

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: December 3, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton *TR*
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

<u>BOARD OF APPEALS CASE NUMBER</u>	<u>PDM FILE NUMBER</u>	<u>NAME</u>	<u>LOCATION</u>
94-205-X	94-205-X	NAYLOR LANE LIMITED PARTNERSHIP	4000 OLD COURT ROAD
96-485-SPHXA	96-485-SPHXA	GERMAN HILL LIMITED PARTNRSHIP	2508 PLAINFIELD ROAD
CBA-90-119	PLAT VALIDITY	HILLTOP PLACE	PLAT 1 AND 2 CLARK BLVD
CBA-90-118	WAIVER DENIAL W-90-56	W BELL PLAZA	SECURITY BLVD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

IN THE MATTER OF THE
HILLTOP PLACE
PLAT 1 & 2

RE: PLAT VALIDITY
/ APPROVAL RESCINDED

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-90-119

* * * * *

ORDER OF DISMISSAL

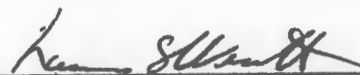
This matter comes before this Board on appeal dated April 3, 1990 from a decision of the Planning Director dated March 8, 1990 in which approval for verification of record plat validity concerning Hilltop Place Plat 1 and 2 was rescinded.

WHEREAS, by letter dated November 14, 2003, the Board of Appeals notified the parties of record in the above-entitled matter that the appeal would be dismissed for lack of prosecution after a period of 30 days; and

WHEREAS, the Board has not received a reply from its letter of November 14, 2003, within 30 days as requested;

IT IS THEREFORE ORDERED this 20th day of October, 2004 by the County Board of Appeals of Baltimore County that the above-referenced appeal in Case No. CBA-90-119 be and the same is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 20, 2004

Francis X. Borgerding, Jr., Esquire
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Hilltop Place Plat 1 & 2*
Case No. CBA-90-119 /Order of Dismissal

Dear Mr. Borgerding:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board
of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Sycamore Realty Co.
G. W. Stephens Jr. & Assoc., Inc.
Pat Keller, Director /Planning
Donald Rascoe /PDM
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 14, 2003

Francis X. Borgerding, Jr., Esquire
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Hill Top Place*
Case No. CBA-90-119

Dear Mr. Borgerding:

The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to dismiss and close as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that an Order of Dismissal for lack of prosecution will be entered in the above-captioned matter after the expiration of 30 days from the date of this Notice. Upon receipt of a request filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathleen C. Bianco", is written over a horizontal line.

Kathleen C. Bianco
Administrator

c: Nancy C. West, Assistant County Attorney



NOTICE TO PARTIES PRIOR TO DISMISSAL

11/14/03 – Letter to F. Borgerding; copy to N. West - Order of Dismissal to be issued after expiration of 30 days and file closed – failure to prosecute.

5/7/90 - Following parties notified of hearing set for October 12, 1990 at 10:00 a.m.:

S. Eric DiNenna, Esquire
Sycamore Realty Co.
G.W. Stephens, Jr. & Assoc., Inc.
P. David Fields
Pat Keller
Current Planning
Robert E. Covahey
Nancy C. West
Arnold Jablon

10/5/90 - Postponement request received from S. Eric DiNenna, Esquire, Counsel for Appellant.

10/5/90 - Above parties notified of POSTPONEMENT - no reset date. To be reset at request of Counsel.

10/5/90 - Per T/C with the Office of Law, Arnold Jablon expressed non-strenuous objection to this postponement.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

(301) ~~494-8180~~ 887-3180

October 5, 1990

HEARING ROOM -
Room 301, County Office Building

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-90-119 HILLTOP PLACE
Plat 1 and 2, W/s Clark Blvd., N/s B & O Railroad

RE: Plat Validity

3/8/90 - Letter from P. David Fields to S. Eric DiNenna,
Esquire rescinding the approval for verification
of record plat validity.

which was scheduled for hearing on October 12, 1990 has been POSTPONED at the
request of Counsel for Appellant; NOT TO BE RESET UNLESS REQUESTED BY COUNSEL.

cc: S. Eric DiNenna, Esquire Counsel for Appellant
Sycamore Realty Co. "
G.W. Stephens, Jr. & Assoc., Inc.
P. David Fields
Pat Keller
Current Planning
Robert E. Covahey
Gene Neff
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

