Charles Wilder 04-252-SPHA
201 Murdock Rd., Baltimore 21212

04-252-SPHA

12/02/04 @ 10 a.m.
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04-252-SPHA

OPINION
ORDERS

(1)

04-252-SPHA

REPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0070

September Term, 2006

LAWRENCE SWOBODA, ET AL.

v.

CHARLES WILDER, ET UX.

Adkins,
Woodward,
Moylan, Charles E., Jr.
(Retired, Specially Assigned)

JJ.

Opinion by Adkins, J.

Filed: April 4, 2007

4/4/07

In this appeal from the approval of a Rodgers Forge building permit, we shall hold that determining the front, side, and rear orientation of a townhouse end unit situated at the corner of intersecting streets requires consideration of all physical characteristics of the property, not merely street address and foundation walls, and that in an appropriate case an end unit may front on a different street than the interior units in the same townhouse group.

The residence at the center of this litigation is an end of group townhouse at the corner of Pinehurst and Murdock Roads. The hotly debated question in Rodgers Forge is: which of these intersecting streets does this property front? The answer mattered to appellees Charles and Brigid Wilder,[1] because it determined where the front, side, and rear yards are located on their property, and consequently, whether the renovation plans approved by the Baltimore County Board of Appeals (the Board) comply with county setback requirements.

The interior townhomes that lie between the Wilder home and the corresponding end unit of this housing group unquestionably face Murdock Road. Like these neighbors, the Wilder home has a Murdock Road mailing address. Unlike the interior homes and the other end unit in this townhouse group, however, both the front door and the floor plan of Wilder property are oriented toward

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[1]After briefing, the Wilders advised that they sold the property. They elected not to participate in oral argument.

Pinehurst Road. Citing that orientation, the Department of Permits and Management, the Zoning Commissioner, and the Board concluded that the property fronts on Pinehurst Road for setback purposes. The Circuit Court for Baltimore County affirmed the Board.

Appellants are the Wilders' neighbors and the Rodgers Forge Community Association (the Protestants).[2] They challenge the Board's decision, decrying its precedential effect on their individual properties and their community as a whole. They raise three questions for our review, which we restate as follows:

> I. Did the Board err in failing to rule as a matter of law that Murdock Road is the front of the subject site?
>
> II. Did the Board err in considering the testimony of the Wilders and their architectural expert Warren G. Nagey of Chesapeake Design Group?
>
> III. Is the Board's decision arbitrary and capricious in light of its "inconsistent" prior decision in *Dorothy K. and Cheryl A. Milligan*, No. 02-519-A?

We find neither error nor inconsistency, and affirm the judgment.

FACTS AND LEGAL PROCEEDINGS

Baltimore County Zoning Laws

[2]Appellants are the Rodgers Forge Community Association and individual residents of Rodgers Forge: Lawrence Swoboda, Joseph Segreti, John and Norma O'Hara, Ron and Carol Zielke, Renee Rees, Sarah Kahl, Doug Campbell, Jennifer Clouse, Brent and Ann Matthews, Claire McGinnis, Jean Duvall, Bruce Hirshauer, Jeff Wible, Jennifer Sheggrud, Bernice Hirshauer, Barbara Leons, Robert Williams, and Roxanne and John Rinehart.

The setback requirements for the Wilder property are 10 feet for side yards and 50 feet for rear yards. See Baltimore County Zoning Regulations (BCZR) Art. 1B01.C. The County defines front, rear, and side yards as follows:

> **YARD, FRONT - A yard extending across the full width of the lot, between the front lot line and the front foundation wall of the main building.**
>
> YARD, REAR - A yard extending across the full width of the lot, between the rear lot line and the rear foundation of the main building.
>
> YARD, SIDE - A yard extending from the front yard to the rear yard, between the side lot line and the side foundation wall of the main building.

BCZR § 101 (emphasis added).

Section 400 of the BCZR governs accessory buildings in residential zones, providing in pertinent part:

> 400.1 Accessory buildings in residence zones . . . shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. . . .
>
> 400.2.b For the purposes of determining required setbacks, . . . alleys shall be considered the same as existing (improved) streets. **The same shall apply to corner lots regarding the placement of accessory buildings**. . . .
>
> 400.3 The height of accessory buildings .

. . shall not exceed 15 feet.
(Emphasis added.)

The Neighborhood And Property

Rodgers Forge is a Baltimore County community of approximately 1,800 brick residences that were developed beginning in the late 1930's by the James Keelty Company as a planned row house development. The neighborhood consists of six parallel streets running east-west and four intersecting streets running north-south; it lies between Bellona Avenue and York Road.

The Wilder lot is a trapezoid shaped 0.8 acre corner lot, zoned D.R. 10.5, with its longest street frontage being 113'4" along Pinehurst Road and its shortest frontage being 31'6" along Murdock Road. The property gradually widens from Murdock Road, to a width of 58'3" along a 15' alley that parallels Murdock Road and intersects Pinehurst Road. Although approximately 600 homes in "the Forge" are end of group units, many of these differ from the Wilder residence in that they (a) are not located on a corner lot, (b) have their main entrances leading from the same street as all the interior homes in their housing group, (c) have only one exterior door that faces the "address" street, and/or (d) share the same roofline, footprint, and common foundation walls as the interior units in the same group.

Photographs show that the roofline of the Wilder residence is trussed perpendicularly to the common roof line of the interior units in the same housing group, so that the Wilder roof faces west

toward Pinehurst Road rather than north toward Murdock Road. In addition, the Wilder residence has a different and larger footprint than the adjacent interior residences in the housing group. Specifically, the Wilder residence is wider and deeper than adjacent interior units, so that the east wall separating appellant Goldman's residence from the Wilder residence is only partially shared. Moreover, as a result of this larger footprint, the common foundation wall facing north toward Murdock Road, in which all interior units of this housing group have their front entrances, "dead ends" into the east wall of the Wilder residence, forming a 90 degree corner where Goldman's residence intersects with the Wilder residence. Similarly, the rear foundation wall common to the interior units ends at another 90 degree corner into the alley side of the Wilders' east wall.

The floor plan of the Wilders' home is oriented so that a centrally located entry door and hallway faces west toward Pinehurst Road. Off this foyer are a living room, dining room, and staircase. Leading out from this door to the sidewalk along Pinehurst Road, there is an approximately 6' by 4' stone stoop and matching path. To the right and left of the door are symmetrical bay windows that extrude from the 39 foot wide facia facing Pinehurst. On the second floor, centered above the door and bay windows, are three smaller windows flanked by shutters. On the third floor are three dormer windows.

The north side of the Wilder home facing Murdock Road measures only 22.5 feet in width. It has a door located to the right of a brick chimney, a shuttered window to the left of the chimney, and a raised 16' by 8' stone porch. The door from the patio leads directly into the living room. There are no steps or path leading from the porch to the sidewalk on Murdock Road. On the second floor are two shuttered windows on either side of the chimney. On the third floor, where the pitch of the roof reduces the width of this side, two smaller and unshuttered windows flank the chimney.

The south side of the property has a door leading from the kitchen to a yard. A detached 20' by 20' brick garage lies between this side of the house and the alley paralleling Murdock Road. A gated wooden privacy fence extends from the corner of this face to the sidewalk on Pinehurst Road, then continues along that sidewalk to a gated masonry wall that separates the Wilder yard from the alley. Another wooden privacy fence separates the Wilder yard from the adjacent yard of appellant Jill Goldman.

The east side of the Wilder residence separates it from the Goldman residence. As noted above, however, the Wilder's east wall extends beyond the footprint of the Goldman residence.

Representing that the front yard of their home faces Pinehurst Road, the Wilders obtained a building permit to add a 13' by 13' one story extension to their kitchen, as well as an 8.5' by 13' covered porch connected to the kitchen addition, for a total

expansion of 21.5' by 13'. If the front of the Wilder home does face toward Pinehurst Road, then the kitchen addition would be in the "alley" side yard, between the house and the garage, and therefore in compliance with the 10 foot side yard setback required under Baltimore County zoning law. If the front of the Wilder home faces Murdock Road, however, then the proposed addition would be in the rear yard, so that a variance reducing the 50 foot setback to 29 feet would be necessary.

Neighborhood Objections

An anonymous complaint to zoning authorities asserted that the Wilder home fronts on Murdock rather than Pinehurst Road. The County inspected the property, then issued a stop work order on the ground that the Wilders' permit had been obtained through "false or misleading information" regarding the orientation of the property. The Wilders successfully challenged the stop work order, obtaining the Zoning Commissioner's ruling that their property faces Pinehurst Road.

The Protestants object that the construction of the proposed addition in the yard between the Wilder home and the alley would break up the continuity of the open yards in the rear of interior units comprising the Wilders' townhome group. When the stop work order was rescinded, the Protestants appealed to the Board.

Asserting "a public interest in the proper definition or analysis of the situation of front, side, and rear yards in a

townhouse (row) setting," People's Counsel for Baltimore County also filed a hearing memorandum with the Board, but did not participate in the ensuing evidentiary hearing. Counsel urged the Board to conclude that the relevant Baltimore County zoning laws were "either ambiguous or flexible," so that "the totality of the circumstances may be taken into consideration." Using that approach, the "preliminary view" expressed by People's Counsel, premised upon an incomplete factual record, was that "the front yard should be determined to be consistent with the Murdock Road frontage of the other houses in the row."

The Wilders' Case

At the evidentiary hearing before the Board, Mr. Wilder testified that when he first looked at the house, he was shown a brochure with a photograph featuring the Pinehurst Road side and describing the house as an "Attached Brick Center Hall Colonial Facing Pinehurst Road." The brochure, along with exterior and interior photographs of the property, were introduced into evidence.

Wilder explained that on the Pinehurst Road side of the house are the main entrance door, doorbell, mailbox, porch light, lamppost, and a stone walkway leading from the sidewalk to the door. This door is centrally placed between two large bay windows. On the face of the house next to the door are house numbers and a welcome sign. The Wilder family and their visitors use the

Pinehurst Road door exclusively for entry, mail, and deliveries.

Just inside the Pinehurst road door, the dining room is to the right of the central hallway and staircase, while the living room is to the left. Although there is a door leading from the living room out onto the stone porch facing Murdock Road, Wilder did not have a key to that door. Wilder was not aware of there ever having been a walkway from the sidewalk to the Murdock Road door or porch.

The galley style kitchen in the house has a door leading outside to a separate garage and a 15 foot wide alley. The kitchen did not provide satisfactory room for the Wilder family, which includes three school-age daughters. After visiting other homes in the neighborhood, Wilder preferred to add a breakfast room like others he saw. Wilder presented photographs of other end of group homes, depicting 13 of such homes with porches or additions in the analogous location proposed for the Wilder home. But Wilder did not know if variances were necessary or obtained for those additions.

Mrs. Wilder testified that visitors always come to the main door facing Pinehurst, where they ring the doorbell. No one has ever come to the Murdock Road door. Packages, mail, and the Rodgers Forge Community Association newsletter and correspondence are hand-delivered to that entrance as well.

The Wilders' contractor, Mr. Cooper, recounted that he reviewed a plat of the property with several people in the Zoning

office, including Carl Richards, in order to discuss what could be done. Cooper proceeded on the understanding that the addition could be built on the alley side of the house because the home faced Pinehurst Road. A building permit was issued on that basis. Construction proceeded until the stop work order was issued.

The Wilders also called Warren G. Nagey, of Chesapeake Design Group, who offered his expert opinion as an architect that the house fronts on Pinehurst. In his view, the house has two side yards and a front yard, with no back yard. He further opined that there was no other place to put an addition on the house, and that the proposed addition would not block the adjoining neighbor's residence. On cross-examination, Nagey acknowledged that the corner position of the lot means that if the Wilders wished to use the yard between their home and Murdock Road for a swing set or gazebo, that would interfere with the neighbor at 203 Murdock, whose front yard would be adjacent to such structures.

Carolyn Winston, a real property assessor with the Maryland State Department of Assessments and Taxation, reported that when she visited the Wilder house to perform a tax reassessment, she went to the main door on the Pinehurst side. Two Rodgers Forge homeowners, one of whom is a licensed real estate broker, testified that they live in similar homes. Each considered the Wilder home to front on Pinehurst Road. Neither these homeowners, nor another neighbor who lived on Murdock Road, objected to the proposed

addition or felt that it would detract from neighborhood integrity or property values.

The Protestants' Case

Joseph A. Segreti testified on behalf of the Board of Directors of the Rodgers Forge Community Association, which opposes the proposed addition. He asserted that property values in the neighborhood reflect the community's strict adherence to the Keelty Company's original concept. In his view, the Wilder addition would harm the architectural integrity of the neighborhood and reduce property values, by mixing incompatible design and materials and reducing the airflow and sunlight through the back yards of other homes in the same housing group.

The Wilders' next door neighbor, Jill Goldman, recounted the concerns that led her to oppose the addition. Although she initially stated in writing that she agreed to the proposal, she did so in an effort to avoid conflict with the Wilders. When she discovered that the Wilders had rerouted electrical wires and attached them to the back of her house without her knowledge or consent, she changed her mind about opposing the addition. She expressed concern that the addition would block air and light into her home and decrease the value of her property.

Rodgers Forge resident Carol Zielke, a neighbor of the Wilders, testified that other end of group homes have the same floor plan as the Wilder home. She counted the number of group

homes in the neighborhood and estimated that approximately one-third of all Rodgers Forge homes could be affected by a ruling that the Wilder home faces Pinehurst Road. She did not consider the size of the existing kitchen to be a hardship, pointing out that all homes in the community have had this same size kitchen for years.

Supervisor of Zoning Review Carl Richards reviews "all development proposals, permits and all information, referrals, to the zoning office." After receiving an anonymous phone call "from the community" complaining about the Wilder addition, he visited the site on his lunch hour.

Richards identified many factors that are considered in deciding where the front of a dwelling is locating. Among these are address, neighborhood design, placement of the front door, and arrangement of kitchen and bedrooms. The process by which Richards' office determines orientation includes "pretend[]ing] that "the building is in the center of a hundred acres." After walking "around the house," several questions arise:

> What looks like the front? Where are your accessory buildings? What really physically is the physical construction of the building? What does it look like in the front?
>
> That's without regard to what side it faces, whether it's front or rear. So its actual physical conditions are depended on more than anything else. The intent of the owner is not as important as physical conditions.

Richards then explained why he agrees with the Protestants that the Wilder home fronts on Murdock Road. He observed that it is not uncommon to have no entrance to the front of a home in Baltimore County. Disagreeing with the Zoning Commissioner, and noting that Baltimore County zoning regulations require garages to be in the rear yard, Richards regards the detached garage as an "elephant in the living room," requiring the conclusion that the yard where the addition is proposed is the back yard of the Wilder property.

Herbert A. Davis, a realtor, appraiser, and former member of the Board of Appeals, reported his expert opinion that the Wilder home faces Murdock Road. He cited its "appearance," "address at 201 Murdock Road," and "the garage . . . . in the rear[,]" but acknowledged that "by definition, a center hall colonial house . . . has the hall in the center," where the front door opens. He feels that the proposed addition would negatively affect the use of adjacent properties owned by Mrs. Goldman and others in the townhouse group. Moreover, by setting precedent for other similarly situated homes in Rodgers Forge, approval of the addition could have a significant negative effect on the value of other homes in the group and the greater community.

James Keelty, grandson of the original developer of Rodgers Forge and current representative of the Keelty Company, also opposed the Wilder addition. He recalled watching as a boy when

common foundations were poured "more or less in a monolithic foundation." Houses, garages, and alleys were built at the same time. At the time of the hearing, moreover, the Keelty Company was in the process of building townhouse groups with "the garage . . . in the front of the house" on property immediately to the north of Rodgers Forge, in a development called Rodgers Choice. Keelty testified that the County had determined that an end of group home located at One Anvil Court in that new community, which he believes is similar to the Wilder home, faced Anvil Court.

The Protestants' final witness was Jack Dillon, who testified as an expert in land use and planning. He formerly worked for Baltimore County in that capacity. Dillon opined that the Wilder home fronts on Murdock Road. In support, he explained that townhouse groups were built to a specified design that is consistent throughout the Rodgers Forge community. Each group has continuous and common foundation walls that lie at a specific setback, with the front foundation wall running parallel to the street of its address and the rear foundation wall running parallel to the alley. Interior walls separate each unit.

Dillon construed the BCZR section 101 definition of "front yard" as "a yard extending across the full width of a lot between the front lot line and the front foundation wall of the main building" to mean that the Wilder home fronts on Murdock Road. He views this construction as consistent with the BCZR section 400.2

and 400.3 requirements governing accessory buildings such as garages, which are not permitted in side yards. Using a community map, Dillon illustrated the potential harm that a contrary ruling might have on the Rodgers Forge community, given the typicality of the Wilder home.

The Protestants also presented two memoranda from the Office of Planning to Timothy M. Kotroco, Director of the Department of Permits and Development Management, regarding the proposed addition. These reflect that County planners initially approved the Wilder addition, then opposed it, then re-approved it with conditions.[3] The later memo, dated February 8, 2005, titled "2nd REVISED COMMENTS," authored by Mark A. Cunningham, and signed by Section Chief Lyn Lanham, states:

> After further review of the [Wilders'] request, and another site visit of the subject property, the Office of Planning retracts the revised comments issued by this office dated December 2, 2004.

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[3]The memorandum dated December 2, 2004, authored by Pat Keller, Director of the Office of Planning, states:

> After conducting a more detailed review of the subject proposal, the Office of Planning recommends that the [Wilders'] request be denied. This office is of the opinion that the ends of group units, such as the subject property, are unique. Their orientation is such that adding the proposed addition would not be appropriate or in keeping with neighborhood character, and would set a negative precedent in this older, well-established community.

> This office does not oppose the [Wilders'] request providing the following conditions are met:
>
> 1. Exterior building materials of the proposed addition shall be similar to the existing dwelling.
>
> 2. The proposed addition shall not go beyond 1 story.
>
> 3. Submit building elevations to this office for review and approval prior to the issuance of any building permits.

The Board's Decision

The Board affirmed the Zoning Commissioner's conclusion that the Wilder residence fronts on Pinehurst Road. Acknowledging "the laudable efforts of the Rodgers Forge Community Association to maintain the architectural integrity of the neighborhood[,]" the Board pointed out that "a number of homes in Rodgers Forge, similar to that of the Wilders in the instant case, have constructed porches or additions from the side of the building where the garage is located or on the opposite side from where the garage is located." The Board agreed with People's Counsel that the orientation of the home is not defined as a matter of law:

> The Board is not inclined to rule that, as a matter of law, either Pinehurst Road or Murdock Road is the front of the property in question. The Board considers that the law is either ambiguous or flexible in this area as noted by People's Counsel in his Brief, and feels that the totality of the circumstances may be taken into consideration in this case.

The Board then considered the BCZR definition of "front yard"

and the dictionary definition of "width" as "a distance from side to side; a measure taken at right angles to length; largeness or greatness in extent and girth at the widest part." It also "accept[ed] the testimony of architect Warren Nagey and the other residents" of similar end of group townhouses that certain of these corner residences in Rodgers Forge are constructed so that they face a different direction than the other units in their housing group. Collectively, the evidence and law persuaded the Board

> that the Wilders' home is fronting on Pinehurst [Road]. The widest part of the building, 39 feet, fronts on Pinehurst Road. The 22.5-foot ends facing the alley and Murdock Road do not constitute the widest part of the building. . . . [T]he main entrance to the home is through the door facing Pinehurst Road. The home is a center-hall Colonial with a center hall beginning as one enters the door facing Pinehurst Road. The Pinehurst side of the house is the most attractive with two bay windows on either side of the door. There are no structures on the front of the house facing Pinehurst to detract from it. There is a stone walkway from the sidewalk on Pinehurst to the front door and a decorative lamppost on the corner of the walk between the front walk and the Pinehurst walkway. The welcome mat is located at the door as well as the mailbox and doorbell..
>
> There is one door on the Murdock side of the home which goes to a stone patio. There is no walkway from the patio to the Murdock Road sidewalk, and testimony from a neighbor who has lived across the street for 43 years indicated that there never was a sidewalk from Murdock Road to the Murdock side of the Wilders' home.
>
> As stated by Mr. Carl Richards in his testimony on behalf of the Protestants, if the

> Wilder home was placed in the middle of a 100-acre field, there would be no question that the front of the home was the side of the house facing Pinehurst Road.

The Board enumerated and rejected each of the Protestants' arguments. As for the location of the garage and fences, the Board explained:

> The home was constructed in the late 1930s, long before any zoning ordinances were passed with respect to the construction of garages in the rear of homes. If anything, the garage may be a nonconforming use as it is presently located. The same can be said for the 6-foot fences which separate the Wilders' home from their neighbor at 203 Murdock Road and also runs along the side of the property next to the alley off of Pinehurst.

The Board distinguished the Keelty Company's new construction in Rodgers Choice:

> The main and only entrance to the home [at One Anvil Court] faced Bellona Avenue. The side of the house, determined by the County to be the front, had a built-in garage and one window - no door. However, the plan of the house showed the main entrance on Bellona Avenue and a small porch with steps going down the side of the porch toward Anvil Court. It was not clear if a path from the garage and driveway to the porch was to be constructed, but no stairs were shown to lead from the porch to Bellona Avenue. Therefore, even if the main entrance was on the Bellona Avenue side of the house, visitors and residents would normally come to the Anvil Court side of the house and go around to the Bellona Avenue entrance. The Board can understand why the County determined that the Anvil Court side of the house would be the front. This does not change the position of the Board in the instant case.

With respect to the effect of the Wilder addition on other properties in Rodgers Forge, the Board concluded "that allowing the construction . . . would [not] affect the integrity of the other properties in Rodgers Forge." The "conditions set forth by the Planning Office in its February 8, 2005 memo" would be sufficient to preserve and protect other properties. Moreover, "it would be far more detrimental to find that the Pinehurst Side of the Wilder home was a side yard," because that "would allow for an addition to be constructed within 10 feet of the property line on Pinehurst Road and would certainly have an adverse effect on the architectural integrity of the home as well as other homes in the neighborhood."

Finally, the Board concluded without discussion that it "considers that its position is consistent with its position in . . . *Dorothy K. and Cheryl A. Milligan*, Case No. 02-519-A, as well as the decision of the Court of Appeals in *City of Baltimore v. Siwinski*, 235 Md. 262, 263 (1964)."

Judicial Review

The Protestants petitioned for judicial review by the Circuit Court for Baltimore County. The court affirmed the Board, agreeing that the orientation of the home was not purely a matter of law and finding substantial evidence to support the Board's determination that the Wilder home fronts on Pinehurst Road. Addressing the identical questions that appellants have renewed in this appeal,

the circuit court held:

- The Board did not err in failing to rule as a matter of law that the Wilder property fronts on Murdock Road. The court agreed that County zoning regulations are not sufficiently definite to mandate that conclusion.

- The Board did not err in relying on the testimony of the Wilders, which was "rooted in personal knowledge and experience," and their architect, whose expertise was "accepted . . . without objection by the Association." Nor were "the material facts" supporting the conclusion that Murdock Road is the front "uncontradicted in the record," as the Protestants posit. The court cited the testimony of

> zoning expert Jack Dillon and zoning office employee Carl Richards. . . . Dillon stated that the placement of an alley does not, in and of itself, determine that the alley side of a lot is in the "rear." Rather, the alley's placement "must be taken in context with other things." Dillon also testified that the placement of a garage on a property "certainly is one of the things that [the zoning office] looks at."
>
> Carl Richards presented a series of factors that the zoning office uses to resolve which face of a building is the front. That list of factors included the location of any accessory buildings, the location of the front door, the location of the interior rooms and their orientation within the home, which side "looks to the front" if situated "in the center of a hundred acres," and the "physical construction of the building."

- The Board's decision can be reconciled with its decision in *Dorothy K. and Cheryl Milligan*, and is therefore not arbitrary and capricious. The facts surrounding the Board's determination that the Milligans' corner residence in Stoneleigh fronts on Oxford Road are similar, in that the Board considered Oxford Road to be the front due to the location of the sidewalk and main entrance to the living quarters, as well as the street address.

DISCUSSION

The Protestants complain that the Board "*ignored* the BCZR and *ignored the uncontested and undisputed facts* before them in arriving at [its] decision." We address each of their assignments of error in turn.

Standard Of Review

> The scope of our review of administrative agency action is narrow and we are "not to substitute [our] judgment for the expertise of those persons who constitute the administrative agency." Accordingly, this Court is tasked with "'determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law.'"

Days Cove Reclamation Co. v. Queen Anne's County, 146 Md. App. 469, 484-85, *cert. denied*, 372 Md. 431 (2002) (citations omitted).

"In reviewing the decision of an administrative [zoning] agency, 'we reevaluate the decision of the agency, not the decision of the lower court.'" *Id.* at 484-85 (citation omitted). We may "uphold the decision of the Board only 'on the basis of the agency's reasons and findings.'" *Umerley v. People's Counsel for Baltimore County*, 108 Md. App. 497, 504, *cert. denied*, 342 Md. 584

(1996)(citation omitted). In reviewing that rationale, "the expertise of the agency in its own field should be respected." *Marzullo v. Kahl*, 366 Md. 158, 172 (2001). Consequently, on "some legal issues, a degree of deference should often be accorded the position of the administrative agency. Thus, an administrative agency's interpretation and application of the statute which the agency administers should ordinarily be given considerable weight by reviewing courts." *Id.* at 173. The Board's "presumed expertise in interpreting the BCZR, developed over the . . . years, is what gives weight to appropriate deference in our analysis of its legal reasoning[.]" *Id.* at 173 n.11.

> With regard to questions of fact, we will only disturb the decision of an administrative agency if "a reasoning mind reasonably could [not] have reached the factual conclusion the agency reached." Thus, "[a] reviewing court should defer to the agency's fact-finding and drawing of inferences if they are supported by the record."

Days Cove Reclamation, 146 Md. App. at 485.

I.
Orientation

A.
Failure To Determine "Front Yard" As A Matter Of Law

Renewing their threshold legal challenge to the Board's decision, the Protestants argue that "[t]he Board erred in failing to rule as a matter of law that Murdock Road was the front of the subject site, as required by [BCZR] § 101 defining 'front yard' and § 400.1, § 400.2 and § 400.3 defining accessory uses." In support,

they cite the "undisputed" testimony of Keelty, Dillon, and Richards that the front foundation wall for this group of townhouses is parallel to Murdock Road, as well as the County's requirement that the garage be located in the rear yard. In their view, the regulations defining front yard and requiring garages to be in the rear yard mandate a finding that the Wilder home fronts on Murdock Road.

The Wilders respond that the Board correctly concluded that yard orientation cannot be determined as a matter of law based solely on these BCZR regulations. They argue that the Board properly considered all of the evidence concerning the physical construction of the house, rather than limiting its analysis solely to the foundation and garage. We agree.

In *City of Baltimore v. Swinski*, 235 Md. 262, 265 (1964), the Court of Appeals addressed a comparable orientation dispute in the course of holding that the proposed apartment buildings would violate a Baltimore City zoning ordinance "requir[ing] the main entrance of a building to face the street side of a lot[.]" The *Swinski* Court interpreted analogous Baltimore City regulations[4] and

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[4]The City ordinances at issue in *Swinski*

> define[d] a *front yard* as the space 'between the front line of the building and the front line of the lot.' Ord. § 48(m); a *rear yard* as the space 'between the rear line of the building and the rear line of the lot.' Ord. § 48(n); and a *side yard* as the space 'between

(continued...)

followed other courts in holding that the determination of which side of a building is the "front" requires examination of the particular physical characteristics of the property in question, including the orientation of any main entrance that is both architecturally and functionally prominent:

> [W]e think it is clear that **the physical construction of a building establishes the frontage for purposes of determining whether there has been compliance with the zoning ordinance.** In *Rhinehart v. Leitch*, 107 Conn. 400, 140 A. 763 (1928), it was said (at p. 763 of 140 A.) that:
>
> > **'The word 'front' as applied to a city lot has little, if any, inherent application, but it takes on a borrowed significance from the building which is or may be constructed thereon.** Connecticut Mutual Life Ins. Co. v. Jacobson, 75 Minn. 429, 432, 78 N.W. 10; Adams v. Howell, 58 Misc.Rep. 435, 108 N.Y.S. 945, 947. **As applied to a building 'front' in general usage refers to that side of it in which is located the main entrance.** *Howland v. Andrus*, 81 N.J.Eq. 175, 180, 86 A. 391; *Oxford and Standard Dictionaries*, 'front.' **When used of a lot with a house upon it, it means that portion of the lot abutting upon the street toward which the house faces.'**
>
> See also . . . *Howard Homes, Inc. v. Guttman*, 190 Cal. App. 2d 526, at p. 531, 12 Cal. Rptr. 244, at p. 247 (1961), where it was said that **the 'front' or 'face' of a house 'means that portion which contains the main entrance and which is the most attractive aesthetically.**

Id. at 264-65. *Cf. Bianco v. City Eng'r & Bldg. Inspector*, 187 N.E. 101, 103 (Mass. 1933)(determination of "rear lot line" was "largely a matter of fact" requiring "the exercise of sound judgment as applied to the particular neighborhood," although "partaking in some aspects of questions of law"); *Davis v. City of Abilene*, 250 S.W.2d 685, 687-88 (Tex. Civ. App. 1952)(rejecting argument that building faced an alley, as an attempt to avoid 25 foot front yard setback requirement by "an unnatural construction of the side yard provision").

In contrast, we find no precedent for the proposition that an end of group townhouse located at the corner of two intersecting streets necessarily faces its "address" street. To be sure, the street address of a particular property is relevant to any determination of orientation. And in most instances, all units in a townhouse group will be given consecutive addresses on the same street. In the absence of any other evidence, these two facts might be considered substantial evidence to support a finding that

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[4](...continued)
the building and the side lot line.' Ord. § 48 (o). The *front* or *frontage* of a lot is defined as 'that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.' Ord. § 48(t).

Swinski, 235 Md. at 264 (1964). *Cf. Town of Berwyn Heights v. Rogers*, 228 Md. 271, 276 (1962)(reviewing Prince George's County zoning ordinance with detailed provisions for building on corner lots).

the corner residence fronts on the address street. But such a finding is not required in all cases. As the Court of Appeals recognized in *Swinski*, the Board may examine other relevant evidence concerning the physical characteristics of the subject property as they bear on the orientation issue.

In this case, we agree with the Board, the Wilders, and People's Counsel that, in addition to considering the location of foundation walls and the garage, the Board also properly considered other physical factors, including exterior appearance, interior layout, length of each face, and consistent use of the Pinehurst Road door as the main entrance. Moreover, we conclude that these characteristics provide substantial evidence to support the Board's factual finding that the end of group townhouse at 201 Murdock Road fronts on Pinehurst Road for purposes of determining front, side, and rear yards. As the *Swinski* Court recognized, identifying the front of a dwelling has historically and properly been accomplished by examining, *inter alia*, the aesthetics and location of the main entrance. Here, there is no debate that both the aesthetics of the house (floorplan, roofline, width, windows, etc.) as well as the location of the main entrance indicate that the house fronts on Pinehurst Road. The Murdock Road street address, the door into the living room, and the attachment of the Wilder unit to the interior units facing Murdock Road are the only contrary physical characteristics. We are not persuaded that one of the latter

characteristics "trumps" other aesthetic and entrance characteristics, or that, collectively, they mandate a finding that the Murdock Road side of the house is the front yard.

Similarly, we reject the Protestants' argument that language in the BCZR definition of "front yard" and BCZR restrictions on placement of garages dispositively answers the orientation question presented by this "corner townhouse" case. Specifically, there is nothing in the garage regulation requiring us to apply that restriction as an irrebuttable presumption that a nonconforming garage, built before any restrictions on garage location went into effect, necessarily is located in the rear yard by *post hoc* virtue of said regulation. Nor do we agree that the common foundation wall reference in the definition of "front yard" aids the Protestants' cause, given that this particular end of group corner townhouse does not share either the front or the rear foundation walls that are common to the interior units in this townhouse group.[5]

We therefore hold that the Board did not err in considering

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[5]As discussed above, photographs, testimony, and plans reveal that the Wilder residence does not share the common front and rear foundation walls with its interior unit neighbors in the same housing group. The common wall into which the front doors of these interior units are placed "dead ends" into the east wall of the Wilder residence, creating a 90 degree angle rather than a continuous front foundation wall. In this respect, the Wilder residence materially differs from those Rodgers Forge end units that share a common front foundation wall and substantially the same footprint as their interior unit neighbors.

physical factors other than the foundation wall and garage. The Board's examination of evidence concerning the location of the front door and front walkway, the width of the Pinehurst Road side, the floor plan and positioning of bay windows, the usage of those who live in and visit the house, and the exterior attributes of the house when viewed out of its end of group and corner context (including the roofline) was consistent with the analytical approach approved by the Court of Appeals in *Swinski*.

B.
Alleged Failure To Give Proper Weight To Evidence

The Protestants argue in the alternative that, even if the BCZR regulations are not dispositive, the testimony of zoning and real estate experts Dillon, Richards, and Keelty "'trumps' the lay testimony presented by the Wilders." In support, they cite *Harford County People's Counsel v. Bel Air Realty Assocs. Ltd. P'ship*, 148 Md. App. 244 (2002), for the proposition that the testimony of planning and zoning experts is "entitled to more credibility based upon long-standing administrative practice and custom" than the testimony of any witness presented by the Wilders.

The Protestants' reliance on *Bel Air Realty Assocs.* is misplaced. Our decision and rationale in that case actually supports the Board's decision in this case, because this Court relied on the local planning department's expertise in interpreting the county zoning laws as grounds to affirm its decision that a proposed commercial project was not "directly accessible" within

the meaning of zoning laws restricting conventional development with open space to properties with direct ingress/egress to arterial or collector roads. *See id.* at 258-61. Harford County zoning authorities concluded the project was not directly accessible because it did not front on such a road, but the Board, relying on expert testimony presented by the developer, concluded there was no direct access. The circuit court reversed and this Court affirmed that decision. *See id.* at 268. In doing so, we observed that, "even if the phrase 'directly accessible' were ambiguous to the point of obscuring the evident meaning of the statute," nevertheless, "the administrative interpretation of the 'directly accessible' requirement" by the Department of Planning and Zoning "trumps the testimony of Bel Air Realty's experts and its interpretation to the contrary." *Id.* at 267. Citing established reasons for judicial deference to an agency's expertise in interpreting a statute that it is charged with enforcing, we were "convinced that the Department's interpretation is a persuasive articulation of the 'directly accessible" language of" the zoning statute. *See id.* at 267-68.

The Protestants misunderstand our "trumping" language in *Bel Air Realty* as an instruction to defer to ***any*** zoning expert's opinion regarding the meaning and application of a zoning statute, regardless of whether the Baltimore County Department of Permits and Management and the Board concur with that opinion. To the

contrary, *Bel Air Realty* merely confirms that courts appropriately defer to a local zoning agency's expertise in interpreting the zoning regulations it administers, as occurred in this case. Accordingly, we conclude that the Board did not err in failing to give dispositive weight to the opinions expressed by the Protestants' zoning experts.

II.
Testimony Of Wilders' Architectural Expert

Despite the substantial evidence in the record to support the Board's determination that the Wilder home faces Pinehurst, the Protestants contend that "uncontradicted" material facts establish that Murdock Road is the front of the Wilder home, because "the Board erred in not disregarding the speculative testimony of the Wilders and their architectural expert Warren G. Nagey of Chesapeake Design Group." They analogize this case to *Lewis v. Dep't of Natural Resources*, 377 Md. 382, 429-30 (2003), in which the Court of Appeals concluded, *inter alia*, that the expert who testified on behalf of the local agency had no empirical data to support her conclusions. In the Protestants' view, the two cases are similar because the only expert evidence the Board had was favorable to a finding that the Wilder home fronts on Murdock, i.e., that "there was a common front foundation wall on Murdock Road as evidenced by the Keelty and Dillon testimony and that the garage was located in the rear yard in compliance with the BCZR § 400 as again articulated by Dillon and Richards[.]"

We are not persuaded by this argument. As a threshold matter, the Protestants did not object to the testimony of Mr. Nagey, and therefore waived their objection to the Board's consideration of it. Moreover, as discussed in section I, neither the garage location nor the foundation wall requires acceptance of the Protestants' argument. We conclude that Nagey's opinion that, from an architectural perspective, the Wilder home fronts on Pinehurst, was supported by ample factual evidence, as enumerated above with respect to the location of the main entrance, as well as its exterior appearance and interior floor plan. In this respect, this case stands in stark contrast to *Lewis*, in which the agency's expert had no factual data to support her opinion.[6]

III.
Consistency With Prior Decision

In their final assignment of error, the Protestants argue that "[t]he Board was arbitrary and capricious in ignoring its opposite conclusion in [the] previous case [of] *Dorothy K. and Cheryl A. Milligan*, Case No. 02-519-A." They contend that the Board's decision in *Milligan*, that a Stoneleigh residence located at the

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[6]In *Lewis*, the Court of Appeals held that the decision to deny a special exception for hunting cabins had been "improperly influenced by the [Chesapeake Bay] Commission's expert, Ms. Chandler," who admitted on cross-examination that she did not have an environmental study or any other quantifiable data to support her opinion that the "cumulative impacts" of the proposed cabins on the estuary island environment justified denial of a special exception. *See Lewis v. Dep't of Natural Resources*, 377 Md. 382, 429-31 (2003).

corner of Oxford and Hatherleigh Roads faces Oxford Road, is irreconcilably inconsistent with its decision that the Wilder home does not front on its address street, Murdock Road. *See, e.g., Aspen Hill Venture v. Montgomery County,* 265 Md. 303 (1972) (reaching opposite conclusion in substantively similar cases may constitute "arbitrary, capricious and discriminatory" decision). The Wilders respond that the *Milligan* decision "is completely distinguishable," as the Board recognized.

Ms. Milligan sought a variance for a 20' by 12' art studio that she built as an accessory structure. On corner lots such as Milligan's, such structures must be located in the rear third of the yard. *See* BCZR § 400.1. Milligan argued that she had complied with that requirement because her house fronted on Oxford Road, where her mail is addressed and delivered. Although the house has an enclosed porch with an exterior door on the Oxford Road side, the main entry door and driveway are on the Hatherleigh Road side, which is also the longer side of the house. Both the Stoneleigh Community Association and the Rodgers Forge Community Association opposed the variance, expressing concerns about its immediate and precedential impact for other corner lots.

A majority of the Board found "as a matter of fact that the Petitioner has offered convincing and substantial evidence that the accessory structure has been constructed in the rear third of the lot" as required. It cited "several reasons" as follows:

First the one and only address given to the subject site is 7116 Oxford Road. This side of the house has a sidewalk and an entrance into the main living quarters. **This is the address and entrance where the mail and other deliveries are directed.**

Secondly the plat shows clearly that **the setback from Oxford Road is 25 feet, a "front yard setback"** whereas the setback from the adjacent lot at 7112 and from Hatherleigh Road on the other side is a 10-foot "side yard" setback.

Thirdly, all services to the subject site including utility poles and lines come in from Hatherleigh Road. We find this to be typical of subdivisions that such services and **utilities are not placed in the front of the house.**

Finally the evidence and testimony presented is uncontradicted that from York Road into the subdivision all corner lot houses have entrances fronting on the intersecting side streets with driveways off Hatherleigh Road. **Only two houses, those of Ms. Milligan and Mr. Gill, also have entrances that face Hatherleigh.** As Mr. Gill, a Protestant, testified, having two entrances does cause some confusion.

Accepted by the Board as an expert in architecture and urban design, we found the testimony of Mr. Hill to be persuasive. Mr. Hill noted that "attractive facades" was typical of the design attributes when Stoneleigh was constructed . . . .

The majority did not find compelling the testimony of Mr. Thompson of PDM that his department determines the front of a property from its physical characteristics and using common sense. Similarly **Mr. Thompson produced no evidence to support his opinion that the subject property would be given an address on Hatherleigh Road if it were to be built today.**

We do not find the Board's decision in this case to be inconsistent with its decision in *Milligan*. Although both decisions concern corner lots, the Stoneleigh case involved a separate accessory structure for a single family home, rather than an addition to a townhouse end unit. Most importantly, in both cases, the Board cited the factors of mail and package delivery as evidence that supported its orientation decision. Similarly, in both cases, the Board relied on architectural expert opinion that it found persuasive.

One material difference between the decisions in *Milligan* and *Wilder* is that the 25' setback applicable to the Milligan house strongly supported the Board's conclusion that the house fronted on Oxford Road, whereas there is no evidence of a comparably "telltale" setback differential that could help identify the front and side yards of the Wilder home.[7] The most significant distinction between the two residences is that the Milligan house has a commonly used path from the sidewalk to its Oxford Road door, which is used for mail and package delivery, whereas there is no path from Murdock Road to the Wilder townhome and only the

[7]The front and side yard setbacks for the Wilder home in Rodgers Forge are both ten feet. According to the Protestants, if the Wilder residence fronts on Murdock Road, as they contend it should, there would be no setback obstacle to an addition on the Pinehurst Road side, although Rodgers Forge homeowners "would probably object . . . from a covenant standpoint," based on Rodgers Forge covenants that "privately adjust and determine what could be done and what can't be done[.]" We have not been directed to any such covenants in the record before us.

Pinehurst Road door is used for entry, mail, and deliveries.[8] In these circumstances, the Board's decision that the Wilder home fronts on Pinehurst Road is not inconsistent with its decision that the Milligan home fronts on Oxford Road.

JUDGMENT AFFIRMED. COSTS TO BE PAID BY APPELLANTS.

[8]Although the Board explicitly criticized the County zoning authority's reliance on physical characteristics of the property and "common sense" to justify the decision in *Milligan*, we regard this statement in context as merely disapproving the County's effort to use undefined "common sense" rather than duly enacted BCZR benchmarks such as setback distances.

2/19/06

IN THE MATTER OF:

LAWRENCE SWOBODA, ET AL

* IN THE

* CIRCUIT COURT

* FOR

* BALTIMORE COUNTY

* CASE NO: 03-C-05-007336

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

MEMORANDUM OPINION AND ORDER

This matter comes before the Court for judicial review of a decision by the County Board of Appeals of Baltimore County ("Board"). On June 14, 2005, the Board granted Respondents' ("the Wilders") Petition for Special Hearing to approve a kitchen extension and covered deck on their home, and ordered that a Stop Work Order issued by Baltimore County on October 15, 2003 be rescinded. The Rodgers Forge Community Association ("the Association") then filed this Petition for Judicial Review on July 5, 2005. On February 13, 2006 a hearing was held before this Court. For the reasons set forth herein, the judgment of the Board is AFFIRMED.

BACKGROUND FACTS

The Wilders own an end-of-group home located at 201 Murdock Road, within the Rodgers Forge development, which they purchased in July 2002. The residential property is a .08 acre corner lot where the north side faces Murdock Road, the west side faces Pinehurst Road, the south side faces a 15-foot alley, and the east side adjoins 203 Murdock Road. This case arises from the Wilders' plan to construct a 13x13 foot, one-story addition to their home on the alley side, as well as an 8.5x13 foot covered deck on the side of that addition.

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BOARD OF APPEALS

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The controversy in this case surrounds the orientation of the home and whether the "front" of the home, for purposes of applying Baltimore County Zoning Regulations, is on Murdock Road or Pinehurst Road. Baltimore County Zoning Regulations affecting the Wilders' home require a 50-foot setback in a rear yard, while only requiring a 10-foot setback in a side yard.

The Wilders hired William Cooper of Ridge Crest Remodeling to build this addition, obtained the necessary permit to begin work, and had in fact begun minimal construction when Baltimore County issued its Stop Work Order, citing "false or misleading information provided to obtain the permit." John J. Sullivan, with the Zoning Review Office of the Department of Permits & Development Management, then sent the Wilders a letter indicating that a complaint had been filed regarding their home's construction. Enclosed in the letter from Mr. Sullivan was a form to petition the Zoning Commissioner ("Commissioner") for a variance in the rear yard setback requirement.

Initially, this matter went before the Commissioner, after the Stop Work Order was issued. The Commissioner granted the Wilders' Petition for a Special Hearing, made a finding that the front of the Wilders' home on the subject property faces Pinehurst Road, and also rescinded the Stop Work Order. The Association appealed the Commissioner's ruling to the County Board of Appeals for Baltimore County and a hearing was held before the Board on December 2, 2004 and February 15, 2005. A public deliberation was held on April 21, 2005.

After the Board's June 2005 ruling, The Association's filed a timely Petition for Judicial Review that raised the following the questions:

1) Did the Board err in failing to rule as a matter of law that Murdock Road was the front of the subject site, as required by the Baltimore County Zoning Regulations, § 101 defining "front yard" and § 400.1, § 400.2, and § 400.3, defining accessory uses?

2) Did the Board err in not disregarding the speculative testimony of the Wilders and their architectural expert, Warren G. Nagey of Chesapeake Design Group, when there are material facts, uncontradicted in the record, which support Murdock Road as the front of the Wilder home?

3) Was the Board arbitrary and capricious in ignoring its opposite conclusion in a previous case?

Based upon this Court's consideration of the entire record of the proceedings below as well as written memoranda submitted by both sides and arguments of counsel, the Court shall AFFIRM the decision of the County Board of Appeals of Baltimore County.

STANDARD OF REVIEW

A final decision of a county zoning board must be upheld on review if it is not premised upon an error of law and if the agency's conclusions reasonably may be based on the facts proven. In fact, the court's role in reviewing an administrative agency's decision is narrow. The reviewing court cannot substitute its own judgment for that of the zoning board and must accept the zoning board's factual conclusions if they are based on substantial evidence and if reasoning minds could reach the same conclusion on the record. *Columbia Road Citizens' Ass'n v. Montgomery County*, 98 Md. App. 695, 698 (1994). This court also is "limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." *United Parcel v. People's Counsel*, 336 Md. 569, 577 (1994).

For purposes of judicial review, substantial evidence means more than a "scintilla of evidence" such that a reasonable person could come to more than one conclusion in such a situation, the issue to be considered is "fairly debatable" and the reviewing court may not

substitute its judgment for that of the agency. *Realty Improvement Ass'n v. Sycamore Realty Co., Inc.*, 105 Md. App. 701, 714, 661 A.2d 182 (1995).

Even regarding some legal issues, the reviewing court should grant a degree of deference to the agency's position. The agency's interpretation and application of any statute that the agency administers should be given considerable weight by the reviewing court. *Lussier v. MD Racing Commission*, 343 Md. 681, 696-97 (1996).

DISCUSSION

Question #1: Did the Board err in failing to rule as a matter of law that Murdock Road was the front of the subject site, as required by the Baltimore County Zoning Regulations, § 101 defining "front yard" and § 400.1, § 400.2, and § 400.3, defining accessory uses?

This Court has carefully examined the Board's analysis of the evidence and witness testimony presented and finds there was substantial evidence in the record to support the Board's factual conclusion that the Wilders' home fronts on Pinehurst Road. Further, this Court finds the Board's decision not to rule on the orientation of the house as a matter of law to be an appropriate one, given that the Board considered the law "ambiguous or flexible in this area" and looked instead at the "totality of the circumstances." *See* Board's Opinion at page 9.

This Court acknowledges that the Board gave due consideration to the Baltimore County Zoning Regulations. The Board stated that the regulations "do not give any definite guidance in this area," since § 101 defines "front yard" as "the yard extending across the full width of the lot, between the front lot line and front foundation wall of the main building." *Id.* This Court agrees.

The Board's consideration of the applicable Baltimore County Zoning Regulations in

conjunction with the evidence and testimony was sufficient to make its decision. Therefore, the answer to the Association's first question is NO, the Board did not err in failing to rule as a matter of law that Murdock Road was the front of the subject site.

Question #2: Did the Board err in not disregarding the speculative testimony of the Wilders and their architectural expert, Warren G. Nagey of Chesapeake Design Group, when there are material facts, uncontradicted in the record, which support Murdock Road as the front of the Wilder home?

This Court has carefully reviewed the witness testimony presented, as well as the Board's consideration thereof, and feels that the Board's reliance on the Wilders' and Warren Nagey's testimony was sound. The Wilders' testimony, rooted in personal knowledge and experience, is appropriate and Warren Nagey was accepted as an architectural expert, without objection by the Association. This Court cannot substitute its own judgment for that of the Board, unless the Board was unreasonable or its actions were unsupported by substantial evidence. Here, the Board's reliance was both reasonable as well as supported by substantial evidence.

This Court also notes that, in making its determination as to the orientation of the home, the Board considered testimony given by the Association's witnesses, including zoning expert Jack Dillon and zoning office employee Carl Richards. Jack Dillon testified about the impact of the alley and garage on the home's orientation. *See* February 15, 2005 transcript pages 134-35. Dillon stated that the placement of an alley does not, in and of itself, determine that the alley side of a lot is the "rear." *Id.* at 134. Rather, the alley's placement "must be taken in context with other things." *Id.* Dillon also testified that the placement of a garage on a property "certainly is one of the things that [the zoning office] looks at." *Id.* at 135.

Carl Richards presented a series of factors that the zoning office uses to resolve which face of a building is the front. *See id.* at 10-11. That list of factors included the location of any accessory buildings, the location of the front door, the location of the interior rooms and their orientation within the home, which side "looks like the front" if situated "in the center of a hundred acres," and the physical construction of the building. *Id.*

Additionally, in *City of Baltimore v. Siwinski*, 235 Md. 262, 263 (1964), the Court of Appeals of Maryland considered the issue of orientation and said, "we think it is clear that the physical construction of a building establishes the frontage for purposes of determining whether there has been compliance with the zoning ordinance." *Id.* at 264-65. For these reasons, there is substantial evidence in the record to support the Board's conclusions that Pinehurst is the front of the home. This Court's answer to the Association's question is NO.

Question #3: Was the Board arbitrary and capricious in ignoring its opposite conclusion in a previous case?

The Court has carefully considered the Board's analysis in light of its earlier decision, *Dorothy K. and Cheryl A. Milligan*, Case No. 02-519-A, and finds that the Board was neither arbitrary nor capricious in its decision regarding the instant case. While the question regarding orientation of the home in *Milligan* was similar to this case, the facts of that case are distinguishable. *See* Board's Opinion in *Milligan*.

In evaluating whether an accessory structure on the Milligans' corner lot in Stoneleigh complied with the Baltimore County Zoning Regulations, the Board had to first address whether the home fronted on Oxford Road or Hatherliegh Road. *See id.* at page 4. The Board considered the applicable zoning regulations regarding accessory structures and ultimately decided that the

home fronted on Oxford Road. *Id.* at page 8. In determining the orientation of the Milligans' home, the Board stated that the Oxford Road side "has a sidewalk and an entrance into the main living quarters. This is the address where the mail and other deliveries are directed." *Id.*

Similarly, in this case, the Board considered that Pinehurst Road side of the Wilders' home has a walkway, the main entrance, and the mailbox. There is substantial evidence in the record to support the Board's conclusion that the Wilders' home fronts on Pinehurst Road. The Board's decision was in no way arbitrary, nor was it capricious, in light of its previous ruling.. Therefore, the Board's decision is AFFIRMED.

CONCLUSION

For the reasons set forth herein, the decision of the Board shall be AFFIRMED.

SUZANNE [illegible] Clerk

Deputy Clerk

Ruth A. Jakubowski, Judge

2/16/06
Date

Clerk to notify parties

IN THE MATTER OF:	*	IN THE
	*	CIRCUIT COURT
LAWRENCE SWOBODA, ETAL	*	FOR
	*	BALTIMORE COUNTY
	*	CASE NO: 03-C-05-007336

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

ORDER

This matter came before the Court as a Petition for Judicial Review of a decision by the County Board of Appeals for Baltimore County. For the reasons stated in its Memorandum Opinion, it is this 15th day of February, 2006, by the Circuit Court for Baltimore County, Maryland,

ORDERED that the County Board of Appeals for Baltimore County's decision shall be, and the same is, hereby **AFFIRMED**.

Copy Test
SUZANNE MENSH, Clerk
Pamela O'Hall
Assistant Clerk

Ruth A. Jakubowski, Judge

2/16/06
Date

Copies to be mailed by Clerk

7/28/05

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: LAWRENCE SWOBODA, ET AL	*	CIVIL ACTION
	*	NO. 03-C-05-007336
FOR JUDICIAL REVIEW OF THE DECISION OF THE BALTIMORE COUNTY BOARD OF APPEALS OLD COURT HOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MD 21204	*	
IN THE CASE OF THE APPLICATION OF CHARLES AND BRIGID WILDER - PETITIONERS FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SOUTH EAST CORNER OF MURDOCK AND PINEHURST ROADS (201 Murdock Road) BALTIMORE, MD 21212	*	
9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT	*	

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

RESPONSE TO PETITION FOR JUDICIAL REVIEW AND PRELIMINARY MOTION

Now come Charles and Brigid Wilder, by their attorney, Justin J. King, and pursuant to Rule 7-204 of the Maryland Rules of Procedure respond to the Petition for Judicial Review stating that they intend to participate in the action.

In addition, it is stated by way of preliminary motion pursuant to Rule 7-204(b) that Petitioners Renee Rees, Sarah Kahl, Doug Campbell, Jennifer Clouse, Brent Matthews, Claire McGinnis, Bruce Hirshauer, Jeff Wible, Jennifer Sheggrud, Bernice Hirshauer, Barbara Leons,

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BOARD OF APPEALS

Robert Williams, Roxanne Rinehart and John Rinehart were neither parties to the proceedings below nor participated in the proceedings below and thus lack standing to pursue this appeal.

/s/

JUSTIN J. KING
409 Washington Avenue
Suite 707
Towson, MD 21204
410-337-3755

Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of July, 2005, a copy of Petitioners' Response to Petition for Judicial Review was mailed by first class mail, postage pre-paid to J. Carroll Holzer, Esq., Holzer and Lee, 508 Fairmount Avenue, Towson, MD 21286, County Board of Appeals, Basement, Old Court House, 400 Washington Avenue, Towson, MD 21204 and People's Counsel for Baltimore County, Basement, Old Court House, 400 Washington Avenue, Towson, MD 21204.

/s/

Justin J. King

7/22/05

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY	*	
	*	
PETITION OF: LAWRENCE SWOBODA, *et al*	*	
FOR JUDICIAL REVIEW OF THE OPINION OF THE COUNTY BOARD OF APPEALS	*	
OF BALTIMORE COUNTY OLD COURTHOUSE, ROOM 49	*	CIVIL ACTION
400 WASHINGTON AVENUE TOWSON, MARYLAND 21204	*	NO. **03-C-05-007336**
	*	
IN THE MATTER OF THE APPLICATION CHARLES & BRIDGET WILDER	*	
MURDOCK AND PINEHURST ROADS (201 MURDOCK ROAD)	*	
BALTIMORE, MD 21212	*	
9th ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	
CASE NO.: 04-252-SPHA		

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

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

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

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Peter Max Zimmerman
People's Counsel for Baltimore County,
Old Courthouse, Room 47
400 Washington Avenue
Towson, Maryland 21204

Lawrence Swoboda, *et al*
407 Dumbarton Road
Baltimore, MD 21212

Charles and Bridget Wilder
201 Murdock Road
Baltimore, MD 21212

Justin King, Esquire
409 Washington Avenue – Suite 707
Towson, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

Linda B. Fliegel

Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

I HEREBY CERTIFY that on this 22 day of July, 2005, a copy of the foregoing Certificate of Notice has been mailed to: J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286, Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204, Lawrence Swoboda, 407 Dumbarton Road, Baltimore, MD 21212, Charles and Bridget Wilder, 201 Murdock Road, Baltimore, MD 21212 and to Justin King, Esquire, 409 Washington Avenue – Suite 707, Towson, MD 21204.

Linda B. Fliegel

Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

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 22, 2005

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

RE: Circuit Court Civil Action No. 03-C-05-007336
Petition for Judicial Review
Charles and Bridget Wilder
Board of Appeals Case No.: 04-252-SPHA

Dear Mr. Holzer:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review, which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days. The cost of the transcript of the record must be paid by you and must be paid in time to transmit the same to the Circuit Court within the sixty day timeframe, as stated in the Maryland Rules.

The Court Reporter that you need to contact to obtain the transcript and make arrangement for payment is as follows:

CAROLYN PEATT
TELEPHONE: 410- 486-8209
HEARING DATE: December 12, 2004 and February 15, 2005

This office has also notified Ms. Peatt that a transcript on the above captioned matter is due by September 8, 2005, for filing in the Circuit Court. A copy of your Petition, which includes your telephone number, has been provided to the Court Reporter, which enables her to contact you for payment provisions.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Fliegel
Legal Secretary

/lbf
Enclosure
c: Carolyn Peatt, Court Reporter
Lawrence Swoboda, *et al*

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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

July 22, 2005

Justin King, Esquire
409 Washington Avenue – Suite 707
Towson, MD 21204

RE: Circuit Court Civil Action No. 03-C-05-007336
Petition for Judicial Review
Charles & Bridget Wilder
Board of Appeals Case No.: 04-252-SPHA

Dear Mr. King:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on July 5, 2005, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. A copy of this Petition was *retrieved* from the Circuit Court by this office on July 21, 2005. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, **must be filed under Civil Action No. 03-C-05-007336.**

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Fliegel

Linda B. Fliegel
Legal Secretary

/lbf
Enclosure

c: Peter M. Zimmerman, Esq.
People's Counsel for Baltimore County
Lawrence Swoboda
Charles and Bridget Wilder
J. Carroll Holzer, Esquire
William J. Wiseman, III/Zoning Comm.
Pat Keller,/Planning Director
Timothy M. Kotroco, Director/PDM
John Novak/Traffic Engineering

Printed with Soybean Ink on Recycled Paper

7/5/05

PETITION OF:	*	IN THE
LAWRENCE SWOBODA 407 Dumbarton Road, Baltimore, MD 21212; JOSEPH SEGRETI, 124 Regester Avenue, Baltimore, MD 21212; JOHN O'HARA, 329 Murdock Road, Baltimore, MD 21212; NORMA O'HARA, 329 Murdock Road, Baltimore, MD 21212; RON ZIELKE, 325 Murdock Road, Baltimore, MD 21212; CAROL ZIELKE, 325 Murdock Road, Baltimore, MD 21212; RENEE REES, 209 Hopkins Road, Baltimore, Maryland 21212 SARAH KAHL, 149 Hopkins Road, Baltimore, MD 21212; DOUG CAMPBELL, 422 Hopkins Road, Baltimore, MD 21212; JENNIFER CLOUSE, 202 Dunkirk Road, Baltimore, MD 21212; BRENT MATTHEWS, 128 Dunkirk Road, Baltimore, MD 21212; ANN MATTHEWS, 128 Dunkirk Road, Baltimore, MD 21212; CLAIRE McGINNIS, 114 Dunkirk Road, Baltimore, MD 21212; JEAN DUVALL, 227 Murdock Road, Baltimore, MD 21212; BRUCE HIRSHAUER, 126 Dunkirk Road, Baltimore, MD 21212; JEFF WIBLE, 400 Old Trail, Baltimore, MD 21212; JENNIFER SHEGGRUD, 307 Dumbarton Road, Baltimore, MD 21212; BERNICE HIRSHAUER, 114 Dunkirk Road, Baltimore, MD 21212; BARBARA LEONS, 126 Dunkirk Road, Baltimore, MD 21212; ROBERT WILLIAMS, 20 Regester Avenue, Baltimore, MD 21212; ROXANNE RINEHART, 10 Regester Avenue, Baltimore, MD 21212; JOHN RINEHART, 10 Regester Avenue, Baltimore, MD 21212	*	CIRCUIT COURT FOR BALTIMORE COUNTY Case No.:

REGISTERED AND FILED
05 JUL -5 PM 12:07
CIRCUIT COURT

Read copy w/ Ltr. of ass no. on July 21, 2005

RECEIVED
JUL 06 2005
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF: *
THE APPLICATION OF
CHARLES & BRIDGET WILDER - Petitioners *
FOR SPECIAL HEARING AND VARIANCE ON
PROPERTY LOCATED ON THE SE/COR OF *
MURDOCK AND PINEHURST ROADS
(201 MURDOCK ROAD) *

9th ELECTION DISTRICT *
5th COUNCILMANIC DISTRICT
*

RE: DEVELOPMENT PLAN DECISION *
CBA-03-156
*

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

PETITION FOR JUDICIAL REVIEW

Pursuant to Rule 7-202, Petitioners and individuals ***Lawrence Swoboda, et al***, by and through their attorney, ***J. Carroll Holzer***, Holzer & Lee, request Judicial Review of the Opinion of the County Board of Appeals of Baltimore County in Case No.: 04-252-SPHA rendered on June 14, 2005 and attached hereto.

Petitioners were parties before the County Board of Appeals and fully participated in the proceedings.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of July, 2005, a copy of the foregoing Petition for Judicial Review was mailed first class, postage pre-paid to: Justin King, Esquire, 409 Washington Avenue, Suite 707, Towson, Maryland 21204, County Board of Appeals, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\Petitions 2005\Wilder Petition

6/14/05

IN THE MATTER OF THE APPLICATION OF CHARLES & BRIDGET WILDER – Petitioners FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SE/COR OF MURDOCK AND PINEHURST ROADS (201 MURDOCK ROAD) 9th ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 04-252-SPHA

* * * * * * * * *

OPINION

This matter comes before the Board on an appeal from a decision of the Zoning Commissioner in which the Commissioner granted a Petition for Special Hearing filed by Charles D. and Brigid Wilder, the owners of the subject property, through their attorney, Justin J. King, Esquire. The zoning relief granted was the finding that the front of the dwelling on the subject property faces Pinehurst Road and the rescission of a Stop Work Order that was issued by Baltimore County on October 15, 2003.

Before the Board, the Petitioners requested alternative relief to grant a variance from § 1B02.3.C.1 of the *Baltimore County Zoning Regulations* (BCZR) to permit a rear side yard setback of 33 feet in lieu of the required 50 feet for a proposed addition. Appellants /Protestants, Rodgers Forge Community Association, by Melissa Tillman, President, and individuals Carol Zielke, Norma O'Hara, Pat Dunn, Jean Duvall, and Jill Goldman, were represented by J. Carroll Holzer, Esquire. The hearing was held on December 2, 2004 and February 15, 2005. While Peter M. Zimmerman, People's Counsel for Baltimore County, did not participate officially, he did file a "Hearing Memorandum" in which he supported the position that the front of the house in question should be determined to be the Murdock Road address. Briefs were filed by all parties on March 15, 2005. A public deliberation was held on April 21, 2005.

Background

The subject property is located in the residential community known as Rodgers Forge, which is located south of Towson, Maryland, between York Road and Charles Street. The subject property is a small corner lot containing approximately .08 acre in area (3,503 square feet), zoned D.R. 10.5 and is trapezoidal in shape. The north side abuts Murdock Road, the west side abuts Pinehurst Road, and the south side abuts a 15-foot alley. The east side adjoins the adjacent dwelling known as 203 Murdock Road. The James T. Keelty Co. began building Rodgers Forge in 1936. The dwelling on the subject property is an end-of-group townhouse which, as noted above, shares a common wall with the unit known as 203 Murdock Road. In addition to the dwelling, the property also features a detached brick garage which is 20 feet by 30 feet in dimension and is located on that section of the property between the house and the alley. Additionally, much of the property has been fenced, and there is a masonry wall along the property line immediately adjacent to the alley.

Mr. and Mrs. Wilder purchased the property on or about July 2, 2002. In addition to Mr. and Mrs. Wilder, their three daughters occupy the home. Feeling that the kitchen in the home was rather cramped, the Petitioners proposed the construction of a 13-foot by 13-foot addition to that side of the house where the kitchen is located in order to expand the existing kitchen and provide a greater area for family meals and meetings. They also proposed to construct an 8.5-foot by 13-foot covered deck on the side of the addition facing Pinehurst Road. The height of the addition would be 11 feet, or approximately one story. Petitioners retained the services of William Cooper, owner of Ridge Crest Remodeling to build the addition. The requisite permit was obtained from Baltimore County, and a minimal level of construction was begun before a Stop Work Order was issued by Baltimore County. The Stop Work Order was based upon the

premise that "false or misleading information provided to obtain the permit." Subsequently, the Wilders received a letter from John J. Sullivan, Planner II, of the Zoning Review Office of the Department of Permits & Development Management (PDM) indicating that a complaint had been filed concerning the side and rear orientations of the house. Mr. Sullivan enclosed a Petition form for a zoning variance to be filed before the County Zoning Commissioner to allow the 29-foot setback in lieu of the 50-foot setback as required for an addition to be located in the rear yard.

Petitioners' Evidence

Petitioners presented several witnesses in support of their Petition. Charles D. Wilder, the owner of 201 Murdock Road, testified that he purchased the house in July of 2002. He stated that the brochure which he received at the time that he looked at the house showed a photograph of the house from the Pinehurst Road side. The brochure was introduced into evidence. Mr. Wilder testified that the front door of the house is located on Pinehurst Road, and a walkway goes from the sidewalk on Pinehurst Road to the front door of the home. Immediately inside the front door is an entrance hall with a center stairway leading to the upstairs rooms. The home has a mailbox, doorbell, and porch light, as well as a welcome sign, on the Pinehurst side of the house. The Pinehurst side of the home is 39 feet in length. The Murdock Road side of the house is 22.5 feet wide. There is a stone porch on the Murdock side of the home and a door, but there is no walkway leading from Murdock Road to the door on the Murdock side of the house. Mr. Wilder testified that he does not have a key to the Murdock Road door, and he is not sure that the former owners had a key. Mr. Wilder presented a photograph showing the beginning of the construction of the addition and a fence which is approximately 6 feet high separating his

property from the property next door, 203 Murdock Road. The 203 Murdock Road has a large awning hanging from the rear of the home into the yard.

Mr. Wilder then produced photographs of various end-of-group homes similar to his home in the Rodgers Forge development. These pictures showed at least 13 homes similar to the Wilder home which had porches or additions constructed on the short sides of the home which would be either the side facing the alley or the side facing the other street, since these were corner homes.

Petitioners called Warren Nagey, an architect with Chesapeake Design Group. Mr. Nagey testified as an expert in architecture, and it was his opinion that the front of the home in question was the Pinehurst side of the building. He felt that there was no other place to put an addition on the house other than where it was proposed. It would not block the light to the home next door. He felt that the house had two side yards, a front yard, and no back yard.

Petitioners also called Gary Anglemyer of 200 Dunkirk Road and Charles Smearman of 141 Murdock Road. Both of these individuals live in homes similar to the home in question owned by the Wilders. Mr. Anglemyer has lived in his home approximately 2½ years and Mr. Smearman has lived in his home 43 years. Both individuals felt that the front of the Wilder house was on Pinehurst Road. Neither of them had any objection to the addition being constructed and did not feel it would detract from the integrity of the neighborhood or from the value of the homes.

