

IN RE: PETITION FOR VARIANCE
NW/S Chestnut Road, 200' NE
centerline of Seneca Road
15th Election District
5th Councilmanic District
(3916 Chestnut Road)

Michael and Sandra Peregoy
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-215-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Michael and Sandra Peregoy. The Petitioners are requesting a variance for property they own at 3916 Chestnut Road. The variance request is from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the construction of a pier within 0 ft. of the divisional lines in lieu of the minimum required 10 ft. each. In addition, the Petitioners are requesting approval to allow the pier to extend 15 ft. beyond the divisional line on the northeast side of the property.

Appearing at the hearing on behalf of the variance request were Michael and Sandra Peregoy, owners of the property and Joseph McGraw, the property line surveyor who prepared the site plan of the property. Appearing in opposition to the Petitioners' request were several residents of the surrounding community, namely Dennis Farnol, Jerry Wisner, Bill Lagna and William Lagna.

Testimony and evidence indicated that the property, which is the subject of this variance request, is a triangularly shaped parcel of property located on the north side of Chestnut Road in Bowleys Quarters. The subject property is a waterfront lot situated on Seneca Creek. It is improved with a small residential dwelling which is used as a summer home by the Peregoy's.

1/10/12
J.P. Jernigan

They currently reside in Havre De Grace, Maryland. However, they wish to construct a new single family dwelling on the property, at some point in the future. At this time, they are desirous of constructing a pier on their property out into Seneca Creek. The property itself is pie shaped which causes the divisional lines to make it all but impossible for the Peregoy's to extend the pier out into Seneca Creek. They submitted into evidence as Petitioners' Exhibit No. 1, the site plan showing the type of pier they wish to construct on the property. The pier itself extends 74 ft. beyond what they consider to be the shoreline of the property and would contain a boat lift on the northeast side of the pier extension. In order to proceed with their plans, the variance request is necessary.

As stated previously, several residents from the surrounding community appeared in opposition to the Petitioners' request. The property owners on both sides of the Petitioners object to the pier that Mr. Peregoy proposes to construct on his property. Mr. Wisner, according to the testimony, is perhaps the most affected neighbor, by virtue of the construction of this pier. Mr. Wisner testified that the type and location of this pier that the Petitioners propose to construct would extend at an angle and in front of his existing pier, thereby blocking his ability to move boats in and out of his property. He, therefore, strongly objects to the type of pier as shown on the Petitioners' site plan. In addition, Mr. Lagna, who resides on the east side of the Petitioners' property, is also concerned that the boat lift at the end of the pier would impede his ability to use the boat ramp that he recently installed on his property.

After considering all of the testimony and evidence offered at the hearing, I find that the Petitioners' request for variance should be denied. The Petitioners have chosen to construct a pier on their property that would impede with Mr. Wisner's use of his own pier, as well as the boat ramp which was recently installed by Mr. Lagna. Therefore, I do not believe it is possible

11/18/10
D. J. Wisner

to grant a variance in this case that would not cause a detrimental affect on the adjacent neighbors. Accordingly, the variance should be denied.

THEREFORE, IT IS ORDERED this 18th day of January, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the construction of a pier within 0 ft. of the divisional lines in lieu of the minimum required 10 ft. each and to allow the pier to extend 15 ft. beyond the divisional line on the northeast side of the property, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

1/18/01
J. G. Jamison



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 19, 2001

Mr. & Mrs. Michael Peregoy
410 Robin Hood Road
Havre De Grace, Maryland 21078

Re: Petition for Variance
Case No. 01-215-A
Property: 3916 Chestnut Road

Dear Mr. & Mrs. Peregoy:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been denied in accordance with the enclosed Order.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

★ Census 2000 ★ For You, For Baltimore County ★ Census 2000 ★

Copies to:

Mr. Dennis Farnol
3936 New Section Road
Middle River, MD 21220

Mr. Jerry Wisner
3910 Chestnut Road
Baltimore, MD 21220

Mr. Bill Lagna
4000 Chestnut Road
Baltimore, MD 21220

Mr. William Lagna
11207 Sandyvale Road
P. O. Box 83
Kingsville, MD 21087



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3916 Chestnut Rd

which is presently zoned * RC-5

This Petition shall be filed with the Department of Permits and 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, hereby petition for a Variance from Section(s) 417.4

To allow construction (pier) within 0ft. each of the divisional lines in lieu of the minimum required 10ft. each, of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) *

Due to Balt Co standards and the narrowness of our property the pier construction easement is non-existent.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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 owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 01-215-A

REV 9/15/98

Legal Owner(s): SEE ATTACHED FOR OTHER OWNER

Michael Perego
Name - Type or Print

[Signature]
Signature

Sandra Perego
Name - Type or Print

[Signature]
Signature

410 Robin Hood Rd 410-575-6313
Address Telephone No.

H de M Md 21078
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

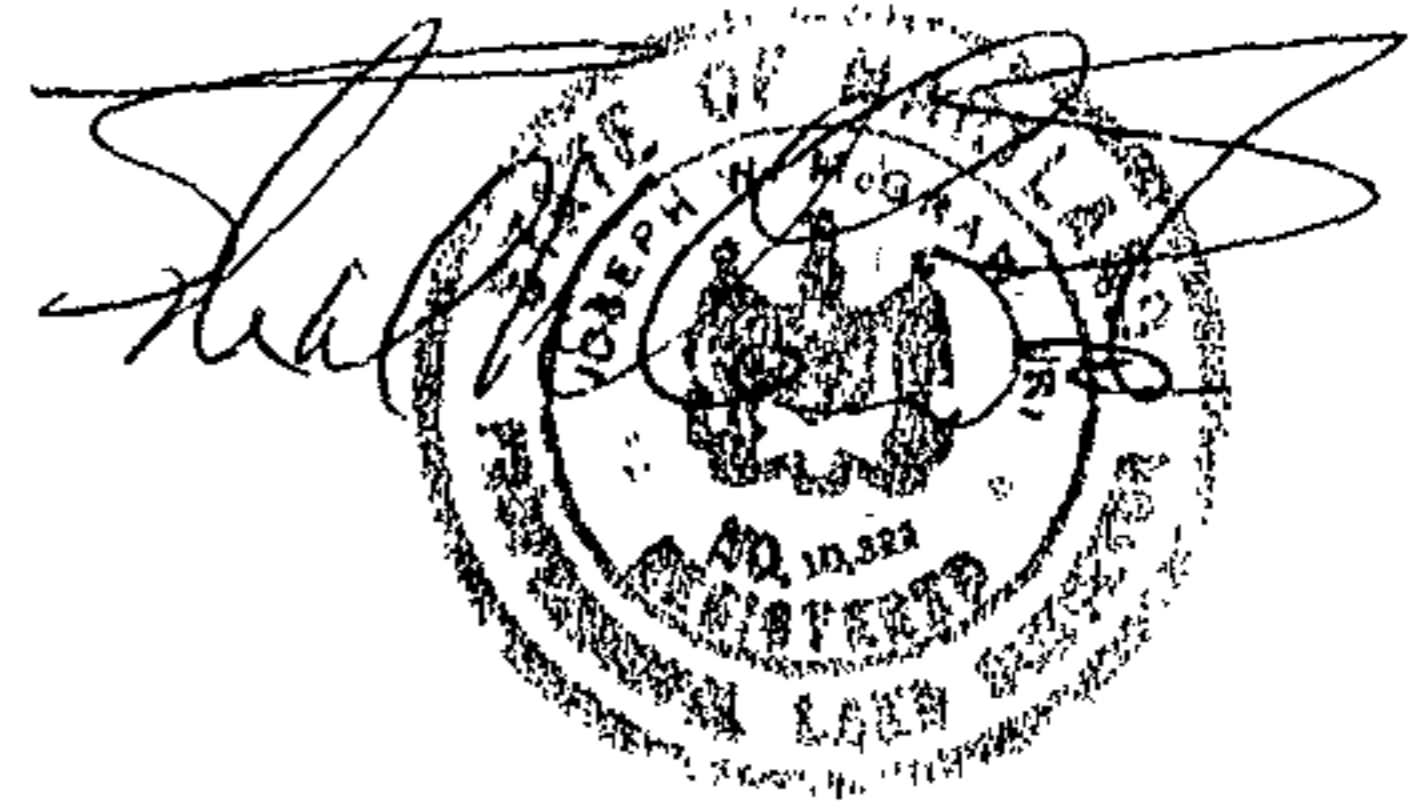
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.00 hr

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 12-21-00

ZONING DESCRIPTION FOR 3916 CHESTNUT ROAD

Beginning at a point on the northwest side of Chestnut Road which is 30 feet wide at the distance of 200 feet northeast of the centerline of the nearest improved intersecting street, Seneca Road, which is 30 feet wide. Being Lot #123 in the subdivision of Bowleys Quarter, Plat 2 as recorded in Baltimore County Plat Book #7, Folio #13, containing 33,885.75 square feet. Also known as #3916 Chestnut Road and located in the 15TH Election District, 5TH Councilmanic District.



215

NOTICE OF ZONING 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: #01-215-A

3916 Chestnut Road

NW/S Chestnut Road, 200' NE of centerline Seneca Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Sandra & Michael Pereggy

Variance: to allow construction (pier) within zero feet each of the divisional lines in lieu of the minimum required 10 feet each (also extending 15 feet NE of the NE divisional property line extended).

Hearing: Wednesday, January 10, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/15/00 Dec. 21 C440595

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12/21, 2000

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 12/21, 2000.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

Case # 01-215-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE Room 407 County Court Bldg. 461 Bayley Ave.

TIME & DATE 11:00 A.M. Wed. JANUARY 10, 2001

VARIANCE TO ALLOW CONSTRUCTION (PICK) WITHIN
2500 FEET EACH OF THE DIVISIONAL LINES IN
LIEU OF THE MINIMUM REQUIRED 10 FEET EACH
(ALSO EXTENDING 15 FEET NE. OF THE NE.
DIVISIONAL PROPERTY LINE EXTENDED).
3916 CHESTNUT ROAD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOLELY AT THE DISCRETION OF THE ZONING COMMISSIONER.
CALL 887-5105 THE DAY BEFORE THE SCHEDULED HEARING TO
IF YOU HAVE THE FEASIBILITY FOR AN ACCESSIBLE HEARING
HEARINGS ARE HANDICAPPED ACCESSIBLE

RE: CASE # 01-215-A
PETITIONER/DEVELOPER
(Michael Peregoy)
DATE OF Hearing
(1-10-01)

3916 Chestnut Road

THIS LETTER IS TO CERTIFY UNDER PENALTY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

3916 Chestnut Road Baltimore , Maryland 21220

THE SIGN(S) WERE POSTED ON 12-21-00
(MONTH, DAY, YEAR)

SINCERELY,



(SIGNATURE OF SIGN POSTER & DATE)

THOMAS P. OGLE SR.

325 NICHOLSON ROAD

BALTIMORE, MARYLAND 21221

410-687-8405

(TELEPHONE NUMBER)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-215-A
Petitioner: Sandra Peregoy + Michael Peregoy
Address or Location: 3916 Chestnut Road, Balto Md 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sandra Peregoy
Address: 410 Robin Hood Rd
H de M. Md 21078
Telephone Number: 410-575-6313

Revised 2/20/98 - SCJ

Plat to accompany Petition for Zoning Variance Special Hearing

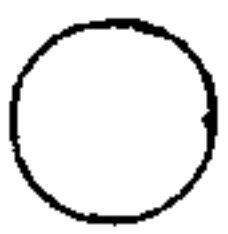
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: _____

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

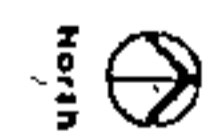
OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map #: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

Public Private

SEWER:

WATER:

yes no

Chesapeake Bay Critical Area:

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 21, 2000 Issue - Jeffersonian

Please forward billing to:

Sandra Peregoy
410 Robin Hood Road
Havre De Grace, MD 21078

410 575-6313

NOTICE OF ZONING 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 NUMBER: 01-215-A

3916 Chestnut Road

NW/S Chestnut Road, 200' NE of centerline Seneca Road

15th Election District - 5th Councilmanic District

Legal Owners: Sandra & Michael Peregoy

Variance to allow construction (pier) within zero feet each of the divisional lines in lieu of the minimum required 10 feet each (also extending 15 feet NE of the NE divisional property line extended).

HEARING: Wednesday, January 10, 2001 at 11:00 am. In Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore Co
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 1, 2000

NOTICE OF ZONING 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 NUMBER: 01-215-A

3916 Chestnut Road

NW/S Chestnut Road, 200' NE of centerline Seneca Road

15th Election District – 5th Councilmanic District

Legal Owners: Sandra & Michael Peregoy

Variance to allow construction (pier) within zero feet each of the divisional lines in lieu of the minimum required 10 feet each (also extending 15 feet NE of the NE divisional property line extended).

HEARING: Wednesday, January 10, 2001 at 11:00 am. In Room 407, County Courts Building, 401 Bosley Avenue



672

Arnold Jablon
Director

C: Sandra & Michael Peregoy, 3916 Chestnut Road, Baltimore 21220
JERRY WISNER 3910 CHESTNUT ROAD BALTIMORE 21220

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 22, 2000.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

9/11/01
wca

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

September 10, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-215-A

IN THE MATTER OF: *Sandra & Michael Peregoy* -
Legal Owners 3916 Chestnut Road
15th Election District; 5th Councilmanic District

1/18/2001 – DZC’s Order in which Petition for Variance was DENIED.

ASSIGNED FOR:

TUESDAY, JANUARY 8, 2002 at 10:00 a.m.

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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Petitioners : Sandra & Michael Peregoy

Dennis M. Farnol
Jerry Wisner
Bill Lagna
William Lagna

Office of People’s Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, CIE /PDM (Enf. Case #00-4825)
Arnold Jablon, Director /PDM



County Board of Appeals of Baltimore County

WCR

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 3, 2002

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-215-A

IN THE MATTER OF: *Sandra & Michael Peregoy* -
Legal Owners 3916 Chestnut Road
15th Election District; 5th Councilmanic District

1/18/2001 – DZC's Order in which Petition for Variance was **DENIED**.

which was assigned to be heard on 1/08/02 has been **POSTPONED** at the request of Protestants Lagna and Wisner, without objection by Petitioners; and has been

REASSIGNED FOR: **THURSDAY, MARCH 14, 2002 at 10:30 a.m.**

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).

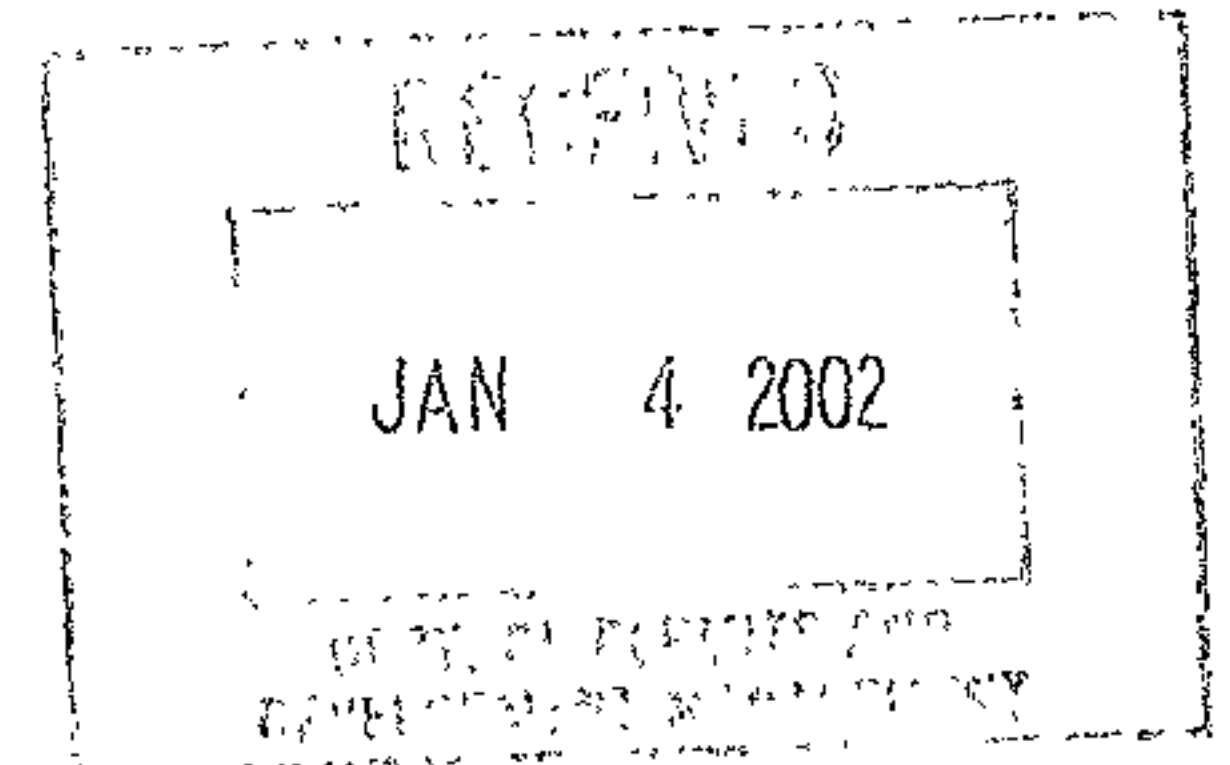
If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners : C. William Clark, Esquire
Appellants /Petitioners : Sandra & Michael Peregoy

Dennis M. Farnol
Jerry Wisner
Bill Lagna
William Lagna

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, CIE /PDM (Enf. Case #00-4825)
Arnold Jablon, Director /PDM





County Board of Appeals of Baltimore County

WCR

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 8, 2002

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-215-A

IN THE MATTER OF: *Sandra & Michael Peregoy* -
Legal Owners 3916 Chestnut Road
15th Election District; 5th Councilmanic District

1/18/2001 – DZC’s Order in which Petition for Variance was **DENIED**.

which had been reassigned for hearing to 3/14/02 has been **POSTPONED** at the request of Counsel for Petitioners due to pending Circuit Court action, without objection by Counsel for Protestants; and has been

REASSIGNED FOR: **THURSDAY, NOVEMBER 21, 2002 at 10:00 a.m.**

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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners : C. William Clark, Esquire
Appellants /Petitioners : Sandra & Michael Peregoy

Dennis M. Farnol
Jerry Wisner
Bill Lagna
William Lagna
Counsel for William and Lisa Lagna

: John B. Gontrum, Esquire [entered 2/14/02]

Office of People’s Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, CIE /PDM (Enf. Case #00-4825)
Arnold Jablon, Director /PDM

MAR 11 2002



County Board of Appeals of Baltimore County

WCP

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

*** HEARING ROOM - Room 48 ***
Basement - Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF JANUARY 7, 2002

TUESDAY 1/08 9:00 am Case No.: M.C. 01-4 and 01-5 /Hearing

In the Matter of:

Merritt - 031 LLC and Baltimore County, MD - Petitioners
3700 Commerce Drive and 3718 Washington Boulevard
0.5 acre portion of Lot 3b; 0.75 acre portion of Lot 3c
1st Councilmanic District

Map Correction: From B.L. to B.R. -I.M.

~~10:00 am Case No.: 01-215A~~ /Hearing

In the Matter of:

Sandra and Michael Peregoy
NW/s Chestnut Road, 200' NE of c/l Seneca Road
(3916 Chestnut Road)
15th Election; 5th Councilmanic

VAR - To allow construction of pier within 0' of divisional
lines ilo min req'd 10; ALSO - to allow pier to extend 15' beyond
divisional line on NE/s of property

WEDNESDAY 1/09 10:00 am Case No.: 00-107 /Hearing

In the Matter of:

Sparks Corporate Center; Sparks LLC - Developer
W/s of York Road, S of Loveton Circle
8th Election; 3rd Councilmanic

RE: DRC No. 012201F / File No. VII-722
/ meets requirements of refinement
to development plan / §26-211

CONTINUED

JAN 1 2002

THURSDAY

1/10

9:30 am

Case No.: CBA-01-154

/Denotation

In the Matter of:

Gunpowder Farms /PDM VI-2334

Bruce Doak – Owner

S & W/s Baker Schoolhouse Road

E/s Gunpowder Road

6th Election District, 3rd Councilmanic District

10:00 am

Case No.: CBA-01-132

/Hearing

In the Matter of:

Shirley Whisonant

3114 Fairview Road

Baltimore, MD 21207

*RE: ERS Decision / Approved Ordinary Disability
allowance effective 2/2/01*

c: Executive Office
Law Office
Director /PDM

People's Counsel
Planning Office
Court Info. Desk

County Council
Board Members
Court Reporter



County Board of Appeals of Baltimore County

WCP

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

*** HEARING ROOM – Room 48 ***

Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF MARCH 11, 2002

TUESDAY 3/12 10:00 am **Case No.: 01-147-SPH** **/HEARING**

In the Matter of:

*Anthony J. and Susan S. Moken
2400 Bauernschmidt Drive
E/s Bauernschmidt Drive, 515' N of c/l of Riverside Dr.
15th Election; 5th Councilmanic*

*SPH – From 500.7 BCZR – to approve declassification of accessory structure (garage) located in side yard as nonconforming use and to permit reconstruction thereof per 104.2 BCZR
Cross reference with 99-401-A – VAR – accessory structure (detached garage) in side yard; height and setbacks*

WEDNESDAY 3/13 10:00 am **Case No.: CBA-01-115** **/HEARING**

In the Matter of:

*Dianne Beryl Pasternack
2408 Sylvale Rd., Baltimore, MD 21209*

Re: Decision of AHB #2315; Violation E05737; Nuisance animal/bite case; civil penalty amt. \$25.00

THURSDAY 3/14 10:00 am **Case No.: CR-02-153** **/HEARING**

Cycle II, 2001

In the Matter of:

*The Kent-Mar Corporation – Legal Owner
Sidney Emmer Builders, Inc. – CP
W/s Pleasant Hill Road, S of Red Run Blvd.
4th Election; 3rd Councilmanic*

Reclassification: From M.L.-I.M. to OT / Documented

To be opened and continued on record; hearing on merits 4/23/02.

10:30 am **Case No.: 01-215-A** **/HEARING**

In the Matter of:

*Sandra and Michael Peregoy
NW/s Chestnut Road, 200' NE of c/l Seneca Road
3916 Chestnut Road
15th Election; 5th Councilmanic*

VAR – To allow construction of pier within 0' of divisional lines ilo min req'd 10'; ALSO – to allow pier to extend 15' beyond divisional line on NE/s of property

c: Executive Office
Law Office
Director /PDM

People's Counsel
Planning Office
Court Info. Desk

County Council
Board Members
Court Reporter



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

March 4, 2003

FOURTH NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-215-A

IN THE MATTER OF: *Sandra & Michael Peregoy* -
Legal Owners 3916 Chestnut Road
15th Election District; 5th Councilmanic District

1/18/2001 – DZC’s Order in which Petition for Variance was DENIED.

which had been reassigned for hearing to 3/37/03 has been POSTPONED at the request of Counsel for Petitioners due to the Circuit Court postponement of pending action in that Court, without objection by Counsel for Protestants, to a date beyond the reassigned Circuit Court date; and has been

REASSIGNED FOR: THURSDAY, JULY 10, 2003 at 10:00 a.m.

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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners : C. William Clark, Esquire
Appellants /Petitioners : Sandra & Michael Peregoy

Dennis M. Farnol
Jerry Wisner
Bill Lagna
William Lagna
Counsel for Protestants - William and Lisa Lagna : John B. Gontrum, Esquire

Office of People’s Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, CIE /PDM (Enf. Case #00-4825)
Arnold Jablon, Director /PDM

MAR 10 2003

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0173

DATE 3-21-01 ACCOUNT 001006 6150

AMOUNT \$ 210.00

RECEIVED FROM: Sandra M + Michael L Peregoy

FOR: Appeal Petition for Variance

Case Number 01-215-A

Appeal \$175.00

Posting Sign 35.00

3916 Chestnut Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
3/21/2001 2/21/2001 03:19:09
REQ 1503 CASHIER LWIL LDM DRAWER 3
RECEIPT # 170175 OFLN
DEPT 5 520 ZONING VERIFICATION
CR NO. 091734

Receipt Tot 210.00
210.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 0748

01-215-A

DATE 11-21-00 ACCOUNT R-601-6150

AMOUNT \$ 50.00

RECEIVED FROM: Sandra Peregoy

FOR: Residential Variance Filing Fee

\$ 40.00 # 3916 Chestnut Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
11/21/2000 11-21/2000 10:06:10
REQ 1503 CASHIER MSTE MRS DRAWER 3
DEPT 5 520 ZONING VERIFICATION
RECEIPT # 106208 OFLN
CR NO. 00748

Receipt Tot 50.00
50.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Lm
1/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 1, 2000

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

SUBJECT: 3916 Chestnut Road

INFORMATION:

Item Number: 01-215

Petitioner: Michael Peregoy

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning defers to the position taken by the Department of Environmental Protection and Research Management.

Prepared by:

Mark A. Cummins

Section Chief:

Jeffrey W. Long

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 12.1.00

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

RE: Baltimore County
Item No. 215 JJS

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

la Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: December 12, 2000

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: *Zoning Advisory Committee Meeting*
For December 11, 2000
Item Nos. 211, 212, 215, 216, 218, 219,
220, and 221

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *M/RBS*
DATE: December 7, 2000
SUBJECT: Zoning Item #215
3916 Chestnut Road

Zoning Advisory Committee Meeting of December 4, 2000

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: December 5, 2000

RE: PETITION FOR VARIANCE
3916 Chestnut Road, NW/S Chestnut Rd,
200' NE of c/l Seneca Rd
15th Election District, 5th Councilmanic

Legal Owner: Michael & Sandra Peregoy
Petitioner(s)

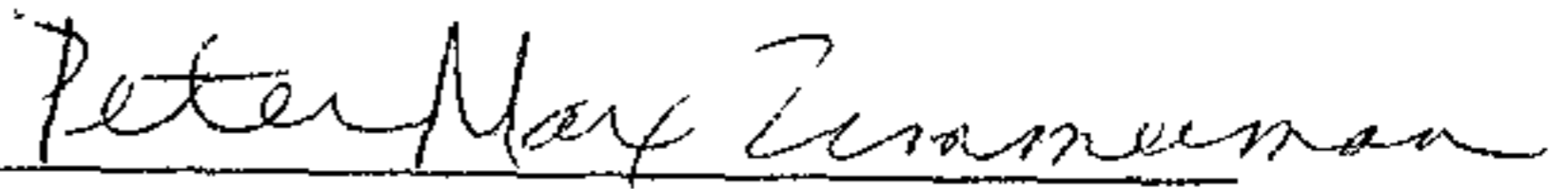
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-215-A

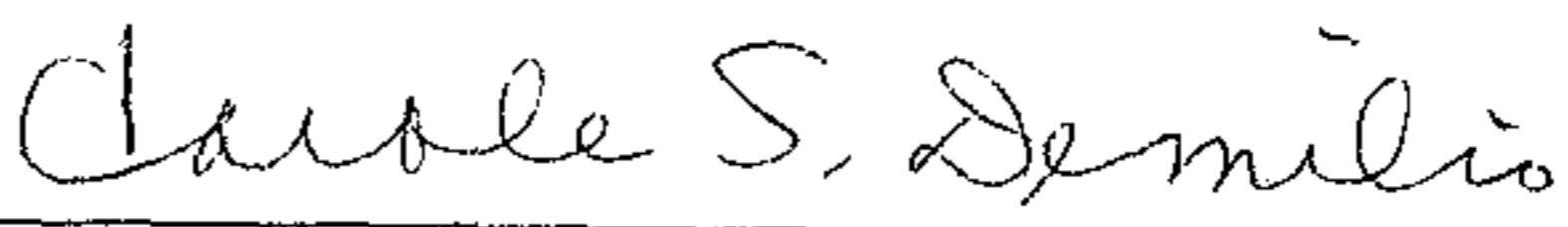
* * * * *

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Michael & Sandra Peregoy, 410 Robin Hood Road, Havre de Grace, MD 21078, Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

March 6, 2001

Sandra & Michael Peregoy
410 Robin Hood Road
Havre De Grace MD 21078

Dear Mr. & Mrs. Peregoy:

RE: Case No. 01-215-A, 3916 Chestnut Road

Please be advised that an appeal of the above-referenced case was filed in this office on February 16, 2001 by Sandra Peregoy. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

A handwritten signature in cursive script that reads "Arnold Jablon". To the right of the signature, the initials "GDZ" are written in a smaller, blocky font.

