4/15/04

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Denton Avenue (end of Avenue),
1,050 ft. S of North Point Road
15th Election District
7th Councilmanic District
(7846 Denton Avenue)

Max A. Gasker
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-383-A
*

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Max A. Gasker. Thereafter, a formal demand for hearing was made by the adjacent property owners, Mr. & Mrs. Hutchins, and the matter was set in for a hearing. The variance request is for property located at 7846 Denton Avenue in the eastern area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement accessory building (garage) to be 20 ft. high in lieu of the required 15 ft. and if necessary, to amend Case No. CBA-93-114. (Hurricane Isabel replacement on existing foundation). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on March 20, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in the "Jeffersonian" newspaper on March 23, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

Date 4/15/04 By P. Summers

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated March 25, 2004, a copy of which is attached hereto and made a part hereof. In addition, ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated March 25, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Max and Melissa Gasker, Petitioners and Cindie Pallock and Allen Ashwell, neighbors to the Gaskers. Grover and Loretta Hutchins appeared in opposition to the requested variance. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 17,863 sq. ft. and is zoned DR 3.5. It is located on Shallow Creek, an inlet of

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Date 4/15/04
By P. Zimmerman

the Chesapeake Bay near Fort Howard. The Petitioners wish to build a garage, which is 20 ft. in height in lieu of the 15 ft. allowed by the regulations. They also ask to amend Case No. CBA 93-114 if necessary. The proposed garage would replace a similar if not shorter garage which was destroyed in Hurricane Isabel where the storm surge physically moved the existing garage off its concrete slab and over into the neighbor's yard.

The Protestants live next door and having the Gasker's garage swept away apparently was welcome news in spite of the general devastation caused by Hurricane Isabel. The properties at issue are located on a point of land that juts out into the Chesapeake Bay. The Petitioner's garage, which was within a few feet of the boundary between the properties and located between the Hutchins' home and the open expanse of the bay, interfered with the Protestant's view and enjoyment of the bay in that direction. It is apparent that the dispute over the garage has been going on for at least the last eleven years and has involved extensive litigation.

The bottom line of the Petitioners argument was that they erected the garage in 1993 pursuant to a valid building permit, the garage was damaged by the storm surge, they had need of space above the flood level to store personal property and thus are requesting approval of a higher garage to replace the garage destroyed by the hurricane. The Hutchins bottom line is that the Gasker's building permit was appealed to the Board of Appeals in Case No. CBA 93-114, that the Board reversed the issuance of the building permit and remanded the matter to the zoning and environmental agencies of the County for further findings, and that no such findings were ever issued. Consequently, the Hutchins contend that the 1993 permit is not valid, that I should not approve a higher garage, and that I should order the garage not be rebuilt at all and the supporting concrete slab be removed.

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In rebuttal, the Petitioner submitted an extensive correspondence file, Petitioner's Exhibit No. 7, which in salient part shows that on remand from the Board of Appeals, the environmental and zoning agencies found that the garage was not in violation of the B.C.Z.R. and that the building permit was valid.

Because this case is likely to be appealed, as is my custom, I will make findings of fact and conclusions of law in greater detail than would ordinarily be required.

Findings of Fact and Conclusions of Law

Height of the Garage Variance

The Protestants presented an excellent chronology of events and photographs as did the Petitioners. The Petitioner's evidence indicates that the garage which existed before the hurricane contained much personal property and was destroyed by the storm surge along with the garage itself. I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. If there ever was a case in which the property passes the test given in Cromwell v Ward, 102 Md 691 (1995) for uniqueness, in my view, it is this case. Cromwell lists as criteria to pass the uniqueness test that the property must be unusual compared to other properties in the neighborhood. In addition, the regulation of a 15 ft. height for garages must impact the site differently than the neighboring properties. The fact that makes this property unique is that it is waterfront property and is subject to damage by storm surges. In another setting this point could seem academic but after hurricane Isabel we can see what power to destroy is unleashed by these storms. There was a not too complimentary observation after Cromwell, that in order to have a variance approved a site must have a river running through it. In this case, the storm surge literally did run through the property. See Petitioner's photographs, Exhibit Nos. 5E through 5H. In addition, it is only the properties

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Date 11/5/04
By R. Jamison

immediately on the water's edge that face this threat. Consequently, the height regulations impact these properties much more severely than the others in the neighborhood only one street off the water.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Protestants argue that the Petitioners have no need for this storage. They present attachment M of Protestant's Exhibit No. 1 to show that the Petitioner's home has extensive storage space in the garage area beneath the Petitioner's home. However the problem is not gross storage space for these waterfront properties but dry storage space. Protestants' attachment K to their Exhibit No. 1 is most telling. The storm surge is flowing freely in and out of the Petitioner's basement, which hardly presents storage space for personal property. I find that the Petitioners would suffer a severe hardship if not allowed to have room on the second floor of the garage to store their personal property out of harm's way.

Furthermore, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Both sides presented comprehensive photographic surveys of the area showing in some cases accessory building with two-stories and in others cases single-story buildings. In light of the evidence presented, I find that there will be no detriment to the community in general by the Petitioners having a two-story garage at that location. However, the impact on the Hutchins as adjacent waterfront property owners could tip the balance against the request under different circumstances. The two-story garage could seriously block the water view of the Protestants. However Petitioner's Exhibit No. 6A shows why this should not be a problem. The A-frame building on the left is the Petitioners' home. The gray building on the

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Date 11/5/14
By R. Jamison

right is the Protestants' home and surely has four stories and two high balconies. It seems to me that the adverse impact on the Protestants will be minimal.

Amended Case No. CBA 93-114

Having found the above, if the initial building permit issued in 1993 is not valid the Protestants argue that the garage that existed before the hurricane is in violation of the Baltimore County regulations and no replacement garage can be erected. The Protestants would like me to recognize that the Board of Appeals reversed the issuance of the building permit and remanded the matter for determination of whether or not certain zoning regulations were met. Among these was whether or not the garage was in the side or rear yards.

From Petitioner's Exhibit No. 7, I note that the remand from the Board was considered by the various agencies and that Zoning Administration & Development Management, speaking for all such agencies, held that the location of the garage was not in violation of the zoning regulations and the building permit was valid. The Protestants presented no evidence to contradict this finding. The heart of the Protestants' argument is that the Board required certain zoning decisions to be made, that these decisions could only be made at a public hearing before the Zoning Commissioner, and that no hearing or decision by the Zoning Commissioner was ever held. It appears from this exhibit that the Protestants are quite correct that no public hearing was ever held before the Zoning Commissioner or otherwise. The parties were represented by counsel throughout the 1993-1994 case.

The last letter in Exhibit No. 7 from Arnold Jablon dated January 31, 1994 indicates that this is the final action by an agency and is appealable to the Board of Appeals. Mr. Jablon notes that if the Protestants disagree with his decision regarding having a public hearing to decide these issues, the Protestants can petition the Board of Appeals to require such a hearing. Finally,

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By P. Quinn

Mr. Jablon agrees with counsel for the Protestants that the matter could be resolved by a special hearing before the Zoning Commissioner. However, I find no evidence presented by the Protestants or otherwise that the Protestants filed an appeal, or motion to the Board or requested a Special Hearing. It may be that I simply do not have the whole file and so missed this important point. However, it appears from the evidence I have that the Protestants made a conscious choice not to continue to pursue this matter.

I find that under that the circumstances and based on the record given to me, there is no need to modify Case No. 93-114. I note especially that I have no request for Special Hearing filed by the Protestants which would give me jurisdiction to revisit the Board ruling and agency response. I have only the Petitioners' request to revisit the case if necessary. The Protestants seem to be consistent in not wishing to take this avenue for relief. I can not fault them for this approach but I can not grant relief for which I have no jurisdiction.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of April, 2004, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement accessory building (garage) to be 20 ft. high in lieu of the required 15 ft. be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;

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By

2. Compliance with the ZAC comments submitted by DEPRM dated March 25, 2004, a copy of which is attached hereto and made a part hereof;

3. Compliance with the ZAC comments submitted by the Bureau of Development Plans Review dated March 25, 2004, a copy of which is attached hereto and made a part hereof;

4. The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities;

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

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Date 4/15/04
By K. Samuels

IN THE MATTER OF THE APPLICATION OF MAX GASKER - LEGAL OWNER/ PETITIONER FOR VARIANCE ON PROPERTY LOCATED ON THE E/S DENTON AVENUE, 1,050' S OF C/L NORTH POINT ROAD (7846 DENTON AVENUE) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	* BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * CASE NO. 04-383-A

* * * * * * * * *

OPINION

This matter comes before the Board on an appeal of the granting by the Deputy Zoning Commissioner dated March 25, 2005 of a variance pursuant to §§ 307 and 400.3 of the *Baltimore County Zoning Regulations* (BCZR) to allow a replacement accessory building to be 20 feet high in lieu of the statutorily allowed 15 feet.

The Board heard this matter over three days, and after submission of memoranda by counsel in lieu of closing arguments, publicly deliberated the matter. Petitioner was represented by Edward C. Covahey, Esquire, and Protestants by J. Neil Lanzi, Esquire.

Petitioner, Mr. Gasker, testified on his own behalf. He related that he had purchased the subject property in 1983, constructed a new home on it in 1990, and had placed an accessory structure, a garage 24 feet by 24 feet by 15 feet, on a poured concrete slab in approximately 1991-92. He described the subject property, with the aid of exhibits, as being on the tip of the subject peninsula, flat, with water on two sides which offered the site a water view. He related in great detail the destruction and significant damage to the property and the accessory structure, its contents and other family valuables stored there as the result of Hurricane Isabel. He stated that in order to protect his family's property and valuables from future storms he was proposing to build a replacement garage which, if the requested variance was granted, would be 20 feet high instead of the allowed 15 feet. He maintained that the additional height would not only safeguard

his property but would also allow more complete use of the upper level by allowing someone to stand erect on that level, which was not possible in the earlier 15-foot high structure.

When questioned about alternatives as to the location and structure that would not require the variance he had requested, Mr. Gasker noted that other options would conceivably cost two to three times more to construct than that which he proposed and could also involved additional legal issues and impediments not now existing in the project. Further, on cross-examination, the witness acknowledged that all of the properties on Denton Avenue had a water view and as many as ten other sites were also significantly damaged as the result of Hurricane Isabel.

Douglas Kennedy was called to testify on behalf of the Petitioner. A licensed professional civil engineer, he was accepted by the Board as an expert in civil engineering and land planning. He described in detail the topographical and elevation details of the site in question as well as the surrounding area. He testified that the elevation of the area varies from 11 feet at the intersection of Denton Avenue and Old North Point Road to 5 feet at the Gasker residence site. He stated that the request for variance on the part of the Petitioner would be in harmony with the BCZR and would not be detrimental to the health, safety and general welfare of the immediate area. Moreover, he supported Mr. Gasker's previous testimony that the various alternatives to his requested variance that existed or had been suggested carried with them significant problems related to structure, cost, and possible additional legal requirements and entanglements.

The witness opined that the subject property is, in fact, unique as envisioned by the requirements of § 307 of the BCZR and the applicable case law, primarily the case of *Cromwell v. Ward*. In support, he pointed to the site's location at the end of a peninsula with water on both

sides, with its elevation in relation to other like properties in the immediate area. He noted that the Gasker property is approximately 1 foot 3 inches lower than the neighboring Hutchins property, and that, in its location at the end of the peninsula roadway, it was more subject to storm surge than those residences and structures situated higher up the street.

On cross-examination, the witness acknowledged that, notwithstanding the location of the subject site in relation to other residences on the peninsula, those structures in that part of the peninsula also suffered from storm surges in an event as cataclysmic as Hurricane Isabel, and that the only difference might be as to the degree of flooding and damage sustained by them. He agreed that the other homes were close in location to the site in question, that their location relative to the water was similar, and that they shared in many instances the same type of water view as the Gasker property.

Michael Moskunas was called to testify as an expert professional land surveyor. He generally confirmed Mr. Kennedy's testimony; and further testified that the Gasker property was, in his view, at least 10 inches lower than its neighbor. However, on cross-examination he agreed that a difference of that extent was probably of little actual significance.

The Protestants presented Dr. Grover Hutchins, a property owner at 7844 Denton Avenue since 2000. He related his concerns that the proposed new 20-foot high construction would adversely affect his property by blocking its view of the water. Moreover, he stated his belief that the value of his property would be seriously reduced thereby. He described the extensive storm damage to the various structures on the peninsula, including his, as the result of Hurricane Isabel. He described the similarity to the shared topography of the homes in the area, especially those closer to the water.

Loretta Hutchins was called, and after *voir dire*, was granted expert status as to real estate sales pricing and values, as well as factors relating to them. She stated her concern as to the height and style of the roof of the proposed replacement structure in question. It was her opinion that the blocked view of the water from her home as the result of the proposed new roof height would greatly and adversely affect the value of her property as well as others whose view would also be impacted.

Richard King, an expert in the appraisal of real estate, testified extensively as to his analysis and investigation process supporting his opinion that the proposed 20-foot high roof would significantly and adversely affect not only the Hutchins property but also other properties along Denton Avenue.

Bruce Doak, a licensed property line surveyor, was accepted as an expert witness in land use, zoning and surveying. He testified extensively regarding his review of the data presented by Petitioner's witness Moskunas and took issue with that witness as to his conclusions, especially regarding the former's finding of a 1 foot 3 inch difference in elevation between the Hutchins and Gasker properties. He described his only topographical review of the site and surrounding area and offered his opinion that there was little or no difference between the Hutchins, Dailey (also nearby) and Gasker properties in regard to elevation as well as other water-related factors. He further offered that the properties were not only similar as to all major land characteristics but that the similarities extended generally to the structures in the peninsula area. As the result of his findings, he concluded that no uniqueness as defined in the BCZR or *Cromwell v. Ward* existed as to the Petitioner's property. He further stated his opinion that the Petitioner's property would not be adversely affected by adherence to the applicable and current zoning regulations any more

than any of the other properties in the area would be under the same circumstances. Finally, he offered several alternatives to the proposal of the Petitioner in support the witness's conclusion that no practical difficulty existed regarding the subject property.

Questions raised in the instant case are strikingly similar to those presented and resolved by this Board recently *In The Matter of the Application of Allen Ashwell*, which was a Petition for Variance at the property located at 7840 Denton Avenue, which is a scant three lots from the site in question owned by Mr. and Mrs. Gasker. In that decision we noted that the controlling case law is set forth in Cromwell v. Ward, 102 Md.App. 691, 651 A.2d 424 (1995) in which the Court stated:

> ...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." Id. at 698.
>
> In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:
>
> In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

After a review of the testimony and the exhibits of the matter at bar, particularly that testimony provided by Mr. Doak, we find that the Petitioner's property is substantially similar to other properties as to size, shape, topography and water view. As such, it does not meet the

requirements for a finding of uniqueness as set forth in *Cromwell*. After a similar finding of lack of uniqueness in *Ashwell*, we noted that "[u]nfortunately, it is also similar and not unique in the perils faced by all residents in the area as to flooding and water damage, especially during storm conditions such as Hurricane Isabel. Damage to substantially all the homes in the area, which occurred as the result of that storm, is simply additional indicia of the commonality of topography and physical characteristics of the properties in the area. Its propensity to flooding, in and of itself, is not an exceptional factor recognized under *Cromwell* and is certainly not a 'extenuating circumstance' that is recognized under the law to permit a variance in the absence of the factors recognized and called for in *Cromwell*." (In the Matter of Allen Ashwell, Case No. 04-255-A).

While we recognize the continuing desire of Baltimore County residents to construct homes and related structures on admittedly idyllic waterfront and water-nearby locations, one cannot escape the vicissitudes of nature. The exposure of these properties to flooding and storm surges periodically does not, under the present statutory or case law, form the basis for any exceptions to the existing County height and area regulations. To grant such exceptions is the sole province of the courts and the County Council, neither of whom has seen fit to do so.

Even assuming *arguendo* that there is an existing uniqueness here, the Majority of this Board does not believe that a case for practical difficulty has been established. Notwithstanding costs or other speculative factors, alternatives to the granting of the requested variances have been presented and do exist, including but not limited to the simple reconstruction under BCZR 104.2 of the subject accessory structure at the height of 15 feet already permitted under existing law. Petitioner is not denied his reasonable use of the property because he will not be able to

stand upright in his proposed upper storage area. His inability to do so does not rise to the standards set forth in *Cromwell* nor those set forth in *North v. St. Mary's County* in which the Court

> The instant case focuses on unwarranted hardship; it is a denial of *reasonable* use that creates an unwarranted hardship. If reasonable use exists, generally an unwarranted hardship would not. In the present case, extensive reasonable use is already being made of the property. Under the appellees' theory, it would be unreasonable and an unwarranted hardship to deny Mr. Enoch anything he wants.
>
> In a case resolved on standing issues, the Court of Appeals nevertheless stated:
>
> > To grant a variance the Board must find from the evidence more than that the building...would be suitable or desirable or could do no harm or would be convenient for or profitable to its owner. The Board must find there was proof of "urgent necessity, hardship peculiar to the particular property, and a burden upon the owner not justified by the public health, safety and welfare."
>
> *Kennerly v. Mayor and City Council*, 247 Md. 601, 606-07, 233 A.2d 800 (1967).

The Majority of the Board believes that the applicable case law clearly stands for the proposition that one cannot, by his own actions, create "practical difficulty" or "hardship" and thereafter base a request for variance on those self-created conditions.

For all of the above, the Majority of this Board has determined that no uniqueness exists as to the Petitioner's property; and that, even in the unlikely event that uniqueness does exist, no appropriate case for a finding of practical difficulty has been presented by him. We therefore deny the variance requested by Petitioner.

ORDER

THEREFORE, IT IS THIS 17th day of February, 2006 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for variance relief to permit a proposed accessory garage building with a height of 20 feet in lieu of the maximum allowed height of 15 feet be and the same is hereby **DENIED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

John P. Quinn

IN THE MATTER OF THE APPLICATION OF MAX GASKER - LEGAL OWNER/ PETITIONER FOR VARIANCE ON PROPERTY LOCATED ON THE E/S DENTON AVENUE, 1,050' S OF C/L NORTH POINT ROAD (7846 DENTON AVENUE) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 04-383-A

* * * * * * * * *

DISSENTING OPINION

This Board member respectfully dissents from the Majority Opinion in Case No. 04-383-A, *In the Matter of: Max Gasker*, for the same reasons set forth in my dissenting opinion in Case No. 04-255-A, *In the Matter of: Allen Ashwell.*

Margaret Brassil

Margaret Brassil, Ph.D. /Panel Member

DATE: February 17, 2006

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, 2006

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Max Gaskser* – Legal Owner / Petitioner / Case No. 04-383-A

Dear Mr. Lanzi:

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. Also enclosed is a copy of the Dissenting Opinion written by Dr. Brassil.

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: Loretta and Grover Hutchins
Edward C. Covahey, Jr., Esquire
Max Gasker
Douglas L. Kennedy PE /KCW Engineering Tech.
Bruce E Doak /Gerhold Cross & Etzel Ltd.
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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6/14/05

IN THE MATTER OF:	*	BEFORE THE
MAX GASKER -	*	COUNTY BOARD OF APPEALS
Legal Owner/Petitioner	*	OF
7846 Denton Avenue	*	BALTIMORE COUNTY
15th Election District	*	CASE NO. 04-383-A
7th Councilmanic District	*	

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

MEMORANDUM OF MAX GASKER, OWNER/PETITIONER APPELLEE

Max Gasker, Owner/Petitioner Appellee, by Edward C. Covahey, Jr. and Covahey & Boozer, P.A., his attorneys, submits this Memorandum in lieu of closing argument as requested by the Board at the conclusion of the last hearing held in the subject case on February 22, 2005.

PROCEDURAL HISTORY

The instant matter comes before this Board as a result of an appeal filed by Grover M. Hutchins and Loretta H. Hutchins to the decision of the Deputy Zoning Commissioner for Baltimore County granting the Appellee's Variance Petition for the construction of a 20' high garage in lieu of the 15' accessory building height limitation as prescribed by §400.3 of the Baltimore County Zoning Regulations. The Board devoted two (2) full days and one (1) morning session to consider opening statements, testimony and the introduction of numerous exhibits offered by Appellee/Petitioner and the Appellant.

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BALTIMORE COUNTY
BOARD OF APPEALS

FACTS - SUMMARY OF TESTIMONY

The Petitioner's property contains 17,860 square feet of land, the improvements thereon consist of a two (2) story A frame dwelling known as 7846 Denton Avenue, Baltimore, Maryland 21219, located in the southeastern sector of Baltimore County, approximately one (1) mile northwest of the terminus of Old North Point Road at the Ft. Howard Veteran's Hospital.[1] The subject property was originally Lot 24 of the Plat of Oleary as recorded among the Land Records of Baltimore County, Maryland in Plat Book No. 7, folio 140, Petitioner's Exhibit No. 4. The Oleary Subdivision Plat encompasses a peninsula of land extending south from Old North Point Road to Shallow Creek, a tributary of the Chesapeake Bay. Denton Avenue bisects the peninsula almost in half, and the Oleary Subdivision shows 50+ subdivided lots. Denton Avenue was originally developed with improvements consisting primarily of summer shore homes, however, over the years, the dwellings evolved into more permanent type structures serving as the primary residences for many owners.

Petitioner acquired his property in 1983, and his title deed encompassed the entire Lot 24 as shown on the Oleary Subdivision Plat. At the time of the acquisition, Lot 24 was improved by two (2) summer-type houses and an old detached garage situate on a concrete pad. Petitioner occupied the southernmost summer home at the end of the peninsula as it jutted out into Shallow Creek. In 1998, Petitioner subdivided Lot 24 into two (2) separate distinct lots by subdivision

[1] The site of the landing by the British Army in the War of 1812.

plat which designated Petitioner's property as Lot 24 A and the adjacent property now owned by Protestants as Lot 24 B. Significantly, on September 14, 1998, Petitioner conveyed Lot 24 B to Protestant's daughter, Diana Hutchins, and son-in-law, Karlus E. Bowling, for the sum of Eighty Nine Thousand Dollars ($89,000.00).

Petitioner razed the summer-type dwelling on his property in 1990 and commenced construction of a new A frame house, which is the present dwelling situate on Petitioner's property. Uncontroverted testimony established that Petitioner, in 1992, removed the then existing structure from the 24 x 24 slab, the subject of the proposed garage construction. He cleaned the slab and poured new concrete over it pursuant to Building Permit issued on February 11, 1993 and introduced into evidence as Petitioner's Exhibit No. 6. A 15' garage was erected on a 24 x 24 slab and contained exterior dimensions of 24' x 24'. This replaced a 10 x 10 metal shed that was constructed by Petitioner in 1983 or 1984. The garage constructed by Petitioner pursuant to the Building Permit was a frame construction and was situate on the slab at the time the Protestants purchased their property for Seventy Thousand Dollars ($70,000.00) from their daughter and son-in-law on April 28, 2000. Both Protestants conceded that they purchased their property at 7844 Denton Avenue with the limitation that the view was blocked by the frame garage. They both confirmed that they were aware of the existence of the frame garage since their daughter acquired her interest in the property.

The Protestants' daughter, after having acquired 7844 Denton Avenue from Protestants, fulfilled that old adage that no good deed goes unpunished by litigating

before this Board the issuance of the Building Permit for the construction of the frame garage. Significantly, Deputy Zoning Commissioner John V. Murphy, in granting the Petition in the case *sub judicie*, reviewed the history of the issuance of the Building Permit for the frame garage, noted that the issuance of the Building Permit was not in violation of the Zoning Regulations and that that Building Permit was valid. Deputy Zoning Commissioner Murphy further pointed out that the Protestants' immediate predecessors in title, their daughter and son-in-law, did not appeal from the decision to issue the building permit or request a special hearing with respect to same. Deputy Murphy held that the existing garage was an accessory building located in the rear yard as permitted by §400.1 in Residence Zone, which is applicable to the DR (Density Residential) 5.5 zoning of the subject lot.

The Protestants, through their property line surveyor, attempted to smoke screen the issue in the present case by contending that it was a non-conforming use, and the Protestants' witness, professing expertise in not only property line surveying, land use and zoning, stated that upon its destruction by Hurricane Isabel, the proposed replacement would be violative of the provisions of §104 of the Baltimore County Zoning Regulations. This testimony was replete with fallacies and should not be considered by the Board for several reasons: (i) This is not a non-conforming use; (ii) The witness demonstrated his complete lack of understanding of the issues when he testified that the proposed replacement structure would not be permitted under §104.03 because the cubic space of the replacement was

greater than 25% of the cubic space of the structure it was to replace. §104.03 of the Baltimore County Zoning Regulations is clear that non-conforming use cannot be extended "more than 25% of the ground floor area of the building so used." This provision says nothing about cubic. Again, the structure that was destroyed by Hurricane Isabel was not a non-conforming use. It was a garage permitted in the rear yard as an accessory structure, which determination was fortified by the letter to Protestants' daughter's counsel from Arnold Jablon, which was considered by the Board as part of the file transmitted to the Board by the Zoning Commissioner's Office.

The garage, as constructed pursuant to the Building Permit issued in 1993, was frame construction, square dimensions of 24' x 24' and 15' high. The testimony established that the Gasker A frame dwelling contains approximately 1800 square feet, contains a ground level floor for parking two (2) vehicles, a mechanical room comprising a furnace, air conditioner, hot water heater, oil tank, a first floor level improved by a bathroom, kitchen, a great room and an upstairs with a master bedroom, nursery for Petitioner's two year old daughter, and a bathroom. The Petitioner utilized the garage for the parking of one (1) vehicle and for the storage of lawn and patio furniture, home maintenance equipment, hand and power tools, swing sets and attachments, baby toys, Christmas decorations, Halloween decorations, lawn supplies and seasonal clothing. There was some storage utilized by Petitioner in the ground level of the A frame. The old frame garage did not have stair access to the top floor.

Hurricane Isabel, described by the U.S. Weather Service as the storm of the century, struck Denton Avenue with all the vengeance of a hurricane and storm surge that exceeded any previously recorded water levels in the Chesapeake Bay or its various tributaries. Tragically, Hurricane Isabel completely destroyed Petitioner's frame garage, destroyed all of his chattels and personal possessions in same, and also destroyed all of the items stored in the lower level of his dwelling, together with the various components in the mechanical room. Hurricane Isabel's fury approached Denton Avenue on the afternoon of Thursday, September 18, 2003, and Petitioner journeyed to his place of employment, the Walters Art Gallery in Baltimore City that evening to ensure that the various museum artifacts were protected from the fury of Isabel. Petitioner returned to his dwelling at approximately 5:30 a.m. September 19, 2003 and was not allowed by police officers to drive his vehicle onto Denton Avenue to access his property, which necessitated him walking the length of Denton Avenue from Old North Point Road to reach his house. Petitioner testified that he encountered flood waters from the Bay and Shallow Creek approximately 200' from his house, which he marked with a red line on Petitioner's Exhibit 9, a 2002 aerial depicting Denton Avenue. Petitioner's Exhibit 10 A conclusively established that the next morning when the flood waters were receding, the water started at the southeastern corner of Protestants' house with the remainder of their dwelling water free. The picture, by showing that the accumulation of water that still existed in Petitioner's dwelling, corroborates the

testimony of Petitioner's engineer, Douglas Kennedy, that Petitioner's property is significantly lower than Protestants' property.

Petitioner's Exhibits 10 C, D and F detail the destruction. establish that the frame garage was totally destroyed, and that the only portion left was a concrete slab upon which Petitioner desires to erect a new garage. Petitioner's testimony was clear when he stated, "Slab is to be re-used, new garage walls will be built right around slab." Petitioner's Exhibit 11, the new Building Permit issued October 4, 2004, and the sketch, Petitioner's Exhibit 12, show that the new garage will have a full set of stairs accessing the second floor. Petitioner's testimony was clear that he desires a 20' garage in lieu of a 15' garage so that he may store his possessions above any future storm surges. Petitioner's testimony and that of his registered professional engineer was to the effect that the second story will comply with new Baltimore County requirements as set forth in Article XI, §5170 of the Flood Plan Management Ordinance. The testimony was that the lower portion of the building, in accordance with the County requirements, will be masonry construction with openings to allow the free flow of water, and the testimony of Petitioner's registered professional engineer witness, Douglas Kennedy, as corroborated by Dr. Hutchins, was to the effect that it will withstand any future storm surges of the magnitude of Hurricane Isabel.

The Protestants' Exhibit 7, the May 10, 2004 letter to Timothy Kotroco criticizing the decision of Deputy Zoning Commissioner Murphy, established that the only issue they raised was the damage to their house that was sustained, according

to them, by wood from Petitioner's frame garage striking the side of their house. Both Protestants confirmed that at the hearing before Deputy Zoning Commissioner Murphy, they never mentioned obstruction of view and never mentioned obstruction of view in their letter to Timothy Kotroco. The genesis of their complaint was founded in their assertion that Petitioner's insurance company did not reimburse them for damage. It is clear that their now feigned concerns of the view finds its genesis in an attempt to suggest that the additional 5' garage elevation will in some manner cause them such detriment that same could serve as a factor to be considered in denying the Petition. Petitioner started construction of the proposed garage, and the first 8' will be solid concrete supported by reinforced steel to ensure that it can withstand any future storm surges. It will be topped with steel girders and a wood frame deck for storage that it is proposed to be accessed by stairs. The purpose of the additional height is to allow Petitioner to store his personal possessions in a dry area safe from any storm surge encroachments. Petitioner stated that the value of the items destroyed in the frame garage by the floodwaters of Hurricane Isabel was Twenty Thousand Dollars ($20,000.00), and the total damage, including chattels destroyed in his dwellings, was Sixty Four Thousand Dollars ($64,000.00). Petitioner's existing A frame house does not have any storage and Petitioner testified, as corroborated by the agreed stipulation as to his wife Melissa Gasker's testimony, that they are without storage in the A frame and that the baby now sleeps in the master bedroom with Petitioner and his spouse, and

the baby's nursery is devoted to storage depending the outcome of the present case.

Petitioner's Exhibit 13 comprised of five (5) separate and distinct pictures, shows the 20' pole with ribbon replicating the height of the proposed garage. The 20' pole on Exhibit 13 does not block the view from Protestants' second floor deck. Protestants conceded that the view from the first floor deck was always obstructed by the existence of the frame garage. Petitioner stated that based on his observations, the additional five (5) feet will not obstruct any more of Protestants' view of the water as the first deck view was blocked by the destroyed garage. Petitioner's Exhibit 15, a plat showing in purple and red fluorescent, most of the properties that were destroyed at the southern end of the peninsula in close proximity to Petitioner's property reflects the uniqueness of the southern end of the peninsula in that it is lower than Denton Avenue as it extends northward to Old North Point Road. Petitioner opined that he would sustain practical difficulty and unreasonable hardship if he does not get the requested variance in that he will not be able to store his personal property beyond the flood plain in an area that is reasonably accessible. The Baltimore County Flood Plan Evaluation as applicable to all areas south of Back River, which would encompass Denton Avenue, sets a flood plane elevation at 10' 4". Petitioner would be severely limited by a 15' height restriction in that he would neither be able to stand in the second floor of the garage nor store his personal property because a 15 foot high would garage would only provide a three foot high unrestricted space because of the roof cross ties. With a

15 foot garage, Petitioner would be limited to a total storage elevation of only 4 feet 8 inches above the flood plane datum.

Protestants, in the cross examination of Petitioner, attempted to re-open the issue of the front side of the house versus the rear side of the house. Again, this issue is not before the Board in that the County Board of Appeals and the Baltimore County Zoning Commission has previously established that the front of the house faces Denton Avenue and the rear of the house faces Shallow Creek. Petitioner, on counsel's cross examination, emphasized that "the storage is more important to me than the view out the window." In response to counsel's question, Max Gasker specifically stated that the additional 5' would not further block Protestants' view, which was previously blocked by the wood garage. Max Gasker pointed out that pursuant to the Building Permit which was issued at his risk, he has caused construction to commence and that the ultimate height will depend on the decision of this Board. Petitioner's Exhibit 12, a sketch of the proposed garage, answered counsel's questions concerning the structure and the necessity that there be a second story area large enough to accommodate storage and permit access therein by a stairway. In response to questioning concerning alternate locations, Petitioner Gasker emphasized that any other location would involve starting from scratch, demolishing the existing construction, laying a new slab foundation, and possibly being required to obtain setback variances, and he further opined that the expense would be two to three times the existing garage cost, including demolition and construction of a new site attached to the dwelling, which would trigger the side yard

setback requirements. Exhibit 17 established the flood plane elevation and the Baltimore County requirements for a masonry construction as a consequence of the catastrophic damage inflicted on eastern Baltimore County by Hurricane Isabel. The construction of the new garage, Petitioner stated, would "not be going to do anything different except store stuff out of the flood waters."

Petitioner's witness, Douglas Kennedy, is a registered professional engineer in the State of Maryland since 1977 and was accepted by the Board as an expert in engineering and land planning. Kennedy testified that the Denton Avenue properties on the south tip of the peninsula are unique in that the elevations vary from 11' at the intersection of Denton Avenue and Old North Point Road to 5' at the end of the peninsula where Petitioner's property is situate. The peninsula is in itself unique as opposed to the greater surrounding neighborhood in that it is as detailed on the aerial and by definition surrounded by water on three (3) sides. Gasker's property is at the very southern tip of the peninsula. Kennedy's field crews did a topographical survey of Protestants' and Petitioner's properties and fixed the survey elevations on Petitioner's Exhibit 19, which was the County's topographical map as characterized by elevation contour lines upon which Kennedy's elevations were superimposed. Kennedy, as supported by Exhibit 19, testified to the elevations and that the garage slab is at an elevation of 3.7' and Hutchins' house at 5', a difference of 1'3". Kennedy was shown Petitioner's Exhibit 10 A which depicted the receding flood waters and showed that Protestants' house was no longer subject to the flood

waters while Gasker's house was inundated by flood waters from a depth of one-half to two feet.

Kennedy testified that the Gasker property is unique for several reasons. First, it is unique and different from the majority of the properties in the neighborhood in that it "is lower than the rest of the properties in the area." And further, that "it's at the end of the roadway, it's at the end of the peninsula." Kennedy pointed out that the lower southern end of Denton Avenue, including Petitioner's and Protestants' properties, is unique and peculiar as contrasted to the areas further north on Denton Avenue in that these properties are lower. Kennedy agreed with Protestants' expert Doak & King that the neighborhood is, at a minimum, all of the properties that abut Denton Avenue. There is a 4' difference in elevation from the lower southern level of the peninsula to the middle of the peninsula, and a greater difference as you proceed north on Denton Avenue to Old North Point Road. Gasker's property is unique in elevation in that it is lower than any other property on Denton Avenue, and thus, more subject to storm surges, and further, Petitioner's property is itself unique as compared to every other property on the Oleary Subdivision Plan in that it is lower, and thus, more subject to storm surges. This does not negate the fact that other properties would be subject to storm surges, however, Gasker's property, because it is lower, would suffer a greater impact from flooding than would properties that enjoy a higher elevation.

Practical difficulty and unreasonable hardship in dealing with Gasker's property is engendered by the fact that it is an A frame house and has no storage

without utilizing the upper level of the proposed garage. Kennedy pointed out that Protestants' first floor living area of their house did not sustain any storm water damage, and the proposed new garage with the 20' elevation would place the second floor above any 100 year storm surge. Doug Kennedy went through the litany of the requirements of §307.1 of the Baltimore County Zoning Regulations and opined that the granting of the variance would be in harmony with the spirit and intent of the Zoning Regulations, would not be detrimental to the public's health, safety and general welfare of the community. Kennedy emphasized the obvious that the proposed garage is replacing an existing 15' structure, and that in reality, there is no additional adverse impact to Protestants' property engendered by the proposed construction.

The proposed roof pitch would be 6" in vertical elevation for each 12" horizontal and generally is referred to as the "standard roof pitch." In the event the roof pitch was flattened out, same would create waterproofing problems, increase the cost, would cause higher maintenance, would be more view obstructing as it would occupy a greater quantity of air, and would, in Kennedy's opinion, aesthetically not fit in the neighborhood as everything is typically standard peak garage roofs on Denton Avenue. Kennedy was shown Protestants' Exhibit 4 and pointed out the obvious that the alternate garage sites, of necessity, would involve separate Petitions for side yard setback variances. Kennedy confirmed that the old garage did not contain stair access to the minimal area encompassed within the second floor. The old garage contained only 4' of head room and without stairs was

of minimal storage value. It is obviously difficult to store heavy objects when you have to climb a ladder. Kennedy pointed out that the lower 15' elevation would impact the ability to utilize stairs and still have any serviceable storage area left. Concrete masonry contains hurricane resistant holes pursuant to Baltimore County requirements that allows water to flow through the improvement, exit the intake, and eliminates pressure occasioned by water.

Petitioner's last witness, Michael Moskunas, a registered professional land surveyor, introduced Petitioner's Exhibit 20 where he prescribed elevations on Petitioner's Exhibit 19 that confirmed the Kennedy elevations, and in addition, established that the Darby property opposite Petitioner's property on Denton Avenue and to the west of same was, "8 -- 10 inches roughly" higher than Gasker's property, which emphasized that Petitioner's property is lower than any other property, and is therefore unique as compared to all surrounding properties in that the immediately surrounding properties are in themselves unique as compared to the rest of the properties that are further north on Denton Avenue.

Protestant Grover M. Hutchins, owner of 7844 Denton Avenue, Sparrows Point, Maryland 21219, confirmed acquisition of the property owned by he and his wife from their daughter and son-in-law and conceded on cross examination that the Hutchins have another residence in Baltimore City and that their driver's licenses and voter's card reflect that Baltimore City is in fact their residence. The cross examination of the Hutchins negated Dr. Hutchins' statement that Denton Avenue was their full time residence and emphasizes the fanaticism and the family's

continuing opposition to construction on the pad site. Both Loretta and Grover Hutchins conceded that when they purchased their property, the view was obstructed by the frame garage as constructed by Petitioner. Both Grover Hutchins and Loretta Hutchins reluctantly conceded that at the hearing before the Zoning Commissioner, they never once mentioned obstruction of view as a concern and that the entire thrust of their operation was damage their dwelling sustained during the Isabel storm surge when debris they claim emanated from the frame garage struck the side of their house. The Hutchins' letter of May 10, 2004 to Timothy M. Kotroco, which is part of the file and referenced by the Chairman wherein the Hutchins expressed their disagreement with the Deputy Zoning Commissioner's decision in granting the subject variance, never once mentioned view obstruction. The letter, to the contrary, negated any view concerns when Protestants stated:

> The statement in the order that a 20' garage adjacent to our property produces . . . no detriment to the community in general . . ", may well be true; but, it will be a major detriment to our property when the next storm surge sweeps away an even larger outbuilding.

Their concerns in this respect were negated by Douglas Kennedy's testimony as to the soundness of the construction and its compliance with Baltimore County requirements of flood protection. Bruce Doak conceded the soundness of the proposed new construction as did Dr. Hutchins on cross examination. Both Hutchins in the letter decried the fact that they were not compensated by Petitioner's insurance company for their claimed damage.

Richard O. King, who was found by the Court to be a qualified real estate appraiser, rendered his opinion as to the impact on value that the proposed variance would have on the fair market value of Protestants' property. Significantly, Mr. King candidly admitted that he did not consider the adverse impact that the 15' frame structure had on the property and admitted that it would have affected its value. Mr. King, in his so-called impact analysis, defined the neighborhood of Petitioner's property as "Denton Avenue peninsula as an 'arm with elbow.'" He proceeded to opine that there was a Twenty Four Thousand Four Hundred Eighty One Dollars ($20,481.00) diminishment in value of the property because of the garage construction. Significantly, on page 2 of his "analysis," Protestants' Exhibit 9, he contrasted "estimated full view value before garage construction" with "estimated partial view value after garage construction." Again, the fallacy in his approach was the admitted fact that there was a partial view value when the 15' structure was destroyed by Hurricane Isabel. The Board, in its analysis of this case, should completely disregard the testimony and report of Richard King for this obvious omission. In attempting to justify his conclusions, he stated the entire west side of the peninsula is an arm and he valued the lands north of the elbow in a range of $4.70 a square feet and the values south of the elbow at $7.50 a square foot to $10.00 a square foot. This was not based on comparable sales but based on values obtained from the State Department of Assessments and Taxation. He hypothesized that the properties north of the elbow could not readily see the Chesapeake Bay Bridge or the Bay, and therefore, reflected a lower value and in

his opinion the subject property, as south of the elbow, was more comparable to those north of the elbow than the other properties south of the elbow and have a diminishment of value.

Petitioner's and Protestants' photographs as introduced into evidence show that the view of Protestants' property is already substantially blocked by Petitioner's house, and again, King completely overlooked the fact that the Protestants' view was in any event blocked prior to Hurricane Isabel. Page 6 of King's appraisal where he superimposed a red 20' elevation did not reflect the fact that the slab upon which the garage is to be constructed is 1'3" lower than the top elevation shown on the picture. If you look at the picture and lower it 1'3" by extrapolation, it would be lower than the rail of the porch deck.

Bruce Doak, the registered property line surveyor, attempted to discredit the testimony of Douglas Kennedy by testifying that the elevations on Petitioner's Exhibit 20 as prepared by Site Right Survey did not run contour lines. This witness, who is qualified to perform topographical surveys, sat in Court for a day and a half before testifying and conceded that his office did not run field surveys. Doak conceded that on Petitioner's Exhibit 10 G, you could not see the Bay Bridge in any event from Protestants' house as the Petitioner's house obscured the view. Protestants' picture 10 N with Counselor Lanzi on the porch in showing a 20' elevation, again did not consider the fact that the slab is at least 1'3" lower than the Hutchins' elevation. In Doak's opinion, the Gasker and Darby properties were mirror images of each other despite the fact that he concedes that Gasker is lower

in elevation, and Bruce Doak overlooked the fact that the Gasker property contains 17,800 square feet, and the Darby property contains approximately 9,000 square feet. It can hardly be argues that the properties mirror each other when one is double the size of the other. Doak testified that Denton Avenue constitutes the neighborhood or the community. Both Darby and Petitioner's property could be unique or peculiar and satisfy the requirement of uniqueness in that Cromwell does not require the particular property be unique from all properties in the neighborhood. Protestants' Exhibit 11, the geological survey, contains 10' contour elevations and Doak conceded there could be any variance of elevations between the contour lines within the 10'. These elevations should not be considered by the Board when contrasted with the actual field elevations as prepared by KCW Engineering and Site Right Surveys.

Doak asserting there was no practical difficulty or unreasonable hardship on Protestants' Exhibit 4, proposed alternative sites, without respect to side yard setbacks, and he conceded he did not research the easement with respect to the extension of Denton Avenue, which would impact the alternate locations. Again, this property is not a non-conforming use, and Doak's calculations as to cubic area should be disregarded as same is neither relevant nor material to any of the issues before the Board.

With the resumption of Bruce Doak's testimony on April 28, 2005, he positively stated on cross examination in referring to Petitioner's Exhibit 20, the Site Right Topographical Survey, that Hutchins' property was approximately 1' 2" higher

than the Gasker proposed garage site and that the Darby property to the west of Gasker is at a higher elevation. Petitioner's Exhibit No. 20 shows Darby's lowest elevation as 4.25 inches as contrasted to the Gasker garage site elevation of 3.66, for a difference of 59/100ths of a foot, or at a minimum 7 inches. He then conceded that Gasker's property is lower than the surrounding two properties. Although as precisely noted, Bruce Doak sat in the Courtroom on the two prior hearing dates, he did not personally run any topographical elevations in the field or have any of his four field crews make such a survey. Doak admitted when shown Petitioner's Exhibit 10 M with Counselor Lanzi standing on the porch stretching a measured hose 20' from the ground at the Hutchins' site to the porch where Lanzi was standing in fact did not take into account that the garage site is 1' 3" lower than Hutchins' site. Doak again conceded that the impact of the 20' garage would be 1' 3" lower than depicted on Protestant's Exhibit 10 M. Also, as depicted on Exhibit 10 G, Gasker's house impedes the Hutchins' house view of Shallow Creek and the Bay beyond. With or without the new garage, Hutchins' view of the Bay has always been obstructed by the Gasker house. As shown in Petitioner's Exhibit 10 A which depicts the receding flood waters of Hurricane Isabel, Doak conceded that Doug Kennedy's testimony was correct that the water levels as shown in the picture establish that the Gasker property is at least 1' 3" lower than Hutchins' and is consistent with the field elevations shown on Petitioner's Exhibit No. 20.

QUESTIONS PRESENTED

Within the context of Section 307 of the Baltimore County Zoning Regulations, in determining whether to approve Petitioner's request to construct an accessory garage at a height of 20 feet in lieu of the 15 feet for an accessory building as required by Section 400.3 of the Zoning Regulations, two fundamental questions are presented:

1. Do special circumstances or conditions exist peculiar to the subject site as opposed to other properties in the neighborhood, or in other words, is the property unique?

2. If the subject property is unique, would strict compliance with the 15 foot height limitation result in a practical difficulty or unreasonable hardship to the Petition, Max Gasker?

ARGUMENT

The case at bar, as does every variance case, as the Board well knows, involves the application of the legal principles set forth by the Court of Special Appeals in Cromwell v. Ward, 102 Md.App. 691 (1995). The Cromwell case articulated the benchmark against which all Baltimore County zoning variance cases are to be measured, subject to the various interpretations of Baltimore County Zoning Regulations Section 307 by the Court of Appeals.

Judge Cathell, writing for the Court in Cromwell, equates circumstances or limitations peculiar to the tract to a determination in the first instance as to whether the property is itself unique. The Court points out that if the property is found to be

unique, it is then incumbent upon the Board to apply the second prong of the test to decide whether denial of the variance would result in a practical difficulty or unreasonable hardship. Id. at pages 694-695.

Cromwell reiterates the observations of the Court of Appeals in Loyola Loan Association v. Buschman, 227 Md. 243 (1961) that practical difficulty or unreasonable hardship are used in the disjunctive; that is, they are alternates to each other. Id. at page 698. The Court in Cromwell by footnote at page 695 contrasted the distinction between practical difficulty and unreasonable hardship when used in the disjunctive by noting that various jurisdictions require "the unreasonable hardship standard to be used when 'use' variances are sought because use variances are believed to be more disruptive of zoning goals and purposes, but require the lesser 'practical difficulty' standard when 'area' variances are sought." The variance sought in this case involves a request for an area variance, and therefore, the Petitioners need only meet the lesser practical difficulty standard. This means that in the subject case, the Petitioner need only meet the practical difficulty standard, which is a lesser burden than the unreasonable hardship that is applicable to use variances.

Unlike the facts in the case at bar, Judge Cathell in Cromwell found that the Ward property was not "peculiar, unusual, or unique when compared to other properties in the neighborhood such that the ordinance's height restriction impact upon the subject property would be different from the restrictions impact upon neighboring properties." Cromwell, 102 Md.App. at 726. There, this Board granted

Ward's variance despite the fact that Ward constructed his garage and wine cellar above the fifteen foot (15') height limit and misrepresented its height on the application for the building permit and applied for the variance after the fact to eliminate a condition he had created in the first instance. The Court of Special Appeals pointed out that for obvious reasons, while both hardship and practical difficulty would be encountered if the variance were not granted, Ward had not shown that his property was itself peculiar or unusual.

In further analyzing the impact of Cromwell on the law of zoning, it must be borne in mind that it is a Court of Special Appeals' decision, and that it does not change the law as enunciated by the Court of Appeals. The Loyola case, supra involving the six (6) story office building on Towson's Pennsylvania Avenue west of the Elks Club is illustrative of this point, and it and its progeny represent the law to be applied in this case. In sustaining the Board's granting of the height variance to Loyola, and reversing the decision of the Circuit Court, the Court of Appeals found that the presence of underground springs satisfied the test of uniqueness in determining and differentiating that property from its neighbors in that the building had to be reconfigured to provide for above ground parking, as basement parking could not be constructed because of the subterranean water condition. Loyola Loan Assoc., 227 Md. at 250.

McLean v. Soley, 270 Md. 208 (1973) followed the logic of Loyola in affirming the grant of a side yard window variance for an apartment house and office complex on York Road opposite Towson University. Judge Levine for the Court of Appeals

succinctly crystallized the uniqueness of that tract when he said, "That the construction of the buildings in strict compliance with the sideyard requirements would result in the destruction of the trees; . . . that the benefits of retaining the trees would accrue to the general public; . . . and that there was only meager evidence to support the contention that a detriment would befall the neighboring property owner." Id. at 215.

Counsel, in reviewing Cromwell and other case law and numerous variance petitions heard by this Board and the Zoning Commissioner, suggests the Board is narrowly interpreting Cromwell to the extent that it is virtually impossible for a property owner to prevail in a variance application where there is a protest. Significantly, in this case, there was no Community Association protest and no opposition of record other than that of the Hutchinses. Remember, the Hutchinses conceded their legal address is in Baltimore City and their property, as adjacent to Petitioner's, is not their residence of record. The Board is well aware of the opposition mounted by Hutchins in the Ashwell variance application, Case No. 04-255 A, wherein this Board, by a majority decision, denied the variance application. Significantly, in the Ashwell case, the majority opinion makes no reference to the elevation of the Ashwell property as compared to adjacent properties, and it would appear that no such evidence was offered at the hearing. The majority opinion referenced Grover Hutchins' objections to the effect that his view would be blocked. Contrary to the Board's majority opinion, Hutchins is not an adjacent property owner to Ashwell, and the Ashwell property is situate to the north of Hutchins while the

Gasker property is situate immediately to the south of Hutchins. Again, the Board should bear in mind that as admitted by the Hutchinses in their protest before the Deputy Zoning Commissioner and their letter to Timothy Kotroco, Director of the Department of Permits and Development Management, dated May 10, 2004, they never once mentioned obstruction of view, complaining only of damage to their property from debris they attributed to Gasker's former garage and the fact that Gasker's insurance company denied liability for their damage.

Not unmindful that the hearing before the County Board of Appeals is *de novo*, the Opinion of Deputy Zoning Commissioner Murphy, in applying the law of Cromwell to the subject case within the context of the devastation inflicted on Petitioner by Hurricane Isabel, pointed out a fact often overlooked in variance cases, and that is that none of the reported cases for zoning variance require that the Petitioner's property be unique or different or peculiar to each and every neighboring property. The fact of the matter is that most of the Denton Avenue peninsula is unique as contrasted to the properties north of Old North Point Road and the elevation contours as depicted on Protestant's Exhibit 11. When contrasted with all of the adjacent and surrounding properties, the uncontradicted testimony was that Gasker's property is lower than Darby, lower than Hutchins, and is the lowest property on the Denton Avenue peninsula. Max Gasker testified that when he returned to his house in the early morning hours of September 19, 2003, that he first encountered water 200 feet from his house. This establishes that each and every property south of the 200 foot mark is unique or peculiar as contrasted to the

rest of the Denton Avenue properties situate to the north of the 200 foot demarcation line. As Deputy Murphy pointed out, in Loyola you had springs underground and in the case at bar you had a storm surge that made Petitioner's property unique. Gasker's property is unique whether it be ultimately determined, as the facts showed, that it is unique from all properties on the Denton Avenue peninsula because it is lower than any other properties, or that all properties south of the 200 foot line are unique as contrasted to the rest of the Denton Avenue neighborhood or that the entire Denton Avenue peninsula is unique because it is lower than the properties north of Old North Point Road or the property is unique because it is lower than both immediate properties; that is, Hutchins and Darby. Either alone or in combination, each of the four reasons cited above that support uniqueness make this property more subject to the ravages of a storm surge than any other property in the neighborhood, regardless of the area that makes up the neighborhood.

Dr. Brazil, in her dissent, found in Ashell that based on the testimony in that case, that the entire peninsula is unique and that rationale is reinforced by the 200 foot demarcation line of Gasker's lower elevation, which makes Gasker's property unique and peculiar for three separate and distinct reasons. Again, as opposed to Cromwell, Gasker did not create the necessity for a variance. Again, as opposed to Cromwell, Gasker did not construct his improvements without a building permit.

Max Gasker's house was an A frame, and therefore, by the nature of its construction, had limited provisions for storage as opposed to the more traditional

houses on the Denton Avenue peninsula, and this in itself, is another characteristic of peculiarity or uniqueness as contrasted to the neighborhood.

The argument of Hutchins with respect to diminution in property value as testified to by real estate appraiser King should not be considered for the simple reason that in determining the diminution in value attributable to the extra 5 feet, King did not consider the fact that there was already a diminution in value because of the fact that the 15 foot garage existed and which already as conceded by him impacted the value of the Hutchins' property. King rendered his opinion as to the value with a 20 foot garage as opposed to a value with no garage. The appropriate measure of damage, if any, would have been value with a 15 foot garage next door as opposed to a 20 foot garage next door. It is an oft cited axiom of the law with respect to expert testimony that an expert's opinion should only be given such credence as are supported by the facts relied on by the expert. Parker v. Housing Authority of Baltimore City, 129 Md.App. 482 (1998). In this case, King's opinion should be granted no credence for the simple reason that the facts did not support the opinion that was offered by King over strenuous objection.

In considering the next prong of the so-called two prong Cromwell test, again bear in mind we are looking at practical difficulty, not unreasonable hardship. Virtually all of Gasker's personal possessions as were stored in the frame garage were destroyed by the fury of Isabel. The new construction will allow him to store his personal possessions in the new garage constructed according to the new flood prevention specifications in an area that would be higher than the Isabel surge and

preserve his property from the ravages of flood waters. Gasker's house, as again noted, because of its A frame construction, does not readily lead to the storage of garden supplies, lawn furniture, tools, and the other implements of home ownership. Practical difficulty is engendered by the simple fact that if the variance is not granted, storage space is limited to the areas that would be protected from flood waters and the ability to enjoy his property is being seriously compromised. No matter how you look at it, this is a practical difficulty when you cannot store your chattels and personal possessions out of an area that is subject to flooding. We need ask ourselves, if the additional 5 feet is a detriment to the neighborhood, again dealing within a neighborhood context, why didn't other neighbors protest? There was no other protest for the simple reason that the proposed construction is not a detriment and is replacing an existing structure which was destroyed by flood waters with a new structure that according to the County requirements would be immune to destruction by a hurricane of the magnitude of Isabel.

This case presents this Board with a unique opportunity to clarify the application of Cromwell. Again, Cromwell does not require that a Petitioner's property be unique from all other properties in the neighborhood, and Cromwell only requires that the practical difficulty test be met. It would be impractical to store chattels and personal possessions in a storage area permitted by a 15 foot garage because of space limitations, the inability to stand, and the fact that you would need to use a ladder to access same. Hurricane Isabel demonstrated that a 15 foot garage as opposed to a 20 foot garage immediately adjacent to the waters of the

Chesapeake Bay is impractical. The ravages of Hurricane Isabel requires Cromwell and Section 307 of the Baltimore County Zoning Regulations be applied to the realities of the situation to help avoid a repeat of the unanticipated damage inflicted by Hurricane Isabel.

Within the ambit of Section 307 of the Baltimore County Zoning Regulations, the granting of the variance, especially in view of Hurricane Isabel, would be in strict harmony and intent with the Zoning Regulations and would alleviate a situation not caused by the property owner but caused by forces of nature or acts of God. The Protestant's evidence fails to show, establish or even infer that the granting of the variance would in any manner be detrimental or injurious to the public health, safety or general welfare of the neighborhood. In balancing any impact on Hutchins' property, it is important to remember that the current essentially flood proof structure replaces a frame structure that was only 5 feet lower in elevation, and considering all of the factors, Hutchins will benefit by the new construction albeit it is 5 feet higher than that that was destroyed.

CONCLUSION

Factually, the Board may find that the Gasker property is unique for any one or all of the following reasons:

1. Gasker's property is unique from all neighboring properties in that it is lower than the adjacent neighbors comprised of Hutchins and Darby;

2. Gasker's property is unique and Darby is also unique in that these two properties at the end of the Peninsula are unique as compared to the rest of the

Peninsula neighborhood as testified to by Protestants and witnesses King and Doak as both properties are lower than any other properties on the peninsula. The two properties are unique from the other lots as shown on the Subdivision of Oleary;

3. Gasker's property is unique as compared to the properties 200 feet to the north on Denton Avenue as all properties south of the 200 foot line are lower than the properties north of the 200 foot line; and

4. Gasker's property is unique and the entire peninsula is unique in that the peninsula and Gasker is lower in elevation than any of the properties on the north side of Old Point Road.

No matter how you view it, Gasker's property is more prone to storm surge damage than any other properties in the area.

Evidence of record and the pictures showing the water depths substantiated the uniqueness and Petitioner met the test of establishing that his property was unique or peculiar as compared to the neighborhood. Without the variance, Petitioner will sustain practical difficulty in the use of his property because of limitations on storage imposed by the potential for flooding and the necessity to store items above anticipated water levels. Petitioner's A frame house will accommodate only limited storage and practical difficulty will be sustained by Petitioner if the requested 5 foot variance is not granted.

Legally, a decision of this board granting the requested variance would pass judicial muster in that same would be within the standard of judicial review, that a reasoning mind reasonably could have reached the conclusion that the subject

property was unique and a practical difficulty would be incurred if the variance is denied. Deputy Zoning Commissioner Murphy, in reviewing all of the evidence, noted:

> If there ever was a case in which the property passes the test given in Cromwell v. Ward, 102 Md. 691 (1995) for uniqueness, in my view, it is this case. Hurricane Isabel demonstrated the unique characteristics of this property and Petitioner submits that fundamental fairness virtually mandates the approval of his variance.

Petitioner respectfully requests that the Board on the unusual facts of this case grant Petitioner's variance for the construction of a 20 foot high garage in lieu of the 15 foot height limitation.

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Towson, Maryland 21204
410-828-9441
Attorneys for Owner/Petitioner Appellee

I HEREBY CERITFY that on this 14 day of June, 2005, a copy of the foregoing Memorandum was mailed, via first class, postage prepaid, to the Office of People's Counsel, 400 Washington Avenue, Towson, Maryland 21204, and to J. Neil Lanzi, Esq., 409 Washington Ave., Suite 617, Towson, Maryland 21204, Attorney for Appellant.

EDWARD C. COVAHEY, JR.

ldr050603

6/15/05

IN THE MATTER OF: MAX GASKER 7846 Denton Avenue, 15th Election District 7th Councilmanic District Petitioner	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY 04-383-A

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

PROTESTANTS MEMORANDUM

Loretta Hutchins and Grover Hutchins, Ph.D., Protestants/Appellants, by their attorney, J. Neil Lanzi and J. Neil Lanzi, P.A., respectfully submit this Memorandum in Opposition to Petitioner's Petition for Variance.

I. **STATEMENT OF THE CASE.**

Petitioner/Appellee, Max Gasker, submitted a Petition for Variance for the property located at 7846 Denton Avenue ("Gasker Property") in the Eastern Area of Baltimore County. The variance request was pursuant to Sections 307 and 400.3 of the Baltimore County Zoning Regulations ("BCZR") to permit a replacement accessory building (garage) to be 20 feet high in lieu of the required fifteen (15) feet. By Order dated April 15, 2004, the Deputy Zoning Commissioner granted the variance request conditioned upon compliance with March 25, 2005 comments submitted by the Department of Environmental Protection and Resource Management and the Bureau of Development Plans Review. The Order also limited the garage uses to those accessory to residential uses while prohibiting living quarters within the garage. The Protestants, Dr. and Mrs. Hutchins, timely noted an appeal to the County Board of Appeals of Baltimore County ("Board") and the Board heard the appeal on December 1, 2004, February 22, 2005 and April 28, 2005[1].

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[1] Since there were three days of testimony, transcripts were ordered to be as

Appearing on behalf of Max Gasker were Douglas Kennedy, P.E. and Michael Moskunas, licensed surveyor. Appearing for the Protestants were Richard O. King, a licensed real estate appraiser who was admitted as an expert in the area of real estate appraisals and real estate. In addition to testimony from Dr. Grover Hutchins and Loretta Hutchins, Bruce Doak testified as an expert in surveying, planning and land use.

The subject property located at 7846 Denton Avenue is also known as Lot 24 on the O'Leary plat offered as Petitioner's Exhibit No. 4. Dr. and Mrs. Hutchins reside immediately adjacent to the Gasker property at 7844 Denton Avenue. Petitioner seeks to construct a garage approximately 24 feet by 24 feet that would rise 20 feet in height to replace a garage 24 feet by 24 feet and 15.5 feet in height that was destroyed by Hurricane Isabel in September of 2003. Protestants not only strongly oppose the variance request for the additional height beyond what the zoning regulations allow, they oppose the construction of the new garage at its proposed location.

II. **ISSUES PRESENTED**.

A. Whether Petitioner failed to meet the burden of proof necessary for variance approval under Maryland Case Law and Sections 400.3 and 307 of the BCZR to allow an accessory structure in the rear yard with a height of 20 feet in lieu of the 15 feet allowed.

B. Whether Petitioner's destroyed accessory structure (garage) was a nonconforming structure and whether the proposed replacement structure exceeds what is allowed as a replacement accessory structure under Section 104 of the BCZR.

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follows: Tr.1 for the first day of testimony, December 1, 2004; Tr.2 for the second day of testimony, February 22, 2005; and Tr.3 for the third day of testimony, April 28, 2005.

III. **PETITIONER'S EVIDENCE.**

A. TESTIMONY OF MAX GASKER.

Max Gasker, Petitioner, testified on his own behalf and related that he purchased the subject property in 1983. (Tr. 1 at 15). Mr. Gasker subdivided the subject property and sold the newly created lot to Diana Hutchins [2] and her husband (Tr. 1 at 20, 21). Mr. Gasker then razed an old summer house on the remaining lot and constructed a new house in 1990. (Tr. 1 at 22). Mr. Gasker testified that he removed the existing accessory structure on the concrete slab sometime around 1991-1992, poured a new concrete slab and then erected a 24 x 24 x 15 foot wood frame garage. (Tr. 1 at 23). Petitioner conceded that prior to erecting the wood frame garage in 1992 he had placed a 10 x 10 foot steel metal shed on the concrete slab from 1983 through 1992 before the garage was built. (Tr. 1 at 23-24). Petitioner admitted the building permit obtained after the garage was constructed reflected a height of 15.5 feet and not the 15 feet allowed. (Tr. 1 at 25).

Mr. Gasker claimed the need for the new larger and higher garage was to provide additional storage for his family. The statement was made despite Gasker's acknowledgment that the destroyed 15.5 foot high garage was used primarily for storage in addition to a storage area in the lower level of the prime residence. (Tr. 1 at 29-30). Petitioner conveyed his desire to construct a new two level garage with the second floor to be used for storage if the height variance was approved. (Tr. 1 at 48).

Mr. Gasker testified that Hurricane Isabel destroyed the old accessory garage structure along with a significant amount of personal property contained both in his primary residence and the old garage. Petitioner then proceeded to provide specifics on the construction of the new proposed garage. Details included a stairway to the second floor which would allow Petitioner to

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[2] Diana Hutchins is the daughter of Dr. and Mrs. Hutchins.

walk upright on the second floor. (Tr. 1 at 73). The Board inquired of the Petitioner regarding different construction alternatives for the garage as follows:

> The Chairman. "I know you are not a construction engineer, but is this the only type of roof construction that can be done? You may be the wrong person to ask, so then you can beg off. Is this the only type of roof construction that would be able to be done? The Witness (Gasker). "I couldn't honestly answer that." (Tr. 1 at 74, 15-21).

With respect to Protestants' position that the proposed 24 foot garage would further block their view, Petitioner stated that the 15 foot garage, "... definitely blocked the view from the first floor deck." (Tr. 1 at 55). Petitioner did not feel there was any additional view obstruction from the second floor deck as a result of the 20 foot high garage. (Tr. 1 at 55, 57).

On cross examination, Petitioner was asked with regard to Petitioner's Exhibit No. 13 where a photograph tried to show the effect of a 20 foot high structure. Using Petitioner's own exhibit, Petitioner conceded that a structure with a 20 foot height would go to the second level of the Hutchins home. (Tr. 1 at 96). Petitioner agreed that the old garage blocked the Hutchins view but did not feel the additional five foot height would further block their view. (Tr. 1 at 96, 97). Interestingly, Petitioner stated that a blocked view would not bother him even if it affected his property value. (Tr. 1 at 95-96).

Petitioner submitted as Petitioner's Exhibit 15 a zoning plat highlighting those properties on Denton Avenue that were destroyed by Hurricane Isabel. This exhibit allegedly established that the Gasker Property and the lower end of Denton Avenue were unique. When describing his property, Petitioner stated that water was on two sides of his lot and that his lot was flat. (Tr. 1 at 46, Tr. 1 at 46, 98). Mr. Gasker conceded that while his property enjoyed a water view on two sides, the Darby property next door also enjoyed water views on two sides (Tr. 1 at 98). In fact, Mr. Gasker agreed that all properties on Denton Avenue enjoyed a water view and since 8 to 10 properties on the south end of Denton Avenue suffered damage during Hurricane Isabel, his

family was not alone. (Tr. 1 at 103-104).

In responding to direct examination regarding practical difficulty and unreasonable hardship, Petitioner stated as follows:

> "Now, will you sustain practical difficulty or unreasonable hardship if you don't get this variance to build a garage that's 20 feet high as opposed to 15 feet? A. Yes, absolutely. Q. What's the practical difficulty and unreasonable hardship? A. All the items that my wife and I store, what average people store, need to be stored above the floodplain. Any other manner, in fact, all of our possessions that we had in storage again, it's examples of what's on the itemized list, we had stored in a manner that was below the flood plane elevation and it is all gone. It all got destroyed. And we chose to eliminate that from occurring again." (Tr. 1 at 64).

On cross examination however, Mr. Gasker admitted there were alternatives for constructing a new garage on his property, including constructing an addition to the house. Gasker was concerned the alternatives would create a financial hardship and felt one option would not be approved due to a utility easement. (Tr. 1 at 106-107). When asked by the Board where cars were currently parked and why additional space was needed for cars, Mr. Gasker responded that he had always parked underneath the house in the two spaces but they had more than two vehicles and the old garage was built to provide storage. (Tr. 1 at 123-125). The old garage had been converted primarily for storage although later on redirect examination Gasker contended vehicles had been parked in the old garage. (Tr. 1 at 125, 132). Mr. Gasker conceded there was room in the existing driveway to park the four vehicles in his household. (Tr. 1 at 133).

Turning to the non-conforming structure issue, Petitioner agreed that the replacement garage would be larger in cubic feet as well as in width as the construction would go beyond the 24' x 24' cement slab. (Tr. 1 at 98, 100, 101). With regard to the location of the cement slab, Petitioner contended the cement slab was in the rear of his property despite the site plan prepared by Petitioner admitted as Petitioner's Exhibit No. 1 indicating the "front" of the property was on the south side of the house resulting in the cement slab being on the side of the house. Petitioner

conveniently maintained that the marking of the word "front" was to represent the front half of the house and that the true front of the property was that portion of the property facing Denton Avenue. (Tr. 1 at 83-86).

Finally, Petitioner admitted that his family would still live on the property whether or not they got the variance. (Tr. 1 98-99).

B. TESTIMONY OF DOUGLAS L. KENNEDY.

Douglas L. Kennedy is a licensed, professional civil engineer with the firm KCW Engineering. Mr. Kennedy was accepted as an expert in engineering and land planning. When asked to describe what made the Gasker Property unique, Mr. Kennedy responded "... the fact it has water on two sides." (Tr. 1 at 148). When asked about the elevation Mr. Kennedy stated "... the water being on two sides, and then it's lower than the rest of the properties in the area, because it's at the end of the roadway, it's at the end of the peninsula." (Tr. 1 at 149).

On cross examination however, Mr. Kennedy agreed there were other properties nearby with multiple views of the water and at least one other property was at the end of Denton Avenue with Gasker.

> "Q. Did the Darby property have two water views as well as Gasker? A. Well -- Q. If you look at Exhibit No. 9. A. From this plan, yes. The Darby house is further out. It's even further south than Gasker and it does have two views. Q. Would you agree they are both at the very end of the land mass before they hit the water? A. Yes." (Tr. 1 at 170).

Mr. Kennedy further conceded the similarity between the Darby and Gasker property in the following exchange,

> " Q. You stated for the basis of the uniqueness argument -- correct me if I'm wrong -- you stated that the Gasker property was the last piece of land before the water, that it had water on two sides and its elevation is lower? A. Correct. Q. Is that accurate? A. Yes. Q. I believe you just testified that the Darby property is also the last land before the water, it has water on two sides and its elevation is lower, is at the lower end of Denton Avenue, would that be accurate? A. Yes. They are both -- if you take a look at the original subdivision plat, when you came down Denton Avenue, when you get

to the end of the peninsula, there were two lots down there, I think it was Lot 23 and Lot 24." (Tr. 1 at 172-173).

On direct examination, Mr. Kennedy testified regarding the elevations along Denton Avenue and stated the difference in elevation between the Gasker garage slab and the Hutchins property was approximately 15 inches. (Tr. 1 at 146). However, Mr. Kennedy agreed the Darby and Gasker property elevations were similar as demonstrated in his response to the following question:

"Q. Now, based on this exhibit which you got from Baltimore County, would the elevation on the Darby property be similar on that of the Gasker Property, based on this exhibit, which is a public record? A. If you take a look at this exhibit, you know, it's got spot elevations. The Darby property is very similar, if not a little bit lower, than the Gasker property." (Tr. 1 at 176, 8-15).

Much testimony was then offered regarding the damages Gasker suffered due to the water exposure, however, on cross examination, Mr. Kennedy had to agree other property owners suffered similar damages.

" Q. But, in general, from your testimony, do you agree that the properties on the lower end of Denton Avenue received more damage as a result of their lower elevation? Is that a fair statement? A. Yes. Q. So it wasn't just the Gasker property? A. No. There were additional properties surrounding the Gasker property that received damage. (Tr. 1 at 172).

Upon questioning by the Board Chairman on garage options, Mr. Kennedy opined that alternative roof styles would increase costs. (Tr. 1 at 159). However, Mr. Kennedy did agree that one alternative garage location could be attached to the house along the south side and moved forward out of the utility easement. (Tr. 1 at 178-179). When questioned regarding the proposed new garage and options regarding the stairwell, Mr. Kennedy also agreed there were other options and had no response when asked whether one option was more convenient than another. (Tr. 1 at 188-189).

Amazingly, when asked in his capacity as an expert land planner whether there was any

detriment to the adjoining property owners due to the view being blocked by the proposed garage, Mr. Kennedy stated "I can't tell you whether it is or not. What I am saying, the garage was in place on the Gasker property when the Hutchins built their home." (Tr. 1 at 190). When pressed further, Mr. Kennedy agreed the Hutchins view would be blocked by both the fifteen foot height as well as the twenty foot height but then appeared to contradict himself and stated the blockage would not be increased in the following exchange,

> "Q. As a land planner, explain to me why as a land planner, you can't testify when a water view is being blocked by a structure, its not having a detriment? A. Okay. What I testified to is the fact that the difference between the fifteen foot height and the twenty foot height is not -- you know, the fifteen foot height blocked their view from their deck. The twenty foot height of the location, the same view would be blocked with the twenty foot. So their previous view was blocked. Therefore the twenty height also will block their view. Q. So would the blockage increased, would you agree with that? A. No,because they were blocked at fifteen foot. (Tr. 1 at 190-191).

C. TESTIMONY OF MICHAEL MOSKUNAS

Michael Moskunas testified as an expert professional land surveyor regarding field surveys made of the Gasker Property. Mr. Moskunas testified that the Darby property was roughly 10 inches higher than the Gasker garage property based on various elevation points indicated on the Moskunas field survey. (Tr. 2 at 15). However, when asked on cross examination regarding the significance of the difference in elevation points Mr. Moskunas responded as follows,

> "Q. You indicated also later on in your cover letter that the difference between the Points were insignificant? A. Yes. (Tr. 2 at 20).

IIII. **PROTESTANTS EVIDENCE**.

A. TESTIMONY OF GROVER HUTCHINS.

Dr. Grover Hutchins testified that he and Mrs. Hutchins purchased the property known as 7844 Denton Avenue in April of 2000, razed the existing house and put up a new structure. (Tr. 2 at 21). Dr. Hutchins selected this particular lot along Denton Avenue because, "(w)e were

particularly taken with the view from that lot. It was looked out over the Chesapeake Bay. On a clear day, you can see the Eastern Shore, the Bay Bridge, the boat traffic in the upper part of the Bay and it's just a, really, really enjoyable view from that property." (Tr. 2 at 22). Dr. and Mrs. Hutchins enjoy a view straight out to Shallow Creek as well as towards the Chesapeake Bay and Bay Bridge. However, Dr. Hutchins made it clear the view of the Bay enjoyed by Dr. and Mrs. Hutchins from their home will be totally blocked from the ground floor and from the second floor master bedroom level and partially blocked from the third floor level with the twenty foot high garage,

> "Q. You said the second floor is the master bedroom? A. Yes. Q. From the master bedroom, you have a view of the Point? A. Yes. Q. Your testimony was that will be totally blocked? A. I would certainly think so, yes. Yes. Q. I believe you indicated that your view was partially blocked from the third floor, which is the living area? A. Yes. Q. With the old garage? A. Yes, you can -- it would block part of the view of the water, but you could see across the top of it from the third level. (Tr. 2 at 41, 5-9). "Q. So if the old garage partially blocked the view from the third floor, with five feet higher, do you feel that your view will be blocked further with the new garage? A. Yes I am certain it will. The other thing I just thought of which incorporated in the previous answer is the fact that the shape of the garage roof as indicated in the drawings we looked at last time would further block the view because it's a hipped type of roof, as I understand it." (Tr. 2 at 41, 42).

More importantly, Dr. Hutchins stated the living area on the third floor is where the family entertained and spent much of their time.

> Q. "Where do you at all -- when you say the living area is on the third floor, is that where you entertain or spend most of your time? A. Yes. Q. So it is going to have a significant impact on your use and enjoyment of the property? A. Yes. (Tr. 2 at 42).

While reviewing a series of photographs (Protestants' Exhibit No. 5), Dr. Hutchins stated his position that the front of the Gasker house faced the water towards the Bay and the area Mr. Gasker considered the front along Denton Avenue was considered by Dr. Hutchins as the side. (Tr. 2 at 27, 28). Dr. Hutchins was not happy with the old garage and did not think it should have been on the cement slab. On cross examination when asked regarding the framed garage,

Dr. Hutchins stated there was no structure prior to the garage being constructed in 1992-1993 after the cement slab was laid on July 19, 1992. (Tr. 2 at 69).

Dr. Hutchins confirmed that both the Darby house located at 7845 Denton Avenue and the Schultz house located at 7843 Denton Avenue were destroyed in the hurricane. Consistent with previous testimony from Mr. Gasker and Douglas L. Kennedy, Dr. Hutchins stated the Darby property had multiple water views as did the Hutchins and Gasker properties. (Tr. 2 at 35, 36).

Next, Dr. Hutchins stated it was his opinion there were properties similar to the Gasker Property in the area based on his knowledge of the neighborhood and his detailed analysis of the lots along Denton Avenue contained in Protestants' Exhibit No. 6. Dr. Hutchins specified the properties similar to the Gasker property included "... most notably the Darby property next door [is] similar in its configuration, situation on the water, elevation, etc." (Tr. 2 at 54).

Finally, Dr. Hutchins stated he felt the variance request would have an adverse impact on his property because it would significantly block the view. (Tr. 2 at 54,55). When asked by the Board with regard to where the old garage came up to Dr. Hutchins structure, Dr. Hutchins responded it would be approximately two thirds, which would be around the railing on the second floor. (Tr. 2 at 73-74). Dr. Hutchins concluded that the proposed garage would be out of character with other accessory structures in the neighborhood stating there was nothing else like it in that area. (Tr. 2 at 43).

B. TESTIMONY OF LORETTA HUTCHINS.

Loretta Hutchins was offered and accepted as an expert with regard to real estate matters limited to factors involved in buying and selling real estate and their effect upon prices relative to properties. Ms. Hutchins stated that she had experienced an adverse impact on a property's ability to sell due to an adjoining property containing a structure blocking the view of the

property being sold. (Tr. 2 at 99).

Specifically, Loretta Hutchins stated her experience was with the Hutchins property while trying to sell the property on behalf of her daughter. Mrs. Hutchins testified she could not even sell the property for the price it was purchased by her daughter due to the view being blocked by the Gasker's old garage as indicated to her by prospective purchasers. (Tr. 2 at 99-100). Mrs. Hutchins has had similar experiences with other properties where views were blocked thus negatively impacting her ability to sell the properties. (Tr. 2 at 100).

Mrs. Hutchins expanded on her husband's testimony regarding their view of the water by stating that they spent a fair amount of time outside simply enjoying the view, however, the proposed garage would have a negative impact on their use and enjoyment of the property. "... because we like to look out the windows and we like the view, watching the birds, different things in the water." (Tr. 2 at 106).

Finally, Mrs. Hutchins was concerned with the style of the roof for the Gasker garage in that the new proposed roof would be squared up higher and would block more of their view than previously. (Tr. 2 at 110).

C. TESTIMONY OF RICHARD O. KING.

Richard O. King was accepted as an expert in appraisals and in real estate matters, generally. Mr. King submitted a financial impact analysis (Protestants' Exhibit No. 9) for the Hutchins residence in light of Petitioner's proposed twenty foot high garage. Mr. King's uncontradicted conclusion was the Hutchins property would suffer a diminished value of approximately thirty percent (30%) if the twenty foot high garage was approved and constructed. (Tr. 2 at 126). A lengthy breakdown of the analysis process followed and essentially Mr. King focused on the value of the Hutchins' view. In Mr. King's expert opinion, the real value of the view for the Hutchins family was the view of North Point Park, where Shallow Creek joined

with the Chesapeake Bay and the view of the Bay Bridge. (Tr. 2 at 131). The value of that view for other property owners along Denton Avenue was determined by Mr. King to diminish greatly the further north you went along Denton Avenue away from the Point. (Tr. 2 at 133). The values were supported by public assessment records on land only. Mr. King explained how his analysis included discussions with various real estate brokers as well as representatives of the assessment office. Upon further inquiry, Mr. King stated his research led to his conclusions based on an objective analysis rather than a subject analysis as, in his opinion, it was "pretty cut and dry." (Tr. 2 at 138).

On cross examination, Petitioner's counsel asked Mr. King whether while on the porch of the Hutchins property could he still see the Bay and the Bay Bridge despite the garage and Mr. King stated without hesitation,

> "My take on that was, as I measured -- I thought I indicated that earlier -- I could not see, with the new construction now, okay, I could not see that view at all, no. If -- I'm six feet tall. If I were standing up there, I couldn't see it, I just couldn't. I'd have to get on a chair, on some way. Certainly, I couldn't see it if I were in a chair." (Tr. 2 at 166).

> Admitting the view from the third floor may or not may not be partially obstructed Mr. King opined "It's going to be close. Very close. Definitely, your first two levels are gone. Q. Are blocked? A. Yes." (Tr. 2 at 169).

The final question asked on direct examination summarized Mr. King's expert opinion on the adverse impact of the proposed garage on the Hutchins property.

> "Q. Would it be your opinion as an appraiser and real estate person that the proposed garage, if approved, would have an adverse impact on the Hutchins view and enjoyment of their property as well as the present and future value of their property? A. Absolutely." (Tr. 2 at 138).

D. <u>TESTIMONY OF BRUCE DOAK</u>.

Bruce Doak is a licensed property line surveyor and was accepted as an expert in land use, zoning and surveying. Mr. Doak was first asked to interpret the elevation exhibit (Petitioner's Exhibit 19) provided by Michael Muskonas and to address the allegation there was a

difference of one foot three inches between the Hutchins back yard and Gasker's proposed garage. Mr. Doak opined that the elevation exhibit previously provided did not show the fifteen inch difference between the Gasker garage and the Hutchins back yard but did show " … there is 1.3 foot difference in elevation between the edge of the proposed garage and the front of the Hutchins' existing dwelling." (Tr. 2 at 181).

Mr. Doak was then asked to examine the United States Department of Interior Geological Survey entered as Protestants' Exhibit No. 11 A-E. Upon review and questioning, Mr. Doak stated there was no difference in topography for the Hutchins, Darby and Gasker properties and the water elevations were the same due to the similarity and elevation. (Tr. 2 at 196-197). Mr. Doak further reviewed the survey provided by Petitioner's experts and the U.S. Interior Geological survey and opined that the difference in elevation between the footprint of the Gasker garage and that portion of the Hutchins home closest to where the garage was to be located was approximately three inches. (Tr. 2 at 199-202). Mr. Doak's expert opinion was that a three inch elevation difference between the Darby and Gasker property would not be considered significant and that the elevation between the two was very close. (Tr. 3 at 26-27). Mr. Doak left no doubt that the Darby and Gasker properties were two sites that mirrored each other and were very similar in size, shape, elevation and water frontage. (Tr. 3 at 27-28).

Mr. Doak was then asked about the Denton Avenue properties in general. Mr. Doak testified that all of the lots along Denton Avenue were waterfront and that many of the lots were similar in size including the Gasker Property and Hutchins property. (Tr. 2 at 188). More specifically, Mr. Doak opined the Darby and Gasker properties were similar as follows:

> "They are similar in lot size. Also, they are somewhat of a mirror image to each other in that they both share two sides with water. They are approximately -- their configuration is very similar. They are both improved with a one single family dwelling. So in turn they are almost exactly alike." (Tr. 2 at 188).

Mr. Doak was also of the opinion as a surveyor, land use and zoning expert that the topography between the Darby, Gasker and Hutchins properties was relatively similar and there was nothing unique with regard to the topography between the Gasker and the Darby properties. (Tr. 2 at 190-192, 203).

Mr. Doak stated he was familiar with the two prong test required for variances under the Maryland Case *Cromwell vs. Ward.* Without hesitation, Mr. Doak responded to whether or not the Gasker Property was unique as follows:

> "Q. In your opinion, does the Gasker property contain any characteristics that are unique to that parcel as compared to other parcels in the immediate vicinity of the Gasker property? A. No, sir." (Tr. 2 at 193-194).

When asked to expand upon previous testimony regarding the Darby property being a mirror image of the Gasker property, Mr. Doak stated:

> "-- ... the property size is approximately the same size. It is bordered by two sides on the water. It also shares access via the end of Denton Avenue. Both have an existing single family dwelling. Both are roughly the same topographically and the positions of the house on the property are similar." (Tr. 2 at 194).

Mr. Doak was then asked the seminal question for variance approval as follows:

"Q. In your opinion, is there anything unique about the Petitioner's property which would cause the zoning provisions with regard to height to impact disproportionately against the Gasker property compared to other property? A. No, sir" (Tr. 2 at 209-210).

Mr. Doak confirmed that the fifteen foot height requirement under Section 400.3 of the BCZR applied to all accessory structures along Denton Avenue and not just the Gaskers. (Tr. 2 at 212).

Mr. Doak next turned to the second prong required for approval of a variance in *Cromwell vs. Ward.* When asked whether or not practical difficulty existed for Mr. Gasker to comply with the BCZR with regard to the proposed height of the garage, Mr. Doak responded that in his opinion there was not a practical difficulty or hardship because there were alternatives

to the location of the garage as well as to the height of the proposed garage. (Tr. 2 at 204).

Specifically, Mr. Doak provided two alternatives for the proposed garage. The first alternative was shown by Protestants' Exhibit 10-I where a twenty foot high garage could be attached to the existing home subject to a possible side yard setback variance. (Tr. 2 at 205, 206). The second alternative discussed by Mr. Doak was shown using Protestants' Exhibit No. 4 where the two options were located with redline highlights. Mr. Doak acknowledged the existence of an easement, however, stated the proposed garage could be moved forward to take the addition out of the easement area. (Tr. 2 at 207). It was Mr. Doak's opinion in response to an inquiry from the Board Chairman that the alternatives shown on Protestants' Exhibit No. 5 were the easiest two alternatives where Petitioner would have access to the new garage and would not have to worry about the 15 foot height limitation. (Tr. 2 at 208).

Mr. Doak was then briefly asked to discuss the current requirements for an accessory structure and its location. Mr. Doak stated that if there had not been a garage on the Gasker property before, a new garage would have to be 100 feet from the rear property line or the average of the existing improvements on the adjoining property and thus the proposed garage would not be allowed in its current location. (Tr. 2 at 213). Further, when asked regarding the front, side and rear of the Gasker property, Mr. Doak stated that he had seen other cases where the Baltimore County Zoning Office designated the side closest to the water as the front and not on the street as indicated by Petitioner. (Tr. 2 at 216).

Under the premise that the old Gasker garage was a nonconforming structure, Mr. Doak was asked regarding Section 104 of the BCZR. Mr. Doak stated that a destroyed nonconforming structure could be replaced and enlarged up to 25% and that the Gasker destroyed garage was being enlarged 33% based on cubic feet due to the height increase of the proposed garage. (Tr. 2 at 216-218).

Finally, to summarize his expert testimony, Mr. Doak was asked the following series of questions:

> "Q. In your opinion as a land use and zoning expert, will the proposed twenty foot garage have a detrimental effect on the general welfare of the neighbor's of Mr. Gasker, that is Dr. and Mrs. Hutchins? A. Yes, sir. Q. What will that detrimental effect be? A. In that their view as well as the use of the property adjoining the garage will be negatively impacted. Q. In your opinion as an expert in land use, if the variance was denied, would Mr. Gasker and his family be deprived of all reasonable use of his property as a resident? A. No, sir. Q. He has a garage, is that correct? A. That is correct. Q. He can still build a garage of fifteen foot, is that correct? A. He could, ... Q. The other lots along or the other properties along Denton Avenue, is it fair to say they have the same issue of having dry storage as the Gaskers do ? A. Yes, sir. Q. So the necessity and claimed hardship is no higher for the Gaskers than it would be for the other property owners, especially along the lower point of Denton Avenue? A. That's correct. Q. Based on the evidence concerning uniqueness and practical difficulty, in your opinion, would approval of the variance be in harmony with the spirit and intent of the zoning regulations? A. No, sir. Q. Now there are some cases that deal with unwarranted hardships in the critical areas. If you used the unwarranted hardship standard as various courts have as variance in the critical area, is it your opinion that denial of the 20 foot height would be a denial of all reasonable and significant use of this property in your opinion? A. No, sir." (Tr. 2 at 218-221).

V. **ARGUMENT**.

A. Applicable Law. The Baltimore County Code, Section 32-4-102 requires that development of land must protect and promote the health, safety and welfare of the County. Section 32-4-103 states that development is to be compatible with the neighborhood and should minimize the adverse environmental, traffic and economic impact on the surrounding community.

Section 400.1 of the BCZR provides specifically: Accessory buildings and 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 two and a half feet from any side or rear lot lines, except the 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.

Section 400.3 of the BCZR provides: The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet.

Section 104 of the BCZR providing for nonconforming uses provides in part:

A. 104.2. A structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction or damage may not be enlarged. In the case of residentially used structures which are not conforming in density, the number of dwelling units or density units rebuilt may be equal to but may not exceed the number of units which existed before the casualty.

B. 104.3. Nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used. This provision does not apply to structure or uses restored pursuant to Section 104.2 except as authorized by the Zoning Commissioner pursuant to Section 307.

Finally, Section 307 provides for variance relief for property in Baltimore County as follows:

A. 307.1. (In Part) The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations... only in cases where special circumstances or conditions that exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off street parking, or sign regulations, and only in such a manner as to grant relief without injury to public health, safety and general welfare.

Under Maryland case law, the Board must follow the following two step process to determine whether the requested variances should be granted,

> "The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is-in and of itself-unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual or different, the process steps here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e. a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists."

Cromwell v. Ward, 102 Md. App. 691, 694-695 (1995).

B. **Whether Petitioner failed to meet the burden of proof necessary for variance approval under Maryland Case Law and Sections 400.3 and 307 of the BCZR to allow an accessory structure in the rear yard with a height of 20 feet in lieu of the 15 feet allowed.**

The proposed garage of the Petitioner is out of character with regard to size, scope and height and will have a negative impact both on the value and use and enjoyment of the Hutchins property immediately adjoining the Gasker property. The expert testimony with regard to the significant loss in economic value due to the proposed garage is uncontradicted. The proposed garage is contrary to the spirit of the County Code for development.

Applying the standard of the two step process required by *Cromwell vs. Ward* and the BCZR to the facts presented, it is clear Petitioner has not met his burden and approval should not be granted to the variance requested. Petitioner's testimony was the new garage would be utilized for vehicle parking on the first floor and personal property storage on the second floor. Petitioner however conceded that the destroyed garage had been primarily used for personal property storage and there was personal property storage in the principal residence. In addition, Petitioner admitted there remained available parking spaces underneath the house and in the driveway. Convenience does not equate to practical difficulty. Petitioner's circumstances do not meet the requirements of the general rule cited in *Cromwell v. Ward* that variances should only be granted sparingly and under exceptional circumstances.

The exhibits and testimony clearly established there is nothing unique about the Petitioner's property. In fact, Petitioner and Petitioner's own expert agreed that several properties on the lower end of Denton Avenue suffered substantial property damage as a result of the recent hurricane. Petitioner's experts opined there was an approximate 10 to 15 inch difference in elevation between the proposed cement pad being used as a foundation for the proposed garage

and the Hutchins' property. However, utilizing Petitioner's own exhibits, Protestants expert Bruce Doak opined the difference in elevation was as little as three inches between the properties and was insignificant. Petitioner's surveyor admitted on cross examination the difference in point elevation between the properties was insignificant. Petitioner's engineering expert conceded that the Gasker and Darby properties both enjoyed water views on two sides and were both at the end or southern most point of Denton Avenue. The public records contained in Protestant's Exhibit 6 confirmed the Darby and Gasker properties were very close in size and Petitioner's subdivision plat confirmed the similarity in location and shape of the Darby and Gasker properties. Quite simply, the Gasker and Darby properties are mirror images of each other as opined by Protestant's land use expert, Bruce Doak. The uniqueness claim is baseless and without merit.

Without meeting the conditions required for the uniqueness prong required by Cromwell vs. Ward, the variance review process should stop. A similar case for variance was recently decided by this Board in the case captioned *In the Matter of the Application of Alan Ashwell* - Petition for Variance, Case No. 04-255-A. The property in question in Ashwell was three lots north of the Gasker property. In that case the Board determined in its majority opinion that no case had been made for the required "uniqueness" prong. The Board determined that Mr. Ashwell's property was substantially similar to other properties in the area in shape, size, topography and waterfront access. More importantly, the Board also determined the Ashwell waterfront property faced the same perils as all other residents in the area with regard to flooding and water damage.

Despite the extensive testimony in Gasker's case with regard to the extent of damage suffered by Gasker's family, the Board must follow its opinion rendered in Ashwell, "Damage to substantially all the homes in the area which occurred as a result of that storm is simply

additional indicia of the commonality of topography and physical characteristics of the properties in the area. Its propensity to flooding, in and of itself is not an exceptional factor recognized under *Cromwell* and is certainly not an extenuating circumstance that is recognized under the law to permit a variance and the absence of the fact is recognized and called for in *Cromwell*." The perils and damages are the same in this case for the Gasker Property. Replacing an old garage with a new larger garage does not equate to special circumstances.

Again, as in Ashwell, assuming that Petitioner's property was determined to be unique, the second prong of Cromwell requiring practical difficulty has not been satisfied. The Board determined in Ashwell that other options existed with regard to the desired structure in the event the variance was denied, including simply lowering the height of the structure proposed by Ashwell to be built. The exact same reasoning applies in this case as Protestants provided uncontradicted testimony that other options existed for Petitioner on where and how to construct the desired garage, including simply lowering the height to 15 feet. Petitioner's expert engineer agreed there were other options for the garage. The main objection of Petitioner to the options presented were financial and financial considerations are not considered under Maryland law as the basis for practical difficulty.

The Court of Appeals in *Kennerly vs. Mayor and City Council of Baltimore*, 247 Md. 601 (1967) stated,

> "To grant a variance the Board must find from the evidence more than that the building allowed would be suitable or desirable or could do nor harm or would be convenient for or profitable to its owner. The Board must find there was proof of 'urgent necessity, hardship peculiar to the particular property, and a burden upon the owner not justified by the public, health, safety and welfare'."

See also *Carney v. City of Baltimore*, 201 Md. 130 (1952) where the Court of Appeals discussed a variance for a residential addition and the Court determined the convenience of the applicants was not a sufficient basis for granting an exception to the zoning ordinance on the

ground of unnecessary hardship.

This is not an undersized lot case where the Petitioner has no other alternatives. The Gasker property is almost a half acre. Several options for the requested storage were presented and Petitioner admitted no other alternatives had even been explored. There is no urgent necessity for Petitioner and case law in Maryland has made it clear that a pleasant amenity for walking upright in a personal storage area is not equal to unwarranted hardship or practical difficulty. See *North vs. St. Mary's County,* 99 Md. App. 502, 512 (1994) where the Court of Special Appeals discussed the "unique" aspect of a variance requirement stating,

> "In the zoning context, "unique" aspect of variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area i.e. its shape, topography, subsurface condition, environmental factors, historical significance, access or non access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls."

The *North* case concerned a proposed gazebo for Petitioners enjoyment. The fact discussion in *North* is similar to the subject case in that neighboring properties were similarly situated with views. The Court in *North* determined that strict application of the regulations would not result in unnecessary hardship and would not deprive Petitioner of all reasonable use of his land.

In *Wilson vs. Mayor and Commissioners of Town of Elkton,* 35 Md. App. 417 (1977). The Court discussed a request for zoning variance to allow a third floor fire escape. In overturning the Board of Appeals the Court determined the Petitioner in that case would not be deprived of all use of the third floor of the dwelling and the hardship alleged was self created.

Petitioner admitted he intended to remain on the property even if the variance was denied. As in both *Wilson and North*, Petitioner will not be deprived of all reasonable use of his

land.

The seminal case for variances prior to *Cromwell vs. Ward* was *McLean v. Soley*, 270 Md. 208, 213, 1973, which states,

> "The standard for granting a variance then, as it is now, was whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare".

The criteria for establishing practical difficulty were listed in *McClean v. Soley* as follows:

1. Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. 270 Md. at 214.

The uncontradicted testimony presented by Protestants' experts was that the granting of the requested variance would be contrary to the spirit and intent of the zoning regulations and in fact would cause substantial injury to the public health, safety and general welfare, namely to the immediate adjoining neighbors. All who testified, for Petitioner or Protestants, agreed the view would be blocked on the ground level, the second level and potentially the third level of the Hutchins' house. Dr. Hutchins and Richard King stated the view would also be partially blocked on the third level. The value of the Hutchins' property would be reduced by as much as 30% according to Richard O. King, real estate appraiser. His testimony was uncontradicted. Values in that area are based on view and Protestants Exhibit 9 as explained by Richard O. King clearly

established the better the view, the higher the value. To significantly block the view of the Protestants from the master bedroom and family area and to significantly reduce the value of the Hutchins property through no fault of their own screams out as a substantial injustice and contrary to the spirit and intent of BCZR and the Baltimore County Code. Quite simply, the other property owners along Denton Avenue are subject to the 15 foot height limitation and all face the same dangers of flood damage. Petitioners have not been denied all reasonable use of their property as the primary residence and vehicle parking area existed under the residence and several alternative storage options were available.

Clearly the evidence on the issue of practical difficulty goes against Petitioner in that strict compliance with the restrictions on height would not prevent the Gasker family from using their property for the permitted residential purpose intended.

C. **Whether Petitioner's destroyed accessory structure (garage) was a nonconforming structure and whether the proposed replacement structure exceeds what is allowed as a replacement accessory structure under Section 104 of the BCZR.**

The BCZR does not allow a nonconforming structure to be enlarged beyond twenty-five percent (25%) of the ground floor of the building so used. Petitioner by his own testimony admitted that the proposed new garage would not only exceed beyond the boundaries of the cement slab upon which it was to be located but would also rise five feet higher than the replacement structure. Protestant's expert confirmed the expanded structure would be greater than thirty percent (30%) in total size than the destroyed garage. The statute defining nonconforming structures as contained in the BCZR is to be interpreted by the intent of the Council. "The cardinal rule of statutory construction is to ascertain and carry out the intent of the legislature. Thus, when there is no ambiguity or obscurity in the language of a statute there is no need to look elsewhere to ascertain the intent of the legislative body." *Montgomery County*

vs. Buckman, 333 Md. 516 (1994). Petitioner cannot conveniently argue the footprint size is being maintained and then expand a nonconforming structure by thirty percent (30%). Otherwise, any Petitioner could take a one-story structure and increase it by four stories and maintain the same footprint to bypass the intent of the BCZR.

