in 1995. Both lots are over one acre in size, but because of their topography they each have less than one acre suitable for development. The unification of the lots under common ownership therefore implicated the rules barring their separate sale or development. Petitioners became interested in selling Lot E as part of an improvement ****1937** plan for the lots, and sought variances from the St. Croix County Board of Adjustment. The Board denied the request, and the state courts affirmed in relevant part. In particular, the State Court of Appeals found that the local ordinance effectively merged the lots, so petitioners could only sell or build on the single combined lot.

Petitioners filed suit, alleging that the regulations worked a regulatory taking that deprived them of all, or practically all, of the use of Lot E. The County Circuit Court granted summary judgment to the State, explaining that petitioners had other options to enjoy and use their property, including eliminating the cabin and building a new residence on either lot or across both. The court also found that petitioners had not been deprived of all economic value of their property, because the decrease in market value of the unified lots was less than 10 percent. The State Court of Appeals affirmed, holding that the takings analysis properly focused on Lots E and F together and that, using that framework, the merger regulations did not effect a taking.

Held : The State Court of Appeals was correct to analyze petitioners' property as a single unit in assessing the effect of the challenged governmental action. Pp. 1941 – 1950.

(a) The Court's Takings Clause jurisprudence informs the analysis of this issue. Pp. 1941 – 1945.

(1) Regulatory takings jurisprudence recognizes that if a "regulation goes too far it will be recognized as a taking." *Pennsylvania Coal Co. v. Mahon,* 260 U.S. 393, 415, 43 S.Ct. 158, 67 L.Ed. 322. This area of the law is characterized by "ad hoc, factual inquiries, designed to allow careful examination and weighing of all the relevant circumstances." *Tahoe–Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency,* 535 U.S. 302, 322, 122 S.Ct. 1465, 152 L.Ed.2d 517 (citation and internal quotation marks omitted).

The Court has, however, identified two guidelines relevant for determining when a government regulation constitutes a taking. First, "with certain qualifications ... a regulation which 'denies all economically beneficial or productive use of land' will require compensation under the Takings Clause." *Palazzolo v. Rhode Island,* 533 U.S. 606, 617, 121 S.Ct. 2448, 150 L.Ed.2d 592 (quoting *Lucas v. South Carolina Coastal Council,* 505 U.S. 1003, 1015, 112 S.Ct. 2886, 120 L.Ed.2d 798). Second, a taking may be found based on "a complex of factors," including (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation has interfered with distinct investment-backed expectations; and (3) the character of the governmental action. *Palazzolo, supra,* at 617, 121 S.Ct. 2448 (citing *Penn Central Transp. Co. v. New York City,* 438 U.S. 104, 124, 98 S.Ct. 2646, 57 L.Ed.2d 631). Yet even the complete deprivation of use under *Lucas* will not require compensation if the challenged limitations "inhere ... in the restrictions that background principles of the State's law of property and nuisance already placed upon land ownership." *Lucas,* 505 U.S., at 1029, 112 S.Ct. 2886.

A central dynamic of the Court's regulatory takings jurisprudence thus is its flexibility. This is a means to reconcile two competing objectives central to regulatory takings doctrine: the individual's right to retain the interests and exercise the freedoms at the core of private property ownership, cf. *id.,* at 1027, 112 S.Ct. 2886, and the government's power to "adjus[t] rights for the public good," *Andrus v. Allard,* 444 U.S. 51, 65, 100 S.Ct. 318, 62 L.Ed.2d 210. Pp. 1941 – 1944.

****1938** (2) This case presents a critical question in determining whether a regulatory taking has occurred: What is the proper unit of property against which to assess the effect of the challenged governmental action? The Court has not set forth specific guidance on how to identify the relevant parcel. However, it has declined to artificially limit the parcel to the portion of property targeted by the challenged regulation, and has cautioned against viewing property rights under the Takings Clause as coextensive with those under state law. Pp. 1943 – 1945.

(b) Courts must consider a number of factors in determining the proper denominator of the takings inquiry. Pp. 1944 – 1948.

(1) The inquiry is objective and should determine whether reasonable expectations about property ownership would lead a landowner to anticipate that his holdings would be treated as one parcel or as separate tracts. First, courts should give substantial weight to the property's treatment, in particular how it is bounded or divided, under state and local law. Second, courts must look to the property's physical characteristics, including the physical relationship of any distinguishable tracts, topography, and the surrounding human and ecological environment. Third, courts should assess the property's value under the challenged regulation, with special attention to the effect of burdened land on the value of other holdings. Pp. 1944 – 1947.

(2) The formalistic rules for which the State of Wisconsin and petitioners advocate do not capture the central legal and factual principles informing reasonable expectations about property interests. Wisconsin would tie the definition of the parcel to state law, but it is also necessary to weigh whether the state enactments at issue accord with other indicia of reasonable expectations about property. Petitioners urge the Court to adopt a presumption that lot lines control, but lot lines are creatures of state law, which can be overridden by the State in the reasonable exercise of its power to regulate land. The merger provision here is such a legitimate exercise of state power, as reflected by its consistency with a long history of merger regulations and with the many merger provisions that exist nationwide today. Pp. 1946 – 1948.

(c) Under the appropriate multifactor standard, it follows that petitioners' property should be evaluated as a single parcel consisting of Lots E and F together. First, as to the property's treatment under state and local law, the valid merger of the lots under state law informs the reasonable expectation

that the lots will be treated as a single property. Second, turning to the property's physical characteristics, the lots are contiguous. Their terrain and shape make it reasonable to expect their range of potential uses might be limited; and petitioners could have anticipated regulation of the property due to its location along the river, which was regulated by federal, state, and local law long before they acquired the land. Third, Lot E brings prospective value to Lot F. The restriction on using the individual lots is mitigated by the benefits of using the property as an integrated whole, allowing increased privacy and recreational space, plus an optimal location for any improvements. This relationship is evident in the lots' combined valuation. The Court of Appeals was thus correct to treat the contiguous properties as one parcel.

Considering petitioners' property as a whole, the state court was correct to conclude that petitioners cannot establish a compensable taking. They have not suffered a taking under *Lucas,* as they have not been deprived of all economically beneficial ****1939** use of their property. See 505 U.S., at 1019, 112 S.Ct. 2886. Nor have they suffered a taking under the more general test of *Penn Central, supra,* at 124, 98 S.Ct. 2646. Pp. 1948 – 1950.

2015 WI App 13, 359 Wis.2d 675, 859 N.W.2d 628, affirmed.

KENNEDY, J., delivered the opinion of the Court, in which GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined. ROBERTS, C.J., filed a dissenting opinion, in which THOMAS and ALITO, JJ., joined. THOMAS, J., filed a dissenting opinion. GORSUCH, J., took no part in the consideration or decision of the case.

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Opinion

Justice KENNEDY delivered the opinion of the Court.

***387** The classic example of a property taking by the government is when the property has been occupied or otherwise seized. In the case now before the Court, petitioners contend that governmental entities took their real property —an undeveloped residential lot—not by some physical occupation but instead by enacting burdensome regulations that forbid its improvement or separate sale because it is classified as substandard in size. The relevant governmental entities are the respondents.

Against the background justifications for the challenged restrictions, respondents contend there is no regulatory taking because petitioners own an adjacent lot. The regulations, in effecting a merger of the property, permit the continued residential use of the property including for a single improvement to extend over both lots. This retained right ***388** of the landowner, respondents urge, is of sufficient offsetting value that the regulation is not severe enough to be a regulatory taking. To resolve the issue whether the landowners can insist on confining the analysis just to the lot in question, without regard to their ownership of the adjacent lot, it is necessary to discuss the background principles that define regulatory takings.

I

A

The St. Croix River originates in northwest Wisconsin and flows approximately 170 miles until it joins the Mississippi River, forming the boundary between Minnesota and Wisconsin for much of its length. The lower portion of the river slows and ****1940** widens to create a natural water area known as Lake St. Croix. Tourists and residents of the region have long extolled the picturesque grandeur of the river and surrounding area. *E.g.,* E. Ellett, Summer Rambles in the West 136–137 (1853).

Under the Wild and Scenic Rivers Act, the river was designated, by 1972, for federal protection. § 3(a)(6), 82 Stat. 908, 16 U.S.C. § 1274(a)(6) (designating Upper St. Croix River); Lower Saint Croix River Act of 1972, § 2, 86 Stat. 1174, 16 U.S.C. § 1274(a)(9) (adding Lower St. Croix River). The law required the States of Wisconsin and Minnesota to develop "a management and development program" for the river area. 41 Fed. Reg. 26237 (1976). In compliance, Wisconsin authorized the State Department of Natural Resources to promulgate rules limiting development in order to "guarantee the protection of the wild, scenic and recreational qualities of the river for present and future generations." Wis. Stat. § 30.27(*l*) (1973).

Petitioners are two sisters and two brothers in the Murr family. Petitioners' parents arranged for them to receive ownership of two lots the family used for recreation along the Lower St. Croix River in the town of Troy, Wisconsin. ***389** The lots are adjacent, but the parents purchased them separately, put the title of one in the name of the family business, and later arranged for transfer of the two lots, on different dates, to petitioners. The lots, which are referred to in this litigation as Lots E and F, are described in more detail below.

For the area where petitioners' property is located, the Wisconsin rules prevent the use of lots as separate building sites unless they have at least one acre of land suitable for development. Wis. Admin. Code §§ NR 118.04(4), 118.03(27), 118.06(1)(a)(2)(a), 118.06(1)(b) (2017). A grandfather clause relaxes this restriction for substandard lots which were "in separate ownership from abutting lands" on January 1, 1976, the effective date of the regulation. § NR 118.08(4)(a)(1). The clause permits the use of qualifying lots as separate building sites. The rules also include a merger provision, however, which provides that adjacent lots under common ownership may not be "sold or developed as separate lots" if they do not meet the size requirement. § NR 118.08(4)(a)(2). The Wisconsin rules require localities to adopt parallel provisions, see § NR 118.02(3), so the St. Croix County zoning ordinance contains identical restrictions, see St. Croix County, Wis., Ordinance § 17.36I.4.a (2005). The Wisconsin rules also authorize the local zoning authority to grant variances from the regulations where enforcement would create "unnecessary hardship." § NR 118.09(4)(b); St. Croix County Ordinance § 17.09.232.

B

Petitioners' parents purchased Lot F in 1960 and built a small recreational cabin on it. In 1961, they transferred title to Lot F to the family plumbing company. In 1963, they purchased neighboring Lot E, which they held in their own names.

The lots have the same topography. A steep bluff cuts through the middle of each, with level land suitable for development above the bluff and next to the water below it. The ***390** line dividing Lot E from Lot F runs from the riverfront to the far end of the property, crossing the blufftop along the way. Lot E has approximately 60 feet of river frontage, and Lot F has approximately 100 feet. Though each lot is approximately 1.25 acres in size, because of the waterline and the steep bank they each have less than one acre of land suitable for development. Even when combined, the lots' buildable land area is only 0.98 acres due to the steep terrain.

****1941** The lots remained under separate ownership, with Lot F owned by the plumbing company and Lot E owned by petitioners' parents, until transfers to petitioners. Lot F was conveyed to them in 1994, and Lot E was conveyed to them in 1995. *Murr v. St. Croix County Bd. of Adjustment,* 2011 WI App 29, 332 Wis.2d 172, 177–178, 184–185, 796 N.W.2d 837, 841, 844 (2011); 2015 WI App 13, 359 Wis.2d 675, 859 N.W.2d 628 (unpublished opinion), App. to Pet. for Cert. A–3, ¶¶ 4–5. (There are certain ambiguities in the record concerning whether the lots had merged earlier, but the parties and the courts below appear to have assumed the merger occurred upon transfer to petitioners.)

A decade later, petitioners became interested in moving the cabin on Lot F to a different portion of the lot and selling Lot E to fund the project. The unification of the lots under common ownership, however, had implicated the state and local rules barring their separate sale or development. Petitioners then sought variances from the St. Croix County Board of Adjustment to enable their building and improvement plan, including a variance to allow the separate sale or use of the lots. The Board denied the requests, and the state courts affirmed in relevant part. In particular, the Wisconsin Court of Appeals agreed with the Board's interpretation that the local ordinance "effectively merged" Lots E and F, so petitioners "could only sell or build on the single larger lot." *Murr, supra,* at 184, 796 N.W.2d, at 844.

Petitioners filed the present action in state court, alleging that the state and county regulations worked a regulatory taking by depriving them of "all, or practically all, of the use ***391** of Lot E because the lot cannot be sold or developed as a separate

lot." App. 9. The parties each submitted appraisal numbers to the trial court. Respondents' appraisal included values of $698,300 for the lots together as regulated; $771,000 for the lots as two distinct buildable properties; and $373,000 for Lot F as a single lot with improvements. Record 17–55, 17–56. Petitioners' appraisal included an unrebutted, estimated value of $40,000 for Lot E as an undevelopable lot, based on the counterfactual assumption that it could be sold as a separate property. *Id.,* at 22–188.

The Circuit Court of St. Croix County granted summary judgment to the State, explaining that petitioners retained "several available options for the use and enjoyment of their property." Case No. 12–CV–258 (Oct. 31, 2013), App. to Pet. for Cert. B–9. For example, they could preserve the existing cabin, relocate the cabin, or eliminate the cabin and build a new residence on Lot E, on Lot F, or across both lots. The court also found petitioners had not been deprived of all economic value of their property. Considering the valuation of the property as a single lot versus two separate lots, the court found the market value of the property was not significantly affected by the regulations because the decrease in value was less than 10 percent. *Ibid*.

The Wisconsin Court of Appeals affirmed. The court explained that the regulatory takings inquiry required it to " 'first determine what, precisely, is the property at issue.' " *Id.,* at A–9, ¶ 17. Relying on Wisconsin Supreme Court precedent in *Zealy v. Waukesha,* 201 Wis.2d 365, 548 N.W.2d 528 (1996), the Court of Appeals rejected petitioners' request to analyze the effect of the regulations on Lot E only. Instead, the court held the takings analysis "properly focused" on the regulations' effect "on the Murrs' property as a whole"—that is, Lots E and F together. App. to Pet. for Cert. A–12, ¶ 22.

****1942** Using this framework, the Court of Appeals concluded the merger regulations did not effect a taking. In particular, the court explained that petitioners could not reasonably ***392** have expected to use the lots separately because they were " 'charged with knowledge of the existing zoning laws' " when they acquired the property. *Ibid.* (quoting *Murr, supra,* at 184, 796 N.W.2d, at 844). Thus, "even if [petitioners] did intend to develop or sell Lot E separately, that expectation of separate treatment became unreasonable when they chose to acquire Lot E in 1995, after their having acquired Lot F in 1994." App. to Pet. for Cert. A–17, ¶ 30. The court also discounted the severity of the economic impact on petitioners' property, recognizing the Circuit Court's conclusion that the regulations diminished the property's combined value by less than 10 percent. The Supreme Court of Wisconsin denied discretionary review. This Court granted certiorari, 577 U.S. ——, 136 S.Ct. 890, 193 L.Ed.2d 783 (2016).

II

A

The Takings Clause of the Fifth Amendment provides that private property shall not "be taken for public use, without just compensation." The Clause is made applicable to the States through the Fourteenth Amendment. *Chicago, B. & Q.R. Co. v. Chicago,* 166 U.S. 226, 17 S.Ct. 581, 41 L.Ed. 979 (1897). As this Court has recognized, the plain language of the Takings Clause "requires the payment of compensation whenever the government acquires private property for a public purpose," see *Tahoe–Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency,* 535 U.S. 302, 321, 122 S.Ct. 1465, 152 L.Ed.2d 517 (2002), but it does not address in specific terms the imposition of regulatory burdens on private property. Indeed, "[p]rior to Justice Holmes's exposition in *Pennsylvania Coal Co. v. Mahon,* 260 U.S. 393, 43 S.Ct. 158, 67 L.Ed. 322 (1922), it was generally thought that the Takings Clause reached only a direct appropriation of property, or the functional equivalent of a practical ouster of the owner's possession," like the permanent flooding of property. *Lucas v. South Carolina Coastal Council,* 505 U.S. 1003, 1014, 112 S.Ct. 2886, 120 L.Ed.2d 798 (1992) (citation, brackets, and internal quotation marks omitted); ***393** accord, *Horne v. Department of Agriculture,* 576 U.S. ——, ——, 135 S.Ct. 2419, 2427, 192 L.Ed.2d 388 (2015); see also *Loretto v. Teleprompter Manhattan CATV Corp.,* 458 U.S. 419, 427, 102 S.Ct. 3164, 73 L.Ed.2d 868 (1982). *Mahon,* however, initiated this Court's regulatory takings jurisprudence, declaring that "while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." 260 U.S., at 415, 43 S.Ct. 158. A regulation, then, can be so burdensome as to become a taking, yet the *Mahon* Court did not formulate more detailed guidance for determining when this limit is reached.

In the near century since *Mahon,* the Court for the most part has refrained from elaborating this principle through definitive rules. This area of the law has been characterized by "ad hoc, factual inquiries, designed to allow careful examination and weighing of all the relevant circumstances." *Tahoe–Sierra, supra,* at 322, 122 S.Ct. 1465 (citation and internal quotation marks omitted). The Court has, however, stated two guidelines relevant here for determining when government regulation is so onerous that it constitutes a taking. First, "with certain qualifications ... a regulation which 'denies all economically beneficial or productive use of land' will require compensation under the Takings Clause." ****1943** *Palazzolo v. Rhode Island,* 533 U.S. 606, 617, 121 S.Ct. 2448, 150 L.Ed.2d 592 (2001) (quoting *Lucas, supra,* at 1015, 112 S.Ct. 2886). Second, when a regulation impedes the use of property without depriving the owner of all economically beneficial use, a taking still may be found based on "a complex of factors," including (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation has interfered with distinct investment-backed expectations; and (3) the character of the governmental action. *Palazzolo, supra,* at 617, 121 S.Ct. 2448 (citing *Penn Central Transp. Co. v. New York City,* 438 U.S. 104, 124, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978)).

By declaring that the denial of all economically beneficial use of land constitutes a regulatory taking, *Lucas* stated what it called a "categorical" rule. See 505 U.S., at 1015, 112 S.Ct. 2886. Even in *Lucas,* however, the Court included a caveat recognizing ***394** the relevance of state law and land-use customs: The complete deprivation of use will not require compensation if the challenged limitations "inhere ... in the restrictions that background principles of the State's law of property and nuisance already placed upon land ownership." *Id.,* at 1029, 112 S.Ct. 2886; see also *id.,* at 1030–1031, 112 S.Ct. 2886 (listing factors for courts to consider in making this determination).

A central dynamic of the Court's regulatory takings jurisprudence, then, is its flexibility. This has been and remains a means to reconcile two competing objectives central to regulatory takings doctrine. One is the individual's right to retain the interests and exercise the freedoms at the core of private property ownership. Cf. *id.,* at 1028, 112 S.Ct. 2886 ("[T]he notion ... that title is somehow held subject to the 'implied limitation' that the State may subsequently eliminate all economically valuable use is inconsistent with the historical compact recorded in the Takings Clause that has become part of our constitutional culture"). Property rights are necessary to preserve freedom, for property ownership empowers persons to shape and to plan their own destiny in a world where governments are always eager to do so for them.

The other persisting interest is the government's well-established power to "adjus[t] rights for the public good." *Andrus v. Allard,* 444 U.S. 51, 65, 100 S.Ct. 318, 62 L.Ed.2d 210 (1979). As Justice Holmes declared, "Government hardly could go on if to some extent values incident to property could not be diminished without paying for every such change in the general law." *Mahon, supra,* at 413, 43 S.Ct. 158. In adjudicating regulatory takings cases a proper balancing of these principles requires a careful inquiry informed by the specifics of the case. In all instances, the analysis must be driven "by the purpose of the Takings Clause, which is to prevent the government from 'forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.' " *Palazzolo, supra,* at 617–618, 121 S.Ct. 2448 (quoting *Armstrong v. United States,* 364 U.S. 40, 49, 80 S.Ct. 1563, 4 L.Ed.2d 1554 (1960)).

***395** B

This case presents a question that is linked to the ultimate determination whether a regulatory taking has occurred: What is the proper unit of property against which to assess the effect of the challenged governmental action? Put another way, "[b]ecause our test for regulatory taking requires us to compare the value that has been taken from the property with the value that remains in the property, ****1944** one of the critical questions is determining how to define the unit of property 'whose value is to furnish the denominator of the fraction.' " *Keystone Bituminous Coal Assn. v. DeBenedictis,* 480 U.S. 470, 497, 107 S.Ct. 1232, 94 L.Ed.2d 472 (1987) (quoting Michelman, Property, Utility, and Fairness, 80 Harv. L. Rev. 1165, 1992 (1967)).

As commentators have noted, the answer to this question may be outcome determinative. See Eagle, The Four–Factor *Penn Central* Regulatory Takings Test, 118 Pa. St. L. Rev. 601, 631 (2014); see also Wright, A New Time for Denominators, 34 Env. L. 175, 180 (2004). This Court, too, has explained that the question is important to the regulatory takings inquiry. "To the extent that any portion of property is taken, that portion is always taken in its entirety; the relevant question, however, is whether the property taken is all, or only a portion of, the parcel in question." *Concrete Pipe & Products of Cal., Inc. v. Construction Laborers Pension Trust for Southern Cal.,* 508 U.S. 602, 644, 113 S.Ct. 2264, 124 L.Ed.2d 539 (1993).

Defining the property at the outset, however, should not necessarily preordain the outcome in every case. In some, though not all, cases the effect of the challenged regulation must be assessed and understood by the effect on the entire

property held by the owner, rather than just some part of the property that, considered just on its own, has been diminished in value. This demonstrates the contrast between regulatory takings, where the goal is usually to determine how the challenged regulation affects the property's value to the owner, and physical takings, where the impact of physical ***396** appropriation or occupation of the property will be evident.

While the Court has not set forth specific guidance on how to identify the relevant parcel for the regulatory taking inquiry, there are two concepts which the Court has indicated can be unduly narrow.

First, the Court has declined to limit the parcel in an artificial manner to the portion of property targeted by the challenged regulation. In *Penn Central,* for example, the Court rejected a challenge to the denial of a permit to build an office tower above Grand Central Terminal. The Court refused to measure the effect of the denial only against the "air rights" above the terminal, cautioning that " '[t]aking' jurisprudence does not divide a single parcel into discrete segments and attempt to determine whether rights in a particular segment have been entirely abrogated." 438 U.S., at 130, 98 S.Ct. 2646.

In a similar way, in *Tahoe–Sierra,* the Court refused to "effectively sever" the 32 months during which petitioners' property was restricted by temporary moratoria on development "and then ask whether that segment ha[d] been taken in its entirety." 535 U.S., at 331, 122 S.Ct. 1465. That was because "defining the property interest taken in terms of the very regulation being challenged is circular." *Ibid*. That approach would overstate the effect of regulation on property, turning "every delay" into a "total ban." *Ibid*.

The second concept about which the Court has expressed caution is the view that property rights under the Takings Clause should be coextensive with those under state law. Although property interests have their foundations in state law, the *Palazzolo* Court reversed a state-court decision that rejected a takings challenge to regulations that predated the landowner's acquisition of title. 533 U.S., at 626–627, 121 S.Ct. 2448. The Court explained that States do not have the unfettered authority to "shape and define ****1945** property rights and reasonable investment-backed expectations," leaving landowners without recourse against unreasonable regulations. *Id.,* at 626, 121 S.Ct. 2448.

***397** By the same measure, defining the parcel by reference to state law could defeat a challenge even to a state enactment that alters permitted uses of property in ways inconsistent with reasonable investment-backed expectations. For example, a State might enact a law that consolidates nonadjacent property owned by a single person or entity in different parts of the State and then imposes development limits on the aggregate set. If a court defined the parcel according to the state law requiring consolidation, this improperly would fortify the state law against a takings claim, because the court would look to the retained value in the property as a whole rather than considering whether individual holdings had lost all value.

III

A

As the foregoing discussion makes clear, no single consideration can supply the exclusive test for determining the denominator. Instead, courts must consider a number of factors. These include the treatment of the land under state and local law; the physical characteristics of the land; and the prospective value of the regulated land. The endeavor should determine whether reasonable expectations about property ownership would lead a landowner to anticipate that his holdings would be treated as one parcel, or, instead, as separate tracts. The inquiry is objective, and the reasonable expectations at issue derive from background customs and the whole of our legal tradition. Cf. *Lucas,* 505 U.S., at 1035, 112 S.Ct. 2886 (KENNEDY, J., concurring) ("The expectations protected by the Constitution are based on objective rules and customs that can be understood as reasonable by all parties involved").

First, courts should give substantial weight to the treatment of the land, in particular how it is bounded or divided, under state and local law. The reasonable expectations of an acquirer of land must acknowledge legitimate restrictions affecting his or her subsequent use and dispensation of the ***398** property. See *Ballard v. Hunter,* 204 U.S. 241, 262, 27 S.Ct. 261, 51 L.Ed. 461 (1907) ("Of what concerns or may concern their real estate men usually keep informed, and on that probability the law may frame its proceedings"). A valid takings claim will not evaporate just because a purchaser took title after the law was enacted. See *Palazzolo,* 533 U.S., at 627, 121 S.Ct. 2448 (some "enactments are unreasonable and do not become less so through passage of time or title"). A reasonable

restriction that predates a landowner's acquisition, however, can be one of the objective factors that most landowners would reasonably consider in forming fair expectations about their property. See *ibid.* ("[A] prospective enactment, such as a new zoning ordinance, can limit the value of land without effecting a taking because it can be understood as reasonable by all concerned"). In a similar manner, a use restriction which is triggered only after, or because of, a change in ownership should also guide a court's assessment of reasonable private expectations.

Second, courts must look to the physical characteristics of the landowner's property. These include the physical relationship of any distinguishable tracts, the parcel's topography, and the surrounding human and ecological environment. In particular, it may be relevant that the property is located in an area that is subject ****1946** to, or likely to become subject to, environmental or other regulation. Cf. *Lucas, supra,* at 1035, 112 S.Ct. 2886 (KENNEDY, J., concurring) ("Coastal property may present such unique concerns for a fragile land system that the State can go further in regulating its development and use than the common law of nuisance might otherwise permit").

Third, courts should assess the value of the property under the challenged regulation, with special attention to the effect of burdened land on the value of other holdings. Though a use restriction may decrease the market value of the property, the effect may be tempered if the regulated land adds value to the remaining property, such as by increasing privacy, expanding recreational space, or preserving ***399** surrounding natural beauty. A law that limits use of a landowner's small lot in one part of the city by reason of the landowner's nonadjacent holdings elsewhere may decrease the market value of the small lot in an unmitigated fashion. The absence of a special relationship between the holdings may counsel against consideration of all the holdings as a single parcel, making the restrictive law susceptible to a takings challenge. On the other hand, if the landowner's other property is adjacent to the small lot, the market value of the properties may well increase if their combination enables the expansion of a structure, or if development restraints for one part of the parcel protect the unobstructed skyline views of another part. That, in turn, may counsel in favor of treatment as a single parcel and may reveal the weakness of a regulatory takings challenge to the law.

State and federal courts have considerable experience in adjudicating regulatory takings claims that depart from these examples in various ways. The Court anticipates that in applying the test above they will continue to exercise care in this complex area.

B

The State of Wisconsin and petitioners each ask this Court to adopt a formalistic rule to guide the parcel inquiry. Neither proposal suffices to capture the central legal and factual principles that inform reasonable expectations about property interests.

Wisconsin would tie the definition of the parcel to state law, considering the two lots here as a single whole due to their merger under the challenged regulations. That approach, as already noted, simply assumes the answer to the question: May the State define the relevant parcel in a way that permits it to escape its responsibility to justify regulation in light of legitimate property expectations? It is, of course, unquestionable that the law must recognize those legitimate expectations in order to give proper weight to the ***400** rights of owners and the right of the State to pass reasonable laws and regulations. See *Palazzolo, supra,* at 627, 121 S.Ct. 2448.

Wisconsin bases its position on a footnote in *Lucas,* which suggests the answer to the denominator question "may lie in how the owner's reasonable expectations have been shaped by the State's law of property—*i.e.,* whether and to what degree the State's law has accorded legal recognition and protection to the particular interest in land with respect to which the takings claimant alleges a diminution in (or elimination of) value." 505 U.S., at 1017, n. 7, 112 S.Ct. 2886. As an initial matter, *Lucas* referenced the parcel problem only in dicta, unnecessary to the announcement or application of the rule it established. See *ibid.* ("[W]e avoid th[e] difficulty" of determining the relevant parcel "in the present case"). In any event, the test the Court adopts today is consistent with the ****1947** respect for state law described in *Lucas*. The test considers state law but in addition weighs whether the state enactments at issue accord with other indicia of reasonable expectations about property.

Petitioners propose a different test that is also flawed. They urge the Court to adopt a presumption that lot lines define the relevant parcel in every instance, making Lot E the necessary denominator. Petitioners' argument, however, ignores the fact that lot lines are themselves creatures of state law, which can be overridden by the State in the reasonable exercise of its power. In effect, petitioners ask this Court to credit the aspect

of state law that favors their preferred result (lot lines) and ignore that which does not (merger provision).

This approach contravenes the Court's case law, which recognizes that reasonable land-use regulations do not work a taking. See *Palazzolo,* 533 U.S., at 627, 121 S.Ct. 2448; *Mahon,* 260 U.S., at 413, 43 S.Ct. 158. Among other cases, *Agins v. City of Tiburon,* 447 U.S. 255, 100 S.Ct. 2138, 65 L.Ed.2d 106 (1980), demonstrates the validity of this proposition because it upheld zoning regulations as a legitimate exercise of the government's police power. Of course, the Court's ***401** later opinion in *Lingle v. Chevron U.S.A. Inc.* recognized that the test articulated in *Agins*—that regulation effects a taking if it " 'does not substantially advance legitimate state interests' "—was improper because it invited courts to engage in heightened review of the effectiveness of government regulation. 544 U.S. 528, 540, 125 S.Ct. 2074, 161 L.Ed.2d 876 (2005) (quoting *Agins, supra,* at 260, 100 S.Ct. 2138). *Lingle* made clear, however, that the holding of *Agins* survived, even if its test was "imprecis[e]." See 544 U.S., at 545–546, 548, 125 S.Ct. 2074.

The merger provision here is likewise a legitimate exercise of government power, as reflected by its consistency with a long history of state and local merger regulations that originated nearly a century ago. See Brief for National Association of Counties et al. as *Amici Curiae* 5–10. Merger provisions often form part of a regulatory scheme that establishes a minimum lot size in order to preserve open space while still allowing orderly development. See E. McQuillin, Law of Municipal Corporations § 25:24 (3d ed. 2010); see also *Agins, supra,* at 262, 100 S.Ct. 2138 (challenged "zoning ordinances benefit[ed] the appellants as well as the public by serving the city's interest in assuring careful and orderly development of residential property with provision for open-space areas").

When States or localities first set a minimum lot size, there often are existing lots that do not meet the new requirements, and so local governments will strive to reduce substandard lots in a gradual manner. The regulations here represent a classic way of doing this: by implementing a merger provision, which combines contiguous substandard lots under common ownership, alongside a grandfather clause, which preserves adjacent substandard lots that are in separate ownership. Also, as here, the harshness of a merger provision may be ameliorated by the availability of a variance from the local zoning authority for landowners in special circumstances. See 3 E. Ziegler, Rathkopf's Law of Zoning and Planning § 49:13 (39th ed. 2017).

***402** Petitioners' insistence that lot lines define the relevant parcel ignores the well-settled reliance on the merger provision as a common means of balancing the legitimate goals of regulation with the reasonable expectations of landowners. Petitioners' rule would frustrate municipalities' ability to implement minimum lot size regulations ****1948** by casting doubt on the many merger provisions that exist nationwide today. See Brief for National Association of Counties et al. as *Amici Curiae* 12–31 (listing over 100 examples of merger provisions).

Petitioners' reliance on lot lines also is problematic for another reason. Lot lines have varying degrees of formality across the States, so it is difficult to make them a standard measure of the reasonable expectations of property owners. Indeed, in some jurisdictions, lot lines may be subject to informal adjustment by property owners, with minimal government oversight. See Brief for California et al. as *Amici Curiae* 17; 1 J. Kushner, Subdivision Law and Growth Management § 5:8 (2d ed. 2017) (lot line adjustments that create no new parcels are often exempt from subdivision review); see, *e.g.,* Cal. Govt.Code Ann. § 66412(d) (West 2016) (permitting adjustment of lot lines subject to limited conditions for government approval). The ease of modifying lot lines also creates the risk of gamesmanship by landowners, who might seek to alter the lines in anticipation of regulation that seems likely to affect only part of their property.

IV

Under the appropriate multifactor standard, it follows that for purposes of determining whether a regulatory taking has occurred here, petitioners' property should be evaluated as a single parcel consisting of Lots E and F together.

First, the treatment of the property under state and local law indicates petitioners' property should be treated as one when considering the effects of the restrictions. As the Wisconsin courts held, the state and local regulations ***403** merged Lots E and F. *E.g.,* App. to Pet. for Cert. A–3, ¶ 6 ("The 1995 transfer of Lot E brought the lots under common ownership and resulted in a merger of the two lots under [the local ordinance]"). The decision to adopt the merger provision at issue here was for a specific and legitimate purpose, consistent with the widespread understanding that lot lines are not dominant or controlling in every case. See *supra,* at 1947 – 1948. Petitioners' land was subject to this regulatory burden,

moreover, only because of voluntary conduct in bringing the lots under common ownership after the regulations were enacted. As a result, the valid merger of the lots under state law informs the reasonable expectation they will be treated as a single property.

Second, the physical characteristics of the property support its treatment as a unified parcel. The lots are contiguous along their longest edge. Their rough terrain and narrow shape make it reasonable to expect their range of potential uses might be limited. Cf. App. to Pet. for Cert. A–5, ¶ 8 ("[Petitioners] asserted Lot E could not be put to alternative uses like agriculture or commerce due to its size, location and steep terrain"). The land's location along the river is also significant. Petitioners could have anticipated public regulation might affect their enjoyment of their property, as the Lower St. Croix was a regulated area under federal, state, and local law long before petitioners possessed the land.

Third, the prospective value that Lot E brings to Lot F supports considering the two as one parcel for purposes of determining if there is a regulatory taking. Petitioners are prohibited from selling Lots E and F separately or from building separate residential structures on each. Yet this restriction is mitigated by the benefits of using the property as an integrated whole, allowing increased privacy and recreational space, plus the optimal location of any improvements. See Case No. 12–CV–258, App. to Pet. for Cert. B–9 ("They ****1949** have an elevated level of privacy because they do not have ***404** close neighbors and are able to swim and play volleyball at the property").

The special relationship of the lots is further shown by their combined valuation. Were Lot E separately saleable but still subject to the development restriction, petitioners' appraiser would value the property at only $40,000. We express no opinion on the validity of this figure. We also note the number is not particularly helpful for understanding petitioners' retained value in the properties because Lot E, under the regulations, cannot be sold without Lot F. The point that is useful for these purposes is that the combined lots are valued at $698,300, which is far greater than the summed value of the separate regulated lots (Lot F with its cabin at $373,000, according to respondents' appraiser, and Lot E as an undevelopable plot at $40,000, according to petitioners' appraiser). The value added by the lots' combination shows their complementarity and supports their treatment as one parcel.

The State Court of Appeals was correct in analyzing petitioners' property as a single unit. Petitioners allege that in doing so, the state court applied a categorical rule that all contiguous, commonly owned holdings must be combined for Takings Clause analysis. See Brief for Petitioners i ("[D]oes the 'parcel as a whole' concept ... establish a rule that two legally distinct, but commonly owned contiguous parcels, must be combined for takings analysis purposes"). This does not appear to be the case, however, for the precedent relied on by the Court of Appeals addressed multiple factors before treating contiguous properties as one parcel. See App. to Pet. for Cert. A–9–A–11, ¶¶ 17–19 (citing *Zealy v. Waukesha,* 201 Wis.2d 365, 548 N.W.2d 528); see *id.,* at 378, 548 N.W.2d, at 533 (considering the property as a whole because it was "part of a single purchase" and all 10.4 acres were undeveloped). The judgment below, furthermore, may be affirmed on any ground permitted by the law and record. See *Thigpen v. Roberts,* 468 U.S. 27, 30, 104 S.Ct. 2916, 82 L.Ed.2d 23 (1984). To the extent ***405** the state court treated the two lots as one parcel based on a bright-line rule, nothing in this opinion approves that methodology, as distinct from the result.

Considering petitioners' property as a whole, the state court was correct to conclude that petitioners cannot establish a compensable taking in these circumstances. Petitioners have not suffered a taking under *Lucas,* as they have not been deprived of all economically beneficial use of their property. See 505 U.S., at 1019, 112 S.Ct. 2886. They can use the property for residential purposes, including an enhanced, larger residential improvement. See *Palazzolo,* 533 U.S., at 631, 121 S.Ct. 2448 ("A regulation permitting a landowner to build a substantial residence ... does not leave the property 'economically idle' "). The property has not lost all economic value, as its value has decreased by less than 10 percent. See *Lucas, supra,* at 1019, n. 8, 112 S.Ct. 2886 (suggesting that even a landowner with 95 percent loss may not recover).

Petitioners furthermore have not suffered a taking under the more general test of *Penn Central*. See 438 U.S., at 124, 98 S.Ct. 2646. The expert appraisal relied upon by the state courts refutes any claim that the economic impact of the regulation is severe. Petitioners cannot claim that they reasonably expected to sell or develop their lots separately given the regulations which predated their acquisition of both lots. Finally, the governmental action was a reasonable land-use regulation, enacted as part of a coordinated federal, state, and ****1950** local effort to preserve the river and surrounding land.

* * *

Like the ultimate question whether a regulation has gone too far, the question of the proper parcel in regulatory takings cases cannot be solved by any simple test. See *Arkansas Game and Fish Comm'n v. United States,* 568 U.S. 23, 31, 133 S.Ct. 511, 184 L.Ed.2d 417 (2012). Courts must instead define the parcel in a manner that reflects reasonable expectations about the property. Courts must strive for consistency with the central purpose ***406** of the Takings Clause: to "bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Armstrong,* 364 U.S., at 49, 80 S.Ct. 1563. Treating the lot in question as a single parcel is legitimate for purposes of this takings inquiry, and this supports the conclusion that no regulatory taking occurred here.

The judgment of the Wisconsin Court of Appeals is affirmed.

It is so ordered.

Justice GORSUCH took no part in the consideration or decision of this case.

Chief Justice ROBERTS, with whom Justice THOMAS and Justice ALITO join, dissenting.

The Murr family owns two adjacent lots along the Lower St. Croix River. Under a local regulation, those two properties may not be "sold or developed as separate lots" because neither contains a sufficiently large area of buildable land. Wis. Admin. Code § NR 118.08(4)(a)(2) (2017). The Court today holds that the regulation does not effect a taking that requires just compensation. This bottom-line conclusion does not trouble me; the majority presents a fair case that the Murrs can still make good use of both lots, and that the ordinance is a commonplace tool to preserve scenic areas, such as the Lower St. Croix River, for the benefit of landowners and the public alike.

Where the majority goes astray, however, is in concluding that the definition of the "private property" at issue in a case such as this turns on an elaborate test looking not only to state and local law, but also to (1) "the physical characteristics of the land," (2) "the prospective value of the regulated land," (3) the "reasonable expectations" of the owner, and (4) "background customs and the whole of our legal tradition." *Ante,* at 1945. Our decisions have, time and again, ***407** declared that the Takings Clause protects private property rights as state law creates and defines them. By securing such *established* property rights, the Takings Clause protects individuals from being forced to bear the full weight of actions that should be borne by the public at large. The majority's new, malleable definition of "private property"—adopted solely "for purposes of th[e] takings inquiry," *ante,* at 1950—undermines that protection.

I would stick with our traditional approach: State law defines the boundaries of distinct parcels of land, and those boundaries should determine the "private property" at issue in regulatory takings cases. Whether a regulation effects a taking of that property is a separate question, one in which common ownership of adjacent property may be taken into account. Because the majority departs from these settled principles, I respectfully dissent.

I

A

The Takings Clause places a condition on the government's power to interfere with property rights, instructing that "private ****1951** property [shall not] be taken for public use, without just compensation." Textually and logically, this Clause raises three basic questions that individuals, governments, and judges must consider when anticipating or deciding whether the government will have to provide reimbursement for its actions. The first is what "private property" the government's planned course of conduct will affect. The second, whether that property has been "taken" for "public use." And if "private property" has been "taken," the last item of business is to calculate the "just compensation" the owner is due.

Step one—identifying the property interest at stake—requires looking outside the Constitution. The word "property" in the Takings Clause means "the group of rights inhering in [a] citizen's relation to [a] ... thing, as the right to ***408** possess, use and dispose of it." *United States v. General Motors Corp.,* 323 U.S. 373, 378, 65 S.Ct. 357, 89 L.Ed. 311 (1945). The Clause does not, however, provide the definition of those rights in any particular case. Instead, "property interests ... are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law." *Ruckelshaus v. Monsanto Co.,* 467 U.S. 986, 1001, 104 S.Ct. 2862, 81 L.Ed.2d 815 (1984) (alteration and internal quotation marks omitted). By protecting these established rights, the Takings Clause stands as a buffer between property owners and governments, which might naturally look to put private property to work for the public at large.

When government action interferes with property rights, the next question becomes whether that interference amounts to a "taking." "The paradigmatic taking ... is a direct government appropriation or physical invasion of private property." *Lingle v. Chevron U.S.A. Inc.,* 544 U.S. 528, 537, 125 S.Ct. 2074, 161 L.Ed.2d 876 (2005). These types of actions give rise to "*per se* taking[s]" because they are "perhaps the most serious form[s] of invasion of an owner's property interests, depriving the owner of the rights to possess, use and dispose of the property." *Horne v. Department of Agriculture,* 576 U.S. ——, ——, 135 S.Ct. 2419, 2427, 192 L.Ed.2d 388 (2015) (internal quotation marks omitted).

But not all takings are so direct: Governments can infringe private property interests for public use not only through appropriations, but through regulations as well. If compensation were required for one but not the other, "the natural tendency of human nature" would be to extend regulations "until at last private property disappears." *Pennsylvania Coal Co. v. Mahon,* 260 U.S. 393, 415, 43 S.Ct. 158, 67 L.Ed. 322 (1922). Our regulatory takings decisions, then, have recognized that, "while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." *Ibid.* This rule strikes a balance between property owners' rights and the government's authority to advance the common good. Owners can rest assured that they will be compensated for particularly ***409** onerous regulatory actions, while governments maintain the freedom to adjust the benefits and burdens of property ownership without incurring crippling costs from each alteration.

Depending, of course, on how far is "too far." We have said often enough that the answer to this question generally resists *per se* rules and rigid formulas. There are, however, a few fixed principles: The inquiry "must be conducted with respect to specific property." *Keystone Bituminous Coal Assn. v. DeBenedictis,* 480 U.S. 470, 495, 107 S.Ct. 1232, 94 L.Ed.2d 472 (1987) (internal quotation marks omitted). And if a "regulation denies all economically beneficial ****1952** or productive use of land," the interference categorically amounts to a taking. *Lucas v. South Carolina Coastal Council,* 505 U.S. 1003, 1015, 112 S.Ct. 2886, 120 L.Ed.2d 798 (1992). For the vast array of regulations that lack such an extreme effect, a flexible approach is more fitting. The factors to consider are wide ranging, and include the economic impact of the regulation, the owner's investment-backed expectations, and the character of the government action. The ultimate question is whether the government's imposition on a property has forced the owner "to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Penn Central Transp. Co. v. New York City,* 438 U.S. 104, 123, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978) (internal quotation marks omitted).

Finally, if a taking has occurred, the remaining matter is tabulating the "just compensation" to which the property owner is entitled. "[J]ust compensation normally is to be measured by the market value of the property at the time of the taking." *Horne,* 576 U.S., at ——, 135 S.Ct., at 2434 (internal quotation marks omitted).

B

Because a regulation amounts to a taking if it completely destroys a property's productive use, there is an incentive for owners to define the relevant "private property" narrowly. This incentive threatens the careful balance between property rights and government authority that our regulatory ***410** takings doctrine strikes: Put in terms of the familiar "bundle" analogy, each "strand" in the bundle of rights that comes along with owning real property is a distinct property interest. If owners could define the relevant "private property" at issue as the specific "strand" that the challenged regulation affects, they could convert nearly all regulations into *per se* takings.

And so we do not allow it. In *Penn Central Transportation Co. v. New York City,* we held that property owners may not "establish a 'taking' simply by showing that they have been denied the ability to exploit a property interest." 438 U.S., at 130, 98 S.Ct. 2646. In that case, the owner of Grand Central Terminal in New York City argued that a restriction on the owner's ability to add an office building atop the station amounted to a taking of its air rights. We rejected that narrow definition of the "property" at issue, concluding that the correct unit of analysis was the owner's "rights in the parcel as a whole." *Id.,* at 130–131, 98 S.Ct. 2646. "[W]here an owner possesses a full 'bundle' of property rights, the destruction of one strand of the bundle is not a taking, because the aggregate must be viewed in its entirety." *Andrus v. Allard,*

444 U.S. 51, 65–66, 100 S.Ct. 318, 62 L.Ed.2d 210 (1979); see *Tahoe–Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency,* 535 U.S. 302, 327, 122 S.Ct. 1465, 152 L.Ed.2d 517 (2002).

The question presented in today's case concerns the "parcel as a whole" language from *Penn Central*. This enigmatic phrase has created confusion about how to identify the relevant property in a regulatory takings case when the claimant owns more than one plot of land. Should the impact of the regulation be evaluated with respect to each individual plot, or with respect to adjacent plots grouped together as one unit? According to the majority, a court should answer this question by considering a number of facts about the land and the regulation at issue. The end result turns on whether those factors "would lead a landowner to anticipate that his holdings would be treated as one parcel, ****1953** or, instead, as separate tracts." *Ante,* at 1945.

***411** I think the answer is far more straightforward: State laws define the boundaries of distinct units of land, and those boundaries should, in all but the most exceptional circumstances, determine the parcel at issue. Even in regulatory takings cases, the first step of the Takings Clause analysis is still to identify the relevant "private property." States create property rights with respect to particular "things." And in the context of real property, those "things" are horizontally bounded plots of land. *Tahoe–Sierra,* 535 U.S., at 331, 122 S.Ct. 1465 ("An interest in real property is defined by the metes and bounds that describe its geographic dimensions"). States may define those plots differently—some using metes and bounds, others using government surveys, recorded plats, or subdivision maps. See 11 D. Thomas, Thompson on Real Property § 94.07(s) (2d ed. 2002); Powell on Real Property § 81A.05(2)(a) (M. Wolf ed. 2016). But the definition of property draws the basic line between, as P.G. Wodehouse would put it, *meum* and *tuum*. The question of who owns what is pretty important: The rules must provide a readily ascertainable definition of the land to which a particular bundle of rights attaches that does not vary depending upon the purpose at issue. See, *e.g.,* Wis. Stat. § 236.28 (2016) ("[T]he lots in [a] plat shall be described by the name of the plat and the lot and block ... for all purposes, including those of assessment, taxation, devise, descent and conveyance").

Following state property lines is also entirely consistent with *Penn Central*. Requiring consideration of the "parcel as a whole" is a response to the risk that owners will strategically pluck one strand from their bundle of property rights—such as the air rights at issue in *Penn Central*—and claim a complete taking based on that strand alone. That risk of strategic unbundling is not present when a legally distinct parcel is the basis of the regulatory takings claim. State law defines all of the interests that come along with owning a particular parcel, and both property owners and the government must take those rights as they find them.

***412** The majority envisions that relying on state law will create other opportunities for "gamesmanship" by landowners and States: The former, it contends, "might seek to alter [lot] lines in anticipation of regulation," while the latter might pass a law that "consolidates ... property" to avoid a successful takings claim. *Ante,* at 1945, 1948. But such obvious attempts to alter the legal landscape in anticipation of a lawsuit are unlikely and not particularly difficult to detect and disarm. We rejected the strategic splitting of property rights in *Penn Central*, and courts could do the same if faced with an attempt to create a takings-specific definition of "private property." Cf. *Phillips v. Washington Legal Foundation,* 524 U.S. 156, 167, 118 S.Ct. 1925, 141 L.Ed.2d 174 (1998) ("[A] State may not sidestep the Takings Clause by disavowing traditional property interests long recognized under state law").

Once the relevant property is identified, the real work begins. To decide whether the regulation at issue amounts to a "taking," courts should focus on the effect of the regulation on the "private property" at issue. Adjacent land under common ownership may be relevant to that inquiry. The owner's possession of such a nearby lot could, for instance, shed light on how the owner reasonably expected to use the parcel at issue before the regulation. If the court concludes that the government's action amounts to a taking, principles of "just compensation" may also allow the owner to recover damages "with regard to ****1954** a separate parcel" that is contiguous and used in conjunction with the parcel at issue. 4A L. Smith & M. Hansen, Nichols' Law of Eminent Domain, ch. 14B, § 14B.02 (rev. 3d ed. 2010).

In sum, the "parcel as a whole" requirement prevents a property owner from identifying a single "strand" in his bundle of property rights and claiming that interest has been taken. Allowing that strategic approach to defining "private property" would undermine the balance struck by our regulatory takings cases. Instead, state law creates distinct parcels of land and defines the rights that come along with ***413** owning those parcels. Those established bundles of rights should define the "private property" in regulatory takings cases. While ownership of contiguous properties may bear on whether a person's plot has been "taken," *Penn Central* provides no basis for disregarding state property lines when identifying the "parcel as a whole."

II

The lesson that the majority draws from *Penn Central* is that defining "the proper parcel in regulatory takings cases cannot be solved by any simple test." *Ante,* at 1950. Following through on that stand against simplicity, the majority lists a complex set of factors theoretically designed to reveal whether a hypothetical landowner might expect that his property "would be treated as one parcel, or, instead, as separate tracts." *Ante,* at 1945. Those factors, says the majority, show that Lots E and F of the Murrs' property constitute a single parcel and that the local ordinance requiring the Murrs to develop and sell those lots as a pair does not constitute a taking.

In deciding that Lots E and F are a single parcel, the majority focuses on the importance of the ordinance at issue and the extent to which the Murrs may have been especially surprised, or unduly harmed, by the application of that ordinance to their property. But these issues should be considered when deciding if a regulation constitutes a "taking." Cramming them into the definition of "private property" undermines the effectiveness of the Takings Clause as a check on the government's power to shift the cost of public life onto private individuals.

The problem begins when the majority loses track of the basic structure of claims under the Takings Clause. While it is true that we have referred to regulatory takings claims as involving "essentially ad hoc, factual inquiries," we have conducted those wide-ranging investigations when assessing "the question of what constitutes a '*taking* ' " under ***414** *Penn Central*. *Ruckelshaus,* 467 U.S., at 1004, 104 S.Ct. 2862 (emphasis added); see *Tahoe–Sierra,* 535 U.S., at 326, 122 S.Ct. 1465 ("[W]e have generally eschewed any set formula for determining *how far is too far* " (emphasis added; internal quotation marks omitted)). And even then, we reach that "ad hoc" *Penn Central* framework only after determining that the regulation did not deny all productive use of the parcel. See *Tahoe–Sierra,* 535 U.S., at 331, 122 S.Ct. 1465. Both of these inquiries presuppose that the relevant "private property" has already been identified. See *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.,* 452 U.S. 264, 295, 101 S.Ct. 2352, 69 L.Ed.2d 1 (1981) (explaining that "[t]hese 'ad hoc, factual inquiries' must be conducted with respect to specific property"). There is a simple reason why the majority does not cite a single instance in which we have made that identification by relying on anything other than state property principles—we have never done so.

In departing from state property principles, the majority authorizes governments ****1955** to do precisely what we rejected in *Penn Central* : create a litigation-specific definition of "property" designed for a claim under the Takings Clause. Whenever possible, governments in regulatory takings cases will ask courts to aggregate legally distinct properties into one "parcel," solely for purposes of resisting a particular claim. And under the majority's test, identifying the "parcel as a whole" in such cases will turn on the reasonableness of the regulation as applied to the claimant. The result is that the government's regulatory interests will come into play not once, but twice—first when identifying the relevant parcel, and again when determining whether the regulation has placed too great a public burden on that property.

Regulatory takings, however—by their very nature—pit the common good against the interests of a few. There is an inherent imbalance in that clash of interests. The widespread benefits of a regulation will often appear far weightier than the isolated losses suffered by individuals. And looking at the bigger picture, the overall societal good of an ***415** economic system grounded on private property will appear abstract when cast against a concrete regulatory problem. In the face of this imbalance, the Takings Clause "prevents the public from loading upon one individual more than his just share of the burdens of government," *Monongahela Nav. Co. v. United States,* 148 U.S. 312, 325, 13 S.Ct. 622, 37 L.Ed. 463 (1893), by considering the effect of a regulation on specific property rights as they are established at state law. But the majority's approach undermines that protection, defining property only after engaging in an ad hoc, case-specific consideration of individual and community interests. The result is that the government's goals shape the playing field before the contest over whether the challenged regulation goes "too far" even gets underway.