Arnold Jablon
Director

AJ: gdz

C: Dennis M. Farnol, 3936 New Section Road, Baltimore 21220
Jerry Wisner, 3910 Chestnut Road, Baltimore 21220
Bill Lagna, 4000 Chestnut Road, Baltimore 21220
William A. Lagna, 11207 Sandyvale Road, Kingsville 21087
People's Counsel

APPEAL

Petition For Variance
3916 Chestnut Road
NW/S Chestnut Road, 200' NE of centerline Seneca Road
15th Election District – 5th Councilmanic District
Sandra & Michael Peregoy - Legal Owners
Case Number: 01-215-A

Petition for Variance (filed 11/21/00)

Description of Property

Notice of Zoning Hearing (dated 12/1/00)

Certification of Publication (12/21/00 – The Jeffersonian)

Certificate of Posting (12/21/00 – Tomas P. Ogle, Sr.)

Entry of Appearance by People's Counsel (dated 12/7/00)

Petitioner(s) Sign-In Sheet (None Available)

Protestant(s) Sign-In Sheet (One Page)

Citizen(s) Sign-In Sheet (None Available)

Zoning Advisory Committee Comments (No Comments Letter)

Petitioners' Exhibits:

1. Plan To Accompany Variance Hearing For Michael L. & Sandra M. Peregoy (dated 11/21/00)

Protestants' Exhibits:

1. Letter To Mr. Arnold Jablon, Director From Jerry W. Wisner Dated 12/13/00)
2. Letter To Lawrence E. Schmidt From Michael Vivirito, President (dated 1/9/01)

Misc. (Not Marked as Exhibits):

- ❖ Division Of Code Inspections And Enforcement Active Violation Case Documents (Case No. 00-4825)
- ❖ Photographs (9 pages)
- ❖ Letter to Timothy Kotroco, Deputy Zoning Commissioner, Baltimore County, from William M Lagna (dated 01/18/01)
- ❖ Fax to Tim from SSFI, Inc. (Systems Specialist Furniture Installations, Inc. (dated 1/23/01)
- ❖ Copy of Deed
- ❖ Photogrammetric Map of Baltimore County Metropolitan Area

Deputy Zoning Commissioner's Order dated 1/18/01 (Denied)

Notice of Appeal received on 2/15/01 from Sandra Peregoy

C: Sandra & Michael Peregoy, 410 Robin Hood Road, Havre De Grace 21078
James H. Thompson, Code Enforcement (Enforcement Case No. 00-4825.)
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 01-215-A

VAR -- To allow construction of pier within 0' of divisional lines
ilo min required 10'; also, approval to allow pier to extend 15'
beyond divisional line on NE/s of property.

1/18/2001 -- DZC's Order in which Petition for Variance was
DENIED.

9/10/2001 -- Notice of Assignment sent to following; assigned for hearing on Tuesday, January 8, 2002
at 10 a.m:

Sandra & Michael Peregoy
Dennis M. Farnol
Jerry Wisner
Bill Lagna
William Lagna
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, CIE /PDM (Enf. Case #00-4825)
Arnold Jablon, Director /PDM

12/17/01 -- T/C from Bill Lagna, Protestant -- will be requesting a postponement; litigation pending in Circuit Court
regarding location of property lines; requests that matter be scheduled for hearing after Circuit Court has
rendered a decision regarding the property lines.
-- Copy of PP request and attachments provided to C. Demilio, Deputy PC, and Petitioners this date for any
response.

12/20/01 -- Received via FAX -- request for postponement from Jerry Wisner, Protestant -- same reasons as above;
still awaiting response from Petitioners. If no response -- case will go on as scheduled, with argument for
postponement to be received at start of hearing.

1/03/02 -- T/C w/Sandra Peregoy and C. William Clark - no objection to requested postponement; Notice of PP and
Reassignment sent to parties; case reassigned to Thursday, March 14, 2002 at 10:30 a.m.

2/14/02 -- Entry of Appearance filed by John B. Gontrum, Esquire -- entering appearance on behalf of William and
Lisa Lagna. File noted. Copy of Notice of Assignment sent to Mr. Gontrum.

3/07/02 -- Letter from C. William Clark, Esquire, Counsel for Petitioners -- requesting postponement of 3/14/02
hearing pending resolution of Circuit Court action (boundary dispute) regarding this property, indicating no
objection by Counsel for Protestants (Lagnas). Requests that reassigned date be post-October 29, 2002
(date of Circuit Court hearing).

3/08/02 -- Second Notice of PP and Reassignment sent to parties; case reassigned to Thursday, November 21, 2002
at 10:00 a.m.

11/13/02 -- Letter from C. William Clark, Esquire -- requesting postponement of 11/21/02 hearing before the Board;
boundary dispute matter pending in Circuit Court, the resolution of which is necessary in order for the
instant appeal to go forward before the Board, has been postponed to January 29, 2003. No objection by
J. Gontrum, Counsel for Protestants; also provided copy of FAX from M. McLaughlin, Esquire, indicating
that Circuit Court date in related matter is 1/29/03; to be assigned a date post-January 29th.

11/14/02 -- Third Notice of PP and Reassignment sent to parties; case reassigned to Thursday, March 27, 2003 at
10:00 a.m.

VAR – To allow construction of pier within 0' of divisional lines
ilo min required 10'; also, approval to allow pier to extend 15'
beyond divisional line on NE/s of property.

Page 2

3/03/03 – Letter from C. William Clark, Esquire, counsel for Petitioners; requesting postponement of 3/27/03 hearing (boundary-matter pending in Circuit Court has been postponed to 6/24/03; requests that hearing before CBA be reassigned to a date beyond 6/24/03.

3/04/03 – T/C from John Gontrum; no objection to postponement requested by Mr. Clark.
- Fourth Notice of PP and Reassignment sent to parties; case reassigned to Thursday, July 10, 2003 at 10 a.m.

5/02/03 – Letter from John Gontrum, Esquire, withdrawing appearance with regard to this matter; file noted; confirmation letter sent to Mr. Gontrum on 5/06/03.

6/19/03 – Letter from C. William Clark, Esquire – requesting further postponement from 7/10/03 – Circuit Court matter has once again been postponed to 2/10/04; requests that this matter be reassigned to a date beyond that Circuit Court matter regarding boundary dispute.

6/24/03 – Fifth Notice of PP and Reassignment sent to parties; case reassigned to Wednesday, March 10, 2004 at 10:00 a.m.

6/27/03 – Letter from Thomas Gisriel, Esquire – agrees with Mr. Clark – requests that the matter be rescheduled sometime after 2/10/04.

2/20/04 – Letter from C. William Clark, Esquire – requesting further postponement of this matter; trial which began 2/10/04 in CCt has been continued due to “some discovery and evidence matters”; re-disposition of surveyor scheduled for 3/02/04; date for continued CCt hearing not yet scheduled.

2/27/04 – Sixth Notice of PP and Reassignment sent to parties; reassigned to Wednesday, June 16, 2004 at 10 a.m.

5/28/04 – Letter from C. William Clark requesting postponement of 6/16/04 hearing; boundary dispute hearing in Circuit Court is now scheduled for 6/30/04; indicates that resolution of the boundary issue must be resolved prior to this matter being heard before this Board. Requests that date be assigned post-6/30/04.

6/04/04 – Seventh Notice of PP and Reassignment sent to parties; reassigned to Tuesday, September 28, 2004 at 10:00 a.m. Letter sent to Mr. Clark with copies to Messrs. Singer and Covahey and Zimmerman regarding this matter and the number of postponements – Circuit Court issue should be resolved by 9/28/04 hearing date, which is the earliest date available at this time.

9/10/04 – Letter from Marvin Singer, Esquire – requesting postponement of 9/28/04 hearing – decision rendered in the Circuit Court but an appeal has been filed to the Court of Special Appeals – requests postponement until CSA issues a final ruling.

9/14/04 – T/C from Bud Clark – has no objection to the postponement in this matter.
- Eighth Notice of Postponement sent out this date; to be reassigned only after notification as to scheduled hearing date in the Court of Special Appeals in the ongoing boundary dispute matter.

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 5, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 215
Legal Owner/Petitioner: Sandra & Michael Peregoy
Contract Purchaser:
Property Address: 3916 Chestnut Rd.
Location Description: NW/S Chestnut Rd. 200' NE of centerline
Seneca Rd.

VIIOLATION INFORMATION: Case No. 00-4825
Defendants: Sandra & Michael Peregoy

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Jerry Wisner	3910 Chestnut Rd. Balto. Md. 21220-4024

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- X 1. Complaint letter/memo/email/fax (if applicable)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 3. State Tax Assessment printout
- 4. State Tax Parcel Map (if applicable)
- 5. MVA Registration printout (if applicable)
- 6. Deed (if applicable)
- 7. Lease-Residential or Commercial (if applicable)
- 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- X 10. Citation and Proof of Service (if applicable)
- X 11. Certified Mail Receipt (if applicable)
- 12. Final Order of the Code Official/Hearing Officer (if applicable)
- 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/ee
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
1 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351, Extension _____
Building Inspection: 410-887-3953
E-Mail: Pdmnforce@co.ba.md.us

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960
Pdminspect@co.ba.md.us

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT/CORPORATE OFFICER (IF APPLICABLE)

Citation/Case No.
00-4825

Name (s) Michael + Sandra Peregoy

Address 3916 CHESTNUT RD

Owner Occupant Other _____ Related Citations _____

Location and Date (s) of Violation: SAME - 7/15/00 through
11/27/00 @ \$200.00 per DAY

Vehicle License No.: _____ Vehicle ID: _____

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS (CIRCLE RELEVANT ZONE BELOW, IF APPLICABLE):

- | | | | | |
|-----------------|-----------|-----------|-----------|--------------|
| <u>1B01(DR)</u> | 1A01(RC2) | 1A02(RC3) | 1A03(RC4) | 1A04(RC5) |
| 200(RAE) | 202(ROA) | 204(RO) | 205(OR1) | 206(OR2) |
| 207(O3) | 210(SE) | 216(BMM) | 221(BMB) | 229(CB)(BLR) |
| 230(BL) | 233(BM) | 236(BR) | 240(MR) | 247(MLR) |
| 253(ML) | 256(MH) | | | |

- 1) COUNTY CODE
Sec. 26-455
- 2) ZONING Regs - 417.1, 417.2, 417.3
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____

(Unless otherwise noted, all references are to zoning regulations.)

IMPORTANT TO READ REVERSE FOR IMPORTANT INFORMATION AND DIRECTIONS

AGENCY



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension _____
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

PHONE 8-830 AM 3:30-400 PM

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No. 116877
Case No.: 00-4828

Election District 15 Permit No. NONE

Name (s) _____
Address 3916 CHESTNUT RD

Location of Violation (if different than address) _____

Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:
§§ SEC. 26-455
§§ _____

Zoning Regulations:
§§ 417.1, 417.2, 417.3
§§ _____

Building Code (BOCA):
§§ _____
§§ _____

Livability Code (18-66):
§§ _____
§§ _____

Investment Property Act (7-66):
§§ _____

Electrical Code (NEC)
§§ _____

Plumbing Code (NSPC):
§§ _____

Dwelling (CABO):
§§ _____

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:
① OBTAIN PERMIT FOR FLOATING PIER WITHIN 5 DAYS AFTER THAT ²⁰⁰⁷ TODAY
② COPY OF CODE SECTIONS ATTACHED.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE _____ FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: _____ INSPECTOR: _____

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: 7/13/00
DATE ISSUED: 7/15/00 INSPECTOR: ERROL ECKER

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE. PLEASE READ CAREFULLY.

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
DIVISION OF INSPECTION AND ENFORCEMENT
INSPECTION REQUEST

DATE RECEIVED: 11/14/00

SC # 00-094

Complainant Information

Name: Jerry Wisner

Address: 3910 Chestnut Rd

Telephone: Home: () 396-7119 Work: ()

Site Information

Location: 3916 Chestnut Rd (Whitchead) Election District: 15

Description: 55' floating pier constructed in June '00 encroaches on his property - no permit

Inspector Comments

Inspection Date: _____

Action Taken: 11/14 fax to MDE
11/14 fax to Bldg Insp

Completion Date: _____

Inspector: Foyl X3980

Post-it* Fax Note		7671	Date <u>11/14</u>	# of pages <u>1</u>
To	<u>ERROL ECKER</u>		From	<u>ROY LIST</u>
Co./Dept.			Co.	<u>DEPRM</u>
Phone #			Phone #	
Fax #	<u>8081</u>		Fax #	

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

MICHAEL + SANDRA PEREEDY

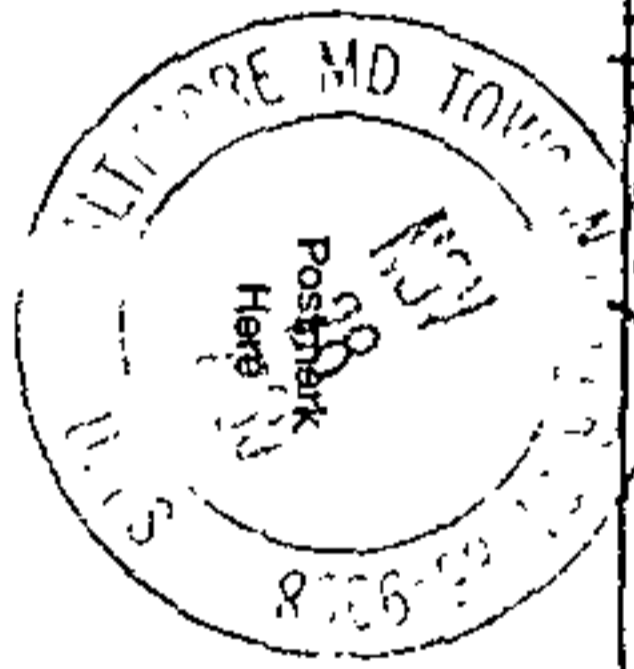
E.E. Postage \$ 1.33

00 - 4885 Certified Fee 1.40

Return Receipt Fee (Endorsement Required) 1.25

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 2.98



Name (Please Print Clearly) (To be completed by mailer)
 MICHAEL + SANDRA PEREEDY
 Street, Apt. No. or PO Box No.
 4110 ROBIN HOOD ROAD
 City, State ZIP+4
 HARVE DE GRACE MD 21078
 PS Form 3800, July 1999 See Reverse for Instructions

2580 0074 3000 0223 6607

CODE ENFORCEMENT REPORT

DATE: 6/28/00 INTAKE BY: JMA CASE #: 00-4825 INSPEC: ECKER

COMPLAINT LOCATION: 3916 Chestnut Rd.

ZIP CODE: 21220 DIST: 15

COMPLAINANT NAME: Jerry Wisner PHONE #: (410) 931-1957 (W) 396-7119

ADDRESS: 3910 Chestnut Rd. (410) 335-4319 ZIP CODE: 21220

PROBLEM: FLOATING PIER EXTENSION w/o PERMIT (ON NEIGHBORS PROPERTY)

OWNER/TENANT INFORMATION: See ATTACHED

TAX ACCOUNT #: ZONING:

INSPECTION: 6/27/00 - Visited site; No code violation, Floating Pier does not require permit. Spoke w/ her w/ Roy List of environmental, He has no violation either

Close - no cause for action.

REINSPECTION: 7/5/00 Re. opened case as per "RSW" determination that we will enforce floating pier will need permit. Write SWO and will recheck 7-13-00 J. Ecker

REINSPECTION:

EINSPECTION:

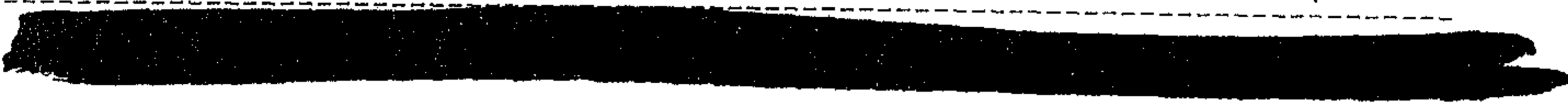
Soundex Street	Name	City	Hgt County	Wgt State	Race	Sex	DoB Zip	Priv.
-------------------	------	------	---------------	--------------	------	-----	------------	-------

 [REDACTED]

P620758586404 410 ROBIN HOOD RD	SANDRA MARGARET PEREGOY	HAVRE DE GRACE	5-08 HA	130 MD	2	F	052967 21078	PRIV
------------------------------------	-------------------------	----------------	------------	-----------	---	---	-----------------	------

 >>> INTERROGATION COMPLETE; SANDRA PEREGOY <<<
 PAGING MODE: PAGE 1 OF 1 || PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

Soundex Street	Name	City	Hgt County	Wgt State	Race	Sex	DoB Zip	Priv.
-------------------	------	------	---------------	--------------	------	-----	------------	-------



P620603497983 410 ROBIN HOOD RD	MICHAEL LEE PEREGOY	HAVRE DE GRACE	6-00 HA	155 MD	2	M	122665 21078	PRIV
------------------------------------	---------------------	----------------	------------	-----------	---	---	-----------------	------

 >>> INTERROGATION COMPLETE; MICHAEL PEREGOY <<<
 PAGING MODE: PAGE 1 OF 1 || PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

DATE: 06/26/2000
TIME: 09:59:45

STANDARD ASSESSMENT INQUIRY (1)

RA1001

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
15 23 002280 15 3-1 34-00 H NO 04/25/00
PEREGOY MICHAEL L. DESC-1.. IMPS
PEREGOY SANDRA M. DESC-2.. BOWLEYS QUARTERS
3916 CHESTNUT RD PREMISE.. 03913 CHESTNUT RD

BALTIMORE MD 21220-4024 FORMER OWNER: WALTER WILLIAM E 00000-0000

FCV		PHASED IN			
	PRIOR	PROPOSED	CURR	CURR	PRIOR
LAND:	108,140	117,890	FCV	ASSESS	ASSESS
IMPV:	22,380	32,270	TOTAL..	54,820	52,200
TOTL:	130,520	150,160	PREF..	0	0
PREF:	0	0	CURT..	137,066	54,820
CURT:	130,520	150,160	EXEMPT.	0	0
DATE:	10/96	07/99			

----- TAXABLE BASIS -----

	ASSESS	FM DATE
00/01 ASSESS:	54,820	11/21/99
99/00 ASSESS:	52,200	06/04/99
98/99 ASSESS:	52,200	06/05/98

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 06/26/2000
TIME: 09:59:59

STANDARD ASSESSMENT INQUIRY (2)

RA1001

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
15 23 002280 15 3-1 34-00 H NO 04/25/00
LOT... 123 BOOK... 0007 MAP... 0091 LOT WIDTH... 214.90
BLOCK.. FOLIO... 0013 GRID... 0022 LOT DEPTH... .00
SECTION.. PARCEL.. 0150 LAND AREA.. 36576.000 S
PLAT.. 2 YEAR BUILT... 24

-----TRANSFER DATA-----

NUMBER..... 169535
DATE..... 07/19/99
PURCHASE PRICE..... 165,000
GROUND RENT..... 0
DEED REF LIBER..... 13902
DEED REF FOLIO..... 0574
CONVEYED IND..... 1
TOT-PART TRAN IND..... T
GRANTOR ACCT NO.. 15-23-002280

-----EXEMPT DATA-----

STATUS.....
CLASS CODE..... 000
STATE EXEMPT CODE..... 000
COUNTY EXEMPT CODE..... 000
CURR STATE EX ASMT..... 0
PRIOR STATE EX ASMT..... 0
CURR COUNTY EX ASMT..... 0
PRIOR COUNTY EX ASMT..... 0

CRITICAL NEW CONST CARD
AREAS CODE YEAR NO
08270

-----STRUCTURE-----

CODE SQ. FEET
848

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



Environmental Impact Statement for Requested Rezoning, 9217 Liberty Road

The proposed development on the above-reference property will have a minimal environmental impact. The entire property is only 12, 123 square feet in area (0.2783 acres) and has no woods, streams or wetlands on or adjoining the site. There are scattered trees along two of the property boundaries, which will be retained in the proposed development.

The property was formerly occupied by a dwelling, now demolished and is currently vacant. The proposed development, a 1500 ± square-foot service garage building and associated parking area, will occupy less than 5,000 square feet of new impervious area. No reasonable alternative development under any zoning category can be accomplished without adding impervious surface to the site.

There is no anticipated irreversible commitment of resources associated with this requested zoning reclassification.

The seal is circular with a double-line border. The outer ring contains the text "STATE OF MARYLAND" at the top and "PROFESSIONAL ENGINEER" at the bottom. The inner ring contains the name "RICHARD MATZ" and the number "12203". In the center of the seal is a small emblem featuring a figure holding a scale and a sword. A large, stylized handwritten signature is written over the seal.

2/28/01

CR-01-433-X

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
CORNELIA M. KOETTER*

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
WEB SITE: www.nolanplumhoff.com
E-MAIL: npw@nolanplumhoff.com

J. EARLE PLUMHOFF
(1940-1988)
NEWTON A. WILLIAMS
(RETIRED 2000)
RALPH E. DEITZ
(1918-1980)

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

TELECOPY COVER PAGE

To: Bruno @ Baltimore County Zoning

Date: December 2, 2005

From: C. William Clark, Esquire

Fax #: (410)887-5708

Subject: Sandra and Michael Peregoy -Permit
3916 Chestnut Road

Pages: 2 including cover sheet

COMMENTS: Please do not hesitate to contact our office if you have any questions.

If for any reason you need to contact us, please call Jenn at 410-823-7800. Thank You.

CONFIDENTIALITY NOTICE

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law."

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.



MANDATE

Court of Special Appeals

Maryland Relay Service
1-800-735-2258
TDD/VOICE

No. 01549, September Term, 2004

William M. Lagna et ux.
vs.
Sandra Peregoy et ux.

JUDGMENT: June 24, 2005: Letter from appellant "dropping" the appeal. Appeal dismissed.

June 27, 2005: Mandate issued.

From the Circuit Court: for **BALTIMORE COUNTY**
03C010011143

STATEMENT OF COSTS:

Appellant(s):

Lower Court Costs-	60.00
Steno Costs of Appellant-	2,714.75
Filing Fee of Appellant-	50.00

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this **twenty-seventh** day of **June** **2005**

Leslie D. Gradet
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE

Robin,

Run this file - we need
to call these neighbors.

Tm

Systems Specialist Furniture Installations, Inc.

"Our Installation Makes The Difference"

Date: January 23, 2001

Please give this document to: Tim

Company: _____

Number of pages: 2 (Including the cover page)

From: Mike

Notations: _____

This is what we agreed on with the neighbors after we met with you on January 11th.

CELL 410 961-6469

Home 410 575-6313

OFFICE 410 485-1965

If you do not receive this in full, or if you have any problems reading this document please call our office.

Thank You,
SSFI, Inc.

FAX # 410-887-31108



Baltimore County
Department of Permits and
Development Management

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

June 13, 2001

Michael & Sandra Peregoy
410 Robin Hood Court
Havre de Grace, MD 21078

RE: 3916 Chestnut Road, Permit # B447360, Zoning Case # 01-215-A
15th Election District – 5th Councilmanic District

Dear Mr. & Mrs. Peregoy,

Reference is made to your pier permit recently suspended by John R. Reisinger, Buildings Engineer. Arnold Jablon, the Director has asked me to write to you regarding any changes to the original plan (that was submitted as part of the zoning variance that was denied on January 1, 2001).

This office is always available to review any plans submitted before, during or after a zoning decision. However, in this case when the plan changes or a plan is submitted for a permit that differs from the original hearing plans, this office will not accept and approve any changes until the plan is introduced and approved at another zoning hearing. There are issues such as ownership, property lines, the accurate shoreline, and the application of Section 417 Baltimore County Zoning Regulations, that must be addressed. If you decide to proceed with a revised plan whether or not a variance is required, contact John Sullivan in this office or myself for a filing appointment at 410 887-3391.

If you need any further information or clarification, please contact me at the above number.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR: gdz

C: File

John Sullivan
Building Inspection
John R. Reisinger, Buildings Engineer
William Lagna, 3920 Chestnut Road, Baltimore 21220
Jerry Wisner, 3910 Chestnut Road, Baltimore 21220





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 4, 2001

Michael and Sandra Peregoy
410 Robin Hood Court
Havre de Grace, Md 21078

Re: 3916 Chestnut Road
Permit B447360

Dear Mr. and Mrs. Peregoy:

This letter is to formally inform you that permit B447360 for the construction of a pier has been suspended. No work may be done on this project until such time as the permit is reinstated. The suspension is due to incomplete information shown on the submitted site plan. Your surveyor has been informed of what information he needs to submit. In short, sufficient information must be shown on the site plan to establish compliance with Section 417 of the Baltimore County Zoning Regulations. If you have any questions, you may contact me at 410-887-4585, or Carl Richards of the Zoning Office at 410-887-3991.

Sincerely,

John R. Reisinger
Buildings Engineer

c. Building Inspection
Processing
Carl Richards



Arnold Jablon - RE: pier permit recision.

From: "Lagna, William M Dr SBCCOM" <william.lagna@SBCCOM.APGEA.ARMY.MIL>
To: 'Arnold Jablon' <AJablon@co.ba.md.us>
Date: 6/5/01 1:52 PM
Subject: RE: pier permit recision.
CC: "Jreisinger (E-mail)" <jreisinger@co.ba.md.us>, "Jwisner (E-mail)" <jwisner@bcps.k12.md.us>

Mr. Jablon,

Thank you for the opportunity to provide information to support the pier permit recision. I have contacted Gerhold, Cross and Etzell to try to work out the details with the other surveyor. I will send to you on Friday morning several previous Baltimore County surveys which are in agreement with my Gerhard Cross and Etzell survey and not in agreement with the JST Engineering (pier permit) survey. The existing surveys may be sufficient information for you to see that the lines have been biased to allow a pier and issue a decision. If you have any questions please feel free to contact me.

Bill Lagna

410-436-1920

-----Original Message-----

From: Arnold Jablon [mailto:AJablon@co.ba.md.us]
Sent: Monday, June 04, 2001 2:17 PM
To: william.lagna@SBCCOM.APGEA.ARMY.MIL
Subject: RE: pier permit recision.

yes, I will delay for a week or so until you can get your survey. The information presented by the petitioner's survey indicated that there is sufficient property. Quite frankly, I don't know who is right or wrong, and this is why the surveys are necessary.

Arnold Jablon

>>> "Lagna, William M Dr SBCCOM" <william.lagna@SBCCOM.APGEA.ARMY.MIL> 06/04/01 12:20PM >>>
 Mr. Jablon,

I appreciate your response. My survey is several years old. Will you allow me sufficient time to have a new survey to include Lots 122, 123 and 124 completed? This will definitively answer this issue, although my old survey is sufficient to answer the position for the divisional water rights line on the north side.

Please tell us what has changed that you are willing to issue a permit without another variance hearing? The lot is undersized, the water rights lines converge very quickly and any vessel moored to the said pier would violate the clear zone (which is specifically intended for navigation and access to land, not mooring). In addition, the true property boundary is not being used to calculate the water rights line, and the proposed pier is less than the required 20 feet from the existing pier on the south side, obstructing it. Any of these issues requires a variance hearing, and none of these issues are directly related to a surveyor dispute.