Moreover, Petitioner by his own exhibit, indicated the front of the property as that part of the principal residence which faced the Bay thus leaving the location of the destroyed garage on the side of the property. The BCZR requires the accessory garage to be in the rear yard. The Protestant's expert, Bruce Doak, confirmed that it was his experience the location of the garage slab would typically be determined to be in the side yard by Baltimore County zoning officials, thus causing the destroyed garage and proposed garage to be nonconforming under the BCZR.

D. CONCLUSION.

The exhibits and expert testimony established the garage structure proposed would not be compatible with the neighborhood and would be detrimental to the health, safety or general welfare of the community. Practical difficulty does not exist for Petitioner as a result of the zoning regulations on Petitioner's property. Petitioner's evidence failed to establish any unique features of Petitioner's property as compared to other properties in the immediate vicinity, most notably, the Darby property next door. Clearly the Darby property mirrored the Gasker property on the exact factors required by *North* such as elevation, size, shape and access to navigable waters. Even if uniqueness is determined, the severe adverse impact to Protestants property was established and uncontradicted. Relief simply cannot be fashioned to observe the spirit of the BCZR. Moreover, practical difficulty does not exist as Petitioner has other options for the garage location and height and the request for variance was not of an urgent necessity.

Applying the legal standard for variances as contained in the Baltimore County Zoning Regulations in Section 307 and under Maryland case law, a determination must be made that

Petitioner presented insufficient evidence to allow the Board to find the requirements of Section 307 have been met or that the variance could be done in such a manner so as to be within the spirit and intent of the zoning regulations without adverse effects on other properties in the area.

In conclusion, Protestants submit that under the applicable law and based on all the evidence Petitioner has failed to meet his burden to satisfy the standards necessary to sustain approval of the requested relief. Protestants have established the nonconforming nature of the destroyed garage and proposed garage. The garage at any height should not be allowed in the proposed location.

Wherefore, Protestants/Appellants pray that the County Board of Appeals of Baltimore County reverse the decision of the Deputy Zoning Commissioner and deny approval of the variance requested along with such other further relief as the nature of their cause may require.

Respectfully Submitted,

J. Neil Lanzi, Esquire
J. Neil Lanzi, P.A.
409 Washington Avenue, Ste 617
Towson, Maryland 21204
Attorney for Protestants/Appellants

HutchinsAppellateBrief6/14/05

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 16, 2004

Mr. Max Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Re: Petition for Administrative Variance
Case No. 04-383-A
Property: 7846 Denton Avenue

Dear Mr. Gasker:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Cindie Pallock
7842 Denton Avenue
Baltimore, MD 21219

Allen Ashwell
7840 Denton Avenue
Baltimore, MD 21219

Loretta & Grover Hutchins
7844 Denton Avenue
Baltimore, MD 21219

"ISABELLE" REPLACEMENT. FEES WAIVED

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7846 Denton AVE Balto. 21219
which is presently zoned D.R. 5.5

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) 400.3 BCZR to PERMIT a REPLACEMENT ACCESSORY Building (GARAGE) to BE 20 FT HIGH IN LIEU OF 15 FT High ALSO, IF Necessary, to Amend CBA-93-114, (HURRICANE DAMAGE REPLACEMENT ON existing FOUNDATION)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Max A. Gasker
Name - Type or Print

Max A. Gasker
Signature

Name - Type or Print

Signature

H-410-388-0645
W-410-547-9000-361
7846 Denton AVE.
Address Telephone No.

BALTIMORE MD 21219
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded *and/or* found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 04 383 A

Reviewed By JL **Date** 2/20/04

Estimated Posting Date 2/29/04

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7846 Denton AVE.
Address
BALTIMORE MD 21219
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. THE 24'x24'x15.5' garage that existed as well as all personal Property Stored IN garage was destroyed due to the flood water of hurricane Isabel.
2. all destroyed personal property stored IN Garage resulted in an approx. $ 21,000 loss.
3. the requested Varience to Construct a 2nd Story above garage to be rebuilt for general storage purposes will protect me from the hardship of a re-occurring catastrophic loss due to similar Flood water conditions. The proposed 2 story garage will be 24'x24'x20'.
4. My personal S.F.D is built on a raised foundation and has No attic space normally utilized for general storage.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Max A. Gasker
Signature

Max A. Gasker
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of FEBRUARY, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MAX A GASKER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my Hand and Notarial Seal

2/14/06

Notary Public

My Commission Expires 2/14/06

REV 10/25/01

FORMAL DEMAND FOR HEARING

CASE NUMBER: 04-383-A

Address: 7846 Denton Ave.

Petitioner(s): Max Gasken

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Grover Thoretta Hutchins
Name - Type or Print

(X) Legal Owner OR ( ) Resident of

7844 Denton Ave
Address

Baltimore MD. 21219
City State Zip Code

410-382-7881-[redacted]
Telephone Number

which is located approximately _____ *feet from the property, which is the subject of the above petition,* ***do hereby formally demand that a public hearing be set in this matter.***

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Lovetta Hutchins 3/3/04
Signature Date

Signature Date

Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW (HURRICANE) APP HAS POSTERS SHEET W/THIS COPY

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-383-A Address 7846 DENTON AVE

Contact Person: JOHN GROVES Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/20/04 **Posting Date:** 2/29/04 **Closing Date:** 3/15/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04-383-A Address 7846 DENTON AVE

Petitioner's Name GASKER Telephone 410 388 0645

Posting Date: 2/29/04 **Closing Date:** 3/15/04

Wording for Sign: To Permit A REPLACEMENT GARAGE WITH A 20 FT. HT. IN LIEU OF A 15 FT. HT. AND, IF NECESSARY, TO AMEND ~~[illegible]~~ CBA-93-114 (HURRICANE DAMAGE REPLACEMENT)

WCR - Revised 6/28/00

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

383

ZONING DESCRIPTION FOR 7846 DENTON AVE.
BALTIMORE COUNTY

Beginning at a point on the south end of Denton Ave. (E. SIDE OF ROAD) which is 24 feet wide at a distance of 1,050 feet south of the centerline of the nearest improved intersecting street North Point Road which is 30 feet wide. Being lot # 24 , Block ——, Section ——, in the subdivision of Oleary Plat as recorded in Baltimore County Plat Book #7, folio 140, containing 17,863 square feet +-. Also known as 7846 Denton Ave. Balto. MD 21219 and located in the 15th election District, Councilman District 7.

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: #04-383-A
7846 Denton Avenue
E/side of Denton Avenue (end of Avenue), 1,050 ft. s/of North Point Blvd.
15th Election District
7th Councilmanic District
Legal Owner(s): Max Gasker

Administrative Variance: to permit a replacement accessory building (garage) to be 20 feet high in lieu of 15 feet high also, if necessary, to amend CBA-93-114 (Hurricane Damage Replacement on Existing Foundation).

Hearing: Wednesday, April 7, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

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

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

JT/3/767 Mar 23 C65594B

CERTIFICATE OF PUBLICATION

3/23/, 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 3/23/, 2004.

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

P. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 34503

DATE 3/3/04 ACCOUNT R001-006-6150

AMOUNT $ 50.00

RECEIVED FROM: Lorelei Hutchins

FOR: Removal of sign from public right of way

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME DAILY
3/04/2004 3/03/2004 12:12:51
REC WS01 WALKIN JRIC JMR
>>RECEIPT # 176575 3/03/2004
DAILY 5 620 ZONING VERIFICATION
CK NO. 034503
Rcpt Tot $50.00
$50.00 CK $.00 CA
Baltimore County, Maryland

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-383-A

MAX GASKER – LEGAL OWNER

7846 DENTON AVENUE

15TH ELECTION DISTRICT

APPEALED: 5/10/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-383-A

MAX GASKER– LEGAL OWNER

7846 DENTON AVENUE

15TH ELECTION DISTRICT APPEALED: 5/10/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********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.: 04-383-A

Petitioner/Developer:

MAX GASKER – LEGAL OWNER

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

7846 DENTON AVENUE

The sign was posted on 7/14, 2004

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

CERTIFICATE OF POSTING

RE: Case No.: 04-383-A

Petitioner/Developer: GASKER

Date of Hearing/Closing: 3/15/04

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}

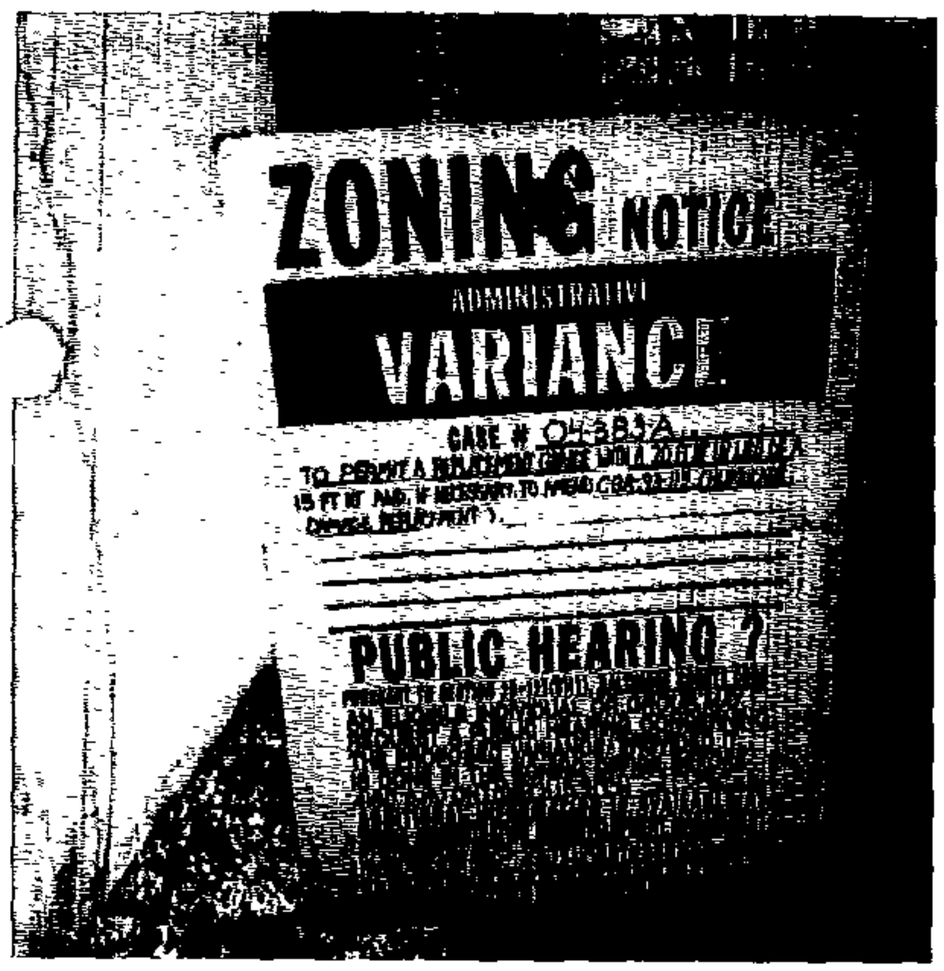
Ladies and Gentlemen:

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:

7846 DENTON AVE

The sign(s) were posted on 2/29/04
(Month, Day, Year)

Sincerely,



Robert Black 2/29/04
(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)

RECEIVED
MAR . 5 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

CERTIFICATE OF POSTING

RE: Case No.: 04-383-A

Petitioner/Developer: MAX GASKER

Date of Hearing/Closing: APRIL 7, 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}

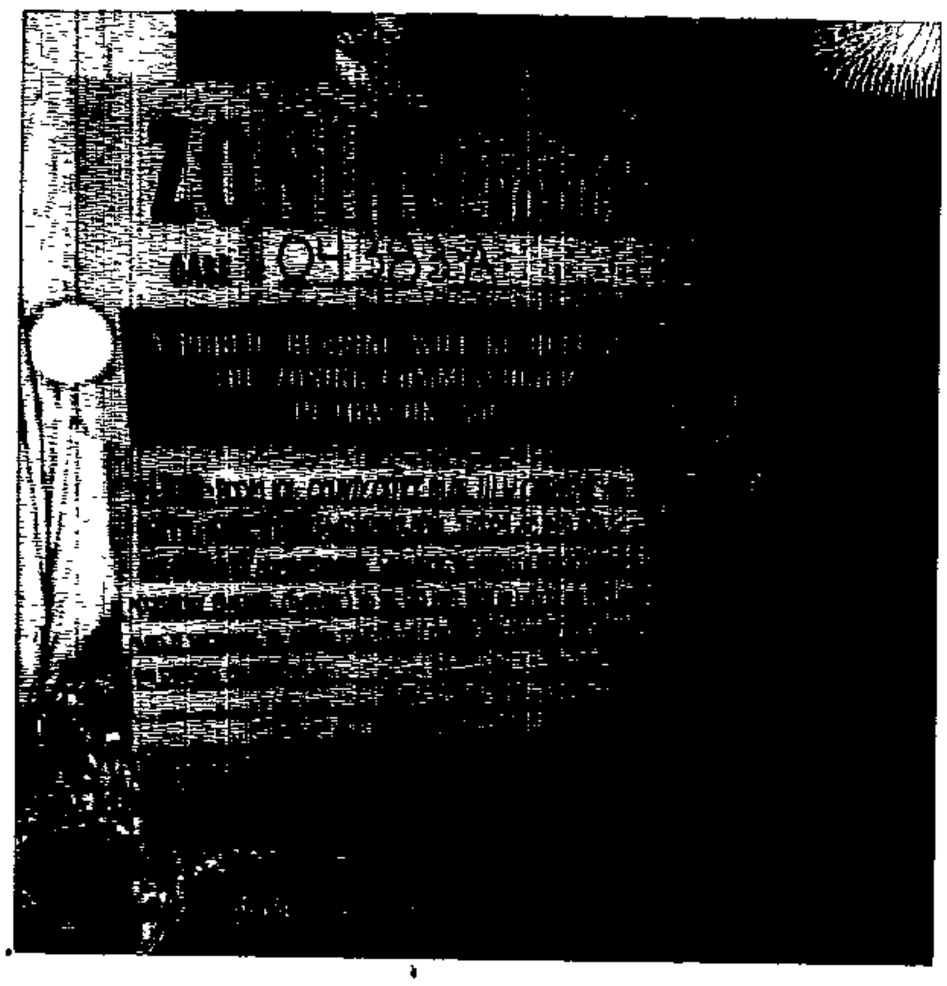
Ladies and Gentlemen:

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:

7846 DENTON AVE

The sign(s) were posted on 3/20/04
(Month, Day, Year)

Sincerely,



Robert Black 3/20/04
(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)

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

March 3, 2004

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: 04-383-A
7846 Denton Avenue
E/side of Denton Avenue (end of Avenue), 1,050 ft. s/of North Point Blvd.
15th Election District – 7th Councilmanic District
Legal Owner: Max Gasker

Administrative Variance to permit a replacement accessory building (garage) to be 20 feet high in lieu of 15 feet high also, if necessary, to amend CBA-93-114 (Hurricane Damage Replacement on Existing Foundation).

Hearing: Wednesday, April 7, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco
Director

TK:klm

C: Max Gasker, 7846 Denton Avenue, Baltimore 21219
Grover & Loretta Hutchins, 7844 Denton Avenue, Baltimore 21219

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 23, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 23, 2004 Issue - Jeffersonian

Please forward billing to:
Max Gasker
7846 Denton Avenue
Baltimore, MD 21219

410-388-0645

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: 04-383-A
7846 Denton Avenue
E/side of Denton Avenue (end of Avenue), 1,050 ft. s/of North Point Blvd.
15th Election District – 7th Councilmanic District
Legal Owner: Max Gasker

Administrative Variance to permit a replacement accessory building (garage) to be 20 feet high in lieu of 15 feet high also, if necessary, to amend CBA-93-114 (Hurricane Damage Replacement on Existing Foundation).

Hearing: Wednesday, April 7, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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: 04 383 A.

Petitioner: GASKER

Address or Location: 7846 DENTON AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mat A. Gasker

Address: 7846 Denton Ave
Baltimore MD 21219

Telephone Number: 410-388-0645

Revised 2/20/98 - SCJ

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

(6)

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 12, 1993

NOTICE OF ASSIGNMENT

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

CASE NO. CBA-93-114

GASKER PROPERTY
7846 Denton Avenue
Baltimore, MD 21219

RE: Approval of application for permit for detached garage on property located in LDA of Chesapeake Bay Critical Area with certain restrictions.

1/25/93 -Letter to Mr. & Mrs. Gasker from Patricia M. Farr, DEPRM, approving application for detached garage.

ASSIGNED FOR: TUESDAY, JULY 27, 1993 AT 10:00 a.m.

cc: Mr. & Mrs. Max Gasker — Property Owners
Ms. Diana Hutchins — Appellant /Protestant
J. James Dieter, Director — DEPRM
Patricia M. Farr — "

William O. Jensen, Jr., Asst. County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

Printed on Recycled Paper

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 #: 04-383-A

IN THE MATTER OF: MAX GASKER – Legal Owner /Petitioner
78346 Denton Avenue 15th Election District; 7th Councilmanic District

4/15/04 – D.Z.C.'s order in which requested variance relief was GRANTED.

ASSIGNED FOR: **WEDNESDAY, DECEMBER 1, 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: Appellants /Protestants : Loretta and Grover Hutchins

Petitioner : Max Gasker

Allen Ashwell
Cindie Pallock

Added 9/15/04: J. Neil Lanzi, Esquire
Counsel for M/M Hutchins
Added 10/01/04: Edward C Covahey, Jr. Esq.
Counsel for M. Gasker

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

Printed with Soybean Ink on Recycled Paper

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 2, 2004

NOTICE OF ASSIGNMENT /Day #2

CASE #: 04-383-A

IN THE MATTER OF: MAX GASKER – Legal Owner /Petitioner
78346 Denton Avenue 15th Election District; 7th Councilmanic District

Day #2 from 12/01/04

4/15/04 – D.Z.C.'s order in which requested variance relief was GRANTED.

ASSIGNED FOR: **TUESDAY, FEBRUARY 22, 2005 at 10:00 a.m. /Day #2**

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. Neil Lanzi, Esquire
Appellants /Protestants	: Loretta and Grover Hutchins
Counsel for Petitioner	: Edward C. Covahey, Jr., Esquire
Petitioner	: Max Gasker

Allen Ashwell
Cindie Pallock

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

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

March 7, 2005

NOTICE OF ASSIGNMENT /Day #3 (ONE HOUR ONLY)

CASE #: 04-383-A

IN THE MATTER OF: MAX GASKER – Legal Owner /Petitioner
78346 Denton Avenue 15th Election District; 7th Councilmanic District

Day #3 from 2/22/05

4/15/04 – D.Z.C.'s order in which requested variance relief was GRANTED.

ASSIGNED FOR: THURSDAY, APRIL 28, 2005 at 9:00 a.m. ***(assigned for one hour)***

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. Neil Lanzi, Esquire
Appellants /Protestants : Loretta and Grover Hutchins

Counsel for Petitioner : Edward C. Covahey, Jr., Esquire
Petitioner : Max Gasker

Douglas L. Kennedy PE /KCW Engineering Tech.
Bruce E Doak /Gerhold Cross & Etzel Ltd.

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

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

May 9, 2005

NOTICE OF DELIBERATION

IN THE MATTER OF:

MAX GASKER - Petitioner
Case No. 04-383-A

Having heard this matter on 12/01/04; 2/22/05; and 4/28/05, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **THURSDAY, JULY 28, 2005 at 10:00 a.m.**

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

NOTE: Closing Briefs are due on Wednesday, June 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. Neil Lanzi, Esquire
Appellants /Protestants : Loretta and Grover Hutchins

Counsel for Petitioner : Edward C. Covahey, Jr., Esquire
Petitioner : Max Gasker

Douglas L. Kennedy PE /KCW Engineering Tech.
Bruce E Doak /Gerhold Cross & Etzel Ltd.

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

FYI: 2-5-6

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on Recycled Paper

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

March 31, 2004

Max A. Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Dear Mr. Gasker:

RE: Case Number: 4-383-A, 7846 Denton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 29, 2004.

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS

DATE: March 25, 2004

SUBJECT: Zoning Item # 04-383
Address 7846 Denton Avenue
Gasker Property

Zoning Advisory Committee Meeting of March 1, 2004

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

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

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

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

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

Additional Comments:

RECEIVED FOR FILING
DATE 4/15/04
BY R. Johnson

Reviewer: Keith Kelley Date: March 18, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: March 25, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 8, 2004
Item 383

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

Flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineering shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ORDER RECEIVED FOR FILING
Date 4/15/04
By R. Quinn

ZAC-03-08-2004-ITEM NO 383-03232004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 3, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-381 and 4-383**
Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA State Highway Administration — Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.27.04

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

RE: Baltimore County
Item No. 383 JLL

Dear. Ms.Matthews:

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

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

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

March 3, 2004

Max Gasker
7846 Denton Avenue
Baltimore, MD 21219

Dear Mr. Gasker:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-383-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact John Lewis at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Grover & Loretta Hutchins, 7844 Denton Avenue, Baltimore 21219

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

May 26, 2004

RECEIVED
JUN 0 2 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Max Gasker
7846 Denton Avenue
Baltimore, MD 21219

Dear Mr. Gasker:

RE: Case :04-383-A, 7846 Denton Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on May 10, 2004, by Mr. & Mrs. Hutchins. 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
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Cindie Pallock, 7842 Denton Ave., Baltimore 21219
Loretta & Grover Hutchins, 7844 Denton Ave., Baltimore 21219
Allen Ashwell, 7840 Denton Avenue

APPEAL

Petition for Administrative Variance
7846 Denton Avenue
E/s of Denton Avenue, 1,050 ft. s/of North Point Rd.
15th Election District – 7th Councilmanic District
Max Gasker – Petitioner

Case No.: 04-383-A

✓ Petition for Administrative Variance (February 20, 2004)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (March 3, 2004)

✓ Certification of Publication (March 23, 2004)

✓ Certificate of Posting (March 20, 2004) by Robert Black

✓ Entry of Appearance by People's Counsel (not in file)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
One Sheet

✓ Zoning Advisory Committee Comments 3-31-04

✓ Petitioners' Exhibit
- ✓ 1. Site plan
- ✓ 2. Letter dated April 7, 2004 from Max Gasker
- ✓ 3. Petitions in support of Administrative request
- ✓ 4. Photos (A-H)
- ✓ 5. Photos (A-H)
- ✓ 6. Photos (A-C)
- ✓ 7. Permit B136921 (packet)

Entered appearance 10/01/04:
(counsel for Mr. Gasker)

Edward C. Covahey, Jr., Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

✓ Protestants' Exhibits:
1. Multiple documents starting w/ letter to Zoning Commissioner dated 4/17/04 with attachments

✓ Miscellaneous (Not Marked as Exhibit)
None

✓ Deputy Zoning Commissioner's (April 15, 2004 - GRANTED)

✱ ✓ Notice of Appeal received on May 10, 2004 from Mr. & Mrs. Hutchins

Counsel for Appellants /Protestants
[entered 9/15/04]

✱ J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Cindie Pallock, 7842 Denton Avenue, Baltimore 21219
Mr. & Mrs. Hutchins, 7846 Denton Ave., Baltimore 21219
Allen Ashwell, 7840 Denton Avenue, Baltimore 21219

LORETTA HUTCHINS
GROVER HUTCHINS
~~7844 DENTON AVENUE~~
~~BALTIMORE, MD~~ 21212
APPELLANTS

MAX GASKER
7846 DENTON AVEUE
BALTIMORE, MD 21219
APPLICANT

ALLEN ASHWELL
~~7840 DENTON AVENUE~~
BALTIMORE MD 21212

CINDIE PALLOCK
~~7842 DENTON AVENUE~~
BALTIMORE, MD 21219

12/8/04 Not Within Appeal Period

Case No. 04-383-A

In the Matter of: Max Gasker – Legal Owner /Petitioner

VAR – To permit a replacement garage to be 20' high ilo required 15' and, if necessary, to amend Case No. CBA-93-114.

4/15/04 -- D.Z.C.'s Order in which requested variance relief was GRANTED.

8/13/04 -Notice of Assignment sent to following; assigned for hearing on Wednesday, December 1, 2004 at 10 a.m.:

Loretta and Grover Hutchins
Max Gasker
Allen Ashwell
Cindie Pallock
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

9/15/04 – Entry of Appearance filed by J. Neil Lanzi, Esquire, on behalf of Grover M. Hutchins and Loretta H. Hutchins, Appellants /Protestants. File noted. Copy of Notice of Assignment sent to Mr. Lanzi.

10/01/04 – Entry of Appearance filed by Edward C. Covahey, Jr., Esquire as counsel for Petitioner, Max Gasker. File so noted. Copy of Notice of Assignment sent to Mr. Covahey.
-- Change to notice – new ZC William J. Wiseman III.

12/01/04 – Board convened for hearing (Stahl, Brassil, Quinn); completed day #1 of hearing; to be assigned for day #2 to 2/22/05, said date confirmed with counsel this date. Notice to be sent.

12/02/04 – Notice of Assignment /Day #2 sent to parties this date; assigned for Tuesday, February 22, 2005 at 10 a.m.

2/22/05 – Board convened for hearing (2-5-6); concluded day #2; by agreement of counsel and panel, to be assigned additional time (1 hour) upon confirmation of availability of witness. (Possible for 4/28/05 at 9 a.m.)

3/07/05 – Upon confirmation from Mr. Lanzi's office as to availability of his witness, Notice of Assignment /Day #3 sent this date; assigned for one hour at 9 a.m. on Thursday, April 28, 2005. FYI copy also sent to 2-5-6.

4/26/05 – Confirmed later start time of hearing on Thursday, April 28, 2005 to 10:00 a.m. with E. Covahey and N. Lanzi this date; Court reporter had conflict with earlier start time; all agreed to 10 a.m. start. Also confirmed with Board members (l.m. for Brassil and Stahl; e-mail also to Brassil; t/c w/Quinn this date). FAX to counsel this date to confirm 10 a.m. start on 4/28/05.

4/28/05 – Board convened for hearing, day #3. Concluded this date. Memos due from parties on 6/15/05; deliberation to be assigned.

5/09/05 – Notice of Deliberation sent to parties; assigned for Thursday, July 28, 2005 at 10:00 a.m. FYI copy to Stahl, Brassil, Quinn.

5/17/05 – Letter from Ed Covahey requesting postponement of 7/28/05 deliberation; will be in Circuit Court.

5/18/05 – Response to Mr. Covahey with copy to Mr. Lanzi; postponement of deliberation is denied; dates for deliberation assigned to accommodate Board members' schedules; attendees only observe.

6/15/05 – Memos filed in this matter by Neil Lanzi, Esquire, on behalf of Dr. and Mrs. Grover Hutchins; and by Edward Covahey, Jr., Esquire, on behalf of Max Gasker.

6/20/05 – Copies of above memos sent to L. Stahl and J. Quinn (copy to M. Brassil in office on 6/21/05).

7/28/05 – Board convened for public deliberation (2-5-6); Majority that variance will be DENIED (2 and 6; to be written by 2); 5 will write dissent. Appellate period to run from date of written Order and not today's date.

Case No. 04-383-A

In the Matter of: Max Gasker – Legal Owner /Petitioner

VAR – To permit a replacement garage to be 20' high ilo required 15' and, if necessary, to amend Case No. CBA-93-114.

4/15/04 -- D.Z.C.'s Order in which requested variance relief was GRANTED.

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Loretta and Grover Hutchins
Max Gasker
Allen Ashwell
Cindie Pallock
Office of People's Counsel
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

COPY

IN THE MATTER OF: Max Gasker
7846 Denton Avenue
Baltimore, MD 21219
04-383-A

DATE : July 28, 2005

BOARD/PANEL: Lawrence M. Stahl
John P. Quinn
Dr. Margaret Brassil

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate a request for Petition for Administrative Variance filed by Mr. Gasker to permit a replacement accessory building (garage) to be 20 ft. high in lieu of the required 15 ft. height, if necessary, to amend CBA-93-114. (Hurricane damage/replace existing foundation)

PANEL MEMBERS DISCUSSED THE FOLLOWING

STANDING

- Variance request is based on uniqueness because Petitioner's property is lower than surrounding properties.
- Because of flooding and storm surges, as a safe guard there is a need to build up. To do so, the Petitioner is requesting a variance.
- Hurricanes have created devastating circumstances to the people in this area, not just to the Petitioner's property.
- Current countywide standards present problems because they are imposed in an area that is completely different from other areas of the county.
- One Board member expressed that periodic flooding would be a form of uniqueness in that it presents a hardship.
- Current county regulations do not appear to take into consideration areas such as this that have extenuating circumstances.

DECISION BY BOARD MEMBERS

FINAL DECISION: After a through review of the facts and law, the majority of the Board members felt that the standard to find Petitioner's property unique had not been met and therefore, the request for variance was *DENIED*. The minority Board member will be writing a Dissenting Opinion on the matter.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The

Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

Linda B. Fliegel

Linda B. Fliegel
County Board of Appeals

County Board of Appeals of Baltimore County

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

May 18, 2005

Edward C. Covahey, Jr., Esquire
COVAHEY & BOOZER, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 04-383-A */In the Matter of: Max Gasker*
Request for Postponement of Deliberation

Dear Mr. Covahey:

This office is in receipt of your letter dated May 16, 2005 in which you request a postponement of the public deliberation assigned for Thursday, July 28, 2005.

Although conducted in a public setting with notice to all parties, deliberations are work sessions of the Board during which those individuals in attendance as observers are allowed no input or comment. In addition, deliberation dates are assigned to accommodate the individual schedules of the Board members, as has been done in this instance.

Therefore, in light of the above, your request for a postponement is denied, and the public deliberation will proceed as assigned on Thursday, July 28, 2005 at 10:00 a.m. Should you have any further questions, please do not hesitate to contact me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

c: J. Neil Lanzi, Esquire

FILE

Printed with Soybean Ink
on Recycled Paper

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

NEIL LANZI, ESQUIRE
FAX : 410-296-0689

EDWARD COVAHEY, ESQUIRE
FAX : 410-823-7530

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
APRIL 26, 2005

TOTAL NO. OF PAGES INCLUDING COVER:
ONE (1))

RE: CHANGE IN START TIME – IN THE MATTER OF MAX GASKER CASE NO. 04-383-A

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

As a follow up to our telephone conversations this date, this will confirm that the subject matter, which is scheduled for a one-hour hearing on 4/28/05, has been reassigned to start at **10:00 a.m. on Thursday, April 28, 2005.**

Thank you for working with me for the later start time.

kathi

FILE

RE:	PETITION FOR VARIANCE 7846 Denton Avenue 15th Election District 7th Councilmanic District Max Gasker	*	BEFORE THE COUNTY BOARD OF APPEALS OF
	Petitioner	*	BALTIMORE COUNTY
		*	04-383-A

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

ENTRY OF APPEARANCE

Please enter the appearance of J. Neil Lanzi for Grover M. Hutchins and Loretta H. Hutchins, Protestants/Appellants in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter.

J. NEIL LANZI
Counsel for the Petitioner
409 Washington Avenue, Suite 617
Towson, Maryland 21204
(410) 296-0686

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to Max Gasker, Petitioner/Appellee, 7846 Denton Avenue, Baltimore, Maryland 21219, Office of Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.

J. NEIL LANZI

J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

September 9, 2004

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

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of: Max Gasker
Case No.: 04-383-A

Dear Ms. Bianco:

Enclosed please find my Entry of Appearance on behalf of Grover M. Hutchins and Loretta H. Hutchins, Protestants/Appellants in the above captioned case. It is my understanding the hearing in this case has been set for December 1, 2004 at 10:00 a.m.

Thank you for your attention to this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: Max Gasker
People's Counsel
Dr. and Loretta Hutchins

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

June 14, 2005

Hand-Delivered

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

Re: In the Matter of: Max Gasker
Case No.: 04-383-A

Dear Ms. Bianco:

On behalf of Loretta Hutchins and Dr. Grover Hutchins, Protestants, in the above captioned case, I am enclosing an original and three copies of Protestants/Appellants Memorandum. I have also enclosed copies of the complete transcript and Maryland cases for the Board's review.

Thank you for your cooperation and should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: Edward C. Covahey, Jr. Esquire (without enclosures)
People's Counsel (without enclosures)
Dr. and Loretta Hutchins

RECEIVED
JUN 15 2005
BALTIMORE COUNTY
BOARD OF APPEALS

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
YONA OPENDEN

*ALSO ADMITTED TO D.C. BAR

410-828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

September 30, 2004

County Board of Appeals
of Baltimore County
400 Washington Ave., Room 49
Towson, Maryland 21204

Re: In the Matter of Max Gasker
7846 Denton Avenue
15th Election District, 7th Councilmanic District

Dear Sir/Madam:

Please enter the appearance of undersigned counsel in the above-captioned matter on the behalf of the Petitioner, Max Gasker.

Thank you.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
0921ldr10
cc: Douglas L. Kennedy, P.E.
Loretta and Grover Hutchins, Protestants

RECEIVED
OCT 0 1 2004
BALTIMORE COUNTY
BOARD OF APPEALS

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
YONA OPENDEN

*ALSO ADMITTED TO D.C. BAR

410-828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

May 16, 2005

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

Re: Max Gasker - Petitioner
Case No. 04-383-A

Dear Ms. Bianco:

I received notice setting the above-captioned in for hearing on July 28, 2005 at 10:00 a.m. Please reschedule same in that I have the case of State of Maryland v. Scott McQuilkin (Case No. 05CR1341) set for trial in the Circuit Court for Baltimore County the same date and time.

It would be appreciated if I could be contacted with respect to scheduling a date that does not conflict with other court commitments of either counsel. I would suggest a conference call between the undersigned and Neil Lanzi, Esq.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
Enclosure
0513ldr17
cc: J. Neil Lanzi, Esq. (w/o enc.)

RECEIVED
MAY 16 2005
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED

MAY 10 2004

Per KM

May 10, 2004

Timothy M. Kotroco
Department of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: ~~Case #04-255-A;~~ Case #04-283-A Variance Request for 7846 Denton Avenue

Dear Mr. Kotroco:

On April 7, 2004 we attended a hearing on the above variance request to oppose the construction of a 20-foot high garage Immediately adjacent to the front of our property. The issues were discussed before John V. Murphy, Deputy Zoning Commissioner for Baltimore County. On April 15 2004, Mr. Murphy issued an Order granting the variance request. We disagree with this decision and with the inaccuracy of the statements of fact on which it appears to have been based. Consequently we feel obliged to appeal to the Board of Appeals.

The original garage was not erected with a valid permit, the permit was issued after the fact, and approved on the basis of a blatantly erroneous statement as to the garage location relative to the house. The garage had been built hastily and so poorly that it was swept away by the storm surge of Isabel. The resulting damage to our property amounted to several thousand dollars, for which the garage owner's insurance company refused to compensate us. The statement in the Order that a 20-foot garage adjacent to our property produces "... no detriment to the community in general..", may well be true; but, it will be a major detriment to our property when the next storm surge sweeps away aeven larger outbuilding.

In addition to the inaccuracies, the tone and attitude of Mr. Murphy's remarks regarding our position in this matter are particularly galling. The notion that the destruction of Gasker's garage by Isabel was "welcome news" is foolish. The Deputy Commissioner has seen fit to cast our objections to Gasker's variance request in terms of possible interference with our view, We bought our property with a garage in place. Our objection to the proposed 20-foot height stems from the substantial property damage we have sustained from a less than 15-foot high garage and could reasonably be expected to sustain to a greater degree when the proposed garage is destroyed by the next flood.

In view of the problems enumerated above we wish to renew our objection to the Variance Request and are hereby filing an appeal to the Baltimore County Board of Appeals. There is no precedent in this neighborhood for a 20-foot high free-standing garage such as that being proposed. The stated need for second floor storage could be easily accomodated by building shelves in the parking areas under the house, as has been done by others in the neighborhood. Gasker had built living space at ground level under the house before Isabel and the same arrangement has been recreated since the flood.

Re: Case #04-255-A, Variance Request for 7846 Denton Avenue

We have enclosed checks for $225.00 and for $75.00 to institute the appeal process. Please inform us as to when and where the appeal will be heard.

Thank you for your trouble.

Sincerely yours,

Grover M. Hutchins

Loretta H. Hutchins

7844 Denton Avenue
Sparrows Point, MD 21219

410-477-8229

04-383-A

February 1, 2004

Zoning Administration and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case #04383-A, Variance request for 7846 Denton Avenue

To Whom it May Concern:

We are writing to express strong opposition to the granting of a variance that would allow a garage to be constructed at 7846 Denton Avenue, Sparrows Point, Maryland 21219, at a height of 20 feet rather than the 15 feet allowed.

During Isabel the major damage to our property at 7844 Denton Avenue was the result of the disintegration of the garage at 7846 Denton Avenue. The debris from the garage and its contents were carried by the storm surge and damaged structural elements of our house, parts of the yard, and destroyed plantings that Baltimore County had required us to install as a condition of building our house. We envison that the next storm will inflict far greater damage to our property if the variance is granted and a 20-foot garage is destroyed.

The original garage at 7846 Denton Avenue was built without a permit. A hearing was held before the Baltimore County Zoning Board on July 27, 1993, in which the plaintiffs requested that the garage be removed since there had been no previous structure at that site, no permit had been given for the construction, and there was no oversight of the construction. The Board found for the plaintiffs. However, since the structure had already been hastily built, and as became apparent after Isabel - built very poorly, some employee of Baltimore County decreed that it should be allowed to stand.

Please notify us as to the time and place of the hearing on this matter.

Sincerely yours,

Grover M. Hutchins

Loretta H. Hutchins

7844 Denton Avenue
Sparrows Point, MD 21219

410-477-8229

PLEASE PRINT CLEARLY

CASE NAME 04-383-A
CASE NUMBER 7846 Denton Ave.
DATE 4/7/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Max Gasker	7846 Denton ave	Balto. MD. 21219	
Melissa Gasker	7846 Denton Ave	Balto, MD 21219	
Cindie Pallock	7842 Denton Ave	Balto Md 21219	
ALLEN ASHWELL	7840 DENTON AVE	BALT. Md 21219	

PLEASE PRINT CLEARLY

CASE NAME 4-383-A
CASE NUMBER 7844 Denton Ave.
DATE 4/7/04

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ESTOVER M. HUTCHINS	7844 DENTON AVE	SPARROWS POINT MD 21219	
Loretta Hutchins	7844 Denton Ave	" " " "	

IN THE MATTER OF GASKER PROPERTY 7846 DENTON AVENUE BALTIMORE, MD 21219 RE: DEPRM APPROVAL OF APPLICATION FOR DETACHED GARAGE	*	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. CBA-93-114

* * * * * * * * *

O P I N I O N

Diana Hutchins, joined by Karlus E. Bowling, her husband, appeal from the January 25, 1993 determination by the Department of Environmental Protection and Resource Management (DEPRM), in a letter issued by Patricia M. Farr, that if Mr. and Mrs. Max Gasker of 7846 Denton Avenue comply with the requirements contained in that letter, the Gaskers' application for a building permit to erect a detached garage on their property at that address should be approved. Baltimore County filed a Motion to Dismiss which the Gaskers through Counsel joined. The Motion was denied prior to the hearing and denied at the closure of Appellants' case. We found as a fact, and recited for the record, that, pursuant to Section 124.1 of the Building Code of Baltimore County, Maryland, contained in County Council Bill No. 192-90, enacted in November of 1990, Ms. Hutchins and Mr. Bowling are persons aggrieved by an order, decision, interpretation and/or action of the building official who granted the subject permit. The evidence in the case taken as a whole demonstrates that the Appellants are aggrieved by that decision, and, as we will further explain below, meet the test contained in Section 124.1 and under the case of Hope v. Baltimore County, Maryland, 44 Md. App. 482, by virtue of their objections that the zoning regulations of Baltimore County have not been met by the Gaskers.

The Board received the testimony of Mr. Bowling and Ms. Hutchins, as well as Scott Porter and Patricia Farr of DEPRM. Appellees produced the testimony of Robert Spielman, a former neighbor; Tony Marzocchi, a former prospective purchaser of the Gasker property; and of Mr. Gasker. For the reasons stated below, we will not recite nor summarize their testimony, nor make factual findings concerning the same except as necessary to support our decision.

Section 103.5 of the Baltimore County Zoning Regulations (BCZR) provides that certain provisions of those regulations apply to residential densities at which certain land within the Chesapeake Bay Critical Areas may be developed after the effective date of the subsection. The parties stipulated that the subject property is located within the Limited Development Area of the Chesapeake Bay Critical Area. Section 103.5C regulates nonresidential development and provides that it may be developed with the use permitted on the property under the zoning and use regulations in effect on December 1, 1985, and provided that the right to develop is subject to the zoning regulations in effect at the time the right is to be exercised. We believe that the erection of the two-car garage by the Gaskers constitutes a nonresidential development, although there is no definition of nonresidential contained in Section 101 of the BCZR. In any event, residential development is subject to identical requirements contained in Section 103.5A. Furthermore, Section 500.1 of the BCZR states: "All applications to the buildings engineer for building permits shall be submitted to the zoning commissioner for approval by him as to zoning before any permit shall be issued...."

To be precise, the erection of the garage in terms of the zoning regulations is an accessory building in a residential zone and is controlled by Section 400 and its subdivisions of the BCZR. Although there was no direct testimony, we ascertain from exhibits in the case that the property is zoned D.R. 5.5, or at least is zoned residential. Appellants cite Section 104.5 of the BCZR for the proposition that any use which becomes or continues to be nonconforming as defined in Section 101, which exists in the Chesapeake Bay Critical Area on or after the effective date of the subsection, is subject to the provisions of the BCZR. Patricia Farr testified on cross-examination that she did not take into consideration, and did not even have in her copy of the Code, Section 104.5 of the BCZR. Further, she testified that she is not aware of any case which DEPRM referred to the Zoning Commissioner for compliance with the zoning regulations. She admitted, and we find as a fact, that the intensification or expansion of use is a relevant issue in the granting or denial of a building permit application. We find as a fact that, prior to the erection of the garage and application for the permit to allow the same to remain after the issuance of the stop work order by Baltimore County, a shed used for storage of items other than automobiles existed on the subject property at the location where Mr. and Mrs. Gasker erected in 1993 the two-car garage.

Appellants contend that pursuant to Section 307.2 of the BCZR the Zoning Commissioner has the power to authorize the expansion of uses in existence at the time of the effective date of the subsection or to pass an order granting a variance pursuant to that subsection. The section also grants to the Board of Appeals "upon

appeal" that power. Prior to granting a variance, the appropriate authority shall make findings of fact which meet the seven enumerated requirements of Section 307.2. We believe that the authority the Board of Appeals has to decide these issues "upon appeal" means that the Board shall have that authority on appeal from a determination by the Zoning Commissioner that a variance should be granted. One reason we believe that that is the case, and would require such a procedure in this case, consists of the requirement of posting the property with notice that a public hearing will be held on the request for a variance. Clearly in the subject case, no such posting occurred. We believe the public at large ought to be notified if such a variance were to be considered.

The standard by which we must evaluate the granting of the subject permit consists of whether or not the permit approval resulted from actions that were arbitrary, capricious or otherwise illegal (in this sense, resulting from unlawful procedure). We find that to be the case in view of the failure to consider the zoning aspects of the application.

We have determined that this case shall be referred to the Zoning Commissioner for the determination as to whether or not any variance need be granted pursuant to the requirements of Section 307.2 and the other applicable sections of the BCZR after public notice and public hearing. One reason for doing so consists of the fact that Section 400.1 requires accessory buildings in residential zones to be located only in the rear yard and that the same shall not occupy more than 40 percent thereof. On corner lots, accessory buildings shall be located only in the third of the lot farthest

removed from any street and shall occupy not more than 50 percent of such third. Furthermore, such a building shall be located not less than 2 1/2 feet from any side or rear lot lines, except under enumerated conditions. We know from our experience that a long-standing administrative interpretation exists in Baltimore County that for many houses on lots abutting navigable waters the portion of the lot abutting the water constitutes the front yard. Since accessory buildings such as garages must be located in the rear yard, it appears that it may be necessary for a variance to be granted from the requirements of Section 400.1.

We cannot determine from the evidence we have received whether the *requirements of Section 307.1 are met by the Gaskers'* proposed (and now erected) building. We note in passing that Permit #B136921 describes the work to be performed as follows: "Construct detached garage on front of property (waterfront)...." Additionally, Section 104.5 of the BCZR regulates and restricts the intensification and expansion of nonconforming uses which as defined in Section 101 means a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use, which in the subject case may mean the erection of an accessory structure in the front yard or which may mean that the use of the building may not be extended more than 25 percent of the ground floor area of the building so used.

Accordingly, pending a determination by the Zoning Commissioner of these and other issues raised after public notice and a public hearing, we remand the application for Building Permit #B136921 to the Department of Environmental Protection & Resource

Management to allow a determination by the Zoning Commissioner as to the necessity of compliance with the BCZR, and/or the grant or denial of variances in connection with this structure.

O R D E R

IT IS THEREFORE THIS 17 day of August, 1993 by the County Board of Appeals of Baltimore County

ORDERED that the approval for Building Permit #B136921 be **REVERSED**; and it is further

ORDERED that the application for Building Permit #B136921 be and is hereby **REMANDED** to the Department of Environmental *Protection & Resource Management; and it is further*

ORDERED that the Appellees file with the Zoning Commissioner, within 45 days from the date of this Order, such Petition as they deem appropriate to determine whether or not the proposed use complies with, or requires a variance from, the Baltimore County Zoning Regulations.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

C. William Clark, Acting Chairman

Harry E. Buchheister, Jr.

Michael B. Sauer

County Board of Appeals of Baltimore County

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

August 19, 1993

James W. Brooks, Jr., Esquire
PIPER & MARBURY
36 S. Charles Street
Baltimore, MD 21201

RE: Case No. CBA-93-114
Gasker Property

Dear Mr. Brooks:

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

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

encl.

cc: Anthony L. Meagher, Esquire
Ms. Diana Hutchins
Mr. & Mrs. Max Gasker
J. James Dieter
Patricia M. Farr
William O. Jensen, Jr., Asst. County Attorney

Printed with Soybean Ink
on Recycled Paper

Permit # B136921

5/15/92	**refurbish existing slab**
6/3/92	**swo**
6/10/92	**copy of notes from Roy List – begin permit process**
6/17/92	**letter from James Shea**
7/29/92	**letter from Patricia Farr (1)**
8/27/92	**letter sent to Pat Farr requesting meeting (2)**
1/12/93	**met with Steve Arminger & Pat Farr. Verify existing slab with signatures and agree to planting schedule and permit could be approved. (3)**
1/25/93	**letter verifying permit if signed and returned. (4)**
2/11/93	**received permit (5)**
2/12 to 3/12	**built garage**
5/12/93	**notice of assignment – County board of appeals – 7/27/93 (6)**
8/19/93	**final opinion of case CBA-93-114 Petition Zoning to determine if the permit required a variance. (7)**
9/24/93	**Official petition to Inspector Wasilewski per courts' order (8)**
9/28/93	**Petition response from Inspector Wasilewski – issue resolved permit stands as approved (9)**
11/23/93	**Letter to Pat farr (10)**
12/6/93	**response from Pat Farr - permit stands as approved (11)**
1/20/94	**letter sent by Piper & Marbury – Appellant's Attorney to James Thompson; Zoning Enforcement Coordinator for Baltimore County (12)**
1/31/94	**response to Piper & Marbury from Arnold Jablon; Zoning Director Final – no zoning violation exist, garage is in compliance. (13)**

Etched in Stone!

Pet #7

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

July 29, 1992

Mr. and Mrs. Max Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Re: Baltimore County Building
Permit No. B136921

Dear Mr. and Mrs. Gasker:

The Department of Environmental Protection and Resource Management has received your building permit application for the construction of a detached garage. At this time, the Environmental Impact Review Division is unable to process your building permit due to insufficient information.

Please submit a revised plan showing all impervious surfaces, all large and small trees and shrubs, and the 100 foot buffer. (The buffer is measured from mean high tide. If the residence is less than 100 feet, measure from the residence to mean high tide.) The garage may not be located in the buffer. Show the garage location outside of the buffer.

Please contact Mr. Steve Armiger at 887-2904 so that this Department may continue the processing of your permit without further delay. Thank you for your cooperation.

Sincerely yours,

Patricia M. Farr
Program Supervisor
Environmental Impact Review Division

PMF:SBA:tjl

GASKER/WQCBCA

(2)

August 27, 1992

Max A. Gasker
Sharon Wasserman Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Baltimore County Government
Department of Environmental Protection & Resource Management
401 Bosley Avenue
Towson, Maryland 21204
Attention: Ms. Pat Farr, Program Supervisor
Environmental Impact Review Division

Dear Ms. Farr:

We have received your letter of July 29, 1992, in which you requested us to mail to your department, a copy of our plat plan for the shed we are anticipating to construct.

Because of the unusual circumstances surrounding our property, we hereby request to meet with you, in person, to discuss this proposition, and to show you our plans.

My work number is 466-8700 ext 314, and my wife's work number is 466-8700 ext 293. We would like to have this meeting as soon as it is convenient for you. We hope to hear from you soon.

Very truly yours,

Max A. Gasker
Sharon Wasserman Gasker
Sharon Wasserman Gasker

(3)

To: Mr. Gaeker 7846 Date: 1/24/13

Gaeker 6136121

Meeting: 11:00

Mr. Mrs. Gaeker presented their concerns and

no access exists. Pat Farnell reviewed the

statement that neighbors had concluded that a slab and

a garage probably did exist on the adjacent plot

& would be done to mitigate impacts.

The garage will displace 576 square feet. Presently this

lot has 3 large trees, 2-1 foot spruce trees

1,863 square feet in size. To provide 15% reduction we would

like 2 large trees, small trees and 4 shrubs. To mitigate

the garage we will provide 15% reduction we will

have 3 large trees, small trees and 6 shrubs.

It was suggested that the shed will

be removed from the buffer.

The following parties, by affixing their signatures, hereby attest to the fact that on the property of 7846 Denton Avenue, Baltimore County, Maryland, 21219, there existed an old structure on a concrete slab, and that portions of that slab were badly deteriorated, and that such slab and structure were situated in the identical location where the existing slab has been reconditioned, and that the size of this existing slab was approximately twenty-four (24) feet by twenty-four (24) feet.

6-18-92
Date

Robert L Spielman
Signature
formerly 7842 Denton Ave
Fort Howard MD.
Address

6-21-92
Date

Signature
7841 Denton Ave
Fort Howard MD 21219
Address

6/22/92
Date

Lawrence Schultz
Signature
7843 Denton ave
Address

6/22/92
Date

Robert Schultz
Signature
7843 Denton Ave
Address

6/20/92
Date

Signature
7842 Denton Ave 21219
Address

6-23-92

Anthony Mazzocchi Jr.
Signature
9200 North Point Rd
Address

The following parties, by affixing their signatures, hereby attest to the fact that on the property of 7846 Denton Avenue, Baltimore County, Maryland, 21219, there existed an old structure on a concrete slab, and that portions of that slab were badly deteriorated, and that such slab and structure were situated in the identical location where the existing slab has been reconditioned, and that the size of this existing slab was approximately twenty-four (24) feet by twenty-four (24) feet.

6-20-92
Date

George Nagle
Signature
7846 ST. GREGORY DR.
Balto. Md.
Address

6-20-92
Date

Tom Pearson
Signature
7930 ST GREGORY DR
ARLTO. MD. 21222
Address

6/24/92
Date

Michael W Stecker
Signature
3004 Ritchie AVE 21219
Address

6/24/92
Date

A.B. Wirick
Signature
2000 CEDARCREST AVE. 21219
Address

Signature

Address

Signature

Address

Signature

Address

(3)

February 22, 1993

Mr. Vic Reed
Baltimore County Building Inspection Division

Dear Mr. Reed:

I am hereby verifying that the Garage being constructed at 7846 Denton Avenue, Baltimore County, permit #B136921 is being built on an existing reconditioned concrete slab that has been at existing location prior to 1985. (Reference findings stated in letter dated January 25, 1993 from the Department of Environmental Protection and Resource Management; attached.)
Slab reconditioning consisted of 12 in. wide x 8 in. thick re-bar reinforced footer at 32 in. below grade and 5 in. thick wire reinforced slab.

Max A. Gasker

Max A. Gasker

City of Baltimore, State of Maryland
Geraldine L. Burke
Notary Public
My commission expires
Sept., 1993.

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

January 25, 1993

Mr. & Mrs. Max Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Dear Mr. & Mrs. Gasker:

The Baltimore County Environmental Impact Review Division has reviewed your application for Building Permit No. B136921 to construct a 576 square foot detached garage. Per our meeting of January 12, 1993 it was determined that disturbance in the vicinity of the garage slab had occurred in the tidal buffer prior to the enactment of, and the implementation of the Chesapeake Bay Critical Area Regulations and Program. Your property is located in a Limited Development Area of the Chesapeake Bay Critical Area and is therefore subject to the following regulations:

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

2. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

3. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

To bring your property into compliance in as much as possible with the Chesapeake Bay Critical Area Regulations and to mitigate for the disturbance in the buffer, the following Best Management Practices shall be used to "offset" or compensate for the undesirable impacts on water quality and habitat resulting from the proposed redevelopment.

1. The shed shall be removed from the buffer.

2. Runoff from the garage shall be directed to pervious surfaces (the lawn).

Printed on Recycled Paper

3. The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 3 small trees - ball and burlap or
6 shrubs 2 gallon container size

Tree list: 3 trees - minimum 4 foot size

4. According to your plan, your lot is 17,863 square feet and the impervious surface limit of 15% of the lot is therefore 2,680 square feet. Your house and garage account for 1,746 square feet of impervious surface. Your driveway can not create more than 934 square feet of impervious surface, however, you are encouraged to construct your driveway of clean washed No. 2 stone on a filter fabric base to promote infiltration (see enclosure).

Please sign the statement below and return one copy of this letter to:

Environmental Impact Review Division
Attn: Mr. Steve Armiger
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

If you have any questions, please contact me at 887-3480.

Sincerely,

Patricia M. Farr

Patricia M. Farr
Program Supervisor
Environmental Impact Review Division

PMF:SA:ju

Attachment

GASKER/WQCBCA

SCHEMATIC OF POROUS STONE SURFACE

Porous stone surfaces have a high capability to remove both soluble and fine particulate pollutants in urban runoff, and also provides groundwater recharge, low flow augmentation, and stream-bank erosion control. Its use is generally restricted to low volume parking areas, although it can accept runoff from rooftop storage or adjacent conventionally paved areas. As BMP, porous pavement is only feasible on sites with gentle slopes, permeable soils, and relatively deep water table and bedrock levels. When these conditions are met, porous stone surfaces are a reasonably cost-effective BMP, particulary if off-site runoff contributions are not great.

When properly designed and carefully installed, porous stone surfaces have load bearing strength, longevity, and maintenance requirements similar to conventional pavement. Some other advantages of porous stone surfaces are reduced land consumption, reduction or elimination of the need for curb and gutters and downstream conveyance systems, and the preservation of the natural water balance at the site.

Side View

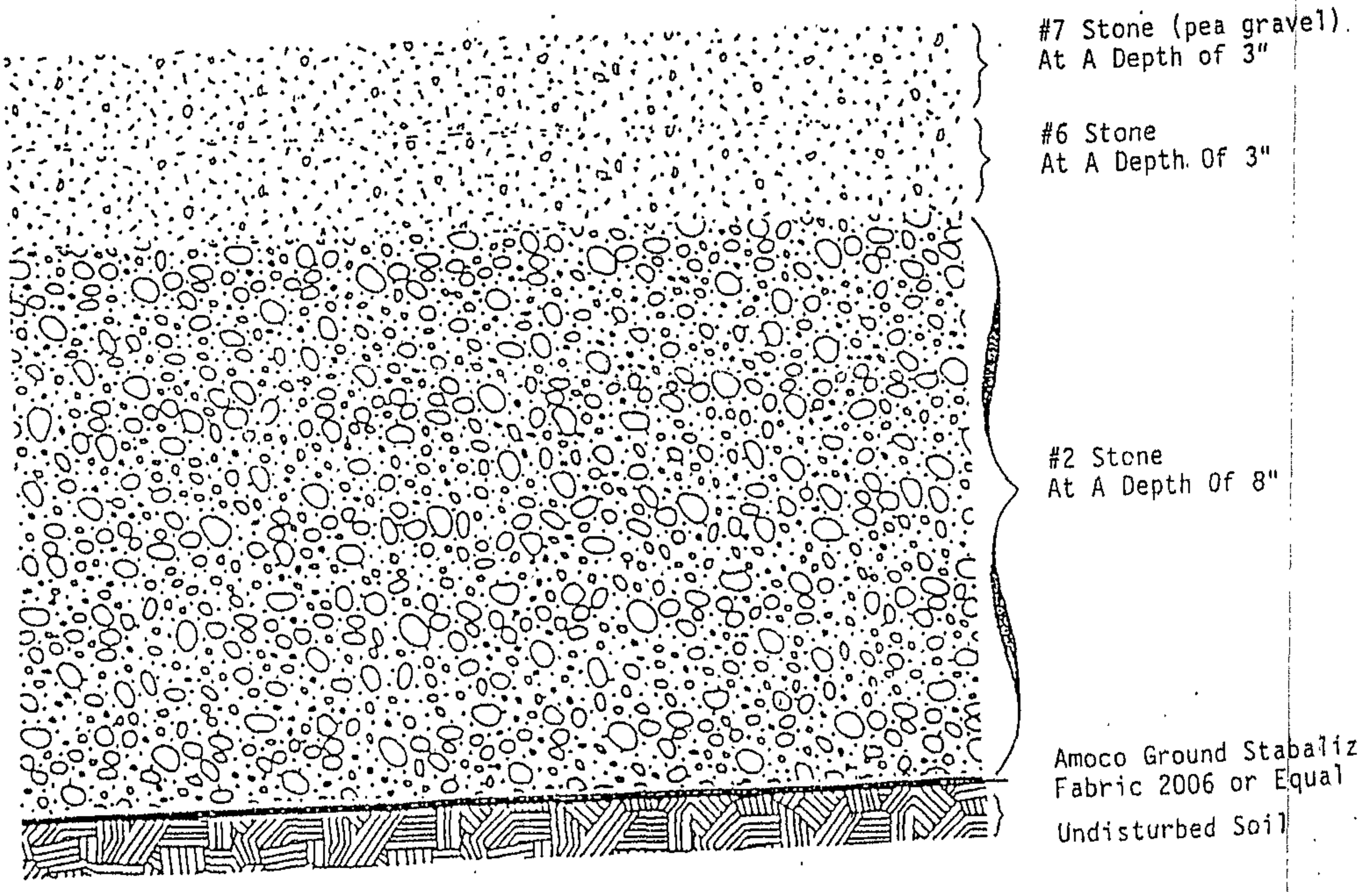


Table 3.

PLANT ASSOCIATION: BOTTOMLAND WELL-DRAINED

NAME		RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES		
Alnus serrulata	(Smooth Alder)	Infrequent
Amelanchier canadensis	(Canadian Serviceberry)	Local
Amelanchier obovalis	(Obovate Serviceberry)	Local
Clethra alnifolia	(Sweet Pepperbush)	Abundant
Cornus amomum	(Silky Dogwood)	Frequent
Cornus florida	(Flowering Dogwood)	Freq.-Abund.
Gaylussacia frondosa	(Huckleberry)	Abundant
Ilex glabra	(Inkberry)	Frequent
Ilex laevigata	(Winterberry)	Local
Ilex opaca	(American Holly)	Freq.-Abund.
Ilex verticillata	(Smooth Winterberry)	Frequent
Itea virginica	(Tassel-White)	Infrequent
Kalmia angustifolia	(Lamb-Kill)	Abundant
Leucothoe racemosa	(Fetter-Bush)	Abundant
Lyonia ligustrina	(Male-Berry)	Frequent
Myrica pensylvanica	(Bayberry)	Frequent
Prunus serotinia	(Black Cherry)	Frequent
Prunus virginiana	(Choke Cherry)	Local
Pyrus arbutifolia	(Red Chokeberry)	Infrequent
Quercus falcata	(Southern Red Oak)	Frequent
Quercus coccinea	(Scarlet Oak)	Frequent

PLANT ASSOCIATION: BOTTOMLAND WELL-DRAINED (Continued)

NAME		RELATIVE ABUNDANCE
Quercus alba	(White Oak)	Abundant
Quercus rubra	(Red Oak)	Freq.-Abund.
Quercus prinoides	(Dwarf Chinquapin)	Local
Rhododendron viscosum	(Swamp Azalea)	Local
Rhus glabra	(Smooth Sumac)	Frequent
Rubus occidentalis	(Wild Black Raspberry)	Frequent
Sambucus canadensis	(Elderberry)	Frequent
Vaccinium augustifolium	(Low Sweet Blueberry)	Frequent
Vaccinium corymbosum	(Highbush Blueberry)	Abundant

VEGETATIVE STRATA - TREES

Acer rubrum	(Red Maple)	Abundant
Asimina triloba	(Paw Paw)	Frequent
Betula nigra	(River Birch)	Frequent
Carya glabra	(Pignut Hickory)	Frequent
Carya tomentosa	(Mockernut Hickory)	Frequent
Diospyros virginiana	(Common Persimmon)	Local
Fagus grandifolia	(American Beech)	Frequent
Juniperus virginiana	(Red Cedar)	Abund.(Early Succession)
Liquidamber styraciflua	(Sweet Gum)	Abundant
Magnolia virginiana	(Sweet Bay Magnolia)	Frequent

PLANT ASSOCIATION: BOTTOMLAND WELL-DRAINED (Continued)

NAME		RELATIVE ABUNDANCE
Nyssa sylvatica	(Black Gum)	Abundant
Populus grandidentata	(Large-toothed Aspen)	Infrequent
Populus deltoides	(Cottonwood)	Infrequent
Quercus alba	(White Oak)	Abundant
Quercus bicolor	(Swamp White Oak)	Frequent
Quercus falcata	(Southern Red Oak)	Abundant
Quercus phellos	(Willow Oak)	Frequent
Quercus prinus	(Chestnut Oak)	Abundant
Quercus rubra	(Red Oak)	Freq.-Abund.
Salix nigra	(Black Willow)	Frequent

Source: Baltimore County Office of Planning and Zoning, May 1987

FAX COVER SHEET

Date: June 3, 2004

To: Theresa

Fax number: 3152

From: Kristen

Fax number:

Number of pages (including this cover sheet):

Message: Attached is ZAC comments for appealed case 04-383-A.

If any part of this fax transmission is missing or not clearly received please call:

Name:

Phone number:

Attachment C 1/2

The following parties, by affixing their signatures, hereby attest to the fact that on the property of 7846 Denton Avenue, Baltimore County, Maryland, 21219, there existed an old structure on a concrete slab, and that portions of that slab were badly deteriorated, and that such slab and structure were situated in the identical location where the existing slab has been reconditioned, and that the size of this existing slab was approximately twenty-four (24) feet by twenty-four (24) feet.

6-18-92
Date

Robert T Spielman
Signature
formerly 7842 Denton Ave
Forest Hawes MD
Address

6-21-92
Date

Signature
7841 Denton Ave
Fort Howes MD 21219
Address

6/22/92
Date

Laurence Schultz
Signature
7843 Denton ave
Address

6/22/92
Date

Robert Schultz
Signature
7843 Denton AVE
Address

6/22/92
Date

Signature
7842 Denton Ave 21219
Address

6-23-92

Anthony Mazzocchi Jr.
Signature
7200 North Point Rd
Address

ATTC 2/2

The following parties, by affixing their signatures, hereby attest to the fact that on the property of 7846 Denton Avenue, Baltimore County, Maryland, 21219, there existed an old structure on a concrete slab, and that portions of that slab were badly deteriorated, and that such slab and structure were situated in the identical location where the existing slab has been reconditioned, and that the size of this existing slab was approximately twenty-four (24) feet by twenty-four (24) feet.

6-20-92
Date

George Nowlan
Signature
7846 ST. GREGORY DR.
Balto. Md.
Address

6-20-92
Date

Tom Lassus
Signature
7930 ST GREGORY DR
RALTO. MD. 21222
Address

6/24/92
Date

Michael W Stecher
Signature
3004 RITCHIE AVE 21219
Address

6/24/92
Date

A. B. Winick
Signature
2000 CEDARCREST AVE. 21219
Address

Signature

Address

Signature

Address

Signature

Address

Attachment D 1/1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 28, 1993

Kenneth H. Meltzer, Esquire
300 Allehgeny Avenue
Towson, Maryland 21204

Re: Proposed Detached Garage at
7846 Denton Avenue, 21219
Board of Appeals Case No.
CBA-93-114
Zoning Enforcement Case No.
C-93-1691

Dear Mr. Meltzer:

This letter is written in response to your letter dated September 24, 1993 wherein you requested that the Baltimore County Zoning Office determine whether or not the proposed (detached garage) use complies with the Baltimore County Zoning Regulations.

The Building Permit No. B136921 application was approved by the Baltimore County Zoning Office on July 13, 1992 with the notation on the bottom that Inspector Craig McGraw inspected the site and determined that the garage was in the rear yard.

We have received no evidence to dispute these facts and on the contrary we have subsequently received a site plan with an interior layout of the house that supports our findings.

In light of the above listed facts, the garage is correctly located in the rear yard pursuant to the Baltimore County Zoning Regulations and no petition and/or public hearing is required to determine the house orientation.

If you should have any further questions, please feel free to call me at 887-5681 or 887-3351.

Sincerely,

Inspector Wasilewski
Zoning Enforcement

LW/hek

Printed with Soybean Ink
on Recycled Paper

Attachment E 1/5



September 1988



July 1992

Very similar views showing complete absence of any structure or slab (above) and virtually total slab (below).

ATT E 2/6



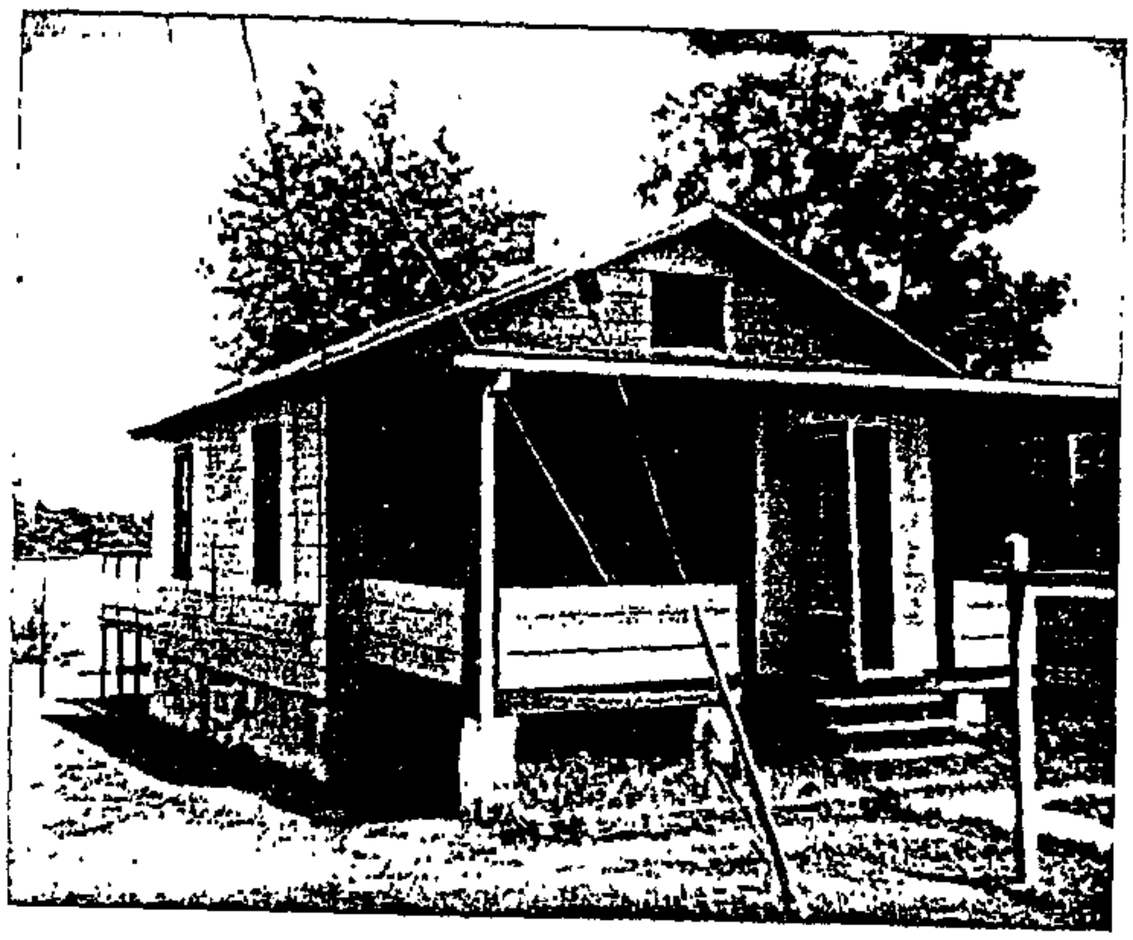
Undated, but before July 1992



Succeeded similar views showing absence of any structure on slab (above) and newly laid slab (below)

July 1992.

ATT E 3/5

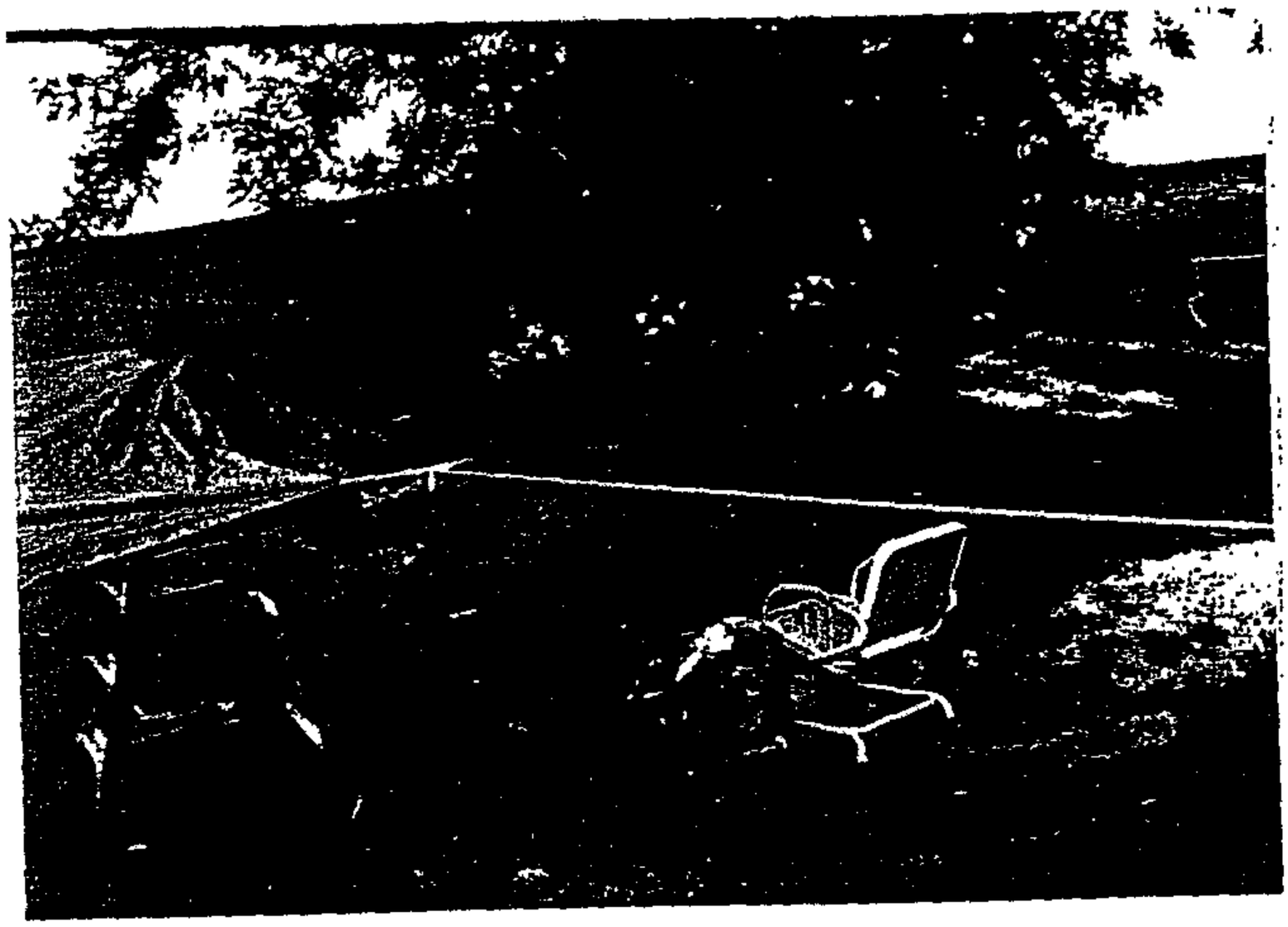


September 1988
or before



September 1988
View from gate looking toward 7846
Dexter Drive showing absence of any
structures except house, deck, blue
inflatable pool, shed.

ASHE 415



September 1988

No structure or slab visible



September 1988



September 1988



October 1988

Attachment F 1/1

APPLICATION FOR BUILDING PERMIT

PERMIT #: B136921 CONTROL #: MR DIST: 15 PREC: 19

LOCATION: 7846 DENTON AVE
SUBDIVISION: OLEARY PLAT
TAX ASSESSMENT #: 2100007552

OWNERS INFORMATION
NAME: GASKER,M MAX & SHARON
ADDR: 7846 DENTON AVE., 21219

APPLICANT INFORMATION
NAME: MAX GASKER
COMPANY:
ADDR1: 7846 DENTON AVE.
ADDR2: BALTIMORE, MD./ 21219
PHONE #: 388-0645 LICENSE #:

NOTES
DLS/VLC

TRACT: BLOCK:
PLANS: CONST 0 PLOT 4 R PLAT 0 DATA 0 ELEC YES PLUM NO
TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT DETACHED GARAGE ON FRONT OF PROPERTY.
(WATERFRONT) 24'X4'X13.5'=576 EX. GR=4+OR-
MIN. SLB E. = 10.0

PROPOSED USE: SFD AND GARAGE
EXISTING USE: SFD

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 2500.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: GARAGE
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

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

Attachment B 1/1

2/20/03 Mtg w/: Tom Linton

Diana Hutchins
Loretta Hutchins
Pat Fehl
Scott Porter
Steve Kreniger
Jim Dieter
Roy List

J.D. — "We can't order the agency to remove the tree... we must permit based on our judgment of circumstances" "Go to Bd of Appeals"

Attachment I 1/5

PIPER & MARBURY

CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3010
410-539-2530
FAX: 410-539-0489

WASHINGTON
NEW YORK
PHILADELPHIA
LONDON
EASTON, MD

WRITER'S DIRECT NUMBER
(410) 576-1758

January 19, 1994

Ms. Diana Hutchins
7844 Denton Avenue
Baltimore, Maryland 21219

Dear Diana:

Enclosed is a letter I received on Friday, January 14, 1994 from the Baltimore County Office of Zoning Administration and Development Management ("ZADM") responding to my inquiries regarding the status of action on remand in the case of the Gasker Property, County Board of Appeals No. CBA-93-114. After my calls to the Office of Planning and Zoning and the County Board of Appeals on September 27, October 7 and November 22, 1993 and my written inquiries of November 22 and December 5, 1993, I am provided with the enclosed correspondence. This level of non-performance, followed by yet another undisclosed communication which fails to even consider the proper issues, is without question the worst performance by a local government agency I have seen.

Mr. Thompson's letter to me of January 12, 1994 and Mr. Wasilewski's letter to Kenneth Meltzer of September 28, 1993, amount to non-sequiters. While these letters address the issue of location of the garage as an accessory structure in a residential zone pursuant to Section 400.1 of the Baltimore County Zoning Regulations ("BCZR"), they do not address any of the remaining zoning issues which we argued to the Board and they are not decisions of or Petitions to the Zoning Commissioner. Specifically, the issues of a non-conforming use in the Chesapeake Bay Critical Area and the expansion thereof pursuant to Section 307.2 of the BCZR are unaddressed. The Board specifically accepted our arguments that these provisions may be applicable (See pages three and four of the Board's opinion).

Finally, from a basic legal posture the letters are insufficient because the challenged building permit remains on remand with the Department of Environmental Protection and Resource Management ("DEPRM"). Until it is released and validated, the garage is an illegal structure.

All of the above notwithstanding, I want to provide you with a prognosis for this matter. It is clear to me that Baltimore County does not wish to see this case through to conclusion and is making every effort to bury it. I believe you face a series of extended arguments and meetings with ZADM much like your experience with DEPRM. I also believe that ZADM will be every bit as uncommunicative and unaccomodating as was DEPRM. The ultimate decision on whether or not a Petition to the Zoning Commissioner must be filed is probably appealable to the Board. If ZADM agrees with you and instructs the Gaskers to file a Petition (the Wasilewski letter, weak as it is, probably excuses the Gasker's non-filing), then you argue the fundamental fact and zoning issues to the Zoning Commissioner that were previously presented to the Board. In either event you are looking at several months, at least one quasi-judicial hearing, and significant legal costs probably equal to those already incurred. Please also remember that the facts of the case remain in controversey and that while I believe our testimony is the more credible, the Gaskers did not crumble and their version of events is corroborated by other witnesses.

All this must be measured against your potential benefit. Only you can place a value on "fighting the good fight" to make Baltimore County properly enforce its laws. Even if the garage were to be removed the fence erected by the Gaskers would remain. When I think back upon all of the illegal stuctures and uses I have encountered, I find very few that were ultimately discontinued by the local authorities. Especially in the case of structures, once erected, the momentum is clearly in favor of their continued existence.

Please advise me concerning how you wish to proceed. I will send a brief letter to Mr. Thompson today indicating my dissatisfaction with ZADM's response.

Sincerely,

Bill

James W. Brooks, Jr.

JWB/jwb
Enclosure

BALT04A:JWB:8065:1:01/19/94
17679-2

cc: Ms. Loretta Hutchins
Eric B. Miller, Esquire
Anthony L. Meagher, Esquire

BALT04A:JWB:8065:1:01/19/94
17679-2

ATTE 4/5

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 12, 1994

James W. Brooks, Jr., Esquire
Piper and Marbury
Charles Center South
36 South Charles Street
Baltimore, Maryland 21201-3010

Re: Case No. C-94-1062
Case No. C-93-1691
7846 Denton Avenue
12th Election District

Dear Mr. Brooks:

My apology for not responding to your original November 1993 letter in a more timely manner. Having reviewed the County Board of Appeals decision in Case No. 93-114 and the two referenced zoning violation cases, the Baltimore County Zoning Regulations are not being violated. Enclosed is a copy of a letter issued to Kenneth H. Meltzer, Esquire, dated September 28, 1993, wherein, Zoning Inspector Craig McGraw made a determination on July 13, 1992, that the garage was in the rear yard. Thus, Section 400.1 of the zoning regulations is being complied with. Furthermore, Inspector Len Wasilewski on September 24, 1993, made a re-inspection of the property and again verified that the accessory structure does not violate the law.

Based upon these facts, no enforcement action will be undertaken. If additional questions remain, please contact this office at 887-3351.

Sincerely,

James H. Thompson
Zoning Enforcement Coordinator

JHT/hek

Enclosure

c: Inspector Craig McGraw
Inspector Len Wasilewski

Printed with Soybean Ink

AHI 575

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 28, 1993

Kenneth H. Meltzer, Esquire
300 Allehgeny Avenue
Towson, Maryland 21204

Re: Proposed Detached Garage at
7846 Denton Avenue, 21219
Board of Appeals Case No.
CBA-93-114
Zoning Enforcement Case No.
C-93-1691

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The Building Permit No. B136921 application was approved by the Baltimore County Zoning Office on July 13, 1992 with the notation on the bottom that Inspector Craig McGraw inspected the site and determined that the garage was in the rear yard.

We have received no evidence to dispute these facts and on the contrary we have subsequently received a site plan with an interior layout of the house that supports our findings.

In light of the above listed facts, the garage is correctly located in the rear yard pursuant to the Baltimore County Zoning Regulations and no petition and/or public hearing is required to determine the house orientation.

If you should have any further questions, please feel free to call me at 887-5681 or 887-3351.

Sincerely,

Inspector Wasilewski
Zoning Enforcement

LW/hek

Printed with Soybean Ink
on Recycled Paper

Attachment O 16

TDH Landscaping

14820 OLD YORK ROAD • PHOENIX, MARYLAND 21131
Phone: 410-771-4247 • Fax: 410-472-4118

November 21, 2003

Grover and Loretta Hutchins
1 Stratford Road
Baltimore, MD 21218

Dear Mr. and Mrs. Hutchins:

Below is the breakdown for the topsoil and sod that was done on October 22 as shown on invoice #8175:

Install topsoil	1.5 hrs x $39.90	$39.90
Resod damaged lawn areas	6.0 hrs x $39.90	$239.40
Materials Used:		
Yards of topsoil	1.75 @ $23.20	$40.60
Square feet of sod	162 @ .20	$32.40
Total:		**$352.30**

Please let me know if I can be of further assistance.

Sincerely,

Kimberly Diehl Martin
Personal Assistant to Russell Irvin

RHO 2/6

TDH Landscaping

14820 Old York Road
Phoenix, MD 21131-1438
(410) 771-4247

Proposal

Date	Contract #
11/21/2003	03-631

Name / Address
Grover & Loretta Hutchins 1 Stratford Road Baltimore, MD 21218

Terms	Rep	Work Phone #	Home Phone #	Project	MHIC
net 30	RSI			03-631 Storm ...	5458

Description	Total
Replacement planting along right side of backyard: The area will be laid out as close to the original planting as possible. The dead plants will be removed and hauled away. Any remaining significant debris still on site needing to be removed can be done for an additional charge. The landscape beds will be edged and graded in preparation for plant installation. The beds will not receive any new amendments as they already exist from the original planting. The following plant materials will be installed: (12) Plumbago, qts (3) Red twig Dogwoods, 3 gal (4) Deciduous Hollies, 4' b & b (1) Leyland Cypress or Alaskan Cedar 4-6' (3) Calamagrostis, 2 gal (3) Miscanthus gracilliums or stricta, 2 gal (2) Sweetbay Magnolia, 6' NOTE: Varieties of plant materials selected will be based upon availability at time of purchase *Initial* _____ *Total Price* $3690.00 Draw Schedule to be followed: Amount: When $ 1/3 Deposit due upon acceptance of proposal $ Payment due upon _____ $ 500.00 Balance due upon completion of project	

Total

TDH Landscaping is a Division of TDH Nurseries & Landscaping, LLC

Client Copy

ATTO 36

TDH Landscaping

14820 Old York Road
Phoenix, MD 21131-1438
(410) 771-4247

Proposal

Date	Contract #
11/21/2003	03-631

Name / Address
Grover & Loretta Hutchins 1 Stratford Road Baltimore, MD 21218

Terms	Rep	Work Phone #	Home Phone #	Project	MHIC
net 30	RSI			03-631 Storm ...	5458

Description	Total
PLEASE READ THE WARRANTY INFORMATION ON THE BACK OF THIS CONTRACT AND SIGN	
Authorized Signature Lori Martin Date 11/26/03	
Signature _____ Date _____	
Signature _____ Date _____	
Maryland Sales Tax	0.00
Total	$0.00

TDH Landscaping is a Division of TDH Nurseries & Landscaping, LLC

AHO 4/6

Summary of Loss

Claim # **CC076813QQ**

Encompass

9022 Heiritage Parkway
Suite 110
Woodbrigge, IL 60517
Phone (800) 340-3016 Fax (888) 262-0912

Adjuster
Stacy C. Liu
Phone
Fax

October 21, 2003

Insured Name HUTCHINS, GROVER & LORETTA
Loss Address 7844 DENTON AVENUE, BALTIMORE, MD 21052
Phone Number [redacted] **Policy #** 215259762
Other Phone [redacted] **Ins Claim #** CC076813QQ **Date of Loss** 9/20/2003
Ins Company Encompass Insurance

Coverage - Real Property

East Elevation

		Repl. Cost	Depr.	ACV	OP	RD
Remove Interlocked Panels of Siding	**1092 SF @ $0.30** *	$327.60	$0.00	$327.60		
Per Alliance'e estimate, remove 28 (3' x13") interlocked siding panels to get to a starting point area.						
Replace Vinyl Siding	**586 SF @ $2.25** *	$1,318.50	$0.00	$1,318.50		
Per Alliance's estimate, replace 15 (3' x 13") of interlocked siding panels.						
Remove & Replace Metal Trim Vents	**2 EA @ $27.00** *	$54.00	$0.00	$54.00		
Per Alliance's estimate, 24-gauge coated metal trim on thru-wall vents.						
Minimum Charge Gutter Work	**1 LS @ $165.00** *	$165.00	$0.00	$165.00		
Coverage - Real Property Totals		**$1,865.10**	**$0.00**	**$1,865.10**		

Summary

	Repl. Cost	Depr.	ACV
Estimate Totals	**$1,865.10**	**$0.00**	**$1,865.10**
Maryland Sales Tax	$51.23	$0.00	$51.23
Total With Tax	$1,916.33	$0.00	$1,916.33
Less Deductible Applied ($500.00 Maximum)	-$500.00		-$500.00
Net Claim	**$1,416.33**	**$0.00**	**$1,416.33**

A copy of this document does not constitute a settlement of this claim. All figures are subject to company approval.

Price Database Legend
All prices from Maryland20030923
* = Modified

Statement

Claim # CC076813QQ A+O 5/6

Encompass

Adjuster
Stacy C. Liu
Phone
Fax

9022 Heiritage Parkway
Suite 110
Woodbrigge, IL 60517
Phone (800) 340-3016 Fax (888) 262-0912

October 21, 2003

Insured Name HUTCHINS, GROVER & LORETTA
Loss Address 7844 DENTON AVENUE, BALTIMORE, MD 21052
Phone Number (410) 382-7881
Other Phone (410) 243-1562 **Ins Claim #** CC076813QQ **Date of Loss** 9/20/2003
Ins Company Encompass Insurance

Abstract of Coverage

Policy # 215259762 **Effective** 7/25/2003 - 7/24/2004
Forms 115939A, 118599A, 128744A, G18538A, G18540A, G18542A, G18737B
Agency CONSOLIDATED INS CENTER INC
Agent

Coverage	Limit	Deductible
Coverage - Real Property	$355,000.00	$500.00
Coverage - Other Structures	$355,000.00	
Coverage - Tangible Personal Property	$355,000.00	

Coverage - Real Property

Coverage $355,000.00

	ACV Detail	Value	Loss	Claim
ACV Loss	**$1,916.33**		**$1,916.33**	
Less Deductible Applied	-$500.00			
ACV Claim	**$1,416.33**			**$1,416.33**

Total ACV Loss & Claim

$1,916.33 **$1,416.33**

A copy of this document does not constitute a settlement of this claim. All figures are subject to company approval.

ALLIANCE ROOFING & SHEET METAL, INC.

AHO 6/6

October 20, 2003,

Loretta & Dr. Grover Hutchins
7844 Denton Avenue
Baltimore, Maryland 21219

Scope of work

1- Remove damaged metal around 12 wood columns.
2- Supply new 24-gauge Kynar metal, shop fabricated covers to match the existing.
3- Pop rivets and vulkem caulk will be used at corners and connections.
4- Clean all debris from the job site.

Price: One Hundred Eighty-Five Dollars ($185.00) (per Column) or Two Thousand Two Hundred Twenty Dollars ($2220.00)

Thank you for Alliance Roofing & Sheet Metal, Inc. to quote this project. If we may be of further assistance, please call.

Sincerely,

KEB

Karlus E. Bowling
Vice President

cc: quotes 2003
KEB/sckc

6420 Erdman Avenue, Baltimore, MD 21205 • (410) 483-7470 • (800) 932-6069 • Fax (410) 483-7471 • E-mail: allroof@allroof.net • Website: www.allroof.net

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

July 29, 1992

Mr. and Mrs. Max Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Re: Baltimore County Building
Permit No. B136921

Dear Mr. and Mrs. Gasker:

The Department of Environmental Protection and Resource Management has received your building permit application for the construction of a detached garage. At this time, the Environmental Impact Review Division is unable to process your building permit due to insufficient information.

Please submit a revised plan showing all impervious surfaces, all large and small trees and shrubs, and the 100 foot buffer. (The buffer is measured from mean high tide. If the residence is less than 100 feet, measure from the residence to mean high tide.) The garage may not be located in the buffer. Show the garage location outside of the buffer.

Please contact Mr. Steve Armiger at 887-2904 so that this Department may continue the processing of your permit without further delay. Thank you for your cooperation.

Sincerely yours,

Patricia M. Farr

Patricia M. Farr
Program Supervisor
Environmental Impact Review Division

PMF:SBA:tjl

GASKER/WQCBCA

(2)

August 27, 1992

Max A. Gasker
Sharon Wasserman Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Baltimore County Government
Department of Environmental Protection & Resource Management
401 Bosley Avenue
Towson, Maryland 21204
Attention: Ms. Pat Farr, Program Supervisor
Environmental Impact Review Division

Dear Ms. Farr:

We have received your letter of July 29, 1992, in which you requested us to mail to your department, a copy of our plat plan for the shed we are anticipating to construct.

Because of the unusual circumstances surrounding our property, we hereby request to meet with you, in person, to discuss this proposition, and to show you our plans.

My work number is 466-8700 ext 314, and my wife's work number is 466-8700 ext 293. We would like to have this meeting as soon as it is convenient for you. We hope to hear from you soon.

Very truly yours,

Max A. Gasker
Sharon Wasserman Gasker
Sharon Wasserman Gasker

(3)

5. Fuller ... Socket 7816 Bunker Hill ...
... R136 121 ...
... Meeting ... 11:- ...

... Mr. Hill Gaskin presented his case to the board ...

... a garage existed. Pat Fuller ... square ... 1975 ...
statement that neighbors and concerned that a slab and
storage probably did exist ... some ...
would be done to mitigate impacts.
garage will replace 576 square feet. Presently the
3 large trees. The 2-1 foot spruce trees. The lot
363 square feet in size. To provide 15% reduction we would re-
a 2 long ... small trees and 4 shrubs. To mitigate
... to provide 15% ... be
... 3 large trees ... small bushes.
... Hot the shed will
be removed from the property.

(4)

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

January 25, 1993

Mr. & Mrs. Max Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Dear Mr. & Mrs. Gasker:

The Baltimore County Environmental Impact Review Division has reviewed your application for Building Permit No. B136921 to construct a 576 square foot detached garage. Per our meeting of January 12, 1993 it was determined that disturbance in the vicinity of the garage slab had occurred in the tidal buffer prior to the enactment of, and the implementation of the Chesapeake Bay Critical Area Regulations and Program. Your property is located in a Limited Development Area of the Chesapeake Bay Critical Area and is therefore subject to the following regulations:

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

2. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

3. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

To bring your property into compliance in as much as possible with the Chesapeake Bay Critical Area Regulations and to mitigate for the disturbance in the buffer, the following Best Management Practices shall be used to "offset" or compensate for the undesirable impacts on water quality and habitat resulting from the proposed redevelopment.

1. The shed shall be removed from the buffer.

2. Runoff from the garage shall be directed to pervious surfaces (the lawn).

Printed on Recycled Paper

3. The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list:	3 small trees -	ball and burlap or
	6 shrubs	2 gallon container size
Tree list:	3 trees -	minimum 4 foot size

4. According to your plan, your lot is 17,863 square feet and the impervious surface limit of 15% of the lot is therefore 2,680 square feet. Your house and garage account for 1,746 square feet of impervious surface. Your driveway can not create more than 934 square feet of impervious surface, however, you are encouraged to construct your driveway of clean washed No. 2 stone on a filter fabric base to promote infiltration (see enclosure).

Please sign the statement below and return one copy of this letter to:

Environmental Impact Review Division
Attn: Mr. Steve Armiger
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

If you have any questions, please contact me at 887-3480.

Sincerely,

Patricia M. Farr

Patricia M. Farr
Program Supervisor
Environmental Impact Review Division

PMF:SA:ju

Attachment

GASKER/WQCBCA

SCHEMATIC OF POROUS STONE SURFACE

Porous stone surfaces have a high capability to remove both soluble and fine particulate pollutants in urban runoff, and also provides groundwater recharge, low flow augmentation, and stream-bank erosion control. Its use is generally restricted to low volume parking areas, although it can accept runoff from rooftop storage or adjacent conventionally paved areas. As BMP, porous pavement is only feasible on sites with gentle slopes, permeable soils, and relatively deep water table and bedrock levels. When these conditions are met, porous stone surfaces are a reasonably cost-effective BMP, particulary if off-site runoff contributions are not great.

When properly designed and carefully installed, porous stone surfaces have load bearing strength, longevity, and maintenance requirements similar to conventional pavement. Some other advantages of porous stone surfaces are reduced land consumption, reduction or elimination of the need for curb and gutters and downstream conveyance systems, and the preservation of the natural water balance at the site.

Side View

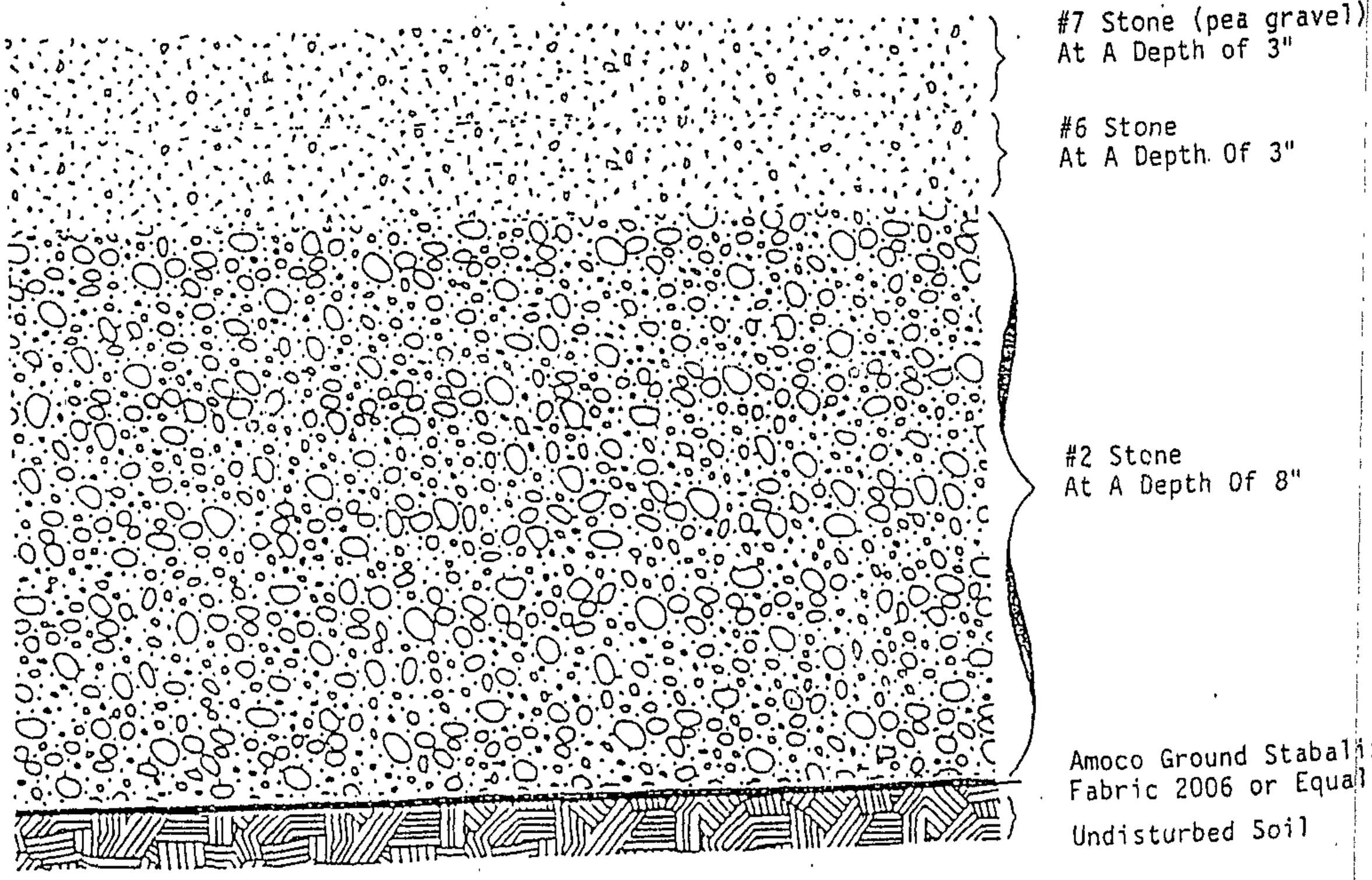


Table 3.