Protestants' Evidence

Protestants presented the testimony of Joseph A. Segreti who represented the Rodgers Forge Community Association Board of Directors and who provided Rule 8 documents on behalf of the Association. The Association of almost 2,000 Rodgers Forge homeowners opposes

the request for the special hearing and the Petition for the variance. Mr. Segreti stated that the property values have been maintained in Rodgers Forge by strict adherence to the original Keelty concept and that the Petition /variance would create a mixture of incompatible designs and materials which would destroy the architectural integrity of the entire neighborhood. He felt that the proposed structure would directly affect the airflow and sunlight through backyard areas of the group. He stated his opinion that the addition would generate reduced property values and create significant health, safety and welfare concerns for the entire community.

Carol Zielke, a neighbor, then testified that there was nothing unique about the Wilder home. She felt that it was typical of the end-of-group homes throughout Rodgers Forge. She introduced various photographs establishing other homes in the neighborhood having central stairways. She also did a statistical count on the number of group homes and found that approximately one-third of Rodgers Forge homes would be affected by the ruling concerning the front of the end-of-group home. She did not feel that there would be any hardship for failure to grant the variance since all of the homes in Rodgers Forge have the same size kitchen, and many families over the years have made due with a kitchen of similar size.

Carl Richards, Zoning Supervisor (PDM), was called to testify on behalf of the Protestants. He stated that he had visited the home at 201 Murdock Road and found that, in his opinion, the front yard of the Wilder property faced Murdock Road and the rear contained the garage and alley behind the Wilder property. He stated that he disagreed with the Zoning Commissioner's analysis applied to the case. He believed that, since the zoning regulations required the garage to be in the rear yard, it is a clear determination that the area is the rear yard, and he likened the garage to the "elephant in the living room." He also testified that it was not

uncommon to have no entrance in the front of the house, and that it is a common situation in many properties throughout Baltimore County.

Protestants then called Herbert A. Davis, a member of the Counselors of Real Estate and a Certified Residential Brokerage Manager. Mr. Davis that he was familiar with the proposed addition at 201 Murdock Road and that he had reviewed the property and was very familiar with Rodgers Forge. It was his opinion that the granting of the variance for the addition would affect the property values of the adjacent properties owned by Ms. Goldman and other properties within the group. He felt that the proposed addition would negatively impact the value of other homes in the group.

Protestants also called James Keelty of the Keelty Company. Mr. Keelty's grandfather and father were the original owners of the Keelty Company who prepared and designed Rodgers Forge as a planned community. He testified that the property was originally purchased in 1936 and that Rodgers Forge was one of the oldest planned communities in Baltimore County. Mr. Keelty indicated that his company is currently building townhouse groups with an end-of-group townhouse at Rodgers Choice, which is directly north and adjacent to the Rodgers Forge community. He testified that One Anvil Court was similar to 201 Murdock and that the County, in reviewing for approval, determined that One Anvil Court faced Anvil Court.

Jill Goldman of 203 Murdock Road, the owner of the house immediately adjacent to the subject site at 201Murdock, then testified as to her concerns. She expressed concern that she originally agreed to the Wilder proposal in order to keep peace in the neighborhood. However, she subsequently discovered that the Wilders were rerouting electrical wires and attaching them to the back of her house without her approval, and she changed her mind with respect to the proposed addition. She admitted that she had signed a paper saying that she had no objection to

the addition. In November 2004, she put her house up for sale and the house was sold, but the sale fell through. She was concerned about water from the downspout that she said was the Wilders and also from the rainspouts on the Wilders' garage which were leaking. She was concerned that the addition would block air and light into yard and felt that the addition would devalue her house.

The final witness for Protestants was Jack Dillon who was accepted by the Board as an expert in land planning. It was Mr. Dillon's opinion that the front of the house was located on Murdock Road. This was based upon the fact that the homes were built to a specific and consistent design, the foundation for each group consisted of a continuous common front foundation wall parallel at a given setback, a rear foundation wall parallel to the alley, and side foundation walls at either end of the group with the interior walls separating each unit.

Mr. Dillon quoted from the BCZR § 101 defining "front yard." He quoted the definition as stated: "a yard extending across the full width of a lot between the front lot line and the front foundation wall of the main building." It was his opinion that the definition of front yard is one of two significant factors by way of its reference to the foundation wall of the main building. He felt that even though the entrance on Pinehurst was the more attractive entrance there is no question that the home fronted on Murdock Road. Mr. Dillon also analyzed § 400, Accessory Buildings in Residential Zones. He then reviewed § 400.1, which provided for accessory buildings in residential zones, other than farm buildings to be located only in the rear yard. After reviewing § 400.2 and § 400.3 in regard to accessory buildings, he then concluded that 201 Murdock Road is a corner lot with a garage in the rear yard. Accessory structures are not permitted in side yards. As a former employee of Baltimore County, Mr. Dillon stated that he was not aware of any change in policy or regulations that would support the represented

interpretation by the Wilders. His testimony confirmed the testimony of Carl Richards. Mr. Dillon stated that by calling the Wilder rear yard a side yard, there is a potential to build an addition that would extend up to 10 feet from the alley. He submitted an exhibit showing the potential detrimental effects on the whole community. He felt that there was nothing unique about the property that would justify the Board in finding a variance in order to allow an addition in the rear yard.

It should be noted that the Protestants presented a piece of interoffice correspondence from Pat Keller, Director of the Office of Planning, to Timothy M. Kotroco, Director of the Department of Permits & Development Management, dated December 2, 2004. In this memo, the Office of Planning stated:

> After conducting a more detailed review of the subject proposal, the Office of Planning recommends that the petitioner's request be denied. This office is of the opinion that the ends of group units, such as the subject property, are unique. Their orientation is such that adding the proposed addition would not be appropriate or in keeping with neighborhood character, and would set a negative precedent in this older, well-established community.

The memo was signed by Mark A. Cunningham.

At the February hearing, the Petitioners presented another interoffice correspondence memo from Keller to Kotroco labeled "2nd REVISED COMMENTS" and dated February 8, 2005. In this memo, the Office of Planning stated:

> After further review of the petitioner's request, and another site visit of the subject property, the Office of Planning retracts the revised comments issued by this office dated December 2, 2004.
>
> This office does not oppose the petitioner's request providing the following conditions are met:
>
> 1. Exterior building materials of the proposed addition shall be similar to the existing dwelling.

2. The proposed addition shall not go beyond 1 story.

3. Submit building elevations to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact Mark Cunningham at 410-887-3480.

The memo states that it was prepared by Mark A. Cunningham and was signed by the Section Chief, Lyn Lanham.

Decision

This Board is mindful of the laudable efforts of the Rodgers Forge Community Association to maintain the architectural integrity of the neighborhood. With this in mind, it is clear that a number of homes in Rodgers Forge, similar to that of the Wilders in the instant case, have constructed porches or additions from the side of the building where the garage is located or on the opposite side from the side where the garage is located. The Board is not inclined to rule that, as a matter of law, either Pinehurst Road or Murdock Road is the front of the property in question. The Board considers that the law is either ambiguous or flexible in this area as noted by People's Counsel in his Brief, and feels that the totality of the circumstances may be taken into consideration in this case. The *Baltimore County Zoning Regulations* do not give any definite guidance in this area. Section 101 of the BCZR defines "front yard" as: "The yard extending across the full width of the lot, between the front lot line and front foundation wall of the main building." People's Counsel attached to its Memorandum *Webster's Third New International Dictionary* (Webster's) definition of "width." Among the definitions set forth by *Webster's* is "a distance from side to side; a measure taken at right angles to length; largeness or greatness in extent and girth at the widest part."

The Board accepts the testimony of architect Warren Nagey and the other residents living in homes similar to that of the Wilders. The Board considers that the Wilders' home is fronting on Pinehurst Avenue. The widest part of the building, 39 feet, fronts on Pinehurst Road. The 22.5-foot ends facing the alley and Murdock Road do not constitute the widest part of the building. In addition, the testimony and evidence shows that the main entrance to the home is through the door facing Pinehurst Road. The home is a center-hall Colonial with a center hall beginning as one enters the door facing Pinehurst Road. The Pinehurst side of the house is the most attractive with two bay windows on either side of the door. There are no structures on the front of the house facing Pinehurst to detract from it. There is a stone walkway from the sidewalk on Pinehurst to the front door and a decorative lamppost on the corner of the walk between the front walk and the Pinehurst walkway. The welcome mat is located at the front door as well as the mailbox and doorbell.

There is one door on the Murdock side of the home which goes to a stone patio. There is no walkway from the patio to the Murdock Road sidewalk, and testimony from a neighbor who has lived across the street for 43 years indicated that there never was a sidewalk from Murdock Road to the Murdock side of the Wilders' home.

As stated by Mr. Carl Richards in his testimony on behalf of the Protestants, if the Wilder home was placed in the middle of a 100-acre field, there would be no question that the front of the home was the side of the house facing Pinehurst Road.

The fact that the garage is to the right of the home as you face the home from Pinehurst does not make that side of the house the rear yard. The home was constructed in the late 1930s, long before any zoning ordinances were passed with respect to the construction of garages in the rear of homes. If anything, the garage may be a nonconforming use as it is presently located.

The same can be said for the 6-foot fences which separate the Wilders' home from their neighbor at 203 Murdock Road and also runs along the side of the property next to the alley off of Pinehurst.

The testimony and evidence presented by Mr. James Keelty indicated that, in his new development, Rodgers Choice, he was constructing a home, which had been determined to be known as One Anvil Court. The main and only entrance to the home faced Bellona Avenue. The side of the house, determined by the County to be the front, had a built-in garage and one window – no door. However, the plan of the house showed the main entrance on Bellona Avenue and a small porch with steps going down the side of the porch toward Anvil Court. It was not clear if a path from the garage and driveway to the porch was to be constructed, but no stairs were shown to lead from the porch to Bellona Avenue. Therefore, even if the main entrance was on the Bellona Avenue side of the house, visitors and residents would normally come to the Anvil Court side of the house and go around to the Bellona Avenue entrance. The Board can understand why the County determined that the Anvil Court side of the house would be the front. This does not change the position of the Board in the instant case.

The Board does not consider that allowing the construction of the addition to the Wilding home would affect the integrity of the other properties in Rodgers Forge. In order that that integrity, the Board will impose the conditions set forth by the Planning Office in its February 8, 2005 memo.

The Board feels it would be far more detrimental to find that the Pinehurst Side of the Wilder home was a side yard rather than the front yard. This would allow for an addition to be constructed within 10 feet of the property line on Pinehurst Road and would certainly have an

adverse effect on the architectural integrity of the home as well as other homes in the neighborhood.

The Board considers that its position is consistent with its position in the Board's decision in *Dorothy K. and Cheryl A. Milligan*, Case No. 02-519-A, as well as the decision of the Court of Appeals in *City of Baltimore v. Siwinski*, 235 Md. 262, 263, 201 A.2d 368, 369 (1964).

ORDER

THEREFORE, IT IS this 14th day of June, 2005 by the Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve a 13 ft. by 13 ft. by 11 ft. kitchen extension and a 8.5 ft. by 13 ft. covered deck on the side of the existing end of group townhouse dwelling owned by Charles and Brigid Wilder be and is hereby **GRANTED** with the following conditions:

1. The exterior building materials of the proposed addition shall be similar to the existing dwelling.
2. The proposed addition shall not go beyond one story.
3. Building elevation drawings shall be submitted by the Petitioners to the Office of Planning for review and approval prior to the issuance of any building permits.

and, it is further

ORDERED that the alternative Petition for Variance seeking relief from § 1B02.3.C.1 of the *Baltimore County Zoning Regulations* (BCZR) to permit a rear yard setback of 33 feet in lieu of the required 50 feet for a proposed addition be and is hereby **DISMISSED AS MOOT**; and it is further

ORDERED that the Stop Work Order issued by Baltimore County on October 15, 2003 be and the same shall be hereby rescinded after compliance by the Petitioners with the condition #3 set forth above so that the Petitioners may complete the proposed improvements in accordance with Petitioner plans.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

John P. Quinn

Edward W. Crizer, Jr.

RECEIVED
JUN 15 2005
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

County Board of Appeals of Baltimore County

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

June 14, 2005

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

RE: *In the Matter of: Charles and Brigid Wilder*
Legal Owners /Petitioners Case No. 04-252-SPHA

Dear Mr. Holzer:

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 subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** 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

Kathleen C. Bianco
Administrator

Enclosure

c: Melissa Tillman, President
Rodgers Forge Community Assn.
Mr. and Mrs. Ronald Zielke
Jean Duvall
Norma O'Hara
Justin J. King, Esquire
Charles and Brigid Wilder
Warren Nagy /Chesapeake Design Group
Don Gerding
Richard Parsons
Elizabeth Preroff
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
John Novak /Traffic Engineering
Timothy M. Kotroco, Director /PDM

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on Recycled Paper

3/15/05

IN THE MATTER OF: Charles and Brigid Wilder SE Corner Murdock Road and Pinehurst Road (201 Murdock Road) 9th Election District 5th Councilmanic District Petition for Special Hearing and Variance	*	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.: 04-252-SPHA

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

PROTESTANTS MEMORANDUM
IN LIEU OF FINAL ARGUMENT

Protestants, Rodgers Forge Community Association, by Melissa Tillman, President, and individuals, Carol Zielke, Norma O'Hara, Pat Dunn, Jean Duvall and Mrs. Goldman, by and through their attorney, ***J. Carroll Holzer, Esquire***, hereby submit this Memorandum in Lieu of the Final Oral Argument and say:

STATEMENT OF THE CASE AND HISTORY

The legal owners, Charles and Brigid Wilder, filed a Petition for Special Hearing and Variance to permit a proposed 13' x 13' extension to a one-story kitchen, to the rear of their home located at 201 Murdock Road. Also requested was an 8.5 x 13 foot extension of a porch connected to the kitchen addition on the rear of the home for a total expansion of 21.5' x 13'. A building permit was issued on August 28, 2003 and subsequently revoked by a "stop work" order issued by Baltimore County on October 15, 2003 asserting that "false or misleading information was provided to

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BALTIMORE COUNTY
BOARD OF APPEALS

obtain the permit." The Petition for Special Hearing also requests that the existing garage be considered an accessory structure to be located in the side yard.

The case arises in Rodgers Forge in a D.R. 10.5 zone.[1] The focus of the case is the Wilders' home, an end-of-group house at 201 Murdock Road. It occupies the corner lot at the intersection of Murdock Road and Pinehurst Road. The row of houses extends along Murdock Road.

The Wilders contend that the front of their house borders Pinehurst because their house is oriented to Pinehurst Road by virtue of its setting, entrance position, and appearance. As a result, they say that their requested kitchen extension and deck connected to the part of the house away from Murdock Road is a side yard addition and therefore satisfies the modest side yard setback requirement of 10 feet.

The Protestants and neighbors disagree. They believe that the matter must be viewed in the context of the entire row of houses, which front on Murdock Road, as the address implies. From the Protestants perspective, the Wilders are placing their addition in the rear yard, which requires a far more substantial setback of 50 feet and would necessitate a variance. The relevant zoning standards are in BCZR 1B02.3C1.

The neighbors emphasize that placement of the addition in the yard away from Murdock Road breaks up the continuity of open rear yards, a positive feature of the Murdock Road houses and others in Rodgers Forge. The Baltimore County Office of Planning and

[1] The following history and comments are adopted from People's Counsel Hearing Memorandum submitted to the Board on January 11, 2005.

Zoning apparently took a closer look recently and issued a revised comment December 2, 2004, which concurs with this concern. OPZ wrote:

> "This office is of the opinion that the ends of group units, such as subject property, are unique. Their orientation is such that adding the proposed addition would not be appropriate or in keeping with neighborhood character, and would set a negative precedent in this older, well-established community."[2]

The Zoning Commissioner agreed with the Wilders in his April 7, 2004 opinion. He recited the BCZR 101 definitions for front, side, and rear yards. He also cited the Webster's Third New International Dictionary definition of "front" as including "A face of a building, especially the face that contains the principal entrance." Additionally, he referred to *City of Baltimore v. Swinski* 235 Md. 262 (1964), which interpreted a "front yard definition ("the space between the front line of the building and the front line of the lot") as based, in general usage, on the physical construction of the building, the face of the house, and the side on which the entrance is located.

In this context, he reviewed the facts and found --- mainly on the size, shape, and orientation of the house --- that the property fronts on Pinehurst Road. Therefore, he ruled that the proposed addition is allowed so that no variance is required.

The case is before the County Board of Appeals on a *de novo* appeal. Ultimately, however, the CBA must address the same issue of legal interpretation as the Zoning Commissioner. There are three (3) possible outcomes, one of which has a further option. The first two (2) possible answers are that the front of the property is, as a matter of law,

[2] On the last day of the hearing the Planning Office reversed itself again (Petitioner's Exhibit #17) and approved the request without rationale.

either Pinehurst Road or Murdock Road. The third outcome would involve a finding that the law is either ambiguous or flexible, and that the totality of circumstances may be taken into consideration, including the orientation of adjacent properties. This last approach would call for the CBA to exercise reasonable discretion in making its determination. Essentially, the Zoning Commissioner took the third approach, but exercised his discretion to find, as a matter of fact, that the property fronts on Pinehurst Road.

The People's Counsel then analyzed the relevant law and articulated the following theory:

The determination of the frontage of corner lots has presented problems, from time to time, throughout the country.

Anderson, American Law of Zoning 4th §9.59 states:

> "Setback and yard restrictions present special problems when the lots to which they apply are not common, rectangular plots with one side, usually the smaller dimension, fronting on a street. Corner lots, for example, may pose a special problem, because it may be argued that the setback requirements apply to two sides both of which "front" on a street. Lots which are interior ones, but which extend from one street to another present a similar problem. Which is the front yard, and which the rear? Or does such a lot have two front yards and no rear yard? Finally, odd-shaped lots raise a variety of legal puzzles involving frontage, yards, and setback lines."

As Anderson observes, some jurisdictions include detailed provisions for corner lots in their zoning legislation. An example is the Berwyn Heights statute reviewed in *Town of Berwyn Heights v. Rogers* 228 Md. 271 (1962). The BCZR do not, however, address corner lots matter in detail. This is the setting for the present controversy.

The BCZR 101 definitions for "Yard, Front" and "Yard, Rear both contain the language: "extending along the full width of the lot." What, then, is the width? Unfortunately, the attached Webster's Third New International Dictionary definition is not helpful. It merely states in pertinent part,:

> **Width:** 1: a distance from side to side: measure taken at right angles to length: BREADTH <the ~ of a ribbon><the ~ of a printed letter> ...

The language in the *Swinski* case is helpful to the Wilders' position, but the facts are distinguishable. It did not involve an end-of-group home or a row of houses. Rather, it involved proposed apartment buildings on two (2) separate lots: a corner lot and the third lot down. Interestingly, *Swinski* cited a number of cases from other states.

Among these were *Bianco v. City Engineer & Building Inspector* 187 N.E. 101 (Mass. 1933). There, a southeast corner lot was situated in a position similar to that of the Wilder lot. There was a row of rectangular lots bounded on the north by Quincy Street on the west. The original building face Quincy, but the new owner desired a new building facing and having an exclusive entrance on Ashland. He applied for a building permit for a building within 15 feet of the lot to the east. If this were judged to be the rear (the front being on Ashland), it would be in violation. But the building inspector considered, based on all the history and circumstances, that the front was, and still remained, on Quincy like all the other lots. The neighboring property owner to the east filed a petition for mandamus to revoke the building permit, which was referred to an auditor. The case turned on the definition of "rear lot line." The auditor's report essentially found the issue debatable, and

did not recommend revocation of the permit. The Supreme Judicial Court sustained this decision. The Chief Justice wrote:

> "The front line and the rear line of a lot cannot well be described by a hard and fast rule of law applicable to all cases. The determination of the question is largely a matter of fact. The general location, the manner in which the particular lots and its adjacent lots have been laid out, the customs of surveyors in that respect, the uses to which the lot has been put as well as those to which it is proposed to be put, the practices of public officer charged with duties respect it, and all the other pertinent facts touching the customs of the neighborhood, may be examined. To these factors is to be applied the meaning usually attached to the words 'rear lot line' according to the common and approved usages of the language."

The case of *Davis v. City of Abilene* 250 S.W.2d 685 (Tex. App. 1952) is also helpful. There, upon advice of a City Engineer, appellants build a factory/apartment building facing an alley instead of the more natural South 6th Street in order to place the building within five (5) feet of 6th Street and to avoid the minimum front yard setback of 25 feet. The City revoked the permit shortly thereafter, and on appeal, the Zoning Board required the building to be moved at least 21 feet away from 6th Street, to match neighboring buildings. Upon the property owners' petition for injunction, the Court agreed with the Zoning Board, finding the theory that the space between the building and 6th Street was a "side yard" to be "not a reasonable one." 250 S.W.2d, at 688.

The subsequent history of *Swinksi* shows it was cited in *Owens v. Hubbard* 260 Md. 146 (1970). There, the Court found competing arguments about front and rear irrelevant to determine riparian rights. This illustrates that application and interpretation of "front" and "rear" property definitions vary with the circumstances.

Baltimore County policy governing waterfront property reflects this point of view. To protect the integrity of waterfront property and the concept of an unimpeded view of the water for the benefit of neighboring property owners, the front and rear yard is reversed for waterfront properties. The waterfront side is considered the front, even though the access and entrance is typically on the opposite side facing the road.

People's Counsel then concluded his analysis:

The path of the law thus reveals the need to review the totality of circumstances. The goal is to discern the purpose, function, and proper application of the zoning law. It is to be remembered that the purpose of zoning law is to protect the public safety, health, and welfare. Code §32-3-101. The landmark Supreme Court decision in *Euclid v. Ambler Realty Co.* 272 U.S. 365 (1926) spoke of prevention of nuisances and arranging land uses according to a plan.

In this context, one cannot do much better than the excellent analysis in the *Bianco* case. When it come to corner lots, in the absence of a precise definition of frontage, many factors must be considered. The history of the law, any administrative interpretations, the situation of the site, the orientation of the building, and the characteristics of the neighborhood are all relevant.

From this perspective, we do not believe the *Swinski* case is controlling. It was not an attached townhouse setting. The situation there apparently did not call for or require an overview of the neighborhood. In any event, while citing *Bianco*, the Court confined its discussion to the orientation of the building.

Since *Swinski*, so far as we can tell, the only Maryland case to address the subject is *Town of Berwyn Heights*. There, the court approved enforcement of the front yard setback standards. The statute, however, was more specific than the Baltimore County Zoning Regulations here. Meanwhile, very few cases around the country discuss the issue. The County Board of Appeals has the opportunity, therefore, to take a fresh look at the subject and to shed light on an issue which obviously is of great concern in Rodgers Forge and may surface as well in other established neighborhoods.

The Office of the People's Counsel concluded that their preliminary view is that the totality of circumstances here call for a decision which establishes that the front yard should be determined to be consistent with the Murdock Road frontage of the other houses in the row.

STATEMENT OF FACTS

It is within the context of the comments in the Statement of the Case and History that the facts presented before the County Board of Appeals weighs heavily in the favor of the Board's determination that the Protestants viewpoint is the one that should be adopted by the Board.

Recognizing that the Board took ample notes of the testimony, the Statement of Facts will touch upon the factual highlights from the Protestants perspective.

A. *Petitioner's Testimony.*

The Petitioner, ***David Wilder***, testified that his front door faces Pinehurst even though he acknowledged his address was 201 Murdock Road. He testified that his mailbox, doorbell and light and main entranceway are on Pinehurst and that the stairway to the second floor is

oriented to the center hall facing Pinehurst. He acknowledged that there was a door to the patio on the Murdock Road side. He testified that the expansion of the kitchen was occasioned by the family need for a larger kitchen for his three (3) children. He introduced a number of Exhibits (Exhibit 1 through 11) which purport to show other houses with similar extensions. (It should be noted that no specifics were given to the Board about these other homes and the legitimacy or illegitimacy of the proposed expansions). ***Carolyn Winston*** from the State Department of Assessments and Taxation was called to testify that she visited the house known as 201 Murdock Road from the Pinehurst side. ***Warren Nagy***, an architect, testified that the orientation of the Wilder home with the center hallway dictates the front being on Pinehurst Road. On cross-examination, he did not distinguish between the orientation between a free-standing house and a group home and the potential adverse impacts on adjacent properties to an end of group. ***Michelle Brown*** of Murdock Road, a carpooling acquaintance of the Wilders, did not believe there would be any adverse impact to the neighborhood. ***Gary Anglemyer*** and ***Charles Spearman***, neighbors, had no objection to the addition. Finally, ***Brigid Wilder*** testified that the family needed to expand the kitchen. Finally, ***Mr. Bill Cooper*** testified that he was the contractor who obtained the permit and who received the Stop Work Order.

B. ***Protestanst' Case.***

The Protestants' presented the testimony of ***Joseph A. Segreti***, a representative of the Rodgers Forge Community Association Board of Directors, who provided the Rule 8 documents by the Community Association which indicated that the Association of almost

2,000 Rodgers Forge homeowners opposed the request for Special Hearing and the Petition for Variance and requested that they be denied. Segreti testified that if the Board determines that the end of group home has a front yard facing Pinehurst, it will affect fully one-third (1/3) of the Rodgers Forge homes. The Association believes that the concept of Keelty Communities is the combination of aesthetic compatibility and most importantly uniformity of design and that if the Special Hearing and Variance are granted, Keelty's design concept standard stands to be seriously jeopardized. He testified on behalf of the Association that property values have been maintained in Rodgers Forge by strict adherence to the original Keelty concept and that the Petition/Variance will create a mixture of incompatible designs and materials which will destroy the architectural integrity of the entire neighborhood. He testified that aside from aesthetic considerations the proposed structure will directly affect the airflow through back yard areas of the group. Air and sunlight will surely be impaired. He testified that all of the group homes in Rodgers Forge, regardless of the location of their entrances, share the same street address as the entire unit. In the case of 201 Murdock Road, the proposed addition would extend fifteen (15) feet beyond the rear wall of others within that unit and increase the basic footprint of the original by one-third (1/3). He testified that the addition would generate, reduce property values and create significant health, safety and welfare concerns for the entire community. ***Carol Zielke***, a neighbor, then testified that there is nothing unique about the Wilder home. It is typical of the end of group homes throughout Rodgers Forge. She introduced various photos establishing other homes in the neighborhood having central stairways. She also did a statistical count of the number of group homes and

found that approximately one-third (1/3) of Rodgers Forge would be affected by the ruling concerning the front of an end of group home. She further testified that all of the approximately 2,000 homes in Rodgers Forge have had the same sized kitchen for forty (40) to fifty (50) years and many families over the years have made do with the kitchens that size so that the claim for an expanded kitchen is not an appropriate basis of hardship to grant any variances.

Carl Richards was called by the Protestants. Mr. Richards is the Chief Assistant in the Zoning Office and has been in that position for many years. He testified that he had an opportunity to review over the course of the years many requests similar to the one presented by the Wilders. He had visited the property at 201 Murdock Road and found that in his opinion, the front yard of the Wilder property faced Murdock Road and the rear yard contained the garage and alley behind the Wilder property. He was familiar with the decision of the Zoning Commissioner and did, in fact, disagree with the Zoning Commissioner's analysis applied in this case below. Richards opined that the front yard of 201 Murdock Road was in fact on the Murdock Road side and not Pinehurst.

Mr. Richards testified that the key to his analysis in determining that the Murdock Road side was the front yard related to the fact that the garage was in the rear yard. He believed that since the Zoning Regulations required the garage to be in the rear yard, it is a clear determination that that area is the rear yard and he likened the garage to the "elephant in the living room." Furthermore, he said that since the garage was located in the one-third

(1/3) of the lot furtherest from the corner, which is also required by the Zoning Regulations for a corner lot, that this is clear that the expansion is to be done in the rear yard. He further testified that it was not uncommon to have no entrance in the "front" of the house and that is a common situation in many properties throughout Baltimore County.

Richards in fact testified that this analysis is still being utilized today by the Zoning Office in its interpretation for townhouse end of group homes. (Subsequently, James Keelty testified as to his due project which is adjacent and north of Rodgers Forge in which the corner end of group townhouse had the same address and same front yard as the remainder of the townhouse group).

Thereafter, Protestants called ***Mr. Herbert A. Davis*** a member of the Counselors of Real Estate and a Certified Residential Brokerage Manager. His resume' was submitted as Protestants Exhibit No. 11. Mr. Davis was a recognized appraiser and had been accepted as such before the Board in previous occasions. Davis testified he was familiar with the proposed addition of 201 Murdock Road and that he had reviewed the property and was very familiar with Rodgers Forge. He testified that the granting of the variance for the addition would affect the property values of the adjacent properties (owned by Mrs. Goldman) and other properties within the group. He testified that light and air issue is a significant factor in the purchase of real estate, particularly townhouse units and that the proposed addition would negatively impact the value of the other homes in that group. He also testified as to his belief that the backyard or rear yard of the property was located between the house and the garage and alley from the standpoint of an appraiser's review.

Next, the community called ***James Keelty*** of the Keelty Company. James Keelty's grandfather and father were the original owners of the Keelty Company who prepared and designed Rodgers Forge as a planned community. He testified as to the original vision of the Keelty Company as a planned community with front streets and alleys. He testified that his personal observation included that the foundation of each group of townhomes was a "common foundation" and in this case the orientation of the foundations for the group of townhouses faced Murdock Road. He also indicated that the Keelty Company is currently building townhouse groups with an end of group townhouse at Rodgers Choice which is directly north and adjacent to the Rodgers Forge Community. He testified that One Anvil Court was similar to the 201 Murdock and that the County in reviewing for approval determined that One Anvil Court faced Anvil Court as opposed to the side street thereby likening Anvil Court to 201 Murdock and the conclusion that the front of the house faced Murdock. Protestants Exhibits 12, 13 and 14 reflect this discussion of Mr. Keelty.

Mrs. Jill Goldman of 203 Murdock Road, the owner of the house immediately adjacent to the subject's site at 201 Murdock Road then testified as to her concerns. She expressed concern that in order to "keep peace in the neighborhood," she originally agreed to the Wilder proposal. Subsequently, however, when she discovered the fact that the Wilders had rerouted electrical wires and attached them to the back of her house without her approval and proposed the extent of the addition, she changed her mind and decided to appear and testify against the request. She testified in regard to existing drainage problems emanating from the Wilders roof which caused flooding and water in her backyard and along the back of her house and garage. She objected to the proposed addition in respect that it would affect

the air and light in her backyard and she illustrated by pictures her concerns. (Petitioners' 15A through J). She further opined that this addition would devalue her property and agreed with Mr. Davis as to his professional assessment.

Finally, ***Jack Dillon*** was called and accepted by the Board as an expert land planner, familiar with Baltimore County Zoning Regulations. Mr. Dillon had worked for over thirty (30) years for Baltimore County, most of it in the Zoning Office and the Planning Office. Dillon reviewed the Zoning maps and verified the zoning to be DR 10.5. He visited the property and reviewed the files of the Board of Appeals. He introduced Protestants' Exhibit No. 17, which is an overhead picture of the Rodgers Forge Community with the designations of the subject site. (Protestants' Exhibit No. 17). He opined, based on his experience in the Zoning Office and the Planning Office and his review of the Baltimore County Zoning Regulations that the front of the house is located facing Murdock Road. His reasons therefore were multiple. First, he testified that these homes were built to a specific and consistent design. The foundation for each group consists of continuous common front foundation wall parallel to the street at a given setback, a rear foundation wall parallel to the alley and side foundation walls at either end of the group with interior walls separating each unit. He testified that when the Keelty Company began development in the 1930's and early 1940's, the concept was to create in their "English Village" architecturally. This subject property is part of the first section built from York Road west to Pinehurst Road and contains about 550 homes. Ultimately, Murdock Road extended through to Bellona Avenue. He testified that there are now over 1,800 homes in this community. He testified that to this day

the neighborhood enjoys a reputation as one of the premier row house communities in Baltimore County although it is over 60 years old, it has been maintained with high standards largely through the maintenance of strong community standards and a vigilant Community Association.

Mr. Dillon then reviewed the Baltimore County Zoning Regulations §101 defining "yard." YARD, FRONT YARD, REAR YARD AND SIDE YARD. He utilized the definition of front yard to conclude that by quoting "a yard extending across the full width of a lot between the front lot line and the *front foundation wall of the main building*." It was his opinion that the definition of front yard is one of two significant factors by way of its reference to the foundation wall of the main building. These homes were built consistently with street after street and the only difference between the interior of the end of group and an outside corner is the side street. There is no question that all the homes within the group front onto Murdock Road. The fact that some of the ends of groups within the Community have a side entrance, even if it is the more attractive entrance or even if it is the only entrance does not alter the fact that it is a side yard. He testified that it was not an uncommon situation nor is it limited to group homes. Dillon showed a number of exhibits showing 541 Park Avenue, 540 Park Avenue, 7116 Milligan Road (See Protestants' Exhibits 19, 20, 21, 22 and 23). In all of these other examples, even though there appeared to be a main entrance on the side street, the Zoning Office and the Zoning Regulations still designated the front of the house consistent with the interpretation with the 201 Murdock Road that the Murdock Road side was the front.

The second key in Dillon's opinion in addition to the front yard definition with a front foundation wall analysis was §400, Accessory Buildings in Residential Zones. He then reviewed §400.1 which provided for Accessory Buildings in Residential Zones other than farm buildings shall be located only in the rear yard. He then reviewed §400.2 and §400.3 in regard to Accessory Buildings. He then concluded that 201 Murdock Road is a corner lot with a garage in the rear yard. Accessory structures are not permitted in side yards. Therefore, in driving through the Community, he found that many of the homes on corner lots have garages as do many of the interior end of group homes and as a result the garages are all in the rear yard, for not only the interior group homes but for the end of group homes. Dillon was then asked to elaborate on Protestants' Exhibits 19 through 22 or 2 through 23. He opined in regard to the house at the corner of Park Avenue and Woodbine, explaining that while someone enclosed their front porch or eliminated the front door that does not change the location of the front of the house.

Dillon then testified that as an employee of Baltimore County in the Zoning Office, he is not aware of any change in policy or Regulation that would support the requested interpretation by the Wilders. He testified that if this project were submitted today to Baltimore County, Murdock Road would be the front of the house in the County's interpretation (this was acknowledged and confirmed by testimony of the Chief Zoning Office, Carl Richards).

Dillon then testified that if Pinehurst Road was to be determined to be the front of the house that a potential problem for the Community would be created. By calling the Wilder rear yard a side yard, Dillon opined the potential to build an addition could extend up to ten

(10) feet from the alley. He submitted an Exhibit, Protestants' Exhibit #18, showing the potential detrimental effects to the whole community and to the adjacent property owners resulting from this interpretation.

Dillon then was requested to opine as to answer the question "If the Board determines that Murdock Road is the front and Pinehurst is the side, is there sufficient justification to grant the requested variance?" Dillon's response was "no, there is nothing presented that makes this property unique. It is a flat level lot with no abnormal obstructions or constraints." Because of the architecture of the end unit, it already projects into the rear yard by two (2) or three (3) feet. Also, there is a detached garage fronting on the alley and the entire rear yard is fenced. Dillon did not see any legitimate, practical difficulty that is not self-created. The addition of a 13-foot enclosure room would, in his opinion, create a situation of cutting off light and air from the adjoining neighbor. Because of the restriction of §400.1, not more than fifty percent (50%) of the rear yard may be covered. The addition of a 13-foot addition reduced the depth of the rear yard so that only a six-foot separation would exist between the rear foundation wall and the garage. In his opinion, it would cause substantial injustice to the current resident of 203 Murdock Road as well as any future owners.

Dillon then concluded by saying, "even though Wilders did not create the board fence in the rear yard, it is clearly not in compliance with the fence regulations of the County since the fence in a corner lot may not be higher than 36 inches and must be set back to allow a clear view of the intersection." Dillon concluded that this property has pushed the envelope to the max and that the enclosed room extension is excessive.

QUESTIONS PRESENTED

1. **What is the front yard of 201 Murdock Road – Murdock Road or Pinehurst?**

2. **If the front yard of 201 Murdock Road is Murdock Road, should the variance be granted to permit the proposed kitchen extension?**

LEGAL ARGUMENT

I.

1. What is the front yard of 201 Murdock Road – Murdock Road or Pinehurst?

The front yard of 201 Murdock Road is located between the house and Murdock Road.

People's Counsel Memorandum suggests there are three (3) possible ways to analyze this issue – the first two possible being that the front of the property is as a matter of law, either Pinehurst Road or Murdock Road, while the third outcome would involve the finding that the law is "either ambiguous or flexible and the totality of circumstances may be taken into consideration."

The Protestants would submit that as a matter of law, the Murdock Road is the front of the property. The reasoning for that outcome lies in the testimony of Jack Dillon in which he analyzed §101 of the Baltimore County Zoning Regulations defining "front yard." There is no question that the front foundation wall of the main building is the entire group of units consisting of that group and that all of the front foundation walls were common along with the rear foundation walls. Secondly, because of the definition of §400 and Accessory Buildings in Residential Zones, it is clear that the alley created the rear yard into which the proposed extension expansion would be extended by zoning, it would have been impossible

under the Zoning Regulations to construct the garage for 201 Murdock Road in the side yard without a variance. In this case, there is no variance because none was required since it was in the rear yard when the Zoning Regulations approved the development of Rodgers Forge.

Therefore, as a matter of law, the Board should find that the proposed expansion of the Wilders is into the rear yard.

The second approach proposed by People's Counsel, based upon the cases cited in his Memorandum would be an analysis of the "totality of the circumstances" including the orientation of adjacent properties. This last approach would call for the County Board of Appeals to exercise reasonable discretion.

Under this theory, the answer is the same and that is Murdock Road is the front of 201 and the proposed expansion of the kitchen is into the rear yard.

Protestants suggest the Board examine the following points:

1. Alleys are generally in the rear of townhouse developments.

2. Garages, by Zoning Regulations must be in the rear yard.

3. The mailing address is 201 Murdock Road.

4. There is a door and a porch area on Murdock Road side of 201.

5. The common foundation for the townhouse group, include the group of homes in which 201 Murdock Road is the end of group, have a common front wall and that is parallel to Murdock Road.

6. That the rear foundation wall is parallel to the alley.

7. That Baltimore County consistently in the past and currently interpret the end of group home as having the address of the main street upon which all of the individual homes in the group are facing.

8. That if the rear yard of 201 Murdock Road is determined to be a side yard, then we have a front yard on Pinehurst, a side yard on the alley and a side yard on Murdock with no rear yard, which then requires a variance to the Regulations to permit a garage to be in the side yard which makes no sense.

9. That if Pinehurst is determined to be the front of the house, then an extension of the house could be made as shown by Dillon's Exhibit Protestants #18 which would lead to an absurd result for approximately one-third (1/3) of the homes in Rodgers Forge.

10. Conversely, if the front of 201 Murdock Road is on Pinehurst, then there is a side yard between 201 Murdock and Murdock Road which could likewise be used for any use permitted in a side yard which would then be in fact adjacent to the front yards of 203 Murdock, etc. This conclusion produces and absurd result if extended throughout Rodgers Forge.

11. As discussed in the People's Counsel Memorandum, while waterfront property is treated by special regulations in Baltimore County, it does provide some understanding of the issue presented in this case. In the Zoning Commissioner's Policy Manual, §400.1.A, the Policy Manual does point out certain factors to consider in regard to the orientation of the front versus the rear of the house. Those factors as set forth in the Zoning Commissioner's Policy Manual are the "*orientation of the existing dwellings and other buildings on the lot and orientation of other houses on nearby lots*." For this reason, the analogy appears to be directly related to the Murdock Road issue. The relationship between 201 Murdock Road and 203 Murdock Road and the remaining group is clearly a valid factor to consider in analyzing this issue.

For the reasons set forth in People's Counsel's Memorandum citing *Anderson, American Law of Zoning*, §9.59 and the *Town of Berwyn Heights v. Rodgers*, 228 Md. 271 (1962), *Bianco v. City Engineer and Building Inspector*, 187 N.E. 101 at Mass. (1933), *Davis v. City of Abilene*, 250 S.W. 2nd 685 Texas App. (1952), *Owens v. Hubbard*, 260 Md. 146 (1970) are all valid reasons to adopt the Protestants position.

As People's Counsel pointed out, the Zoning Commissioner's reliance on *City of Baltimore v. Swinski*, 235 Md. 262 (1964) was misplaced.

Finally, this Board of Appeals in Case No.: 02-519-A, *Milligan* (attached hereto) concluded that there, the Petitioners home fronted on Oxford Road and therefore the Petitioners proposed studio was in the rear yard and met the rear yard set backs even though preliminary orientation of the house was on Hatherleigh Road. Apparently, the main entrance was on Hatherleigh Road while an entrance through an enclosed porch was afforded on the Oxford Road side. Furthermore, Oxford Road was the address given by the Post Office. In addition, the Board concluded that the neighboring house at 7112 Oxford Road would be adjacent to the rear yard of 7116 Oxford Road if the interpretation proposed in opposition to the request of the Petitioner was granted.

Finally, while the *Millligan* case has precedential value to support Protestants position in this matter, it should be noted that *Milligan* arose in the Stoneleigh Community with individual homes as the underlying basis to determine front and side orientation. Here the Protestants case is ***stronger*** because Rodgers Forge is not a neighborhood of individual homes, but rather of planned connected townhouses. The impact of concluding that proposed extension of 201 Murdock Road is in the side yard will dramatically impact the design of the remaining neighborhood in unimaginable ways far beyond that described in *Milligan*.

WHEREFORE, Protestants respectfully request that the Board of Appeals determine as a matter of law the front yard of the house is located and fronts Murdock Road; in the alternative under an analysis of "total totality of circumstances" the Protestants submit that the totality of circumstances supports the finding that the front of the house is in fact on Murdock Road.

12. **If the front yard of 201 Murdock Road is Murdock Road, should the variance be granted to permit the proposed kitchen extension?**

For all of the reasons set forth in Mr. Dillon's testimony, Mrs. Goldman's testimony and Mr. Herb Davis' testimony, the variance should not be granted.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 2005, a copy of the foregoing Protestants Memorandum in Lieu of Final Argument was mailed to: Justin King, Esquire 409 Washington Avenue, Suite 707, Towson , Maryland 21204 and Peter Max Zimmerman, Esquire, People's Counsel, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\Memos 2005\Wilder Memo

3/14/05

3-6-7

Re:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	201 Murdock Road; SE corner of Murdock & Pinehurst Roads	*	COUNTY BOARD OF APPEALS
	9th Election & 5th Councilmanic Districts	*	FOR
	Legal Owners: Charles D. & Brigid Wilder	*	BALTIMORE COUNTY
	Petitioners	*	04-252-SPHA

* *

RECEIVED
MAR 14 2005
BALTIMORE COUNTY
BOARD OF APPEALS

POST TRIAL MEMORANDUM

Now come the Petitioners, Charles D. and Brigid Wilder, by their attorney, Justin J. King, and submit this post trial memorandum in support of their Petition for Special Hearing and, in the alternative, a Variance.

STATEMENT OF THE CASE

The Petitioners filed a request for a special hearing, and in the alternative a variance, seeking the Commissioner's approval to allow them to build a previously permitted one story 13' x 13' x 11' kitchen extension and 8.5' x 13' covered deck onto their home located at 201 Murdock Road. The proposed construction was approved and a building permit was issued on August 28, 2003. Subsequent to the construction of the foundation for the kitchen extension, a Stop Work Notice was issued on October 15, 2003 asserting that the Petitioners provided "false or misleading information to obtain the permit."

By filing the Petition for Special Hearing, the Petitioners sought a revocation of the Stop Work Order and permission to proceed. In the alternative, the Petitioners sought an area variance to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

Subsequent to the filing of these petitions, the Rodgers Forge Community Association (hereinafter "Rodgers Forge") and the People's Counsel entered their appearances. A Zoning Commissioner's hearing was finally held on March 5, 2003 at which time the Petitioners and Rodgers Forge presented evidence. People's Counsel neither appeared, participated nor commented in that proceeding. The Commissioner issued his decision granting the Petitioner's request to revoke the Stop Work Order, finding as a matter of fact that the front of the house faced Pinehurst Road. As a result, "the PETITION FOR SPECIAL HEARING to approve a 13' x 13' x 11' kitchen extension and a 8.5' x 13' covered deck, on the site of the existing end of group townhouse dwelling" was granted and "to the extent that relief is need to legitimize the location of the existing garage, as well and the non-existing rear yard setback, same" was granted.

Thereafter, Rodgers Forge noted an appeal and a hearing was held before this Honorable Board on December 2, 2004 and February 15, 2005. Once again, People's Counsel did not appear or participate during the course of the proceeding. At the close of the case, post trial memorandums were to be filed and a public deliberation is scheduled for April 21, 2005.

FACTS

Charles D. Wilder ("Mr. Wilder") and his wife, Brigid, were looking to move into the Rodgers Forge neighborhood with their three daughters, two of whom are teenagers. They separately visited 201 Murdock Road (the "property") during an "open house." At the time of the visit they were given a sales brochure on which a photograph of the home appeared. (Exhibit 1)[1] The photograph showed the home fronting Pinehurst Road and the house was described as an "Attached Brick Center Hall Colonial Facing Pinehurst Road." They

[1] Unless otherwise indicated, all references to "Exhibit" refer to Petitioners' Exhibits.

purchased the property on July 2, 2002. (Exhibit 2) At the time of settlement, they were given a plat of the property. (Exhibit 3)

Mr. Wilder confirmed that the front door of the house faces Pinehurst Road. That door is the only door with a walkway leading to it from the public sidewalk. The door opens to a foyer where visitors are greeted and leads to the center hall stairs to the upper level. To the right of the center hall is the dining room, behind which is the kitchen. To the left of the center hall is the living room. Photographs, introduced as Exhibit 4 collectively, show the inside and outside of the home. Exhibit 4c shows the Pinehurst side of the house with a walkway leading from the public sidewalk to the door. That photograph also shows a decorative light pole at the head of the walkway, a mailbox and door bell to the left of the door, a "Welcome" sign to the right of the door and the house number above the door.

All of the mail is delivered to the door facing Pinehurst Road and all visitors come and all deliveries are made to the door facing Pinehurst Road. The door facing Murdock Road is located on the same side of the house as the fireplace in the living room (north side of the house) and opens to a stone porch. There is no walkway from that porch to the public sidewalk, nor, to his knowledge, has there ever been such a walkway. There is no doorbell or mailbox at that door. The Wilders do not have, nor have they ever had, a key to that door. However, they can and oftentimes open that door from the inside as a key is not required to do so.

After moving in, the Wilders began cosmetic and other structural renovations, including repairs to the exterior wall outside the kitchen (the south side of the house), the removal of a rotted deck at the same location, window replacements, painting, the addition of security lighting, the installation of custom made wood shutters and landscaping.

Nevertheless, even with those improvements, it became painfully obvious that the galley-style kitchen was incompatible with living in a home with three active school-age daughters. After touring the community and seeing what other property owners had done to expand their living quarters, the Wilders decided to build onto the kitchen and add a breakfast room similar to many of the other homes in the neighborhood. See various photographs, Exhibits 8-10. In August of 2003 the Wilders hired Bill Cooper to construct a small one story addition measuring 13' x 13' that would be built adjacent to the kitchen on the southern wall of the house. The peak of the roof of the addition would be 11' high.

The rear of the Wilders' home forms a common party wall with their neighbor Ms. Goldman. Ms. Goldman has also maintained a canopy above her rear door for most of the year. (Protestant's Exhibit 15d and Petitioner's Exhibit 4f) A six foot tall preexisting privacy fence extends from the two homes to the alley that borders the southern end of the property. (Exhibit 4f) In addition, there is a preexisting six foot tall privacy fence surrounding the entire side yard along Pinehurst Road and the alley to the garage, the garage itself, and preexisting shrubbery on the south and west sides of the property would shield the addition.

After submitting to the Wilders a proposal and a sketch (Exhibit 7) showing the proposed addition, Mr. Cooper applied for a permit from Baltimore County. The permit application (Exhibit 12) was accompanied by a plat (Exhibit 3) depicting the location of the home on the lot. The application stated that the orientation of the home was such that the front of the home faced Pinehurst Road, making the addition being built in the side yard fitting within the required set back. Mr. Cooper testified that he spoke with numerous people in the Zoning office including Carl Richards and it was determined that because the house

faced Pinehurst Road, the addition was being built in the side yard within the prescribed setback and thus, no variance was needed. The Permit was then issued. (Exhibit 13)

After construction started, an anonymous complaint was filed and only then was a letter from the Department of Permits and Development Management sent to the Wilders and the Stop Work Order issued proclaiming that the permit was obtained using false and misleading information. (Exhibits 5 and 6)[2] This contention was vehemently denied by Mr. Cooper whose reputation as a builder for over 30 years was soiled by such a comment.

Additional photographs taken by Mr. Wilder show other additions built throughout the neighborhood with apparently no adverse effect. (Exhibits 8 - 11) There have even been new additions built since the Wilder's first filed their Petition over 18 months ago, (Exhibit 10), and additions have even been built on the front of homes that legitimately face the east/west streets in the neighborhood without any adverse impact. (Exhibit 11)

Next to testify was Carolyn Winston, a 17 year employee of the State Department of Assessments and Taxation as an Assessor III, Real Property. For the past 13 years, she has been charged with the responsibility of assessing homes in connection with the tri-annual reassessments of homes in Maryland. During the course of her duties she reported to the Wilder's home in order to reassess it. When she did so, in order to make contact with the homeowner, she went to what she considered to be the front door – the door facing Pinehurst Road. In fact, she testified that she had no doubt that the Pinehurst face of the house was the front of the house.

The next witness to testify was Warren Nagey, a graduate of the University of Maryland School of Architecture, a licensed architect and a Vice President of Chesapeake

[2] Actually, an initial inspection was performed on October 15, 2003 after the first anonymous complaint was filed. At that time, there was no violation found according to the Division of Code Inspection Report that was in the Zoning Commissioner's file. However, for whatever reason, that report is not in the Board's file.

Design Group. When he visited the home he used the front door which faces Pinehurst Road. He stated that the dominant center hall forms the axis of the home. There was no question or hesitation that in his expert opinion the front door of the home was the door that faces Pinehurst Road. The orientation of the home at the end of a row of homes and turned 90 degrees from the others in the row also makes the house somewhat unique. Mr. Nagey also opined that, given the many additions in already in existence throughout the area, the design of the proposed addition would not adversely affect architectural uniformity. For the same reason, it was also his opinion that the proposed addition would not negatively impact on the aesthetic ambience of the neighborhood or change the appearance or character of the neighborhood. Because the addition is a breakfast nook there was no other appropriate place on the property to locate the addition, except for expanding the kitchen into the dining room which would not be architecturally appropriate if one were to want to maintain the integrity of the formal dining room. Finally, given the preexisting fences, shrubbery, buildings and additions, and even the awning utilized by the neighbor, Mr. Nagey's opinion was that the renovation would adversely affect any of the neighbors with regard to light or air.

Ms. Michelle Brown, a licensed real estate broker and neighbor testified that she supports the proposed addition to the home. She was solidly of the opinion that the front of the Wilder home faced Pinehurst Road, that when she visits, she rings the door bell located at that door and that the proposed addition would add value to the home.

Most interesting and telling was the testimony of Mr. Charles Smearman, a 44 year resident of 141 Murdock Road who lives directly opposite and across the street from the Wilders. His home is an exact duplicate of the Wilders except he has no door facing Murdock Road. (Exhibit 8j) He has a Murdock Road address, and has always considered the

front of his house, and the Wilders' home, to face Pinehurst Road, and that he has absolutely no objection to the addition. In fact, he testified that had he and his wife been financially capable, they too would have build an addition to their kitchen as it was most dysfunctional in which to raise a busy family. Finally, in his over 40 years living at the same address, Mr. Smearman never saw a walkway from the sidewalk to the door located on the side of the Wilders' home facing Murdock Road and never saw that door used as a door for ingress to the property from the street.

In accord with Mr. Smearman's testimony was that of Gary Anglemyer who resides at 200 Dunkirk Road. (Exhibit 8h) Mr. Anglemyer's home sits on the same side of Pinehurst Road next to the Wilders home with only the alley separating the two properties. His house is configured in the same way as the Wilders and he has no objection to the proposed addition. Similarly, Ms. Elizabeth Preroff, a neighbor residing at 201 Dunkirk Road, has a home similar to the Wilders' house with a room built onto the kitchen. (Exhibit 8) In a written submission, (Exhibit 16), she encouraged this Board to find that the front of the Wilders' home faced Pinehurst Road and opined that the proposed bump-out would not detract from the neighborhood or negatively impact light or air on nearby neighbors.

Mrs. Wilder then testified. Born and raised in Rodgers Forge (her mother is still a resident) she has a great love for the community. She performed her student teaching at Rodgers Forge Elementary School and in nearby St. Pius X. She takes pride in her home and enumerated the many improvements to the home and property and the many compliments those improvements have drawn. In addition, Mrs. Wilder offered that since the renovation plans were made known, she has received assurances by her immediate neighbors that they are in favor of the planned addition. Not one person has spoken with her or her husband that

voiced any objection to the proposed addition to their home. Mrs. Wilder spoke of the numerous homes in the neighborhood with kitchen extensions built onto the homes.

She testified that the many visitors the family receives, including their oldest daughter's dates, come to the front door on Pinehurst Road, as do delivery persons and the mail. **Even the Rodgers Forge Community Newsletter and correspondence hand delivered to the Wilders from the Community Association's Architectural Committee are delivered to the door facing Pinehurst Road.**

While recognizing the importance of tradition, Ms. Wilder nevertheless testified that the original galley type kitchen did not meet the needs of a busy modern day family. As testified to by Mr. Nagey, the modern American family is drawn to and focuses its attention in the kitchen. There being no place to sit, more than two people in the kitchen at any one time makes cooking, cleaning or doing any type of chore a near impossibility.

The Zoning Advisory Committee's comments contained in the file are most telling. Contrary to the fears of Ms. Zielke, neither the Fire Department nor any other constituent member had any objection to the proposed addition.[3]

Mr. Segreti testified as a representative of the Community Association in opposition to the proposed addition. Contrary to the opinion of the Planning Office and Mr. Nagey, the licensed architect, Mr. Segreti suggested that the proposed material to be used for the addition would destroy the architectural integrity of the neighborhood. In response to a question posed by Mr. Quinn, he admitted that both Pinehurst and Murdock Roads are one

[3] On the first day of the hearing a letter was hand delivered to a member of the Community Association. That letter, from Pat Keller, Director of Planning indicated that his office had recently decided that from a planning point of view, the addition should not be built. No explanation was provided for the last minute change of mind or for the reasons for opposing the building. Nevertheless, after a visit to the property, the Planning Office submitted another letter reverting back to its original position not objecting to the proposed addition. (Exhibit 17) This fact is apparently unknown to People's Counsel, who relied on the first letter in support of its position.

way streets, that Pinehurst Road is a thoroughfare through the neighborhood and that Murdock Road has a stop sign at the corner. Despite being a member of the Association's board for the last 7 years, he could not recall one addition being approved by the board or any other court proceeding in which the board offered testimony in opposition to an addition. Nor could he account for the numerous additions shown in the various photographs produced.

Ms. Zielke also opposed to the planned renovations although she never discussed her concerns with the Wilders. She complained that the proposed addition would contribute to the loss of "public open space." Her testimony focused to a large extent on her next door neighbors with whom she obviously does not get along and who have erected a screened-in porch onto the rear of their home. She testified that in a survey that she performed over 70 homes had side and front entrances similar to the Wilders. She did not know how many of these homes had additions built onto them. She did not dispute the fact that the Wilders' home is a center hall colonial. She merely disagreed with Mr. Nagey that the center hall in a center hall colonial determines the location of the front door. She disputed the fact that the previously erected fences, garages or landscaping had any impact on light and air. Finally, she asserted that if the Wilders' petition were granted, it would set a precedent for the building of more additions and, most probably, on to the rear of her next door neighbor's home. Incredibly, she stated that the front door of the Wilders home is on Pinehurst Road only because of personal preference and that it should be moved to Murdock Road.

Carl Richards was called as an expert in zoning matters. When determining the front of the house, he stated that one should envision the house sitting in the middle of a 100 acre plot by itself and to apply common sense to determine where the front of the house would be.

He opined that many factors entered into his decision, including the address, the front door, the kitchen, the location of the alley, and the bedrooms. However, he admitted that he did not know where the bedrooms or the kitchen were located.

Although he is neither an inspector nor an architect, he testified about his inspection of the property and his determination of the location of the front of the house. Disregarding his own testimony as to how to determine the front of a house and that his office had originally allowed the permit to be issued, he was now of the opinion that the location of the garage determined the front of the house notwithstanding any other feature of the house. This conclusion, however, is based on the faulty premise that a garage can only be located in the rear of a house by virtue of the Zoning Ordinance. The garage and house were built at the same time - prior to the enactment of the Ordinance. In fact, Mr. Richard's opinion was that the front of the house would still be that which faces Murdock Road even if there were no door on that side of the house, like Smearmans' house.

Herbert Davis claimed that the addition would adversely impact the value of the neighboring property although he did not know that the property at 203 Murdock had been sold within one day after being listed even with the Appeal sign posted on the Wilder's property. Although he claimed that the addition would negatively impact any breeze flowing through the property, he admitted that there is a five to six foot privacy fence between the Wilder's and the Ms. Goldman's property. Finally, Mr. Davis testified that the front door of a center hall colonial home leads into the center hall but that he did not know that the Wilder's home was a center hall colonial.

Mr. Keelty was also called to testify on behalf of the protestants. He was concerned that there were too many additions in Rodgers Forge but he had never been called to testify

against any other property owner who wanted to build an addition or who had already built one. He also confirmed that the garage and the house were built at the same time.

Ms. Goldman also objected to the proposed addition.[4] Wanting to move because of problems being experienced by her daughter, she listed and sold her home in one day in November 2004, even with the Appeal sign posted on the Wilder property. Although purportedly wanting to be friendly with her neighbors, she never asked the Wilders about the addition despite testifying that she did not know any particulars about the addition. In fact, she did not even know anything about the addition even after the property was posted and the Zoning Commissioner conducted his hearing during which the details were fully aired in public. She has experienced drainage problems since moving in, requiring her to replace her gutters and downspouts twice. This concern was addressed by Mr. Cooper who testified in rebuttal that the roof of the addition would drain toward Pinehurst and the alley and away from Ms. Goldman's house. She then complained of leaks from the Wilder's garage, something not attributable to the addition. She was also concerned with heat in her backyard. She attributed the excessive temperatures to the location of her air conditioning unit and her southern exposure. The yard also has the privacy fence on its west side, her garage in addition to the bordering garage of the Wilders and two trees providing shade and protection. (Protestants' Exhibits 6 and 15e) Despite all of these natural and manmade structures, Ms. Goldman would have this Board believe that the addition would be the cause of excessive heat buildup in her backyard. Apart from the electrical connection installed by Baltimore

[4] Despite her newly formed objections to the addition as testified to during the hearing, Ms. Goldman provided written approval of the addition before the Commissioner's hearing and another before the start of the Board's hearing, along with a personal note wishing the Wilders "good luck." (Exhibit 15) In addition, twenty other neighbors who live in *close proximity* to the Wilders' home signed written notes of support that were submitted by consent during the Commissioner's hearing and, pursuant to motion during the Board's hearing, were made a part of the Board's file.

Gas and Electric, Ms. Goldman's remaining objections appeared to be that the Wilders' addition would devalue her property, despite her ability to sell her home in one day.

Finally, Mr. Jack Dillon testified on behalf of the community. Familiar with the Rodgers Forge neighborhood, he offered the observation that Rodgers Forge is a prestigious neighborhood with consistently rising property values, even with the presence of additions, some of which may be legal and some of which may be illegal. Mr. Dillon testified that the Wilders' home had the appearance of having two front entrances with an attractively fenced yard. Mr. Dillon admitted that the garage was the driving force behind his decision as to the location of the front of the house. However, he admitted that the door to which mail was delivered was a factor that should be considered.

Giving examples of houses with two entrances but with the "front" facing only one way, Mr. Dillon further conceded that the side he considered to be the front was only his opinion and the opinion of the property owner. There had never been a legal determination of the location of the front of any of the houses he discussed, other than the "Milligan" house, discussed below. Mr. Dillon admitted that in Rodgers Forge, there are places where alleys are on the sides and not rears of homes and, therefore, the location of the alley, in and of itself, was not a determining factor.

Finally, Mr. Dillon was fearful that if the Pinehurst Road side of the house was determined to be the front of the home, people in homes similarly situated could build to within 10 feet of the alley, changing the character of the neighborhood. However, when pointed out that if the Murdock Road side of the home were determined to be the front, then homeowners could build onto the Pinehurst Road side of the house within 10 feet of the road.

This, too, would have a negative impact on the community and would be the natural consequence of such a ruling.

In rebuttal, Mr. Cooper testified that Mr. Richards had spoken with Mr. Cooper about the proposed addition when Mr. Cooper first applied for the permit. Mr. Richards was shown the plat (Exhibit 14) which clearly showed the garage in its present location. Mr. Richards, when told that the house was a center hall colonial, assured Mr. Cooper that the addition could be built in its proposed location. Mr. Richards denied any recollection of that conversation.

ARGUMENT

I. THE FRONT OF THE PETITIONERS' HOME FACES PINEHURST ROAD RENDERING THE ZONING INSPECTOR'S DECISION TO ISSUE A STOP WORK ORDER IMPROPER.

The front of the Wilders' home faces Pinehurst Road and the Maryland Court of Appeals has provided the necessary support for this finding. In 1963 the Court was asked to determine if the Baltimore City zoning ordinance "require[d] the physical front of a building to fact the street side of a lot." *City of Baltimore v. Siwinski,* 235 Md. 262, 263, 201 A. 2d. 368, 369 (1964). In deciding the issue, the Court opined that "we think it is clear that *the physical construction* of a building established the frontage for purposes of determining whether there has been compliance with the zoning ordinance." *Id.* at 264, 201 A. 2d. at 370. (emphasis added). In explaining this pronouncement the Court's words were almost echoed by Mr. Richards during his testimony wherein he relayed to this Board that ideally one should place a house in the middle of a 100 acre lot and to then apply common sense to determine the front of the home:

> The word 'front' as applied to a city lot has little, if any inherent application, but it takes on a borrowed significance from the building which is or may be

> constructed thereon.... As applied to a building *'front' in general usage refers to that side of it in which is located the main entrance....* When used (sic) of a lot with a house upon it, it means that portion of the lot abutting upon the street toward which the house faces.

Id. at 265, quoting *Rhinehart v. Leitch*, 107 Conn. 400, 140 A. 763 (citations omitted) (emphasis supplied). The court added that not only is the front of the house that "'*which contains the main entrance* but also that which is aesthetically most pleasing.'" *Id.* quoting *Howard Homes, Inc. v. Guttman,* 190 Cal. App 2d. 526, 531 (1961). (emphasis supplied).

Contrary to the opinion of the People's Counsel, *Siwinski* provides the best counsel on the issue as it is this State's only case on point. Counsel's reliance on the out of state holdings in *Siwinski* is misplaced. The *Bianco* opinion, while containing very similar language about the role of a fact finder, nevertheless determined the rear lot line of an unimproved lot and, in that circumstance, the determination was one that was "largely a matter of fact." *Bianco v. Ashley,* 284 Mass. 20, 25, 187 N.E. 101, 103 (1933). The court in *Davis v. City of Abilene,* 250 S.W. 2d 685 (1952), considered a zoning provision which required much more than that which is stated in the Baltimore County Zoning Ordinance. There, the City of Abilene was seeking to force the property owner to move a building to bring it in conformance with the zoning ordinance that required:

1. "a front yard having a depth of not less than 25 feet from the property line to the front line of the building, but that when 35% or more of the frontage on one side of the street is improved the proposed building may be set in line with existing building," and

2. "there shall be two side yards, one on each side of the building, having a combined width of not less than 20% of the width of the lot, and provided that in no case shall either side yard be less than 5 feet, and provided further that the combined widths of the two side yards need not exceed 12 feet."

Id. at 686-687. Like People's Counsel's objection to the use of the *Siwinski* opinion, the neighborhood in *Davis* was apparently not a row house community. Thankfully, this Board

need only determine this county's Zoning Ordinance and what it would say is the front of the Wilder's preexisting center hall colonial home.

Nevertheless, the Wilders and People's Counsel can agree on one thing: "that application and interpretation of 'front' and 'rear' property definitions **vary with the circumstances."** *People's Counsel Hearing Memorandum*, page 5 (emphasis supplied).

The Baltimore County Zoning Regulations support the Petitioners' position. The Regulations provide that the front yard of the lot is that "yard extending across the full **width** of the lot, between the front lot line and front foundation wall of the main building." *Baltimore County Zoning Regulations, Section 101. (Emphasis added).* People's Counsel kindly attached to its Memorandum Webster's Third New International Dictionary definition of width but only cited the first and not helpful entry. When read in full, one can only interpret the definition when applied to a building as the widest part of the structure.[5] There is no question that the widest part of the Petitioners' property fronts Pinehurst Road.

The testimony is clear, unambiguous and uncontradicted that the front of the house faces Pinehurst Road. The "main entrance" to the home by all accounts is through the door facing Pinehurst Road. It is the only door with a walkway leading to it from the public sidewalk. The home is a center hall colonial, with the center hall beginning as one enters the door facing Pinehurst Road. As the pictures indicate, the Pinehurst side of the house is the most attractive, with two beautiful bay windows on either side of the door and appropriately appointed windows spanning the second and third floors. There are no structures on the front of the house which detract from it, such as a stone or concrete patio, a fire place or a door located on one side of the structure. The shrubbery is symmetrical in appearance, the

[5] The definitions, in part, read as follows: "2 a: largeness or greatness in extent....b: fullness, amplitude...c: freedom from narrowness... 4: girth at the widest part...."

welcome mat is located at the foot of the door, the mailbox and doorbell are conveniently located to the right of the door and the house number is above the door. Most importantly, the Wilders have keys to this door, unlike the door located in the living room. The plat and photographs clearly demonstrate that the width of the house and lot spans Pinehurst Road and runs from the building line to the front of the foundation wall. There is no reasonable or rational argument that any other side of this home is the front.

Finally, in *Milligan* it was necessary for the Board of Appeals to decide the front of a Stoneleigh neighborhood home that sat at the intersection of Hatherleigh and Oxford Roads for purposes of determining where the property owner could build an accessory structure. In a split opinion, the Board held that the Oxford side of the house was the front. It found that, in addition to an Oxford Road address, that side of the house had a walkway from the sidewalk to an entrance into the main living quarters and where the mail and other deliveries were received, facts similar to the Wilders' home. It does not appear that the house was a center hall colonial. The Board also determined that the setbacks that existed only allowed for Oxford Road to be the front. Finally, the Board found convincing the testimony of the only architect that testified who indicated that the accessory structure was "situated on the third of the lot farthest from the street and with the narrowest portion of the building facing the view from the street, thus mitigating the impact." The issues facing the Board in *Milligan* were different in scope and application and, thus, the case is distinguishable on its facts. Yet, it should be noted that except for the address, many of the same considerations used by the Board in *Milligan* would weigh heavily in favor of the Wilders position.

