



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

August 26, 2024

Gemar Patterson, Esquire – gpatterson@kg-law.com
Kramon & Graham, P.A.
1 South Street, Suite 2600
Baltimore, MD 21202

RE: Petitions for Special Hearing & Variance
Case No. 2024-0125-SPHA
Property: 7103 Old North Point Road

Dear Mr. Patterson:

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 blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

C: Greg Stewart – gstewart@fredward.com
Daniel Stec, Sr. – gasman41194@gmail.com
Victoria Stec – jeaniemommal@gmail.com
Patricia Lamb – lambpl123@gmail.com
Thomas J. Lamb – tom.c2vette@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7103 Old North Point Road)	*	OFFICE OF
15 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
Gemcraft Homes, Inc.		
	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2024-0125-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Gemcraft Homes, Inc., legal owner (“Petitioner”). The Petition for Special Hearing requesting confirmation that a merger between 7103 Old North Point Rd. and 7105 Old North Point Rd. did not take place as a result of a certain Petition for Administrative Variance filed in Case No. 1999-0217-A. Petitioner requests confirmation that this case is no longer operative. In addition, a Variance was filed seeking approval from the Baltimore County Zoning Regulations (“BCZR”), Section 1B02.3(C)(1), to permit a lot width of 53 ft. in lieu of the 55 ft. lot width required for a DR 5.5 classified zone; and to permit an individual side setback of 6 ft. in lieu of the required minimum 10 ft. side yard setback applied in accordance with the small lot chart requirements for a DR 5.5 classified zone set forth in this section of the BCZR.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on July 24, 2024, at 1:30 P.M.

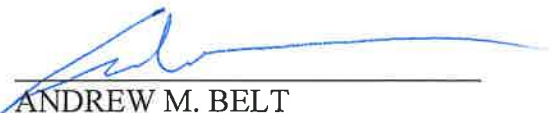
On August 23, 2024, a formal request was received from Gemar T. Patterson, Esq. seeking dismissal of the Petitions for Special Hearing and Variance without prejudice as the parties have

resolved the matter among themselves and Petitioner no longer wishes to pursue the matter at this time.

THEREFORE, IT IS ORDERED this 26th day of **August, 2024**, by this Administrative Law Judge, that the Petition for Special Hearing seeking confirmation that a merger between 7103 Old North Point Rd. and 7105 Old North Point Rd. did not take place as a result of a certain Petition for Administrative Variance filed in Case No. 1999-0217-A. Petitioner requests confirmation that this case is no longer operative, be and is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Petition for Variance was filed seeking approval from the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3(C)(1), to permit a lot width of 53 ft. in lieu of the 55 ft. lot width required for a DR 5.5 classified zone; and to permit an individual side setback of 6 ft. in lieu of the required minimum 10 ft. side yard setback applied in accordance with the small lot chart requirements for a DR 5.5 classified zone set forth in this section of the BCZR, be and is hereby **DISMISSED WITHOUT PREJUDICE**.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlw



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7103 Old North Point Road, Baltimore, MD 21219 Currently Zoned DR 5.5

Deed Reference 35499/87 (Copy of Gemcraft Deed enclosed) 10 Digit Tax Account # 15-1516000912

Owner(s) Printed Name(s) Gemcraft Homes, Inc.

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached

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

3. ☒ a **Variance** from Section(s)

See Attached

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)

Please see the attachment.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Gemar Patterson, Esquire

Name - Type or Print

Signature

Kramon & Graham, P.A.
1 South Street, Suite 2600, Baltimore, Maryland

Mailing Address City State

21202 / 443-525-1041 / gpatterson@kg-law.com

Zip Code Telephone # Email Address

Case Number 2024-0125-SP4A Filing Date 5, 15, 2024 Do Not Schedule Dates Reviewer R

Legal Owners (Petitioners):

Gemcraft Homes, Inc. /

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

Stacey B Riley, Auth. Agt.

