9/2/98

IN THE MATTER OF THE APPLICATION OF CLARENCE BOHN -PETITIONER; F. G. BASSO -APPLICANT FOR VARIANCE ON PROPERTY LOCATED ON THE S/S OLD WASHINGTON BLVD, 67' S OF GRANT AVE (4109 OLD WASHINGTON BLVD) AND APPLICATION FOR PERMIT FOR UNDERSIZED LOT 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * * * * * * *	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 98-139-A AND CASE NO. CBA-97-118

* * * * * * * * *

ORDER OF DISMISSAL

This case comes before this Board on appeal from a decision of the Zoning Commissioner dated April 16, 1997 in which an application for building permit for undersized lot was denied (Case NO. CBA-97-118); and on appeal from a decision of the Zoning Commissioner dated December 9, 1997 in which the subject petition for variance was granted.

WHEREAS, the Board is in receipt of a letter dated August 26, 1998 from Melvin J. Kodenski, Esquire, Counsel for Protestants /Appellants, and attached copy of the executed Agreement signed by all parties to this matter (a copy of which is attached hereto and made a part hereof); and

WHEREAS, pursuant to said Agreement and the conditions contained therein, the matter is settled and the appeals are withdrawn

IT IS HEREBY ORDERED this 2nd day of September, 1998 by the County Board of Appeals of Baltimore County that said appeals in Case No. 98-139-A and Case No. CBA-97-118 be and the same are hereby **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Kristine K. Howanski, Chairman

Lawrence M. Stahl

Thomas P. Melvin

LAW OFFICES
KODENSKI AND CANARAS
19 E. FAYETTE STREET
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HIGHLANDTOWN OFFICE
412 S. HIGHLAND AVENUE
BALTIMORE, MARYLAND 21224
PHONE 563-9000

August 26, 1998

County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kathleen C. Bianco

RE: Case Number: CBA 98-139A
Clarence M. Bohn - Legal Owner
F.G. Basso - Applicant

Dear Ms. Bianco:

Enclosed please find a copy of an Agreement that has been signed by all the parties which effectively concludes the matter concerning the appeal involving 4109 Old Washington Road.

This matter may now be removed from the docket as it has been settled.

Very truly yours,

Melvin J. Kodenski

MJK\ep
MJK\8460
Enclosure
cc: Newton Williams
Norman Farley

RECEIVED
COUNTY BOARD OF APPEALS
98 AUG 27 PM 12:36

NEWTON A. WILLIAMS
THOMAS J. RENNER
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ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
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JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823 - 7856

July 23, 1998

Melvin J. Kodenski, Esquire
Kodenski & Canaras
19 East Fayette Street, Suite 400
Baltimore, Maryland 21202

PRIVILEGED COMMUNICATION
OFFER OF COMPROMISE

Re: Agreed Settlement Terms for the Bohn/Basso Property
4109 Old Washington Road

Dear Mel:

Per our calls of the last several days and our on site May 27th meeting, the matter is settled and the appeals are to be dropped, and all of the following conditions are to be met:

In consideration of all parties dismissing any and all appeals to the County Board of Appeals, thus maintaining the integrity of the relief granted by the Zoning Commissioner, and the granting or restoration of all permits to finish the lot and improvements, Mr. Bohn, the owner and Mr. Basso, the builder, agree to do the following items, namely:

1. Drainage - The west side of the property against the Farley property and the south side of the property against the Leroy Brown property would be graded with small berms to prevent ordinary storm water overflow, and to direct the water to the southwest corner of the site to a catch basin.

In the southwest corner, a catch basin approximately 4' x 4' would be built, with large stone. The water caught in this basin would be conveyed out to Grant Road (possible across the corner of the Farley property) and along the north side of the Leroy Brown property to a suitable outfall. On the Farley and Brown properties, there would be no above ground appliances, and a 3 inch to 6 inch porous pipe surrounded by appropriate sized aggregate would be buried in a trench and the lawn replaced over it. Of course, it will be necessary to obtain appropriate easements from the Farleys, and certainly from the Browns, to accomplish this trenching.

Paul Lee of Century Engineering can work with Dino Basso on plotting the course of these drainage easements.

2. Screening - Again, along the west side of the property from the rear of the house to its southern corner, and along the south side of the property, that is the rear along the Brown boundary, appropriately sized white pines or other evergreens would be placed approximately 6' on centers to provide a plant screen for visual purposes, as well as to stabilize these boundaries against water flow.

3. The driveway would remain on the west side of the property, but it will not come any further than the front of the house. Also, this driveway is for purposes of conveying roof water down to Old Washington Road, as well as to provide two off-street parking spaces.

4. Window Replacement - On the west side of the house, the present slider, namely a full length, double glass door, would be replaced by an ordinary, double window.

5. Easement for Maintenance of the Farley property at 4111 Old Washington Road on the west side of the subject property - A maintenance easement for ingress and egress 6' in width at the rear corner of the Farley property and running in a wedge shape up the Farley property to approximately the front of the existing air conditioner, where the Farley property is wide enough for maintenance is to be provided as a part of this settlement. Furthermore, the easement would wrap around the rear corner or extend at least 6' beyond the rear of the existing Farley deck.

Again, Paul Lee can work with Dino Basso and the Farleys on this easement.

6. Upon the dismissal of all appeals, and the execution of a release agreement that includes the above, including the easements as in 5, above, the property owner, Mr. Bohn, will pay the Farleys the sum of $1,250.00 toward their expenses, without any admission of liability.

We believe that these points cover all of the items discussed at the settlement meeting, and we look forward to your review and comments. Naturally, everyone is eager to conclude this matter, and finish the house in accordance with this agreement. Awaiting word, I am

Sincerely,

Newton A. Williams

Newton A. Williams

cc: Mr. Clarence Bohn
Mr. Dino Basso
Mr. Paul Lee, Century Engineering
Mr. Bill Monk

C \OFFICE\WPWIN\WPDOCS\NAWLTRS\JULY'98 WPD

APPROVED AND AGREED AS ABOVE:

Witness:

_____	_____(SEAL) Clarence Bohn
_____	_____(SEAL) "Dino" ~~Bohn~~
_____	_____(SEAL) Norman L. Farley
_____	_____(SEAL) Earl Phillips
_____	_____(SEAL) George R. Hawk
_____	_____(SEAL) Richard Brown
_____	_____(SEAL) Patricia Brown
_____	_____(SEAL)

C \OFFICE\WPWIN\WPDOCS\NAWLTRS\JULY98.WPD

County Board of Appeals of Baltimore County

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

September 2, 1998

Melvin J. Kodenski, Esquire
19 E. Fayette Street
Suite 400
Baltimore, MD 21202

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Suite 700, Nottingham Centre
520 Washington Avenue
Towson, MD 21204

RE: Case No. 98-139-A and Case No. CBA-97-118
Bohn/Basso Property /Order of Dismissal

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County pursuant to the Agreement reached between the parties to this matter.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

cc: Clarence M. Bohn
F. G. Basso /Basso & Basso
Norman L. Farley
Earl Phillips
George R. Hawk
Richard Brown
Patricia Brown
Paul Lee Engineering
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt /Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

12/9/97

IN RE: PETITION FOR ZONING VARIANCE S/S Old Washington Road, 67 ft. E of Grant Avenue 4109 Old Washington Road 13th Election District 1st Councilmanic District Clarence Bohn Petitioner	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 98-139-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 4109 Old Washington Road in the Oak Park Addition subdivision of Baltimore County. The Petition was filed by Clarence Bohn, property owner. Variance relief is requested as follows: (A) from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit an undersized lot of 8400 sq. ft. in lieu of 20,000 sq. ft.; (B) to allow a lot width of 48 ft. in lieu of the required 100 ft.; and, (C) to permit side yards of 10 ft. and 11 ft., and 21 ft. in total;in lieu of the required 15 ft. each, and 40 ft. sum of the side yards. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Clarence Bohn, property owner. Also present was F.G. Basso, the builder retained by Mr. Bohn to construct a single family dwelling on the subject property. Messrs. Bohn and Basso are apparently partners in the development of this site. Also present was Paul Lee, the engineer who prepared the site plan. The Petitioner was represented by Stephen J. Nolan, Esquire, Esquire.

Appearing as Protestants were a number of neighbors from the surrounding community. They included Norman Farley, Earl Phillips, George R. Hawk, Richard Brown and Patricia Brown. The Protestants were represented

by Melvin J. Kodenski, Esquire.

The subject property is roughly rectangular in shape, with dimensions of 53 ft. in width (at the front and rear property lines) and 159 ft. in depth. The property is now zoned D.R.2. Previously, the site was zoned D.R.5.5, however, the present zoning classification was affixed to this site as the result of the 1996 quadrennial zoning process. Presently, the property is improved with partially constructed single family dwelling. Construction of the dwelling was begun in 1996. The construction has not been completed, pending the obtaining of zoning relief through the instant Petition. Photographs of the property and dwelling were submitted at the hearing. The dwelling is approximately 47 ft. deep and 28 ft. wide. As noted in the Petition for Variance, a 10 ft. side yard setback will be maintained towards the western property line and a 11 ft. side yard setback towards the eastern property line. The lot is undersized, with a net area of approximately 8400 sq. ft., in lieu of the required 20,000 sq. ft. in a D.R.2 zone. Also, the lot width across the front building wall (48 ft.) is less than the 100 ft. required.

ORDER RECEIVED
Date 12/9/97
By M. Hart

The property has a significant zoning history. In addition to the down shifting of the property's zoning classification in 1996, the property has been the subject of several Petitions and zoning hearings. Originally, a Petition for relief, pursuant to Section 304 of the BCZR, was filed in 1996. That Petition was filed following the Petitioner's unsuccessful application for a building permit. That Petition sought relief for the property pursuant to Section 304 of the BCZR. That regulation allows the owner of an undersized lot to construct a single family dwelling thereon if certain conditions set forth in the statute are satisfied. Specifically, the Applicant must show that he/she does not own adjacent property sufficient to comply to the area/width requirements; that the

property at issue is a lot of record or part of a plat recorded prior to 1955; and that all other height and area requirements of the BCZR are satisfied.

Following the Petitioner's application for relief, a public hearing was conducted by Deputy Commissioner Timothy M. Kotroco. On November 12, 1996, following that hearing, Commissioner Kotroco granted approval for a dwelling on an undersized lot, pursuant to Section 304.4 of the BCZR, in his written opinion and Order.

Thereafter, with bad weather approaching, the Petitioner immediately obtained a building permit and commenced construction. However, a neighbor, Norman Farley, was dissatisfied with Commissioner Kotroco's Order and filed a timely appeal to the County Board of Appeals. By Order of on January 8, 1997, the Board of Appeals reversed Commissioner Kotroco's Order and denied relief under Section 304. The Board denied the case on the basis of a missing element of proof, specifically, that no evidence had been submitted, that the lot was part of a subdivision which had been recorded in the Land Records, prior to March 30, 1955. A Motion for Reconsideration filed by the Petitioner was also denied.

Faced with a partially completed dwelling without the requisite zoning approval and building permit, the Petitioner tried again in 1997. Specifically, Mr. Bohn again applied for undersized lot relief, pursuant to Section 304 of the BCZR under Permit No. B-295128. This Zoning Commissioner heard that case and rendered a decision on April 16, 1997. As stated in my decision, relief could not be granted based on the doctrine of res judicata. Specifically, I held that res judicata was applicable to the Petitioner's request in that the parties and the issue presented were identical to those in the prior litigation before the Board.

ORDER RECEIVED FOR FILING
Date 12/9/97
By M. Hoyle

In the instant case (98-139-A), the Petitioner tries again. This time, however, recognizing the futility of proceeding under Section 304, the Petitioner seeks variance relief pursuant to Section 307 of the BCZR. That section allows the Zoning Commissioner to grant variances from the height, area and setback regulations of Baltimore County.

Section 307 of the BCZR has frequently been considered and its provisions dissected by the Courts of Appeal of this State. A recent discussion of Section 307 was by the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995). Therein, the Court comprehensively discussed the application of Section 307, and the process which the local authority must follow in considering variance relief.

The Court first noted that, in order for any relief to be granted, the zoning authority must make a finding that the property under consideration is unique. In this case, I believe that such a finding is appropriate. Admittedly, the subject lot is part of an old subdivision, (Oak Park Addition) which was platted and recorded in the Land Records of Baltimore County in 1922. As shown on the plat submitted at the hearing (Petitioner's Exhibit No. 6), many of the lots in this subdivision were 50 ft. wide and 150 ft. in depth. However, this lot is slightly different; being 53 ft. wide and approximately 159 ft. deep. Owing to its frontage on Old Washington Boulevard, the property is slightly irregular in shape and not a true rectangle. This gives the property a unique shape. Moreover, the topography of the property is unusual. As noted at the hearing, the property falls away toward the rear in a westerly direction.

These considerations, among others, were observed in the Zoning Plans Advisory Committee (ZAC) comment from the Office of Planning. Therein, the Planning staff noted, "In summation, the Office of Planning recognizes the uniqueness of the lot in question . . .". I concur with that Office's

recommendation. In my judgment, there were sufficient facts presented to support a finding of uniqueness.

Having found the property unique, the Petitioner must next demonstrate that a practical difficulty would result if variance relief were denied. In this regard, the property must be considered under its present zoning classification, D.R.2. As noted above, the property fails to meet the area requirements for a D.R.2 parcel, and also contains insufficient width. Moreover, the side yard setbacks which are required under that zoning classification cannot be maintained. Clearly, strict adherence to the D.R.2 requirements would render the property unusable for a permitted purpose; to wit, the construction of a single family dwelling. There is no way that a dwelling could be situated on the property to meet the side yard setback requirements. Moreover, the property owner could not use the property for an expressly permitted purpose in view of its area and width. In my judgment, these factors support a finding of practical difficulty. Thus, the Petitioner has satisfied that requirement.

Third, the Petitioner can obtain variance relief only upon a showing that detrimental impact would not result upon the surrounding locale. A significant amount of testimony was offered on this issue, both at the hearing in the instant case and the prior hearings. At the prior hearing, the Protestants offered a substantial amount of testimony about storm water runoff and their concerns that the construction of a single family dwelling would aggravate existing conditions. Testimony was also received during the prior hearing from Tom Regulski, a Sediment and Erosion Control Inspector. As noted in my prior opinion, Mr. Regulski concluded that storm water runoff would not be a problem in the long term. Rather, he testified that the conditions would be better if the house was completed,

in that the site would be stabilized and water collection devices, e.g., gutters and rainspouts, could be added to control runoff.

In my judgment, there will not be a detrimental impact to surrounding properties if this property is developed. I believe that many adverse impacts could be eliminated if the property owner employs appropriate storm water runoff control. Specifically, the final grading of the property and the installation of control devices (e.g., gutters and rainspouts) will be necessary. Upon the implementation of these conditions, storm water runoff should not be a problem.

Based upon the aforegoing, I am persuaded that the Petitioner has satisfied all of the requirements of Section 307 and, therefore, I will grant the Petition for Variance. However, in so granting, I will require the Petitioner to comply with all recommendations from Mr. Regulski's agency, so as to eliminate an adverse impact (storm water runoff) on adjacent properties. It also need be emphasized that the relief granted herein is pursuant to Section 307 of the BCZR. I am not, by this Order, reconsidering the issues raised in the prior cases or reversing the prior final judgment issued by the County Board of Appeals. That case was decided pursuant to the requirements set forth in Section 304 of the BCZR. A different statute and burden of proof is at issue here. Moreover, this case is not about a self imposed hardship. Clearly, a self imposed hardship cannot be the basis for the grant of zoning relief. (See Cromwell, supra). The mere fact that the Petitioner obtained a building permit and partially completed the dwelling does not color my judgment. Rather, I am required to consider each of the standard set forth in Section 307 of the BCZR, as construed by Cromwell, supra. As set forth above, I believe that the Petitioner has met those standards.

ORDER RECEIVED FOR FILING
Date 6/9/97
By M. Gomez

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of December 1997, that a variance from (A) Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit an undersized lot of 8400 sq. ft., in lieu of 20,000 sq. ft.; (B) with a width of 48 ft., in lieu of the required 100 ft.; and, (C) the side yards of 10 ft. and 11 ft., in lieu of the required 15 ft. each, and 40 ft. sum of the side yard total, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall comply with the recommendations of DEPRM regarding the control of storm water management runoff and shall install storm water control devices (gutters and rainspouts) as directed by that agency.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

11/7/97

CASE NO: 98-139-A 4109 Old Washington Boulevard South Side Old Washington Boulevard, 67 feet east of Grant Avenue 13th Election District 1st Councilmanic District Legal Owners: Clarence Bohn	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* * * * * * * * * * * * *

MEMORANDUM

Mr. Clarence Bohn and Mr. Dino Basso, his partner, respectively, by Stephen J. Nolan and Newton A. Williams, submit this Memorandum for the consideration of the Zoning Commissioner in this matter.

PRESENT REQUEST

Mr. Bohn, the owner of 4109 Old Washington Boulevard is requesting variances to permit and undersized lot of 8400 square feet in lieu of the required 20,000 square feet, with a width of 48 feet in lieu of the required 100 feet, and with side yards of 10 feet and 11 feet in lieu of the required 15 feet and 40 foot total. The subject property as can be seen on the site plan by Mr. Paul Lee dated September 30, 1997, is improved by an existing dwelling under roof and roughed in inside in the process of construction. The Planning Comments recognize the uniqueness of the lot, the compatibility of the dwelling and site plan, as well as the practical difficulty and unreasonable hardship.

BACKGROUND OF THE CASE

In order to properly understand this case, perhaps the best way is to set the matter out in chronological order, as follows:

1. Clarence Bohn purchased the subject property, a lot 50 feet wide by 159 feet deep, at a tax sale in the 1980's, as an unimproved lot. At that time, and until October 15, 1996, the subject

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& WILLIAMS,
CHARTERED

property had long been zoned D.R.5.5., and prior to that R6. See Deed from Baltimore County to the Bohns recorded at Liber 634, Page 596. They have never owned any adjoining property and both sides are fully developed and unavailable. The lot is known as Lot 20 of Oak Park Addition, recorded in the 1920's at WPC No. 7, Parts 1-23.

2. On February 4, 1996, Mr. Bohn and Mr. Dino G. Basso of F&D Contracting Company applied for a permit to construct a single-family dwelling on the subject property, namely Permit B295128. The County required review as an undersize lot, per Section 304 of the Regulations, and upon review of the site plans and building plans it was found to be compatible.

3. After posting for administrative approval, a hearing was requested by a neighbor.

4. On August 27, 1996, a second permit for a single-family dwelling was applied for by the same parties, namely Permit B282634, which is apparently the Permit under which construction was begun following approval by the Deputy Zoning Commissioner.

5. On November 12, 1996, following a hearing, Commissioner Kotroco granted small lot approval under Section 304.4 of the Building Regulations in his written Opinion and Order.

6. With winter approaching, construction was commenced per a permit, and the building was built under roof with exterior surfaces finished and electrical, plumbing and heating rough in, prior to the notation of an appeal by neighbor, Mr. Norman Farley, and a suspension of the permit.

7. On December 15, 1996, with the effective date of the new zoning maps, the subject area and lot were downshifted from D.R.5.5. to D.R.2. as a part of Map Issue 1-006 on the 1995-96 zoning maps.

8. In Case No. CBA-96-172, on January 8, 1997, the Board of Appeals denied relief under Section 304.1, mistakenly trying the case and hearing the case on the basis of a D.R.5.5. zone.

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Furthermore, the Board denied the case on the basis of a missing element of proof, of recording of the subdivision plat prior to March 30, 1955 not being proven, although in fact the subdivision was older. Unfortunately, neither party was represented. A Motion for Reconsideration was also turned down by the Board.

9. On April 16, 1997, Zoning Commissioner Schmidt denied relief under Section 304.4 relating to an undersized lot in Case/Permit B295128. The Zoning Commissioner based this denial upon the previous denial of the same relief by the Board. However, the Commissioner specifically noted, "the petitioner's only potential means of relief would be pursuant to Section 307 to variance the width and setback requirements. No such request is presently at issue." This case represents these variance requests.

10. On October 9, 1997, the present case was filed seeking the variances previously outlined, relating to lot square footage, front width, side yards, and total of side yards.

STATEMENT OF THE FACTS

Mr. Bohn is the owner of 4109 Old Washington Road. This lot is also known as Lot 20 on the Plat of Oak Park Addition, recorded at Plat Book WPC 7, Part 1-23. This plat was recorded long before March 30, 1955, although this is not a requirement for relief from these requirements. As noted, this area on Old Washington Road is an area that was platted, developed and sold long before Baltimore County had subdivision regulations dating from the Post War period. In fact, this subdivision was laid out and many of the houses date to the 1920's, 1930's and 1940's.

For many years, these properties were zoned Cottage A from 1945 to 1955, subsequently R6, that is 6000 square foot lots from 1955 until 1971, and subsequently since 1971 until 1996, they were zoned D.R.5.5. Under Section 1B02.3.C.1. of the Baltimore County Zoning Regulations, this lot is

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subject to the Development Standards for Small Lots or Tracts. While zoned D.R.5.5., the subject property was only required to have 6000 square feet of lot area, (and recall that it has 8400 square feet), it was required to be 55 feet in width, and it is only approximately 50 feet, and the side yard requirements were 10 feet on each side, which were met on both sides. Thus, under D.R.5.5., only the lot width with the present house was deficient. It met the requirements for relief under Section 304 of the Zoning Regulations, so long as it was zoned D.R.5.5., and, thus, Deputy Zoning Commissioner Kotroco's Opinion and Order of November 12, 1996, granting the relief under Section 304.4 was completely appropriate. Recall also that it had passed the compatibility requirements of Planning. See the Planning comments in the present case of October 30, 1997.

It is evident from a review of all of the Board of Appeals materials, that no one at the Board, or on either side in the case were aware of Map Issue 1-006, which downshifted a large area on the south side of Washington Boulevard between Bradley, Monumental and Halethorpe Roads from D.R.5.5. to D.R.2. In all, 155.5 acres was downshifted from D.R.5.5. to D.R.2. Thus, all of the efforts in front of the Board under Section 304.4 and the case on Permit No. B295128, were null and void and based on a mistaken impression of continued D.R.5.5. zoning. In this regard, see Zoning Commissioner Schmidt's Findings of Fact and Conclusions of Law dated April 16, 1997, specifically noted previously,. Commissioner Schmidt's decision is attached hereto, and incorporated by reference.

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& WILLIAMS,
CHARTERED

ARGUMENT

MR. BOHN'S LOT SHOULD NOT BE CONFISCATED AS TO ALL REASONABLE USE, AND THE REQUESTED VARIANCES SHOULD BE GRANTED AS RECOMMENDED BY THE PLANNING COMMENTS.

Mr. Bohn has owned Lot 20 on Old Washington Road since 1981. In 1996, he and Mr. Basso in good faith filed for a building permit, and first discovered the minor problem with lot width. The lot meets all requirements under the D.R.5.5. zone including area, side yards, front and rear yards, except the lot width. Thus, but for the map downshift from D.R.5.5. to D.R.2., the granted relief under Section 304.4, virtually a matter of right, was granted in the previous case based upon the compatibility finding.

Mr. Bohn has paid taxes on this property for years, and the lot is assessed for over $26,000.00. His request to build a single family dwelling on the property is completely in line with the developed nature of the neighborhood. Aerial photographs Southwest 6-C and Southwest 6-D, entitled Monumental and Halethorpe respectively, show there was, and is, extensive single family development on D.R.5.5. lots along the south side of Grant Road, all on 50 foot lots, and only one house nearby on Old Washington Road is not also built on a 50 foot lot. All of these developed lots along Grant Road from Lots 25 through 35 and beyond are 50 feet in width. It is hard to understand how Mr. Bohn's Lot 20, 4109 Old Washington should not be allowed development in light of all of the nearby developed 50 foot lots. It would be confiscatory and unjust to deny these recommended variances.

On the site plan, 4111 Old Washington Road immediately to the west is constructed on a lot only 50 feet in width, and the side yard at the rear of the dwelling scales only 5 feet from the Bohn

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& WILLIAMS,
CHARTERED

property. Evidently, this neighbor believed that his house was located further from the boundary line, but this is not the case. Mr. Bohn and Mr. Basso should not be penalized for the close side yards at 4111, and in fact the 10 feet provided on the west side on the Bohn property is greater than the 5 feet at 4111. Furthermore, the two houses diverge, and thus at the front of the Bohn home there is over 20 feet in width between them.

Again, on the same plat, look at the two homes on the southwest corner of Grant Road and Old Washington Road including 4113 and 4115 Old Washington Road. At the corner 4113 is virtually built right on the boundary line between Lots 7 and 8. Similarly, 4115 to the west is set further back on the lot, but it also is built virtually against the boundary line of Lots 7 and 8. Lot 8 is definitely smaller in area than Lot 20, Mr. Bohn's lot, and Lot 7 is certainly no larger.

Concern about runoff apparently has been expressed by the neighbors in the community, but it is apparent that once construction is completed, the only impervious area will be a relatively small roof area, the driveway and sidewalk, and it can be seen on the plan that these do not occupy an extraordinary large portion of the lot. Furthermore, all roof drains are to be carried forward down the driveway and along Old Washington Road away from the neighbor to the south and the west.

There has always been storm water runoff from this lot, even when it was wooded, and this minimal runoff will continue from the side lawns, but it will be channeled by swales. It would be manifestly unjust to deny Mr. Bohn all use of his property because of fears concerning storm water runoff. In fact, it would amount to unlawful confiscation since a single family house is the only prospect for this lot.

Many other residents of the community may find themselves in a similar situation, now that they have all been rendered non-conforming by a downshift from D.R.5.5. to D.R.2. What will

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& WILLIAMS,
CHARTERED

happen when a neighbor wishes to built a sun room on a house, or a side porch, would they say that these should be denied? Will neighbor oppose neighbor when additions are requested on houses due to impervious roof area? It is to be hoped this will not be the case.

We would respectively submit that by a downshift to D.R.2., future developers in the Putnam Avenue area to the south are being encouraged to use larger lots, by assemblages. We know that the D.R.2. downshift was not aimed at individual lot owners, who do not own a continuous series of lots. Similarly, Section 304.4 is aimed at requiring a person who owns sufficient adjacent property to meet the current requirements and not to proceed under earlier requirements. Mr. Bohn did meet section 304.4 until the downshift. Mr. Bohn has no opportunity to widen Lot 20 nor to acquire additional property either from 4111 to the west or 4105 to the east, thus, he must request these variances.

Due to the extensive small lot development around it to the west, south and east, Lot 20 will be rendered unique if this lot, 4109 Old Washington Road, is not allowed to develop. The surrounding small lot development with minimal or almost non-existent side yards, minimal widths, and non-D.R.2. or even D.R.5.5. development standards render 4109 unique if this lot is denied any use. The Planning Comments recognize this uniqueness and the practical difficulty imposed on the lot owner, and Planning does not oppose these variances. There is no chance whatsoever that this property will be used pursuant to a special exception for any other use except single-family residential. Thus, the subject property meets the requirements of Section 307 of the Regulations with regard to uniqueness, with regard to special features, and with regard to practical difficulty and unreasonable hardship by reason of its surroundings, and the fact that not to allow development would treat it substantially different than virtually all of its neighbors and virtually confiscate all use.

SUMMARY

For all of these reasons we respectfully submit that the requested variances should be granted, and the subject property upon which $60,000.00 or more has already been expended, not counting the $26,000 lot value, should be completed with the attractive, compatiblility approved house already substantially completed.

Respectfully submitted,

Stephen J. Nolan

Newton A. Williams

Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 7TH day of November, 1997, that a copy of the foregoing Memorandum was mailed, postage prepaid, to: Melvin J. Kodenski, Esquire, 19 E. Fayette Street, Suite 201, Baltimore, Maryland 21202 and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Court House, 400 Washington Avenue, Towson, Maryland 21204.

Stephen J. Nolan

98-139-A
#139

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4109 Washington Road

which is presently zoned D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section(s) 304 and 1B02.3.C.1. to permit (a) an undersized lot of 8400 square feet in lieu of the required 20,000 square feet; (b) with a width of 48 feet in lieu of the required 100 feet; with side yards of 10 feet and 11 feet in lieu of the required 15 feet and 40 foot total.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

(See Attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owners(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Legal Owner(s):

Clarence Bohn
(Type or Print Name)

Clarence Bohn
Signature

(Type or Print Name)

Signature

405 Shady Nook Avenue 410-744-6083
Address Phone No.

Catonsville, MD 21228
City State Zip Code

Attorney for Petitioner:

Newton A. Williams
Nolan, Plumhoff & Williams, Chartered
(Type or Print Name)

Newton A. Williams
Signature

700 Nottingham Centre
502 Washington Avenue 410-823-7800
Address Phone No.

Towson MD 21204
City State Zip Code

Name, Address and phone number of representative to be contacted.
Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Name
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204 410-823-7800
Address Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing
the following dates _____ **Next Two Months**
ALL _____ **OTHER** _____
REVIEWED BY: _____ **DATE** _____

Please do not set same day as Randy Cohen - Liberty Wild.

C:\OFFICE\WPWIN\WPDOCS\FORMS GEN\VARIANCE\BOHN.WPD

REASONS FOR REQUESTED VARIANCES

The Bohn Property
4109 Washington Road

The requested variances as to Lot area and side yards should be granted for the following reasons, including the noted factors unique and peculiar to the subject property.

1. The subject Bohn Property is one of the only, if not the only undeveloped lots on the south side of Washington Road.

2. The subject property is the only property on the south side of Washington Road with a dwelling under roof and at least three quarters completed.

3. The subject property is the only property and dwelling on the south side of Washington Road which has been impacted by the untimely change in zoning to D.R.2 from D.R.5.5 as a part of 1996 Map Issue 1-006.

4. The subject property was eligible for relief as zoned D.R.5.5, and received relief at the Zoning Commissioner level. Construction was commenced and the exterior and roof of the building completed with proper permits prior to the appeal to the Board of Appeals, and construction was commenced prior to the effective date of the 1996 maps. These are unique hardship conditions.

5. The Board of Appeals' decision in Case No. CBA-96-172 represented a very strict application of the rules of readiness/evidence, better and more fairly applied to parties represented by counsel than parties in proper person. These are unique hardship factors.

6. The subject property is an eyesore and invites theft, arson and vandalism in a partially finished state. These are unique hardship factors.

7. The property as a vacant lot is hard to keep clean, orderly and safe. These are unique hardship factors.

8. If the property owner is required to raze the home, and lose their investment, it will be unique in the experience and memory of counsel, and a major hardship.

9. The lot and house are in keeping and compatible with nearby properties as to lot, area, setbacks, size and value of dwelling, and will not harm the health, safety and welfare of the area involved.

#129

10. That the requested variances, if not granted, will result in practical difficulty and unreasonable hardship to the owners, since the lot is too small for non-residential D.R. uses either by matter of right or by special exception], and will represent a confiscation of the owner's exercised property rights, unique to this property and dwelling.

11. For such other and further reasons as shall be brought out in the course of this case.

Newton A. Williams

Newton A. Williams
Nolan, Plumhoff & Williams, Chtd.
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

139

C \OFFICE\WPWIN\WPDOCS\HRG&VAR NAW\BOHN.WPD

Paul Lee, P.E.

131

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5941

DESCRIPTION

#4109 Old Washington Road
Election District 13C1 Baltimore County, Maryland

Beginning for the same at a point on the south side of Old Washington Road, said point also being located Northeasterly - 67 feet± from the center of Grant Road; thence running with and binding on said south side of Old Washington Road (1) N 70°47'42" E - 52.95 feet, thence leaving said south side of Old Washington Road (2) S 00°00'00" E (Due South) - 159.00 feet, thence (3) S 70°47'42" W - 52.95 feet, and (4) N 00°00'00" W (Due North) - 159.00 feet to the point of beginning.
Containing 7,950 s.f. of land more or less.

STATE OF MARYLAND
PAUL LEE
4047
PROFESSIONAL ENGINEER

98-139-A

9/29/97

J.O. 97-035

Engineers — Surveyors — Site Planners

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-139-A
4109 Old Washington Blvd.
S/S Old Washington Blvd., 67' E of Grant Avenue
13th Election District
1st Councilmanic

Legal Owner(s):
Clarence Bohn

Variance: to permit an undersized lot of 8,400 square feet in lieu of the required 20,000 square feet with a width of 48 feet in lieu of the required 100 feet with side yards of 10 feet and 11 feet in lieu of the required 15 feet and 40 foot total.

Hearing: Monday, November 10, 1997 at 11:00 a.m. in Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

10/407 Oct. 23 C184275

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 23, 19 97

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 23, 19 97.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

[redacted]

BALTIMORE COUNTY, MARYLAND No 032609
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 2/19/97 ACCOUNT R001-6150

AMOUNT $ 40.00

RECEIVED FROM: Norman Farley

FOR: Request for Hearing
4109 Old Washington

01A00#0271MICHRC $40.00
BA COL:42AM02-19-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 98-139-A

Petitioner/Developer: DINO BASSO, ETAL
% NEWTON WILLIAMS, ESQ

Date of Hearing/Closing: 11/10/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at ONSITE S.S. OLD WASHINGTON BLVD. @ VICINITY GRANT AVE

The sign(s) were posted on 10/24/97
(Month, Day, Year)

Sincerely,

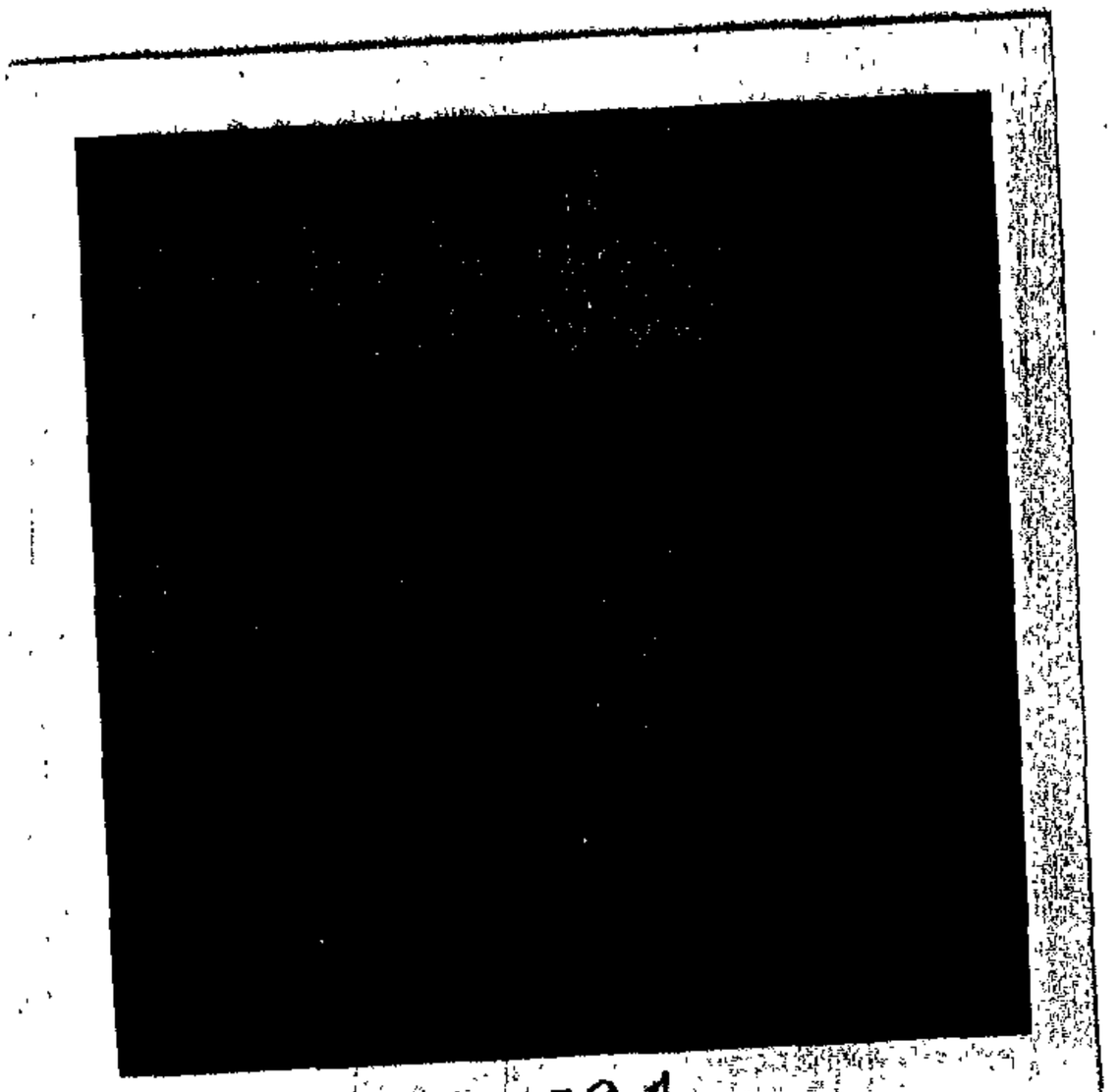
Patrick M. O'Keefe 10/28/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 Pager (410) 905-8571
(Telephone Number)



98-139A
OLD WASHINGTON BLVD.
P-10/24/97 H-11/10/97

CERTIFICATE OF POSTING

RE: Case No.: 98-139 A

Petitioner /Developer: CLARENCE BOHN

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4109 OLD WASHINGTON RD.

The sign(s) were posted on 1/26/98 (Month, Day, Year).

Sincerely,

Gary C. Freund

Signature of Sign Poster and Date

GARY C. FREUND

Printed Name

Address

City, State, Zip Code

Telephone Number

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 6, 1998

NOTICE OF CONTINUANCE

CASE #: 98-139-A

IN THE MATTER OF: CLARENCE BOHN -Petitioner
4109 Old Washington Road
13th E; 1st C

(Petition for Variance GRANTED by ZC.)

which was scheduled for hearing by the Board on May 7, 1998 has been **CONTINUED** by joint request of Counsel; **TO BE RESET ONLY UPON REQUEST BY EITHER PARTY.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

W/D 8/27/98 per agreement

Kathleen C. Bianco
Administrator

---

cc: Counsel for Protestants /Appellants : Melvin Kodenski, Esquire
Protestants /Appellants : Norman L. Farley
Earl Phillips
George R. Hawk
Richard Brown
Patricia Brown

Counsel for Petitioner : Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Petitioner : Clarence M. Bohn
Paul Lee Engineering

People's Counsel for Baltimore County
Planning Director
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 29, 1997

NOTICE OF ASSIGNMENT

CASE #: CBA-97-118

IN THE MATTER OF: F.G. BASSO (BASSO & BASSO) - Applicant; Clarence M. Bohn -Legal Owner
4109 Old Washington Boulevard 21227
13th E; 1st C

(Application for Building Permit for Undersized Lot [BCZR 304] DENIED by ZC)

ASSIGNED FOR: WEDNESDAY, JUNE 25, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

PP'd @ request of Petitioner

cc: Counsel for Legal Owner /Applicant
Legal Owner
Applicant

Counsel for Protestants

George R. Hawk
Norman L. Farley

People's Counsel for Baltimore County
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Newton A. Williams, Esquire
Clarence M. Bohn
F. G. Basso /Basso & Basso

Melvin Kodenski, Esquire

Reset to 10/22/97.

