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Case Information

Court System: **Circuit Court for Baltimore County - Civil System**
Case Number: **03C11003958**
Title: **In the Matter of William Lagna**
Case Type: **Administrative Agency Appeal** Filing Date: **04/21/2011**
Case Status: **Open/Active**

Plaintiff/Petitioner Information

(Each Plaintiff/Petitioner is displayed below)

Party Type: **Petitioner** Party No.: **1**
Name: **Lagna, William**
Address: **221 Bowleys Quarters Road**
City: **Middle River** State: **MD** Zip Code: **21220**

Attorney(s) for the Plaintiff/Petitioner

Name: **McCann, Esq, Michael R**
Practice Name: **Michael R McCann P A**
Address: **118 W Pennsylvania Ave**
City: **Towson** State: **MD** Zip Code: **21204**
Name: **Holzer, Esq, J Carroll**
Practice Name: **Holzer & Lee**
Address: **508 Fairmount Avenue**
City: **Towson** State: **MD** Zip Code: **21286-5448**

Court Scheduling Information

Event Type: **Civil Non-Jury Trial** Notice Date:
Event Date: **09/09/2011** Event Time: **09:30 AM**
Result: **Postponed/Reset** Result Date: **08/10/2011**

Event Type: **Civil Non-Jury Trial** Notice Date: **08/10/2011**
Event Date: **10/25/2011** Event Time: **09:30 AM**
Result: **Postponed** Result Date: **10/14/2011**

Event Type: **Civil Non-Jury Trial** Notice Date:
Event Date: **11/29/2011** Event Time: **09:30 AM**
Result: **Held/Concluded** Result Date: **11/29/2011**

Related Persons Information

(Each Related person is displayed below)

Party Type: **Administrative Agency** Party No.: **1**
Business or
Organization Name: **Board Of Appeals Of Baltimore County**
Address: **Jefferson Bldg, Suite 203**
City: **Towson** State: **MD** Zip Code: **21204**

Party Type: **Interested Party** Party No.: **1**
Baltimore County Maryland

Business or
Organization Name:

Address: **400 Washington Avenue**
City: **Towson** State: **MD** Zip Code: **21204**

Attorney(s) for the Related Persons

Name: **West, Nancy C**
Practice Name: **Baltimore County Office Of Law**
Address: **2nd Floor, Old Courthouse**
400 Washington Avenue
City: **Towson** State: **MD** Zip Code: **21204**

Document Tracking

(Each Document listed. Documents are listed in Document No./Sequence No. order)

Doc No./Seq No.: **1/0**
File Date: **04/21/2011** Close Date: Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Petition for Judicial Review with exhibits**

Doc No./Seq No.: **1/1**
File Date: **05/05/2011** Close Date: Decision:
Party Type: **Interested Party** Party No.: **1**
Document Name: **Response to Petition for Judicial Review ***

Doc No./Seq No.: **2/0**
File Date: **04/26/2011** Close Date: Decision:
Party Type: **Administrative Agency** Party No.: **1**
Document Name: **Certificate of compliance**

Doc No./Seq No.: **3/0**
File Date: **06/07/2011** Close Date: Decision:
Document Name: **Transcript of Record from Adm Agency ***

Doc No./Seq No.: **4/0**
File Date: **06/08/2011** Close Date: **06/08/2011** Decision:
Party Type: **Administrative Agency** Party No.: **1**
Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **5/0**
File Date: **06/08/2011** Close Date: **06/08/2011** Decision:
Party Type: **Interested Party** Party No.: **1**
Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **6/0**
File Date: **06/08/2011** Close Date: **06/08/2011** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **7/0**
File Date: **07/07/2011** Close Date: **07/07/2011** Decision:
Document Name: **Scheduling Order**

Doc No./Seq No.: **8/0**
File Date: **07/08/2011** Close Date: **08/15/2011** Decision: **Denied**
Party Type: **Petitioner** Party No.: **1**
Document Name: **Notice to Strike Appearance of Counsel (J. Carroll Holzer)**

Doc No./Seq No.: **9/0**
File Date: **08/10/2011** Close Date: **08/10/2011** Decision:
Document Name: **Hearing Notice**

Doc No./Seq No.: **10/0**
File Date: **08/05/2011** Close Date: **08/12/2011** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Stipulation ***

Doc No./Seq No.: **11/0**
File Date: **08/19/2011** Close Date: Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Withdraw and enter attorney appearance**

Doc No./Seq No.: **12/0**
File Date: **08/26/2011** Close Date: **08/26/2011** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Attorney Appearance Removed**
J C Holzer

Doc No./Seq No.: **13/0**
File Date: **09/09/2011** Close Date: **09/16/2011** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Memorandum in Support of Petition for Judicial Review w/exhibits**

Doc No./Seq No.: **14/0**
File Date: **10/11/2011** Close Date: **10/18/2011** Decision:
Party Type: **Petitioner** Party No.: **1**
Document Name: **Stipulation ***
Filed by PET001-Lagna, ITP001-Baltimore County Maryland
Filed by PET001-Lagna, ITP001-Baltimore County Maryland

Doc No./Seq No.: **15/0**
File Date: **10/18/2011** Close Date: **10/21/2011** Decision:
Party Type: **Interested Party** Party No.: **1**
Document Name: **Memorandum of Baltimore County, Maryland ***

Doc No./Seq No.: **16/0**
File Date: **11/29/2011** Close Date: Decision:
Document Name: **Open Court Proceeding**
November 29, 2011. Hon. H. Patrick Stringer, Jr. Hearing had in re: Petition for Judicial review. Argument placed on the record. Denied. Order to be filed.

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record into an electronic format.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 1, 2011

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Nancy C. West, Assistant County Attorney
Office of Law
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: William M. Lagna – Appellant/Respondent*
Case No.: CBA-08-109

Dear Counsel:

Enclosed please find a copy of the Order of the Board of Appeals on the Remand Order from the Circuit Court for Baltimore County issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in black ink that reads "Theresa Shelton/kc".

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: William M. Lagna
Ron Robbins
Janet Walper
Norma Bankard
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Lionel VanDommelen, Chief Code Enforcement Officer
Dorothy Berg
Allen Robertson
Harlan Zinn
Clarence Raynor/Code Enforcement Officer
Michael Field, County Attorney

IN THE MATTER OF THE
WILLIAM M. LAGNA, APPELLANT /
RESPONDENT
PROPERTY AT 221 BOWLEYS QUARTERS RD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
CODE ENFORCEMENT
CITATION # 06-8506

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: CBA-08-109
*

* * * * *

ORDER OF THE BOARD OF APPEALS ON THE
REMAND ORDER FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY

This matter came before the Board on an appeal from the Finding of the Code Enforcement Hearing Officer with the Department of Permits and Development Management dated April 4, 2008, in which the Hearing Officer found that the Appellant/ Respondent, William Lagna, was in violation of the decision of the Deputy Zoning Commissioner (DZC) dated June 25, 2007, in which the DZC allowed the Petitioner to store up to five (5) boats regardless of length, whether on a trailer or not, on his property. The Hearing Officer assessed a penalty of \$3,000.00. A hearing was held on the record before the Board on July 15, 2008. Appellant Lagna was represented by J. Carroll Holzer, Esquire, and the County was represented by Code Enforcement Officer Clarence Raynor. The parties were allowed to file briefs, and a brief on behalf of the County was filed by Schniqua L. Roberts, Assistant County Attorney.

On September 25, 2008 the Board issued a decision in the matter reversing the Hearing Officer and Ordering that any future inspections of the property of Appellant/Respondent, William Lagna, at 221 Bowleys Quarters Road, Baltimore, MD, 21220, shall be based upon compliance with the terms and conditions of the decision of the Deputy Zoning Commissioner dated June 25, 2007.

Respondent Lagna filed a Petition for Judicial Review in the Circuit Court for Baltimore County.

After hearing argument, Circuit Court Judge H. Patrick Stringer, Jr., issued an Order dated February 14, 2011, in which Judge Stringer, Jr., remanded the case back to the Board. The Remand Order stated as follows:

"...that the Order of the County Board of Appeals that Reversed the decision of the Hearing Officer in Case No. CBA-08-109 is AFFIRMED; and it is further ORDERED, that the case is REMANDED to the County Board of Appeals to decide the question whether the Petitioner has abandoned the 1989 Variance from Section 415A in Case No. 89-302-A permitting five recreational vehicles in lieu of one recreational vehicle."

On March 2, 2011, the Board scheduled a Public Deliberation on Remand for Tuesday, March 29, 2011 at 9:30 a.m. Subsequent to the receipt of notification of the Deliberation, Counsel for Appellant Lagna sent a letter to the Board stating:

"In the discussion before Circuit Court Judge, H. Patrick Stringer, he remanded the matter back to the Baltimore County Board of Appeals for the purposes of taking additional testimony relative to the issue of any alleged abandonment of Mr. Lagna's rights under the 1989 Variance from Section 415A in Case No.: 89-302-A permitting five (5) recreational vehicles in lieu of one recreational vehicle. Judge Pat Stringer was very clear in his desire to have this Board address this issuer and take additional testimony relative to that matter since the record in the case before the Circuit Court was insufficient on that point.

