4/1/01

IN RE: PETITION FOR VARIANCE N/S Beach Road, 115' E centerline of Opie Road 11th Election District 5th Councilmanic District (11304 Beach Road) Daniel H. Dupont Petitioner	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-313-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 owner of the subject property, Daniel H. Dupont. The Petitioner is requesting a variance for property located at 11304 Beach Road in the White Marsh area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 48 ft. to the centerline of the street in lieu of the required 75 ft. and to permit a side property line setback of 7 ft. and 14 ft. in lieu of the 35 ft. required, and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Daniel Dupont, owner of the property and Richard Matz, a professional engineer who appeared with the property owner. Appearing in opposition to the request were Mr. Michael Robinson and Mr. Peter Whipple, nearby property owners.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.243 acres, more or less, and is improved with a two-story garage. The subject property is depicted as Lot No. 34 on the site plan submitted into evidence as Petitioner's Exhibit No. 1. The Petitioner proposes to construct a single family dwelling on the property at

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this time in accordance with the site plan submitted into evidence. In order to proceed with the construction of a house on this lot, the variance requests are necessary.

Testimony further indicated that the garage that exists to the rear of the property has been converted into a dwelling unit. Mr. Dupont, as well as a friend of his, occasionally lives within the garage. The garage itself is higher than that which is permitted by the zoning regulations. It was learned at the hearing that Mr. Dupont obtained a variance pursuant to Case No. 94-506-A, to allow the garage to have a height of 24 ft. in lieu of the maximum permitted 15 ft. The relief was granted pursuant to my order issued the 13th day of July, 1994. However, as a condition of approval of the construction of this very large garage, the Petitioner was specifically prohibited from allowing the garage to be converted into a dwelling unit and/or apartment. Restriction No. 3 of my previously issued order also provided that the garage would contain no living of sleeping quarters and no kitchen or bathroom facilities. Apparently, Mr. Dupont, the owner of the property, ignored the restriction imposed upon him. The garage was in fact converted to a second dwelling containing both living quarters and kitchen and bathroom facilities, in defiance of my previously issued order. The Petitioner now comes before me asking for approval to construct a house on that very same lot. Given Mr. Dupont's failure to comply with my previous decision, I find that the variances being requested at this time should be denied.

THEREFORE, IT IS ORDERED this 12th day of April, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variances from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 48 ft. to the centerline of the street in lieu of the required 75 ft., to permit a side property line setback of 7 ft. and 14 ft. in lieu of the 35 ft. required, and to approve an undersized lot, be and they are hereby DENIED.

IT IS FURTHER ORDERED, that a copy of the decision rendered in Case No. 94-506-A shall be appended to this order so that the Board of Appeals may be aware of my previous decision regarding the garage, in the event an appeal is filed of this decision. The garage must be brought into compliance with my previous order issued in Case No. 94-506-A within 45 days from the date of this order.

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

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

1/16/02

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ZONING COMMISSIONER

IN THE MATTER OF THE APPLICATION OF DANIEL H. DUPONT –LEGAL OWNER, /PETITIONER FOR A VARIANCE ON PROPERTY LOCATED AT 11304 BEACH ROAD, N/W BEACH ROAD, 115' E CENTERLINE OPIE ROAD	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	CASE NO. 01-313-A

* * * * * * * * *

OPINION

This matter comes before the Board as a result of a denial by the Deputy Zoning Commissioner of the Petitioner's request for relief under *Baltimore County Zoning Regulations* (BCZR) §§ 304 and 307; specifically, to allow construction of a modular structure on an undersized lot in an R.C. 2 zone (in which the minimum for such construction is 1 acre), and to vary the dimensional requirements applicable in the zone to permit a side property line setback of 7 feet and 14 feet respectively in lieu of 35 feet, and 48 feet to the centerline of the street in lieu of the 75 feet required.

The matter was heard *de novo* by the Board on March 5, 202. Appearing on behalf of the Petitioner was Michael Freilich, Esquire. Carole S. Demilio, Deputy People's Counsel, appeared in opposition.

The Petitioner, Daniel Dupont, testified and described his purchase of lots 33 and 34 by a single deed under the address of 11306 Beach Road in 1994 from Genevieve Gerry. He related that in 1998 he conveyed the lots separately to himself under separate deeds, also obtaining a separate address and tax assessment for each. He further stated that he replaced the existing structure on Lot 33 with a new modular home on the identical residential footprint. He hoped to gain rental income from a similar modular home to be placed on adjacent Lot 34.

Richard Matz, a professional engineer well known to the Board, was presented and accepted as an expert in engineering. He testified as to the preparation of the plat in support of Petitioner's request. He described the property as well as the surrounding area and outlined various difficulties inherent in the

project which would be suffered by the Petitioner if relief was not granted under BCZR §§ 304 and 307.

Under cross-examination, he noted that Lot 33 had been served in the past by a well and septic located on Lot 34. He related that such was not presently the case as, in recent years, public facilities had been extended to the area. He also agreed with counsel that a number of houses in the area were placed on combined double and triple lots. Among other exhibits, he placed into the record the original plat of the area from 1924 (Petitioner's Exhibit #3) and the Maryland Department of Planning property map of the area dated December 2000 (Petitioner's Exhibit #1).

Mr. Michael Robinson, resident of the property adjacent to Lot 34, was called to testify by People's Counsel. He produced numerous photographs and related the difficulties resulting (he believed) from the grouting and other related work done on the property by Petitioner. He related his various concerns, including erosion, flood control and debris emanating from the site. Finally, he described the area as to the relative shape of the lots and the fact that two and three lots were often combined in order for houses to be located thereupon.

Robert Mitchell, a resident of the area since 1958, testified briefly as to the use of Lots 33 and 34 as one site over the years, and also confirmed the local practice of using two or three lots to support construction of a home.

Petitioner requests relief in part to construct a home on an "undersized" lot. Such an action is governed by BCZR § 304.1, which states in relevant part:

> ...a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:
>
> A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; [BCZR 1955 Bill No. 47 1992]
>
> B. All other requirements of the height and area regulations are complied with; [BCZR 1955] and
>
> C. The owner of the lot does not own sufficient adjoining land to conform to

> the width and area requirements contained in these regulations. [BCZR 1955 Bill No. 47 1992]

It is clear from the reading of the statute that the requirements listed above are conjunctive in nature. Therefore, if the Petitioner's request fails to meet each of the criteria described in § 304.1, then no relief under that section may be granted to him. Turning to § 304.1A, the Board recognizes, by virtue of the Petitioner's Exhibit #3, that the lots in question were listed in a validly approved subdivision in 1927, well before the March 30, 1955 requirement. Although People's Counsel raises questions as to the effect of the merger of the two lots in 1994 and their subsequent division again in 1998, the Board is satisfied, on its face, that this section has been satisfied. Section 304.1C also appears to be satisfied, as the total of the two lots is .49 acre in a 1-acre required zone. The Court recognizes Counsel's extensive argument as to whether or not this section should be deemed contrary to the spirit and intent of the zoning regulations, but the Board finds that the language of the statute appears to be clear and specific.

Section 304.1B is the requirement most problematic for Petitioner. The site in question clearly does not meet the height and area regulations as set forth in the zoning regulations, and therefore a variance from those requirements must be granted before § 304.1B is satisfied. The granting of variances is clearly addressed in § 307.1 of the *Baltimore County Zoning Regulations*, which states, in pertinent part, as follows:

> "...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

This Board enjoys the guidance provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995), wherein the Court writes:

> ...The Baltimore County ordinance requires "conditions ...peculiar to the

> land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties....". Id. at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

This Board finds that the Petitioner has not established the requisite uniqueness as called for under § 307 and *Cromwell*. There was no credible testimony presented by any witness appearing on behalf of the Petitioner to establish any difference between the proposed site and other properties in the area. In fact, the testimony of various witnesses as well as Petitioner's own exhibits clearly illustrated that there is no inherent "uniqueness" in the proposed site. Therefore, no further inquiries into the second issue of practical difficulty need to be explored.

The Board recognizes that Petitioner presented considerable testimony as to his personal difficulties and belief that for those reasons among others, he should have been granted the relief requested. Additionally, his Counsel raises various issues including what is apparently a constitutional challenge to the applicability and priority of zoning regulations as they relate to his client in this situation. This Board is clearly under statute and historically not authorized to determine a constitutional question, nor has that authority ever been granted to us by an appellate court. Therefore, we reach no conclusions and make no comment as to those arguments.

In view of the failure of Petitioner to establish his entitlement to an appropriate variance of the height and area regulations as they relate to the proposed site, this Board finds that he has not

successfully met the requirements of Section 304.1B and his Petition is therefore denied.

ORDER

THEREFORE, IT IS THIS 16th day of July, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variance to allow construction of a modular structure on an undersized lot in an R.C. 2 zone (in which the minimum for such construction is 1 acre), and to vary the dimensional requirements applicable in the zone to permit a side property line setback of 7 feet and 14 feet respectively in lieu of 35 feet, and 48 feet to the centerline of the street in lieu of the 75 feet required be and is hereby **DENIED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Lawrence M. Stahl

C. Lynn Barranger

County Board of Appeals of Baltimore County

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

July 16, 2002

Michael L Freilich Esquire
Freilich Law Group Llc
Suite 117
305 W Chesapeake Avenue
Towson Md 21204

RE: *In the Matter of: Daniel H. Dupont* –Legal Owners
/ Case No. 01-313-A

Dear Mr. Freilich:

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

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

Very truly yours,

Kathleen C. Bianco /trs

Kathleen C. Bianco
Administrator

Enclosure

c: Daniel H. Dupont
Richard E. Matz /Colbert Matz Rosenfelt, Inc.
Peter Whipple
Michael D. Robinson
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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on Recycled Paper

RE: PETITION FOR VARIANCE 11304 Beach Road, N/S Beach Road, 115' E of c/l Opie Road 11th Election District, 5th Councilmanic	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	FOR
DANIEL H. DUPONT Petitioner	*	BALTIMORE COUNTY
	*	Case No. 01-313-A

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

PEOPLE'S COUNSEL'S MEMORANDUM IN OPPOSITION TO DANIEL H. DUPONT'S PETITION TO BUILD ON AN UNDERSIZED LOT AND FOR A DIMENSIONAL VARIANCE

I. Principal Question

SHOULD MR. DUPONT'S REQUEST TO BUILD A DWELLING ON AN UNDERSIZED LOT AND HIS REQUEST FOR A VARIANCE FROM FRONT AND SIDE SETBACKS BOTH BE DENIED, GIVEN THAT:

- **HE CANNOT COMPLY WITH ADDITIONAL AREA REQUIREMENTS, AND HE OWNS ADJACENT PROPERTY, BOTH OF WHICH PRECLUDE RELIEF UNDER B.C.Z.R. §304;**

- **HE HAS NOT SHOWN THAT HIS PROPERTY IS DISTINCT FROM OTHER NEIGHBORHOOD PROPERTIES AND HE HAS NOT SHOWN THAT A VARIANCE WOULD PROMOTE JUSTICE TO OTHER PROPERTY OWNERS OR COMPORT WITH THE SPIRIT OF ZONING REGULATIONS, AS B.C.Z.R. §307 AND RELATED CASE LAW REQUIRES; AND**

- **HE ALREADY HAS A DWELLING ON HIS PROPERTY, AND THE LOTS AT ISSUE HAVE LONG SINCE MERGED INTO A SINGLE PARCEL?**

II. Testimony and Relevant Facts

On April 12, 2001 the Deputy Zoning Commissioner ("DZC")denied the petition of Daniel H. Dupont for relief under §304 and §307 of the Baltimore County Zoning

Regulations ("BCZR"). Dupont had sought to build a modular home on an undersized lot in an R.C.-2 zone. In the "Findings of Fact and Conclusions of Law," the DZC cited Dupont's non-compliance with a previous variance decision as the reason for denial. Dupont appealed, and on March 5, 2002, the Baltimore County Board of Appeals ("CBA") conducted a de novo hearing. Section 304 allows a landowner to build on an undersized lot provided certain conditions exist, and §307 allows, in rare occasions, for variances to dimensional requirements contained in the relevant zoning classification. The subject property is an undersized lot located at 11304 Beach Road in White Marsh. Since the property is located in an R.C.-2 zone, the minimum allowed lot size is one acre, and the side and center line setbacks are 35 and 75 feet, respectively. BCZR §1A01.3.B.2-3.B.3.

Dupont testified that he owns two contiguous lots fronting Beach Road. The lots, numbered 33 and 34 on a 1925 subdivision plat, petitioner's exhibit 3, are rectangular and measure 52 and 53 feet wide, respectively, at Beach road and 200 feet deep. The plat shows each lot covers an area equal to about .24 acres. Dupont acquired both lots in 1994 from Genevieve Gerry, and the lots were conveyed together in a single deed. He admitted the deed described the two lots together has having a single address, 11306 Beach Road. After holding the property under a single deed for four years, he created separate titles for them in 1998 by conveying them to himself under separate deeds. Also in 1998, he assigned a separate address for Lot 34, 11304 Beach Road, and began receiving separate tax assessments for the two lots. Dupont said that in 2001 he replaced

the house that Gerry had lived in, placing a new modular home on the footprint of the previous building. He testified that he now seeks to place a modular home on Lot 34, so that he can use it as a source of rental income.

Richard Matz, Dupont's engineer, testified that in order to construct the proposed dwelling on Lot 34, Dupont is seeking a variance to build on an undersized lot, and to exceed the minimum side and centerline setbacks allowed in an R.C.-2 zone. He saw no evidence to indicate that there had ever been a dwelling on Lot 34. Instead, he judged that from the time a house was first built on Lot 33, it has been served by a septic tank and a well located on Lot 34, although in recent years public water service has obviated the need for the well. He also stated that many houses in the neighborhood are located on double and triple lots.

People's Counsel presented Michael Robinson, a neighbor living on property immediately abutting Lot 34. Most of his testimony focused on the work Dupont had already done on the subject property. Robinson testified that, as a result of grading done by Dupont, the subject property was three and a half to four feet higher than his yard in many places. As a result of this height difference and a lack of erosion control by Dupont, Robinson's property was often flooded and with debris when it rained. Robinson also testified that Dupont had begun grading the subject property prior to December, 1997, when a permit for the work was issued. In addition, Robinson introduced pictures showing the following: (a) various derelict structures and trailers on the subject property, including a wooden garage, a construction trailer, and a pickup trailer on Lot 33, and

camper on Lot 34; (b) erosion control and landscaping work he had done on his side of the property line to attempt to control the negative effects of Dupont's grading work; (c) a view from Opie Road showing the height differential between his and Dupont's property as a result of the grading; (d) the lack of erosion control on Lot 34; (e) a view from his property showing the pooling of water in his yard as a result of the grading; (f) a picture showing a swale that Dupont was directed to put in, and the improper drainage that occurs nevertheless; (g) an attempt, later abandoned, by Dupont to build a pole barn; and (h) another angle showing the height differential between the lots. Robinson also testified that Mrs. Gerry, the previous owner, had treated Lots 33 and 34 as a single parcel, with her lawn and landscaping integrating the two Lots as a single yard.

People's Counsel's next witness, Robert Mitchell, was a neighbor who had been living on Opie Road, within a distance of a few lots from the subject property, since 1958. He testified that Lots 33 and 34 had been treated as a single lot as far back as he could remember. He also said most houses in the neighborhood are located on two or three lots.

III. Issues

A. SECTION 304 AND THE UNDERSIZED LOT

Petitioner is not entitled to relief under §304 of the Baltimore County Zoning Regulations because he cannot comply with several other area restrictions in the R.C.-2 zoning classification, and he owns adjacent property.

BCZR §304 is a potential avenue for relief for property owners wishing to build on lots that are made substandard as a result of the introduction of modern zoning standards. If the property meets the criteria of BCZR §304.1, then the owner may be

entitled to build a single-family dwelling on it despite its failure to meet the minimum lot size requirements of the relevant zoning classification, provided that the proposed structure is compatible with the surrounding neighborhood, as described in §§304.2 to 304.7. However, if the property fails to meet each of the criteria described in §304.1, then no relief is available under this section.

BCZR §304.1 states in relevant part:

> "Section 304 – Use of Undersized Single-Family Lots. {B.C.Z.R., 1955; Bill No. 47, 1992.}
>
> 304.1 A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:
>
> A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; {B.C.Z.R., 1955; Bill No. 47, 1992.}
>
> B. All other requirements of the height and area regulations are complied with; {B.C.Z.R., 1955} and
>
> C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. {B.C.Z.R., 1955; Bill No. 47, 1992}"

The conditions required for relief in Section 304 are listed in the conjunctive. Therefore, since Dupont is seeking relief under Section 304 to build on an undersized lot, he must meet all three conditions.

The first condition for relief is that there be a "lot," created by deed or subdivision plat, and that the lot must have existed as such prior to March 30, 1955. People's Counsel recognizes that Lot 34 was created by a 1925 subdivision plat. In and of itself,

Dupont would thus appear to meet the requirement. However, in light of the merger of Lots 34 and 33 as is described below, it appears Dupont does not satisfy §304.1(A), even though a recorded subdivision existed prior to 1955.

The second condition is that the proposed dwelling comply with all other height and area regulations in the relevant zoning classification. A petitioner is not entitled to relief under Section 304 if the dimensions of the dwelling he seeks to construct would violate the height requirements or centerline and property line setbacks. Here, petitioner's site plan indicates that he would place a modular home 7 and 14 feet, respectively, from the sides of Lot 34, rather than the 35 feet minimum permitted under R.C.-2 zoning regulations, and 48 feet from the centerline rather than the allowed 75 foot minimum. Hence, since the dwelling Dupont proposes to construct on Lot 34 would not comply with "all other requirements for . . . area regulations" under the R.C.-2 zoning classification, the condition outlined in §304.1(B) is not satisfied, and relief under the section is not available.

Further, even if Dupont could meet this "compliance with all other requirements" condition, the additional condition described in Part C would still make §304 unavailable. This condition says that relief is only available if the property owner does not also own adjoining property that would eliminate the need for relief from width and area requirements. Here, Dupont does in fact own Lot 33, which already contains a single-family dwelling. Since the two lots together would have a combined area of roughly .49 acres, and thus do not contain enough land to comply with the 1 acre minimum lot size in

an R.C.-2 zone, he may argue that the condition in §304.1(C) has literally been met. But this argument should be rejected as contrary to the spirit and intent of the law.

Application of a literal interpretation of this section under the present circumstances would lead to an absurdity: an owner of two adjacent undersized lots seeking to capitalize off the old plat line by squeezing another house (in addition to an existing dwelling) onto the second lot would be entitled to relief – and thus be allowed to build – if the two lots combined are *smaller* than the minimum single lot size, but would not be able to do so if the combined property were *larger (*and possibly much larger) than the minimum lot size. The result would be that, where undue crowding would result from building on an undersized lot, relief to add a single-family dwelling would be forthcoming under §304; but where there would be sufficient space to comfortably fit an additional dwelling, the property owner would have no such relief! By allowing the addition of dwellings on small properties where crowding is the likely outcome, but continuing to proscribe the addition of such dwellings where there is probably adequate space, a literal reading of Part C would defy the very Resource Conservation zoning classification that governs the property at issue, the purpose of which is to discourage dense residential development amidst the preferred agricultural use. See B.C.Z.R, §1A01.A-B (R.C.-2 (Agricultural) Zone, "Declaration of Findings" and "Purposes"). Certainly the Baltimore County Council never intended such a result. Instead, Part C should be read so that, at the very least, it precludes the addition of a dwelling where, as here, a landowner already has a dwelling on an adjacent lot, and seeks to profit by taking

advantage of 77-year-old subdivision plans to crowd an additional dwelling onto a substandard lot in a Resource Conservation zone.

At any rate, as is mentioned above, the Board of Appeals need not even reach Part C of the §304 analysis, since it is clear that under Part B, the condition requiring the proposed dwelling to comply with all other area regulations is not met. This eliminates B.C.Z.R. §304 as a possible avenue for relief, and leaves the variance provision, BCZR §307, as the only remaining regulation under which Dupont might seek relief.

B. SECTION 307 AND DIMENSIONAL VARIANCES

The record is legally insufficient to support a variance because Dupont has not shown that his property is unique and/or that he will suffer practical difficulty.

Petitioner seeks a variance under B.C.Z.R. §307 because the proposed dwelling would violate the centerline and side yard setback requirements of the R.C.-2 zone. In relevant part, §307 states that an area variance may be granted,

> "Only in cases where special circumstances or conditions exist ***that are peculiar to the land or structure which is the subject of the variance request*** and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

BCZR, §307.1 (1998) (emphasis added). The party seeking a variance under §307 has the burden of demonstrating that in his case the "uniqueness" and "practical difficulty" requirements are met. Cromwell v. Ward, 102 Md.App. 691, 706 (1995).

In applying §307, the CBA must first determine that the property has peculiar characteristics, and thus meets the "uniqueness" requirement, before giving any consideration to whether practical difficulties exist. Cromwell, 102 Md.App. at 721.

Uniqueness can only exist if the property at issue has extraordinary characteristics or conditions that are not shared by other properties in the area, Id. at 709, and as a result of these extraordinary characteristics, the ordinance would have a more severe impact on the subject property than on other properties in the area. Id. at 721. Additionally, when the properties in a neighborhood are of similar size and shape, the uniqueness requirement cannot be met unless the petitioner presents evidence of other possible unique factors, such as historical significance, environmental or subsurface factors, obstructions presented by abutting properties, access to navigable waters, etc. Riffin v. People's Counsel for Baltimore County, 137 Md.App. 90, 98 (2001).

If the property is not unique, the CBA's inquiry under §307 is complete, and the variance should be denied. Id. at 98; Cromwell, 102 Md.App. at 694. On the other hand, if the CBA finds petitioner has produced sufficient evidence to meet the "uniqueness" requirement, then the Board will proceed with an examination of practical difficulty. McLean v. Soley, 270 Md. 208, 215 (1973); Cromwell, 102 Md.App. at 721. In order to successfully assert practical difficulty, the petitioner must show that the proposed variance would do substantial justice to the applicant and other property owners, and would comport with the spirit of the zoning regulations. McLean v. Soley, 270 Md. at 214. Should the petitioner fail to produce sufficient evidence to support the existence of practical difficulty, then the Board must deny the petitioner's request for a variance. Id. at 707.

Uniqueness

As the party seeking a variance, in order to meet the "uniqueness" requirement, Dupont had to produce evidence showing that 11304 Beach Road has extraordinary characteristics that distinguish it from other properties in the area, and that as a result the front and side setback rules of the R.C.-2 zoning classification affect the property disproportionately and in a way distinct from the effect of the standards on other properties.

Simply put, petitioner failed to meet this burden. He offered no evidence to demonstrate that the property is in fact unique. The sum total of his evidence presented merely shows that he owns two contiguous substandard lots from a 1925 subdivision, and that he wishes to install a modular home on lot 34 so that he can rent it and supplement his income. This falls substantially short of the burden identified in Cromwell.

In Cromwell, petitioner built a garage that exceeded the fifteen foot height requirement for accessory buildings provided in the Baltimore County zoning ordinance. He then sought and received an after-the-fact variance from the Zoning Commissioner. While the decision to grant a variance was upheld by the CBA and Circuit Court, the Court of Special Appeals reversed the lower rulings, noting that variances are only appropriate in extremely rare cases. Cromwell, 102 Md.App. at 711-726. The petitioner was a vintner who claimed that in order to build a garage that met his storage needs, the roof had to be pitched at a certain angle. He argued that his property faced unique problems because the required angle necessitated a roof in excess of the maximum allowable height. The court noted that it was a common mistake to first identify the

existence of a hardship or practical difficulty, and then cite the existence of such an inconvenience to create a "unique and unusual situation as to the subject property because surrounding properties do not experience the hardship or difficulty." Id. at 695. The court then explained that "the variance that is desired (and the difficulties that would exist if it is not granted) cannot be the source of the first [uniqueness] prong of the variance process." Id. The court reversed the CBA's decision because, aside from the invalid finding of uniqueness based on the petitioner's practical difficulty, "[t]here was no evidence submitted to the board that the subject site was in any way peculiar, unusual or unique when compared to other properties in the neighborhood such that the ordinance's [. . .] impact upon the subject property would be different than [. . .] upon neighboring properties. Id. at 726.

Like the petitioner in Cromwell, Dupont has placed no evidence before the CBA to suggest his property has any exceptional characteristics that distinguish it from neighboring property. At best, the various plat maps showing the 53' by 200' dimensions of Lots 33 and 34, the testimony by Matz that an additional house cannot be built without at least side setback variances, and Dupont's testimony that he would like to place a modular home on Lot 34 so he can lease it out for supplemental income, all show why Dupont is seeking a variance. But as the Cromwell court makes clear, Dupont's likely inability to build a house on Lot 34 cannot be the source of the uniqueness required for a variance. And none of the evidence otherwise speaks to the existence of unusual characteristics with respect to the subject property. Indeed, it is apparent that many of the

houses in the neighborhood are built on large or multiple lots, and that the existing home is in character with the area. In sum, Dupont has failed to meet even the first prong of the variance inquiry. Based on this failure, the variance should be denied.

Practical Difficulty

Further, even if the Board were to find that Dupont's property meets the uniqueness requirement, petitioner would still fail to meet his burden because he faces no practical difficulty. The practical difficulty requirement is clarified in McLean v. Soley, *supra*. There, a developer building an apartment and office complex sought a variance from the minimum side yard setback regulations to avoid the destruction of a significant number of trees. He presented evidence showing the trees provided a significant ecological benefit to the community as well as a benefit to the project's success by promoting full occupancy, and the ordinance's objective of avoiding unnecessary crowding would actually be furthered by the grant of a variance. The Court of Appeals upheld the CBA's decision granting a variance. The court said that any inquiry into the existence of a practical difficulty standard would have to take into account the following questions:

1. Would it unreasonably prevent the owner from using the property for a permitted use?
2. Would granting the variance do substantial justice to the applicant as well as to other property owners in the district, or would a lesser relaxation of the regulations instead serve the petitioner's purpose while being more consistent with justice to the other property owners?

3. Could the variance be granted such that the spirit of the ordinance will be observed and public safety and welfare secured?

McLean v. Soley, 270 Md. at 214. Unlike a situation in which a variance would merely serve the convenience of the petitioner, the court said, the practical difficulty requirement had been met by the apartment developer in part because both the petitioner and the other owners in the neighborhood would receive substantial justice from the variance, as it would provide ecological benefits to all concerned, and the spirit and intent of the ordinance would be preserved because denying the variance would lead the developer to increase the density of the project. *Id.* at 215.

Here, in contrast to the McLean petitioner, Dupont has presented nothing to show that the variance would do substantial justice to other property owners in the area, or that the variance would further the spirit and intent of the zoning ordinance. Significantly, Dupont offered no evidence to suggest that any neighbors would benefit from a variance to the side and centerline setback regulations affecting 11304 Beach Road, nor did he produce any evidence tending to show what he believes to be the spirit of the Baltimore County Zoning Regulations in general, or the R.C.-2 zoning classification in particular.

In fact, Dupont would likely have difficulty even establishing the first prong of the practical difficulty standard established in McLean, namely that the zoning regulations unreasonably prevent him from using the property for a permitted use. As is clear from the facts of the present case, Dupont already has a single-family dwelling on his Beach Road property. Specifically, due to termite damage, he was permitted to tear down the

house owned by his predecessor in interest, Mrs. Gerry, and rebuild on the footprint of this original house, which is located in Lot 33 of the 1925 subdivision plat map. Dupont's testimony indicated that he will reside in the this existing house once it is connected to municipal utilities, and that what he is seeking is to construct is an *additional* dwelling on his property, this time on Lot 34. Since he already has a dwelling on his property, which he in fact plans to use as his principal domicile, Dupont cannot plausibly argue that unless the variance is granted, the zoning regulations would unreasonably prevent him from using his property for the building and maintenance of a single-family dwelling, as permitted by the R.C.-2 zoning regulations. This is particularly true since, as is established below, the Merger Doctrine determines that Dupont's property consists of a single parcel of land for zoning purposes, rather than two separate lots.

Petitioner's argument that the zoning regulations limit the number of single-family dwellings on his property fails to meet the first prong of the McLean standard for two reasons. First, it does not prevent him from using his property for the maintenance of a single family-dwelling; it is already being used for just that purpose. Second, any restrictions the zoning regulations do place on the property are not unreasonable, because at most they limit the number of dwellings the petitioner may place on his lots which, even when combined, are substandard in the R.C.-2 zoning classification.

This failure to meet even the first requirement in the McLean test by itself shows that Dupont suffers no practical difficulty. In addition, neither of the other two requirements (substantial justice to other property owners in the neighborhood, and consistency

with the spirit of the zoning regulations) has been met, not least because Dupont failed to place any information to show that other owners would benefit from the variance or that granting the variance would comport with the spirit of the zoning ordinance. Of course, the CBA need not even reach this inquiry, since nothing in the record for the board suggests that the "uniqueness" condition precedent has been met in this case.

Other Variance Issues

In concluding the analysis of the appropriateness of a variance, it is important to note that Dupont appeared to argue that he should receive the variance he seeks because a second dwelling on his lot would provide him a supplemental source of income. However, this argument ignores well-settled case law which states that the mere fact that a variance would allow a use that increases the value or profitability is no basis for relief from the zoning regulations. Gleason v. Keswick Imp. Assoc., 197 Md. 46 (1951). Easter v. Mayor and City Council, 195 Md. 395 (1950).

Additionally, the CBA will note that granting a variance here would have the effect of increasing density on Beach Road. Such a density increase would contravene BCZR §307.1, which states,

> ". . . no increase in residential density beyond that otherwise allowable by the zoning regulations shall be permitted as a result of any. . . grant of a variance from height or area regulations."

Since Dupont seeks to crowd an additional house onto his substandard lot, he is in effect requesting a prohibited "density variance," which should be denied. *See generally* In the Matter of Horodowicz, CBA Case No. 98-342-A.

Finally, the CBA will note that the present case is distinguishable from other variance requests where the petitioner might be left with no other use for the property; Dupont already has a dwelling on his property, and a two-story garage on Lot 34 itself. In sum, because he has not met the requirements for a variance, and because granting a variance would contravene existing case law and the BCZR, the CBA should deny Dupont's request for a variance.

(For cases involving similar circumstances, when the Board and also the appellate courts denied relief under §304 and §307, see In the Matter of John Blasy, CBA Case No. 95-355-A, April 24, 1996, affirmed by the Circuit Court May 24, 1999, Case No. 3-C-96-5248 (both attached); and In the Matter of Warren Grill, Case No. CBA-94-163, April 28, 1995, affirmed by the Court of Special Appeals in No. 268, Sept. Term 1996, unreported opinion dated November 1, 1996 (both attached)).

C. MERGER DOCTRINE

Petitioner is entitled neither to relief under §304 nor to a variance because his predecessors in interest had previously merged Lots 33 and 34 into a single parcel for zoning purposes.

In zoning, the term "lot" is generic, referring to "parcels, tracts, pieces or sections of land," to which setbacks generally apply, regardless of whether they are recorded on a subdivision plat. Friends of the Ridge v. Baltimore Gas and Electric Co., 352 Md. 645, 652-655 (1999). The merger doctrine holds that, while two or more contiguous lots that are held by a single owner do not necessarily constitute a single lot, they are merged for zoning purposes if the owner intended to combine them into a single parcel of land. *Id.* at

658-660. The owner's intent to merge lots is inferred from her use of them as a single parcel, as when she "integrate[s] or utilize[s] the contiguous lots in the service of a single structure or project." *Id.* And when such an intent to merge is apparent, then "for title purposes, the platted lines may remain, but by operation of law a single parcel emerges for zoning purposes." Id. The party seeking to establish that a physical merger has occurred has the burden of establishing the landowner's intent to integrate the adjoining lots. Id. at 657.

The Merger by Conduct

People's Counsel's Exhibit 1 and the testimony of Robinson show that Gerry, Dupont's predecessor in interest, intended to treat Lots 33 and 34 as a single parcel. Given the above legal background and Gerry's conduct over the 20 years she owned the property, there can be little doubt that she merged the lots, making them a single lot for the purposes of zoning. (See also the attached 1974 deed conveying the lots together to Gerry, which suggests merger may even have occurred earlier.)

In Friends of the Ridge, the Baltimore Gas and Electric Company ("BG&E") sought to expand a substation located on one lot onto two additional contiguous lots. All of the lots were owned by BG&E. Treating the common property as three separate lots, and thus assuming that the expansion would require variances for the R.C.-5 minimum setbacks, the CBA granted BG&E both a special permit for the use, and a variance for the proposed setbacks. Friends of the Ridge, an organization of landowners in the area, challenged the decision, asserting that because the lots were separate properties, and the

expansion would straddle two boundary lines, an additional variance would be needed to use the three parcels as one. Declaring that it was "concerned here only with the applicability of the zoning ordinance," the Court of Appeals remanded the matter with instructions that no variance was needed, as the lots in question were merged into a single lot. Citing the merger doctrine, the court stated that BG&E's conduct in acquiring two lots contiguous to the original lot, and its plan to expand the substation across the original parcel lines, indicated an intent to treat the lots as a single parcel, thus leading to the merger of the lots for zoning purposes. Friends of the Ridge, 352 Md.App. at 662. It thus concluded that no variance was necessary, as the merged parcel would accommodate the expansion without exceeding the allowed setbacks. *Id.*

Like BG&E, Dupont and his predecessors in interest held the properties together as a single parcel. The lots at issue were conveyed by a single deed on two occasions in the past 30 years, first from Mary Cross to Gerry in 1974, and then from Gerry to Dupont in 1994. Further, as Matz admitted, it is evident from the location on Lot 33 of the septic tank and dry well for the house on Lot 34, and by the continuous use of Lot 33 as a yard for the house, that Lot 33 has been used exclusively to support the dwelling on Lot 34 for at least the 24 years since the lots were conveyed to Gerry, and probably for many years prior. This history shows at least as much intent by the successive owners of Lots 33 and 34 to treat them as a single property as BG&E displayed in its successful argument that its lots were merged. Hence, Gerry (and likely her predecessor in interest) merged Lots 33 and 34 into a single parcel during the twenty years she owned the property.

Friends of the Ridge underlined that the merger doctrine is generally applied to cases such as this, where merger "prevent[s] the proliferation or use of nonconforming, undersized lots by holding that they have been combined." Friends of the Ridge, 352 Md.App. at 654. Indeed, the Friends of the Ridge court cited as "one of the seminal cases on the doctrine of merger with respect to zoning" a New Jersey case in which an owner of common lots was initially granted a variance allowing him to build on the lots separately based on the theory that the lots were separate on a subdivision plat. The Supreme Court of New Jersey reversed the variance approval, stating that acquisition of title by the petitioner of contiguous lots created one parcel of land for the purposes of zoning. *Id.* at 654-655, quoting Loechner v. Campoli, 49 N.J. 504 (1967). The Court of Appeals of Maryland thus recognizes that when, as here, contiguous lots are held in common, they are appropriately treated as a single parcel and effectively merged.

Dupont's Attempt to Separate the Lots

Finally, Dupont appeared to argue in the hearing that, the lots having been merged, he effectively separated them in 1998 when he reconveyed them to himself by separate deeds, attached a separate mailing address to Lot 33, and began paying income taxes on the items separately. But the court rejected this argument in Friends of the Ridge. The court noted that where the merger doctrine is applied in zoning cases, the jurisdictions generally reject attempts to resubdivide into substandard parcels after a merger into a larger parcel has occurred. Friends of the Ridge, 352 Md. at 653. Further, the court cited with approval a case from Connecticut in which a petitioner sought to assert that his two

contiguous lots were separate because they appeared as distinct lots on the original subdivision plan, even though his predecessors in interest had purchased two contiguous lots and constructed a dwelling over the common property line. In denying the petitioner's assertion, the Connecticut Appellate Court stated, "once these lots were merged, they could not thereafter be redivided into two separate lots [without complying with the subdivision process]." *Id.* at 657, quoting Ianucci v. Zoning Board of Appeals, 25 Conn.App. 85 (1991) (parenthetical added by Court of Appeals of Maryland). It is thus clear that under the merger doctrine once lots are merged they cannot be resubdivided – even according to the plat lines of an old subdivision – without meeting the requirements of a new subdivision under the applicable zoning regulations. Since in the present case the lots were merged under Gerry's ownership, Dupont's attempt to separate them has failed, as he has made no attempt to comply with the formal subdivision process. Nor could he legally subdivide the property, at any rate; the R.C.-2 zoning classification requires a minimum lot size of 1 acre. B.C.Z.R. 1A01.3.B.2.

The effect of the merger of Lots 33 and 34 is that, in addition to the reasons listed above in Sections III A and III B of this memorandum, Dupont is further ineligible for relief under B.C.Z.R. §304 and a variance under §307 because he is seeking to construct a second dwelling on his single parcel of land. The R.C.-2 zoning regulations are clear that no more than one principal dwelling is permitted on any lot. B.C.Z.R. 1A01.3.B.2. And the effect of relief under §304 or §307 would be to allow Dupont to proceed with the

construction of a second modular home, in addition to one installed in the footprint of Gerry's house, on the same lot.

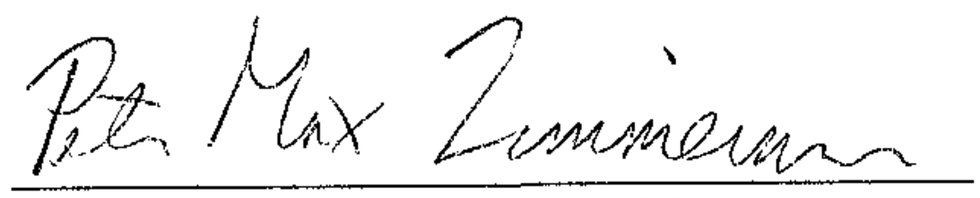
IV. Conclusion

Dupont's request for relief under §304 of the Baltimore County Zoning Regulations, to build a single-family dwelling on a substandard lot, can only succeed if all three of the conditions listed under §304.1 are met. He meets none of them. First, he cannot successfully argue that Lot 34 still exists as a lot duly recorded prior to 1955, because it merged. §304.1.A is thus not met. Second, the proposed dwelling would not comply with all other area restrictions contained in the zoning regulations. Otherwise, he would not also be seeking variances for side and centerline setbacks. Section 304.1.B is thus not met. Finally, he owns contiguous property on which a principal dwelling is already constructed. Therefore, under a fair reading of this section, he does not meet the third condition as described in §304.1.C. With none of the requisite conditions met, Dupont is not entitled to build a dwelling on his undersized lot. Therefore, the Board of Appeals should deny this request for relief under §304.

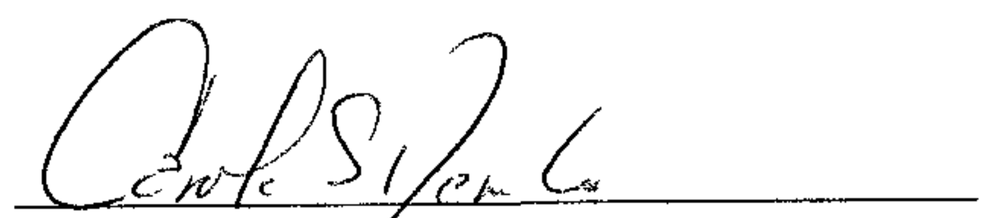
Similarly, the Board of Appeals should deny Dupont's petition for dimensional variances. Far from demonstrating that Dupont's property is unique, the evidence presented to the Board shows that the subject property is similar to many others in the neighborhood. Further, since he already has a dwelling on his property, and there's no evidence that a variance would do substantial justice to other property owners or be consistent with the spirit of the zoning regulations, Dupont has not shown that a practical

difficulty would result from application of the R.C.-2 zoning regulations. As we note above, variances should be granted only in extremely rare cases. Cromwell v. Ward, 102 Md.App. at 711. This is not one such exceptional case in which a variance should be granted.

Finally, aside from Dupont's failure to meet the requirements for relief under §304 and §307, the Board should deny his requests for relief because Lot 34 no longer exists as a separate lot for the purposes of zoning. The clear intent of Gerry was to treat Lots 33 and 34 as a single lot. This treatment merged them into a single parcel, which has not been, and cannot be, separated. And since, in an R.C.-2 zone, a property owner cannot put two dwellings on a single parcel of land, Dupont should not be allowed any relief that would make it possible to install a second dwelling on his property.[1]



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

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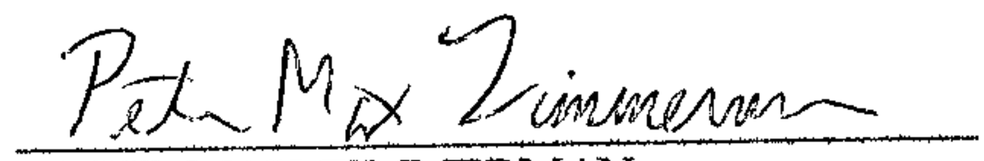
[1] People's Counsel gratefully acknowledge the assistance of Joseph Kershner in the preparation of this Memorandum.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of April, 2002 a copy of the foregoing People's Counsel's Memorandum was mailed to Michael L. Freilich, Esq., 305 W. Chesapeake Avenue, Suite 117, Towson, MD, 21204, attorney for Petitioner.