Suppose, for example, that a person buys two distinct plots of land—known as Lots A and B—from two different owners. Lot A is landlocked, but the neighboring Lot B shares a border with a local beach. It soon comes to light, however,

that the beach is a nesting habitat for a species of turtle. To protect this species, the state government passes a regulation preventing any development or recreation in areas abutting the beach—including Lot B. If that lot became the subject of a regulatory takings claim, the purchaser would have a strong case for a *per se* taking: Even accounting for the owner's possession of the other property, Lot B had no remaining economic value or productive use. But under the majority's approach, the government can argue that—based on all the circumstances and the nature of the regulation—Lots A and B should be considered one "parcel." If that argument succeeds, the owner's *per se* takings claim is gone, and he is left to roll the dice under the *Penn Central* balancing framework, where the court will, for a second time, throw the reasonableness of the government's regulatory action into the balance.

The majority assures that, under its test, "[d]efining the property ... should not *necessarily* preordain the outcome ***416** in *every* case." *Ante,* at 1944 (emphasis added). The underscored language cheapens the assurance. The framework laid out today provides little guidance for identifying whether "expectations about property ownership would lead a landowner to anticipate that his holdings would be treated as one parcel, or, instead, as separate tracts." *Ante,* at 1945. Instead, the majority's approach will lead to definitions of the "parcel" that have far more to do with the reasonableness of applying the challenged regulation to a particular landowner. The result is clear double counting to tip the scales in favor of the government: ****1956** Reasonable government regulation should have been anticipated by the landowner, so the relevant parcel is defined consistent with that regulation. In deciding whether there is a taking under the second step of the analysis, the regulation will seem eminently reasonable given its impact on the pre-packaged parcel. Not, as the Court assures us, "necessarily" in "every" case, but surely in most.

Moreover, given its focus on the particular challenged regulation, the majority's approach must mean that two lots might be a single "parcel" for one takings claim, but separate "parcels" for another. See *ante,* at 1945 – 1946. This is just another opportunity to gerrymander the definition of "private property" to defeat a takings claim. The majority also emphasizes that courts trying to identify the relevant parcel "must strive" to ensure that "some people alone [do not] bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Ante,* at 1950 (internal quotation marks omitted). But this refrain is the traditional touchstone for spotting a taking, not for defining private property.

Put simply, today's decision knocks the definition of "private property" loose from its foundation on stable state law rules and throws it into the maelstrom of multiple factors that come into play at the second step of the takings analysis. The result: The majority's new framework compromises the Takings Clause as a barrier between individuals and the press of the public interest.

***417** III

Staying with a state law approach to defining "private property" would make our job in this case fairly easy. The Murr siblings acquired Lot F in 1994 and Lot E a year later. Once the lots fell into common ownership, the challenged ordinance prevented them from being "sold or developed as separate lots" because neither contained a sufficiently large area of buildable land. Wis. Admin. Code § NR 118.08(4)(a)(2). The Murrs argued that the ordinance amounted to a taking of Lot E, but the State of Wisconsin and St. Croix County proposed that both lots together should count as the relevant "parcel."

The trial court sided with the State and County, and the Wisconsin Court of Appeals affirmed. Rather than considering whether Lots E and F are separate parcels under Wisconsin law, however, the Court of Appeals adopted a takings-specific approach to defining the relevant parcel. See 2015 WI App 13, 359 Wis.2d 675, 859 N.W.2d 628 (unpublished opinion), App. to Pet. for Cert. A–9, ¶ 17 (framing the issue as "whether contiguous property is analytically divisible for purposes of a regulatory takings claim"). Relying on what it called a "well-established rule" for "regulatory takings cases," the court explained "that contiguous property under common ownership is considered as a whole regardless of the number of parcels contained therein." *Id.,* at A–11, ¶ 20. And because Lots E and F were side by side and owned by the Murrs, the case was straightforward: The two lots were one "parcel" for the regulatory takings analysis. The court therefore evaluated the effect of the ordinance on the two lots considered together.

As I see it, the Wisconsin Court of Appeals was wrong to apply a takings-specific definition of the property at issue. Instead, the court should have asked whether, under general state law principles, Lots E and F are legally distinct parcels

of land. I would therefore vacate the judgment below and remand for the court to identify the relevant property using ordinary principles of Wisconsin property law.

****1957** ***418** After making that state law determination, the next step would be to determine whether the challenged ordinance amounts to a "taking." If Lot E is a legally distinct parcel under state law, the Court of Appeals would have to perform the takings analysis anew, but could still consider many of the issues the majority finds important. The majority, for instance, notes that under the ordinance the Murrs can use Lot E as "recreational space," as the "location of any improvements," and as a valuable addition to Lot F. *Ante,* at 1948. These facts could be relevant to whether the "regulation denies all economically beneficial or productive use" of Lot E. *Lucas,* 505 U.S., at 1015, 112 S.Ct. 2886. Similarly, the majority touts the benefits of the ordinance and observes that the Murrs had little use for Lot E independent of Lot F and could have predicted that Lot E would be regulated. *Ante,* at 1948 – 1949. These facts speak to "the economic impact of the regulation," interference with "investment-backed expectations," and the "character of the governmental action"—all things we traditionally consider in the *Penn Central* analysis. 438 U.S., at 124, 98 S.Ct. 2646.

I would be careful, however, to confine these considerations to the question whether the regulation constitutes a taking. As Alexander Hamilton explained, "the security of Property" is one of the "great object[s] of government." 1 Records of the Federal Convention of 1787, p. 302 (M. Farrand ed. 1911). The Takings Clause was adopted to ensure such security by protecting property rights as they exist under state law. Deciding whether a regulation has gone so far as to constitute a "taking" of one of those property rights is, properly enough, a fact-intensive task that relies "as much on the exercise of judgment as on the application of logic." *MacDonald, Sommer & Frates v. Yolo County,* 477 U.S. 340, 349, 106 S.Ct. 2561, 91 L.Ed.2d 285 (1986) (alterations and internal quotation marks omitted). But basing the definition of "property" on a judgment call, too, allows the government's interests to warp the private rights that the Takings Clause is supposed to secure.

I respectfully dissent.

Justice THOMAS, dissenting.

***419** I join THE CHIEF JUSTICE's dissent because it correctly applies this Court's regulatory takings precedents, which no party has asked us to reconsider. The Court, however, has never purported to ground those precedents in the Constitution as it was originally understood. In *Pennsylvania Coal Co. v. Mahon,* 260 U.S. 393, 415, 43 S.Ct. 158, 67 L.Ed. 322 (1922), the Court announced a "general rule" that "if regulation goes too far it will be recognized as a taking." But we have since observed that, prior to *Mahon,* "it was generally thought that the Takings Clause reached only a 'direct appropriation' of property, *Legal Tender Cases,* 12 Wall. 457, 551, 20 L.Ed. 287 (1871), or the functional equivalent of a 'practical ouster of [the owner's] possession,' *Transportation Co. v. Chicago,* 99 U.S. 635, 642, 25 L.Ed. 336 (1879)." *Lucas v. South Carolina Coastal Council,* 505 U.S. 1003, 1014, 112 S.Ct. 2886, 120 L.Ed.2d 798 (1992). In my view, it would be desirable for us to take a fresh look at our regulatory takings jurisprudence, to see whether it can be grounded in the original public meaning of the Takings Clause of the Fifth Amendment or the Privileges or Immunities Clause of the Fourteenth Amendment. See generally Rappaport, Originalism and Regulatory Takings: Why the Fifth Amendment May Not Protect Against Regulatory Takings, but the Fourteenth Amendment May, 45 San Diego L. Rev. 729 (2008) (describing ****1958** the debate among scholars over those questions).

All Citations

582 U.S. 383, 137 S.Ct. 1933, 198 L.Ed.2d 497, 84 ERC 1713, 85 USLW 4441, 17 Cal. Daily Op. Serv. 5975, 2017 Daily Journal D.A.R. 6029, 26 Fla. L. Weekly Fed. S 717

Footnotes

* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.,* 200 U.S. 321, 337, 26 S.Ct. 282, 50 L.Ed. 499.

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862 F.3d 433
United States Court of Appeals, Fourth Circuit.

Kevin QUINN; Queen Anne's Research and Development Corporation, Plaintiffs–Appellants,
v.
The BOARD OF COUNTY COMMISSIONERS FOR QUEEN ANNE'S COUNTY, MARYLAND; Queen Anne's County Sanitary Commission; Ph.D Robert M. Summers; Maryland Department of the Environment, Defendants–Appellees.

No. 16-1890
|
Argued: May 9, 2017
|
Decided: July 7, 2017

Synopsis
Background: Landowner brought § 1983 action against county and Maryland Department of Environment, alleging due process and equal protection violations, and violation of just compensation clause under Fifth Amendment and the Maryland Constitution, arising from comprehensive plan to extend sewer service on island. The United States District Court for the District of Maryland, No. 1:14-cv-03529-GLR, George L. Russell, III, J., 124 F.Supp.3d 586, dismissed claim against State and entered summary judgment for county. Landowner appealed.

Holdings: The Court of Appeals, Wilkinson, Circuit Judge, held that:

[1] county's comprehensive plan and grandfather/merger provision did not constitute taking;

[2] provision did not constitute per se regulatory taking;

[3] provision's harm did not rise to level of regulatory taking under *Penn Central* test;

[4] plan did not violate landowner's substantive due process rights; and

[5] plan did not violate landowner's right to equal protection.

Affirmed.

West Headnotes (18)

[1] **Eminent Domain** Particular cases
Eminent Domain Drains and sewers
County's comprehensive plan to extend sewer service on island and its grandfather/merger provision, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not go too far in interfering with property and, thus, did not constitute taking in violation of Fifth Amendment and Maryland Constitution; landowner made speculative investment in land that had no sewer service, and provision was "classic way" for local governments to accomplish important goal of preserving open space while still allowing orderly development. U.S.C.A. Const.Amend. 5; West's Ann.Md. Const.Declaration of Rights, Art. 24.

1 Case that cites this headnote

[2] **Eminent Domain** What Constitutes a Taking; Police and Other Powers Distinguished
Eminent Domain Necessity of making compensation in general
The Fifth Amendment's Takings Clause requires compensation for direct government appropriation or physical invasion of private property, and for regulation that goes too far in restricting the use of private property. U.S. Const. Amend. 5.

1 Case that cites this headnote

[3] **Eminent Domain** Zoning, Planning, or Land Use; Building Codes
Eminent Domain Necessity of making compensation in general
The Fifth Amendment's Takings Clause does not create an affirmative obligation on local governments to enhance the value of real property, or require compensation for all land-use regulations that destroyed or adversely affected recognized real property interests. U.S. Const. Amend. 5.

4 Cases that cite this headnote

[4] **Eminent Domain** What Constitutes a Taking; Police and Other Powers Distinguished
The Fifth Amendment's Takings Clause protects private property, it does not create it; thus, the analysis in a takings case necessarily begins with determining whether the government's action actually interfered with a landowner's antecedent bundle of rights. U.S. Const. Amend. 5.

3 Cases that cite this headnote

[5] **Eminent Domain** Property and Rights Subject of Compensation
In takings case, a property owner's antecedent "bundle" of property rights are determined by reference to existing rules or understandings that stem from an independent source such as state law; the owner must show more than a mere hope or expectation of rights, but rather, must have a legitimate claim of entitlement. U.S. Const. Amend. 5.

2 Cases that cite this headnote

[6] **Constitutional Law** Water, sewer, and irrigation
Maryland law does not create a property right in the access to a sewer system.

1 Case that cites this headnote

[7] **Eminent Domain** Particular cases
Eminent Domain Drains and sewers
County's grandfather/merger provision, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not deprive him of all economically beneficial use of his land so as to constitute per se regulatory taking; provision resembled standard zoning tools such as minimum lot sizes, setback requirements or restrictions on subdividing lots that local governments used to temper density of development, any "undevelopable and valueless" lots were so because they could not accommodate a septic system, not because of any government action, and lots that would receive sewer service were still developable, albeit less densely than owner had hoped. U.S. Const. Amend. 5.

2 Cases that cite this headnote

[8] **Eminent Domain** What Constitutes a Taking; Police and Other Powers Distinguished
As with cases finding a per se regulatory taking, the inquiry as to whether government action constitutes a regulatory taking under *Penn Central* aims to identify regulatory actions that are functionally equivalent to the classic taking in which government directly appropriates private property or ousts the owner from his domain. U.S. Const. Amend. 5.

2 Cases that cite this headnote

[9] **Eminent Domain** Particular cases
Eminent Domain Drains and sewers
County's grandfather/merger provision, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not cause landowner economic harm that rose to level of regulatory taking under *Penn Central* test; it was lack of sewer service, not provision, which rendered much of land valueless, and economic harm to lots that were scheduled to receive sewer service was not severe, as landowner could still build homes on his land. U.S. Const. Amend. 5.

[10] **Eminent Domain** What Constitutes a Taking; Police and Other Powers Distinguished

A regulation is not a taking merely because it prohibits the most beneficial use of the property. U.S. Const. Amend. 5.

6 Cases that cite this headnote

[11] **Eminent Domain** Particular cases

Eminent Domain Drains and sewers

County's grandfather/merger provision, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not interfere with landowner's reasonable investment-backed expectations in land so as to rise to level of regulatory taking under *Penn Central* test; even assuming landowner reasonably assumed he could develop lots individually when he bought them, he knew any development would require septic systems that most of land would not support and to which he was not entitled to receive. U.S. Const. Amend. 5.

3 Cases that cite this headnote

[12] **Eminent Domain** Particular cases

Eminent Domain Drains and sewers

Character of county's grandfather/merger provision, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not constitute regulatory taking under *Penn Central* test; provision was reasonable land-use regulation, enacted as part of coordinated state and local effort to preserve surrounding land, and was an effort to facilitate extension of sewer service while mitigating potential for ensuing overdevelopment. U.S. Const. Amend. 5.

1 Case that cites this headnote

[13] **Constitutional Law** Substantive Due Process in General

To succeed on a substantive due process claim, plaintiff must show: (1) he had property or a property interest; (2) the state deprived him of this property or property interest; and (3) the state's action falls so far beyond the outer limits of legitimate governmental action that no process could cure the deficiency. U.S. Const. Amend. 14.

16 Cases that cite this headnote

[14] **Constitutional Law** Zoning and Land Use

A government's zoning action is illegitimate, and in violation of substantive due process, only if the alleged purpose behind the state action has no conceivable rational relationship to the exercise of the state's traditional police power through zoning. U.S. Const. Amend. 14.

4 Cases that cite this headnote

[15] **Constitutional Law** Particular issues and applications

Constitutional Law Water, sewer, and irrigation

Counties Control and regulation of public property, buildings, and places

Zoning and Planning Comprehensive or general plan, validity

County's comprehensive plan to extend sewer service on island and its grandfather/merger ordinance, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not violate landowner's substantive due process rights, as landowner was not entitled to receive sewer service; landowner purchased property knowing it lacked sewer service. U.S. Const. Amend. 14.

[16] **Constitutional Law** Particular issues and applications

Constitutional Law Water, sewer, and irrigation

Counties Control and regulation of public property, buildings, and places

Zoning and Planning Comprehensive or general plan, validity

County's grandfather/merger provision, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not violate landowner's substantive due process rights, absent showing that provision bore no rational relationship to exercise of traditional police power through zoning; provision was, in fact, legitimate government action, as it applied generally to all lots in area, was consistent with county's longstanding desire to limit development on undersized lots, and was part of comprehensive plan to address serious public health and environmental problems arising from failing septic systems, obtain state funding for sewer extension, and limit subsequent potential for over-development. U.S. Const. Amend. 14.

1 Case that cites this headnote

[17] **Constitutional Law** Equal protection

Constitutional Law Discrimination and Classification

Constitutional Law Similarly situated persons; like circumstances

Constitutional Law Statutes and other written regulations and rules

The Fourteenth Amendment's Equal Protection Clause keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike; government action, though, will inevitably differentiate in some fashion between people, so outside of certain suspect groups like race or national origin, the general rule is that legislation is presumed to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state interest. U.S. Const. Amend. 14.

5 Cases that cite this headnote

[18] **Constitutional Law** Zoning and Land Use

Constitutional Law Sewer, water, and drains

Counties Control and regulation of public property, buildings, and places

Zoning and Planning Comprehensive or general plan, validity

County's comprehensive plan to extend sewer service on island and its grandfather/merger ordinance, which required merger of landowner's undeveloped lots and excluded his property from public sewer service area, did not violate landowner's right to equal protection by disproportionately affecting his property, as county had rational basis for difference in treatment; county would provide sewer service to streets with homes with failing septic systems and, in order to comply with state statute, all vacant lots on those streets as well, and would not provide sewer service to streets with vacant lots in order to obtain state funding and lower cost of sewer extension, and to alleviate threat of overdevelopment brought about by earlier sewer expansion. U.S. Const. Amend. 14.

***436** Appeal from the United States District Court for the District of Maryland, at Baltimore. George L. Russell, III, District Judge. (1:14-cv-03529-GLR)

Attorneys and Law Firms

ARGUED: David G. Sommer, GALLAGHER EVELIUS & JONES LLP, Baltimore, Maryland, for Appellants. Kurt James Fischer, VENABLE LLP, Baltimore, Maryland; Nancy W. Young, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland for Appellees. ON BRIEF: Anatoly Smolkin, GALLAGHER EVELIUS & JONES LLP, Baltimore, Maryland, for Appellants. Amor Neill Thupari, VENABLE LLP, Baltimore, Maryland, for Appellees Board of County Commissioners for Queen Anne's County, Maryland and Queen Anne's County Sanitary Commission. Brian E. Frosh, Attorney General, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees Maryland Department of the Environment and Robert M. Summers, Ph.D.

Before WILKINSON, TRAXLER, and AGEE, Circuit Judges.

Opinion

Affirmed by published opinion. Judge Wilkinson wrote the opinion, in which Judge Traxler and Judge Agee joined.

WILKINSON, Circuit Judge:

Kevin Quinn, a landowner, challenges a comprehensive plan to extend sewer service ***437** to South Kent Island and a so-called Grandfather/Merger Provision designed to

limit overdevelopment of the area. He asks us to protect a speculative land investment by finding a regulatory taking as well as violations of his due process and equal protection rights. Doing so, however, would invalidate a standard zoning tool whose legitimacy was recently upheld by the Supreme Court. It would also revolutionize zoning law and "frustrate municipalities' ability" to undertake basic land use planning. *Murr v. Wisconsin*, No. 15-214, slip op. at 16, —— U.S. ——, ——, 136 S.Ct. 890, 193 L.Ed.2d 783 (U.S. June 23, 2017). We thus affirm the district court's dismissal of Quinn's claims.

I.

Quinn and his company Queen Anne's Research own undeveloped land on South Kent Island, a community in Queen Anne's County, Maryland. Beginning in the 1950s, land speculators purchased thousands of small lots on the island. Between 1984 and 2002, Quinn bought over 200 of these undeveloped lots on South Kent Island. Quinn built homes on some of the lots and hoped to develop the rest.

His development plans were delayed because his lots could not accommodate septic systems. South Kent Island had no sewer service, so every home required the construction of a septic system. Unfortunately, the soil on the island was not well-suited to septic systems, especially those built on small lots. Shortly after Quinn began buying land, the requirements for a septic system were tightened, forcing him, as he described in an affidavit, "to wait on his development plans until sewer was available on South Kent Island." J.A. 280.

County requirements also limited the construction of new septic systems, and thus the development of the small lots. The existing septic systems on South Kent Island, however, deteriorated. Many of the septic systems are now considered failing—in two developments, a full eighty percent are. As the district court noted, "[f]ailed septic systems discharge untreated or undertreated sewage onto the surface or into groundwater polluting the ground and surface waters and increasing the risk of disease caused by human contact with bacteria and viruses in human fecal matter." *Quinn v. Bd. of Cty. Comm'rs*, 124 F.Supp.3d 586, 590 (D. Md. 2015).

Queen Anne's County created—and Quinn is now challenging—a plan to address these problems by extending sewer service to homes with failing septic systems while at the same time limiting any resulting new development. In the course of creating the plan, the County found itself whipsawed by many competing considerations and regulatory requirements. The County recognized that many lots were vacant because they could not support a septic system, but it feared also that a new sewer system might lead to excessive development. In addition, the County needed State funding for any sewer extension, but because South Kent Island was not in a "Priority Funding Area," the State of Maryland would not provide funding for a sewer extension that would serve new development. However, the County could not just exclude all vacant lots from sewer service because of a Maryland statute that requires providing a sewer connection to all properties that abut a sewer line, including undeveloped lots.

In order to satisfy all these various constraints, the County planned to extend sewer service to all streets with failing septic systems. Both developed and undeveloped lots on those streets would receive sewer service. In an effort to limit further development, there would be no sewer lines constructed on streets with only vacant ***438** lots. The vacant lots on those streets would be excluded from service because none would abut a sewer line. The plan also prevents future connections outside the initial service area.

In order to control excessive new development threatened by the sewer extension, the County enacted in 2014 a Grandfather/Merger Provision. Under this provision, the County would not grant a building permit for a lot smaller than the minimum size under the zoning regulations unless that lot was merged with any contiguous lots under common ownership. Many of the initial lots recorded on South Kent Island did not meet the minimum size, and a developer who owned a group of those lots would have to merge them into fewer, larger lots to obtain a building permit. If a developer, though, owned an isolated undersized lot, he would still be able to obtain a building permit. As noted by the Supreme Court in *Murr*, Grandfather/Merger Provisions are "a common means of balancing the legitimate goals of regulation with the reasonable expectations of landowners" by limiting building on lots that do not meet the current minimum lot size while ensuring that all property owners can still build on their land. *Murr*, slip op. at 16, —— U.S. at ——, 136 S.Ct. 890.

Taken together, the sewer extension and the Grandfather/Merger Provision would provide sewer service to the failing septic systems on South Kent Island and 632 vacant lots, many of which could not have been developed without sewer

service. The plan would also exclude hundreds of vacant lots, leaving them undevelopable. The impact on Quinn mirrored the impact on the entire island. He had several vacant lots that would receive sewer service and, subject to being merged with contiguous lots, will now be developable. However, Quinn also owned a large tract of nearly two hundred vacant lots that would not receive sewer service, meaning that he will continue to be unable to build on this land.

Quinn filed this action against Queen Anne's County and the Maryland Department of Environment challenging the sewer extension and the Grandfather/Merger Provision. He argued that the County had effected a regulatory taking, requiring compensation under the Fifth Amendment, and had violated his due process and equal protection rights. He also argued that the State had violated his due process rights by approving the sewer extension plan. The State filed a motion to dismiss, and the County filed a motion to dismiss or, in the alternative, for summary judgment, incorporating an affidavit from a county official describing the County's land-use plan. The district court dismissed Quinn's claim against the State and granted the County summary judgment. *Quinn*, 124 F.Supp.3d at 600. Quinn filed a motion to amend the judgment, requesting additional discovery into the County's motivations. The district court denied the motion because Quinn's requested discovery would not create any issues of fact material to his claims. Quinn now appeals.

II.

[1] **[2]** **[3]** Quinn first contends that the County took his property without compensation in violation of the Fifth Amendment by failing to provide sewer service to all of his land and by enacting the Grandfather/Merger Provision. The Takings Clause of the Fifth Amendment requires compensation for "direct government appropriation or physical invasion of private property," *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 537, 125 S.Ct. 2074, 161 L.Ed.2d 876 (2005), and for, as Justice Holmes put it, "regulation [that] goes too far" in restricting the use of private property. ***439** *Pa. Coal Co. v. Mahon*, 260 U.S. 393, 415, 43 S.Ct. 158, 67 L.Ed. 322 (1922). It does not, however, create an affirmative obligation on local governments "to enhance the value of real property," *Front Royal & Warren Cty. Indus. Park Corp. v. Town of Front Royal*, 135 F.3d 275, 286 (4th Cir. 1998), or require compensation for all "land-use regulations that destroyed or adversely affected recognized real property interests." *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 125, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978). Here, Quinn made a speculative investment in land that had no sewer service, and the Grandfather/Merger Provision he attacks is a "classic way" for local governments to accomplish the important goal of "preserv[ing] open space while still allowing orderly development." *Murr*, slip op. at 16, —— U.S. at ——, 136 S.Ct. 890. He has failed to show that either the extension of sewer service or the Grandfather/Merger Provision goes too far in interfering with his property so as to require compensation.[1]

A.

[4] **[5]** Quinn's Takings Clause claim based on his lack of sewer service fails because he never had a property interest in obtaining that service. "The Takings Clause protects private property; it does not create it." *Washlefske v. Winston*, 234 F.3d 179, 183 (4th Cir. 2000). Thus, "[t]he analysis in a takings case necessarily begins with determining whether the government's action actually interfered with the landowner's antecedent bundle of rights." *Sunrise Corp. of Myrtle Beach v. City of Myrtle Beach*, 420 F.3d 322, 330 (4th Cir. 2005). The property rights contained in this bundle are "determined by reference to 'existing rules or understandings that stem from an independent source such as state law.' " *Phillips v. Wash. Legal Found.*, 524 U.S. 156, 164, 118 S.Ct. 1925, 141 L.Ed.2d 174 (1998) (quoting *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 577, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972)). The property owner must show more than a mere hope or expectation; "[h]e must, instead, have a legitimate claim of entitlement." *Roth*, 408 U.S. at 577, 92 S.Ct. 2701.

We have rejected a Takings Clause claim based on a municipality's failure to extend sewer service because the plaintiff, which bought the land without access to public sewer service, failed to show a sufficient property interest in that service. *Front Royal*, 135 F.3d at 287. In that case, a Virginia Annexation Court ordered a town to provide the plaintiff with sewer service, but the town put off doing so until after years of litigation. The town's unreasonable delay in providing sewer service was not a taking, though, because when the plaintiff bought the land, "it had no legitimate expectation that that land came with the public provision of sewer service." *Id.*

[6] Quinn is in a similar position here. He cannot point to anything in the land records that would suggest he has a right to obtain sewer service; he bought the land knowing

that development would depend on septic systems. Likewise, Maryland law ***440** does not create a property right in the access to a sewer system. *Neifert v. Dep't of Envir.*, 395 Md. 486, 910 A.2d 1100, 1122 (2006). Quinn may hope for sewer service or even need it to make his investment profitable, but like the property owner in *Front Royal*, Quinn's desire for sewer service "is nothing but an inchoate interest in the conferral of a benefit to enhance market value." *Front Royal*, 135 F.3d at 286. The County's failure to confer that benefit is not a compensable taking.

Quinn attempts to manufacture a property right to sewer service through a Maryland statute which requires that when a local sanitary commission constructs a sewer line, it must provide a connection to "each parcel that abuts" that sewer line. Md. Code Ann., Envir. § 9-661(a)(1). Quinn argues that he owns property that abuts a sewer line but that will not be connected. First off, Quinn's interpretation of the statute appears incorrect. The sewer line to which Quinn refers is a so-called "interceptor line," which transports sewage from areas receiving sewer service to the treatment facility but is not designed to connect to individual properties. In responding to a question from Queen Anne's County, the Maryland Attorney General concluded that § 9-661(a)(1) does not require providing connection to "interceptor lines." 90 Md. Op. Att'y Gen. 60 (2005).

But even if the Maryland Attorney General's interpretation of the law were somehow incorrect, a local government's failure to provide sewer service in violation of state law does not create a Takings Clause claim. In fact, it would put Quinn in the same position as the plaintiff in *Front Royal*, where the town missed a state court deadline to provide sewer service by nearly ten years. Perhaps, if Quinn's interpretation of the law is correct, he could get a state court to order the County to provide him with sewer connections. But like the plaintiff in *Front Royal*, he bought his land without any sewer service, and that is exactly where his land stands today.

By excluding many of Quinn's lots from sewer service, the County here does not "prohibit the realization of investment-backed expectations, but merely refuses to enhance the value of real property." *Front Royal*, 135 F.3d at 285–86. Viewed another way, Quinn cannot develop some of his lots because the land will not accommodate septic systems, not because the County will extend sewer service to other lots on South Kent Island—including some of Quinn's property. As we have recognized, finding a compensable taking in such a situation "would open an incredible Pandora's Box." *Id.* at 286. The Takings Clause simply does not create an affirmative obligation for local governments to make good on speculative private investments or to increase property owners' land value. The real constraints of costs, congestion, public health and environmental hazards, and a host of other local concerns mean that local governments may extend services to some properties but not to others. This is a trade-off inherent in local politics. It does not deprive the owners who do not receive the services of their property, so it does not give rise to a Takings Clause claim.

B.

Quinn's Takings Clause claim based on the Grandfather/Merger Provision fails as well. The provision is a standard zoning tool, is designed "for a specific and legitimate purpose", *Murr*, slip op. at 17, —— U.S. at ——, 136 S.Ct. 890, and does "not unacceptably interfere with [Quinn]'s existing property interests under the regulatory takings framework." *Henry v. Jefferson Cty. Comm'n*, 637 F.3d 269, 276 (4th Cir. 2011).

[7] Quinn first contends that the Grandfather/Merger Provision deprives ***441** him of all valuable use of his land and is thus a *per se* regulatory taking under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 112 S.Ct. 2886, 120 L.Ed.2d 798 (1992). In *Lucas*, the Supreme Court held that a *per se* taking occurs "where regulation denies all economically beneficial or productive use of land." *Id.* at 1015, 112 S.Ct. 2886. The Court reasoned that such regulations "carry with them a heightened risk that private property is being pressed into some form of public service under the guise of mitigating serious public harm." *Id.* at 1018, 112 S.Ct. 2886. For example, in *Lucas*, the regulation at issue prevented the owner of beachfront property from making any use of his land in order to preserve the coastline. The state could have achieved the same outcome by buying the land and creating a nature preserve, which would have obviously required compensation. *See id.* at 1019, 112 S.Ct. 2886.

Here, for starters, the regulation is of a very different form than the regulation in *Lucas*. The Grandfather/Merger Provision does not resemble a regulation that is pressing Quinn's land "into some form of public service." *Id.* at 1018, 112 S.Ct. 2886. Instead, it resembles standard zoning tools—such as minimum lot sizes, setback requirements, or restrictions on subdividing lots—that local governments use

all the time to temper the density of development. *See Murr*, slip op. at 15–16, —— U.S. at —— – ——, 136 S.Ct. 890. Not only are local governments concerned about congestion on roads, overcrowding in schools, overuse of sewer systems, and exhaustion of other public services, they must consider the costs of overdevelopment on the environment and on the fundamental character of the community. Managing the density of development—even if it disappoints a particular developer—is thus a crucial goal of land use planning.

Quinn argues that, even if the Grandfather/Merger Provision is a common zoning tool, it deprives his property of all economically beneficial use and is a *per se* taking under *Lucas*. His complaint alleges that each of his lots was worth between $30,000 and $50,000 before the enactment of the Grandfather/Merger Provision and that he has now been "deprived of all reasonable uses of" his land. J.A. 22. An affidavit he filed later, though, clarifies that it is the lack of sewer service, not the Grandfather/Merger Provision, that leaves his "property—whether merged or unmerged—undevelopable and valueless." J.A. 285. These lots are "undevelopable and valueless" because they cannot accommodate a septic system, not because of any government action.

Quinn does not provide evidence of the effect of the Grandfather/Merger Provision on his lots that will receive sewer service, but he has at least twelve lots—subject to merger into four lots—that will. Quinn cannot point to any reason these lots cannot be developed, and it is clear that the Grandfather/Merger Provision does not deprive these lots of all economically beneficial use. The multifactor standard established by the Supreme Court's decision in *Murr* suggests that the lots subject to merger should be viewed as a collective. In that case, the Supreme Court held that the Murr siblings' two adjacent lots, which were subject to a merger provision, "should be evaluated as a single parcel" for purposes of regulatory taking analysis. *Murr*, slip op. at 17, —— U.S. at ——, 136 S.Ct. 890. As in *Murr*, the merged lots here are contiguous, and no physical or topographical barriers have been identified that would limit joint development. *See id.*, slip op. at 18, —— U.S. at ——, 136 S.Ct. 890. Further, in some respects, the collective nature of the merged lots is clearer here than in *Murr*: unlike in that case, each of Quinn's lots was purchased as a ***442** speculative investment, rather than for personal use, and each lot remains undeveloped. *See id.* at 3–4, —— U.S. at —— – ——, 136 S.Ct. 890. Viewed as a collective, the lots are still developable, albeit less densely than Quinn had hoped. Even if viewed individually, however, each of the twelve lots retains value for assemblage into the four lots on which Quinn can now build. Because the Grandfather/Merger Provision does not deprive Quinn of all economically beneficial use of his land, it is not a *per se* taking under *Lucas*.

C.

[8] In the alternative, Quinn contends that the Grandfather/Merger Provision is a taking under the three-factor *Penn Central* test. The Court in *Penn Central* recognized that many regulatory takings challenges involve "essentially ad hoc, factual inquiries," but identified three significant factors: the economic harm of the regulation, "the extent to which the regulation has interfered with distinct investment-backed expectations," and "the character of the governmental action." *Penn Cent.*, 438 U.S. at 124, 98 S.Ct. 2646. As with cases finding a *per se* taking, the inquiry "aims to identify regulatory actions that are functionally equivalent to the classic taking in which government directly appropriates private property or ousts the owner from his domain." *Lingle*, 544 U.S. at 539, 125 S.Ct. 2074. Quinn's challenge to the Grandfather/Merger Provision fails to satisfy any of the three factors.

[9] **[10]** The Grandfather/Merger Provision does not cause economic harm that rises to the level of a constitutional violation. As noted above, Quinn has claimed that it is the lack of sewer service that renders much of his land valueless, so the Grandfather/Merger Provision could not, by Quinn's own admission, have affected the economic value of those lots. As to his lots that were scheduled to receive sewer service, Quinn argues that they cannot be developed separately and that some rights tied to the individual lots, such as beach access, are extinguished because there are fewer lots after the merger. He does not, however, present evidence of the actual change in value of these lots. Nonetheless, it is clear that the economic harm from the Grandfather/Merger Provision is not severe. As in *Murr*, slip op. at 18–19, —— U.S. at —— – ——, 136 S.Ct. 890, Quinn can still build homes on his land; the Provision only requires that the development be less dense than he had hoped. A regulation is not a taking merely because it "prohibit[s] the most beneficial use of the property," *Penn Cent.*, 438 U.S. at 125, 98 S.Ct. 2646, and the Supreme Court has upheld regulations causing diminutions in value far greater than any diminution here. *Hadacheck v. Sebastian*, 239 U.S. 394, 405, 409–10, 36 S.Ct. 143, 60 L.Ed. 348 (1915).

[11] Next, the Grandfather/Merger Provision does not interfere with Quinn's reasonable investment-backed expectations because his investment in the land was highly speculative. Quinn claims that he bought the lots expecting to develop them individually. Even assuming this was a reasonable investment-backed expectation when he started buying the land, Quinn knew any development would require septic systems, and it was soon clear that his land would not support septic systems. As he acknowledged, he had "to wait on his development plans until sewer was available on South Kent Island." J.A. 280. Any hope of developing the land thus depended on receiving sewer service—a speculative proposition and one to which, as discussed above, Quinn had no entitlement. These types of speculative hopes—dependent on receiving a government service to which the plaintiff has no entitlement—are not the reasonable investment-backed expectations ***443** relevant to the *Penn Central* analysis. *See Henry*, 637 F.3d at 277.

[12] Finally, the character of the Grandfather/Merger Provision does not suggest a taking. Interference with property is less likely to be considered a taking when it "arises from some public program adjusting the benefits and burdens of economic life to promote the common good." *Penn Cent.*, 438 U.S. at 124, 98 S.Ct. 2646. Regulations that control development based "on density and other traditional zoning concerns" are the paradigm of this type of public program. *Henry*, 637 F.3d at 277. The Grandfather/Merger Provision at issue here, like the one in *Murr*, is "a reasonable land-use regulation, enacted as part of a coordinated [ ] state[ ] and local effort to preserve the ... surrounding land." *Murr*, slip op. at 20, —— U.S. at ——, 136 S.Ct. 890. Local governments need to be able to control the density of development to prevent the overburdening of public services, environmental damage, and other harms. In the context of this case, specifically, the Grandfather/Merger Provision is an effort to facilitate the extension of sewer service while mitigating the potential for ensuing overdevelopment.

The Grandfather/Merger Provision is not a *per se* taking under *Lucas* or a taking under the *Penn Central* standard. It is, rather, a standard zoning provision designed to manage the density of development, a crucial part of local land use planning. To find a taking here would revolutionize zoning law and severely constrict local governments' ability to direct democratically the very nature and character of the community.

III.

[13] **[14]** Quinn next contends that the district court erred in dismissing his due process claims against the County and against the Maryland Department of the Environment. He argues that both the sewer extension and the Grandfather/Merger Provision violate his substantive due process rights. To succeed on this claim, he must show "(1) that [he] had property or a property interest; (2) that the state deprived [him] of this property or property interest; and (3) that the state's action falls so far beyond the outer limits of legitimate governmental action that *no process* could cure the deficiency." *Sylvia Dev. Corp. v. Calvert Cty.*, 48 F.3d 810, 827 (4th Cir. 1995) (emphasis in original). This is a high bar, and an action is illegitimate "only if the alleged purpose behind the state action has no conceivable rational relationship to the exercise of the state's traditional police power through zoning." *Id.* The "significant hurdles" for substantive due process claims in this area reflect "our oft-repeated 'extreme[ ] reluctan[ce] to upset the delicate political balance at play in local land-use disputes.' " *Henry*, 637 F.3d at 278 (quoting *Shooting Point, L.L.C. v. Cumming*, 368 F.3d 379, 385 (4th Cir. 2004)) (alterations in original).

[15] Quinn's substantive due process challenge to the sewer extension fails because, as discussed above, Quinn never had an entitlement to receive sewer service. He bought his land knowing it lacked sewer service, and Maryland law does not recognize a property interest in access to sewer service. *Neifert*, 910 A.2d at 1122. Quinn had nothing "more than a unilateral expectation," *Roth*, 408 U.S. at 577, 92 S.Ct. 2701, of his lots being included in any sewer extension, and a unilateral expectation which did not pan out is insufficient to support a substantive due process claim.

[16] His substantive due process challenge to the Grandfather/Merger Provision fails because of his complete "inability to show that the [provision] bore no rational relationship to the exercise of the state's ***444** traditional police power through zoning." *Sylvia Dev. Corp.*, 48 F.3d at 828. The Grandfather/Merger Provision is patently a legitimate government action. None of the factors that suggest illegitimacy are present: Quinn does not point to any procedural irregularity; the Grandfather/Merger Provision applies generally to all lots in the area; and it is consistent with the County's longstanding desire to limit development on undersized lots. The evidence is overwhelming that the Grandfather/Merger Provision here is

part of a comprehensive plan to address the serious public health and environmental problems arising from failing septic systems, obtain state funding for the sewer extension, and limit the subsequent potential for over-development. These are legitimate government goals, and the Grandfather/Merger Provision is clearly related to them. There is no substantive due process violation.

IV.

[17] Finally, Quinn argues that the district court erred in granting the County's motion for summary judgment on his claim that the sewer extension and the Grandfather/Merger Provision violate his right to equal protection of the law by disproportionately affecting his property. The Equal Protection Clause of the Fourteenth Amendment "keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike." *Nordlinger v. Hahn*, 505 U.S. 1, 10, 112 S.Ct. 2326, 120 L.Ed.2d 1 (1992). Government action, though, will inevitably "differentiate in some fashion between" people, *id.*, so outside of certain suspect groups like race or national origin, "[t]he general rule is that legislation is presumed to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state interest." *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440, 105 S.Ct. 3249, 87 L.Ed.2d 313 (1985). Thus Quinn must show that he "has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564, 120 S.Ct. 1073, 145 L.Ed.2d 1060 (2000) (per curiam). He has failed to do so.

[18] Here, the County plainly has a "rational basis for the difference in treatment." *Id.* The County will provide sewer service to streets with homes with failing septic systems and, in order to comply with a state statute, all vacant lots on those streets as well. The County will not provide sewer service to streets with only vacant lots for two reasons: one, in order to obtain state funding for and lower the cost of the aforementioned sewer extension; and two, to alleviate the threat of overdevelopment brought about by the earlier sewer expansion. Moreover, the County enacted the Grandfather/Merger Provision to limit development on sub-sized lots. Any difference in treatment Quinn suffered was thus "rationally related to a legitimate state interest," *City of Cleburne*, 473 U.S. at 440, 105 S.Ct. 3249, and is not a violation of his equal protection rights.[2]

***445** V.

Quinn made a speculative investment in land that needed sewer service to be developed. He now asks us to force the County and State to assure him profitability. But finding a property interest in receiving sewer service or requiring compensation for the standard zoning tool of the Grandfather/Merger Provision would be a severe blow to communities' ability to manage growth in a constructive manner. Not putting in sewer connections can cause human waste to back up in failing septic systems; putting in new sewer connections, especially on vacant lots, can provide an impetus for excessive growth. Local governments require flexibility to expand services like sewer in response to community needs; those governments also must be able to control the density of development in order to prevent overcrowding in schools, clogging of streets, overload on sewer facilities, degradation of the environment, and a host of other concerns. As recognized in *Murr*, adding a highly dubious constitutional overlay to the already complex mixture of legal requirements risks making land use planning a well-nigh impossible undertaking. *See Murr*, slip op. at 8–9, —— U.S. at —— – ——, 136 S.Ct. 890. Quinn's equal protection and due process claims are likewise without merit. The judgment of the district court is affirmed in all respects.

AFFIRMED

All Citations

862 F.3d 433

Footnotes

1 The County argues that Quinn's takings claim is not ripe under *Williamson County Regional Planning Commission v. Hamilton Bank*, 473 U.S. 172, 105 S.Ct. 3108, 87 L.Ed.2d 126 (1985), because Quinn failed to pursue compensation in state court. *Williamson County*, however, is a prudential standard, and "we may determine that in some instances, the rule should not apply and we still have the power to decide the case." *Sansotta v. Town of Nags Head*, 724 F.3d 533,

545 (4th Cir. 2013). The district court elected to decide the merits of Quinn's takings claim, and we find that our doing the same here is in the interests of fairness and judicial economy.

2 Quinn submitted a Rule 56(d) affidavit attached to his Opposition to the County's Motion for entry of judgment. However, he fails to establish how additional discovery would shake the legal foundations of the trial court's ruling. He seeks, for example, to discover the “reasons” and “motivations” and “other forces” behind the water and sewer plan and the Grandfather/Merger Provision. None of Quinn's vague speculation, however, brings into material dispute the fact that, as explained above, Quinn had no entitlement to sewer service, that the Grandfather/Merger Provision rested on recognized zoning and land use concerns and did not deprive Quinn of the economically beneficial use of his property, and did not evince the kind of arbitrariness that would give rise to any sort of due process or equal protection claim. It is clear, therefore, that the district court did not abuse its discretion in denying Quinn's discovery request.

End of Document

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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

August 2, 2023

NOTICE OF DELIBERATION

IN THE MATTER OF: Mark Krebs and Jane Drozinski
(Estate of Betty A. Krebs)
22-152-SPHA 16809 Ridge Road
5th Election District; 3rd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to approve a non-conforming lot which was created on July 6, 1961; or in the alternative

Petition for Variance pursuant to BCZR §1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

9/1/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; and the Petition for Variance was DENIED.

This matter having been heard and concluded on August 1, 2023, a public deliberation has been

ASSIGNED FOR: SEPTEMBER 27, 2023, AT 9:00 A.M.

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

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

NOTE: Closing briefs are due on **September 15, 2023 no later than 3:00 p.m.**
(Electronic copy emailed to: appealsboard@baltimorecountymd.gov)

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 deliberation.

Krysundra Cannington
Legal Administrative Secretary

c.	Counsel for Petitioner/Appellant	: Lawrence E. Schmidt, Esquire
	Petitioner/Appellant	: Mark C. Krebs and Jane Drozinski
	Contract Purchaser	: Radoslay Tsaney
	Protestant	: Maggie Flick
	People's Counsel for Baltimore County	: Carole S. Demilio, Deputy

Bruce Doak, Bruce Doak Consulting, LLC

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

CBA
offered & admitted

PETITIONER'S EXHIBITS

CASE NUMBER: 2022-0152-SPHA
Legal Owners: Mark Krebs and Jane Drozinski

1. Armacost Conveyances
2. Sketch reflecting creation of lots (Exhibit 6 from ALJ)
3. Lot Creation Notes (Exhibit 7 from ALJ)
4. Plan of Subject Lot
5. Armacost Acquisition Deed Conveying Lot (10/21/1954) (2577/484)
6. 16805 Ridge Road
    a. SDAT
    b. Deed Conveying Lot (1956)
    c. Current Deed (25740/234)

7. Subject Property
    a. SDAT
    b. Deed Conveying Lot (2/28/1973) (5343/028)

8. 16811 Ridge Road
    a. SDAT
    b. Deed Conveying Armacost to Martin 3810/453 - 2/6/1961
    c. Deed dated 7/6/1961) Martin to Heiss (3864/482)
    d. Current Deed (15121.13)

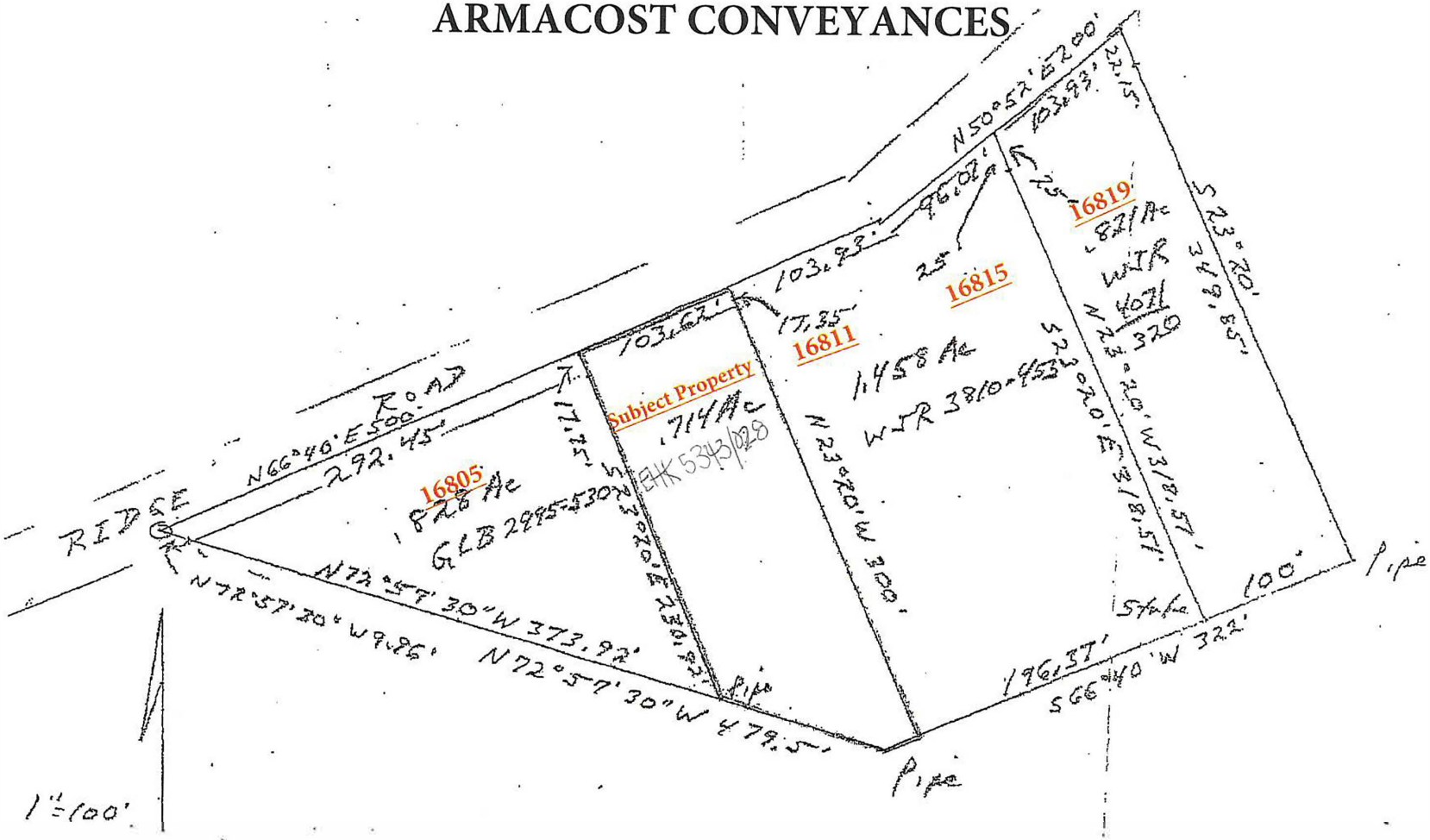
9. 16815 Ridge Road
    a. SDAT
    b. Deed Conveying Lot (10/23/1962) Martin to Gist (4062/243)
    c. Current Deed (42335/1)

10. 16819 Ridge Road
    a. SDAT
    b. Deed Conveying (11/5/1962) Armacost to Martin
    c. Current Deed (11717/605)

11. Zoning Maps
    a. 1955 5th District Map
    b. 1971 RDP Zoning Map
    c. 1976 RC2 Zoning Map
    d. Current RC2 Zoning Map

12. Aerials
    a. Close
    b. Mid
    c. Far
13. Site Photos (A-J)
14. ZAC
15. Elevation Drawings
16. Building Permit and Application
17. Tax record from 1957

ARMACOST CONVEYANCES



Plat of 3.829 Acres
in
GLB 2577-488

Petitioner's Exhibit 1

SKETCH REFLECTING CREATION OF LOTS

Petitioner's
Exhibit 2

4/29/22

Tsahen Project

Review of Deeds

Prior Deed 2577/484

Saving & Excepting from 5343/28

1) 2995/530 8/9/56 0.828 Ac. #16805 Ridge Rd

2) 3810/453 - 2/6/61 1.458 Ac < #16811 Ridge Rd
#16815 Ridge Rd

3) 4071/320 11/5/62 0.821 Ac #16819 Ridge Rd

#16805 45740/234

#16811 15121/13

#16815 42335/1

#16819 11717/605

Petitioner's
Exhibit 3

SITE INFORMATION

1. Ownership: Wallace C. Krebs & Betty Ann Krebs
2. Address: 16809 Ridge Road
3. Deed references: SM 5343/28
   The subject lot was created on July 6, 1961 per the recordation of 3864/482 (#16811 Ridge Road)
4. Area: 0.675 acre (computed) / 0.714 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 20 / 81 / 05-01-074654
6. Election District: 5 Councilmanic District: 3
   ADC Map: 4232E7 GIS tile: 020B3 Position sheet: 105NW33
   Census tract: 405000 Census block: 240054050002014
   Schools: Fifth District ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 020B3 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject lot.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the street or road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The proposed dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

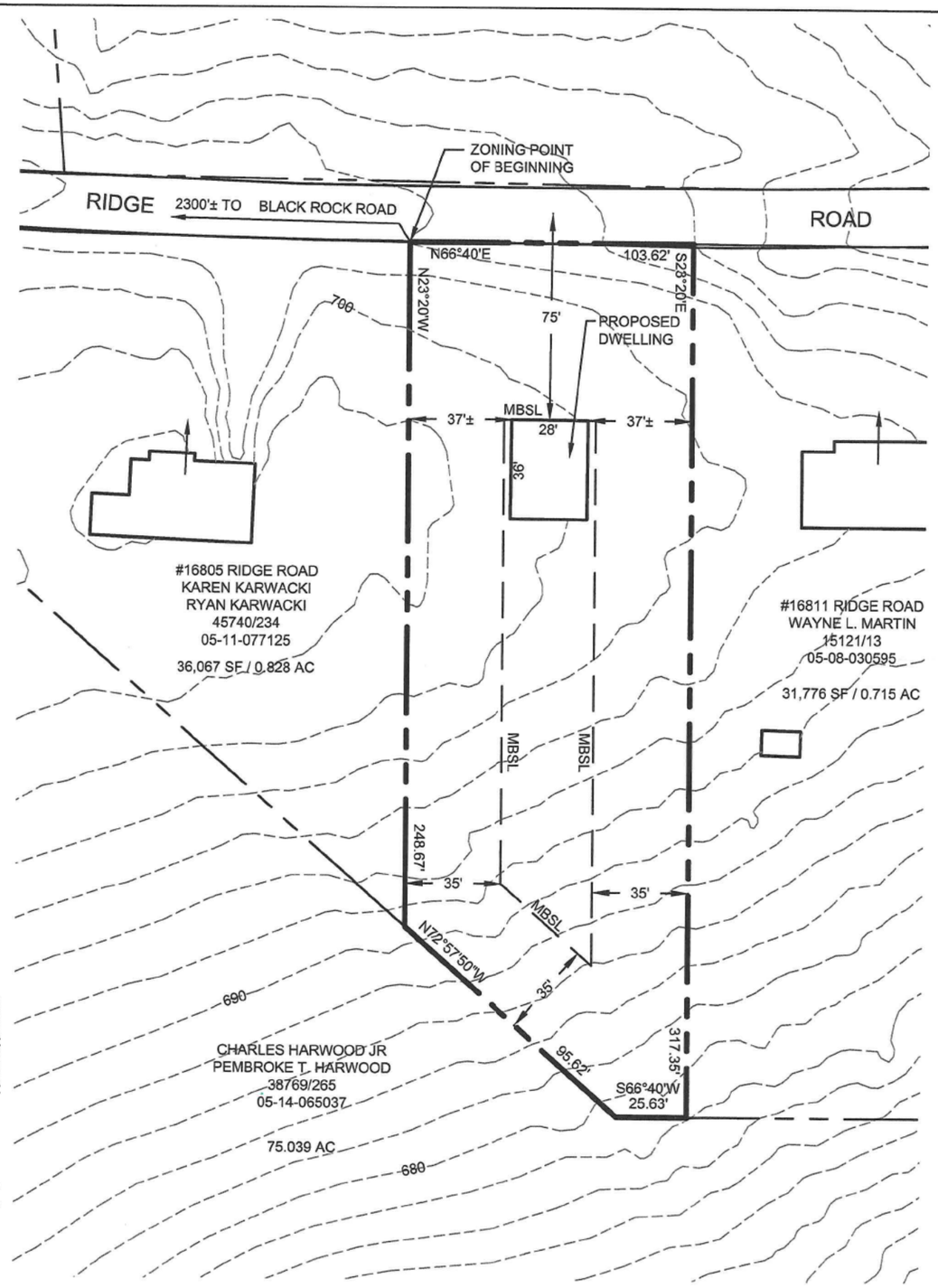
Regional Planning District: Prettyboy District Code: 302

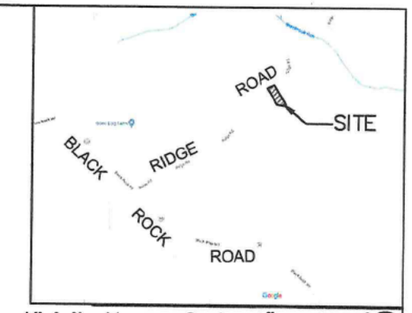
1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject lot

PROPOSED DWELLING





Vicinity Map – Scale: 1" = 2000'

0' 50' 100'

REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A ZONING PETITION

FOR

#16809 RIDGE ROAD

BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 6/20/22
Scale: 1"=50'

Petitioner's Exhibit 4

DEL PER TICKET JAN 19 1956

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 2577, p. 0484, MSA_CE62_2432. Date available 11/03/2005. Printed 07/16/2023.