I would respectfully request that this Notice of Deliberation be cancelled and the matter sit in for production of evidence, testimony and argument."

On March 10, 2011, the Board received a letter from Nancy C. West, Assistant County Attorney stating:

"Contrary to Mr. Holzer's representations, I do not believe it was the Court's intent that the Board conduct yet another hearing for the purpose of taking "evidence, testimony and argument" as Mr. Holzer suggests. It is my understanding that Judge Stringer wanted a specific finding with regard to the abandonment issue clearly articulated in the Order issued by the Board. Hence, the public deliberation scheduled by the CBA is the appropriate way to address the Court's remand order."

On March 10, 2011, the Administrator for the Board sent a letter to Mr. Holzer, with copies to all the parties, stating:

"I am in receipt of your letter dated March 7, 2011 requesting that the Public Deliberation scheduled for March 29, 2011, in the above captioned matter, be cancelled. Your request has been reviewed by the Chairman, and it is the decision of the Board that the Public Deliberation will proceed as scheduled on March 29, 2011 at 9:30 a.m. At the commencement of the Public Deliberation, your letter will be addressed."

On March 29, 2011, a Public Deliberation was held in the above matter and the Board reviewed the request by Mr. Holzer for additional testimony and argument in the case. The Board reviewed the decision of Judge Stringer, Jr., from the Circuit Court, and noted that the Order stated:

"it is further

ORDERED, that the case is REMANDED to the County Board of Appeals to decide the question whether the Petitioner has abandoned the 1989 Variance from Section 415A in Case No. 89-302-A permitting five recreational vehicles in lieu of one recreational vehicle."

The Board noted that there was nothing in the Order requiring that the Board take additional testimony or argument on this issue.

Decision

The Board noted that the original decision in this matter was an appeal from a finding of the Code Enforcement Hearing Officer with the Department of Permits and Development Management. It was not a hearing with respect to the Deputy Zoning Commissioner's Order, dated June 25, 2007 in Case No.: 07-~~044~~⁴⁴⁴-SPH. In its Opinion issued on September 25, 2008, the Board stated on page 8:

"Therefore, in the opinion of the Board, the Deputy Zoning Commissioner found that the variance granted in Case No. 89-302-A was abandoned and could not be utilized by the Petitioner. The Board finds that Appellant /Respondent Lagna, is allowed to implement the boat storage plan approved by the Deputy Zoning Commissioner with the conditions set forth in the DZC's decision dated June 25, 2007."

Since the above language was not clear to the Court, the Board clarified it's decision to find that the Appellant, Lagna, had in fact abandoned the Variance granted in Case No.: 89-302-A, since no appeal was taken from the decision of the Deputy Zoning Commissioner in Case No.: 07-~~044~~⁴⁴⁴-SPH with respect to the abandonment issue. Therefore, Mr. Lagna could not utilize the Variance after the date of the decision in Case No.: 07-~~044~~⁴⁴⁴-SPH.

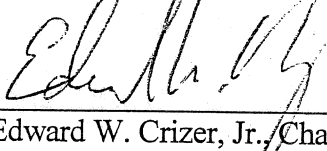
ORDER

IT IS THEREFORE this 1st day of April, 2011, by the Board of Appeals of Baltimore County

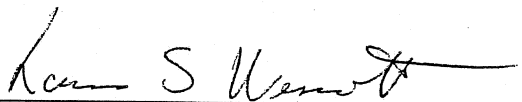
ORDERED that, in accordance with the ORDER of the Honorable H. Patrick Stringer, Jr., Judge, Circuit Court for Baltimore County, filed February 14, 2011, for further proceedings consistent with the Order, the Board clarifies the decision of the Board in Case No.: CBA-08-109, to find that the Appellant/Respondent Lagna, abandoned the Variance granted to him by the Zoning Commissioner in Case No.: 89-302-A, in 1989 by failing to appeal the decision of the Deputy Zoning Commissioner in Case No.: 07-~~044~~⁴⁴⁴-SPH, in which the Deputy Zoning Commissioner found the Variance to be abandoned.

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

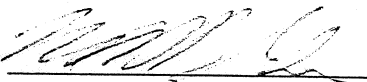
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Edward W. Crizer, Jr., Chairman



Lawrence S. Wescott



Wendell H. Grier

RECEIVED

FEB 16 2011

BALTIMORE COUNTY BOARD OF APPEALS

IN THE MATTER OF:
WILLIAM M. LAGNA
Legal Owner/Petitioner
221 Bowleys Quarter Road
Middle River, Maryland 21220

15TH Election District
6th Councilmanic District

Code Enforcement Citation
#06-8506

Board of Appeals Case
CBA-08-109

Petition for Judicial Review

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
*
* Civil Action No. 03-C-08-010673
*
*

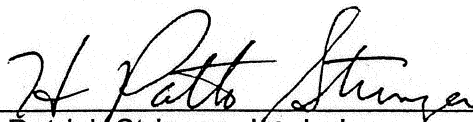
* * * * *

ORDER

This matter came before the Court on the Petition for Judicial Review filed by the Petitioner, William M. Lagna. Upon consideration of Petition, the legal Memoranda filed by the Petitioner and the Respondent, Baltimore County, Maryland, and arguments of counsel, it is this 20th day of January, 2011, by the CIRCUIT COURT FOR BALTIMORE COUNTY, hereby

ORDERED, that the Order of the County Board of Appeals that Reversed the decision of the Hearing Officer in Case No. CBA-08-109 is AFFIRMED; and it is further

ORDERED, that the case is REMANDED to the County Board of Appeals to decide the question whether the Petitioner has abandoned the 1989 Variance from Section 415A in Case No. 89-302-A permitting five recreational vehicles in lieu of one recreational vehicle.


H. Patrick Stringer, Jr., Judge

cc: Holzer, Field

FILED FEB 14 2011

Copies To:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

Nancy West, Esquire
Baltimore County Office of Law
Courthouse 2nd Floor
400 Washington Avenue
Towson, MD 21204

IN THE MATTER OF THE
WILLIAM M. LAGNA, APPELLANT /
RESPONDENT
PROPERTY AT 221 BOWLEYS QUARTERS RD

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

CODE ENFORCEMENT
CITATION # 06-8506

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: CBA-08-109
*

* * * * *

OPINION

This matter is before the Board on an appeal from the Finding of the Code Enforcement Hearing Officer with the Department of Permits and Development Management dated April 4, 2008, in which the Hearing Officer found that the Appellant/ Respondent, William Lagna, was in violation of the decision of the Deputy Zoning Commissioner (DZC) dated June 25, 2007, in which the DZC allowed the Petitioner to store up to five (5) boats regardless of length, whether on a trailer or not, on his property. The Hearing Officer assessed a penalty of \$3,000.00. Appellant William Lagna filed a timely appeal, and a hearing was held on the record before the Board on July 15, 2008. Appellant Lagna was represented by J. Carroll Holzer, Esquire, and the County was represented by Code Enforcement Officer Clarence Raynor. The parties were allowed to file briefs, and a brief on behalf of the County was filed by Schniqua L. Roberts, Assistant County Attorney. A Public Deliberation was held on September 10, 2008.

Background

This case has a long history beginning with a decision of Zoning Commissioner J. Robert Haines in Case Number 89-302-A decided on February 16, 1989. In that decision, the Zoning Commissioner granted a variance from § 415A of the *Baltimore County Zoning Regulations*

(BCZR) to permit five (5) recreational vehicles in lieu of the maximum one (1) to be stored on the Petitioner's property at 221 Bowleys Quarters Road.

In 1993, the *Baltimore County Zoning Regulations* were amended to include recreational boats whether mounted on a trailer or stored on land with or without supports as subject to the provisions of §415A. A boat less than sixteen (16) feet in length was not subject to the provisions except when the boat was mounted on a trailer.

On November 26, 2006, Appellant Lagna was cited by Code Enforcement Officer Clarence Raynor for violating the recreational vehicle storage code, BCZR §415A. At that time Appellant Lagna had five (5) recreational vehicles (boats) stored on trailers, five (5) boats less than sixteen (16) feet stored off of trailers, and five (5) personal watercraft stored off trailers on his property.

A hearing was held before the Code Enforcement Hearing Officer, Raymond Wisnom, on November 30, 2006. Mr. Lagna appeared without counsel, and Code Enforcement Officer Raynor appeared representing the County. Mr. Wisnom ordered that Respondent Lagna be assessed a civil penalty of \$3,000.00. He further ordered that the \$3,000.00 fine should be suspended on the condition that the Respondent "returns the property and recreational storage thereon to a condition that conforms to the variance granted on or before February 9, 2007."

On January 4, 2007, Attorney Lawrence E. Schmidt, representing Mr. Lagna, sent Mr. Wisnom a letter in which he stated:

As agreed, Baltimore County will hold in abeyance the collection/ appeal deposit in the amount of three thousand (\$3,000.00) dollars. This was the amount of the civil penalty imposed by you in your written decision. As further agreed, the property owner shall timely file the requisite petition for zoning relief in order to update the prior variance decision (Case No. 89-302-A). I would hope to have the petition filed within forty-five (45) days of the date of this letter, depending upon the time necessary to prepare the required plat and filing materials. As we discussed, the passage of time since the 1989 decision, as well as the current use

of the property, warrants the consideration of updated zoning relief. The filing of this petition and subsequent ruling thereon by the Zoning Commissioner will render the violation case moot.