This pier, INCLUDING the adjacent 15' of road end, required a variance hearing for reasons previously cited. The variance hearing was held and the variance was DENIED. The matter is currently under appeal. All related hearings must be PUBLIC with the parties of record given a minimum of 10 days notice, according to Baltimore County code. All of these informal proceedings are in violation.

BALTIMORE COUNTY PUBLIC SCHOOLS

Joe A. Hairston, Superintendent

Towson, Maryland 21204-3711

BOARD EXHIBIT

March 29, 2001

MAR 26 2001

TO:

Dr. Joe A. Hairston

FROM:

Division of Physical Facilities

RE:

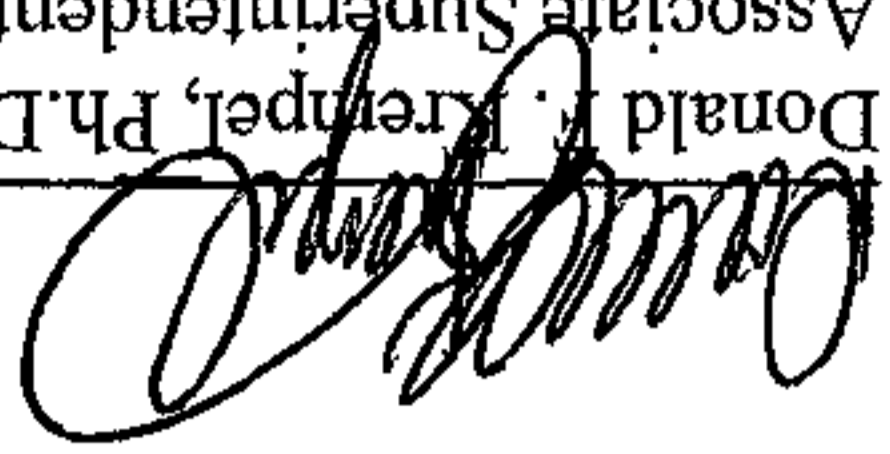
Fee Acceptance - Consultant Design Services for Major Maintenance Renovations
Chadwick Elementary, Gunpowder Elementary, Halethorpe Elementary, and
Hillcrest Elementary Schools

On October 10, 2000, the Board of Education granted the Division of Physical Facilities approval to enter into negotiation with Rubeling and Associates, Inc. to provide consultant design services related to the Major Maintenance Renovation Program. The Division of Physical Facilities along with their Program Manager, 3D/International, have negotiated fees for consultant services to include study, design, bidding assistance, and construction administration at Chadwick Elementary, Gunpowder Elementary, Halethorpe Elementary, and Hillcrest Elementary Schools. The negotiated fees with Rubeling and Associates, Inc. are \$554,052.47 for professional costs plus \$165,630.38 for direct costs for a total cost of \$719,682.85.

The total construction cost for the renovations planned at Chadwick Elementary, Gunpowder Elementary, Halethorpe Elementary, and Hillcrest Elementary Schools is estimated at \$7,402,000.00. Based on the estimate, our negotiated design fees are 9.7% of the construction costs. This is \$87,317.15 less than the original Perks Reuter programmed design cost.

At this time, the Division of Physical Facilities requests approval of the negotiated fees with Rubeling and Associates, Inc. in the amount of \$719,682.85. Funding for these services is available in the Capital Budget Project #665 - Major Maintenance.

APPROVED:


Donald J. Karpel, Ph.D.
Associate Superintendent



Until I hear otherwise from you, I will assemble and submit to your office the supporting information including a prior survey. Thank you for your attention.

Bill Lagna

410-436-1920

-----Original Message-----

From: Arnold Jablon [mailto:AJablon@co.ba.md.us]

Sent: Monday, June 04, 2001 11:51 AM

To: william.lagna@SBCCOM.APGEA.ARMY.MIL

Subject: Re: pier permit rescision.

It is my understanding that you have spoken with Mr. Reisinger this morning. Mr. Reisinger and Mr. Wisnom will review the proposed pier with Mr. Carl Richards, supervisor of the zoning office. I must tell you, however, if the issue comes down to a disagreement between surveyors, I will have no means to deny the permit. The issue will be most definitely a civil matter between parties, but the county will have no means to deny a permit where one surveyor disagrees with another. Until we see the surveys completed by both parties, however, the permit issued will be rescinded.

Arnold Jablon

>>> "Lagna, William M Dr SBCCOM" <william.lagna@SBCCOM.APGEA.ARMY.MIL> 06/04/01 10:09AM >>>
Mr. Jablon and Mr. Reisinger,

I am requesting an audience with both of you this afternoon to present information relating to Civil Citation 00-4825, Denial of variance case 00-215A, the associated ongoing appeal and the related new permit. I have attached a draft of the document which I will present to you, and I will include the attachments at that time. Mr. Wisner, another resident and immediate neighbor will also attend in strong opposition to any permit.

We are requesting that the permit be denied or rescinded immediately, or at minimum until we have had sufficient time to present our case. We are also of the opinion that Mr. Kotroca and Mr. Shapiro should be present as they are integral to this case. Most specifically, Mr. Shapiro should be present as he has rendered a decision that is incorrect from his review of mis information.

Please call me as soon as possible to confirm an audience this afternoon.

Sincerely,

Bill Lagna
410-436-1920

<<June2001letter.doc>>

01-215-A →

DATE: 18 January 2001

TO: Mr. Timothy Kotroco
Deputy Zoning Commissioner, Baltimore County
FAX:410-887-3468

SUBJECT: Baltimore County Zoning Case 01-215-A

Mr. Kotroco,

This letter is being sent to you as a follow up to the 10 January hearing where I voiced opposition to the proposed variance of case 01-215-A. At the hearing you requested that the involved parties get together and work out a revised plan. We scheduled to review the plan on 14 January. Mr. Peregoy (petitioner) was late for the meeting and Mr. Wisner (opposed), who had undergone surgery on 12 January, waited for two hours but was forced to return to his home before Mr. Peregoy arrived. Two representatives of Bowleys Quarters Improvement Association, and I were present when Mr. Peregoy arrived. We discussed several alternatives, some acceptable, others not. Mr. Peregoy agreed to revise his plans and distribute them for review. From the meeting it was unclear how Mr. Peregoy intended to revise his plans.

To date I have not received revised plans. In the original hearing the plans that were presented showed inaccuracies, encroached into my water rights and blocked access to my ramp. Similarly, the plans encroached into the open zone and blocked water access to Mr. Wisner's pier. Mr. Peregoy does not yet own the southern half of the road end identified in his plans. Under the circumstances I strongly feel that we have not reached an agreement and I remain opposed to the proposed variance. Please consider this in your judgement on the case. If you have any additional questions I may be reached at 410-436-1920 (work) or 410-335-3606 (home).

Sincerely,



William M. Lagna
221 Bowleys Quarters Road
Middle River, Maryland 21220

DATE: 18 January 2001

TO: Mr. Timothy Kotroco
Deputy Zoning Commissioner, Baltimore County

SUBJECT: Baltimore County Zoning Case 01-215-A

Mr. Kotroco,

This letter is being sent to you as a follow up to the 10 January hearing where I voiced opposition to the proposed variance of case 01-215-A. At the hearing you requested that the involved parties get together and work out a revised plan. We scheduled to review the plan on 14 January. Mr. Peregoy (petitioner) was late for the meeting and Mr. Wisner (opposed), who had undergone surgery on 12 January, waited for two hours but was forced to return to his home before Mr. Peregoy arrived. Two representatives of Bowleys Quarters Improvement Association, and I were present when Mr. Peregoy arrived. We discussed several alternatives, some acceptable, others not. Mr. Peregoy agreed to revise his plans and distribute them for review. From the meeting it was unclear how Mr. Peregoy intended to revise his plans.

To date I have not received revised plans. In the original hearing the plans that were presented showed inaccuracies, encroached into my water rights and blocked access to my ramp. Similarly, the plans encroached into the open zone and blocked water access to Mr. Wisner's pier. Under the circumstances I feel that we have not reached an agreement and I remain opposed to the proposed variance. Please consider this in your judgement on the case. If you have any additional questions I may be reached at 410-436-1920 (work) or 410-335-3606 (home).

Sincerely,

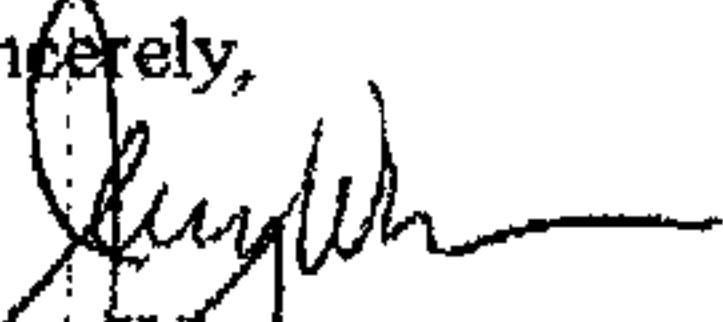
William M. Lagna
221 Bowleys Quarters Road
Middle River, Maryland 21220

Mr. Kotroco,

I would like to state my concurrence to the fact that no revised plans have been issued to either Mr. Lagna or myself regarding the variance requested by the Peregoy's. At this time, particularly due to the actions of the Peregoy's involving this matter and previous dealings, I am adamant about not agreeing to the variance requested, and very reluctant to accept a compromise of any kind. I believe unless the Peregoy's purchase the

fifteen foot parcel of land adjacent to their property, now owned by the Bowleys Quarters Association, they, by code, cannot put up a pier of any kind starting at the "shore line," since they have only eighteen feet available to them. If and when they purchase that parcel I will then entertain minimal concessions, but not a 100 foot pier with appurtenances. Please consider this when rendering your decision on this case. In anything further is needed from me, I can be reached during the day at 410-396-7119. Mr. Lagna will be signing this letter and sending his copy in separately. I have just attached to his to verify that we are both in agreement.

Sincerely,



Jerry Wisner
3910 Chestnut Road
Baltimore, Maryland 21220

ROMADKA & GONTRUM, LLC
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-6206 (fax)

ROBERT J. ROMADKA
rromadka@rgmlaw.net

JOHN B. GONTRUM
jgontrum@rgmlaw.net

April 28, 2003

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

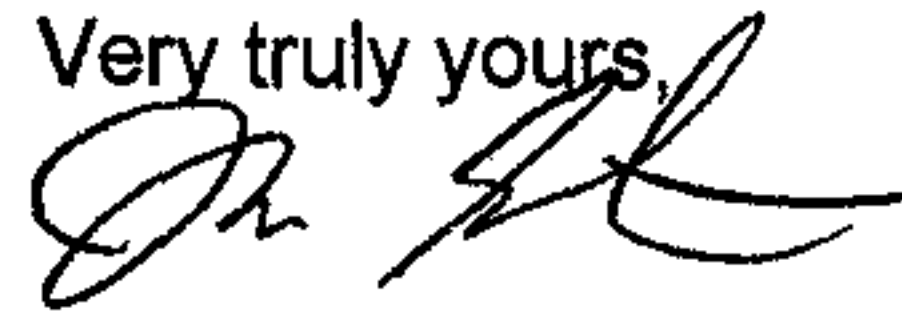
RE: RG&M File Name: William M. and Lisa A. Lagna
RG&M File No.: 22.1101
LL/Property Line
Case No.: 01-215-A

Dear Ms. Bianco:

Please be advised that I am withdrawing my appearance with regard to the above captioned matter. This matter is scheduled for a Hearing on Thursday, July 10, 2003 at 10:00 a.m., copy enclosed.

If you should have any questions, please do not hesitate to contact me.

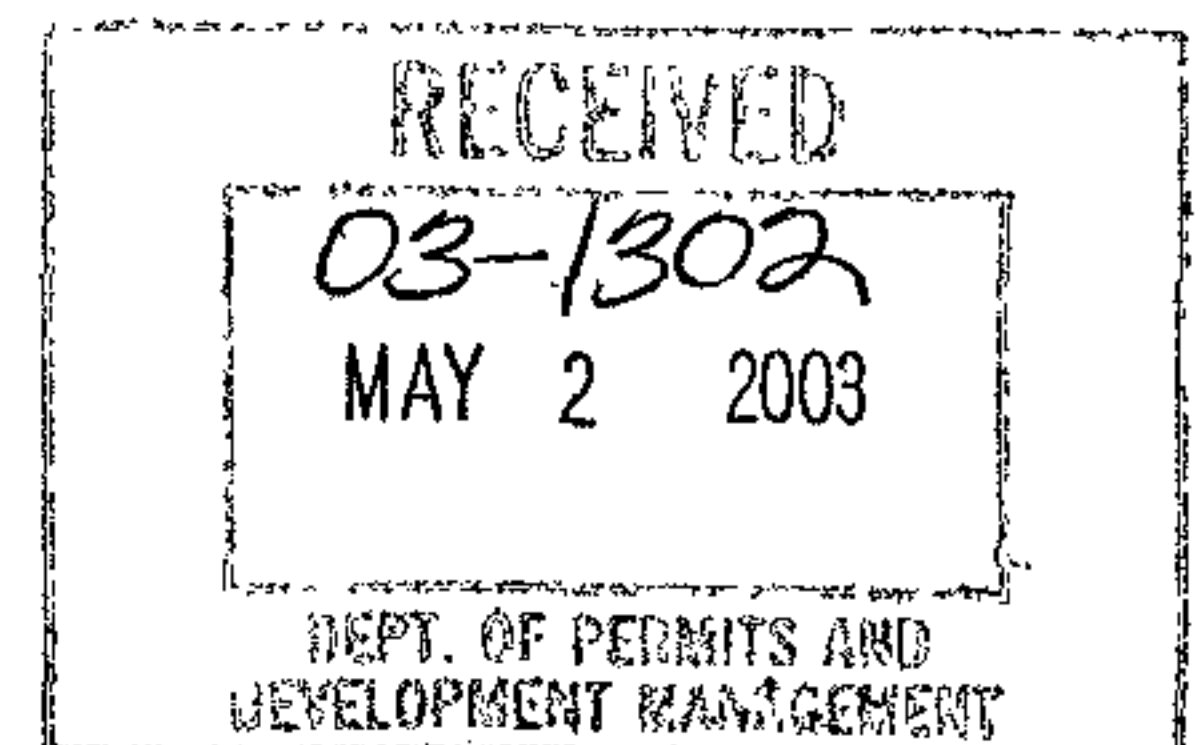
Very truly yours,



John B. Gontrum

JBG/jmh

cc: William Lagna
C. William Clarke, Esq.
Dennis M. Farnol
Jerry Wisner
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thomas/PDM ✓
Arnold Jablon, Director/PDM



0013902 576

TAX I.D. #: 15-23-002280

THIS DEED, Made this 17th day of July, In the year One

Thousand Nine Hundred and Ninety-Nine, by and between WILLIAM R.

WALTER, Personal Representative of the Estate of WILLIAM R.

WALTER, party of the first part, and MICHAEL L. PEREGO and

SANDRA M. PEREGO, husband and wife, parties of the second part.

WITNESSES, that in consideration of the sum of One Hundred

Sixty-Five Thousand Dollars and No Cents (\$165,000.00) and such

other good and valuable consideration, the receipt of which is

hereby acknowledged, the said WILLIAM R. WALTER, Personal

Representative of the Estate of WILLIAM R. WALTER, party of the

first part, does hereby grant and convey unto the said MICHAEL L.

PEREGO and SANDRA M. PEREGO, husband and wife, parties of the

second part, as tenants by the entireties, their assigns, and

unto the survivor of them, his or her personal representatives

and assigns, in fee simple, all that lot of ground situate in the

15th Election District of Baltimore County, Maryland, and

described as follows, that is to say:

BEING all that lot of ground known and designated as Lot No. 123 on Plat 2 of the property of Rowley's Quarters Company of Baltimore County which plat is duly recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 13. the improvements thereon being known as No. 3916 Chestnut Road.



3916

3916 CHESTNUT
NEED

PAGE 1 OF 3

A-4

0013902 575

BEING the same lot of ground which by Deed dated August 1, 1944 and recorded among the Land Records of Baltimore County in Liber R.J.B. No. 1359, folio 60, was granted and conveyed by Mary H. Prinz and John W. Prinz, her husband, to William E. Walter and Mary A. Walter, his wife. The said Mary A. Walter departed this life on September 6, 1985. The said William E. Walter departed this life on October 23, 1986. The said William R. Walter was appointed Personal Representative of the Estate of William E. Walter by the Register of Wills for Baltimore City. See Estate Number A-40452.

Walter

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said MICHAEL L. PEREGOV and SANDRA W. PEREGOV, husband and wife, parties of the second part, as tenants by the entirety, their assigns, and unto the survivor of them, his or her personal representatives and assigns, in fee simple.

WITNESS, the hand and seal of the said grantor.

Thomas C. B...
WITNESS

William R. Walter
WILLIAM R. WALTER
Personal Representative
of the Estate of
WILLIAM E. WALTER

DEED
p. 2 of 3

A-5

0013902 576

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 17th day of July, in the year One Thousand Nine Hundred and Ninety-Nine, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared WILLIAM R. WALTER, Personal Representative of the Estate of William R. Walter, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

James C. Green
Notary Public



My Commission Expires: 12/1/99

GRANTOR'S AFFIDAVIT

MICHAEL L. PEREJOY and SANDRA K. PEREJOY, his

wife, Grantees in the within Deed, hereby certify under the penalties of perjury that the land conveyed in said Deed is residentially improved owner-occupied real property and that the residence will be occupied by us.

Michael L. Perejoy
MICHAEL L. PEREJOY, Grantee

Sandra K. Perejoy
SANDRA K. PEREJOY, Grantee

File Clerk Not
NEED P 3 of 3

A6

THIS DEED, made this 4th day of September in the year One Thousand Nine Hundred and Ninety, by and between Bowleys Quarters Improvement Association, Inc., Grantor, a body corporate State of Maryland, party of the first part, and Bowleys Quarters Improvement Association, Inc., Grantee, party of the second part.

WITNESSETH, that for no actual monetary consideration, the Grantor does hereby grant and convey to the Grantee their assigned in fee simple all of its rights, title and interest in that lot of ground situate in the fifteenth election district, Baltimore County, Maryland and described as follows:

BEGINNING for the same on the north side of Chestnut Road at the distance of 42 feet more or less measured westerly along the north side of Chestnut Road from the division line between lots 124 and 125, Plat No. 2, Bowleys Quarter, said plat being recorded among the land records of Baltimore County in Plat Book 7 folio 13; thence running and binding on the north side of Chestnut Road North 62 degrees 59 minutes West 58 feet more or less to the waters of Seneca Creek, thence binding on Seneca Creek in a southwesterly direction 35 feet more or less to the south side of Chestnut Road, thence binding on the south side thereof South 62 degrees 59 minutes East 66 feet more or less, thence crossing Chestnut Road North 27 degrees 01 minutes East 30 feet to the place of beginning.

BEING a part of the land conveyed unto Bowleys Quarters Improvement Association, Inc., by deed of Robert M. Thomas, Trustee, dated September 4, 1962 and recorded among the land records of Baltimore County, in Liber RRG 4249, folio 367.

THE undersigned corporate officer certified that this conveyance is not part of the transfer in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the said Grantor.

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

 COPY

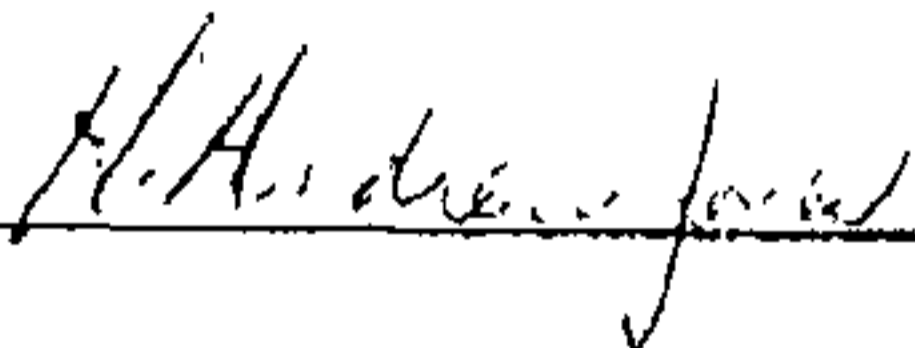
TO HAVE AND TO HOLD the said lot or parcel of land above described and mentioned and hereby intended to be conveyed; together with rights, priveleges, appurtenances and advantages thereto belonging or appurtaining unto and to the proper use and benefit of the said Bowleys Quarters Improvement Association, Inc. as tenants by the entireties, their assigns, and unto the survivor of them, their personal representatives 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 warrent specially the property granted and that it will execute such further assurance of the same as may be requisite.

IN WITNESS WHEREOF Bowley's Quarters Improvement Association, Inc. has caused these presents to be executed in its name by Phillip O. Edwards, its President, attested by H. Andrew Jones, its Secretary, and its corporate seal affixed hereto.

ATTEST

BOWLEY'S QUARTERS IMPROVEMENT ASSOCIATION, INC.



H. Andrew Jones
Secretary

BY 

Phillip O. Edwards
President

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

On this 4th day of Sept, 1990, before me, a Notary Public of the State of Maryland. In and for Baltimore County aforesaid, the undersigned officer, personally appeared Philip O Edwards, who acknowledged himself to be the President of Bowleys Quarters Improvement Association, Inc., a body corporate, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Louise M Duckells

Notary Public

SEAL

My commission expires 8/26/94

Date . 2/10/01

To : Balto. Cnty Zoning Commissioner
Tim Ketroco, Deputy Zoning Comm.

From : Sandra Peregoj & Michael Peregoj

Re: Appeal to decision made 1-18-01
against a pier at 3416 Chestnut Rd.
case # 01-215-A

To Whom It May Concern:

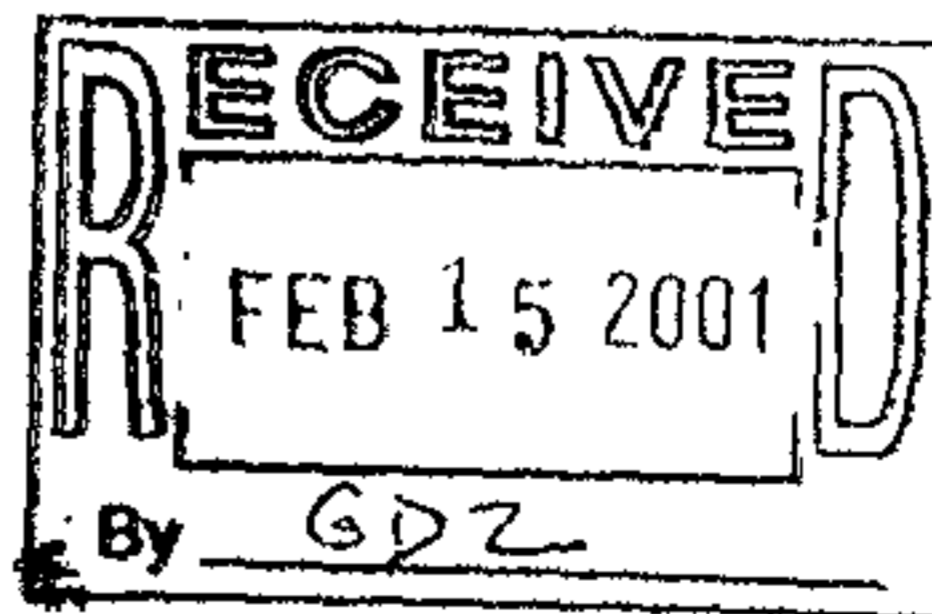
This letter is to appeal the no pier decision
~~at~~ at my property noted above. Case number is
01-215-A.

Sandra Peregoj

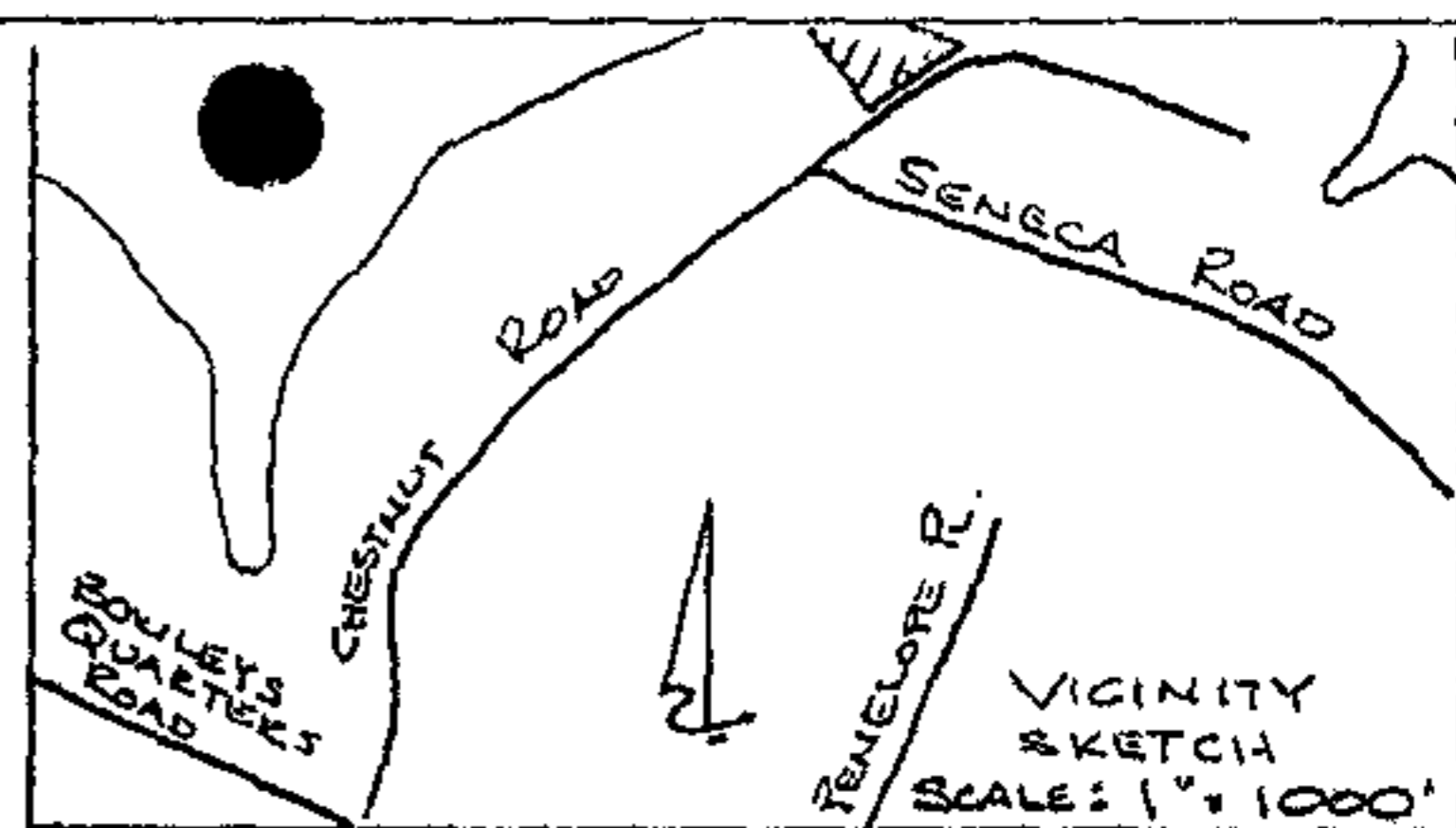
Sandra Peregoj

410-575-6313

Viol # 004825
Case
Earl E + Tom



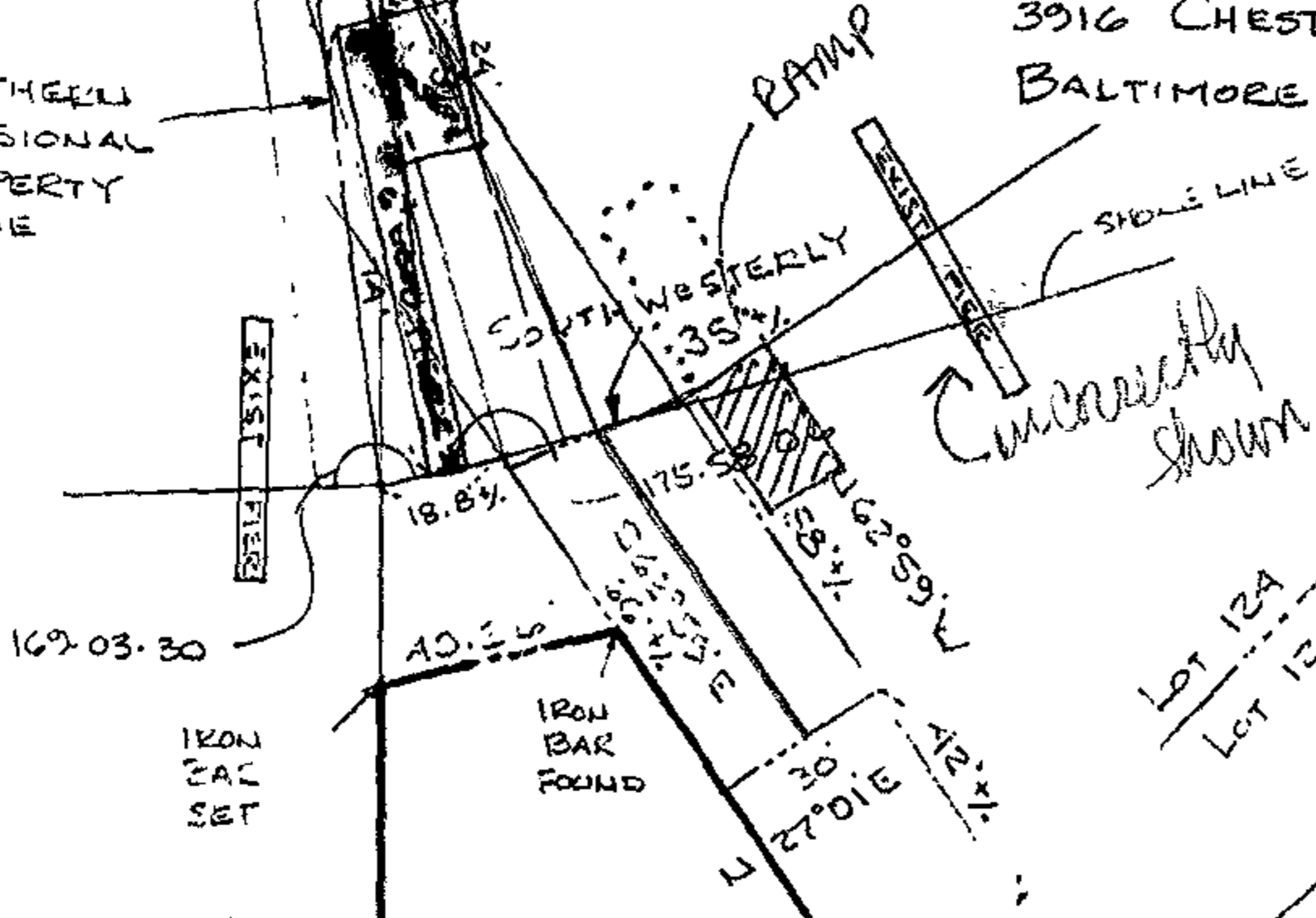
NORTH DIVISIONAL PROPERTY LINE (WITHOUT LAND ACQUISITION)



