



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

January 7, 2025

Jerrold & Aisha Harris – jerrod.r.harris@gmail.com
2121 Holder Avenue
Gwynn Oak, MD 21207

RE: Petition for Special Hearing
Case No. 2024-0241-SPH
Property: 2121 Holder Avenue

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to be "DJB", is written over a faint, circular official stamp or watermark.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm

Enclosure

C: Carla Alpheus-Bernard bernardconstinc@yahoo.com
Troy Stokes troystokes.sr@gmail.com
Clyde & Elaine Davis etdavis@verizon.net
Gloria Hartwell gloryreborn07@comcast.net
Rebecca Wheatley rwheatley@baltimorecountymd.gov

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(2121 Holder Avenue)		
2nd Election District	*	OFFICE OF
2nd Council District		
Jerrod and Aisha Harris	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2024-0241-SPH
* *	*	*

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of the legal owners, Jerrod and Aisha Harris (“the Petitioners”) for the property at 2121 Holder Avenue, Gwynn Oak, Maryland. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to use the property for a home-based Federal Fire Arms License (“FFL”) business.

A public hearing was conducted on December 17, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. Several community members attended the hearing including Gloria Hartwell, Carla Alpheus-Bernard, and Troy Stokes, Sr., but there was no testimony indicating opposition to the requested relief.

Petitioner submitted the following exhibits into the record: (1) Letter from Neighbor; (2)-(4) Baltimore County Homebased FFL List(s); (5) Case Precedent #1; (6) Case Precedent #2; (7) Site Plan. The following Zoning Advisory Committee (“ZAC”) comments were received from county agencies: (1) Department of Planning (“Planning”); (2) Department of Environmental Protection & Sustainability (“DEPS”); (3) Development Plans Review (“DPR”) for

DPR/DPWT/Rec & Parks. People's Counsel noted their appearance for the record and submitted correspondence expressing concerns regarding the proposed use. County Exhibit 4.

Findings of Fact

Petitioner, Mr. Harris, appeared *pro se*. The property is located in the Gwynn Oak area of Baltimore County and is zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1979 and enjoys 1,706 sq. ft. of above-ground living area. The single-family home is located in a predominantly residential community with adjoining homes of similar size and character. Mr. Harris testified regarding his background and his current Federal Firearms License ("FFL") which permits the transfer of firearms, which Mr. Harris currently operates from a non-home-based location. He was advised that he needed zoning approval from Baltimore County before applying for his Type 01 home-based FFL that would enable him to conduct such a business from his home. Mr. Harris explained the transfer license process in which sellers conduct transactions with out of state buyers (usually online) and the transferor holds the firearm until required state background checks are completed, usually within 7-10 days), and buyers are cleared. Buyers are then notified for the pickup of their purchased firearm from the transferor and complete that pickup from the home-based FFL location.

Significant precedent exists in Baltimore County to support denial for the manufacture or customization of firearms as failing to satisfy the definitional requirements of "home based business" permitted under the BCZR. *See* 2015-0277-SPH; *See also* 3C-96-9060. While OAH notes and considered People's Counsel's concern regarding the scope of the application, these prior cases pertained to firearm assembly or manufacture where machinery was used to produce inventory for sale. Mr. Harris's explanation of the FFL process, also illustrated by other properties in Baltimore County that currently possess FFL licenses (*see* Pet. Exhibits 2-4), is an altogether

different home-based business. Mr. Harris explained that the transfer process involves holding and temporarily storing firearms in a locked safe while state background checks are completed and purchasers are cleared for firearm possession under state law. Once notified by state authorities of a transferee's clearance for possession of a firearm, the purchaser is notified for pickup. If a purchaser fails a state background check, the firearm is returned to the seller. No inventory, manufacture, or assembly of firearms is conducted as part of the FFL process. Mr. Harris further stated that this business is a limited one, in that he anticipates only an average of 8-10 transfers will occur on the premises per month.

Conclusions of Law

Pursuant to BCZR §1.B.01.1.A.18.C, home occupations are permitted accessory uses to single-family dwellings so long as the proposed home occupation qualifies under BCZR §101.1. BCZR §101.1 defines home occupation as “any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, as stated in Section 450.4, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person per dwelling is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment, other than computers, printers, fax machines, modems, standard office copy machines and similar office equipment, is used except such as may be used for domestic purposes.” BCZR §101.1.