THIS DEED, Made this 21st day of October, in the year one thousand nine hundred and fifty-four, by and between ELDRIDGE L. ARMACOST, NORA LEE ARMACOST, his wife, RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part, and RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars and other good and valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said ELDRIDGE L. ARMACOST, NORA LEE ARMACOST, his wife, RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, do grant and convey unto the said RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of the present roadbed of Ridge Road at the end of the South 66 degrees West 1534-5/10 foot line as described in a deed from Edgar F. Benson and wife to Raymond F. Armacost and wife dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583 folio 537 etc.; running thence along the Southeast side of that roadbed as now surveyed by magnetic bearings of 1954, North 66 degrees 40 minutes East 500 feet to a nail approximately 9 feet Southeast of the center line of said road and North 50 degrees 52 minutes East 200 feet to a stake 21 feet from the center line of the present roadbed; thence by a line of division as now surveyed, South 23 degrees 20 minutes

Petitioner's Exhibit 5

East 22-15/100 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East 349-85/100 feet to a pipe; thence by another line of division as now surveyed and parallel with the first line of the lot herein being described, South 66 degrees 40 minutes West 322 feet to a pipe and to intersect the South 73 degrees 20 minutes East 1711-8/10 foot line of the above mentioned deed; running thence binding on that deed reversely as now surveyed with due allowance for the magnetic declination to follow the same and along land formerly belonging to Blanche Tracey and now belonging to the North Charleston Lands Corporation, North 72 degrees 57 minutes 30 seconds West 479-5/10 feet to a pipe on the Southeast side of Ridge Road; thence continuing the same course, North 72 degrees 57 minutes 30 seconds West 9-96/100 feet to the place of beginning. Containing 3-829/1000 acres of land, more or less, according to a survey made by H. S. Morfoot & Associates, Engineer and Surveyor, on June 10, 1954.

BEING a portion of that property which by deed of even date herewith and recorded or intended to be recorded immediately prior hereto among the Land Records of Baltimore County, was granted and conveyed by Raymond F. Armacost and Rachel R. Armacost, his wife, unto Eldridge L. Armacost, Nora Lee Armacost, his wife, Raymond F. Armacost, Jr. and Ellen K. Armacost, his wife. Being also a portion of that property which by deed dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583 folio 537, was granted and conveyed by Edgar F. Benson and Edna G. Benson, his wife, unto Raymond F. Armacost and Rachel R. Armacost, his wife; and being also a small portion of that property which by deed dated February 25, 1927, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 643 folio 173, was granted and conveyed by Joseph F. Armacost and Della A. Armacost, his wife, unto Raymond F.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 2577, p. 0485, MSA_CE62_2432. Date available 11/03/2005. Printed 07/16/2023.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 2577, p. 0486, MSA_CE62_2432. Date available 11/03/2005. Printed 07/16/2023.

Armacost and Rachel R. Armacost, his wife.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD said lot 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 RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, 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 granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

TEST:

Eldridge L. Armacost (SEAL)
Eldridge L. Armacost

Nora Lee Armacost (SEAL)
Nora Lee Armacost

Lillian G. Daniels
Lillian G. Daniels

Raymond F. Armacost, Jr. (SEAL)
Raymond F. Armacost, Jr.

Ellen K. Armacost (SEAL)
Ellen K. Armacost

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st- - day of October, 1954, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared ELDRIDGE L. ARMACOST, NORA LEE ARMACOST, his wife, RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, the within grantors, and they acknowledged the foregoing deed to be their act.

AS WITNESS my hand and notarial seal.

Lillian G. Daniels
Lillian G. Daniels
NOTARY PUBLIC

LILLIAN G. DANIELS NOTARY PUBLIC BALTIMORE COUNTY, MD.

Rec'd for record Oct. 22-1954, at 12 "P. M.
Per George L. Byerly, Clerk.

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0511077125

Owner Information

Owner Name:	KARWACKI KAREN KARWACKI RYAN	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	16805 RIDGE RD UPPERCO MD 21155-9461	**Deed Reference:**	/45740/ 00234

Location & Structure Information

Premises Address:	16805 RIDGE RD UPPERCO 21155-9461	**Legal Description:**	.828 AC SS RIDGE RD 1950 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0080	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1956	1,185 SF	300 SF	36,067 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	Phase-in Assessments As of 07/01/2023
Land:	80,000	93,000		
Improvements	165,200	218,900		
Total:	245,200	311,900	245,200	267,433
Preferential Land:	0	0		

Transfer Information

Seller: KREBS WALLACE C	**Date:** 11/03/2021	**Price:** $325,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /45740/ 00234	**Deed2:**
Seller: ARMACOST RAYMOND F	**Date:** 08/21/1956	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /02995/ 00530	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Petitioner's Exhibit 6A

REVISED

304.1

LIBER 2995 PAGE 530

THIS DEED, Made this 9th- -day of August, in the year one thousand nine hundred and fifty-six, by and between RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part, and WALLACE C. KREBS and BETTY ANN KREBS, his wife, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars and other good and valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, do grant and convey unto the said WALLACE C. KREBS and BETTY ANN KREBS, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of the present road bed of Ridge Road at the beginning point described in a deed from Eldridge L. Armacost et al, to Raymond F. Armacost and wife dated October 21, 1954, recorded among the Land Records of Baltimore County in Liber O.L.R. No. 2577 folio 438 etc.; running thence binding on that deed as now surveyed by magnetic bearings of 1954 as given in said deed and running in Ridge Road, North 66 degrees 40 minutes East 292-45/100 feet to a nail; thence by a line of division as now surveyed, South 23 degrees 20 minutes East 17-75/100 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East 230-92/100 feet to a pipe and to intersect the North 72 degrees 57 minutes 30 seconds West 479-5/10 foot line of the above mentioned deed; running thence binding on that deed as now surveyed, North 72 degrees 57 minutes 30 seconds West 373-92/100 feet to an old boundary pipe at the end of said line; thence continuing the same course, North 72 degrees 57 minutes 30

P. 80

Petitioner's Exhibit 6B

seconds West 9-96/100 feet to the place of beginning; containing 828/1000 of an acre of land, more or less, as surveyed July 11, 1956, by H. S. Morfoot & Associates, State Registered Engineer & Surveyor.

BEING a portion of that property which by deed dated October 21, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577 folio 484, was granted and conveyed by Eldridge L. Armacost et al. unto Raymond F. Armacost and Rachel R. Armacost, his wife.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD said lot 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 WALLACE C. KREBS and BETTY ANN KREBS, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, 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 granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

TEST:

Lillian G. Daniels

Raymond F. Armacost (SEAL)
Raymond F. Armacost

Rachel R. Armacost (SEAL)
Rachel R. Armacost

LIBER 2905 PAGE 532

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 9th- -day of August, 1956, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, the within grantors, and they acknowledged the foregoing deed to be their act.

AS WITNESS my hand and notarial seal.

Lillian G. Daniels
NOTARY PUBLIC

No title examination was conducted for the purpose of this conveyance.

Jenifer and Jenifer

Rec'd for Record AUG 21 1956 at 2:46
For George L. Byerly, Clerk
Mailed to Jenifer & Jenifer

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0234, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

PAID RECEIPT

DATE	TIME
11/03/2021	07:53:59
TAX ID: 0511077125	
CO. TR TAX	$4,545.00
RECORDATION TAX	$1,625.00
CR	Baltimore County, Maryland

BOOK: 45740 PAGE: 234

Baltimore County Cir Crt
IMP FD SURE $40.00
RECORDING FEE $20.00
TR TAX STATE $1,625.00
TOTAL $1,685.00
JLE SK
Nov 03, 2021 09:24 am

Case No.: 3-43777-21
Title Insurer: First American Title Insurance Company
Tax Account No.: 05-0511077125

UNIVERSAL TITLE
2105 LAUREL BUSH RD, STE 201
BEL AIR, MARYLAND 21015

THIS DEED

THIS DEED, made this 10th day of September, 2021, by and between **Mark Krebs and Jane Drozinski, Personal Representatives of The Estate of Betty Ann Krebs**, party of the first part, Grantor and **Karen Karwacki and Ryan Karwacki**, parties of the second part, Grantees

WITNESSETH, that for and in consideration of the sum of **THREE HUNDRED TWENTY-FIVE THOUSAND AND 00/100 ($325,000.00),** receipt of which is hereby acknowledged, and which the party of the first part certifies under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party of the first part does grant and convey unto the parties of the second part, their successors, heirs and/or assigns as **joint tenants with right of survivorship in fee simple**, all that property situate in **Baltimore County**, State of Maryland, as described as follows:

> BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of thepresent road bed of Ridge Road at the beginning point described in a deed from Eldridge L. Armacost et al. toRaymond F. Armacost and wife dated October 21, 1954, recorded among the Land Records of Baltimore Countyin Liber G.L.B. No. 2577 folio 484 etc.; running thence binding on that deed as now surveyed by magneticbearings of 1954 as given in said deed and running in Ridge Road, North 66 degrees 40 minutes East 292-45/100feet to a nail; thence by a line of division as now surveyed, South 23 degrees 20 minutes East 17-75/100 feet to apipe; thence continuing the same course, South 23 degrees 20 minutes East 230-92/100 feet to a pipe and tointersect the North 72 degrees 57 minutes 30 seconds West 479-5/10 foot line of the above mentioned deed;running thence binding on that deed as now surveyed, North 72 degrees 57 minutes 30 seconds West 373-92/100feet to an old boundary pipe at the end of said line; thence continuing the same course, North 72 degrees 57minutes 30 seconds West 9-96/100 feet to the place of beginning; containing 828/1000 of an acre of land, more orless, as surveyed July 11, 1956, by H. S. Morfoot & Associates, State Registered Engineer & Surveyor.
>
> **FOR INFORMATIONAL PURPOSES ONLY: The improvements thereon being known as 16805 Ridge Road**

Being the same property which by deed dated August 9, 1956, and recorded among the Land Records of Baltimore County, Maryland on August 21, 1956, in Liber 2995, in Folio 530, was granted and conveyed by Raymond F. Armacost and Rachel R. Armacost, his wife unto

Petitioner's Exhibit 6C

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0235, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

Wallace C. Krebs and Betty Ann Krebs. The said Wallace C. Krebs having departed this life on or about May 21, 1984. The said Betty Ann Krebs having departed this life on or about May 4, 2021. An estate was opened in Baltimore County, Estate No. 213433, to administer her assets, wherein Mark C. Krebs and Jane R. Drozinski were appointed to serve as Personal Representatives.

SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only and benefit forever of said parties of the second part in **fee simple**.

AND said party of the first part does hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as it may be requisite or necessary.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0236, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

WITNESS their/his/her hand and seal on the day and year first hereinbefore written.

Signed, sealed and delivered in the presence of,

The Estate of Betty Ann Krebs

By: Mark C. Krebs, Per Rep
Mark Krebs, Personal Representative

By: Jane Drozinski, Per Rep.
Jane Drozinski, Personal Representative

STATE OF MARYLAND
COUNTY OF BALTIMORE, to wit:

I hereby certify that on the 7th day of September, 2021, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared **Mark Krebs and Jane Drozinski, Personal Representatives of The Estate of Betty Ann Krebs,** known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and made oath in due form of law that the matters and facts set forth herein are true.

As witness, my hand and notarial seal.

MATTHEW PATRICK MEIGHAN
My Commission Expires
NOTARY PUBLIC
02-16-2025
BALTIMORE CITY, MD

Signature of Notary Public

My Commission Expires:

After recording return to:
Universal Title
2105 Laurel Bush Road Suite 201
Bel Air MD 21015
(703) 354-2100

GRANTEE ADDRESS:
12 Overshot Court
Phoenix, MD 21131

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0237, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

ATTORNEY CERTIFICATION

I certify that this instrument was prepared under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

Lesley A. Morrissey, Esquire

Maryland FORM **WH-AR**

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

2021

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 Mark Krebs and Jane Drozinski, Personal Representatives of the Estate of Betty Ann Krebs

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

16805 Ridge Road, Upperco, MD 21155

3. Reasons for Exemption

Resident Status

- [x] 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

Mark Krebs, Personal Representative of the Estate of Betty Ann Krebs

Name

9/7/21
**Date

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.

21-49

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0238, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

Maryland FORM WH-AR

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

2021

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 Mark Krebs and Jane Drozinski, Personal Representatives of the Estate of Betty Ann Krebs

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

16805 Ridge Road, Upperco, MD 21155

3. Reasons for Exemption

Resident Status

- [x] 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

Jane Drozinski, Personal Representative of the Estate of Betty Ann Krebs

Name **Date

Jane Drozinski 9/7/21

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.

21-49

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0239, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0240, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

OWNER OCCUPANCY AFFIDAVIT

Karen Karwacki and Ryan Karwacki the Grantees in the within Deed hereby certify under the penalties of perjury, as evidenced by the joiner herein, that the land conveyed in this Deed is residentially improved owner-occupied real property and that the purchasers intend to occupy the residence for at least seven (7) of the next twelve (12) months.

Karen Karwacki

Ryan Karwacki

STATE OF MARYLAND
COUNTY OF BALTIMORE, to wit:

Sworn to and subscribed before me by Karen Karwacki and Ryan Karwacki on this 10th day of September, 2021.

_____(SEAL)
Signature of Notary Public

My Commission Expires: 9/30/2024

BRAD MARTIN
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES 9/30/2024

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.)

☑ 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	Owner Occupied

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 325,000.00
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	$ 60.00	$
Surcharge	$	$
State Recordation Tax	$ 1,625.00	$
State Transfer Tax	$ 1,625.00	$
County Transfer Tax	$ 4,545.00	$
Other	$	$
Other	$	$

Agent: Real Property

Ta 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
	05-0511077125	2995 530			☐ (5)

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

Location/Address of Property Being Conveyed (2)

16805 Ridge Road, Upperco, MD 21155

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)
resentatives of Mark Krebs and Jane Drozinski, Personal Re	
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)
Karen Karwacki and Ryan Karwacki	

New Owner's (Grantee) Mailing Address

16805 Ridge Road, Upperco, MD 21155

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: Heather Filerino

Firm Universal Title, Baltimore

Address: 2105 Laurel Bush Road, Suite 201

Bel Air, MD 21015 Phone: (443) 356-4096

☑ 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 ☐ 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			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 45740, p. 0241, MSA_CE62_45597. Date available 11/05/2021. Printed 07/17/2023.

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0501074654

Owner Information

Owner Name:	KREBS WALLACE C KREBS BETTY ANN	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	16805 RIDGE RD UPPERCO MD 21155-9461	**Deed Reference:**	/05343/ 00028

Location & Structure Information

Premises Address:	RIDGE RD 0-0000	**Legal Description:**	0.714 AC SS RIDGE RD 2250 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0081	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			31,101 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	68,700	81,700		
Improvements	0	0		
Total:	68,700	81,700	68,700	73,033
Preferential Land:	0	0		

Transfer Information

Seller: ARMACOST RAYMOND F	**Date:** 03/14/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05343/ 00028	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Petitioner's Exhibit 7A

LAW OFFICES
HOFFMAN & HOFFMAN
23 COURT STREET
WESTMINSTER, MARYLAND 21157

RALPH G. HOFFMAN
R. NEAL HOFFMAN
CHARLES M. PRESTON

AREA CODE 301
848-4444
BALTIMORE LINE
876-2266

April 3, 1973

Mr. and Mrs. Wallace C. Krebs
Ridge Road
Upperco, Maryland 21155

Dear Mr. and Mrs. Krebs:

I am enclosing deed from Rachel R. Armacost, widow, to both of you for all that lot or parcel of land situate on the Southeast side of Ridge Road, in the Fifth Election District of Baltimore County, Maryland, containing 0.714 of an acre of land, more or less.

This deed has been recorded among the Land Records of Baltimore County in Liber No. 5343, folio 028 &c.

Very truly yours,

HOFFMAN & HOFFMAN

Ralph G. Hoffman

Ralph G. Hoffman

jbl

encls. (1)

Petitioner's
Exhibit 7B

THIS DEED, made this 28th day of February, in the year nineteen hundred and seventy-three, by RACHEL R. ARMACOST, widow, of Baltimore County, in the State of Maryland.

WITNESSETH that for and in consideration of the sum of One Dollar ($1.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said RACHEL R. ARMACOST, widow, does hereby grant and convey unto WALLACE C. KREBS and BETTY ANN KREBS, his wife, of Baltimore County, Maryland, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple, all that lot or parcel of land situate on the Southeast side of Ridge Road, in the Fifth Election District of Baltimore County, Maryland, more particularly described as follows:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of the present roadbed of Ridge Road at the end of the South 66 degrees West, 1534-5/10 foot line as described in a deed from Edgar F. Benson and wife to Raymond F. Armacost and wife dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583, folio 537 &c., and running thence along the Southeast side of that roadbed as now surveyed by magnetic bearings of 1954, North 66 degrees 40 minutes East, 500 feet to a nail approximately 9 feet Southeast of the center line of said road and North 50 degrees 52 minutes East, 200 feet to a stake 21 feet from the center line of the present roadbed; thence by a line of division as now surveyed, South 23 degrees 20 minutes East, 22-15/100 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East, 349-85/100 feet to a pipe; thence by another line of division as now surveyed and parallel with the first line of the lot herein being described, South 66 degrees 40 minutes West, 322 feet to a pipe and to intersect the South 73 degrees 20 minutes East, 1711-8/10 foot line

TRANSFER TAX NOT REQUIRED
3-14-73
Walter R. Richardson
Director of Finance
Per Marvel J. Meeson
Authorized Signature
Rec'd Ben C

No Title Examination

deed is 0.714 of an acre of land, more or less.

TOGETHER with the buildings and improvements thereon, and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto WALLACE C. KREBS and BETTY ANN KREBS, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple.

AND the said grantor hereby covenants that she will warrant specially the property hereby conveyed and that she will execute such other and further assurances of the same as may be requisite.

AS witness the hand and seal of the grantor herein.

NO CONSIDERATION
No Title Examination

Witness: Charles M. Preston — RACHEL R. ARMACOST, widow (SEAL)

STATE OF MARYLAND, CARROLL COUNTY, to wit:

I hereby certify that on this 28th day of February, 1973, before me, the subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared RACHEL R. ARMACOST, widow, grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

Witness my hand and Notarial Seal.

Notary Public

Jean B. LeGore

Rec'd for record MAR 14 1973 at 2 01
For Elmer H. Kahline, Jr., Clerk
Mail to Hoffman & Hoffman
Receipt No. 10.50

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0508030595

Owner Information

Owner Name:	MARTIN WAYNE L	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	17946 FORESTON RD PARKTON MD 21120-9659	**Deed Reference:**	/15121/ 00013

Location & Structure Information

Premises Address:	16811 RIDGE RD 0-0000	**Legal Description:**	LT SES RIDGE RD 16811 RIDGE RD 2400 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0164	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1960	1,102 SF		31,776 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full	1 Carport	

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	Phase-in Assessments As of 07/01/2023
Land:	78,900	91,900		
Improvements	155,300	198,700		
Total:	234,200	290,600	234,200	253,000
Preferential Land:	0	0		

Transfer Information

Seller: HEISS-MOSES JUNE R	**Date:** 04/13/2001	**Price:** $120,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /15121/ 00013	**Deed2:**
Seller: MILLER JOYCE A	**Date:** 06/12/2000	**Price:** $37,601
Type: NON-ARMS LENGTH OTHER	**Deed1:** /14520/ 00082	**Deed2:**
Seller: HEISS MILFORD F	**Date:** 09/26/1996	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11819/ 00276	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Petitioner's
Exhibit 8A

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 3810, p. 0453, MSA_CE62_3665. Date available 12/13/2005. Printed 07/14/2023.

LIBER 3810 PAGE 453

REAL ESTATE TITLE CO.
Keyser Building
Baltimore, Md.
LE xington 9-3212

TITLES INSURED by Lawyers Title Insurance Corporation Richmond, Virginia

App. No. 53905

FEE SIMPLE DEED

This Deed, Made this 6th day of February in the year one thousand nine hundred and sixty-one by and between RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part; and SILAS P. MARTIN and MARY M. MARTIN, his wife, of Baltimore County, State of Maryland, parties of the second part.

PAID — Baltimore County, Md. — Office of Finance

2-14-61 2952 • •8712 PPF— 15.00
2-14-61 2952 • •8712 PPF— 15.00

WITNESSETH that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part - - -

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the land 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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns in fee-simple.

AND the said parties of the first part - - -

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 3864, p. 0482, MSA_CE62_3719. Date available 12/13/2005. Printed 07/17/2023.

FEE-SIMPLE DEED — CODE — City or County LIBER 3864 PAGE 482 PAID — Baltimore County

State Stamps 33,

7-12-61 9791 • 14097 PPG— 150.00
7-12-61 9791 • 14097 PPG— 150.00

This Deed, Made this 6th day of July

in the year one thousand nine hundred and sixty-one, by and between

Silas P. Martin and Mary M. Martin, his wife

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

Milford F. Heiss and Evelyn R. Heiss, his wife

of the second part.

Witnesseth, that in consideration of the sum of Five ($5.00) dollars and other valuable considerations,

the said Silas P. Martin and Mary M. Martin, his wife

do grant and convey unto the said Milford F. Heiss and Evelyn R. Heiss, his wife as tenants by the entireties their assigns the survivor of them, his or her

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Fifth Election District of Baltimore County, aforesaid, and described as follows, that is to say:—

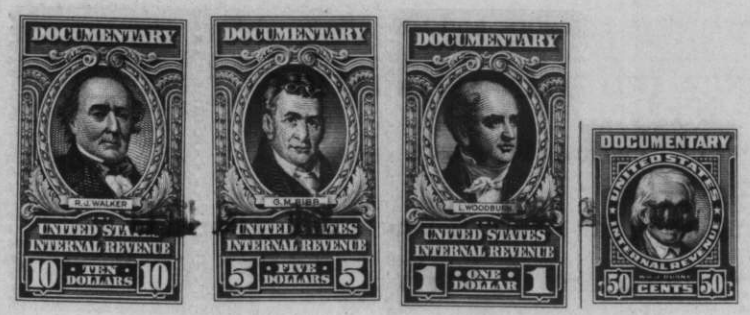
Beginning for the for the same at a nail approximately 8 feet southeast of the center line of the present road-bed of Ridge Road at the beginning point of that parcel of land described in a deed from Raymond F. Armacost and wife to Silas P. Martin and wife, dated February 6, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3810, folio 453 etc.; thence binding on that deed and running in Ridge Road as now surveyed by magnetic bearings as given in said deed, north 66 degrees 40 minutes east 98.18 feet; thence leaving that road by a line of division south 23 degrees 20 minutes east 17.75 feet to a stake; thence continuing the same course, south 23 degrees 20 minutes east 299.60 feet to a stake and to intersect the south 66 degrees 40 minutes west 196.37 foot line of the above mentioned deed; running thence binding on that deed the three following lines as now surveyed; south 66 degrees 40 minutes west 98.18 feet to a stake, north 23 degrees 20 minutes west 300.00 feet to a pipe; thence continuing the same course north 23 degrees 20 minutes west 17.35 feet to the place of beginning. containing seven hundred fifteen one thousandths of an acre (0.715) of land more or less.

BEING part of the land described in a deed dated February 6, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. 3810, folio 453, which was granted and conveyed by Raymond F. Armacost and wife unto the herein grantors.

Petitioner's Exhibit 8C

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot 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 Milford F. Heiss and Evelyn R. Heiss, his wife as tenants by the entireties their assigns the survivor of them, his or her heirs 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 granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors

TEST:

Minnie M. Gary
Minnie M. Gary

Silas P. Martin (SEAL)
Silas P. Martin

Mary M. Martin (SEAL)
Mary M. Martin

STATE OF MARYLAND, CITY OF BALTIMORE **, to wit:**

I HEREBY CERTIFY, That on this 6th day of July in the year one thousand nine hundred and sixty-one, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Silas P. Martin and Mary M. Martin, his wife

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

Minnie M. Gary
Minnie M. Gary Notary Public.

Rec'd for record JUL 12 1961 at 2 40 P M
Per [illegible] J. Rasmussen, Clerk.
Mail to August A. Denhard
Receipt No. 178280 $6-

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 3864, p. 0483. MSA_CE62_3719. Date available 12/13/2005. Printed 07/17/2023.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15121, p. 0013, MSA_CE62_14976. Date available 03/08/2005. Printed 07/17/2023.

Return To: MGR 2001-036
Stoner, Preston & Boswell, Chtd.
188 East Main Street, P.O. Box 389
Westminster, MD 21158-0389

(1)

DEED

THIS DEED, made this 6th day of ~~MARCH~~ April, in the year two thousand and one, by and between **JUNE R. HEISS-MOSES**, Grantor; and **WAYNE L. MARTIN**, Grantee.

WITNESSETH, that for and in consideration of the sum of **ONE HUNDRED TWENTY THOUSAND DOLLARS ($120,000.00)** and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the said **JUNE R. HEISS-MOSES**, does hereby grant and convey unto **WAYNE L. MARTIN**, his successors and assigns, forever in fee simple, all that lot or parcel of land, situate, lying and being in the Fifth (5th) Election District of Baltimore County, Maryland, and being more particularly described as follows:

BEGINNING for the same at a nail approximately 8 feet southeast of the center line of the present road-bed of Ridge Road at the beginning point of that parcel of land described in a Deed from Raymond F. Armacost and wife to Silas P. Martin and wife, dated February 6, 1961, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3810, folio 453, etc.; thence binding on that Deed and running in Ridge Road as now surveyed by magnetic bearings as given in said Deed, North 66 degrees 40 minutes east 98.18 feet; thence leaving that road by a line of division south 23 degrees 20 minutes east 17.75 feet to a stake; thence continuing the same course, south 23 degrees 20 minutes east 299.60 feet to a stake and to intersect the south 66 degrees 40 minutes west 196.37 foot line of the above mentioned Deed; running thence binding in that Deed the three following lines as now surveyed; south 66 degrees 40 minutes west 98.18 feet to a stake, 23 degrees 20 minutes west 300.00 feet to a pipe; thence continuing the same course north 23 degrees 20 minutes west 17.35 feet to the place of beginning containing seven hundred fifteen one thousandths of an acre (0.715) of land, more or less.

THE IMPROVEMENTS thereon being known as 16811 Ridge Road.

BEING ALL that same lot or parcel of land described in a Deed from Joyce A. Miller and June R. Moses unto June R. Heiss-Moses, a/k/a June R. Moses, dated May 26, 2000, and recorded among the Land Records Baltimore County in Liber S.M. No. 14520, folio 82, etc.

TOGETHER with the buildings and improvements thereon, and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

Petitioner's
Exhibit 8D

TO HAVE AND TO HOLD the above described property unto **WAYNE L. MARTIN**, his successors and assigns, forever in fee simple.

AND the said 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; and that she will warrant specially the property granted and that she will execute such further assurances of the same as may be requisite.

AS WITNESS the hand and seal of the Grantor herein.

Witness: _____

June R. Heiss-Moses (SEAL)
JUNE R. HEISS-MOSES

STATE OF MARYLAND, Carroll COUNTY, to wit:

I HEREBY CERTIFY that on this 6 day of ~~MARCH,~~ April 2001, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **JUNE R. HEISS-MOSES**, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained and further acknowledged that the consideration paid or to be paid is $120,000.00.

AS WITNESS my hand and Notarial Seal.

Notary Public

MICHAEL G. RITCHEY NOTARY PUBLIC CARROLL COUNTY, MD.

My commission expires: 3/17/02

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY.

MICHAEL G. RITCHEY, ESQUIRE

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15121, p. 0014, MSA_CE62_14976. Date available 03/08/2005. Printed 07/17/2023.

048907 APR 13 00

0015121 015

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)

Clerk Recording Validation

INFO FD SURE $	5.00
RECORDING FEE	20.00
RECORDATION T	600.00
TR TAX STATE	600.00
TOTAL	1,225.00
Rec# 8405	Rcpt # 93804
SM LL	Blk # 1335
APR 13, 2001	03:25 PM

Space Reserved

1 Type(s) of Instruments (☒ Check Box if Addendum Intake Form is Attached.)

☒ Deed ☐ Mortgage ☐ Other ☐ Other
☒ Deed of Trust ☐ Lease

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	$ 120,000 —
Any New Mortgage	$ 40,000 —
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$ 120,000.00
X ( ) % =	$ 1,800.00
Less Exemption Amount −	$ —
Total Transfer Tax =	$ 1,800.00
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20	$ 75
Surcharge	$ 5	$ 5
State Recordation Tax	$ 600	$
State Transfer Tax	$ 600	$
County Transfer Tax	$ 1800	$
Other	$	$
Other	$	$

20 600 600

Agent: DV
Tax Bill: Pd
C.B. Credit: —
Ag. Tax/Other: N

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
5	05-08-030595	14520/082	20	164	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
					0.745 ac

Location/Address of Property Being Conveyed (2): 16811 RIDGE RD

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

Residential ☒ or Non-Residential ☐ | Fee Simple ☒ or Grount 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)
JUNE R. HEISS-MOSES	MARTIN WAYNE L.
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)
MARTIN WAYNE L.	BOSLEY JAMES R SR TRUSTEE LEWIS CHERYL Y TRUSTEE

New Owner's (Grantee) Mailing Address:

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)
	FARMERS + MERCHANTS BANK

10 Contact/Mail Information

Instrument Submitted By or Contact Person
Name: OWEDA
Firm: SPB
Address: PO BOX 389 WESTMINSTER 21158-0389
Phone: (410) 876 7371

☒ 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 ☒ 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).

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	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

PAID RECEIPT
BALTIMORE COUNTY, MARYLAND
TRANSFER TAX 1,800.00
RECORDING 20.00
SURCHARGE 5.00
ACCOUNT NO. 0830595
Rcpt# 101 1,800.00
CA .00
PAYMENT ACTUAL TIME
4/13/2001 12:43:13
REG WOOD CASHIER JRIC JMR DRAWER 1
SMITH, PI & 0912 OFLN

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15121, p. 0015, MSA_CE62_14976. Date available 03/08/2005. Printed 07/17/2023.

Addendum
State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: BALT.

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	$ 20 -	$	$	$
Surcharge	$ 5.	$	$	$
State Recordation Tax	$ —	$	$	$
State Transfer Tax	$ —	$	$	$
County Transfer Tax	$ —	$	$	$
Other	$ —	$	$	$
Other	$ —	$	$	$

7 (Continued) Transferred From

Doc. 3 - Grantor(s) Name(s)	Doc. 4 - Grantor(s) Name(s)
MARTIN WAYNE C	
Doc. 5 - Grantor(s) Name(s)	**Doc. 6 - Grantor(s) Name(s)**
Doc. 3 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 4 - Owner(s) of Record, if Different from Grantor(s)**
Doc. 5 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 6 - Owner(s) of Record, if Different from Grantor(s)**

8 (Continued) Transferred To

Doc. 3 - Grantee(s) Name(s)	Doc. 4 - Grantee(s) Name(s)
FARMERS & MERCHANTS BANK	
Doc. 5 - Grantee(s) Name(s)	**Doc. 6 - Grantee(s) Name(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)

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-301(6/95)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 15121, p. 0016, MSA_CE62_14976. Date available 03/08/2005. Printed 07/17/2023.

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0507029170

Owner Information

Owner Name:	MARTIN BRADLEY	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	16815 RIDGE RD UPPERCO MD 21155-9461	**Deed Reference:**	/42335/ 00001

Location & Structure Information

Premises Address:	16815 RIDGE RD UPPERCO 21155-9461	**Legal Description:**	.743 AC SS RIDGE RD 2600FT E BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0110	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1962	1,102 SF		32,365 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full	1 Carport	

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	79,000	92,000		
Improvements	157,100	201,000		
Total:	236,100	293,000	236,100	255,067
Preferential Land:	0	0		

Transfer Information

Seller: OULTON ALEXIS	**Date:** 01/13/2020	**Price:** $235,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /42335/ 00001	**Deed2:**
Seller: MARTIN WAYNE LEE	**Date:** 09/26/2013	**Price:** $198,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /34265/ 00275	**Deed2:**
Seller: GIST WILLIAM DORSEY	**Date:** 10/15/1991	**Price:** $113,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /08939/ 00465	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Petitioner's Exhibit 9A

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 4062, p. 0243. MSA_CE62_3917. Date available 12/01/2005. Printed 07/17/2023.

FEE-SIMPLE DEED—CODE—City or County LIBER 4062 PAGE 243

This Deed, Made this 23rd day of OCTOBER

in the year one thousand nine hundred and sixty-two, by and between

SILAS P. MARTIN and MARY M. MARTIN, his wife,

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

WILLIAM DORSEY GIST and EDITH ARMACOST GIST, his wife, of said County and State,

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 said parties of the first part

do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and said survivor's

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in the Fifth Election District of Baltimore County State of Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same at a nail approximately 9 feet Southeast of the centerline of the present road-bed of Ridge Road at the end of the North 66 degrees 40 minutes East 103.93 foot line as described in a Deed from Raymond F. Armacost and wife to Silas P. Martin and wife, dated February 6, 1961, recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3810 folio 453 etc., thence binding on that Deed the four following lines as now surveyed by magnetic bearings of 1954, North 50 degrees 52 minutes East 96.07 feet to a railroad spike on the Northwest side of Ridge Road, thence crossing said road, South 23 degrees 20 minutes East 25.00 feet to a pipe, thence continuing the same course, South 23 degrees 20 minutes East 318.51 feet to a stake and South 66 degrees 40 minutes West 98.19 feet to a stake and to the end of the South 23 degrees 20 minutes East 299.60 foot line in a Deed from Silas P. Martin and wife to Milford F. Heiss and wife dated July 6, 1961 and recorded in the aforesaid Land Records in Liber W.J.R. No. 3864, folio 482 etc., thence binding on that Deed reversely, North 23 degrees 30 minutes West 299.60 feet to a stake and thence continuing the same course, North 23 degrees 30 minutes West 17.75 feet to a point in Ridge Road and to intersect the first above mentioned Deed line at the end of 98.18 feet, thence binding on that Deed and running in Ridge Road, North 66 degrees 40 minutes East 5.75 feet to the place of beginning, containing seven hundred forty-three one thousandths of an acre (0.743) of land more or less.

The above description being according to a survey made on September 13, 1962 by C. A. Myers, State Registered Surveyor No. 2783.

BEING a part of the same land described in the above mentioned Deed from Raymond F. Armacost and wife to Silas P. Martin and Mary M. Martin, his wife, dated February 6, 1961, recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3810 folio 453, etc.

Petitioner's Exhibit 9B

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot 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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them and said survivor's heirs and

PAID — Baltimore heirs and assigns, in fee simple.

10-24-62 3004 • 29254 PPE— 108.75
10-24-62 3004 • 29254 PPE— 108.75

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 granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST:

Marie L. Snyder
MARIE L. SNYDER

Silas P Martin (SEAL)
Silas P. Martin

Mary M. Martin (SEAL)
Mary M. Martin

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 23rd day of October in the year one thousand nine hundred and sixty-two, before me, the subscriber, a Notary Public of the State of Maryland, in and for County of Carroll aforesaid, personally appeared WILAS P. MARTIN and MARY M. MARTIN, his wife,

the above named grantors, and they acknowledged the foregoing Deed to be their respective act.

As Witness my hand and Notarial Seal.

MARIE L. SNYDER NOTARY PUBLIC CARROLL COUNTY, MD.

Marie L. Snyder
MARIE L. SNYDER Notary Public.

Rec'd for record OCT 24 1962 at 1:57 P M
Per Walter J. Rasmussen, Clerk
Mail to Griffin Plummer
Receipt No. 274001 $6-

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 4062, p. 0244, MSA_CE62_3917. Date available 12/01/2005. Printed 07/17/2023.

PAID RECEIPT

DATE	TIME
01/13/2020	11:43:30
TAX ID: 0507029170	
CO. TR TAX	$3,195.00
RECORDATION TAX	$1,175.00
JS	Baltimore County, Maryland

Baltimore County Cir Crt
IMP FD SURE $40.00
RECORDING FEE $20.00
TR TAX STATE $587.50
TOTAL $647.50
JLE ML
Jan 13, 2020 01:02 pm

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0001, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

AFTER RECORDING RETURN TO:
Bradley Martin
16815 Ridge Road
Upperco, MD 21155

Tax ID#: 05 05-07-029170

DOCUMENT PREPARED BY:
Sage Title Group, LLC
511 Jermor Lane, Suite 104
The Marathon Building
Westminster, MD 21157
File Number: 274490WESS

This Deed, MADE THIS **17th day of December, 2019**, by and between **Alexis Schmier, fka Alexis Oulton and Benjamin B Schmier,**, parties of the first part, and **Bradley Martin,** party of the second part.

WITNESSETH, That in consideration of the sum of **TWO HUNDRED THIRTY FIVE THOUSAND AND 00/100 DOLLARS ($235,000.00)**, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the said party of the second part, in fee simple, as sole owner, all that parcel of ground situated in **Baltimore County, Maryland** and as described as follows, that is to say:

Beginning for the same at a nail approximately nine (09) feet southeast of the center line of the present roadbed of Ridge Road, at the end of the North 66° 40 minutes East 103.93 foot line, as described in a Deed from Raymond F. Armacost and wife to Silas P. Martin and wife, dated February 06, 1961 and recorded among the Land Records of Baltimore County in Liber WJR No. 3810, folio 453, etc: thence binding on that Deed, the four following lines, as now surveyed, by Magnetic Bearing of 1954, North 50° 52 minutes East 96.07 feet to a railroad spike on the northwest side of Ridge Road; thence crossing said Road, South 23° 20 minutes East 25.00 feet to a pipe; thence continuing the same course, South 23° 20 minutes East 318.51 feet to a stake and South 66° 40 minutes West 98.19 feet to a stake and to the end of the South 23° 20 minutes east 299.60 foot line in a Deed from Silas P. Martin and wife to Milford F. Heiss and wife, dated July 06, 1961 and recorded among the Land Records of Baltimore County in Liber WJR No. 3864, folio 482, etc; thence binding on the Deed, reversely, North 23° 30 minutes West 299.60 feet to a stake; thence continuing the same course, North 23° 30 minutes West 17.75 feet to a point in Ridge Road and to intersect the first above-mentioned Deed line at the end of 98.18 feet; thence binding on that Deed and running in Ridge Road, North 66° 40 minutes East 5.75 feet to the place of beginning; containing 0.743 acres of land, more or less. The above description being according to a survey made on September 13, 1962 by C. A. Meyers, State Registered Surveyor No. 2783.

The improvements thereon being known as 16815 Ridge Road, Upperco, Maryland 21155.

Tax ID#: 05 05-07-029170

BEING the same property which by deed dated September 25, 2013 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 34265, folio 275, was granted and conveyed by Wayne Lee Martin unto Alexis L. Oulton and Benjamin B. Schmier.

Petitioner's Exhibit 8C

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0002, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said party of the second part, **Bradley Martin,** as sole owner, his personal representatives, heirs and assigns, in fee simple.

Buyers' Initials: BM

AND the said parties of the first part do 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.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0003, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

WITNESS the hands and seals of the said parties of the first part:

WITNESS:

_____ _____ (SEAL)
Alexis Schmier, fka Alexis Oulton

_____ _____ (SEAL)
Benjamin B Schmier

STATE OF MD **, CITY/COUNTY OF** CARROLL to wit:

I HEREBY CERTIFY, that on this 17 **day of** Dec **, 2019,** before me, the subscriber, a Notary Public of the State of MD in and for CARROLL County/City, personally appeared **Alexis Schmier, fka Alexis Oulton and Benjamin B Schmier** known to me (or satisfactorily proven) to be the persons whose names 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:

_____
Notary Public

My Commission Expires: 11/6/23

DENISE A. NOTTOLINI
NOTARY PUBLIC
CARROLL COUNTY
STATE OF
MARYLAND

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0004, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

CERTIFICATION OF PREPARATION

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned Attorney duly admitted to practice before the Court of Appeals of the State of Maryland or by one of the parties named in this instrument.

Michael Grace, Esquire

File Number: 274490WESS

MARYLAND FORM **WH-AR**

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

2019

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 **Alexis Schmier, fka Alexis Oulton**

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers.)
   16815 Ridge Road, Upperco MD

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

Alexis Schmier, fka Alexis Oulton
Name

Signature

12/17/19
**Date

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.

19-49

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0005, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

MARYLAND FORM **WH-AR**

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

2019

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 **Benjamin B Schmier**

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers.)
   16815 Ridge Road, Upperco MD

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

Benjamin B Schmier
Name

Signature

12/17/19
**Date

3b. Entity Transferors

Name of Entity

By

Witness/Attest

Name

Title

**Date

** 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.

19-49

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0006, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0007, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

AFFIDAVIT OF INDIVIDUAL(S)
TO QUALIFY FOR TAX EXEMPTION FOR FIRST TIME MARYLAND HOMEBUYER(S)

Grantee(s) hereby make oath or affirm under penalties of perjury that the following statements are true:

1. The undersigned individuals and each of them has/have never before owned an interest in residential real property located in the State of Maryland that has been the individual's principal residence; and
2. The property described in the Deed to which this affidavit is attached is improved by a residence which will be occupied as my/our principal residence; and
3. I/we am/are fully qualified to make this affidavit.
4. This affidavit is made to qualify Grantee(s) for benefits under TP section 13-203.
5. In the event the hereinabove statements are being certified by an agent pursuant to Tax-Property Section 13-409(b), said Agent certifies:
   a. That the representations are based on a diligent inquiry made by the agent; and
   b. Are true to the best knowledge information and belief of the agent.

WITNESS the hand and seal of the said party of the second part:

WITNESS:

_____

_____ (SEAL)
Bradley Martin

STATE OF MD, **CITY/COUNTY OF** Carroll to wit:

I HEREBY CERTIFY, that on this 17 **day of** Dec, **2019,** before me, the subscriber, a Notary Public of the State of MD in and for Carroll County/City, personally appeared **Bradley Martin** 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: 11/10/23

DEDISE A MERSON
NOTARY PUBLIC
CARROLL COUNTY
STATE OF
MARYLAND

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0008, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

OWNER OCCUPANCY AFFIDAVIT

THE WITHIN GRANTEE DO HEREBY CERTIFY UNDER THE PENALTY OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY MYSELF AT LEAST 7 OUT OF 12 MONTHS IMMEDIATELY AFTER THE PROPERTY IS CONVEYED AS EVIDENCED BY THE SIGNATURE BELOW

WITNESS the hand and seal of the said party of the second part:

WITNESS:

_____ _____ (SEAL)
Bradley Martin

STATE OF MD **, CITY/COUNTY OF** CARROLL to wit:

I HEREBY CERTIFY, that on this 17 **day of** Dec **, 2019,** before me, the subscriber, a Notary Public of the State of MD in and for Carroll County/City, personally appeared **Bradley Martin** 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

DENISE A. NICKSON
NOTARY PUBLIC
CARROLL COUNTY
STATE OF
MARYLAND

My Commission Expires: 11/6/23

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)

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

1	Deed		Mortgage		Other _____		Other _____
2	Deed of Trust		Lease				

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	NA
State Transfer	FTHB
County Transfer	NA

4 Consideration and Tax Calculations

Consideration Amount		**Finance Office Use Only**	
		Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	**$235,000.00**	Transfer Tax Consideration	$
Any New Mortgage	**$227,950.00**	X ( )% =	$
Balance of Existing Mortgage		Less Exemption Amount - Total Transfer Tax =	$
Other:	$	Recordation Tax Consideration X( )per $500 =	$
Other:	$		
Full Cash Value	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc 1	Doc 2	Agent
Recording Charge	**$20.00**	**$20.00**	
Surcharge	**$40.00**	**$40.00**	Real Property
State Recordation Tax	**$1,175.00**	$	PAID
State Transfer Tax	**$587.50**	$	
County Transfer Tax	**$3,195.00**	$	
Other	$	$	Ag Tax/Other
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
05	05-07-029170	34265/0275	0020	0110	☐ (5)

Subdivision Name	**Lot (3a)**	**Block (3b)**	SectAR(3c)	**Plat Ref.**	**SqFt/Acreage(4)**

Location/Address of Property Being Conveyed (2)
16815 Ridge Road, Upperco, MD 21155

Other Property Identifiers (if applicable) | **Water meter Account**

Residential ☒ **or Non-Residential** ☐ | **Fee Simple** ☒ **Ground Rent** ☐ **Amount**

Partial Conveyance ☐ **Yes** ☒ **No** | Description/Amt. Of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed-

7 Transferred From

Grantor(s) Name(s)	**Doc 2 - Grantor(s) Name(s)**
Alexis Schmier, fka Alexis Oulton	Bradley Martin
Benjamin B Schmier	
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)**
Bradley Martin	Leslie J. Keidel, Trustee

New Owner's (Grantee) Mailing Address
16815 Ridge Road, Upperco, MD 21155

9 Other Names to Be Indexed

Doc 1 - Additional Names to be indexed (Optional)	**Doc 2 - Additional Names to be indexed (Optional)**
	Truist Bank

10 Contact/Mail information

Instrument Submitted By or Contact Person
Name: Cindy
Firm: Sage Title Group, LLC
Address: 511 Jermor Lane, Suite 104, The Marathon Building Westminster, MD 21157
Phone-: 410-848-7475

☒ 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)

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural ☐ Whole ☐ Part ☐ Tran Process Verification

Transfer Number: | Date Received: | Deed Reference: | Assigned Property No.

Year			Geo	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Doc Od.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Grantor's Mailing Address:

File No. **274490WESS**

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 42335, p. 0009, MSA_CE62_42192. Date available 01/15/2020. Printed 07/17/2023.

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0520066490

Owner Information

Owner Name:	MARTIN WAYNE LEE	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	16819 RIDGE RD UPPERCO MD 21155	**Deed Reference:**	/11717/ 00605

Location & Structure Information

Premises Address:	16819 RIDGE RD UPPERCO 21155-	**Legal Description:**	0.821 AC SS RIDGE RD 2500 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0116	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1962	1,362 SF	340 SF	35,762 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full/ 1 half		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	79,900	92,900		
Improvements	185,500	237,400		
Total:	265,400	330,300	265,400	287,033
Preferential Land:	0	0		

Transfer Information

Seller: WATSON WILLIAM ROBERT	**Date:** 07/25/1996	**Price:** $118,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11717/ 00605	**Deed2:**
Seller: TURNBAUGH DAVID L/JANETTE S	**Date:** 06/28/1995	**Price:** $110,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11106/ 00676	**Deed2:**
Seller: TRACEY ROBERT W	**Date:** 07/14/1977	**Price:** $53,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /05777/ 00867	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Petitioner's Exhibit 10A

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 4071, p. 0320, MSA_CE62_3926. Date available 11/28/2005. Printed 07/14/2023.

LIBER 4071 PAGE 320

REAL ESTATE TITLE CO.
Keyser Building
Baltimore, Md.
LE xington 9-3212

APP. NO. 57627

TITLES INSURED by Lawyers Title Insurance Corporation Richmond, Virginia

FEE SIMPLE DEED

This Deed, Made this 5th day of November

in the year one thousand nine hundred and sixty-two by

RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part; and

SILAS P. MARTIN and MARY M. MARTIN, his wife, of Baltimore County, State of Maryland, parties of the second part.

DOCUMENTARY TAX PAID — Baltimore County, Md. — Office of Finance

760 • 29992 PPE— 5.63

760 • 29992 PPE— 5.63

WITNESSETH that in consideration of the sum of $5.00 and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part

do grant and convey unto the parties of the second part, as tenants by the entireties their assigns, the survivor of them and the survivor's - - - - - - - - - - - - - - - heirs and assigns, in fee-simple, all that lot or parcel of ground situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows, that is to say

BEGINNING for the same at a stake 21 feet East of the center line of the present road-bed of Ridge Road at the end of the North 50 degrees 52 minutes East 200 foot line as described in a Deed from Eldridge L. Armacost et al to Raymond F. Armacost and wife, dated October 21, 1954, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484 etc., thence binding on that Deed the three following lines as now surveyed by magnetic bearings of 1954, South 23 degrees 20 minutes East 22.15 feet to a pipe, thence continuing the same course, South 23 degrees 20 minutes East 349.85 feet to a pipe and South 66 degrees 40 minutes West 100.00 feet to a stake at the end of the South 23 degrees 20 minutes East 318.51 foot line in a Deed from Raymond F. Armacost and wife to Silas P. Martin and wife, dated February 6, 1961, recorded in Liber W.J.R. No. 3810 folio 453 etc., running thence binding on that Deed reversely the two following lines, North 23 degrees 20 minutes West 318.51 feet to a pipe on the Southeast side of Ridge Road, thence continuing the same course, North 23 degrees 20 minutes West 25.00 feet to a railroad spike on the Northwest side of said road and to intersect the first above-mentioned Deed line at the end of 96.07 feet, thence binding on that Deed and running in Ridge Road, North 50 degrees 52 minutes East 103.93 feet to the place of beginning, containing eight hundred twenty-one one thousandths of an acre (0.821) of land more or less.

The above-mentioned description was prepared by C. A. Myers, surveyor, on September 13, 1962.

BEING a part of the same land described in the above-mentioned Deed from Eldridge L. Armacost et al to Raymond F. Armacost and wife, dated October 21, 1954, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484, etc.

Petitioner's Exhibit 10B

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said land 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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs 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 hands and seals of said grantors.

TEST:

Joseph L. Barrett
JOSEPH L. BARRETT

Raymond F. Armacost [SEAL]
Raymond F. Armacost

Rachel R. Armacost [SEAL]
Rachel R. Armacost

[SEAL]

STATE OF MARYLAND, CITY OF BALTIMORE **TO WIT:**

I HEREBY CERTIFY, that on this 5th day of November in the year one thousand nine hundred and sixty-two before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Raymond F. Armacost and Rachel R. Armacost, his wife and they acknowledged the foregoing Deed to be their act.

WITNESS my hand and notarial seal the day and year last above written.

JOSEPH L. BARRETT NOTARY PUBLIC BALTIMORE, MD

Joseph L. Barrett
NOTARY PUBLIC

Rec'd for record NOV 14 1962 at 12:44 P.M.
Per Walter J. Rasmussen, Clerk
Mail to REAL ESTATE TITLE CO., INC.
Receipt No. 225960 $6.-

BALTIMORE COUNTY CIRCUIT COURT (Land Records) WJR 4071, p. 0321, MSA_CE62_3926. Date available 11/28/2005. Printed 07/14/2023.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 11717, p. 0605, MSA_CE62_11572. Date available 03/04/2005. Printed 07/17/2023.

RECORD & RETURN TO:
STONER, PRESTON & BOSWELL, CHARTERED
188 EAST MAIN STREET, P.O. BOX 389
WESTMINSTER, MARYLAND 21158-0389

0011717 605

THIS DEED, made this 23th day of June, in the year nineteen hundred and ninety-six, by and between WILLIAM ROBERT WATSON and DOROTHY JEANNE WATSON, husband and wife, of Baltimore County, Maryland, Grantors; and WAYNE LEE MARTIN, of Baltimore County, Maryland, Grantees.