Signature #1 Stacey Riley, Authorized Person Signature #2

222 North Constitution Avenue New Freedom, Pennsylvania

Mailing Address City State

17349 / 717-817-6110 / sriley@gemcrafthomes.com

Zip Code Telephone #s (Cell and Home) Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

revised 6/10/24

Revised 8/2022

Special Hearing Addendum to Petition for Zoning Hearing
Variance Request for 7103 Old North Point Road, Baltimore, MD 21219 (the "Lot")

Variance Relief from:

1. **BCZR 1B02.3(C)(1)** - (A) To permit a lot width of 53' in lieu of the 55' lot width required for a DR 5.5 classified zone; and (B) To permit an individual side setback of 6' in lieu of the required minimum 10' side yard setback applied in accordance with the small lot chart requirements for a DR 5.5 classified zone set forth in this section of the BCZR.

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

This Lot is unique, in that it was originally recorded as part of that certain Record Plat recorded in the records of Baltimore County Circuit Court Plat Book WPC 7 p. 58, on January 22, 1923, which recordation date predates the establishment of zoning regulations set forth in the BCZR applicable to this Lot. The new single-family dwelling unit to be constructed on the Lot in accordance with the design plan attached hereto (the "**Design Plan**"), will be positioned within the Lot in a manner proportionate to the single-family dwelling units located on surrounding lots within the neighborhood. However, due to the small size of the Lot, a commercially reasonable width single-family dwelling unit of 36' in accordance with the Design Plan cannot be situated on the Lot while complying with a 10' side yard side setback and a minimum Lot width of 55'. The inability to construct a commercially reasonable sized single-family dwelling unit on the Lot creates an undue hardship to the Lot owner's reasonable use of the Lot, without the granting of the requested relief to the above referenced section of the BCZR.

Revised
Special Hearing **Relief: ALJ Determination on Lot Merger:** Additionally, we request a Special Hearing to confirm that a merger between 7103 Old North Point Road and 7105 Old North Point Road did not take place as a result of a certain Petition for Administrative Variance filed in case 1999-0217-A. We request a confirmation that this case is no longer operative.



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7103 Old North Point Road, Baltimore, MD 21219 Currently Zoned DR 5.5
Deed Reference 35499/87 (Copy of Gemcraft Deed enclosed) 10 Digit Tax Account # 15-1516000912
Owner(s) Printed Name(s) Gemcraft Homes, Inc.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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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)

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)

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Gemar Patterson, Esquire

Name - Type or Print Gemar Patterson
Signature [Signature]
Mailing Address Kramon & Graham, P.A. City _____ State _____
1 South Street, Suite 2600, Baltimore, Maryland
Zip Code 21202 Telephone # 443-525-1041 Email Address gpatterson@kg-law.com

Legal Owners (Petitioners):

Gemcraft Homes, Inc.
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 Stacey B. Riley, Auth. Agt. Signature #2 _____
222 North Constitution Avenue City New Freedom, Pennsylvania
Mailing Address _____ State _____
Zip Code 17349 Telephone #'s (Cell and Home) 717-817-6110 Email Address sriley@gemcrafthomes.com

Representative to be contacted:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-025-A Filing Date 5, 15, 24 Do Not Schedule Dates _____ Reviewer R

**Addendum to Petition for Zoning Hearing
Variance Request for 7103 Old North Point Road, Baltimore, MD 21219 (the "Lot")**

Relief from:

1. **BCZR 1B02.3(C)(1)** - (A) To permit a lot width of 53' in lieu of the 55' lot width required for a DR 5.5 classified zone; and (B) To permit an individual side yard street setback of 6' in lieu of the required minimum 10' side yard setback applied in accordance with the small lot chart requirements for a DR 5.5 classified zone set forth in this section of the BCZR.