PLANT ASSOCIATION: BOTTOMLAND WELL-DRAINED

NAME		RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES		
Alnus serrulata	(Smooth Alder)	Infrequent
Amelanchier canadensis	(Canadian Serviceberry)	Local
Amelanchier obovalis	(Obovate Serviceberry)	Local
Clethra alnifolia	(Sweet Pepperbush)	Abundant
Cornus amomum	(Silky Dogwood)	Frequent
Cornus florida	(Flowering Dogwood)	Freq.-Abund.
Gaylussacia frondosa	(Huckleberry)	Abundant
Ilex glabra	(Inkberry)	Frequent
Ilex laevigata	(Winterberry)	Local
Ilex opaca	(American Holly)	Freq.-Abund.
Ilex verticillata	(Smooth Winterberry)	Frequent
Itea virginica	(Tassel-White)	Infrequent
Kalmia angustifolia	(Lamb-Kill)	Abundant
Leucothoe racemosa	(Fetter-Bush)	Abundant
Lyonia ligustrina	(Male-Berry)	Frequent
Myrica pensylvanica	(Bayberry)	Frequent
Prunus serotinia	(Black Cherry)	Frequent
Prunus virginiana	(Choke Cherry)	Local
Pyrus arbutifolia	(Red Chokeberry)	Infrequent
Quercus falcata	(Southern Red Oak)	Frequent
Quercus coccinea	(Scarlet Oak)	Frequent

PLANT ASSOCIATION: BOTTOMLAND WELL-DRAINED (Continued)

NAME		RELATIVE ABUNDANCE
Quercus alba	(White Oak)	Abundant
Quercus rubra	(Red Oak)	Freq.-Abund.
Quercus prinoides	(Dwarf Chinquapin)	Local
Rhododendron viscosum	(Swamp Azalea)	Local
Rhus glabra	(Smooth Sumac)	Frequent
Rubus occidentalis	(Wild Black Raspberry)	Frequent
Sambucus canadensis	(Elderberry)	Frequent
Vaccinium augustifolium	(Low Sweet Blueberry)	Frequent
Vaccinium corymbosum	(Highbush Blueberry)	Abundant

VEGETATIVE STRATA - TREES

Acer rubrum	(Red Maple)	Abundant
Asimina triloba	(Paw Paw)	Frequent
Betula nigra	(River Birch)	Frequent
Carya glabra	(Pignut Hickory)	Frequent
Carya tomentosa	(Mockernut Hickory)	Frequent
Diospyros virginiana	(Common Persimmon)	Local
Fagus grandifolia	(American Beech)	Frequent
Juniperus virginiana	(Red Cedar)	Abund.(Early Succession)
Liquidamber styraciflua	(Sweet Gum)	Abundant
Magnolia virginiana	(Sweet Bay Magnolia)	Frequent

PLANT ASSOCIATION: BOTTOMLAND WELL-DRAINED (Continued)

NAME		RELATIVE ABUNDANCE
Nyssa sylvatica	(Black Gum)	Abundant
Populus grandidentata	(Large-toothed Aspen)	Infrequent
Populus deltoides	(Cottonwood)	Infrequent
Quercus alba	(White Oak)	Abundant
Quercus bicolor	(Swamp White Oak)	Frequent
Quercus falcata	(Southern Red Oak)	Abundant
Quercus phellos	(Willow Oak)	Frequent
Quercus prinus	(Chestnut Oak)	Abundant
Quercus rubra	(Red Oak)	Freq.-Abund.
Salix nigra	(Black Willow)	Frequent

Source: Baltimore County Office of Planning and Zoning, May 1987

Returned 2-1-93

Mr. & Mrs. Gasker
January 25, 1993
Attachment

I/We have read and agree to implement the requirements to bring our property into compliance with the Chesapeake Bay Critical Area Regulations inasmuch as possible.

Mrs Gasker 2/1/93
(Signature) (Date)

Harry W Gasker 2/1/93
(Signature) (Date)

GASKER/WQCBCA

The following parties, by affixing their signatures, hereby attest to the fact that on the property of 7846 Denton Avenue, Baltimore County, Maryland, 21219, there existed an old structure on a concrete slab, and that portions of that slab were badly deteriorated, and that such slab and structure were situated in the identical location where the existing slab has been reconditioned, and that the size of this existing slab was approximately twenty-four (24) feet by twenty-four (24) feet.

6-18-92
Date

Robert T Spielman
Signature
Formerly 7842 Denton Ave
Fort Howard MD
Address

6-21-92
Date

Signature
7844 Denton Ave
Fort Howard MD 21219
Address

6/22/92
Date

Lawrence Schultz
Signature
7843 Denton ave
Address

6/22/92
Date

Robert Schultz
Signature
7843 Denton Ave
Address

6/20/92
Date

Signature
7842 Denton Ave 21219
Address

6-23-92

Anthony Mazzocchi Jr.
Signature
1200 North Point Rd.
Address

Attachment C 1/2

The following parties, by affixing their signatures, hereby attest to the fact that on the property of 7846 Denton Avenue, Baltimore County, Maryland, 21219, there existed an old structure on a concrete slab, and that portions of that slab were badly deteriorated, and that such slab and structure were situated in the identical location where the existing slab has been reconditioned, and that the size of this existing slab was approximately twenty-four (24) feet by twenty-four (24) feet.

6-15-92
Date

Robert T Spellman
Signature
formerly 7842 Denton Ave
Fort Howard MD
Address

6-21-92
Date

Signature
7841 Denton Ave
Fort Howard MD 21219
Address

6/22/92
Date

Laurence Schultz
Signature
7843 Denton ave
Address

6/22/92
Date

Robert L Link
Signature
7843 Denton AVE
Address

6/20/92

Signature
7842 Denton Ave 21219
Address

6-23-92

Anthony Margocchi
Signature
9200 North Point Rd
Address

The following parties, by affixing their signatures, hereby attest to the fact that on the property of 7846 Denton Avenue, Baltimore County, Maryland, 21219, there existed an old structure on a concrete slab, and that portions of that slab were badly deteriorated, and that such slab and structure were situated in the identical location where the existing slab has been reconditioned, and that the size of this existing slab was approximately twenty-four (24) feet by twenty-four (24) feet.

6-20-92
Date

George Nagle
Signature
7846 ST. GREGORY DR.
Balto. Md.
Address

6-20-92
Date

Tom Pearson
Signature
7930 ST GREGORY DR
BALTO. MD. 21222
Address

6/24/92
Date

Michael W Decker
Signature
3004 Ritchie AVE 21219
Address

6/24/92
Date

A D. Wirick
Signature
2000 CEDARCREST AVE. 21219
Address

_____
Signature

_____
Address

_____
Signature

_____
Address

(3)

February 22, 1993

Mr. Vic Reed
Baltimore County Building Inspection Division

Dear Mr. Reed:

I am hereby verifying that the Garage being constructed at 7846 Denton Avenue, Baltimore County, permit #B136921 is being built on an existing reconditioned concrete slab that has been at existing location prior to 1985. (Reference findings stated in letter dated January 25, 1993 from the Department of Environmental Protection and Resource Management; attached.)
Slab reconditioning consisted of 12 in. wide x 8 in. thick re-bar reinforced footer at 32 in. below grade and 5 in. thick wire reinforced slab.

Max A. Gasker

Max A. Gasker

City of Baltimore, State of Maryland
Genevieve L. Gasker
Notary Public
My commission expires
Sept., 1993.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. Reisinger
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B136921 CONTROL #: MR DIST 15 PREC: 19
DATE ISSUED: 02/11/93 TAX ACCOUNT #: 2100007552 CLASS: 34

PLANS: CONST 0 PLOT 4 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 7846 DENTON AVE
SUBDIVISION: OLEARY PLAT

OWNERS INFORMATION
NAME: GASKER,M MAX & SHARON
ADDR: 7846 DENTON AVE., 21219

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT DETACHED GARAGE ON FRONT OF PROPERTY, (WATERFRONT) 24'X24'X15.5'=576SF. GR=4'UP-MIN. SLP'E. = @GRADE
UPDATED TO CORRECT WORDING KRA

BLDG. CODE. 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED $ 2500.00 PROPOSED USE: SFD AND GARAGE.
EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE. GARAGE
FOUNDATION: BASEMENT.
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: .41AC
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 3/100
SIDE STR SETB:
REAR SETB: 25

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 12, 1993

NOTICE OF ASSIGNMENT

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

CASE NO. CBA-93-114

GASKER PROPERTY
7846 Denton Avenue
Baltimore, MD 21219

RE: Approval of application for permit for detached garage on property located in LDA of Chesapeake Bay Critical Area with certain restrictions.

1/25/93 -Letter to Mr. & Mrs. Gasker from Patricia M. Farr, DEPRM, approving application for detached garage.

ASSIGNED FOR: TUESDAY, JULY 27, 1993 AT 10:00 a.m.

cc: Mr. & Mrs. Max Gasker — Property Owners
Ms. Diana Hutchins — Appellant /Protestant
J. James Dieter, Director — DEPRM
Patricia M. Farr — "
William O. Jensen, Jr., Asst. County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

Printed on Recycled Paper

KENNETH H. MELTZER
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-8930
TELECOPIER
(410) 337-8932

September 24, 1993

Baltimore County Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204
Attn: Inspector Wasilewski

Re: In the Matter of Gasker Property
7846 Denton Avenue
Baltimore, MD 21219

Before the County Board of Appeals of Baltimore County
Case No: CBA-93-114

Your Case No: C-93-1691

Dear Inspector Wasilewski:

Please be advised that I represent Max and Sharon Gasker, named Appellees in the above-referenced County Board of Appeals Opinion and Order dated August 17, 1993. I enclose a copy of that Opinion and Order for your review.

As you will note, the Board of Appeals has ordered my clients to file "such Petition as they deem appropriate to determine whether or not the proposed use complies with, or requires a variance from, the Baltimore County Zoning Regulations." (Opinion and Order, p. 6) Please accept this letter as that Petition.

The "proposed use" is a detached garage erected on the above-referenced property. The garage was constructed pursuant to Building Permit #B136921, dated February 11, 1993. I enclose a copy of that Building Permit for your review.

As you will note, the County Board of Appeals reversed Building Permit #B136921. They noted that the Permit in question "describes the work to be performed as follows: 'Construct detached garage on front of property (waterfront).." (Opinion and Order, p. 5) The Board of Appeals further noted that BCZR 400.1 "requires accessory buildings in residential zones to be located only in the rear yard." (Opinion and Order, p. 4)

I refer your attention to your file for Case No: C-93-1691. Enclosed is a copy of a February 26, 1993 Correction Notice forwarded by you to my clients citing the same requirement. After receipt of this Notice, Mr. Gasker met with you. During the meeting, Mr. Gasker referred your attention to an "Application for Permit" for the garage in question. I enclose a copy of that application for your review. At the bottom right, the following notation appears; "Per site visit by Craig McGraw proposed shed in rear yard." (emphasis supplied) On March 18, 1993, you marked Case No: C-93-1691 as "closed" and informed Mr. Gasker that you were satisfied that there was no violation of the BCZR.

I also enclose for your review a copy of Building Permit #B007694 dated April 19, 1989 for construction of the residence on the same property. I further enclose a Location Survey for the property dated January 17, 1992. A comparison of the front and rear setback distances on the Building Permit with those on the Building Survey reflects that the "Existing Slab/Structure Removed" where the garage was ultimately erected is in the rear of the property.

Accordingly, the Gaskers respectfully request that you find Building Permit #B136921 complies with the BCZR and that a variance is not required.

Of course, please do not hesitate to contact my clients or me if we can provide you with any information or assistance.

Thank you for your kind attention to the above.

Very truly yours,

Kenneth H. Meltzer

KHM/mk

Enclosures

cc: Sharon and Max Gasker

(9)

KENNETH H. MELTZER
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-8930
TELECOPIER
(410) 337-8932

October 4, 1993

Max and Sharon Gasker
7846 Denton Avenue
Baltimore, MD 21219

Re:Zoning.
My File No: 93-033

Dear Max and Sharon:

I am pleased to enclose for your review Inspector Wasilewski's letter of September 28, 1993, which should serve to resolve the BCZR issue raised in the County Board of Appeals' August 17, 1993 Opinion and Order.

If you have any questions or comments, please do not hesitate to contact me. It has been a pleasure to work with you.

Best wishes.

Very truly yours,

Kenneth H. Meltzer

KHM/mk

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

(9)

September 28, 1993

Kenneth H. Meltzer, Esquire
300 Allehgeny Avenue
Towson, Maryland 21204

Re: Proposed Detached Garage at
7846 Denton Avenue, 21219
Board of Appeals Case No.
CBA-93-114
Zoning Enforcement Case No.
C-93-1691

Dear Mr. Meltzer:

This letter is written in response to your letter dated September 24, 1993 wherein you requested that the Baltimore County Zoning Office determine whether or not the proposed (detached garage) use complies with the Baltimore County Zoning Regulations.

The Building Permit No. B136921 application was approved by the Baltimore County Zoning Office on July 13, 1992 with the notation on the bottom that Inspector Craig McGraw inspected the site and determined that the garage was in the rear yard.

We have received no evidence to dispute these facts and on the contrary we have subsequently received a site plan with an interior layout of the house that supports our findings.

* In light of the above listed facts, the garage is correctly located in the rear yard pursuant to the Baltimore County Zoning Regulations and no petition and/or public hearing is required to determine the house orientation.

If you should have any further questions, please feel free to call me at 887-5681 or 887-3351.

Sincerely,

Inspector Wasilewski
Zoning Enforcement

LW/hek

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on Recycled Paper

(10)

November 23, 1993

Max A. Gasker
Sharon Wasserman Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Department of Environmental
Protection and Resource Management
401 Bosley Avenue
Towson, Maryland 21204
Attention: Ms. Patricia Farr
Program Supervisor
Environmental Impact Review Division

Re: The Gasker Property
7846 Denton Avenue 21219
Board of Appeals of
Baltimore County Case No.:
CBA-93-114
Zoning Enforcement Case No.:
C-93-1691

Dear Ms. Farr:

As ordered in the County Board of Appeals of Baltimore County case number CBA-93-114, (copy enclosed), a petition was filed with the Baltimore County Zoning Commissioner on September 24, 1993, to determine whether the proposed use of the above-referenced property complies with the Baltimore County Zoning Regulations.

Enclosed for your review, and for your files, is a copy of that petition, and the Zoning Commissioner's response dated September 28, 1993. The Zoning Commissioner has determined that the proposed use of the property is in compliance with Baltimore County Zoning Regulations, and that no petition or public hearing is required for the proposed use of the property.

This petition fulfills the order given by the County Board of Appeals in this case. Further, such proposed use of property complies with the Baltimore County Zoning Regulations. We therefore, hereby respectfully request that Building Permit No. B136921 be approved by your agency, as per your letter dated January 25, 1993, (copy enclosed), and as was originally granted on February 11, 1993.

If we can be of additional assistance, or provide you with any more information, please contact either of us at the telephone numbers shown below. If this material should be forwarded to any parties other than those noted, kindly inform us, and we will do so.

Thank you for your time and attention in expediting this matter.

Sincerely,

Max A. Gasker (410) 466-8700 ext 314

Sharon W. Gasker (410) 466-8700 ext 293

enclosures

cc: County Board of Appeals of Baltimore County,
C. William Clark, Acting Chairman

William Jensen, Jr., Asst. County Attorney

Kenneth H. Meltzer, Esquire

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

December 6, 1993

Max A. and Sharon Wasserman Gasker
7846 Denton Avenue
Baltimore, Maryland 21219

Re: Board of Appeals Case No.: CBA-93-114
Building Permit No.: B136921

Dear Mr. and Mrs. Gasker:

I have reviewed your letter dated November 23, 1993 in which you state that you have complied with the order of the Board of Appeals in case no. CBA-93-114, and requesting that this Department approve permit no. B136921. The Environmental Impact Review Section recommended approval of the referenced permit to the Department of Permits and Licenses on February 8, 1993. To my knowledge, this recommendation still stands, pending a final decision by the County Board of Appeals. therefore, no further action by this Department is necessary.

Please address future questions pertaining to this matter to the Baltimore County Board of Appeals. However, if you have questions, I can be reached at 887-3980.

Very truly yours,

Patricia M. Farr

Patricia M. Farr
Program Supervisor
Environmental Impact Review

PMF:tmm

c: Mr. Kenneth H. Meltzer
Mr. William O. Jensen, Jr.
Mr. Arnold E. Jablon (Enclosures)
Mr. J. James Dieter

GASKER/DEPRM/WQCBCA

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on Recycled Paper

KENNETH H. MELTZER
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-8930
TELECOPIER
(410) 337-8932

January 20, 1994

Max and Sharon Gasker
7846 Denton Avenue
Baltimore, MD 21219

Re: Gasker Property-Zoning

Dear Max and Sharon:

Enclosed please find a copy Mr. Brooks' letter of January 19 regarding the above matter. Some people never give up.

Please let me know if you wish me to do anything further on your behalf.

Best wishes for a Happy and Healthy New Year.

Very truly yours,

Kenneth H. Meltzer

KHM/mk

Enclosure

PIPER & MARBURY

CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3010
410-539-2530
FAX: 410-539-0489

WASHINGTON
NEW YORK
PHILADELPHIA
LONDON
EASTON, MD

WRITER'S DIRECT NUMBER
(410) 576-1758

January 19, 1994

Mr. James H. Thompson
Zoning Enforcement Coordinator
Baltimore County Government
Office of Zoning Administration
and Development Management
Mail Stop 1108
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Thompson:

I received your letter of January 12, 1994 and its enclosure, consisting of a letter from Inspector Wasilewski to Kenneth Meltzer, Esquire dated September 28, 1993 in connection with the Gasker Property, 7846 Denton Avenue, Baltimore, Maryland 21219, County Board of Appeals Case No. CBA-93-114.

While my full response must await direction from my client, I wish to place on record my dissatisfaction with both your response and the handling of this matter by Zoning Administration and Development Management ("ZADM") as soon as possible. On August 19, 1993 the County Board of Appeals remanded Building Permit No. B136921 to the Department of Environmental Protection and Resource Management ("DEPRM") and ordered the Gaskers to either appeal the Board's decision to the Circuit Court for Baltimore County, Maryland or file with the Zoning Commissioner a petition to determine whether or not the proposed use complies with, or requires a variance from, the Baltimore County Zoning Regulations ("BCZR"). I contacted both the County Board of Appeals and the Office of Planning and Zoning on three separate occasions, September 27, October 7, and November 22, 1993 in an effort to determine whether or not the Gasker's were complying with the Board's order. Since no action, to my knowledge, had been taken by November 22, 1993 I wrote to Arnold Jablon and requested that ZADM

take enforcement action. Until your letter of January 12, 1994 I was never informed of Mr. Meltzer's inquiry or Mr. Wasilewski's response.

I cannot understand why, in a contested case with counsel of record, I was not provided with copies of these communications. I can also not understand why the County Board of Appeals was not advised of ZADM's actions. Finally, taken even in its best light, ZADM's response fails to address some of the basic issues argued to and raised for consideration by the County Board of Appeals. Specifically, the issues of a non-conforming use in the Chesapeake Bay Critical Area and the expansion thereof pursuant to Sections 104.5 and 307.2 of the BCZR are unaddressed. I believe, at a minimum, that a special hearing before the Zoning Commissioner to determine whether or not these sections are applicable, is required.

I will contact you once I receive further direction from my clients.

Sincerely,

James W. Brooks, Jr.

JWB/htw
cc. Ms. Diana Hutchins
Ms. Loretta Hutchins
County Board of Appeals
Mr. J. James Dieter
Ms. Patricia M. Farr
William O. Jenson, Jr., Esquire
Kenneth H. Meltzer, Esquire
Eric B. Miller, Esquire
Anthony H. Meagher, Esquire

13

KENNETH H. MELTZER
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-8930
TELECOPIER
(410) 337-8932

February 7, 1994

Max and Sharon Gasker
7846 Denton Avenue
Baltimore, MD 21219

Re: Gasker Property-Zoning

Dear Max and Sharon:

Enclosed please find Mr. Jablon's letter of January 31 to James Brooks.

Please do not hesitate to contact me if you have any questions or comments.

Very truly yours,

Kenneth H. Meltzer

KHM/mk

Enclosure

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

13

January 31, 1994

James W. Brooks, Jr., Esquire
Piper and Marbury
Charles Center South
36 South Charles Street
Baltimore, MD 21201-3010

RE: Case No. C-94-1062
7846 Denton Avenue
12th Election District

Dear Mr. Brooks:

Thank you for your letter, dated January 19, 1994, to Mr. Thompson. I think the issues you raise therein are very important and decided to respond myself. I take very seriously our failure to answer your letter of November 23, 1993. I will attempt to respond to you, if not to your agreement, then, at the very least, to provide an explanation.

I appreciate the concerns you raise, and understand that your client and you feel frustrated.

The Board of Appeals matter to which you refer involved DEPRM approval of an application for a detached garage. The Board on August 17, 1993 stated that the appellee file a petition the appellee "deems appropriate" to determine whether the garage complied with the Baltimore County Zoning Regulations (BCZR) or required a variance.

On November 22, 1993, you wrote and alleged that the property at issue was in violation of the zoning regulations and requested that we take action.

FINAL

Your letter and the Board's order were reviewed and pursued by the zoning enforcement division, and, after two site inspections by an inspector, zoning enforcement concluded that there were no zoning violations and the the garage was in compliance. In fact, the permit issued for the garage notes that the site was visited prior to approval.

You obviously do not agree with this conclusion. I can understand that you don't, but I will not issue citations unless the inspector believes a

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on Recycled Paper

violation exists. The Board's decision does not require this office to order petitions be filed, but leaves this to the discretion of the appellee, if in fact the garage violates zoning. After inspection, it has been concluded that no violation exists, therefore, no petition is necessary. What relief would a petition request?

If you believe that the appellee was mandated to file a petition, then the remedy is to file a motion to the Board requesting that it so order.

The questions you raise in your final paragraph deserve response, and I will attempt to do so. There is no contested matter before this office. This does not excuse us, however, from the failure to respond to your letter of November 22, 1993. You deserved the courtesy of a response, and for that I apologize. We do not notify the Board in such cases, as historically the Board does not want to be notified. The Board in the instant matter did not so request, and, in the normal course of investigation of any matter that may be or has been before the Board, notification is not provided unless specifically requested. The enforcement division does not believe there are any violations of Sections 104.5 or 307.2 of the BCZR.

None of this means that you are going to agree with our conclusions. Your suggestion that a special hearing be held before the Zoning Commissioner is a viable option. You and your client have that right pursuant to Section 500.7, BCZR. If you believe that the issues deserve an open forum for discussion, review and decision, then the special hearing ought to be requested. The burden, however, will be with you to prove the alleged violations. If you wish to file such a petition, please call Carl Richards of the zoning plans review division for an appointment. He, or a planner, will be more that helpful in providing you with the information needed and in preparing the petition.

While the letter from Mr. Meltzer, dated September 24, 1993, is not a petition within the meaning of the law, it was sufficient to initiate this office's interpretation. The order of the Board was read and analyzed, and, pursuant to relevant law, case law and policy, it was determined that the garage was in the rear yard, that it met the setback requirements, and that there were no violations of the Chesapeake Bay Critical Area regulations. I attach a copy of the policy for accessory structures on waterfront property, which has been adopted as part of this office's policy manual, pursuant to the Baltimore County Code, Section 2-416, et seq.

I must admit that personally I have not reviewed the specifics of the alleged violations. Due to the volume of complaints, I must delegate that to the inspectors. Each inspector is an expert in interpreting and enforcing the zoning regulations, and I implicitly respect their knowledge. The conclusion that no violation exists is based on the inspector's knowledge and review.

Certainly, you are owed an apology for not receiving a response to your earlier letter, and do so here.

Sincerely,

ARNOLD JABLON
Director

AJ:eoh

Enclosure

c: Board of Appeals
J. James Dieter
William O. Jensen, Jr., Esquire
Kenneth H. Meltzer, Esquire

April 7, 2004

To: The Zoning Commissioner

From: Grover M. and Loretta H. Hutchins

Re: Case #04383-A, Variance Request for a 20-foot Garage at 7846 Denton Avenue

CHRONOLOGY:

04/25/83 - The Gaskers bought lot 24.

01/1986 - The aerial map does not show any structure or slab at the site of the present concrete slab.

03/31/88 - A survey was made to separate lot 24 into lots 24A (7844 Denton Ave) and 24B (7846 Denton Avenue). The survey does not show any structure at the site of the present concrete slab. (Attachment A)

09/02/88 - Lot 24A was bought by Karlus E. Bowling and Diana Hutchins.

01/25/89 - A Plot & Grade Plan shows the house at 7846 Denton Ave as it was to be replaced and re-oriented with the front facing southeast rather than northeast. No structure is shown at the site of the present concrete slab. (Attachment B)

06/18-24/92 - Ten signatures were collected that testified to the truth of the statement that there was an existing slab approximately 24 feet by 24 feet at the site where the garage was subsequently built. (Attachment C)

07/13/92 - According to an unsigned letter dated 09/28/93 from Inspector Wasilewski to Attorney Meltzer, application B136921 was approved as being consistent with Baltimore County Zoning Regulations (BCZR). (Attachment D)

07/19/92 - A new concrete slab was laid at 7846 Denton Avenue. On complaint to the Department of Environmental Protection and Resource Management (DEPRM) a stop-work order and instuctions to remove the slab were issued. These actions were based on photographic demonstration of the absence of any structure or slab at the site, other than a small metal shed, and the fact that the slab was in the Chesapeake Bay Critical Area. (Attachment E)

01/25/93 - An undated "Application for Building Permit", B136921, to erect a "24'X4'X13.5'" detached garage at 7846 Denton Ave was approved by Patricia M. Farr of DEPRM. (Attachment F)

02/10/93 - The owners of 7844 Denton Avenue discovered that garage construction was proceeding and learned, in retrospect, that Gaskers' application had been approved by Farr. No contact had been made with the owners of 7844 Denton Avenue who had obtained the stop-work order from DEPRM.

Pro Exhibit #1

Re: Case #04383-A, Variance Request for a 20-foot Garage at 7846 Denton Avenue

02/20/93 - Meeting with DEPRM personnel who "...won't order garage to be removed because we issued permit based on our judgement of circumstances. Go to Board of Appeals."(Attachment G)

07/27/93 - A hearing was held before the Baltimore County Board of Appeals to protest the granting of the approval for the garage.

08/17/93 - The Baltimore County Board of Appeals issued an order (CBA-93-114, Gasker Property) that states:

1. the approval for building permit #B136921 is reversed,
2. permit #B136921 is remanded to DEPRM, and
3. the appellees are to file a petition with the Zoning Commissioner within 45 days to determine if the proposed use complies with, or requires a variance from the BCZR.

(Attachment H)

01/19/94 - James W. Brooks, Jr., Esq. informed us that after numerous calls and letters to Baltimore County Zoning Administration and Development Management he received two letters stating that BCZR were not being violated since the garage is in the "rear yard". One unsigned letter, dated September 28, 1993, said to be from Inspector Wasilewski to Kenneth H. Meltzer, Esq. states that B136921 had been approved by the BC Zoning Office since Inspector Craig McGraw had inspected the property on July 13, 1992 and determined that the garage was in the rear yard. The second letter dated January 12, 1994 was from James H. Thompson, Zoning Enforcement Coordinator, reiterating the determination made by Inspector McGraw. The second letter further states that Inspector Wasilewski re-inspected the property and confirmed the location of the garage in the rear yard. (Attachment I)

04/28/00 - Property at 7844 Denton Ave. was purchased by Grover M. and Loretta H. Hutchins from Karlus E. Bowling and Diana Hutchins.

09/18-19/03 - The storm surge of Hurricane Isabel destroyed the Gasker garage. The garage elements and its contents inflicted significant damage to our property at 7844 Denton Avenue. Gasker's insurance company refused to reimburse us for this or for other damage caused by his property to our house and grounds as a result of Isabel. The cost to us to date from the destruction caused by Gasker's properrty has been over $6,000.00. (Attachment J)

Early 2004 - Case #04-383-A, Variance request for a 20-foot garage at 7846 Denton Avenue filed by Gasker.

02/01/04 - Hearing requested on the variance. The notice posted for the hearing on Case No: 04-383-A states: "Request. Administrative variance to permit a replacement accessory structure (garage) to be 20 feet high in lieu of 15 feet high also if necessary to amend CBA-93-114 (Hurricane damage replacement on existing foundation). ".

Re: Case #04383-A, Variance Request for a 20-foot Garage at 7846 Denton Avenue

COMMENT

It is our opinion that the order issued by the County Board of Appeals in CBA-93-114, that the building permit be remanded to DEPRM, has never been satisfied and that the garage remained an illegal structure up to its destruction by Hurricane Isabel.

The determinations of Inspector McGraw and Inspector Wasilewski that the garage was in the "rear yard" are incorrect. The garage was in the Gasker side yard (formerly the front yard before the house was rebuilt and reoriented), adjacent to the water of Shallow Creek, and adjacent to the side of our house. In fact, the Gaskers' undated Application for Building Permit describes the work to be done as: "Construct detached garage on front of property.(waterfront)". (Attachment J)

When the garage disintegrated from the storm surge of Isabel the debris caused major damage to our property, resulting in significant expense. The destruction that would be inflicted by the collapse of a 20-foot garage in the next hurricane is difficult to imagine. (Attachment K)

The requested variance for a 20-foot height for the proposed garage is totally inconsistent with all other garages in the neighborhood. Many garages are incorporated within the house. The free-standing garages are all small one- or two-car garages. (Attachment L)

The Gaskers have ample space beneath their house for a garage and other uses. The only covered parking we have ever observed at the Gasker residence has been in this space under the house. The garage destroyed by Isabel was not used as a garage. (Attachment M)

REQUEST

We request that no garage be built on the existing slab and that the slab be removed. (Attachment N)

Thank you for your consideration.

Sincerely yours,

Grover M. Hutchins

Loretta H. Hutchins

7844 Denton Avenue
Sparrows Point, MD 21219

410-477-8229

Attachment F 1/1

APPLICATION FOR BUILDING PERMIT

PERMIT #: B136921 CONTROL #: MR DIST: 15 PREC: 19

LOCATION: 7846 DENTON AVE
SUBDIVISION: OLEARY PLAT
TAX ASSESSMENT #: 2100007552

OWNERS INFORMATION
NAME: GASKER,M MAX & SHARON
ADDR: 7846 DENTON AVE., 21219

APPLICANT INFORMATION
NAME: MAX GASKER
COMPANY:
ADDR1: 7846 DENTON AVE.
ADDR2: BALTIMORE, MD./ 21219
PHONE #: 388-0645 LICENSE #:

NOTES
DLS/VLC

TRACT: BLOCK:
PLANS: CONST 0 FLOT 4 R PLAT 0 DATA 0 ELEC YES PLUM NO
TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT DETACHED GARAGE ON FRONT OF PROPERTY.
(WATERFRONT) 24'X4'X13.5'=576 EX. GR=4+OR-
MIN. SLB E. = 10.0

PROPOSED USE: SFD AND GARAGE
EXISTING USE: SFD

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 2500.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: GARAGE
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

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

Attachment G 1/1

2/20/03 Mtg w/: Tom Lorton

Dick Hutchins
Loretta Hutchins
Pat Fahl
Scott Pantel
Steve Hellinger
Jim Dieter
Ray Lust

J.D. — "We can't make the changes he wants but will present the case based on our judgment of circumstances" "To the Best of Abilities"

Attachment I 1/5

PIPER & MARBURY

CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3010
410-539-2530
FAX: 410-539-0489

WASHINGTON
NEW YORK
PHILADELPHIA
LONDON
EASTON, MD

WRITER'S DIRECT NUMBER
(410) 576-1758

January 19, 1994

Ms. Diana Hutchins
7844 Denton Avenue
Baltimore, Maryland 21219

Dear Diana:

Enclosed is a letter I received on Friday, January 14, 1994 from the Baltimore County Office of Zoning Administration and Development Management ("ZADM") responding to my inquiries regarding the status of action on remand in the case of the Gasker Property, County Board of Appeals No. CBA-93-114. After my calls to the Office of Planning and Zoning and the County Board of Appeals on September 27, October 7 and November 22, 1993 and my written inquiries of November 22 and December 5, 1993, I am provided with the enclosed correspondence. This level of non-performance, followed by yet another undisclosed communication which fails to even consider the proper issues, is without question the worst performance by a local government agency I have seen.

Mr. Thompson's letter to me of January 12, 1994 and Mr. Wasilewski's letter to Kenneth Meltzer of September 28, 1993, amount to non-sequiters. While these letters address the issue of location of the garage as an accessory structure in a residential zone pursuant to Section 400.1 of the Baltimore County Zoning Regulations ("BCZR"), they do not address any of the remaining zoning issues which we argued to the Board and they are not decisions of or Petitions to the Zoning Commissioner. Specifically, the issues of a non-conforming use in the Chesapeake Bay Critical Area and the expansion thereof pursuant to Section 307.2 of the BCZR are unaddressed. The Board specifically accepted our arguments that these provisions may be applicable (See pages three and four of the Board's opinion).

Finally, from a basic legal posture the letters are insufficient because the challenged building permit remains on remand with the Department of Environmental Protection and Resource Management ("DEPRM"). Until it is released and validated, the garage is an illegal structure.

All of the above notwithstanding, I want to provide you with a prognosis for this matter. It is clear to me that Baltimore County does not wish to see this case through to conclusion and is making every effort to bury it. I believe you face a series of extended arguments and meetings with ZADM much like your experience with DEPRM. I also believe that ZADM will be every bit as uncommunicative and unaccomodating as was DEPRM. The ultimate decision on whether or not a Petition to the Zoning Commissioner must be filed is probably appealable to the Board. If ZADM agrees with you and instructs the Gaskers to file a Petition (the Wasilewski letter, weak as it is, probably excuses the Gasker's non-filing), then you argue the fundamental fact and zoning issues to the Zoning Commissioner that were previously presented to the Board. In either event you are looking at several months, at least one quasi-judicial hearing, and significant legal costs probably equal to those already incurred. Please also remember that the facts of the case remain in controversey and that while I believe our testimony is the more credible, the Gaskers did not crumble and their version of events is corroborated by other witnesses.

All this must be measured against your potential benefit. Only you can place a value on "fighting the good fight" to make Baltimore County properly enforce its laws. Even if the garage were to be removed the fence erected by the Gaskers would remain. When I think back upon all of the illegal stuctures and uses I have encountered, I find very few that were ultimately discontinued by the local authorities. Especially in the case of structures, once erected, the momentum is clearly in favor of their continued existence.

Please advise me concerning how you wish to proceed. I will send a brief letter to Mr. Thompson today indicating my dissatisfaction with ZADM's response.

Sincerely,

Bill

James W. Brooks, Jr.

JWB/jwb
Enclosure

BALT04A:JWB:8065:1:01/19/94
17679-2

cc: Ms. Loretta Hutchins
Eric B. Miller, Esquire
Anthony L. Meagher, Esquire

BALT04A:JWB:8065:1:01/19/94
17679-2

ATTI 45

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 12, 1994

James W. Brooks, Jr., Esquire
Piper and Marbury
Charles Center South
36 South Charles Street
Baltimore, Maryland 21201-3010

Re: Case No. C-94-1062
Case No. C-93-1691
7846 Denton Avenue
12th Election District

Dear Mr. Brooks:

My apology for not responding to your original November 1993 letter in a more timely manner. Having reviewed the County Board of Appeals decision in Case No. 93-114 and the two referenced zoning violation cases, the Baltimore County Zoning Regulations are not being violated. Enclosed is a copy of a letter issued to Kenneth H. Meltzer, Esquire, dated September 28, 1993, wherein, Zoning Inspector Craig McGraw made a determination on July 13, 1992, that the garage was in the rear yard. Thus, Section 400.1 of the zoning regulations is being complied with. Furthermore, Inspector Len Wasilewski on September 24, 1993, made a re-inspection of the property and again verified that the accessory structure does not violate the law.

Based upon these facts, no enforcement action will be undertaken. If additional questions remain, please contact this office at 887-3351.

Sincerely,

James H. Thompson
Zoning Enforcement Coordinator

JHT/hek

Enclosure

c: Inspector Craig McGraw
Inspector Len Wasilewski

Printed with Soybean Ink

AHI 5/5

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 28, 1993

Kenneth H. Meltzer, Esquire
300 Allehgeny Avenue
Towson, Maryland 21204

Re: Proposed Detached Garage at
7846 Denton Avenue, 21219
Board of Appeals Case No.
CBA-93-114
Zoning Enforcement Case No.
C-93-1691

Dear Mr. Meltzer:

This letter is written in response to your letter dated September 24, 1993 wherein you requested that the Baltimore County Zoning Office determine whether or not the proposed (detached garage) use complies with the Baltimore County Zoning Regulations.

The Building Permit No. B136921 application was approved by the Baltimore County Zoning Office on July 13, 1992 with the notation on the bottom that Inspector Craig McGraw inspected the site and determined that the garage was in the rear yard.

We have received no evidence to dispute these facts and on the contrary we have subsequently received a site plan with an interior layout of the house that supports our findings.

In light of the above listed facts, the garage is correctly located in the rear yard pursuant to the Baltimore County Zoning Regulations and no petition and/or public hearing is required to determine the house orientation.

If you should have any further questions, please feel free to call me at 887-5681 or 887-3351.

Sincerely,

Inspector Wasilewski
Zoning Enforcement

LW/hek

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on Recycled Paper

Attachment N 1/2

PIPER & MARBURY

CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
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FAX: 410-539-0489

WASHINGTON
NEW YORK
PHILADELPHIA
LONDON
EASTON, MD

November 22, 1993

Mr. Arnold Jablon
Director of Zoning Administration
and Development Management
Mail Stop 1108
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

Piper & Marbury represents Diana Hutchins and Karlus Bowling in connection with an appeal regarding the construction by Max Anthony Gasker of a garage on property located on 7846 Denton Avenue, Baltimore County, Maryland in violation of the Baltimore County Zoning Regulations and the Baltimore County Code.

Enclosed is a copy of the opinion issued on August 19, 1993 by the County Board of Appeals of Baltimore County (the "Board") in Case No. CBA-93-114. The Board's order remanded Building Permit No. B136921 to the Department of Environmental Protection and Resource Management and ordered the Gaskers to file with the Zoning Commissioner, within forty-five days within the date of the order, such petition as they deemed appropriate to determine whether or not the proposed use complies with, or requires a variance from, the Baltimore County Zoning Regulations.

As of the date of this letter, based on multiple telephone conversations with the Board and with the Baltimore County Zoning Office, I do not believe that the Gaskers have either (i) filed an appeal of the Board's decision with the Circuit Court for Baltimore County; or (ii) filed a Petition with the Zoning Commissioner.

Accordingly, I believe that Building Permit No. B136921 is void and of no force or effect and that the garage at issue in this case is illegal. I respectfully request that the appropriate enforcement action be taken.

Please contact me if you have any questions or comments.

Sincerely,

James W. Brooks, Jr.

JWB/htw
Enclosure
cc w/o Enc. Ms. Diana Hutchins
Ms. Loretta Hutchins
County Board of Appeals
Mr. J. James Dieter
Ms. Patricia M. Farr
William O. Jensen, Jr., Esq.
Eric B. Miller, Esq.

Attachment 10

'16

TDH Landscaping

14820 OLD YORK ROAD • PHOENIX, MARYLAND 21131
Phone: 410-771-4247 • Fax: 410-472-4118

November 21, 2003

Grover and Loretta Hutchins
1 Stratford Road
Baltimore, MD 21218

Dear Mr. and Mrs. Hutchins:

Below is the breakdown for the topsoil and sod that was done on October 22 as shown on invoice #8175:

Install topsoil	1.5 hrs x $39.90	$39.90
Resod damaged lawn areas	6.0 hrs x $39.90	$239.40
Materials Used:		
Yards of topsoil	1.75 @ $23.20	$40.60
Square feet of sod	162 @ .20	$32.40
Total:		**$352.30**

Please let me know if I can be of further assistance.

Sincerely,

Kimberly Diehl Martin
Personal Assistant to Russell Irvin

BHO 2/6

TDH Landscaping

14820 Old York Road
Phoenix, MD 21131-1438
(410) 771-4247

Proposal

Date	Contract #
11/21/2003	03-631

Name / Address
Grover & Loretta Hutchins 1 Stratford Road Baltimore, MD 21218

Terms	Rep	Work Phone #	Home Phone #	Project	MHIC
net 30	RSI			03-631 Storm ...	5458

Description	Total
Replacement planting along *right side of backyard:* The area will be laid out as close to the original planting as possible. The dead plants will be removed and hauled away. Any remaining significant debris still on site needing to be removed can be done for an additional charge. The landscape beds will be edged and graded in preparation for plant installation. The beds will not receive any new amendments as they already exist from the original planting. The following plant materials will be installed: (12) Plumbago, qts (3) Red twig Dogwoods, 3 gal (4) Deciduous Hollies, 4' b & b (1) Leyland Cypress or Alaskan Cedar 4-6' (3) Calamagrostis, 2 gal (3) Miscanthus gracilliums or stricta, 2 gal (2) Sweetbay Magnolia, 6' NOTE: Varieties of plant materials selected will be based upon availability at time of purchase Initial _____ Total Price $3690.00 Draw Schedule to be followed: Amount: When $ 1/3 Deposit due upon acceptance of proposal $ Payment due upon _____ $ 500.00 Balance due upon completion of project	

Total

TDH Landscaping is a Division of TDH Nurseries & Landscaping, LLC

Client Copy

ATTO 36

TDH Landscaping

14820 Old York Road
Phoenix, MD 21131-1438
(410) 771-4247

Proposal

Date	Contract #
11/21/2003	03-631

Name / Address
Grover & Loretta Hutchins 1 Stratford Road Baltimore, MD 21218

Terms	Rep	Work Phone #	Home Phone #	Project	MHIC
net 30	RSI			03-631 Storm ...	5458

Description	Total
PLEASE READ THE WARRANTY INFORMATION ON THE BACK OF THIS CONTRACT AND SIGN	
Authorized Signature Lynn Martin Date 11/20/03	
Signature _____ Date _____	
Signature _____ Date _____	
Maryland Sales Tax	0.00
Total	$0.00

TDH Landscaping is a Division of TDH Nurseries & Landscaping, LLC

AHO 4/6

Summary of Loss

Claim # **CC076813QQ**

Adjuster
Stacy C. Liu
Phone
Fax

Encompass

9022 Heiritage Parkway
Suite 110
Woodbrigge, IL 60517
Phone (800) 340-3016 Fax (888) 262-0912

October 21, 2003

Insured Name HUTCHINS, GROVER & LORETTA
Loss Address 7844 DENTON AVENUE, BALTIMORE, MD 21052
Phone Number [redacted]
Other Phone [redacted]
Ins Company Encompass Insurance
Policy # 215259762
Ins Claim # CC076813QQ
Date of Loss 9/20/2003

Coverage - Real Property

East Elevation

		Repl. Cost	Depr.	ACV	OP	RD
Remove Interlocked Panels of Siding	**1092 SF @ $0.30** *	$327.60	$0.00	$327.60		
Per Alliance'e estimate, remove 28 (3' x13") interlocked siding panels to get to a starting point area.						
Replace Vinyl Siding	**586 SF @ $2.25** *	$1,318.50	$0.00	$1,318.50		
Per Alliance's estimate, replace 15 (3' x 13") of interlocked siding panels.						
Remove & Replace Metal Trim Vents	**2 EA @ $27.00** *	$54.00	$0.00	$54.00		
Per Alliance's estimate, 24-gauge coated metal trim on thru-wall vents.						
Minimum Charge Gutter Work	**1 LS @ $165.00** *	$165.00	$0.00	$165.00		
Coverage - Real Property Totals		**$1,865.10**	**$0.00**	**$1,865.10**		

Summary

	Repl. Cost	Depr.	ACV
Estimate Totals	**$1,865.10**	**$0.00**	**$1,865.10**
Maryland Sales Tax	$51.23	$0.00	$51.23
Total With Tax	$1,916.33	$0.00	$1,916.33
Less Deductible Applied ($500.00 Maximum)	-$500.00		-$500.00
Net Claim	**$1,416.33**	**$0.00**	**$1,416.33**

A copy of this document does not constitute a settlement of this claim. All figures are subject to company approval.

Price Database Legend
All prices from Maryland20030923
* = Modified

Statement

Claim # CC076813QQ A+10 5/6

Adjuster
Stacy C. Liu
Phone
Fax

Encompass

9022 Heiritage Parkway
Suite 110
Woodbrigge, IL 60517
Phone (800) 340-3016 Fax (888) 262-0912

October 21, 2003

Insured Name HUTCHINS, GROVER & LORETTA
Loss Address 7844 DENTON AVENUE, BALTIMORE, MD 21052
Phone Number (410) 382-7881
Other Phone (410) 243-1562 **Ins Claim #** CC076813QQ **Date of Loss** 9/20/2003
Ins Company Encompass Insurance

Abstract of Coverage

Policy # 215259762 **Effective** 7/25/2003 - 7/24/2004
Forms 115939A, 118599A, 128744A, G18538A, G18540A, G18542A, G18737B
Agency CONSOLIDATED INS CENTER INC
Agent

Coverage	Limit	Deductible
Coverage - Real Property	$355,000.00	$500.00
Coverage - Other Structures	$355,000.00	
Coverage - Tangible Personal Property	$355,000.00	

Coverage - Real Property

Coverage *$355,000.00*

	ACV Detail	Value	Loss	Claim
ACV Loss	**$1,916.33**		**$1,916.33**	
Less Deductible Applied	-$500.00			
ACV Claim	**$1,416.33**			**$1,416.33**

Total ACV Loss & Claim	**$1,916.33**	**$1,416.33**

A copy of this document does not constitute a settlement of this claim. All figures are subject to company approval.

ALLIANCE ROOFING & SHEET METAL, INC.

October 20, 2003,

Loretta & Dr. Grover Hutchins
7844 Denton Avenue
Baltimore, Maryland 21219

Scope of work

1- Remove damaged metal around 12 wood columns.
2- Supply new 24-gauge Kynar metal, shop fabricated covers to match the existing.
3- Pop rivets and vulkem caulk will be used at corners and connections.
4- Clean all debris from the job site.

Price: One Hundred Eighty-Five Dollars ($185.00) (per Column) or
Two Thousand Two Hundred Twenty Dollars ($2220.00)

Thank you for Alliance Roofing & Sheet Metal, Inc. to quote this project. If we may be of further assistance, please call.

Sincerely,

KEB

Karlus E. Bowling
Vice President

cc: quotes 2003
KEB/sckc

6420 Erdman Avenue, Baltimore, MD 21205 • (410) 483-7470 • (800) 932-6069 • Fax (410) 483-7471 • E-mail: allroof@allroof.net • Website: www.allroof.net

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

13

January 31, 1994

James W. Brooks, Jr., Esquire
Piper and Marbury
Charles Center South
36 South Charles Street
Baltimore, MD 21201-3010

RE: Case No. C-94-1062
7846 Denton Avenue
12th Election District

Dear Mr. Brooks:

Thank you for your letter, dated January 19, 1994, to Mr. Thompson. I think the issues you raise therein are very important and decided to respond myself. I take very seriously our failure to answer your letter of November 23, 1993. I will attempt to respond to you, if not to your agreement, then, at the very least, to provide an explanation.

I appreciate the concerns you raise, and understand that your client and you feel frustrated.

The Board of Appeals matter to which you refer involved DEPRM approval of an application for a detached garage. The Board on August 17, 1993 stated that the appellee file a petition the appellee "deems appropriate" to determine whether the garage complied with the Baltimore County Zoning Regulations (BCZR) or required a variance.

On November 22, 1993, you wrote and alleged that the property at issue was in violation of the zoning regulations and requested that we take action.

INAL 0

Your letter and the Board's order were reviewed and pursued by the zoning enforcement division, and, after two site inspections by an inspector, zoning enforcement concluded that there were no zoning violations and the the garage was in compliance. In fact, the permit issued for the garage notes that the site was visited prior to approval.

You obviously do not agree with this conclusion. I can understand that you don't, but I will not issue citations unless the inspector believes a

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on Recycled Paper

violation exists. The Board's decision does not require this office to order petitions be filed, but leaves this to the discretion of the appellee, if in fact the garage violates zoning. After inspection, it has been concluded that no violation exists, therefore, no petition is necessary. What relief would a petition request?

If you believe that the appellee was mandated to file a petition, then the remedy is to file a motion to the Board requesting that it so order.

The questions you raise in your final paragraph deserve response, and I will attempt to do so. There is no contested matter before this office. This does not excuse us, however, from the failure to respond to your letter of November 22, 1993. You deserved the courtesy of a response, and for that I apologize. We do not notify the Board in such cases, as historically the Board does not want to be notified. The Board in the instant matter did not so request, and, in the normal course of investigation of any matter that may be or has been before the Board, notification is not provided unless specifically requested. The enforcement division does not believe there are any violations of Sections 104.5 or 307.2 of the BCZR.

None of this means that you are going to agree with our conclusions. Your suggestion that a special hearing be held before the Zoning Commissioner is a viable option. You and your client have that right pursuant to Section 500.7, BCZR. If you believe that the issues deserve an open forum for discussion, review and decision, then the special hearing ought to be requested. The burden, however, will be with you to prove the alleged violations. If you wish to file such a petition, please call Carl Richards of the zoning plans review division for an appointment. He, or a planner, will be more that helpful in providing you with the information needed and in preparing the petition.

While the letter from Mr. Meltzer, dated September 24, 1993, is not a petition within the meaning of the law, it was sufficient to initiate this office's interpretation. The order of the Board was read and analyzed, and, pursuant to relevant law, case law and policy, it was determined that the garage was in the rear yard, that it met the setback requirements, and that there were no violations of the Chesapeake Bay Critical Area regulations. I attach a copy of the policy for accessory structures on waterfront property, which has been adopted as part of this office's policy manual, pursuant to the Baltimore County Code, Section 2-416, et seq.

I must admit that personally I have not reviewed the specifics of the alleged violations. Due to the volume of complaints, I must delegate that to the inspectors. Each inspector is an expert in interpreting and enforcing the zoning regulations, and I implicitly respect their knowledge. The conclusion that no violation exists is based on the inspector's knowledge and review.

Certainly, you are owed an apology for not receiving a response to your earlier letter, and do so here.

Sincerely,

ARNOLD JABLON
Director

AJ:eoh

Enclosure

c: Board of Appeals
J. James Dieter
William O. Jensen, Jr., Esquire
Kenneth H. Meltzer, Esquire

IN THE MATTER OF:	*	BEFORE THE
MAX GASKER -	*	COUNTY BOARD OF APPEALS
Legal Owner/Petitioner	*	OF
7864 Denton Avenue	*	BALTIMORE COUNTY
	*	Case No. 04-383-A
	*	April 28, 2005

* * * * *

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 21204, at 10 o'clock a.m., April 28, 2005.

* * * * *

Reported by:

C.E. Peatt

BOARD MEMBERS:

LAWRENCE STAHL, Panel Chairman
MARGARET BRASSIL
JOHN P. QUINN

APPEARANCES:

EDWARD C. COVAHEY, JR., Esquire
On behalf of Petitioner
J. NEIL LANZI, Esquire
On behalf of Appellants/Protestants

PROCEEDINGS

* * * * *

THE CHAIRMAN: Good morning, everyone. We are here on, I believe, day three of this matter in Case No. 04-383-A, in the matter of Max Gasker, legal owner/ petitioner, 7846 Denton Avenue, in the 15th Election District and 7th councilmanic District.

We are here, as I say, on day three, day two being February 22nd. This case arises from an April 15, 2004 Deputy Commissioner's Order in which requested variance relief was granted.

Counsel, for today, if you would put your names on the record.

MR. COVAHEY: Representing the petitioner/ appellee, Edward C. Covahey, Covahey and Boozer, 614 Bosley Avenue, Towson.

MR. LANZI: Good morning. Representing Dr. and Mrs. Hutchins, Neil Lanzi, 409 Washington Avenue, Suite 617, Towson, Maryland 21204.

THE CHAIRMAN: Good morning. Presuming we have nothing administrative to deal with, I understand today we have one witness?

MR. COVAHEY: Limited to cross examination of their expert Bruce Doak.

MR. LANZI: One preliminary matter. I might as well raise it now.

I have raised or have approached opposing counsel before the hearing. There has been a substantial change in the condition of the property since the last hearing. I thought it might be helpful for the Board to have photographs.

I propose we have a joint exhibit, it's just simply a joint exhibit, no testimony, and apparently he's not agreeable, so I am going to be requesting that that gets in somehow.

THE CHAIRMAN: It's still your case. Mr. Doak, you're a witness, so we're still in your case.

MR. LANZI: I was trying to simplify it.

THE CHAIRMAN: Mr. Covahey, your difficulty with this is what?

MR. COVAHEY: Here's what it is. This is the problem when you prolong these cases, of course, you know,

it's through no fault of the Board, but we are limited today to cross examination of Bruce Doak.

I'm not going into anything that's happened since our last hearing. I don't think it's at all relevant as to what my client has done with the property since the last hearing.

The only thing he's done with the construction has nothing to do with it. It's not relevant. Plus, we are limited today, as I understood it, to the cross examination of Bruce Doak.

THE CHAIRMAN: Let me take it one part at a time. We scheduled this in for a half day, a morning session, because there were indications from counsel that this was all that was left to be done.

MR. COVAHEY: One hour.

THE CHAIRMAN: We did not specifically limit and say -- it didn't come from the direction -- let me do it this way -- it didn't come from the direction of we are limiting what you can do. It came from the direction of, We don't have a lot left, which means we don't need a lot of time, which is entirely different.

Page 6

Now, let's go to your second objection, whether it's relevant or not, what's been done since then. It may or it may not be. It depends on what it is.

We are not a jury. We are a rather learned experienced Board. I would just as soon, with very little testimony, or no testimony, unless Mr. Covahey then decides he wants to get into it for any reason, because I'm not going to tie his hands if it's something you're presenting.

We are going to allow you to present the pictures with whatever minimal explanation as to who took them, when they were taken. We'll then look at the pictures and determine if we give them any weight, any interest, any importance, as the Board does on every exhibit, and we'll give it the weight to which we think appropriate under the circumstances.

If you want to comment as to their relevancy, certainly, we'll be able to here that. We may agree with you. It may lead us somewhere else. It depends on what the pictures show.

If it leads us somewhere else the Board needs to

Page 7

go in order to makes its determination, fine. If we decide it's not relevant, we're just not going to give it any weight or consider its weight to any particular degree.

So let's do this. Let's deal with Mr. Doak, because that's what everybody was prepared for doing. Let's get that done.

And after that, I am going to accept the proffer of what the pictures are. We'll mark them, give them numbers, and then I will give you the opportunity to comment on them, tell us why specifically they are not relevant, and we may or may not go any further right at that point, based on what you gentlemen say. And if it leads us anywhere else, we'll deal with that at that point. Okay.

MR. LANZI: With respect to the photographs, again, I think it would be helpful for the Board to have them during Mr. Doak's cross examination and redirect. This is what's there. It's built. The garage is built. I think the Board --

THE CHAIRMAN: That's fine, but Mr. Doak's

Page 8

testimony is not going to bear on that. If the photos are going to show that something is or that isn't there, show what something looks like or doesn't look like, that's the purpose of bringing them in.

I don't think is any testimony from Mr. Doak, for Mr. Doak to tell us, Well, it was built this way, that way, and put in this way or that way, it's not really the issue.

The issue is there's been a change on the property, there's been a substantial change on the property. We might or not might not be interested in knowing. But his testimony on it, I don't think, is really going to add or change anything, plus the fact he's not going to be prepared to cross examine.

MR. LANZI: The first time I saw these photographs were today.

THE CHAIRMAN: Well, that's why let's do it as a separate set, okay? Let's do Mr. Doak's cross examination.

MR. COVAHEY: One other point, if the Board pleases. When we set this in, we set one hour and we were

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supposed to start at 9 o'clock. I was called on Monday, and I had a commercial real estate closing set for eleven, which I moved back to twelve.

THE CHAIRMAN: We still would like to try to make all that, if we can get started. The quicker we get started, the quicker --

MR. COVAHEY: I feel like right now I'm up against the time.

THE CHAIRMAN: No, you're not. The quicker we get rolling, the quicker we get rolling. Join us, Mr. Doaks.

B R U C E E. D O A K,

having been previously sworn, was recalled, and testified further as follows:

THE CHAIRMAN: Once again, sir, I admonish you that the oath that you took previously in this matter is still binding upon you. If you would state your name, for the report.

THE WITNESS: My name is Bruce E. Doak. D-o-a-k. I'm a principal with Gerhold, Cross and Etzel, 320 East Towsontowne Boulevard, Towson, Maryland 21286.

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THE CHAIRMAN: And I apologize, because I called you Mr. Doaks.

THE WITNESS: That's all right.

DIRECT EXAMINATION

BY MR. COVAHEY:

Q. Mr. Doak, when you testified here previously, you defined the neighborhood as all Denton Avenue, is that correct? The neighborhood of the Gasker property.

A. I don't remember, sir, exactly how I defined it.

Q. Okay. The record will speak for itself. So then if you can't remember then, how do you characterize the neighborhood of the Gasker property?

A. It's a neighborhood of residential --

Q. No. What are the geographical boundaries of the neighborhood?

A. If someone was to ask, as you are, I would say that it's from the beginning of Denton Avenue, leading down the peninsula and having its boundaries set by the water on all sides.

Q. So you would agree that the Denton Avenue peninsula extending south from North Point Road would

Page 11

constitute the neighborhood, is that correct?

A. The immediate neighborhood, yes, sir.

Q. Now, I'm going to show you Petitioner's Exhibit 20, which is the Site Rite survey. I'm going to show you the Site Right survey that was done by young Mr. Moskunas. Do you remember?

A. I do.

Q. That shows the elevations of the Darby property and that shows the elevation of the Hutchins and shows the garage elevation?

A. Yes, sir, it does.

Q. And you had some problems with the spot elevations, do you remember?

A I had no problem with them.

Q. You agree with the elevations?

A. I do,yes, sir. I'm sure they are fine.

Q. Now, you testified with respect to the Hutchins property, an elevation at the corner of the Hutchins. Do you remember testimony to that effect? I will show you where the Hutchins is.

A. Yes, sir.

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Q. You would agree that the Hutchins elevation, that the Hutchins slab would be level, so the elevation of the slab for Hutchins would be the same as it faces Denton Avenue and would be the same as it faces Shallow Creek, do you agree with that?

A. Unless there's a step-down, which I don't recall that there is.

Q. If you look at -- let me show you -- the spot elevations between the slab and Hutchins. That's about a foot, two inches difference, is that correct? Look at the chart.

A. That is correct, sir.

Q. And you have survey crews in your office, is that correct?

A. We have four survey crews, yes, sir.

Q. You were here in court for what, two days?

A. Yes, sir, I have been.

Q. Did you send your crews out and run any topographical surveys?

A. No, sir.

Q. Did you go out yourself and run any topographical

Page 13

surveys?

A. No, sir.

Q. When you were a young guy, you used to do that?

A. Yes, sir, I did, many years.

Q. Now you've got four crews to do all that hard work?

A. And I am still a young guy.

Q. I will so stipulate you are. Now, I am going to show you what's been marked as Petitioner's Exhibit 10-A.

MR. COVAHEY: That's those pictures, Ms. Brassil.

Q. While Ms. Brassil is looking for 10-A, you were present in court when Douglas Kennedy testified?

A. Yes, sir, I was.

Q. Through your professional associations, you know Mr. Kennedy?

A. I do.

Q. I'm going to show you what's marked as Petitioner's Exhibit 10-A. Do you see that?

A. Yes, sir, I do.

Q. That would show substantially more water covering the Gasker property than covering the Hutchins property?

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A. That is correct.
Q. And would you say that is consistent with the elevations that are shown on the topographical maps?
A. It would be at least 1.3 feet more water in elevation, as to the difference in elevation.
Q. Now, remember the pictures that were introduced into evidence, they would be the protestants' pictures, I think they were ten also, Protestants' 10.
A. Yes, sir.
Q. It shows Mr. Lanzi standing up there on the porch. You took these pictures?
A. Yes, sir, I did.
Q. Can you identify that fellow standing up there on the porch on 10-A?
A. That's Mr. Lanzi.
Q. That purports to hold -- what's that? A twenty foot pole?
A. Yes, sir. A twenty foot stretch of hose.
Q. So this is from the ground right at the rear of Hutchins' property, is that correct?
A. That is correct.

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Q. Do you agree that the slab is one foot, three inches lower?
A. Correct.
Q. So if you use this from the lab, this should be one foot, three inches lower, is that correct? The elevation from the slab?
A. The top of that hose would be one foot, three inches lower if it was over at the garage site, yes, sir, that is correct,
MR. COVAHEY: I move that Exhibit 10-N be stricken because of the fact it doesn't show the elevation from the slab, which would establish the height of the garage and, therefore, it has no probative value.
MR. LANZI: I strongly object to that. The picture shows what it shows, a guy with a hose twenty feet from the ground to the point that's indicated in the photograph, which is the only reference point we can use without trespassing, and that shows the impact.
The Board can adjust a foot, three inches. I think the Board is perfectly capable of doing that. But the impact is what this case is about, the impact on the

Page 16

Hutchins, and it shows where the height of the garage will impact their view, and he can't have it both ways.
THE CHAIRMAN: Without any discussion as to whether or not this proves or shows anything or doesn't show anything, it's simply the fact of the matter that if you appropriately attack something, you attack its worthiness as an exhibit and its worthiness in terms of what he's trying to convince us.
The remedy for that is not to strike the exhibit. The remedy is to tear apart that which he's basing his case on. You've done your direct examination. We'll take your comment and whatever deficiencies you believe you pointed out into account as part of the determination we make, but I am going to deny your motion to strike, because striking it, we don't just take things in and take things out.
They are in. Whatever they are worth, after cross examination, is what they are worth, but we don't strike it.
MR. COVAHEY: May I see 10-G?
Q. Were you present in court when that appraiser

Page 17

fellow, Mr. King, testified?
A. Yes, I was.
Q. Do you remember how Mr. king was discounting values because he said that the Hutchins' view would be obstructed by the garage?
A. Yes, sir.
Q. Now, this 10-G, you took this picture, is that correct?
A. That is correct.
Q. And 10-G, where did you take this picture of 10-G from?
A. The second floor deck, balcony, of the Hutchins' residence.
Q. So isn't it true that the Gasker house also impacts the Hutchins' view?
A. That is correct.
Q. So you couldn't see the Bay Bridge or see how there anyhow because the Gasker house is in the way?
A. No, sir, that's not correct. That doesn't block the view of the Bay Bridge. You're looking what would be right over top of the existing garage now. That would be

Page 18

looking towards the bridge.
Q. And you don't know or not, looking over top of the twenty-foot garage, whether you can see the Bay Bridge or not, do you?
A. No, sir.
Q. You don't know that?
A. Well, from what vantage point? Let me ask that.
Q. Standing up there on the deck as you face Shallow Creek.
A. It would block the --
Q. You're saying you couldn't see any of the Bay Bridge from there?
A. No, sir.
Q. You don't know that?
A. No, I do know that. It would be higher than my head, the garage would.
Q. And the Bay Bridge is 163 feet in height?
A. I can't testify to that, sir. I don't know that.
Q. You would agree that Baltimore County says now when you build construction south of Back River, that you've got a ten foot, two inch flood zone to take into

Page 19

account in your construction? Do you agree with that?
A. Yes, sir. For a first floor livable space. That's the elevation you see for a first floor livable space, yes, sir.
Q. You would agree that the Site Right plat shows the Darby house, that the Darbys' elevation with the spot elevation is higher than the Gaskers'? That Petitioner's 20.
A. Can I see that piece of paper, please?
Q. I mean, the Darbys' is higher?
A. Yes, sir, it is.
Q. And in that contour map that you introduced into evidence, the topographical map, I think that was Protestant's Exhibit -- where you had the ten foot elevation contour, is that correct?
A. That's correct.
Q. So anyplace between the contours, it could be any elevation within the parameters of ten feet, is that correct?
A. I'd have to review the map. Again, I apologize.
MR. COVAHEY: Let me see the contour map, again.

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That's Protestants' Exhibit 11.
Q. Protestants' Exhibit 11, did you obtain this yourself?
A. No, sir.
Q. Where did it come from?
A. Dr. Hutchins obtained it, but it's easily obtained many different places.
Q. What are the contour lines that are shown on Petitioner's 11?
A. Okay. What this shows is a contour line of ten foot in elevation running down along and paralleling approximately the shoreline all along the peninsula and back up the other side.
It would be the brown line shown on the plan and labeled with a ten, meaning elevation ten foot.
Q. You would agree that only shows ten foot contour lines, is that correct?
A. It shows where the --
Q. -- ten foot?
A. -- where the ten foot elevation is.
Q. So between ten and twenty? If it was a twenty

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foot contour line, it could be any distance in between them, is that right, in elevation?
A. That is correct.
THE CHAIRMAN: Just for our edification, just show me or the Board for a moment what lines you were asking him about.
THE WITNESS: I am pointing at the peninsula right there. If -- there is the ten foot contour right there in brown. See where it's labeled ten?
It comes down, wraps around here, comes down and parallels the shoreline, comes back up this side and around.
THE CHAIRMAN: The "peninsula" being the subject peninsula?
THE WITNESS: That's correct.
Q. You would agree that as compared to the areas north of Gasker, Hutchins and Darby, that generally all the rest of Denton Avenue, the properties are higher elevations? The closer you go to North Point Road, the elevation generally increases, is that correct?
A. It depends on which part of their property it is.

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When you're talking about up closer to the road, yes, it does rise.

But much of the shoreline is about the same elevation of Hutchins, Darby and Mr. Gasker's.

Q. You will agree that between Hutchins, Darby and Gasker, the Gasker property is lower as shown on Petitioner's Exhibit 20, is that correct?

A. Between Mr. Gasker and the Darbys, it's about Three inches.

Q. You mean one foot, inches?

A. No. Between Gasker and Darby.

Q. Between Gasker and Darby?

A. Yes, sir.

Q. But between Hutchins, it's one foot, three inches of property?

A. That's correct, between the garage and the slab for their house, yes, sir.

Q. Do you remember testifying about nonconforming use?

A. Specially, what?

Q. You testified that when the garage was destroyed,

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it was a nonconforming use, and you said that the proposed garage was greater than, you said, twenty-five percent based on cubic feet. Do you remember testifying to that?

A. Yes, sir.

Q. Why do you say this is a nonconforming use?

A. I said if it was, if it was deemed to be, then it would be -- it would exceed -- that's not a determination.

Q. But there's no evidence in this case that it is or was a nonconforming use?

A. That's why I didn't stipulate that it was or was not, for sure.

MR. COVAHEY: I'd move to strike that testimony as not be relevant. What difference does it make?

MR. LANZI: Objection.

THE CHAIRMAN: My ruling will remain the same. The point is made, Mr. Covahey.

Q. Now, remember, I think you said that the increase based on cubic feet was greater than twenty-five percent, do you remember testifying to that?

A. Yes, sir.

Q. Now, I'm going to show you Section 104.3 of the

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Baltimore County zoning regulations. I want you to read to the Board that first sentence.

A. No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than twenty-five percent of the ground floor area of the building so used. Shall I continue?

Q. Where's it say anything about cube?

A. This -- it does not.

Q. You agree that it's based on square footage?

A. Unless the further exclusion pertains to this case.

Q. You don't have any knowledge whether it does or doesn't, is that correct?

A. I haven't researched that, if it is an exclusion to this.

Q. And you would admit that the ground floor area of the structure replacing the garage damaged by Isabel is approximately the same square footage of floor area, would you agree with that?

A. Yes, sir. Approximately.

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MR. COVAHEY: No further questions.

THE CHAIRMAN: One second. Okay.

REDIRECT EXAMINATION

BY MR. LANZI:

Q. Mr. Doak, you were asked questions regarding the difference in elevation between the Darby property and the Gasker property, is that correct?

A. That is correct.

Q. Was I hearing you correctly when you said the difference was three inches?

A. From the shots that Site Right took, it was a three inch difference.

Q. Would the difference between -- I'm not sure -- maybe if you can explain this to me and the Board -- at what point is the difference between Hutchins and Gasker one foot, three inches in elevation?

A. Between the shot that was taken on the ground at the corner of the house, which would be the slab or the elevation of all the ground floor, and a ground shot taken at the slab of the proposed and now built garage.

Q. In the world of surveying, would the three inch,

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one foot three inch difference be considered significant as far as elevation difference?

MR. COVAHEY: Objection.

THE CHAIRMAN: He can give his opinion.

MR. COVAHEY: I want to cross examine him on the world of surveying.

Q. In your opinion, is there a significant difference when you have a three inch difference between elevations as between the Darbys and Gaskers, is that a significant difference in elevation?

A. No, sir, we don't consider the three inches significant enough that -- ground varies quite a bit, so three inches would not be significant.

The one foot, three inches would be significant enough that we would shoot both spaces anytime we had a chance because it would be that much difference in elevation.

Q. With the map that has the brown lines showing on the edge and testimony you just made, would it be fair to say that the Hutchins -- I'm sorry -- the Gasker and Darby property are essentially the same elevation?

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MR. COVAHEY: Objection. That's for the Board to determine.

THE CHAIRMAN: He can give his opinion, whether we agree or not.

Q. Are they close?

A. Very close, yes, sir.

THE CHAIRMAN: That was Hutchins and Darby?

MR. LANZI: Darby and Gasker.

Q. Just so the Board is clear, Gasker is at the end of the peninsula, and Darby is right next to it?

A. They are the two sites that mirror in approximate size, shape, and the frontage on the water.

Q. A few more questions. Mr. Doak, in your opinion, based on the records and all the testimony that you have heard, in your opinion, would the Gasker property, or is the Gasker property unique in a manner that is different from the surrounding properties such that that uniqueness causes the zoning regulations to impact disproportionately upon the Gasker property?

A. No, sir.

MR. COVAHEY: Objection.

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THE CHAIRMAN: He's an expert. I'll allow it.

Q. What would that opinion be, or based on?

A. That's based on the Gasker and the Darby property are so very similar in their size, their elevation, their positioning on the water, their frontage, their shape, that, no, it would not be unique in that respect, and would not be detrimental.

MR. COVAHEY: I move to strike all this because I never asked him on direct examination for such an opinion.

This clearly exceeds the scope. We covered all that.

THE CHAIRMAN: I'm going to allow it, and allow you to cross examine. Go ahead.

Q. Follow-up question. In your opinion, would strict compliance with the zoning regulations as to the garage and the height, would that unreasonably prevent Mr. Gasker as the property owner from using his property for a permitted purpose?

MR. COVAHEY: I object, because I very carefully limited my cross examination. The only thing he's doing, because he's getting the last crack, is to refresh in your

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minds and cover all the stuff that he covered on direct examination, and I will object strenuously.

THE CHAIRMAN: Well, I've always been a little more liberal when we have a separation of cross examination and redirect to be able to go back to some agree.

Having said that, let's not rehash all his testimony because it doesn't make a difference whether we heard it before or whether we hear it last, because we are going to hear it from you both again in your memos.

So we'll hear your side, whether it is or is not, and his side, whether it is or is not, in writing, at the same time.

So it really doesn't make a difference in terms of convincing the Board.

MR. COVAHEY: I'd like to put him back on to rehash all our testimony if he's keeps on going.

THE CHAIRMAN: After his case, you have got a rebuttal case, should you decide to avail yourself of it.

MR. LANZI: For the record, the questions were asked in such a way --

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THE CHAIRMAN: Don't fight with me. I'm agreeing with you, Mr. Lanzi.

MR. LANZI: Okay. If we could have two of the exhibits, I believe it's Protestants' 10 and Petitioner's 13.

Q. You testified previously regarding me holding up a hose. If you could just clarify for the Board the height of the hose, contrasting that with the height of the pole in Protestants' -- I'm sorry -- Petitioner's No. 13, taking into account that one foot, three inch difference you are already testified about?

A. As I said before, Mr. Lanzi is holding up a thirteen -- I mean, a twenty foot section of garden hose. I measured it. It was measured from the ground, at the Hutchins' ground, at the Hutchins' house, and it was held up.

As you can see from Protestants' 10-N, it takes up most, if not almost considerably all, of the porch area on the second floor. In contrast to Petitioner's Exhibit 13, say, five or four, Mr. Covahey is correct in there's a one foot, three inch difference in elevation, but as you

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can see from their exhibit, it still, once again, takes in almost all of the porch area on the second floor.

THE CHAIRMAN: I would say, counsel, we have been through this, so there is really nothing new coming in.

MR. LANZI: I just wanted to be clear on the impact, and I guess at this point -- before I get there, at this point, I think it's very relevant to the case, these photographs that represent the structure that has been built since we had our last day before the Board.

THE CHAIRMAN: That may be, and I said we'll deal with that, but why is that relevant? If something has happened on the property, it's happened. If it hasn't happened, it hasn't.

If you have pictures of what's happened on the property, I don't see where that bears on Mr. Dock's testimony.

MR. LANZI: It bears on it in that Mr. Doak can take the testimony he just gave regarding the twenty feet -- excuse me -- one foot, three inches, and the fifteen feet difference --

Let me back up a little bit. The garage is

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allowed to be fifteen feet. There were a lot of questions from the Board over the other two days about what's the difference, what can we see, back and forth between the fifteen versus the twenty.

Well, this actually will show you the difference. The hose is held up to twenty feet. This will show what it's like at fifteen feet.

THE CHAIRMAN: But that's my point.

MR. LANZI: He testified about blockage of the view of the Bay Bridge.

THE CHAIRMAN: That's my point. I don't think we don't need his conclusions about what comparisons of the pictures may show. If you want to give us the pictures, we'll give them the weight we think appropriate under the circumstances, and we'll draw our own conclusions from both sets of pictures, if you want to allude to them in your memo.

MR. LANZI: Yes. Then I have nothing further of Mr. Doak.

THE CHAIRMAN: Anything further?

MR. COVAHEY: Nothing further.

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THE CHAIRMAN: Thank you, Mr. Doak.

THE WITNESS: You're welcome.

THE CHAIRMAN: Now, let's see those, and if you want to proffer, I will accept your proffer as to who took them, and when they were taken.

MR. LANZI: I will proffer these photographs were taken by Dr. Hutchins over the past few months since the last hearing, and that they are a fair and accurate representation of the garage in construction to where it is today.

THE CHAIRMAN: Now, before we see them, have you seen them, Mr. Covahey?

MR. COVAHEY: I haven't seen them.

THE CHAIRMAN: You're going to look at them. We are going to look at them. And then I am going to hear from you both. Just out of curiosity, assuming there's no rebuttal testimony, is there any other testimony other than what we just finished?

MR. COVAHEY: I want to re-try my case.

THE CHAIRMAN: Certainly looking forward to it, but perhaps on another day.

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MR. LANZI: They will be 12-A through --

THE CHAIRMAN: Just remember, gentlemen, we have seen all the previous pictures, we have seen different angles that everybody has taken from different levels.

Okay. Gentlemen. Here's the Board's feeling on the pictures, and then if you guys want to be heard, I will be happy to hear you.

The pictures are of an area and of different views, which we have seen from previous photographs, so we know what everything is, and we know what the spacial comments were previously.

I'm willing to say, on behalf of the Board, that I don't know that it changes the underlying legal questions that this Board has to resolve. It's nothing more, frankly, than what the parties have been discussing and what one party has been proposing.

I think we have one question in terms of location from your proffer as to where somebody was standing when a picture was taken. But beyond that, I don't see anything objectionable.

I will be frank with both of you and say that I

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don't see that it's breaking any particular new ground one way or the other on any of the legal issues of variance and uniqueness and any of those things, and even the second half of Cromwell. I mean, it really doesn't add anything to that argument one way or the other.

It's interesting and it shows us or gives us some better feel possibly for what the perspective may be. Whether that helps or hurts, I'm not prepared to say to anybody, either side.

We have one question, Mr. Quinn has one question at least as to perspective from the Board, and I am willing to hear you, but with those comments, we are going to mark them and accept them for whatever value the Board may give to them.

But I will be quite frank with you to say that I don't really see them altering the legal issues.

MR. COVAHEY: Understanding that we have a record, I'm objecting to the admissibility of the pictures, and based on the fact that the building permit that has been introduced into evidence authorized him to construct an improvement, to proceed at your own risk, and

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that what I'm going to have to do now, if you admit them into evidence, is have Mr. Gasker take the witness stand, because it's re-opened the case, essentially.

THE CHAIRMAN: To say what? Proffer what he would testify to.

MR. COVAHEY: He would testify that he had to do something. Summertime is coming. He has to have a storage area for his lawnmowers and all.

So that shows a fifteen foot garage in process of construction. He would further testify that he has not yet installed the cross ties, that it would impact the area on the second floor in a limited storage capability because of the fact you have to have the cross ties.

So the pictures are misleading because it shows the process of construction. And he is prepared to remove the roof, and what he wants to do is to put the twenty foot garage up, and I submit if you consider these pictures, psychologically, you put him at a disadvantage because you look at it and you say, Well, this guy has gone ahead in the interim while this thing has been dragging along and he's building a fifteen foot garage,

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and we're not going to give him the variance, heck, he's got it there, he's got some storage, and that's the end of it.

So I submit that this substantially impacts our position, that it's not relevant to any of the issues, because the issues are based on the testimony, not what he did in the field.

THE CHAIRMAN: And my comment to you, Mr. Covahey, and I understand we're making these for the record, I appreciate your concern for keeping the Board as clear of mind and as focused as you can on the true legal issues of the case, and I appreciate that.

I, for one, don't think that there is any psychological damage to me. This is still simply, as all variance cases are, a matter of the application of the applicable law to it. I am always willing to take pictures. Pictures are nice, let's us put some flesh to some things. I will accept your proffer just as you put it.

MR. COVAHEY: The proffer has been accepted?

THE CHAIRMAN: I will accept your proffer as to

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what your client would say in terms of what he did and why he did it.

I don't know that -- in fact, I do know our decision will be based on the law that's applicable, and whether the testimony established that which needs to be established for the granting of a variance. Simple as that.

So, once again, I'm ruling that we accept the pictures, so I don't think there's anything you need to say at this point. We are going to give them 12-A through G.

Now, do you want to ask a question? We do have one question in terms of just where a particular picture was taken. Counsel can come up and look so we don't have to pass them back and forth. There's a picture taken out of a window. What window is that?

DR. HUTCHINS: That's from the upper level.

MR. COVAHEY: Let the record reflect that Mr. Lanzi is now recalling Dr. Hutchins to the stand.

THE CHAIRMAN: No. This is the Board's request. Go ahead, Doctor.

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DR. HUTCHINS: It's taken from the upper level of our house.

THE CHAIRMAN: That's E.

DR. HUTCHINS: This is showing --

THE CHAIRMAN: No, no, no. I don't want you to comment. I asked a simple question, where were the pictures taken from.

MS. BRASSIL: "Upper level," meaning top level?

DR. HUTCHINS: Yes.

THE CHAIRMAN: That's all we need.

MR. LANZI: For clarification, the very top level or the living space?

DR. HUTCHINS: The living space.

THE CHAIRMAN: That's how I took it, and that is simply part of the proffer where they were taken from and when they were taken. Okay. Do we anything else? Yes, sir. First of all, Mr. Lanzi, is that your case?

MR. LANZI: That's our case.

THE CHAIRMAN: Mr. Covahey, Mr. Lanzi has finished his case. Do you have any rebuttal testimony?

MR. COVAHEY: I just want to point out I would call Mr. Gasker to show -- Mr. Hutchins said they were taken from the second level -- that there's a third level over and above that.

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THE CHAIRMAN: We understand. Any rebuttal case beyond that?

MR. COVAHEY: No, sir.

THE CHAIRMAN: Okay. That would appear to complete the testimony.

What we are going to do it this. As I already indicated to you gentlemen, we are going to do memoranda in lieu of closing arguments.

Again, you know, I make no bones about saying this Board prides itself on making its decisions based upon the applicable Maryland law and the testimony that's been presented that bears upon that applicable Maryland laws because the Circuit Court is going to hold us to Maryland law, and that's the basis upon which we are going to make this decision. Thirty days? Let's pick a date. Off the record.

(Discussion held off the record.)

THE CHAIRMAN: Today is the 28th. June 15th,

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memos due. Okay. A deliberation will be set after that, and we wish everybody a nice beginning of the summer and a good Memorial Day weekend.

(Hearing concluded.)

* * * * *

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IN THE MATTER OF:	*	BEFORE THE
MAX GASKER -	*	COUNTY BOARD OF APPEALS
Legal Owner/Petitioner	*	of
7846 Denton Avenue	*	BALTIMORE COUNTY
15th Election District	*	CASE #: 04-383-A
7th Councilmanic District	*	December 1, 2004

* * * * *

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 21204, at 10 o'clock a.m., December 1, 2004.

* * * * *

Reported by:

C.E. Peatt

APPEARANCES:

EDWARD C. COVAHEY, JR., Esquire
On behalf of Petitioner

J. NEIL LANZI, Esquire
On behalf of Protestants

PROCEEDINGS

* * * * *

THE CHAIRMAN: Good morning, everyone. We're here in the County Board of Appeals for Baltimore County, December 1, 2004.

We're here in Case No. 04-383-A, in the matter of Max Gasker, legal owner and petitioner. The address is 7846 Denton Avenue, in the 15th Election District and 7th Councilmanic District.

We're here relative to an April 15, 2004 Deputy Zoning Commissioner's order in which a requested variance was granted by him. Counsel, if you will, for the record.

MR. COVAHEY: Representing the petitioner, Edward C. Covahey, Jr., Covahey and Boozer, 614 Bosley Avenue, Towson 21204.

MR. LANZI: Neil Lanzi, on behalf of the protestants Dr. and Mrs. Hutchins. My address is 409 Washington Avenue, Suite 617, Towson, Maryland 21204.

THE CHAIRMAN: Thank you, gentlemen. Good morning all.

I notice there are some folks sitting in the hearing room. If one of you gentlemen, during the course of the proceedings today, will get a piece of yellow paper, we usually like to have the reflect folks who have come today. I will depend on you all to take care of that, to work that out. Anything administrative, or procedural, before we begin?

MR. COVAHEY: Mr. Chairman, members of the Board, I would just make a brief opening statement to orient you to the petition that's before the Board.

As the Chairman has pointed out, this is a very limited request for a variance. What the petitioner is requesting, that he be granted a variance from the Baltimore County zoning regulations, Section 400.3, to construct a garage as an accessory building that is twenty feet in height in lieu of the restricted fifteen feet, and with respect to the request, the garage that we are requesting the variance for, would replace a garage that existed on the property and was destroyed on September 18, 2003, when Hurricane Isabel came in and devastated the lower part of Baltimore County.

We have an aerial that I would just point out

what's involved and where the property is. The property is off of Old North Point Road, and you're actually in the southeastern or southernmost extremity of Baltimore County. And if you go down the beltway, get on North Point Road, get on Old North Point Road, you're almost at Ft. Howard Hospital, where Denton Avenue, where the property is located, intersects Old North Point Road.

And if you look at the aerial, Old North Point Road proceeds on south and terminates about a mile further east or southeast at Ft. Howard, the Veterans Hospital. Of course, during the war of 1812, that's where the British landed. Of course, we all know they marched on up North Point Road.

The property involved in this petition, and within the mandate of Cromwell versus Ward -- which we're all familiar with with respect to variances -- this property is unique and peculiar when compared to the neighboring properties where, for several reasons, one of which is that if we look at this property -- and the property appears right where I put my pen, that this

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introduce -- that this property, as opposed to virtually all the other properties, is surrounded by water on actually more than two sides.

If you took a compass, I don't know whether it's 200 degrees or 220 degrees, but there is water clearly on two sides of the property.

Next, this property sustained more water and catastrophic damage as a consequence of Isabel than the surrounding properties.

Our evidence will show this property, that is the Gasker property, is about a foot, 1.3, 1.5, feet lower than the property next door of the protestants, the Hutchins.

Our property is improved by an A-frame, and the A-frame, by its very nature, has very limited storage above ground.

The entire lower level of the house -- and we'll have pictures to show this -- everything in the lower portion of their house was damaged by Isabel. Items they had stored in the garage, almost $20,000, were destroyed by Isabel.

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There was a garage existing on this property. The garage that existed on the property was a frame construction, two-by-fours, and we'll show you the pictures that it was completely demolished.

And I know that one of the things that aggravates the protestants is, I think portions of the garage may have hit their house, and it's something the neighbors were concerned about.

The replacement garage will be of masonry construction and our expert testimony will tell you that the masonry construction will withstand any future floodwaters, and the practical difficulty and unreasonable hardship is occasioned by virtue of the fact that without the variance, we have no place to store, Mr. Gasker has no place to store, his personal possessions.

What he wants to do with the new garage, with the twenty feet, is to have an area where he can store his personal possessions, and he'll tell you that his insurance did not cover the personal possessions in the garage, that he's got an itemized list of everything that was destroyed as a consequence of Isabel.

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So I would submit, and another reason, that a portion of the whole neighborhood is in itself, the lower portion of the property, is unique, the whole peninsula is unique from the area in the back because of North Point Road.

You have an elevation of almost nine feet. You come on down to Gasker. Gasker is like 5.1 feet down where the garage is.

So that the property is clearly unique for at least three reasons, and we would submit that after you have heard all the testimony in the case, that it would be appropriate for you to find, one, that the property is unique, there are peculiar circumstances with respect to this property and, in addition, that we have got a practical difficulty and unreasonable hardship because we can't make full use of our property when you have to take into effect the practical considerations of Isabel.

I mean, this was a horrible catastrophic event. Fortunately, living on the water, I have personal experience, so it's very easy to sympathize with these folks.

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But over and above the sympathy, I think legally the Board would be mandated to grant this variance.

One other thing that's going to come out, and I want to alert you, and it's mentioned in the opinion of Deputy Zoning Commissioner Murphy, and that is -- and I would submit that it's not relevant, that it's not material -- that back in 1982 when the petitioner Max Gasker built the predecessor garage, '92 '93 -- relax, it's only a year, doesn't make any difference -- when he built the predecessor garage, that the next door neighbors protested, had a hearing before the County Board, and they got involved in some issue about what's the front on the water, claiming it wasn't an accessory building at all, and Commissioner Murphy, in his opinion, he touches on that and says they could have appealed that decision of the County Board, the whole thing went adverse to them, they could have requested a special hearing before the Zoning Commissioner.

They didn't do any of those things. And what we're doing is -- and it's the exact same footprint that we had before, it was twenty-four feet times twenty-four.

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The new garage that we've got the building permit for is twenty-four times twenty-four, and we are seeking to build it five feet higher, and I will object to all this testimony.

Of course, ultimately, you're going to have to rule on it. But I think it's important to keep this thing to the simplest terms, are we entitled to the variance, and what happened in the past has absolutely nothing to do with the issue that's before the Board today. Thank you.

THE CHAIRMAN: Thank you, Mr. Covahey. Mr. Lanzi.

MR. LANZI: Mr. Chairman, members of the Board, if I can use the petitioner's exhibit, I represent Dr. and Mrs. Hutchins, who are immediately next door to the petitioner's property here shown on the plan, and I would submit that not only is the past extremely relevant, but absolutely critical to this case, and I will be discussing that in our case.

Deputy Zoning Commissioner Murphy sought fit to mention it as he felt it had some relevance.

There is quite a history to this case, and the

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Hutchins have been living there for several years, and before them, a family member also was on the property.

This is a variance case, but there are some other issues that are pertinent, and we'll submit establish that this garage -- whether it existed or not, we'll probably never know back in the early or late eighties and into the early nineties -- was apparently rebuilt back in 1992 or '93, without a permit.

Litigation ensued. Ultimately, it was finished. It's there. And then they came down with Isabel.

Putting that aside, probably everybody in the room had some kind of impact from that. I know I did, and I don't live on the water, but that's not a reason to grant a variance.

It has to be, the property that has to be unique. We'll establish that it is not unique. There is case law that I reviewed that does not fit the definition of what a unique property is all about.

I mean, it's patently obvious these are all waterfront properties. Every one of them was subject to a storm surge.

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That's one of the reasons Deputy Commissioner Murphy gave for granting the variance relief below.

This property is somewhat larger than some of the other properties, but it is almost identical to the property right next door, so I don't think you get to the second stage of Cromwell v. Ward as far as practical difficulty.

If you do, convenience to the petitioner is not a reason. It would be nice to have more storage and keep your personal items dry. And, yes, it's a shame that some property was damaged.

But this is a significant -- it's a large piece of property. It's a nice sized house. And there are other places for storage.

Not only will we be objecting to the variance height which will have a dramatic impact on the views and ultimately the value, which we'll establish by expert testimony, we'll be submitting that it doesn't belong there at all.

So it will be the height and the location. If you don't consider the location, the height itself has a

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dramatic impact on the Hutchins' use and enjoyment of their property.

And, certainly, if it is not allowed to be built up to the twenty feet, it won't be preventing the petitioner from reasonably using their property.

I won't go into much on opening other than saying we'll have expert testimony to establish as far as the unique argument and the practical difficulty evaluation and, of course, Dr. and Mrs. Hutchins who live there and the impact on that. So with that, we are ready to go forward.

THE CHAIRMAN: Thank you, Mr. Lanzi. Mr. Covahey.

MR. COVAHEY: Mr. Commissioner, at this time we'll call Max Gasker to the stand.

M A X G A S K E R,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. COVAHEY:

Q. State your name for the record, sir.

A. Max Gasker.
Q. What is your residence address?
A. 7846 Denton Avenue, Baltimore 21219.
Q. Where's Denton Avenue located?
A. Denton Avenue is southeast Baltimore County, off of Old North Point Road and Ft. Howard.
Q. How old are you?
A. Fifty-two.
Q. Where did you grow up?
A. Edgemere, Maryland, which is five miles north of Ft. Howard.
Q. So you have been familiar with this area for how long?
A. As far back as I can remember.
Q. Where do you work?
A. I work at the Walter's Art Museum in Baltimore City.
Q. What is your position there?
A. Engineering technician.
Q. Would you say you have a background in maintenance, is that correct?

A. That is correct.
Q. Construction?
A. Construction. Mechanical maintenance.
Q. The property that's located at 7846 Denton Avenue, when did you buy that property?
A. 1983.
Q. When you bought that property, tell us about when you bought it. Is it different now than it was when you purchased it?
A. Oh, yeah, much different. When I originally purchased it, it was lot number twenty-four on the O'Leary plat. Two houses existed on the lot, as well as the remnants of an old detached garage structure on an existing concrete slab and a ten-by-ten wooden structure on the south tip of the peninsula, or the south tip of the property.
Q. Slow down a minute now. I want to show you something and ask you if you're familiar with the subdivision plat of the overall Denton Road property, is that correct?
A. Yes.

Q. I'm going to show you what will purport to be the subdivision plat. Is that the subdivision plat?
A. Correct.
Q. Your lot on the subdivision plat would be what number?
A. Number twenty-four.
Q. Mark that with a red big "X."
A. (Indicating.)
MR. COVAHEY: Before I introduce this into evidence, just for the record, I would like to ensure that we have the petition for the variance which is part of the record. I wanted to make sure that's there.
We would have the metes and bounds description of the property that's there and also the plat that's filed.
I would introduce separately the metes and bounds description and the plat that was filed with the zoning application.
I give a copy of these documents to my brother, and I would offer these documents as metes and bound description, and we would offer the plat that was filed, it would be Petitioner's Exhibit No. 1.

Q. I show you this document. Is that the plat that was filed with the zoning application?
A. Yes, it is.
MR. COVAHEY: I submit that as one, if the Board pleases.
MR. LANZI: No objection.
MR. COVANEY: I would submit the photogrammetic of the zoning maps showing all the properties are zoned D.R. 5.5.
Q. Is that correct?
A. That is correct.
MR. LANZI: No objection.
MR. COVAHEY: I would offer this as Exhibit 2. I would offer the metes and bounds description --
Q. That's the metes and bounds description you submitted with the zoning application, is that correct?
A. Yes, it is.
MR. COVAHEY: Metes and bounds description of the property, I would offer that as Exhibit 3.
MR. LANZI: No objection.
MR. COVAHEY: And the subdivision plat that we

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have marked with the "X," we would submit that as Petitioner's Exhibit No. 4.

MR. LANZI: No objection.

MR. COVAHEY: I show that to my brother, if the Board pleases.

Q. Now, go back again. When you bought the property, what existed on the property?

A. Well, it was two summer homes. Single level. The remnants of a detached garage structure, a wooden structure, on a concrete slab, and a ten-by-ten wooden shed type of structure that was located on the southern tip of the lot.

Q. You say you then subdivided lot twenty-four, is that correct?

A. That's correct.

Q. In order to do that, you had to file a plat with Baltimore County, is that correct?

A. That's correct.

Q. I am going to show you a document that purports to be the subdivision plat.

MR. COVAHEY: I will give a copy to my brother as

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well and offer that as Petitioner's Exhibit No. 5.

MR. LANZI: Can I have a minute to look at it?

THE CHAIRMAN: Sure. What year is that?

Q. That would have been March 31 of 1988, is that correct, Mr. Gasker?

A. Correct.

Q. The plat we're talking about while my brother is looking at it, this is the plat that you filed for purpose of the subdivision?

A. If I remember correct, that's correct.

MR. LANZI: No objection.

MR. COVAHEY: We offer that as Petitioner's Exhibit 5.

Q. Tell us what that shows on there.

A. Well, it shows the two existing houses that were on the lot and the subdivision lines, the new property lines that were established to subdivide.

Q. Now, with respect to the subdivision of the property, what kind of houses existed when you purchased it?

A. They were what I would classify as a summer home

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They were single level. I would say approximately twenty-two feet wide by thirty feet long.

Through the years, a bathroom was added on and an additional kitchen.

There was no central heating, no central air conditioning. It was one large propane furnace located in the center of what would be the living room.

Q. Did you ever live on the property?

A. Yes.

Q. In one of those houses?

A. Yes, I did, since I purchased the property.

Q. So you purchased the property back in 1983, you purchased the property?

A. Yes.

Q. So you resided in one of the existing dwellings?

A. Yes.

Q. Which dwelling was that? Is that the one closest to the water, or furthest away from the point of the peninsula?

A. The closest, the southernmost house.

Q. When you subdivided the property, you created

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another lot, is that correct?

A. That is correct.

Q. Did you sell that lot to anybody?

A. Yes, I did.

Q. Who did you sell it to?

A. A young couple, Diana Hutchins and Carlos -- I don't remember his last name -- Baldwin, I believe.

Q. What did they do with the house that they bought?

A. They rented it.

Q Did they ever improve it?