WITNESSETH, that for and in consideration of the sum of One Hundred Eighteen Thousand Dollars ($118,000.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the said William Robert Watson and Dorothy Jeanne Watson, husband and wife, do hereby grant and convey unto Wayne Lee Martin, of Baltimore County, Maryland, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple, all that lot or parcel of land situate, lying and being in the Fifth (5th) Election District of Baltimore County, Maryland, and described as follows:

BEGINNING for the same at a stake 21 feet East of the center line of the present road bed of Ridge Road at the end of the North 50 degrees 52 minutes East 200 foot line as described in a Deed from Eldridge L. Armacost et. al. to Raymond F. Armacost and wife dated October 21, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484, etc.; thence binding on that deed the three following lines as now surveyed by magnetic bearings of 1954, South 23 degrees 20 minutes East 22.15 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East 349.85 feet to a pipe and South 66 degrees 40 minutes West 100.00 feet to a stake at the end of the South 23 degrees 20 minutes East 318.51 foot line in a deed from Raymond F. Armacost and wife to Silas P. Martin and wife dated February 6, 1961, and recorded in Liber W.J.R. No. 3810, folio 453, etc.; running thence binding on that deed reversely the two following lines, North 23 degrees 20 minutes West 318.51 feet to a pipe on the Southeast side of Ridge Road; thence continuing the

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE UK DATE 7/11/96

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County.
7/11/96
Date

Petitioner's
Exhibit 10C

same course North 23 degrees 20 minutes West 25.00 feet to a railroad spike on the Northwest side of said road and to intersect the first above mentioned deed line at the end of 96.07 feet; thence binding on that deed and running in Ridge Road, North 50 degrees 52 minutes East 102.93 feet to the place of beginning; containing 821/1000 of an acre, more or less.

BEING all and the same land conveyed unto William Robert Watson and Dorothy Jeanne Watson, his wife, by virtue of a Deed from David L. Turnbaugh and Janette S. Turnbaugh, his wife, dated January 24, 1995, and recorded among the Land Records of Baltimore County in Liber S.M. No. 11106, folio 676, etc.

TOGETHER with the buildings and improvements thereon, and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto Wayne Lee Martin, his personal representatives and assigns, forever in fee simple.

AND the said Grantors hereby covenant that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

AS WITNESS the hands and seals of the Grantors herein.

Witness: _____ _____ (SEAL)
WILLIAM ROBERT WATSON

Witness: _____ Dorothy Jeanne Watson (SEAL)
DOROTHY JEANNE WATSON

STATE OF MARYLAND, CARROLL COUNTY, to wit:

I HEREBY CERTIFY that on this 25th day of June, 1996, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared WILLIAM ROBERT WATSON and DOROTHY JEANNE WATSON, husband and wife, the Grantors herein, known

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 11717, p. 0606, MSA_CE62_11572. Date available 03/04/2005. Printed 07/17/2023.

to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained and further acknowledged that the consideration paid or to be paid is $118,000.00.

AS WITNESS my hand and Notarial Seal.

MICHAEL G. RITCHEY NOTARY PUBLIC BALTIMORE COUNTY, MD.

Notary Public

My commission expires: 7/1/93

THIS INSTRUMENT HAS BEEN PREPARED BY OR UNDER THE DIRECTION OF THE UNDERSIGNED ATTORNEY WHO IS LICENSED TO PRACTICE LAW IN THE STATE OF MARYLAND.

MICHAEL G. RITCHEY, ESQUIRE

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 11717, p. 0607, MSA_CE62_11572. Date available 03/04/2005. Printed 07/17/2023.

0011717 608

047321 JUL 10 96

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)

(☐ Check Box if Addendum Intake Form is Attached.)

IMP FD SURE $ 5.00
RECORDING FEE 20.00
RECORDATION T 590.00
TR TAX STATE 590.00
TOTAL 1,205.00
Rec'd By: SM TD
Acct # 18365
Blk # 1936
JUL 25, 1996
04:16 PM

1 Type(s) of Instruments

1 Deed | Mortgage | Other | Other
2 Deed of Trust | Lease

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	$ 118,000.00
Any New Mortgage	$ 140,000.00
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$ 118,000.00

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$ 118000
X (1.5)% =	$ 1770.00
Less Exemption Amount −	$ —
Total Transfer Tax =	$ 1770.00
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$ 75.00
Surcharge	$ 5.00	$ 5.00
State Recordation Tax	$ 590.00	$ 110.00
State Transfer Tax	$ 590.00	$
County Transfer Tax	$ 1,770.00	$
Other	$	$
Other	$	$

Agent: MH
Tax Bill: Pd 1438.97
C.B. Credit: —
Ag. Tax/Other: —

6 Description of Property (WAT)

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
05	05-20-066490	11106/676			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
					.821

Location/Address of Property Being Conveyed (2)
16819 Ridge Road, Upperco, Maryland 21155

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)
WILLIAM ROBERT WATSON DOROTHY JEANNE WATSON	WAYNE LEE MARTIN
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)
WAYNE LEE MARTIN	JAMES R. BOSLEY, JR. CHERYL Y. LEWIS

New Owner's (Grantee) Mailing Address
16819 Ridge Road, Upperco, Maryland 21155

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)
	FARMERS & MERCHANTS BANK

10 Contact/Mail Information

Instrument Submitted By or Contact Person
Name: Michael G. Ritchey, Esquire
Firm: Stoner, Preston & Boswell, Chartered
Address: 188 E. Main Street
Westminster MD 21157 Phone: (410 876-7371

☒ 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).

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.:

	19	19					
Year			Geo.	Map	Sub	Block	
Land			Zoning	Grid	Plat	Lot	
Buildings			Use	Parcel	Section	Occ. Cd.	
Total			Town Cd.	Ex. St.	Ex. Cd.		

REMARKS:

03A91#0337TLTRTX
BA C001:49:M07-10-96 $1,770.00

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 11717, p. 0608, MSA_CE62_11572. Date available 03/04/2005. Printed 07/17/2023.

5 TH. DISTRICT

ZONING DISTRICT NO. 5

ZONING DEPARTMENT + BALTIMORE COUNTY

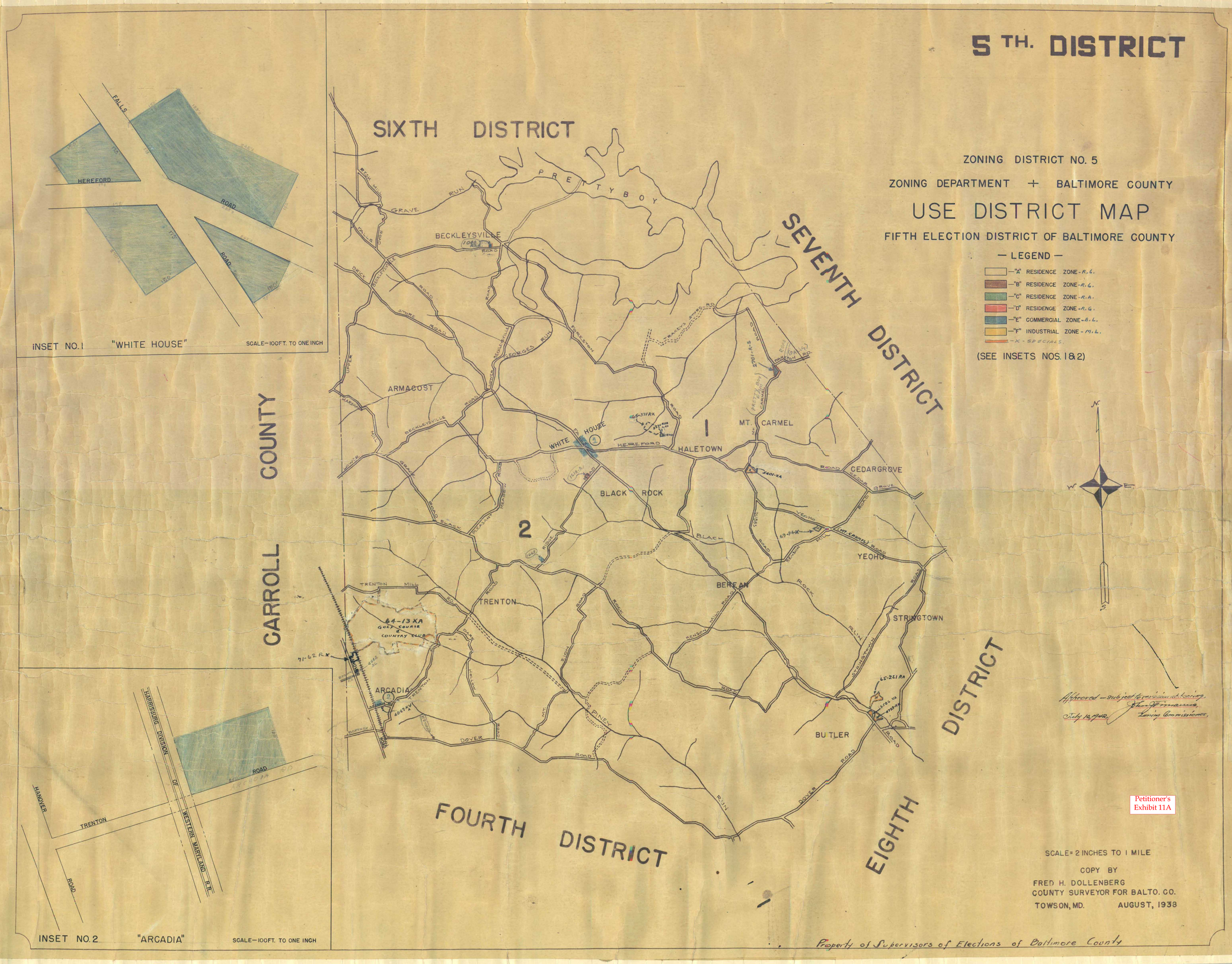
USE DISTRICT MAP

FIFTH ELECTION DISTRICT OF BALTIMORE COUNTY

— LEGEND —

- "A" RESIDENCE ZONE - R.6.
- "B" RESIDENCE ZONE - R.6.
- "C" RESIDENCE ZONE - R.A.
- "D" RESIDENCE ZONE - R.G.
- "E" COMMERCIAL ZONE - B.L.
- "F" INDUSTRIAL ZONE - M.L.
- X - SPECIALS.

(SEE INSETS NOS. 1 & 2)

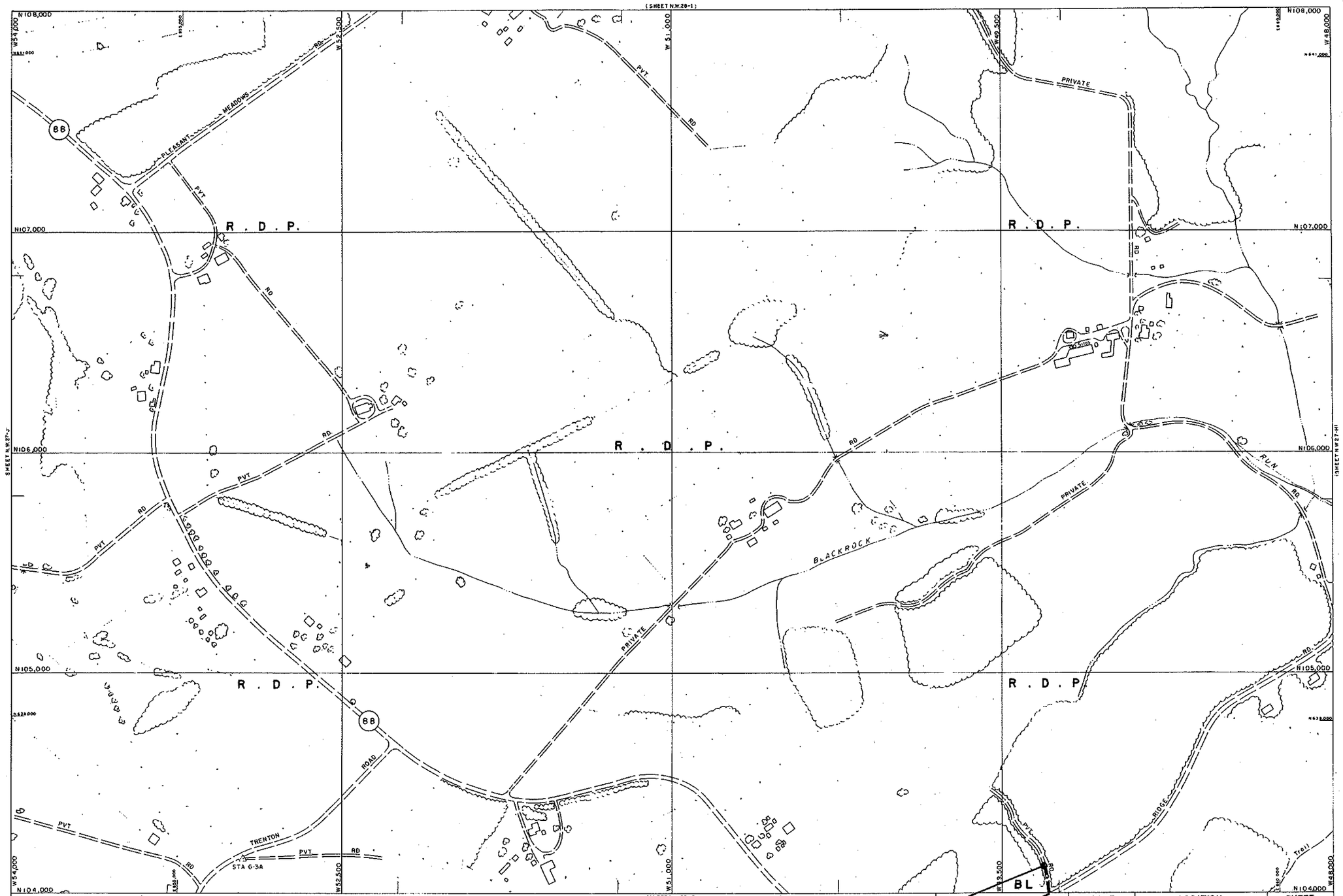


Petitioner's Exhibit 11A

SCALE = 2 INCHES TO 1 MILE

COPY BY
FRED H. DOLLENBERG
COUNTY SURVEYOR FOR BALTO. CO.
TOWSON, MD. AUGUST, 1938

Property of Supervisors of Elections of Baltimore County



GG - SW
GG - NW

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

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	NORTH OF TRENTON	N.W 27-1
			DATE OF PHOTOGRAPHY APRIL 1961		

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

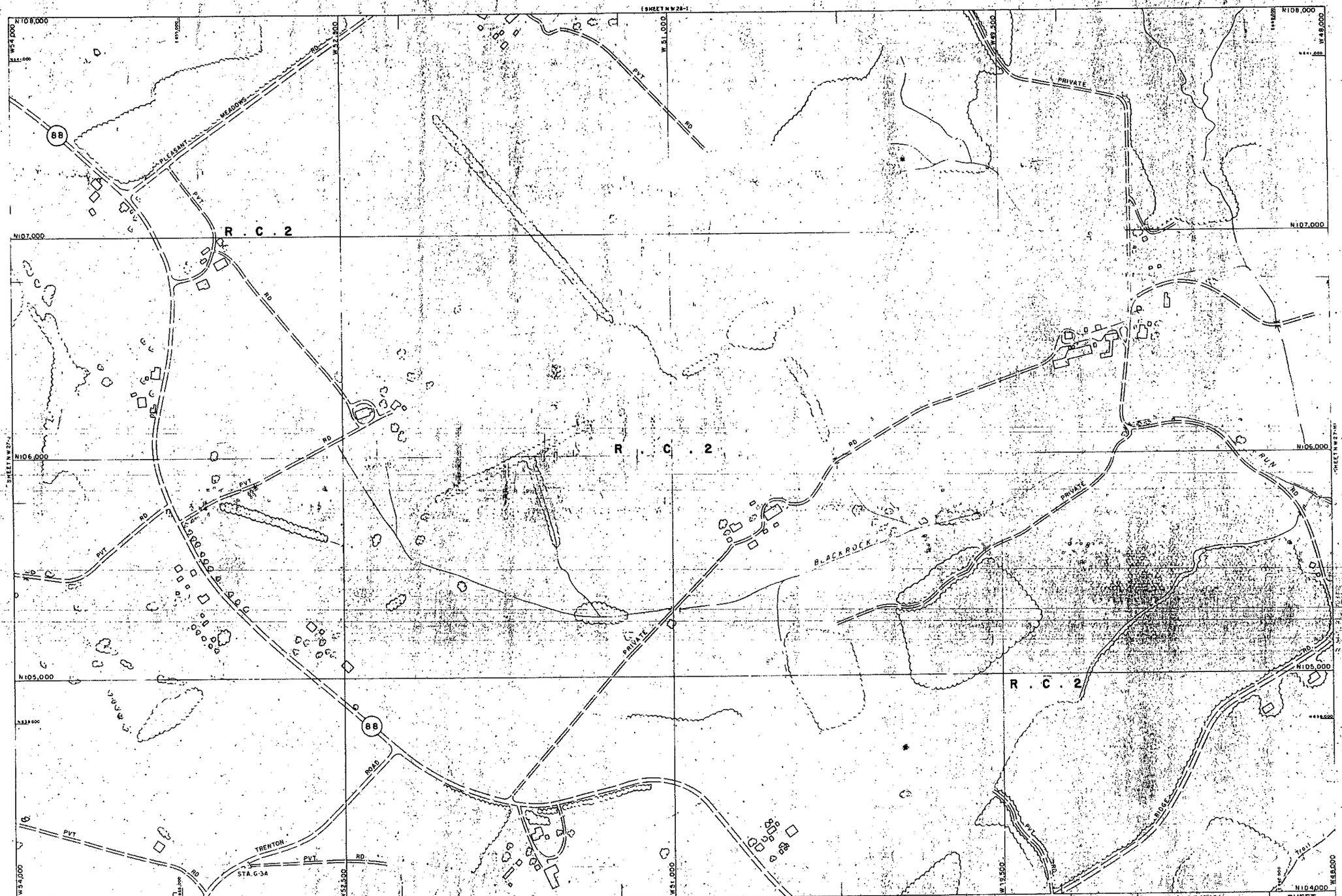
Petitioner's Exhibit 11B

PLAN HOLD

PEEL PROTECTIVE STRIP TO EXPOSE ADHESIVE. POSITION EDGE OF PRINT ON THIS LINE AND RUB TO ADHERE.

PLAN HOLD CORPORATION - TORRANCE - CALIFORNIA
MODEL 27-N-0 PRINT

DRAWING NUMBER
NW-27.I



GG - SW
GG - NW

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 7, 1976 & OCT. 8, 1976
BILL NOS. 108-76, 109-76, 110-76,
112-76, 113-76, and 114-76

CHESAPEAKE COUNTY C

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

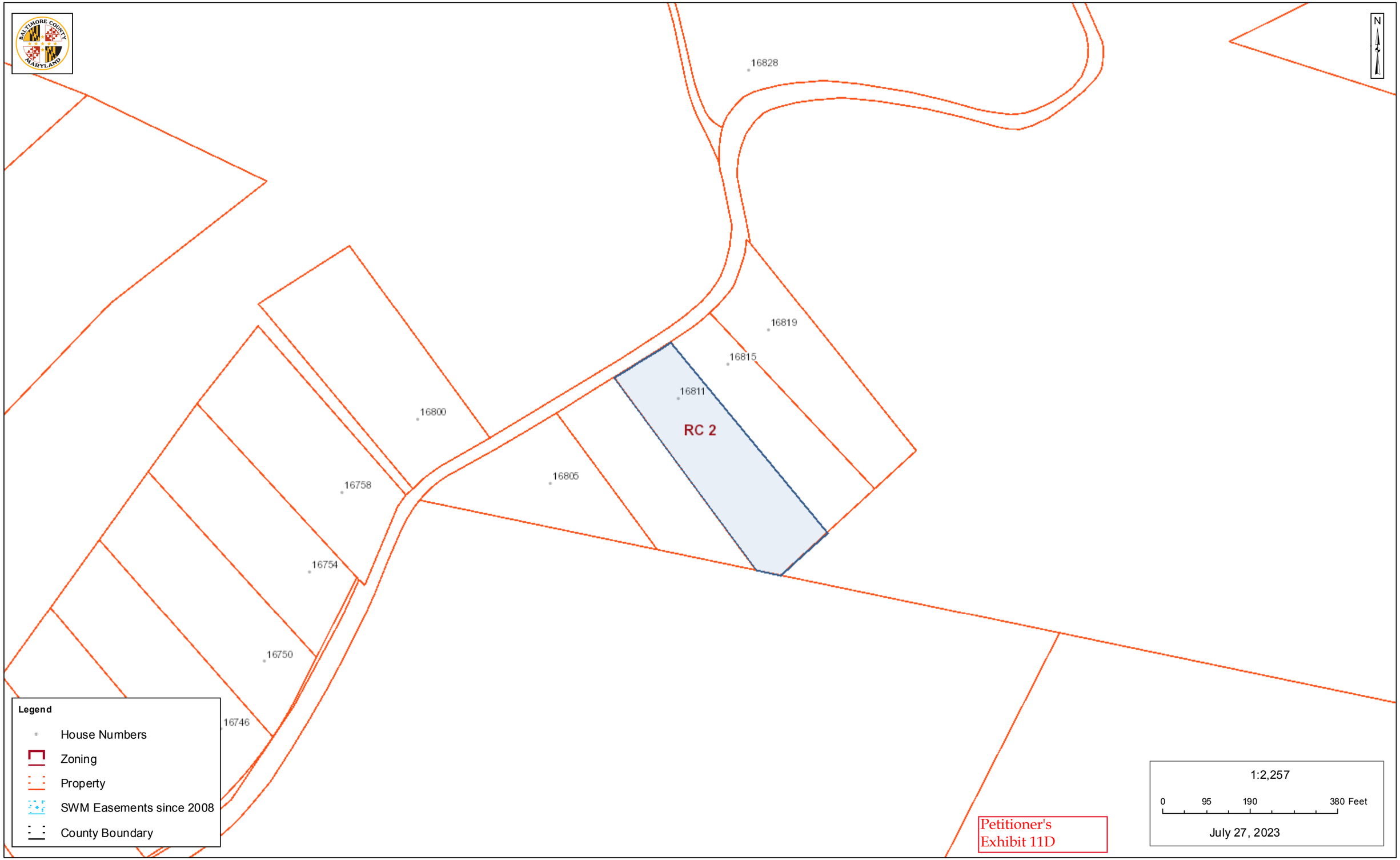
REVISIONS		
	BY	DATE

Compiled By Photogrammetric Methods
MAPS, INCORPORATED – BALTIMORE 22, MARYLAND

SCALE	LOCATION	SHEET
1" = 200'	NORTH OF TRENTON	N.W. 27-1
DATE OF PHOTOGRAPHY APRIL 1961		

Petitioner's Exhibit 11C

Baltimore County - My Neighborhood



Petitioner's
Exhibit 11D

Title

N
16819
16815
16811
RC 2
16800
RIDGE RD
16805
16758
Legend
House Numbers
Zoning
Property
County Boundary
1:1,128
0
45
90
180 Feet
July 14, 2023
Petitioner's
Exhibit 12A

Title

16828
Ridge Rd
16819
16815
16811
16800
RC 2
16805
16758
16754
16750
Legend
House Numbers
Zoning
Property
County Boundary
1:2,257
0
95
190
380 Feet
July 14, 2023
Petitioner's
Exhibit 12B

Title

Petitioner's Exhibit 12C

Petitioner's
Exhibit 13A

Petitioner's
Exhibit 13B

Petitioner's
Exhibit 13C

Petitioner's
Exhibit 13D

Petitioner's
Exhibit 13E

Petitioner's
Exhibit 13F

Petitioner's
Exhibit 13G

Petitioner's
Exhibit 13H

Petitioner's
Exhibit 13I

Petitioner's
Exhibit 13J

RECEIVED AUG 0 2 2022

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/1/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2022-152-SPHA

INFORMATION:
Property Address: 16809 Ridge Road
Petitioner: The Estate of Betty A. Krebs (Represented by Mark Krebs and Jane Droziniski)
Zoning: RC-2
Requested Action: Special Hearing & Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing

1. To approve a non-conforming lot which was created on July 6, 1961; OR

Variance

2. To permit a lot with an area of 0.67 of an acre in lieu of the required 1.00 acre per Section 1A01.3.B.2 of the BCZR.

The property is a 0.67 acre lot with no existing structure zoned RC-2. Two residential-use properties border the property on either side. Both adjacent lots are under 1-acre with existing single-family residential structures.

Bruce Doak, representative for the petitioner informed the Department of Planning that the property had been previously subdivided from a larger parcel prior to enactment of the relevant code restricting the single-family residential use of the property. At the time of the subdivision, 0.67 acres was sufficient for the placement of a single-family residential structure. Presumably, a larger parcel would have been created if the currently relevant code had been in place at the time. Provided representations of the proposed structure demonstrate beneficial conformity to the existing neighborhood character of mid-century "bungalow" type residential structures.

Regarding the requests, the Department offers the following comments:

1. The Department of Planning does not object to the requested relief of a non-conforming designation for the proposed residential use of the site.

The Department of Planning requests the ALJ provide additional guidance on the use of non-conforming use designation for residential use without an existing structure on RC-zoned properties subdivided prior to the implementation of currently relevant code. §104.1 of the BCZR deems "abandonment or

Petitioner's Exhibit 14

discontinuance" for a period of one year satisfactory for a removal of a nonconforming use status, though the requested relief is for an undeveloped lot, rather than an abandoned former residential use lot.

2. The property maintains unique conditions that qualify for a variance, while strict enforcement of the relevant zoning code would constitute an unreasonable hardship on the petitioner. The lot is uniquely narrow. The petitioner has demonstrated that a structure conforming to both the community context and the relevant size regulations, specifically side yard setbacks, is possible on the site. Strict enforcement of the relevant code would create an unreasonable hardship for the petitioner as the permitted use as a single-family residential lot would not be allowed.

If the request for a non-conforming use designation is denied, the Department of Planning does not object to the requested relief of a variance to permit a lot with an area of 0.67 of an acre in lieu of the required 1.00 acre per Section 1A1.3.B.2 of the BCZR.

If deemed appropriate by the ALJ, the Department of Planning does not object to relief from § 304.1.A. of the BCZR for the petitioner. If relief from § 304.1.A. is granted, the appropriate procedures for use of an undersized single-family lot as outlined in § 304 of the BCZR should be undertaken.

For further questions concerning the matters stated herein, please contact David Birkenthal at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: David Birkenthal
Bruce Doak
Office of Administrative Hearings
People's Counsel for Baltimore County

RECEIVED JUL 14 2022

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 11, 2022

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2022
Item Nos. 2022-0145-A, 0150-SPHA, 0151-SPH, 0152-SPHA & 0153-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

* * * * *

VKD: cen
cc: file

RECEIVED JUL 06 2022

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: July 6, 2022

SUBJECT: DEPS Comment for Zoning Item # 2022-0152-SPHA
Address: 16809 Ridge Road
(Krebs & Drozinski Property)

Zoning Advisory Committee Meeting of **July 11, 2022**

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

Reviewer: Steve Ford

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

August 16, 2022

Bruce Doak
3801 Baker Schoolhouse Rd.
Freeland, MD 21053

RE: Case Number: 2022-0152-SPHA 16809 Ridge Rd..

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 June 29, 2022. 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.

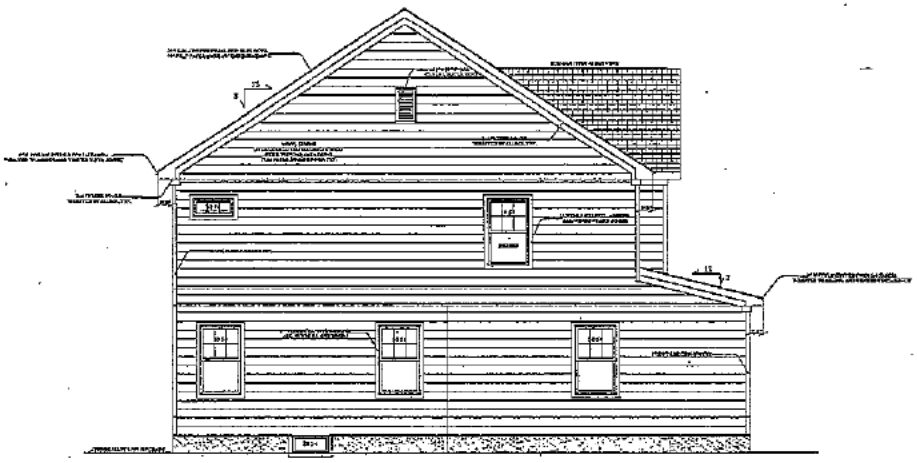
If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

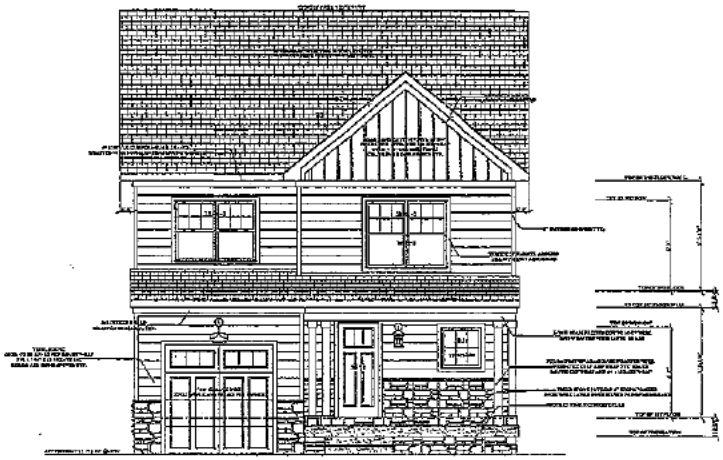
Jeffrey Perlow

Jeff Perlow
Supervisor
Department of Zoning

lw
Enclosures: Mark Kress and Jane Drozinski

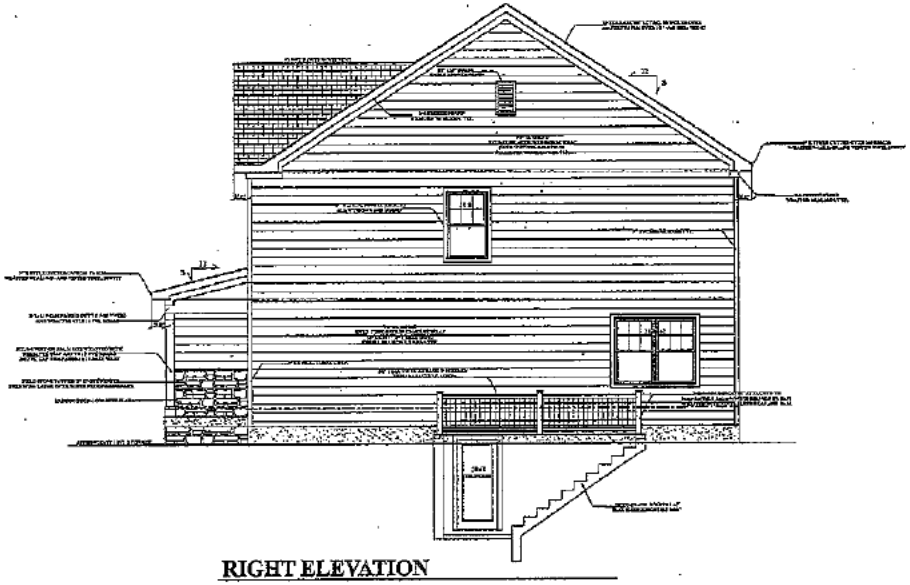


LEFT ELEVATION



FRONT ELEVATION

REAR ELEVATION



RIGHT ELEVATION

REVISIONS	BY
5/31/22	RB

RB Home Design
20161 D MOUNT HOREB RD STREET MD 21164
443-613-5115

THE WOODWARD
MODEL
16809 RIDGE RD
UPPERCO MD 21155

THE CONTRACTOR IS RESPONSIBLE FOR DIMENSIONS AT SITE FOR INFORMATION THAT PROVIDES SOLELY THE FUNCTIONS, TECHNIQUES, SEQUENCES, METHODS, AND PROCEDURES OF CONSTRUCTION OF THE WORK OF ALL TRADES.

RB HOME DESIGNS

DATE : 5/31/22

SCALE : 1/4" = 1'

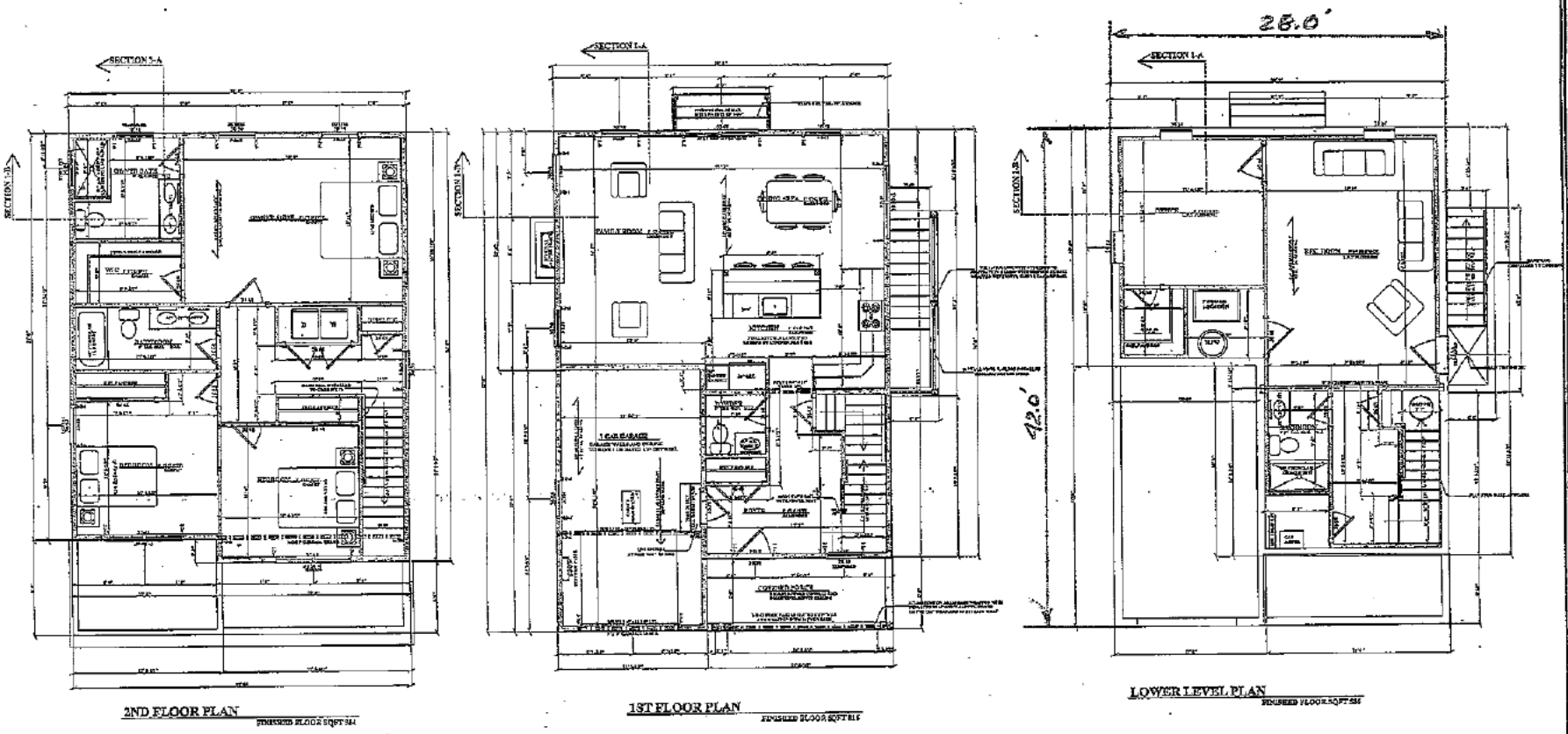
DRAWN : R. BREDLOW

EXTERIOR ELEVATIONS

SHEET NO.

A-1

Petitioner's Exhibit 15A



REVISIONS	BY
5/31/22	RB

RB Home Design
2061 D MOUNT HOREB RD STREET MD 21154
443-613-3115

THE WOODWARD
MODEL
16809 RIDGE RD
UPPERCO MD 21155

THE CONTRACTOR IS RESPONSIBLE FOR DIMENSIONS TO BE CONTROLLED AND COORDINATED AT SITE FOR INFORMATION THAT PERTAINS TO THE CONSTRUCTION PROCESS OR TO THE MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF CONSTRUCTION OF THE WORK OF ALL TRADES

RB HOME DESIGNS

DATE : 5/31/22

SCALE : 1/4" = 1'

DRAWN : R. BREDLOW

FLOOR PLANS

SHEET NO.
A-2

Petitioner's Exhibit 15B

DPW—182

NEW BUILDING PERMIT

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS

BUREAU OF PUBLIC SERVICES

Office of the Buildings Engineer

COUNTY OFFICE BUILDING, TOWSON 4, MARYLAND

No. 43121

District 5

Date Oct. 1, 1956

d

This New Building Permit Is Hereby Granted To

Wallace C. Krebs
(Applicant)

Upperco, Md.
(Address)

To erect the following building:

Location S/S Ridge Road - 1/2 mile E. Blackrock Rd.

Use of Building 1 family dwelling

Size of Building: Irreg. Front 46' ft. Depth 31' ft. Height 18'6" ft.

Setback of Building: Front 70' ft.; Side Setbacks 60' and 20' ft. Corner lot ____ ft. from side street.

Character of Construction Conc. Blk. Brick Asph.

This Permit does not authorize the performance of any work beyond the property lines of the lot for which issued. Special permit must be obtained from the Highways Dept. to install sidewalks or remove curb. Planting of trees, hedges, shrubbery, erecting walls, fences, etc., is prohibited in the Right-of-Way adjacent to the lot.

Issued By The Buildings Engineer

Roland V. Piel

CHARLES B. WHEELER, Chief, Bureau of Public Services

Fee Paid $ 10.50

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same. LIMITATION. After a new building permit is issued, if the operation or work authorized and approved thereunder is not commenced within six (6) months after the issue, or if, after commencement of the operation or work, the operation or work is suspended or discontinued for a period of one year, then, in either case, the said permit shall be null and void, and no operations or work shall be again commenced unless and until another proper permit shall have been issued for such work.

Petitioner's Exhibit 16

DPW No. 102

N. Bldg

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
BUREAU OF PUBLIC SERVICES

Lot No. ..... COUNTY OFFICE BUILDING Street .....

Block No. ..... TOWSON 4, MARYLAND Subdiv. .....

Nº 9112 RECEIPT DATE 8-16-56

OWNER'S NAME Wallace C. Shelbs

OWNER'S ADDRESS Upperco Md.

PLUMBER'S NAME

PLUMBER'S ADDRESS

CHECK ITEM	ITEMS	CODE NUMBER	FEE
✓	Building Permit Application	01.231	$10.50
	Water Application	32.604	
	Gas Permit Application	32.201	
	Sewer House Connection Application	32.603	
	Plumbing Permit Application	31.603	
	Sub-Soil Drain Permit Application	31.603	
	Septic Tank Permit Application	31.202	
	Sewer Service Charge Pro-rated	30.601	
	Contributions S.E. Water	31.704	
	Contributions S.E. Sewer	31.704	
	1656 2347 • • • BAL—	1050	
	1656 2347 • • • BAL—	1050	
		TOTAL	10.50

RECEIPT ONLY
THIS IS NOT A PERMIT
AND DOES NOT AUTHORIZE
CONSTRUCTION OF ANY KIND

Make checks payable to Charles L. Hammond, Treasurer

Receipt prepared by C. E. Hoppert

Applicant's Copy

SEE REVERSE SIDE

SEMI-ANNUAL LEVY

APPEAL TAX COURT FOR BALTIMORE COUNTY

COURT HOUSE

TOWSON 4, MD.

MAR 29 1957

TO:

Wallace C. Krebs and Betty Ann
Upperco, Maryland

This is to notify you that the Supervisor of Assessments for Baltimore County has recommended an assessment for ½ year levy 1957 (Section 397A Code of Public Laws of Baltimore County) on the improvements on your property situated in District No. 5 of Baltimore County as follows:

ASSESSMENT	DESCRIPTION
Bldgs. $ 7600	Dwelling $6850, Built in garage $750.

Located on Lot size 292.45 x 230.92 x 373.92 triangular S/S Ridge Road

If you wish to protest this assessment, please sign the attached formal protest and return same within TWENTY (20) DAYS from the date hereof to the Appeal Tax Court for Baltimore County, Court House, Towson 4, Maryland. You will then be notified of a date for hearing your protest.

If the attached request for a hearing is not returned within TWENTY (20) DAYS from the date of this notice, the assessment recommended above will become final, and effective as of July 1st.

HOWARD E. BURKHARDT,
Supervisor of Assessments

Card No. 4)-429-A-2-b / 4)-430-A-2-b Account No. 77125

TEAR HERE. **RETAIN ABOVE NOTICE**

RESIDENTIAL PROPERTY **SEMI-ANNUAL LEVY**

Card No. 4)-429-A-2-b / 4)-430-A-2-b Account No. 77125 District 5

Petitioner's Exhibit 17

Name: Wallace C. Krebs and Betty Ann

TO: Appeal Tax Court For Baltimore County
Court House, Towson 4, Maryland

Please enter a protest of the assessment as shown by notice from the Supervisor of Assessments dated MAR 29 1957

TOTAL $ 7600

Signature of Property Owner

IF AN EXPLANATION OF THE ASSESSMENT IS DESIRED, YOU MAY CALL AT THE ASSESSMENT OFFICE, BASEMENT OF THE COURT HOUSE, TOWSON, MARYLAND.

ANNUAL ASSESSMENT NOTICE

APPEAL TAX COURT FOR BALTIMORE COUNTY

COURT HOUSE

TOWSON 4, MD.

MAR 29 1957

TO:

Wallace C. Krebs and Betty Ann
Upperco, Maryland

This is to notify you that the Supervisor of Assessments for Baltimore County has recommended an assessment for the year 1958 of the property situated in District No. 5 of Baltimore County as follows:

	ASSESSMENT	DESCRIPTION
LAND	$ 675	Lot size 292.45 x 230.92 x 373.92 triangular
		S/S Ridge Road
BLDGS.	$ 7600	Dwelling $6850. Built in garage $750.
TOTAL	$ 8275	

If you wish to protest this assessment, please answer the questions on the attached notice, sign same and return it within TWENTY (20) DAYS from the date hereof to the Appeal Tax Court for Baltimore County, Court House, Towson 4, Maryland. You will then be notified of a date for hearing your protest.

If the attached request for a hearing is not returned within TWENTY (20) DAYS from the date of this notice the assessment recommended above will become final.

Card No. 4)-429-A-2-b
4)-430-A-2-b Account No. 77125

HOWARD E. BURKHARDT,
Supervisor of Assessments

TEAR HERE. **RETAIN ABOVE NOTICE**

RESIDENTIAL PROPERTY **ANNUAL ASSESSMENT NOTICE**

Card No. 4)-429-A-2-b
4)-430-A-2-b Account No. 77125 District No. 5

Name: Wallace C. Krebs and Betty Ann

TO: Appeal Tax Court For Baltimore County
Court House, Towson 4, Maryland

Please enter a protest of the assessment as shown by notice from the Supervisor of Assessments dated MAR 29 1957
As requested, the following information is given:

1. Full name of present owner_____
2. When did you acquire the land and at what price?_____
3. If building was erected by owner, state date and entire cost of erection. Date_____ Cost_____
4. If property was acquired in fee simple (Land and Buildings), state date and cost. Date_____ Cost_____
5. What is the amount of ground rent, if any?_____
6. Does the property contain apartments? No. of Apartments_____ Rent per unit_____
7. How much has been expended in improving the property since you have owned it?_____
8. If rented, what is the date and term of lease?_____

_____
Signature of Property Owner

IF AN EXPLANATION OF THE ASSESSMENT IS DESIRED, YOU MAY CALL THE OFFICE OF THE STATE SUPERVISOR OF ASSESSMENTS IN THE BASEMENT OF THE COURT HOUSE, TOWSON, MARYLAND.

TAX PAYER'S COPY

Payment of this bill for current taxes will not prevent legal action if taxes are unpaid for other years.
Failure to receive a bill is no excuse for not paying taxes, interest or penalty.
Please return ALL COPIES of tax bill with your remittance.
Receipt will be returned to you.

1957 LEVY

TO COUNTY COMMISSIONERS OF BALTIMORE COUNTY, DR
STATE AND COUNTY TAXES

MAKE CHECKS PAYABLE TO:
CHARLES L. HAMMOND, Collector
Court House, Towson 4, Md.

Discount Allowed on this Column ONLY

1957 TAX RATE	
State Rate Per $100.00	County Rate Per $100.00
.1425	2.08

NAME AND ADDRESS	ASSESSMENT	STATE TAX	COUNTY TAX	Leg.	TOTAL TAX
WALLACE C KREBS & BETTY A KREBS UPPERCO MD.	7600			AP	
PART ACRE SS RIDGE RD IMPS	3800		7904	½	7904

District	Letter	Account No.
5	11	77125

HAVE YOU CHANGED YOUR MAILING ADDRESS?
If so please notify this office at once.

IMPORTANT • SEE CHART BELOW FOR PROPER DISCOUNT • OR INTEREST RATES FOR 1957 TAXES ONLY

	DISCOUNTS					INTEREST						
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
STATE										½ %	1 %	1½ %
COUNTY	2 %	1½%	1 %	½ %		½ %	1 %	1½%	2 %	2½%	3 %	3½ %
MET.						½%	1%	1½%	2 %	2½%	3%	3½%

▼ LEGEND ▼		ITEM	DISCOUNT	INTEREST
R. P.-Real Property		COUNTY R. P. TAX	1.14	
		COUNTY P. P. TAX		
P. P.-Personal Property		STATE R. P. TAX	NONE	
		STATE P. P. TAX	NONE	
METROPOLITAN CHARGES	S.F.-SEWER FRONT FOOT	SEWER FRONT FOOT	NONE	
	S.S.-SEWER SERVICE	SEWER SERVICE	NONE	
	W -WATER FRONT FOOT	WATER FRONT FOOT	NONE	
	S.C.-SEWER CONNECTION	SEWER CONNECTION	NONE	
	T B -TOWSON SEWER BENEFITS	TOWSON SEW BENEFITS	NONE	
	T S -TOWSON SEWER SERVICE	TOWSON SEWER SERVICE	NONE	
	S.W.-SIDEWALK	SIDEWALK	NONE	
	C.G.-CURB & GUTTER	CURB & GUTTER	NONE	

7904
TOTAL TAX

158
DISCOUNT OR INTEREST

7746
TOTAL NET TAX
After Discount or Interest

o., Inc.

TAX PAYER'S COPY

Payment of this bill for current taxes will not prevent legal action if taxes are unpaid for other years.
Failure to receive a bill is no excuse for not paying taxes, interest or penalty.
Please return ALL COPIES of tax bill with your remittance.
Receipt will be returned to you.

1957 LEVY

TO COUNTY COMMISSIONERS OF BALTIMORE COUNTY, D
STATE AND COUNTY TAXES

MAKE CHECKS PAYABLE TO:
CHARLES L. HAMMOND, Collector
Court House, Towson 4, Md.

Discount Allowed on this Column ONLY

1957 TAX RATE	
State Rate Per $100.00	County Ra Per $100.0
.1425	2.08

NAME AND ADDRESS	ASSESSMENT	STATE TAX	COUNTY TAX	Leg.	TOTAL TAX
Wallace C. Krebs	60	09	1 25		1 34
Part Acre SS Ridge Rd.					

District	Letter	Account No.
5	11	77125

HAVE YOU CHANGED YOUR MAILING ADDRESS?
If so please notify this office at once.

IMPORTANT • SEE CHART BELOW FOR PROPER DISCOUNT • OR INTEREST RATES FOR 1957 TAXES ONLY

	DISCOUNTS					INTEREST						
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
STATE										½ %	1 %	1½ %
COUNTY	2 %	1½%	1 %	½ %		½ %	1 %	1½%	2 %	2½%	3 %	3½ %
MET.						½%	1%	1½%	2 %	2½%	3%	3½%

▼ LEGEND ▼		ITEM	DISCOUNT	INTEREST
R. P.-Real Property		COUNTY R. P. TAX	.03	
		COUNTY P. P. TAX		
P. P.-Personal Property		STATE R. P. TAX	NONE	
		STATE P. P. TAX	NONE	
METROPOLITAN CHARGES	S.F.-SEWER FRONT FOOT	SEWER FRONT FOOT	NONE	
	S.S.-SEWER SERVICE	SEWER SERVICE	NONE	
	W. -WATER FRONT FOOT	WATER FRONT FOOT	NONE	
	S.C.-SEWER CONNECTION	SEWER CONNECTION	NONE	
	T.B.-TOWSON SEWER BENEFITS	TOWSON SEW. BENEFITS	NONE	
	T.S.-TOWSON SEWER SERVICE	TOWSON SEWER SERVICE	NONE	
	S.W.-SIDEWALK	SIDEWALK	NONE	
	C.G.-CURB & GUTTER	CURB & GUTTER	NONE	

1.34
TOTAL TAX

.03
DISCOUNT OR INTEREST

1.31
TOTAL NET TAX
After Discount or Interest

Co., Inc.

CBA
offered & admitted

Mark Krebs & Jane Drozinski
Case No.: 2022-152-SPHA
People's Counsel Exhibit List

1. Deed 2577/479
2. Deed 2577/484
3. Deed 2995/530
4. Deed 3810/453
5. Deed 4071/320
6. Deed 5343/028
7. Timeline
8. SDAT Print out
9. GIS Aerial Photo
10. Google Aerial Map
11. SDAT Information for Neighboring Properties
    a. 16819 Ridge Road
    b. 16815 Ridge Road
    c. 16811 Ridge Road
    d. 16805 Ridge Road
    e. 16800 Ridge Road
    f. 16758 Ridge Road
    g. 16754 Ridge Road
    h. 16750 Ridge Road
12. Baltimore County Zoning Regulations Excerpts
    a. 1945 BCZR Excerpts
    b. 1955 BCZR Excerpts

c. 1963 BCZR Excerpts

d. 1969 BCZR Excerpts

e. 1975 BCZR Excerpts

f. 1981 BCZR Excerpts

g. 1987 BCZR Excerpts

h. 1998 BCZR Excerpts

i. Baltimore County Council Bill 98-75

13. Zoning History

a. 1945 Zoning Map

b. 1971 Zoning Map

c. 1976 Zoning Map

d. 1980 Zoning Map

e. 1984 Zoning Map

f. 1988 Zoning Map

g. 1992 Zoning Map

h. 1996 Zoning Map

i. 2000 Zoning Map

j. 2004 Zoning Map

k. 2008 Zoning Map

l. 2012 Zoning Map

m. 2016 Zoning Map

14. a Letter to Linda Standyford – 16811 Ridge Rd
b) Certificate of Wildlife Habitat 16811 " "

THIS DEED, Made this 21st - - day of October, in the year one thousand nine hundred and fifty-four, by and between RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part, and ELDRIDGE L. ARMACOST and NORA LEE ARMACOST, his wife, and RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars and other good and valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, do grant and convey as to an undivided one-half interest unto ELDRIDGE L. ARMACOST and NORA LEE ARMACOST, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, and as to the remaining undivided one-half interest unto RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, forever in fee simple, all that lot or parcel of ground situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the present roadbed of Ridge Road at a point where a stone marked X1 formerly stood, it being at the end of the South 66 degrees West 1534-5/10 foot line as described in a deed from Edgar F. Benson and wife to Raymond F. Armacost and wife dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583 folio 537 etc. and at the end of the South 13-3/4 degrees East 73 perches line of parcel No. 1 in a deed from George W. Armacost and wife to Joseph F. Armacost dated August 13, 1902, and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 263 folio 254 etc.; running thence binding on the last mentioned

DEL PER TICKET JAN 19 1955

LIBER 2577 PAGE 480

line reversely as now surveyed by magnetic bearings of 1954 with due allowance for the magnetic declination to follow the same and horizontal distances, North 4 degrees 52 minutes 30 seconds West 34-5/10 feet to a pipe on the North side of Ridge Road; thence continuing the same course and along land of the North Charleston Lands Corporation, North 4 degrees 52 minutes 30 seconds West 136-3/10 feet to a stake and 300 feet more to an old boundary flint stone; running thence to include the second parcel in the last deed above mentioned as adjusted and corrected December 29, 1904, by Joseph F. Armacost, Harry S. Morfoot, James C. Boring and Abraham S. Cooper and others to establish said lines satisfactorily to all parties then interested, at which time monuments were set and lines fenced and are at present used and possessed satisfactorily by all present owners on each side, as follows, as now surveyed North 55 degrees 37 minutes 30 seconds West 161-9/10 feet to a pipe at a small stream; thence along land of H. E. Green, North 55 degrees 37 minutes 30 seconds West 333-1/10 feet to an old boundary stone; thence with land now belonging to Henry C. Cullison, North 56 degrees 31 minutes 30 seconds West 709-5/10 feet to a pipe and North 4 degrees 08 minutes 30 seconds West 1106-75/100 feet to stone 111; thence along the Davidson property, North 07 degrees 41 minutes 30 seconds East 978-9/10 feet to an old boundary stone No. 4; thence along the George Wayson Armacost and wife property the four following lines as now surveyed, South 69 degrees 22 minutes East 1073-8/10 feet to a pipe, South 07 degrees 21 minutes West 134-65/100 feet to a pipe, South 82 degrees 27 minutes 30 seconds East 782-1/10 feet to an old boundary stone, the last line being with the North boundary of parcel No. 1 in the above mentioned deed from George W. Armacost and wife to Joseph F. Armacost; thence to include that parcel conveyed to Raymond F. Armacost

and wife by the North Charleston Lands Corporation by deed dated June 11, 1951, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2000 folio 382 etc., North 04 degrees 46 minutes 30 seconds West 346-5/10 feet to an old boundary stone; thence along the John Hale property, North 81 degrees 51 minutes 30 seconds East 288-75/100 feet to a pipe; thence along the Clarence Sparks' land, South 23 degrees 12 minutes 30 seconds East 297 feet to a pipe and South 29 degrees 16 minutes 30 seconds East 231 feet to a pipe; thence with the North Charleston Lands Corporation, South 29 degrees 16 minutes 30 seconds East 889-3/10 feet to a pipe, South 31 degrees 12 minutes West 342-8/10 feet to a pipe; thence South 05 degrees 19 minutes East 796 feet to an old boundary stone the beginning stone of parcel No. 1 in the deed above mentioned from George W. Armacost and wife to Joseph F. Armacost (said last line crossing the center of Ridge Road at a point 374 feet from the beginning of said line); thence binding on the last line reversely of that parcel as now surveyed, South 72 degrees 31 minutes 30 seconds West 182-8/10 feet to an old boundary stone; thence to include a part of that parcel conveyed unto Raymond F. Armacost and wife by the above mentioned deed from Edgar F. Benson and wife, South 62 degrees 08 minutes East 1313-7/10 feet to a pipe; thence following the division line of that parcel conveyed by Raymond F. Armacost and wife to North Charleston Lands Corporation in June, 1951, South 32 degrees 06 minutes 30 seconds West 472-5/10 feet to a pipe and continuing the same course, South 32 degrees 06 minutes 30 seconds West 283-2/10 feet to a pipe; thence continuing with the North Charleston Lands Corporation, North 73 degrees 27 minutes 30 seconds West 565-1/10 feet to a pipe, North 72 degrees 57 minutes 30 seconds West 1701-84/100 feet to a pipe on the South side of the Ridge Road and North 72 degrees 57 minutes 30 seconds West 9-96/100 feet

to the place of beginning. Containing 175-199/1000 acres of land, more or less, according to a survey made by H. S. Morfoot and Associates, Engineer and Surveyor, in September, 1954.