In the interim we have further agreed that Mr. Lagna will keep his property in a clean and orderly manner so as not to cause a disturbance to the surrounding neighborhood. This office will copy you on all filings and other case materials submitted to the Zoning Commissioner of Baltimore County and will update you as to the outcome of this zoning hearing.

If you are in agreement with the foregoing arrangement, please attach your signature hereto as a testament of your approval. I thank you for your agreement in this regard, which I believe will ensure the lawful use of the property, with no adverse impacts on adjacent properties...

The letter was signed as agreed to by Mr. Wisnom.

As agreed, Mr. Schmidt's office, by Sebastian A. Cross, Esquire, filed a Petition for Special Hearing on behalf of William Lagna in Case No. 07-⁴⁴⁴~~044~~-SPH. A hearing was held before Deputy Zoning Commissioner, John V. Murphy, and Mr. Murphy rendered his decision on June 25, 2007. In the decision, the DZC found that the Petitioner had abandoned the variance granted in Case No. 89-302-A. He denied the request for determination that the property conforms with the previously approved variance granted through Case No. 89-302-A but did grant the Petitioner's request for approval of a boat storage plan. He approved a modified RV storage plan as per BCZR §415A.3.B. Subject to the following conditions:

1. Petitioners may apply for use permits and be granted same upon receipt of this order, however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return and be responsible for returning said property to its original condition; and
2. The Petitioners shall submit a landscape plan to the Baltimore County Landscape Architect for review and approval which shall properly screen the Petitioner's recreational vehicles and boats stored on the property from the adjacent community; and

3. The Petitioners shall be permitted up to five (5) boats of whatever length, make, model, or design on the premises whether on or off trailers; and
4. All boats on the premises shall be owned by the Petitioner and located on the property exclusively for he and his family's recreational use; and
5. There shall be no commercial use of the premises including storage, repair or maintenance of boats owned by persons other than the Petitioner.

Upon receipt of the decision of DZC Murphy, Mr. Lagna filed a Motion for Reconsideration on July 20, 2007. Mr. Lagna was unaware that People's Counsel filed an appeal of the DZC's decision to the Board of Appeals on July 19, 2007. This superceded Mr. Lagna's Motion for Reconsideration and divested the Zoning Commissioner from considering any further issues in the matter. It should be noted that the letter indicating the appeal of People's Counsel was copied to Sebastian A. Cross, Esquire, attorney for Mr. Lagna. Mr. Lagna was informed of the appeal by People's Counsel and the fact that his Motion for Reconsideration had been superceded by the appeal in a letter dated August 1, 2007 from Thomas H. Bostwick, Deputy Zoning Commissioner, who had taken the place of DZC Murphy.

On February 11, 2008, pursuant to a request from People's Counsel to withdraw their appeal, the Board of Appeals issued a Dismissal Order of the appeal of People's Counsel in this matter.

On March 19, 2008, Code Enforcement Officer Clarence Raynor filed a Motion to Show Cause why the penalty assessed by Hearing Officer Wisnom in December 2006 should not be imposed and requested a Show Cause Order from Hearing Officer Wisnom. Mr. Raynor moved for a hearing before the Code Enforcement Hearing Officer.

On March 19, 2008, Hearing Officer Wisnom issued a Show Cause Order directing Respondent Lagna to appear before him on April 2, 2008, to show cause why the civil penalty in

the amount of \$3,000.00 should not be imposed for failing to obey the order passed on December 7, 2006.

Finally, on April 2, 2008, the Show Cause hearing was held before Hearing Officer Wisnom. On April 4, 2008, the Hearing Officer Ordered that a civil penalty of 3,000.00 be imposed based upon his decision of December 7, 2006, and the subsequent decision of Deputy Zoning Commissioner allowing the Petitioner to store up to five (5) boats regardless of the length, whether or not on a trailer, on his property.

Appellant's Position

Appellant has many issues that he contends were errors with respect to the inspection of the property, the hearings conducted by Mr. Wisnom, and the hearings conducted by the Deputy Zoning Commissioner. They are as follows:

1. The Code Enforcement Officer did not visit the site when he initially cited the Appellant for violation of § 415.A of the BCZR.
2. The Code Enforcement Officer incorrectly classified boats that were off the trailer and less than 16 feet as recreational vehicles.
3. The Code Enforcement Officer counted empty trailers as recreational vehicles.
4. The Code Enforcement Hearing Officer erred in finding Mr. Lagna guilty without considering any of his testimony. The Code Enforcement Officer failed to produce evidence of 30 recreational vehicles during the hearing, and Hearing Officer Wisnom did not apply the law logically and correctly to fine Mr. Lagna. Various other issues with respect to errors in the Hearing Officer's decision of November 30, 2006, were set forth by the Appellant in its Brief.
5. In an agreement between Baltimore County, represented by Wisnom, and Respondent Lagna, Baltimore County agreed to drop the case if Lagna agreed to proceed to file for additional

zoning relief. Appellant contends that he filed for the relief by requesting a special hearing, and in accordance with the agreement, the "filing of this petition, the subsequent hearing thereon by the Zoning Commissioner will render the case moot." The Show Cause Order was issued in Case No. 06-8506, which indicated that the County did not follow the terms of this agreement.

6. The Deputy Zoning Commissioner granted the special hearing with restrictions, and Petitioner Lagna filed a Motion for Reconsideration of the Deputy Zoning Commissioner's decision. People's Counsel for Baltimore County filed an appeal in this matter to the Board of Appeals on June 25, 2007. When the People's Counsel's appeal to the Board of Appeals in Case No. 07-~~044~~⁴⁴⁴-SPH was withdrawn, Appellant contends that his Motion for Reconsideration should have been revived and allowed to be processed. The Appellant evidently wants the Board to hold a hearing and revise the decision of the Deputy Zoning Commissioner.

7. Appellant Lagna contends that the Show Cause Order and hearing dated April 2, 2008, was incorrect because of the agreement signed in 2007.

Position of the County

The position of the County appears to be that the operative event in this matter was the final order of the Hearing Officer issued on December 7, 2006. The County contends that the Respondent's failure to appeal that order within 15 days was time barred and not subject to review by the Board, and that the appeal was limited to the record created by the Hearing Officer at the April 2, 2008 hearing. It is the position of the County that the imposition of the civil penalty of \$3,000.00 was proper.

Decision

1. Timeliness of Appeal

The Board has reviewed the position of the County with respect to whether or not a timely appeal was filed in this matter. While the County contends that the operating events were

set forth in the decision dated December 7, 2006, and that that is the date that should be considered with respect to the timeliness of the appeal, the Board disagrees with that position.

The appeal is from the decision of the Code Enforcement Hearing Officer on April 4, 2008, and, since the appeal was filed by letter dated April 18, 2008, it is timely filed.

2. Was the decision of the Hearing Officer dated December 7, 2006, rendered moot?

The Code Enforcement Hearing Officer rendered his decision on December 7, 2006, and imposed a fine of \$3,000.00 on Respondent Lagna if he did not return the property and recreational storage thereon to a condition that conforms to the variance granted on or before February 9, 2007. On January 4, 2007, Hearing Officer Wisnom agreed with the attorney for Respondent, Lawrence E. Schmidt, that the \$3,000.00 would be held in abeyance and that a Petition for zoning relief would be filed to update the prior variance decision in Case No. 89-302-A. Mr. Wisnom agreed that "the filing of this petition and subsequent ruling thereon by the Zoning Commissioner will render the violation case moot." A Petition for Special Hearing was filed and the Zoning Commissioner rendered his decision on June 25, 2007. That fulfilled the requirements set forth in the letter and rendered the Enforcement Hearing Officer's decision moot, in the opinion of the Board.

3. The action to be taken with respect to the Deputy Zoning Commissioner's decision.

Upon receipt of the decision of the Deputy Zoning Commissioner, Petitioner Lagna filed a Motion for Reconsideration. Unfortunately for him, People's Counsel had filed an appeal of the decision the day before the Motion for Reconsideration was filed. The receipt of the appeal superseded the Motion for Reconsideration and took the matter out of the jurisdiction of the Deputy Zoning Commissioner. It should be noted that a copy of the appeal was sent to counsel for Mr. Lagna. There was still time for an appeal to be filed by Petitioner Lagna with the Board

of Appeals, and upon the withdrawal of People's Counsel's appeal, the Petitioner's appeal would have been valid, which was not the case. Therefore, the decision of the Deputy Zoning Commissioner stands on its own merits.

In his Brief, Appellant Lagna states, with regard to the Deputy Zoning Commissioner's decision, "Further, the Order did not specifically state that it superseded or replaced the existing variance, which it certainly could have clearly stated." On page 5 of the decision of the DZC, it is stated, "Consequently, I will deny the alternative request that the property conforms with the previously approved variance through Case No. 89-302-A." On page 7 of the decision, the DZC stated, "The Petitioner has abandoned the variance granted in Case No. 89-302-A. Therefore, to deny the boat storage plan would be to limit the number of recreational vehicles to one." Further on he states, "I find that the Petitioner's request for a determination that the property conforms with the previously approved variance through Case No. 89-302-A should be denied and that the Petitioner's request for approval of a boat storage plan should be approved as below."