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This Lot is unique, in that it was originally recorded as part of that certain Record Plat recorded in the records of Baltimore County Circuit Court Plat Book WPC 7 p. 58, on January 22, 1923, which recordation date predates the establishment of zoning regulations set forth in the BCZR applicable to this Lot. The new single-family dwelling unit to be constructed on the Lot in accordance with the design plan attached hereto (the "**Design Plan**"), will be positioned within the Lot in a manner proportionate to the single-family dwelling units located on surrounding lots within the neighborhood. However, due to the small size of the Lot, a commercially reasonable width single-family dwelling unit of 36' in accordance with the Design Plan cannot be situated on the Lot while complying with a 10' side yard side setback and a minimum Lot width of 55'. The inability to construct a commercially reasonable sized single-family dwelling unit on the Lot creates an undue hardship to the Lot owner's reasonable use of the Lot, without the granting of the requested relief to the above referenced section of the BCZR.

2024-0125-A

ZONING DESCRIPTION FOR
7103 NORTH POINT ROAD
BALTIMORE, MD 21219

BEING KNOWN AND DESIGNATED as Lot No. 10, as shown on the Plat of Battle Park, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 58, containing 11,096.95 square feet. Located in the 15th Election District and the Seventh Council District.

**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: 2024-0125-A
Property Address: 7103 Old North Point Road, Baltimore, Maryland 21219
Legal Owners (Petitioners): Gemcraft Homes, Inc.
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Jeffrey H. Scherr, Esquire
Address: Kramon & Graham, P.A.
1 South Street, Suite 2600
Baltimore, Maryland 21201
Telephone Number: 443-695-1369

*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.

Revised 3/2022

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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Revised 3/2022

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Variance Request for 7103 Old North Point Road, Baltimore, MD 21219 (the "Lot")**

Relief from:

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2024-0125-A

Mid-Atlantic Title, LLC
File No. 23-MT-33609LOT
Tax ID # 15-1516000912

This Deed, made this 25th day of February 2024, by and between **Thomas Junior Lamb, Trustee of the Thomas Junior Lamb Revocable Trust dated September 30, 2014**, party of the first part, Grantor; and **Gemcraft Homes, Inc., a Maryland Corporation**, party of the second part, Grantee.

- **Witnesseth** -

That in consideration of the sum of **One Hundred Twenty-Five Thousand And 00/100 Dollars (\$125,000.00)**, which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to **Gemcraft Homes, Inc.**, its successors and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as No. 10 as shown on the Plat of Battle Park, which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book WPC No. 7, folio 58. The improvements thereon being known as 7103 North Point Road.

BEING the same property which, by Deed dated September 30, 2014, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 35499, Folio 87 was granted and conveyed by Thomas Junior Lamb (a/k/a Thomas J. Lamb), unto Thomas Junior Lamb, Trustee of the Thomas Junior Lamb Revocable Trust dated September 30, 2014, in fee simple.

To Have and To Hold the said tract of ground and premises unto, and to the proper use and benefit of, the said **Gemcraft Homes, Inc.**, its successors and assigns, in fee simple.

Grantor affirms under the penalties of perjury that the Thomas Junior Lamb Revocable Trust dated September 30, 2014, is a Maryland entity and therefore exempt from the income tax withholding requirements of Section 10-912 of the Tax-General Article, Annotated Code of Maryland.

2024-0125-A

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

Thomas Junior Lamb, Trustee (Seal)
Thomas Junior Lamb, Trustee of the Thomas
Junior Lamb Revocable Trust dated September 30,
2014,

STATE OF MARYLAND
COUNTY OF Baltimore, to wit:

I hereby certify that on this 28th day of February, 2024, before me, the undersigned officer, a Notary Public in and for the State aforesaid, personally appeared Thomas Junior Lamb known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged themselves to be the Trustee of the Thomas Junior Lamb Revocable Trust dated September 30, 2014, and as such Trustee, being authorized to do, acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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



Mel
Notary Public
My commission expires 1/11/25

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

Mel
Attorney
Mary Ann Hammel

AFTER RECORDING, PLEASE RETURN TO:
Mid-Atlantic Title, LLC
100 West Road, Suite 215
Towson, MD 21204