BEING all and the same property which by deed dated February 25, 1927, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 643 folio 173, was granted and conveyed by Joseph F. Armacost and Della A. Armacost, his wife, unto Raymond F. Armacost and Rachel R. Armacost, his wife; being also a portion of that property which by deed dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583 folio 537, was granted and conveyed by Edgar F. Benson and Edna G. Benson, his wife, unto Raymond F. Armacost and Rachel R. Armacost, his wife; and being also all and the same property which by deed dated June 11, 1951, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2000 folio 382, was granted and conveyed by North Charleston Lands Corporation, a body corporate, unto Raymond F. Armacost and Rachel R. Armacost, his wife.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD said lot 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 as to an undivided one-half interest unto ELDRIDGE L. ARMACOST and NORA LEE ARMACOST, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, and as to the remaining undivided one-half interest unto RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST,

his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, 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 granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

TEST:

Raymond F. Armacost (SEAL)
Raymond F. Armacost

Lillian G. Daniels
Lillian G. Daniels

Rachel R. Armacost (SEAL)
Rachel R. Armacost

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st day of October, 1954, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, the within grantors, and they acknowledged the foregoing deed to be their act.

AS WITNESS my hand and notarial seal.

Lillian G. Daniels
Lillian G. Daniels
NOTARY PUBLIC

Rec'd for record Oct 22 19 54, at 12 P. M.
Per George L. Byerly, Clerk.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) ELB 2577, p. 0484, MSA_CE62_2492. Date available 11/03/2005. Printed 01/10/2023

PLEASE RECORD JAN 18 1956

(2)

.828 to Ray + Ellen Armacost

THIS DEED, Made this 21st day of October, in the year one thousand nine hundred and fifty-four, by and between ELDRIDGE L. ARMACOST, NORA LEE ARMACOST, his wife, RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part, and RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars and other good and valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said ELDRIDGE L. ARMACOST, NORA LEE ARMACOST, his wife, RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, do grant and convey unto the said RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of the present roadbed of Ridge Road at the end of the South 66 degrees West 1534-5/10 foot line as described in a deed from Edgar F. Benson and wife to Raymond F. Armacost and wife dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583 folio 537 etc.; running thence along the Southeast side of that roadbed as now surveyed by magnetic bearings of 1954, North 66 degrees 40 minutes East 500 feet to a nail approximately 9 feet Southeast of the center line of said road and North 50 degrees 52 minutes East 200 feet to a stake 21 feet from the center line of the present roadbed; thence by a line of division as now surveyed, South 23 degrees 20 minutes

East 22-15/100 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East 349-85/100 feet to a pipe; thence by another line of division as now surveyed and parallel with the first line of the lot herein being described, South 66 degrees 40 minutes West 322 feet to a pipe and to intersect the South 73 degrees 20 minutes East 1711-8/10 foot line of the above mentioned deed; running thence binding on that deed reversely as now surveyed with due allowance for the magnetic declination to follow the same and along land formerly belonging to Blanche Tracey and now belonging to the North Charleston Lands Corporation, North 72 degrees 57 minutes 30 seconds West 479-5/10 feet to a pipe on the Southeast side of Ridge Road; thence continuing the same course, North 72 degrees 57 minutes 30 seconds West 9-96/100 feet to the place of beginning. Containing 3-829/1000 acres of land, more or less, according to a survey made by H. S. Morfoot & Associates, Engineer and Surveyor, on June 10, 1954.

BEING a portion of that property which by deed of even date herewith and recorded or intended to be recorded immediately prior hereto among the Land Records of Baltimore County, was granted and conveyed by Raymond F. Armacost and Rachel R. Armacost, his wife, unto Eldridge L. Armacost, Nora Lee Armacost, his wife, Raymond F. Armacost, Jr. and Ellen K. Armacost, his wife. Being also a portion of that property which by deed dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583 folio 537, was granted and conveyed by Edgar F. Benson and Edna G. Benson, his wife, unto Raymond F. Armacost and Rachel R. Armacost, his wife; and being also a small portion of that property which by deed dated February 25, 1927, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 643 folio 173, was granted and conveyed by Joseph F. Armacost and Della A. Armacost, his wife, unto Raymond F.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SLB 2577 p. 0485, MSA_CE62_2432. Date available 11/03/2005. Printed 01/10/2023.

Armacost and Rachel R. Armacost, his wife.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD said lot 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 RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, 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 granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

TEST:

Eldridge L. Armacost (SEAL)
Eldridge L. Armacost

Nora Lee Armacost (SEAL)
Nora Lee Armacost

Lillian G. Daniels
Lillian G. Daniels

Raymond F. Armacost, Jr. (SEAL)
Raymond F. Armacost, Jr.

Ellen K. Armacost (SEAL)
Ellen K. Armacost

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 21st- - day of October, 1954, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared ELDRIDGE L. ARMACOST, NORA LEE ARMACOST, his wife, RAYMOND F. ARMACOST, JR. and ELLEN K. ARMACOST, his wife, the within grantors, and they acknowledged the foregoing deed to be their act.

AS WITNESS my hand and notarial seal.

Lillian G. Daniels
Lillian G. Daniels
NOTARY PUBLIC

Rec'd for record Oct. 22-1954, at 12 P. M.
Per George L. Byerly, Clerk.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 2577, p. 0486, MSA_CE62_2432. Date available 11/03/2005. Printed 01/10/2023.

NO STAMPS REQUIRED

(3)

.828 acres to Krebs

LIBER 2995 PAGE 530

THIS DEED, Made this 9th- -day of August, in the year one thousand nine hundred and fifty-six, by and between RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part, and WALLACE C. KREBS and BETTY ANN KREBS, his wife, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars and other good and valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, do grant and convey unto the said WALLACE C. KREBS and BETTY ANN KREBS, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of the present road bed of Ridge Road at the beginning point described in a deed from Eldridge L. Armacost et al. to Raymond F. Armacost and wife dated October 21, 1954, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577 folio 484 etc.; running thence binding on that deed as now surveyed by magnetic bearings of 1954 as given in said deed and running in Ridge Road, North 66 degrees 40 minutes East 292-45/100 feet to a nail; thence by a line of division as now surveyed, South 23 degrees 20 minutes East 17-75/100 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East 230-92/100 feet to a pipe and to intersect the North 72 degrees 57 minutes 30 seconds West 479-5/10 foot line of the above mentioned deed; running thence binding on that deed as now surveyed, North 72 degrees 57 minutes 30 seconds West 373-92/100 feet to an old boundary pipe at the end of said line; thence continuing the same course, North 72 degrees 57 minutes 30

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 2995, p. 0530, MSA_CE62_2850. Date available 04/11/2006. Printed 01/10/2023.

seconds West 9-96/100 feet to the place of beginning; containing 828/1000 of an acre of land, more or less, as surveyed July 11, 1956, by H. S. Morfoot & Associates, State Registered Engineer & Surveyor.

BEING a portion of that property which by deed dated October 21, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577 folio 484, was granted and conveyed by Eldridge L. Armacost et al. unto Raymond F. Armacost and Rachel R. Armacost, his wife.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD said lot 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 WALLACE C. KREBS and BETTY ANN KREBS, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, 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 granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

TEST:

Lillian G. Daniels
Lillian G. Daniels

Raymond F. Armacost (SEAL)
Raymond F. Armacost

Rachel R. Armacost (SEAL)
Rachel R. Armacost

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 2995, p. 0531, MSA_CE62_2856. Date available 04/11/2006. Printed 01/10/2025.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 9th- -day of August, 1956, before me, the subscriber, a notary public of the State of Maryland, in and for the County aforesaid, personally appeared RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, the within grantors, and they acknowledged the foregoing deed to be their act.

AS WITNESS my hand and notarial seal.

Lillian G. Daniels
NOTARY PUBLIC

No title examination was conducted for the purpose of this conveyance.

Jenifer and Jenifer

Rec'd for Record AUG 21 1956 at 2:26
For George L. Byerly, Clerk,
Mailed to Jenifer & Jenifer

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SLR 2905, p. 0532, MSA_CE62_2950. Date available 04/11/2006. Printed 01/10/2026.

(4)

LIBER 3810 PAGE 453

REAL ESTATE TITLE CO.
Keyser Building
Baltimore, Md.
LE xington 9-3212

TITLES INSURED
Lawyers Title
Insurance Corporation
Richmond, Virginia

App. No. 53905

FEE SIMPLE DEED

This Deed, Made this [illegible] day of February

in the year one thousand nine hundred and sixty-one by and between

RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part; and SILAS P. MARTIN and MARY M. MARTIN, his wife, of Baltimore County, State of Maryland, parties of the second part.

PAID — Baltimore County [illegible]

2-14-61 2952 • •8712 PPF— 15.00
2-14-61 2952 • •8712 PPF— 15.00

WITNESSETH that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part -

do **grant and convey unto** the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's - **heirs and assigns, in fee-simple, all** that lot or parcel of ground - **situate, lying and being in** the Fifth Election District of Baltimore County, State of Maryland **and described as follows, that is to say**

BEGINNING for the same at a nail approximately 8 feet Southeast of the centerline of the present road-bed of Ridge Road at the end of 396.07 feet in the first or North 66 degrees 40 minutes East 500 foot line as described in a Deed from Eldridge L. Armacost et al., to Raymond F. Armacost and wife, dated October 21, 1954, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484 etc., thence binding on that Deed the two following lines as now surveyed by magnetic bearings of 1954 and running in Ridge Road, North 66 degrees 40 minutes East 103.93 feet to a nail approximately 9 feet Southeast of the centerline and North 50 degrees 52 minutes East 96.07 feet to a railroad spike on the Northwest side of said road, thence by a line of division and parallel with the third and fourth lines of the aforementioned Deed, South 23 degrees 20 minutes East 25 feet to a pipe, thence continuing the same course, South 23 degrees 20 minutes East 318.51 feet to a stake and to intersect the South 66 degrees 40 minutes West 322 foot line of the Deed above mentioned at the end of 100.00 feet, thence binding on that line, South 66 degrees 40 minutes West 196.37 feet to a stake, thence by a line of division and parallel with the third and fourth lines of the parcel being described herein, North 23 degrees 20 minutes West 300.00 feet to a pipe, thence continuing the same course, North 23 degrees 20 minutes West 17.35 feet to the place of beginning, containing one acre and four hundred fifty-eight one thousandths of an acre (1.458) of land, more or less, according to a survey made by C. A. Myers on December 29, 1960.

BEING part of all that parcel of ground described in a Deed dated October 21, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484, from Eldridge L. Armacost, et al, to the Grantors herein.

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the land 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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs 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 hands and seals of said grantors

TEST:

Raymond F. Armacost [SEAL]
Raymond F. Armacost

Rachel R. Armacost [SEAL]
Rachel R. Armacost

[SEAL]

STATE OF MARYLAND, City of Baltimore **TO WIT:**

I **HEREBY CERTIFY,** that on this 14th day of February in the year one thousand nine hundred and sixty-one before me, the subscriber, a Notary Public - of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Raymond F. Armacost and Rachel R. Armacost, his wife, Grantors herein, - - - - - - - and they acknowledged the foregoing Deed to be their act.

WITNESS my hand and notarial seal the day and year last above written.

NOTARY PUBLIC

Rec'd for record FEB 14 1961 at 2:37 P M
Per Walter J. Rasmussen, Clerk
Mail to REAL ESTATE TITLE CO., INC.
Receipt No. 154322 $6.00

(5)

LIBER 4071 PAGE 320

REAL ESTATE TITLE CO.
Keyser Building
Baltimore, Md.
LE xington 9-3212

APP. NO. 57627

TITLES INSURED by Lawyers Title Insurance Corporation Richmond, Virginia

FEE SIMPLE DEED

This Deed, Made this 5th day of November

in the year one thousand nine hundred and sixty-two by

RAYMOND F. ARMACOST and RACHEL R. ARMACOST, his wife, of Baltimore County, State of Maryland, parties of the first part; and

SILAS P. MARTIN and MARY M. MARTIN, his wife, of Baltimore County, State of Maryland, parties of the second part.

RECORDED — Baltimore County, Md. — Office of Finance

760 • 29992 PPE— 5.63

760 • 29992 PPE— 5.63

WITNESSETH that in consideration of the sum of $5.00 and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part

do grant and convey unto the parties of the second part, as tenants by the entireties their assigns, the survivor of them and the survivor's - - - - - - - - - - - - - - - - heirs and assigns, in fee-simple, all that lot or parcel of ground situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows, that is to say

BEGINNING for the same at a stake 21 feet East of the center line of the present road-bed of Ridge Road at the end of the North 50 degrees 52 minutes East 200 foot line as described in a Deed from Eldridge L. Armacost et al to Raymond F. Armacost and wife, dated October 21, 1954, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484 etc., thence binding on that Deed the three following lines as now surveyed by magnetic bearings of 1954, South 23 degrees 20 minutes East 22.15 feet to a pipe, thence continuing the same course, South 23 degrees 20 minutes East 349.85 feet to a pipe and South 66 degrees 40 minutes West 100.00 feet to a stake at the end of the South 23 degrees 20 minutes East 318.51 foot line in a Deed from Raymond F. Armacost and wife to Silas P. Martin and wife, dated February 6, 1961, recorded in Liber W.J.R. No. 3810 folio 453 etc., running thence binding on that Deed reversely the two following lines, North 23 degrees 20 minutes West 318.51 feet to a pipe on the Southeast side of Ridge Road, thence continuing the same course, North 23 degrees 20 minutes West 25.00 feet to a railroad spike on the Northwest side of said road and to intersect the first above-mentioned Deed line at the end of 96.07 feet, thence binding on that Deed and running in Ridge Road, North 50 degrees 52 minutes East 103.93 feet to the place of beginning, containing eight hundred twenty-one one thousandths of an acre (0.821) of land more or less.

The above-mentioned description was prepared by C. A. Myers, surveyor, on September 13, 1962.

BEING a part of the same land described in the above-mentioned Deed from Eldridge L. Armacost et al to Raymond F. Armacost and wife, dated October 21, 1954, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484, etc.

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said land 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 parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs 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 hands and seals of said grantors.

TEST:

Joseph L. Barrett
JOSEPH L. BARRETT

Raymond F. Armacost [SEAL]
Raymond F. Armacost

Rachel R. Armacost [SEAL]
Rachel R. Armacost

[SEAL]

STATE OF MARYLAND, CITY OF BALTIMORE **TO WIT:**

I HEREBY CERTIFY, that on this 5th day of November in the year one thousand nine hundred and sixty-two before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Raymond F. Armacost and Rachel R. Armacost, his wife and they acknowledged the foregoing Deed to be their act.

WITNESS my hand and notarial seal the day and year last above written.

JOSEPH L. BARRETT NOTARY PUBLIC BALTIMORE, MD.

Joseph L. Barrett
NOTARY PUBLIC

Rec'd for record NOV 14 1962 at 10:44 A.M.
Per Walter C. Rasmussen, Clerk
Mail to REAL ESTATE TITLE CO., INC.
Receipt No. 275960 $ -

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5343, p. 0028. MSA_CE62_5198. Date available 12/27/2005. Printed 01/03/2023.

(6)

LIBER 5343 PAGE 028

2-28-73 jbl

.714 conveyed

Saving & Excepting .828 acres

THIS DEED, made this 28th day of February, in the year nineteen hundred and seventy-three, by RACHEL R. ARMACOST, widow, of Baltimore County, in the State of Maryland.

WITNESSETH that for and in consideration of the sum of One Dollar ($1.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said RACHEL R. ARMACOST, widow, does hereby grant and convey unto WALLACE C. KREBS and BETTY ANN KREBS, his wife, of Baltimore County, Maryland, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple, all that lot or parcel of land situate on the Southeast side of Ridge Road, in the Fifth Election District of Baltimore County, Maryland, more particularly described as follows:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of the present roadbed of Ridge Road at the end of the South 66 degrees West, 1534-5/10 foot line as described in a deed from Edgar F. Benson and wife to Raymond F. Armacost and wife dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583, folio 537 &c., and running thence along the Southeast side of that roadbed as now surveyed by magnetic bearings of 1954, North 66 degrees 40 minutes East, 500 feet to a nail approximately 9 feet Southeast of the center line of said road and North 50 degrees 52 minutes East, 200 feet to a stake 21 feet from the center line of the present roadbed; thence by a line of division as now surveyed, South 23 degrees 20 minutes East, 22-15/100 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East, 349-85/100 feet to a pipe; thence by another line of division as now surveyed and parallel with the first line of the lot herein being described, South 66 degrees 40 minutes West, 322 feet to a pipe and to intersect the South 73 degrees 20 minutes East, 1711-8/10 foot line

TRANSFER TAX NOT REQUIRED
3-14-73
Walter R. Richardson
Director of Finance
Per Maurice J. Mauren
Authorized Signature
NO CONSIDERATION
No Title Examination

of the abovementioned deed; running thence binding on that deed reversely as now surveyed with due allowance for the magnetic declination to follow the same and along land formerly belonging to Blanche Tracey and now belonging to the North Charleston Lands Corporation, North 72 degrees 57 minutes 30 seconds West, 479-5/10 feet to a pipe on the Southeast side of Ridge Road; thence continuing the same course, North 72 degrees 57 minutes 30 seconds West, 9-96/100 feet to the place of beginning, containing 3.829 acres of land, more or less.

BEING all and the same land conveyed unto Raymond F. Armacost and Rachel R. Armacost, his wife, by deed from Eldridge L. Armacost et al dated October 21, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484 &c. The said Raymond F. Armacost having since departed this life and land having vested in severalty in Rachel R. Armacost, his widow.

Saving and excepting from the above described lot or parcel of land all the following portions thereof which have been granted and conveyed by Raymond F. Armacost and Rachel R. Armacost, his wife, by the following deeds:

1. Deed to Wallace C. Krebs and Betty Ann Krebs, his wife, dated August 9, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2995, folio 530 &c., conveying 0.828 of an acre of land, more or less.

2. Deed to Silas P. Martin and Mary M. Martin, his wife, dated February 6, 1961, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3810, folio 453 &c., conveying 1.458 acres of land, more or less.

3. Deed to Silas P. Martin and Mary M. Martin, his wife, dated November 5, 1962, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4071, folio 320 &c., conveying 0.821 of an acre of land, more or less.

The quantity of land being conveyed by this

NO CONSIDERATION
No Title Examination

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5343, p. 029, MSA_CE62_5198. Date available 12/27/2005. Printed 01/03/2023.

2-28-73 jbl

deed is 0.714 of an acre of land, more or less.

TOGETHER with the buildings and improvements thereon, and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto WALLACE C. KREBS and BETTY ANN KREBS, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple.

AND the said grantor hereby covenants that she will warrant specially the property hereby conveyed and that she will execute such other and further assurances of the same as may be requisite.

AS witness the hand and seal of the grantor herein.

Witness: Charles M. Preston — Rachel R. Armacost (SEAL)
RACHEL R. ARMACOST, widow

NO CONSIDERATION
No Title Examination

STATE OF MARYLAND, CARROLL COUNTY, to wit:

I hereby certify that on this 28th day of February, 1973, before me, the subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared RACHEL R. ARMACOST, widow, grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

Witness my hand and Notarial Seal.

Jean B. LeGore
Notary Public

JEAN B. LEGORE NOTARY PUBLIC CARROLL COUNTY, MD.

Jean B. LeGore

Rec'd for record MAR 14 1973 at 2:01
For Elmer H. Kahline, Jr., Clerk
Mail to Hoffmann & Hoffman
Receipt No. 10.50

BALTIMORE COUNTY CIRCUIT COURT (Land Records) EHK 5343, p. 0030, MSA_CE62_5198. Date available 12/27/2005. Printed 01/03/2023.

TIMELINE

1.	1945	Zoning History – Residence A
2.	10-21-1954	3.829 acres E&N Armacost + R, Jr. + E. Armacost to Raymond & Rachel Armacost
3.	1955	BCZR – Residence A becomes R6 Residual
4.	8-9-1956	.828 acres out of 3.829 – Raymond & Rachel to Wallace & Berry Krebs
5.	1961	1.458 acres Armacosts to Martens
6.	1962	Armacosts to Martens .821 acres
7.	1963	BCZR R zones only – No RDP
8.	1970	1A00.3.B.1 Lot area – no lot less than 1 acres shall be created hereafter in RDP Zone. RDP zone enacted
9.	1971	RDP applied
10.	1973	Armacost to Krebs .714 acres
11.	2021	Krebs estate to Karwacki .828 acres with home 16805 Ridge Road

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0501074654

Owner Information

Owner Name:	KREBS WALLACE C KREBS BETTY ANN	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	16805 RIDGE RD UPPERCO MD 21155-9461	**Deed Reference:**	/05343/ 00028

Location & Structure Information

Premises Address:	RIDGE RD 0-0000	**Legal Description:**	0.714 AC SS RIDGE RD 2250 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0081	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			31,101 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	68,700	81,700		
Improvements	0	0		
Total:	68,700	81,700	68,700	73,033
Preferential Land:	0	0		

Transfer Information

Seller: ARMACOST RAYMOND F	**Date:** 03/14/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05343/ 00028	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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)

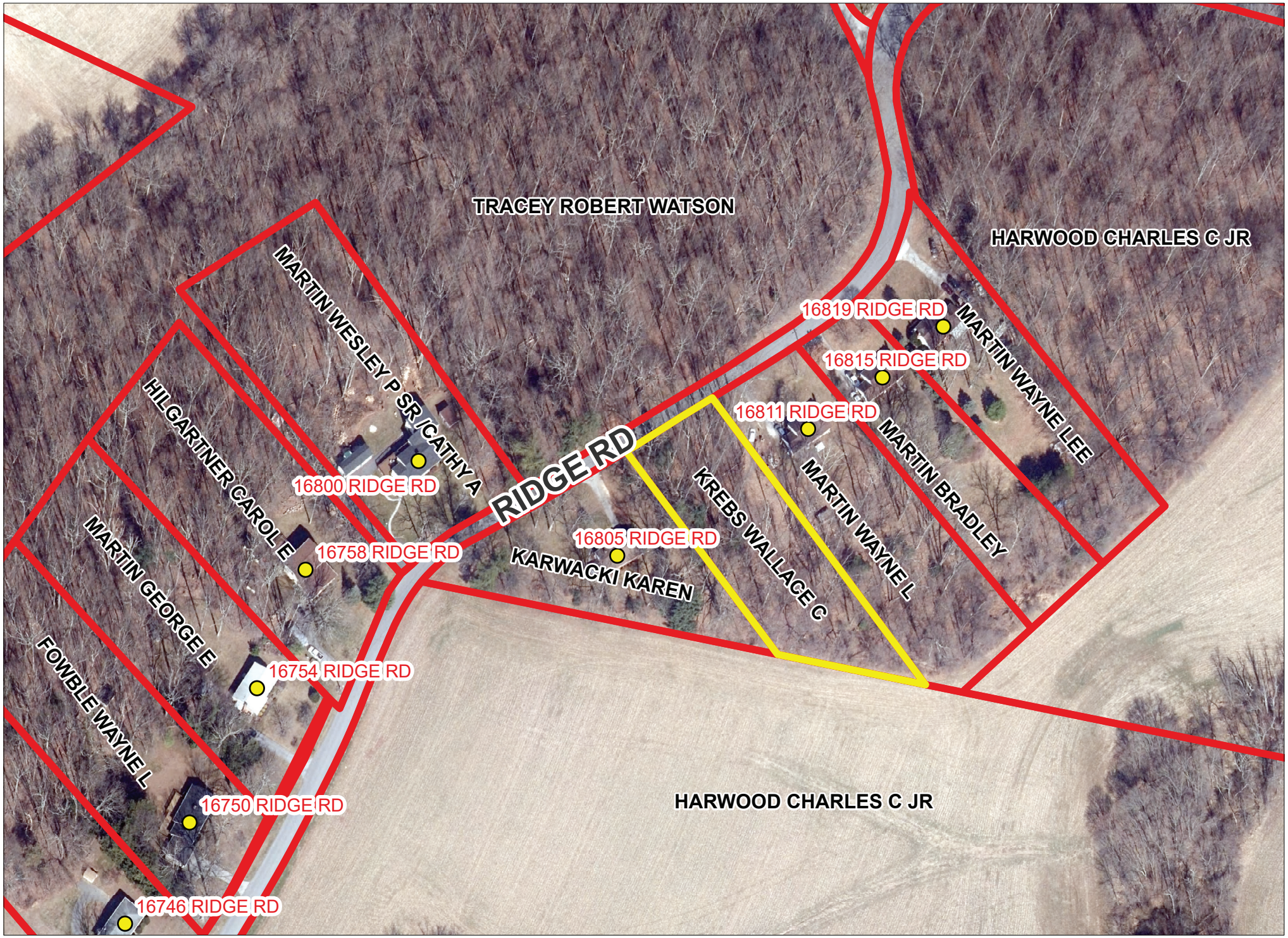
District: 05 Account Number: 0501074654

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)**.



Prepared by Geographic Information Services
Baltimore County Office of Information Technology
Date: July 6,2020
2020 Imagery

1 Inch = 31 Feet

Google Maps 16809 Ridge Rd

Imagery ©2023 Maxar Technologies, U.S. Geological Survey, Map data ©2023 50 ft

16809 Ridge Rd

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0520066490

Owner Information

Owner Name:	MARTIN WAYNE LEE	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	16819 RIDGE RD UPPERCO MD 21155	**Deed Reference:**	/11717/ 00605

Location & Structure Information

Premises Address:	16819 RIDGE RD UPPERCO 21155-	**Legal Description:**	0.821 AC SS RIDGE RD 2500 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0116	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1962	1,362 SF	340 SF	35,762 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full/ 1 half		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	79,900	92,900		
Improvements	185,500	237,400		
Total:	265,400	330,300	265,400	287,033
Preferential Land:	0	0		

Transfer Information

Seller: WATSON WILLIAM ROBERT	**Date:** 07/25/1996	**Price:** $118,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11717/ 00605	**Deed2:**
Seller: TURNBAUGH DAVID L/JANETTE S	**Date:** 06/28/1995	**Price:** $110,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11106/ 00676	**Deed2:**
Seller: TRACEY ROBERT W	**Date:** 07/14/1977	**Price:** $53,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /05777/ 00867	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0507029170

Owner Information

Owner Name:	MARTIN BRADLEY	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	16815 RIDGE RD UPPERCO MD 21155-9461	**Deed Reference:**	/42335/ 00001

Location & Structure Information

Premises Address:	16815 RIDGE RD UPPERCO 21155-9461	**Legal Description:**	.743 AC SS RIDGE RD 2600FT E BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0110	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1962	1,102 SF		32,365 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full	1 Carport	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	79,000	92,000		
Improvements	157,100	201,000		
Total:	236,100	293,000	236,100	255,067
Preferential Land:	0	0		

Transfer Information

Seller: OULTON ALEXIS	**Date:** 01/13/2020	**Price:** $235,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /42335/ 00001	**Deed2:**
Seller: MARTIN WAYNE LEE	**Date:** 09/26/2013	**Price:** $198,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /34265/ 00275	**Deed2:**
Seller: GIST WILLIAM DORSEY	**Date:** 10/15/1991	**Price:** $113,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /08939/ 00465	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0508030595

Owner Information

Owner Name:	MARTIN WAYNE L	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	17946 FORESTON RD PARKTON MD 21120-9659	**Deed Reference:**	/15121/ 00013

Location & Structure Information

Premises Address:	16811 RIDGE RD 0-0000	**Legal Description:**	LT SES RIDGE RD 16811 RIDGE RD 2400 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0164	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1960	1,102 SF		31,776 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full	1 Carport	

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	Phase-in Assessments As of 07/01/2023
Land:	78,900	91,900		
Improvements	155,300	198,700		
Total:	234,200	290,600	234,200	253,000
Preferential Land:	0	0		

Transfer Information

Seller: HEISS-MOSES JUNE R	**Date:** 04/13/2001	**Price:** $120,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /15121/ 00013	**Deed2:**
Seller: MILLER JOYCE A	**Date:** 06/12/2000	**Price:** $37,601
Type: NON-ARMS LENGTH OTHER	**Deed1:** /14520/ 00082	**Deed2:**
Seller: HEISS MILFORD F	**Date:** 09/26/1996	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11819/ 00276	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0511077125

Owner Information

Owner Name:	KARWACKI KAREN KARWACKI RYAN	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	16805 RIDGE RD UPPERCO MD 21155-9461	**Deed Reference:**	/45740/ 00234

Location & Structure Information

Premises Address:	16805 RIDGE RD UPPERCO 21155-9461	**Legal Description:**	.828 AC SS RIDGE RD 1950 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0080	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1956	1,185 SF	300 SF	36,067 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	Phase-in Assessments As of 07/01/2023
Land:	80,000	93,000		
Improvements	165,200	218,900		
Total:	245,200	311,900	245,200	267,433
Preferential Land:	0	0		

Transfer Information

Seller: KREBS WALLACE C	**Date:** 11/03/2021	**Price:** $325,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /45740/ 00234	**Deed2:**
Seller: ARMACOST RAYMOND F	**Date:** 08/21/1956	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /02995/ 00530	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
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:**

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0519039090

Owner Information

Owner Name:	MARTIN WESLEY P SR /CATHY A MARTIN WESLEY P JR	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	16800 RIDGE RD UPPERCO MD 21155-	**Deed Reference:**	/30728/ 00404

Location & Structure Information

Premises Address:	16800 RIDGE RD UPPERCO 21155-	**Legal Description:**	1.320 AC 16800 RIDGE RD NWS 2000 FT NE BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0020	0202	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1967	2,733 SF		1.3200 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	SIDING/	4	2 full	1Att/1Det	2017

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	Phase-in Assessments As of 07/01/2023
Land:	97,500	102,100		
Improvements	310,000	397,100		
Total:	407,500	499,200	407,500	438,067
Preferential Land:	0	0		

Transfer Information

Seller: MARTIN WESLEY P	**Date:** 04/19/2011	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /30728/ 00404	**Deed2:**
Seller: ARMACOST R FRANKLIN,3RD	**Date:** 02/24/1999	**Price:** $135,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /13547/ 00728	**Deed2:**
Seller: ARMACOST ELLEN ELIZABETH KREBS	**Date:** 05/01/1998	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /12830/ 00261	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
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: Approved 07/23/2012

Homeowners' Tax Credit Application Information

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

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District** - 05 **Account Number** - 0513055521

Owner Information

Owner Name:	HILGARTNER CAROL E	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	16758 RIDGE RD UPPERCO MD 21155-9462	**Deed Reference:**	/20225/ 00717

Location & Structure Information

Premises Address:	16758 RIDGE RD UPPERCO 21155-9462	**Legal Description:**	1.134 AC 16758 RIDGE RD NWS 1800 NE OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0020	0203	5040004.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1973	2,436 SF		1.1300 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	SPLIT LEVEL	1/2 BRICK SIDING/ BRICK	3	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	Phase-in Assessments As of 07/01/2023
Land:	95,700	100,200		
Improvements	236,100	286,100		
Total:	331,800	386,300	331,800	349,967
Preferential Land:	0	0		

Transfer Information

Seller: HILGARTNER CAROL E,TRUSTEE	**Date:** 06/14/2004	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /20225/ 00717	**Deed2:**
Seller: SILLDORFF CAROL	**Date:** 02/08/2000	**Price:** $176,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /14301/ 00091	**Deed2:**
Seller: FIRST NATIONAL BANK OF MARYLAND	**Date:** 07/27/1999	**Price:** $95,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /13919/ 00488	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
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: Approved 02/26/2014

Homeowners' Tax Credit Application Information

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

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District** - 05 **Account Number** - 0513055520

Owner Information

Owner Name:	MARTIN GEORGE E MARTIN SARA ANN	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	16754 RIDGE RD UPPERCO MD 21155-	**Deed Reference:**	/40018/ 00219

Location & Structure Information

Premises Address:	16754 RIDGE RD UPPERCO 21155-	**Legal Description:**	1275 N BLACK ROCK ROAD MARTIN PLAT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0020	0020	0172	5040004.04	0000			4	2023	Plat Ref:	0029/ 0101

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1963	1,196 SF		1.3500 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	2 full		

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	97,800	102,400		
Improvements	175,000	224,000		
Total:	272,800	326,400	272,800	290,667
Preferential Land:	0	0		

Transfer Information

Seller: MARTIN GEORGE E	**Date:** 03/07/2018	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /40018/ 00219	**Deed2:**
Seller: MARTIN GEORGE E	**Date:** 10/15/1980	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06217/ 00619	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
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: Approved 06/26/2008

Homeowners' Tax Credit Application Information

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

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map **View GroundRent Redemption** **View GroundRent Registration**

Special Tax Recapture: None

Account Identifier: **District -** 05 **Account Number -** 0506045630

Owner Information

Owner Name:	FOWBLE WAYNE L FOWBLE JOAN E	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	16750 RIDGE RD UPPERCO MD 21155-9462	**Deed Reference:**	/41257/ 00339

Location & Structure Information

Premises Address:	16750 RIDGE RD UPPERCO 21155-9462	**Legal Description:**	1175 N BLACK ROCK RD MARTIN PLAT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0020	0020	0172	5040004.04	0000			3	2023	Plat Ref:	0029/ 0101

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1964	1,541 SF		1.4500 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	4	1 full	1 Attached	

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	Phase-in Assessments As of 07/01/2023
Land:	98,700	103,400		
Improvements	233,300	298,600		
Total:	332,000	402,000	332,000	355,333
Preferential Land:	0	0		

Transfer Information

Seller: FOWBLE WAYNE L	**Date:** 03/26/2019	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /41257/ 00339	**Deed2:**
Seller: MARTIN SILAS P & MARY M	**Date:** 03/08/1965	**Price:** $18,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /04430/ 00087	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
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: Approved 10/01/2013

Homeowners' Tax Credit Application Information

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

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.	

1945-1955
ZONING REGULATIONS AND RESTRICTIONS
FOR BALTIMORE COUNTY

ORDERS AND RESOLUTIONS OF THE COUNTY COMMISSIONERS OF BALTIMORE COUNTY ADOPTING ZONING REGULATIONS AND RESTRICTIONS AND AMENDMENTS THERETO TO DATE.

The County Commissioners of Baltimore County having received from the Zoning Commissioner of Baltimore County his Final Reports (as authorized by the aforesaid Act of 1941) recommending the adoption of certain zoning regulations and restrictions with respect to the erection, construction, reconstruction, alteration, repair and use of buildings, structures and land within the confines of Baltimore County, and having given fifteen days' notice in a newspaper of general circulation throughout Baltimore County of the place and time of hearings upon Final Reports and said public hearings having been held before the County Commissioners of Baltimore County, pursuant to said notices, and further continued hearings having been thereafter held thereon, and after thorough consideration, investigation and study, the following zoning regulations and restrictions and amendments were adopted:

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 occupancy 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. [2]
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 for 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.
[3]
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 as the 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 form 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 or 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 real 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

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 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:

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

ZONING REGULATIONS

1963

BOOK № 281

This is the property of:

Name Robert J. Brandenburg

Address _____

_____

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R. 6 Residence Zone, One and Two Family

R-6 Zone

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R.40 Zone except that animal boarding place, Class A and kennel are permitted only as special exceptions.

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

209.3—Special Exceptions—Same as R.10 Zone, except animal boarding place, Class B, sanitary land fills, and trailer parks, which are not permitted, and except that antique shops and residential art salons are permitted as special exceptions outside the Metropolitan District (see Sections 402B and 402C).

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—Except as noted below, 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). At least five per cent and six per cent (one-family and two-family dwelling types, respectively) of the gross residential acreage of the tract must be allocated to local open space tract(s). To meet this requirement the developer may reduce the minimum permitted lot size by not more than five per cent of the minimum required area.

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

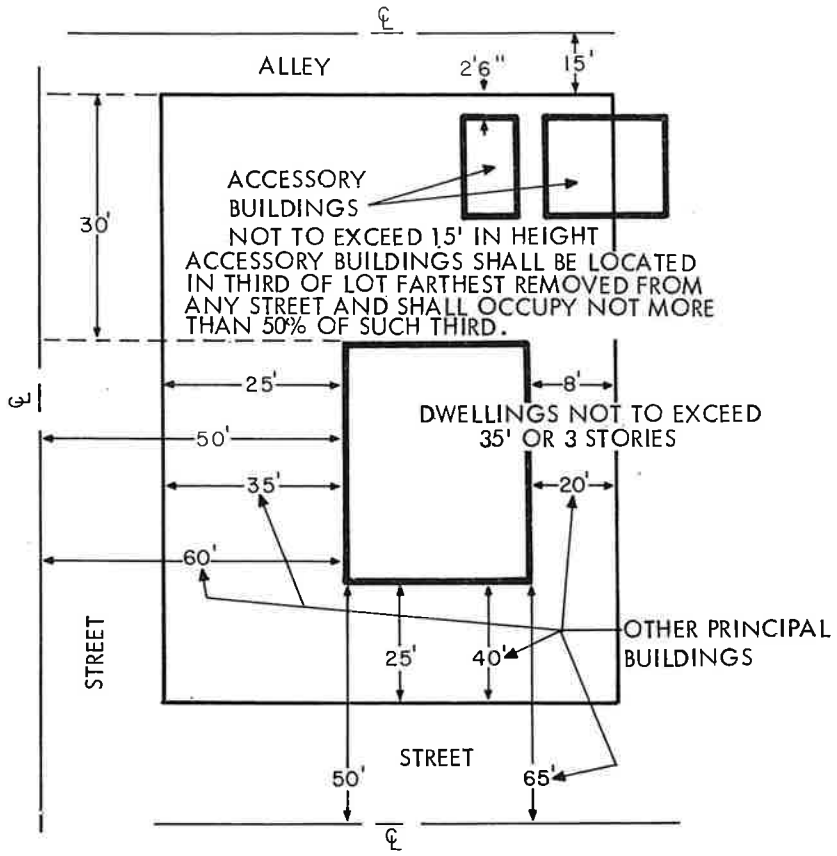
the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

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.

211.5—Density—the maximum permitted gross residential density for one-family dwellings is 4.5, and the maximum permitted gross residential density for two-family dwellings is 6.0. If there is a mixture of residential use types, a combination of the local open space standards as specified in section 44-2 of the Baltimore County Code, 1958, as amended, may be used to determine density and to yield the total acreage required for local open space tracts.

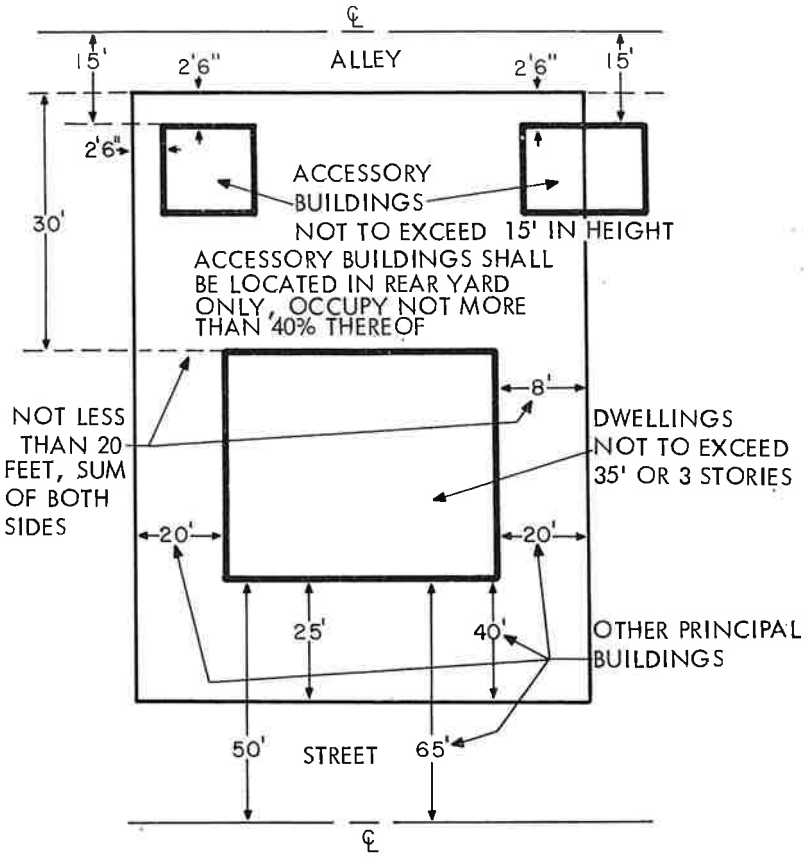
R. 6 ZONE ONE FAMILY CORNER LOT



Average lot area 6,000 square feet. (See Section 211.1)
Minimum length 110 feet.
Minimum width 55 feet.
Farm buildings located on 3 acres or more.

FOR INFORMATION ONLY

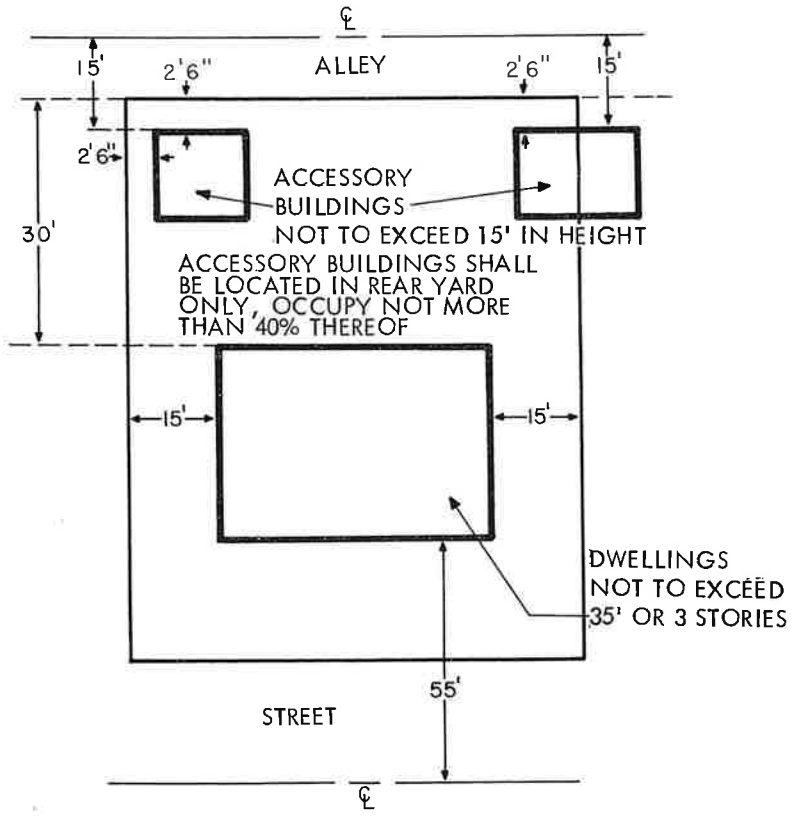
R. 6 ZONE ONE FAMILY INSIDE LOT



Average lot area 6,000 square feet. (See Section 211.1)
Minimum length 110 feet.
Minimum width 55 feet.
Farm buildings located on 3 acres or more.

FOR INFORMATION ONLY

R. 6 TWO-FAMILY OR DUPLEX DWELLING INSIDE LOT



Average lot area 10,000 square feet. (See Section 211.1)
Minimum length 125 feet.
Minimum width 80 feet.
(Definition) dwelling, duplex: a two-family detached building with one house keeping unit over the other.

FOR INFORMATION ONLY

BALTIMORE COUNTY

ZONING REGULATIONS

1969

0149

This is the property of:

Name JAMES G. HOSWELL

Address Baltimore County Office of Planning & Zoning Towson. 21204

Phone 494-3480

ARTICLE 1—GENERAL PROVISIONS 1/

Section 100—ZONES AND DISTRICTS, - BOUNDARIES.

100.1—Baltimore County is hereby divided into zones and districts in accordance with this subsection. [Bill No. 40, 1967]

A. Zones.

1. For the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community, zones are intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans.

2. Zones are 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. R. Zone	Manufacturing, light restricted [Bill No. 56, 1961]
M. L. Zone	Manufacturing, light
M. H. Zone	Manufacturing, heavy

B. Districts.

1. To further the purposes of zones, districts are intended to provide greater refinement in land-use regulation for critical areas of development within the County. Districts are superimposed upon zones.

2. Districts are as follows:

C.R. District	Commercial, rural
C.N.S. District	Commercial, neighborhood shopping
C.C.C. District	Commercial, community core
C. T. District	Commercial, town-center core
C.S.A. District	Commercial supporting area
C.S-1 District	Commercial, strip
C.S-2 District	Commercial, strip
I.M. District	Industrial, major

C. No zone shall be superimposed upon any other zone, and no district shall be superimposed upon any other district.

1/Title changed by Bill No. 40, 1967

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.
[Resolution, March 30, 1955; Bill No. 56, 1961; Bill No. 40, 1967]

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:

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.

Acreage, Gross Residential: The residentially zoned acreage within the perimeter of the subdivision proposed for residential development, plus not more than half the width of existing or recorded boundary streets (maximum 60-foot right of ways) to which the subdivision has right of access, except storm drainage reservation strips to the extent that they exceed in are 15 per cent of the subdivision, or waterfront areas below mean low tide. [Bill No. 106, 1963]

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.

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 10, 1974

1975 EDITION

PEOPLES COUNSEL - JWH.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TOWSON, MARYLAND

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2. Districts are as follows:

C.R. District	Commercial, rural
C.N.S. District	Commercial, neighborhood shopping
C.C.C. District	Commercial, community core
C.T. District	Commercial, town-center core
C.S.A. District	Commercial, supporting area
C.S-1 District	Commercial, strip
C.S-2 District	Commercial, strip
I.M. District	Industrial, major

[Bill No. 40, 1967.]

C. No zone shall be superimposed upon any other zone, and no district shall be superimposed upon any other district. [Bill No. 40, 1967.]

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. [B.C.Z.R., 1955.]

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
[B.C.Z.R., 1955.]

100.3A—The residential zones and zoning classifications as previously changed in Subsection 100.3 are further changed; the R.40, R.20, R.10, R.6, R.G., and R.A. zones and zoning classifications established before the effective date of this subsection by the official zoning maps and amendments thereto and by Subsection 100.1 as previously enacted are also changed; and all of them are redesignated on the effective date of this subsection[3] as set forth below. Any requirement, stipulation, or designation with respect to said classifications in any law, ordinance, regulation, private

3. Regarding the effective date of the provisions of Bill No. 100, 1970, the bill states (Section 20) that "any amendments herein...shall be effective only upon the adoption by the County Council of any new zoning maps on or before March 31, 1971"; the subsequent zoning maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect forty-five days after its enactment"; the bill was enacted on August 5, 1970, the forty-fifth day thereafter having been September 19, 1970.

agreement, or official zoning map shall be applied to or construed as the corresponding D.R. zoning classification, as follows, to the full extent of consistent applicability:

Zones	heretofore	classified	as	R.40	are	now	classified	as D.R. 1;
"	"	"	"	R.20	"	"	"	" D.R. 2;
"	"	"	"	R.10	"	"	"	" D.R. 3.5;
"	"	"	"	R.6	"	"	"	" D.R. 5.5;
"	"	"	"	R.G.	"	"	"	" D.R. 10.5;
"	"	"	"	R.A.	"	"	"	" D.R. 16.

[Bill No. 100, 1970.]

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. [B.C.Z.R., 1955.]

Section 101—DEFINITIONS [B.C.Z.R., 1955.]

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: [B.C.Z.R., 1955.]

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. [B.C.Z.R., 1955.]

Accessory use or structure: A use or structure which—(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. [Bill No. 100, 1970.]

["Acreage, Gross Residential" and definition added by Bill No. 106, 1963; deleted by Bill No. 100, 1970.]

Airport: Any area of land or water designed and set aside for landing or taking off of aircraft. [B.C.Z.R., 1955.]

Alley: A right-of-way 20 feet or less in width, designated as an alley on eithe 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. [B.C.Z.R., 1955.]

Amenity open space: The available open space on a lot minus the area used for vehicular traffic, maneuvering, and parking. In addition to uncovered ground area, such usable open space includes covered open space and roof area or other uncovered open area of buildings, suitably improved as open space and designated by the owner for the use of occupants or the public. Covered open space includes exterior space which is open on its sides to weather but not open above, and which is not in excess of twice the total area of the clear, open, and unobstructed portions of the open and partially open sides. The areas of roofed porches, covered exterior balconies, and exterior spaces covered by portions of buildings supported on columns or cantilevers, such as porticoes, loggia, arcades, breezeways, or galleries may be considered as covered open space if meeting the above-stated limitations. Narrow open ground spaces (less than 10 feet wide) shall not be considered amenity open space. [Bill No. 111, 1968.]

Amenity open space ratio: The total amenity open space on a lot divided by the adjusted gross floor area of buildings on the lot. [Bill No. 111, 1968.]

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES
[Bill No. 100, 1970.]

Section 1A00—R.D.P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

1.[1] Purpose. The R.D.P. zoning classification is established, pursuant to the legislative findings set forth above,[2] in order to:

a. Prevent untimely urban development of relatively open rural land; and

b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.

[Bill No. 100, 1970.]

2. Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:

a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonserviced land as is specifically herein described (in this Subparagraph 3[3] or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;

b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

---

1. *The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.*
2. *Findings deleted from Bill No. 100, 1970 by amendment after introduction.*
3. *Now Subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.*

c. That reclassification of land as R.D.P. shall not represent a commitment by Baltimore County with respect to type of future development, but only that more particular planning for the use of such land shall be executed in the future; and

d. That certain distinct existing areas of compact development, such as certain approved subdivisions or the immediate environs of typical rural business centers, are not normally to be classified as R.D.P.

[Bill No. 100, 1970.]

3. Special Policy for Certain Developments. In view of possible overriding public benefits to be derived from certain large-scale unit developments, the establishment of such developments is hereby excepted from application of the policy hereinbefore stated to the extent indicated under Section 430 ("Unit Developments"). [Bill No. 100, 1970.]

B.[4] Locational Requirement. No R.D.P. zone shall be established or re-established within the urban-rural demarcation line, but said line may be re-established to include an R.D.P. zone or part thereof existing at the time said line is re-established. [Bill No. 100, 1970.]

1A00.2—Use Regulations. [Bill No. 100, 1970.]