DiNENNA, MANN & BRESCHI

ATTORNEYS AT LAW

S. ERIC DiNENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAUBER
FRANCIS X. BORGERDING, JR.

SUITE 600
MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 296-6820
TELEFAX (301) 296-6884

October 4, 1990

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

ATTN: Mr. Chairman

RE: Date of Hearing: 10/12/90
Appellant: Hill Top Place

Dear Mr. Chairman:

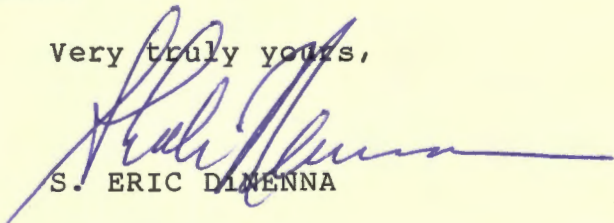
Please be advised that the Appellant wishes to request a postponement of the matter now set before the Board on October 12, 1990.

The Appellant now has a CRG proceeding and would like to determine the outcome of that prior to any hearing.

I would appreciate that you hold reassigning a date to this matter until such time as requested by the Appellant.

Thank you for your cooperation.

Very truly yours,


S. ERIC DiNENNA

SED:cjc

cc: Arnold Jablon, County Attorney
R. David Fields, Director
Mr. Anthony Julio

90 OCT -5 AM 11:32

RECEIVED
COUNTY BOARD OF APPEALS



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

(301) ~~XXXXXX~~ 887-3180

May 7, 1990

HEARING ROOM -
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-90-119 HILLTOP PLACE
Plat 1 and 2, W/s Clark Blvd., N/s B & O Railroad
RE: Plat Validity
3/8/90 - Letter from P. David Fields to S. Eric DiNenna, Esquire rescinding the approval for verification of record plat validity.

ASSIGNED FOR: FRIDAY, OCTOBER 12, 1990 at 10:00 a.m.

cc: S. Eric DiNenna, Esquire
Sycamore Realty Co.
G.W. Stephens, Jr. & Assoc., Inc.
P. David Fields
Pat Keller
Current Planning
Robert E. Covahey
Nancy C. West, Asst. County Attorney
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

*10/5/90 -
PP'd at request of
Counsel of for
Appellant - no
reset date*

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211

P. David Fields
Director

April 6, 1990



Dennis F. Rasmussen
County Executive

Mr. S. Eric DiNenna
Suite 600, Mercantile Towson Building
406 Washington Avenue
Towson, Maryland 21204

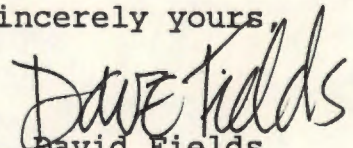
Re: Hilltop Place
Plat 1 & 2

Dear Mr. DiNenna:

This letter to to acknowledge receipt of your appeal to the Verification of Plat Validity on the above-mentioned plat and to advise you that it has been forwarded to the Board of Appeals for scheduling. I have enclosed your receipt for the \$75 filing fee.

You will be hearing directly from the Board of Appeals on the hearing date.

Sincerely yours,


P. David Fields
Director

PDF:pat

Enclosure

cc: Sycamore Realty Co.
G. W. Stephens Jr. & Assoc. Inc.
Board of Appeals
Robert Covahey, Public Services
Frank Fisher, Current Planning

HILLTOP/TXTPAT

IN THE MATTER OF HILLTOP
PLACE, PLAT ONE AND TWO
C/O S. ERIC DiNENNA
409 Washington Avenue
Suite 600
Towson, Maryland 21204

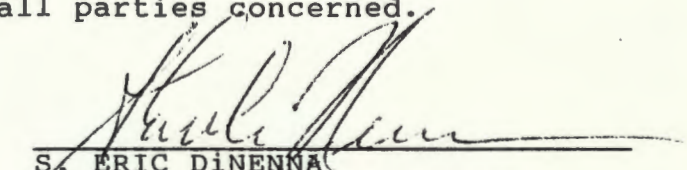
* BEFORE THE
* COUNTY BOARD OF APPEALS
*
* CASE NO.:
* * * * *

ORDER OF APPEAL

Sir/Madam Clerk:

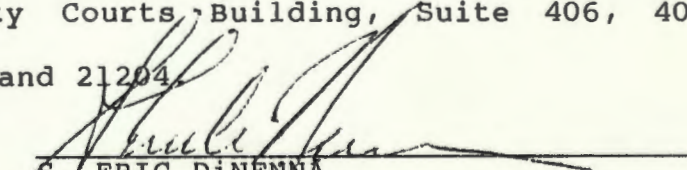
Please enter an appeal from the letter of March 8, 1990 from the Director of the Office of Planning and Zoning, P. David Fields concerning the above captioned matter, copy of which is attached hereto.