2024-0125-A

State of Maryland Land Instrument Intake Sheet										
☐ Baltimore City ☒ County: <u>Baltimore</u> Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible)										
1	Type(s) of Instruments	(Check Box if addendum Intake Form is Attached.)								
		☒ Deed Deed of Trust	☐ Mortgage Lease	☐ Other _____	☐ Other _____					
2	Conveyance Type Check Box	☒ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms- Length Sale [9]					
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation								
		State Transfer								
		County Transfer								
4	Consideration and Tax Calculations	Consideration Amount				Finance Office Use Only Transfer and Recordation Tax Consideration				
		Purchase Price/Consideration	\$	125,000.00		Transfer Tax Consideration	\$			
		Any New Mortgage	\$			N () % =	\$			
		Balance of Existing Mortgage	\$			Less Exemption Amount	=	\$		
		Other:	\$			Total Transfer Tax	=	\$		
		Other:	\$			Recordation Tax Consideration	\$			
		Full Cash Value:	\$			N () per \$500 =	\$			
		TOTAL DUE	\$							
5	Fees	Amount of Fees		Doc. 1		Doc. 2		Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:		
		Recording Charge	\$	20.00		\$				
		Surcharge	\$	40.00		\$				
		State Recordation Tax	\$	625.00		\$				
		State Transfer Tax	\$	625.00		\$				
		County Transfer Tax	\$	1,875.00		\$				
		Other	\$			\$				
		Other	\$			\$				
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG			
			15-1516000912	35499/87			(5)			
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Flat Ref.	SqFt/Acreage (4)		
							35499/87			
		Location/Address of Property Being Conveyed (2)								
		7103 Old North Point Road, Baltimore, MD 21219								
		Other Property Identifiers (if applicable)								
		Water Meter Account No.								
		Residential: ☒ or Non-Residential	Fee Simple ☒ or Ground Rent	Amount:	N/A					
		Partial Conveyance? Yes ☐ No ☒	Description/Amt. of SqFt/Acreage Transferred: N/A							
		If Partial Conveyance, List Improvements Conveyed: N/A								
		7	Transferred From	Doc. 1 – Grantor(s) Name(s)				Doc. 2 – Grantor(s) Name(s)		
Thomas Junior Lamb, Trustee of the Thomas Junior Lamb Revocable Trust										
Doc. 1 – Owner(s) of Record, If Different from Grantor(s)				Doc. 2 – Owner(s) of Record, If Different from Grantor(s)						
8	Transferred To	Doc. 1 – Grantee(s) Name(s)				Doc. 2 – Grantee(s) Name(s)				
		Gemcraft Homes, Inc.				James D. O'Connor, Trustee				
		New Owner's (Grantee) Mailing Address								
		222 N. Constitution Avenue, New Freedom, PA 17349								
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)				Doc. 2 – Additional Names to be Indexed (Optional)				
10	Contact/Mail Information	Instrument Submitted By or Contact Person						☒ Return to Contact Person		
		Name: D. Sweeney						☐ Hold for Pickup		
		Firm: Mid-Atlantic Title, LLC						☐ Return Address Provided		
		Address: 100 West Road, Suite 215 Towson, MD 21204 Phone: (410) 321-6075								
11	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER								
		Yes ☐ No ☒	Will the property being conveyed be the grantee's principal residence?							
		Yes ☐ No ☒	Does transfer include personal property? If yes, identify:							
		Yes ☐ No ☒	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).							
Assessment Use Only – Do Not Write Below This Line										
Terminal Verification		Agricultural Verification		Whole		Part		Tran. Process Verification		
Transfer Number	Date Received:	Deed Reference:		Assigned Property No.:						
Year	20	20	Geo.	Map	Sub	Block				
Land			Zoning	Grid	Plat	Lot				
Buildings			Use	Parcel	Section	Occ. Cd.				
Total			Town Cd.	Ex. St.	Ex. Cd.					
REMARKS:										

Distribution

☐ Clerk's Office
☐ Office of Finance

☐ SDAT
☐ Preparer

AOC-CC-306 (5/2007)

23-MT-33609LOT

2024-0125-A

CERTIFICATE OF POSTING

2024-0125-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Gemcraft Homes, Inc.