PETER MAX ZIMMERMAN

THIS DEED MADE THIS 1974 day of August in the year One Thousand Nine Hundred and Seventy-Four, by and between Mary Cooper, of Baltimore County, in the State of Maryland, party of the first part, and Genevieve M. Gerry of Baltimore County, State of Maryland, party of the second part.

WITNESSETH, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part doth grant and convey unto the said party of the second part, for and during the term of her natural life and with full power to the said Genevieve M. Gerry, to sell, lease, mortgage, grant, convey, or in any other manner whatsoever, except by Will, to dispose of or encumber the whole of said property or any part thereof absolutely both life estate and remainder with her signature alone and without the consent or joinder of any remainderman, and to appropriate the entire proceeds thereof to her own use, and from and after her death without having disposed of the said property, then unto Bruce Gilbert Gerry all that lot and parcel of ground situated in Baltimore County, State of Maryland, and particularly described as follows:

Known and designated as Lots Nos. 33 and 34 as laid down on the Revised and Amended Plat of Bird River Beach, recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4202, folio 462, from Alex Cooper unto said Robert Clyde Hutchinson and Madge Hutchinson, his wife, subject to an annual ground rent of Seventy-two Dollars, payable half-yearly on the 22nd days of January and July in each year.

FOR fee simple title to Lot 34, above mentioned, see deed dated May 22, 1964, and recorded among the aforesaid Land Records in Liber R.R.G. No. 4303, folio 265, from August A. Seifert, Jr. unto said Robert Clyde Hutchinson and Madge Hutchinson, his wife.

Lot no. 34 being subject to the restrictions set forth in W.P.C. No. 641, folio 49 and the pole agreement in G.L.B. No. 2563, folio 23, Lot No. 33 is subject to the restrictions set forth in W.P.C. No. 865, folio 194 and the pole agreement in G.L.B. No. 2563, folio 23.

BEING the same lots of ground which by deed dated November 18, 1965 and recorded among the Land Records of Baltimore County in Liber No. 1549, folio 208, were granted and assigned by Charles J. Naval, Jr., Trustee, to Alex Cooper and Mary Cooper as tenants by the entireties, the said Alex Cooper having departed this life on April 29, 1971.

BEING ALSO the same lots of ground which by Land Installment Contract dated October 7th, 1965, and recorded among the Land Records of Baltimore County in Liber No. 4549, folio 213, was assigned by Alexander Cooper, now deceased and

Mary Cooper, the herein grantor, to Raymond E. Gerry and Genevieve M. Gerry, his wife, the said Raymond E. Gerry having departed this life on March 1, 1971.

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 aforesaid leasehold and fee simple lots unto the said Genevieve M. Gerry, her successors, heirs, personal representatives and assigns, for all the residue and remainder of the term of years yet to come, and unexpired therein, with the benefit of renewal thereof from time to time forever, subject, however, to the payment of the annual rent aforesaid as to lot No. 33 and in fee simple as to lot No. 34.

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

Witness the hand and seal of the said grantor

Test:

Charles G. G. Clark

Mary Cooper
MARY COOPER

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 1st day of August, in the year one thousand nine hundred and seventy-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared Mary Cooper, grantor herein, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Seal.

OCT 17-74 13439085 ****7.00
OCT 17-74 13439085 ****23.10
OCT 17-74 13439085 ****33.50
OCT 17-74 13439085 ****63.60

NOTARY PUBLIC

Rec'd for record OCT 17 1974 at 12 M
Per Examined by Clerk
Mail to Lent Bennett
Receipt No. 7-2

4/24/96

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

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

O P I N I O N

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

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

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

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

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

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

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

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

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

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

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

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

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

more acute.

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

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

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

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

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

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

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

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

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

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

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

O R D E R

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

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

ORDERED that approval of an undersized lot per Section 304,

Baltimore County Zoning Regulations, be and is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz, Chairman

Charles L. Marks

Harry E. Buchheister, Jr.

5/24/99

PETITION OF JOHN BLASY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	CIRCUIT COURT
	*	FOR
	*	BALTIMORE COUNTY
IN THE MATTER OF THE APPLICATION OF JOHN BLASY for Variance on Property Located on the East Side Bell Avenue, 370' N of the C/L of Cross Street (1927 Bell Avenue) 13th Election District 1st Councilmanic District	*	Case No. 03-C-96-005248
Case No.: 95-355-A	*	

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

MEMORANDUM DECISION

In this zoning matter, the property owner appeals the decision of the Board of Appeals denying his request for a variance to build a single family dwelling on an unimproved lot he owns at 1927 Bell Avenue. Specifically, John Blasy asked for authority to build a house on his 50-foot lot because this would constitute a variance from the existing zoning requirement that a residential lot must be 55 feet wide. He claimed as the requisite hardship necessitating this relief that "lots on this street were always 50' wide." The Petition was opposed by neighboring property owners and the People's Counsel for Baltimore County, who prevailed before both the Zoning Commissioner and the Board of Appeals.

The rather complicated background facts concerning the ownership of the properties in question are set forth in the

Petitioner's Memorandum (pages 2 to 5) and the People's Counsel Memorandum (pages 2 to 4) without substantial disagreement. The critical fact bearing upon the Board's decision is that, upon the death of his grandmother in August, 1993, Blasy inherited 1927 Bell Avenue in fee, as well as the remainderman's interest in 1929 Bell Avenue. At the time of his filing, 1927 Bell Avenue was "essentially undeveloped" whereas 1929 Bell Avenue was improved by a house, which, for over ten years, had been occupied by Blasy's uncle, Edward Blasy. It was Edward who was bequeathed a life estate, without testamentary powers, in 1929 Bell Avenue by Blasy's grandmother.

After a full day's testimony, the Board denied Blasy's Petition in a detailed nine-page opinion. The Board concluded that Blasy, just as his grandparents before him, owned the three lots comprising 1927 and 1929 Bell Avenue, thereby making him ineligible for relief under §304 of the BCZR. The Board further decided that the subject property, 1927 Bell Avenue, did not meet the uniqueness requirement for obtaining a variance or, stated otherwise, the unimproved 50-foot lot was not rendered unique simply because Blasy's grandmother provided, by her will, that Blasy's uncle would have a life estate in 1929 Bell Avenue.

Blasy's first of three grounds for appeal is that the Board erred in finding that he also owned 1929 Bell Avenue thereby making him ineligible for relief under §304 of the BCZR. That regulation provides that a landowner may obtain approval to build

on an undersized lot if: (A) the deed to the lot was recorded before 1955; (B) the height and area regulations are complied with; and (C) the owner "does not own sufficient adjoining land to conform to the width and area requirements". The Board concluded that Blasy's uncle held only an equitable interest in 1929 Bell Avenue whereas "...John Blasy, as the Remainderman, possesses legal title and as such must be construed as being a legitimate owner of the property" (Op.9).

The parties agree that our appellate courts have not been called upon to interpret the meaning of §304.1C. Consequently, each side relies upon a number of out-of-state cases in support of their respective positions. One of the cases supporting the Board's decision, West Goshen Township v. Crater, 538 A.2d 952 (1988, Pa. Cmwlth.), is strikingly similar on the facts, although it did not involve the effect of a life estate on the ownership status of the remainderman.

Blasy contends that this court need not give deference to the Board's expertise with respect to this issue because it presents solely a question of law. This would appear to be true on its face. However, since the Board must decide an issue such as this so as to be consistent with its responsibility to enforce the BCZR uniformly and with fairness to all property owners in this County, to that extent, at least, the Board is deciding a mixed question of law and fact.

§304.1 is a grandfather clause enacted to protect the rights

of owners of 50-foot residential lots, who otherwise would have been denied the right to build on their lots simply because the regulation adopted in 1955 required all residential lots to have a minimum width of 55 feet. It is the recognition of an existing property right, by regulation, similar to the recognition in both case law and regulations that the holder of a non-conforming use is entitled to be protected from subsequent zoning schemes. In upholding an injunction granted by the circuit court to the zoning commissioner to prevent the holder of a valid non-conforming use from enlarging or extending that use, the Court of Appeals noted, in Phillips v. Zoning Commissioner, 225 Md. 102 at 109 (1961), that "...the spirit underlying zoning regulations is to restrict rather than increase non-forming uses." It is reasonable to conclude that that same spirit underlies §304.1.

The Zoning Commissioner and the Board bear the responsibility initially to interpret provisions in the BCZR when a dispute arises. As stated above, the Board concluded that Blasy did own sufficient adjoining land to comply with the width requirement of 55-feet because he has legal title to 1929 Bell Avenue, subject to his uncle's life estate. Bearing in mind that zoning regulations such as §304.1 should be interpreted so as to limit exceptions to subsequently enacted regulations, the Court finds that the Board did not err in denying relief to Blasy under §304.1.

In his second ground for appeal, Blasy argues that the Board

should have granted him relief in the form of a variance which would have obviated his need for relief under §304.1. The Board explained its denial of the requested variance as follows:

> Section 307 of the BCZR grants to the Board of Appeals the authority to grant variances ..... only in cases where special circumstances or conditions exist that are peculiar to the land ..... and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. As to the Petition for Variance, it must be adjudged in accordance with the prescribed regulations. Under the Court of Special Appeals decision, Cromwell v. Ward 102 Md.App. 691 (1995), the first burden of the Petition for Variance is to prove that the property is unique, and that standard must be met before other parts of the variance requirements can be appropriately considered. The testimony and evidence at the hearing produced minimal, if any, evidence or testimony that the property in question was unusual or unique. In fact, many of the properties in the immediate area of the unimproved lot in question possess 50-ft. lots. The fact that a house cannot be constructed in Baltimore County due to the present width restrictions resulting in a hardship for the Petitioner despite the presence of other existing homes on 50-ft. lots in the area is one which extends beyond the authority granted to this Board.
>
> (Bd.Op.7)

Blasy acknowledges that Cromwell reiterates that the threshhold question in a variance case is whether the property has physical or historical characteristics that make it unique. If not, the relief must be denied. See, also, Red Roof Inns, Inc. v. People's Counsel, 96 Md. App. 219 (1993). Blasy then claims that 1927 Bell Avenue is unique "when compared with other

properties in the neighborhood" because the owners of the other 50-foot lots in his community were not shown to have "shared the problem of the adjacent property having a life estate interest in the abutting property so as to preclude the landowner from reasonably using his property." (Mem.p.13). Blasy's unique concept of the requisite uniqueness is that a restriction on the title to adjacent property makes the subject property physically or historically different from other 50-foot lots. The Board was correct in denying the variance.

Blasy's final contention must be rejected on both procedural and substantive grounds. Procedurally, Blasy is barred from contending, for the first time on appeal, that the Board's decision constitutes an unconstitutional taking of his unimproved lot without just compensation. The transcript shows that Blasy did not ask the Board to consider this constitutional challenge either in the opening statement (T.pgs.6-10) or in closing argument (T.pgs.179-185 and 193). In fact, Blasy took a contrary position, arguing to the Board that it was his ineligibility to build on the lot that constituted the "practical hardship" (T.p.184) entitling him to a variance. This, too, is a basis for excluding the "new" theory from judicial review. Chertkof v. Dept of Nat. Resources, 43 Md.App.10, 16 (1979).

The appellant in a zoning appeal must exhaust all available administrative remedies in order to raise a particular issue before the reviewing court. The Board had the authority and

capacity to rule upon a constitutional challenge to its interpretation of §304.1, had it been presented to it. State Dept of A. & Tax v. Clark, 281 Md. 385, 403 (1977); Sec. Dep't. of Human Res. v. Wilson, 286 Md. 639, 645 (1979). That did not happen in this case. Raising the issue for the first time on appeal, therefore, is tantamount to filing a declaratory judgment action. Cf. Md. Nat'l. Cap. etc. v. Chadwick, 286 Md. 1,6 (1979). It could have been, and should have been, presented to the Board.

In the event that this Court is found to have erred in ruling that this issue is not before it, the Court would adopt the argument on pages 21-22 of People's Counsel's Memorandum and deny Blasy's constitutional claim based upon the authorities cited.

ORDER

For the reasons stated, the Petition for Judicial Review is denied and the decision of the Board of Appeals is AFFIRMED.

Date: May 24, 1999 Robert E. Cahill, Jr.
Judge

Copies sent to:

Carolyn Moses Frank, Esq.
Carole S. Demilio, Esq.

4/28/95

IN THE MATTER OF WARREN GRILL, ET UX - Petitioners WEST SIDE HILLTOP AVENUE, 125' WEST OF INGLESIDE AVENUE (5902 HILLTOP AVENUE) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * *	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
RE: ZONING COMMISSIONER'S APPROVAL\BUILDING PERMIT APPLICATION	* *	CASE NO: CBA-94-163

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

OPINION

This case comes before the Board on appeal from the decision of the Zoning Commissioner dated July 29, 1994 approving a building permit application for the proposed development of an undersized lot known as 5902 Hilltop Avenue (the "Property"). The Zoning Commissioner, pursuant to Section 304.4 of the BCZR, determined that the proposed development of the subject undersized lot was appropriate and approved the proposed dwelling. On appeal, the Board must now review this matter de novo.

Section 304 governs the use of undersized single family lots. That Section provides a property owner with the right to construct a one-family detached or semi-detached dwelling on an undersized lot (i.e. a lot having a substandard area or width at the building line less than that required by the regulations), provided the property owner meets the requirements of a three-pronged test set forth therein. One, the property must be duly recorded, either by deed or a validly approved subdivision, prior to March 30, 1955, the date of the first adopted comprehensive zoning regulations of Baltimore County. Secondly, the Petitioners must demonstrate that all other requirements of the height and area regulations can be

met. Finally, the Petitioners must demonstrate that they do not own sufficient adjoining land to conform to the width and area requirements of the BCZR.

Petitioner, Warren G. Grill, and Mr. Russ D. Blackburn testified on behalf of the Petitioner. Mr. Joseph L. Lotz, Protestant, testified on his own behalf. Mr. James Hannon, Mr. Steve M. Nagy, Mr. Scott Shouffer and Community Planner, William Hughey, all testified during the presentation of the Protestants' case.

From the testimony and exhibits, the Board finds the following facts.

The Property is located in Catonsville Gardens, a subdivision granted in 1918. The Property consists of lots originally known as Lots 51 and 52 and portions of lots originally known as Lots 25 and 26. The Property is zoned D.R.5.5. The minimum lot width required in a D.R.5.5 zone is 55 feet. The front lot width of the Property along Hilltop Avenue is only 40 feet +/-. The depth of the Property is approximately 150 feet. The Petitioners first came into title of the Property by virtue of a Deed dated August 19, 1993 and recorded among the Land Records of Baltimore County in Liber 10077, folio 378. Other property was included in said Deed. On November 19, 1993, the Petitioners granted to themselves a new Deed separately describing the subject lot.

The Petitioners desire to construct a single family dwelling

on the subject lot. The Property has a substandard lot width under Section 304. Therefore, the Petitioners seek approval of the Property as an undersized lot pursuant to the requirements contained within Section 304 of the BCZR. The Petitioners have not requested a variance pursuant to Section 307 of the BCZR. The Petitioners argue that they comply with Section 304 and thus should be allowed to develop the Property by right.

The threshold issue for the Board to decide is whether the Property qualifies as an undersized lot pursuant to Section 304.1A.

From the evidence, the Board concludes that the lot in question does not qualify. The subject lot was not "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" as required by Section 304.1A. The basis for the Board's conclusion is that the lot in question was not duly recorded until November 19, 1993. The presence of old Catonsville Gardens subdivision Lots 51 and 52 and portions of Lots 25 and 26 within the Property does not in and of itself qualify the existing reconfigured lot as an undersized lot under Section 304.1A.

The plain and ordinary meaning of the words found in Section 304.1A support the above conclusion. Section 304.1A starts with the words "such lot." The Board finds that "such lot" is the lot which was deeded to the Petitioners in 1993. The Board finds that the Property fails to satisfy the threshold test under Section 304.1A. Therefore, the remaining issues presented under Section

304 are deemed moot.

The Petitioners may want to consider applying for a variance under Section 307. Although a Section 307 variance request is not presently before the Board, the Board acknowledges that strict compliance with the BCZR may unreasonably prevent the use of the Property or be unnecessarily burdensome.

ORDER

For the reasons set out above, it is this 28th day of April, 1995, by the County Board of Appeals of Baltimore County,

ORDERED that the decision of the Zoning Commissioner dated July 29, 1994 be and is hereby **REVERSED** and that the building permit application for the proposed development of an undersized lot known as 5902 Hilltop Avenue be and is hereby **DENIED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Judson H. Lipowitz

Judson H. Lipowitz, Acting Chairman

S. Diane Levero

S. Diane Levero

IN THE MATTER OF WARREN GRILL, ET UX -PETITIONERS WEST SIDE HILLTOP AVENUE, 125' WEST OF INGLESIDE AVENUE (5902 HILLTOP AVENUE) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
RE: ZONING COMMISSIONER'S APPROVAL /BUILDING PERMIT APPLICATION	* *	CASE NO. CBA-94-163

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

DISSENTING OPINION

This case centers around the application of Baltimore County Zoning Regulations (BCZR), Section 304 and/or Section 307. The subject property is part of a validly approved subdivision granted in 1918, known as Catonsville Gardens. The facts in the case are nearly altogether undisputed. The point on which this Board member dissents from the majority opinion is the application of Section 304.1A and C. However, this Board member is also compelled to discuss Section 307 as it relates to this case, if one is disposed to strictly adhere to the letter of Section 304.1A.

The subject property is before this Board under Section 304 because of the width of the property at the building line. The recorded lot having been recorded in 1993, it is urged by the majority that Section 304.1A invalidates the application of Section 304 for the purposes of this case. I contend that the lot in question having the substandard lot width at the building line is a condition which existed as of the date of the original subdivision. The current property owner, by changing the lot lines to the rear of the property so as to comply with the minimum area requirement of 6,000 sq. ft., was unable to meet any other requirements under Section 304.1C wherein the property owner, had

he owned adjoining property to either side of the subject property, could have complied and built as a matter of right. Therefore, it is my contention that the intent of Section 304.1A is not to result in the invalidation of existing lots whose constraints were in existence prior to the controlling date, 1955, but to allow for lawful development of property. My argument stems only from my recognition of the fact that the issue in this case is borne solely out of the lot width criteria.

Having taken that step, the next test under Section 304 is in Section 304.2A and B, subparagraphs 1, 2 and 3. Much was said by the Protestants about this case during the hearing, the inappropriateness of the proposed development. Photographs and other evidence concerning the surrounding properties lead me to believe that the subject site is a unique development opportunity which requires sensitive treatment of architectural features and site development. I cannot overlook my own background in architecture and urban theory in evaluating the subject proposal. My review consisted of a review of the facts. In addition, I created an elevation/street scape so as to gain understanding of the height, massing, bulk, major divisions or architectural rhythm of facades, proportions of openings such as windows and doors in relation to walls, roof design and treatment, and materials and colors, and other aspects of facade texture or appearance, as required under Section 304.2B.2. In understanding the site design under Section 304.2B.1, there was adequate evidence as required

under 2A to do analysis of 2B.1 in site design criteria and find that the building line relative to adjoining properties is in fact a very responsive treatment of the building situation on the lot. Therefore, for my interpretation of 304.1 and 2, I believe the subject petition should have been granted.

Assuming that my position on 304.1A is incorrect, then the case centers around 307, wherein the Petitioner would be required to meet the tests under Section 307, Variances. I do not wish to express that I even question my own position on the interpretation of 304.1; I only wish to indicate that the tests under 307.1 have been easily met by the subject petition. Were this case the subject of variance, then this Petitioner would be granted said variance in my opinion. Section 304 is a section which recognizes prior actions by the County in its design criteria and the need to allow property owners with such lots affected by the prior acts of others in this County to pursue their development process. Strict reading of 304 still allows a property owner to do that. Therefore, one criteria under 307 which is particularly difficult for developers to prove is the intent of the proposed developer in meeting the spirit and intent of the zoning regulations. This is a case where the mere application of Section 304 points to the fact that the proposed development is in the spirit and intent of the BCZR. By virtue of the fact that the side lot lines existed as early as the original subdivision plat points to the, what I would call, automatic meeting of the density regulations, and other

height, area, off-street parking, and sign regulations. As I see it, no matter how you slice it, this petition should have been granted under Section 304.1, or, in the strict, literal reading of 304.1A, the requirement to obtain a variance under Section 307.1, this variance should have been granted.

Robert O. Schuetz

Robert O. Schuetz, Member
County Board of Appeals

DATE: 4/21/95

11/1/96

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 268

SEPTEMBER TERM, 1996

WARREN GRILL, *et ux.*,

v.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Fischer,
Hollander,
Bishop, (Ret.'d,
Specially Assigned)
JJ.

PER CURIAM

Filed: November 1, 1996

Warren and Carole Grill, appellants, attempted to obtain a building permit in order to construct a residential dwelling on an undersized lot in Baltimore County. Since the site does not meet the width requirement for the zone, appellants sought relief from that requirement, pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") § 304 (1987). Upon a challenge lodged by People's Counsel for Baltimore County, as well as Joseph Lotz, and Steve Nagy, appellees, the Circuit Court for Baltimore County upheld the decision of the Baltimore County Board of Appeals (the "Board") denying appellants' request for a building permit. Appellants now present the following issues for our review:

> I. Were the Appellants entitled to a building permit for Constitutional reasons?
>
> II. Did the Appellants correctly apply under Section 304 for a variance in order to obtain a building permit for the undersized lot?
>
> III. Did the transfer of the undersized lots created in 1918 into an undersized lot in 1993 create a new lot or did the transfer merge the undersized lots into a post-1955 undersized lot?
>
> IV. Is the proposed building appropriate in relation to the existing neighborhood?

For the reasons discussed below, we shall affirm the circuit court.

Factual Background

This dispute involves the parcel of land known as 5902 Hilltop Avenue, located in Catonsville Gardens, a subdivision recorded in Baltimore County in 1918, that consisted of 482 lots, most of which were 20 feet wide. The zoning classification is presently Density

Residential 5.5 (*i.e.*, 5.5 units per acre). The current minimum lot width is 55 feet, and the minimum required area is 6000 square feet.

In 1927, Harry and Virginia Blackburn purchased lots 51 and 52,[1] which front on Hilltop, as well as lots 57, 58, 59, and 60, around the corner at 1528 Ingleside Avenue. The properties were acquired from two different owners, but were recorded in the same deed. Lots 51 and 52 are each 20 feet wide, while lots 57-60 are each 25 feet wide. The Blackburns constructed a house on lots 57-60, located at 1528 Ingleside Avenue. Thereafter, in 1943, they acquired the back portions of lots 25 and 26, which they used to add a garage to their property. As a result of this purchase, their land, which had previously been contiguous for only a few feet, then formed an L-shaped parcel.[2] A neighbor, Mr. Saunders, who once owned the corner lot between the two branches of the Blackburns' property, had permission to use the Hilltop lots (lots 51 and 52) as a vegetable garden, for which he provided vegetables to the Blackburns in return.

In 1945, Baltimore County established a comprehensive zoning scheme and, in 1955, it passed an ordinance to "grandfather" lots

---

[1] Appellee Lotz owns lots 48-50, fronting on Hilltop Avenue, adjacent to lot 51.

[2] Specifically, the rear of lots 57-58 share a common boundary with the southeastern rear portion of lot 52. The rear portions of lots 25 and 26 back up to the rear of lots 51 and 52, and share a common boundary, on the side of lot 26, with the rear of lots 57-58.

that had become substandard as a result of the 1945 ordinance, allowing them to be developed under certain conditions. In 1970, the ordinance was amended to create density residential zoning, establishing, as we noted, the present minimum width requirements of 55 feet and minimum area requirements of 6,000 square feet. The ordinance was again amended in 1991 to add a "compatibility review" to the process, requiring a landowner who seeks a building permit to show that the proposed dwelling would be appropriate to the neighborhood.

On August 19, 1993, for the sum of $70,000, the Grills purchased all of the Blackburn lots from Harry Blackburn, Carole Grill's uncle, who had become sole owner of the land after his wife's death. Before purchasing the property, Ms. Grill wrote a letter on behalf of Harry Blackburn, dated August 6, 1993, requesting a lot line revision to reconfigure the lots. On August 27, 1993, after the Grills had purchased the land from Blackburn, the Baltimore County Office of Zoning Administration approved a limited exemption allowing the Grills to redraw the lot lines.

Thereafter, on November 19, 1993, the Grills recorded the property in two separate deeds. In one deed, they aggregated lots 51 and 52 (on Hilltop Avenue) and part of the rear portions of lots 25 and 26,[3] exclusive of the garage, in order to satisfy the area

[3] Lots 25 and 26 front on Franklin Avenue. The rear portions of those lots are located in the center of the block. Thus, after having been severed from the front portions, these portions do not front on any street.

requirement. The combined lots, however, were only 40 feet in width, and thus did not satisfy the current width requirement. According to appellants, Mr. Blackburn did not "own any lots that would have allowed him to increase the combined 40' width of the two lots 51 and 52. . . ." Thus, appellant's re-configured parcel remained 15 feet shy of the 55 foot width requirement. Lots 57-60, which contained the house, were aggregated with the portion of lots 25 and 26 that contained the garage. These lots satisfied current zoning requirements, and were described in the other deed.

On August 30, 1994, the Grills sold lots 57-60 and part of lots 25 and 26 to Joseph Hamilton for $91,000. On December 13, 1993, they applied for a building permit for the newly configured undersized lot, by filing an application under B.C.Z.R. § 304. They did not apply, alternatively, for a variance.

The Zoning Commission held a hearing to determine if appellants complied with B.C.Z.R. § 304. In an order dated July 29, 1994, the zoning commissioner approved the application. Appellees appealed to the Board, which reversed the Zoning Commission's decision, stating:

> The threshold issue for the Board to decide is whether the Property qualifies as an undersized lot pursuant to Section 304.1(A).
>
> From the evidence, the Board concludes that the lot in question does not qualify. The subject lot was <u>not</u> "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" as required by Section 304.1(A). The basis for the Board's conclusion is that the lot in question was not duly recorded until November 19, 1993. The presence of old Catonsville Gardens subdivision Lots 51 and 52 and portion of Lots 25

> and 26 within the Property does not in and of itself qualify the existing reconfigured lot as an undersized lot under Section 304.1(A).
>
> The plain and ordinary meaning of the words found in Section 304.1(A) support the above conclusion. Section 304.1(A) starts with the words "such lot." The Board finds that "such lot" is the lot which was deeded to Petitioners in 1993.

Thereafter, appellants sought review in the circuit court, which affirmed the Board's decision. This appeal followed.

Discussion

I.

In *Cromwell v. Ward*, 102 Md.App. 691, 709 (1995), we said:

> 'In reviewing the zoning authority's decision, the court must consider all of the evidence in the administrative record. The reviewing court's role, however, is confined to determining the legality of the procedure employed and whether the decision was fairly debatable in light of the evidence adduced before the zoning authority.'

(quoting *Red Roof Inns, Inc. v. People's Counsel*, 96 Md. App. 219, 224 (1993)). See also *Pub. Serv. Comm'n v. Balto. Gas & Elec. Co.*, 273 Md. 357, 362 (1974); *Dep't Econ. & Emp't Dev't v. Hager*, 96 Md. App. 362 (1993). On review, the circuit court must determine only whether the decision of the agency was in accordance with law. *Levy v. Seven Slade, Inc.* 234 Md. 145, 149 (1964); *Gray v. Anne Arundel Co.*, 73 Md. App. 301 (1987). The Board's decision is not lawful if it is arbitrary, illegal, or capricious. *Moseman v. County Council*, 99 Md. App, 258, 262, *cert. denied*, 335 Md. 229 (1994). As we said in *Mortimer v. Howard Research*, 83 Md. App. 432, 441 (1989) a decision is "not in accordance with law" when it is

> arbitrary, illegal or capricious. In making a determination of whether the [agency] decision is arbitrary, illegal or capricious, the reviewing court must decide whether the question before the agency was fairly debatable. An issue is fairly debatable if reasonable persons could have reached a different conclusion on the evidence, and if so, a reviewing court may not substitute its judgment for that of the administrative agency. The fairly debatable test is analogous to the clearly erroneous standard under Rule 8-131(c) and a decision is fairly debatable if it is supported by substantial evidence on the record taken as a whole.

In reviewing the Board's decision, this Court must not engage in judicial fact-finding. *Anderson v. Dep't of Public Safety*, 330 Md. 187, 212 (1993); *Bd. of County Comm'rs v. Holbrook*, 314 Md. 210, 218 (1988). Nor may we supply factual findings that were not made by the Board. *Ocean Hideaway Condo. v. Boardwalk Plaza*, 68 Md. App. 650, 662 (1986). Moreover, this Court may not uphold the agency's decision "unless it is sustainable on the agency's findings and for the reasons stated by the agency." *United Parcel Serv., Inc.*, 336 Md. at 577 (quoting *United Steelworkers v. Beth. Steel*, 298 Md. 665 (1984)); *see also Harford v. Preston*, 322 Md. 493, 505 (1991).

Factual findings made by an agency are binding upon a reviewing court, so long as they are supported by substantial evidence. *United Parcel Serv.*, 336 Md. at 577; *Mortimer*, 83 Md. App. at 441; *Floyd v. County Council of P.G. Co.*, 55 Md. App. 246 (1983). Substantial evidence has been defined as more than a scintilla of evidence. *Montgomery Co. v. Gr. Colesville Ass'n*, 70 Md. App. 374, 382 (1987). Further, the inferences reasonably to be

drawn from the facts are also left to the Board. *Holbrook*, 314 Md. at 218 (citing *Snowden v. Mayor & C.C. of Balto.*, 224 Md. 443, 448 (1961)); *see also Moseman*, 99 Md. App. at 265. "'The Court may not substitute its judgment on the question whether the inference drawn is the right one or whether a different inference would be better supported. The test is reasonableness, not rightness.'" *Snowden*, 224 Md. at 448 (citations omitted). *See also People's Counsel v. Mangione*, 85 Md. App. 738, 751 (1991). An appellate court must "review the agency's decision in the light most favorable to the agency, since decisions of administrative agencies are prima facie correct and carry with them the presumption of validity." *Baltimore Lutheran High School Ass'n v. Employment Security Administration*, 302 Md. 649, 662-663 (1985).

In contrast to findings of fact, however, an agency's conclusions of law are not entitled to deference. On appeal, the reviewing court must determine whether the agency's decision constitutes an error of law. *Caucus Distributors, Inc. v. Md. Securities Comm'r*, 320 Md. 313, 324 (1990); *State Election Bd. v. Billhimer*, 314 Md. 46, 59 *cert. denied*, 490 U.S. 1007 (1988); *Washington Nat'l Arena v. Comptroller*, 308 Md. 370, 378-79 (1987); *Bd. of Educ. v. Paynter*, 303 Md. 22, 36 (1985); *Baltimore Lutheran*, 302 Md. at 663.

II.

This appeal turns on the meaning of BCZR § 304, "Use of Undersized Single-Family Lots." It provides a two-step inquiry to

determine whether a building permit is appropriate under the section. The first part, §304.1, sets out the threshold test for eligibility as follows:

> A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:
>
> A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; [B.C.Z.R., 1955; Bill No. 47, 1992.]
>
> B. All other requirements of the height and area regulations are complied with [B.C.Z.R., 1955]; and
>
> C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. [B.C.Z.R, 1955; Bill No. 47, 1992.]

Only if the threshold requirements of B.C.Z.R. §304.1 have been met does the inquiry proceed to the "compatibility review" outlined in B.C.Z.R. §304.2, to determine the appropriateness of the proposed building in the neighborhood.

When appellants acquired the Blackburns' property, they were not content to maintain it as a single residential lot, as it had been used in the past. Rather, they divided the property, sold part of it, created one undersized lot, and now seek relief from their own action.

Appellants acknowledge that the combination of lots 51 and 52 and parts of lots 25 and 26 is undersized in width. They contend, however, that they cannot increase the size of the width because they lack adjacent land to do so. Nevertheless, they claim that

the reconfigured property almost conforms with current width and area requirements. They assert, further, that since the property once qualified for an exemption under B.C.Z.R. § 304, it remains eligible for the exemption, because the exemption "runs with the land."

The Board and the circuit court disagreed. They concluded that the November 19, 1993 deeds, which re-created the boundaries of the property, disqualified the property from eligibility for the exemption, because the property no longer satisfied either condition of eligibility of B.C.Z.R. § 304.1(A); the new lot was neither duly recorded by deed, nor duly recorded in a validly approved subdivision prior to March 30, 1955. In our view, the exemption in B.C.Z.R. 304.1(A) is not available to appellants. Therefore, the Board validly relied on the 1993 deeds to conclude, as a matter of law, that the Grills were ineligible for an exemption pursuant to B.C.Z.R. § 304.1(A).

Preliminarily, we note that appellees argue that, because Blackburn held the Hilltop property and the Ingleside property under single ownership, the two properties merged to form a single parcel for the purposes of B.C.Z.R. § 304.1. Further, they assert that when Blackburn later acquired portions of lots 25 and 26, these also merged into Blackburn's single property. They contend, therefore, on the basis of merger principles, that appellants were not entitled to the building permit for the undersized lot.

In appellees' view, when the Blackburns' parcels merged to

form a single, indivisible parcel, that parcel easily met the width and area requirements imposed in 1945. Thus, lots 51 and 52 would not qualify under B.C.Z.R. § 304.1, because the whole property, as a unit, satisfied the zoning requirements, and lots 51 and 52 were merely part of that property. In contrast, appellants contend that lots 51 and 52 merged only with the back portions of lots 25 and 26 in 1993.

Merger, in the context of land use, is the joining of contiguous parcels under common ownership, so that they are viewed as a single parcel for purposes of zoning regulations. 3 Ziegler, *Rathkopf's Law of Zoning and Planning*, §32.04, n.1 (1994). Section 304.1(C), as we have noted, permits erection of a dwelling on a substandard lot when "The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations." B.C.Z.R. § 304.1(C). *See* 3 Ziegler, *Rathkopf's Law of Zoning and Planning*, §32.04 & n.1 (1994). The cases appellees cite with respect to merger involve only side-by-side lots. In this case, however, the parcels formed an "L" shaped lot.

> Zoning ordinance provisions often limit exemptions or grandfather clauses to lots of record that are in single or separate ownership. Either implicitly by such provisions or expressly by "merger" requirements in the ordinance itself, *contiguous* substandard lots under *common ownership* may lose their separate identity and be treated as a single parcel for purposes of zoning area and frontage requirements and subdivision restrictions. Merger provisions generally have been upheld against due process, equal protection, and taking claims. . . . Merger requirements may operate upon contiguous undeveloped lots or upon contiguous lots where one or

more of the lots are already developed.

In dealing with substandard lots . . . the point of reference is the effective date of the bylaw. The basic purpose of the ordinance provision establishing generally applicable minimum lot requirements has as its corollary the purpose to freeze and minimize substandard lots. If there is a merger provision in the ordinance, it is designed to result in a maximum number of standard lots from each separate tract of land in single ownership at the effective date of the ordinance. The number of separately described parcels which an owner or his predecessors in title may have acquired over the course of time to make up the entire tract is thus immaterial.

3 Ziegler, *Rathkopf's Law of Zoning and Planning*, § 32.04 (emphasis in original; footnotes omitted.)

Contiguity alone, however, has not always proved dispositive with respect to the concept of merger. "Cases in which the exemption and protection afforded lots [that do not meet minimum area requirements] have been held to apply have included lots [in single ownership] that are back-to-back (i.e., lots that have a common rear line) and "L" shaped lots (where the rear line of one is to the side of the other and each has frontage on different streets). . . . Lots contiguous for a distance of 105 feet, but related to each other in such a fashion as to form an L shape, have been held not to adjoin each other within the meaning of a provision exemption clause relating to ownership of "adjoining land." Rathkopf, *supra*, at §32.05 (citing *Blue Ridge Gardens, Inc. v. Oswald*, 44 A.D.2d 567, 353 N.Y.S.2d 55 (1974); *see Somol v. Board of Adjustment*, 277 N.J. Super. 220, 229, 649 A.2d 422, 426 (1994) (refusing to apply merger doctrine where lots are "not side to side of each other but are back to side and are not fronting on

the same street"); *see also Chirichello v. Zoning Bd. of Adj., Monmouth Park*, 78 N.J. 544, 397 A.2d 646 (1979) (declining to find merger where acquisition of lot directly behind subject lot did not increase frontage of subject lot).

As we see it, we need not determine whether the parcels merged when the Blackburns owned them. This is because the Board properly concluded that B.C.Z.R. § 304.1 was not applicable to the Grills, based on the deeds they acquired in November 1993.

Courts apply fundamental principles of statutory construction when construing ordinances. *Prince George's County v. Equitable Trust*, 44 Md. App. 272 (1979). A statute must be construed so as to "ascertain and carry out the intent of the legislature." *Montgomery County v. Buckman*, 333 Md. 516, 523 (1994); *Stapleford v. Hyatt*, 330 Md. 388, 400 (1993); *Taxiera v. Malkus*, 320 Md. 471, 480 (1990); *Jones v. State*, 311 Md. 398, 405 (1988). In considering the language of a statute, courts will give that language its natural and ordinary meaning. *Buckman*, 333 Md. at 523; *Harford County v. University of Maryland Medical System Corp.*, 318 Md. 525, 529 (1990); *NCR Corp. v Comptroller of the Treasury*, 313 Md. 118 (1988). When a statute is unambiguous, the court need not look beyond the statute itself to identify the intent of the legislature. *Buckman*, 333 Md. at 523; *In re Criminal Investigation No. 1-162*, 307 Md. 674, 685 (1986); *Police Comm'r v. Dowling*, 281 Md. 412, 418 (1977). When a statute may reasonably be read to have more than one meaning, the court will look to both the literal

meaning of the ambiguous words and to their meaning in light of the context and purpose of the statute. *Allied Vending, Inc. v. City of Bowie*, 332 Md. 279 (1993).

Baltimore County enacted a comprehensive zoning scheme in 1945. Subsequently, in 1955, the County passed B.C.Z.R. § 304 to mitigate the harsh effect of the zoning scheme on some property owners, and to avoid constitutional takings violations. The County later added area and density provisions to its zoning scheme for the purpose of improving the health, safety and general welfare of its citizens.

B.C.Z.R. § 304 contemplates that a landowner is protected against the change in the zoning laws if either, or both, of two events has occurred: 1) the lot was recorded by deed prior to 1955 or 2) the lot was recorded as part of a validly approved subdivision recorded prior to 1955. Thus, the ordinance covers several possible situations. First, the provision would apply to unimproved lots owned by a developer who intended to build on the lots, and then sell them as improved properties. Second, the provision would cover vacant subdivision lots, so that a lot owner who bought the unimproved lot with the intention of building a house on the lot, but who had not yet constructed it, would be protected. In the latter circumstance, the buyer's lot would have been recorded as part of the subdivision recorded by the developer, but this would be superseded for purposes of B.C.Z.R. § 304.1(A) by the deed from the developer to the buyer. In this second scenario,

the deed recorded before 1955 would qualify the buyer under B.C.Z.R. § 304.1(A). Third, the provision might also apply if the land was never part of a subdivision. In such a situation, the only logical reading of the deed provision would be that it was intended to protect landowners who had recorded a deed prior to 1955. Such a reading would defeat the purpose of the zoning scheme.

Under appellant's reading of B.C.Z.R. § 304, it would apply both to those who owned a substandard lot prior to 1955 and to those to whom the pre-1955 owners sold the land subsequent to 1955. Such a reading would defeat the purpose of the zoning scheme.

The parties have not referred us to any Maryland case concerning undersized lots excepted under B.C.Z.R. § 304. We look, therefore, to other jurisdictions for guidance. In *in re Sofo*, 57 A.D.2d 841, 394 N.Y.S.2d 43 (1977), the Supreme Court of New York had occasion to interpret a provision similar to the provision at issue here. The Town of Yorktown increased its area requirements for a building permit from 5,000 to 10,000 square feet, and adopted a provision to "grandfather" current owners:

> A permit may be issued for the erection of a building on a (substandard) lot or parcel for which a valid conveyance has been recorded or contract of sale has been signed and the conveyance recorded prior to August 19, 1958 * * * provided that the owner of such lot or parcel does not own other lots or parcels contiguous thereto.

Id. at 842. In 1973 and 1974, potential builders bought five substandard lots and applied for building permits. When their

applications were denied, they applied for area variances.[4] In reversing the order granting the variances and the building permits, the court reasoned:

> We agree with the board's interpretation of the above-quoted "grandfather clause", to wit, that only those who owned the parcels at the time they were rendered substandard by increased area requirements have the right to build on such parcels. Petitioners here, having bought their parcels at least 15 years after they became substandard, are not benefited by such clause."

