

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
Application of Section 417 \* ZONING COMMISSIONER  
to Lots 42, 43 and 44 of \*  
Triple Union Park, et al \* OF BALTIMORE COUNTY  
7th Councilmanic District \*  
15th Election District \* CASE # 89-100SPH

\*\*\*\*\*  
FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This hearing concerns a Petition for Special Hearing issued by the Zoning Commissioner pursuant to Section 500.7 empowering the Zoning Commissioner 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 and pursuant to Section 500.6 empowering the Zoning Commissioner, upon notice to the parties in interest, to conduct hearings involving the proper interpretation of the Baltimore County Zoning Regulations (B.C.Z.R.). The hearing upon this Petition for Special Hearing was called by the Zoning Commissioner to interpret Section 417 of the B.C.Z.R. as it applies to Lots 42, 43 and 44 of Triple Union Park, Plat Book 10/80 and Lots 11, 12, Block I and Lots 12 through 18, Block H of Lynch Point Plat Book 8/38, 15th Election District, Baltimore County, Maryland.

There are technically no Petitioners or Protestants in this matter since the Petition for Special Hearing was called by the Zoning Commissioner. There are, however, numerous property owners with interest either direct or indirect in the outcome of this matter. The Office of Zoning has determined that the following parties are directly involved in this matter:

William E. and Freida C. Foulke  
3111 Roger Road, Baltimore, Md. 21219  
Owner of Lots 11 and 12 Lynch Point

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Helen Michalski  
3134 (Box 10) Main Avenue, Baltimore, Md. 21219  
Owner of Lots 43, 44 Triple Union Park  
Eugene A. and Doris Davidson  
3107 Newton Road  
Baltimore, Maryland 21219  
Owner of Lots 12-18 Lynch Point

Samuel B. and Elizabeth C. Poist  
3136 Main Avenue  
Baltimore, Maryland 21219  
Owner of Lot 42 Triple Union Park

Also appearing for Helen Michalski, owner of Lots 43 and 44 of Triple Union Park were her son and grandson, Raymond Michalski and Raymond Michalski, Jr. Also appearing, but not testifying were Karen Taylor, Richard Taylor, Susan Fishbach and William H. Levasseur, Jr. Esquire.

Appearing as owner of one or more of the other affected lots was William E. Foulke, who testified and was represented by W. Michael Seganish, Esquire. Also appearing and testifying were Eugene Davidson and Samuel Poist, owners of adjoining lots.

The plat produced and marked as Zoning Commissioner's Exhibit 1 was prepared by the Office of Zoning staff. The underlining plan was produced by William G. Ulrich, Jr., of Gerhold, Gross and Etsel, R.P.L.S. and a copy is marked as Zoning Commissioner's Exhibit 2.

The issue in this case is very easy to state and extremely difficult to resolve. Mr. Foulke and Mrs. Michalski own lots of land that are adjoining in the closed end of a cove off of Back River. This cove forms an extremely sharp angle at this point and thereby denies all land owners in the apex of the cove easy access to the deep water. This greatly impinges upon all of the respective land owners ability to gain access to Back River and the Chesapeake Bay. As can be seen on Zoning Commissioner's Exhibit 3, a copy of the Baltimore County Office of

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Planning and Zoning Photographic Map of the area for 1986, the cove is very restricted. The cove is marked with yellow highlight and, clearly, shows the sharp angle of the closed end of the cove.

At the present time, there is a legally existing pier in the cove that belongs to Mr. Foulke. See Zoning Commissioner's Exhibit 1. The pier was constructed by Mr. Foulke after receiving the proper permits from Baltimore County. Mr. Foulke has requested permission from Baltimore County to extend that same pier. This request has been pending with Baltimore County for, at least, the past five years. The Office of Zoning, Development Control, has been unable to obtain sufficient documentation in this matter to determine the competing property interest between Mr. Foulke and Mrs. Michalski. In order to determine the proper placement of any extension to Mr. Foulke's pier, the property interest of his adjoining land owners must first be decided.

It is important to keep in mind that the issue is the property interest in waterfront construction (as defined by Section 417) and not based upon existing structures. This case is not about currently existing legal or illegal structures.

As can be seen on Zoning Commissioner's Exhibit 1, Mrs. Michalski also has an existing pier. This pier was constructed without the necessary Baltimore County permits and is the source of the present interference with the Foulke pier and the possible pier extension. Zoning Commissioner's Exhibit 1 was developed by the Office of Development Control in the Office of Zoning to attempt to determine the competing property interest for future pier construction. Zoning Commissioner's Exhibit 1 has been edited by the Staff in order to, clearly, identify the existing current status of all of the affected properties. Zoning

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Commissioner's Exhibit 1 also contains the Staff proposed divisional line between the Foulke and Michalski properties as extended into the waters of Back River. It is the placement of this divisional line which is at the root of the major disagreement between Foulke and Michalski.

The evidence and testimony provided on behalf of Mr. Foulke was partly proffered by attorney, W. Michael Seganish. The following exhibits were accepted into the record as Foulke's Exhibits; namely, a 1969 plat of the Foulke property indicating the extent of fill into the swamp area and the extension of the swamp area as determined from the original March 2, 1923 deeds and calls to water. This plat is marked as Foulke Exhibit A.

Foulke Exhibit B is a copy of the 1969 deed to the Foulke property which corresponds to the plat marked Foulke Exhibit A. Foulke Exhibit C is a 1955 deed in which Joseph and Helen Michalski received their interest in lots of Triple Union Park. Foulke Exhibit D is a 1935 deed for the Michalski property preceding Foulke Exhibit C in chain of title.

Foulke Exhibit E is a correspondence from Diana Itter, Zoning Technician II of the Office of Zoning for Baltimore County, to the Department of Permits and Licenses for Baltimore County dated January 14, 1976 indicating that the proposed pier extension for Mr. Foulke cannot be approved at this time. The plan shows the division line established by Baltimore County with the original pier construction for Mr. Foulke. This western divisional line for the Foulke property has been continued as the correct determination of that line and is included on Zoning Commissioner's Exhibit 1.

Foulke Exhibit F is a colored drawing taken from Zoning Commissioner's Exhibit 2 that indicates the differences created when the Michalski deeds are measured from the middle of the road on Main Avenue

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verses the edge of the road on Main Avenue. Obviously, there is an increase in 15' depending on where this measurement is taken from.

Foulke Exhibit G is correspondence from the Department of the Army, Corp of Engineers, dated June 21, 1984 indicating that the Michalski application for pier and bulkhead was never approved by the Army Corp of Engineers.

Foulke Exhibit H is a composite of several surveys produced by Mr. Foulke. Foulke Exhibit I is the R.M. Herberich and Associates, Inc., survey of the Foulke properties and the adjoining lots from Triple Union Park. Foulke Exhibit J is a photograph of the Foulke property in 1969.

Helen Michalski was present and testified. She was supported in her testimony by the testimony and evidence provided by her son, Raymond Michalski and her grandson, Raymond Michalski, Jr. The Michalskis were not represented by counsel. The following exhibits were accepted into the record as Michalski Exhibits:

Michalski Exhibit A is a copy of the 1926 Lynch Point Subdivision.

Michalski Exhibit B is a copy of a 1935 deed in the chain of title of Helen Michalski for lots of 43, 44 and 45 of Triple Union Park.

Michalski Exhibit C is copy of Helen Michalski's tax bill for lots 43 and 44. Michalski Exhibit D is a copy of a deed of 1969 wherein Foulke obtained his interest in lot 12 of Lynch Point Subdivision.

Michalski Exhibit E is correspondence dated May 15, 1985 from the State of Maryland, Department of Natural Resources to Helen Michalski concerning the approval for Mrs. Michalski to construct a 75 ft. long railroad tie retaining wall along lots 43 and 44 of Triple Union Park.

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Michalski Exhibit F is a copy of an application for a building permit for the 75 foot railroad tie bulkhead approved as part of the process with Exhibit E.

Michalski Exhibit G is correspondence from the State of Maryland, Department of Natural Resources to Army Corp of Engineers dated February 26, 1984, indicating that the State of Maryland had no objection to the construction of the pier by Michalski. This pier was not approved by the Army Corp of Engineers. This is not the same as the pier that is shown on Zoning Commissioner's Exhibit 1.

Michalski Exhibit H is two photographs of the area Michalski claims be waterfront property in front of their lot. The date and time of the photographs are unknown.

Michalski Exhibit I is a copy of a plat which is taken from Michalski Exhibit J and edited by an unknown person.

Michalski Exhibit J is an original survey done by Russell M. Herberich dated July 19, 1975 for the Michalski property for a proposed pier that was not approved by Baltimore County. Michalski Exhibit K is a 1970 photograph of the Foulke pier being constructed and a 1988 photograph indicating the amount of fill into the cove done by Mr. Foulke in connection with his pier construction. Raymond Michalski took the photographs.

There was extensive evidence and testimony presented by all of the witnesses concerning the filling of the marsh area in front of both the Foulke and Michalski properties and along the still existing storm water swale leading into the cove. It is obvious from the pictures introduced into the evidence, specifically, Michalski Exhibit K that fill of the marshy areas along of the side and front of the Foulke property and in

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front of the entire Michalski property has taken place to a very extensive point. It is impossible to know whether or not the 1970 or 1988 pictures were taken at high or low tide. However, the amount of natural growth, including marsh grasses, has been radically changed over the years. The degree of fill as indicated on the Michalski property in the picture on Michalski Exhibit H places in doubt the possibility of Michalski's lots 43 and 44 having originally been waterfront property.

Zoning Commissioner Exhibit 4 is a copy of the January 4, 1954 aerial photograph of the subject properties made from the original photograph contained in the records of the Baltimore County Department of Public Works, Engineering Division files. This photograph, clearly, shows the extensive vegetative coverage over the areas which both Foulke and Michalski now claim is dry land. Clearly, the actions of man and not nature, however, not identified to any particular individual persons, has altered the natural setting in this cove. The clearing and filling that is taking place in front of and along both the Foulke and Michalski properties has created a situation where the appearance of waterfront property is now established even if it did not once exist.

Both Mr. Foulke and Mrs. Michalski spent a great deal of time testifying about who built piers legally and/or illegally. Also, they both claim all the filling of the swamp is the other's action. Both parties claim to have waterfront properties without admitting the other has any rights to the water.

Mr. Foulke wants a finding that Michalski property line does not reach the water and, therefore, Michalski has no water rights. Mrs. Michalski claims Mr. Foulke has illegally filled and his original lot did not reach the water, so he has no water rights.

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Neither position is factually correct and more importantly, neither position is legally controlling of the issues. This case will turn on the property rights of the lots of land, as exhibited, not the actions of the owners.

There is no evidence in the record that the property lines as shown on Zoning Commissioner's Exhibit 1 are incorrect or misplaced. Therefore, I find the divisional property lines on Zoning Commissioner's Exhibit 1 are correct and the issues must be resolved based upon these defined boundaries.

Section 417 of the Baltimore County Zoning Regulations deals with the placement of waterfront construction, (such as piers) based upon the general shape of the shoreline and placement of the divisional property lines. The actions of the landowners by filling the swamp area or building illegal structures does not affect the placement of the divisional lines. These divisional lines are based upon the accepted composite record plat on Zoning Commissioner's Exhibit 1, the extension of those divisional lines and the requirements of Section 417.3.

The issue then is whether or not the divisional lines established by the Office of Zoning staff as shown on Zoning Commissioner's Exhibit 1 are correct in light of the requirements of Section 417 of the B.C.Z.R. The question then is the proper application of Section 417.3 to the properties shown on Zoning Commissioner's Exhibit 1.

Section 417.3 states:

"For the purpose of defining boundaries within which waterfront construction may take place, divisional lines shall be established in accordance with the following rules: (Bill No. 64, 1963.)

(a) With straight shore lines: (Bill No. 64, 1963.)

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If the shoreline is straight, the divisional lines are to be extended from the intersection of the property line and the shoreline into the water perpendicular to the shoreline, or where the property lines are parallel and it is practical to do so, the proper boundary line shall be extended in a straight line into the water. (Bill No. 64, 1963.)

(b) With irregular shorelines: (Bill No. 64, 1963.)

Where the shoreline is not straight, draw a baseline between the two corners of each lot at mean low water line. Then draw a line from the corner of each proprietor's property into the water at right angles with the base line. If by reason of the curvature of the shore, the lines, when projected into the water, diverge from each other, the area excluded by both lines shall be equally divided between the two adjoining proprietors. If by reason of the curvature of the shore, the lines, when projected into the water, converge with each other, the area included by both lines shall be equally divided between the two adjoining proprietors. (Bill No. 64, 1963.)

(c) Conflict with existing construction: (Bill No. 64, 1963.)

Where proposed construction will conflict with existing facilities, it will be the duty of the Office of Planning and Zoning to specify the limits of construction to conform as closely as possible to the rules as set forth herein so as to cause the least interference with existing and/or possible future construction. Notice of the proposed construction shall be given by the Department of Permits and Licenses to adjoining property owners affected. (Bill No. 64, 1963.)

Section 417.3(a) applies to the division lines between lots 40 and 41 of Triple Union Park. It is a straight shore line and the divisional line is projected straight into the water. The extended division line, therefore, is correctly placed on Zoning Commissioner's Exhibit 1. The same is true of the divisional line between lots 41 and 42 of Triple Union Park. There is no evidence in the record that anyone disagrees with the placement of these two divisional lines.

The divisional line between lots 42 and 43 of Triple Union Park is subject to both the requirements of Section 417.3.(a) & (b). The shore

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line is straight, but subject to the line created by the angle of the apex of the corner formed by the intersection of the Michalski and Foulke properties.

The Michalskis disagree with the placement of this line. They believe it should be altered to grant them better access. They want the line moved over on to lot 42. This lot belongs to Mr. Poist and, clearly, the competing interest between them is governed by the straight line rule. The divisional line between lots 42 and 43 should remain straight until it is intersected by a divisional line drawn from a competing apex shore line.

Turning to the southern shore, the divisional line between the Davidson property and Roger Avenue is subject to the straight line rule in Section 417.3(a). This line should be revised to comply with the straight line extension rule.

The straight line extension rule for the Davidson line would limit the Foulke access and restrict any future pier development. The requirements of Section 417.3(a) would specifically require this interpretation, if it were not for the testimony and agreement of Mr. Davidson. Mr. Davidson testified that the divisional line as shown on Zoning Commissioner's Exhibit 1 is acceptable to him and would not hinder the development of his waterfront or pier. Mr. Davidson testified that the divisional line extension shown on Zoning Commissioner's Exhibit 1 would not create an intrusion into his pier area because he intends to construct his new pier where the old pier for his property is already shown on the exhibit.

The divisional line and the extension thereof by the Foulke property and Roger Avenue is controlled by different principals of law.

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This line allows the Zoning Commissioner to apply the terms of Section 417.3(c).

Section 417.3(c) permits the Zoning Commissioner to alter the natural placement of divisional lines, as extended, in order to cause the least interference with existing and/or possible future construction. The street area of Roger Avenue is not being used and, therefore, the changing of the divisional line to allow Foulke the use of that area is acceptable. There was no evidence at the hearing that this change in the normal line would adversely impact upon the health, safety or general welfare of the community. The divisional line on Zoning Commissioner's Exhibit 1 is correct until a point where it meets the Davidson line.

During the hearing, testimony was taken from Mrs. Michalski and her son, Raymond Michalski concerning their lack of access to the waters of Back River. They have requested that the Zoning Commissioner apply the terms of Section 417.3(c) and alter the divisional line extension between lots 42 and 43 of Triple Union Park. This is the divisional line between the Michalski and Poist property. The Michalskis argue that this divisional line should be altered in the same manner as the Davidson divisional line.

The situation involved in these two divisional lines is substantially different and Section 417.3(c) cannot be applied in both cases. First and foremost, the property owner Davidson is in agreement with the alteration of the normal divisional line and property owner Poist is not. Secondly, the property owner Poist does not have available unused shore area which could benefit the Michalskis. Clearly, the Davidson shore area is larger and creates less congestion between the proposed Davidson pier and the Foulke pier.

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Finally, the divisional line, which is the source of the most disagreement. The divisional line that must be determined because the Foulke and Michalski property lines meet at an angle. Neither Mr. Foulke or Mrs. Michalski agree with the placement of this divisional line on Zoning Commissioner's Exhibit 1.

Mrs. Michalski believes the divisional line is misplaced since it prevents her property from having access, by way of a constructed pier to the deep water of Back River. Mr. Foulke believes the divisional line is misplaced because the angle on his side is less than the Michalski side and, therefore, gives some of his area to Michalski. Mr. Foulke claims the terms of Section 417 of the B.C.Z.R. are not being applied properly.

Unfortunately for Mrs. Michalski, the B.C.Z.R. does not provide for a guarantee that everyone that wants access to the deep waters of Back River will be able to obtain it. The regulations must balance the competing property interest and in an ever shrinking cove, some property owners will lose access to the water. As time passes and the filling of the cove continues, Mr. Foulke will find his lot landlocked by Davidson and Poist. As people fill the bay with dirt, sand and debris the available water area is reduced and more lots will become landlocked.

The proper placement of this divisional line is determined by the application of Section 417.3(b) of the B.C.Z.R. This is not a straight shoreline condition. The angle must be divided. The divisional line shown on Zoning Commissioner's Exhibit 1 is a balancing line drawn on the basis of Section 417.3(c) This divisional line on Zoning Commissioner's Exhibit 1 is incorrect in light of Section 417.3(a) and the balanced line will not work.

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I have marked the Zoning Commissioner's Exhibit 1A with the correct Foulke/Michalski divisional line. This line as marked will, clearly, apply the spirit and intent of Section 417.3. The parties now receive the benefits their property is entitled to, based upon the letter of the law established by Section 417.3.

Pursuant to the advertising, posting of the property and the public hearing on the Petition held and after due consideration of the testimony and evidence presented, the divisional lines and the extensions thereof as shown on Zoning Commissioner's Exhibit 1 and as altered by this Opinion and Order shall be applied to the properties in question and shall be so ordered.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of November, 1988 that the Special Hearing for the proper interpretation of Section 417 of the B.C.Z.R. as it applies to lots 42, 43 and 44 of Triple Union Park, Plat Book 10/80 and lots 11, 12, Block I and lots 12 through 18, Block H of Lynch Point Plat Book 8/38, 15th Election District, Baltimore County, Maryland, shall be as shown on Zoning Commissioner's Exhibit 1, as amended, consistent with this Opinion and Order; and as finally shown on Zoning Commissioner's Exhibit 1A, subject to the following restriction.

- All development of all waterfront construction for lots 42, 43 and 44 of Triple Union Park, Plat Book 10/80 and lots 11, 12 of Block I and lots 12 through 18, Block H of Lynch Point Plat Book 8/38, 15th Election District, Baltimore County, Maryland, shall be restricted to 10 foot setbacks within the divisional lines as placed upon Zoning Commissioner's Exhibit 1A. The 10 foot setbacks shall be maintained for all waterfront construction except as provided below.

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IT IS FURTHER ORDERED by the Zoning Commissioner that a pier of no more than 6 feet in width for Lot 43 of Triple Union Park (presently belonging to Helen Michalski) shall be permitted to be constructed to a distance equal to the Foulke/Michalski divisional line extended and the required 10 foot clear area need not be maintained.