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County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 10, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

PP'd at request - per Counsel Dan Dixon

CASE #: CBA-97-118

IN THE MATTER OF: F.G. BASSO (BASSO & BASSO) - Applicant; Clarence M. Bohn -Legal Owner
4109 Old Washington Boulevard 21227
13th E; 1st C
(Application for Building Permit for Undersized Lot [BCZR 304] DENIED by ZC)

which was scheduled for hearing before this Board on June 25, 1997 has been **POSTPONED** at the request of Counsel for Appellants (Legal Owner /Applicant); and has been

REASSIGNED FOR: **WEDNESDAY, OCTOBER 22, 1997 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Legal Owner /Applicant — Newton A. Williams, Esquire
Legal Owner /Appellant — Clarence M. Bohn
Applicant /Appellant — F. G. Basso /Basso & Basso

Counsel for Protestants — Melvin Kodenski, Esquire

George R. Hawk
Norman L. Farley

People's Counsel for Baltimore County
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 23, 1997

NOTICE OF POSTPONEMENT

CASE #: CBA-97-118

IN THE MATTER OF: F.G. BASSO (BASSO & BASSO) - Applicant; Clarence M. Bohn -Legal Owner
4109 Old Washington Boulevard 21227
13th E; 1st C
(Application for Building Permit for Undersized Lot [BCZR 304] DENIED by ZC)

which was scheduled for hearing before this Board on October 22, 1997 has been **POSTPONED** at the request of Counsel for Applicant /Property Owner, without objection by Counsel for Appellants, pending outcome of variance request to be filed with the Zoning Commissioner; **to be reset only upon request.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

W/D 8/27/98 per Request

cc: Counsel for Legal Owner /Applicant — Newton A. Williams, Esquire
Legal Owner /Appellant — Clarence M. Bohn
Applicant /Appellant — F. G. Basso /Basso & Basso

Counsel for Protestants — Melvin Kodenski, Esquire

George R. Hawk
Norman L. Farley

People's Counsel for Baltimore County
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 5, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 139
Case No.: 98-139-A
Petitioner: Clarence Bohn

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 7, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: October 30, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 4109 Washington Road

Item Number: Item 139
Petitioner: Clarence Bohn
Zoning: DR 2

SUMMARY OF RECOMMENDATIONS:

The property in question (4109 Old Washington Road) was the subject of an undersized lot review in a DR 5.5 zone pursuant to Section 304 of the BCZR. At the time of that review, the Office of Planning reviewed the site plan and architectural elevation drawings and recommended approval. The lot width and area as well as the proposed house type were determined to be compatible with the surrounding area on September 16, 1996. Subsequently, the Deputy Zoning Commissioner held a hearing on the appropriateness of the building permit application. On November 12, 1996 the Deputy Zoning Commissioner ordered that a building permit could be issued subject to conditions of filing a grading plan to adequately manage all storm water run off generated by the new construction. On December 2, 1996, the Comprehensive Zoning Maps became effective which rezoned the property from DR 5.5 to DR 2 (see Issue 1-006). On January 8, 1997, the County Board of Appeals determined that the property did not satisfy the requirement for approval as an undersized lot.

In summation, the Office of Planning recognizes the uniqueness of the lot in question and the practical difficulty involved in meeting DR 2 lot width, area and setback requirements. The office does not oppose the granting of these variances subject to adequate storm water management controls being met. A suitable outfall for storm water management should be provided.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL:lsn

S:\ZAC\ITEM139.DOC

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: October 27, 1997

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for October 27, 1997
Item No. 139

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Old Washington Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

ZONE1027.139

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/24/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Oct. 20, 1997

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

132
133
134
136
138
139
140
141
142
145
146

RBS:sp

BRUCE2/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 10/24/97
Item No. 139 MJK

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Cindy R. Weth

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE 4109 Old Washington Boulevard, S/S Old Washington Blvd, 67' E of Grant Avenue 13th Election District, 1st Councilmanic Clarence Bohn Petitioner	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 98-139-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November, 1997, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 13, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chartered
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Petition for Zoning
Variance
S/S Old Washington Road,
67 ft. E of Grant Avenue
(4109 Old Washington Road)
13th Election District
1st Councilmanic District
Clarence Bohn - Petitioner
Case No. 98-139-A

Dear Mr. Williams:

Please be advised that an appeal of the above-referenced case was filed in this office on January 5, 1998 by Melvin J. Kodenski, Esquire on behalf of Norman Farley, Earl Phillips, George R. Hawk, Richard Brown, and Patricia Brown. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
98 JAN 13 PM 2:19

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on Recycled Paper

OFFICE (410) 823-7800
DIRECT DIAL (410) 823-7856

NEWTON A. WILLIAMS

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS CHARTERED
SUITE 700 NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
FAX: (410) 296-2765

1/20/98 Call SJN on NAW before sit.

APPEAL

Petition for Zoning Variance
S/S Old Washington Road, 67 feet E of Grant Avenue
(4109 Old Washington Road)
13th Election District - 1st Councilmanic District
Clarence Bohn - Petitioner
Case No. 98-139-A

RECEIVED
COUNTY BOARD OF APPEALS
98 JAN 13 PM 2:19

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits:
1 - Plat to Accompany Petition for Variance
2 - Copy of Deed dated June 18, 1981
3 - Site Plan
4 - Site Plan
5 - No Exhibit Found
6 - No Exhibit Found
7 - Copy of Record Plat
8 - Photographic Map
9A - Letter from Tom to Tom
9B - Photograph Locations
10 - Copy of Part of a Zoning Map

Joint Exhibits:
1 - Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law on Hearing on Undersized Lot for 4109 Washington Boulevard dated November 12, 1996; County Board of Appeals Opinion in the Matter of 4109 Old Washington Boulevard dated January 8, 1997; and County Board of Appeals Opinion in the Matter of 1927 Bell Avenue (Case No. 95-355-A) dated April 24, 1996
2 - Notice of Postponement from Board of Appeal dated September 23, 1997; Notice of Postponement & Reassignment from Board of Appeals dated June 10, 1997; Notice of Assignment from Board of Appeals dated May 29, 1997; and Zoning Commissioner's Findings of Fact and Conclusions of Law for 4109 Old Washington Boulevard (Building Permit B-295128) dated April 16, 1997

Seven Pages of Photographs not Marked as Exhibits

Zoning Commissioner's Findings of Fact and Conclusions of Law for Application for Building Permit No. B-295128 for Undersized Lot dated April 16, 1997 (DENIED)

Memorandum from Stephen J. Nolan, Esquire and Newton A. Williams, Esquire to the Zoning Commissioner

Zoning Commissioner's Order dated December 9, 1997 (GRANTED)

Notice of Appeal received on January 5, 1998 from Melvin J. Kodenski, Esquire on behalf of Norman Farley, Earl Phillips, George R. Hawk, Richard Brown, and Patricia Brown

c: Stephen J. Nolan, Esquire, Nolan, Plumhoff and Williams, Chartered, Suite 700 Nottingham Centre, Towson, MD 21204
Mr. Clarence Bohn, 405 Shady Nook Avenue, Baltimore, MD 21228
Melvin Kodenski, Esquire, Suite 201, 19 E. Fayette Street, Baltimore, MD 21202
Mr. Norman Farley, 4111 Old Washington Road, Baltimore, MD 21227
Mr. Earl Phillips, 1934 Bell Avenue, Baltimore, MD 21227
Mr. George R. Hawk, 1923 Grant Road, Baltimore, MD 21227
Mr. Richard Brown, 4105 Old Washington Road, Baltimore, MD 21227
Ms. Patricia Brown, 1917 Grant Road, Baltimore, MD 21227
Paul Lee Engineering, 32 West Road, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

E

Case No. 98-139-A

VAR -To permit undersized lot of 8,400 sq. ft. ilo 20,000 sq ft; lot width of 48' ilo 100'; side yds of 10' and 11' & 20' in total, ilo req'd 15' each and 40' sum of side yards

12/09/97 -ZC GRANTED Petition for Variance with conditions.

2/27/98 - Letter from N Williams, requesting consideration of earlier hearing date than likely summer docket, inasmuch as house is partially completed and subject to vandalism in its present state; also confirmed availability of dates on calendar of N. Williams and S. Nolan, as well as that of B. Monk by way of additional correspondence.

3/03/98 -Letter from M. Kodenski, advising of unavailable dates through to mid-June to assist in the scheduling of this matter for hearing.

3/09/98 -Confirmed availability of counsel for 5/07/98 (date recently opened on docket); Notice of Assignment sent to parties as follows for hearing scheduled for Thursday, May 7, 1998 at 10:00 a.m.

Melvin Kodenski, Esquire
Norman L. Farley
Earl Phillips
George R. Hawk
Richard Brown
Patricia Brown
Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Clarence M. Bohn
Paul Lee Engineering
People's Counsel for Baltimore County
Planning Director
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5/06/98 -N. Williams, on behalf of Petitioner, and M. Kodenski, counsel for protestants /appellants, request continuance of case scheduled for 5/07/98 to allow more time to reach proposed settlement.
- Letter received from N. Williams by FAX; written as joint request for continuance. Confirmed that case will be pulled from 5/07/98 docket and held until such time as any party requests hearing date or the matter is dimissed. Notified panel members of postponement /continuance.

8/27/98 -Letter from Melvin Kodenski, Esquire, Counsel for Protestants to this matter and related Case No. CBA-97-118, forwarding a copy of the fully executed agreement between the parties; that the matter has been settled and appeals withdrawn. Order of Dismissal to be issued.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** March 19, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed Files: 98-139-A /Clarence Bohn
CBA-97-118 /F. G. Basso

Since the above captioned matters were dismissed by Order dated September 2, 1998, we are hereby closing the files and returning same to you herewith.

Attachment (Case File Nos. 98-139-A and CBA-97-118)

IN RE:	PETITION FOR Case No.: 98-139-A	*	BEFORE THE
	4109 Old Washington Boulevard South Side Old Washington Blvd.	*	COUNTY BOARD OF APPEALS
	67 feet east of Grant Avenue 13th Election District	*	OF BALTIMORE COUNTY
	1st Councilmanic District Legal Owners: Clarence Bohn	*	Case No. 98-139-A
		*	

* * * * * * * * * * * * *

SUBPOENA DUCES TECUM

TO: Mr. Jeff Long, Planning Office, 4th Floor, Courts Building

You are hereby summoned and commanded to be and appear personally before the County Board of Appeals of Baltimore County in Room 48, Old Court House, 400 Washington Avenue, Towson, Maryland 21204 and to bring your file and all papers concerning 4109 Old Washington Road, (see enclosed Comment of October 30, 1997, attached) **on the 7th day of May, 1998, at 10:00 a.m.**, regarding the above captioned case, for the purpose of testifying at the request of Mr. Clarence Bohn, Owner.

Stephen J. Nolan

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chartered
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Appellee

Mr. Sheriff/Private Process Server:

Please process in accordance with Board Rule 5.

Charlotte E. Radcliffe

Board of Appeals

Issued: _____

A:\SUBPOENA CLB

IN RE: PETITION FOR Case No.: 98-139-A	*	BEFORE THE	
4109 Old Washington Boulevard South Side Old Washington Blvd.	*	COUNTY BOARD OF APPEALS	
67 feet east of Grant Avenue 13th Election District	*	OF BALTIMORE COUNTY	
1st Councilmanic District Legal Owners: Clarence Bohn	*	Case No. 98-139-A	
	*		

* * * * * * * * * * * * *

RECEIVED
COUNTY BOARD OF APPEALS
98 APR 29 PM 3:55

SUBPOENA DUCES TECUM

TO: Mr. Thomas Regulski, Sediment Control Inspector, DEPRM

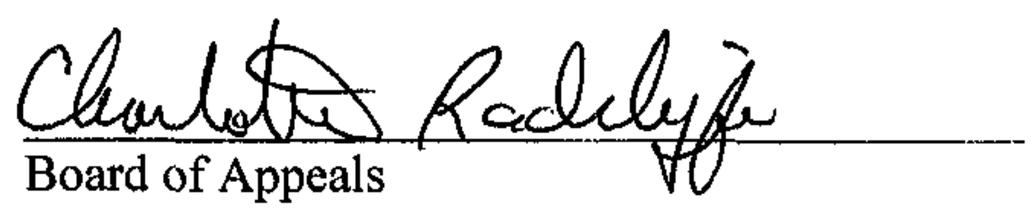
You are hereby summoned and commanded to be and appear personally before the County Board of Appeals of Baltimore County in Room 48, Old Court House, 400 Washington Avenue, Towson, Maryland 21204 and to bring your file and all papers concerning 4109 Old Washington Road, (Permits B282364 and B295128) **on the 7th day of May, 1998, at 10:00 a.m.**, regarding the above captioned case, for the purpose of testifying at the request of Mr. Clarence Bohn, Owner.

Stephen J. Nolan
Nolan, Plumhoff & Williams, Chartered
Suite 700, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
(410) 823-7800

Attorney for Appellee

Mr. Sheriff/Private Process Server:

Please process in accordance with Board Rule 5.



Board of Appeals

Issued: _____

A \SUBPOENA CLB

Newton A. Williams

DIRECT DIAL.
(410) 823-7856

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D NOLAN
(RETIRED 1980)
J EARLE PLUMHOFF
(1940-1986)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

DATE. 2/2798

CLIENT/MATTER NO :5515/01

TO: KATHLEEN BIANCO
BALTIMORE COUNTY BOARD OF APPEALS

RE: BOHN CASE AND PROPERTY — 98-139A

FAX TELEPHONE NUMBER: 410 8873182

RECEIVED
BOARD OF APPEALS
COUNTY
98 FEB 27 PM 12: 05

TELEPHONE NUMBER TO CONFIRM RECEIPT:410 887 3180
TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 1
FROM: Newton A Williams
IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL
NEWTON / MARCIE At 410-823-7800

KATHY·
THIS CASE INVOLVES A PARTIALLY COMPLETED HOUSE, AND VANDALISM IS IMMINENT.
THE DOCKET IS INTO JUNE, AND IF A DATE IS AVAILABLE BEFORE THEN , WE WOULD RESPECTFULLY ASK FOR IT.
BY COPIES TO MR. KODENSKI AND BILL MONK , WE ARE ASKING FOR ADVICE AS TO UNAVAILABLE DATES. APRIL 4TH TO THE 10TH IS NOT AVAILABLE FOR US.
THANKING THE BOARD, YOU AND ALL INVOLVED FOR AID , WE ARE

RESPECTFULLY,

NEWTON A. WILLIAMS AND STEPHEN J.NOLAN

fax cc: MELVIN KODENSKI ESQ. SUITE 101 , 19 E, FAYETTE ST. 21202 410 685 5825
PAUL LEE , P. E. CENTURY ENGINEERING , 32 WEST RD, 21204 410 823 22184
BILL MONK, 222 BOSLEY AVE. SUITE C6 , 21204 410 494 9903

CC: CLARENCE BOHN 405 SHADY NOOK AVE, 21228
DINO BASSO 928 REGINA DRIVE 21227

CONFIDENTIALITY NOTICE

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Newton A. Williams

DIRECT DIAL:
(410) 823-7856

Law Offices
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SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

J EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

DATE: May 6 1998

CLIENT/MATTER:5515-1

TO: Mrs Kathleen Bianco, Administrator, and
Members Board of Appeals
FIRM: Board of Appeals
FAX NO ·410 887 3182 PHONE NO. 410 488 4800
NUMBER OF PAGES (INCLUDING COVER SHEET): one

Dear Mrs. Bianco:

RE: Requested Continuance for BOHN, 4109 Old Washington Road
Case NO. 98-139 -A , for purposes of the proposed review of
Settlement

I am pleased to inform the Board that the parties respectfully ask that the case be continued for for purposes of settlement discussions and meetings.

Accordingly , all parties ask the Board to continue the case for that purpose. We believe that there is a good chance that such efforts may succeed. Thank you and the Board.

Respectfully,
Newton A. Williams and Stephen J. Nolan

Fax cc: Melvin Kodenski, Esq. 410 685 5825

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL
Newton Williams ,NPW OR MARCIE At 410-823-7800

FAX TRANSMISSION

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED
502 WASHINGTON AVENUE, SUITE 700
TOWSON, MARYLAND 21204
(410) 823-7800
FAX: (410) 296-2765

File No. 5515/01-97

Ms. Nina Nichols

To: Mrs. Gwen Stephens

Fax #: ZADM. 410-887-5708

From: Newton Williams

Subject: Appeal in Baker/Bass Permit No. 0295128 — Findings of Fact and Conclusion of Law dated April 15, 1997

Date: May 14, 1997 - 11:45

Pages: 2, including this cover sheet.

COMMENTS:

Dear Gwen and Nina: Have you received the enclosed appeal letter with $210 check and all needed to perfect a timely appeal by Thursday, May 15, 1997?

If not please notify me immediately as we will be entering this case. Thank you.

Respectfully,

Newton

RECEIVED
COUNTY BOARD OF APPEALS
97 MAY 20 PM 1:43

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Fax CC: Zoning Commissioner's Office 410-887-4386
Board of Appeals — 410-887-3182. - Received 5/19/97

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
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502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7856

May 28, 1997

County Board of Appeals
Courthouse
Towson, Maryland 21204
Attention: Mrs. Kathleen Bianco

Re: Application for Building Permit for Undersized Lot
Location: 4109 Old Washington Blvd.
Permit No.: B295128
Clarence M. Bohn/F.G. Basso, Contractor

Dear Mrs. Bianco:

Please enter the appearance of Newton A. Williams, and Nolan, Plumhoff & Williams, Chartered on behalf of Mr. Clarence M. Bohn, Owner and F.G. "Dino" Basso, Contractor, in the above-entitled matter. It will be appreciated if you will send a copy of all material related to this matter to me as the matter progresses.

Thanking you and your staff, I am

Sincerely,

Newton

Newton A. Williams

NAW:mao

cc: Peter J. Zimmerman, Esquire
Melvin Kodenski, Esquire
Mr. Clarence Bohn
Mr. F.G. "Dino" Basso

97 MAY 29 PM 1:55
RECEIVED
COUNTY BOARD OF APPEALS

NEWTON A WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
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JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-

June 3, 1997

RECEIVED
COUNTY BOARD OF APPEALS
97 JUN -3 PM 12: 33

Mrs. Kathleen C. Bianco
Legal Administrator
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: IN THE MATTER OF: F. G. BASSO (BASSO & BASSO)
Applicant; Clarence M. Bohn - Legal Owner
4109 Old Washington Boulevard 21227
(Application for Building Permit for Undersized Lot)
Request for Postponement Due to Conflict With Scheduled Hearing Date
Wednesday, June 25, 1997 at 10:00 a.m.

Dear Mrs. Bianco:

Confirming my telephone call to the Board of June 2, 1997 we just recently got into this case, a very complicated one, and we have a conflict with other hearing on Wednesday, June 25, 1997.

We have spoken with our clients, and on their behalf we are agreeable to waiving the provisions of Section 304.6 which requires that this appeal must be heard within 45 days from the date of the appeal.

We have quite a heavy hearing schedule as well as vacations scheduled in July and August, and will greatly appreciate your checking with us before it is set back in.

Confirmed postponement w/ N. Williams
Kcb

Thanking you for your kind attention to this requested postponement, I am

Respectfully,

Newton A. Williams

Newton A. Williams

NAW/dlp

cc: Melvin Kodenski, Esquire
Counsel for Protestants

Peter Zimmerman
People's Counsel for Baltimore County

Mr. Clarence M. Bohn

Mr. F. G. Basso

Arnold R. Silbiger, Esquire

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
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TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1916-1990)

WRITER'S DIRECT DIAL
823 -

RECEIVED
COUNTY BOARD OF APPEALS
97 JUN 20 PM 1:54

June 18, 1997

Arnold Jablon, Esquire, Director
Permits and Development Management
County Office Building
Towson, Maryland 21204

RE: Section 304.4 Inquiry / Eligibility
4109 Washington Road, Unimproved DR.2 Lot,
known as Lot 20, Oak Park Addition
Recorded among the Plat Records of Baltimore County
At WPC #7, Part 1-23

Dear Mr. Jablon:

On behalf of our clients, Mr. Bohn and Mr. Basso, we are filing this $40.00 inquiry letter.

Mr. Bohn is the owner of Lot 20 of Oak Park Addition, which Plat was filed for record on February 4, 1922.

The lot is basically rectangular in shape, being 53 feet in width in front and back, and 159 feet deep. Thus, the lot contains approximately 8427 square feet.

Mr. Bohn has owned the subject property for at least 15 years, and he has never owned an adjacent lot, on either side.

The subject property and area was formerly zoned DR.5.5, until it was recently downshifted on the 1995-1996 Zoning Maps from DR.5.5 to DR.2. We believe the Issue No. Was 1-006, wherein 154.4 acres of DR.5.5 on the south side of Washington Boulevard between Bradey, Monumental and Halethorpe Roads was downshifted to 155.5 acres of DR.2, some BR and BR-AS

being retained.

Our questions are simple, but perplexing to us, and before we file for further zoning relief under 304.4, we would ask the following:

1. Can a 53 x 159 sq. ft. lot with 8,427 sq. ft. zoned DR.2 be the subject of relief under Section 304.1 of the Zoning regulations, DR.2 requiring 20,000.00 sq. ft. under Section 1B02.3.c?

2. We are particularly concerned about two requirements of the DR.2 Development Standards for Small Lots, Section 1B02.3.C, at Page 1B-25 of the Regulations, namely, the 20,000 sq. ft. area requirement, and whether this can be varianced, and secondly the sideyard requirements of 40 ft., sum of sideyards and 15 ft. minimum sideyard, and again whether these can be varianced and meet Section 304.1.

Based upon our experience over the years, we believe that the sideyards are capable of variances, but we are concerned about the lot area particularly.

We are presently counsel for Mr. Bohn and Mr. Basso in Board of Appeals Case CVA-97-118, which is set for hearing in the fall. We would appreciate an early answers since additional relief commencing at the Zoning Commissioner level will be required if permitted as outlined.

We did not try this case at the Commissioner level, and are concerned that variances must be added, as to area and sideyard requirements and hence this letter.

Finally, enclosed is our check in the amount of $40.00 for this inquiry. Needless to say, we are not asking for any ruling on the merits, since this is the prerogative of the Board and the Zoning Commissioner, but merely whether it is allowable.

Sincerely yours,

Newton A. Williams

Newton A. Williams

NAW/caa
Enclosure
cc: Mr. Clarence M. Bohn
Mr. F.G. Basso
County Board of Appeals
Peoples Counsel, 19 E. Fayette Street, Baltimore, 21202
Melvin Kodinski, Esq., Counsel for Protestants

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-7856

97 SEP 18 PM 2:50
RECEIVED
COUNTY BOARD OF APPEALS

September 10, 1997

Ms. Kathleen Bianco
Baltimore County Board of Appeals
Court House
Towson, Maryland 21204

Re: In the Matter of F.G. Basso (Bohn Case)
CBA-97-118
4109 Washington Boulevard
Requested, Indefinite Continuance for the D.R.5.5. Appeal,
Set for Wednesday, October 22, 1997 @ 10:00 a.m.

Dear Mrs. Bianco:

On behalf of Mr. Clarence Bohn and Mr. Dino Basso, we are preparing to file a new variance case based upon the correct, 1996 and present D.R.2 status of this property. Paul Lee is finishing up a full site plan, and it will be filed this month.

You will recall the appeal of Zoning Commissioner Schmidt's decision based upon the mistaken, former D.R.5.5. is set for hearing on October 22, 1997 at 10:00 a.m.

On behalf of my client, Mr. Bohn and Mr. Basso, as well as the benefit of the neighbors, their counsel and the Board, it seems sensible to hold this earlier D.R.5.5. case in abeyance pending this new case. It is wasteful of time, effort and expense for everyone to address this old case if we do not have to do so, and particularly wasteful at this time in view of this new case.

Thanking you and the Board, I am

Respectfully,

Newton A. Williams

Newton A. Williams

cc: Melvin Kodenski, Esquire
Mr. Clarence M. Bohn
Mr. F.G. (Dino) Basso
Paul Lee, P.E.

T/C 9/23/97 w/ M. Kodenski 9:57 a.m.
Agrees w/ PP request;
no objection.
To be postponed.

LAW OFFICES
KODENSKI AND CANARAS
19 E. FAYETTE STREET
SUITE 400
BALTIMORE, MARYLAND 21202
TELEPHONE (410) 685-5100
FAX (410) 685-5825

MELVIN J. KODENSKI
BARRY T. CANARAS
CHRISTOPHER M. LEE

HIGHLANDTOWN OFFICE
412 S. HIGHLAND AVENUE
BALTIMORE, MARYLAND 21224
PHONE 563-9000

June 9, 1997

County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kathleen C. Bianco

RE: Case Number: CBA 96-172
Clarence M. Bohn - Legal Owner
F.G. Basso - Applicant

Dear Ms. Bianco:

I am in receipt of a letter sent to you dated June 3, 1997 by Mr. Newton A. Williams concerning a postponement of the hearing scheduled for June 25, 1997 involving 4109 Old Washington Boulevard. I am assuming that this postponement will be granted and if not, then give my office a call immediately, otherwise, I am marking it on my calendar as postponed and will await the new hearing date.

Thank you for your kind cooperation.

Very truly yours,

Melvin J. Kodenski

MJK:dl

cc: Peter Zimmerman
Arnold Silbiger
Norman Farley

MJK\8460

97 JUN 10 PM 1:40
RECEIVED
COUNTY BOARD OF APPEALS

1/6/98 Soph - Appeal ROS
8
TO Soph
CASHIER 1/7

LAW OFFICES
KODENSKI AND CANARAS
19 E. FAYETTE STREET
SUITE 400
BALTIMORE, MARYLAND 21202
TELEPHONE (410) 685-5100
FAX (410) 685-5825

MELVIN J. KODENSKI
BARRY T. CANARAS
CHRISTOPHER M. LEE

HIGHLANDTOWN OFFICE
412 S. HIGHLAND AVENUE
BALTIMORE, MARYLAND 21224
PHONE 563-9000

January 5, 1998

Arnold Jablon
Director of PDM
111 W. Chesapeake Avenue
Towson, Maryland 21204
Attn.: Docket Clerk

RE: Case Number: 98-139-A
Petition For Zoning Variance
S/S Old Washington Road, 67 ft.
E of Grant Avenue
4109 Old Washington Road
Clarence Bohn, Petitioner

Findings of Fact and Conclusions of Law
decision rendered December 9, 1997

Dear Mr. Jablon:

I represent Norman Farley, Earl Phillips, George R. Hawk, Richard Brown, and Patricia Brown. They are interested persons who protested the granting of the above-referenced variance.

Allow this letter to serve as a request to appeal the decision rendered on December 9, 1997.

Enclosed find a check in the amount of $175.00 for the filing fee and a check in the amount of $35.00 for the posting of a sign.

If you need any other information, please call.

Very truly yours,

Melvin J. Kodenski

MJK\ep
Enclosures
mjk\8460
cc: Stephen J. Nolan, Esquire
Mr. Clarence Bohn
Mr. Norman Farley
Mr. Earl Phillips
Mr. George R. Hawk
Mr. Richard Brown
Ms. Patricia Brown

RECEIVED
JAN - 5 1998
98-01
PDM

LAW OFFICES
KODENSKI AND CANARAS
19 E. FAYETTE STREET
SUITE 400
BALTIMORE, MARYLAND 21202
TELEPHONE (410) 685-3100
FAX (410) 685-3525

MELVIN J. KODENSKI
BARRY T. CANARAS
CHRISTOPHER M. LEE

HIGHLANDTOWN OFFICE
412 S. HIGHLAND AVENUE
BALTIMORE, MARYLAND 21224
PHONE (410) 563-9000

March 3, 1998

Sent by Fax - 887-3182

County Board of Appeals of
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

ATTN: Kathleen C. Bianco

RE: Case Number: CBA 98-139A
Clarence M. Bohn - Legal Owner
F.G. Basso - Applicant

Dear Ms. Bianco:

Unfortunately, there are quite a few days we are unavailable due to previously scheduled matters during March and April.

Unavailable dates are March 17, 19, 20, 23-26; April 1-3, 7, 13, 15, 27, 19, 30, May 1, 6, 11-12, 26-27, June 3 and after that, the month of June is fairly open with June 18 and 23 being taken. July is fairly clear.

Should you have any questions, please feel free to give me a call.

Very truly yours,

Melvin J. Kodenski

MJK:dl
cc: Newton Williams - By fax - 410-296-2765

RECEIVED
MAY 15 1997
PDM

May 5, 1997

The Honorable Lawrence E. Schmidt
Zoning Commissioner
Court House
Towson, Maryland 21204

Re: Application for Building Permit for Undersized Lot
Location: 4109 Old Washington Blvd.
Permit No. B295128
Clarence M. Bohn/F.G. Basso, Contractor

Dear Commissioner Schmidt:

On behalf of Clarence M. Bohn, owner, and F.G. "Dino" Basso, contractor, please enter an appeal to the County Board of Appeals from your Findings of Fact and Conclusions of Law dated April 15, 1997, in the above-entitled matter.

A check in the amount of Two Hundred and Ten Dollars ($210.00) made payable to Baltimore County is enclosed covering the One Hundred and Seventy-Five ($175.00) appeal fee and the Thirty-Five Dollar ($35.00) sign posting fee.

Thanking you, and your staff, as well as the Board's staff for its attention to this appeal, I am

Sincerely yours,

F.G. Basso for self and
Clarence Bohn

FGB/dlp
cc: County Board of Appeals
Peter J. Zimmerman, Esq.
Melvin Kodenski, Esq.
bcc: Mr. Clarence Bohn
Mr. F.G. Basso

Mr.+Mrs Norman L Farley

4111 Old Washington Blvd Baltimore, Maryland 21227
Home Phone (410) 242-3827

February 15, 1997

To Whom It May Concern,,

We the residents of Oak Park would like to request a public hearing, for the property at 4109 Old Washington Blvd (Lot in question is Number 20) Mr Basso is trying to get a building permit to put a house on an undersize lot of land in the Oak Park Neighborhood.

Sincerely,

Mr.+Mrs Norman Farley

Norman Lee Farley 4111 OLD WASHINGTON BLVD (242-3827)
Roxanne Farley
RICHARD BROWN 4105 OLD WASHINGTON BLVD 247 1857
Patricia Brown 1917 GRANT AVE. BALTO MD (247-3849)
George R. Hawk 1923 GRANT Rd. Baltimore Md 242 2952
Edith Price 1933 Lincoln Ave. Balt. MD 242223
Reginald N Price
Arthur & Janis Shaw 1921 Lincoln Ave 21227
Janis Rowe 1919 Grant Rd. 21227
Earl C. Phillips 410-242-7109 1934 Bell Ave. Balto. Md. 21227

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
STEPHEN JAMES NOLAN	502 WASHINGTON AVE.
	Ste 700, TOWSON 21204
Adrienne M. Bohn	405 Shady Nook Ave, Baltimore 21228
F. G. BASSO	928 REGINA DR. BALTO. MD. 21237
PAUL LEE ENGR.	32 WEST ROAD 21204

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on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Jamie Rowe	1919 Grant Ave.
Patricia Brown	1917 GRANT AVE BALTO. MD 21227
Earl Phillips	1934 Bell Ave Balto, Md. 21227
Edith Pruett	1933 Lincoln Ave 21227
Arthur + Janet Shaw	1921 Lincoln Ave 21227
George R Hawk	1923 GRANT Rd 21227

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Arnold R. Silberger	1338 Sulphur Spring Rd. Baltimore, Md. 21227
Fiorindo G. Basso	928 Regina Dr. Balto. Md. 21227
Darrell M. Bohn	405 Shady Nook Ave Balto 21228

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on Recycled Paper

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PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Norman Marley	4111 Old Washington Blvd
Earl Phillips	1934 Bell Ave, Balto, Md. 21227
George R. Hawk	1923 Grant Rd. Balto 21227
Richard Brown	4105 Old Washington Blvd Balto. 21227
Patricia Brown	1917 Grant Rd Balto 21227

4/14/97

IN RE: APPLICATION FOR BUILDING PERMIT FOR UNDERSIZED LOT	*	BEFORE THE
S/S Lincoln Avenue, 106 ft. from N corner of Grant Avenue	*	ZONING COMMISSIONER
4109 Old Washington Boulevard	*	OF BALTIMORE COUNTY
13th Election District		
1st Councilmanic District	*	Permit No. B 295128
Legal Owner: Clarence M. Bohn		
Applicant: F.G. Basso	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner to consider the appropriateness of a single family dwelling on an undersized lot, located at 4109 Old Washington Boulevard in western Baltimore County. The subject property is owned by Clarence M. Bohn and proposed for development by F.G. Basso, builder. The property is also known as lot No. 20 of the subdivision known as Old Park Addition in Halethorpe.

This matter comes before the Zoning Commissioner pursuant to Section 304 of the Baltimore County Code. That section permits the owner of an undersized lot to construct a single family dwelling thereon by right, if certain conditions are satisfied. Pursuant to that section, the subject property was posted with the sign advertising the proposed single family dwelling. Several adjoining property owners petitioned for a public hearing pursuant to Section 304.4 of the BCZR. Thus, this matter was duly scheduled and a public hearing conducted to determine the appropriateness of the proposed use.

Appearing at the requisite hearing was Clarence M. Bohn and F.G. Basso, contractor. There were represented by Arnold R. Silbiger, Esquire. Appearing in opposition to the request were a number of residents of the surrounding locale, including Jamie Rowe, Patricia Brown, Earl Phillips, Edith Pruett, Arthur and Janet Shaw, Norman Farley and George R. Hawk. The Protestants were represented by Melvin Kodenski, Esquire. Tom

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Date 4/14/97
By M. Hartke

Regulski, a Sediment and Erosion Control Inspector from Baltimore County, also appeared and participated at the hearing.

Testimony and evidence presented by the Petitioner was that the subject property is rectangular in shape, with dimensions of 53 ft. wide and 159 ft. deep. Apparently, the property is now zoned D.R.2, having been down zoned from a more intense residential classification during the 1996 quadrennial map process. Testimony was also produced that Mr. Basso commenced construction of a single family dwelling on the subject property in November of 1996. The proposed dwelling will be approximately 47 ft. deep and 28 ft. wide. The site plan shows that a 10 ft. side yard setback will be maintained towards the western property line and an 11 ft. side yard setback towards the eastern property line. Construction was halted and the dwelling remains incomplete at the present time.

Section 304 of the BCZR permits a property owner to construct a single family dwelling by right on a lot with insufficient area and/or width if three conditions are satisfied. First, such lot must have been duly recorded either by deed or in a validly approved subdivision in the Baltimore County Land Records prior to March 30, 1955 (304.1.A). Secondly, the Applicant must comply with all other requirements of the height and area regulations (304.1.B). Third, the owner of the lot cannot own sufficient adjoining land to conform to the width or area requirements contained within the BCZR (304.1.C).

Mr. Bohn testified that he has owned the subject property for 15 years. He also stated that he does not own any adjacent land. His uncontradicted in this regard is persuasive that he complies with that requirement of Section 304.1.C.

The Petitioner also submitted copies of deeds and plats obtained from the Land Records of Baltimore County. Those documents indicate that the

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Date 4/18/97
By M. Grant

subject lot was originally plotted as part of the subdivision known as Oak Park addition in 1921. Therefore, these documents are persuasive that the requirement of Section 304.1.A of the BCZR has been satisfied.

The third requirement, as stated above, (304.1.B) relates to compliance with other height and area regulations in the BCZR. The setbacks shown on the plan meet the requirements for a D.R.5.5 zoned lot (apparently, the prior classification). A copy of the zoning map for this vicinity, reflecting the action taken by the County Council during the 1996 quadrennial zoning process, was submitted at the hearing by the Protestants. That map discloses that the subject property is zoned D.R.2. Although it was indicated that that classification represented a change to the prior zoning of the property, there was no evidence presented as to what that prior zoning classification was for this site. Section 1B02.3.C. of the BCZR establishes setbacks for properties in the D.R. zone. For a D.R.2 property, the minimum side yard setback is 15 ft. In this case, it is clear that the Developer's plans do not meet that requirement, thus, the plan does not satisfy the requirements of Section 304.1.B. of the BCZR.

A significant volume of testimony was also received in this case from the Protestants. A number of neighbors testified in opposition to the plan, primarily over concerns relating to storm water runoff. These witnesses testified that they opposed construction on the subject lot and were fearful that the addition of impermeable surface would create storm water runoff onto their yards. A series of photographs were submitted by both sides showing existing conditions. This testimony was obviously offered by the Protestants to establish that the construction of a single family dwelling is not appropriate for the property.

In response to this evidence, testimony was received from Tom Regulski, Sediment and Erosion Control Inspector. Mr. Regulski has been to the

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Date 4/16/97
By M. Gomez

site several times and indicated that there have been some problems during the course of construction. He agreed with the neighbors' testimony that there was improper runoff at the present time, largely because the necessary sediment controls were not in place. However, he concluded that storm water runoff will not be a problem in the long term. Rather, he testified that conditions would be better if the house was constructed in that the site would be stabilized and water collection devices (e.g. gutters and rain spouts) could be added to control runoff. In his judgment, the existing problems are a temporary condition. In my view, Mr. Regulski's testimony would be persuasive on this issue.

Although the above issues were thoroughly addressed and argued during the hearing, there remains for comment a threshold issue which, in my judgment, is dispositive on this case. This issue was not specifically argued by counsel, however, reference is made to same by the documents in the file. I explain.

The hearing before me was not the first time that this property has been considered for relief under the undersized lot regulations. In fact, the comment received on the current proposal from the Office of Planning references "This was under a hearing (lost) CBA-96-172. Now trying again." Indeed, a review of the County records indicates that an identical application for relief was made by Messrs. Bohn and Basso in the summer of 1996. At that time, building plans were submitted proposing an identically sized building envelope and dwelling for the subject property. The site was posted and by request of Mr. Farley dated September 19, 1996 the matter came in for public hearing before the Deputy Zoning Commissioner, Timothy M. Kotroco. By order of November 12, 1996, Mr. Kotroco granted the relief requested. He determined that the dwelling proposed

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Date 4/16/97
By M. Appendorf

for the subject site was "appropriate" relying heavily upon the recommendations made by the Office of Planning.

An appeal of Deputy Commissioner Kotroco's decision was timely filed by neighbors to the County Board of Appeals. The Board assumed jurisdiction and heard the case on December 19, 1996. Following the conclusion of the hearing, the Board members conducted open deliberations as required by the Code. The Board lamented that there were ", . . . a lot of difficulties in this case . . .", and further stated ". . . that neither side was particularly prepared with what we need to decide the case." Following its open deliberations, the Board issued a written decision and Order on the January 8, 1997. By that decision, the Board held that the Applicant satisfied the standards in Sections 304.1.B. and C. of the BCZR (e.g., compliance with the height and area requirements and that owner does not own sufficient adjoining land.) However, as to what would appear to be the most easily satisfied requirement; that the lot was part of a duly recorded subdivision prior to 1955, the Board held that insufficient evidence had been offered. Apparently, the Board was unwilling to either take judicial notice of this obvious fact or solicit testimony from any of those present that this property was part of an older subdivision which had been recorded and built out many years ago. Rather, the Board chose to apply the strict rules of evidence and procedure to the parties who appeared before it without counsel, and considered only what had been offered.