Id. In further support of its holding, the court noted that "the petitioners purchased the parcels with presumptive knowledge of the zoning ordinance and, to that extent, created their own hardship." *Id.* *See also Craig v. Zoning Board of Appeals*, 50 A.D.2d 887, 3377 N.Y.S. 2d 171 (1975) (Denying building permit to landowner, where ordinance created vested right in grantor to build on lot that

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[4] The provision at issue in the instant case is a special exception, rather than a variance, as defined in Maryland. The distinction has often been blurred, particularly because an application for a special exception is often combined with an application for a variance. The distinction has been explained as follows:

> . . .[T]he variance and exception are designed to meet two entirely different needs. The variance contemplates a departure from the terms of the ordinance in order to preclude confiscation of property, while the exception contemplates a permitted use . . .[once] the prescribed conditions therefor are met."

Cromwell v. Ward, 102 Md.App. at 699-700. Moreover, "[m]atters relating to area issues are intended to be, and usually are, addressed as special exceptions." *Id.* at 699 n. 5. No cases have been found treating the relevant type of special exception in other jurisdictions. The cases discussed here referred to the ordinances at issue as variances. As the policy considerations are the same, the cases are instructive.

became substandard when area was up-zoned, but vested right did not transfer to grantee).

In *Hays v. Vanek*, 217 Ca. App. 3d 271, 266 Cal. Rptr. 856 (1989), the owner of a parcel of land who sought to develop it into a subdivision attempted to rely on a provision exempting him from compliance with more restrictive zoning requirements enacted after a prior owner had begun development of the subdivision. The court denied relief, reasoning that:

> [t]he clear purpose of the so-called "grandfather" clause is to protect developers who have detrimentally relied on an earlier state of the law. That purpose is hardly served by allowing later purchasers of property which has never been sold in subdivided form to take advantage of an exemption. In such cases, the later purchaser placed no reliance on the prior state of the law. . . .In simple terms, the purpose of the statutory exemption does not support the conclusion that it runs with the land.

Id. at 289-290.

Zoning matters involve a balancing of the interests of all property owners in an area. In enacting B.C.Z.R. § 304, Baltimore County struck a balance between the expectancy interests of landowners who, in the 1940's and 1950's, had intended to build on land that was affected by the zoning scheme, and the long-term interests of the County in protecting against over-development and overcrowding. At a minimum, forty years later, purchasers of land in Catonsville Gardens made their purchase with constructive knowledge of the zoning scheme.

Appellants' challenge on constitutional grounds must also

fail. They did not argue in the circuit court that operation of B.C.Z.R. § 304.1 works an unconstitutional taking of their property without due process. Consistent with well-settled principles of appellate review, this issue is not preserved and we decline to address it. Md. Rule 8-131; *Wieland v. State*, 101 Md. App. 1 (1994); *C.S. Bowen Co. v. Maryland Nat'l Bank*, 36 Md. App. 26 (1977); *Washington Homes, Inc. v. Baggett*, 23 Md. App. 167 (1974).

JUDGMENT AFFIRMED. COSTS TO BE PAID BY APPELLANTS.

4/8/02

IN THE MATTER OF:	*	**BEFORE THE**
DANIEL DUPONT, OWNER OF		
11304 BEACH ROAD	*	**COUNTY BOARD OF APPEALS**
11TH ELECTION DISTRICT	*	**FOR**
5TH COUNCILMANIC DISTRICT	*	**BALTIMORE COUNTY**
	*	**Case Number 01-313-A**

* * * * * * *

Brief Submitted in Lieu of
Closing Argument

DANIEL DUPONT (Daniel), by his undersigned counsel, hereby submits the following brief in lieu of closing argument and prays the Board of Appeals of Baltimore County will grant Daniel a variance to construct a house on his undersized lot. In support of this request for relief, Daniel states:

Facts

By a Deed dated February 4, 1994, by and between Genevieve M. Gerry and Daniel Dupont recorded in the Office of Land Records for Baltimore County at Liber 10335, folio 309 (**the Deed**), Daniel acquired a fee simple interest in the property commonly known as 11306 Beach Road, White Marsh, Maryland (**Subject Property**). The Deed calls to Lot Numbers 33 and 34 on the Revised and Amended Plat of Bird River Beach, recorded among the Office of Land Records for Baltimore County in 1925 at Plat Book WPC No. 7, folio 187.[1] Lot 33 is 200 feet long and 52 feet wide; Lot 34 is 200 feet long and 53 feet wide.[2]

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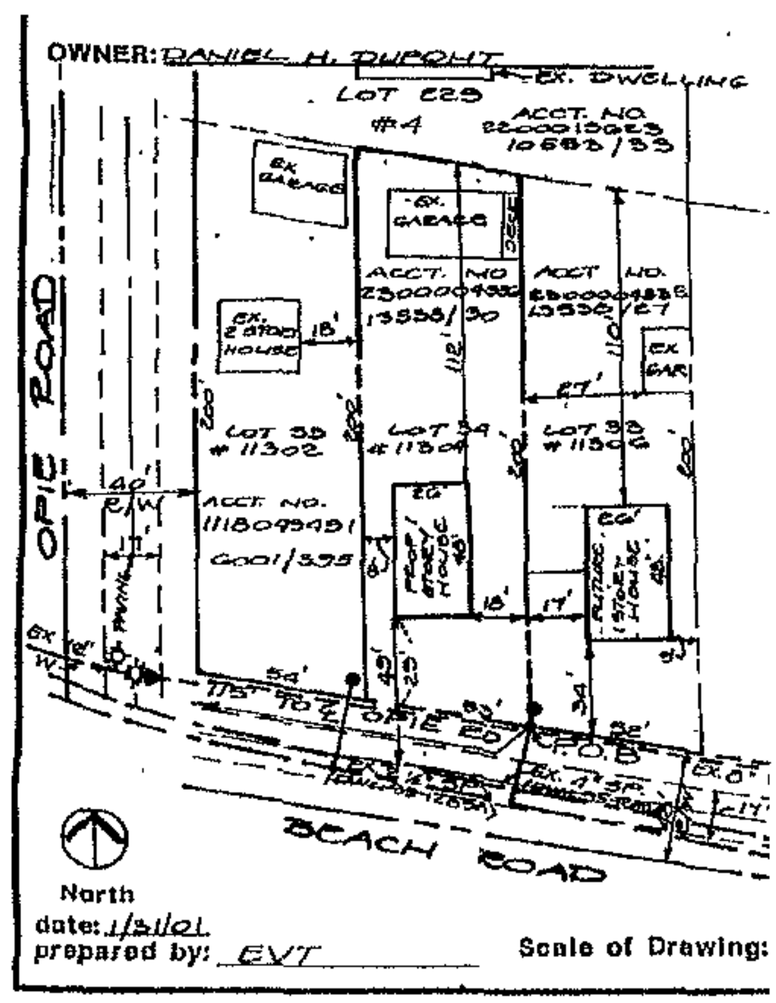
[1]The Plat was admitted into evidence as Petitioner's Exhibit Number 3. Transcript from the March 5, 2002, Hearing before the Board of Appeals for Baltimore County, hereinafter referred to as "(**T at #**)" at 14.

[2]Petitioner's Exhibit Number 6, (T at 50-51).

Daniel is a disabled veteran living on a meager, fixed income.[3] His primary physical residence is modular home built on Lot 33.[4] Unable to make "ends meet," Daniel is seeking to build a second home on Lot 34, which Daniel intends to rent out to family members for the additional income.[5] The practical difficulty in constructing the second modular home is that both Lots 33 and 34 are "undersized lots;" i.e., less than the one acre per lot.

The Baltimore County Zoning Regulations[6] mandate that all single family homes in RC2 be built with a 75 feet set back from the centerline of the street, and a 35 feet side property line setback. The practical difficulty in constructing any building on Lot 34 is that it is impossible to comply with the 35 feet side property line setback when the property owner's lot is only 53 feet wide. Any building constructed on such a lot would have to have a theoretical negative width, which is obviously impossible to actually design, engineer, and construct.



Undoubtedly, the "People" would have the Board deny the variance citing the Baltimore County Growth Management policy to "*compel* the

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[3](T at 21, 43-44).

[4]There was considerable confusion at the hearing of this matter over whether the modular home was on Lot 33 or 34. This is problem was exasperated by the fact the plat annexed to Daniel's Petition for Variance noted a "future" or proposed 26 feet wide home on Lot 33, and an existing 26 feet wide home on Lot 34.

[5](T at 44).

[6]The Baltimore County Zoning Regulations shall hereinafter be referred to as the "BCZR."

combination of undersized adjoining lots in *common* ownership, but also *encourage* the combination of undersized lots in *separate* ownership (*emphasis in original*)."[7] Thus, in order to accomplish Daniel's goal of generating additional income by renting portions of his property, Daniel would have to raze and rebuild, or add onto the existing structure located on Lot 33. However, the density restrictions in RC2 would prohibit Daniel from making any modifications to the existing structure on Lot 33 that would create a second residential unit. As a consequence, any change to the structure likely have no income potential.

People's counsel dedicated substantial effort at the hearing of this matter trying to paint Daniel as a non-compliant, poor citizen. Specifically, the "People" presented evidence Daniel had previously violated a prior Order from the Baltimore County Zoning Commission by installing sleeping quarters on the second floor of the garage on Lot 34, and intimating Daniel had improperly graded Lot 34 without a permit. These disingenuous efforts to mare the character of a disabled veteran were improper as Daniel's character was not an issue before the Board of Appeals;[8] moreover, the impeachment was irrelevant since the "people" failed to present a scintilla of evidence Daniel was seeking the variance for the purposes of flouting the area restrictions imposed by the BCZR. Accordingly, the Board should ignore the "People's" diversionary tactics and focus upon the

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[7]Letter from Arnold F. 'Pat' Keller, III, Secretary, Baltimore County Planning Board, to The Honorable Kevin Kamenetz (June 8, 1999) (on file with the Baltimore County Planning Board).

[8]The "People" offered evidence concerning Daniel's prior bad acts without the necessary predicate that such evidence was probative of Daniel's lack of veracity; to the contrary, despite the fact Daniel admitted at the hearing to sleeping in the garage, the Board still permitted the "People" to submit extrinsic evidence contrary to the spirit and form of Md. Rule 5-608(b). This is particularly egregious since the Board would not permit Daniel to bolster his character by offering evidence of his military service and how he was wounded on several occasions during the Vietnam conflict. (T at 21). The Board's rulings were arbitrary, capricious, lacked consistency, and constituted reversible error.

substantive issues presented by the instant appeal; i.e., whether a variance pursuant to BCZR § 304 should be granted.

Argument

Daniel's variance should be granted for two separate, but interrelated, reasons. First, Daniel qualifies for a variance pursuant to BCZR § 304. Secondly, refusal to grant Daniel a variance constitutes an unconstitutional taking of Daniel's property pursuant to the 5th Amendment to the United States Constitution.

I. AN OVERWHELMING PREPONDERANCE OF THE EVIDENCE HAS BEEN PRESENTED TO THE BOARD OF APPEALS THAT DANIEL SHOULD BE GRANTED A VARIANCE PURSUANT TO BCZR § 304.

Baltimore County, as a charter county, is exempted from the general land use provisions of the Maryland Code.[9] The County is thereby empowered to enact its own regulatory scheme to foster its land use and conversation policies. In furtherance of this goal, Baltimore County has enacted the BCZR, which imposes certain restrictions on land use such as those involved in the instant matter. Generally, in order to avoid the unfavorable impact of the BCZR, the Zoning Commissioner is empowered to grant a variance "from height and area regulations . . . ;"[10] however, a prerequisite to granting such relief is a finding that the property is unique.[11] In elucidating the meaning of uniqueness

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[9]*See generally,* Md. Ann. Code, art. 66B § 1 *et seq.* (1998).

[10]BCZR § 307.1.

[11]*Id.; see also, Cromwell v. Ward,* 102 Md.App. 691, 698-99, 651 A.2d 424, 428 (1995). In *Cromwell v. Ward,* Donald Huber was hired to build a two story garage and wine cellar. Huber applied for a building permit which omitted a specific of the proposed structure. The completed accessory structure exceeded 15 feet and an occupancy permit was granted. After discovering the structure exceeded the maximum limit for an accessory structure, Cromwell applied for, and same was granted, a variance after the fact. *Id.*, 102 Md.App. at 696-97, 651 A.2d at 424. After the Board and the Circuit Court affirmed the decision to grant a variance, the Court of Special Appeals

within the context of the BCZR, the Court of Special Appeals has observed:

> Where by reason of the exceptional narrowness, shallowness, or unusual shape of a specific ... property ..., or by reason of exceptional topographic conditions or other extraordinary situation or special condition of ... property ... the literal enforcement ... would make it exceptionally difficult ... to comply ... and would cause unwarranted hardship and injustice . . . [12]

In this case, a variance is sought due to the practical limitations arising from an undersized lot. Without some other remedial measure, an owner of an undersized lot would never be able to obtain a variance due to the inability of establishing the uniqueness of the land. In order to address this problem, the BCZR provides in pertinent part:

> [A] one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in the regulations if:
>
> A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
>
> B. All other requirements of the heights and area regulations are complied with; and
>
> C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.[13]

Baltimore County has stated its intention for codifying BCZR § 304 when it commented:

> It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that if not meet the minimum lot sizes mandated at the time the minimum lot size

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reversed. *Id.*, 102 Md.App. at 726, 651 A.2d at 441.

[12]*Id.* at 711, 651 A.2d at 434 (*citing Ad + Soil, Inc. v. County Comm'rs*, 307 Md. 307, 339, 513 A.2d 893, __ (1986)).

[13]BCZR § 304.

> regulations were passed. To do otherwise would have the effect of tendering such undersized lots useless, and such legislation would be unconstitutional.[14]

Thus, BCZR § 304 serves as an alternative vehicle for granting a variance, which is to be utilized in cases involving undersized lots.

All three eligibility requirements set froth in BCZR § 304 have been satisfied in this case. First, it is uncontested Lots 33 and 34 were on a subdivision map recorded in 1925. Secondly, the Plat attached to Daniel's Petition for Variance proposes to construct on Lot 34 a single story building with dimensions of 48 feet in length by 26 feet house in width. Since the lot is 200 feet in length, the proposed constriction may be situated on Lot 34 such that it complies with all other height and area restrictions, except for the side yard boundaries. The remaining element to be satisfied by Daniel is proof that he does not own sufficient adjoining land to otherwise meet the area requirements of the BCZR.

In determining whether this element has been met, the ZCPM provides in pertinent part

> If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, [BCZR §] 304c may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels, the purpose of the purchase, the intent of the purchase, can be utilized to so determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criteria to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304c would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid

[14]Zoning Commissioner's Policy Manual (ZCPM) at § 3-3.

area requirements.[15]

An overwhelming preponderance of evidence was offered at the hearing of this matter demonstrating Daniel's efforts to obtain a variance, and construct a home on Lot 34, have been in good faith and not in an effort to simply avoid the area requirements of the BCZR. With regard to the usage of Lots 33 and 34, Daniel testified at the hearing:

> Q: Mr. Dupont, let me take you back a little bit. When you acquired lot 33, were there any buildings on it?
>
> A: There was an old house on there that was termite-ridden.
>
> Q: What did you do?
>
> A: I went up, got a permit as far as to repair it, and then it was just too much work for me to do, so I decided on going up and getting a razing permit and take it down, and then going with a modular home, which I bought very reasonably, and put on the property.
>
> Q: Do you know, roughly, when you did that?
>
> A: Roughly, about, I'd say about a year ago.
>
> MS. DEMILIO: Objection, because I couldn't understand.
>
> A: About putting the house on there?
>
> Q: Yes.
>
> A: Within a year.
>
> THE CHAIRMAN: Within a year of what?
>
> THE WITNESS: Oh. I put the house on the lot that the old house was.
>
> THE CHAIRMAN: Was it within a year of tearing it down, or within a year of purchasing the house?

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[15]ZCPM at § 3-3.

THE WITNESS: Within a year of tearing it down and putting this house on.

THE CHAIRMAN: You're not being very clear. When did you purchase the lot?

THE WITNESS: This was back in -- did I say '94? '94.

THE CHAIRMAN: You purchased the lot in '94. Then you tried to -- there was a termite-ridden house there, and you tried to repair it?

THE WITNESS: Yes, sir.

THE CHAIRMAN: You got a permit to do that?

THE WITNESS: Yes, sir.

THE CHAIRMAN: What year was that you got that?

THE WITNESS: I got that about within this year.

THE CHAIRMAN: "This year," meaning 2002?

THE WITNESS: 2001. I'm sorry. 2001. Say January 2001.

THE CHAIRMAN: So you got the permit to repair it in January 2001?

THE WITNESS: Yes.

THE CHAIRMAN: Then you couldn't repair it, it was too much?

THE WITNESS: Yes, sir.

THE CHAIRMAN: Then you got a permit to tear it down?

THE WITNESS: Yes, sir.

THE CHAIRMAN: When did you get that?

THE WITNESS: I'd say about a month later.

THE CHAIRMAN: February of 2001?

THE WITNESS: Yes, sir.

THE CHAIRMAN: Okay. Then you tore it down. When did you put the modular home on there?

THE WITNESS: I put that on around March.

THE CHAIRMAN: Of 2001?

THE WITNESS: Yes, sir.

THE CHAIRMAN: Okay.

Q: What lot was that for, sir?

A: That was for lot 33.

Q: Now, did there come a time when you wanted to build something on lot 34?

A: Yes.

Q: Tell us about that.

A: What I wanted to build on that was a three-car garage in the rear.

Q: Did you build that garage?

A: Yes, sir.[16]

MICHAEL ROBINSON (Robinson), Daniel's next door neighbor residing on Lot 35, was called by the "People" to testify against Daniel's Petition for Variance. Robinson testified:

> Q: Now, at the time you lived [on Lot 35], did Mrs. Gerry who was the seller to Mr. Dupont, reside on lots 33 and 34?
>
> A: Yes.
>
> Q: Was there a house located on lot 33?

[16](T at 16-20).

A: Yes

Q: Did Mrs. Gerry reside in that house?

A: Yes, ma'am, she did.

Q: She wasn't just an owner. She resided there?

A: She was a resident and owner of the property?

Q: Did there come a time she sold her house?

A: Yes, ma'am.

Q: Do you know why?

A: Because she said she couldn't keep it up any more. She's an older lady. Then she decided she could sell the property and move to an area where she could get access to – in and out of the building a little better, like most elderly citizens we have in our society today.

* * *

Q: So, Mr. Robinson, this was Mrs. Gerry's house up until the time she moved away?

A: That is correct.

Q: That was in approximately 1994 when she sold the property.

A: I believe so, yes. I mean, I don't keep track of the exact dates.[17]

ROBERT MITCHELL (Mitchell), also the "People's" witness, testified at the hearing:

Q: So you live in the neighborhood?

A: Since 1958.

Q: You're familiar with Mr. Dupont's lot 33 and 34?

A: Yes, just the property. I'm not familiar with Mr. Dupont.

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[17](T at 74-77),

* * *

Q: But you're familiar with the property?

A: Yes, ma'am.

Q: Who lived in lot 32[18] [sic], if you know?

A: Mrs. Gerry?[19]

Based upon the evidence before the Board, it is incontrovertible, regardless of the fact Lots 33 and 34 have been owned by the same party, Mrs. Gerry and Daniel have always maintained a single family home only on Lot 33, Mrs. Gerry and Daniel have always treated Lots 33 and 34 as separate lots, and the house has always been nine feet from the eastern boundary line of Lot 33. In this case, the Board has evidence concerning the ownership of the Subject Property by Mrs. Gerry and Daniel for a duration of approximately 44 years, in which Daniel has been the owner for the past eight years. During this time, no effort has ever been made to subvert the area requirements of the BCZR. The only evidence before the Board concerning Daniels's motivation to seek the subject variance is he is seeking a vehicle to supplement his insufficient VA benefits. A decision compelling Daniel to merge Lots 33 and 34 would render Lot 34 useless.

There is no evidence of Daniel's intent to live anywhere else other than in the house situated on Lot 33. If Daniel were required to merge Lots 33 and 34, it would leave him no alternative but

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[18]Reference to Lot 32 was an apparent error on the part of the People's Counsel. It is uncontested that Ms. Gerry lived in the house located on Lot 33 prior to selling the Subject Property to Daniel.

[19](T at 115).

to build a larger house on the two lots. The "larger" house would be a negligible increase in size[20] and could not create a second living residence due to the BCZR's density restrictions. Thus, it is a *non-sequitur* to deny Daniel's Petition for Variance on the basis of the fact that he owns an adjacent parcel of land.

The historical use of the Subject Property has always been as a living residence. Continuation of this past precedent will thereby negate any productive use of Lot 34. Accordingly, there is abundant evidence that Daniel's request for variance is made in good faith and not for the purposes of avoidance of the BCZR's area requirements. In contrast, the "People" have failed to adduce even a modicum of proof that Daniel's Petition is motived by a nefarious purpose to circumvent the BCZR. Therefore, based upon the foregoing, it is uncontested Lots 33 and 34 were recorded in 1925 (approximately 30 years prior to March 30, 1955), the proposed construction complies all area regulations except for the side yard set back, and Daniel does not own sufficient adjoining land to conform to the width and area requirements contained in the BCZR. Thus, Daniel should granted a variance.

II. THE DENIAL OF DANIEL'S VARIANCE CONSTITUTES AN UNCONSTITUTIONAL TAKING OF HIS PROPERTY BECAUSE HE HAS BEEN DEPRIVED OF ALL ECONOMICALLY VIABLE USE OF LOT 34.

It is uncontested for the past 44 years a single house has been standing on Lot 33; i.e., even though the Subject Property is a double lot, it has been historically utilized as a single lot. Daniel has been the record owner of Lots 33 and 34 since 1994, but has not endeavored to make use of this land

[20]Lots 33 and 34 have a combined width of 105 feet. Assuming the two lots were merged, the maximum width of a building could not exceed 35 feet without violating the side yard restrictions. Since the present house located on Lot 33 is already 26 feet wide, the maximum increase in width could only be 9 feet.

until he filed the Petition for Variance to build a house on Lot 34. As noted above, Daniel seeks to build a home on Lot 33 in order to rent it out and supplement his meager income. Also, as noted above, Daniel cannot reorient his existing home and build an addition, because the RC2 density restrictions prevent the creation of a second living unit on the Subject Property.

In *Offen v. County Council for Prince George's County*,[21] a land owner sought to develop a tract of land for commercial use and build a medical campus. After a 10 year delay due to a moratorium placed on development, the land owner moved forward with development of the property. In contemplation of this development, a request to upgrade the property's sewerage category was filed with the County. Instead of upgrading the sewerage category, the County downgraded the property's sewerage category. During the course of a protracted legal battle, the County amended the comprehensive master plan and sectional map causing a re-zoning of the property.[22] In ruling on whether there was an unconstitutional taking, the Court observed "the standard . . . for there to be an unconstitutional taking [is that] there must be a physical invasion or a regulation that denies the owner all economically viable use of his property."[23]

In this case, the uncontradicted evidence is that Lot 34 presently has no economically viable use. Daniel seeks to remedy this anomaly by building a house on Lot 34 for the rental income. If the Board does not grant a variance to Daniel, the "state" action will be tantamount to a taking of Daniel's land and deprive him of all economically viable use of his property. Therefore, denial of the variance would be an unconstitutional deprivation of Daniel's 5th Amended Rights as incorporated

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[21]96 Md.App. 526, 625 A.2d 424 (1993).

[22]*Id.*, 92 Md.App. at 530-33, 625 A.2d at 426-27.

[23]*Id.*, 92 Md.App. at 544, 625 A.2d at 426-27.

to the states through the 14th Amendment to the United States Constitution.[24]

Conclusion

The "Peoples" challenge to Daniel's Petition for Variance lacks merit. It is uncontested the Subject Property was included in a subdivision plat recorded in 1925. At the hearing of this matter, it was uncontradicted a house could be built on Lot 34, which would in all respects comply with the BCZR area requirements for RC2, except for the side yard set back.[25] Finally, the unchallenged facts remain the Subject Property has always been utilized as a single lot; i.e., the intent of the owners of the Subject Property, for the past 44 years, has been to treat Lots 33 and 34 as separate parcels of land. The exclusive evidence before the Board is that he has acted in good faith; Daniel's intent to build has been motivated by a need to supplement his meager VA benefits, not to subvert the area requirements of the BCZR. Accordingly, Daniel has met the statutory requirements for a variance, as set forth in BCZR § 304, and should therefore be granted a variance to build a home on Lot 34. Refusal to grant the variance will constitute an unconstitutional taking of Daniel's property, as the denial of a variance will thwart all economically viable use of Lot 34.

The Petitioner, Daniel Dupont, had directed undersigned counsel to incorporate the letter

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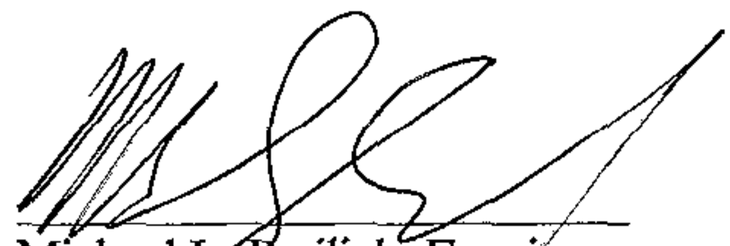
[24]This act coincidentally is specifically repugnant to the policies set forth in the ZCPM as it recognizes the necessity to provide a mechanism for owners of undersized lots to build on these parcels. The failure to do so "would have the effect of rendering the undersized lots useless, and such legislation would be unconstitutional." ZCPM at § 3-3.

[25]Admittedly, Daniel's Petition for Variance also sought a variance from the 75 feet front-yard set back; however, this portion of the Petition for Variance was an effort to place the proposed building even with Daniel's existing home on Lot 33. This was requested more as an accommodation to Robinson than for any other practical reason (Robinson testified he objected to the constriction of a house set back 75 feet from the front yard because he did not "want people looking in [his] windows, knowing what [he is] doing."(T at 101-02)). Thus, in order to comply with the statutory requirements of BCZR § 304, Daniel hereby withdraws his request for a variance of the 75 feet front yard set-back.

dated April 7, 2002, which is attached as *Exhibit 1*, into this Brief.

WHEREFORE, Daniel prays the Board of Appeals for Baltimore County will grant the variance as prayed in Daniel's Petition for Variance.

Respectfully submitted,

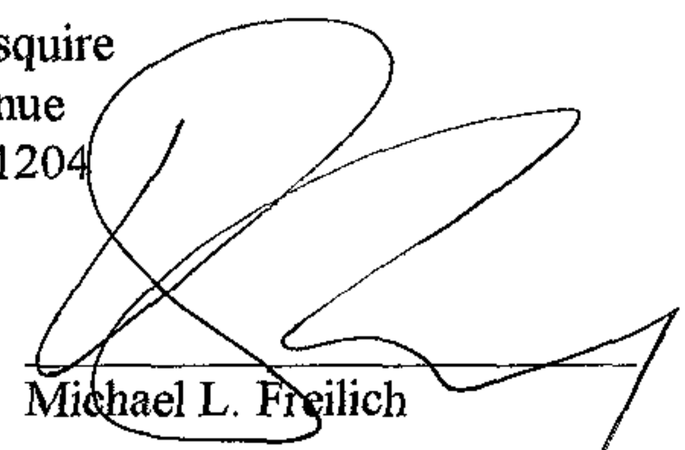


Michael L. Freilich, Esquire
305 West Chesapeake Avenue
Suite 117
Towson, Maryland 21204
(410) 321-0040

Certificate of Service

I HEREBY CERTIFY that on this 8th day of April, 2002, a copy of the foregoing was sent by first class mail, postage prepaid, to:

Carole D. DiMilio, Esquire
206 Washington Avenue
Towson, Maryland 21204



Michael L. Freilich

E:\Clients\Dupont\Pleadings\Brief Submitted in Lieu of Closing Argument-1.wpd

Gottlieb John Fleig
11236 Bird River Grove Road
White Marsh, Maryland 21162
410-335-6354

Sunday, April 7, 2002

Michael Freilich,
Attorney for Daniel Dupont (Danny)

Dear Mr. Freilich,

Danny is disappointed that during the recent zoning board hearing some key and important points to aid the board in its final decision were really not clearly emphasized. Some of this was due to opposing council's tactic of having Danny, through out the bulk of his testimony with her, fumble through a suitcase full of documents while he was on the witness stand at her request, to assist her in providing documentation to support her case. Some of the other reasons for this were the overbearing legal arguments that he believes quite possibly hindered the board in terms of getting to the heart of the real issues in this case. He feels the brief incomplete if they did not read his thoughts in this letter. Danny has asked me to help him in drafting this letter and he directs you to incorporate it as a part of the total brief in lieu of a closing argument you are going to turn into the zoning board tomorrow.

For quite some time now, Danny has developed reading comprehension and writing problems as well as a hard time fully expressing himself. He seems to have less of these problems when relating to me (his brother) than to others. This is why he asked me to put his feelings about this case into words in the form of this letter. The following are my conveyances of those very feelings he expresses to me today:

Opposing council had one and, for the most part, only one basis for opposition and presence to the board granting the variance that she emphatically championed from her opening statement, throughout and to the very end of the hearing. That was that Danny allowed someone to live above the garage on the lot for a short period of time while doing so was definitely not within compliance of zoning. Danny has <u>ever since maintained</u> that he in fact did this and that <u>it was definitely wrong for him to do so</u>. He could have tried to soft peddle the issue, but instead honestly, openly and consistently admits to this one particular fault on his part. He believes this tact of hers should have not been allowed in this variance case in the first place. <u>They are entirely separate issues</u>. If the zoning board wants to pursue admonitions toward Danny for this person to have temporarily resided above the garage, so be it. It stands to reasoning that this is well within their purview to do so, but solely as an action separately taken and not carried over to this variance and all other enjoyments and improvements to his property out to perpetuity. If they want to fine him, let them <u>separately</u> and actively pursue doing so. However, the board has in actuality already fined him in a very real manner. This appeal process has monetarily cost Danny in excess of $10,000 to date in legal fees and case

EXHIBIT 1

preparations. Mr. Matz's one day court appearance alone cost Danny $1,000 and as you are well aware, there were even other costs for Mr. Matz's involvement. Danny has also lost direly needed revenue in terms of rent monies that he would have taken in on the improved property. He has had to make personal loans and go into considerable debt to pursue this variance. A variance, like the other people in his immediate neighborhood have gotten when asked for without such an enormous penalty and burden as he has had to absorb.

From the beginning the neighborhood was set up with 50-55 foot wide lots for the purposes of building family dwellings. This variance is a continuation of that original vision for the area. Even Mr. Robertson, the neighbor so vehemently opposed to "anything being built on Danny's lot" no matter what concessions Danny made to Mr. Robertson, got a variance for building on his very own lot that is no bigger than Danny's. It seems to appear it is ok for Mr. Robertson and the other neighbors to have a variance, but it is somehow not ok for Danny to be treated similarly. Is there a bias or prejudice here? There is currently and has been quite a considerable amount of building in the neighborhood. Drive through and you will see it. Some are with the permission of zoning and some it appears without. In fact, Danny has obtained legal permits for everything he has done to his property quite to the contrary of what opposing council would have the board believe. He is currently before the board trying to do everything legally again and asking for the board's permission for a variance. This once again is a common request that similarly has been granted to his neighbors ...the ones who decided to abide by the zoning laws that is and apply for one.

Danny is on a very meager and limited income due to severe mental and physical handicaps he incurred during the Vietnam War and that will continue for the rest of his life. The personal debts aforementioned can't be paid from this income since it is barely a subsistence allowance and in quite a few months does not allow for ends to be met. Try as he might, these very same handicaps have affected his efforts in long term, meaningful employment. As time goes on this avenue toward income has become increasingly difficult for Danny. The rent from the property is the only means he will have to pay off this debt. Otherwise, he will have to sell the property, the only thing in this world he has ownership of, to repay the debt he has incurred pursuing this variance. By his testimony and demeanor at the hearing alone, I'm sure you can imagine this extremely harsh recourse would please Mr. Robertson.

Danny has learned a severe lesson the hard way by his owned up to mistake of allowing a fellow veteran of the Viet Nam War, who was actually sleeping on the side walks, to temporarily reside above the garage. He did this by the way with no compensation what so ever...driven purely by altruistic feelings *. Nonetheless, he does not side step the blame. He knows he was wrong and is fervently sorry for this. These are not mere words. He agrees in advance to whatever fine the board feels appropriate for this singular past wrong doing if the board will give him probation with this fine (he can't possibly sustain any more debt.) If in the future, he commits a zoning violation with this property, no if ands or buts about it, the fine will be paid to the board. Once again he reminds you that he has already in essence been fined a considerable amount of money out of his pocket. He is sincerely contrite. He also desperately needs to improve this piece of property and would be agreeable to whatever assurances the board would need to

allow him to do so. He knows that he is living in a fish bowl with this property and will seek the advice of the zoning department before he makes any future moves what so ever.

Danny asks the board to please allow him to keep and improve his piece of property.

Sincerely and respectfully,

Daniel Dupont,

PS: As an even further fail safe method against any type of future mishap, I vow to personally monitor any and all proposed future improvements to the property and to involve zoning before any such endeavors would take place as long as Danny owns the property. Danny also agrees to this first step by me before any future improvement type action on his part. I don't know what more we can do to assure the board that if they decide to let Danny make this improvement to an otherwise vacant lot in a developed community it is the right thing to do. But, we are both eagerly open to any and all of their possible suggestions.

Gottlieb John Fleig

*Within two days of the board letting Danny know of their anger with this temporary residence, Danny personally found a family to immediately, though temporarily, take the gentleman in. Since that time, Danny found a permanent residence for him and got him on the road to rehabilitation and recovery. They remain good and close friends to this day who have large parts of their lives in common.

Baltimore County
Zoning Commissioner

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

April 12, 2001

Mr. Daniel L. Dupont
11306 Beach Road
White Marsh, Maryland 21162

Re: Petition for Variance
Case No. 01-313-A
Property: 11304 Beach Road

Dear Mr. Dupont:

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,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11304 Beach Road

which is presently zoned R.C.-2

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 of thereof, hereby petition for a Variance from Section(s)

1A01.3.B.3 of the BCZR ~~for~~ to permit a setback of 48 ft. to the centerline of a street in lieu of 75 ft. required and to permit side property line setbacks of 7 ft. and 14 ft., respectively, ~~to a side property line~~ in lieu of 35 ft. required; and from Sec. 304.1.B ~~and 304.1.C~~ to ~~erect a one-family dwelling on an undersized lot in a subdivision recorded prior to March 30, 1955.~~ approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the *property*.

Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

Property 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

Legal Owner(s):

Daniel H. Dupont
Name – Type or Print

Signature

Name – Type or Print

Signature

11306 Beach Road — 410-344-0563
Address. — Telephone No.

White Marsh — MD — 21162
City — State — Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.
COLBERT MATZ ROSENFELT, INC — 410-484-8757
2835 Smith Avenue, Suite G — 410-653-3838
Address — Telephone No.

Baltimore — MD — 21209
City — State — Zip Code

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING
Reviewed By — Date 2·1·01

Case No. 01-313.A

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION
11304 BEACH ROAD

Beginning at a point on the north side of Beach Road, which is 40 feet wide at the distance of 115 feet east of the centerline of Opie Road, which is 40 feet wide.

Being Lot 34 in the subdivision of Bird River Beach, as recorded in Baltimore County Plat Book No. 7, Folio No. 187 and containing 10,600 square feet, more or less. Also known as 11304 Beach Road and located in the 11th Election District, 5th Councilmanic District.

STATE OF MARYLAND
RICHARD MATZ
NO. 13206
REGISTERED
PROFESSIONAL ENGINEER

2/1/2001

313

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

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: #01-313-A
11304 Beach Road
N/S of Beach Road, 115' E of centerline Opie Road
11th Election District - 5th Councilmanic District
Legal Owner(s). Daniel H. Dupont

Variance: to permit a setback of 48 feet to the centerline of a street in lieu of the 75 feet required; to permit side property line setbacks of 7 feet and 14 feet in lieu of the 35 feet required, and to approve an undersized lot and any other variances deemed necessary by the Zoning Commissioner

Hearing: Wednesday, March 28, 2001 at 2:00 p.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.

JT/3/662 Mar 13 C456004

CERTIFICATE OF PUBLICATION

TOWSON, MD, 3/15/, 2001

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 3/13/, 2001.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

[redacted]

APPEAL SIGN POSTING REQUEST

CASE NO. 01-313-A

Daniel H. Dupont - Petitioner

N/s Beach Road, 115' E c/l of Opie Road
(11304 Beach Road)

11th Election District

Appealed 4/23/01

Attachment – (Plan to accompany Petition
- Petitioner's Exhibit No. 1A)

CERTIFICATE OF POSTING

RE. Case No 01-313-A

Petitioner/Developer DUPONT
CMR

Date of Hearing/Closing 3/28/01

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #11304 BEACH RD N/S 160' E. OPIE RD.

The sign(s) were posted on 3/10/01
(Month, Day, Year)

Sincerely,

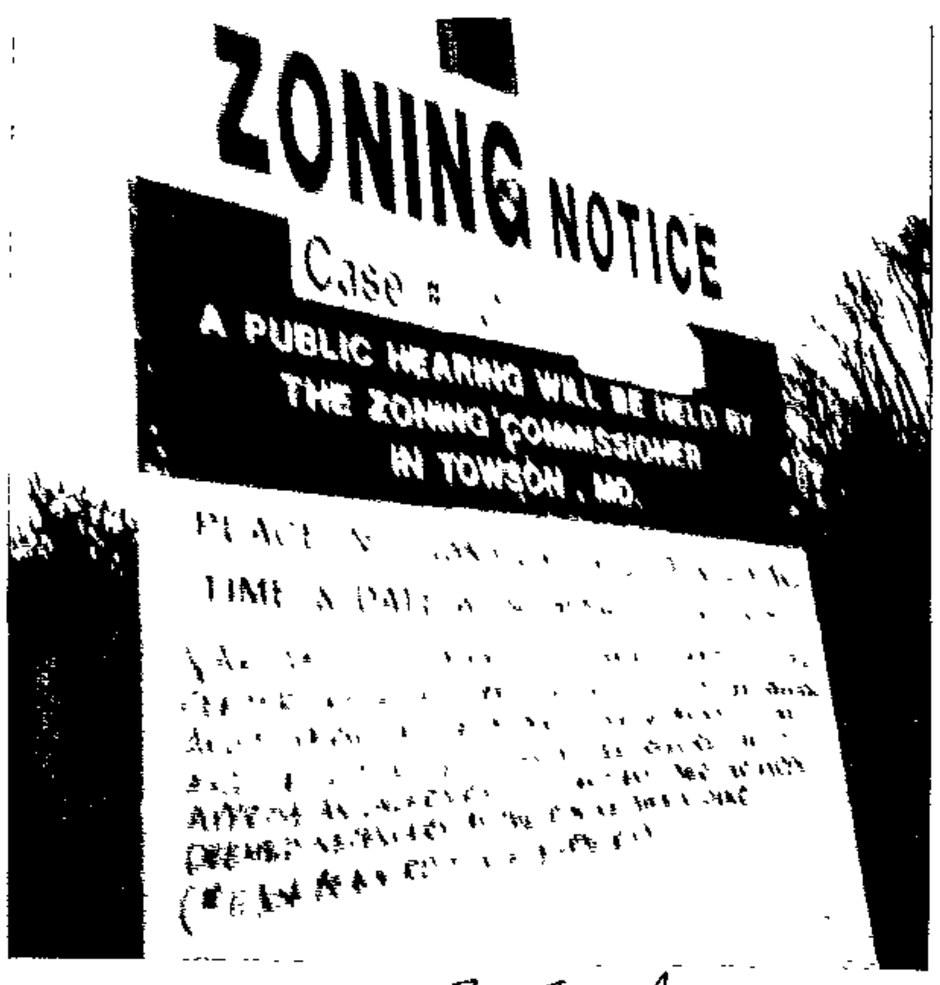
3/11/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE.
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-85
(Telephone Number)



01-313-A
BEACH RD. N/S - E OF OPIE RD.
(DUPONT)
3/28/01

APPEAL SIGN POSTING REQUEST

CASE NO. 01-313-A

Daniel H. Dupont - Petitioner

N/s Beach Road, 115' E c/l of Opie Road
(11304 Beach Road)

11th Election District — Appealed 4/23/01

Attachment – (Plan to accompany Petition
- Petitioner's Exhibit No. 1A)

**********COMPLETE AND RETURN BELOW INFORMATION**********

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Charlotte Radcliffe
Appeals Clerk

RE: Case No. 01-313-A
Petitioner/Developer:
DANIEL H. DUPONT

This is to certify that the necessary appeal sign(s) was posted conspicuously on

property located at [redacted] 11306 BEACH AVE.