Based upon this record and the testimony of Mr. Harris, I find that the proposed home-based FFL satisfies the definition of “home occupation” as contained under BCZR §101.1. The home-based FFL is conducted entirely within the dwelling which remains incidental to the main

use of the building as a dwelling and does not have any exterior evidence, other than a permitted sign, as stated in Section 450.4, to indicate that the building is being utilized for any other purpose. No commodity is kept for sale on the premises, not more than one person is employed on the premises, and “no mechanical equipment, other than computers, printers, fax machines, modems, standard office copy machines and similar office equipment, is used except such as may be used for domestic purposes.” For these reasons, the proposed home-based FFL satisfies BCZR §101.1 and can be distinguished from the assembly or manufacture of firearms or firearm accessories and denied under other prior petitions. Further, I find that the proposed home occupation of a Type 01 FFL qualifies as an accessory use as it remains incidental to the principle use of the property as a single-family dwelling.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, “the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based upon this record, and noting the lack of evidence to the contrary, I find that the proposed home-based FFL business would be compatible with the community and generally consistent with the spirit and intent of county regulations. Based upon Mr. Harris's testimony, the written testimony offered by Mr. Harris's neighbor, Ms. Byers, and the statements made by community members at the hearing, I find that this home-based business will have no deleterious impacts on the community, is limited in size, scope and scale, and subject to the conditions below, will not present any potential harm to public health or safety.

THEREFORE, IT IS ORDERED this 7th day of **January, 2025** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR. § 500.7 to use the property for a home-based Federal Firearms License ("FFL") as a home occupation, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. All firearms shall be properly stored in a lockable firearm safe at all times prior to transfer;
2. Prior to final permit, security cameras shall be installed and maintained on the exterior of the property as well as the interior location within the home where the firearms are stored;
3. Retail sales of firearms, ammunition, or firearm accessories is strictly prohibited;
4. All signage on the property indicating a home-based Federal Firearms License ("FFL") is prohibited;
5. Discharge of firearms on the premises is strictly prohibited; and
6. Petitioner shall strictly comply with all state and federal laws, regulations, or guidance regarding any Federal Firearms License ("FFL") and this authorization applies to a Type 01 Federal Firearms License ("FFL") only; any modification to any state or federal license

requires modification of this approval.

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

A handwritten signature in black ink, appearing to be 'DJB' with a stylized flourish.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



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 2121 Holder Avenue Gwynn Oak, MD 21207 Currently Zoned DR 3.5
Deed Reference 46683 / 00063 10 Digit Tax Account # 1800013336
Owner(s) Printed Name(s) Jerrold Harris Aisha Harris

(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)

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)

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:

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

Legal Owners (Petitioners):

Jerrold Harris / Aisha Harris
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 _____ Signature #2 _____
2121 Holder Ave / Gwynn Oak / MD
Mailing Address City State
21207 / 443.814.3777 / jerrold.harris@gmail.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 _____

Case Number 2024-0241-SP4 Filing Date 11, 6, 24 Do Not Schedule Dates _____ Reviewer JS

REQUESTED RELIEF

I am requesting a special hearing to allow me to use the property for a home based FFL (Federal Firearms License) business.

Jerrold R. Harris



2024-0241-SPH

Property Description

Zoning Property Description for 2121 Holder Ave

Beginning at a point on the east side of Holder Ave which is 22ft wide at the distance of 375ft north east of the centerline of the nearest improved intersecting street Windsor Mill Rd which is 26ft wide.

Being Lot #54 in the subdivision of Holder Park recorded in Baltimore County Plat Book #4, Folio #38, containing 16,700 square feet. Located in the 2nd Election District and 2nd Council District.