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Date 4/16/97
By M. Gray

The file will further show that following the Board's hearing, the Applicant obtained counsel and that a Motion for Reconsideration was filed. That Motion sought to introduce new evidence establishing the fact that the property was part of a duly recorded subdivision prior to 1955. The Protestants then obtained their own counsel, who objected to the

Motion for Reconsideration. The Board reconvened its hearing, received oral argument on the Motion, and issued a brief written Order on February 5, 1997 denying the Motion for Reconsideration. The brief written Order referenced as reasons therefore its statements on the record, but did not amplify same. Inexplicitly, no appeal followed and the Board's Order is now, obviously, final.

At the hearing before me, the parties did not argue the significance of these prior hearings and the Board's Order. These matters came to my attention while considering the impact of the zoning change to the property brought about by the adoption of the zoning maps by the County Council last year. Specifically, I concluded that a decision need be made as to whether this application was somehow vested under the old zoning classification. A determination of this issue, however, is moot when considering the impact of the Board's ruling.

The doctrine of res adjudicata prohibits subsequent litigation between the same parties and their privies upon the same cause of action not only as to all matters which were decided in the original suit, but as to all matters which with propriety could have been litigated in the first suit. See Alvey v. Alvey, 225 Md. 386 (1961). Originally, appellate courts were reluctant to apply this doctrine to decisions of administrative agencies. However, this rule of law has changed over the years. In stated in White v. Prince Georges County, 282 Md. 641 (1978), "Although early cases often made the sweeping statement that decisions of administrative agencies can never be res adjudicata, this court later came to recognize that the principals of public policy underlying the rules of res adjudicata were applicable to some administrative agencies performing quasi judicial functions."(pg.658) Moreover, in Board of County Commissioners of Cecil County v. Racine, 24 Md. App. 435 (1975) it was held

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Date 4/16/97
By M. Grant

that at least some of the principals of the doctrine of res adjudicata are applicable to the decisions by Zoning Boards. The Court concluded that an unreversed final decision by a Zoning Board, passed in the exercise of its discretion upon issues of fact or upon mixed issues of law and fact, are fully binding upon the parties to the cause and their privies as to all issues determined thereby. It is only where there has been a substantial change in conditions or it is shown that the decision was the product of fraud, surprise, mistake or inadvertence, that such an administrative body may reverse the prior decision and litigation between the same parties.

In this case, a review of the files shows that the Applicants (Mr. Bohn and Mr. Basso) and the Protestants (Mr. Farley, et al), are identical. Moreover, the property is obviously the same, as is the application and proposed single family dwelling. In fact, the Applicant apparently started construction shortly after Deputy Commissioner Kotroco's Order, believing (falsely it turned out) that the Protestants' appeal would not be successful. The structure which has been partially completed is identical in all detail to what is proposed for consideration by me and at the prior hearing before Deputy Commissioner Kotroco and the Board of Appeals.

In sum, I hold that the principles of res adjudicata are applicable here. Therefore, the decision of the Board of Appeals, denying the application to permit a single family dwelling on the subject lot, is controlling. Although I question the basis of the Board's decision, the Board's Order is final and was not appealed. Moreover, even if the Board's decision was not controlling, relief cannot be granted pursuant to Section 304. Under the property's present zoning classification, D.R.2, the Applicant fails to meet the requirements of Section 304.1(B), in that the side yard setbacks are deficient. The Petitioner's only potential means

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Date 4/16/97
By

side yard setbacks are deficient. The Petitioner's only potential means of relief would be pursuant to Section 307, to variance the width and setback requirements. No such request is presently at issue.

Pursuant to the advertising, posting of the property, and public hearing on this Application held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of April 1997 that approval to permit the owner of an undersized lot (4109 Old Washington Boulevard, lot No. 20 of the subdivision known as Old Park Addition in Halethorpe) to construct a single family dwelling, be and is hereby DENIED.

The Applicant is hereby ORDERED to remove the structure on the subject property within 60 days from the date that this Order, or any similar Order on appeal, is final.

Any appeal from this decision must be filed with the Baltimore County Board of Appeals in accordance with the applicable provisions of law and Section 304.6 of the BCZR.

ORDER RECEIVED FOR FILING
Date
By

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

5/15/01

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

April 15, 1997

Arnold R. Silbiger, Esquire
1338 Sulphur Spring Road
Baltimore, Maryland 21227

RE: Application for Building Permit For Undersized Lot
Location: 4109 Old Washington Blvd.
Permit No. B295128
Clarence M. Bohn/F.G. Basso, Contractor

Dear Mr. Silbiger:

Enclosed please find the decision rendered in the above captioned case. The Application for Building Permit for Undersized Lot has been denied.

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 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
c: Mr. Clarence M. Bohn 405 Shady Nook Avenue, Balto, Md. 21228
c: Mr. F.G. Basso, 928 Regina Drive, Baltimore, Md. 21227
c: Melvin Kodenski, Esquire, 19 E. Fayette St., Suite 201, Baltimore, Maryland 21201, Attorney for the Protestants

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11/12/96

IN RE: HEARING ON UNDERSIZED LOT
(4109 Old Washington Boulevard)
13th Election District
1st Councilmanic District

Clarence M. Bohn, Property Owner
F.G. Basso/Basso & Basso, Applicant

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*

Undersized Lot

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner, pursuant to Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), wherein a request for public hearing has been filed by adjacent property owners Patricia F. Brown and Norman Farley, for a determination as to the appropriateness of a building permit application filed by the owner of the property, Clarence M. Bohn, for the proposed development of the subject undersized lot with a single family dwelling in accordance with the site plan and front elevation drawings submitted with the application and marked into evidence as Petitioner's Exhibit 1. The property is also known as Lot 20 of Oak Park Addition, and consists of 8,427 sq.ft., and is 52.95 feet wide and 159 feet deep.

A hearing on the matter was held on October 22, 1996 at 11:00 AM in Room 118 of the Old Courthouse. Appearing at the hearing in support of the building permit application were Clarence M. Bohn, property owner, and Mr. Basso, Builder. Appearing in opposition to the application were Richard Brown, Norman Farley, and George Hawk, adjoining property owners.

Testimony revealed that Mr. Bohn has owned the subject unimproved lot for the past 15 years and has never owned any adjacent land. The property is served by public water and sewer. Mr. Bohn has contracted to have a single family dwelling constructed on the lot, after which he intends to offer the house and property for sale. In order to proceed as

proposed, the applicants must seek approval under Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.). The owner submitted the building elevations for the proposed dwelling as required, and the Office of Planning has approved the plans as submitted. Front. Elevation

Appearing and testifying in opposition to the Owner/Applicant's request were adjoining property owners Richard Brown, Norman Farley and George Hawk. Mr. Farley testified that he purchased his home in 1986 and has resided adjacent to the subject property at 4111 Old Washington Boulevard since that time. Mr. Farley testified that as a result of a recent survey of the subject lot in conjunction with the proposed development, he learned that his home actually sits 3.37 feet from the property line shared with the subject lot. Mr. Farley stated that he was originally under the impression that his house sat approximately 14 feet from the property line; however, after Mr. Bohn had a survey performed, Mr. Farley learned that his house actually sits closer to the property line than he originally thought. He is concerned, and is therefore, opposed, to a house being constructed on the subject property, given the fact that his house only sits 3.37 feet from the property line. Testimony indicated that the proposed dwelling will be constructed 10 feet from Mr. Farley's property line, thus, the two houses will be only 13.37 feet apart. Mr. Farley believes that this is entirely too close, and therefore, objects to the proposed construction. Furthermore, Mr. Farley and the others who attended the hearing as Protestants are concerned over the adverse effect a new house will have on existing drainage patterns in the community. All of these gentlemen are concerned that the proposed new home will further exacerbate existing drainage problems in the neighborhood.

As noted above, this matter is before me pursuant to Section 304 of the B.C.Z.R. Specifically, Section 304.4 requires that a public hearing be held should an adjacent property owner, who lives within 1,000 feet of an undersized lot proposed for development, request a hearing. At the public hearing, I am only required to make a determination as to whether the dwelling proposed for the undersized lot is "appropriate" (See Section 304.4 of the B.C.Z.R.). In making this determination, I rely heavily on the recommendations made by the Office of Planning. As noted above, the Office of Planning has reviewed the application and the elevation drawings for the proposed dwelling and have recommended approval of same, pursuant to a letter dated September 12, 1996, from Mr. Ervin McDaniel. Furthermore, the lot which is the subject of this hearing is similar in size to other lots in this community. To deny Mr. Bohn the right to develop his property would render this property useless to him. The only purpose this lot would have would be to serve as a side yard to the adjacent properties. Given all of the testimony and evidence presented at the hearing, I find that the proposed development of the subject property with a single family dwelling is appropriate and should be approved.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of November, 1996 that the building permit application for the proposed development of the subject undersized lot, known as 4109 Old Washington Boulevard, with a single family dwelling, meets the requirements of Section 304.4 of the B.C.Z.R., and as such, should be APPROVED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit 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

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 12, 1996

Joint Ex No 1

Mr. Clarence M. Bohn
405 Shadynook Avenue
Baltimore, Maryland 21228

RE: HEARING ON UNDERSIZED LOT
(4109 Old Washington Boulevard)
13th Election District - 1st Councilmanic District
Clarence M. Bohn/Owner; F. G. Basso, Basso & Basso/Applicant

Dear Mr. Bohn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The building permit application has been approved in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

3180

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. F. G. Basso, Basso & Basso
928 Regina Drive, Baltimore, Md. 21227

Mr. & Mrs. Richard Brown
4105 Old Washington Boulevard, Baltimore, Md. 21227

Mr. Norman Farley
4111 Old Washington Boulevard, Baltimore, Md. 21227

Mr. George R. Hawk, 1923 Grant Road, Baltimore, Md. 21227

People's Counsel; Case File

Siberger

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IN THE MATTER OF F.G. BASSO -APPLICANT; CLARENCE M. BOHN - LEGAL OWNER 4109 OLD WASHINGTON BOULEVARD BALTIMORE, MD 21227 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
RE: APPROVAL OF BUILDING PERMIT / UNDERSIZED LOT	*	CASE NO. CBA-96-172

* * * * * * * * * * * * *

O P I N I O N

This matter comes before the Board on appeal of a decision of the Deputy Zoning Commissioner approving an undersized lot /building permit for a single-family dwelling. The undersized property at 4109 Old Washington Boulevard is known as Lot 20 of Oak Park Addition in Halethorpe, 1st Councilmanic District. The wooded lot consists of 8,427 sq. ft., and is 52.95 feet wide and 159 feet deep.

The appeal before this Board was filed by Norman Farley, the adjacent property owner, who protests the building permit filed for the owner, Clarence M. Bohn. His objection to the permit was the adverse effect the new house will have on water drainage problems at the site and the long history of existing drainage problems in the neighborhood of no street curbs or gutters.

In this appeal, the property owner of Lot 20, Mr. Bohn, was not represented by legal counsel and did not testify from his position as owner. His construction contractor, Mr. F.G. Basso, served as spokesman, testifying on all issues raised, and cross-examination in this hearing.

Representing himself in this case, Mr. Farley testified to the surface water drainage conditions on his and neighboring properties prior to the issuing of the permit to Mr. Bohn. Photographs

(Exhibits 1 to 3) entered by Appellant and testimony by several protestants emphasized the water drainage problems incurred by residents of the neighborhood.

George R. Hawk testified that water that once skirted the Farley property now flows through or settles in a swamp-like condition in the backyard. With a nearby backyard several hundred feet away, Mr. Hawk now has the same drainage condition. Other witnesses agreed that the removal of numerous large trees and vegetation on the previously wooded lot, coupled with unfinished grading, created the drainage problems. Water that once remained on the site or followed a roadway now was flowing in other directions, particularly to the disadvantage of Mr. Farley.

Appellant further testified to his concern for the distance between dwellings, acknowledging that his house was improperly located only 3-1/2 feet from the Bohn property when built years before. Until the subject lot was surveyed for the permit, Appellant did not know of his setback deficiency. Now he testified that the new dwelling will limit his access.

F. G. Basso, Construction Contractor, testified that once he received the permit to build on the undersized lot he commenced with grading and construction, having cut down trees earlier. In response to Appellant's complaints of incomplete grading on the site, Mr. Basso remarked that his grading study "was approved by DEPRM." He asserted that the final grading will stabilize the property and take care of roof run-off. Sediment control has been in place since construction began, and the silt fences are maintained. The setback requirements satisfy the Baltimore County

Zoning Regulations (BCZR).

The matter before the Board is to determine the appropriateness of building a single-family dwelling on an undersized lot. The controlling standards are the regulations of Section 304.1 (BCZR, 1955; Bill No. 47, 1992). Section 304.1 stipulates that:

> "A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:
>
> A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
>
> B. All other requirements of the height and area regulations are complied with; and
>
> C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Applicant appears to satisfy the standards of subsections B and C. The plat for the construction was recommended for approval by the Office of Planning. However, in the proceeding of this hearing, the Board has felt restrained in obtaining certain aspects of evidence, particularly in regard to a grading plan for stormwater run-off managed on-site.

The Board has also had to ask numerous questions to extract certain information needed for the case, as neither side was particularly prepared for the hearing. Near the conclusion of testimony, the entry of the property deed as evidence (Applicant's Exhibit 2) to show compliance with Section 304.1A gave added indication of misunderstanding, as the submitted deed did not give validity to an approved Lot 20 in the subdivision of Oak Park prior

to 1955, but is dated October 11, 1965.

The Board is cognizant of the magnitude of problems remaining at the location of the Farley house and the Bohn property. However, we are governed by Section 304.1 of the BCZR, in which subsection A states that "such lot must be recorded either by deed or in a validly approved subdivision prior to March 30, 1955."

Failing to comply fully with each of the controlling standards of Section 304.1, the Board is persuaded to deny the application for an undersized lot /building permit.

O R D E R

IT IS THEREFORE, this 8th day of January, 1997 by the County Board of Appeals of Baltimore County

ORDERED that the subject property, known as 4109 Old Washington Boulevard, does not satisfy the requirements for approval as an undersized lot as set forth in Section 304.1 of the Baltimore County Zoning Regulations.

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 of Procedure.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

Kristine K. Howanski, Acting Chairman

Margaret Worrall

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 8, 1997

Mr. Norman Farley
4111 Old Washington Boulevard
Baltimore, MD 21227

RE: Case No. CBA-96-172
Clarence M. Bohn -Legal Owner;
F. G. Basso -Applicant

Dear Mr. Farley:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the 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 and Procedure. 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,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

cc: Arnold R. Silbiger, Esquire
Mr. Clarence M. Bohn
Mr. F. G. Basso /Basso & Basso
Mr. & Mrs. Richard Brown
Mr. George R. Hawk
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence M. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

3/25

RE: HEARING ON UNDERSIZED LOT 4109 Old Washington Blvd, S/S Lincoln Avenue, 106' from N corner of Grant Ave. 1st Election District, 1st Councilmanic	* * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Legal Owner: Clarence M. Bohn Applicant: F.G. Basso	*	Permit No.: B295128
Applicants	*	

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Clarence M. Bohn, 405 Shadynook Avenue, Baltimore, MD 21228, and F.G. Basso, Basso & Basso Masonry Const. Co., 928 Regina Drive, Baltimore, MD 21227, Applicants.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

File copy

IN RE: PETITION FOR Hearing on Undersized Lot 4109 Old Washington Road

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* ~~Case No.~~ Permit # B295128

* * * * * * * * * * *

SUBPOENA

TO: Thomas M. Regulski
c/o Dept. of Environmental Protection and Resource Management
Room 416
County Courts Building
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118, Old Courthouse, 400 Washington Ave Towson, Maryland

and to bring your file pertaining to setemant control as to the property at 4109 Old Washington Road.

on the 25th day of March 1997, at 9:00 A.M. regarding the above captioned case, for the purpose of testifying at the request of Clarence Bohn owner of the property.

Arnold R Sellinger
Atty for Clarence Bohn

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Timothy Kotroco
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 3/19/97

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B 295128
Permit Number

THIS WAS UNDER A HEARING (COST) CBA-96-172. NOW TRYING AGAIN.

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: **Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ E.G. BASSO (Print Name of Applicant) 928 REGINA DR. BALTO. MD. 21237 (Address) (410) 536-0886 (Telephone Number)

☐ Lot Address 4109 OLD WASHINGTON RD. Election District 13 Council District 5 Square Feet 8427

Lot Location (N/E/S/W) side / corner of LINCOLN AVE. (street), 350 feet from N/E/S/W corner of GRANT ST. (street)

Land Owner CLARENCE BOHN Tax Account Number 13-16-150640

Address 405 SHANDYNOOK AVE. CATONSVILLE, MD. 21228 Telephone Number 744-6083

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)

	PROVIDED? YES	NO
1. This Recommendation Form (3 copies)	✓	
2. Permit Application	✓	
3. Site Plan		
Property (3 copies)	✓	
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly)		
Adjoining Buildings	✓	
Surrounding Neighborhood	✓	

Residential Processing Fee Paid
Codes 030 & 080 ($85)
Accepted by ZADM
Date 2/13/97

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

☑ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

There is a storm water management problem in this area. Storm water management should be addressed by Public Works or the Department of Environmental Protection and Resource Management.

RECEIVED
FEB 14 1997
OFFICE OF PLANNING

Signed by: Ervin McDaniel
for the Director, Office of Planning & Zoning

Date: 3/6/97

smlots.pub

36.00 fee per DNS

B295128

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 2-4-96

OPA: DLS/CAP

HISTORIC DISTRICT/BLDG. ___ YES ✓ NO ___ DO NOT KNOW

PERMIT #: B295128
RECEIPT #: A322571
CONTROL #: MK
REF #:

FEE: ~~119.00~~ 45.00
PAID: ~~119.00~~
PAID BY: MP
INSPECTOR:

PROPERTY ADDRESS 4109 Old Washington Rd
SUITE/SPACE/FLOOR
SUBDIV: Oak Park Addition
TAX ACCOUNT #: 13-16-150640
DISTRICT/PRECINCT 13 2

OWNER'S INFORMATION (LAST,FIRST)
NAME: Oak, Clarence
ADDR: 407 Stratfordave Balto MD 21220

DOES THIS BLDG. HAVE SPRINKLERS YES ___ NO ✓

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.

APPLICANT INFORMATION
NAME: Fernando G. Basso
COMPANY: FYD Contracting Co.
STREET 928 Regina Dr.
CITY,ST,ZIP Balto. Md. 21227
PHONE #: 536-0086 MHIC LICENSE #:
APPLICANT SIGNATURE: F. Basso TRACT: BLOCK: 1
PLANS: CONST 0 PLOT 0 PLAT 0 DATA 0 EL 1 PL 1
TENANT
CONTR: FYD Contracting
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: PLEASE REFER TO SUSPENDED PERMIT #B282634
~~SINGLE FAMILY DWELLING PROPOSED 26'x42'~~
CONSTRUCT SFD w/3 BEDROOMS. NO FIRE PLACE.
26' x 46' 6" x 26' 4" = 2478 SF

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT
. ✓ NEW BLDG CONST
. ___ ADDITION
. ___ ALTERATION
. ___ REPAIR
. ___ WRECKING
. ___ MOVING
. ___ OTHER

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
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ___ HEIGHT ___)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. ___ SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT SPECIFY TYPE
20. ___ SWIMMING POOL SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS ___)
23. ___ OTHER

RETURN BACK FOR SITE & CONSTRUCTION
HOUSE IS UNDER ROOF
STOP WORK ORDER GIVEN
NO FEE

TYPE FOUNDATION
. ___ SLAB
. ✓ BLOCK
. ___ CONCRETE

BASEMENT
1. ✓ FULL
2. ___ PARTIAL
3. ___ NONE

TYPE OF CONSTRUCTION
. ___ MASONRY
. ✓ WOOD FRAME
. ___ STRUCTURE STEEL
. ___ REINF. CONCRETE

TYPE OF HEATING FUEL
1. ___ GAS 3. ✓ ELECTRICITY
2. ___ OIL 4. ___ COAL

TYPE OF SEWAGE DISPOSAL
1. ✓ PUBLIC SEWER ✓ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM
___ SEPTIC ___ EXISTS ___ PROPOSED
___ PRIVY ___ EXISTS ___ PROPOSED

TYPE OF WATER SUPPLY
1. ✓ PUBLIC SYSTEM ✓ EXISTS ___ PROPOSED
2. ___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1. ✓ 2.
ESTIMATED COST OF MATERIALS AND LABOR: $80,000
PROPOSED USE: SFD
EXISTING USE: SFD (under construction)

OWNERSHIP
1. ✓ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ___ RENTAL

RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
EFF: ___ #1BED: ___ #2BED: ___ #3BED: ___ TOT BED: ___ TOT APTS/CONDOS: ___
FAMILY BEDROOMS 3
GARBAGE DISPOSAL 1. (Y) 2. N BATHROOMS 2 CLASS Oil
POWDER ROOMS 0 KITCHENS 1 LIBER ___ FOLIO ___

BUILDING SIZE
FLOOR 2478
WIDTH 28
DEPTH 46 6
HEIGHT 26 4
STORIES 1 1 BM
LOT #'S 70
CORNER LOT 1. ___ Y 2. ✓ N

LOT SIZE AND SETBACKS
SIZE 53 x 159
FRONT STREET 42'
SIDE STREET
FRONT SETBK 59'
SIDE SETBK 11'/10'
SIDE STR SETBK
REAR SETBK 65'
ZONING

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING	OK to File Const.	2/7/96
PUB SERV		
ENVRMNT		
PERMITS		

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

Need HEARING & Undersized lot approval Again

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 22, 1997

Arnold R. Silbiger, Esquire
1338 Sulphur Spring Road
Baltimore, MD 21227

RE: Application for Building
Permit for Undersized Lot
S/S Lincoln Ave, 106 ft.
from N corner of Grant Ave.
(4109 Old Washington Blvd)
13th Election District
1st Councilmanic District
Clarence M. Bohn - Legal
Owner
F. G. Basso - Applicant
Permit No. B-295128

Dear Mr. Silbiger:

Please be advised that an appeal of the above-referenced case was filed in this office on May 15, 1997 by F.G. Basso and Clarence Bohn. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

c: Melvin Kodenski, Esquire
People's Counsel

97 MAY 27 AM 11:11
RECEIVED
COUNTY BOARD OF APPEALS

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on Recycled Paper

CBA-97-118

APPEAL

Application for Building Permit for Undersized Lot
S/S Lincoln Avenue, 106 ft. from N corner of Grant Avenue
(4109 Old Washington Boulevard)
13th Election District - 1st Councilmanic District
Clarence M. Bohn - Legal Owner
F.G. Basso - Applicant
Permit No. B-295128

CBA-97-118

Application for Undersized Lot

No Description of Property Found

No Certificate of Posting Found

No Certificate of Publication Found

Entry of Appearance of People's Counsel

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits:
1 - Plat of Oak Park Addition
2A - Deed dated July 29, 1935
2B - Deed dated December 26, 1941
2C - Two Deeds dated April 25, 1955
2D - Deed dated October 11, 1967
2E - Deed dated June 18, 1981
3 - Site Plan
4 - Five Building Elevation Drawings

Protestants' Exhibits:
1A-C - Three Photographs
2A-F - Six Photographs
3 - Nineteen Photographs
4A-M - Thirteen Photographs
5-5A - Two Photographs
6 - Two Photographs
7 - One Photograph
8 - One Photograph

Application for Permit dated February 4, 1996

Twenty-seven Photographs not Marked as Exhibits

Request for Public Hearing by Mr. and Mrs. Norman L. Farley, et al dated February 15, 1997

Subpoena to Thomas M. Regulski dated March 19, 1997

Opinion of the Board of Appeals of Baltimore County on Case #CBA-96-172 dated January 8, 1997

Zoning Commissioner's Order dated April 16, 1997 (Denied)

Notice of Appeal received on May 15, 1997 from F.G. Basso and Clarence Bohn

c: Arnold R. Silbiger, Esquire, 1338 Sulphur Spring Road, Baltimore, Maryland 21227
Mr. Clarence M. Bohn, 405 Shady Nook Avenue, Baltimore, MD 21228
Mr. F.G. Basso, 928 Regina Drive, Baltimore, MD 21227
Melvin Kodenski, Esquire, 19 E. Fayette Street, Suite 201, Baltimore, MD 21201
People's Counsel of Baltimore County, M.S. 2010
* Newton A. Williams, Esq. Ste 700, Nottingham Centre 21204
Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Norman Farley, 4111 Old Washington Blvd 21227
George Hawk, 1923 Grant Road 21227

97 MAY 27 AM 11:11
RECEIVED
COUNTY BOARD OF APPEALS

Case No. CBA-97-118
(Bass /Bohn)

4/16/97 -Order of Zoning Commissioner in which approval of Application for Building Permit for Undersized Lot pursuant to Section 304 of the BCZR is DENIED.

5/29/97 -Notice of Assignment for hearing scheduled for Wednesday, June 25, 1997 at 10:00 a.m. sent to following:

Newton A. Williams, Esquire
Clarence M. Bohn
F. G. Basso /Basso & Basso
Melvin Kodenski, Esquire
George R. Hawk
Norman L. Farley
People's Counsel for Baltimore County
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

6/03/97 -Request from Newton A. Williams, Esquire, counsel for Appellants, requesting postponement of hearing scheduled for 6/25/97 (his clients have agreed to waive the provisions of 304.6 regarding timeframe for this appeal hearing).

6/10/97 -Letter from Melvin Kodenski, Esquire; assumes that postponement will be granted; will await new hearing date.

- Notice of PP and Reassignment sent to parties; postponement granted and rescheduled for Wednesday, October 22, 1997 at 10:00 a.m.

9/18/97 -Request for PP from N. Williams, Counsel for Applicant /Property Owner; preparing variance case to be filed with Zoning Commissioner; requests that this matter be held in abeyance pending that variance case.

9/23/97 -T/C to M. Kodenski, Counsel for Protestants; no objection to the granting of this postponement.
- Notice of PP sent to parties; to be reset only upon request.

8/27/98 -Letter from Melvin Kodenski, Esquire, Counsel for Protestants in this matter and related Case No. 98-139-A; forwarding copy of executed agreement between all parties; and that matter has been settled and appeals withdrawn. Order of Dismissal to be issued by Board.

IN THE MATTER OF THE APPLICATION OF JOHN BLASY FOR VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE BELL AVENUE, 370' N OF THE C/L OF CROSS STREET (1927 BELL AVENUE) 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO: 95-355-A

* * * * * * * * * * * * * * * * *

O P I N I O N

This case comes to the Board of Appeals from the decision of the Deputy Zoning Commissioner in which Appellant's Petition for Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. was denied. The hearing in this matter consumed a full day and was conducted by the Board on November 16, 1995. The matter was publicly deliberated on Wednesday, January 3, 1996 at 10:00 a.m. Carolyn Frank, Esquire, represented the Appellants, Mr. and Mrs. John (Johnny) Blasy. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings. On the day of the hearing, two of the original Protestants did not appear at the de novo hearing and Mrs. Elfreida Lowe, another Protestant, was initially present but was required to leave on a premature basis.

Mr. John Blasy testified at length concerning the request for Variance. He indicated that the property in question was zoned DR-5.5 and consisted of approximately 6,300 sq. ft. The lot exists in a subdivision that was created back in 1904, long before zoning regulations were in effect and storm water management control programs were required. The lot is 50 ft. in width and falls short of the present-day zoning requirement as to the 55-ft. width requirement. The property was originally owned by John and Emma

Blasy. Mr. Blasy passed away and left the property to his wife, Emma Blasy. Upon Emma's death 3 years ago, the lot (No. 32) at 1927 Bell Avenue was left to the Petitioner who was also named as Personal Representative of Mrs. Blasy's estate. Lot Nos. 30 & 31 were combined as one with a dwelling existing at 1929 Bell Avenue (Petitioners Exhibit No. 5). Under the terms of the late Mrs. Blasy's Will, the existing dwelling at 1929 Bell Avenue was left to Edward Blasy, the Petitioner's uncle, holding a life estate interest and the Petitioner, as remainderman, upon Edward's death. It was the position of Mr. Blasy that he is only the owner of 1927 Bell Avenue and that no other property was owned by him on that street which would disqualify him from Section 304 of the Baltimore County Zoning Regulations (BCZR). Tax records dated November 8, 1995 from the Department of Assessments and Taxation, which were admitted as exhibits, reflected both 1927 Bell Avenue (Lot No. 32) and 1929 Bell Avenue (Lot Nos. 30 & 31) as being owned by John and Emma Blasy (Petitioner's Exhibit Nos. 4 and 5). No new deeds have been prepared despite the passage of three years from Mrs. Blasy's demise and no final accounting has been rendered by the estate. Again, under her Will, the late Mrs. Blasy left an unimproved lot located at 1927 Bell Avenue (Lot No. 32) to the Petitioner; and, an improved dwelling located at 1929 Bell Avenue (Lot Nos. 30 & 31) to her son, Edward J. Blasy, for life with no power to sell, lease, rent or otherwise dispose of the property.

Upon Edward Blasy's death, the property is granted to Johnny Blasy absolutely. Mr. Blasy testified that it was his intention to build a new home on 1927 Bell Avenue; and, when completed he would

live in the new dwelling. Evidence was produced at the hearing to the effect that at one time some sort of dwelling was present at 1927 Bell Avenue. No conclusive evidence, however, was offered that the pre-existing house and shed had been constructed in accordance with Baltimore County requirements. Furthermore, testimony concluded that the remnants of a home and shed had long been abandoned since the 1950s. Mr. Blasy testified that the house Edward Blasy resides in is located at 1929 Bell Avenue, that 1927 Bell Avenue consists of an unimproved lot and is useless unless he is able to build on it. On cross-examination by Mr. Zimmerman, Mr. Blasy testified that the tax bills for Lot Nos. 30 and 31 came to him as Personal Representative of Mrs. Blasy's estate. Edward Blasy reimburses him for his portion of the taxes due on the property in which he currently resides at 1929 Bell Avenue. He also testified that the driveway for Lot No. 31 was on Lot No. 32 (the unimproved lot) and that Edward Blasy had been informed on numerous occasions by the Petitioner that he could not use the driveway; and, that under the terms of Emma Blasy's Will Edward Blasy could not enjoy any benefits of the land on Lot No. 31 and further that the only right Edward had was to possess and peaceful enjoyment of the house located on Lot No. 31 (1929 Bell Avenue).

Mr. Paul Gorman also testified at the hearing. He holds a B.S. degree in architecture and is licensed in both Maryland and D.C. He stated that he deals with zoning matters exclusively and handles roughly 36 permits a year, primarily in Baltimore County.

He testified that he had prepared the proposed site plan. He stated that the lot in which the Variance was being requested was zoned DR-5.5 and contains 6,310 sq. ft., which is more than the required zoning regulations of a minimum of 6,000 sq. ft. Mr. Blasy indicated that he was aware of neighbors' concerns relative to storm water problems and that he had met with Paul Wellman, the Baltimore County Storm Water Management Department, as to the neighbors' concerns. If the Variance were granted and the proposed home were constructed, this site would ultimately drain to the end of Bell Avenue at Washington Avenue. If there were any drainage problems it was, according to Mr. Gorman, a problem caused by residents along Bell Avenue having swales paved and blocked by residents' driveways. Upon cross-examination by Mr. Zimmerman, Mr. Gorman indicated that no professional engineer had been hired to survey the storm water management control issue and that no written report on drainage was completed. His testimony also centered on other lots in the immediate area that were similar in size to the one in question and that homes presently existed on Bell Avenue that had less than the currently required 55-ft. width stated in the BCZR.

Mrs. Jean Blasy, wife of Johnny Blasy, also testified at the hearing. She indicated that she handled the finances for her husband and that Edward paid half of the annual tax bill to John Blasy on Lot Nos. 30 and 31. As to Lot No. 32, she and her husband pay the taxes. The estate is still open and if the house were

built on Lot No. 32 (1927 Bell Avenue) she and her husband would occupy same.

Ms. Helena Seibert testified at the hearing. She resides at 1909 Bell Avenue and is a 41-year resident and owns Lot Nos. 35 and 36 (three houses from site). She related to the Board numerous instances of drainage problems. There are apparently no gutters, no piping, and during heavy rains, the water overflows the street and inundates the properties along Bell Avenue. Photographs of eroding were admitted as Protestant's Exhibit Nos. 9A thru 9X. She testified that the streets could not accommodate any additional homes being built, and to simply grant this variance would exacerbate the existing water problem.

Ms. Dora Marshall also testified at the hearing. She lives at 1926 Bell Avenue, across from the Petitioner's lot, and has been an area resident for 30 years. She is the daughter of John and Emma Blasy. She testified that her deceased father and mother had purchased Lot Nos. 30 and 31 on Bell Avenue and subsequently purchased Lot No. 32. The house on Lot No. 31 (1929 Bell Avenue) was built in 1929. She similarly testified concerning what she considered to be extensive water and drainage problems in the area with no relief being provided by Baltimore County. She stated that many of the homes currently existing on Bell Avenue occupy two or more lots, and expressed concerns that to permit a variance in this case would open the flood gate for others on the street to request similar variances and the water/drainage problem would become even

more acute.

Ms. Janet Shaw also testified. She resides at 1921 Lincoln Avenue (Lot No. 52) and has lived there for two years and ten months. She related in depth the water drainage problems that exist in the general area of Bell Avenue. She stated that Baltimore County officials were aware of the problems (People's Counsel's Exhibit Nos. 13, 14, 15 and 17); and while a "Halethorpe Revitalization Plan" had been drawn up by Baltimore County hoping to resolve many of the problems, Oak Park, wherein the subject property was located, was not included in such plans and that any public improvements to alleviate the water/drainage problems now in existence was quite uncertain.

While her property was actually on Lincoln Avenue, she nevertheless was experiencing water problems and had personally spent $3,200.00 on water control measures which she explained were still not totally effective. She stated that a home recently constructed at 1926 Bell Avenue, on a 100-ft. by 100-ft. lot, had caused additional water problems on Lincoln Avenue. Her neighborhood has three 50-ft. lots and is fearful of additional homes being built if this Variance were approved which would cause substantially greater water problems.

Mr. William Hughey, the Office of Planning and Zoning (now Planning Office) also testified as an Area Planner for the First District. He testified concerning the Halethorpe drainage problems; that the Halethorpe Revitalization Plan would result in

positive initiatives; and, that the Planning Office was concerned as to "upstream" construction to the drainage area. He further stated that there was no current funding available for any future Oak Park work where the subject lot was located.

Mr. Edward Blasy, 1929 Bell Avenue, testified about his concern for additional water problems if the Variance were granted.

Section 307 of the BCZR grants to the Board of Appeals the authority to grant variances ..... only in cases where special circumstances or conditions exist that are peculiar to the land ..... and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. As to the Petition for Variance, it must be adjudged in accordance with the prescribed regulations. Under the Court of Special Appeals decision, Cromwell v. Ward 102 Md.App. 691 (1995), the first burden of the Petition for Variance is to prove that the property is unique, and that standard must be met before other parts of the variance requirements can be appropriately considered. The testimony and evidence at the hearing produced minimal, if any, evidence or testimony that the property in question was unusual or unique. In fact, many of the properties in the immediate area of the unimproved lot in question possess 50-ft. lots. The fact that a house cannot be constructed in Baltimore County due to the present width restrictions resulting in a hardship for the Petitioner despite the presence of other existing homes on 50-ft. lots in the area is one which extends beyond the authority granted

to this Board. That was the decision of the County Council when the current law was enacted in an obvious posture to protect older developing subdivisions. There were also some questions raised concerning the applicability of Section 304 of the BCZR, and the appropriateness of that section of the regulations, should the petitioner be seeking a building permit, in order to apply under Section 304. Section 304 does provide for "use of undersized lots, single-family lots" provided three conditions are satisfied.

> 1) such dwellings can only be erected if the lot was duly recorded by Deed prior to 3/30/55 which was the date of the first adopted comprehensive zoning regulations for Baltimore County.
>
> 2) all the requirements of height and area regulations are complied with.
>
> 3) the owner of the land does not own sufficient adjoining land to conform to the width and area requirements contained in Section 304.

Testimony produced during the hearing was evident that the Petitioner alleges he was only the owner of 1927 Bell Avenue; and, that no other property was owned by him on that street which would disqualify him from Section 304 of the zoning regulations. The adjoining property at 1929 Bell Avenue was left to Ms. Emma Blasy's son, Edward Blasy, for life with the property going to the Petitioner upon Edward's death. In effect, the late Ms. Blasy left an unimproved lot at 1927 Bell Avenue to John Blasy and an improved lot at 1929 to Edward Blasy and again under the terms of the Will, Edward has a life estate, but no power or authority to do anything with the property except that of possession and peaceful enjoyment.

Upon Edward's death, the property is granted to John Blasy. As a remainderman under the terms of the Will, John Blasy has a valuable interest in the property located at 1929 and has the legal right to assign, sell or otherwise dispose of same subject to the possessory life estate enjoyed by Edward Blasy. Therefore, while Edward may enjoy an equitable interest in the property, John Blasy, as the Remainderman, possesses legal title and as such must be construed as being a legitimate owner of the property, thus depriving him of the possible benefits that might be enjoyed under Section 304 of the BCZR.

This Board having heard all testimony, reviewing all the exhibits and evidence submitted along with a review of the statutes and applicable case law is of the opinion that the Appellants Petition for Variance seeking relief from section 1B02.3.C.1 of the BCZR to permit a lot width of 50 ft. in lieu of the required 55 ft., and approved development of an undersized lot pursuant to Section 304 of the BCZR with a proposed dwelling in accordance with Petitioner's Exhibit No. 9 be and the same is hereby DENIED.

O R D E R

IT IS THEREFORE, this 24th day of April, 1996 by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. be **DENIED**; and it is further

ORDERED that approval of an undersized lot per Section 304,

Baltimore County Zoning Regulations, be and is hereby **DENIED.**

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 of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz, Chairman

Charles L. Marks

Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Joint Ex No 2

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 23, 1997

NOTICE OF POSTPONEMENT

CASE #: CBA-97-118

IN THE MATTER OF: F.G. BASSO (BASSO & BASSO) - Applicant; Clarence M. Bohn -Legal Owner
4109 Old Washington Boulevard 21227
13th E; 1st C
(Application for Building Permit for Undersized Lot [BCZR 304] DENIED by ZC)

which was scheduled for hearing before this Board on October 22, 1997 has been **POSTPONED** at the request of Counsel for Applicant /Property Owner, without objection by Counsel for Appellants, pending outcome of variance request to be filed with the Zoning Commissioner; to be reset only upon request.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc:

Counsel for Legal Owner /Applicant — Newton A. Williams, Esquire
Legal Owner /Appellant — Clarence M. Bohn
Applicant /Appellant — F. G. Basso /Basso & Basso

Counsel for Protestants — Melvin Kodenski, Esquire

George R. Hawk
Norman L. Farley

People's Counsel for Baltimore County
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink on Recycled Paper

Tax Case - Keep in Farley's File to Compare to Farley's..