The sign(s) was posted on 5/14, 2001.

By [signature]
(Signature of Sign Poster)
GARY C. FREUND
(Printed Name)

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

February 14, 2001

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: 01-313-A
11304 Beach Road
N/S of Beach Road, 115' E of centerline Opie Road
11th Election District – 5th Councilmanic District
Legal Owner: Daniel H Dupont

Variance to permit a setback of 48 feet to the centerline of a street in lieu of the 75 feet required; to permit side property line setbacks of 7 feet and 14 feet in lieu of the 35 feet required; and to approve an undersized lot and any other variances deemed necessary by the Zoning Commissioner.

HEARING: Wednesday, March 28, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Daniel H Dupont, 11306 Beach Road, White Marsh 21162
Richard E Matz PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue Suite G, Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 13, 2001.**
(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.

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/neighboring 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: 313

Petitioner: DANIEL H. DUPONT

Address or Location: 11306 BEACH ROAD
WHITE MARSH MD 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL H. DUPONT

Address: 11306 BEACH ROAD
WHITEMARSH, MD 21162

Telephone Number: 410-344-0563

Revised 2/20/98 - SCJ

01-313-A

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. _____

Residential Processing Fee Paid
($50.00)
Accepted by JWM
Date 2.1.01

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

RE: Undersized Lots

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

Daniel Dupont — 11306 Beach Road, White Marsh, MD 21162 — 410-344-0563
Print Name of Applicant — Address — Telephone Number

Lot Address 11304 Beach Road Election District 11 Councilmanic District 5 Square Feet 10,600

Lot Location: (N) E S W/(side)/corner of Beach Road (street), 95 feet from (N E) S W corner of Opie Road (street)

Land Owner: Daniel Dupont Tax Account Number _____

Address: 11304 Beach Rd, White Marsh, MD 21162 Telephone Number (410) 344-0563

CHECKLIST OF MATERIALS-. (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

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

6. Current Zoning Classification: RC-2

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

01-313-A

Signed by. _____
for the Director, Office of Planning and Community Conservation

Date _____

Revised 2/25/99

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 13, 2001 Issue – Jeffersonian

Please forward billing to:
Daniel H Dupont
11306 Beach Road
White Marsh MD 21162

410 344-0563

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: 01-313-A
11304 Beach Road
N/S of Beach Road, 115' E of centerline Opie Road
11th Election District – 5th Councilmanic District
Legal Owner: Daniel H Dupont

Variance to permit a setback of 48 feet to the centerline of a street in lieu of the 75 feet required; to permit side property line setbacks of 7 feet and 14 feet in lieu of the 35 feet required; and to approve an undersized lot and any other variances deemed necessary by the Zoning Commissioner.

HEARING: Wednesday, March 28, 2001 at 2:00 p.m. 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 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

February 14, 2001

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: 01-313-A
11304 Beach Road
N/S of Beach Road, 115' E of centerline Opie Road
11th Election District – 5th Councilmanic District
Legal Owner: Daniel H Dupont

Variance to permit a setback of 48 feet to the centerline of a street in lieu of the 75 feet required; to permit side property line setbacks of 7 feet and 14 feet in lieu of the 35 feet required; and to approve an undersized lot and any other variances deemed necessary by the Zoning Commissioner.

HEARING: Wednesday, March 28, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Daniel H Dupont, 11306 Beach Road, White Marsh 21162
Richard E Matz PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue Suite G, Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 13, 2001.**
(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.

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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

January 22, 2002

NOTICE OF ASSIGNMENT

CASE #: 01-313-A

IN THE MATTER OF: DANIEL H. DUPONT –Legal Owner / Petitioner 11304 Beach Road
11th Election District; 5th Councilmanic District

4/12/2001 –Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: TUESDAY, MARCH 5, 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 Appellant /Petitioner : Michael L. Freilich, Esquire
Appellant /Petitioner : Daniel H. Dupont
Richard E. Matz /Colbert Matz Rosenfelt, Inc.

Peter Whipple
Michael D. Robinson - returned 1/30/02 - No such address

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

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

WCR

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

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF **APRIL 29, 2002**

TUESDAY 4/30 10:00 am Case No.: 01-316-XA /HEARING

In the Matter of:
Cloverland Farms Dairy, Inc. – Legal Owner
1601 Middleborough Road, E/s Back River Neck Rd., 55.9 SE of c/l Middleborough Road

SE – To approve expansion of existing fuel service station and addition of roll-over car wash
(Appeal from SE portion only)

WEDNESDAY 5/01 9:30 am Case No.: 01-313-A /DELIBERATION

In the Matter of:
Daniel H. Dupont – Legal Owner
11304 Beach Road, N/s Beach Road, 115' E c/l Opie Road
11th Election; 5th Councilmanic

10:00 am Case No.: CR-01-436 /HEARING

In the Matter of:
Highway Realty, Inc.; Eastrel, LLC;
David Pisanic; Patricia Franey; Marie and Donald Haga
9913, 9915, 9917, 9919, 9921 Reisterstown road
3rd Election; 3rd Councilmanic

Day #3 from 12/19/01

THURSDAY 5/02 10:0 am Case No.: CBA-00113 /HEARING

In the Matter of:
William Kraft
3826 Bayville Road, Baltimore, MD 21220

RE: ERS Decision / Denied Request for service retirement

---

c: Executive Office
Law Office
Director /PDM
People's Counsel
Planning Office
Court Info. Desk
County Council
Board Members
Court Reporter

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LUCR

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* ***
Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF **MARCH 4, 2002**

TUESDAY **3/05** **10:00 am** **Case No.: 01-313-A** **/HEARING**

In the Matter of:
Daniel H. Dupont – Legal Owner
11304 Beach Rd, N/s Beach Rd
115' E c/l Opie Road
11th Election; 5th Councilmanic

VAR – To permit setback of 48' to c/l of street ilo rrq'd 75'; side property line setback of 7' and 14' ilo req'd 35'; undersized lot

---

~~**WEDNESDAY** **3/06** **10:00 am** **Case No.: R-01-434** **/HEARING**~~
~~**Cycle I, Item #2**~~ to be postponed
~~*In the Matter of:*~~
~~*Balto Co Revenue Authority*~~
~~*Paul Gourley, Ethel Smith; BP Amoco Corp*~~
~~*520 Reisterstown Road*~~
~~*3rd Election; 2nd Councilmanic*~~

~~*Reclassification: From R-O to B.L. – A.S.*~~

THURSDAY **3/07** **9:30 am** **Case No.: CBA-01-114** **/HEARING**

In the Matter of:
Beth Israel Congregation
3706 Crondall Lane
Owings Mills, MD 21117

RE: False Alarm Fees /Registration C9791827

11:00 am **Case No.: CBA-01-120** **/HEARING**

In the Matter of:
Property of Gillian D. LeBrun
212 Washington Building
Towson, MD 21204

RE: Fire Inspection Report w/directives

---

c: Executive Office
Law Office
Director /PDM
People's Counsel
Planning Office
Court Info. Desk
County Council
Board Members
Court Reporter

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County Board of Appeals of Baltimore County

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

WR

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 22, 2002

NOTICE OF ASSIGNMENT

CASE #: 01-313-A

IN THE MATTER OF: DANIEL H. DUPONT –Legal Owner / Petitioner 11304 Beach Road
11th Election District; 5th Councilmanic District

4/12/2001 –Z.C.'s Order in which Petition for Variance was DENIED.

ASSIGNED FOR: **TUESDAY, MARCH 5, 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 Appellant /Petitioner : Michael L. Freilich, Esquire
Appellant /Petitioner : Daniel H. Dupont
Richard E. Matz /Colbert Matz Rosenfelt, Inc.

Peter Whipple
Michael D. Robinson

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

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

March 7, 2002

NOTICE OF DELIBERATION

IN THE MATTER OF:

DANIEL H. DUPONT –Legal Owner /Petitioner
Case No-01-313-A

Having heard this matter on 3/05/02, public deliberation has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, MAY 1, 2002 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due from counsel on Monday, April 8, 2002 – Original and three (3) copies.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Michael L. Freilich, Esquire
Appellant /Petitioner : Daniel H. Dupont
Richard E. Matz /Colbert Matz Rosenfelt, Inc.

Peter Whipple
Michael D. Robinson

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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County Board of Appeals of Baltimore County

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

March 7, 2002

NOTICE OF DELIBERATION

IN THE MATTER OF:

DANIEL H. DUPONT –Legal Owner /Petitioner
Case No-01-313-A

Having heard this matter on 3/05/02, public deliberation has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, MAY 1, 2002 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due from counsel on Monday, April 8, 2002 – Original and three (3) copies.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Michael L. Freilich, Esquire
Appellant /Petitioner : Daniel H. Dupont
Richard E. Matz /Colbert Matz Rosenfelt, Inc.

Peter Whipple
Michael D. Robinson

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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Baltimore County
Department of Permits and
Development Management

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

March 23, 2001

Daniel H Dupont
11306 Beach Road
White Marsh MD 21162

Dear Mr. Dupont:

RE: Case Number: 01-313-A, 11304 Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Richard E Matz PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G
Baltimore 21209
People's Counsel

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Charles Marks, Chairman
Baltimore County
Board of Appeals

DATE: February 25, 2002

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

SUBJECT: 11304 Beach Road

INFORMATION:

Item Number: 01-313 – **AMMENDED COMMENT**

Petitioner: Daniel H. Dupont

Zoning: RC 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the variance request. An inspection of the subject property revealed that the existing garage is presently being used as a dwelling. Allowing the construction of a dwelling on the site would result in two (2) dwelling units on a RC 2 zoned lot, which is not permitted.

AMMENDED COMMENT

IT HAS BEEN BROUGHT TO OUR ATTENTION THAT THE GARAGE IS NO LONGER BEING USED AS A DWELLING; THEREFORE, THE OFFICE OF PLANNING IS NO LONGER OPPOSED TO THE APPLICANT'S REQUEST.

If there should be any questions concerning the matter stated herein, please contact Karin Brown, 5th District Community Planner, at 410-887-3480.

Prepared by: Mark A Cumpton

Section Chief: Jeffrey W. Long
AFK:MAC:

02 FEB 25 PM 1:18

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\01-313 - Ammended Comment.doc

Item 3/28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 12, 2001

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

FEB 12

SUBJECT: 11304 Beach Road

INFORMATION:

Item Number: 01-313

Petitioner: Daniel H. Dupont

Zoning: RC 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the variance request. An inspection of the subject property revealed that the existing garage is presently being used as a dwelling. Allowing the construction of a dwelling on the site would result in two (2) dwelling units on a RC 2 zoned lot, which is not permitted.

If there should be any questions concerning the matter stated herein, please contact Karin Brown, 5th District Community Planner, at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W. Long
AFK:MAC:

W:\DEVREV\ZAC\01-313.doc

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 13, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 12, 2001

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

305, 306, 307, 309, 310, 311, 312, 313,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2001
Item No. 313

The Bureau of Development Plans Review has reviewed the subject zoning item.

The State Department of the Environment Construction Permits for water and sewer mains that are larger than 15" in diameter and for pumped sewer systems (including grinder pumps) will be obtained through the Baltimore County Department of Public Works after approval of the construction drawings.

The property owner must dedicate a 15-foot by 15-foot drainage and utility easement to Baltimore County for the location and maintenance of the simplex grinder pump to sewer the proposed house on Lot 34.

Also, per record drawing number 95-1289A, Lot 33 has an existing simplex grinder pump located in a drainage and utility easement at the property line between Lot 33 and Lot 34.

RWB:HJO:jrb

cc: File

ZAC-2-20-2001-ITEM NO 313-372001.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2·13·01

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

RE: Baltimore County
Item No. 313 JCM

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,

for 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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley AC|RBS

DATE: February 23, 2001

SUBJECT: Zoning Item #313
11304 Beach Road

Zoning Advisory Committee Meeting of February 12, 2001

_____ 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: February 14, 2001

RE: PETITION FOR VARIANCE 11304 Beach Road, N/S Beach Rd, 115' E of c/l Opie Rd 11th Election District, 5th Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: Daniel H. Dupont Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 01-313-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 20th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, Colbert, Matz, Rosenfelt, Inc., 2835 G Smith Avenue, Baltimore, MD 21209, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

April 26, 2001

Mr. Michael D Robinson
11302 Beach Avenue
Baltimore MD 21221

Dear Mr. Robinson:

RE: Case No. 01-313-A, Address 11304 Beach Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 23, 2001 by Michael L Freilich on behalf of Daniel L Dupont. 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,

Arnold Jablon GDZ
Director

AJ: gdz

c: Peter Whipple, 4 Opie Road, White Marsh 21162
Michael L Freilich, Freilich Law Group LLC, 305 W Chesapeake Avenue, Towson 21204
Daniel H Dupont, 11306 Beach Road, White Marsh 21162
Richard E Matz, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G, Baltimore 21209
People's Counsel

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APPEAL

Petition For Variance
11304 Beach Road
N/S Beach Road, 115' E centerline Opie Road
11th Election District – 5th Councilmanic District
Daniel H Dupont - Legal Owner

Case No. 01-313-A

Petition for Variance (dated 2/1/01)

Zoning Description of Property

Notice of Zoning Hearing (dated 2/14/01)

Certification of Publication (The Jeffersonian issue 3/13/01)

Certificate of Posting (Patrick M O'Keefe posted 3/10/01)

Entry of Appearance by People's Counsel (2/20/01)

Petitioner(s) Sign-In Sheet (none)

Protestant(s) Sign-In Sheet (1 sheet)

Citizen(s) Sign-In Sheet (1 sheet)

Zoning Advisory Committee Comments

Petitioners' Exhibits:
1. Plat to accompany Petition for Zoning Variance dated 1/31/01

Protestants' Exhibits:
(none)

Miscellaneous (Not Marked as Exhibits):
- Letter to Mr Timothy Kotorco and Mr Lawrence Schmidt from Mr & Mrs Michael D Robinson dated 3/22/01
- Letter to Mr. Timothy Kotorco & Mr Lawrence Schmidt from Peter J & Doris B Whipple dated 3/26/01
- Envelope photographs (10 pictures)
- Photographs (7 pages)

Deputy Zoning Commissioner's Order (dated 4/12/01 - DENIED)

Notice of Appeal received on 4/23/01 from Michael L Freilich on behalf of Daniel L Dupont

c: Michael L Freilich, Freilich Law Group LLC, 305 W Chesapeake Avenue, Towson 21204
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 01-313-A

In the Matter of Daniel H. Dupont – Legal Owner /Petitioner
VAR –To permit a setback of 48 ft to the c/l of the street ilo required 75 ft and to permit side property line setback of 7 ft and 14 ft ilo the 35 ft required; and to approve an undersized lot.

4/12/2001 –D.Z.C.'s Order in which Petition for Variance was DENIED.

1/22/2002 -Notice of Assignment sent to following; assigned for hearing on Tuesday, March 5, 2002 at 10 a.m.:

Michael L. Freilich, Esquire
Daniel H. Dupont
Richard E. Matz /Colbert Matz Rosenfelt, Inc.
Peter Whipple
Michael D. Robinson
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

2/25/02 – Memo from Pat Keller, Planning Director, to Charles Marks, Chairman, Board of Appeals – Amended Comment – Case No. 01-313; garage no longer being used as dwelling; Planning Office no longer opposed to request.

3/05/02 – Board convened for hearing (Wescott, Stahl, Barranger); hearing concluded; memos due from counsel on Monday April 8, 2002; deliberation assigned for Wednesday, 5/01/02; notice to be sent.

3/07/02 – Notice of Deliberation sent to parties; deliberation assigned for Wednesday, May 1, 2002 at 9:30 a.m. (copy to S.L.B.)

4/08/02 – People's Counsel's Memorandum in Opposition to Daniel H. Dupont's Petition to Build on an Undersized Lot and for a Dimensional Variance filed by Office of People's Counsel.
-- Brief Submitted in Lieu of Closing Argument filed y Michael L. Freilich, Esquire, on behalf of Daniel Dupont, Petitioner.

4/09/02 – Letter filed by Carole Demilio, Deputy People's Counsel, in response to "Exhibit 1" of Petitioner's Memorandum, requesting that letter identified as Exhibit 1 and attached to Petitioner's Memorandum be stricken for the reasons as stated.
-- Copies of above submissions forwarded to S.L.B. (deliberation scheduled for 5/01/02.

5/01/02 – Board convened for deliberation (S.LB.); variance request DENIED; does not comply with 304.1. Order to be issued; appellate period to run from date of written Order.

5/01/02 – Deliberation by Board (S.L.B.); variance request denied; did not meet 304.1 as to height and are regulations; cannot obtain variance; did not prove uniqueness. Appellate period to run from date of written Opinion and Order to be issued by Board.

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 9, 2002

02 APR -9 PM 2:24

Lawrence S. Wescott, Panel Chairman
County Board of Appeals
of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Variance
11304 Beach Road
11th Election District, 5th Councilmanic
Daniel H. Dupont, Petitioner
Case No.: 01-313-A

Dear Mr. Wescott:

Our office is in receipt of the Petitioner's Memorandum submitted in lieu of closing argument in this matter. I feel compelled to respond to Petitioner's Exhibit 1, a letter purportedly written by Petitioner and/or his brother, Gottlieb John Fleig, attached to the Memorandum. I believe it should be stricken from the Legal Memorandum for the following reasons:

1. As I understand it, the purpose of the Memorandum in lieu of closing argument is to summarize the testimony and evidence presented at the hearing and to present supporting legal authority. This letter is, in effect, additional written testimony, and not uncontroverted facts that are a matter of public record; as testimony it would be subject to cross-examination.

2. Both Mr. Fleig and Mr. Dupont were present at the hearing and testified. There was ample opportunity to present the facts as they saw them, subject to cross-examination.

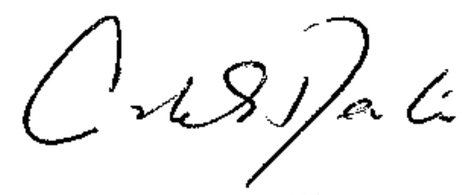
3. The letter contains numerous facts and allegations which the Board ruled inadmissible evidence at the hearing.

4. The information in this letter is irrelevant to Petitioner's burden of proof for variance relief.

5. If the letter marked as "Exhibit 1" is accepted, it would open the door to endless submissions of post-hearing controverted evidence.

For these reasons, my position is that the letter dated April 7, 2002 attached to Petitioner's Memorandum as Exhibit 1 should be stricken.

Very truly yours,



Carole S. Demilio
Deputy People's Counsel

CSD/caf

cc: Michael L. Freilich, Esq.
Attorney for Petitioner

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Written Briefs in Lieu of Closing Argument

DATE: April 9, 2002

TO: L. Wescott
L. Stahl
L. Barranger

FROM: Kathi

SUBJECT: Case No. 01-313-A / *In the Matter of: Daniel H. Dupont*
Closing Memos – Deliberation assigned for 5/01/02

The subject case is scheduled for public deliberation on Wednesday, May 1, 2002 at 9:30 a.m. A copy of the deliberation notice was previously forwarded to you.

The following memos were filed in lieu of closing argument:

1. People's Counsel's Memorandum in Opposition to Daniel H. Dupont's Petition to Build on an Undersized Lot and for a Dimensional Variance filed by Office of People's Counsel; and

2. Brief Submitted in Lieu of Closing Argument filed by Michael L. Freilich, Esquire, on behalf of Petitioner.

3. Letter from Carole Demilio, Deputy People's Counsel, in response to Petitioner's Exhibit 1, a letter attached to Petitioner's Memorandum.

Kathi

Attachments (3)

FILE

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Daniel H. Dupont
Case No.: 01-313-A

DATE: May 1, 2002

BOARD/PANEL:

Lawrence S. Wescott	LSW
Lawrence M. Stahl	LMS
C. Lynn Barranger	CLB

RECORDED BY: Theresa R. Shelton / Legal Secretary

PURPOSE: To deliberate the Petition for Variance filed by Daniel H. Dupont, Legal Owner, for a variance request from § 1A.01.3.B.3 of the BCZR to permit setback of 48' to the c/l of the street in lieu of required 75' and to permit side property line setback of 7' and 14' in lieu of 35' required; to approve an undersized lot.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- ✓ That all sections of 304.1A must be satisfied:
  - A. Deed duly recorded prior to 3/1955
  - B. Can't meet unless Variance is approved
  - C. If lots are used together, the area still does not have an acre or meet the setback
- ✓ Address was the same for both lots
- ✓ Both lots are together in one Deed
- ✓ House was on lot 33 and the garage, well and septic are on 34
- ✓ Second lot was separated for the purposes of building
- ✓ Variance issued discussed, even though a moot point
- ✓ Board is not a Constitutional Court

DECISIONS BY BOARD MEMBERS:

LSW – That Section 304.1 has not been met on each issue
LMS - That Section 304.1 has not been met on each issue
CLB - That Section 304.1 has not been met on each issue

FINAL DECISION: The Board unanimously agreed that the Petition for Variance is DENIED for failure to meet the requirements of Section 304.1.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,
Theresa R. Shelton
Theresa R. Shelton
County Board of Appeals

Editing App-2001 table with form F: Record 53 of 58 Edit ▲=▼

App-2001 # 53

FILE#: 01-313-A
NAME: Dupont, Daniel H.
STREET: Beach Road, N/s, 115' E c/l Opie Road
TYPE: VAR /undersized lot; 48' setback ilo 75' from str.
DISTRICT: 11;5
DATE APPEALED: 4/23/2001
HRG. DATE:
ORDER DATE:
DECISION:
CLOSED:
UP:

Envelopes

T/C Gary - #8093 6-20-01

sign needs to be
moved to "other side of cedar tree"
- He'll take care of it.

FREILICH LAW GROUP, L.L.C.
ATTORNEYS AT LAW
SUITE 117
305 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

(410) 321-0040

MICHAEL LEWIS FREILICH*
*ADMITTED MD & FL

PLEASE ADDRESS CORRESPONDENCE TO:
P.O. BOX 5465
TOWSON, MARYLAND 21285-5465
FAX: (410) 337-8855
email: freilichlawgroup@earthlink.net

April 8, 2002

Hand Delivered

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

Re: In the Matter of Daniel Dupont, Owner of 11304 Beach Road Case No.: 01-313-A

Dear Sir/Madam:

Attached are four counterparts of *Brief Submitted in Lieu of Closing Argument*, relative to the above-captioned case.

Very truly yours,

Michael L. Freilich

MLF/acs
Enclosure

cc: Carole D. DiMilio, Esquire *(via Hand Delivery)*
Mr. Daniel Dupont

E:\Clients\Dupont\Correspondence\ClerkLtr040802 wpd

02 APR -8 PM 3:10

Appeal 7 George 4/23

FREILICH LAW GROUP, L.L.C.

ATTORNEYS AT LAW

SUITE 117
305 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

(410) 321-0040

MICHAEL LEWIS FREILICH*

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TOWSON, MARYLAND 21285-5465

FAX: (410) 337-8855
email: freilichlawgroup@juno.com

April 23, 2001

RECEIVED
APR 23 2001
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Mr. Arnold Jablon, Director
Baltimore County Development Management
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Petition for Variance
Case No. 01-313-A
Property: 11304 Beach Road
Property Owner: Daniel L. Dupont

Dear Mr. Jablon:

Please note an Appeal from the decision of the Deputy Zoning Commissioner for Baltimore County, Timothy M. Kotroco, in this matter which is dated on or about April 12, 2001, and we believe enrolled on April 16, 2001.

A courtesy copy of this Request for Appeal is being forwarded to Timothy M. Kotroco, Deputy Zoning Commissioner, Baltimore County Zoning Office, Suite 405, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.

Sincerely yours,

Michael L. Freilich

MLF:lh

G:\Clients\Dupont\Correspondence\Jablon 01.wpd
2003-1

Spi
3/28

From the Desk of

Mr. & Mrs. Michael D. Robinson
11302 Beach Road
White Marsh, Maryland 21162

MAR 2 2

Attention: Mr. Timothy Kotorco and Mr. Lawrence Schmidt
Zoning Administration and Development Management
400 Washington Avenue
Towson, Maryland

Subject: Ref. Case # 01-313-A variance to change the setbacks from the current 100 ft to 4 ft.

Sirs,

In reference to the above case, I must urge the zoning board to reject the request before them for a variance setback on the above property. Mr. Dupont has a history and has demonstrated his disregard for the rules and regulations of Baltimore County.

Mr. Dupont purchased this property from Mrs. Gerry. She owned two 54-ft. lots according to the plot. Mrs. Gerry told me that she had joined the lots and was getting only one tax bill (100ft.lot). This is the understanding from other neighbors as well. There was a house on one of the lots. When Mr. Dupont purchased the property, he tried to renovate the house; he removed a support wall that caused the roof to collapse on him and his helper. He was lucky that it didn't injure him. I saw this happen! He then tore the rest of the house down leaving the front wall and what was left of the foundation.

Mr. Dupont then built what was supposed to be an out building for storage. This building has turned into a two-story building, which he resides in it, calling it his office. I believe this building violates the height restrictions for this type of building. The building is ugly and isn't being maintained and when I look out my kitchen window I see this blue tin building with patches on it.

Mr. Dupont then back filled the property with construction (dirty fill - stumps, brick, block etc.) fill, which ended up raising the height of his property approximately four (4) feet above my property. I contacted the zoning office while he was doing this and the inspector found that he didn't have a permit to fill and told him to stop work till he had a permit. When I talked to the inspector he indicated that the county wouldn't have granted a permit for this type of fill, but since Mr. Dupont had already dumped so much fill there wasn't much the inspector or county could do. Mr. Dupont didn't seed this filled area causing additional run off to the already wet conditions. The county had to force him to seed the filled area. Excessive run off from his back filling caused more complaints to the county and forced Mr. Dupont to put in a so-called "swale" to divert the runoff. He has not maintained this drainage ditch (swale).

Mr. Dupont then requested a permit to repair termite damage to the house that fell in on him, which he received. He then proceeded to erect another pole building around the perimeter of the foundation of the old house. He uses inferior materials to start this building to begin with: i.e. Sackcrete to anchor the poles and scrap lumber to put up the poles. He started to sheath this structure with fiberboard type of material. I contacted the inspectors again and they had him tear down what he had built since it wasn't to code and he didn't have the required permits.

Now Mr. Dupont wants a variance so that he can build a structure on each of these lots. The history to date would indicates that Mr. Dupont will continue to force the envelope until someone calls him on it and complains to the county. What he has done to the property so far has had a detrimental effect to the value of my property and has caused me to install measures to stop the erosion of my property that was occurring, costing me time and money. To allow Mr. Dupont to build so close to the property line will only contribute to the run off problems that already exist. To this day I can not understand why the county allowed Mr. Dupont to raise his property so high over mine. A foot I could understand, but four feet is quite much.

There are other problems that need to be addressed in the issue of additional housing in this neighborhood. Runoff of water is a major issue here. During heavy downpours my other neighbors get flooded out due to drainage being cutoff or diverted from the other construction projects close by. Environmentally the amount of

From the Desk of

Mr. & Mrs. Michael D. Robinson
11302 Beach Road
White Marsh, Maryland 21162

impervious soil has shown that septic systems wouldn't function due to the makeup if the soil conditions causing raw sewage to seep to the surface of the ground. This caused the county to install a septic system two years ago. Dig 3 ft down in this area and you hit hard pan soil that causes water to lay on top and not wick away (marsh). Pollution of the Bird River and the continous silting in of the river due to unmanaged construction runoff. A review of the dredging requirements for this area that is always before the county is evidence of the problem.

I encourage the Zoning board to **deny** Mr. Dupont's request for a variance and allow only one house to be built on the existing footprint like I had to do. Mr. Dupont is in a better position than I was. I didn't have the ability to build what I wanted due to lot restrictions (54-ft VS 108ft lot width). I don't believe that I would have faith in what Mr. Dupont would want to build there because of his past history. To grant this variance may cause additional property, environmental problems and cost for the county and me. Mr. Dupont should be allowed to build a house across both lots there by reducing the effect of the runoff. If this were done it would enhance the value of both properties, his and mine.

I encourage the zoning commissioners to tour the neighborhood and see how the housing is situated to the water and the distance between houses. A majority of the housing in this neighborhood were built on 100ft lots. The housing that were built on 50ft lots, were built prior to zoning ordinances. Please consider the impact of what he is proposing and **reject his request** for a variance of the current setbacks.

Yours truly,

Mr. Michael D. Robinson

Mrs.Anita L. Robinson

4 Opie Road
White Marsh, MD 21162
March 25, 2001

Mr. Timothy Kotorco & Mr. Lawrence Schmidt
Zoning Administration & Development Management
400 Washington Avenue
Towson, MD 21204

Reference Case #01-313-A
Variance to change the setbacks from the current 100 feet to 4 feet

Gentlemen:

We urge the zoning board to reject the request for a zoning variance setback for case #01-313-A. The owner of this property has built a three car, two story garage within four feet of our property on his lot. The owner or his tenant have been living in this garage for two years. We are insisting that the Baltimore County zoning regulations be enforced.

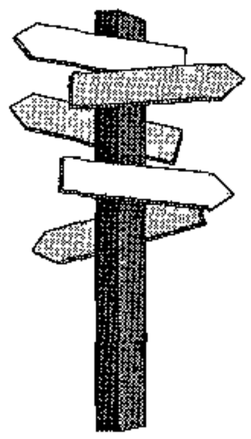
Thank you.

Sincerely,

Peter J. Whipple

Doris B. Whipple

dw



May 17, 2001

Char –

I received a telephone call Thursday afternoon from the adjacent neighbor in the subject case.

He indicated that the sign for the appeal had been posted on his (the caller's) property rather than the Petitioner's property.

His suggestion for the correct location: Have the sign placed on the "other side of the cedar tree."

He was pleasant and polite about it – and I assured him we would have the signed moved to the correct property (apparently it's just over the line).

Thanks.

kathi

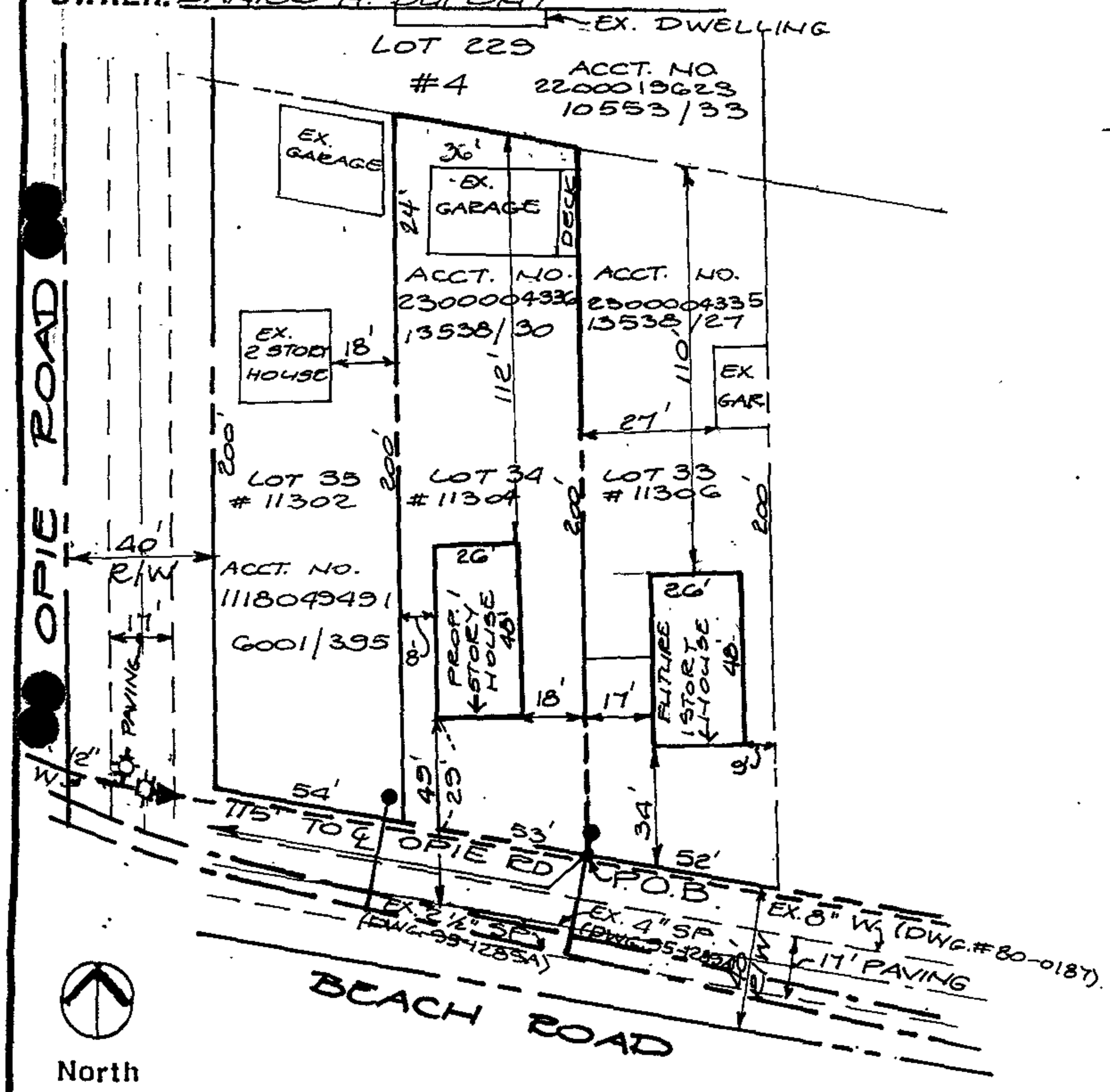
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 11306 BEACH AVE.

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

Subdivision name: BIRD RIVER BEACH
plat book# 7 ,folio# 187 ,lot# 34 ,section# _____

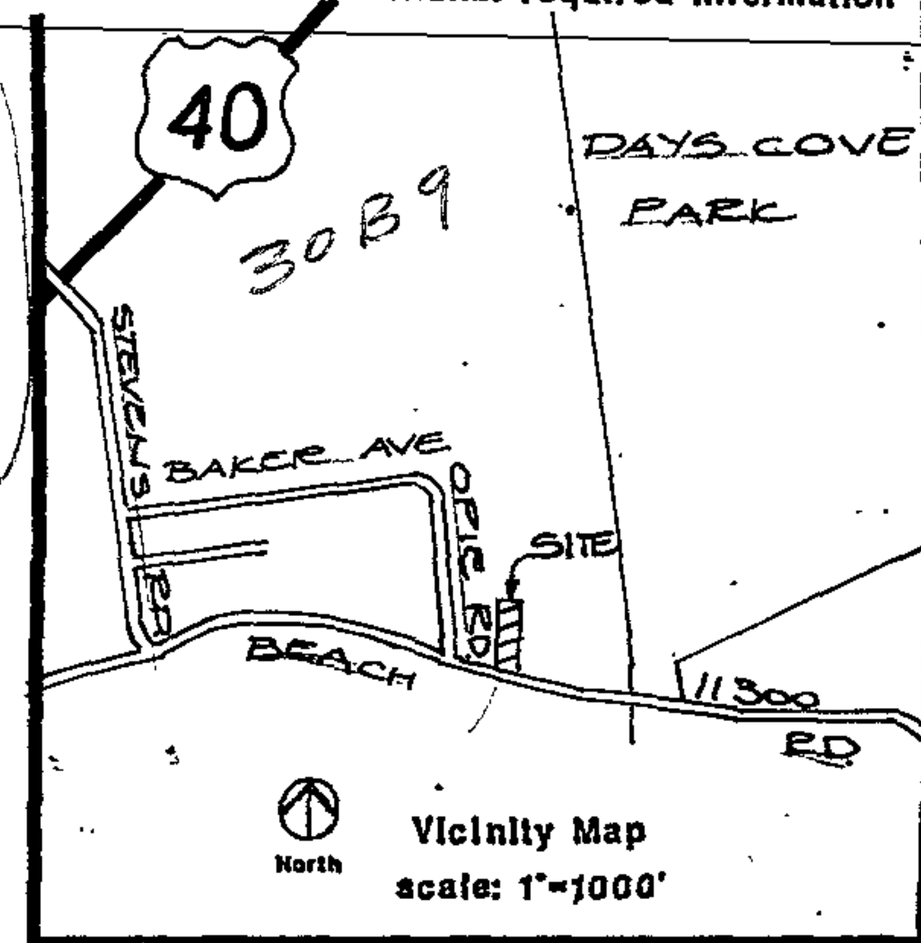
OWNER: DANIEL H. DUPONT



North

date: 1/31/01
prepared by: EVT

Scale of Drawing: 1" = 50'



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 11
Election District: 5
1"=200' scale map#: NE-9J
Zoning: RC2
Lot size: 0.243 acreage / 10,600 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐

	yes	no
Chesapeake Bay Critical Area:	☒	☐

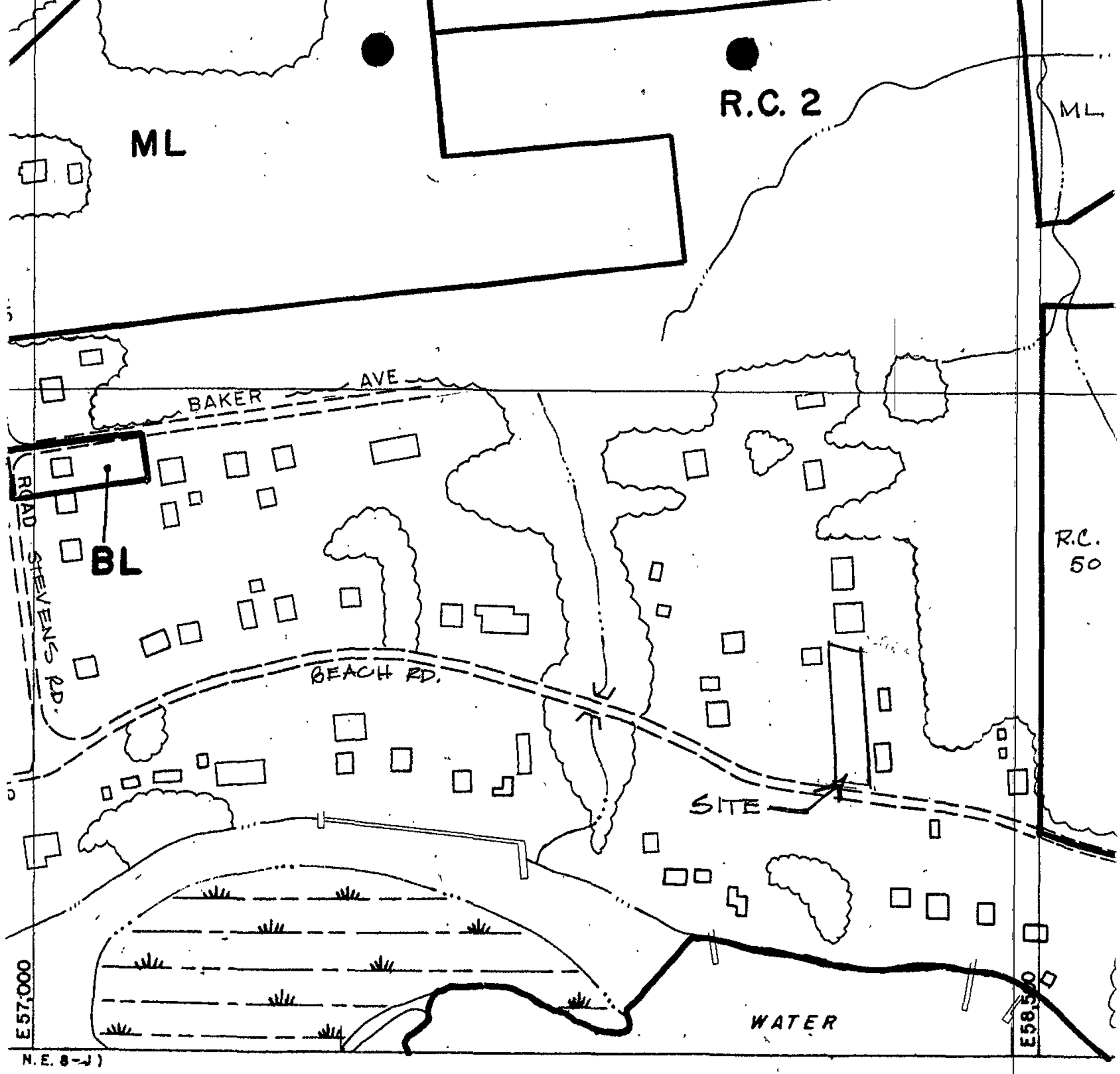
Prior Zoning Hearings: NONE

01-313-A

BOA #1 PETITION

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
DJM	313	



RE COUNTY
NING AND ZONING
ZONING MAP

313

1" = 200'

MAP No. N.E. 9-J

01-313-A

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Michael D. Robinson	11302 Beach Ave.
Mr. Whipple	4 Opie Road White Marsh 21162

CITIZEN

PLEASE PRINT CLEARLY

~~PETITIONER(S)~~ SIGN-IN SHEET

NAME	ADDRESS
RICHARD E. MATZ	2835 SMITH AVE SUITE G
DANIEL H DUPONT	BALTO., MD. 21209

Printed with Soybean Ink
on Recycled Paper

Appeal 7 George 4/23

FREILICH LAW GROUP, L.L.C.