2074-0741-SP4



PETITION FOR ZONING HEARING(S)

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To the Office of Administrative Hearings for Baltimore County for the property located at:

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Deed Reference 46683 / 00063 10 Digit Tax Account # 1800013336
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Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Jerrold Harris , Aisha Harris
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 _____ Signature #2 _____
2121 Holder Ave Gwynn Oak MD
Mailing Address City State
21207 443.814.3777 jerrold.harris@gmail.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 _____

Case Number 2024-0241-SP4 Filing Date 11, 6, 24 Do Not Schedule Dates _____ Reviewer JS

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2024-0241-SPH

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2074-0241-SP4



**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353
WWW.BALTIMORECOUNTYMD.GO
V

Cashier: Christina F.
29-Oct-2024 1:28:28P

Transaction **102590**
1 Petition Before ALJ \$75.00

Total \$75.00
DEBIT CARD SALE \$75.00
VISA 5987

Retain this copy for statement
validation

Station: Permit Processing - Mini

29-Oct-2024 1:28:41P
\$75.00 | Method: CONTACTLESS
US DEBIT XXXXXXXXXXXX5987
VISA CARDHOLDER
Reference ID: 430300572009
Auth ID: 045152
MID: *****2995
AID: A0000000980840
AthNtwkNm: VISA
RtInd: CREDIT

Clover ID: 47Q32DD2KXSTW
Payment 53QQR6V3BXTT2

Clover Privacy Policy
<https://clover.com/privacy>

2024-0241-SP4

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:

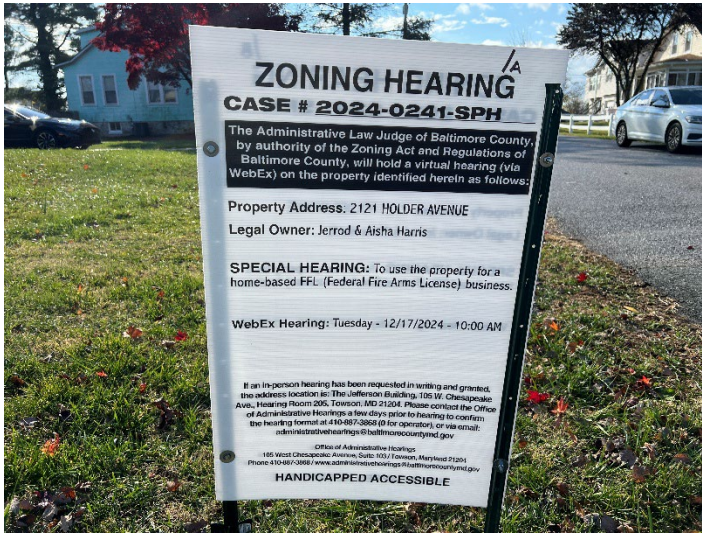
Case Number: 2024-0241-SPH
Property Address: 2121 HOLDER AVENUE
Legal Owners (Petitioners): JERROD + AISHA HARRIS
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): JERROD HARRIS
Address: 2121 HOLDER AVENUE
GWYNN OAK, MD 21207

Telephone Number: 443-814-3777

*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.



Certificate of Posting

Case# 2024-0241-SPH
 Petitioner/Developer
Jerrod & Aisha Harris

Date of Hearing/Closing
December 17, 2024

Baltimore County Department of Permits and Management
 County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204
 Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the [property located at 2121 Holder Avenue on November 26, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle
 9912 Maidbrook Road
 Parkville, Md. 21234
 443-629-3411

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: November 22, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0241-SPH
Address: 2121 HOLDER AVENUE
Legal Owner: Jerrod & Aisha Harris

Zoning Advisory Committee Meeting of November 26, 2024.

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

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: November 16, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0241-SPH

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/2/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0241-SPH

INFORMATION:

Property Address: 2121 Holder Avenue

Petitioner: Jerrod & Aisha Harris

Zoning: DR 3.5

Requested Action: Special Hearing

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

Special Hearing - To allow a home-based FFL (Federal Firearms License) business on a residential property.

The proposed site is a 0.383-acre property zoned DR 3.5. It is surrounded by mostly residential properties and is currently improved with an existing residential dwelling and ancillary structures. The applicant proposes a home-based FFL (Federal Firearms License) business.

The request above is essentially to have a drop shipping business at the residence. Drop shipping is a retail business model where a seller sells products without keeping inventory on hand. Instead, when a customer places an order, the seller purchases the product from a third-party supplier who then ships it directly to the customer. The petitioner will act as the storer of the purchased firearms until the required waiting period passes and will then transfer to the purchaser. The petitioner currently owns a storage space at Fort Mead but is requesting a home-based FFL because the existing situation is inconvenient and not cost effective. The home will have a 190sf commercial storage area where the firearms will be stored inside of a safe. According to the petitioner, there will be a maximum of 8-10 firearms stored at one time. It is understood that the applicant will not be using the site to facilitate any trainings, there will be no firing of any weapons or any activities associated with gun ranges. According to the petitioner, adjacent neighbors are aware of the request and are not in opposition to the proposed use. The request has no adverse impacts on the health, safety and wellness of the community.