Therefore, in the opinion of the Board, the Deputy Zoning Commissioner found that the variance granted in Case No. 89-302-A was abandoned and could not be utilized by the Petitioner. The Board finds that Appellant / Respondent Lagna, is allowed to implement the boat storage plan approved by the Deputy Zoning Commissioner with the conditions set forth in the DZC's decision dated June 25, 2007.

The Board also finds that the decision of the Code Enforcement Hearing Officer should be rescinded, as well as the \$3,000.00 fine. The Board also finds that any future inspection of the property should be limited to compliance with the decision of the Deputy Zoning Commissioner dated June 25, 2007, and the conditions set forth therein. Any new inspections should be considered to be a new case, with new case number, and should be done on the

property with respect to compliance with the Commissioner's decision. The Board finds no need to rule on the question of what is a recreational vehicle at this time.

ORDER

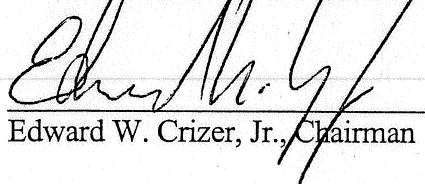
THEREFORE, IT IS THIS 25th day of September 2008, by the County Board of Appeals of Baltimore County,

ORDERED that the decision of the Hearing Officer in Case No. CBA-08-109 (Civil Action #06-8506) be and is hereby **REVERSED**; and it is further

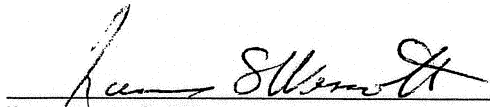
ORDERED that any future inspections of the property of Appellant / Respondent, William Lagna, at 221 Bowleys Quarters Road, Baltimore, MD, 21220, shall be based upon compliance with the terms and conditions of the decision of the Deputy Zoning Commissioner dated June 25, 2007.

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

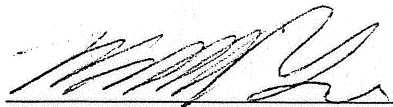
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Edward W. Crizer, Jr., Chairman



Lawrence S. Wescott



Wendell H. Grier

RE: PETITION FOR VARIANCE
E/S Bowleys Quarters Rd., 500' : BEFORE THE ZONING COMMISSIONER
S Carroll Island Rd. (221 : OF BALTIMORE COUNTY
Bowleys Quarters Rd.), :
15th Election Dist. :
5th Councilmanic Dist. :
WILLIAM M. LAGNA : Case No. 89-302-A

ENTRY C. APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 24th day of January, 1989, a copy of the foregoing Entry of Appearance was mailed to Mr. William M. Lagna, 221 Bowleys Quarters Rd., Baltimore, MD 21220, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Mr. William M. Lagna
221 Bowleys Quarters Road
Baltimore, Maryland 21220

Re: Petition for Zoning Variance
CASE NUMBER: 89-302-A
E/S Bowleys Quarters Road, 500' S Carroll Island Road
221 Bowleys Quarters Road
15th Election District - 5th Councilmanic
Petitioner(s): William M. Lagna
HEARING SCHEDULED: TUESDAY, JANUARY 31, 1989 at 2:00 P.M.

Dear Mr. Lagna:

Please be advised that \$78.68 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 304, Towson, Maryland, on the day of the hearing, 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005840
DATE 1/31/89 ACCOUNT R-01-615-000
AMOUNT \$ 78.68
RECEIVED BY *William Lagna*
FOR: *P/A* 1/31/89
B 127 *** 78635 89-302-A
VALIDATION OR SIGNATURE OF CASHIER



Dennis F. Rasmussen
County Executive

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District *15th* Date of Posting *1/15/89*
Posted for: *William M. Lagna*
Petitioner: *William M. Lagna*
Location of property: *E/S Bowleys Quarters Rd., 500' S Carroll Island Rd., 221 Bowleys Quarters Rd., 15th Election Dist.*
Location of Sign: *Five Bowleys Quarters Rd., across 20' E/S Carroll Island Rd., on property of P.A. Lagna*
Number of Signs: *Five*

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 16, 1989.
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 12, 1989.

THE JEFFERSONIAN,
S. Zafe Orlov
Publisher

PO 08743
reg M25174
case 89-302-A
price \$37.43

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, Towson, Maryland 21284, on Tuesday, January 31, 1989, at 2:00 P.M.
Petitioner for Zoning Variance: Case Number: 89-302-A
E/S Bowleys Quarters Road, 500' S Carroll Island Road, 221 Bowleys Quarters Road, 15th Election District - 5th Councilmanic District
Petitioner(s): William M. Lagna
HEARING SCHEDULED: TUESDAY, JANUARY 31, 1989 at 2:00 P.M.
Variance to permit five recreational vehicles in lieu of the maximum of one.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

