

IN THE MATTER OF:
PRESTON R. TOOKS, III, LEGAL OWNER
AND PETITIONER FOR VARIANCE
ON THE PROPERTY LOCATED AT
379 HILLEN ROAD

9TH ELECTION DISTRICT
6TH COUNCIL DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 23-051-A

* * * * *

OPINION

This case comes to the Board of Appeals of Baltimore County ("Board") as an appeal from an Administrative Law Judge's ("ALJ") Opinion and Order dated May 10, 2023, wherein the Petition for Variance from BCZR §1B02.3.C.1 to permit a minimum side yard setback of five (5) feet in lieu of the required ten (10) feet and twenty-five (25) feet, was denied.

A virtual public hearing was held *de novo* before this Board on August 9, 2023, and a virtual public deliberation was held on September 13, 2023.

Petitioner was represented by Adam M. Rosenblatt, Esquire, and Venable LLP. Also appearing on Petitioner's behalf as an expert witness was surveyor Brian Dietz. There were no Protestants or interested parties in attendance.

FACTS

The subject property (the "Property") is a thirty-one (31) foot wide residential lot, comprising 5,000 square feet, more or less. It is located in East Towson on the north side of Hillen Road at its intersection with Hendrickson Lane, which borders the east side of the Property. The Property was created as part of an 1883 record plat entitled "Plat of the Land Belonging to the Relief Association of Baltimore County, Maryland." (Petitioner's Exhibit 5) The Property is bounded on the north and west by the rear building lines of the Mt. Calvary African Methodist Episcopal Church, which fronts on Eudowood Lane and has no access to

Hillen Road. The remaining lots of the original subdivision appear to be improved with single family houses.

Unlike other properties in the area, the Property is split zoned, divided diagonally by the D.R. 16 and D.R. 10.5 zone line. It is also narrower than other lots in the subdivision, is angled rather than rectangular, and is pinched by the acute angle formed by the intersection of Hillen Road and Hendrickson Lane.

The Property rises from the front to the rear in a northerly direction, limiting the buildable area to the front of the Property. To the east of the site is multi-family housing and across Hillen Road are row homes.

STANDARD OF REVIEW

Pursuant to BCZR §307.1, the Board has the power to grant a variance from the BCZR's area 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." In addition, "any such variance shall be granted only if in strict harmony with the spirit and intent of said . . . area . . . regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare." BCZR § 307.1.

In *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1994), the Court of Special Appeals has set forth the analytical framework for considering a request for a variance:

[I]t is at least a two-step process. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is – in and of itself – unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and

the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship, result from the disproportionate impact of the ordinance caused by the property's uniqueness.

In an earlier case, the Court also discussed the basis for granting an area variance.

In order to justify the grant of an area variance the applicant need show only that:

1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(*Anderson v. Board of Appeals, Town of Chesapeake Beach*, 322 A.2d 220, 22 Md. App. 28 (Md. App. 1974)); and

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

(*McLean v. Soley*, 270 Md. 208, 214-215, 310 A.2d 783, 787 (1973), quoting 2 Rathkopf, *The Law of [322 A.2d 227] Zoning and Planning*, 45-28-29 (3d ed. 1972).)

Both the *Cromwell* and *Anderson* analyses can be applied here.

TESTIMONY AND EVIDENCE

Counsel Rosenblatt proffered much of the factual information about the Property. The zoning of the Property creates setbacks that overlap and completely eliminate any area of the Property on which a residence may be built, a situation that renders the Property unusable for any permitted purpose.

Mr. Rosenblatt noted for the record for the purpose of preserving the legal issue, if needed, that where there is a denial of any permitted use, a variance is an appropriate tool to avoid a taking, citing *Maryland Reclamation Assocs. Inc. v. Harford Cnty.*, 414 Md. 1, 994 A.2d 842 (Md. 2010).

In addition, Mr. Rosenblatt pointed out to the Board that there was no opposition from neighboring uses nor from the East Towson Community Association, which is known for being active, informed and vocal about issues affecting the East Towson area.

The owner, Mr. Tooks also testified, informing the Board that he only learned that he owned the Property in 2020 upon his mother's death. Despite their inability to obtain a permit to build on the Property, his family has been paying taxes based on the Property's assessment as a buildable site. Mr. Tooks also testified that he contacted the adjoining church to determine if the church wished to purchase the Property, but no one responded to him.

Surveyor Brian Dietz, accepted as an expert witness, testified about the 1883 plat, (Petitioner's Exhibit 5) the history of the Property and its unique characteristics, i.e., its angled shape, its narrowness, its corner location and the fact that no other property in the area has a church wrapping around two sides of the property. Mr. Dietz also researched the records of the Baltimore County Department of Public Works and Transportation to ascertain prior use of the Property. Based on utility position sheets, (Petitioner's Exhibit 7) a house once sat on this Property, perhaps as recently as the 1950's.

Upon inquiry by the Board and in response to a Zoning Advisory Committee ("ZAC") comment regarding the location of the proposed driveway, Mr. Dietz opined that the grades limited the siting of the house and driveway, but that it may be possible to slide them further northwest to the rear of the Property by ten or fifteen feet.

Mr. Rosenblatt offered closing remarks, first citing the legal criteria of the *Anderson* case and how the facts here satisfy that standard: compliance with the strict letter of the setbacks would unreasonably prevent the owner from using the property for *any* permitted purpose; a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district; relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Mr. Rosenblatt also addressed the ZAC comment from the Office of Planning regarding provisions of the Towson Community Plan for the East Towson area (Petitioner's Exhibit 6). That plan, adopted over thirty years ago, identifies residential use as the preferred use in this area, and encourages residential development of various infill parcels. The plan calls for the development of housing on vacant parcels as a preferred use and the development of affordable housing on vacant parcels to support the primary objective of neighborhood stabilization

Aspirational language in the plan refers to the expansion of the church, possibly onto the area of the Property. It was noted that the church did not respond to Mr. Took's overtures, nor did any representative appear at the hearing or communicate to the Board about this variance request. The Board notes that in the late 1990's, subsequent to the adoption of the Towson plan, the church expanded and built the large building whose rear walls of which now forms an "L" around the subject property.

FINDINGS

The Board finds that the Property at 379 Hillen Road is unique based on its zoning, its configuration and corner location, all of which distinguish it from other properties in the area. The split zone on the Property effects a practical difficulty in that it deprives the owner of any permitted use.

Similarly, there is no question that strict compliance unreasonably prevents the use of the Property for a permitted purpose. The grant of the variances would do substantial justice both to the owner and other properties in the neighborhood. It is a residential use in a residential area, in keeping with the variety of housing types in the immediate area and with other homes built on lots platted when this Property was created.

The Property has been taxed and treated by both the State of Maryland and Baltimore County as a buildable lot. It is intended to be improved as a single-family home, creating a residential use in a residential area.

The Board further finds that there is no conflict between the proposal and the Towson Community Plan, which has not been updated to reflect current conditions in East Towson. Even so, the expansion of the church occurred as envisioned by the plan, but did not extend to the Property.

Lastly, the Board believes it is in the interest of the Petitioner and the community that the Petitioner submits his architectural house plans and a landscape plan for review and approval to the Office of Planning prior to building permit.

ORDER

THEREFORE, IT IS THIS 13th day of October, 2023, by the Board of Appeals of Baltimore County, hereby

ORDERED, that Petition for Variance from BCZR §1B02.3.C.1 to permit a minimum side yard setback of five (5) feet in lieu of the required ten (10) feet and twenty-five (25) feet be and the same is hereby **GRANTED**, subject to the following condition:

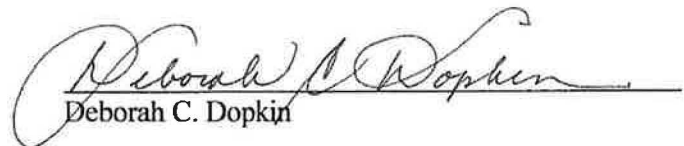
Petitioner submits his architectural house plans and a landscape plan for review and approval to the Office of Planning prior to building permit.

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

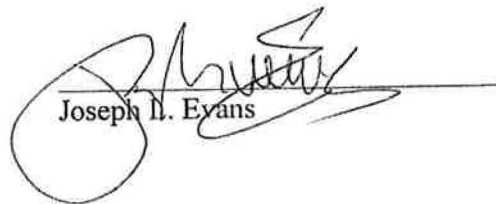
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Chairman



Deborah C. Dopkin



Joseph H. Evans



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

October 13, 2023

Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: In the Matter of: *Preston R. Tooks, III*
Case No.: 23-051-A

Dear Mr. Rosenblatt:

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,

A handwritten signature in cursive script, reading "Sunny Cannington Hay".

Krysundra "Sunny" Cannington
Legal Administrative Secretary

KLC/taz
Enclosure

c: Preston R. Tooks, III
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



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 18, 2023

NOTICE OF DELIBERATION

IN THE MATTER OF: Preston R. Tooks, III
379 Hillen Road
23-051-A 9th Election District; 6th Council District

Re: Petition for Variance relief from BCZR §1B02.3.C.1 to permit a minimum side yard setback of 5 ft. in lieu of the required 10 ft. and 25 ft.

5/10/23 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter having been heard and concluded on August 9, 2023, a public deliberation has been

ASSIGNED FOR: SEPTEMBER 13, 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.**

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.

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
Petitioner/Appellant

: Adam M. Rosenblatt, Esquire
: Preston Tooks, III

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

Tammy Zahner

From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Wednesday, August 9, 2023 12:22 PM
To: Appeals Board
Subject: RE: Petitioner's Exhibits: Case No. 23-051-A
Attachments: Exhibit 7 - Baltimore County Position Sheet.pdf

CAUTION: This message from AMRosenblatt@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

At the hearing this morning we added a second sheet to our Exhibit 7. Can you please make this Exhibit 7 the official exhibit instead of the one previously emailed?

Thank you very much.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1sOOrbhATAN5DgnkEIHvTBP-XAUJhqQJfe-J1qwY2Klk_XeySPf3usLuUc_-vRxVF0IO-9hOKhC1zWQAJ2hZn4AJTDH48GVxymJriJ7KzwF-LXcJf_xhjUi1P992YJo1arN8PYkCgr2k5jqZ6V86oD7aGloRbGg_KtWUkmPaNfpVhdFFthYPsi5fV5DNcGtrSSDmdu2NHTpaBAD5bh6OdSKHtgPm_tn4Q3J9hWB-8179wANXZuSa9QaLodhEjAYsBLHFHFZHmxOIMRZlmzs4l84yeCVt_aql5pctar-KAhTQKkrpFNyFfpFjW8d1MAREUs6TtE-XObiBCnBFQICYoN0hsN0p1qLvSAEofhV0yR2ykDvKd8j0BZ_KP7hK9hEX5SvYOWYjN2LDUK4VOxm3nEL3sBvb6unLrAzYFtM_cwBpCqdjnxNzoqx_iEmvrhVA/http%3A%2F%2Fwww.Venable.com

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Tuesday, August 8, 2023 11:41 AM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Subject: RE: Petitioner's Exhibits: Case No. 23-051-A

Caution: External Email

We will add it to your Exhibits.
Thank you.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Tuesday, August 8, 2023 9:57 AM
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Can you please add one more Exhibit for the hearing tomorrow? I am attaching Exhibit 8 and an updated Exhibit list.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1BSPmdLIbgJmrV46vUSBgDb1AlhClfbgaGmthyB3FhNbY-AIOUICcfyT_RyV9UjkCTIXPvEVbHWTYompTkUMNCtdWnSezhlxBgIDePig0eFau8bjQHLKzBD7R9BWgSmsfqBdXRchJmLj0e11xyJR8-cGB6Am2D-4o6HKDDNESPDkkyQcDF2E2r4K_qvJ3UNJLgDsGTRcHyQaT3U9QjAGPjAlibgBQ0tpFOiQpXDLUrYf_B0ZZNeGaf7ZEn7vKaUUjnst7fmtFmCzQHRX2TczprnQL0pxO62T89cAlgdRp2ZYCNX5SKpkqcdxbWE5ZRY-kNthYHBuWxHmY7a8mMb_5z_TF-vKktHI8CgegSBfMdY8ITRqM69k-svhHQcSSthIFSc62P53n4SvsnPdiqVzJSJAiErWKx8Fz9bJwyPw8fr5soNN8XFmEYX99upMWfiaZKf8rO19hvfHqaOOHw/http%3A%2F%2Fwww.Venable.com

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Monday, August 7, 2023 11:02 AM
To: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Subject: RE: Petitioner's Exhibits: Case No. 23-051-A

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Received. Thank you.

Board of Appeals for Baltimore County
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105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
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From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Monday, August 7, 2023 9:10 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Petitioner's Exhibits: Case No. 23-051-A

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I am attaching Petitioner’s Exhibits for the above-referenced case scheduled for Wednesday.

Thank you.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | http://secure-web.cisco.com/1zNCu8mRRhBhtlMnmUICUFq-H3YVbWhX8t5YHUvJRZ8rC-PEMR6C-vm-7hb7PaiYmlgr4DuZblKfZiqSapQQdcGyYkV2uApX8uN7C1W0ndLL-5mPsJ8qaN5hJ9ItDki6UbreEAIGHnH0mSP53yVvliVSkU3CfomefhtbTdfYnAVZRx9hbONpq6seWPYKCEVhtEsEbV1b-oQGEjWtMdgYVb4LV86RBjhkEPXe9Ilm8hG7Mg9JNHR4uRDh1WnhBfLV4zTvp5jqAj4iTh2ekSkThk9o5qP9gWzR5mewh5OHTcOTk5yal0KzJv5Zdlu3NkqhvybVxMs6SprjaQEDNPqn_HRMsAoRQsYjgxWWny6TN_Ke5DTpdC4DTCJwTGSF-VhKGGKi4k7LrSDKU-JHvptbmFz7ndi4oeU1wdltpfw46eelihiyRq2VLoaKVMnPPE_4z/http%3A%2F%2Fwww.Venable.com

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Tammy Zahner

From: Appeals Board
Sent: Monday, August 7, 2023 11:02 AM
To: Rosenblatt, Adam M.
Subject: RE: Petitioner's Exhibits: Case No. 23-051-A

Received. Thank you.

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The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
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From: Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
Sent: Monday, August 7, 2023 9:10 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Petitioner's Exhibits: Case No. 23-051-A

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I am attaching Petitioner's Exhibits for the above-referenced case scheduled for Wednesday.

Thank you.

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210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

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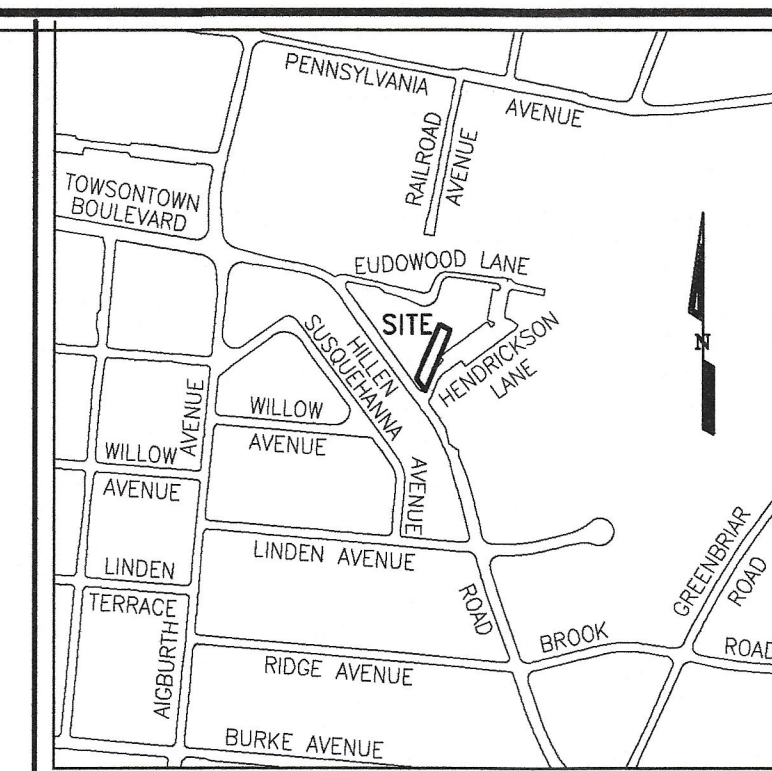
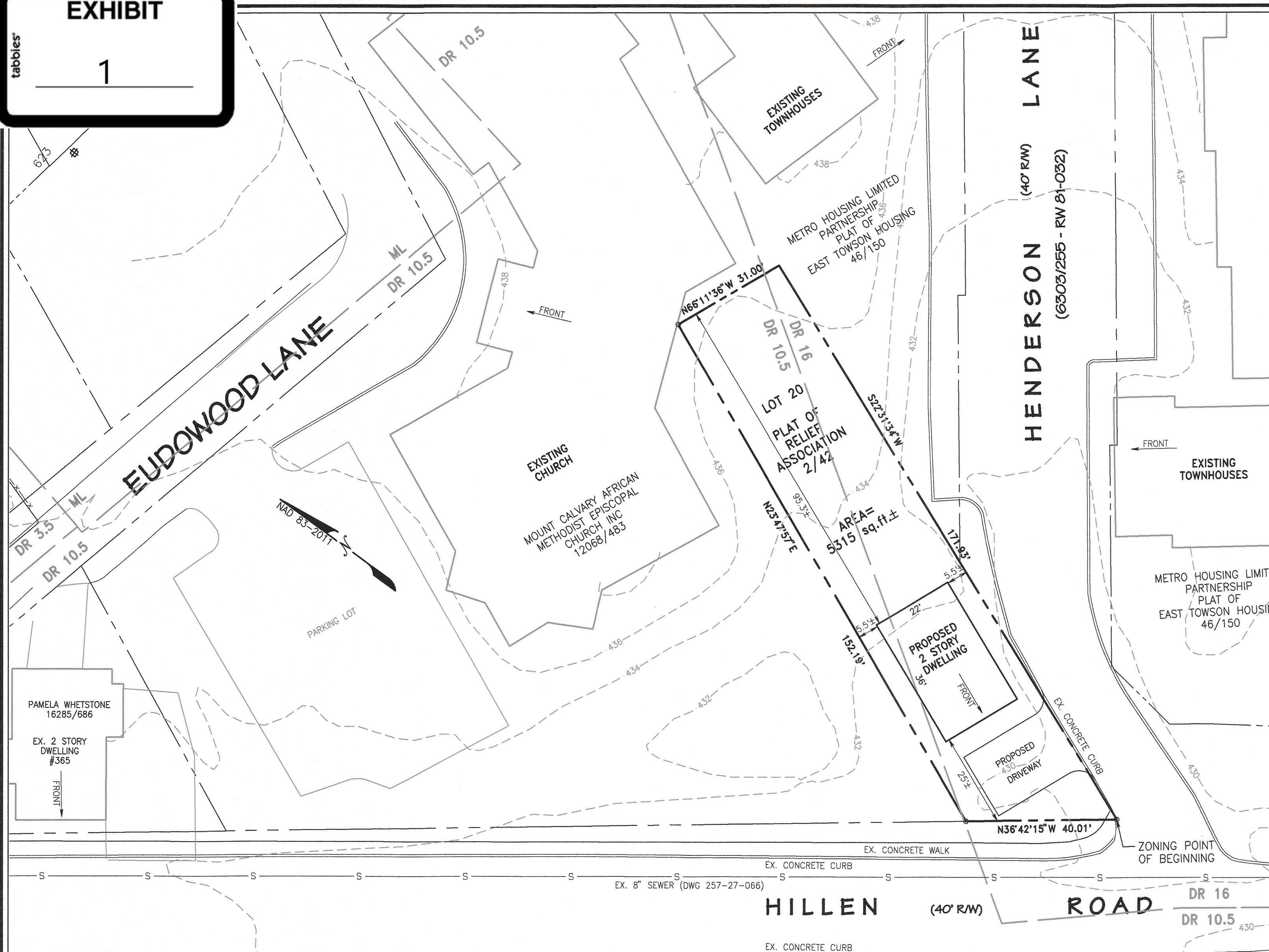
Exhibit List

Date: 08/09/2023

Exhibit No.	Description	ID Only
1	Site Plan	
2	Dietz CV	
3	Aerial View	
4A-F	Photos	
5	Recd Plat of 1883 1906 / 1883	
6.	Towson Community Plan (1992)	
7	Map generated by Balto County (2 sheets) "Position Sheet"	
VERIFIED BY: _____ DATE: _____		

EXHIBIT

1



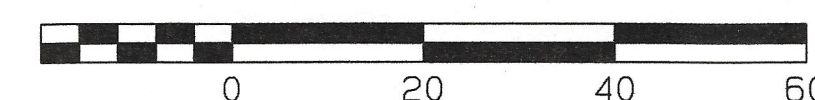
Vicinity Map

Scale: 1" = 500'

Notes

1. Owner: Preston R. Tooks, 3rd
6729 Collinsdale Road
Parkville, MD 21235
2. Tax Account No. 09-14-650190
3. Zoned: DR 10.5 & DR 16
4. This site is not in the Chesapeake Bay Critical Area.
5. This site is not in the 100 year flood plain.
6. There are no underground fuel tanks.
7. This is not a historic property/building.
8. This site is serviced by public water and sewer
9. No prior Zoning Hearings.

GRAPHIC SCALE 1"=20'



Plat to Accompany a
Request for a Variance
of the

TOOKS PROPERTY

379 Hillen Road

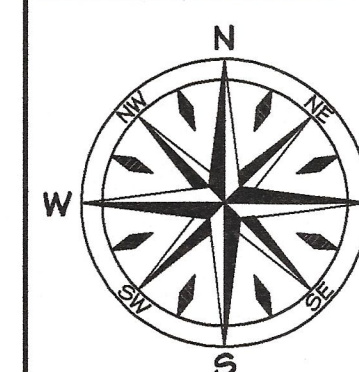
Baltimore County, Maryland

Deed Ref.: S.M. No. 18990 folio 319

Tax Map 70; Grid 9; Parcel 891

9th Election District, 6th Councilmanic District

Scale: 1"=20' Date: January 16, 2023



Dietz Surveying Inc.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234

Ph 410-661-3160, Fax 410-661-3163

www.dietzsurveying.net

Revisions

Date

Plot Date: 1/19/2023

FIELD: BRD

DRAWN: SAL

Job No. 22121

Brian R. Dietz

brian@dietzsurveying.net
8119 Oakleigh Road, Parkville, Maryland 21234
Phone: 410-661-3160, Fax 410-661-3163

LICENSING

State of Maryland, Department of Labor, Licensing and Regulation
Board of Professional Land Surveyors:
License Received, January 17, 2001. Lic. #21080

EDUCATION

Catonsville Community College: Baltimore, MD
Associated Arts Degree, Engineering-May 21, 1995

CONTINUING EDUCATION

Maryland Society of Surveyors Sponsored Seminars Continuing Education Studies:
24 credits required every 2 years; 1997-Present,
Drainage design, Fundamentals of Storm Water Management and Water Quality, Control
Networks, Baltimore City Boundary Retracements, Principals and Practices, SurCADD
XML Training, Conveyance of Real Property, Baltimore County Land Division.

EXPERIENCE

Dietz Surveying: Baltimore, MD January 2002-Present
Principal and Land Surveyor performing residential and commercial surveying
services. Including; Subdivisions, Plats to Accompany Zoning Petitions, Site Plans,
Development Plans, Easement Plats and descriptions, Lot Line Adjustments.