J. Robert Haines  
Zoning Commissioner  
OF BALTIMORE COUNTY

JRH:mm  
cc: Peoples Counsel

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Date 11/9/88  
By M. S. Clark

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-8333

J. Robert Haines  
Zoning Commissioner

November 7, 1988



Dennis F. Rasmussen  
County Executive

William E. and Frieda C. Foulke  
3111 Roger Avenue  
Baltimore, Maryland 21219

Mrs. Helen Michalski  
3134 (Box 10) Main Avenue  
Baltimore, Maryland 21219

Eugene A. and Doris Davidson  
3107 Newton Road  
Baltimore, Maryland 21219

Samuel B. and Elizabeth C. Poist  
3136 Main Avenue  
Baltimore, Maryland 21219

RE: Petition for Special Hearing  
Case No. 89-100 SPH

Dear Ladies and Gentlemen:

Enclosed please find the decision rendered on the above captioned case. The divisional lines for constructing waterfront development will be determined based upon Zoning Commissioner's Exhibit 1A.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mm  
att.  
cc: Peoples Counsel

### PETITION FOR SPECIAL HEARING

BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

IT IS HEREBY ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THAT A HEARING IS REQUIRED IN THE DISCRETION OF THE ZONING COMMISSIONER, PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR PROPERTY SITUATE IN BALTIMORE COUNTY FOR A PUBLIC HEARING FOR THE PROPER INTERPRETATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.

J. Robert Haines  
Zoning Commissioner

THE PETITION FOR A SPECIAL HEARING UNDER SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A PUBLIC HEARING FOR THE PROPER ENFORCEMENT AND/OR INTERPRETATION OF SECTION 417 AS IT APPLIES TO LOTS 42, 43 and 44 OF TRIPLE UNION PARK, PLAT BOOK 10/80, AND LOTS 11, 12, BLOCK I AND LOTS 12 THROUGH 18, BLOCK H OF LYNCH POINT PLAT BOOK 8/38, 15th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS  
AFFECTED PROPERTY OWNERS:

- WILLIAM E. & FRIEDA C. FOULKE  
3111 ROGER ROAD  
BALTIMORE, MD 21219  
(LOTS 11, 12 LYNCH POINT)
- HELEN MICHALSKI  
3134 (BOX 10) MAIN AVENUE  
BALTIMORE, MD 21219  
(LOTS 43, 44 TRIPLE UNION PARK)
- EUGENE A. & DORIS DAVIDSON  
3107 NEWTON ROAD  
BALTIMORE, MD 21219  
(LOTS 12-18 LYNCH POINT)
- SAMUEL B. & ELIZABETH C. POIST  
3136 MAIN AVENUE  
BALTIMORE, MD 21219  
(LOT 42 TRIPLE UNION PARK)

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of JULY 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 26th day of August, 1988, at 8:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

# 38  
89-100 SPH

MAX SE 65  
4A  
E.O. 15th  
DATE 1-20-89  
200 BF  
1000 BF  
DP

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15 Date of Posting 8/6/88  
Posted for: SPH - to determine Application of S 417 4.02E  
Petitioner: Zoning Commission  
Location of property: E. & W. Rosen Ave. (waterfront) and 3129 + 3136 Main Ave. (waterfront)  
Location of Signs: E/S Main Ave. between # 3129 + 3136 and W. Rosen Ave. at the End of Paving  
Remarks:  
Posted by: U. Carl Richards, Jr. Date of return: 8  
Number of Signs: 3 (1 single, 2 back to back)

CERTIFICATE OF PUBLICATION

TOWSON, MD, August 4, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 4, 1988.

THE JEFFERSONIAN,

S. Zefke Orlov  
Publisher

PO# 02718  
Reg# M18896 65.63

CERTIFICATE OF PUBLICATION

Baltimore County Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21284 • 494-3333  
NOTICE OF HEARING  
CASE NUMBER: 88-100-SPH  
PETITION FOR SPECIAL HEARING BY  
THE ZONING COMMISSIONER OF BALTIMORE COUNTY.  
IT IS HEREBY ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY THAT A HEARING IS REQUIRED IN THE DISCRETION OF THE ZONING COMMISSIONER PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR PROPERTY SITUATED IN BALTIMORE COUNTY FOR A PUBLIC HEARING FOR THE PROPOSED INTERPRETATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.  
THE PETITION FOR A SPECIAL HEARING UNDER SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A PUBLIC HEARING FOR THE PROPOSED ENFORCEMENT AND/OR INTERPRETATION OF SECTION 500.7 AS IT APPLIES TO LOTS 42, 43 AND 44 OF TRIPLE UNION PARK, PLAT BOOK 1080, AND LOTS 11, 12, BLOCK 1 AND LOTS 12 THROUGH 18, BLOCK II OF LYNCH POINT, PLAT BOOK 830, 15th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.  
AFFECTED PROPERTY OWNERS:  
WILLIAM E. & FREIDA C. FOULKE 3111 ROGER ROAD BALTIMORE, MARYLAND 21219 (LOTS 11, 12 LYNCH POINT)  
HELEN MICHALSKI 3136 MAIN AVENUE BALTIMORE, MARYLAND 21219 (LOT 42 TRIPLE UNION PARK)  
EUGENE A. & DORIS DAVIDSON 3107 NEWTON ROAD BALTIMORE, MARYLAND 21219 (LOTS 12-18 LYNCH POINT)  
SAMUEL B. & ELIZABETH C. POIST 3136 MAIN AVENUE BALTIMORE, MARYLAND 21219 (LOT 42 TRIPLE UNION PARK)  
ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, THIS 28th DAY OF JULY 1988, THAT THE SUBJECT MATTER OF THIS PETITION BE ADVERTISED AS REQUIRED BY THE ZONING LAW OF BALTIMORE COUNTY, IN TWO NEWSPAPERS OF GENERAL CIRCULATION THROUGHOUT BALTIMORE COUNTY, THAT PROPERTY BE POSTED, AND THAT THE PUBLIC HEARING BE HELD BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY IN ROOM 106, COUNTY OFFICE BUILDING IN TOWSON, BALTIMORE COUNTY, ON THE 28th DAY OF AUGUST, 1988, AT 8:30 O'CLOCK A.M.

OFFICE OF  
Dundalk Eagle  
1 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222  
August 16, 1988  
THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - 89-100SPH - P.O. #02717 - Reg. #M1897 - 160 \$80.00, inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week one successive weeks before the day of August 1988; that is to say, it was inserted in the issues of August 11, 1988

Kimbel Publication, Inc.

per Publisher.  
By K.C. Orlow

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

NOTICE OF HEARING

CASE NUMBER: 88-100-SPH  
PETITION FOR SPECIAL HEARING  
BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY.  
IT IS HEREBY ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THAT A HEARING IS REQUIRED IN THE DISCRETION OF THE ZONING COMMISSIONER, PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR PROPERTY SITUATED IN BALTIMORE COUNTY FOR A PUBLIC HEARING FOR THE PROPER INTERPRETATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.

THE PETITION FOR A SPECIAL HEARING UNDER SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A PUBLIC HEARING FOR THE PROPER ENFORCEMENT AND/OR INTERPRETATION OF SECTION 417 AS IT APPLIES TO LOTS 42, 43 AND 44 OF TRIPLE UNION PARK, PLAT BOOK 1080, AND LOTS 11, 12, BLOCK I AND LOTS 12 THROUGH 18, BLOCK II OF LYNCH POINT PLAT BOOK 830, 15th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS.  
AFFECTED PROPERTY OWNERS:

WILLIAM E. & FREIDA C. FOULKE 3111 ROGER ROAD BALTIMORE, MD 21219 (LOTS 11, 12 LYNCH POINT)  
HELEN MICHALSKI 3136 (BOX 10) MAIN AVENUE BALTIMORE, MD 21219 (LOTS 43, 44 TRIPLE UNION PARK)

EUGENE A. & DORIS DAVIDSON 3107 NEWTON ROAD BALTIMORE, MD 21219 (LOTS 12-18 LYNCH POINT)  
SAMUEL B. & ELIZABETH C. POIST 3136 MAIN AVENUE BALTIMORE, MD 21219 (LOT 42 TRIPLE UNION PARK)

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, THIS 28th DAY OF JULY 1988, THAT THE SUBJECT MATTER OF THIS PETITION BE ADVERTISED, AS REQUIRED BY THE ZONING LAW OF BALTIMORE COUNTY, IN TWO NEWSPAPERS OF GENERAL CIRCULATION THROUGHOUT BALTIMORE COUNTY, THAT PROPERTY BE POSTED, AND THAT THE PUBLIC HEARING BE HELD BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY IN ROOM 106, COUNTY OFFICE BUILDING IN TOWSON, BALTIMORE COUNTY, ON THE 28th DAY OF AUGUST, 1988, AT 8:30 O'CLOCK A.M.

J. Robert Haines

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

July 29, 1988

Dennis Rosen  
3142 Main Avenue  
Baltimore, MD 21219

RE: Zoning Public Hearing  
#89-100SPH, Item #38

Dear Mr. Rosen:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations. As a resident property owner in the community in the vicinity of the four affected properties, it is in your best interest to attend the hearing. Everyone in attendance will be given an opportunity to speak before the close of the hearing.

Enclosed is a copy of the petition and zoning map for your information. You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Zoning Supervisor

By: U. Carl Richards, Jr.  
Zoning Coordinator

W.C.R., Jr.:scj

Baltimore  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

August 3, 1988

Linda A. Michling, Chief  
Western Shore Section  
Department of the Army  
Baltimore District, Corps of Engineers  
P.O. Box 1715  
Baltimore, Maryland 21203-1715

RE: Baltimore County Zoning  
Commissioner Waterfront Construction  
Public Hearing #89-100, Item #38

Dear Ms. Michling:

The purpose of this letter is to notify your agency that the Zoning Commissioner of Baltimore County has ordered that a public hearing take place as described on the attached Petition form and plats. He is officially requesting that your agency furnish this office with the following information concerning the four affected properties:

1. The current status and compliance with any previous permits, or current applications before your agency for approval; and,
2. Comments regarding the previous filling, bulkheading, and any existing construction including piles; and,
3. Any other information from your files or the D.N.R. regarding these properties.

I understand that Ms. Terry Morgan of your office is familiar with the properties.

Linda A. Michling, Chief  
Western Shore Section  
Department of the Army  
Waterfront Construction  
August 5, 1988  
Page 2

If you or anyone else from your agency should require further clarification of the hearing that has been ordered, please contact me in this office at 301-494-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Zoning Supervisor

By: U. Carl Richards, Jr.  
Zoning Coordinator

W.C.R., Jr.:scj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner  
DATE: July 22, 1988  
FROM: Mr. Robert W. Sheesley  
SUBJECT: Petition for Special Hearing - Case #89-100 (Item #38)  
North of North Point Road, East of Newton Road and West of Main Avenue along Back River - Lynch Point

Subject property is located along North Point Road between Newton Road and Main Avenue along Back River in Lynch Point. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The Petition for a Special Hearing was requested for a property line dispute involving the following property owners:

1. William E. and Freida C. Foulke
2. Helen Michalski
3. Eugene A. and Doris Davidson
4. Samuel B. and Elizabeth C. Poist

Chesapeake Bay Critical Area law has no jurisdiction over private piers according to COMAR 14.15.03.01.C, stating:

"Individual private piers installed or maintained by riparian landowners, and which are not a part of a subdivision which provides community piers, are excluded from regulation." (COMAR 14.15.03.01.C1).

However, Critical Area law does address shoreline enhancement issues in areas where shoreline erosion may be a problem.

If any of the above-mentioned parties wishes to improve, stabilize or enhance the existing shoreline conditions, it must be done in accordance with the Chesapeake Bay Critical Area Shoreline Enhancement Plan (COMAR 14.15.04) before final approval. Otherwise, if shoreline conditions are considered satisfactory and no shoreline enhancement is requested, this Petition is found to be in compliance with Chesapeake Bay Critical Area Law and is approved.

Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

Robert W. Sheesley  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RKS:DCF:tjg

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards  
DATE: August 5, 1988  
FROM: John R. Reisinger  
SUBJECT: Foulke/Michalski  
#38/89-100SPH

My comments on the Michalski pier are as follows:

1. There is still no permit for the pier, due to the lack of the resolution of the property line dispute.
2. The construction of the pier is substandard in that it is not of adequate strength and permanence. Structural reinforcement or a complete reconstruction would be needed before any final approval could be given.

JRR/nmg

cc: b file  
correspondence  
Gunther

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

July 29, 1988

Eugene A. & Doris Davidson  
3107 Newton Road  
Baltimore, MD 21219

RE: Zoning Public Hearing  
#89-100SPH, Item #38

Dear Mr. or Mrs. Davidson:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER  
Zoning Supervisor

By: W. Carl Richards, Jr.  
Zoning Coordinator

P-549 222 500

RECEIPT FOR CERTIFIED MAIL

NO RETURN ADDRESS REQUIRED  
ACT FOR RETURN TO MAIL

(See Reverse)

USPS Form 3800, June 1985

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Always obtain signature of addressee or agent and DATE DELIVERED

8. Signature - Addressee

9. Signature - Agent

7. Date of Delivery

1. Article Addressed to: Mr. & Mrs. Eugene A. Davidson, 3107 Newton Rd., Baltimore, MD 21219

2. Article Number: P-549 222 500

3. Article Addressed to: Mr. & Mrs. Eugene A. Davidson, 3107 Newton Rd., Baltimore, MD 21219

4. Article Number: P-549 222 500

5. Type of Service: Registered Certified, Insured, Express Mail

6. Signature - Addressee: [Signature]

7. Date of Delivery: 7-30-88

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

July 29, 1988

Helen Michalski  
3134 (Box 10) Main Avenue  
Baltimore, MD 21219

RE: Zoning Public Hearing  
#89-100SPH, Item #38

Dear Mrs. Michalski:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER  
Zoning Supervisor

By: W. Carl Richards, Jr.  
Zoning Coordinator

P-549 222 496

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

July 29, 1988

William E. & Freida C. Foulke  
3111 Roger Road  
Baltimore, MD 21219

RE: Zoning Public Hearing  
#89-100SPH, Item #38

Dear Mr. or Mrs. Foulke:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER  
Zoning Supervisor

By: W. Carl Richards, Jr.  
Zoning Coordinator

P-549 222 498

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

July 29, 1988

Samuel B. & Elizabeth C. Poist  
3136 Main Avenue  
Baltimore, MD 21219

RE: Zoning Public Hearing  
#89-100SPH, Item #38

Dear Mr. or Mrs. Poist:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

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Very truly yours,

JAMES E. DYER  
Zoning Supervisor

By: W. Carl Richards, Jr.  
Zoning Coordinator

P-549 222 497

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

July 29, 1988

Stanley B. Michalski  
3130 Main Avenue  
Baltimore, MD 21219

RE: Zoning Public Hearing  
#89-100SPH, Item #38

Dear Mr. Michalski:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations. As a resident property owner in the community in the vicinity of the four affected properties, it is in your best interest to attend the hearing. Everyone in attendance will be given an opportunity to speak before the close of the hearing.

Enclosed is a copy of the petition and zoning map for your information. You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER  
Zoning Supervisor

By: W. Carl Richards, Jr.  
Zoning Coordinator

W.C.R., Jr.:scj

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

&lt;

NEWTON A. WILLIAMS  
WILLIAM H. HESSON, JR.  
THOMAS J. HANLEY, JR.  
ROBERT S. ENLEHANT, JR.  
STEPHEN J. HOLBERT  
ROBERT L. HANLEY, JR.  
ROBERT S. GILCHRIST  
STEPHEN M. SCHENNING  
DOUGLAS A. BURGESS  
ROBERT E. CARROLL, JR.  
LOUIS G. CLINE, III  
E. BRUCE JONES, JR.  
KEVIN L. KOSTUM  
GREGORY J. JONES

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
OOB 823-7800  
TELEFAX: 009 296-2765

JAMES D. NOLAN  
RETIRED 1980  
J. EARLE PLUMHOFF  
RETIRED 1980  
RALPH S. DEITE  
RETIRED 1980

WRITER'S DIRECTORIAL  
#377856

February 15, 1991

RECEIVED  
FEB 19 1991  
ZONING OFFICE

Mr. Donald C. Outen, Acting Chief  
Department of Environmental Protection  
and Resource Management  
4th Floor, Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Mr. Ted Zaleski, Jr., Director  
Department of Permits and Licenses  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Outen, Mr. Zaleski and Commissioner Haines:

RE: Our clients Mrs. Helen Michalski and Mr. Raymond Michalski, 3134 Main Avenue, Baltimore County, Maryland 21219

Neighboring property owner Mr. and Mrs. William E. Foulke, 3111 Roger Road, Baltimore, Maryland 21219

Please be advised that this office represents Mrs. Helen Michalski and her son Mr. Raymond Michalski with reference to their Main Road property in Edgemere.

For a number of years the Michalski's have been beset with problems with a neighbor, namely, Mr. William E. Foulke, who has steadily, in their view, encroached upon the rear of the Michalski property which has waterfront access.

Notwithstanding Commissioner Haines' Decision and Order in Case No. 89-100SPH, to our knowledge a court has never determined the respective property rights and waterfront rights of the parties.

Mr. Donald C. Outen,  
Mr. Ted Zaleski, Jr.  
February 15, 1991  
Page 2

We are enclosing herewith a copy of a preliminary permit letter from Baltimore County dated January 14, 1991, which despite earlier requests was not furnished to this office until February 15, 1991.

Please be advised that on behalf of Mr. and Mrs. Michalski we wish to be kept informed of any and all permit applications made by Mr. Foulke concerning 3111 Roger Road.

We note that the January 14th letter is made specifically contingent upon the application and obtaining of all necessary State and Federal permits, as well as the application of the Department of Permits and Licenses.

The only permit which we are aware of is permit D030100 which is denominated as a waterfront permit on the printout.

In order to take timely appeals from any permits subsequently issued to the Foulkes, we must be kept informed, and this letter represents a formal written embodiment of earlier requests by the Michalski's made to the Department of Environmental Protection and Resource Management and to the Department of Permits and Licenses as well as to the Executive Office to be so kept informed. We are enclosing herewith a copy of an altered drawing from some type of State permit dated July 31, 1989, namely, Permit 88-WL-838, showing how it will be a simple matter for Mr. Foulke to angle his stone sill wall to the corner of the Michalski property, which would solve the whole problem.

If Mr. Foulke is willing to do this and to abide by this, we can obviate the further need for lawyers and costly litigation and oversight.

In any case, we wish to formally go on record with all departments and ask to be kept informed, particularly as to any permit which may be issued by the Department of Permits and Licenses pursuant to the preliminary letter from the Department of Environmental Protection and Resource Management dated January 14, 1991, a copy of which is attached.

Mr. Donald C. Outen  
Mr. Ted Zaleski, Jr.  
February 15, 1991  
Page 3

Thanking you and all of your staff, for your attention to this request, I am

Very truly yours,  
*Newton A. Williams*  
Newton A. Williams

NEW:jc  
Attachments

cc: Mr. Louis J. Waidner  
Mr. Nick Spinnato, Sr.  
J. Robert Haines, Esq., Zoning Commissioner  
Mr. William E. Foulke  
Mr. David Flowers  
Mrs. Helen Michalski  
Mr. Raymond Michalski  
W. Michael Seganish, Esq.