I would respectfully request written verification of the receipt of this appeal from all parties concerned.


S. ERIC DiNENNA
DiNenna, Mann and Breschi
409 Washington Avenue, Suite 600
Towson, Maryland 21204

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 3rd day of April, 1990, a copy of the foregoing Order of Appeal was mailed, postage prepaid to, Arnold Jablon, County Attorney, County Courthouse, Towson, Maryland 21204; Frank Fisher, Chief, Current Planning, County Office Building, Towson, Maryland 21204; Robert Covahey, Chief, Bureau of Public Services, Department of Public Works, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204 and R. David Fields, Director, Office of Planning and Zoning, County Courts Building, Suite 406, 401 Bosley Avenue, Towson, Maryland 21204.


S. ERIC DiNENNA

RECEIVED
COUNTY BOARD OF APPEALS

90 APR -3 AM 10:26

IN THE MATTER OF HILLTOP
PLACE, PLAT ONE AND TWO
C/O S. ERIC DiNENNA
409 Washington Avenue
Suite 600
Towson, Maryland 21204

* BEFORE THE
* COUNTY BOARD OF APPEALS
*
* CASE NO.:
* * * * *

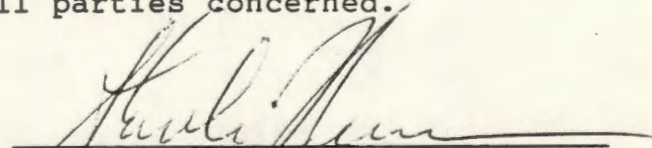
* * * * *

ORDER OF APPEAL

Sir/Madam Clerk:

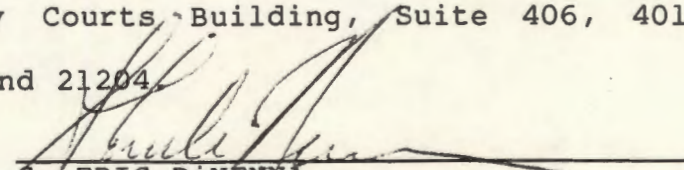
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S. ERIC DiNENNA
DiNenna, Mann and Breschi
409 Washington Avenue, Suite 600
Towson, Maryland 21204

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S. ERIC DiNENNA

RECEIVED
APR 3 1990
OFFICE OF
PLANNING & ZONING

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 74687

DATE 4/4/90 ACCOUNT R-001-7120

AMOUNT \$75.00

RECEIVED S. Eric DiNenna
FROM:

FOR: Fee for filing appeal re. Hilltop Place validity
of plat

123*****7500:a 3058F

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211

P. David Fields
Director



Dennis F. Rasmussen
County Executive

March 8, 1990

Mr Eric S. DiNenna
406 Washington Avenue
Mercantile Towson Building
6th Floor
Towson, MD 21204

Dear Mr. DiNenna:

This letter is to inform you that I'm rescinding the approval by Frank H. Fisher for the request for verification of record plat validity concerning Hilltop Place Plat 1 and 2.

At the time Mr. Fisher signed the request for verification on September 12, 1989 the plat was still valid: the plat became invalid on September 18, 1989. However, Mr. Fisher could not extend plat validity for this project indefinitely.

Therefore, the plat is now invalid. If you wish to appeal this decision you may do so within thirty days of the date of this letter to the Board of Appeals.

Sincerely,

A handwritten signature in cursive script that reads "DAVE Fields".

P. David Fields
Director, Office of Planning and Zoning

PDF:FHF:cb

cc: Arnold Jablon, County Attorney
Frank Fisher, Chief, Current Planning
Robert Covahey, Chief, Bureau of Public Service

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Frank Fisher, Chief
Office of Current Planning

DATE: November 21, 1989

FROM: Robert E. Covahey, P.E.

SUBJECT: Hilltop Place
Plat Validity
Plats 1 and 2

In response to an inquiry from the Planning Office, we would like to clarify the comments which we furnished on your request for verification dated September 21, 1989 for this project.