ACTIVITIES & INTEREST

Past Chairman of the Howard County Chapter of the Maryland of Society of Surveyors, 2004 to
2008

PUBLICATIONS

The Maryland Surveyor, Surveying and Maryland Law, May 2004

Aerial of 379 Hillen



EXHIBIT

3

tabbles



4A



4B



4C



4D

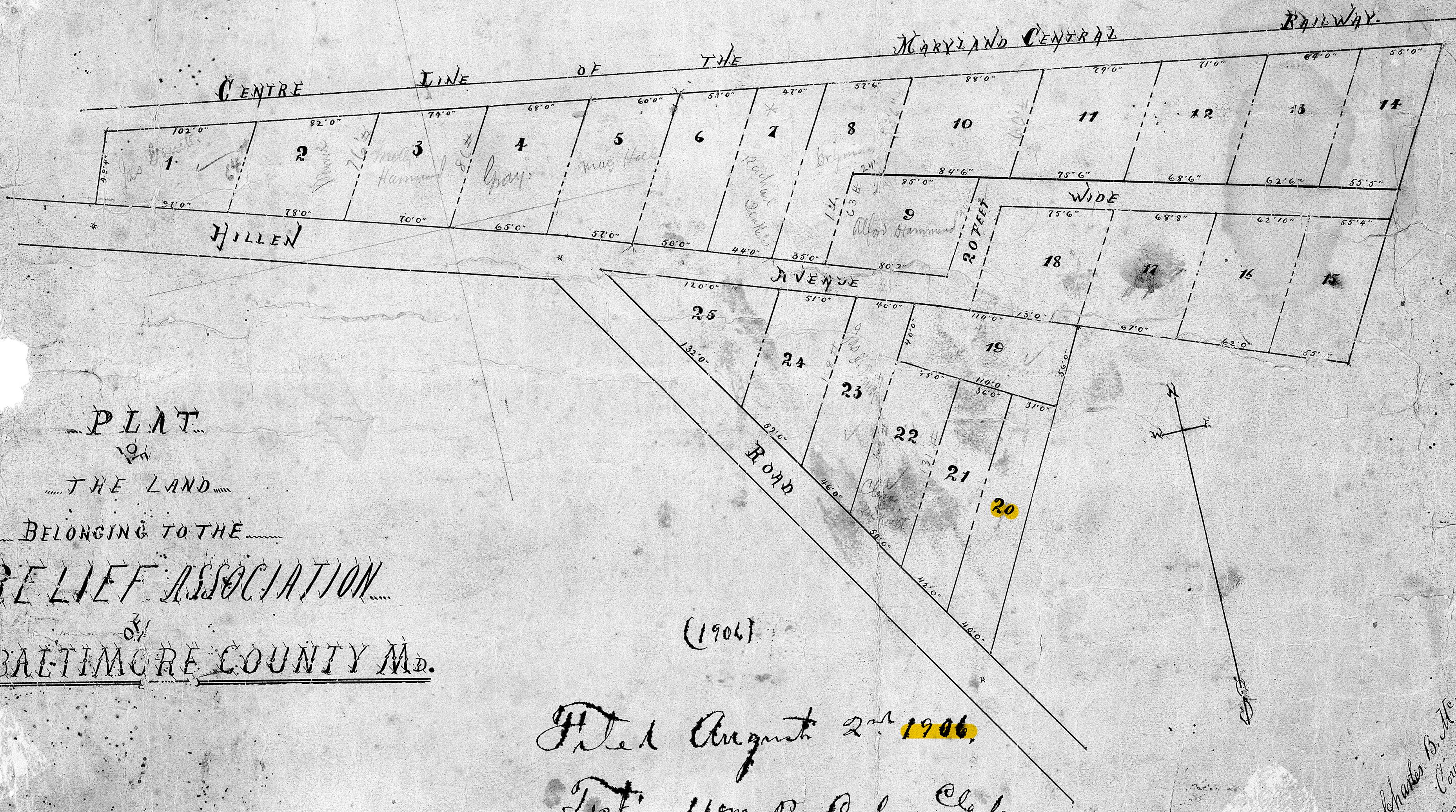
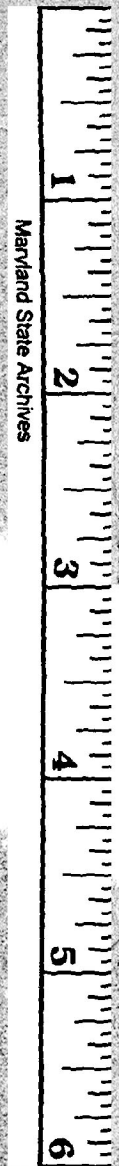


4E



4F

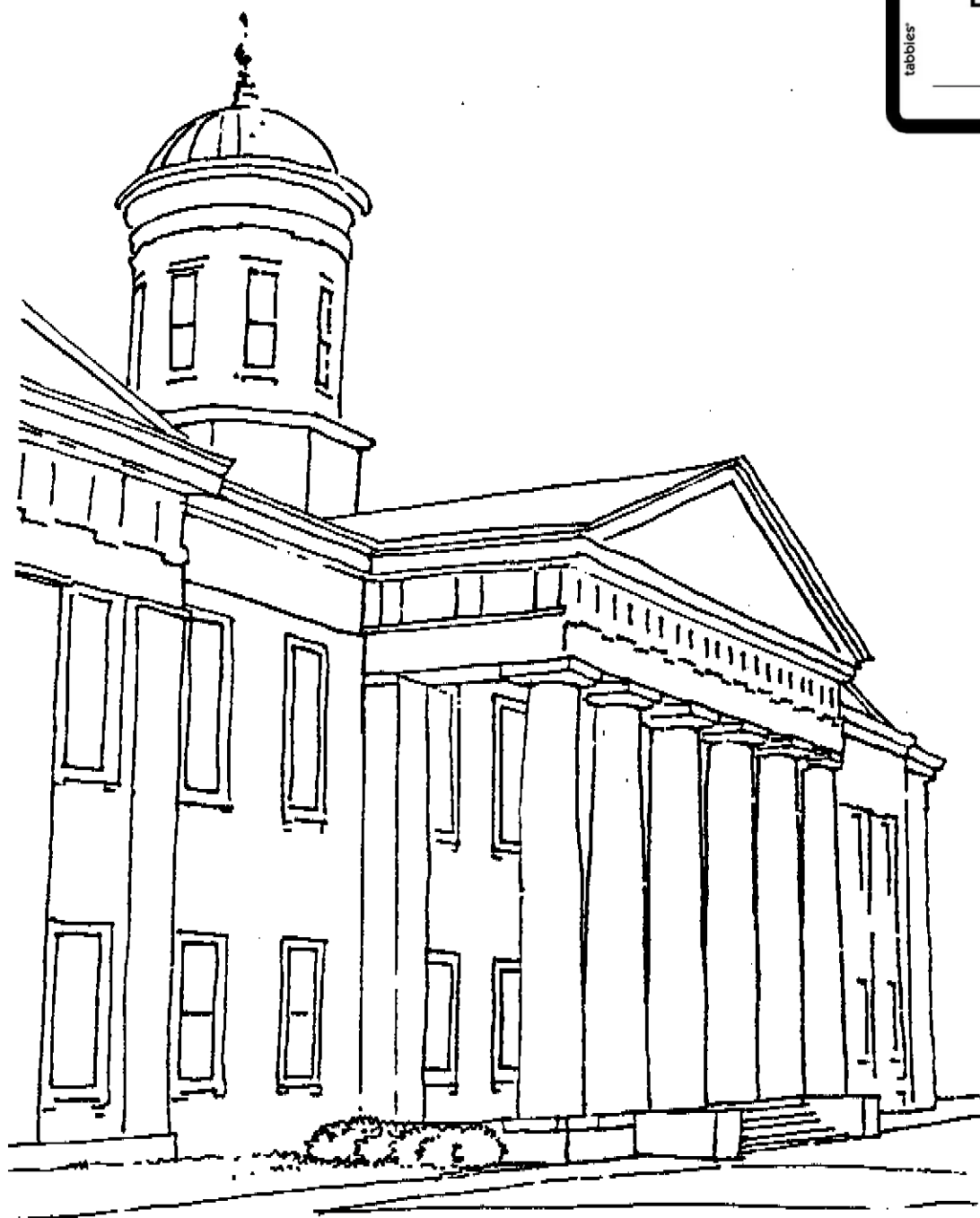




Filed August 2nd 1906.
Test: Wm. P. Cole, Clerk.

MSA CSU 2136-5526

Charles B. McLean
County Clerk
for Baltimore County
1883
1/23



TOWSON COMMUNITY PLAN

As Adopted By The Baltimore County Council on February 3, 1992

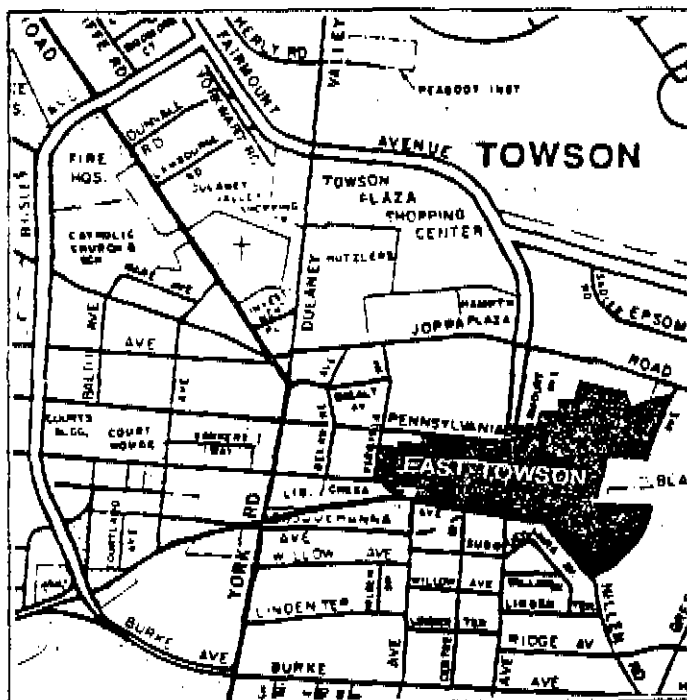
8. EAST TOWSON COMMUNITY CONSERVATION AREA

INTRODUCTION

The residents of East Towson have expressed their hopes and desires to preserve and restore this historic African American Community. This document is a plan to remain the oldest existing community in Towson.

Today, East Towson is a quiet residential community with tree lined streets located on the eastern fringe of the Towson Town Center (See Map 1). It enjoys many advantages due to its proximity to the central business district, conversely this proximity has generated development pressures and traffic issues related to its location.

The original property owners were freed slaves who until 1830 had been in service at the Hampton Mansion. The East Towson community is the only remaining portion of the larger African American community that from 1830 to 1960 extended as far as the York Road and Bosley Avenue area, in an area known as "Sandy Bottom," and in North Towson and West Towson. The North and West Towson African American communities no longer exist. The newly reconstructed Mt. Olive Baptist Church and church owned duplex located on the Southwest corner of York and Bosley are the visible reminders that the York Road commercial corridor was once home to a large African American community.¹



**EAST TOWSON
VICINITY MAP**

MAP 20

¹ The Evening Sun, "East Towson Natives Don't Want to Quit Tranquil Homes," p. B2, October 26, 1977.

I ACTION PLAN

The Baltimore County Master Plan 1989-2000 designated certain areas of the County as "enhancement areas." They were defined as "communities that have experienced a degree of physical decline and require County action to address specific problems such as poor condition of public facilities and private housing stock." (p.38)

Enhancement areas are located primarily in older areas of Baltimore County; some border commercial centers.

Action plans should be developed for these enhancement areas in order to stabilize these residential communities, and to continue to make them desirable places in which to live. They should have priority for the use of C.I.P. (Capital Improvement Program) funds for infrastructure improvements, open space acquisition, community services and facilities as well as for affordable housing. These improvements will foster civic involvement among the communities' current residents and may favorably influence prospective home buyers.

DEMOGRAPHIC TRENDS

The following chart indicates the population changes from 1970 - 1990 within the East Towson community (See Map 21). Residents report that the neighborhood population is aging.

	1970*	1980*	1990**
TOTAL POPULATION	397	396	335
OWNER OCCUPIED UNITS	53	55	64
RENTAL UNITS	59	74	43
VACANT UNITS	---	---	4

*Data source - U. S. Census Bureau

**Population - U. S. Census Bureau
Housing tenure is estimated

PROCESS

The East Towson African American Community has developed a community conservation plan for this enhancement area in order to achieve neighborhood stabilization, redevelopment of affordable infill housing and adequate buffers and protection from commercial encroachment of the Towson commercial core.

A community work group comprised of East Towson property owners and residents worked to develop an action plan for strengthening the residential community. Meetings were held often and were open to the public. Business owners and developers were invited to discuss development proposals as well as short and long-term plans, for sites near the community; the seven who participated by giving presentations and answering questions were:

Baltimore County Dept. of Central Services
Baltimore County Revenue Authority
Baltimore Gas & Electric Company
Daft, McCune and Walker
Heritage Properties
Manor Care, Incorporated
Preferred Building Systems

ACTION PLAN COMPONENTS

A. LAND USE

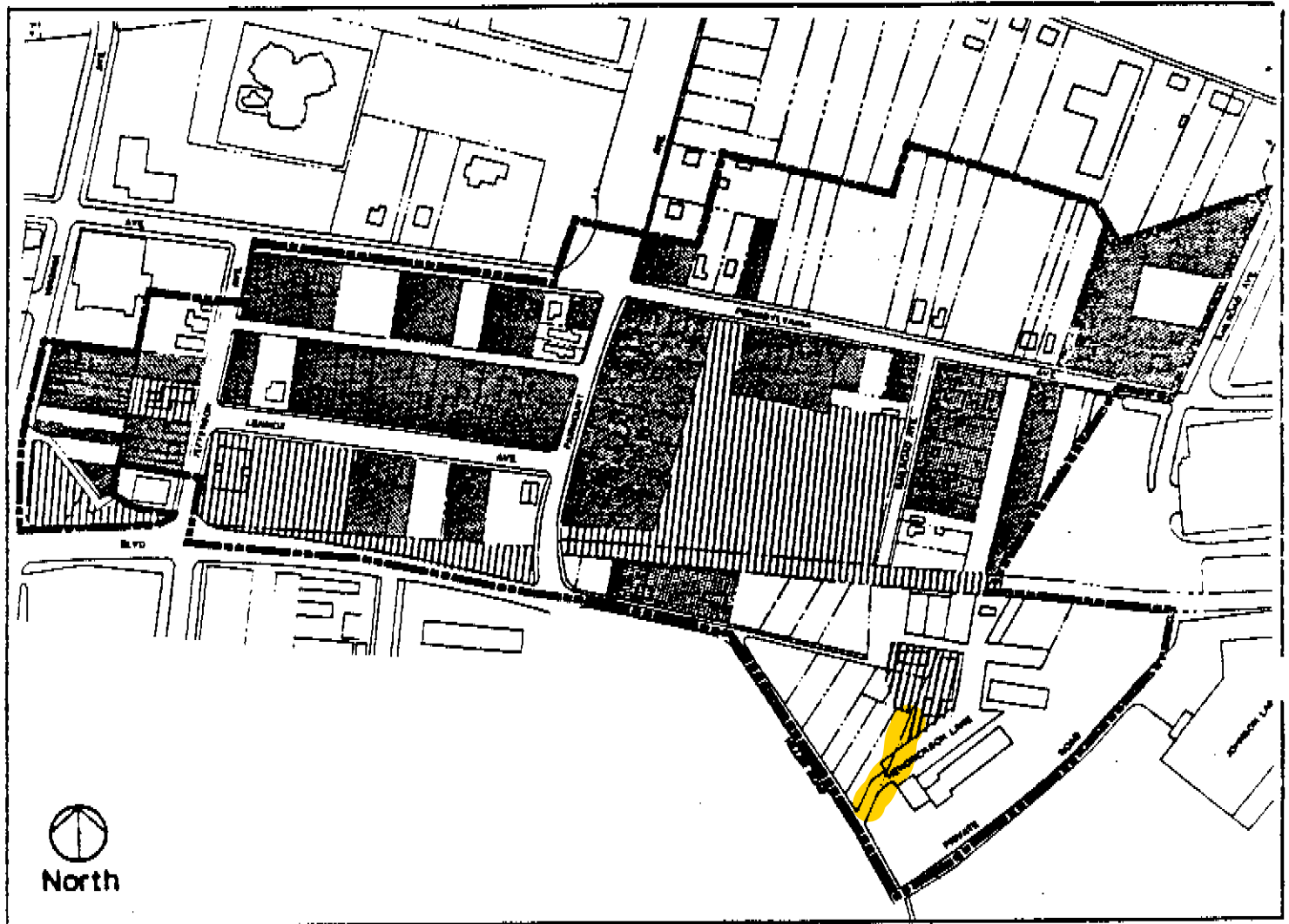
1. Existing Land use

The East Towson community conservation plan comprises approximately 31 acres ± with the predominant land use being single family and semi-detached dwellings and townhouses. Additional uses include the two churches, the St. James A.U.M.P. Church at 413 Jefferson Avenue and the Mt. Calvary A.M.E. Church at 300 Eudowood Lane and the Carver School at 300 Lennox Avenue. These institutional uses serve as anchors for this community. The Elks Lodge at 411 E. Pennsylvania Avenue is a fraternal organization that is an important social organization within the community.

Other non-residential land uses include the Baltimore Gas & Electric sub-station, Gambrill's Plumbing and Heating Contractor's office at 318 E. Pennsylvania Avenue and Technigraphics of Maryland at 398 Eudowood Lane.

2. Proposed Land Uses

Development of affordable housing on vacant parcels is the preferred use, since neighborhood stabilization is the primary objective of this Plan. The "transitional blocks" along the east side of Virginia Avenue and the south side of Pennsylvania should retain the RO zoning classification or be rezoned to ROA. The existing patterns of single family or semi-detached buildings should remain.



-  EAST TOWSON COMMUNITY BOUNDARY
-  OWNER OCCUPIED HOUSING
-  RESIDENTIAL, NOT OWNER OCCUPIED
-  NON RESIDENTIAL

The Elks Lodge should remain at its present location on 411 E. Pennsylvania Avenue. Future plans to renovate or expand the Elks Lodge should be reviewed with the community prior to submittal to Baltimore County.

Expansion and renovation of the Mt. Calvary A.M.E. Church is highly desirable to better serve the needs of the community.

The Carver School should be renovated for use as a community/recreation center. A portion of the building is used for a Head Start program and meeting rooms and there is an existing outdoor recreation area. A structural assessment of the building is necessary to determine the feasibility of a full conversion.

The Baltimore Gas & Electric sub-station located in the area since 1952 should remain at its location on the south side of Pennsylvania Avenue and the west side of Railroad Avenue. The Baltimore Gas & Electric Company will work with both the community and the Office of Planning & Zoning to provide better landscaping/screening around the perimeter of the substation.

Technigraphics of Maryland, formerly Maryland Etching, may remain at its location on Eudowood Lane. Future expansion plans should be reviewed with the East Towson community prior to their submittal to Baltimore County. In the long term, this site should be considered for housing as illustrated on the design plan on Map 24.

B. ZONING

1. Existing Zoning

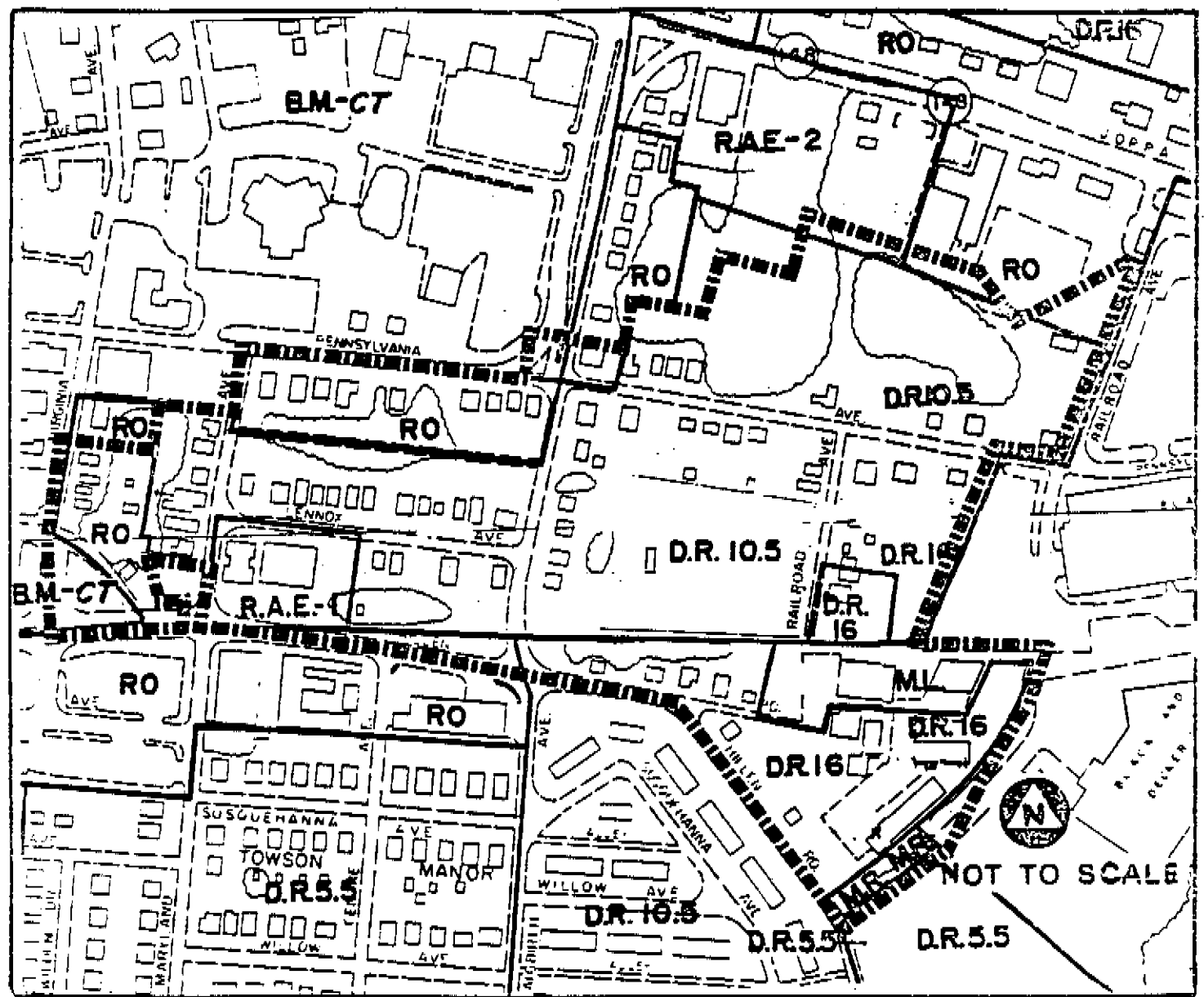
The use and density allowed by the existing zoning designations do not protect and preserve the remaining residential community. Previous Towson plans assumed that the "loop road" would be widened and completed and that the property within "the loop" would be commercially redeveloped.

From 1971-1980, the houses on Virginia, Jefferson and Lennox Avenues were zoned BM-CT, Business Major with a Town-Center district. The remaining houses were zoned DR 16, a classification that is more appropriate for garden apartments or multi-family dwellings than for single family and semi-detached housing.

In 1980, the RO (Residential Office) zone was established which was intended to provide a transition between commercial and residential zones. The BM-CT designation was rezoned and RO put in place on the east side of Virginia

East T wson Existing Zoning

MAP 22



Avenue and on the south side of Pennsylvania between Jefferson and Fairmount and along Fairmount Avenue north of Pennsylvania Avenue. Most of the remaining residential community was rezoned from DR 16 to DR 10.5, a category more in keeping with lot sizes and densities. DR 16 was retained for the Hendrickson Lane Apartment sites as well as the Mt. Calvary A.M.E. Church.

Generally, the RO zoned parcels have not been converted to office uses, but have remained residential. These homes form a significant part of the community. There is no effective transition from the Town Center to the residential community.

Since 1980, zoning patterns have remained essentially the same except in 1988 when the Carver School was rezoned from DR 10.5 to RAE 1 in an effort to redevelop the site with elderly housing.

The East Towson community plan area consists of the following zoning classifications: RO (Residential Office), DR 10.5, (10.5 dwelling units per acre), DR 16, (16 dwelling units per acre) and RAE 1, (40 dwelling units per acre) and ML, (Manufacturing Light). (See Map 22.)

The approximate acreage by zone is as follows:

<u>Zoning Classification</u>	<u>Gross Acreage ±</u>
RO	4.16
DR 10.5	18.7
DR 16	5.8
RAE 1	1.15
ML	1.07

2. Proposed Zoning

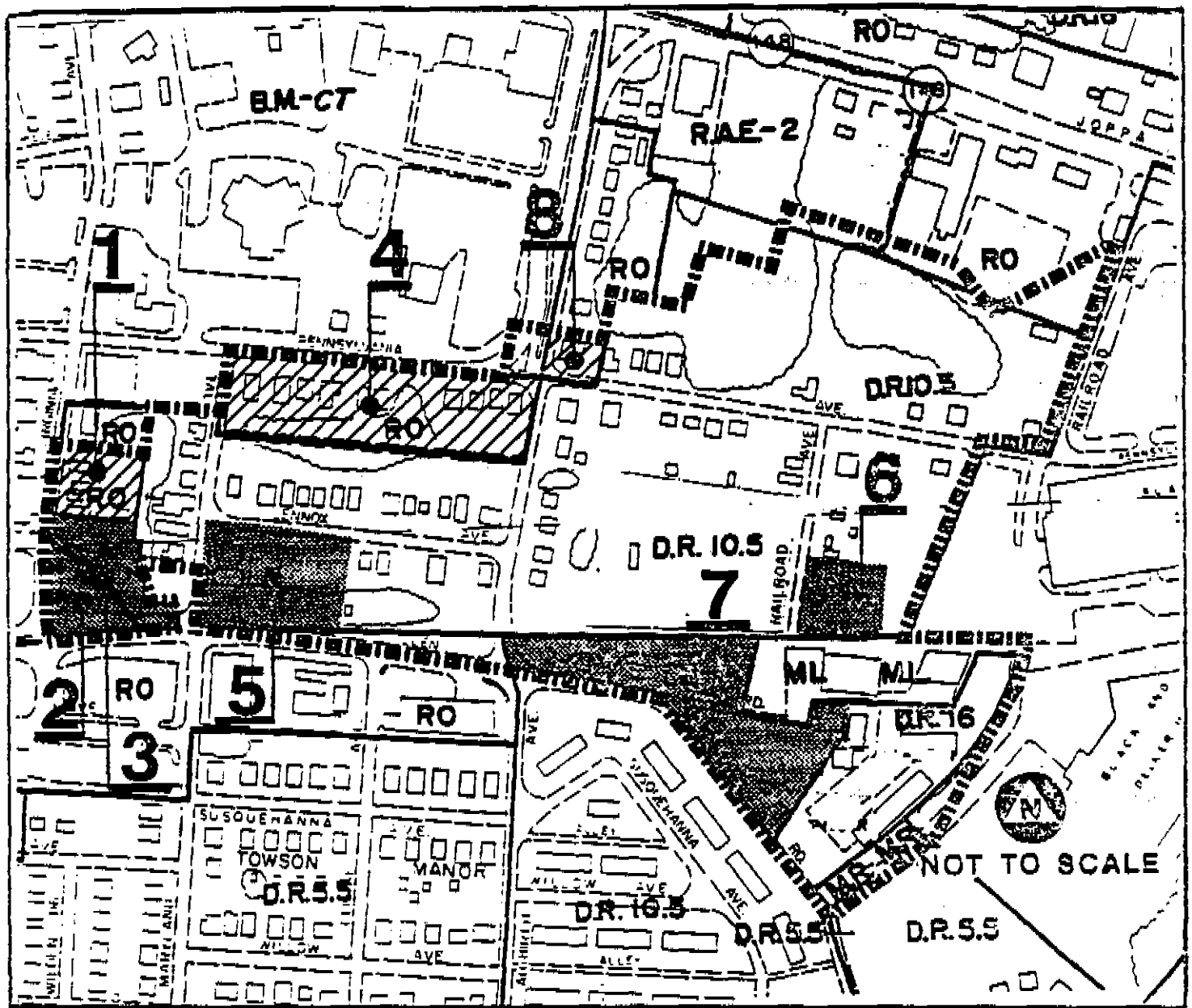
The zoning should provide opportunities for infill housing, renovation/restoration of the Carver School for use as a community building, and the expansion of Mt. Calvary A.M.E. Church. Zoning should provide an effective transition from the town center to the residential community as well as stability for the residential community. Infill housing should be in accordance with design guidelines which will be developed in the Design portion of the plan.