A. Not that I can recall. The outside pretty much stayed the same.

Q. And Ms. Hutchins, is she related, to your knowledge, to the protestants that are here today?

A. I believe that's their daughter.

Q. After you purchased the property, did you have occasion then to do anything with respect to your improvements?

A. To the main house?

Q. Yes, the main house.

A. Just aesthetics. Repaired some of the walls that

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were in need of repair. Some exterior painting.
Q. When did you build the present house that's there?
A. That was built around 1990.
Q. So what happened to the other house? Did you raze the other house?
A. Yes, I razed the old house.
Q. Now, the site where you're seeking the variance for the garage, when you purchased lot twenty-four back in 1983, what was there where you propose to build the garage there now?
A. There was an old garage type of structure, that was more than half of it at that time had been removed, and what remained was still standing, but in very poor shape. It was on an existing slab, concrete slab, that was very deteriorated and sunken in.
Q. What were the dimensions of the slab?
A. Twenty-four by twenty-four.
Q. And the garage that you're seeking to build today, what's its dimension?
A. Inside dimensions is twenty-four by twenty-four.

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Q. Then what did you do with respect to the improvements on the slab after you purchased the property?
A. I just removed the existing structure that was remaining. And then, in 1989 -- I'm sorry -- around 1991, '92, I believe, I cleared off what was remaining of the old slab.
It was covered up with sod. It was cracked, deteriorated, sunken in. I removed the old sod, the grass that had grown through it, and I poured new concrete over it.
Q. When you poured the new concrete over the slab, what were its dimensions?
A. Twenty-four by twenty-four.
Q. Then what did you erect on the slab?
A. In 1992, I erected a twenty-four by twenty-four by fifteen foot frame garage, wood frame garage.
Q. Before you put the wood frame garage on, what was there before?
A. Prior to doing that work, I did have a ten-by ten steel metal shed sitting on the slab.
Q. When did you put the steel metal shed on the slab?

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A. Shortly after I moved in. Around 1983, or 1984, and it was there for several years.
Q. Then when did you build the garage?
A. 1992.
Q. Did you get a building permit?
A. Yes, I did.
Q. The building permit was issued by Baltimore County, is that correct?
A. That's correct.
Q. And then after you got the building permit, what did you build there?
A. A twenty-four by twenty-four garage.
Q. What was the garage made of?
A. All wood frame, two-by-four structural walls. T-111 plywood, exterior plywood, and then roof trusses for the peak.
Q. You got a building permit for that, is that correct?
A. That is correct.
Q. I'm going to show you a document that's dated

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February 11, 1993, and ask you if you identify that. Is this the building permit that you got?
A. Yeah, that's correct. There is one typo on here that was corrected.
Q. What was the typo?
A. It has 13.5 as far as the feet, and there was a typo. There is another copy of the permit that is corrected.
Q. It has fifteen feet, is that right?
A. That's correct.
THE CHAIRMAN: Instead of putting that one in, why don't we see if we can find the other one?
MR. COVAHEY: Here you go.
Q. In fact, this says 15.5. Is that the one that was actually issued after it was corrected?
A. That's correct.
MR. COVAHEY: We offer that as, I believe, Petitioner's Exhibit 6.
MR. LANZI: No objection.
Q. What was the construction of the garage that you built?

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A. All wood frame.
Q. So you built a garage in what, '93?
A. Yes.
Q. And then when did you build the new house, the A-frame?
A. Around 1990.
Q. Tell us about the construction of the A-frame house that you built.
A. Well, the A-frame is actually classified as a post and beam A-frame roof construction. I did build it on a raised foundation to meet the floodplain requirements.

The house itself is approximately 1800 square feet. I have two bedrooms downstairs, a bathroom, a kitchen and a great room. The upstairs is a master's bedroom, a loft, which is now a nursery, and an upstairs bathroom.
Q. A nursery?
A. Yes.
Q. What do you have a nursery for?
A. I have a two year old daughter.

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Q. I'm going to show you a picture. Tell us what that depicts?
A. That's my house.
Q. That's the A-frame house you built, is that correct?
A. That is correct.

MR. COVAHEY: We offer as Petitioner's Exhibit No. 7, a copy of the house that he built.

MR. LANZI: When was that picture taken?
Q. Is that a fair and accurate representation of the house as you built it?
A. Yes.
Q. Is it a fair and accurate representation of the house as it exists there today?
A. Yes, it does.
Q. Anything happen in between when you built it and today with respect to the lower level?
A. No.

MR. LANZI: Objection.
Q. Nothing happened to the lower level?

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MR. COVAHEY: Took away my thunder. Stole my thunder.

THE CHAIRMAN: Just bear with us a second, Mr. Covahey.
Q. Now, in addition to the house and the shed, or something that was there when you bought the property, was there any other improvements on the property? When you bought it in '83, was there any other shed or anything?
A. There was a ten-by-ten wooden shed.
Q. But that wasn't where the garage is?
A. No.
Q. Now, do you have a pier?
A. Yes.
Q. Was that there when you bought it, or did you construct the pier?
A. I replaced an existing old pier, yes.
Q. After you built the garage, how many levels were in the garage that you built?
A. Just one.
Q. Did you have a peak roof?
A. Yes.

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Q. Did you store anything in that garage?
A. Yes. There was lot of storage along the inside of the interior walls, shelving units.
Q. What did you store in it?
A. Well, we had lawn chairs, lawn maintenance equipment and materials, tools, baby toys, swing set accessories, and our personal belongings such as memorabilia, decorations, home decorations like Christmas and fall, Halloween decorations and storage containers.

A multitude of tools, power equipment, weed eaters, lawn spreaders, storage containers of family heirlooms, clothing, house maintenance materials, paints and solvents and the like.
Q. Now, with respect to your house and the lower level of the house, describe the lower level of the house as opposed to the upper level.
A. Well, the lower level is built on grade, surrounded by twelve inch block foundation. Part of the area, you can park vehicles under.

The rest was for mechanicals. I have a

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air conditioning, hot water heater, oil tank.
And there was an area that, from the front of the house, that we stored additional materials that was closed in for purposes of entertaining guests that would come in from out of the weather and get under the house. That was about it.
Q. Now, other than the garage and the lower level of the house, did you have other storage areas in the house?
A. Not upstairs. Again, the way the house was constructed, mainly for aesthetics in mind, a complete A-frame construction, with no attic space whatsoever.
Q. Now, I want to take you back a little bit, if the Board will bear with me for a minute, and ask you, do you have a drawing that you made as to the garage that existed before Isabel?
A. Yes.
Q. Is this the document that I have in my hand?
A. That's it.
Q. Who prepared that?
A. I did.
Q. This was the wood frame garage, is that correct?

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A. Yes, that's it.
Q. Did you have some limited storage areas in it on the second floor? What's up in the peak of the roof?
A. Well, there was an access hole above the rafters that I could put some things up there, but only what I could carry up on a stepladder.
Q. So there were no stairs to it?
A. No.
MR. COVAHEY: I would offer this as Petitioner's No. 7.
Q. Is this the '93 --
MR. COVAHEY: Excuse me. No. 8. This is the wood garage.
MR. LANZI: The one that was destroyed?
MR. COVAHEY: Yes.
MR. LANZI: No objection.
Q. Now, do you remember September 18, 2003?
A. Yes, I do.
Q. What day of the week was it? Was it a Thursday?
A. Thursday.
Q. What did you do that Thursday?

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A. Well, we both, my wife and I, knowing about the impending weather, made whatever preparations we could with our daughter and made connections with our workplaces to cover our responsibilities there, and prepare for the storm, and we each went to work.
Q. What time did you go to work on the 18th, Thursday?
A. About 6 o'clock in the evening.
Q. Where does your wife work?
A. Oakcrest village.
Q. What does she do there?
A. She's an assistant director of nursing.
Q. Your wife is a registered nurse?
A. That's correct.
Q. So you leave for work at 6 o'clock on Thursday, is that right?
A. That's correct.
Q. When you left your house at 6 o'clock on Thursday, did you look out at the water?
A. Yes.
Q. What's the name of that body of water in front of

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your property?
A. Shallow Creek.
Q. Is there any reason why they call it Shallow Creek?
A. Well, they named it well. It's exceptionally shallow.
Q. Where was the water when you left?
A. It was about at mean high tide. It was still under pier level, and certainly didn't crest over the bulkhead.
Q. Do you remember when the high tide was forecast?
A. I think that was forecast late in the evening. It might have been 11 o'clock at night, or between eleven and 1 o'clock in the morning, if I remember correctly.
Q. Supposed to be high tide?
A. Yeah.
Q. So you go to work. And what time did you come back from work?
A. I got home about 5:30 in the morning.
Q. So you got home at 5:30 in the morning. This would have been October 19, Friday?

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A. That is correct.
Q. So you got home. What happened? Did you drive on down Old North Point Road? What happened?
A. Well, I got just where Denton Avenue meets Old North Point Road, and there was a lot of emergency vehicles there, so I couldn't drive down.
So I parked on Old North Point Road and started to walk down Denton Avenue towards the house.
MR. COVAHEY: I'm going to offer as Petitioner's --
Q. There's a document here on the board. What is this document?
A. That's an aerial photograph of Denton Avenue community.
Q. Where did you obtain that from?
A. Baltimore County. In fact, right down the hall there at the information technology.
Q. Baltimore County?
A. Baltimore County.
Q. This reflects -- this is an aerial of April 2002?
A. That is correct.

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Q. Based on your familiarity with the area in April of 2002 and this area, would you say that's a fair and accurate representation of Denton Avenue and the improvements that existed then?
A. Yes. Absolutely.
MR. COVAHEY: We would offer this as Petitioner's Exhibit 9.
MR. LANZI: No objection.
THE CHAIRMAN: Mr. Covahey, do me a favor and put CBA and then "PET," petitioners.
MR. COVAHEY: PET.
THE CHAIRMAN: Number nine.
MR. COVAHEY: I should have Mr. Kennedy or Mr. Doak do that.
THE CHAIRMAN: It's quite all right.
Q. In any event, you started walking down Denton Avenue. How far did you get before you saw water?
A. Oh, I was approximately right at the turn, so maybe 200 feet up from my house.
Q. I want you to take a red flare that I had

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got to the water?
Let's take the Commissioner's flare. It's got a thicker point. Here you go. Just show us where the water was.
A. (Indicating.)
Q. So you have drawn a red line, is that correct, that runs perpendicular to Denton Avenue?
A. Yes.
Q. So you kept on. You got there. What did you do? Take your seat. What did you do when you got there?
A. Well, I just continued to wade in the water towards the house. Just I had a tendency I wanted to get to the house to see how everything was.
And when I got, oh, approximately forty or fifty feet from my house, the water was so deep that I swam to the stairway that goes to my front entrance.
Q. It's over your head, or over your nose?
A. Yeah.
Q. How tall are you?
A. I'm just under six feet.
Q. So you had to swim to your house?

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A. Yes.
Q. Tell the members of the Board what you discovered and found when you got to your house?
A. Well, the last few strokes before I got to the corner of my house, I did notice that the garage was gone.
The only thing I could see was the peak of the garage above the waves.
Q. What else did you see?
A. Well, that everything was pretty well flooded. The entire underneath of my house was under water.
Right at that time, I couldn't determine the extent of the damage, but everything under six to six and a half feet was under water.
Q. Where was your boat?
A. The boat was originally on the trailer, but it had floated and lifted off the ground and was wedged against the Hutchins' house.
Q. I want to show you some pictures. Now, I have pictures and I'm going to ask you to identify them. I'm going to kind of show them en masse to Mr. Lanzi.

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why don't you give them to us and we'll give them one number with specific letters, and he can describe them as you go through them.

Why don't we do some basic foundation as to when they were taken and who took them.

Q. The pictures I have and Mr. Lanzi is looking through, who took those pictures?

A. A lot of them, I took. I have to look at them individually to determine if someone else did.

Q. Would you say with respect to all of them, that they are fair and accurate representations of the conditions that existed on the morning of September 19 or thereafter with respect to the damage and the debris?

A. Yes.

THE CHAIRMAN: If you give those to us, we'll give them a number and letters.

MR. COVAHEY: Start with 10A, and then we'll --

MR. LANZI: No objection to the photographs.

MS. BRASSIL: A through R.

THE CHAIRMAN: Mr. Covahey, Mr. Lanzi, just for the record, they are A through R.

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Sir, as you refer to the pictures, if you're going to make any substantive comment as to any picture, turn it over and tell us what letter it is so we can keep track.

THE WITNESS: Okay.

Q. Before I get to the pictures, let me regress. When was the high water mark reached?

A. I believe that was about ten in the morning.

Q. About 10 a.m?

A. Yes.

Q. So the high tide came at 11:01, but it never receded, it kept getting higher?

A. That is correct.

Q. I'm going to show you what's been marked as Petitioner's Exhibit 10A. Tell us what 10A depicts, Mr. Gasker.

A. That's a photograph that I took -- it was probably about 3 o'clock in the afternoon -- of the water after it started to recede.

It actually receded several feet by now. I took that photograph of my house. You can also see the

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Hutchins' house.

Q. With respect to where the car is parked, that SUV is parked on what street?

A. Denton Avenue.

Q. With respect to the water, where does the water start as opposed to the area where you don't have the water?

A. The water actually, in this photograph, starts about right at the corner of the Hutchins' property and also depicts where I still have approximately maybe a foot and a half to two feet of water under my house.

Q. So it shows your house, the elevation, is obviously lower than the Hutchins'?

A. Oh, absolutely.

Q. I'm going to show you now what's been marked as 10B. Approximately what time was that taken, and what's that depict?

A. That also shows still high water. This photograph was taken very close to the other one, about four in the afternoon.

That shows a downed tree that came down in my

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yard as well as you can see the top portions of the poles in my pier.

Q. So you don't have the boat in the water? The boat was on the trailer?

A. That is correct.

Q. How come you didn't leave the boat tied to the pier?

A. Well, I wanted to get it off the boatlift in the event if the winds got too bad. There is some stipulation about utilizing the boatlift if the winds are expected to exceed fifty miles an hour. It's not recommended to leave them on.

So I put the boat on the trailer and put that in the highest point of the driveway.

Q. Based on the weather forecast that you heard, did you anticipate that you're going to have all this water on your property?

A. Well, we certainly -- meaning members of my community -- knew that there was going to be a tidal surge, but nothing compared to what actually did occur.

Q. Now, I show you what's been marked as 10D. What

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1 does that show?
2 A. That shows my boat after it broke off the trailer.
3 I have several friends in the community trying to help me
4 pull it away from the Hutchins' house.
5 Q. About what time was that taken?
6 A. Around five in the afternoon.
7 Q. You have another one that's kind of repetitive,
8 10C. That again shows the water?
9 A. Yes. That's the water level.
10 THE CHAIRMAN: "D" is this one?
11 MR. COVAHEY: This is "C." I got them out of
12 order somehow. I'm sorry.
13 MS. BRASSIL: Give us a second here.
14 THE CHAIRMAN: Go ahead.
15 Q. I'm going to show you 10E. What's that depict?
16 A. That's a pile of the debris that was left of my
17 personal belongings that was in the garage, getting ready
18 to be hauled away by the county.
19 Q. When was that taken?
20 A. That picture was taken on Saturday, the 20th.
21 Q. Some of the items that appear, these items were

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1 in the garage?
2 A. Yes. Everything in that photograph was in the
3 garage.
4 Q. The red item, what's that?
5 A. That's a toolbox.
6 Q. The toolbox was destroyed?
7 A. That, I kept.
8 Q. But all the other items were destroyed and they
9 were stored in the garage?
10 A. That's correct.
11 MR. COVAHEY: That would be 10E. Take this one
12 out of the order.
13 Q. I'm going to show you 10G. What's this depict,
14 and when was that taken?
15 A. This photo was also taken on Saturday, the 20th.
16 That's a group of us, friends and family, cutting up the
17 remains of the garage roof and stacking it up so it can be
18 hauled away by the county.
19 Q. Now, once the water receded, what did it look
20 like essentially? What's on this picture?

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1 the roof. A lot of it had already been cleaned up prior
2 to taking that photograph.
3 MR. COVAHEY: That was 10G.
4 Q. 10F, what's that show?
5 A. Well, that shows cleaning up the last remaining
6 portion of the garage and stacking it up on a pile, again
7 waiting for it to be hauled away. The only thing that
8 remained is the concrete slab.
9 Q. Now, that concrete slab that's there, what are
10 you going to use that for with respect to the construction
11 of the new garage?
12 A. That slab is to re-used. The new garage walls
13 will be built right around that slab.
14 Q. Here's another picture. It just shows -- and
15 I'll lead you a little bit more than I have been doing --
16 10H shows you what, the debris?
17 A. Yeah. That's pretty much after the cleanup. We
18 are now just waiting for the county to come and haul it
19 all away.
20 Q. Where was your lawnmower?
21 A. That was in the garage. Yeah. Here's a photo of

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1 it, totally destroyed.
2 Q. Now --
3 THE CHAIRMAN: Let me catch up with you. Hang in
4 there a minute. Go ahead.
5 Q. The interior of your house on the first floor
6 where you had some stuff stored, what did the water do to
7 the first floor of the house where stuff was stored?
8 A. It totally cleaned it out, just totally
9 demolished every type of wood frame structure I had in the
10 enclosure for my mechanicals.
11 I had a lot of shelving units on that. It just
12 tore the walls out. I had an antique coal stove. It
13 actually tore that off its base and washed it out into the
14 driveway.
15 The oil tank furnace, the air conditioning unit,
16 most of those items I really never found. Just completely
17 gutted out below the first floor level.
18 Q. I'm going to take these out of order and show you
19 10P, like Papa. What's this depict?
20 A. That's looking into the front of my house through

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but it's still washing in and out on the lower level.
Q. With respect to your lot, there is water on how many sides of your lot?
A. Two.
Q. About what time did you take this?
A. That was in the afternoon. I would say maybe 4 o'clock.
Q. So the water looks like it started to run out?
A. Once it started to recede, it did rather quickly.
Q. 10J, what's that depict?
A. That's after the water has totally receded. That's showing one area of the downstairs where the door has been completely torn off the hinges, and some of the drywalls removed.
Q. We'll go through these. 10K, what's that show?
A. That shows the photograph of actually replacing the enclosure around my mechanical room. You can see the remnants of the duct work.
The furnace is no longer there as well as the water heater. It just tore everything off the duct work.
Q. We have 10L. What's that show with respect to

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two openings? You can see the light coming into the house?
A. Yeah. That's a view from under the house on the north end of the house looking south out to the water. That was the two doorways where the water came in and pretty much gutted the room out.
Q. 10M?
A. That's just another view of underneath the house where the furnace is gone, and starting to put some studs back in to enclose the mechanical room.
Q. How about 10N, what are these items in 10N?
A. 10N was a photograph I took on November 15, 2004. That's the area that was under my house.
That's where the wall enclosures have been put back in after installing a new heating and hot water heater.
And there is items that we're presently storing under there that hopefully will be stored --
Q. If you get the variance, where are you going to store these?
A. All those items go in the storage area above the

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garage.
Q. And we are going to get to your drawings, but if you're granted the variance, what are you going to construct and how many levels are you going to have the garage?
A. Two levels.
Q. How are you going to get up to the second level?
A. With a stairway.
Q. 10-O?
A That's a photograph of some storage containers, some tools that I stored under my house right now are at grade level.
Again, these items are the type of items that need to be stored above the floodplain.
Q. So you want to get them up in the new building?
A. I want to go up above the garage.
Q. The new garage is going to be what type of construction?
A. The first eight feet, solid concrete, reinforced steel. In fact, the walls have been put in.
The foundation, new foundation, was poured per

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specifications to make it flood-proof.
The rebar is reinforced as well as vertical rebar from footing to eight inch thick concrete walls, eight feet high.
On top of that will be steel girders. And then a wood frame deck and wood frame above that for storage.
Q. But you're not going up above fifteen feet, depending on what happens here?
A. I certainly didn't commit to the height. I only had the eight feet walls.
Q. And you have the building permit for twenty feet, which is at your risk?
A. Yes, I can proceed at my own risk.
Q. You have what's been marked as Petitioner's Exhibit 10Q. What does that show?
A. 10Q shows some storage that we have in our house that we converted our nursery into storing things under the house that -- we actually moved our daughter into our room, pending again getting the garage built, so I could move this storage from inside our house into the garage.
Q. If you get the items that are shown on 10Q into

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1 the garage, who's going to move up there into the nursery?
2 A. Put my daughter back where she belongs.
3 Q. She was in there before Isabel?
4 A. Yes.
5 Q. Now, the last one that we have in this series
6 would be Petitioner's 10R. That was taken from where?
7 A. That was taken from my pier.
8 Q. Let me show you your building permit.
9 MR. COVAHEY: I ask this be marked, and I will
10 show my brother. It's eleven, the building permit.
11 Q. Is this a building permit that's been issued,
12 dated October 4, 2004?
13 A. That's correct.
14 Q. That shows a height of how high?
15 A. Twenty feet.
16 Q. What does it say about you can proceed at what?
17 A. It says applicant proceed at own risk prior to
18 expiration of thirty-day appeal.
19 Q. Thirty days is running, and an appeal was filed?
20 A. Yes, that is correct.
21 MR. COVAHEY: I offer as Petitioner's Exhibit No.

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1 11.
2 MR. LANZI: No objection.
3 Q. With respect to the house that's going to be
4 constructed, did you or somebody propose some drawings
5 with respect to the improvements that are going to be
6 constructed?
7 A. Yes.
8 Q. Who prepared those?
9 A. I made a sketch of what will be built on top of
10 the concrete walls.
11 Q. I have a copy of the sketch you prepared.
12 MR. COVAHEY: I'm showing it to Mr. Lanzi.
13 Q. Is this a sketch you prepared?
14 A. Yes, that's it.
15 MR. COVAHEY: I'm going to offer that as
16 Petitioner's 12.
17 Q. Tell us, assuming if you should get the variance,
18 how it's going to be constructed? Walk us through.
19 A. All right. Above the concrete walls, eight feet
20 high, you put the floor joists in. Then you plywood deck
21 that. On top of that will be wood frame construction

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1 called a mansored roof type.
2 It will give me approximately thirteen and a half
3 to fourteen feet wide by twenty-four feet long open
4 storage space.
5 From the lower slab level, I will have a stairway
6 going up to the second level where I can carry all the
7 items that we need to store up into the upper level.
8 Q. This is what you're seeking to build and this is
9 what you based the application for a building permit on,
10 is that correct?
11 A. That is correct.
12 MR. COVAHEY: I offer this as Petitioner's
13 Exhibit No. 12.
14 MR. LANZI: No objection.
15 Q. Now, in addition, did you take certain
16 photographs that would detail the house next door and your
17 house and the relative elevations?
18 A. Yes, I did.
19 Q. Who prepared this thing?
20 A. I did.
21 Q. I'm showing that to my brother, which has one,

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1 two, three, four, five photographs. The plat shown on
2 there, what's the plat on there?
3 A. That's one of my lots.
4 Q. I'd lead you again, but that's the plat filed
5 with the zoning petition?
6 A. Yes, that's correct.
7 MR. LANZI: They were all taken April 1st of '04?
8 THE WITNESS: Yes.
9 Q. Who took them?
10 A. I did.
11 Q. Are they a fair and accurate representations of
12 the house next door and your house?
13 A. Yes it is.
14 MR. LANZI: No objection.
15 THE CHAIRMAN: This will be one exhibit, I take
16 it?
17 MR. COVAHEY: Yes. And it would show five
18 separate photographs, and this would be Petitioner's --
19 THE CHAIRMAN: Mr. Covahey, how are you going to
20 refer to those photographs, individually?
21

numbers.
THE CHAIRMAN: Okay. We are going to call them 13-1 -- there's actually two number ones.
MR. COVAHEY: We've got two, number ones?
THE CHAIRMAN: Yes.
MR. COVAHEY: Let's call that five.
THE CHAIRMAN: That will work.
Q. Put a "5" on there.
A. (Indicating.)
Q. The plat speaks for itself. Besides, it's already in evidence. You don't have to mark that.
Now, I'm going to show you what we are going to offer as 13-1, and that's the picture in the upper left-hand corner marked one. What does that depict?
A. That depicts photograph number one that I took, and on the plot plan, it shows the location of number one where I took the photo, which is at the end of my pier.
What I did, on the existing slab, I erected a twenty foot high pole with a piece of fluorescent ribbon on it showing where the height of the twenty foot garage would be in relationship to the Hutchins' house.

You can see the top from the angle of my pier, the top of the twenty foot pole still does not block the view from the second story deck.
Q. With respect to your fifteen foot garage, what did it do with respect to the view of the first deck of the Hutchins?
A. It definitely blocked the view from the first floor deck. And the point being that the additional five feet still would not obstruct any more additional view from their deck space on the second floor.
Q. And you can see there is an area between the two, the first floor and the second floor, which looks how many feet would you say, ballpark?
A. Ten feet.
MR. LANZI: Objection.
Q. What's your estimate as to the height?
THE CHAIRMAN: He can testify to his estimate. It's as valid as anything else.
A. Ask me the question again, please.
Q. Let's backtrack. In your work down there at Walter's Art Gallery, do you get to use rulers, tapes, measure stuff?
A. Yes.
Q. Do you think you're pretty good at estimating distances?
A. Yes, I am.
Q. What would you say is the distance between, looking at Exhibit 1, between the first floor porch of the Hutchins' house as opposed to the second floor?
A. At least ten feet.
Q. Now, I'm going to show you picture No. 2. What's that show?
A. That shows another view in relationship between the first and second floor decks of the Hutchins' house and the twenty foot pole I erected on top of the slab to get a better relationship of the height relationship from a twenty foot height off slab to the second floor deck of the Hutchins' house.
Q. How about three?
A. Again, three is just another angle showing the twenty foot high pole in relationship to the second floor deck.

Q. That's a pole towards the right of the picture, is that correct?
A. Yes. That's the rear of the slab.
Q. Picture four shows -- and you've got a notation twenty feet. What's that?
A. Right. That's a photo I took from my driveway on the east end of my property looking down my driveway to the area of the slab on the twenty foot high pole to give a better idea of the height of twenty feet versus the deck, the second floor deck of the Hutchins' house.
Q. Exhibit 5, 13-5, what's that show?
A. An angle right from the end of my pier, the point being is that any obstruction of view from the deck, from each deck of their house, my opinion, there's really no additional view obstruction from the second floor deck.
Q. Than what it was before?
A. Then it was with the fifteen foot garage, right.
MR. COVAHEY: I would ask the Board mark this as thirteen.
Q. As a consequence of Isabel, did you learn anything about insurance coverage?

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A. Yeah. Unfortunately, I sure did.
Q. Did you make an itemization of the items that were in the garage that were destroyed and the value of them?
A. Yes. I was asked to do so by my insurance agent.
Q. Did you collect any money for them?
A. None for personal property.
Q. What's the total amount, approximately, of the items that were in the garage that were destroyed, personal property?
A. It was just under $20,000. Initially, when I made the first list for my insurance company, naturally, it's really difficult to think, off the top of your head, of everything you have stored, or everything you had after its gone.
After the initial list I made, after time went by and my wife and I had time to think, the list continued to grow until it reached just under $20,000 in value of the property.
Q. The itemization that I have here, that I'm going to offer as Petitioner's 14 would show $16,832, but there

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are diagonal items that you discovered after preparing this list?
A. Oh, yes.
MR. LANZI: Objection.
THE CHAIRMAN: He can testify he received a lot of damage as a result of the flooding, but whether it's sixteen, eighteen, doesn't really change anything.
MR. COVAHEY: We would proffer for the record if we were allowed --
THE CHAIRMAN: He can simply give us the number, which he's done.
Q. How much was your total damage over and above the items of personal property that was destroyed over and above the $20,000 that was in the garage?
A. Just in the garage?
Q. No. Other and above the garage.
A. Oh. $64,000, total damage.
Q. Did that include the garage in the sixty-four?
A. Yes.
Q. So the garage was approximately twenty?
A. Yes

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MR. COVAHEY: If the Board will bear with me one minute.
Q. I'm now going to show you a picture and ask what this depicts.
MR. COVAHEY: I'm going at the offer this as Petitioner's 14.
Q. I'm going to show you another picture. Is that a fair and accurate representation of what's depicted there?
A. That's it.
Q What's that show?
A. It shows the remaining slab from the existing garage.
Q. That's the slab that you started the construction pursuant to the building permit?
A. That's correct.
Q. And you access that slab how?
A. From the driveway.
Q. On the first floor, what are you going to put on the first floor of the garage?
A. Park the cars.
Q. How many cars are you going to put in there?

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A. Two.
Q So if you don't get the variance, what are you you're going to have to use the first floor for, other than to park cars?
A. Storage.
MR. COVAHEY: Fourteen.
MR. LANZI: No objection.
MR. COVAHEY: Board will bear with me for one minute?
THE CHAIRMAN: Certainly. Before you start, is there a date this exhibit was taken, No. 14?
Q. Do you know the date that was taken?
THE CHAIRMAN: Approximately.
Q. You didn't take that, did you?
A. No.
Q. Is that a fair and accurate representation of the slab that existed after the garage was destroyed?
A. Yes, absolutely.
MR. COVAHEY: Mr. Kennedy will testify he took them.

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determination of the dwellings that were destroyed as a consequence of Isabel?
A. Yes.
Q. Did you prepare a little plat to show that?
A. Yes, I did.
Q. You prepared this yourself?
A. Yes. I got the original plat, if you will, from zoning.
MR. LANZI: I'm going to object. I don't know what the relevance is.
We'll stipulate there was damage on Denton Avenue from Isabel, and plenty of other places in Baltimore County.
MR. COVAHEY: The relevance is it shows, in addition to his property being unique, that the lower end is unique. That's where all the houses were destroyed.
So we have two bases or three bases for uniqueness. One is the lower level of the peninsula sustained the damage, this is what this establishes, from Hurricane Isabel.
THE CHAIRMAN: I'm going to let it in and give it

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the weight to which we think it deserves.
Q. Tell us what that depicts.
A. That shows highlighted in purple and fluorescent orange, I guess, all the properties, all the structures that were demolished by Hurricane Isabel.
Q. It also shows your garage on there, is that correct?
A. Yes, that's correct.
Q. Put a "G" in green right by your garage in the water.
A. (Indicating.)
Q. With respect to the properties in purple that were destroyed, where are they situated with respect to the Denton Avenue peninsula?
A. All the way at the southern end.
MR. COVAHEY: We would offer this as Petitioner's Exhibit 15, if the Board please.
THE CHAIRMAN: With the objection on the record from counsel and my comment, we'll accept it.
MR. COVAHEY: Board bear with me one minute.
THE CHAIRMAN: Certainly.

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MR. COVAHEY: I want to confer with Ms. Gasker.
Q. Now, will you sustain practical difficulty or unreasonable hardship if you don't get this variance to build a garage that's twenty feet high as opposed to fifteen feet?
A. Yes, absolutely.
Q. What's the practical difficulty and unreasonable hardship?
A. All the items that my wife and I store, what average people store, need to be stored above the floodplain.
Any other manner, in fact, all of our possessions that we had in storage, again, it's examples of what's on the itemized list, we had stored in a manner that was below the floodplain elevation, and it's all gone.
It all got destroyed. And we choose to eliminate that from occurring again.
Q. In connection with the work that you have done and getting the building permit, did you obtain from the county the new requirements with respect to if you construct a dwelling?

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A. Yes, I did.
Q. With respect to how high you have to be above the mean high water or above sea level, did you get those requirements?
A. Yes. I got all the building requirements from Baltimore County zoning.
Q. So if you're going to build a house, I'm going to show you and offer to the Board as Petitioner's 15 --
MR. LANZI: Objection, again to relevance. He's not building a house.
THE CHAIRMAN: Let me ask the question, what's the purpose if we are here about the garage? What's the relevance of what you do for a house as opposed to the garage?
MR. COVAHEY: The relevance is it shows the county recognizes that you've got to be, at least with your house, you've got to be at least above ten feet before you have any living areas with respect to the house, which really is recognized by the county that you can't store items in the lower portion of your house safely.

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THE CHAIRMAN: Well, unless the guidelines talk about storage, there's a difference between storage and living space.

MR. COVAHEY: They mention limited storage space. I will follow that up. I have some guidelines.

MR. LANZI: We'll withdraw our objection to this exhibit.

THE CHAIRMAN: Well, it's not coming in at this point.

MR. COVAHEY: Did my brother say he withdrew the objection? That makes me suspicious. Maybe I want it in. Board bear with me one minute.

THE CHAIRMAN: No problem.

Q Mr. Gasker, do you know the regulations I'm referring to? Do you have them as opposed to me?

A. Yes, I probably do.

Q. Would you pull them out? Now, in connection with your building permit application, did you have to record certain restrictions among the Land Records?

A. Yes.

Q. I'm going to show you a document that says

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Declaration of Land Restrictions for Certain Structures in the Floodplain.

A. Yes, that's it.

Q. That was in connection with your building permit application, is that right?

A. Yes. That was a requirement.

MR. COVAHEY: I'm going to offer this as Petitioner's Exhibit 17. Excuse me. Sixteen. Declaration of Restrictions.

MR. LANZI: No objection.

Q. I want to invite your attention to paragraph three, Petitioner's 16. What does this say with respect to areas below.

A. Enclosed areas below flood protection elevation shall be solely for parking vehicles, limited storage, or access to building.

Q. It says limited storage, is that correct?

A. Yes.

Q. With respect to the document that I showed you to which the objection was withdrawn that shows certain elevations, do you know what they depict, those

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elevations?

A. They depict the floodplain elevation requirements for that area.

Q. So this would show what the floodplain elevation requirement is, is that correct?

A. Yes.

MR. COVAHEY: I'm going to offer this as Petitioner's Exhibit 17.

MR. LANZI: No objection.

Q. But in any event, this says flood protected elevations, north of Back River, eleven feet, two inches; south of Back River, ten feet, four inches? Is that correct?

A. That's correct.

Q. Are you north or south of Back River?

A. South.

Q. So your would be 10.4?

A. That's correct.

Q. As determined by the county?

A. Yes.

Q. Now, based on your familiarity with the

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neighborhood, if this variance were granted, do you think the extra five feet would be detrimental to the neighborhood?

A. No, absolutely not.

Q. How would you describe the neighborhood, the houses that are there, the improvements?

A. Well, it's what I would classify as an old neighborhood. A lot of the dwellings, except for certainly the end of Denton Avenue in the last year, construction has been minimal.

Having detached buildings and garages was the norm, not the exception. And certainly all the new buildings that are going up now are going high. They are all built on raised foundations.

MR. COVAHEY: If the Board please, I think you have pictures that are in the file that we don't have from the Zoning Commissioner's hearing.

I would like to go through those, if we may. We'll introduce some of those into evidence.

THE CHAIRMAN: Just a suggestion, Mr. Covahey.

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(Discussion held off the record.
MR. COVAHEY: These would be eighteen --
THE CHAIRMAN: That would be eighteen, so it's 18A, B.
Q. I'm going to show you what's being marked as 5E before the Zoning Commissioner --
THE CHAIRMAN: The ones you're going to use, give it 18-A, then B and C. You don't have to use all of them, if you don't want to.
Q. I'm going to show you 18 -- what was marked 5E before the Zoning Commissioner and ask you, can you identify that?
A. Yes. That's a photograph looking from under my house out, south, the waves coming in under the house.
Q. Shows the waves coming in the house?
A. Yes.
MR. COVAHEY: We'll introduce this as 18 five --
THE CHAIRMAN: Just write next to it CBA 18-A.
MR. COVAHEY: This will be CBA 18-A.
Q. I'm going to show you what before the Zoning Commissioner, what was marked as 5-H. What's that show?

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A. This shows another photograph of the water that is under the house.
MR. COVAHEY: We are going to mark that as CBA 18-B.
Q. I'm going to show you what was marked 5-G before the Zoning Commissioner. What's that depict?
A. That shows the remnants of the garage roof after it collapsed and probably halfway through the cleanup process.
Q. It also shows Hutchins' house?
A. Yes, it does.
MR. COVAHEY: We would offer that as CBA 18-C. We offer those to the Board and they are marked.
Let's return these to the Zoning Commissioner's file, because most of these are redundant.
MR. LANZI: May I ask when these were taken and who took them?
Q. Do you know when they were taken?
A. Yes. They were taken --
THE WITNESS: May I see the photos again, please?
THE CHAIRMAN: Here.

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A. CBA 18-A was taken September 19 of last year during the hurricane. CBA 18-C was taken September 20. And CBA 18-B was taken September 19.
Q. Are they a fair and accurate representation of what's depicted on those pictures?
A. Yes. Absolutely.
MR. LANZI: No objection.
MR. COVAHEY: I have no further questions.
THE CHAIRMAN: Before we finish direct, let me ask a question or two, if I may, and then I'll give you a chance to do it again before we turn it over.
I'm looking at Petitioner's 12, which is your handwritten, hand-drawn --
THE WITNESS: Yes, sir.
THE CHAIRMAN: -- diagram. Obvious question. You've got eight foot -- there is what I presume will be the floor or whatever here and it shows a ten foot line. You have an eight foot line. And you have a point where it becomes ten foot. And then you have the storage area with two different measurements?
THE WITNESS: Yes.

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THE CHAIRMAN: Obvious question. If you have nineteen, eleven and eight is what you show as the overall height, and if you have ten here to this point, why not just reconfigure the roof, and if it's all going to be storage, reduce it to five feet?
THE WITNESS: A five foot construction would constitute roof trusses which means there is cross braces through the open space, and it would be access to a five foot space.
THE CHAIRMAN: Five foot high?
THE WITNESS: Five foot high. It wouldn't constitute being able to carry anything up there and effectively stored.
THE CHAIRMAN: Why?
THE WITNESS: Well, number one, you can't stand up. Number two, the roof truss construction restricts movement through that space.
You can look at the other photograph of the roof truss construction that existed --
THE CHAIRMAN: Let's pull that out so you can explain it to us. No. 8?

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THE WITNESS: Yes. Both of these photographs or -- I'm sorry -- both of these drawings were taken off of an actual approved set of drawings obtained from 84 Lumber, and they are drawn in the manner to meet the building code requirements.

Depending on the height and the pitch of the roof, depicts the type of roof construction necessary.

The drawing on your left depicts approximately five and a half foot space above the first eight feet which would warrant roof truss construction which virtually makes it unusable for a large amount of storage, because there is beams in the way.

Every roof truss which is twenty-four inches apart needs those cross braces.

THE CHAIRMAN: I know you're not a construction engineer, but is this the only type of roof construction that can be done?

You may be the wrong person to ask, so then you can beg off. Is this the only type of roof construction that would be able to be done?

THE WITNESS: I couldn't honestly answer that.

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THE CHAIRMAN: Then I won't press you to do it. I assume we'll have somebody later who would be able to deal with that.

Thank you, sir. I appreciate that. Mr. Covahey, did you want to ask another question?

Q. (MR. COVAHEY) So what you're saying -- you're almost six feet tall -- if you did five feet, you couldn't stand up, is that right?

A. That's correct. Also, I know from past experience that the items that we need to store wouldn't fit in a space that peaks out at five feet.

THE CHAIRMAN: For instance?

THE WITNESS: All the items that were in the storage containers, swing set accessories, children's toys, outside toys, I should say.

Tools that are only used occasionally. A multitude of two feet by three feet storage containers for memorabilia. House decorations and the like.

MR. COVAHEY: Let me see Exhibit 8, if I might.

Q. (MR. COVAHEY) What you're saying is that the

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on either end, is that right?

A. That is correct.

Q. And it greatly limits the space you have available to store, is that correct?

THE CHAIRMAN: Well, hence my question, is that the only type roof construction, and he couldn't answer that, so we won't pursue that any further.

Q. Any other construction, if you don't have a peak roof, then you'd have a flat roof, is that right?

THE CHAIRMAN: Well, how about if we don't have you guys discuss what kind of construction, because he doesn't know, and I understand he doesn't know.

MR. COVAHEY: Fine.

THE CHAIRMAN: Anything else, Mr. Covahey?

MR. COVAHEY: Board bear with me.

THE CHAIRMAN: Sure.

MR. COVAHEY: No further questions.

THE CHAIRMAN: Mr. Lanzi, it's about five to twelve. Why don't we take a lunch break, come back at one, and we'll pick up the cross examination at that point.

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MR. LANZI: Just for housekeeping, I have four witnesses.

THE CHAIRMAN: Before we get to you, how many more witnesses do you have?

MR. COVAHEY: I have a professional witness and one possibly one other very short witness.

THE CHAIRMAN: How long is your professional witness on your direct?

MR. COVAHEY: Thirty minutes, forty-five minutes.

THE CHAIRMAN: Then you will have to figure an hour or plus for that by the time cross is over. Off the record.

(Discussion held off the record.)

THE CHAIRMAN: We are adjourned for lunch. Back at 1 o'clock.

(A luncheon recess was taken.)

* * * * *

AFTERNOON SESSION

THE CHAIRMAN: We are back on record. Mr. Gasker, I will remind you that the oath which you took at

full force and effect.

MR. GASKER: I understand.

MAX GASKER,

having been previously sworn, resumed, and testified further as follows:

CROSS EXAMINATION

BY MR. LANZI:

Q. Mr. Gasker, you're the current owner of the property known as 7846 Denton Avenue?

A. Yes.

Q. Have you owned that with your wife?

A. Pardon?

Q. Is your wife on the title?

A. No.

Q. You've owned this property since 1983?

A. Correct.

Q. How many individuals currently reside at the premises?

MR. COVAHEY: Objection on relevance.

THE CHAIRMAN: I'm going to allow it simply because it's background, and we have had testimony about

the daughter going to move here or there. It's relevant.

A. Three.

Q. Who would that be? Your wife and daughter?

A. Yes.

Q. The detached garage you have shown in the photographs destroyed by Isabel, did anyone reside in that dwelling?

A. No.

Q. At any time, did anyone reside in the dwelling?

A. No.

Q. I should say structure instead of dwelling. Is it your intent that anyone would reside in the proposed garage structure?

A. No.

MR. LANZI: I'm not necessarily going to have these in evidence, but I will show counsel just for clarification.

Q. The garage that was there, I believe at one point you indicated that there was a typographical error in the building permit?

A. Yes.

Q. So the garage that was there, the one building permit shows thirteen feet, seven inches, is that correct?

A. I believe so.

Q. The building permit that went in evidence shows fifteen feet, five inches, is that correct?

A. Yes I believe so.

MR. LANZI: I don't think that was one of the exhibits I got a copy of, but there should be an exhibit.

THE CHAIRMAN: It's already in.

MR. LANZI: It's in?

THE CHAIRMAN: No. 6.

Q. So this document which is in evidence as Petitioner's No. 6, that's the building permit for the garage that was there, is that correct?

A. As far as I know, yes, the latest revision.

Q. Fifteen feet, five inches. Did you get a variance for that?

A. No, I didn't request a variance, no.

Q. I'm going to show you an application for a building permit which indicates your garage was thirteen feet, five inches.

Is this the permit that had the typographical error?

A. I have no idea what that is.

Q. I'm trying to get clear the size of the garage that was there as far as height.

A. When I originally requested the permit for a garage, my application said twenty-four by twenty-four by fifteen foot high.

The original permit, or the first permit you showed me that I received, it was determined from zoning -- if I can remember that far back -- that it was a typographical error.

MR. LANZI: I'm going to offer this application for a building permit as Protestants' Exhibit 1.

I believe this is already in the zoning file because that's where I got it, in the Board's file. This is a public record. He's conveniently not remembering whether this was his or not.

THE CHAIRMAN: Well, without your characterization, he doesn't remember.

MR. COVAHEY: I object on the relevance. What

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difference does it make? He said it's a typographical error.

MR. LANZI: Whether it is or not, we don't know. It's relevant because we're going from thirteen feet to --

THE CHAIRMAN: Well, if it's a typical error and superseded by something we get later on --

MR. COVAHEY: But you have the new building permit in.

THE CHAIRMAN: Well, I'm going to put it in as an exhibit. Whether it ultimately alters anything we decide is an entirely different question.

This is, in fact, what it purports to be, the application for the building permit, although possibly superseded by another one. That would be Protestants' No. 1.

Q. I'm going to show you what looks like the subdivision plat, which I know is in as one of your exhibits --

THE CHAIRMAN: Petitioner's 5.

Q. This subdivision plat was prepared by M&H Development Engineers which was for the purpose of having

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one lot for you and one lot for whoever purchased the property?

A. Yes.

Q Now, this subdivision plat does not show the garage or the concrete slab, is that correct?

A. That's correct. It also doesn't show the ten by ten wood structure that existed on the end of the lot that by agreement of Baltimore County I to remove in order to obtain a building permit for the house.

Q. Now, when you bought the property in 1983, when did you tear down, I guess, what was left? You mentioned that there was some remnant of a structure there?

A. In '83, or early '84. I don't remember exactly.

Q. When did you build something to replace that?

A. I initially put a ten by ten steel shed on the existing slab.

Q. When was that?

A. Around '84 or '85. I don't remember exactly.

Q. How would you characterize the location of the -- we'll call it the remnants of the shed and pad -- as far as front, rear, side? How would you characterize that

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back in 1983 when you squared it off?

THE CHAIRMAN: I'm not sure I understand the question.

Q. Where would you consider the location of the -- we'll call it the original slab -- with regard to the orientation of your house?

MR. COVAHEY: Objection on relevance.

THE CHAIRMAN: No, no. I'm going to allow him to lay what he's obviously laying a foundation for some theory of the case, whether or not we agree with that theory of the case notwithstanding.

Q. Is it your contention the location of the slab today is in the rear of your property?

A. Yes.

Q. I'm going to show you what's marked or what is in evidence as Petitioner's No. 1 -- I believe it's No. 1 -- which is the site plan that you filed for this case?

A. Uh-huh.

Q. Is that the same document?

A. Yes, it is.

Q. If you could show or point to what you have

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indicated as the front of the property on the plan?

THE CHAIRMAN: As we get through this, so I am oriented in the same way, the water -- I'm holding the left side of the document up -- the water would be down here at the bottom?

THE WITNESS: I beg your pardon?

THE CHAIRMAN: The water would be here?

THE WITNESS: That's correct.

THE CHAIRMAN: Okay.

Q. What do you have indicated as the front of the property on the plan?

A. I actually have it written on actually the south side of the house. Where this word "front" is, was intended -- I asked, when I submitted for the variance, to indicate what is the front half of my house.

This front means the east side of the house is the front, because that's where the front entrance is. That's what that was intended. I have no orientation of the house location.

Q. So you consider then the side of the house that's

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street, if the street were to continue down to the water, would that be front? Is that what you are saying?
A Yes.
THE CHAIRMAN: I'm not sure I followed that a hundred percent, so why don't we run through that for the record. Just recap it.
MR. LANZI: He's saying if Denton Avenue were to continue down to the water, this side of the house facing the street is the front, rather than the front that he has indicated.
THE CHAIRMAN: Fair enough.
Q. Did that orientation change at anytime from say 1983 to the present?
A. No.
Q. As a result of house construction?
A. Not to my knowledge.
MR. LANZI: Can I see number seven? It's a photograph.
Q. So when zoning asked you to indicate the front of your house, they didn't ask you to indicate the orientation of the house? They just said show us the

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front half --
A. Yes. They said what do you classify as the front of the house.
Q. And you wrote down on that plan which everyone is looking at "front" in that section?
A. Yes.
Q. I'm going to show you Petitioner's No. 7. Would this area that's shown -- looking right at the photograph -- be what is marked "front" on that plan? Is that a fair statement?
A. No.
Q. I'm asking what's marked on the plan.
A. The intent of that notation, which I personally wrote at the request when I was discussing my variance request with the gentleman from zoning, for permit process reasons, indicate what half or indicate what part of your house is the front.
If you divide your house in half, tell me what's the front, tell me what's the back.
So I just indicated on there, while we were speaking, this half facing the road is the front. That's

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exactly how the permit process was when I originally built the house. That was the front.
THE CHAIRMAN: Let me stop you for a second. The front, seems to me, to be facing the water, not the road where you put the word --
THE WITNESS: I agree with that. I agree with your statement, but that was never the intent.
THE CHAIRMAN: Okay.
Q. Looking at the photograph Petitioner's No. 7, what is located within the doors that are showing?
A. Just an enclosed room.
Q. Is that a storage area?
A. It is now, and it was somewhat prior.
Q. So where is the main entrance where you go into the house?
A. To the left of this photograph up the steps above that little --
THE CHAIRMAN: Excuse me. Just again looking at Petitioner's -- just to make sure we are all looking at the same thing, same angle -- we are looking straight on at the crown, if you will, of the house. I would be, with

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my back to the water, looking this way?
THE WITNESS: That's correct.
THE CHAIRMAN: And this step machination that's here on the chart would be the steps over here?
THE WITNESS: That is correct.
THE CHAIRMAN: Just so we all connect one to the other.
Q. Now, do you always work in the evenings?
A. No. I normally work during the day.
Q. What are your hours, normally?
A. Seven to three.
Q. But on this day, you went to work in the evening, the day of the storm?
A. Yes. We decided to cover all three shifts to protect the assets of the museum in the event the power went out.
Q. When you were making that swimming lap to your house, do you recall discussing anything with anybody, shouting anything to any of your neighbors?
A. I know that Ms. Hutchins brought to my attention my boat was banging against her house.

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Q. Do you recall either talking with or hearing Ms. Hutchins shout out to you?
A. Yes.
Q. So if she said that you came to the water line and stopped and didn't dive in, would she be not telling the truth?
A. I have no idea. I know I initially went to my house, and then I went -- when I came back out of the water, I certainly milled around for a while.
Q. I just want to clarify because your approach is a sympathetic approach to the Board and --
MR. COVAHEY: Objection. Move to strike that.
THE CHAIRMAN: I'm going to take that as an objection to the relevance of whether he swam or didn't swim, or went to the boat or didn't go to the boat.
But what relevance is that to whether or not there is uniqueness and practical difficulty?
MR. LANZI: It's relevant to his credibility. If there's a witness that will say he stopped, didn't go into the water, waited for the water to recede, it's a big difference than making a dramatic ploy saying I swam,

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barely made it --
THE CHAIRMAN: Which only goes to the flooding, which is, I think, something both of you can almost stipulate to.
MR. LANZI: I think we can.
THE CHAIRMAN: So if that's the case --
MR. LANZI: But there is an issue of credibility on all testimony.
THE CHAIRMAN: But his opinion about almost anything bears on his credibility.
MR. LANZI: This isn't an opinion. He's stating it as a matter of fact. Maybe it seems trivial, but in the scheme of things, it's not if he's saying this is --
THE CHAIRMAN: Okay. Excuse me. We are probably already spending far more time than it's worth, and it's evidentiary, so let's move on.
Q. Did you build the garage back in 1984, '85?
A. No.
Q. Do you remember who built it?
A. Yes.

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A. B. Bartos Construction.
Q. Now, without looking at the photographs, does the driveway that's there, does that go right up to the garage, the proposed garage?
A. Yes.
Q. There's no grass in between?
A. No.
Q. Now, your house, your current residence, does that have a two car garage underneath, existing?
A. Yes.
Q. So it's your intention to provide for two more parking spaces with the accessory structure?
A. Yes.
Q. Now, the garage, where the garage that was destroyed existed and where the garage you're proposing to build will go, are there windows on that side of your house where the view would be blocked or not blocked?
A. There are windows on that side of the house, yes.
Q. Are they on the level of where the garage is?
A. Yes.
Q. While I'm looking for -- I will ask you, the

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point of my question, is -- the storage of your materials is more important than your view, would that be fair to say.
MR. COVAHEY: Objection.
THE CHAIRMAN: He's asking his opinion as a homeowner. If he has an opinion, he can give it.
A. In this particular case, yes, storage is much more important to me.
Q. I know you didn't take this picture, but would this picture accurately reflect your house as it exists today?
A. Yes.
MR. LANZI: May I have this marked as Protestants' No. 2.
THE CHAIRMAN: Just for the record, Mr. Lanzi, taken by who? If you'd proffer, since he already identified what it is, so the record is clear.
MR. LANZI: I would proffer this was taken by Dr. Hutchins.
Q. Looking at Protestants' No. 2, I direct your

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A. Yes.
Q. So would that be the most direct view of this garage from your house?
A. This one?
Q. If your neighbor --
THE CHAIRMAN: Excuse me.
MS. BRASSIL: What was your answer to that question?
A. That window that protrudes out to the left of the photo, that's the window that most points to where the garage location would be.
Q. Looking at CBA Petitioner's 9, your house is here on the end, the brown?
A. Yes.
Q. You have a neighbor on the opposite side, the Hutchins?
A. Correct.
Q. But there's no one in between you. What's your neighbor's name that lives here?
A. Darby.
Q. There is no one between you and the Darbys?

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A. No.
Q. So the Darbys or the Hutchins -- put it this way -- should a neighbor construct or propose to construct something, some accessory structure that blocked your view, would that upset you?
MR. COVAHEY: Objection.
THE CHAIRMAN: I'm not sure what the relevance is.
MR. LANZI: Detrimental.
THE CHAIRMAN: It's his opinion.
A. There is numerous construction going on all around me on that street. Everybody is replacing their structures that were demolished directly --
Q. But if --
MR. COVAHEY: Let him finish his answer.
A. Even if Mr. and Mrs. Darby rebuilt their house and they put in a three-story house, it doesn't bother me at all.
Q. So a blocked view doesn't bother you?
A. Not in this particular case, no, sir, it doesn't.
Q. What if it affected your property value?

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A. No, it wouldn't.
Q. It wouldn't bother you?
A. No.
Q. Back to the big exhibit, the cardboard. I'm showing you Petitioner's No. 13 where you apparently, in the photograph, tried to show what twenty feet would look like.
Would you agree that the twenty feet -- looking at picture number five -- goes clear to the top of the second level of the Hutchins' home?
A. Well, it appears to go to the level of the floor level of the second floor deck. However, there is the angle taken into consideration.
Q. Now, would it be fair to say that looking at, I guess, at the red dot on photograph number five, that anything below that including the darkened windows on photograph five would effectively have their view blocked?
A. Yes, it would, as well as the old garage.
Q. So the old garage did block their view somewhat?
A. To the first floor, yes, sir.
Q. Would you agree adding five more feet would

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further block their view?
A. My opinion, no. Very minimal.
Q. Okay. Now, prior to your filing the variance request, did you explore any alternative location for the garage on your property?
A. No, sir.
Q. Are you building the current garage, or do you have a contractor?
A. I have a contractor.
Q. You have indicated you already started the foundation?
A. Yes.
Q. How high up is that?
A Eight feet.
Q. Now, are you aware that your replacement garage is going to be about thirty percent larger than the garage that was there before?
A. Please explain.
Q. Have you done the math, or when you were applying for your building permit, did you look at the dimensions, compare the dimensions of your proposed garage with your

old? Would you agree that one is larger than the other, in total size?

A. In height? Square footage height?

Q. Towel area. Cubic feet.

A. Cubic feet? Yes, it's bigger.

Q. Now, Mr. Gasker, your property does enjoy, I believe you said, waterview on two sides, is that correct?

A. Yes.

Q. Would the Darbys also enjoy waterviews on two side?

A. Yes.

Q. Would you agree that your lot is essentially a flat lot?

A. For the most part, yes.

Q. Now, you have continuously resided in your house since the hurricane, is that correct?

A. Yes, sir.

Q. Do you intend to live there whether you get the variance or not?

MR. COVAHEY: Objection.

THE CHAIRMAN: I'll allow the question.

A. Yes.

Q. From one of the reports that you submitted, your property is 17,800 square feet?

A. That's approximately correct, yes.

Q. Would you agree that it's somewhat larger than the Hutchins' property?

A. Yes.

Q. I believe in your direct testimony, you indicated you're concerned for future water surges, or water problems, is that correct?

A. Certainly.

Q. And one of your goals is to protect the personal property with this new structure?

A. That's correct.

Q. Now, after the hurricane, did you replace your air conditioning unit?

A. Yes.

Q. Did you replace it in the same location?

A. Yes.

Q. That's in the lower level?

Q. I believe you said you rebuilt your mechanical room?

A. Yes.

Q. Is that in the same location?

A. Yes.

Q. In your testimony earlier, you mentioned the inside. I believe you said the inside dimensions of the proposed garage were twenty-four by twenty-four, is that correct?

A. Approximately, yes.

Q. What would the dimensions be from the outside wall to the outside wall?

A. Well, the concrete walls -- you're asking me for the new construction?

Q. Yes.

A. The concrete walls are eight inches thick. The actual dimensions of the slab is slightly under twenty-four feet.

So it would be twenty-four feet outside to outside, twenty-four and a half, twenty-four feet, six inches, possibly. I didn't measure exactly.

Q. So the new construction will actually go slightly outside of the cement slab?

A. Yes.

Q. You say you are about six feet tall?

A. Yes.

Q. In looking at the two drawings that you did, the original one, or the one that blew down, it looks like you have an eight foot first floor and a six foot area for the roof, would that be fair to say?

A. Yes. Very fair.

Q. Then on the new one, it looks like you have eight feet, and then you're going up thirteen feet?

A. To accommodate the second story, yes.

Q. Now, if you're under six feet, you would be able to walk fairly normal in that area if the roof area were six feet, correct, or the second floor area were six feet, is that correct?

A. Theoretically. But only -- well, no, because the six feet accommodates the thickness of the actual roof trusses which are two by eight -- or two by sixes. Excuse

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So the actual head clearance would come down to about five and a half feet, and that five and a half feet is roughly only a foot wide.

When you start to stray off of center with the pitch of the roof, then the height of the roof is diminished.

Q. The permit that you did get approved to build your new garage -- I guess what I'm trying to understand -- it showed twenty-four by twenty-four, but you already stated under oath that it's beyond twenty-four by twenty-four?

A. Yes.

Q. That it will extend beyond the twenty-four?

A. Yes. To accommodate the hurricane-proof construction.

Q. When you built the garage that was in dispute in the early nineties, isn't it true that that was built and the permit obtained after the fact?

MR. COVAHEY: Objection on relevance.

MR. LANZI: Going to a pattern.

THE CHAIRMAN: No, no. I'm not prepared to

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expand this to a pattern of what people do.

The Board never has really done that. Let's try to keep it to this property.

MR. LANZI: Okay.

Q. Are most, if not all the properties along Denton Avenue, do they have a waterfront, or are they waterfront, or do they have a waterview?

A. Yes, all properties on Denton Avenue have a waterview.

Q. Earlier, one of your photographs that you testified about showed damage to personal property. Do you recall that?

A. Yes. I showed several.

Q. The personal property, was that more than just what was in the garage structure? Did it include some items from your house as well?

A. If it did, very minimal. The vast majority in that photograph in that pile of debris came from the garage.

Q. How many structures along Denton Avenue in the lower end were either damaged or destroyed, do you recall?

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A. Eight to ten on the very south end.

Q. So you weren't alone with the damage?

A. Oh, no.

Q. I'm going to show you information obtained from the Maryland Department of Assessments and Taxation and ask you if you can identify that document?

A. That's the Maryland Department of Assessments and Taxation. Anthony Gasker.

Q. That's your property?

A. Yes.

Q. Your i.d?

A. Yes.

MR. LANZI: I offer this public record --

MR. COVAHEY: Wait a minute. What's the date of this?

MR. LANZI: I believe it's yesterday, 11-29-2004.

MR. COVAHEY: What's the date of the -- I object on relevance. I don't understand the relevance.

MR. LANZI: It shows the size of his property.

MR. COVAHEY: I don't understand the relevance. It just shows the square feet and shows what the

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assessment is of the property.

I don't understand what that has to do with the issues before the Board.

MR. LANZI: It shows its waterfront, shows the size, which we'll contrast with some of the others. It's a public record. It speaks for itself.

THE CHAIRMAN: It's a public record as to various bits of information about the house on the topic today that we're discussing here at some length.

Granted, since it's an all-encompassing form, there may be some things that are not relevant, but I think there are some things here that are, so to that extent, things relevant to our discussion, we'll accept it. Number three.

MR. LANZI: Yes. Can I have a moment?

THE CHAIRMAN: Certainly.

Q. I'm going to show you -- I believe it's a red lined version of Petitioner's No. 1 -- which is your site plan?

A. Uh-huh.

Q. If you could --

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MR. COVAHEY: I would like to take a look at it first.

Q. I ask whether you would agree whether the alternative locations for a garage on your house are feasible?

MR. COVAHEY: Objection. What this is, they've put a couple alternate locations and they're asking him if it's feasible. That's not the issue.

The garage was destroyed by the flood, and we're keeping the same footprint.

It's clear you could probably put it other places, but that's not the issue before the Board.

THE CHAIRMAN: I hear what you saying, but here's the issue. There's two parts to this.

It's not like this is a nonconforming use where you have to be in exactly the same spot. We have the issue of practical difficulty.

So if he wants to present an alternative theory of how the property can be utilized to give him what he wants without requiring a variance on the property, then that goes to practical difficulty.

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So I'm going to allow that. His answer may be he doesn't know. If it is, that's fine.

A. All right. Well, you have one alternative that is connected to the house. Well, that would certainly create a financial burden.

I would have to start totally from scratch as far as excavation, a new slab, and the demolition of the existing construction and slab.

Construction on the -- that would be the west side of the house. I believe, again, that would be a financial hardship. That construction, I guess, would cost every bit of two to three times as much as utilizing the existing site and slab.

And I do believe on that side of the house, if -- in fact, I'm sure there's a utility easement, and I think the county would never approve construction in this area.

Q. You didn't consider an alternative location though?

A. No, not in this case, no.

MR. LANZI: I'd offer this red lined as Protestants' 4

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MR. COVAHEY: Objection, for the record.

THE CHAIRMAN: Noted. I'm going to enter it.

Q. You're not a contractor, if I recall your background?

A. No.

MR. LANZI: That's all I have for now.

THE CHAIRMAN: Redirect?

MR. COVAHEY: One second.

THE CHAIRMAN: Go ahead.

REDIRECT EXAMINATION

BY MR. COVAHEY:

Q. Mr. Gasker, on Petitioner's Exhibit -- that's Protestants' No. 4, the overlays with the alternative sites you identified?

A. Yes.

Q. And, again, the entrance to your house fronts on, if you extend it, Denton Avenue?

A. Correct.

Q. That's the main entrance to your house?

A. Yes.

Q. And in reviewing this document that was presented

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to you by counsel for the protestants, do you know yourself whether or not if you built these alternative sites, that you would need any side yard setback variances, or any other variance?

A. I certainly have to assume so.

Q. In fact, this one looks like it would be very close to the property line on the side, is that correct?

A. Yes.

Q. And it shows that both of these would be attached to the dwelling, is that correct? As opposed to a freestanding building?

A. Yes.

Q. Now, there was, on cross-examination, you were questioned with respect to the building permit showing for the old garage that was destroyed by Isabel, 15.3 or 15.5 inches. Do you remember testifying to that?

A. Yes.

Q. Now, if we look at the actual structure, the structure that you built, how high was the structure that you actually built? If you take these numbers, how many

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A. Eight feet.
Q. And then you go up how much further?
A. Ten feet, or ten inches, and then another six feet.
Q. So it you add eight and six feet, that gives you how much, fourteen?
A. Fourteen.
Q. And if you add ten inches --
A. It was fourteen feet, ten inches.
Q. So it did not exceed the fifteen feet, is that correct?
A. Oh, no, absolutely not.
Q. With respect to --
MR. COVANEY: Let me see what's marked as Exhibit 13, I think.
Q. The question with respect to Exhibit 13, and particularly 13-1, the pole that you put up actually is on top of the corner of your slab, is that correct?
A. Correct.
Q. And the fifteen feet, if you look at it, would have extended where with respect to the floor of the first

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floor porch?
A. I would say four or five feet above.
Q. And regardless of what happens here today, you're going to go ahead if you don't get the twenty feet and just have to be stuck with the fifteen foot, but you're going to build it in the same place, right?
A. Yes.
Q. And with respect to the alternate sites that are shown on Protestants' Exhibit 4, you estimated it would cost how much more, just looking at it, than what you're going to spend on improving the existing site?
A. Oh, it would have to be two to three times as much, and I didn't take into consideration connecting it to the existing structure. That impedes on the house itself, and there's a cost involved in that.
Q. Now, the Darby house next door, that would be on the west side of your property, is that correct?
A. Yes.
Q. What was there before Isabel? How high was that house?
A. A single story, one level.

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Q. And the new house that has been constructed there next to you is how many stories?
A. Counting the ground level, four stories.
Q. And you said you're all right with that?
A. Yes.
Q. With respect to the new construction extending beyond the twenty-four feet on the concrete slab, how much is it going to extend beyond because you have to put in the hurricane construction?
A. It will be eight inches wider than the original construction.
Q. Still on the same slab, but it will just overhang it?
A. Yes. I discussed it with zoning, utilizing the existing slab, the old exterior walls four inches wide with three-quarter plywood.
The new walls are eight inches wide. So it's about between six and seven inches because it's two by fours and then three-quarter inch plywood on the existing structure, the old structure, and the new structure is a solid eight inch wall. So the new construction will be

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three and a half inches wider on each side.
Q. Now, you were asked with respect to you have more cubic feet it you get the variance, is that correct?
A. Yes.
Q. How about square footage, is that going to be the same?
A. The same.
MR. COVAHEY: Just bear with me one minute.
THE CHAIRMAN: Sure.
Q. Now, with respect to -- you were asked with respect to the other houses that were destroyed. Do you remember testifying to that?
A. Yes.
Q. Now, with respect to those houses, do you know whether or not most of them have been rebuilt?
A. Yes. They've virtually all been rebuilt at the end of Denton Avenue. They are in construction as we speak.
Q. And they were completely rebuilt?
A. From the ground up, yes.
Q. But you still have the same house?

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A. Yes.
Q. So would it be fair to say the new houses constructed have other methods of taking care of storage, is that right?
MR. LANZI: Objection.
THE CHAIRMAN: If he knows.
Q. Do you know, to your knowledge?
A. I can't really speak for anyone else. I can only speak on my behalf, and I know the storage issue for me and my family.
We had all of our personal belongings stored in the manner in which it was below floodplain, and all that personal property has been lost and destroyed.
MR. COVAHEY: No further questions.
THE CHAIRMAN: Recross?
MR. LANZI: Yes.
RECROSS EXAMINATION
BY MR. LANZI:
Q. The new construction of most of those houses, do they include the garage as part of the house? Would that be fair to say?

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A. I don't know what you're classifying as garage.
Q. An area underneath the Darby house where they can park the cars?
A. Yes.
Q. Under the Hutchins' house where they can park the cars?
A. Yes.
Q. These are part of the house, not detached garages?
A. That's correct.
Q. I refer you to what was Petitioner's 1, which is the site plan. I believe that is your handwriting?
A. No.
Q. Do you know who wrote that?
A. Well, that was --
Q Is that your signature there and the date?
A. Yes, that's my signature.
Q. But that's not your handwriting?
A. No.
Q. So that 525 square feet proposed, is that a correct number or not a correct number for square feet?

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MR. COVAHEY: Objection. That exceeds the scope of the redirect examination. This is some new issue.
THE CHAIRMAN: We are sort of limited as we move further along.
MR. LANZI: I thought we had talked about the size. He just asked him about cubic versus square feet.
THE CHAIRMAN: That's true.
A. I don't know what the question is.
Q. I believe your permit says 576 square feet, twenty-four by twenty-four. I'm trying to understand where 525 square feet came from, and it indicates that's for each floor.
And the reason I'm asking this, you testified that there won't be any increase in the size.
And that's not a true statement. There will be an increase in size?
A. Based on what was existing, there is no increase in size.
Q. So a building that's five feet higher, twenty four by twenty four, is not any bigger than a twenty-four by twenty-four by fifteen --

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Q. Are you saying --
MR. COVAHEY: Objection.
MR. LANZI: I'll simplify it.
THE CHAIRMAN: Stop, because she can only take one person at a time, so let's try to agree to some order.
MR. LANZI: I will rephrase.
Q. Would you agree that your new proposed garage will be bigger than what was there before?
A. In cubic footage, yes.
MR. LANZI: That's all I asked.
THE CHAIRMAN: Okay.
Q. Do you have any idea why the handwritten note was put on Exhibit 1 about the 525 square feet?
A. I didn't write that.
THE CHAIRMAN: I think the answer is no, he didn't.
Q. You didn't write it, even though your signature is next to it?
THE CHAIRMAN: That's what he said.
MR. LANZI: That's all I have.

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I'll let you guys finish first, because I have a question to ask.
MR. COVAHEY: Let me see Exhibit 1. Something floating around that doesn't make sense. The plat that accompanied the petition is what I'm looking for.
THE CHAIRMAN: What exhibit number was that?
MR. COVAHEY: One?
MR. COVAHEY: Here it is, Petitioner's Exhibit No. 1.

REDIRECT EXAMINATION

BY MR. COVAHEY:

Q. Now, the handwriting that counsel for the protestants asked you about that you couldn't identify appears on what's been marked as Protestants' 4. Does that appear on Petitioner's Exhibit 1?
A. No.
Q. So you don't know where that handwriting came from that's on their exhibit?
A. Not definitively.
THE CHAIRMAN: Are you saying it's the same document with two versions? Come on up.

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Q. You don't know whether Mr. Lanzi or Mr. Doak or somebody else created that?
THE CHAIRMAN: They wouldn't do that, Mr. Covahey. Let's see what we've got. Let's see exactly what we're talking about. First on this one --
MR. COVAHEY: This is Petitioner's No. 1. There is nothing on it.
THE CHAIRMAN: Hang onto that for a second. Now we have this one.
MR. COVAHEY: That's Protestants' 4, with alternative sites.
THE CHAIRMAN: That doesn't have that number on it anywhere, right?
MR. LANZI: The number I'm talking about --
THE CHAIRMAN: Finished garage size 525 square feet, that's on this one, which is Protestants' No. 4, which you gave us today. Then here is --
MR. LANZI: You have the red lined version?
THE CHAIRMAN: This is the one you have that doesn't have the language?
MR. COVAHEY: Here's the actual Exhibit No. 1,

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and I submit this is what's filed with the application which should be in your file.
MR. LANZI: I think I know the answer.
THE CHAIRMAN: Go ahead.
MR. LANZI: I believe the Exhibit 1 was probably an administrative variance and one was an exhibit in the actual hearing, because he started out with an administrative variance and then it kicked into a hearing, but, regardless, it's in your file. If we have to take the time to do it, I'm sure it's in your file somewhere.
THE CHAIRMAN: All right. But the point is, he testified he hasn't written it and doesn't know where it came from.
MR. LANZI: If that's his testimony, so be it.
THE CHAIRMAN: Fair enough.
Q. (MR. COVAHEY) Let's go back to Protestants' 4 and Petitioner's 1. If we look at the actual dimensions that are shown and your building permit says twenty-four, what are the actual dimensions as shown?
A. Twenty-four feet, three inches by twenty-four feet, two inches.

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MR. COVAHEY: And that's on Petitioner's Exhibit No. 1 and it's also on Protestants' No. 4.
THE CHAIRMAN: Gentlemen, there's 24.3 it shows on both. Is that an interior or exterior measurement?
THE WITNESS: It's -- I beg your pardon, please.
THE CHAIRMAN: You're included in this. We have the proposed garage, shows 24.3 and 24.2, there and there. Is that exterior or interior?
THE WITNESS: That's exterior.
THE CHAIRMAN: Mr. Lanzi.
Q. Possibly getting to the bottom of that question where the language came on Exhibit 1 and our Exhibit 4, is it possibly that this apparently identical site plan, other than the handwriting, would have been attached to your building permit application, do you recall that?
A. Oh, I'm sure I had to supply a plot plan for the permit application.
Q. So this may have been written on by staff?
A. It's possible.
Q. Did you agree to that by signing next to it, the restrictions staff placed on it?

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A. Can I look at it again?
Q. Sure.
A. I certainly signed it. I'm sure I was asked to sign the plot plan.
As far as the square footage, I mean there's no doubt that's an error in square footage because it's certainly apparent that the existing slab is, give or take an inch one way or the other, was twenty-four by twenty-four. If you do the math, it doesn't equal the 525.
THE CHAIRMAN: Frankly, gentlemen, I'd rather go with what's on the dimensions rather than what somebody could have done this and done the math wrong.
MR. LANZI: If you read on, it says the building side may be required to be reduced due to floodplain.
THE CHAIRMAN: That may or may not -- until we know who wrote it and why, it's all conjecture.
MR. COVAHEY: Did I lose my copy of Protestant's Exhibit 4?
THE CHAIRMAN: That's yours. You can have that back, sir.

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MR. COVAHEY: Thank you.
THE CHAIRMAN: You're welcome.
MR. LANZI: Nothing further.
THE CHAIRMAN: Do you have anything else, Mr. Covahey?
MR. COVAHEY: No, sir.
THE CHAIRMAN: All right. I have a question, and I think one of the other members of the panel has a question.
Of course, I'll let you go back if there's anything that's brought up.
The picture you showed and in answer to Mr. Lanzi's questions that there are already spaces, if you will, for two cars in your dwelling?
THE WITNESS: Yes, sir.
THE CHAIRMAN: Those are the spaces we saw, in essence, under the building?
THE WITNESS: That is correct.
THE CHAIRMAN: Is there access from that underneath space directly into the house, or do you have to go outside?

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THE WITNESS: You have to go outside.
THE CHAIRMAN: And around the doorway?
THE WITNESS: Yes, sir.
THE CHAIRMAN: I wasn't quite sure from the picture. Obviously, there was the entrance that you could pull the car in that you could see in the photograph.
Are the walls contiguous around that parking space, other than that open space, to pull the cars in?
THE WITNESS: No. There is other open sections.
THE CHAIRMAN: Where are they, on the side? The back? Where?
THE WITNESS: One on each side, actually.
THE CHAIRMAN: Do you use that for parking now?
THE WITNESS: Yes. My wife does pull in there, yes.
THE CHAIRMAN: Has that always been since you have lived there, has that always been where you parked your cars?
THE WITNESS: Yes.
THE CHAIRMAN: If that's always been where you parked your cars, then why did you need additional space

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in the other building, admittedly away from the main building, to park the car in?
THE WITNESS: Well, we do have more than two vehicles, number one.
THE CHAIRMAN: That was going to be my next question.
THE WITNESS: Basically, that's it. The old garage was built not only to park a car, but it was to provide storage.
THE CHAIRMAN: But I guess the point I'm coming to, one of the things we have to struggle with is the issue of practical difficulty, as both attorneys have pointed out.
If the question is you need more storage space, you need higher storage space and you went to go to twenty instead of fifteen, do you actually need space for more cars in that building as opposed to turning that into a storage building?
THE WITNESS: Well, it's very good question. And the old garage, unfortunately, was, through the years,

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we had stored under that critical floodplain elevation was lost.
THE CHAIRMAN: My point is, if you're don't have an eight foot high parking area on the lower part of that, could you not have sufficient storage space to meet your safety and survivability requirements and not have to go above the fifteen feet, ultimately?
THE WITNESS: Well, no. That amount of storage space, not only for accessibility, but for load bearing and volume of space that we need, it would be -- fifteen feet would be, unfortunately, totally inadequate.
THE CHAIRMAN: Do you have a question?
MR. QUINN: Yes. Mine is a matter of inches because if the measurements you have given, 24.3 and 24.2 was the exterior, you now say the walls -- and I don't know whether it's either side combined -- are eight inches thick or six inches thick?
THE WITNESS: Eight inches.
MR. QUINN: On either side?
THE WITNESS: Yes. Eight inch thick walls.
MR. QUINN: So, in essence, we have four inches,

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and what I'm thinking, where the measurement came from, because if you do take eight inches off each of the 24.3, you're under, of course, twenty-four feet interior, which is twenty-three and a fraction, is that correct?
THE WITNESS: Well, that would add up.
MR. QUINN: So actually you're going to have less space interior than you had before?
THE WITNESS: Possibly by inches. And I know the issue with the dimensions apparently become important, but I think I have it written down somewhere, but the exact dimensions of the existing slab was dictated by the old structure.
So even though the old garage was built from a set of blueprints, that called in a twenty-four by twenty-four by fifteen foot garage. Now the slab remained. It was slightly less than twenty-four by twenty-four by a couple inches, and I don't remember exactly when I went through the permit process with the intent of utilizing the existing slab, zoning reviewed or gave me the building requirements to make it an acceptable building in the floodplain which would be, you know,

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floodwater resistant eight inch thick concrete reinforced steel, and that's what or how it was designed.
Now, exactly what the overall dimensions are going to end up, you know, we can just do the math. Its outside to outside dimensions certainly are going to be a little bit bigger than twenty-four by twenty-four feet. I don't know exactly. Maybe twenty-four inches, twenty-four feet, five inches, but I think you made a good point.
Now, the eight inch thick walls, the interior could very well end up being smaller in inches than it was before. But, again, I didn't exactly measure it.
MR. QUINN: But you're not pouring a footer to put your block wall on? Is this a block wall or is it poured?
THE WITNESS: Poured concrete.
MR. QUINN: So you're going to do a unified pour in a mold to build that wall?
THE WITNESS: Well, actually, the new footer was put in to meet the requirements, the building requirements, which was, I guess, sixteen inches thick concrete, poured up to the bottom of the existing slab

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elevation.
MR. QUINN: That clears it.
THE WITNESS: Now, they form the eight inch walls allowing the existing slab to protrude into the concrete wall.
So exactly how far that protrudes into the eight inch thick concrete wall, I don't know exactly. Maybe an inch. Maybe two inches. And then from there, it's eight feet high reinforced concrete.
MR. QUINN: Again, your side wall is poured. I'm talking about the wall going up. It's not rock?
THE WITNESS: No, sir. It's poured concrete.
MR. QUINN: That's why it's hurricane-proof. The 24.3 by 24.2 now includes the footer for which this pour will be on top of the wall? I'm talking about that you're coming up laterally.
THE WITNESS: That would make sense.
MR. QUINN: That's your support for that wall?
THE WITNESS: That's correct. That would make sense.
THE CHAIRMAN: Excuse us a minute.

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(Discussion held off the record.
THE CHAIRMAN: Okay. Counsel, I'm going to start with Mr. Covahey. Is there anything our two lines of questioning motivated you to ask another question.
MR. COVAHEY: Yes, sir.
THE CHAIRMAN: All right.
FURTHER REDIRECT EXAMINATION
BY MR. COVAHEY:
Q. Prior to the old garage being destroyed by Isabel, did you park in the old garage?
A. Yes.
Q. Are you parking on the slab now?
A. Yes.
Q. If you use the new garage, the lower area for storage, you still have the same problems with water, is that correct, if you had a storm surge or hurricane?
A. That is correct.
Q. Now, you said the masonry construction is built to what requirement, to be hurricane resistant?
A. Yes, if that's the right terminology, but it follows the guidelines given to me by the Baltimore County

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zoning office.
Q. Do you have those guidelines?
A. They might be on that one that Doug has. Does it say about eight inch concrete?
Q. Yes, it does.
MR. COVAHEY: In fact, this would be an exhibit -- may I see seventeen? I think that's it.
Q. I'm going to show you what's been marked as Petitioner's Exhibit 17. Does that have the requirements on there for the new construction?
A. Right. Eight inch poured concrete.
Q. That's why you're doing that, is that correct?
A. That's correct.
Q. So you're not going to do anything than you did different before, except you want to be able to store your stuff up out of the floodwaters?
A. That's the whole idea.
MR. COVAHEY: No further questions.
THE CHAIRMAN: Mr. Lanzi?
FURTHER RECROSS EXAMINATION
BY MR. LANZI:

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Q. When was the time you parked a car in the other garage?
A. The other garage?
Q. The garage that was destroyed.
A Now, or before -- prior to the hearing? There's a car parked on it now.
Q. I said when did you last park a car in the old garage?
THE CHAIRMAN: When it still existed?
A. Just prior to it being destroyed.
Q. Didn't you testify earlier that you used, essentially used, the entire garage for storage?
A. All except room for one car.
Q. Your testimony now is that you did keep one bay open -- if that's what you call it -- one area open?
A. Yes. It would fit a car, yes.
Q. But then also the stuff that you had in the photograph, that all somehow fit in the other area of the garage?
A. Yes.
Q. Again, if other witnesses testified that you

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didn't park a car in the garage before the storm recently, they wouldn't be telling the truth?
MR. COVAHEY: Objection.
THE CHAIRMAN: Rephrase the question. If you're asking if he thinks they might be inaccurate, then I will let him answer that question.
Q. If other witnesses were to testify that you did not park your cars in the garage before the storm, would they be inaccurate in their statement?
A. Yes.
Q. How many cars do you all have in your household?
A. Four.
Q. Are there areas in the driveway where the cars can be parked?
A. Yes.
Q. Now?
A. Yes.
MR. LANZI: That's all I have.
THE CHAIRMAN: Okay. Mr. Covahey?
MR. COVAHEY: No further questions.

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THE WITNESS: You're welcome.
MR. COVAHEY: We'll call Doug Kennedy to the stand.

DOUGLAS KENNEDY,

having been called as a witness, was duly sworn, and testified as follows:

DIRECT EXAMINATION

BY MR. COVAHEY:

Q. Would you state your name, for the record?
A. My name is Douglas L. Kennedy.
Q. What is your business address?
A. My business address is 3106 Lord Baltimore Drive, Woodlawn, Maryland 21244.
Q. By whom are you employed?
A. I'm employed by a firm called K.C.W. Engineering.
Q. What is your occupation?
A. I am a senior vice president and professional engineer. I'm a civil engineer.
Q. Are you a professional engineer registered and licensed in the State of Maryland, is that correct?
A. Yes. I have been licensed in Maryland since

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1977.
Q. Have you ever qualified as an expert in engineering and land planning before the County Board of Appeals or the Zoning Commissioner's office of Baltimore County?
A. Yes, I have, many times.
Q. How long have you been in the employee of K.C.W. Engineering?
A. For twenty-six years.
Q. Prior to becoming employed by K.C. W. Engineering, by whom were you employed?
A. I was employed by Baltimore County, Maryland.
Q. How long were you employed by Baltimore County?
A. For seven years.
Q. When you were employed by Baltimore County, what was your job?
A. Initially, right out of school, I worked for Baltimore County Bureau of Engineering on a rotational training program and then I spent the last five years of the seven years in the storm drain design group.
Q. You have a Bachelor's of Science in engineering

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from where?
A. Yes. I have a Bachelor's of Science in civil engineering from North Carolina State University.
Q. Do you have any other degrees?
A. No. No Master's.
Q. You have been continually engaged in the practice of engineering and related disciplines since when?
A. Since 1971.
Q. In addition to appearing as a expert witness before the County Board of Appeals and the Zoning Commissioner's office of Baltimore County, have you ever appeared as an expert witness in the Circuit Court?
A. Yes, in Circuit Court, I have, yes.
Q. In engineering and landscaping discipline?
A. Yes, as an engineer.
Q. Were you engaged by Mr. Max Gasker with respect to the present petition that's before the Board?
A. Yes. Mr. Gasker asked me to take a look at the property.
Q. In connection with taking a look at the property, tell us what you did.

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A. Well, what I did was visited the property.
THE CHAIRMAN: Before you start asking him questions that you're going to want him to answer and he's going to object to, are you laying a foundation for him to be an expert? You haven't done that yet.
MR. COVAHEY: That's what I'm getting to.
THE CHAIRMAN: You're getting into what he did in the project.
Q. I will backtrack. You qualified and testified as an expert witness before the County Board of Appeals and the Zoning Commissioner's office?
A. Yes.
Q. And you have rendered opinions within the field of engineering, is that correct, professional opinions?
A. Yes. Both engineering and planning.
MR. COVAHEY: I submit he's a qualified expert witness in the disciplines of engineering and land planning, and he's a licensed professional engineer.
THE CHAIRMAN: Voir dire.

VOIR DIRE

BY MR. LANZI

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Q. Have you testified in your capacity as an engineer with regard to zoning issues?
A. Yes, I have.
Q. Do you have a zoning background in addition to your engineering?
A. I don't understand what a zoning background is. A zoning background comes with experience in doing numerous projects in Baltimore County.
Q. Have you testified as an expert in land planning?
A. You can describe it as engineering, land planning and zoning.
Q. What's your background in land planning?
A. My background would be just experience on numerous projects in accordance with Baltimore County zoning regulations.
Q. You don't have any educational background in land planning?
A. No. As part of the civil engineering program, I had courses in land planning.
MR. LANZI: Just so I'm clear, it's requested for him to be recognized as an expert in engineering?

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THE CHAIRMAN: And land planning.
MR. LANZI: If the Board has recognized him in the past, we'll do so agree.
THE CHAIRMAN: Just so the record is complete, Mr. Kennedy, can you give me either numbers or descriptions of projects where you were called upon to make land planning and zoning decisions?
You have an engineering background I have no problem with at all. As far as I am concerned, you can stop once you're a P.E. It's good enough with me.
But the land planning and zoning, you said it's experience. That's fine. Tell us a little bit about what you think that means.
THE WITNESS: My responsibility with our firm is in land development. With land development, we do work in both residential, commercial and institutional properties and you have to have knowledge of the zoning regulations of whatever jurisdiction you're working in and what are the rights of the client. You're taking land and you're are laying it out for development purposes.

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estimate in any given year you work on that involves your knowledge of land planning and zoning as opposed to engineering?
THE WITNESS: At any one time, I might probably have maybe twenty, you know, I'm working on concurrently in a year.
THE WITNESS: They would all include planning and zoning?
THE WITNESS: Yes, because we do land development.
THE CHAIRMAN: I'm satisfied, unless somebody else wants to pursue it. We'll accept the witness as an expert in engineering and land planning.
CONTINUED DIRECT EXAMINATION
BY MR. COVAHEY:
Q. Now, after you were engaged by Mr. Gasker with respect to his petition for a height variance, what did you do in connection with that assignment?
A. Well, the first thing we did, you know, visited the site, take a look at the property, and take a look at the neighborhood.

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Q. You say "we." Who went down there and looked at the property and examined it?
A. Well, the first time I was at the property, Mr. Gasker was in attendance, and you were also.
Q. You went down and inspected the property?
A. I inspected the property on that date. I believe it was October 8 of 2004. And to take a look at the property.
Q. In order to get to the property, you went down Old Court Road and had to go down Denton Avenue?
A. Yes, had to go down North Point Road. I am familiar with the area because we had a project in the general area.
Q. What project do you have in the general area?
A. It's called Todd's Inheritance, an historic structure to the north of Denton Avenue, and it was an historic structure that's under -- well, it's being considered for renovation, and we did the site plan for that.
Q. Based on your engineering and planning

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Denton Avenue peninsula?
A. Well, it's a -- the property, Denton Avenue, I feel, is unique. It has to do with the elevations. It's in the lower elevations. It varies from elevation five up to elevation nine.
And also, when you take a look at it, it's surrounded on water on three sides. It's a peninsula. It jets out into the water of Shallow Creek.
Because of that, of the shape of the property, the location at the end of the peninsula where Mr. Gasker's property is, it's unique.
Q. You're jumping ahead, but that's all right. Why do you say Mr. Gasker's property is unique?
A. Well, a subdivision plat was submitted as one of the earlier exhibits and it showed Mr. Gasker's property as being part of lot number twenty-four, which is at the end of the peninsula. It's the last land before you hit the water.
Q. In connection with the Gasker property, did you conduct any topographical surveys or make any determination with respect to elevation?

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A. The first thing we did was research Baltimore County records, and Baltimore County has maps available, a copy of which is in front of Mr. Lanzi now.
This map is available through Baltimore County Geographic Information Service and it's available, you know, to any, I guess, citizen of Baltimore County.
This map, in particular, is called Tile No. 115C1, and it reflects the Denton Avenue area.
Q. I'm going to show you the document that's in my hand. Is this the document that you obtained from Baltimore County?
A. Yes. Well, we obtained the document -- we obtained them on a CD, and they are in digital formats, so we then plot them out using a program called Audo CAD. It's a drafting program.
Q. You did this with respect to what's identified as topo tile 115C1, is that correct?
A. Yes. This drawing here is plotted out from the information we received from the county and it's at scale one inch equals sixty feet and identified as GIS Tile 115C1.

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Q. There are notations on here, is that correct?
A. Yes.
Q. Who put those notations on there?
A. I put the notation on the plan that are handwritten.
Q. Those notations that were put on there are actually elevation notations?
A. Yes. Elevations -- they are handwritten elevations and also elevations that were on the plan prior to my placing the hand elevations.
Q. The hand elevations shown on the plan -- wait a minute. Slow down. The hand elevations that were put on the plan, you obtained those elevations from what source?
A. We had a survey crew to physically measure the different points where the hand elevations are shown to determine what is the elevation at different points on the property.
Q. So you did essentially a topographical survey, is that correct?
A. Yes.
Q. On site?

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A. It was a vertical survey to determine elevation, not horizontal location.
MR. COVAHEY: I want to identify this and offer it as Petitioner's Exhibit 19.
MR. LANZI: I'm going to object for clarification on the vertical versus horizontal.
I will not object to the document, but I will object to the handwritten notations, for lack of understanding.
THE CHAIRMAN: Very simply, since all we're interested in at this point is the document itself, I think he's sufficiently identified the fact that he was responsible for putting this document together.
What's on the subject document is certainly subject to your cross examination.
Q. Now, let's go back and maybe use green because you've got some red on there.
There is some handwriting in Arabic figures, some numbers are on there, is that correct?
A. Yes.
Q. What are the numbers that are on there?

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A. Well, at the end of Denton Road, there's an elevation shown on the plat, the Baltimore County plat. It's elevation 5.1.

We used that as a reference point to determine the elevations at various locations throughout the property.

Q. Did you determine the elevation of the area of the Gasker property where the garage is to be located and where the slab is?

A. Yes. We determined that elevation to be elevation 3.7, which is approximately 1.4 feet below the end of Denton Avenue.

THE CHAIRMAN: Let me interrupt you. He asked two things. The slab and --

Q. Take the slab first.

A. The slab elevation is elevation 3.7.

Q. What's Hutchins'?

A. The Hutchins' property is elevation 5.0.

Q. What's the difference in the elevation?

A. The difference is 1.3 feet, which is approximately fifteen inches.

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Q. So then the Gasker property is lower, is that correct?

A. Yes. The Gasker property at the location of the slab for the garage is lower than the Hutchins property.

Q. Based on your engineering experience and if you were to have a storm surge, which property would flood first, in your opinion?

A. The Gasker property definitely would flood first.

Q. I know the answer is obvious, but why?

A. Due to the lower elevation. Because it's lower, when the water comes up, it goes there first.

Q. I'm going to show you what's been marked as Petitioner's Exhibit 10A, the pictures. I'm going to show you what's marked as Petitioner's 10A. Does that have any affect on the conclusion you just testified to?

A. No. I mean, this is consistent with what I just testified to.

Q. What does this show?

A. This shows the water level -- this photograph is standing in Denton Avenue looking towards the Gasker

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west of the Hutchins' property is where the water level is at zero, because there's paving there.

And when you look into the Gasker house, you can see the garage, the lower level -- excuse me -- of the existing house is under water.

Q. And that would be consistent with the elevations you determined in the field, is that correct?

A. Yes, that's very consistent.

Q. As you go north on Denton Avenue towards Old North Point Road, how do the elevations change?

A. Approximately halfway down Denton Avenue from North Point Road, the elevation of 9.0. The elevation at North Point Road is 9.3. They are higher than the Gasker property.

MS. BRASSIL: What was halfway?

THE WITNESS: Halfway is 9.0, and all the way at North Point Road is 9.3.

Q. Now, let's go back. It's your testimony the Gasker property is unique as opposed to all the other properties because of what reasons?

A. Is the fact it has water on two sides.

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Q. How about the elevation?

A. What occurs -- well, first of all, the water being on two sides, and then it's lower than the rest of the properties in the area, because it's at the end of the roadway, it's at the end of the peninsula.

Q. If we take the whole end of the peninsula, and let's include Hutchins and some of the other houses, and you go up Denton Avenue, is that area different than the area that's further north on Denton Avenue?

A. Well, this lower area is different in that it is lower in elevation than the rest of Denton Avenue.

As you can see from this plan, the elevation from halfway up to North Point Road is at elevation nine, which is approximately four feet higher in elevation than what the property is where the Gasker property is, or Gasker house and Hutchins house.

So there's a four foot difference in elevation from the lower level of the peninsula to the middle of the peninsula and to the upper.

Q. You have been present here in the hearing room

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A. Yes.
Q. Do you have an opinion as to whether or not if this variance is not granted and Mr. Gasker cannot build a twenty foot garage as opposed to a fifteen foot garage as to whether or not he would sustain any practical difficulty or unreasonable hardship?
A. Well, in my opinion, what I see is that everyone has discussed where do you put the storage, where do you place it?
Mr. Gasker's goal is to place or store his items at an elevation above flood level, and at flood protection elevations. By placing it on the second level of the new garage, they would be at an elevation that would not be affected by the flood waters.
Q. Well, if he couldn't put it up there, what would be his practical difficulty and unreasonable hardship? He would have to put it down on the first floor of the garage?
A. It would have to be on the first floor of the garage, or underneath the house, and it would be susceptible to loss during another flood.

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Q. So in your opinion and based on the testimony you've heard and his testimony concerning Hurricane Isabel, if the variance is granted and he stores his personal possessions on the second floor, he'd be beyond the flood surge, is that correct?
A. Yes, he would be. It would be very similar to the elevation of the first level of his house, which was not damaged during the storm.
Q. Now, with respect to the proposed construction, you heard his testimony and you're familiar with the hurricane resistant requirements concerning eight inch board masonry construction?
A. Yes.
Q. Tell us what board masonry construction is.
A. Well, it's reinforced concrete, is what it is. It's a cement mixture, is what concrete is, of sand and water and gravel, and that is the masonry part of the concrete, and then it's reinforced with reinforcing steel.
Q. Now, do you have an opinion if another Hurricane Isabel came in and this variance is granted and the garage is there and it's twenty feet high, is it going to

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withstand another Isabel?
MR. LANZI: Objection.
Q. In your opinion.
THE CHAIRMAN: He's an expert.
MR. LANZI: He's an expert in structural engineering?
THE CHAIRMAN: He's an expert -- I'm assuming that he's going to tell us in terms of the water, how far up the water will go.
If he's going to tell us whether the building is going to float away or not, then I would think you may object.
A. What occurs is the walls are poured at eight feet high of reinforced concrete. That's what's being proposed.
The top of that elevation is going to be above the flood level of 10.4, which is what Baltimore County determines to be the flood level in that area.
So the reinforced concrete walls would protrude above that flood elevation and, therefore, it would be -- the concrete walls would protect whatever is there in the

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lower level and also protect whatever it's supporting on the second floor.
Q. In your opinion, would the granting of this variance be in accordance with the spirit and intent of the Baltimore County zoning regulations?
A. Yes.
Q. Do you think the granting of this variance would be detrimental to the public health, safety or the general welfare of the community?
A. No, I do not think it would be.
Q. How do you feel it would be by building this masonry building as opposed to rebuilding the wood frame structure that was there like before?
A. If they were to replace the garage that's been lost with another frame structure, then if we were to have another storm of the magnitude of Isabel, then there is chances that structure would be lost also.
Q. Now, you were present in the hearing when Mr. Gasker was cross-examined with respect to Petitioner's Exhibit -- I think it was six and seven.
MR. COVAHEY: Let me see this exhibit. Twelve.