SC 86-111  
Map 4549  
Baltimore County Government  
Department of Environmental Protection  
and Resource Management

401 Bosley Avenue  
Towson, MD 21204

January 14, 1991

687-3733

Mr. William E. Foulke  
3111 Roger Road  
Baltimore, Maryland 21219

Re: 3111 Roger Road  
Back River near Lynch Point

Dear Mr. Foulke:

This Department has completed its review of the proposed shoreline stabilization and marsh restoration at the above referenced site and hereby grants approval to:

1. Place 40 linear feet of rip rap along a ditch on the southeast edge of the property;
2. place a 45 feet long by 5 feet wide low profile stone revetment at the mouth of a vegetated wetland; and
3. plant marsh vegetation on the landward side of the stone revetment.

This approval is contingent on the following requirements being met:

1. All work should be done in accordance with the conditions allowed in your State and Federal permits;
2. a County permit should be applied for at the Department of Permits and Licenses. You may present this letter to that Department at the time of application;
3. the restored marsh shall be maintained as a wetland in perpetuity i.e., shall not be converted to fast-land at any time in the future.

If you have any questions regarding the requirements of this letter and/or permitting, please contact Mr. Rocky Powell at 887-3980.

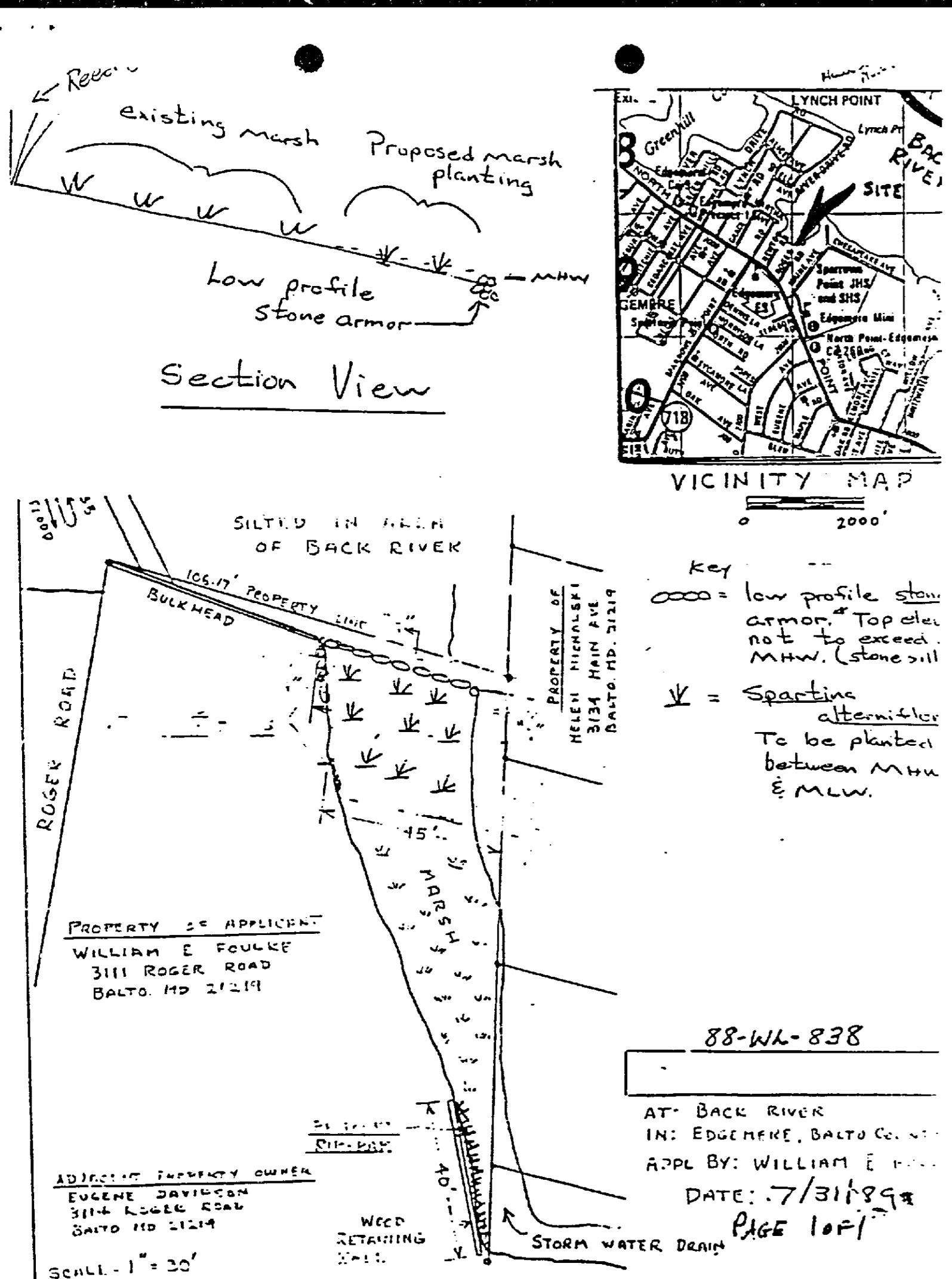
Very truly yours,

*Donald C. Outen*  
Donald C. Outen, A.I.C.P., Chief  
Bureau of Water Quality and  
Resource Management

DCO:RP:sp

cc: Mr. Michael Cook  
Mr. David Flowers

*2/16/91 - 2110 - 2110 - 2110 - R list*



W. MICHAEL SEGANISH  
ATTORNEY AT LAW  
COURTHOUSE COMMONS  
222 BOSLEY AVENUE, SUITE 65  
TOWSON, MARYLAND 21204  
301-337-0000

RECEIVED  
APR 17 1989  
ZONING OFFICE

April 7, 1989

Baltimore County Zoning Commissioner:  
Office of Planning and Zoning  
Towson, Maryland 21204

Attention: J. Robert Haines, Esq., Zoning Commissioner

Re: Case No.: C89-1405  
Lot 43, Main Avenue

Dear Mr. Haines:

As you are aware, I represented Mr. William E. Foulke with regard to the controversy regarding Lots 42, 43 and 44 of Triple Union Park. Said hearing was on November 9th, 1988, wherein you passed an Order delineating the rights of the Michalski's and Mr. Foulke and established a divisional line. Helen Michalski has applied for a permit to build a pier which conforms to current zoning code. The permit which they have obtained is for a 55 foot pier, which in our opinion will place it beyond this divisional line.

I have been in contact with Councilman Volz's office and Mr. Foulke has talked with him as well regarding this problem.

My purpose in writing to you is to ascertain whether it was your intent to allow a pier 55 feet in length to be built on this property, if it would exceed by over 10 feet the divisional line which was established.

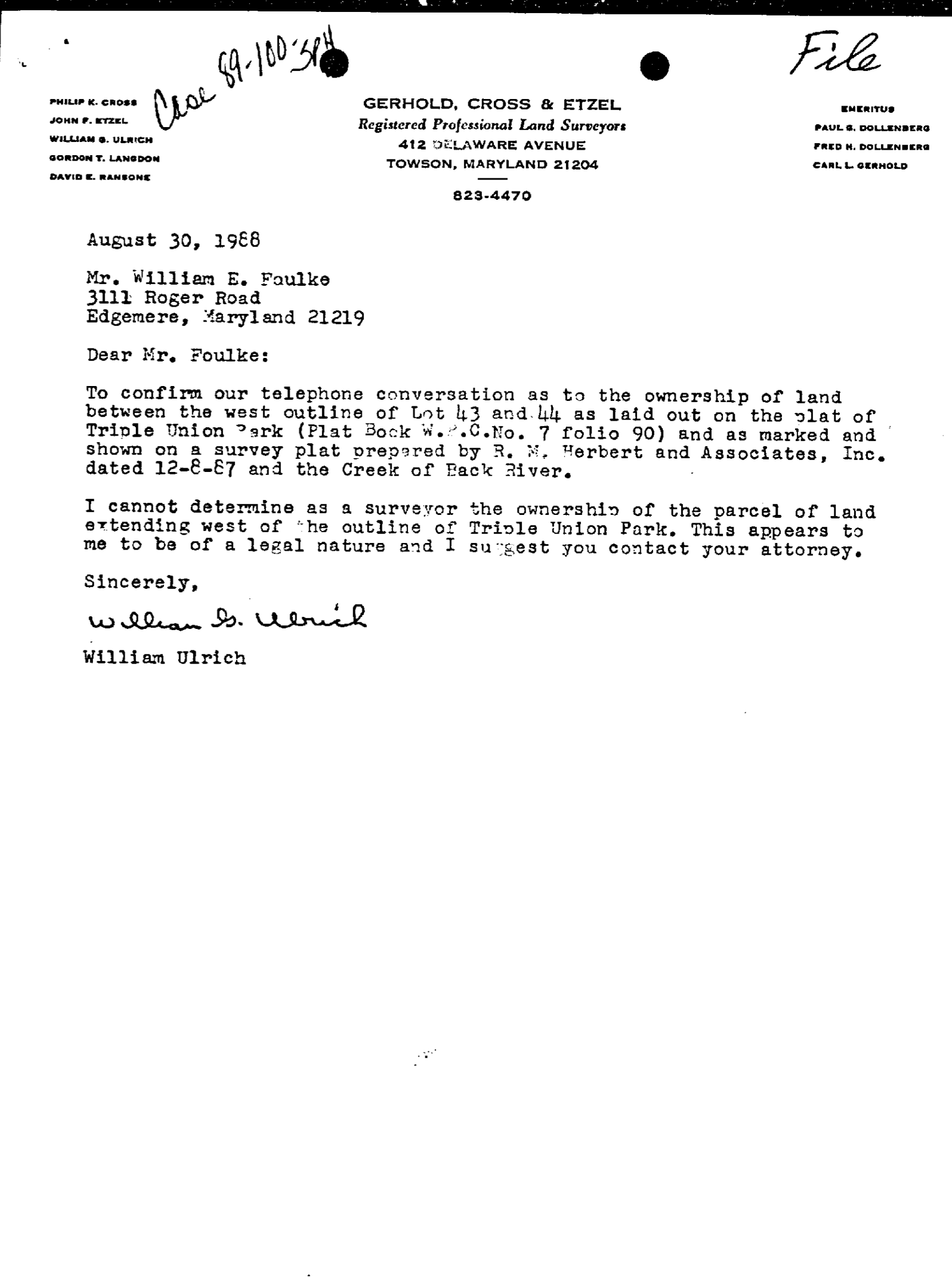
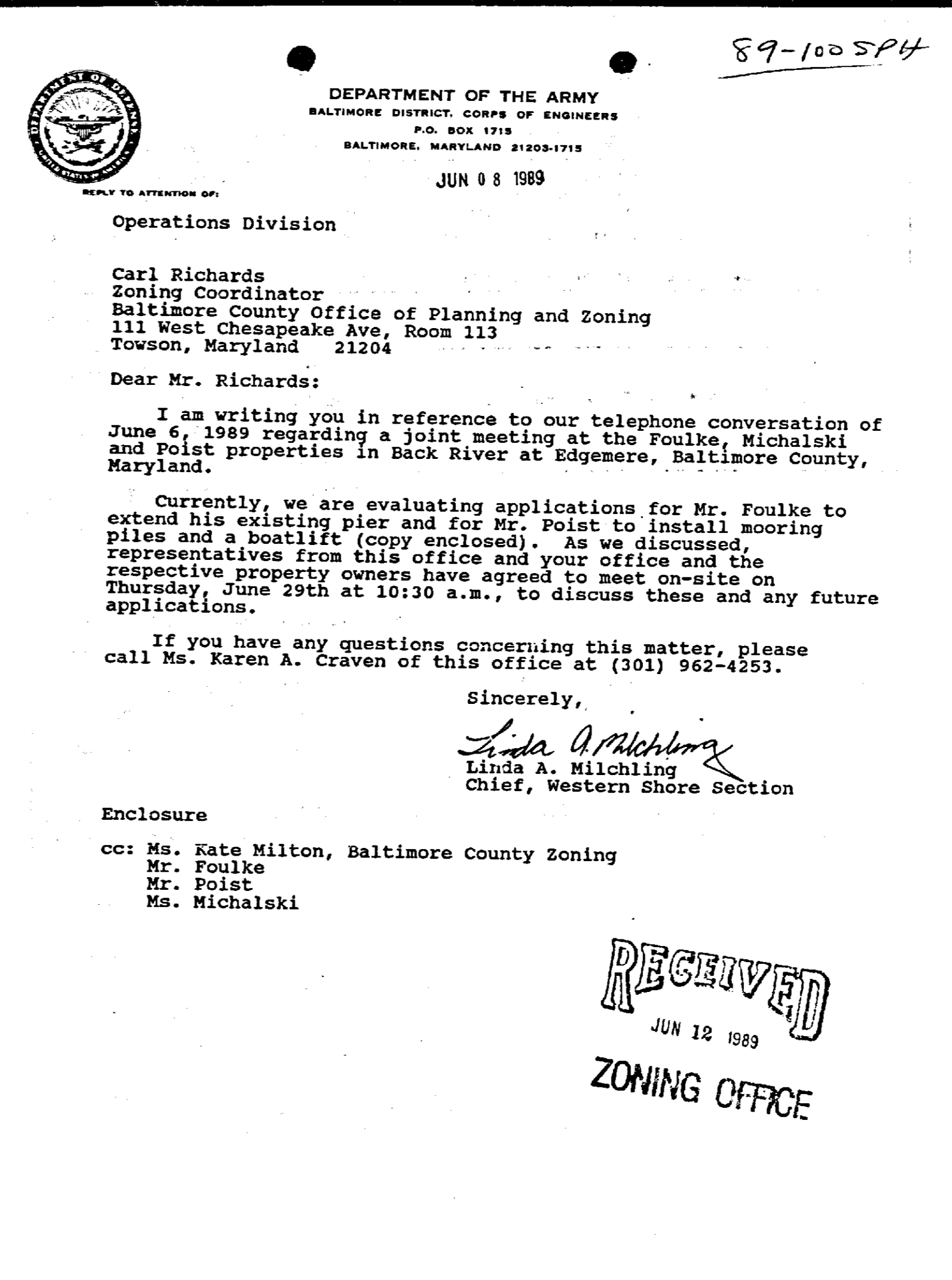
Would you kindly call my office to discuss this matter.

Thank you for your kind help in this matter.

Very truly yours,

*W. Michael Seganish*  
W. Michael Seganish

WMS:nrs  
cc: Mr. William Foulke



Jan 4, 1990

I request of Copy of The TRANSCRIPT for Case # 89100 SPH. HEARING DATE: 8-26-88

Raymond J. Michalski 3134 MAIN AVE BALTO MD 21219 388-0448

3111 Roger Road Baltimore, Md. 21219 June 15, 1988

Zoning Commission Towson, Md. 21204 RECEIVED ZONING OFFICE DATE: 6/17/88 Dear Sir, In reference to my application for a pier extension, Permit # 89177 was filed on June 22, 1987 and a revised plan was filed on June 22, 1987 as per zoning request. I would appreciate it very much if you could schedule me an appointment to meet with you. This case dates back to 1976 when I first applied for an extension, and subsequent applications in 1981 & 1983. There are some important facts that have a direct bearing on this case of which you may not be aware, and I would like for you to consider before making your decision on my permit. In all honesty I must say that I do not feel that the County has dealt fairly with me in its handling of this matter and that is why I am appealing directly to you, not for any special consideration but only to examine all the facts, so that I may receive equal justice. This problem has been of deep concern to me over the last 12 years and I would like to cooperate in resolving this matter, so the case can finally be closed. Sincerely, William E. Foulke

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204. PERMIT # 8010065. PROPERTY ADDRESS 3134 MAIN AVE BALTO MD 21219. APPLICANT INFORMATION NAME: Helen Michalski. COMPANY: 3134 MAIN AVE. PHONE: 388-0448. DESCRIBE PROPOSED WORK: Const a 55' pier and 3 mooring piles on Back River. Copy of Army Engineers plans 88-4069-2 att. in compliance with order in zoning case 89-100 SPH will not extend beyond division lines as established.

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204. PERMIT # 8025608. PROPERTY ADDRESS 3134 MAIN AVE BALTIMORE. APPLICANT INFORMATION NAME: Samuel A. Faint III. COMPANY: 477-0919. DESCRIBE PROPOSED WORK: Install 4 mooring piles on Back River. Copy of Eng. Permit # 89-1701-6. Section 417 S.C.R. and zoning case 89-100 SPH. Plans revised by Faint 7/28/89.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE Mr. John J. France, Supervisor Building Application Reviews Division Department of Permits & Licenses Zoning Technician II. TO: Ms. Diana Riter. DATE: January 14, 1976. FROM: Stanley Michalski - Applicant. SUBJECT: Proposed Pier Permit No. 71232-WF Box 20, Main Avenue - 15th Election District Stanley Michalski - Applicant. I am in receipt of your letter requesting information concerning the above referenced permit. Please be advised that permit Nos. 71232 WF and 72056 WF were applications for piers on adjacent properties. Since the proposed piers were in conflict with Section 417.4 of the Baltimore County Zoning Regulations, these applications could not be approved by the Zoning Office. This Section states: "No construction, beyond mean low tide, including mooring piles, will be permitted within ten feet of divisional lines as established. The effect of this requirement will be to maintain a 20-foot open access strip between the facilities of adjoining property owners." Both property owners agreed to file revised site plans in compliance with the aforementioned Section. Mr. Michalski did, in fact, file said plans; however, there was a discrepancy between the dimension shown on the survey plat for the northeastern most property line and that shown on the original "Triple Union Park" plat. This office recognizes the original plat as accurate. Mr. Michalski was informed on September 15, 1975, via a letter from this office, of this discrepancy and that revised plans must be submitted to the Department of Permits & Licenses, subject to the following: 1. The proposed pier may not exceed 70 feet in length. 2. No part of the proposed pier, including mooring piles, are permitted within 10 feet of the division lines established, as per Section 417 of the Zoning Regulations.

BALTIMORE COUNTY TRANSMITTAL MEMO LETTER OF TRANSMITTAL TO: Bob Haines & Cary Richards FROM: Ann Nastarowicz DATE: 3/8/88. SUBJECT: Telephone Call from Councilman Dale T. Volz RE: Permit of William Foulke Pier Plans. Recently advised by Carl - Foulke needs to establish shore line - advised by "Army Corp that it takes 18 years to establish" - Volz wants to know if we can go by old plat, even though may be slightly inaccurate. Would like to meet and discuss with Bob and Carl or Carl and myself on Monday (3/7/88) afternoon. RECEIVED Call Wm. Ulrich 823-4470. DATE: 12-8-87.