The following zoning changes should occur through the 1992 Comprehensive Zoning process (See Map 23.)

Ex. Zoning	Prop Zoning	Location	Rationale
1. RO	RO or ROA	e/s Virginia Ave., 406, - 410 Virginia Avenue	To provide a better transition from the town center; Class A office buildings, or residential uses desirable
2. RO & BM-CT	DR 10.5	n/e corner Towson town & Virginia (Revenue Authority Property)	To allow for the construction of a semi-detached house and single family house, to anchor this corner
3. RO	DR 10.5	133 E. Chesapeake Avenue	To be compatible with the predominant zoning in the community.
4. RO	RO or ROA	s/s Pennsylvania Avenue between Fairmount and Jefferson	To provide a better transition from town center; Class A Office Buildings or residential uses are desirable.
5. RAE 1	DR 10.5	s/s Lennox Ave. e/s Jefferson Carver School	To be compatible with the predominant zoning within the community. To allow for full use as a Community Center.
6. DR 16	DR 10.5	e/s Railroad Avenue	To be compatible with the predominant zoning within the community
7. DR 16	DR 10.5	s/s Eudowood Lane, n/s Hillen Road	To be compatible with the predominant zoning within the community (Mt. Calvary is acquiring these properties for church expansion)
8. RO	RO or ROA	n/e corner Fairmount & Pennsylvania	To provide a better transition between the adjacent RO zoning and the residential community, Class A Office Buildings or residential uses are desirable

East Towson Proposed Zoning

MAP 23



-  Proposed R.O. or R.O.A.
-  Proposed DR.10.5

Technigraphics of Maryland, formerly Maryland Etching Company, occupies the ML zoned property on Eudowood Lane. The ML zoning should remain in place for the present time. However, Baltimore County Economic Development Commission and the Office of Planning and Zoning should assist the printing company in relocating to a more suitable site outside the East Towson community. If this relocation occurs, rezoning the site to DR 10.5 is appropriate.

C. ZONING REGULATIONS

1. Uses by Right in DR Zones

A. Infill affordable housing is the preferred use within the plan area.

1. Definition of Affordable Housing

Affordable Housing for the East Towson community is defined as housing affordable to households with income at or below 80 percent of the Baltimore area median income. For a family of four that this income limit would currently be \$34,800.

Affordability would generally be determined through the proportion of monthly income required for housing, which should not exceed 30 to 35 percent. The 1991 income levels representing 80 percent of the Baltimore area median by household size are shown below:

"Eighty Percent of Baltimore Area Median"
"Adjusted for Household Size"

Size	Income
1	24,350
2	27,850
3	31,300
4	34,800
5	37,600
6	40,350
7	43,150
8	49,950

The rent or sale price affordable to households with income at or below this level varies depending on the type of assistance provided. Community Development Block Grant (CDBG) loans to a nonprofit developer may be applied to pre-development, land acquisition or construction costs to reduce housing costs. Buyers may also be assisted with CDBG funds for soft second mortgages or state funds which provide low-interest mortgage and/or settlement expense loans.

B. The following uses will be permitted within the plan boundaries:

1. **Dwellings**, including, but not limited to, one-family detached houses, one-family semi-detached houses, one-family group houses, patio houses, side-and-back- attached houses, two-family houses, town-house apartment buildings (including group-house apartment buildings), garden apartment buildings, and other apartment buildings.

In the case of housing for the elderly and assisted living facilities of fewer than four, see Section 432. [Bill No. 36, 1988.]

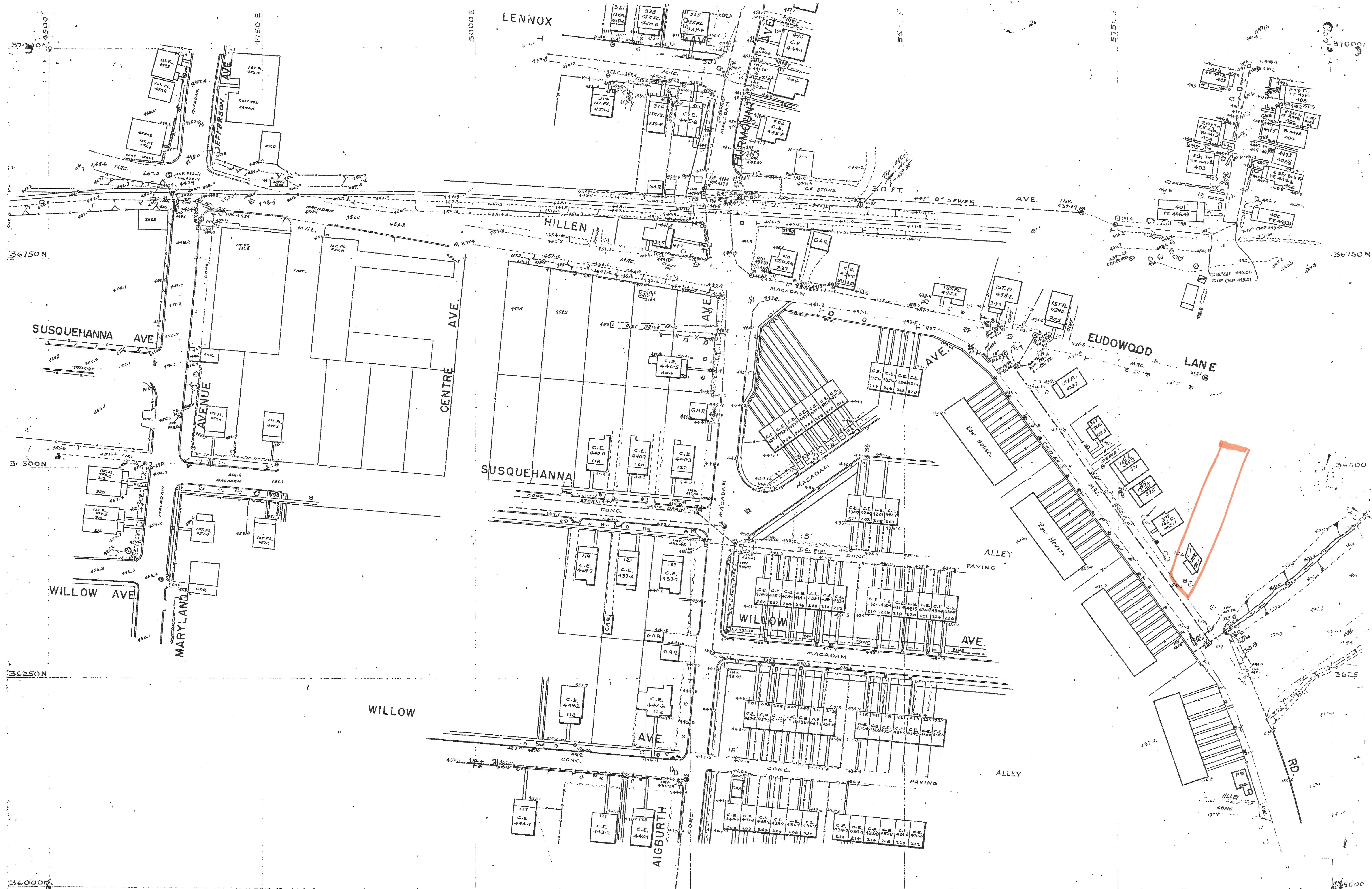
2. Local open space tracts or other common amenity open space.
 3. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations. [Bill No. 47, 1982.]
 4. Accessory uses or buildings other than those permitted by Special Exception
 - a. Swimming pools, tennis courts, garages, sheds
 - b. Family child care homes for up to eight children in accordance with Bill 7-91.
 5. Group child care centers and nursery schools within
 - a. Churches
 - b. Community Buildings
 - c. School Buildings
 - d. Residences as a Special Exception
- C. Residential transition area (r.t.a.) definitions, uses and restrictions should remain in place in accordance with Section 1B01.1.B of the BCZR. However, r.t.a. standards may be relaxed for affordable infill housing by the County Review Group (CRG) or equivalent hearing officer. Section 1B01.1.B.1.c. exceptions to residential transition area may need to be amended.
1. A community input meeting must be held and the Compatibility/Design Review Process must occur prior to the granting of relief from r.t.a. standards.



N
N.W.
SCALE
1" = 50'

SUBDIST. NO 6
TOWSON
DIST. NO 9

37
NE
4



SCALE 1"=50 FT.
DATE STARTED 4-4-47
KEY SHEET N
LOCALITY TOWSON
SHEET 37 NE 4
ELECTION DIST. NO. 9
MICROFILMED

BALTIMORE CO ASSESSMENT OFC
HAMPTON PLAZA
300 E. JOPPA RD, SUITE 602
TOWSON MD 21286-3020

(410)512-4900
sdat.blco@maryland.gov



Wes Moore | Governor
Aruna Miller | Lt. Governor
Michael Higgs | Director
Marcus Alzona | Deputy Director

ACCT#04 09 0914650190 /13546
TOOKS PRESTON R III
6729 COLLINSDALE RD
PARKVILLE, MD 21234-

Dear Maryland Property Owner:

This final notice will inform you of the result of your recent appeal. In arriving at this conclusion we have reviewed our existing records, current sales, and any information that you may have brought to our attention during the appeal process. Local governments will apply their tax rates to assessments reflected in this notice in computing your property tax bill.

There are several programs available to help people pay their property taxes. The Homestead Property Tax Credit limits annual increases in taxable assessments for homeowners based on assessment caps adopted by your local government. Local governments are also authorized to adopt programs allowing homeowners over age 65 or disabled to defer increases in their property taxes (no age limit in Montgomery County). Exemptions are available for homeowners who are blind or are disabled veterans. Your local assessment office can assist you with these programs.

The Homeowners' and Renters' Property Tax Credit Programs provide financial assistance to homeowners and renters who qualify for credits based on their gross income. For additional information on these programs encourage you to call the Department's Tax Credit office at (410)767-4433 (Baltimore Area) or at 1-800-944-7403.

If you feel that the final market value as shown on this notice does not accurately reflect the current market value of your property, you may appeal to your local Property Tax Assessment Appeal Board within 30 days from the the date of this notice. The Appeal Boards are comprised of three local citizens, and are completely independent of the Department. Instructions for filing an appeal are shown on page four (4) of this notice.

I hope that you found my staff helpful in assisting you during your appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read "M L Higgs".

Michael L. Higgs
Director

State of Maryland
Department of Assessments and Taxation

BALTIMORE CO ASSESSMENT OFC
HAMPTON PLAZA
300 E. JOPPA RD, SUITE 602
TOWSON MD 21286-3020

(410)512-4900
sdatt.blco@maryland.gov

Final Notice of Assessment
(This is Not A Tax Bill)

NOTICE #	NOTICE DATE	TAX YEAR BEGINNING
100204	03/21/2023	07/01/2023

DIST	MAP	PARCEL	SEC	BLOCK	LOT	USE	SUBD
09	70	891			20	R	

PROPERTY LOCATION	PRINCIPAL RESIDENCE
379 HILLEN RD 379 HILLEN RD	NO

The value for the property described above was originally reported as:

Appealed Value

1.	\$	62,700	2.	\$	0	3.	\$	62,700
Land			Buildings, Other			TOTAL		

This is to notify you that this value has been reviewed as a result of an appeal. Based on the information obtained, the market value was decreased.

Therefore, your Final Market Value is:

Final Market Value

4.	\$	20,900	5.	\$	0	6.	\$	20,900
Land			Buildings, Other			TOTAL		

To lessen the impact of increases in value, State law provides that any increase in value be phased in over the next three tax years in equal amounts. Your phased-in final market value for the next three tax years is:

Phased-In Final Market Values

7.	\$	20,900	8.	\$	20,900	9.	\$	20,900
2023			2024			2025		

If this property is your primary residence, you may have the assessment increase limited by the assessment cap (Homestead Tax Credit). Taxable assessment increases are capped at 10% annually for the State property tax. Counties and municipalities must set an assessment cap of 10% or less each year. Based on current information, if you qualify, we estimate that you will be taxed on the following assessments next year:

Taxable Assessments

10.	\$	20,900	11.	\$	20,900	12.	\$	NOT APPLICABLE
State			County/Baltimore City			Municipal		

Your Appeal Rights

If you still feel that the **Total Final Market Value (Box 6)** is incorrect, you have the right to appeal to the local Property Tax Assessment Appeal Board. Instructions on how to file your appeal are found on Page 4. An appeal must be made within 30 days from the date of this notice.

The LAST DAY to file an appeal is: 04/20/2023

ACCT#04 09 0914650190 /13546
70 100204 R
TOOKS PRESTON R III
6729 COLLINSDALE RD
PARKVILLE, MD 21234-

If the mailing address at left is incorrect, please print the correct address below and return to the assessment office.



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

June 21, 2023

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Preston R. Tooks, III
379 Hillen Road
23-051-A 9th Election District; 6th Council District

Re: Petition for Variance relief from BCZR §1B02.3.C.1 to permit a minimum side yard setback of 5 ft. in lieu of the required 10 ft. and 25 ft.

5/10/23 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR: **AUGUST 9, 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.

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
Legal Administrative Secretary

Notice of Assignment
In the matter of: Preston Took, III
Case number: 23-051-A
June 21, 2023
Page 2

c.	Counsel for Petitioner/Appellant	: Adam M. Rosenblatt, Esquire
	Petitioner/Appellant	: Preston Took, III

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

**IN RE: PETITION
FOR VARIANCE**

(379 Hillen Road)

**9th Election District
6th Council District**

**Preston Tooks
Owner/Petitioner**

* **BEFORE THE**
* **OFFICE OF**
* **ADMINISTRATIVE HEARINGS**
* **FOR BALTIMORE COUNTY**
*
* **Case No. 2023-0051-A**

* * * * *

NOTICE OF APPEAL

Owner/Petitioner, Preston R. Tooks, III, by undersigned counsel, feeling aggrieved by the May 10, 2023 Opinion and Order in the above-captioned matter, which is attached hereto and incorporated herein as Exhibit A, hereby notes an appeal to the Baltimore County Board of Appeals. The review by the County Board of Appeals from the final decision of the Office of Administrative Hearings shall be a *de novo* hearing pursuant to the Baltimore County Zoning Regulations and Charter. Petitioner's contact information is as follows:

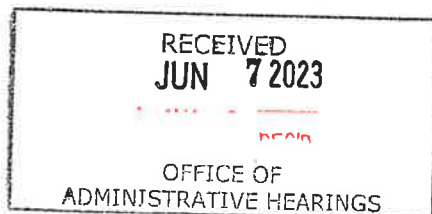
6729 Collinsdale Road, Parkville, MD 21235
410-365-5605
prestontooks@hotmail.com

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted



Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6200
amrosenblatt@venable.com
Attorney for Petitioner



IN RE: PETITION FOR VARIANCE

(379 Hillen Road)

9th Election District

6th Council District

Preston R. Tooks, III

Legal Owner

Petitioner

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

*

CASE NO. 2023-0051-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioner, Preston R. Tooks, III (“Petitioner”) for property located at 379 Hillen Road, Towson (the “Lot 20”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1 to permit a minimum side yard setback of 5 ft. in lieu of the required 10 and 25 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared in support of the Petition along with Brian Dietz of Dietz Surveying, Inc., licensed surveyor, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex.1). Adam M. Rosenblatt, Esquire of Venable, LLP represented the Petitioner. There were no Protestants or interested citizens that appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) who opposed the requested relief for the following reasons:

1. Although the Towson Community Plan describes the importance of affordable infill housing, the proposed location is designated as church expansion.
2. The proposal for the subject site does not appear to be consistent with the immediate area, which is composed primarily of townhomes and some single family dwellings (Hillen Road at

Eudowood Lane and Hillen Road at Linden Avenue) on larger lots of 47 + feet in width.

3. The proposed site layout does not appear to be consistent with the area. The submitted site plan shows a proposed driveway/parking pad in the front yard of the dwelling: a similar lot layout cannot be found in the area.

While recognizing that Lot 20 was narrow, the DOP added that the proposal is inconsistent with the character of the East Towson Community Conservation Area, and therefore would have an adverse impact on the community.

The case was proffered by Mr. Rosenblatt. Lot 20 is a 5,315 sf +/-, unimproved, elongated lot which was created on the Plat of Land Belonging to the Relief Association of Baltimore County, MD recorded in the Land Records of Baltimore County on August 2, 1906 (Plat Book 2, page 42) (the "1906 Plat"). (Pet. Ex. 5). Lot 20 sits on the corner of Hillen Road and Hendrickson Lane. (Pet. Ex. 1). It is split-zoned in unequal proportions, with the majority of Lot 20 having DR16 on the eastern side, and DR10.5 on the western side. As shown on the aerial photograph, adjoining Lot 20 on its western side is the Mount Calvary African Methodist Episcopal Church (the "AME Church"). (Pet. Ex. 3). The AME Church encompasses the entire triangular shaped block other than Lot 20 and Lot 25. Lot 25 has a single family dwelling which was constructed in 1924. To the north, west and south of Lot 20 are townhomes. (Id.). There are no single family dwellings immediately surrounding Lot 20. As shown in the street view photographs, Lot 20 is vacant with mature trees, bushes, and grass areas. (Pet. Exs. 4A-4F).

Petitioner proposes to construct a 2-story, 792 sf single family dwelling fronting on Hillen Road with driveway accessing onto Hendrickson Lane. (Pet. Ex. 1). Due to the width of Lot 20, Petitioner is requesting Variance relief for side yard setbacks of 5.5 ft. on each side in lieu of the required 10 ft. on the DR 10.5 side, and in lieu of the required 25 ft. on the DR 16 side. Mr.

Rosenblatt stated that Petitioner offered to sell Lot 20 to the AME Church but the offer was declined. He also stated that Petitioner desired to construct a home for his adult children.

During the hearing Mr. Rosenblatt highlighted parts of the Towson Community Plan, and specifically the East Towson Community Conservation Area, to emphasize that the predominant land use was both single family, semi-detached and townhouses and that development of affordable housing on vacant parcels is the preferred use. (Pet. Ex. 6) Also highlighted was the provision that: "Expansion and renovation of the Mt. Calvary AME Church is highly desirable to better serve the needs of the community." (*Id.*). Additionally, as emphasized by DOP, it was also noted that "Mt. Calvary is acquiring these properties for church expansion." (*Id.*). After the hearing, Mr. Rosenblatt also provided a document entitled: "Baltimore County Position Sheet" showing the Lots from the 1906 Plat (the "Position Sheet"). (Pet. Ex. 7).

VARIANCE

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

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

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

With regard to uniqueness, I find that the Lot 20 is arguably unique under *Cromwell* in that, while it is rectangular in shape and therefore similar to other lots on the 1906 Plat, it does have dimensions which are different from the other lots. As such, I agree that the Petitioner has met that part of the test.

To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow each of the following questions to be answered affirmatively:

1. That compliance with the strict letter of the restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
2. Whether the grant of the variance applied for would do substantial justice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 39 (1974). The general rule is that “the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.” *Mueller v. People’s Counsel for 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 v. People’s Counsel for Baltimore County*, 177 Md. App. at 70.

With regard to practical difficulty, all 3 of the factors set forth in *Chesapeake Beach, supra*, must be met. While I understand Petitioner’s argument that the first factor has been met because, that without Variance relief for side yard setbacks, the Petitioner will not be able to construct the home as proposed, the narrow width of Lot 20 was created in 1906, prior to the BCZR and is likely the reason that it has remained vacant. The Zoning Commissioner’s Policy Manual (“ZCPM”), § 103.1.A provides that for vacant lots recorded prior to 1945, the current area regulations apply.

Notwithstanding that the Position Sheet shows various structures on each of the Lots created on the 1906 Plat, it is unclear when, or from where, the Position Sheet originated. (Pet. Ex. 7). It is also unclear whether the structures shown on each lot were ever constructed. If the structures were built on each lot, each would then have been razed when lots were gifted to the Church. Based on the evidence presented, Lot 20 was never improved with a single family home as there was no evidence presented of a foundation, and no information in regard to an alleged demolition.

In regard to the second and third factors in *Chesapeake Beach*, I agree with the DOP's reasoning in support of their objection to the requested relief. I find that the granting of the Variance here would not do substantial justice to the neighboring property owners and would not be consistent with justice to those other property owners, including the AME Church, and existing townhome communities. Toward that end, in reviewing the facts in this Case, I cannot ignore the dramatic change in the neighborhood which has occurred since Lot 20 was created on the 1906 Plat. Comparing the aerial photograph to the 1906 Plat, only Lots 1-6 along Eudowood Lane, and Lot 25 (Ms. Whetstone's 1924 home), have single family dwellings. All of those homes are removed from Lot 20.

Moreover, Hendrickson Lane was constructed through at least Lots 15, 16 and 17, and runs immediately along the eastern boundary of Lot 20. Hendrickson Lane is a road between Hillen Road and Eudowood Lane, and it provides access for three (3) groups of townhomes. In fact, one of those townhome groups was constructed on part of Lot 19; a single family home was not constructed there. To permit a new access driveway onto Hendrickson Lane nearly at the corner with Hillen Road, negatively impacts the safety of drivers accustomed to using Hendrickson Lane to access the townhomes. Additionally, rows of townhomes also encompass many blocks directly

across from Lot 20 on the other side of Hillen Road. There are no single family homes located on the other side of Hillen Road or in the immediate vicinity of Lot 20.

Significantly, the AME Church, its outbuildings, and associated parking lots, occupy Lots 7, 8, 9, 10, 11, 12, 13, 14, 18, part of 19, 21, 22, 23 and 24 shown on the 1906 Plat. I take judicial notice that by Deed recorded in Land Records of Baltimore County on March 28, 1997 (Book 12102, page 17), Lot 18 and part of Lot 19 were *gifted (no consideration)* to the Church. Similarly, by Deed recorded in Land Records of Baltimore County on March 6, 1997 (Book 12068, page 483), part of Lot 19, 21, 22, 23, and 24 were also *gifted (no consideration)* to the Church. The aerial photograph and street view photographs **give the appearance that Lot 20 is the corner of the Church's property.** (Pet. Exs. 3, 4). There are existing mature trees on Lot 20, vegetation and grass which has obviously been maintained by someone. As shown on the aerial photograph, the 1906 Plat, and the Site Plan, on the larger triangular-shaped parcel of land where Lot 20 is located, the Church, and one of its parking lots, occupy the entire triangular parcel, other than Lot 25. Yet, Lot 25, owned by Pamela Whetstone, has a 2-story dwelling constructed in 1924, prior to the construction of the Church and prior to the BCZR. (Pet. Exs. 1). With these facts, to grant a Variance for a proposed home on this vacant Lot 20, would not do substantial injustice to the AME Church and the townhomes community on Hendrickson Lane.

Moreover, I find that the Petitioner has not, and will not, suffer any prejudice in the denial of the Variance. I take judicial notice of a Life Estate Deed recorded in Land Records of Baltimore County on April 5, 2004 (Book 18990, page 319), wherein Doris G. Tookes Simms gifted Lot 20 to her son, the Petitioner. Mr. Rosenblatt proffered that Petitioner was not aware of the existence of Lot 20 until 2020, when an Estate was opened for Ms. Tookes Simms. The earliest Deed that is listed in the SDAT records for Lot 20 (Book 8913, page 91) shows that Lot 20 was transferred to

Ms. Took Simms for *no consideration* by the Director of Finance for Baltimore County and Collector of State and County Taxes, after a Tax Sale and Foreclosure proceedings. (See Deed in File). The Foreclosure case was captioned "*Doris G. Took Simms v. Patapsco Development Corporation, et al.*" (Docket 172, page 108, Case No.: 82 E 3228). Accordingly, neither Ms. Took Simms, nor the Petitioner, expended any money in obtaining Lot 20; it was gifted to them by the County. Mr. Rosenblatt stated that, after Petitioner learned of its existence, Petitioner offered to sell it to the Church, but the Church declined to purchase it. While it was also proffered that a proposed home would be for the Petitioner's children, I also take judicial notice that the Google Map for Lot 20 dated September, 2022 has a For-Sale sign.