July 24, 2024

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: Jeff Perlow:

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: _____

7301 Old North Point Road ***SIGN 1A & 1B***

July 3, 2024

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



Sincerely,

 **July 3, 2024**

(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)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: June 6, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0125-A
Address: 7103 OLD NORTH POINT RD
Legal Owner: Gemcraft Homes, Inc.

Zoning Advisory Committee Meeting of June 4, 2024.

The Department of Environmental Protection and Sustainability has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements. The applicant is proposing to permit a lot width of 53 feet in lieu of the required 55 feet, as well as side yard setback of 6 feet in lieu of the required minimum 10 feet. Any proposed development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation required to meet 10% pollution reduction, the requested amendment will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Any new development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation requirement for 10% pollution reduction, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered lot. Provided that the applicants meet the IDA requirements for 10% pollution reduction for any new development, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** May 29, 2024
Department of Permits, Approval, and Inspections

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0125-A

The Bureau of Building Review has reviewed the subject zoning items and we have the following comments.

BPR: No comments

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/11/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0125-A
Property Address: 7103 Old North Point Road
Petitioner: Gemcraft Homes, Inc.
Zoning: DR 5.5
Requested Action: Variance

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

Variance(s) -

1. From BCZR 1B02.3(C)(1) – (A) To permit a lot width of 53’ in lieu of the 55’ lot width required for a DR 5.5 classified zone.
2. From BCZR 1B02.3(C)(1) – (B) To permit an individual side yard street setback of 6’ in lieu of the required minimum 10’ side yard setback applied in accordance with the small lot chart requirements for a DR 5.5 classified zone.

The subject site is an approximately 0.25 acre residential parcel in the Dundalk area. The lot is approximately 210’ in length and approximately 53’ in width. The site is improved with an existing two-story two-car garage with concrete parking pad at the rear of the property and a sidewalk and chain link fence along the frontage. Uses surrounding the subject site are primarily single family detached residential dwellings on similar size lots.

The site does not have any past Code Enforcement violations or any pending building permit applications.

The subject site is within the boundaries of the Greater Dundalk Edgemere Community Conservation Plan. Specifically, the plan refers to housing in the Greater Dundalk Area beginning on pg. 35 which encourages homeownership in the community. The plan emphasizes first-time homebuyer programs and community conservation.

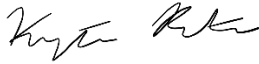
Per the site plan submitted with the petition, the Petitioner is proposing to add a two-story single-family dwelling on the lot and keep the existing garage and parking pad to the rear of the property. The plan also shows a driveway and frontage improvements along North Point Road. The setbacks for the dwelling are shown as 6’ on either side of the property boundaries and a lot width of 53’ which triggered the variance request. Many of the neighboring lots surrounding this property are under the required 55’ lot width and have side setbacks that do not meet the required 10’ minimum.

The Department of Planning has no objection to relief from both the lot width and side setback variances as requested given the following conditions:

1. The dwelling and site plan as proposed should conform to the Residential Standards section of Comprehensive Manual of Development, Pg. 16.1, for "Single-Family Detached Traditional Housing with Alley Access and/or Rear Parking".
2. Side setbacks of the proposed dwelling should not be less than 6'.
3. The house and architectural materials proposed should match or complement the existing two-story garage on the lot and surrounding homes in the neighborhood.