ATTORNEYS AT LAW

SUITE 117
305 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

(410) 321-0040

MICHAEL LEWIS FREILICH*

ROBERT JAY FELDMAN
MATTHEW FREDRICK JENNEJAHN

*ADMITTED MD & FL

PLEASE ADDRESS CORRESPONDENCE TO:
P.O. BOX 5465
TOWSON, MARYLAND 21285-5465

FAX: (410) 337-8855
email: freilichlawgroup@juno.com

April 23, 2001

Mr. Arnold Jablon, Director
Baltimore County Development Management
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Petition for Variance
Case No. 01-313-A
Property: 11304 Beach Road
Property Owner: Daniel L. Dupont

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Sincerely yours,

Michael L. Freilich

MLF:lh

G:\Clients\Dupont\Correspondence\Jablon 01.wpd
2003-1

From the Desk of

Mr. & Mrs. Michael D. Robinson
11302 Beach Road
White Marsh, Maryland 21162

MAR 2 2

Attention: Mr. Timothy Kotorco and Mr. Lawrence Schmidt
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400 Washington Avenue
Towson, Maryland

Subject: Ref. Case # 01-313-A variance to change the setbacks from the current 100 ft to 4 ft.

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From the Desk of

Mr. & Mrs. Michael D. Robinson
11302 Beach Road
White Marsh, Maryland 21162

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Yours truly,

Mr. Michael D. Robinson

Mrs. Anita L. Robinson

Mrs

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It should be noted that this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with Critical Areas legislation. The Petitioners shall submit a findings plan for review and approval by the Department of Environmental Protection and Resource Management (DEPRM) prior to the issuance of any occupancy permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 1994 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 24 feet in lieu of the maximum permitted 15 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
>
> 2) The Petitioner shall submit a findings plan for review and approval by DEPRM prior to the issuance of any occupancy permits.
>
> 3) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
>
> 4) Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement

11218 Beach Rd. LOT 44

APPLICATION FOR BUILDING PERMIT

PERMIT #: B412372 CONTROL #: NR DIST. 11 PREC: 01

LOCATION: 11216 BEACH RD
SUBDIVISION: BIRD RIVER BEACH
TAX ASSESSMENT #: 1114040561

OWNERS INFORMATION
NAME: GIBBS, DAVID & LEE
ADDR: 11218 BEACH ROAD

APPLICANT INFORMATION
NAME: DAVID & LEE GIBBS
COMPANY:
ADDR1: 11218 BEACH ROAD
ADDR2: WHITE MARSH MD 21162
PHONE #: 410-335-2533 LICENSE #:

NOTES
ILB/TLM

DRC#
PLANS: CONST 02 PLOT T R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:
CONTR: OWNERS
ENGNR:
SELLR:
WORK: CONSTRUCT FOUNDATION FOR AND ERECT STATE
APPROVED MODULAR DWELLING W/COVERED FRONT PORCH
FRONT BAY & 3 BEDROOMS.
23'11"X61'1"X22'=2648SF.CBCA.PER VARIANCE CASE
#00-357-A.FLOOD ZONE C.ELEVATION 25'.

PROPOSED USE: SFD (MODULAR)
EXISTING USE: VACANT

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 100,000 00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: ONE FAMILY
FOUNDATION: CONCRETE BASEMENT: FULL
SEWAGE: PUBLIC PROPOSED WATER: PUBLIC PROPOSED
CONSTRUCTION: WOOD FRAME FUEL: ELECTRICITY
CENTRAL ATR: YES

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

PERMIT #: 0412472

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE		LOT SIZE AND SETBACKS	
GARBAGE DISP: N	FLOOR:	2034	SIZE: 10,400	
POWDER ROOMS: 0	WIDTH:	23'11"	FRONT STREET:	
BATHROOMS: 2	DEPTH:	61'1"	SIDE STREET:	
KITCHENS: 1	HEIGHT:	22'	FRONT SETB:	30'
	STORIES:	1+BSMT	SIDE SETB:	10'/18'11
LOT NOS: 45			SIDE STR SETB:	
CORNER LOT:			REAR SETB:	110'

ZONING INFORMATION

			ASSESSMENTS	
DISTRICT:	BLOCK:		LAND:	0015400.00
PETITION:	SECTION:		IMPROVEMENTS:	0000000.00
DATE:	LIBER:	000	TOTAL ASS.:	
MAP:	FOLIO:	187		
	CLASS:	04		

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 04/18/2000 INSPECTOR INITIALS: HR

FEE: $154.00 PAID: $154.00 RECEIPT #: A407731

PAID BY: APPL

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

COMPANY OR OWNER DATE

ADDRESS

AGENT ___

OWNER ___

SIGNATURE OF APPLICANT PHONE

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

House #

LOT 35

OEA: DLS/NBC

PERMIT #: B101643
RECEIPT #: A/S 1995
CONTROL #:
XREF #:

FEE: 129.00 + 5.00
PAID: 129.00
PAID BY: NPP
INSPECTOR: YH

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BUILDING 1 OR 2 FAM.
CODE ___ CODE ___
BOCA CODE 90

PROPERTY ADDRESS: ~~9312 Belair Rd. Baltimore~~ 20 Fee Rd White Marsh Md. 21162
SUBDIV:
TAX ACCOUNT #: 11-18-049491 DISTRICT/PRECINCT 11 / 5
OWNER'S INFORMATION (LAST,FIRST)
NAME: Michael D. Robinson & Anita L.
ADDR: Same

APPLICANT INFORMATION
NAME: Austin X. Dorman Jr.
COMPANY: Coastal Development Inc T/A Dorman Design & Const.
ADDR1: 1616 Yakona rd. Towson, Md 21204
ADDR2:
PHONE #: (301) 466-2409 MHIC LICENSE #: 40034
APPLICANT SIGNATURE: Austin X Dorman Jr. TRACT: BLOCK: 1
PLANS: CONST 2 PLOT 1 PLAT DATA EL 1 PL 1
TENANT:
XCONTR: Coastal Development Inc T/A Dorman Design & Const.
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

per case # 82-249-A
DESCRIBE PROPOSED WORK: Constr. Foundation for & erect State Approved industrialized dwelling. No fireplace. 3 Bedrooms
Refer to B101644 RA for RA2 of old SFD. ~~32'6" x 27'6"~~ 27'6" x 32'6" x 28 = 2586

TYPE OF USE

RESIDENTIAL
01. ___ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

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

TYPE FOUNDATION
1. ___ SLAB
2. ✓ BLOCK
3. ___ CONCRETE

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

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ✓ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

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

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

CENTRAL AIR: 1. ✓ 2. ___
ESTIMATED COST OF MATERIALS AND LABOR: $ 71,000

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

PROPOSED USE: SFD
EXISTING USE: SFD & Detached Garage (SFD to be razed)

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

RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
EFF: ___ #1BED: ___ #2BED: ___ #3BED: ___ TOT BED: ___ TOT APTS/CONDOS ___
FAMILY BEDROOMS 3
GARBAGE DISPOSAL 1. ___ Y 2. ___ N BATHROOMS 1 CLASS 04
POWDER ROOMS 1 KITCHENS 1 LIBER 07 FOLIO 187

BUILDING SIZE
FLOOR 2586
WIDTH 27'6"
DEPTH 32'6"
HEIGHT 28
STORIES 2+BSMT
LOT #'S 35

LOT SIZE AND SETBACKS
SIZE 54 X 200
FRONT STREET
SIDE STREET
FRONT SETBK 132
SIDE SETBK 18/74
SIDE STR SETBK
REAR SETBK 33
ZONING RC2

CORNER LOT
___ Y 2. ___ N

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING	[illegible]	8/6/91
PUB SERV		
ENVRMNT	[illegible]	8-6-91
PLANNING	Christine Roke FINAL	8/6/91
PERMITS		

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

Need 2 const. + 1 site plan 2,3 House #'s

DOT 8 E

Computer down
TAX ACCT upon return

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

2-24-93 NE 4

LOTS
~~[illegible]~~
374
38

OEA: DCS/KRA
HISTORIC DISTRICT/BLDG: YES [ ] NO [✓] DO NOT KNOW

PERMIT #: B155992
RECEIPT #: X177981
CONTROL #: MK
XREF #:

FEE: 84.00 + 50.00 + 5.00
PAID: 139.00
PAID BY: APP
INSPECTOR: PH

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

BUILDING CODE 1 or 2 FAM ✓
CODE
BOCA CODE

PROPERTY ADDRESS 1132 Beach ~~Rd.~~ Ave
White Marsh, MD 21162
SUBDIV: Bird River Beach
TAX ACCOUNT #: 11-1107 8510
DISTRICT 11 PRECINCT 5

OWNER'S INFORMATION (LAST, FIRST)
NAME: Klingenstein Russell
ADDR: 1132 Beach Ave White Marsh, MD 21162

APPLICANT INFORMATION
NAME: Russell Klingenstein
COMPANY:
ADDR1: 1132 Beach Ave
ADDR2: Balto MD 21162
PHONE #: 391-5745 MHIC LICENSE #:
APPLICANT SIGNATURE: Russell Klingenstein TRACT: BLOCK:
PLANS: CONST O PLOT 4 PLAT DATA EL 1 PL 1
TENANT
CONTR: OWNER
ENGNR:
SELLR:

TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ✓ ADDITION
3. ✓ ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

Grd. 17t

DESCRIBE PROPOSED WORK: CONSTRUCT 2 STORY W/BASE ADDITION ON FRONT 7'x8'x25' = 56 SF (x3) = 168 SF TO BE USED AS BASE - STORAGE; 1ST FL DINING RM. EXT 2ND FL - MSTR. BEDROOM. 2 W/BASE ADDITION FRONT SIDE - BASEMENT STORAGE; 1ST FL LIV. RM EXT; 2ND FL BEDRM EXT 4'x14' = 56 SF (x3) = 168 SF TOTAL
CONSTR. 2 STORY W/CRAWL ADDITION TO REAR 30'x12' = 232 SF (x2). 464 SF TOTAL TO BE USED AS 1ST FL FAM. RM 2ND FL 2 BEDRM
ALSO CONSTRUCT 2ND FL OVER EX 1ST - 960 SF ADD - SQUARES OFF S/E
ADD NEW BATH ON 2ND FL
ALT TO INCLUDE NEW FLOOR JOISTS ON FIRST FL. (20) CONCRETE ENT. TO ADD. ALSO
REPLACE BEARING WALL ON SIDE 658 SF

TYPE OF USE

RESIDENTIAL
01. ✓ ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY (ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

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

TYPE FOUNDATION
1. ✓ SLAB
2. ✓ BLOCK
3. CONCRETE

BASEMENT
1. ✓ FULL
2. PARTIAL
3. NONE

TYPE OF CONSTRUCTION
1. MASONRY
2. ✓ WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

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

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

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

CENTRAL AIR: 1. 2.
ESTIMATED COST: $25,000 OF MATERIALS AND LABOR
PROPOSED USE: SFD + ADDITIONS
EXISTING USE: SFD

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

RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE 6. HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 04
POWDER ROOMS KITCHENS LIBER 04 FOLIO 132

BUILDING SIZE	ADD	ALT	LOT SIZE AND SETBACKS	
FLOOR	1760	658	SIZE	114 X 200
WIDTH	30		FRONT STREET	
DEPTH	48		SIDE STREET	
HEIGHT	25		FRONT SETBK	NC
STORIES	2		SIDE SETBK	NC
LOT #'S			SIDE STR SETBK	
CORNER LOT 1. Y 2. ✓ N			REAR SETBK	NC
			ZONING	RCZ

APPROVAL SIGNATURES		DATE
BLD INSP		
BLDG ENGINEER	John Price Final	2/24/93
FIRE		
SEDI CTL		
ZONING ADM	[illegible] Final	2/24/93
PUBLIC SERV	[illegible] Final	2/24/93
ENVIRMNTL	OK. To File Cert. GWM.	2/24/93
	OK. No File SBA BOCA	2/24/93
PERMITS		

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

PLANS waived by J. Price

11306 BEACH Rd

Lot 33

APPLICATION FOR BUILDING PERMIT

PERMIT #: B457295 CONTROL #: NR DIST: 11 PREC: 04

LOCATION: 11304 BEACH RD
SUBDIVISION: RIRU RIVER BEACH
TAX ASSESSMENT #: 2300004335

OWNERS INFORMATION
NAME: DUPONT, DANIEL
ADDR: 11306 BEACH RD 21162

APPLICANT INFORMATION
NAME: DANIEL DUPONT
COMPANY
ADDR1: 11304 BEACH RD (REAR)
ADDR2: BALTIMORE, MD 21162
PHONE #: 410-344-0366 LICENSE #:

NOTES
EDW

URL#
PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:
CONTR: OWNER
LIBNR:
STILK:
WORK: CONST FOUNDATION FOR & ERECT STATE MPP'D
INDUSTRIALIZED DWELLING, 3 BDRMS, NO F/P.
26'X48'X25'H,2455F. SEE B394571 FOR RAZING.
THIS PERMIT CANCELS B433052 & EXPIRES 12/06/01
CHG IN WORKING,& CONST.FLOOD ZONE'C, ELEV'18'
SEE B433852 & WAIVE PLANS PER MS.

NEW MODULER HOME

PROPOSED USE SFD (USED MODULAR HOME)
EXISTING USE: VACANT LOT, SEE B336652 FOR RA

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 4,600.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: ONE FAMILY
FOUNDATION: CONCRETE BASEMENT: NONE
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME FUEL: OIL
CENTRAL AIR:

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

POT
ED

PERMIT #: 8457295

DIMENSIONS -- INSTALL FIXTURES

	BUILDING SIZE	LOT SIZE AND SETBACKS
GARBAGE DISP: N	FLOOR: 1248	SIZE: 52.00 X 200.00
POWDER ROOMS: 1	WIDTH: 26'	FRONT STREET:
BATHROOMS: 1	DEPTH: 48'	SIDE STREET:
KITCHENS: 1	HEIGHT: 25'	FRONT SETB: 36'
	STORIES: 1	SIDE SETB: 13'/13'
LOT NOS: 33		SIDE STR SETB:
CORNER LOT: N		REAR SETB: 116'

ZONING INFORMATION

		ASSESSMENTS
DISTRICT:	BLOCK:	LAND: 00228850.00
PETITION:	SECTION:	IMPROVEMENTS: 00005060.00
DATE:	LIBER: 000	TOTAL ASS.:
MAP:	FOLIO: 187	
	CLASS: 04	

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 07/20/2001 INSPECTOR INITIALS: 11K

FEE: $45.00 PAID: $45.00 RECEIPT #: A433288

PAID BY: APPL

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

COMPANY OR OWNER DATE

ADDRESS

AGENT ___
OWNER ___

SIGNATURE OF APPLICANT PHONE

LOT 162 17

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

OEA: JP/CB

PERMIT #: B144625
RECEIPT #: A169668
CONTROL #: MK
XREF #:

FEE: 50 + 5
PAID: $55
PAID BY: APPL
INSPECTOR: P.H.

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BUILDING 1 or 2 FAM.
CCCBC CODE ✓
BOCA CODE

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

PROPERTY ADDRESS 11235 BEACH RD
☐ YES ☒ NO
☐ DO NOT KNOW

SUBDIV: BIRD RIVER BEACH
TAX ACCOUNT #: 11-19-072475
DISTRICT/PRECINCT 11 05

OWNER'S INFORMATION (LAST, FIRST)
NAME: DICHIARA JOHN J
ADDR: 11235 BEACH RD White Marsh, Md. 21162

APPLICANT INFORMATION
NAME: JOHN DICHIARA
COMPANY:
ADDR1: SAME
ADDR2: 21162
PHONE #: 335-2535 MHIC LICENSE #:
APPLICANT SIGNATURE: [signature] TRACT: BLOCK:
PLANS: CONST 0 PLOT 1 PLAT 0 DATA 0 EL 1 PL 2
TENANT
CONTR: OWNER
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: Waterfront Property. Const. A Detached Garage on REAR of property.
24' x 30' x 12' = 720 ☐

GARAGE MUST BE BUILT ACROSS LOT LINE AS INDICATED ON SUBMITTED SITE PLAN. (9/10)

TYPE OF USE

RESIDENTIAL
01. ___ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ✓ GARAGE
07. ___ OTHER

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

TYPE FOUNDATION: 1. ___ SLAB 2. ✓ BLOCK 3. ___ CONCRETE
BASEMENT: 1. ___ FULL 2. ___ PARTIAL 3. ✓ NONE

TYPE OF CONSTRUCTION: 1. ___ MASONRY 2. ✓ WOOD FRAME 3. ___ STRUCTURE STEEL 4. ___ REINF. CONCRETE

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

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

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

CENTRAL AIR: 1. ___ 2. ___
ESTIMATED COST OF MATERIALS AND LABOR: $6,000
PROPOSED USE: SFD + Detached Garage
EXISTING USE: SFD

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

RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS
TOTAL BEDROOMS
GARBAGE DISPOSAL: 1. ___ 2. ___ BATHROOMS
DANCER ROOMS ___ KITCHENS ___
CLASS 54
LIBER 02 FOLIO 175

BUILDING SIZE
FLOOR 720
WIDTH 24'
DEPTH 30'
HEIGHT 12'
STORIES 1
LOT #'S 16,17
CORNER LOT 1. ___ 2. ✓

LOT SIZE AND SETBACKS
SIZE 96/175 x 295/290
FRONT STREET
SIDE STREET
FRONT SETBK N/C
SIDE SETBK 15/15'
SIDE STR SETBK
REAR SETBK 120'
ZONING RC 2

APPROVAL SIGNATURES	DATE
BLD INSP	
BLD PLAN	
FIRE	
BEDL CTL	
ZONING: R. [illegible]	10/1/92
PUB SERV	
[illegible] Final	9/11/92
STD CBCA OK to Pile	9/1/92
PERMIT	

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

DGT 8C

APPLICATION FOR PERMIT

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

OEA: 89 100P

PERMIT #: B143565
RECEIPT #: A166710
CONTROL #: NR
XREF #:

FEE: $156.00
PAID: $156.00
PAID BY: APPL
INSPECTOR: PH

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

BUILDING 1 or 2 FAM
CODE CODE ✓
BOCA CODE

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

TYPE OF USE

RESIDENTIAL
01. ✓ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS)
05. ___ SWIMMING POOL
06. ✓ GARAGE
07. ___ OTHER

TYPE FOUNDATION
1. ___ SLAB
2. ✓ BLOCK
3. ___ CONCRETE

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

PROPERTY ADDRESS 11231 Beach Rd. Balto. Md 21162 — ☐ YES ☑ NO
SUBDIV: Bird River Beach — ☐ DO NOT KNOW
TAX ACCOUNT # ~~[illegible]~~ 11-19-02806 DISTRICT/PRECINCT 11 5
OWNER'S INFORMATION (LAST, FIRST)
NAME: McBride Roy L. & Joanne
ADDR: 5315 45th ST. Balto, Md. 21224

HISTORIC DISTRICT/BLDG.

APPLICANT INFORMATION
NAME: Roy L. McBride
COMPANY:
ADDR1: 5315 S. 45th ST.
ADDR2: ~~[illegible]~~ 21224 (Balto., Md.)
PHONE #: 285-5094 MHIC LICENSE #:
APPLICANT SIGNATURE: RL McBride TRACT: BLOCK:
PLANS: CONST 2 PLOT 11 PLAT ✓ DATA ✓ EL 1 PL 1
TENANT
CONTR: Owner
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK:
Const. 1 st SFD, No fireplace, ~~[illegible]~~, w/ covered front porch. 3 Bedrooms. Crawl space 36'x25'x8' = 2016 ft², 50'x24'x32' = 2,728 ft²
Refer to B143566 for Zoning section
REPLACEMENT DWG UNDER 305

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

Condemned by Bldg Inspector 8/7/92 Hatko

Issued

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ✓ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

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

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

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

CENTRAL AIR: 1. ✓ 2.
ESTIMATED COST OF MATERIALS AND LABOR: $ 70,000.00
PROPOSED USE: SFD
EXISTING USE: Vacant

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

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

Crawl space only No Basement

BUILDING SIZE: 20' LOT SIZE AND SETBACKS

APPROVAL SIGNATURES DATE
BLD INSP :

11231 BEACH Rd

Lot 13,14

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

K.E.:

OEA: 1012
HISTORIC DISTRICT/BLDG.
[ ] YES [✓] NO
[ ] DO NOT KNOW

PERMIT #: B 245086
RECEIPT #: B263122
CONTROL #: NR
XREF #: ~~B143565~~ B143565
FEE: 50.00
PAID: 50.00
PAID BY: Appl.
INSPECTOR:

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

BUILDING CODE 1 or 2 FAM. ✓
CODE
BOCA CODE

TYPE OF IMPROVEMENT
1.___ NEW BLDG CONST
2.___ ADDITION
3.✓ ALTERATION
4.___ REPAIR
5.___ WRECKING
6.___ MOVING
7.___ OTHER

PROPERTY ADDRESS 11231 Beach Rd.
SUBDIV: Bird River Beach
TAX ACCOUNT #: 11-19-023061
DISTRICT/PRECINCT 11 05

OWNER'S INFORMATION (LAST, FIRST)
NAME: McBride, Ray & Joanne
ADDR: 531 S 45th St 21224

DOES THIS BLDG. HAVE SPRINKLERS
YES — NO —

APPLICANT INFORMATION
NAME: Ray L. McBride
COMPANY:
STREET 531 S 45th St.
CITY, ST, ZIP Balto, MD 21224
PHONE #: 285-5024 MHIC LICENSE #:
APPLICANT SIGNATURE: Ray McBride
TRACT: BLOCK:
PLANS: CONST — PLOT — PLAT — DATA — EL 1 PL 1
TENANT
CONTR: Owner
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: Alteration To Complete SFD Constructed Under B143565 NR. Framing Final 3-6-95. No Electrical or Plumbing Finals as yet. Also Using Tax # 11-19-023060

TYPE OF USE

RESIDENTIAL
01.✓ ONE FAMILY
02.___ TWO FAMILY
03.___ THREE AND FOUR FAMILY
04.___ FIVE OR MORE FAMILY (ENTER NO UNITS)_____
05.___ SWIMMING POOL
06.___ GARAGE
07.___ OTHER

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

TYPE FOUNDATION
1._ SLAB
2._ BLOCK
3._ CONCRETE

BASEMENT
1._ FULL
2._ PARTIAL
3._ NONE

TYPE OF CONSTRUCTION
1.___ MASONRY
2.___ WOOD FRAME
3.___ STRUCTURE STEEL
4.___ REINF. CONCRETE

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

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

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

CENTRAL AIR: 1.___ 2.___
ESTIMATED COST: $_____ OF MATERIALS AND LABOR
PROPOSED USE: Alteration to Complete
EXISTING USE: SFD Under Construction B143565

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

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

DST
BB

Lot 3

PERMIT #: B
RECEIPT #: B
CONTROL #: NC
XREF #:

FEE: 12.00 + 21.00
PAID: 33.00 Rev-fee
PAID BY: NH
INSPECTOR:

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

BUILDING 1 or 2 FAM.
CODE CODE ✓
BOCA CODE

TYPE OF IMPROVEMENT
1. ✓ NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

TYPE OF USE

RESIDENTIAL

01. ✓ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

TYPE FOUNDATION
1. ___ SLAB
2. ___ BLOCK
3. ___ CONCRETE

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

PER MILES JONES THIS WORK MUST BE DONE - 85% INSULATE
PER APPLICANT'S LOCATION. FLOODS

11203 BIRCH RD
BIRD RIVER BEACH
TAX ACCOUNT #: 1107049370
WHO'S THE OWNER (LAST, FIRST)
NAME: JERRY LEE & NEAL GOODMAN
ADDR: 11203 BIRCH RD

HISTORIC DISTRICT/BLDG: [ ] YES [ ] NO [ ] DO NOT KNOW
DISTRICT/PRECINCT: 11 11
DOES THIS BLDG. HAVE SPRINKLERS: YES ___ NO ___

APPLICANT INFORMATION
NAME: RANDY TWINING
COMPANY: TWINING CONST CO INC
ADDR: 5630 SNARR DR
CITY, STATE, ZIP: C-LOW ARM MD 21017
PHONE #: 410 592 9335 MHIC LICENSE #:
APPLICANT SIGNATURE: Randy Twining
TRACT: ___ BLOCK: ___
FLANG: CONST 2 LOT 7 PLAT — DATA — EL 1 PL 1
TENANT
OWNER: TWINING CONST CO INC
ENGINEER:
SIGNATURE:

DESCRIBE PROPOSED WORK: CONSTRUCT SFD - DUE TO 85% WATER & TERMITE DAMAGE. 51' x 25' x 13' = 1139 SF CORRECTION NOTICE GIVEN

THIS CANCELS ADDITION PERMIT B266754

PERMIT WILL EXPIRE 5/8/97

Change in work - consist

OK TO WAIVE PLANS

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

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. X WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

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

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

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

CENTRAL AIR: 1. 2.
ESTIMATED COST OF MATERIALS AND LABOR: $40,000

PROPOSED USE: SFD
EXISTING USE: SFD

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

RESIDENTIAL CATEGORY: 1. ___ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: #1BR: #2BR: #3BR: TOT APTS/CONDOS:

PGT
8A

#1203 BEACH Rd

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

PERMIT NO. B272449

BUILDINGS ENGINEER

PERMISSION IS HEREBY GRANTED TO

NAME O'NEAL, JERRY LEE & GOODMAN, LLOYD

ADDRESS 1203 BEACH RD WHITE MARSH MD 21162

TO USE AND OCCUPY THE LAND AND/OR BUILDINGS DESCRIBED AND LOCATED AS FOLLOWS ON PERMIT NO. B272449

LOCATION OF PROPERTY 1203 BEACH RD

LOT NO 3 BLOCK NO

SUBDIVISION BIRD RIVER BCH

DATE 09/17/96

FEE PAID 33.00

ISSUED BY THE BUILDINGS ENGINEER

NEW HOME

Lot 2/12

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DEA: DLS Kit

PERMIT #: B144213
RECEIPT #: A 16-7771
CONTROL #: MK
XREF #:

FEE: 50.00+5.00
PAID: 55.00
PAID BY: RP
INSPECTOR: RP

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

BUILDING 1 or 2 FAM. CODE ✓ CODE ___ BOCA CODE ___

TYPE OF IMPROVEMENT
1. ___ NEW BLDG CONST
2. X ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER ___

TYPE OF USE

RESIDENTIAL
01. X ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

TYPE FOUNDATION: 1. ___ SLAB; 2. X BLOCK; 3. ___ CONCRETE
BASEMENT: 1. ___ FULL; 2. ___ PARTIAL; 3. X NONE

PROPERTY ADDRESS 5819 Stevens Rd 21162 [ ] YES [X] NO
SUBDIV: BIRD RIVER BEACH [ ] DO NOT KNOW
TAX ACCOUNT #: 11 08 031300 DISTRICT/PRECINCT 11 5
OWNER'S INFORMATION (LAST, FIRST)
NAME: BRUCE P & INDIA Y CURRY
ADDR: 5819 Stevens Rd.

APPLICANT INFORMATION
NAME: Pat Curry
COMPANY: OWNER
ADDR1:
ADDR2:
PHONE #: 335 6664 MHIC LICENSE #: ___
APPLICANT SIGNATURE: Pat Curry TRACT: ___ BLOCK: ___
PLANS: CONST 2 PLOT 2 PLAT ___ DATA ___ EL 1 PL 2
TENANT
CONTR: OWNER
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK:
construct garage (attached) w family room over top. 12'x22'x26' = 524 SF
1ST FL GARAGE 2ND FL FAMILY ROOM
VARIANCE 93-11-A FOR 2' SETBACK.
ALT WORK B131408 MR
1 hr Fire wall no openings

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

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. X WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

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

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

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

CENTRAL AIR: 1. ___ 2. ___
ESTIMATED COST OF MATERIALS AND LABOR: $4,000
PROPOSED USE: SFD + ADDITION
EXISTING USE: SFD

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

RESIDENTIAL CATEGORY: 1. X DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS
FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 04
POWDER ROOMS KITCHENS LIBER 7 FOLIO 187

BUILDING SIZE
FLOOR 264 526
WIDTH 12
DEPTH 22
HEIGHT 26
STORIES 2
LOT #'S 212
CORNER LOT 1. ✓ Y 2. ___ N

LOT SIZE AND SETBACKS
SIZE 50 x 200
FRONT STREET
SIDE STREET
FRONT SETBK NC
SIDE SETBK NC
SIDE STR SETBK
REAR SETBK NC
ZONING BL

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING		9/28/92
PUB SERV		
ENVRMNT	Final approved as per R.L. Bedelbaum	9/21/92
PERMITS		

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

POT 8 I

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT # B142213 CONTROL # MR DIST 11 PREC 02
DATE ISSUED 09/28/92 TAX ACCOUNT # 5080311300 CLASS 04

PLANS: CONST 0 PLOT 1 R FLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 5819 STEVENS RD
SUBDIVISION: BIRD RIVER BEACH

OWNERS INFORMATION
NAME: CURRY, BRUCE F. & SANDRA
ADDR: 5819 STEVENS RD 21162

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT TWO STORY ADDITION ONTO SIDE OF EXISTING SFD TO BE USED AS 1ST FLR GARAGE AND 2ND FLR FAMILY ROOM. REFER TO VARIANCE 93-111-A FOR 2' SETBACK. 22'X22'X26' 528 ALT WORK ON B143408 MR 1 HR FIRE WALL-NO OPENINGS

BLDG CODE: 1 AND 2 FAM CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED $: 1000.00 PROPOSED USE: SFD AND ADDITION
EXISTING USE: SFD

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: BLOCK BASEMENT: NONE
SENACE: FRONT: EXCEPTS WATER: RIVER EXCEPTS

LOT SIZE AND SETBACKS

SIZE: 0X0/0X0/0X0/0X0
FRONT STREET:
SIDE STREET:
FRONT SIDE: NO
SIDE STREET: NO
SIDE SIDE:
REAR SIDE: NO

NOTICE: SEWER IS PUBLIC WATER IS PUBLIC

5819 STEVENS Rd LOT 212

93-11-A

compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of September, 1992 that the Petition for Administrative Variance requesting relief from Sections 230.1 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 35 feet for a proposed attached garage in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

AND IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated August 25, 1992, which are made a part hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Lot 212

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

OEA: SAS/CB
HISTORIC DISTRICT/BLDG. ☐ YES ☒ NO ☐ DO NOT KNOW

PERMIT #: B131408
RECEIPT #: A156936
CONTROL #: MR
XREF #:

FEE: 61+5=66.00
PAID: 66.00
PAID BY: appl.
INSPECTOR: DH

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

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE 1990

TYPE OF IMPROVEMENT
1. ___ NEW BLDG CONST
2. ✓ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

PROPERTY ADDRESS 5819 Stevens Rd
White Marsh MD 21162
SUBDIV: Bird River Beach
TAX ACCOUNT #: 11 08 031300
DISTRICT/PRECINCT 11 / 5

OWNER'S INFORMATION (LAST,FIRST)
NAME: CURRY BRUCE + INDIA
ADDR: 5819 Stevens Rd 21161

APPLICANT INFORMATION
NAME: (Pat) CURRY
COMPANY:
ADDR1: SAME AS ABOVE
ADDR2:
PHONE #: 335 6667 MHIC LICENSE #:
APPLICANT SIGNATURE: Pat Curry
PLANS: CONST 0 PLOT 3 PLAT 0 DATA 0 TRACT: BLOCK: EL 1 PL 1
TENANT:
CONTR: owner
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: WAIVE Const Plans Reqd
Demolish portion of existing dwelling + add on rear + install 3rd floor (28x8) 224 sq ft + 1st flr + 2nd flr = 784 sq ft
2 story addit
also constr 2nd floor over ex. flr 28x28x24 = 784 sq ft
Total sq ft of all work 1,272
overall longest dimension (28x36x24)
1st flr - kitchen, living room, powder room
2nd story - 3 bedrms + bath
old kitchen to become part of mudroom.

TYPE OF USE

RESIDENTIAL
01. ✓ ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

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

Total sq ft of all work 1,272

TYPE FOUNDATION
1. ___ SLAB
2. ✓ BLOCK
3. ✓ CONCRETE

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

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. ✓ WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

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

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

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

CENTRAL AIR:
ESTIMATED COST OF MATERIALS AND LABOR: 25,000
PROPOSED USE: 1st flr addit + 2nd flr addit
EXISTING USE: 1st flr addit garage, 1st floor house
OWNERSHIP
1. ✓ PRIVATELY OWNED 2. ___ PUBLICLY OWNED 3. ___ SALE 4. ✓ RENTAL

RESIDENTIAL CATEGORY 1. ✓ DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF ___ #1BED: ___ #2BED: ✓ #3BED: ___ TOT BED: ___ TOT APTS/CONDOS ___
1 FAMILY BEDROOMS 3
GARBAGE DISPOSAL ___ 2 IN ___ BATHROOMS 1½ CLASS
POWDER ROOMS 1 KITCHENS 1 LIBER 00 FOLIO 182

BUILDING SIZE
FLOOR 1272
WIDTH 27
DEPTH 36
HEIGHT 24
STORIES 2
LOT #'S 13
CORNER LOT
1. Y N

LOT SIZE AND SETBACKS
SIZE 50 x 200
FRONT STREET
SIDE STREET
FRONT SETBK N/C
SIDE SETBK N/C
SIDE STR SETBK
REAR SETBK
ZONING RL

APPROVAL SIGNATURES — DATE
BLD INSP: [illegible] 5/26/92
BLD PLAN: [illegible] 5/26/92
FIRE:
SEDI CTL:
ZONING: [illegible] 5/26/92
PUB SERV:
ENVRMNT: [illegible] 5/26/92
PERMITS:

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

OK to File M. Moscarita CBCA 5/26/92
Applicant wants to waive

11. OPIE Rd

Lot 223

TOWSON, MARYLAND

HISTORIC DISTRICT/BLDG. [ ] YES [X] NO [ ] DO NOT KNOW

PERMIT #: B 333807
RECEIPT #: A 350619
CONTROL #:
XREF #:
FEE: 149 + 5.00
PAID: 154.00
PAID BY: APP
INSPECTOR:

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

BUILDING 1 or 2 FAM.
CODE CODE
BOCA CODE

TYPE OF IMPROVEMENT
1. X NEW BLDG CONST
2. ___ ADDITION
3. ___ ALTERATION
4. ___ REPAIR
5. ___ WRECKING
6. ___ MOVING
7. ___ OTHER

PROPERTY ADDRESS 11 OPIE ROAD
SUITE/SPACE/FLOOR
SUBDIV: LOT 223 BIRD RIVER BEACH
TAX ACCOUNT #: 1118 016184
DISTRICT 15 PRECINCT 5

OWNER'S INFORMATION (LAST,FIRST)
NAME: BERNARD & ESTHER BUCH
ADDR: 102 WEST ASHEVILLE NC 28803-1416

DOES THIS BLDG. HAVE SPRINKLERS YES ___ NO X

APPLICANT INFORMATION
NAME: THOMAS PHELPS
COMPANY:
STREET 9 W BARREN AVE
CITY,ST,ZIP BALTIMORE MD
PHONE #: 410 174 6744 MHIC LICENSE #: N/A
APPLICANT SIGNATURE: TRACT: BLOCK:
PLANS: CONST 1 ELOT 1 PLAT DATA EL 1 PL 1
TENANT
CONTR: (MR BUCH)
ENGNR: FOR ERECT
SELLR: CONSTR COMMERCIAL
STATE APPROV. FND.

DESCRIBE PROPOSED WORK: ~~CONSTRUCT NEW~~ 27'6"x44' ~~MANUFACTURED HOME~~ Dwelling, + BEDROOMS
No F/P

TYPE OF USE

RESIDENTIAL
01. X ONE FAMILY
02. ___ TWO FAMILY
03. ___ THREE AND FOUR FAMILY
04. ___ FIVE OR MORE FAMILY (ENTER NO UNITS) ___
05. ___ SWIMMING POOL
06. ___ GARAGE
07. ___ OTHER

NON-RESIDENTIAL 27.5 X 44' X 24' = 2420 SF
08. ___ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. ___ CHURCH, OTHER RELIGIOUS BUILDING
10. ___ FENCE (LENGTH ___ HEIGHT ___)
11. ___ INDUSTRIAL, STORAGE BUILDING
12. ___ PARKING GARAGE
13. ___ SERVICE STATION, REPAIR GARAGE
14. ___ HOSPITAL, INSTITUTIONAL, NURSING HOME
15. ___ OFFICE, BANK, PROFESSIONAL
16. ___ PUBLIC UTILITY
17. ___ SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. ___ SIGN
19. ___ STORE ___ MERCANTILE ___ RESTAURANT
SPECIFY TYPE
20. ___ SWIMMING POOL
SPECIFY TYPE
21. ___ TANK, TOWER
22. ___ TRANSIENT HOTEL, MOTEL (NO. UNITS ___)
23. ___ OTHER

a8-12-A

TYPE FOUNDATION
1. X SLAB
2. ___ BLOCK
3. ___ CONCRETE

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

TYPE OF CONSTRUCTION
1. ___ MASONRY
2. X WOOD FRAME
3. ___ STRUCTURE STEEL
4. ___ REINF. CONCRETE

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

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

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

CENTRAL AIR: 1. Y 2. ___
ESTIMATED COST OF MATERIALS AND LABOR: $30,000
PROPOSED USE: SINGLE FAMILY RESIDENCE
EXISTING USE: OPEN LOT

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

RESIDENTIAL CATEGORY: 1. X DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS 1
GARBAGE DISPOSAL 1. X Y 2. ___ N
POWDER ROOMS 0
BATHROOMS 1
KITCHENS 1
CLASS 04
LIBER
FOLIO 187

BUILDING SIZE
FLOOR 2420
WIDTH 27.5
DEPTH 44
HEIGHT 24
STORIES 1 FLR
LOT #'S 223
CORNER LOT
1. ___ Y 2. ___ N

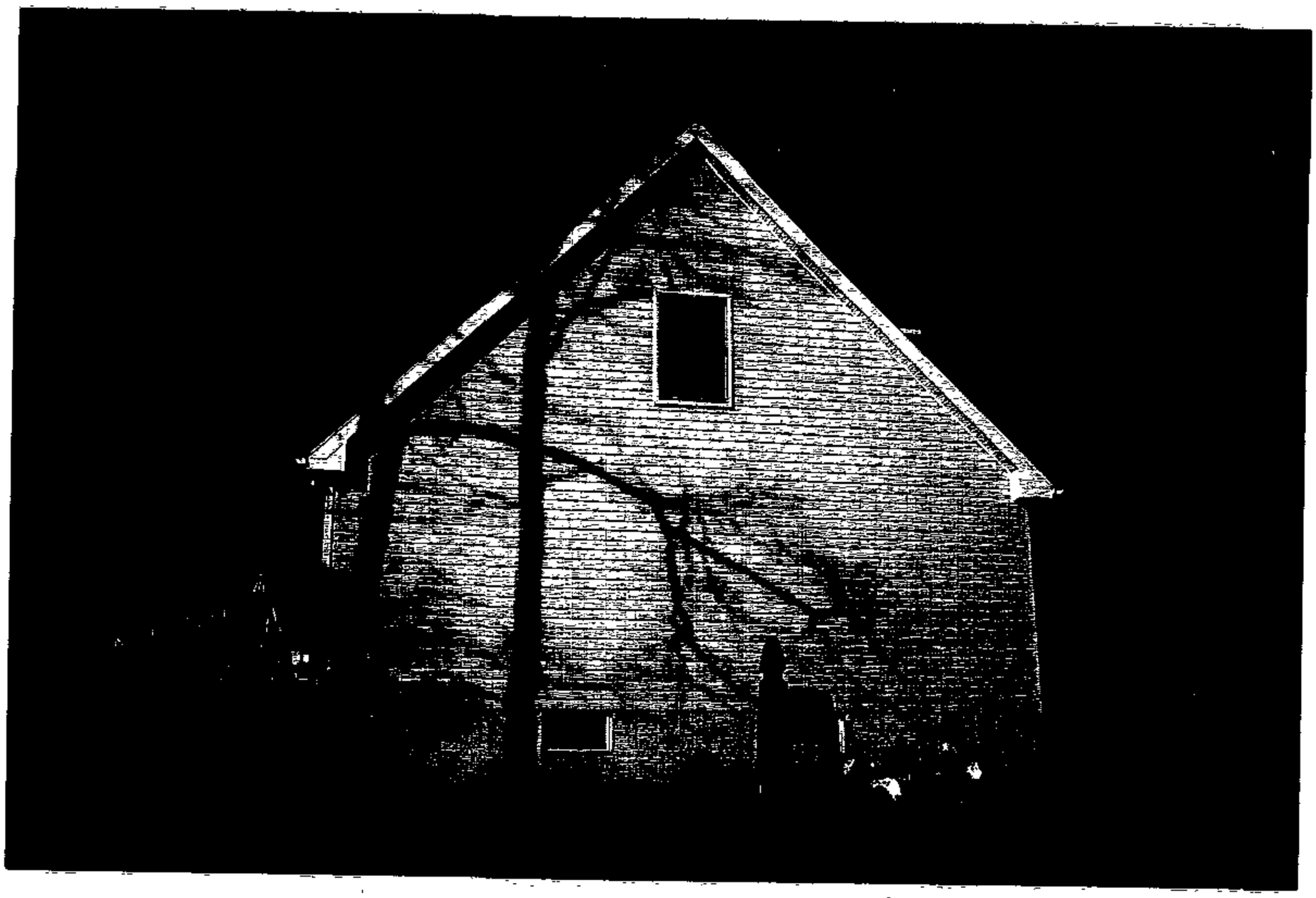
LOT SIZE AND SETBACKS
SIZE 50 X 200
FRONT STREET
SIDE STREET
FRONT SETBK 32'/10
SIDE SETBK 12'/10
SIDE STR SETBK
REAR SETBK 124'
ZONING

APPROVAL SIGNATURES		DATE
BLD INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING	Jan Final	3/19/90
PUB SERV		
ENVRMNT		
400 123		3-19-90
PERMITS		

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

Rear Setback on Site Plan

DOT 8J



APPLICATION FOR BUILDING PERMIT

PERMIT #: B437788 CONTROL #: NR DIST: 11 PREC 05

LOCATION: 11 OPIE RD
SUBDIVISION: BIRD RIVER BEACH
TAX ASSESSMENT #: 1148036184

OWNERS INFORMATION
NAME: BUSH, HERBERT ROY AND ELIZABETH
ADDR: 11 OPIE RD., 21116

APPLICANT INFORMATION
NAME. HERBERT BUSH
COMPANY.
ADDR1: 11 OPIE RD
ADDR2. WHITE MARSH, MD 21162
PHONE #: 410-335-6817 LICENSE #:

NOTES
VLC

DRC#
PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:
CONTR: OWNER
ENGNR:
SELLER:
WORK: ALTERATION TO COMPLETE FOR FINAL OCCUPANCY.
FRAMING COMPLETED. PLUMBING AND ELECTRIC
TO BE FINALED. REFER TO B333307 FOR SFD.