For the foregoing reasons, the Variance request will be denied.

THEREFORE, IT IS ORDERED, this 10th day of **May 2023** by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §1B02.3.C.1 to permit a minimum side yard setback of 5 ft, in lieu of the required 10 and 25 ft, and is hereby **DENIED**.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm



JOHN A. OLSZEWSKI, JR.
County Executive

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

May 10, 2023

Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: Petition for Variance
Case No. 2023-0051-A
Property: 379 Hillen Road

Dear Mr. Rosenblatt:

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,

A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Preston R. Took, III – prestontooks@hotmail.com
Brian Dietz – bdietz@dietzsurveying.net

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

No. **223603**

Date: **6-7-23**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				
001	806	0000		650					300.00

Total: **300.00**

Rec
 From: **Adam Rosenblatt, Esq. - Venette**

For: **Office of Admin. Hearings**
Appeal - Case No. 2023-0051-A
379 Hillen Rd. - Preston R. Tooks, III
Check No. 539715

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

F 539795

Baltimore County, Maryland

05/31/2023

Ref.	Invoice. #	Invoice Date	Description	Amount Paid
Adam M. Rosenblatt	053023AMR01	05/30/2023	P. Tooks/Hillen Rd. - Filing fee for appeal to Baltimore County Board of Zon	300.00
Check Total:				300.00

Baltimore County, Maryland		VENABLE LLP • 750 E. Pratt Street Suite 900 • Baltimore, Maryland 21202		F 539795	
		05/31/2023		Vendor #: 3094	
Ref. #	Invoice. #	Invoice Date	Description	Amount Paid	
Adam M. Rosenblatt	053023AMR01	05/30/2023	P. Tooks/Hillen Rd. - Filing fee for appeal to Baltimore County Board of Zon	300.00	
Check Total:				300.00	



PNC, N.A. Bank 040
Maryland

VENABLE^{LLP}

750 E. Pratt Street Suite 900
Baltimore, Maryland 21202

Operating Account

F 539795

15-3
540

DATE

May 31, 2023

AMOUNT

\$300.00

*****THREE HUNDRED AND 00/100*****

PAY
TO THE
ORDER
OF

Baltimore County, Maryland
Office of Budget and Finance
400 Washington Avenue, Room 152
Towson, MD 21204-4665


AUTHORIZED SIGNATURE

VOID AFTER 180 DAYS

AUTHORIZED SIGNATURE
(TWO SIGNATURES REQUIRED OVER \$25,000)

IN RE: PETITION FOR VARIANCE

(379 Hillen Road)

9th Election District

6th Council District

Preston R. Tooks, III

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS OF

BALTIMORE COUNTY

CASE NO. 2023-0051-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioner, Preston R. Tooks, III (“Petitioner”) for property located at 379 Hillen Road, Towson (the “Lot 20”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1 to permit a minimum side yard setback of 5 ft. in lieu of the required 10 and 25 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared in support of the Petition along with Brian Dietz of Dietz Surveying, Inc., licensed surveyor, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex.1). Adam M. Rosenblatt, Esquire of Venable, LLP represented the Petitioner. There were no Protestants or interested citizens that appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) who opposed the requested relief for the following reasons:

1. Although the Towson Community Plan describes the importance of affordable infill housing, the proposed location is designated as church expansion.
2. The proposal for the subject site does not appear to be consistent with the immediate area, which is composed primarily of townhomes and some single family dwellings (Hillen Road at

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Date 5-10-23

By BW

Eudowood Lane and Hillen Road at Linden Avenue) on larger lots of 47 + feet in width.

3. The proposed site layout does not appear to be consistent with the area. The submitted site plan shows a proposed driveway/parking pad in the front yard of the dwelling: a similar lot layout cannot be found in the area.

While recognizing that Lot 20 was narrow, the DOP added that the proposal is inconsistent with the character of the East Towson Community Conservation Area, and therefore would have an adverse impact on the community.

The case was proffered by Mr. Rosenblatt. Lot 20 is a 5,315 sf +/-, unimproved, elongated lot which was created on the Plat of Land Belonging to the Relief Association of Baltimore County, MD recorded in the Land Records of Baltimore County on August 2, 1906 (Plat Book 2, page 42) (the "1906 Plat"). (Pet. Ex. 5). Lot 20 sits on the corner of Hillen Road and Hendrickson Lane. (Pet. Ex. 1). It is split-zoned in unequal proportions, with the majority of Lot 20 having DR16 on the eastern side, and DR10.5 on the western side. As shown on the aerial photograph, adjoining Lot 20 on its western side is the Mount Calvary African Methodist Episcopal Church (the "AME Church"). (Pet. Ex. 3). The AME Church encompasses the entire triangular shaped block other than Lot 20 and Lot 25. Lot 25 has a single family dwelling which was constructed in 1924. To the north, west and south of Lot 20 are townhomes. (Id.). There are no single family dwellings immediately surrounding Lot 20. As shown in the street view photographs, Lot 20 is vacant with mature trees, bushes, and grass areas. (Pet. Exs. 4A-4F).

Petitioner proposes to construct a 2-story, 792 sf single family dwelling fronting on Hillen Road with driveway accessing onto Hendrickson Lane. (Pet. Ex. 1). Due to the width of Lot 20, Petitioner is requesting Variance relief for side yard setbacks of 5.5 ft. on each side in lieu of the required 10 ft. on the DR 10.5 side, and in lieu of the required 25 ft. on the DR 16 side. Mr.

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Date 5-10-23

By bw

Rosenblatt stated that Petitioner offered to sell Lot 20 to the AME Church but the offer was declined. He also stated that Petitioner desired to construct a home for his adult children.

During the hearing Mr. Rosenblatt highlighted parts of the Towson Community Plan, and specifically the East Towson Community Conservation Area, to emphasize that the predominant land use was both single family, semi-detached and townhouses and that development of affordable housing on vacant parcels is the preferred use. (Pet. Ex. 6) Also highlighted was the provision that: "Expansion and renovation of the Mt. Calvary AME Church is highly desirable to better serve the needs of the community." (*Id.*). Additionally, as emphasized by DOP, it was also noted that "Mt. Calvary is acquiring these properties for church expansion." (*Id.*). After the hearing, Mr. Rosenblatt also provided a document entitled: "Baltimore County Position Sheet" showing the Lots from the 1906 Plat (the "Position Sheet"). (Pet. Ex. 7).

VARIANCE

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

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

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

With regard to uniqueness, I find that the Lot 20 is arguably unique under *Cromwell* in that, while it is rectangular in shape and therefore similar to other lots on the 1906 Plat, it does have dimensions which are different from the other lots. As such, I agree that the Petitioner has met that part of the test.

To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow each of the following questions to be answered affirmatively:

ORDER RECEIVED FOR FILING

Date

5-10-23

3

By

(Signature)

1. That compliance with the strict letter of the restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
2. Whether the grant of the variance applied for would do substantial justice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 39 (1974). The general rule is that “the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.” *Mueller v. People’s Counsel for 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 v. People’s Counsel for Baltimore County*, 177 Md. App. at 70.

With regard to practical difficulty, all 3 of the factors set forth in *Chesapeake Beach, supra*, must be met. While I understand Petitioner’s argument that the first factor has been met because, that without Variance relief for side yard setbacks, the Petitioner will not be able to construct the home as proposed, the narrow width of Lot 20 was created in 1906, prior to the BCZR and is likely the reason that it has remained vacant. The Zoning Commissioner’s Policy Manual (“ZCPM”), §103.1.A provides that for vacant lots recorded prior to 1945, the current area regulations apply.

ORDER RECEIVED FOR FILING

Date

5-10-23

4

By

low

Notwithstanding that the Position Sheet shows various structures on each of the Lots created on the 1906 Plat, it is unclear when, or from where, the Position Sheet originated. (Pet. Ex. 7). It is also unclear whether the structures shown on each lot were ever constructed. If the structures were built on each lot, each would then have been razed when lots were gifted to the Church. Based on the evidence presented, Lot 20 was never improved with a single family home as there was no evidence presented of a foundation, and no information in regard to an alleged demolition.

In regard to the second and third factors in *Chesapeake Beach*, I agree with the DOP's reasoning in support of their objection to the requested relief. I find that the granting of the Variance here would not do substantial justice to the neighboring property owners and would not be consistent with justice to those other property owners, including the AME Church, and existing townhome communities. Toward that end, in reviewing the facts in this Case, I cannot ignore the dramatic change in the neighborhood which has occurred since Lot 20 was created on the 1906 Plat. Comparing the aerial photograph to the 1906 Plat, only Lots 1-6 along Eudowood Lane, and Lot 25 (Ms. Whetstone's 1924 home), have single family dwellings. All of those homes are removed from Lot 20.

Moreover, Hendrickson Lane was constructed through at least Lots 15, 16 and 17, and runs immediately along the eastern boundary of Lot 20. Hendrickson Lane is a road between Hillen Road and Eudowood Lane, and it provides access for three (3) groups of townhomes. In fact, one of those townhome groups was constructed on part of Lot 19; a single family home was not constructed there. To permit a new access driveway onto Hendrickson Lane nearly at the corner with Hillen Road, negatively impacts the safety of drivers accustomed to using Hendrickson Lane to access the townhomes. Additionally, rows of townhomes also encompass many blocks directly

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Date

5-10-23

5

By

RW

across from Lot 20 on the other side of Hillen Road. There are no single family homes located on the other side of Hillen Road or in the immediate vicinity of Lot 20.

Significantly, the AME Church, its outbuildings, and associated parking lots, occupy Lots 7, 8, 9, 10, 11, 12, 13, 14, 18, part of 19, 21, 22, 23 and 24 shown on the 1906 Plat. I take judicial notice that by Deed recorded in Land Records of Baltimore County on March 28, 1997 (Book 12102, page 17), Lot 18 and part of Lot 19 were *gifted (no consideration)* to the Church. Similarly, by Deed recorded in Land Records of Baltimore County on March 6, 1997 (Book 12068, page 483), part of Lot 19, 21, 22, 23, and 24 were also *gifted (no consideration)* to the Church. The aerial photograph and street view photographs **give the appearance that Lot 20 is the corner of the Church's property.** (Pet. Exs. 3, 4). There are existing mature trees on Lot 20, vegetation and grass which has obviously been maintained by someone. As shown on the aerial photograph, the 1906 Plat, and the Site Plan, on the larger triangular-shaped parcel of land where Lot 20 is located, the Church, and one of its parking lots, occupy the entire triangular parcel, other than Lot 25. Yet, Lot 25, owned by Pamela Whetstone, has a 2-story dwelling constructed in 1924, prior to the construction of the Church and prior to the BCZR. (Pet. Exs. 1). With these facts, to grant a Variance for a proposed home on this vacant Lot 20, would not do substantial injustice to the AME Church and the townhomes community on Hendrickson Lane.

Moreover, I find that the Petitioner has not, and will not, suffer any prejudice in the denial of the Variance. I take judicial notice of a Life Estate Deed recorded in Land Records of Baltimore County on April 5, 2004 (Book 18990, page 319), wherein Doris G. Tookes Simms gifted Lot 20 to her son, the Petitioner. Mr. Rosenblatt proffered that Petitioner was not aware of the existence of Lot 20 until 2020, when an Estate was opened for Ms. Tookes Simms. The earliest Deed that is listed in the SDAT records for Lot 20 (Book 8913, page 91) shows that Lot 20 was transferred to

ORDER RECEIVED FOR FILING

Date

5-10-23

6

By

[Signature]

Ms. Tookes Simms for *no consideration* by the Director of Finance for Baltimore County and Collector of State and County Taxes, after a Tax Sale and Foreclosure proceedings. (See Deed in File). The Foreclosure case was captioned "*Doris G. Tookes Simms v. Patapsco Development Corporation, et al.*" (Docket 172, page 108, Case No.: 82 E 3228). Accordingly, neither Ms. Tookes Simms, nor the Petitioner, expended any money in obtaining Lot 20; it was gifted to them by the County. Mr. Rosenblatt stated that, after Petitioner learned of its existence, Petitioner offered to sell it to the Church, but the Church declined to purchase it. While it was also proffered that a proposed home would be for the Petitioner's children, I also take judicial notice that the Google Map for Lot 20 dated September, 2022 has a For-Sale sign.

For the foregoing reasons, the Variance request will be denied.

THEREFORE, IT IS ORDERED, this 10th day of **May 2023** by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §1B02.3.C.1 to permit a minimum side yard setback of 5 ft, in lieu of the required 10 and 25 ft, and is hereby **DENIED**.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

ORDER RECEIVED FOR FILING

Date 5-10-23

7

By RSW



JOHN A. OLSZEWSKI, JR.
County Executive

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

May 10, 2023

Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: Petition for Variance
Case No. 2023-0051-A
Property: 379 Hillen Road

Dear Mr. Rosenblatt:

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,

A handwritten signature in cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Preston R. Tookes, III – prestontookes@hotmail.com
Brian Dietz – bdietz@dietzsurveying.net

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0914650190

Owner Information

Owner Name: TOOKS PRESTON R III Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 6729 COLLINSDALE RD Deed Reference: /18990/ 00319
PARKVILLE MD 21234-

Location & Structure Information

Premises Address: 379 HILLEN RD Legal Description: 379 HILLEN RD
TOWSON 21286- RELIEF ASSN OF BALTO CO

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0070 0009 0891 9090095.04 0000 20 2023 Plat Ref: 0002/ 0042

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
5,880 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	As of	As of
		01/01/2023	07/01/2022	07/01/2023
Land:	62,700	20,900		
Improvements	0	0		
Total:	62,700	20,900	62,700	20,900
Preferential Land:	0	0		

Transfer Information

Seller: SIMMS DORIS G TOOKS	Date: 10/20/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18990/ 00319	Deed2:
Seller: HILL EDWARD CHARLES, JR	Date: 09/13/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08913/ 00091	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:

2023-0051-A

SM 8913 PAGE 091

THIS DEED, Made this 1st day of August, 1991, by and between JAMES R. GIBSON, JR., Director of Finance for Baltimore County and Collector of State and County Taxes for said County, Grantor, and DORIS G. TOOKS SIMMS, Grantee.

WHEREAS, the hereinafter described property was sold in fee simple, pursuant to Tax Property Article, Section 14-816, Annotated Code of Maryland on or about the 25th day of May, 1981, for delinquent taxes in the amount of \$809.82 by the Director of Finance for Baltimore County and Collector of State and County Taxes for said County to DORIS G. TOOKS SIMMS as shown by a Certificate of Tax Sale dated May 25, 1981, issued by the Director and Collector as aforesaid to DORIS G. TOOKS SIMMS pursuant to the provisions of the Tax Property Article, Section 14-820 Annotated Code of Maryland; and

WHEREAS, after the expiration of one year and a day from the date of said Certificate of Tax Sale, the property hereinafter described not having been redeemed, the said DORIS G. TOOKS SIMMS in the Circuit Court for Baltimore County a Complaint to foreclose all or any equity of redemption held by any person or persons in said hereinafter described property, in accordance with the provisions of said Tax Property Article, Annotated Code of Maryland, said proceedings being; entitled "DORIS G. TOOKS SIMMS v. PATAPSCO DEVELOPMENT CORPORATION, et al" and recorded in the office of the Clerk of the Circuit Court for Baltimore County in Equity Proceedings, Docket 172, page 108, Case No. 82 E 3228; and

WHEREAS, by Judgment of the Circuit Court for Baltimore County passed in said cause on the 1st day of August, 1985, an absolute and indefeasible title in fee simple in and to said property vested in

D RC/F	14.00
D T TX	4.04
D DOCS	5.00
DC IMP	5.00
	0.00
CLERK	28.04
MSM23 C002 H02	114.38
	09/13/91

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE DT DATE 9-12-91

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

DATE 9-12-91

TRANSFER TAX NOT REQUIRED

CLERK OF THE CIRCUIT COURT

BALTIMORE COUNTY, MARYLAND

Per Patricia A. G. G.

Date 9-12-91

Tax Sale
Foreclosure
Tooks Deed

DORIS G. TOOKS SIMS, as will more fully appear from said court proceeding recorded as aforesaid;

NOW, THEREFORE, THIS DEED WITNESSETH, that in consideration of the premises and the sum of No Dollars or other valuable consideration, the said JAMES R. GIBSON, JR., Director and Collector as aforesaid, by virtue and in pursuance of the power and authority vested in him under the aforesaid Judgment, does hereby grant and convey unto DORIS G. TOOKS SIMS, her heirs and assigns, in fee simple, all that lot of ground situate in the Ninth Election District of Baltimore County, State of Maryland, and being more particularly described as follows:

379 Hillen Road and Improvements
Lot 20, Relief Association of Baltimore County
Plat Book JWS No. 2, Folio 42
Tax Account # 09-14-650190

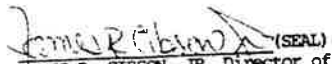
TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the said described lot of ground and premises unto and to the proper use and benefit of the said DORIS G. TOOKS SIMS, her heirs and assigns in fee simple forever.

WITNESS the hand and Seal of the Grantor, Director of Finance for Baltimore County and Collector of State and County Taxes for Baltimore County.

WITNESS:



 (SEAL)
JAMES R. GIBSON, JR. Director of
Finance for Baltimore County

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 15th day of August, 1991, before the subscriber, a Notary Public in and for the State of Maryland, County of Baltimore, personally appeared JAMES R. GIBSON, JR., Director of Finance for Baltimore County and Collector of State and County Taxes for said County, known to me, or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same, in the capacity therein stated, for the purpose therein contained.

WITNESS my hand and Notarial Seal.

Notary Public
Notary Public

My commission expires: 2/1/94

This is to certify that the within instrument was prepared by an attorney admitted to practice before the Court of Appeals of Maryland.

Stanley J. Schapiro
Stanley J. Schapiro

Approved as to Form and
Legal sufficiency and ready for
execution.

William J. Jensen
Ass. stant County Attorney

Return to:
STAN SCHAPIRO
31218 HATTON RD.
BALTO. MD. 21208

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 09 Account Number - 0913750360	
Owner Information		
Owner Name:	MOUNT CALVARY AFRICAN METHODIST EPISCOPAL CHURCH INC	Use: EXEMPT Principal Residence: NO
Mailing Address:	300 EUDOWOOD AV BALTIMORE MD 21204	Deed Reference: /12102/ 00017
Location & Structure Information		
Premises Address:	HILLEN AVE 0-0000	Legal Description: RELIEF ASN BALTIMORE CO
Map:	Grid:	Parcel:
070A	0009	0891
Neighborhood:	Subdivision:	Section:
9080088.04	0000	
Block:	Lot:	Assessment Year:
	18	2023
Plat No:	Plat Ref:	
	0002/ 0042	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
		Property Land Area
		County Use
		01
Stories	Basement	Type
		Exterior
		Quality
		Full/Half Bath
		Garage
		Last Notice of Major Improvements
Value Information		
	Base Value	Value
		As of
		01/01/2023
Land:	2,600	2,600
Improvements	0	0
Total:	2,600	2,600
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2022
		As of
		07/01/2023
		2,600
		2,600
Transfer Information		
Seller: MOUNT CALVARY CHURCH	Date: 03/28/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12102/ 00017	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2022
County:	700	2,600.00
State:	700	2,600.00
Municipal:	700	0.00 0.00
Special Tax Recapture: None		0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

0012068 483

NO CONSIDERATION
NO TITLE SEARCH

recoded
3/6/1997

THIS DEED, Made this 29th day of January, 1997, by METRO HOUSING, INC., a Maryland Corporation, Grantor and MOUNT CALVARY AFRICAN METHODIST EPISCOPAL CHURCH, INC., a Maryland religious corporation, Grantee.

Witnesseth, that as a gift for no consideration, the said Grantor does grant and convey unto the said Grantee, its successors and assigns, in fee simple, all those lots or parcels of ground, situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE FIRST at the northeast corner of Lot No. 19 as laid out on a plat entitled "Plat of the land belonging to the Relief Association of Baltimore County, Maryland," which plat is recorded among the Plat Records of Baltimore County in Plat Book J.W.S. No. 2, folio 42, and running thence and binding on the easternmost line and on a part of the southernmost line of said lot No. 19 the two following courses and distances, viz: south 29 degrees 03 minutes west 56 feet and north 59 degrees 39 minutes west 60.45 feet to a point distant south 59 degrees 39 minutes east 50 feet from the southwest corner of said lot, thence running for lines of division the three following courses and distances, viz: north 30 degrees 21 minutes east 20 feet, north 26 degrees 14 minutes west 33.51 feet and north 30 degrees 50 minutes east 5 feet to intersect the southwest side of Eudowood Lane 20 feet wide, at a point distant 22 feet easterly measured along the southwest side of Eudowood Lane from the northwest corner of said lot no. 19, thence binding on the southwest side of said Lane, South 67 degrees 50 minutes east 13 feet to the southwest corner of lot no. 18 as laid out on said plat, and thence binding on the division line between lot nos. 18 and 19, south 67 degrees 50 minutes east 75 feet to the place of beginning.

BEING part of Lot No. 19 as shown on the plat known as "The Land Belonging to the Relief Association of Baltimore County Md." which plat is recorded among the plat records of Baltimore County in Liber JWS 2, folio 42.

Being the first lot or parcel of land conveyed by James B. Wheatley, Jr., et al. to Metro Housing, Inc. by deed dated May 6, 1983, and recorded among the Land Records of Baltimore County, at Liber EHK, Jr., 6523, folio 131.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

RECEIVED BY THE TAXPAYER
State Department of
Assessments & Taxation
for Baltimore County

SIGNATURE

DATE

By

Date

9012053 484

BEGINNING FOR THE SECOND at a point on the northeast side of Hillen Road at the end of a line drawn Northwesterly 40 feet from the lot or parcel of ground which by Deed dated the 24 day of May, 1879, and recorded among the Land Records of Baltimore County in Liber J.B. No. 112, folio 150&c. was conveyed by Ida V. Mitchell and husband to Joseph B. Mitchell, and running thence Northwesterly and binding on the northeast side of Hillen Road 42 feet to Lot 27 (on the plat of ground of the Relief Association of Baltimore County), thence binding on said Lot No. 22 Northeasterly 131-3/12 feet to Lot 19 on said plat, thence binding on said Lot No. 19 Southeasterly 36 feet to Lot No. 20 on said plat, and thence binding on said Lot No. 20 Southwesterly 151-9/12 feet to the place of beginning.

BEING Lot No. 21 as shown on the plat known as "The Land Belonging to the Relief Association of Baltimore County Md." and recorded among the plat records of Baltimore County in Liber JWS 2, folio 42.

Said Lot 21 also being known as 377 Hillen Road.

Being the same lot or parcel of land conveyed by Carveretta Parker to Metro Housing, Inc. by deed dated May 22, 1992, and recorded among the Land Records of Baltimore County, at Liber SM 9185, folio 353.

BEGINNING FOR THE THIRD at the end of a line measured 82 feet northwesterly along the northern side of the Hillen Road from the end of the second line of the land which by deed dated August 14, 1885, and recorded among the Land Records of Baltimore County in Liber W.M.I. No. 147 folio 591, was granted and conveyed by John I. Yellot and wife to the Relief Association of Baltimore County; and running thence bounding on Lot No. 21 as designated on a Plat of the said land, which said Plat is of Record in Plat book J.W.S. No. 2 folio 42 in the Office of the Clerk of the Circuit Court for Baltimore County, of the said land northeasterly 131 feet to Lot No. 19; thence bounding on said lot northwesterly 43 feet to Lot No. 23; thence bounding on said last recited lot southwesterly 108 feet to the Hillen Road aforesaid; and thence bounding on the northern side of the road southeasterly 50 feet to the place of beginning.

BEING Lot No. 22 as shown on the plat known as "The Land Belonging to the Relief Association of Baltimore County Md." which plat is recorded among the plat records of Baltimore County in Liber JWS 2, folio 42.

Being the first lot or parcel of land conveyed by James B. Wheatley, Jr., to Metro Housing, Inc. by deed

0012068 485

dated May 6, 1983, and recorded among the Land Records of Baltimore County, at Liber EHK, Jr., 6523, folio 127.

BEGINNING FOR THE FOURTH at the end of a line measured 132 feet northwesterly along the northern side of the Hillen Road from the end of the second line of the land which by deed dated August 14, 1885, and recorded among the Land Records of Baltimore County in Liber W.M.I. No. 147 folio 591, was conveyed by John I. Yellot and wife to the Relief Association of Baltimore County; and running thence bounding on Lot No. 22 as designated on the above recited plat of said land northeasterly 108 feet to lot No. 19 on said Plat; thence bounding on said last recited lot northeasterly 40 feet to an avenue 20 feet wide leading to the said Hillen Road; thence bounding on the southern side of the said avenue, with the use thereof in common, northwesterly 40 feet to Lot No 24 on said Plat designated; thence bounding on said Lot No. 24 southwesterly 118 feet to the Hillen Road; and thence bounding on the northern side of said Road southeasterly 46 feet to the place of beginning.