A.[5] Uses Permitted as of Right. The following uses, only, are permitted as of right in R.D.P. zones:

1. Farms, or, on existing undersized lots, limited-acreage wholesale flower farms.[6]
2. One-family detached dwellings.
3. Churches or other buildings for religious worship.
4. Trailers (see Section 415).
5. Research institutes, as defined in Section 101 and as permitted and regulated in D.R. 1 zones (see Section 418).
6. Hospitals.
7. Telephone, telegraph, electrical-power or other electrical lines, all underground with the exception of such lines as are permitted above ground in D.R. zones.
8. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground.
9. Railroads or other transportation lines.

---

4. *Line designating preceding provisions as Paragraph "A" deleted--see note 1 above.*
5. *All provisions of this paragraph from Bill No. 100, 1970.*
6. *Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R.D.P. zones is one acre (rather than ten acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase "on existing undersized lots".*

11. Golf driving ranges, miniature-golf ranges, or baseball-batting ranges.
12. Helistops.
13. Marinas.
14. Public-utility uses not permitted as of right.
15. Residential art salons (see Section 402C).
16. Riding stables (commercial or noncommercial).
17. Sanitary landfills (see Section 412).
18. Shooting ranges.
19. Volunteer-fire-company facilities.
20. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line
21. Large-scale unit developments, as provided in Section 430

1A00.3—Height and Area Regulations. [Bill No. 100, 1970.]

A. Height. No structure in an R.D.P. zone shall exceed a height of 35 feet, except as otherwise specifically provided in these Zoning Regulations (see Section 300). [Bill No. 100, 1970.]

B. Area Regulations. [Bill No. 100, 1970.]

1. Lot Area. No lot less than 1 acre in net area shall be hereafter created in an R.D.P. zone, subject to attaining percolation tests satisfactory to the Baltimore County Department of Health and conforming to the applicable health requirements. [Bill No. 100, 1970.]

2. Minimum Linear Dimension. Except as otherwise provided in Subparagraph 3, below, the minimum linear dimension of any lot hereafter created in an R.D.P. zone shall be 150 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle in a horizontal plane which may be inscribed within the lot boundaries. [Bill No. 100, 1970.]

3. The minimum distance between any building in an R.D.P. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet. [Bill No. 100, 1970.]

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 29, 1981

1981 EDITION

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TOWSON, MARYLAND

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ARTICLE 1—GENERAL PROVISIONS [B.C.Z.R.,[1] 1955.]

Section 100—ZONES AND DISTRICTS:[2] BOUNDARIES. [B.C.Z.R., 1955; Bill No. 40, 1967.]

100.1—Baltimore County is hereby divided into zones and districts in accordance with this subsection. [B.C.Z.R., 1955; Bill No. 40, 1967.]

A. Zones. [Bill No. 40, 1967.]

1. For the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community, zones are intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans. [Bill No. 40, 1967.]

2. Zones are classified as follows:

R.C.2	(Resource Conservation—agriculture)					
R.C.3	(Resource Conservation—deferral of planning and development)					
R.C.4	(Resource Conservation—watershed protection)					
R.C.5	(Resource Conservation—rural-residential)					
D.R.1	(Density Residential,	1.0	dwelling	unit	per	acre)
D.R.2	(Density Residential,	2.0	"	units	"	")
D.R.3.5	(Density Residential,	3.5	"	"	"	")
D.R.5.5	(Density Residential,	5.5	"	"	"	")
D.R.10.5	(Density Residential,	10.5	"	"	"	")
D.R.16	(Density Residential,	16.0	density	"	"	")
R.A.E.1	(Residential,	40.0	"	"	"	")
R.A.E.2	(Residential,	80.0	"	"	"	")
R-O	(Residential-Office,	5.5	dwelling	"	"	")
O-1	(Office Building)					
O-2	(Office Park)					
B.L.	(Business, Local)					
B.M.	(Business, Major)					
B.R.	(Business, Roadside)					
M.R.	(Manufacturing, Restricted)					
M.L.R.	(Manufacturing, Light, Restricted)					
M.L.	(Manufacturing, Light)					
M.H.	(Manufacturing, Heavy)					

[B.C.Z.R., 1955; Bills No. 56, 1961; No. 40, 1967; No. 100, 1970; No. 98-75, No; 13-80; No. 167-80]

B. Districts. [Bill No. 40, 1967.]

1. To further the purposes of zones, districts are intended to provide greater refinement in land-use regulation for critical areas of development within the County. Districts are superimposed upon zones. [Bill No 40, 1967.]

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1. *"B.C.Z.R." stands for "Baltimore County Zoning Regulations" in the annotations throughout this edition. The prefatory provisions of the County Commissioners' resolution and order embodying the regulations as adopted in 1955 are set forth in Appendix A.*
2. *Thus (colon) in Bill No. 40, 1967.*

100.1.B.2 2. Districts are as follows:

C.R. District	Commercial, rural
C.N.S. District	Commercial, neighborhood shopping
C.C.C. District	Commercial, community core
C.T. District	Commercial, town-center core
C.S.A. District	Commercial, supporting area
C.S-1 District	Commercial, strip
C.S-2 District	Commercial, strip
I.M. District	Industrial, major [Bill No.40, 1967.]

C. No zone shall be superimposed upon any other zone, and no district shall be superimposed upon any other district. [Bill No. 40, 1967.]

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. [B.C.Z.R., 1955.]

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 [B.C.Z.R., 1955.]

100.3A—The residential zones and zoning classifications as previously changed in Subsection 100.3 are further changed; the R.40, R.20, R.10, R.6, R.G., and R.A. zones and zoning classifications established before the effective date of this subsection by the official zoning maps and amendments thereto and by Subsection 100.1 as previously enacted are also changed; and all of them are redesignated on the effective date of this subsection[3] as set forth below. Any requirement, stipulation, or designation with respect to said classifications in any law, ordinance, regulation, private agreement, or official zoning map shall be applied to or construed as the corresponding D.R. zoning classification, as follows, to the full extent of consistent applicability:

Zones	heretofore	classified	as R.40	are now	classified	as	D.R. 1;
"	"	"	" R.20	"	"	"	D.R. 2;
"	"	"	" R.10	"	"	"	D.R. 3.5;
"	"	"	" R.6	"	"	"	D.R. 5.5;
"	"	"	" R.G.	"	"	"	D.R. 10.5;
"	"	"	" R.A.	"	"	"	D.R. 16. [Bill No. 100,1970.]

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. [B.C.Z.R., 1955.]

3. *Regarding the effective date of the provisions of Bill No. 100, 1970, the bill states (Section 20) that "any amendments herein...shall be effective only upon the adoption by the County Council of any new zoning maps on or before March 31, 1971"; the subsequent zoning maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect forty-five days after its enactment"; the bill was enacted on August 5, 1970, the forty-fifth day thereafter having been September 19, 1970.*

1981

1A01.3—HEIGHT AND AREA REGULATIONS [Bill No. 98-75]

A. Height regulation. No structure hereafter erected in an R.C.2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98-75]

B. Area regulations. [Bill No. 178-79]

1. Subdivision Lot Density.

No lot of record lying within an R.C.2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area. [Bill No. 178-79]

2. Lot size. A lot having an area less than 1 acre may not be created in an R.C.2 zone. [Bill No. 178-79]

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 zone may be situated within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line. [Bill No. 178-79]

4. Principal dwellings per lot. No more than 1 principal dwelling is permitted on any lot in an R.C.2 zone. [Bill No. 178-79]

1A01.4—Maryland Agricultural Land Preservation Program.

The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agricultural article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to Section 2-513 of that article in the case of any conflict between those provisions and these regulations. [Bill No. 178-79]

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH SEPTEMBER 21, 1987

1987 EDITION

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

TOWSON, MARYLAND

ARTICLE 1--GENERAL PROVISIONS [B.C.Z.R.,[1] 1955.]

Section 100-- ZONES AND DISTRICTS:[2] BOUNDARIES. [B.C.Z.R., 1955; Bills No. 40, 1967; No. 103, 1988; No. 6, 1989.]

100.1 Baltimore County is hereby divided into zones and districts in accordance with this subsection. [B.C.Z.R., 1955; Bill No. 40, 1967.]

A. Zones. [Bill No. 40, 1967.]

1. For the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community, zones are intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans. [Bill No. 40, 1967.]

2. Zones are classified as follows:

R.C.2	(Resource Conservation-agriculture) {Bill No. 98, 1975.}
R.C.3	(Resource Conservation-deferral of planning and development) {Bill No. 98, 1975.}
R.C.4	(Resource Conservation-watershed protection) {Bill No. 98, 1975.}
R.C.5	(Resource Conservation-rural residential) {Bill No. 98, 1975.}
R.C.20	(Resource Conservation-critical area) [Bills No. 32, 1988; No. 6, 1989.]
R.C.50	(Resource Conservation-critical area agricultural) [Bills No. 32, 1988; No. 6, 1989.]
R.C.C.	(Resource Conservation-commercial) [Bill No. 103, 1988.]
D.R.1	(Density Residential, 1.0 dwelling unit per acre) {Bill No. 100, 1970.}
D.R.2	(Density Residential, 2.0 dwelling units per acre) {Bill No. 100, 1970.}
D.R.3.5	(Density Residential, 3.5 dwelling units per acre) {Bill No. 100, 1970.}
D.R.5.5	(Density Residential, 5.5 dwelling units per acre) {Bill No. 100, 1970.}
D.R.10.5	(Density Residential, 10.5 dwelling units per acre) {Bills No. 100, 1970; No. 167, 1980.}
D.R.16	(Density Residential, 16.0 density units per acre) {Bill No. 100, 1970.}
R.A.E.1	(Residential, 40.0 density units per acre) {Bill No. 100, 1970.}
R.A.E.2	(Residential, 80.0 density units per acre) {Bill No. 100, 1970.}
R-O	(Residential-Office, 5.5 dwelling units per acre) {Bills No. 13, 1980; No. 37, 1988; No. 151, 1988.)
R-O-A	(Residential-Office, Class A office) {Bill No. 170, 1991.}

OR-1 (Office Building-Residential) {Bill No. 186, 1994.}
OR-2 (Office Building-Residential) {Bill No. 186, 1994.}
O-3 (Office Park) {Bill No. 186, 1994.}
O.T. (Office and Technology) {Bills No. 34, 1984; No. 112, 1986.}
S-E (Service Employment) {Bills No. 46, 1992; No. 149, 1992.}
B.M.M. (Business Maritime Marina) {Bill No. 149, 1992.}
B.M.B. (Business Maritime Boatyard) {Bill No. 149, 1992.}
C.B. (Community Business) {Bill No. 86, 1994.}
B.L.R. (Business Local Restricted) {Bill No. 86, 1994.}
B.L. (Business, Local)
B.M. (Business, Major)
B.R. (Business, Roadside)
M.R. (Manufacturing, Restricted) {Bill No. 56, 1961.}
M.L.R. (Manufacturing, Light, Restricted) {Bill No. 56, 1961.}
M.L. (Manufacturing, Light)
M.H. (Manufacturing, Heavy)
[Bill No. 40, 1967.]

B. Districts {Bill No. 40, 1967.}

1. To further the purposes of zones, districts are intended to provide greater refinement in land-use regulation. Districts are superimposed upon zones. [Bills No. 40, 1967; No. 127, 1994.]

2. Districts are as follows:

A.S. District	Automotive Services
C.R. District	Commercial, rural
C.C.C. District	Commercial, community core
C.T. District	Commercial, town-center core
I.M. District	Industrial, major

[Bills No. 40, 1967; No. 172, 1993.]

C. No zone shall be superimposed upon any other zone, but a district may be superimposed upon another district. [Bill No. 40, 1967; No. 127, 1994.]

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. [B.C.Z.R., 1955.]

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 [B.C.Z.R., 1955.]

100.3A The residential zones and zoning classifications as previously changed in Section 100.3 are further changed; the R.40, R.20, R.10, R.6, R.G., and R.A. zones and zoning classifications established before the effective date of this subsection by the official zoning maps and amendments thereto and by Section 100.1 as previously enacted are also changed; and all of them are redesignated on the effective date of this subsection 3 as set forth below. Any requirement, stipulation, or designation with respect to said classifications in any law, ordinance, regulation, private agreement, or official zoning map shall be applied to or construed as the corresponding D.R. zoning classification, as follows, to the full extent of consistent applicability:

Zones heretofore classified as R.40 are now classified as D.R.1;
Zones heretofore classified as R.20 are now classified as D.R.2;
Zones heretofore classified as R.10 are now classified as D.R.3.5;
Zones heretofore classified as R.6 are now classified as D.R.5.5;
Zones heretofore classified as R.G. are now classified as D.R.10.5;
Zones heretofore classified as R.A. are now classified as D.R.16.
[Bill No. 100, 1970.]

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. [B.C.Z.R., 1955.]

100.5 The designation of any historic property, site, or historic district on the zoning maps does not change the zoning classification or any requirement with respect to that zoning classification, unless specified otherwise in these regulations. However, plans for renovation, reconstruction, alteration or demolition of any structure on the Baltimore County Landmarks Preservation Commission's preliminary or final landmarks list or in a Baltimore County Landmarks Preservation Commission's historic district require special approvals as set forth in Article V, of Title 22, of the Baltimore County Code. [Bill No. 112, 1988.]

1A01.3---HEIGHT AND AREA REGULATIONS [Bill No. 98-75]

A. Height regulation. No structure hereafter erected in an R.C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98-75]

B. Area regulations. [Bill No. 178-79]

1. Subdivision lot density. No lot of record lying within an R.C. 2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way, or easements, the portions of land on either side of the road, right-of-way, or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record with the exception that any zoning petition site plan, subdivision plan or record plat filed with or approved by the county between November 27, 1979 and October 1, 1990 shall not be so affected and be considered valid, provided as to any zoning petition pending on appeal, that it be upheld on appeal. [Bill No. 178-79; Bill No. 199-1990]

2. Lot size. A lot having an area less than 1 acre may not be created in an R.C. 2 zone. [Bill No. 178-79]

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C. 2 zone may be situated within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line. [Bill No. 178-79]

4. Principal dwellings per lot. No more than 1 principal dwelling is permitted on any lot in an R.C. 2 zone. [Bill No. 178-79]

1A01.4--MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM

The use or development of land in an agricultural district established in accordance with Section 2-509 of the agricultural article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions

Baltimore County Zoning Regulations

1998 Edition

Originally printed as amended through July 6, 1998

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GENERAL CODE PUBLISHERS CORP.
72 Hinchey Road
Rochester, NY 14624

1998

2. Districts are as follows:

A.S. District	Automotive Services[1]
C.R. District	Commercial, Rural
C.C.C. District	Commercial, Community Core
C.T. District	Commercial, Town-Center Core
I.M. District	Industrial, Major

C. No zone shall be superimposed upon any other zone, but a district may be superimposed upon another district.

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,[2] 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

100.3A The residential zones and zoning classifications as previously changed in Section 100.3 are further changed; the R.40, R.20, R.10, R.6, R.G. and R.A. Zones and zoning classifications established before the effective date of this section by the official Zoning Map and amendments thereto and by Section 100.1 as previously enacted are also changed; and all of them are redesignated on the effective date of this subsection[3] as set forth below. Any requirement, stipulation or designation with respect to said classifications in any law, ordinance, regulation, private agreement or official Zoning Map shall be applied to or construed as the corresponding D.R. zoning classification,

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1 Editor's Note: The former C.N.S., C.S.A., C.S.-1 and C.S.-2 Districts were consolidated into the A.S. District by Bill No. 172-1993, effective 1-27-1994. See Section 259.2.B.

2 Editor's Note: A copy of the 1945 Zoning Regulations is included in Appendix K of this edition.

3 Editor's Note: Regarding the effective date of this subsection, it was added by Bill No. 100-1970, which states (Section 20) that "any amendments herein...shall be effective only upon the adoption by the County Council of any new Zoning Maps on or before March 31, 1971." The subsequent Zoning Maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect forty-five days after its enactment." The bill was enacted on August 5, 1970, and the forty-fifth day thereafter was September 19, 1970.

as follows, to the full extent of consistent applicability: **[Bill Nos. 100-1970; 72-2004[4]]**

Zones heretofore classified as R.40 are now classified as D.R.1.

Zones heretofore classified as R.20 are now classified as D.R.2.

Zones heretofore classified as R.10 are now classified as D.R.3.5.

Zones heretofore classified as R.6 are now classified as D.R.5.5.

Zones heretofore classified as R.G. are now classified as D.R.10.5.

Zones heretofore classified as R.A. are now classified as D.R.16.

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.

100.5 The designation of any historic property, site or historic district does not change the zoning classification or any requirement with respect to that zoning classification, unless specified otherwise in these regulations. However, plans for renovation, reconstruction, alteration or demolition of any structure on the Baltimore County Landmarks Preservation Commission's preliminary or final landmarks list or in a Baltimore County Landmarks Preservation Commission's historic district require special approvals as set forth in Article 32, Title 7 of the Baltimore County Code. **[Bill Nos. 112-1988; 72-2004; 137-2004]**

100.6 A tract of land used for the accessory stabling and pasturing of animals and which is not a commercial agricultural operation is subject to the following provisions: **[Bill No. 51-1993]**

Type	Limitation	Minimum Acreage
Large Livestock:		
Horses, burros and cattle	1 animal for each acre of grazing or pasture land*	3
Small Livestock:		
Sheep, goats and pigs, except an Asian potbellied pig (see Section 400) ponies and miniature horses	2 animals for each acre of grazing or pasture land*	3

[4] **Editor's Note: Section 3 of this bill stated that, at the conclusion of the comprehensive zoning map process (CZMP) of 2004, the County Council would adopt a Zoning Map that would thereafter be the official Zoning Map of the County for all zoning, planning and development purposes.**

f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures. **[Bill Nos. 178-1979; 51-1993]**

g. Firewood operations. **[Bill No. 151-1992]**

h. Winery, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tastings or public gatherings associated with the winery, are permitted, within any limits set by the special exception. **[Bill No. 51-1993]**

i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Resource Management makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater. **[Bill No. 51-1993]**

1A01.3 Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations. **[Bill No. 178-1979]**

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right- of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record. **[Bill Nos. 199-1990; 125-2005]**

2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.

4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

1A01.4 Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to § 2-513 of the Agriculture Article in the case of any conflict between those provisions and these regulations. **[Bill Nos. 178-1979; 137-2004]**

County Council of Baltimore County
Maryland

Legislative Session 1975, Legislative Day No. 21

BILL NO. 98-75

Introduced by Mr. Huddles, Councilman

By the County Council, October 6, 1975.

A BILL

Entitled

AN ACT to amend the Baltimore County Zoning Regulations to establish four new zoning classifications intended to insure the preservation of Baltimore County's Natural Resources, by repealing subparagraph 100.1.A.2 of Section 100 of the Zoning Regulations of Baltimore County and enacting a new subparagraph 100.1.A.2 in lieu thereof; by adding certain new definitions to Section 101 of said regulations; by adding new subsection 103.3 to Section 103 of said regulations; and by repealing Article 1A, and Sections 1A00 and 1A01 thereunder, of said regulations and enacting new sections 1A00 through 1A04, under new Article 1A entitled "Resource-Conservation Zones", in lieu thereof.

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE FINAL REPORT OF THE PLANNING BOARD, ENTITLED *PROPOSED ZONING AMENDMENTS: ZONING CLASSIFICATIONS FOR RESOURCE CONSERVATION*, IN ACCORDANCE WITH SECTIONS 22-20 AND 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED TESTIMONY AT THE PUBLIC HEARING HELD IN ACCORDANCE WITH SECTION 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS REVIEWED IN WORK SESSION AND LEGISLATIVE SESSION THE PLANNING BASIS OF THE FINAL REPORT AS ELABORATED BY THE STAFF OF THE OFFICE OF PLANNING AND ZONING OF BALTIMORE COUNTY; AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE COMPREHENSIVE PLAN FOR BALTIMORE COUNTY APPROVED BY THE PLANNING BOARD OCTOBER 13, 1975.

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland,* that subparagraph 100.1.A.2, under section 100 of the Baltimore County Zoning Regulations, be and it is hereby repealed and new subparagraph 100.1.A.2 be and it is hereby enacted in lieu thereof, to read as follows:

2. Zones are classified as follows:

R. C. 2 (Resources Conservation-agriculture)

R. C. 3 (Resource Conservation-deferral of planning and development)

R. C. 4 (Resource Conservation-watershed protection)

R. C. 5 (Resource Conservation-rural-residential)

D. R. 1 (Density Residential, 1.0 dwelling unit per acre)

D. R. 2 (Density Residential, 2.0 dwelling units per acre)

D. R. 3.5 (Density Residential, 3.5 dwelling units per acre)

D. R. 5.5 (Density Residential, 5.5 dwelling units per acre)

D. R. 10.5 (Density Residential, 10.5 dwelling units per acre)

D. R. 16 (Density Residential, 16.0 density units per acre)

R. A. E. 1 (Residential, 40.0 density units per acre)

R. A. E. 2 (Residential, 80.0 density units per acre)

B. L. (Business, Local)

B. M. (Business, Major)

B. R. (Business, Roadside)

M. R. (Manufacturing, Restricted)

M. L. R. (Manufacturing, Light, Restricted)

M. L. (Manufacturing, Light)

M. H. (Manufacturing, Heavy)

SECTION 2. *Be it further enacted,* that Section 101 of said Zoning Regulations be and it is hereby amended by adding the following definitions thereto in alphabetical order:

Commercial fishing, crabbing and shellfishing operation.

Primary-A residential or commercial property fully devoted to commercial fishing activities and the retail and wholesale sale of fish, crabs and shellfish including facilities for the repair, storage, launching, berthing, securing, loading and unloading of catches and gear including nets, crab pots, oyster tongs, trout lines and clamming equipment, also live boxes and the necessary cold storage facilities.

amendments as codified in the 1971 Replacement Volume and 1974 Cumulative Supplement, show that the property under petition is to be serviced by public sewerage and water-supply systems within ~~six~~ TWO years after the date the petition is submitted;

~~b. That land hereafter classified as an R. C. zone shall not be reclassified until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated; or~~

~~c. The Planning Board, under procedures authorized by amendments to Title 22 of the Baltimore County Code 1968, has submitted the petition upon reaching the opinion that the property was improperly classified as a result of technical error.~~

B. The meeting of criteria established in this article for the filing ~~or granting~~ of zoning reclassification petitions shall not in itself be sufficient grounds to reclassify property.

1A00.4—Plans and Plats.

Development Plans and Final Subdivision Plats shall be required in the manner prescribed under subsection 1B01.3 and for the purpose of this subsection all references to D. R. zones shall include the R. C. zones.

1A00.5—Application to tract divided by zone boundary.

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R. C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and for the purpose of these regulations shall be considered as separate parcels.

Section 1A01—R. C. 2 (AGRICULTURAL) ZONES

1A01.1—General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. that the agricultural industry is an integral part of the Baltimore County economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. that scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. that heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;

f. THAT BALTIMORE COUNTY HAS CERTAIN WETLANDS ALONG CHESAPEAKE BAY AND ITS TRIBUTARIES WHICH SERVE AS BREEDING GROUNDS AND NURSERY AREAS FOR THE BAY'S BIOTIC LIFE;

~~f~~ G. that Baltimore County possesses numerous areas which are highly suitable for urban development including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes: The R. C. 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2—Use regulations.

A. PREFERRED USE PERMITTED AS OF RIGHT. AGRICULTURAL OPERATIONS, WHEN CONDUCTED IN ACCORDANCE WITH GOOD AND REASONABLE HUSBANDRY PRACTICES, SHALL BE AFFORDED PREFERENTIAL TREATMENT OVER AND ABOVE ALL OTHER PERMITTED USES IN R. C. 2 ZONES.

~~A~~—B. Uses permitted as of right. The following uses, only, are permitted as of right in R. C. 2 zones.

1. Churches or other buildings for religious worship

2. Dwellings, one-family detached

3. Farms, limited-acreage wholesale flower farms, satellite farms

4. Farmettes

5. Open space, common

6. Schools for agricultural training

7. Streets and ways

8. Telephone, telegraph, electrical-power, or other similar lines or cables—all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines.

~~3. The Zoning Commissioner may grant the petition only if he affirmatively finds:~~

~~a. That the proposed planned development would have no adverse effect upon the health, safety, general welfare and environment in the vicinal area.~~

~~b. That the proposed planned development will be in accord with the intent and purpose of this classification and that specifically the proposed development will not be detrimental to any existing or potential agricultural activities on the remainder of the property or on nearby or adjacent land.~~

~~c. That, in due consideration of the comments or reports submitted by the Planning Board and all other agencies or officials required or requested to submit to him comments on the petition, the proposed development would not create conditions as set forth in Paragraph b, c, d, e, or f or Subsection 502.1; and~~

~~d. That the development, as approved, would comply with all applicable provisions of the Zoning Regulations and that the resolution of any conflict between other County laws or technical requirements and the proposed development plan is reflected by revisions incorporated into a development plan as finally approved.~~

~~4. The Zoning Commissioner in considering the petition shall also give consideration to the following factors:~~

~~a. The soil condition and type as determined by the Soil Survey for Baltimore County as published by the Soil Conservation Service, U.S. Department of Agriculture.~~

~~b. Current use and status of the property.~~

~~5. A development plan shall be submitted for approval in the manner prescribed under Subsection 1B01.3 of these regulations.~~

~~1A01.3 Height and area regulations~~

A. Height regulation. No structure hereafter erected in an R. C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

1. Subdivision. Any subdivision of a lot in an R. C. 2 zone must be in accordance with the provisions of ~~this subparagraph or of Subparagraph 1A02. 3B2 or~~ Sec. 103.3 or subparagraph 2. below.

a. The maximum number of lots in addition to an existing principal dwelling that may be created shall be based on the gross

area of that tract which is to be subdivided and which constitutes the record lot of the effective date of this subparagraph, as follows:

Area of ~~Record Lot~~ LOT OF RECORD at the Time of the Effective Date of this Subparagraph, in Acres		Maximum Number of Lots Permitted
less than	3	1
at lease 3 but not more than	10	2
more than 10 but not more than	20	3
more than 20 but not more than	~~40~~ 100	4 0.2 LOTS PER ACRE
~~more than 40 but not more than~~	~~60~~	~~5~~
~~more than 60 but not more than~~	~~100~~	~~6~~
more than 100		~~2~~ 20 lots plus ~~1~~ ONE additional lot for each 25 acres IN EXCESS OF 100 ACRES of THE total tract area.

b. ~~No such lot shall be less than 1 acre in area.~~ THE MINIMUM LOT SIZE SHALL BE 2 ACRES EXCEPT ON THOSE SOIL TYPES WHICH ARE IN CAPABILITY CLASSIFICATIONS I AND II AS RATED BY THE U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE, WHEREIN A 1 ACRE MINIMUM LOT SIZE IS REQUIRED HOWEVER, LOTS LOCATED IN CAPABILITY CLASSIFICATION I AND II SHALL NOT EXCEED 3 ACRES. NOT MORE THAN ONE-THIRD OF THE PERMITTED NUMBER OF LOTS SHALL BE PLACED WITHIN CAPABILITY CLASSIFICATIONS I AND II PROVIDED THAT THIS SUBSECTION SHALL NOT BE CONSTRUED SO AS TO DEPRIVE ANY PROPERTY OWNER OF THE NUMBER OF LOTS PERMITTED UNDER 1A01. 3B1a.

c. Width at front setback line—The minimum width at the front setback line shall not be less than 150′ and not more than 50% of the permitted number of lots may front on an existing public road, except as provided in subparagraph 103.3, 1A01. 3B.2.

d. Setbacks. The minimum setback for any dwelling or principal building shall be not less than 75′ from the centerline of any street, and not less than 50′ from a future right-of-way line, a minimum of 25′ from both side lot lines or a minimum of 50′ from any rear lot line.

B. Area regulations.

1. Lot area. No lot less than two acres in area may be hereafter created from a larger tract in an R. C. 5 zone and no detached single-family dwelling may be hereafter erected on any lot of smaller area, except as otherwise provided in Subsection 103.3 or in Paragraph 5, below.

2. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R. C. 5 zone shall be 250 feet except as otherwise provided in Paragraph 5, below.

3. Building setbacks. Any principal building hereafter constructed in an R. C. 5 zone shall be situated at least 75 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5, below.

4. Coverage. No more than 15 percent of any lot in an R. C. 5 zone may be covered by buildings, except as otherwise provided in Paragraph 5, below.

5. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative approval of a preliminary plan~~ on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.

6. DwellingS ~~units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R. C. 5 zone. BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.

SECTION 5. *AND BE IT FURTHER ENACTED,* THAT EVERY PART OF EVERY SECTION AND ZONING REGULATION OF THIS ACT IS ENACTED INDEPENDENTLY AND IS, THEREFORE, SEVERABLE; IF ANY PART IS DECLARED INVALID BY A COURT OF COMPETENT JURISDICTION, THE REST OF THIS ACT REMAINS VALID.

SECTION 6. *AND BE IT FURTHER ENACTED,* THAT ANY AMENDMENTS HEREIN, OR ANY NEW ZONING CLASSIFICATIONS PROVIDED FOR IN THIS BILL, SHALL NOT BE PROMULGATED AS TO ANY EXISTING ZONING MAPS, BUT SHALL BE EFFECTIVE ONLY UPON THE ADOPTION BY THE COUNTY COUNCIL OF ANY NEW ZONING MAPS ON OR BEFORE OCTOBER 15, 1976.

SECTION ~~5~~ *7*. *And be it further enacted,* that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 3rd day of November, 1975.

By Order:

Thomas Toporovich, Secretary, Pro Tem

PRESENTED to the County Executive, for his approval this 4th day of November, 1975.

Thomas Toporovich, Secretary, Pro Tem

APPROVED AND ENACTED: November 7, 1975.

Theodore G. Venetoulis,

County Executive

I HEREBY CERTIFY THAT BILL NO. 98 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON DECEMBER 22, 1975.

Gary Huddles,

Chairman, County Council

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.
~~Strike out~~ indicates matter stricken out of bill.

5 TH. DISTRICT

ZONING DISTRICT NO. 5

ZONING DEPARTMENT + BALTIMORE COUNTY

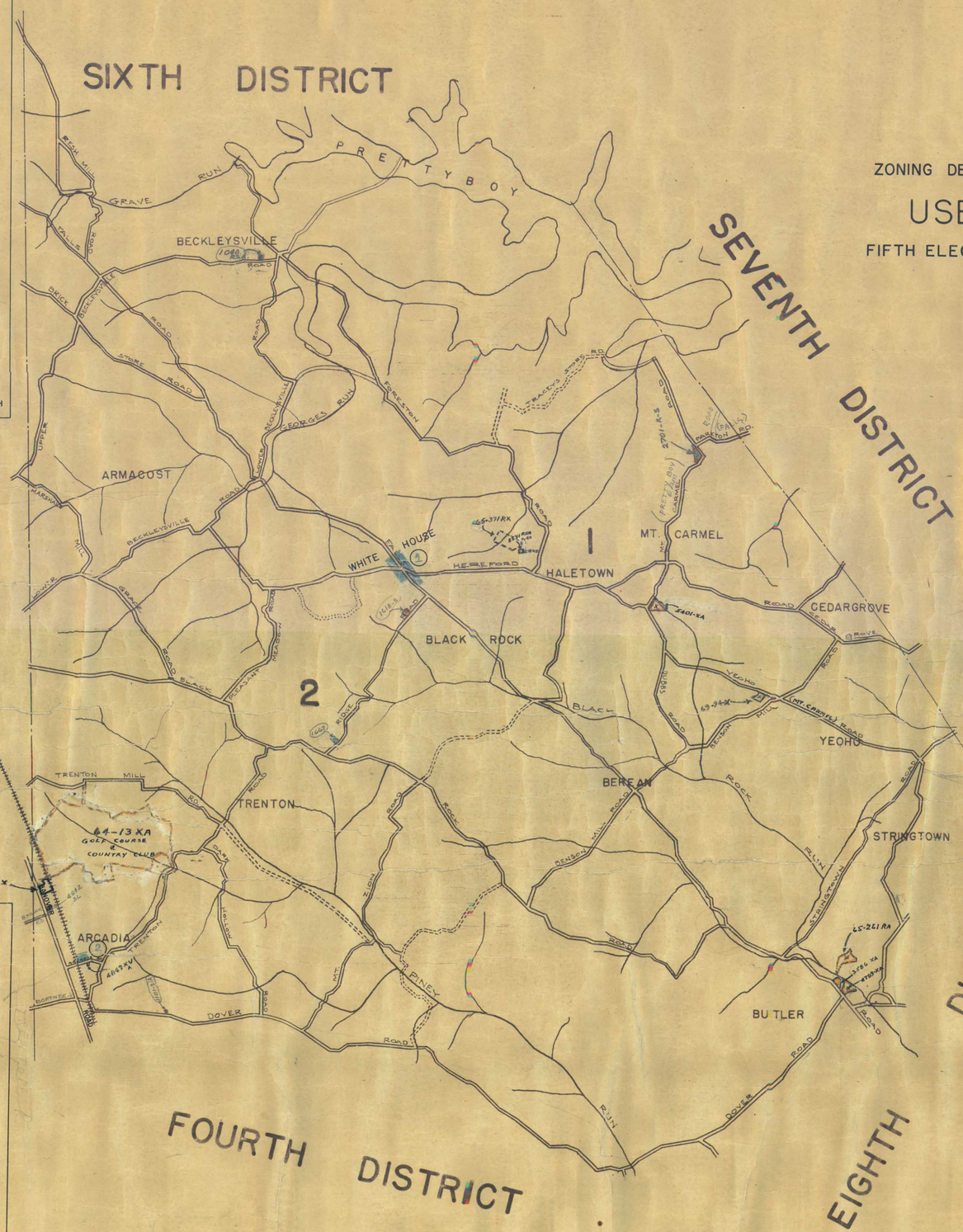
USE DISTRICT MAP

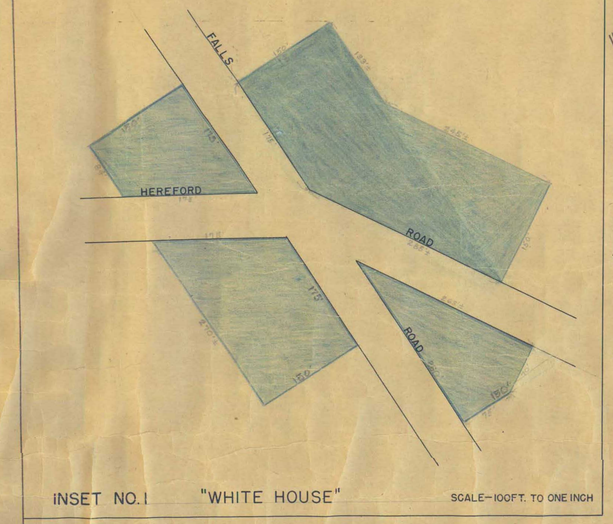
FIFTH ELECTION DISTRICT OF BALTIMORE COUNTY

— LEGEND —

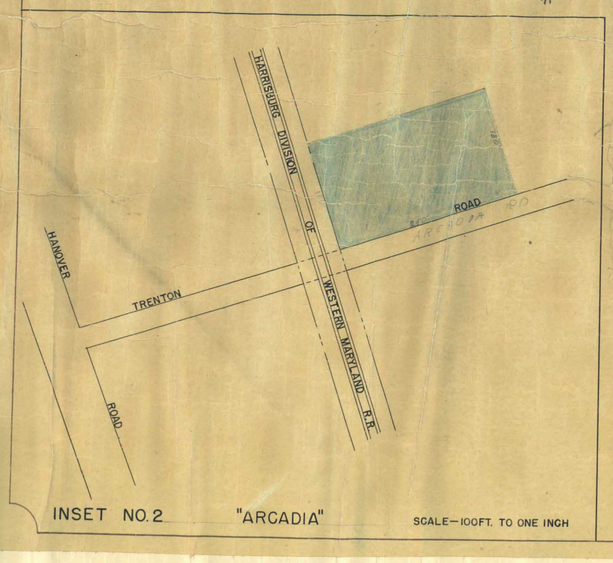
- "A" RESIDENCE ZONE - R.L.
- "B" RESIDENCE ZONE - R.L.
- "C" RESIDENCE ZONE - R.A.
- "D" RESIDENCE ZONE - R.G.
- "E" COMMERCIAL ZONE - B.L.
- "F" INDUSTRIAL ZONE - M.L.
- X - SPECIALS.

(SEE INSETS NOS. 1 & 2)





INSET NO. 1 "WHITE HOUSE" SCALE—100 FT. TO ONE INCH



INSET NO. 2 "ARCADIA" SCALE—100 FT. TO ONE INCH

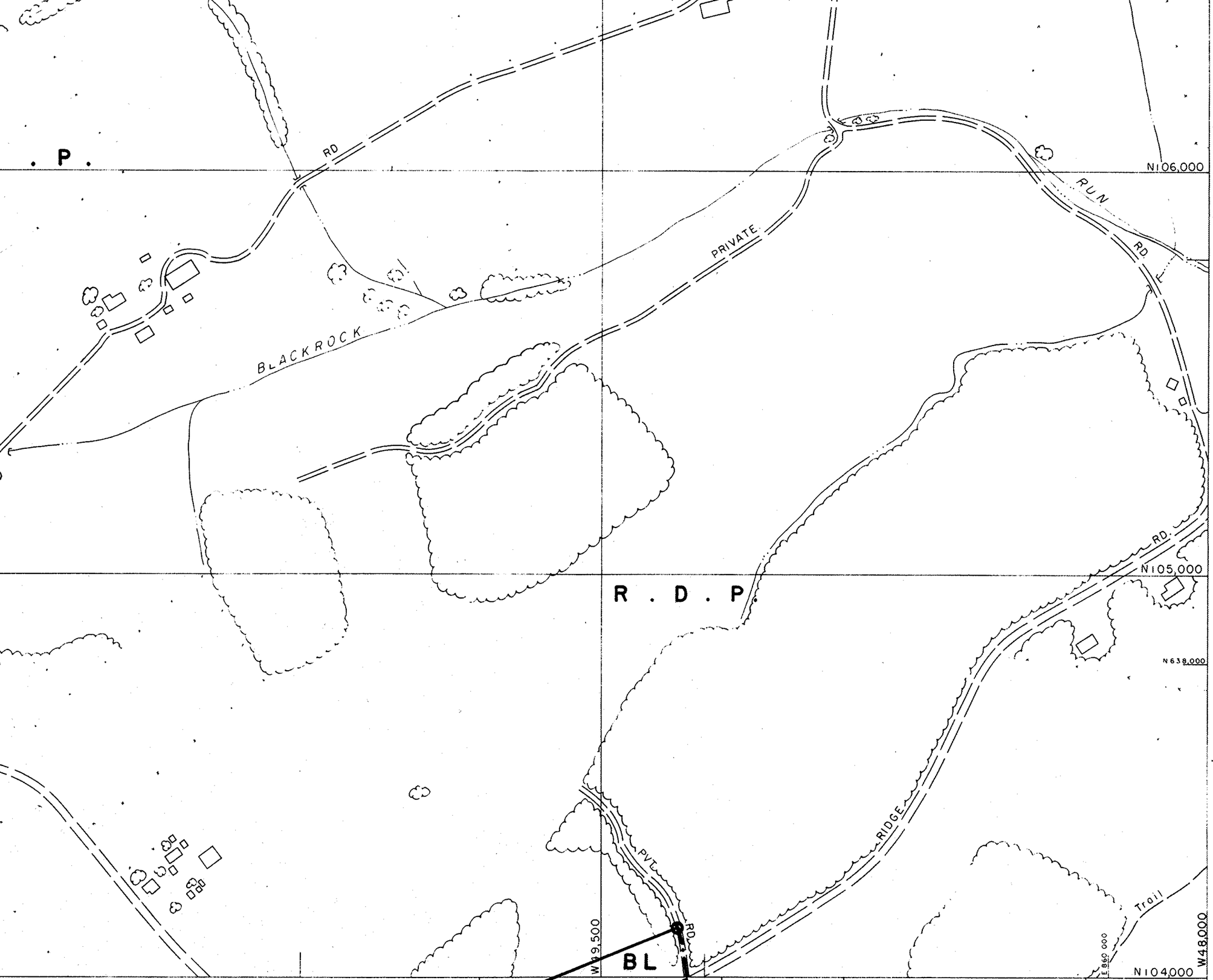
SCALE = 2 INCHES TO 1 MILE

COPY BY
FRED H. DOLLENBERG
COUNTY SURVEYOR FOR BALTO. CO.
TOWSON, MD. AUGUST, 1938

Approved — subject to minor adjustments.
July 14, 1948
Zoning Commissioner.

Property of Supervisors of Elections of Baltimore County

1945



W. 26- I

TRIC MAP OF
NTY, MARYLAND
ONING MAP

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	NORTH OF TRENTON	N.W 27-I
			DATE OF PHOTOGRAPHY APRIL 1961		

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

1971

PEEL PROTECTIVE STRIP TO EXPOSE ADHESIVE. POSITION EDGE OF PRINT ON THIS LINE AND RUB TO ADHERE.

DRAWING NUMBER
NW-27-I

PLAN HOLD CORPORATION · TORRANCE · CALIFORNIA
REORDER BY NO. 0705A-24

1976

W 26- I

TRIC MAP OF
NTY, MARYLAND
ONING MAP

REVISIONS			SCALE	LOCATION	SHEET
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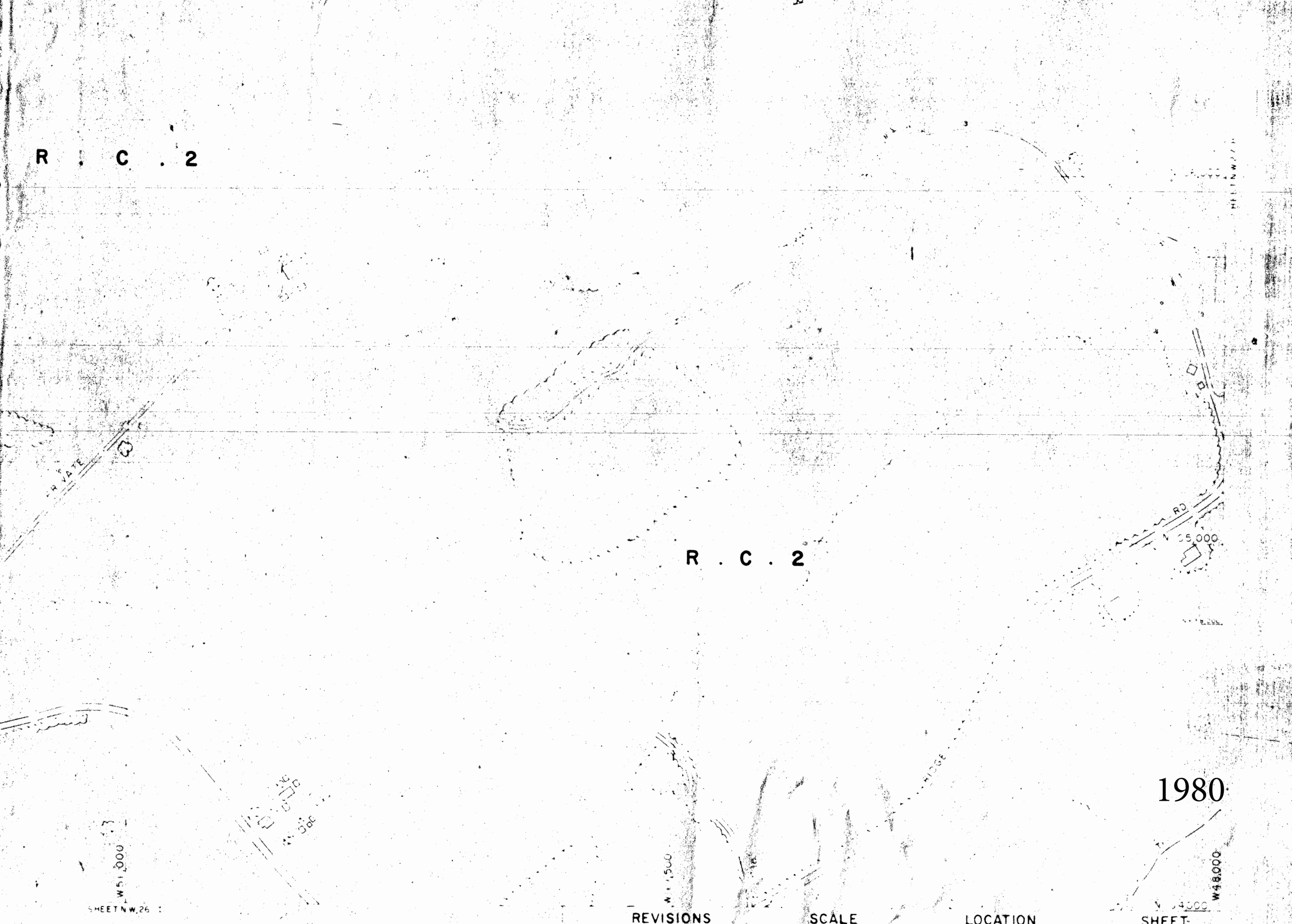
			DATE OF PHOTOGRAPHY APRIL 1961		

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

R . C . 2



R . C . 2

1980

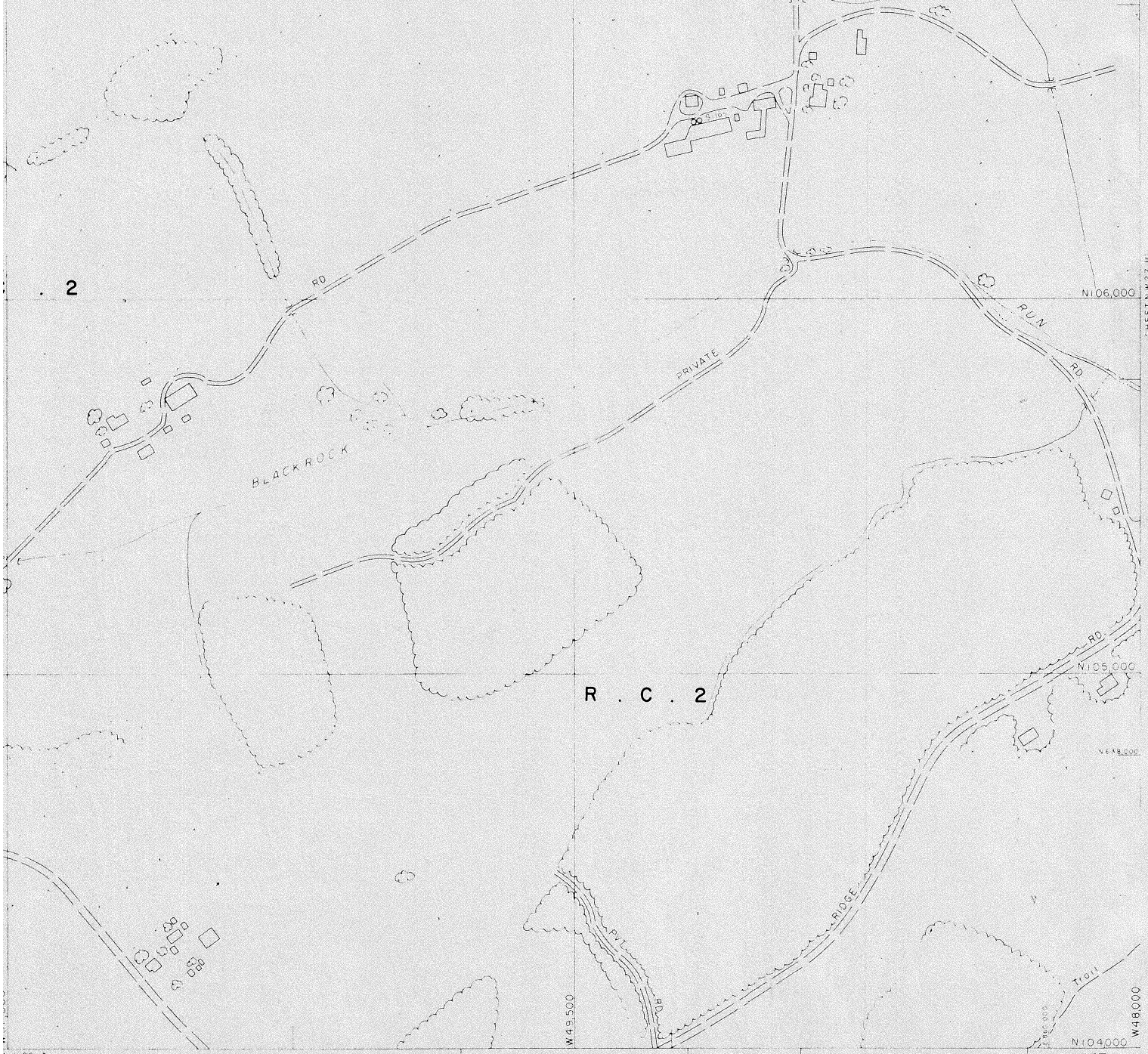
OGRAMMETRIC MAP OF

E COUNTY, MARYLAND

IAL ZONING MAP

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	NORTH OF TRENTON	NW 27-I
	DATE OF PHOTOGRAPHY		

Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND



ETRIC MAP OF
UNTY, MARYLAND

REVISIONS			SCALE	LOCATION	SHEET
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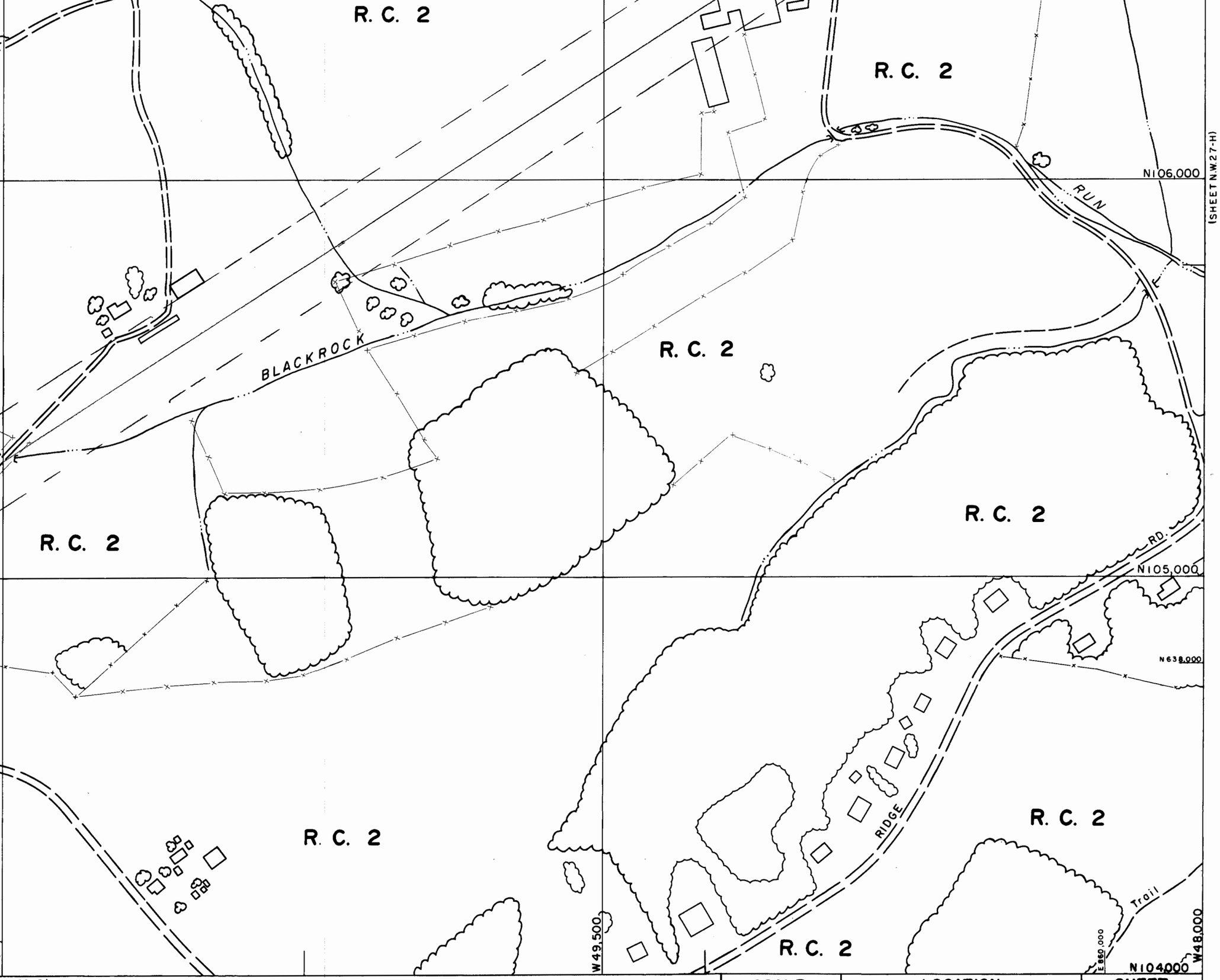
Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