II. IF THE BOARD DETERMINES THAT THE FRONT OF THE WILDERS' HOME FACES MURDOCK ROAD, THEN THE REQUESTED VARIANCE SHOULD BE GRANTED BECAUSE STRICT COMPLIANCE UNREASONABLY PREVENTS THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE, THE GRANT WOULD NOT INFLICT SUBSTANTIAL INJUSTICE ON OTHER PROPERTY OWNERS IN THE AREA AND THE RELIEF REQUESTED WOULD NOT VIOLATE THE ORDINANCE NOR WOULD PUBLIC SAFETY AND WELFARE BE SACRIFICED.

An area variance requires the finding that the property is unique, usual or different from the surrounding properties that causes the strict application of the zoning provision to impact more on the Wilders' property. The evidence is clear that the orientation of the house renders it unique, unusual and different from the properties surrounding it. The home is located at the end of a group of row homes and is turned 90 degrees from the other houses. As a result, its placement on the lot is uniquely different from any other home in the group and certainly as it compares with the vast majority of houses in the Rodgers Forge community. Thus, while other homes in the group would have the space to meet the required set back, the orientation of the Wilders' home reduces the amount of space in what, by virtue of the Board's finding, would be the rear yard.

The testimony is compelling that the kitchen needs to be upgraded and expanded in order to meet the needs of a family with three young daughters. The kitchen is the focal point of any family gathering. It is the place where meals are cooked and, except on more formal occasions, eaten. The kitchen table is where a parent helps his or her child with homework and where family conferences are held. Traditional kitchen activities provide the glue that binds a family, and when the three girls look back at their childhood, they should reflect with a smile all of the good, and distressing, times that took place around the kitchen table. The home as it now is configured, does not allow for this very necessary and

important process. The allowance to build a small, one story, addition to the kitchen, forming no more than a breakfast nook, would transform the house to a home and not allowing it would *unreasonably* prevent the use of this property for *all* of its intended purposes.

Granting the Wilders' permission to build this addition would not do substantial injustice to the other property owners in the area. There is no ill effect on the surrounding properties and in fact is supported by many friends and neighbors of the Petitioners. The granting of the variance would make the house more livable, increase its and the neighbors' property values and would contribute to the maintenance, enhancement, and protection of "the high standards of the Rodgers Forge neighborhood." *Mission statement for Rodgers Forge Community, Inc.*, attached hereto as Exhibit A.

Finally, the relief requested is not contrary to the zoning ordinance and will certainly not compromise public safety or the welfare of the neighborhood. The plans are designed so as to be aesthetically pleasing and architecturally in keeping with the neighborhood. Because of the presence of two preexisting fences, two garages, shrubbery and even the canopy extending from the rear of Ms. Goldman's house, there would be no adverse impact on light or air and there is no other place on the property to build the addition. Even the many state and county agencies commenting on the proposed addition voiced no objection to the proposed project.

CONCLUSION

The Petitioners seek a revocation of the Stop Work Order and permission to continue with the construction of the modest one story breakfast room addition and porch as originally submitted to the Department of Permits and Development Management over 18 months ago.

The plans and the information provided to that office were neither false or misleading or even incorrect. The construction and style of the home coupled with its orientation on the lot compels the conclusion that the front of the home faces Pinehurst Road. The plans and specifications submitted by Mr. Cooper show clearly the proposed addition, its location on the property and the orientation of the home. The most aesthetically pleasing "side" of the structure is where the front door is located leading to the foyer and center hall. This is where the mail is delivered, where visitors are received, and where the world would look upon it as the front. It is submitted that the addition can be legally built in the side yard of the house without the need for a variance.

However, if the Board is still of the opinion that the front of the house is that "side" that faces Murdock Road, despite the absence of a walkway to the door for which no one has a key, then the Petitioners are entitled to a variance. It is evident that the orientation of the home and its construction is unique for the neighborhood. The problems with the kitchen have been thoroughly aired, and it is beyond doubt that the granting of the variance in accordance with the plans for the addition would neither adversely affect the neighbors or neighborhood nor would it violate the spirit of the ordinance or create a public safety issue.

Wherefore, it is respectfully requested that the relief requested be granted.

Respectfully submitted,

Justin J. King
409 Washington Avenue, Suite 707
Towson, Maryland 21204
(410) 337-3755
Attorney for the Petitioners

CERTIFICATION OF MAILING

I HEREBY CERTIFY THAT on this 14th day of March, 2005 a copy of the foregoing Post Trial Memorandum was mailed first class, postage prepaid, to J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286, counsel for the Rodgers Forge Community Association, and to Peter Max Zimmerman, People's Counsel, and Carole S. Demilio, Deputy People's Counsel, 400 Washington Avenue, Room 47, Towson, Maryland 21204.

JUSTIN J. KING

*Mission Statement**
for
Rodgers Forge Community, Inc.

It is the mission of the Rodgers Forge Community, Inc to maintain, enhance, and protect the high standards of the Rodgers Forge neighborhood, to preserve the excellent quality of life in our neighborhood, and to establish the channels of communication and opportunities for the residents of Rodgers Forge to participate in the growth of the community.

*Adopted and passed by a unanimous vote at the October 11, 1995 meeting.

1/14/05

RECEIVED
JAN 11 2005
BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
SE corner Murdock Road and Pinehurst Road (201 Murdock Road)	*	COUNTY BOARD
9th Election District, 5th Councilmanic District	*	OF APPEALS
Legal Owner(s): Charles D. Wilder, et ux.	*	FOR
Petitioners	*	BALTIMORE COUNTY
	*	Case No. 04-252-SPHA

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

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S HEARING MEMORANDUM

I

It appears to this office that there is a public interest in the proper definition or analysis of the situation of front, side, and rear yards in a townhouse (row) setting. The case arises in Rodgers Forge in a D.R. 10.5 zone. The focus of the case is the Wilders' home, an end-of-group house at 201 Murdock Road. It occupies the corner lot at the intersection of Murdock Road and Pinehurst Road. The row of houses extends along Murdock Road.

The Wilders contend that the front of their house borders Pinehurst Road because their house is oriented to Pinehurst Road, by virtue of its setting, entrance position, and appearance. As a result, they say that their requested kitchen extension and deck connected to the part of the house away from Murdock Road is a side yard addition and therefore satisfies the modest side yard setback requirement of 10 feet.

The neighbors disagree. They believe that the matter must be viewed in the context of the entire row of houses, which front on Murdock Road, as the address

implies. From this perspective, the Wilders are placing their addition in the rear yard, which requires a far more substantial setback of 50 feet and would necessitate a variance. The relevant zoning standards are in BCZR 1B02.3C1.

The neighbors emphasize that placement of the addition in the yard away from Murdock Road breaks up the continuity of open rear yards, a positive feature of the Murdock Road houses and others in Rodgers Forge. The Baltimore County Office of Planning and Zoning apparently took a closer look recently and issued a revised comment December 2, 2004 which concurs with this concern. OPZ wrote:

> "This office is of the opinion that the ends of group units, such as subject property, are unique. Their orientation is such that adding the proposed addition would not be appropriate or in keeping with neighborhood character, and would set a negative precedent in this older, well-established community"

II

The Zoning Commissioner agreed with the Wilders in his April 7, 2004 opinion. He recited the BCZR 101 definitions for front, side, and rear yards. He also cited the Webster's Third New International Dictionary definition of "front" as including "A face of a building, especially the face that contains the principal entrance." Additionally, he referred to City of Baltimore v. Swinski 235 Md. 262 (1964), which interpreted a "front yard' definition ("the space between the front line of the building and the front line of the lot") as based, in general usage, on the physical construction of the building, the face of the house, and the side on which the entrance is located.

In this context, he reviewed the facts and found --- based mainly on the size, shape, and orientation of the house --- that the property fronts on Pinehurst Road. Therefore, he ruled that the proposed addition is allowed so that no variance is required.

III

The case is before the County Board of Appeals on a *de novo* appeal. Ultimately, however, the CBA must address the same issue of legal interpretation as the Zoning Commissioner. There are three possible outcomes, one of which has a further option. The first two possible answers are that the front of the property is, as a matter of law, either Pinehurst Road or Murdock Road. The third outcome would involve a finding that the law is either ambiguous or flexible, and that the totality of circumstances may be taken into consideration, including the orientation of adjacent properties. This last approach would call for the CBA to exercise reasonable discretion in making its determination. Essentially, the Zoning Commissioner took the third approach, but exercised his discretion to find, as a matter of fact, that the property fronts on Pinehurst Road.

IV

Let us look more closely at the relevant law. The determination of the frontage of corner lots has presented problems, from time to time, throughout the country.

Anderson, American Law of Zoning 4th Sec. 9.59 states:

> "Setback and yard restrictions present special problems when the lots to which they apply are not common, rectangular plots with one side, usually the smaller dimension, fronting on a street. Corner lots, for example, may pose a special problem, because it may be argued that the setback requirements apply to two sides both of which "front" on a street. Lots which are interior ones, but which extend from one street to another present a similar problem. Which is the front yard, and which the rear? Or does such a lot have two front yards and no rear yard? Finally, odd-shaped lots raise a variety of legal puzzles involving frontage, yards, and setback lines."

As Anderson observes, some jurisdictions include detailed provisions for corner lots in their zoning legislation. An example is the Berwyn Heights statute reviewed in Town of

Berwyn Heights v. Rogers 228 Md. 271 (1962). The BCZR do not, however, address corner lots matter in detail. This is the setting for the present controversy.

The BCZR 101 definitions for "Yard, Front" and Yard, Rear" both contain the language: "extending along the full width of the lot". What, then, is the width? Unfortunately, the attached Webster's Third New International Dictionary definition is not helpful. It merely states in pertinent part,:

> **Width:** 1: a distance from side to side: measure taken at right angles to length: BREADTH <the ~ of a ribbon><the ~ of a printed letter> . . .

The language in the Swinski case is helpful the Wilders' position, but the facts are distinguishable. It did not involve an end-of-group home or a row of houses. Rather, it involved proposed apartment buildings on two separate lots: a corner lot and the third lot down. Interestingly, Swinski cited a number of cases from other states.

Among these were Bianco v. City Engineer & Building Inspector 187 N.E. 101 (Mass. 1933). There, a southeast corner lot was situated in a position similar to that of the Wilder lot. There was a row of rectangular lots bounded on the north by Quincy Street. The corner lot at issue was bounded by Quincy Street on the north and Ashland Street on the west. The original building faced Quincy, but the new owner desired a new building facing and having an exclusive entrance on Ashland. He applied for a building permit for a building within 15 feet of the lot to the east. If this were judged to be the rear (the front being on Ashland), it would be in violation. But the building inspector considered, based on all the history and circumstances, that the front was, and still remained, on Quincy like all the other lots. The neighboring property owner to the east filed a petition for mandamus to revoke the building permit, which was referred to an auditor. The case turned on the definition of "rear lot line." The auditor's report essentially found the issue

debatable, and did not recommend revocation of the permit. The Supreme Judicial Court sustained this decision. The Chief Justice wrote:

> "The front line and the rear line of a lot cannot well be described by a hard and fast rule of law applicable to all cases. The determination of the question is largely a mater of fact. The general location, the manner in which the particular lots and its adjacent lots have been laid out, the customs of surveyors in that respect, the uses to which the lot has been put as well as those to which it is proposed to be put, the practices of public officer charged with duties respect it, and all the other pertinent facts touching the customs of the neighborhood, may be examined. To these factors is to be applied the meaning usually attached to the words 'rear lot line' according to the common and approved usages of the language."

The case of Davis v. City of Abilene 250 S.W.2d 685 (Tex. App. 1952) is also helpful. There, upon advice of a City Engineer, appellants built a factory/apartment building facing an alley instead of the more natural South 6th Street in order to place the building within 5 feet of 6th Street and to avoid the minimum front yard setback of 25 feet. The City revoked the permit shortly thereafter, and on appeal, the Zoning Board required the building to be moved at least 21 feet away from 6th Street, to match neighboring buildings. Upon the property owners' petition for injunction, the Court agreed with the Zoning Board, finding the theory that the space between the building and 6th Street was a "side yard" to be "not a reasonable one." 250 S.W.2d, at 688.

The subsequent history of Swinski shows it was cited in Owens v. Hubbard 260 Md. 146 (1970). There, the Court found competing arguments about front and rear irrelevant to determine riparian rights in a waterfront setting. Any property bordering the water had riparian rights. This illustrates that application and interpretation of "front" and "rear" property definitions vary with the circumstances.

Baltimore County policy governing waterfront property reflects this point of view. To protect the integrity of waterfront property and the concept of an unimpeded

view of the water for the benefit of neighboring property owners, the front and rear yard is reversed for waterfront properties. The waterfront side is considered the front, even though the access and entrance is typically on the opposite side facing the road.

V

The path of the law thus reveals the need to review the totality of circumstances. The goal is to discern the purpose, function, and proper application of the zoning law. It is to be remembered that the purpose of zoning law is to protect the public safety, health, and welfare. Code Code Sec. 32-3-101. The landmark Supreme Court decision in Euclid Ambler Realty Co. 272 U.S. 365 (1926) spoke of prevention of nuisances and arranging land uses according to a plan.

In this context, one cannot do much better than the excellent analysis in the Bianco case. When it comes to corner lots, in the absence of a precise definition of frontage, many factors must be considered. The history of the law, any administrative interpretations, the situation of the site, the orientation of the building, and the characteristics of the neighborhood are all relevant.

From this perspective, we do not believe the Swinski case is controlling. It was not an attached townhouse setting. The situation there apparently did not call for or require an overview of the neighborhood. In any event, while citing Bianco, the Court confined its discussion to the orientation of the building.

Since Swinski, so far as we can tell, the only Maryland case to address the subject is Town of Berwyn Heights. There, the court approved enforcement of the front yard setback standards. The statute, however, was more specific than the Baltimore County Zoning Regulations here. Meanwhile, very few cases around the country discuss the

issue. The County Board of Appeals has the opportunity, therefore, to take a fresh look at the subject and to shed light on an issue which obviously is of great concern in Rodgers Forge and may surface as well in other established neighborhoods.

Our office's preliminary view is that the totality of circumstances here call for a decision which establishes that the front yard should be determined to be consistent with the Murdock Road frontage of the other houses in the row. A final decision must be based, of course, on the entire factual record.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of January, 2005, a copy of the foregoing Memorandum of People's Counsel for Baltimore County sent via first class mail to Justin King, Esquire, 409 Washington Avenue, Suite 707, Towson, MD 21204 and J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286 .

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

exchange (transactions) through pneumatic tubes **2** : an unnamed article considered for purposes of hypothetical example as the typical product of a company (allowing the manufacturer to deduct the fair market value of the ~s —*Harvard Law Rev.*)

wid·ish \'widish, -dēsh\ *adj* [*wide* + *-ish*] : somewhat wide (~ shoulders) (a ~ collection)

wid·man-staet-ten figures \'widman,stet°n-, 'vitman,s(h)t\ *also* **wid·man-staet-ti·an figures** \,ē,ən-\ *n pl, usu cap W* [*widmanstaetten* after Aloys B. *Widmannstätten* †1849 Austrian mineralogist; *widmanstaettian* fr. Aloys B. *Widmannstätten* + E *-an*] : figures that appear on etched meteoric iron and exhibit its crystalline structure

¹wid·ow \'wi(,)dō, -,də; -,daw, -,dō+V\ *n* -s [ME *widewe, widwe*, fr. OE *widewe, wuduwe*; akin to OHG *wituwa, witawa* widow, Goth *widuwo*, L *vidua* widow, *-videre* to separate, Gk *ēitheos* unmarried youth, Skt *vidhavā* widow, *vidhuna* separated from, *vindhate* he lacks] **1 a** : a woman who has lost her husband by death and has not since remarried — often used as if a title before a woman's marriage name (the ~ Jones) (a tavern kept by ~ Smith) **b** : a particular woman identified as having survived her husband and often as having thereby acquired legal rights that are not lost by subsequent remarriage by her though they may sometimes be lost by decree, statute, or construction (as on account of the survivor's desertion or adultery) **c** *dial Brit* : WIDOWER **d** : a woman whose husband deserts her or spends much time (as in a sports activity) away from her : GRASS WIDOW **2** — usu. used with a qualifying word (poker ~) (fishing ~) (club ~); compare GOLF WIDOW **2** : one of a special class of women in the early Christian church serving as deaconesses in the performance of works of charity and in some liturgical offices (as the baptism of women) **3** : an extra hand or part of a hand of cards that is dealt face down and usu. placed at the disposal of the highest bidder — see KITTY, SKAT **4 a** : a short line ending a paragraph and appearing at the top of a printed page or column **b** : a short line at the foot of a page or column

²widow \"\ *vt* -ED/-ING/-S **1** : to cause to become a widow : bereave (a person) of a spouse (women ~*ed* by the war) (he hath ~*ed* and unchilded many a one —Shak.) **2** : to survive as the widow of (let me be married to three kings . . . and ~ them all —Shak.) **3** : to deprive of something greatly loved or needed : make desolate — usu. used with *of* (the ~*ed* isle —John Dryden) (tank supporters . . . ~*ed* of tanks —A.J. Liebling)

widow-bench \'ᵊ(,)ᵊ,ᵊ\ *n* : the portion besides her jointure allowed to a widow from her deceased husband's estate in English law — compare FREE BENCH

widow bewitched *n, chiefly dial* : a woman separated from her husband : GRASS WIDOW 2

widow bird *or* **widow finch** *n* [so called fr. its dark plumage and long black tail feathers like a widow's veil] : WHYDAH

widow duck *n* : a West Indian tree duck (*Dendrocygna viduata*)

wid·ow·er \'widəwə(r), -dōw-\ *n* -s [ME *widewer*, fr. *widewe* widow + *-er*] **1** : a man who has lost his wife by death and has not married again **2** : a particular man identified as having survived his wife and often as having thereby acquired legal rights that are not lost by subsequent remarriage by him though they may sometimes be lost by decree, statute, or construction (as on account of the survivor's desertion or adultery)

wid·ow·ered \-ə(r)d\ *adj* : made a widower (his ~ father —William Humphrey)

wid·ow·er·hood \-ə(r),hůd\ *n* **1** : the quality or state of being a widower **2** : the period during which a man remains a widower

widowhead *n* [ME *widewehed*, fr. *widewe* widow + *-hed* -hood (akin to ME *-hod, -had* -hood)] *obs* : WIDOWHOOD

wid·ow·hood \'ᵊ(,)ᵊ,hůd\ *n* [ME *widewehod, widewehad*, fr. *widewe* widow + *-hod, -had* -hood — more at WIDOW] **1** : the quality or state of being a widow (destined to an early ~) **2** : the period during which a person remains a widow (married again after a brief ~)

widow lady *n, chiefly dial* : WIDOW

wid·ow·ly *adj* : of, relating to, or befitting a widow (~ grief)

widow-maker \'ᵊ(,)ᵊ,ᵊ\ *n* : something dangerous to a worker's life or health; *specif* : a loose limb hanging in or falling from a tree in logging

wid·ow·man \'ᵊ,mən\ *n, pl* **widowmen** *chiefly dial* : WIDOWER

widow monkey *n* : a So. American titi (*Callicebus torquatus*) that is black except for dull whitish arms, neck, and face and a ring of pure white around the face

widow right *n* : a widow's right (as dower, quarantine, or statutory share) in her deceased husband's estate

widows *pl of* WIDOW, *pres 3d sing of* WIDOW

widow's chamber *n* : the bedchamber apparel and furniture passing to the widow of a freeman of London by a custom formerly recognized in English law

widow's-cross \'ᵊ(,)ᵊ,ᵊ\ *n, pl* **widow's-crosses** : an evergreen fleshy-leaved herb (*Sedum pulchellum*) of the eastern U.S. often cultivated for its rosy purple showy flowers

widow's frill *n* : STARRY CAMPION

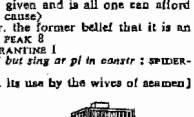
widow's mite *n* [so called fr. the widow who cast two mites (a farthing) into the Temple treasury (Mark 12:42)] : a small contribution that is willingly given and is all one can afford (gave his *widow's mite* to the cause)

widow's peak *n* [so called fr. the former belief that it is an omen of early widowhood] : PEAK 8

widow's quarantine *n* : QUARANTINE 1

widow's-tears \'ᵊ(,)ᵊ,ᵊ\ *n pl but sing or pl in constr* : SPIDERWORT 1a

widow's walk *n* [so called fr. its use by the wives of seamen] **1** : a railed observation platform built above the roof of a coastal dwelling for an unobstructed outlook to sea — called also *captain's walk* **2** : a balustraded roof area



widow's walk

widow woman *n, chiefly dial* : WIDOW

width \'width, -ith, *chiefly substand* -ith\ *n, pl* **widths** \'s, -idts, -it(t)s\ [*wide* + *-th*] **1** : a distance from side to side : measure taken at right angles to length : BREADTH (the ~ of a ribbon) (the ~ of a printed letter) (carpeting available in several ~s) (traveled across the ~ of the country) **2 a** : largeness or greatness in extent : SPACIOUSNESS, SCOPE, RANGE (gives you no idea of the ~ and the depth of his knowledge —K.C.Wheare) (the ~ of his invective —H.J.Laski) **b** : FULLNESS, AMPLITUDE (give ~ to a sleeve) **c** : freedom from narrowness, constraint, or limitation : COMPREHENSIVENESS, LIBERALITY (a ~ of view) (concerned to give medical education a greater cultural ~ —Walter Moberly) **3** : a measured and cut piece of material (a ~ of calico) (a ~ of board) **4** : girth at the widest part — used of a shoe last and usu. given by a letter designating a standard size (wears an E ~ shoe)

widthways \'ᵊ,ᵊ\ *adv* : WIDTHWISE

widthwise \'ᵊ,ᵊ\ *adv* : in the direction of the width : LATITUDINALLY (trimmings placed ~ —*Women's Wear Daily*)

wie·de·mann effect \'vēdə,mən-, -wēdaman-\ *n, usu cap W* [after Gustav H. *Wiedemann* †1899 Ger. physicist] : twisting of a ferromagnetic rod due to the joint action of a longitudinal current in the rod and a longitudinal magnetic field — compare MAGNETOSTRICTION

wiedemann-franz law \-'frān(t)s-, -'fran(t)s-\ *n, usu cap W&F* [after Gustav H. *Wiedemann* †1899 and Rudolph *Franz* †1902 Ger. physicists] : a statement in physics: at a given temperature the ratio of the thermal to the electrical conductivity has nearly the same value for most metals and approximately is proportioned to the absolute temperature of the metal

wiegela *syn of* WEIGELA

wield \'wēld, *esp before pause or consonant* -ēəld\ *vt* -ED/-ING/-S [ME *welden* to have power over, control, fr. OE *wieldan*; akin to OHG *waltan* to rule, ON *valda* to rule, wield, Goth *waldan* to rule, dominate, OIr *fiaith* power, rule, L *valēre* to be strong, be well, be worth, Lith *valdyti* to rule, Toch B *wale* king] **1** *chiefly dial* : to deal successfully with : MANAGE (weighty work, which he cannot ~ by himself —Thomas Fuller) **2** : to use (as a tool or instrument) esp. with full command or power : HANDLE, MANIPULATE, CONTROL (~ a broom) (~ a paintbrush) (~*ed* a pen with clerkly precision —T.B.Costain) (~*ed* the two languages with facility) **3 a** : to show or exert one's power or authority by means of : GOVERN, RUN (those who ~*ed* the bureaucratic machine —Hugh Seton-Watson) **b** : to exercise (as power, authority, sovereignty) : EMPLOY (~ influence) (a highly centralized executive ~*ing* absolute power —Aldous Huxley) **4** *obs* : EXPRESS (I love you more than word can ~ one matter —Shak.) SYN see HANDLE

wield·er \-də(r)\ *n* -s : one that wields (as a weapon or implement)

wieldy \-dē, -di\ *adj* **1** : capable of wielding : STRONG (entrusted to ~ hands —Anthony Harris) **2** : capable of being wielded : MANAGEABLE (is a large but ~ book —*New Republic*)

wien bridge \'wēn-, 'wēn-\ *n, usu cap W* [after Max *Wien* †1938 Ger. physicist] : a bridge for measuring or comparing capacitances — compare BRIDGE 6

wie·ner *or* **wei·ner** \'wēnə(r)\ *n* -s [*wiener* short for *wienerwurst; weiner* alter. of *wiener*] : FRANKFURTER

wie·ner Schnit·zel \'vēnə(r),shnitsəl, 'wēnə(r),sn-\ *n, usu cap W* [G, lit., Vienna cutlet] : a thin breaded veal cutlet served with a garnish (as lemon wedges, capers, or a fried egg)

wie·ner·wurst \'wēnə(r),ᵊ — *last syllable as at* LIVERWURST\ *n* [G, fr. *Wiener* of Vienna (fr. *Wien* Vienna) + *wurst* sausage, fr. OHG — more at WURST] **1** : VIENNA SAUSAGE **2** : FRANKFURTER

wie·nie *or* **wee·nie** \'wēnē, 'winē, -ni\ *n* -s [*wienie* fr. *wiener* + *-ie; weenie* alter. of *wienie*] *slang* : WIENER

wien's displacement law \'vēnz-, 'wēnz-\ *n, usu cap W* [after Wilhelm *Wien* †1928 Ger. physicist] : a statement in physics: the wavelength of thermal radiation most copiously emitted by a blackbody is inversely proportional to the absolute temperature of the body

wies·ba·den \'vēs,bäd°n, 'vis-\ *adj, usu cap* [fr. *Wiesbaden*, Germany] : of or from the city of Wiesbaden, Germany : of the kind or style prevalent in Wiesbaden

wie·sen·den \'vēz°n,bēd°n\ *n* -s [G, meadow soil, fr. *wiesen* (pl. of *wiese* meadow, fr. OHG *wisa*) + *boden* ground, soil, fr. OHG *bodam* bottom; akin to OE *wāse* mud, mire — more at OOZE, BOTTOM] : any of an intrazonal group of dark brown to black meadow soils rich in organic matter with gray underlayers developed through poor drainage in humid or subhumid grassy or sedgy regions

¹wife \'wīf\ *n, pl* **wives** \-īvz\ [ME *wif*, fr. OE *wīf*; akin to OHG *wīb* woman, wife, ON *vīf* woman; perh. akin to ON *veipr* head covering — more at WIFE] **1** *a dial* : WOMAN — compare OLD WIFE **b** : a woman acting in a specified capacity — used in combination: as (1) : one who sells something : VENDER (a fish*wife*) (an oyster*wife*) (2) : one who has charge of something : KEEPER (hen*wife*) (3) : a woman worker (washer*wife*) (hosier*wife*) **2 a** : a married woman (a ~ can take credit for the good in her husband —Lenard Kaufman) **b** : a woman who on the basis of her tribal or societal institutions is married (in sororal polygyny when a man married the eldest daughter each of her sisters became his ~ also) **3** : the female of a pair of mated animals (a new ~ for the gander is introduced into the pen)

²wife \"\ *vb* -ED/-ING/-S [ME *wifen*, fr. *wif* ~ wife] : WIVE

wife·hood \'wīf,hůd\ *n* [ME *wifhod, wifhode*, fr. OE *wīfhād* womanhood, fr. *wīf* woman, wife + *-hād* -hood] : the quality or state of being a wife (achieved the status of ~)

wife·less \-ləs\ *adj* [ME *wiflees*, fr. OE *wīflēas*, fr. *wīf* wife + *-lēas* -less] : having no wife (the only ~ man in the group of old classmates)

¹wifelike \'ᵊ,ᵊ\ *adv* : in a wifely manner (laid, ~, her hand in one of his —Alfred Tennyson)

²wifelike \"\ *adj* : WIFELY

wife·li·ness \'wīflēnəs, -līn-\ *n* -ES : the quality or state of being wifely (vague piecemeal efforts at ~ —Martha Gellhorn)

wife·ly *adj* [ME *wifly*, fr. OE *wīflīc*, fr. *wīf* wife + *-līc* -ly] **1** : of, relating to, or befitting a wife (~ virtues) (~ duty) (a ~ act) **2** : having the character or look of a wife (stout and ~, in her chaste cambric nightgown —Ellen Glasgow)

wife's equity \'wīfs- *sometimes* -īvz-\ *n* : the equitable right or claim of a married woman prior to the married women's separate property acts as against her husband or his assignees or creditors to a reasonable provision (as by way of settlement) out of her choses in action or out of any property of hers under the jurisdiction of the court of chancery for the support of herself and her children

wif·ey *or* **wif·ie** \'wīfē, -fi\ *n* : WIFE — not often in formal use

wif·ish \-fish, -fēsh\ *adj* : WIFELY

¹wig \'wig\ *n* -s [ME *wigge*, fr. MLG, wedge, wedge-shaped cake; akin to MD *wegge* wedge, OHG *weggi, weckī* — more at WEDGE] *Brit* : a bun flavored with spices and caraway seeds

²wig \"\ *n* -s [short for *¹periwig*] **1 a** : a manufactured covering of hair for the head usu. made of human hair that is woven or attached to a piece of net or a skullcap and worn as a cover for baldness or thin hair or as part of theatrical costume, official or professional dress, or fashionable attire (London barristers wearing ~s) (the elaborately curled and powdered ~s of the 18th century) — see PERUKE **b** : TOUPEE **2 a** : a person wearing a wig (as a judge or lawyer) **b** : DIGNITARY, BIGWIG **3** : an act of wigging : REBUKE **4 a** : the coarse fur on the shoulders of a large male hooded seal **b** : a male fur seal — wigs on the green ; a bitter dispute : FUSS, CLASH (feared . . . *wigs on the green* at the annual stockholders' meeting . . . —*Time*)

³wig \"\ *vt* **wigged; wigged; wigging; wigs** **1** : to supply with a wig **2** : to scold severely : CENSURE, REBUKE (*wigged* me for being there the other night —*Delineator*) SYN see SCOLD

wig·an \'wigən\ *n* -s [fr. *Wigan*, Lancashire, England, where it was orig. manufactured] : a plain-weave cotton fabric with a stiff finish used for interlining (as tailored coats or jackets)

wig block *n* : a round-topped block for making, dressing, or holding a wig

wigeon *var of* WIDGEON

wigged \'wigd\ *adj* : wearing a wig (the judge, all ~ and robed)

wig·gen *or* **wig·gin** \'wigən\ *n* -s [alter. of *¹quicken*] *dial* : ROWAN TREE

wig·ger \-gə(r)\ *n* -s : WIGMAKER

wig·gery \-gərē, -rī\ *n* -ES **1** : the use of wigs (preferred ~ to baldness —Anthony Trollope) **2** : a business dealing in wigs (a visit to a nearby theatrical ~ —P.G.Wodehouse)

wig·ging \-giŋ, -gēŋ\ *n* -s [*²wig* + *-ing*] **1** : severe censure from one in authority : DRESSING DOWN, SCOLDING (the ~ I received from my editor —C.A.Lejeune) **2** *Austral* : the removal of wool from around the eyes of sheep to prevent obstruction of vision : WOOL CLASSING — usu. used in pl. (~s . . . mixed with good-quality lambs' wool —R.G. Montgomery)

³wig·ging \'wigəl\ *vb* **wiggled; wiggled; wiggling** \-g(ə)liŋ\ **wiggles** [ME *wigelen, wigelen*, of LG or D origin; akin to MLG *wiggelen* to totter, reel, MFlem *wigelen* to totter, reel, rock, MD *wiegelen* cradle; akin to OHG *wiga* cradle, OE *wegan* to move — more at WAY] *vi* **1** : to move back and forth or up and down with quick jerky or shaking motions : NOODLE, OSCILLATE (a compass needle *wiggling* crazily) (the screen . . . image ~s —M.C.Faught) (high heels that make a woman ~ . . . when she walks —Wolcott Gibbs) **2** : to proceed with twisting and turning movements : WRIGGLE, WORM (~ through a crowd) (has an unimaginable gift of *wiggling* in wherever he wants to —O.W.Holmes †1935) ~ *vt* : to cause to wiggle (*wiggled* his eyebrows —John Fountain) (found his toe and *wiggled* it —Winifred Bambrick)

²wiggle \"\ *n* -s **1** : the motion of one that wiggles (she was all smiles . . . and ~s coming down the broad stairs —Calvin Kentfield) **2** : shellfish or fish in cream sauce with peas (shrimp ~) — **get a wiggle on** *slang* : hurry up : HUSTLE (better *get a wiggle on* or we'll be late)

wiggle nail *n* : CORRUGATED FASTENER

wig·gler \-g(ə)lə(r)\ *n* -s [*¹wiggle* + *-er*] **1** : one that wiggles **2** : the larva or pupa of the mosquito — called also *wriggler* **3** : a tool for positioning work centers accurately by exaggerating deviations

wiggle-tail \'ᵊ,ᵊ\ *n* **1** : WIGGLER **2** *dial* : TADPOLE

wiggle-tail cultivator *n* : a riding row-crop cultivator designed to permit easy control of the cultivator gangs in the cultivation of crooked rows

¹wiggle-waggle \'ᵊ,ᵊ\ *adj* [redupl. of *¹wiggle*] : INDECISIVE, VACILLATING (has gone *wiggle-waggle* and cannot be persuaded to be categorical —Lionel Hale)

²wiggle-waggle \"\ *vi* [redupl. of *¹wiggle*] : to move jerkily back and forth : wiggle and waggle from one thing to another : VACILLATE (*wiggle-waggles* between appeals for charity and responsible state action —*Nation*)

³wiggle-waggle \"\ *or* **wiggle-woggle** \ᵊ,ᵊ\ *n* : something (as an amusement park contrivance) that wiggle-waggles (*flip-flaps, switchbacks, wiggle-woggles* —Rose Macaulay)

wig·gly \'wig(ə)lē, -li\ *also* **wiggly-waggly** \'ᵊ(,)ᵊ,ᵊ\ *adj* : tending to wiggle : WIGGLING, WRIGGLY (follow a ~ course) (~ lines) (~ worms)

wig·gy \'wigē\ *adj* -ER/-EST [*¹wig* + *-y*] **1** : marked by excessive gravity and formality : POMPOUS (a dried up, ~ . . . little scandalmonger —Richard Dehan) **2** : BEWIGGED

¹wight \'wit, *usu* -īd+V\ *n* -s [ME *wight, wiht* creature, thing, fr. OE *wiht*; akin to OHG *wiht* creature, thing, ON *vættr* creature, being, Goth *waihts* thing, OSlav *vešti*] **1** : a living creature, being, MAN (no patriarch he . . . but a withered, anxious, crabbed ~ —Compton Mackenzie) (yonder a maid and her ~ —Thomas Hardy) (one of those benighted ~s —Norman Cousins) (any luckless ~ . . . who gets his wife in bad with her boss —G.W.Johnson) **2** *archaic* : a preternatural being (as a fairy or witch) (protection against uncouth ~s —William Morris)

²wight \"\ *adj* [ME *wight, wiht*, of Scand origin; akin to ON *vigr* skilled in fighting, in fighting condition (neut. *vigt*), *vig* fight — more at VICTOR] **1** *archaic* : VALIANT, STALWART **2** *dial* a : STRONG **b** : SWIFT

³wight \"\ *adv* : WIGHT-LY *adv* [*wight* fr. ME, fr. *wight, wiht* strong, swift; *wightly* fr. ME, fr. *wight, wiht* strong, swift + *-ly*] *dial* **1** : STRONGLY **2** : SWIFTLY

wig·less \'wiglēs\ *adj* : having or wearing no wig (tumbles headlong and ~ to the floor —Agnes Repplier)

wigmaker \'ᵊ,ᵊ\ *n* : one that makes or deals in wigs

wig·ming \'wig,*gres 3d sing of* WIG

wig·town·shire \'wigtən,shī(ə)r, -,taən-\ *or* **wigtown** *adj, usu cap* [fr. *Wigtownshire* or *Wigtown*, Scotland] : of or from the county of Wigtown, Scotland : of the kind or style prevalent in Wigtown

wig·wag \'wi,gwag, -aə(ə)g, -aig\ *vb* [E dial. *wig* to move, shake (prob. back-formation fr. E *¹wiggle*) + E *¹wag*] *vi* **1** : to signal by waving a flag or portable light according to a code in which movements to the right and left are the elements of the code alphabet and a movement to the front indicates the end (as of a word or message) **2** : to make a signal (as with the hand or arm) (~*ed* through the window of his office —*advt*) ~ *vt* **1** : to signal (as a message) by wigwagging (the mariner *wigwagged* the necessary directions —*Amer. Guide Series: Conn.*) **2** : to cause to wigwag (*wigwagged* the white flags —*Blue Bk.*)

²wigwag \"\ *n, often attrib* **1 a** : the art or practice of wigwagging (no wireless reports . . . and the papers got their news by ~ —Harland Manchester) (the ~ system) **b** : a wigwagged message **2** : a polishing device used by watchmakers and clockmakers in which the polisher has a back-and-forth motion

wig·wag·gy \'wig,wagē\ *adj* : signal at a railway grade crossing that indicates the approach of a train by the horizontal swinging of a disk

wig·wam \'wi,gwäm *also* -gwōm\ *n* -s [Abnaki & Massachuset *wikwām*, lit., their dwelling] **1 a** : a hut of the Indians of the region of the Great Lakes and eastward having typically an arched top and consisting of a framework of poles overlaid with bark, rush mats, or hides — compare LODGE 3a **b** : a roughly similar hut (a rough ~ fashioned of fir boughs —F.V. W.Mason) **2** : a large building serving as the headquarters or meeting place (as convention hall) of a U.S. political organization (as the convention hall of the Republican Party in 1860 or any of the successive buildings housing the Tammany Society of New York) **3** : a moderate brown that is yellower, lighter, and stronger than chestnut brown, bay, or tobacco and redder, lighter, and stronger than coffee



wigwam

wiik·ite \'vēkīt\ *n* -s [Sw *wiikit*, fr. F. J. *Wiik* †1909 Finnish mineralogist + Sw *-it* -ite] : a mineral consisting probably of a mixture of samarskite, betafite, and perhaps allanite and occurring in pegmatites in Impilahti parish on Lake Ladoga, Finland

wijs method \'wīs-\ *n, usu cap W* [after Jacob J. Alexander *Wijs* †1942 Dutch analytical chemist] : a method for determining the iodine number (as of an oil or fat) that consists in adding a solution of iodine monochloride in glacial acetic acid and estimating the excess of unused halogen by titration with sodium thiosulfate

wi·ke·no \wə'kē(,)nō\ *n, pl* **wikeno** *or* **wikenos** *usu cap* **1** : a Beliabella people of British Columbia **2** : a member of the Wikeno people

wi·ki·wi·ki \,wēkē'wēkē\ *adv* [Hawaiian] *Hawaii* : QUICKLY, FAST

wik·strōe·mia \wik'strōmēə, -rēm-\ *n, cap* [NL, fr. J. B. *Wikström* †1856 Swed. botanist + NL *-ia*] : a genus of chiefly Asiatic shrubs (family Thymelaeaceae) including some (as *W. canescens*) with bark that yields a fiber used in making paper and cloth

wil·bur·ite \'wilbə,rīt\ *n* -s *usu cap* [John *Wilbur* †1856 Am. Quaker preacher + E *-ite*] : a member of the Religious Society of Friends (Conservative) formed in the U.S. in 1845 as a protest on behalf of Inner Light against the doctrine of the Gurneyites

wil·co \'wil(,)kō\ *interj* [short for the phrase *will comply*] — used esp. in radio and signaling to indicate that a message received will be complied with

¹wild \'wild, *esp before pause or consonant* \'wiəld\ *adj* -ER/-EST [ME *wilde*, fr. OE; akin to OHG *wildi* wild, ON *villr* wild, gone astray, bewildered, Goth *wiltheis* wild, *W gwyllt*, Corn *guyls*] **1 a** (1) : living in a state of nature : inhabiting natural haunts (as the forest or open field) : not tamed or domesticated (a ~ ox) (~ duck) (2) : being one of a kind not ordinarily subjected to domestication (the tame ~ goose finally flew away) — compare FERAL (3) : SHY 1a - b (1) : growing or produced without the aid and care of man : not cultivated : brought forth by unassisted nature or by animals not domesticated : NATIVE (~ furs) (the closest ~ relative of cultivated corn —P.C.Mangelsdorf) (~ honey) (2) : related to or resembling a corresponding cultivated or domesticated organism — used in vernacular names of plants and animals; see WILD OAT, WILD ONION **c** : not living near or associated with man — used esp. of a mosquito that does not breed near human habitations in distinction from one that habitually does so **d** : of or belonging to organisms in a state of nature : typical of undisturbed animals or uncultivated plants (the ~ state) (~ nature) **2 a** : not inhabited or cultivated (the only profit in ~ land was to clear and plant it with one's own hands or to sell it —*Amer. Guide Series: N.Y.*) **b** : not being or appearing amenable to human habitation or cultivation : ROUGH, WASTE, DESOLATE (high peaks much of the year as the trees give place to bare granite crags —S.P.B.Mais) **3 a** (1) : not subjected to restraint or regulation : UNCONTROLLED, INORDINATE, UNGOVERNED (mobs are ~, unpredictable, vicious, and insanely cruel when aroused —P.F.Wellman) (the ~ frenzy of religious camp meetings —T.T.Adams) (a piano played with ~ exuberance —Louis Bromfield) (2) : abandoned to or overcome by passion, desire, or emotion (the frenzied old man, ~ with hatred and insane with baffled desire —W.M. Thackeray) (~ with grief); *also* : passionately eager, enthusiastic, desirous, or angry (he was ~ to own a toy train —J.C.Furnas) (his sponsors . . . are ~ about him as a salesman —Howard Taubman) (boys ~ for the venture —Marjory S. Douglas) (straining and ~ to take to the air —Kay Boyle) (was ~ at people talking, and upsetting him —Sheila Kaye-Smith) (3) : not amenable to control, restraint, or domestication : UNRULY, UNGOVERNABLE, RECKLESS (bars and bowling alleys full of ~ youths breezily and brutally telling each other off —Robert Lowry) (a rabble of ~ country lads —W.B.

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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
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January 11, 2005

RECEIVED
JAN 1 1 2005
BALTIMORE COUNTY
BOARD OF APPEALS

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

Re: In the Matter of: Charles D. Wilder, et ux.
Case No.: 04-252-SPHA

Dear Ms. Bianco:

Enclosed please find the original People's Counsel for Baltimore County's Hearing Memorandum along with three copies of such for filing with regard the above-referenced case.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw
Enclosures

cc: J. Carroll Holzer, Esquire
Justin King, Esquire

4/24/04

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE SE/Corner Murdock Road and Pinehurst Road **201 Murdock Road** 9th Election District 5th Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Charles D. Wilder, et ux. Petitioners	*	Case No.: 04-252-SPHA

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

NOTICE OF APPEAL

Rodgers Forge Community, Inc., Melissa Tillman, President and individuals Carol Zielke, Norma O'Hara, Pat Dunn and Jean Duvall, Appellants in the above captioned case, by and through their attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Zoning Commissioner in the above captioned cases, hereby note an appeal to the County Board of Appeals from Findings of Fact and Conclusions of Law of the Zoning Commissioner of Baltimore County dated April 7, 2004 and attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' Petition and a check made payable to Baltimore County to cover the costs of the appeal. Appellants were parties below and fully participated in the proceedings.

Respectfully submitted,

Rec'd
APR 26 2004

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Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

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21286

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of April, 2004, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Justin King, 409 Washington Ave., Suite 707, Towson, MD 21204; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, MD 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\Notices 2004\Rodgers Forge-Wilder April 26, 2004

4/1/04

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – SE/Corner Murdock Road and Pinehurst Road **(201 Murdock Road)** 9th Election District 5th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-252-SPHA
Charles D. Wilder, et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

William Shakespeare said, "A rose by any other name is still a rose."[1] Bud Abbott told Lou Costello that, "Who's on first, What's on second, and I Don't Know's on third." In a similar vein, the parties hereto ask the undersigned zoning commissioner to determine the front of that dwelling known as 201 Murdock Road, located in the Rodgers Forge Community of Baltimore County. Although the question appears simple, determination of the answer is more convoluted than determining the identity of the players on Abbott's team.

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Charles D. and Brigid Wilder, through their attorney, Justin J. King, Esquire. The Petitioners request a special hearing seeking approval of a proposed one-story, 13' x 13' (x 11' tall) kitchen extension, and a 8.5' x 13' covered deck, on the side of an existing three-story, center hall, end of group townhouse dwelling, with a front orientation on Pinehurst Avenue. Further, relief is requested to void a Stop Work Order notice issued by Baltimore County on October 15, 2003. In the alternative, variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 33 feet in lieu of the required 50 feet for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 3.

[1] Shakespeare actually said, "What's in a name? That which we call a rose by any other name would smell as sweet." (Romeo & Juliet, Act II, Scene II). Shakespeare's quotation has been paraphrased.

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The issue presented in this case has generated significant public interest. Appearing at the requisite public hearing in support of the request were Charles and Brigid Wilder, property owners, and their attorney, Justin King, Esquire. Also appearing in support of the Petitioners were William Cooper, Warren Nagy and Elizabeth Preroff. Appearing in opposition to the request were adjacent neighbors and members of the Rodgers Forge Community Association, all of who were represented by J. Carroll Holzer, Esquire. They included H. Ronald Zielke and Carol L. Zielke, Norma J. O'Hara, Jean K. Duvall, and James M. Dunn III and Patricia B. Dunn. Richard Parsons, a representative of the Greater Towson Council of Community Associations, Inc. also appeared.

Most of the facts, albeit none of the conclusions, are undisputed. The subject property is located in the residential community known as Rodgers Forge, which is located south of Towson between York Road and Charles Street. The subject property is a small corner lot, containing approximately .08 acres in area (3,503 sq.ft.) zoned D.R.10.5, and is trapezoidal in shape. The north side abuts Murdock Road; the west side abuts Pinehurst Road, and the south side abuts a 15-foot alley. The east side adjoins the adjacent dwelling known as 203 Murdock Road.

As noted above, the property is located within the Rodgers Forge Community, a long established attractive community primarily comprised of townhouse dwelling units. The James T. Keelty Company built these houses and the area has long been known as a desirable and stable residential community. The dwelling on the subject property is an end of group townhouse unit, which as noted above, shares a common wall with the unit known as 203 Murdock Road. In addition to he dwelling, the property also features a detached brick garage, which is 20' x 30' in dimension, and is located in that section of the property between the house and the alley. Additionally, much of that area of the property has been fenced, and there is a masonry wall along the property line immediately adjacent to the alley.

This case arose as the result of improvements the Petitioners hope to make to the dwelling. Apparently, Mr. & Mrs. Wilder purchased the property on or about July 2, 2002 and shortly thereafter took occupancy of the property. In addition to Mr. & Mrs. Wilder, their three daughters occupy the home. It is uncontroverted that any family with three children, especially

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three daughters, needs more living area, particularly a larger kitchen. Thus, the Petitioners propose the construction of a 13' x 13' addition to that side of the house where the kitchen is located in order to expand the existing kitchen and provide a greater area for family meals and meetings. That side of the house faces the alley. As noted above, the height of the addition would be 11', or approximately one-story. The Petitioners retained the services of Bill Cooper, owner of Ridgecrest Remodeling, to build the addition. The requisite permit was obtained from Baltimore County and a minimal level of construction was begun (see photographs of the site) before a Stop Work Order was issued by Baltimore County. Apparently, a neighbor complained that the proposed construction is illegal and does not comply with the B.C.Z.R. Thus, the instant Petitions were filed to resolve the matter.

The crux of the case is to determine the front of the subject property. The necessary setbacks for this lot are set out in Section 1B02.3.C.1 of the B.C.Z.R. For the D.R.10.5 zone, a 10' front yard setback is required. Additionally, a 10' side yard is required, as well as a rear yard setback of 50'. The Petitioners contend that the front of their dwelling faces Pinehurst Road. If such a conclusion were adopted, an adequate front yard setback would be maintained in that the closest part of the house to the property line along Pinehurst Road is 14 feet. Additionally, adequate side yard setbacks would be provided, even with the proposed addition. That is, the wall of the building facing Murdock Road is 25 feet from the property line and the wall facing the alley where the proposed addition is to be located will be 33 feet from that property line. A rear yard variance would technically be required, however, is not necessary in view of the fact that the dwelling shares a common wall with 203 Murdock Road. Finally, under the Petitioners' theory, a variance would be required for the garage. The detached garage is considered an accessory structure (See Section 101 of the B.C.Z.R.). Moreover, Section 400.1 requires that accessory buildings in residential zones be located only in the rear yard. Thus, if the house is deemed to front Pinehurst Road, the garage is located in the side yard.

The Protestants who appeared aver that the front of the subject house faces Murdock Road. Under their theory, there is a sufficient front yard setback and the side yard setback is

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appropriate. Moreover, under the Protestants' theory, the existing garage would be properly located, in that they believe the rear yard is that area between the house and the alley. However, a variance for the addition would be necessary in that the closest point of the new construction would be 33 feet from the rear property line in lieu of the required 50 feet.

The positions of the parties are clear. The Petitioners want to build their addition, whether its location is considered in the front, side or rear of their property, however, they firmly believe that no variance is needed in that they believe the addition will be located in the side yard.

The Protestants who appeared, including members of the Rodgers Forge Community association, take the opposite stance. They complain of a number of wrongs. First, they believe that the construction of the addition would overcrowd the site and block the view, particularly to adjacent lots. This contention is belied, however, by the fact that the immediate neighbor at 203 Murdock Road apparently does not object to the proposal. If light, air and view are to be blocked, it would surely be that adjacent neighbor's. Moreover, the Protestants fear a nearly Armageddon-type impact on their neighborhood if relief in this case is granted. The Protestants believe that if relief is granted, the residents of Rodgers Forge will march into Towson en masse to obtain building permits for additions that will wreak havoc on the architectural integrity of the Rodgers Forge community. This contention is likewise belied by the fact that a limited number of houses in Rodgers Forge share the same layout as the subject property and this long-established community has already been built out over the years. As shown in numerous photographs submitted at the hearing, there are other houses in Rodgers Forge that have been improved with additions and extensions from the original Keelty design. I do not anticipate the mass variance applications that the Protestants fear. However, and most importantly, the decision of the under-signed Zoning Commissioner relates only to the dwelling on the subject property and, for reasons that will be explained hereinafter, is based upon the unique characteristics of the subject lot.

The record of this case will reflect that the parties offered lengthy oral testimony and exhibits in support of their respective positions. Both sides produced photographs of the surrounding area, and numerous petitions, letters, plans and other documentary exhibits were submitted, all of which was considered. Additionally, post-hearing memoranda were submitted.

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Unfortunately, the B.C.Z.R. do not define the word "front" or provide definitive instruction for one to determine the front, rear or side of a particular dwelling. Section 101 of the B.C.Z.R. does, however, define front, rear and side yards. The front yard is defined as that area "extending across the full width of the lot, between the front lot line and the front foundation wall of the main building." The rear yard is that area "extending across the full width of the lot between the rear lot line and rear foundation of the main building." Finally, the side yard is that area "extending from the front yard to the rear yard, between the side lot line and side foundation wall of the main building." Additionally, the B.C.Z.R. directs that when any word is undefined in the zoning regulations, the reader consult Webster's Third New International Dictionary. In Webster's, a multitude of definitions are provided for the word "front." Most relevant however is that definition which states front means "A face of a building; especially the face that contains the principle entrance." Additionally, the Petitioners submitted for consideration that reported opinion by the Court of Appeals of Maryland in City of Baltimore v. Swinski, 235 Md. 262, 201 A2d 268 (1964). Therein, the Court opined that the physical construction of the building is the dispositive factor for the purpose of establishing the front. It is to be observed that although this case arose from a zoning dispute in Baltimore City, Baltimore County has administratively adopted its holding for many years.

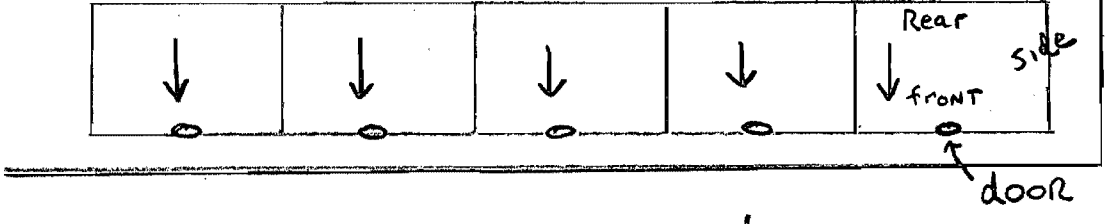
There are a number of factors that support the Petitioners' contention that the front of the subject building faces Pinehurst Road. These include: 1) The internal design of the building, as specifically described by Warren Nagy, a licensed Architect and Vice President of Chesapeake Design Group. Mr. Nagy described the house as a center hall, colonial structure. He noted that when one enters the house from the door facing Pinehurst Road, one initially steps into a foyer, which features a center hall staircase leading to the second floor. He described the center hall as the axis of the home. He also noted that the living room, dining room and kitchen areas are to the respective left and right of that entrance. 2) The fact that there is a door facing Pinehurst Road and that this door is the primary entrance. In this regard, the Petitioners testified that they exclusively use the door facing Pinehurst Road when they enter their home. Likewise, they testified that ***all*** visitors to the home enter through the door facing Pinehurst Road. These include social guests, as

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well as deliveries by the U.S. Postal service and UPS. 3) The internal features of the house support a finding that the front of the building faces Pinehurst Road. In addition to the existence of the door described above, there is a doorbell, a welcome sign, a decorative light pole, and the house number on that wall of the building that faces Pinehurst Road. 4) The door facing Murdock Road essentially leads to nowhere. That is, the door on the Murdock Road side of the house leads only to a patio in that area of the yard. There is no sidewalk in that section of the property that leads to the public sidewalk along Murdock Road. No one enters the property from that side of the dwelling, particularly given the lack of sidewalk and mature landscaping along that portion of the property. Finally, the Petitioners testified that they were never given a key from the prior property owners and thus that doorway remains locked unless they are using their patio.

The Protestants point to the following factors in support of their contention that the house faces Murdock Road: 1) The address of the property is 201 Murdock Road. 2) Although it admittedly is not the primary entrance, the Protestants also note the existence of a door facing Murdock Road. 3) The Protestants argue that adoption of the Petitioners' theory cannot be permitted given the location of the alley and the detached garage. As noted above, the B.C.Z.R. requires that detached accessory structures be located in the rear yard. An adoption of the Petitioners' argument results in a finding that the garage is located in the side yard. Moreover, the Protestants argue that the location of the alley is a dispositive factor. They noted that alleys traditionally abut the rear of a property and not the side.

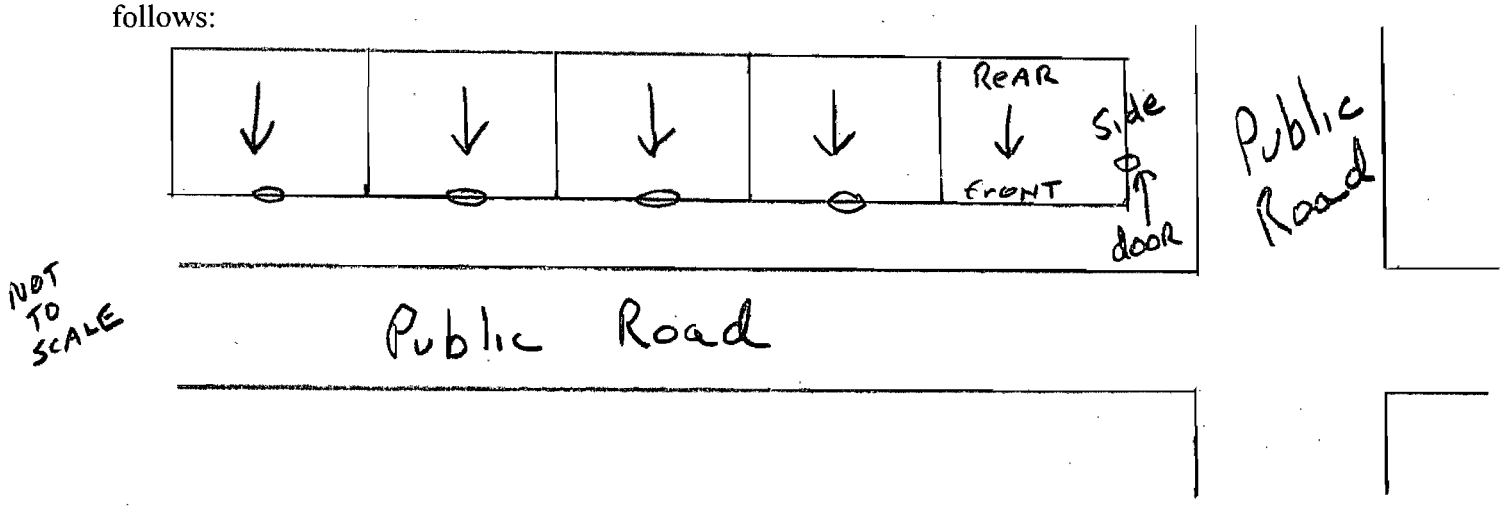
In most cases, determining the front of a single group of connected townhouses is easy. Generally, both the interior and end units face the same direction, even if the end unit is on a corner lot. See below:



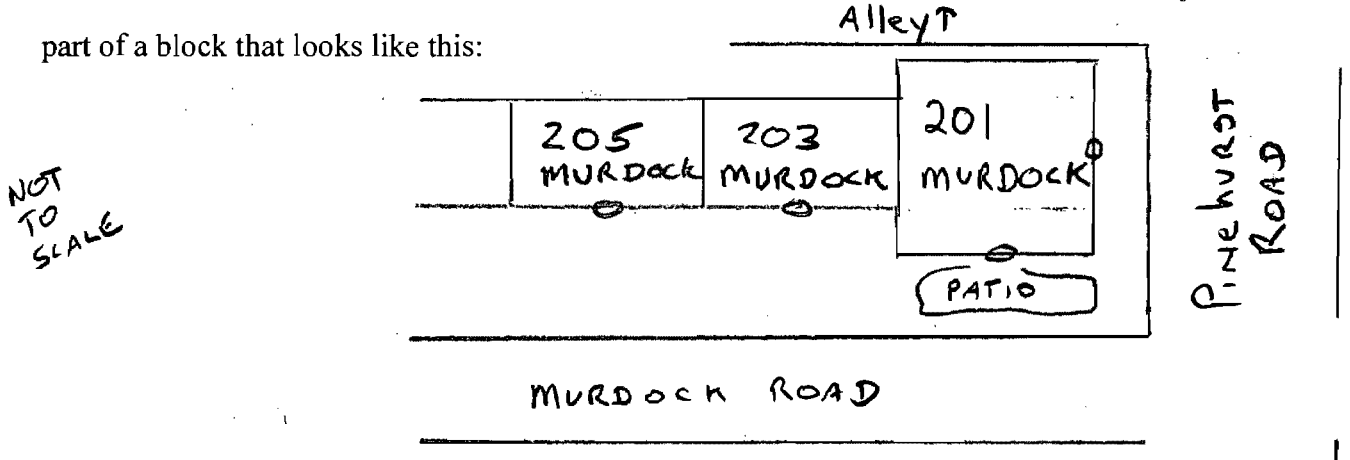
Public Road

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Moreover, in some instances, the main entrance of an end unit can be on the sidewall of the dwelling. Even with the side-loaded nature of the front door, the front of that end unit would still face the same direction as the interior units. In those instances, the townhouse units are laid out as follows:



However, in the instant case, there is unusual architecture at work. The subject unit is part of a block that looks like this:



It is to be particularly noted that in this case, the dimension of the house along its axis between Murdock Road to the alley is greater than the dimension of the neighboring house at 203 Murdock Road. That is, the subject house is wider, or deeper, than the interior townhouse to which it is attached. Moreover, the primary entrance door facing Pinehurst Road is in the center of the wall facing that street. I view these as significant factors, in that they reflect unique characteristics of the physical construction of the building. See, Siwinski, infra.

Based upon all of the factual evidence presented, as well as an application of the law as I understand it, I am persuaded that the front of the subject dwelling faces Pinehurst Road. As such the proposed addition is permitted by right and variance relief is not necessary. Moreover, to the

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extent that relief is needed to legitimize the location of the existing garage, as well as the non-existing rear yard setback, same shall be granted here. I make this finding based upon the peculiar factors and unique circumstances associated with this specific property. I do not find this conclusion at odds with the rationale employed by the County Board of Appeals in the matter of Dorothy K. and Cheryl A. Milligan, Case No. 02-519-A. The facts in that case are distinguished from the facts presented in the instant case. The Board considered a number of factors to determine the front, some of which are also present in the instant case. Other factors present in that case do not exist here. As emphasized herein, the issues presented must be determined on an individual and case by case basis.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of April 2004 that the front of the dwelling on the subject property faces Pinehurst Road, and as such, the PETITION FOR SPECIAL HEARING to approve a 13' x 13' x 11' kitchen extension and a 8.5' x 13' covered deck, on the side of the existing end of group townhouse dwelling, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the alternative Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 33 feet in lieu of the required 50 feet for a proposed addition be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Stop Work Order issued by Baltimore County on October 15, 2003, be and the same shall hereby be rescinded so that the Petitioners may complete the proposed improvements in accordance with Petitioner's Exhibit 3.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 4/2/04
By bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

April 7, 2004

Justin J. King, Esquire
409 Washington Avenue, Suite 707
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING & VARIANCE
SE/Corner Murdock Road and Pinehurst Road
(201 Murdock Road)
9th Election District – 5th Council District
Charles D. & Brigid Wilder - Petitioners
Case No. 04-252-SPHA

Dear Mr. King:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Variance dismissed as moot, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Charles Wilder
201 Murdock Road, Baltimore, Md. 21212
Ms. Elizabeth Preroff, 201 Dunkirk Road, Baltimore, Md. 21212
Mr. William Cooper, 504 Murdock Road, Baltimore, Md. 21212
Mr. Warren Nagy, Chesapeake Design Group, 611 N. Eutaw Street, Baltimore, Md. 21210
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21286
Mr. & Mrs. H. Ronald Zielke, 325 Murdock Road, Baltimore, Md. 21212
Mr. & Mrs. James M. Dunn III, 168 Stanmore Road, Baltimore, Md. 21212
Ms. Norma J. O'Hara, 329 Murdock Road, Baltimore, Md. 21212
Ms. Jean K. Duvall, 327 Murdock Road, Baltimore, Md. 21212
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204
People's Counsel; Case File

Printed on Recycled Paper

3/26/04

Re:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	201 Murdock Road; SE corner of Murdock & Pinehurst Roads	*	ZONING COMMISSIONER
	9th Election & 5th Councilmanic Districts	*	FOR
	Legal Owners: Charles D. & Brigid Wilder	*	BALTIMORE COUNTY
	Petitioners	*	04-252-SPHA

* *

POST TRIAL MEMORANDUM

Now come the Petitioners, Charles D. and Brigid Wilder, by their attorney, Justin J. King, and submit this post trial memorandum in support of their Petitions for Special Hearing and, in the alternative, a Variance.

STATEMENT OF THE CASE

The Petitioners filed a request for a special hearing and, in the alternative a variance, seeking the Commissioner's approval to allow them to build a previously permitted one story 13' x 13' x 11' kitchen extension and 8.5' x 13' covered deck onto their home located at 201 Murdock Road. The proposed construction was approved and a building permit was issued on August 28, 2003. Subsequent to the construction of the foundation for the kitchen extension, a Stop Work Notice was issued on October 15, 2003 asserting that the Petitioners provided "false or misleading information to obtain the permit."

By filing the Petition for Special Hearing, the Petitioners sought a revocation of the Stop Work Order and permission to proceed. In the alternative, the Petitioners sought an area variance to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

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ZONING COMMISSIONER

Subsequent to the filing of these petitions, the Rogers Forge Community Association (hereinafter "Rogers Forge") and the People's Counsel entered their appearances. A Zoning Commissioner's hearing was finally held on March 5, 2003 at which time the Petitioners and Rogers Forge presented evidence. At the close of the case, Rogers Forge requested permission to file a post trial memorandum. At that time the Commissioner ordered that such memos, if any, be filed on or before Friday March 26, 2003.

FACTS

Charles D. Wilder ("Mr. Wilder") testified that he and his wife, Brigid, purchased the home at 201 Murdock Road ("the property") on July 2, 2002 (Exhibit 2). The Wilders had visited the home prior to purchasing it when it was offered for sale and were given a sales brochure on which a photograph of the home appeared. The photograph showed the side of the home that fronts Pinehurst Road. The home was advertised as 201 Murdock Road, (Exhibit 1), and described as an "Attached Brick Center Hall Colonial Facing Pinehurst Road."

Mr. Wilder testified that the home is a center hall colonial with the front door facing Pinehurst Road. That door is the only door with a walkway leading to it from the public sidewalk. The door opens to a foyer and leads to the center hall stairs to the upper level. To the right of the center hall is the dining room, behind which is the kitchen. To the left of the center hall is the living room. Photographs, introduced as Exhibit 4 collectively, show the inside and outside of the home. Exhibit 4c shows the Pinehurst side of the house with a walkway leading from the public sidewalk to the door. That photograph also shows a decorative light pole at the start of the walk, a mailbox and door bell to the left of the door, a "Welcome" sign to the right of the door and the house number above the door.

Mr. Wilder testified, and his testimony is unrebutted, that the mail is delivered to the door facing Pinehurst Road. All visitors and deliveries are made to the door facing Pinehurst Road. The doorbell is located adjacent to the door facing Pinehurst Road. The door facing Murdock Road is located on the same side of the house as the fireplace in the living room (north side of the house) and opens to a stone porch. There is no walkway from that porch to the public sidewalk. There is no doorbell or mailbox at that door. The Wilders do not have, nor have they ever had, a key to that door.

After moving in, the Wilders began cosmetic and other structural renovations, including repairs to the wall outside the kitchen (the south side of the house), the removal of a rotted deck at the same location, window replacements, painting, adding security lighting, custom made wood shutters and landscaping. Nevertheless, even with those improvements, it became painfully obvious that the galley-style kitchen was incompatible with living in a home with three active school-age daughters. After touring the community, the Wilders decided to build onto the kitchen and add a breakfast room similar to many of the other homes in the neighborhood. See Exhibit 8. In August of 2003 the Wilders hired Bill Cooper, owner of Ridgecrest Remodeling, a licensed home improvement company in business for over 30 years and it was decided that a small one story addition measuring 13' x 13' would be built adjacent to the kitchen on the southern wall of the house. A fence on the east side of the property, a garage, and shrubbery on the south and west sides of the property would shield the addition.

The rear of the Wilders' home forms a party wall with their neighbor Ms. Goldman, who has no objection to the addition. (Ms. Goldman's written approval, along with twenty other neighbors who live in *close proximity* to the Wilders' home, was submitted by consent

and made a part of the Commissioner's file.) A preexisting six-foot privacy fence is erected where the party wall ends on the south side of the homes. See Exhibit 4f. In addition, Ms. Goldman also maintains a canopy above her rear door for most of the year. The fence extends from the two homes to the alley that borders the southern end of the property.