BEING Lot No. 23 as shown on the plat known as "The Land Belonging to the Relief Association of Baltimore County Md." which plat is recorded among the plat records of Baltimore County in Liber JWS 2, folio 42.

Being the second lot or parcel of land conveyed by James B. Wheatley, Jr., et al. to Metro Housing, Inc. by deed dated May 6, 1983, and recorded among the Land Records of Baltimore County, at Liber EHK, Jr., 6523, folio 127.

BEGINNING FOR THE FIFTH at a point on the northeast side of the Hillen Road at the end of a line drawn northwesterly 172 feet from the southwest corner of that lot or parcel of ground which by deed dated May 24, 1879 and Recorded among the Land Records of Baltimore County in Liber J.B. no. 112 folio 150 was conveyed by Ida V. Mitchell and husband to Joseph B. Mitchell and running thence northwesterly and binding on the said northeast side of the Hillen Road 57 feet to lot no. 25 on the plat hereinafter referred to, thence binding on said lot northeasterly 83 feet to the southwest side of an avenue 20 feet wide with the right and privilege to use the same in common with all others having the right to the use thereof thence binding on said avenue easterly 51 feet to lot no. 23 and binding on said lot southwesterly 118 6/12 feet to the place of beginning Being lot No. 24 as shown on the plat of Relief Association of Baltimore County.

0012068 486

BEING Lot No. 24 as shown on the plat known as "The Land Belonging to the Relief Association of Baltimore County Md." which plat is recorded among the plat records of Baltimore County in Liber JWS 2, folio 42.

Being the third lot or parcel of land conveyed by James B. Wheatley, Jr., et al. to Metro Housing, Inc. by deed dated May 6, 1983, and recorded among the Land Records of Baltimore County, at Liber EHK, Jr., 6523, folio 131.

Together with the buildings and improvements thereupon erected, and 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 Mount Calvary African Methodist Church, Inc., a Maryland religious corporation, its successors and assigns, in fee simple.

Episcopal

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

Witness the hand and seal of the Grantor.

ATTEST:

METRO HOUSING, INC.

James B. Wheatley, Jr.
Secretary

by: Eugene R. Bryant (SEAL)
President

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 27th day of June, 1997, before me, the subscriber, a Notary Public of the State of Maryland, in and for County aforesaid, personally appeared, Eugene R. Bryant who acknowledged herself to be the President of Metro Housing, Inc., and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Metro Housing, Inc. by himself as President and did further certify under the penalties of perjury that the actual consideration for the conveyance described herein was zero dollars (\$00.00) and that that the conveyance described herein was not a transfer of all or substantially all of the assets of the Grantor corporation.

0012068 487

As Witness my hand and Notarial Seal.

My Commission Expires: 5/31/11

The Grantee hereby acknowledges that no title search has been performed on the lots or parcels of land described above and understands that the Grantee takes the lots or parcels of land described above subject to all liens, encumbrances, encroachments and any other matters affecting the title to same.

Mount Calvary African Methodist
Episcopal Church, Inc.

by: [Signature]

I hereby certify that this deed was prepared by the undersigned, an attorney licensed to practice law in the State of Maryland.

[Signature]
Alfred J. Szczerbicki

Mr. Clerk, after recording, please return to:
A. J. Szczerbicki
Suite 500
28 W. Allegheny Avenue
Towson, Maryland 21204

0012102 017

recorded
3/28/1997NO CONSIDERATION
NO TITLE SEARCH

THIS DEED, Made this 18TH day of March, 1997, by MOUNT CALVARY METHODIST PROTESTANT CHURCH OF BALTIMORE COUNTY, a body corporate of Baltimore County, by its successor trustees, VALERIE BRITTON and ANN LIGHTNER-FULLER, Grantors and MOUNT CALVARY AFRICAN METHODIST EPISCOPAL CHURCH, INC., a Maryland religious corporation, Grantee.

WHEREAS, the original trustees of the Mount Calvary Methodist Protestant Church of Baltimore County are now deceased and Valerie Britton and Ann Lightner-Fuller been appointed successor trustees.

NOW, THEREFORE WITNESSETH, that as a gift and for no consideration, the said Grantors do grant and convey unto the said Grantee, its successors and assigns, in fee simple, all those lots or parcels of ground, situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING FOR THE FIRST at the end of the 1st line of the land which by deed dated August 14th, 1885, and recorded among the Land Records of Baltimore County in Liber W.M.I. No. 147, folio 591 etc. was conveyed by John I. Yellott and wife to the Relief Association of Baltimore County and running thence bounding on Lot No. 19 as so designated on a plat of the above recited laud northwesterly 75 feet, more or less, to the east side of an avenue 20 feet wide, thence north easterly bounding on the east side of said avenue 74 and 8/12 feet to the south side of said avenue, thence south easterly 75 and 6/12 feet to a point on the south side of said avenue and to Lot No. 17 and thence bounding on said lot, south westerly 82 and 10/12 feet to the place of beginning.

BEING Lot No. 18 as shown on the plat known as "The Land Belonging to the Relief Association of Baltimore County Md." which plat is recorded among the plat records of Baltimore County in Liber JWS 2, folio 42.

Being the same lot or parcel of land conveyed by the Relief Association of Baltimore County, a body corporate to Alfred Hammond et al., Trustees for the Mount Calvary Methodist Protestant Church of Baltimore County by deed dated February 12, 1900, and recorded among the Land Records of Baltimore County, at Liber NBM, 242, folio 401.

BEGINNING FOR THE SECOND on the southwest side of Eudowood Lane, twenty feet wide, and at the northwest corner of Lot No. 19 as laid out on a plat entitled "Plat of the land belonging to the Relief Association

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore CountyAGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE

0012102 018

of Baltimore County, Maryland," which plat is recorded among the Plat Records of Baltimore County in Plat Book J.W.S. No. 2, folio 42, and running thence and binding on the southwest side of said lane the two following courses and distances, Viz: South 69 degrees, 30 minutes, east 11.36 feet and South 67 degrees, 50 minutes East, 10.64 feet, thence leaving said Lane and running for lines of division the three following courses and distances, Viz: South 30 degrees, 50 Minutes West, 5 feet; South 26 degrees 14 minutes East, 33.51 feet and South 30 degrees, 21 minutes West, 20 feet to intersect the southernmost line of said Lot No. 19, and thence binding on a part of the southernmost line and on the western most line of said Lot No. 19, and thence binding on a part of the southernmost line and on the westernmost line of said Lot No. 19, the two following courses and distances, Viz: North 59 degrees, 39 minutes West, 50 feet and North 30 degrees, 50 minutes East, 40 feet to the place of beginning.

The said lot or parcel of land is now known as No. 359 Eudowood Lane.

Being part of Lot # 19 as shown on the Plat known as "The Land Belonging to the Relief Association of Baltimore County Maryland and recorded among the Plat recorded of Baltimore County in liber J.W.S. 2, folio 42.

Being the same lot or parcel of land conveyed by Agnes K. Gawthrop to the Trustees for the Mount Calvary Methodist Protestant Church of Baltimore County by deed dated October 26, 1977, and recorded among the Land Records of Baltimore County, at Liber EHK, Jr., 5819, folio 140.

Together with the buildings and improvements thereupon erected, and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or otherwise 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 Mount Calvary African Methodist Episcopal Church, Inc., a Maryland religious corporation, its successors and assigns, in fee simple.

And the said Grantors 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.

0012102 019

Witness the hand and seal of the Grantors.

WITNESS:



Valerie J. Britton
Valerie Britton, Successor Trustee

Ann Lightner-Fuller
Ann Lightner-Fuller, Successor Trustee

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
CITY

I HEREBY CERTIFY, that on this 18TH day of MARCH, 1997, before me, the subscriber, a Notary Public of the State of Maryland, in and for ~~XXXXXX~~ City aforesaid, personally appeared, Valerie Britton and Ann Lightner-Fuller who acknowledged themselves to be the successor trustees of Mount Calvary Methodist Protestant Church of Baltimore County, and that they, as such successor trustees, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing their names as successor trustees and did further certify under the penalties of perjury that the actual consideration paid for the conveyance described herein was zero dollars (\$00.00).

As Witness my hand and Notarial Seal.



My Commission Expires: 3/1/00

The Grantee hereby acknowledges that no title search has been performed on the lots or parcels of land described above and understands that the Grantee takes the lots or parcels of land described above subject to all liens, encumbrances, encroachments and any other matters affecting the title to same.

Mount Calvary African Methodist Episcopal Church, Inc.

by Ann Lightner-Fuller
REVEREND ANN LIGHTNER-FULLER, PASTOR/PRES.

I hereby certify that this deed was prepared under the supervision of the undersigned, an attorney licensed to practice law in the State of Maryland.



Mr. Clerk, after recording, please return to:

CENTURY TITLE COMPANY, INC.
6609 REISTERSTOWN ROAD, SUITE 214A
BALTIMORE, MARYLAND 21215
358-4300

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0919510361

Owner Information

Owner Name:	WHETSTONE PAMELA	Use:	RESIDENTIAL
Mailing Address:	7604 ELLIE LN BALTIMORE MD 21244-	Principal Residence:	NO
		Deed Reference:	/16285/ 00686

Location & Structure Information

Premises Address:	365 HILLEN RD BALTIMORE 21286-0000	Legal Description:	365 HILLEN RD RELIEF ASSN OF BALTO CO
--------------------------	---------------------------------------	---------------------------	--

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0070	0009	0891	9080088.04	0000			25	2023	Plat Ref: 0002/ 0042

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1924	874 SF		6,666 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	SIDING/	3	1 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2022	07/01/2023
Land:	70,900	70,900		
Improvements	39,800	51,300		
Total:	110,700	122,200	110,700	114,533
Preferential Land:	0	0		

Transfer Information

Seller: HOOPER W DONALD	Date: 04/05/2002	Price: \$71,000
Type: ARMS LENGTH IMPROVED	Deed1: /16285/ 00686	Deed2:
Seller: SMITH ROGERS D	Date: 12/11/1991	Price: \$22,000
Type: ARMS LENGTH IMPROVED	Deed1: /08997/ 00167	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:**

This Deed

, MADE THIS 29th day of March in the year Two Thousand Two by and between **Mary Lacey Hooper**, Personal Representative of the Estate of **William Donald Hooper, Sr., a/k/a W. Donald Hooper**, deceased, party of the first part, and **Pamela Whetstone**, party of the second part.

WHEREAS, by Letters of Administration from the Register of Wills of **Baltimore County, Maryland**, issued in the estate of the decedent, **Estate Number 116028**, the party of the first part is appointed Personal Representative for the decedent's estate and is so acting on the date of this Deed, and

WHEREAS, the party of the first part as Personal Representative is validly seized and possessed of all lands hereinbelow conveyed.

Witnesseth, That in consideration of the sum of **Seventy One Thousand Dollars and NO Cents (\$71,000.00)**, the receipt of which is hereby acknowledged, the said **Mary Lacey Hooper**, Personal Representative of the Estate of **William Donald Hooper, Sr., a/k/a W. Donald Hooper**, does grant and convey to the said party of the second part, as Sole Owner, his/her personal representatives/successors and assigns, in fee simple, that parcel of ground situate in **Baltimore County, Maryland** and described as follows, that is to say:

See Exhibit A attached hereto and made a part hereof

BEING the same parcel of ground which by deed dated December 11, 1991 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 8997, folio 167 was granted and conveyed by Rogers D. Smith unto the decedent(s) herein.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.


F. Michael Grace, Esquire

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

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, as Sole Owner, his/her personal representatives/successors and assigns, in fee simple.

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

Test:

*Mary Lacey Hooper, Personal Representative
of the Estate of William Donald Hooper, Sr.
a/k/a W. Donald Hooper*

(SEAL)

MARY LACEY HOOPER, Personal Representative of the Estate of
WILLIAM DONALD HOOPER, SR. a/k/a W. DONALD HOOPER

STATE OF MD, COUNTY OF Baltimore, to wit:

I Hereby Certify, That on this 29th day of March in the year Two Thousand Two, before me, the subscriber, a Notary Public of the State of MD, County of Baltimore personally appeared MARY LACEY HOOPER, Personal Representative of the Estate of William Donald Hooper, Sr., A/K/A W. Donald Hooper, deceased, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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

Eva C. Lawlor



My Commission Expires: 2-21, 05

THE FOUNTAINHEAD TITLE GROUP
2045 YORK ROAD
TIMONIUM, MD 21093
File Number: 14229TIM

AFTER RECORDATION, RETURN TO:

MS. PAMELA WHETSTONE

Beginning for the same at the corner formed by the intersection of the northeast side of Hillen Road and the southwest side of a 20 foot Avenue; and running thence binding on the southwest side of said 20 foot Avenue 120 feet to Lot No. 24 on the Plat of Relief Association of Baltimore County; thence in a southerly direction binding on said Lot No. 24 to the Hillen Road; and thence in a northwesterly direction 132 feet to the place of beginning. Being Lot Number Twenty-five (#25) on the Plat of the Relief Association of Baltimore County in Plat Book JWS No. 2, folio 42.

The improvements thereon being known and designated as No. 365 Hillen Road.

0006285 680

REC-100
BALTIMORE
State of Maryland Land Instrument Intake Sheet
DOB: 2 ☐ Baltimore City ☒ County:
Initial: ☒ Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.
Date: 05/02/2002 (Type or Print in Black Ink Only - All Copies Must Be Legible)

OWP FD SURE \$ 5.00
RECORDING FEE 20.00
TR TAX STATE 355.00
TOTAL 380.00
Rec# B403 Rcp# 20029
SM TD Rlk# 1398
APR 05, 2002 03:04 PM

1 Type(s) of Instruments (1) 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 ☐ Unimproved Sale ☐ Multiple Account ☐ Not an Arms-
Arm-Length[1] Arms-Length[2] Arms-Length[3] Length Sale[9]
3 Tax Exemptions (if applicable) Recordation none
State Transfer none
County Transfer none
Cite or Explain Authority

4	Consideration Amount		Finance Office Use Only	
			Transfer and Recordation Tax Consideration	
Consideration and Tax Calculations	Purchase Price/Consideration	\$ 71,000.00	Transfer Tax Consideration	\$
	Any New Mortgage	\$ 63,900.00	X()% =	\$
	Balance of Existing Mortgage	\$	Less Exemption Amount -	\$
	Other:	\$	Total Transfer Tax =	\$
	Other:	\$	Recordation Tax Consideration	\$
	Full Cash Value	\$	X() per \$500 =	\$
			TOTAL DUE	\$

5	Amount of Fees		Doc. 1		Doc. 2		Agent:
Fees	Recording Charge	\$	20.00	\$	20.00		Tax Bill:
	Surcharge	\$	5.00	\$	5.00		
	State Recording Tax	\$	355.00	\$			C.B. Credit:
	State Transfer Tax	\$	355.00	\$			
	County Transfer Tax	\$	1065.00	\$			A.G. Tax/Other:
	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 3-10(g)(3)(i).
District 09 Property Tax ID No.(1) 09-19-510361 Grantor Liber/Folio 8997/167 Map 70 Parcel No. 891 Var. LOG [] (5)
Subdivision Name Lot (3a) 25 Block(3b) Sect/AR(3c) Plat Ref. 2/42 SqFt/Acreage(4)
Location/Address of Property Being Conveyed (2)
365 Hillen Road, Baltimore, MD 21286
Other Property Identifiers (if applicable) Water Meter Account No.
Residential [X] or Non-Residential [] Fee Simple [X] or Ground Rent [] Amount: \$
Partial Conveyance? [] Yes [X] No Description/Amt. of SqFt/Acreage Transferred:
If Partial Conveyance, List Improvements Conveyed:

7 Transferred From
Doc. 1 - Grantor(s) Name(s) Mary Lacey Hooper, P. R. Estate of
Doc. 2 - Grantor(s) Name(s) Pamela Whetstone
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) Pamela Whetstone
Doc. 2 - Grantee(s) Name(s) B. GEorge Ballman
New Owner's (Grantee) Mailing Address
6700 Maxalea Road, Baltimore, MD 21239

9 Other Names To Be Indexed
Doc. 1 - Additional Name(s) to be Indexed (Optional)
Doc. 2 - Additional Name(s) to be Indexed (Optional) Prosperity Mortgage Company

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name: R. Schmidt FILE: 14229TIM
Firm: The Fountainhead Title Group
Address: 2045 York Road, 3rd Floor
Timonium, MD 21093 (410) 561-4848
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
X 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)

Assessments Use Only - Do Not Write Below This Line									
Transfer Verification		Agricultural Verification		Whole		Part		Trans. Process Verification	
Date Received		Date Received		Dead Reference		Assigned Property No.			
Geo	Map	Geo	Map	Sub	Block				
Zoning	Grid	Zoning	Grid	Plat	Lot				
Use	Parcel	Use	Parcel	Section	Occ. Cd				
Town Cd.	Ex. St.	Town Cd.	Ex. St.	Ex. Cd					

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 16285, p. 0689, MSA_CE62_16140, Date available 03/07/2005, Printed 04/24/2003.

RECEIVED
CLERK'S OFFICE
BALTIMORE COUNTY
APR 05 2002
13:29:53
JEE JEE DRAWER
4/05/2002
2002
4/05/2002
13:29:53
TIME
RECEIVED
CLERK'S OFFICE
BALTIMORE COUNTY
APR 05 2002
13:29:53
JEE JEE DRAWER
4/05/2002
2002
4/05/2002
13:29:53
TIME

Webinar Name

Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Took, III
Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Took, III
Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Took, III
Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Took, III

Webinar Start Time

Webinar End Time

2023-04-24 09:45:47 2023-04-24 10:29:55
2023-04-24 09:45:47 2023-04-24 10:29:55
2023-04-24 09:45:47 2023-04-24 10:29:55
2023-04-24 09:45:47 2023-04-24 10:29:55

Name	First Name	Last Name	Role	Attendee Email	Join Time	Leave Time
Adam Rosenblatt	N/A	N/A	panelist	amrosenblatt@venable.com	2023-04-24 09:46:04	2023-04-24 10:29:54
Maureen E Murphy	Maureen	Murphy	host	mmurphy@baltimorecountymd.gov	2023-04-24 09:48:35	2023-04-24 10:30:00
Preston	N/A	N/A	panelist	prestontooks@hotmail.com	2023-04-24 09:53:47	2023-04-24 10:30:00
Towson, MD 540	N/A	N/A	panelist		2023-04-24 09:45:49	2023-04-24 10:30:00

Attendance Duration	Connection Type	Source ID	Session Name
44 mins	Desktop app	N/A	Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Tooks, III
42 mins	Desktop app	N/A	Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Tooks, III
37 mins	Mobile app	N/A	Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Tooks, III
45 mins	Other app	N/A	Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Tooks, III

Donna Mignon

Subject:	Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Took, III
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m2a3c55a4508c98508d010e2052b0f093
Start:	Mon 4/24/2023 10:00 AM
End:	Mon 4/24/2023 11:00 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Cisco 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.

Zoning Hearing
Case No: 2023-0051-A
Address: 379 Hillen Road
Owner: Preston Tooks, III

You are the host for this Webex webinar.

When it's time, start your webinar.

Monday, April 24, 2023
10:00 AM | (UTC-04:00) Eastern Time (US & Canada) | 1 hr

Start webinar

More ways to join:

Join from the webinar link

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m2a3c55a4508c98508d010e2052b0f093>

Join by the webinar number

Webinar number (access code): 2305 652 8277

Webinar password: 4321 (4321 from phones and video systems)

Panelist password: 1234 (1234 from phones and video systems)

Tap to join from a mobile device (attendees only)

+1-415-655-0001,,23056528277#4321# US Toll

Some mobile devices may ask attendees to enter a numeric password.

Join by phone

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 23056528277@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your webinar number.

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Donna Mignon

From: Donna Mignon
Sent: Wednesday, March 29, 2023 12:43 PM
To: Kristen L Lewis; Debra Wiley
Subject: LINK - RE: Webex 2023-0051-A

Webinar topic:
Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Took, III

Date and time:
Monday, April 24, 2023 10:00 AM | (UTC-04:00) Eastern Time (US & Canada)

Join link:
<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=m2a3c55a4508c98508d010e2052b0f093>

Webinar number:
2305 652 8277

Webinar password:
4321 (4321 from phones and video systems)

Join by phone
+1-415-655-0001 US Toll

Access code: 230 565 28277

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Wednesday, March 29, 2023 12:33 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Webex 2023-0051-A

Good afternoon,

Below is a new case needing a webex link created. Thank you.

2023-0051-A
379 Hillen Road
Owner: Preston Took, III - prestontooks@hotmail.com
Adam Rosenblatt: amrosenblatt@venable.com
Brian Dietz: bdietz@dietzsurveying.net
4/24/23 at 10:00 a.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Donna Mignon

From: Kristen L Lewis
Sent: Wednesday, March 29, 2023 12:33 PM
To: Donna Mignon; Debra Wiley
Subject: Webex 2023-0051-A

Good afternoon,

Below is a new case needing a webex link created. Thank you.

2023-0051-A
379 Hillen Road
Owner: Preston Took, III - prestontooks@hotmail.com
Adam Rosenblatt: amrosenblatt@venable.com
Brian Dietz: bdietz@dietzsurveying.net
4/24/23 at 10:00 a.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

Join a meeting or search for a meeting, recording, or transcript



English Donna ▾

< Back to List

Zoning Hearing - Case No: 2023-0051-A 379 Hillen Road - Owner: Preston Tooks, III

Webinar



Donna Mignon 10:00 AM - 11:00 AM Monday, April 24, 2023
(UTC-04:00) Eastern Time (US & Canada)

Save as template

Start Webinar



Webinar information

Join information

Panelist Attendee **Host**

Join link:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?>

MTID=m2a3c55a4508c98508d010e2052b0f093





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 379 Hillen Road which is presently zoned DR 16 and 10.5

Deed References: 18990/319 10 Digit Tax Account # 0 9 1 4 6 5 0 1 9 0

Property Owner(s) Printed Name(s) Preston R. Took, III

(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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether

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) 1B02.3.C.1 for minimum side yard setbacks of 5' in lieu of the required 10 and 25'

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 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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Adam M. Rosenblatt

Name- Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson

MD

Mailing Address

City

State

21204

Zip Code

410-494-6271

Telephone #

amrosenblatt@venable.com

Email Address

Legal Owners (Petitioners):

Preston R. Took, III

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6729 Collinsdale Road

Parkville

MD

Mailing Address

City

State

21235

Zip Code

410-365-5605

Telephone #

prestontooks@hotmail.com

Email Address

Representative to be contacted:

Adam M. Rosenblatt

Name - Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson

MD

Mailing Address

City

State

21204

Zip Code

410-494-6271

Telephone #

amrosenblatt@venable.

Email Address

CASE NUMBER

2023-0051-A

Filing Date

3/9/23

Do Not Schedule Dates:

Reviewer

MR

Zoning Description
For
379 Hillen Road

Beginning at a point on the North side of Hillen Road, which is 40 feet wide, at the intersection with the West side of Henderson Lane, Being Lot 20, in the subdivision of Plat of Relief Association, as recorded in Baltimore County Plat Book #2, Folio #42.

Containing 5,315 sq.ft. of land. Also known as 379 Hillen Road and located in the 9th Election District, 6th Councilmanic District.

#2023-0051-A



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 379 Hillen Road

which is presently zoned DR 16 and 10.5

Deed References: 18990/319

10 Digit Tax Account # 0 9 1 4 6 5 0 1 9 0

Property Owner(s) Printed Name(s) Preston R. Took, III

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

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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 HEARING.

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Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Adam M. Rosenblatt

Name- Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson

MD

Mailing Address

City

State

21204

410-494-6271

amrosenblatt@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Preston R. Took, III

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6729 Collinsdale Road

Parkville

MD

Mailing Address

City

State

21235

410-365-5605

prestontooks@hotmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Adam M. Rosenblatt

Name - Type or Print

Signature

210 W. Penn. Ave, Suite 500 Towson

MD

Mailing Address

City

State

21204

410-494-6271

amrosenblatt@venable.

Zip Code

Telephone #

Email Address

CASE NUMBER 2023-0051-4 Filing Date 3/9/23 Do Not Schedule Dates: _____ Reviewer msk

Zoning Description
For
379 Hillen Road

Beginning at a point on the North side of Hillen Road, which is 40 feet wide, at the intersection with the West side of Henderson Lane, Being Lot 20, in the subdivision of Plat of Relief Association, as recorded in Baltimore County Plat Book #2, Folio #42.

Containing 5,315 sq.ft. of land. Also known as 379 Hillen Road and located in the 9th Election District, 6th Councilmanic District.