The plats, EHK, Jr. 51/99 and 51/100, expired on September 18, 1989. Although, as we noted, Reserve Use Certificates were issued for this project due to the sanitary sewer moratorium, the plats were actually recorded after the sewer moratorium period. Therefore, it would appear to this Bureau that no extension of the plat expiration date should be considered.

I hope that this memo will help to clarify this matter.

(Signed) Robert E. Covahey

Robert E. Covahey, P.E., Chief
Bureau of Public Services

REC:pmg

cc: Gary Kerns
Robert W. Bowling, P.E.
Patrick M. O'Keefe

REQUEST FOR VERIFICATION - LOT OF RECORD OR PLAT

APPLICANTS: PLEASE COMPLETE PARTS I AND II

FEB 27 1990

I. General Information (complete for all requests):

- a. Name of development (section, etc.) and location with plat attached:
HILLTOP PLACE - PLAT ONE & PLAT TWO
WIS CLARK BLVD., NIS B & O RAILROAD
- b. Lot Number(s) _____
- c. Owner(s) name SYCAMORE REALTY CO
- d. Owner(s) address and phone number 10 PARKS AVE 666-1000
HUNT VALLEY, MD. 21030 561-1300
- e. Applicant's name (if other than owner) G.W. STEPHENS JR & ASSOC INC
303 ALLEGHANY AVE
- f. Applicant's address and phone number TOWSON MD 21204
825-8120
- g. Liber/folio: 51/99 & 51/100 h. Date recorded JULY 25, 1984
- i. Property number(s) _____
- j. Signature of owner or applicant, date Charles D. Starke
8/18/89

II. Status of development (complete this part if verification of Plat is required):

- a. Number of lots owned? ALL
 Do these lots adjoin? YES
 If yes, list which ones adjoin ALL
- b. Have building permits been issued? _____ yes ☒ no ☐
 If yes,
 Building permit number(s) _____
 Issuance date _____
 Expiration date _____
- c. Has construction of public or private improvements occurred?
 _____ yes ☒ no ☐
 If yes,
 Public Works Agreement number 138003
 Type of improvement started or completed and percent completed
 (list each type separately).

** DO NOT WRITE BELOW THIS LINE **

III. VERIFICATION:

- ☒ Valid Lot of Record or Plat - this Lot of Record/Plat is valid
 until Indefinitely.
- ☐ Invalid Lot of Record or Plat - this Lot of Record/Plat has lapsed
 as of _____ according to the provisions of
 Section 22-66 of the Development Regulations.

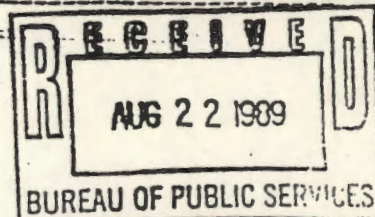
COMMENTS:

Signature, Title, Date

Frank E. Fisher 9/12/89

TO Bureau of Public Services
Frank H. Fisher, Chief
FROM Current Planning and Development
SUBJECT Verification

Date August 22, 1989



I am forwarding the attached request for Plat Validity Verification to your office for review. I am requesting that you provide this office with information regarding the status of construction of public or private improvements for this plat. This information is needed in accordance with Section 22-68 of the Development Regulations as part of the determination of plat validity. Please forward this information within 5 working days. Thank you for your cooperation.

NAME OF SUBDIVISION: HILLTOP PLACE - PLAT ONE & PLAT TWO

LOCATION: W/S Clark Blvd., N/S B & O Railroad

LOT #'S: _____

BUILDING PERMIT APPLICATION #'S: _____

P.W.A.# <u>138003</u>	☒ YES	☐ NO
WATER EXISTS CLARK BLVD	☒ YES	☐ NO
SEWER EXIST METRO BLVD	☒ YES	☐ NO
STORM DRAINS EXISTS	☒ YES	☐ NO
GRADING <u>N/A</u>	☐ YES	☒ NO
ROADS — METRO & CLARK BLVD.	☒ YES	☐ NO

In your opinion, has substantial construction of existing public or private improvements occurred ☐ YES ☒ NO

ADDITIONAL INFORMATION: THESE PLATS ARE 51/99 & 51/100
ARE VALID SEE NOTE #2 ON RECORD PLATS
T.A. EXTENDED ON 7/18/81 — ALSO RESERVE USE
CERTS. APPLY — (Fall 0) Keef, Em. of Public Service
807-3340

Frank H. Fisher, Chief
Current Planning & Development

FHF:rh
Attachment

cc: Agnes Killian M.S. 2001