NOTIFICATION OF 89-100 SPH County Council - Dale Volz Peoples Council Director - OPZ DEPRM - Dave Flowers (2) Public Services (2) Fire Department Permits & Licenses (3) - Ted Burnham, John Reisinger, Frank Gunther Corps of Engineers Linda J. Michling (Terry Morgan) Chief, Western Shore Division. 4 Affected Properties - #1 Letter: William E. Foulke 3111 Roger Avenue Helen Michalski (Ray) 3134 (Box 10) Main Avenue - 388-0448 Eugene A. Davidson 3107 Newton Road Samuel B. Poist 3136 Main Avenue. Neighbors on W/S Main Avenue - #2 Letter: Stanley B. Michalski 3130 Main Avenue Richard Toland 3138 Main Avenue Katherine M. Schmidt 3140 Main Avenue Dennis Rotter 3142 Main Avenue Albert Szaborski 3148 Main Avenue Bertha B. Sobotka 3150 Main Avenue. Surveyor: William Ulrich home - 665-4047 office - 823-4420 Gerhold, Cross & Etzel, 412 Delaware Avenue, Towson, MD. 7 Frank Lee, Ronald M. Herbert (contributed, Bill Ulrich will notify) 601 Fox Bow Drive, Bel Air, MD 21017.

BALTIMORE COUNTY MARYLAND DEPARTMENT OF PERMITS AND LICENSES TOWSON, MARYLAND 21204. BUILDING PERMIT. PERMIT #: 8010065 CONTROL #: UF DIST: 15 PREC: 19 DATE ISSUED: 03/29/89 TAX ACCOUNT #: 1513954020 CLASS: 04. PLANS: CONST 0 PLOT 0 R PLAT DATA ELEC NO PLUM NO LOCATION: 3134 MAIN AVE SUBDIVISION: TRIPLE UNION PARK. OWNERS INFORMATION NAME: MICHALSKI, HELEN ADDR: TENANT: OWNER CONTR: OWNER ENGR: OWNER SELLER: WORK: CONST. A 55' PIER AND 3 MOORING PILING ON BACK RIVER. COPY OF CORPS OF ARMY ENGINEERS PERMIT 88-4069-2 ATTACHED. CONST. PLANS HAVING PER 3/29/89 CONST. PER ZONING CASE 89-100 SPH. BLDG. CODE: BOCA CODE RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED ESTIMATED \$ PROPOSED USE: SAME AND PIER AND PILING \$ 1,200.00 EXISTING USE: SFD. TYPE OF IMPRV: NEW BUILDING CONSTRUCTION USE: FOUNDATION: BASEMENT: SEWAGE: PRIV. EXISTS WATER: PUBLIC EXIST. LOT SIZE AND SETBACKS: SIZE: 850/051X214/226 FRONT STREET: SIDE STREET: FRONT SETB: NC BASEMENT: SIDE SETB: 78/25 SIDE STR SETB: REAR SETB: NC.

John - Write wave plans & plot plan

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND. NO PERMIT FEES REFUNDED.

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND. NO PERMIT FEES REFUNDED.

\*\*\* PASSWORD REQUIRED FOR UPDATE \*\*\*  
 TIME: 15:08:48 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE: 03/29/89  
 DATE: 04/06/89 GENERAL PERMIT APPLICATION DATA PLH 11:02:09  
 PERMIT #: B010065 PROPERTY ADDRESS  
 CONTROL #: B010065 3134 MAIN AVE  
 TAX ASSESSMENT #: B010065 TRIPLE UNION PARK DISTRICT/PRECINCT 15 19  
 FEE: 20.00 NAME: OWNERS INFORMATION (LAST, FIRST)  
 PAID BY: AGENT ADDR: MICHALSKI, HELEN  
 APPLIED: 03/29/89 NAME: APPLICANT INFORMATION  
 ISSUED: 03/29/89 COMPANY: HELEN MICHALSKI  
 OCCPNY: ADDR1: 3134 MAIN AVE  
 INSPECTOR: JG PHONE #: 388-0448 LICENSE #:  
 NOTES: BAC/LAC

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF6 - DELETE  
 PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF9 - SAVE  
 CLEAR - MENU

APPLICATION FOR BUILDING PERMIT

PERMIT #: B010065 CONTROL #: WF DIST. 15 PREC. 19

LOCATION: 3134 MAIN AVE  
 SUBDIVISION: TRIPLE UNION PARK  
 TAX ASSESSMENT #: 1513554020

OWNERS INFORMATION  
 NAME: MICHALSKI, HELEN  
 ADDR:

APPLICANT INFORMATION  
 NAME: HELEN MICHALSKI  
 COMPANY: HELEN MICHALSKI  
 ADDR1: 3134 MAIN AVE  
 ADDR2: BALTO, MD. 21219  
 PHONE #: 388-0448 LICENSE #:

NOTES  
 BAC/LAC

TRACT: CONST 0 BLOCK: R FLAT DATA ELEC NO PLUM NO  
 PLANS: CONST 0 R FLAT DATA ELEC NO PLUM NO  
 TENANT: OWNER  
 CONTR: OWNER  
 ENGR: OWNER  
 SKILL:  
 WORK: CONST. A 55' PIER AND 3 MOORING PILING ON BACK RIVER. COPY OF CORPS OF ARMY ENGINEERS PERMIT 88-4049-2 ATTACHED. ALL PLANS WAIVED PER JOHN REISINGER!! 3/29/89

PROPOSED USE: SAME AND PIER AND PILING  
 EXISTING USE: SFD

BLDG CODE: BOCA CODE  
 RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED  
 ESTIMATED COST OF MATERIAL AND LABOR: 1,200.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

FOUNDATION: BASEMENT: PUBLIC EXIST  
 SEWAGE: PRIV. EXISTS WATER:  
 CONSTRUCTION: FUEL:  
 CENTRAL AIR:

SINGLE FAMILY UNITS  
 TOTAL FAMILY BEDROOMS  
 MULTI FAMILY UNITS  
 EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:  
 NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:  
 TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PAGE 1 OF 2

PERMIT #: B010065

DIMENSIONS - INSTALL FIXURES

BUILDING SIZE  
 GARAGE DISP: FLOOR:  
 POWDER ROOMS: WIDTH:  
 BATHROOMS: DEPTH:  
 KITCHENS: HEIGHT:  
 STORIES:  
 LOT NO: 0045  
 CORNER LOT:

LOT SIZE AND SETBACKS  
 FRONT: 050/051X214/226  
 SIDE: STREET:  
 DEPTH: NC  
 SIDE SETB: 78/25  
 SIDE STR SETB:  
 REAR SETB: NC

ZONING INFORMATION

DISTRICT: BLOCK:  
 SECTION: 10  
 DATE: LIBER: 880  
 MAP: FOLIO: 04

ASSESSMENTS 0018330.00  
 LAND IMPROVEMENTS: 0064380.00  
 TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SURSEWERSED:  
 DATE APPLIED: 03/29/89 INSPECTOR INITIALS: JG  
 FEE: \$20.00 PAID: \$20.00 RECEIPT #: A57819  
 PAID BY: AGENT

CRITICAL AREA:

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

CORPORATE OR OWNER

DATE

ADDRESS

AGENT ==

OWNER ==

SIGNATURE OF APPLICANT

FRONT

Carl 4/6/89  
 Mike Segawish 337-2000  
 Call Carl - 8098  
 also Mr. Volz

PAGE 2 OF 2

DATE: DISTRICT: 15/19  
 PERMIT #: B010065  
 LOCATION: 3111 Roger Rd

Dear Sir:

Your application #B010065 is being held because:

Overhead wires closer to pool site than allowed by electrical code. (10')

Must file in person (rm. 100-County Off. Bldg.)

Plot plan incomplete.

Application incomplete

Lot not posted and/or staked.

Plot plans must be submitted, New Revised

Other:

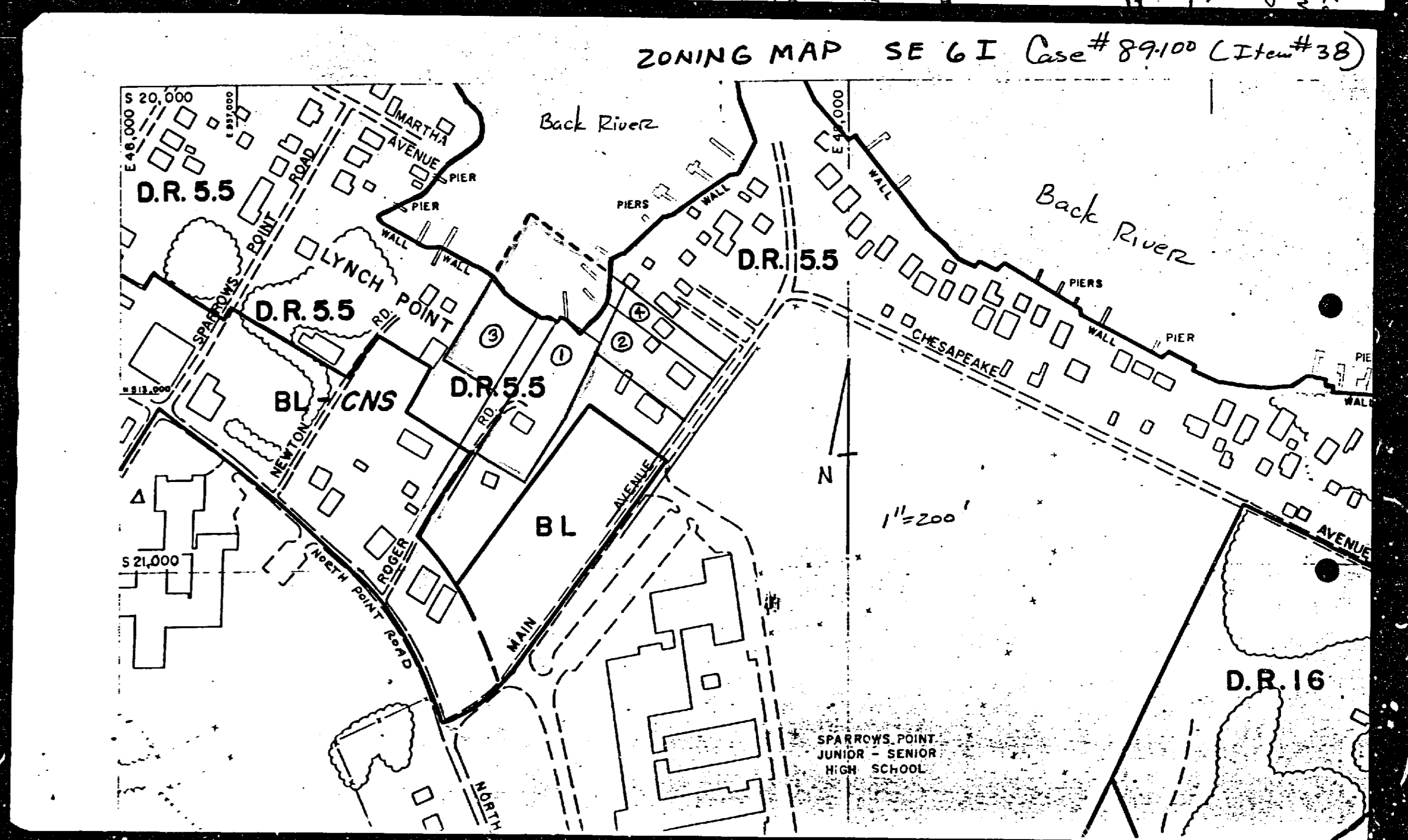
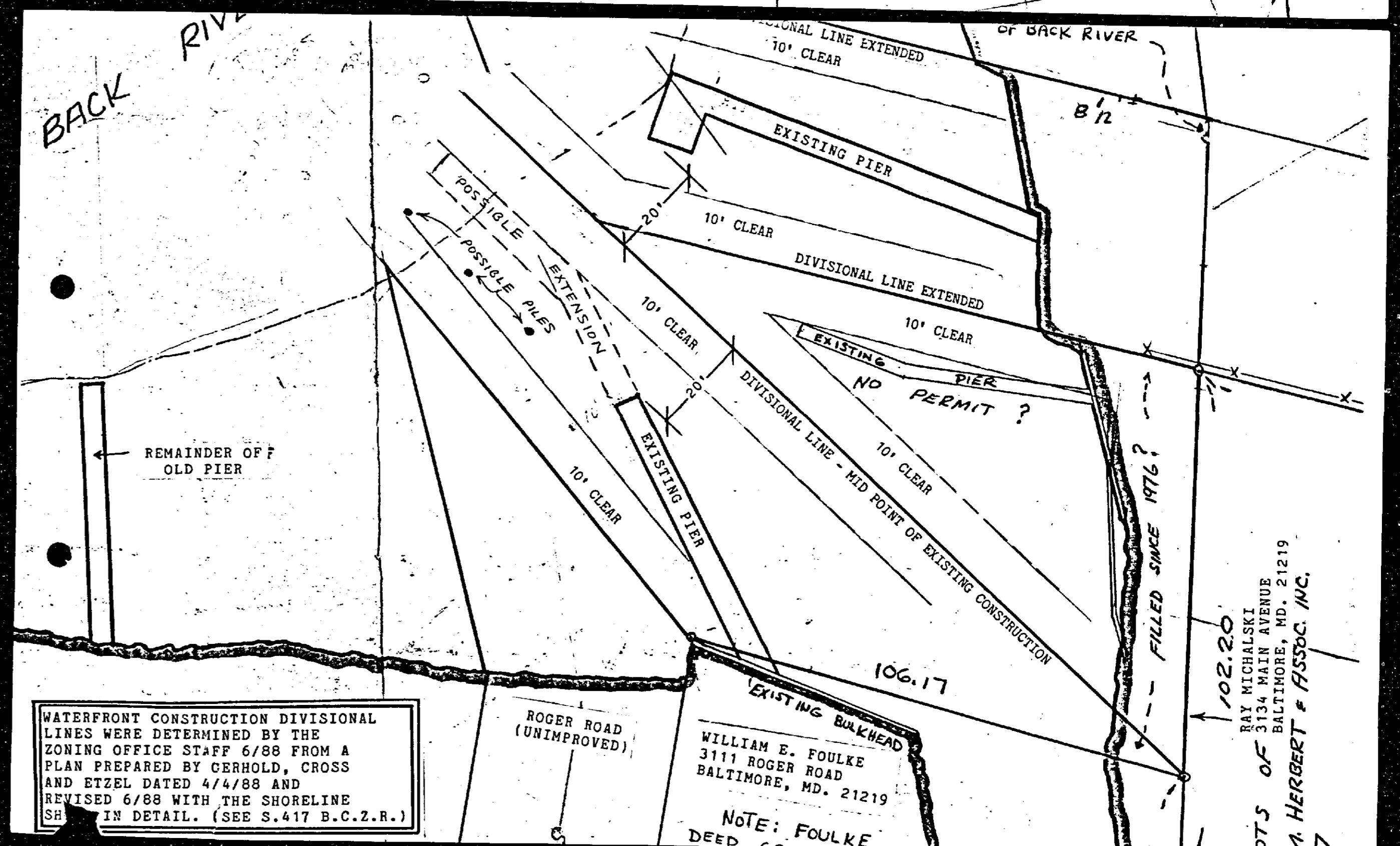
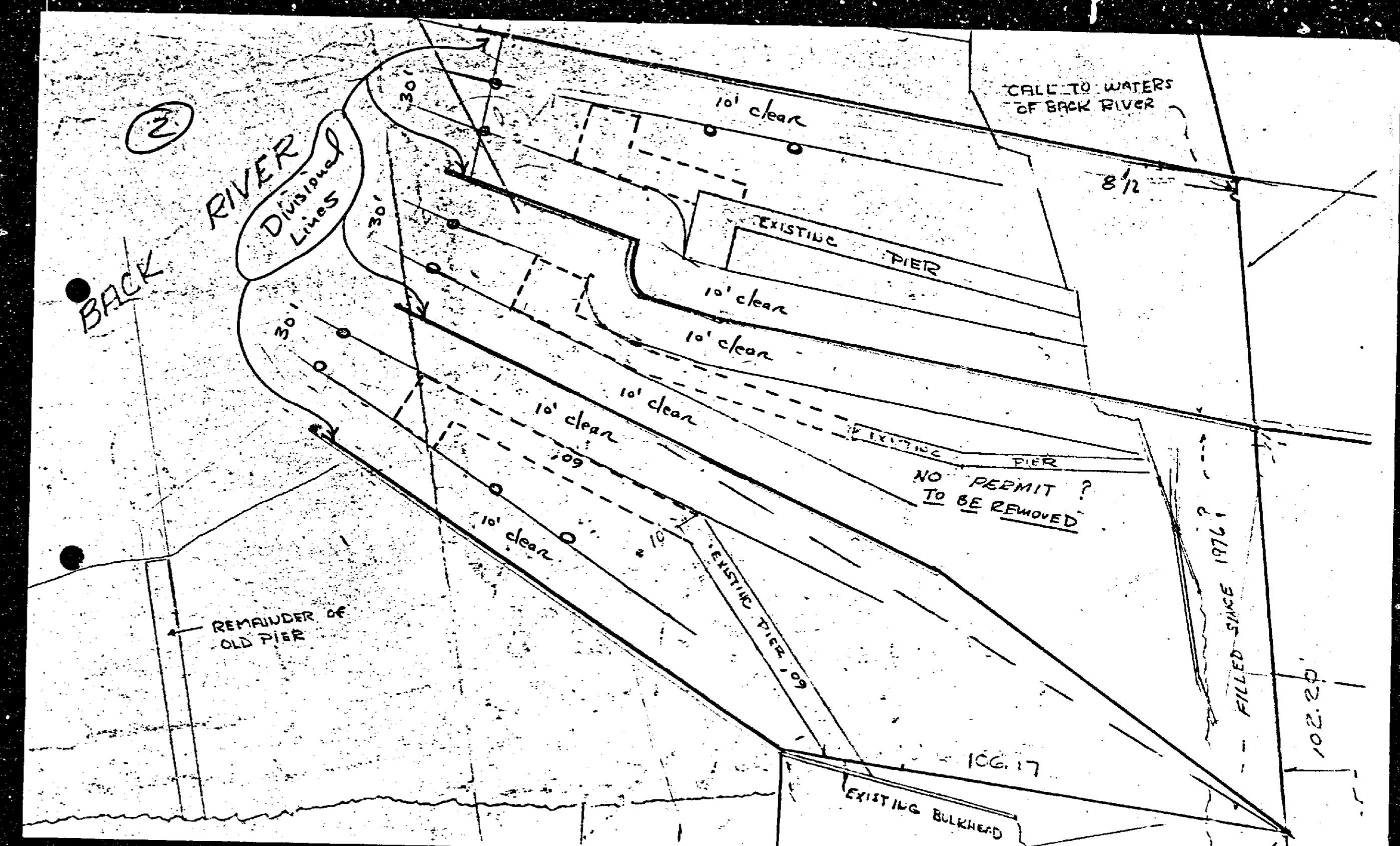
Please submit your permit from the Army Corps of Engineers. If this is received your permit can be issued.

Mr. Full

Please advise this office when the above checked item has been taken care of, or bring this card into the office with the required information.