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 24, 1996

Carolyn Moses Frank, Esquire
SEMMES, BOWEN, AND SEMMES
401 Washington Avenue
Suite 1100
Baltimore, MD 21204

RE: Case No. 95-355-A
John Blasy

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the 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 and Procedure. 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,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: Mr. and Mrs. John Blasy
Mr. James K. Sherman
Ms. Elfreida Lowe
Ms. Janet Shaw
Ms. Dalen Allen
Ms. Jennifer Papier
Ms. Dora Marshall
Ms. Helena Seibert
Mr. Edward Blasy
People's Counsel for Baltimore County
Pat Keller
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

955 - 568

Ed No 2 A

568

45782

William C Rogers

Deed to

The Carrollton Bank of Balto

U.S.S. $8.00

GILBERT ... JAN 22 1936

This Deed Made this 29th day of July in the year One Thousand Nine Hundred and Thirty-Five by William C Rogers Assignee as hereinafter set forth

Whereas at a public sale made the Twenty-Seventh day of May in the year One Thousand Nine Hundred and Thirty-Five by the said William C Rogers Assignee in pursuance of the special power and authority vested in him as Assignee of a certain mortgage from Joshua S Hull and Katharine D Hull his wife to The Mercantile Bank of Baltimore (now The Carrollton Bank of Baltimore) bearing date of the Eighth day of August 1928 and recorded among the Land Records of Baltimore County in Liber W H M No 797 Folio 563 the said mortgage having become vested in the said William C Rogers Assignee by Assignment to him from The Carrollton Bank of Baltimore (formerly The Mercantile Bank of Baltimore) which sale was made after default had occurred under said mortgage and after due public notice of sale and after bond had been duly filed in the Circuit Court of Baltimore County the parcels of land and premises hereinafter described being the property by said mortgage conveyed was sold unto The Carrollton Bank of Baltimore which was then and there the highest bidder at and for the sum of Eight Thousand Dollars ($8000.00) and the sale having been duly reported to and ratified by the said Court and the purchase money paid as is hereby acknowledged the said William C Rogers Assignee is in law duly authorized to execute a deed for the hereinafter described property to the purchaser

Now Therefore This Deed Witnesseth That the said William C Rogers Assignee as aforesaid in consideration of the premises and the sum of Eight Thousand Dollars ($8000.00) to him by the Grantee paid in execution of the power and authority in him vested by the said mortgage doth grant and convey unto the said The Carrollton Bank of Baltimore its successors and assigns all the right title and interest of the said Joshua S Hull and Katharine D Hull his wife Mortgagors or of those claiming by from or under them in and to all those lots of ground situate in Baltimore County State of Maryland and more particularly described as follows

Being known and designated as Lots Nos 1, 2, 3, 8, 9, 19, 20, 24, 60, 62, 63, Section "A" Lots Nos 3, 12, 13, 15, 16, 23, 24, 25, 26, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, and Lots B, C, D, E, and F, Section "B" all in Oak Park Addition as shown on the plat of said Oak Park Addition of record in the office of the Clerk of the Circuit Court for Baltimore County in Plat Book W P C No 7 Folio 23

Together with the improvements thereon and the rights and appurtenances thereto belonging or appertaining including all crops of every description planted or growing upon the hereinbefore described property

To Have And To Hold the above granted property unto the said The Carrollton Bank of Baltimore its successors and assigns in fee simple

As Witness my hand and seal the day and year first above written

Test:

John F Davis

William C Rogers (Seal)

Assignee

State of Maryland City of Baltimore To Wit:

I hereby certify that on this 29th day of July in the year one thousand nine hundred and thirty-five before me the subscriber a Notary Public of the State of Maryland

in and for the City of Baltimore aforesaid personally appeared William C Rogers Assignee and he acknowledged the aforegoing Deed to be his act

As witness my hand and Notarial Seal

(Notarial Seal) John F Davis

Notary Public

Recorded July 30 1935 at 8.30 A M and Examined per C Willing Browne Jr Clerk

---

45783
John J Timanus
Deed to
William T Pfeiffer
U.S.S. $1.00

This Deed made this 30th day of July 1935 by John J Timanus Assignee of mortgage as hereinafter set forth party of the first part Grantor and William T Pfeiffer of Baltimore County State of Maryland party of the second part Grantee.

Whereas at a public sale made on the 25th day of June 1935 at four o'clock P M by the said John J Timanus Assignee of mortgage in pursuance of the special power and authority vested in him as Assignee of a certain mortgage from Windom L Penn and others to said William T Pfeiffer dated August 30 1926 and recorded among the Mortgage Records of Baltimore County in Liber W P C No 745 folio 563 etc said mortgage being duly assigned to the above named assignee by assignment dated May 29 1935 and recorded among said Mortgage Records and which said sale was made after default had occurred under said mortgage and after due public notice of said sale and after approved bond had been duly filed in the Circuit Court for Baltimore County in Equity (See Equity Docket C W B Jr No 36 folio 81) the parcel of land and premises hereinafter described being part of the property by said mortgage conveyed was sold unto the said William T Pfeiffer at and for the sum of One hundred and fifty ($150.00) dollars he being then and there the highest bidder for same and the said sale having been duly reported to and on the 23d day of July 1935 duly ratified and confirmed by said court and the said purchase money having been fully paid the said John J Timanus Assignee of mortgage as aforesaid is in law duly authorized to execute a deed for the said property to said purchaser

Now Therefore this deed witnesseth that the said John J Timanus Assignee of mortgage as aforesaid in consideration of the premises and of the sum of One ($1.00) dollar to him by the said grantee paid the receipt whereof is hereby acknowledged in execution of the power and authority vested in him as assignee of mortgage in and by the aforesaid mortgage doth hereby grant and convey unto the said William T Pfeiffer his heirs and assigns in fee simple all that lot or parcel of ground situate in the Third Election District of Baltimore County aforesaid and described as follows to wit:

Beginning for the same on the Northeasternmost side of Liberty Heights Avenue at the corner formed by the said side of Liberty Heights Avenue and the Northwestermost side of Landbeck Road as laid down on the revised Plat of "Haywood Heights" as recorded among the Land Records of Baltimore County in Plat Book Liber W P C No 5 folio 51 and running thence Northwesterly binding on the Northeasternmost side of Liberty Heights Avenue 60 feet to Lot No 3 Section A on said plat thence Northeasterly binding on said Lot No 3 Section A, 150 feet to Lot No 5 Section A thence Southeasterly binding on said Lot No 5 Section A, 60 feet to the Northwesternmost side of Landbeck Road and thence Southwesterly binding on the said side of Landbeck Road 150 feet to the place of beginning

Being Lot No 4 Section A as shown upon the aforesaid revised Plat of "Haywood Heights" and being one of the two lots described as an entirety in the aforesaid mortgage from Windom L Penn and others to the said William T Pfeiffer

Together with the improvements thereon and all and every the rights ways roads privileges

DEL PER DOCKET OCT 22 1935

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as recorded in Liber CWB JR No. 955 Folio 568 one of the LAND records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 22 day of JAN 97

Clerk of the Circuit Court of Baltimore County

Pet 28

DELIVERED TO NOV 25 1948 Donald Gary

7030)
Carrollton Bank of Balto)
Deed to)
Frederick W Lipps et al)
SS $.70 USS $11.60)
----------)

THIS DEED Made this 26th day of December in the year Nineteen Hundred and Forty-One by THE CARROLLTON BANK OF BALTIMORE a body corporate duly incorporated under the Laws of the State of Maryland of the First Part and FREDERICK W LIPPS and CARVILLA H LIPPS his wife and SAMUEL H HELFRICH of Baltimore County State of Maryland of the Second part

WITNESSETH That in consideration of the sum of FIVE ($5.00) DOLLARS and other good and valuable considerations the receipt whereof is hereby acknowledged the said THE CARROLLTON BANK OF BALTIMORE doth grant and convey unto the said FREDERICK W LIPPS and CARVILLA H LIPPS his wife as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple an undivided one-half interest in and to all those lots of ground hereinafter described and doth also hereby grant and convey unto the said SAMUEL H HELFRICH his heirs and assigns in fee simple the remaining undivided one-half interest in said lots of ground and promises which said lots of ground are situate in Baltimore County State of Maryland and described as follows to wit

BEING known and designated as all the lots in Oak Park Addition as shown on the Plat of said Oak Park Addition of record in the office of the Clerk of the Circuit Court for Baltimore County in Plat Book W P C No 7 Folio 23 as conveyed by William C Rogers Assignee to The Carrollton Bank of Baltimore by deed dated the Twenty-Ninth day of July 1935 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 955 Folio 568 less whatever lots heretofore conveyed by the said Grantor The Carrollton Bank of Baltimore It being the intention of this Deed to transfer to the said Grantees all of the remaining property now held by The Carrollton Bank of Baltimore including the roads if any by virtue of the Deed hereinafter stated

BEING a part of the Lots of Ground described in a Deed dated the Twenty-Ninth day of July 1935 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 955 Folio 568 was granted and conveyed by William C Rogers Assignee unto The Carrollton Bank of Baltimore the within Grantor

TOGETHER with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters provileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD an undivided one-half interest in the above described lots of ground and premises unto and to the proper use of the said FREDERICK W LIPPS and CARVILLA H LIPPS his wife as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple

TO HAVE AND TO HOLD the remaining undivided one-half interest in the above described lots of ground and premises unto and to the proper use of the said SAMUEL H HELFRICH his heirs and assigns in fee simple

AND the said party of the First Part hereby covenants that it has not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that it will warrant specially the property granted and that it will execute such further assurances of the same as mey be requisite

WITNESS the Corporate Seal of said body corporate and the signature of Clarence P Triplett President duly authorized and attested

TEST

Carl Wm Haacke

(Corporate Seal)

THE CARROLLTON BANK OF BALTIMORE

By Clarence P Triplett

PRESIDENT

STATE OF MARYLAND

CITY OF BALTIMORE TO WIT

I HEREBY CERTIFY That on this 20th day of December in the year Nineteen Hundred and Forty-One before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Clarence P Triplett who acknowledged himself to be the President of the said body corporate the within named Grantor and he acknowledged the aforegoing Deed to be the act and deed of said body corporate and that he as such President being authorized so to do executed the within instrument for the purposes therein contained by signing the name of the corporation by himself as President

AS WITNESS my hand and Notarial Seal

(Notarial Seal)

Carl Wm Haacke

NOTARY PUBLIC

My Commission Expires May 3 1943

Recorded Dec 26 1941 at 1.45 P M & exd

per Christian H Kahl - Clerk

Examiners (J&P)

(rec by N N)

7031)
Balto Fed S & L Asso)
Par Release to)
Dunmore Incorporated)
----------)

THIS PARTIAL RELEASE Made this twenty-third day of December 1941 by BALTIMORE FEDERAL SAVINGS AND LOAN ASSOCIATION a body corporate duly incorporated

WITNESSETH That whereas a portion of all the covenants of the hereinafter described Mortgage have been performed and a portion of the whole sum of money and interest secured thereby has been paid and satisfied the said body corporate doth grant and release unto Dunmore Incorporated its successors and assigns all that lot of ground and premises known as Lot 81 on Plat No 1 Dunmore which Plat is duly recorded among the Land Records of Baltimore County in Plat Book Liber C W B Jr No 12 folio 103 The improvements whereon are known as No 6600 Rannoch Drive and being a portion of the property described in a Mortgage from Dunmore Incorporated to the said body corporate dated March 24 1941 recorded in the Land Records of Baltimore County in Liber C W B Jr No 1154 folio 66 etc free and clear from the operation of said Mortgage

The said body corporate Releasor however retains its lien on the balance of the property described in said Mortgage not hereby nor heretofore released

AS WITNESS the corporate seal of said body corporate and the signature of Joseph M Hisley the Vice President thereof

Signed sealed and delivered
in the presence of
Mary M Sauerwein

BALTIMORE FEDERAL SAVINGS AND LOAN ASSOCIATION

BY Joseph M Hisley

Vice President

(Corporate Seal)

STATE OF MARYLAND BALTIMORE CITY to wit

I HEREBY CERTIFY That on this twenty-third day of December 1941 before me the subscriber a Notary Public of said State in and for the City of Baltimore aforesaid personally appeared Joseph M Hisley the Vice President of said body corporate Releasor and acknowledged the said

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as

ed in Liber CHK No. 1197

355 one of the LAND

rds of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore, County

this 22 day of JAN 1997

Clerk of the Circuit Court of Baltimore County

NO TRANSFER TAX REQUIRED

THIS DEED, made this 25 day of April, 1955, by FREDERICK W. LIPPS and CARVILLA H. LIPPS, his wife, and SAMUEL H. HELFRICH, widower, all of Baltimore County, State of Maryland, parties of the first part, Grantors, and GEORGIA A. MOTTER, of the same County and State, party of the second part, Grantee.

WITNESSETH that in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said party of the second part, her heirs and assigns, in fee-simple, all that lot or parcel of ground hereinafter described, situated in Baltimore County, State of Maryland, to wit:

> "BEING known and designated as Lot numbered 20 of Section A in Oak Park Addition as shown on the Plat of said Oak Park Addition in the Office of the Clerk of the Circuit Court for Baltimore County in Plat Book W.P.C. No. 7, folio 23.
>
> "BEING one of the lots of ground described in a Deed dated December 24, 1941 and recorded among the Land Records of Baltimore County in Liber C.W.K. No. 1197, folio 350, from The Carrollton Bank of Baltimore, a body corporate, to the said Grantors herein.

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described lot of ground and premises unto and to the proper use and benefit of the said party of the second part, her heirs and assigns, in fee-simple, forever.

AND the said parties of the first part hereby covenant that they have not done nor 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 said Grantors.

TEST:

George F. Schiller

GEORGE F. SCHILLER

Frederick W. Lipps (SEAL)
Frederick W. Lipps

Carvilla H. Lipps (SEAL)
Carvilla H. Lipps

Samuel H. Helfrich (SEAL)
Samuel H. Helfrich

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:-

I HEREBY CERTIFY, that on this 25 day of April, 1955, before me, the subscriber, a Notary Public of the State of Maryland, in and for the Baltimore County aforesaid, personally appeared Frederick W. Lipps and Marvilla H. Lipps, his wife, and Samuel H. Helfrich, widower, and they each acknowledged the foregoing Deed to be their respective act.

WITNESS my hand and Notarial Seal.

GEORGE F. SCHILLER
Notary Public

Rec'd for record April 28-1955, at 3 10 P.M.
Per George L. Byerly, Clerk.

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as recorded in Liber GLB No. 2686 Folio 311 one of the LAND records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 22 day of JAN 97

Clerk of the Circuit Court of Baltimore County

THIS DEED made this 25 day of April, 1955, by GERALDINE A. HEINER, unmarried, of Baltimore County, State of Maryland, party of the first part, Grantor, and FREDERICK W. LIPPS and CARVILLA H. LIPPS, his wife, of the same County and State, parties of the second part, Grantees.

NO STAMPS REQUIRED

WITNESSETH that in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Geraldine A. Heiner does hereby grant and convey to the said Frederick W. Lipps and Carvilla H. Lipps, his wife, as tenants by the entiretics, their assigns, the survivor of them and the heir and assigns of the survivor, in fee-simple, all that lot or parcel of ground hereinafter described, situate in Baltimore County, State of Maryland, to wit:-

> BEING known and designated as Lot numbered 20 section A in Oak Park Addition as shown on the Plat of said Oak Park Addition in the office of the Clerk of the Circuit Court for Baltimore County in Plat Book W.P.C. No. 7, Folio 23.
>
> BEING the same lot of ground described in a Deed dated evenly herewith and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto from Frederick W. Lipps and Carvilla H. Lipps, his wife, and Samuel H. Helfrich, widower, to the said Geraldine A. Heiner.

TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above lot of ground and premises unto and to the proper use and benefit of the said Frederick W. Lipps and Carvilla H. Lipps, his wife, as tenants by the entiretics, their assigns, the survivor of them, and the heirs and assigns for the survivor, in fee-simple, forever.

AND the said party of the first part hereby covenants that she has not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor.

TEST:

Lou Ella McGuire
Lou Ella McGuire

Geraldine A. Heiner (SEAL)
Geraldine A. Heiner

1st 2

LIBER 2686 PAGE 314

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:-

I HEREBY CERTIFY that on this 25 day of April, 1955, before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City of Baltimore, personally appeared GERALDINE A. HEINER, unmarried, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Seal.

Lou Ella McGuire

Lou Ella McGuire - Notary Public

Rec'd for record April 28-1955, at 3 10 P.M.

Per George L. Byerly, Clerk.

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as recorded in Liber GLB - No. 2686 Folio 313 one of the LAND records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore, County this 22 day of JAN 19 97.

Clerk of the Circuit Court of Baltimore County

LIBER 6349 PAGE 596

No 2

THIS DEED, Made this 18 day of June, 1981, by and between RANDOLPH B. ROSENCRANTZ, Director of Finance for Baltimore County and Collector of State and County Taxes for said County, party of the first part, and CLARENCE M. BOHN and ADA A. BOHN, his wife, parties of the second part.

WHEREAS, WALTER R. RICHARDSON, former Director of Finance for Baltimore County and Collector of State and County Taxes for said County, sold the hereinafter described fee simple property for delinquent taxes pursuant to the Acts of the General Assembly of Maryland, 1943, and Acts amendatory thereof, and issued to the parties of the second part a Certificate of Tax Sale dated June 5, 1970, and

WHEREAS, pursuant to said Acts, the parties of the second part filed in the Circuit Court for Baltimore County a Bill of Complaint to foreclose all equity of redemption held by any person in said property, said proceedings being entitled Clarence M. Bohn and Ada A. Bohn, his wife, vs. Albert Frederick Rockstroh, et al, Equity Docket No. 94, Folio 273, Case No. 71558, and

WHEREAS, by Decree of the Circuit Court for Baltimore County dated the 5th day of May, 1981, entered in said proceedings, the parties of the second part were vested with an indefeasible fee simple title in said property, and the party of the first part was authorized to execute this deed.

NOW THEREFORE THIS DEED WITNESSETH, That in consideration of the sum of One Hundred Dollars ($100.00), taxes and all other proper charges, the receipt of which is hereby acknowledged, the Randolph B. Rosencrantz, Director of Finance for Baltimore County and Collector of State and County Taxes for said County, pursuant to the provisions of said Decree, does hereby grant and convey unto Clarence M. Bohn and Ada A. Bohn, his wife, as tenants by the entireties, their assigns, the survivor of them and the

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE _____ DATE 12/2/81

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK _____ DATE 12/2/81

TRANSFER TAX NOT REQUIRED
RANDOLPH B. ROSENCRANTZ
DIRECTOR OF FINANCE
BALTIMORE COUNTY, MARYLAND
Per: Eleanor J. Colburn
AUTHORIZED SIGNATURE Rev 11-85-A
12-2-81

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 18 day of June, 1981, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared RANDOLPH B. ROSENCRANTZ, Director of Finance for Baltimore County and Collector of State and County Taxes for said County, and he acknowledged the foregoing Deed to be his act.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:

7-1-82

285804B ****14.50
285804C ****2.50
285803C ****12.00
DEC -2-81
DEC -2-81
DEC -2-81

Rec'd for record DEC 2 1981 at 9:25 AM
Per Elmer H. Kahline, Jr., Clerk
Mail to Clarence M. Bohn
Receipt No. 1200

LIBER 6 3 4 ! 4815 / 581

Lipps
Carvilla H

survivor's heirs and ass : of
ground situate and lying ·ict of
Baltimore County and des·

Lot 20, Section A, (

BEING ALSO DESCRIBED as Lot No. 20 of Section A, Oak Park addition as shown on the Plat of said Oak Park addition in the office of the Clerk of the Circuit Court for Baltimore County in Plat Book W.P.C. No. 7, folio 23.

BEING the same lot of ground which by deed dated October 11, 1965, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4815, folio 581, was granted and conveyed by Carvilla H. Lipps, Widow, to Roy K. Peeler and Nell G. Peeler, his wife.

TOGETHER with all buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot 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 Clarence M. Bohn and Ada A. Bohn, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple.

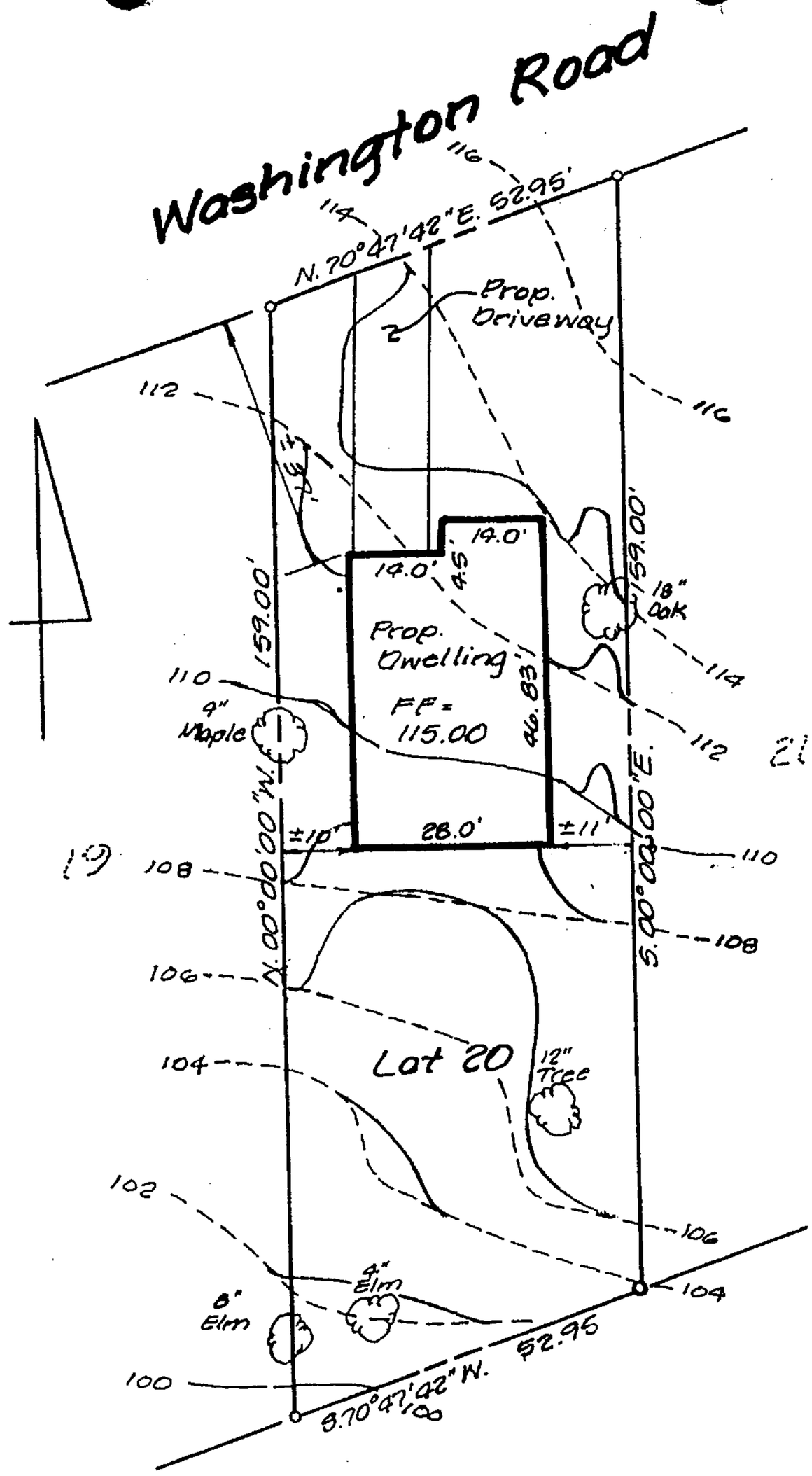
WITNESS the hand and seal of said Grantor.

WITNESS:

(Seal)
RANDOLPH B. ROSENCRANTZ,
Director of Finance for Baltimore County and Collector of State and County Taxes for said County

FORM #

Approved as to legal sufficiency:
Stanley J. Schapiro 6/10/81
Assistant County Solicitor



Note: Downspouts to be routed to drainage swales and to rear of property.

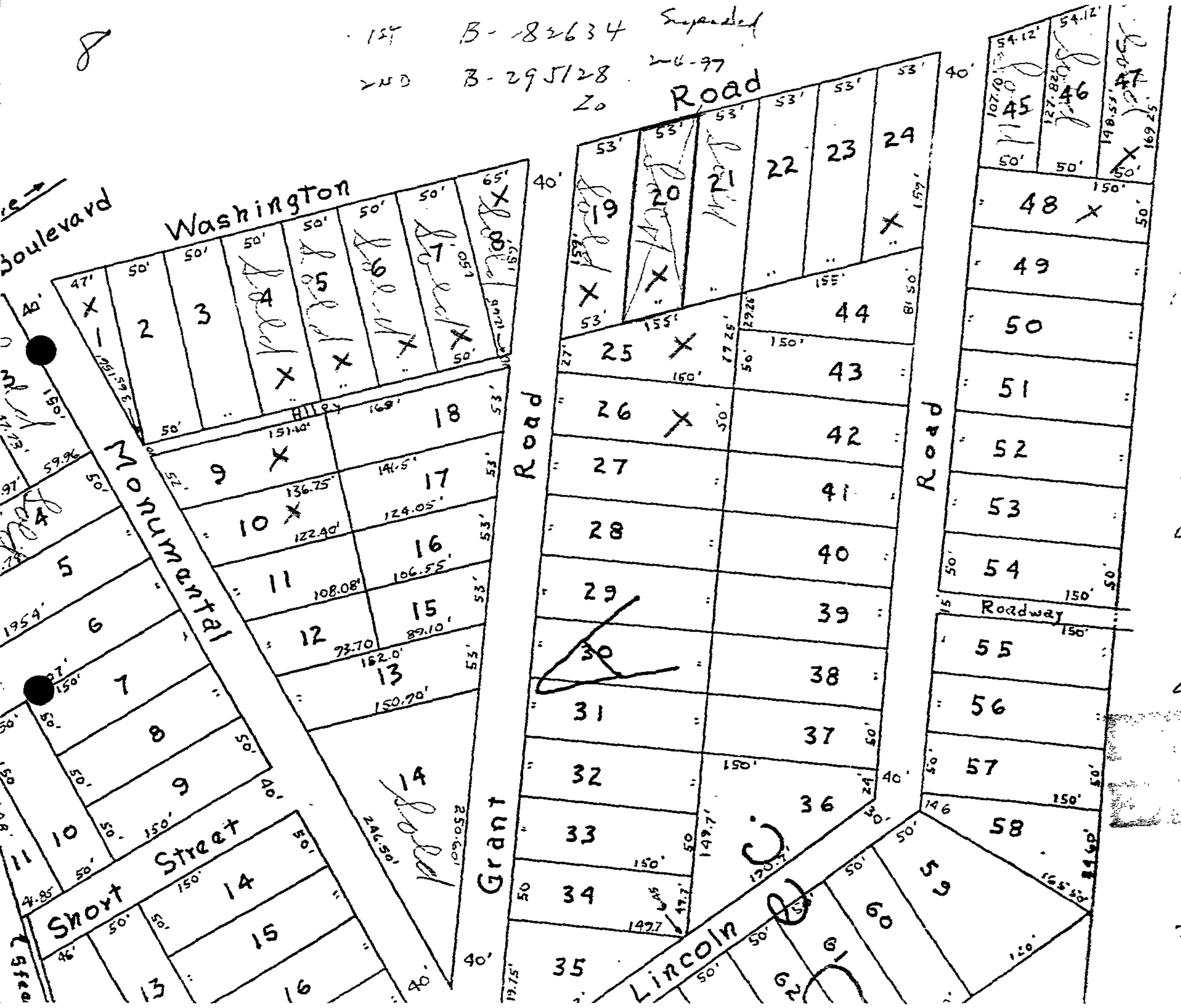
No 3

3

CERTIFICATION	SEAL	SCALE 1" = 30' DATE 8·19·96
This is to certify that I have surveyed the property known as: Washington Road		**LDE Inc.** 9250 Rumsey Road Suite 106 Columbia, Maryland 21045

8

1ST B-82634 Superseded
2ND B-295128 2-6-97
Zo



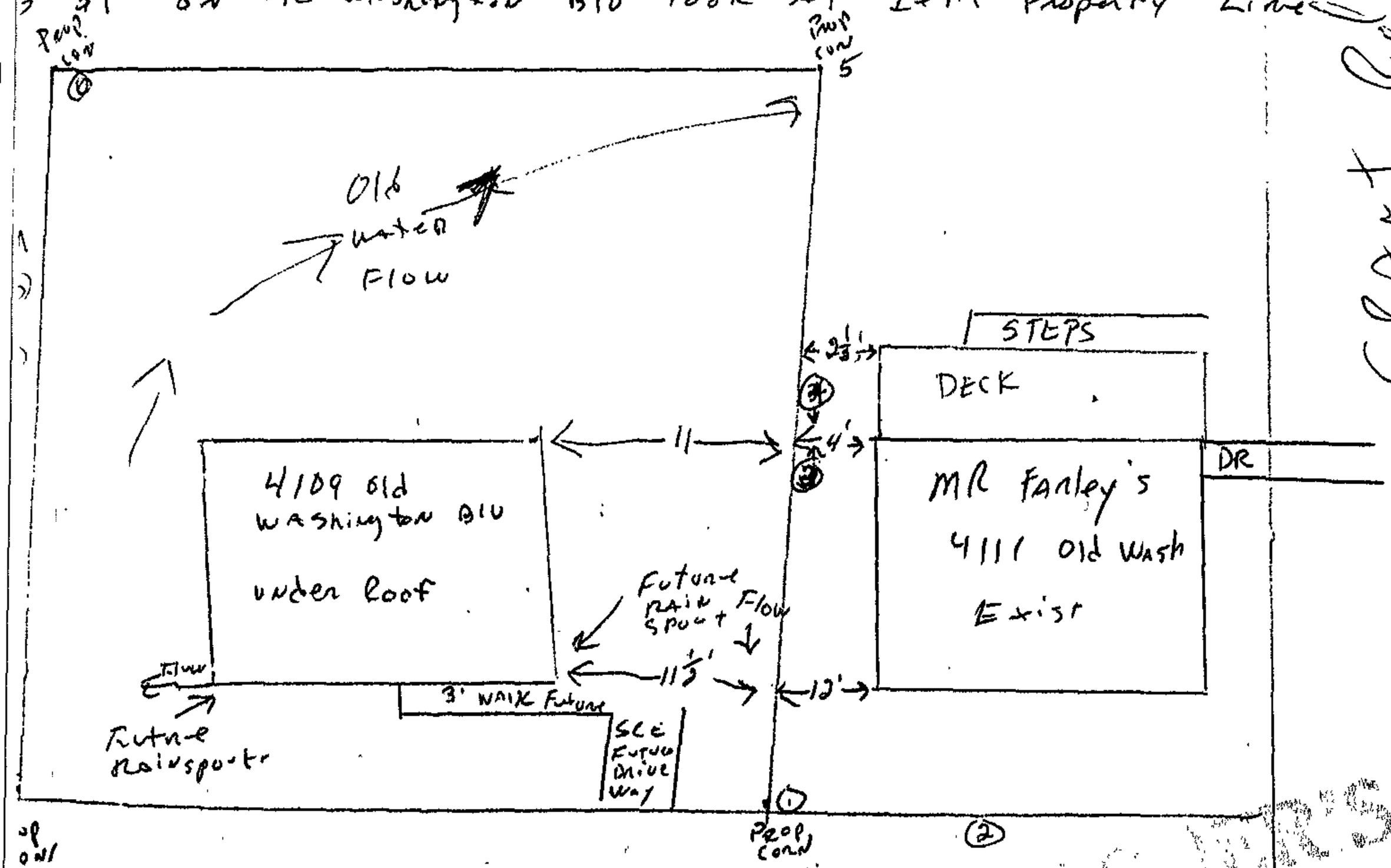
SEC A
LOT 19 NORMAN FARLEY 724-251
LOT 20 G. BOHN 6349-796
LOT 24 LEROY GETER 5238-189
LOT 25 LEROY BROWN 6119-791
LOT 26 DENNIS WILLIAMS 11130-156
LOT 47 MICHAEL WOJCIECHOWSKI 8031-105
LOT 48 " " 11059-11
LOT 1 HERBERT YOUNG 10987-698
LOT 6 CHARLES WEAVER 5627-946
LOT 7 ROSALIE STILLMAN 11169-33
LOT 8 " 5641-741
159
LOT 2+3 MURFOW SATTERFIELD
LOT 4 PAT BURKE 52X150X2 = 15,000 SF
1V101-576
LOT 5 CHARLES DYSON 8283-390
LOTS 45 & 46 & 48 VONELLA
LOT 21, 22, 23
94 PATHAGEN
104 DOLLY RAMPLEY
LOT 21 22, 23 (23,850 SF)

NO7

LOT AREA 20 = 159 X 50 = 7950
GROSS = 20 X 5445 - 1059 = 9009
2 LOTS = 15,900 SF < 20,000

Not to scale Pictures

1) Standing on Rt Front Prop C/ looking to Right Rear
2) Standing on Fanley Propert looking down Front Rt of 4109 O.W.Blv
Standing on Rt looking to Rt Rear Corner of Property
" " Property Corner / Rt Rear / looking to Rt Front Corner
" On Rt Rear Corner looking to Lt Rear Corner
" " Lt " " " " Rt " "
" " " " " " up Rt to Lt Front Corner
" " Rt looking to left Rear Corner of Property
" " " " " " Front " " "
31 on Old Washington Blv look at Lent property Line



Graph

9B for ID only

LIBER 4815 PAGE 581

FEE-SIMPLE DEED—CODE—City or County

This Deed, Made this 11th day of October

in the year one thousand nine hundred and sixty seven, by and between CARVILLA H. LIPPS, Widow,

of Baltimore County in the State of Maryland, of the first part, and

ROY K. PEELER and NELL G. PEELER, his wife,

of the second part.

Witnesseth, That in consideration of the sum of $5.00, and other good and valuable considerations,

the said

does grant and convey unto the said ROY K. PEELER and NELL G. PEELER, his wife, as Tenants by the Entireties, and the survivor of them, his or her

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in the County and State, aforesaid, and described as follows, that is to say:—

Beginning for the same and being known and designated as lot numbered 20 of Section A in Oak Park Addition as shown on the Plot of said Oak Park Addition in the office of the Clerk of the Circuit Court for Baltimore County in Plot Book W.P.C. No. 7, folio 23.

1967 OCT 19

5.75 mbd

Feb 2D

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot 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 ROY K. PEELER and NELL G. PEELER, his wife, as Tenants by the Entireties, and the survivor of them, his or her

heirs and assigns, in fee simple.

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

Witness the hand and seal of said grantor

TEST:

Carvilla H. Lipps (SEAL)
CARVILLA H. LIPPS, WIDOW

Henry H. Dilfrich Sr.

(SEAL)

STATE OF MARYLAND, , to wit:

I HEREBY CERTIFY, That on this 11th day of October in the year one thousand nine hundred and sixty seven, before me, the subscriber, a Notary Public of the State of Maryland, in and for aforesaid, personally appeared CARVILLA H. LIPPS, WIDOW

the above named grantor, and she acknowledged the foregoing Deed to be her act.

As Witness my hand and Notarial Seal.

Notary Public

Rec'd for record OCT 19 1967 at 11 30 AM
Per Orville T. Gosnell, Clerk
Mail to E. David Silverburg
Receipt No. 14 P 619 $ 5.50

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as recorded in Liber OTG- No. 4815 Folio 581 one of the LAND records of Baltimore County.

IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore, County this 22 day of JAN 1997

Clerk of the Circuit Court of Baltimore County

THIS DEED, Made this 18 day of June, 1981, by and between RANDOLPH B. ROSENCRANTZ, Director of Finance for Baltimore County and Collector of State and County Taxes for said County, party of the first part, and CLARENCE M. BOHN and ADA A. BOHN, his wife, parties of the second part.

WHEREAS, WALTER R. RICHARDSON, former Director of Finance for Baltimore County and Collector of State and County Taxes for said County, sold the hereinafter described fee simple property for delinquent taxes pursuant to the Acts of the General Assembly of Maryland, 1943, and Acts amendatory thereof, and issued to the parties of the second part a Certificate of Tax Sale dated June 5, 1970, and

WHEREAS, pursuant to said Acts, the parties of the second part filed in the Circuit Court for Baltimore County a Bill of Complaint to foreclose all equity of redemption held by any person in said property, said proceedings being entitled Clarence M. Bohn and Ada A. Bohn, his wife, vs. Albert Frederick Rockstroh, et al, Equity Docket No. 94, Folio 273, Case No. 71558, and

WHEREAS, by Decree of the Circuit Court for Baltimore County dated the 5th day of May, 1981, entered in said proceedings, the parties of the second part were vested with an indefeasible fee simple title in said property, and the party of the first part was authorized to execute this deed.

NOW THEREFORE THIS DEED WITNESSETH, That in consideration of the sum of One Hundred Dollars ($100.00), taxes and all other proper charges, the receipt of which is hereby acknowledged, the Randolph B. Rosencrantz, Director of Finance for Baltimore County and Collector of State and County Taxes for said County, pursuant to the provisions of said Decree, does hereby grant and convey unto Clarence M. Bohn and Ada A. Bohn, his wife, as tenants by the entireties, their assigns, the survivor of them and the

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE [illegible] DATE 10/2/81

STATE DEPT OF ASSESSMENTS & TAXATION
[illegible] CLERK DATE 10/2/81

TRANSFER TAX NOT REQUIRED
RANDOLPH B. ROSENCRANTZ
DIRECTOR OF FINANCE
BALTIMORE COUNTY, MARYLAND
Per: Eleanor J. Colburn
AUTHORIZED SIGNATURE Rev 11-85-A
12-2-81

Pd 25

survivor's heirs and assigns, in fee simple, all that lot of ground situate and lying in the Thirteenth Election District of Baltimore County and described as follows:

Lot 20, Section A, Oak Park

BEING ALSO DESCRIBED as Lot No. 20 of Section A, Oak Park addition as shown on the Plat of said Oak Park addition in the office of the Clerk of the Circuit Court for Baltimore County in Plat Book W.P.C. No. 7, folio 23.

BEING the same lot of ground which by deed dated October 11, 1965, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4815, folio 581, was granted and conveyed by Carvilla H. Lipps, Widow, to Roy K. Peeler and Nell G. Peeler, his wife.

TOGETHER with all buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot 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 Clarence M. Bohn and Ada A. Bohn, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns, in fee simple.

WITNESS the hand and seal of said Grantor.

WITNESS:

(Seal)
RANDOLPH B. ROSENCRANTZ,
Director of Finance for Baltimore County and Collector of State and County Taxes for said County

Form &
Approved as to legal sufficiency:
Stanley J. Schapiro 6/10/81
Assistant County Solicitor

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 18 day of June, 1981, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared RANDOLPH B. ROSENCRANTZ, Director of Finance for Baltimore County and Collector of State and County Taxes for said County, and he acknowledged the foregoing Deed to be his act.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:

7-1-82

DEC -2-81 285803CE ****12.00
DEC -2-81 285804CS *****2.50
DEC -2-81 285804C ****14.50

Rec'd for record DEC 2 1981 at 9 P M
Per Elmer H. Kahline, Jr., Clerk
Mail to Clarence M. Bohn
Receipt No. 8 1200

STATE OF MARYLAND, BALTIMORE COUNTY, TO WITH

I HEREBY CERTIFY that the aforegoing is a true copy of the original DEED taken from the records of said Circuit Court as recorded in Liber EHKJR No. 6349 Folio 596 one of the LAND records of Baltimore County.