PLAN TO ACCOMPANY VARIANCE HEARING FOR
 MICHAEL L. & SANDRA M. PEREGOY
 3916 CHESTNUT ROAD
 BALTIMORE COUNTY, MD. 21220

SENECA

SOUTHERN DIVISIONAL PROPERTY LINE

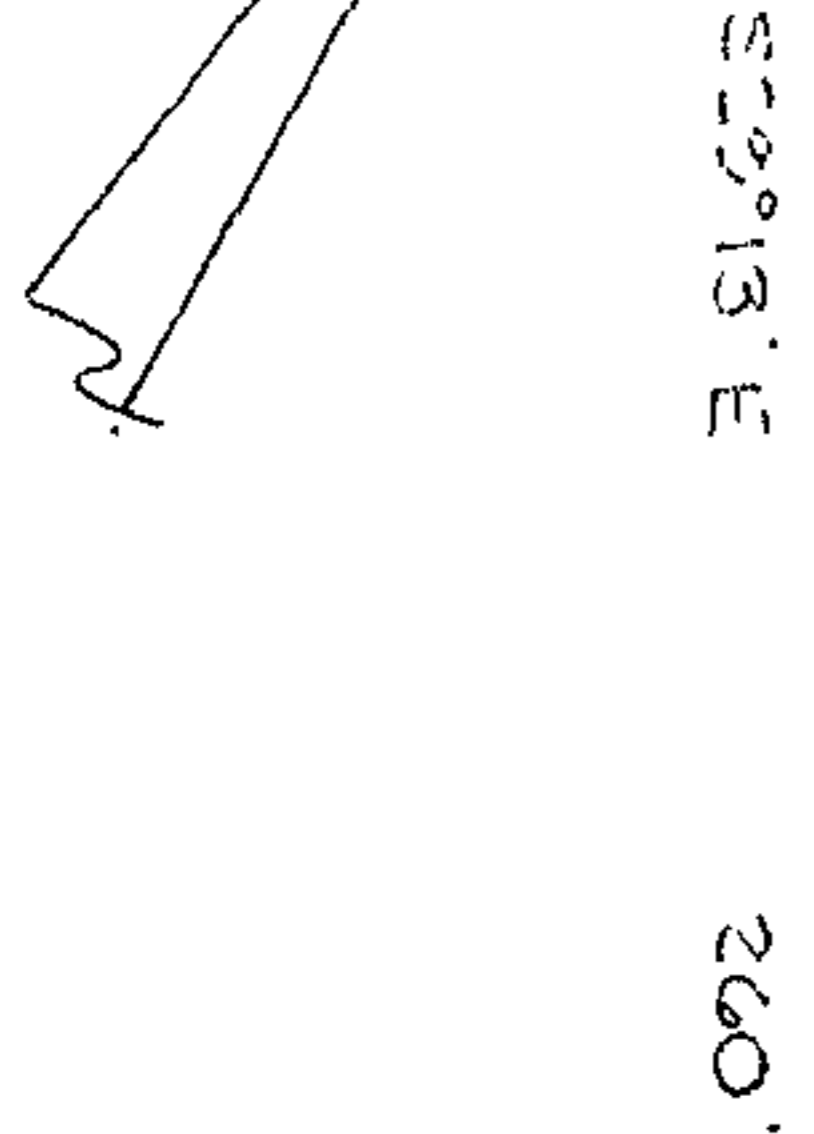


LOCATION INFORMATION

Election District: 15TH
 Councilmanic District: 5TH
 1"=200' scale map#: NE 3K & L
 Zoning: R.C. 5
 Lot size: 0.7779 33,885.75
 acres square feet

	public	private
SEWER:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WATER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chesapeake Bay Critical Area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Prior Zoning Hearings:	NONE	

Zoning Office USE ONLY!
 reviewed by: *[Signature]* ITEM #: 215 CASE#:



LOT 121 LOT 122

LOT 123

LOT 129

LOT 130

LOT 131

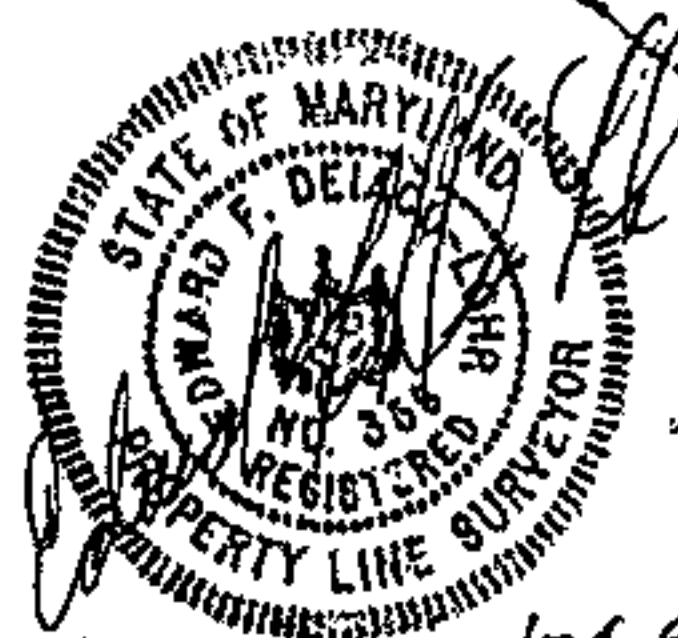
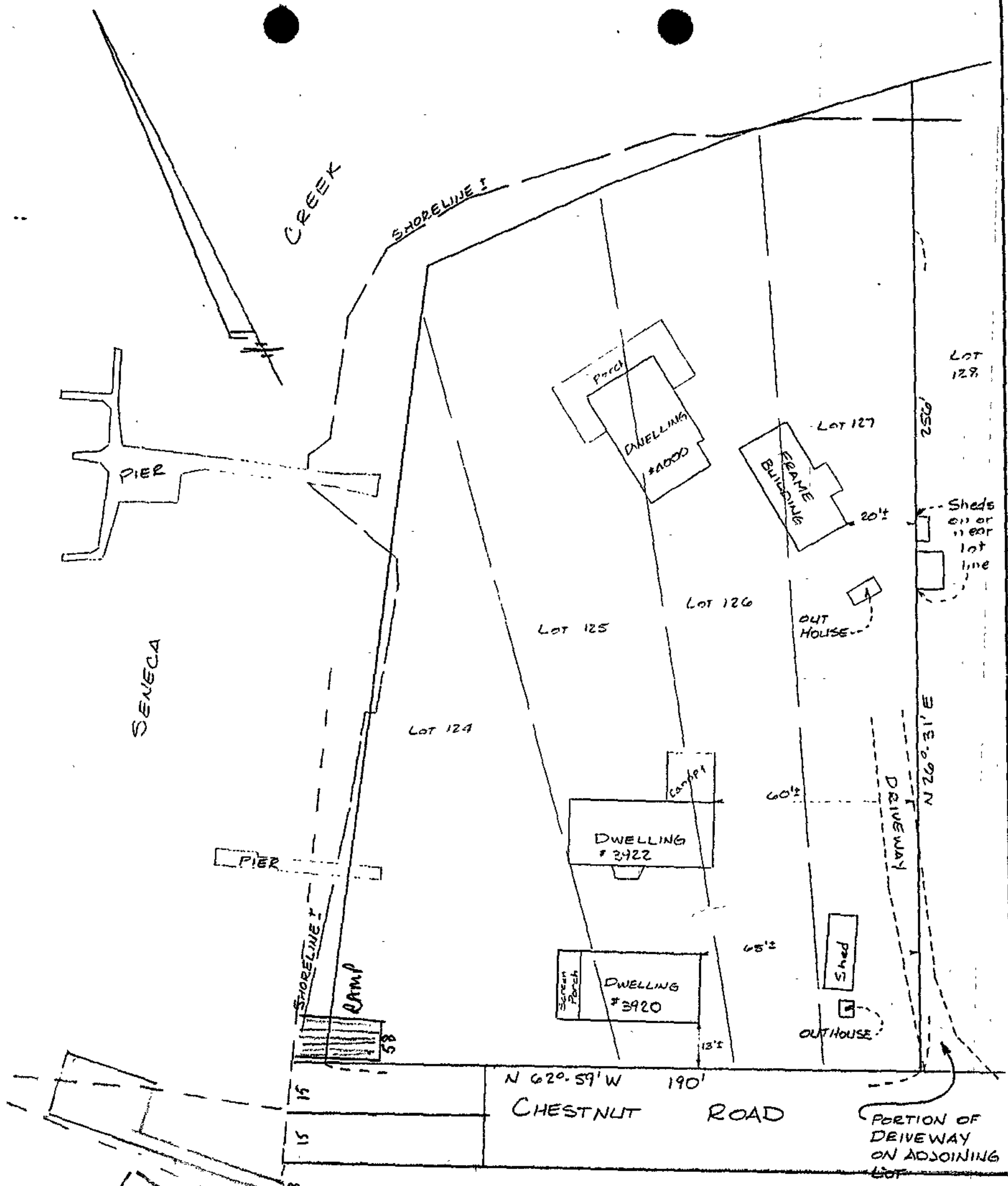
LOT 132

200' TO THE CENTERLINE OF SENECA ROAD

N 59° 01' E PROP. 3" SAW. 211.9'
 CHESTNUT ROAD

BOLT IN PAVING FOUND





1-4-94

THE LOT SHOWN HEREON IS IN FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP PANEL 2

THIS IS TO CERTIFY That the Improvements Indicated Hereon Are Located As Shown. This Is Not A Property

BALTIMORE COUNTY, MARYLAND

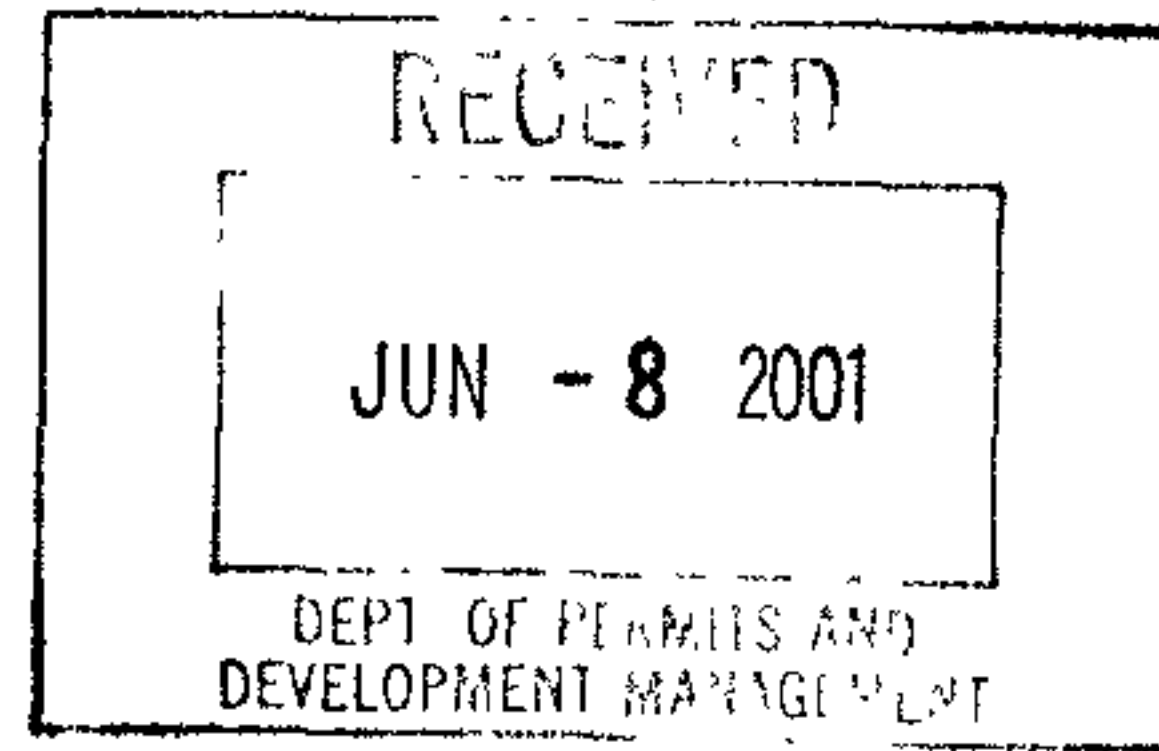
LOCATION CERTIFICATION
 #3920, 3922 & 4000 CHESTNUT ROAD
 LOTS 124, 125, 126 & 127
 "PLAT 2, BOWLEYS QUARTER"
 PLAT BOOK W.P.C. No 7 Folio 13

GERHOLD, CROSS & ETZEL
 REGISTERED PROFESSIONAL LAND SURVEYORS
 Suite 100
 920 East Townsontown Boulevard
 Towson, Maryland 21286
 PH: (410)828-4470 FAX: (410)828-4475

DATE: 6 June 2001

MEMORANDUM TO: Mr. Arthur Jablon

SUBJECT: 3916 Chestnut Road Pier Permit



Mr. Jablon,

We are submitting that information which is currently available to support rescission of the pier permit for 3916 Chestnut Road. We believe that this information will give you just cause to rescind the permit and require a variance before any other permit be issued. Please keep in mind that a previous variance has been denied and that appeal is still pending.

The said property requires a variance for any pier permit because the deeded and titled property boundary lines at 18' +/- at the water line do not meet the Baltimore County Code requirements for proper 'clear zone' setbacks (BCC 417.4). In this particular case, the petitioner is also using half of the adjacent roadend, which is owned by the State, to meet minimal pier setback requirements, and not his deeded and titled (true) property lines as required by the County (BCC 417.3). (see attached plat from permit request). To do this requires a variance with the attendant public hearing. Also, accurate permit plans show the proposed pier does not allow for the proper clear zone set backs from the existing pier on the south, and infringe on the water rights of the existing boat ramp on the north side, further requiring a special hearing before a permit can be issued (BCC 417.3.C.).

We are also including information to clearly indicate that the survey plat shows intentionally miscalculated divisional water rights lines from both adjoining properties, inaccurate displacements from the existing pier on the south side, inaccurate representation of the property boundaries and inaccurate setbacks from the existing property boundary on the north side. The sum of the inaccuracies is to allow a pier to fit where it would not under the requirements set forth by the County. Submission of inaccurate survey information would appear sufficient grounds to deny the permit.

The survey of the adjoining property on the north side (attached, with supporting overhead large scale plat) shows that an improper angle was used to calculate the divisional line. The error is over 20 degrees, and construction based on this error would severely violate the water rights of the owner on the north side. A photo of the water to the north is attached clearly showing the existing water lines and also shows the marker at the adjoining property boundary. Correction of this error alone significantly reduces the allowable length of the pier.

Please note that the petitioner is required to submit outlines of his property as well as outlines of the adjacent properties showing existing construction beyond mean low tide. The petitioner failed to do this (BCC 417.2). In cases of conflict with the 20' clear zone,

the Office of Planning and Zoning is to specify the limits of construction and the Department of Permits and Licenses was to notify the affected property owner, which was NOT done. (BCC 417.3.C.)

The property offset as shown on the plat is also incorrectly displaced 6 feet +/- to the north to gain nominal clearance between it and the existing pier on the south side. The surveyor used the markers driven by the former owner as his reference for the property boundary. Unfortunately, the markers were driven by the prior owner and were not based on a proper survey. The property boundaries do not agree with those of the surveyed property on the north side or any of the existing county surveys, all of which have been attached. Normally, this would not be a relevant issue to the County, except that in this case it appears that it is an intentional error to achieve (at least on paper) the necessary setbacks from the existing pier (existing construction beyond Mean Low Tide, BCC 417.3.C) on the south side, which was NOT properly shown on the plan. (NOTE: The owner of 3916 Chestnut is fully aware of the true and proper boundary location. A fence, and surveyor boundary poles exist on his North divisional line and his current survey does not agree with the existing markers.) A detailed drawing of the shoreline is attached for reference. A proper, sealed drawing can be provided in 6 weeks if you find it necessary (NOTE: We were unable to find any surveyor that could complete this survey at this time of year in less than that amount of time. Note also that all 3 properties have been surveyed, but, until the new survey is completed, we have no comprehensive survey tying them all together except the 1954 and 1997 County surveys, which are attached and should be sufficient).

With accurate divisional lines, it becomes apparent that only a very short pier could possibly be permitted. In addition, any vessel moored to the pier would necessarily block the required 10 foot clear zone set backs intended for navigation and access to land. As such, the pier would be restricted so that no vessels could be moored in the 10' setback zone without a proper variance (BCC 417.4).

Photos are also attached to support with the drawings that sufficient room does not exist for a pier. Please note the photos of the individual standing on the shore at low tide with the survey markers clearly visible. There is clearly not sufficient room for a 6' wide pier with space to moor an 8 or 10' wide boat on one or either side, much less to navigate. Such a condition would be an unnecessary safety issue for all parties involved.

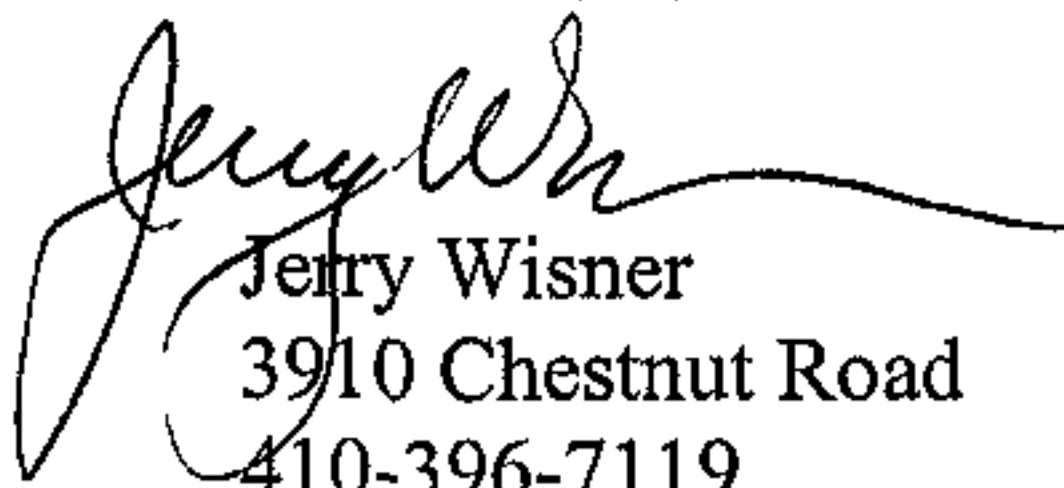
Issuance of the permit without further hearing would do significant harm to us as the adjoining property owners by denying full use of our existing improvements, including use of and navigation around the pier on the south side, and also obstruction of access to and from the boat ramp on the north side. It would also prevent costly and prolonged civil hearings. Denying the permit does no harm to the owners of 3916 Chestnut Road as they had no pier at the time they acquired the land (see photos) and were aware that they could not build one without a variance. (see the attached photos). They have since constructed two illegal piers (see photos) which, to provide the necessary space for mooring of boats to the south, severely violated the water rights of the property owner to

the north (as shown). The second, larger pier was cited, found illegal and ordered removed by Baltimore County Zoning Enforcement.

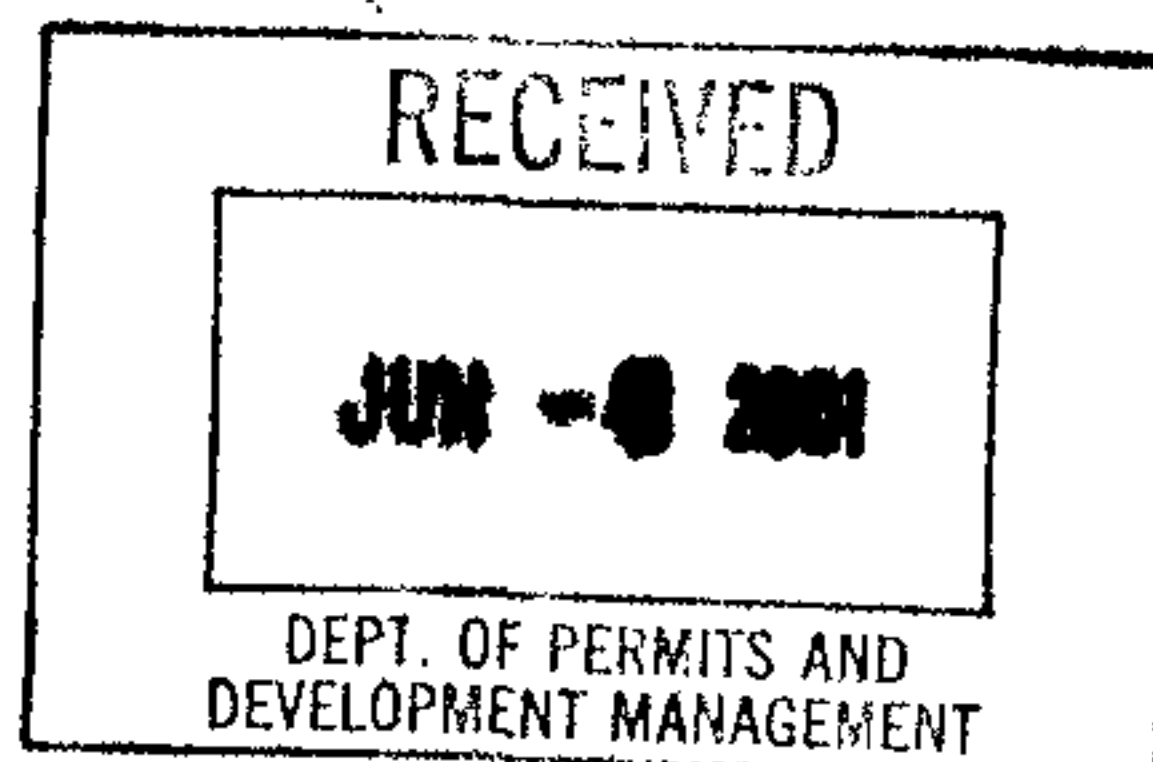
Based on the information provided, we feel that you have sufficient reason to rescind the standing permit and require a variance before any pier be constructed. Please contact us if you have any questions or need additional information. Respectfully,