Permits & Licenses  
 County Office Bldg., Rm. 100  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

cc: Folder  
 494-3900, 494-3614

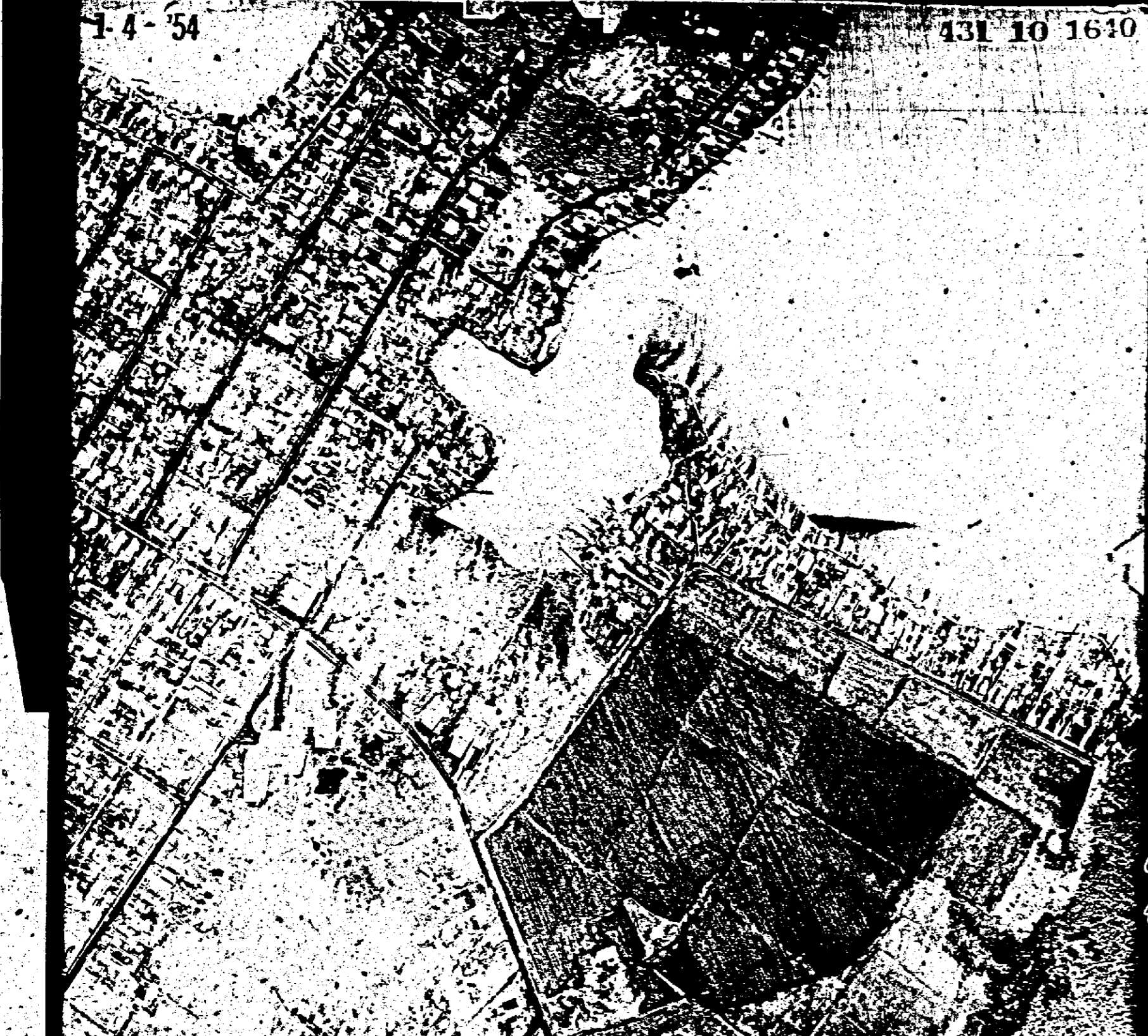


Re: BOB PERRY  
 B010065  
 SITUATION -> hearing  
 in Nov. -> ref. by  
 Dale Volz office

89-100 SPH

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Joseph Taylor</i>	5400 Frankford Ave. 21206
<i>Richard Taylor</i>	5200 Frankford Ave. 21206
<i>Susan Fickler</i>	3400 Willoughby Pl. 21234
<i>William I. Lewasow Jr.</i>	29 W. Susquehanna Ave. Ste 205
<i>Represent the Estate of Stanley B. Michael.</i>	



1-4-54

431-10-1610

SCALE: 1"=400'

1954

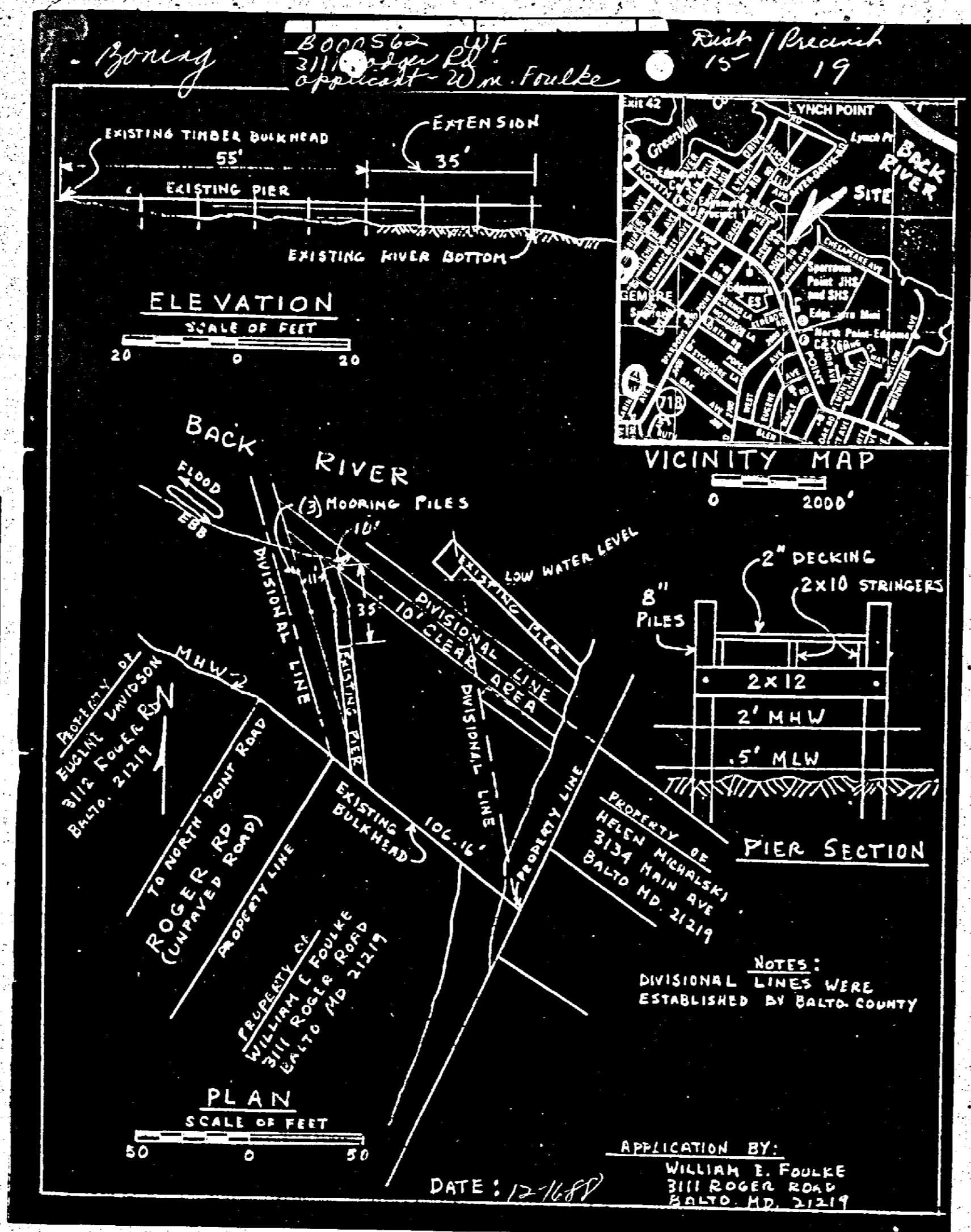
1-4-54 in Data Taken

431 - Job #

10 - flight #

1640 - Picture #

Zoning Commission Exhibit #4



1969 Foulke's Deed Shore Line Foulke Exhibit B

LIBER 5023 PAGE 280

No Title Search Transfer only

This Deed: Made this 6th day of August

In the year one thousand nine hundred and Sixty-Nine and between ANNA LOUISE LILBACKA and EDWARD E. LILBACKA, her son

Harpers County in the State of Maryland, of the first part, and WILLIAM E. FOULKE and FREIDA C. FOULKE, his wife, of Baltimore County, in the State of Maryland

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Anna Louise Lilbacka and Edward E. Lilbacka

do grant and convey unto the said William E. Foulke and Freida C. Foulke, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her

heirs and assigns, in fee simple, all those lots of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning for the first on the Southeast side of Roger Road as laid out 40 feet from the Plat of Hatch Point, recorded among the Land Records of Baltimore County in Liber No. 8, Folio 39, and running thence Northwesterly along the Southeast side of Roger Road and on the extension of said Roger Road 275 feet more or less to the shore line and waters of a cove of Back River, thence Southwesterly binding on the shore line and waters of said Cove 120 feet more or less to a point in line with the back line of the lots fronting on Roger Road thence Southwesterly binding with the northeast side of Lot No. 12 thence Northwesterly to and along the northeast side of Lot No. 12, 120 feet more or less to the place of beginning.

BEING all and the same lot of ground and premises mentioned and described in a deed dated February 19, 1947, and recorded among the Land Records of Baltimore County in Liber No. 1532, folio 298, which was granted and conveyed by the Lynch Point Land Company, a body corporate, unto the said Anna Louise Lilbacka and Edward E. Lilbacka, her son.

BEING also for the second thereof, BEING known and designated as Lots Nos. 42 and 43, Block 17, as laid out on the Plat of Lynch Point Land Company, which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 2, No. 3, folio 34.

BEING all and the same lots of ground mentioned and described in a deed dated October 26, 1931, and recorded among the Land Records of Baltimore County in Liber No. 1, No. 3716, folio 256, which was granted and conveyed by the Lynch Point Land Company, a body corporate, unto the said Edward E. Lilbacka, of the said Harpers County, her son.

63.00 AC

Foulke Exhibit C

Exhibit C

This Deed, made and executed by the said Anna Louise Lilbacka and Edward E. Lilbacka, her son, in the year one thousand nine hundred and Sixty-Nine and between Stanley Benjamin Michael and Stella Michael, his wife, of Baltimore County, in the State of Maryland, of the first part, and Joseph E. Michael, Jr. and Helen Michael, his wife, of Baltimore County, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars, and other good and valuable considerations, receipt whereof is hereby acknowledged, the said Stanley Benjamin Michael and Stella Michael, his wife, do grant and convey unto the said Joseph E. Michael, Jr. and Helen Michael, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her

heirs and assigns, in fee simple, all those lots of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning for the first in the center of Main Avenue thirty feet wide and at the distance of eight hundred eighty-five and 60/100 feet northwesterly from the intersection of the center line of Main Avenue with the northern side of North Point Road, said place of beginning being at a point in line with the division line between lots 42 and 43, Plat of Lynch Point Land Company, and running thence Northwesterly along the center line of Main Avenue north thirty-five degrees forty-six minutes east fifty feet to a point in line with the division line between lots 42 and 43 on the aforesaid plat, thence to and bounding on said line north fifty-four degrees fourteen minutes west two hundred twenty-five feet more or less, to the waters of a creek of Back River, thence bounding on the waters of said creek northwesterly eight feet more or less, to intersect the outline of the whole lot of ground of which the herein described lot is a part, thence south twenty-three degrees fifty-one minutes west forty-six feet to intersect the division line between lots 42 and 43 on the aforesaid plat, thence bounding on said line south fifty-four degrees fourteen minutes east the hundred eighty-five feet, more or less to the place of the beginning.

BEING the several lots of ground which by deed of said Anna Louise Lilbacka and Edward E. Lilbacka, her son, were granted and conveyed to the said Stanley Benjamin Michael and Stella Michael, his wife, by deed of said Edward E. Lilbacka, of the said Harpers County, her son.

POIST DEED (LOT 42)

3 COPY

Lib 845 Foulke Exhibit D

Together with the buildings thereon and the rights appurtenant thereto, appurtenances, easements and advantages thereto belonging or in anywise appertaining to have and to hold the said described lots 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 Lee D Karwacki in fee-simple at no time shall the above described lots any part thereof or any building thereon erected be sold leased or transferred to or occupied by any negro or person of negro descent this provision however not to include occupancy by servants or employees of owner or occupant of the above described lot.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of the said grantors

Test: Stefan Michaelaki (Seal) Joseph A Drager (Seal) George A Drager (Seal) Witness as to mark Lee D Karwacki (Notarial Seal)

State of Maryland Baltimore City to wit:

I hereby certify that on this 22nd day of March 1955 before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Stefan Michaelaki and Joseph Michaelaki his wife the grantors named in the above deed and they acknowledged the foregoing deed to be their act and deed.

Witness my hand and Notarial Seal

George A Drager Notary Public

Recorded Mar 23 1955 at 11:00 A.M. and Reissued per C. Milling Brown Jr. Clerk

MICHALSKI DEED (LOTS 43, 44, 45)

20220 This deed made this 22nd day of March in the year one thousand nine hundred and thirty five by and between Lee D Karwacki of Baltimore City in the State of Maryland of the first part and Stefan Michaelaki and Joseph Michaelaki his wife of Baltimore County in the State of Maryland parties of the second part.

Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations the receipt of which is hereby acknowledged the said Lee D Karwacki doth grant and convey unto the said Stefan Michaelaki and Joseph Michaelaki his wife for and during the term of their natural lives with full power in the said Stefan Michaelaki and Joseph Michaelaki his wife to grant mortgage convey or in any other manner dispose of the said property absolutely both life and remainder without the consent or joinder of any remainderman and from and after the death of both the said Stefan Michaelaki and Joseph Michaelaki his wife without having disposed of the said property then unto Joseph Michaelaki and Helen Michaelaki his wife their heirs and assigns in fee-simple all those lots of ground situate lying and being in Baltimore County aforesaid and described as follows that is to say

Beginning for the first in the center of Main Avenue thirty feet wide and at the distance

4 COPY

BALTIMORE COUNTY, MARYLAND 1976 DISCUSS Foulke Exhibits

INTER-OFFICE CORRESPONDENCE

Mr. John J. France, Supervisor Building Application Reviews Division Department of Permits & Licenses Date: January 14, 1976

TO: Mr. William Foulke, Zoning Technician II

FROM: Proposed Piers Permit No. 71036 WF R. F. D. 10, Box 255 11th Election District William Foulke - Applicant

I am in receipt of your letter of December 19, 1975, requesting information concerning the above referenced permit.

Please be advised that Permit Nos. 72056 WF and 71232 WF were applications for piers on adjacent properties. Since the proposed piers were in conflict with Section 417.4 of the Baltimore County Zoning Regulations, these applications could not be approved by the Zoning Office. This Section states:

"No construction, beyond mean low tide, including mooring piles, will be permitted within ten feet of divisional lines as established. The effect of this requirement will be to maintain a 20-foot open access strip between the facilities of adjoining property owners."

Both property owners agreed to file revised site plans in compliance with the aforementioned Section. However, William Foulke, the applicant, did not file revised plans. Therefore, this office cannot approve this permit.

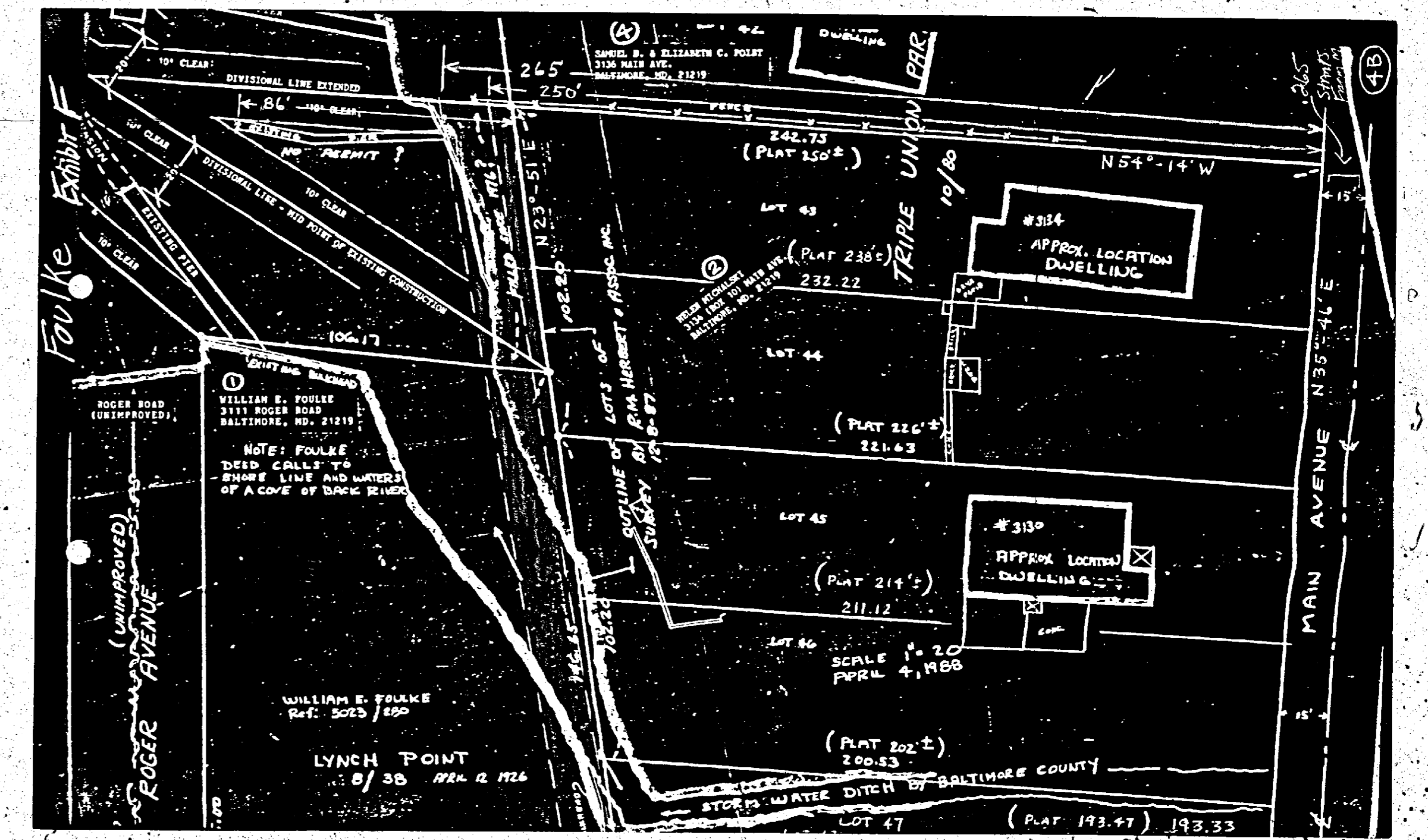
If you have any further questions regarding this matter, please feel free to contact this office.