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Excuse me.
Q. I want to show you Petitioner's Exhibit 8, which is the frame garage that predated this structure that's proposed. What would have been the total elevation?
A. Well, on this structure or -- excuse me -- this plat here, this reflects a construction drawing for a garage of, my understanding, this was submitted with the initial building permit back in 1992, 1993, and this shows a wood frame construction on a standard foundation and the total height is fourteen feet, eight inches above the slab elevation.
Q. Now, I'm going to show you Petitioner's Exhibit 12, the proposed structure. Can you identify that?
A. Yes. I have seen this Petitioner's Exhibit No. 12, which is a copy of what was submitted with the building permit application for the new garage.
Q. Now, if you take Petitioner's Exhibit 8, in order to use the storage area, if you left the pitched roof, could you increase your storage area and remove those trusses?
A. No. The purpose of the trusses is to support the

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roof in this case, and the truss is a light frame construction that's used.
There again, it's not designed to be load bearing from the standpoint of loading on or within the trusses itself.
Typically, the trusses are made out of two-by-four construction. Here, the height is six feet. And when you take away the structural member and everything, then you're going to have less than five and a half feet of headroom at the highest point.
Q. That's if you did the fifteen feet?
A. With the fifteen feet, yes.
Q. Now, with respect to Petitioner's Exhibit 12, how does the floor joists differ with respect to twelve as opposed to eight?
A. Well, with the Petitioner's Exhibit No. 12, which is for the new garage, the floor joists are ten inches in depth, which is much more substantial.
And then the top of the rafter also is a six inch rafter. So you have the intent here is to get a storage

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to use larger members because you're going to store items above the garage level and, therefore, the members, the wood members that are supporting the roof and supporting the upper level have to be heavier.
Q. And you show a roof pitch on the petitioner's exhibit. What's the roof pitch?
A. On the new garage, the roof pitch is six and twelve.
Q. What's that mean?
A. Which means for every twelve inches you go cross, you'd be going up six inches, which is a standard roof pitch.
Now, what occurs, if you get too low of a roof pitch, down around, say, three and twelve, you've got to be concerned about drainage and waterproofing. So the six and twelve is a standard roof pitch.
Q. So if you reduced the height and reduced the roof pitch, what would that do with respect to your storage area and the problems with the roof?
A. Well, if you were to reduce this roof pitch from six/twelve to something lower, then you're creating

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additional problems of waterproofing, you know, getting runoff off the roof.
You may be able to lower it somewhere to around four/twelve, but you can't get much lower than that, so you may be able to knock a foot off the top of this.
MR. COVAHEY: Let me see Protestants' 4, if I may.
THE CHAIRMAN: While we are still on that same subject, are there -- you say that's the standard roof pitch, the six to twelve, and I understand that.
Are there alternative methods of construction that would allow for less internal usage of space to do a roof?
THE WITNESS: Well, first of all, you need a practical height in there, and what's being shown here is seven feet, two inches.
If you get much lower than seven feet, what -- well, you need a certain minimum height, and earlier you were talking about can you live with five feet.
Well, you know, when you start carrying boxes

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feet, and you're six feet tall, that's very difficult.
THE CHAIRMAN: But my question is, if you're talking about a roof structure with certain requirements internal to support that structure, is there another methodology that would allow you to make use of some of that structure internally and not have it as support structure?
THE WITNESS: What would happen -- the only way to do it would be a flat roof. And in doing that, your structural members are much different. Your type of framing is different.
THE CHAIRMAN: Talk to me about that.
THE WITNESS: Because you would have -- you're spanning a distance of twenty-four feet. Take a look at this room. It's probably twenty four feet in width. Look at the ceiling.
THE CHAIRMAN: Presume you use that different kind of construction. First of all, tell me if that's a viable kind of construction, given this square footage and floor plan? What, if anything, would it change about the internal usable members, and how it would compare

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economically in terms of cost?
THE WITNESS: If we went to alter that roof, say a flat roof, you're going to increase your cost tremendously. Your structural members are much different. Your waterproofing is different. And it's high maintenance.
Aesthetically, it's not going to fit within the neighborhood because everything out there is a typically standard garage peak roof situation.
THE CHAIRMAN: How much would you gain internally in terms of usable space inside?
THE WITNESS: I mean, you would maybe gain two to three feet.
Q. (MR. COVAHEY) You're saying that the cost would be much greater?
A. It would be much greater, yes. And long term maintenance. You'd be looking, with a flat roof, you have to maintain it in much different.
You've got to waterproof it every four or five years. So it's a method they used to use on old row houses back in the fifties, but it's not the type of

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construction done today.
Q Wintertime comes. You get a nice heavy snow like the one that took down the B&O Railhouse.
I want to show you Protestants' Exhibit 4 where they have some alternate sites for a garage attached and it's noted on there in red, is that correct?
A. Yes. This is Protestants' No. 4. It's a copy of the site plan that was submitted with the original zoning case.
Q. This property is D.R. 5.5. This looks like it's up close to the adjacent property line, doesn't it?
A. One thing, when we are looking at the freestanding garage, we are looking -- that's an accessory structure. But the accessory structure wouldn't be within two and a half feet of the side yard.
Q. So an accessory structure, you don't need a side yard setback?
A. An accessory structure is set up and is allowed to have a side yard two and a half feet.
With these alternates, once you attach it to the house, then it's part of the house, and you have to

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maintain your normal side yards. What would occur also --
Q. So on this, if you built it as proposed on the one that's on the west side of the house, would you need a side yard setback?
A. I believe, without putting a scale on it, the one on the west side would need a variance for a side yard.
THE CHAIRMAN: Hold it.
THE WITNESS: Would need a variance for side yard setback.
Q. And they are not -- they were drawn by somebody on the exhibit, but they don't have exact dimensions?
A. That is correct.
Q. On the protestants' exhibit, it doesn't show how far the one that's drawn on the west side is from the adjacent lot line, does it?
A. No, it does not show that. The other observation I have about the one on the west side, how do you access the second bay of the garage?
You would be building a garage, but you would only have vehicular access to one of the bays.
Q. What about the one that's proposed on the south

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side?
A. On the south side --
Q. Do you know anything about that?
A. You probably could size the structure so that you would not have a variance needed.
Q. But you heard Mr. Gasker's testimony with respect to the expense. What is your opinion as to the expense if you follow the alternative method as opposed to constructing this freestanding accessory garage on the existing slab?
MR. LANZI: Objection. I don't know whether it's within his capability as an expert. He's not an architect.
THE CHAIRMAN: Well, land planning would encompass what you get within a certain portion of land, so let's see what his answer is, and you may want to make that objection.
A. Repeat the question.
Q. You heard Mr. Gasker's testimony with his estimates of the additional cost.
Based on your experience as a civil engineer in

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design and as a land planner, is it your opinion that building these alternative structures with the new slab would cost more than using the existing slab?
MR. LANZI: Objection.
A. Yes, they would, because Mr. Gasker's intention was to use the existing slab at the location that it's had.
What would occur at the new location, you have to excavate for footings, you have to pour new slab, which he already has in place now, and then you have to break up and remove the old slab, have it hauled away, so there are numerous additional expenses involved.
MR. LANZI: Objection.
THE CHAIRMAN: Off the record.
(Discussion held off the record.)
(A recess was taken.)
THE CHAIRMAN: Where were we?
MR. LANZI: I was in the middle of an objection. I renew my objection, which was at the time the question was asked. I renewed it after the answer was given, which is his answer is not within the scope of his expertise

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He's not a builder, not an architect. He's talking about the expenses.
THE CHAIRMAN: Okay. I'm going to sustain the objection at this moment, and I want you to ask him further, before you ask that question again, why it is he would know the answer to the economics.
MR. COVAHEY: I think he already covered it, but I will do it.
Q Now, with respect to forming an opinion as to why it would cost more to construct the alternative site as opposed to the existing garage site where there is an existing pad, are you able to form an opinion as to whether or not it would cost more?
A. Yes.
Q. Why is that?
A. Because the scope of work is increased. We do cost estimates. Whenever you do layouts and things like that, sometimes you do comparative cost analysis to determine which way is more effective.
In a case like this, I was not even looking at the structure itself, just looking at the site work,

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things we do on a normal basis.
You would have to additional excavation, you would have pour additional concrete slab, you have to remove existing slab, so those three items are items that do not have to occur with the garage in the location that's it proposed at.
So, therefore, I made the conclusion that, because there's an additional scope of work, that there's additional expense as well.
THE CHAIRMAN: Since we are not putting specific numbers to it which would require a more finite view, certainly in terms of the generalities, I will allow it.
Q. In fact, take it a step further, in the course of your engineering practice, you work up cost estimates for clients concerning site work?
A. Yes. Whenever we do any type of project for the site work and utility, we do quantities and cost estimates.
Q. You've worked up some cost estimates on a project for somebody in this room, is that right?
A. Yes, we have

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Q. Let me ask you this. I want to show you -- let's look at the Exhibit 8. Exhibit 8, there are no stairs shown accessing Exhibit 8, the old structure?
A. That is correct. This is Petitioner's No. 8, the original wood frame structure.
Q. You heard Mr. Gasker about how he wants stairs, he doesn't want to be standing on a ladder to access the second floor?
A. Yes. He indicated he would need a set of stairs so he can walk up directly.
Q. If you built something and kept the same height, how could you put the stairs in there and access the second floor?
A. If you use the same roof configuration, the same fifteen foot height, by the time you have reached the second level on the stairs, you're into an area that probably only has about four feet of headroom.
Q. Why is that?
A. It's due to the geometry of the cross section of the roof area. The truss in this building here is fifteen feet total height. You've got about six feet, and then

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your roof pitch, it tapers down to your walls.
And the stairs, the way they are set up right now, they're running along the -- they are starting at a certain location near -- about three feet off the edge of the building, and they are landing on the second level, you know, past the center line.
So you're past the area where your highest peak is and, therefore, you have diminished headroom.
So just placing a set of stairs on the old layout would not give you the accessibility and storage volume that you're looking for.
Q. Now, with respect to this concrete masonry construction and to make it hurricane resistant, are there any holes in it?
A. Yes. You have to have holes that are placed within the foundation itself, or in the walls, to relieve the water pressure. That's the primary purpose of those holes.
Q. How do holes relieve water pressure?
A. They allow water to flow through on low levels and then they also allow water to get out of the site.

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Q. I think that shows on one of our exhibits where we have the elevations there?
A. I'm not sure what number this was.
Q. This is the typical home construction. That is in evidence.
A. This is the plat that was indicating the typical construction that's recommended by Baltimore County for areas of the flooding. They do have vents at the lower level to allow water to get out of the structure and also the water to flow through the structure.
MR. COVAHEY: No further questions.
THE CHAIRMAN: Cross.
MR. LANZI: Thank you.
CROSS EXAMINATION
BY MR. LANZI:
Q. Mr. Kennedy, you first visited the site October 2004, is that correct?
A. Yes.
Q. So you were not familiar with the old garage that was destroyed in the hurricane?
A. No. It was gone at that time.

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MR. LANZI: May I look at the last exhibit? It shows the elevations. The large plat.
THE CHAIRMAN: That's referring to Protestants' --
MR. LANZI: Petitioner's 19.
Q. This information came from Baltimore County?
A. Yes. It came directly from Baltimore County.
Q. You went through different elevation points, I believe?
A. What occurred, we had the survey crew measure the elevations, the vertical elevations, and what we used as a reference point was the end of the roadway which had an elevation near where the structures are located.
Q. There was a difference of about one feet, four inches between Gasker and Hutchins?
A. Between -- Gasker's elevation is 3.8. Hutchins is 5.0. The difference of 1.2, almost fifteen inches.
Q. Did you check the elevation of Darby, the other side?
A. No. Did not. The only elevations, the three elevations you see marked on here are the ones we checked.

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Q. Do you recall observing the Darby property at all?
A. When I was down there, all I noticed, it was under construction. The site was disturbed around the perimeter. So I did not -- I could not get a feel for what the elevations were.
Q. Did the Darby property have two waterviews as well as Gasker?
A. Well --
Q. If you look at Exhibit No. 9.
A. From this plan, yes. The Darby house is further out. It's even further south than Gasker, and it does have two views.
Q. Would you agree they are both at the very end of the land mass before they hit the water?
A. Yes.
Q. Actually, the Darby house is closer to the water, right?
A. Yes.
Q. So you can't say one way or the other -- I will withdraw that.

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Wouldn't you agree, when you were talking about storm surges and the likelihood of who would get damage first, would you agree that the properties all along the waterfront in a storm such as Isabel, they are all going to receive damage from the water coming up above the water line?
A. Not necessarily. If you take a look, Mr. Gasker put together a little exhibit that showed the houses that had substantial damage, had to be replaced.
Denton Avenue is primarily, I think early 1920s, when it was originally subdivided, you have older structures. Most of the houses down there are one story summer type homes. A lot have been converted for permanent use.
And when you look at the photo map put together, you can see evidence that the older type houses at the lower end of the peninsula are the ones that were lost, and that's because of the difference in elevation. They are at a lower elevation.
MR. LANZI: Can I see -- I believe it's fifteen.

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have been referring to?
A. Yes, this is sketch I'm referring to.
Q. So referring to Petitioners's 15, the properties that are highlighted in purple, I guess, they all received storm damage?
A. Yes. The structures that are in purple, the ones that were basically substantially lost. And at the south end also, there's two structures in particular at the south end, both the Gasker house and the Hutchins house, which were not -- did not have severe structural damage, and I attribute that to the fact that they are newly constructed homes.
Q. But, in general, from your testimony, do you agree that the properties on the lower end of Denton Avenue received more damage as a result of their lower elevation? Is that a fair statement?
A. Yes.
Q. So it wasn't just the Gasker property?
A. No. There were additional properties surrounding the Gasker property that received damage.
Q. You stated for the basis of the uniqueness

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argument -- correct me if I'm wrong -- you stated that the Gasker property was the last piece of land before the water, that it had water on two sides, and its elevation is lower?
A. Correct.
Q. Is that accurate?
A. Yes.
Q. I believe you just testified that the Darby property is also the last land before the water, it has water on two sides, and its elevation is lower, is at the lower end of Denton Avenue, would that be accurate?
A. Yes. They are both -- if you take a look at the original subdivision plat, when you came down Denton Avenue, when you get to the end of the peninsula, there were two lots down there, I think it was lot number twenty-three and lot number twenty-four.
Q. Did you look at any other peninsulas in the area to compare one to another?
A. No, I have not.
Q. Just based on your general experience in

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be fair to say that other peninsulas have properties that have similar features, waterviews on two sides, elevations lower at one end versus the other, is that fair to say?
A. That would be a generalization.
Q. That's how it was meant.
A. But it would have to be -- you'd have to take a look at each peninsula itself, especially when it relates to elevations. Each one is different.
When you're looking at floodwaters, the elevation is the most critical item.
Q. Would you agree that the Darby property is comparable in size to the Hutchins property,looking at the site plan looking at the aerial photograph?
A. I can look at, I guess, the original plat because the Darby property, if you take a look at the ones you have right there --
Q. Okay.
A. You know, I don't have a copy of the actual property plat.
Q. We can get the site plan, which I think is five or six. It would be the subdivision plat.

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MR. DOAK: Four and five.
THE CHAIRMAN: Just for the record, you're now looking at?
MR. LANZI: Petitioner's No. 4.
A. This is a copy of the original subdivision plat from November 9, 1923. When the properties -- at that time, if you take a look at this, lot number twenty-three, which is the Darby property, is probably about, you know, it's smaller than lot twenty-four.
It's probably about -- lot twenty-four is, if you take a look at this, both the property for Gasker and Hutchins lot twenty-four was subdivided and that's how they separated the two houses that Mr. Gasker had purchased originally in 1983.
In 1988, he subdivided the property in two lots and sold off the second lot.
Q. Both of these lots, even though they are subdivided, are larger than, for example, lot twenty-five, twenty-six, twenty-seven, would that be fair to say?
A. Yes.
Q. And you're simply not able to testify as to

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comparable elevations between Gasker and Darby?
MR. COVAHEY: Asked and answered, three other times. Objection.
THE CHAIRMAN: I think he's already testified to that.
MR. LANZI: Okay. Can I see Exhibit 19, which is the last exhibit?
Q. Now, based on this exhibit which you got from Baltimore County, would the elevation on the Darby property be similar to that on the Gasker property, based on this exhibit, which is a public record?
A. If you take a look at this exhibit, you know, it's got spot elevations. The Darby property is very similar, if not a little bit lower, than the Gasker property.
Q. Thank you.
A. At the ground level.
Q. Right. And in your discussion regarding alternative sites for the garage, if the setbacks were met, if the alternative sites could meet the setbacks, would you agree that there are other options for Mr.

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Gasker as far as a new garage?
A. Well, I cannot agree that there's other options for him. Only he can make a determination.
You know, you can propose different alternatives on the site, and that's what someone has done here, placed two different locations, and each of these other locations has, you know, inherent problems that are different than what Mr. Gasker, you know, has become accustomed to.
Q From your standpoint as an engineer, looking at those options, for example, the option that is closer to the Darby property, I'm just saying from an engineering standpoint, is it feasible to locate the garage there, and if there's an impact with the easement, could that garage be pulled forward, pushed forward towards the water, and eliminate any encroachment? Is that a possibility?
A. Well, what occurs, these garages do have to be attached to the house, because an accessory structure, a garage, has to be in the back yard.
And what is occurring here, as Mr. Gasker testified, this is the front of the house. So, therefore --

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THE CHAIRMAN: When you say "this"?
A. Excuse me. I'm looking at the garage location on the south side. There is two. One is, I guess, on the north side, and the second one is on the west side.
And the garage location on the west side would be what he determined to be the front of the house. It would be attached.
Q. Right. The plan was attached?
A. And then you have to meet the setbacks requirements and everything else.
Q. Do you know what the setback requirement is for a side yard?
A. D.R. 5.5. And without going to the zoning manual itself, I believe it's ten feet.
Q. Well, if it's a ten foot setback, he has all that land between the proposed location and the water, isn't it feasible from an engineering standpoint to push this forward to meet the ten foot setback? Attach it to the house?
A. This structure could be moved forward and attached to the house.

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There is one other issue. There's an easement that -- that could be encumbering an easement.
Q. It be pushed forward so that the easement is taken out of the equation?
A. An attached to the house? No. Excuse me. It could be moved forward, but then you're out into the water front area. So this structure could be moved forward.
Q. What's the problem with being out on the waterfront?
A. There is none. I mean, you could move it forward, attach it to the house, and then would not want to be into the easement.
Q. And then that could handle two cars, assuming the structure was designed for two cars?
A. It's a twenty-four by twenty-four foot garage, and I'm assuming that these two blocks shown here in red are twenty-four by twenty-four. They could. Your turning movement is a little bit difficult at that location.
Q. Isn't the road straight in?
A. Straight in.

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A. In backing out. You need to be able to get the rear end to swing around.
Q. They have a driveway, don't they?
A. Yes.
Q. Now, the other option, we'll call it the one closer to the Hutchins house, I believe you said it may be difficult to have two cars go into that?
A. The way this thing is drawn, yes. You have one bay that's blocked off.
Q. Have you -- I don't know if you recall our photograph exhibit, which was probably two or three --
MR. DOAKS: Two.
Q. I'm showing Protestants' No. 2, the area where the proposal would be. There are no windows there, correct?
A. Correct, there are no windows.
Q. So they would merely be filling in a corner of an existing space, correct?
A. Yes.
Q. So they could use, possibly use one bay, but it would be difficult to use two?

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A. Well, the second bay would not be accessible for a vehicle.
Q. Would it be accessible for storage?
A. Yes.
Q. So they could actually build the garage up to twenty feet, attach it to the house, not block anyone's view?
A. But you would still need a side yard variance.
Q. You're sure about that?
A. I'm not totally sure, because I don't have a scale.
Q. Do you know how much distance there is between the side of the house and their existing house and the property line?
A. This plat shows seventeen feet. So what's occurring here, it looks like it's about five feet, the distance between the property line and the edge of the garage, so a variance would be necessary.
Q. They would ask for a side yard variance?
A. They would have to ask for a side yard variance

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Q. Are you taking the fourteen plus the ten, leaving seven left?
A. Well, no. This plat is showing between the main house and the property line is seventeen feet.
Q. Right.
A. Okay. If you take the fourteen, minus the twenty-four, you're looking at --
Q. Seven?
A. Yes. Wait a minute. Fourteen feet here. You're going to have another ten feet hanging over. That leaves seven feet.
Q. That's assuming you do a twenty-four by twenty-four. You can do a smaller garage, go up two floors and give them the storage?
MR. COVAHEY: Objection.
THE CHAIRMAN: It is kind of speculative.
MR. COVAHEY: He's really going far afield.
THE CHAIRMAN: I'm sure you can take down the whole house and build --
MR. COVAHEY: You can build a six garage. You can go on forever. I'm trying to restrain myself.

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Q. Now, with your zoning experience, testifying as an expert, have you ever had financial consideration or financial burden determined a need for a variance?
MR. COVAHEY: Objection.
MR. LANZI: That was the testimony.
MR. COVAHEY: Usurping the function of the board.
THE CHAIRMAN: He can still give an expert opinion.
Q. Have you ever, in your experience?
A. Well, I mean financial is not a practical difficulty or hardship.
Q. That was my question. Thank you. Now, would you agree that the front of the house would be the -- we'll call it the street side -- that's shown on petitioner's site plan?
A. What occurs with waterfront property, in this case, the front of the house is the side that faces or -- excuse me -- the part that faces the extension of Denton Avenue, if Denton Avenue were to extend, that would be the front, and the rear of this house is where the garage is located.

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Q. You wouldn't consider that the side of the house?
A. No, because, you know, when you apply for a permit in Baltimore County, you have to show an orientation.
And there again, the accessory structure has to be in the rear yard area.
Q. So if the plan that was submitted shows the front on the waterside, the plan itself shows the front, wouldn't that place the garage structure in the side?
A. As Mr. Gasker testified, the front of the house is the face of the house that faces Denton Avenue, so where it was labeled on that plat, you know, there's no arrow showing orientation. It's just a label.
So I cannot determine a lot from that, but he indicated that the use of the house, the way it's laid out, they enter the house from the face of the house that faces Denton Avenue.
Q. Now, if the garage were to be allowed to be -- take that back. If the proposed garage were connected to the existing house, do you know what the allowed height would be?

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A. The height would be fifty feet, because it would be part of the primary structure.
Q. Fifty, and not thirty-five?
A. This is D.R. 5.5.
Q. Yes.
A. Which is fifty feet.
Q. Are you familiar with the requirements of Section 104, on nonconforming uses?
MR. COVAHEY: I object to nonconforming uses. We don't claim there's a nonconforming use.
THE CHAIRMAN: Where in direct did he indicate a nonconforming use issue?
MR. LANZI: We're talking about location of the garage.
THE CHAIRMAN: But a nonconforming issue is an entirely different world. Didn't come in at all. There's no claim of a nonconforming use.
MR. LANZI: We raised the issue in opening.
THE CHAIRMAN: Fine. You can bring it up in your case.
MR. LANZI: I was trying to get his take as an

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expert.
Q. If you were representing the next door Darbys with the same request, would you be making the same case?
MR. COVAHEY: Objection.
THE CHAIRMAN: It's a hypothetical. I'll let him answer, if he can.
A. As I testified before, I'm not familiar with the Darby property. You know, I did not -- you know, we did not take an elevation survey.
I saw the property under construction, and that was it, in my initial visit.
I did not spend anytime doing any kind of investigation on the Darby property.
THE CHAIRMAN: Not to interrupt you, but your answer is, I don't know.
Q. You did mention expenses at great length, as far as the alternative site, it would be a greater expense with new footers taking up the old pad.
Obviously, the pad would remain where it is and be used as a parking pad?
A. Yes. You'd have to investigate another

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situation, that is, how much impervious area is on the total site, because we are located within the critical area.
Q. Assuming impervious area is not an issue, they can still use the parking pad?
MR. COVAHEY: Objection.
THE CHAIRMAN: Well, again, it's a hypothetical --
MR. LANZI: He doesn't have to dig it up. Assuming --
Q. Assuming that, is that a fair statement?
A. Assuming there's no other issues.
Q. You also testified he has to pour new footing for the site?
A. Yes. A new slab.
Q. And an additional expense, but he just poured new footers at the current slab, is that correct?
A. Yes, he -- yes.
Q. So he did that at his own risk?
A. Yes.

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another feasible site -- let me put it this way. If he hadn't done it without getting the appeal approval, he would have had that expense?
MR. COVAHEY: I object.
THE CHAIRMAN: I think that's self-evident.
Q. As far as the garage itself, you testified regarding the old garage and the new garage. Would it be possible to simply scale down the old garage, which I believe showed eight feet, and then six feet, to be divided lower to top level, scale it down, and have a dropdown ladder for the stairs, is that a feasible alternative?
A. Is it -- you know, is it identical to what is being proposed? The answer is no.
You know, a pulldown stairs, I can talk about my experience with pulldown stairs. That's how I access my storage area in my garage, or excuse me, in my attic, and it takes two people to be able to load anything into the attic.
I think that what he's proposing is a set of stairs that he can walk up and carry an item with two

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hands, to carry an item up the stairs.
Q. But there are other options?
A. There is options for everything, yes.
Q. One is more convenient?
A. (No response.)
Q. Now, you testified that with the construction meeting the requirements of Baltimore County, that would protect the cement walls and the thickness would protect the items inside, is that correct?
A. No, because you're still going to get water damage. It's on the lower elevation.
Q. So your testimony earlier -- I wrote it word for word -- walls to protect items on the lower level, is that not accurate testimony?
A. What's going to occur is the structure is still going to be in place, but you're going to have water damage at that lower elevation.
Q. And you testified regarding there's no detriment to the adjoining property owners. If the adjoining property owner's view is blocked, are you still saying, as

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IN THE MATTER OF:	*	BEFORE THE
MAX GASKER -	*	COUNTY BOARD OF APPEALS
Legal Owner/Petitioner	*	OF
7864 Denton Avenue	*	BALTIMORE COUNTY
	*	Case No. 04-383-A
	*	February 22, 2005

* * * * *

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 21204, at 10 o'clock a.m., February 22, 2005.

* * * * *

Reported by:

C.E. Peatt

BOARD MEMBERS:

LAWRENCE STAHL, Panel Chairman
MARGARET BRASSIL
JOHN P. QUINN

APPEARANCES:
EDWARD C. COVAHEY, JR., Esquire
On behalf of Petitioner
J. NEIL LANZI, Esquire
On behalf of Appellants/Protestants

PROCEEDINGS

THE CHAIRMAN: Good morning. We are here in the regular meeting of the Board of Appeals for Baltimore County, February 22, 2005.

We're here in day two of Case No. 04-383-A, in the matter of Max Gasker, the legal owner/petitioner, 7846 Denton Avenue in the 15th Election District and 7th Councilmanic District.

We are here relative to an April 15, 2004 Deputy Zoning Commissioner's order in which a requested variance relief was granted, and an appeal was taken. Counsel, for the record, if you would.

MR. COVAHEY: Representing the applicant Max Gasker, Edward C. Covahey, Jr., Covahey and Boozer, 614 Bosley Avenue, Towson, 21204.

MR. LANZI: On behalf of the protestants, J. Neil Lanzi, J. Neil Lanzi, P.A. The protestants are Dr. Grover and Loretta Hutchins. My office is at 409 Washington Avenue, Suite No. 617, Towson 21204.

THE CHAIRMAN: As we are on day two, I think we're still in Mr. Covahey's case, I believe.

MR. COVAHEY: Yes, sir.

THE CHAIRMAN: For the benefit and edification of the Board, I wonder if you'd just bring us to where we were, what was the last witness, what we were involved in, and then we'll let you pick it up from there.

MR. COVAHEY: Mr. Chairman, members of the Board, when we recessed on December 1, we had called Max Gasker, who's the owner of the property, and Mr. Gasker testified that on September the 18th, 2003, that that's when Hurricane Isabel arrived, and he left for work that night at the Walter's Art Gallery at 6 o'clock that night to help preserve the artifacts at the art museum.

When he came back at the next morning at eight or 9 o'clock, the entrance to Denton Avenue was blocked off. And this property that we're involved in is at the end of the peninsula. Denton Avenue runs off at a ninety-degree angle from Old North Point Road. The property is about one mile from the Ft. Howard Veterans Hospital. And when he comes home, he has to swim to his house. He can get halfway down Denton Avenue. He has to swim to his house.

Fortunately, his wife and their three year old

child had vacated the property the night before.

When he returned home, he found that the entire -- and the photographs are in the file -- the entire lower level of his A-frame house was destroyed; that prior to Isabel, he had on the property a garage that was fifteen feet in height, a wooden frame garage for which he had an appropriate building permit, had been sanctioned by the county board, and sanctioned by the office of DEPRM, and he finds his garage completely destroyed.

He has filed an application for a building permit to replace the garage. The garage is in the rear of the property. It's an accessory structure.

The garage that was destroyed was fifteen feet high. He desires to replace it with a twenty foot garage, and the twenty foot garage meets all the Baltimore County new requirements with respect to pertaining to possible storm surges and floods, and it shows that the upper level is where he would store all his personal effects.

The pictures will show you that Hurricane Isabel virtually destroyed all of their personal effects that

were in the basement or the first level of their A-frame home, all the personal effects that were in the garage were destroyed.

THE CHAIRMAN: I do remember the photographs. Mr. Kennedy, I think, was your last witness?

MR. COVAHEY: And then Doug Kennedy was our engineering witness. He testified that this property is unique for several reasons, and the one is that it's at the end of the peninsula, it's lower than the other property. The photographs substantiate that. The Petitioners's Exhibit 19, which is the county topographical map that Mr. Kennedy put notations on support that.

He also testified about the practical difficulty, and unreasonable hardship, that because this is an A-frame house, there's no space to store anything.

THE CHAIRMAN: I have notes, Mr. Lanzi, that you had cross examination of Mr. Kennedy, and I don't think you had any redirect?

MR. COVAHEY: I had a very brief redirect.

THE CHAIRMAN: Very brief. So we are finished

now with Mr. Kennedy?

MR. LANZI: I believe that's correct.

THE CHAIRMAN: Gentlemen, wasn't there one of the earlier exhibits, a plat --

MR. COVAHEY: An aerial.

THE CHAIRMAN: Why don't we put that back up there so we have it, a frame of reference.

MR. COVAHEY: I think nineteen was the topographical map.

MR. LANZI: Nine.

MS. BRASSIL: Yes, Petitioner's 9.

MR. COVAHEY: As you recall, our property is right down the lower end of the peninsula.

THE CHAIRMAN: Okay. You have the floor, Mr. Covahey.

MR. COVAHEY: We were going to call Melissa Gasker, who's the wife of Mr. Gasker, but for purposes of brevity, I would submit -- and perhaps my brother would stipulate -- that she's going to testify to essentially the same thing her husband testified to with respect to the damage, to the personal effects, the fact that the

nursery where their three year old child was, they had to use that for storage, because all of their storage areas were destroyed, and the three year old child is now sleeping with mom and dad, pending the outcome of this case, and, essentially, that would be her testimony.

She would testify to where she was on the flood, what she saw, and all the pictures and all of that is already in evidence, so I think it would be redundant. If you want me to put her on --

MR. LANZI: No. I would agree, if I could just have one moment with my client, because I did anticipate cross.

THE CHAIRMAN: Her first name again?

MR. COVAHEY: Melissa. Remember, she was a registered nurse and she's director of nursing at Oakcrest. She was there that night of the hurricane taking care of the patients.

MR. LANZI: We would agree.

THE CHAIRMAN: Okay.

MR. COVAHEY: Then we'll call as our last witness, Michael Moskunas.

MICHAEL MOSKUNAS,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. COVAHEY:

Q. State your full name.

A. Michael Vincent Moskunas.

THE CHAIRMAN: Spell the last name, please.

THE WITNESS: M-o-s-k-u-n-a-s.

Q. What's your business address?

A. 200 East Joppa Road, 101, Towson, Maryland.

Q. By whom are you employed?

A. Site Right Surveying, Inc.

Q. Who are the pricipals in Site Right Surveying, Inc?

A. Vincent Moskunas, Bernadette Moskunas, and Michael Moskunas.

Q. You're Michael?

A. Yes.

Q. Bernadette is your sister?

A. Yes.

Q. Vincent is your dad?
A. Yes.
Q. Testified before here as an expert witness?
A. Yes.
Q. Do you hold any licenses in the State of Maryland?
A. 2003.
Q. Wait a minute. The question is, do you hold any licenses? Yes or no.
A. Yes.
Q. Now, I'm going to ask you the next question. What license do you hold in the State of Maryland?
A. Professional land surveyor.
Q. When were you licensed as a professional land surveyor in the State of Maryland?
A. October 2003.
Q. Prior to being licensed as a land surveyor in the State of Maryland, had you worked in surveying at anytime prior to that?
A. Yes.
Q. For how many years had you worked in land

surveying before you got your license in 2003?
A. Seventeen years.
Q. How old are you?
A. Thirty-eight.
Q. In the course of the activities of the firm of which you're involved in, were topographical surveys made of the Gasker property and the adjacent property?
A. Yes.
Q. Did you bring with you the results of the surveys?
A. In my folder behind you, I have them, yes.
Q. Field surveys were made of the property, is that correct?
A. Yes.
Q. When you made a field survey of the property, did you have the existing surveys that were performed by KCW Engineering?
A. Yes.
Q. In addition to Mr. Gasker engaging you to do this work, you were also engaged by KCW to do this work, the field work?

A. Yes.
Q. In connection with another issue involving the Gasker property, potential issue?
A. Yes.
Q. Nothing to do with this Board. With respect to the preparation of your field surveys, did you reduce the elevations to writing?
A. Yes.
Q. You have attached to that document a plat, is that correct?
A. Yes.
Q. I showed you what's been introduced into evidence as Petitioner's No. 19, which is the topographical survey plat. Did you review that this?
A. Morning?
A. Yes.
Q. The plat you have there, is that a portion of that that's been photostated?
A. Yes.
Q. Is that key'd to the elevations that are on the document that's in your hand?

A. Yes.
MR. COVAHEY: At this time, before I take the witness through it, I'd like to offer this as Petitioner's No. 20. My brother has a copy. He's reviewing it with his surveyor Mr. Doak.
THE CHAIRMAN: Mr. Covahey, are you qualifying him or asking him to be qualified as an expert?
MR. COVAHEY: He's just going to testify to the facts. I'm not going to ask an opinion. Just what it shows.
THE CHAIRMAN: Fair enough. Any cross?
MR. LANZI: I would object, subject to cross examination.
THE CHAIRMAN: I'm going to accept him as being his work product and then you can cross examine him as to his qualifications, so this will be No. 20, dated February 8, 2005.
Q. Mr. Moskunas, I'm going to show you the front page of the Exhibit 20. It just says, Point. Tell us what the Point number references?
A. The Point number references a specific location

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on the drawing that is shown on the topographic map.
Q. What's KCW stand for?
A. KCW is the firm that instructed us to get the elevations at the known Point numbers.
Q. You made comparisons between the numbers? SRS, Inc. is your firm?
A. Yes.
Q. You ran your field surveys against their field surveys, is that correct?
A. Yes.
Q. There were some small differences, is that correct?
A. Yes.
Q. Let's refer to the -- if you look to the Gasker property and Denton Avenue, looking across the other side of Denton Avenue, the property immediately to the southwest of the Gasker property, do you see that improvement?
A. Yes.
Q. Your survey marks there on that property are what? Your Points are six, seven and eight?

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A. That is correct.
Q. And the field elevations that were run were six, seven and eight, you also ran field elevations with respect to the garage, is that correct?
A. Yes.
Q. Now, what is the elevation on the property next door, which is known as the Darby property, compared to Gasker's garage?
A. Point number six and seven are higher than Mr. Gasker's garage.
Q. About how much higher?
A. Oh, eight, ten -- ten inches, roughly.
Q. Ten inches?
A. Roughly.
Q. What about the elevation of the Darbys' house compared to Gaskers' garage and Gaskers' house?
A. Well, there is only a ten difference between his house and his garage, so the house is higher than the garage by a ten, so nine inches higher.
Q. So the Darby property elevations are ten inches higher than the garage and nine inches higher than where

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Gaskers' house is, is that correct?
A. Yes.
Q. Based on the field survey you ran. Now, let me ask you this. You're familiar with the elevations you have to have after Isabel with respect to new construction, is that correct?
A. Yes.
Q. Just for purposes of clarification, that refers to an area if you're south of Back River, north of Back River, are you familiar with that?
A. Yes.
Q. There was, I think for this property, it was ten feet, two inches. When they use ten feet, two inches, what survey measurement, topographical survey measurement, are they using in that data of information?
A. Well, that --
MR. LANZI: Objection. He's not, at least has not been offered as an expert to be testifying regarding this.
Q. I'll take you through this. In order to get your surveying license, you had to learn the different measures

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employed in surveying, is that right?
A. Yes.
Q. You learned all about inches and feet and perches and rods and all that?
A. Yes.
Q. And how they are different, is that right?
A. Yes.
Q. Did you also learn there are, in fact, with measuring topography and elevations, there two different data planes that are used?
A. Or more.
Q. Or more?
A. Yes.
Q. With respect to the data planes that are used, what data plane is shown on the county topographical?
A. That's a GIS datum, which is NAVD 88.
Q. What's that mean?
A. North American Vertical Datum --
THE CHAIRMAN: You're really going to have to do that again.
THE WITNESS: NAVD. North American Vertical

Datum 88.
THE CHAIRMAN: North American --
THE WITNESS: North Americana Vertical Datum 88.
MR. LANZI: We'll stipulate as to the expert of the field surveying. He hasn't asked for that.
Q. Well, tell us what it means. With respect to the flood elevation, what's the datum that's used in the flood elevation?
A. Well, there is -- you can use BCMD or the NAVD 88, but you have to stipulate it on the flood insurance document which flood elevations you're using.
Q. What's the overall difference?
A. 1.7 feet, on an average.
Q. So 1.7 feet on an average, so whatever datum you used, that would be 1.7 difference, but it would be the same with respect to every measurement?
A. Yes.
Q. So if you used the other datum on Exhibit 20, or Exhibit 19, would you raise the elevation --
A. Yes.
Q. -- by 1.7?

A. Yes.
Q. But the end result with respect to the relative heights would be all the same?
A. Yes.
MR. COVAHEY: It's just for a point of clarification. Doesn't mean anything because everything is the same. No further questions.
THE CHAIRMAN: One moment. Okay. Cross.

CROSS EXAMINATION

BY MR. LANZI:

Q. Mr. Moskunas, you were discussing a bench mark in your cover letter. What is the bench mark, for example, bench mark number three? I guess, that was done by KCW versus SRS as the basis of the survey? Where did you --
A. I'm sorry. The actual basis of the survey for KCW was the 5.1 elevation on Denton Avenue. What they did was they ran Points 1, 2 and 3.
Mr. Kennedy, apparently, needed more information and asked us to run Points 6, 7, 8 and 9. The only reason we checked into his stuff was to verify were we correct in our tie-ins.

Q. You indicated also later on in your cover letter that the differences between the Points were insignificant?
A. Yes.
MR. LANZI: No further questions.
THE CHAIRMAN: Redirect?
MR. COVAHEY: No further questions.
THE CHAIRMAN: Thank you, Mr. Moskunas.
MR. COVAHEY: One other thing to help him, because counsel stipulated he's an expert in surveying, so the next time you get called and asked if you've ever testified as an expert witness, you can say yes, in surveying, for the County Board of Appeals.
THE CHAIRMAN: For the record, Mr. Lanzi will stipulate that?
MR. LANZI: I will stipulate.
THE CHAIRMAN: Congratulations. You survived.
MR. COVAHEY: That's our case, if the Board please.
THE CHAIRMAN: Mr. Lanzi?
MR. LANZI: Our first witness will be Dr.

Hutchins.

GROVER HUTCHINS,

having been called as a witness, was duly sworn and testified as follows.

DIRECT EXAMINATION

BY MR. LANZI:

Q. Good morning, Dr. Hutchins. Can you state your full name and address, for the record.
A. My name is Grover Hutchins. 7844 Denton Avenue, Sparrows Point, Maryland 21219.
Q. What is your current occupation?
A. I'm an anatomic pathologist.
Q. How long have you, or when did you purchase the property on Denton Avenue?
A. It was in April of 2000.
Q. Was there an older house there? Did you build a new house? What happened?
A. Yes. When we bought the property, it had one of the older houses in that area, a relatively small structure. We decided to take that down and put up a new structure.

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Q. Do you have any idea or recall roughly what your investment has been on that property?

MR. COVAHEY: Objection on relevance.

THE CHAIRMAN: He's the property owner. I will let him tell us.

A. I think the purchase of the property was somewhere around eighty thousand, and we have spent several hundred thousand dollars on the structure that we put in, landscaping, so on.

Q. Why did you purchase or choose this particular property in this location?

A. We were particularly taken with the view from that lot. It was looked out over the Chesapeake Bay. On a clear day, you can see the Eastern Shore, the Bay Bridge, the boat traffic in the upper part of the bay, and it's just a really, really enjoyable view from that property.

Q. I direct your attention to Petitioner's Exhibit No. 9. I believe that shows your house. Would this be your house?

A. I can't see that far. Can you turn it a little

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bit?

THE CHAIRMAN: You can get down, if you want.

Q. You can come down and look at it. Mr. Gasker's house on the end?

A. This is us.

Q. You're one in?

A. Yes.

Q. Just so the Board can see, so your view that you're talking about, you're straight out to the inlet?

A. That is straight out into Shallow Creek.

Q. You also have a view -- where would your other view be?

A. That would be down this way. The view I was talking about is towards the bay and the Bay Bridge.

Q. You can actually see the Bay Bridge?

A. Yes.

Q. You can have a seat. Now, that view contrasts with some of the other property owners further up Denton Avenue away from the Point?

A. Yes.

Q. Let me show you some photographs.

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THE CHAIRMAN: Mr. Lanzi, do me a favor. Take a marker of some sort and draw a name with your client's name showing where his house is, and, Mr. Covahey, as long as we are doing that, would you do the same for you client's house so we can identify them clearly on that.

MR. COVAHEY: Yes, sir.

THE CHAIRMAN: Just draw a line out from one of your client's building and somewhere on the water, write the name.

MR. COVAHEY: I'm going to use this flare.

THE CHAIRMAN: I appreciate that. Sorry for the interruption.

MR. LANZI: I want to show Dr. Hutchins some photographs.

MR. COVAHEY: No objection, provided he can identify them.

THE CHAIRMAN: Tell you what, Mr. Lanzi. Why don't you, so he can refer to them as you do, why don't we take them all and mark them?

MR. COVAHEY: I think they will be Protestants' 5?

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MS. BRASSIL: Yes.

THE CHAIRMAN: If you want to put them in any particular order --

MR. LANZI: I do. I actually have a little bit of logic behind it.

THE CHAIRMAN: Okay. You do that, and we'll mark them, and then your client can refer to them.

MR. LANZI: Here we go.

THE CHAIRMAN: Number them first.

MR. LANZI: This will be 7A through whatever.

THE CHAIRMAN: I have 5A through whatever it turns out to be. Okay. 5A through S.

Q. Dr. Hutchins, if you could just take them one by one and tell the Board what each picture reflects, and before we get there, do you know who took these photographs?

A. I believe that all of those were taken by me, that is correct.

Q. Do the photographs accurately reflect Denton Avenue and the structures that are contained along Denton Avenue?

A. Yes.

MR. LANZI: I believe you're indicating no objection?

MR. COVAHEY: I have no objection to the pictures.

Q. Go through them one by one and identify for the record the number of each one.

A. This is 5A. This is a photograph taken from Denton Avenue looking down towards our house, the Gasker house and the Darby house, and the Schultzes on the other side.

Q. Is that your dog in the photograph?

A. No. I believe that's the Gasker dog. 5B is a photograph which shows the Darby house at that time nearing completion and the Schultz's house, which is just down Denton Avenue from them.

Q. And in that photograph, or most of these photographs were taken post-Isabel?

A. Yes. That's correct. This is 5C. This is taken from our pier. It shows on the right hand, our house; on the left, the Gasker house; and then between the houses,

you can see the Schultzes' house.

This photograph, which is 5D, was not taken by me. This is a photograph of the front of the Gasker house.

Q. When you say the front of the Gasker house, is this (indicating) the side of the house that's closest to the water?

A. Yes. It looks out towards the water, towards the bay.

MR. COVAHEY: Move to strike the terminology, the front. The front faces the street. That's his opinion.

MR. LANZI: It's his opinion.

THE CHAIRMAN: He's a resident. We'll give it the weight we think appropriate.

A. 5E is a photograph that I took that shows the back of the Gasker house looking out towards the bay, and it shows the two parking spaces under the house.

5F -- I believe the rest were taken by me -- is from near the end of Denton Avenue, looking out towards the bay. The Gasker house is on the left.

Q. The stairwell that's shown, that leads to what

Mr. Gasker considers the front?

A. Yes, which I consider the side. 5G is another photograph of the parking area under the Gasker house showing the truck that occupies one of the stalls.

5H, again, the back of the Gasker house looking towards the bay and over towards North Point Park. This is another view taken from our pier, similar to the arrangement shown in an earlier one.

This is 5I. Our house on the right-hand side, the Gasker house, and the foundation of the garage which has been put in place.

Q. This photograph was taken more recently?

A. Yes, a more recent photograph.

Q. Can you estimate how recent?

A. Probably the last two or three months.

THE CHAIRMAN: When you say "foundation," that's the foundation of the structure that we are talking about?

MR. LANZI: Correct.

Q. Now, has that foundation changed at all since you have taken this photograph?

A. I think it's still, in essence, unchanged. There

may have been a little bit of cosmetic work.

THE CHAIRMAN: One question for me. I assume this light colored structure here is the foundation?

THE WITNESS: Correct.

THE CHAIRMAN: That you're describing?

THE WITNESS: Yes.

THE CHAIRMAN: This building is?

THE WITNESS: That's our house.

THE CHAIRMAN: And the building in the middle?

THE WITNESS: That's the Schultzes' house, which is on the other side of Denton Avenue.

THE CHAIRMAN: Anybody care if I write that?

MR. COVAHEY: No, sir.

MR. LANZI: No.

THE CHAIRMAN: Just bear with me one second.

Q. So the foundation that's shown in the photographs, there have been no other additions, no beams, anything else that have been installed?

A. There a couple I-beams delivered there, but they are not installed in the foundation.

THE CHAIRMAN: We are up to J.

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A. Now, 5J is the photograph showing the back side of the Gasker house, slightly different position. You can see the unlicensed vehicle that's sitting in the one stall. It shows the air conditioner sitting on a roughly one foot high slab, and some other stuff stored in the other part of the downstairs part.

5K is a photograph that is taken from the bottom level in the front of our house looking out towards this concrete slab that's in a position -- it was, in fact, the concrete slab from the original garage showing its relationship to our house. And beyond that is the Shallow Creek and the Chesapeake Bay.

Q. This photograph was taken before he constructed the foundation?

A. That is correct. It's an older photograph. 5L is a photograph taken from our macadam that's in the backside of our house looking down between the Gasker house, which is on the right-hand side, our house on the left-hand side, showing the foundation that has been put in for the garage.

5M is a photograph taken from pretty much the

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same position as what we have -- the one before last --

MR. COVAHEY: That's M?

THE WITNESS: No. The one before that.

Q. One of the other photographs. It's similar to one of the other photographs that also showed the foundation.

A. Yes. It's virtually the same as K, 5K, but with the foundation in place.

5N is taken from our yard further out, sort of halfway down the yard towards the water. You can see the foundation and the obscuring of the view of the bay that we formerly had.

THE CHAIRMAN: Go back for a second. 5M, is taken from your house?

THE WITNESS: Yes.

THE CHAIRMAN: This structure in the near ground is yours?

THE WITNESS: Correct. That's the ground level in front of our house under the porch.

5-O comes from -- is a photograph taken from our second level porch, and looking pretty much on the same

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angle as the previous photograph, out towards the bay. You can see the foundation protruding up above the level of the railing on the porch.

THE CHAIRMAN: That's what floor of your house?

THE WITNESS: That is the second level.

Q. What's on the second level?

A. That's our bedrooms and a little study area. 5P is taken from the third level on the porch, looking out, again, pretty much the same angle, you can see out towards the water, and the foundation of the garage.

Q. What is on the third level?

A. That's our sort of living area, kitchen. 5Q is an older photograph taken from that third level looking out towards the bay. It shows a rainbow in the background.

Q. Is that the old garage, or does it show the garage at all?

A. That's the old garage.

Q. So this is before Isabel?

A. That would have been pre-Isabel. This is, again, from the third level.

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MR. LANZI: From the third.

THE CHAIRMAN: And "P" was also from the third lever?

THE WITNESS: Yes.

A. This is 5R. This is taken during Isabel, so to speak. It shows the water coming in between the Darby/Schultz house and the Gasker house and our house, essentially rolling up towards Denton Avenue.

Q. Now, the houses shown here, the Darby house has since been replaced and the Schultz house has since been replaced?

A. Essentially. Both of those were destroyed.

Q. And the Darby house is also out on the Point next to the Gasker house?

A. Yes.

MS. BRASSIL: Darby and Schultz?

THE WITNESS: That was the old Darby house and then the old Schultz house.

MR. LANZI: If you want to write that on there.

MS. BRAZZIL: Maybe I will.

Q. One of the earlier photographs shows the new

Darbys' and new Schultzes' correct?
A. Correct. 5-S was taken about the same time as the previous photograph, within minutes, I would think, and those shows the flood waters coming on the side of the Gasker house towards our house.
You can see the roof of the garage which is either collapsing or has collapsed at that point.
Q. That's the old Gasker garage?
A. Yes.
MR. LANZI: One last that we did not mark that -- what are we up to, 5-S?
THE CHAIRMAN: if you give us another one, it's 5T.
Q. I show you what will be marked as 5T. Can you identify that photograph?
A. This is a photograph taken of our lot. It shows the original Gasker garage on the right-hand side, the older structure that had been there, has been removed, and leveled off prior to the building of our house.
MR. LANZI: We would offer as Petitioner's No. 5T.

Q. That shows your empty lot after you had removed the old structure?
A. Correct.
Q. That shows the old Gasker garage that was destroyed in the hurricane?
A. Yes.
Q. Those photographs, some of the photographs that were shown, and what you also eyewitnessed, they destroyed houses other than or property other than the Gaskers' alone, is that correct?
A. Oh, yeah.
Q. Now, what type of view would you say that the Gaskers have from their house?
A. It would be similar to the one I described before, looking out towards the bay, and I suppose over to the right as well, and then around. I would assume they could see part of North Point Park.
Q. Do they have a view on more than one side?
A. Yes.
Q. Pointing again to the Petitioner's 9, would the Darby house, would this be the Darby house on the other

side of the Point?
A. Yes.
THE CHAIRMAN: If you want to mark the Darby house, that's okay, since we are looking at pictures of all of them.
Q. Schultz would be at one end?
A. Schultz, yeah.
Q. Would it be fair to say Darby also has multiple views from their house on the Point?
A. Yes, they do.
Q. Do you recall what the height of the old garage was on the Gasker property?
A. The original permit indicated it was thirteen feet, two inches, I think it was. And I don't know from any other basis what it was.
Q. You understand the new height will be twenty that they propose?
A. Yes.
MR. LANZI: Do you have those photographs -- I want to show him one or two.
Q. Dr. Hutchins, on Petitioner's 5S, the Chairman

wanted you to confirm that the structure shown on the left side of the photograph, that's the old Gasker garage?
A. Well, that's the roof of it. As I mentioned when I was describing it, I'm not sure if the garage was down at that point, or if it was in the process of collapsing.
MR. LANZI: Would you like us to mark that?
THE CHAIRMAN: Would you?
MR. LANZI: I'll write Gasker right on that.
THE CHAIRMAN: Is that picture from the first or second floor of your house?
THE WITNESS: This is from the third floor.
Q. If you could tell the Board, what impact you believe or tell me what you're observing as it's happening and what impact you believe will happen if the garage were completed and approved with twenty feet, starting with the ground floor, and if you need to refer to the photographs, feel free to do so.
A. Well, from the ground floor, as you come out under the porch area here, this is basically going to take away the entire view down towards the bay.
Q. Was that view blocked before when they had a

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fifteen foot garage?
A. Yes.
Q. Totally blocked, or partially blocked?
A. It was partially blocked.
Q. Will there be an increase in what you cannot see or --
A. Well, the garage, as proposed, I believe it is pretty much the same footprint that it had before, maybe a little larger, but you can see -- over here, this other side of it, to some extent, it would be a very halting structure, so to speak, as you're standing there, looking at it.
Q. Take us up to the second floor. You indicated that's where the bedrooms are?
A. Yes.
Q. Is the master bedroom there?
A. Yes.
Q. What was your view before with the old garage?
A. The view was not significantly impacted by the old garage. We could look across the top of it and see the bay, and so on.

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Q. Is this the second floor?
A. Yes.
Q. Do you have any idea how high that foundation is that's shown?
A. It would be a guess. I would say maybe eight or nine feet, something like that.
Q. What will happen to your view if the garage is approved and completed, from the second floor?
A. You can see what's going to happen. You can already see the foundation. It's visible from that level.
THE CHAIRMAN: Doctor, if I can ask you a question. You may or may not know the answer to this.
What is the height of your second floor? How far off the ground is your second floor? Not the top, but where you would stand, if you know.
THE WITNESS: Probably about --
THE CHAIRMAN: I don't want to have you guess.
MR. LANZI: Well, we actually have photographs that will show that.
THE CHAIRMAN: As long as your own mental processes are working along the same line.

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Q. Just to go back to my question before the Chairman's question, is it your testimony that your view from the bedroom level, second floor, will be totally blocked out towards the bay, towards the Point, with the construction of a twenty foot garage?
A. Yes. I don't see how it cannot be.
Q. You'll still have your view straight out to see Shallow Creek?
A. Correct.
Q. How about your view from the third floor, which you said was your living area?
A. Yes.
Q. Was that blocked before?
A. No. We could see across the top of the garage before.
Q. Are you able to anticipate what the impact will be with the construction of a twenty foot high garage?
A. Well, I think it will certainly have an impaired view of shallow Creek, and I, frankly, don't have that much of a sense of how much that would extend up in terms of looking out to the bay. It may or may not. I simply

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don't know.
MR. LANZI: If the Board could bear with me.
Q. You said the second floor is the master bedroom?
A. Yes.
Q. From the master bedroom, you have a view of the Point?
A. Yes.
Q. Your testimony was that will be totally blocked?
A. I would certainly think so, yes.
Q. I believe you indicated that your view was partially blocked from the third floor, which is the living area?
A. Yes.
Q. With the old garage?
A. Yes. You can -- it would block part of the view of the water, but you could see across the top of it from the third floor level.
Q. So if the old garage partially blocked your view from the third floor, with five feet higher, do you feel that your view will be blocked further with the new garage?

A. Yes, I am certain it will. The other thing I just thought of which incorporated in the previous answer is the fact that the shape of the garage roof as indicated in the drawings we looked at last time would further block the view because it's a hipped type of roof, as I understand it.

Q. What was the old garage type roof?

A. A frame sloping frame. Not really A-frame, but sort of a standard shape of roof.

Q. Where do you at all -- when you say the living area is on the third floor, is that where you entertain or spend most of your time?

A. Yes.

Q. So it's going to have a significant impact on your use and enjoyment of the property?

A. Yes.

MR. COVAHEY: I object to all this leading, but he can say it anyhow.

THE CHAIRMAN: Well, there's been a lot of that going on.

MR. COVAHEY: But I object so you don't think I

am too asleep at the switch.

Q. Do you know if the new garage will block anyone else's view, any of your other neighbors' views?

MR. COVAHEY: Objection to the neighbors' view.

THE CHAIRMAN: I'll sustain that objection. That's pure conjecture.

Q. If the garage that's proposed would be approved, would you consider that garage out of character with other structures, accessory structures, in this neighborhood?

A. I don't think there is anything else down there like that.

Q. You're not aware of any other garages like that particular proposed garage?

MR. COVAHEY: Objection. Asked and answered.

THE CHAIRMAN: I'll let him answer it again.

A. Yes.

Q. Are you aware of other garages in the neighborhood that are located either on the side of the house or the street side of the house, or made part of the house?

A. There are a lot of parking arrangements under the

house. You mean attached garage?

Q. Attached or accessory?

A. There is an attached garage on one of the larger lots up closer to North Point Road, yes.

Q. Do the Gaskers actually have a garage as part of their house?

A. Yes. They have parking spaces under the house.

Q. Did you conduct an analysis of lots along Denton Avenue?

A. Yes.

THE CHAIRMAN: Since you've got a bunch of papers, why don't we give Mr. Covahey a couple seconds to go through them. We'll wait for Mr. Covahey. Take your time.

We have counted the number of pages in the packet and at this point, for numbering purposes for i.d., that would be Protestants' No. 6, made up of fifty-four pages, so collectively --

MS. BRASSIL: Do you need them identified separately?

MR. LANZI: Not at all.

THE CHAIRMAN: Exhibit 6, which is collectively fifty-four pages for identification.

MR. LANZI: Do you want to call it Denton Avenue subdivision?

THE CHAIRMAN: I was going to lot you sort of suggest the name.

MR. LANZI: Denton Avenue Subdivision.

THE CHAIRMAN: Any objection?

MR. COVAHEY: I'm not sure of the relevance. They've got assessment notices for everybody else's property.

THE CHAIRMAN: Let me suggest this. Since we are still talking about identification only, why don't we have you do some preliminary questions to tell us what it is, why it is, and then you will move it, and then we'll deal with it at that point.

Q. Dr. Hutchins, I show you what's marked as Protestants' No. 6. Can you identify this, calling this Denton Avenue Subdivision?

A. O'Leary might be a better term, which is the name of the tract.

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Q. I stand corrected.
A. The reason I went through this exercise was because I felt that this diagram, this illustration, if you will, that shows the lots in O'Leary is misleading in terms of the way the property is actually subdivided.
And when you look at it from the prospective of properties, you get a different perception of the relative sizes of people's lots and the properties they live on down here.
Some of these are really quite large compared to the lots demonstration which shows these two large lots at the end of the peninsula, which really don't hold a candle to some of the properties that are further up along Denton Avenue, so that's why I went through this exercise.
And it turns out that there are actually six lots on the water that are considerably larger than the Gasker or Darby lots. There are two that are in the similar size range, and the remainder of these are smaller.
That's not even counting these two quite large lots in the O'Leary plat that are up adjacent to North Point Road which do not have water access directly.

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THE CHAIRMAN: Now, just for my own information, the one that you were just holding up, which is a multi-colored chart that seems to have some writing on it, what is that writing? Who put that writing on there? And what is it based on?
THE WITNESS: The numbers refer to the thousands of square feet that are in each of the lots.
THE CHAIRMAN: How was that determined?
THE WITNESS: It's taken directly from the Maryland Department of Assessments and Taxation records, which are public record.
Q. Is all the information you used in your analysis from public records?
A. Correct.
Q. Just for clarification for the Board and myself, the document with handwriting, that is not -- the document with the colors that is in as part of the exhibit, your hand notes are not part of this exhibit?
A. That is correct. You can make them part --
THE CHAIRMAN: The copy we have doesn't have them.

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MR. LANZI: They're not on mine. That's the first I have seen it. This corresponds with the information that's contained in the exhibit.
MR. COVAHEY: What are these numbers?
Q. What do these numbers represent?
A. Each number is the square footage of that particular lot in thousands. So where it says 6.8, for example, that's six thousand, eight hundred-something square feet.
Q. Then I believe it's page three of your exhibit, you also indicate the sizes of some of the lots?
A. Right. Just copied over there.
THE CHAIRMAN: I'm just concerned about the translating from the form to the picture. I'd rather we draw our own conclusions, unless Mr. Covahey --
MR. LANZI: I'd be happy to make this part of the exhibit, or if you object, either way, it's in there.
THE CHAIRMAN: We have it actually written in here. I'm just concerned about the accuracy of translating it from the document to the picture because, human nature being what it is, you look at the picture,

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and if there's an error or something, you know, since we have the raw data and can make our own comparison, I think I'm more comfortable with that.
So he can use it if he wants to testify from it, but I'm not going to accept the one with his writing on it.
MR. LANZI: That's fine.
THE CHAIRMAN: That's not withstanding any other objection you may have.
MR. COVAHEY: They haven't offered it yet. I'm still waiting.
MR. LANZI: I will offer our exhibit key that's been offered without this addition as Petitioner's 6.
MR. COVAHEY: If the Board please, I can't, for the life of me, see how this is relevant or material. What difference does it make with respect to two lots that are larger or ten lots that are smaller?
I don't see what significance it is with the issue before the Board.
MR. LANZI: It couldn't be any more significant. Their whole case is based on uniqueness. The public

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record shows there is no uniqueness. This property is the same size, smaller, bigger, and a number of other lots along Denton Avenue, and if we have need to go one by one, we'll do that, but that was the purpose of this exercise.

THE CHAIRMAN: Well, notwithstanding it's your conclusion whether this establishes uniqueness or not, uniqueness is obviously an essential issue to this case, and since uniqueness, under Cromwell, is a function of the physicality of the lots in the area, then it's relevant.

Whether it proves his point, proves your point or not is something we have to determine, but if we sat there and looked through the plat of the different lots, or if he provides us with a plat that shows the lots without the numbers so as to draw our own conclusions from the supporting data, I think it's relevant. Whether it's probative is an entirely different issue, but relevant, I think it is.

MR. COVAHEY: Unless I missed something, we never said a word about our lot being smaller or larger in support of uniqueness.

THE CHAIRMAN: I understand that, but sizes and

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location of the physical property in the area is what Cromwell is all about. It's the physical properties.

MR. COVAHEY: No doubt about that.

THE CHAIRMAN: So it's relevant, as I said, and I am going to accept it based on its relevance. Its probative value is something that we'll have to determine ourself.

MR. COVAHEY: Let me ask my brother something. On the first page where you have taken -- are these the square footage computations here?

MR. LANZI: That is correct, the land square footage.

MR. COVAHEY: That's the same thing here where he's written the Arabic number s for the square footage, that's the same number that appears on twenty?

THE CHAIRMAN: The numbers on that list --

MR. LANZI: He's afraid it may not match up.

THE CHAIRMAN: In other words, Mr. Covahey, if those numbers were written on the chart, human nature would indicate we may just look at the chart. I have no way of really knowing he accurately translated that to

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that, so I'd rather look at the list myself.

MR. COVAHEY: But this is his handwriting here on the exhibit.

THE CHAIRMAN: Yes, but we're not going to worry about that. We're just going to look at the numbers on the form,

MR. LANZI: I think I can clarify that.

Q. The handwriting you added to the exhibit which shows the square footage, where did that information come from?

A. The numbers come from the State of Maryland public record on these properties.

Q. Which is all this other stuff?

A. Right.

THE CHAIRMAN: That's what I'm saying. We can go through the basic information and translate it.

Q. What conclusions did you reach as a result of your analysis?

A. Well, it's what I mentioned before, that the Gasker and Darby properties are similar in size, but there are a number of other properties here that are on the

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water that considerably exceed the size, so the uniqueness aspect of size alone does not apply here.

MR. COVAHEY: Objection. Move to strike. He said the uniqueness of size does not apply here, which is his conclusion, which is legal conclusion. You're usurping the Board's function. I move to strike.

MR. LANZI: He's a property owner.

MR. COVAHEY: He can't say whether it's unique or not.

MR. LANZI: Sure, he can.

THE CHAIRMAN: It's a term of art, true. The problem, Mr. Lanzi, with him telling us, it also has legal definitions which we are going to have to come to that he certainly is not qualified.

So, as a lay person, he can certainly, as one of the residents in the area, tell us whether, in his mind, it's unique or not.

But to respond to Mr. Covahey's objection, it's not really an opinion that's of any legal import. It's a lay person's opinion. Whereas our opinion is going to have to be one that is based on the legal definitions of

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uniqueness as relates to a variance.
So I am going to overrule the objection, but take it as it is.
Q. As a follow-up, as a lay person who's lived there for some time, you're familiar with this neighborhood, is that correct?
A. Yes.
Q. You're familiar with the other properties in this neighbor?
A. Correct.
Q. And would it be your opinion that there are properties that are similar to the Gasker property in the area?
A. Yes, most notably the Darby property next door is similar in its configuration, situation on the water, elevation, et cetera.
MR. LANZI: Did the Board accept that exhibit?
THE CHAIRMAN: Yes.
Q. As one of the owners of the property where you live, do you believe the variance request will have an adverse impact on your property?

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A. I do.
Q. Why is that?
MR. COVAHEY: I object.
THE CHAIRMAN: He can tell us why.
A. Because it is going to significant block my block, our view.
MR. LANZI: I just have a few more exhibits.
MR. COVAHEY: I don't have any objection to the May 10th, but I will object to the others. Talking to my brother.
Q. Dr. Hutchins, I'm going to show you three documents -- letters, actually -- one dated February 1, one is April 7 -- February 1, 2004, April 7, 2004 and May 10, 2004. Can you identify those letters?
A. The February 1, 2004 is from myself and my wife to the zoning administration and development management regarding the variance request. Really, more a memo again from us to the Zoning Commissioner, a colloquy of the events.
Q. What date is that?
MR. COVAHEY: Why don't you take seven first?

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Take one at a time.
THE CHAIRMAN: Well, you can do it anyway you want.
A. It's April 7, 2004. It's a chronology of the events and a comment from us in the request related to the Gasker garage.
Q. That was for the initial hearing before the Zoning Commissioner?
A. Yes, correct.
Q. Was that submitted as part of the Zoning Commissioner's case?
A. It was.
MR. LANZI: I believe this is already in the file, but I don't know for sure.
A. And the May 10, 2004 is a letter, again from the two of us, to Mr. Kotroco, relating to the variance request for 7846 Denton Avenue, and indicating our discomfort with the decision reached.
Q. Do the three documents summarize your position that you conveyed, at least to the Zoning Commissioner?
A. Yes, they do.

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Q. Which you believe are in the record at the Zoning Commissioner's level?
A. I would think they are, yes.
MR. LANZI: I would submit as part of the Zoning Commissioner's case they be made part of the Board's case.
MR. COVAHEY: I object.
THE CHAIRMAN: Let's do them one at a time. Do you have any objection to the February 1, 2004 letter?
MR. COVAHEY: Seven is the one I object to because he talks about and says the original Denton Avenue garage was built without a permit.
THE CHAIRMAN: Again, just so we know what's going on. Are you talking about --
MR. COVAHEY: The February 1, 2004.
THE CHAIRMAN: That's the one you object to?
MR. COVAHEY: Because it references and says the original garage was built without permit. That's just not so. The two building permits are in the file for it.
And in the opinion of Deputy Zoning Commissioner Murphy, he points out that that was all resolved before the County Board of Appeals in 1993.

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So, I mean, it's just an untrue statement in here. That's why I object to it. It's contradictory to the evidence we have in the file here today.

MR. LANZI: That was presented below and he presented it in writing, and I believe it is part of the file.

THE CHAIRMAN: Do you take issue with counsel's comments?

THE WITNESS: I do.

MR. LANZI: I mean, whether we need to go back and rehash 1992, '93, that wasn't the objective of this letter.

THE CHAIRMAN: Well, I know that, but statements made in the letter, if we accept them simply because they are part of the record below, they have no probative value because they weren't part of the record below, and then I guess Mr. Covahey has to come back in rebuttal, and then we do have to get back into that whole issue.

If that issue has some difficulty with its accuracy, then maybe we can redact that, avoid his objection, and then it comes in.

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He either did or didn't have the permit and it's been resolved or not. It's not really relevant to this, but I would just like the record to be accurate.

MR. COVAHEY: The permits are in the file that they got a permit.

THE CHAIRMAN: I'll put it this way, Mr. Lanzi. If your client simply testified to that fact, then on cross examination, Mr. Covahey could come back and we would get into all of that, we can do it that way, if you want.

But if you want to stand by that statement, we can simply have your client testify to that, and then he'll cross examine him on it.

MR. LANZI: We'll stand by the statement.

THE CHAIRMAN: Then, I think, under those circumstances, I'd rather he testify.

Q. Very briefly, Dr. Hutchins, you made a statement that the original garage at 7846 Denton Avenue was built without a permit?

A. Yes.

Q. What's the basis of that statement?

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A. No permit had been issued at the time the garage was built.

Q. Was there a permit issued after the garage was built?

A. Yes, there was.

Q. So it was an after-the-fact permit?

A. Correct.

Q. That information was conveyed at the Zoning Commissioner level?

A. Yes, it was.

THE CHAIRMAN: Which obviates the need for the letter, because he testified to it now.

MR. COVAHEY: As long as it's clear that ultimately an permit was issued.

THE CHAIRMAN: No, no. The letter is not coming in. He's now testified to what he believes was a fact. You get now to cross examine that fact.

So we're not dealing with the 2/01/04 letter as an exhibit. Is there anything else from that letter before we move on?

MR. LANZI: Let's move onto the next one.

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THE CHAIRMAN: Okay. Now we are back to the 4/07/04 chronology.

MR. COVAHEY: I object to that for the same reason, because it's reiterating all the same things with respect to the permit, and our position is that we had the permit, and our testimony was before we started construction.

THE CHAIRMAN: So, again, is your only objection the reference to the permit and to Dr. Hutchins' view of the permit? Is that your only problem with the document?

MR. COVAHEY: Yes.

MR. LANZI: Otherwise, it's acceptable?

THE CHAIRMAN: Then why don't we redact that from the chronology, and I will accept the rest of it and, again, it will be covered under the cross examination of his previous statement of that fact. That's the April 7, it's coming in as redacted by them.

MR. COVAHEY: Actually, all of these things, I think this is a chronology.

THE CHAIRMAN: Right. And you can cross examine as to any of that chronology.

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MR. LANZI: I mean, if he doesn't want us to put it in, I will do it verbally. I am trying to save time.

THE CHAIRMAN: He can verbally read it to us and that will be his testimony. Once it comes in as an exhibit, I am going to allow you to cross examine each one of those items, if you want and, of course, provide rebuttal if you think that's appropriate, but I'm trying to save us from having --

MR. LANZI: I'm going to have him read it into the record.

THE CHAIRMAN: Let's see if it's necessary. It's really six of one and half a dozen of the other.

MR. COVAHEY: It says comment, on page three. It's our opinion the order issued by the County Board of Appeals that the building permit be remanded to DEPRM has never been satisfied and the garage remains an illegal structure.

THE CHAIRMAN: well, that's the position he's taking, and that's what your cross examination can explore, because he can still say that in testimony.

My point is that Mr. Lanzi is telling us that

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this is what he testified, or this is what he would have presented below, this is what he would testify to now.

MR. COVAHEY: It's going to bring up another issue. I'm going to have to put the 1993 opinions in and Arnold Jablon's letters and everything to show that this is just not so. So I mean, I thought we had resolved this, that this was not an issue.

THE CHAIRMAN: If you want to object and say that what happened in '92 or '93 is not relevant --

MR. COVAHEY: It's not relevant.

THE CHAIRMAN: Let's go back to how it started. He was putting in things that had been said below at the Zoning Commissioner's hearing on this issue that came up, that's now come up to us.

If you're going to object to the whole issue of the '92 permit is not relevant to the issues we have here, then I will hear argument and rule whether it is relevant.

MR. COVAHEY: Not to re-try this thing, if I may make a suggestion here, and Mr. Gasker will testify in rebuttal, and he testified that the building permit was issued before they started construction. The building

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permits are in the file.

Dr. Hutchins testifies that the garage was constructed without the building permit, but the ultimate issue for you, it makes no difference legally --

MR. LANZI: I have a suggestion --

MR. COVAHEY: -- because the garage was there. So as long as we can stipulate, what difference does it make?

THE CHAIRMAN: He's going to testify that, in fact, occurred. You cross examine him, and say, Do you know that, and than Mr. Gasker gets up and say, No, I did have the permit. The record speaks for itself. It seems to me that issue has moved on.

MR. COVAHEY: What difference does it make for you?

THE CHAIRMAN: Well, you haven't objected to relevance yet.

MR. COVAHEY: I object to relevance.

THE CHAIRMAN: Let's hear what Mr. Lanzi has to say.

MR. COVAHEY: I don't think it makes any

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difference.

MR. LANZI: Is this document in the Board's file? I don't know, and I believe it is.

MS. BRAZZIL: This is the one with the chronology?

MR. LANZI: The chronology. And if it is, I would request the Board give it the weight it deserves.

MS. BRASSIL: April 7, 2004, to the Zoning Commissioner from Grover and Loretta Hutchins.

MR. LANZI: That's it.

THE CHAIRMAN: Mr. Covahey, what he's suggesting, and what I would say to you, as a general routine of the Board, we accept the file that's come up to us and give each and every part of that the weight to which we feel is appropriate and relevant under the circumstances.

MR. COVAHEY: I think you have answered the question.

MR. LANZI: I hope I have.

THE CHAIRMAN: Okay. Why don't we do that?

MR. LANZI: Thank you.

THE CHAIRMAN: Which still, since it's in the

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file, does not preclude you, if you want to, to have rebuttal, to talk about it,

MR. COVAHEY: I still object to seven and eight.

THE CHAIRMAN: Well, the 2/01/04 letter never came in. That never happened, because he testified to that one comment. The chronology is already in as part of the Board's record. We are now up to May 10.

MR. COVAHEY: But that's the chronology as perceived by Mr. Hutchins.

THE CHAIRMAN: As was presented below, with whatever probative value it may or may not have.

MR. COVAHEY: No objection to the May 10 letter.

THE CHAIRMAN: So that's No. 7.

MR. COVAHEY: The other one is for identification --

THE CHAIRMAN: But we wiped it out, because we avoided both, so it will be seven.

MR. LANZI: So I'm clear, the chronology is just simply part of the Board's record, not a separate exhibit?

THE CHAIRMAN: Right.

MR. LANZI: So the only new exhibit would be --

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THE CHAIRMAN: Would be the May 10 letter.

MR. LANZI: That's all I have for Dr. Hutchins.

THE CHAIRMAN: Cross.

CROSS EXAMINATION

BY MR. COVAHEY:

Q. Are you an M.D or a Ph.D?

A. I'm a Ph.D.

Q. My brother calls you a doctor. Do you reside at this property full-time?

A. No.

Q. So this is your part-time residence, is that correct?

A. We live there about half of the time, I would say.

Q. In fact, your residence address is 3908 North Charles Street?

A. That is correct, our other residence, yes.

Q. Before that, you also have an address in your own exhibits that have been introduced into evidence. The tax record give another address. Do you know what address is on your exhibit, the tax record?

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A. I don't know what exhibit you're talking about.

Q. Well, I will tell you what exhibit it is.

THE CHAIRMAN: That's six, if you're looking.

Q. Exhibit 6. And if we look at the tax records, you lived at Stratford, or Statford, at one time?

A. Stratford Road, correct.

Q. Now, you said you acquired this property. What year did you say you acquired it, Doctor?

A. It was April-something, 2000.

Q. And you said you paid $80,000?

A. Somewhere in that range.

Q. If I told you that your own exhibit reflects a sale price of $70,000, would you agree with what's in your exhibit?

A. Yes. That's probably more accurate.

Q. In fact, you were familiar with this property long before you bought it, is that correct?

A. Yes.

Q. In fact, this property was purchased from your daughter and her husband?

A. Correct.

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Q. When did they buy this property? 1989 sound correct?

A. September 2, 1988.

Q. And you visited the property when it was owned by your daughter and your then son-in-law?

A. A number of times, yes.

Q. And the number of times you visited the property, you saw the frame garage that existed on the site, is that correct, Doctor?

A. When it was put up, yes. There was no structure there prior to that garage being erected.

Q. The garage was put up in 1992, '93, is that correct?

A. The slab was laid on July 19, 1992.

Q. And after you bought the property from your daughter and your son-in-law, then you razed the house?

A. Correct.

Q. The existing house?

A. Yes.

Q. When you purchased the property from your daughter and son-in-law, the existing frame garage that

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was on -- there was an existing frame garage there that was destroyed by Isabel, is that correct?
A. At that time, there was, yes.
Q. Now, with respect to what's been introduced into evidence as your Exhibit 6, you said that there are other properties in the old subdivision of O'Leary that contain more square footage as the Gasker and the Darby property, is that correct?
A. Yes, properties, yes.
Q. How many separate properties are there on the subdivision plat?
A. On the -- hold on a second.
Q. That would be Exhibit 6, Doctor.
A. My recollection is that the number of lots is forty-seven, and the number of properties is forty. I think that's what it is.
Q. How many of the properties did you say were larger than Gasker and Darby?
A. It's actually eight properties that are larger. Two of those, however, are not water, do not have water access.

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So there is six water lots that are larger than Gasker.
Q. So if we consider waterfront land, and by genius deduction, if we subtract six from thirty-eight, that would leave us with thirty-two, so that would say that there are thirty-two properties smaller. Would you agree with that?
A. There are two that are quite similar. So say thirty.
Q. Thirty. We'll take that. I'm going to show you an exhibit.
MR. COVAHEY: Let me see that big picture with the big board with all the pictures on it.
MS. BRASSIL: Exhibit 13.
Q. Dr. Hutchins, you were present in the Board room on December 1 when Mr. Gasker and Mr. Kennedy testified, is that correct?
A. Yes.
Q. I'm going to show you what's been marked as Petitioner's Exhibit No. 13. Do you remember seeing that come into evidence?

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A. Yes, I recall it.
Q. That shows your house. It shows Gasker's pier. Is that correct? In fact, you can't see Gasker's pier, but primarily it shows your house?
A. Yes. We seem to be pictured there.
Q. I'm going to show you on Exhibit 13, picture number five. Do you see a pole there, Doctor?
A. Yes.
Q. Do you remember hearing Max Gasker testify that that pole was twenty feet in height?
A. I don't recall that specifically, but I will accept it.
Q. Would it be fair to say if you look at picture five, you look at picture one with respect to the pole, that the top of the pole is right at the bottom of the floor of your second deck?
A. One and five seem to be a similar picture, actually. Yes.
THE CHAIRMAN: Now, for our edification, why don't you two gentlemen just turn that around so we can see what you were just asking him about.

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MR. COVAHEY: This is the second deck. This is the top of the pole right at the bottom of the second deck.
THE CHAIRMAN: And that pole is --
MR. COVAHEY: That's the pole that Gasker said he put up to show it's twenty feet in length, was his testimony, and the pole did not block the view.
MR. LANZI: Objection. Move to strike.
THE CHAIRMAN: We'll strike that. I mean, it is what it is.
MR. COVAHEY: Yes, sir.
THE CHAIRMAN: That was exhibit what?
MR. COVAHEY: That's Exhibit 13.
Q. Doctor --
THE CHAIRMAN: As long as we're marking things, and only if Dr. Hutchins can do it, based on what you recall what it was before the flood, could you point out where fifteen feet, or where -- strike that -- where the garage prior to that came up to your building?
THE WITNESS: It would be approximately two-thirds.

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THE CHAIRMAN: If you can mark it, fine. If you can't, that's all right, too.
MR. LANZI: I would object to that request and defer to the photographs, because I just -- he's not an expert -- do you feel you can, with confidence --
THE CHAIRMAN: Or if you don't feel comfortable doing it, don't.
THE WITNESS: The permit issued for this garage indicated the height was 13.5 feet. That would be somewhere around the railing of the second floor.
THE CHAIRMAN: My only question was, since you have been in your building, looking at the one that existed before, if you can recall about where it came on the building, I wanted you to mark that. But if you can't do that with comfort, it's not a problem.
THE CHAIRMAN: Well, I can't do it from that direction.
THE CHAIRMAN: Then I'll allow you to defer.
Q. (MR. COVAHEY) Doctor, would it be fair to say when the actual frame garage that was destroyed was in place, that, from the first deck, that your view was

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impeded by that garage, is that correct?
A. You're asking me was it?
Q. Yes.
A. Yes.
Q. It was impeded?
A. It was impeded, correct.
MR. COVAHEY: Let me see. There are two building permits. If I can look, I can tell you the exhibit numbers. Let me see Exhibit 6, if I may, please.
MS. BRASSIL: Petitioner's?
MR. COVAHEY: Yes.
Q. Doctor, I'm going to show you what's been marked into evidence as Petitioner's Exhibit No. 6 which references the petition for the garage. This was issued February 11 of 1993.
Do you see that? The dimensions are there about in the middle. Do you see that? You're referring to your notes. Refer to the permit, please, Doctor.
THE CHAIRMAN: He can refer to whatever he wants, and then you can, for the record, say what he's referring to.

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A. Where's the other exhibit?
Q. I'm asking you what Petitioner 6 says with respect to the dimensions?
A. Twenty-four by twenty-four by 15.5.
Q. It says height, 15.5, is that correct?
A. So it was higher than it should have been even at that time, is that correct?
Q. Well, I'm asking the question, Doctor. So the view from the second floor master bedroom was impeded by the frame garage that was destroyed, is that correct?
A. Yes.
Q. Now, you planned your house with the master bedroom there, knowing that the view would be impeded and obstructed by the existing garage, is that correct, when you designed your house?
A. We accepted that limitation on the property, yes.
Q. Now, you said you're familiar with the other houses up and down Denton Avenue. So there are forty properties. About how many houses are there? Forty-two? Forty-three?
A. No. It's less than -- I think it's less than

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forty. I'm not sure of the exact number.
Q. You would concede that Gasker's house is what's referred to as an A-frame construction?
A Yes.
Q. Are there any other houses on Denton Avenue that are A-frame? Is there one other?
A. There is the one next to us on the other side in the process of construction, and that's partly A-frame. I think that Darby may be partly A-frame, too. I'm not sure.
Q. But you would concede that Gasker is almost entirely A-frame, based on its construction?
A. I don't think so. The front of his house seems to be similar to what I see in the Pallock house, which is partly A-frame and has rooms in the back, the same way there is rooms in the back and an A-frame in the front.
Q. What do you call the Denton Avenue community? Does it have a name? Did you just call it Denton Avenue?
A. The subdivision is called O'Leary.
Q. What do people refer to? In the area if you live in Baltimore City, you might say Govans,or Guilford, or

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Homeland Park.
Q. Well, the address is Sparrows Point. The area there, I guess, is more commonly referred to as Ft. Howard.
Q. So you would say then that the whole neighborhood would encompass like the Ft. Howard area, which is Ft. Howard is a mile and a half or so away?
A. Yes. It doesn't resemble what's on Denton Avenue. Denton Avenue has, for the most part, waterfront properties.
The Ft. Howard is more developed sort of area with relatively little in the way of waterfront properties of the sort that we have.
Q. So would be kind of fair to say that all of Denton Avenue shares similarities, so that would be the neighborhood you live in, the Denton Avenue neighborhood, is that correct?
A. Correct. I think that's appropriate. And I thought that using the O'Leary subdivision as the definition of that neighborhood was correct.
Q. Now, you testified on direct examination about

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where the front of the house was and the side of the house. Do you remember that?
A. Which house are you speaking about?
Q. The Gasker house.
A. Yes, I do.
Q. Now, you are aware that the County Board of Appeals determined that, in fact, that the Gasker garage is located in the rear back yard. You are aware of that, it was their determination?
A. Yes. I thought that was one of the most foolish things I had ever seen or heard.
Q. But you are aware that they determined that?
MR. COVAHEY: Let the record reflect that no members of the present County Board of Appeals were on the County Board of Appeals that rendered that decision which was foolish in 1993.
A. I think you misstated the record, actually.
Q. Well, it speaks for itself.
A. The interpretation was given by a Mr. Wasolinsky (phonetic) where the front and the back of the house were.
Q. And confirmed in writing by Arnold Jablon, is

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that correct? Did you see that letter?
A. I do recall that name. I'm not sure if that was this letter or not.
MR. COVAHEY: Now, if I may see Exhibit No. 8. That's Protestants' 8. It looks like the last thing up here, that letter of May 10.
MS. BRASSIL: It would have been No. 7.
MR. COVAHEY: Did you give us that letter back, Mr. Lanzi?
THE CHAIRMAN: The letter of May 10? I don't think we ever physically got it up here.
MR. LANZI: Sorry about that. Here, this is May 10.
MR. COVAHEY: They offered it. I said, No objection.
THE CHAIRMAN: But I meant, physically, it never made it up here.
MR. COVAHEY: Did I help you out?
MR. LANZI: Thank you.
Q. Doctor, I'm going to show you Protestants' Exhibit No. 7. That's a letter to Timothy Kotroco. Are

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you familiar with that?
A. Yes. I wrote it.
Q. This was after you had the hearing in the present case before the Deputy Zoning Commissioner Murphy, is that correct?
A. Correct.
Q. Unless I missed it, is there anywhere in that letter did you contend or maintain that the proposed garage was blocking your view?
A. In this letter?
Q. In that letter.
A. This letter was addressing the problems that I perceived with the April 7, 2004 get-together, and I don't think I rehashed the issue of view blocking.
Q. The question. Do you agree that nowhere in that letter do you mention about the proposed garage blocking your view?
MR. LANZI: Objection. It speaks for itself.
THE CHAIRMAN: I think it speaks for itself.
Q. I'm going to take you through it. You say in there that one of your complaints is the frame garage has

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been built hastily and so poorly, it was swept away by the storm surge. Did you write that?
A. That is a correct statement of what happened during Isabel.
Q. And then your next complaint is with the twenty foot garage, it will be a major detriment to our property when the next storm surge sweeps away even larger outbuildings. Do you remember saying that?
MR. LANZI: Objection.
THE CHAIRMAN: Well, he's going to ask follow-up questions.
Q. That was your complaint about it being swept away and damaging your house?
A. We lost a lot of money as a result of destruction from this property coming across onto our property.
Q. That was your main objective --
MR. LANZI: Objection.
MR. COVAHEY: Objection.
THE CHAIRMAN: Let's hear what his objection is.
MR. COVAHEY: I haven't asked the question.
MR. LANZI: I object to the use of the word "main

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objective." He's putting words in his mouth.
THE CHAIRMAN: Don't characterize the objection. Simply identify the objection in the letter.
Q. The thrust of your complaint was that you perceived that parts of the frame garage damaged the side of your house, is that correct?
A. That was the major thrust of this paragraph --
Q. That was the major thrust of the letter and your objection at that time to the application, is that correct, Doctor?
A. Yes.
Q. And also another complaint you had was the Gaskers' insurance company, for whatever reason, didn't pay you for the damage, is that correct?
A. Yes. I still have that complaint.
MR. COVAHEY: Board bear with me one minute. I have to put something else in. Open the door.
Q. I show my brother what I propose to offer as Petitioner's Exhibit --
MR. LANZI: I'm going to object to this letter of January 31, 1994. If it's in the file, I would request

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again it be given the weight it deserves.
THE CHAIRMAN: Just so we know what we are talking about?
MR. LANZI: I was under the impression we were not rehashing the 1993 case.
THE CHAIRMAN: Mr. Covahey, this is a letter to --
MR. COVAHEY: To Arnold Jablon, saying it's a valid building permit.
THE CHAIRMAN: To James Brooks.
MR. COVAHEY: Who was --
THE CHAIRMAN: It's to Brooks from Jablon.
MR. COVAHEY: Brooks was his attorney.
THE CHAIRMAN: But you said it the other way around.
MR. COVAHEY: I'm sorry.
THE CHAIRMAN: Do you know if this is in the file that came up from below?
MR. COVAHEY: I don't know.
THE CHAIRMAN: Can we look?
MR. COVAHEY: Sure. I think it is.

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THE CHAIRMAN: Because if it is, we can handle it the same way.
MR. COVAHEY: It's probably after Deputy Commissioner Murphy's opinion.
THE CHAIRMAN: Off the record.
(Discussion held off the record.)
THE CHAIRMAN: We're back on the record. We have a letter dated January 31, 1994, to James Brooks of Piper, Marbury, from Arnold Jablon, at the time the director of the office of zoning administration and development management, and by stipulation of counsel, we are going to accept that letter in the same manner as we have accepted the other documents within the Zoning Commissioner's file, and the Board will, of course, read it as part of that file and give it the weight to which we feel appropriate under the circumstances.
MR. COVAHEY: My notes reflect that would have been Petitioner's Exhibit 21.
THE CHAIRMAN: We are not going to give it its own exhibit number. It's coming in as part of the previous file.

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MR. COVAHEY: Fine.
Q. Doctor, with respect to the hearing before the County Board of Appeals in 1992 or '93, your lawyer was Mr. Brooks of Piper, Marbury?
A. It was not our lawyer at the time since the property was owned by my daughter and son-in-law.
Q. So he was the lawyer for your daughter and son-in-law?
A. Correct. Mr. Brooks.
Q. If I may just peruse my notes a minute, sir. You are aware of the fact that originally that your present property was owned by Mr. Gasker, is that correct?
A. Yes.
Q. So by him subdividing the property, then he subdivided and sold it to your daughter and your son-in-law?
A. Correct.
Q. So you're the second owner back from Gasker, so he's your predecessor in title?
A. Our son-in-law and daughter were our predecessors in title.

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Q. He's one of your lien predecessors in title, not your immediate predecessor in title.
A. Okay.
Q. Before your daughter and son-in-law bought this property, did you ever visit Denton Avenue?
A. I probably looked at the place when they were considering buying it. I can't recall, frankly.
Q. During the period of time that your daughter and son-in-law owned the property and you owned the property, have you ever seen the water up as high as it was during Isabel?
A. No.
Q. You heard the testimony from Doug Kennedy that the present foundation that's been constructed by Gasker complies with all the requirements of Baltimore County with respect to current flood prevention?
A. Yes.
Q. And it has vents in it to let the water flow in and out, and all that?
A Correct.
Q. Did you also hear his testimony that it's highly unlikely that another Isabel would knock this down, that it's his opinion it would withstand a storm surge?
A. I don't recall his testimony about the prognostication about further hurricanes, but I would personally doubt that the water is likely to knock it down.
MR. COVAHEY: No further questions.
THE CHAIRMAN: Redirect?

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REDIRECT EXAMINATION

BY MR. LANZI:
Q. Dr. Hutchins, you sold your Stratford Road property?
A. Yes.
Q. You indicated that you spent about half your time at your Baltimore property and half your time at the Denton Avenue property?
A. Yes, roughly.
Q. Is it your intent to spend even more time down at the Denton Avenue property as you head towards retirement?
MR. COVAHEY: Objection. He's leading him right down the rosy path.

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THE CHAIRMAN: I'll let him do it. It's a short path.
Q. What are your intentions with the use of Denton Avenue?
A. Well, we will most probably spend a lot more time there during the summer than we do in the winter. After I get off work, it's so dark, you don't want to go down there in the winter, except on the weekend.
So usually we spend weekends down there in the present time, and in the summertime more. So it will probable be more than half the time.
Q. You indicated or testified on cross that when you built your new house, you knew the view was going to be partially blocked with the fifteen foot garage?
A. Correct. We realized that and accepted that as one of the detriments to the property.
Q. So you weren't happy with it?
A. No. I have never been happy with that garage. I do not think it should be there.
Q. Is it your testimony that your view will be further blocked if the garage is made five foot higher?

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MR. COVAHEY: Objection. It's already been asked and answered, more than five times.
A. Absolutely.
THE CHAIRMAN: I'll let him answer.
Q. With regard to that May 10 letter that discussed on cross examination, do you still have concerns from the damage that occurred to your house as a result of the garage that -- I'm sorry. Let me rephrase that.
Do you have concern or you had concerns when you wrote that letter with regard to the damage that occurred to your house from the old garage on the Gasker property, is that correct?
A. That's correct, yes. Definitely.
Q. And you still have some concerns with the garage being located where it's proposed to be located, in addition to the view issue?
A. Yes. I think that not only the garage, but all of the other stuff sitting around on Mr. Gasker's property is at risk to create the same type of destruction on our property that occurred with Isabel, should another Hurricane develop.

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MR. LANZI: I have nothing further.
RECROSS EXAMINATION
BY MR. COVAHEY:
Q. Doctor, when you testified before, you testified before the Deputy Zoning Commissioner, is that correct?
A. You're referring to this?
Q. At the hearing before the Zoning Commissioner to which you filled an appeal, did you testify there?
MR. LANZI: Objection.
THE CHAIRMAN: Let's see where he's going with it.
Q. Did you testify?
A. I don't think it was testifying, because --
Q. You spoke?
A. Yeah, we spoke.
Q. At that time, isn't it a fact that not one time did you mention the word "view being obstructed"?
MR. LANZI: Objection.
A. That's correct. It was my view at that time that the major issue here was putting up another shoddy garage that was going to collapse on our property and cause us a lot of damage, a lot of expense, for which we have still not been compensated.
Q. You concede now, and in my previous examination, that with the new construction, you think it's likely this present construction can withstand another Isabel?
A. Do I have faith in Mr. Gasker's construction? Probably a little more than the old garage, but I'm still not comfortable with it.
Q. You said you spend half your time there. Do you have a place in Florida?
A. Not yet.
Q. Been down there looking, haven't you? Thought I saw you down there when I was looking.
A. No. I have no desire to live in Florida.
Q. Do you own any other property that you go visit in Hiltonhead?
MR. LANZI: Objection as to relevance.
THE CHAIRMAN: The door was opened by how much time he spends. Why don't you ask him the all-encompassing question?
Q. Do you have any properties anyplace else where you visit?
A. No.
Q. Have a time-share anyplace?
A. No.
Q. In these Maryland winters, it would be nice to get away from here and go to Florida, wouldn't it?
A. I'm not that mad about Florida.
THE CHAIRMAN: Any other questions, Mr. Covahey?
MR. COVAHEY: No, sir.
THE CHAIRMAN: Anything else from you?
MR. LANZI: Nothing. Thank you.
MR. COVAHEY: Thank you, Doctor. Appreciate it.
THE CHAIRMAN: Okay. It's about 12 o'clock, a few minutes after. We're going to take a lunch break, come back at one, pick it up from there.
(Whereupon, a luncheon recess was taken.)

AFTERNOON SESSION
* * * * *
THE CHAIRMAN: We're back in session. Mr. Lanzi, you're on.

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MR. LANZI: Call Loretta Hutchins.

LORETTA HUTCHINS,

having been called as a witness, was duly sworn, and testified as follows:

DIRECT EXAMINATION

BY MR. LANZI:

Q. Hi, Ms. Hutchins. Where do you currently reside?

A. 7844 Denton Avenue.

Q. You heard the testimony earlier and the question regarding your two residences.

How much time would you characterize that you spend at your Denton Avenue property?

A. Probably half and half.

Q. Are you there continuously at any time?

A. In the summer.

Q. Were you residing at Denton Avenue primarily this past summer?

A. Yes.

Q. When did you essentially move back to your other property?

A. Sometime late October.

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Q. Would that be your intention in the future?

A. Yes.

Q. Where are you currently employed?

A. I work as a real estate agent for Hill and Company.

Q. How long have you worked as a real estate agent?

A. Twenty-four years.

Q. In your experience as a real state agent, have you found that there may be an adverse impact on a property's ability to sell if a structure is blocking the view such as the Gasker proposed garage?

MR. COVAHEY: Objection. She's not an expert witness.

THE CHAIRMAN: I was just going to say --

MR. LANZI: I'm not offering her as an expert. I am offering the testimony with her experience as a real estate agent.

THE CHAIRMAN: Once you say the magic words, her experience as real estate agent, then she's speaking to her experience as a real estate agent, so you're already halfway there or more. For twenty-four years, she's been

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a real estate agent.

Q. Ms. Hutchins, can you recall approximately how many properties you have sold or helped people buy and sell over those years of experience? Roughly.

A. A thousand? I don't know.

Q. Was it residential property versus commercial?

A. Mostly residential, but I have done some commercial.

Q. Was the experience in the general Baltimore metropolitan area?

A. Yes.

MR. LANZI: I would offer Ms. Hutchins as an expert with regard to real estate matters regarding the purchasing and sale of property.

THE CHAIRMAN: Voir dire?

VOIR DIRE

BY MR. COVAHEY:

Q. Ms. Hutchins, are you a real estate appraiser?

A. No.

Q. You are a real estate sales person?

A. Yes.

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Q. You do not hold a real estate broker's license?

A. You are correct.

Q. Before you went work for Hill and Company, you worked for Grempler?

A. No. I worked for W.H.C. Wilson.

Q. Down in Roland Park?

A. Right.

Q. Was Ed Cockey the president when you worked there?

A. He was part-owner with Mr. Wilson. Adam, I think.

Q. What did I call him?

A. I thought you said Eddie.

Q. Adam Cockey?

A. Adam.

MR. COVAHEY: I submit that she's not an expert to express any opinions with respect to property. You would have to have a real state appraiser if you're going to go to diminution of value or adverse impact.

She can testify as a homeowner what she thinks, but not as a real estate expert. She's not a broker.

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She's a real estate person. That would open the door up to everybody that calls themselves a real estate salesman that goes through these exercises. She just also happens to be the property owner.

THE CHAIRMAN: If the questions are going to be value specific --

MR. LANZI: No.

THE CHAIRMAN: -- then I would agree that an appraisal or brokerage background is necessary to say a particular price is appropriate, inappropriate, usual or not unusual.