The Department has no objections in granting the above requested relief.

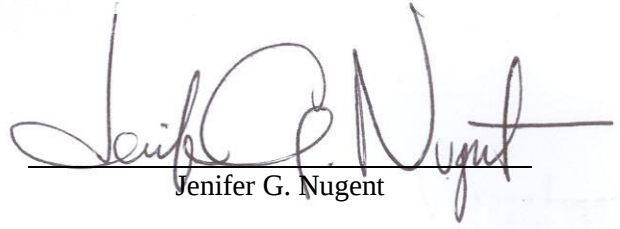
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jerrod Harris
Sydnie Cooper, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 1800013336

Owner Information

Owner Name:	HARRIS JERROD HARRIS AISHA	Use:	EXEMPT
Mailing Address:	2121 HOLDER AVE BALTIMORE MD 21207-4424	Principal Residence:	YES
		Deed Reference:	/46683/ 00063

Location & Structure Information

Premises Address:	2121 HOLDER AVE BALTIMORE 21207-4424	Legal Description:	LTS 54-55 VETERAN EXEMPTION 2121 HOLDER AVE HOLDER PARK
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0088 0013 0438 2010008.04 0000 54 2025 Plat Ref: 0004/ 0038

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1979	1,706 SF	520 SF	16,700 SF	01

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
Split Foyer YES	SPLIT FOYER	SIDING/ 3	2 full	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2024	07/01/2025
Land:	76,100	76,100		
Improvements	225,900	225,900		
Total:	302,000	302,000	302,000	
Preferential Land:	0			

Transfer Information

Seller: HARRIS JERROD R	Date: 04/07/2022	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /46683/ 00063	Deed2:
Seller: HARRIS JERROD R	Date: 06/12/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15287/ 00198	Deed2:
Seller: THOMAS REGINALD A	Date: 01/11/2001	Price: \$128,900
Type: ARMS LENGTH IMPROVED	Deed1: /14917/ 00081	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2024	07/01/2025
County:	020	302,000.00	
State:	020	302,000.00	
Municipal:	020	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 02/14/2018

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:





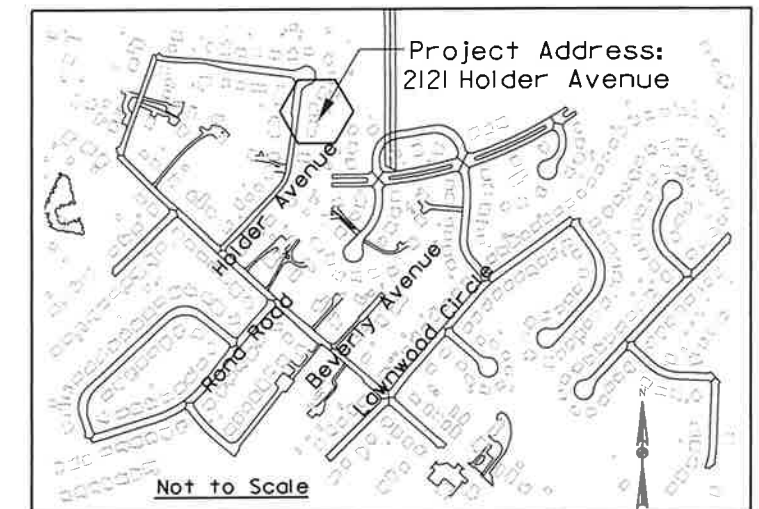
Zoning Hearing Plan for Variance ___ for Special Hearing X

Address: 2121 Holder Avenue Baltimore, MD 21207 Owners: Jerrod & Aisha Harris

Subdivision Name: Holder Park Lot #: 54 Book #: 0088 Section #: 0013 Parcel: 0438

Plat Book #: 0000004 Folio #: 0038 10 Digit Tax #: 1800013336 Deed Reference #: 46683:0063