After submitting to the Wilders a proposal and a sketch (Exhibit 7) showing the proposed addition, Mr. Cooper obtained a permit from Baltimore County. The permit application (Exhibit 9) was accompanied by a plat (Exhibit 3) depicting the location of the home on the lot. The application stated that the orientation of the home was such that the front of the home faced Pinehurst Road, making the addition being built in the side yard fitting within the required set back. No variance was needed.

After construction started, an anonymous complaint was filed. An inspection was performed on October 15, 2003, at which time no violation was found. (See Division of Code Inspection report in Commissioner's file.) Thereafter, another unnamed neighbor complained in response to which a Stop Work Order was issued. See Exhibits 5 and 6.

The only expert to testify was called by the Petitioners. Warren Nagey, a graduate of the University of Maryland School of Architecture, a licensed architect and a Vice President of Chesapeake Design Group, visited the home and used the door facing Pinehurst Road. He stated that a center hall that forms the axis of the home dominates the Wilders' home. There was no question or hesitation that the front door of the home was the door that faces Pinehurst Road. The orientation of the home at the end of a row of homes and turned 90 degrees from the others in the row makes the house somewhat unique. Finally, Mr. Nagey's testimony is unrefuted that:

- the proposed addition does not adversely impact on the architectural uniformity of the neighborhood;

- the proposed addition does not negatively impact on the aesthetic ambience of the neighborhood;
- the proposed addition does not change the appearance or character of the neighborhood;
- there was no other place on the property to locate the addition; and
- the renovation would not adversely affect the neighbors with regard to light or air.

Ms. Elizabeth Preroff also testified that her home at 201 Dunkirk Road was similar to the Wilders' house and it too had a room built onto the kitchen in an effort to modernize it. See Exhibit 8. She encouraged the Commissioner to find that the front of the Wilders' home faced Pinehurst Road and opined that the proposed bump-out would not detract from the neighborhood or negatively impact light or air on nearby neighbors.

Mrs. Wilder enumerated the improvements to the home and property and the many compliments those improvements have drawn. In addition, Mrs. Wilder offered that since the renovation plans were made known, she has received assurances by her immediate neighbors that they are in favor of the planned addition. Not one person has spoken with her or her husband directly and voiced any objection to the proposed addition to their home. Mrs. Wilder spoke of the many homes in the neighborhood with kitchen extensions built onto the homes and that even the original home of the developer has a breakfast room added to the kitchen. (Exhibit 8) Finally, and perhaps most importantly, Mrs. Wilder testified that the Rogers Forge newsletter is delivered where all of her other mail is delivered and where visitors enter her home - at the front door that faces Pinehurst Road.

The Zoning Advisory Committee's comments contained in the Commissioner's file are most telling. Contrary to the fears of Ms. Zielke, the Fire Department had no objections

to the proposed addition. In fact no constituent member had any objections. The only substantive comments came from the Director of the Office of Planning, whose office only suggests that the addition be constructed of materials similar to the existing dwelling, that the proposed addition be limited to one story and that elevations be submitted. The plans call for a one-story addition and elevations were provided when the permit was originally requested. The only item not contemplated by the Wilders is that the addition be constructed of brick. The testimony was clear that brick was too expensive but that the clapboard siding was substituted to keep the project within budget but still reflective of the architecture existing on the property. The proposed materials were not objectionable to Mr. Nagey.

In opposition to the Petitioners' requests, members of the community appeared and testified. Ms. Zielke, residing at 325 Murdock Road, although opposed to the planned renovations, never discussed her concerns with the Wilders. She complained that the proposed addition would contribute to the loss of public open space. She also complained that the neighborhood was very congested. She testified that in a survey that she performed, over 70 homes had side and front entrances similar to the Wilders. She did not know how many of these homes had additions built onto them. With regard to the Wilders' position that the front of their home faced Pinehurst Road, she did not dispute the fact that the home is a center hall colonial. She merely stated that a center hall in a center hall colonial does not determine where the front door is located. She disputed the fact that the previously erected fence had any impact on light and air. Finally, she asserted that if the Wilders' petition were granted, it would be "open season" for the building of more additions. Specifically, she (and others) feared that if the front of the house was determined to be on Pinehurst Road, the Wilders could actually build their addition on the north side of the house toward Murdock

Road. This, claimed witnesses on behalf of the community, would completely destroy the neighborhood's architectural integrity and interfere with light and air.

The extension proposed by Ms. Zielke is impractical at best. The kitchen addition, which is clearly needed, needs to be built adjacent to the kitchen - the opposite side of the house. In addition, zoning regulations would not allow such an addition to be built. Only 25 feet separates the north side of the house and the northern property line (Exhibit 3), well below the required 33-foot setback.

Ms. Duvall, a member of the architectural committee of the community association claimed that if the relief requested is granted, 65% of the homes would be adversely impacted. She claimed that the other additions that already exist do not affect that uniformity. Ms. Duvall expressed no opinion where the front door of the home is located, has never visited with the Wilders nor ever voiced her concerns with them.

ARGUMENT

I. THE FRONT OF THE PETITIONERS' HOME FACES PINEHURST ROAD RENDERING THE ZONING INSPECTOR'S DECISION TO ISSUE A STOP WORK ORDER IMPROPER.

The front of the Wilders' home faces Pinehurst Road. The Maryland Court of Appeals has provided the necessary support for this finding. When faced with a similar issue and the application of the Baltimore City Zoning Ordinance, the Court stated that "we think it is clear that *the physical construction* of a building established the frontage for purposes of determining whether there has been compliance with the zoning ordinance." *City of Baltimore v. Swinski,* 235 Md. 262, 264, 201 A. 2d. 268, 370 (1964) (emphasis added). In explaining this pronouncement the Court relied upon the following language:

> The word 'front' as applied to a city lot has little, if any inherent application, but it takes on a borrowed significance from the building which is or may be

> constructed thereon.... As applied to a building *'front' in general usage refers to that side of it in which is located the main entrance....* When used (sic) of a lot with a house upon it, it means that portion of the lot abutting upon the street toward which the house faces.

Id. at 265, quoting *Rhinehart v. Leitch*, 107 Conn. 400, 140 A. 763 (citations omitted) (emphasis supplied). The court added that not only is the front of the house that which contains the main entrance but also that which is aesthetically most pleasing. *Id.* quoting *Howard Homes, Inc. v. Guttman,* 190 Cal. App 2d. 526, 531 (1961).

Even the Baltimore County Zoning Regulations support the Petitioners' position. The Regulations provide that the front yard of the lot is that "yard extending across the full **width** of the lot, between the front lot line and front foundation wall of the main building." *Baltimore County Zoning Regulations, Section 101. (Emphasis added).* There is no question that the widest part of the Petitioners' property fronts Pinehurst Road.

The testimony is clear, unambiguous and uncontradicted that the front of the house faces Pinehurst Road. The "main entrance" to the home by all accounts is through the door facing Pinehurst Road. It is the only door with a walkway leading to it from the public sidewalk. The home is a center hall colonial, with the center hall beginning as one enters the door facing Pinehurst Road. As the pictures (Exhibit 4a-f) indicate, the Pinehurst side of the house is the most attractive, with two beautiful bay windows on either side of the door and appropriately appointed windows spanning the second and third floors. There are no structures on the front of the house which detract from it, such as a stone or concrete patio, a fire place or a door located on one side of the structure. The shrubbery is symmetrical in appearance, the welcome mat is located at the foot of the door, the mailbox and doorbell are conveniently located to the right of the door and the house number is above the door. Most importantly, the Wilders have keys to this door, unlike the door located in the living room.

The plat and photographs clearly demonstrate that the width of the house and lot spans Pinehurst Road and runs from the building line to the front of the foundation wall. There is no reasonable or rational argument that any other side of this home is the front of the building except that which faces Pinehurst Road.

II. IF THE COMMISSIONER DETERMINES THAT THE FRONT OF THE WILDERS' HOME FACES MURDOCK ROAD, THEN THE REQUESTED VARIANCE SHOULD BE GRANTED BECAUSE STRICT COMPLIANCE UNREASONABLY PREVENTS THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE, THE GRANT WOULD NOT INFLICT SUBSTANTIAL INJUSTICE ON OTHER PROPERTY OWNERS IN THE AREA AND THE RELIEF REQUESTED WOULD NOT VIOLATE THE ORDINANCE NOR WOULD PUBLIC SAFETY AND WELFARE BE SACRIFICED.

An area variance requires the finding that the property is unique, usual or different from the surrounding properties that causes the strict application of the zoning provision to impact more on the Wilders' property. The evidence is clear that the orientation of the house renders it unique, unusual and different from the properties surrounding it. The home is located at the end of a group of row homes and is turned 90 degrees from the other houses. As a result, its placement on the lot is uniquely different from any other home in the group and certainly as it compares with the vast majority of houses in the Rogers Forge community. Thus, while other homes in the group would have the space to meet the required set back, the orientation of the Wilders' home reduces the amount of space in what, by virtue of the Commissioner's finding, would be the rear yard.

The testimony is compelling that the kitchen needs to be upgraded and expanded in order to meet the needs of a family with three young daughters. The kitchen is the focal point of any family gathering. It is the place where meals are cooked and, except on more formal occasions, eaten. The kitchen table is where a parent helps his or her child with

homework and where family conferences are held. Traditional kitchen activities provide the glue that binds a family, and when the three girls look back at their childhood, they should reflect with a smile all of the good, and distressing, times that took place around the kitchen table. The home as it now is configured, does not allow for this very necessary and important process. The allowance to build a small, one story, addition to the kitchen, forming no more than a breakfast nook, would transform the house to a home and not allowing it would *unreasonably* prevent the use of this property for *all* of its intended purposes.

Granting the Wilders' permission to build this addition would not do substantial injustice to the other property owners in the area. There is no ill effect on the surrounding properties and in fact is supported by many friends and neighbors of the Petitioners, including Ms. Goldman, the woman most affected by the building of the addition. The granting of the variance would make the house more livable, increase its and the neighbors' property values and would contribute to the maintenance, enhancement, and protection of "the high standards of the Rodgers Forge neighborhood." *Mission statement for Rodgers Forge Community, Inc.*

Finally, the relief requested is not contrary to the zoning ordinance and will certainly not compromise public safety or the welfare of the neighborhood. The plans are designed so as to be aesthetically pleasing and architecturally in keeping with the neighborhood. Because of the presence of a preexisting fence and canopy extending from the rear of Ms. Goldman's house, there would be no adverse impact on light or air and there is no other place on the property to build the addition. Even the many state and county agencies commenting on the proposed addition voiced no objection to the proposed project.

CONCLUSION

The Petitioners seek a revocation of the Stop Work Order and permission to continue with the construction of the modest one story breakfast room addition and porch as originally submitted to the Department of Permits and Development Management over six months ago. The plans and the information provided to that office were neither false or misleading or even incorrect. The construction and style of the home coupled with its orientation on the lot compels the conclusion that the front of the home faces Pinehurst Road. The plans and specifications submitted by Mr. Cooper show clearly the proposed addition, its location on the property and the orientation of the home. The most aesthetically pleasing "side" of the structure is where the front door is located leading to the foyer and center hall. This is where the mail is delivered, where visitors are received, and where the world would look upon it as the front. It is submitted that the addition can be legally built in the side yard of the house without the need for a variance.

However, if the Commissioner is still of the opinion that the front of the house is that "side" that faces Murdock Road, despite the absence of a walkway to the door for which no one has a key, then the Petitioners are entitled to a variance. It is evident that the orientation of the home and its construction is unique for the neighborhood. The problems with the kitchen have been thoroughly aired, and it is beyond doubt that the granting of the variance in accordance with the plans for the addition would neither adversely affect the neighbors or neighborhood nor would it violate the spirit of the ordinance or create a public safety issue.

Wherefore, it is respectfully requested that the relief requested be granted.

Respectfully submitted,

Justin J. King
409 Washington Avenue, Suite 707
Towson, Maryland 21204
(410) 337-3755
Attorney for the Petitioners

CERTIFICATION OF MAILING

I HEREBY CERTIFY THAT on this 26th day of March, 2004 a copy of the foregoing Post Trial Memorandum was mailed first class, postage prepaid, to J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286, counsel for the Rogers Forge Community Association, and to Peter Max Zimmerman, People's Counsel, and Carole S. Demilio, Deputy People's Counsel, 400 Washington Avenue, Room 47, Towson, Maryland 21204.

JUSTIN J. KING

3/25/04

IN THE MATTER OF:	*	BEFORE THE
CHARLES and BRIGID WILDER 201 Murdock Road S/E Corner of Murdock and Pinehursts Road	*	ZONING COMMISSIONER OF
9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	Case No.: 04-252-A
Petition for Special Hearing and Variance	*	

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

MEMORANDUM OF PROTESTANTS

Protestants, Rodgers Forge Community Association, by Melissa Tillman, President, and individuals, Carol Zielke, Norma O'Hara, Pat Dunn and Jean Duvall, by and through their attorney, ***J. Carroll Holzer, Esquire***, hereby submit their legal Memorandum in Lieu of the final oral argument and say:

STATEMENT OF THE CASE

The legal owners, Charles and Brigid Wilder, filed a Petition for Special Hearing and Variance to permit a proposed 13' x 13' extension to a one-story kitchen, to the rear of their home located at 201 Murdock Road. Also requested was an 8.5 x 13 foot extension of a porch connected to the kitchen addition on the rear of the home located on the corner of Murdock Road and Pinehurst Avenue for a total expansion of 21.5' x 13'. A building permit was issued on August 28, 2003 and subsequently revoked by a "stop work" order issued on October 15, 2003 asserting that "false or misleading information was provided to obtain the permit." The Petition for Special Hearing also requests that the existing garage be considered an accessory structure to be located in the side yard.

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ZONING COMMISSIONER

The case was heard on Friday, March 5, 2004 by the Zoning Commissioner and this Memorandum In Lieu of Final Argument was permitted to be filed.

QUESTION PRESENTED

The issue presented by this case is whether the area proposed for the kitchen and porch extension is the rear yard of 201 Murdock Road, or as alleged by the Petitioners, the side yard facing Pinehurst Road.

FACTS

The Petitioners allege that because the main door that they utilize to access their house faces Pinehurst Road; that their mailbox is located by that door that they utilize a key to open and close that door; that the sidewalk to the entrance is on that side, that all of these factors produce the resulting conclusion that the front of the house is located on Pinehurst Road which places their rear yard to the sides of all of the internal lots within their group of town homes.

Petitioners acknowledged that their address is 201 Murdock Road and does not have a Pinehurst Road address. Further, they acknowledge that there is a door to the living room facing Murdock Road opening onto a front porch that extends the entire width of the front facing Murdock Road; and finally, they acknowledge that there is an alley and an existing garage located off the alley, which runs parallel to Murdock Road.

Finally, Petitioners acknowledged that the subject house has functioned as a single family dwelling with the existing kitchen for many years. Further, Petitioners failed to establish that the house presents any unusual or unique characteristics different from all of the rest of the end group homes in Rodgers Forge. The personal desire or preference of the Petitioners does not constitute practical difficulty or unreasonable hardship necessary for a

variance. The granting of any variance would result in an adverse impact that would jeopardize the character and integrity of the entire Rodgers Forge Community.

The photographs of the subject house were submitted as Petitioners' and Protestants' Exhibits.

The Protestants, through their witnesses, presented the orientation of the Rodgers Forge Planned Community with the end of group homes located at both external ends of each group next to a road intersection and the internal end of group homes all being oriented to Murdock Road and other street addresses throughout the community. Protestants' testimony established that Rodgers Forge was a planned community built by James Keelty with an overall scheme related to front, side and rear yards and that scheme has been continued and perpetuated throughout the years by various zoning decisions and covenant cases. The Protestants argue the fact that the address for the home is 201 Murdock Road; that there is a door and open porch located on Murdock Road which leads into the house; that there is an alley which is typical of row house design in Baltimore being to the rear of the houses and that there are numerous garages throughout the community located off each alley resulting in the conclusion that the area of the proposed extension is in the rear of the home and not the side yard.

Protestants further testified that if the Zoning Commissioner were to conclude that the area of proposed expansion is the side yard, then each and every homeowner of an end of group homes with an entrance on the side in the Rodgers Forge Community could logically argue that the side yard also extends to the main street side, or, in this case, to Murdock Road, which would permit structures at the end of each group along Murdock Road. Such an interpretation would have a detrimental impact to the overall plan of the Rodgers Forge

Community and would affect not only the aesthetics of the neighborhood but would cut off light and air to the interior homes in the group.

Protestants also allege that the requirements for the granting of a variance have not been established by the testimony in the case and move for a finding that the standard for granting variances pursuant to B.C.Z.R. §307.1 has not been established.

LEGAL ARGUMENT

In reviewing this issue, aside from the logical common sense arguments advanced by Protestants as to the total impact upon the Community and the planned development of Rodgers Forge if the proposed area is determined to be a side yard for an end of group, the Protestants have reviewed the Zoning Commissioner's Policy Manual as it relates to "waterfront" property pursuant to §400.1.A. While the factual situation is not exactly the same, guidance is provided by the Policy Manual in that it relates to orientation of buildings to the waterfront and §400.1.A sets forth certain factors to be reviewed to determine front and side yards. One important factor is the orientation of the existing dwelling ***and other buildings*** on the lots. For instance, in this case, the orientation of 201 Murdock Road is still towards Murdock Road because the alley which runs in the rear of all of the internal lots also runs in the rear of the subject lot. The garages are placed in the rear yard throughout the rest of the interior lots and also in the rear yard of 201 Murdock. Secondly, the orientation of all internal homes in the group (the other homes on adjacent lots within the group) is to the front yard located on Murdock Road and other main roads in Rodgers Forge.

A second factor under §400.1.A is the orientation ***of other houses*** on nearby lots. This issue clearly coincides with the Protestants' discussion of the planned development of Rodgers Forge Community Association and the orientation of the remaining interior lots of

each group along Murdock Road, all facing Murdock Road with front yards on the Murdock Road side and the rear yards facing the alley.

It is very clear from the Zoning Commissioner's Policy Manual, that the overall Community orientation is important and significant in interpreting the Zoning Regulations. In the instant case, it is extremely important to determine that the front yard of 201 Murdock Road is on the Murdock Road side of the house in order to prevent pandemonium and chaos in regard to the remainder of the end of group homes in Rodgers Forge. If the Petitioners' argument is accepted in this case, a ludicrous result would occur with accessory buildings being located on the Murdock Road side of each end of home grouping.

In reviewing prior decisions for precedent, the Board of Appeals in Case No. 02-519-A, *Milligan* (attached hereto as Exhibit A), concluded there that the Petitioner's home fronted on Oxford Road and therefore the Petitioners proposed studio was in the rear yard and met the rear yard set backs even though the primary orientation of the house was on Hatherleigh Road. Apparently, the main entrance to the house was on Hatherleight Road while an entrance through an enclosed porch was afforded on the Oxford Road side. Furthermore, Oxford Road was the address given by the Post Office. In addition, the Board concluded that the neighboring house at 7112 Oxford Road would be adjacent to the rear yard of 7116 Oxford Road if the interpretation proposed in opposition to the request of the Petitioner was granted.

Finally, while the *Milligan* case has precedential value to support the Protestants' case in this matter, it should be noted that *Milligan* arose in *Stoneleigh* with individual homes as the underlying basis to determine front and side orientation. Here, the Protestants' case is stranger because Rodgers Forge is not a neighborhood of individual homes, but rather of

planned connected townhouses. The impact of concluding that the proposed extension on 201 Murdock Road is in the side yard would dramatically impact the design of the remaining neighborhood in unimaginable ways far beyond that described in *Milligan*.

CONCLUSION

Protestants respectfully request that the Zoning Commissioner determine that the front yard of the house is located and fronts Murdock Road and affirms the finding of the Zoning Office that the proposed expansion is located within the rear yard. Further, the Commissioner should deny the requested variance.

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2004, a copy of the foregoing Memorandum of Protestants was mailed first class, postage pre-paid to the following: Justin J. King, Esquire, 409 Washington Avenue, Suite 707, Towson, Maryland 21204.

J. CARROLL HOLZER, Esquire

C:\My Docs\Memos 2004\Rodgers Forge Memo of Protestants Case No. 04-252-A

IN THE MATTER OF THE APPLICATION OF DOROTHY K. AND CHERYL A. MILLIGAN – LEGAL OWNERS / PETITIONERS ON PROPERTY LOCATED ON THE SE/S HATHERLEIGH ROAD, 25' SW OF OXFORD ROAD (7116 OXFORD ROAD) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	* BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * CASE NO. 02-519-A

* * * * * * * * *

MAJORITY OPINION

This matter comes before the Baltimore County Board of Appeals on a timely appeal brought by the Petitioners/Appellants Dorothy K. and Cheryl A. Milligan, resulting from a decision by the Deputy Zoning Commissioner dated September 10, 2002, in which a Petition for Variance was denied at the subject site, 7116 Oxford Road, 9th Election District, 4th Councilmanic District.

The Petitioners/Appellants were represented before the Board by Paul J. Hanley, Esquire. Francis X. Borgerding, Jr., Esquire, appeared on behalf of the Protestants, Stoneleigh Community Association, Inc.

The first person to testify was the Petitioner Cheryl A. Milligan. Ms. Milligan stated that she has resided for the last six years at 7116 Oxford Road in the Stoneleigh section of Baltimore County. Also living at that address are her son, aged 14, and her daughter, as well as her mother, Dorothy K. Milligan, who joins her in this Petition for Variance. Ms. Milligan noted that her mother is ill with Parkinson's disease and wheelchair bound and that her daughter is at college much of the year. Ms. Milligan was an art major in college and is employed at Towson High School in a full-time capacity as an art teacher.

Ms. Milligan testified that she had previously painted in the house at the subject site, but the strong smell of the paints and "turpenoid" created problems for her ill mother. She designed a studio as an accessory structure to the principal dwelling and hired ADR Builders to do the construction. A building permit was secured as required. She described the studio as 20 feet by 12 feet, built on concrete footings, with wood sides painted red. The building is custom built with many windows and French

Exh. A

doors. It was her opinion that the building is not portable and could only be relocated at great difficulty and expense, if at all. The building cost approximately $20,000 to construct. As Petitioner's Exhibit #2 Ms. Milligan submitted the plat to accompany the Petition for Variance, prepared by architect John Hill.

Ms. Milligan also submitted a series of photographs (Petitioner's Exhibit #3) which she had taken and which showed the subject site in detail. The subject site is a corner lot bordered by Oxford Road and Hatherleigh Road. Ms. Milligan noted that photograph 1B shows the utility pole and the neighbor's rear lot with garage. It also shows the curb cuts which are original to the neighborhood and provide the access from Hatherleigh Road for her driveway, the kitchen door entrance and the art studio. She also pointed out that photographs 1A, 1B and 1C depict the six 60-foot, plus or minus, spruce trees which screen her lot from the neighbors. Photograph 3A and 3B show the Hatherleigh Road side of the house with a sidewalk and an entrance door. Photograph 6A and 6 B show the Oxford Road entrance and sidewalk.

It was Ms. Milligan's opinion, using the photographs as evidence, that from York Road all houses bordering the south side of Hatherleigh front the intersecting streets as reflected by their street addresses, with their rear yards backing to each other. There are two houses per block, according to Ms. Milligan, and none front on Hatherleigh, including her lot, which she contends fronts on Oxford Road.

Ms. Milligan stated that the accessory building is to be used by her as a personal painting studio. She would not conduct art classes there nor would she do any marketing of her paintings from the studio. She also plans to add landscaping toward Hatherleigh Road to screen the 12-foot side which faces that road.

On cross-examination by Mr. Borgerding, Ms. Milligan agreed that there are private covenants for the neighborhood, but she did not realize that she must submit her plans to the community association for approval. She also agreed that architecturally the longer portion of her house is parallel to

Hatherleigh Road while the shorter portion faces Oxford Road. She stated that the exterior door on the Hatherleigh side opens directly into the living room and the exterior door on the Oxford Road side opens into a sunroom which is open to the living room. She agreed with Mr. Borgerding that the shape of her lot could be called a "trapezoid," but she did not know if there were others similar in shape in the Stoneleigh neighborhood.

Ms. Milligan testified that she had considered other locations for the studio but felt the large trees in the rear corner were an asset and should not be removed and that a subsequent owner might wish to use the studio as a garage in the future so the proximity to the driveway and the kitchen entrance would be the best location. She opined that the studio is located in the rear portion of her lot.

The next witness for the Petitioner was John Hill. Mr. Hill is a retired architect who lives at 703 Kingston Road, also in Stoneleigh. In 1994 he published *Design Characteristics of Maryland's Traditional Settlements*, which includes the Stoneleigh neighborhood in this study. Mr. Hill's c.v was submitted as Petitioner's Exhibit #4. The Board accepted Mr. Hill as an expert in architecture and urban design.

Mr. Hill noted for the record that he is associated with the Petitioner because he is a Boy Scout leader and Ms. Milligan's son is in his troop. He stated that he prepared the site plan (Petitioner's Exhibit #2) without compensation.

He testified that the 16-inch caliber spruces on the property line between the subject site and the adjoining property at 7112 Oxford Road as well as the large spruce trees on the Hatherleigh side contribute in an important way to the desirability of the "beautifully treed" historic community of Stoneleigh.

He further opined that the studio could not be placed between 7112 and 7116 Oxford Road because the distance from house to property line is only 18 feet with a 10-foot side yard setback. In

addition that area contains a drainage swale and 6-inch to 8-inch caliber trees would have to be removed.

Mr. Hill noted that the dwelling on the subject site has two "nicely designed facades" with an entrance on each facade as well as a service entrance into the kitchen near the driveway and the studio.

He described the typical front yard setback in Stoneleigh as being 25 feet with side yard setbacks of 10 feet. Using the site plan he pointed out that the 25-foot setback on the subject site is between Oxford Road and the dwelling while the setbacks are 10 feet between the adjacent neighbor at 7112 Oxford Road on one side and Hatherleigh Road on the other. It was Mr. Hill's opinion that the side facing Oxford Road is "legitimately the front of the house."

As Petitioner's Exhibit #5 Mr. Hill submitted a copy of the Zoning Policy Manual D-6 relative to corner lots and the permitted accessory building or use. He opined that the accessory structure in question could be moved back three to five feet or turned 90 degrees and still be in the correct portion of the lot. He opined that turning the building would put the broader face toward Hatherleigh making it more obvious and would necessitate removing the trees which provide a screen. This change, he said, would constitute "a net loss in appearance." He stated that the structure is properly placed in the proper third of the lot, does not occupy more than 50% of that third, meets the required setbacks and therefore complies with the ordinance in his opinion.

As Petitioner's Exhibit #6 Mr. Hill submitted an excerpt from his publication describing Stoneleigh.

The first witness in opposition to the Petition was Stoneleigh resident James Shiffrin. He stated that he objected to the variance request because he believes that the Petitioner should abide by the association covenants. Mr. Shiffrin presented no evidence.

The next witness was James Thompson, Supervisor of Code Enforcement for the Baltimore County Department of Permits and Development Management. Mr. Thompson has been in this position

since 1995; previously he was the zoning coordinator. He stated that he was familiar with the subject property, had reviewed the zoning file and had issued the citation stating that the accessory structure in question was not in the rear yard, but in the side yard of 7116 Oxford Road. As evidence he submitted the correction notice, Citation #02-2778 (Protestant's Exhibit #1).

Mr. Thompson said that the property was inspected on September 15, 2003. He opined that determining a frontal orientation for a subdivision such as Stoneleigh is unusual; such questions most often come to his office relative to waterfront property. He stated that to make their judgment his inspectors look at the windows and doors, try to determine where the "average person" would enter, and "apply common sense." In this case the inspection showed that the Oxford Road side has a sidewalk to a door onto an enclosed porch while the Hatherleigh entrance door is in the middle of the house with windows on each side. He determined that the Hatherleigh orientation constituted the "front" of the dwelling with the rear yard therefore "behind the line of the principal dwelling" toward 7112 Oxford Road.

On cross-examination by Mr. Hanley, Mr. Thompson agreed, using Petitioner's Exhibit # 5 as reference, that any corner lot depends on the lot being divided into thirds. He added that the house is located first and then the lot is divided into thirds.

Board member Marks asked if the accessory structure must meet rear yard setbacks to which Mr. Thompson answered, "Yes." Mr. Borgerding then confirmed that Mr. Thompson's department had determined that Oxford Road was not the front in this case. Mr. Thompson agreed.

Board Member Worrall asked what effect the street address has on the determination of front and rear yards. Mr. Thompson stated, "None. We look at physical characteristics. If the house were built now, it would be given an address on Hatherleigh Road."

The next witness was Jim Leonard of 615 Kingston Road. He appeared as chairman of the

Improvements Committee of the Stoneleigh Community Association. He offered the required Rule 8 papers (Protestant's Exhibit #2) authorizing him to speak for the organization. He stated that the association is opposed to the variance request. They are concerned about a precedent being set which would allow others to build in violation of the BCZR. He submitted photographs (Protestant's Exhibits #3 A-G and #4 A-D) showing views of the subject site from Hatherleigh Road and from Oxford Road.

Mr. Leonard said it was the position of the Board of Governors that the accessory building should be placed in the 18-foot area between 7112 and 7116 Oxford Road. He opined that this location would be the least visible "public side."

On cross-examination by Mr. Hanley, Mr. Leonard stated that the important element is that the accessory structure be in compliance with the zoning regulations. He said that the association found the 60-foot trees to be valuable and would want to save them, but zoning compliance was of paramount importance.

When questioned as to mail delivery, Mr. Leonard indicated that he believed mail is delivered only to the house number designated. He agreed that he would not dispute the fact that mail is delivered to the Oxford Road side.

Donald Gerding appeared as the next witness. Mr. Gerding lives at 335 Old Trail Road. He is the zoning chairman of both the Rodgers Forge Community Association and the Greater Towson Council of Community Associations. Mr. Gerding submitted Rule 8 papers (Protestant's Exhibit #6) authorizing him to speak in that capacity.

He testified that his board had visited the subject site and voted to support Stoneleigh Community Association's opposition to the request for variance. He opined that the subject property should have a Hatherleigh Road address and the 7116 Oxford Road address is confusing. He believes that the subject property fronts on Hatherleigh Road.

Michael Gill, 7117 Oxford Road, also appeared in opposition to the variance request. Mr. Gill submitted a plat of Stoneleigh (Protestant's Exhibit #7) with the subject site circled. His lot and house are across Oxford Road from the Milligan property at the corner of Hatherleigh Road.

Mr. Gill opined that there are numerous "trapezoid-shaped" lots in the neighborhood. He stated that the subject site is similar in size and topography to many others in Stoneleigh. Further he believes that the front of his house faces Hatherleigh Road, although he stated that his street address (7117 Oxford Road) causes confusion for deliveries and such.

On cross-examination by Mr. Hanley, Mr. Gill stated that his mail is delivered to the Oxford Road side of his property where his house number is located.

Barry Miller, 7109 Oxford Road, also appeared as a neighbor in opposition to the Petitioner's request. He is an architect and real estate agent.

Mr. Miller agreed with Mr. Gill that the front of the subject property should be considered the Hatherleigh Road area. He also agreed that the size, shape and topography of this lot are not unique to 7116 Oxford Road.

Mr. Miller stated that he further objects to the accessory structure because he believes it takes up on-site parking places that causes the residents to park on the street. He acknowledged on cross-examination that the elder Ms. Milligan and the 14-year old resident do not drive and that Cheryl Milligan's daughter is away at college. He was firm, however, in his conviction that parking in that area is a problem.

The law as it relates to accessory buildings is set out in *the Baltimore County Zoning Regulations*, § 400.1 as follows:

> 400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any

> street and shall occupy not more than 50% of such third. In no case shall they be located less than 2-1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

The Board reviewed all the evidence and testimony presented. A public deliberation was conducted on October 16, 2003.

The Majority find as a matter of fact that the Petitioner has offered convincing and substantial evidence that the accessory structure has been constructed in the rear third of the lot identified as 7116 Oxford Road. Further we find that this is a corner lot and the accessory structure occupies the third of the lot farthest removed from any street and does not occupy more than 50% of such third. The location of the accessory structure also meets all setback requirements.

We come to this opinion for several reasons. First the one and only address given to the subject site is 7116 Oxford Road. This side of the house has a sidewalk and an entrance into the main living quarters. This is the address and entrance where the mail and other deliveries are directed.

Secondly the plat shows clearly that the setback from Oxford Road is 25 feet, a "front yard setback" whereas the setback from the adjacent lot at 7112 and from Hatherleigh Road on the other side is a 10-foot "side yard" setback.

Thirdly, all services to the subject site including utility poles and lines come in from Hatherleigh Road. We find this to be typical of subdivisions that such services as utilities are not placed in the front of the house.

Finally the evidence and testimony presented is uncontradicted that from York Road into the subdivision all corner lot houses have entrances fronting on the intersecting side streets with driveways

off Hatherleigh Road. Only two houses, those of Ms. Milligan and Mr. Gill, also have entrances that face Hatherleigh. As Mr. Gill, a Protestant, testified, having two entrances does cause some confusion.

Accepted by the Board as an expert in architecture and urban design, we found the testimony of Mr. Hill to be persuasive. Mr. Hill noted that two "attractive facades" was typical of the design attributes when Stoneleigh was constructed as described in Petitioner's Exhibit #6. He also observed that, in his expert opinion, the Milligan accessory structure is situated on the third of the lot farthest from the streets and with the narrowest portion of the building facing the view from the street, thus mitigating the impact. He further testified, and some of the Protestant's witnesses agreed, that the preservation of large trees on the subject property is important to the neighborhood as a whole.

The majority did not find compelling the testimony of Mr. Thompson of PDM that his department determines the front of a property from its physical characteristics and using common sense. Similarly Mr. Thompson produced no evidence to support his opinion that the subject property would be given an address on Hatherleigh Road if it were to be built today.

In conclusion the majority finds that the front of the lot with the address of 7116 Oxford Road is that portion of the property on Oxford Road. We find that the accessory structure was built therefore in the rear third of that lot farthest from the road, does not occupy more than 50% of that third, and meets all setback requirements.

We find that the request for variance is moot since the Petitioner is in compliance with § 400.1 of the BCZR.

The question of compliance with the private covenants of the Stoneleigh Community Association, Inc., is not before this Board.

ORDER

THEREFORE, IT IS THIS _____ day of _____, 2003 by the County Board of

Appeals of Baltimore County

ORDERED that the request for variance in this matter is **MOOT** based upon the finding by a Majority of this Board that the front of the lot with the address of 7116 Oxford Road is that portion of the property on Oxford Road; and

WE FURTHER FIND that the accessory structure was built therefore in the rear third of that lot farthest from the road, does not occupy more than 50% of that third, and meets all setback requirements; and

FURTHER, that Petitioner is in compliance with § 400.1 of the *Baltimore County Zoning Regulations*.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Margaret Worrall

Edward W. Crizer, Jr.

[redacted]

CERTIFICATES

SUBPOENAS

(040252) "S"

supplement

(2)

ZONING DESCRIPTION FOR 201 Murdock Road

Beginning FOR THE SAME at the corner formed by the intersection of the south side of Murdock Road and the southeast side of Pinehurst Road and running thence easterly binding on the south side of Murdock Road thirty-one feet six inches to a point in a line with the center of the partition wall there situate thence southerly to and through the center of said partition wall and continuing the same course all in all one hundred ten feet to the north side of an alley fifteen feet wide there situate thence westerly binding on the north side of said alley with the use thereof in common binding on the southeast side of Pinehurst Road one hundred thirteen feet five and one quarter inches to the place of beginning as recorded in Deed Liber 16606, Folio 615.

CORRECTED 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: # 04-252-A
201 Murdock Road
S/east corner of Murdock and Pinehurst Roads
9th Election District – 5th Councilmanic District
Legal Owner(s): Charles and Bridget Wilder

Special Hearing: to permit a proposed one-story kitchen 13 x 13 extension and covered deck. An 8.8 feet x 13 feet on the side of an existing three story center-brick, colonial home with a orientation on Pinehurst Ave. The proposed construction was previously approved and a building permit was issued on 8/28/03. A Stop Work Order was issued on 10/15/03 asserting that "false or misleading was provided to obtain the permit". The property owners adamantly deny the accusation and contend that a variance is not required. The property was built in 1941 – Maryland to allow an accessory structure, garage to be located in the side yard. **Variance:** in the alternative should the Special Hearing be denied, to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

Hearing: Thursday, January 29, 2004 at 9:00 a.m. in Room 407, in the 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.

T 1/665 Jan. 13 C644484

CERTIFICATE OF PUBLICATION

1/14, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/13, 2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-252-A

Petitioner/Developer: CHARLES AND BRIGID WILDER

Date of Hearing/Closing: 1/29/04

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

ATTN: Becky Hart {(410) 887-3394}

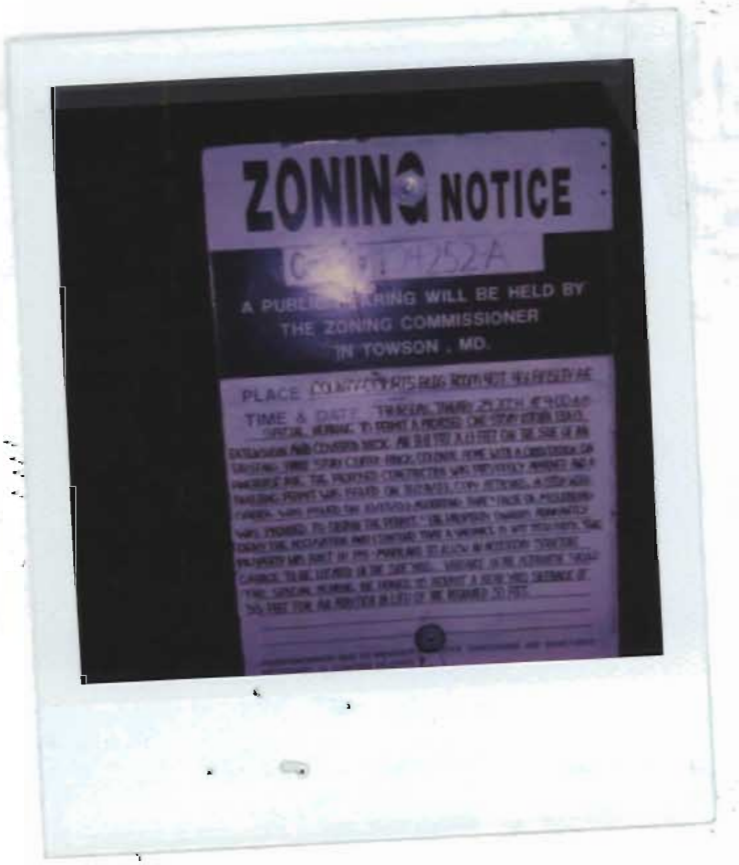
Ladies and Gentlemen:

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:

201 MURDOCK RD

The sign(s) were posted on 1/14/04
(Month, Day, Year)

Sincerely,



1/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-252-SPHA

CHARLES WILDER– LEGAL OWNER

201 MURDOCK ROAD

9TH ELECTION DISTRICT APPEALED: 4/26/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 3)

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

CERTIFICATE OF POSTING

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

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-252-SPHA

Petitioner/Developer:

CHARLES WILDER – LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

201 MURDOCK ROAD

The sign was posted on 6/8, 2004

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

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

August 13, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-252-SPHA

IN THE MATTER OF: ***CHARLES AND BRIGID WILDER*** *– Owners /Petitioners* 201 Murdock Road
9th Election District; 5th Councilmanic District

4/07/04 – Z.C.'s Order in which requested special hearing relief was GRANTED; variance request dismissed as moot.

ASSIGNED FOR: **THURSDAY, DECEMBER 2, 2004 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 B, Baltimore County Code.

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Melissa Tillman, President
Rodgers Forge Community Assn.
Patricia Dunn
Mr. and Mrs. Ronald Zielke
Jean Duvall
Norma O'Hara

Counsel for Petitioners : Justin J. King, Esquire
Petitioners : Charles and Brigid Wilder
Warren Nagy /Chesapeake Design Group

Don Gerding
Richard Parsons
Elizabeth Preroff

Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
John Novak /Traffic Engineering
Timothy M. Kotroco, 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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 3, 2004

NOTICE OF ASSIGNMENT /Day #2

CASE #: 04-252-SPHA

IN THE MATTER OF: ***CHARLES AND BRIGID WILDER*** *– Owners /Petitioners* 201 Murdock Road
9th Election District; 5th Councilmanic District

Day #2 from 12/02/04

4/07/04 – Z.C.'s Order in which requested special hearing relief was GRANTED; variance request dismissed as moot.

ASSIGNED FOR: **TUESDAY, FEBRUARY 15, 2005 at 9:00 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 B, Baltimore County Code.

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Melissa Tillman, President
Rodgers Forge Community Assn.
~~Patricia Dunn~~ W/D 12/20/04
Mr. and Mrs. Ronald Zielke
Jean Duvall
Norma O'Hara

Counsel for Petitioners : Justin J. King, Esquire
Petitioners : Charles and Brigid Wilder
Warren Nagy /Chesapeake Design Group

Don Gerding
Richard Parsons
Elizabeth Preroff

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
John Novak /Traffic Engineering
Timothy M. Kotroco, 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

February 17, 2005

NOTICE OF DELIBERATION

IN THE MATTER OF:

CHARLES AND BRIGID WILDER – Legal Owners
Case No. 04-252-SPHA

Having heard this matter on 12/02/04 and 2/15/05, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **THURSDAY, APRIL 21, 2005 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: Closing briefs are due on Tuesday, March 15, 2005
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Melissa Tillman, President
Rodgers Forge Community Assn.
Mr. and Mrs. Ronald Zielke
Jean Duvall
Norma O'Hara

Counsel for Petitioners : Justin J. King, Esquire
Petitioners : Charles and Brigid Wilder
Warren Nagy /Chesapeake Design Group

Don Gerding
Richard Parsons
Elizabeth Preroff

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
John Novak /Traffic Engineering
Timothy M. Kotroco, Director /PDM

FYI: 3-6-7

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RE:	PETITION FOR SPECIAL HEARING 4043 North Point Blvd; SW/side North Point Blvd at the S corner of Saint Monica 15th Election & 7th Councilmanic Districts Legal Owner(s): Carl T & Edward V Julio & Phyliss J Della Rocca Contract Purchaser(s): WAWA, Inc, Joseph C Losak, VP Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-253-SPH

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

ENTRY OF APPEARANCE

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

RECEIVED
DEC 0 8 2003
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

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

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

June 1, 2004

Justin King, Esquire
409 Washington Avenue, Ste. 707
Towson, MD 21204

RECEIVED
JUN 0 2 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Mr. King:

RE: Case :04-252-SPHA, 201 Murdock Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 26, 2004 from J. Carroll Holzer, Esquire. 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,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Mr. & Mrs. Wilder, 201 Murdock Rd., Baltimore 21212
Elizabeth Preroff, 201 Dunkirk Rd., Baltimore 21212
William Cooper, 504 Murdock Road, Baltimore 21212
J. Carroll Holzer, 508 Fairmount Ave., Towson 21286
Mr. & Mrs. Ronald Zielke, 325 Murdock Road, Baltimore 21212
Warren Nagy, Chesapeake Design Group, 611 N. Eutaw St., Baltimore 21210
Norma O'Hara, 329 Murdock Rd., Baltimore 21212
Jean Duvall, 327 Murdock Rd., Baltimore 21212
Richard Parsons, 412 Woodbine Ave., Towson 21204
Donald Gerding, 335 Old Trail, Baltimore 21212

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APPEAL

Petition for Special Hearing & Variance
201 Murdock Road
SE/corner of Murdock and Pinehurst Roads
9th Election District – 5th Councilmanic District
Charles Wilder – Petitioner

Case No.: 04-252-SPHA

✓ Petition for Special Hearing and Variance (November 17, 2003)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (December 23, 2004)

✓ Certification of Publication (January 13, 2004)

✓ Certificate of Posting (January 14, 2004) by SSG Robert Black

✓ Entry of Appearance by People's Counsel (December 8, 2003)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
One Sheet

✓ Citizen(s) Sign-In Sheet
None

✓ Zoning Advisory Committee Comments (2-27-04)

✓ Petitioners' Exhibit
- ✓1. 201 Murdock Road – For Sale Packet
- ✓2. Deed (dated July 2, 2002)
- ✓3. Plat
- ✓4. Photos (A-E)
- ✓5. Code Enforcement Violation Notice
- ✓6. Letter dated October 15, 2003
- ✓7. East Elevation Map
- ✓8. 2 Photos } 23 photos
- 9. 21 Photos
- 10. Building Permit Application

Protestants' Exhibits:
- ✓1. Memo to File for Homeowners from Carl Richards
- ✓2. Outline for Testimony
- ✓3. Map of Rodgers Forge
- ✓4. Photos (A-C)
- ✓5. Real Property Data Search (Tax Assessments)

Miscellaneous (Not Marked as Exhibit)
- 1. Plat to accompany petitions — missing
- ✓2. 20 Petitions in support of Kitchen Extension
- ✓3. Subpoena to Elizabeth Preroff (2-24-04)
- ✓4. Subpoena to Carl Richards (2-27-04)
- ✓5. Authorization for representation
- ✓6. Memorandum of Protestants
- ✓7. Post Trial Memorandum
- ✓8. RT-2 Residential Transition Area (Zoning Policy Manual)

J CARROLL HOLZER ESQUIRE
HOLZER & LEE
508 FAIRMOUNT AVENUE
TOWSON, MD 21204
ATTORNEY FOR APPELLANTS

MELISSA TILLMAN
PRESIDENT
RODGERS FORGE COMMUNITY ASSOC.
PO BOX 571
RIDERWOOD MD 21139
APPELLANTS

W/D 12/20/04

PATRICIA DUNN
168 STANMORE ROAD
BALTIMORE, MD 21212
APPELLANTS

JEAN DUVALL
~~327 MURDOCK ROAD~~
~~BALTIMORE, MD 21212~~
APPELLANTS

12/8 not known return to sender

MR AND MRS ZIELKE
325 MURDOCK ROAD
BALTIMORE, MD 21212
APPELLANTS

NORMA O'HARA
329 MURDOCK ROAD
BALTIMORE, MD 21212
APPELLANTS

✓ Zoning Commissioner's Order (April 7, 2004 – GRANTED)

Notice of Appeal received on April 26, 2004 from J. Carroll Holzer

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mr. & Mrs. Wilder, 201 Murdock Road, Baltimore 21212
Elizabeth Preroff, 201 Dunkirk Road, Baltimore 21212
William Cooper, 504 Murdock Road, Baltimore 21212
J. Carroll Holzer, 508 Fairmount Ave., Towson 21286
Mr. & Mrs. Zielke, 325 Murdock Rd., Baltimore 21212
Warren Nagy, Chesapeake Design Group, 611 N. Eutaw St., Baltimore 21210
Norma O'Hara, 329 Murdock Road, Baltimore 21212
Jean Duvall, ~~327~~ Murdock Road, Baltimore 21212
Richard Parsons, 412 Woodbine Avenue, Towson 21204
Donald Gerding, 335 Old Trail, Baltimore 21212
John Novak - TE

227

date sent June 2, 2004, klm

CHARLES D WILDER
BRIGID WILDER
201 MURDOCK ROAD
BALTIMORE, MD 21212
APPLICANTS

DON GERDING
335 OLD TRAIL
BALTIMORE, MD 21212

JUSTIN J KING ESQUIRE
409 WASHINGTON AVENUE
SUITE 707
TOWSON, MD 21204
ATTORNEY FOR APPLICANTS

RICHARD PARSONS
412 WOODBINE AVENUE
TOWSON, MD 21204

ELIZABETH PREROFF
201 DUNKIRK ROAD
BALTIMORE MD 21212

TE

Case No. 04-252-SPHA

In the Matter of: Charles and Brigid Wilder - Petitioners

SPH – Approval of proposed 1-story kitchen extension and covered deck on side of existing 3-story, center hall, end of group townhouse dwelling; and to void Stop Work Order issued by Baltimore County; VAR – IN ALTERNATIVE – To permit rear yard setback of 33' ilo required 50' for proposed addition.

4/07/04 – Z.C.'s Order in which requested special hearing relief was GRANTED; variance request dismissed as MOOT.

8/13/04 -Notice of Assignment sent to following; assigned for hearing on Thursday, December 2, 2004 at 10 a.m.:

J. Carroll Holzer, Esquire
Melissa Tillman, President
Rodgers Forge Community Assn.
Patricia Dunn
Mr. and Mrs. Ronald Zielke
Jean Duvall
Norma O'Hara
Justin J. King, Esquire
Charles and Brigid Wilder
Warran Nagy /Chesapeake Design Group
Don Gerding
Richard Parsons
Elizabeth Preroff
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
John Novak /Traffic Engineering
Timothy M. Kotroco, Director /PDM

12/02/04 – Board convened for hearing (Wescott, Quinn, Crizer). Request from Don Gerding for copy of Board's final order; to be sent to 335 Old Trail, Baltimore, MD 21212.
- Concluded day #1 this date; assigned for day #2 to Tuesday, 2/15/05 at 9 a.m., with confirmation by counsel this date of their availability for that date. Notice to be sent.

12/03/04 – Notice of Assignment /Day #2 sent to the parties to this matter; assigned for Tuesday, February 15, 2005 at 9:00 a.m. FYI copy to panel members to remind of agreed early start time on 2/15/05.

12/20/04 – Letter from Patricia Dunn, 168 Stanmore Road, 21212, requesting that her name be removed from the subject file and from any future correspondence or pleadings in this matter.

1/11/05 – People's Counsel for Baltimore County's Hearing Memorandum filed by P. Zimmerman with copies for each panel member; copies to be held for appropriate period pending receipt of response to same; then will be forwarded to 3-6-7.

2/15/05 – Board convened for day #2 (Wescott, Quinn, Crizer); completed hearing this date; memos due on 3/15/05; deliberation assigned for 4/21/05; notice to be sent.

2/17/05 – Notice of Deliberation sent to parties; assigned for Thursday, April 21, 2005 at 9:00 a.m. FYI copy to 3-6-7.

3/14/05 – Post Trial Memorandum filed by Justin J. King, Esquire, on behalf of Petitioners, Charles and Brigid Wilder. (Memos due 3/15/05)

3/15/05 – Protestants' Memorandum in Lieu of Final Argument filed by J. Carroll Holzer, Esquire on behalf of Rodgers Forge Community Association et al.
- Copies of memos sent to Wescott, Quinn, and Crizer this date. Deliberation assigned for 4/21/05.

4/21/05 – Board convened for deliberation (3-6-7); unanimous decision of Board – requested special hearing relief was granted subject to restrictions to be included in order. Written Opinion and Order to be issued; appellate period to run from date of written Order. (6)

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

02/21/06

Case Number: 03-C-05-007336 AE OTH
Date Filed: 07/05/2005
Status: Open/Active
Judge Assigned: To Be Assigned,
Location :
CTS Start : 07/05/05 Target : 01/01/07

In The Matter of: Lawrence Swoboda, et al

C A S E H I S T O R Y

RECEIVED
FEB 23 2006
BALTIMORE COUNTY
BOARD OF APPEALS

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	04-252-SPHA
Case Folder ID	C05007336V01

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	001	Swoboda, Lawrence	Party ID: 0773700		07/08/05
		Mail: 407 Dumbarton Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
		Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET	002	Segreti, Joseph	Party ID: 0773702		07/08/05

Mail: 124 Regester Avenue Baltimore, MD 21212	07/08/05		07/08/05 LMC	07/08/05 LMC
Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961		Appear: 07/05/2005		07/08/05

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End		Pty. Disp. Addr Update	Entered
PET	003	OHara, John	Party ID: 0773705			07/08/05
Mail: 329 Murdock Road Baltimore, MD 21212			07/08/05		07/08/05 LMC	07/08/05 LMC
Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961				Appear: 07/05/2005		07/08/05
PET	004	OHara, Norma	Party ID: 0773707			07/08/05
Mail: 329 Murdock Road Baltimore, MD 21212			07/08/05		07/08/05 LMC	07/08/05 LMC
Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961				Appear: 07/05/2005		07/08/05
PET	005	Zielke, Ron	Party ID: 0773709			07/08/05
Mail: 325 Murdock Road Baltimore, MD 21212			07/08/05		07/08/05 LMC	07/08/05 LMC
Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961				Appear: 07/05/2005		07/08/05

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET 006	Zielke, Carol	Party ID: 0773710		07/08/05
	Mail: 325 Murdock Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET 007	Rees, Renee	Party ID: 0773712		07/08/05
	Mail: 209 Hopkins Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET 008	Kahl, Sarah	Party ID: 0773718		07/08/05
	Mail: 149 Hopkins Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET 009	Campbell, Doug	Party ID: 0773724		07/08/05
	Mail: 422 Hopkins Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448	Appear: 07/05/2005		07/08/05

(410)825-6961

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PET 010	Clouse, Jennifer	Party ID: 0773725		07/08/05
	Mail: 202 Dunkirk Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET 011	Matthews, Brent	Party ID: 0773726		07/08/05
	Mail: 128 Dunkirk Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET 012	Matthews, Ann	Party ID: 0773727		07/08/05
	Mail: 128 Dunkirk Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET 013	McGinnis, Claire	Party ID: 0773728		07/08/05
	Mail: 114 Dunkirk Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building	Appear: 07/05/2005		07/08/05

508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	014	Duvall, Jean			07/08/05
			Party ID: 0773729		
	Mail:	227 Murdock Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET	015	Hirshauer, Bruce			07/08/05
			Party ID: 0773730		
	Mail:	126 Dunkirk Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET	016	Wible, Jeff			07/08/05
			Party ID: 0773731		
	Mail:	400 Old Trail Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney:	0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET	017	Sheggrud, Jennifer			07/08/05
			Party ID: 0773732		
	Mail:	307 Dumbarton Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
	Attorney:	0012186 Holzer, J Carroll	Appear: 07/05/2005		07/08/05

Holzer And Lee
The 508 Building
508 Fairmount Avenue
Towson, MD 21286-5448
(410)825-6961

Type	Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. / Addr Update	Entered
PET	018	Hirshauer, Bernice	Party ID: 0773733		07/08/05
Mail:		114 Dunkirk Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
Attorney:		0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET	019	Leons, Barbara	Party ID: 0773736		07/08/05
Mail:		126 Dunkirk Road Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
Attorney:		0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET	020	Williams, Robert	Party ID: 0773739		07/08/05
Mail:		20 Regester Avenue Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC
Attorney:		0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961	Appear: 07/05/2005		07/08/05
PET	021	Rinehart, Roxanne	Party ID: 0773742		07/08/05
Mail:		10 Regester Avenue Baltimore, MD 21212	07/08/05	07/08/05 LMC	07/08/05 LMC

Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961		Appear: 07/05/2005		07/08/05
Type Num Name(Last,First,Mid,Title)	Addr Str/End		Pty. Disp. Addr Update	Entered
PET 022 Rinehart, John	Party ID: 0773743			07/08/05
Mail: 10 Regester Avenue Baltimore, MD 21212	07/08/05		07/08/05 LMC	07/08/05 LMC
Attorney: 0012186 Holzer, J Carroll Holzer And Lee The 508 Building 508 Fairmount Avenue Towson, MD 21286-5448 (410)825-6961		Appear: 07/05/2005		07/08/05
RES 001 Wilder, Charles	Party ID: 0773747			07/08/05
Attorney: 0027152 King, Justin J Law Offices Of Justin James King 409 Washington Avenue Suite 707 Towson, MD 21204 (410)337-3755		Appear: 08/01/2005		08/01/05
RES 002 Wilder, Bridget	Party ID: 0773749			07/08/05
Attorney: 0027152 King, Justin J Law Offices Of Justin James King 409 Washington Avenue Suite 707 Towson, MD 21204 (410)337-3755		Appear: 08/01/2005		08/01/05
ITP 001 County Board Of Appeals Of Baltimore County	Party ID: 0773754			07/08/05
Mail: 400 Washington Ave Rm 49 Old Court House Baltimore, MD 21204	10/21/05		10/21/05 PH	10/21/05 PH

CALENDAR EVENTS

Date	Time	Dur	Event Description	Text Rec	SA	Jdg	Day	Of	Notice	User ID
Result			ResultDt By Result Judge							
01/23/06	09:30A	02Q	Civil Non-Jury Trial	Y		RAJ	01	/01	10/21/05	KLS PF
01/25/06	09:30A	01H	Civil Non-Jury Trial	Y		RAJ	01	/01		DD DD
Postponed/Reset			01/25/06 C							
02/13/06	09:30A	01H	Civil Non-Jury Trial	Y		RAJ	01	/01		DD

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	07/08/05	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0001000	Petition for Judicial Review with Exhibits	07/05/05	07/08/05	PET001	TBA			LMC LMC
0001001	Response to Petition for Judicial Review and Preliminary Motion Filed by RES002-Wilder, RES001-Wilder	07/29/55	08/01/05	RES002	TBA			AL AL
0002000	Line correcting reference case # to 04-252-SPHA	07/14/05	07/19/05	000	TBA			SAP SAP
0003000	Certificate of Notice	07/22/05	07/25/05	000	TBA			MJ MJ
0004000	Transcript of Record from Adm Agency *	09/21/05	09/27/05	ITP001	TBA			EMH EMH
0005000	Notice of Transcript of Record Sent	09/27/05	09/27/05	PET001	TBA		09/27/05	EMH EMH
0006000	Notice of Transcript of Record Sent	09/27/05	09/27/05	RES001	TBA		09/27/05	EMH EMH
0007000	Hearing Notice	10/21/05	10/21/05	000	TBA		10/21/05	KLS KLS

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User ID
0008000	Motion to Extend Time to file memorandum Filed by PET021-Rinehart, PET022-Rinehart, etal	10/21/05	10/21/05	PET021	TJB	Granted	10/20/05	PH PH
0008001	Answer Filed by RES001-Wilder, RES002-Wilder	10/25/05	10/28/05	RES001	TBA			EMH EMH
0009000	Memorandum	11/29/05	12/02/05	PET001	TBA		12/02/05	PH PH
0010000	Reply to preliminary Motion	11/29/05	12/02/05	PET001	TBA			PH PH
0011000	*Additional pages to Memorandum	12/05/05	12/05/05	PET001	TBA		12/05/05	PH
0012000	Supplement to the record of proceddings before the zoning commissioner/dept of permits & development mangagement & the board of appeals of Baltimore Co *	12/27/05	12/28/05	ITP001	TBA			EMH
0013000	Appellees Memorandum * Filed by RES001-Wilder, RES002-Wilder	01/06/06	01/11/06	RES001	TBA		01/11/06	SAP
0014000	Open Court Proceeding Hon Ruth Jakubowski - Hearing ppd - to be reset before Judge Jakubowski.	01/23/06	01/23/06	000	RAJ			MK
0015000	Memorandum Opinionn and Order affirming decision	02/16/06	02/16/06	000	RAJ	Granted	02/16/06	PH
0016000	Docket entries sent to Board of Appeals for Baltimore County	02/21/06	02/21/06	000	TBA			CVM

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	OPEN	07/29/55	0	no	no	DANS	D	001	001
1ANS	1st Answer Tickle	OPEN	11/29/05	0	no	no	DASW	D	010	000
1YRT	One Year Tickle (Jud	OPEN	07/05/06	365	no	no	DAAA	D	001	000
SLIL	Set List - Informati	CANCEL	10/21/05	0	no	no			000	000
SLMR	Set List For Motions	CANCEL	11/12/05	22	no	no	MEXT	D	008	000
SLTR	Set List For Trial	OPEN	07/29/55	0	yes	no	1ANS	T	001	001

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 County Board Of Appeals Of Ba								
000		I	BOX 474/CBA TRANSC		B			

RECEIVED
FEB 23 2004
ZONING COMMISSIONER

IN RE: PETITION FOR	*	BEFORE THE
201 Murdock Road	*	ZONING COMMISSIONER
S/east corner of Murdock and Pinehurst Roads	*	OF BALTIMORE COUNTY
9th Election District - 5th Councilmanic District	*	Case No. : 04-252-A
Legal Owners: Charles and Brigid Wilder	*	

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

SUBPOENA

TO: Elizabeth Preroff
201 Dunkirk Road
Baltimore, MD 21212

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204 on Friday, the 5th day of March, 2004, regarding the above captioned case for the purpose of testifying at the request of Justin J. King, Esq., 409 Washington Avenue, Suite 707, Towson, MD 21204, 410-337-3755.

Justin J. King

Mr. Sheriff/Private Process server:

Please process in accordance with Zoning Commissioner's Rule 2 (C).

Zoning Commissioner/Deputy
Zoning Commissioner for
Baltimore County

Issued: 2/24/04

LAW OFFICES
JUSTIN JAMES KING
409 WASHINGTON AVENUE, SUITE 707
TOWSON, MARYLAND 21204
(410) 337-3755
FAX (410) 337-3758

RECEIVED
FEB 23 2004
ZONING COMMISSIONER

February 18, 2004

Clerk
Zoning Commissioner's Office
Suite 450
401 Bosley Avenue
Towson, MD 21204

RE: Case No. : 04-252-A
201 Murdock Road

Dear Sir/Madam:

Enclosed please find Subpoena in the above captioned matter. Kindly have signed and return to me in the enclosed envelope for service by private process.

Thank you for your cooperation.

Very truly yours,

Justin J. King

JJK/g
encs.

IN THE MATTER OF 201 Murdock Road	*	BEFORE THE ZONING
S/east corner of Murdock & Pinehurst Roads Legal Owners: Charles & Brigid Wilder	*	COMMISSIONER OF
9th Election District 5th Councilmanic District	*	BALTIMORE COUNTY
	*	Case No.: 04-252-A

RECEIVED
FEB 27 2004
ZONING COMMISSIONER

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

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Carl Richards, PDM
County Office Building

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only;

(X) Personally appear and produce documents or objects;

at Room 407, County Courts Building, Towson
(Place where attendance is required)

on Friday, the 5th day of March, 2004 at 1: 00 p.m. for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all files, letters, memos, comments, plats, deeds, etc. in the above captioned case

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date _____

John Murphy
Zoning Commissioner

SHERIFF'S RETURN

( )- Served and copy delivered on date indicated below.
( )- Unserved, by reason of _

Date: _____ Fee: $

_____
SHERIFF

C:\My Docs\Subpoenas 2004\Wilder Case No. 04-252-A

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

February 25, 2004

Justin T. King, Esquire
409 Washington Avenue, Suite 707
Towson, Maryland 21204

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

RE: PETITION FOR VARIANCE
S/E Corner Murdock and Pinehurst Roads
(201 Murdock Road)
9th Election District – 5th Council District
Charles and Brigid Wilder – Petitioners
Case No. 04-252-A

Dear Messrs. King & Holzer:

This letter is to confirm that by agreement of all parties, the hearing in the above-captioned matter will be held at **1:00 PM on Friday, March 5, 2004 in Room 407** of the Circuit Courts Building, instead of 9:00 AM, due to a conflict in the Zoning Commissioner's schedule. Please notify your respective clients/witnesses of the change in time, only.

Thank you for your cooperation in this matter and should there be any questions in the meantime, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case File

Post-it® Fax Note 7671	Date 2/25	# of pages ▶ 1
To Justin King	From Bette
Co./Dept.	Co.
Phone # J. Carroll Holzer	Phone #
Fax # 337-3758 or 825-4923	Fax #

Printed on Recycled Paper

RE: IN THE MATTER OF:	*	BEFORE THE
CHARLES AND BRIGID WILDER	*	COUNTY BOARD OF APPEALS
Owners/Petitioners	*	OF
201 Murdock Road 9th Election Dristict 5th Councilmanic District	*	BALTIMORE COUNTY
	*	CASE NO.: 04252SPHA

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

TO: Carolyn Winston
Department of Assessments & Taxation
105 W. Chesapeake Avenue, Suite 200
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: (x) Personally appear; ( ) Produce documents and /or objects only; ( ) Personally appear and produce documents and/or objects; at

ROOM 48, BASEMENT, OLD COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MD 21204 on Thurs., Dec. 2, 2004 at 10:00 a.m/~~p.m.~~

YOU ARE COMMENDED TO produce the following documents and/or objects (for general purpose as stated):

RECEIVED
NOV 19 2004
BALTIMORE COUNTY
BOARD OF APPEALS

SUBPOENA REQUESTED BY:

(Name of Party/Attorney) Justin J. King
409 Washington Ave., #707
Towson, MD 21204
(Address)

410-337-3755
(Telephone Number)

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests (___) the Sheriff, (___) Private Process Server, issue the summons set forth herein.

Theresa R. Shelton
THERESA R. SHELTON
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

IN THE MATTER OF	*	BEFORE THE
CHARLES & BRIDGID WILDER	*	COUNTY BOARD OF APPEALS
201 Murdock Road	*	BALTIMORE COUNTY
9th Election District; 5th Council District	*	Case No. 04-252-SPHA
Z.C.'s Order Granted Special Hearing		

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Thursday, December 2, 2004 at 10:0 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: James Keelty, III
Address: The Keelty Co.
P.O. Box 528
Timonium, MD 21093

Name: J. Carroll Holzer (See attached Notice)
Firm: Holzer & Lee
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above cases. The Board requests the Sheriff to issue the summons set forth herein.

Theresa R. Shelton
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2000

Not Served: _____, 2000

Sheriff of Baltimore County

C:Subpoenas 2004-

RECEIVED
NOV 18 2004
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF	*	BEFORE THE
CHARLES & BRIDGID WILDER	*	COUNTY BOARD OF APPEALS
201 Murdock Road	*	BALTIMORE COUNTY
9th Election District; 5th Council District	*	Case No. 04-252-SPHA
Z.C.'s Order Granted Special Hearing		

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Thursday, December 2, 2004 at 10:0 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave., Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Carl Richards
Address: PDM
County Office Bldg.
Towson, MD 21204

Name: J. Carroll Holzer (See attached Notice)
Firm: Holzer & Lee
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above cases. The Board requests the Sheriff to issue the summons set forth herein.

Andrew R. Skelton
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2000

Not Served: _____, 2000

Sheriff of Baltimore County

RECEIVED
NOV 18 2004
BALTIMORE COUNTY
BOARD OF APPEALS

C:Subpoenas 2004-

IN THE MATTER OF	*	BEFORE THE
CHARLES & BRIDGID WILDER	*	COUNTY BOARD OF APPEALS
201 Murdock Road	*	BALTIMORE COUNTY
9th Election District; 5th Council District	*	Case No. 04-252-SPHA
Z.C.'s Order Granted Special Hearing		

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

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Witness: Herb Davis
Address: Prudential Carruthers Realty
1447 York Rd., Suite 309
Lutherville, MD 21093

Name: J. Carroll Holzer, Esq. (See attached Notice) (Representing Rodgers Forge C.A.)
Firm: Holzer & Lee
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above cases. The Board requests the Sheriff to issue the summons set forth herein.