PROPOSED USE: SFD
EXISTING USE: SFD UNDER CONSTRUCTION-B343307NR

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 53,000.00

TYPE OF IMPRV: ALTERATION
USE: ONE FAMILY
FOUNDATION: BASEMENT:
SEWAGE PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

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

PERMIT # B437708

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE	LOT SIZE AND SETBACKS
GARBAGE DISP:	FLOOR:	SIZE: 0050.00 X 0200.00
POWDER ROOMS:	WIDTH:	FRONT STREET:
BATHROOMS:	DEPTH:	SIDE STREET:
KITCHENS:	HEIGHT:	FRONT SETB:
	STORIES:	SIDE SETB.
LOT NOS: 223		SIDE STR SETB:
CORNER LOT:		REAR SETB:

ZONING INFORMATION

DISTRICT:	BLOCK:	
PETITION:	SECTION:	
DATE:	LIBER:	000
MAP:	FOLIO:	187
	CLASS:	04

ASSESSMENTS

LAND:	0002500.00
IMPROVEMENTS.	0000000.00
TOTAL ASS.:	

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 01/02/2001 INSPECTOR INITIALS: 11R

FEE: $60.00 PAID: $60.00 RECEIPT #: A421867

PAID BY: APPL

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

COMPANY OR OWNER DATE

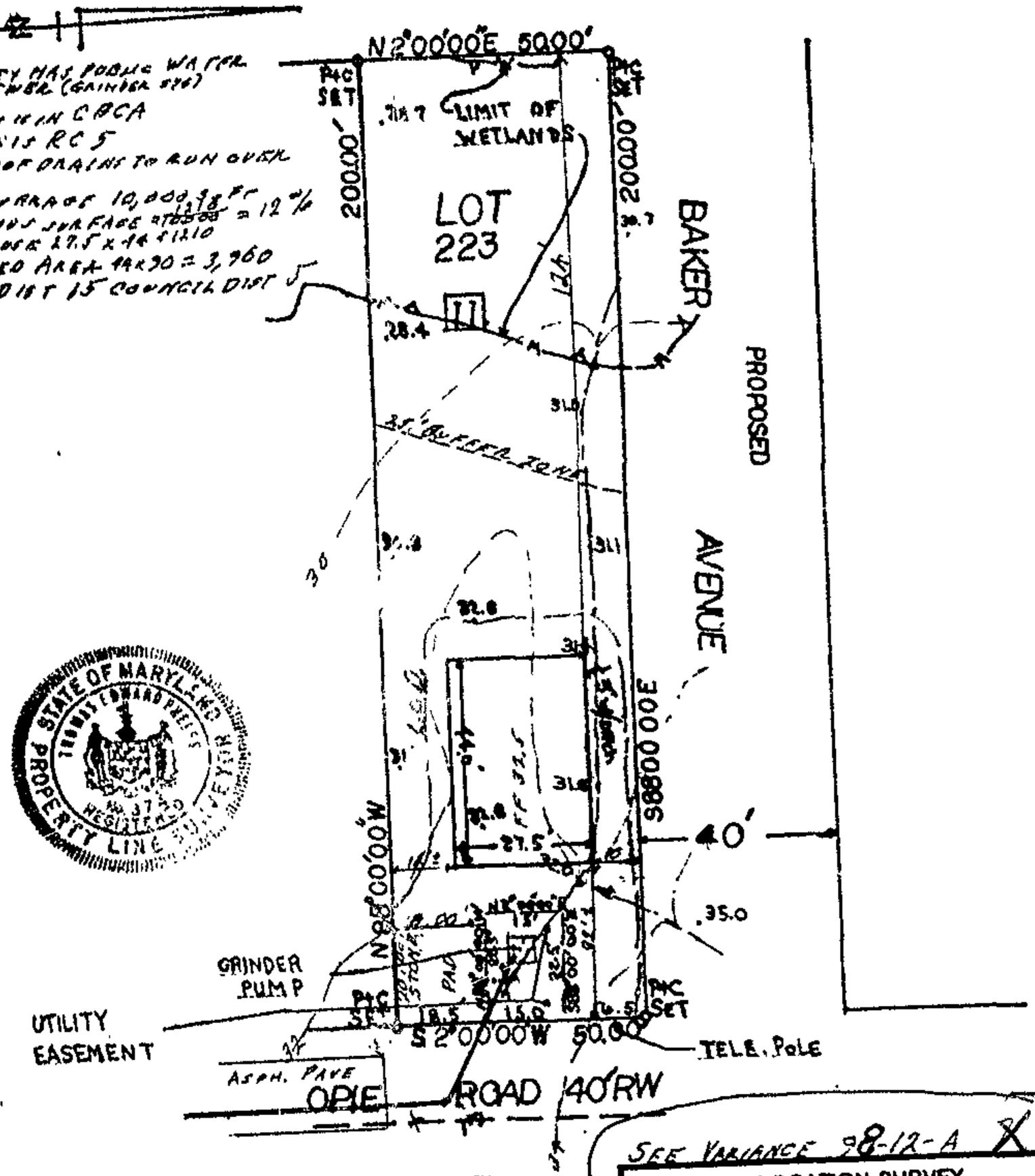
ADDRESS

AGENT ___
OWNER ___

SIGNATURE OF APPLICANT PHONE

6

PROPERTY HAS PUBLIC WATER & SEWER (GRINDER SYS)
PROPERTY IS IN CBCA
ZONING IS RC 5
ALL ROOF DRAINS TO RUN OVER LOT
LOT COVERAGE 10,000 SF
IMPERVIOUS SURFACE 1,210 = 12%
HOUSE 27.5 x 44 = 1210
DISTURBED AREA 44 x 90 = 3,960
ELEC DIST 15 COUNCIL DIST 5



SEE VARIANCE 98-12-A

THIS DOES NOT CONSTITUTE A PROPERTY LINE SURVEY.
THIS WILL CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS ON THE ABOVE PROPERTY AS INDICATED.

THOMAS E. PHELPS AND ASSOCIATES, INC.
REGISTERED PROPERTY LINE SURVEYORS
945 BARRON AVENUE
BALTIMORE, MARYLAND 21221
OFFICE: (301) 574-6744

LOCATION SURVEY
BUSH PROPERTY
11 OPIE ROAD
BALTIMORE COUNTY MD.
Plat Book 7 Folio 187
Scale 1" = 30' Date 12-19-97

Wesley Woods. Rm 100

Red STAMP

LOT 44

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

OEA: Jr. Luc

PERMIT #: B106880
RECEIPT #: 73680
CONTROL #: HC.
REF #:

PROPERTY ADDRESS 11218 Beach Ave
White Marsh Maryland 21162
SUBDIV: Bird River Beach.
TAX ACCOUNT #: 1114140560.
DISTRICT/PRECINCT 11 5

OWNER'S INFORMATION (LAST,FIRST)
NAME: Elizabeth J. Ningard
ADDR: 11218 Beach Ave
White Marsh, Maryland 21162 / 335-9533

APPLICANT INFORMATION
NAME: Thomas F. Karle
COMPANY: Essex Enterprises INC
ADDR1: 207 Dorall Rd 21221
ADDR2:
PHONE #: 686-7127 MHIC LICENSE #: 6154
APPLICANT SIGNATURE: Thomas F Karle TRACT: BLOCK:
PLANS: CONST 0 PLOT 1 PLAT 0 DATA 0 EI 2 PL 2.
TENANT
CONTR: Thomas E. Karle
ENGNR:
SELLR:

TYPE: 550.
PAID: $
PAID BY:
INSPECTOR: Tom.

PLEASE CAREFULLY READ THIS APPLICATION AND SHOW THE TRUE IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM ✓
CODE CODE ✓
BOCA CODE

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

DESCRIBE PROPOSED WORK: [illegible] (Same size & location) Replace 8'x18'x12' on SFD 144 sf. (No C.O.C.A.)

TYPE OF USE

RESIDENTIAL
X ONE FAMILY
___ TWO FAMILY
___ THREE AND FOUR FAMILY
___ FIVE OR MORE FAMILY (ENTER NO UNITS) _____
___ SWIMMING POOL
___ GARAGE
___ OTHER

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

FOUNDATION: SLAB / BLOCK / CONCRETE
BASEMENT: 1. X FULL 2. ___ PARTIAL 3. ___ NONE

TYPE OF CONSTRUCTION: MASONRY / X WOOD FRAME / STRUCTURE STEEL / REINF. CONCRETE

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

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

TYPE OF WATER SUPPLY: 1. X PUBLIC SYSTEM X EXISTS ___ PROPOSED; 2. ___ PRIVATE SYSTEM ___ EXISTS ___ PROPOSED

CENTRAL AIR: 1. YES 2. NO
ESTIMATED COST: $ 1500.00
MATERIALS AND LABOR
PROPOSED USE: SFD + add.
EXISTING USE: SFD

OWNERSHIP
X PRIVATELY OWNED 2. ___ PUBLICLY OWNED

RESIDENTIAL CATEGORY: 1. X DETACHED 2. ___ SEMI-DET. 3. ___ GROUP 4. ___ TOWNHSE 5. ___ MIDRISE 6. ___ HIRISE
#1BED: ___ #2BED: X #3BED: ___ TOT BED: ___ TOT APTS: ___
FAMILY BEDROOMS
SEWAGE DISPOSAL 1. ___ YES 2. NO BATHROOMS 1 CLASS 04.
OTHER ROOMS ___ KITCHENS 1 LIBER 07 FOLIO 187

BUILDING SIZE: FLOOR 144; WIDTH 16'; DEPTH 9'; HEIGHT 12'; STORIES 1; #'S 44.
CORNER LOT: ___ YES 2. X NO (RC 2.)

LOT SIZE AND SETBACKS: SIZE 50'x 100'; FRONT STREET NC; SIDE STREET; FRONT SETBK NC; SIDE SETBK 100-NC; SIDE STR SETBK; REAR SETBK NC

APPROVAL SIGNATURES		DATE
BLD. INSP		
BLD PLAN		
FIRE		
SEDI CTL		
ZONING	[illegible]	9/23/91
PUB SERV		
ENVRMNT	[illegible]	
PLANNING		
PERMITS		

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

ENVRMNT - Wesley Wood per M. MASERITZ (Final) 9/23/91

DOT 8 H

11218 - BEACH Rd
MODULER
NEW HOME

11232 BEACH Rd

Lots 37&

APPLICATION FOR BUILDING PERMIT

PERMIT #: 8435662 CONTROL #: MR DIST: 11 PREC: 01

LOCATION: 11232 BEACH RD
SUBDIVISION: BIRD RIVER BEACH
TAX ASSESSMENT #: 1111078510

OWNERS INFORMATION
NAME: KINGENSTERN, RUSSELL
ADDR: 11232 BEACH RD

APPLICANT INFORMATION
NAME: RUSSELL KLINGENSTEIN
COMPANY:
ADDR1: 11232 BEACH RD
ADDR2: 21221
PHONE #: 410-335-1084 LICENSE #:

NOTES
TM/VLC

DRC#
PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC YES PLUM NO
TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT 2ND FLR ADDITION OVER EXISTING
ATTACHED GARAGE TO BE USED FOR STORAGE.
22'X32'X14'=704SF WAIVE PLANS PER MS.

NEW Home
Still work on it

PROPOSED USE: SFD AND ADDITION
EXISTING USE: SFD

BLDG. CODE: BOCA CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 80000.00

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME FUEL:
CENTRAL AIR:

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

PST
SF

PERMIT #: B435662

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE	
GARBAGE DISP:	FLOOR:	704
POWDER ROOMS:	WIDTH:	22'
BATHROOMS:	DEPTH:	32'
KITCHENS:	HEIGHT:	28'
	STORIES:	1

LOT NUM: 37
CORNER LOT: N

LOT SIZE AND SETBACKS
SIZE: 0114.40 X 0200.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: NC

ZONING INFORMATION

DISTRICT:	BLOCK:	
PETITION:	SECTION:	
DATE:	LIBER:	000
MAP:	FOLIO:	133
	CLASS:	04

ASSESSMENTS
LAND: 0035950.00
IMPROVEMENTS: 0050640.00
TOTAL ASS.:

PLANNING INFORMATION
MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA.

DATE APPLIED: 11/30/2000 INSPECTOR INITIALS: 11R
FEE: $65.00 PAID: $65.00 RECEIPT #: A419445
PAID BY: APPL

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

COMPANY OR OWNER DATE

ADDRESS

AGENT ___
OWNER ___

SIGNATURE OF APPLICANT PHONE

LOT 185

APPLICATION FOR BUILDING PERMIT

PERMIT #: B436286 CONTROL #: NR DIST: 11 PREC: 04

LOCATION: 5834A STEVENS RD
SUBDIVISION: BIRD RIVER BEACH
TAX ASSESSMENT #: 1110000771

OWNERS INFORMATION
NAME WATKINS,WILLIAM
ADDR: 1004-A OLD JOPPA RD

APPLICANT INFORMATION
NAME: WILLIAM WATKINS
COMPANY:
ADDR1: 1004-A OLD JOPPA RD
ADDR2: JOPPA,MD 21085
PHONE #: 410-893-3911 LICENSE #:

NOTES
SMD/KRA

DRC#
PLANS: CONST 2 PLOT 7 R PLAT DATA ELEC YES PLUM YES
TENANT:
CONTR. OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT SFD W/2-CAR GARAGE,PELLETT STOVE
W/CHIMNEY (NO PROJECTION),2-FRONT DECKS,3BDRMS,
45'X74'4"X32'6"=5,684SF

PROPOSED USE: SFD
EXISTING USE: VACANT

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 125,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: ONE FAMILY
FOUNDATION: BLOCK BASEMENT: FULL
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: WOOD FRAME FUEL: OIL
CENTRAL AIR: YES

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

PET 8G

PERMIT #: B434284

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE	LOT SIZE AND SETBACKS
GARBAGE DISP: Y	FLOOR: 2484	SIZE 141388SF
POWDER ROOMS: 1	WIDTH: 45'	FRONT STREET:
BATHROOMS: 2	DEPTH: 74'4"	SIDE STREET:
KITCHENS: 1	HEIGHT: 32'6"	FRONT SETB: 102'
	STORIES: 2+BSMT	SIDE SETB: 10'/10'
LOT NOS: 185		SIDE SIP SETB:
CORNER LOT: N		REAR SETB: 33'

ZONING INFORMATION

		ASSESSMENTS
DISTRICT:	BLOCK:	LAND: 0013630.00
PETITION:	SECTION:	IMPROVEMENTS: 0000000.00
DATE:	LIBER: 000	TOTAL ASS.:
MAP:	FOLIO: 187	
	CLASS: 34	

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 12/07/2000 INSPECTOR INITIALS: HR

FEE: $154.00 PAID: $154.00 RECEIPT #: A419683

PAID BY: APP

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

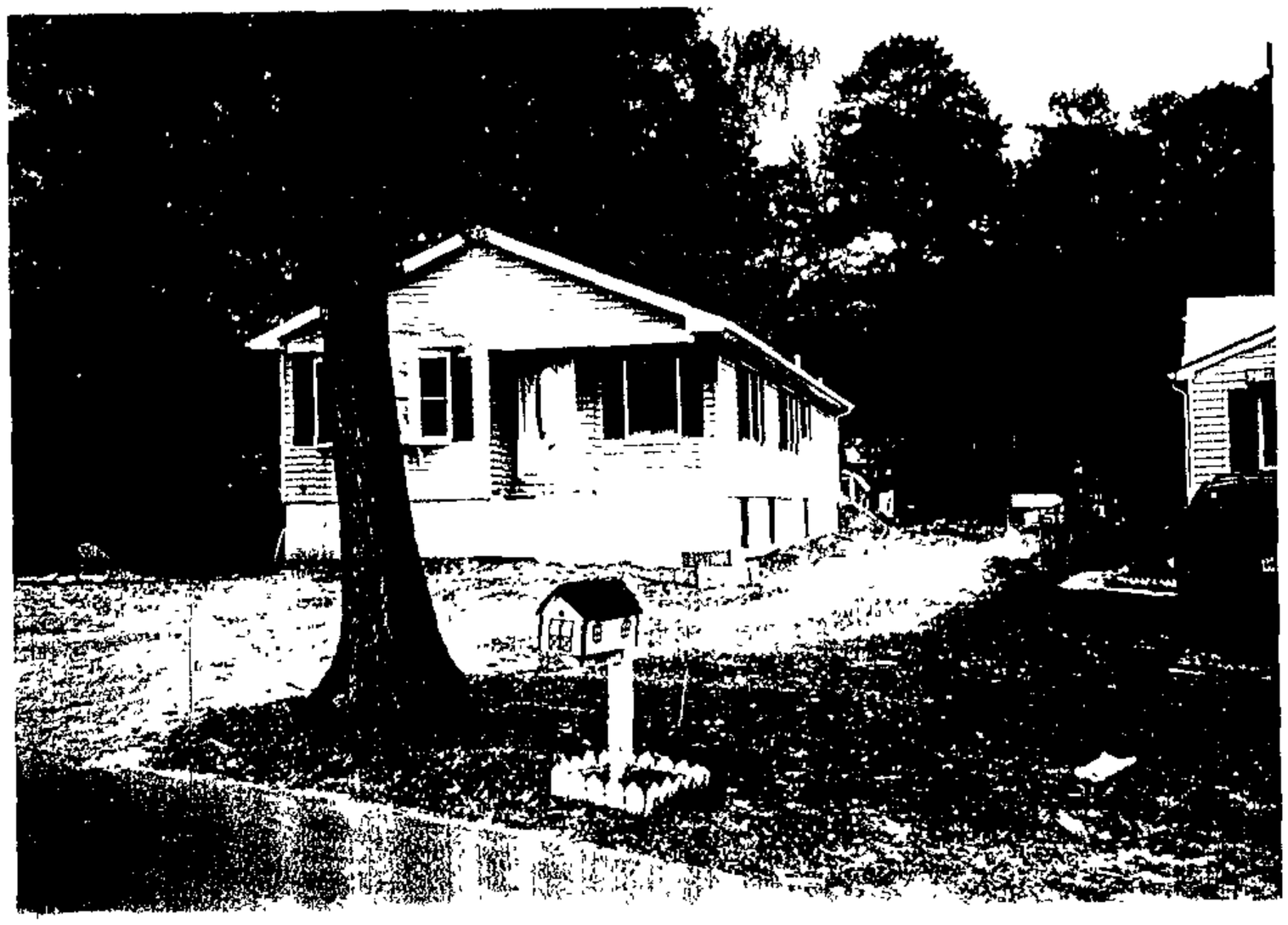
COMPANY OR OWNER DATE

ADDRESS

AGENT ____
OWNER ____

SIGNATURE OF APPLICANT PHONE

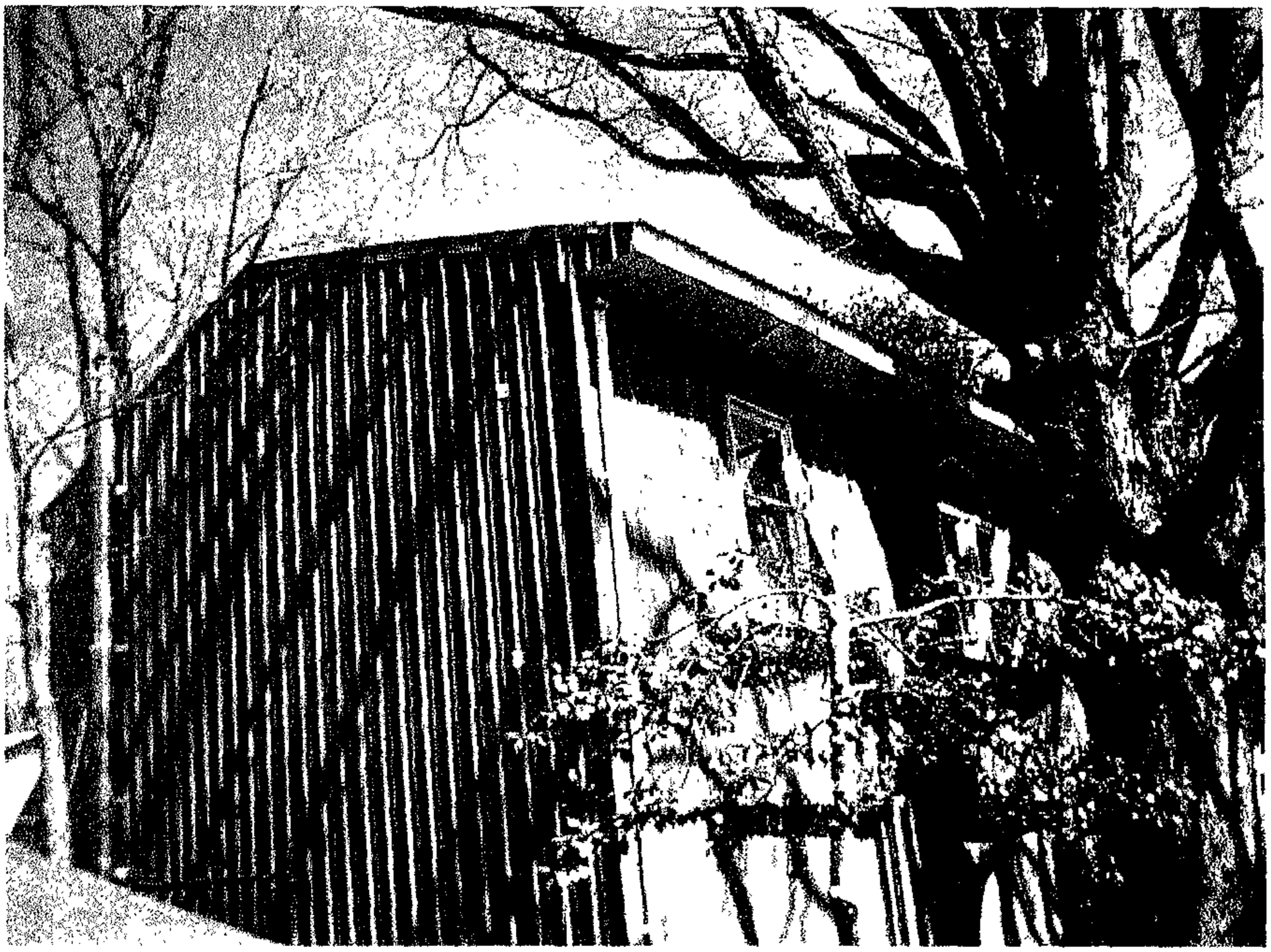
Old Apple Rd.