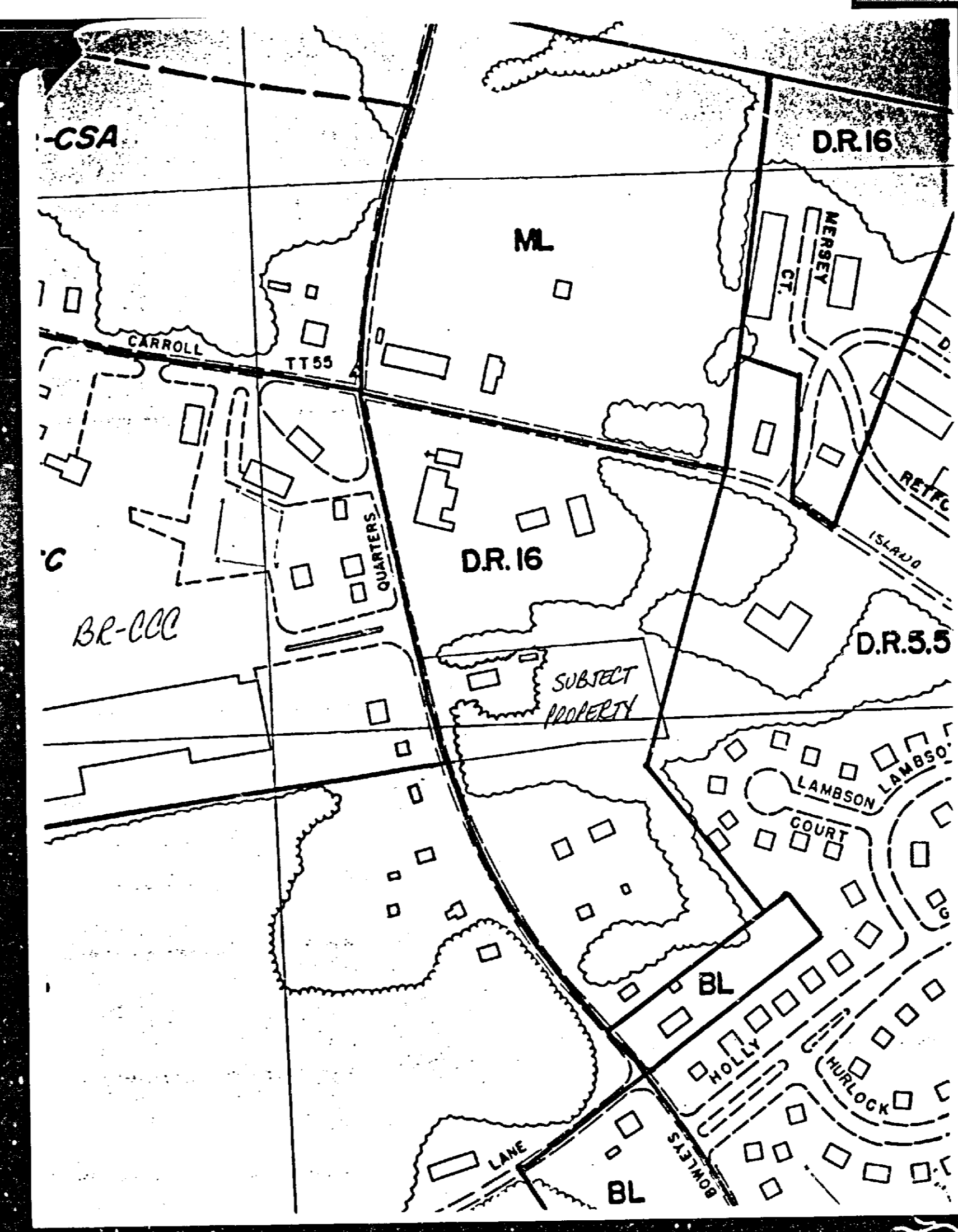
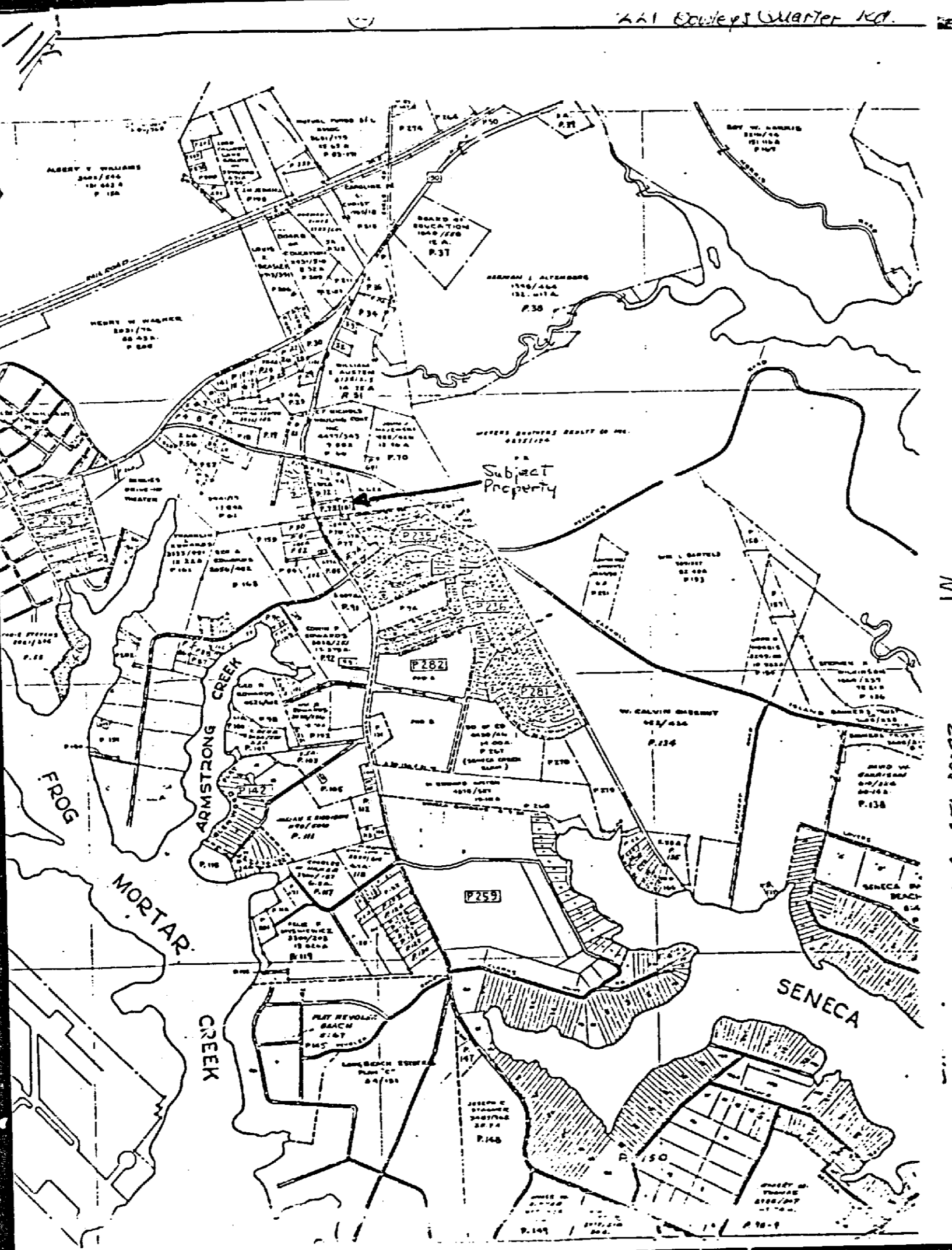
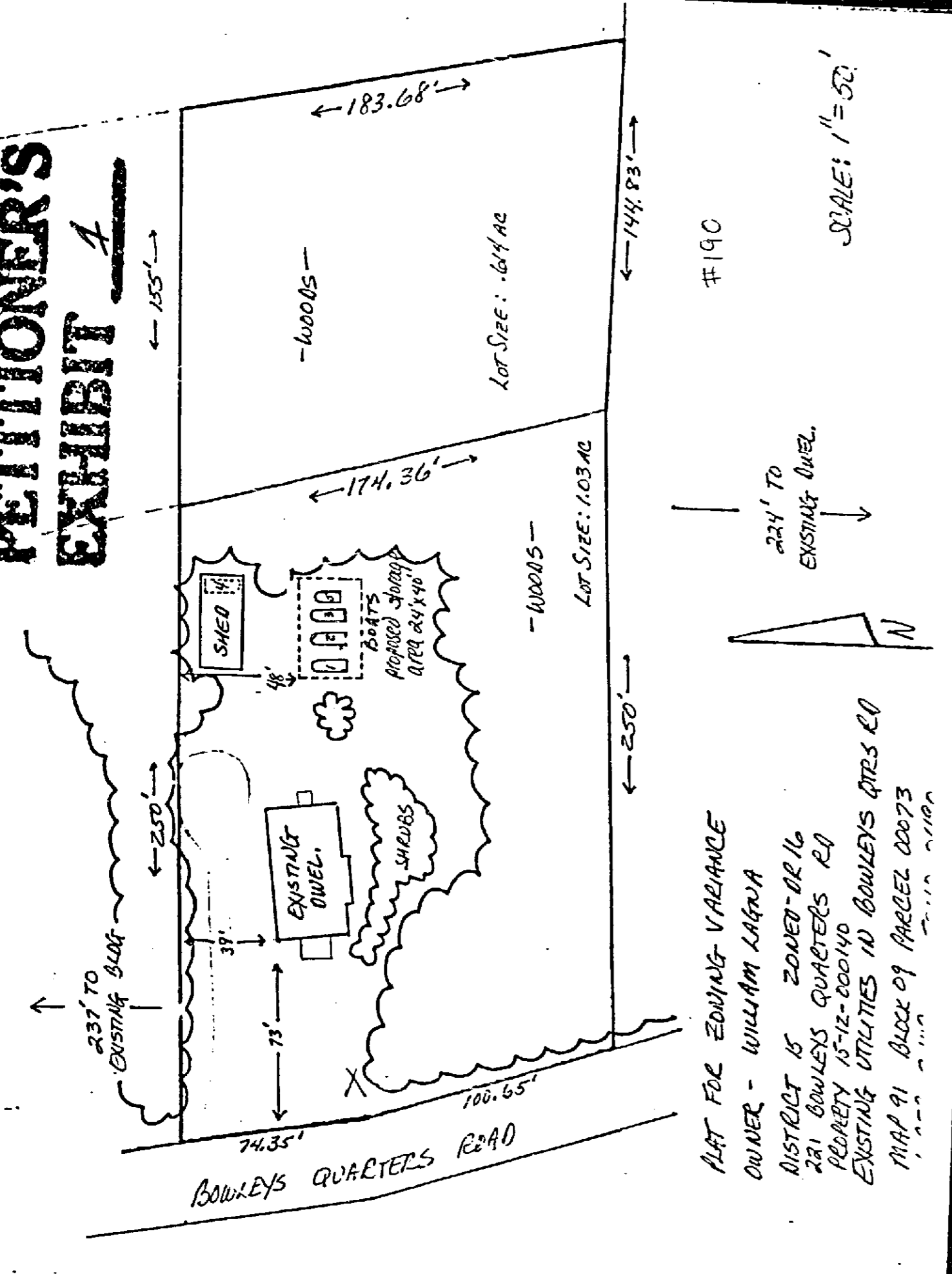
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 89-302-A
E/S Bowleys Quarters Road, 500' S Carroll Island Road
221 Bowleys Quarters Road
15th Election District - 5th Councilmanic
Petitioner(s): William M. Lagna
HEARING SCHEDULED: TUESDAY, JANUARY 31, 1989 at 2:00 P.M.

Variance to permit five recreational vehicles in lieu of the maximum of one.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. Lagna
File
Chesapeake Bay Critical Area Commission

PETITIONER'S EXHIBIT



Oct. 30, 1988

Mr. the undersigned, do not object to Mr Lagna keeping his boats on his property:
 1st & 2nd 220 Bowleys Qtr Rd.
 Edward L. Berman
 212 Bowleys Quarters Rd.
 Balt., Md. 21220
 Mrs. M. Mo. Sears
 290 Bowleys Quarters Rd.
 Balt., MD 21220
 Mrs. Bessie
 212 Bowleys Qtr Rd.
 Charles H. Small
 212 Bowleys Quarters Rd.
 Patricia C. Arnold
 212 Bowleys Quarters Rd. 21220
 Charles H. Arnold
 212 Bowleys Quarters Rd. 21220
 Linda Wagoner
 210 Carroll Dr. Rd. 21220
 James E. Wagoner
 210 Carroll Dr. Rd. 21220
 Davis L. Perry
 305 Bowley Trs 21220
 Davis Hull
 224 Bowley Qtr. Rd.
 Balt. Md. 21220

DEPARTMENT OF NATURAL RESOURCES, STATE OF MARYLAND, hereby certifies, pursuant to the provisions of the Natural Resources Article of the Annotated Code of Maryland, that an application has been made under said Article for a certificate of title for the following:

TITLE DETAILS AND ASSIGNMENTS

C 223672
 WILLIAM M LAGNA
 11209 SANDYVALE RD
 BRADSHAW BA MD 21021

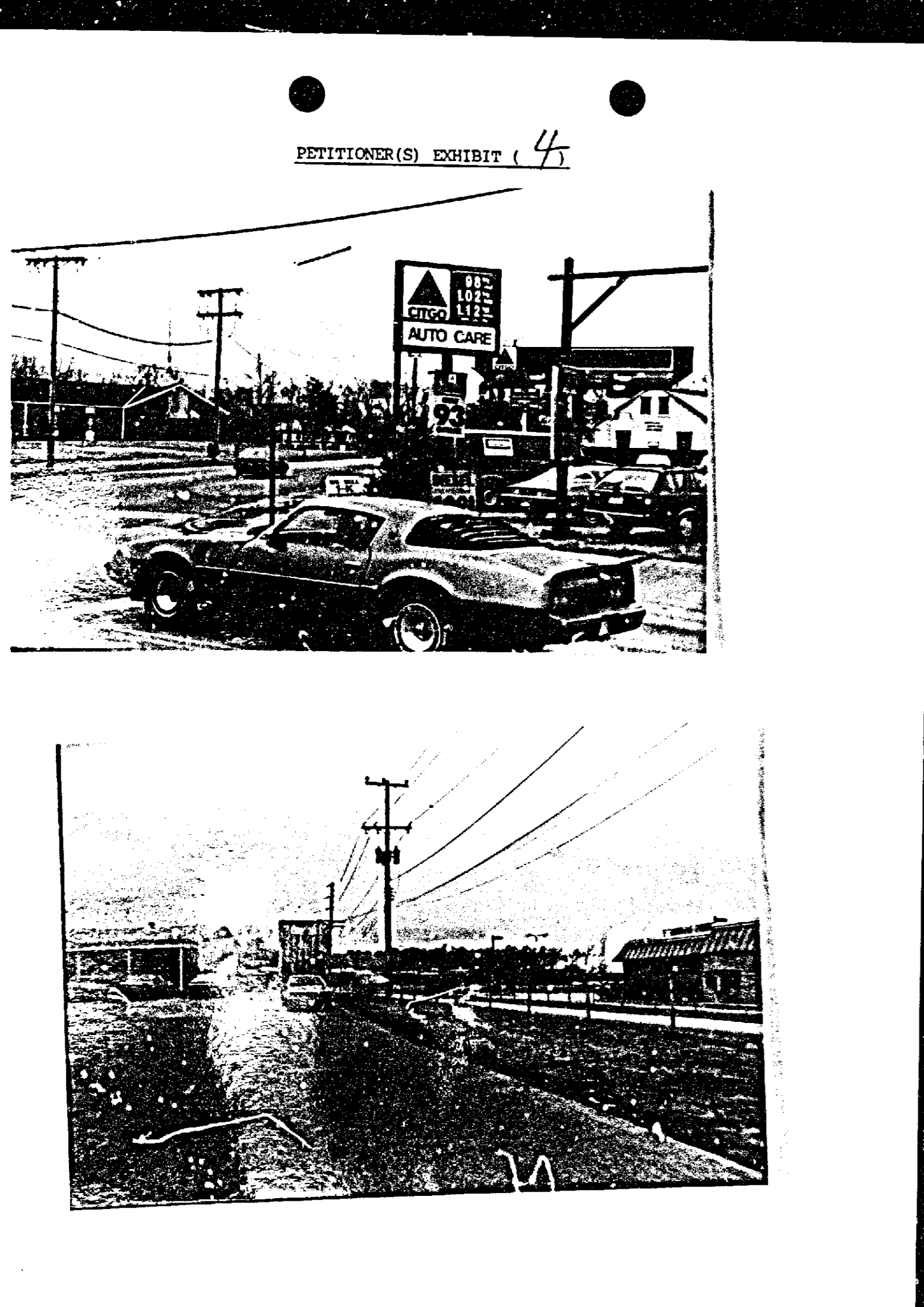
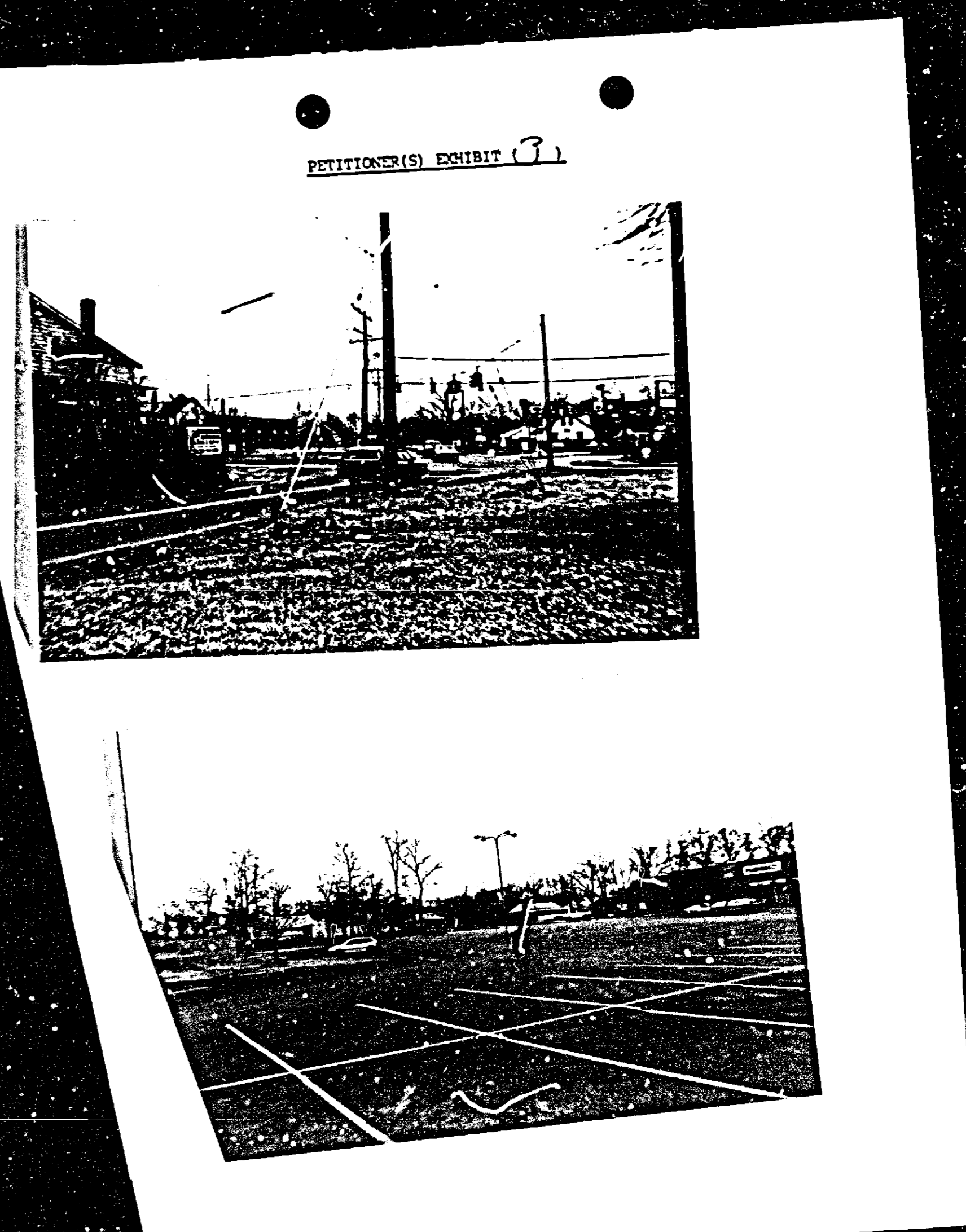
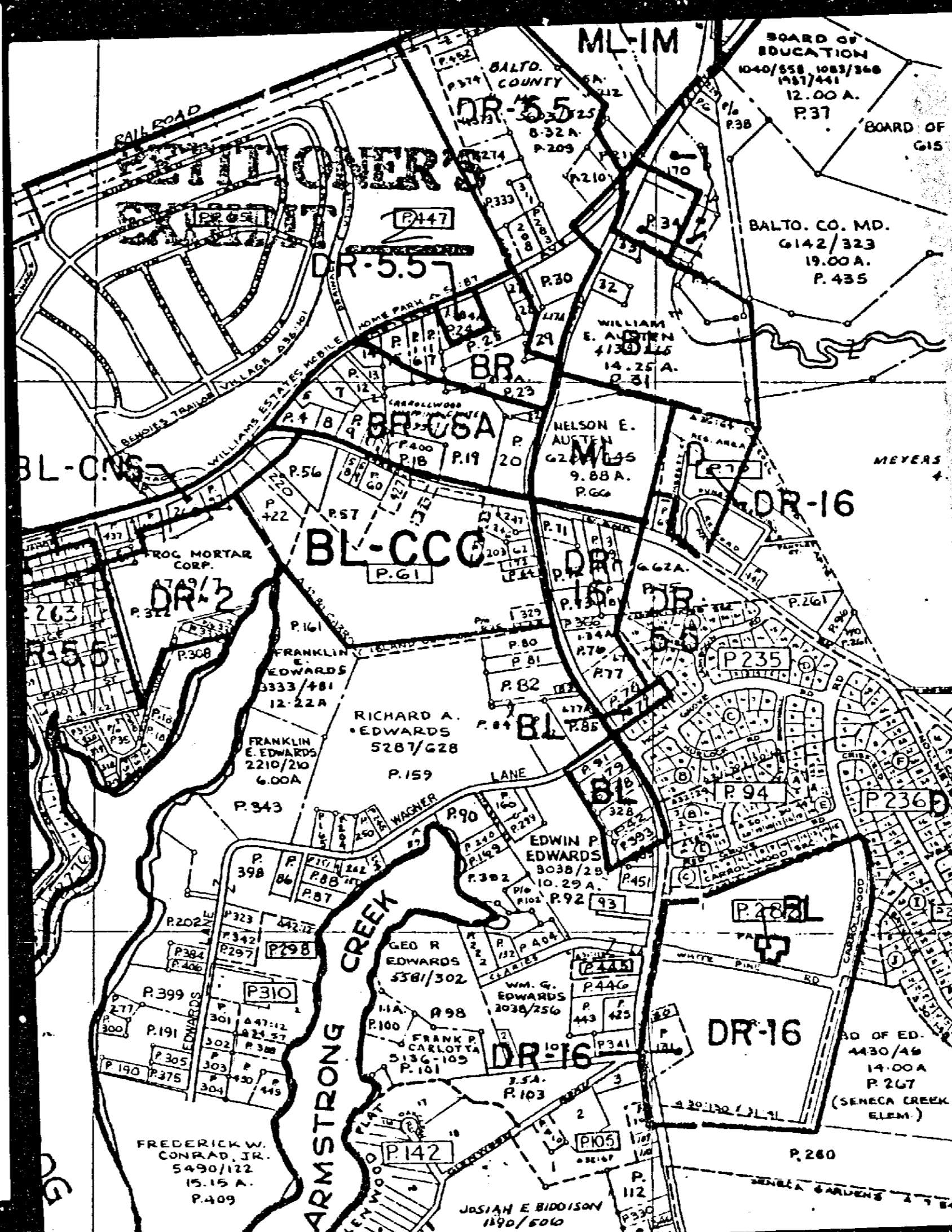
C 580130
 WILLIAM M LAGNA
 11209 SANDYVALE RD
 BRADSHAW BA MD 21021