Site Vicinity Map



Zoning Map #: 0088A2

Zoning: DR 3.5

Election District: 7

Council District: 2

Lot Area Acreage: 0.383 acres

Lot Square Footage: 16,700 SF

Historic: NA

CBCA: NA

Flood Plain: NA

Utilities: Public Water, Public Sewer

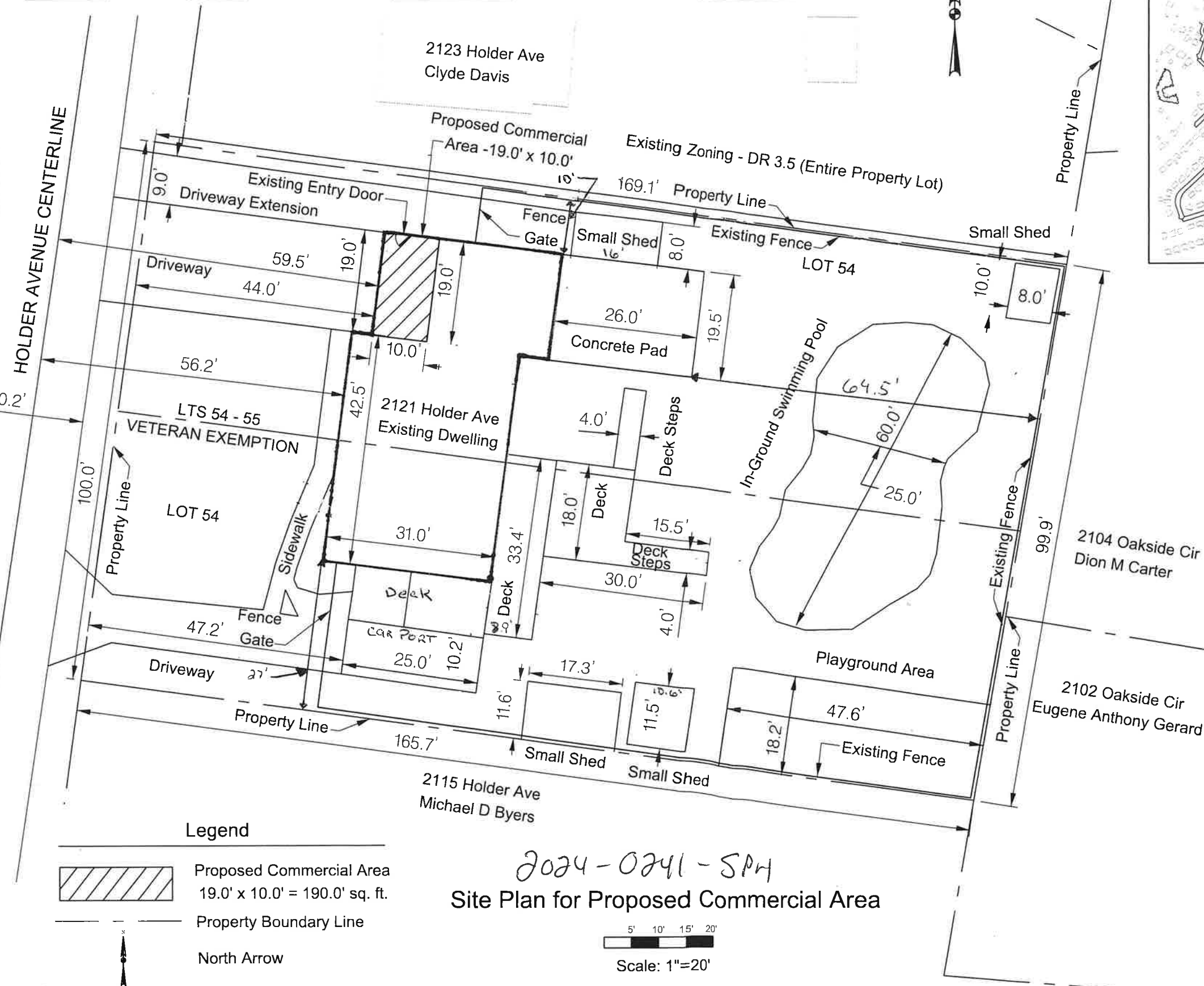
Water: Public

Sewer: Public

Prior Hearing: No

Case Number: NA

Violation Case Numbers: NA



P.E. Certification