1984

T.17. MN



E COUNTY
NING AND ZONING
ONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

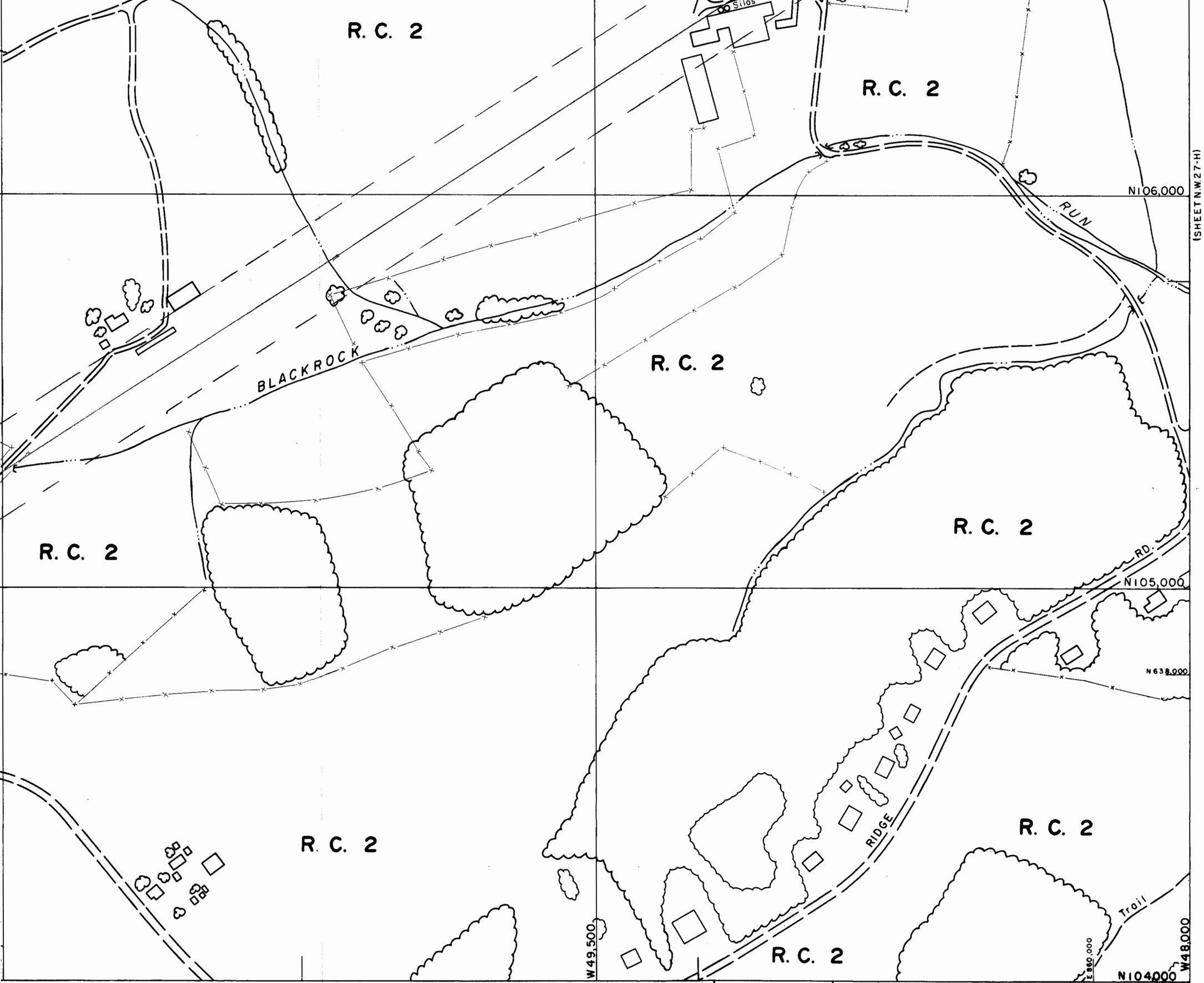
William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	NORTH OF TRENTON	N.W. 27-I
DATE OF PHOTOGRAPHY JANUARY 1986		

DRAWING NUMBER
NW 27-I

1988

DRAWING NUMBER
PLAN HOLD CORPORATION · IRVINE CALIFORNIA
POSITION EDGE OF PRINT ON THIS LINE
DRAWING NUMBER
PLAN HOLD CORPORATION · IRVINE CALIFORNIA
POSITION EDGE OF PRINT ON THIS LINE
DRAWING NUMBER
PLAN HOLD CORPORATION · IRVINE CALIFORNIA
POSITION EDGE OF PRINT ON THIS LINE



N.W. 26- I)

E COUNTY
NING AND ZONING
ONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF TRENTON	N.W. 27-I
DATE OF PHOTOGRAPHY JANUARY 1986		

1992

DRAWING NUMBER

PLAN HOLD CORPORATION · IRVINE CALIFORNIA

POSITION EDGE OF PRINT ON THIS LINE

DRAWING NUMBER

PLAN HOLD CORPORATION · IRVINE CALIFORNIA

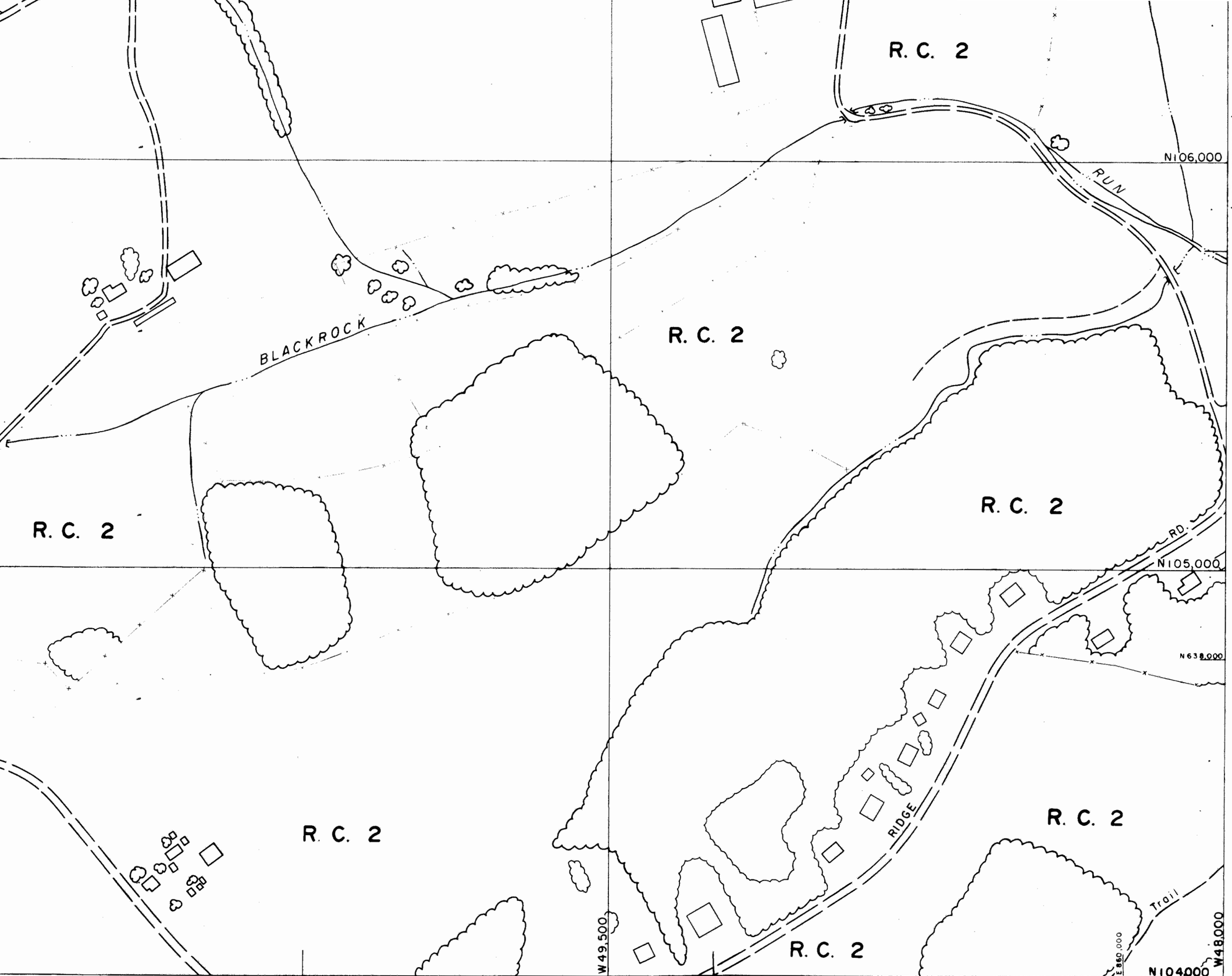
POSITION EDGE OF PRINT ON THIS LINE

DRAWING NUMBER

NW 27-I

PLAN HOLD CORPORATION · IRVINE CALIFORNIA

POSITION EDGE OF PRINT ON THIS LINE



(W.26-I)

E COUNTY
NING AND ZONING
ONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	NORTH OF TRENTON	N.W. 27-I
DATE OF PHOTOGRAPHY JANUARY 1986		

1996

DRAWING NUMBER

PLAN HOLD CORPORATION · IRVINE CALIFORNIA

POSITION TAKE OF PRINT ON THIS LINE

DRAWING NUMBER

PLAN HOLD CORPORATION · IRVINE CALIFORNIA

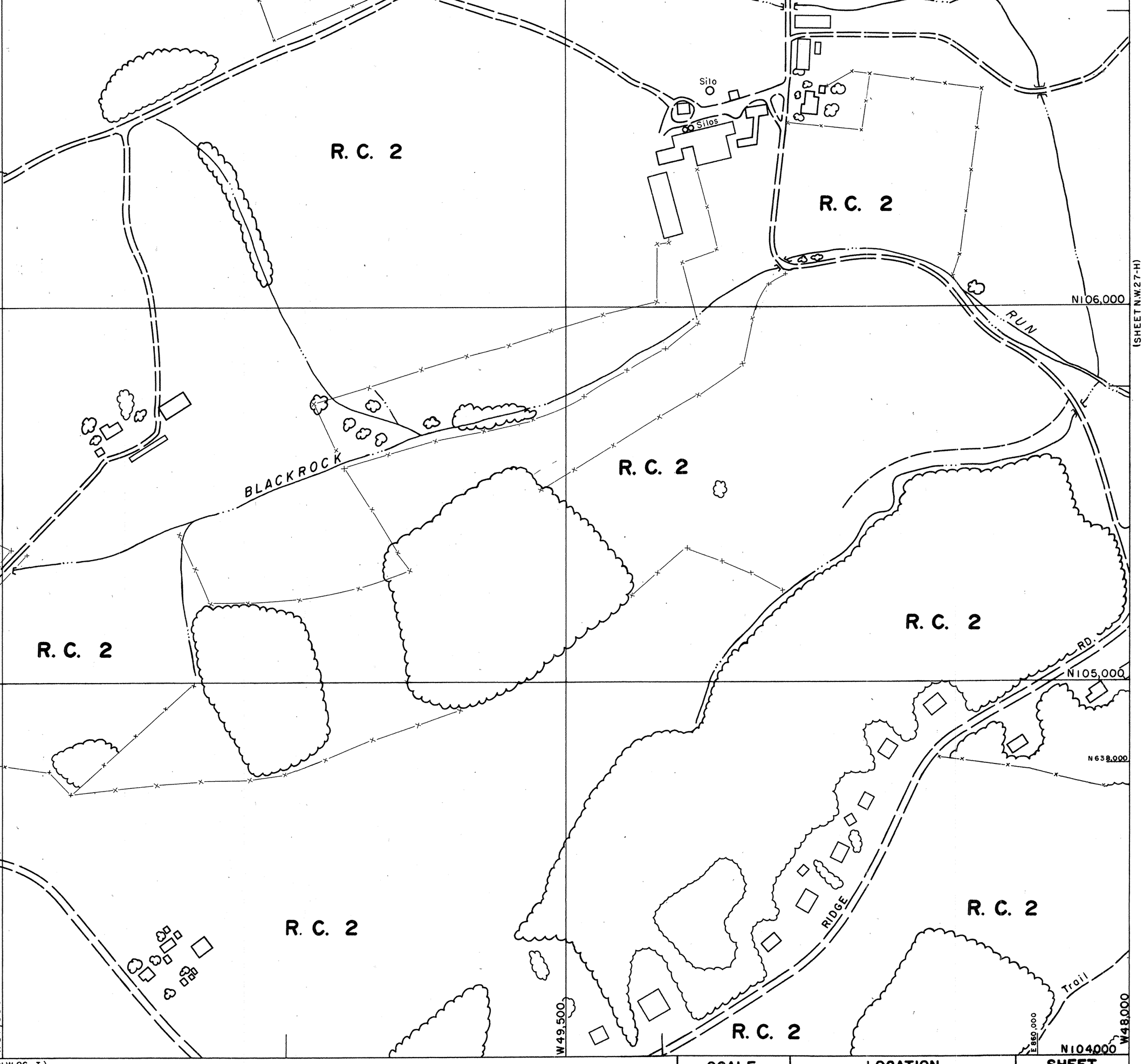
POSITION TAKE OF PRINT ON THIS LINE

DRAWING NUMBER

NW 27-I

PLAN HOLD CORPORATION · IRVINE CALIFORNIA

POSITION TAKE OF PRINT ON THIS LINE



(N.W.26-I)

E COUNTY
NING AND ZONING
ONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	NORTH OF TRENTON	N.W. 27-I
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 27 I

2000

2004

2008

2012

2016

IN THE MATTER OF:	*	BEFORE THE
Mark Krebs and	*	BOARD OF APPEALS
Jane Drozinski	*	OF
(Estate of Betty A. Krebs)	*	BALTIMORE COUNTY
16809 Ridge Road 5th Election District, 3rd Councilmanic District	*	CASE NO.: 22-152-SPHA

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Mitch Kellman
Zoning Review Office
111 W. Chesapeake Avenue, Room 124
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects; in

Hearing Room 2, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland 21204 on 8/1/2023 and 8/3/2023 **at** 10:00 a.m. **a.m./p.m.**

YOU ARE COMMANDED TO produce the following documents or objects (for general purpose as stated):

SUBPOENA REQUESTED BY:
Lawrence E. Schmidt
(Name of Party/Attorney)
Smith, Gildea & Schmidt, LLC
(Address/Telephone #)
600 Washington Ave., Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests (____) the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

Sunny Cannington
Board of Appeals for Baltimore County

RECEIVED
JUL 25 2023
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:	*	BEFORE THE
Mark Krebs and	*	BOARD OF APPEALS
Jane Drozinski	*	OF
(Estate of Betty A. Krebs)	*	BALTIMORE COUNTY
16809 Ridge Road 5th Election District, 3rd Councilmanic District	*	CASE NO.: 22-152-SPHA

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Jeff Perlow
Zoning Review Office
111 W. Chesapeake Avenue, Room 124
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects; in

Hearing Room 2, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland 21204 on 8/1/2023 and 8/3/2023 **at** 10:00 a.m. **a.m./p.m.**

YOU ARE COMMANDED TO produce the following documents or objects (for general purpose as stated):

SUBPOENA REQUESTED BY:
Lawrence E. Schmidt
(Name of Party/Attorney)
Smith, Gildea & Schmidt, LLC
(Address/Telephone #)
600 Washington Ave., Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests (____) the Sheriff, (_X_) Private Process Server, to issue the summons set forth herein.

Sunny Cannington
Board of Appeals for Baltimore County

RECEIVED
JUL 25 2023
BALTIMORE COUNTY
BOARD OF APPEALS

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

April 10, 2023

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Mark Krebs and Jane Drozinski
(Estate of Betty A. Krebs)
22-152-SPHA 16809 Ridge Road
5th Election District; 3rd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to approve a non-conforming lot which was created on July 6, 1961; or in the alternative

Petition for Variance pursuant to BCZR §1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

9/1/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; and the Petition for Variance was DENIED.

This matter was scheduled for hearing on April 11, 2023 and has been postponed at the request of Petitioner and by agreement of the parties. This matter has been

REASSIGNED FOR: AUGUST 1, 2023, AT 10:00 A.M. – Day 1
and AUGUST 3, 2023, AT 10:00 A.M. – Day 2

The above scheduled hearing will be held **in-person.** Parties, witnesses, and attorneys, please make arrangements to attend in-person.

Location for in-person:
Hearing Room #2, Second Floor, Suite 206,
Jefferson Building, 105 W. Chesapeake Avenue, Towson

Any interested person can watch the hearing online or listen by telephone and *will not* be able to participate. Call-in information and a link to the hearing online will be posted on our web calendar the night before. Our web calendar is located at www.baltimorecountymd.gov/departments/appeals.

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.	Counsel for Petitioner/Appellant	: Lawrence E. Schmidt, Esquire
	Petitioner/Appellant	: Mark C. Krebs and Jane Drozinski
	Contract Purchaser	: Radoslay Tsaney
	Protestant	: Maggie Flick
	People's Counsel for Baltimore County	: Carole S. Demilio, Deputy

Bruce Doak, Bruce Doak Consulting, LLC

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

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
JASON T. VETTORI
MELISSA L. ENGLISH*
* Admitted in MD, NC

SGS SMITH GILDEA & SCHMIDT LLC

GREGORY D. GALLI
AMY L. HICKS GROSSI
STEPHEN T. HARRIS
CARMELO D. MORABITO
senior counsel:
ERIC R. HARLAN
of counsel:
EUGENE A. ARBAUGH, JR.
STEPHEN J. NOLAN

March 30, 2023

Via Email
Krysundra Cannington
Baltimore County Board of Appeals
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Case No. 2022-00152-SPHA
16809 Ridge Road
Mark Krebs & Jane Drozinski (Petitioners)

Dear Ms. Cannington:

Please find enclosed my Entry of Appearance for the above matter. As noted therein, I have been retained by Mark Krebs and Jane Drozinski, Petitioners/Property Owners. I will represent them for the appeal filed in this matter and in all of the proceedings before the Board.

This letter is also to serve as a request for a postponement of the hearing scheduled for this matter on April 11, 2023. The reasons for this request are twofold. First, I am scheduled to appear before the County's Development Review Committee on that date at its meeting to consider a proposed lot line adjustment/subdivision of the property known as the Toys R Us property, on Reisterstown Road in Ownings Mills. As the above matter was contested at the ALJ's hearing below, I expect that the Board's hearing will consume much of the hearing day assigned and I will be unable to attend due to this schedule conflict. Secondly, as I am just engaged in this matter, I would require sufficient time to prepare our presentation to the Board. In this regard, I have spoken to Deputy People's Counsel Carole DeMilio and understand that her office intends to participate in the hearing for this matter. She and I have agreed to meet in the near future in an effort to discuss this matter and resolve some (if not all) of the open issues. Thus, a postponement will enable us to make that effort.

Also, Ms. DeMilio and I have agreed that this matter should and can be handled in person before the Board and not via the Webex format. We are also willing to coordinate calendars so that we can reschedule this matter at a convenient time for all concerned. I have likewise copied on this letter the neighbors who appeared at the ALJ's hearing to advise them and solicit their comment.

Thank you for your favorable consideration of this request and I look forward to discussing an alternate date for the hearing on this matter.

Very truly yours,

Lawrence E. Schmidt

Encl.
cc: Carole Demilio, Esquire cdemilio@baltimorecountymd.gov
Mark Krebs mckrebs@comcast.net
Jane Drozinski jane579@yahoo.com
Maggie Flick, maggie@jaimegervasi.com
Wayne Martin, waynelee3805@gmail.com
Renee Hamidi, renee@thevpc.org

IN THE MATTER OF:	*	BEFORE THE COUNTY
Mark Krebs and Jane Drozinski		
Estate of Betty A. Krebs	*	BOARD OF
16809 Ridge Road	*	APPEALS FOR
5th Election District		
3rd Councilmanic District	*	BALTIMORE COUNTY
	*	Case No. 22-152-SPHA

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

ENTRY OF APPEARANCE

Please enter the appearance of Smith, Gildea & Schmidt LLC on behalf of Mark Krebs and Jane Drozinski in the above captioned case.

Respectfully submitted,

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Ave., Suite 200
Towson, MD 21204
410-821-0070

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of March, 2023 a copy of the foregoing document was emailed to:

Carole Demilio, Esquire cdemilio@baltimorecountymd.gov
Maggie Flick, maggie@jaimegervasi.com
Wayne Martin, waynelee3805@gmail.com
Renee Hamidi, renee@thevpc.org

Lawrence E. Schmidt

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

January 11, 2023

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Mark Krebs and Jane Drozinski
(Estate of Betty A. Krebs)
22-152-SPHA 16809 Ridge Road
5th Election District; 3rd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to approve a non-conforming lot which was created on July 6, 1961; or in the alternative

Petition for Variance pursuant to BCZR §1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

9/1/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; and the Petition for Variance was DENIED.

This matter was postponed by request of Petitioner. This matter has been

REASSIGNED FOR: APRIL 11, 2023, AT 10:00 A.M.

The above scheduled hearing will be held **in-person.** Parties, witnesses, and attorneys, please make arrangements to attend in-person.

Location for in-person:
Hearing Room #2, Second Floor, Suite 206,
Jefferson Building, 105 W. Chesapeake Avenue, Towson

Any interested person can watch the hearing online or listen by telephone and *will not* be able to participate. Call-in information and a link to the hearing online will be posted on our web calendar the night before. Our web calendar is located at www.baltimorecountymd.gov/departments/appeals.

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.	Petitioner/Appellant	: Mark C. Krebs and Jane Drozinski
	Contract Purchaser	: Radoslay Tsaney
	Protestant	: Maggie Flick

Bruce Doak, Bruce Doak Consulting, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

1696 Springmount Drive
Eldersburg, MD 21784

January 8, 2023

Board of Appeals of Baltimore County
105 West Chesapeake Ave, Suite 203
Towson, MD 21204

Re: Appeals Hearing Scheduled for February 8, 2023
Case No. 2022-0152-SPHA
Property: 16809 Ridge Road
Estate of Betty Krebs
Mark Krebs and Jane Drozinski

I am requesting a postponement and rescheduling of the appeals hearing currently scheduled for February 8, 2023. I will be having major neck/back surgery (anterior cervical decompression and fusion) on January 25th and will be very limited in what I can do for at least six weeks following the surgery.

I would also like to request an in person hearing when it does get re-scheduled.

Respectfully,

Mark C. Krebs
Personal Representative
Estate of Betty A. Krebs

Tammy

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

December 1, 2022

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Mark Krebs and Jane Drozinski
(Estate of Betty A. Krebs)
22-152-SPHA 16809 Ridge Road
5th Election District; 3rd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to approve a non-conforming lot which was created on July 6, 1961; or in the alternative

Petition for Variance pursuant to BCZR §1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

9/1/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; and the Petition for Variance was DENIED.

ASSIGNED FOR: FEBRUARY 8, 2023, 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/departments/appeals **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.

Tammy Zahner

From: mckrebs@comcast.net
Sent: Sunday, January 8, 2023 8:37 AM
To: Appeals Board
Cc: 'Mark Krebs'; jane579@yahoo.com
Subject: Case No. 2022-0152-SPHA Krebs
Attachments: Request for Rescheduling of Appeals Hearing Case No. 2022-0152-SPHA Krebs.pdf

CAUTION: This message from mckrebs@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please see the attached letter requesting a postponement and rescheduling of the appeals hearing currently scheduled for February 8, 2023.

Thank you,

Mark

Mark C. Krebs
410-371-0108
mckrebs@comcast.net

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

December 1, 2022

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Mark Krebs and Jane Drozinski
(Estate of Betty A. Krebs)
22-152-SPHA 16809 Ridge Road
5th Election District; 3rd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to approve a non-conforming lot which was created on July 6, 1961; or in the alternative

Petition for Variance pursuant to BCZR §1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

9/1/22 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED; and the Petition for Variance was DENIED.

ASSIGNED FOR: FEBRUARY 8, 2023, 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/departments/appeals **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:

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- 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.	Petitioner/Appellant	: Mark C. Krebs and Jane Drozinski
	Contract Purchaser	: Radoslay Tsaney
	Protestant	: Maggie Flick

Bruce Doak, Bruce Doak Consulting, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

1696 Springmount Drive
Eldersburg, MD 21784

September 28, 2022

Managing Administrative Law Judge Paul M. Mayhew
Office of Administrative Hearings
105 West Chesapeake Ave, Suite 103
Towson, MD 21204

Re: Case No. 2022-0152-SPHA
Property: 16809 Ridge Road

Judge Mayhew,

We are appealing your decision, dated September 1, 2022, to deny the approval of a nonconforming lot and to deny the permitting of a lot with less than 1 acre for the property. We believe that the lot should be a buildable lot.

Enclosed is a copy of the decision.

Respectfully,

Mark C. Krebs
Personal Representative
Estate of Betty A. Krebs

RECEIVED
SEP 29 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

ESTATE OF BETTY ANN KREBS
1696 SPRINGMOUNT DRIVE
ELDERSBURG, MD 21784

65-272/550

104

16809 RIDGE RD

DATE Sept. 28, 2022

PAY TO THE ORDER OF Baltimore County, MD $ 600.00

Six hundred and xx/xx DOLLARS

Heat Reactive Ink

FARMERS & BANK & MERCHANTS
Fowblesburg, Maryland 21155

MEMO CASE# 2022-0152-SPHA

Mark C. Krebs

MP

© DELUXE 6/01 DLX.COM/CHECKS SPECIALTY BLUE HIGH SECURITY

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

No. 203943

Date: 9/29/22

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000	0150					$600.00

Total: $600.00

Rec From: Mark Krebs

For: OAH
Case No: 2022-0152-SPHA
Address: 10809 Bridge Road
Hearing Date: 8/22/22
Check # 104

CD/Lisa
Appeal

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

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/30/2022	9/29/2022	11:53:58	2

REG TR02 WALKIN MSJ
>>RECEIPT # 011927 9/29/2022 OFLN
5 528 ZONING VERIFICATION
CR NO. 203943
Recpt Tot $ 600.00
600.00 CK .00 CA
Baltimore County, Maryland

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

No. 203943
Date: 9/29/22

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	8006		6150					$ 600.00
							Total:	$ 600.00

Rec From:

For: OAH
Case No.: 2022-0152-SPHA
Address: 10809 Bridge Road
Hearing Date: 8/22/22
Check # 104
OD/LIAC Appeal

CASHIER'S VALIDATION

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

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 29, 2022

Mark Krebs- mckrebs@comcast.net
1696 Spring Mount Drive
Eldersburg, MD 21784

RECEIVED
SEP 30 2022
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing &Variance
Case No. 2022-0152-SPHA
Property: 16809 Ridge Road

Dear Mr. Krebs:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 29, 2022. 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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Attachment

c: Board of Appeals
People's Counsel

Jane Drozinski – jane579@yahoo.com
Radoslav Tsanev – rado@impulsetechnology.net
Bruce E. Doak – bdoak@bruceedoakconsulting.com
Maggie Flick – maggie@jaimegervasi.com
Wayne Martin – waynelee3805@gmail.com
Renee Hamidi – renee@thevpc.org

APPEAL

Petition for Special Hearing & Variance
Case No.: 2022-0152-SPHA
16809 Ridge Road
5th Election District, 3rd Council District

Petition for Special Hearing & Variance – 6/29/22

Zoning Description of Property (1 page)

Notice of Webex Zoning Hearing via Email – 7/20/22

Certification of Publication – *The Daily Record* Newspaper – 8/1/22

Certification of Posting by Bruce Doak – 7/25/22 and 8/17/22

Entry of Appearance by People's Counsel – July 6, 2022

Attendance Sheets -5 pages

Zoning Advisory Committee Comments-
DEPS comment dated 7/6/22
Bureau of Development Plans review dated 7/11/22
DOP dated 8/1/22

Petitioner's Exhibits:

1) Plan to Accompany a Zoning Petition
2) SDAT report
3) GIS
4) GIS aerial photo
5) Title deed 5343/28
6) Sketch reflecting creation of lots
7) Notes for lot information

8A & B) Elevations and floor plans for proposed house

Miscellaneous- Web Ex Information, Misc. emails.

Cover Letter and Administrative Law Judge's Opinion and Order – September 1, 2022 (DENIED BY JUDGE MAYHEW)

Notice of Appeal & Check No. 104 for $600 - Received on 9/29/22 from Mark Krebs

Cashier's Receipt No. 203943 – $600

Materials Sent to BOA Folder on 9/29/22

Donna Mignon

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Friday, August 19, 2022 9:20 AM
To: Administrative Hearings
Cc: Donna Mignon
Subject: Zoning Hearing Sign Posting Certs
Attachments: Case 2022-0152-SPHA posting cert 8 19 22.pdf

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

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

Order #: 12142344
Case #: 2022-0152-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2022-0152-SPHA

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:

8/1/2022

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 on the property identified herein as follows:

CASE NUMBER: 2022-0152-SPHA
16809 Ridge Road
Southside of Ridge Road, east of Black Rock Road
5th Election District - 3rd Councilmanic District
Legal Owners: Mark Krebs, Jane Drozinski
Contract Purchaser/Lessee: Radoslav Tsanev

Special Hearing to approve a non-conforming lot which was created on July 6, 1961 (WJR 3864/482). In the alternative, a Variance to permit a lot with an area of 0.67 acre of an acre in lieu of the required 1.00 acre.

Hearing: Monday, August 22, 2022 at 11:00 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.

aul

TO: THE DAILY RECORD
Monday, August 1, 2022 - Issue

Please forward billing to:
Bruce Doak 410-419-4906
3801 Baker Schoolhouse Road
Freeland, MD 21053

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: 2022-0152-SPHA
16809 Ridge Road
Southside of Ridge Road, east of Black Rock Road
5th Election District – 3rd Councilmanic District
Legal Owners: Mark Krebs, Jane Drozinski
Contract Purchaser/Lessee: Radoslav Tsanev

Special Hearing to approve a non-conforming lot which was created on July 6, 1961 (WJR 3864/482). In the alternative, a Variance to permit a lot with an area of 0.67 acre of an acre in lieu of the required 1.00 acre.

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Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

CERTIFICATE OF POSTING

July 26, 2022

August 19, 2022 amended for second inspection

Re:
Zoning Case No. 2022-0152-SPHA
Legal Owner: Mark Krebs & Jane Drozinski
Contract Purchaser: Radoslav Tsanev
Hearing date: Monday August 22, 2022

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

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **16809 Ridge Road.**

The signs were initially posted on **July 25, 2022.**

The subject property was also inspected on **August 17, 2022.**

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2022-0152-SPHA

16809 Ridge Road

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.

DATE & TIME: MONDAY AUGUST 22, 2022 11:00AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS. YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL 410-887-3868, EXT. 0.

REQUESTS:
SPECIAL HEARING TO APPROVE A NON-CONFORMING LOT WHICH WAS CREATED ON JULY 6, 1961 (WJR 3864/482).
IN THE ALTERNATIVE....

VARIANCE TO PERMIT A LOT WITH AN AREA OF 0.6[illegible] OF AN ACRE IN LIEU OF THE REQUIRED 1[illegible] ACRE.

ZONING NOTICE

CASE NO. 2022-0152-SPHA

16503 Riggs Road

THE ZONING COMMISSIONER OF BALTIMORE COUNTY, BY AUTHORITY OF THE ZONING ACT AND REGULATIONS OF BALTIMORE COUNTY, WILL HOLD A PUBLIC HEARING ON THE PROPERTY IDENTIFIED HEREIN.

DATE & TIME: MONDAY AUGUST 22, 2022 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARING PLEASE GO TO WWW.BALTIMORECOUNTYMD.GOV. YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND THE CASE NUMBER FOLLOWED BY #. YOU MAY ALSO CALL 410-887-3180, EXT. 2.

REQUEST:

SPECIAL HEARING TO APPROVE A NON-CONFORMING LOT WHICH WAS CREATED ON JULY 6, 1991 PRIOR TO ZONING IN THE ALTERNATIVE.

VARIANCE TO PERMIT A LOT WITH AN AREA OF 0.47 AC OR 20,500 SQ. FT. OF THE REQUIRED 1.00 ACRE.

ZONING NOTICE

CASE NO. 2022-0152-SPHA

16809 Ridge Road

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.

DATE & TIME: MONDAY AUGUST 22, 2022 11:00AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL 410-887-3868, EXT. 0.

REQUESTS:
SPECIAL HEARING TO APPROVE A NON-CONFORMING LOT WHICH WAS CREATED ON JULY 6, 1961 (WJR 3864/482).
IN THE ALTERNATIVE....

VARIANCE TO PERMIT A LOT WITH AN AREA OF 0.67 OF AN ACRE IN LIEU OF THE REQUIRED 1.00 ACRE.

RECEIVED JUL 28 2022

ZONING NOTICE

CASE NO. 2022-0152-SPHA

16809 Ridge Road

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.

DATE & TIME: MONDAY AUGUST 22, 2022 11:00AM

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REQUESTS:
SPECIAL HEARING TO APPROVE A NON-CONFORMING LOT WHICH WAS CREATED ON JULY 6, 1961 (WJR 3864/482).
IN THE ALTERNATIVE....

VARIANCE TO PERMIT A LOT WITH AN AREA OF 0.67 OF AN ACRE IN LIEU OF THE REQUIRED 1.00 ACRE.

RECEIVED JUL 28 2022

RECEIVED JUL 26 2022

CERTIFICATE OF POSTING

July 26, 2022

_____ amended for second inspection

Re:
Zoning Case No. 2022-0152-SPHA
Legal Owner: Mark Krebs & Jane Drozinski
Contract Purchaser: Radoslav Tsanev
Hearing date: Monday August 22, 2022

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

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **16809 Ridge Road.**

The signs were initially posted on **July 25, 2022.**

The subject property was also inspected on _____.

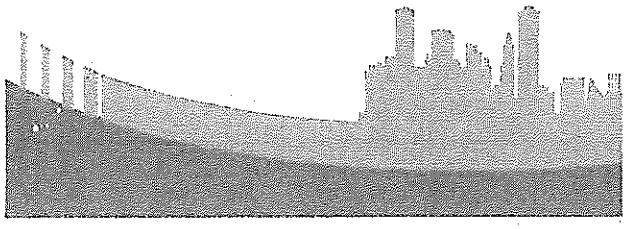
Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

RECEIVED JUL 28 2022



CERTIFICATE OF POSTING

July 26, 2022

_____ amended for second inspection

Re:
Zoning Case No. 2022-0152-SPHA
Legal Owner: Mark Krebs & Jane Drozinski
Contract Purchaser: Radoslav Tsanev
Hearing date: Monday August 22, 2022

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

Attention: Jeff Perlow

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The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP
Director, Department of Permits, Approvals and Inspections

July 20, 2022

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: 2022-0152-SPHA
16809 Ridge Road
Southside of Ridge Road, east of Black Rock Road
5th Election District – 3rd Councilmanic District
Legal Owners: Mark Krebs, Jane Drozinski
Contract Purchaser/Lessee: Radoslav Tsanev

Special Hearing to approve a non-conforming lot which was created on July 6, 1961 (WJR 3864/482). In the alternative, a Variance to permit a lot with an area of 0.67 acre of an acre in lieu of the required 1.00 acre.

Hearing: Monday, August 22, 2022 at 11:00 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.

Pete Gutwald
Director

PW/kl

C: Mark Krebs, Jane Drozinski, 1696 Spring Mount Dr., Eldersburg 21784
Radoslav Tsanev, 1805 Falls Road, Parkton 21120
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MON., AUGUST 1, 2022**

RECEIVED JUL 06 2022

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE OFFICE
16809 Ridge Road; S/S of Ridge Road, 2,300' E of Black Rock Road	*	OF ADMINSTRATIVE
5th Election & 3rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Mark Krebs & Jane Drozinski on behalf of Betty Krebs Estate	*	BALTIMORE COUNTY
Contract Purchaser(s): Radoslav Tsanev Petitioner(s)	*	2022-152-SPHA

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

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2022, a copy of the foregoing Entry of Appearance was emailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, BDoak@bruceedoakconsulting.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZAC AGENDA

Case Number: 2022-0152-SPHA **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: Mark Krebs and Jane Drozinski
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 5 **Council Dist:** 3

Property Address: 16809 RIDGE RD
Location: Property located on the South side of Ridge Rd.; 2,300 feet East of Black Rock Rd.

Existing Zoning: RC 2 **Area:** .675 ACRES
Proposed Zoning:
SPECIAL HEARING:
BCZR 500.7: To approve a non-conforming lot which was created on July 6, 1961 (WJR 3864/482)

VARIANCE:
BCZR 1A01.3.B.2: To permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2022-0152-SPHA

Property Address: 16809 RIDGE ROAD

Property Description: SOUTH SIDE OF RIDGE ROAD, 2300'± EASTERLY OF ℄ OF BLACK ROCK ROAD

Legal Owners (Petitioners): MARK KREBS & JANE DROZINSKI

Contract Purchaser/Lessee: RADOSLAV TSANEV

PLEASE FORWARD ADVERTISING BILL TO:

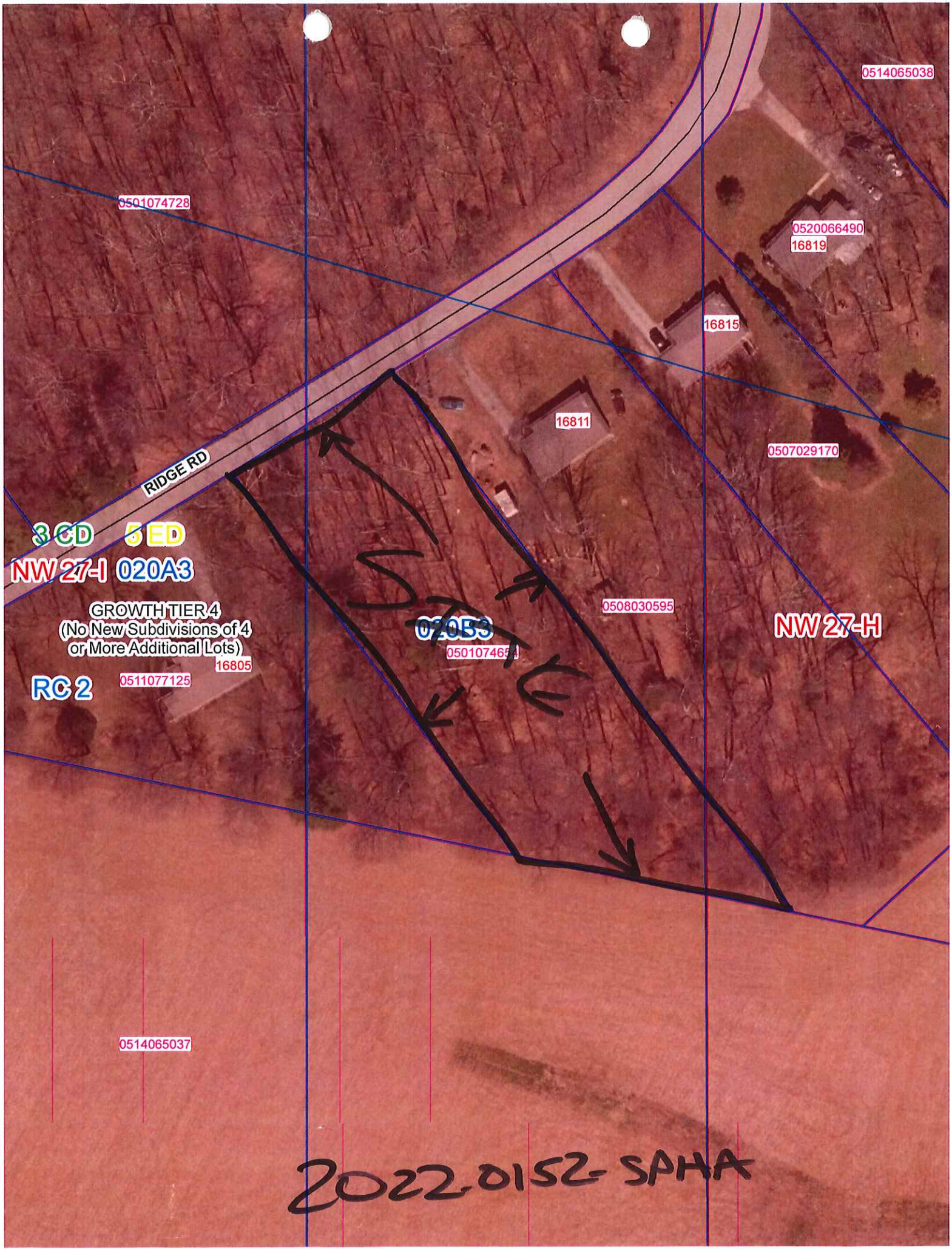
Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014


0514065038
0501074728
0520066490
16819
16815
16811
0507029170
RIDGE RD
3 CD
5 ED
NW 27-I
020A3
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
16805
0511077125
RC 2
0508030595
NW 27-H
0514065037
2022-0152-SPHA

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District** - 05 **Account Number** - 0501074654

Owner Information

Owner Name: KREBS WALLACE C
KREBS BETTY ANN
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 16805 RIDGE RD
UPPERCO MD 21155-9461
Deed Reference: /05343/ 00028

Location & Structure Information

Premises Address: RIDGE RD
0-0000
Legal Description: 0.714 AC
SS RIDGE RD
2250 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0081	5040004.04	0000				2020	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			31,101 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2021	As of 07/01/2022
Land:	68,700	68,700		
Improvements	0	0		
Total:	68,700	68,700	68,700	68,700
Preferential Land:	0	0		

Transfer Information

Seller: ARMACOST RAYMOND F	**Date:** 03/14/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05343/ 00028	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**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:**

2022-0152-SPHA

IN RE: **PETITION FOR SPECIAL HEARING & Variance**	*	BEFORE THE
(16809 Ridge Road)	*	OFFICE OF
5th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Mark Krebs and Jane Drozinski		
Legal Owners	*	FOR BALTIMORE COUNTY
Petitioners	*	**Case No: 2022-0152-SPHA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH)" as a Petition for Special Hearing and Variance filed by Mark Krebs and Jane Drozinski ("Petitioners") for the property located at 16803 Ridge Road (the "Property"). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") § 500.7, to approve a non-conforming lot which was created on July 6, 1961 (WJR 3864/482). A Variance pursuant to the BCZR § 1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), and the Bureau of Development Plans Review ("DPR"), they did not oppose the requested relief, subject to proposed conditions. The Petitioners Mark Krebs and Jane Drozinski appeared at the hearing. Bruce E. Doak of Bruce E. Doak Consulting assisted the Petitioners, prepared the Site Plan and is marked as Exhibit 1. The two adjoining property owners attended the hearing and voiced their opposition to the requested relief.

The subject parcel is located at 16809 Ridge Road. It is approximately .675 acres and is zoned RC 2. Mr. Doak proffered that the lot was created in 1961. Although this claim is not clear from the submitted exhibits, it will be accepted as true because, as explained below, it has no legal

ORDER RECEIVED FOR FILING
Date 9/1/22
By DMugnon

significance. The Petitioner, Mark Krebs, is the Personal Representative of the estate of his mother, who, along with her now deceased husband, were deeded the subject parcel in 1973. Mr. Krebs grew up in the home on the adjoining parcel at 16805 Ridge Road. He testified that the subject lot has remained unimproved and mostly wooded since the lot was created. He recently sold the dwelling and property at 16805 Ridge Road and has a contingent contract with a home builder for sale of the subject lot. The builder proposes to construct a two story dwelling on the site as depicted in architectural plans that were admitted as Petitioners' Exhibit 8.

The adjoining neighbors testified that they both offered to purchase the subject lot from Mr. Krebs to maintain it as open space but he rejected their offers. Their position is that this lot, which is less than one acre, is not a "buildable" lot in the RC2 zone.

NONCONFORMING USE

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

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9/1/22
D Mahanon

> 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.

Petitioner asks that the subject parcel be grandfathered in as a "non-conforming *lot.*" In my view neither the common law nor BCZR §101.1 recognize such a theory. In short, a lot is not a use. Further, the subject parcel does not qualify for the grandfathering provisions of BCZR §103.1, BCZR §103.3 or BCZR § 304.1.

The first of these provisions covers "any development, subdivision, or parcel of land, the preliminary plan for which was originally submitted to the (then) County Planning Commission (now Planning Board) and approved or tentatively approved under the then existing official procedure in Baltimore County prior to the adoption of these regulations (in 1955)." This parcel was not so approved.

BCZR §103.3 applies specifically to the RC zones but it too requires that the subject parcel be "covered by a recorded subdivision plat which was approved by the Baltimore County Planning Commission or Board before the effective date of this subsection (which was 1975)." Again, this parcel was not approved in this manner.

Finally, the relevant language of BCZR § 304.1 allows a residence to be constructed on an otherwise undersized lot, but only if "such lot has been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955." This parcel does not meet this requirement either.

VARIANCE

The authority for the Administrative Law Judge to grant a variance is conferred and circumscribed by BCZR § 307.1, which states as follows:

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Date 9/1/22
By DMugnar

> The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. *No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations.* Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. (emphasis added).

This regulation essentially codifies Maryland common law, which holds that "the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." *Mueller v. Baltimore County,* 177 Md. App. 43, 71 (2007). This is because "a variance is an authorization for that which is prohibited by a zoning ordinance." *Cromwell v. Ward,* 102 Md. App. 691, 699 (1995). And because "citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations." *Salisbury Bd. Of Zoning Appeals v. Bounds,* 240 Md. 547, 555-56 (1965). Therefore, "[t]he burden is on the applicant to show facts to warrant a variance," and "the specific need for the variance must be substantial and urgent and not merely for the convenience of the applicant." *Mueller,* 177 Md. App. at 70.

In this case the requested variance is prohibited by the italicized language in BCZR § 307.1, *supra,* which states that *"[n]o increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations.* BCZR § 1A01.3.B.2 requires a minimum lot size of one acre in the RC 2 zone. A variance allowing a dwelling on this .715 acre site would therefore

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Date 9/1/22
By DrMignon

impermissibly increase residential density.

Nor do the Petitioners have any vested right to construct a dwelling on this lot. In *Powell v. Calvert County*, 368 Md. 400 (2002) the court of appeals explained the narrow circumstances where such vested rights exist:

> In Maryland it is established that in order to obtain a "vested right" in the existing zoning use which will be constitutionally protected against a subsequent change in the zoning ordinance prohibiting or limiting that use, the owner must (1) obtain a permit or occupancy certificate where required by the applicable ordinance and (2) must proceed under that permit or certificate to exercise it on the land involved so that the neighborhood may be advised that the land is being devoted to that use…In *Rockville Fuel & Feed Co. v. Gaithersburg,* 266 Md. 117, 291 A.2d 672 (1972), we said that 'such a "vested right" could only result when a lawful permit was obtained and the owner, in good faith, has proceeded with such construction under it as will advise the public that the owner has made a substantial beginning to construct the building and commit the use of the land to the permission granted.' *Id.* at 127, 291 A.2d at 677; *see also County Council for Montgomery County v. District Land Corp.,* 274 Md. 691, 337 A.2d 712 (1975)."
>
> *Marzullo* at 192–93, 783 A.2d at 188–89 (alterations in original). Furthermore, in *O'Donnell v. Bassler,* 289 Md. 501, 508, 425 A.2d 1003, 1007 (1981), we stated: "Generally, in order to obtain a vested right in an existing zoning use that will be protected against a subsequent change in a zoning ordinance prohibiting that use, the owner must initially obtain a valid permit. Additionally, in reliance upon the valid permit, the owner must make a substantial beginning in construction and in committing the land to the permitted use before the change in the zoning ordinance has occurred."

Powell, 368 Md. at 411–12.

Petitioners did not submit any evidence concerning the zoning history of this parcel prior to it being zoned RC 2. So it is unclear whether construction of a dwelling on this .715 acre site would have been permitted at the time the lot was purportedly created in 1961. However, it is clear that no building permit has ever been issued for this lot, let alone any substantial construction undertaken. Therefore no vested rights exist. *See,* Case No. 2020-0100-SPH (denying variance relief for an undersized lot in the RC 2 zone), and BOA Case No. 99-111-SPH (same).

ORDER RECEIVED FOR FILING
Date 9/1/22
By DMugnon

THEREFORE, ORDERED this **1st** day of **September, 2022** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR § 500.7 to approve a non-conforming lot which was created on July 6, 1961 (WJR 3864/482) is hereby **DENIED**.

IT IS FURTHER ORDERED that the Petition for Variance from BCZR1A01.3.B.2 to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre is also hereby **DENIED**.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING
Date 9/1/22
By DRMugnon

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 1, 2022

Mark Krebs- mckrebs@comcast.net
Jane Drozinski – jane579@yahoo.com
Radoslav Tsanev – rado@impulsetechnology.net

RE: Petitions for Special Hearing & Variance
Case No. 2022-0152-SPHA
Property: 16809 Ridge Road

Dear Petitioners:

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: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Maggie Flick – maggie@jaimegervasi.com
Wayne Martin – waynelee3805@gmail.com
Renee Hamidi – renee@thevpc.org

Donna Mignon

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Thursday, September 1, 2022 3:24 PM
To: mckrebs@comcast.net; jane579@yahoo.com; rado@impulsetechnology.net
Cc: Bruce Doak; maggie@jaimegervasi.com; waynelee3805@gmail.com; Renee Hamidi –; Debra Wiley; County Council; Henry Ayakwah; Jeffery Livingston; Jenifer G. Nugent; PAI Zoning; Peoples Counsel; Peter Max Zimmerman; Rebecca Wheatley; Vishnubhai K Desai
Subject: Case No: 2022-0152-SPHA 16809 Ridge Road
Attachments: 2022-0152-SPHA.pdf

Good Afternoon,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day.