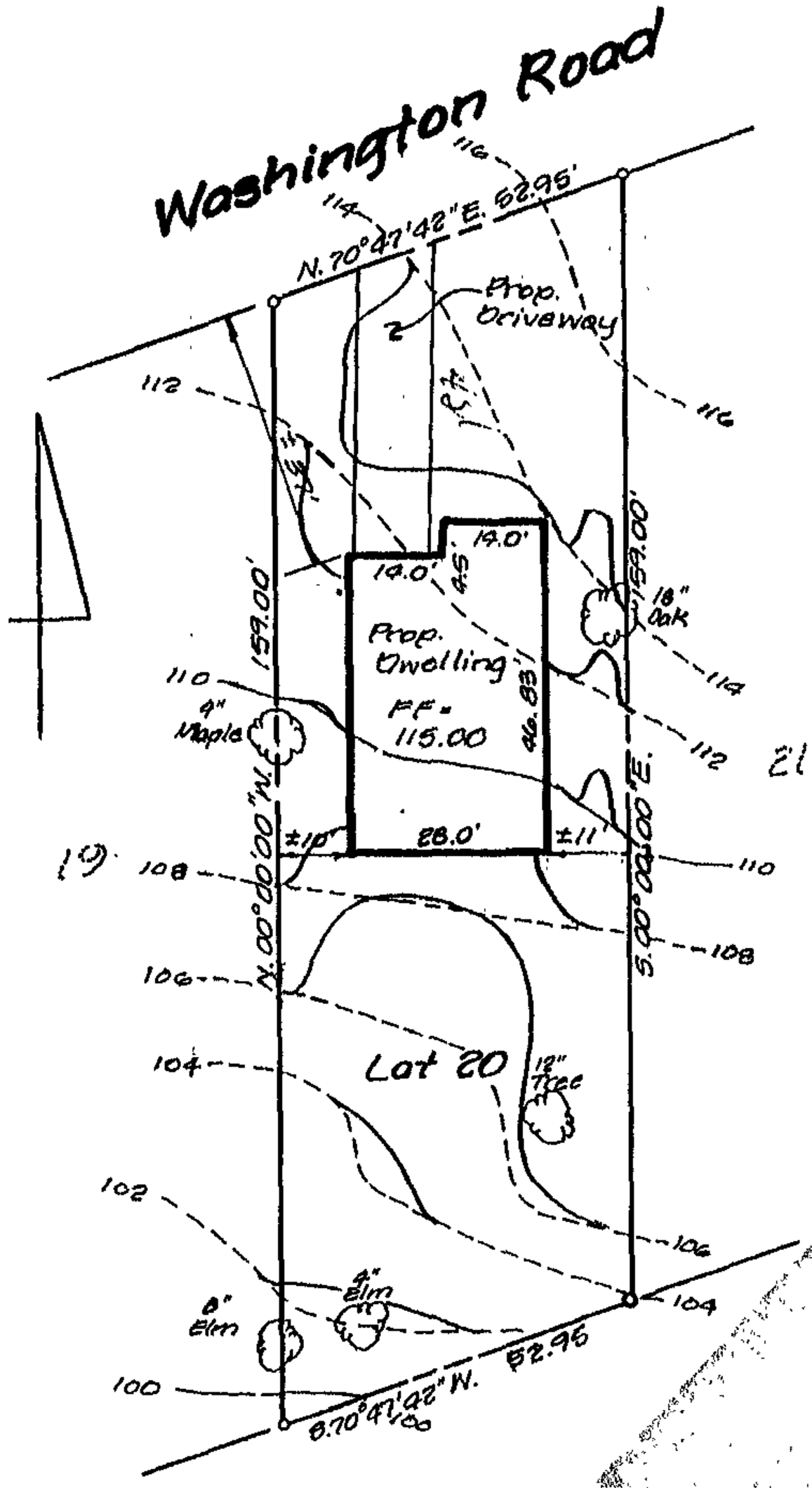
IN TESTIMONY WHEREOF I hereto set my hand and affix the seal of the Circuit Court for Baltimore, County this 22 day of JAN 97

Clerk of the Circuit Court of Baltimore County

Property known as: Lot 20
Oak Park Addition

4109 OLD WASHINGTON RD.

Baltimore County, MD.
W.P.C. No. 7 Part 1-23



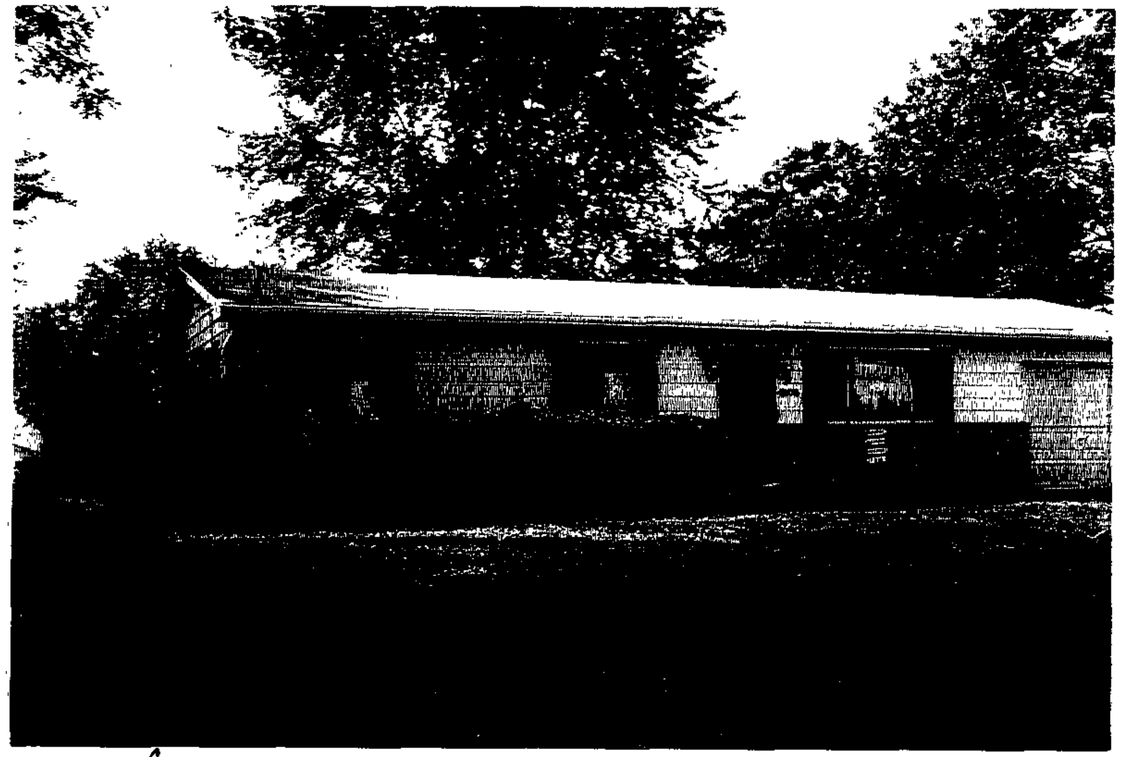
No 3

Note: Downspouts to be routed to drainage swales ~~and toward~~ FRONT of property. TO FLOW DOWN DRIVEWAY

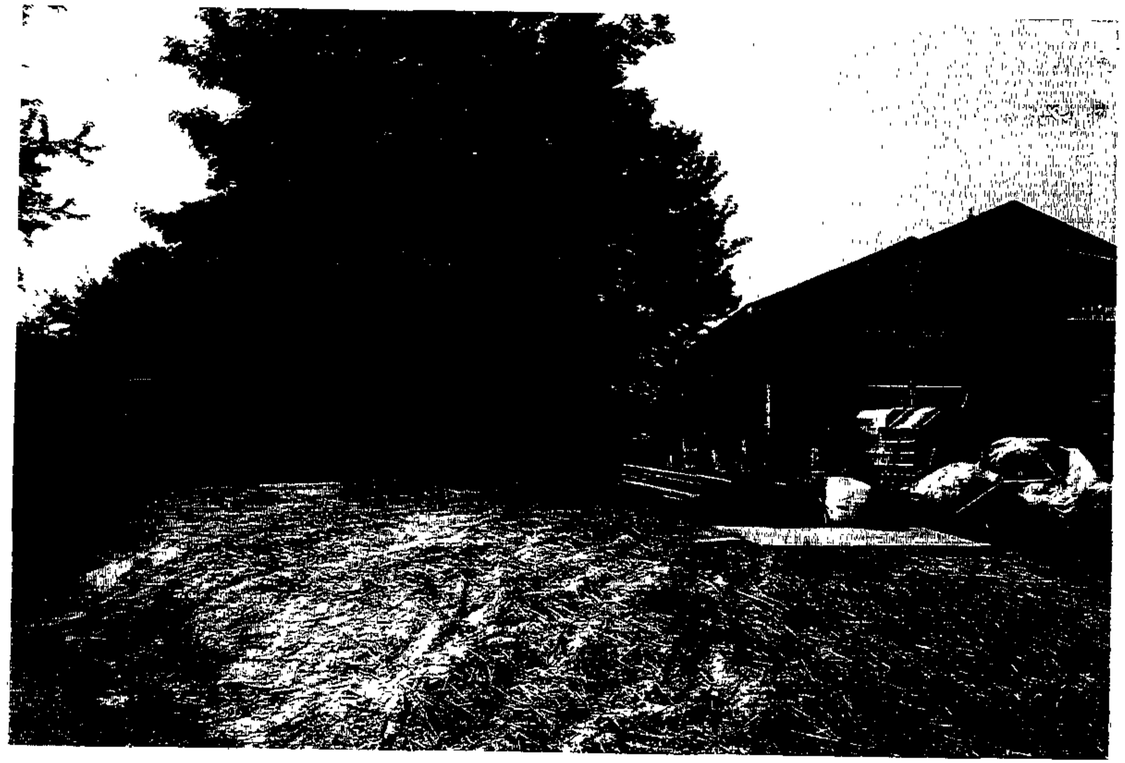
CASE # CBA-96-172

RECEIVED
FEB 14 1997
OFFICE OF PLANNING

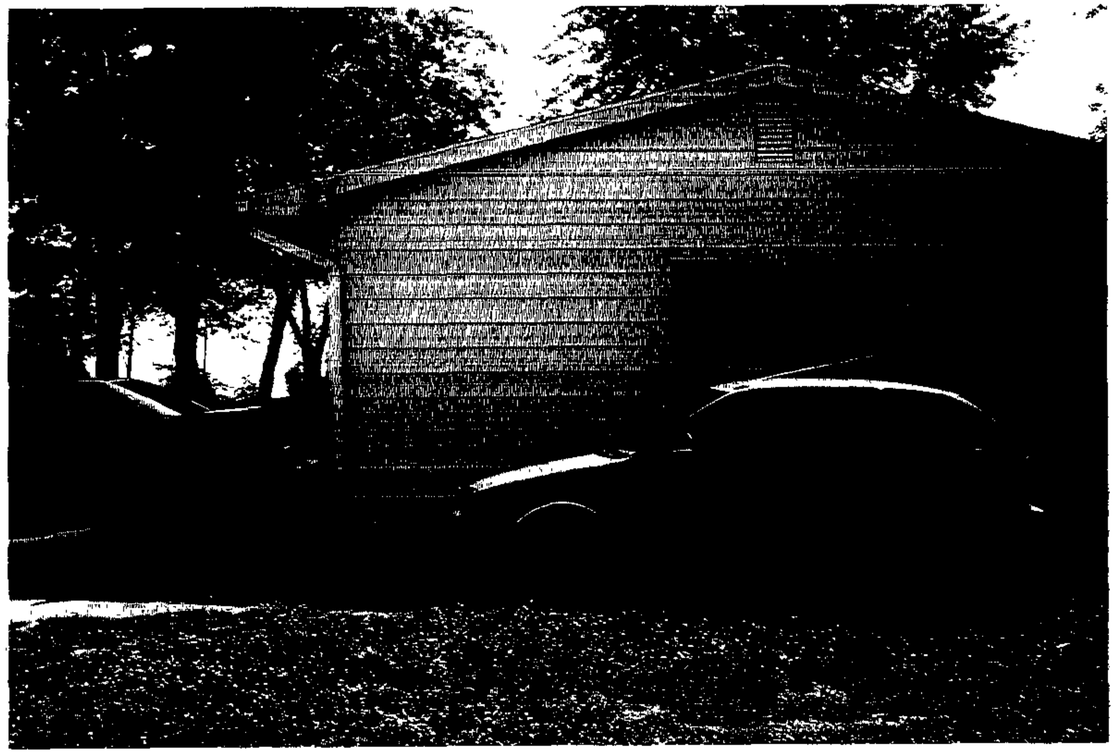
CERTIFICATION	SEAL	SCALE 1" = 20' DATE 8-1996
This is to certify that I have surveyed the property known as: Washington Road for the purpose of locating the improvements thereon, and the improvements are located as shown.		**LDE Inc.** 9250 Rumsey Road Suite 106 Columbia, Maryland 21045 (Balt.) 410-715-1070 (Wash.) 301-596-3424 (FAX) 410-715-9540

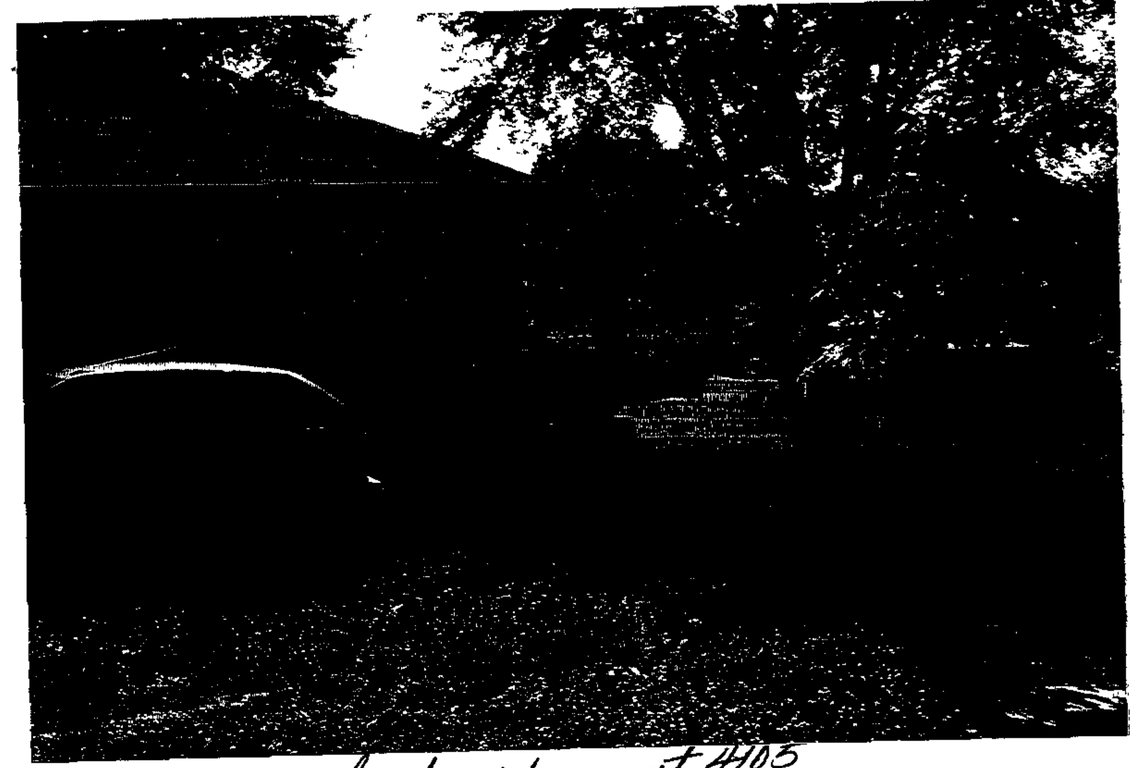


A. Looking southwest from 4105 Old Washington Road at 4109, the Bohn Property –
House largely completed



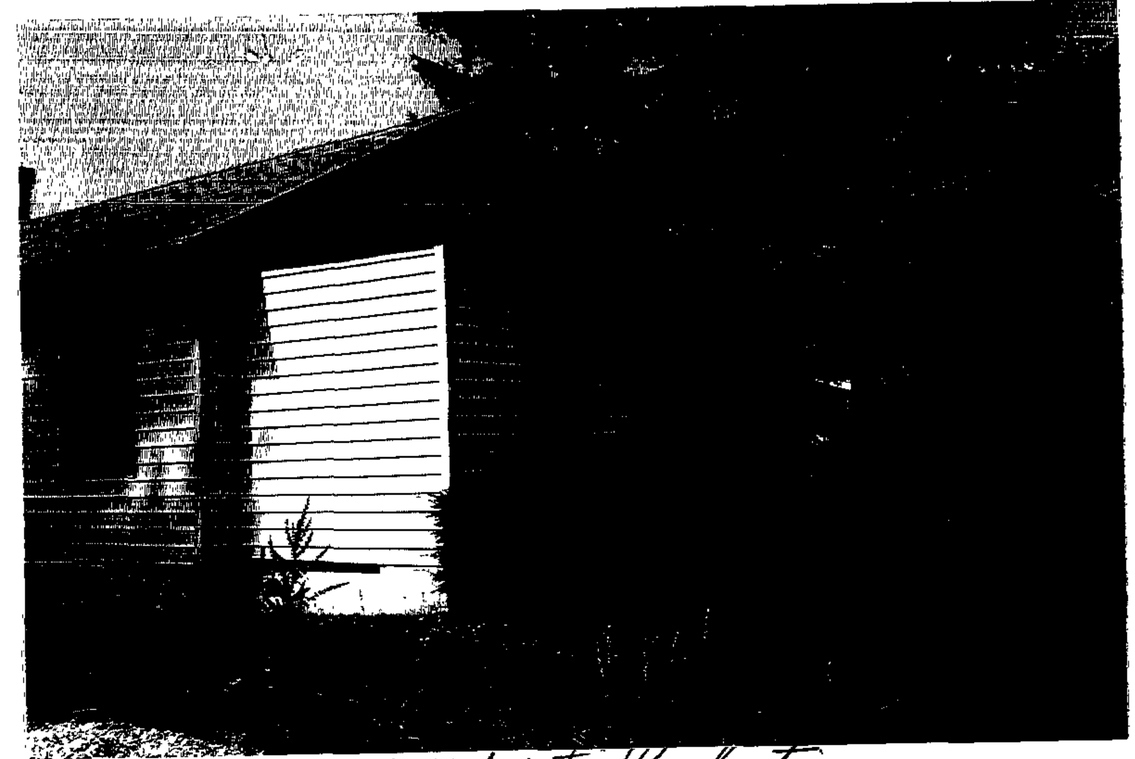
B. Looking south at 4109 Old Washington Road, 4105 to the left, that is to the east and adjacent house on corner of Old Washington and Grant to the right.





C: Looking east from the Bohn Property at 4109 toward side of house at 4105 Old Washington Road,

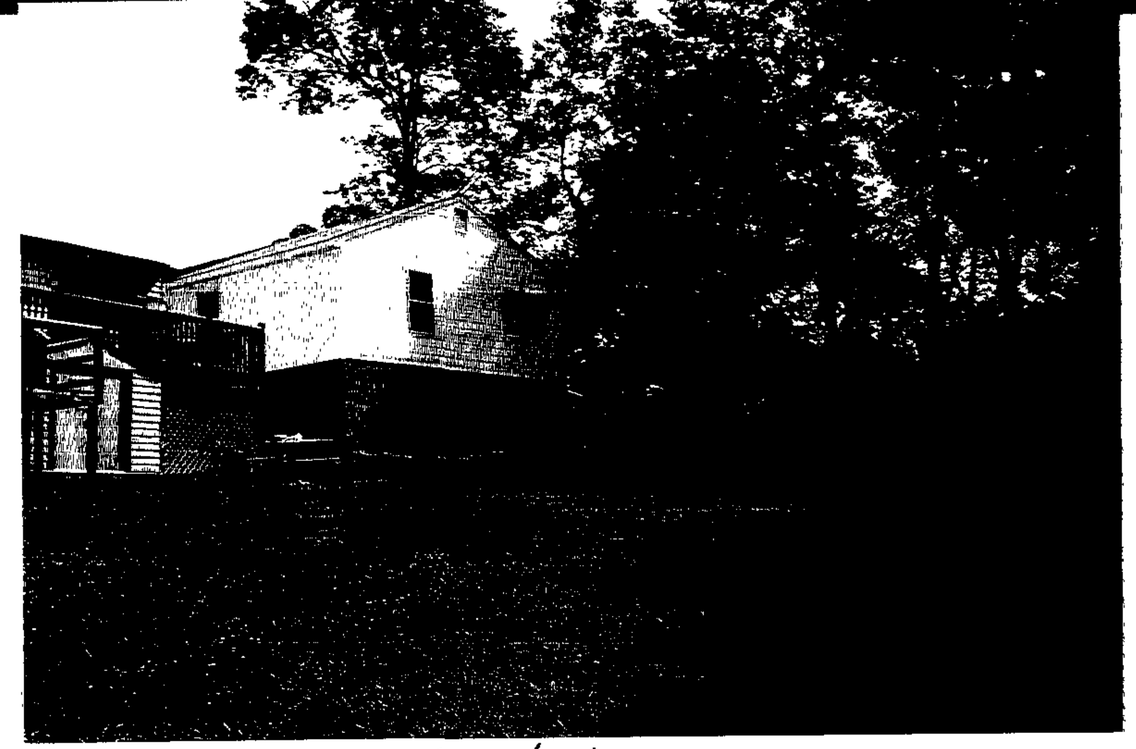
D, Looking southeast from 4109 Old Washington Road at side and rear yard at 4105



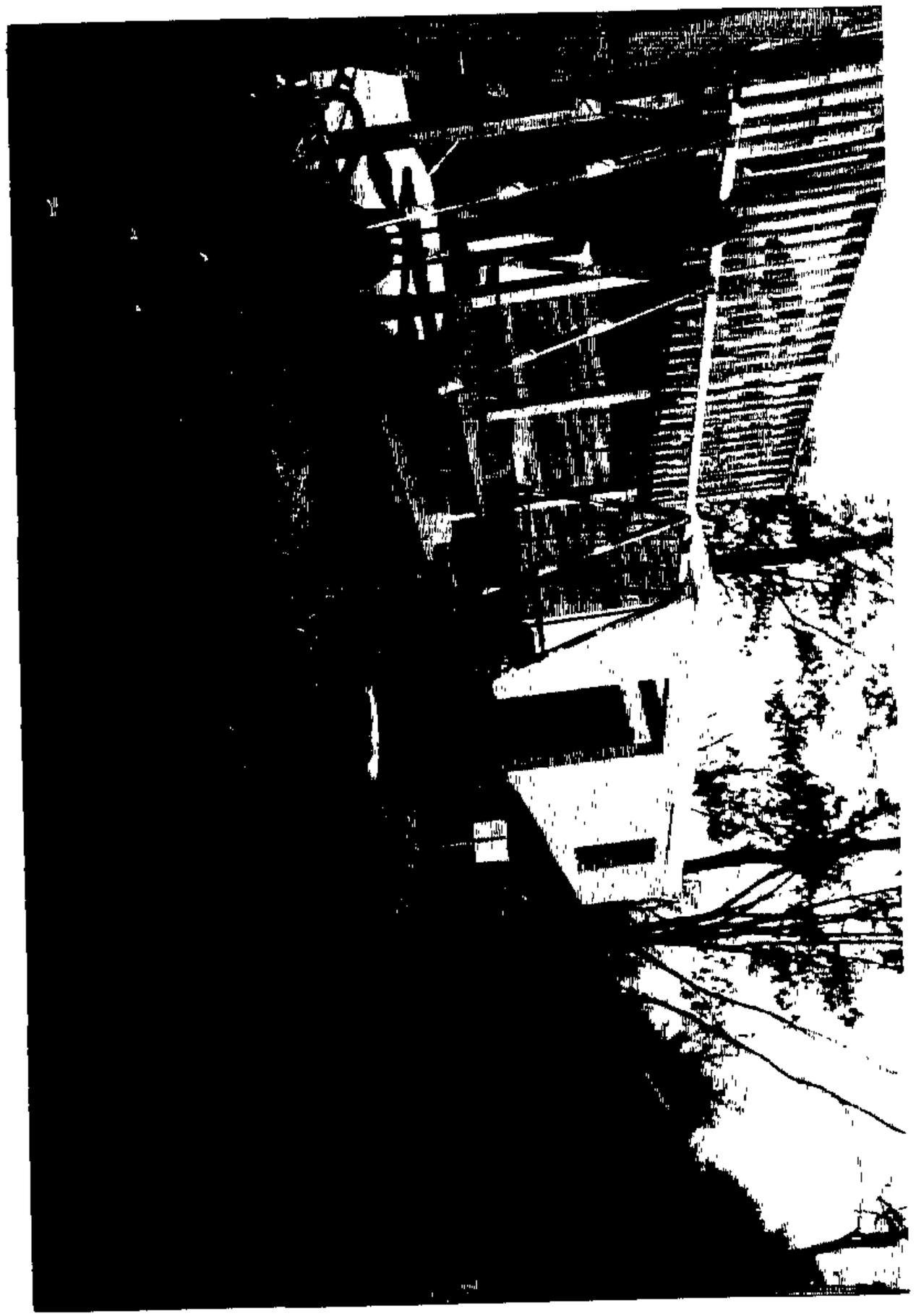
E. Looking southwest from front yard of 4109 Old Washington Road at adjacent house to the west on corner of Old Washington and Grant

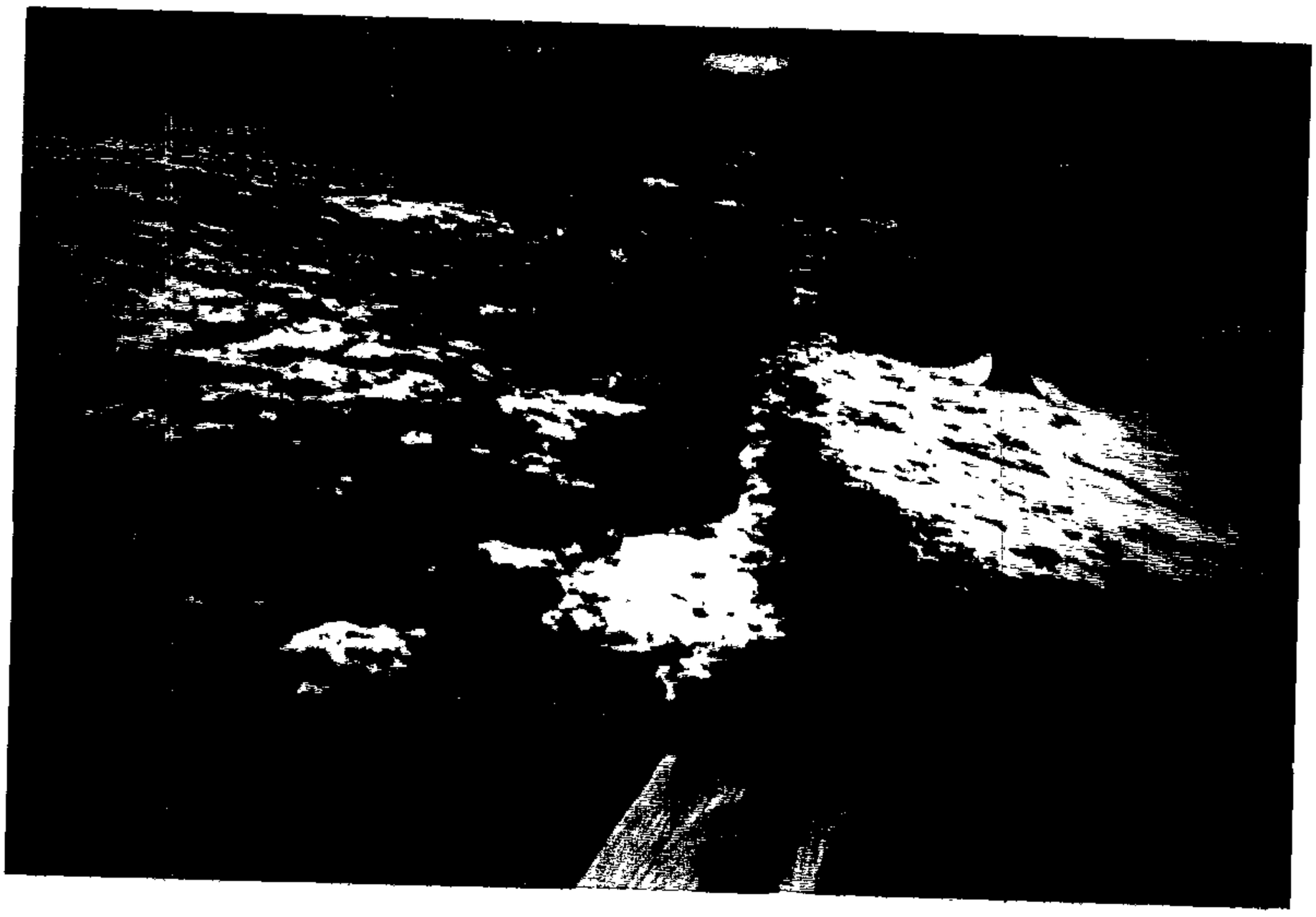
F. Looking southeast from corner of Old Washington and Grant

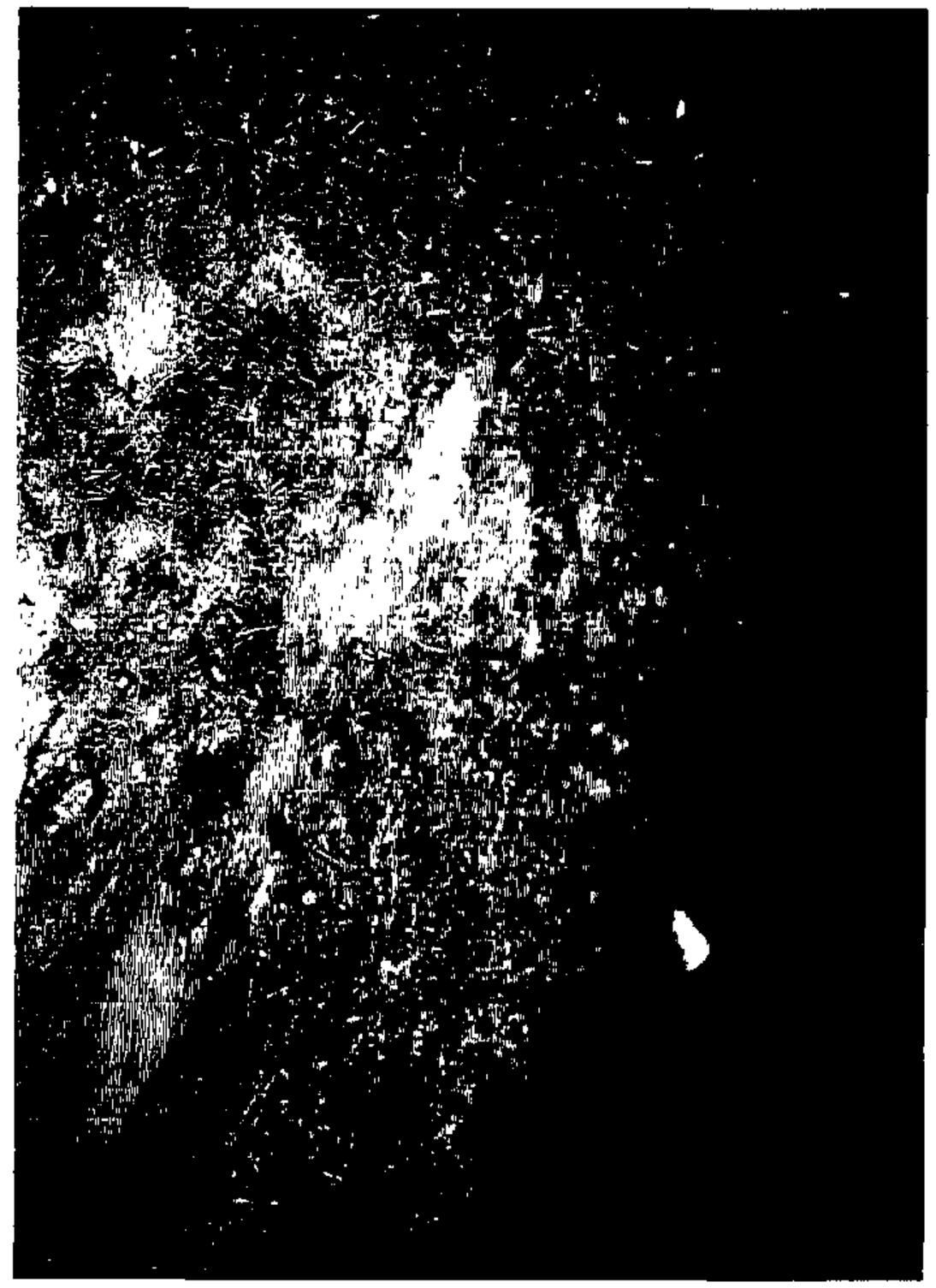
D. Looking northeast at same house on corner, 4109 on right to the east.

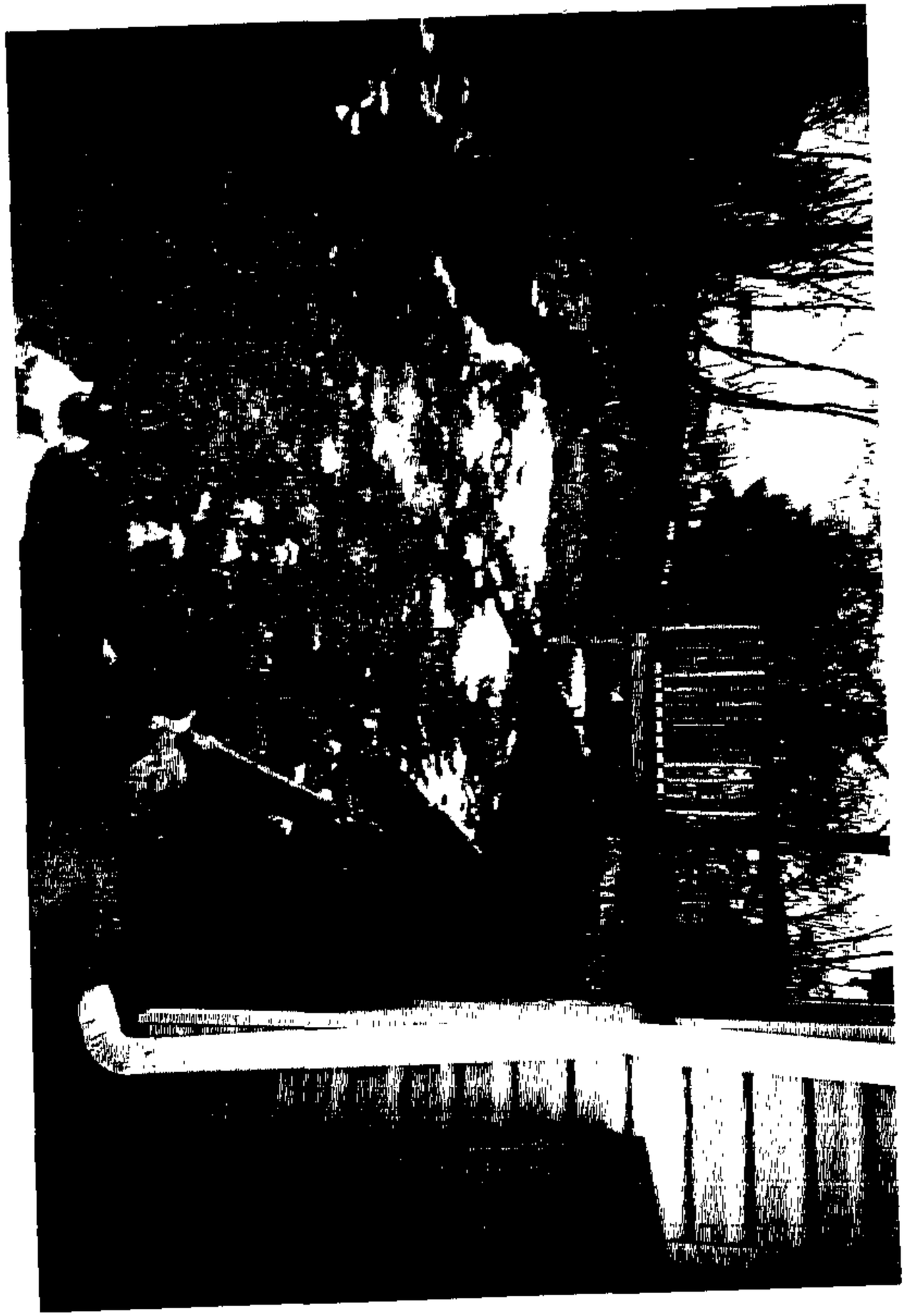


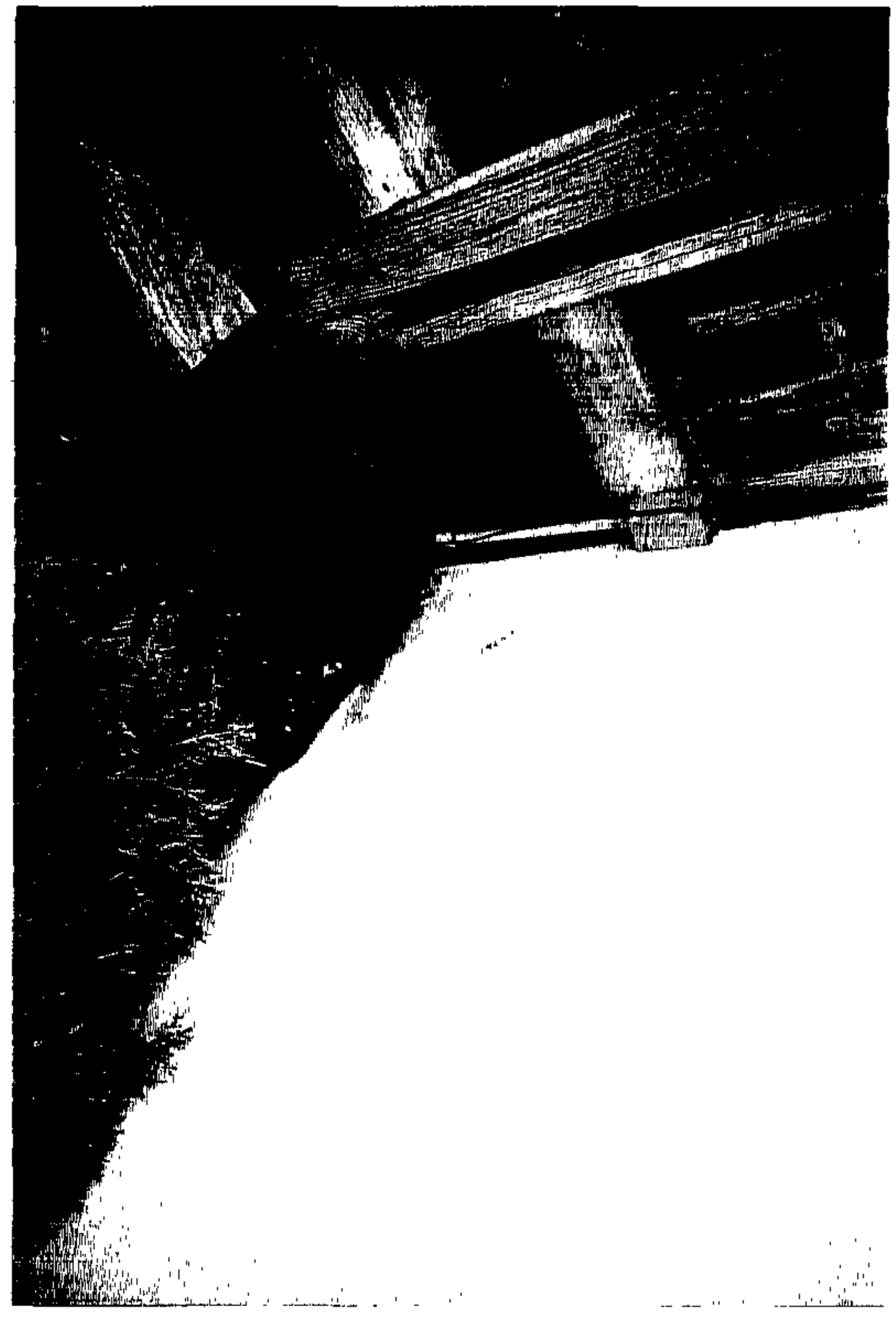
#~~10~~. Looking northeast, and the house on the corner of Grant, from Grant is shown adjacent to 4109 Old Washington to the east.