William Lagna
3920 Chestnut Road.
410-335-3606

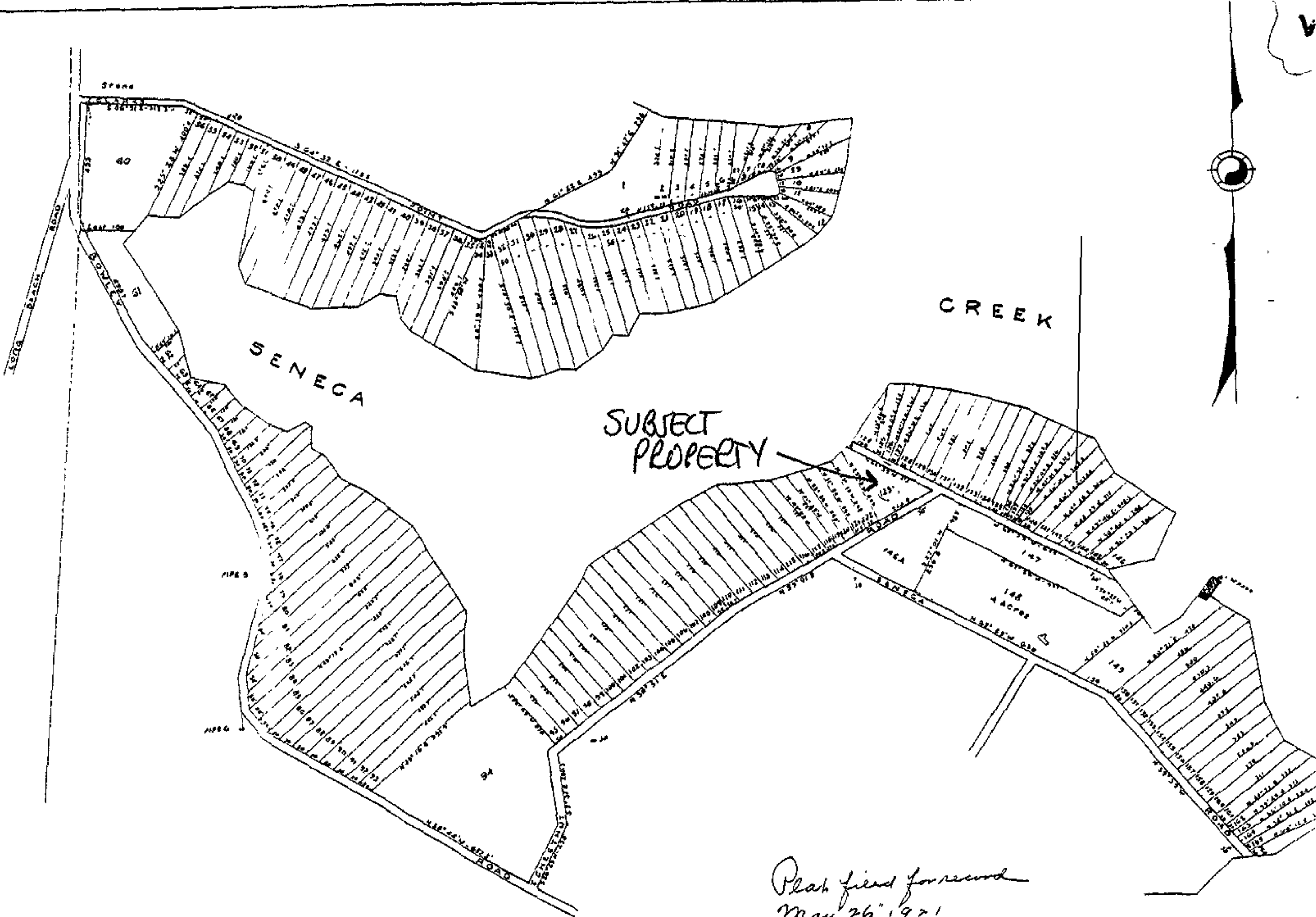


Jerry Wisner
3910 Chestnut Road
410-396-7119



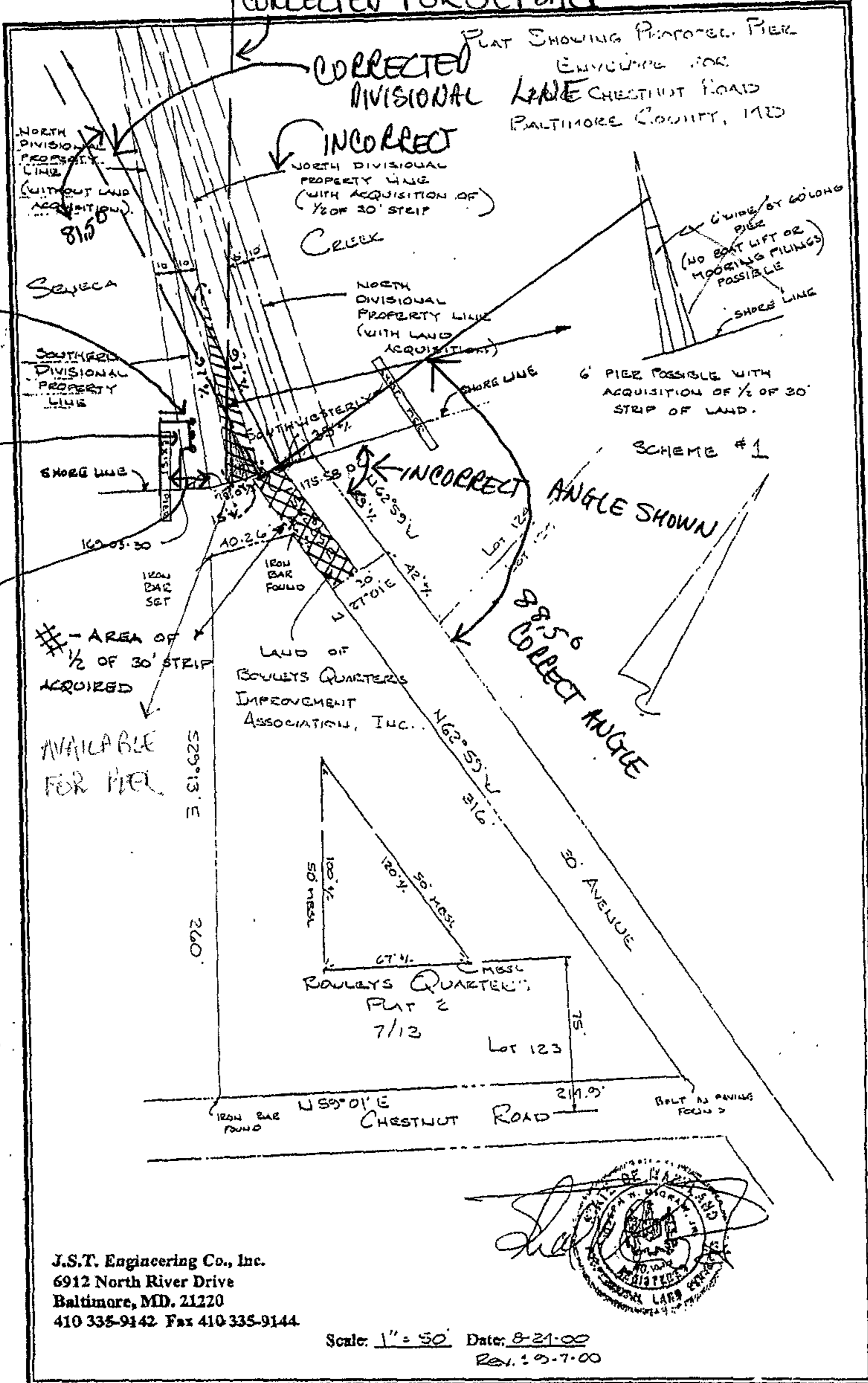
BOWLEYS PLAT No. 2

FILED MAY 26, 1921

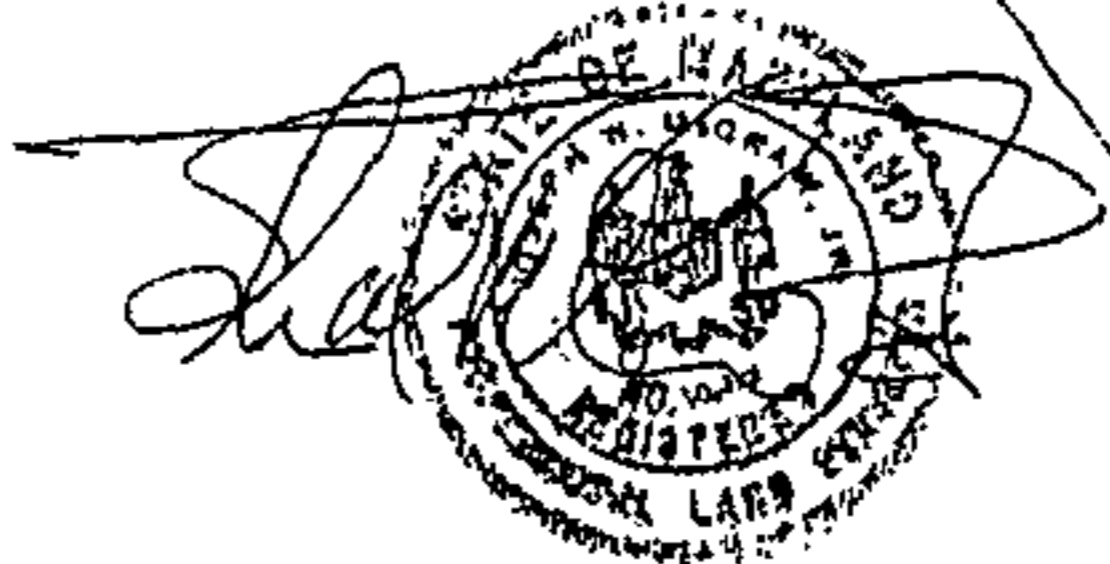


Plat filed for record
May 26, 1921
Test - Wm P. Coley, Clerk

CORRECTED FOR SETBACK



J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410 335-9142 Fax 410 335-9144



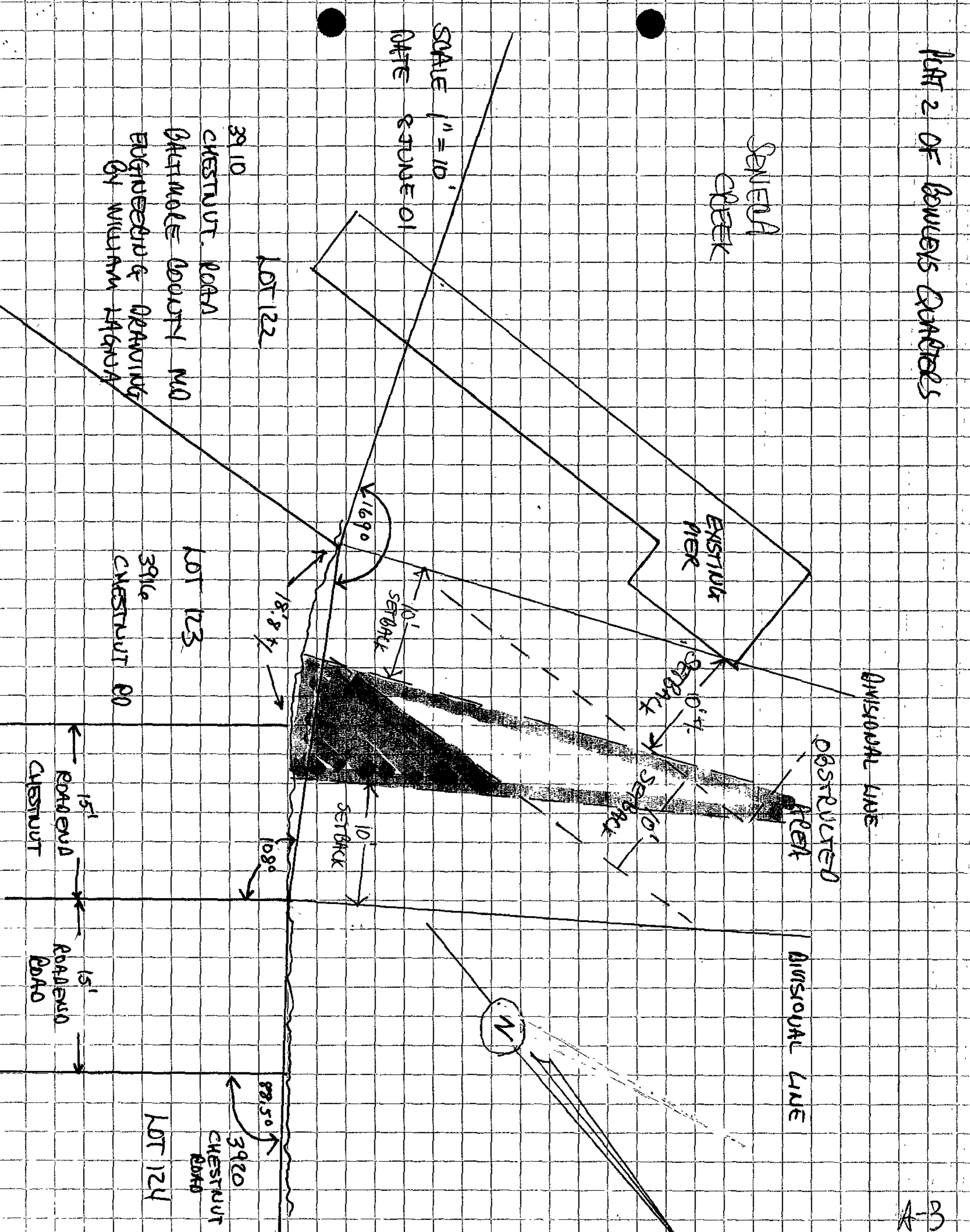
Scale: 1" = 50' Date: 8-21-00
Rev.: 9-7-00

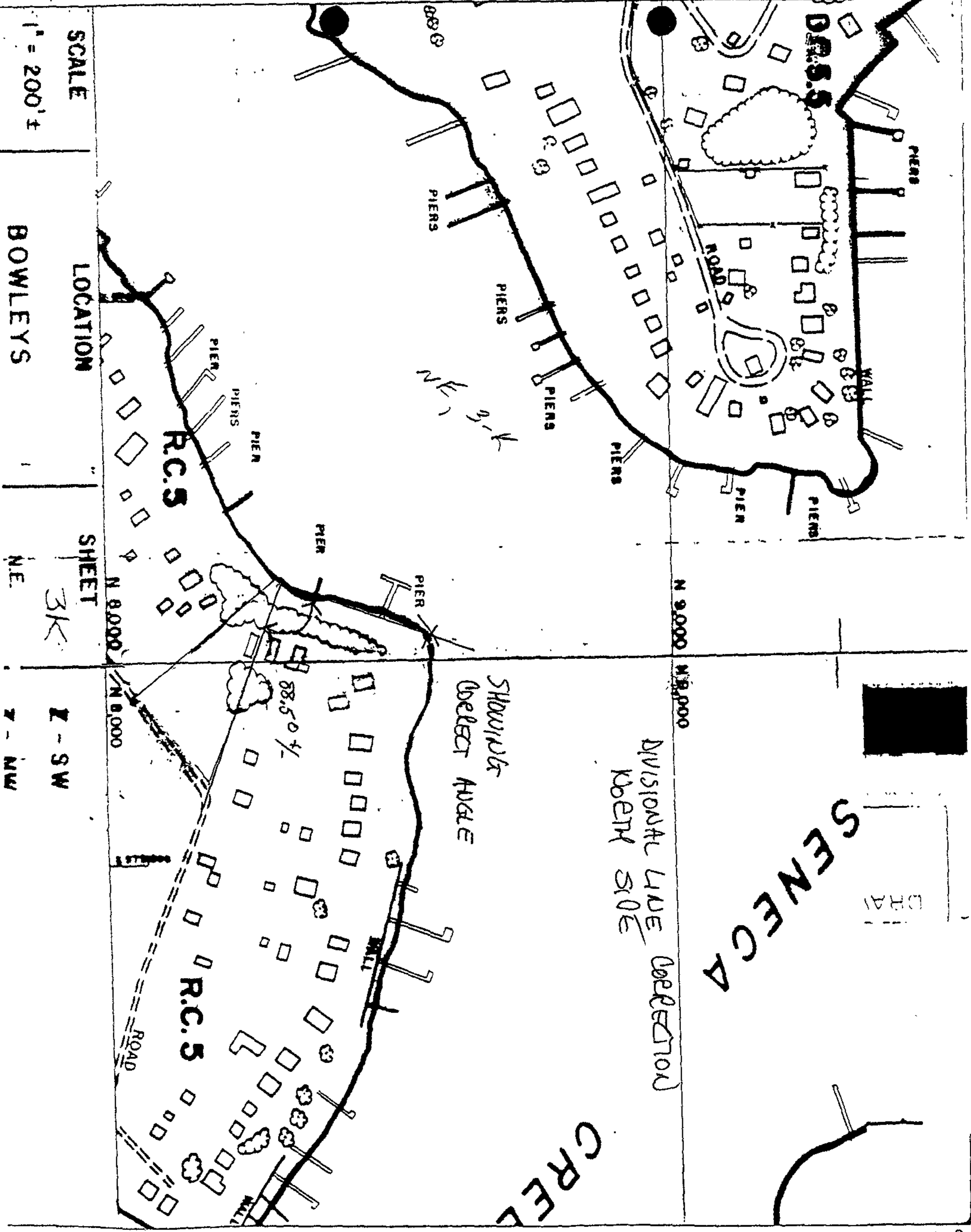
PART 2 OF BOWERS QUARTERS

SAWENA CREEK

SCALE 1" = 10'
DATE STUNE 01

3910 CHESTNUT ROAD
BATHURST COUNTY MO
ENGINEER & DRAWING
BY WILLIAM HANNA





SCALE
1" = 200'

LOCATION
BOWLEYS

SHEET
3K

Z - SW
Z - NW

R.C. 5

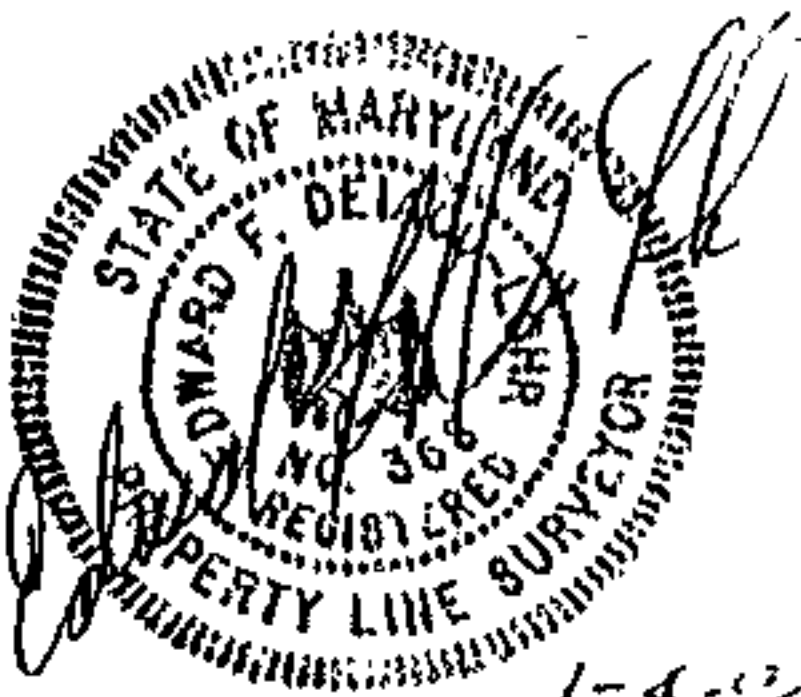
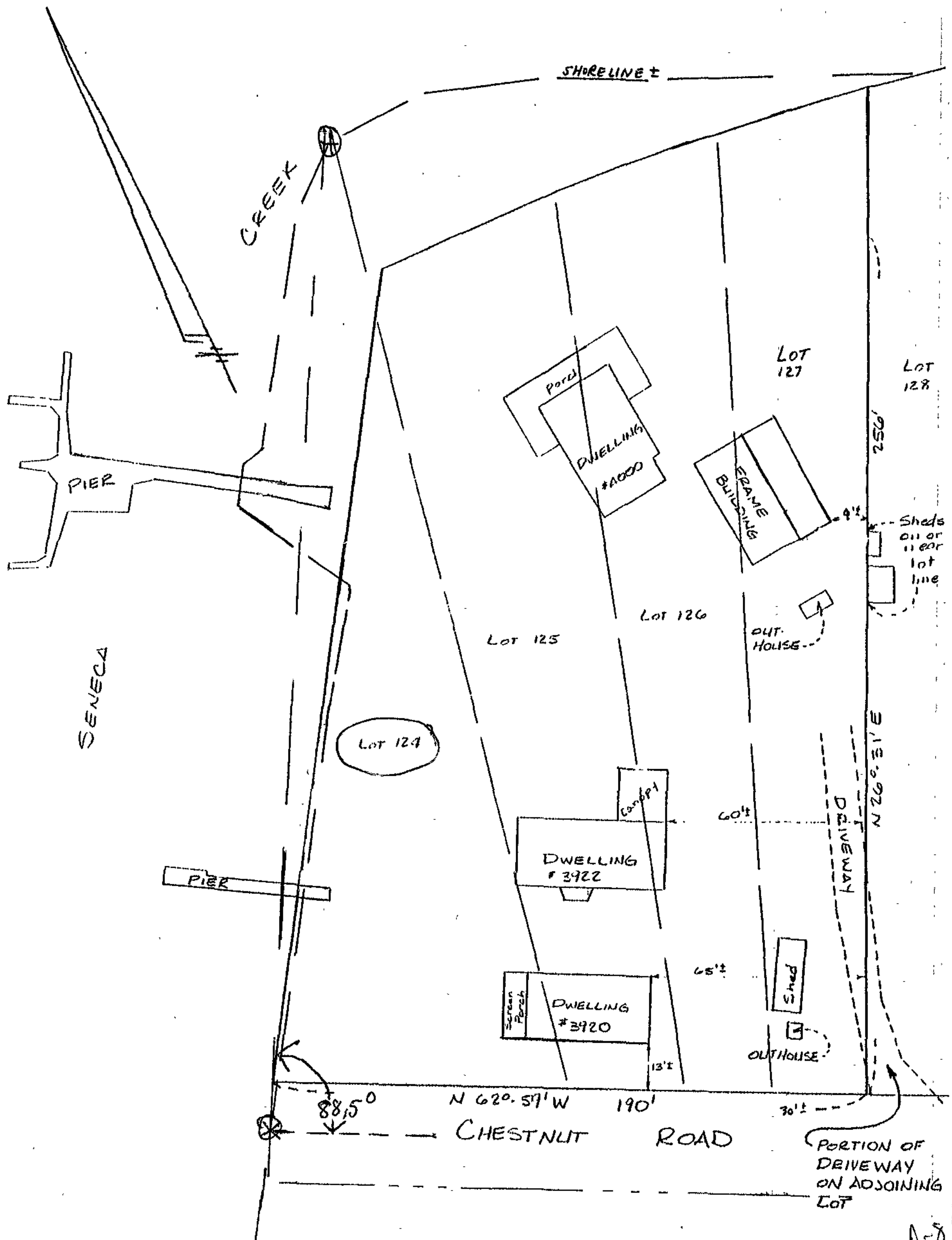
R.C. 5

SENECA

DIVISIONAL LINE CORRECTION
KOBEM SIDE

SHOWING
CORRECT ANGLE

C.P.F.



1-4-94

THE LOT SHOWN HEREON IS IN FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP PANEL #

THIS IS TO CERTIFY That the Improvements Indicated Hereon Are Located As Shown. This Is Not A Property Line Survey And Should Not Be Used As Such.

BALTIMORE COUNTY, MARYLAND

LOCATION CERTIFICATION #3920, 3922 & 4000 CHESTNUT ROAD LOTS 124, 125, 126 & 127 "PLAT 2, BOWLEYS QUARTER" PLAT BOOK W.P.C. No 7 Folio 13		GERHOLD, CROSS & ETZEL REGISTERED PROFESSIONAL LAND SURVEYORS Suite 100 920 East Towsontown Boulevard Towson, Maryland 21286 PH: (410)825-4470 FAX: (410)825-4475	
DATE: 1-4-94	SCALE: 1" = 30'	FIELD WORK: D.P.I.	DRAWN: S.A.L.

Date: 5/24/01
To: Bruno Rudaitis, Planner
From: Stanley J. Schapiro, Code Enforcement
Hearing Officer *SJS*

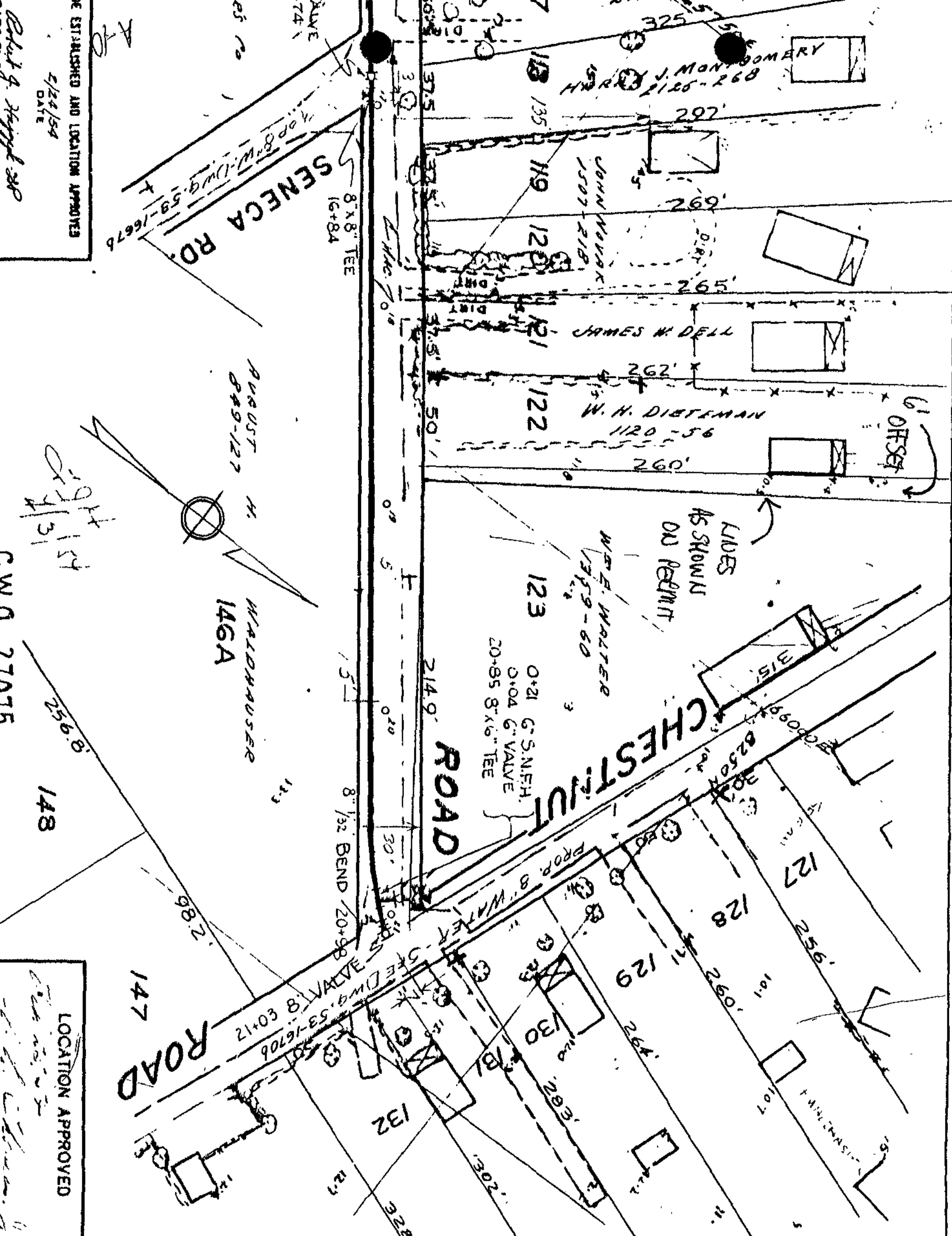
Subject: In the Matter of Michael and Sandra
Peregoy Civil Citation No. 00-4825

As per the evidence presented to me today, I am satisfied that the Peregoy's own the underlying fee in half the bed of Chestnut Road adjacent to their lot. However, the Enforcement Supervisor wants assurance that the 60 foot pier meets all of the zoning requirements.

Specifically, he is requesting an as built location survey showing the existing pier and compliance with extended set back lines and requirements.

I shall therefore extend the Order dated 16 March 2001, to allow the Peregoy's to supply this information. The Peregoy's shall have until 1 August 2001 to resolve this matter.