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

Pm - 8-22-22
11AM

CASE #20220-0152-SPHA EXHIBITS
(In the order of submittal)

RECEIVED
AUG 19 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

1) Plan to Accompany a Zoning Petition

2) SDAT report

3) GIS

4) GIS aerial photo

5) Title deed 5343/28

6) Sketch reflecting creation of lots

7) Notes for lot information

8A & B) Elevations and floor plans for proposed house

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

SITE INFORMATION

1. Ownership: Wallace C. Krebs & Betty Ann Krebs
2. Address: 16809 Ridge Road
3. Deed references: SM 5343/28
   The subject lot was created on July 6, 1961 per the recordation of 3864/482 (#16811 Ridge Road)
4. Area: 0.675 acre (computed) / 0.714 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 20 / 81 / 05-01-074654
6. Election District: 5 Councilmanic District: 3
   ADC Map: 4232E7 GIS tile: 020B3 Position sheet: 105NW33
   Census tract: 405000 Census block: 240054050002014
   Schools: Fifth District ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 020B3 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject lot.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the street or road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The proposed dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

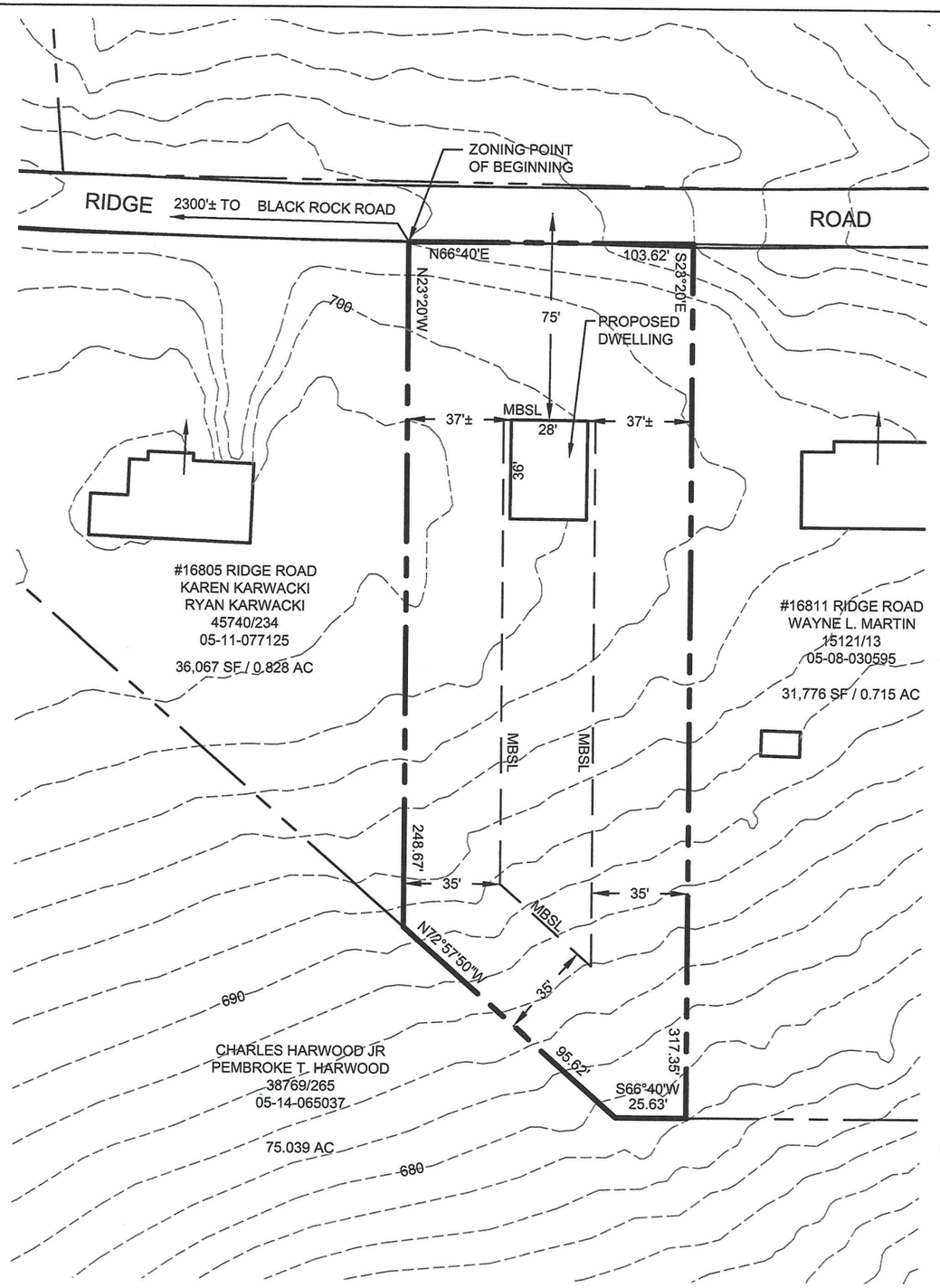
Regional Planning District: Prettyboy District Code: 302

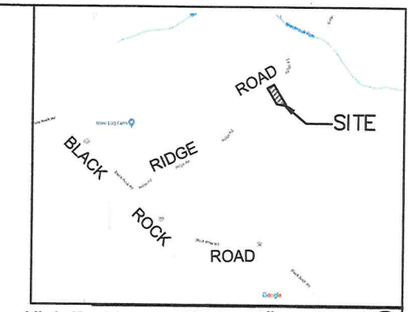
1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject lot

PROPOSED DWELLING





Vicinity Map – Scale: 1" = 2000'

0' 50' 100'

REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A ZONING PETITION

FOR

#16809 RIDGE ROAD

BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 6/20/22
Scale: 1"=50'

PET. EX #1

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 05 Account Number - 0501074654

Owner Information

Owner Name: KREBS WALLACE C
KREBS BETTY ANN

Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 16805 RIDGE RD
UPPERCO MD 21155-9461

Deed Reference: /05343/ 00028

Location & Structure Information

Premises Address: RIDGE RD
0-0000

Legal Description: 0.714 AC
SS RIDGE RD
2250 E OF BLACK ROCK RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0020	0021	0081	5040004.04	0000				2020	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			31,101 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2021	As of 07/01/2022
Land:	68,700	68,700		
Improvements	0	0		
Total:	68,700	68,700	68,700	68,700
Preferential Land:	0	0		

Transfer Information

Seller: ARMACOST RAYMOND F	**Date:** 03/14/1973	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05343/ 00028	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**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

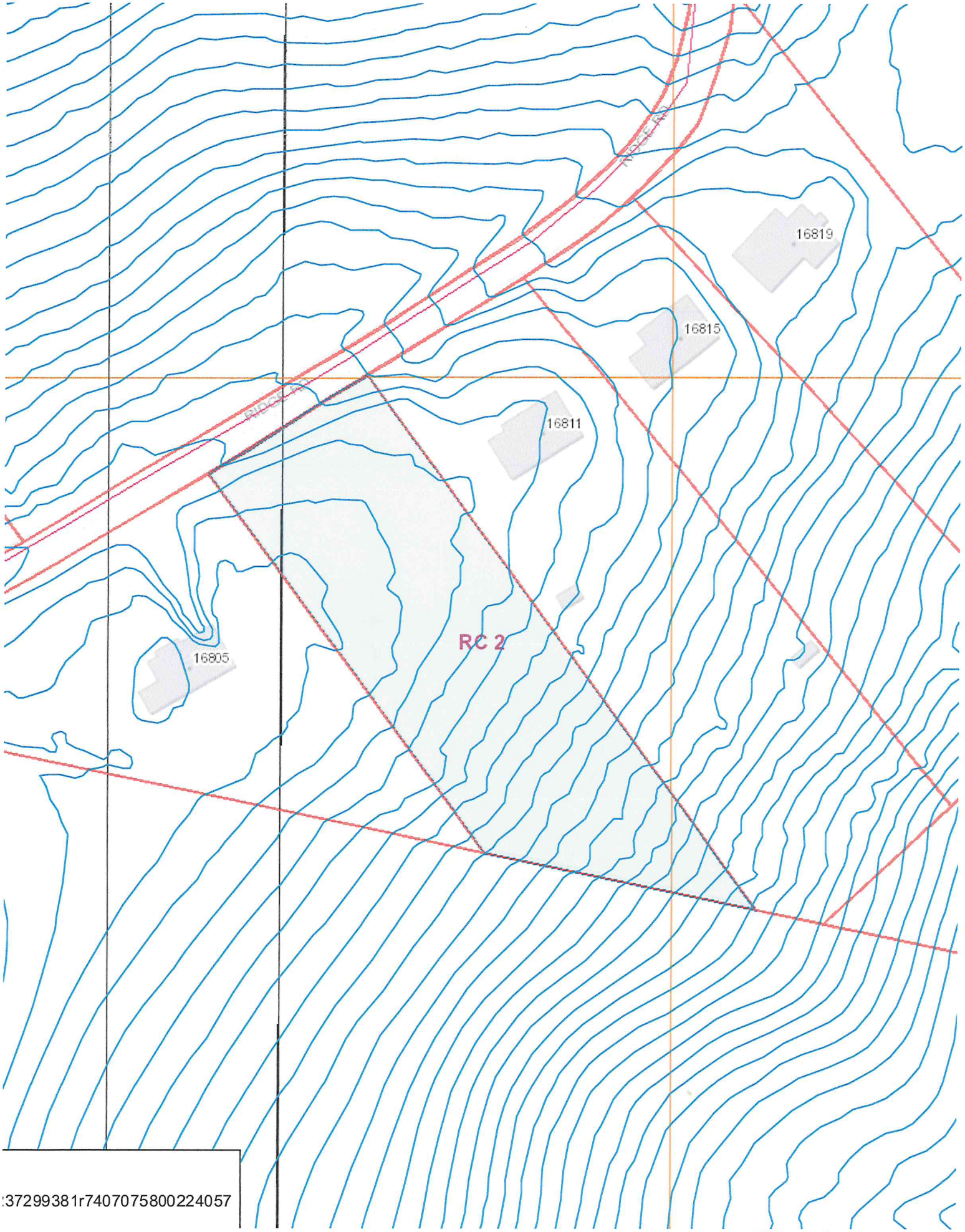
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

PET. EX #2



Pet. Ex #3

ls - Tax parcel

ıs Blocks 2010 - Blocks 2010

nal Planning Districts

Pet Ex #4

TITLE DEED 5343/28

THIS DEED, made this 28th day of February, in the year nineteen hundred and seventy-three, by RACHEL R. ARMACOST, widow, of Baltimore County, in the State of Maryland.

WITNESSETH that for and in consideration of the sum of One Dollar ($1.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said RACHEL R. ARMACOST, widow, does hereby grant and convey unto WALLACE C. KREBS and BETTY ANN KREBS, his wife, of Baltimore County, Maryland, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple, all that lot or parcel of land situate on the Southeast side of Ridge Road, in the Fifth Election District of Baltimore County, Maryland, more particularly described as follows:

BEGINNING for the outlines to include the same at a nail approximately 8 feet Southeast of the center line of the present roadbed of Ridge Road at the end of the South 66 degrees West, 1534-5/10 foot line as described in a deed from Edgar F. Benson and wife to Raymond F. Armacost and wife dated September 10, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1583, folio 537 &c., and running thence along the Southeast side of that roadbed as now surveyed by magnetic bearings of 1954, North 66 degrees 40 minutes East, 500 feet to a nail approximately 9 feet Southeast of the center line of said road and North 50 degrees 52 minutes East, 200 feet to a stake 21 feet from the center line of the present roadbed; thence by a line of division as now surveyed, South 23 degrees 20 minutes East, 22-15/100 feet to a pipe; thence continuing the same course, South 23 degrees 20 minutes East, 349-85/100 feet to a pipe; thence by another line of division as now surveyed and parallel with the first line of the lot herein being described, South 66 degrees 40 minutes West, 322 feet to a pipe and to intersect the South 73 degrees 20 minutes East, 1711-8/10 foot line

TRANSFER TAX NOT REQUIRED
3-14-73
Walter R. Richardson
Director of Finance
NO CONSIDERATION
No Title Examination
Per Michael J. Freeman
Authorized Signature
Rec'd Mar 12 C

PET EX #5

of the abovementioned deed; running thence binding on that deed reversely as now surveyed with due allowance for the magnetic declination to follow the same and along land formerly belonging to Blanche Tracey and now belonging to the North Charleston Lands Corporation, North 72 degrees 57 minutes 30 seconds West, 479-5/10 feet to a pipe on the Southeast side of Ridge Road; thence continuing the same course, North 72 degrees 57 minutes 30 seconds West, 9-96/100 feet to the place of beginning, containing 3.829 acres of land, more or less.

BEING all and the same land conveyed unto Raymond F. Armacost and Rachel R. Armacost, his wife, by deed from Eldridge L. Armacost et al dated October 21, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2577, folio 484 &c. The said Raymond F. Armacost having since departed this life and land having vested in severalty in Rachel R. Armacost, his widow.

Saving and excepting from the above described lot or parcel of land all the following portions thereof which have been granted and conveyed by Raymond F. Armacost and Rachel R. Armacost, his wife, by the following deeds:

1. Deed to Wallace C. Krebs and Betty Ann Krebs, his wife, dated August 9, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2995, folio 530 &c., conveying 0.828 of an acre of land, more or less.

2. Deed to Silas P. Martin and Mary M. Martin, his wife, dated February 6, 1961, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3810, folio 453 &c., conveying 1.458 acres of land, more or less.

3. Deed to Silas P. Martin and Mary M. Martin, his wife, dated November 5, 1962, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4071, folio 320 &c., conveying 0.821 of an acre of land, more or less.

The quantity of land being conveyed by this

NO CONSIDERATION
No Title Examination

deed is 0.714 of an acre of land, more or less.

TOGETHER with the buildings and improvements thereon, and all and singular the rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto WALLACE C. KREBS and BETTY ANN KREBS, his wife, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple.

AND the said grantor hereby covenants that she will warrant specially the property hereby conveyed and that she will execute such other and further assurances of the same as may be requisite.

AS witness the hand and seal of the grantor herein.

Witness: Charles M. Preston — RACHEL R. ARMACOST, widow (SEAL)

STATE OF MARYLAND, CARROLL COUNTY, to wit:

I hereby certify that on this 28th day of February, 1973, before me, the subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared RACHEL R. ARMACOST, widow, grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

Witness my hand and Notarial Seal.

Notary Public

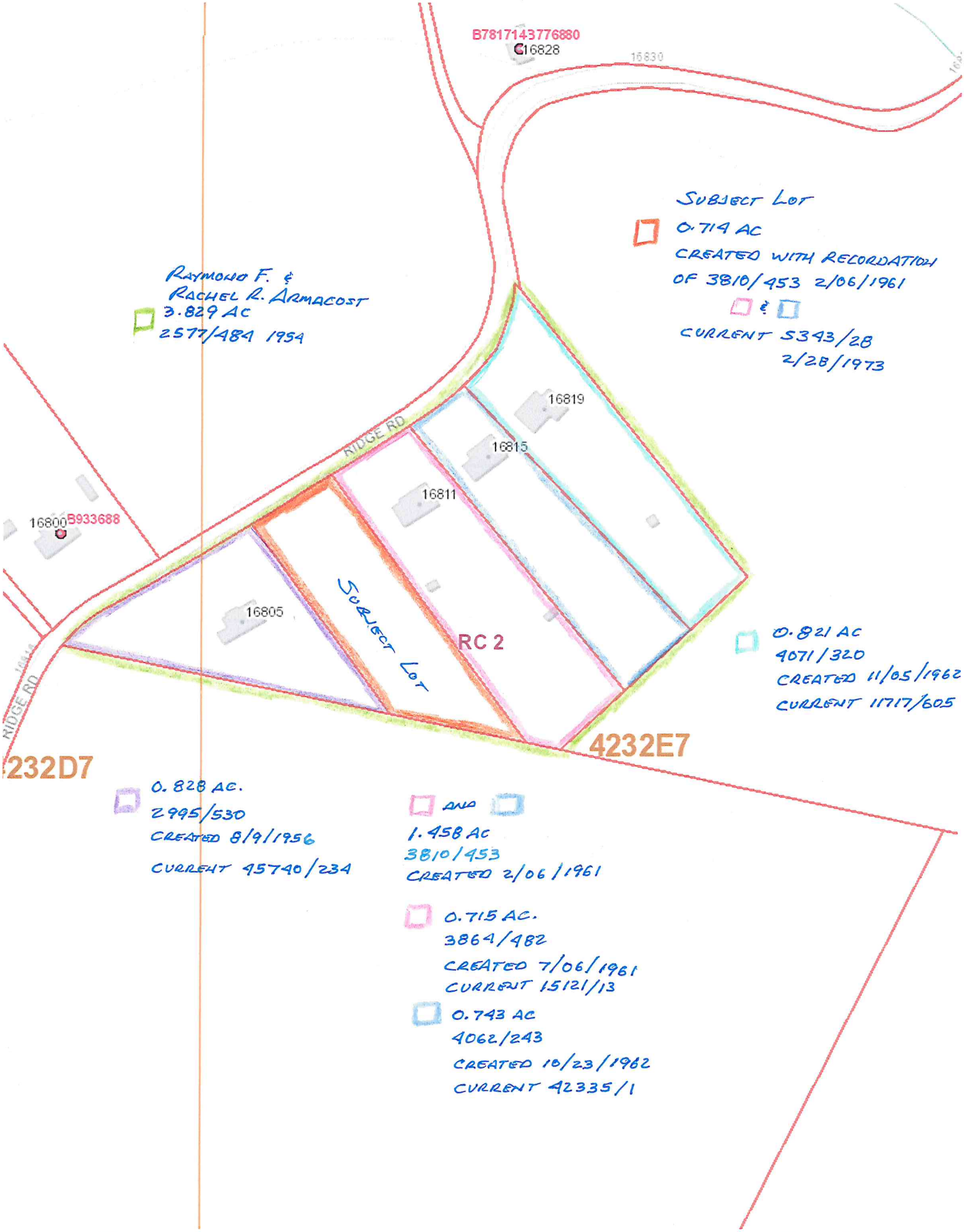
Jean B. LeGore

JEAN B. LEGORE NOTARY PUBLIC CARROLL COUNTY, MD.

Rec'd for record MAR 14 1973 at 2 01
For Elmer H. Kahline, Jr., Clerk
Mail to Hoffman & Hoffman
Receipt No. 10.50

NO CONSIDERATION
No Title Examination

MAR 14-73 21608DR ****1050
MAR 14-73 21608DR ****1050



SKETCH REFLECTING CREATION OF LOTS

PET. EX #6

4/29/22

Tsahen Project

Review of Deeds

Prior Deed 2577/484

Saving & Excepting from 5343/28

1) 2995/530 8/9/56 0.828 Ac. #16805 Ridge Rd

2) 3810/453 - 2/6/61 1.458 Ac < #16811 Ridge Rd
#16815 Ridge Rd

3) 4071/320 11/5/62 0.821 Ac #16819 Ridge Rd

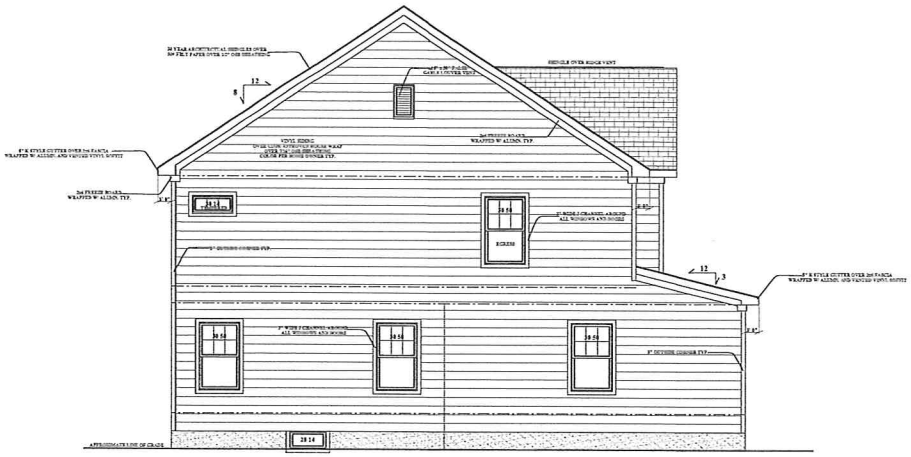
#16805 45740/234

#16811 15121/13

#16815 42335/1

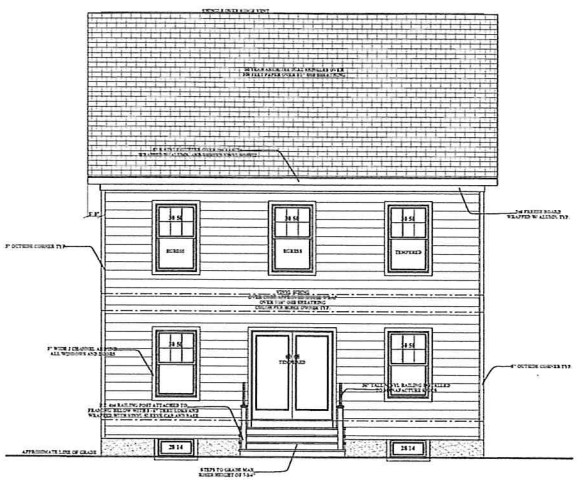
#16819 11717/605

Pet. Ex #7

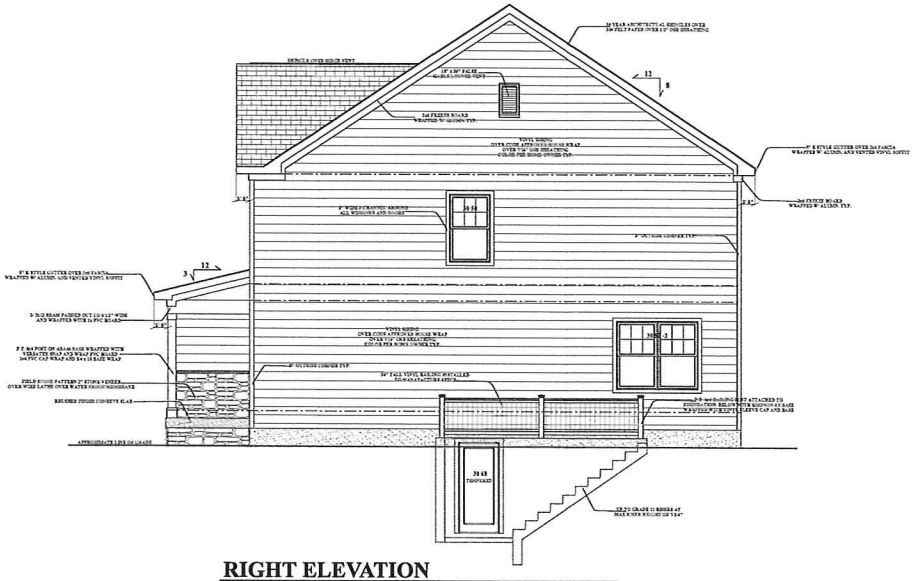


LEFT ELEVATION

FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

REVISIONS	BY
5/31/22	RB

RB Home Design
2061 D MOUNT HOREB RD STREET MD 21154
RBHOMEDESIGNS@GMAIL.COM
443-613-5115

THE WOODWARD MODEL
16809 RIDGE RD
UPPERCO MD 21155

THE CONTRACTOR IS RESPONSIBLE FOR DIMENSIONS TO BE CONFIRMED AND VERIFIED AT SITE FOR INFORMATION THAT PERTAINS SOLEY TO THE FABRICATION PROCESSES OR TO THE MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF CONSTRUCTION OF THE WORK OF ALL TRADES

RB HOME DESIGNS

DATE : 5/31/22

SCALE : 1/4" = 1'

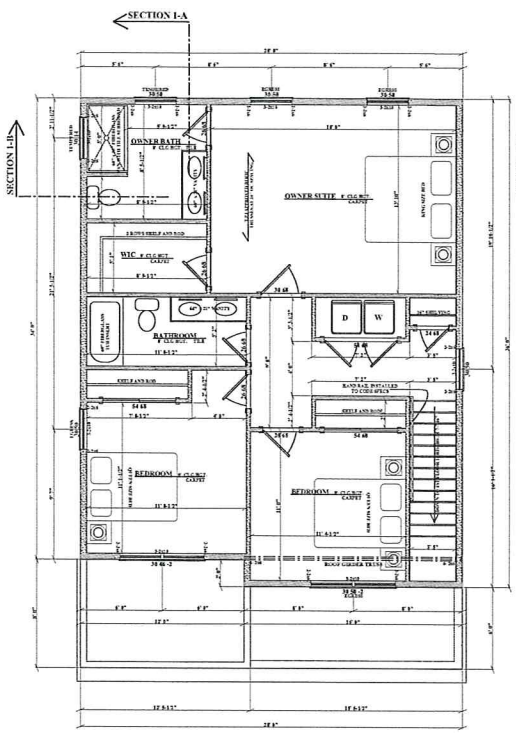
DRAWN : R. BREDLOW

EXTERIOR ELEVATIONS

SHEET NO.

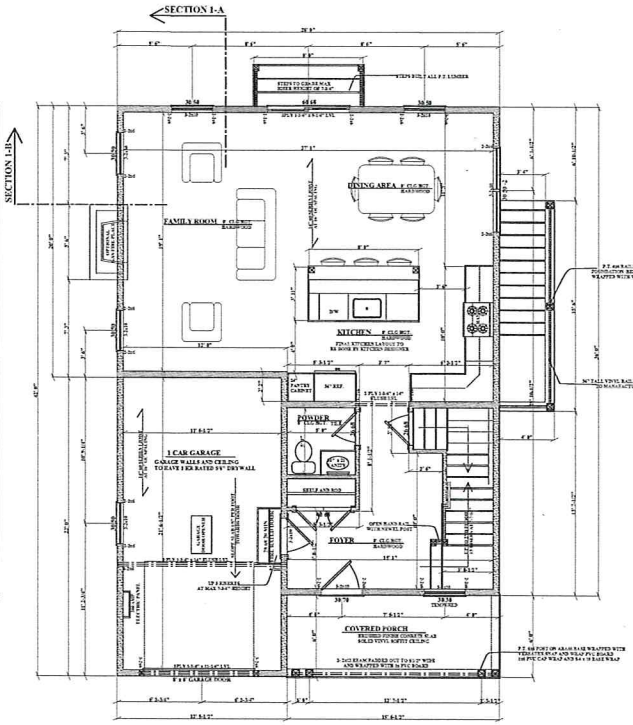
A-1

Pet Ex #8A



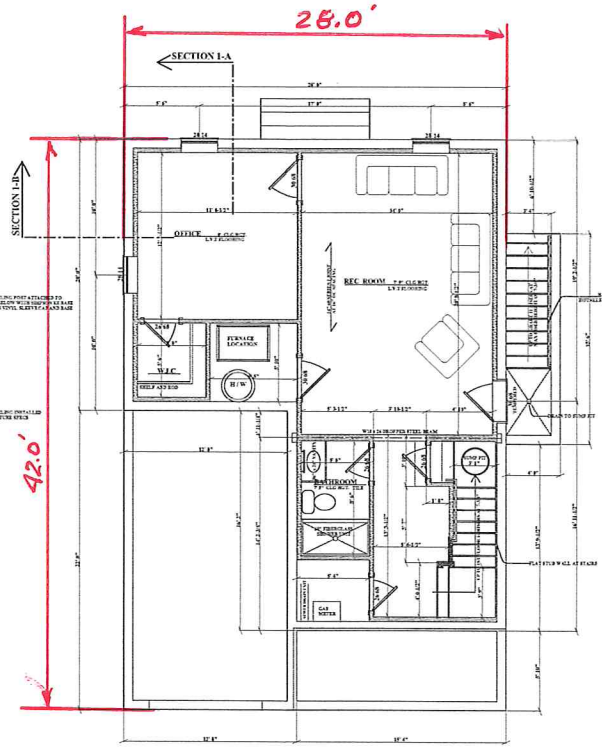
2ND FLOOR PLAN

FINISHED FLOOR SQFT 984



1ST FLOOR PLAN

FINISHED FLOOR SQFT 816



LOWER LEVEL PLAN

FINISHED FLOOR SQFT 556

REVISIONS	BY
5/31/22	RB

RB Home Design
2061 D MOUNT HOREB RD STREET MD 21154
RBHOMEDESIGN@HOTMAIL.COM
443-613-5115

THE WOODWARD
MODEL
16809 RIDGE RD
UPPERCO MD 21155

THE CONTRACTOR IS RESPONSIBLE FOR DIMENSIONS TO BE VERIFIED AND COORDINATED AT SITE FOR INFORMATION THAT PERTAINS SOLEY TO THE FABRICATION PROCESS OR TO THE SAFETY OF THE METHODS, SECHNIQUES, SEQUENCES, AND PROCEDURES OF CONSTRUCTION OF THE WORK OF ALL TRADES

RB HOME DESIGNS

DATE : 5/31/22

SCALE : 1/4" = 1'

DRAWN : R. BREDLOW

FLOOR PLANS

SHEET NO.

A-2

PET. EX #8B

8-22 11 AM
2022-0152-
SPHA

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Jane Drozinski	jane579@yahoo.com	1-	New York Time	English	U.S.
Maggie Flick	maggie@jaimegervasi.com	1-	New York Time	English	U.S.
Mark Krebs	mckrebs@comcast.net	1-	New York Time	English	U.S.
Rado Tsanev	rado@impulsetechnology.net	1-	New York Time	English	U.S.
Radoslav Tsanev	rado@club-it.net	1-	New York Time	English	U.S.
Wayne Martin	waynelee3805@gmail.com	1-	New York Time	English	U.S.

OK

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... Import Contacts...

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Bruce Doak	bdoak@bruceedoakconsulting.com	1-	English	New York Time	U.S.
☐	Jane Drozinski	jane579@yahoo.com	1-	English	New York Time	U.S.
☐	Mark Krebs	mckrebs@comcast.net	1-	English	New York Time	U.S.
☐	Rado Tsanev	rado@impulsetechnology.net	1-	English	New York Time	U.S.
☐	Radoslav Tsanev	rado@club-it.net	1-	English	New York Time	U.S.
☐	Wayne Martin	waynelee3805@gmail.com	1-	English	New York Time	U.S.
☑	Maggie Flick	maggie@jaimegervasi.com	1-	English	New York Time	U.S.

Invite Select All Clear All Delete Cancel

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region 1 Number (with area/city code)

Time Zone: New York (Eastern Daylight Time, GMT-04:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Jane Drozinski	jane579@yahoo.com	1-	New York Time	English	U.S.
Mark Krebs	mckrebs@comcast.net	1-	New York Time	English	U.S.
Rado Tsanev	rado@impulsetechnology.net	1-	New York Time	English	U.S.
Radoslav Tsanev	rado@club-it.net	1-	New York Time	English	U.S.
Wayne Martin	waynelee3805@gmail.com	1-	New York Time	English	U.S.

OK

Attendance	Program Name
1	
2	
3	
4	
5	
6	
7	
8	

Attendance at
WebEx Hearing

Event Name

Zoning Hearing- Case No: 2022-0152-SPHA - 16809 Ridge Road - Owners: Mark Krebs, Jane Drozinksi - Contract Purchaser: Radosla

Zoning Hearing- Case No: 2022-0152-SPHA - 16809 Ridge Road - Owners: Mark Krebs, Jane Drozinksi - Contract Purchaser: Radosla
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Zoning Hearing- Case No: 2022-0152-SPHA - 16809 Ridge Road - Owners: Mark Krebs, Jane Drozinksi - Contract Purchaser: Radosla

Event Start Date	Event Start Time	FirstName	LastName	Company	Email
August 22, 2022 New York Time	11:00 am New York Time	Bruce	Doak		bdoak@bruceedoakconsulting.com
August 22, 2022 New York Time	11:00 am New York Time	Maggie	Flick		maggie@jaimegervasi.com
August 22, 2022 New York Time	11:00 am New York Time	Rado	Tsanev		rado@impulsetechnology.net
August 22, 2022 New York Time	11:00 am New York Time	Debra	Wiley		dwiley@baltimorecountymd.gov
August 22, 2022 New York Time	11:00 am New York Time	Mark	Krebs		mckrebs@comcast.net
August 22, 2022 New York Time	11:00 am New York Time	Paul	Mayhew		pmayhew@baltimorecountymd.gov
August 22, 2022 New York Time	11:00 am New York Time	Wayne	Martin		waynelee3805@gmail.com
August 22, 2022 New York Time	11:00 am New York Time	Renee	Hamidi		renee@thevpc.org

Join Time	Leave Time	Attendance Duration	Chat	Chat sent a	Question	Question s	Question s	Priority
10:54 am New York Time	11:39 am New York Time	44.0 mins	N/A	N/A	N/A	N/A	N/A	N/A
10:51 am New York Time	11:39 am New York Time	47.0 mins	N/A	N/A	N/A	N/A	N/A	N/A
10:55 am New York Time	11:39 am New York Time	43.0 mins	N/A	N/A	N/A	N/A	N/A	N/A
10:50 am New York Time	11:39 am New York Time	49.0 mins	N/A	N/A	N/A	N/A	N/A	N/A
10:57 am New York Time	11:38 am New York Time	41.0 mins	N/A	N/A	N/A	N/A	N/A	N/A
11:04 am New York Time	11:39 am New York Time	34.0 mins	N/A	N/A	N/A	N/A	N/A	N/A
10:55 am New York Time	11:39 am New York Time	43.0 mins	N/A	N/A	N/A	N/A	N/A	N/A
10:59 am New York Time	11:38 am New York Time	39.0 mins	N/A	N/A	N/A	N/A	N/A	N/A

Answer	Answer ser	Answered l	Responded to
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Donna Mignon

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Friday, August 19, 2022 7:42 AM
To: Bruce Doak
Subject: FW: Case No: 2022-0152-SPHA 16809 Ridge Road

Good Morning Bruce,
We have not received your Exhibits for this case.
They were due Thursday, August 18, 2022.

Thank you.
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

From: Administrative Hearings
Sent: Monday, August 15, 2022 9:16 AM
To: Bruce Doak <bdoak@bruceedoakconsulting.com>
Cc: mckrebs@comcast.net
Subject: Case No: 2022-0152-SPHA 16809 Ridge Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for August 22, 2022 at 11:00 a.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about July 20, 2022.

Please email any and all hearing exhibits, documents, site plans, photographs or evidence of any kind that you wish to present at the hearing to our office . The documents must be submitted in PDF format at **least two full business days** in advance of the hearing to : 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.

*****These exhibits will be displayed on a computer screen as you explain at the hearing what you are seeking in your case. Please note that these documents are in addition to any paperwork submitted when you originally filed your petition with the Office of Zoning Review. Our Office is separate from the Office of Zoning. ***** If our office does not receive this information, your case may not be able to be heard on this day. Thank you.

You can find more information on our website at: https://www.baltimorecountymd.gov/departments/adminhearings/devzoninghearings.html

Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.

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

Donna Mignon

From: Administrative Hearings
Sent: Thursday, August 18, 2022 1:32 PM
To: 'waynelee3805@gmail.com'
Subject: Case No: 2022-0152-SPH

Good Afternoon,

Per our telephone conversation please be advised that the above case is scheduled for Monday, August 22, 2022 at 11:00 a.m.
You are pre-registered to attend the hearing by Webex. Our office will open the hearing about 15 minutes before the hearing is to start. If you use a computer, please click on the green join event button.
You should have received an email with an invitation to the hearing.
If you are having problems, you can call in at 1-415-655-0001, access code 204 642 2153

Information About Case:

Case Number: 2022-0152-SPHA
Location: Southside of Ridge Road, 2,300 feet east of Black Rock Road
5th Election District
Legal Owners: Mark Krebs, Jane Drozinski

Special Hearing to approve a non-conforming lot which was created on July 6, 1961 (WJR 3864/482). Variance to permit a lot with an area of 0.67 of an acre in lieu of the required 1 acre.

To Test your Computer to make sure it is compatible before the hearing:
Go to www.webex.com/test-meeting
Brings you into a "fake" meeting
Allows you to make sure your software is compatible – test audio & video

Hope the above helps. If you have any other questions, please feel free to contact our office.

Have a great and safe day.

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

webex by cisco

After **March of 2023**, you will no longer be able to schedule any new events (https://baltimorecountymd.webex.com/)

Webex Events (classic)

New User Reference (https://help.webex.com/

Attend an Event

List of Events (/ec3300/eventcenter/ever theAction=listevents_date8

Unlisted Events (/ec3300/eventcenter/enrc siteurl=baltimorecountymd)

Event Recordings (/ec3300/eventcenter/reco theAction=archive)

Search (/ec3300/eventcenter/ever siteurl=baltimorecountymd)

Host an Event

Schedule a Webinar NEW! (https://baltimorecountymc type=scheduleWebinarFror

Event Information

Event:	Zonin Purch
Type:	Listec
Event address for attendees:	https:
Event address for panelists:	https:
Date and time:	Mond Easte
Duration:	1 hou
Description:	Zonin Case Addre Owne Contr
Event number:	2304
Event password:	1234
Host key:	1504(
Alternate Host:	Deb \

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Thursday, August 18, 2022 5:01 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Maggie
Last Name	Flick
Email	Maggie@jaimegervasi.com
Phone	6107376980
Address	16805 Ridge Road
City	Upperco
State	Maryland
ZIP Code	21155
Case Number	2022-0152-SPHA
Scheduled Hearing Date	08/22/2022

Donna Mignon

From: Administrative Hearings
Sent: Monday, August 15, 2022 9:16 AM
To: Bruce Doak
Cc: mckrebs@comcast.net
Subject: Case No: 2022-0152-SPHA 16809 Ridge Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for August 22, 2022 at 11:00 a.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about July 20, 2022.

Please email any and all hearing exhibits, documents, site plans, photographs or evidence of any kind that you wish to present at the hearing to our office . The documents must be submitted in PDF format at **least two full business days** in advance of the hearing to : 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.

*****These exhibits will be displayed on a computer screen as you explain at the hearing what you are seeking in your case. Please note that these documents are in addition to any paperwork submitted when you originally filed your petition with the Office of Zoning Review. Our Office is separate from the Office of Zoning. ***** If our office does not receive this information, your case may not be able to be heard on this day. Thank you.

You can find more information on our website at: https://www.baltimorecountymd.gov/departments/adminhearings/devzoninghearings.html

Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.

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

Donna Mignon

From: Kristen L Lewis
Sent: Wednesday, July 20, 2022 9:58 AM
To: Donna Mignon; Debra Wiley
Subject: Webex 2022-0152-SPHA

Good morning,

Below is another case needing a link created. Thank you.

2022-0152-SPHA
16809 Ridge Road
Owners: Mark Krebs – mckrebs@comcast.net
Jane Drozinski – jane579@yahoo.com
Contract Purchaser: Radoslav Tsanev – rado@club-it.net
Bruce Doak – bdoak@bruceedoakconsulting.com
8/22/22 at 11:00 a.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Event Information

Event:	Zoning Hearing- Case No: 2022-0152-SPHA - 16809 Ridge Road - Owners: Mark Krebs, Jane Drozinksi - Contract Purchaser: Radosia
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e1e4dc87f226cd3a0116b52bf35097d0f
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e36f95480203589f0decceefd75597a1e
Date and time:	Monday, August 22, 2022 11:00 am Eastern Daylight Time (New York, GMT-04:00)
Duration:	1 hour
Description:	Zoning Hearing Case No: 2022-0152-SPHA Address: 16809 Ridge Road Owners: Mark Krebs and Jae Drozinski Contract Purchaser: Radoslav Tsanev
Event number:	2304 642 2153
Event password:	1234
Host key:	150404
Alternate Host:	Deb Wiley,Maureen Murphy,Paul Mayhew
Panelist Info:	
Panelist password:	
Panelist numeric password:	508443
Video Address:	23046422153@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 2304 642 2153
Maximum number of registrants:	10000
Destination address after event:	
Host image:	
Attendee list available for viewing by:	Host, presenter and panelists only
Event material:	None
Post-event survey:	No
Email configured:	Pending, Approved, Rejected

Start Eve

You can st
event by c
Start Now.

Start

Send Eve

You can se
emails by
Send Ema

Send E

Registration Information

Registration ID required:	No
Password required:	No
Password:	
Approval required:	No
Custom registration form:	No
After registration, go to URL:	

Manage Registrations | Delete Event | Edit Event

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Donna Mignon

From:	Donna Mignon
Sent:	Wednesday, July 20, 2022 10:04 AM
To:	Kristen L Lewis; Debra Wiley
Subject:	LINK - RE: Webex 2022-0152-SPHA

Top of Form

Event Information

Event:	Zoning Hearing- Case No: 2022-0152-SPHA - 16809 Ridge Road - Owners: Ma Purchaser: Radosla
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID
Date and time:	Monday, August 22, 2022 11:00 am Eastern Daylight Time (New York, GMT-04:00)
Duration:	1 hour
Description:	Zoning Hearing Case No: 2022-0152-SPHA Address: 16809 Ridge Road Owners: Mark Krebs and Jae Drozinski Contract Purchaser: Radoslav Tsanev
Event number:	2304 642 2153
Event password:	1234
Host key:	150404
Alternate Host:	Deb Wiley,Maureen Murphy,Paul Mayhew
Panelist Info:	
Panelist password:	
Panelist numeric password:	508443
Video Address:	23046422153@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 2304 642 2153
Maximum number of registrants:	10000
Destination address after event:	
Host image:	
Attendee list available for viewing by:	Host, presenter and panelists only
Event material:	None
Post-event survey:	No
Email configured:	Pending, Approved, Rejected

Registration Information

Registration ID required:	No
Password required:	No
Password:	

Approval required: No
Custom registration form: No
After registration, go to URL:

Bottom of Form
Top of Form
Bottom of Form

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From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Wednesday, July 20, 2022 9:58 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Webex 2022-0152-SPHA

Good morning,

Below is another case needing a link created. Thank you.

2022-0152-SPHA
16809 Ridge Road
Owners: Mark Krebs – mckrebs@comcast.net
Jane Drozinski – jane579@yahoo.com
Contract Purchaser: Radoslav Tsanev – rado@club-it.net
Bruce Doak – bdoak@bruceedoakconsulting.com
8/22/22 at 11:00 a.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Jane Drozinski	jane579@yahoo.com	1-	New York Time	English	U.S.
Mark Krebs	mckrebs@comcast.net	1-	New York Time	English	U.S.
Radoslav Tsanev	rado@club-it.net	1-	New York Time	English	U.S.

OK

Donna Mignon

Subject:	Zoning Hearing- Case No: 2022-0152-SPHA - 16809 Ridge Road - Owners: Mark Krebs, Jane Drozinksi - Contract Purchaser: Radosla
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eb6e8399a21414b7d0a567b0e9fe35265
Start:	Mon 8/22/2022 11:00 AM
End:	Mon 8/22/2022 12:00 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	webex

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 2304 642 2153

Monday, August 22, 2022 11:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eb6e8399a21414b7d0a567b0e9fe
Event address for panelists:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e143aa54ed43a96465be3882774

Start event

Audio conference information
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application
Dial 23046422153@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 508443

If you are a host, click here to view host information:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e09a30a26099a75d8c9ee5acd857f076c

Need help? Go to https://help.webex.com

Donna Mignon

From: Administrative Hearings
Sent: Wednesday, August 3, 2022 11:32 AM
To: 'Bruce Doak'
Subject: RE: Case 2022-0152-SPHA Panelist Invite

Hi Bruce,
Invitation was just sent. Thank you.

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Wednesday, August 3, 2022 11:28 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case 2022-0152-SPHA Panelist Invite

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

Will you please send Rado Tsanev an invite as a panelist?

His email is rado@impulsetechnology.net

Thanks
Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

Donna Mignon

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Wednesday, August 3, 2022 11:28 AM
To: Donna Mignon
Cc: Administrative Hearings
Subject: Case 2022-0152-SPHA Panelist Invite

CAUTION: This message from bdoak@bruceedoakconsulting.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

Will you please send Rado Tsanev an invite as a panelist?

His email is rado@impulsetechnology.net

Thanks
Bruce

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

webex by cisco (https://baltimorecountymd.webex.com/)

Webex Events (classic)

New User Reference (https://help.webex.com/

Attend an Event

List of Events (/ec3300/eventcenter/ever theAction=listevents_date&

Unlisted Events (/ec3300/eventcenter/enrc siteurl=baltimorecountymd)

Event Recordings (/ec3300/eventcenter/recc theAction=archive)

Search

Event Information

Event:	Zoning Hearing- Case No: 2022-0 Purchaser: Radosla
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.c
Event address for panelists:	https://baltimorecountymd.webex.c
Date and time:	Monday, August 22, 2022 11:00 an Eastern Daylight Time (New York,
Duration:	1 hour
Description:	Zoning Hearing Case No: 2022-0152-SPHA

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Bruce Doak	bdoak@bruceedoakconsulting.com	1-	New York Time	English	U.S.
Jane Drozinski	jane579@yahoo.com	1-	New York Time	English	U.S.
Mark Krebs	mckrebs@comcast.net	1-	New York Time	English	U.S.
Rado Tsanev	rado@impulsetechnology.net	1-	New York Time	English	U.S.
Radoslav Tsanev	rado@club-it.net	1-	New York Time	English	U.S.

OK

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

August 16, 2022

Bruce Doak
3801 Baker Schoolhouse Rd.
Freeland, MD 21053

RE: Case Number: 2022-0152-SPHA 16809 Ridge Rd..

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 June 29, 2022. 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,

Jeffrey Perlow

Jeff Perlow
Supervisor
Department of Zoning

lw
Enclosures: Mark Kress and Jane Drozinski

RECEIVED AUG 0 2 2022

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/1/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2022-152-SPHA

INFORMATION:
Property Address: 16809 Ridge Road
Petitioner: The Estate of Betty A. Krebs (Represented by Mark Krebs and Jane Droziniski)
Zoning: RC-2
Requested Action: Special Hearing & Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing

1. To approve a non-conforming lot which was created on July 6, 1961; OR

Variance

2. To permit a lot with an area of 0.67 of an acre in lieu of the required 1.00 acre per Section 1A01.3.B.2 of the BCZR.

The property is a 0.67 acre lot with no existing structure zoned RC-2. Two residential-use properties border the property on either side. Both adjacent lots are under 1-acre with existing single-family residential structures.

Bruce Doak, representative for the petitioner informed the Department of Planning that the property had been previously subdivided from a larger parcel prior to enactment of the relevant code restricting the single-family residential use of the property. At the time of the subdivision, 0.67 acres was sufficient for the placement of a single-family residential structure. Presumably, a larger parcel would have been created if the currently relevant code had been in place at the time. Provided representations of the proposed structure demonstrate beneficial conformity to the existing neighborhood character of mid-century "bungalow" type residential structures.

Regarding the requests, the Department offers the following comments:

1. The Department of Planning does not object to the requested relief of a non-conforming designation for the proposed residential use of the site.

The Department of Planning requests the ALJ provide additional guidance on the use of non-conforming use designation for residential use without an existing structure on RC-zoned properties subdivided prior to the implementation of currently relevant code. §104.1 of the BCZR deems "abandonment or

discontinuance" for a period of one year satisfactory for a removal of a nonconforming use status, though the requested relief is for an undeveloped lot, rather than an abandoned former residential use lot.

2. The property maintains unique conditions that qualify for a variance, while strict enforcement of the relevant zoning code would constitute an unreasonable hardship on the petitioner. The lot is uniquely narrow. The petitioner has demonstrated that a structure conforming to both the community context and the relevant size regulations, specifically side yard setbacks, is possible on the site. Strict enforcement of the relevant code would create an unreasonable hardship for the petitioner as the permitted use as a single-family residential lot would not be allowed.

If the request for a non-conforming use designation is denied, the Department of Planning does not object to the requested relief of a variance to permit a lot with an area of 0.67 of an acre in lieu of the required 1.00 acre per Section 1A1.3.B.2 of the BCZR.

If deemed appropriate by the ALJ, the Department of Planning does not object to relief from § 304.1.A. of the BCZR for the petitioner. If relief from § 304.1.A. is granted, the appropriate procedures for use of an undersized single-family lot as outlined in § 304 of the BCZR should be undertaken.

For further questions concerning the matters stated herein, please contact David Birkenthal at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: David Birkenthal
Bruce Doak
Office of Administrative Hearings
People's Counsel for Baltimore County

RECEIVED JUL 14 2022

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 11, 2022

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2022
Item Nos. 2022-0145-A, 0150-SPHA, 0151-SPH, 0152-SPHA & 0153-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

* * * * *

VKD: cen
cc: file

RECEIVED JUL 06 2022

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: July 6, 2022

SUBJECT: DEPS Comment for Zoning Item # 2022-0152-SPHA
Address: 16809 Ridge Road
(Krebs & Drozinski Property)

Zoning Advisory Committee Meeting of **July 11, 2022**

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

Reviewer: Steve Ford

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 16809 Ridge Road which is presently zoned RC 2

Deed References: 5343/28 10 Digit Tax Account # 0 5 0 1 0 7 4 6 5 4

Property Owner(s) Printed Name(s) MARK C. KREBS (PERSONAL REPRESENTATIVE) AND JANE R. DROZINSKI (PERSONAL REPRESENTATIVE) FOR THE ESTATE OF BETTY A. KREBS

(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

SEE ATTACHED PAGE

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

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

SEE ATTACHED PAGE

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:

RADOSLAV TSANEV
Name - Type or Print

Signature

1805 FALLS ROAD PARKTON MD
Mailing Address City State

21120 / 410-916-6973 /
Zip Code Telephone # Email Address
RADO@CLUB-IT.NET

Legal Owners (Petitioners):

MARK C. KREBS JANE R. DROZINSKI
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

1696 SPRING MOUNT DR. ELDERSBERG MD
Mailing Address City State

21784 / 410-371-0108 /
Zip Code Telephone # Email Address
MCKREBS@COMCAST.NET

INFO FOR MARK C. KREBS

Attorney for Petitioner:

ORDER RECEIVED FOR FILING
Date 9/1/22
By

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
Name – Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
Mailing Address City State

21053 / 410-419-4906 /
Zip Code Telephone # Email Address
BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2022-0152-SPHA Filing Date 6/29/22 Do Not Schedule Dates: ____ Reviewer CP

REV. 10/4/11

INFO FOR JANE R. DROZINSKI
4528 MAPLE GROVE ROAD
HAMPSTEAD MD 21074 443-375-0857
JANE579@YAHOO.COM

16809 Ridge Road

Case # 2022-0152-SPHA

Zoning Hearing Petitions Being Requested

Special Hearing to approve a non-conforming lot which was created on July 6, 1961(WJR 3864/482).

In the alternative

Variance to permit a lot with an area of 0.67 of an acre in lieu of the required 1.00 acre per Section 1A01.3.B.2 BCZR

2022-0152-SPHA

Zoning Description

16809 Ridge Road
Fifth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Ridge Road, approximately 2,300 feet easterly of the centerline of Black Rock Road, thence running on the south side of Ridge Road and running with and binding on the outlines of the subject property, the following course and distance, viz. 1) North 66 degrees 40 minutes East 103.62 feet, thence leaving Ridge Road and continuing to run and bind on the outlines of the subject property, the four following courses and distances, viz. 2) South 23 degrees 20 minutes East 317.35 feet, 3) South 66 degrees 40 minutes West 25.63 feet, 4) North 72 degrees 57 minutes 50 seconds West 95.62 feet, and 5) North 23 degrees 20 minutes West 248.67 feet to the point of beginning.

Containing 0.675 of an acre of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.

STATE OF MARYLAND
BRUCE EDWIN DOAK
531
PROPERTY LINE SURVEYOR

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2022-0152-SPHA

SITE INFORMATION

1. Ownership: Wallace C. Krebs & Betty Ann Krebs
2. Address: 16809 Ridge Road
3. Deed references: SM 5343/28
   The subject lot was created on July 6, 1961 per the recordation of 3864/482 (#16811 Ridge Road)
4. Area: 0.675 acre (computed) / 0.714 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 20 / 81 / 05-01-074654
6. Election District: 5 Councilmanic District: 3
   ADC Map: 4232E7 GIS tile: 020B3 Position sheet: 105NW33
   Census tract: 405000 Census block: 240054050002014
   Schools: Fifth District ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 020B3 and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject lot.

R.C. 2 Setbacks for Residential Buildings

Front: 75 feet from the centerline of the street or road
Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

1. The proposed dwelling will be served by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

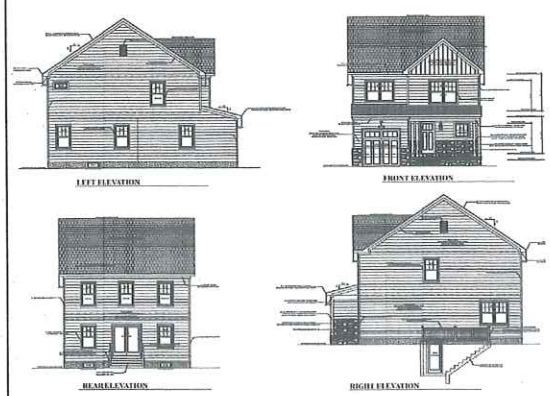
OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

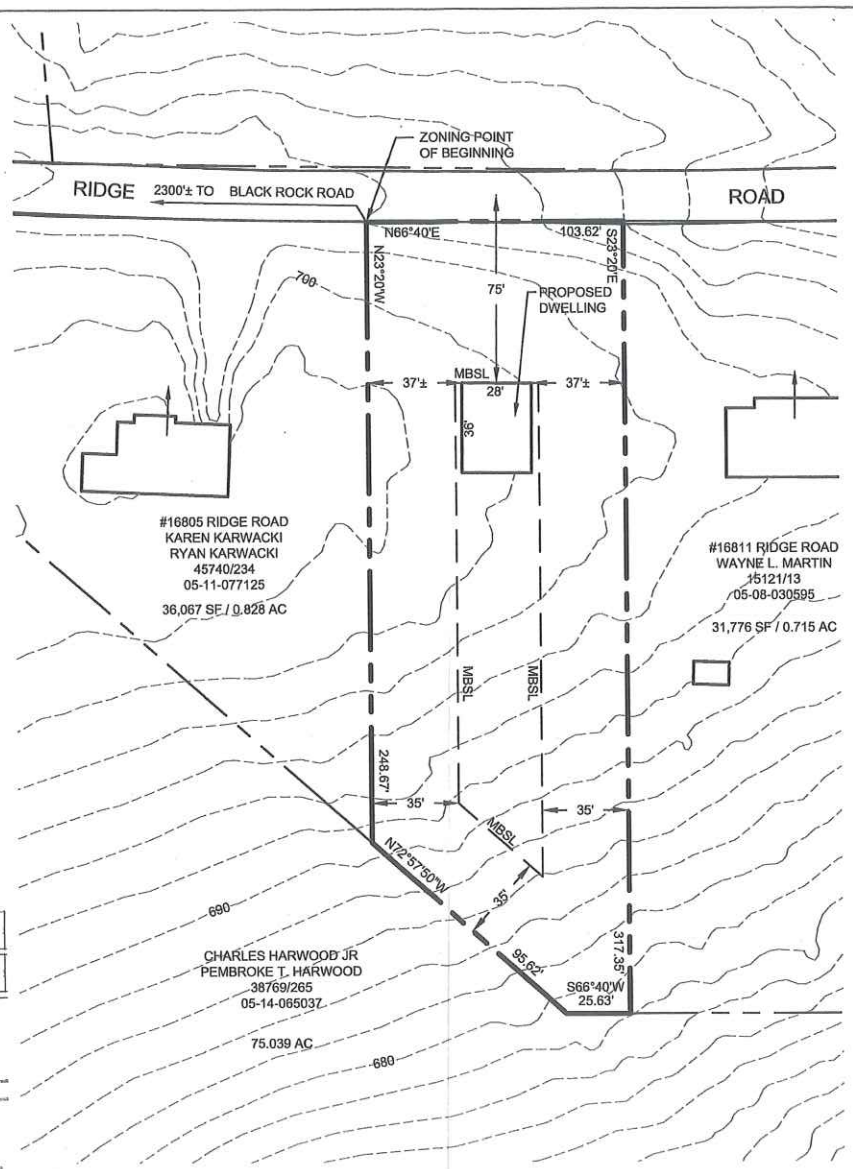
1. The subject dwelling is not historic. The subject property is not in a historic district.

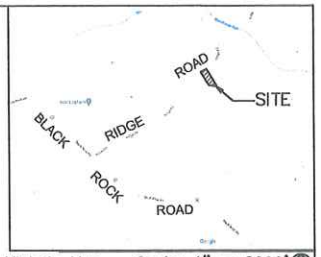
PROPOSED DEVELOPMENT

To construct a single family dwelling on the subject lot



PROPOSED DWELLING





Vicinity Map – Scale: 1" = 2000'

STATE OF MARYLAND
BRUCE EDWIN DOAK
531
PROPERTY LINE SURVEYOR

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

0' 50' 100'

REVISION

PLAN TO ACCOMPANY A ZONING PETITION

FOR

#16809 RIDGE ROAD

BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 6/20/22
Scale: 1"=50'

2022-0152-SPHA