Andrew R. Shelton

County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2000

Not Served: _____, 2000

Sheriff of Baltimore County

C:Subpoenas 2004-CBA Davis 11-23-04

RECEIVED
NOV 23 2004
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF	*	BEFORE THE
CHARLES & BRIDGID WILDER	*	COUNTY BOARD OF APPEALS
201 Murdock Road	*	BALTIMORE COUNTY
9th Election District; 5th Council District	*	Case No. 04-252-SPHA
Z.C.'s Order Granted Special Hearing		

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

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Witness: Jack Dillon
Address: P.O. Box 5402
Towson, MD 21285

Name: J. Carroll Holzer (See attached Notice)
Firm: Holzer & Lee
Address: 508 Fairmount Ave. Towson, 21286 **410-825-6961**

The witness named above is hereby ordered to so appear before the County Board of Appeals and bring any and all files and documents referenced in above cases. The Board requests the Sheriff to issue the summons set forth herein.

Theresa R. Shelton
County Board of Appeals of
Baltimore County

Cost: $

Summoned: _____, 2000

Not Served: _____, 2000

Sheriff of Baltimore County

C:Subpoenas 2004-

RECEIVED
NOV 18 2004
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF

CHARLES AND BRIGID WILDER
Owners/Petitioners
201 Murdock Road
9th ELection District
5th Councilmanic District

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* CASE NO. 04-252-SPHA

RECEIVED
NOV 30 2004
BALTIMORE COUNTY
BOARD OF APPEALS

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Tues., 11/23/04, I effected service of process by personally serving a Subpoena upon Carolyn Winston at 105 W. Chesapeake Ave., Suite 2050, Towson, MD 21204, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

(signature)

Name: J. Shawn Address

Firm:

Address: 405 Washington Ave., #707
Towson, MD 21204

LAW OFFICES
JUSTIN JAMES KING
409 WASHINGTON AVENUE, SUITE 707
TOWSON, MARYLAND 21204
(410) 337-3755
FAX (410) 337-3758

RECEIVED
NOV 30 2004
BALTIMORE COUNTY
BOARD OF APPEALS

November 29, 2004

Ms. Theresa R. Shelton
County Board of Appeals of
Baltimore County
400 Washington Avenue
Towson, MD 21204

RE: Charles and Brigid Wilder
201 Murdock Road
Case No. : 04-252-SPHA

Dear Ms. Shelton:

Enclosed herewith, please find an Affidavit of Service for filing in the above captioned matter.

Thank you for your kind cooperation.

Very truly yours,

Justin J. King

JJK/g
enc.

LAW OFFICES
J. CARROLL HOLZER, P.A.
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923 / E-MAIL: JCHOLZER@BCPL.NET

Facsimile Cover Sheet

To: Kathy

From: J. Carroll Holzer

Date: Nov. 29, 2004 Time: 10:15 (a.m.) p.m.

Total Number of Pages Including this Cover: 3

Original Will ____ / Will Not X Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number: _____ Main Number:

Client & Matter: _____ File Number:

CONFIDENTIALITY NOTICE

The information in this transmittal is intended only for the individual or entity named above. The attached letter or documents may be legally privileged and confidential. If you have received this information in error, please notify the sender immediately and return the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited and a breach of confidentiality.

Kathy - Would these two documents from the Rodgers Forge community satisfy the Board's Rule 8 requirements in the Wilder case? Thanks

C:FORMS/Faxcover

NOV-29-04 10:37A J Carroll Holzer 410-825-4923 P.01

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

At the Open Meeting of the Rodgers Forge Community Association held on November 10, 2004, it was decided by the Association that the responsibility for review and action on all zoning matters for the forthcoming year, November 2004 –November 2005, be placed in the Board of Governors consisting of the following members:

Stephen Bevans, Theda Bevans, Doug Campbell Beth Brubaker, Mary E Curtis, James Dunn, Jean Duvall, Andrew Belt, James Fick, Karen Friel, Don Gerding, Christopher Millard, Brian Niemiec, Katha Oakjones, George Rayburn, Renee Rees, Joe Segreti, Jennifer Sheggrud, Lawrence Swoboda, Melissa Tillman, Brian Zabora

AS WITNESS our hands and seal this _____ day of _____ 20

ATTEST: _____ _____

SECRETARY PRESIDENT

Nov-29-04 10:37A J Carroll Holzer 410-825-4923 P.03

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

RESOLUTION

Resolved: That the position of the Rodgers Forge Community Association as adopted by the Board of Governors on the zoning matter known as: Case # 04-252, SPHA; Petition for Variance, Petition for Special Hearing is that we: Oppose and request both Petition for Special Hearing and the Petition for a Variance be denied.

As witness our hands and seal this _____ day of _____

Attest:

The Rodgers Forge Community, Inc.

_____ _____
Secretary President

Nov-29-04 10:37A J Carroll Holzer 410-825-4923 P.02

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

201 Murdock
Case # 04-252

AUTHORIZATION:

The President and/or his/her appointed representative, has the authority and responsibility to review and act on all matters, that in any way affect the interests of the Board or Community Association.

To Whom It May Concern:

This will certify that Melissa Tillman and/or her appointed representatives of the Board of Governors is the official representative for the Rodgers Forge Community Association on zoning issues and is empowered to speak for and represent the Association on all matters.

M. L. Tillman (President)

appoints assistant to President to act on our behalf (Jean Duvall)

RECEIVED
MAR 8 2004
ZONING COMMISSIONER

3/3/2004

June 29, 2004

Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

RE: Case :04-252-SPHA, 201 Murdock Road

We desire to receive written notification of date, time and location for the appeal hearing with regard to Case :04-242-SPHA which is to be heard by the Baltimore County Board of Appeals. Please send the notification to the following address:

Mr. and Mrs. H. Ronald Zielke
325 Murdock Road
Baltimore, MD 21212

Thank you for your assistance in this matter.

Sincerely,

Carol L. Zielke

Carol L. Zielke

H. Ronald Zielke

H. Ronald Zielke

RECEIVED
JUL 0 1 2004
BALTIMORE COUNTY
BOARD OF APPEALS

7/1/04

JAMES J. FICK

158 Hopkins Road • Baltimore, MD 21212 • (410) 377-6680

February 27, 2004

Mr. Lawrence Schmidt
Zoning Commissioner
Room 407, New Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case # 04-252 SPHA; Petition for Variance; Petition for Special Hearing
Charles & Brigid Wilder
201 Murdock Rd
Baltimore, Md 21212

To Whom It May Concern:

We support the position of the Rodgers Forge Community Association to oppose the above referenced Petitions.

It is our contention that, if granted, this will set a precedent for many of our group homes that have a main entrance on the side. Homes with side entrances have always had a rear yard that abuts the alley. The back yard has never been considered a side yard as the Petitioner is claiming. If this Petition is granted it will cause undue hardship to the residents within that group as well as the entire community. The financial loss and practical difficulty will be reflected throughout the entire community if the Petitions are granted.

We further contend that the requested addition will in no way be in strict harmony with the spirit, intent nor uniformity of the original Keelty design.

We strongly urge a denial for case # 04-252 SPHA.

Most sincerely,

James J. Fick

To Baltimore County Board of Appeals
Please mail copy of Decision & Findings of Case # 04-252-SPHA dated Dec 2, 2004 to

dated 12/2/04

The Greater Towson Council of Community Assoc., Inc

GTCCA

REPRESENTING MORE THAN 20 COMMUNITIES

PO BOX 5421, TOWSON, MD. 21285-5421
410-296-6732
drigsby@comcast.net

RESOLVED: That the GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc. shall, from January 16, 2003 to January 31, 2004, assign official responsibility for review, representation, and action on all zoning and development matters to the EXECUTIVE BOARD and the Chair and Deputy Chairs of the Zoning Committee, which consist of the following members:

Donald R. Wright, President
Judy Gregory, Treasurer
Stacy Weiss, Corresponding Secretary
J. Donald Gerding, Zoning Committee Chair — 335 OLD TRAIL BALTIMORE, MD 21212 410-825-0894
Richard Parsons, Zoning Committee Deputy Chair

AS WITNESS: Our hands and seal this 16th day of January 2003

ATTEST: GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc.

Stacy Weiss
Secretary

Donald R. Wright
President

To Baltimore County Board of Appeals

Please enter our Council's interest in this issue — Case No. 04-252-SPHA (201 Murdock Rd) — add our name to "interested/concerned" list and forward to me hearing dates, notification notices and copy of deliberation minutes and final decision.

Thank you Donald Gerding

May 7, 2004

December 16, 2004

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

Re: Case No. 04-252-SPHA
In the Matter of: Charles and Brigid Wilder

Dear Mr./Madam Clerk:

I am writing to ask that you **withdraw my appearance** in the above-referenced matter inasmuch as I am no longer a member of the Board of Governors of Rodgers Forge. Please remove my name from any correspondence or pleadings generated in this matter.

Thank you for your attention to the above.

Very truly yours,

Patricia Dunn

Patricia Dunn
168 Stanmore Road
Baltimore, MD 21212
(410) 832-5719

fax received 12/21/04.

RECEIVED
DEC 20 2004
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED

MAR 8 2004

ZONING COMMISSIONER

FYI Re: 04-252

This is just to let you know that Melissa Tillman, Pres. was going to deliver this at the hearing to me for you to have. However, due to the emergency she had at work I did not have it once me but when I paid that they were Concerns of our Board & was Trustyed & actually was there on their behalf of RFCA. That's why I had to say Resident.

(Please keep this document as ~~two~~ one in your file if legal.

Joan Dunkle)

IMPORTANT NOTICE TO ALL BOARD MEMBERS: SPECIAL VOTE

PURPOSE: TO DETERMINE POSITION RE: AN ADDITION @ 201 MURDOCK ROAD–THIS IS A ZONING ISSUE ONLY

This is to inform all Board members that it necessary to call a special vote concerning a proposed addition @ 201 Murdock Road, Chas. D and Brigid Wilder. It would be very beneficial if you could take the time over the weekend to ride by the property. The proposed structure would be a total of 13' X 22 1/2' (appears it will be 11'high from information sheet) --built between house and garage. The architectural committee has recommended that the Board OPPOSE the ADDITION THAT WILL REQUIRE A SETBACK FROM THE COUNTY. NO DATE HAS BEEN SET AND THE PAPERWORK IS GOING THRU THE COUNTY'S PROCESS BUT ARE NOT AVAILABLE AT THIS TIME, therefore, the hearing will be heard at a date and time not yet determined. All of the details obtained will be presented at the November meeting. We have been in the process of gathering the detailed drawings, information and any other data since October 9th. This is a necessary procedure as required by Baltimore County in order to prove the position taken by the Board. Minutes must be kept to present to the Zoning Commissioner and the plaintiff's attorney at any Variance Hearing. Rodgers Forge as well as all of the other communities in the area have found it necessary many, many times to present their opinions on such matters. The burden is on the homeowner, therefore, this is a COUNTY ZONING ISSUE NOT A COVENANT ISSUE. The process requiring this action will be explained fully at the Nov. meeting.

This action requesting a vote from Board members is necessary to have authority to act when, if and should it be required PRIOR to next Board meeting. All details will be presented at the November meeting. Please follow instructions attached.

The Architectural Committee moves that the Board oppose the proposed structure as described above for 201 Murdock Rd and should it be necessary to request and file for a Formal Hearing before the Zoning Commissioner the Board will take such action.

I SUPPORT THE COMMITTEE'S MOTION TO OPPOSE THE ADDITION Karen E. Carl

I OPPOSE THE COMMITTEE'S MOTION TO OPPOSE THE ADDITION_____

> required by Baltimore County in order to prove the position taken by the
> Board. Minutes must be kept to present to the Zoning Commissioner and the
> plaintiff's attorney at any Variance Hearing. Rodgers Forge as well as
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>
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> to request and file for a Formal Hearing before the Zoning Commissioner
> the Board will take such action.
>
> I SUPPORT THE COMMITTEE'S MOTION TO OPPOSE THE
> ADDITION _____ 10/27/03
> _____
>
> I OPPOSE THE COMMITTEE'S MOTION TO OPPOSE THE
> ADDITION _____
> _____
>

IMPORTANT NOTICE TO ALL BOARD MEMBERS: SPECIAL VOTE

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I SUPPORT THE COMMITTEE'S MOTION TO OPPOSE THE ADDITION Ruthann Oakes

I OPPOSE THE COMMITTEE'S MOTION TO OPPOSE THE ADDITION_____

I ABSTAIN

December 2, 2004

Board of Appeals Old Court
House 400 Washington
Avenue Towson, MD 21204

Re: Appeal Hearing for Case #04-252 SPHA;
Petition for Variance;
Petition for Special Hearing December 2, 2004-10 AM, Room 48-Old Court House
Charles & Brigit Wilder, owners 201 Murdock Road Baltimore, MD 21212

To Whom It May Concern:

I support the position of the Rodgers Forge Community Association to oppose the above referenced Petitions:

It is my contention that, if granted, this will set a precedent for many of our group homes that have a main entrance on the side of their residence. Homes with side entrances have always had a rear yard that abuts the alley. Back yards have never been considered a side yard as the Petitioner is claiming.

Reasons for opposing this Petition:

It will cause undue hardship to the residents within that group as well as the entire community.

a) The financial loss and practical difficulty will be reflected throughout our neighborhood if the Petitioners prevail allowing homes with side entrances to build and/or enclose front and rear yard structures of any design or materials only 10' from their property line. Real estate values will drop drastically.

b) The planned community concept of the original Keelty design will be totally destroyed. Our financial stability, uniformity of the entire community, both aesthetically and structurally, will no longer remain. It will become a hodge-podge of design variations none resembling our reputable neighborhood that has been enjoyed, envied and preserved for generations.

c) The stability of Rodgers Forge and the value of our homes will be adversely affected thus causing undue hardship thru financial loss and overall decay. Rodgers Forge has remained one of the most desirable in the Baltimore area for almost eighty years.

CBC.

December 2, 2004

Board of Appeals Old Court
House 400 Washington
Avenue Towson, MD 21204

Re: Appeal Hearing for Case #04-252 SPHA;
Petition for Variance;
Petition for Special Hearing December 2, 2004-10 AM, Room 48-Old Court House
Charles & Brigit Wilder, owners 201 Murdock Road Baltimore, MD 21212

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c) The stability of Rodgers Forge and the value of our homes will be adversely affected thus causing undue hardship thru financial loss and overall decay. Rodgers Forge has remained one of the most desirable in the Baltimore area for almost eighty years.

KRC.

PLEASE PRINT CLEARLY

CASE NAME 201 MURDOCK RD
CASE NUMBER 04-252-SPHA
DATE 3-5-04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
William Cooper	504 Murdock Rd	Balto. MD 21212	
Warren Jacky	611 N. Eutaw St	Balto MD 21210	
Elizabeth Frerotte	201 Dunkirk Rd.	21212	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PROTESTANTS

~~CITIZEN~~'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
CAROL L. ZIELKE	325 MURDOCK Rd	BALTIMORE, MD, 21212	
H. RONALD ZIELKE	325 MURDOCK RD	BALTIMORE, MD 21212	
Norma J O'Hara	329 Murdock Rd	Balt MD 21212	
JEAN K. DUVALL	227 MURDOCK RD	" " "	
JAMES M. DUNN III	168 STANMORE Road	Baltimore MD 21212	
Patricia B. Dunn	168 Stanmore Road	Baltimore, MD 21212	
Richard Parson	412 Woodbine Ave	Towson Md 21204	

I.D. No. Ex. #12

YARD -- Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

YARD, FRONT -- A yard extending across the full width of the lot, between the front lot line and the front foundation wall of the main building.

YARD, REAR -- A yard extending across the full width of the lot, between the rear lot line and the rear foundation of the main building.

YARD, SIDE -- A yard extending from the front yard to the rear yard, between the side lot line and the side foundation wall of the main building.EN(1)

RT-2 RESIDENTIAL TRANSITION AREA (Cont.)

6. When two transition uses occur within an RTA, and each use requires a different buffer width, the procedures to determine the proper buffer area are as follows:

   a. In instances where one use is located behind the other as they relate to the property line from which the RTA is projected, the use closest to the residential property line shall determine the width.

   b. In other instances, width of the buffer area shall coincide with that required by the transition use predominantly visible from the residential property line creating the RTA.

7. Transition requirements do not apply as long as there are no use and external changes or additions requested.

   (See CBA 84-52X.)

8. RTA vs. non-RTA setbacks

Within Residential Transition Area:
Facing Residential

Front	75'
Side	75'
Rear	150'
Parking	75'

Buffer Width:

Building Front	50'
Building Side	50'
Building Rear	75'
Facing Parking	75'

Note: (For all other setbacks, use Out of Transition requirements.)

Building Height	35' maximum
Building Length	130' maximum

Distance between facing elevations is 1-1/2 x the height of the highest building. (See Policy RM-7.)

Outside Residential Transition Area:

Window to Window	40'
Window to Street R/W	25'
Window to Tract Boundary	35'
Window to Property Line	15'
Building to Ex. R/W	25'
Building to Ex. R/W C/L	50'
Building to Proposed R/W	0'
Building to Tract Boundary	30'

"Height to Height" Requirements
(Distances between facing elevation)
(See Policy RM-7.)

0-20'	16' separation
20-25'	25' separation
25-30'	30' separation
30-40'	40' separation
40-50'	60' separation
50-60'	75' separation

Building Length ..... 300' maximum

Memo to File 04-252-SPHA for Homeowners
From Carl Richards

As a result of a complaint from the neighborhood association one day at lunch time, I inspected this property for consistency with the permit application and the zoning regulations. Specifically, the rear or "indicated" side setback and a zoning review of the house orientation. I determined that the permit and plan both indicating a proposed side addition with the dwelling fronting on Pinehurst was in error and I told the workman to stop work until the zoning conflicts could be resolved. This office considers Murdock Road as the dwelling front and the addition to the rear (requiring a variance) for the following reasons:

1. Murdock address.
2. Garage in rear yard (proposed location).
3. Other side entrance corner lots in the area DON'T have a door on the front narrow street side.
4. Maryland Court of Appeals has determined that the physical construction of the building determines the front for zoning compliance.

If for some reason Pinehurst Avenue is considered the front then the garage in the side yard must be removed or a variance granted.

Prot. No 1

11/21/04 faxed to Justin King
BM 410. 337-3758

PETITIONER'S EXHIBITS

(200252)

3

Wisconsin

04-252-SPHA
Wilder

Verified 2-16-05

Denied 12/02/04

Petitioners Exhibits

1. For Sale on 201 Murdock Rd
2. Deed to 201 Murdock Rd
3. Plat of Prop.
4. a-F pictures of inside + out
5. Stop work order
6. Letter from John J. Sullivan Jr.
7. elevation of addition
8. a-J pictures of other homes in area (21 pages)
9. 5 photos
10. 4 photos
11. 1 photo
12. Application for Permit
13. Permit
14. Plat to accompany application for Permit
15. Nov. 22, 04 letter signed by Jill Goldman + Robert
16. Nov. 22, 04 letter signed by E. Prerott
17. Inter-Office corr. to Mr. Motroco from Mr. Keller

FOR SALE



201 MURDOCK ROAD
RODGERS FORGE

410-377-8017

Pet.
Ex 1

(1) 4 PAGES w/ SCHEDULE "A"

WHEN RECORDED RETURN TO:

2201619R

Charles D. Wilder and Brigid P. Wilder
201 MURDOCK ROAD
BALTO., MD. 21212

THIS DEED, Made this 2nd day of July, 2002, by and between **Thomas W. Donner and Danielle S. Donner,** parties of the first part, Grantors, and **Charles D. Wilder and Brigid P. Wilder,** parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Three Hundred Ten Thousand and 00/100 DOLLARS ($310,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the heirs, Personal Representatives and assigns of the survivor, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

SEE ATTACHED SCHEDULE A

BEING the same property which by Deed dated November ( ) , 1995 and recorded among the Land Records of Baltimore County in Liber No. 11422, folio 23, was granted and conveyed by Jeri Lyn Holston, Elizabeth M. Holston, Alvan M. Holston, Sr. by his Attorney-in- Fact, Jeri Lyn Holston unto Thomas W. Donner and Danielle S. Donner, the Grantors herein.

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

TO HAVE AND TO HOLD the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the heirs, Personal Representatives and assigns of the survivor, in fee simple.

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

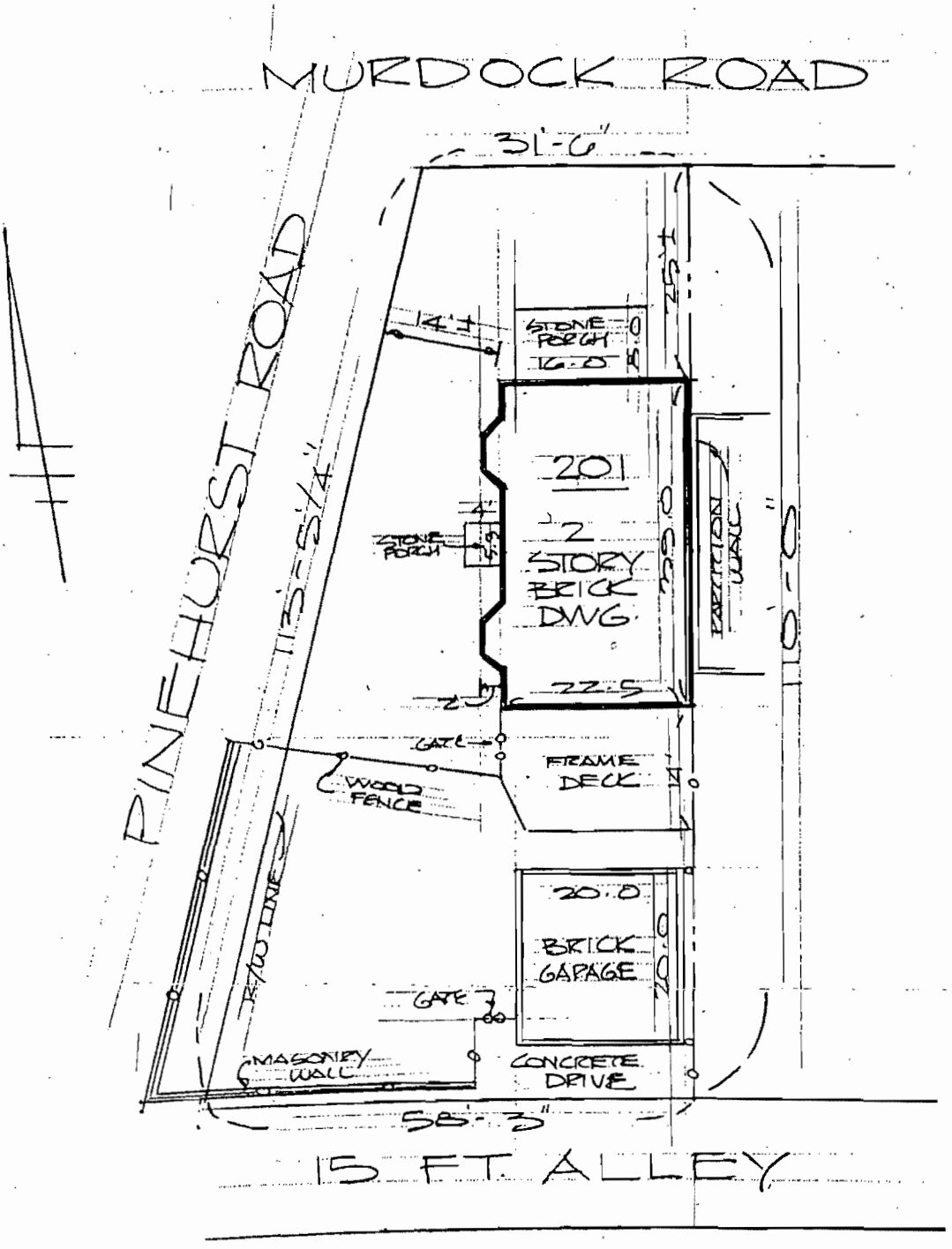
This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland Attorney.

Carol Ann Wildesen

Carol Ann Wildesen, Attorney

Pet
Ef 2

This property is not located in a F.I.R.M. Identified Special Flood Hazard Area. Flood Hazard Map interpretation though believed accurate is not guaranteed.



1) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum Standards of Practice of the State of Maryland.

6/19/02 Donald B. Miller

Pet. Exh 3

All setback dimensions are + or - one foot unless otherwise noted.



4A

Ex 4

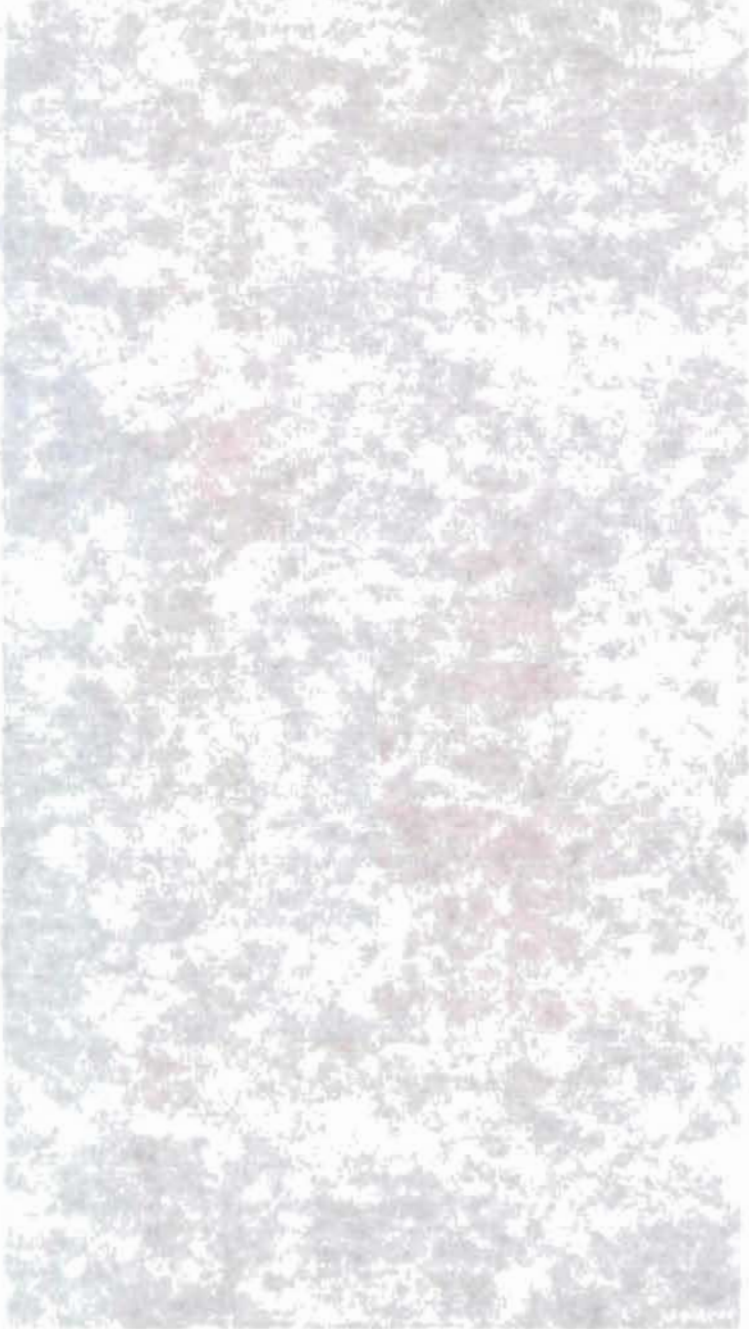
201 Murdock Rd
View from corner of Pinehurst & Murdock



4B

201 MUESICK RD

FRONT DOOR ENTRANCE from Arcturus





4 C

201 Murdock Rd

View From Pinehurst



4-D

201 Murdock Rd
Center Halleway



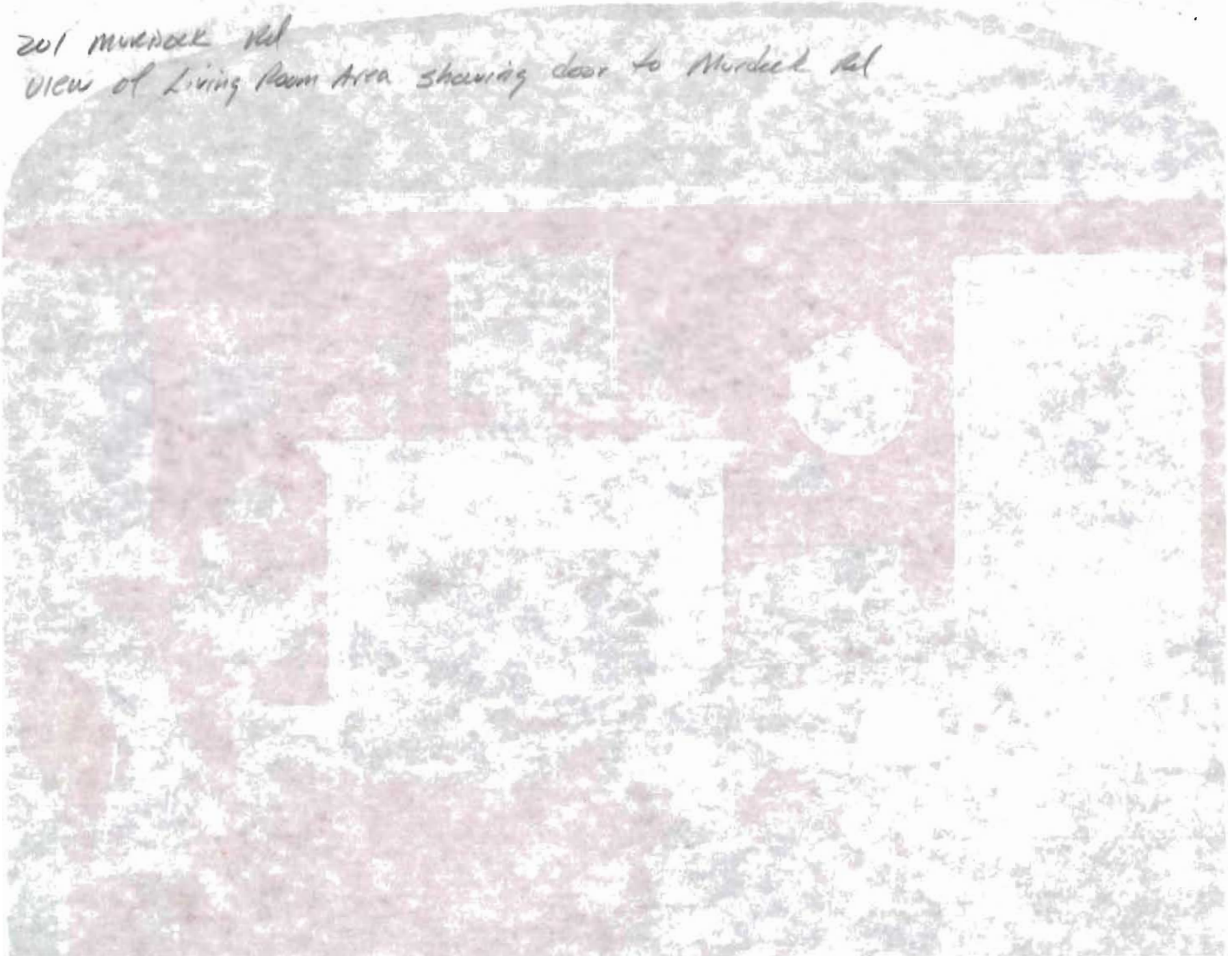
4 F

201 Murdock
View of proposed Kitchen Extension



46

201 Murdock Rd
View of Living Room Area showing door to Murdock Rd



Baltimore County
Department of Permits
Development Manageme.

DATE

Inspections and Enforcement
ounty Office Building
111 West Chesapeake Avenue
Towson, MD 21204

D 9

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No. 0904200190	Zoning:

Name(s): CHARLES & BRIGID WILDER

Address: 201 MURDOCK RD 21212

Violation Location: SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC 105.1 B529672

FALSE OR MISLEADING INFORMATION PROVIDED TO OBTAIN PERMIT - HOUSE ORIENTATION INCORRECT.

ZONING VARIANCE REQUIRED FOR REAR YARD SETBACK

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than: 10-24-03	Date Issued: 10-15-03

INSPECTOR: Richard ROHLFS

VIOLATION SITE

Pd.
645

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 15, 2003

Mr. & Mrs. Charles D. Wilder
201 Murdock Road
Baltimore, MD 21212-1824

Re: Building Permit #B-529672
201 Murdock Road
9th Election District

Dear Mr. & Mrs. Wilder:

Building Permit B 529672 for a 13 feet x 13 feet x 11 feet kitchen extension on the side of an existing townhouse was approved by this office on August 28, 2003 and issued the same day. A complaint was recently received concerning the side and rear orientations of the house. A subsequent on site inspection and review of the permit by Mr. W. Carl Richards, Zoning Supervisor found the proposed addition to be located in the rear yard. As such the proposed 29 foot setback is deficient. The required setback to the rear property line is 50 feet. As such this office has notified Mr. John Reisinger, the Baltimore County Building Engineer to issue a stop work order. A petition for a zoning Variance before the Baltimore County Zoning Commissioner is required to allow the 29 foot setback.

Enclosed are the petition forms as well as a self-explanatory sample procedural booklet.



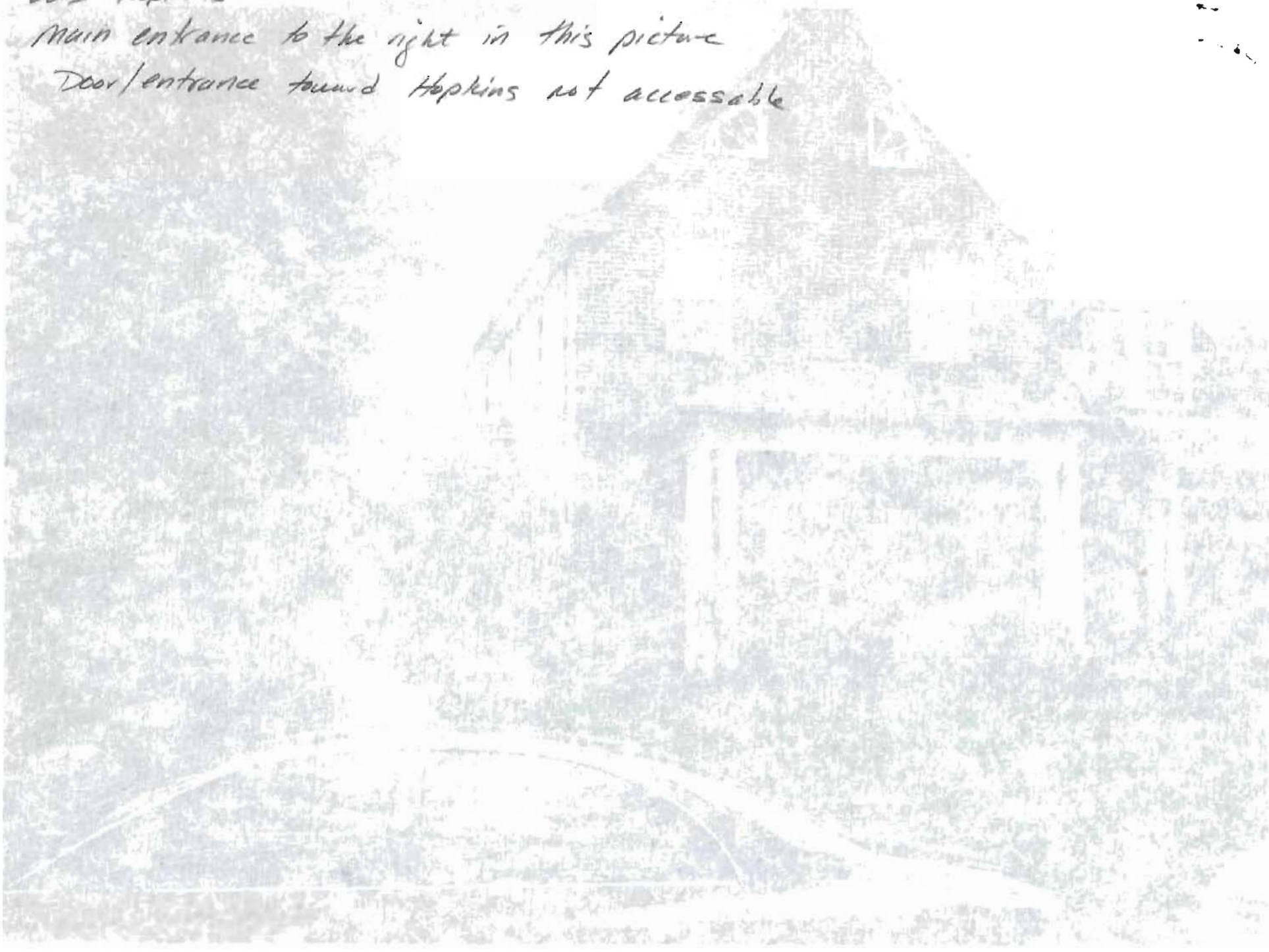
Ex 8

Pet. Ex 8a

223 Hopkins

Main entrance to the right in this picture

Door/entrance found Hopkins not accessable





223 Hopkins

side extension



Pet. Ex 8b

208 Register Ave (Front View)

Door/entrance in this picture is not accessable due to railing around porch.
Main door is oriented to the right in this picture



208 Register

picture shows orientation of house

Door/entrance



208 Register Ave (Rear View)
Main Door is oriented to the left





Pet. Ex. 8C

301 Dunkirk Rd

Views were taken from intersection of Dunkirk (L) & Dorking (R)

NOTE: Entrance on Dunkirk is not accessable



301 Dunkirk Rd

FRONT DOOR FACES DORKING Rd

Side extension w/ garage



201 Dunkirk



Pet. Ex. 8d

200 Register Ave

View from intersection of Register (R) & Pinehurst (L)

NOTE: NO DOOR ACCESS to Register



200 Register

View from pinehurst

Addition/extension w/ garage





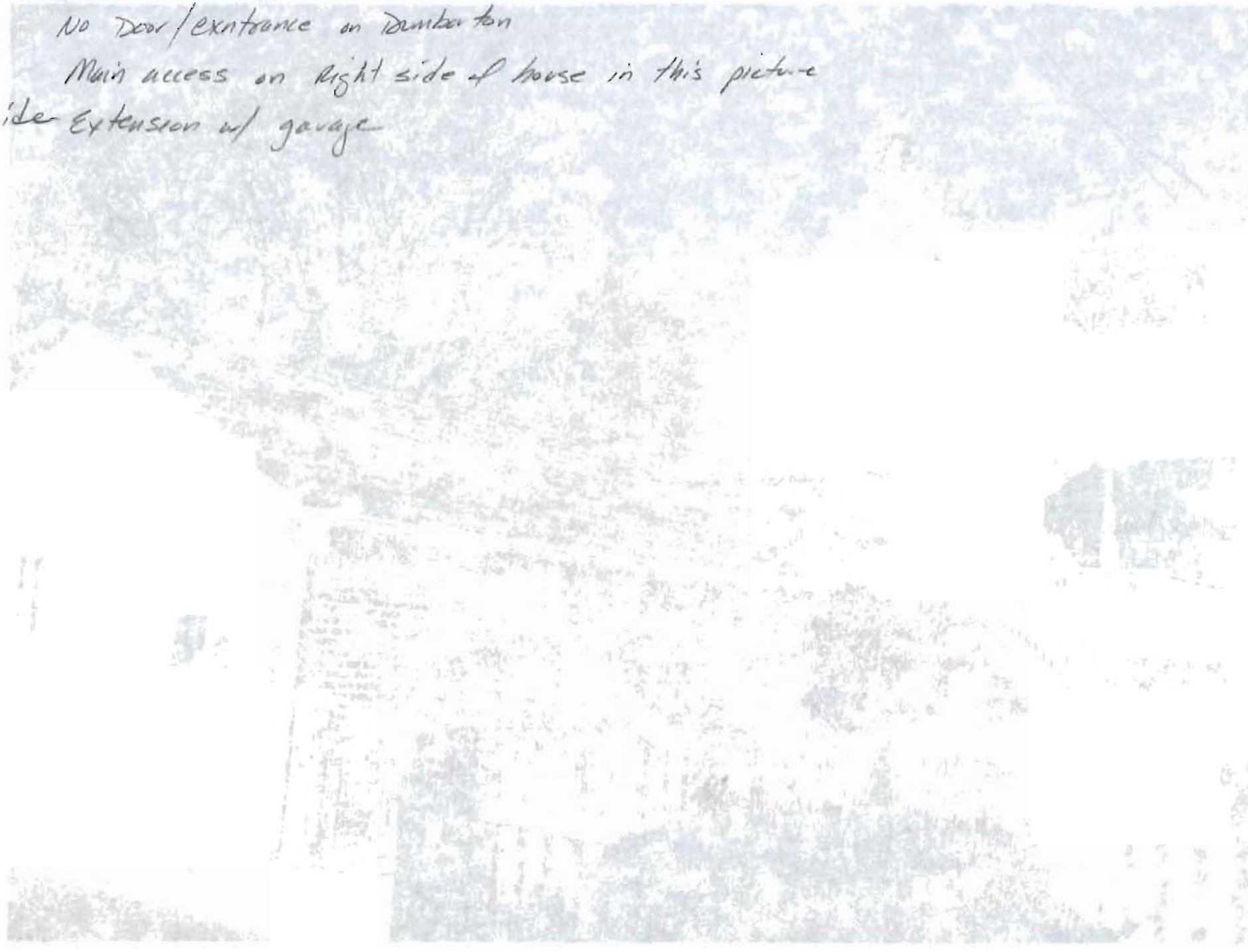
Pet. Ex 8e

419 Dumbarton Rd

No Door/exntrance on Dumbarton

Main access on Right side of house in this picture

side Extension w/ garage





Pet. Ex 8f

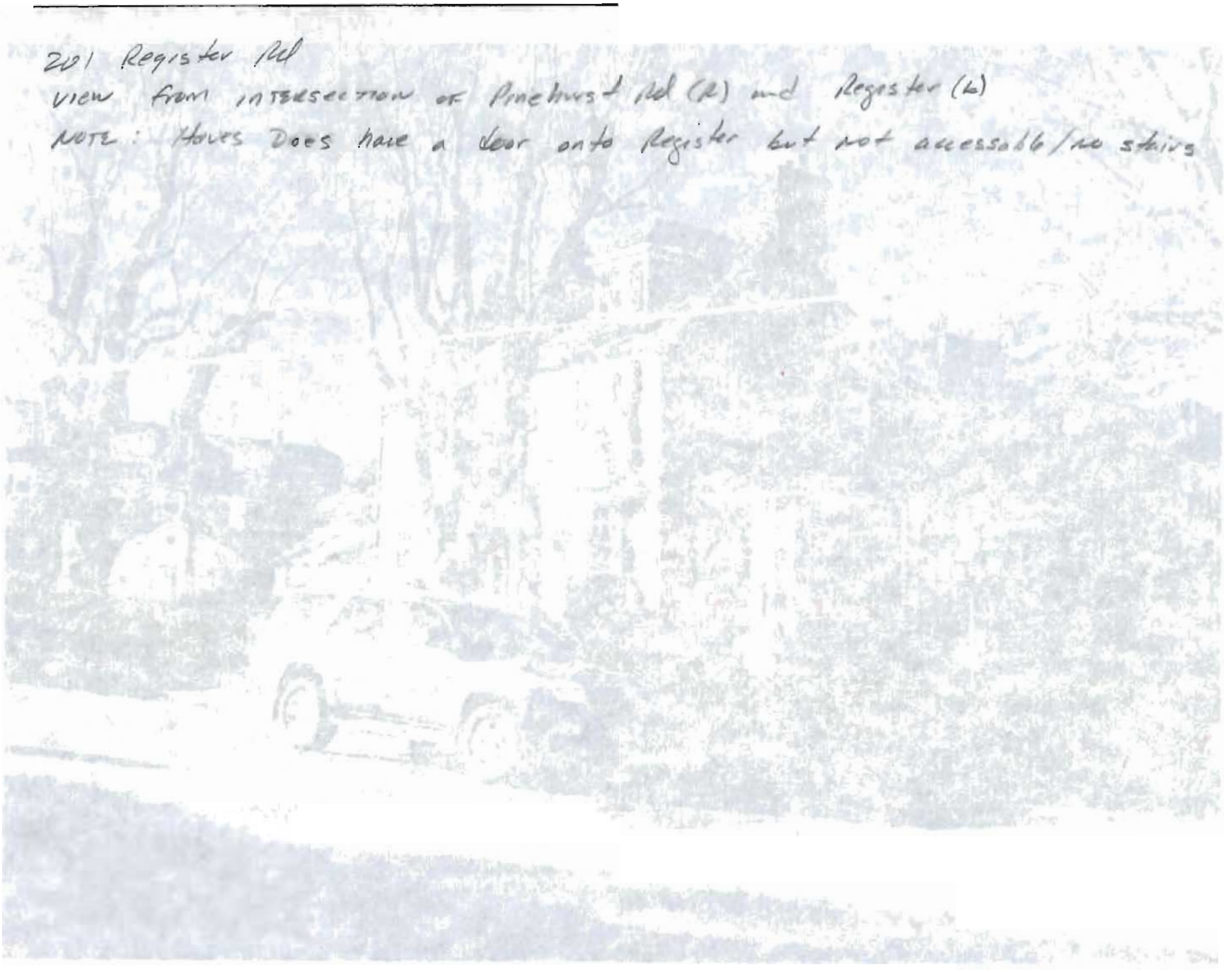
200 Hopkins Rd

Main Doorway oriented to Pinehurst.

Doorway on Hopkins is inaccessable due to screened in porch



Pet. Ex G.



201 Register Rd
View from intersection of Pinehurst Rd (R) and Register (L)
NOTE: House does have a door onto Register but not accessable/no stairs



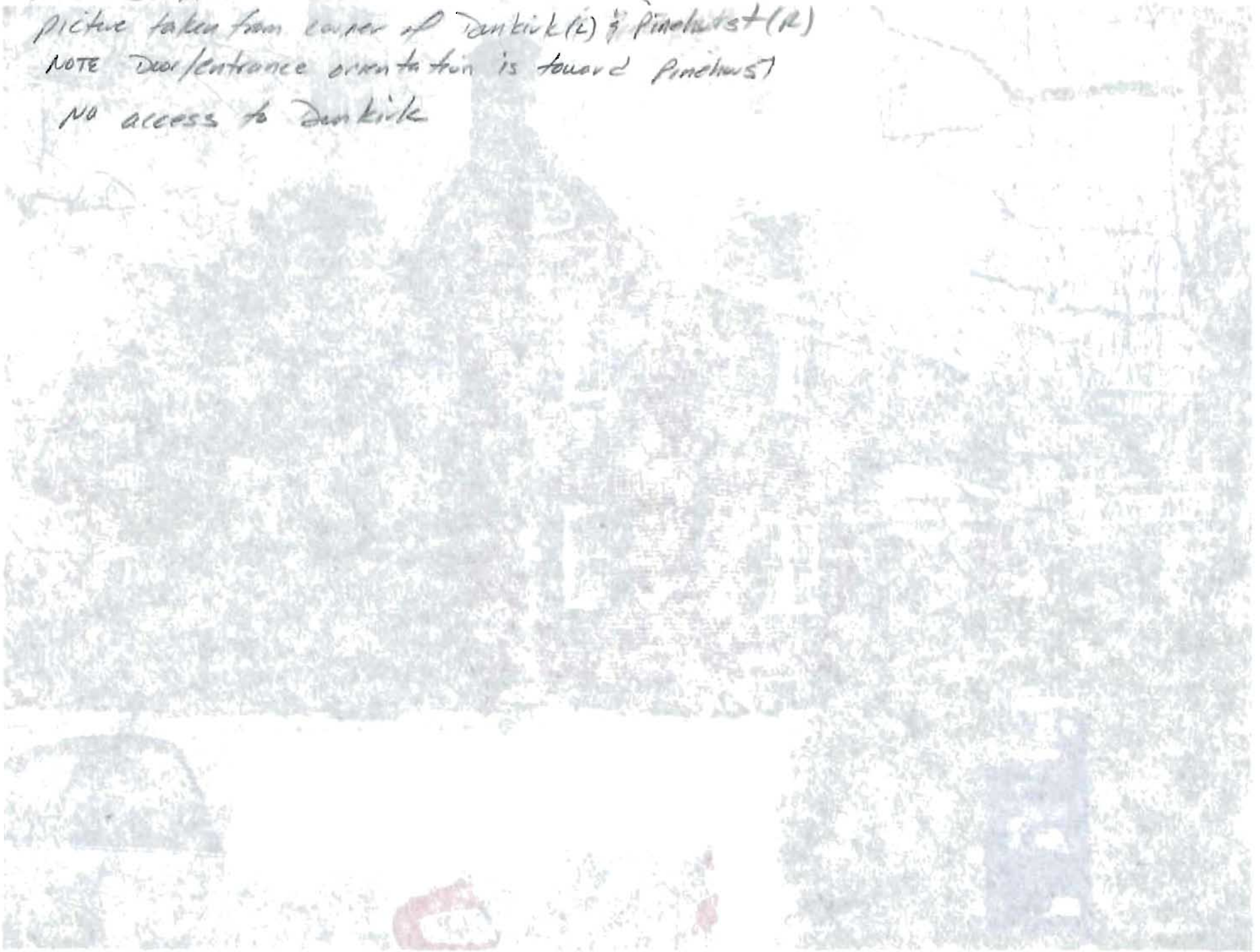
Pet. Ex. 8H.

200 Dunkirk

picture taken from corner of Dunkirk (L) & Pinehurst (R)

NOTE Door/entrance orientation is toward Pinehurst

No access to Dunkirk





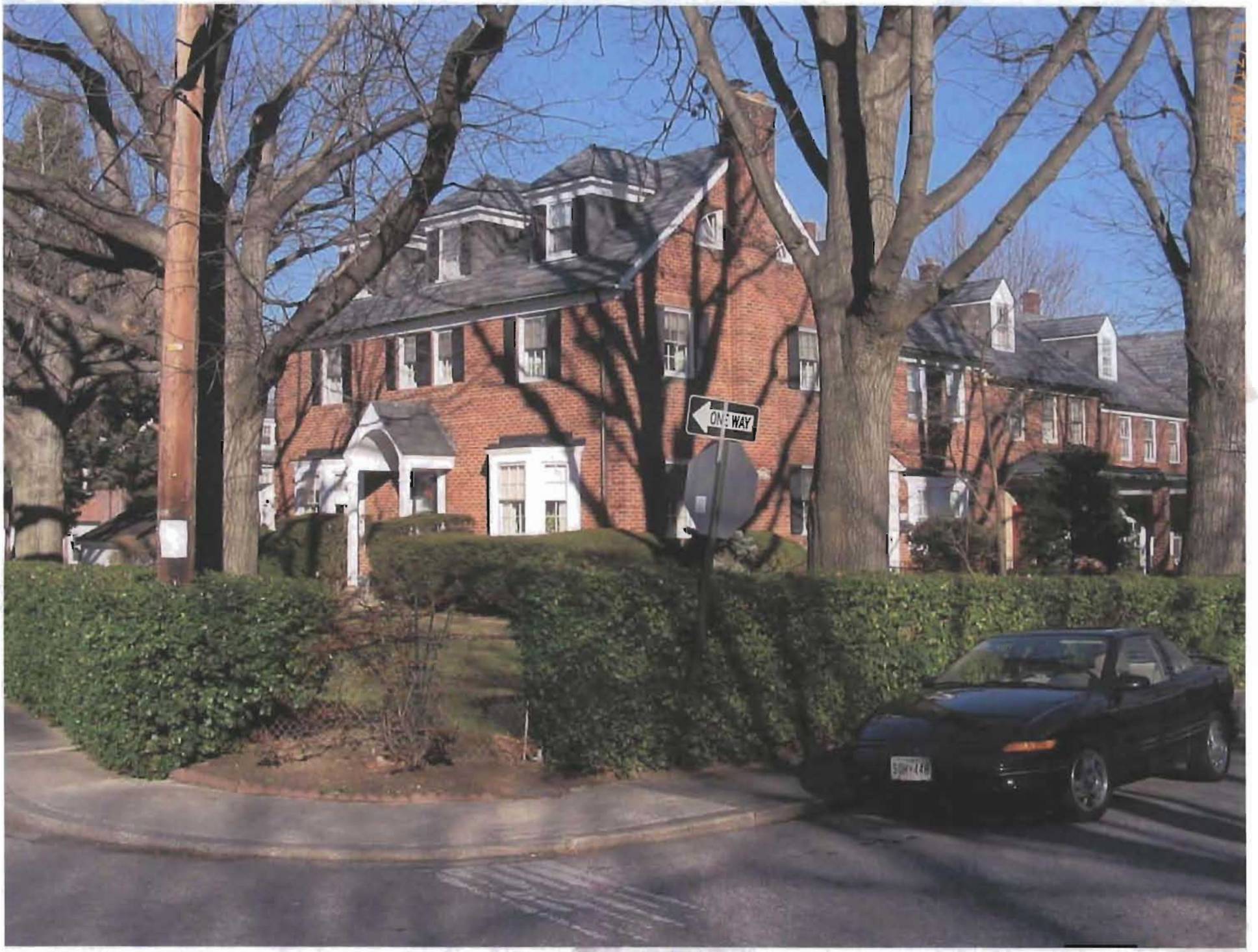
Pet. Ex. 8 I

201 DUMBARTON

House orientation is toward Pinehurst

picture taken from corner of Pinehurst (R) & DUMBARTON (L)

Door/entrance on Dumbarton is not accessable due to porch & railing



Pet. Ex. 8 J

200 Murdock Rd

View from intersection of Murdock Rd (R) and Pinehurst Rd (L)

NOTE: House does not have a door onto Murdock Rd


ONE WAY
2004/01/19

117 Dunkirk

Picture taken from corner of Pinehurst(L) & Dunkirk(R)

Access to Dunkirk is restricted due to porch & railing


2004/01/18

128 DUNKIRK

picture taken from corner of Dunkirk (L) & Pinehurst

Door/entrance orientation is toward Pinehurst

No access to Dunkirk


PINEHURST
ONE WAY

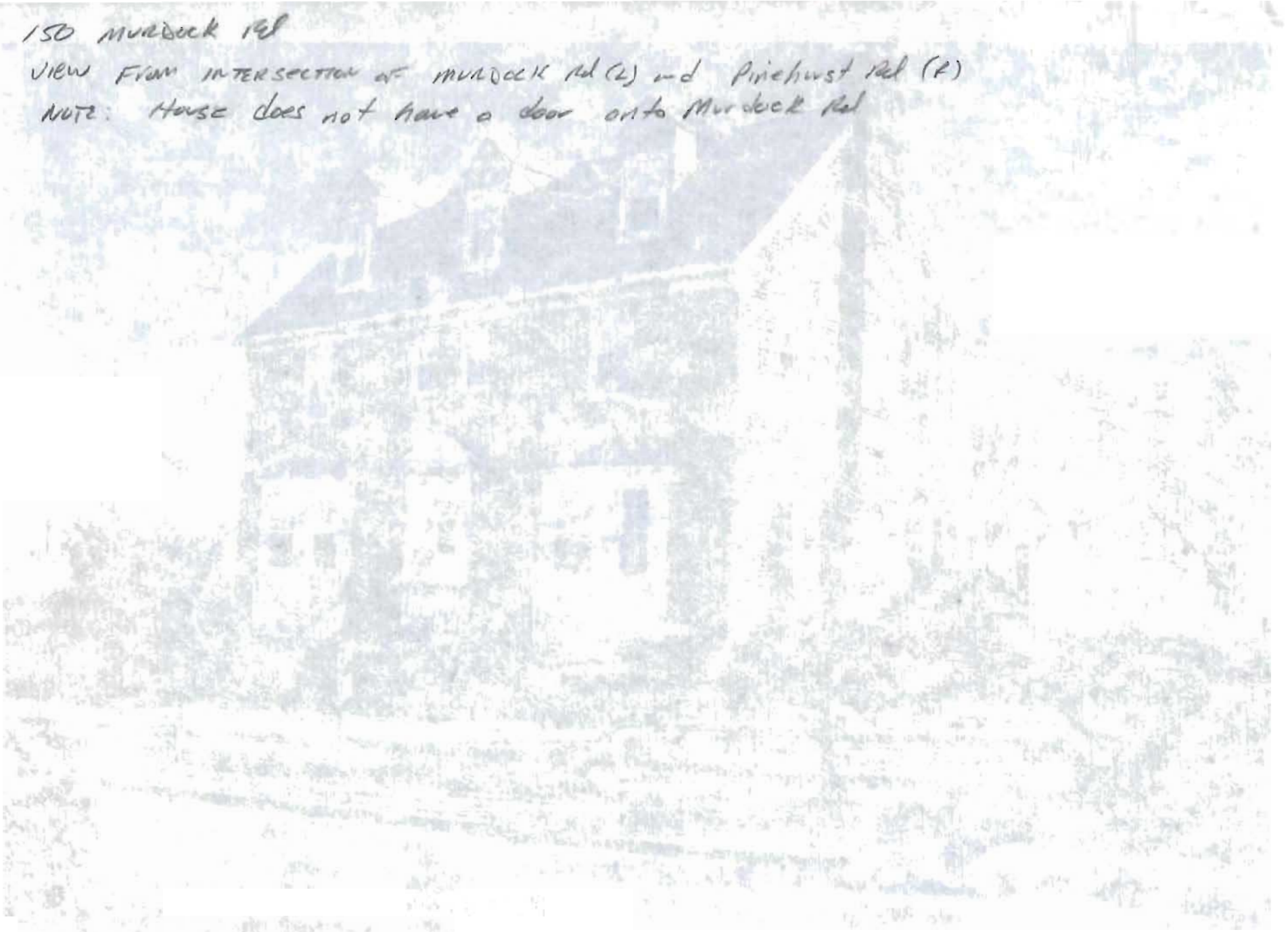
141 Murdock
House sits Directly Across from 201 Murdock
Located on corner of Pinehurst (L) & Murdock rd (R)
NOTE: NO ACCESS to Murdock rd



150 Murdock Rd

View from intersection of Murdock Rd (L) and Pinehurst Rd (R)

Note: House does not have a door onto Murdock Rd




2004/01/19

200 Hopkins

Picture taken from corner of Pinehurst (R) & Hopkins (L)

No Access Door/entrance on Hopkins







Pet. Ex. 9

1 MURDOCK Rd

~~86 Donkick~~



403 Stevenson





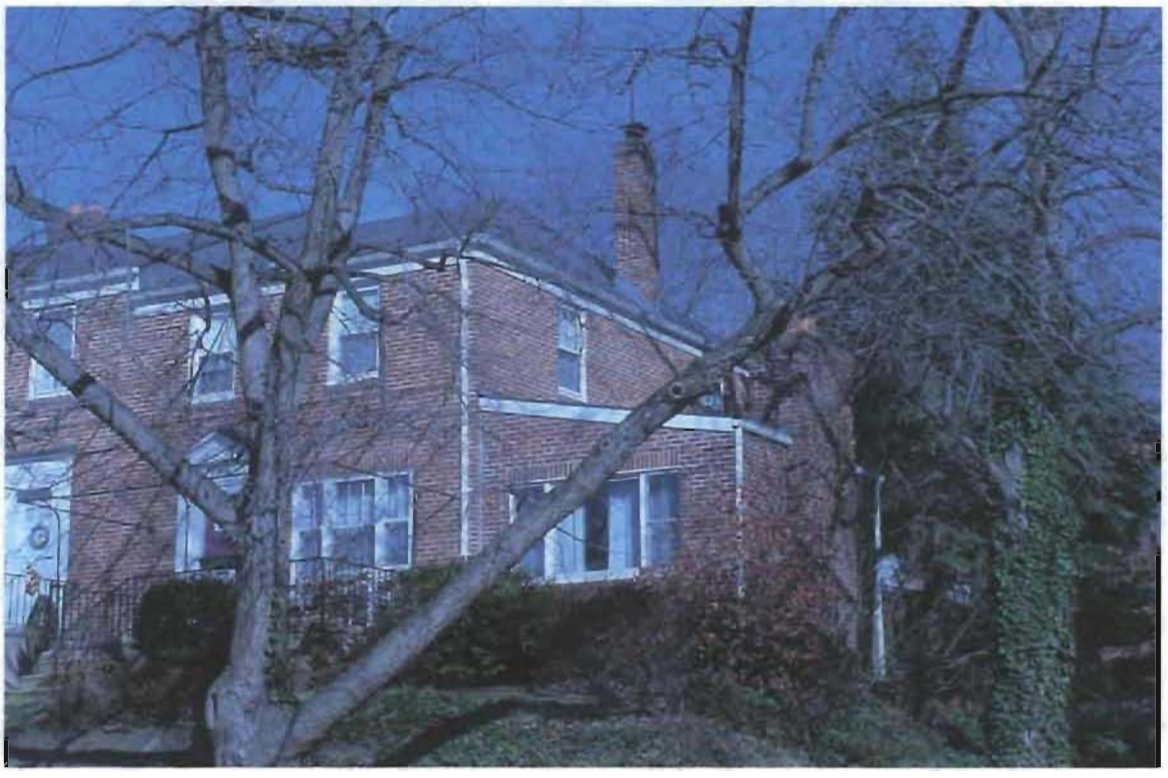


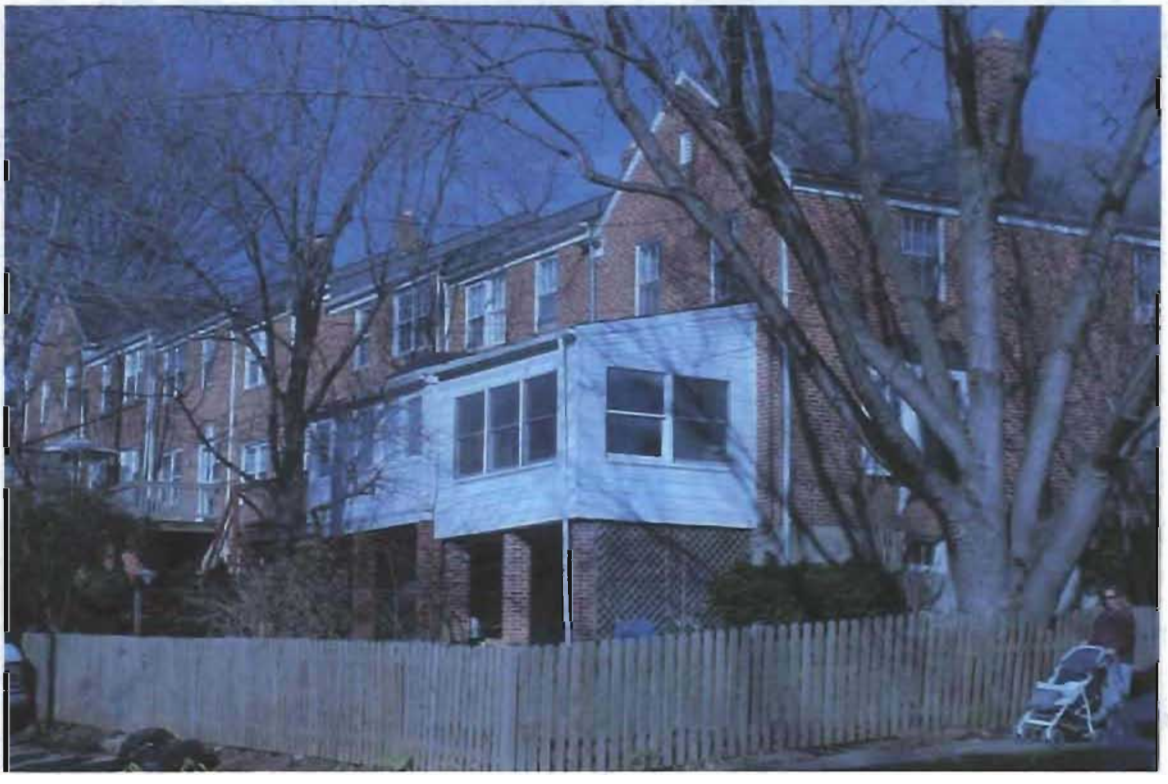
411 STEVENSON
467 STEVENSON

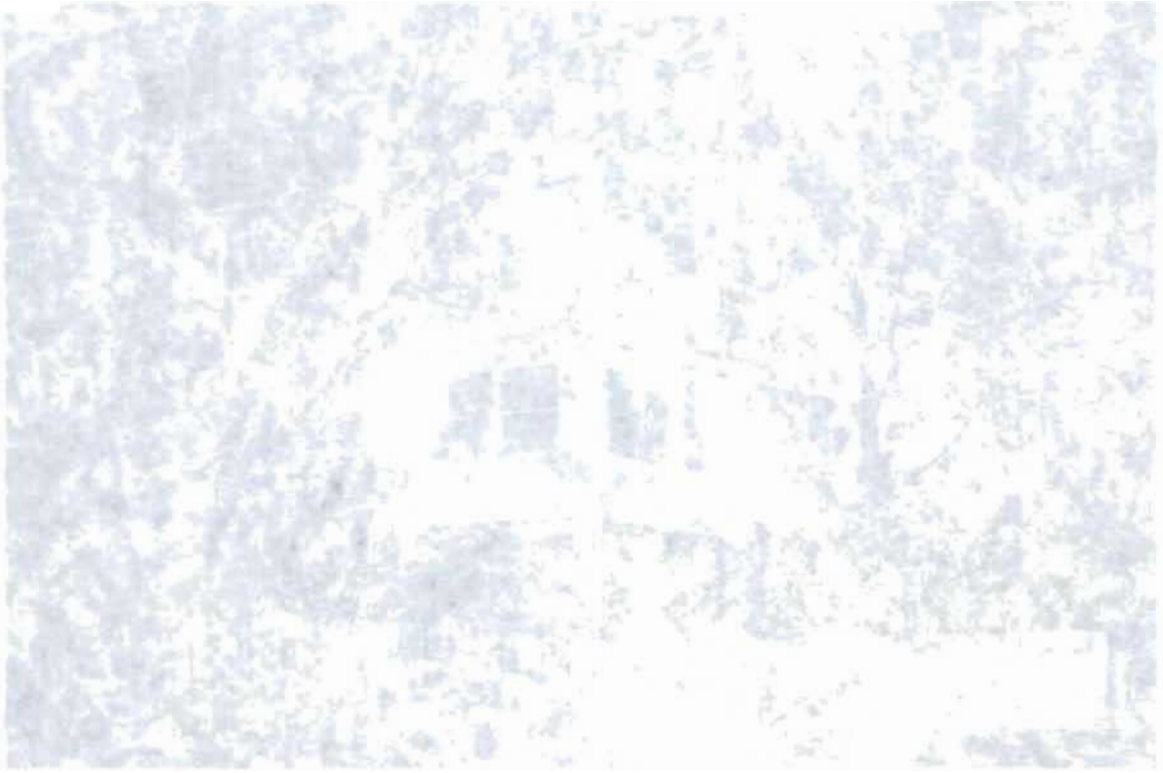




4/13 STEVENSON
4/09 STEVENSON

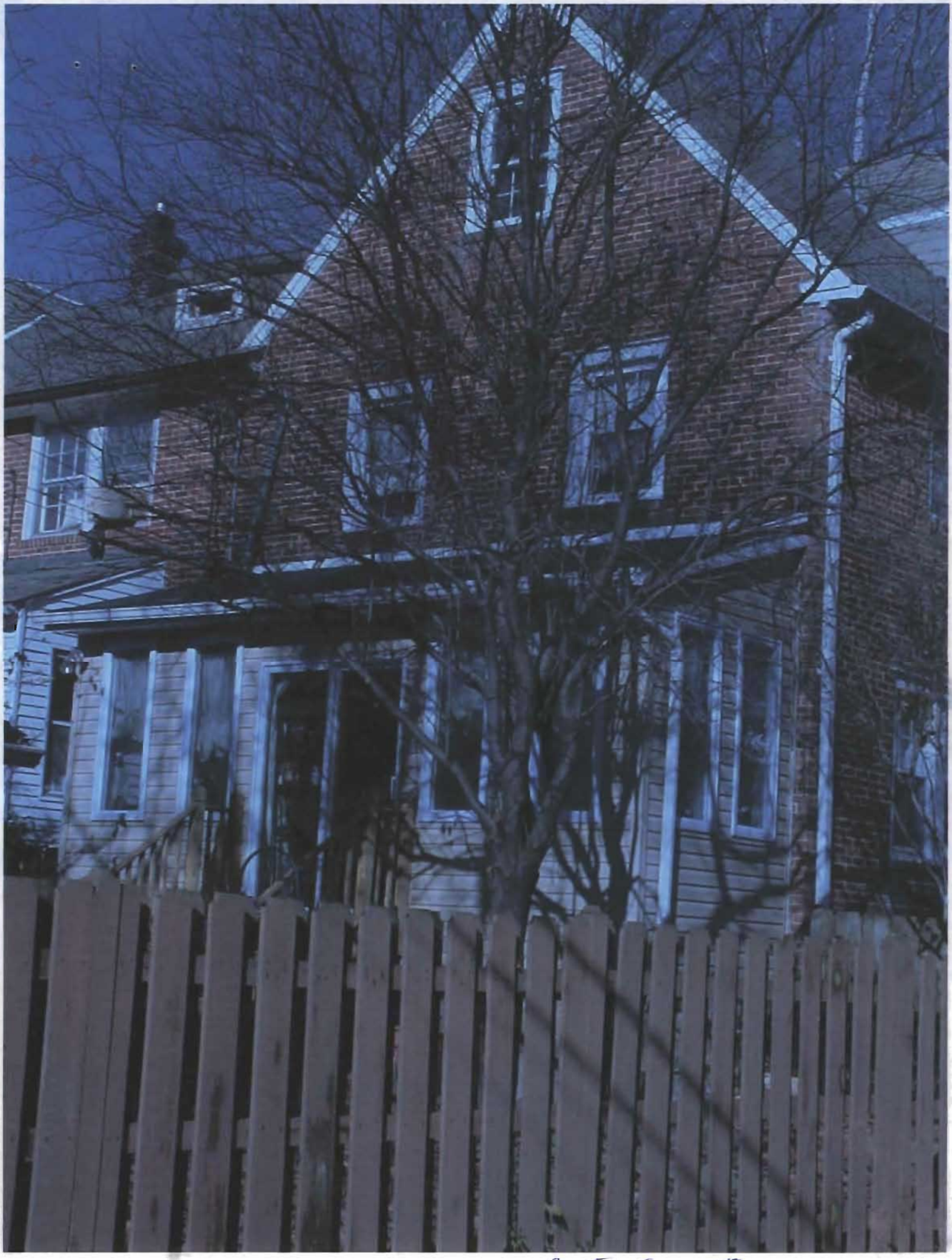






101

100 & 102 BRANDON



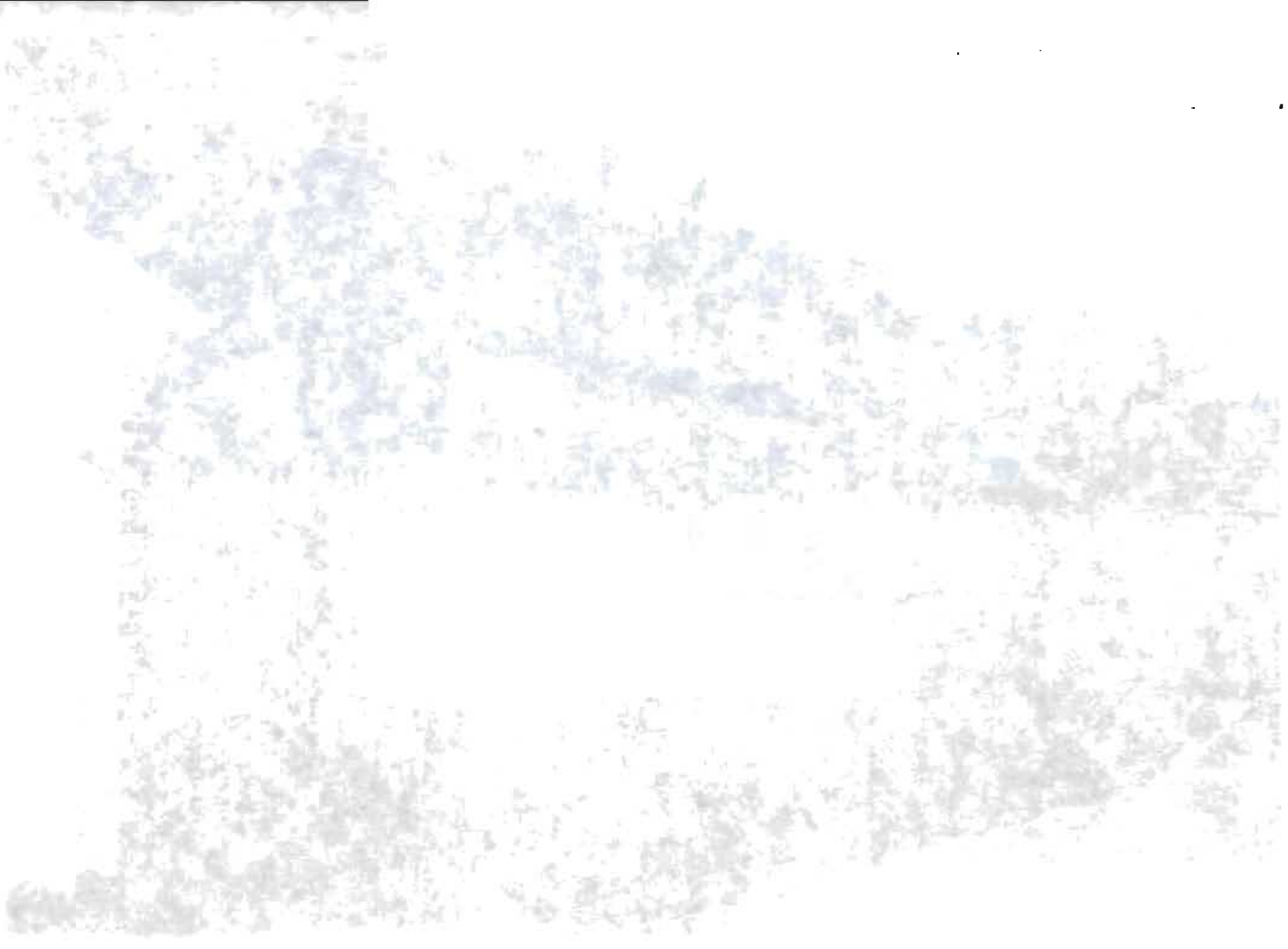
Pet. Ex 10

DUNKIRK (AFTER)