PROPERTY LINES FROM BALTIMORE COUNTY SURVEY STAKE 0008



ESTABLISHED AND LOCATION APPROVED
 2/22/54
 DATE

AUGUST H.
 889-127

CWN 27075
 148

LOCATION APPROVED

BALTIMORE
 PERMIT REQUESTED
 PERMIT NUMBER
 GRADE ESTABLISHED

MICROFILM

JO-6900
 REVISED AS PER RI
 R68 3-17-55
 SEE DWG. 53-1613C

STATION	EXIST
15+00	14
16+00	17
17+00	15
18+00	13
19+00	13
20+00	13
21+00	13

NO.	DESC
1	TEE
2	VALVE
1	3/2" BE
1	TEE
1	VALVE
1	2" V.E.S.
26'	C.I.P.
700	C.I.P.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Dennis M. Farnol

3936 New Section Rd. 21220

JERRY WISNER

3910 CHESTNUT RD 21220

BILL LAGNA

4000 CHESTNUT RD 21220

WM A LAGNA

11207 SANDYVALE RD PO Box 83
KINGSVILLE MD 21087

OFFICE: (410) 823-7800
E-MAIL: cwclark@nolanplumhoff.com

C. WILLIAM CLARK
Attorney at Law

NOLAN, PLUMHOFF & WILLIAMS, CHTD.
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
FAX: (410) 296-2765



NORTH DIVISIONAL PROPERTY LINE (WITHOUT LAND ACQUISITION)

SENECA

SOUTHERN DIVISIONAL PROPERTY LINE

169-03-30

IRON BAR SET

S29°13'E 260'

LOT 121

LOT 122

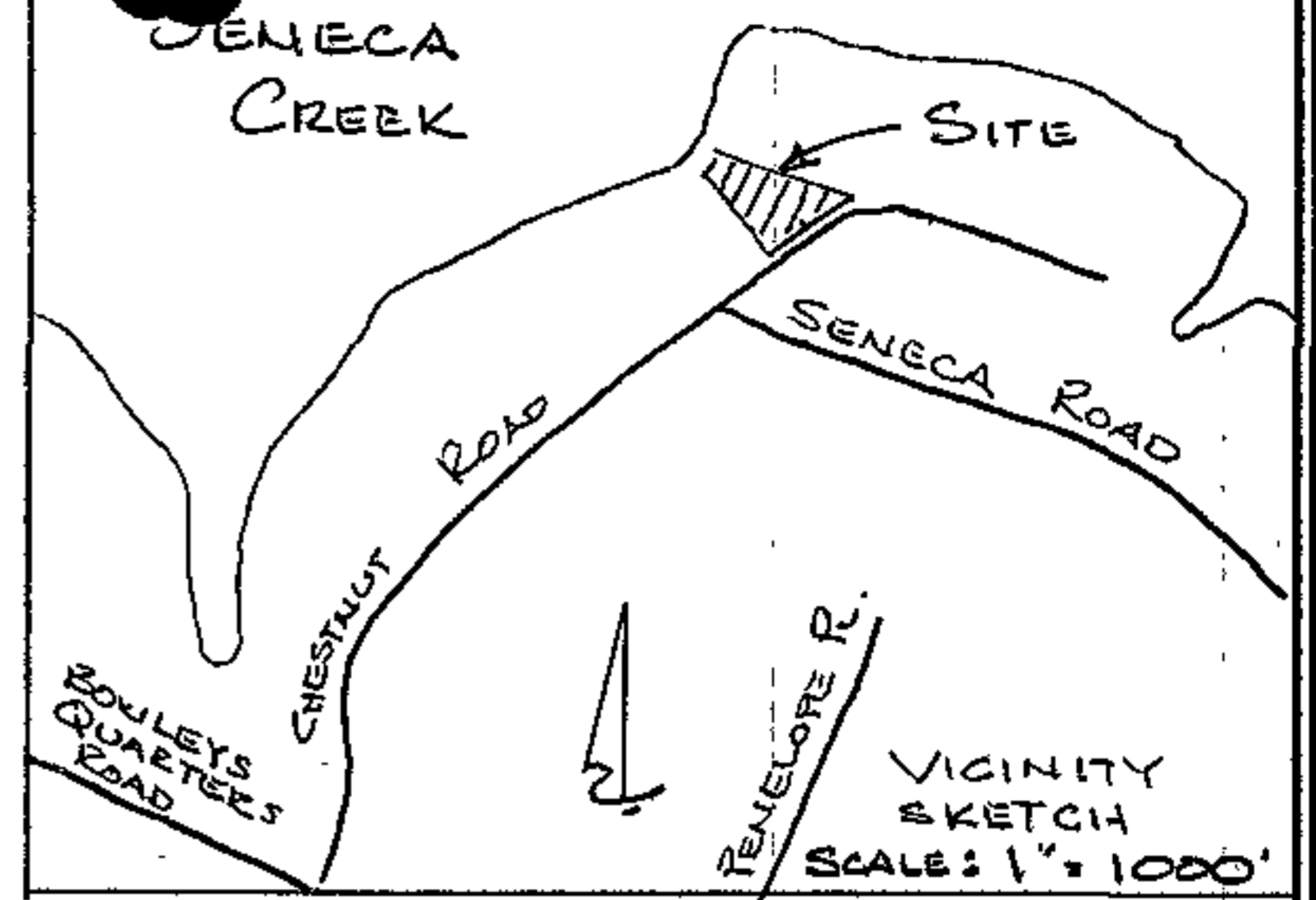
LOT 123

LOT 131

LOT 132

CREEK

PLAN TO ACCOMPANY VARIANCE HEARING FOR
MICHAEL L. + SANDRA M. PEREGOT
3916 CHESTNUT ROAD
BALTIMORE COUNTY, MD. 21220



SOUTHWESTERLY 35°

SHORE LINE

EXIST. PIER

175.58 06
S62°59'W
162°59'W
S58°14'W
42°

LOT 124
LOT 125

LOT 126

LOT 127

LOT 129

LOT 130

N62°59'W 316'

Zoning Office USE ONLY!

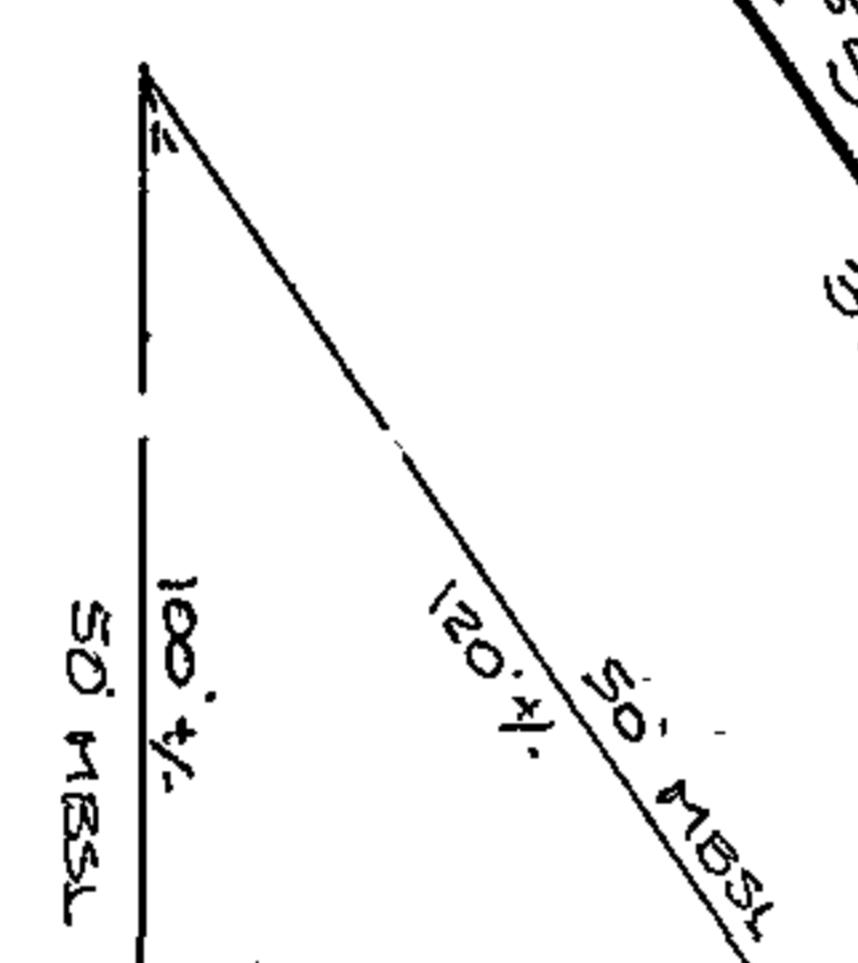
reviewed by: ITEM #: CASE#:

JA | 215 |

LOCATION INFORMATION	
Election District:	15 TH
Councilmanic District:	5 TH
1"=200' scale map#:	NE 3K+L
Zoning:	R.C. 5
Lot size:	0.7779 acreage 33,885.75 square feet
SEWER:	<input type="checkbox"/> public <input checked="" type="checkbox"/> private
WATER:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Chesapeake Bay Critical Area:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Prior Zoning Hearings:	NONE

Septic

IRON BAR FOUND



BOWLEYS QUARTERS PLAT 2 7/13

38' AVENUE
PROP. 3" SAW EX. 8" WATER

200' TO THE CENTERLINE OF SENECA ROAD
IRON BAR FOUND
N59°01'E PROP. 3" SAW 214.9'
CHESTNUT ROAD
BOLT IN PAVING FOUND
EX. 8" WATER

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410.335-9142 Fax 410.335-9144



Scale: 1" = 50' Date: 11-21-00

Ref Ex #1

PLAT SHOWING PROPOSED PIER
FOR
3916 CHESTNUT ROAD
BALTIMORE COUNTY, MD.

SENECA

CREEK

NORTH DIVISIONAL
PROPERTY LINE
WITH UTILIZATION OF
1/2 OF 30' STRIP
(CHESTNUT ROAD)

SOUTH DIVISIONAL
PROPERTY LINE

NEIGHBOR'S
REBUILT PIER

WATER
LINE

END POINT
169°-03'-30"

IRON
BAR
SET

1/2 OF 30' R/W
OF CHESTNUT
ROAD

S25°13'E

260'

PROPOSED
PIER
(6'x97' FROM
SHORELINE)

SOUTHWESTERLY
WOOD
BULKHEAD

170°44'
35'
S25°13'E
40.26'

BAR + CAP
SET

N62°59'W

CHESTNUT ROAD
316'

30' R/W

LOT 123

BOWLEYS QUARTERS
7/13

IRON BAR
FOUND

N59°01'E

CHESTNUT ROAD

214.5'

30' R/W

BOLT IN PAVING
(FOUND)

RECEIVED

JUN 13 2001

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410-335-9142 Fax 410-335-9144

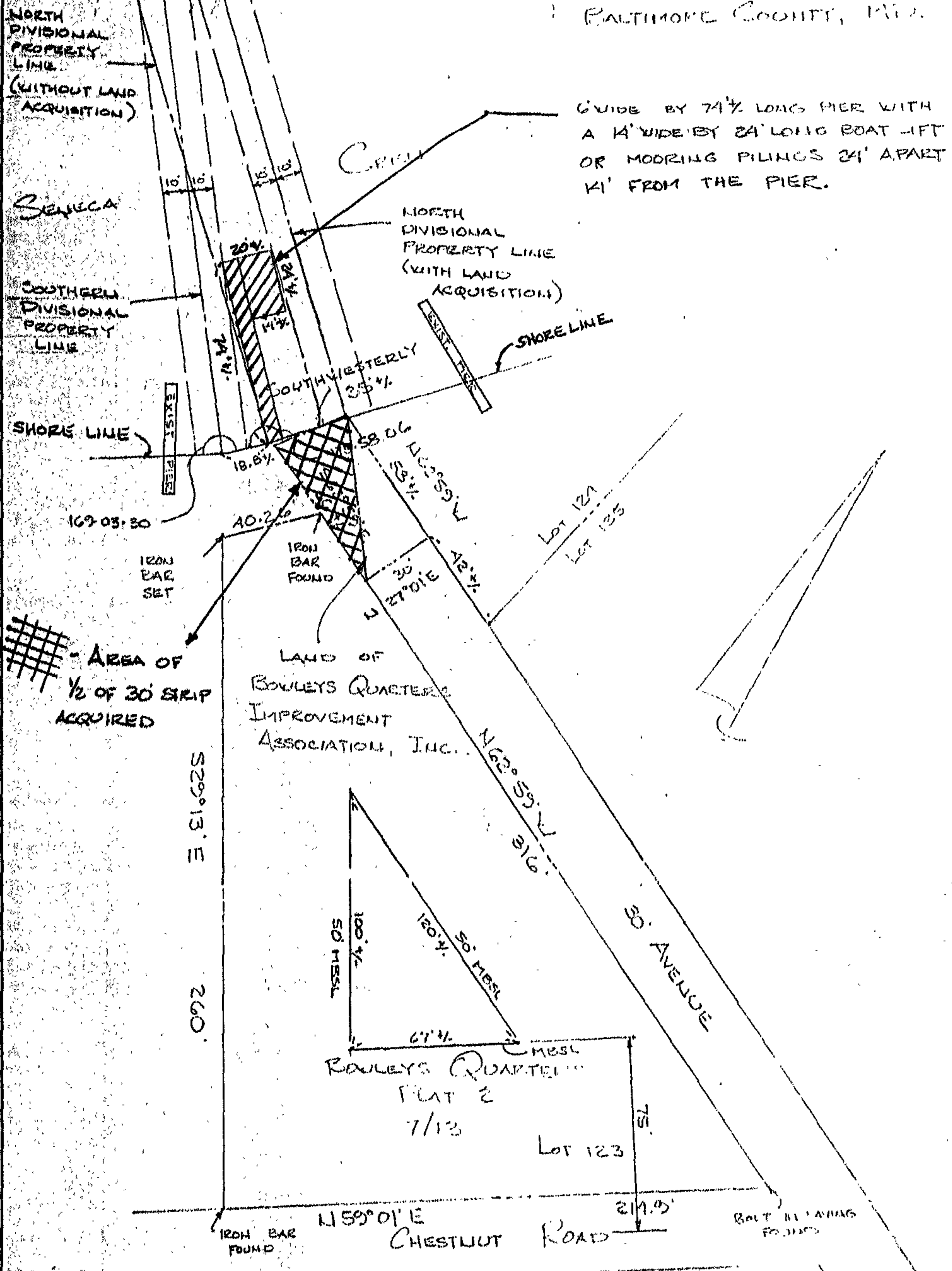


Scale: 1" = 50' Date: 1-31-01

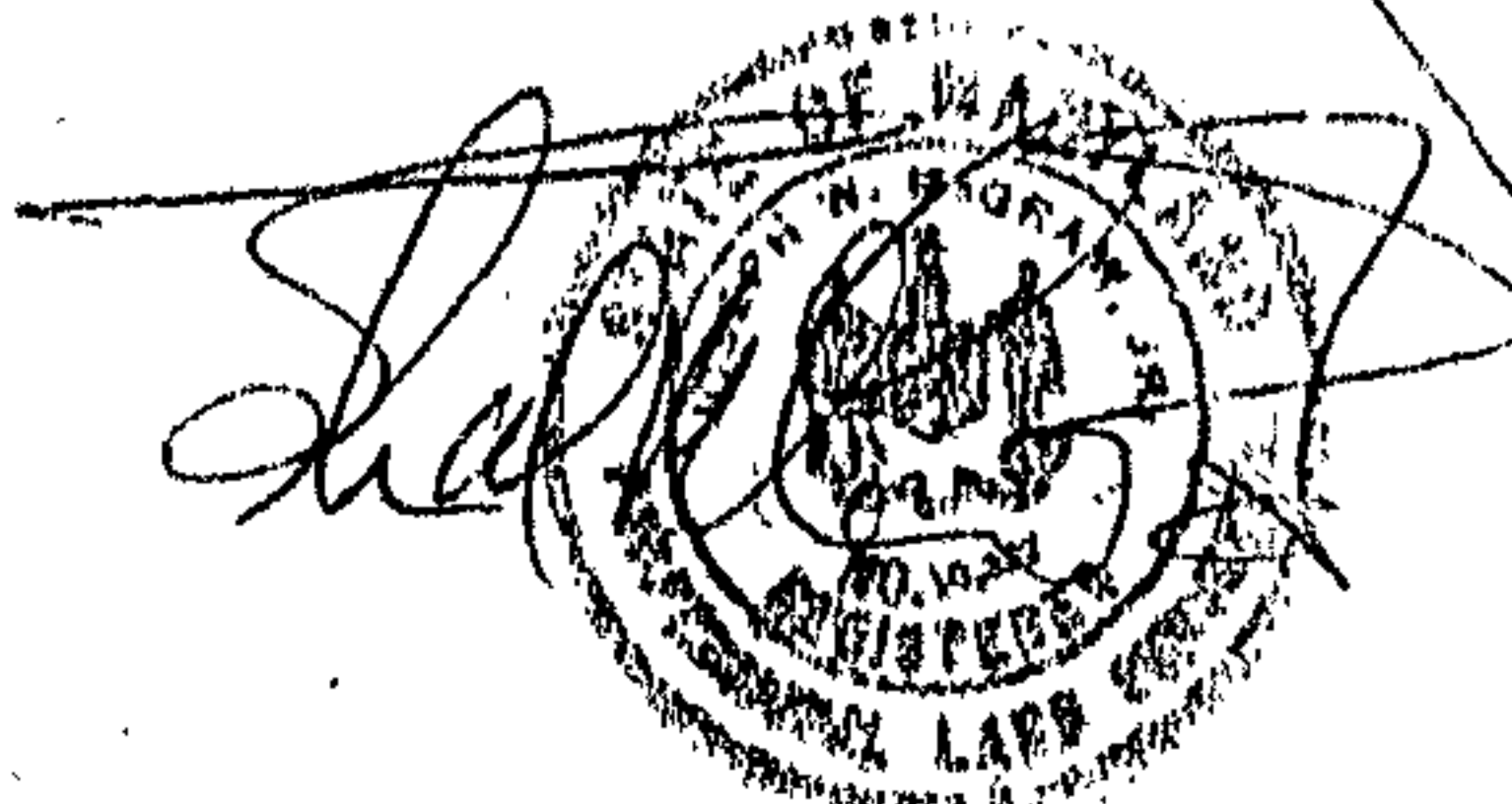
Rev.: 4-10-01 Rev.: 6-8-01
Rev.: 5-23-01 Rev.: 6-12-01

PLAT SHOWING PROPOSED PIER
 EXTENSION FOR
 3916 CHESTNUT ROAD
 BALTIMORE COUNTY, MD.

GUIDE BY 74' LONG PIER WITH
 A 14' WIDE BY 24' LONG BOAT LIFT
 OR MOORING PILING 24' APART
 14' FROM THE PIER.

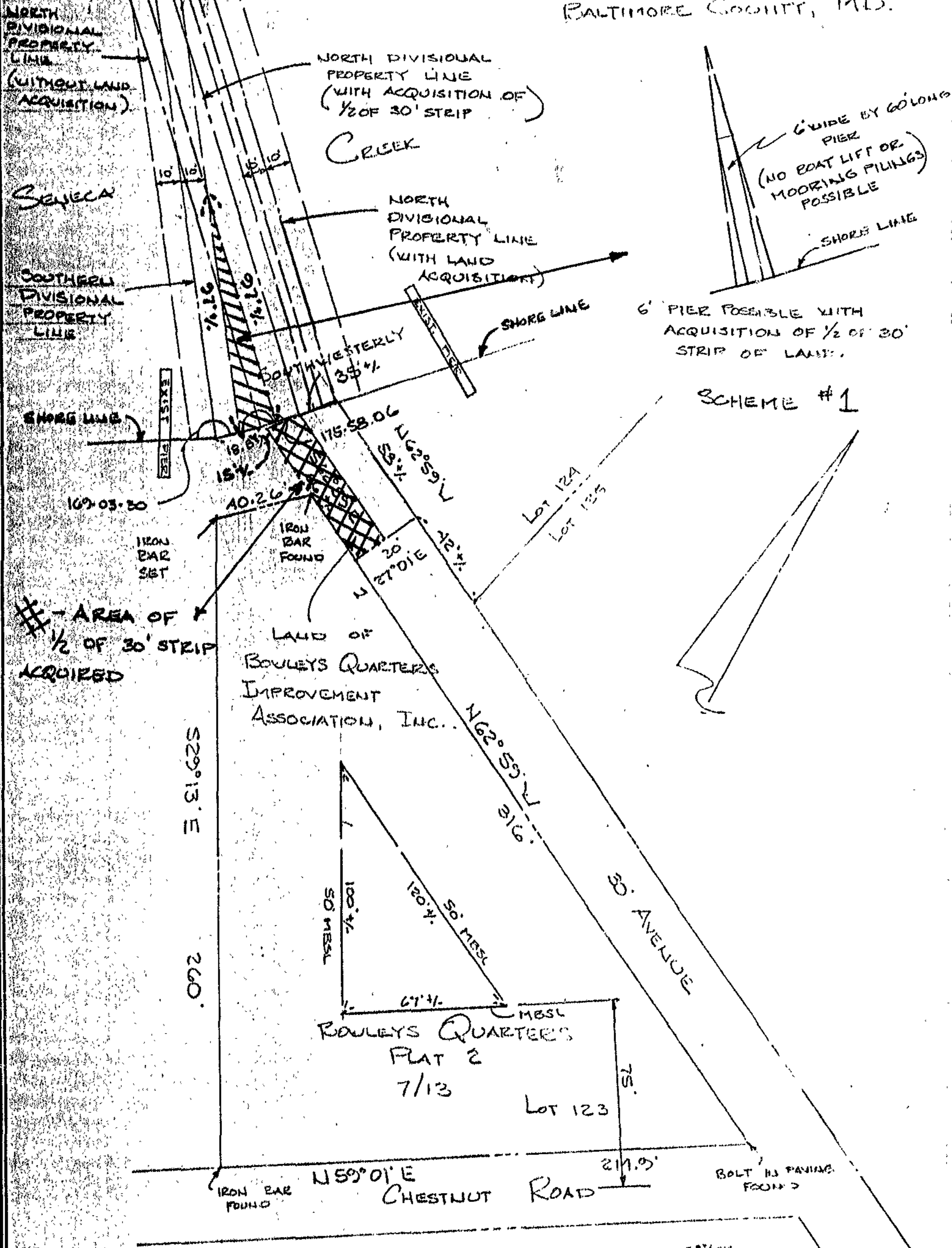


J.S.T. Engineering Co., Inc.
 6912 North River Drive
 Baltimore, MD. 21220
 410 335-9142 Fax 410 335-9144



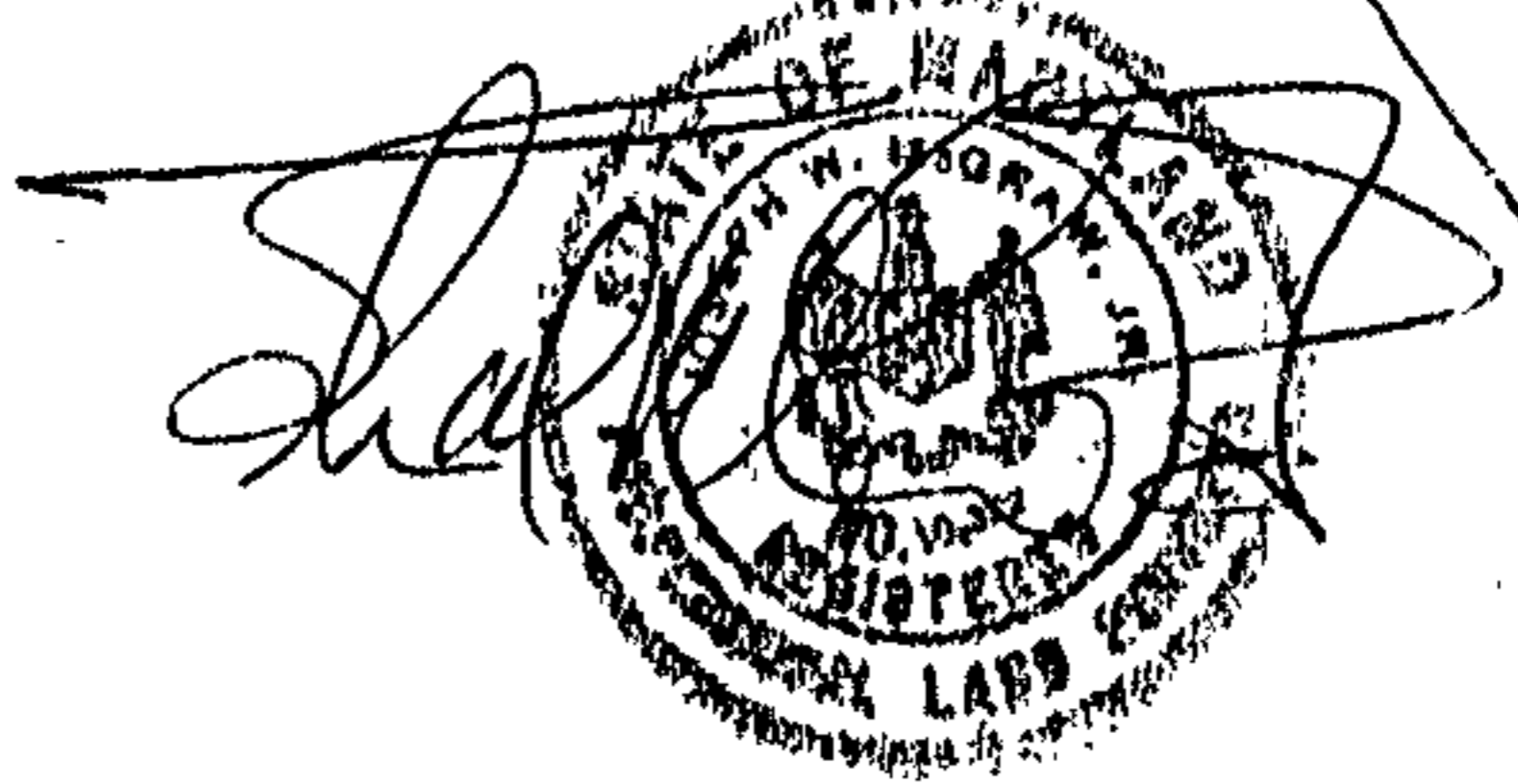
Scale: 1" = 50' Date: 8-21-00
 Rev.: 9-7-00

PLAT SHOWING PROPOSED PIER
ENVELOPE FOR
3916 CHESTNUT ROAD
BALTIMORE COUNTY, MD.



SCHEME #1

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410-335-9142 Fax 410-335-9144



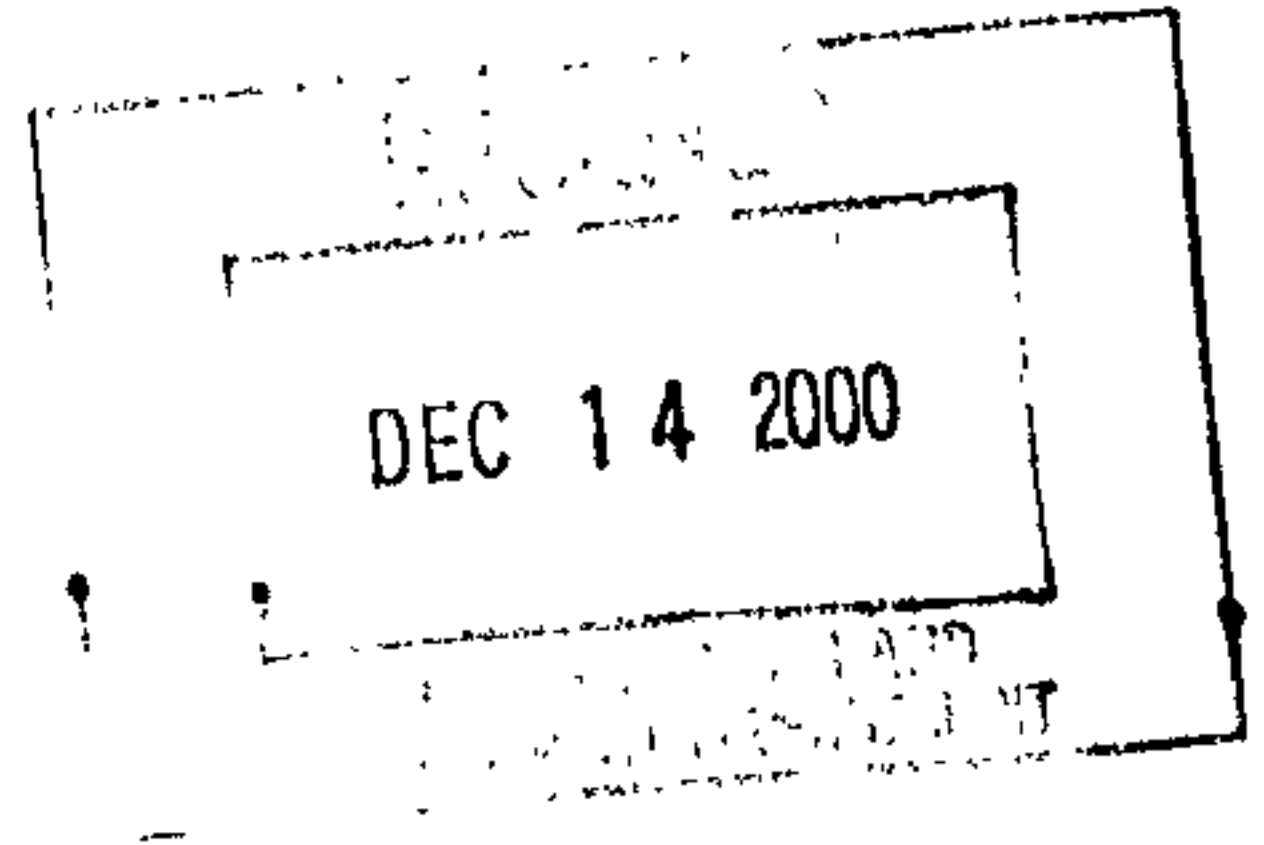
Scale: 1" = 50' Date: 8-21-00
Rev: 09-7-00

12/14/00
To work
file
✓

Prot Ex #1

December 13, 2000

Mr. Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204



Re: Zoning Hearing, Case Number 01-215-A

Mr. Jablon,

Please except this letter as my official protest regarding the request of Sandra and Michael Peregoy, of 3916 Chestnut Road, to have a zero foot variance of the divisional lines allowed them in the construction of a pier at this same address. I own the adjoining property on the west side (or left side, facing the water) of 3916 Chestnut Road, and this allowance of zero feet of the divisional lines would seriously infringe on my rights to lawful useage of my water rights allowed me by current Baltimore County Laws and regulations.