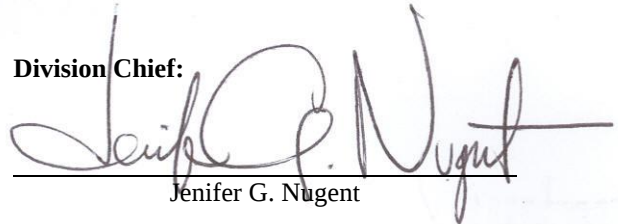
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Gemar Patterson, Esquire
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/28/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0125-SPHA Revised
Property Address: 7103 Old North Point Road and 7105 North Point Road, Dundalk
Petitioner: Gemcraft Homes, Inc.
Zoning: DR 5.5
Requested Action: Special Hearing; Variance

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

Variance(s) –

1. From BCZR 1B02.3(C)(1) – (A) To permit a lot width of 53’ in lieu of the 55’ lot width required for a DR 5.5 classified zone.
2. From BCZR 1B02.3(C)(1) – (B) To permit an individual side yard street setback of 6’ in lieu of the required minimum 10’ side yard setback applied in accordance with the small lot chart requirements for a DR 5.5 classified zone.

Special Hearing -

3. To confirm that a lot merger between 7103 Old North Point Road and 7105 North Point Road did not take place as a result of a certain Petition for Administrative Variance filed in case 1999-0217-A

The subject site is an approximately 0.25 acre residential parcel in the Dundalk area. The lot is approximately 210’ in length and approximately 53’ in width. The site is improved with an existing two-story two-car garage with concrete parking pad at the rear of the property and a sidewalk and chain link fence along the frontage. Uses surrounding the subject site are primarily single family detached residential dwellings on similar size lots. The site does not have any past Code Enforcement violations or any pending building permit applications.

The subject site is within the boundaries of the Greater Dundalk Edgemere Community Conservation Plan. Specifically, the plan refers to housing in the Greater Dundalk Area beginning on pg. 35 which encourages homeownership in the community. The plan emphasizes first-time homebuyer programs and community conservation.

Per the site plan submitted with the petition, the Petitioner is proposing to add a two-story single-family dwelling on the lot and keep the existing garage and parking pad to the rear of the property. The plan also shows a driveway and frontage improvements along North Point Road. The setbacks for the dwelling are

shown as 6' on either side of the property boundaries and a lot width of 53' which triggered the variance request. Many of the neighboring lots surrounding this property are under the required 55' lot width and have side setbacks that do not meet the required 10' minimum.

The Department of Planning has no objection to relief from both the lot width and side setback variances as requested given the following conditions:

1. The dwelling and site plan as proposed should conform to the Residential Standards section of Comprehensive Manual of Development, Pg. 16.1, for "Single-Family Detached Traditional Housing with Alley Access and/or Rear Parking".
2. Side setbacks of the proposed dwelling should not be less than 6'.
3. The house and architectural materials proposed should match or complement the existing two-story garage on the lot and surrounding homes in the neighborhood.

The subject lots are lots of record on an existing record plat know as Battle Creek. The plat was recorded with Maryland Land Records in January of 1923 as plat number 0007/0058 (Book 7 & Pg. 58). The record plat clearly shows 7103 "Old" North Point Road as lot number 10 and 7105 North Point Road lot number 11. Further research on SDAT, Maryland's Real Property Data Search, reveals that each individual lot has its own tax identification number. Furthermore, the SDAT report references record plat 0007/0058 for each address with their referenced lot numbers 10 & 11 as identified on the record plat.

As to the petitioner's request to confirm whether or not a merger of the two lots was granted under a previous variance request, Planning would defer to the Administrative Law Judge in this regard. That case, ZAC#99-0217, was granted and allowed for an accessory structure to be built on 7103 Old North Point Road. From the GIS available to the Department as well as Google Maps, it appears that the lots do share common fencing.