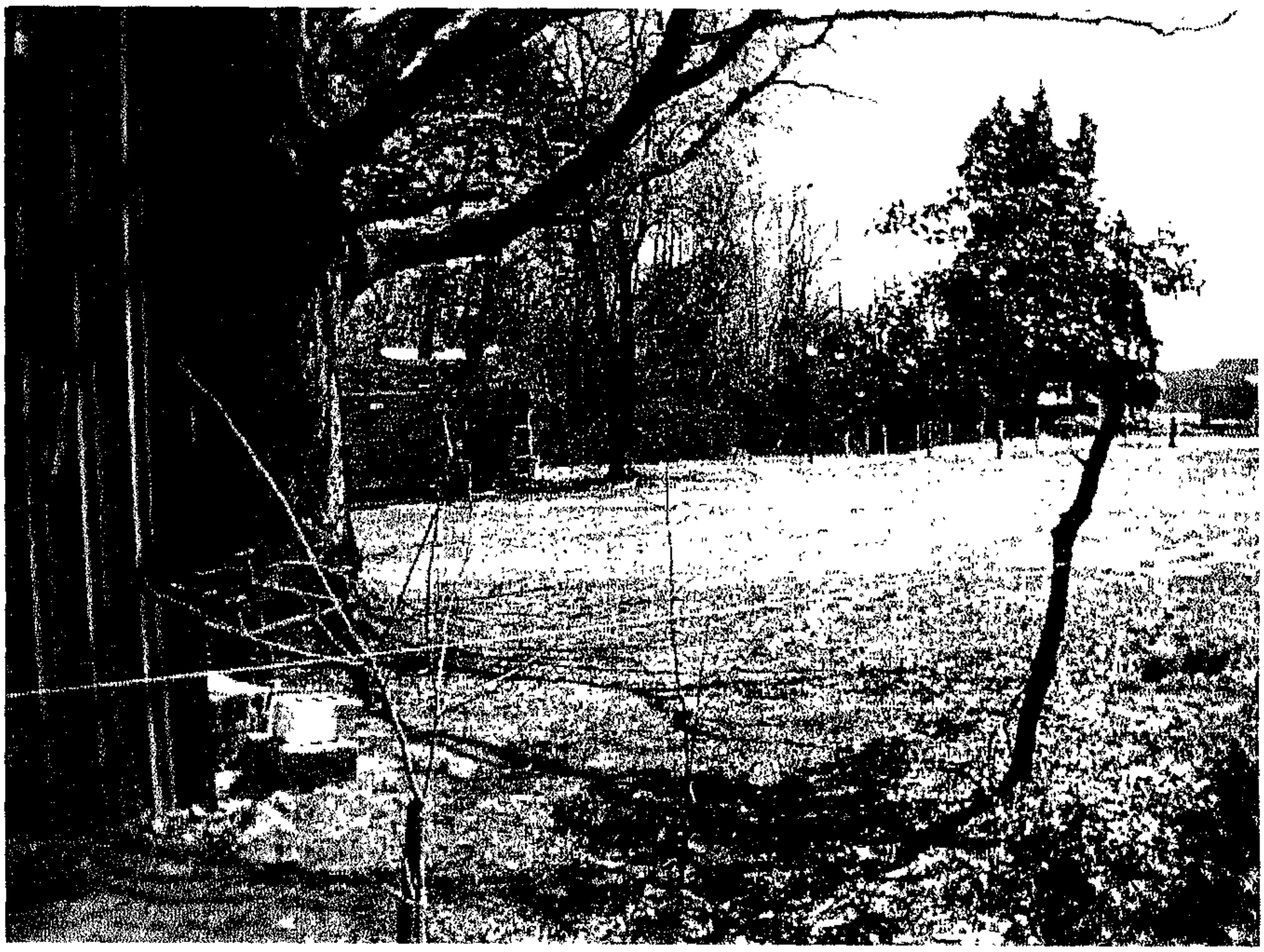
Existing footprint

View from kitchen window

View from Foyer window



Improper Maintenance - No Rain Gutters
- No Repair to Soffit

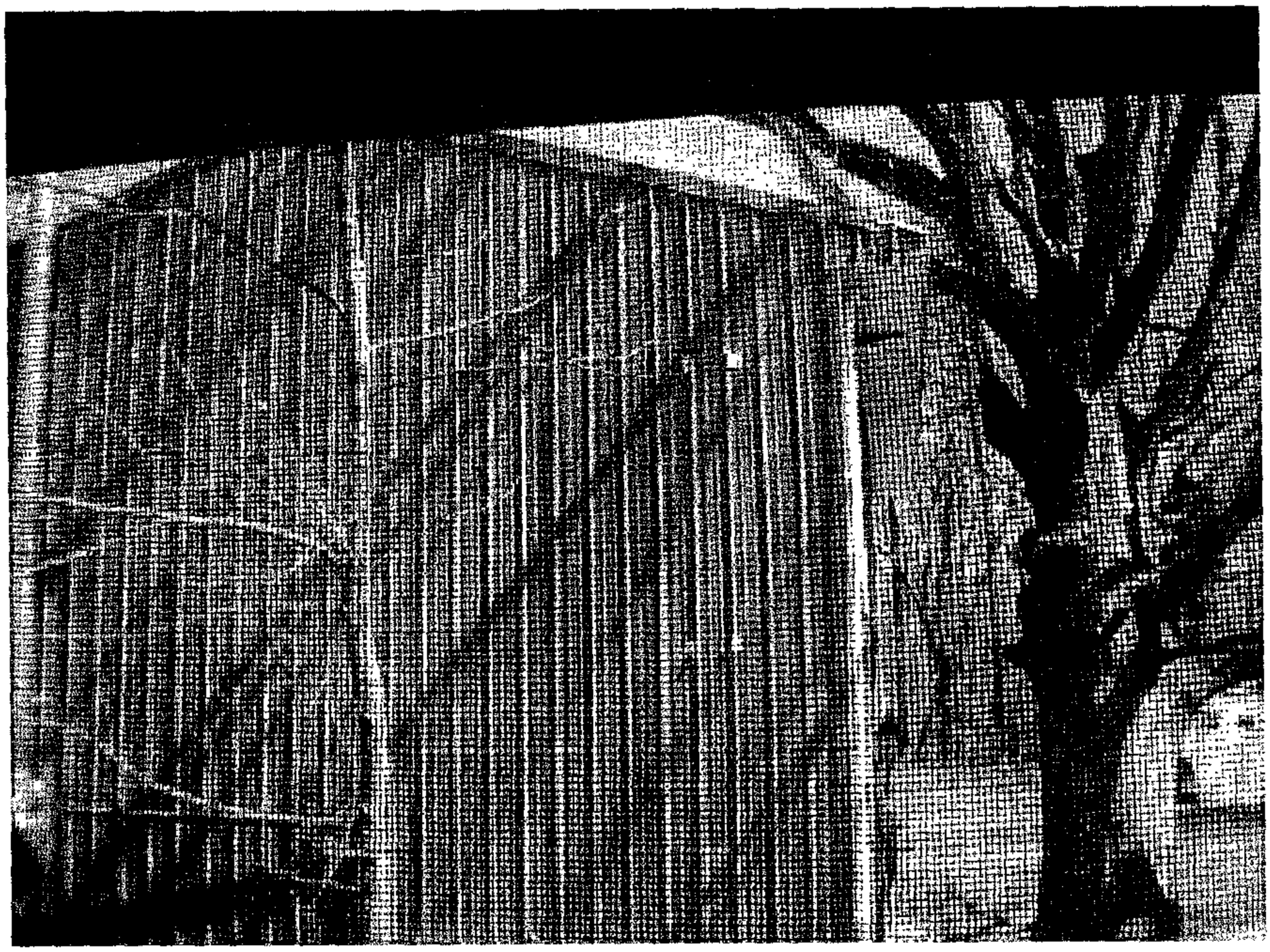


Drainage Roll Back

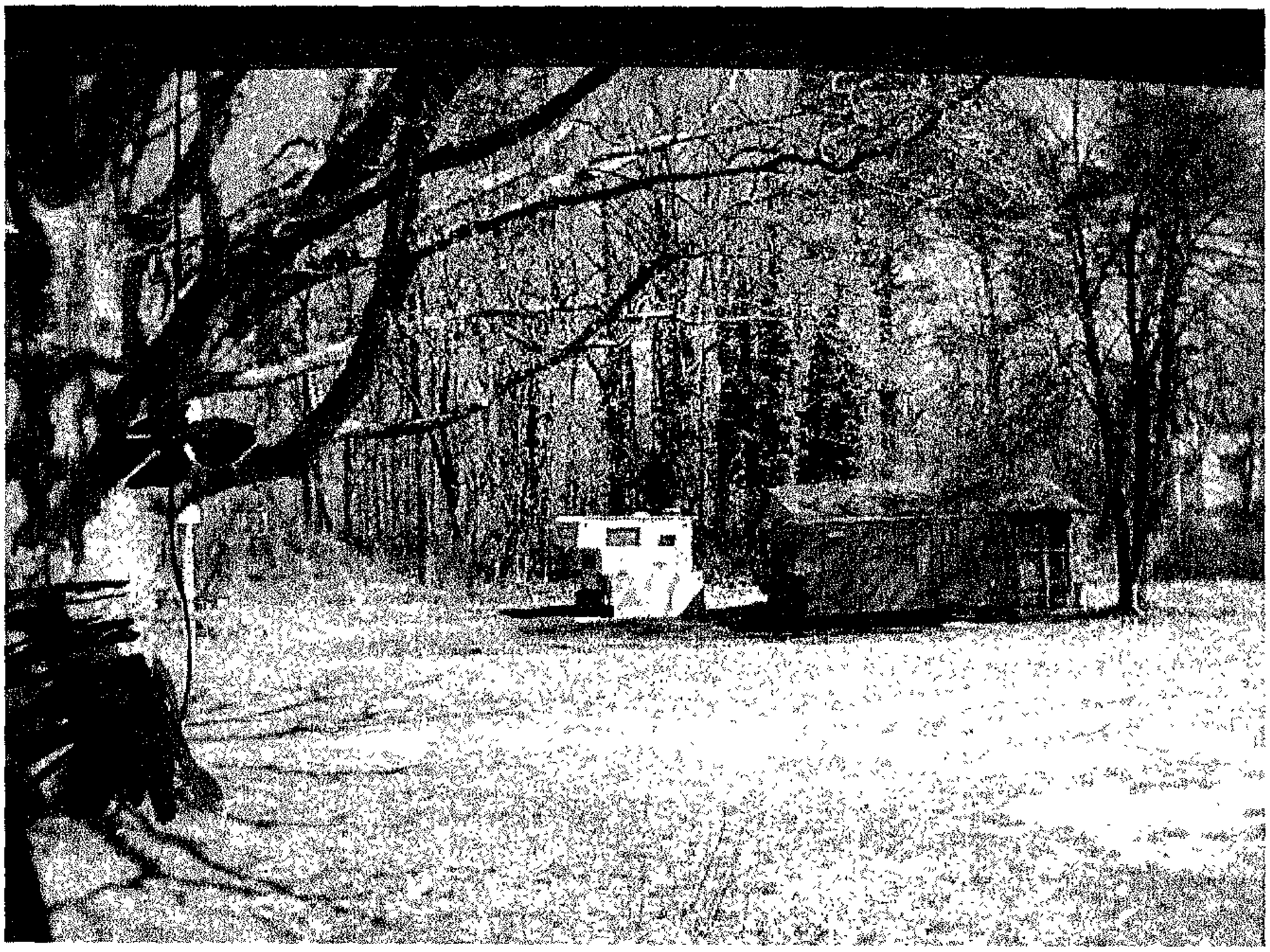
Property Height

Property Height
Drainage Ditch Not Maintained

Existing footprint

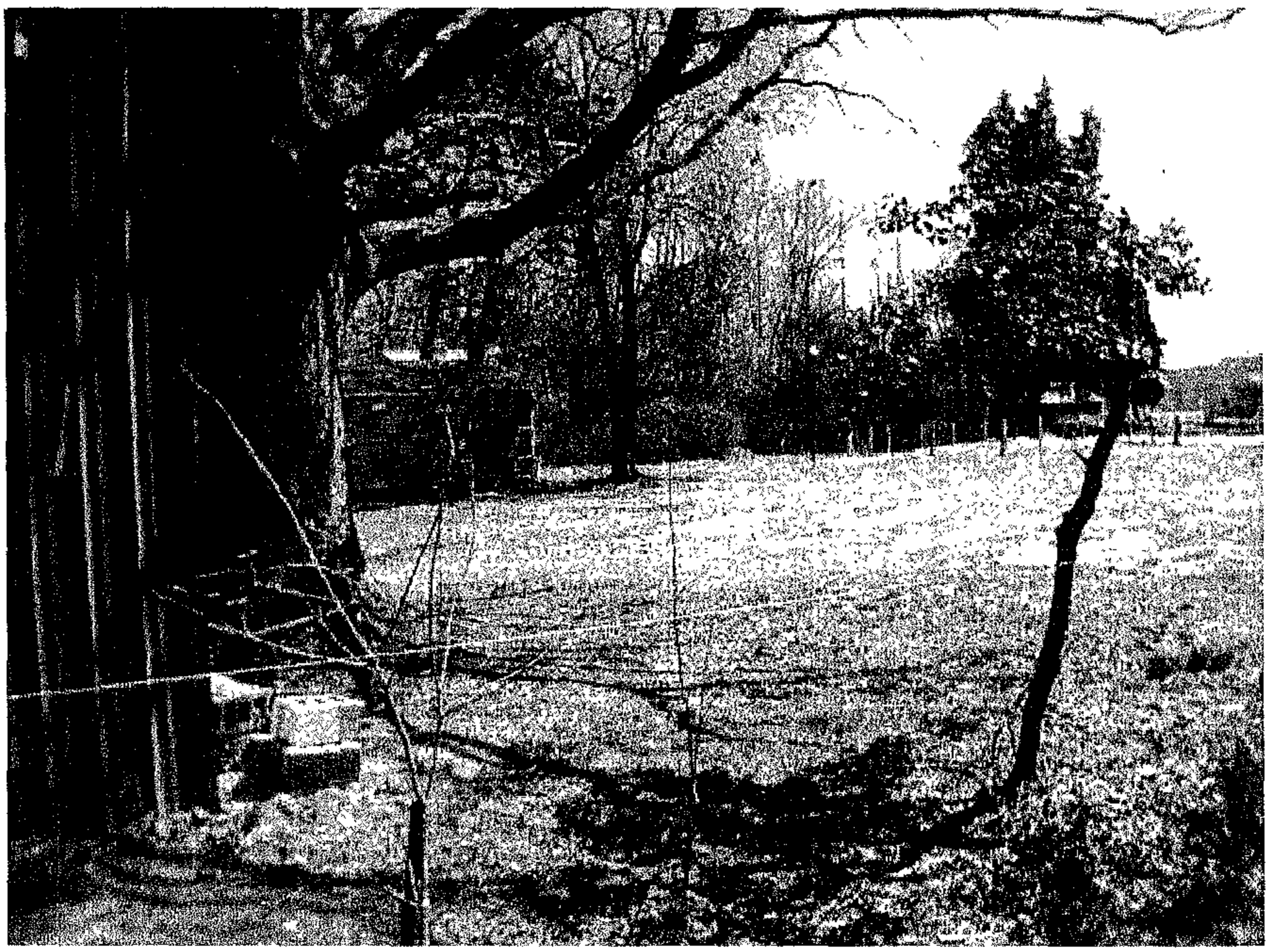


View from kitchen window

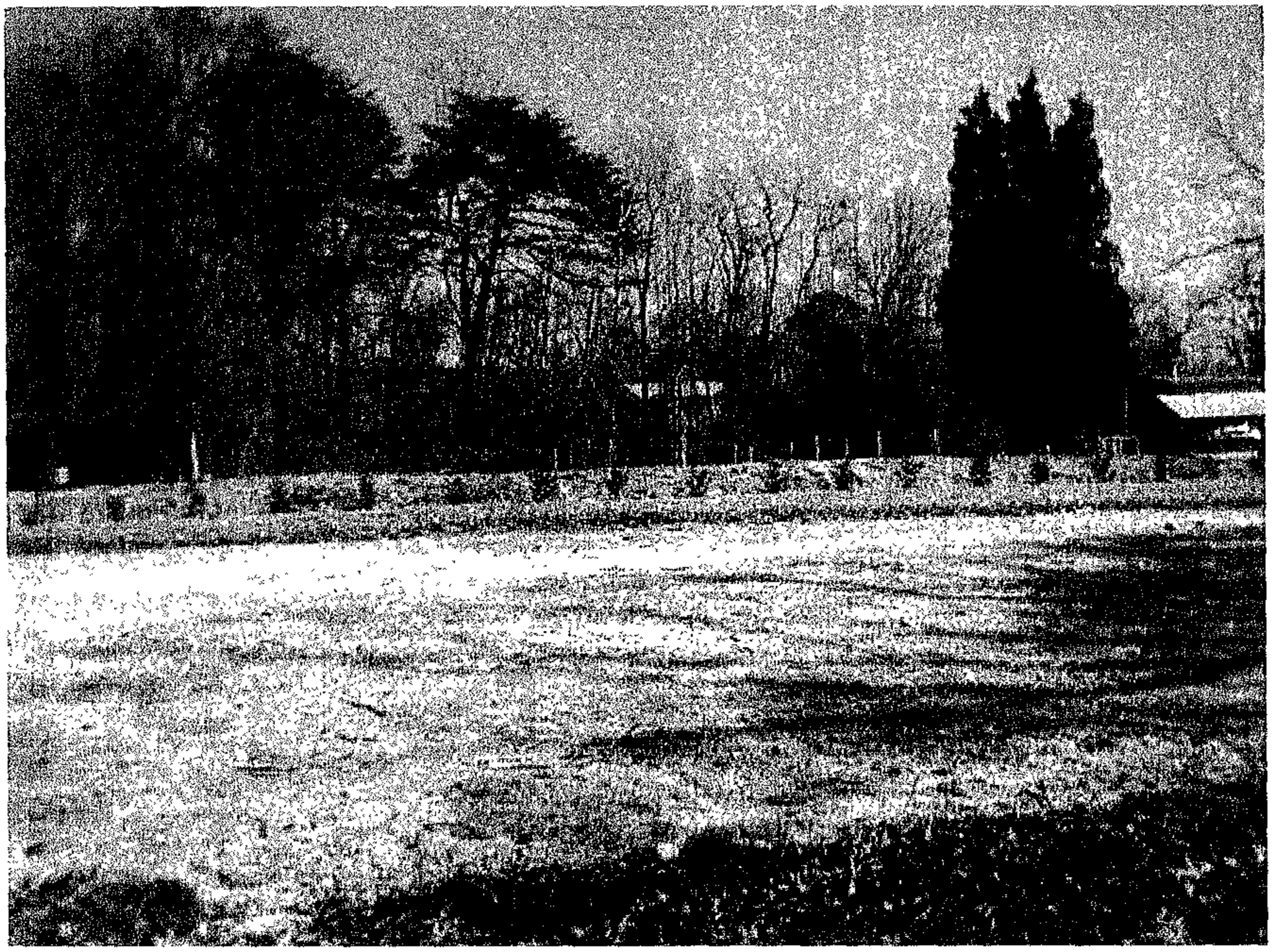


View from Foyer window

Improper Maintenance - No Rain Gutters
- No Repair to Soffit



Drainage Roll Back

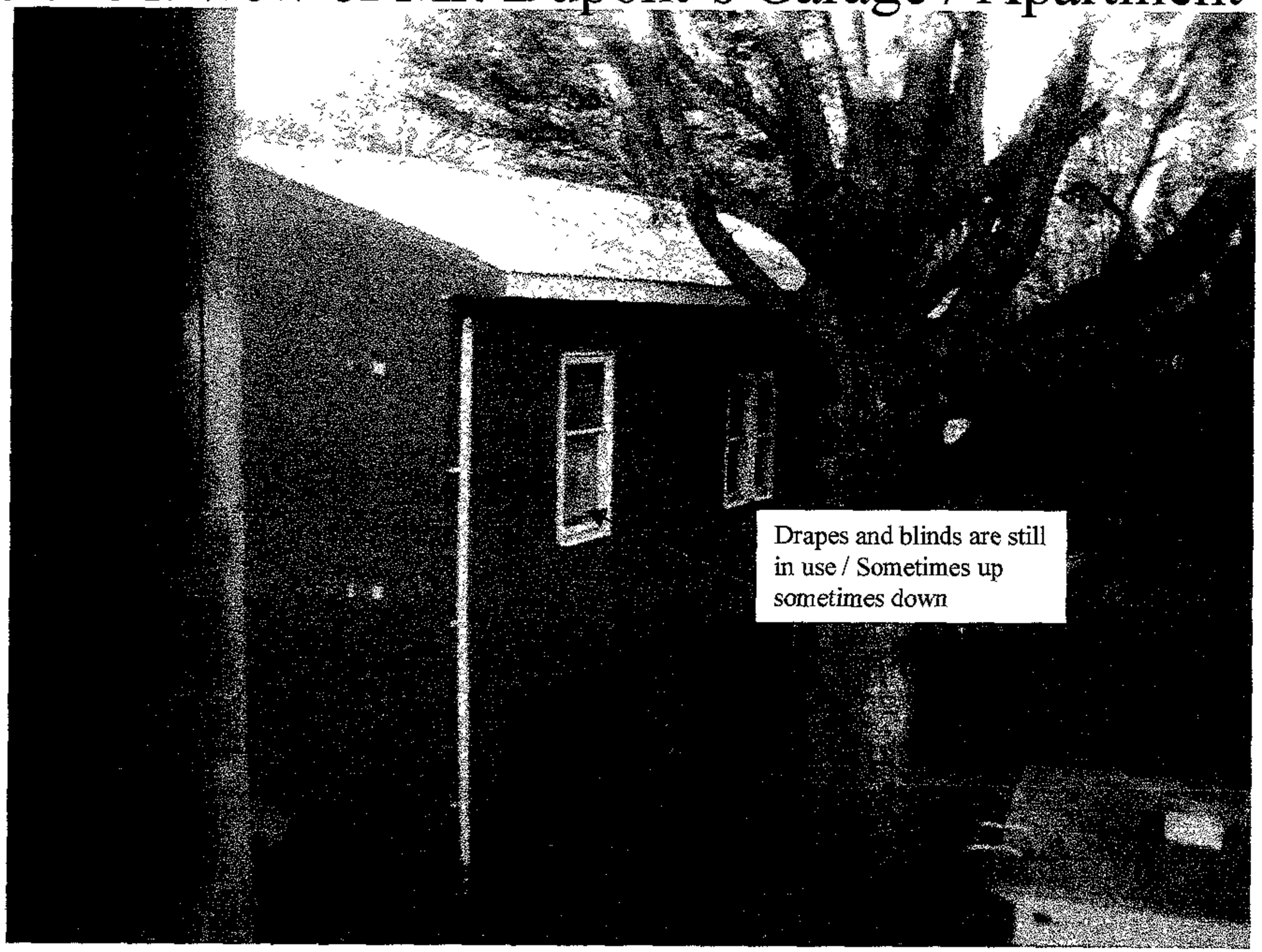


Property Height

Property Height

Drainage Ditch Not Maintained

Current view of Mr. Dupont's Garage / Apartment

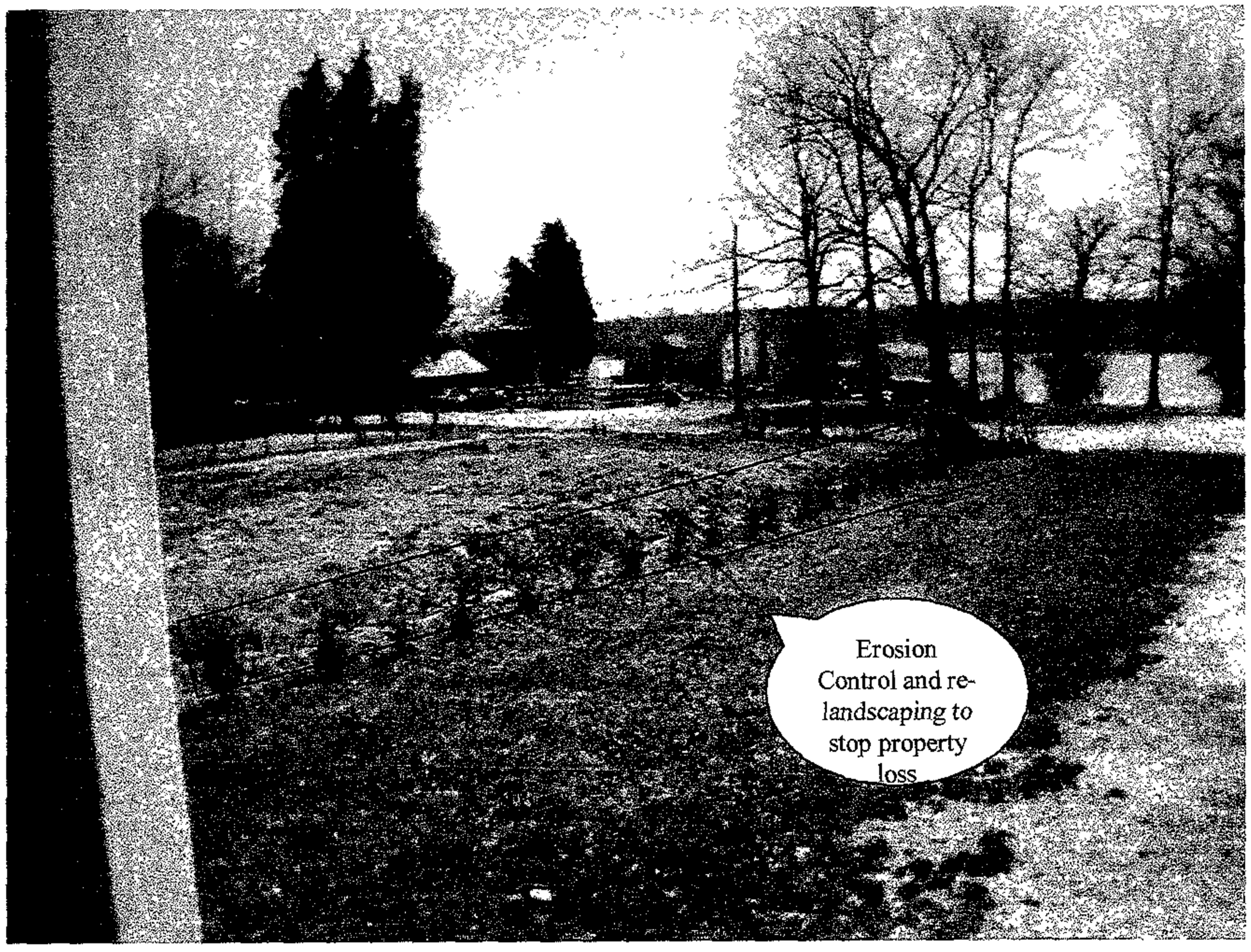


Note: As of today (3/4/02), No repairs have been performed on this structure since the last hearing

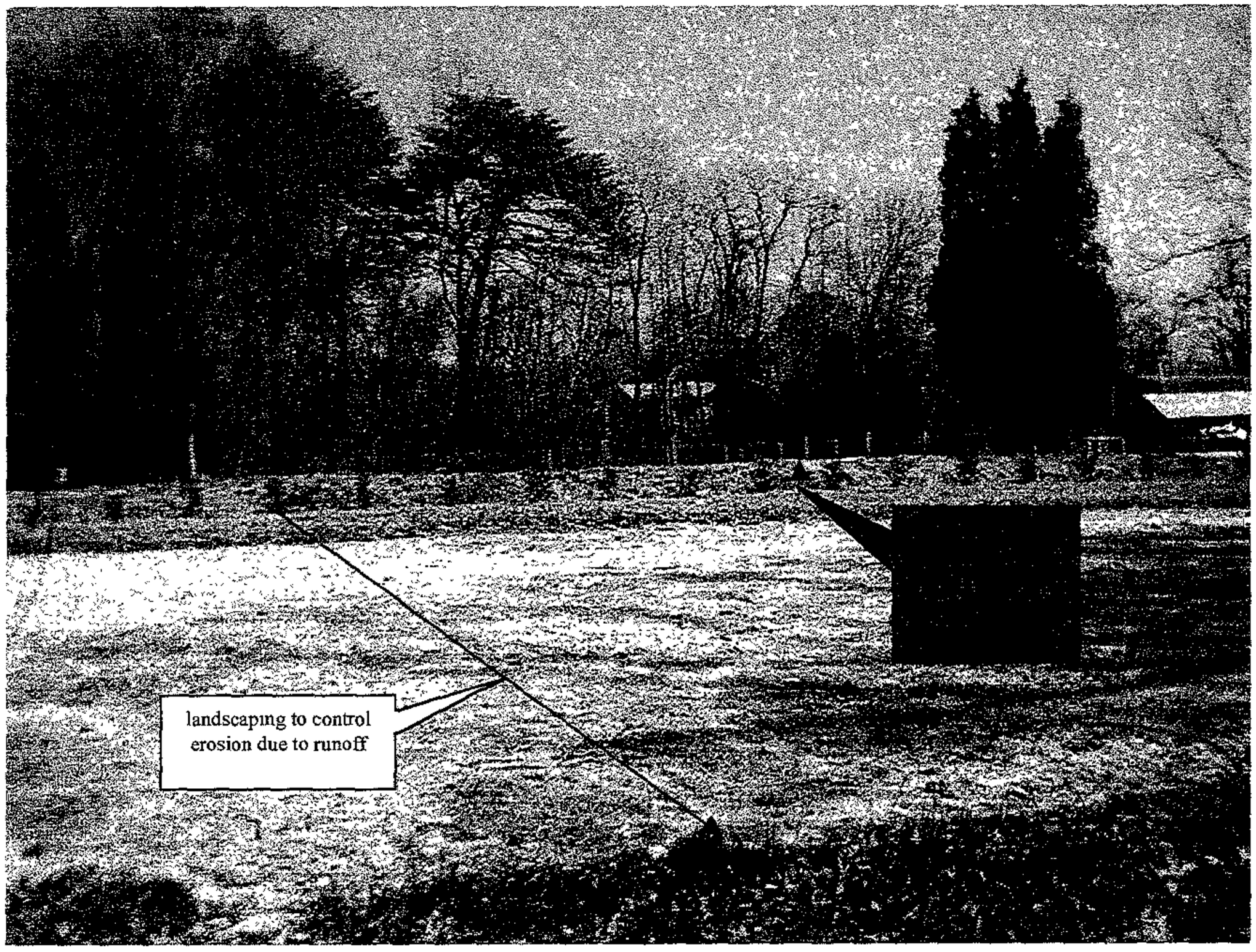
Dangerous building that may collapse

PC 5A

Note: This building needs to be inspected by the building department by a structural engineer.

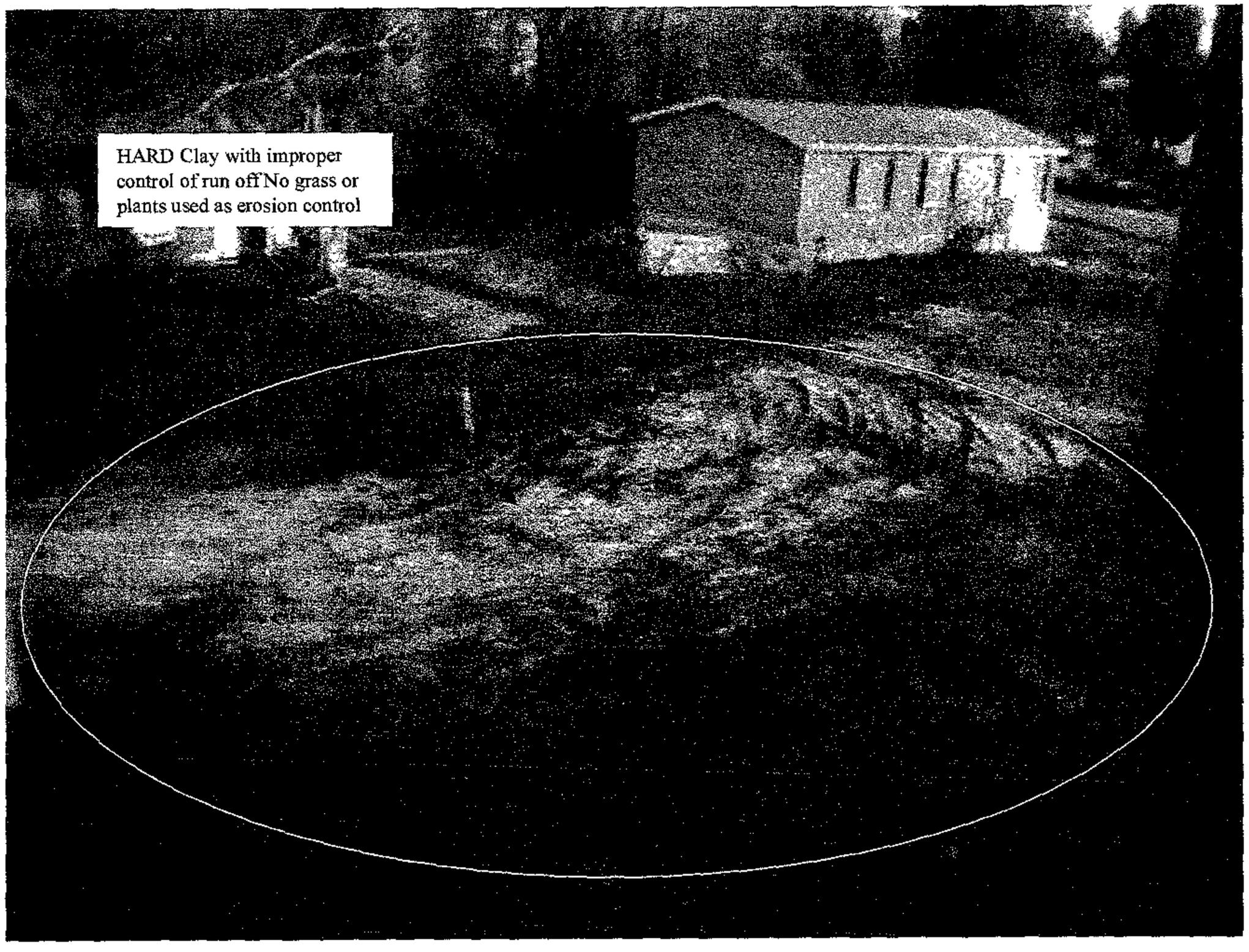


PC
5B



PC
5C

Water run off cause and lack of erosion control



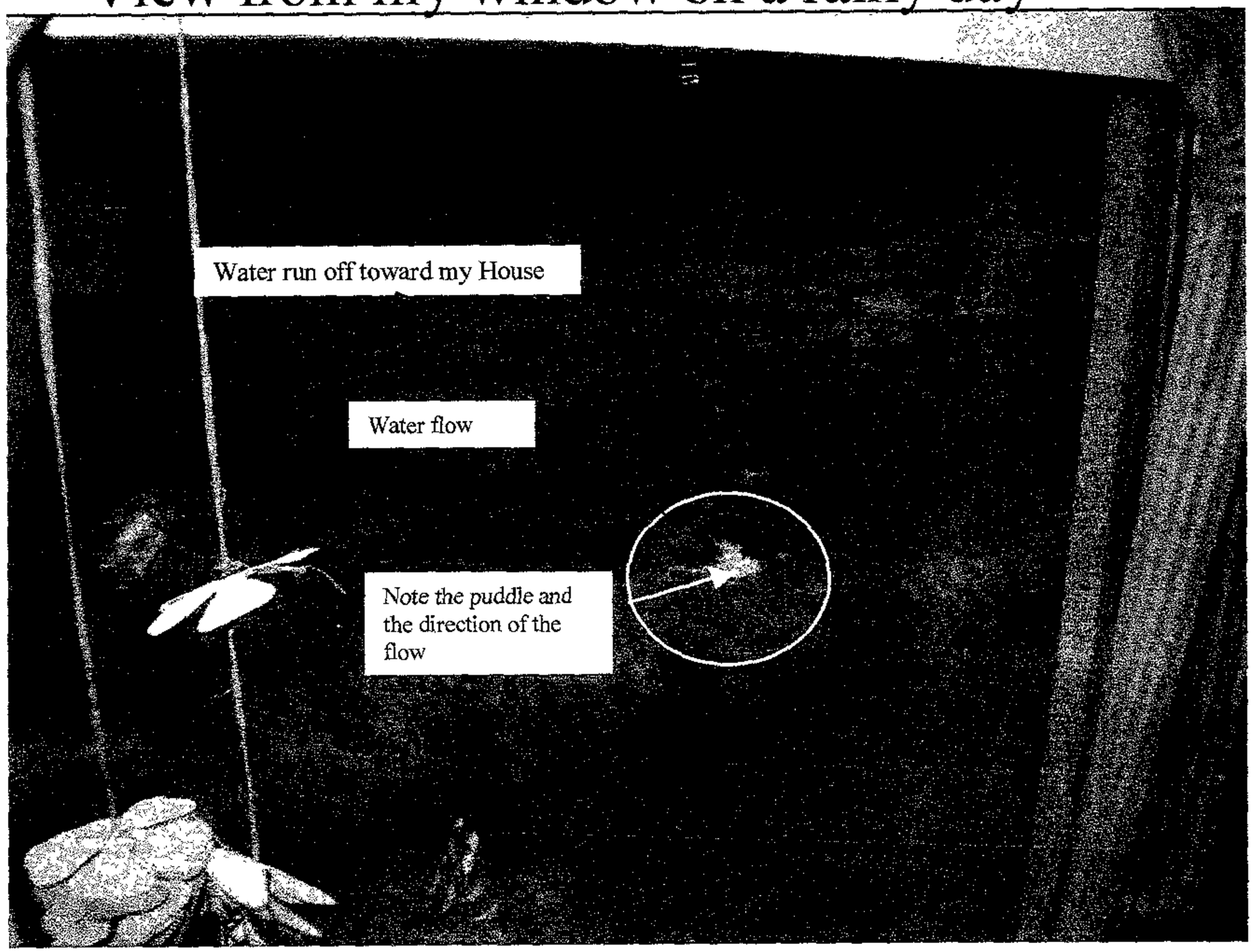
PC
5D

Note:

•This property is contoured toward the back of the property.

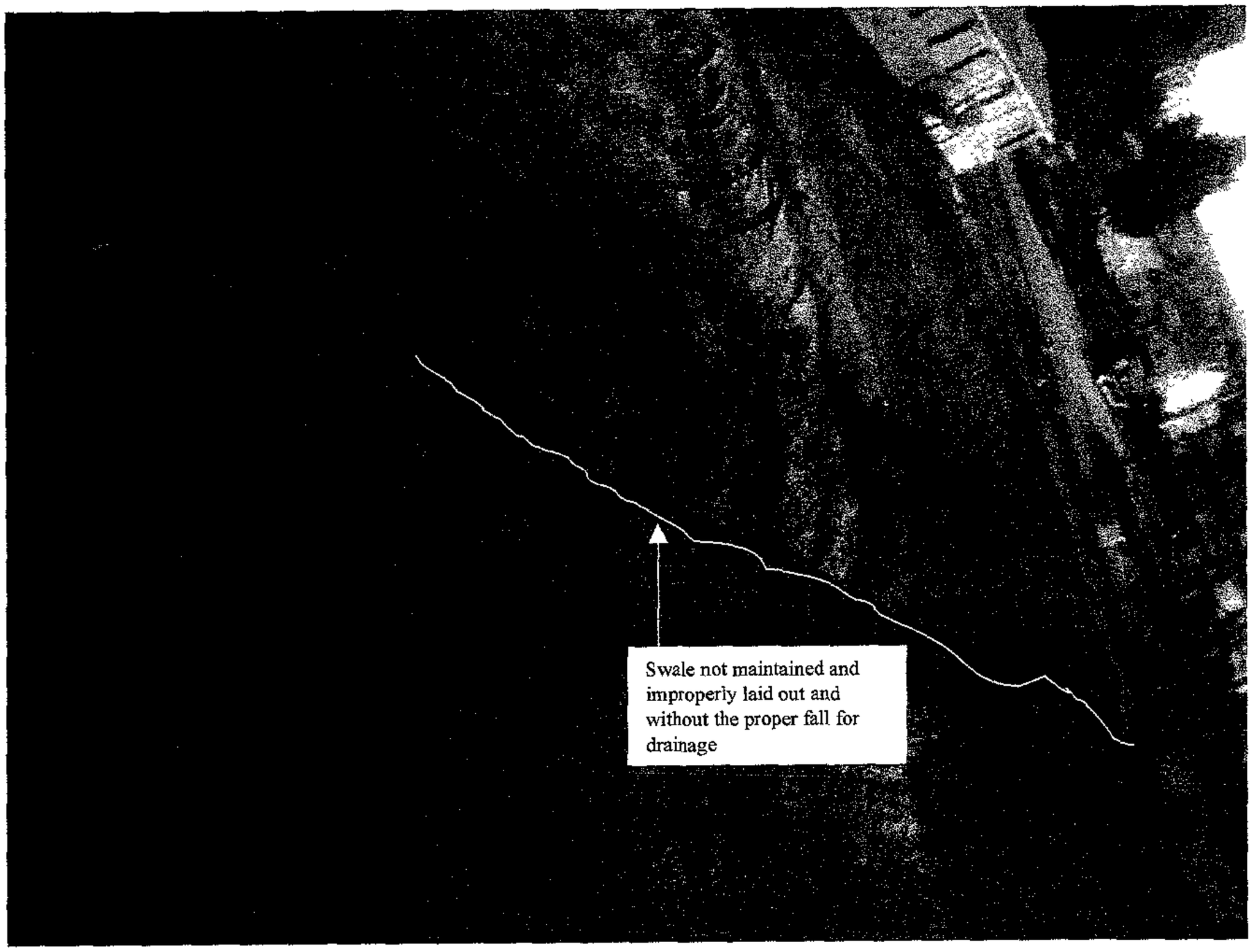
•This property is contoured toward my property

View from my window on a rainy day



PC
5E

Property improperly Drained



PL
5F

Note: The Swale isn't being maintained

Mr. Dupont's attempt to build another pole building with a permit for termite repair of the existing building

PC
56

Height of property difference after Mr. Dupont Fill

PC
5H

Note:

•This was done without a permit until we called the county on this. The county issued a permit to Mr. Dupont to allow him to raise his property without the proper fall.

• Fill consisted of construction fill with Clay, bricks, stumps, and other debris

mpi Robberson side

His Yaud

JAN/7/2002

PGT 9

Mój Robert Berson

Private way

at 11302 Beach Rd

DGT
10

Petitioners 9 & 10 (2 photos)

01-313-A
Dupont

To Whom It May Concern:

I live on 5834 Beach Road (LOREN) and my neighbor Daniel H. DuPont wants to put a house on his lot at 11304 Beach Road. I have no problem with this.

[illegible]

DGTS

OK

To Whom It May Concern:

I live on 11207 Beach Road and my neighbor Daniel H. DuPont wants to put a house on his lot at 11304 Beach Road. I have no problem with this.

Scott Griswold
Scott Griswold

LOT 6

To Whom It May Concern:

I live on 11233 Beach Road and my neighbor Daniel H. DuPont wants to put a house on his lot at 11304 Beach Road. I have no problem with this.

Joshua M Sines
Joshua M Sines

4
5-06-1845-W-Barth
7/18/13

214-4017 63

This House is in Front Of 11304

To Whom It May Concern:

I live on 11303 Beach Road and my neighbor Daniel H. DuPont wants to put a house on his lot at 11304 Beach Road. I have no problem with this.

Karen A. Barnes

Lot 19

To Whom It May Concern:

I live on 11311 Beach Road and my neighbor Daniel H. DuPont wants to put a house on his lot at 11304 Beach Road. I have no problem with this.

Gail N. Welsh

LOT 21

To Whom It May Concern:

I live on 11313 Beach Road and my neighbor Daniel H. DuPont wants to put a house on his lot at 11304 Beach Road. I have no problem with this.

[illegible]

To Whom It May Concern:

I live on 11232 Beach Road and my neighbor Daniel H. DuPont wants to put a house on his lot at 11304 Beach Road. I have no problem with this. Russell Pagenstecher

LOT 38+ 37

Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photographs
#01-313-A

Printed with Soybean Ink

after Rain at 11302 Beach Rd
and Ope Rd

Wpauli 28/2001

2661 20

Dr. Peach

ON BEACH

Order

Attorney

Received

Dr. Ar

Appellate

Tech.

Stenotyping

Court

FEB 94

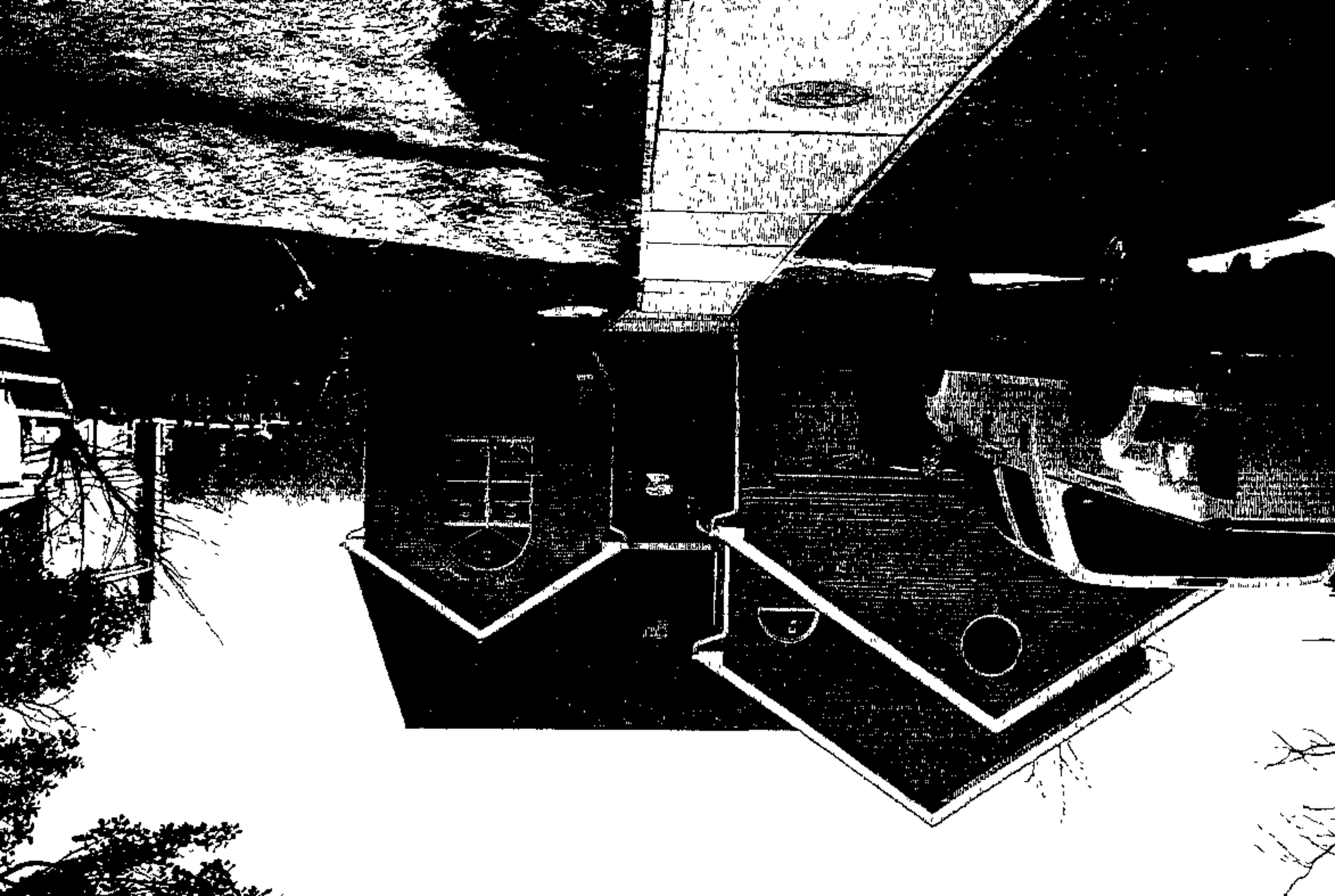
94

ON BEACH

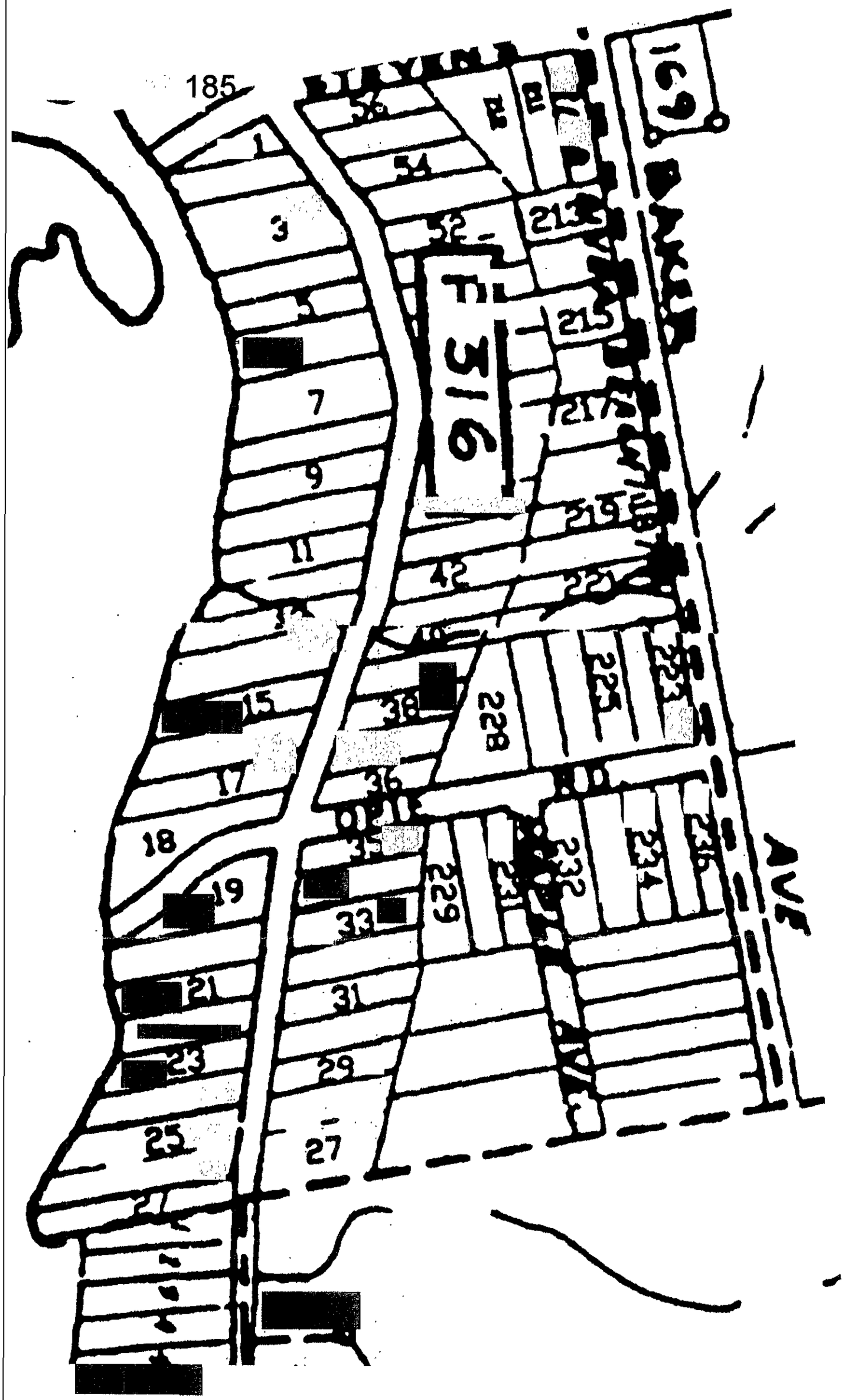
AVE

Ono-Apple Rd.

NEW. HOME ON
OPIE Rd = side of Beach
MODULAR Home
1999
waiting for water to Be
Put in



SF30
Stevens R.D.
(Bowen)
LOT
179



Key:

[redacted] ***=Property Owners Asked & Have No Problem With Mr. Dupont Improving Lot 34 With House***

=Relatively Recent Building Activity, No Permits Found

=Building Permits Found For These Lots

1D
POT 7

DEED FEE SIMPLE INDIVIDUAL GRANTOR LONG FORM

LIBER 10335 PAGE 309

This Deed, MADE THIS 4th day of February

in the year one thousand nine hundred and ninety-four by and between

Genevieve M. Gerry

of Daniel Dupont of the first part, and

of the second part.

WITNESSETH, That in consideration of the sum of forty-five thousand dollars ($45,000.00); the receipt whereof is hereby acknowledged,

the said party of the first part

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE _____ DATE 2/8/94

RECEIVED FOR ...
State Department of
Assessments & Taxation
for Baltimore County
2/8/94
By Date

do es grant and convey to the said party of the second part, his

personal representatives/~~XXXXXXXX~~ and assigns , in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

Beginning for the same and being known and designated as Lots No. 33 and 34 as laid down on the Revised and Amended Plat of Bird River Beach, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 187. known as 11306 Beach Avenue.
Being the same two lots in a deed dated August 19, 1974 and recorded among said Land Records in Liber EHK Jr. 5484, folio 396, was granted by Mary Cooper to the said Genevieve M. Gerry for life with powers, which powers are hereby exercised (see also merger deed recorded in EHK Jr. 6052, folio 465 as to Lot No. 33).

Buyer affirms that said property is improved by a residence and that he intends to occupy said property as his principal residence.

_____ (SEAL)
Daniel Dupont

PC 1

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 Daniel Dupont, his personal representatives ~~successors~~ and assigns in fee simple.

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

WITNESS the hand and seal of said grantor

Test:

Joan H. Mitnick

Genevieve M. Gerry (SEAL)
Genevieve M. Gerry

_____ (SEAL)

STATE OF MARYLAND, City of Baltimore, to wit:

I HEREBY CERTIFY, That on this 4th day of February, in the year one thousand nine hundred and ninety-four, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Genevieve M. Gerry and Daniel Dupont known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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

John H. Mitnick *Notary Public*

My Commission expires:

Jan. 1, 1998

JOHN H. MITNICK NOTARY PUBLIC BALTIMORE COUNTY, MD.

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

(Signature of attorney admitted to practice in Maryland if the instrument has been prepared by or under the supervision of such attorney, or signature of a party to the instrument if such party has prepared the instrument)

John H. Mitnick

LIBER 10335 PAGE 310

015763 FEB-8 96

LIBER 10335 PAGE 311

Baltimore County, Maryland
Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property ~~Article~~, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated 2/4/94 conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

Space Reserved for County Transfer Tax / Recording Validation / Clerk / Circuit Court

C FILE 5
E RC/F 12.00
E DOC 225.00
E T TX 75.00
SC IMP 5.00
DEED # 0
SM CLERK 317.00
BALANCE 317.00
#666480 2005 ROC 12:41

1 Description of Property (Check box(es) for item(s) to be indexed in land records)

Property Tax ID No.: 1403.0031851 | X Lot/Block: 33+34 | Map/Grid/Parcel No.:
X Subdivision/Tract: Bird River Beach | Lot Acreage: | Prior Deed Ref.: 5484-396 | VAR. L.O.G.:
X Street Address (or description if partial conveyance): 11306 Beach Avenue

2 Transferred From

Grantor(s) (check box if additional sheets are attached): Genevieve M. Gerry
Owner of record (if different from grantor):

3 Transferred To

Grantee(s) (check box if additional sheets are attached): Daniel Dupont

4 Type of Instrument

X Deed	Assignment of Mtg/DOT	Financing Statement
X Deed of Trust	Contract	Other (Specify)
Mortgage	Land Installment Cont.	
Lease	Power of Attorney	

02/08/96

5 Exemptions (Cite authority or explain briefly)

Baltimore County Exempt Status Claimed:
Recordation Tax Exempt Status Claimed:
State Exempt Status Claimed: Residence Credit

6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416

Consideration Amount		County Taxes to be Paid
Purchase Price/Consideration (including any new mortgage)	$ 45,000.00	Transfer Tax Consideration
Real Property		$ 45,000. x 1.6% = $ 720.00
Personal Property		
Balance of Assumed Mortgage		Office of Finance Use Only
Other		Agent: BZ Tax Bill:
Total Consideration	$ 45,000.00	C.B. Credit: — Ag Tax/Other: —
or Assessed Factor	$	

7 Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650

Recordation Fees	D	P	Special Recording Instructions (if any)
Recording Charges	$ 12.00	30.00	
State Transfer Tax	75.00		residence 225 - 150 = 75
County Recordation Tax	225.00		
Surcharge	5.00	5.00	
Other			
Total	$ 317.00	41.00	

8 Contact/Mail Information

Instrument Prepared By	Return Instrument To	Mailing Address for Tax Bill
Name: John H. Mitrick	Name: John Mitrick	Name: [redacted]
Firm: Mitrick & Mitrick	Mitrick & Mitrick	Daniel Dupont
Address: 201 N. Charles St. Ste 1212 Baltimore MD 21201	Address: 201 N. Charles St. Ste 1212 Baltimore, MD 21201	Address: 11306 Beach Avenue White Marsh, MD 21162

Phone: 539-2360

9 Certification

I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.