My address is 3910 Chestnut Road and this address is directly connected to 3916 Chestnut Road, due to the fact that 3916 is a pie shaped lot and the portion at the road is the equivalent of three normal lots in the area, thus they encompass what would also be 3912 and 3914. My family has owned the property at 3910 Chestnut Road since 1922, and we have never had a problem with anyone in this area respecting our property and water rights. The Peregoy's purchased the property at 3916 Chestnut Road in 1999 and have shown a lack of respect in recognizing the water rights, practically since they took over the property.

When they first anchored their boat (approximately 32-35 feet) directly in my water way in front of my property, I spoke with them most neighborly about the need to respect the water rights in the area. This, seemingly, worked for a while. However, this past July they put in the water an approximate eight (8) foot wide by fifty-five (55) foot long, floating pier that has been infringing on my water rights ever since. The far end is either directly on the division line or, depending on the tide or wind, directly in my water right away. The far end is secured by an anchor which is at least 10-15 feet into my water rights.

As a result of getting no respect for the water rights infringed upon by this floating pier, which, by the way, starts in the water about thirty (30) feet from the shore line and extends into the water approximately 80-85 feet, I was left with little choice but to contact Baltimore County and protest this situation. As a result, the Peregoy's were

issued a cease and desist notice regarding the pier, which they have obviously ignored, due to the fact the pier is still in the water and, also the fact, they have been issued a Baltimore County Uniform Code Enforcement Citation, dated 11/27/00, citing them with violation of County law or regulation 1B01 (DR), County Code, section 26-455 and zoning regulations 417.1, 417.2 and 417.3. They have been issued a pending fine of \$28,000 with a hearing scheduled for 1/11/01, coincidentally one day after the hearing your department will hold.

While I am not opposed to my neighbors having access to their water rights, by erecting a pier, I cannot accept the zero variance as an acceptable solution to this problem. I cannot understand how solving their problem at the expense of costing me my legal rights regarding the water rights I am guaranteed by the County laws and regulations, can possibly be the answer. My pier, which has been in the same location for over 60 years, is 50 feet long and 14 feet from the divisional line of 3916 Chestnut Road. Giving them a zero variance exception to the law and regulations, as they exist, would greatly infringe on my rights to full use of my pier and the water rights as I am presently provided. In addition, it would seriously limit any future considerations I might have for use of the water area between the properties or for the possible purchase of a larger boat that could be restricted by the area that would be allowed me.

I need the 10 foot variance, as is required by law, to afford me the same privileges and rights that my family has experienced for over 75 years, and which I and everyone else is entitled to. While I can sympathize with the problem the Peregoys are facing, as I previously stated, I cannot allow them to solve their problem at my expense to the point of not being able to have the rights guaranteed me in the full use of my water rights and pier accommodations.

I would have no problem with them erecting a pier of reasonable length, based on what their property will allow. With only an approximate 37 foot frontage and a severe angle on the east side of their property, I am not totally sure what the size the pier could be without infringing on the water rights involved. A possible solution, and exception, might be on the east side (the right side facing the water, opposite of my property) of their property where there presently exists a 30 foot community right away before getting to the next neighbors property line.

I have been going to 3910 Chestnut Road for every summer for the past 59 years and have never known anyone to use this community access, except the neighbors that live there. Therefore, possibly the Peregoys could construct a pier, of a reasonable length, to that side of their property. The result would help solve the problem without infringing on any, permanent, neighbors' property or water rights. I believe this is what they may be referring to when asking for an exception to allow them to extend 15 feet NE of the NE divisional line. I would not object to that solution at all, as long as my 10 foot variance were to be maintained.

My apologies for rambling on about this, but it is very important to me not to disturb the water rights and privileges my family and I have experienced for all of the years we have been at this property. I will be willing to discuss the exception I sited or other possible solutions, but I am adamant about not allowing the solution to infringe on my rights or depriving me of the full use of my pier and water rights as the law and regulations provide.

Thank you for your consideration in this matter,



Jerry W. Wisner
3910 Chestnut Road
Baltimore, Maryland 21220
410-396-7119 (day phone)

copy: Bowleys Quarters Improvement Association
1124 Bowleys Quarters Road
Baltimore, Maryland 21220

“CERTIFIED MAIL”

Prot Ex # 2

The Bowleys Quarters Improvement Association, Inc.

P.O. Box 18051

Baltimore, Maryland 21220

(410) 335-9802

January 9, 2001

Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Office of Zoning

Ref: Case No. 01-215-A

Dear Sir:

The Bowleys Quarters Improvement Association is one of the abutting property owners to the property at 3916 Chestnut Road, Middle River, MD. 21220 which is the subject of the referenced Case No. The Association is the owner of the North Chestnut Road End that abuts this property. The Association is currently in negotiation for the sale of this Road End to both property owners abutting to this road end.

The Association requests the County enforce the zoning requirements of existing laws and regulations.

Respectfully,

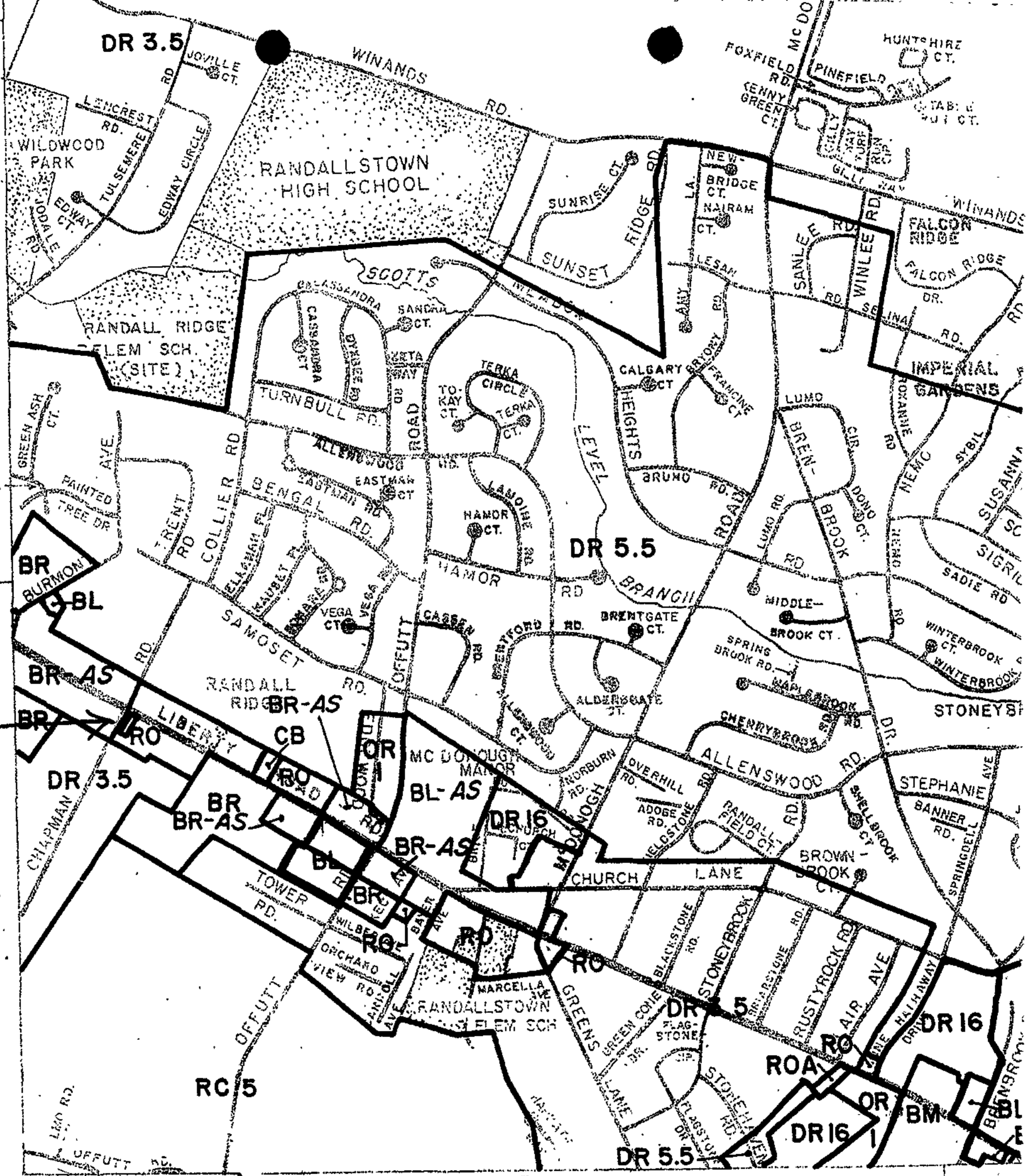
*Mary A. Karnof - V.P.
for Michael Vivirito*

Michael Vivirito
President

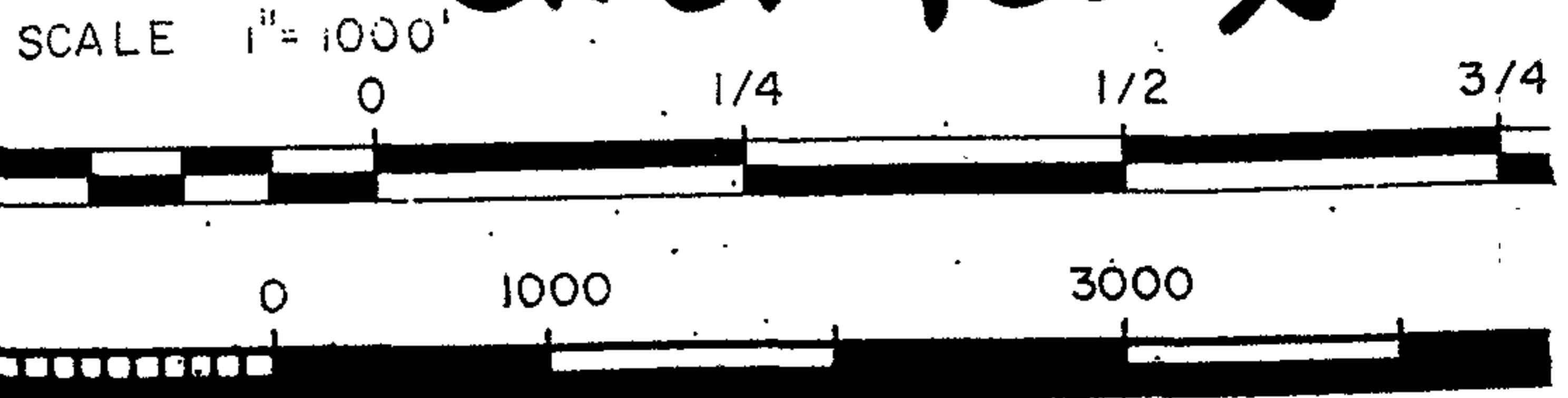
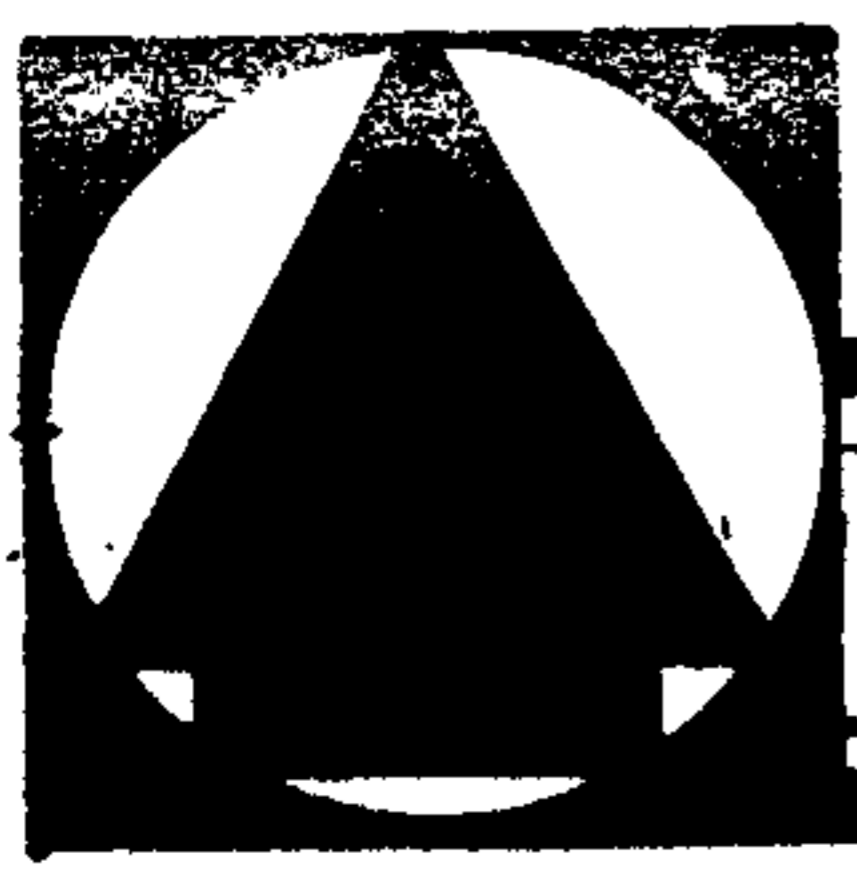
8

