

ROBIN ZOLL, *et al.*,

Plaintiffs

v.

FRIENDS OF LUBAVITCH, INC.,

Defendant .

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IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CASE NO. C-16-8420

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ORDER

Having considered the Plaintiffs' Amended Verified Complaint for Declaratory and Injunctive Relief (Paper 21000), Defendant's Answer thereto, the evidence and arguments presented at a trial held March 30-31, 2017, and the record contained herein, it is, for the reasons stated in this Court's Memorandum Opinion, issued the same date as this Order, this 7th day of April, 2017 hereby

ORDERED, Plaintiffs' request for a declaratory judgment is granted. It is further

ORDERED, the restrictive covenant contained in the 1950 deed requiring that the dwelling erected on 14 Aigburth "...have a setback equal to one-half of the total setbacks of the two houses erected on the lots adjoining to the East and West thereof, measured to the centre of said houses, exclusive of porches (hereafter referred to as the "Setback Covenant") is valid and in full force and effect. It is further

ORDERED, the building/addition erected by Defendant on 14 Aigburth Road (hereafter referred to as the "Structure") violates the Setback Covenant because the distance between the Structure and the front line of 14 Aigburth Road is significantly less than one-half the average of the front setbacks of the two houses adjoining to the East and West. It is further

ORDERED, Plaintiffs' request for an injunction is granted. It is further

ORDERED, Defendant shall remove the Structure and all other improvements that violate the Setback Covenant no later than March 1, 2018. It is further

ORDERED, Defendant shall be and hereby is enjoined from constructing any structure or other improvement that violates the Setback Covenant. It is further

ORDERED, Defendant shall pay the open costs in this matter, if any are outstanding.


Judge Susan Souder

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