2023 - 0051 - A

Baltimore County - My Neighborhood



RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE
934 Thompson Blvd; SW/S of Thompson Blvd* OF ADMINISTRATIVE
794' SE of Sandalwood Road
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Stanley & Wanda Wolinski
Petitioner(s) * BALTIMORE COUNTY
* 2023-050-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 13th day of March, 2023, a copy of the foregoing Entry of Appearance was emailed to J.S. Dallas, J.S. Dallas, Inc., P.O. Box 26, Baldwin, Maryland 21013, jsdinc@aol.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
379 Hillen Road; Corner of NE/S of Hillen	*	OF ADMINSTRATIVE
Road, NW/S of Hendrickson Lane	*	HEARINGS FOR
9 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Preston R. Tooks, III	*	2023-051-A
Petitioner(s)		

* * * * *

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 13th day of March, 2023, a copy of the foregoing Entry of Appearance was emailed to Adam Rosenblatt, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, amrosenblatt@venable.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
Courts of Hidden Waters (Lots 9-15 & 17-23);		
(2-8 Popular Spring Rd, 22-28 Hidden Waters	*	OF ADMINISTRATIVE
Way); Property located beginning at point on the		
W/S of Hidden Waters Way, 850' N of Old Ct	*	HEARINGS FOR
3 rd Election & 2 nd Councilmanic Districts		
Legal Owner(s): Caruso Builder Hidden	*	BALTIMORE COUNTY
Waters, LLC by Ed Levendusky, Rep.		
Petitioner(s)	*	2023-052-A

* * * * *

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 13th day of March, 2023, a copy of the foregoing Entry of Appearance was emailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, jvettori@sgs-law.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING March 13, 2023
FORMAL OR INFORMAL RESPONSE DUE AT March 20, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
* tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov; Jesse Krout, jkrout@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
6912 Bellona Avenue; SW/S of Bellona Avenue, *
73.91' SE Stevenson Lane * OF ADMINISTRATIVE
9th Election & 6th Councilmanic Districts *
Legal Owner(s): David Trebing Trustee * HEARINGS FOR
* BALTIMORE COUNTY
* 2023-048-A

* * * * *

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 13th day of March, 2023, a copy of the foregoing Entry of Appearance was emailed to Tom Gamper, AIA, SM+P Architects, 1100 Cathedral Street, Baltimore, MD 21201, tgamper@smp-architects.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE
934 Thompson Blvd; SW/S of Thompson Blvd* OF ADMINISTRATIVE
794' SE of Sandalwood Road
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Stanley & Wanda Wolinski
Petitioner(s) * BALTIMORE COUNTY
* 2023-050-SPHA

* * * * *

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PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio/rmw
CAROLE S. DEMILIO
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PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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379 Hillen Road; Corner of NE/S of Hillen	*	OF ADMINSTRATIVE
Road, NW/S of Hendrickson Lane	*	HEARINGS FOR
9 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Preston R. Tooks, III	*	2023-051-A
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

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 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
Courts of Hidden Waters (Lots 9-15 & 17-23);		
(2-8 Popular Spring Rd, 22-28 Hidden Waters	*	OF ADMINISTRATIVE
Way); Property located beginning at point on the		
W/S of Hidden Waters Way, 850' N of Old Ct	*	HEARINGS FOR
3 rd Election & 2 nd Councilmanic Districts		
Legal Owner(s): Caruso Builder Hidden	*	BALTIMORE COUNTY
Waters, LLC by Ed Levendusky, Rep.		
Petitioner(s)	*	2023-052-A

* * * * *

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 13th day of March, 2023, a copy of the foregoing Entry of Appearance was emailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, jvettori@sgs-law.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING March 13, 2023
FORMAL OR INFORMAL RESPONSE DUE AT March 20, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovement@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
* tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov; Jesse Krout, jkrout@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0047-A **Reviewer:** Mitchell Kellman
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: David Serrano and Lidia Miranda
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 8 **Council Dist:** 3

Property Address: 304 WICKERSHAM WAY

Location: Property located on the corner of the North side of Wickersham Way, West side of Amesbury Court.

Existing Zoning: DR 5.5 **Area:** 7,844 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.3.B (Sections 211, 211.4 and 301.1, R.6, 1963): To permit a 12 foot rear yard setback in lieu of 30 feet for an addition and deck (closed on two sides) and, if necessary, a 9 foot rear yard setback in lieu of 22.5 feet for an open patio.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/27/2023

Miscellaneous Notes:

Case Number: 2023-0048-A **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: David Trebing
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 6

Property Address: 6912 BELLONA AVE

Location: Property located on the Southwest side of Bellona Ave. 73.91 feet Southeast of Stevenson Lane.

Existing Zoning: DR 3.5 **Area:** 25,547 SQ FT.

Proposed Zoning:

VARIANCE:

BCZR 1B02.3.C.1: To approve an existing house with a 24 foot 6 inch side street setback and a proposed sunroom addition with a side street setback of 25 feet in lieu of the required 30 foot setback, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0049-A **Reviewer:** Jason Seidelman

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Shane Harris

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 3

Property Address: 1924 SHANKLIN AVE

Location: Property located Northeast side of Shanklin Ave. (40 feet) 426 feet Northwest of Sahr Hill Rd. (45 feet)

Existing Zoning: DR 2

Area: 1.67 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and 400.3: To permit an accessory building (storage building) to be located in the side yard with a height of 17 feet in lieu of the required rear yard placement and maximum height of 15 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/03/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0050-SPHA **Reviewer:** Christina Frink

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: SPECIAL HEARING, VARIANCE

Legal Owner: Stanley and Wanda Wolinski

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 934 THOMPSON BLVD

Location: Property located Southwest side of Thompson Blvd; 794 feet Southeast of Sandalwood Rd.

Existing Zoning: DR 5.5

Area: 30,857 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7 and Section 101 (defintions) : To allow an accessory building with a footprint larger than the primary structure.

VARIANCE:

BCZR 400.1: To permit an accessory building in the front yard in lieu of the required rear yard.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0051-A **Reviewer:** Mitchell Kellman

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: VARIANCE

Legal Owner: Preston R. Took, III

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 6

Property Address: 379 HILLEN RD

Location: Property located on the corner of Northeast side of Hillen Rd., Northwest side of Hendrickson Lane.

Existing Zoning: DR 10.5/ DR 16

Area: 5,315 SQ FT.

Proposed Zoning:

VARIANCE:

BCZR 1B02.3.C.1: To permit a minimum side yard setbacks of 5 feet in lieu of the required 10 and 25 feet.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0052-A **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Ed Levendusky, rep of Caruso Builder Hidden Waters, LLC.
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Unknown **Flood Plain:** Unknown **Historic:** Unknown **Election Dist:** 3 **Council Dist:** 2

Property Address: THE COURTS OF HIDDEN WATERS

Location: Lots 9-15, 17-23 The Courts of Hidden Waters; (2-8 Popular Spring Road; 22-28 Hidden Waters Way)

Property located beginning at a point on the West side of Hidden Waters Way at a distance 850 feet North of Old Court.

Existing Zoning: DR 1

Area: VARIES

Proposed Zoning:

VARIANCE:

1.) BCZR 1B01.2.C.1.b: To permit 25 foot setbacks between side building faces in lieu of the required 30 feet between and for the following lots:

- a. Lots 9 & 10;
- b. Lots 11 & 12;
- c. Lots 12 & 13;
- d. Lots 14 & 15;
- e. Lots 17 & 18;
- f. Lots 18 & 19;
- g. Lots 20 & 21;
- h. Lots 22 & 23; and

2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Attorney: Jason Vettori

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 twenty (20) days before the hearing.*

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

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

For Newspaper Advertising:

Case Number: 2033-0051-A
Property Address: 379 Hillen Road
Towson, MD 21286
Legal Owners (Petitioners): Preston R. Tooker, III
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable, LLP c/o Alan M. Rosenblatt
Address: 210 W. Pennsylvania Ave
Towson, MD 21204
Telephone Number: 410-494-6271

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0914650190

Owner Information

Owner Name: TOOKS PRESTON R III Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 6729 COLLINSDALE RD Deed Reference: /18990/ 00319
PARKVILLE MD 21234-

Location & Structure Information

Premises Address: 379 HILLEN RD Legal Description: 379 HILLEN RD
TOWSON 21286- RELIEF ASSN OF BALTO CO

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0070 0009 0891 9090095.04 0000 20 2023 Plat Ref: 0002/ 0042

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
5,880 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	As of	As of
		01/01/2023	07/01/2022	07/01/2023
Land:	62,700	20,900		
Improvements	0	0		
Total:	62,700	20,900	62,700	20,900
Preferential Land:	0	0		

Transfer Information

Seller: SIMMS DORIS G TOOKS	Date: 10/20/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18990/ 00319	Deed2:
Seller: HILL EDWARD CHARLES, JR	Date: 09/13/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08913/ 00091	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:

2023-0051-A

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

No. 216095

Date: 3/9/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	866	0000		6150					\$ 75.00

Total: \$ 75.00

Rec

From:

Venable LLP

For:

Residential Zoning Variance
Zoning Case 2023-0051-A
379 Hillen Road

MSK

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 8, 2023

Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2023-0051-A
Property: 379 Hillen Road

Dear Mr. Rosenblatt:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 7, 2023. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Attachment

c: Preston R. Took, III – prestontooks@hotmail.com
Brian Dietz – bdietz@dietzsurveying.net
✓ Board of Appeals
People's Counsel

APPEAL

Petition for Administrative Variance
Preston R. Tooks, III
Case No.: 2023-0051-A
379 Hillen Road
9th Election District, 6th Council District

Petition for Administrative Variance – March 9, 2023

Zoning Description of Property – 1 sheet

Notice of Zoning Hearing (Webex) – March 29, 2023

Certification of Publication – (Daily Record) – April 4, 2023

Certification of Posting by SSG Robert Black on April 4, 2023 & April 23, 2023

Entry of Appearance by People's Counsel – March 13, 2023

Attendance Report – 3 pages

Zoning Advisory Committee Comments: DOP & DEPS

Petitioner's Exhibits:

1. Site Plan
2. Brian Dietz Resume
3. Aerial
4. Site Photos (4A-4F)
5. Record Plat
6. Towson Community Plan Excerpt
7. Baltimore County Position Sheets

Miscellaneous: - 3 Separate SDAT's with Deeds, My Neighborhood Picture, Emails (2), ZAC Agenda Case Description

Cover Letter and Administrative Law Judge Murphy's Opinion and Order – May 10, 2023 –
DENIED

Notice of Appeal – Received on June 7, 2023 from Adam Rosenblatt – Check number# 539795 in the amount of \$300.00

Cash Receipt No: 223602

Contents of File delivered to the Board of Appeals on June 8, 2023

Debra Wiley

From: Debra Wiley
Sent: Wednesday, May 10, 2023 3:37 PM
To: Adam Rosenblatt, Esquire –
Cc: Preston R. Toops, III –; Brian Dietz –; Donna Mignon; County Council; Henry Ayakwah; Jeffery Livingston; Jenifer G. Nugent; PAI Zoning; Peoples Counsel; Vishnubhai K Desai
Subject: DECISION - Case No. 2023-0051-A - 379 Hillen Road - Preston R. Toops, III
Attachments: 0786_001.pdf

Good Afternoon,

Please find attached ALJ Murphy's Opinion and Order in reference to the above matter.

Thank you.

From: adminhearingcopier@baltimorecountymd.gov <adminhearingcopier@baltimorecountymd.gov>
Sent: Wednesday, May 10, 2023 3:40 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Attached Image

Donna Milnon

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, April 24, 2023 8:39 AM
To: Barbara Lukasevich; nabadwi@venable.com; amrosenblatt@venable.com; Administrative Hearings
Subject: Recertification's For 2023-0051-A
Attachments: Re-Cert 1 2023-0051-A.doc; Re-Cert 2 2023-0051-A.doc

CAUTION: This message from 1opie@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.

Recertification's for 379 Hillen. Thanks.

CERTIFICATE OF POSTING

2023-0051-A

RE: Case No.: _____

Petitioner/Developer: _____

Preston Took, III

April 24, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

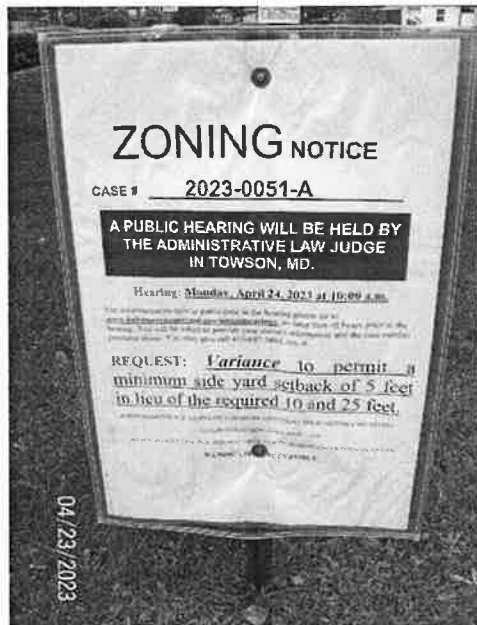
Ladies and Gentlemen:

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

379 Hillen Road ***SIGN 1 Recertification***

April 4, 2023

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



Sincerely,

 April 23, 2023

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2023-0051-A

RE: Case No.: _____

Petitioner/Developer: _____

Preston Tooks, III

April 24, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

379 Hillen Road ***SIGN 2 Recertification***

April 4, 2023

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



Sincerely,

 April 23, 2023
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

Debra Wiley

From: Debra Wiley
Sent: Friday, April 21, 2023 3:08 PM
To: Adam Rosenblatt (Arosenblatt@venable.com)
Cc: Donna Mignon
Subject: DOP ZAC Comment - Case No. 2023-0051-A - 379 Hillen Rd. - 4/24 @ 10 AM
Attachments: 0752_001.pdf

Adam,

Per our telephone conversation, please find attached.

From: adminhearingcopier@baltimorecountymd.gov <adminhearingcopier@baltimorecountymd.gov>
Sent: Friday, April 21, 2023 3:14 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Attached Image

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

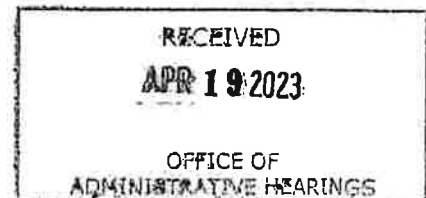
DATE: 3/23/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-051-A

INFORMATION:

Property Address: 379 Hillen Road
Petitioner: Preston R. Took, III
Zoning: DR 16; DR 10.5
Requested Action: Variance



The Department of Planning has reviewed the petition for the following:

Variance - From Section 1B02.3.C.1 for a minimum side yard setback of 5' in lieu of the required 10' and 25'.

The subject site is currently a vacant lot in the Towson area. According to County GIS and the State Department of Assessments and Taxation website, the subject site is approximately 5,880 square feet. Surrounding uses include townhomes, the Mount Calvary African Methodist Episcopal Church, and Stanley Black and Decker. The site is at the corner of Hillen Road and Hendrickson Lane. The stretch of Hillen Road across from the subject site is the rear of four groups of townhomes, all of which front East Susquehanna Avenue. Hendrickson Lane begins at Hillen Road, includes three groups of townhomes, and dead ends at the Mount Calvary African Methodist Episcopal Church parking lot.

The subject site is within the boundaries of the Towson Community Plan, adopted February 3, 1992, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. Within the boundary of the Towson Community Plan (Plan), the site is within the East Towson Community Conservation Area; this is shown on Map 20, East Towson Vicinity Map. The Plan specifically calls out that the Mount Calvary African Methodist Episcopal Church is an anchor for the community, and that expansion and renovation of the church is highly desirable to better serve the needs of the community (Towson Community Plan, pages 74-75). The Plan classifies the subject site as land to be acquired by the Mount Calvary African Methodist Episcopal Church for expansion (Towson Community Plan, pages 78-79). For vacant lots not designated as open space, church expansion, or community center expansion, the Plan emphasizes the importance of building affordable infill housing that is compatible with the existing surrounding housing in style, material, and siting (Towson Community Plan, page 87).

At this time, the Department of Planning cannot support the requested zoning relief for the following reasons:

1. Although the Towson Community Plan describes the importance of affordable infill housing, the proposed location is designated as church expansion.

2. The proposal for the subject site does not appear to be consistent with the immediate area, which is composed primarily of townhomes and some single family dwellings (Hillen Road at Eudowood Lane and Hillen Road at Linden Avenue) on larger lots of 47+ feet in width.
3. The proposed site layout does not appear to be consistent with the area. The submitted site plan shows a proposed driveway/parking pad in the front yard of the dwelling; a similar lot layout cannot be found in the area.

Although the Department of Planning acknowledges the narrow nature of the parcel, it is the Department's belief that the proposal is inconsistent with the character of the East Towson Community Conservation Area, and therefore would have an adverse impact on the community.

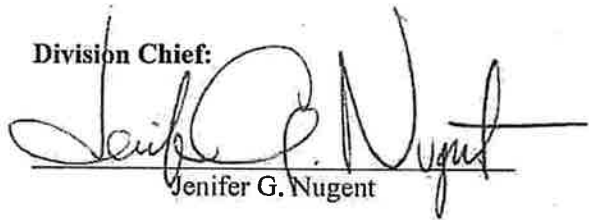
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Adam Rosenblatt, Attorney
David Birkenthal, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, April 18, 2023 7:27 AM
To: Rosenblatt, Adam M.
Subject: 2023-0051-A, 379 Hillen Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for April 24, 2023 at 10:00 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 March 29, 2023.

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



April 18, 2023

Adam Rosenblatt
Venable, LLP
210 West Pennsylvania Avenue, Ste. 500
Towson, MD 21204

RE: Case Number: 2023-0051-A, 379 Hillen Road

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 March 9, 2023. This letter is not an approval, but only a NOTIFICATION.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink that reads "Jeffrey Perlow". The signature is written in a cursive, flowing style.

Jeff Perlow
Supervisor
Department of Zoning

K1
Enclosures
CC: Preston Took, 6729 Collinsdale Road, Parkville 21235

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

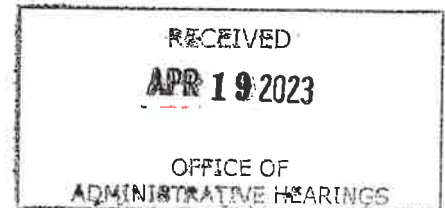
DATE: 3/23/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-051-A

INFORMATION:

Property Address: 379 Hillen Road
Petitioner: Preston R. Took, III
Zoning: DR 16; DR 10.5
Requested Action: Variance



The Department of Planning has reviewed the petition for the following:

Variance - From Section 1B02.3.C.1 for a minimum side yard setback of 5' in lieu of the required 10' and 25'.

The subject site is currently a vacant lot in the Towson area. According to County GIS and the State Department of Assessments and Taxation website, the subject site is approximately 5,880 square feet. Surrounding uses include townhomes, the Mount Calvary African Methodist Episcopal Church, and Stanley Black and Decker. The site is at the corner of Hillen Road and Hendrickson Lane. The stretch of Hillen Road across from the subject site is the rear of four groups of townhomes, all of which front East Susquehanna Avenue. Hendrickson Lane begins at Hillen Road, includes three groups of townhomes, and dead ends at the Mount Calvary African Methodist Episcopal Church parking lot.

The subject site is within the boundaries of the Towson Community Plan, adopted February 3, 1992, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. Within the boundary of the Towson Community Plan (Plan), the site is within the East Towson Community Conservation Area; this is shown on Map 20, East Towson Vicinity Map. The Plan specifically calls out that the Mount Calvary African Methodist Episcopal Church is an anchor for the community, and that expansion and renovation of the church is highly desirable to better serve the needs of the community (Towson Community Plan, pages 74-75). The Plan classifies the subject site as land to be acquired by the Mount Calvary African Methodist Episcopal Church for expansion (Towson Community Plan, pages 78-79). For vacant lots not designated as open space, church expansion, or community center expansion, the Plan emphasizes the importance of building affordable infill housing that is compatible with the existing surrounding housing in style, material, and siting (Towson Community Plan, page 87).

At this time, the Department of Planning cannot support the requested zoning relief for the following reasons:

1. Although the Towson Community Plan describes the importance of affordable infill housing, the proposed location is designated as church expansion.

2. The proposal for the subject site does not appear to be consistent with the immediate area, which is composed primarily of townhomes and some single family dwellings (Hillen Road at Eudowood Lane and Hillen Road at Linden Avenue) on larger lots of 47+ feet in width.
3. The proposed site layout does not appear to be consistent with the area. The submitted site plan shows a proposed driveway/parking pad in the front yard of the dwelling; a similar lot layout cannot be found in the area.

Although the Department of Planning acknowledges the narrow nature of the parcel, it is the Department's belief that the proposal is inconsistent with the character of the East Towson Community Conservation Area, and therefore would have an adverse impact on the community.

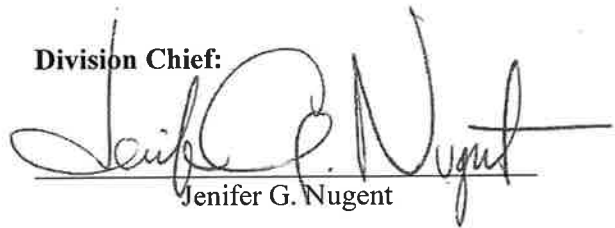
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Adam Rosenblatt, Attorney
David Birkenthal, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: March 17, 2023

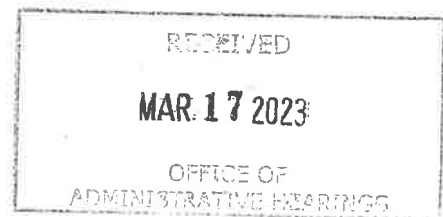
SUBJECT: DEPS Comment for Zoning Item # 2023-0051-A
Address: 379 Hillen Rd.
Legal Owner: Preston R. Took, III

Zoning Advisory Committee Meeting of March 20, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn



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: March 17, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0051-A
Address: 379 Hillen Rd.
Legal Owner: Preston R. Tooks, III

Zoning Advisory Committee Meeting of March 20, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

CERTIFICATE OF POSTING

2023-0051-A

RE: Case No.: _____

Petitioner/Developer: _____

Preston Tooks, III

April 24, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

379 Hillen Road ***SIGN 1***

April 4, 2023

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



Sincerely,

 April 4, 2023

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2023-0051-A

RE: Case No.: _____

Petitioner/Developer: _____

Preston Tooks, III

April 24, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

379 Hillen Road ***SIGN 2***

April 4, 2023

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



Sincerely,

[Handwritten Signature]
(Signature of Sign Poster)

April 4, 2023

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND

THE DAILY RECORD

Affidavit of Publication

To: Venable, LLP - Adam Rosenblatt
Po Box 94475
Pasadena, CA, 911094475

Re: Legal Notice 2490109,
CASE NUMBER: 2023-0051-A

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 04/04/2023

By



Darlene Miller
Authorized Designee of the Publisher

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: 2023-0051-A

379 Hillen Road

Corner of Northeast side of Hillen Road, northwest side of Hendrickson Lane
9th Election District - 6th Councilmanic District

Legal Owners: Preston Took, III

Variance to permit a minimum side yard setback of 5 feet in lieu of the required 10 and 25 feet.

Hearing: Monday, April 24, 2023 at 10:00 a.m.

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

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County
ap4 2490109

TO: THE DAILY RECORD
Tuesday, April 4, 2023 - Issue

Please forward billing to:
Adam Rosenblatt
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6271

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: 2023-0051-A

379 Hillen Road

Corner of Northeast side of Hillen Road, northwest side of Hendrickson Lane

9th Election District – 6th Councilmanic District

Legal Owners: Preston Took, III

Variance to permit a minimum side yard setback of 5 feet in lieu of the required 10 and 25 feet.

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Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP
*Director, Department of Permits,
Approvals and Inspections*

March 29, 2023

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: 2023-0051-A

379 Hillen Road

Corner of Northeast side of Hillen Road, northwest side of Hendrickson Lane

9th Election District – 6th Councilmanic District

Legal Owners: Preston Tooks, III

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A handwritten signature in dark ink, appearing to read "C. Gutwald", is written over a horizontal line.

Pete Gutwald
Director

PW/kl

C: Adam Rosenblatt, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Preston Tooks, III, 6729 Collinsdale Road, Parkville 21235

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED
BY AN APPROVED POSTER ON THE PROPERTY BY TUES., APRIL 4, 2023**

RE: PETITION FOR VARIANCE
 379 Hillen Road; Corner of NE/S of Hillen
 Road, NW/S of Hendrickson Lane
 9th Election & 6th Councilmanic Districts
 Legal Owner(s): Preston R. Tooks, III
 Petitioner(s)

* BEFORE THE OFFICE
 * OF ADMINISTRATIVE
 * HEARINGS FOR
 * BALTIMORE COUNTY
 * 2023-051-A

* * * * *

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

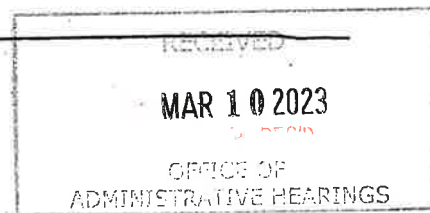
I HEREBY CERTIFY that on this 13th day of March, 2023, a copy of the foregoing Entry of Appearance was emailed to Adam Rosenblatt, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, amrosenblatt@venable.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

ZAC AGENDA

Case Number: 2023-0051-A **Reviewer:** Mitchell Kellman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Preston R. Tooks, III
Contract Purchaser: No Contract Purchaser was set.



Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 6

Property Address: 379 HILLEN RD

Location: Property located on the corner of Northeast side of Hillen Rd., Northwest side of Hendrickson Lane.

Existing Zoning: DR 10.5/ DR 16

Area: 5,315 SQ FT.