From 4111 Pearl Side bedroom window
to the Front of 4109 Property

Part 2E

FROM DIRECTLY BEHIND 4/04
SIDE VIEW OF DECK
CRADE. LOW SIDE TO
HIGH SIDE
WATER COMING FROM
THEIR YARD.

#3

RETURN TO FROM T
FARLEY'S HOUSE

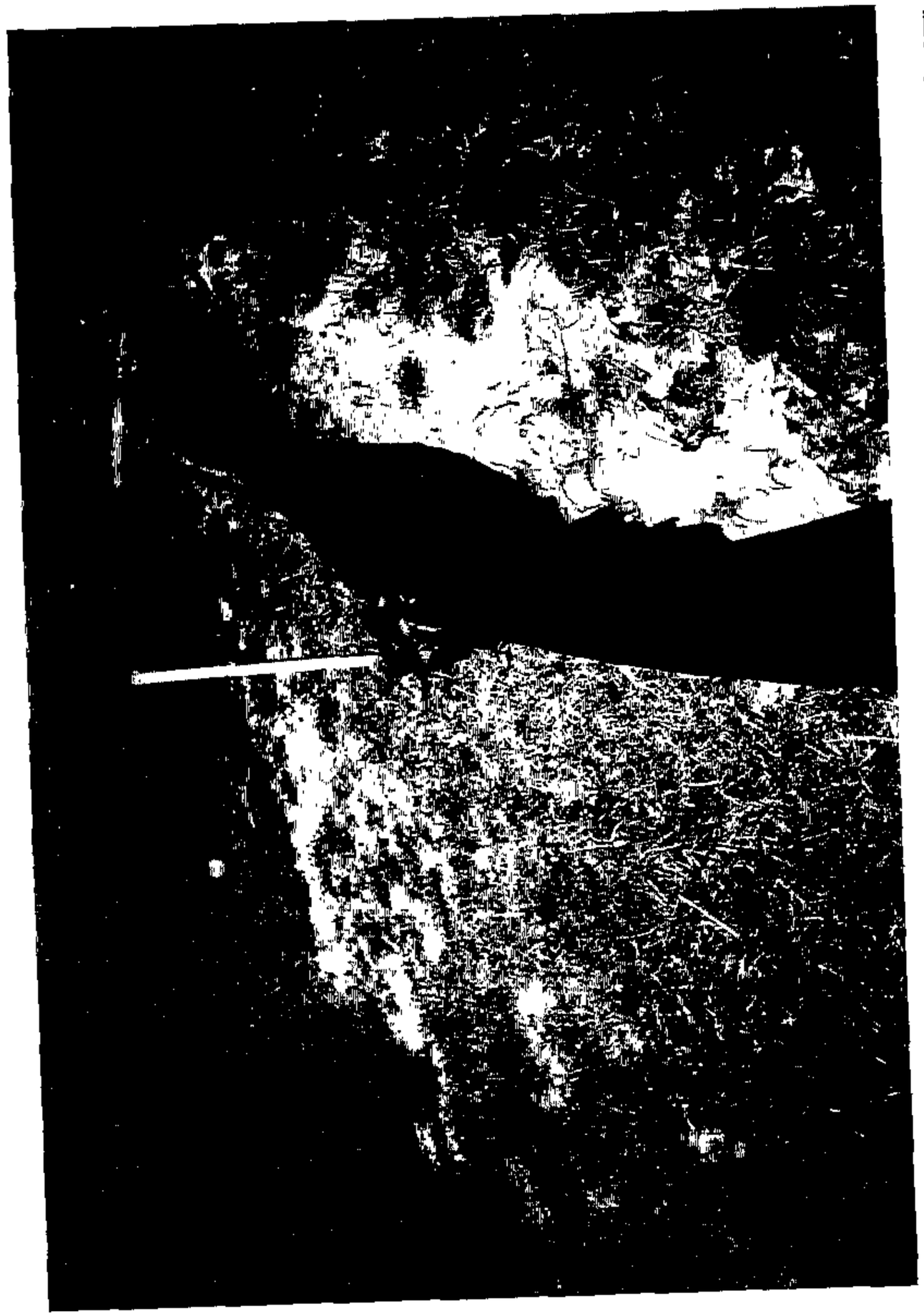
Neth Nos

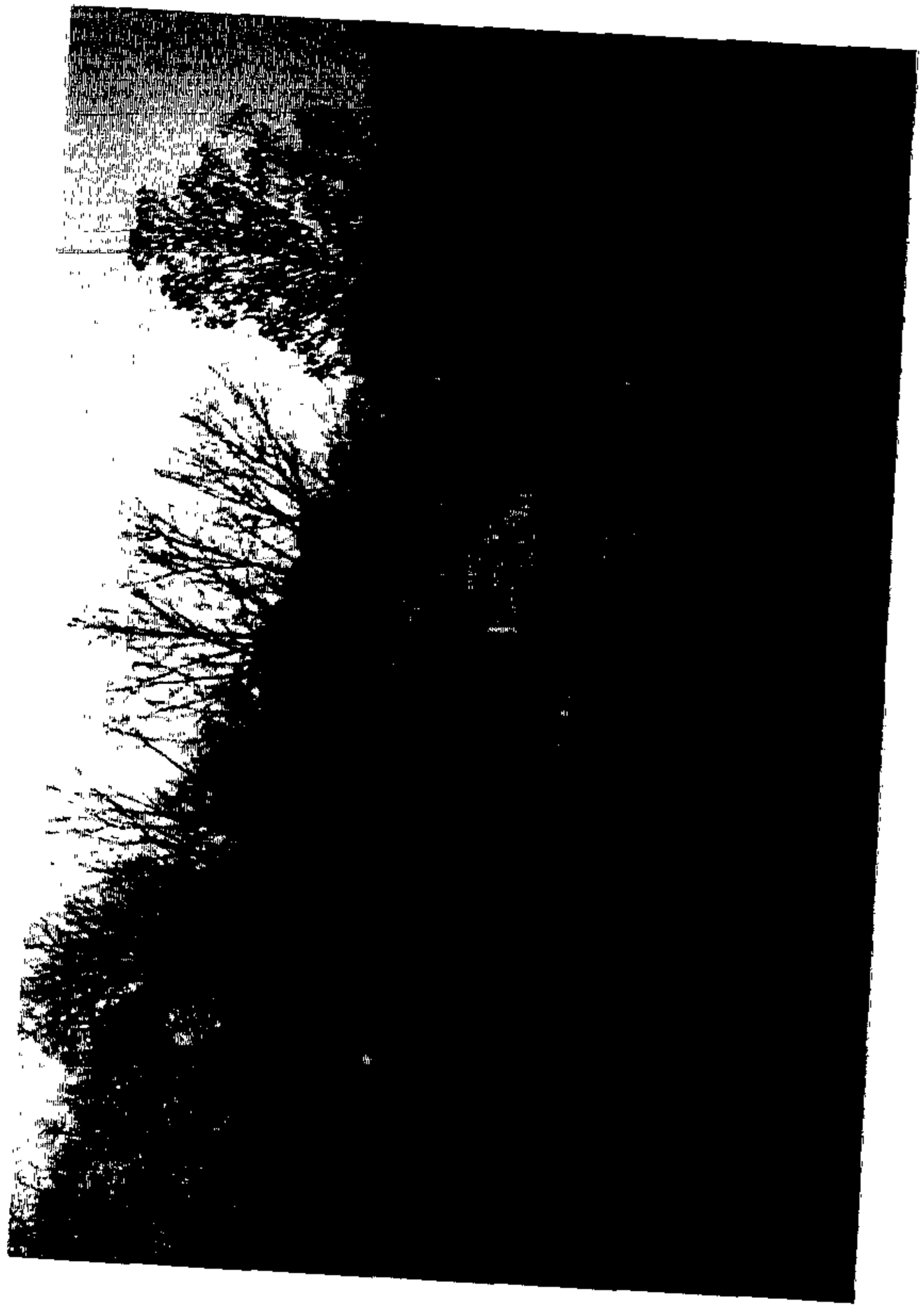
Photo

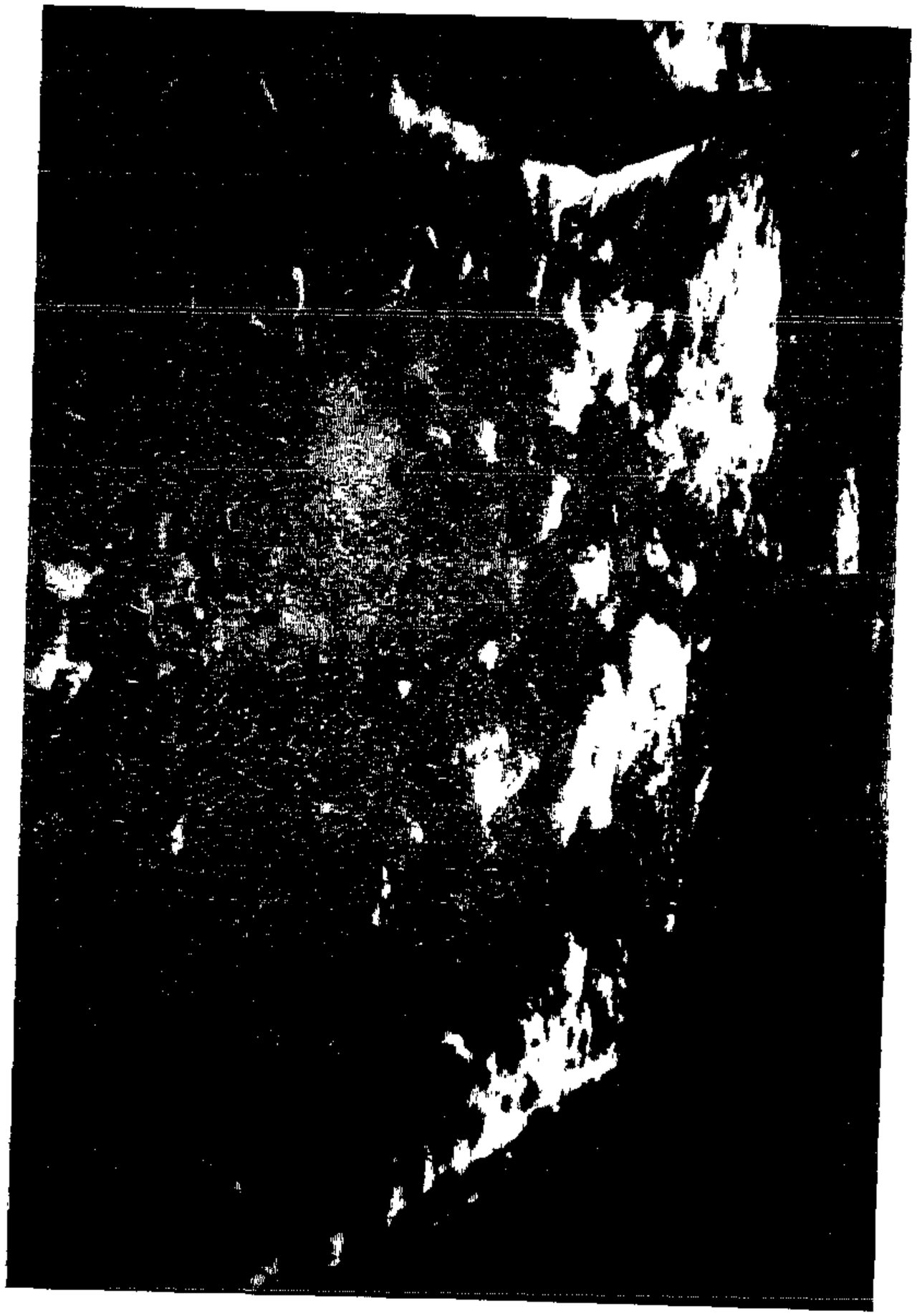
Exhibits
1A — 8
B-295128

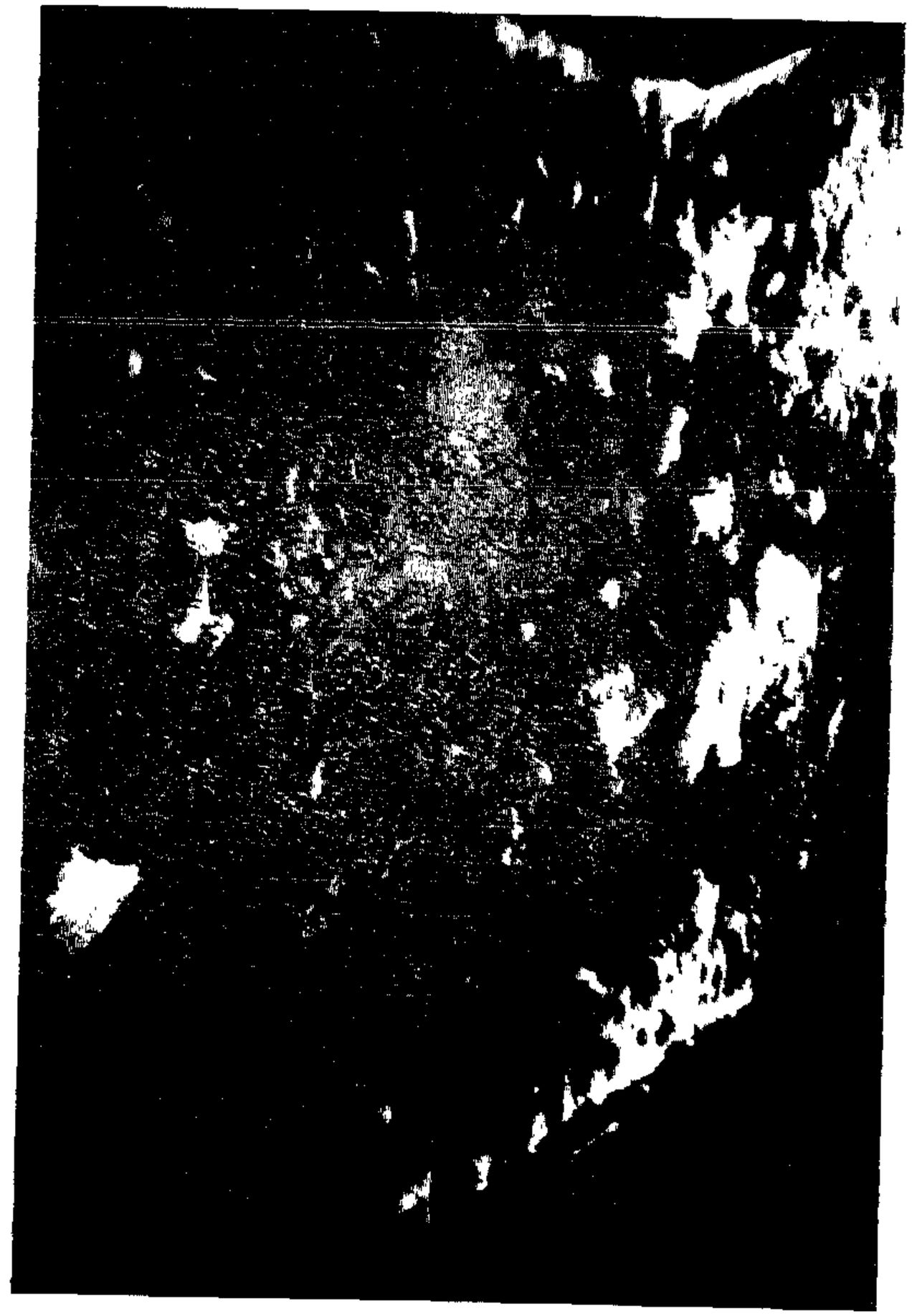
Roskin Eubanks
Plaintiffs Exhibits
S.11108

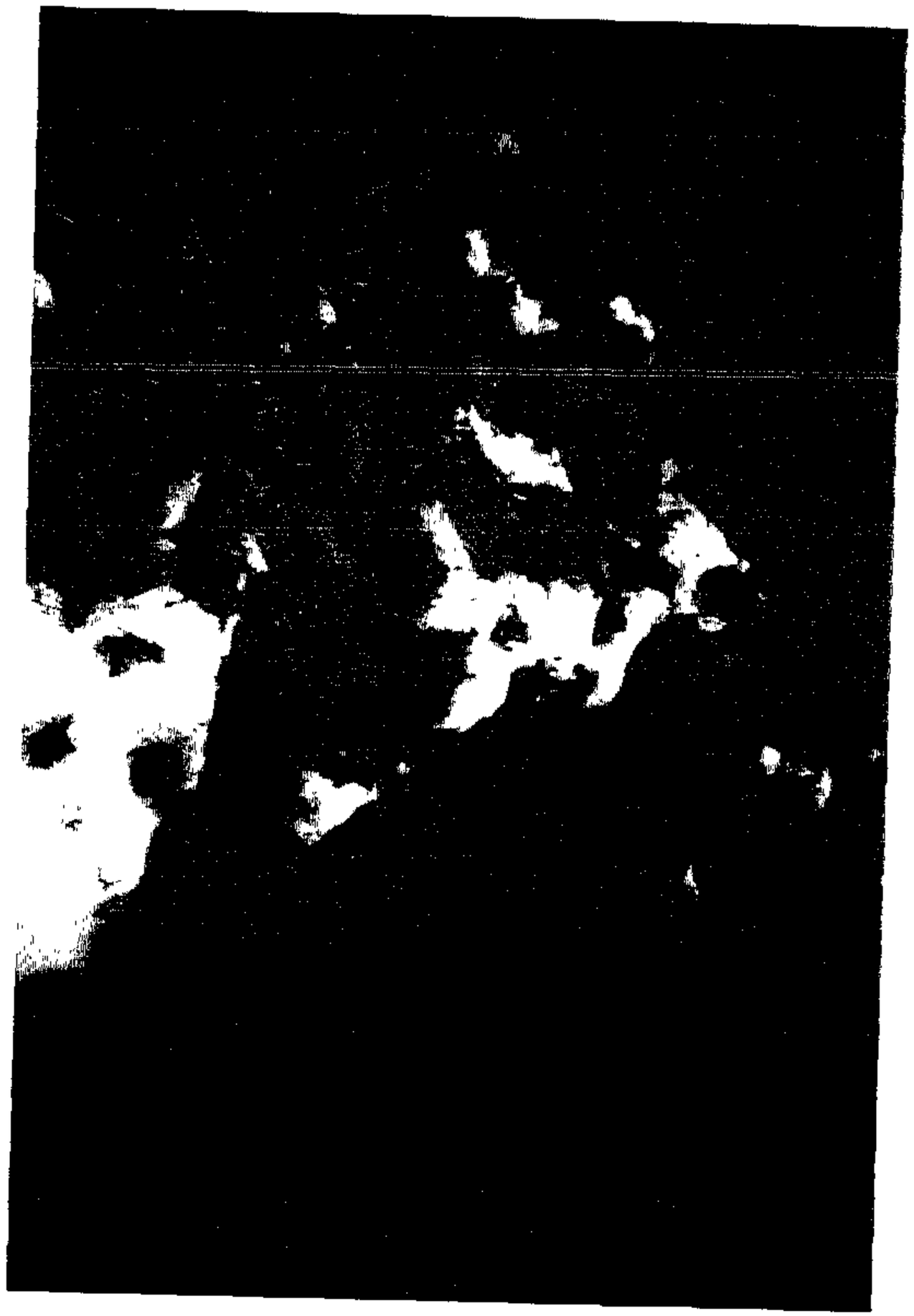
Picture
taken
1st week
+
2nd week
of March.

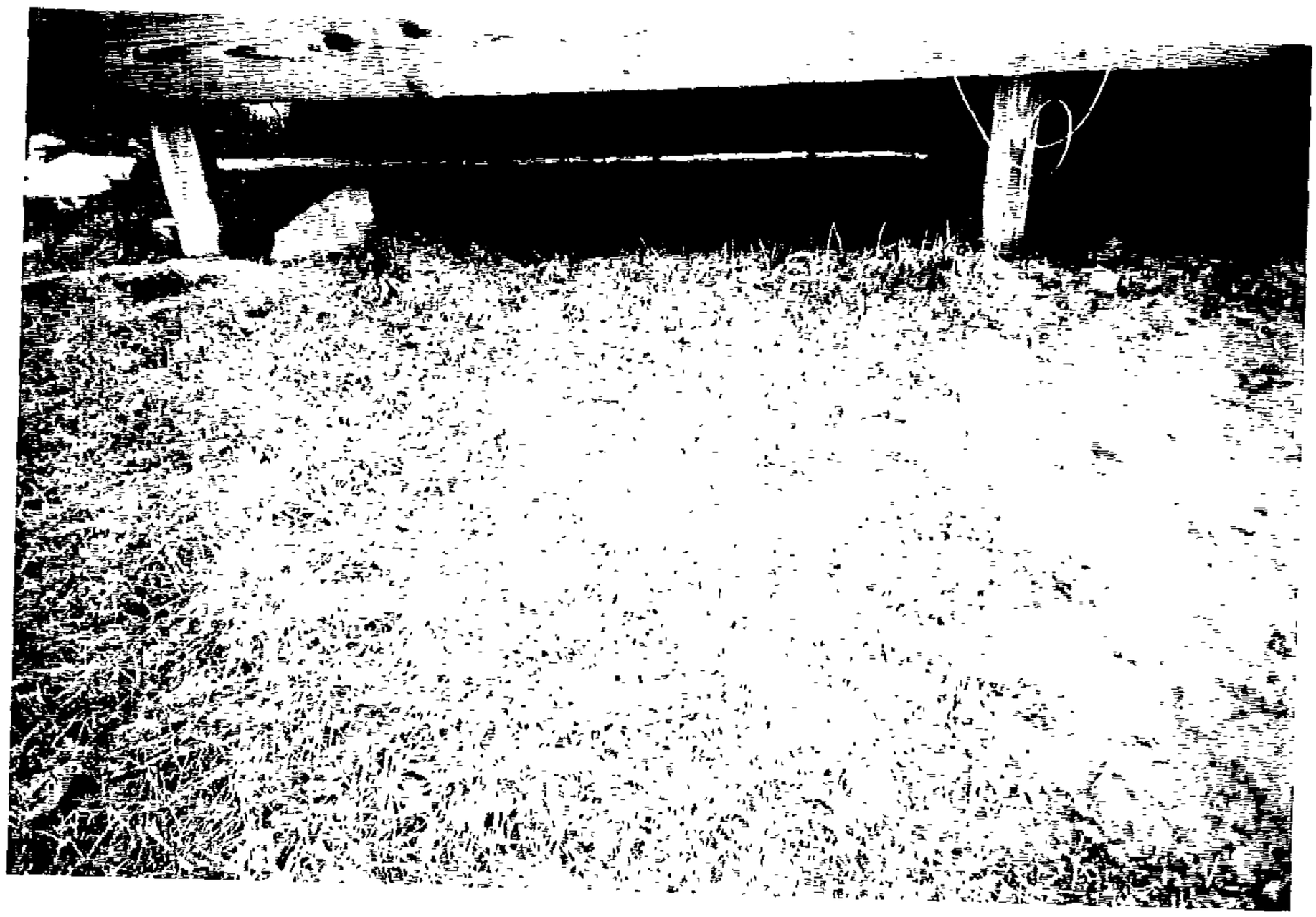


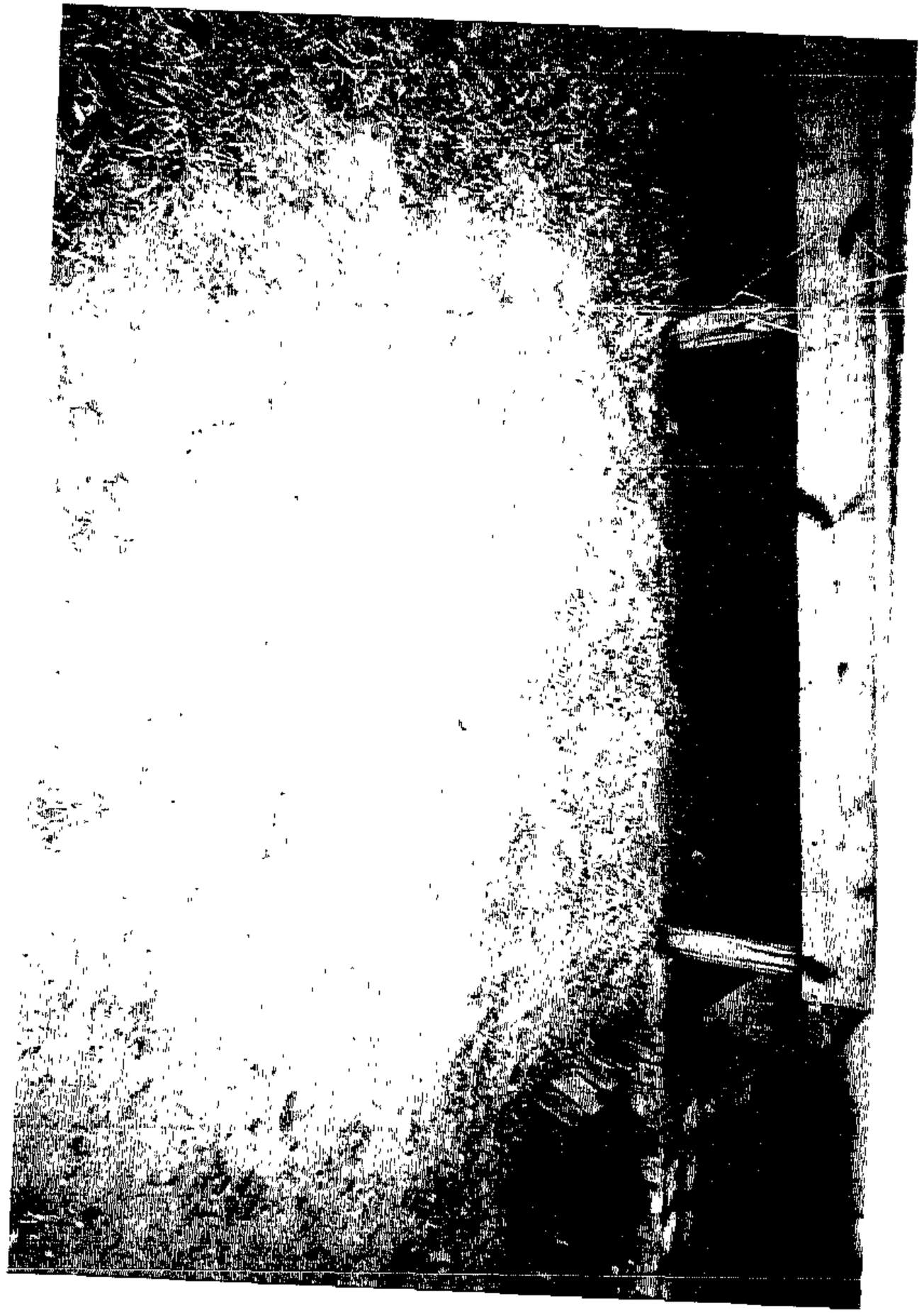




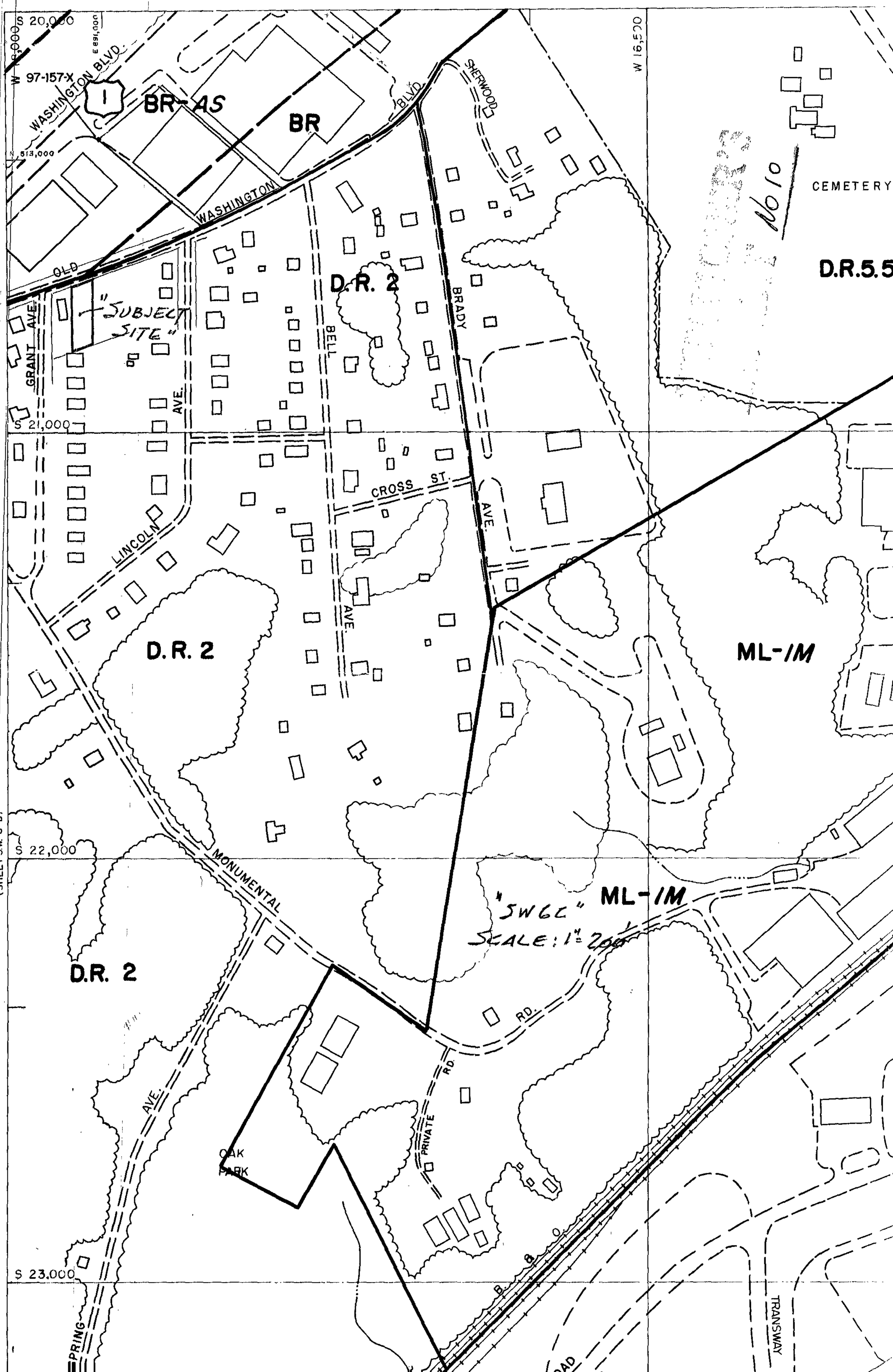








Undeposed
lot
Mr Bahn
4109 Oak
Washington Blvd


S 20,000
E 851,000
W 1000
97-157-X
WASHINGTON BLVD.
BR-AS
BR
N 513,000
WASHINGTON
BLVD.
SHERWOOD
W 1650
CEMETERY
D.R.5.5
OLD
"SUBJECT SITE"
GRANT AVE.
D.R. 2
BELL
BRADY
AVE.
S 21,000
CROSS ST.
AVE.
LINCOLN
AVE.
D.R. 2
ML-IM
(SHEET SW-6-D)
S 22,000
MONUMENTAL
"SWGC"
SCALE: 1" = 200'
ML-IM
D.R. 2
RD.
RD.
AVE.
PRIVATE
OAK PARK
S 23,000
PRING
TRANSWAY

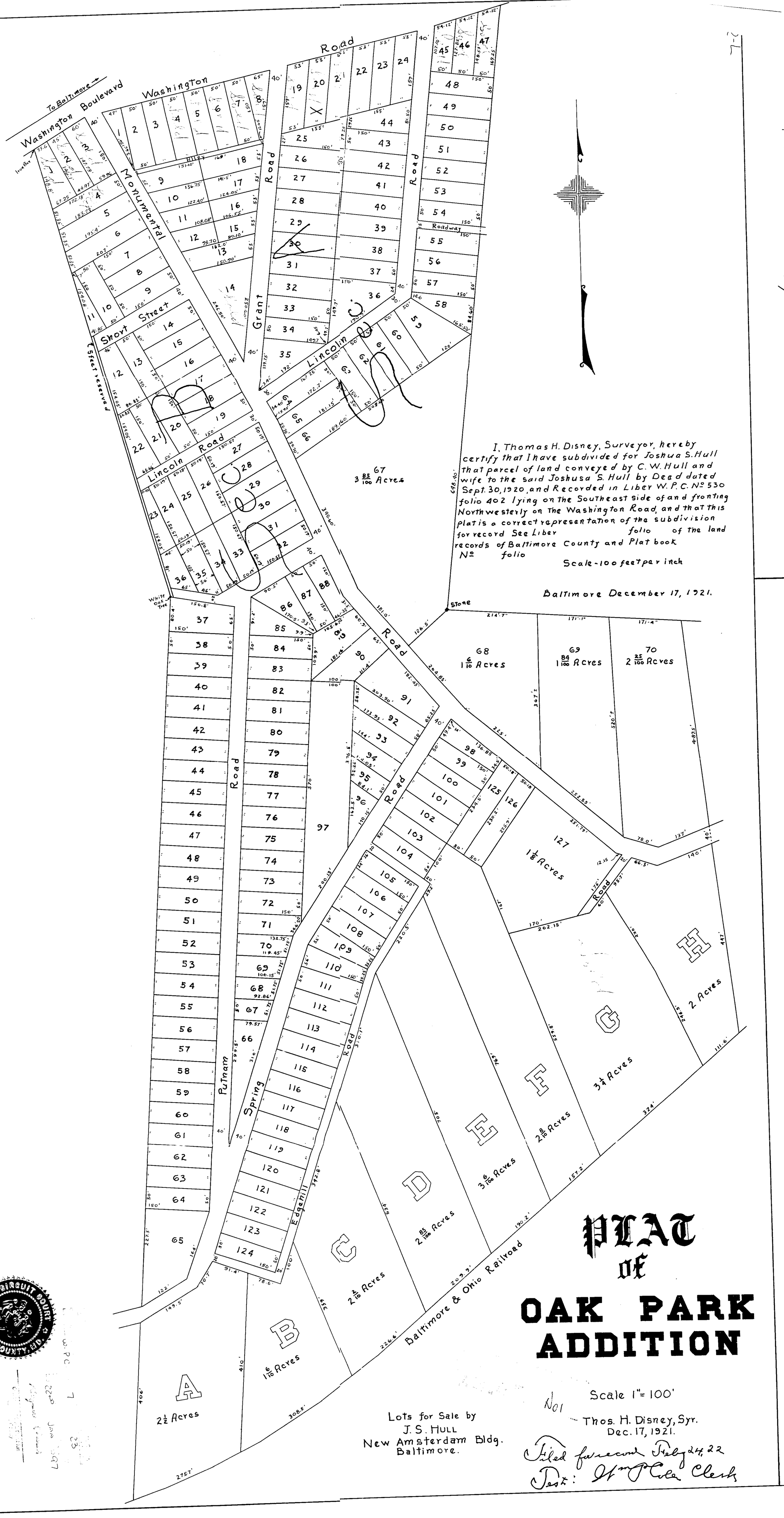
No 8

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200'±		
DATE OF PHOTOGRAPHY JANUARY 1986	MONUMENTAL	S.W. 6-C

W.P.C. № 7 PART I ~ 23



I, Thomas H. Disney, Surveyor, hereby certify that I have subdivided for Joshua S. Hull that parcel of land conveyed by C. W. Hull and wife to the said Joshusa S. Hull by Deed dated Sept. 30, 1920, and Recorded in Liber W. P. C. № 530 folio 402 lying on the Southeast side of and fronting Northwesterly on the Washington Road, and that this plat is a correct representation of the subdivision for record See Liber folio of the land records of Baltimore County and Plat book № folio

Scale - 100 feet per inch

Baltimore December 17, 1921.

PLAT OF OAK PARK ADDITION

Scale 1" = 100'

Thos. H. Disney, Syr.
Dec. 17, 1921.