ONE WAY

Corner of Register & Darling





3/0 Dunkirk (Before)

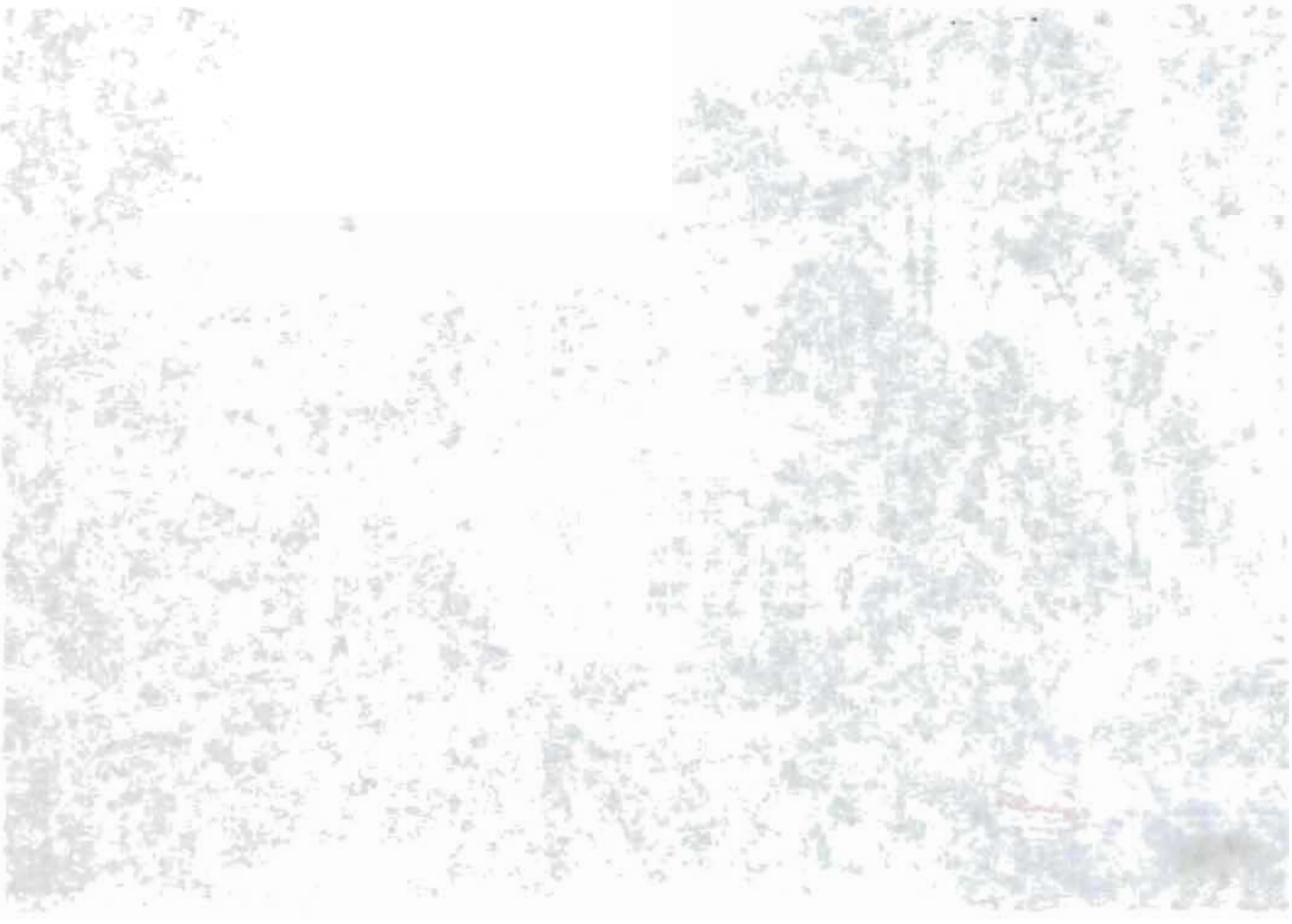




310 DUNKIRK RD NEW CONSTRUCTION SEQUENCE



Pet. Ex 11



300 Hopkins

CBA Pet. Ex 12

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

DATE: 8/28/03
OEA: MR/MR
HISTORIC DISTRICT/BLDG.

PERMIT #: B592602
RECEIPT #: B 481009
CONTROL #:
XREF #:

FEE: 60.75
PAID: 60.75
PAID BY: AGENT
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.

PROPERTY ADDRESS 201 Pinehurst Road ☐ YES ☑ NO
SUITE/SPACE/FLOOR ☐ DO NOT KNOW
SUBDIV: Rodgers Forge
TAX ACCOUNT #: 0904208196 DISTRICT/PRECINCT 9 4
OWNER'S INFORMATION (LAST,FIRST)
NAME: Cooper William W
ADDR: 201 Pinehurst Road 21212-1824

DOES THIS BLDG. HAVE SPRINKLERS YES __ NO __

APPLICANT INFORMATION
NAME: William W Cooper
COMPANY: Ridgecrest Builders Inc
STREET 504 Maybeck Court
CITY,ST,ZIP Baltimore MD 21212
PHONE #: 410-377-5970 MHIC # 57226 MHBR #
APPLICANT SIGNATURE: William Cooper DRC#
PLANS: CONST 6 PLOT 1 PLAT 0 DATA 0 EL / PL /
TENANT
CONTR: Ridgecrest Builders Inc
ENGNR:
SELLR:

DESCRIBE PROPOSED WORK: Const. 13'X13'X11' = 169 sq ft kitchen extension on rear of ex. SFTH; also Const. Covered deck 8'X22' = 176 sq ft SFTH in accordance w/code Mine #1, overall 29'X13'X11' = 279.5 sq ft

* FRONT ORIENTATION IS ON Pinehurst Ave per application. Ergo Deck is on the side

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

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

1941

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: $ 6,000.00 OF MATERIALS AND LABOR
PROPOSED USE: SFTH + Add.
EXISTING USE: SFTH

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

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

E4. 9

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

DIRECTOR

BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B529672 CONTROL #: MR DIST: 09 PREC: 04
DATE ISSUED: 08/28/2003 TAX ACCOUNT #: 0904200190 CLASS: 04

PLANS: CONST 0 PLOT 1 F PLAT 0 DATA 0 ELEC YES PLUM YES
LOCATION: 201 MURDOCK RD
SUBDIVISION: RODGERS FORGE

OWNERS INFORMATION
NAME: WILDER CHARLES D & BRIGID P
ADDR: 201 MURDOCK RD,21212-1824

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

TENANT:
CONTR: RIDGECREST REMODELING
ENGNR:
SELLR:
WORK: CONSTR.13'X13'X11=169SF KITCHEN EXTENSION ON SIDE OF EX.SFTH;ALSO CONSTR.COVERED DECK ON SIDE OF EX.SFTH-8 1/2'X13'=110.5';IN ACCORDANCE W/CODE MEMO#1,OVERALL 22X13X11=279.5';FRONT ORIENTATION IS ON PINEHURST AVE PER APPLICANT.

BLDG. CODE:
RESIDENTIAL CATEGORY: TOWNHOUSE OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFTH AND ADD.
EXISTING USE: SFTH

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0031.50 X 0113.52
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 4"/29'
SIDE STR SETB:
REAR SETB: NC

Pet. Ex. 13

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

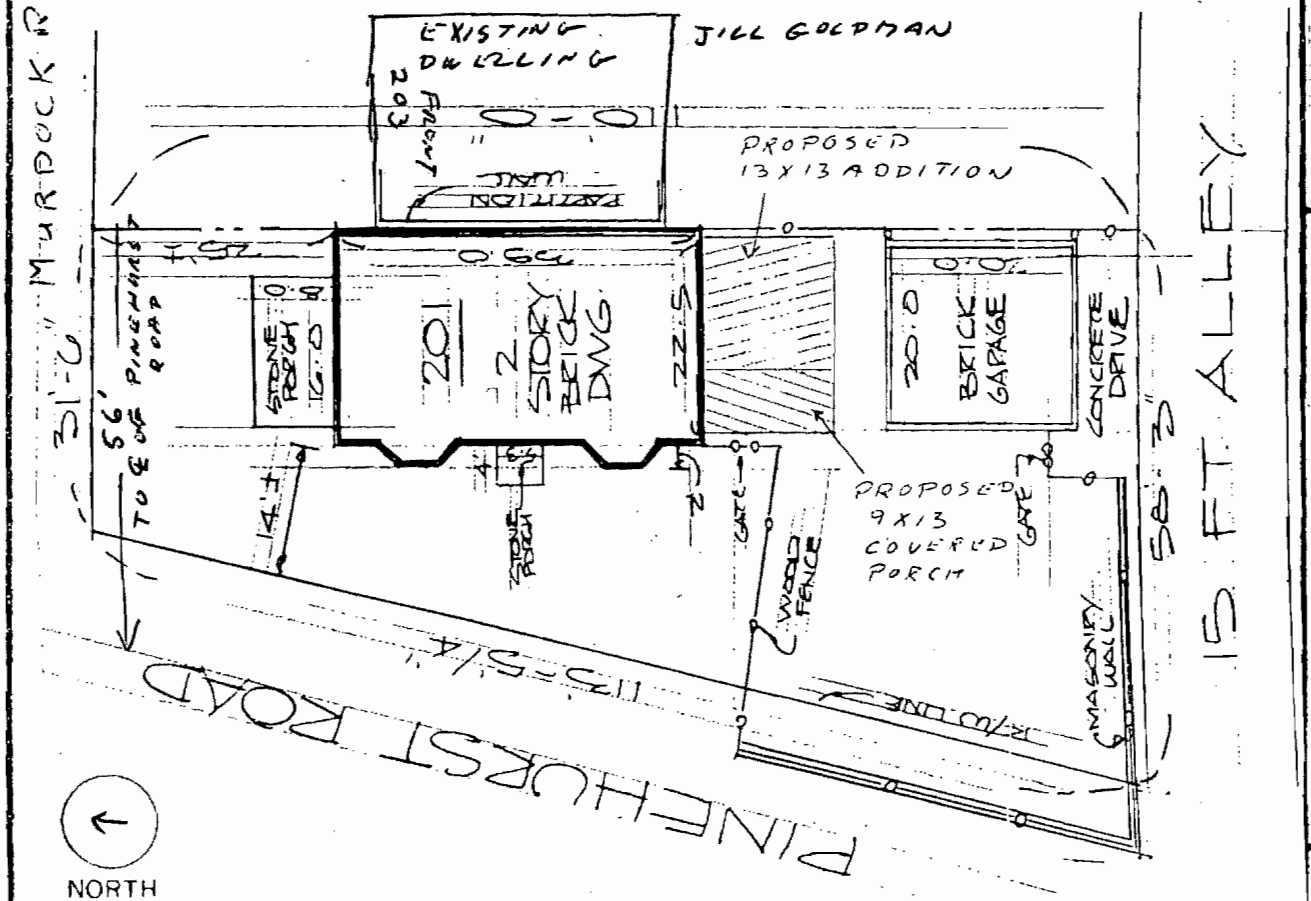
PROPERTY ADDRESS 201 MURDOCK ROAD

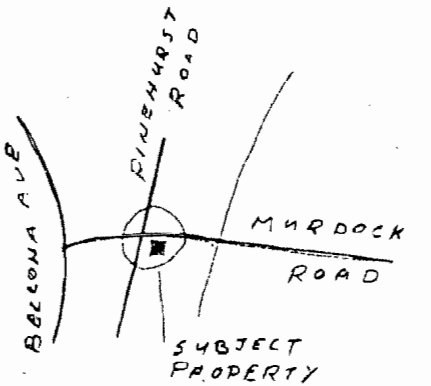
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME ROGERS FORGE

PLAT BOOK # ___ FOLIO # ___ LOT # ___ SECTION # ___

OWNER CHARLES & BRIGID WILDER





VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # N.E. 9A

ZONING DR 10.5

LOT SIZE 0.08 ACREAGE 3,503.00 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

PREPARED BY BILL COOPER

SCALE OF DRAWING: 1" = 20'

-15-

Pet. Exh. 14

2018 LAW OFFICE FAX 410 337 3758

Pet. Ex. #15

Date: 22 NOV 04

To: Honorable Members of the Board of Appeals

From: Jill Goldman – Resident of Rodgers of Forge

RE: 201 Murdock Road

Please be advised that I, Jill Goldman, resident of 203 Murdock Road and immediate neighbor behind the Wilder's house, support their proposed effort to improve their property through the construction of the kitchen extension.

I believe that the front of the Wilder's house and property face Pinehurst Road and as such the proposed work should continue to be allowed as granted under the initial ruling.

The proposed work would have little, if any, impact on me or my property because of my existing awning, the shared fence line and ornamental tree that currently separate our respective yards. Due to these conditions, there would be no loss of light or air circulation as a result of the small addition being proposed.

It should also put on record that my recent decision to move out of Rodgers Forge does not have anything to do with the Wilder's proposed improvements and is solely related to family considerations.

In closing, the decision to allow the permitted work to proceed should be upheld and the RFCA challenge should be denied.

Sincerely;

Jill Goldman

Jill Goldman

Pet. Ex. #16

22 NOV 04

Honorable Members of the Board of Appeals
Baltimore County, MD

RE: 201 Murdock Road

Please be advised that I, Elizabeth Preroff, resident of 201 Dunkirk Road and neighbor of the Wilders, support their proposed effort to improve their property through the construction of the kitchen extension.

I believe that the front of the Wilder's house, as does mine, faces Pinehurst Road and as such the proposed work should continue to be allowed as granted under the initial ruling. Furthermore, there would be no impact to my property with regard to the loss of light or air circulation as a result of the small addition being proposed.

I had the opportunity to voice and discuss these issues at the first hearing for which the Wilders were successful. I, however, cannot participate in the Appeals process due to work considerations.

I am steadfast in my support for the Wilders and would like it put on record that the decision to allow the permitted work to proceed should be upheld and the RFCA challenge should be denied.

Sincerely;

Elizabeth Preroff

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 8, 2005

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

SUBJECT: 201 Murdock Road – 2nd **REVISED COMMENTS**

INFORMATION:

Item Number: 04-252

Petitioner: Charles D. Wilder

Zoning: DR 10.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

After further review of the petitioner's request, and another site visit of the subject property, the Office of Planning retracts the revised comments issued by this office dated December 2, 2004.

This office does not oppose the petitioner's request providing the following conditions are met:

1. Exterior building materials of the proposed addition shall be similar to the existing dwelling.
2. The proposed addition shall not go beyond 1 story.
3. Submit building elevations to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact Mark Cunningham at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Lyn Lanham

AFK/LL:MAC:

PET X 17

PROTESTANT'S EXHIBITS

(4)

(20040252)

(703203)

04-252-SPHA
Wilder

Verified 2/16/05 Verified 12/02/04

Protestants Exhibits

- ✓ ✓ 1. Letter from Katherine Calvert
- ✓ ✓ 1a Letter from Charles Calvert
- ✓ ✓ 2. Inter-Office Corr. from Pat Keller
- ✓ ✓ 3. Rule 8 papers a-c
- ✓ ✓ 4. Pictures of 331 Murdock
- ✓ ✓ 5. Pictures of 323 + 325 Murdock Rd
- ✓ ✓ 6. Pictures of 203 Murdock
- ✓ ✓ 7. 323 Murdock Pictures
- ✓ 8. Protestants sign in sheet
- ✓ 9. Carl Richards Resume'
- ✓ 10. Section 400 BCZR
- ✓ 11. Herbert A. Davis C.V.
- ✓ 12a Photo of 1 Anvil Ct.
- ✓ 12b. Plan of 1 Anvil Ct.
- ✓ 14 Plat of Rodgers Choice
- ✓ 15a-g Pictures of 201 + 203 Murdock
- ✓ 16. Jack Dillons' C.V.
- ✓ 17. Picture of Community
- ✓ 18. Drawing by Jack Dillon
- ✓ 19. Picture of 541 Park Ave
- ✓ 20. 540 Park Ave
- ✓ 21. 7116 Milligan House
- ✓ 22. 7116 Oxford
- ✓ 23. 7116 Oxford showing out buildings
- ✓ 24. Bundled letters from Comm.

December 2, 2004

Board of Appeals Old Court
House 400 Washington
Avenue Towson, MD 21204

Re: Appeal Hearing for Case #04-252 SPHA;
Petition for Variance;
Petition for Special Hearing December 2, 2004-10 AM, Room 48-Old Court House
Charles & Brigit Wilder, owners 201 Murdock Road Baltimore, MD 21212

To Whom It May Concern:

I support the position of the Rodgers Forge Community Association to oppose the above referenced Petitions:

It is my contention that, if granted, this will set a precedent for many of our group homes that have a main entrance on the side of their residence. Homes with side entrances have always had a rear yard that abuts the alley. Back yards have never been considered a side yard as the Petitioner is claiming.

Reasons for opposing this Petition:

It will cause undue hardship to the residents within that group as well as the entire community.

a) The financial loss and practical difficulty will be reflected throughout our neighborhood if the Petitioners prevail allowing homes with side entrances to build and/or enclose front and rear yard structures of any design or materials only 10' from their property line. Real estate values will drop drastically.

b) The planned community concept of the original Keelty design will be totally destroyed. Our financial stability, uniformity of the entire community, both aesthetically and structurally, will no longer remain. It will become a hodge-podge of design variations none resembling our reputable neighborhood that has been enjoyed, envied and preserved for generations.

c) The stability of Rodgers Forge and the value of our homes will be adversely affected thus causing undue hardship thru financial loss and overall decay. Rodgers Forge has remained one of the most desirable in the Baltimore area for almost eighty years.

KRC

Pro. Ex 1

December 2, 2004

Board of Appeals Old Court
House 400 Washington
Avenue Towson, MD 21204

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Petition for Variance;
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c) The stability of Rodgers Forge and the value of our homes will be adversely affected thus causing undue hardship thru financial loss and overall decay. Rodgers Forge has remained one of the most desirable in the Baltimore area for almost eighty years.

CBC

Pro. Ex 1a

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 2, 2004

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

SUBJECT: 201 Murdock Road

INFORMATION:

Item Number: 4-252 – **REVISED COMMENTS**

Petitioner: Charles D. Wilder

Zoning: DR 10.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

After conducting a more detailed review of the subject proposal, the Office of Planning recommends that the petitioner's request be **DENIED.**

This office is of the opinion that the ends of group units, such as subject property, are unique. Their orientation is such that adding the proposed addition would not be appropriate or in keeping with neighborhood character, and would set a negative precedent in this older, well-established community.

Prepared by: _____

Division Chief: _____ by D.r

AFK/LL:MAC:

Pro. Ex 2

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 09 **Account Number** - 0904200190

Owner Information

Owner Name: WILDER CHARLES D
WILDER BRIGID P

Use: RESIDENTIAL

Principal Residence: YES

Mailing Address: 201 MURDOCK RD
BALTIMORE MD 21212-1824

Deed Reference: 1) /16606/ 614
2)

Location & Structure Information

Premises Address
201 MURDOCK RD

Zoning

Legal Description
201 MURDOCK RD
RODGERS FORGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
80	1	31						81	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1941	1,672 SF	3,503.00 SF	04

Stories	Basement	Type	Exterior
2	YES	END UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2002	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	42,000	42,000		
Improvements:	116,360	150,910		
Total:	158,360	192,910	181,392	192,910
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DONNER THOMAS W	**Date:**	07/12/2002	**Price:**	$310,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/16606/ 614	**Deed2:**	
Seller:	HOLSTON JERI LYN	**Date:**	02/07/1996	**Price:**	$161,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/11422/ 23	**Deed2:**	
Seller:	DEIBEL GEORGE F	**Date:**	02/08/1984	**Price:**	$94,732
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 6666/ 58	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2003	07/01/2004
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Prot No 5



201 - 209
MUNDOCK

Prot 4A

PINECREST



200-210 MURDOCK

Prod 4 B



200
MILRDOCK

Prot4C

PINEHURST

Pro. Ex 7



A. THE SCREENED PORCH AT 323 MURDOCK ROAD CASTS A SHADOW OVER THE KITCHEN WINDOW, KITCHEN DOOR AND DINING ROOM WINDOWS AT 325 MURDOCK ROAD. [5:00 PM on 02-15-04].



B. IN COMPARISON, THE KITCHEN WINDOW AND DOOR AND THE DINING ROOM WINDOWS AT 327 MURDOCK ROAD ARE STILL ENJOYING LATE AFTERNOON SUN. [5:00 PM on 02-15-04].

Pio. Ex 4

331 MURDOCK RD.

A RODGERS FORGE END OF UNIT HOME WITH THE STAIRWAY TO THE 2ND FLOOR LOCATED BETWEEN THE LIVING ROOM AND DINING ROOM. THIS HOME HAS A FRONT ENTRANCE BUT LACKS A SIDE ENTRANCE.

A. View from the dining room looking towards the front door.

B. The closet door and stairway as viewed from near the fireplace wall.

C. View from the front door looking towards the dining room. To the left is a closet, to the right is the stairway.

A



B



C







THE SCREENED PORCH AT 323 MURDOCK ROAD AS VIEWED FROM THE YARD OF 325 MURDOCK ROAD. THE KITCHEN ADDITION AT 201 MURDOCK ROAD WILL EXTEND FOUR FEET FURTHER TOWARDS THE GARAGE.

Pro. Ex 5

Pro. Ex. 6

A. A VIEW OF THE KITCHEN WINDOW, KITCHEN DOOR AND DINING ROOM WINDOW AT 203 MURDOCK ROAD SHOWING THE SHADOW CAST BY THE TWO-FOOT EXTENDED BACK FACE OF 201 MURDOCK ROAD [at 3:00 PM on 11-26-04].





B. A VIEW OF THE KITCHEN WINDOW, DOOR AND DINING ROOM WINDOWS OF 325 AND 327 MURDOCK ROAD SHOWING THE SHADOW CAST BY THE SCREENED PORCH AT 323 MURDOCK ROAD ONTO THE WINDOW AND DOOR OF 325 MURDOCK ROAD [at 2:50 PM on 11-26-04].





Prot Ex #8

Board of Appeals Case 04-252 SPHA –

PROTESTANTS	ADDRESS
Trinos Realty LLC	
Donald Gerding	135 OLD TRAIL
Joan L. Murdock	327 Murdock Rd
Carol L. Zilke	325 Murdock Rd
H. Ronald Zilke	325 Murdock Rd 21212
Paul Dugan	207 Courtland Ave.
Glen Arnold	401 Bosley Ave, Room 406
Joseph A. Segreti	124 Regester Ave
Charles B Calvert	formerly 208 Murdock Rd 11630 Glen Arm Rd. C-71 Glen Arm, MD 21057 Glen Meadows Retirement Comm
Jill Goldman	203 Murdock Rd 21212

Pro. Ex #9

W. CARL RICHARDS, JR.
4610 Schenley Road
Baltimore, MD 21210

Educated at City High and Towson and Loyola Evening College. In 1966, at 19 years old, began working as a draftsman in Zoning Administration. Since 1966, he has worked in the zoning, permits, and development offices as an engineering aide, planning associate, planning and zoning associate, branch office manager, zoning coordinator, and since January 3, 1986, supervisor of 13 employees in the Zoning Review Bureau of the Department of permits and Development Management. Carl has represented the Baltimore County Zoning Office at Public and private meetings, professional, civic and community groups. He has been accepted as an expert witness on zoning matters before the Zoning Commissioner, Board of Appeals and Circuit Court.

Passion:

Enjoying the outdoors-specifically Snow Skiing in New England, Western USA and Canada-Water Skiing at Kent Island and Chincoteague, Virginia.

Hobbies and Interests:

Fishing on the Bay, Fly-in trips to Canada and spending in Chincoteague, Virginia. Also bus trips to Atlantic City.

When Not at Work he can be found:

Maintaining a house in Roland Park, a trailer at the Chincoteague, Virginia Inlet, and a farmette in Caves Valley. Maintain the grounds at the Crab Alley Fishing Lodge on Kent Island where he was been a member for 25 years.

Married:

In 1976 in ski boots on tope of Mt Mansfield, Vermont and divorced in 1996 in boat shoes in Anne Arundel County Circuit Court.

Pro. Ex #10

Section 400, Accessory Buildings in Residence Zones [BCZR 1955; Bill No. 27-1963]

400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 21/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

400.2 Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. [Bill No. 2-1992]

400.3 The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet.

Pro. Ex. #11

PROFESSIONAL QUALIFICATIONS OF HERBERT A. DAVIS
Member, Counselors of Real Estate (CRE)
Member, Certified Residential Brokerage Managers (CRB)

EDUCATION:

Princeton University, Princeton, NJ, A.B. History, 1949
Johns Hopkins University, Real Estate Management Course
Graduate, Realtors Institute of Maryland (GRI)
American Institute of Real Estate Appraisers:
- Course I, Basic Principles, Methods and Techniques Tulane University, 1969.
- Course II, Urban Properties, University of Chicago, 1969.
- Course III, Rural Properties, University of Georgia, 1970.
- Course IV, Condemnation, Tulane University, 1971.
- Course VI, Techniques of Capitalization (Ellwood Method) University of Chicago, 1973.
- Course VII, Industrial Property, Appraisal Institute Education Center, Chicago, 1974

Continuing Education as required by license law.

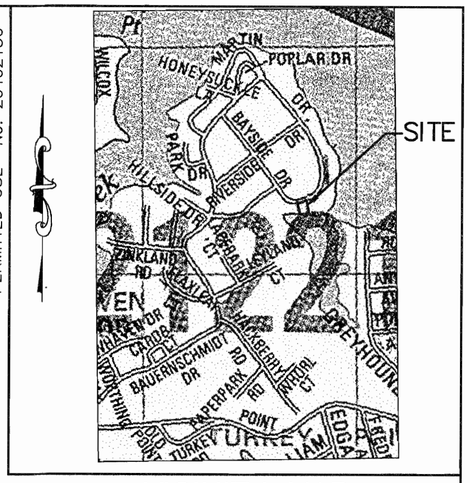
REAL ESTATE ACTIVITY:

Associate Broker, Prudential Carruthers Realtors 2003 - present
President, Herbert Davis Associates, Inc., 1979 - 2002
President, Chase, Fitzgerald, Davis & Co., 1975 - 1979
Vice President, Chase, Fitzgerald, Davis & Roland, Inc., 1967 - 1975
Partner, Chase and Davis, Realtors, 1960 - 1967
Partner, Senator Limited Partnership
Partner, Schabb-Davis Limited Partnership
- Sailcloth Factory
- Falls Road Convenience Center (Elburn)

Partner, 701 Light Street Limited Partnership
Partner, Dover Street Development Partnership
Partner, Symphony Hall Condominium Partnership

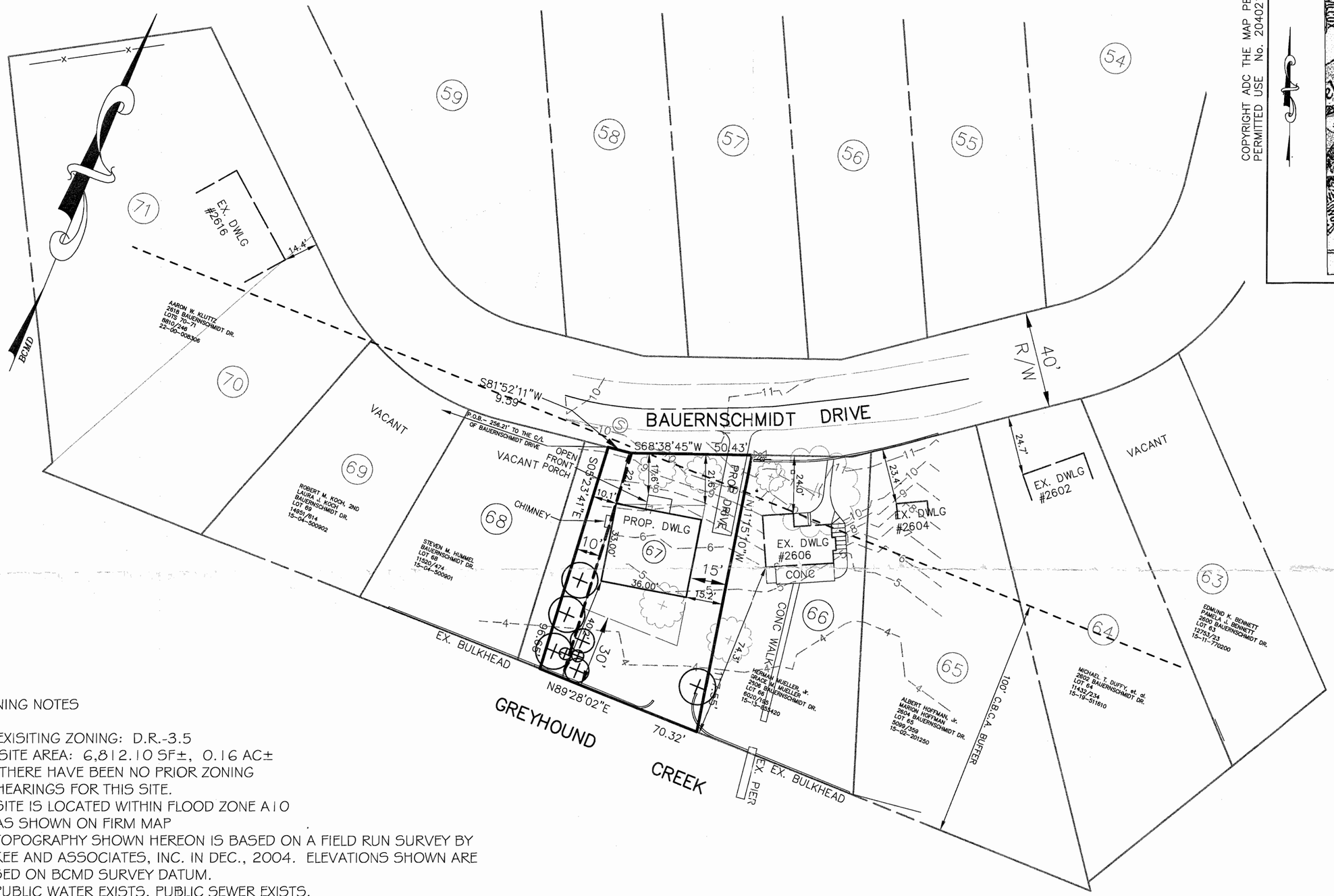

Pro. Ex. #12
Tyvek

COPYRIGHT ADC THE MAP PEOPE
PERMITTED USE No. 20402136



VICINITY MAP

SCALE: 1"= 1000'
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT



ZONING NOTES

1. EXISITING ZONING: D.R.-3.5
2. SITE AREA: 6,812.10 SF±, 0.16 AC±
3. THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE.
4. SITE IS LOCATED WITHIN FLOOD ZONE A10 AS SHOWN ON FIRM MAP
5. TOPOGRAPHY SHOWN HEREON IS BASED ON A FIELD RUN SURVEY BY McKEE AND ASSOCIATES, INC. IN DEC., 2004. ELEVATIONS SHOWN ARE BASED ON BCMD SURVEY DATUM.
6. PUBLIC WATER EXISTS, PUBLIC SEWER EXISTS.
7. CONSTRUCTION OF THE PROPOSED DWELLING WILL COMPLY WITH APPLICABLE FLOOD PLAIN REGULATIONS.
8. THE FRONT SETBACK (21.6') MEETS THE FRONT AVERAGE SETBACK PURSUANT TO SECTION 303.1 OF THE B.C.Z.R.

OWNER INFORMATION:

HERMAN MUELLER, Jr. & GRACE M. MUELLER
6212 FAIR OAKS AVENUE
BALTIMORE, MD 21214-1513
DEED REFERENCE: 6020/197 (15-13-855423)
LOTS 67 AND PART OF HARBOR ENTRANCE
PLAT REFERENCE: 12/81 (RECORDED 1940)
BAUERNSCHMIDT MANOR

C.B.C.A. NOTES

1. CRITICAL AREA DESIGNATION: LDA
2. BMA NO. 56-1
3. SITE AREA: 6,812.10 SF, 0.16 AC±
4. IMPERVIOUS AREA PERMITTED (25%) = 1,703 SF
5. EXISTING IMPERVIOUS AREA = 0 sf
6. IMPERVIOUS AREA PROPOSED
   DWELLING = 1283 sf
   DRIVEWAY = 271 sf
7. TOTAL IMPERVIOUS = 1554 sf
8. PERCENTAGE OF PROPOSED IMPERVIOUS = 22.8%
8. MINIMUM PLANTING REQUIREMENT (15%) = 990 SF

CBA #2

Pet Ex. #1

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND TO APPROVE AN UNDERSIZED LOT

#2608 BAUERNSCHMIDT DRIVE

15TH ELECTION DISTRICT
SCALE: 1"= 30'

BALTIMORE COUNTY, MARYLAND
DATE: 03-28-2004

DRAWN BY: JDG
COMPUTED BY:
CHECKED BY:
JOB No.: 03-155

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1
COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555
FACSIMILE: (410) 527-1563

04-487-A

BAUERNSCHMIDT MANOR

OTTO F. UNGER OWNER & DEVELOPER
Scale 1 inch = 40 Feet Date: August 1, 1940
W. M. LEE CIVIL ENGINEER & SURVEYOR
Plat of Bauernschmidt Manor
Recorded Aug. 28, 1940
Test: C. Willing Brown Jr.
CLERK

HOG PEN CREEK

MIDDLE RIVER

GREYHOUND CREEK

BENDIX CORPORATION

EDGEMONT ROAD

EDGECLIFF ROAD

FILED FOR RECORD WITH DEED
FROM WALTER C. MYLANDER
TO CO. COM. BALTO. CO.
SEPT. 5, 1940
TEST: C. Willing Browne Jr.
CLERK

PROPERTY OF WALTER C. MYLANDER ET AL
BALTIMORE COUNTY METROPOLITAN DISTRICT
J.O. 3018 SCALE 1"=50' AUG 30, 1940 40-51

SCHWARTZ AVENUE

N 54° 45 W 60'

S 15° 45 W 200'

Lucy J. Hitchins
Deed 70
Chas. Maurice Emig & Wife
C.W.B. No. 1432
Folio 94
Feb. 9, 1938

N 15° 45 E 184'

S 70¼ E 60'

15' Proposed Storm Drain

Filed for Record with Deed
From Chas. M. Emig & Wife
To Co. Com. of Balto. Co.
Apr. 5, 1941
Test C. Willing Browne Jr.
Clerk.

PLAT SHOWING LOCATION
"STORM WATER SEWER"
Through Property of Chas. Maurice Emig & Wife
SCHWARTZ AVENUE
9th DISTRICT Baltimore County
Scale - 1" = 40' Date Oct 4, 1940
Approved Herman F. Meyer Jr.
Roads Engineer

FILED FOR RECORD WITH Deed
FROM Oak Point Co.
TO Co. Com. of Balto. Co.
Sept. 5 1940
TEST: C. Willing Browne Jr.
CLERK

CEDAR DRIVE
PARK VIEW ROAD

PLAT OF OAK POINT FARM FRONT COMPANY
J.O. 3051 SCALE 1"=30' SEPT. 1940 10-575
BALTIMORE COUNTY METROPOLITAN DISTRICT

Pole
113
ROCKAWAY BEACH ROAD
85
20 FT. ROAD
238
114
231
40 FT. ROAD

CBA #3



Fig. Ex. 15. G.



Pro. Ex. 15 f.



Pio. Ex. 15e.



Pro. Ex. 15. d.



Pro. Ex. 15. C.



Pro. Ex. 15 b.



Pro. Ex. 15a.

Pro. Ex. #16

Jack Dillon & Associates, LLC

410-337-5455 Fax 410-337-5476 410-221-0060

jackdillon@dmv.com

Baltimore County
207 Courtland Avenue
Towson, Maryland 21204

Dorchester County
922 Parson Drive
P.O. Box 64
Madison, Maryland 21648

Resume of Jack Dillon
Principal of Jack Dillon & Associates, LLC

EDUCATION

B.S. in Business Management
University of Baltimore, Baltimore, MD (1969)
Graduate Summer Program in Urban Planning
Georgia Institute of Technology, Atlanta, GA (1969)
Para Legal Program University of Maryland
University of Maryland University College (1978)
Video & Television Production
Dundalk Community College (1984-1986)
Graduate Program in Landscape Architecture
Morgan State University, Baltimore, MD (1992-1994)

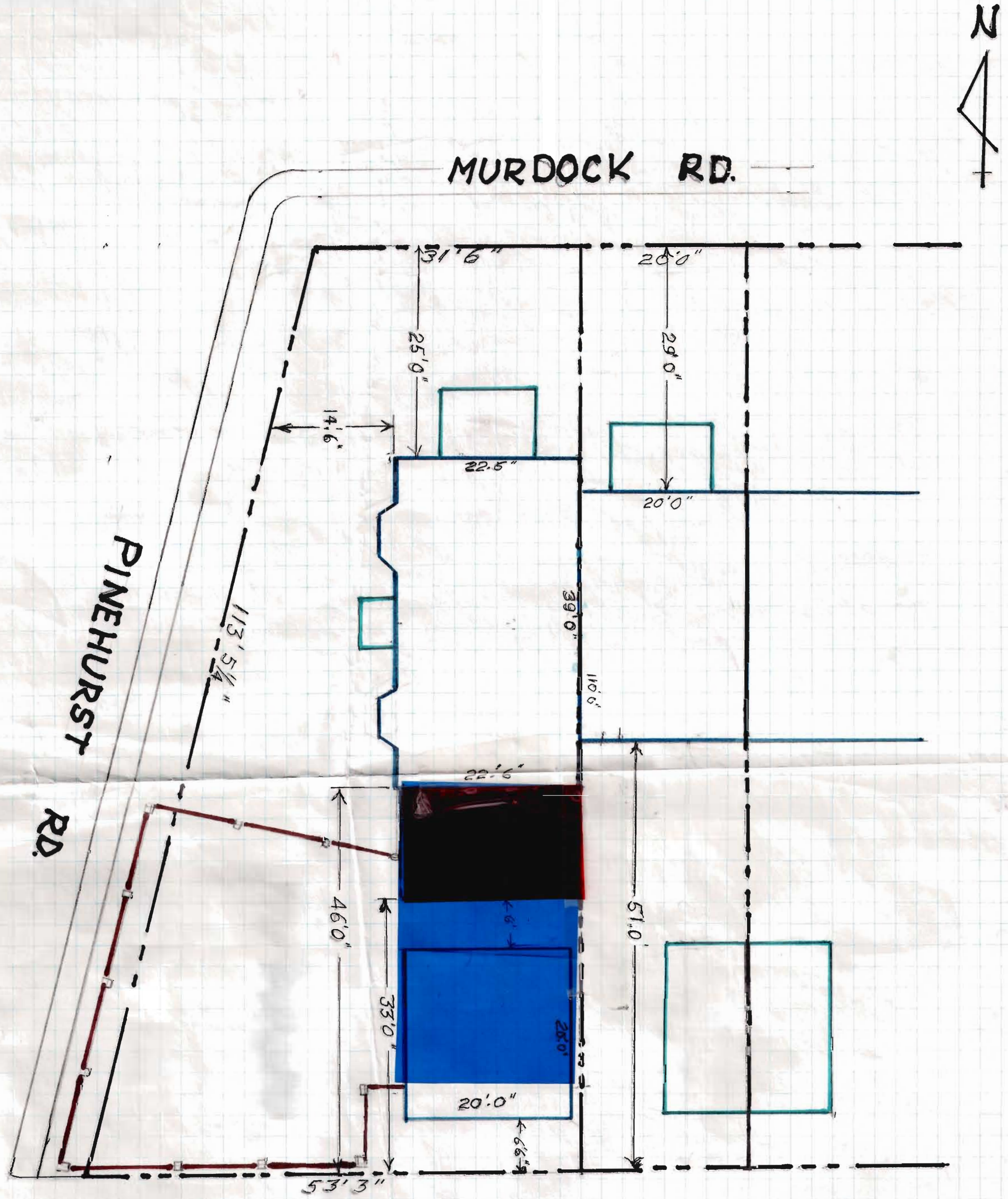
PROFESSIONAL AFFILIATION

American Planning Association

EMPLOYMENT

Mr. Dillon was employed by Baltimore County from 1962 to 1996. He was assigned to a special research project at Johns Hopkins University from 1962 thru 1965 and then two years at the jointly staffed Baltimore City and Baltimore County Analyzer Office at the Ashburton Filtration Plant. He then worked in the Office of Planning and Zoning, eight years in the Zoning Office and the remaining twenty one years in the Planning Office until his retirement in 1996.

In 1997 he accepted the position of Executive Director of The Valleys Planning Council, a private non-profit planning and land preservation organization. He retired from that position in September 2004 when he formed his planning consulting firm.



201 MURDOCK RD.

By J. Dillon

201 Murdock Rd

REGESTER AVE

MURDOCK RD

DUNKIRK RD

PINEHURST RD

1 inch = 40 feet

0 20 40 80 120 160 Feet

ELLENBRYE RD

DUNMANWAY

BELMONT RD

HOPKINS RD

OVERBROOK RD

1 inch = 100 feet

0 100 200 400 Feet

Data Sources:
Cadastral/Streets - Baltimore County
OIT/GIS Services Unit
1:2400
Orthophotography - Copyright 2001.
VARGIS, LLC. All Rights Reserved
Herndon, Virginia

Note:
The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authorative. This survey information was not field checked and certified by a licensed land surveyor.

Prot #17


Pro. Ex #


Pro. Ex. #20







Pro. Ex. #24

Re: Appeal Hearing for Case # 04-252 SPHA;
Petition for Variance; Petition for Special Hearing
Charles & Brigid Wilder, Property Owners
201 Murdock Rd
Baltimore, Md. 21212

Hearing Date Continuance: February 15,2005 @ 9 AM , Room 48
Old Court House
400 Washington Ave.
Towson, Md. 21204

To Whom It May Concern:

We support the position of the Rodgers Forge Community Association to oppose the above referenced Petitions.

It is our contention that, if granted, this WILL SET A PRECEDENT for many of our group homes that have a main entrance on the side of their residence. Homes with side entrances have always had a rear yard that abuts the alley. Back yards have never been considered a side yard as the Petitioner is claiming.

Reasons for opposing this Petition:

It will cause undue hardship to the residents within that group as well as the entire community.

(a) The financial loss and practical difficulty will be reflected throughout our neighborhood if the Petitioners prevail by allowing homes with side entrances to build and/or enclose front and rear yard structures of any design or materials, some with only a 10'setback from their property line Real estate values within Rodgers Forge will drop drastically.

(b) The planned community concept of the original Keelty design will be totally destroyed. The uniformity of the entire community, both aesthetically and structurally, will no longer remain.

(c) The stability and preservation of the original structures of Rodgers Forge will be adversely affected. It will create undue hardship, impede the flow of air, increase runoff creating more flooded basements thus financial loss and overall decay. Rodgers Forge has remained one of the most desirable in the Baltimore area for almost eighty years because the community has remained basically the same.

We further contend that the requested addition will in no way be in strict harmony with the spirit, intent nor uniformity of the original Keelty design that has been preserved.

We strongly urge a denial for case # 04-252 SPHA to be heard by the Board of Appeals.

Most sincerely,

Name [signature] address 407 Dunkirk Rd

ORIGINAL

BALTIMORE COUNTY BOARD OF APPEALS

IN RE: CHARLES AND BRIDGETTE WILDER

04-252-SPH

A hearing in reference to the above-entitled matter was held on December 2, 2004 before the Baltimore County Board of Appeals.

APPEARANCES:

JUSTIN KING, ESQUIRE

On behalf of Petitioners

J. CARROLL HOLZER, ESQUIRE

On behalf of the Protestants

TRANSCRIBED BY: Paula J. Eliopoulos

IN THE MATTER OF:	*	BEFORE THE
CHARLES AND BRIGID WILDER	*	COUNTY BOARD OF APPEALS
Owners/Petitioners	*	OF
201 Murdock Road	*	BALTIMORE COUNTY
9th Election District	*	Case No. 04-252-SPHA
5th Councilmanic District	*	February 15, 20005

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland at 10 a.m., February 15, 2005.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 201. Murdock Road

which is presently zoned D.R.10.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a proposed one story, 13' x 13' x11 (169 s.f.) kitchen extension and a covered deck, 8.5' x 13', on the side of an existing three story center-hall brick colonial home with a front orientation on Pinehurst Avenue. The proposed construction was previously approved and a building permit was issued on 8/28/03 (copy attached). A Stop Work Notice was issued on 10/15/03 asserting that "false of misleading information was provided to obtain the permit." The property owners adamantly deny the accusation and content that a variance is not required.

The owners seek a revocation of the Stop Work Order and permission to proceed. Property built in 1941 - and to Allow an accessory structure (garage) to be located in the side yard.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

Justin J. King
Name - Type or Print

Signature

Company

409 Washington Avenue, Ste 707 410-337-3755
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Charles D. Wilder
Name - Type or Print

Signature

Brigid Wilder
Name - Type or Print

Signature

201 Murdock Road
Address Telephone No.

Baltimore Md. 21212
City State Zip Code

Representative to be Contacted:

Justin King
Name

409 Washington Ave 410-337-3755
Address Telephone No.

Towson, md. 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

04-252-SPHA

REVIEWED BY BN DATE 11/17/03

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 201 Murdock Road

which is presently zoned D.R.10.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The orientation of this three story end of group townhouse prohibits any addition to be built except in what the County considers the rear yard of the property. The proposed one story 13'x13' kitchen extension and a covered deck 8.5'x13' results in a "rear yard setback" of less than the required 50'.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Justin J. King
Name - Type or Print

Signature

Company

409 Washington Avenue, Ste. 707 410-337-3755
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

Charles D. Wilder
Name - Type or Print

Signature

Brigid Wilder
Name - Type or Print

Signature

201 Murdock Road 410-377-4399
Address Telephone No.

Baltimore Md. 21212
City State Zip Code

Representative to be Contacted:

Same As Attorney
Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 04-252-SPHA

Reviewed By BH **Date** 11/17/03

REV 9/15/98

In the alternative should the Special Hearing be denied, Section 1B02.3.C.1 to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 30410

DATE 10/17/03 ACCOUNT R001-006-6150

AMOUNT $ 130.00

RECEIVED FROM Lois K. Eby

FOR Special Hearing & Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER Item # 252

PAID RECEIPT
BUSINESS ACTUAL TIME
10/17/2003 10/17/2003 10:40:26
REC'D FROM: Mail
RECEIPT # 307265 10/17/2003
Acct: 5 [illegible]
ORDER: 030410
Receipt Tot $130.00
$130.00 CK $.00
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 35968

DATE 4/26/04 ACCOUNT 001-006-6150

AMOUNT $ 525.00

RECEIVED FROM: Donald Dale, PA

FOR: 8 Overlook Drive, Phoenix, MD 21131

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
4/27/2004	4/26/2004	15:02:41	1

REG MOD1 WALKIN JRIC JMR
>>RECEIPT # 104497 4/26/2004 OFLN
Dept 5 520 ZONING VERIFICATION
CR NO. 035968
Receipt Tot $525.00
$525.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-252-A

Petitioner/Developer: CHARLES F BRIGID WILDER

Date of Hearing/Closing: FEB 19 2004

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

ATTN: Becky Hart {(410) 887-3394}

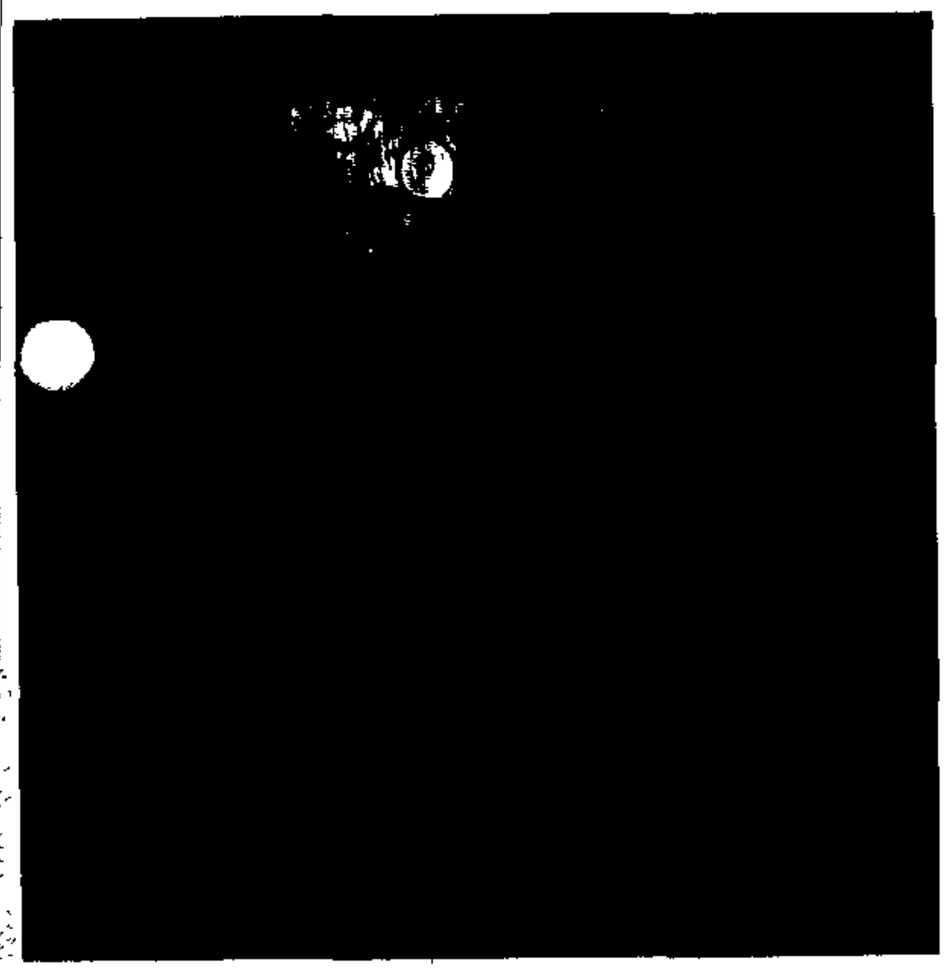
Ladies and Gentlemen:

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:

201 MURDOCK RD

The sign(s) were posted on 2/3/04
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster) 2/3/04 (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 04-252-A

Petitioner/Developer: CHARLES E BRIGID WILDER

Date of Hearing/Closing: MARCH 5, 2004

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

ATTN: Kristen Matthews {(410) 887-3394}

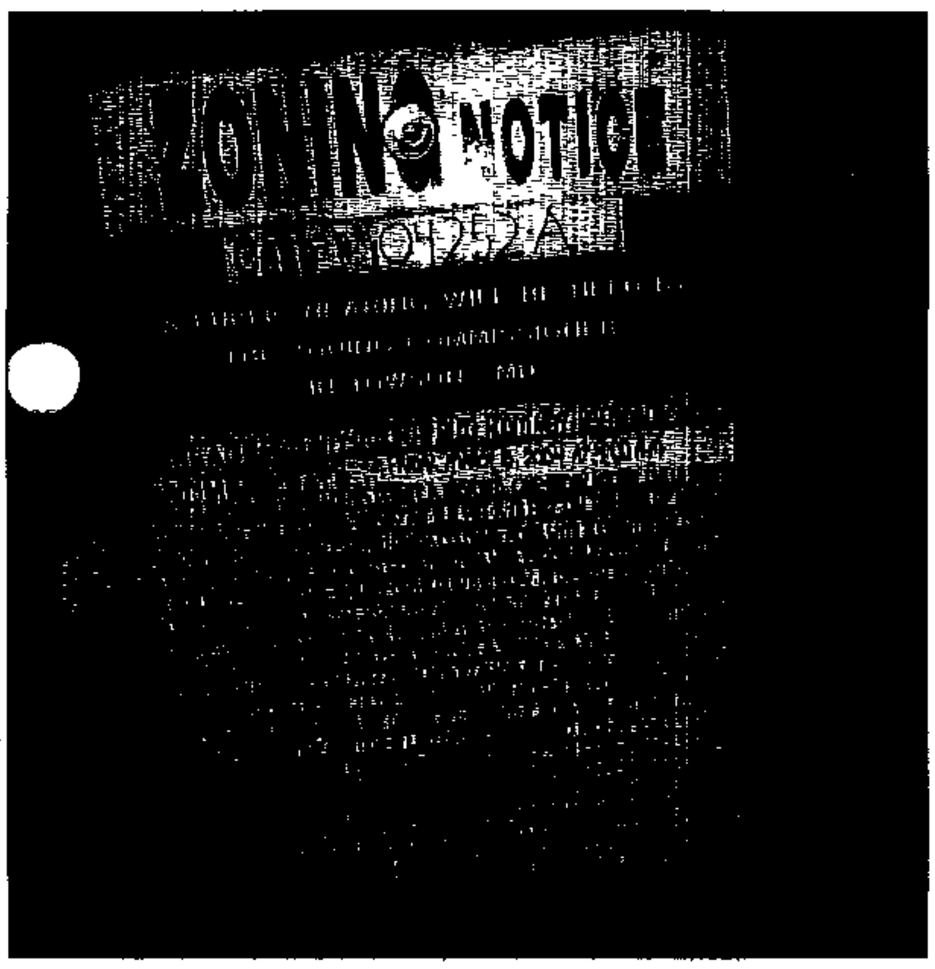
Ladies and Gentlemen:

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:

201 MURDOCK RD DATE CHANGE

The sign(s) were posted on 2/14/04
(Month, Day, Year)

Sincerely,



Robert Black 2/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 13, 2004 Issue - Jeffersonian

Please forward billing to:
Mr. and Mrs. Wilder
201 Murdock Road
Baltimore, MD 21212

410-377-4339

CORRECTED 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: 04-252-A
201 Murdock Road
S/east corner of Murdock and Pinehurst Roads
9th Election District – 5th Councilmanic District
Legal Owners: *Charles and Brigid Wilder*

Special Hearing to permit a proposed one-story kitchen 13 x 13 extension and covered deck. An 8.8 feet x 13 feet on the side of an existing three story center-brick, colonial home with a orientation on Pinehurst Ave. The proposed construction was previously approved and a building permit was issued on 8/28/03, copy attached. A Stop Work Order was issued on 10/15/03 asserting that "false or misleading was provided to obtain the permit." The property owners adamantly deny the accusation and contend that a variance is not required. The property was built in 1941 – Maryland to allow an accessory structure, garage to be located in the side yard. Variance in the alternative should the Special Hearing be denied, to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

Hearing: Thursday, January 29, 2004 at 9:00 a.m. in the County Courts Building, Rm. 407, 401 Bosley Avenue

Lawrence E. Schmidt

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.

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 26, 2004

CORRECTED 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: 04-252-A
201 Murdock Road
S/east corner of Murdock and Pinehurst Roads
9th Election District – 5th Councilmanic District
Legal Owners: Charles and Brigid Wilder

Special Hearing to permit a proposed one-story kitchen 13 x 13 extension and covered deck. An 8.8 feet x 13 feet on the side of an existing three story center-brick, colonial home with a orientation on Pinehurst Ave. The proposed construction was previously approved and a building permit was issued on 8/28/03, copy attached. A Stop Work Order was issued on 10/15/03 asserting that "false or misleading was provided to obtain the permit." The property owners adamantly deny the accusation and contend that a variance is not required. The property was built in 1941 – Maryland to allow an accessory structure, garage to be located in the side yard. Variance in the alternative should the Special Hearing be denied, to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

Hearing: Thursday, February 19,2004, at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

Timothy Kotroco
Director

Faxed to Justin King 1/27/04

TK:klm

C: Justin King, 409 Washington Ave., Ste. 707, Towson 21204
Charles and Brigid Wilder, 201 Murdock Road, Baltimore 21212

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 4, 2004.**
(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

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

February 10, 2004

CORRECTED 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: 04-252-A
201 Murdock Road
S/east corner of Murdock and Pinehurst Roads
9th Election District – 5th Councilmanic District
Legal Owners: Charles and Brigid Wilder

Special Hearing to permit a proposed one-story kitchen 13 x 13 extension and covered deck. An 8.8 feet x 13 feet on the side of an existing three story center-brick, colonial home with a orientation on Pinehurst Ave. The proposed construction was previously approved and a building permit was issued on 8/28/03, copy attached. A Stop Work Order was issued on 10/15/03 asserting that "false or misleading was provided to obtain the permit." The property owners adamantly deny the accusation and contend that a variance is not required. The property was built in 1941 – Maryland to allow an accessory structure, garage to be located in the side yard. Variance in the alternative should the Special Hearing be denied, to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

Hearing: Friday, March 5, 2004, at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Justin King, 409 Washington Ave., Ste. 707, Towson 21204
Charles and Brigid Wilder, 201 Murdock Road, Baltimore 21212

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 19, 2004.**
(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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 30, 2003 Issue - Jeffersonian

Please forward billing to:
Mr. and Mrs. Charles D. Wilder
201 Murdock Road
Baltimore, MD 21212

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: 04-252-SPHA
201 Murdock Road
S/east corner of Murdock and Pinehurst Roads
9th Election District – 5th Councilmanic District
Legal Owner: Charles D. and Brigid Wilder

Special Hearing to permit a proposed one story kitchen 13 x 13 extension and covered deck. An 8.5 feet x 13 feet, on the side of an existing three story center-brick, colonial home with a orientation on Pinehurst Aveue. The proposed construction was previously approved and a building permit was issued on 8/28/03, copy attached. A Stop Work Order was issued on 10/15/03 asserting that "false or misleading was provided to obtain the permit." The property owners adamantly deny the accusation and contend that a variance is not required. The property was built in 1941-Maryland to allow an accessory structure, garage to be located in the side yard.

Variance in the alternative should the Special Hearing be denied, to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

Hearing: Wednesday, January 14, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.

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: 04-252-SPHA

Petitioner: Charles D. & Brigid Wilder

Address or Location: 201 MURDOCK ROAD, BALTIMORE, MD. 21212

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. Charles D. Wilder

Address: 201 Murdock Road

Baltimore, md. 21212

Telephone Number: 410-377-4339

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr, County Executive
Timothy M. Kotroco, Director

February 27, 2004

Justin J. King
409 Washington Avenue, Ste. 707
Towson, Maryland 21204

Dear Mr.King:

RE: Case Number:04-252-SPHA, 201 Murdock Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 2003.

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.
Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel
Charles D. Wilder 201 Murdock Road Baltimore 21212

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 8, 2003

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

SUBJECT: 201 Murdock Road

INFORMATION:

Item Number: 04-252

Petitioner: Charles D. Wilder

Zoning: DR 10.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request providing the following conditions are met:

1. Exterior building materials of the proposed addition shall be similar to the existing dwelling.
2. The proposed addition shall not go beyond 1 story.
3. Submit building elevations to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact Karin Brown at 410-88703480.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham
AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 1, 2003
Item Nos. 234, 236, 237, 239, 240, 241,
242, 243, 244, 245, 251, 252, 253, 254,
and 255

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

RWB:CEN:jrb

cc: File

ZAC-12-1-2003-NO COMMENT ITEMS-233-255-12152003

749/1/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 8, 2003

RECEIVED

DEC 12 2003

ZONING COMMISSIONER

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

SUBJECT: 201 Murdock Road

INFORMATION:

Item Number: 04-252

Petitioner: Charles D. Wilder

Zoning: DR 10.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request providing the following conditions are met:

1. Exterior building materials of the proposed addition shall be similar to the existing dwelling.
2. The proposed addition shall not go beyond 1 story.
3. Submit building elevations to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact Karin Brown at 410-88703480.