Proposed Zoning:

VARIANCE:

BCZR 1B02.3.C.1: To permit a minimum side yard setbacks of 5 feet in lieu of the required 10 and 25 feet.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Petitioner's Exhibit List

Case Number 2023-0051-A

379 Hillen Road

1. Site Plan
2. Brian Dietz Resume
3. Aerial
4. Site Photos (4A-4F)
5. Record Plat
6. Towson Community Plan Excerpt
7. Baltimore County Position Sheets

Petitioner's Exhibit List

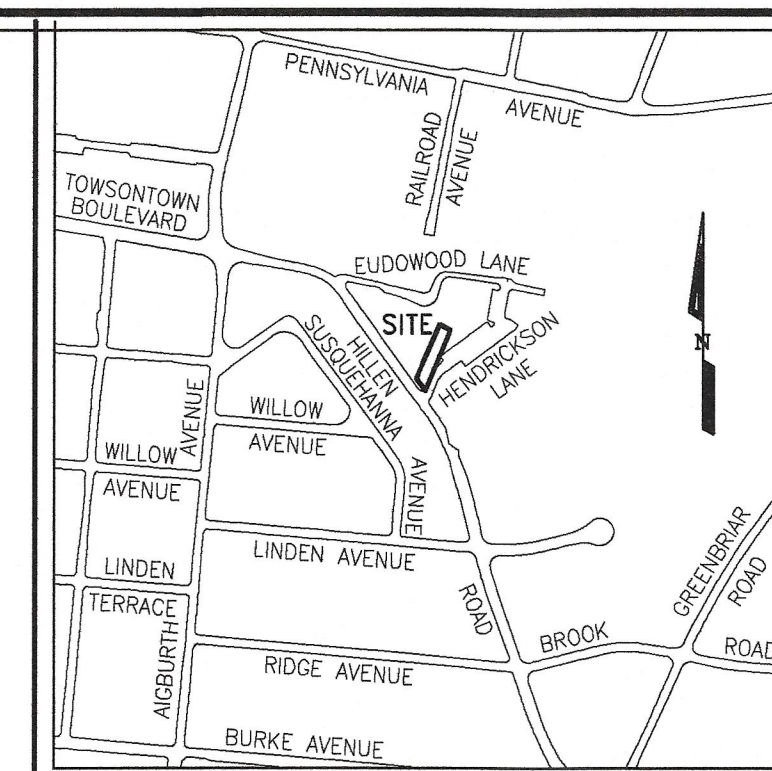
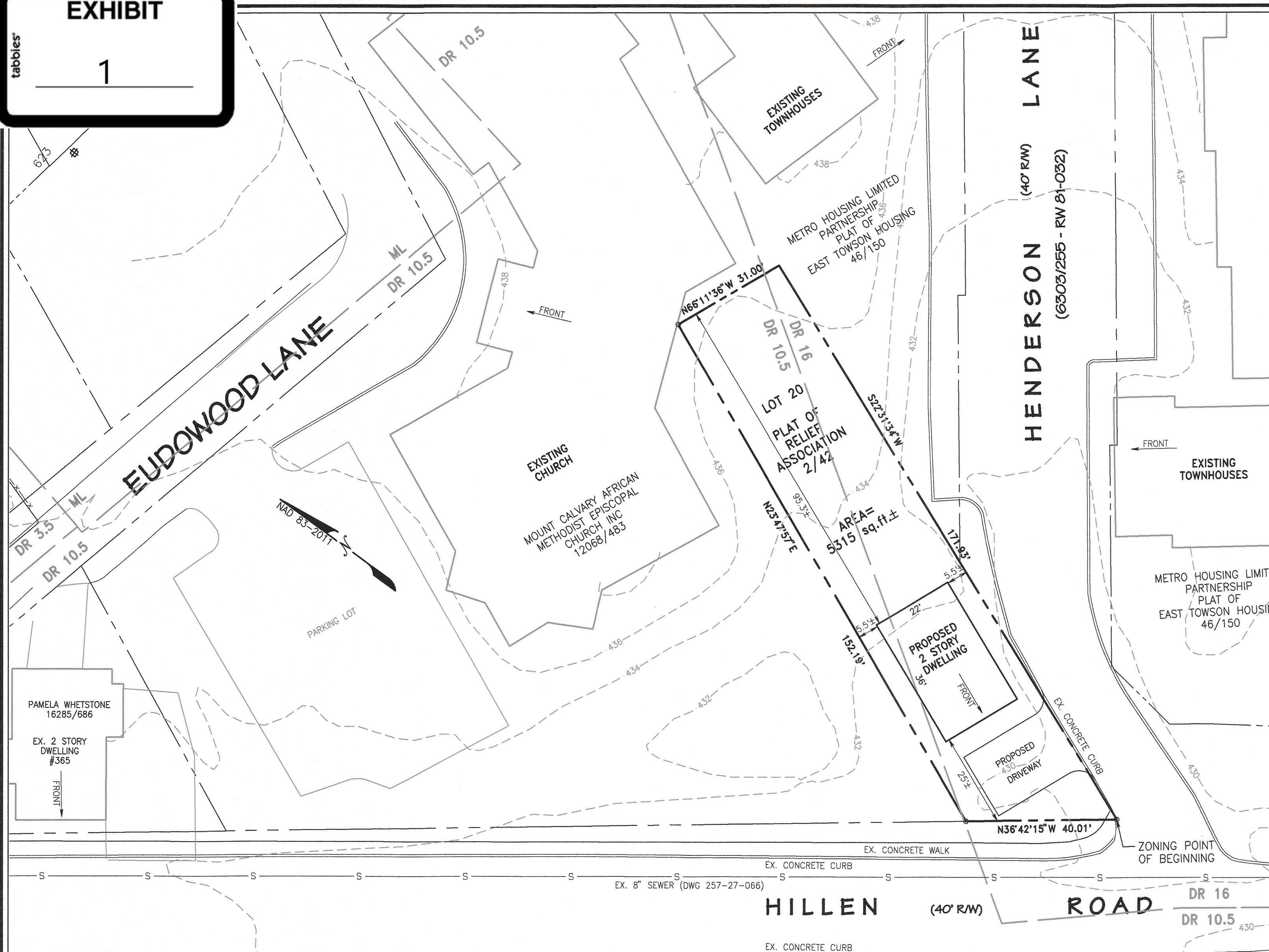
Case Number 2023-0051-A

379 Hillen Road

1. Site Plan
2. Brian Dietz Resume
3. Aerial
4. Site Photos (4A-4F)
5. Record Plat

EXHIBIT

1



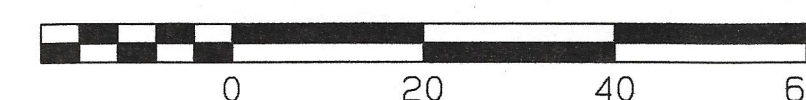
Vicinity Map

Scale: 1" = 500'

Notes

1. Owner: Preston R. Tooks, 3rd
6729 Collinsdale Road
Parkville, MD 21235
2. Tax Account No. 09-14-650190
3. Zoned: DR 10.5 & DR 16
4. This site is not in the Chesapeake Bay Critical Area.
5. This site is not in the 100 year flood plain.
6. There are no underground fuel tanks.
7. This is not a historic property/building.
8. This site is serviced by public water and sewer
9. No prior Zoning Hearings.

GRAPHIC SCALE 1" = 20'



Plat to Accompany a
Request for a Variance
of the

TOOKS PROPERTY

379 Hillen Road

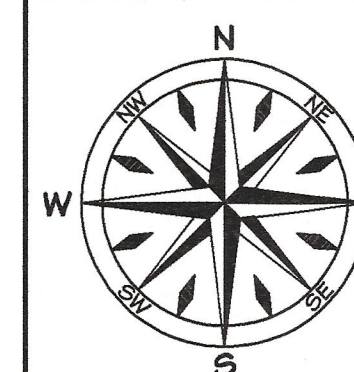
Baltimore County, Maryland

Deed Ref.: S.M. No. 18990 folio 319

Tax Map 70; Grid 9; Parcel 891

9th Election District, 6th Councilmanic District

Scale: 1"=20' Date: January 16, 2023



Dietz Surveying Inc.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234

Ph 410-661-3160, Fax 410-661-3163

www.dietzsurveying.net

Revisions

Date

Plot Date: 1/19/2023

FIELD: BRD

DRAWN: SAL

Job No. 22121

Brian R. Dietz

brian@dietzsurveying.net
8119 Oakleigh Road, Parkville, Maryland 21234
Phone: 410-661-3160, Fax 410-661-3163

LICENSING

State of Maryland, Department of Labor, Licensing and Regulation
Board of Professional Land Surveyors:
License Received, January 17, 2001. Lic. #21080

EDUCATION

Catonsville Community College: Baltimore, MD
Associated Arts Degree, Engineering-May 21, 1995

CONTINUING EDUCATION

Maryland Society of Surveyors Sponsored Seminars Continuing Education Studies:
24 credits required every 2 years; 1997-Present,
Drainage design, Fundamentals of Storm Water Management and Water Quality, Control
Networks, Baltimore City Boundary Retracements, Principals and Practices, SurCADD
XML Training, Conveyance of Real Property, Baltimore County Land Division.

EXPERIENCE

Dietz Surveying: Baltimore, MD January 2002-Present
Principal and Land Surveyor performing residential and commercial surveying
services. Including; Subdivisions, Plats to Accompany Zoning Petitions, Site Plans,
Development Plans, Easement Plats and descriptions, Lot Line Adjustments.

ACTIVITIES & INTEREST

Past Chairman of the Howard County Chapter of the Maryland of Society of Surveyors, 2004 to
2008

PUBLICATIONS

The Maryland Surveyor, Surveying and Maryland Law, May 2004

Aerial of 379 Hillen



EXHIBIT

3

tabbles



Legend

*

House Numbers

Zoning

Property

Interstates

Interstate Ramps

Major Roads

Minor Roads

Local Roads

Alleys and Driveways

County Boundary

1:1,128

04590180 Feet

April 19, 2023

4A



4B



4C



4D

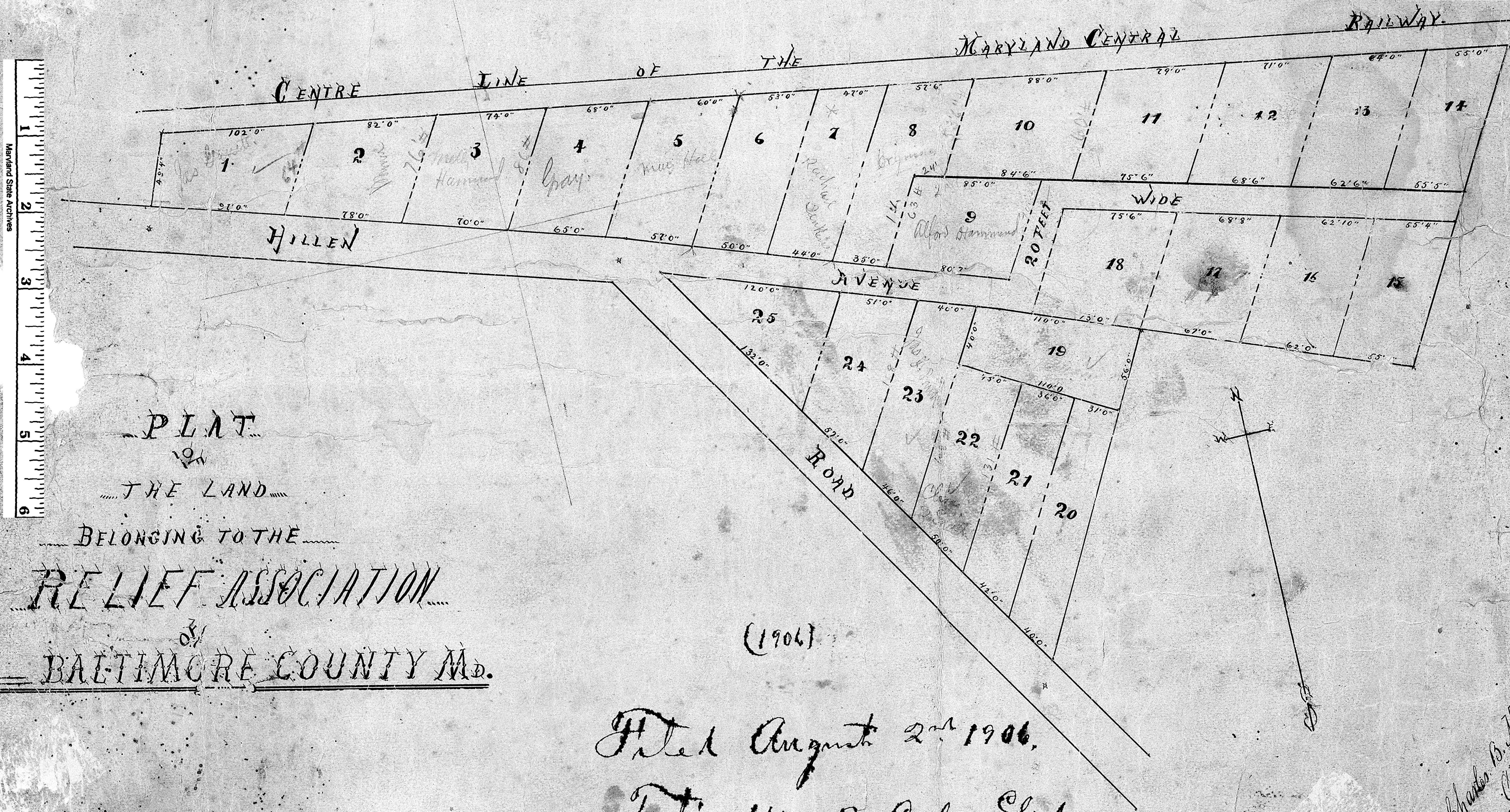
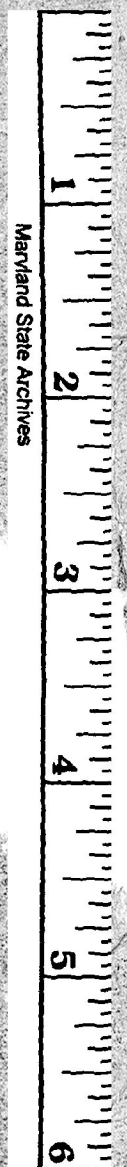


4E



4F





PLAT

OF

THE LAND

BELONGING TO THE

RELIEF ASSOCIATION

OF

BALTIMORE COUNTY MD.

(1906)

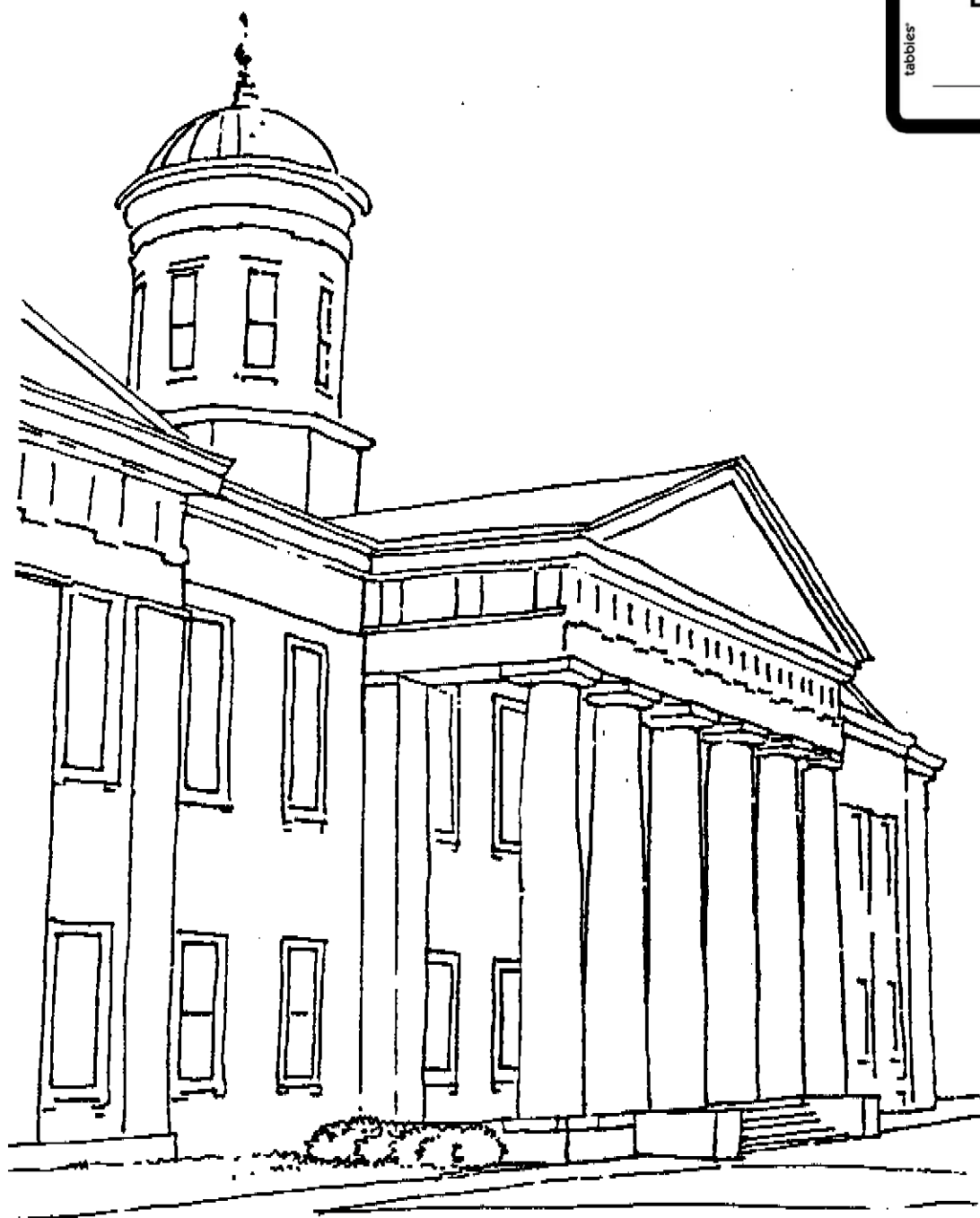
Filed August 2nd 1906.

Test: Wm. P. Cole, Clerk

Charles B. McLean,
County Surveyor
for Baltimore County
1/23 - 1883

MSA CSU 2136-5526

P184276



TOWSON COMMUNITY PLAN

As Adopted By The Baltimore County Council on February 3, 1992

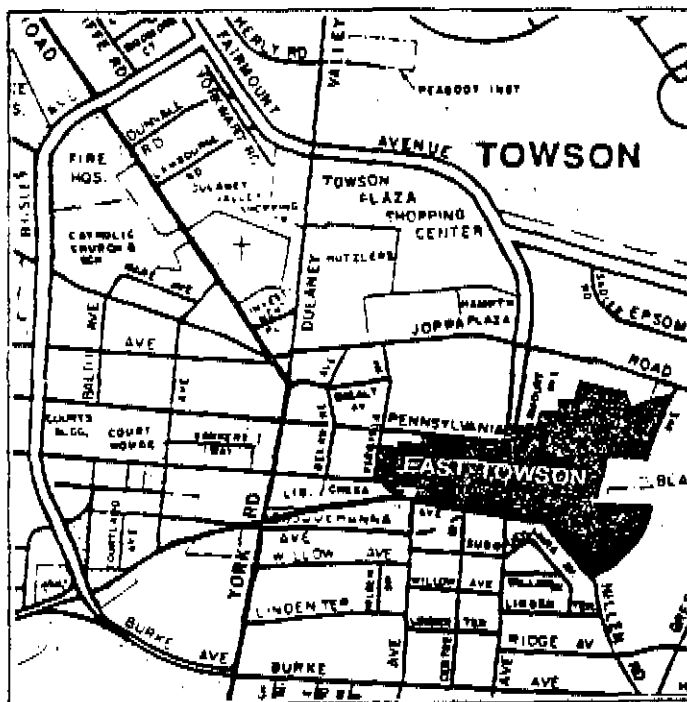
8. EAST TOWSON COMMUNITY CONSERVATION AREA

INTRODUCTION

The residents of East Towson have expressed their hopes and desires to preserve and restore this historic African American Community. This document is a plan to remain the oldest existing community in Towson.

Today, East Towson is a quiet residential community with tree lined streets located on the eastern fringe of the Towson Town Center (See Map 1). It enjoys many advantages due to its proximity to the central business district, conversely this proximity has generated development pressures and traffic issues related to its location.

The original property owners were freed slaves who until 1830 had been in service at the Hampton Mansion. The East Towson community is the only remaining portion of the larger African American community that from 1830 to 1960 extended as far as the York Road and Bosley Avenue area, in an area known as "Sandy Bottom," and in North Towson and West Towson. The North and West Towson African American communities no longer exist. The newly reconstructed Mt. Olive Baptist Church and church owned duplex located on the Southwest corner of York and Bosley are the visible reminders that the York Road commercial corridor was once home to a large African American community.¹



**EAST TOWSON
VICINITY MAP**

MAP 20

¹ The Evening Sun, "East Towson Natives Don't Want to Quit Tranquil Homes," p. B2, October 26, 1977.

I ACTION PLAN

The Baltimore County Master Plan 1989-2000 designated certain areas of the County as "enhancement areas." They were defined as "communities that have experienced a degree of physical decline and require County action to address specific problems such as poor condition of public facilities and private housing stock." (p.38)

Enhancement areas are located primarily in older areas of Baltimore County; some border commercial centers.

Action plans should be developed for these enhancement areas in order to stabilize these residential communities, and to continue to make them desirable places in which to live. They should have priority for the use of C.I.P. (Capital Improvement Program) funds for infrastructure improvements, open space acquisition, community services and facilities as well as for affordable housing. These improvements will foster civic involvement among the communities' current residents and may favorably influence prospective home buyers.

DEMOGRAPHIC TRENDS

The following chart indicates the population changes from 1970 - 1990 within the East Towson community (See Map 21). Residents report that the neighborhood population is aging.

	1970*	1980*	1990**
TOTAL POPULATION	397	396	335
OWNER OCCUPIED UNITS	53	55	64
RENTAL UNITS	59	74	43
VACANT UNITS	---	---	4

*Data source - U. S. Census Bureau

**Population - U. S. Census Bureau

Housing tenure is estimated

PROCESS

The East Towson African American Community has developed a community conservation plan for this enhancement area in order to achieve neighborhood stabilization, redevelopment of affordable infill housing and adequate buffers and protection from commercial encroachment of the Towson commercial core.

A community work group comprised of East Towson property owners and residents worked to develop an action plan for strengthening the residential community. Meetings were held often and were open to the public. Business owners and developers were invited to discuss development proposals as well as short and long-term plans, for sites near the community; the seven who participated by giving presentations and answering questions were:

Baltimore County Dept. of Central Services
Baltimore County Revenue Authority
Baltimore Gas & Electric Company
Daft, McCune and Walker
Heritage Properties
Manor Care, Incorporated
Preferred Building Systems

ACTION PLAN COMPONENTS

A. LAND USE

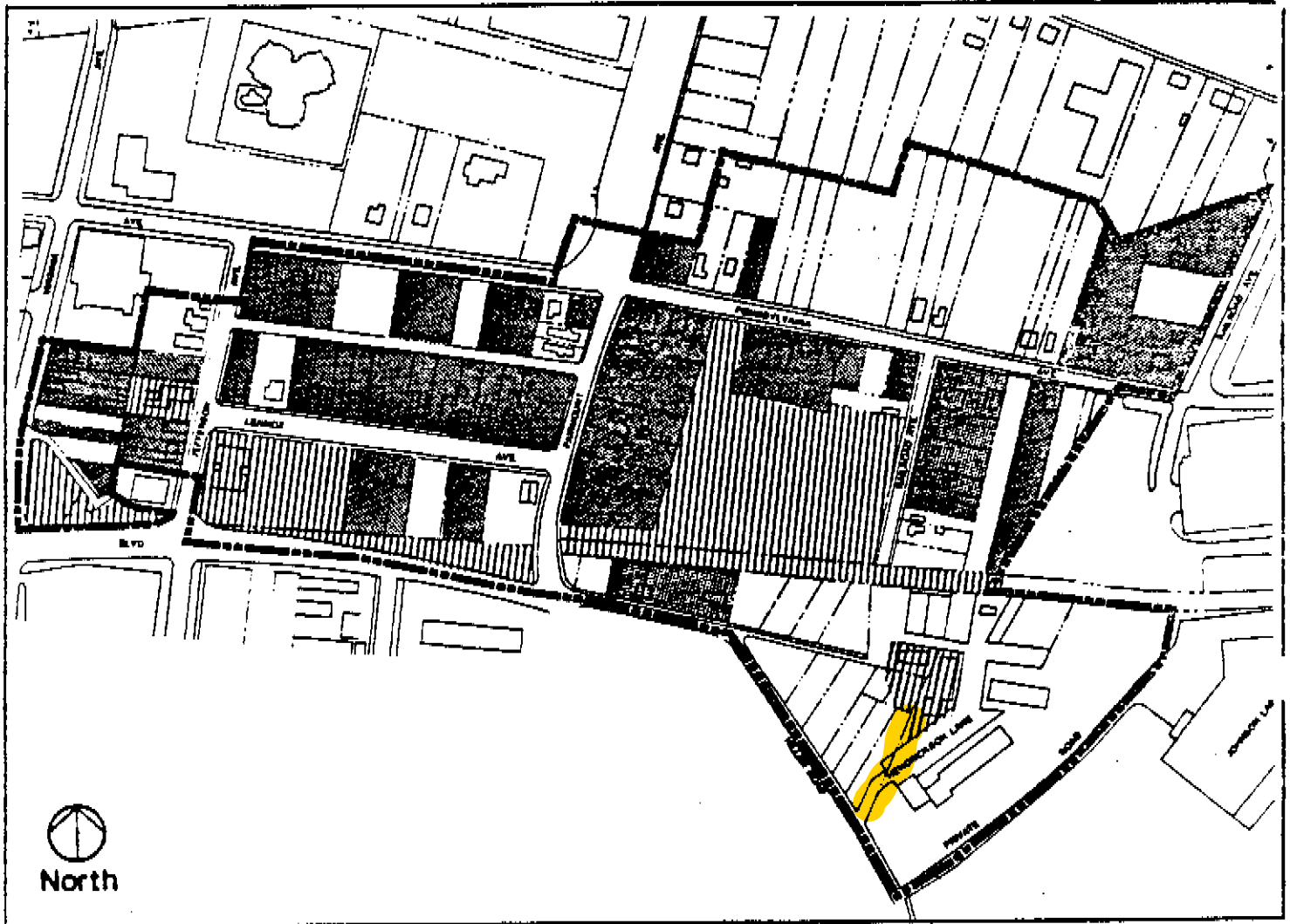
1. Existing Land use

The East Towson community conservation plan comprises approximately 31 acres ± with the predominant land use being single family and semi-detached dwellings and townhouses. Additional uses include the two churches, the St. James A.U.M.P. Church at 413 Jefferson Avenue and the Mt. Calvary A.M.E. Church at 300 Eudowood Lane and the Carver School at 300 Lennox Avenue. These institutional uses serve as anchors for this community. The Elks Lodge at 411 E. Pennsylvania Avenue is a fraternal organization that is an important social organization within the community.