Diana Iffer Zoning Technician II

DI/pcv

cc: Mr. William E. Foulke R. F. D. 10, Box 255 Baltimore, Maryland 21219

15 COPY







DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MARYLAND 21215  
JUN 21 1984

withdrew per  
w/1984  
**Foulke Exhibit G**

Subject: NADOP-FE(Michalski, Helen)83-0081-5

Mr. William E. Foulke  
7929 North Point Road  
Baltimore, Maryland 21219

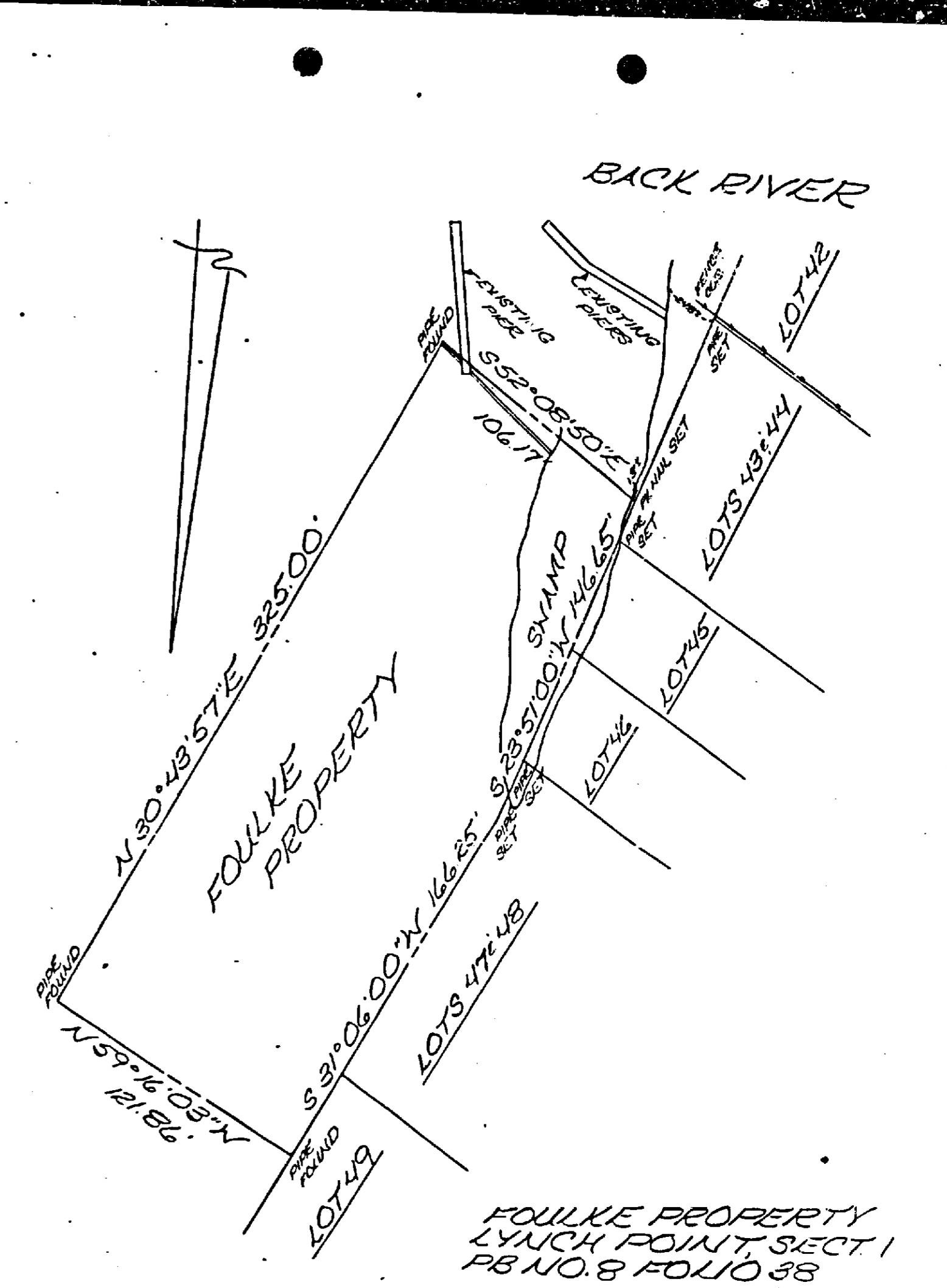
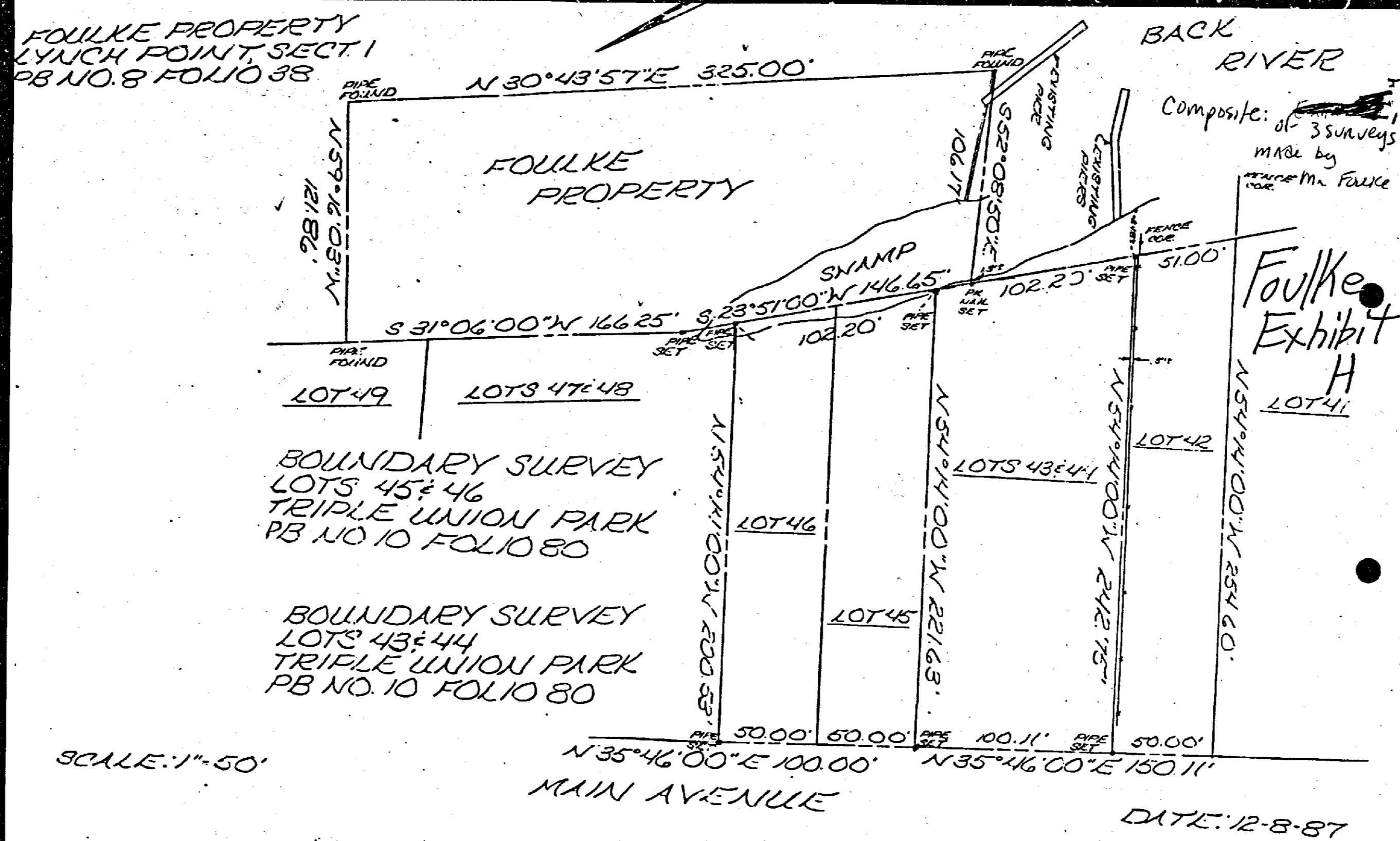
Dear Mr. Foulke:

This is in reference to your letter of May 30, 1984 regarding Mrs. Helen Michalski's application for a pier and bulkhead. Because of the property line disputes that you mentioned, this application was withdrawn on May 2, 1984 until this matter is settled.

Sincerely,

*Thaddeus J. Regiel*  
Thaddeus J. Regiel  
Chief, Enforcement Section

27  
COPY



SCALE: 1"=50'

Foulke Property  
LYNCH POINT SECT 1  
PB NO. 8 FOLIO 38

**Foulke Exhibit I**  
R. M. HERBERT & ASSOC., INC.  
601 FOX BOW DRIVE  
BEL AIR, MARYLAND 21014

DATE: 12-8-87

38  
COPY

THIS deed, made this 22nd day of March, in the year one thousand nine hundred and thirty five, by and between Lee D. Karwacki of Baltimore City in the State of Maryland, of the first part, and Stefan Michalski and Jozefa Michalski, his wife, of Baltimore County in the State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of five dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Lee D. Karwacki doth grant and convey unto the said Stefan Michalski and Jozefa Michalski, his wife, for and during the term of their natural lives with full power in the said Stefan Michalski and Jozefa Michalski, his wife, to grant, mortgage, convey or in any other manner dispose of the said property absolutely both life and remainder without the consent or joinder of any remainderman, and from and after the death of both the said Stefan Michalski and Jozefa Michalski, his wife, without having disposed of the said property, then unto Joseph Michalski and Helen Michalski, his wife, their heirs and assigns in fee-simple, all those lots of ground situated, lying and being in Baltimore County aforesaid and described as follows, that is to say:

BEGINNING, for the first, in the center of Main Avenue thirty feet wide, and at the distance of 855.62 feet northeasterly from the intersection of the center line of Main Avenue with the northeast side of North Point Road, said place of beginning being at a point in line with the division line between Lots Nos. 43 and 44 on the Plat of Triple Union Park and running thence bounding on the center of Main Avenue North 35 degrees 46 minutes East fifty feet to a point in line with a division line between Lots Nos. 42 and 43 on the aforesaid plat, thence to and bounding on said line North 54 degrees 14 minutes West in 265 feet more or less to intersect the outline of the whole lot of ground of which the herein described lot is a part, thence South 25 degrees

Michalski Exhibit B

EXHIBIT B

MARYLAND State Department of Assessments and Taxation  
Baltimore County Office  
County Court House  
Towson, Maryland 21284

NOTICE OF ASSESSMENT

PROPERTY IDENTIFICATION	NO. 75217	DATE OF NOTICE	FOR LEVY YEAR
LAND	PROPERTY NUMBER	MONTH	DAY
\$ 18,775	15 15 12 556556	12	01
\$ 14,839	111 CS 10138	07	01
\$ 26,180	TRIPLE UNION PARK		
\$ 41,710	11 43.44		
	1134 MAIN AV		
	15-12-556556 46		
	MICHALSKI, HELEN		
	8370		
	PAIN AV		
	BALTIMORE, MD 21215		

THIS IS TO NOTIFY YOU that the property described herein, has been evaluated for tax purposes for the taxable year indicated above. You are hereby advised that the proposed full value of your property will become final unless a signed appeal is received within the time specified herein. Under the laws of Maryland, the proposed full value phase amount (for the first year) multiplied by the State of Maryland's growth factor, will result in this proposed assessment.

THIS IS NOT A TAX BILL

APPEAL COPY SUPERVISOR OF ASSESSMENTS

*Proof of Waterfront Property*

EXHIBIT D

Is Title Search Transfer only  
Elis Good, Made this 6th day of August

In the year one thousand nine hundred and Sixty-Nine, by and between ANNA LOUISE LILBACKA and EDWARD E. LILBACKA, her son

of Harford County in the State of Maryland, of the first part, and WILLIAM E. FOULKE and FREIDA C. FOULKE, his wife, of Baltimore County, in the State of Maryland

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Anna Louise Lilbacka and Edward E. Lilbacka

do grant and convey unto the said William E. Foulke and Freida C. Foulke, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her

heirs and assigns, in fee simple, all those lots of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning for the first on the Southeast side of Roger Road as laid out 40 feet shown on the Plat of Lynch Point, recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 8, Folio 38, and running thence northeasterly binding on the Southeast side of Rogers Road and on the extension of Roger Road 275 feet more or less to the shore line and waters of Back River, thence southeasterly binding on the shore line and waters of said Cove 120 feet more or less to a point in line with the back line of the lots fronting on Roger Road thence southeasterly binding with the northeast side of Lot No. 12 thence northwesterly to and along beginning.

BEING all and the same lot of ground and premises mentioned and described in a deed dated February 10, 1947, and recorded among the Land Records of Baltimore County in Liber A.L.R. No. 1532, Folio 398, which was granted and conveyed by the Lynch Point Land Company, a body corporate, unto the within named Grantors.

BEING for the second thereof, BEING known and designated as Lots Nos. 11 and 12, Block 1, as laid out on the Plat of Lynch Point Land Company, Book W.P.C. No. 8, Folio 38.

BEING all and the same lots of ground mentioned and described in a deed dated October 26, 1961, and recorded among the Land Records of Baltimore County in Liber M.J.R. No. 3316, Folio 256, which was granted and conveyed by the Combine Holding Company, a body corporate, unto the said Edward E. Lilbacka, one of the grantors herein.

28261242 7 63.00 AC

**Michalski Exhibit E**  
James W. Peck

STATE OF MARYLAND  
DEPARTMENT OF NATURAL RESOURCES  
WATER RESOURCES ADMINISTRATION  
JAMES STATE OFFICE BUILDING  
ANNAPOLIS, MARYLAND 21401  
(301) 269-3871  
HELEN MICHALSKI  
3134 Main Avenue  
Baltimore, MD 21219

NOTIFICATION APPROVAL  
85-NA-0668

Pursuant to the provisions of Title 9, Subtitle 3, Natural Resources Article of the Annotated Code of Maryland (1983 Replacement Vol.), entitled "Private Wetlands," enacted to provide a State policy for the preservation of private wetlands in the State and to regulate the filling and dredging of such wetlands, and for other purposes, you are hereby authorized by the Department of Natural Resources for the State of Maryland to perform such of the works proposed in your Notification dated May 15, 1985, as follows:

"To construct a 75-foot long railroad tie retaining wall at the landward edge of vegetated tidal wetlands; at property located on Back River at Edgemere in Baltimore County."

All works to be performed in accordance with the plans and/or drawings attached hereto, including such revisions as may be noted thereon.

The approval is issued subject to the conditions set forth herein and revocable or subject to modification prior to the completion of the subject project described above when such action is deemed to be in the State's Interest. Further:

That if the structure or work authorized is not completed on or before the 30th day of May, 1986, this approval, if not previously revoked or specifically extended, shall cease and be null and void.

By authority of the Secretary of Natural Resources:

*Harold M. Caswell*  
Harold M. Caswell, Chief  
Wetland Permits Division

Encl: Conditions, Plans  
cc: Resource Protection Program  
Corps of Engineers  
DNR/WRA-48

**Michalaki Exhibit F**

APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
OFFICE OF THE BUILDING ENGINEER  
TOWSON, MARYLAND 21284

Building Address: 3134 MAIN AVE  
Owner's Name: HELEN MICHALSKI  
Mailing Address: 3134 MAIN AVE BALTIMORE MD 21211

DATE SUBMITTED: 1/5/84

PROJECT: DOWN

TRANSFER DESCRIPTION: NWS Main Ave

**A. TYPE OF IMPROVEMENT**

1. NEW BUILDING CONSTRUCTION  
2. ADDITION  
3. ALTERATION  
4. REPAIR  
5. REPAIR/ALTERATION  
6. OTHER

**C. TYPE OF USE**

RESIDENTIAL  
1. ONE FAMILY  
2. TWO FAMILY  
3. THREE AND FOUR FAMILY  
4. FIVE OR MORE FAMILY ENTER NO UNITS  
5. SWIMMING POOL  
6. GARAGE  
7. OTHER

NON-RESIDENTIAL  
1. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY  
2. CHURCH, OTHER RELIGIOUS BUILDING  
3. FENCE LENGTH, HEIGHT  
4. INDUSTRIAL STORAGE BUILDING  
5. PARKING GARAGE  
6. SERVICE STATION, REPAIR GARAGE  
7. HOSPITAL, HYPHENATIONAL, NURSING HOME  
8. OFFICE, BANK, PROFESSIONAL  
9. PUBLIC UTILITY  
10. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
11. SIGN, TOWER, LIGHT, BILLBOARD  
12. STORE, MERCHANT, RESTAURANT  
13. SPECIFY TYPE:  
14. SWIMMING POOL AND HEALTH CLUB AFFILIATED  
15. TANK, TOWER, LIGHT, BILLBOARD  
16. TANGENT HOTEL, MOTEL AND UNITS  
17. OTHER

**D. TYPE OF CONSTRUCTION**

1. MASONRY  
2. WOOD FRAME  
3. GAS  
4. OIL  
5. TYPE OF SEWAGE DISPOSAL  
6. PUBLIC SEWER  
7. PRIVATE SYSTEM  
8. PRIVATE SYSTEM  
9. PRIVATE SYSTEM

**F. DIMENSIONS**

Garage Disposal: 100/100 x 20/20  
Floor Area: 1780 sq ft  
Lot Size: 100/100 x 20/20  
Property Front: 100 ft  
Property Side: 100 ft  
Property Rear: 100 ft  
Property Depth: 100 ft  
Total Area: 70,960 sq ft

**G. SIGNATURE OF APPLICANT**  
HELEN MICHALSKI  
3134 MAIN AVE BALTO MD 21211

**Michalaki Exhibit G**

STATE OF MARYLAND  
DEPARTMENT OF NATURAL RESOURCES  
WATER RESOURCES ADMINISTRATION  
TAVES STATE OFFICE BUILDING  
ANNAPOLIS, MARYLAND 21401  
(301) 269-3871  
February 22, 1984

Donald W. Roeseke  
Chief, Regulatory Functions Branch  
Baltimore District, Corps of Engineers  
P. O. Box 1715  
Baltimore, Maryland 21203

Re: NADOP-FE (Michalaki, Helen) 83-0081-5  
60-foot pier, 3-foot wide, 4-foot high through marshy area to gain access to water

Dear Mr. Roeseke:

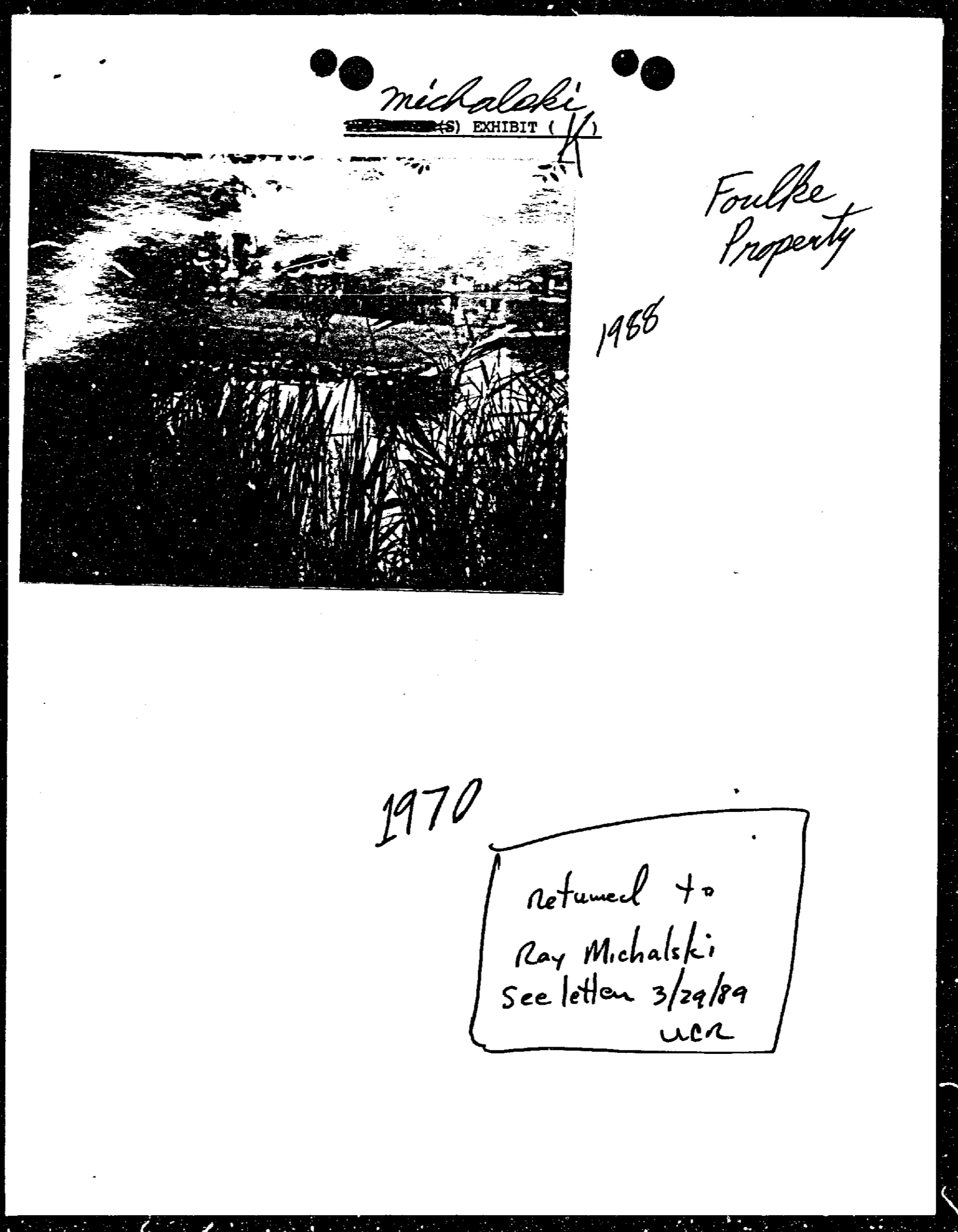
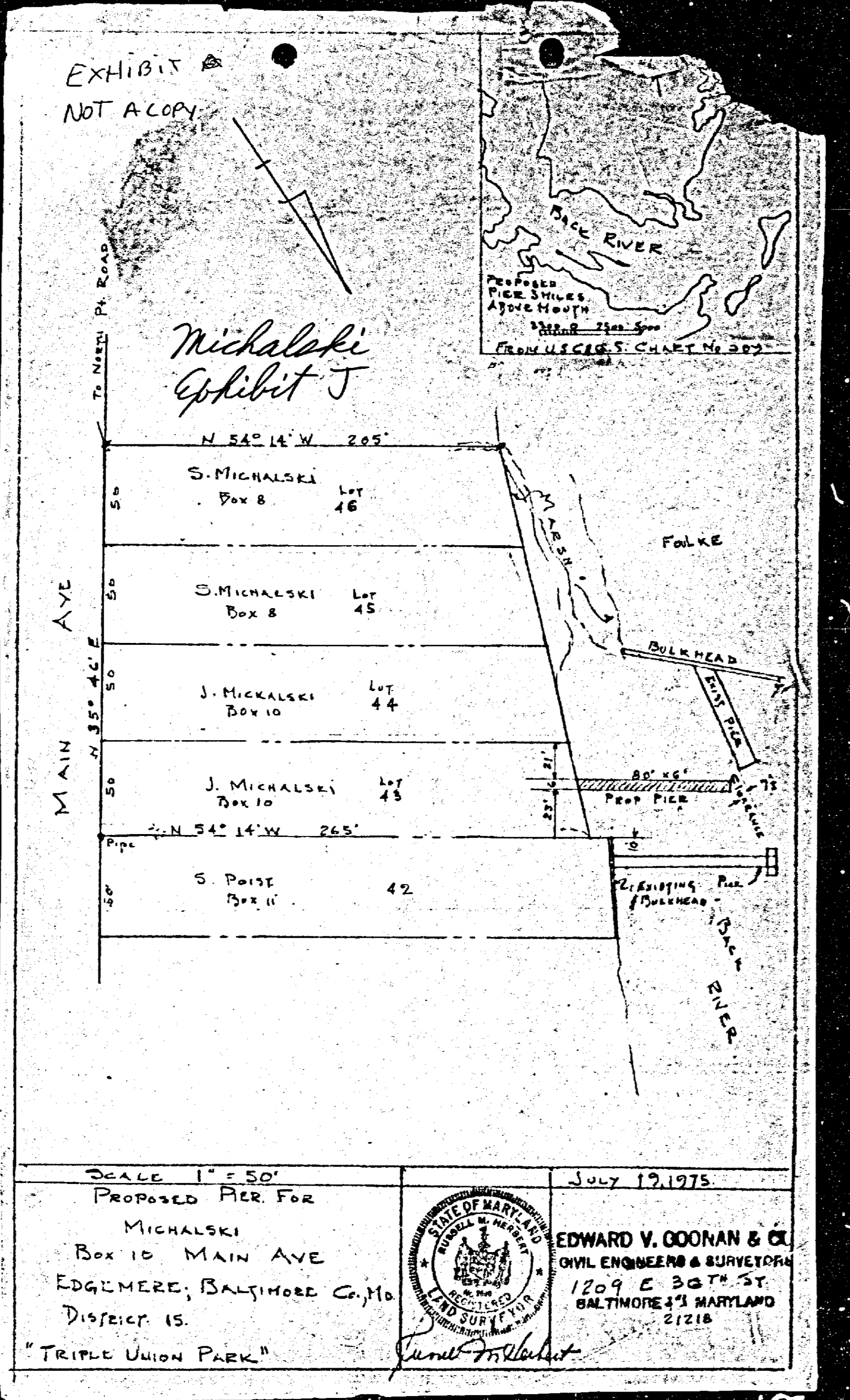
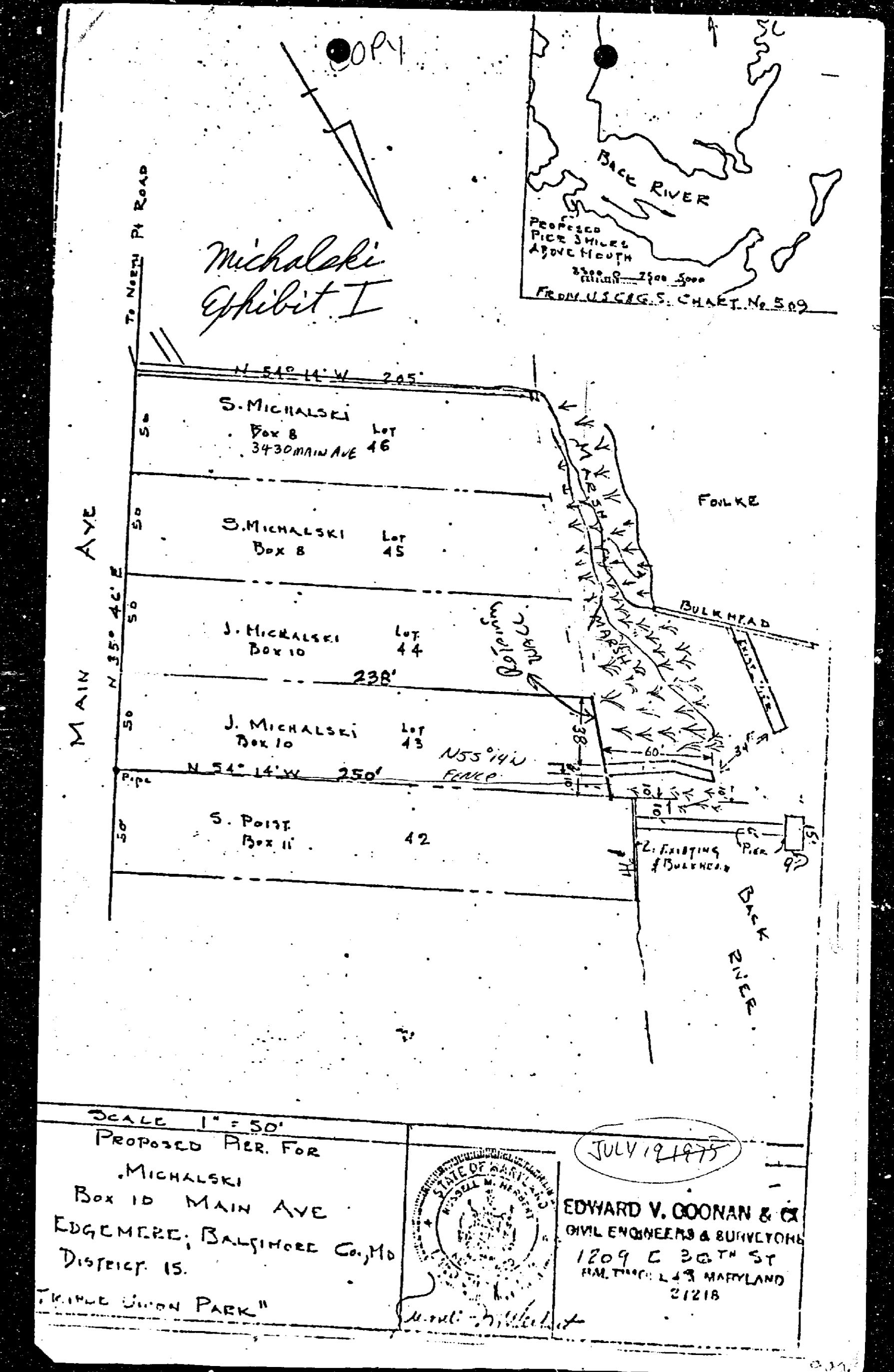
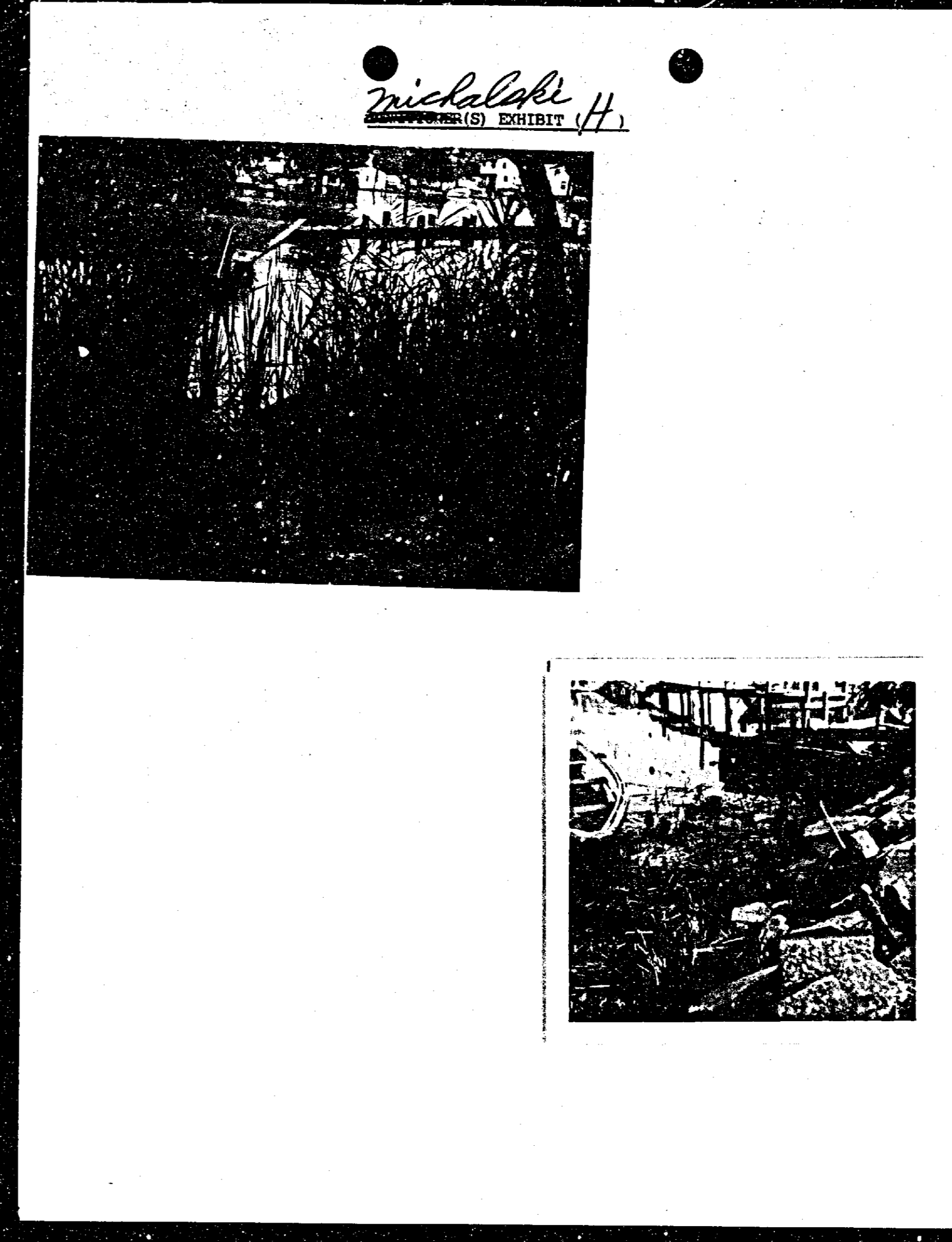
This is in response to your letter of February 16, 1984 regarding the proposed authorization by letter of permission for the referenced project.

The Department of Natural Resources has no objection to the proposed pier construction.

In addition, a state wetland license will not be required.

Thank you for apprising us of this project.

Very truly yours,  
Harold M. Cassell, Chief  
Wetland Permits Division  
3134 Main Avenue  
Baltimore, MD 21211



78. Balt. County Zoning  
Township MD  
3-24-89

Ref File # 89 100 SPH  
#38

We respectfully request the return of the pictures submitted to your office for above referenced case of July 28, 1988.  
Picture dated 1970 Pier Construction on Foulke Property

Thank you  
Ray Michalaki

BACK RIVER

TRUE MERIDIAN

CREEK

FILLED LAND

POINT (NOT OPEN)

SECTION "H"  
LYNCH POINT 8/38

ROGER

DIRT ROAD

ROAD

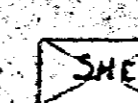
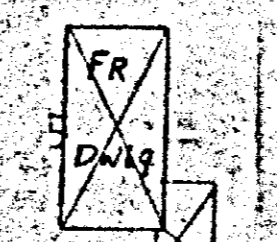
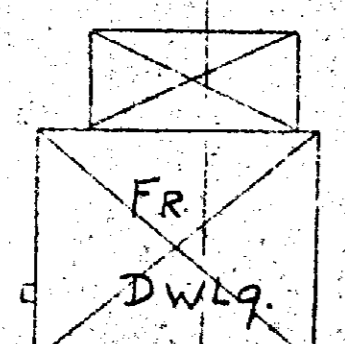
MACADAM PAV

No 3107

No 3111

AREA - 37,654 SQ. FT. ±  
OR  
0.66 ACRES

SECTION "I"  
LYNCH POINT



Fill

SWAMP

SWAMP

WATER DEED  
ANNIE E. STANSBURY TO  
MICHAEL STEFANSKI ETAL  
MARCH 2, 1923  
W.P.C. 568/292.

PROPERTY LINE PER DEED

point

michalski

PARK

UNION

PLAY

TRIPLE

MARSH

18109 TO MAIN AV

185117

18725

200571

21112

22167

23222

24272

25335 TO MAIN AV

SCALE: ONE INCH = 20 FEET

FULLER EXHIBIT A

JULY 17, 1969

RESURVEY.  
PLAT OF PROPERTY AT No 3111 ROGER ROAD.  
LOTS Nos 11 & 12 SECTION "I" LYNCH POINT PLAT 8/38.  
AS PER DEED: S.W.B. 1532/398 DATED FEB. 10, 1947.  
15TH ELECTION DISTRICT.  
BALTIMORE COUNTY MD.



# GREEN HILL COVE

# LYNCH POINT 3/38

3 miles to Sparrows Point; 12 miles to City Hall

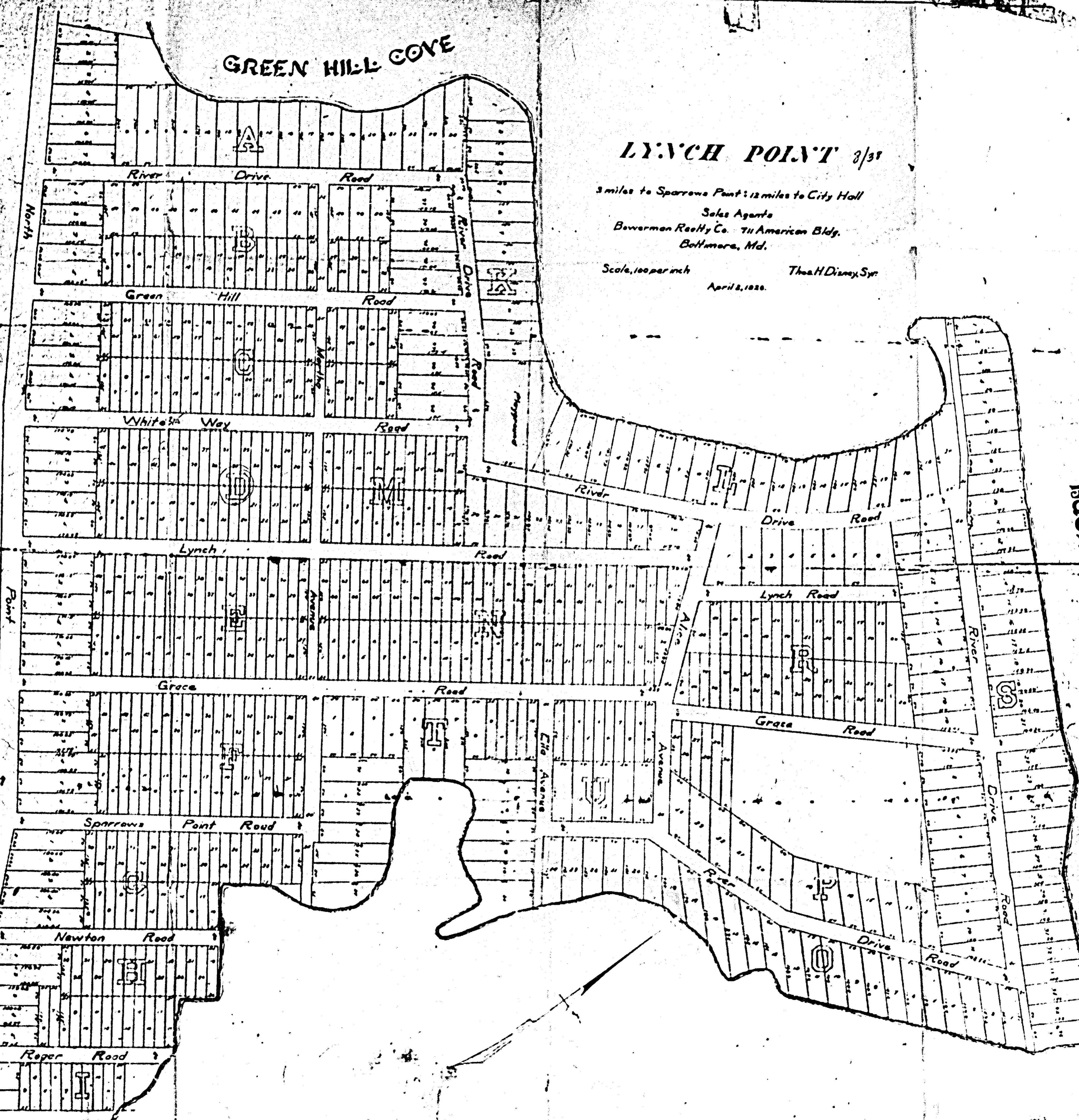
Sales Agents  
Bowerman Realty Co. 711 American Bldg.  
Baltimore, Md.