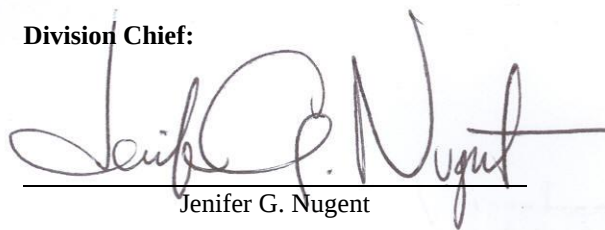
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Gemar Patterson, Esquire
Maria Mougridis, Department of Planning
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: July 1, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0125-SPHA
Address: 7103 OLD NORTH POINT RD
Legal Owner: Gemcraft Homes, Inc.

Zoning Advisory Committee Meeting of June 24, 2024.

The Department of Environmental Protection and Sustainability has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements. The applicant is proposing to permit a lot width of 53 feet in lieu of the required 55 feet, as well as side yard setback of 6 feet in lieu of the required minimum 10 feet. Any proposed development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation required to meet 10% pollution reduction, the requested amendment will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

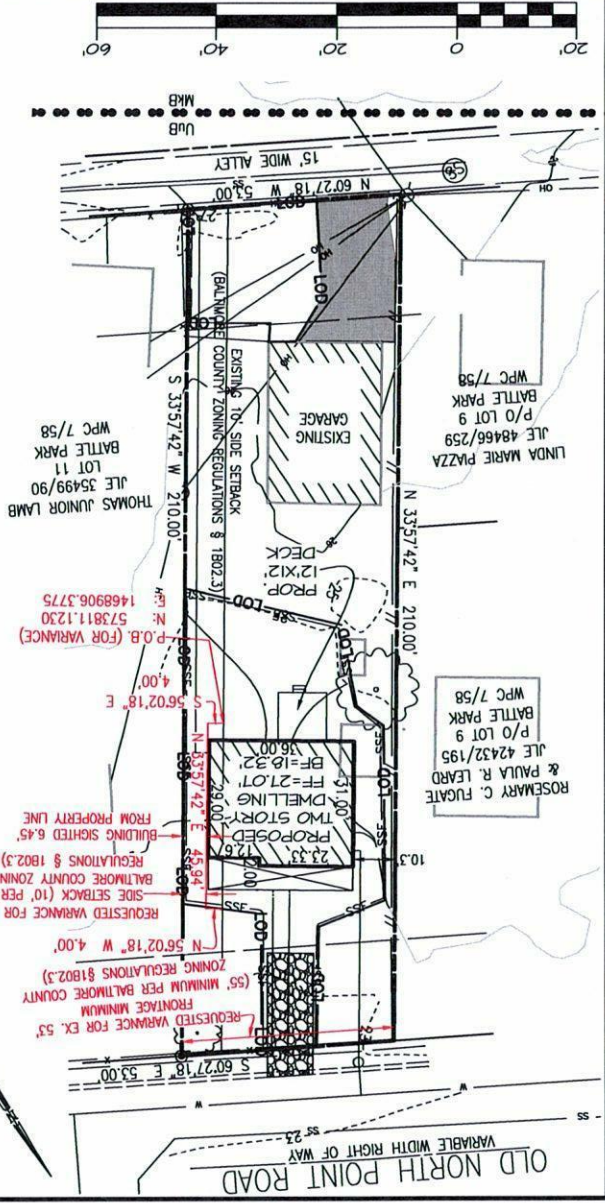
This property is not waterfront. Any new development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation requirement for 10% pollution reduction, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered lot. Provided that the applicants meet the IDA requirements for 10% pollution reduction for any new development, then the relief requested will be consistent with the established land-use policies.