Prepared by: Maeda Cumings

Section Chief: Lynn Lanham
AFK/LL:MAC:

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 2, 2004

RECEIVED
DEC 2 2004
ZONING COMMISSIONER

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

SUBJECT: 201 Murdock Road

INFORMATION:

Item Number: 4-252 – **REVISED COMMENTS** (on appeal)

Petitioner: Charles D. Wilder

Zoning: DR 10.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

After conducting a more detailed review of the subject proposal, the Office of Planning *recommends* that the petitioner's request be **DENIED.**

This office is of the opinion that the ends of group units, such as subject property, are unique. Their orientation is such that adding the proposed addition would not be appropriate or in keeping with neighborhood character, and would set a negative precedent in this older, well-established community.

Prepared by: Mac A Crumpton

Division Chief: Mac A Crumpton by D.r

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 8, 2005

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

SUBJECT: 201 Murdock Road – 2nd **REVISED COMMENTS**

INFORMATION:

Item Number: 04-252

Petitioner: Charles D. Wilder

Zoning: DR 10.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

After further review of the petitioner's request, and another site visit of the subject property, the Office of Planning retracts the revised comments issued by this office dated December 2, 2004.

This office does not oppose the petitioner's request providing the following conditions are met:

1. Exterior building materials of the proposed addition shall be similar to the existing dwelling.
2. The proposed addition shall not go beyond 1 story.
3. Submit building elevations to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact Mark Cunningham at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Lyn Lanham

AFK/LL:MAC:

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.26.03

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

RE: Baltimore County
Item No. 252 BPR

Dear. Ms. Hart:

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,

K. A. McDonald

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

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 25, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 24, 2003

Item No.: 233-252, 254, 255

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 18, 2003

Justine J. King, Esquire
409 Washington Avenue Ste 707
Towson, Maryland 21204

Dear Mr. King:

RE: Case Number 04-252-A 201 Murdock Road

The above matter, previously scheduled for January 14, 2004, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco
Director

KT:

C: Charles D. and Brigid Wilder 201 Murdock Road Baltimore Maryland 21212
Jean Duvall Rogers Forge Association 227 Murdock Road Baltimore Maryland 21212
People's Counsel (Peter Zimmerman)

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

January 20, 2004
#7454

1/20/04
Postponement Granted,
Call all Parties to
reschedule on a
mutually acceptable
date.
Tim Kotroco

Timothy Kotroco, Esquire
Director
Department of Permits
& Development Management
County Office Building
Towson, Maryland 21204

RE: Case No.: 04-252-A
201 Murdock Road

Dear Mr. Kotroco:

The Rodgers Forge Community Association has requested that I represent them in the above captioned matter. I have been informed by my clients that this case was scheduled to be heard on January 14, 2004, but was postponed and rescheduled for January 29, 2004. On that same day, I will be before the Hearing Officer in the matter of the Becker Property Development Plan which is scheduled to be continued on January 30 and February 5, 2004.

I hereby enter my appearance on behalf of the Rodgers Forge Community Association and ask that the hearing on 201 Murdock Road be postponed from January 29, 2004 to a time mutually agreeable with other counsel and the Zoning Commissioner.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:mlg

cc: Justin King, Esquire
Ms. Jean Duvall
Rodgers Forge Community Association

RECEIVED
JAN 20 2004
04-126
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

December 18, 2003
#7454

Timothy Kotroco, Director
Permits & Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special and Petition for Zoning Variance
Case No.: 04-252-SPHA

Dear Mr. Kotroco:

Please enter my appearance on behalf of the Rodgers Forge Community, Inc. in the case of Charles and Brigid Wilder of 201 Murdock Road, assigned the number of 04-252-SPHA for Special Hearing and Zoning Variance to permit a kitchen and a porch in the Rodgers Forge Community.

I would appreciate your advising me of the date that this matter is scheduled for a hearing before the Zoning Commissioner.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Justin J. King, Esquire
Ms. Jean Duvall
Mr. Larry Schmidt
Zoning Commissioner
Ms. Melissa Tillman, President
Rodgers Forge Community, Inc.

RECEIVED
DEC 19 2003
03-6073
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

February 3, 2004
7454

HAND DELIVERED
Timothy Kotroco, Esquire, Director
Department of Permits &
Development Management
County Office Building
Towson, MD 21204

Re: Petition for Variance/Special Hearing
201 Murdock Road; Case No. 04-252-SPHA

Dear Mr. Kotroco:

On December 18, 2003, I wrote you a letter with a copy to Justin King, attorney for the Petitioner, entering my appearance in the above captioned matter. (see attached) I subsequently received a letter from my clients that you wrote to Justin King dated December 18, 2003 postponing this case from January 14, 2004.

On January 13, 2004, I wrote Mr. King a letter informing him that I will be representing The Rodgers Forge Community in this matter and was aware that the hearing scheduled for January 14, 2004 had been postponed with a new date to be set. (see letter attached) On January 20, 2004, I wrote you again saying that the above hearing had been set in for January 29, 2004 without being contacted by Mr. King as to my availability. As that letter indicates, I had a previously scheduled hearing before the Hearing Officer in the matter of the Becker Property Development and requested that the instant case be set in at a time mutually agreeable with counsel and the Zoning Commissioner.

On January 22, 2004, Mr. Leese of my office spoke to PDM's docket clerk and Mr. King for dates for a rescheduled hearing. March 9, 2004 appeared to be the best day for counsel and availability of the Zoning Commissioner. The next thing I knew, I received a Corrected Notice of Zoning Hearing that set this matter in for a hearing on February 19, 2004, a day not previously discussed nor approved with Mr. King or PDM. Unfortunately, I will be out of the state for that entire week and am not available. When Mr. Leese inquired of Mr. King why February 19 had been set in without my knowledge, Mr. King told Mr. Leese that he did not want to wait until March 9 to reschedule the hearing, but never indicated to me that the March date was unacceptable.

RECEIVED
04-242
FEB 3 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Therefore, it is regret that I ask for a postponement until a date that was previously agreed upon. I am still available for the hearing on March 9 and March 16 as I previously told the docket clerk and Mr. King. I have always been cooperative with opposing counsel and your Department in rescheduling matters that accommodate counsel and the Zoning Commissioner.

I appreciate your attention and assistance. If you need to call me, I can be reached at 410-825-6961.

Very truly yours,

J. Carroll Holzer

JCH:clh

cc: The Rodgers Forge Community
Lawrence Schmidt, Zoning Commissioner

LAW OFFICES
JUSTIN JAMES KING
409 WASHINGTON AVENUE, SUITE 707
TOWSON, MARYLAND 21204
(410) 337-3755
FAX (410) 337-3758

December 12, 2003

Postponement Granted!
Please notify all Parties
including Rodger Jean Duvall.
Assoc.
1 - 12.

Zoning Review
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

ATTENTION: Tim Toproko

RE: Case No. : 04-252-SPHA
Charles D. and Brigid Wilder
201 Murdock Road

Dear Mr. Toproko:

Please postpone the above case presently set for a hearing on January 14, 2004 as I have conflicting court matters that day.

However, I will be available for a hearing on the following dates: January 15, 16, 20, 22 or 29, 2004.

Thank you for your cooperation.

Very truly yours,

Justin J. King

JJK/g
cc: Peter Max Zimmerman, Esq.
cc: Mr. & Mrs. Charles D. Wilder
cc: Becky - Zoning Office

RECEIVED
DEC 15 2003
03-6011
DEPT OF PERMITS AND
DEVELOPMENT MANAGEMENT

LAW OFFICES
JUSTIN JAMES KING
409 WASHINGTON AVENUE, SUITE 707
TOWSON, MARYLAND 21204
(410) 337-3755
FAX (410) 337-3758

To File
TMK

January 21, 2004

VIA FACSIMILE AND
FIRST CLASS MAIL
Fax No. : 410-887-5708

Timothy Kotroco, Director
Department of Permits
& Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Case No. : 04-252-A
201 Murdock Road

Dear Mr. Kotroco:

I am in receipt of Mr. Holzer's letter of January 20, 2004 requesting a postponement of the above matter. While I can empathize with Mr. Holzer's predicament, I must respectfully object to his request.

Mr. Holzer's appearance has been entered in this matter since January 13, 2004. When the case was previously postponed Ms. Duval, of the Rogers Forge Association, was notified of the postponement and presumably of the new date as early as December 23, 2003. Mr. Wilder's employment requires him to be out of town frequently and he has arranged his schedule so that he can attend the hearing on January 29, 2004. To postpone the hearing again would work a substantial hardship on Mr. Wilder.

For these reasons I respectfully request that this matter not be postponed.

Very truly yours,

Justin J. King

JJK/g
cc: Mr. & Mrs. Charles Wilder
cc: J. Carroll Holzer, Esq.

RECEIVED
JAN 22 2004
04-157
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

JAMES MELVILLE DUNN III
168 Stanmore Road, Baltimore, MD 21212 Ph/Fax: 410-832-5719 Email:jandpdunn@msn.com

RECEIVED
FEB 26 2004
ZONING COMMISSIONER

February 25, 2004

Mr. Lawrence Schmidt
Zoning Commissioner
Room 407, New Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case # 04-252 SPHA; Petition for Variance; Petition for Special Hearing
Charles & Brigid Wilder
201 Murdock Rd
Baltimore, Md 21212

To The Zoning Commission:

This is to indicate that I support the position of the Rodgers Forge Community Association in opposition to the above referenced Petition.

I agree that, if granted, this variance will set a precedent for many of our homes that have a main entrance on the side. Homes with side entrances have always had a rear yard that ends at the alley. The back yard has never been considered a side yard as the Petitioner is claiming. If this Petition is granted it will cause undue hardship to the residents within that group as well as a discontinuity to the entire community. The financial loss and practical difficulty may be reflected throughout the entire community if the petition is granted.

It is undoubtedly also true that the requested addition will in no way be in harmony with the spirit, intent or uniformity of the original Keelty design.

I strongly urge the commission issue a denial for case # 04-252 SPHA.

Most sincerely,

James M. Dunn III

The Greater Towson Council of Community Assoc., Inc

GTCCA

P.O. Box 5421, Towson, MD 21295-5421
www.gtcca.org

RESOLVED: That the GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc. shall, from January 15, 2004 to January 31, 2005, assign official responsibility for review, representation, and action on all zoning and development matters to the EXECUTIVE BOARD and the Chair and Deputy Chairs of the Zoning Committee, which consist of the following members:

Donald R. Wright, President
Judy Gregory, Vice President
Stacy Weiss, Treasurer
J. Donald Gerding, Zoning Committee Chair .... 335 OLD TRAIL BALTIMORE, MD. 21212 PHONE 410-825-0894
Richard Parsons, Zoning Committee Deputy Chair
Larry Townsend, Zoning Committee Deputy Chair

AS WITNESS: Our hands and seal this 15th day of January 2004.

ATTEST: GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc.

Donald R. Wright
President

Judith A. Gregory
Vice President

Please enter our Association's interest in this issue - see attached and forward to me hearing dates, any notification notices, and Final Decision Copy

Thank you
Don Gerding
2/23/04

The Greater Towson Council of Community Assoc., Inc

GTCCA

REPRESENTING MORE THAN 20 COMMUNITIES

PO BOX 5421, TOWSON, MD. 21285-5421

410-296-6732

drigsby@comcast.net

RESOLVED: That the GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc. shall, from January 16, 2003 to January 31, 2004, assign official responsibility for review, representation, and action on all zoning and development matters to the EXECUTIVE BOARD and the Chair and Deputy Chairs of the Zoning Committee, which consist of the following members:

Donald R. Wright, President
Judy Gregory, Treasurer
Stacy Weiss, Corresponding Secretary
J. Donald Gerding, Zoning Committee Chair — 335 OLD TRAIL BALTIMORE, MD 21212 410-825-0894
Richard Parsons, Zoning Committee Deputy Chair

AS WITNESS: Our hands and seal this 16th day of January 2003

ATTEST: GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc.

Stacy Weiss
Secretary

Donald R. Wright
President

To Baltimore County Board of Appeals -

Please enter our Council's interest in this issue - Case No. 04-252-SPHA (201 Murdock Rd) - add our name to "interested/concerned" list and forward to me hearing dates, notification notices and copy of deleberation minutes and final decision.

Thank you Donald Gerding

May 7, 2004

RECEIVED

MAR 2 2004

ZONING COMMISSIONER

February 29, 2004

Mr. Lawrence Schmidt
Zoning Commissioner
Room 407, New Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case # 04-252 SPHA; Petition for Variance; Petition for Special Hearing
Charles & Brigid Wilder
201 Murdock Rd
Baltimore, Md 21212

To Whom It May Concern:

I support the position of the Rodgers Forge Community Association to oppose the above referenced Petitions.

It is our contention that, if granted, this will set a precedent for many of our group homes that have a main entrance on the side. Homes with side entrances have always had a rear yard that abuts the alley. The back yard has never been considered a side yard as the Petitioner is claiming. If this Petition is granted it will cause undue hardship to the residents within that group as well as the entire community. The financial loss and practical difficulty will be reflected throughout the entire community if the Petitions are granted.

We further contend that the requested addition will in no way be in strict harmony with the spirit, intent nor uniformity of the original Keelty design.

We strongly urge a denial for case # 04-252 SPHA.

Most sincerely,

Renee C. Rees
209 Hopkins Rd.
Baltimore, MD 21212

329 Murdock Road
Baltimore MD 21212

Director of Permits and Development Management
Mr Timothy Kotroco
111 W Chesapeake Ave
Towson, MD 21204

Case # 04-252SPHA

Dear Mr Kotroco:

The community of Rodgers Forge has fought this fight before with the properties located 323 Murdock and 220 Dunkirk. Both properties involved proposed additions and/or enclosed porches and both times variances were rejected.

Rodgers Forge is an older established community with limited spaces. It is already being overbuilt with decks, sheds, and fences. These alone block air, light , and view but yet are easily removed. Lack of light inhibits gardening and low lying decks and screened porches make inviting areas for nesting rats and mice. Allowing additions only multiplies these problems with permanent structures.

If this addition and porch are allowed it opens the way for future homeowners to do the same. The most harmful result is when these homeowners move on they leave behind what the community fought so hard to prevent.

Sincerely,

John O'Hara
Norma O'Hara

John and Norma O'Hara
410-377-8640

RECEIVED
MAR 2 2004
04-535
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Sharon Hewitt
219 Overbrook Rd.
Baltimore, MD.
21212
(Rodgers Forge)
2/28/04

Timothy Kotroco,
Director of Permits and Development Management
111 West Chesapeake Ave
Towson, MD. 21204
RE: Case no. 04-252-SPHA [owners Charles and Brigid Wilder, 201 Murdock Rd]

Dear Sir:

I wish to support Baltimore County in its ruling in the above case that the proposed new construction is to the back of the home and not to its side. The orientation of the other Rodgers Forge houses on Murdoch Rd. includes a front door facing Murdoch and a rear door leading to the alley. Rear yards may include garages and this one does. It is true that this is an end house and its functioning front door actually faces Pinehurst, but the building is still oriented like the other houses on the street.

Since it is in effect a rear yard, I further ask you not to grant a variance to the rear set-back of 33 feet instead of the standard 50 feet. This would allow for an addition, And additions are not in the best interests of Rodgers Forge, in general.

I have lived here since 1978 and I think this closely built rowhouse neighborhood should not be allowed to become even more dense. We need light, air and space as much as single house areas do. We have made a conscious decision to live in the Forge and should not assume the size of these houses can be altered. Interior improvements are fine, but to enlarge the outside footprint of the building can only impinge on the surrounding spaces and homes.

When one owner is allowed to add on or build very high fences, the nearby owners are endangered by the trend toward overbuilding. This is a trend which individuals really find it very difficult to oppose, because of the expense of litigation. Space, ventilation and appearance are all threatened when one's neighbor adds on. If more interior space is desired, it is rather selfish to assume that the whole neighborhood should suffer in order to fill the requirements of one owner.

Thanks for your attention,

Sharon Hewitt

Sharon Hewitt

RECEIVED
MAR 2 2004
04-536
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

February 25, 2004

Justin J. King, Esquire
409 Washington Avenue, Suite 707
Towson, Maryland 21204

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

RE: PETITION FOR VARIANCE
S/E Corner Murdock and Pinehurst Roads
(201 Murdock Road)
9th Election District – 5th Council District
Charles and Brigid Wilder – Petitioners
Case No. 04-252-A

Dear Messrs. King & Holzer:

This letter is to confirm that by agreement of all parties, the hearing in the above-captioned matter will be held at **1:00 PM on Friday, March 5, 2004 in Room 407** of the Circuit Courts Building, instead of 9:00 AM, due to a conflict in the Zoning Commissioner's schedule. Please notify your respective clients/witnesses of the change in time, only.

Thank you for your cooperation in this matter and should there be any questions in the meantime, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case File

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04-252-SPHA

Date Completed/Initials

12-10-03 PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

✓ COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

12-23-03 POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
1113 1114

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

2/27/04 CLB COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Circuit Court Room
Don Gerling
2/23/04

CASE NUMBER: 04-252-A
201 Murdock Road
S/east corner of Murdock and Pinehurst Roads
9th Election District – 5th Councilmanic District
Legal Owners: Charles and Brigid Wilder

Special Hearing to permit a proposed one-story kitchen 13 x 13 extension and covered deck. An 8.8 feet x 13 feet on the side of an existing three story center-brick, colonial home with a orientation on Pinehurst Ave. The proposed construction was previously approved and a building permit was issued on 8/28/03, copy attached. A Stop Work Order was issued on 10/15/03 asserting that "false or misleading was provided to obtain the permit." The property owners adamantly deny the accusation and contend that a variance is not required. The property was built in 1941 – Maryland to allow an accessory structure, garage to be located in the side yard. Variance in the alternative should the Special Hearing be denied, to permit a rear yard setback of 33 feet for an addition in lieu of the required 50 feet.

Hearing: Thursday, February 19,2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Q + DP
10 50 AM 2/19/04
Post Sale
Property
Posted

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 8, 2003

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

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

SUBJECT:

Item No.:	252
Legal Owner/Petitioner	Wilder, Charles & Brigid
Contract Purchaser:	N/A
Property Address:	201 Murdock Rd
Location Description:	S/E corner of Murdock & Pinehurst Rds.

VIIOLATION INFORMATION:

Case No.	03-8365
Defendants:	Wilder, Charles & Brigid

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

NAME ADDRESS

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

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

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

RSW/
C: Code Enforcement Officer

Baltimore County
Department of Permits and
Development Management

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

D9

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 03-8365

Property No. 0904200190

Zoning:

Name(s): CHARLES & BRIGID WILDER

Address: 201 MURDOCK RD 21212

Violation Location: SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC 106.1 B529672

FALSE OR MISLEADING INFORMATION PROVIDED TO OBTAIN PERMIT - HOUSE ORIENTATION INCORRECT. ZONING VARIANCE REQUIRED FOR REAR YARD SETBACK

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:

Date Issued:

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name:

INSPECTOR:

11-24

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than: 10-24-03

Date Issued: 10-15-03

INSPECTOR: Richard ROHLFS

AGENCY

DATE CLOSED

PDLV0102F Permits & Development - Livability System

View Cases

Case No: 03-8365

Address: 00201 ___ MURDOCK RD _____ ____ 21212 ___

Cmd No: 014 District: 000 Date Rcv: 10/14/2003 Grp: ENF Intk: RM _____

Inspec: _____ Inspec2: _____ Date Inspec: 10/15/2003

Close: 10/15/2003 Activity: _____ Delete: X

Problem: DUMPSTER IN STREET FOR WEEKS ON PINEHURST RD, OBSTRUCTS TRAFFIC, MAY ALSO BE BUILDING W/O PERMIT, (THINKS IT MAY BE A HOUSE ON DUNKIRK RD?)

CL Name: ANONYMOUS _____ _____

CL Address: 00000 ___ __ _____ __ ____

_____ __ ____

CL Home Phone: _____ CL Work Phone: _____ Tax Acct. 0000000000

Enter=Continue F12=Cancel

PDLV0103F Permits & Development - Livability System

View Cases

Case No: 03-8365

Notes: COMPL STATED SHE HAD A MEDICAL EMERGENCY LAST WEEK & THE EMERGENCY VEH COULD NOT GET AROUND THE DUMPSTER & PAST IT, THERE IS CONSTRUCTION GOING ON @ THIS HOUSE BUT SHE SUSPECTS THE DUMPSTER IS NOT FOR THAT, BUT @ ANOTHER HOUSE ON A DIFFERENT STREET, THE DUMPSTER HAS BEEN THERE FOR WKS, SHE IS A "STAY AT HOME MOM" & HAS NEVER SEEN IT USED, RM/CO****

10/15/03 CONTRACTOR-BILL COOPER, 377-5977, CAME IN W/PERMIT & SITE PLAN. INSPECTED PROP. NO VIOLATION. CLOSE. PERMIT B529672. (J.R/SS)

Enter=Continue F12=Cancel

RA1001B

DATE: 12/05/2003 STANDARD ASSESSMENT INQUIRY (I)
TIME: 12:15:33

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC		DEL	LOAD DATE
09 04 200190	09	2-3	04-00	H	NO			10/27/03

WILDER CHARLES D
WILDER BRIGID P
201 MURDOCK RD

DESC-1.. IMPS
DESC-2.. RODGERS FORGE
PREMISE. 00201 MURDOCK RD
00000-0000

BALTIMORE MD 21212-1824 FORMER OWNER: DONNER THOMAS W

FCV			PHASED IN		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	42,000	42,000				
IMPV:	116,360	150,910	TOTAL..	192,910	192,910	181,392
TOTL:	158,360	192,910	PREF...	0	0	0
PREF:	0	0	CURT...	192,910	192,910	181,392
CURT:	158,360	192,910	EXEMPT.		0	0

DATE:	08/98	10/01

TAXABLE BASIS		FM DATE
04/05 ASSESS:	192,910	08/21/03
03/04 ASSESS:	181,392	06/04/03
02/03 ASSESS:	169,876	05/30/02

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

PLEASE PRINT CLEARLY

CASE NAME 201 Murdock Rd.
CASE NUMBER 04-252-SPHA
DATE 3-5-04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
William Cooper	504 Murdock Rd	Balto. MD 21212	
Warren Appy	611 N. Eutaw St	Balto MD 21210	
Elizabeth Frerott	201 Dunkirk Rd.	21212	

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PROTESTANTS

~~CITIZEN'S~~ SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
CAROL L. ZIELKE	325 MURDOCK Rd	BALTIMORE, MD, 21212	
H. RONALD ZIELKE	325 MURDOCK RD	BALTIMORE, MD 21212	
Norma J O'Hara	329 Murdock Rd	Balt MD 21212	
JEAN K. DUVALL	227 MURDOCK RD	" " "	
JAMES M. DUNN III	168 STANMORE Road	Baltimore MD 21212	
Patricia B. Dunn	168 Stanmore Road	Baltimore, MD 21212	
Richard Parsons	412 Woodbine Ave	Towson Md 21204	

NE 8-A

SHEET

GLEN ARGYLE

ALLEY

REGESTER

ALLEY

MURDOCK

ROAD

ALLEY

DUNKIRK

N 29,000

ALLEY

HOPKINS

ALLEY

N 562,000

OVERBROOK

ALLEY

ALLEY

ROAD

RODGERS

AVENUE

FORGE

ROAD

ROAD

ALLEY

ROAD

ALLEY

ROAD

ALLEY

ROAD

BL

BL-AS

RO

D.R. 10.5

BL

RO

YORK

ST

#252

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [X] SPECIAL HEARING

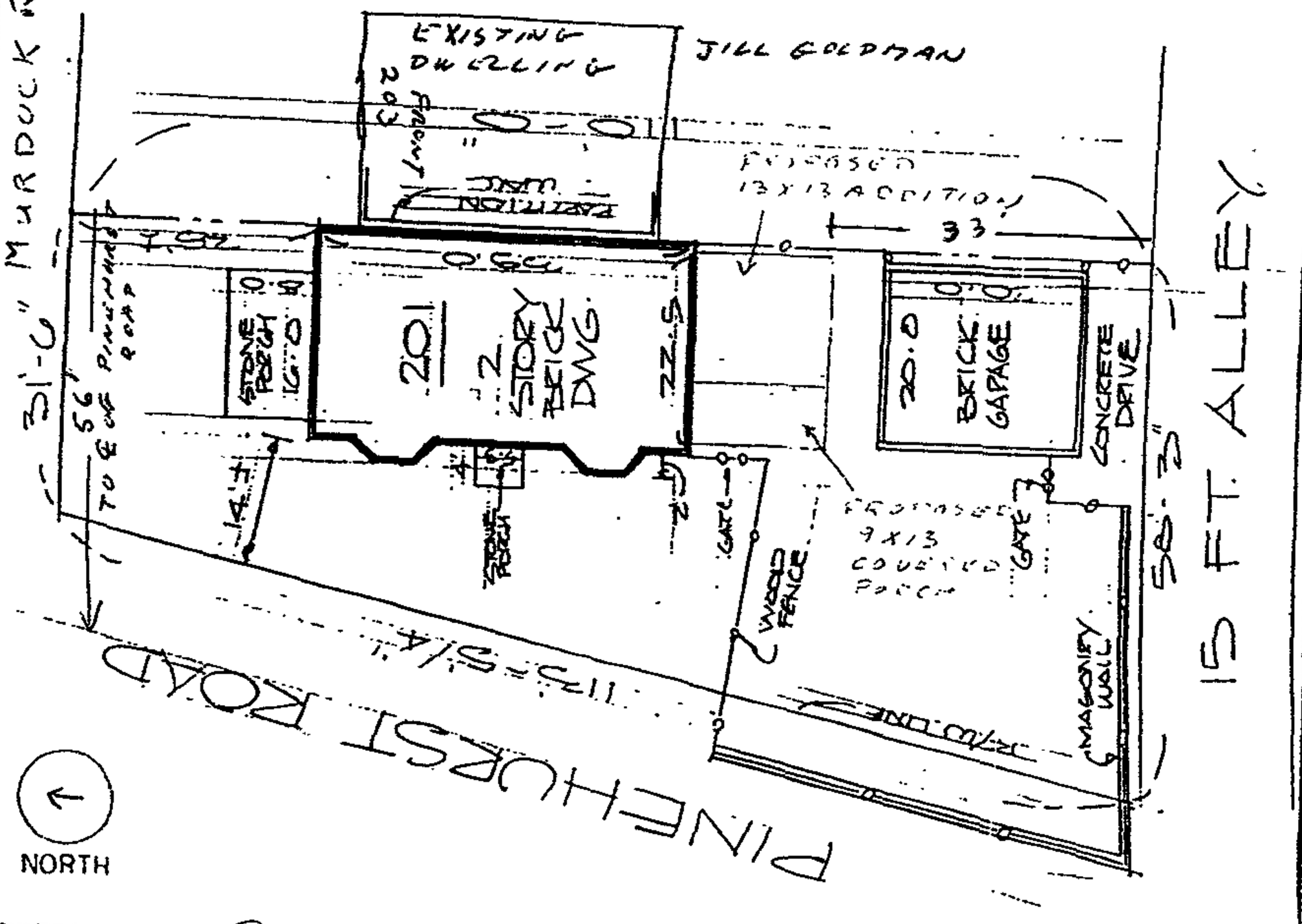
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

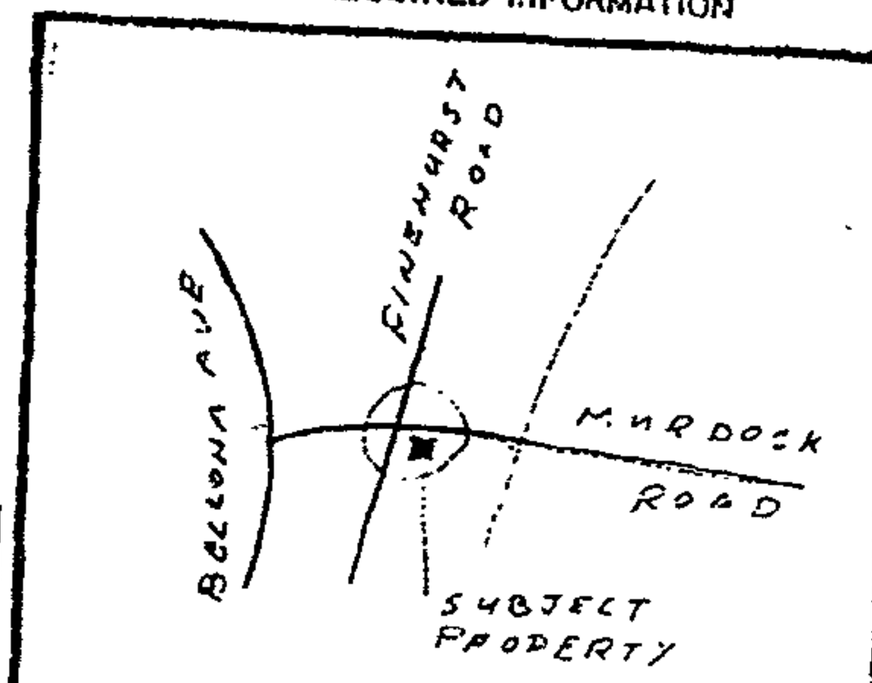
PROPERTY ADDRESS 201 MURDOCK ROAD

SUBDIVISION NAME ROGERS FORGE

PLAT BOOK # ____ FOLIO # ____ LOT # ____ SECTION # ____

OWNER CHARLES & BRIGID WILDER





VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	9
COUNCILMANIC DISTRICT	5
1" = 200' SCALE MAP #	N.E. 9A
ZONING	DR 10.5
LOT SIZE	2.08 ACREAGE / 3,503.00 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	[X]	[ ]
WATER	[X]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[X]
100 YEAR FLOOD PLAIN	[ ]	[X]
HISTORIC PROPERTY/ BUILDINGS	[ ]	[X]
PRIOR ZONING HEARING	NONE	

PREPARED BY Bill Cooper

SCALE OF DRAWING: 1" = 20'

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
BK	252	04-252-SPHA

018

-15-

IN THE MATTER OF THE APPLICATION OF DOROTHY K. AND CHERYL A. MILLIGAN – LEGAL OWNERS / PETITIONERS ON PROPERTY LOCATED ON THE SE/S HATHERLEIGH ROAD, 25' SW OF OXFORD ROAD (7116 OXFORD ROAD) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 02-519-A

* * * * * * * * *

MAJORITY OPINION

This matter comes before the Baltimore County Board of Appeals on a timely appeal brought by the Petitioners/Appellants Dorothy K. and Cheryl A. Milligan, resulting from a decision by the Deputy Zoning Commissioner dated September 10, 2002, in which a Petition for Variance was denied at the subject site, 7116 Oxford Road, 9th Election District, 4th Councilmanic District.

The Petitioners/Appellants were represented before the Board by Paul J. Hanley, Esquire. Francis X. Borgerding, Jr., Esquire, appeared on behalf of the Protestants, Stoneleigh Community Association, Inc.

The first person to testify was the Petitioner Cheryl A. Milligan. Ms. Milligan stated that she has resided for the last six years at 7116 Oxford Road in the Stoneleigh section of Baltimore County. Also living at that address are her son, aged 14, and her daughter, as well as her mother, Dorothy K. Milligan, who joins her in this Petition for Variance. Ms. Milligan noted that her mother is ill with Parkinson's disease and wheelchair bound and that her daughter is at college much of the year. Ms. Milligan was an art major in college and is employed at Towson High School in a full-time capacity as an art teacher.

Ms. Milligan testified that she had previously painted in the house at the subject site, but the strong smell of the paints and "turpenoid" created problems for her ill mother. She designed a studio as an accessory structure to the principal dwelling and hired ADR Builders to do the construction. A building permit was secured as required. She described the studio as 20 feet by 12 feet, built on concrete footings, with wood sides painted red. The building is custom built with many windows and French

Exh. A

doors. It was her opinion that the building is not portable and could only be relocated at great difficulty and expense, if at all. The building cost approximately $20,000 to construct. As Petitioner's Exhibit #2 Ms. Milligan submitted the plat to accompany the Petition for Variance, prepared by architect John Hill.

Ms. Milligan also submitted a series of photographs (Petitioner's Exhibit #3) which she had taken and which showed the subject site in detail. The subject site is a corner lot bordered by Oxford Road and Hatherleigh Road. Ms. Milligan noted that photograph 1B shows the utility pole and the neighbor's rear lot with garage. It also shows the curb cuts which are original to the neighborhood and provide the access from Hatherleigh Road for her driveway, the kitchen door entrance and the art studio. She also pointed out that photographs 1A, 1B and 1C depict the six 60-foot, plus or minus, spruce trees which screen her lot from the neighbors. Photograph 3A and 3B show the Hatherleigh Road side of the house with a sidewalk and an entrance door. Photograph 6A and 6 B show the Oxford Road entrance and sidewalk.

It was Ms. Milligan's opinion, using the photographs as evidence, that from York Road all houses bordering the south side of Hatherleigh front the intersecting streets as reflected by their street addresses, with their rear yards backing to each other. There are two houses per block, according to Ms. Milligan, and none front on Hatherleigh, including her lot, which she contends fronts on Oxford Road.

Ms. Milligan stated that the accessory building is to be used by her as a personal painting studio. She would not conduct art classes there nor would she do any marketing of her paintings from the studio. She also plans to add landscaping toward Hatherleigh Road to screen the 12-foot side which faces that road.

On cross-examination by Mr. Borgerding, Ms. Milligan agreed that there are private covenants for the neighborhood, but she did not realize that she must submit her plans to the community association for approval. She also agreed that architecturally the longer portion of her house is parallel to

Hatherleigh Road while the shorter portion faces Oxford Road. She stated that the exterior door on the Hatherleigh side opens directly into the living room and the exterior door on the Oxford Road side opens into a sunroom which is open to the living room. She agreed with Mr. Borgerding that the shape of her lot could be called a "trapezoid," but she did not know if there were others similar in shape in the Stoneleigh neighborhood.

Ms. Milligan testified that she had considered other locations for the studio but felt the large trees in the rear corner were an asset and should not be removed and that a subsequent owner might wish to use the studio as a garage in the future so the proximity to the driveway and the kitchen entrance would be the best location. She opined that the studio is located in the rear portion of her lot.

The next witness for the Petitioner was John Hill. Mr. Hill is a retired architect who lives at 703 Kingston Road, also in Stoneleigh. In 1994 he published *Design Characteristics of Maryland's Traditional Settlements*, which includes the Stoneleigh neighborhood in this study. Mr. Hill's c.v was submitted as Petitioner's Exhibit #4. The Board accepted Mr. Hill as an expert in architecture and urban design.

Mr. Hill noted for the record that he is associated with the Petitioner because he is a Boy Scout leader and Ms. Milligan's son is in his troop. He stated that he prepared the site plan (Petitioner's Exhibit #2) without compensation.

He testified that the 16-inch caliber spruces on the property line between the subject site and the adjoining property at 7112 Oxford Road as well as the large spruce trees on the Hatherleigh side contribute in an important way to the desirability of the "beautifully treed" historic community of Stoneleigh.

He further opined that the studio could not be placed between 7112 and 7116 Oxford Road because the distance from house to property line is only 18 feet with a 10-foot side yard setback. In

addition that area contains a drainage swale and 6-inch to 8-inch caliber trees would have to be removed.

Mr. Hill noted that the dwelling on the subject site has two "nicely designed facades" with an entrance on each facade as well as a service entrance into the kitchen near the driveway and the studio.

He described the typical front yard setback in Stoneleigh as being 25 feet with side yard setbacks of 10 feet. Using the site plan he pointed out that the 25-foot setback on the subject site is between Oxford Road and the dwelling while the setbacks are 10 feet between the adjacent neighbor at 7112 Oxford Road on one side and Hatherleigh Road on the other. It was Mr. Hill's opinion that the side facing Oxford Road is "legitimately the front of the house."

As Petitioner's Exhibit #5 Mr. Hill submitted a copy of the Zoning Policy Manual D-6 relative to corner lots and the permitted accessory building or use. He opined that the accessory structure in question could be moved back three to five feet or turned 90 degrees and still be in the correct portion of the lot. He opined that turning the building would put the broader face toward Hatherleigh making it more obvious and would necessitate removing the trees which provide a screen. This change, he said, would constitute "a net loss in appearance." He stated that the structure is properly placed in the proper third of the lot, does not occupy more than 50% of that third, meets the required setbacks and therefore complies with the ordinance in his opinion.

As Petitioner's Exhibit #6 Mr. Hill submitted an excerpt from his publication describing Stoneleigh.

The first witness in opposition to the Petition was Stoneleigh resident James Shiffrin. He stated that he objected to the variance request because he believes that the Petitioner should abide by the association covenants. Mr. Shiffrin presented no evidence.

The next witness was James Thompson, Supervisor of Code Enforcement for the Baltimore County Department of Permits and Development Management. Mr. Thompson has been in this position

since 1995; previously he was the zoning coordinator. He stated that he was familiar with the subject property, had reviewed the zoning file and had issued the citation stating that the accessory structure in question was not in the rear yard, but in the side yard of 7116 Oxford Road. As evidence he submitted the correction notice, Citation #02-2778 (Protestant's Exhibit #1).

Mr. Thompson said that the property was inspected on September 15, 2003. He opined that determining a frontal orientation for a subdivision such as Stoneleigh is unusual; such questions most often come to his office relative to waterfront property. He stated that to make their judgment his inspectors look at the windows and doors, try to determine where the "average person" would enter, and "apply common sense." In this case the inspection showed that the Oxford Road side has a sidewalk to a door onto an enclosed porch while the Hatherleigh entrance door is in the middle of the house with windows on each side. He determined that the Hatherleigh orientation constituted the "front" of the dwelling with the rear yard therefore "behind the line of the principal dwelling" toward 7112 Oxford Road.

On cross-examination by Mr. Hanley, Mr. Thompson agreed, using Petitioner's Exhibit # 5 as reference, that any corner lot depends on the lot being divided into thirds. He added that the house is located first and then the lot is divided into thirds.

Board member Marks asked if the accessory structure must meet rear yard setbacks to which Mr. Thompson answered, "Yes." Mr. Borgerding then confirmed that Mr. Thompson's department had determined that Oxford Road was not the front in this case. Mr. Thompson agreed.

Board Member Worrall asked what effect the street address has on the determination of front and rear yards. Mr. Thompson stated, "None. We look at physical characteristics. If the house were built now, it would be given an address on Hatherleigh Road."

The next witness was Jim Leonard of 615 Kingston Road. He appeared as chairman of the

Improvements Committee of the Stoneleigh Community Association. He offered the required Rule 8 papers (Protestant's Exhibit #2) authorizing him to speak for the organization. He stated that the association is opposed to the variance request. They are concerned about a precedent being set which would allow others to build in violation of the BCZR. He submitted photographs (Protestant's Exhibits #3 A-G and #4 A-D) showing views of the subject site from Hatherleigh Road and from Oxford Road.

Mr. Leonard said it was the position of the Board of Governors that the accessory building should be placed in the 18-foot area between 7112 and 7116 Oxford Road. He opined that this location would be the least visible "public side."

On cross-examination by Mr. Hanley, Mr. Leonard stated that the important element is that the accessory structure be in compliance with the zoning regulations. He said that the association found the 60-foot trees to be valuable and would want to save them, but zoning compliance was of paramount importance.

When questioned as to mail delivery, Mr. Leonard indicated that he believed mail is delivered only to the house number designated. He agreed that he would not dispute the fact that mail is delivered to the Oxford Road side.

Donald Gerding appeared as the next witness. Mr. Gerding lives at 335 Old Trail Road. He is the zoning chairman of both the Rodgers Forge Community Association and the Greater Towson Council of Community Associations. Mr. Gerding submitted Rule 8 papers (Protestant's Exhibit #6) authorizing him to speak in that capacity.

He testified that his board had visited the subject site and voted to support Stoneleigh Community Association's opposition to the request for variance. He opined that the subject property should have a Hatherleigh Road address and the 7116 Oxford Road address is confusing. He believes that the subject property fronts on Hatherleigh Road.

Michael Gill, 7117 Oxford Road, also appeared in opposition to the variance request. Mr. Gill submitted a plat of Stoneleigh (Protestant's Exhibit #7) with the subject site circled. His lot and house are across Oxford Road from the Milligan property at the corner of Hatherleigh Road.

Mr. Gill opined that there are numerous "trapezoid-shaped" lots in the neighborhood. He stated that the subject site is similar in size and topography to many others in Stoneleigh. Further he believes that the front of his house faces Hatherleigh Road, although he stated that his street address (7117 Oxford Road) causes confusion for deliveries and such.

On cross-examination by Mr. Hanley, Mr. Gill stated that his mail is delivered to the Oxford Road side of his property where his house number is located.

Barry Miller, 7109 Oxford Road, also appeared as a neighbor in opposition to the Petitioner's request. He is an architect and real estate agent.

Mr. Miller agreed with Mr. Gill that the front of the subject property should be considered the Hatherleigh Road area. He also agreed that the size, shape and topography of this lot are not unique to 7116 Oxford Road.

Mr. Miller stated that he further objects to the accessory structure because he believes it takes up on-site parking places that causes the residents to park on the street. He acknowledged on cross-examination that the elder Ms. Milligan and the 14-year old resident do not drive and that Cheryl Milligan's daughter is away at college. He was firm, however, in his conviction that parking in that area is a problem.

The law as it relates to accessory buildings is set out in *the Baltimore County Zoning Regulations*, § 400.1 as follows:

> 400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any

street and shall occupy not more than 50% of such third. In no case shall they be located less than 2-1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

The Board reviewed all the evidence and testimony presented. A public deliberation was conducted on October 16, 2003.

The Majority find as a matter of fact that the Petitioner has offered convincing and substantial evidence that the accessory structure has been constructed in the rear third of the lot identified as 7116 Oxford Road. Further we find that this is a corner lot and the accessory structure occupies the third of the lot farthest removed from any street and does not occupy more than 50% of such third. The location of the accessory structure also meets all setback requirements.

We come to this opinion for several reasons. First the one and only address given to the subject site is 7116 Oxford Road. This side of the house has a sidewalk and an entrance into the main living quarters. This is the address and entrance where the mail and other deliveries are directed.

Secondly the plat shows clearly that the setback from Oxford Road is 25 feet, a "front yard setback" whereas the setback from the adjacent lot at 7112 and from Hatherleigh Road on the other side is a 10-foot "side yard" setback.

Thirdly, all services to the subject site including utility poles and lines come in from Hatherleigh Road. We find this to be typical of subdivisions that such services as utilities are not placed in the front of the house.

Finally the evidence and testimony presented is uncontradicted that from York Road into the subdivision all corner lot houses have entrances fronting on the intersecting side streets with driveways

off Hatherleigh Road. Only two houses, those of Ms. Milligan and Mr. Gill, also have entrances that face Hatherleigh. As Mr. Gill, a Protestant, testified, having two entrances does cause some confusion.

Accepted by the Board as an expert in architecture and urban design, we found the testimony of Mr. Hill to be persuasive. Mr. Hill noted that two "attractive facades" was typical of the design attributes when Stoneleigh was constructed as described in Petitioner's Exhibit #6. He also observed that, in his expert opinion, the Milligan accessory structure is situated on the third of the lot farthest from the streets and with the narrowest portion of the building facing the view from the street, thus mitigating the impact. He further testified, and some of the Protestant's witnesses agreed, that the preservation of large trees on the subject property is important to the neighborhood as a whole.

The majority did not find compelling the testimony of Mr. Thompson of PDM that his department determines the front of a property from its physical characteristics and using common sense. Similarly Mr. Thompson produced no evidence to support his opinion that the subject property would be given an address on Hatherleigh Road if it were to be built today.

In conclusion the majority finds that the front of the lot with the address of 7116 Oxford Road is that portion of the property on Oxford Road. We find that the accessory structure was built therefore in the rear third of that lot farthest from the road, does not occupy more than 50% of that third, and meets all setback requirements.

We find that the request for variance is moot since the Petitioner is in compliance with § 400.1 of the BCZR.

The question of compliance with the private covenants of the Stoneleigh Community Association, Inc., is not before this Board.

ORDER

THEREFORE, IT IS THIS _____ day of _____, 2003 by the County Board of

Appeals of Baltimore County

ORDERED that the request for variance in this matter is **MOOT** based upon the finding by a Majority of this Board that the front of the lot with the address of 7116 Oxford Road is that portion of the property on Oxford Road; and

WE FURTHER FIND that the accessory structure was built therefore in the rear third of that lot farthest from the road, does not occupy more than 50% of that third, and meets all setback requirements; and

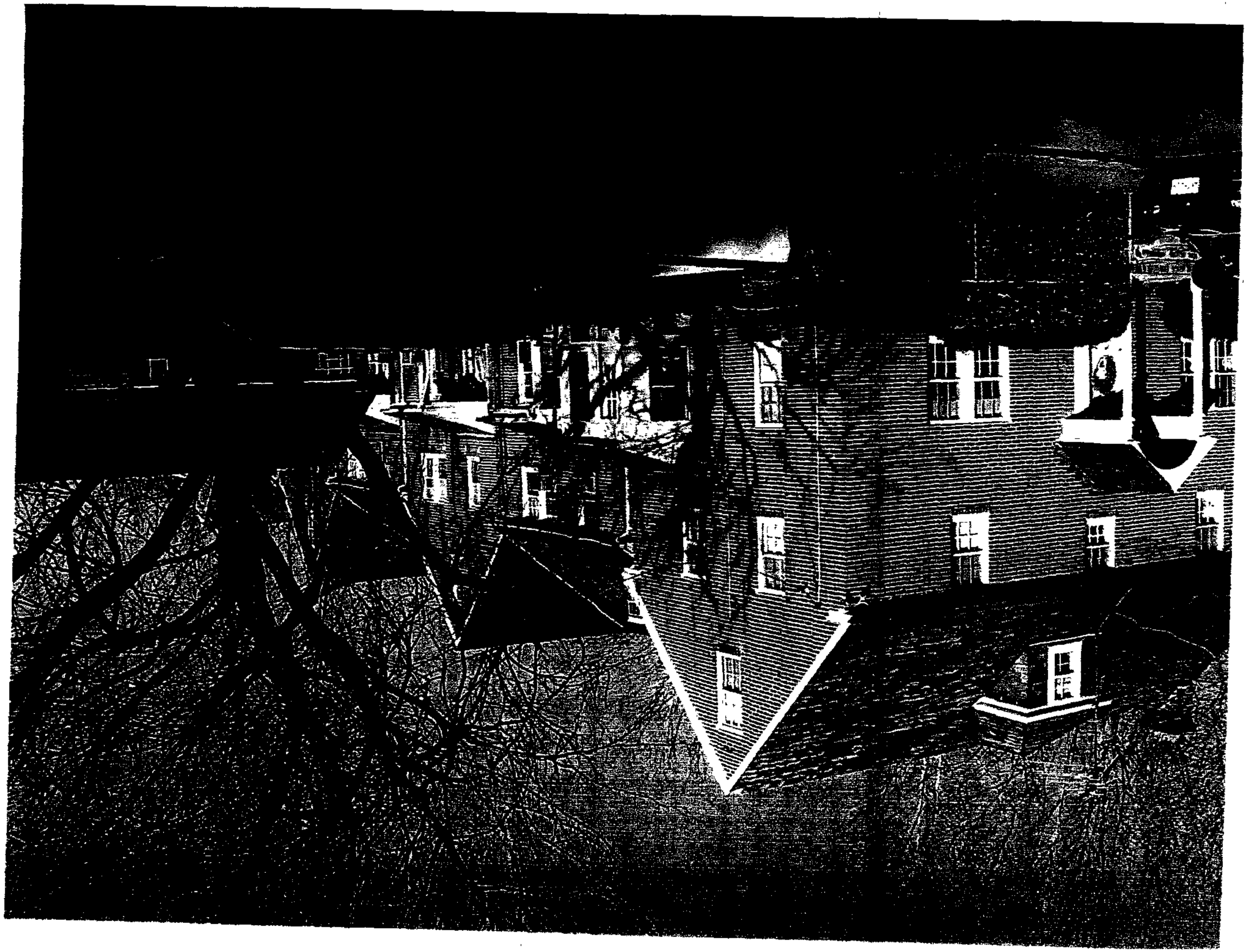
FURTHER, that Petitioner is in compliance with § 400.1 of the *Baltimore County Zoning Regulations*.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

_____
Margaret Worrall

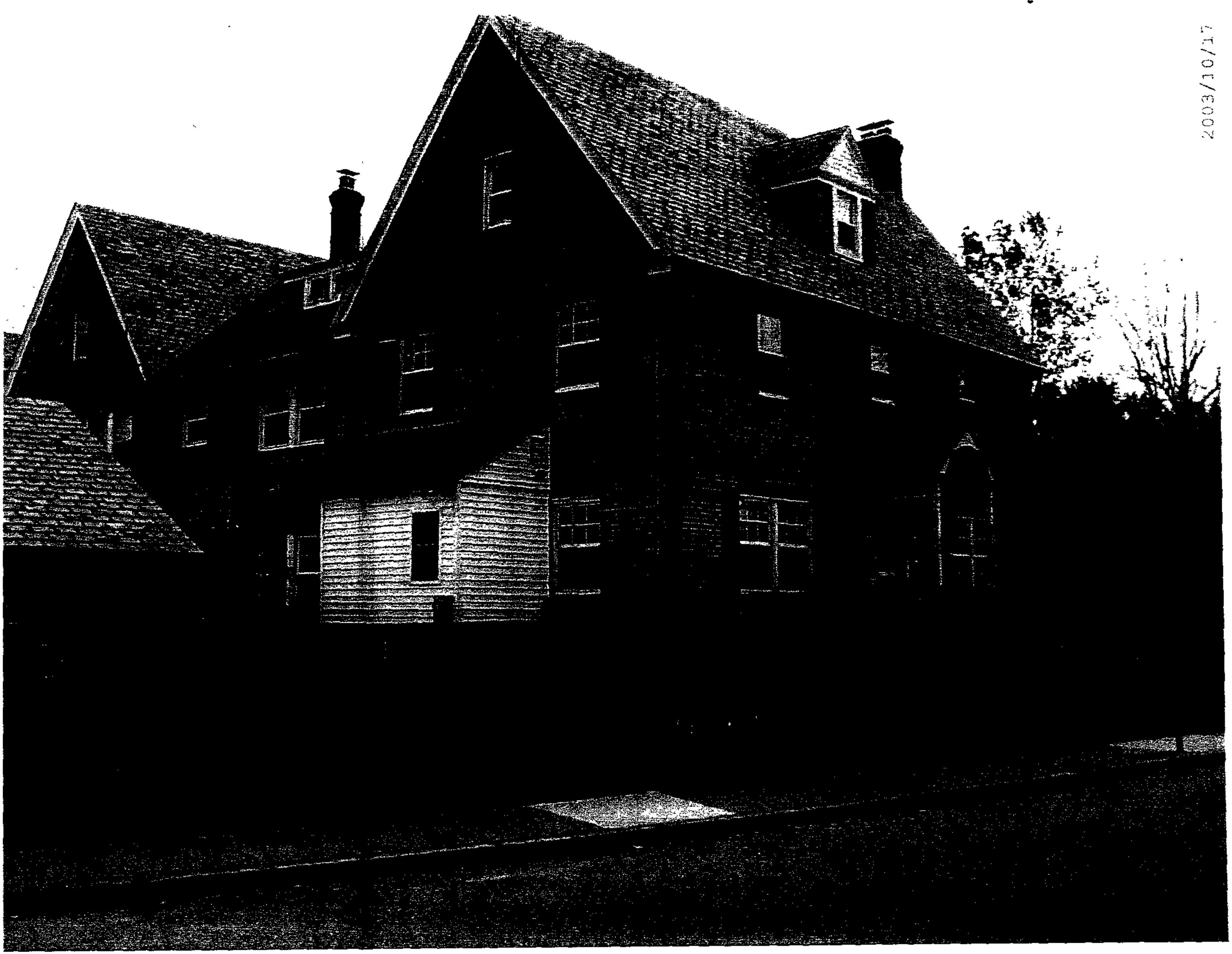
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Edward W. Crizer, Jr.

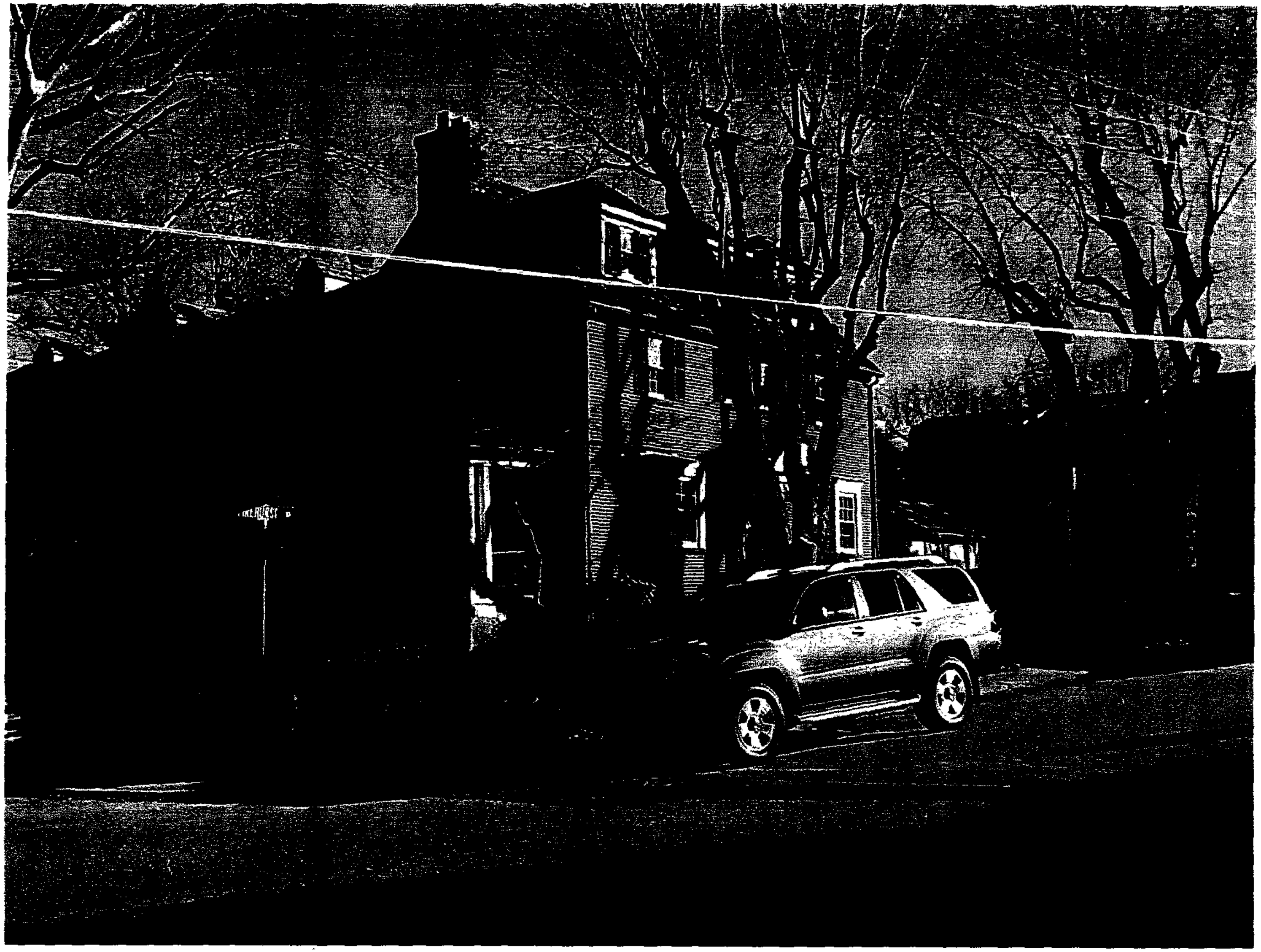


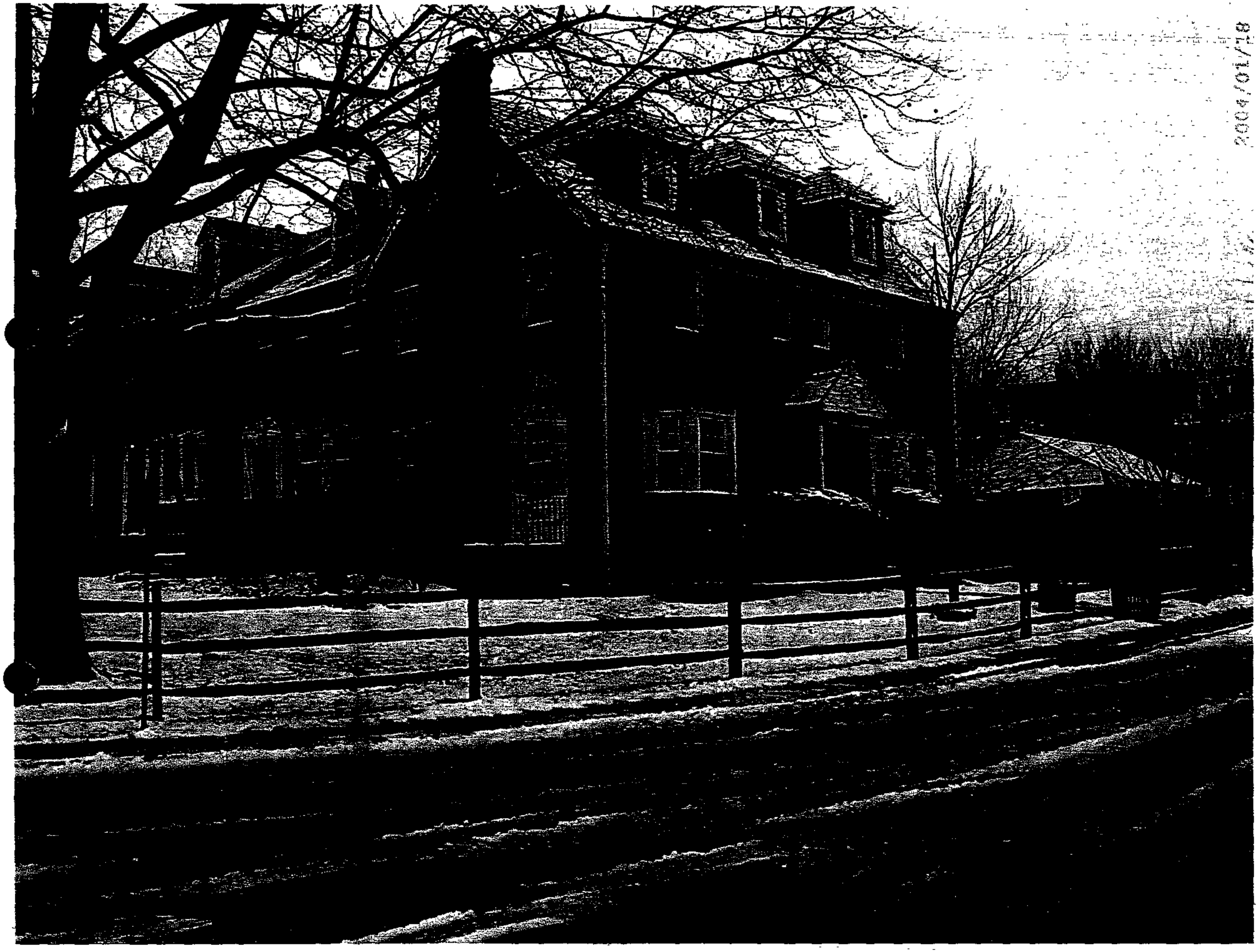




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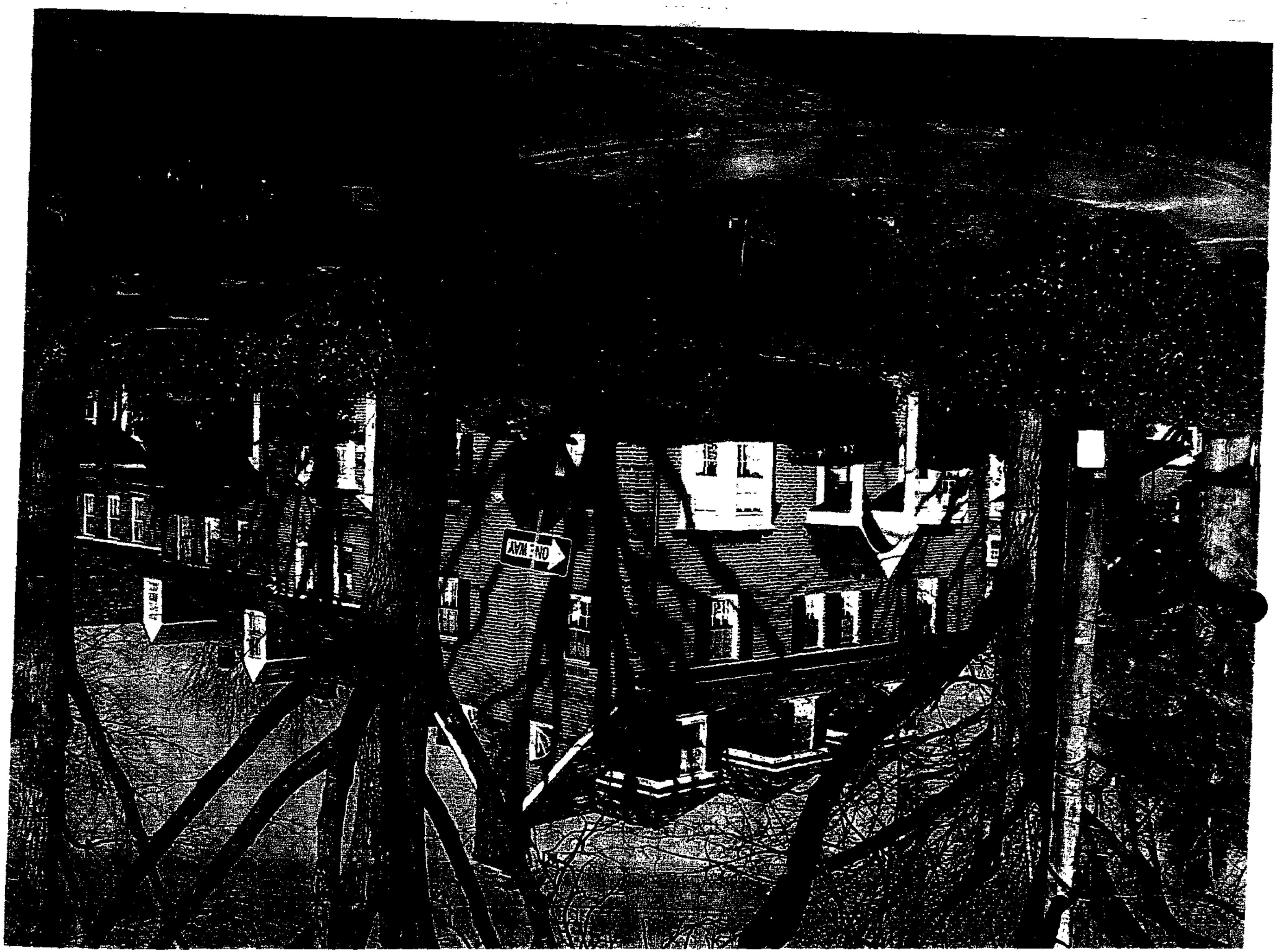