Signature: John H. Mitrick *Date:* 2/5/94

10 Assessment Information (410) 321-2299

IMPORTANT: ***BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER**

X Yes	No	Will grantee be living at property conveyed?
Yes	X No	Is grantor currently receiving a homeowners' tax credit?
Yes	X No	Is property conveyed subject to agricultural transfer tax? If yes, enter amount:
Yes	X No	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
Yes	X No	Partial conveyance? If yes, amount of acreage transferred:

List improvements conveyed:

If subdivision occurred after July 1, indicate former property tax ID number:

Optional Expediting Information **A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.**

Yes X No Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:

Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):
Lots 33+34 Bird River Beach, WPC 7-187

Location and improvement address:
11306 Beach Avenue

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Tran. Process Verification ☐ Whole ☐ Desc. ☐ Part

☐ Deed Plotter
Deed Reference
Assigned Property No

Distribution: White - Clerk's Office \ Canary - Office of Finance \ Pink - SDAT \ Goldenrod - Preparer

AOC-CC-100

02/08/96 12:48PM C001:4 BA 02ADM0230TLTRTX $720.00

WITHOUT BENEFIT OF TITLE SEARCH OR EXAMINATION
WITHOUT MONETARY CONSIDERATION

DEED

THIS DEED, made this 13th day of November 1998, from DANIEL DUPONT (**Grantor**), to DANIEL DUPONT (**Grantee**).

The Grantor, for a consideration of no money ($0.00); the adequacy and sufficiency of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee, his personal representatives, heirs and assigns, in fee simple, the lot of ground located in Baltimore County, Maryland, and described as follows:

> **BEING THE SAME** and being known and designated as Lot 33 as laid down on the Revised and Amended Plat of Bird River Beach, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 187 known as 11304 Beach Avenue
>
> **BEING ONE OF THE LOTS**, described in a Deed dated February 4, 1994 and among the Land Records in Liber 10335, folio 309 from Genevieve M. Gerry to the within Grantor for the consideration of forty-five thousand dollars ($45,000).

TOGETHER with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the described lot of ground and premises unto, and to the use of the said Grantee, his personal representatives, heirs and assigns, for all the residue of the terms of years yet to come and unexpired therein, with the benefit of renewal forever.

And the said Grantor covenants that he has not done or suffered to be done, any act matter of thing whatsoever, to encumber the property hereby conveyed that he will warrant the same specially; and that he will execute such further assurances thereof as may be requisite.

WITNESS the hand and seal of the said Grantor.

REVIEWED SDAT
BY 11/20/98
DATE

PC 2

0013311 668

WITNESS:

GRANTOR:

Daniel Dupont (SEAL)

STATE OF MARYLAND,
CITY OF BALTIMORE,

I HEREBY CERTIFY, that on this 13th day of November, 1998, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Daniel Dupont, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within Deed, and acknowledged that he executed the foregoing Deed for the purposes therein contained ~~as the act of said body being authorized to do so~~. SEL

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

SARAH LINS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 3, 2000

STATE OF MARYLAND,
CITY OF BALTIMORE,

I HEREBY CERTIFY, that on this _____ day of _____, 1998, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Daniel Dupont, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within Deed, and acknowledged that he executed the foregoing Deed for the purposes therein contained as the act of said body being authorized to do so.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

This instrument has been prepared by Michael L. Freilich, an attorney admitted to

practice before the Court of Appeals of Maryland, under such attorney's supervision, or by one of the parties named in this instrument.

Michael L. Freilich

0013311 670

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only

(Type or Print in Black Ink Only — All Copies Must Be Legible)

Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

☑ Deed | Mortgage | Other | Other
Deed of Trust | Lease

Conveyance Type Check Box

Improved Sale Arms-Length /1/ | Unimproved Sale Arms-Length /2/ | Multiple Accounts Arms-Length /3/ | Not an Arms Length Sale /9/

Tax Exemptions (if Applicable) e or Explain Authority

Recordation
State Transfer
County Transfer Revised SDAT - Subdivide

Consideration and Tax Calculations

Consideration Amount

Purchase Price/Consideration	$	0
Any New Mortgage	$	
Balance of Existing Mortgage	$	
Other	$	
Other	$	
Full Cash Value	$	

Finance Office Use Only
Transfer and Recordation Tax Consideration

Transfer Tax Consideration		$
X	% =	$
Less Exemption Amount		$
Total Transfer Tax	=	$
Recordation Tax Consideration		$
X	1 per $500 =	$
TOTAL DUE		$

Agent:
Tax Bill 223
C/B Credit
Ag Tax/Other:

Fees

Amount of Fees		Doc. 1	Doc. 2
Recording Charge	$		$
Surcharge 20	$		$
State Recordation Tax	$		$
State Transfer Tax	$		$
County Transfer Tax	$		$
Other	$		$
Other	$		$

Description of Property
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG (5)
11	1103513331				

Subdivision Name | Lot (3a) | Block (3b) | Sect/AR(3c) | Plat Ref. | SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)
11304 Beach Avenue

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☑ **or Non-Residential** | **Fee Simple** ☑ **or Ground Rent** | **Amount:**

Partial Conveyance? **Yes** **No** Description, Amt. of Sqft/Acreage Transferred

If Partial Conveyance List Improvements Conveyed

Transferred From

Doc. 1 - Grantor(s) Name(s): Daniel Dupont | Doc. 2 - Grantor(s) Name(s)

Doc. 1 - Owner(s) of Record, if Different from Grantor(s) | Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

Transferred To

Doc. 1 - Grantee(s) Name(s): Daniel Dupont | Doc. 2 - Grantee(s) Name(s)

New Owner's (Grantee) Mailing Address
11306 Beach Ave. White Marsh Md 21162

Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional) | Doc. 2 - Additional Names to be Indexed (Optional)

0 Contact/Mail Information

Instrument Submitted By or Contact Person | Return to Contact Person

Name: Michael Freilich + Assoc
Firm: | Hold for Pickup
Address: 305 Washington Ave Suite 303
Towson, MD 21204 Phone: (410) 321-0040 | Return Address Provided

11 **IMPORTANT: *BOTH* THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER**

Assessment Information

Yes No Will the property being conveyed be the grantee's principal residence?
Yes No Does transfer include personal property? If yes, identify

Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)

Assessment Use Only - Do Not Write Below This Line

Terminal Verification | Agricultural Verification | Whole | Part | Scan Process Verification
Transfer Number: | Date Received: | Deed Reference: | Assigned Property No.

Year	19	Geo	Map	Sub	Block
Land		Zoning	Grid	Plat	Lot
Buildings		Use	Parcel	Section	Occ Cd.
Total		Town Cd	Ex St	Ex Cd	

REMARKS

Distribution: *White - Clerk's Office*
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CO-200 (1/98)

WITHOUT BENEFIT OF TITLE SEARCH OR EXAMINATION
WITHOUT MONETARY CONSIDERATION

DEED

THIS DEED, made this 13th day of November 1998, by and between DANIEL DUPONT, (**Grantor**), and DANIEL DUPONT (**Grantee**),

The Grantor, for a consideration of no money ($0.00), the adequacy and sufficiency of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee, his personal representatives, heirs and assigns, in fee simple, the lot of ground located in Baltimore County, Maryland, and described as follows:

> **BEING FOR THE SAME** and being known and designated as Lot. 34 as laid down on the Revised and Amended Plat of Bird River Beach, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 187, know as 11306 Beach Avenue.
>
> **BEING ONE OF THE LOTS**, in a Deed dated February 4, 1994 and recorded among said Land Records in Liber 10335, folio 309, from Genevieve M. Gerry to the said Daniel Dupont for the consideration of the sum of forty-five thousand dollars ($45,000.00)

TOGETHER with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said Grantee, his personal representatives, heirs and assigns, for all the residue of the terms of years yet to come and unexpired therein, with the benefit of renewal forever.

And the said Grantor covenants that he has not done or suffered to be done, any act matter or thing whatsoever, to encumber the property hereby conveyed that he will warrant the same specially; and that he will execute such further assurances thereof as may be requisite.

WITNESS the hand and seal of the said Grantor.

REVIEWED SDAT
BY 11/20/98
DATE

PC 3

practice before the Court of Appeals of Maryland, under such attorney's supervision, or by one of the parties named in this instrument.

Michael L. Freilich

WITNESS:

GRANTOR:

Daniel Dupont (SEAL)

STATE OF MARYLAND,
CITY OF BALTIMORE,

I HEREBY CERTIFY, that on this 13th day of November, 1998, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Daniel Dupont, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within Deed, and acknowledged that he executed the foregoing Deed for the purposes therein contained. ~~as the act of said body being authorized to do so~~ Sel

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires.

SARAH LINS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 3, 2000

STATE OF MARYLAND,
CITY OF BALTIMORE,

I HEREBY CERTIFY, that on this _____ day of _____, 1998, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Daniel Dupont, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within Deed, and acknowledged that he executed the foregoing Deed for the purposes therein contained as the act of said body being authorized to do so.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

This instrument has been prepared by Michael L. Freilich, an attorney admitted to

'10 13311 674

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: _____

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

(☑ Check Box if Addendum Intake Form is Attached.)

Type(s) of Instruments: ☑ Deed | Mortgage | Other | Other | Deed of Trust | Lease

Conveyance Type Check Box: Improved Sale Arms-Length /1/ | Unimproved Sale Arms-Length /2/ | Multiple Accounts Arms-Length /3/ | Not an Arms-Length Sale /9/

Tax Exemptions (if Applicable) Cite or Explain Authority: Recordation | State Transfer | County Transfer

RECORDAT

SUPRD ORDINC

Consideration and Tax Calculations

Consideration Amount		Doc. 1	Doc. 2
Purchase Price/Consideration	$	0	
Any New Mortgage	$		
Balance of Existing Mortgage	$		
Other	$		
Other	$		
Full Cash Value	$		

Finance Office Use Only

Transfer and Recordation Tax Consideration

Transfer Tax Consideration		$
X (%	=	$
Less Exemption Amount		$
Total Transfer Tax	=	$
Recordation Tax Consideration		$
X (per $500	=	$
TOTAL DUE		$

Agent:

Tax Bill:

CB Credit:

Ag Tax/Other:

Fees

Amount of Fees		Doc. 1	Doc. 2
Recording Charge	$		
Surcharge	$		
State Recordation Tax	$		
State Transfer Tax	$		
County Transfer Tax	$		
Other	$		
Other	$		

Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG (5)
	18				

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)

11306 Beach Avenue

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ✓ **or Non-Residential** | **Fee Simple** ✓ **or Ground Rent** | **Amount:**

Partial Conveyance? Yes No Description/Amt. of SqFt/Acreage Transferred

If Partial Conveyance, List Improvements Conveyed

Transferred From

Doc. 1 - Grantor(s) Name(s): Daniel Dupont | Doc. 2 - Grantor(s) Name(s)

Doc. 1 - Owner(s) of Record, if Different from Grantor(s) | Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

Transferred To

Doc. 1 - Grantee(s) Name(s): Daniel Dupont | Doc. 2 - Grantee(s) Name(s)

New Owner's (Grantee) Mailing Address

SAME AS ABOVE

Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional) | Doc. 2 - Additional Names to be Indexed (Optional)

Contact/Mail Information

Instrument Submitted By or Contact Person

Name

Firm: Michael Freilich + Assoc

Address: 305 Washington Ave. Suite 303

Towson, MD 21204 Phone (410) 321-0040

☐ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

IMPORTANT: *BOTH* THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

Yes No Will the property being conveyed be the grantee's principal residence?

Yes No Does transfer include personal property? If yes, identify

Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

Terminal Verification | Appraisal Verification | Whole | Part | Tran Process Verification

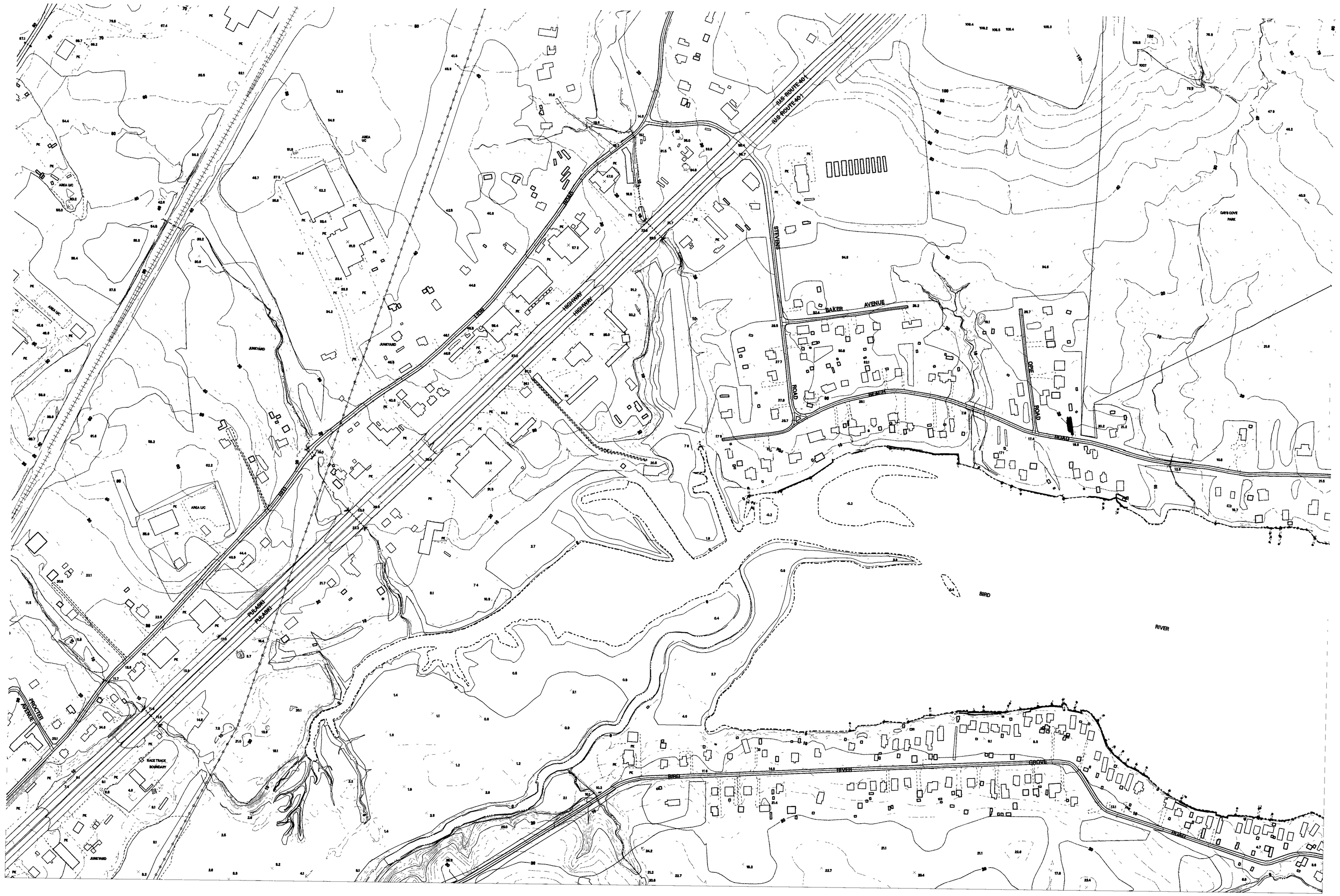
Transfer Number | Date Received | Deed Reference | Assigned Property No

	Year	19	19				
Land				Geo	Map	Sub	Block
Buildings				Zoning	Grid	Plat	Lot
Total				Use	Parcel	Section	Occ Cd
				Town Cd	Ex St	Ex Cd	

REMARKS

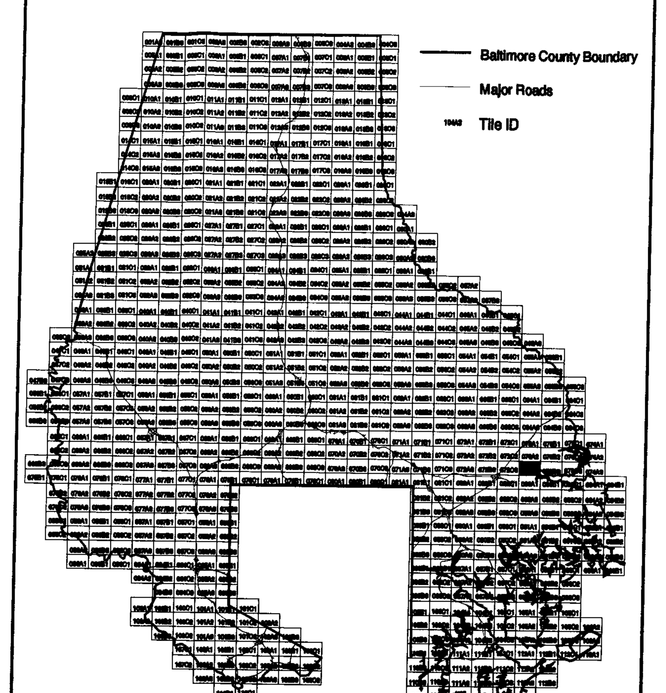
Distribution: White - Clerk's Office; Canary - SDAT; Pink - Office of Finance; Goldenrod - Preparer; AOC-CC-900 (2/93)

PLANIMETRICS PLOT



Legend

- Mapsheet Index
- Residential Buildings
- Commercial Buildings
- Institutional Buildings
- Garages and Other Structures
- Buildings Under Construction
- Toll Booths and Rail Stations
- Water Towers and Storage Tanks
- Curbs
- Paved Roads
- Unpaved Roads
- Paved Alleys
- Unnamed Roads
- Hidden Roads, Roads Under Construction
- Road Intersections
- Paved Parking Lots, Driveways, Runways, Taxiways
- Bridges and Overpasses
- Tunnel Portal
- Rail Line
- Hidden Rail Line
- Abandoned Rail
- Metro Rail
- Light Rail
- Transmission Line
- Pipeline
- Junkyards, Landfills, Quarries, Gravel and Sand Pits
- Areas Under Construction, Power Stations
- Race Tracks, Cemeteries
- Wooded Areas, Orchards/Nurseries
- Tree Rows
- Wetlands/Swamps
- State Plane Grid Lines
- Street Centerlines
- Alley Centerlines
- Ramp Centerlines
- Recreational Areas, Golf Courses
- Commercial Pools
- Bike/Hike Areas
- Athletic Fields, Tennis Courts, Playgrounds
- Natural Hydrography
  Reservoirs
  SW Retention Ponds
- Bay Area
- Boat Ramps, Piers, Dams, and Bulkheads
- Drainage Connector
- Culverts
- Headwall/Floodwall
- Hidden Hydrography
- Index Contour
- Intermediate Contour
- Index Depression Contour
- Intermediate Depression Contour
- Obscured Index Contour
- Obscured Intermediate Contour
- Obscured Index Depression Contour
- Obscured Intermediate Depression Contour
- Hidden Contour
- Neatline
- Radio Towers
- Transmission Towers
- Microwave Transmitters
- Spot Elevations
- Water Elevations
- Bridge Elevations
- Rooftop Elevations



1:2400

0ft 1000ft

0m 100m 200m 300m

N

Baltimore County - OIT GIS Services Unit

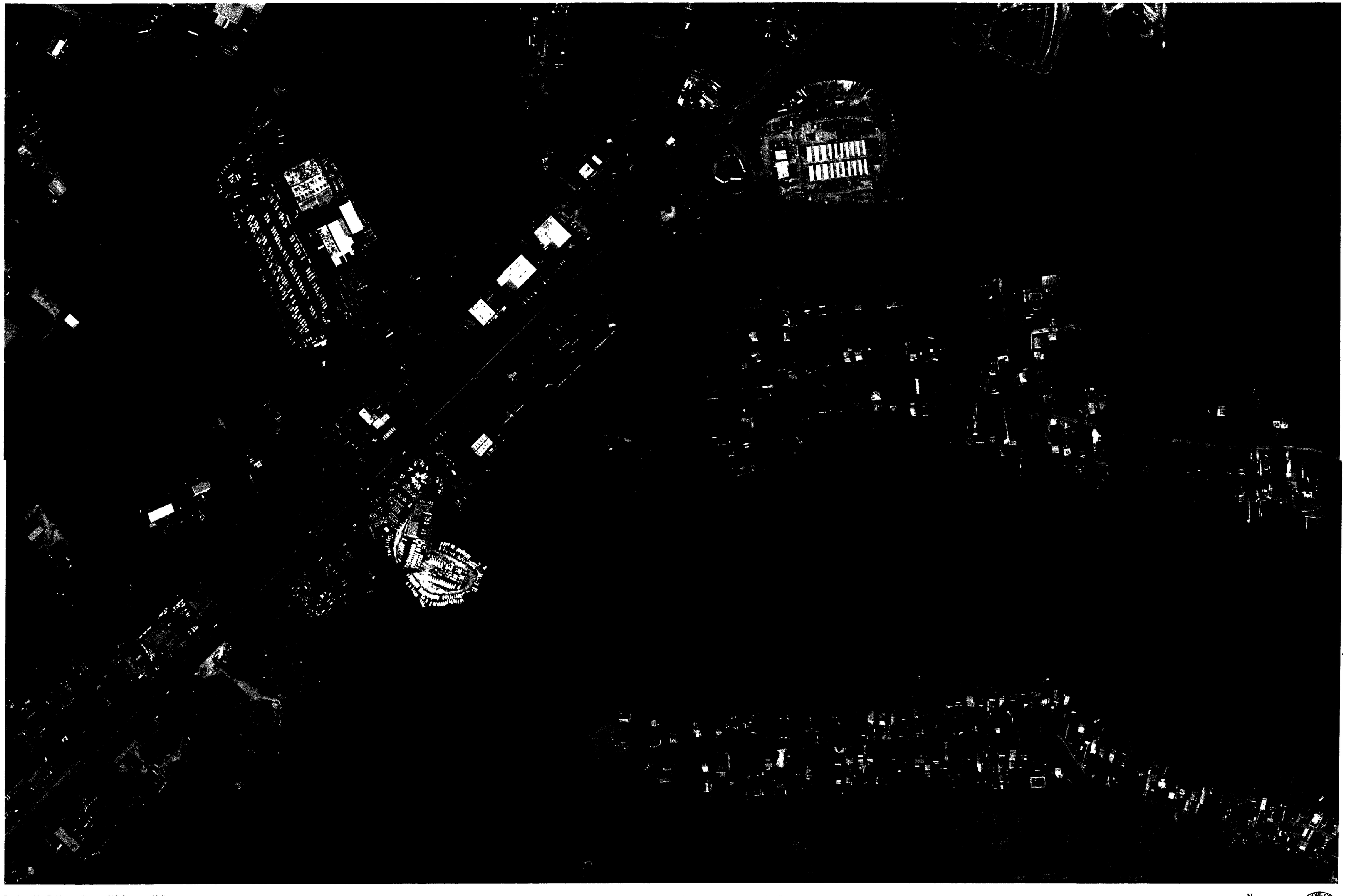
Layers:
INDEX, BLDG, ROADS, CLINE, TRANS
CULT, VEG, REC, HYDROL, HYDROP
COMM, SPOT, TOPO

Coordinate System:
Maryland State Plane: NAD83/91 Horiz. Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995

Tile ID: 073a3

PGT
2



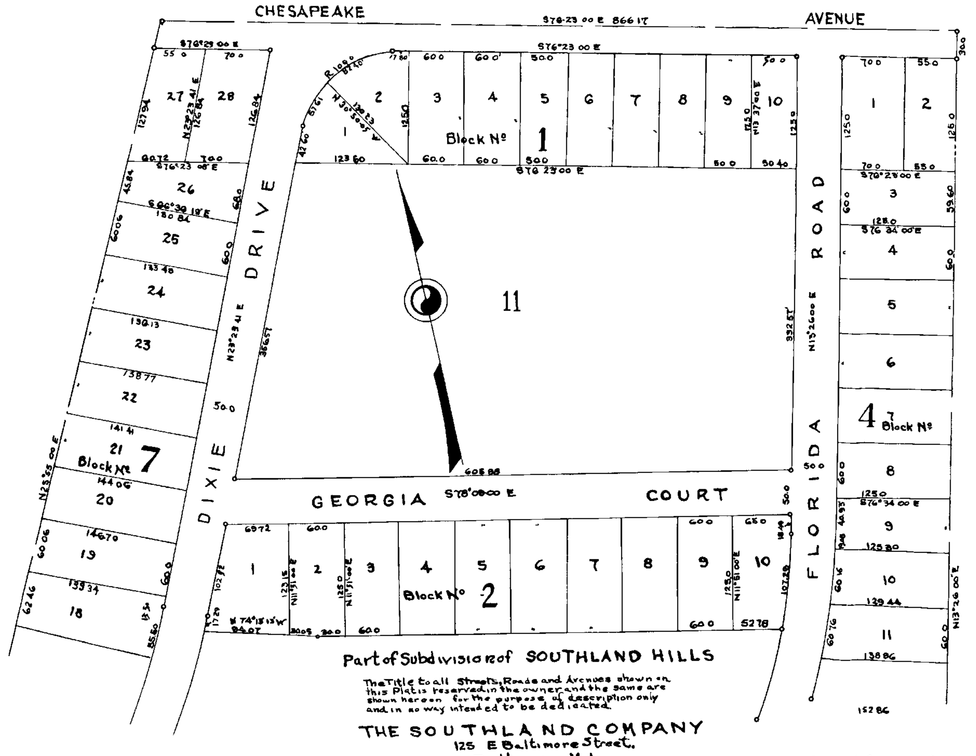
Produced by Baltimore County GIS Services Unit
February, 2002
Copyright 2000. VARGIS, LLC.
All Rights Reserved
Herndon, Virginia

200 0 200 400 600 800 Feet

Scale: 1" = 200'

PGT. 4

N



Part of Subdivision of SOUTHLAND HILLS

The Title to all Streets, Roads and Avenues shown on this Plat is reserved in the owner, and the same are shown hereon for the purpose of description only and in no way intended to be dedicated.

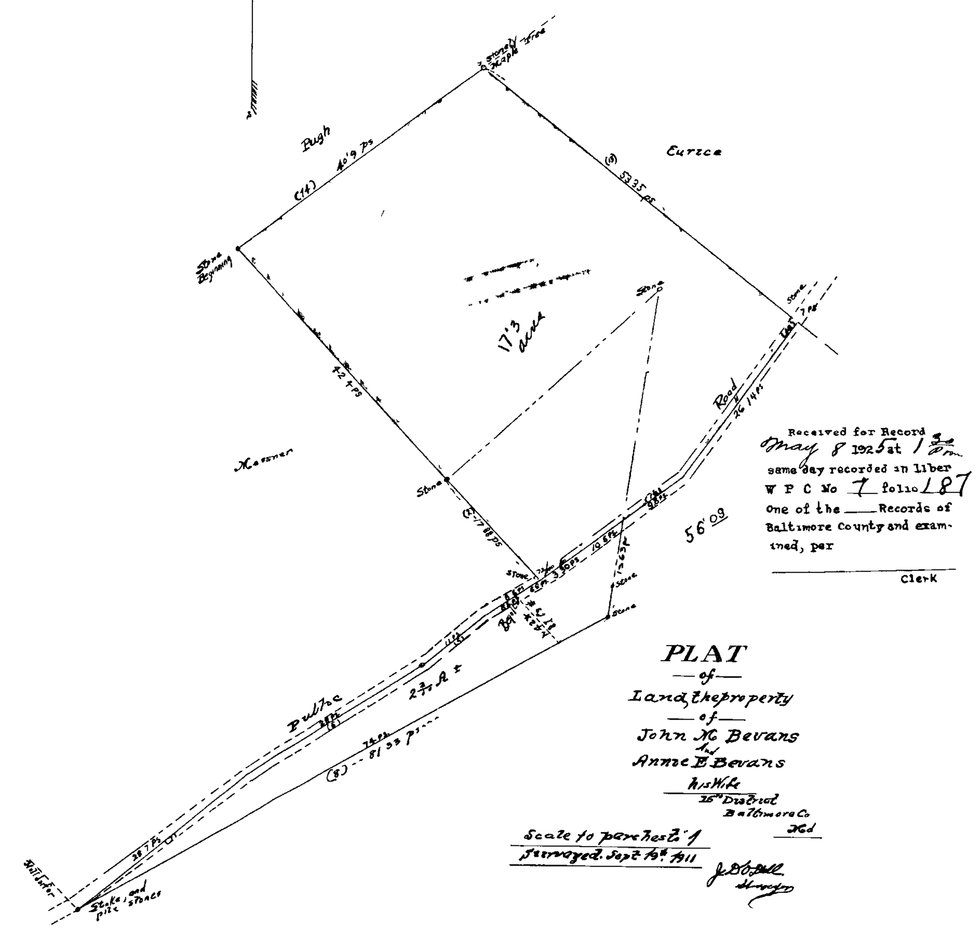
THE SOUTHLAND COMPANY
125 E Baltimore Street,
Baltimore, Md

Traced from Plat on file in the Baltimore County Dept
Eugene A Freeman Engr. 6 April 8th 1925

Received for Record April 15 1925 at 11 45 am
same day recorded in Liber W P C No 7 folio 187
One of the ____ Records of Baltimore County and examined, per

Clerk

W. P. C. № 7 PART 2 – 187



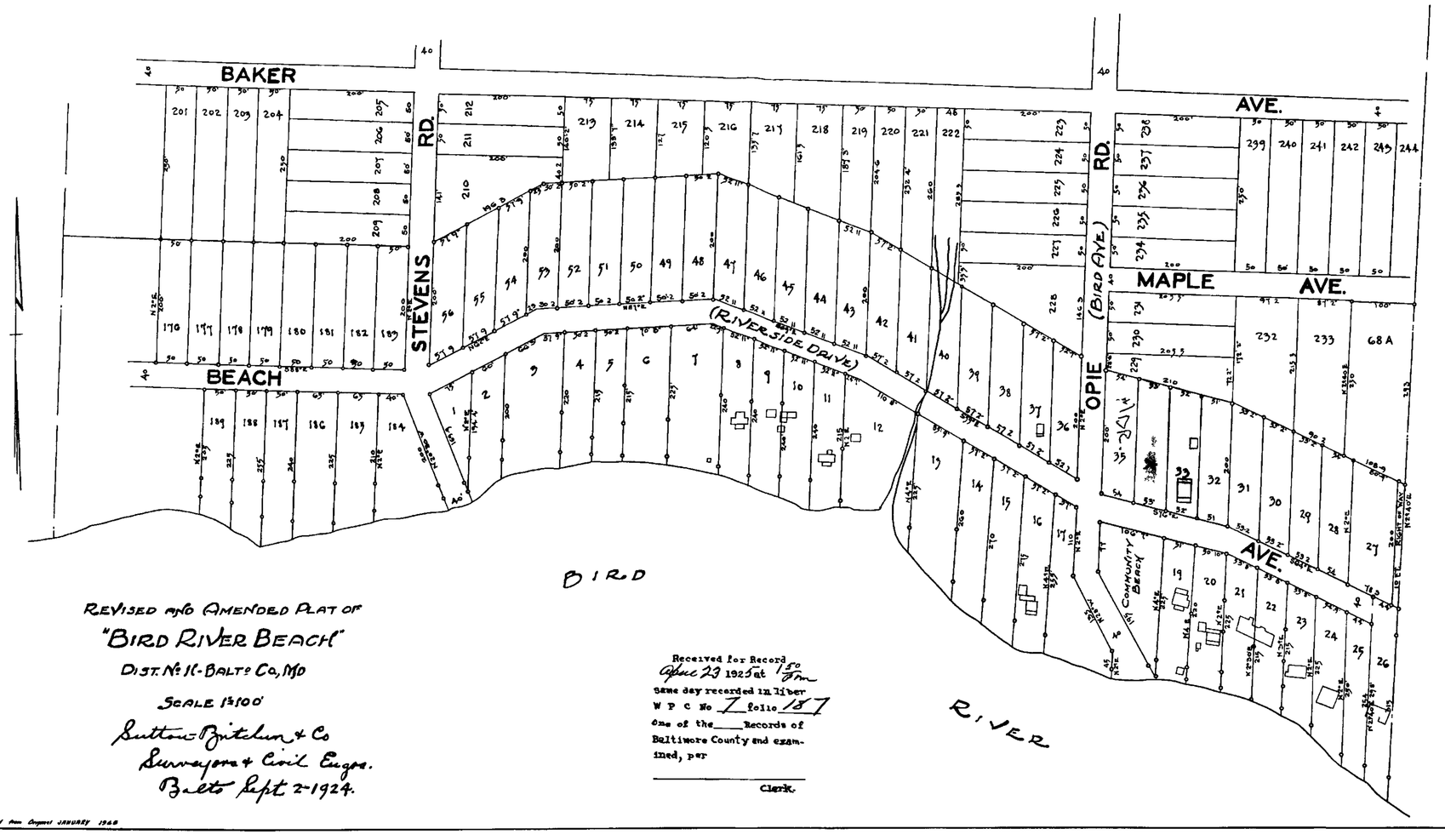
Received for Record May 8 1925 at 1 30 pm
same day recorded in Liber W P C No 7 folio 187
One of the ____ Records of Baltimore County and examined, per

Clerk

PLAT
of
Land & Property
of
John H. Bevans
&
Annie B. Bevans
his wife
15th District
Baltimore Co.
Md

Scale 1 to perches 2.1
Surveyed Sept 8th 1911

J. B. Stokes
Surveyor



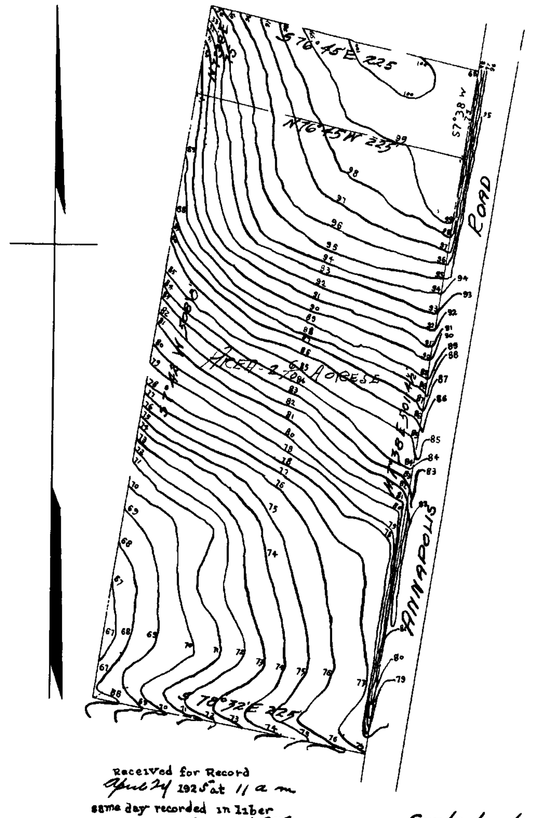
REVISED AND AMENDED PLAT OF
"BIRD RIVER BEACH"
DIST. No. 15 - BALTO. CO., MD
SCALE 1" = 100'
Sutton, Pritchard & Co
Surveyors & Civil Engrs.
Balto. Sept. 2-1924.

Traced from original JANUARY 1948

Received for Record April 23 1925 at 1 50 pm
same day recorded in Liber W P C No 7 folio 187
One of the ____ Records of Baltimore County and examined, per

Clerk.

PROPERTY OF
BOARD OF EDUCATION OF BALTIMORE COUNTY
13TH DISTRICT
BALTIMORE COUNTY



Received for Record April 24 1925 at 11 a m
same day recorded in Liber W P C No 7 folio 187
One of the ____ Records of Baltimore County and examined, per

Clerk

Scale 1 inch = 60 feet
William Whiting
County Surveyor
Surveyed Apr 1925
Plan 2 1925
File 4/255

IN CIRCUIT COURT FOR BALTIMORE COUNTY
STATE OF MARYLAND COUNTY OF BALTIMORE SCT
Plat Book WPC 7 187
this 25th day JAN 2002

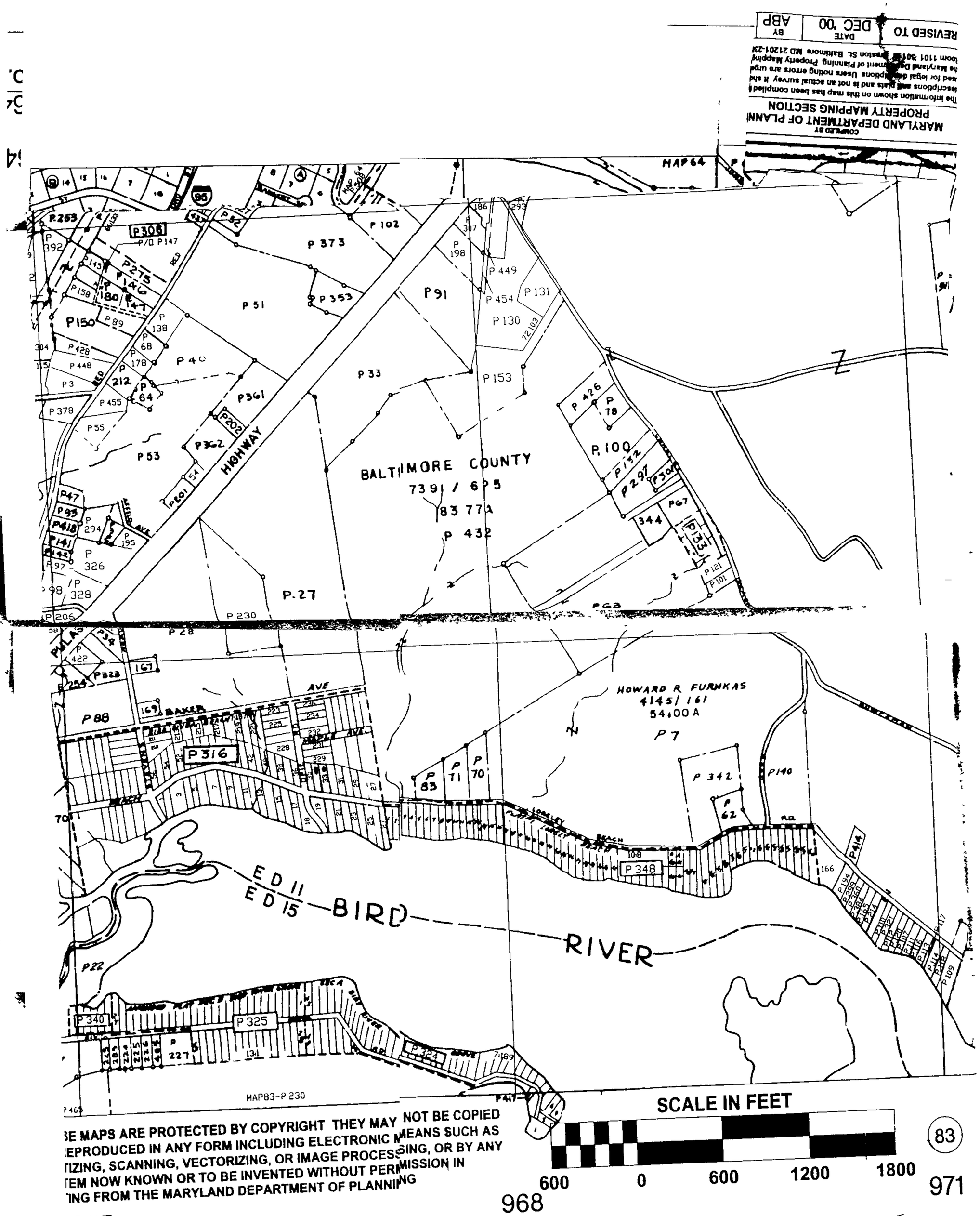
CIRCUIT COURT BALTIMORE COUNTY

Clerk of the Circuit Court for Baltimore County

WPC No 7 PART 2 - 187

DET 3

C2136-3876



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