Reviewer: Libby Errickson

2024-0125#



SITE DEVELOPMENT DATA
 PROPERTY ADDRESS: 7103 OLD NORTH POINT ROAD
 TAX MAP: 15-1516000912
 GRID: 125
 PARCEL: 10
 LOT: 10
 DEED REFERENCE: JLE 35498/87
 WPC 7/58
 OWNER: LAMB THOMAS JUNIOR TRUSTEE
 1. AREA: 0.2548 AC.F, 11,096.95 SQ. FT.
 ZONING: DR 5.5
 2. USE:
 PROPOSED: SINGLE FAMILY LOT
 EXISTING: VACANT
 MINIMUM LOT SIZE: 6,000 SQ. FT.
 MAX ALLOWABLE BUILDING HEIGHT: 50'
 3. MINIMUM REQUIRED BUILDING SETBACKS BASED ON PROPOSED USE:
 MINIMUM FRONT YARD: 25'
 MINIMUM SIDE BUILDING FACE: 16' LESS THAN 20'
 HIGH OR 20' GREATER THAN 20' HIGH
 MINIMUM REAR YARD: 30'
 AT BUILDING LINE: 55'
 4. TOTAL IMPERVIOUS AREA ALLOWABLE: 3,467.80 SQ. FEET
 PRE CONSTRUCTION: 2,997.64 SQ. FEET
 POST CONSTRUCTION: 3,464.06 SQ. FEET
 TOTAL DISTURBED AREA: 4,985.18 SQ. FEET

PROPOSED STRUCTURES

EX. STRUCTURES

PROPERTY LINE
BUILDING SETBACK
EXISTING CONTOURS
PROPOSED CONTOURS
EX. TREE LINE
EX. EDGE OF PAVING
EX. OVERHEAD LINES
EX. SANITARY LINES
EX. WATER LINES
EX. STORMDRAIN LINES
SOILS BOUNDARY

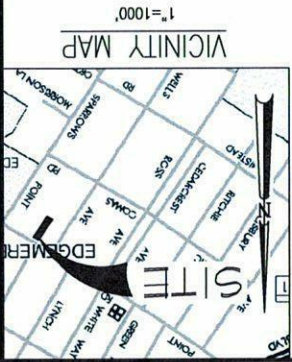
LEGEND

SYMBOL	UNIT NAME	SOIL TYPE	HYDRIC K-VALUE	HYDROLOGIC GROUP
UdB	URBAN LAND-IMPERVIOUS COMPLEX, 0-8% SLOPES	-	-	-
MdB	MATPEX-URBAN LAND COMPLEX, 0-3% SLOPES	-	-	0.49

SOILS CHART

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS SHALL BE
CONTACTED AT LEAST 48 HOURS PRIOR TO START OF CONSTRUCTION
AT A MINIMUM, EACH STORMWATER MANAGEMENT DEVICE SHALL BE
INSPECTED. INSPECTIONS SHALL BE MADE BY A PROFESSIONAL
(LICENSED IN THE STATE OF MARYLAND) ENGINEER, PROFESSIONAL
LAND SURVEYOR OR, WHERE ALLOWED, BY A REGISTERED LANDSCAPE
ARCHITECT.
THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN
ON THE DRAININGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR
SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES.
BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S
REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS
WITHIN THE LIMIT OF DISAPPEARANCE. ALL DISAPPEARANCES BETWEEN
INFORMATION SHOWN ON THE DRAININGS AND THAT VERIFIED IN THE FIELD
SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO
BEGINNING WORK. ALL UNDERGROUND UTILITIES SHALL BE PROTECTED AT
THE CONTRACTOR'S EXPENSE.

NOTES:



PLAN TO ACCOMPANY ZONING RELIEF
CASE NO. 2024-XXXX-XXXX
SENCRAFT HOMES, INC
LOCATED AT 7103 OLD NORTH POINT ROAD
FIFTEENTH ELECTION DISTRICT
BALTIMORE COUNTY MARYLAND

FW
FREDERICK WARD ASSOCIATES
ARCHITECTS
ENGINEERS
PLANNERS
SURVEYORS
410-579-2990
fward@kward.com
700 Box 727, 5 South Main Street Box Air Maryland 21014

DATE:		31/2024		SCALE:		1" = 20'	
CHECKED BY:		DRAWN BY:		5TH			
DRAWING NO:							
SHEET		OF					
FWA JOB NUMBER							
2231183.00							