SITE

7

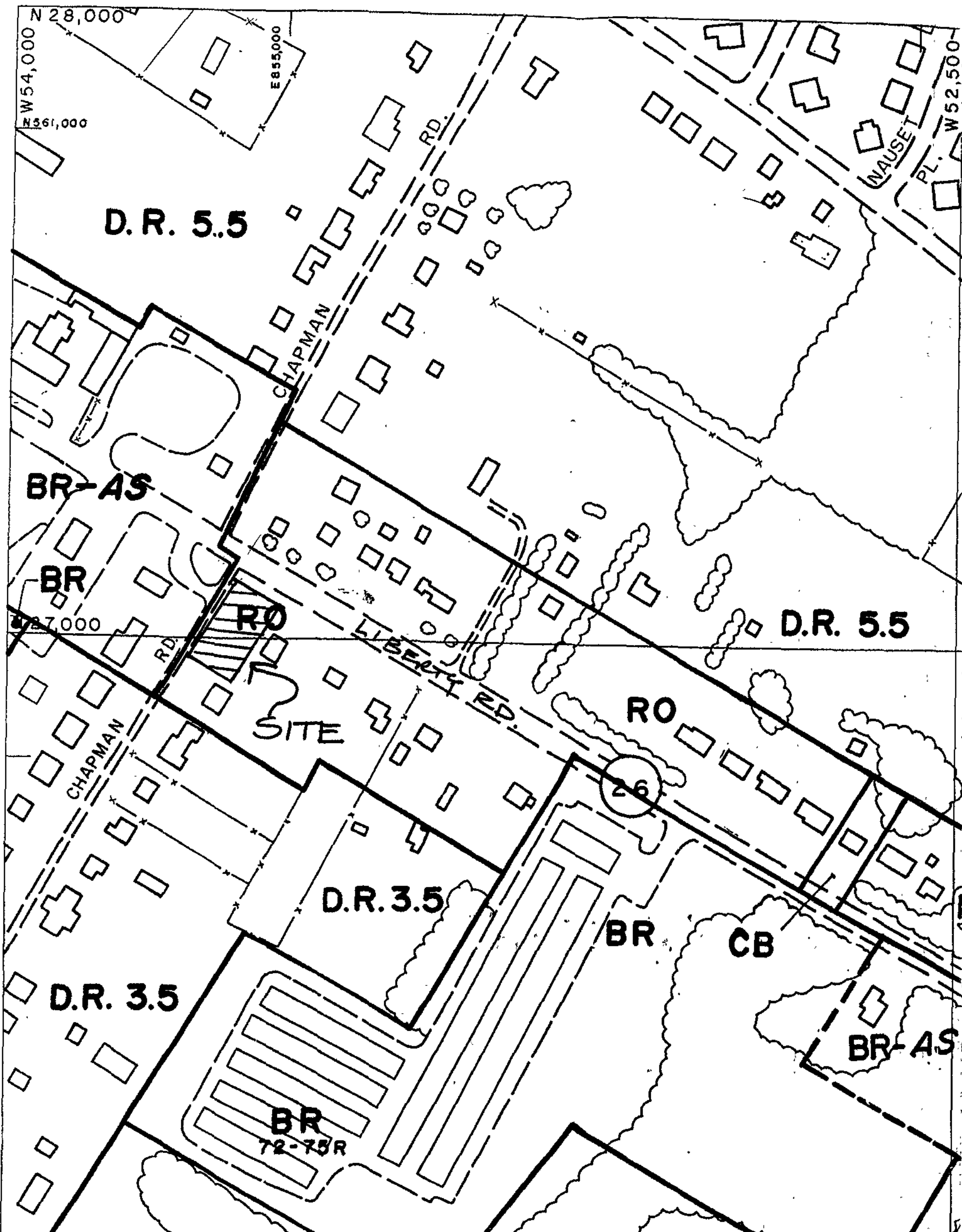


CR-01-433-X



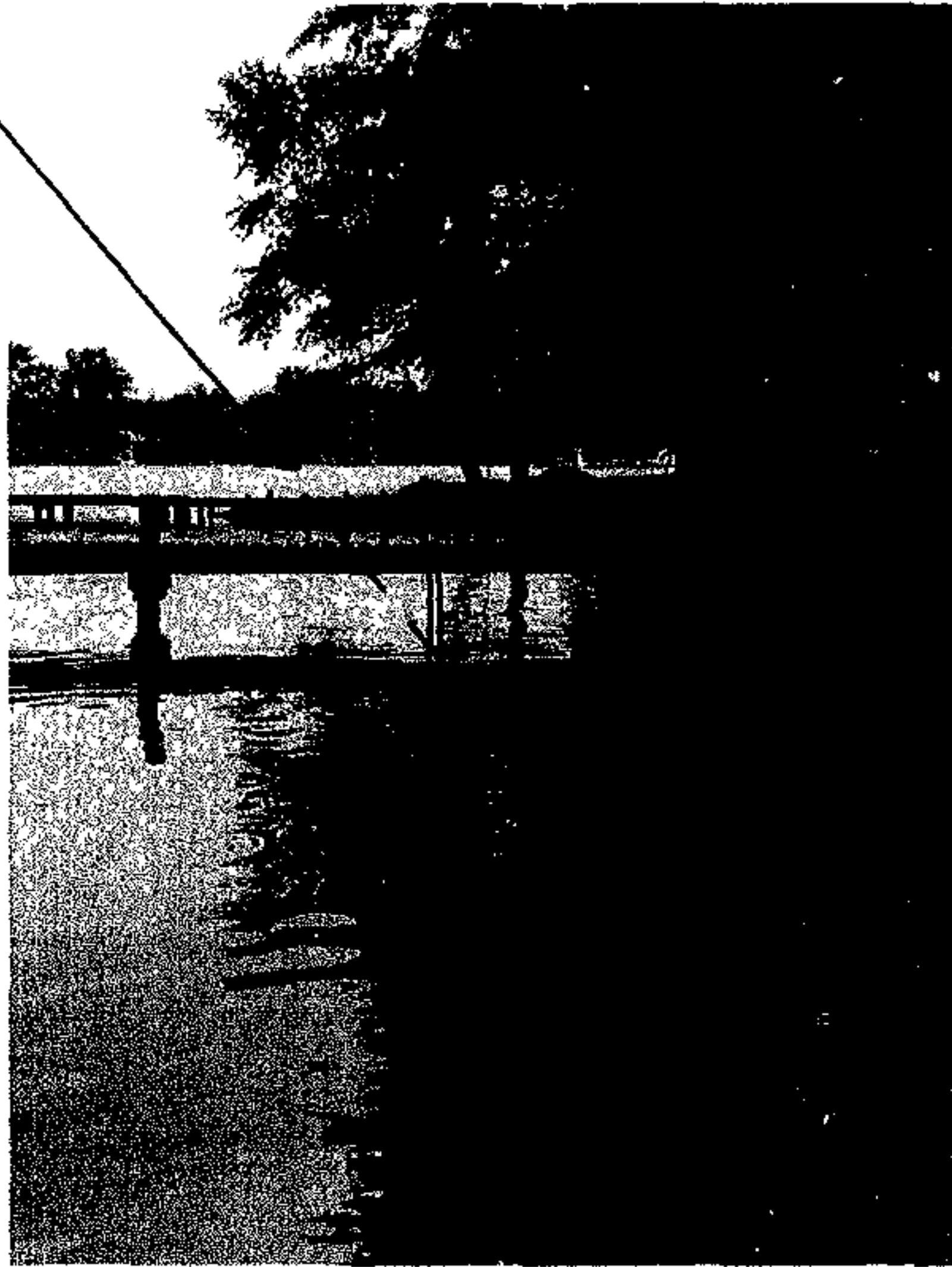
MAP No.
NW-7I 1"=200

CR-01-433-X

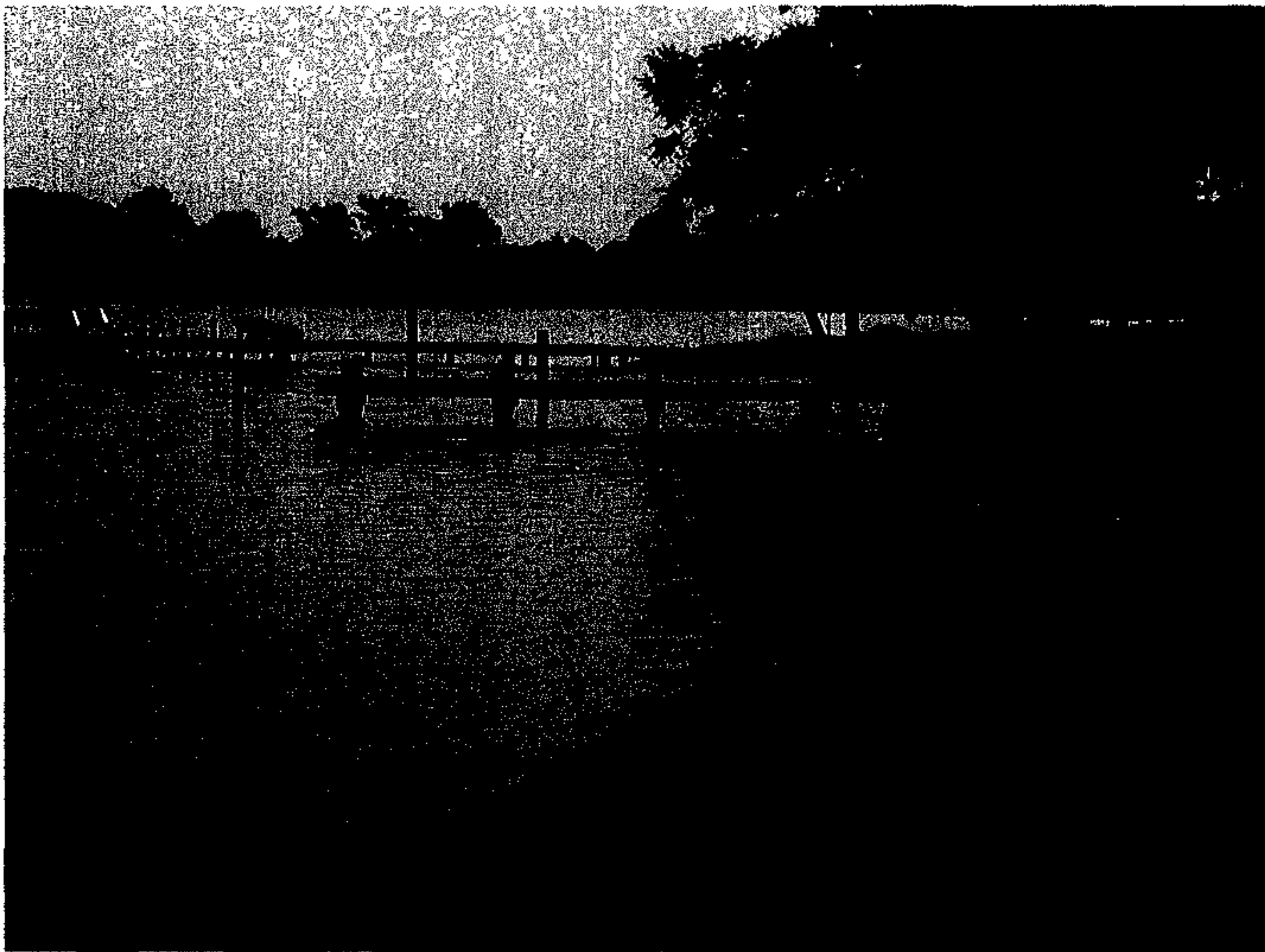


7-J

CONE AT
LOT 124
PROPERTY
LINE



88.50 FROM ROAD



3920 PROPERTY
LINE
15' ROAD BED ←
NORTH BOUNDARY
3916 PROPERTY ←
SOUTH BOUNDARY

3910 PROPERTY

TEVE PROPERTY LINE MARKER

'PERMIT'
MARKER



SHOWS
6' SHIFT
NORTHWARD
TO CREATE
A CLEAR ZONE
WITH 3910
PIER

3920 + 15'
ROAD BED
MARKER



SHIFT
OF PROPERTY
TO CLEAR
PIER AT
3910
AND AVOID
VARIANCE

SPACE AVAILABLE FOR PIER

10' SETBACK SPACE

10' SETBACK SPACE

3910 PIER

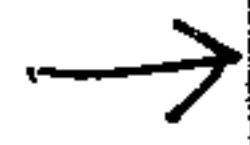


3920

15' ROADWAY

3916 CHESTNUT

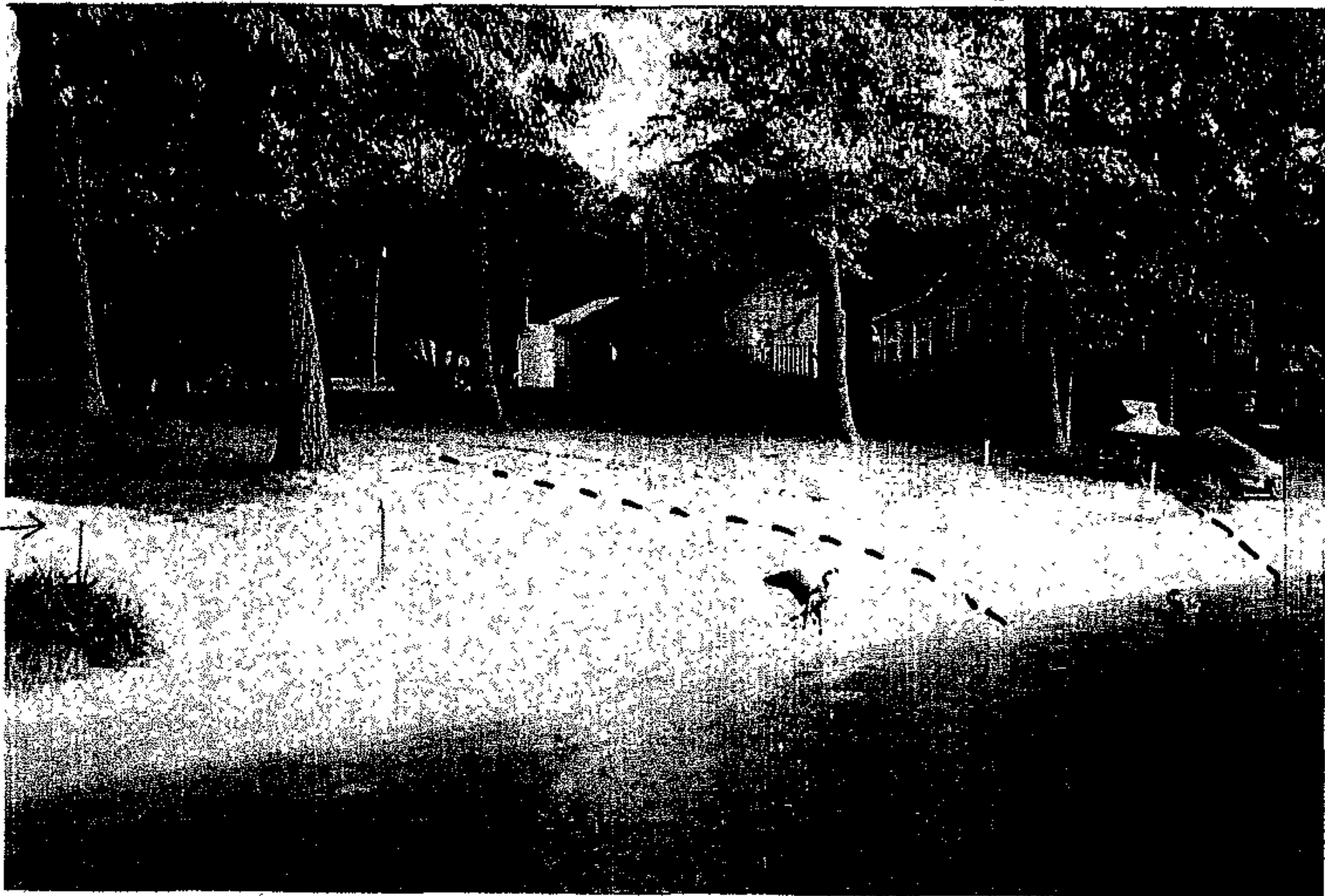
3920



3910

PROPERTY LINES SHOWN

3910 PIER



RAMP →
LOT 124

PROPERTY
LINES
WITH 15' OF
ROAD BED

NO PIER AT 3916



PIER
UNDER
CONSTRUC

← EXISTING
RAMP

3910
Pier



PIER ON
3920

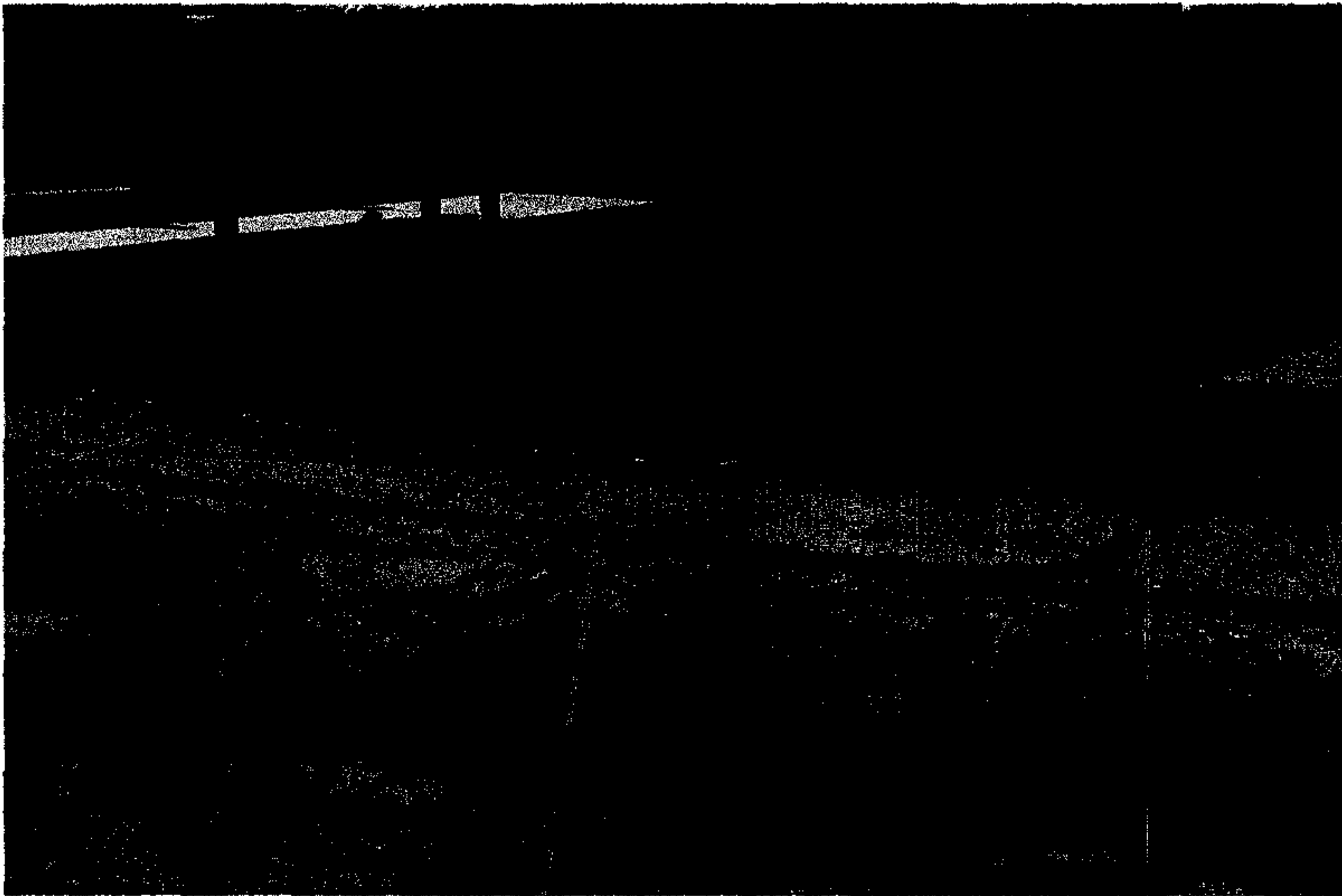
PROPERTY
LINE WITH
15'
ROADBED

PROPERTY LINE

TRUE PROPERTY LINE

3910
PIER

PROPERTY
LINE



← PIER
ENCROACH-
ING
ON 3920

MUST MOVE
WITHIN
BOUNDARY

TRUE
PROPERTY LINE
FLAG

PROPERTY LINE WITH
15' OF ROADBED . A-15

3910 PIER

LITTLE SPACE

PROPOSED
PIER IS
15' CLOSER
TO 3910
PIER



→ CAMP
BOAT MOORED
TO PIER
BLOCKS THE
RAMP



ENCROACHING
PIER

NOTE LITTLE
SPACE BETWEEN
PIERS

PROPERTY LINE

3910
PIER -
SOUTH
SIDE

NOTE
SMALL
AVAILABLE
SPACE



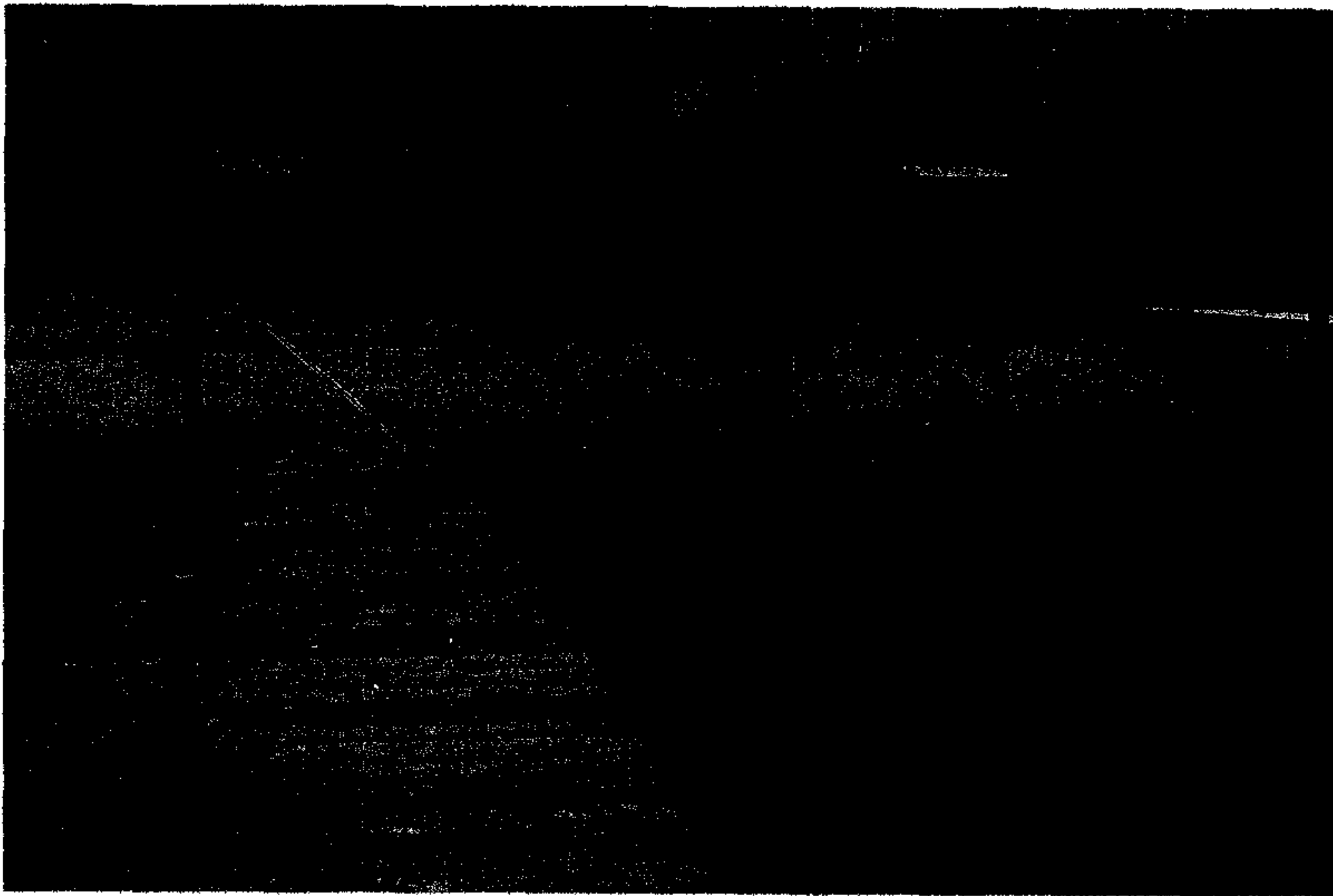
RAMP

PROPERTY
LINE
WITH
15' OF
ROAD BED

- PIER ENCLOSED TO MAKE SPACE ON SOUTH SIDE
- EVEN WITH SEVERE ENCROACHMENT, THERE IS BARELY ROOM FOR 2 BOATS TO BE MOORED BETWEEN THE PIERS
- PROPOSED PIER MOVES 15' TOWARD 3910 PIER

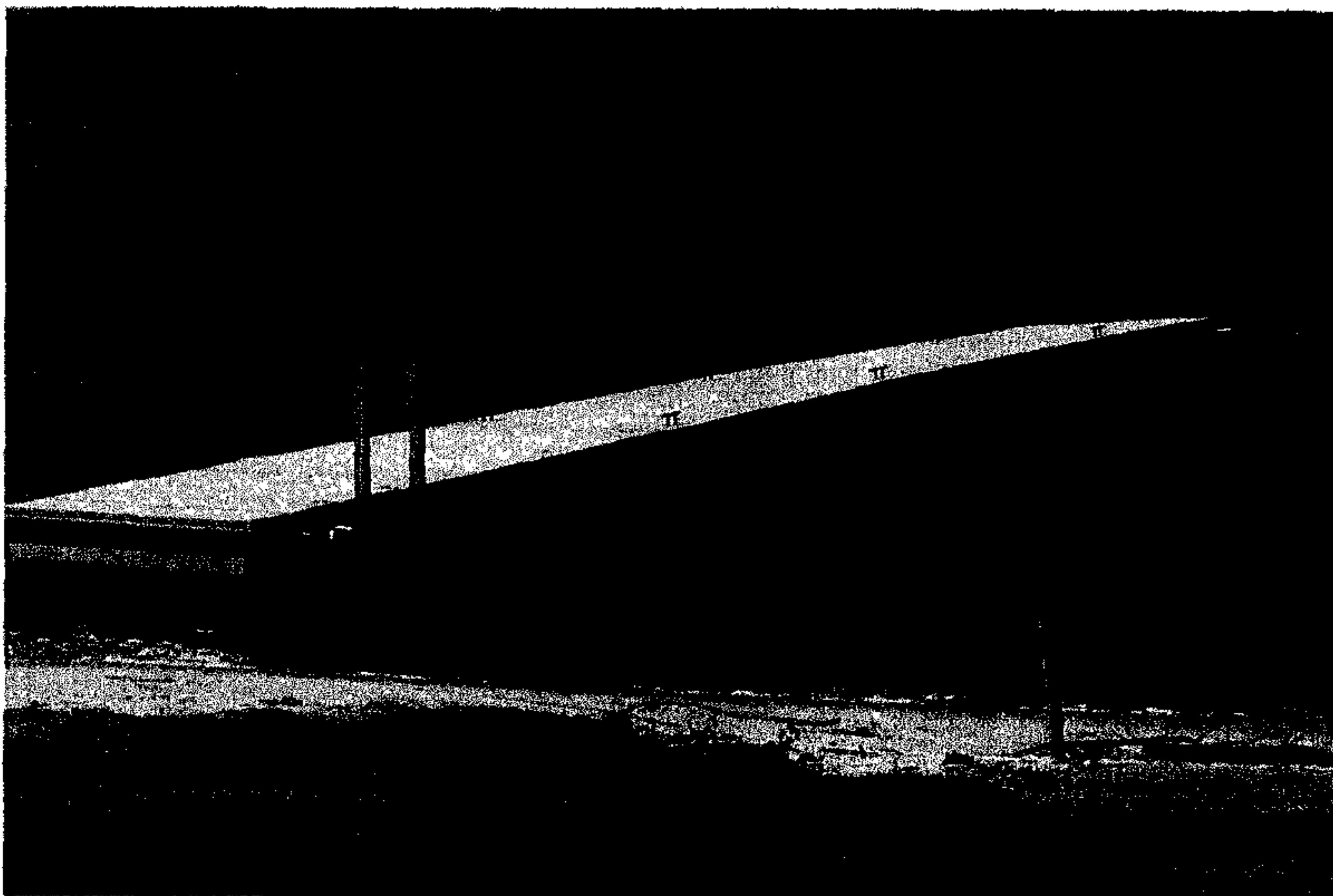
PROPERTY
LINE w/ 15' ROADWAY

3920
SIDE
→



← 3910

PROPERTY
LINE



— RAMP

NOTICE PIER ENCLOSED ON RAMP — 3920
MOORED BOAT PROHIBITS USE CHESTNUT

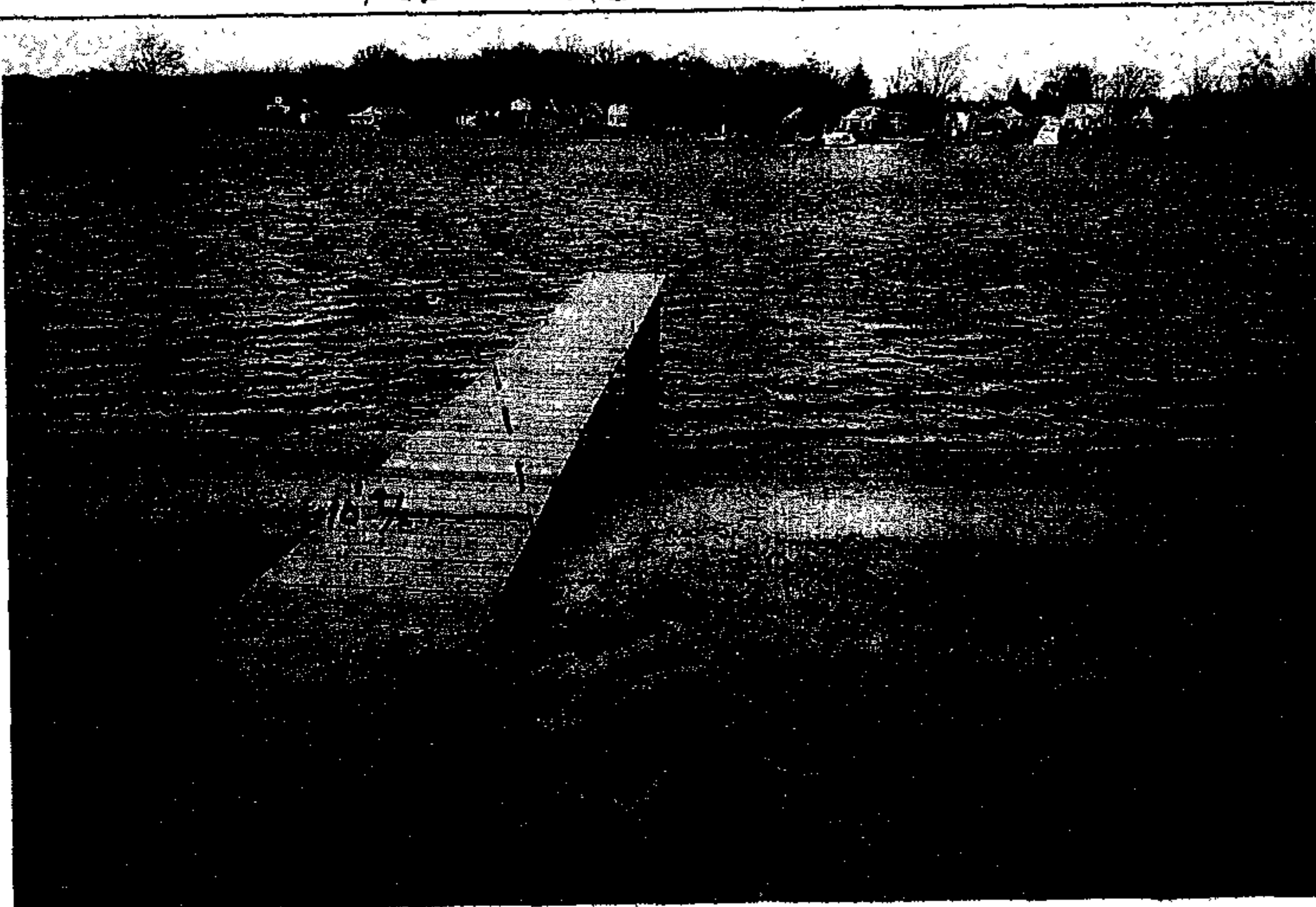
PIER IS ENTIRELY IN 3920 WATER SPACE

A-18

'FIXED' PIER 1999

3910
PIER

10'
SETBACK
REQU. REQ



ENCROACHING
PIER

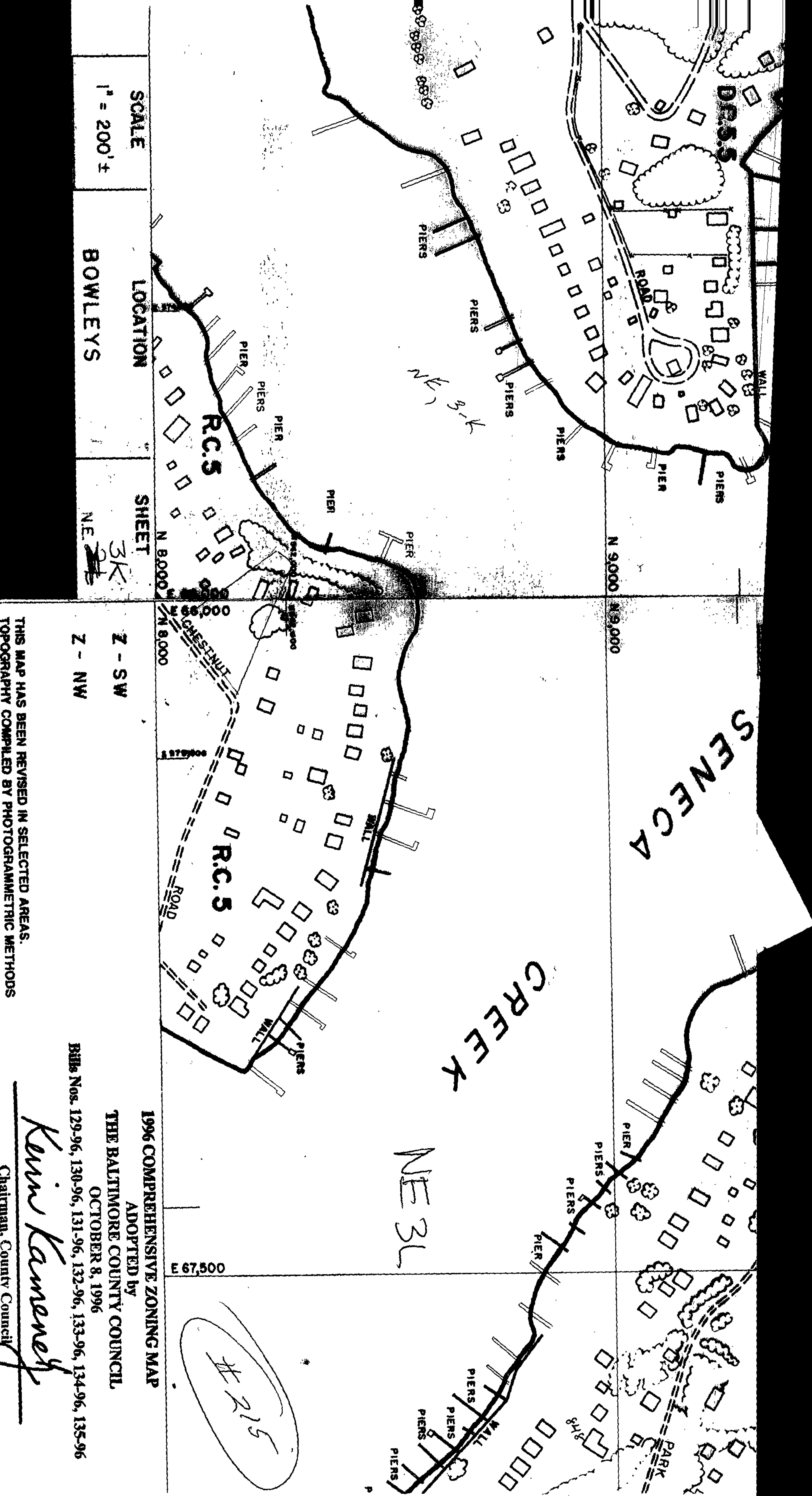
PROPERTY LINE WITH 15' OF ROAD BED



VIEW DOWN
PROPERTY LINE

PROPERTY LINE WITH 15' OF ROAD BED

4/19



SCALE
1" = 200'

LOCATION
BOWLEYS

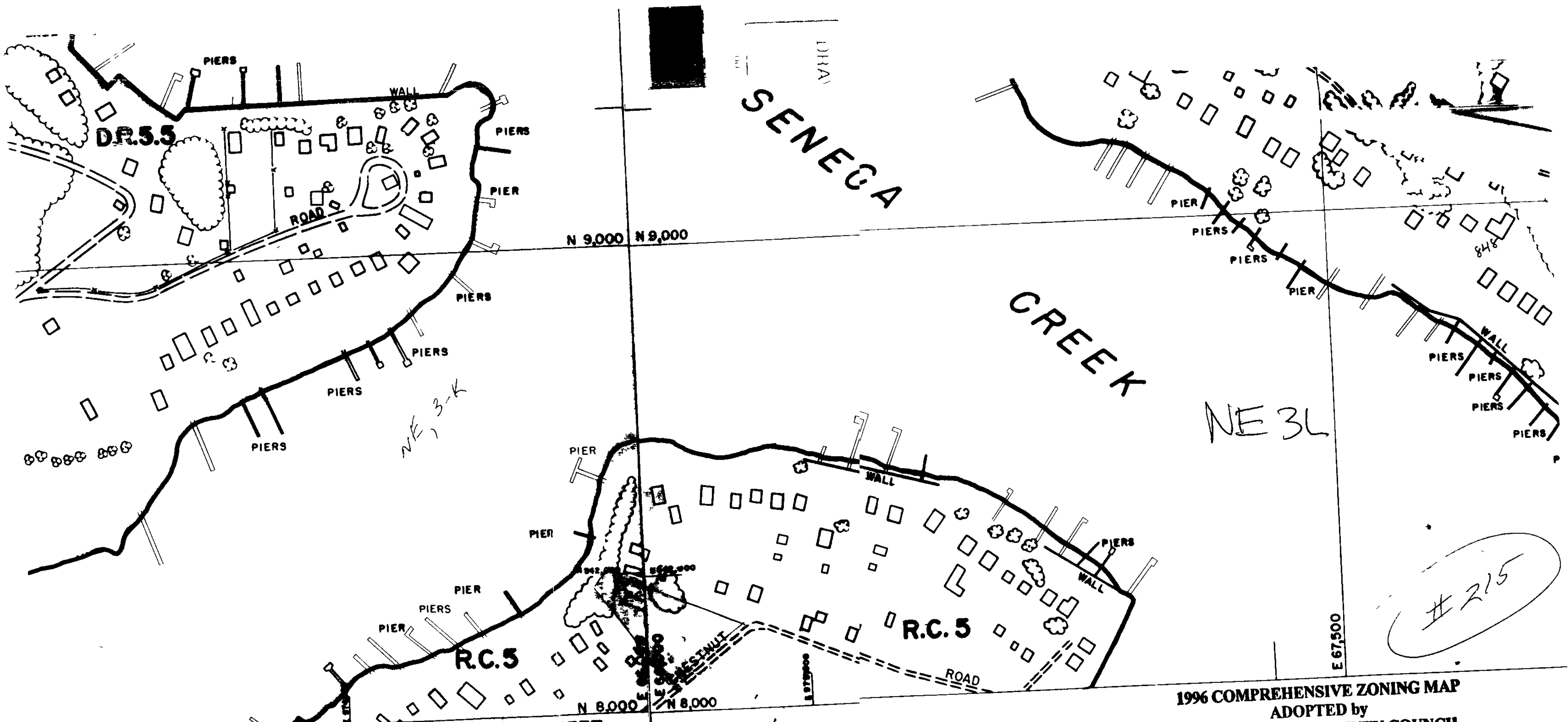
SHEET
3K
NE

Z - SW
Z - NW

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kameneck
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS



SCALE
1" = 200' ±

LOCATION
BOWLEYS

SHEET
3K
NE ~~2~~

Z - SW
Z - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kameneck
Chairman, County Council