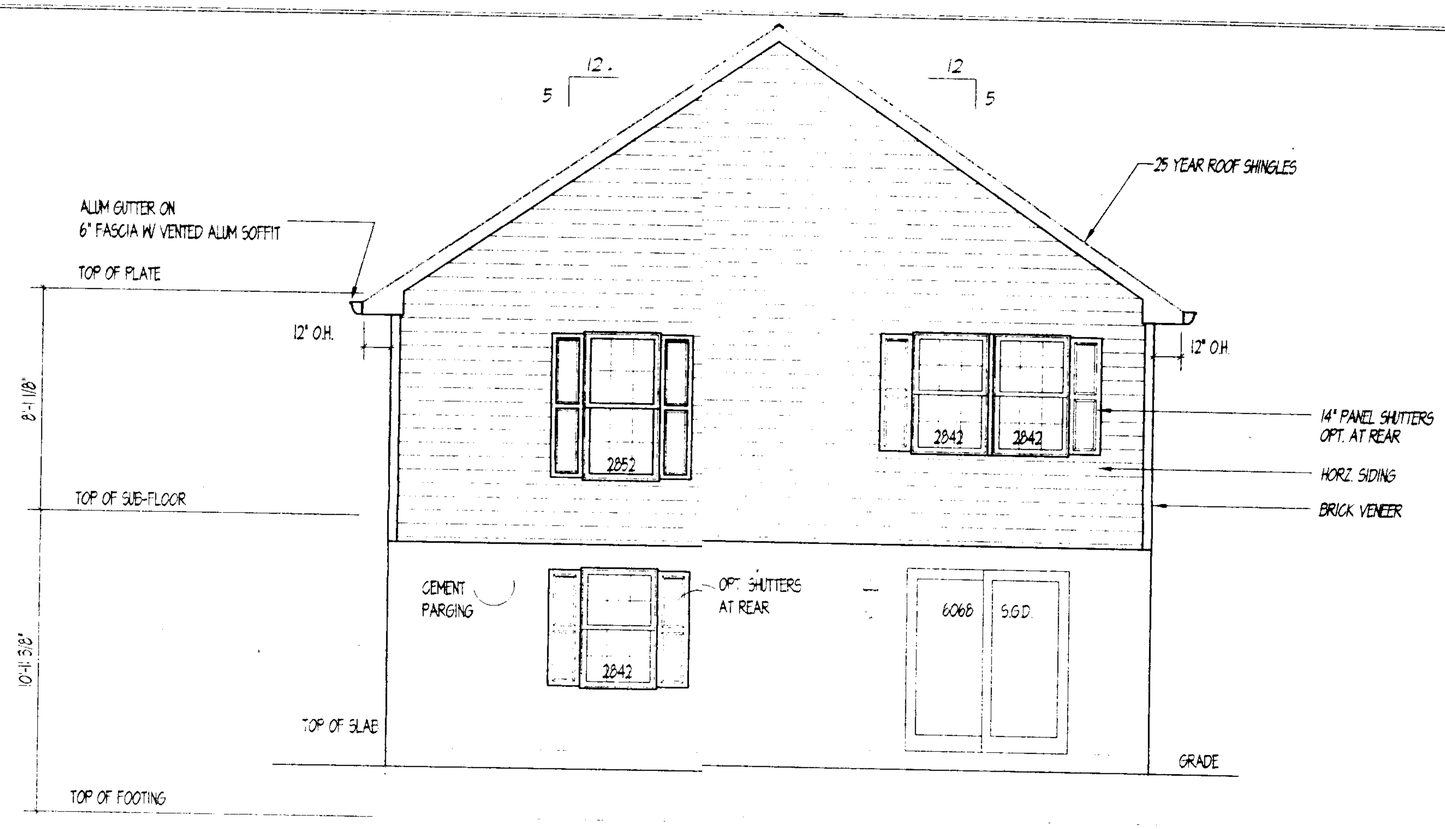
Lots for Sale by
J. S. HULL
New Amsterdam Bldg.
Baltimore.

No 1

Filed for record Feby 24, 22
Test: Wm P. Cole Clerk

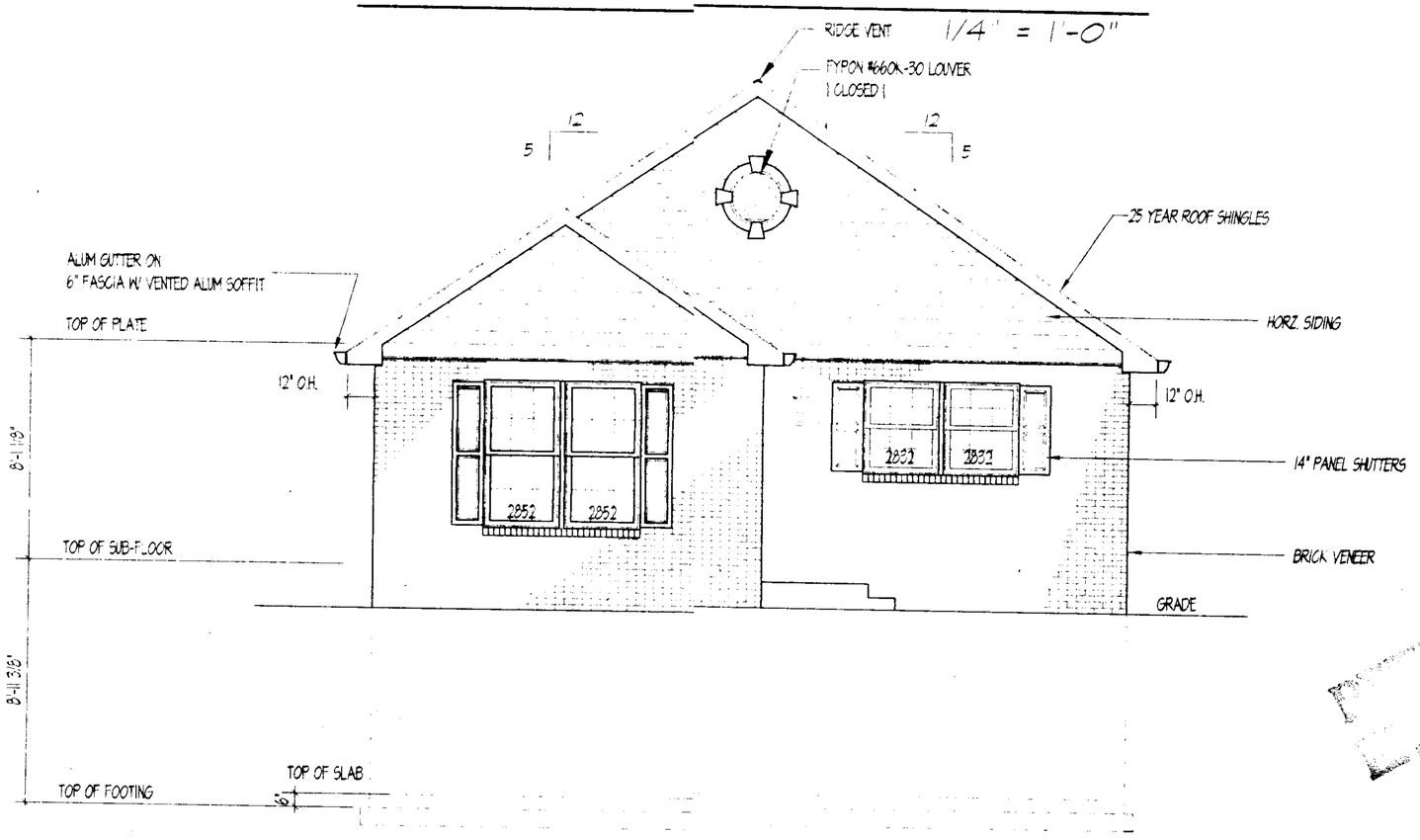
CIRCUIT COURT BALTIMORE COUNTY, MD.

W.P.C. 7 23
Jan 1967



REAR ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"

EXHIBIT 4

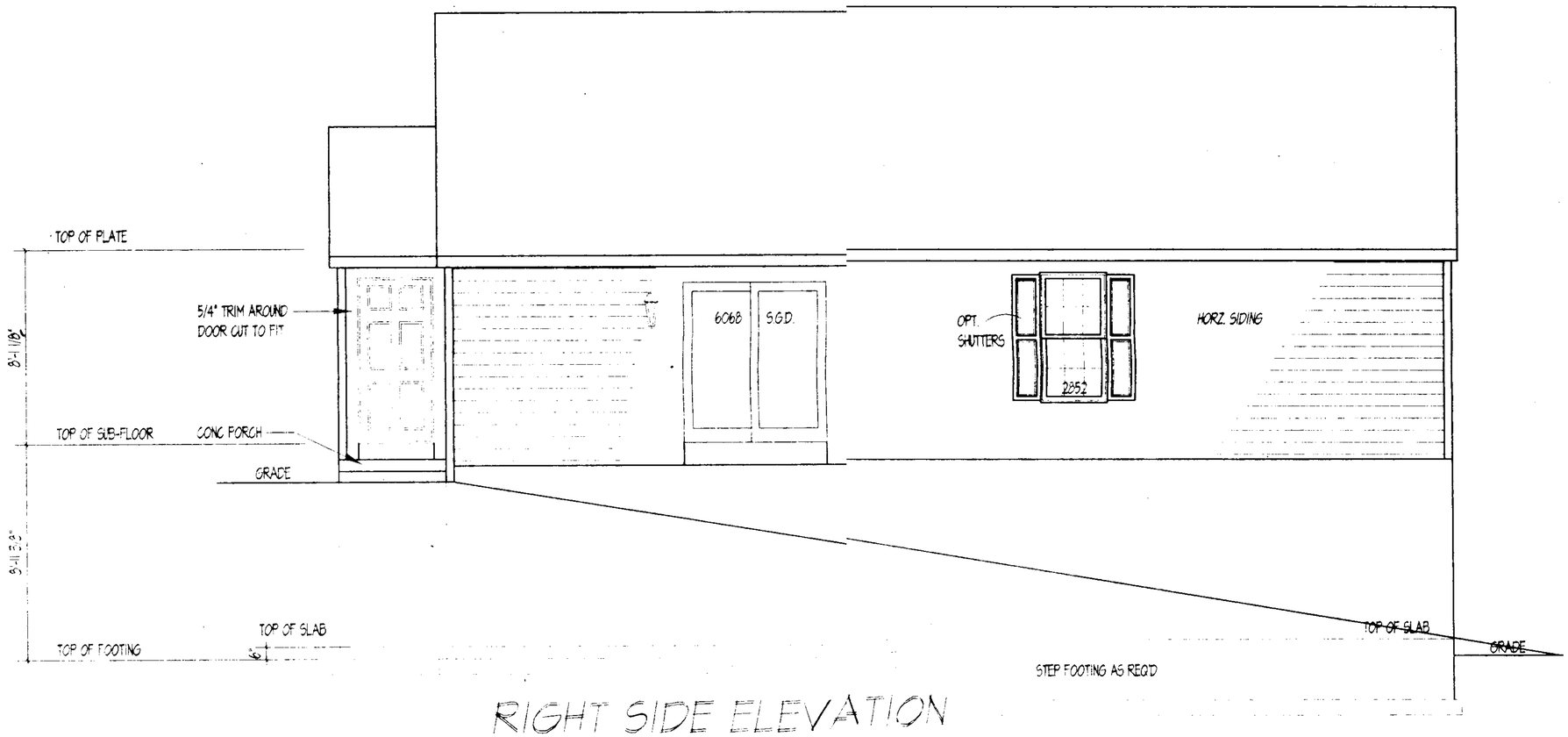
RECEIVED
FEB 14 1997
OFFICE OF PLANNING

RANCHER
FRONT & REAR ELEV.

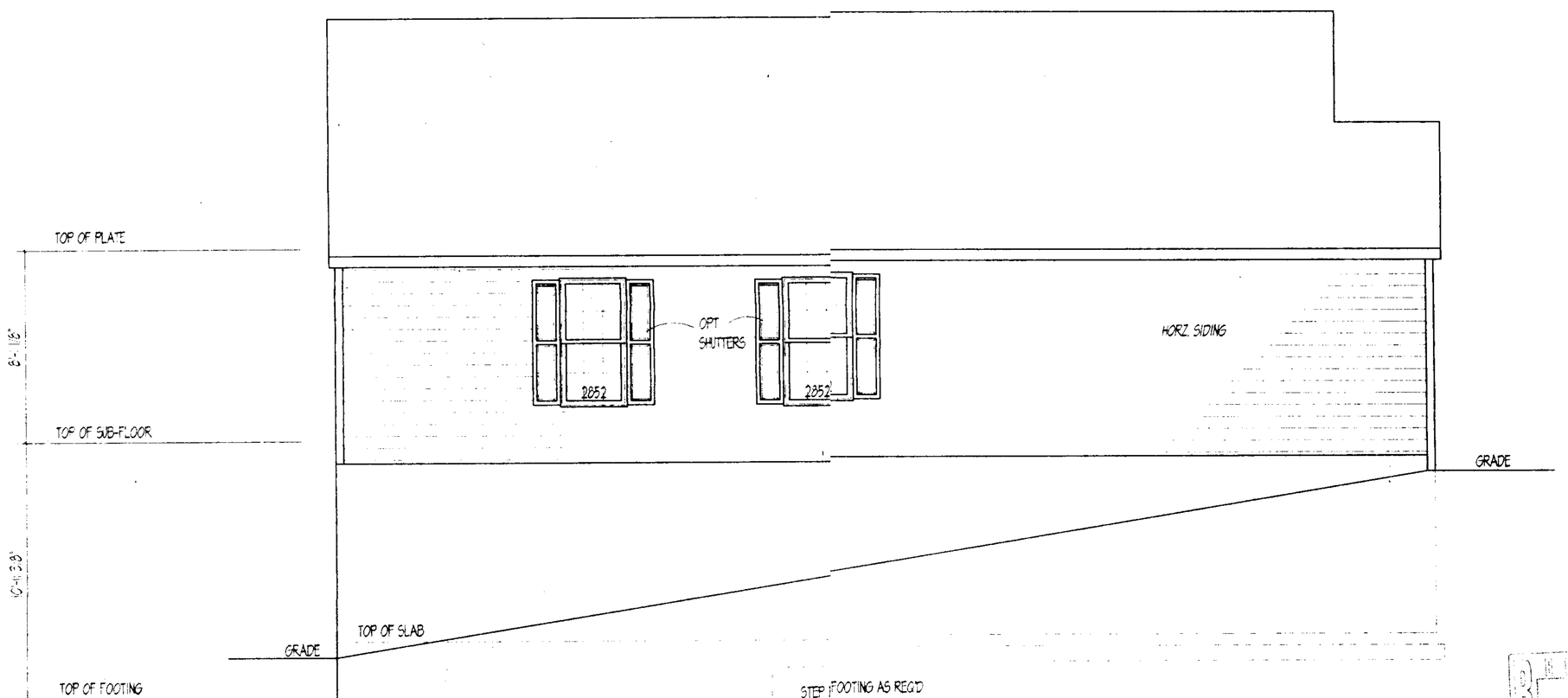
CONTENT
SCALE 1/4"= 1'-0"
DATE JULY 29, 1996

DRAWING NUMBER
1

Tue Jul 30 09:03:02 1996



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

RANCHER

CONTENT: LEFT & RIGHT SIDE ELEV.

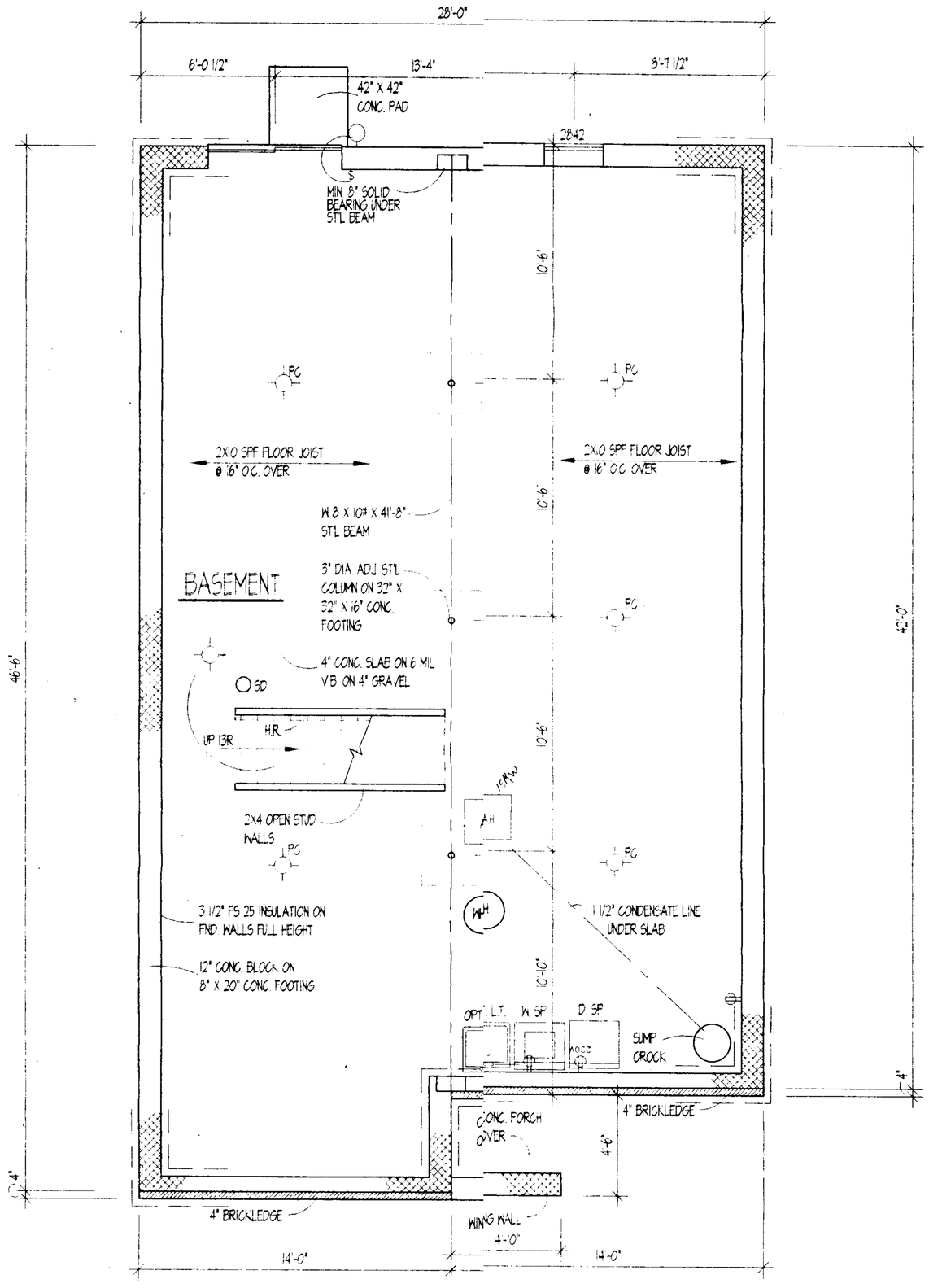
SCALE: 1/4" = 1'-0"

DATE: JULY 29, 1996

DRAWING NUMBER

1 4 1997
OFFICE OF PLANNING

Tue Jul 30 08:59:29 1996



RANCHER
FOUNDATION PLAN

CONTENT

SCALE 1/4" = 1'-0"

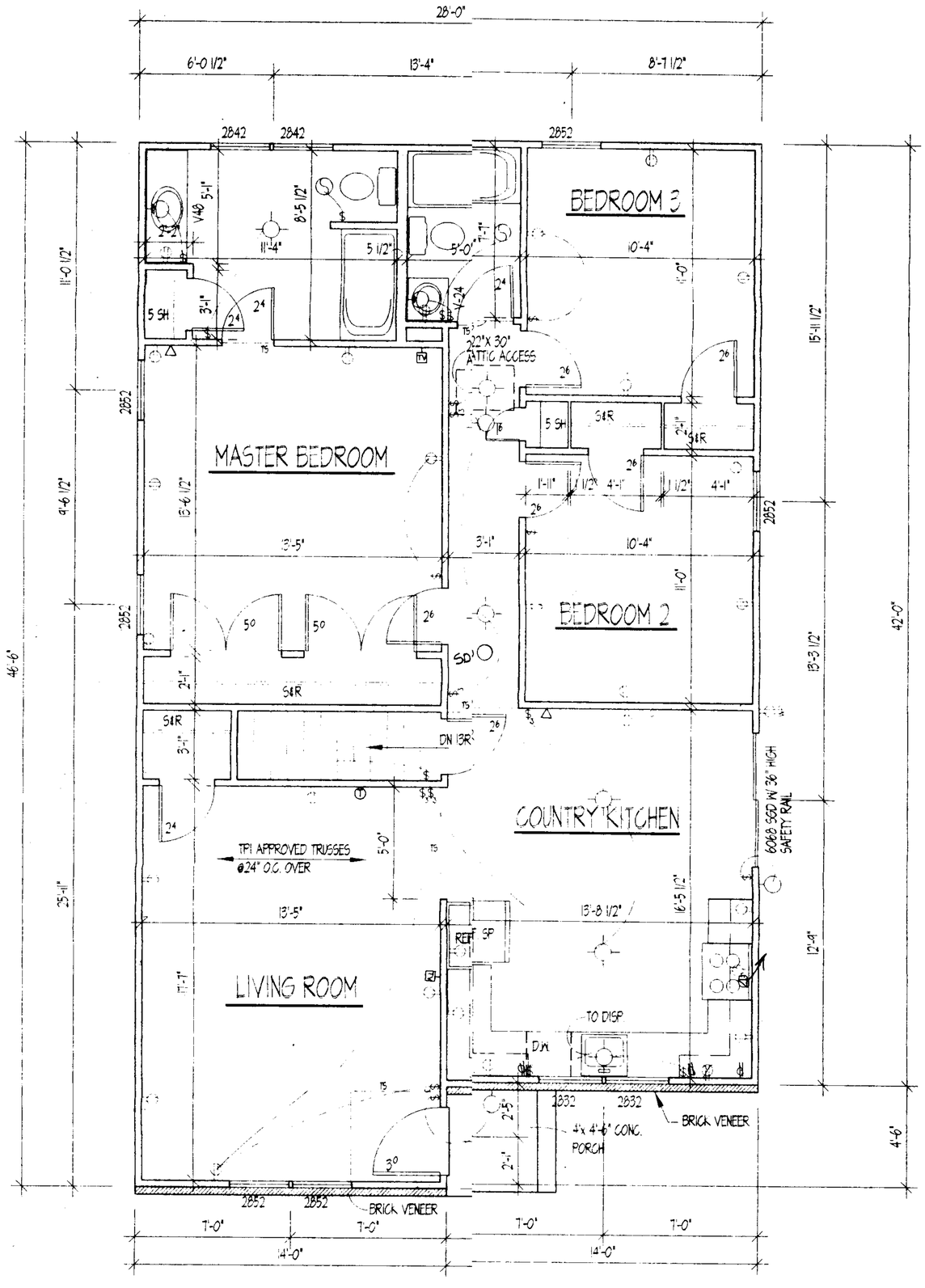
DATE JULY 29, 1996

DRAWING NUMBER

4

OFFICE OF PLANNING

Tue Jul 30 12:10:37 1996



RANCHER
FIRST FLOOR PLAN

CONTENT

SCALE 1/4" = 1'-0"

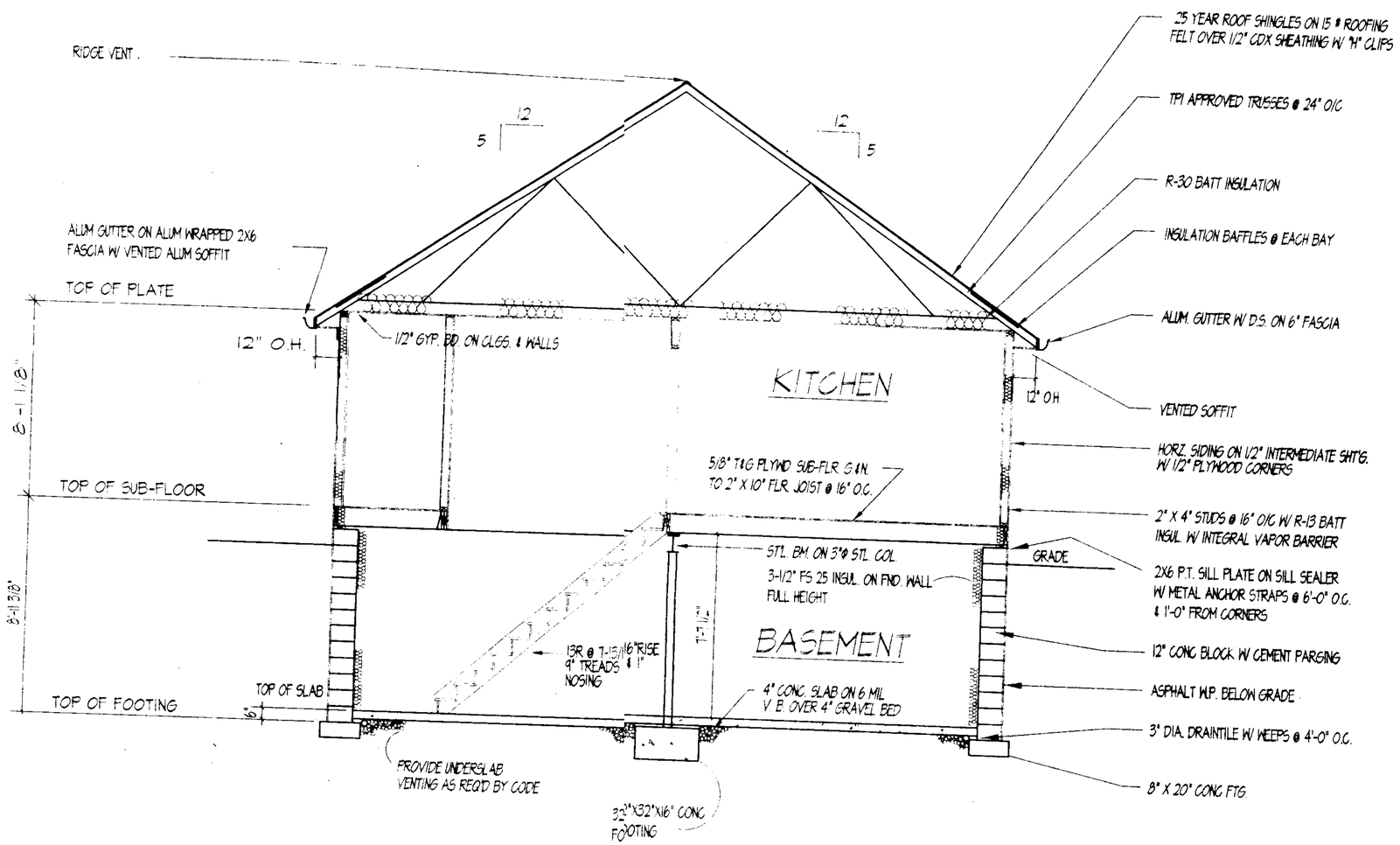
DATE JULY 29, 1996

DRAWING NUMBER

4

RECEIVED
1 4 1997
OFFICE OF DRAWING

Tue Jul 30 09:21:45 1996



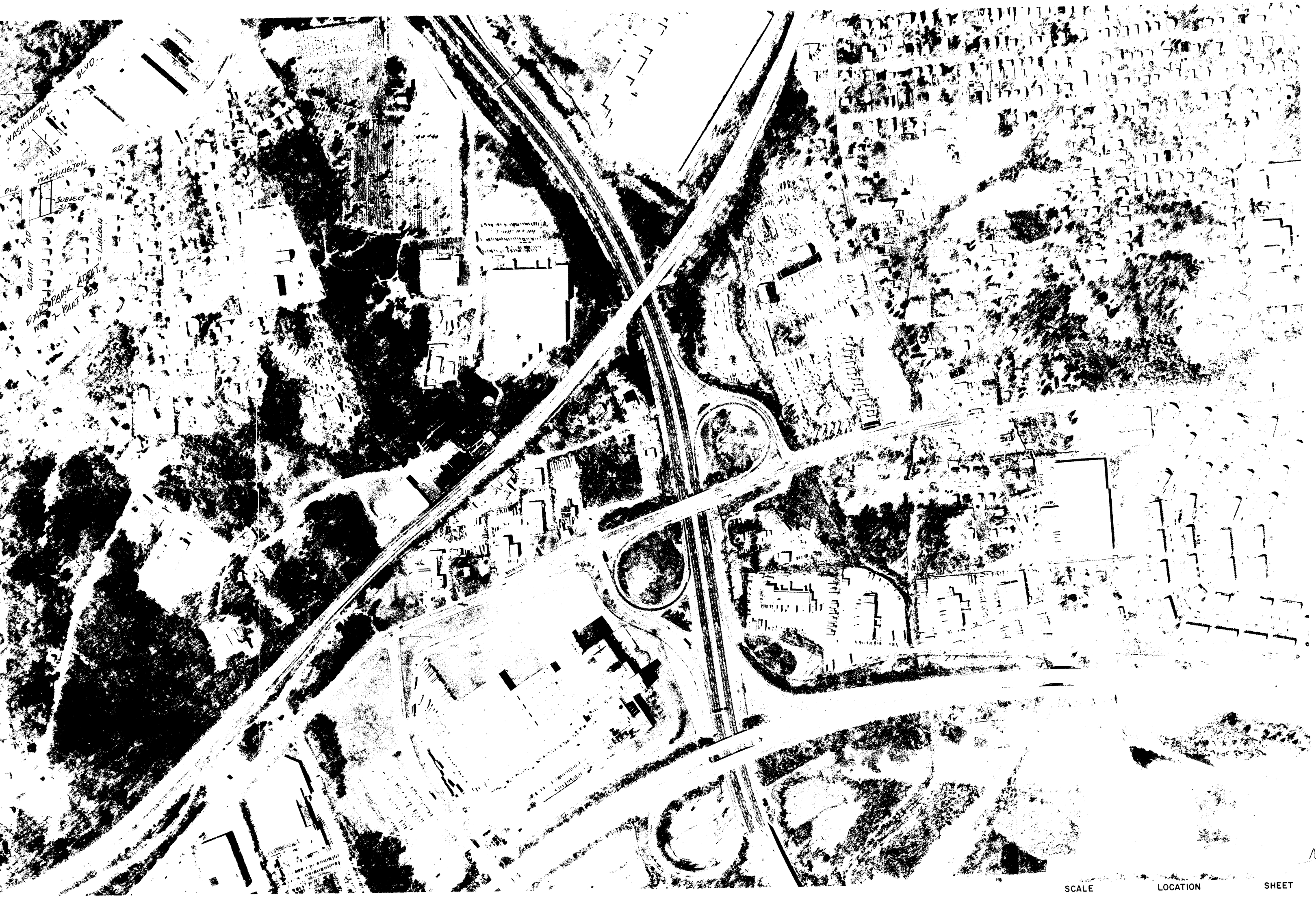
A/5 CROSS SECTION
1/4" = 1'-0"

RANCHER
CONTENT CROSS SECTION
SCALE 1/4" = 1'-0"
DATE JULY 29, 1996

DRAWING NUMBER

RECEIVED
1 4 1997
OFFICE OF PLANNING

Tue Jul 30 09:08:29 1996

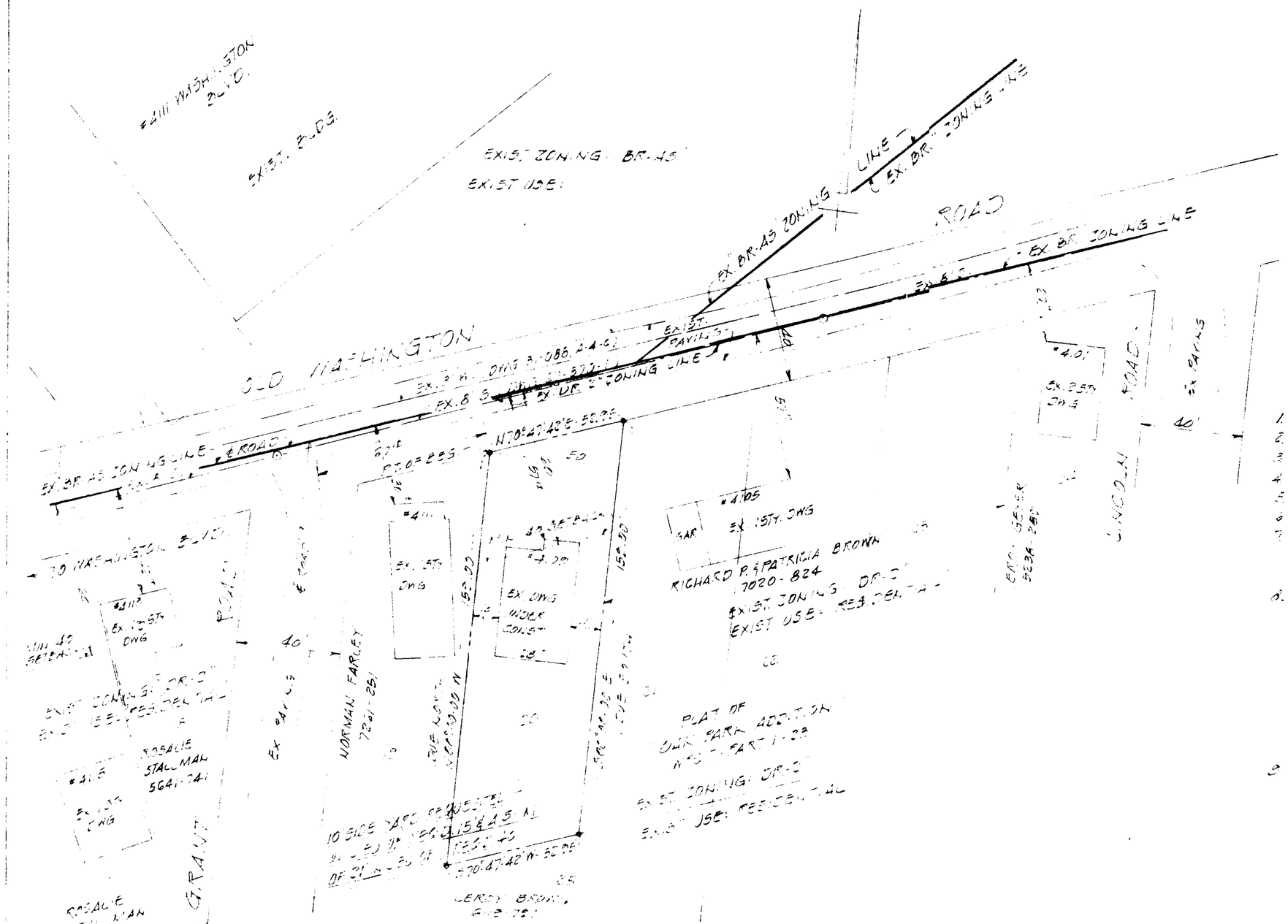


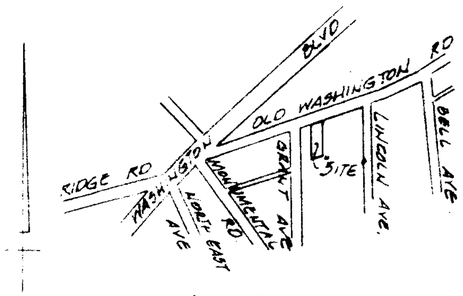
N08

SCALE	LOCATION	SHEET
1" = 200' ±		S.W. 6-C
DATE OF PHOTOGRAPHY JANUARY 1986	MONUMENTAL	

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

EPARED BY AIR PHOTOGRAPHICS, INC
ARTINSBURG, W.V. 25401





LOCATION PLAN
SCALE: 1" = 500'

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9. ZONING & PERMIT HISTORY: HEARING ON UNDERSIZED LOT BUILDING PERMIT APPROVED 11-12-96 BY DEPUTY ZONING COMMISSIONER - BUILDING PERMIT B 295128 ISSUED - CONSTRUCTION STOPPED BY COURT OF APPEALS HEARING - MOTION FOR REHEARING - NEW BUILDING PERMIT HEARING DENIED BY ZONING COMMISSIONER.

98-139-A

139

No 1

PLAT TO ACCOMPANY PETITION
FOR

VARIANCES
#4109 OLD WASHINGTON ROAD

ELECT. DIST 13C1 — BALTIMORE COUNTY, MD.
SCALE: 1" = 30' — SEPT. 30, 1997

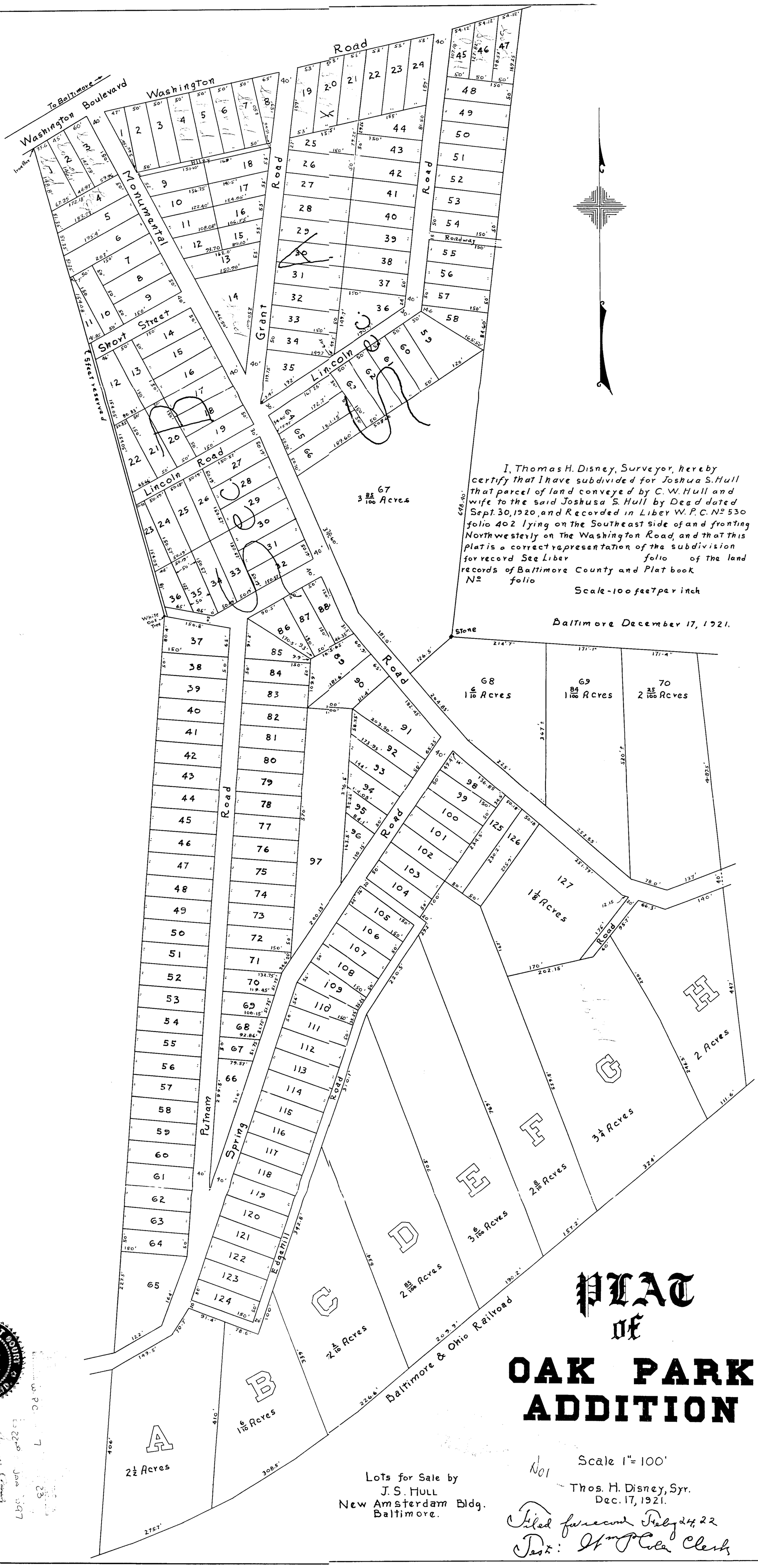
PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

OWNER:
CLARENCE M. BOHN
405 SHADY NOOK AVENUE
BALTIMORE, MARYLAND 21228

PROPERTY CERTIFICATION
FROM PLAN PREPARED BY
LDE INC. - 9250 RUMSEY RD - SUITE 106
COLUMBIA, MARYLAND 21045

JO 97-035

W.P.C. No 7 PART I ~ 23



I, Thomas H. Disney, Surveyor, hereby certify that I have subdivided for Joshua S. Hull that parcel of land conveyed by C. W. Hull and wife to the said Joshua S. Hull by Deed dated Sept. 30, 1920, and Recorded in Liber W. P. C. No 530 folio 402 lying on the Southeast side of and fronting Northwesterly on The Washington Road, and that this plat is a correct representation of the subdivision for record See Liber folio of the land records of Baltimore County and Plat book No folio

Scale - 100 feet per inch

Baltimore December 17, 1921.