If the questions are going to be limited to factors involved in buying and selling real estate and their effect relatively on prices, whatever those prices are relative to the property, then I think someone who spends twenty-four years representing buyers and sellers could probably tell us that.

Now, if you go beyond that, he'll object, and I will rule, but with that limited definition, we'll approve she's an expert.

Q In your experience as a real estate agent, have

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you found that there will be an adverse impact on a property's ability to sell if there's a structure such as the garage proposed by the Gaskers that's blocking the view? Have you had that experience, personal experience as a real estate agent, that that can happen?

A. Yes. And that property.

Q. In your experience.

A. I was a real estate agent and I sold that property to my son -- my son-in-law and my daughter, and after they wanted to re-sell it, I had it listed, and we could not sell it for the price that they bought it for because the garage had then been put up, blocking the view.

Q. That was indicated to you by prospective purchasers?

A. Yes.

Q. Have you had other experiences with other properties --

MR. COVAHEY: Objection. Indicated purchasers. That would be hearsay to say what the purchasers told her.

THE CHAIRMAN: Rephrase you question.

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Q. Was it your understanding that part of the reason the purchasers did not purchase this particular property had to do with the garage blocking their view?

MR. COVAHEY: Objection.

THE CHAIRMAN: I'll allow that.

A. Yes. When you would call up the listing agent or the selling agent that would show it, that's what they would tell --

THE CHAIRMAN: You can't say what people said.

Q. Have you had other experiences with other properties where the view was blocked or had an impact on the ability to sell property?

A. Yes. Down in Federal Hill.

MR. LANZI: I have marked Protestants' -- it will be four of them. What's our next number?

MS. BRAZZIL: Eight.

MR. LANZI: 8A through D.

MR. COVAHEY: Marked for identification, A, B, C and D?

MR. LANZI: Yes.

Q. Ms. Hutchins, I'm going to show you four

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photographs that have been marked 8A through D. I will ask you first, who took these photographs?

A. My husband.

Q. Do you know the approximate time when these photographs were taken?

A. About two months ago.

Q. What is the structure that's shown in these photographs?

A. A twenty foot garage.

Q. Where is this garage located?

A. 3500 Hospital Road, in Monkton, on twenty acres.

THE CHAIRMAN: I couldn't hear anything.

THE WITNESS: 3500 Hospital Road, in Monkton, Maryland, on twenty acres.

Q. Do you know the owner of this garage?

A. It's my daughter.

Q. Do those photographs accurately depict the garage that is apparently is under construction when the photographs were taken?

A. Yes.

MR. LANZI: I'd offer as Petitioner's 8A through

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D.

MR. COVAHEY: I strenuously object.

THE CHAIRMAN: Have you looked at them?

MR. COVAHEY: I saw them. The reason for the objection is this is just a twenty foot high garage on her daughter's property, not the same dimensions.

It's up on My Lady's Manor. It has absolutely nothing to do with this property. It's much bigger than a twenty-four by twenty-four foot garage. It's got like a Cape Code construction and cupolas on it, and everything. It has no probative value.

MR. LANZI: May I?

THE CHAIRMAN I will let you respond, but I am sort of leaning and agreeing with him. It is as different as it possibly could be.

It doesn't give us any perspective with the property that is in question. Go ahead, take your best shot.

MR. LANZI: It's hard to get perspective when, at the Zoning Commissioner level, there were no renderings. At this level, we were given a sketch drawing.

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Obviously, we can't build it and show you what it looks like before it's built. So the best we have, there's a garage that's twenty feet high. Conceding it may not be the same exact layout of the other garage which is designed, it at least gives the Board a perspective of the height, which is important.

MS. BRASSIL: Does it have any relationship to anything else?

MR. LANZI: It's a twenty foot high structure.

THE CHAIRMAN: I think I understand and I sympathize with why you're doing it. I'm not going to tell anybody their business, but given the fact that we know what the dimensions of your house are, ma'am, and what a twenty foot high garage, as far away as it was from your house, I mean, there could have been an artist rendering or an architect's rendering to put it exactly in perspective to that building.

It's close enough, but I don't see it has any real probative value, and I'm going to sustain the objection. I think I speak for the Board.

MS. BRASSIL: Yes.

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THE CHAIRMAN: It's for identification still, so we'll go with nine for the next one. It's identified as No. 8. Since we ruled on it, I'm going to leave that number assigned to it because there could be an appeal that has to be dealt with.

Q. How long have you owned this property on Denton Avenue?

A. About five years.

Q. You're very familiar with the neighborhood?

A. Yes.

Q. Obviously, you were familiar with the property when your daughter owned it?

A. Yes.

Q. You have legitimate concerns about the property damage recurring to your property as it did after Isabel from the old garage that was located on the Gasker property?

MR. COVAHEY: Objection to the word "legitimate."

THE CHAIRMAN: Do you have concerns?

Q. Do you have concerns?

A. Yes.

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Q. Those concerns were expressed to the Zoning Commissioner?

A. Yes.

Q. Have you also had concerns about the impact of the old garage and the new garage with regard to blocking your view?

A. Yes, I do.

Q. Those concerns were expressed to me when you first came to me, starting this case?

A. Yes.

MR. COVAHEY: Objection to what she told her lawyer.

THE CHAIRMAN: These are also the concerns your husband was kind enough to share with us previously?

THE WITNESS: Right.

Q. And you had those concerns at the time of the Zoning Commissioner case as well?

A. Yes, I did.

Q. You had those concerns when you built your house, is that correct?

A. Yes, we did.

Q. You haven't been happy with the fact the old garage was where it was and the height of it, is that correct?
A. Right.
Q. You feel the garage, if it's approved as proposed, would that have any negative impact on your use and enjoyment of your property?
A. Yes, because we like to look out the windows and we like the view, watching the birds, different things in the water.
Q. Do you spend a fair amount of time either outside or enjoying the view?
A. Yes, we do.
Q. You're familiar with the Darby property next door to the Gasker property?
A. Yes.
Q. Is it fair to say the Darby property and lot are also on the Point, as are the Gasker property?
A. Yes, they are.
MR. LANZI: That's all I have.
THE CHAIRMAN: Cross.

CROSS EXAMINATION
BY MR. COVAHEY:
Q. Ms. Hutchins, do you have your driver's license or your voter's card with you?
MR. LANZI: Objection.
THE CHAIRMAN: Let's see where he's going. Then you can object. I will hold it in abeyance.
Q. Do you have your driver's license or your voter's card?
MR. LANZI: You have to answer yes or no.
Q. Yes.
Q. What address shows on your driver's license?
MR. LANZI: Objection. Relevance. We have been though this.
THE CHAIRMAN: Gentleman, I don't want to let any cats out of the bag, but whether the protestants or the petitioners live on the property eighty percent of the time, fifty percent of the time, sixty-two percent of the time, I don't think changes whether or not this property qualifies for a variance under 307, or 302, rather, and Cromwell.

I had let you both get into this because you both seemed interested in getting into it, but I don't think we have to get into it to that degree.
MR. COVAHEY: With that ruling, I agree with you.
MR. LANZI: I agree as well.
Q. Just out of curiosity, you worked someplace else before you worked at W.H.C. Wilson, didn't you?
MR. LANZI: Objection.
A. Yes. I worked for Piper and Company before.
Q. For Jim Piper?
A. Yes.
Q. I thought so. I knew that. When you and your husband bought the property from your daughter, the existing fifteen foot garage was there, is that correct, Ms. Hutchins?
A. Yes.
Q. The frame garage. And at the time you bought the property, the frame garage impeded your view, is that correct?
A. That's correct.
Q. And at the time you bought the property, the

frame garage impeded your view from the first level porch, is that correct?
A. Yes.
Q. So based on your testimony with respect to the property, the property was already saddled with, from the prospective purchaser's viewpoint, was already saddled with the frame garage when you went ahead and bought it?
A. Yes.
Q. So any adverse impact that it had was there when you bought it, from the frame garage, is that correct?
A. Yes, but this is going to be different.
Q. This is going to be five feet higher?
A. And much wider.
Q. The testimony doesn't support that. It's twenty-four by twenty-four. Did you hear the testimony?
MR. LANZI: Objection. Move to strike.
THE CHAIRMAN: His comment, I will allow the part that said, Did you hear the testimony? If he wants to refresh your testimony --
Q. Did you hear the testimony that it's the same size, it's twenty-four by twenty-four, by Mr. Kennedy?

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A. The bottom -- the bottom is going to be twenty-four by twenty-four. The old garage was an A-frame that went like this.

THE CHAIRMAN: Ma'am, we can't see "like this."

THE WITNESS: Like this.

THE CHAIRMAN: You have to describe it so she can put it down.

THE WITNESS: Like an A-frame. When you put this -- if you put this twenty foot garage, it's going to be square up much higher, block much more view of our -- that we have now.

Q. What you're really saying, it looks like the roof will have a little less pitch than the other one had?

A. Right. And it will be higher going up.

Q. Now, you appeared, as did Dr. Hutchins, before Deputy Zoning Commissioner Murphy, is that correct?

A. Yes, I did.

Q. And you addressed Mr. Murphy, is that correct?

A. Yes.

Q. You spoke. And isn't it a fact that you never once mentioned obstruction of view before Mr. Murphy, and

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that all your complaints were related to the frame garage hitting your house?

A. That's correct.

MR. COVAHEY: No further questions.

THE CHAIRMAN: Redirect?

REDIRECT EXAMINATION

BY MR. LANZI:

Q. Why didn't you testify with regard to the view before Deputy Commissioner Murphy?

A. Because when we went to the other hearing when my daughter and son-in-law were fighting the other garage, they were told that they could not mention that, the view.

Q. What about the view?

A. We were told that they couldn't bring up the view. That's why it was never mentioned.

Q. You weren't represented by counsel before the Deputy Zoning Commissioner, is that correct?

A. That is correct.

Q. Counsel asked you a question about the first floor view being blocked, and you agreed, is that correct?

A. Yes.

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Q. He conveniently didn't ask you about the upper level. Did it block your upper level as well?

A. Yes.

Q. Is it your concern the new structure will further block your view from the upper level?

A. That is correct.

MR. LANZI: Thank you.

THE CHAIRMAN: Recross?

RECROSS EXAMINATION

BY MR. COVAHEY:

Q. Who told you that you couldn't mention view at the 1993 hearing?

A. Whoever the people were. I don't know their names.

Q. In fact, it's something your daughter and son-in-law told you?

A. No. We were there, sir.

Q. When you appeared before Commissioner Murphy, Commissioner Murphy didn't say, I'm not going to hear any testimony concerning view? He didn't say that, did he?

A. No.

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Q. Then you wrote that letter that your husband --

A. The letter was written before, sir.

Q. Let me finish the question. You're saying that Protestants' Exhibit 7, the letter, was written before the hearing before the Zoning Commissioner, is that your testimony?

A. I'm not sure.

MR. COVAHEY: Can I have Protestants 7? May I see the Hutchins letter, Protestants' 7.

THE CHAIRMAN: What are we looking for?

MR. COVAHEY: The May 10 letter.

THE CHAIRMAN: Mr. Lanzi, do you have another copy?

MR. LANZI: I have my last copy.

MR. COVAHEY: I think we re-marked that as Protestants 7.

THE CHAIRMAN: Mr. Lanzi, remind us at the end to make copies so your file is complete.

Q. Let me show you what's been marked as your Exhibit Protestants' 7. Look at that. That's a letter that you signed and Dr. Hutchins signed.

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My question to you, look at the top of the letter. It seems to indicate that was sent after the Zoning Commissioner's hearing?
A. Okay. So what was your question?
Q. Well, first of all, did you send this letter to Mr. Kotroco after or before the zoning hearing where you didn't mention view?
A. No, we did not mention view. I just told you that. We were told that you couldn't bring up view.
Q. That's not my question. This letter was sent after the hearing before the Zoning Commissioner. Isn't that correct? If you look at the second sentence?
A. Yes.
Q. Again, in this letter, view was never mentioned, is that correct?
MR. LANZI: Objection. Asked and answered.
MR. COVAHEY: Not in this letter.
Q. I asked, in this letter, was view mentioned in that letter, your Exhibit 7?
A. No.
THE CHAIRMAN: Now it's been asked and answered.

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MR. COVAHEY: No further questions.
MR. LANZI: Nothing further.
THE CHAIRMAN: Thank you.
MR. LANZI: Richard King will be our next witness.

RICHARD KING,

having been called as a witness, was duly sworn and testified as follows.

DIRECT EXAMINATION

BY MR. LANZI:

Q. State your full name and address, please.
A. Richard O. King, 5141 Harpers Farm Road, Columbia, Maryland 21044.
Q. How are you presently employed?
A. I'm an employer in the company. I trade as Richard O. King and Associates, Inc.
Q. Explain what you do.
A. I am an appraiser, and have been for the past ten years, full-time. Prior to that, I was with the Shell Oil Company as a real estate manager for some thirty years, which was basically commercial work.

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Since that time, I've been doing appraisal work primarily for myself, and I have a number of clients that I deal with, both residential and commercial.
Q. How long have you been doing the residential and commercial?
A. I retired with the Shell Oil Company in 1995, so about ten years.
Q. Have you testified on other occasions before the County Board of Appeals as an expert?
A. Yes, I have.
Q. As an expert in real estate matters and as an appraiser?
A. Yes.
THE CHAIRMAN: Which? Both? One or the other?
THE WITNESS: No. As an appraiser.
Q. Have you also testified as an expert dealing with real estate matters, in general?
A. Yes, I have. Not in this county. Oh, yes, yes, I have. A commercial case in '97.
THE CHAIRMAN: That was in front of who?
THE WITNESS: That was with my former employer.

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THE CHAIRMAN: But in front of what body?
Q. In front of the Board of Appeals?
A. Yes, it must have been the Board of Appeals. We were appealing a zoning case.
Q. You testified before the Zoning Commissioner in Baltimore County as an expert in real estate and appraising as well?
A. That's correct, both.
Q. Have you testified as an expert and have you been recognized as an expert in other jurisdictions?
A. Yes. I have done some in Carroll County. My home county is essentially Howard. And also Anne Arundel County condemnation cases.
MR. LANZI: I would offer Mr. King as an expert able to testify in general real estate matters and as an appraiser.
THE CHAIRMAN: Voir Dire?

VOIR DIRE

BY MR. COVAHEY:

Q. You said you testified as an expert in real estate and as an expert in appraising?

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A. Meaning in separate cases.
Q. Say again?
A. In separate cases.
Q. Well, let me ask you, what's the difference between testifying as an appraiser and testifying as a real estate expert? I'm not sure what a real estate expert is.
A. Well --
Q. Tell us.
A. Okay. Really, it's a question of what's the need. Okay? If we are there because we are telling a story of how a sale came to be and you were a party of that sale, you're speaking as a real estate person.
You're not talking on the appraisal side. What we are talking about is a valued opinion based upon a logic and coming to a conclusion.
Q. But, then, what a real estate expert would do is one of the components of what you have to do when you're testifying as an appraiser, isn't it?
A. Well, they do intertwine, yes. They do intertwine, yes.

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Q. Well, there are appraisal societies, is that correct?
A. That is correct, and I am a member of the Institute. I am an associate member.
Q. Wait a minute. What institute?
A. The Appraisal Institute, which is, I think, is considered rather respectable in real estate.
Q. Is that being an MAI?
A. I'm not an AMI. I'm an associate member of the Real Estate Institute.
Q. You would agree that the highest designation is to be an MAI, is that correct?
A. Yes. I am a certified general appraiser in three states, Maryland, Delaware, and Virginia.
Q. And to be an AMI, when you are an AMI, then there's a peer review, is that correct, if you're also much on an appraisal?
A. I'm not so sure I understand the question.
Q. A peer review and an AMI would mean if your appraisal is called is into question, other AMI's review it?

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A. Yes, that is correct. But you don't have to be an MAI in order to have your appraisals reviewed either. That's a standard practice if, in fact, there's a reason to call for a review of an appraisal because of some question.
Q. But you're not an MAI?
A. No, sir, I'm not. Incidentally, my qualifications are in the very back part.
THE CHAIRMAN: You say you're a certified general appraiser. Certified by who?
THE WITNESS: By three states, Maryland, Virginia, and Delaware.
THE CHAIRMAN: What body within those states?
THE WITNESS: You have the appraisal commission here in the state, and all three states.
MR. LANZI: This may be helpful to the Board.
MR. COVAHEY: I'm not sure what the witness is going to testify to.
THE CHAIRMAN: Why don't we do it step by step.
MR. COVAHEY: I don't know what a real estate expert is, so I would object.

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THE CHAIRMAN: We'll get to your questions. Just hang in there for a second.
I have been given a document which as yet has not been identified called an Impact Analysis, with some other information in it.
For purposes of right now, of what we're doing at this point, there are -- I am led to believe and do see -- and, again, we'll take it in adverse order -- the last page of it is qualifications of the Appraiser Richard O. King, Sr., so since we start -- since we're trying to decide his expertise -- why don't we start with that list, Mr. Covahey, and you can question or voir dire based upon all those things, and then we'll decide whether he's got an opinion to give us, whether he's allowed to, and then we have move into the other parts of this as they become relevant.
That seems to have a whole bunch of information about him. If you want to question him about that, let's do that first.
Q. Looks like you were a pretty good football player and baseball player, weren't you?

A. I was considered such, yes, sir.
MR. COVAHEY: I have no further questions.
MR. LANZI: Did you hear?
THE CHAIRMAN: No. I'm sorry.
MR. LANZI: He said, "No further questions."
THE CHAIRMAN: You are offering the witness as an expert in --
MR. LANZI: Let me ask one or two more questions.

CONTINUED DIRECT EXAMINATION

BY MR. LANZI:

Q. Mr. King, your experience with both Shell Oil Company, and then since you have left that company, have you always been involved with helping individuals or businesses locating properties to purchase?
A. Yes.
Q. So you have also offered or acted as a broker?
A. That is correct.
Q. It is safe to say you have been involved in real estate dealings as a general principle for the last thirty or forty years?
A. Absolutely.

MR. LANZI: I am offering Mr. King in general real estate matters with emphasis specifically on appraising, but the reason I expanded on the real estate, because the questions will go a little bit beyond general appraisal.
MR. COVAHEY: I object and I submit there's no such thing as a real estate expert.
THE CHAIRMAN: Tell you what. We are going to accept him as an expert in appraisal and in real estate matters, generally.
To the extent that, Mr. Covahey, you have a problem with a particular question, we'll deal with that particular question.
But I'm going to give him that mantle at this point. The man obviously not only has appraisal experience, but also has the professional real estate buying and selling experience both in residential and on a commercial basis, and I think we will allow him to give an opinion, subject to your questioning of what makes up that opinion, and whether or not we should give it whatever value we should. How about you just have him identify

that document?
Q. I ask you to identify the document I have given copies to the Board and also to Mr. Covahey.
A. This is an impact -- a financial impact analysis I did on waterfront property at the residence of the Hutchins at 7844 Denton Avenue.
Q. When did you prepare this document?
A. The document followed my analysis, the date of inspection was November 2, so probably within -- it was prior to the first hearing we had, which was December 1.
So it was somewhere between the date indicated here and December 1. A guess, probably about the 20th of November.
THE CHAIRMAN: Why don't we give that a number, identify it --
MR. LANZI: Nine.
THE CHAIRMAN: -- and as we get to other parts of it, those -- why don't you go through it and maybe we'll just simply admit the whole document, and it may wind up only part of it, and see where it takes us.
A. What I thought I would do here, is give you an

overview of what it is you've got in front of you, and then specifically speak to the impact having to do with essentially the construction of this twenty foot garage as opposed to a fifteen and what it does in terms of value.
What I have done, the very page after the cover page -- and I have numbered all the pages -- this is number two that I'm on now.
Basically, this is a summary of facts and conclusions of what I found. So I tried to describe the property as best I can when I did the appraisal work.
What I have analyzed here -- and this is very important -- this is strictly land only. We are not dealing with improved property at all. Strictly land.
We looked at the total square footage of the subject property, the Hutchins property, 6,827 square feet. The improvements there, 2392 square feet. The zoning is 5.5 residential. Its highest and best use is residential. The assessed value only -- and I want to emphasize that -- I'm talking about assessed land value -- these assessments are coming directly from the property records of the state and done here in the county office

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for properties throughout Baltimore County is included.
What I'm saying is the estimated full view value before the garage construction is $60,270, but I'm going to better explain as I go through this --
THE CHAIRMAN: Sixty?
THE WITNESS: Sixty or sixty-eight?
THE WITNESS: Excuse me -- $68,270. The estimated partial view value after the garage construction would be $47,789. The diminished value, therefore, would be the difference. With construction of this twenty foot type garage, $20,481. So rounded at $20,500. Therefore, essentially, a loss of about thirty percent.
What I have done next, go to page three, essentially page four, I have outlined the area in terms of where it is and the geography of the county and city of Baltimore.
And then, the next page, location -- on page 4 -- I tried to be rather specific where it's located in conjunction with Denton Avenue, North Point Road, and also Shallow Creek.
Now we go to the next page, which is page five, a

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picture of the subject property taken from the water towards the property. It's three floors of the subject property.
Page six, same picture, essentially, but what it does do, it reflects exactly, without just being the size, but I did measure this, as to how I saw it coming to that second floor level, meaning the twenty foot effect it would have.
Now, to the seventh page, what I tried to do, is tell you exactly what the purpose of this appraisal is, and I'm just going to quote it, what I said.
The purpose of this financial analysis is estimate the impact on value through a twenty foot, two story garage to be constructed on the east side of the subject property.
Now, there's a function to this. The function and intended use is to support the client's case -- the Hutchins -- in opposing a variance request for an additional height elevation of five feet above the legal limit of fifteen feet for the construction of the above garage.

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What I did, I entered here on page nine, we have seen it before, the variance request that came to the county.
Now, the analysis process, which is what all this is about, is how you go about it. You start essentially with the land records. You look at the Hutchins, where the property is, and basic information. The liber, folio, which I disclosed on the second page.
You looked at property maps. You look at plats. And you also look at the land assessed values. These are all supported by documentation I put in the back here under Sales A.
I'm right now on number seven. I'm outlining to you the purpose and function of the analysis. Okay. I'm talking now specifically about the process that we go through in trying to pick the pieces we need to try to come to some kind of a logical conclusion as to where we are going in terms of value the construction of a twenty foot garage.
Okay? I am almost verbatim trying going to take you right down the list. What I you to do here was I

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started talking about assessed values and supporting documentation.
I jumped a little bit maybe ahead by going to what would be Exhibit A here, or Sales A.
What I was looking at first here -- and I'm going to come back to page seven -- just bear with me -- what I'm looking is a very active street condition in terms of sales, because what I tried to do was see what was going on there, and I have identified a number of them.
As you can see, I've highlighted those in yellow, and they are, in total, three pages over the last essentially four years of sales. So I looked at all those properties in terms of can I make any sense of some that have blockage in terms of view and some that don't.
And the more I tried to work at this, I said I don't think we are going anywhere with that one, so I take you back to number seven again. Okay?
Now, what I want to take you to is the third bullet under the steps in process -- I'm skipping a little bit for purposes of what I'm trying to identify as we go -- the recognition of Denton Avenue as we can see it --

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and I think this depicts it very well, this aerial photo.
It is a peninsula, meaning water on three sides. It also has an elbow, if I could show to the Board here.
You know, as I looked at this in terms of the layout, in general, of the homes, it became very interesting to me that the contour of the property on the Hutchins side and the Gasker side as to how that property line runs.
If you'll notice, the road is probably the best indicator. See how it does a loop here? It allows what I call an elbow on that peninsula.
Can you kind of get the sense of that? It's not a straight line. Far from that. What it does, it starts up here at North Point and then it does a wrap, and then it does a sharp loop again.
And if you're traveling Denton Avenue, you can see that. If you look straight ahead, you see this house. If you come down, you have to make the turn to look straight out at the water.
So what I said was, Let's look at these values of these homes both north of this, what I call the elbow. I

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noted that on page seven where I call recognition of Denton Avenue peninsula as the arm of elbow.
Okay? What I ask you to do, to really emphasize that a little bit more, if you would turn to page ten. Okay? I think that you can again note really quickly this elbow effect that I mentioned.
I have shown on page ten what I call the similar view line. In other words, what I'm saying here, these people -- if you look at what these people here see in the way of a view, as opposed to what these people see, there is no question that the view is obviously better.
Now, what's the view? As Dr. Hutchins described earlier, the real view, the value of view -- and I'm going to get to the numbers in a minute -- as I see it, and this is my opinion -- that we are looking at a beautiful park on the other side, North Point Park, but what's more important, where all the waterways come together, and all the waterways come together on the easternmost part where you have Shallow Creek coming in, you have the bay coming in, and then you have got a view of the Bay Bridge.
So your real view is predominately here, and it

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follows the value system. I will get to that in a minute. But if we can follow that concept, that's very important here, because I think this is what makes the case for diminished value. What I have done --
THE CHAIRMAN: Before you walk away from there, I notice on page ten that you have monetary values/SF, which I assumes means square foot?
THE WITNESS: Correct.
THE CHAIRMAN: The two elevens and nine seem to be on the opposite side of the peninsula. Those numbers seem to be higher in terms of value than the ones on the side of the peninsula that you just pointed to?
THE WITNESS: They're symbols.
THE CHAIRMAN: They're a good bit higher, going from seven and a half to nine. We are going to eleven, eleven, and nine. That's significantly higher.
THE WITNESS: What you have, if you're actually on the eleven side -- now, keep in mind our subject property is on the eastern side. Okay? And I am going to get to these numbers, but to jump to your point, if you get there, you have even a better look because, again, we

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don't have a real good shot of this, but if you were in the bay looking back, which would be the ideal shot, here, you've got full -- you're looking right at the Bay Bridge. Okay? A full view of the bay.
Over here, you're somewhat obstructed, but yet you're not, depending on the position of the improvement, in this case, the improvement is positioned straight out, so the body itself has to turn to get the full look, okay? So that's the cost line aspect of this thing, and that follows value, and that's my point.
Now, I'm going to stay with page ten and I'm going to try to tell you a little bit about these numbers you see here and names.
Some of the names have obviously already been mentioned. All these are people that live both on the east side and the west side, but the purpose of this basically was to show you how, on the assessed land records -- land now -- keep in mind not improvements -- how the value diminishes greatly the further north you go, or towards North Point, as opposed to coming out to the Point itself.

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What I'm saying is, that view is diminished greatly where it starts to open up and becomes even more valuable back. Now, when you start to block that view -- okay? -- that these people won't have now with the additional five feet, you have some impact on value, which is reflected in the given values that are going on there now.

So my conclusion that I started with -- and I'm going to come back to that in a minute -- sorry for jumping ahead -- but let me tell you what the rest of it is -- all I've tried to do here, in addition to the numerous sales that have taken place on Denton Avenue -- it's a highly sought-out area because of the water, the peninsula, and so forth -- we also have a breakdown of all these sales in order to support my justification on both the east side B, and the west side, identified as C, as to where I created these numbers that you see here. Now, why I went to current sales, I was trying to get a better look at what assessors are saying today. What do I use as references?

If you look in the back, I have shown the sources

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that I have looked at. You know, it's information the Appraisal Institute itself has put out.

I also talked to three brokers who had signs posted and properties for sale, not necessarily out on Denton Avenue, but more of the inland side, to get a concept from them as to where they saw value in terms of a view or no view, and they're the people I have listed here.

Now, what I did then was, back to page ten, I took essentially a synopsis of all these sales. I used my line of similar view. Where the Raynor property is, let's say you go from their back inland towards North Point, you take an average of that, and I came up with -- and then I showed back here when we started the process, on page seven -- I said the lower land values north of the elbow range from four to $7 per square foot. It's on average, say $6 per square foot.

How is square foot arrived at? I have done nothing more than taking what the tax records indicate is the value of the land, excluding the improvements.

I am dividing that by the square footage to come

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up with a net square footage. Okay? So having done that, I'm saying anything above it is about a $6 value, anything below it comes in at on an average of nine.

So when I go back to my beginning of how we started this, on the second page, that's how I concluded that we are looking at roughly about a thirty percent loss of value, as I see it, in my opinion, with this view being blocked by this additional five feet.

Q. Now, in your exhibit, you have one key where you indicate the twenty foot. You talk about the twenty foot effect on page six?

A. Yes.

Q. How did you arrive at that?

A. Actually, on site inspection, I measured the property from ground level where you can see the small shrubs, twenty feet up. That's where I saw it breaking.

Now, the problem here is when you try to put that onto a photo, it's very difficult, but as I recall with the mark and so forth that I kind of looked at from the deck, that's about where I saw it.

So what that kind of meant was if I were standing

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on that second floor and I'm looking -- I could never see anything sitting down -- but if I were standing, could I still see? The answer is no, at least from my height, which is roughly six feet.

Q. When you arrived at your conclusion with the thirty percent reduction, were you equating the value closer to those properties closer to North Point, versus closer to the inlet that it essentially affects?

A. Good point. Yes, exactly. I'm looking at a lesser value, based upon a view that these people have, which once you come around that elbow, you have lost. So the assessor's office, I talked with them as a source, that's how they view it, the view from those properties.

MR. COVAHEY: Objection.

THE CHAIRMAN: You can't tell us what they said. You can tell us your conclusions as a result of whatever conversation you had, and then it's your expertise.

A. That's kind of how do you people see this? And the real attitude went towards what you get you, you know, what you're looking at. The view played a very, very important part in the value.

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Q. Based on your research, would you characterize your conclusions more on an objective analysis rather than a subjective analysis?

MR. COVAHEY: Objection. That's up to the Board.

THE CHAIRMAN: He can tell us what he views what he did. You may take issue with that.

MR. COVAHEY: It's obvious what he's going to say.

A. The answer, from my perspective, is objective, very objective. It's pretty cut and dry.

Q. Would it be your opinion as an appraiser and real estate person that the proposed garage, if approved, would have an adverse impact on the Hutchins' view and enjoyment of their property as well as the present and future value of their property?

A. Absolutely.

MR. LANZI: That's all I have.

THE CHAIRMAN: Just before you start your cross examination, let me ask -- and maybe we'll go back to page six -- you show essentially your measurements literally right up against the building?

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THE WITNESS: That is right.

THE CHAIRMAN: What effect, if any, does the fact that the proposed garage won't be right up against the building? Because it won't be. Does that make it any higher, lower, easier, harder?

THE WITNESS: Well, I looked at the topography of the land, and the land itself, what I'm looking at there, this garage is -- I'm not sure exactly the distance between this and the garage -- but it's probably -- it's far enough that there is room enough to make that determination as to whether or not the ground is level where you start your tape next to the garage, where you start your tape next to the house, is it going to be in proximity the same? The proximity is going to be very, very close. That's how I felt.

THE CHAIRMAN: A follow-up to that. You say you did this based upon an actual measurement you took. Right? I'm not quite sure how we are going to do this.

I'd like to see where the fifteen foot mark is. There's been some discussion of what it was when they purchased it, what it was when they first saw it.

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I'd like the witness to be able to show us and maybe use the Board's version of the book. Are you capable of showing us where the fifteen foot mark is? If you're not --

THE WITNESS: With the measurement, I could. I know, you know, in this case, you have got to be rather creative. You have got to say, Okay, I'm so many feet up. What am I looking at that point in time?

This was obstruction -- let me put it that way -- as I am pulling the tape measure up. Okay? There is obstruction. What percentage and so forth, I really -- what I was looking at more in essence was, what's it going to be when the garage is completed and obstructed?

THE CHAIRMAN: The point I'm getting at, would it be fair to say fifteen feet would be twenty-five percent lower than the line you have shown us here?

THE WITNESS: I hate to put a percentage on it.

MR. LANZI: I believe Mr. Doak, our next witness, will be better prepared to show the Board fifteen versus twenty.

THE CHAIRMAN: That's fine. I'll hold off on

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that issue until we get to him.

MR. LANZI: Apparently, we need Exhibit 13 from their case.

(Discussion held off the record.)

THE CHAIRMAN: That would be the only question I would have. Has that caused anything else from you, Mr. Lanzi, before we turn it over to Mr. Covahey?

MR. LANZI: No, sir.

THE CHAIRMAN: Cross examination.

MR. COVAHEY: In light of your question, I would move to strike this portion of what's been marked as Exhibit No. 9 as it relates to page six because all it shows is where twenty feet is from the ground, but it doesn't put into prospective the view with respect to either the proposed twenty foot garage or the fifteen foot garage that predates it. I don't think it has any probative value.

THE CHAIRMAN: Well, it has whatever probative value it does as part of the report. Whether it has a lot, little, or somewhere in between, is a determination that we will make, but it's still part of the exhibit, and

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I am still going to allow it in.
MR. LANZI: For the record, I would submit it's very similar to their Exhibit 13 which also shows twenty feet up.
THE CHAIRMAN: But I'm going to rule based on just what's here. Cross.
CROSS EXAMINATION
BY MR. COVAHEY:
Q. Mr. King, you would define the neighborhood of this property, the general neighborhood, would be all of Denton Avenue, at least, isn't this correct?
A. The neighborhood, if we describe neighborhood as adjoining, I would say that there's a limitation I have used here as basically North Point Road.
Q. So you have described, you treated the neighborhood as all of Denton Avenue with respect to what you have called comparables, correct?
A. You know, when you talk about comparables, that's a point I was trying to make earlier. I haven't really looked at comparables in the sense of how we would look at a full blown appraisal, self-contained where I'm actually

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comparing really the one with another specifically as to both the improvements and the land.
Q. What you used was, for your analysis, you used from the assessment records, the value in the assessment records as maintained by the State Department of Assessments and Taxation as to the land value, isn't that correct?
A. That's correct.
Q. And you did not use the market data or the comparable sales approach?
A. I did not. And if I could explain?
Q. No. I'm just asking the question.
A. That's correct.
Q. Now, you said in your direct examination that you have got to be creative. Do you remember saying that?
A. I do.
Q. Now, when you received this assignment or charge to appraise this property, you knew that it was desired that you would be able to say that the garage would diminish the value of the property? You knew that going in, is that correct?

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MR. LANZI: Objection to what he knew.
THE CHAIRMAN: Why don't you rephrase as to what he knew and what his objective was.
Q. Prior to your receiving this charge, from whatever information was related -- let me ask you this. I will backtrack. Who hired you? Who contacted you first?
A. I was hired by the --
MR. LANZI: Objection.
Q. Who contacted you?
A. I was contacted by Mr. Lanzi, representing -- and we all came together -- to meet with Ms. Hutchins at the property when I did my inspection. I had never been there before.
Q. And you knew that, from the representations, that the charge was how did the proposed garage affect the value of the property? You knew that going in, what they were going looking for?
A. Going in as an appraiser, that's what we are always going to be talking about, is value. But as to -- if I could -- whether it was diminished, at that point, I

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have no opinion because I haven't -- I'm just getting there.
I have tried to walk you through the steps I have taken and process on page seven.
Q. Would it be fair to say if you came up and said it increased the value, you wouldn't be here testifying today, isn't that right?
MR. LANZI: Objection.
A. It depends on what the purpose of the appraisal, what are we doing?
Q. The purpose of the appraisal was for you to come in and testify as to your opinion as to a diminishment in value of this property occasioned by the construction of the garage?
A. It led to that as I got the facts. That's what I pointed out on page seven.
Q. Now, with respect to your professional training and the appraisal work you have done, have you ever, ever before appraised a property to determine the effect that a structure has on the diminishment of its value?
A. Have I ever --

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Q. Ever conducted an appraisal?
A. Yes. I do appraisals all the time.
Q. Tell me which ones where you appraised the property and came up with a diminishment in value based on some structure?
A. One of the ingredients of every appraisal you do, I can give you numerous numbers. I do a number of, for example, commercial properties. I just did one two days ago. Okay?
If you want specifics, this property -- this property was in P.G. County, happened to be in an area called Riverdale, if anybody is familiar with Riverdale, 5500 Kenilworth Avenue.
Okay? It's a service station, and what it is, it's a BP station. And when you look at it in relation to how it is, there's obstruction to visibility, which hurts the value of that property from the standpoint of people approaching that site.
They can miss it because they don't even know it's there, because of other commercial properties in front of it. Now, accessibility -- excuse me --

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visibility is one of the paramount things we always look at, and assessibility comes next. That's even with the homes.
Q. Let's go back to the property in Riverdale. What did you use when you came up with the appraisal? Did you come up with a specific diminishment in the market value that you attributed to the structure?
A. You're not -- you have a number of items that you look at. Visibility is one. Okay? Just one. But it's an important ingredient, along with others. I would say there is probably five ingredients. This is strictly an issue of visibility.
Q. Let's go back. If you look over at page seven, really, what you did, you went on back closer to North Point Road, you said because the properties moving further north towards North Point Road have reduced value because they don't look around the crook in the elbow towards to being able to see the Bay Bridge and out to the bay?
A. They cannot see that, that's correct.
Q. And that's why, based on the assessment records you pulled out, that you opined that these properties had

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a lower assessed value, is that correct?
A. That's correct.
Q. And then what you did was, you worked up a mathematical formula in comparing the restrictions there as opposed to the other values that are the lower point of the peninsula, is that correct?
A. That is correct.
Q. And you reduced that to a mathematical percentage?
A. Correct.
Q. Now, let me ask you this. In arriving at your mathematical percentage, did you take the amount and diminishment of value of the land that would have been attributable to the fifteen foot garage that was destroyed by Isabel?
A. It wasn't the issue at hand.
Q. My question is, did you do that?
A. I think that came up earlier.
Q. My question to you, specifically, did you work up mathematically, with precision, the same as you did for the twenty foot garage, as to the diminishment in value

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that was caused to this property by the existence of the fifteen foot high garage?
A. The answer is no. Had I done that --
Q. Just answer the question.
A. Had I done that, it would have been two separate appraisals.
Q. Right.
A. The present and proposed. This is basically proposed.
Q. And had you done that, you would have also opined that there would have been a diminishment because of the fact that there was a fifteen foot garage there, is that correct?
MR. LANZI: Objection.
THE CHAIRMAN: It's a hypothetical. He's an expert.
Q. Had you have done that and there was a fifteen foot garage blocking their view, there would have been some diminishment, is that correct?
A. Yes.
Q. You didn't do that?

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A. No. I wasn't asked to do that.
MR. COVAHEY: If the Board please, I would move to strike all the testimony of this witness for the fact that he did not take the conditions that existed with the fifteen foot and come up with his mathematical precision as opposed to between the fifteen and the twenty foot. I move to strike.
THE CHAIRMAN: I'm not going to strike it. To strike it would mean that it has no relevance or place in here at all.
Whether or not its probative value is greater or lesser as a result of your cross examination and the questions that you raised is a value judgment the Board makes.
Mr. Lanzi gets to do redirect. Everything that an exert does gets put under the microscope of cross and redirect, and then we make the value judgment.
But I'm not going to remove it completely from the record because I don't think that is an appropriate thing to do under the circumstances.
It's here, we'll figure out what value it

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represents. But what it includes or doesn't include is part of what we do.
MR. COVAHEY: Yes, sir. Thank you, sir.
THE CHAIRMAN: Are you done?
Q. It is true, with respect to appraising real estate, generally, that in determining the fair market value of a property, that you use comparable sales as gleaned from the land records as opposed to, or from Lusk, as opposed to what's reflected in the assessment records, is that correct?
A. I use them -- I'll try to answer this way. I used what I said I used. I said I used the assessment records.
Q. I said in general.
A. If I were doing an appraisal in general, depending on the purpose of the appraisal, be it a civil court matter, or whatever, I would probably deal a little more in depth with comparable sales. Okay?
MR. COVAHEY: No further questions.
THE CHAIRMAN: Tell you what. Before we do another round, I think one of the Board members has a

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question. Let him ask it, and then we'll go back to redirect.
MR. QUINN: Just to clear things up a little bit for my own mind, you have two properties in here, 7834 Denton Avenue, and --
COURT REPORTER: Mr. Quinn, I can't hear you.
MR. QUINN: I'm curious, the 7834 and 7832 are neighboring properties?
THE WITNESS: I will go back to the maps. That's helpful when looking at these, at least I find it to be. You're talking about 7834 --
MR. QUINN: And 7834 --
THE WITNESS: 7840, the Ashwell property?
MR. QUINN: 7834.
THE WITNESS: I'm sorry. The Gernhardt property.
MR. QUINN: You have on one, $7 a square foot, and you have on the other, $4 a square foot?
THE WITNESS: Correct.
MR. QUINN: Now, is that analysis -- are those figures the analysis of a view per square foot devisable of a mathematic equation that you come up with as to

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value?
THE WITNESS: That's correct, which I tried to show or demonstrate on the pages you have there. It should be a number shown, if we turn to either one of those, at the bottom right-hand side. What I have done basically -- I missed that point -- I am looking strictly at land. I take the land, whatever the total square footage is, and I divide that basically by the price, or the flip side of that, and that's how we come up with unit value square footage.
Now, if it came out to like $7.02, or five cents, I try to round it as much as to what I did, fifty cents, I think.
MR. QUINN: So you're taking total square footage --
THE WITNESS: Take total square footage of the land. For example --
MR. QUINN: I understand. I'm wondering if that's a mistake, because if you look at the total overall assessed value as far as the land is concerned, seven dollars and four dollars is quite a discrepancy between

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two properties that are neighboring with basically the same view. Is there some obstruction at 7832 Denton Avenue that's greater than 7834?

THE WITNESS: By looking at it, you would think, as you look at that, yes, it would fall in the range of seven dollars to 6.50, which would be the next property down. The only thing I do was to then look at the records as to what the assessment office said. I pulled that.

Keep in mind when I came up with a value, when I got down to diminished value, what I tried to do was take a range, which I tried to indicate back on page seven where I use the range only where I went back to property at four dollars and I came all the way up to the subject view line, and I used that range and came up with an average.

So I went from a low of, say, four all the way up to a high of seven dollars. So that would account for the four price as well as for the seven-fifty or $7.

On page seven, I try to -- maybe I didn't make my distinction clear. That's the third bullet under the steps in process. The recognition of Denton Avenue

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peninsula as an arm with elbow -- okay? -- I say the lower assessed land values north of the elbow range, the elbow range, the line that I put through there --

MR. QUINN: You're saying these two properties are at the elbow?

THE WITNESS: I'm saying those three properties would be actually north of the elbow.

MR. QUINN: Both?

THE WITNESS: Correct.

MR. QUINN: But we still have a $7 and a $4 value?

THE WITNESS: Again, I can't account for that, specifically. I don't know.

All I am saying is where I pulled that information was directly from the property records done by the county people. This is their assessment of the property.

Now, why they did $4 and the property right next door is seven, I have no idea. I was just trying to do, again, was to pull a range. Can I see a big delta between those properties above that elbow, north of it with a

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lesser value, a range value, I concluded, what I said, was $6 per square foot.

On the topside, I did the range the other way and that's how I come up with the other side. We know the county has valued the Hutchins property now at $10 a square foot. That's what they show of record.

That's why I am saying, today, based upon the county assessment records, that's what they are paying taxes on, at $10 a square foot.

MR. QUINN: As an expert in the field of real estate and appraising and all, have you appeared before an assessment review hearing for reduction in assessed values or appraisals?

THE WITNESS: I did a little bit of that back when I was with the Shell Oil Company in a couple other states, now here, for about two years, and also in Alabama, the Birmingham market for some time, and we did do that. I have done it here, personally, my own personal property, yes.

MR. QUINN: When you do such an appeal, how much of the assessed value is based on view?

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THE WITNESS: That's a question, from my point of perspective, what you're doing, I tried to say that earlier, view is only one portion of your value.

MR. QUINN: My question is, in the assessed value by the assessment department, what percentage of their factor is view?

MR. LANZI: I'm going to object.

THE WITNESS: I can't answer that. I've never been on that side to know how they arrive at that.

MR. QUINN: I wanted to hear that, whether it was or wasn't. That clears it up for me, what my question was, I think.

MR. LANZI: I object, with all due respect.

MS. BRASSIL: Under the Sales A appendix where you listed or highlighted the properties on Denton Avenue that have been up for sale, but there's no sales prices listed?

THE WITNESS: If you look -- I'm going to show it to you.

MS. BRASSIL: A lot of these are zero.

THE WITNESS: Well, that's a matter of how they

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are recorded, and there are different ways you can do that, a dollar and promises. It has sold. It's on the record as a sale with a new owner.

MS. BRASSIL: Okay. Thank you.

THE CHAIRMAN: Anything else from the Board? Okay. Now, let's do redirect.

REDIRECT EXAMINATION

BY MR. LANZI:

Q. In turning to page ten of your exhibit, would it be fair to say the properties below the elbow -- and I'm not sure if I'm reading -- the Pollack property --

A. The Pollack property is nine. Ashwell is 750. I am looking right on the elbow is Raynor at $8. The subject at ten.

Q. So across the street, Schultz and Toland, what we're saying, roughly, nine to eleven dollars a square foot?

A. Yes.

Q. They all enjoy that view as you described it out towards the bay?

A. That is correct.

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Q. Now, when you pulled your information from the public records, and I notice one of your printouts was the Hutchins property, it has property land area of 6827 square feet?

A. Correct.

Q. Do you know whether this information would have included or taken into account the fact that a fifteen foot garage existed next door?

A. Well, as far as the recordkeeping is concerned, typically, there is, you know, when you do have a sale, it typically alerts people at times, especially if a building permit is involved, to do a re-assessment.

In this case, because -- I'm trying to answer the best I can -- follow me now -- the sales took place in the year 2000 to the Hutchins, so probably, since there hasn't been anything else that happened there, that probably goes back to what they originally had it assessed at.

Q. So that assessment value would have been at a time when the other garage was there?

MR. COVAHEY: Objection.

A. If that's the year -- I've lost time on the time

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of the building --

THE CHAIRMAN: When somebody says, objection, you stop.

THE WITNESS: I'm sorry.

THE CHAIRMAN: Your objection?

MR. COVAHEY: He's just leading the witness, putting words in his mouth.

THE CHAIRMAN: Just rephrase your question.

Q. This assessment, what years would that include?

A. Well, the assessment in this case would have started in the year 2000, would be my best guess, and it carries right up to today.

Typically, if you get your notice out for you taxes, you will notice what they do, they usually bring it out saying this is your base value, just as they've done here, and then they say, okay, your value is going to diminish or go up through the next year, using three years out.

Q. So when it says value as of January 1, 2003, would that be kind of the starting point towards the assessment value of the land?

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A. That would be, yes, that is correct.

Q. Would that be before Isabel? Is that before Isabel?

MR. COVAHEY: Objection.

A. Isabel -- I kind of lost track of the time of Isabel. What was the date on that? I'm not sure. Was it 2000? I think it is after that.

Q. I will withdraw that question. If Isabel occurred after January 1, 2003 -- you heard the other testimony that the old garage existed?

A. That's right

Q. So is it fair to say that this assessment of January 2003 would have been for land that was adjacent to the Gasker property, which precluded the old garage?

A. Yes.

Q. That value was $10 a square foot, according to your information?

A. Yes.

Q. Why is it you just used the land as you assessment?

A. Because once I got down there and I did my

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inspection, and it's the first time I had ever been in that corner before of Baltimore, practically, it become very apparent to me that there was new construction, brand new construction going on, as well as some older summer homes that looked to appear like summer home cottage type, as opposed to two or three story places coming up.

So right away, I said I'm not sure, because I did want to kind of define the geography that we're talking about here, and that become apparent to me that I had to kind of shift, do it a different way.

There's three approaches I could have used, and as I looked at it, it was kind of like what were we trying to accomplish? There wasn't any other way to do it.

Q. So when you were approached to conduct your evaluation at that time, it wasn't with the idea of an appraisal for a civil lawsuit? It was specifically for a zoning case?

A. Exactly.

Q. So you would have gone into further detail and further analysis?

A. Absolutely. If we had what we call a

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self-contained appraisal, we would have probably dealt with three approaches --

COURT REPORTER: Can you speak up?

A.-- a cost approach, and I would have dealt with an income approval, if it was an income property. In this case, it isn't. And I would have also dealt with the sale comparison approach. And then you kind of reconciliate all those to coming up with a final value.

Q. You were asked a question to determine whether there was an adverse impact on the Hutchins property if there was a twenty foot garage -- not a fifteen foot garage -- a twenty foot garage, and that's what's been proposed by the petitioner?

A. That is correct.

MR. LANZI: That's all I have.

THE CHAIRMAN: Recross.

RECROSS EXAMINATION

BY MR. COVAHEY:

Q. You have been present in court, in this hearing room on December 1, and all day today, is that correct?

A. I wasn't here for --

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MR. LANZI: Objection.

A. -- the second part of December 1, because I knew I wasn't going to be called upon, but I was here the early part of the session.

Q. You heard the testimony that on Exhibit 6, you didn't measure that evaluation from the slab where the garage is?

A. You mean page six?

Q. Page six, you didn't measure that from where the slab where the garage used to be located?

A. No, I did not. All I said, I said before in my testimony, was to look at it from a naked eye to see whether or not that contour was relatively level.

Q. Did you hear the testimony that the slab is at least one foot, three inches lower than the elevation of the ground on the Hutchins property? Did you hear that testimony?

A. If that --

MR. LANZI: Objection. He wasn't here.

A. The answer would be no, I don't recall that.

Q. Are you aware of the fact that the slab is at

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least one foot, three inches lower than the contours of the ground of the Hutchins? Are you aware of that fact?

A. From an actual survey standpoint?

Q. Have you --

A. No. The answer is no. I am strictly working with a naked eye.

Q. How about sitting here in your conversation with Mr. Doak, and you heard the testimony today, you were here when Mr. Moskunas testified, weren't you?

A. I don't believe I heard that portion of it. I remember he was up --

Q. I will do a hypothetical. Hypothetically, let's assume that the garage slab is at least one foot three inches lower than the elevation of the ground at the Hutchins. Okay?

A. Okay.

Q. Then that would lower, where you have your red, if you tried to account for that, you'd have to lower it down to account for the 1.3 feet, is that correct?

A. That would be correct, if that would be the case.

Q. Now, let me ask you something else. With respect

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to looking at the Bay Bridge and looking out at the bay, so that if you're on the porch of the Hutchins' property that you still can look around the pitched roof from the garage, and still see the bay, and still probably see the Bay Bridge?

A. My take on that was, as I measured -- I thought I indicated that earlier -- I could not see, with the new construction now, okay, I could not see that view at all, no.

If -- I'm six foot tall. If I were standing up there, I couldn't see it, I just couldn't. I'd have to get on a chair, or some way. Certainly, I couldn't see it if I were in a chair.

Q. You would concede if you were on the Hutchins' property and you were standing where the garage wasn't in your way and you looked out, you'd be able to see the Bay Bridge and see out the bay?

A. I have got pictures in there. I have skipped that page. I'm on page eight, what my views were from various levels, so the answer would be yes.

Q. That's on page what?

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A. That is on page eight.

Q. Let's go back. So when the Hutchins are on the ground, and you're on the ground and outside, you can look out and see the Bay Bridge, see the boats and everything, but if you're up north of the elbow, the crook of the elbow, no matter where you're standing there, whether on the deck or in the house, you can't see the Bay Bridge and you can't see the bay because the way you're oriented, is that correct?

A. That is correct.

Q. So isn't it fair to say that your analysis is only taken in if you're standing up on the porch --

A. Which porch?

Q. Standing up on the second floor of the porch of the Hutchins, that's the only thing you really considered, isn't that so?

A. No. I have looked, as I indicated on page eight, I looked at the ground level. I looked at the second floor level through a bedroom window, the second level, and also looked at it on the third floor.

Q. But you can see still see, other than there, you can look out and see the Bay Bridge?

A. If I were on the third floor, I could, sure.

Q. You heard the testimony and the pictures with respect to the fifteen foot garage, you wouldn't be able to look out from the first floor deck and see the Bay Bridge or the bay, is that correct?

A. The very first floor, the ground level?

Q. The deck.

A. You couldn't.

MR. COVAHEY: No further questions.

THE CHAIRMAN: Any further redirect?

FURTHER REDIRECT EXAMINATION

BY MR. LANZI:

Q. Going back to the way counsel asked these questions, he's asking if you can see the bay with these pictures. There's a very simple answer, isn't there? There's no garage built, isn't that correct?

A. That's right.

Q. If the garage were built, could you see the bay from those views?

A. The answer is no.

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THE CHAIRMAN: From which views?

MR. LANZI: From the views shown in these photographs.

THE CHAIRMAN: All three? Even the top porch?

THE WITNESS: No. The top porch would not qualify. You can see from the top porch.

Q. Would it be partially obstructed?

A. It's going to be close. Very close. Definitely, your first two levels are gone.

Q. Are blocked?

A. Yes.

MR. LANZI: Thank you. That's all.

FURTHER CROSS EXAMINATION

BY MR. COVAHEY:

Q. There still would be places on the Hutchins' property after the garage was built where you could stand on the land and look out and see the Bay Bridge?

A. The closer, obviously, you would go out towards like where the pier is or water is, you look at the right, you could see, but you'd have to really extend yourself to do that.

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Q. And that's an advantage the Hutchins would still have that you don't have on further back, further north, north of the crook of the elbow? They can't see it no matter where you stand?

A. That is correct.

MR. COVAHEY: No further questions.

MR. LANZI: I will leave it.

THE CHAIRMAN: Thank you, sir.

MR. LANZI: We call Bruce Doak.

B R U C E D O A K,

having been called as a witness, was duly sworn, and testified as follows:

DIRECT EXAMINATION

BY MR. LANZI:

Q. State your full name and address for the record, pleasc.

A. My name is Bruce E. Doak. My address is 320 East Towsontown Boulevard, Towson, Maryland 21286.

THE CHAIRMAN: Gentlemen, can you offer him in the areas you're going to offer him? Mr. Covahey, I'm sure you have had Mr. Doak in front of you. We've had him

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in front of the Board numerous times. Let's see if we can save time on voir dire.

MR. LANZI: I'd like to offer Mr. Doak as expert in the area of zoning, surveying and land use, which I understand he's been qualified several times before this Board.

MR. COVAHEY: I would submit he's an expert witness in the discipline of surveying and is a licensed property line surveyor, but I would not admit that he is an expert in land use, or whatever a zoning expert is.

THE CHAIRMAN: Let's voir dire him on just those two issues.

MR. COVAHEY: I'm not sure what a zoning expert is.

Q. Mr. Doak, where you employed?

A. I am a principal at Gerhold, Cross and Etzel.

Q. How long have you been employed with them?

A. I have been an owner of the firm for thirteen years.

Q. How long have you been working in the area of the zoning, surveying and land use?

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A. In this county, nineteen years.

Q. How many cases have you testified as an expert in zoning, land use and surveying?

A. Over a hundred. Probably closer to 150.

THE CHAIRMAN: In each of those areas, or in what percentage in each area?

THE WITNESS: To be truthful, I don't know that I have ever divided it. It's always been under those three categories, that I can ever remember.

Q. You have been qualified and accepted by this Board as an expert in those three areas?

A. Yes, sir.

MR. LANZI: That's all I have for now.

THE CHAIRMAN: For the record, your education --

Q. And background.

A I have an Associate degree in surveying. I have a Maryland State license as a property line surveyor. Numerous courses, colleges, and seminars in Maryland.

Q. What's your background with zoning and land use?

A. With each subdivision, there's a feasibility study that my firm does. I am responsible for

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ascertaining the ability for subdivision, the use of the land, and the zoning, what the zoning will allow for each project.

THE CHAIRMAN: How many projects have you been involved in where you made land use and zoning determinations?

THE WITNESS: I would say that determination is over a hundred a year. So in thirteen years, you're looking at over a thousand projects where those three things are taken into consideration.

To be truthful, every project that we, or I deal with, has those three key elements involved, every single one of them, because that's what we do.

I mean, that's what people are interested in, what can they do with their property and, in turn, to determine that, you need to decide what the size is, what the zoning is, and based on the different regulations by the different agencies such as the Department of Environmental Protection, Planning, those, and in turn you have to look at the land uses as will.

Q. The part of that education or zoning would

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include understanding the regulations as they deal with, for example, variances, as we are dealing with here?

A. Yes, sir. We probably handle over fifty variance cases and applications a year.

THE CHAIRMAN: When was the last time you testified on an issue relating to zoning and land use as opposed to surveying?

THE WITNESS: Two days ago.

THE CHAIRMAN: Where was that?

THE WITNESS: It was a zoning case in front of the Zoning Commissioner.

THE CHAIRMAN: Where?

THE WITNESS: 406.

THE CHAIRMAN: Baltimore County?

THE WITNESS: Yes, sir. sir.

Q. Have you testified in other jurisdictions, or primarily Baltimore County?

A. Primarily Baltimore County.

MR. LANZI: That's all I have.

THE CHAIRMAN: Voir dire?

MR. COVAHEY: Yes, sir.

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VOIR DIRE

BY MR. COVAHEY:

Q. Mr. Doak --

A. Yes, sir.

Q. -- did you ever have formal course instructions when you were studying for your property line surveyor certification with land use?

A. Yes, sir, I did.

Q. Where did you take that course?

A. Glenville State College, a college in West Virginia. I also had it at Catonsville Community College.

Q. How about courses in planning, did you have any specific courses called land use planning?

A. It's all somewhat in the same course.

Q. So you had two courses on land use and planning at the formal college level?

A. Yes, sir.

Q. The young man that testified here earlier, Mr. Michael Moskunas, he's a professional land surveyor, is that correct?

A. Yes, he is, sir.

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Q. You're the old property line surveyor? There's no such designation anymore, is that correct?

A. That is correct. If I may, they are no longer issuing licenses under that property line survey.

Q. And there were things when you got your license that a surveyor could do that a property line surveyor couldn't do, like certain site design criteria?

A. Only one. Stormwater management.

Q Couldn't do stormwater management?

A. That is correct.

Q. So your practical experience with respect to what you do day-to-day is your firm does subdivisions, is that correct?

A. Subdivisions.

Q. Prepares plats for subdivisions?

A. Feasibility studies, preparation for zoning hearings.

Q. So you look at the zoning regulations and you look at the plat and, primarily, you determine as to whether or not what you propose to do, whether or not it meets the requirements of the zoning regulations, is that

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correct?

A. Yes, sir.

MR. COVAHEY: That's all the questions I have. I would submit what his testified to does not make you an expert in land planning or zoning.

An expert in land planning would have been someone like Norman Gerber, who's formerly the director of planning of Baltimore County. It comes with all the credentials as a land planner.

His is hands-on with respect to application of zoning to subdivision plats. I don't think that makes you an expert for purposes of testifying, rendering an opinion as to something.

Of course, I don't know what they are going to ask him as to his opinion.

THE CHAIRMAN: I'm going to rule that, again, to be an expert is not one simple line. It's a parameter of voracity and believability and expertise, because we all know there are cases as to the value and impact you give an expert, one against the other.

Sometimes you have two experts who will say two

different things. You have to decide which one you believe or which one don't believe.

I am going to rule that he's an expert in land use and zoning and surveying.

Whether or not his particular testimony, opinions under that category are believable, not believable, more believable, less believable, is a function of the cross examination that he'll undergo in the course of his testimony.

But to allow him the mantle of giving opinions, evidence, to respond to hypotheticals, that sort of thing, I'm going to allow him to do so.

MR. LANZI: Thank you.

CONTINUED DIRECT EXAMINATION

Q. Mr. Doak, have you had an opportunity to review the petitioner's property as well as the Hutchins' property?

A. Yes, sir, I have.

Q. Did you review the general neighborhood along Denton Avenue?

A. Yes, sir, I did.

Q. I'm going to turn your attention to Petitioner's -- I think it's Exhibit 19 -- which was offered this morning from Site Right Surveying.

MR. COVAHEY: That's twenty.

Q. I'm going to ask you to discuss what relevance do you feel that has to do this case.

MR. COVAHEY: Objection. He can't testify to what relevance it has. That's the Board's function.

THE CHAIRMAN: Why don't you rephrase your question?

Q. If you could state your interpretation or what meaning that -- I'm not sure what they call that exhibit -- but the Site Right information, what meaning or what interpretation would you give to the information on that exhibit, in your area of expertise?

A. If I may, after reviewing first what Mr. Kennedy did with KCW and then what Michael Moskunas did with Site Right, what this is, is where surveyors, a field crew, has taken and placed spot elevations.

If you look on the second page where they place spot elevations, different places on Hutchins, Gasker and

then the Darby property, what this shows is that there are differences in elevations between the different spots they have.

It does not show enough elevations to derive the contour of the land, how it lays. And what it shows me, along with other plans that I have reviewed, is that the end of Denton Avenue is the high spot in this general vicinity, and that it falls from that place down to a lower elevation as you go towards the water, not only towards the proposed garage, but also towards the Gasker house, and then through where the Darby's house is.

So what this really does, it doesn't really prove anything other than between these nine spots there are different elevations.

MR. COVAHEY: Objection. Move to strike, "It doesn't prove anything."

MR. LANZI: It's his opinion.

THE CHAIRMAN: It's his opinion. "Proves" is a bad word, I agree with counsel.

If your witness believes it establishes or doesn't establish certain relationships, that's probably

more accurate.

Q. Does it establish -- there's been testimony about a difference of a foot, three inches between Hutchins and Gasker, between the garage and the Hutchins' back yard. Does it establish that?

A. No, sir, it does not. What it shows is that through the map itself and then the evaluation of the numbers on the first page, it does show that there is 1.3 foot difference in elevation between the edge of the proposed garage and the front of the Hutchins' existing dwelling.

So it does not give a direct relationship between the proposed garage and the placement of where some of these twenty foot lines have been shown on different photographs.

Q. So you're talking about the street side, the Denton Street side?

A. That is correct.

Q. Versus the area by the water?

A That's correct.

Q. It doesn't show that?

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A. No, sir, it does not.
Q. I believe you have -- I think you have it -- a set of photographs with a cover sheet.
MR. LANZI: I'm going to have this marked for identification.
Q. I need you to come up with a name for the document. You indicate Plan to Accompany Photographs, with attached photographs?
A. Yes, sir.
MR. LANZI: I would offer for identification a Plan to Accompany, and then the number of photographs behind that.
MR. COVAHEY: You have that as ten?
MS. BRASSIL: Yes.
MR. LANZI: It looks like it goes to "O."
MS. BRASSIL: A through P.
Q. Mr. Doak, first I will ask you the first page, what does that represent?
A. The first page, which is 10A, is a copy of the Gaskers' site plan when they filed for their variance. I have taken that and I have marked on it with red, the

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location and the letter of each photograph and the orientation in which I was looking.
Q. Now, the photographs that are attached, who took those photographs?
A. I did.
Q. Those photographs, I believe, have dates on them?
A. They do. November 2, 2004.
Q. Do those photographs accurately show the property as it existed at that time?
A. Yes, they do.
MR. LANZI: I offer those photographs. If you want to wait until the end, or I can offer them now --
MR. COVAHEY: He didn't qualify as an expert photographer. I don't have any objection to these.
THE WITNESS: These are somewhat repetitious at this point.
THE CHAIRMAN: Off the record.
(Discussion held off the record.)
THE CHAIRMAN: The pictures are, as admitted, as ten, clearly inclusive. Now, describe --
A. To what extent -- I'm going to go through them

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very briefly because most of these are similar to things that have been in already. This is standing on the end of the Hutchins pier.
THE CHAIRMAN: Use the letter.
A. 10B. At the end of the pier looking to the Hutchins' home as well as the Gaskers' home.
Once again, 10C, standing at the end of the pier looking predominately at the Gasker home and their property. 10D, standing at the end of Denton Avenue, looking predominately at the Gaskers' home, more directly, right at the end of their garage.
Q. This is the garage the house?--
MS. BRASSIL: By the end of Denton Avenue, do you mean North Point Boulevard?
THE WITNESS: I'm sorry. Wrong end. Dead end.
MS. BRASSIL: At the water's end. Okay.
A. What I need to do is hold these up. The next one, 10E, is standing at the end of Denton Avenue, looking directly at the Gaskers' house.
This photograph is taken almost in between the Hutchins and Gaskers house on the waterside of the

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property, looking down between the two properties. That's 10F. 10G, this is standing on the second story porch.
THE CHAIRMAN: Of?
THE WITNESS: The Hutchins' home. Looking down at the Gaskers' home and driveway, which lie between the two, between the Hutchins' home and the Gaskers' home.
10H is standing on the waterside, once again looking between the houses to get more of a perspective view of the height, but that's looking down between the two homes.
MR. QUINN: Is that the footer for the garage to the left?
THE WITNESS: Yes, sir, it is. That's a slab right there. That might help you, because we haven't really had that view right there before. That somewhat shows the relationship of the property line is almost where the silt fence is, so you can see pretty much the relationship of the slab to the property line.
THE CHAIRMAN: That's "H"?
THE WITNESS: It is 10H.
A. 10-I, once again, on the second floor porch of

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the Hutchins' home looking down on the Gaskers' property and overlooking where the garage is proposed to be. You can see the slab.

10-J is standing really in the driveway of the Darbys', looking at the yard of the Gaskers', the open area, the big open yard of the Gaskers'. We kept relating to this as the bay side over here. Do you know what I'm talking about?

10-K, standing in the bedroom on the second floor of the Hutchins' house looking out the window over where the proposed garage will be. 10-M --

THE CHAIRMAN: "L."

THE WITNESS: Excuse me. I apologize.

A. 10-L -- thank you -- is the same shot pretty much. Now, 10-M, standing on the second story of the Hutchins' house looking straight down on the slab where the proposed garage will be.

10-N, it's hard to see, but what it is, our esteemed lawyer Mr. Lanzi standing on the second floor, second story porch, holding up a piece of hose a marking of twenty feet, with a white rag.

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Q. Do you want to take a closer look?

A. And as you'll see later on in my testimony, it's very similar to what Mr. King has shown and also what Gaskers' Petitioner's Exhibit No. 13 will show. Here is the same shot, blown up further. That is 10-O.

And last, 10-P, this is the western side of the Darbys' house and property, and what I'm trying to show here is the similarity to the Gasker property.

Q. The two photographs that you have that show the hose with the rag on it --

A. Yes, sir.

Q. -- how do we know that hose is twenty foot?

A. We measured it with a tape measure.

Q. Were you part of that process?

A. Yes, I was. I measured it with a tape measure. Since the tape measure could not be seen at that distance, we used the hose. Mr. Lanzi held it up from the top, Mr. King from the bottom, and then I photographed it.

Q. And that was held from the bottom?

A. From the ground elevation.

Q. From the Hutchins' property?

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A. Yes, sir.

Q. Mr. Doak, based on your review of this area, is it your understanding that all, if not most, of the lots along Denton Avenue are waterfront?

A. Yes, sir, they are.

Q. Is it your understanding that the lots are similar -- that many of the lots are similar in size?

A. Yes. There are lots similar in size as to the Gaskers' property, and, in turn, to the Hutchins' property, both.

Q. Based on your review of the records, you heard Mr. Kennedy's testimony and also Dr. Hutchins' testimony, is it fair to say the Darby and Gasker properties are relatively similar in lot size?

A. They are similar in lot size. Also, they are somewhat of a mirror image to each other in that they both share two sides with water.

They are approximately -- their configuration is very similar. They are both improved with a one single family dwelling. So, in turn, they are almost exactly alike.

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Q. Both properties were basically wiped out in Isabel?

A. Yes, sir.

Q. I believe you've seen the photographs --

MR. COVAHEY: I object and move to strike. The Gasker house remains standing.

THE CHAIRMAN: Sustained.

MR. LANZI: I'll rephrase.

Q. Both properties suffered severe damage or destruction of property due to Isabel?

A. That is correct.

Q. Is it your understanding the Darby property next door has since rebuilt their home entirely?

A. That is correct.

Q. Based on petitioner's own exhibits, it wasn't only just Darby and Gasker, but there were other properties further up Denton Avenue that suffered significant damage from the storm surge?

A. That is correct as well.

Q. Based on your knowledge of the topography and your experience, would it be your opinion that those same

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properties could also suffer similar damage if there's another storm surge?
A. That is correct.
Q. Now, in the beginning of your testimony, you talked about the topography.
Would it be fair to say the topography between Darby, Gasker and Hutchins is relatively the same, or is there a significant difference?
MR. COVAHEY: Objection. Unless he went out and measured.
THE CHAIRMAN: Well, he can ask the question. If he says yes, we'll find out based on what -- let's ask if he knows.
Q. Based on your review of the information that's been presented, the records, and your personal site visit, is it your opinion that the topography is generally similar in that area at the end of the Point?
MR. COVAHEY: Objection.
THE CHAIRMAN: It's kind of a broad statement, Is it similar, is it different, but as an expert, he can give a general opinion. I don't know what value it is, but

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let's see where counsel goes with it.
Q. You can answer the question. Is it similar or not similar?
A. It is similar.
THE CHAIRMAN: Okay.
Q. Based on the documents that are in evidence, would you be able to say, as a surveyor and land use zoning expert, that the topography is essentially the same, if not close to the same, between Darby, Gasker and Hutchins?
MR. COVAHEY: Objection. He already said similar. Now he's saying almost the same. He's just creeping up.
THE CHAIRMAN: He's saying same or close to the same. I don't want to tell you your business, Mr. Covahey, but this cries out for cross examination as the basis of knowledge. So far, he hasn't been specific about anything.
Q. Based on your expertise, is there any significant difference between the topography, or is there anything unique about the Darby property as far as topography and

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the Gasker property as far as topography?
MR. COVAHEY: Objection.
THE CHAIRMAN: I'll let him give an opinion as an expert since that's an ultimate determination we have to make. He can give an opinion.
A. Can you ask the question one more time?
Q. Is there anything that is significant that would cause -- let me rephrase.
Based on your expertise, is there anything that's unique with regard to topography only on the Gasker property as compared to the Darby property, which is right next door?
A. No, sir.
MR. COVAHEY: Move to strike.
THE CHAIRMAN: I'll leave it in.
Q. Now, Mr. Doak, in your experience, you're familiar with the standards for granting a variance under Maryland law?
A. Yes, sir, I am.
Q. Also under the Baltimore County zoning regulations?

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A. Yes, sir, I am.
Q. Are you familiar with the two-prong test that's been required by Cromwell v. Ward?
A. Yes, sir, I am.
Q. In your opinion, expert opinion Mr. Doak, does the Gasker property contain any characteristics that are unique to that parcel as compared to other parcels in the immediate vicinity of the Gasker property?
A. No, sir.
MR. COVAHEY: Objection.
THE CHAIRMAN: I'm going to overrule the objection. That's the essential question you ask an expert in a variance case, does he find anything that's unique, and then we hear what he thinks is unique. And then he asks about practical difficulty.
We may accept that or not, but that's the question an expert witness in a variance case gets asked. Go ahead.
Q. Can you answer? Do you want me to ask it again?
A. Please. I apologize.
Q. In your opinion, does the Gasker property contain

any characteristics that are unique to that parcel as compared to other parcels in the immediate vicinity of the Gasker property?

A. No, sir.

MR. COVAHEY: Objection. Move to strike.

THE CHAIRMAN: Overruled.

Q. Mr. Doak, you testified earlier that the Darby property is a mirror image. Would you further expand on that?

A. Yes, sir. The property size is approximately the same size. It is bordered by two sides on the water. It also shares access via the end of Denton Avenue.

Both have an existing single family dwelling. Both are roughly the same, topographically, and the positions of the house on the property are similar.

MR. LANZI: Can we go off the record for one second?

THE CHAIRMAN: Sure.

(Discussion held off the record.)

MR. LANZI: Back on the record. Sorry about that.

THE CHAIRMAN: No problem.

Q. Mr. Doak, I'm going to show you what's called United States Department of Interior Geological Survey, with four attachments.

MR. LANZI: I would ask that be marked as Number 11.

MR. COVAHEY: Department of --

THE CHAIRMAN: Geological Survey, USGS. Off the record.

(Discussion held off the record.)

THE CHAIRMAN: Back on the record.

Q. Exhibit 11-A through E that I have shown you, what does that represent. If you could take us through?

A. I don't know whether you have seen these or not, but this is a USGS, United States Geological Survey. WE call it a seven and a half inch quad map. It's a topographic map.

It shows the topography. It shows the improvements. It shows the roads. A number of other things. Water elevations. Those kinds of things.

What we are going to use or shows by this is that

our property, which is located on this peninsula -- which you all can have these, these are blow-ups of this to help you -- and I can do it from memory --

THE CHAIRMAN: Which one are we looking at? There are four smaller ones.

THE WITNESS: It's all the same peninsula. It doesn't make any different. Just different sizes.

If you notice the peninsula, which it should look familiar to or similar to this aerial on the board right here, what we are talking about is the last two little squares on the end, which are the improvements of Mr. Gasker's and the Darby house.

So, in turn, the square going north and still on the eastern side of the water is the Hutchins. Okay? We have got a pretty good bearing on where this is?

All I am trying to show is -- we are back to the question of difference -- there's no difference in topography and uniqueness due to topography.

If I may, there are elevations, there will be a line that runs -- can I approach, please?

THE CHAIRMAN: Surely.

THE WITNESS: If I may, this line that is shown right here that's somewhat parallel to the edge of the water line is elevation ten. Okay? So as you can see from this exhibit, the properties along the shore on both sides share about the same elevation, based on this datum.

Okay? And then, in turn, about the same water elevation in here. They all share about the same water depth, so they are very similar in elevation. This is also reflected on Petitioner's Exhibit No. 19, I believe.

MR. COVAHEY: You're talking about the county topographical?

THE WITNESS: Yes, sir.

THE CHAIRMAN: If I may, you said elevation ten. On the -- for lack of a better word -- looking to the right side of that is elevation ten. What is to the left side? What's inside that line?

THE WITNESS: A higher elevation.

THE CHAIRMAN: So that would be what?

THE WITNESS: Anything between ten point to nineteen point. There will be a line on each ten foot contour interval. So there could be nine feet difference

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in that inside area, or there could be zero. It could be flat as a board. You know what I mean?

MR. COVAHEY: I am going to object based on that to the admissibility of the exhibit, because you've got a ten foot variance, it can go from ten to zero, and our testimony is specific.

THE CHAIRMAN: It is what it is. It speaks for itself.

THE WITNESS: To be truthful, what I'm trying o do is, I'm trying to show how not the exact elevation, because they are on two different datums. That means that the ground is the same, only what they call as the basis for their elevation is different.

Okay? But that shows, and what Petitioner's Exhibit No. 19 shows, is very, very similar. If you will notice, please, that the contour interval right here that runs along the shoreline is elevation two. Okay?

This line right here, if I may follow with my finger, is elevation four. So six and eight. So what that reflects is the same as this, as the petitioners, or Protestants' Exhibit No. 11.

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THE CHAIRMAN: Run that by me again.

THE WITNESS: Okay. This line -- and I'm pointing to it right now -- is elevation two. This line here is elevation four.

THE CHAIRMAN: Now, show me where the Gasker and Hutchins' houses are.

THE WITNESS: This is Gasker. This is Hutchins. Okay?

THE CHAIRMAN: So Gasker is, if you will, to the south, or to the right, looking at this, of the four line? It's in between two and four line?

THE WITNESS: That's correct.

THE CHAIRMAN: And the other one, Hutchins, straddles?

THE WITNESS: Yes. The four line goes right through the house. So, yes, there is a little bit of difference in elevation.

THE CHAIRMAN: How little?

THE WITNESS: Well, by this and this spot elevation they show here, if that's four and that's 3.8, you're talking two-tenths of a foot. Okay?

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So you're talking about two inches. Okay? If you're talking about this being four and this being 3.7, you're talking three-tenths -- can I have a scale?

THE CHAIRMAN: I notice one says 3.8 and the other says 5.0.

THE WITNESS: What that is, is at the garage front. So anywhere between this line and this -- the line marked four and the line marked six -- five could fall anywhere in there.

THE CHAIRMAN: But my point is, do we still have an answer to the question? Before we dance around, there is a concrete footprint. There is the Hutchins' house. There is the concrete footprint of the Gasker garage.

Is that footprint below, even, or above with the Hutchins' house, and if so, how much?

THE WITNESS: Okay. I can answer that. The survey that Mr. Kennedy, KCW, and Mr. Moskunas at Site Right, was based on these elevations. okay? So I'm using theirs. Based on evaluation four hitting right there on their house, you see where this line and that purple line intersects them, and then taking a spot elevation, putting

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a rod down on the ground and reading that, between those two, you're talking about a difference of this, three-tenths of a foot.

So when Mr. Lanzi asked me, are they similar, yes. When you see -- you will see elevation four right there at the intersection and Mr. Gasker's edge of his house right at his garage being two-tenths of a foot, you're looking at what I'm showing you on the sale of two-tenths.

THE CHAIRMAN: Is that similar?

THE WITNESS: Yes, sir.

THE CHAIRMAN: So it's your testimony that both the footprint of the garage and the Hutchins' home are within two-tenths of an inch?

THE WITNESS: Or three-tenths.

THE CHAIRMAN: Or three-tenths, even? Within?

MR. COVAHEY: Not three-tenths of an inch. You mean three inches?

THE WITNESS: No, sir.

THE CHAIRMAN: That's what I'm --

THE WITNESS: I apologize. It's three-tenths of

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a foot, right here what I'm showing.
MR. COVAHEY: Why don't you put it in inches? If you go the difference between back here of five and 3.7, is 1.3 --
THE WITNESS: It's three inches.
MR. COVAHEY: Well, the difference between 3.7 and five --
THE WITNESS: At that front part of their house, it's five. I won't disagree with you. But where contour four is, where four feet is, is the side of the house which us close to where this garage is and the house.
THE CHAIRMAN: So you're still extrapolating, essentially?
THE WITNESS: Yes, sir. That's the best you can do without performing a field survey.
THE CHAIRMAN: Of the two spots?
THE WITNESS: Correct.
Q. (MR. LANZI) Does the property contour four slope down towards the water?
A. Yes, it does. What I'm also trying to show with this is -- and if I may -- this is the Gasker home and

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this is the Darby home.
Not only through this map, but through Site Right spot elevations, they're almost exactly the same in topography. They are very similar.
Same when talking about elevations. You can see how most of them, since there is two and there is four, contour elevation two and four, how all these down on the water slope at about the same grade as Gasker or Darby, so there is no uniqueness in topography.
Q. The geological survey, that was obtained from public record?
A. Yes, sir,it was.
Q. The attachments were merely --
A. Enlargements.
Q. To better show that particular area?
A. Yes, sir.
MR. LANZI: I forgot what number it is, but I would offer --
THE CHAIRMAN: No. 11.
MR. LANZI: -- Protestants' No. 11.
THE CHAIRMAN: We accept it.

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Q. Now, you testified with regard to uniqueness. The second prong of the test, you understand, is practical difficulty?
A. Yes, sir, it is.
Q. In your opinion, or do you have an opinion as to whether or not practical difficulty exists or would exist for Mr. Gasker in order to comply with the Baltimore County zoning regulations with regard to the height of the garage?
MR. COVAHEY: Objection.
THE CHAIRMAN: Overruled.
A. I believe that there is not a practical difficulty or hardship in that there are alternatives to where Mr. Gasker is proposing to put his garage and also the height of the proposed garage.
MR. LANZI: If I could have Protestants' No. 4?
Q. Could you discuss the alternative location for the garage?
A. What I have here is Protestants' Exhibit No. 4. I have -- once again, the Gaskers' site plan they used for their variance request -- I have red lined two placements

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that a garage could be placed, other than where it's proposed.
By attaching it to the house, they, in turn, will not have variances for the height.
Q. Maybe you can show the photographs, which maps you're drawing. I think the joint exhibit photographs with it.
Can you identify this photograph? I am about to show you photograph Protestants' 10-I.
A. And what I'm trying to show, and if you bear with me, the red square at the top of the page is showing an attachment of the proposed garage to the existing house and where that proposed addition would be is similar to about where the trailer would be.
No. I apologize. It would be in this corner here. I apologize. I've got it turned wrong. If you can see, there is the relationship right there. There is the Hutchins' home. There is the Gaskers' home.
This corner would be sitting right here. Do you see what I'm talking about? So, in turn, that is an alternative to where they can put it, where he would not

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have to apply for the variance for the height. They could build it twenty feet high.

THE CHAIRMAN: Would they have to apply for any other variance or change?

THE WITNESS: Depending on the size, they may have to apply for a side yard setback.

THE CHAIRMAN: They'd still be applying for a variance?

THE WITNESS: Depending on what the sizes, yes, sir. They could put one there of the same square footage that they are proposing. It may not be twenty-four by twenty-four, but they could put one there of the same square footage.

MR. COVAHEY: I move to strike all the testimony. He's putting us in a position if we did that, then we'd have to come back and have the Hutchins protesting the side yard setback. So what do we gain?

THE CHAIRMAN: Once again, there's a difference between striking it as being relevant and raising questions about what it establishes and what it doesn't establish.

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MR. LANZI: He's discussing practical difficulty.

THE CHAIRMAN: Yes. And practical difficulty includes what other problems you would have, given the alternatives.

THE WITNESS: Yes, sir. The other placement for the proposed house, or proposed garage, if I may, Gasker, Darby, Gasker, Darby, what that is showing is that the other proposed placement could be in this area right here, as you can see and, in turn, which could meet the setbacks and also, if attached, would not need a variance for height at twenty feet.

THE CHAIRMAN: Would it require any other special permission?

THE WITNESS: The only thing would be, depending how far they slid it forward, there's an easement, an old easement there. They could either get it completely out of the easement or they could -- that easement has no purpose at the moment.

Q. Could they push it forward so the easement is not an issue?

MR. COVAHEY: I'll object. The easement always

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has a purpose.

THE CHAIRMAN: I understand that. The issue is are there other impediments to the land, whatever their nature?

THE WITNESS: Yes, sir. And then, of course, those are the two places that I found that they could do it the easiest, have access to their new garage from their house, wouldn't have to worry about a height, because both of those positions would not be accessory structures, they would be additions to the house, so they wouldn't have to worry about a height variance.

Anywhere else that is not attached to the house would have the same situation they are in right now. They'd have to go for a variance for height.

Q. With the second option, they could either move it forward, take it out of the easement, or get permission of the easement holder?

A. That's correct.

MR. COVAHEY: Objection, unless we know who the easement holder is. It could be everybody in the subdivision.

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THE CHAIRMAN: The point is, are there other impediments or not? It's only conjecture whether or not the impediments could be dealt with.

THE WITNESS: And I've not explored the easement to find out the requirements or the encumbrances on that.

Q. The first option where you referred to, I guess, the area closest to the Hutchins' house, that particular part of the property doesn't have windows, or the Gasker structure does not have windows?

A. That's correct.

Q. But there will be a relocation of some mechanical equipment?

A. That's correct, as well.

Q. Of course, the third option is to build a fifteen foot garage?

A. Yes, sir.

MR. COVAHEY: We'll stipulate to that.

Q. In your opinion, is there anything unique about the petitioner's property which would cause the zoning provisions with regard to height to impact disproportionately against the Gasker property compared to

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other property?
A. No, sir.
MR. LANZI: I have a lot more to go.
THE CHAIRMAN: You have a lot more to go?
MR. LANZI: Yes.
THE CHAIRMAN: Off the record for a second.
(Discussion held off the record.).
THE CHAIRMAN: Back on the record.
Q. Mr. Doak, anticipating questions on cross, there will be a concern about the cost of the alternative location for the garage.
Based on your understanding of the variance requirements, is cost a issue? Is cost a factor?
MR. COVAHEY: Objection. He's now telling us what the law is.
THE CHAIRMAN: I don't know that cost really an issue that he can speak to.
Q. Mr. Doak, is it your understanding that part of this garage is under construction now?
A. Yes, sir, it is.
Q. The photographs you have do not show the

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foundation, but you are aware the foundation is partially up?
A. The photographs I have show the slab floor. Since then, there's been foundation. And then, in turn, poured concrete walls.
Q. So if the variance is denied, or if it's relocated, what would the effect be, or what would the options be?
A. If the variance for twenty feet in lieu of fifteen is denied, the petitioner could finish building the garage at a total height of fifteen feet.
If it's required that they are to relocate and then, in turn, be able to have it a height of twenty feet, they would have to take down the existing walls.
MR. COVAHEY: Objection. Move to strike. There is nothing before the Board that allows the Board to cause us to relocate and not build fifteen feet.
THE CHAIRMAN: He's giving a hypothetical.
MR. COVAHEY: What difference does it make?
THE CHAIRMAN: It may not make any, but it's a hypothetical.

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MR. LANZI: It goes to the practical difficulty.
A. May I finish? If they are given the option of relocating with a height of twenty feet, then, in turn, the existing walls would need to be taken down and reconstructed elsewhere.
Q. Now, you're familiar with Section 400.3 of the regulations with regard to heights of accessory structures?
A. Yes, sir, I am.
Q. What's that requirement?
A. Fifteen feet.
Q. Now, does that height requirement apply to all the buildings along Denton Avenue for accessory structures, not just the Gaskers'?
A. It would apply for all buildings along Denton Avenue that are not the primary structure.
Q. You are also familiar with Section 400.1 of the zoning regulations requiring accessory structures to be allowed in the rear yard only?
A. Yes.
Q. Do you happen to know the size of the Gasker

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property?
A. Without looking, I believe it is 17,860 square feet or .41 of an acre.
Q. How close is the proposed garage to the water?
A. Approximately fifteen feet.
Q. If there was no garage there before, ever, how close would such a structure be allowed to be near the water, or how far away would it have to be from the water?
MR. COVAHEY: Objection. There was one there.
MR. LANZI: It's a hypothetical.
THE CHAIRMAN: He's asking him hypothetically as a zoning question. Go ahead.
A. It would be a hundred feet, or the average of the existing improvements or the buildings on the property, on the adjoining land of the subject property.
Q. Hypothetically, it wouldn't be allowed in its current location?
A. That's correct.
MR. COVAHEY: Here's my objection. What he's saying is not accurate. That would only be if it was determined it were the front.

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But in this case, it's already been determined to be the rear, and that doesn't apply.

THE CHAIRMAN: Again, that's exactly the kind of thing that comes up in cross examination.

Q. When you prepare a site plan, especially along waterfront property, how would you normally designate the front versus the rear of the property?

MR. COVAHEY: Objection. That's already been ruled on by the County Board of Appeals.

MR. LANZI: It was raised by the petitioner, and I think we have the ability to rebut the petitioner. An hour's testimony was spend on his marking what was the front and why it was there and why it went somewhere else.

MR. COVAHEY: They raised that on cross-examination.

THE CHAIRMAN: The point is, it's already been in the testimony, the discussion of what's the front and what's the side and what's the back. So once it's in --

MR. COVAHEY: It's res judicata.

THE CHAIRMAN: Once the subject is raised, the subject has been raised, and a party can address it.

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MR. LANZI: Petitioner raised it by his own description of the site plan of the petitioner. I don't know what number it is.

THE WITNESS: This is a -- this is Protestants' No. 4, but it's a copy of their plat, site plan.

Q. It has the word "front" indicated, is that correct?

A. That is correct.

Q. When you prepare a site plan or when you indicate where the front and rear is, does it usually mean where the front and rear is indicated on the plan?

A. Yes, sir.

Q. And in this case, the front is not where it's indicated, or at least it's the position of the petitioner the front is not located where it is on the plan?

A. That is correct.

Q. Where does the petitioner feel the front is located?

A. It has been the testimony that the front would be on the -- more the western, or approximately where my finger is, versus the due east portion of the house where it's labeled front.

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Q. Have you seen other cases with waterfront property where the zoning office has designated the side closest to the water as the front?

MR. COVAHEY: Objection.

A. Yes.

THE CHAIRMAN: Again, let me say this to you, Mr. Lanzi. The front has been adjudicated. We are not going to change where the law stands on the terms of where the front of the building is.

We are not going to make a ruling that's going to change that. So, you know, I question the value of the whole line of questioning.

Q. Mr. Doak, are you familiar with Section 104.2 of the zoning regulations?

A. Yes, sir, I am.

Q. Is it your understanding under these regulations dealing with nonconforming structures, that if the structure is damaged by fire or some other casualty, that the same structure can be replaced?

A. That is correct.

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Q. Can the same structure be enlarged?

A. No, sir.

Q. In this case, in your opinion, does the proposed twenty foot garage violate the spirit and intent of Section 104.2 with regard to replacement of a destroyed structure?

MR. COVAHEY: Objection. He hasn't told us all about 104.2, because it can be enlarged to twenty-five percent.

Q. Explain your understanding of 104.2.

A. You're allowed, with the approval of Baltimore County, you are allowed to enlarge it up to twenty-five percent, but that's with approval.

Q. And the previous garage, if my notes are correct, it was twenty-four by twenty-four by fifteen, is that correct?

A. That is correct.

Q The new proposed garage is twenty-four by twenty-four by twenty?

A. That is correct.

Q. What is the increase in size, if you know? Is it

greater than twenty-five percent?
A. Yes, sir, it is.
Q. What is it?
A. Thirty-three percent.
THE CHAIRMAN: An additional five foot would raise it thirty-three percent?
THE WITNESS: I think it's eleven thousand --
MR. COVAHEY: Is he talking about cubes, square feet?
MR. LANZI: 8,640 cubic feet versus 11,522 cubic feet.
MR. COVAHEY: I further object. It's been approved by the county. We have introduced a building permit into evidence. Remember, we have a building permit for the twenty foot building.
THE CHAIRMAN: Yes, you have, and that's certainly part of the record.
Q. In your opinion as a land use and zoning expert, will the proposed twenty foot garage have a detrimental effect on the general welfare of the neighbors of Mr. Gasker, that is, Dr. and Ms. Hutchins?

A. Yes, sir.
Q. What will that detrimental effect be?
A. In that their view as well as the use of the property adjoining that garage will be negatively impacted.
Q. In your opinion as an expert in land use, if the variance was denied, would Mr. Gasker and his family be deprived of all reasonable use of his property as a resident?
A. No, sir.
Q. He has a garage, is that correct?
A. That is correct.
Q. He can still build a garage of fifteen foot, is that correct?
A. He could.
Q. Are there other properties in the area that do not have a garage?
A. There are.
Q. There are some right along Denton Avenue?
A. Yes.
Q. Do you know any, specifically?

A. Yes, sir. Yes, I do.
Q. Can you name them?
A. Two doors down from the Hutchins, the Ashwells.
Q The other lots along or the other properties along Denton Avenue, is it fair to say they have the same issue of having dry storage as the Gaskers do?
A. Yes, sir.
Q. So the necessity and claimed hardship is no higher for the Gaskers than it would be for the other property owners, especially along the lower point of Denton Avenue?
A. That's correct.
Q. Based on the evidence concerning uniqueness and practical difficulty, in your opinion, would approval of the variance be in harmony with the spirit and intent of the zoning regulations?
A. No, sir.
Q. Now, there are some cases that deal with unwarranted hardship in the critical areas. If you use the unwarranted hardship standard as various courts have as variance in the critical area, it is your opinion that

denial of the twenty foot height would be a denial of all reasonable and significant use of this property, in your opinion?
A. No, sir.
MR. LANZI: Thank you. That's all I have for now.
THE CHAIRMAN: Okay. That completes the direct testimony of this witness.
Here's what we are going to do. Ms. Bianco is not with us today, so you gentlemen need to speak with her tomorrow, or if you want to wait until Thursday, I am going to be back here Thursday on another case and I will communicate to her that we have a cross examination to complete.
I am going to give you the opportunity if you want to slip in a quick rebuttal witness, if you think you need it. The 10 o'clock case can wait ten or fifteen minutes, if we have to.
I think it comes as no great surprise that I'm going to ask you gentlemen to present the Board with memos in lieu of closing argument, and in that memo, I'm going

to expect not only what testimony you want us to recall and the way you wish us to recall it, but also to address those issues of law that you think are determinative in the decision that we need to make, that is, the granting or rejection of the variance.

I believe that concludes our business for today unless anybody has got anything else? Oh, housekeeping, do we have to make a copy of something that we used out of your file?

MR. LANZI: Yes.

MS. BRASSIL: Exhibit No. 7.

THE CHAIRMAN: Off the record.

(Discussion held off the record.)

THE CHAIRMAN: I thank you, everyone. We are adjourned.

(Hearing adjourned.)

* * * * *

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Joint Exhibit
Day 1

GASCER PROPERTY DEC. 1, 2004
7846 DENTON AVENUE

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TIMOTHY C. COLVARTY JR —
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April 7, 2004

To: The Zoning Commissioner

From: Grover M. and Loretta H. Hutchins

Re: Case #04383-A, Variance Request for a 20-foot Garage at 7846 Denton Avenue

CHRONOLOGY:

04/25/83 - The Gaskers bought lot 24.

01/1986 - The aerial map does not show any structure or slab at the site of the present concrete slab.

03/31/88 - A survey was made to separate lot 24 into lots 24A (7844 Denton Ave) and 24B (7846 Denton Avenue). The survey does not show any structure at the site of the present concrete slab. (Attachment A)

09/02/88 - Lot 24A was bought by Karlus E. Bowling and Diana Hutchins.

01/25/89 - A Plot & Grade Plan shows the house at 7846 Denton Ave as it was to be replaced and re-oriented with the front facing southeast rather than northeast. No structure is shown at the site of the present concrete slab. (Attachment B)

06/18-24/92 - Ten signatures were collected that testified to the truth of the statement that there was an existing slab approximately 24 feet by 24 feet at the site where the garage was subsequently built. (Attachment C)

07/13/92 - According to an unsigned letter dated 09/28/93 from Inspector Wasilewski to Attorney Meltzer, application B136921 was approved as being consistent with Baltimore County Zoning Regulations (BCZR). (Attachment D)

07/19/92 - A new concrete slab was laid at 7846 Denton Avenue. On complaint to the Department of Environmental Protection and Resource Management (DEPRM) a stop-work order and instuctions to remove the slab were issued. These actions were based on photographic demonstration of the absence of any structure or slab at the site, other than a small metal shed, and the fact that the slab was in the Chesapeake Bay Critical Area. (Attachment E)

01/25/93 - An undated "Application for Building Permit", B136921, to erect a "24'X4'X13.5'" detached garage at 7846 Denton Ave was approved by Patricia M. Farr of DEPRM. (Attachment F)

02/10/93 - The owners of 7844 Denton Avenue discovered that garage construction was proceeding and learned, in retrospect, that Gaskers' application had been approved by Farr. No contact had been made with the owners of 7844 Denton Avenue who had obtained the stop-work order from DEPRM.

Pro Exhibit #1

Re: Case #04383-A, Variance Request for a 20-foot Garage at 7846 Denton Avenue

02/20/93 - Meeting with DEPRM personnel who "...won't order garage to be removed because we issued permit based on our judgement of circumstances. Go to Board of Appeals."(Attachment G)

07/27/93 - A hearing was held before the Baltimore County Board of Appeals to protest the granting of the approval for the garage.

08/17/93 - The Baltimore County Board of Appeals issued an order (CBA-93-114, Gasker Property) that states:

1. the approval for building permit #B136921 is reversed,
2. permit #B136921 is remanded to DEPRM, and
3. the appellees are to file a petition with the Zoning Commissioner within 45 days to determine if the proposed use complies with, or requires a variance from the BCZR.

(Attachment H)

01/19/94 - James W. Brooks, Jr., Esq. informed us that after numerous calls and letters to Baltimore County Zoning Administration and Development Management he received two letters stating that BCZR were not being violated since the garage is in the "rear yard". One unsigned letter, dated September 28, 1993, said to be from Inspector Wasilewski to Kenneth H. Meltzer, Esq. states that B136921 had been approved by the BC Zoning Office since Inspector Craig McGraw had inspected the property on July 13, 1992 and determined that the garage was in the rear yard. The second letter dated January 12, 1994 was from James H. Thompson, Zoning Enforcement Coordinator, reiterating the determination made by Inspector McGraw. The second letter further states that Inspector Wasilewski re-inspected the property and confirmed the location of the garage in the rear yard. (Attachment I)

04/28/00 - Property at 7844 Denton Ave. was purchased by Grover M. and Loretta H. Hutchins from Karlus E. Bowling and Diana Hutchins.

09/18-19/03 - The storm surge of Hurricane Isabel destroyed the Gasker garage. The garage elements and its contents inflicted significant damage to our property at 7844 Denton Avenue. Gasker's insurance company refused to reimburse us for this or for other damage caused by his property to our house and grounds as a result of Isabel. The cost to us to date from the destruction caused by Gasker's properrty has been over $6,000.00. (Attachment O)

Early 2004 - Case #04-383-A, Variance request for a 20-foot garage at 7846 Denton Avenue filed by Gasker.