Scale, 100 per inch

Theo. H. Disney, Syr.

April 8, 1920.

8/38



Michael  
Exhibit  
A

22"

17"

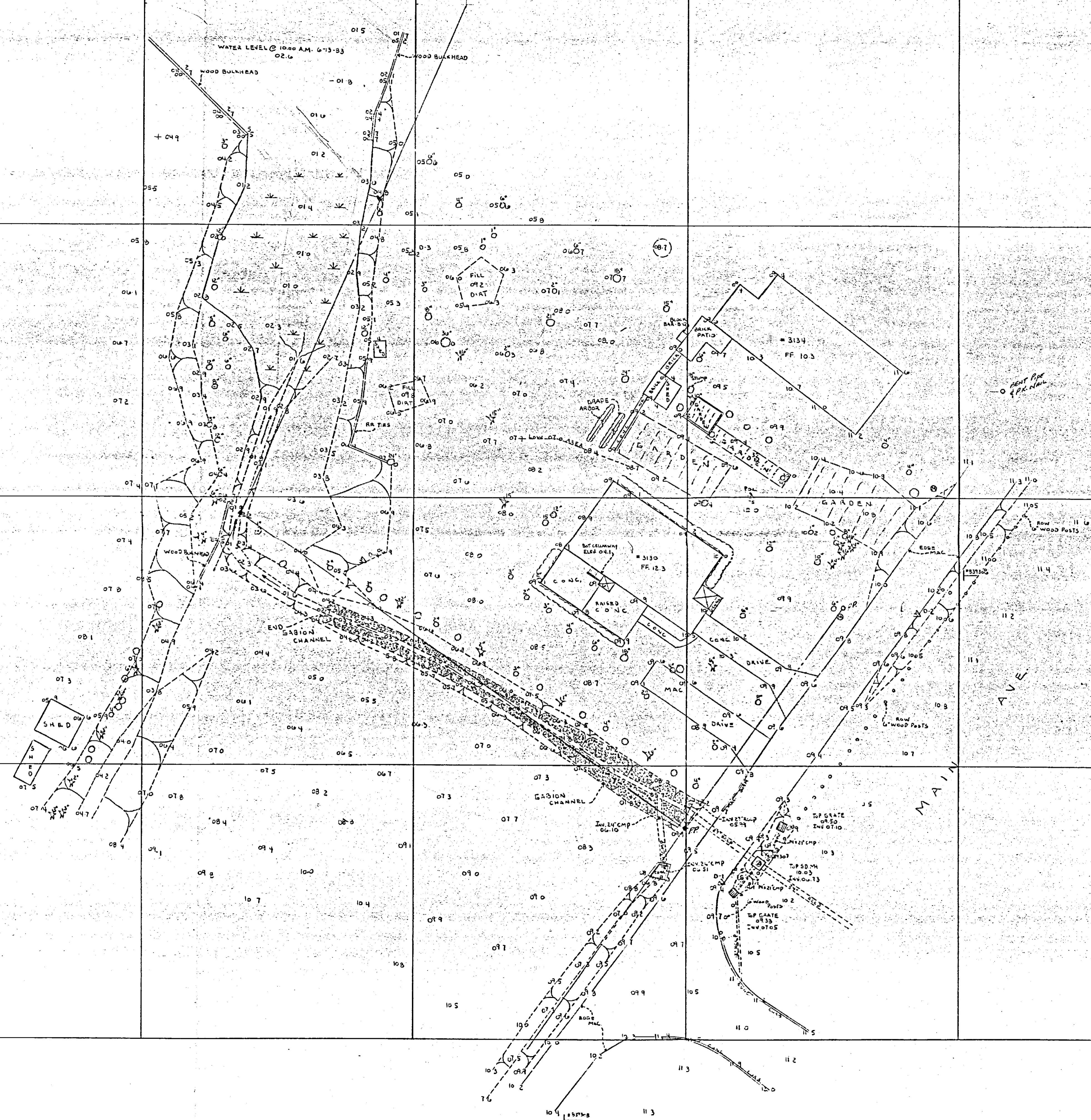
11"

8.5"

8.5"

11"

17"



SCALE  
1"=20'

DATE STARTED  
6-83

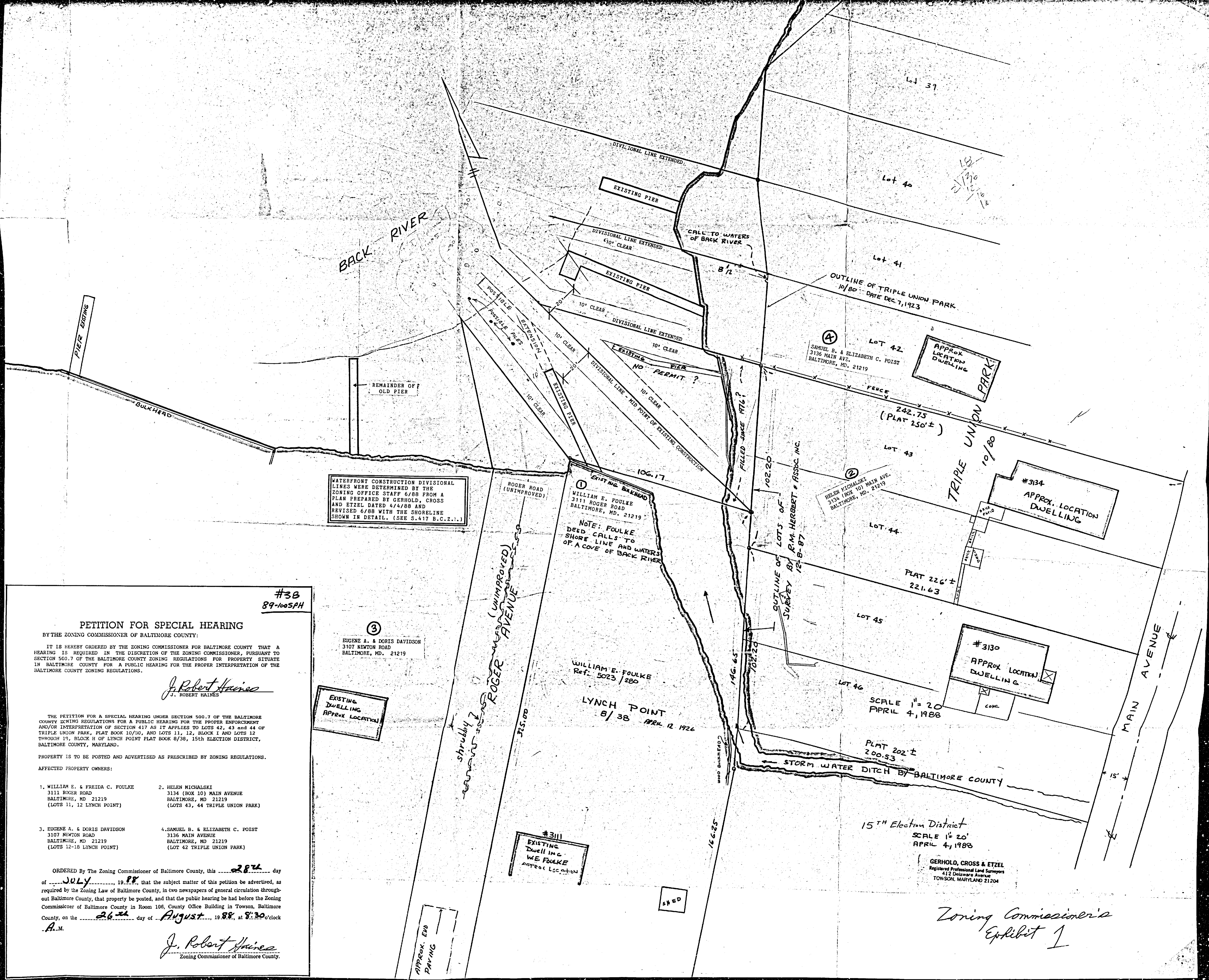
KEY SHEET  
A  
NE

LOCALITY  
EDGE MERE

ELECTION DIST. NO. 15

SHEET PART OF SHEET  
21 SE 33

④



WATERFRONT CONSTRUCTION DIVISIONAL LINES WERE DETERMINED BY THE ZONING OFFICE STAFF 6/88 FROM A PLAN PREPARED BY GERHOLD, CROSS AND ETZEL DATED 4/4/88 AND REVISED 6/88 WITH THE SHORELINE SHOWN IN DETAIL. (SEE S-417 B.C.Z...)

① EXISTING BULKHEAD  
 WILLIAM E. FOULKE  
 3111 ROGER ROAD  
 BALTIMORE, MD. 21219  
 NOTE: FOULKE DEED CALLS TO SHORE LINE AND WATERS OF A COVE OF BACK RIVER

③  
 EUGENE A. & DORIS DAVIDSON  
 3107 NEWTON ROAD  
 BALTIMORE, MD. 21219

WILLIAM E. FOULKE  
 Ref: 5023/280  
 LYNCH POINT  
 8/38 APR. 12 1926

④  
 SAMUEL B. & ELIZABETH C. POIST  
 3136 MAIN AVE.  
 BALTIMORE, MD. 21219

②  
 HELEN MICHALSKI  
 3134 (BOX 10) MAIN AVE.  
 BALTIMORE, MD. 21219

SCALE 1" = 20'  
 APRIL 4, 1988

15<sup>TH</sup> Election District  
 SCALE 1" = 20'  
 APRIL 4, 1988

GERHOLD, CROSS & ETZEL  
 Registered Professional Land Surveyors  
 412 Delaware Avenue  
 TOWSON, MARYLAND 21204

Zoning Commissioner's Exhibit 1

**PETITION FOR SPECIAL HEARING**

BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

IT IS HEREBY ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THAT A HEARING IS REQUIRED IN THE DISCRETION OF THE ZONING COMMISSIONER, PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR PROPERTY SITUATE IN BALTIMORE COUNTY FOR A PUBLIC HEARING FOR THE PROPER INTERPRETATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.

*J. Robert Haines*  
 J. ROBERT HAINES

THE PETITION FOR A SPECIAL HEARING UNDER SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A PUBLIC HEARING FOR THE PROPER ENFORCEMENT AND/OR INTERPRETATION OF SECTION 417 AS IT APPLIES TO LOTS 42, 43 and 44 OF TRIPLE UNION PARK, PLAT BOOK 10/30, AND LOTS 11, 12, BLOCK I AND LOTS 12 THROUGH 19, BLOCK H OF LYNCH POINT PLAT BOOK 8/38, 15<sup>TH</sup> ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS.

AFFECTED PROPERTY OWNERS:

- |  |  |
|--|--|
| 1. WILLIAM E. & FRIDA C. FOULKE<br>3111 ROGER ROAD<br>BALTIMORE, MD 21219<br>(LOTS 11, 12 LYNCH POINT) | 2. HELEN MICHALSKI<br>3134 (BOX 10) MAIN AVENUE<br>BALTIMORE, MD 21219<br>(LOTS 43, 44 TRIPLE UNION PARK)  |
| 3. EUGENE A. & DORIS DAVIDSON<br>3107 NEWTON ROAD<br>BALTIMORE, MD 21219<br>(LOTS 12-18 LYNCH POINT)   | 4. SAMUEL B. & ELIZABETH C. POIST<br>3136 MAIN AVENUE<br>BALTIMORE, MD 21219<br>(LOT 42 TRIPLE UNION PARK) |

ORDERED By The Zoning Commissioner of Baltimore County, this 28<sup>TH</sup> day of JULY, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26<sup>TH</sup> day of August, 1988, at 8:30 o'clock A.M.

*J. Robert Haines*  
 Zoning Commissioner of Baltimore County.

#38  
 89-1005PH

EXISTING DWELLING  
 APPROX. LOCATION

#3111  
 EXISTING DWELLING  
 WE FOULKE  
 APPROX. LOCATION

APPROX. LOCATION DWELLING

#3134  
 APPROX. LOCATION DWELLING

#3130  
 APPROX. LOCATION DWELLING

APPROX. EVD PAVING

5850

Zoning Commissioner  
Exhibit 2

BACK RIVER

PIER

REMAINDER OF OLD PIER

EXISTING PIER

CALL TO WATERS OF BACK RIVER

EXISTING PIER

EXISTING PIER  
NO PERMIT?

EXISTING PIER

EXISTING BULKHEAD

NOTE: FOLKE DEED CALLS TO SHORE LINE AND WATERS OF A COVE OF BACK RIVER

WILLIAM E. FOLKE  
Ref: 5023/280

LYNCH POINT  
8/38 APRIL 12 1926

EXISTING DWELLING APPROX LOCATION

shrubby  
ROGER AVENUE (UNIMPROVED)

#3111  
EXISTING DWELLING APPROX LOCATION  
W.E. FOLKE

8 1/2

FILLED SINCE 1976?

102.20

146.65

166.27

LOT 31

LOT 40

LOT 41

LOT 42

LOT 43

LOT 44

LOT 45

LOT 46

OUTLINE OF TRIPLE UNION PARN  
10/20 DATE DEC 7, 1923

SURVEY BY FRANK S. LEE 5-7-84  
FENCE  
242.75  
(PLAT 250 ±)

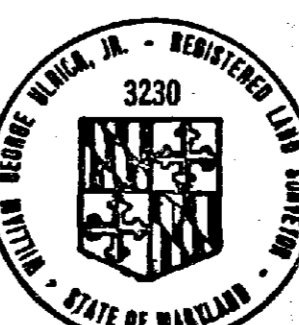
OUTLINE OF LOTS OF  
SURVEY BY R.M. HERBERT & ASSOC. INC.  
12-8-87

MICHALSEKI

PLAT 226 ±  
221-63

SCALE 1" = 20'  
APRIL 4, 1988

PLAT 202 ±  
200.53



William B. Uebel

SCALE 1" = 20'  
APRIL 4, 1988

GERHOLD, CROSS & ETZEL  
Registered Professional and Land Surveyors  
412 Delaware Avenue  
TOWSON, MARYLAND 21284

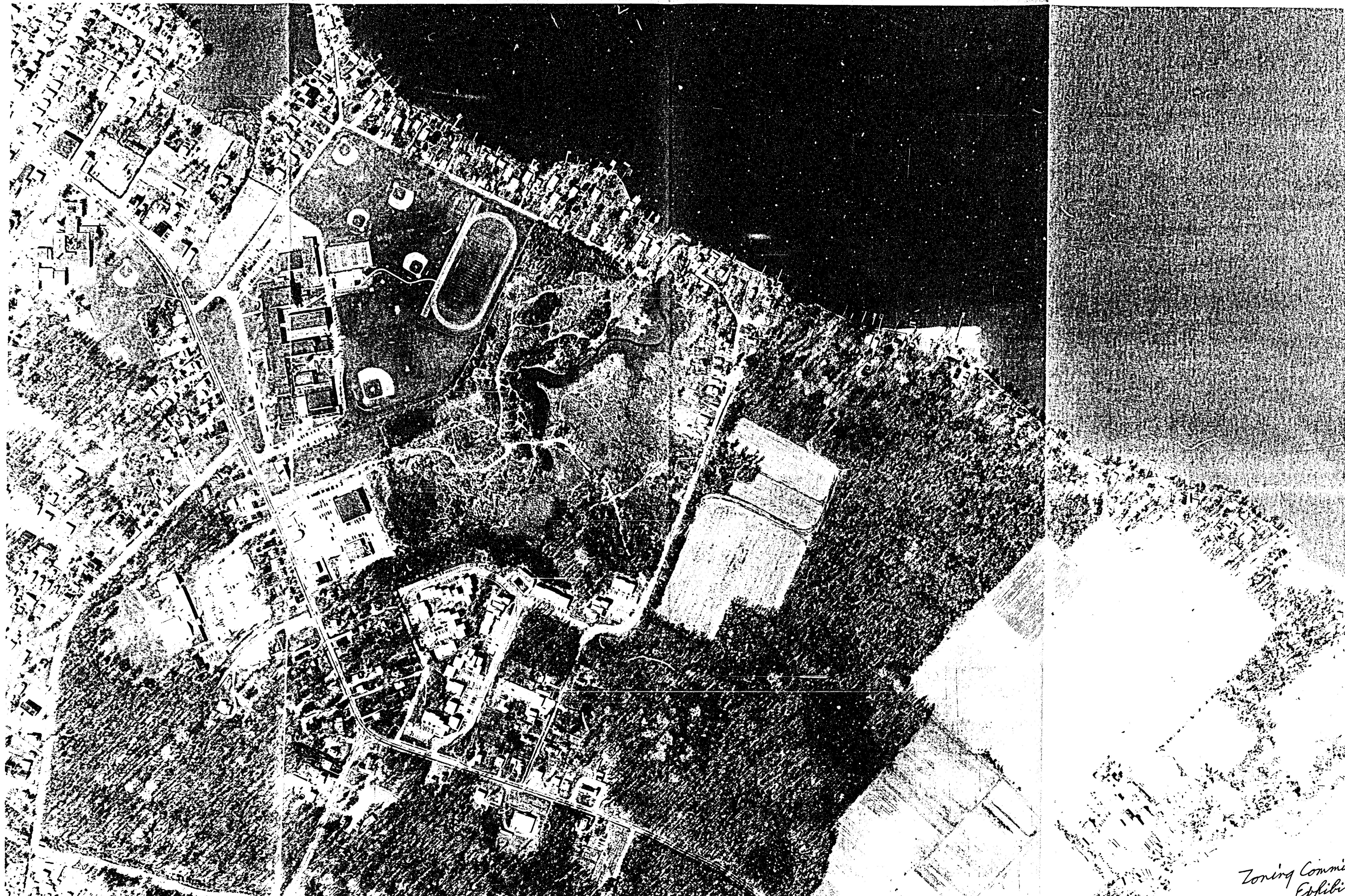
#3134  
APPROX LOCATION DWELLING

#3130  
APPROX LOCATION DWELLING

MAIN AVENUE

15





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
NORTH POINT  
EDGEMERE

*Zoning Commissioner  
Exhibit 3*  
SHEET

S.E.  
6-1