PLAT OF OAK PARK ADDITION

Scale 1" = 100'

No 1

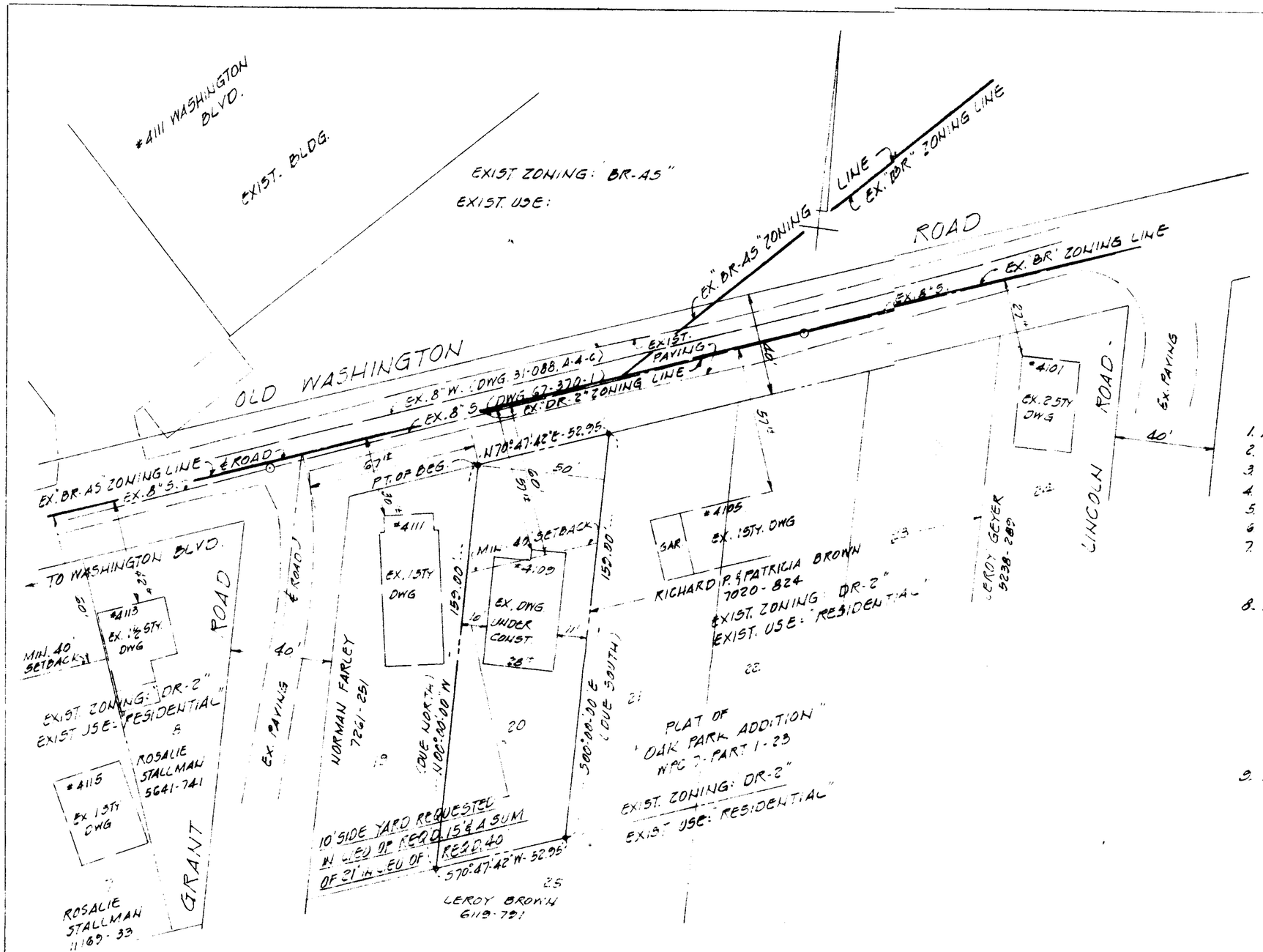
Thos. H. Disney, Syr.
Dec. 17, 1921.

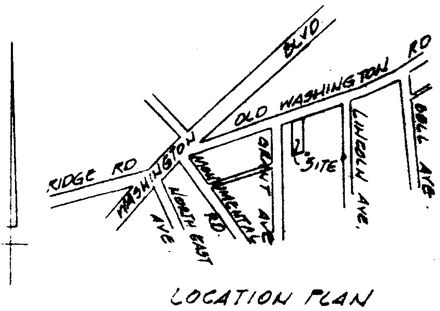
Filed for record Feby 24, 22
Test: Hm P. Cole Clerk

Lots for Sale by
J. S. HULL
New Amsterdam Bldg.
Baltimore.

CIRCUIT COURT BALTIMORE COUNTY, MD.

W.P.C. 7 23
Liber 22 Jan 1897
Clerk of the Circuit Court for Baltimore County





LOCATION PLAN
SCALE: 1" = 500'

1. AREA OF PROPERTY = 7950 S.F. (GROSS = 9009 S.F.±)
2. EXISTING ZONING OF PROPERTY : "DR-2"
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98-139-A

139

EXISTING SETBACKS FROM ℄ ROAD

EAST PROP. #4105 57'± WEST PROP. #4111 30'±

AVERAGE SETBACK = 43.5'±

EXIST. BUILDING SETBACK FOR #4109 = 37'+20' = 57' < 43.5'±

No 1

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FOR

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#4109 OLD WASHINGTON ROAD

ELECT. DIST 13C1 BALTIMORE COUNTY, MD.
SCALE: 1" = 30' SEPT. 30, 1997

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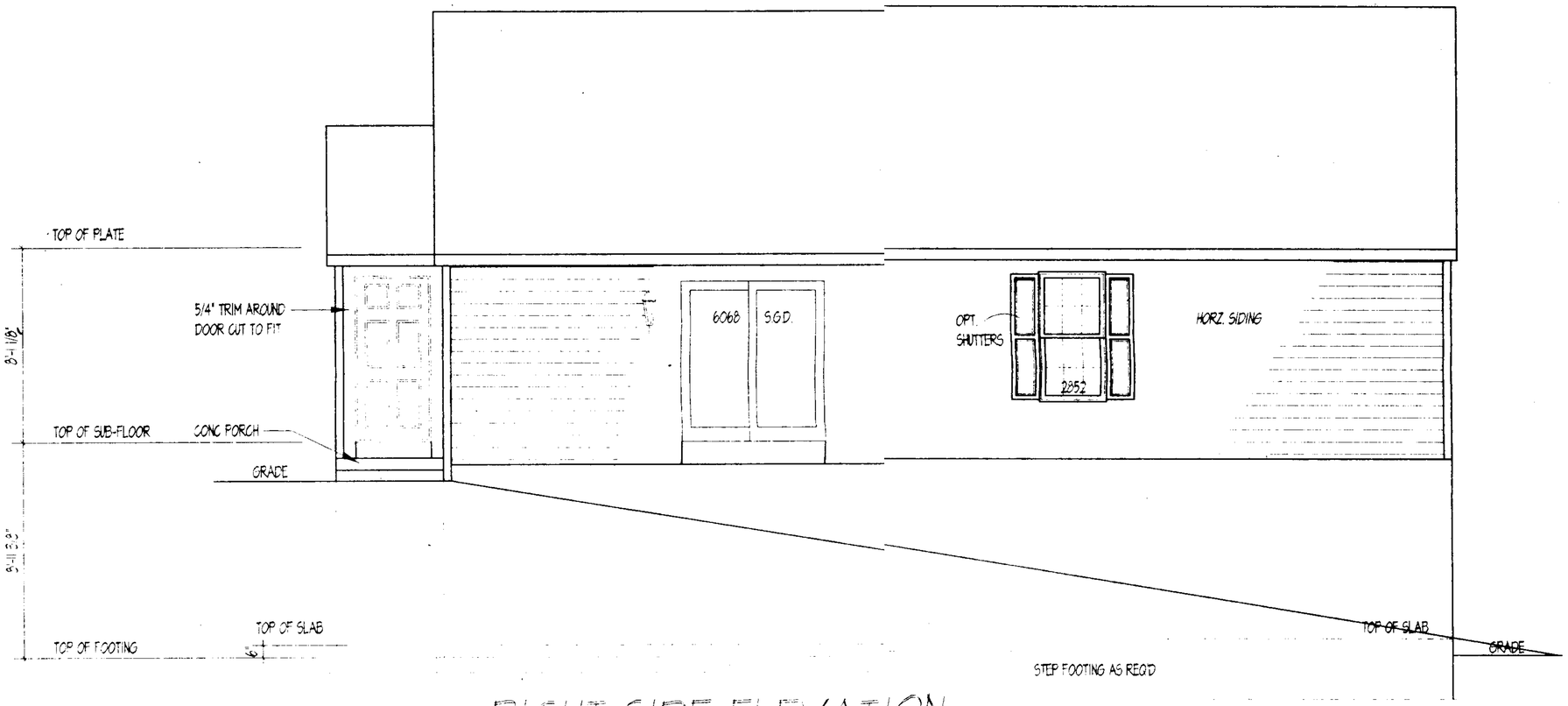
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

STATE OF MARYLAND PAUL LEE 4047 PROFESSIONAL ENGINEER

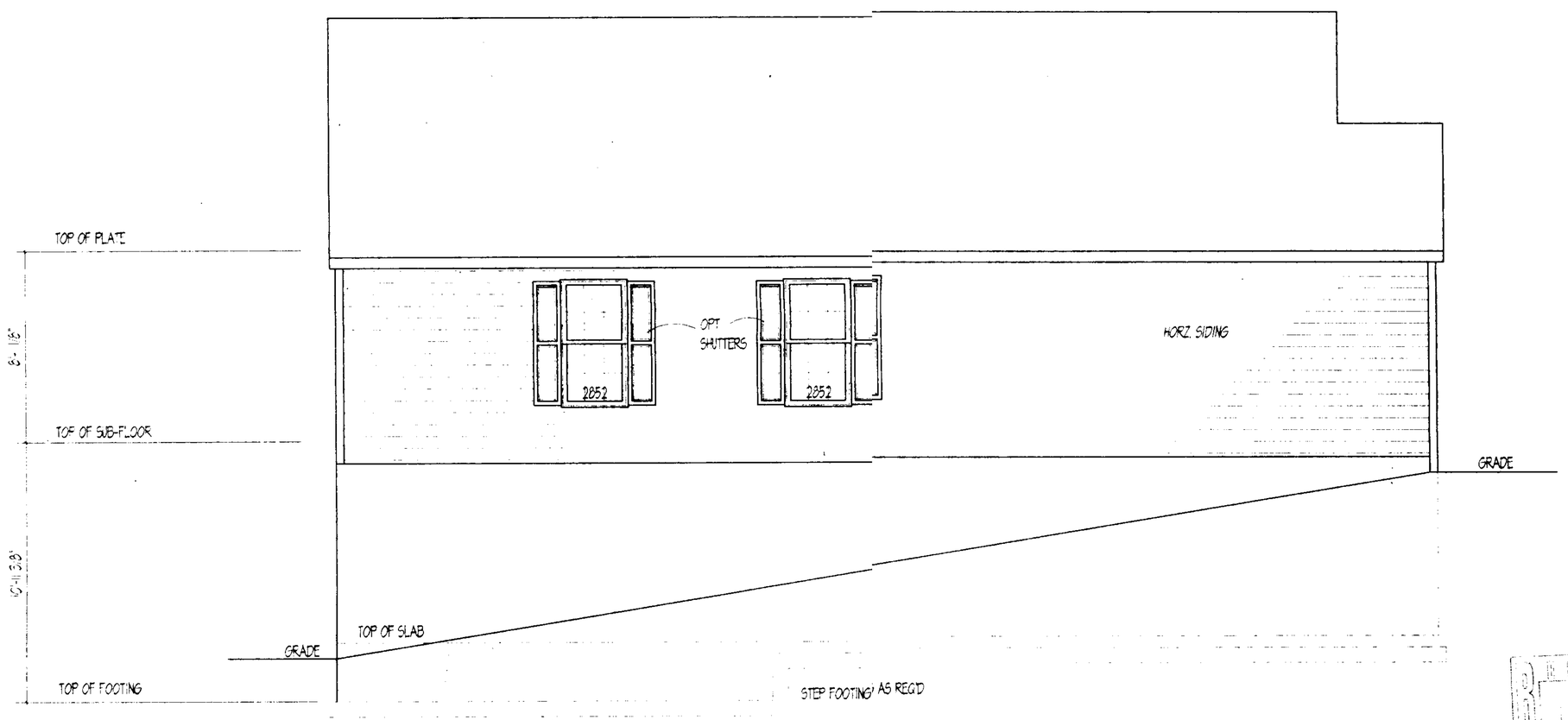
OWNER:
CLARENCE M. BOHN
405 SHADY NOOK AVENUE
BALTIMORE, MARYLAND 21228

PROPERTY CERTIFICATION
FROM PLAN PREPARED BY
LDE INC. - 9250 RUMSEY RD - SUITE 106
COLUMBIA, MARYLAND - 21045

Jo 97-359



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

RANCHER

CONTENT LEFT & RIGHT SIDE ELEV.

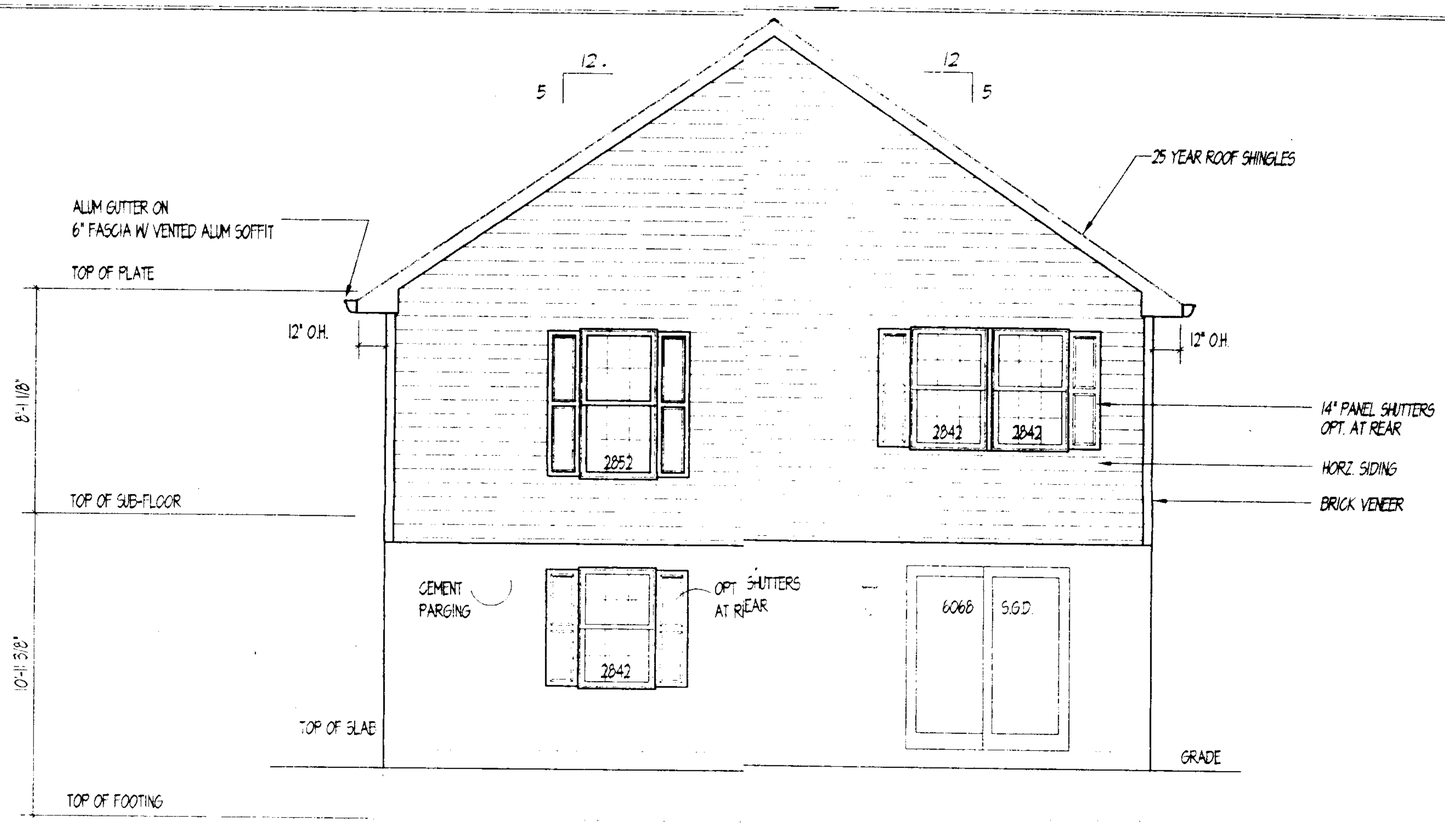
SCALE 1/4" = 1'-0"

DATE JULY 29, 1996

DRAWING NUMBER

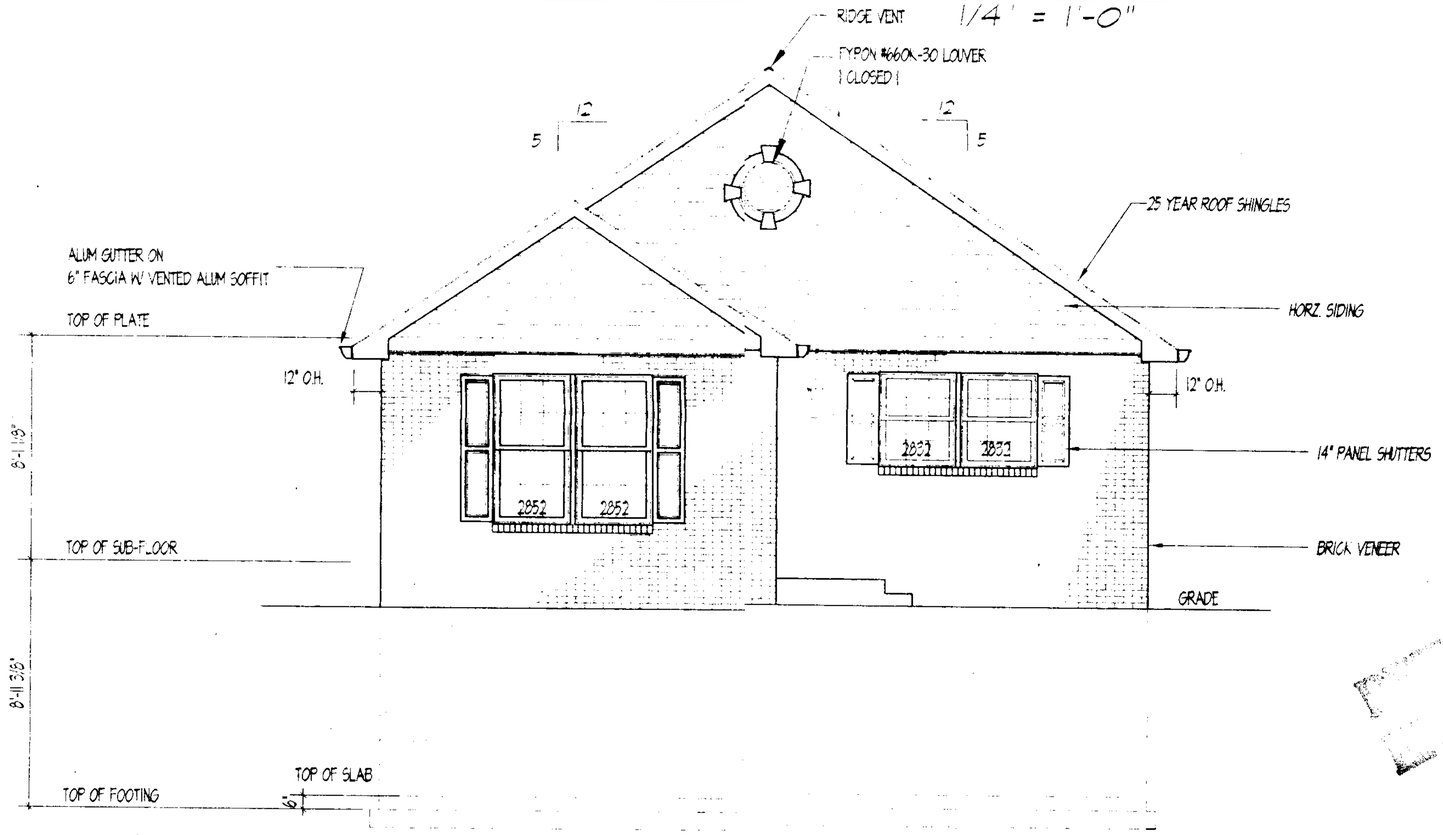
1 4 1997
OFFICE OF PLANNING

Tue Jul 30 08:59:29 1996



REAR ELEVATION

1/4" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"

4

RECEIVED
FEB 14 1997
OFFICE OF PLANNING

RANCHER

CONTENT FRONT & REAR ELEV.

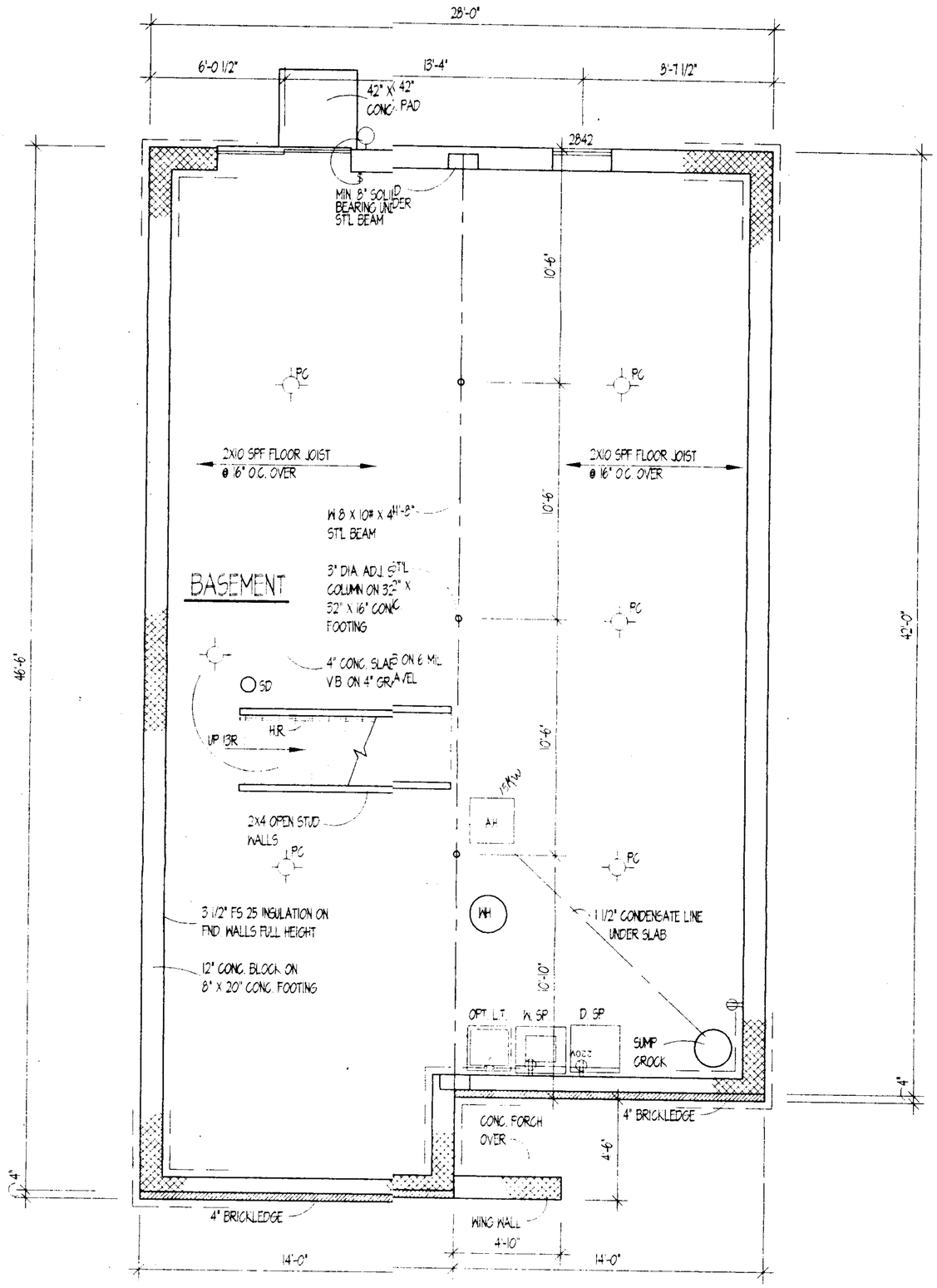
SCALE 1/4" = 1'-0"

DATE JULY 29, 1996

DRAWING NUMBER

—

Tue Jul 30 09:03:02 1996



RANCHER

FOUNDATION PLAN

CONTENT

SCALE 1/4" = 1'-0"

DATE JULY 29, 1996

DRAWING NUMBER

4

OFFICE OF PLANNING

Tue Jul 30 12:10:37 1996

1-9-97

Tom

I Inspected 4109 Old Washington blv. and Found Silt Fence installed Stone Construction Entrance covered with snow, Stock pile at Rear of House used to back fill Foundation the Rest to be hauled away or used for Final grades. Rain spouts, sidewalk and driveway designed to carry water away from Existing Flow Patern. Water will be carried away from Mr. Farley Property. Will take pictures to show Remaining Existing grades and try to show that Future grades will not impact Mr. Farley's Property

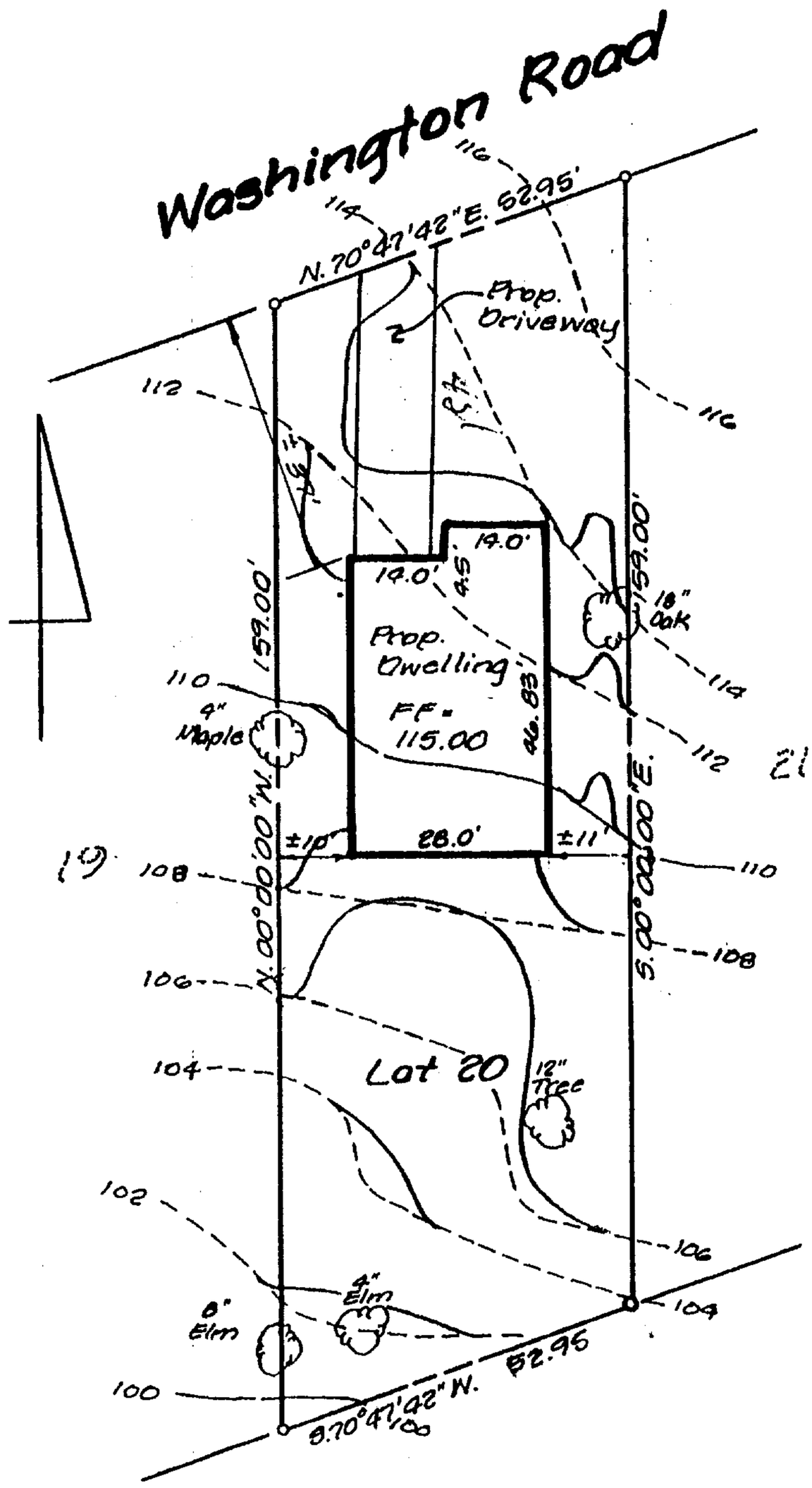
Tom

DISCOVERY EXHIBIT QA for ID only

9

Property known as: Lot 20
Oak Park Addition

Baltimore County, MD.
W.P.C. No. 7 Part 1-23

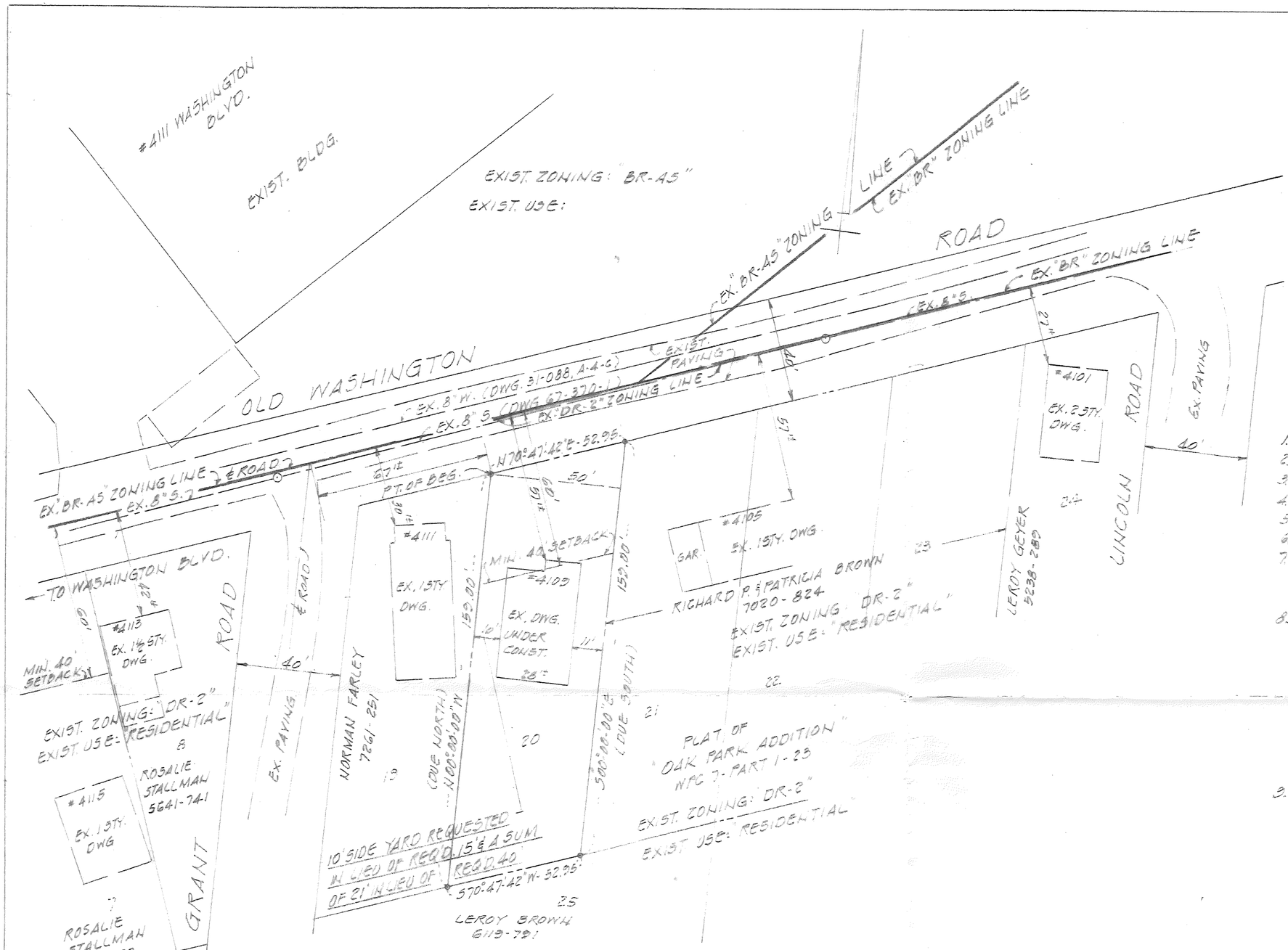


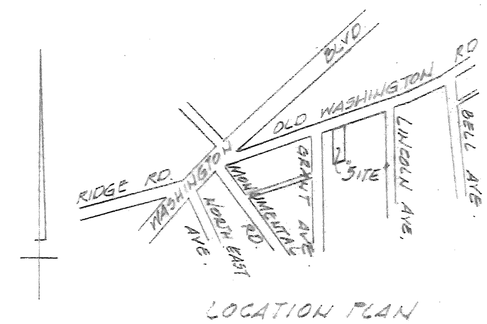
Note: Downspouts to be routed to drainage swales ~~and toward~~ FRONT of property. TO FLOW DOWN DRIVEWAY.

NOT CHANGED FOR 2ND BUILDING PERMIT

4

CERTIFICATION	SEAL	SCALE 1"=20' DATE 8.1996
This is to certify that I have surveyed the property known as: Washington Road for the purpose of locating the improvements thereon, and the improvements are located as shown.		**LDE Inc.** 9250 Rumsey Road Suite 106 Columbia, Maryland 21045 (Balt.) 410-715-1070 (Wash.) 301-596-3424 (FAX) 410-715-9540





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98-139-A #139

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4047
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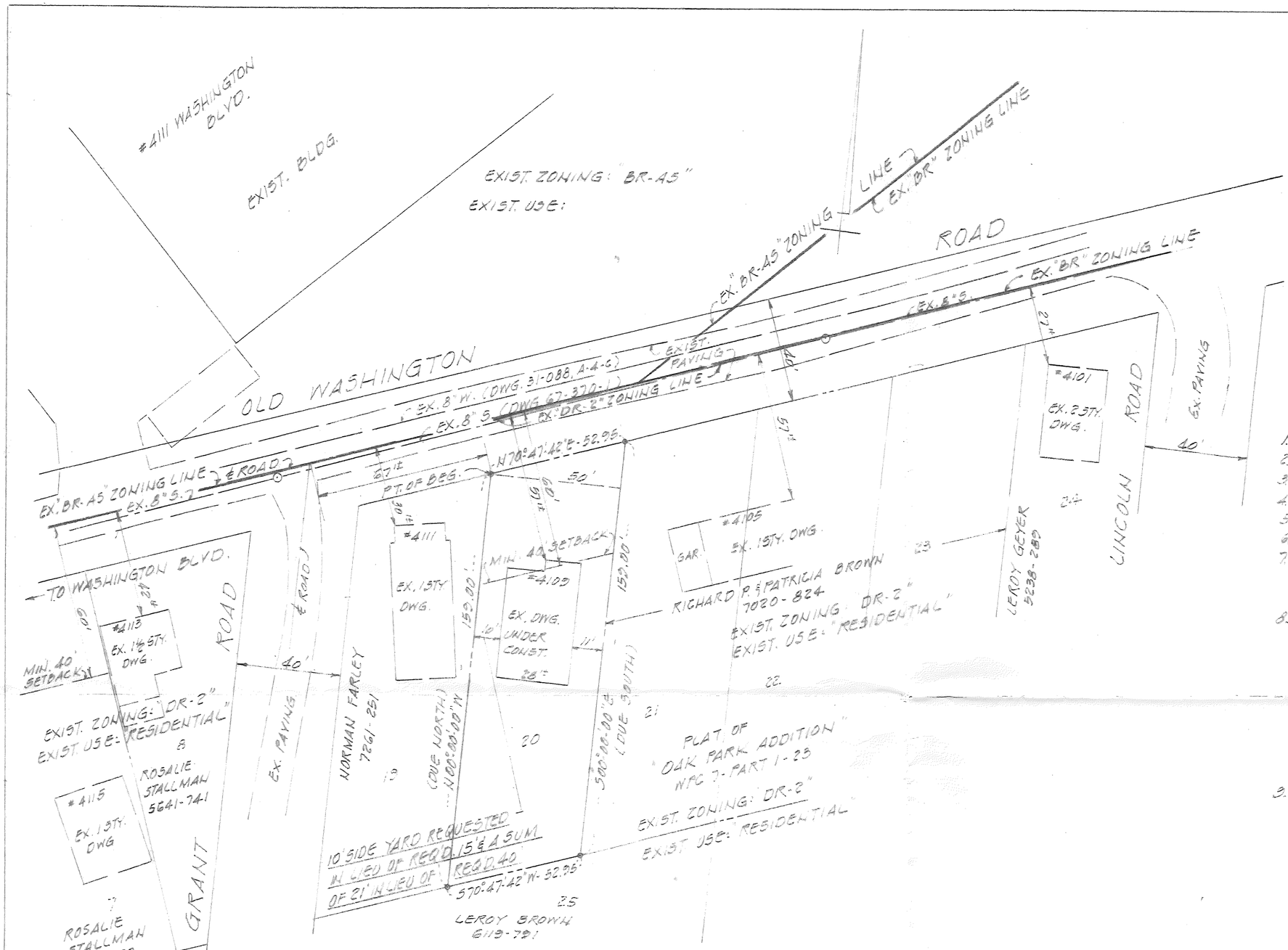

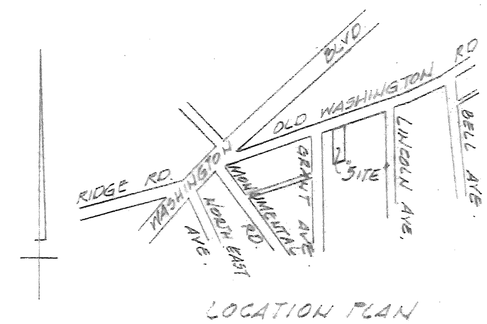

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98-139-A #139

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