C 529927
 WILLIAM M LAGNA
 11209 SANDYVALE RD
 BRADSHAW BA MD 21021

C 559310
 WILLIAM M LAGNA
 11209 SANDYVALE RD
 BRADSHAW BA MD 21021

C 555828
 WILLIAM M LAGNA
 11209 SANDYVALE RD
 BRADSHAW BA MD 21021

PETITIONER'S EXHIBIT 11



Tradewinds Marina
 BOAT SALES / SERVICE • BROKERAGE
 1-25-89

William M Lagna
 221 BOWLEYS QUARTERS RD
 BALTIMORE MD 21220

At the present time our yard is full of boats stored for the winter. In the Spring, on trailer boat storage is available on first come basis. We normally store approximately 14 boats on trailers.

Our fee for on trailer storage with use of ramp included is \$400.00 for the period May thru Oct. On trailer storage for the period November thru April is \$125.

Robert Palmer
 President
PETITIONER'S EXHIBIT 5

412 Armstrong Road • Baltimore, MD 21220 • 301-335-7000

Beacon Light Marina
 GRADY WHITE BOATS JOHNSON OUTBOARDS
 825 BOWLEYS QUARTERS ROAD
 BALTIMORE, MD 21220-4010
 (301) 335-6489
 1-27-89

AT THIS TIME, WE ARE UNABLE TO STORE ANY MORE BOATS AT OUR YARD DUE TO LACK OF ROOM.

Walter Kianis
 STORE MGR.

PETITIONER'S EXHIBIT 6

Porter's Seneca Marina
 918 Seneca Park Road • Baltimore, Maryland 21220 • Phone (301) 335-6563
 Raymond N. Porter

At this time we have no room to store anymore boats in our yard.

Kim Porter

PETITIONER'S EXHIBIT 7

Phone: 335-2311

EDWARDS BOAT YARD, INC.
BOAT REPAIRS & MARINE SUPPLIES
Route 14 - Box 601
BALTIMORE, MARYLAND 21220

William M. Lagna *June 27, 1989*
We do not presently have space available to store your boat(s)

*Sincerely,
Ed Edwards*

PETITIONER'S EXHIBIT 9

GUNPOWDER COVE MARINA
DIVISION OF IMPERIAL MARINE, INC.

Sales & Service
No 32387

OWNER'S NAME AND ADDRESS <i>William Lagna</i>	SERVICING DEALER'S NAME AND ADDRESS SEA RAY, O.M.C. MERCURISER	DATE RECEIVED <i>1-28-89</i>					
PHONE	ORDER BY <i>Buzz Polek</i>	DATE PROMISED					
GUNPOWDER COVE MARINA 510 RIJERA DRIVE P.O. Box 228 - JOPPA, MD. 21085 PHONE: 679-5444							
QTY.	PART NO.	DESCRIPTION	AMOUNT	MOTOR MAKE & MODEL	SERIAL NO.	H.P.	TRAILER
		DESCRIPTION OF WORK <td></td> <td></td> <td></td> <td></td> <td></td>					
		<i>As of This Date, There is no Slip Space Available, but we could put your name on a waiting list, if and when slips become available is unknown.</i>					
		EXHIBIT 9					
NOT RESPONSIBLE FOR LOSS OR DAMAGE TO BOATS, MOTORS OR ARTICLES IN BOAT'S CASE OF FIRE, THEFT, ACCIDENT, FREEZING OR ANY OTHER CAUSE BEYOND OUR CONTROL.				TECHNICAL TOTAL SERVICES			
I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the vehicle. I am described on statements or elsewhere for the purpose of having motor inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.				TOTAL PARTS			
TOTAL PARTS				TOTAL AMOUNT			

PETITIONER'S EXHIBIT 12

Oct. 30, 1988

We, the undersigned, do not object to Mr Lagna keeping his boats on his property:

1407 S. Meacham 220 Bowleys Qtr Rd. Balt. Md. 21220

E. David L. Bevan 212 Bowleys Quarters Rd. Balt. Md. 21220

Blue Bevan 212 Bowleys Qtr Rd. Charles H. Smith 220 Bowleys Quarters Rd. Baltimore, Md. 21220

John C. Arnold 2120 212 Bowleys Quarters Rd. 21220

Charles H. Smith 210 Bowleys Quarters Rd. 21220

Lynna Waggons 210 Carroll St. Rd. 21220

James E. Waggons 210 Carroll St. Rd. 21220

Doris Lagna 305 Bowley Trs 21220

Doris Kull 224 Bowley Qtr. Rd. Balt. Md. 21220

Mr. & Mrs. Sears 220 Bowleys Quarters Rd. Balt. Md. 21220

Regina Wachal 226 Bowley Qtr. Rd. Balt. Md. 21220

69-302-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

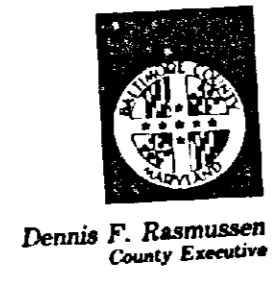
Your petition has been received and accepted for filing this _____ day of _____, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: *William M. Lagna*
Attorney: _____
Received by: *Teresa E. Dyer*
Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

November 25, 1988



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

ZAC - Meeting of November 15, 1988
Item Nos. 152, 183, 184, 186, 187, 188, 189, and 190.

Dear Mr. Haines:
The Bureau of Traffic Engineering has no comments for item numbers 152, 183, 184, 186, 187, 188, 189, and 190.

Michael S. Flahgan
Michael S. Flahgan
Traffic Engineer Associate II

MSF/lw

RECEIVED
NOV 29 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 23, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

- MEMBERS
- Bureau of Engineering
 - Department of Traffic Engineering
 - State Roads Commission
 - Bureau of Fire Prevention
 - Health Department
 - Project Planning
 - Building Department
 - Board of Education
 - Zoning Administration
 - Industrial Development

Mr. William M. Lagna
221 Bowleys Quarters Road
Baltimore, Maryland 21220

RE: Item No. 190, Case No. 89-302-A
Petitioner: William M. Lagna
Petition for Zoning Variance

Dear Mr. Lagna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinecke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Wm. M. Lagna

Location: E/S Bowleys Quarters Road, 500' S of c/l of Carroll Island Road
Item No.: 190

Zoning Agenda: Meeting of 11/15/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "M" are applicable and required to be corrected or incorporated into the final plans for the property.

- ap jay Kelly*
1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
 2. A second means of vehicle access is required for the site.
 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
 6. Site plans are approved, as drawn.
 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly 12/29/88*
Planning Group
Special Inspection Division

NOTED & APPROVED:
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: *J. Robert Haines*
Zoning Commissioner
Date: *February 11, 1989*

FROM: *Pat Keller, Deputy Director*
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-222-SPH (Lawrence); 89-302 (Lagna); 89-303-A (Gorn); 89-325-A (Penn Ltd.); 89-335-A (SK Properties); 89-326-A (Angelos); 89-332-A (Haynes); 89-333-A (Hart)

The Office of Planning and Zoning has no comment on the above petitions.