02/01/04 - Hearing requested on the variance. The notice posted for the hearing on Case No: 04-383-A states: "Request. Administrative variance to permit a replacement accessory structure (garage) to be 20 feet high in lieu of 15 feet high also if necessary to amend CBA-93-114 (Hurricane damage replacement on existing foundation). ".

Re: Case #04383-A, Variance Request for a 20-foot Garage at 7846 Denton Avenue

COMMENT

It is our opinion that the order issued by the County Board of Appeals in CBA-93-114, that the building permit be remanded to DEPRM, has never been satisfied and that the garage remained an illegal structure up to its destruction by Hurricane Isabel.

The determinations of Inspector McGraw and Inspector Wasilewski that the garage was in the "rear yard" are incorrect. The garage was in the Gasker side yard (formerly the front yard before the house was rebuilt and reoriented), adjacent to the water of Shallow Creek, and adjacent to the side of our house. In fact, the Gaskers' undated Application for Building Permit describes the work to be done as: "Construct detached garage on front of property.(waterfront)". (Attachment J)

When the garage disintegrated from the storm surge of Isabel the debris caused major damage to our property, resulting in significant expense. The destruction that would be inflicted by the collapse of a 20-foot garage in the next hurricane is difficult to imagine. (Attachment K)

The requested variance for a 20-foot height for the proposed garage is totally inconsistent with all other garages in the neighborhood. Many garages are incorporated within the house. The free-standing garages are all small one- or two-car garages. (Attachment L)

The Gaskers have ample space beneath their house for a garage and other uses. The only covered parking we have ever observed at the Gasker residence has been in this space under the house. The garage destroyed by Isabel was not used as a garage. (Attachment M)

REQUEST

We request that no garage be built on the existing slab and that the slab be removed. (Attachment N)

Thank you for your consideration.

Sincerely yours,

Grover M. Hutchins

Loretta H. Hutchins

Loretta H. Hutchins

7844 Denton Avenue
Sparrows Point, MD 21219

410-477-8229

Remaining Z.C. Exhibits

Attachment F 1/1

APPLICATION FOR BUILDING PERMIT

PERMIT #: B136921 CONTROL #: MR DIST: 15 PREC: 19

LOCATION: 7846 DENTON AVE
SUBDIVISION: OLEARY PLAT
TAX ASSESSMENT #: 2100007552

OWNERS INFORMATION
NAME: GASKER,M MAX & SHARON
ADDR: 7846 DENTON AVE., 21219

APPLICANT INFORMATION
NAME: MAX GASKER
COMPANY:
ADDR1: 7846 DENTON AVE.
ADDR2: BALTIMORE, MD./ 21219
PHONE #: 388-0645 LICENSE #:

NOTES
DLS/VLC

TRACT: BLOCK:
PLANS: CONST 0 PLOT 4 R PLAT 0 DATA 0 ELEC YES PLUM NO
TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT DETACHED GARAGE ON FRONT OF PROPERTY.
(WATERFRONT) 24'X4'X13.5'=576 EX. GR=4+OR-
MIN. SLB E. = 10.0

PROPOSED USE: SFD AND GARAGE
EXISTING USE: SFD

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 2500.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: GARAGE
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST
CONSTRUCTION: FUEL:
CENTRAL AIR:

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

Pg 1 of 1

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 2100007552

Owner Information

Owner Name: GASKER MAX ANTHONY

Mailing Address: 7846 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /15883/ 728
2)

Location & Structure Information

Premises Address
7846 DENTON AVE

WATERFRONT

Legal Description
PT LT 24 .41 AC
7846 DENTON AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					24	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1995	1,931 SF	17,859.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	60,210	60,210		
Improvements:	145,640	161,240		
Total:	205,850	221,450	216,250	221,450
Preferential Land:	0	0	0	0

Transfer Information

Seller: GASKER MAX ANTHONY	**Date:** 12/20/2001	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** /15883/ 728	**Deed2:**
Seller: GASKER MAX ANTHONY	**Date:** 02/07/1992	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** / 9054/ 66	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Prot Ex 3

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

PROPERTY ADDRESS 7846 Denton Ave Balto. Md 21219 ☒ VARIANCE ☐ SPECIAL HEARING

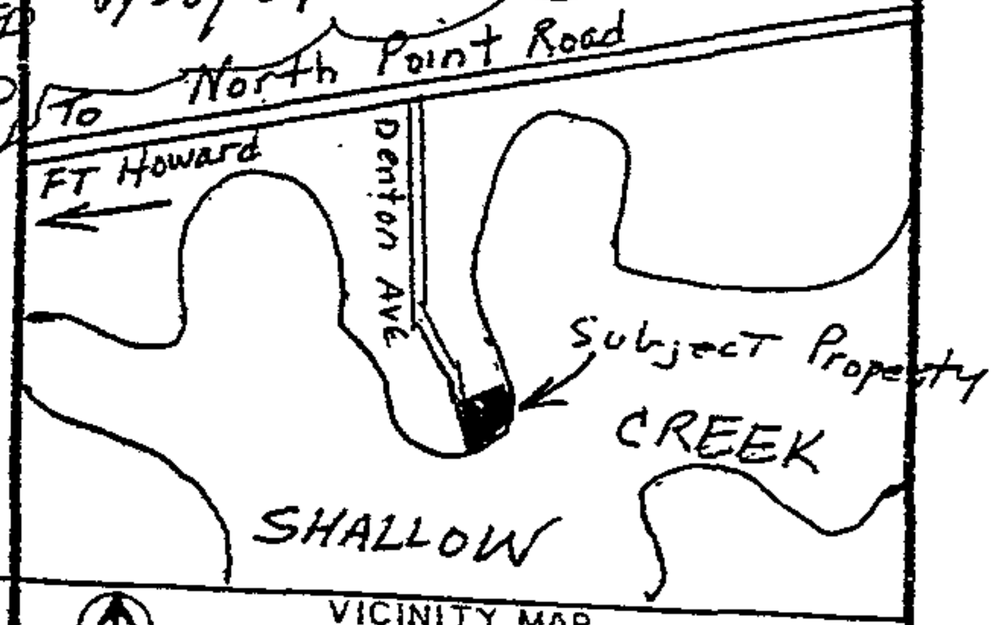
SUBDIVISION NAME OLEARY PLAT

PLAT BOOK # 7 FOLIO # 142 LOT # 24 SECTION # ___

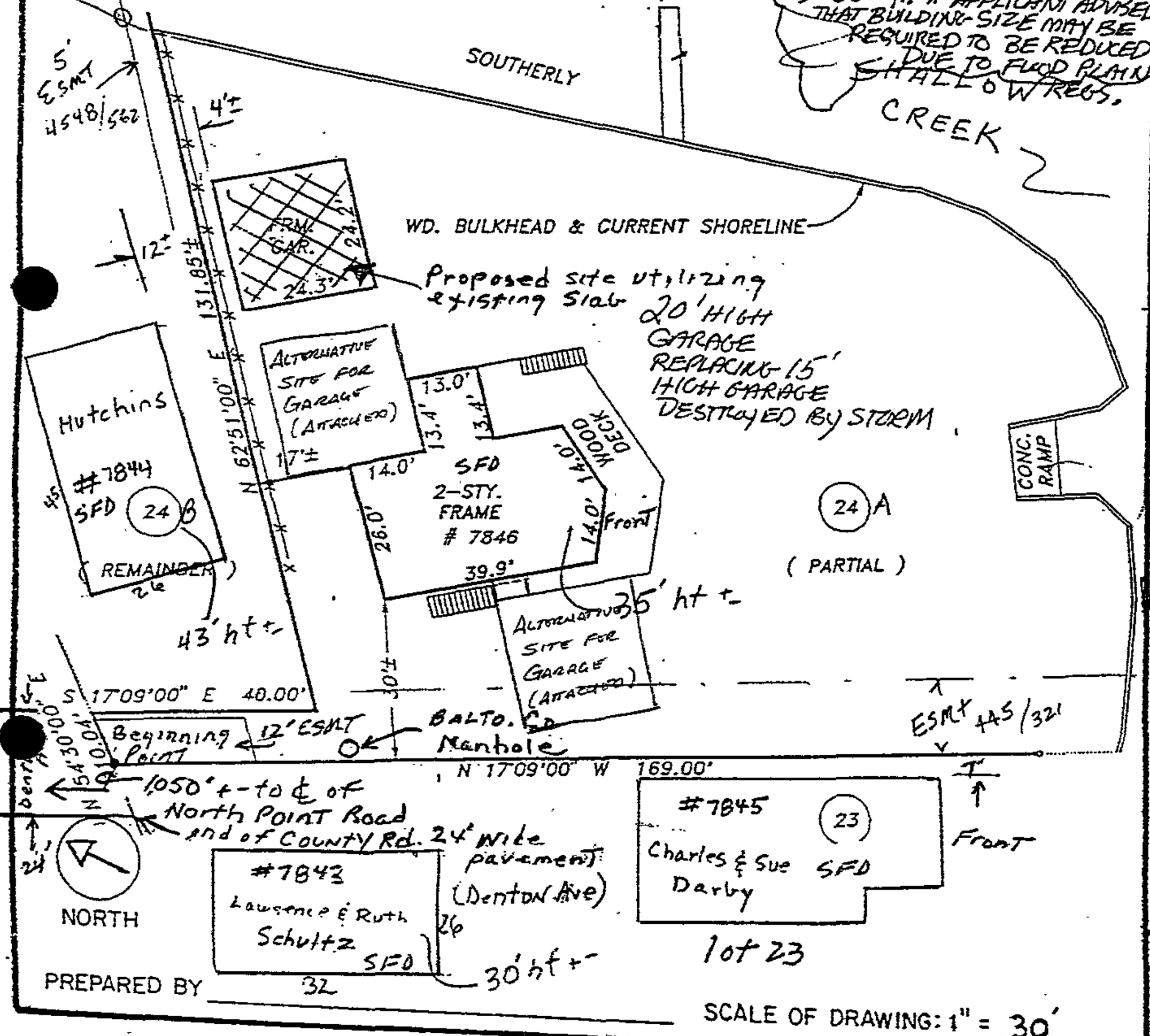
OWNER Max A. Gasker 2/7/04

FINISHED GARAGE SIZE 525 SQ.FT. PROPOSED FOR EACH FLOOR TOTAL = 1,050 SQ.FT. APPLICANT ADVISED THAT BUILDING SIZE MAY BE REQUIRED TO BE REDUCED DUE TO FLOOD PLAIN SHALLOW REQS.

Max A. Gasker 2/20/04



VICINITY MAP
SCALE: 1" = 1000'



PREPARED BY _____ SCALE OF DRAWING: 1" = 30'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # S.E 9-I

ZONING 5.5 Residential

LOT SIZE .41 ACREAGE 17,860 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☑	☐
WATER	☑	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA FIRM ZONE	☑	☐
100 YEAR FLOOD PLAIN AG	☑	☐
HISTORIC PROPERTY/ BUILDING	☐	☑

PRIOR ZONING HEARING 8-17-93 Case # CBA-93-114 Permit Granted

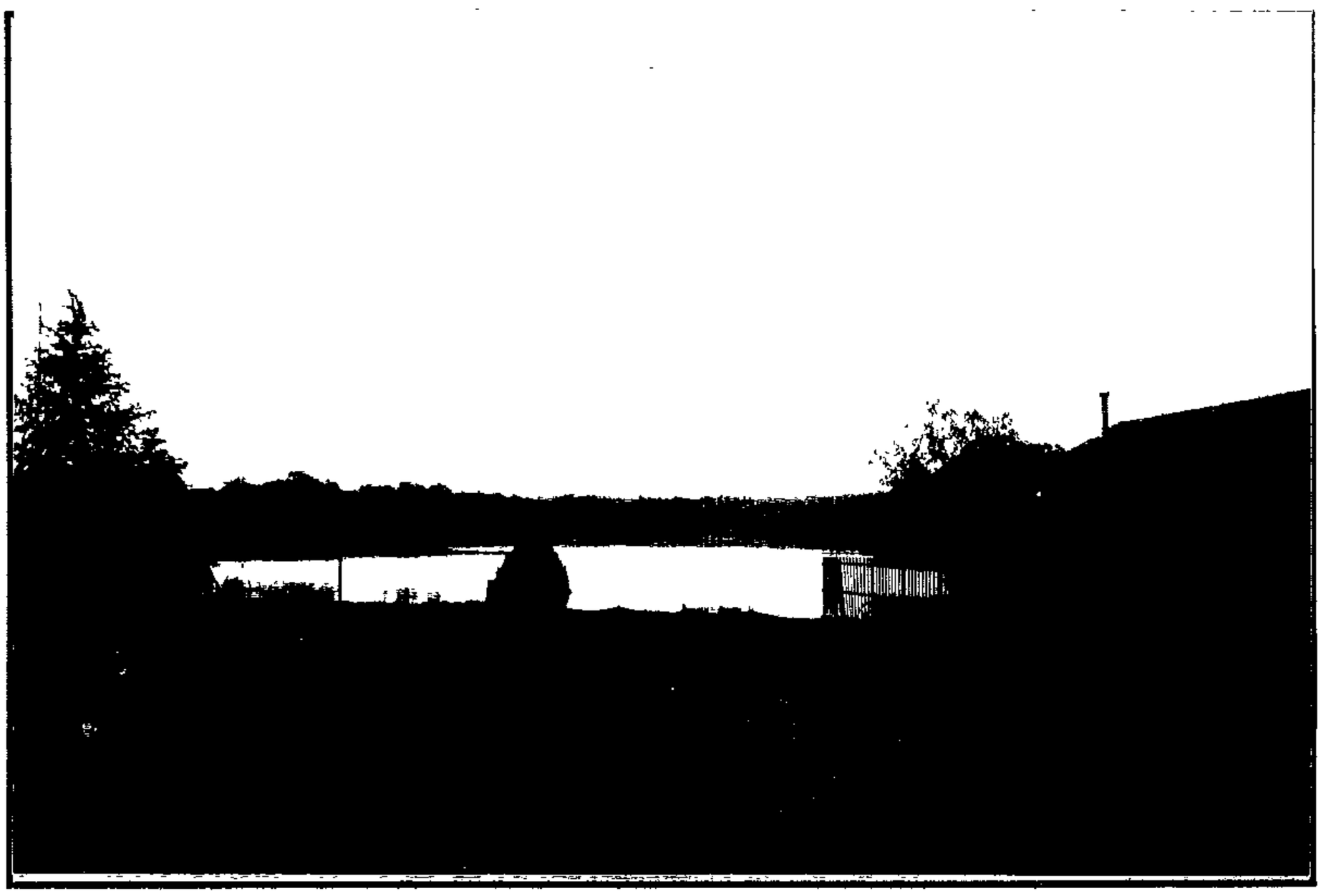
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JL	1	04-385-A

Plan Showing Alternative Garage Locations

Prot Ex 4

Prot 5T



LOCATED AT:
7844 Denton Avenue
Lot: 24, Oleary Plat
Sparrows Point, Maryland 21219

FOR:
Leeds Federal Saving Bank
1101 Malden Choice Lane
Baltimore, Maryland 21229

AS OF:
May 29, 2001

BY:
John A. Miller

April 7, 2004

Case # 04-383-A Baltimore County Zoning Hearing
7846 Denton Avenue
Baltimore County
Legal Owner: Max Gasker

I have resided at the water front property located at 7846 Denton Avenue in Baltimore County for 25 years. There has been, on 3 occasions, rising water levels due to storm systems that have resulted in property damage and personal property loss. Although this an act of nature that must be expected at times as a water front property owner, unfortunately the 3rd instance that occurred this past September was catastrophic in it's severity. As well as having substantial damage to my single family dwelling, my existing 24' x 24' x 15' garage and all personal property stowed within was completely destroyed. The amount of personal loss not recoverable by insurance was in excess of $21,000.

On February, 20th 2004 I met with Mr. John Lewis to submit my application and associated documentation to apply for an Administrative Variance for the reconstruction of the existing garage that was destroyed as a result of Hurricane Isabel. The requested relief is to permit the construction of a new garage with a height of 20 feet in lieu of 15 feet. The additional height will facilitate an adequately sized attic space above ground level that will be utilized for personal property storage. The length and width of the proposed garage will be the same as the old garage. The existing concrete slab that remains is in good shape and will be re-used. It is intended that reconstruction can be done without creating any additional impervious surface by utilizing the existing slab and following the same dimensions as the old garage. The only proposed change will be in height.

I have provided Mr. Lewis with 6 (six) signed letters from neighbors, 2 of which are immediately adjacent property owners, who support my request for a variance. I am also presenting, for your review, photographs of similar detached buildings within the community that are similar to the structure I am proposing to build.

In attempting to save my family and I similar catastrophic losses in the future, I am respectfully requesting the zoning variance as described in the application package I submitted to Mr. Lewis on February 20, 2004.

Thank you for your consideration pertaining to this matter.

Max Gasker

Pet #2

Date 3/27/04

I, Charles Darby currently reside at 7845 Denton Avenue Baltimore, MD 21219. I have spoken with Max Gasker regarding his request to rebuild his garage on his property of 7846 Denton Avenue. I understand his request and I verbalize no objections to the garage height of 20 feet.

Signature

Pet #3

EXHIBIT 383

Date Feb. 19, 2004

I, Samuel C. Haffer currently reside at 7839 Denton Avenue Baltimore, MD 21219. I have spoken with Max Gasker regarding his request to rebuild his garage on his property of 7846 Denton Avenue. I understand his request and I verbalize no objections to the garage height of 20 feet.

Samuel C. Haffer
Signature

Date 02-17-04

I, Richard C. Pollock currently reside at 7892 Denton Avenue Baltimore, MD 21219. I have spoken with Max Gasker regarding his request to rebuild his garage on his property of 7846 Denton Avenue. I understand his request and I verbalize no objections to the garage height of 20 feet.

Richard C Pollock

Signature

Date 2/18/04

I, [signature] currently reside at

7840 Denton Avenue Baltimore, MD 21219. I have spoken with Max Gasker regarding his request to rebuild his garage on his property of 7846 Denton Avenue. I understand his request and I verbalize no objections to the garage height of 20 feet.

[signature]
Signature

Date 2/18/04

I, Lawrence + Ruth Schultz currently reside at 7843 Denton Avenue Baltimore, MD 21219. I have spoken with Max Gasker regarding his request to rebuild his garage on his property of 7846 Denton Avenue. I understand his request and I verbalize no objections to the garage height of 20 feet.

Ruth E. Schultz Lawrence A. Schultz

Signature

Date 2-19-04

I, Richard + Lee Toland currently reside at 7841 Denton Avenue Baltimore, MD 21219. I have spoken with Max Gasker regarding his request to rebuild his garage on his property of 7846 Denton Avenue. I understand his request and I verbalize no objections to the garage height of 20 feet.

Richard + Lee Toland
Signature

PETITIONER'S EXHIBIT #7
PROTESTANT'S

May 10, 2004

Timothy M. Kotroco
Department of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case #04-255-A, Variance Request for 7846 Denton Avenue

Dear Mr. Kotroco:

On April 7, 2004 we attended a hearing on the above variance request to oppose the construction of a 20-foot high garage Immediately adjacent to the front of our property. The issues were discussed before John V. Murphy, Deputy Zoning Commissioner for Baltimore County. On April 15 2004, Mr. Murphy issued an Order granting the variance request. We disagree with this decision and with the inaccuracy of the statements of fact on which it appears to have been based. Consequently we feel obliged to appeal to the Board of Appeals.

The original garage was not erected with a valid permit, the permit was issued after the fact, and approved on the basis of a blatantly erroneous statement as to the garage location relative to the house. The garage had been built hastily and so poorly that it was swept away by the storm surge of Isabel. The resulting damage to our property amounted to several thousand dollars, for which the garage owner's insurance company refused to compensate us. The statement in the Order that a 20-foot garage adjacent to our property produces "... no detriment to the community in general..", may well be true; but, it will be a major detriment to our property when the next storm surge sweeps away aeven larger outbuilding.

In addition to the inaccuracies, the tone and attitude of Mr. Murphy's remarks regarding our position in this matter are particularly galling. The notion that the destruction of Gasker's garage by Isabel was "welcome news" is foolish. The Deputy Commissioner has seen fit to cast our objections to Gasker's variance request in terms of possible interference with our view, We bought our property with a garage in place. Our objection to the proposed 20-foot height stems from the substantial property damage we have sustained from a less than 15-foot high garage and could reasonably be expected to sustain to a greater degree when the proposed garage is destroyed by the next flood.

In view of the problems enumerated above we wish to renew our objection to the Variance Request and are hereby filing an appeal to the Baltimore County Board of Appeals. There is no precedent in this neighborhood for a 20-foot high free-standing garage such as that being proposed. The stated need for second floor storage could be easily accomodated by building shelves in the parking areas under the house, as has been done by others in the neighborhood. Gasker had built living space at ground level under the house before Isabel and the same arrangement has been recreated since the flood.

Re: Case #04-255-A, Variance Request for 7846 Denton Avenue

We have enclosed checks for $225.00 and for $75.00 to institute the appeal process. Please inform us as to when and where the appeal will be heard.

Thank you for your trouble.

Sincerely yours,

Grover M. Hutchins

Loretta H. Hutchins

7844 Denton Avenue
Sparrows Point, MD 21219

410-477-8229

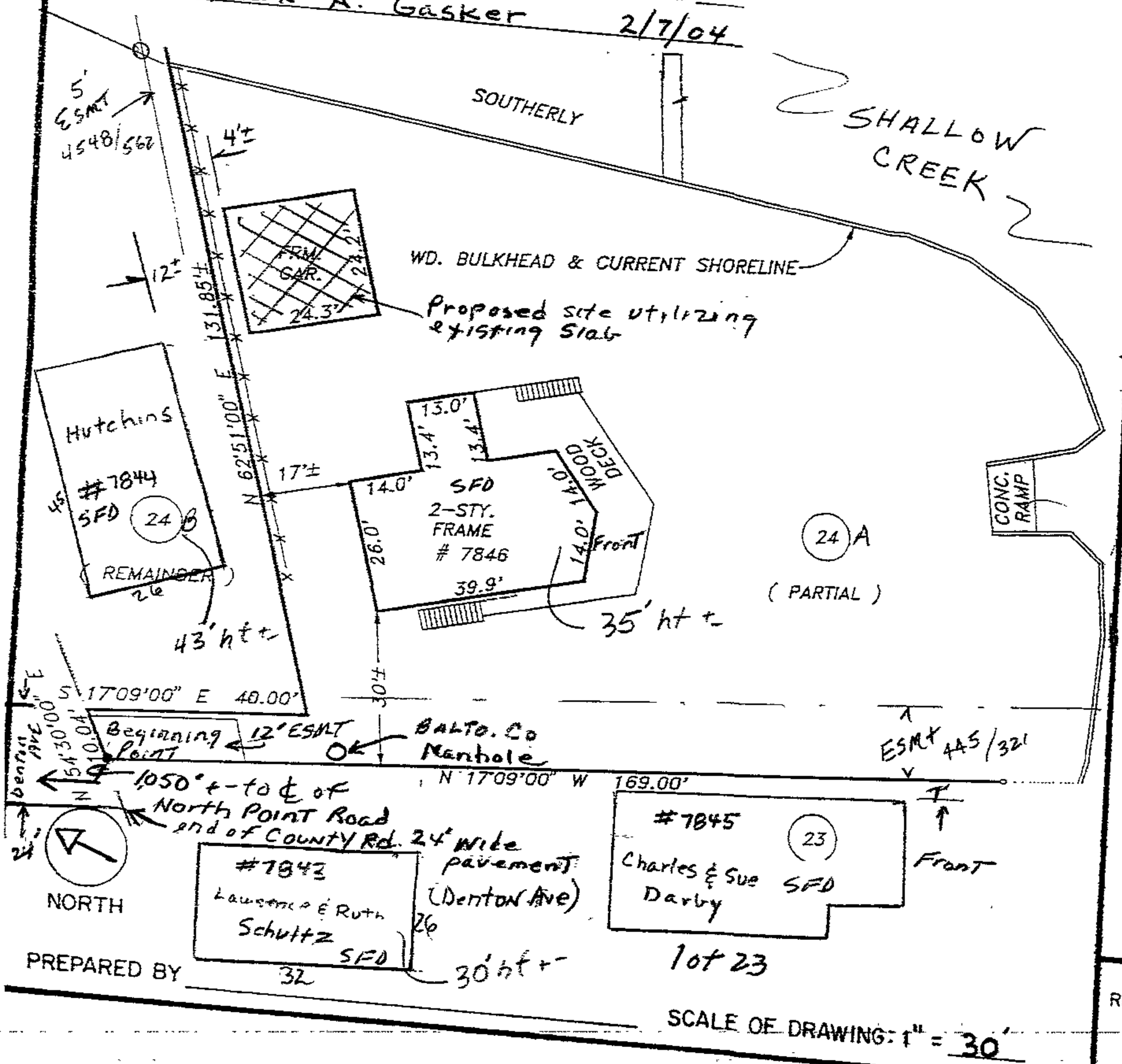
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 7846 Denton Ave Balto. MD 21219

SUBDIVISION NAME OLEARY PLAT

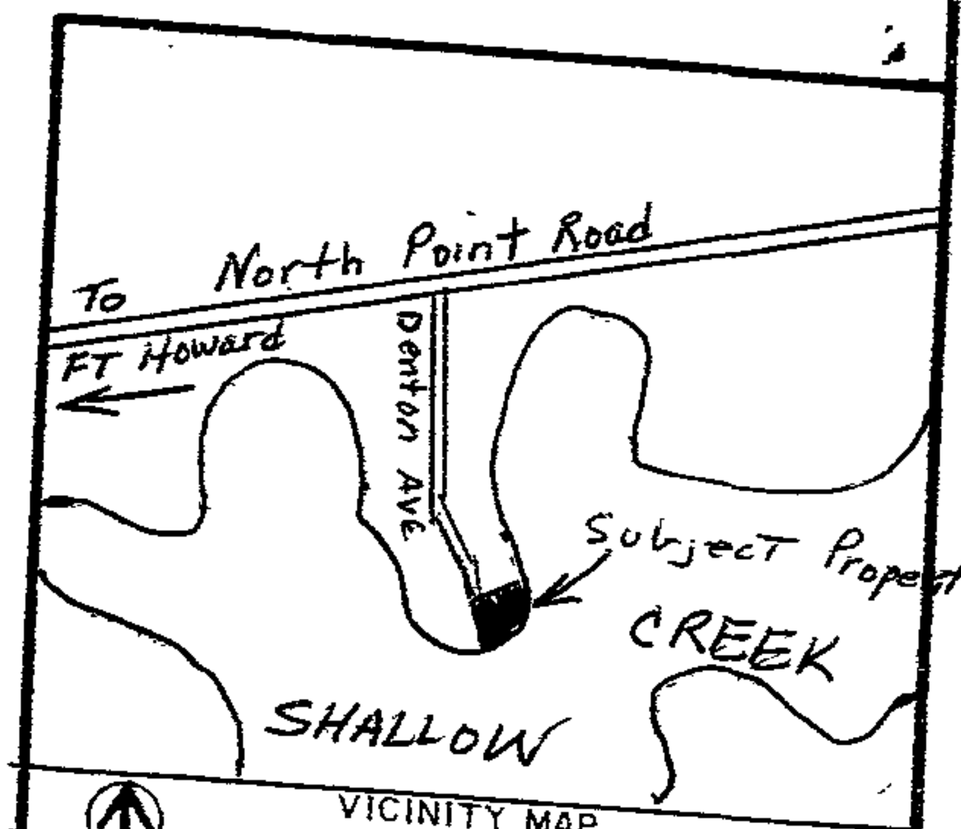
PLAT BOOK # 7 FOLIO # 142 LOT # 24 SECTION #

OWNER Max A. Gasker 2/7/04



PREPARED BY

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # S.E 9-I

ZONING 5.5 Residential

LOT SIZE .41 ACREAGE 17,860 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☑	☐
WATER	☑	☐

		YES	NO
CHESAPEAKE BAY CRITICAL AREA	FIRM ZONE B	☑	☐
100 YEAR FLOOD PLAIN	A9	☑	☐
HISTORIC PROPERTY/ BUILDING		☐	☑

PRIOR ZONING HEARING 8-17-93 Case # CBA-93-114 Permit granted

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

Pg 1

EXHIBIT A

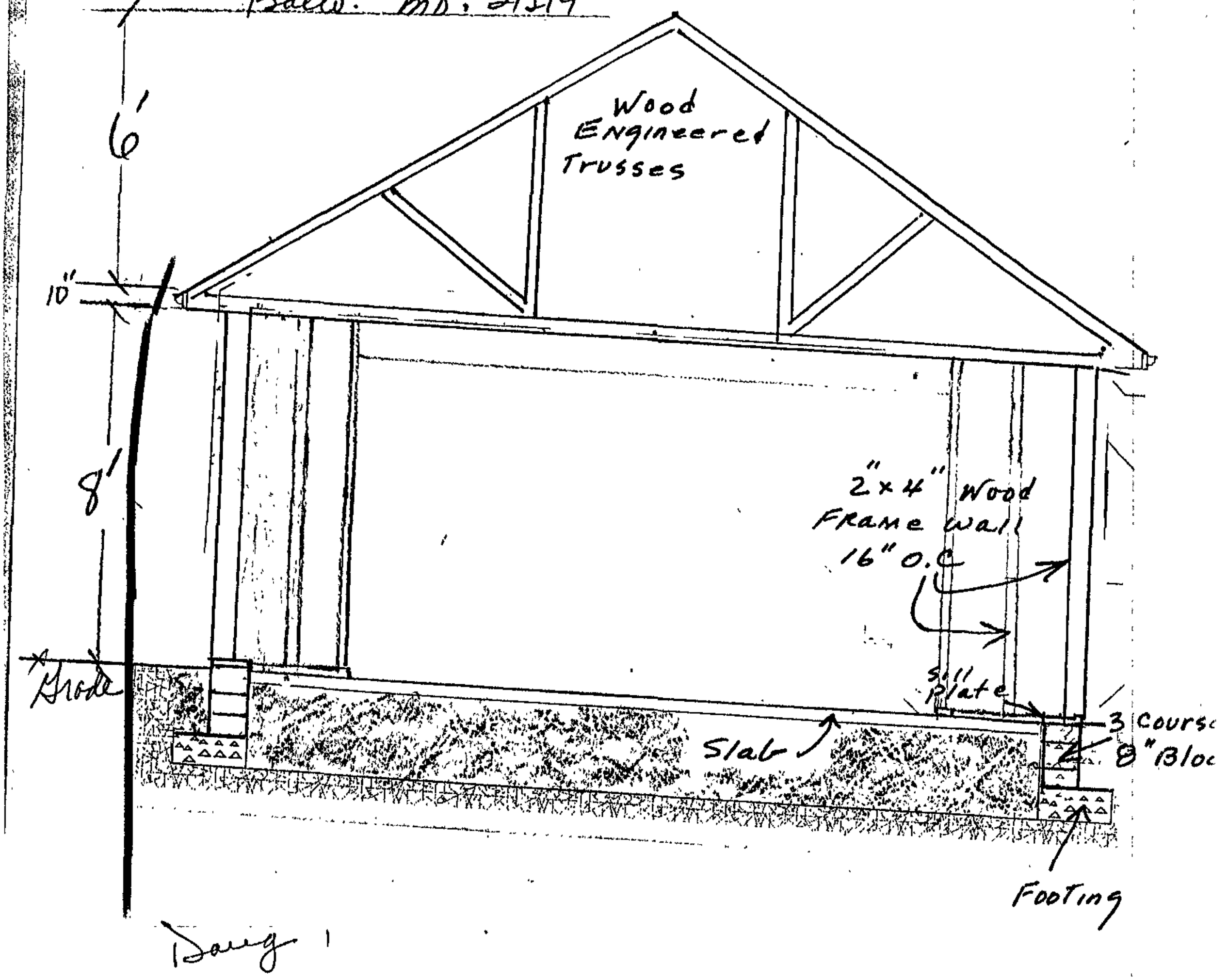
BEGINNING for the same at a point where the centerline of Denton Avenue, 24 feet wide, intersects the northwesterly line of Lots Nos. 23 and 24 as shown on the Plat Records of Baltimore county in Plat book W.P.C. No. 7, folio 140, said point being the northwesterly corner of Lot 24; thence along the northwesterly line of Lot 24 as shown on the aforesaid plat N 54 degrees 30'E 10.04 feet to a point; thence for new lines of division the two (2) following courses and distances: 12) S 17 degrees 09' E 40.00 feet and 2) N 62 degrees 51' E 131.85 feet, more or less, to the northwesterly side of Shallow Creek; thence southerly and westerly along the meanders of Shallow Creek 258 feet more or less, to the dividing line between Lot Nos. 23 and 24 as shown on the aforesaid plat; thence along said dividing line N 17 degrees 09' W, 169.00 feet to the point of beginning, containing 17,863 square feet, more or less. The improvements thereon being known as No. 7846 Denton Avenue.

TOGETHER with and subject to three (3) utility easements recorded in the aforesaid Land Records in Liber 4548, folio 562 and Liber 4454, folio 321 and also as shown hatchered on plat recorded in aforesaid Land Records in Liber 8211, folio 591

Pet 3

Mat Gosker
7846 Denton Ave
Balto. MD. 21219

410-388-0645
WK - 410-547-9000-361



Doug 1

This is pretty much what existed, 24' x 24' x 15' wood frame garage.

Pat 8

PROPERTY ADDRESS 7846 Denton Ave Balto. MD 21219 ☒ VARIANCE ☐ SPECIAL HEARING

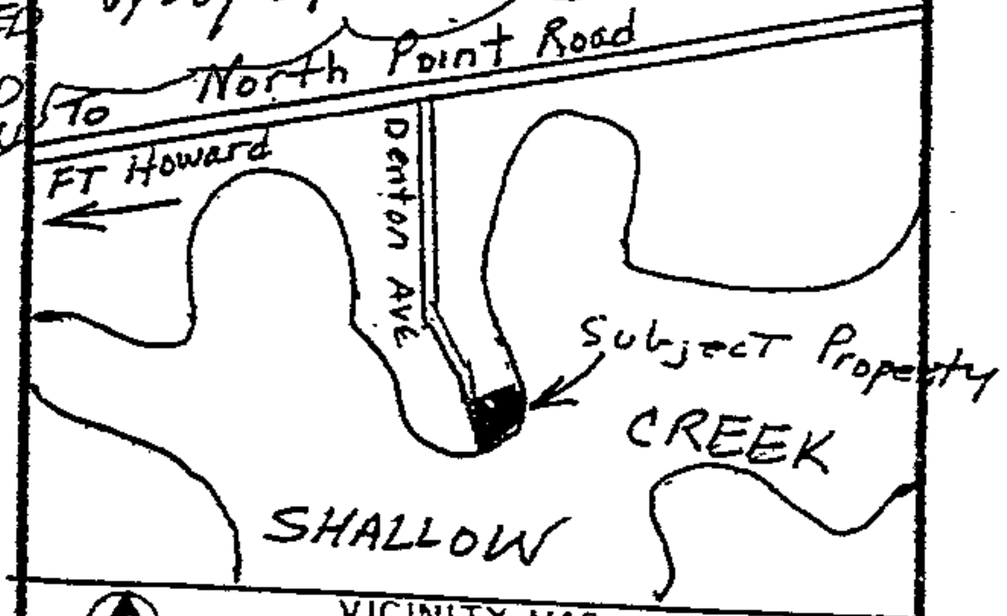
(A) (B) SUBDIVISION NAME OLEARY PLAT

PLAT BOOK # 7 FOLIO # 149 LOT # 24 SECTION # ___

OWNER Max A. Gasker 2/7/04

FINISHED GARAGE SIZE 525 SQ. FT. PROPOSED FOR EACH FLOOR TOTAL = 1,050 SQ. FT. APPLICANT ADVISED THAT BUILDING SIZE MAY BE REQUIRED TO BE REDUCED DUE TO FLOOD PLAIN/ SHALLOW REQS.

Matt A. Gasker 8/20/04



VICINITY MAP
SCALE: 1" = 1000'

SOUTHERLY

CREEK

5' ESMT 4548/562

4'±

FRM. GAR. 24.2' 24.3'

WD. BULKHEAD & CURRENT SHORELINE

Proposed site utilizing existing Slab 20' HIGH GARAGE REPLACING 15' HIGH GARAGE DESTROYED BY STORM

12'±

131.85'±

S 62°00'00" E

Hutchins

#7844 SFD (24) (B) (REMAINDER 26)

43' ht ±

17'±

13.0' 13.4' 13.4' 14.0' SFD 2-STY. FRAME # 7846 WOOD DECK 14.0' Front 26.0' 39.9'

35' ht ±

(24) A (PARTIAL)

CONC. RAMP

10'±

S 17°09'00" E 40.00'

3'± 54'30'00" E 40.00'

Beginning Point

ESMT

BALTO. CO Manhole

N 17°09'00" W 169.00'

ESMT 445/321

1050'± to ℄ of North Point Road and of County Rd. 24' Wide pavement (Denton Ave)

#7845 (23) Charles & Sue Darby SFD

Front

#7843 Lawrence & Ruth Schultz SFD

26

30' ht ± (P) lot 23

32

NORTH

PREPARED BY ___

SCALE OF DRAWING: 1" = 30'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # S.E 9-I

ZONING 5.5 Residential

LOT SIZE .41 ACREAGE 17,860 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☑	☐
WATER	☑	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA Firm Zone	☑	☐
100 YEAR FLOOD PLAIN Ag	☑	☐
HISTORIC PROPERTY/ BUILDING	☐	☑

PRIOR ZONING HEARING 8-17-93 Case # CBA-93-114 Permit Granted

ZONING OFFICE USE ONLY

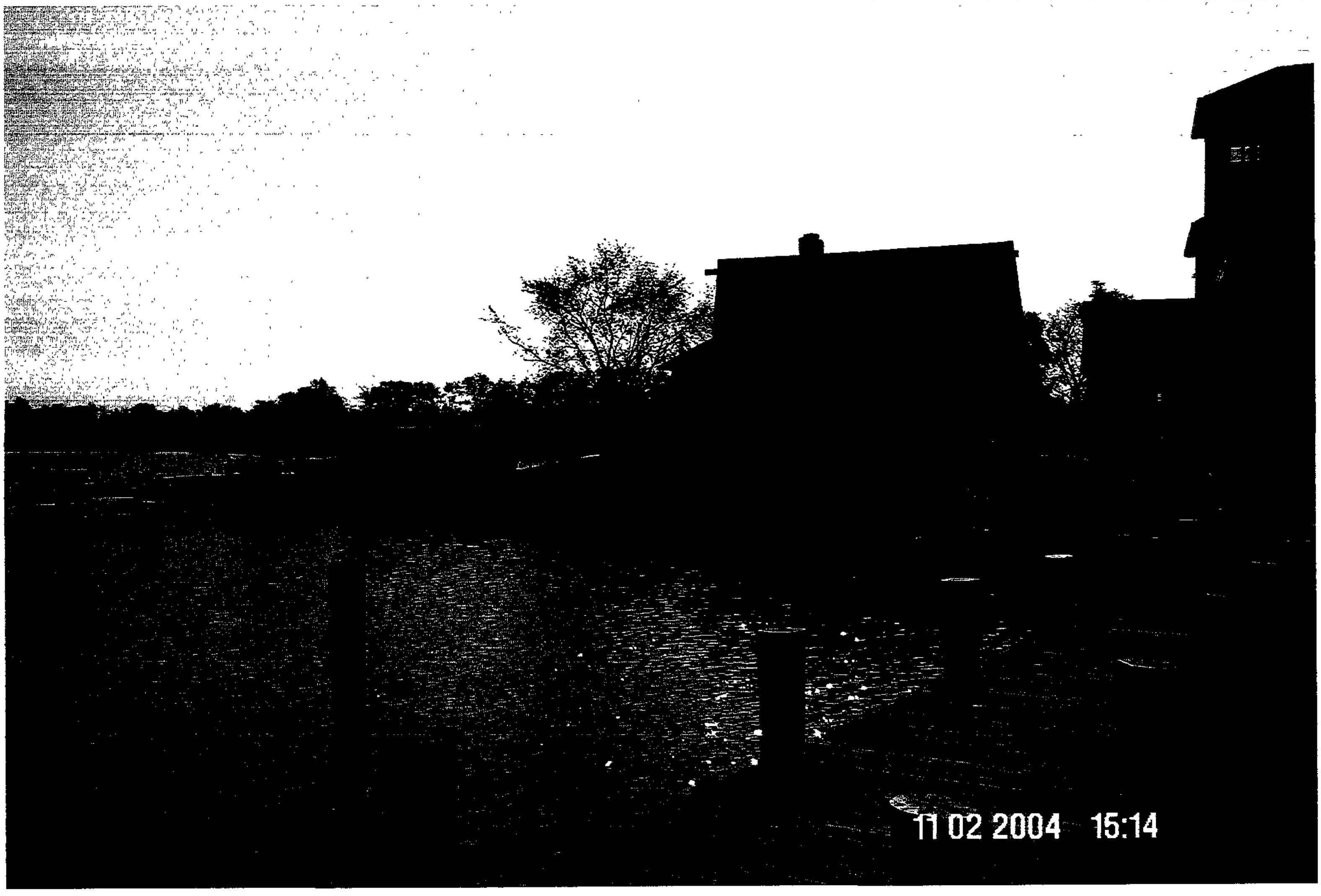
REVIEWED BY JL ITEM # 1 CASE # 04-385-A

Plan to Accompany Photographs

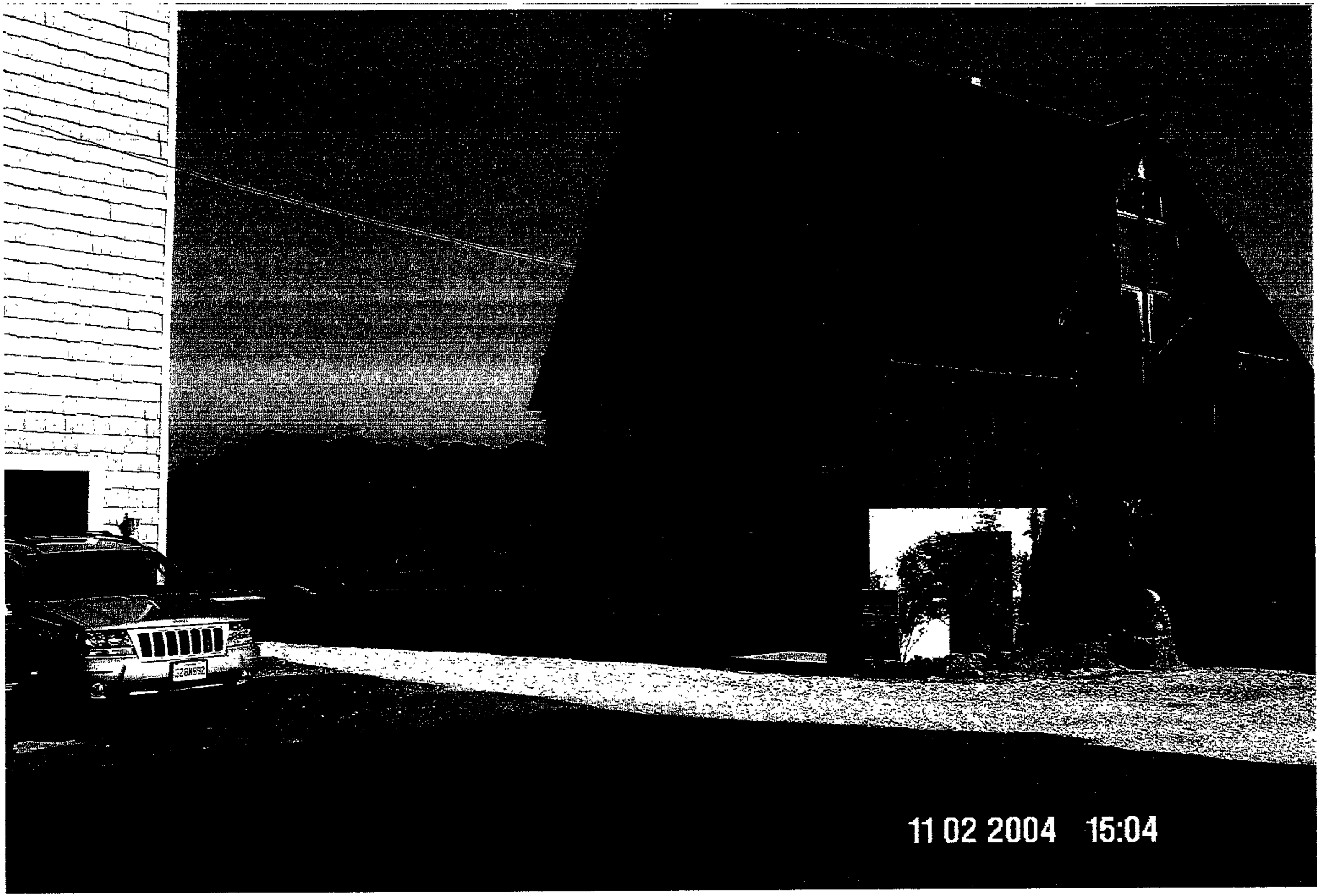
Prot 10 A



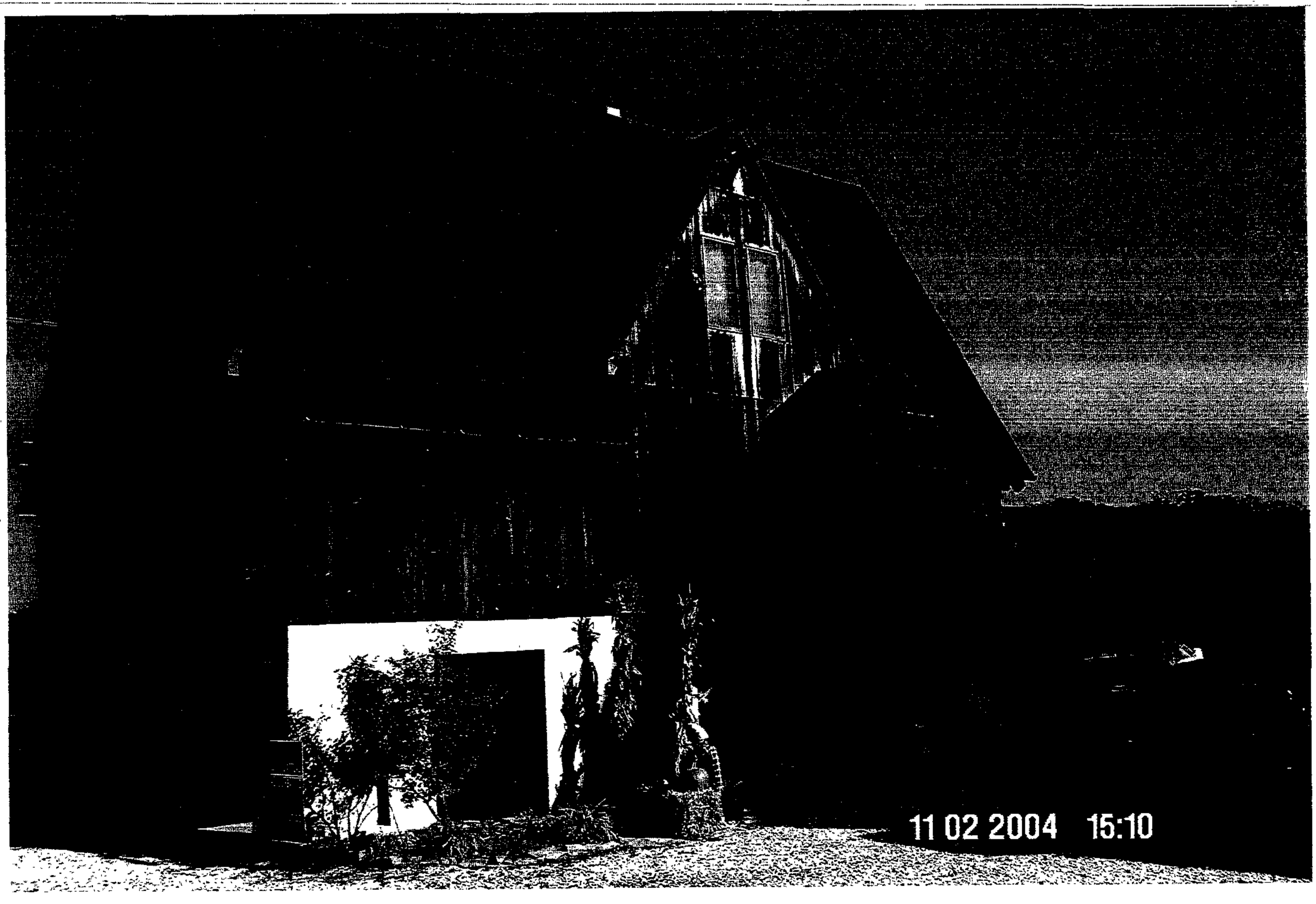
10B

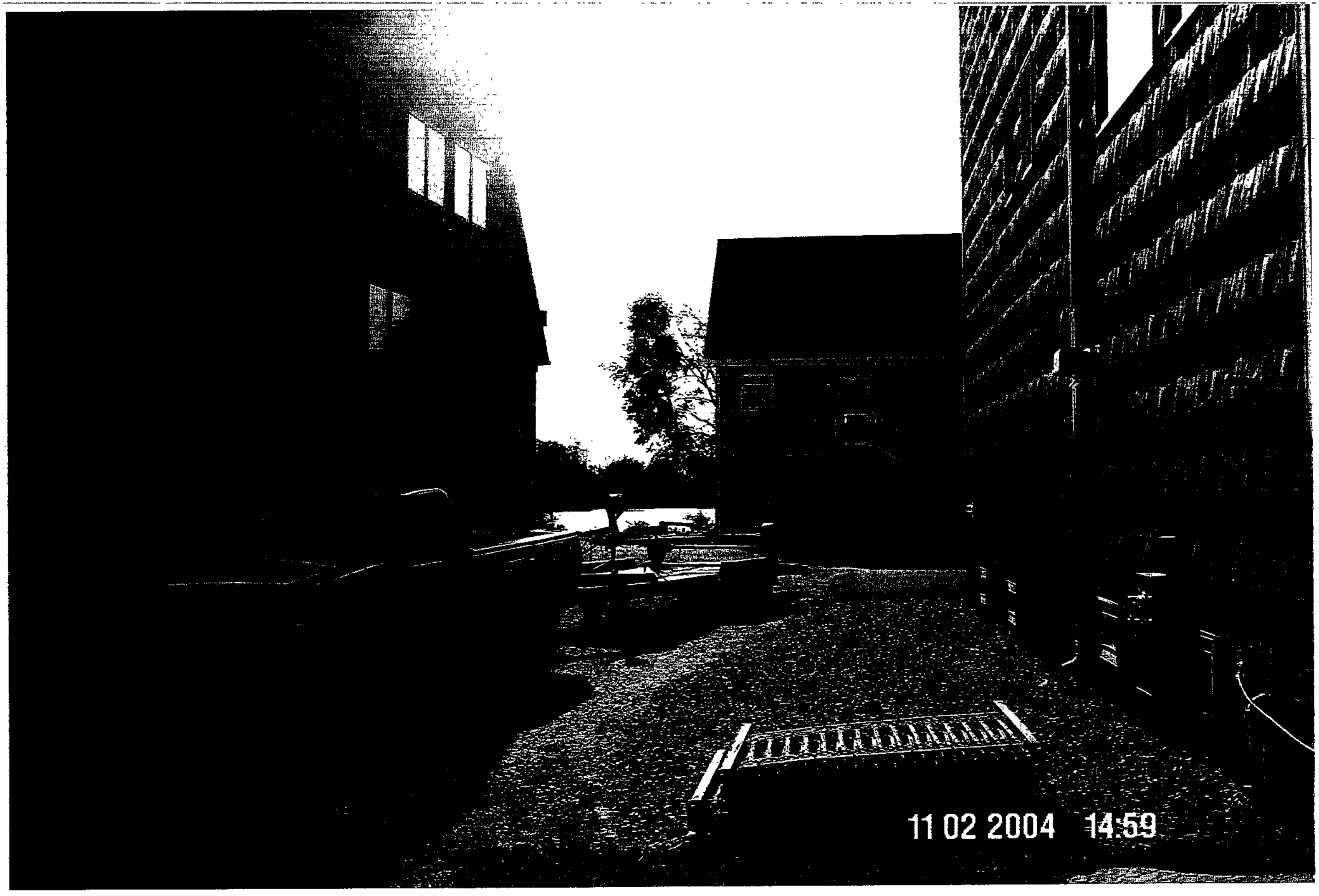


10C



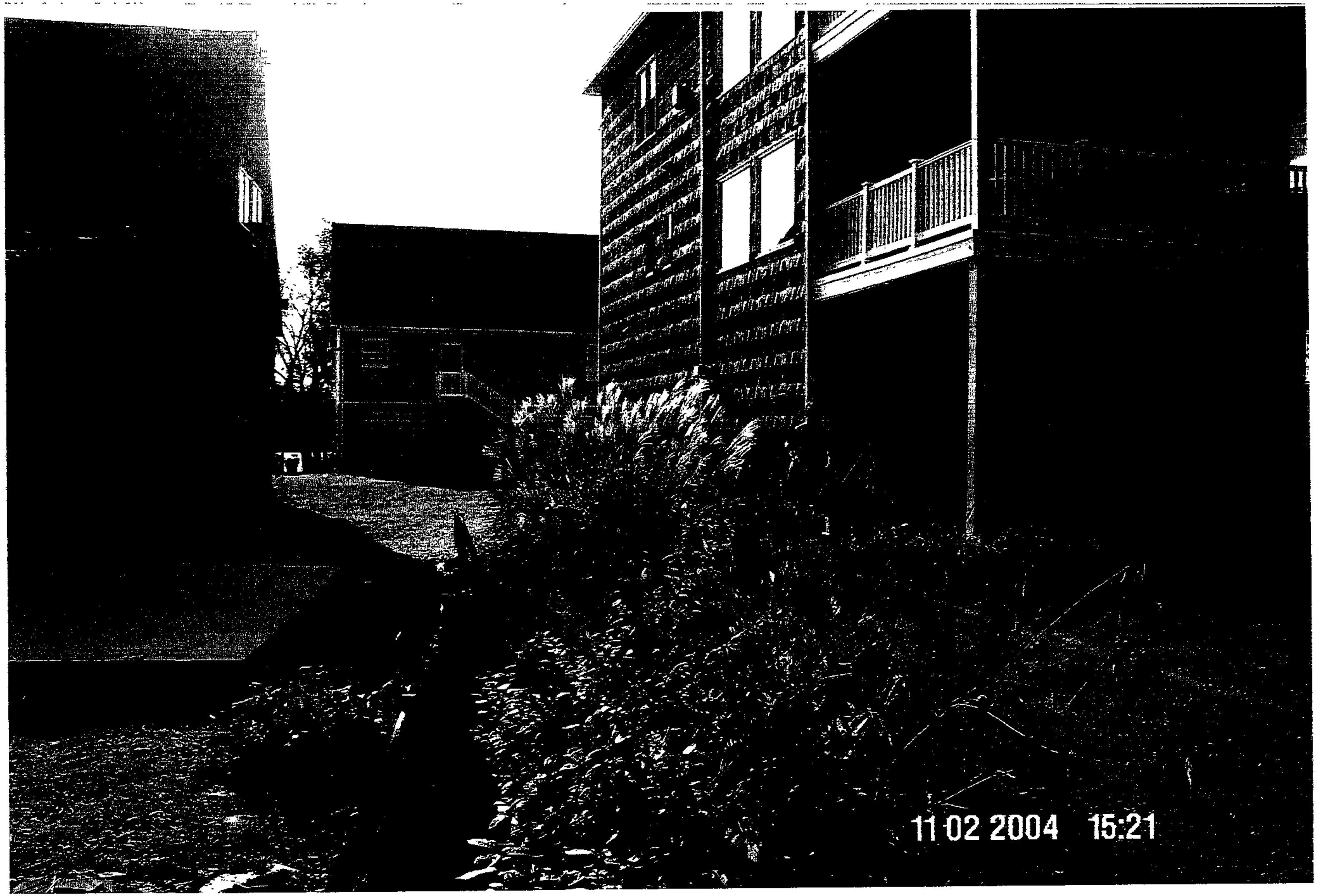
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11 02 2004 15:10


11 02 2004 14:59



10G



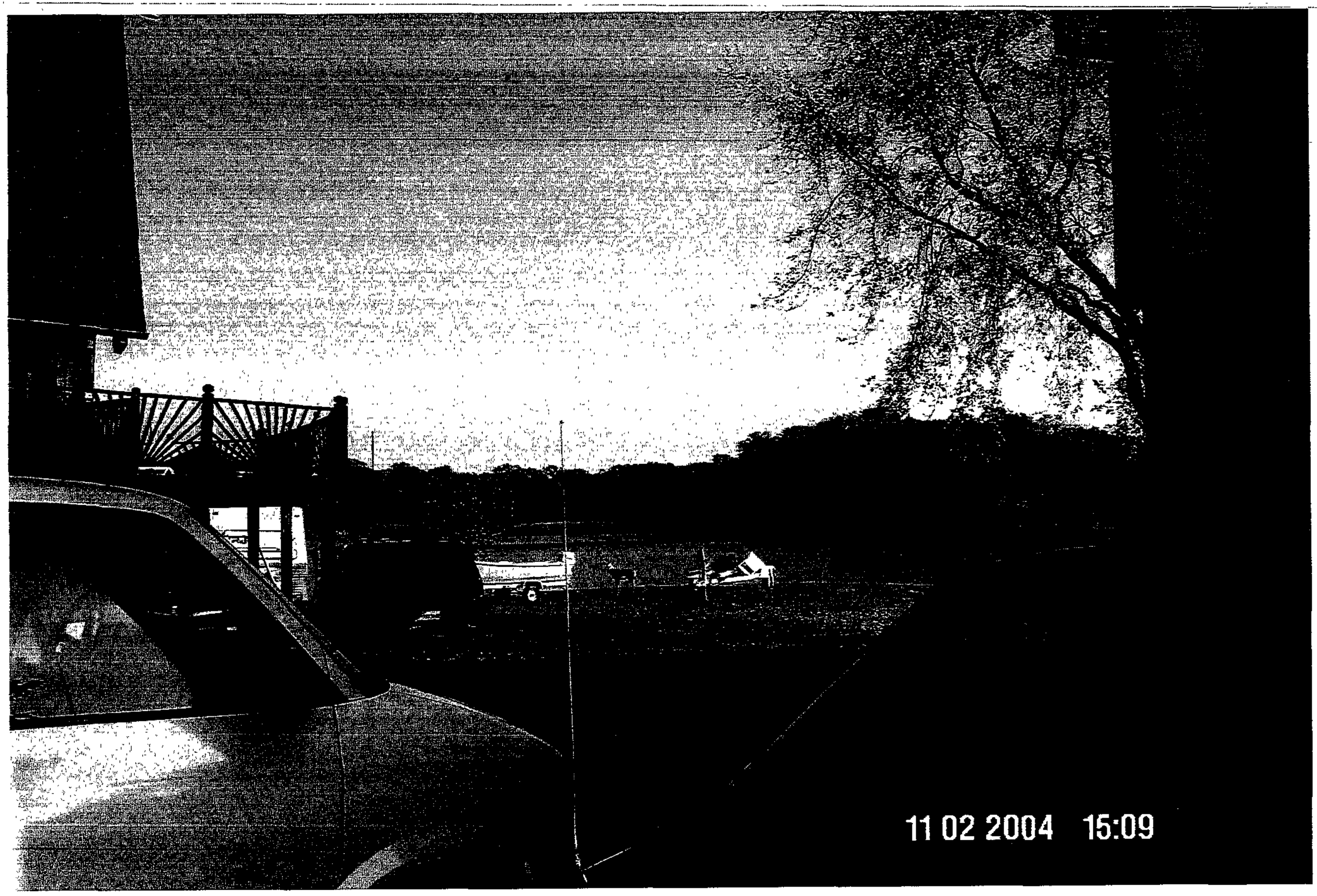
10 H

(A)

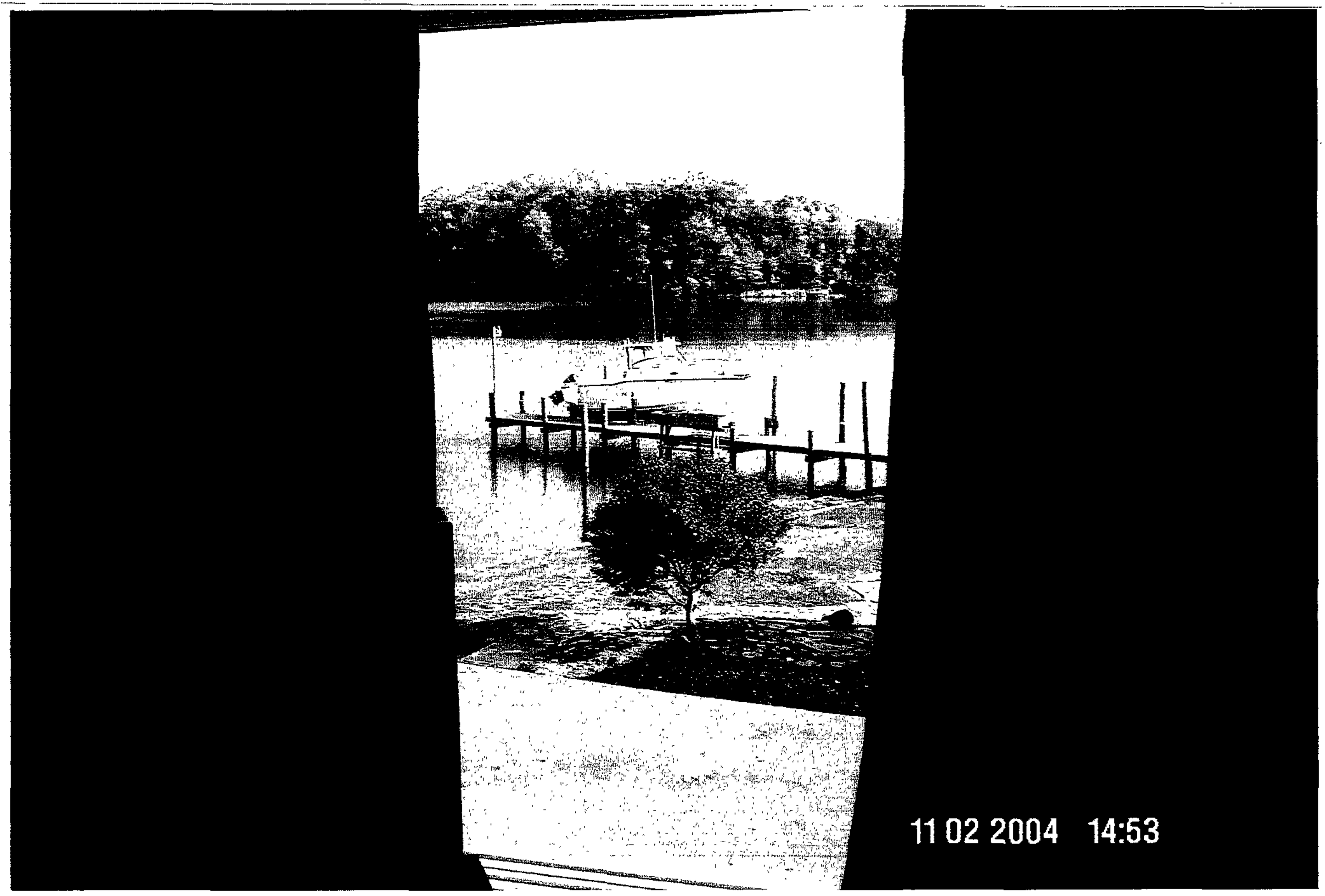


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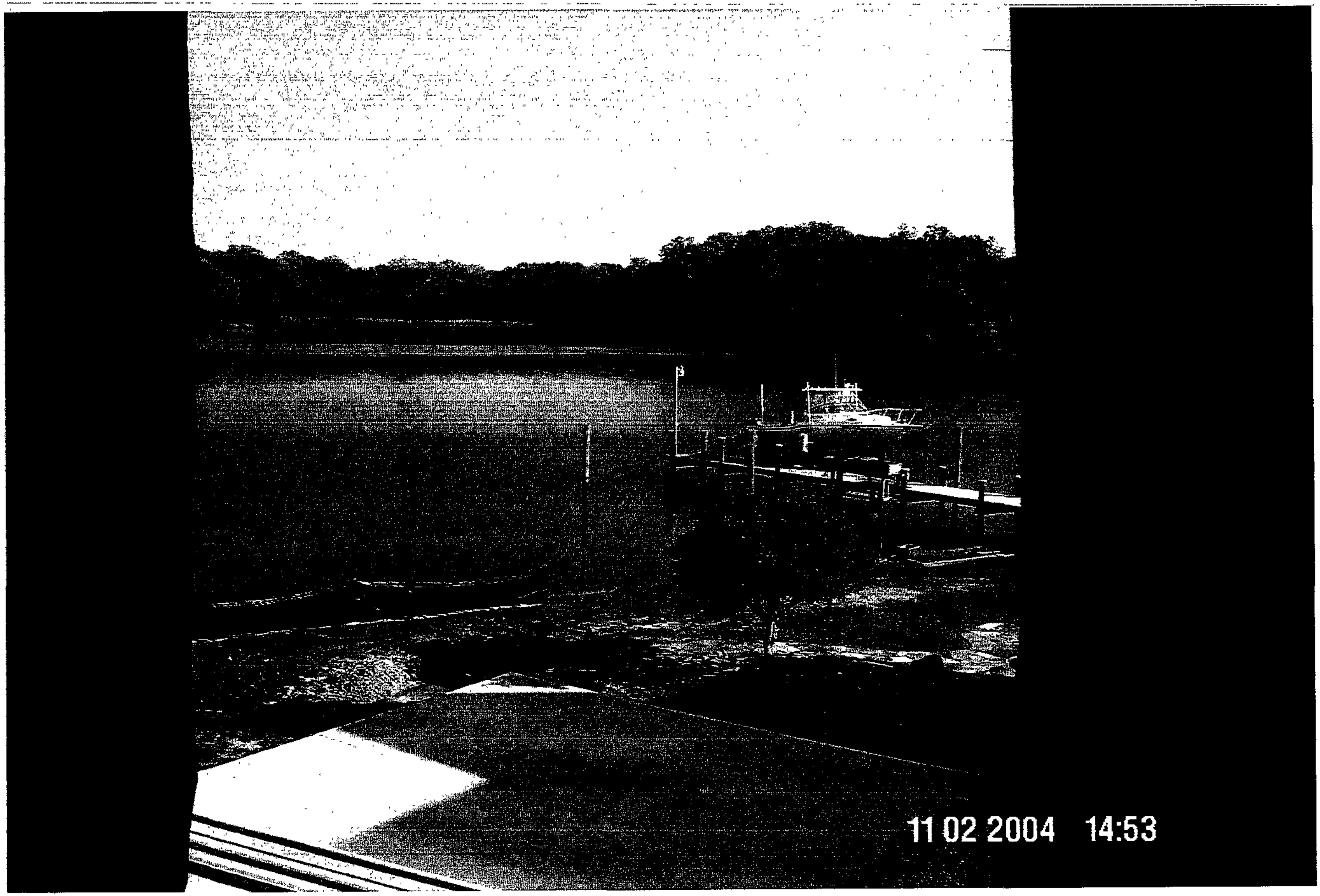
(I)



10 J

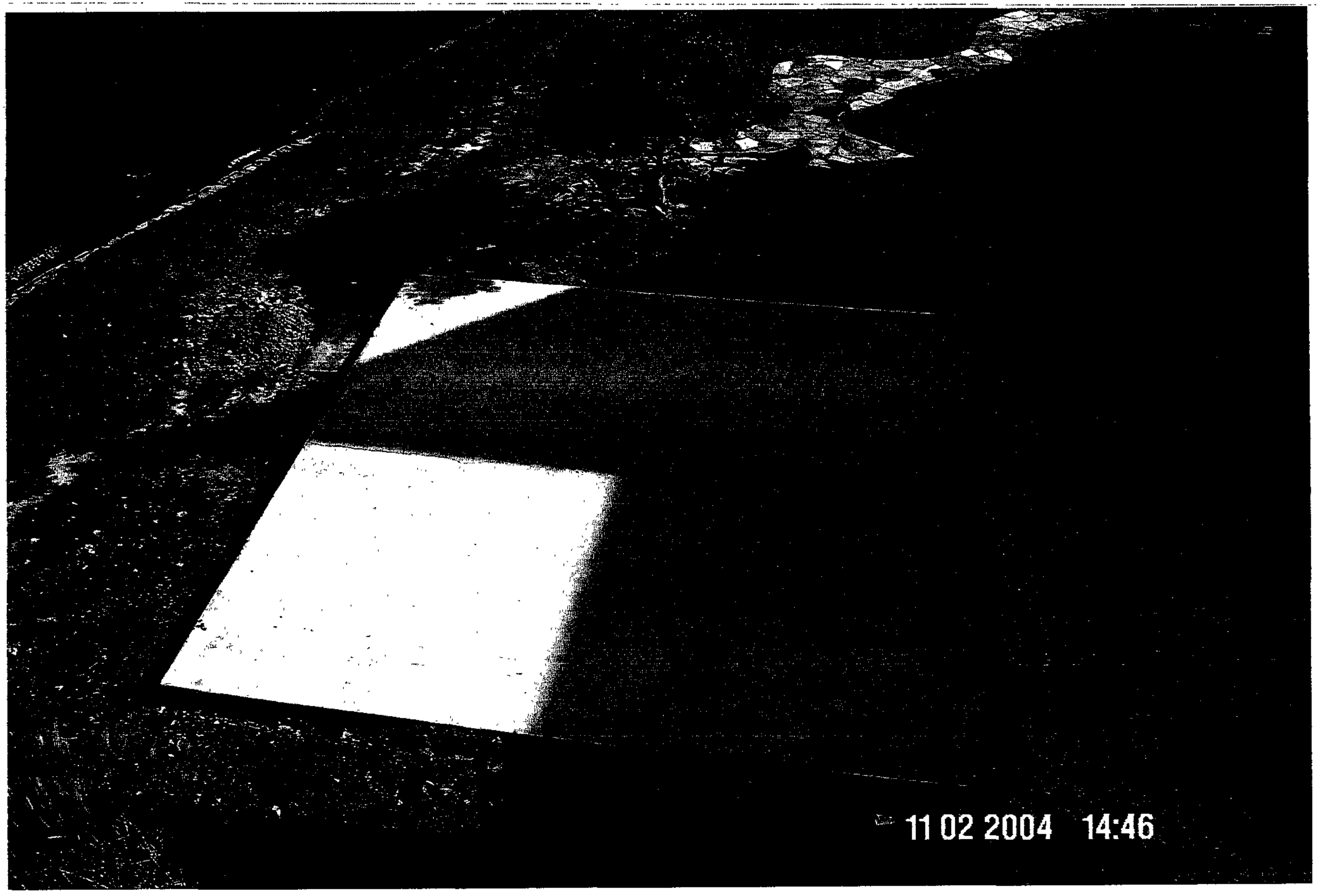

11 02 2004 14:53

(L)



10L

(M)



10m

(3)

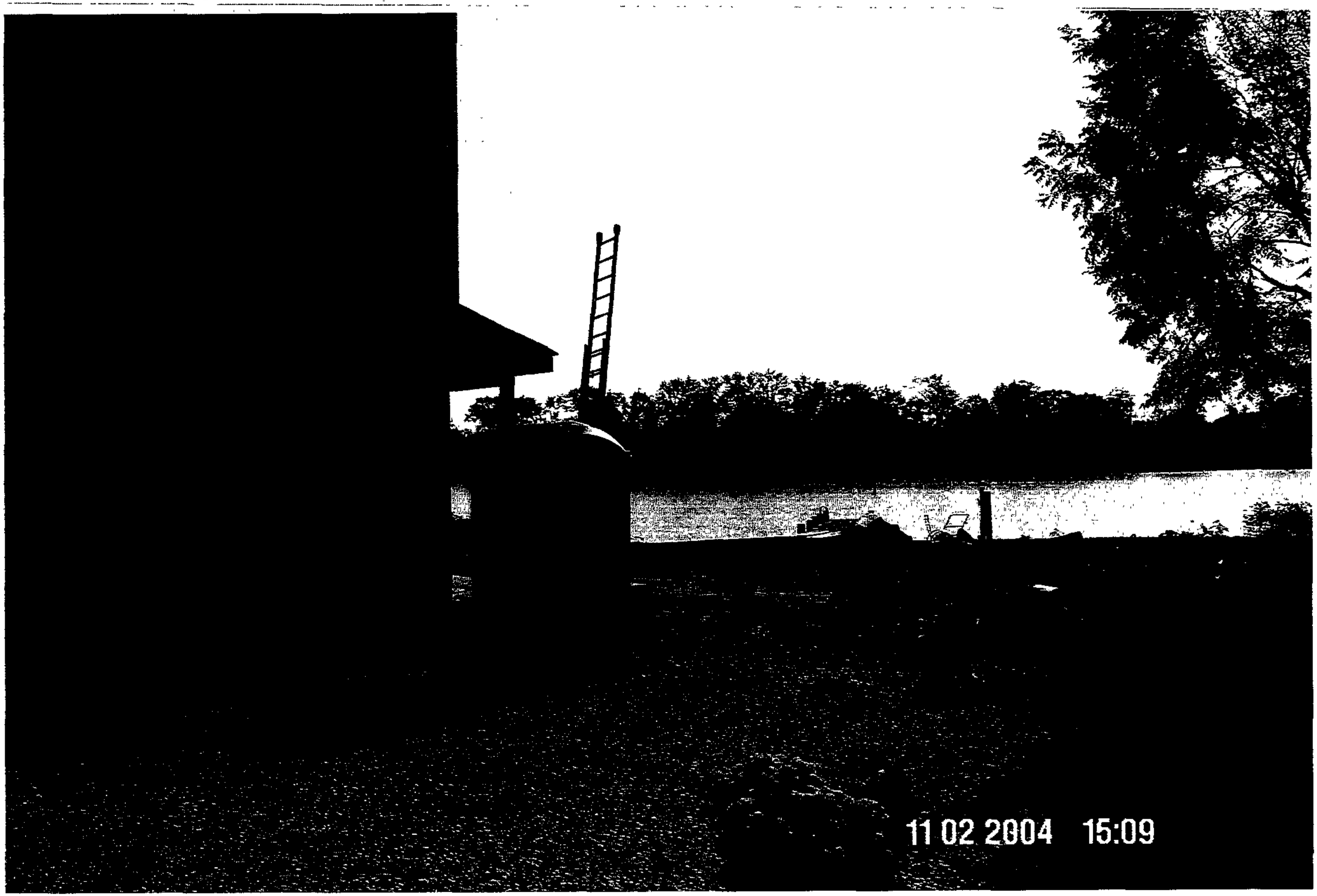


ION



100

(P)



10 P

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

TIMOTHY M. KOTROCO
DIRECTOR

JOHN R. REISINGER
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B571669 CONTROL #: MRFP DIST: 15 PREC: 19
DATE ISSUED: 10/04/2004 TAX ACCOUNT #: 2100007552 CLASS: 34

PLANS: CONST 0 PLOT 0 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 7846 DENTON AVE
SUBDIVISION: OLEARY PLAT

OWNERS INFORMATION
NAME: GASKER MAX
ADDR: 7846 DENTON AVE BALTIMORE MD 21219-2418

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONST DETACHED GARAGE ON EX FOUNDATION, SEE B571668 FOR RAZING DUE TO STORM DAMAGE. PER VARIANCE CASE #04-383-A. APPLICANT PROCEEDED AT OWN RISK PRIOR TO EXPIRATION OF 30 DAY APPEAL 24'X24'X20' 1ST FL GARAGE, 2ND FL-STORAGE, CBCA, FLOOD ZONE A-9, ELEV 5'
BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & DETACHED GARAGE ELEV 5'
EXISTING USE: SFD & EX DETACHED GARAGE FOUNDATION ONLY

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE: GARAGE
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 178595F
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: NC

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

Pet 11

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

ROOF SHEATHING
15# ROOF FELT
1/2" PLYWOOD ROOF SHEATHING

1"x8" RIDGE BOARD

ROOF "C"

12 | 6

ROOF "C"

3'-11"

2"x6" @ 24" O.C.

2"x6" @ 48" O.C. RAFTER TIES

2"x6" @ 48" RAFTER TIES

13'-6"

12 | 24

ROOF "B"

Storage

2"x6" - 24" O.C. RAFTERS

7'-2 1/8"

1"x4" DIAGONAL CORNER BRACING

PROVIDE BLOCKING BEHIND 2"x2" WHEN RAFTERS DO NOT LINE UP WITH FLOOR JOISTS

ROOF "A"

19'-11 1/8"

2"x6" RAFTER PLATE

2"x4"

OVERLAP JOIST

3/4" PLYWOOD SUBFLOOR GLUED & NAILED TO 2"x10" @ 2'-0"

9 1/4"

10"

2"x10" @ 2'-0" O.C.

8" poured concrete wall - Rebar pinned to Footing

8'

Garage

Existing Slab

New Footing

22'-11 1/2"

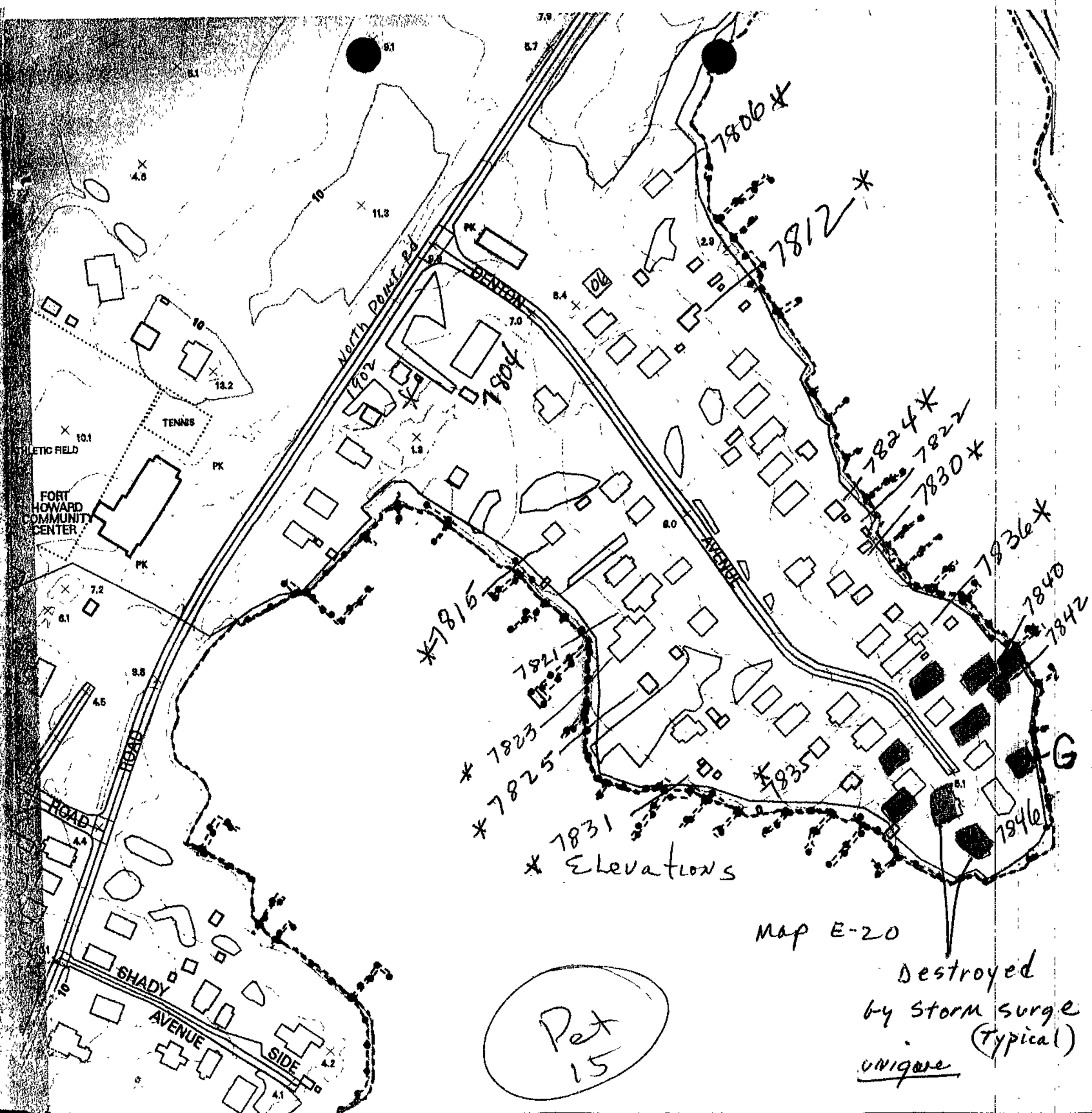
8"

Doug; Proposed garage with 2nd floor storage,

Pet 12



Pat
14



Map E-20

Destroyed by Storm Surge (Typical)

unique

Pet 15

DECLARATION OF LAND RESTRICTION FOR CERTAIN STRUCTURES IN THE FLOODPLAIN

This DECLARATION made this 4th day of October, 2004
by Max A. Gasker
having an address at 7846 Denton Ave
Balto. MD 21219

WITNESSED :

WHEREAS, the Owner is the record owner of all that real property located at 7846 Denton Ave
in the _____th Election District of Baltimore County, designated in the Tax Records as map _____, parcel _____, plat _____, block _____, lot no. _____, and being the same _____, and recorded among the Land Records of Baltimore County, Maryland at Liber 15883 - Folio 728.

WHEREAS, the Owner has applied for a Permit, Conditioned permit, or Variance to place a structure on that property that either (1) does not conform, or (2) may be made noncompliant by later conversion, to the strict elevation requirements of Article XI, Section 517.0 of the Floodplain Management Ordinance of Baltimore County ("Ordinance") and under Permit Number _____ ("Permit").

WHEREAS, the Owner agrees to record this DECLARATION and certifies and declares that the following covenants, conditions and restrictions are placed on the affected property as a condition of granting the Permit, and affects rights and obligations of the Owner and shall be binding on the Owner, his heirs, personal representatives, successors, and assigns.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure or part thereof to which these conditions apply is:
   24'x24'x20' Detached Garage
2. This structure has been allowed without conformance with the elevation requirement of the Ordinance. Conversion to habitable space shall not occur unless the enclosed area below the Flood Protection Elevation (FPE) is brought into full compliance with this Ordinance. At this site, the Flood Protection Elevation (FPE) is _____ feet above mean sea level.
3. Enclosed areas below the Flood Protection Elevation (FPE) shall be used solely for parking of vehicles, limited storage, or access to the building. All interior walls, ceilings and floors below the Flood Protection Elevation (FPE) shall be unfinished or constructed of flood resistant materials. Mechanical, electrical, or plumbing devices shall not be installed below the Flood Protection Elevation (FPE).

Pat 16

B-2

4. The walls of the enclosed areas below the Flood Protection Elevation (FPE) shall be equipped with at least two (2) vents which permit the automatic entry and exit of flood waters with total openings of at least one square inch for every square foot of enclosed area below flood level. The vents shall be on at least two (2) different walls, and the bottoms of the vents shall be no more than one foot (12 inches) above grade.

5. Any alterations or changes from these conditions constitute a violation of the Permit and may render the structure uninsurable or increase the cost for flood insurance. The jurisdiction issuing the Permit and enforcing the Ordinance may take any appropriate legal action to correct any violation.

6. Other conditions: _____

_____

OWNER :

In witness whereof the undersigned set their hands and seals this _____ day of _____, _____.

WITNESS :

_____ _____ (Seal)
Owner

_____ _____ (Seal)
Owner

NOTARY :

STATE OF MARYLAND, County OF Baltimore, TO WIT :

I hereby certify that on this 4th day of October, 2004, Before me the subscriber, a Notary Public of the State aforesaid, personally appeared MAX A. GASKER and _____ known to me, or satisfactorily proven to be the person (s) whose name is subscribed to the foregoing instrument, who acknowledged that he has executed it for the purposes therein set forth, and that it is his act and deed.

In witness whereof, I have set my hand and Notarial Seal, the day and year first written above.

_____

My Commission expires on June 1, 2007

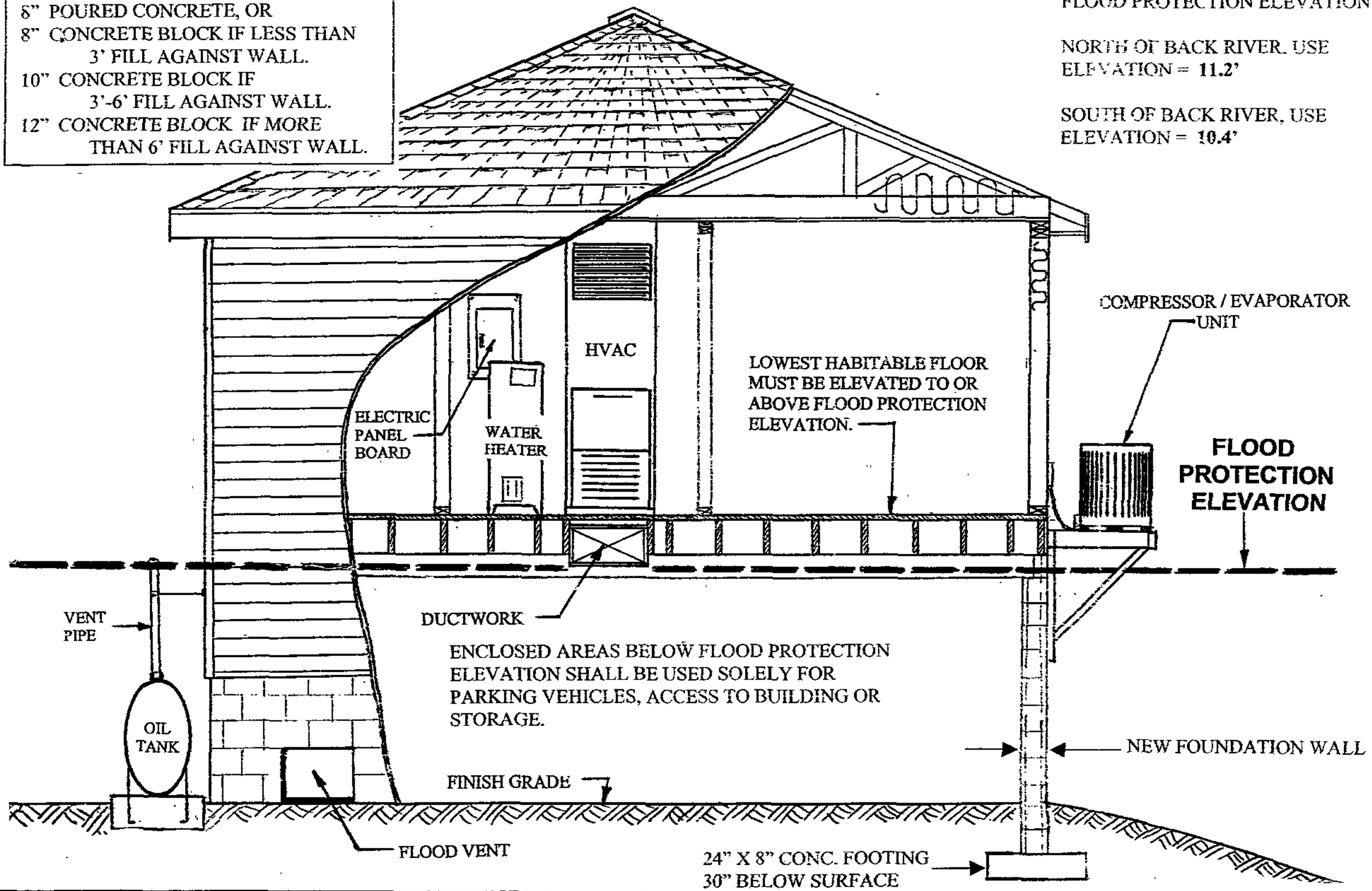
Pet 17

NEW FOUNDATION WALL
8" POURED CONCRETE, OR
8" CONCRETE BLOCK IF LESS THAN 3' FILL AGAINST WALL.
10" CONCRETE BLOCK IF 3'-6' FILL AGAINST WALL.
12" CONCRETE BLOCK IF MORE THAN 6' FILL AGAINST WALL.

FLOOD PROTECTION ELEVATION:

NORTH OF BACK RIVER, USE ELEVATION = **11.2'**

SOUTH OF BACK RIVER, USE ELEVATION = **10.4'**

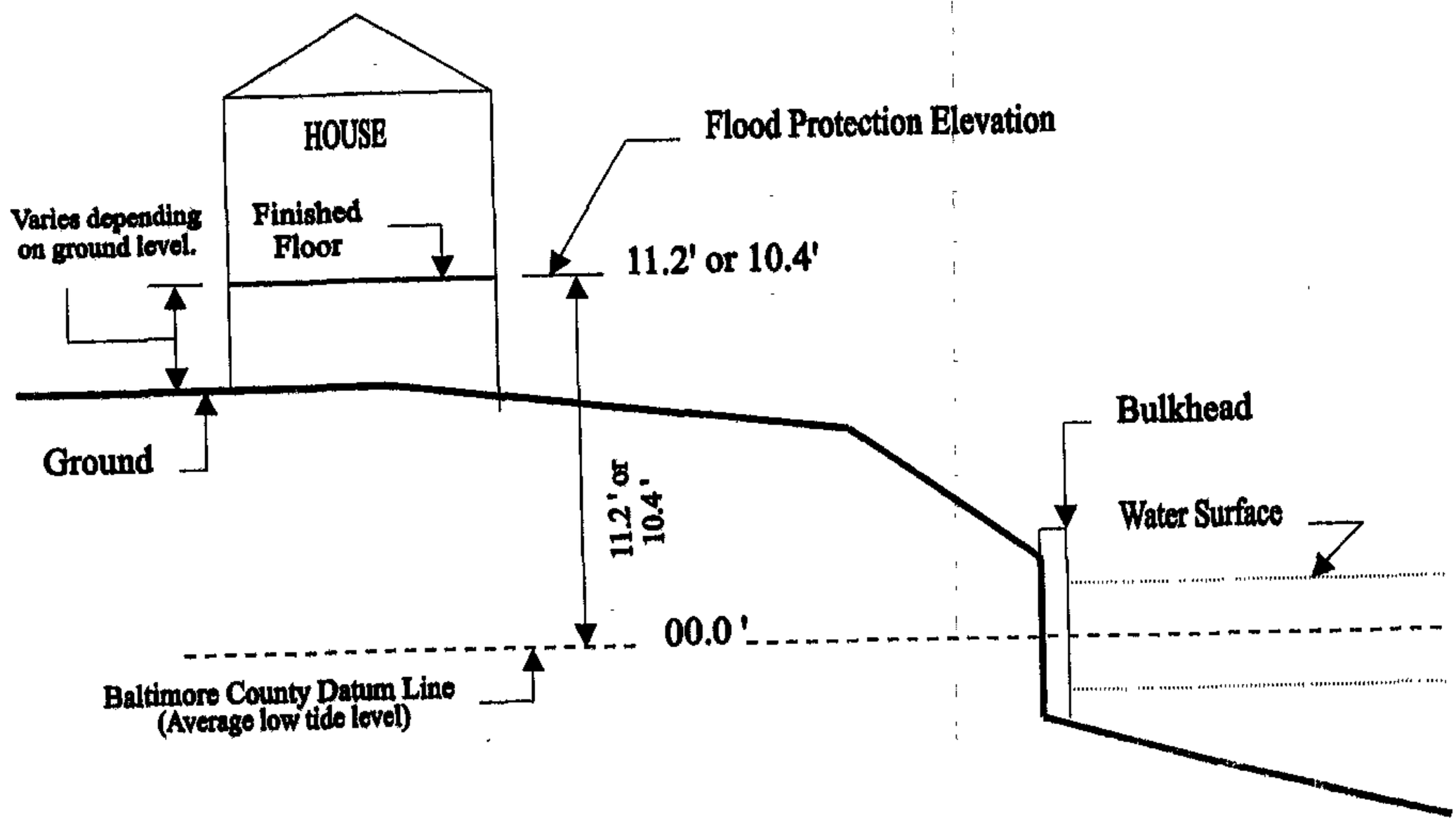


TYPICAL HOME CONSTRUCTION IN FLOOD HAZARD AREAS

Drawn by: JAV
Checked by: JRR
Date : 11-13-03

Flood Protection Elevation

"Flood protection elevation is the height of the flood, usually in feet, in relation to the Balto. Co. Datum."



SITE RITE SURVEYING, INC.
200 East Joppa Road, Suite 101
Towson Maryland 21286
(410) 828-9060

Pet 20

February 8, 2005

Mr. Max Gasker
7846 Denton Avenue
Baltimore MD 21219

Re: Elevation for Hearing
#7845 and #7846 Denton Avenue

Dear Max:

This is to certify that this firm ran field elevations on the points shown on the enclosed print from KCW Engineering dated January 31, 2005 as Page 2 of a series of faxes from Douglas Kennedy.

The points that were run were based on a benchmark #3 elevation of 3:66 as furnished by KCW. This firm ran through all of the previous points as a comparison to KCW as listed below:

POINT	KCW	SRS, INC.	DIFFERENCE
#1	5.10	5.09	0.01
#2	4.97	4.88	0.09
#3	3.66	3.66	---
#4	3.79	3.75	0.04
#6	Did Not Run	4.43	
#7	"	4.25	
#8	"	3.04	
#9	"	2.95	

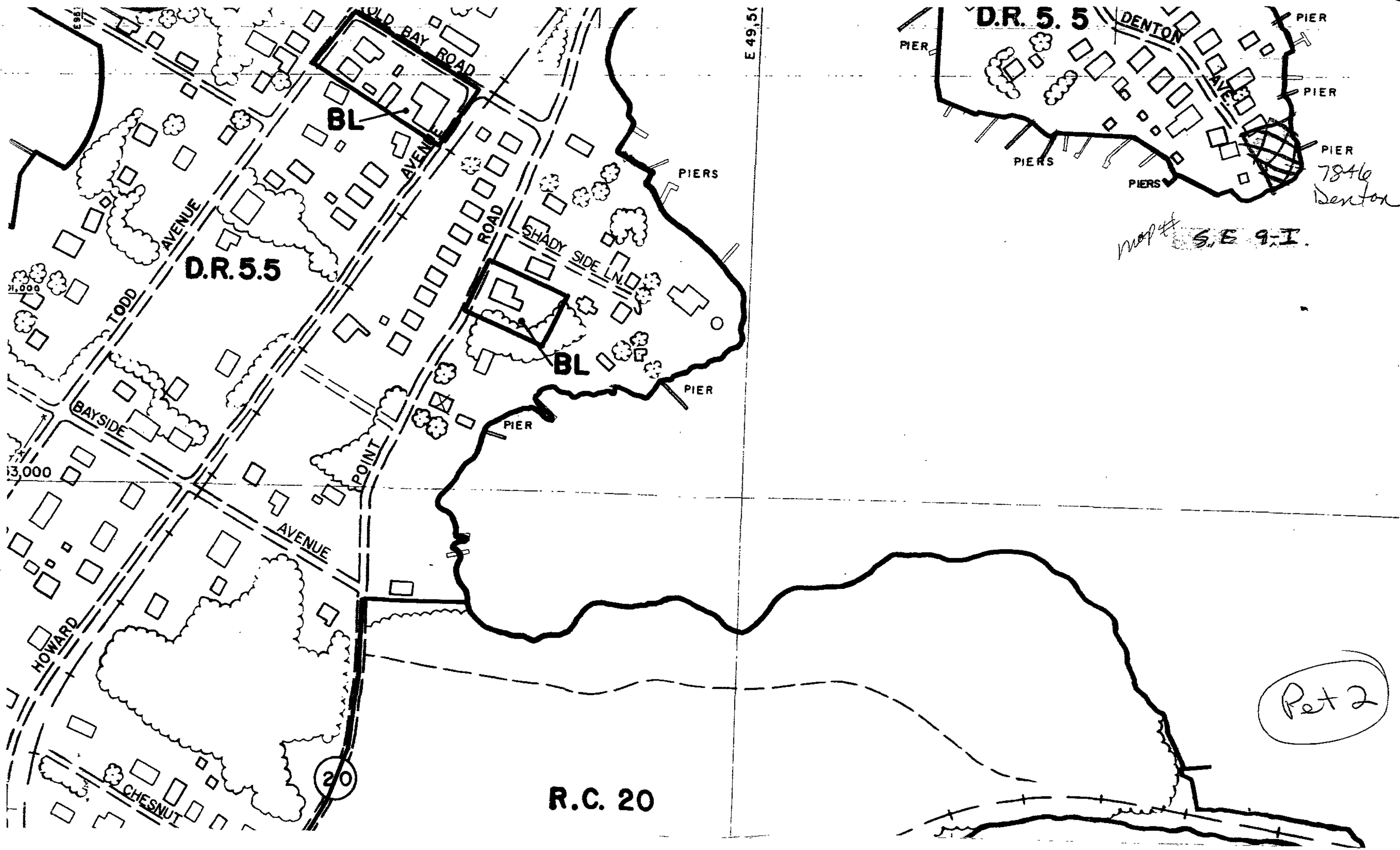
The differences of Points #1, #2 and #4 were due to the locations of the points hit by KCW and where this firm believed they were located by KCW. The differences are insignificant.