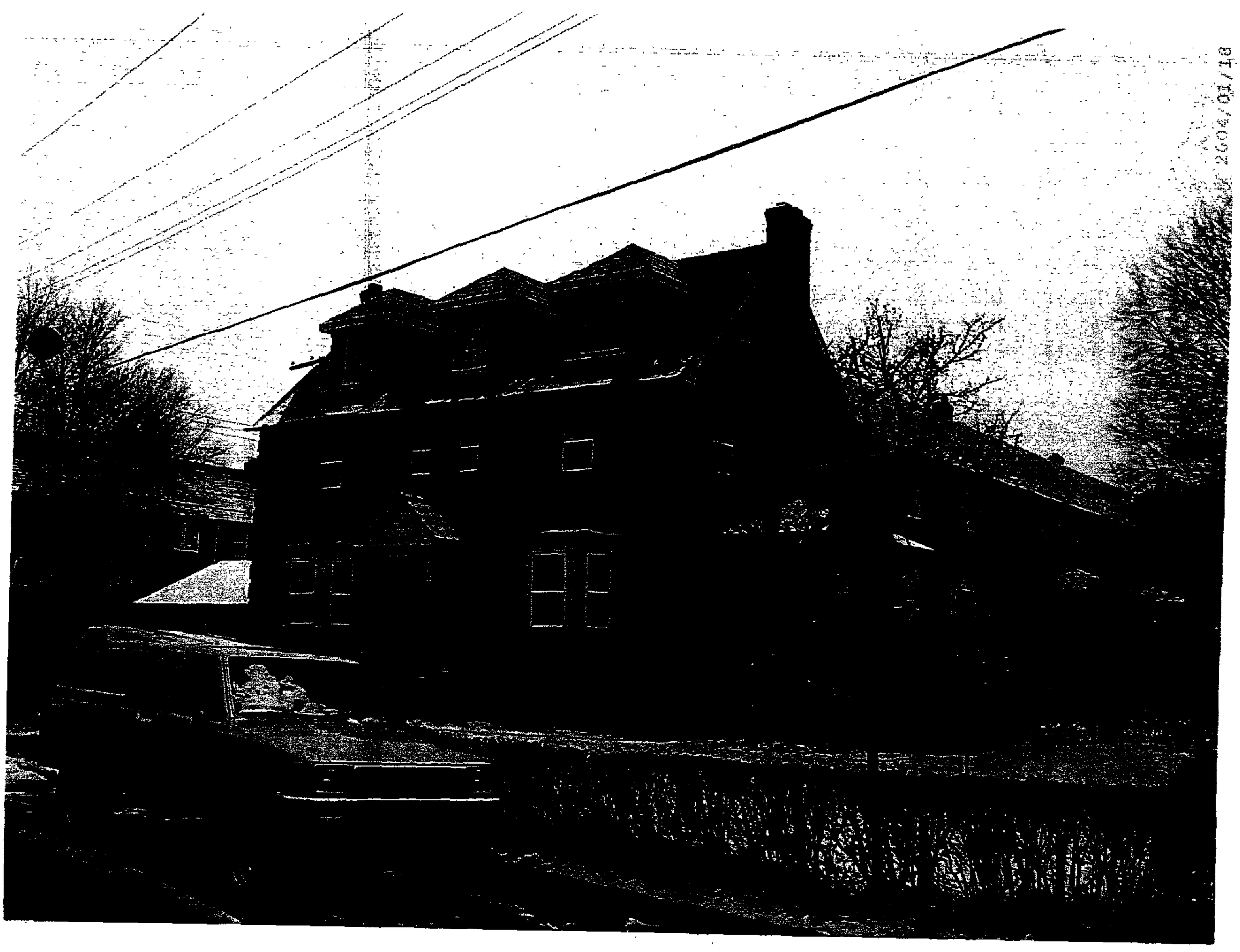


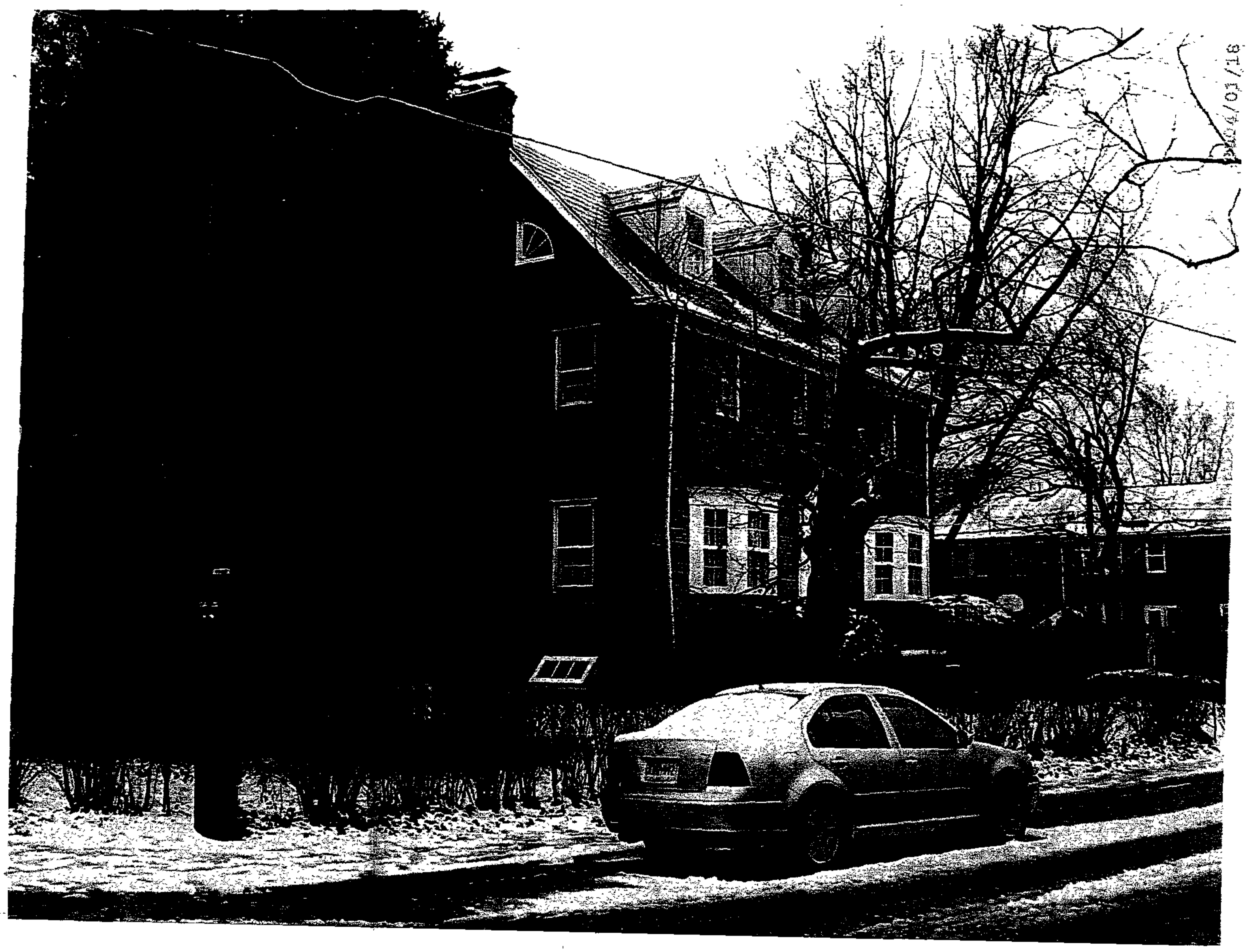
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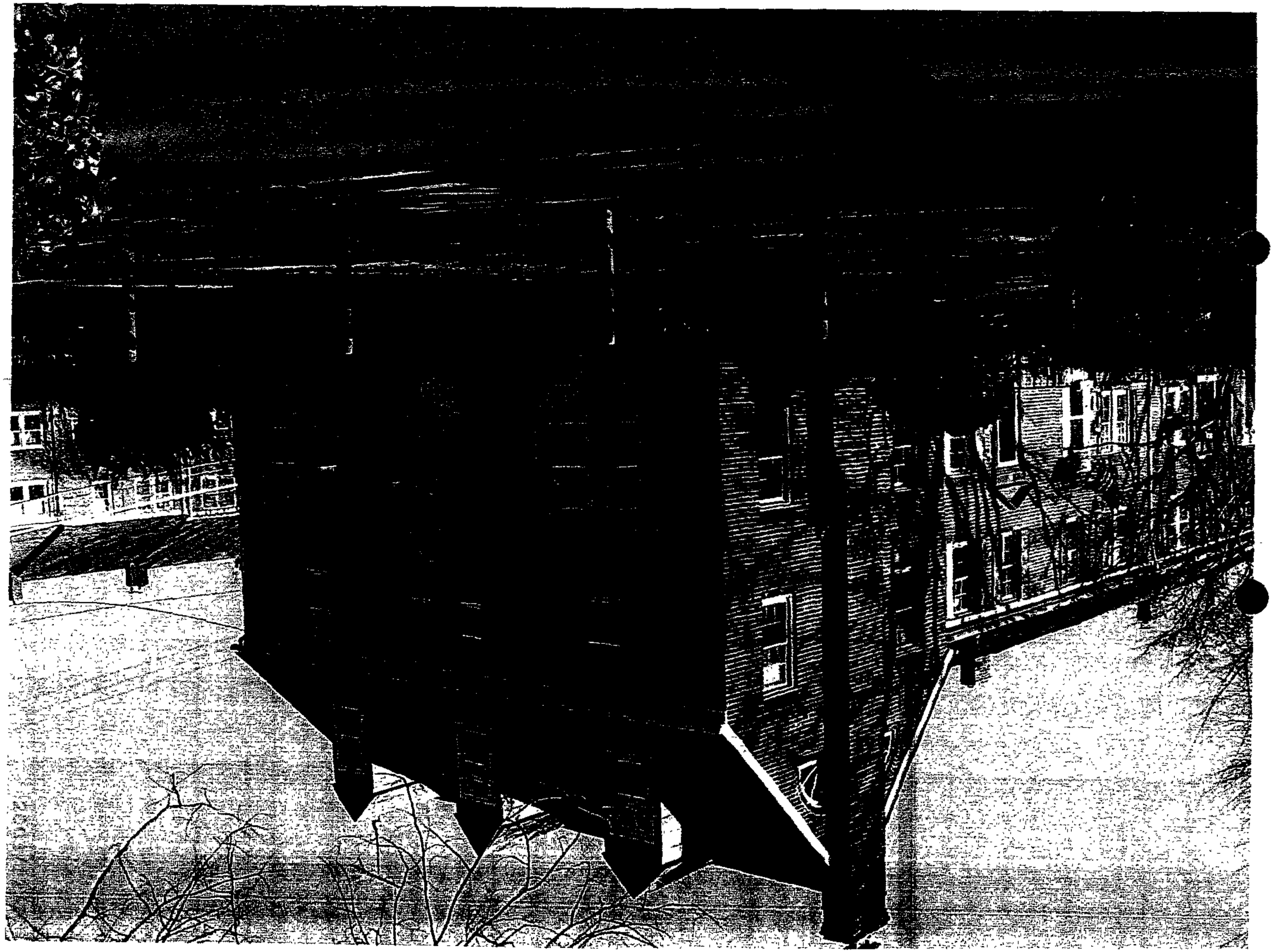

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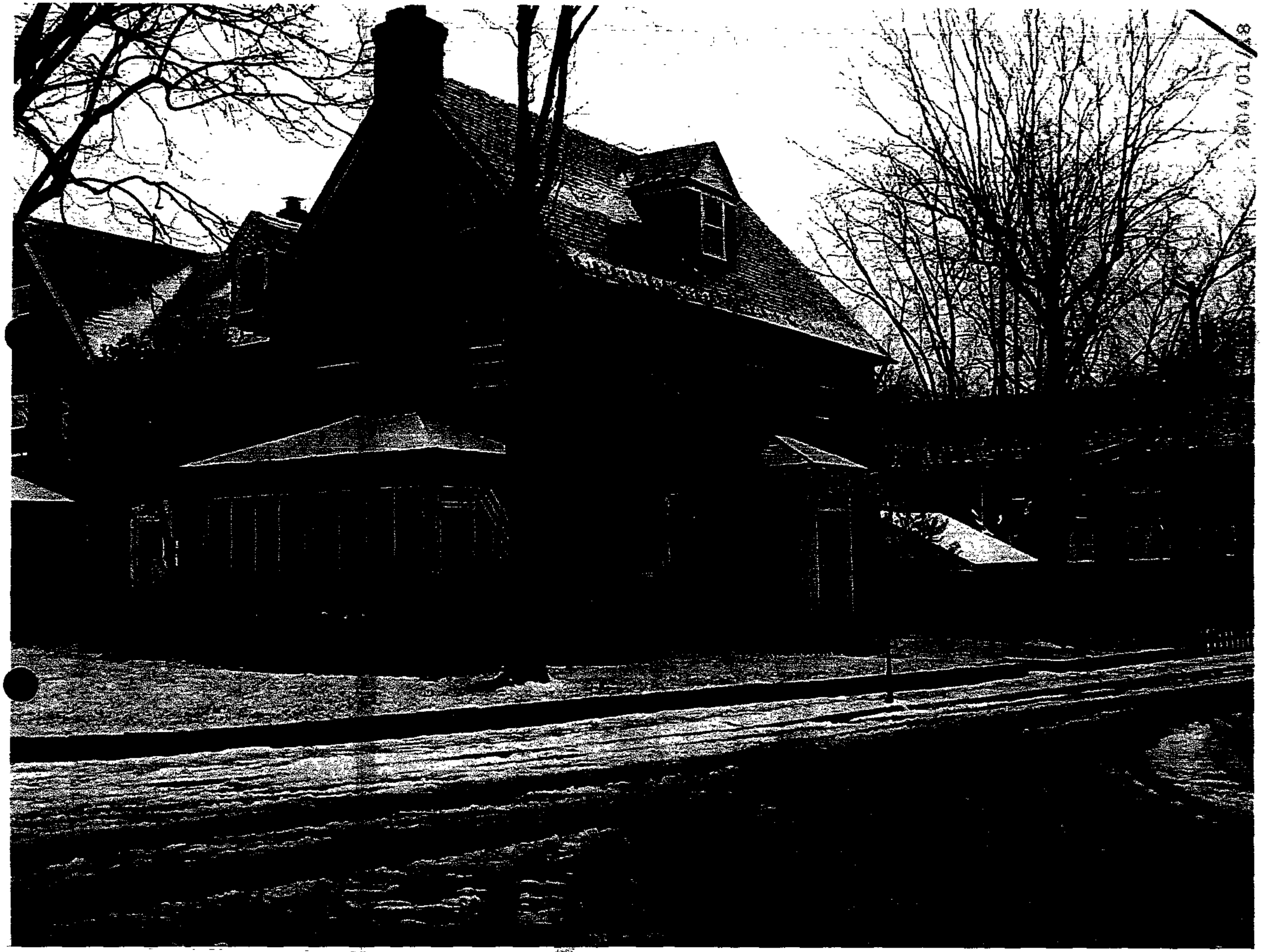
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201 - 209
MURDOCK

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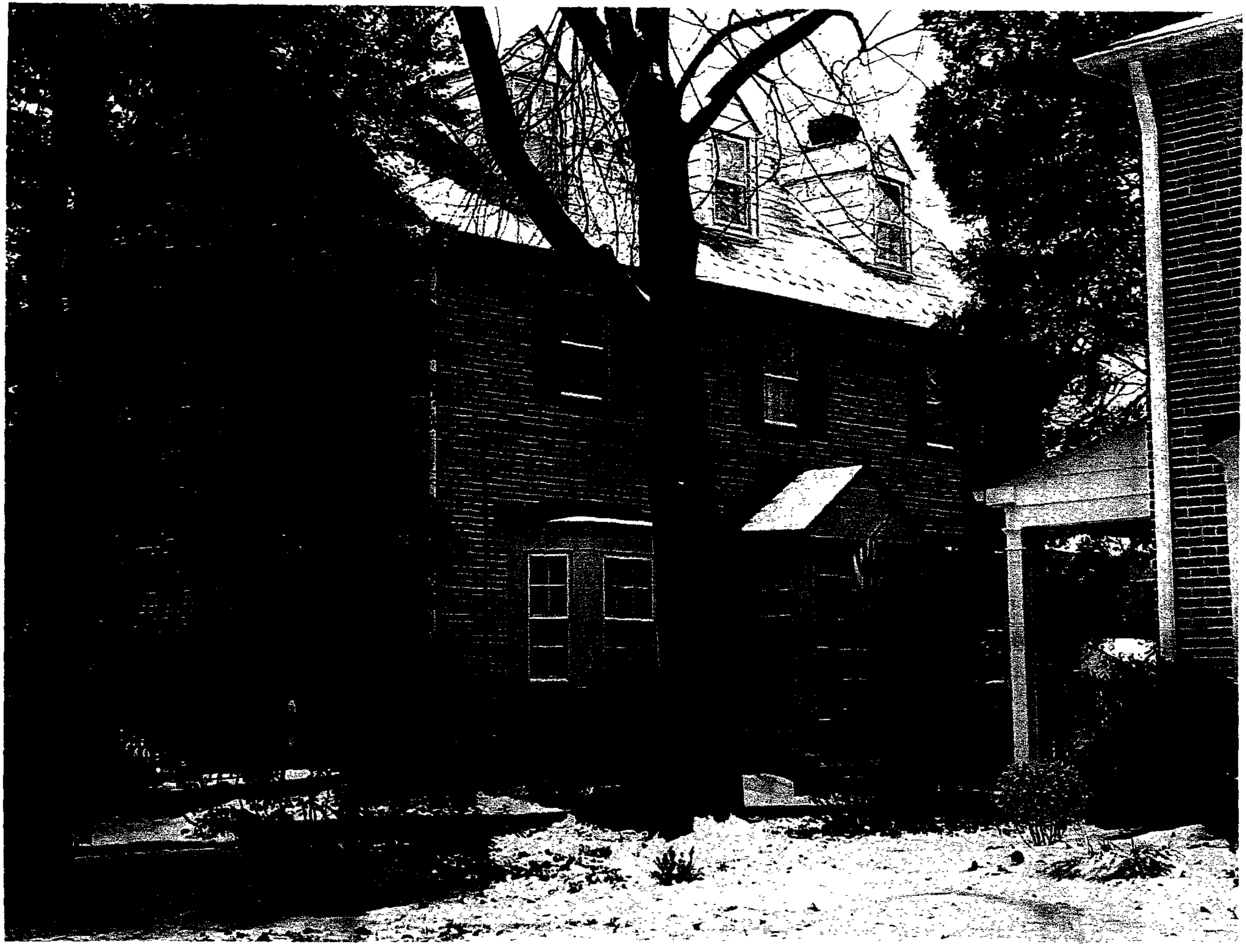
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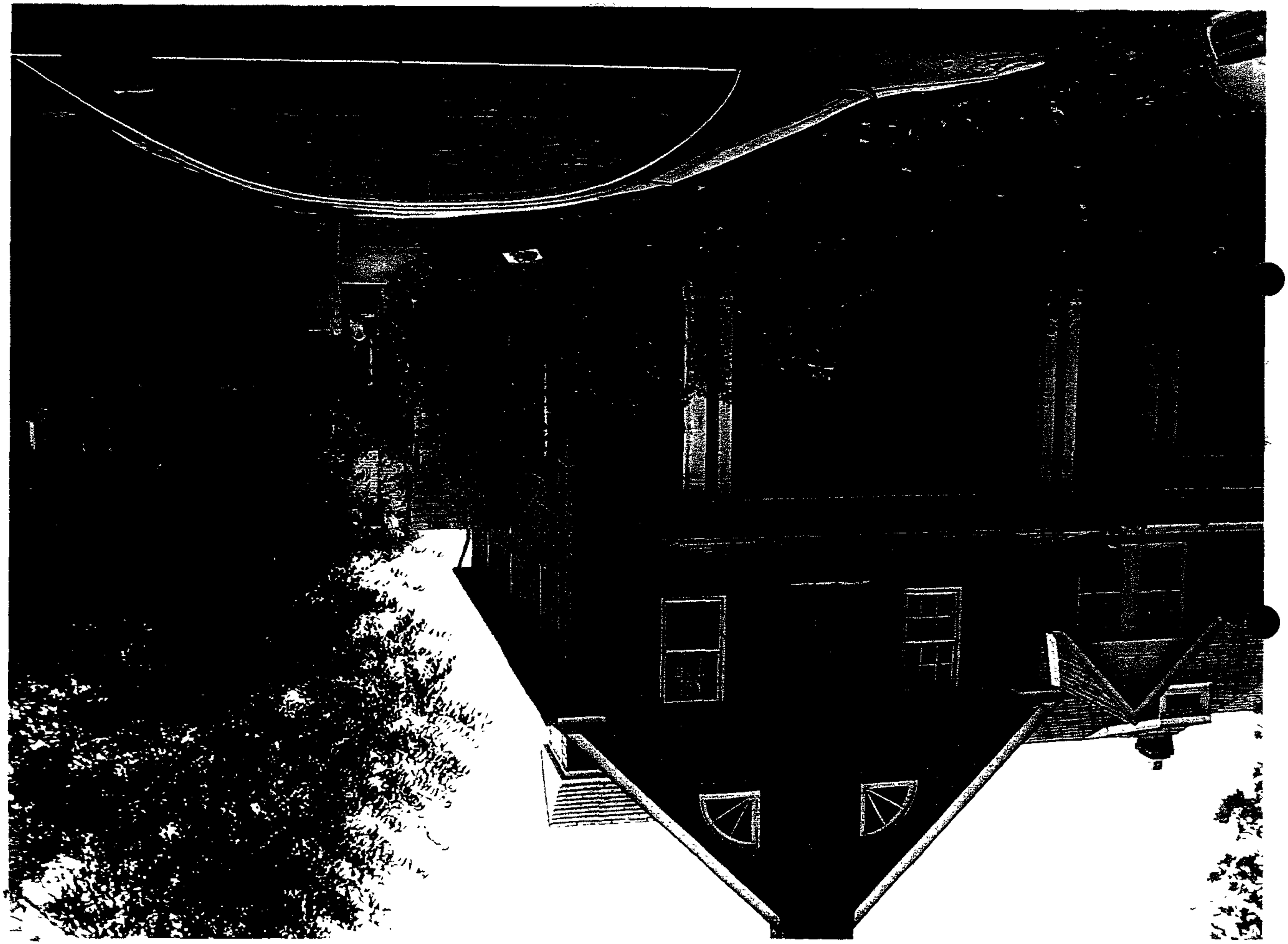
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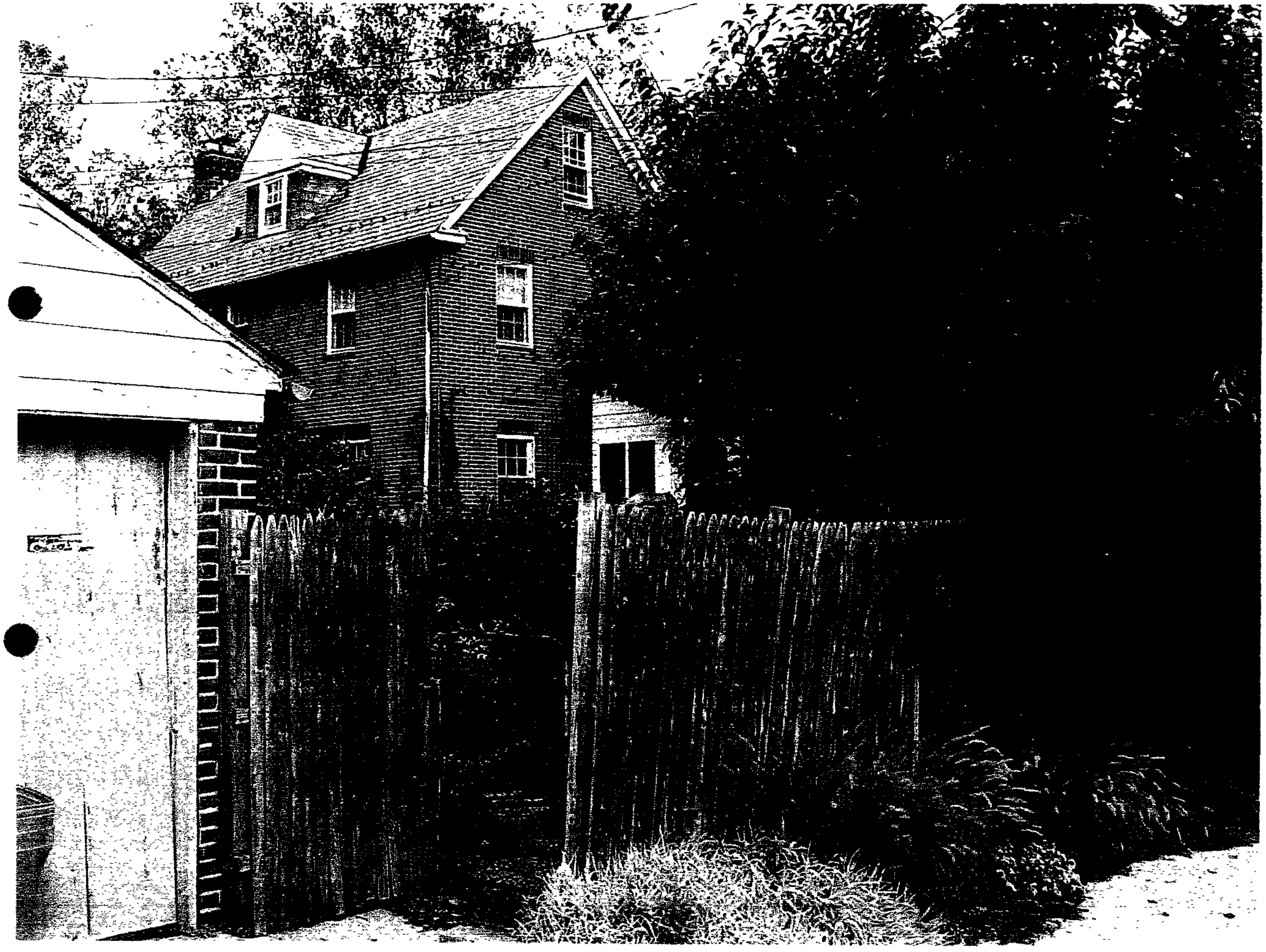

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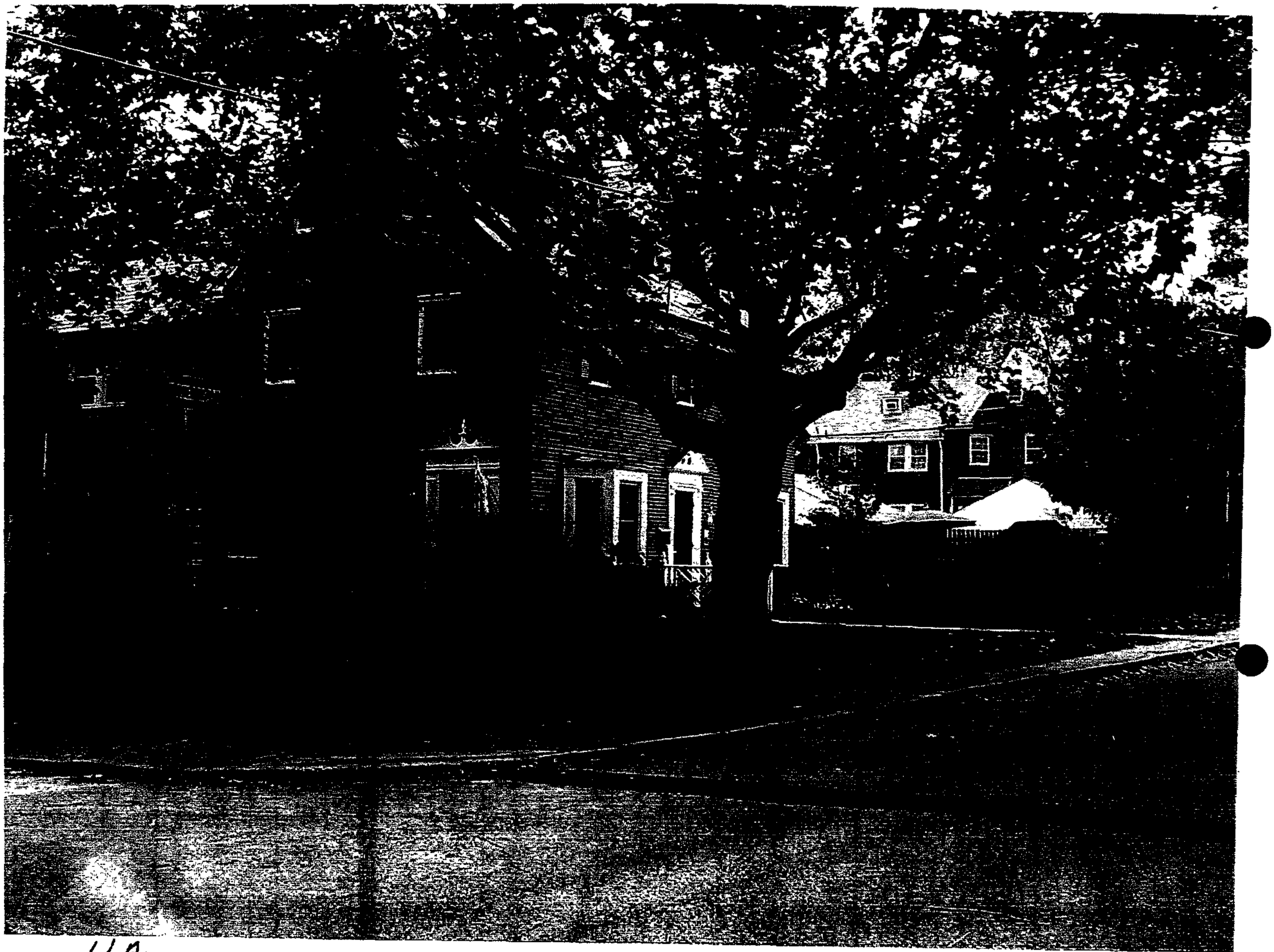








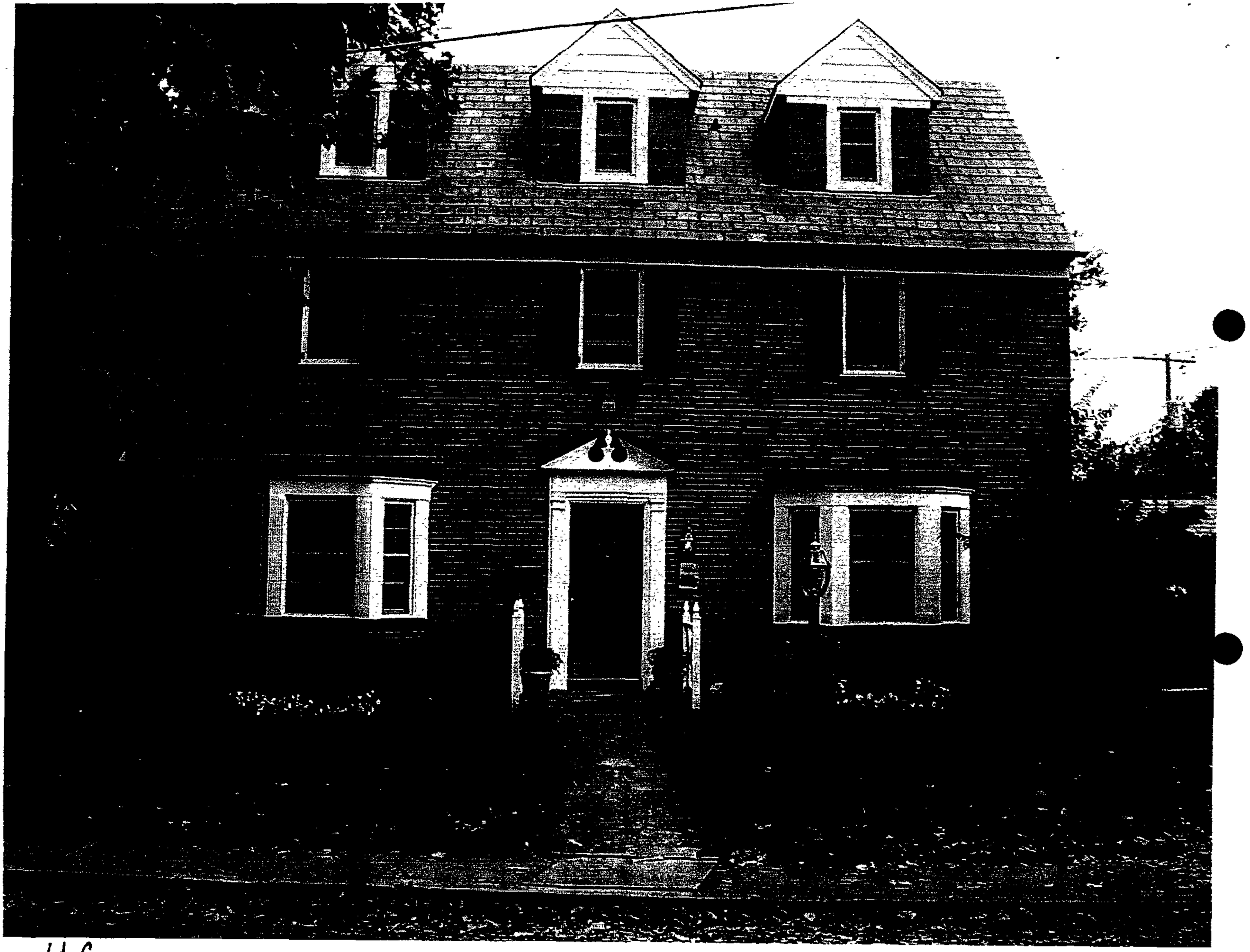




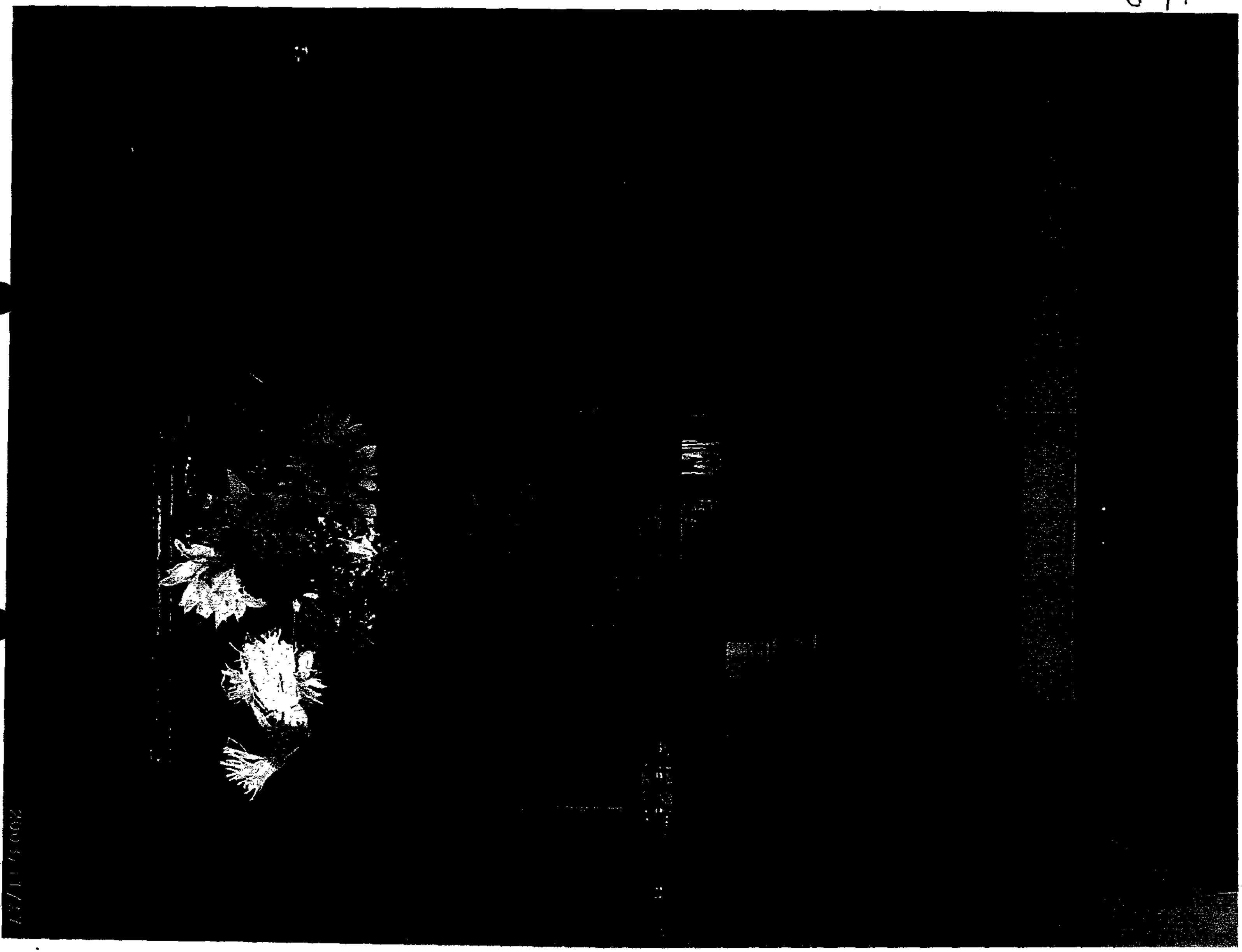
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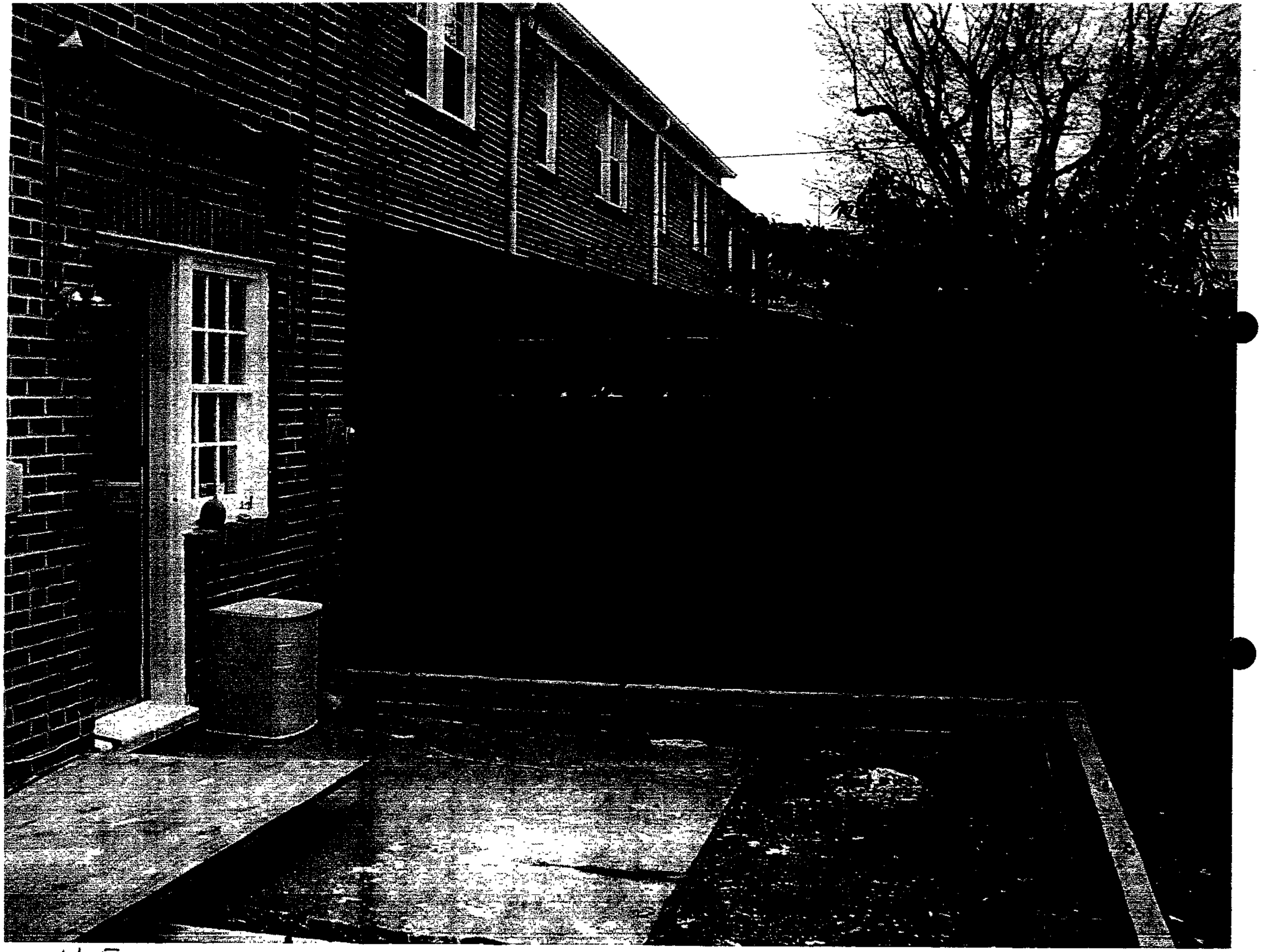
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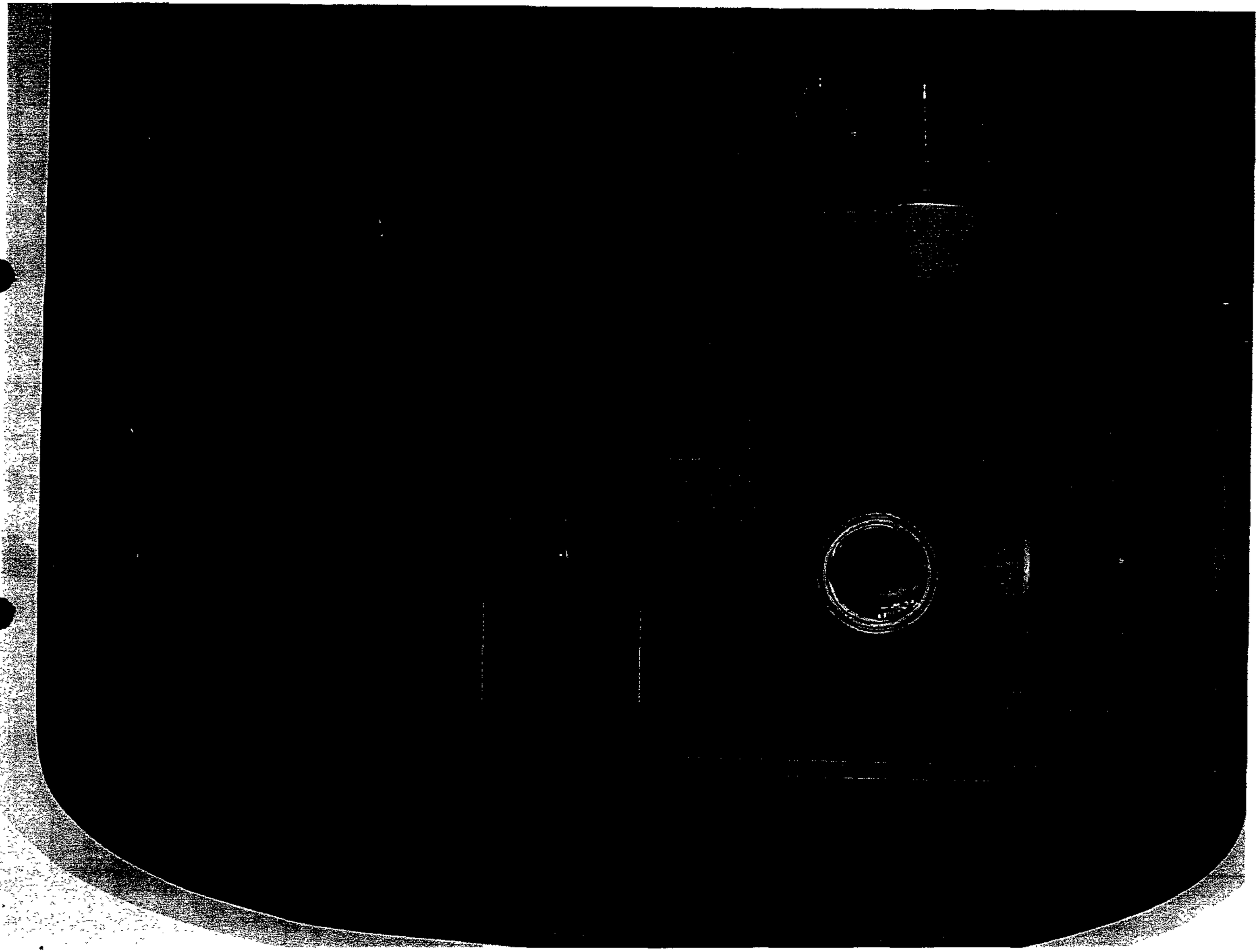


4 C





4 F



(1) 4 PAGES w/ SCHEDULE "A"

WHEN RECORDED RETURN TO:

Charles D. Wilder and Brigid P. Wilder
201 MURDOCK ROAD
BALTO., MD. 21212

2201619R

THIS DEED, Made this 2nd day of July, 2002, by and between **Thomas W. Donner and Danielle S. Donner,** parties of the first part, Grantors, and **Charles D. Wilder and Brigid P. Wilder,** parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Three Hundred Ten Thousand and 00/100 DOLLARS ($310,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the heirs, Personal Representatives and assigns of the survivor, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

SEE ATTACHED SCHEDULE A

BEING the same property which by Deed dated November ( ) , 1995 and recorded among the Land Records of Baltimore County in Liber No. 11422, folio 23, was granted and conveyed by Jeri Lyn Holston, Elizabeth M. Holston, Alvan M. Holston, Sr. by his Attorney-in- Fact, Jeri Lyn Holston unto Thomas W. Donner and Danielle S. Donner, the Grantors herein.

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

TO HAVE AND TO HOLD the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the heirs, Personal Representatives and assigns of the survivor, in fee simple.

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

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland Attorney.

Carol Ann Wildesen
Carol Ann Wildesen, Attorney

Pet Ex 2

SCHEDULE A

BEGINNING FOR THE SAME at the corner formed by the intersection of the south side of Murdock Road and the southeast side of Pinehurst Road and running thence easterly binding on the south side of Murdock Road thirty-one feet six inches to a point in a line with the center of the partition wall there situate thence southerly to and through the center of said partition wall and continuing the same course all in all one hundred ten feet to the north side of an alley fifteen feet wide there situate thence westerly binding on the north side of said alley with the use thereof in common fifty eight feet three inches to the southeast side of Pinehurst Road and thence northeasterly binding on the southeast side of Pinehurst Road one hundred thirteen feet five and one quarter inches to the place of beginning. The improvements thereon being known as No. 201 Murdock Road.

2201619R

PRINCIPAL RESIDENCE AFFIDAVIT

Charles D. Wilder and Brigid P. Wilder, Grantee(s) in the within Deed from Thomas W. Donner and Danielle S. Donner, as Grantor(s), hereby certify under the penalties of perjury, that the land conveyed in said deed is residentially improved owner-occupied real property and that the residence will be occupied by us.

Charles D. Wilder, Grantee

Brigid P. Wilder, Grantee

STATE OF MARYLAND, COUNTY of Baltimore, to wit:

I HEREBY CERTIFY, That on this 2nd day of July, 2002, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Charles D. Wilder and Brigid P. Wilder, the within Grantee(s), and they acknowledged the foregoing instrument to be their act.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: June 14, 2003

JANICE M. MARR NOTARY PUBLIC BALTIMORE COUNTY, MD.

WITNESS the hands and seals of the within Grantors.

WITNESS:

Janice Marr

_____ (SEAL)
Thomas W. Donner

Janice Marr

_____ (SEAL)
Danielle S. Donner

STATE OF MARYLAND, COUNTY OF Baltimore **, to wit:**

I HEREBY CERTIFY, That on this 2nd day of July, 2002, before me, the subscriber, a Notary Public of the State and jurisdiction aforesaid, personally appeared Thomas W. Donner and Danielle S. Donner, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Deed, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Janice Marr
Notary Public

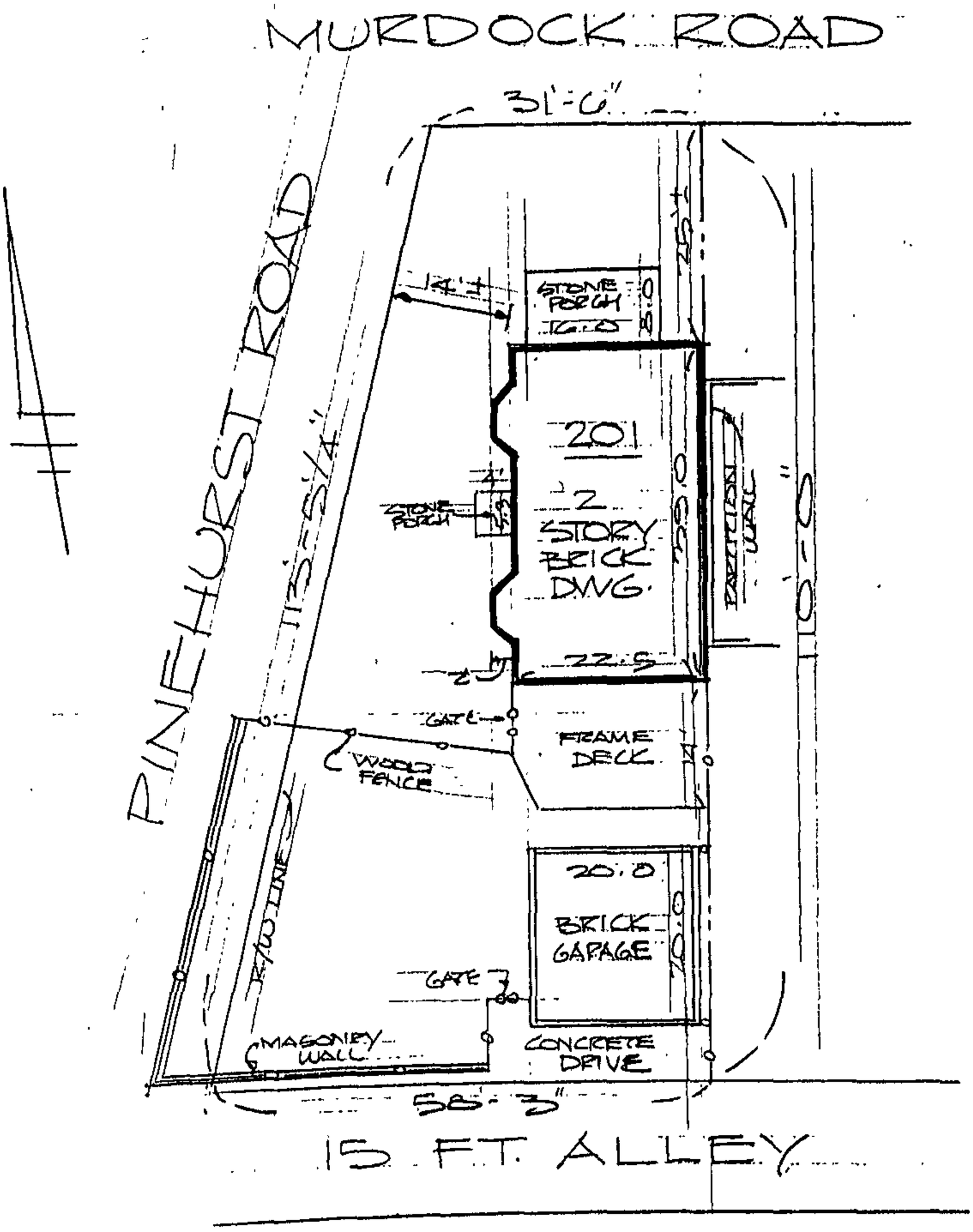
My Commission Expires: 6/14/03

NRT Mid-Atlantic Title Services, LLC
22 W. Padonia Road, Suite B-328
Timonium, MD 21093
410-252-1208
File

JANICE M. MARR NOTARY PUBLIC BALTIMORE COUNTY, MD.

#2201619R

This property is not located in a F.I.R.M. Identified Special Flood Hazard Area. Flood Hazard Map Interpretation though believed accurate is not guaranteed.



This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.

This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

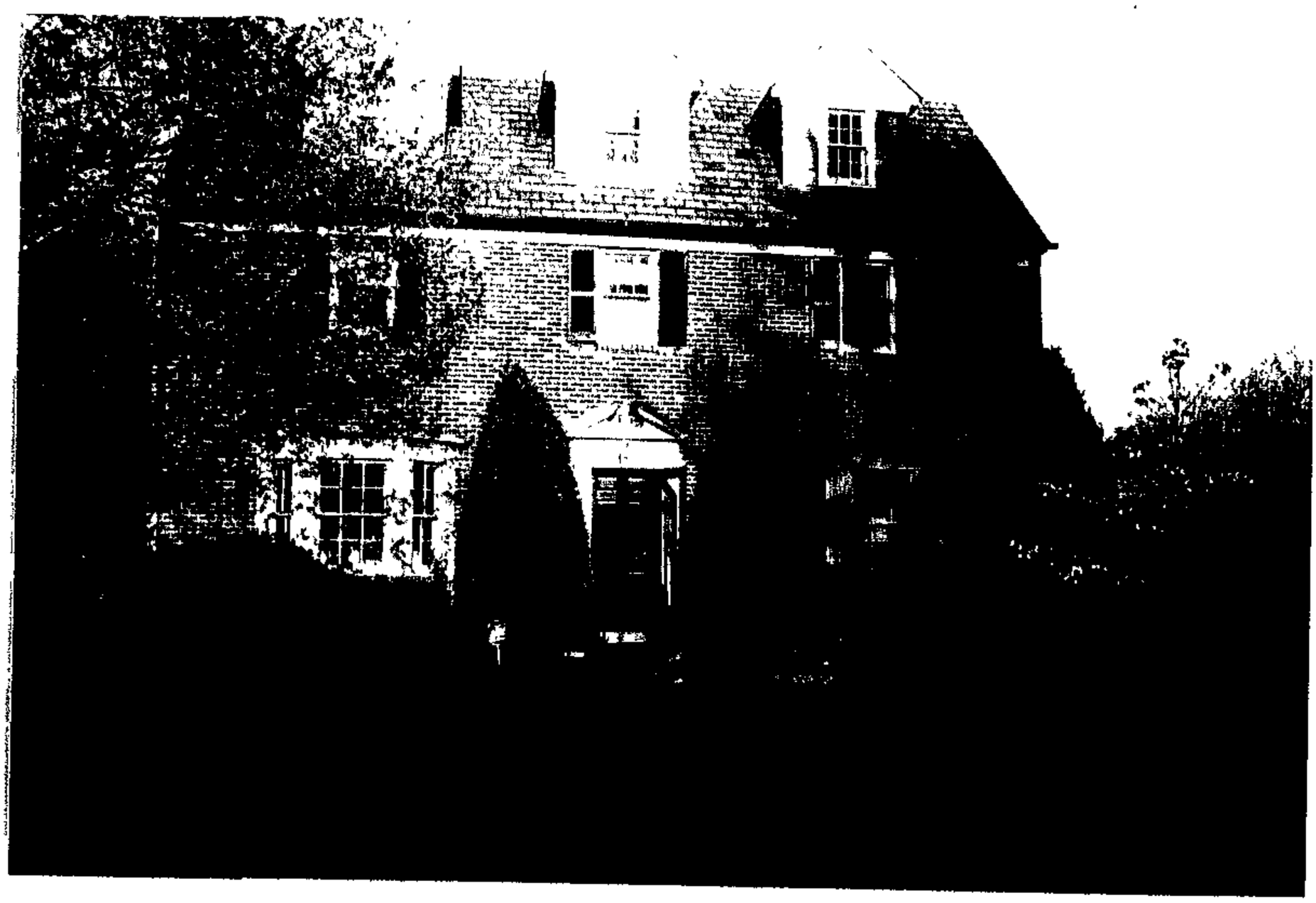
This is to certify that this drawing meets the Minimum Standards of Practice of the State of Maryland.

6/13/02 Donald R. Mill

Pet.
Ex 3

All setback dimensions are + or - one foot unless otherwise noted.

FOR SALE



201 MURDOCK ROAD
RODGERS FORGE

410-377-8017

Pet.
Ex 1

FIRST FLOOR

FOYER

- Hardwood Floors
- Guest Coat Closet
- Hanging Light Fixture
- Children's Coat Rack

LIVING ROOM 20.5 X 15

- Fireplace with Mantel
- Hardwood Floors
- Bay Window
- Wall Sconces
- Custom Window Treatment
- Walkout Entry to Stone Patio

310 SF

DINING ROOM 15 X 12.25

- Hardwood Floors
- Bay Window
- Chair Rail Molding
- Wall Sconces
- Window Treatments
- Chandelier **Excluded**

KITCHEN 13.5 X 8

- Remodeled in 1996
- Italian Tile Floors
- Custom Cabinetry: Garbage/Recycling Bin and Microwave Shelf
- Custom Countertops
- Walkout Entry to Deck and Garden
- Refrigerator, Microwave, Dishwasher and Self-Cleaning Gas Oven/Range included
- Recessed Lighting
- Door to Finished Lower Level

SECOND FLOOR

MASTER BEDROOM 20.5 X 15

- Two closets (One is Cedar)
- Three Andersen Replacement Windows
- Wood Floors
- Sitting Area
- Window Treatments

SECOND BEDROOM 13.5 X 11.5

- Wood Floors
- Closet
- Two Andersen Replacement Windows
- Newly Painted
- Window Treatments **Excluded**

THIRD BEDROOM 13.5 X 8.75

- Wood Floors
- Walk In Closet
- Corner Cupboard (Originally in Dining Room)
- One Andersen Replacement Window
- Custom Window Treatment

BATHROOM 8 X 7.5

- Updated in 2001
- New sink and vanity
- New toilet
- Ceramic Tile Floors
- Large Linen Closet
- One Andersen Window
- Custom Window Treatment **Excluded**
- Tub/Shower Combination

THIRD FLOOR

FOURTH BEDROOM 15.5 X 13.25

- Painted Wood Floor
- Built In Shelves
- Closet
- Access to Storage Area with Light
- One Replacement Window
- One Dormer Window

~ 205

HALLWAY with Closet

FIFTH BEDROOM 13.25 X 13

~ 175

- Wood Floors
- Custom Built In Bookshelves
- Half Moon Windows
- One Dormer Window
- Extra Large Cedar Closet
- Closet with Access to Large Storage Space

BATHROOM 7.75 X 7.75

- Updated in 1998
- Ceramic Tile Floor and Wall Tile
- Chair Rail Molding
- Kohler Pedestal Sink and Toilet
- Clawfoot Tub with Reproduction Faucet and Handheld Shower

FINISHED LOWER LEVEL

FAMILY ROOM/PLAYROOM 19.25 X 15

- Painted Wood Paneling
- Custom Built In Shelves and Table
- Berber Carpet
- Recessed Lighting
- Walk In Access to Storage Room with Pantry

OFFICE/LAUNDRY ROOM 15 X 14.5

- Painted Wood Paneling
- Checkerboard Tile Installed in 2002
- Built In Cabinets
- Double Utility Sink Installed in 2002
- Refrigerator
- Walk In Access to Storage Under Stairs
- Walk In Access to Work Room/Storage Area
- Recessed Lighting
- Washer and Dryer
- Access to Backyard

BATHROOM with toilet, updated sink with vanity and tile floor.

EXTERIOR

- Attached Brick Center Hall Colonial Facing Pinehurst Road
- Three Dormer Windows
- Large Yard Enclosed by Custom Brick and Cedar Privacy Fence
- Two Car Garage w/ Attic Storage Space
- Wooden Playhouse
- Flagstone Walkway
- Two Flagstone Patio
- Large Deck (308 Sq. Ft.) Added in 2001 w/ Discrete Access to Basement
- Beautiful Landscaping, including mature Azaleas, Cherry Tree, Japanese Maple and a hedge around north perimeter.

OTHER FEATURES

- Central Air Conditioning Installed in 1996
- ADT Security System Installed
- Gas Heat
- Updated Plumbing and Electricity
- New Hot Water Heater in 2001
- Slate Roof
- Copper Gutters
- Walk to Rodgers Forge Elementary and Dumbarton Middle School

ASKING PRICE: $298,000

Room sizes are approximate. All information believed to be accurate, but not guaranteed.

Justin Kemp -

J Carroll Kolger.

Rogers Forge

King - Irving

- Stop work issued -
- Petitions were filed
-
- Chas, Doris Wilder
- Brugel
- Bill Cooper - Contractor
- Architect - Warren Heagy
- Neighbor - Ely Krenoff -

Chas D Wilder -

201 Murdoch - Home

45 yrs old

Brugel wilder -

Environmental -

3 daughters - (17, 15, 7) →

purchased - July 2002 -

Pet No 1 - 4 -

replace deck -

13 x 13 Kitchen bump out

Single Story addition

- addition could not be placed anywhere else
- Overhang removed, dock moved - appliances & cabinets in storage

Front door faces Rosehurst
Where it gets its mail -

no walkway from
landscaping blocks the door -
no keys from outside -
neighbors -

He believes house fronts Rosehurst - even though it has a Murdock Rd address -

Cons - He believes that

- alley on rear yard -
- Garage on rear yard -
- Door faces Murdock
- Moved porch over front door -

Bill Cooper - 904 Murdock Rd -

29 -

Warren Nagey -

611 N Eutaw St. -

Grad. 1980

Chesapeake Design Group -

architect -

Registered in Md - Architect -

1984-85 -

Architectural

Colonial Revival -

Perpendicular to the road -

the width of this house is greater than the depth of the house that it adjoins -

The feature of this house is the arter staircase

No adverse impacts / addition

alley is to the rear.

Elly Seehoff -

201 Dunbarton -

46 years in Loyola Forge -

8.5 x 13 - es over the 5-lb
Rocker

covered deck -

front house faces Lynchurst -

- Door Bell on Lynchurst
- Center Hall of House
- People come
- mail box on Lynchurst

Center hall Colonial -
Bay window face Lynchurst

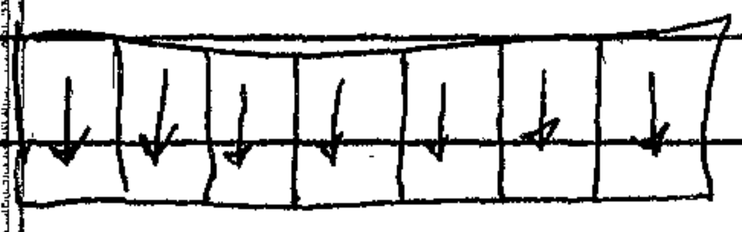
Kitchen needs alot of work
Cabinets are small -

Factors for -

- architecture
- center hall
- everybody goes in this way
- door bell
- perpendular to group
- only entrance
- no sidewalk -
- no rear way to get in from Murdock -

+

usual row of houses look like

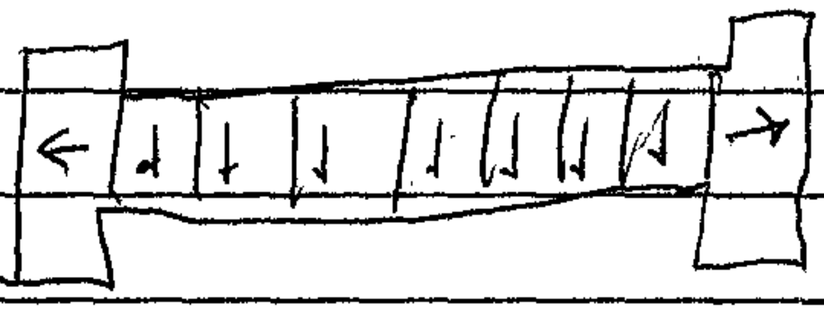


Factors against

- address
- alley location
- garage location
- need variance for side & no rear yard

Townboard extend end of group vs. end of group on corner lot

this one looks like



Ted Dunn -

~~Ben~~ - Bad precedent
- interference w/ Gen -
- storm problem - possible
problem w/ storm water

- quiet enjoyment -

Carol Zielke

325 Murdock Rd -

~~Mayfield~~ Dairy -
people move here to get away
from the city -
~~Ben~~ Good cross section

- want to maintain architecture & charm -
- limited open space -
front, side & rear yards

Concern over height & am -

Snowball effect -

59 homes have side entrances
14 are on corner lots
45 are interior ~~off road~~ of the
road in ~~block~~ between rows
~~75~~ 550 homes - 73 homes have side ??

She doesn't think the stairway setback

Lee -

see card about prior case -

She's concerned about light +

~~noise~~ air -

She's concerned about precedent -

notes neighborhood took more
congested,
police can't see
as inconsistent
people are concerned -

crowded over fire to garage -

5 cars Gem -

Been here to oppose -

She's never spoken to Mr Goldman -

~~[redacted]~~

fence is enhance height -

Marla Harrah Norma O'Hara

329 Murdock Rd

Every time someone sells, everybody holds breath -

So many fences + decks -
neighbor looking at each other -

Wall to Levy -

By Jim Powell

227 Murdock -

Rogers Forge Comm. Assoc.

Request will destroy compatability -

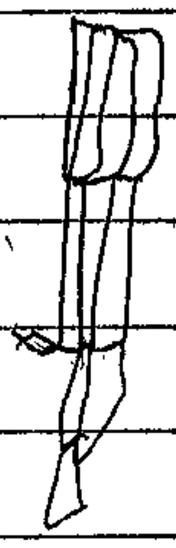
Much of charm + character

Uniformity in architectural style will be destroyed -

will be adhere -

All - Sun light -

1777 on Rogers Forge



Kitchen lumpworks 13 x 13 + 11 feet tall

Miller -

3/26/04 Briefs due

16 JAN 04

The Zoning Commissioner of Baltimore County
Department of Permits and Development Management
Director's Office – County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

The Rodgers Forge Community, Inc. / Architectural Committee
PO Box 571
Riderwood, MD 21139

RE: Proposed 201 Murdock Road Kitchen Extension

To Whom It May Concern:

Please be advised that we, as the adjacent neighbors to the subject property, have reviewed and discussed the proposed kitchen extension with the Wilders and do not feel that this work will be a detriment to the neighborhood as far as aesthetics or a negative impact to our collective property values or to my property specifically. Nor will the proposed construction adversely affect my property with regard to light and air.

The proposed work is in keeping with the neighborhood and is designed to be compatible with existing structures and as such has our support.

Signature: Charles J Smearman

Name: CHARLES J. SMEARMAN

Address: 141 MURDOCK RD

Phone Number: 410-377-4983

Date: January 18, 2004

16 JAN 04

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Department of Permits and Development Management
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Signature: Jill Goldman

Name: 203 Murdock Rd

Address: Baltimore MD 21212

Phone Number: (410) 377-4498

Date: 1/19/04

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Signature: _____

Name: GARY R. ANGLEMYER

Address: 200 DUNKIRK RD.

Phone Number: 410 377 5428

Date: 2/22/04

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Department of Permits and Development Management
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Signature: Nancy Wasserkrug

Name: Nancy Wasserkrug

Address: 406 Rogers Ave

Phone Number: 410-377-8431

Date: 3/4/04

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Department of Permits and Development Management
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Signature: Annemarie Dykstra

Name: Annemarie Dykstra

Address: 301 Murdock Rd.

Phone Number: 410 377-7786

Date: March 4. 04

16 JAN 04

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Department of Permits and Development Management
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Signature: [signature]

Name: MEREDITH SCOTT

Address: 419 DUMBARTON RD

Phone Number: 410 377-5755

Date: 2/12/04

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Department of Permits and Development Management
Director's Office – County Office Building
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Signature: _____

Name: Anthony Glazier

Address: 406 Murdock Rd

Phone Number: 410-377-3387

Date: 3/1/04

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Signature: Laura and Rob Lorenz

Name: Laura and Rob Lorenz

Address: 423 Murdock Rd

Phone Number: (410) 377-6017

Date: 3/1/04

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Department of Permits and Development Management
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Signature: Michele & Jim Craig

Name: Michele & Jim Craig

Address: 414 Murdock Rd

Phone Number: 410-372-1318

Date: March 1, 2004

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Department of Permits and Development Management
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Signature: Kay Connors

Name: Kay Connors

Address: 420 Murdock Rd

Phone Number: 410-377-0633

Date: 3/1/02

16 JAN 04

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Signature: _____

Name: MARCIA SASSCER

Address: 230 ROGERS AVE

Phone Number: 410 377 5581

Date: 2/26/04

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Department of Permits and Development Management
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Signature: Elizabeth B. Riley

Name: Elizabeth B. Riley

Address: 307 Murdock Rd.

Phone Number: 410 377 4562

Date: 1 March 04

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Department of Permits and Development Management
Director's Office – County Office Building
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Signature: Michele A. Rowland

Name: Michele A. Rowland

Address: 136 Overbrook Road

Phone Number: 410-377-7846

Date: 3/2/07

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Department of Permits and Development Management
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Signature: [signature]

Name: Elizabeth K Petroff

Address: 201 Dunkirk Rd

Phone Number: 410-377-0255

Date: 3/4/04

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Signature: Jennifer Carroll

Name: Jennifer Carroll

Address: 303 Dunkirk Rd

Phone Number: (410) 377-4050

Date: March 1, 2004

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Signature: _____

Name: McMahon A. Connor

Address: 174 Brandon Rd.

Phone Number: 410 337-0470

Date: 3/3/04

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Signature: Brooke W. Rodgers

Name: Brooke W. Rodgers

Address: 176 Brandon Road

Phone Number: 410-296-7921

Date: March 3, 2004

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Signature: Doris M. Padden

Name: DORIS M. PADDEN

Address: 127 Brandon Rd

Phone Number: 410 825 9719

Date: 3/4/04

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Signature: Gregory L Rudd

Name: Gregory L. Rudd

Address: 136 Overbrook RD

Phone Number: 377-4846

Date: 3/02/04

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Signature: Elizabeth Sampsel

Name: ELIZABETH SAMPSEL

Address: 137 MURDOCK RD

Phone Number: 410-377-2965

Date: 3/11/04

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John Bartlett (1820–1905). Familiar Quotations, 10th ed. 1919.

NUMBER: 1210

AUTHOR: William Shakespeare (1564–1616)

QUOTATION: What 's in a name? That which we call a rose
By any other name would smell as sweet.

ATTRIBUTION: *Romeo and Juliet. Act ii. Sc. 2.* 1 [text]

BIOGRAPHY: Columbia Encyclopedia.

WORKS: William Shakespeare Collection.

Note 1.
Act ii. sc. 1 in White. [back]

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Bud abbott - told Lou Costello



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&
Murdoch

addams
alley

Doctors Mutt
&
Burchmut

Center Hall Colonial
facing Burchmut
only public sidewalk
- internal conduction
- door bell, wireless sys
- mail, decorative
light pole,
none #
- only entrance
- 4 doors facing ~~Beds~~
Benchmut beds

Most of the facts, albeit more
of the conditions, are
undisputed