PK/af

RECEIVED
FEB 11 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: November 25, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item # 190
William M. Lagna

Subject property is located at 221 Bouleys Quarters Road. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a zoning variance to permit the storage of five recreational vehicles (boats) in lieu of the maximum of one.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 >

The proposed development will comply with Critical Area Law provided that the zoning petition is conditioned with the following requirements:

1. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
2. Rooftop runoff shall be directed through down-spoouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Memo to Mr. J. Robert Haines
November 25, 1988
Page 2

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

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

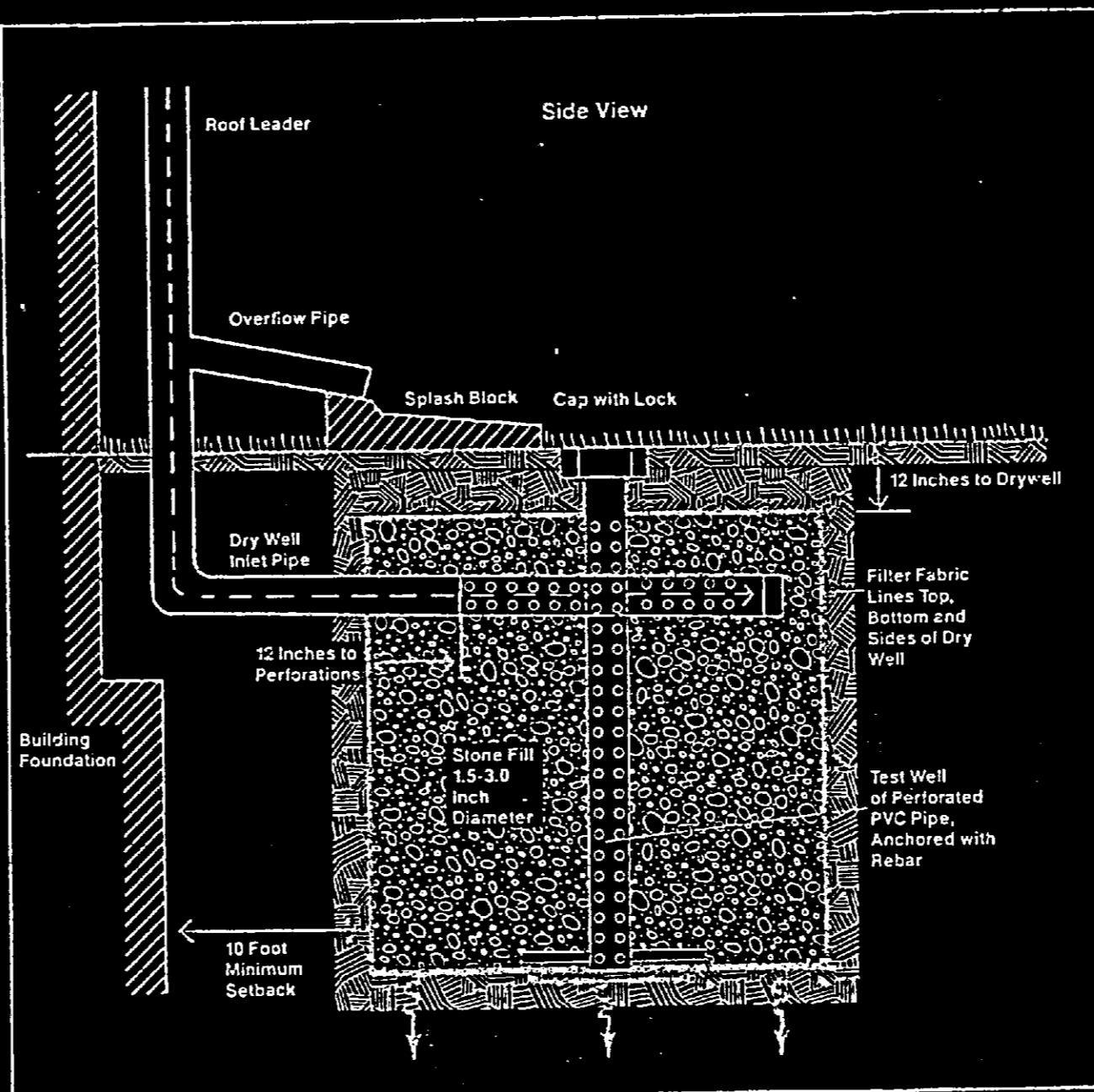
RWS:DCP:tjg

Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:
Dry Well Design. (Figure 5.8). Dry wells are a basic trench variation, which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1984)



ATTACHMENT 1
William M. Lagna

A zoning variance is petitioned for the property located on 221 Bouleys Quarters Road by William M. Lagna, owner and resident of the subject property. The petition is to allow Mr. Lagna to store his boats ("recreational vehicles") on his property. The described property is located outside of the critical area. The property is zoned C-2.5 and is located directly across from a (Community Core Commercial zoning) major shopping center. The subject property borders institutions on the north and east sides, and is located approximately 600' south of an area zoned for light manufacturing. A zoning map of the surrounding area is attached.

The petition designates a storage area of 24'x40' for the boats. The storage area is located approximately 170' from Bouleys Quarters Road and 100' behind the front of the existing dwelling. The proposed storage area is 48' from the north side property line and 97' from the south side property line. Mr. Lagna is the owner of the lot which borders the subject property on the east side. As woods surround the subject property on 3 sides, and the existing dwelling with shrubbery are located on the road side, the boats in this defined area are not readily observed by either neighbors or commuters on Bouleys Quarters Road. Photographs taken from the north side of the subject property as well as two views of the property from Bouleys Quarters Road are attached. The boats in the proposed storage area (3 runabouts, a rowboat and a small sailboat) are owned by Mr. Lagna and are used only for recreational purposes. The boats have been titled and registered in the State of Maryland by Mr. Lagna in 1987 or earlier. (See attachments) The general condition of all boats is excellent. The boats are kept neat, clean, well painted and waxed.

1. This petition for variance is submitted because conformance to the zoning regulation is unnecessarily burdensome. The small size of the boats together with their 1974 runabout, 1988 and 1974 runabouts, a horse-drawn runabout and a 1981 small sailboat) is such that the cost of annual storage at commercial facilities would either represent a significant portion of the value of the boats or will exceed the current value of the boats. If the variance is not permitted, Mr. Lagna would be forced to sell the boats due to the unreasonably high cost of commercial storage.

2. Grant of the variance would do no injustice to the complainant nor to any property owners in the district.

3. A grant would not alter the intended use of the property nor the visual appearance of the area. A grant would be in strict harmony with the nature of the area. Such a grant would have no injurious effect on the public health, safety or the general welfare of the community.

A petition is attached which represents support of the proposed variance by ALL of the residents of the neighborhood. NO neighbor objected to the requested variance.

Other related facts:
The complainant, Mr. Dennis Goldberger, resides on Red Grove Road off of Bouleys Quarters Road, located on the south side of the subdivision known as Carrollwood. The complainant lives approximately 0.6 miles by road from the subject property. The whole of the subdivision of Carrollwood physically and visually separates the properties. The complainant did not contact Mr. Lagna in any way regarding this or any other matter prior to filing the complaint. Mr. Lagna does not know the complainant, and Mr. Goldberger did not identify himself as representing any groups or organizations when he filed against Mr. Lagna.



STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
DEPARTMENT OF NATURAL RESOURCES
TAWES STATE OFFICE BUILDING, D4
ANNAPOLIS, MARYLAND 21401
974-2416 or 974-2428

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

January 9, 1989

RECEIVED
JAN 23 1989
ZONING OFFICE

- COMMISSIONERS
- Thomas Osborne, Anne Arundel Co.
 - James E. Gorman, Anne Arundel Co.
 - Ronald Karass, Baltimore City
 - Albert W. Zehner, Calvert Co.
 - Thomas Jarvis, Caroline Co.
 - Kathryn D. Langner, Cecil Co.
 - Samuel V. Bowling, Charles Co.
 - G. Duane Phillips, Dorchester Co.
 - Victor K. Budans, Harford Co.
 - Wallace D. Miller, Kent Co.
 - Ferns Gleasoning, Prince George's Co.
 - Robert H. Price, Jr., Queen Anne's Co.
 - J. Frank Raley, Jr., St. Mary's Co.
 - Ronald D. Adams, Somerset Co.
 - Shepard Kemp, Jr., Talbot Co.
 - Samuel E. Turner, Sr., Talbot Co.
 - William J. Bostian, Wicomico Co.
 - Russell Stone, Worcester Co.

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Zoning Variance 89-302-A

Dear Mr. Haines:

Thank you for referring the above-referenced project to the Critical Area Commission. The Commission has no comment regarding the project.

Sincerely,

Ken Serey
Ken Serey
Planner

RS:msl

- CABINET MEMBERS
- Wayne A. Conley, Jr., Agriculture
 - J. Randall Evans, Employment and Economic Development
 - M. Ina Walsh, Jr., Environment
 - Arthur Clark, Housing and Community Development
 - Torrey Brown, Natural Resources
 - Constance Lader, Planning