Other non-residential land uses include the Baltimore Gas & Electric sub-station, Gambrill's Plumbing and Heating Contractor's office at 318 E. Pennsylvania Avenue and Technigraphics of Maryland at 398 Eudowood Lane.

2. Proposed Land Uses

Development of affordable housing on vacant parcels is the preferred use, since neighborhood stabilization is the primary objective of this Plan. The "transitional blocks" along the east side of Virginia Avenue and the south side of Pennsylvania should retain the RO zoning classification or be rezoned to ROA. The existing patterns of single family or semi-detached buildings should remain.



-  EAST TOWSON COMMUNITY BOUNDARY
-  OWNER OCCUPIED HOUSING
-  RESIDENTIAL, NOT OWNER OCCUPIED
-  NON RESIDENTIAL

The Elks Lodge should remain at its present location on 411 E. Pennsylvania Avenue. Future plans to renovate or expand the Elks Lodge should be reviewed with the community prior to submittal to Baltimore County.

Expansion and renovation of the Mt. Calvary A.M.E. Church is highly desirable to better serve the needs of the community.

The Carver School should be renovated for use as a community/recreation center. A portion of the building is used for a Head Start program and meeting rooms and there is an existing outdoor recreation area. A structural assessment of the building is necessary to determine the feasibility of a full conversion.

The Baltimore Gas & Electric sub-station located in the area since 1952 should remain at its location on the south side of Pennsylvania Avenue and the west side of Railroad Avenue. The Baltimore Gas & Electric Company will work with both the community and the Office of Planning & Zoning to provide better landscaping/screening around the perimeter of the substation.

Technigraphics of Maryland, formerly Maryland Etching, may remain at its location on Eudowood Lane. Future expansion plans should be reviewed with the East Towson community prior to their submittal to Baltimore County. In the long term, this site should be considered for housing as illustrated on the design plan on Map 24.

B. ZONING

1. Existing Zoning

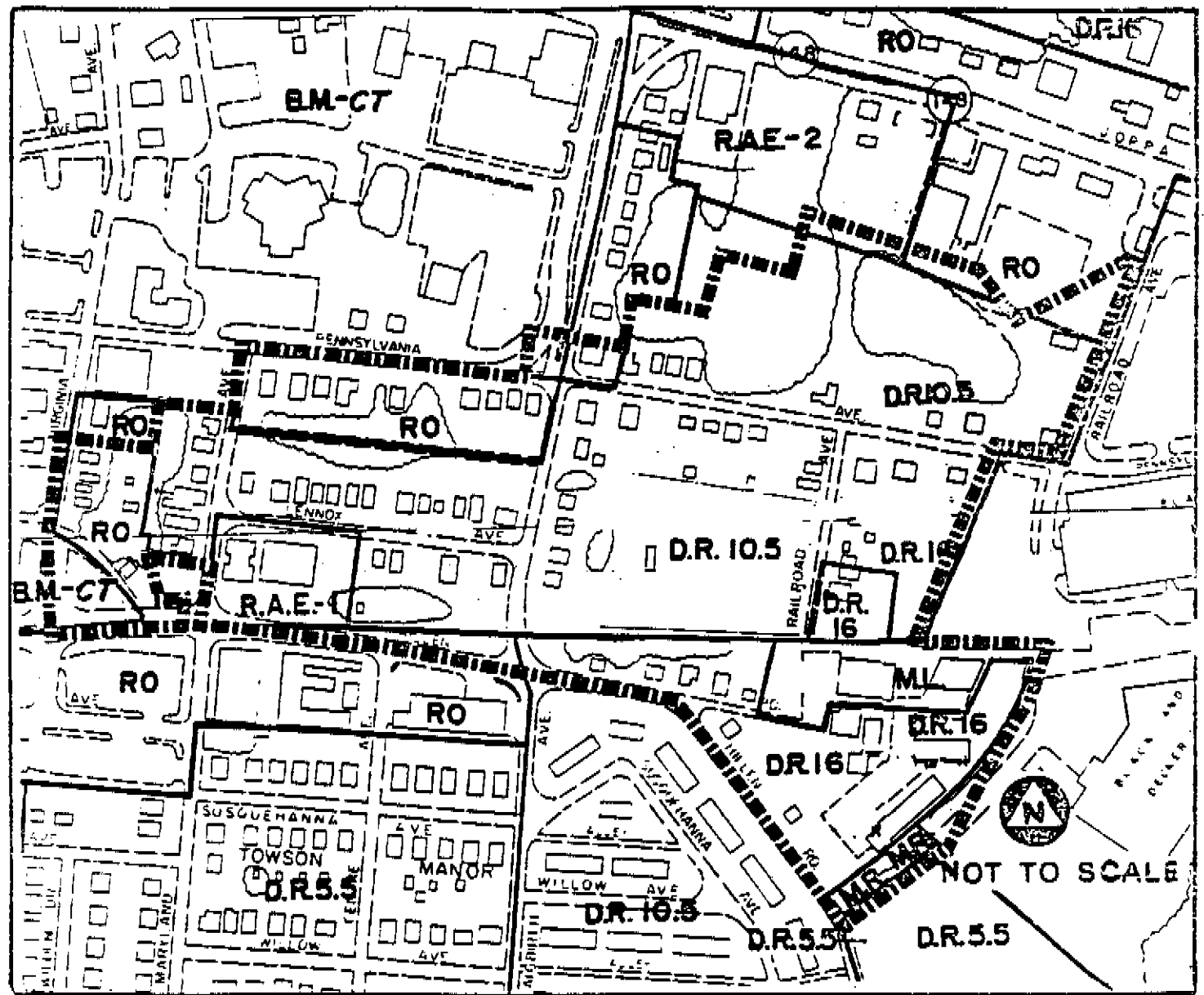
The use and density allowed by the existing zoning designations do not protect and preserve the remaining residential community. Previous Towson plans assumed that the "loop road" would be widened and completed and that the property within "the loop" would be commercially redeveloped.

From 1971-1980, the houses on Virginia, Jefferson and Lennox Avenues were zoned BM-CT, Business Major with a Town-Center district. The remaining houses were zoned DR 16, a classification that is more appropriate for garden apartments or multi-family dwellings than for single family and semi-detached housing.

In 1980, the RO (Residential Office) zone was established which was intended to provide a transition between commercial and residential zones. The BM-CT designation was rezoned and RO put in place on the east side of Virginia

East T wson Existing Zoning

MAP 22



Avenue and on the south side of Pennsylvania between Jefferson and Fairmount and along Fairmount Avenue north of Pennsylvania Avenue. Most of the remaining residential community was rezoned from DR 16 to DR 10.5, a category more in keeping with lot sizes and densities. DR 16 was retained for the Hendrickson Lane Apartment sites as well as the Mt. Calvary A.M.E. Church.

Generally, the RO zoned parcels have not been converted to office uses, but have remained residential. These homes form a significant part of the community. There is no effective transition from the Town Center to the residential community.

Since 1980, zoning patterns have remained essentially the same except in 1988 when the Carver School was rezoned from DR 10.5 to RAE 1 in an effort to redevelop the site with elderly housing.

The East Towson community plan area consists of the following zoning classifications: RO (Residential Office), DR 10.5, (10.5 dwelling units per acre), DR 16, (16 dwelling units per acre) and RAE 1, (40 dwelling units per acre) and ML, (Manufacturing Light). (See Map 22.)

The approximate acreage by zone is as follows:

<u>Zoning Classification</u>	<u>Gross Acreage ±</u>
RO	4.16
DR 10.5	18.7
DR 16	5.8
RAE 1	1.15
ML	1.07

2. Proposed Zoning

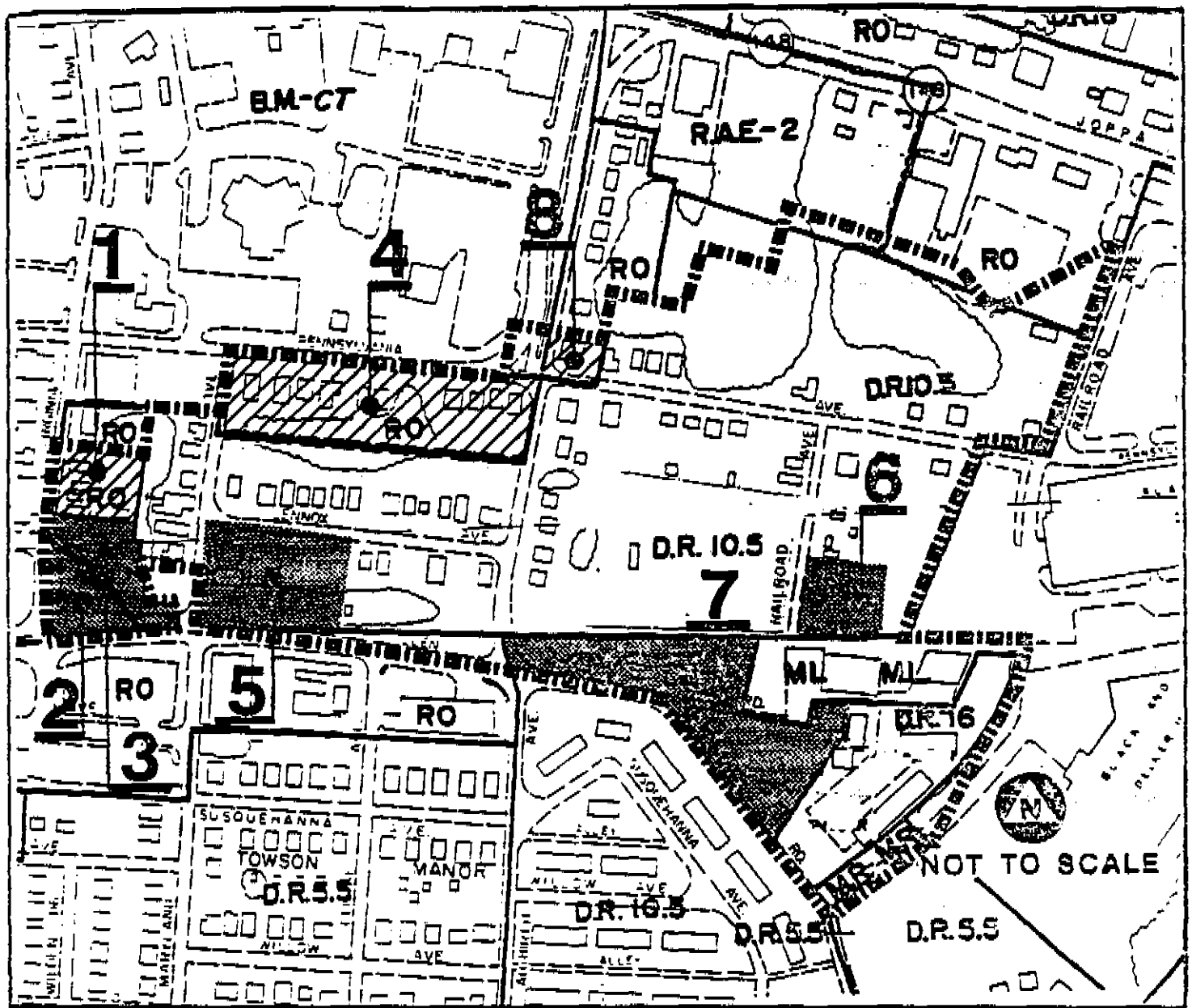
The zoning should provide opportunities for infill housing, renovation/restoration of the Carver School for use as a community building, and the expansion of Mt. Calvary A.M.E. Church. Zoning should provide an effective transition from the town center to the residential community as well as stability for the residential community. Infill housing should be in accordance with design guidelines which will be developed in the Design portion of the plan.

The following zoning changes should occur through the 1992 Comprehensive Zoning process (See Map 23.)

Ex. Zoning	Prop Zoning	Location	Rationale
1. RO	RO or ROA	e/s Virginia Ave., 406, - 410 Virginia Avenue	To provide a better transition from the town center; Class A office buildings, or residential uses desirable
2. RO & BM-CT	DR 10.5	n/e corner Towson town & Virginia (Revenue Authority Property)	To allow for the construction of a semi-detached house and single family house, to anchor this corner
3. RO	DR 10.5	133 E. Chesapeake Avenue	To be compatible with the predominant zoning in the community.
4. RO	RO or ROA	s/s Pennsylvania Avenue between Fairmount and Jefferson	To provide a better transition from town center; Class A Office Buildings or residential uses are desirable.
5. RAE 1	DR 10.5	s/s Lennox Ave. e/s Jefferson Carver School	To be compatible with the predominant zoning within the community. To allow for full use as a Community Center.
6. DR 16	DR 10.5	e/s Railroad Avenue	To be compatible with the predominant zoning within the community
7. DR 16	DR 10.5	s/s Eudowood Lane, n/s Hillen Road	To be compatible with the predominant zoning within the community (Mt. Calvary is acquiring these properties for church expansion)
8. RO	RO or ROA	n/e corner Fairmount & Pennsylvania	To provide a better transition between the adjacent RO zoning and the residential community, Class A Office Buildings or residential uses are desirable

East Towson Proposed Zoning

MAP 23



-  Proposed R.O. or R.O.A.
-  Proposed DR.10.5

Technigraphics of Maryland, formerly Maryland Etching Company, occupies the ML zoned property on Eudowood Lane. The ML zoning should remain in place for the present time. However, Baltimore County Economic Development Commission and the Office of Planning and Zoning should assist the printing company in relocating to a more suitable site outside the East Towson community. If this relocation occurs, rezoning the site to DR 10.5 is appropriate.

C. ZONING REGULATIONS

1. Uses by Right in DR Zones

A. Infill affordable housing is the preferred use within the plan area.

1. Definition of Affordable Housing

Affordable Housing for the East Towson community is defined as housing affordable to households with income at or below 80 percent of the Baltimore area median income. For a family of four that this income limit would currently be \$34,800.

Affordability would generally be determined through the proportion of monthly income required for housing, which should not exceed 30 to 35 percent. The 1991 income levels representing 80 percent of the Baltimore area median by household size are shown below:

"Eighty Percent of Baltimore Area Median"
"Adjusted for Household Size"

Size	Income
1	24,350
2	27,850
3	31,300
4	34,800
5	37,600
6	40,350
7	43,150
8	49,950

The rent or sale price affordable to households with income at or below this level varies depending on the type of assistance provided. Community Development Block Grant (CDBG) loans to a nonprofit developer may be applied to pre-development, land acquisition or construction costs to reduce housing costs. Buyers may also be assisted with CDBG funds for soft second mortgages or state funds which provide low-interest mortgage and/or settlement expense loans.

B. The following uses will be permitted within the plan boundaries:

1. **Dwellings**, including, but not limited to, one-family detached houses, one-family semi-detached houses, one-family group houses, patio houses, side-and-back- attached houses, two-family houses, town-house apartment buildings (including group-house apartment buildings), garden apartment buildings, and other apartment buildings.

In the case of housing for the elderly and assisted living facilities of fewer than four, see Section 432. [Bill No. 36, 1988.]

2. Local open space tracts or other common amenity open space.
 3. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations. [Bill No. 47, 1982.]
 4. Accessory uses or buildings other than those permitted by Special Exception
 - a. Swimming pools, tennis courts, garages, sheds
 - b. Family child care homes for up to eight children in accordance with Bill 7-91.
 5. Group child care centers and nursery schools within
 - a. Churches
 - b. Community Buildings
 - c. School Buildings
 - d. Residences as a Special Exception
- C. Residential transition area (r.t.a.) definitions, uses and restrictions should remain in place in accordance with Section 1B01.1.B of the BCZR. However, r.t.a. standards may be relaxed for affordable infill housing by the County Review Group (CRG) or equivalent hearing officer. Section 1B01.1.B.1.c. exceptions to residential transition area may need to be amended.
1. A community input meeting must be held and the Compatibility/Design Review Process must occur prior to the granting of relief from r.t.a. standards.



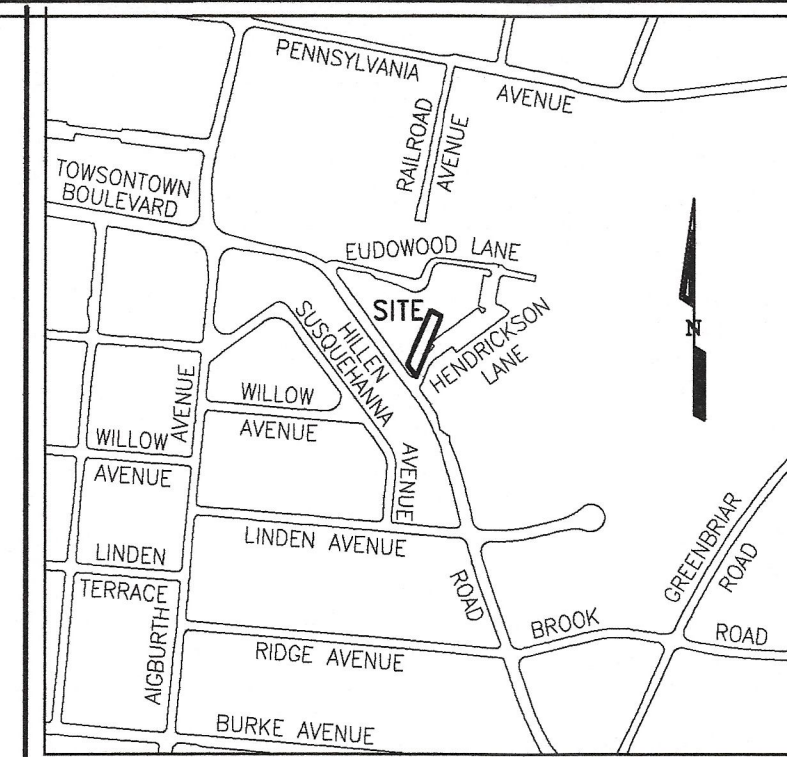
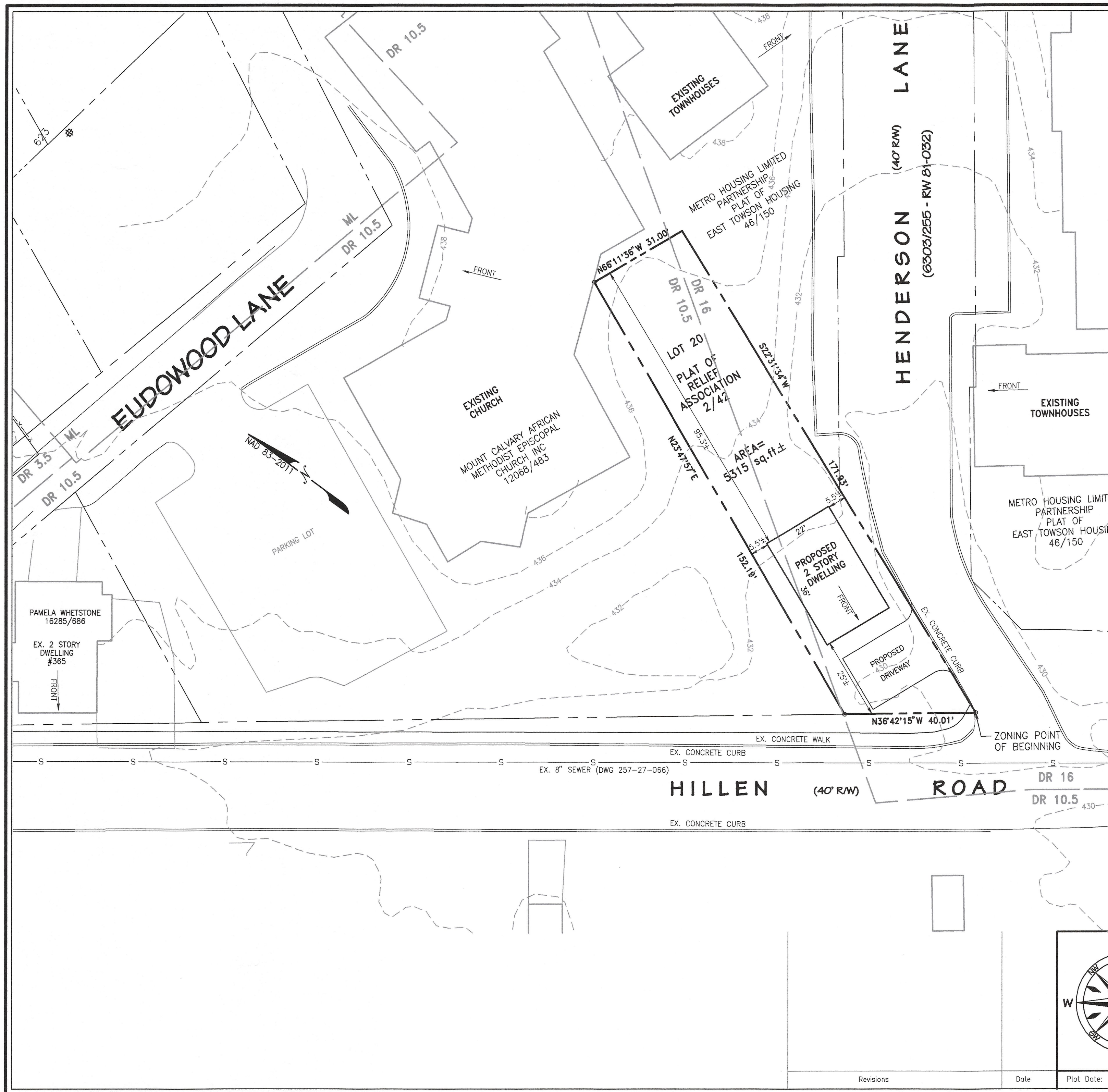
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N.W.
SCALE
1" = 50'

SUBDIST. NO 6
TOWSON
DIST. NO 9

37
NE
4

Baltimore County - My Neighborhood

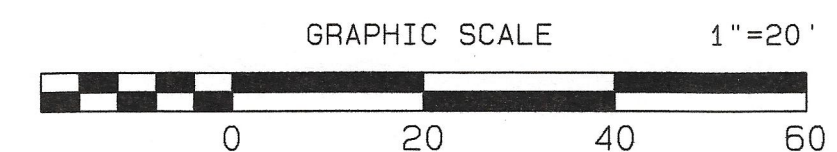




Vicinity Map Scale: 1" = 500'

Notes

1. Owner: Preston R. Tooks, 3rd
6729 Collinsdale Road
Parkville, MD 21235
2. Tax Account No. 09-14-650190
3. Zoned: DR 10.5 & DR 16
4. This site is not in the Chesapeake Bay Critical Area.
5. This site is not in the 100 year flood plain.
6. There are no underground fuel tanks.
7. This is not a historic property/building.
8. This site is serviced by public water and sewer
9. No prior Zoning Hearings.



Plat to Accompany a
Request for a Variance
of the

TOOKS PROPERTY

379 Hillen Road

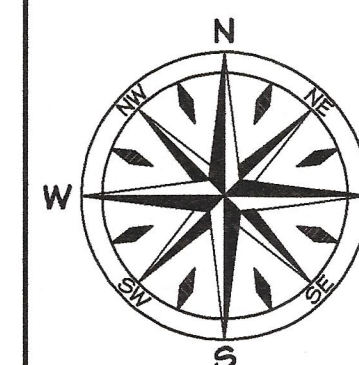
Baltimore County, Maryland

Deed Ref.: S.M. No. 18990 folio 319

Tax Map 70; Grid 9; Parcel 891

9th Election District, 6th Councilmanic District

Scale: 1"=20' Date: January 16, 2023



Dietz Surveying Inc.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234

Ph 410-661-3160, Fax 410-661-3163

www.dietzsurveying.net

Revisions

Date

Plot Date: 1/19/2023

FIELD: BRD

DRAWN: SAL

Job No. 22121