If you need further assistance in this matter, please give us a call, Monday through Friday, 7:00 am to 4:00 pm.

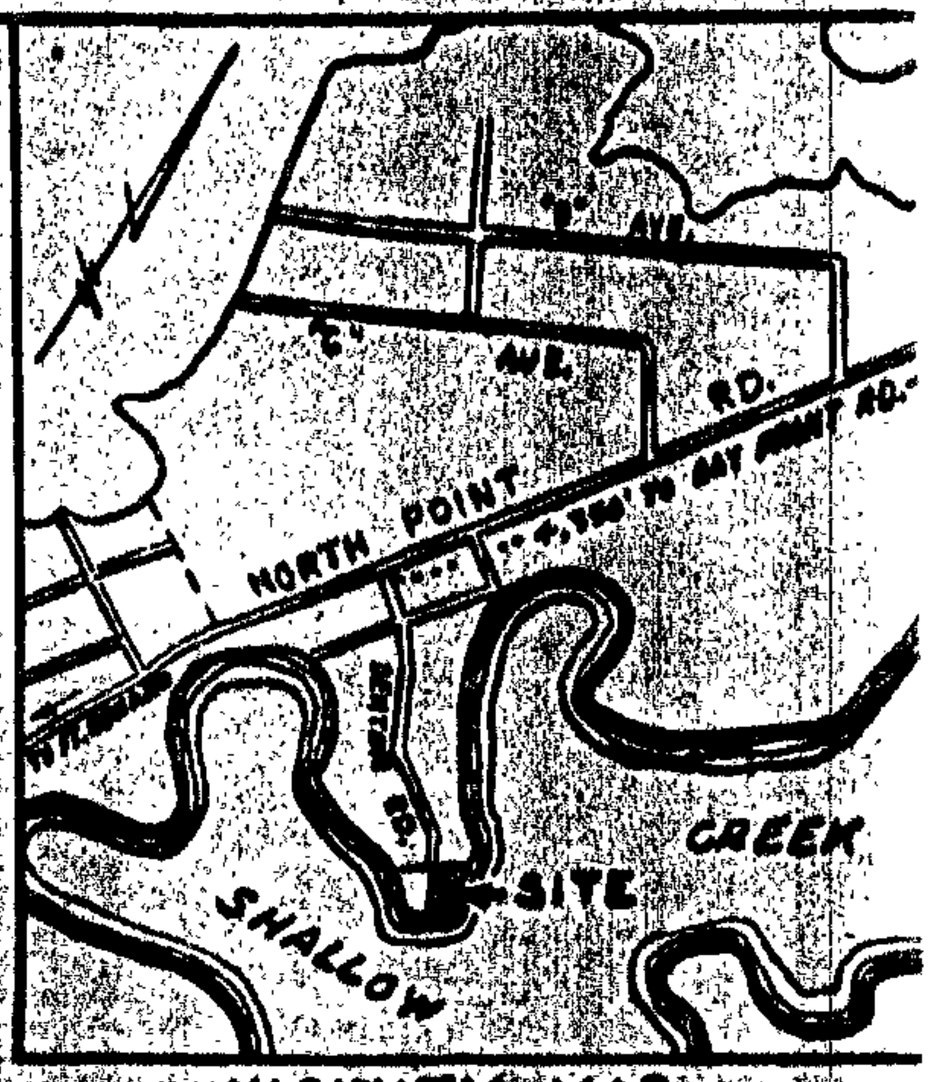
Sincerely,

Vincent J. Moskunas

Vincent J. Moskunas
President


OLD BAY ROAD
BL
AVENUE
PIERS
ROAD
SHADY SIDE LN.
D.R.5.5
TODD
AVENUE
BL
PIER
PIER
BAYSIDE
AVENUE
HOWARD
CHESNUT
20
R.C. 20
D.R. 5. 5
DENTON
AVE.
PIER
PIER
PIER
PIERS
PIERS
PIER
7846
Denton
map # S.E 9-I.
Pet 2

STATE OF MARYLAND
No. 8111
REGISTERED
LAND SURVEYOR



VICINITY MAP
SCALE 1"=1200'

DENTON AVENUE
(50' R/W)

S 12°
W 150.00'

S 54°30'E
146.02'

POINT OF BEGINNING
LOT 24B

EX. DWLG

12' MAINTENANCE ACCESS & UTILITY EASEMENT

EXISTING 1 STY. FR. DWLG. FF=9.6

EXISTING 1 STY. FR. DWLG. FF=9.6

LOT 24A
17,829 sq.ft.
= .7664

LOT 24B
17,863 sq.ft.
= .7640

LOT 23

LOT 24

10' UTILITY EASMT & SANITARY SEWER

4548/564

SHALLOW CREEK

258'±

No clearing, grading or construction shall be permitted within the limits of the 100 year flood plain without approval from Baltimore County, Maryland.

DEVELOPMENT ENGINEERING INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

PLAT TO ACCOMPANY DESCRIPTION
NO 7844 & NO 7846 DENTON AVENUE
LOT 24 W.P.C. NO. 7, FOLIO 140
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE 1"=50'

DATE: MAY 31, 1988

SCALE: 1"=50'

Creek

NORTH

POINT

20

10

10

10

2

2

8

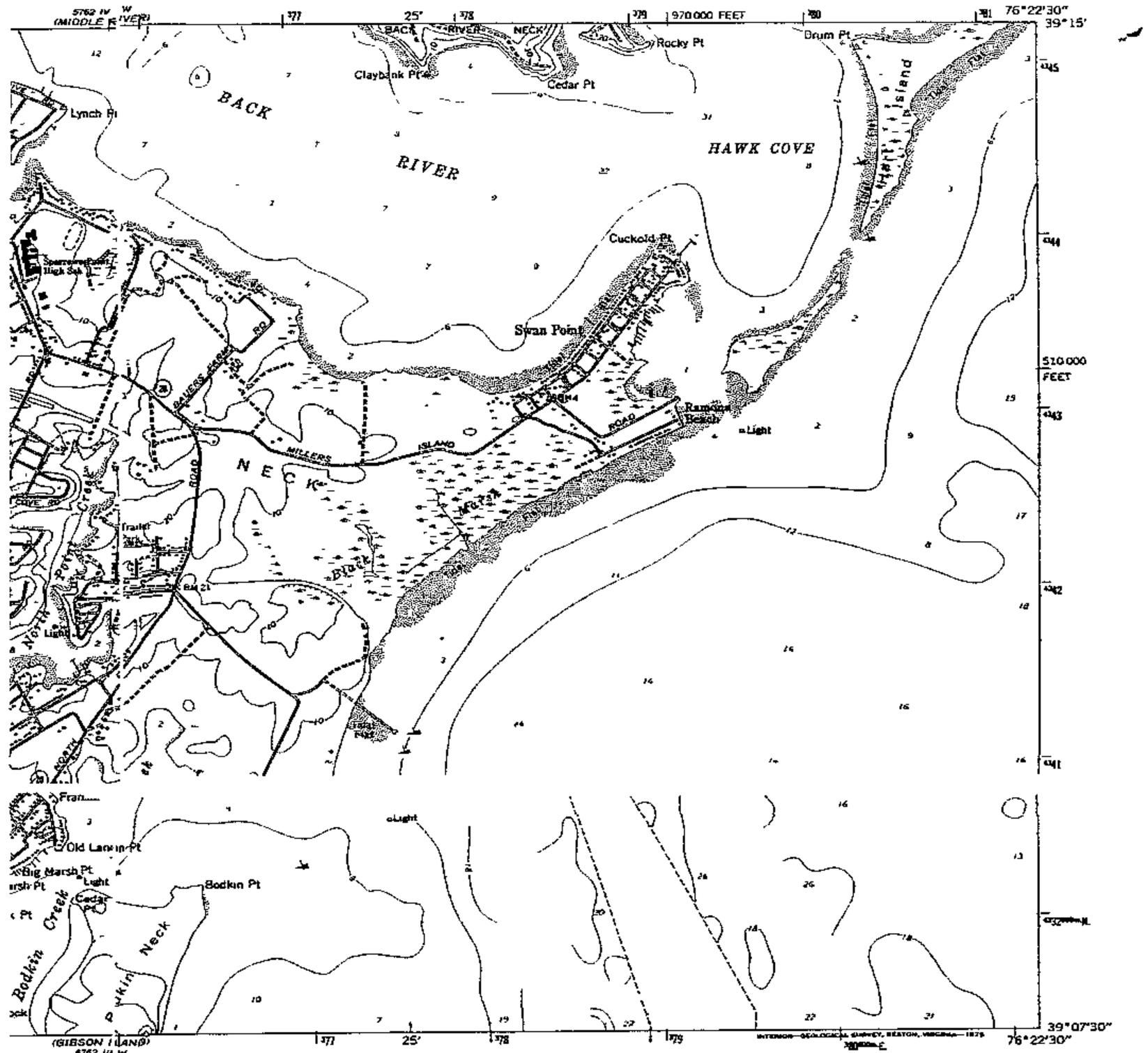
Swan Point
Ramona Beach
Light
MILLERS ISLAND
ROAD
BAUERS FARM RD
St Lukes Sch
N. COVE RD
Trailer Park
Pumping Sta
N. PT. CREEK
BAY FRONT
IROQUOIS AVE
LODGE RD
FOREST FARM ROAD
Point Creek
BM 21
BM4
Black Marsh
Tidal Flat
North Light
NORTH POINT
Shallow Creek
Tidal Flat
Light
ROAD BAY
Fort Howard
BM 6
Res
WT
Fort Howard Veterans Hospital
Light
Howard
North Pt
△Howard
NECK

100% photocopy
of Denton Record
area

Plot #11C

50% photo copy of upper and lower right corner of map

SPARROWS POINT QUADRANGLE
MARYLAND
7 5 MINUTE SERIES (TOPOGRAPHIC)



SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER
REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT

PLIES WITH NATIONAL MAP ACCURACY STANDARDS
SALE BY U.S. GEOLOGICAL SURVEY
ORADO 80225, O RESTON, VIRGINIA 22092
OGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

SPARROWS POINT, MD.

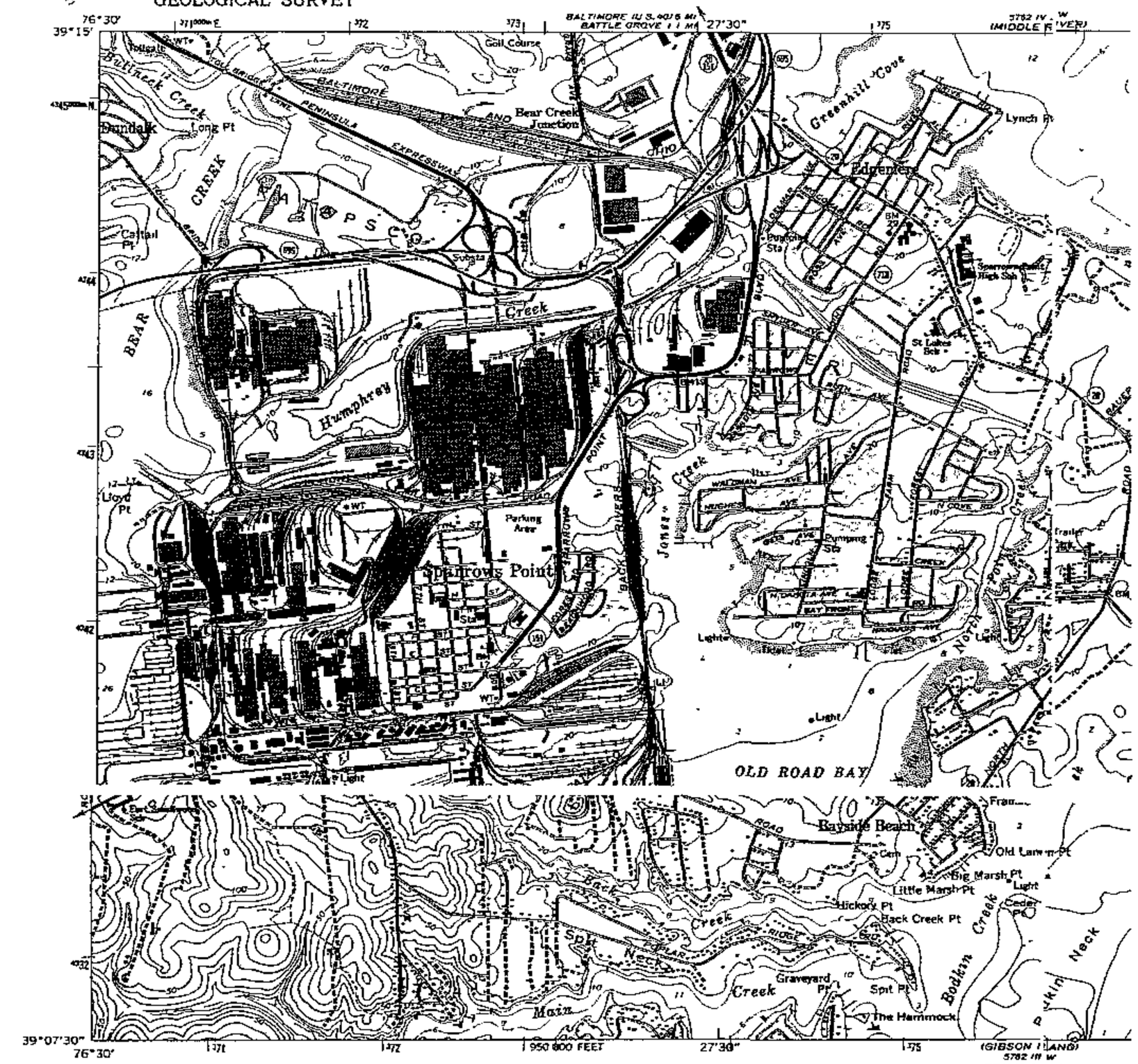
N3907 5—W7622 5/7 5

1969
PHOTOREVISED 1974
AMS 5762 III NW—SERIES V833

Prot. # MD

SEAB I SE
ALTIMORE EAST)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY


76°30'
39°15'
BALTIMORE (U.S.-NOS) 5
BATTLE GROVE 1 I MI
27'30"
(MIDDLE RIVER)
Golf Course
Bullneck Creek
Dundalk
Long Pt
BALTIMORE
AND
POINT
EXPRESSWAY
Bear Creek
Junction
OHIO
Greenhill Cove
Lynch Pt
Edgemere
Sta
Sta
Sta

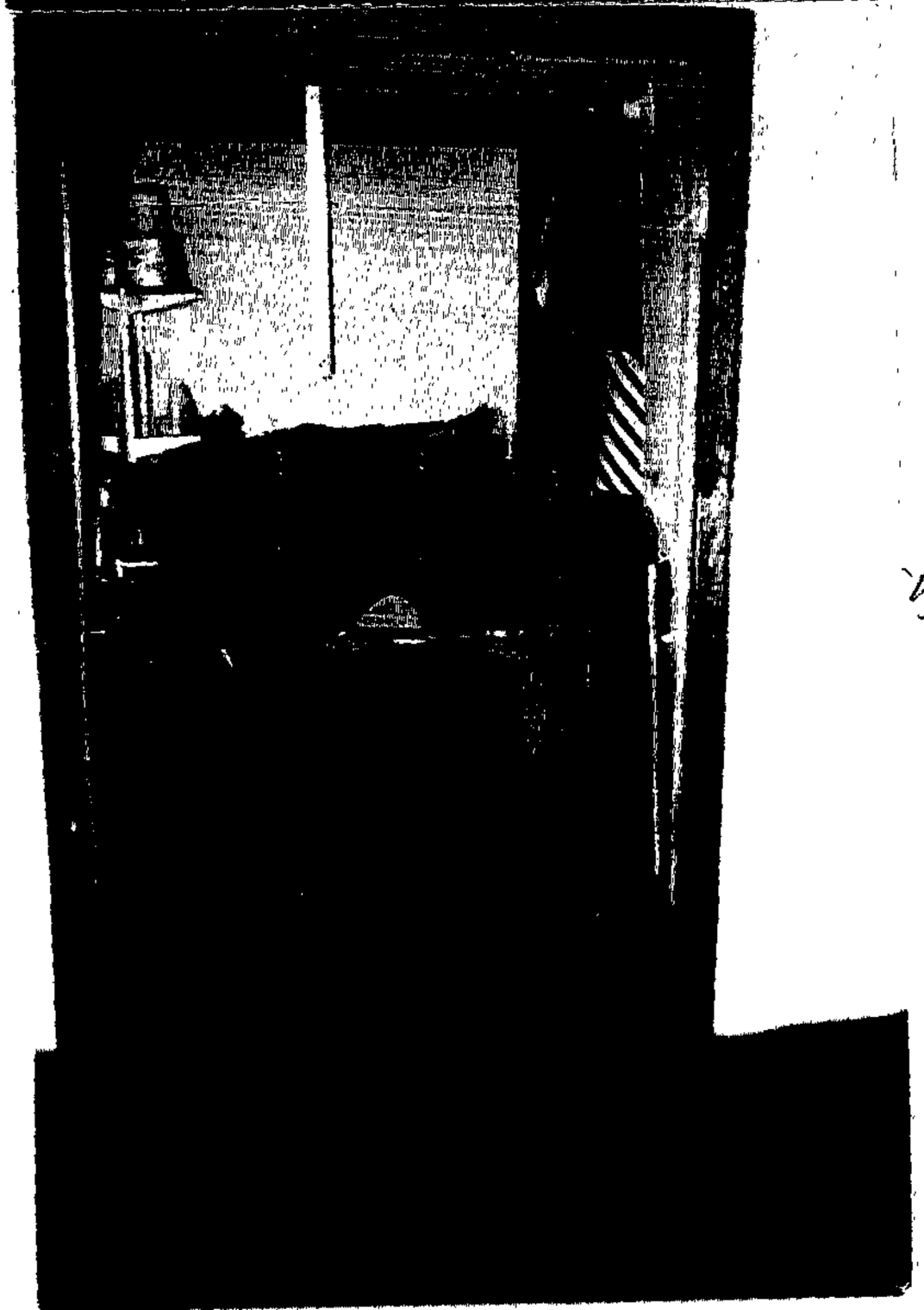


CBA
18A

5E



5G CBA
18C



5F



CBA
18B

5H

Pet #5

Case # 04-383-A

Pet #5



5A

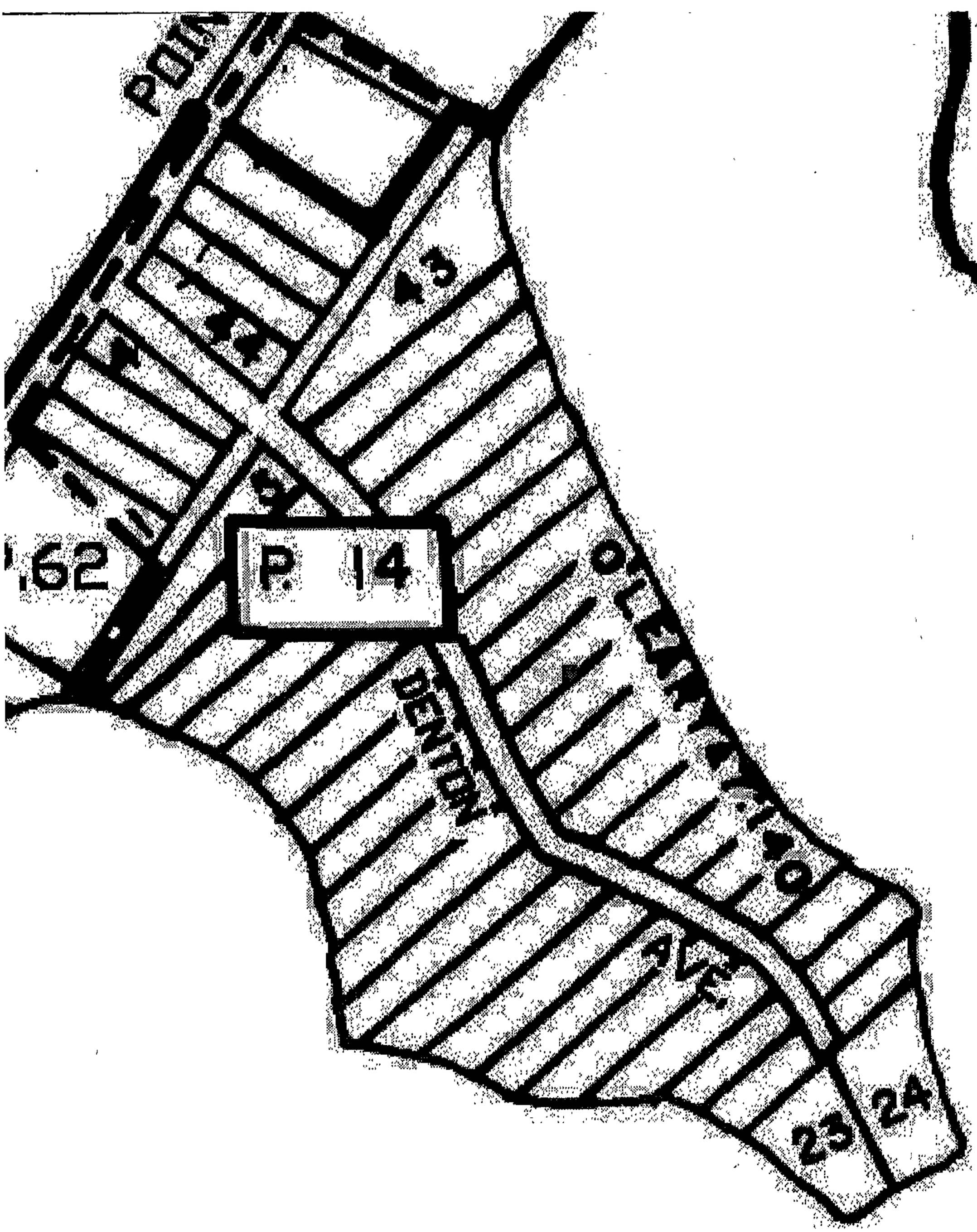
5B



5C



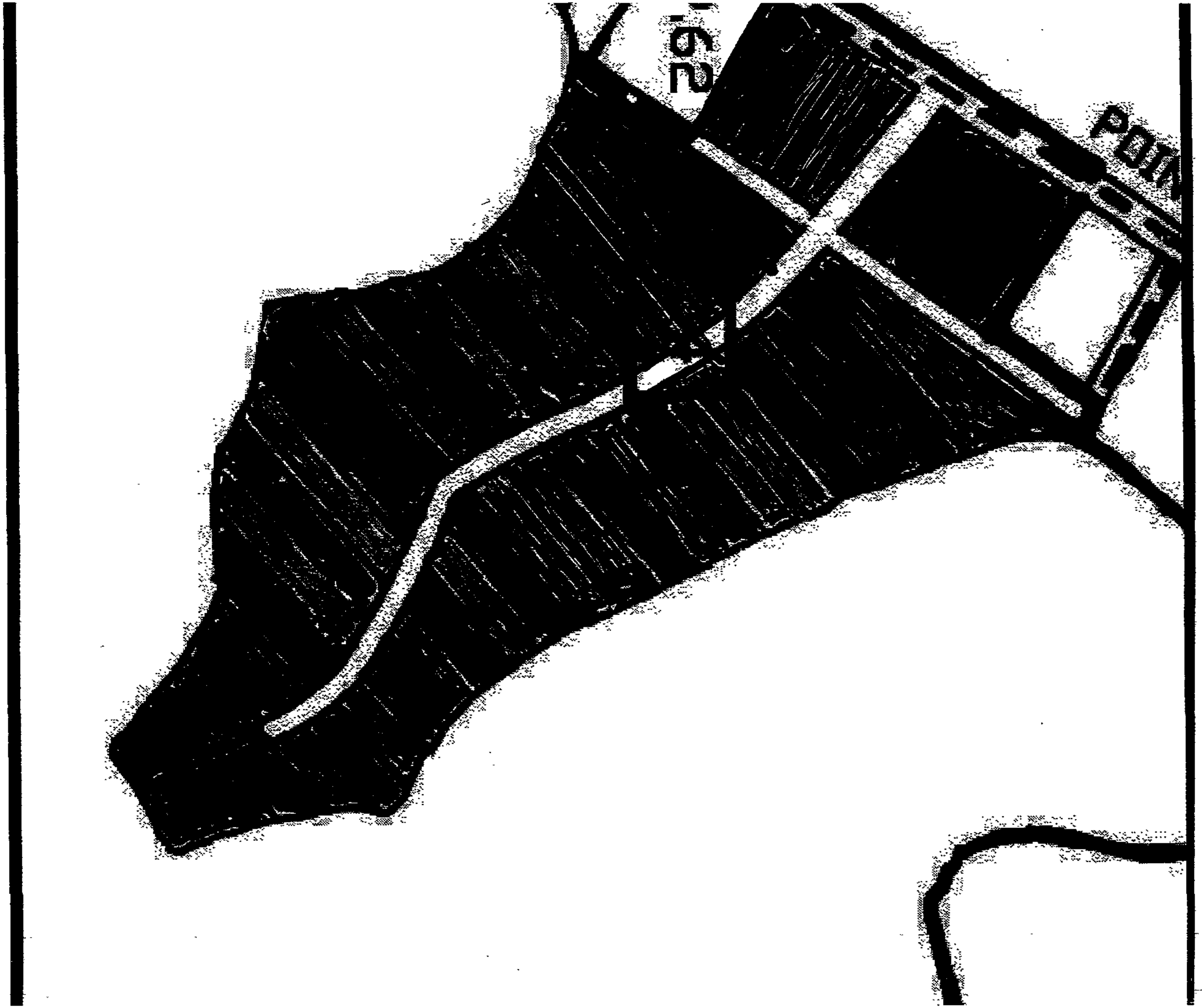
5D



Lots Part 6

54 pages

Ave Subdivision


PEAK

[redacted]

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

Page 1 of 1

Name	Account	Street		OWN	OCC	Town	Parcel	Lot
MCNULTY GEORGE M	15 1503001420	9104 NORTH POINT RD	9,774	N		000	14	1
COOK ELVA M	15 1700002005	9100 NORTH POINT RD	27,000	H		000	14	2 3 4
KIMOS JAMES G	15 2200006166	7809 DENTON AVE	25,614	H		000	14	5 6
TAYLOR LEONARD	15 1502650160	NORTH POINT RD		N		000	14	7
TAYLOR LEONARD	15 1502650210	DENTON AVE	22,900	N		000	14	8
GRACE JOHN W	15 1508651400	7815 DENTON AVE	10,700	N		000	14	9
PYLES ROY FJR	15 1516950040	7817 DENTON AVE	9,650	H		000	14	10
SPANGLER RUSSELL	15 1520300830	7819 DENTON AVE	9,894	N		000	14	11
SPANGLER RUSSELL L	15 1519641040	7821 DENTON AVE	10,296	H		000	14	12
CARTER MADELINE	15 1503001001	7823 DENTON AVE	11,628	N		000	14	13
CARTER MADELINE	15 1503001000	7825 DENTON AVE	15,840	N		000	14	14
SPEECE ROSE ANN	15 1519640530	7829 DENTON AVE	30,629	H		000	14	15 16
GIETKA WALTER G	15 1503770170	7831 DENTON AVE	17,225	H		000	14	17
BURMEISTER GORDON	15 1512590290	7833 DENTON AVE	17,316	H		000	14	18
LOWERY JOAN J	15 1512591180	7835 DENTON RD	11,760	N		000	14	19
DAWSON HARRY O	15 1504000610	7837 DENTON AVE	9,424	H		000	14	20
HAFFER SAMUEL C	15 1507151140	7839 DENTON AVE	6,273	H		000	14	21
TOLAND RICHARD J	15 1526800000	7841 DENTON AVE	6,350	H		000	14	22
DARBY CHARLES A	15 1504002690	7845 DENTON AVE	11,220	N		000	14	23
SCHULTZ LAWRENCE A	15 1600000220	7843 DENTON AVE	8,316	H		000	14	23
GASKER MAX ANTHONY	15 2100007552	7846 DENTON AVE	17,859	H		000	14	24
HUTCHINS GROVER M	15 2100007551	7844 DENTON AVE	6,827	N		000	14	24
POLLOCK RICHARD C	15 1508000590	7842 DENTON AVE	8,060	H		000	14	25
ASHWELL ALLEN LEIG	15 1513200950	7840 DENTON AVE	7,803	D		000	14	26
RAYNOR CHARLES HEN	15 1519070200	7838 DENTON AVE	7,300	H		000	14	27
KARMAZYN MICHAEL J	15 1511352260	7836 DENTON AVE	8,142	H		000	14	28
GERNHART CAROLE MA	15 1512590860	7834 DENTON AVE	7,776	H		000	14	29
DERNOGA CHRISTOPHE	15 1502850650	7832 DENTON AVE	8,692	N		000	14	30
ALLEN HOWARD E	15 1502850660	7830 DENTON AVE	8,950	H		000	14	31
NELSON RAYMOND GJR	15 1514100610	7828 DENTON AVE	9,300	H		000	14	32
GRAMMER DAVID VERN	15 1507581770	7824 DENTON AVE	20,600	H		000	14	33 34
CAPPS JOHN AJR	15 1516950080	7822 DENTON AVE	10,750	H		000	14	35

CAPPS JOHN	15 1503001280	7820 DENTON AVE	11,200	H	000	14	36
PACHECO JOANNE F	15 1516950050	7818 DENTON AVE	11,600	H	000	14	37
HOOVER BENTLEY G	15 2300010049	7816 DENTON AVE	26,210	H	000	14	38
GRIMES DALE L	15 1507582410	7812 DENTON AVE	12,800	H	000	14	40
DEWIT GYSBERT	15 1504201150	7810 DENTON AVE	14,040	H	000	14	41
HINKELMAN THOMAS R	15 1508301780	7808 DENTON AVE	12,900	N	000	14	42
HINKELMAN THOMAS R	15 1508551780	7806 DENTON AVE	31,096	H	000	14	43
HINKELMAN VERA C	15 1503470925	9040 NORTH POINT RD	36,164	N	000	14	44

BILZ SUSAN M	15 1508550290	1526 DENTON RD		H	97	426
BERRY MARK G	15 1520660190	1531 DENTON RD		H	97	419
RYBCZYNSKI EDWARD	15 1518870171	1532 DENTON RD		H	97	426
HOWARD LOUIS IJR	15 1508650881	1534 DENTON RD		H	97	426
MAYNARD CARL A	15 1508652281	1546 DENTON RD		H	97	419
HINKELMAN THOMAS	15 1508551780	7806 DENTON AVE	31,046	H	115	14
HINKELMAN THOMAS	15 1508301780	7808 DENTON AVE	12,900	N	115	14
KIMOS JAMES G	15 2200006166	7809 DENTON AVE	23,614	H	115	14
DEWIT GYSBERT	15 1504201150	7810 DENTON AVE	14,040	H	115	14
GRIMES DALE L	15 1507582410	7812 DENTON AVE	12,800	H	115	14
GRACE JOHN W	15 1508651400	7815 DENTON AVE	10,700	N	115	14
HOOVER BENTLEY G	15 2300010049	7816 DENTON AVE	26,210	H	115	14
PYLES ROY FJR	15 1516950040	7817 DENTON AVE	9,650	H	115	14
PACHECO JOANNE F	15 1516950050	7818 DENTON AVE	11,600	H	115	14
SPANGLER RUSSELL	15 1520300830	7819 DENTON AVE	9,894	N	115	14
CAPPS JOHN	15 1503001280	7820 DENTON AVE	11,200	H	115	14
SPANGLER RUSSELL	15 1519641040	7821 DENTON AVE	10,296	H	115	14
CAPPS JOHN AJR	15 1516950080	7822 DENTON AVE	10,750	H	115	14
CARTER MADELINE	15 1503001001	7823 DENTON AVE	11,626	N	115	14
GRAMMER DAVID VER	15 1507581770	7824 DENTON AVE	20,600	H	115	14
CARTER MADELINE	15 1503001000	7825 DENTON AVE	15,890	N	115	14
NELSON RAYMOND GJ	15 1514100610	7828 DENTON AVE	9,300	H	115	14
SPEECE ROSE ANN	15 1519640530	7829 DENTON AVE	30,629	H	115	14
ALLEN HOWARD E	15 1502850660	7830 DENTON AVE	8,950	H	115	14
GIETKA WALTER G	15 1503770170	7831 DENTON AVE	17,225	H	115	14
DERNOGA CHRISTOPH	15 1502850650	7832 DENTON AVE	8,692	N	115	14
BURMEISTER GORDON	15 1512590290	7833 DENTON AVE	17,316	H	115	14
GERNHART CAROLE M	15 1512590860	7834 DENTON AVE	7,776	H	115	14
LOWERY JOAN J	15 1512591180	7835 DENTON RD	11,760	N	115	14
KARMAZYN MICHAEL	15 1511352260	7836 DENTON AVE	8,142	H	115	14
DAWSON HARRY O	15 1504000610	7837 DENTON AVE	9,429	H	115	14
RAYNOR CHARLES HE	15 1519070200	7838 DENTON AVE	7,300	H	115	14
HAFFER SAMUEL C	15 1507151140	7839 DENTON AVE	6,273	H	115	14
ASHWELL ALLEN LEI	15 1513200950	7840 DENTON AVE	7,803	D	115	14
TOLAND RICHARD J	15 1526800000	7841 DENTON AVE	6,350	H	115	14
POLLOCK RICHARD C	15 1508000590	7842 DENTON AVE	8,060	H	115	14
SCHULTZ LAWRENCE	15 1600000220	7843 DENTON AVE	8,316	H	115	14
HUTCHINS GROVER M	15 2100007551	7844 DENTON AVE	6,827	N	115	14
DARBY CHARLES A	15 1504002690	7845 DENTON AVE	14,220	N	115	14
GASKER MAX ANTHON	15 2100007552	7846 DENTON AVE	17,859	H	115	14

Denton Properties
Avenue

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number - 1503001420**

Owner Information

Owner Name:	MCNULTY GEORGE M	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	3853 NORRISVILLE RD JARRETTSVILLE MD 21084-1420	**Deed Reference:**	1) /10570/ 70 2)

Location & Structure Information

Premises Address
9104 NORTH POINT RD

Legal Description
9104 NORTH POINT RD
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					1	82	Plat Ref:	7/ 140

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	728 SF	9,774.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	32,440	32,440		
Improvements:	25,690	28,750		
Total:	58,130	61,190	60,170	61,190
Preferential Land:	0	0	0	0

Transfer Information

Seller:	CARTER JOHN J	**Date:**	06/07/1994	**Price:**	$67,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/10570/ 70	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1700002005

Owner Information

Owner Name:	COOK ELVA M	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	9100 NORTH POINT RD BALTIMORE MD 21219-2403	**Deed Reference:**	1) /11821/ 594 2)

Location & Structure Information

Premises Address
9100 NORTH POINT RD

Legal Description
LT 2-3-4 SES NORTH P
9100 NORTH POINT RD
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					2	82	Plat Ref:	7/ 140

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1958	1,504 SF	27,000.00 SF	04

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	36,750	36,750		
Improvements:	79,610	85,670		
Total:	116,360	122,420	120,400	122,420
Preferential Land:	0	0	0	0

Transfer Information

Seller:	COOK ELVA M	**Date:**	09/30/1997	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/11821/ 594	**Deed2:**	
Seller:	COOK ELMER H	**Date:**	06/20/1989	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8203/ 668	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

TB 09 hol 596

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 2200006166

Owner Information

Owner Name: KIMOS JAMES G
KIMOS ELAINE L

Mailing Address: 7809 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 7785/ 184
2)

Location & Structure Information

Premises Address
7809 DENTON AVE

Legal Description
LTS 5-6
200 SE NORTH POINT RD
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					5	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	1,427 SF	23,614.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	75,650	75,650		
Improvements:	73,210	80,590		
Total:	148,860	156,240	153,780	156,240
Preferential Land:	0	0	0	0

Transfer Information

Seller:		**Date:** 01/25/1991	**Price:** $0
Type: NOT ARMS-LENGTH		**Deed1:** / 7785/ 184	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

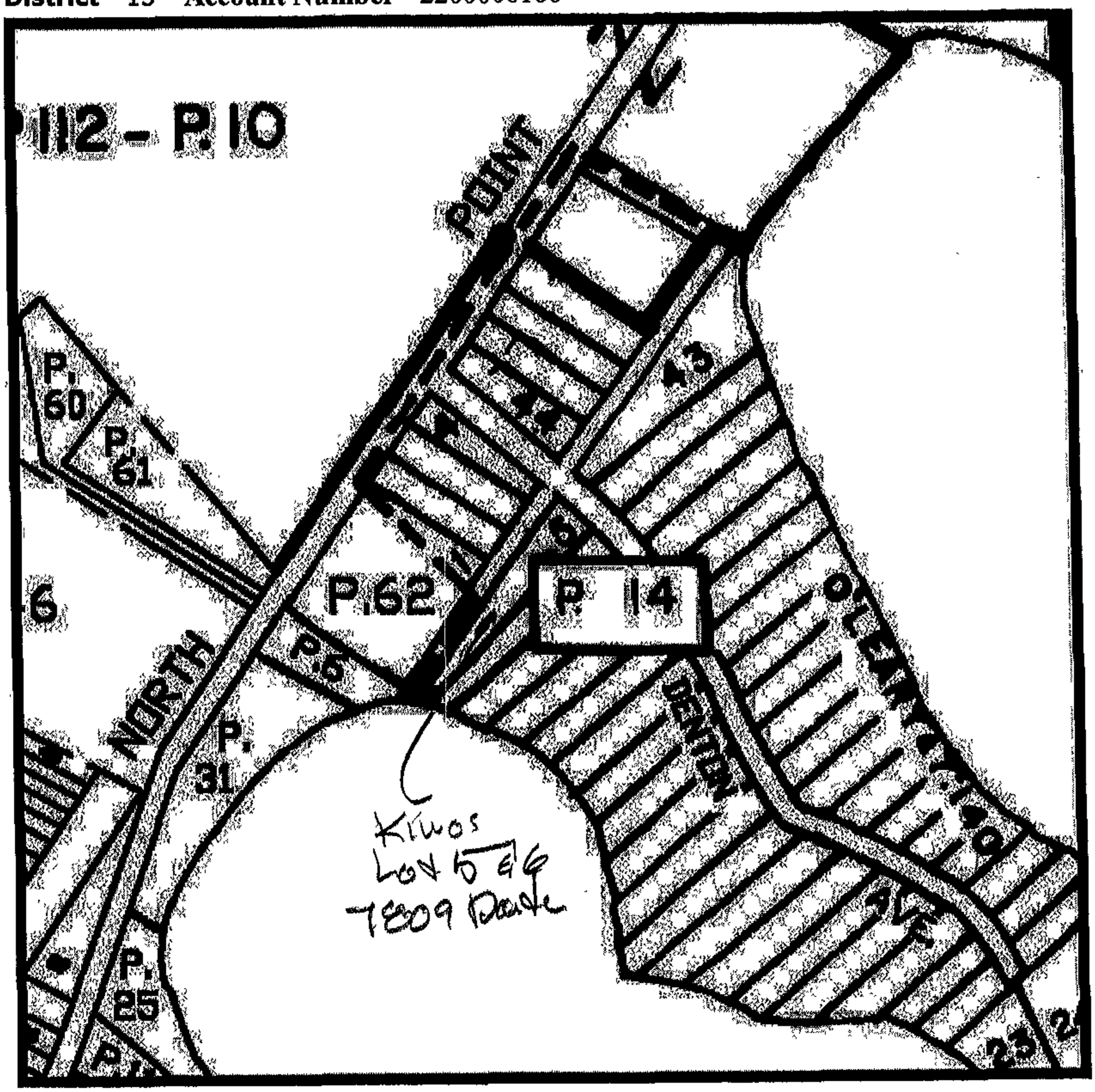
Special Tax Recapture:

* NONE *

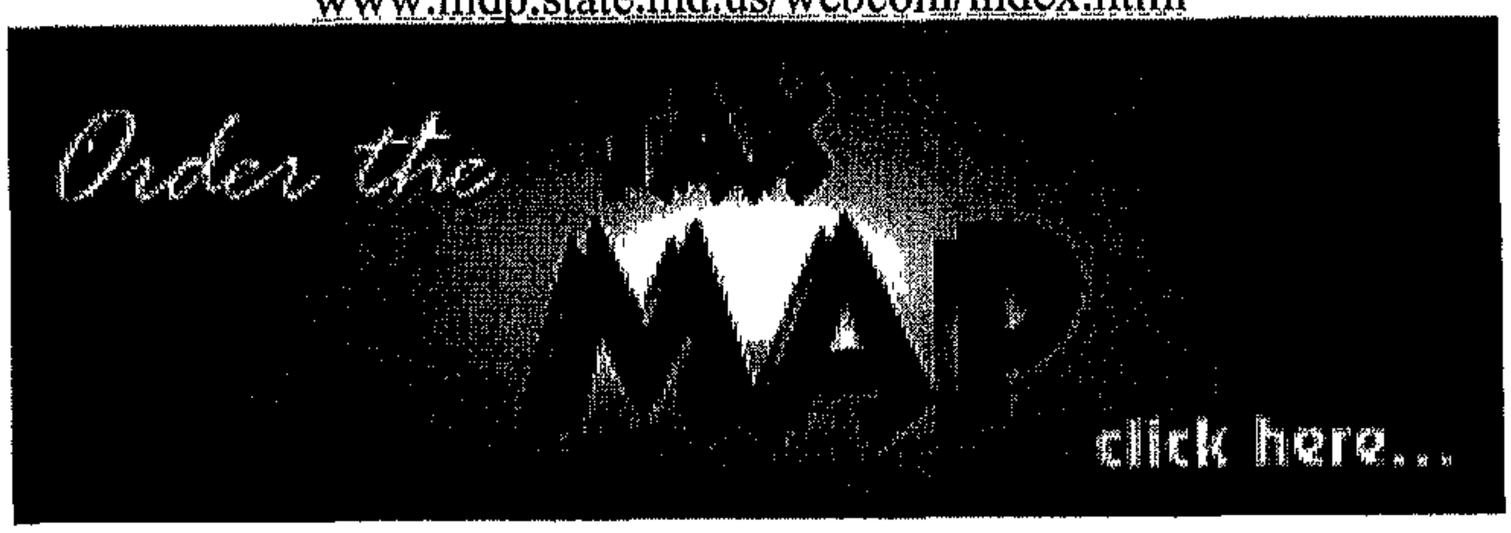
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BALTIMORE COUNTY
Real Property Data Search

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New Search

District - 15 **Account Number** - 2200006166



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BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1502650160

Owner Information

Owner Name: TAYLOR LEONARD
TAYLOR KAREN LYNN

Mailing Address: 5380 SWAMP RD
FELTON PA 17322-8431

Use: RESIDENTIAL

Principal Residence: NO

Deed Reference: 1) /14676/ 16
2)

Location & Structure Information

Premises Address
NORTH POINT RD

WATERFRONT

Legal Description

SW 129.9 FT E OF 20
J T OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					7	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		12,896.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	55,470	55,470		
Improvements:	0	0		
Total:	55,470	55,470	55,470	55,470
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN DONALD S	Date: 09/05/2000	Price: $0
Type:	NOT ARMS-LENGTH	Deed1: /14676/ 16	Deed2:
Seller:		Date:	Price:
Type:		Deed1:	Deed2:
Seller:		Date:	Price:
Type:		Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

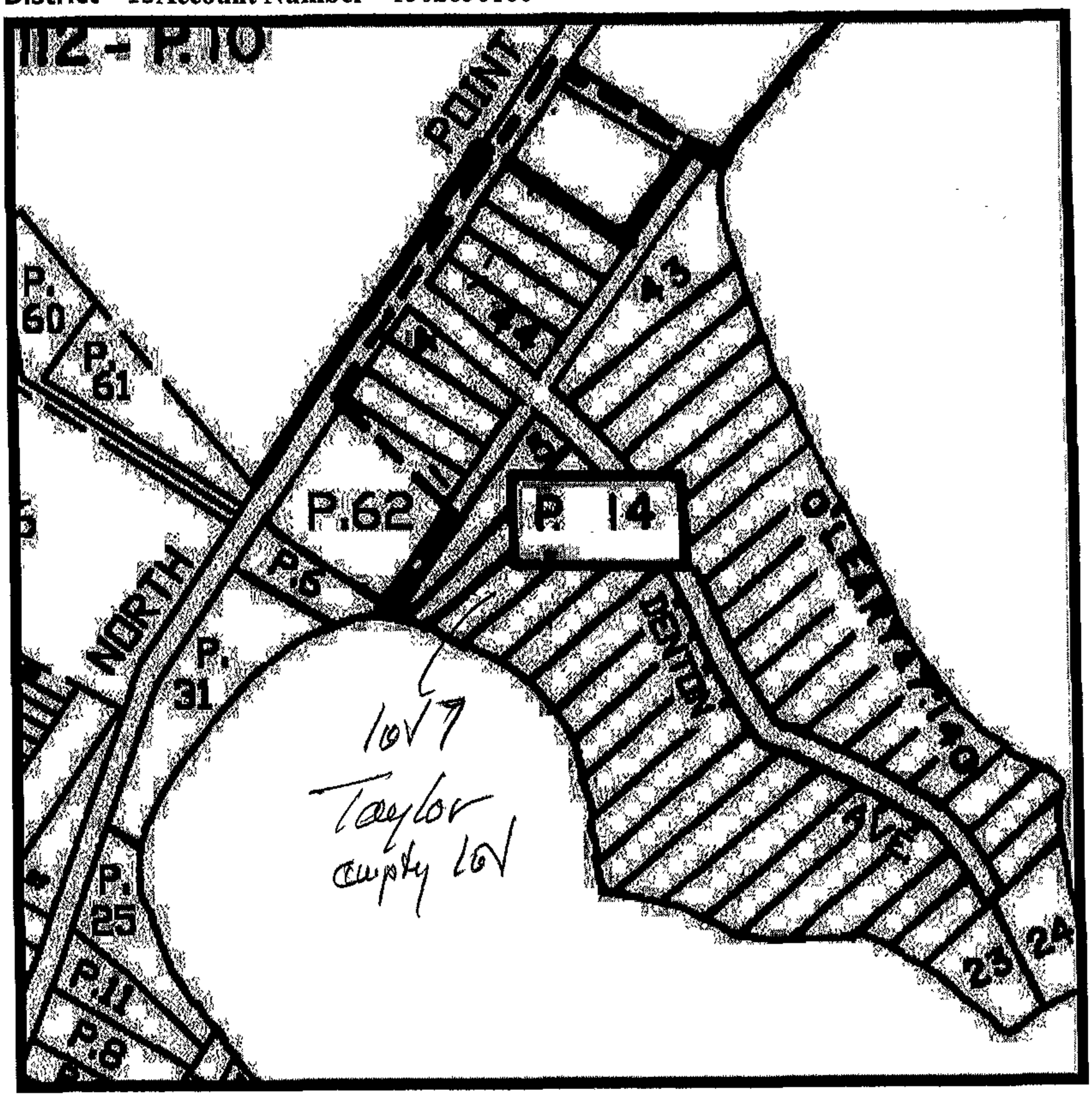
Special Tax Recapture:

* NONE *

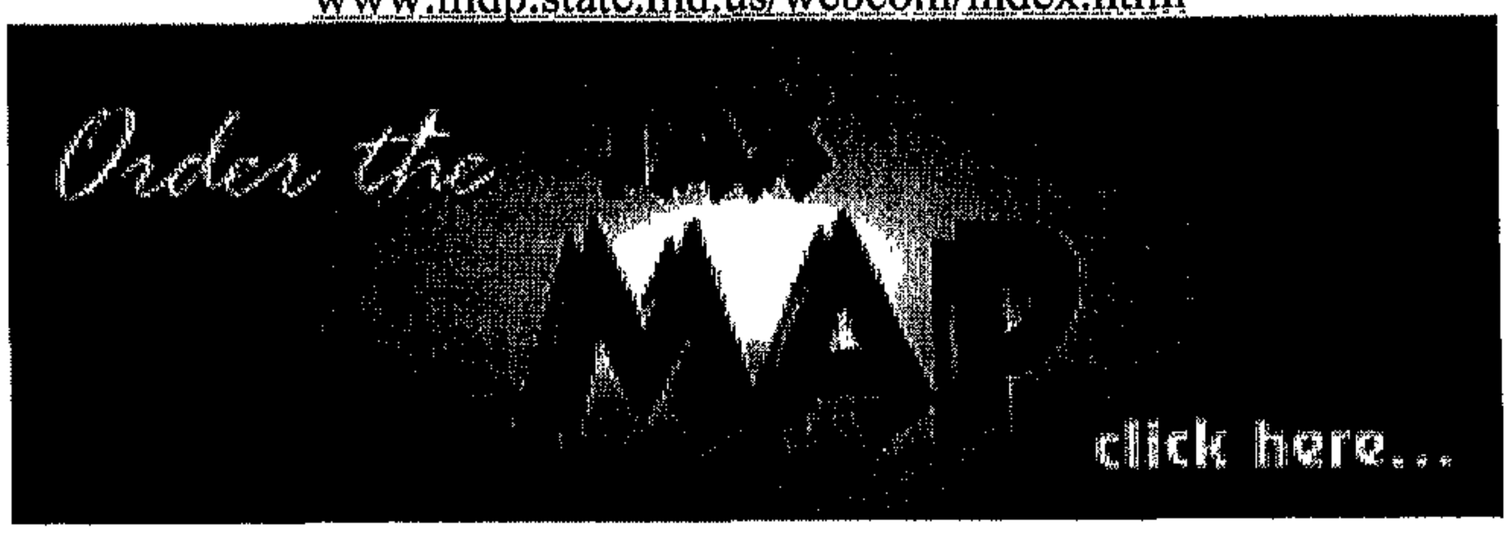
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BALTIMORE COUNTY
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District - 15**Account Number** - 1502650160



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BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502650210

Owner Information

Owner Name: TAYLOR LEONARD
TAYLOR KAREN LYNN

Mailing Address: 5380 SWAMP RD
FELTON PA 17322-8431

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /14679/ 343
2)

Location & Structure Information

Premises Address
DENTON AVE

Legal Description
SW SHALLOW CREEK
OLEARY PLAT
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No: / Plat Ref:
115	5	14					8	82	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		12,012.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	55,250	55,250		
Improvements:	0	0		
Total:	55,250	55,250	55,250	55,250
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN STEWART B	**Date:** 09/06/2000	**Price:** $0
Type:	NOT ARMS-LENGTH	**Deed1:** /14679/ 343	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

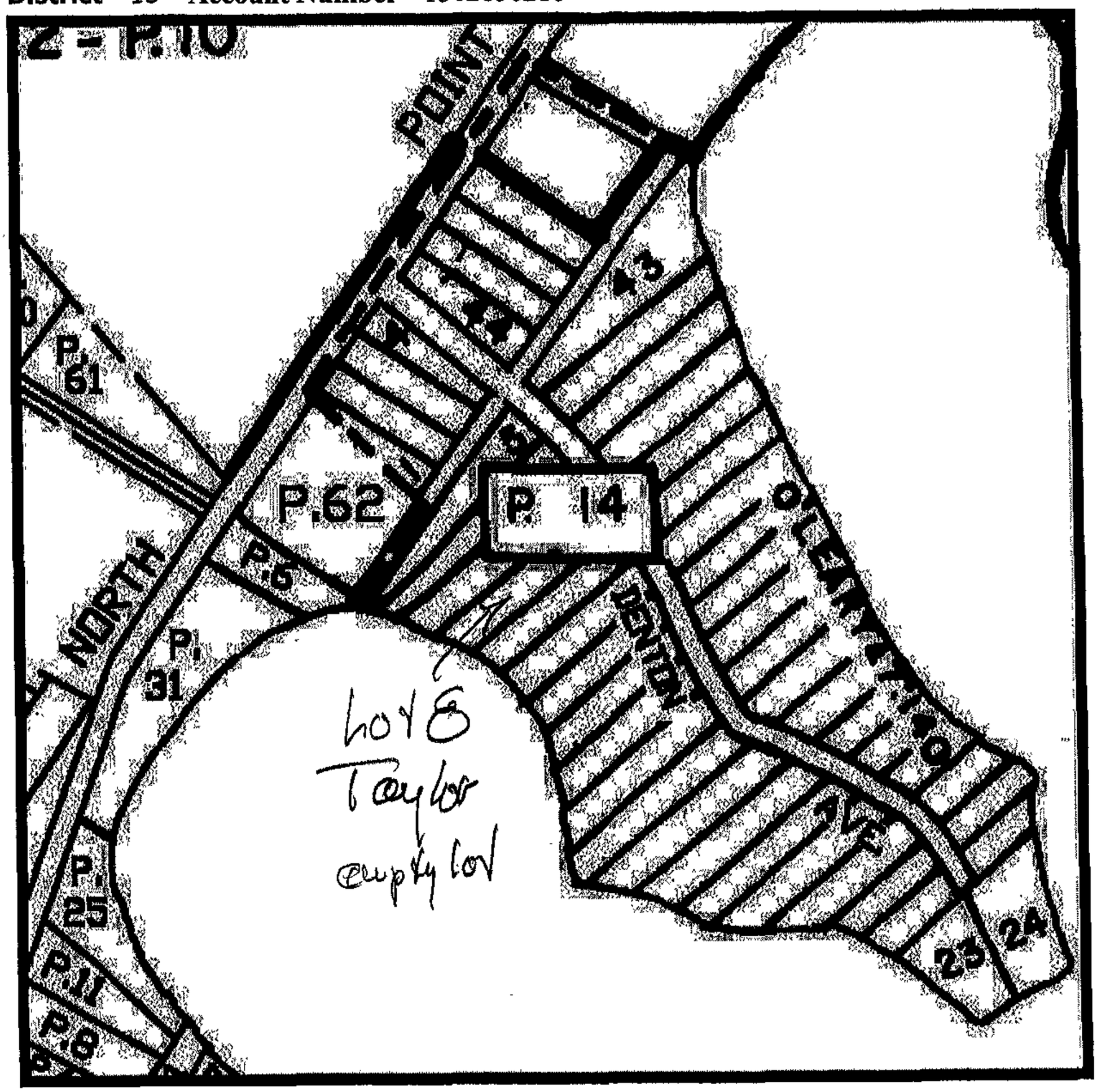
Special Tax Recapture:

* NONE *

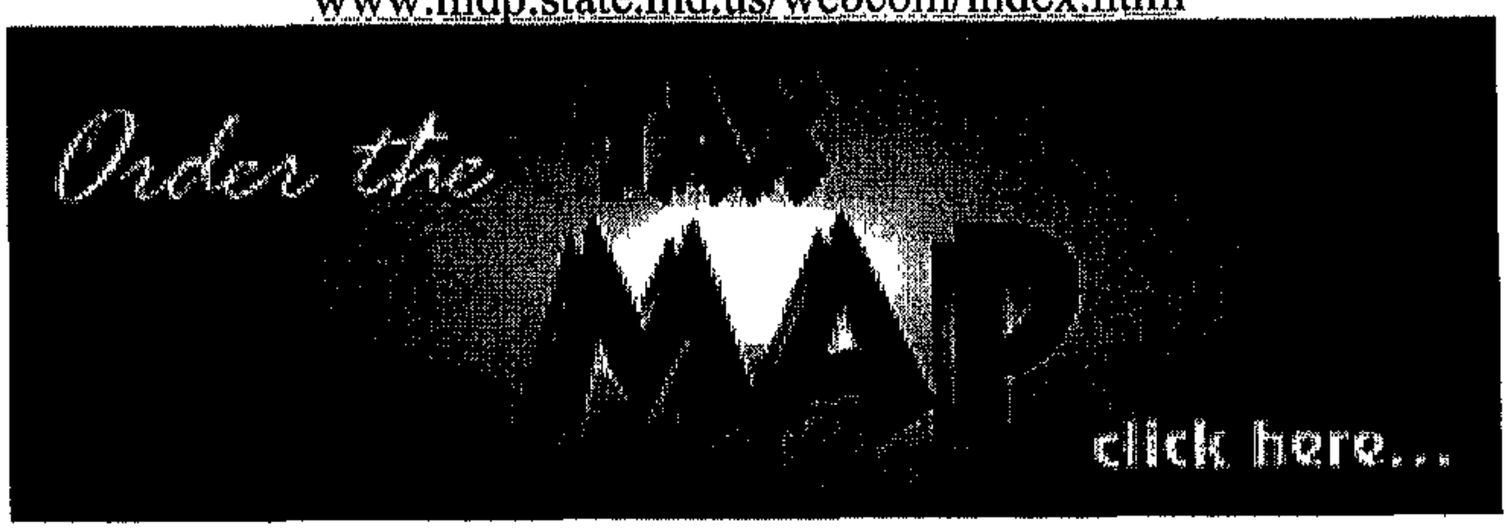
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BALTIMORE COUNTY
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District - 15 Account Number - 1502650210



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BALTIMORE COUNTY
Real Property Data Search

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View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number - 1508651400**

Owner Information

Owner Name:	GRACE JOHN W GRACE MICHELLE L	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	11015 PHILADELPHIA RD WHITE MARSH MD 21162-1721	**Deed Reference:**	1) /20906/ 591 2)

Location & Structure Information

Premises Address
7815 DENTON AVE

Legal Description
7815 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					9	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	1,251 SF	10,700.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	BLOCK

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,420	72,420		
Improvements:	71,280	77,970		
Total:	143,700	150,390	148,160	150,390
Preferential Land:	0	0	0	0

Transfer Information

Seller:	GROTH JOAN M	**Date:**	10/28/2004	**Price:**	$320,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/20906/ 591	**Deed2:**	
Seller:	HOWELL HARRY C	**Date:**	10/11/1994	**Price:**	$114,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/10785/ 558	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1516950040

Owner Information

Owner Name: PYLES ROY F,JR
PYLES DEBORAH K

Mailing Address: 7817 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) /11462/ 166
2)

Location & Structure Information

Premises Address
7817 DENTON AVE

Legal Description
WATERFRONT
OLEARY PLAT 7

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					10	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2003	1,560 SF	9,650.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	54,660	72,160		
Improvements:	118,140	132,290		
Total:	172,800	204,450	193,900	204,450
Preferential Land:	0	0	0	0

Transfer Information

Seller:	PYLES OBERETA	**Date:**	03/05/1996	**Price:**	$10,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/11462/ 166	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1520300830

Owner Information

Owner Name: SPANGLER RUSSELL
SPANGLER MARGARET

Mailing Address: 7819 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /11233/ 522
2)

Location & Structure Information

Premises Address
7819 DENTON AVE
WATERFRONT

Legal Description
7819 DENTON AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					11	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939		9,894.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,220	72,220		
Improvements:	0	0		
Total:	72,220	72,220	72,220	72,220
Preferential Land:	0	0	0	0

Transfer Information

Seller:	THAMERT THOMAS C	**Date:**	09/28/1995	**Price:**	$75,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/11233/ 522	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1519641040

Owner Information

Owner Name: SPANGLER RUSSELL L
SPANGLER MARGARET V

Mailing Address: RT 10
7821 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 4044/ 147
2)

Location & Structure Information

Premises Address
7821 DENTON AVE

Legal Description
WATERFRONT
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					12	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	1,484 SF	10,296.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,320	72,320		
Improvements:	57,170	63,030		
Total:	129,490	135,350	133,396	135,350
Preferential Land:	0	0	0	0

Transfer Information

Seller:		Date:	Price:
Type:		Deed1:	Deed2:
Seller:		Date:	Price:
Type:		Deed1:	Deed2:
Seller:		Date:	Price:
Type:		Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1503001001

Owner Information

Owner Name: CARTER MADELINE

Mailing Address: 7300 N POINT RD
BALTIMORE MD 21219-1305

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1)
2)

Location & Structure Information

Premises Address
7823 DENTON AVE

Legal Description
WATERFRONT
440 S OF DANTOR AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					13	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1947	3,850 SF	11,628.00 SF	34

Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	BLOCK

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,650	72,650		
Improvements:	1,390	1,390		
Total:	74,040	74,040	74,040	74,040
Preferential Land:	0	0	0	0

Transfer Information

Seller:	CARTER HOWARD N	Date:	07/11/1990	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

7825 10/19

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1503001000

Owner Information

Owner Name: CARTER MADELINE

Mailing Address: C/O HOWARD F CARTER,SR
7300 NORTH POINT RD
BALTIMORE MD 21219-1305

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /15197/ 256
2)

Location & Structure Information

Premises Address
7825 DENTON AVE
WATERFRONT

Legal Description
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					14	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,450 SF	15,840.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	73,710	73,710		
Improvements:	67,490	74,420		
Total:	141,200	148,130	145,820	148,130
Preferential Land:	0	0	0	0

Transfer Information

Seller:	CARTER MADELINE	Date:	05/11/2001	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/15197/ 256	Deed2:	
Seller:	CARTER MADELINE	Date:	04/03/1998	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/12767/ 427	Deed2:	
Seller:	CARTER HOWARD N	Date:	07/11/1990	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1519640530

Owner Information

Owner Name:	SPEECE ROSE ANN	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7829 DENTON AVE BALTIMORE MD 21219-2419	**Deed Reference:**	1) /16956/ 103 2)

Location & Structure Information

Premises Address
7829 DENTON AVE

Legal Description
LT 15,16
7829 DENTON AVE
OLEARY PL

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					15	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1925	1,326 SF	30,629.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	77,400	77,400		
Improvements:	12,310	17,450		
Total:	89,710	94,850	93,136	94,850
Preferential Land:	0	0	0	0

Transfer Information

Seller:	SPEECE JOHN A,JR	**Date:**	11/29/2001	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/16956/ 103	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1503770170

Owner Information

Owner Name:	GIETKA WALTER G GIETKA CHARMIEL	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7831 DENTON AVE BALTIMORE MD 21219-2419	**Deed Reference:**	1) /13648/ 354 2)

Location & Structure Information

Premises Address
7831 DENTON AVE

Legal Description
839 SE NORTH POINT RD
OLEARY

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					17	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1995	1,568 SF	17,225.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	74,050	74,050		
Improvements:	89,030	97,310		
Total:	163,080	171,360	168,600	171,360
Preferential Land:	0	0	0	0

Transfer Information

Seller:	GIETKA WALTER G	**Date:**	04/06/1999	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/13648/ 354	**Deed2:**	
Seller:	CUNNINGHAM CHARLES D	**Date:**	01/30/1973	**Price:**	$21,900
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5333/ 72	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

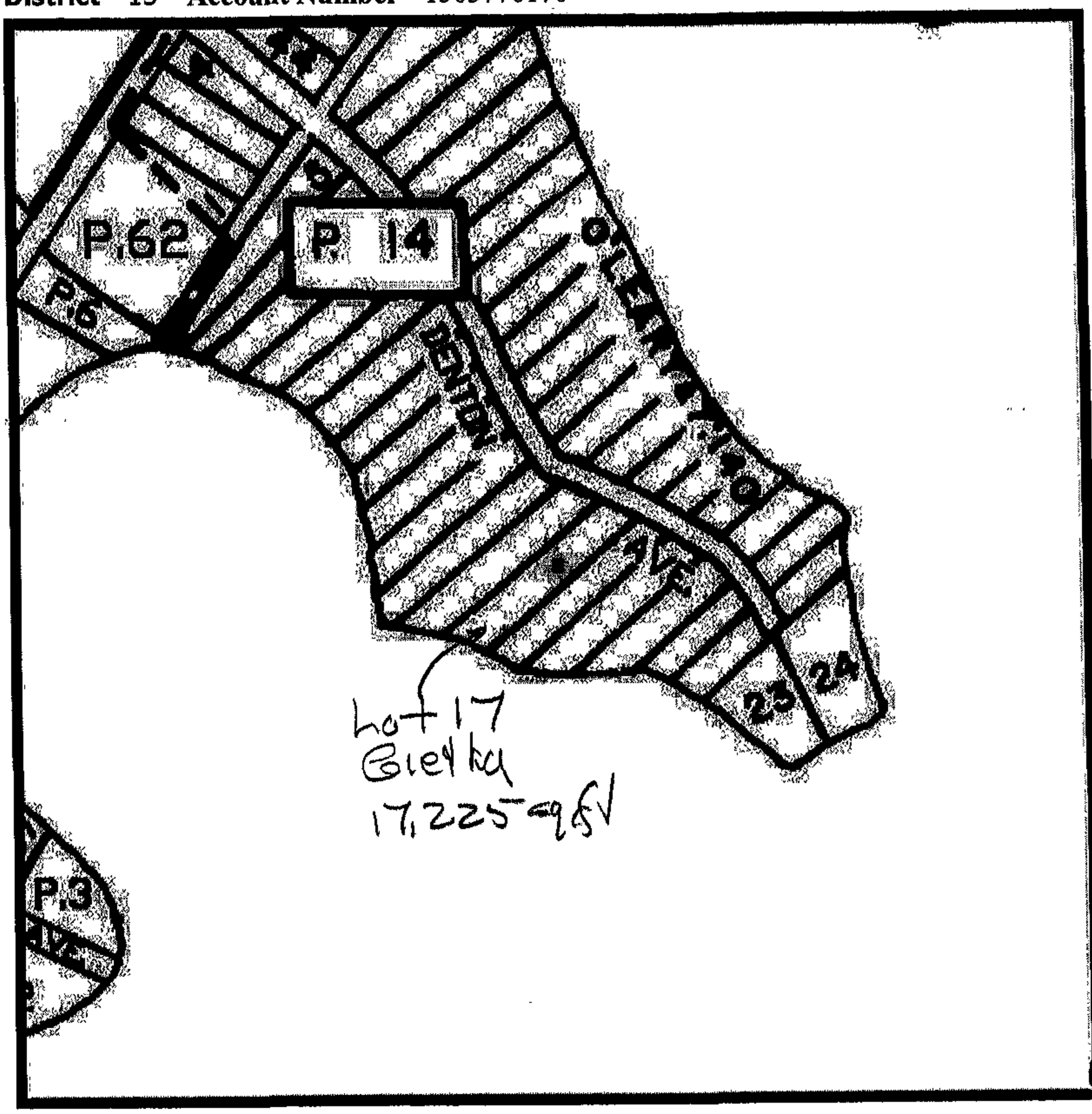
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7831 Lot 17

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

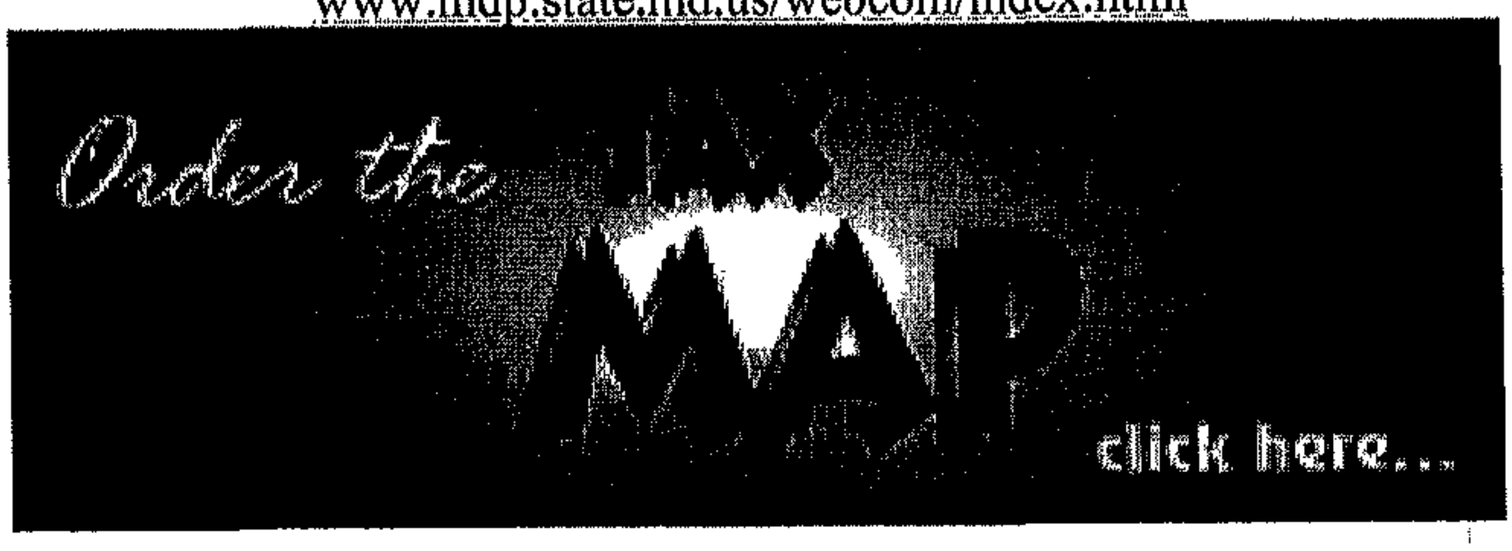
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District - 15 Account Number - 1503770170



Lot 17
Block
17,225 sq ft

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7833 10N 18

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BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1512590290

Owner Information

Owner Name: BURMEISTER GORDON R,SR
BURMEISTER GORDON R,JR

Mailing Address: 7833 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) /11063/ 315
2)

Location & Structure Information

Premises Address
7833 DENTON AVE

Legal Description
DENTON AVE
OLEARY PLAT
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					18	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1928	1,612 SF	17,316.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	74,070	74,070		
Improvements:	54,080	59,280		
Total:	128,150	133,350	131,616	133,350
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BURMEISTER GORDON R,SR	Date:	05/31/1995	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/11063/ 315	Deed2:	
Seller:	LOWERY GERTRUDE D	Date:	12/14/1994	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/10868/ 739	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

7835 L6V19

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1512591180

Owner Information

Owner Name:	LOWERY JOAN J	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	8618 SHERINGTON RD BALTIMORE MD 21236-2616	**Deed Reference:**	1) / 8114/ 59 2)

Location & Structure Information

Premises Address
7835 DENTON RD

Legal Description
7515 E DENTOR AV ALS
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					19	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,092 SF	11,760.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,690	72,690		
Improvements:	51,740	58,260		
Total:	124,430	130,950	128,776	130,950
Preferential Land:	0	0	0	0

Transfer Information

Seller:	LOWERY ALBERT R,JR	**Date:**	10/21/1988	**Price:**	$75,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 8114/ 59	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1504000610

Owner Information

Owner Name:	DAWSON HARRY O DAWSON DOROTHY	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7837 DENTON AVE BALTIMORE MD 21219-2419	**Deed Reference:**	1) / 3280/ 422 2)

Location & Structure Information

Premises Address
7837 DENTON AVE
WATERFRONT

Legal Description
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					20	82	Plat Ref:	7/ 140

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	1,650 SF	9,424.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,100	72,100		
Improvements:	57,060	63,680		
Total:	129,160	135,780	133,572	135,780
Preferential Land:	0	0	0	0

Transfer Information

Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1507151140

Owner Information

Owner Name: HAFFER SAMUEL C
STANSBURY KEVIN SAMUEL

Mailing Address: 7839 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /19530/ 509
2)

Location & Structure Information

Premises Address
7839 DENTON AVE

Legal Description
7839 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					21	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		6,273.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	69,500	69,500		
Improvements:	10	10		
Total:	69,510	69,510	69,510	69,510
Preferential Land:	0	0	0	0

Transfer Information

Seller:	HAFFER SAMUEL C,TRUSTEE	**Date:**	02/02/2004	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/19530/ 509	**Deed2:**	
Seller:	HAFFER SAMUEL C	**Date:**	06/05/2002	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/16475/ 267	**Deed2:**	
Seller:	HAFFER SAMUEL C	**Date:**	05/15/1996	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/11583/ 640	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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Ground Rent

Account Identifier: **District - 15 Account Number -** 1526800000

Owner Information

Owner Name:	TOLAND RICHARD J TOLAND LEONA A	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7841 DENTON AVE BALTIMORE MD 21219-2419	**Deed Reference:**	1) /11914/ 548 2)

Location & Structure Information

Premises Address
7841 DENTON AVE

Legal Description
7841 DENTON RD
OLEARY PLAT
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					22	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1964	1,254 SF	6,350.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	69,500	69,500		
Improvements:	17,860	23,090		
Total:	87,360	92,590	90,846	92,590
Preferential Land:	0	0	0	0

Transfer Information

Seller:	HEINLE IRWIN J	**Date:**	11/26/1996	**Price:**	$65,500
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/11914/ 548	**Deed2:**	
Seller:	ZWIRLEIN ALFONS	**Date:**	09/17/1987	**Price:**	$74,500
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 7673/ 41	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
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New Search
Ground Rent

Account Identifier: **District - 15 Account Number - 1600000220**

Owner Information

Owner Name: SCHULTZ LAWRENCE A
SCHULTZ RUTH E

Mailing Address: 7843 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) / 5076/ 663
2)

Location & Structure Information

Premises Address
7843 DENTON AVE

Legal Description
.187 AC PT LT 23
SWS DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					23	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2004	1,596 SF	8,316.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	71,310	71,310		
Improvements:	114,820	128,140		
Total:	186,130	199,450	195,010	199,450
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DARBY CHARLES A	Date:	03/12/1970	Price:	$10,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 5076/ 663	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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BALTIMORE COUNTY
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View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1504002690

Owner Information

Owner Name:	DARBY CHARLES A DICKEY-DARBY SUSAN	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	10265 COVE LEDGE CT GAITHERSBURG MD 20886-1058	**Deed Reference:**	1) /10856/ 426 2)

Location & Structure Information

Premises Address
7845 DENTON AVE

Legal Description
PT LT 23
SE END DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					23	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2004	2,864 SF	14,220.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	73,300	73,300		
Improvements:	221,020	246,680		
Total:	294,320	319,980	73,310	319,980
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DARBY ANNA M	**Date:**	12/05/1994	**Price:**	$105,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/10856/ 426	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 2100007552

Owner Information

Owner Name: GASKER MAX ANTHONY

Mailing Address: 7846 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /15883/ 728
2)

Location & Structure Information

Premises Address
7846 DENTON AVE

Legal Description
PT LT 24 .41 AC
7846 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					24	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1995	1,931 SF	17,859.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	60,210	60,210		
Improvements:	145,640	161,240		
Total:	205,850	221,450	216,250	221,450
Preferential Land:	0	0	0	0

Transfer Information

Seller:	GASKER MAX ANTHONY	Date:	12/20/2001	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/15883/ 728	Deed2:	
Seller:	GASKER MAX ANTHONY	Date:	02/07/1992	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/ 9054/ 66	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

7844 71

10/29

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 2100007551

Owner Information

Owner Name:	HUTCHINS GROVER M HUTCHINS LORETTA H	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1 STRATFORD RD BALTIMORE MD 21218-1145	**Deed Reference:**	1) /14438/ 41 2)

Location & Structure Information

Premises Address
7844 DENTON AVE

Legal Description
.1567 AC PT LT 24
7844 DENTON AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					24	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2002	2,392 SF	6,827.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	68,270	55,600		
Improvements:	207,390	220,000		
Total:	275,660	275,600	275,600	275,600
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BOWLING KARLUS E	**Date:**	04/28/2000	**Price:**	$70,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/14438/ 41	**Deed2:**	
Seller:	BOWLING KARLUS E	**Date:**	11/30/1992	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 9481/ 291	**Deed2:**	
Seller:	GASKER MAX ANTHONY	**Date:**	09/14/1988	**Price:**	$89,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 7971/ 137	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1508000590

Owner Information

Owner Name: POLLOCK RICHARD C
POLLOCK CYNTHIA H

Mailing Address: 7842 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 7824/ 522
2)

Location & Structure Information

Premises Address
7842 DENTON AVE

Legal Description
WATERFRONT
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					25	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1913	864 SF	8,060.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	71,060	71,060		
Improvements:	10	10		
Total:	71,070	71,070	71,070	71,070
Preferential Land:	0	0	0	0

Transfer Information

Seller:	SPIELMAN ROBERT L	Date:	03/30/1988	Price:	$131,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 7824/ 522	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1513200950

Owner Information

Owner Name:	ASHWELL ALLEN LEIGH	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7840 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) /19501/ 383 2)

Location & Structure Information

Premises Address
7840 DENTON AVE

Legal Description
7840 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					26	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	1,700 SF	7,803.00 SF	34

Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	56,800	56,800		
Improvements:	56,750	64,720		
Total:	113,550	121,520	118,862	121,520
Preferential Land:	0	0	0	0

Transfer Information

Seller:	MARSHALL EARL A MARSHALL DORIS L	**Date:**	01/27/2004	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/19501/ 383	**Deed2:**	
Seller:	MARSHALL EARL A	**Date:**	03/12/1986	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 7111/ 29	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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Ground Rent

Account Identifier: **District - 15 Account Number - 1519070200**

Owner Information

Owner Name:	RAYNOR CHARLES HENRY RAYNOR MARY KATHRYN	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7838 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) / 9662/ 582 2)

Location & Structure Information

Premises Address
7838 DENTON AVE

Legal Description
7838 DENTON AV ES
OLEARY PLAT
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					27	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2004	1,300 SF	7,300.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	56,300	56,300		
Improvements:	85,580	95,520		
Total:	141,880	151,820	148,506	151,820
Preferential Land:	0	0	0	0

Transfer Information

Seller:	RAYNOR ANNA S	**Date:**	03/19/1993	**Price:**	$46,250
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 9662/ 582	**Deed2:**	
Seller:	SCHUBERT CHARLES W	**Date:**	08/13/1971	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8044/ 707	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

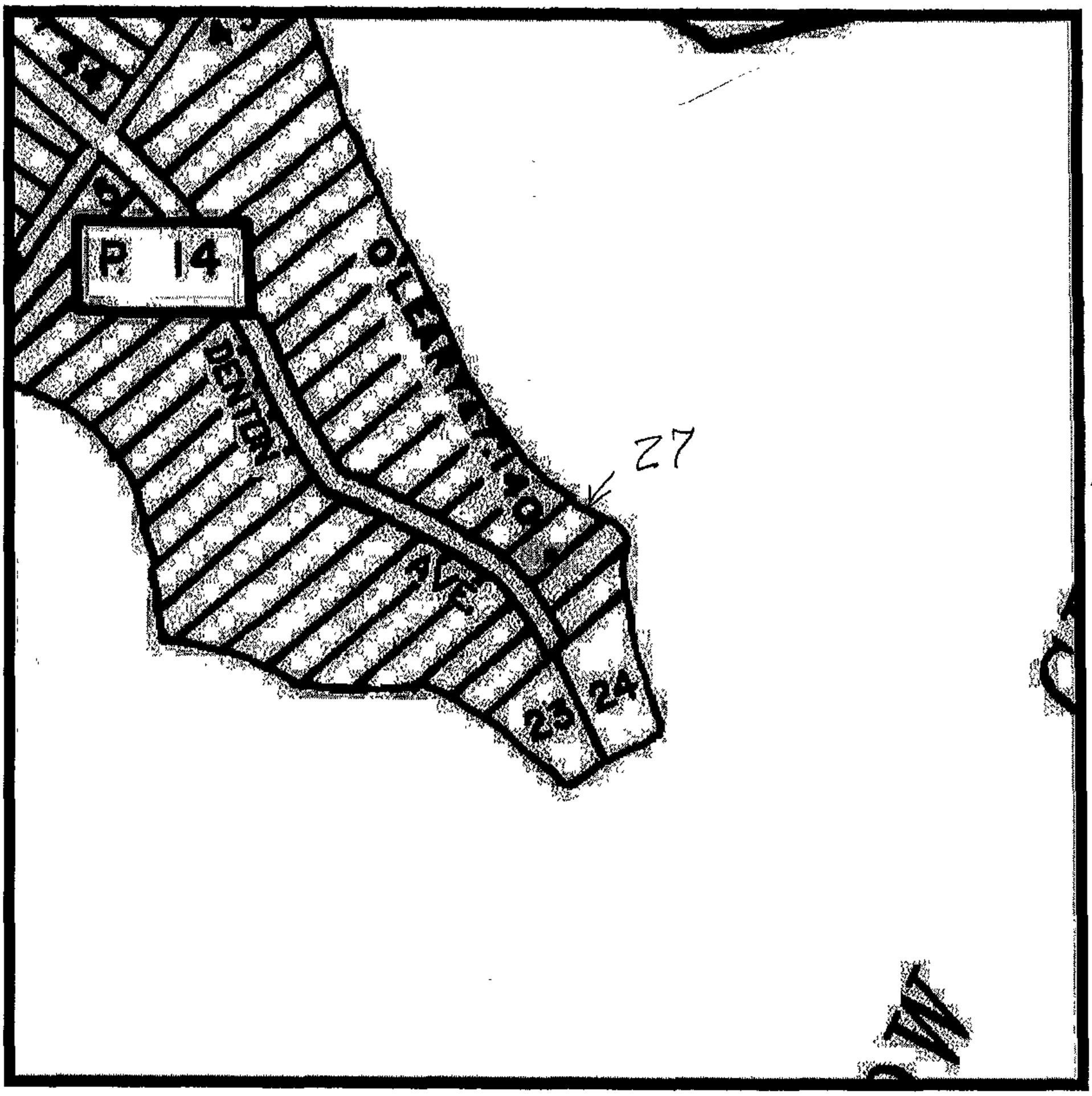
* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search

District - 15 Account Number - 1519070200



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1511352260

Owner Information

Owner Name:	KARMAZYN MICHAEL J KARMAZYN RHEA E	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7836 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) / 5206/ 644 2)

Location & Structure Information

Premises Address
7836 DENTON AVE

Legal Description

744 SE DANTOR AV
OLEARY

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					28	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	2,007 SF	8,142.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	57,140	57,140		
Improvements:	35,640	41,070		
Total:	92,780	98,210	96,400	98,210
Preferential Land:	0	0	0	0

Transfer Information

Seller:	KITAROGERS GEORGE K	**Date:**	08/03/1971	**Price:**	$13,100
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5206/ 644	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1512590860

Owner Information

Owner Name: GERNHART CAROLE MARIE

Mailing Address: 7834 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 5300/ 35
2)

Location & Structure Information

Premises Address
7834 DENTON AVE

Legal Description
WATERFRONT
SES DENTON AVE
OLEARY PL

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					29	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	1,032 SF	7,776.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	56,770	56,770		
Improvements:	44,700	49,490		
Total:	101,470	106,260	104,662	106,260
Preferential Land:	0	0	0	0

Transfer Information

Seller:	LOVE ROBERT W	**Date:**	09/13/1972	**Price:**	$9,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5300/ 35	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502850650

Owner Information

Owner Name: DERNOGA CHRISTOPHER M

Mailing Address: 426 BLOOMSBURY AVE
BALTIMORE MD 21228-5206

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /17137/ 37
2)

Location & Structure Information

Premises Address
7832 DENTON AVE

Legal Description
7832 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					30	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2003	2,800 SF	8,692.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	36,690	71,690		
Improvements:	118,370	133,280		
Total:	155,060	204,970	188,332	204,970
Preferential Land:	0	0	0	0

Transfer Information

Seller:	ALLEN GEORGE P	Date:	11/21/2002	Price:	$35,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/17137/ 37	Deed2:	
Seller:	ALLEN GEORGE P	Date:	02/15/1996	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/11434/ 655	Deed2:	
Seller:	BURMEISTER GEO B	Date:	04/18/1989	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/ 2247/ 14	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1502850660

Owner Information

Owner Name:	ALLEN HOWARD E ALLEN ELOISE V	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7830 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) / 9837/ 181 2)

Location & Structure Information

Premises Address
7830 DENTON AVE

Legal Description
DENTON AVE
OLEARY PLAT
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					31	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	768 SF	8,950.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	57,950	57,950		
Improvements:	31,840	33,840		
Total:	89,790	91,790	91,122	91,790
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BURMEISTER GEORGE R	**Date:**	06/22/1993	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 9837/ 181	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number - 1514100610**

Owner Information

Owner Name:	NELSON RAYMOND G,JR NELSON AUDREY A	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7828 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) /12714/ 301 2)

Location & Structure Information

Premises Address
7828 DENTON AVE

Legal Description

DENTON AVE
WATERFRONT
DENTON AVE
SHALLOW CREEK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					32	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1959	1,023 SF	9,300.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,070	58,070		
Improvements:	21,290	26,540		
Total:	79,360	84,610	82,860	84,610
Preferential Land:	0	0	0	0

Transfer Information

Seller:	NELSON NELLIE	**Date:**	03/11/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/12714/ 301	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1507581770

Owner Information

Owner Name: GRAMMER DAVID VERNON
GRAMMER LISA MARIE

Mailing Address: 7824 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) /13370/ 41
2)

Location & Structure Information

Premises Address
7824 DENTON AVE

Legal Description
LT 33-34
7824 DENTON AVE
LEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					33	82		7/ 140

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	1,764 SF	20,600.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	60,900	60,900		
Improvements:	50,880	56,010		
Total:	111,780	116,910	115,200	116,910
Preferential Land:	0	0	0	0

Transfer Information

Seller:	GRAMMER ROBERT C	Date:	12/14/1998	Price:	$80,000
Type:	NOT ARMS-LENGTH	Deed1:	/13370/ 41	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1516950080

Owner Information

Owner Name: CAPPS JOHN A,JR

Mailing Address: 7822 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 7586/ 272
2)

Location & Structure Information

Premises Address
7822 DENTON AVE
WATERFRONT

Legal Description
389 SE DENTON AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					35	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1928	1,848 SF	10,750.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,430	58,430		
Improvements:	49,030	54,600		
Total:	107,460	113,030	111,172	113,030
Preferential Land:	0	0	0	0

Transfer Information

Seller:	HOWELL GARRY L	Date:	06/25/1987	Price:	$85,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 7586/ 272	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1503001280

Owner Information

Owner Name: CAPPS JOHN
CAPPS LORRAINE

Mailing Address: 7820 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 5073/ 115
2)

Location & Structure Information

Premises Address
7820 DENTON AVE

Legal Description
WATERFRONT
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					36	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1927	1,296 SF	11,200.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,550	58,550		
Improvements:	35,580	40,180		
Total:	94,130	98,730	97,196	98,730
Preferential Land:	0	0	0	0

Transfer Information

Seller:	CAPPS JESSE A	**Date:**	02/20/1970	**Price:**	$4,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5073/ 115	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

STR

Account Identifier: **District - 15 Account Number -** 1516950050

Owner Information

Owner Name: PACHECO JOANNE F

Mailing Address: 7818 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /18114/ 585
2)

Location & Structure Information

Premises Address
7818 DENTON AVE

Legal Description
7618 DENTON AVE
JOHN T OLEARY
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					37	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1996	1,232 SF	11,600.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,650	58,650		
Improvements:	63,740	69,820		
Total:	122,390	128,470	126,442	128,470
Preferential Land:	0	0	0	0

Transfer Information

Seller:	PACHECO JOANNE F	**Date:**	06/03/2003	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/18114/ 585	**Deed2:**	
Seller:	PYLES RAY I	**Date:**	06/29/1972	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 5279/ 325	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
HOMEOWNERS TAX CREDIT

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number - 2300010049**

Owner Information

Owner Name:	HOOVER BENTLEY G HOOVER MICHELLE L	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7816 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) /11271/ 549 2)

Location & Structure Information

Premises Address
7816 DENTON AVE

Legal Description
.60 AC LTS 38,39
7816 DENTON AVE NS
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					38	82	Plat Ref: 7/140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1999	4,256 SF	26,210.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	76,300	76,300		
Improvements:	281,700	305,250		
Total:	358,000	381,550	373,700	381,550
Preferential Land:	0	0	0	0

Transfer Information

Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

7812 1 of 2 1 of 10

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1507582410

Owner Information

Owner Name:	GRIMES DALE L GRIMES CATHERINE L	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7812 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) / 3766/ 17 2)

Location & Structure Information

Premises Address
7812 DENTON AVE

Legal Description
WATERFRONT J T OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					40	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1918	1,238 SF	12,800.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,950	58,950		
Improvements:	43,130	47,530		
Total:	102,080	106,480	105,012	106,480
Preferential Land:	0	0	0	0

Transfer Information

Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1508301780

Owner Information

Owner Name:	HINKELMAN THOMAS R HINKELMAN VERA C	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	7806 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) / 6634/ 78 2)

Location & Structure Information

Premises Address
7808 DENTON AVE

Legal Description
WATERFRONT OLEARY PL

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14					42	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	1,238 SF	12,900.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,970	58,970		
Improvements:	56,700	62,440		
Total:	115,670	121,410	119,496	121,410
Preferential Land:	0	0	0	0

Transfer Information

Seller:	HINKELMAN THOMAS R	**Date:**	12/02/1983	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 6634/ 78	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number - 1503470925**

Owner Information

Owner Name:	HINKELMAN VERA C HINKELMAN THOMAS R	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	7806 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) /20178/ 7 2)

Location & Structure Information

Premises Address
9040 NORTH POINT RD

Legal Description
LT 44-47
9040 NORTH POINT RD
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					44	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1947	936 SF	36,164.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	49,500	55,500		
Improvements:	28,400	36,400		
Total:	77,900	91,900	87,232	91,900
Preferential Land:	0	0	0	0

Transfer Information

Seller:	COOK ELVA M	**Date:**	06/04/2004	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/20178/ 7	**Deed2:**	
Seller:	COOK ELMER H	**Date:**	06/20/1989	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8203/ 666	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

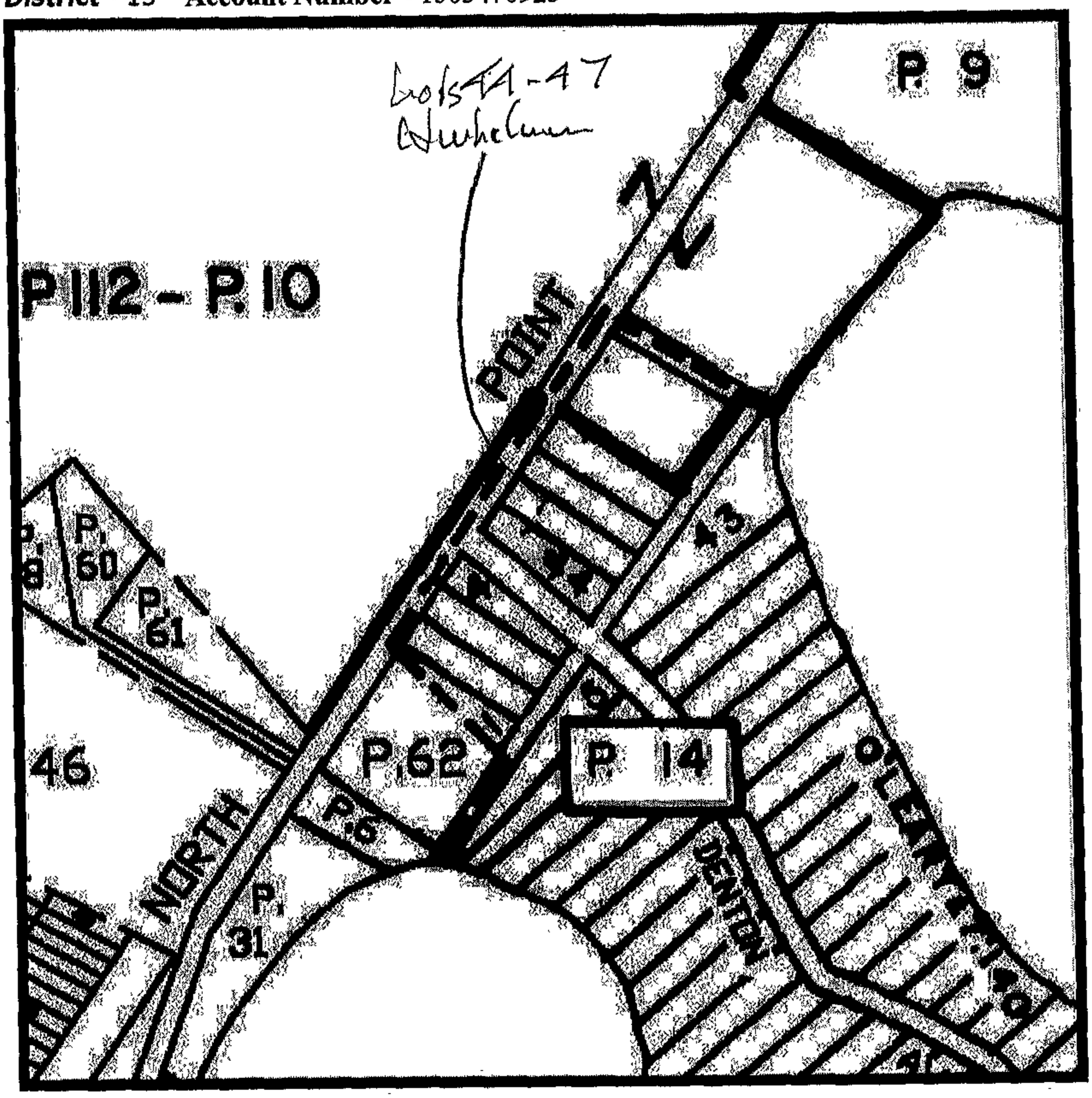
* NONE *

4040 Dirft Rd Lot 999

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 15 **Account Number** - 1503470925



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www.mdp.state.md.us/webcom/index.html



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1700001633

Owner Information

Owner Name: STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES

Mailing Address: C/O GUNPOWDER FALLS STATE PARK
2813 JERUSALEM RD PO BOX 480
KINGSVILLE MD 21087-0480

Use: EXEMPT
Principal Residence: NO
Deed Reference: 1) /14291/ 568
2)

Location & Structure Information

Premises Address
9000 NORTH POINT RD

Legal Description
4.569 AC SES
NORTH POINT RD
734 NE DENTON AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	6	9						82	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1813	3,642 SF	4.57 AC	01

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2003	Phase-In Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	61,060	61,060		
Improvements:	93,160	50,790		
Total:	154,220	111,850	111,850	111,850
Preferential Land:	0	0	0	0

Transfer Information

Seller:	COOK ELMER H,JR	Date: 02/03/2000	Price: $285,000
Type:	NOT ARMS-LENGTH	Deed1: /14291/ 568	Deed2:
Seller:	TODD F RIDGELY	Date: 01/16/1975	Price: $50,500
Type:	IMPROVED ARMS-LENGTH	Deed1: / 5503/ 615	Deed2:
Seller:		Date:	Price:
Type:		Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: COUNTY AND STATE
Exempt Class: PARKS

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1502650220

Owner Information

Owner Name:	BROWN SUSIE S,ET AL	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	9108 NORTH POINT RD BALTIMORE MD 21219-2403	**Deed Reference:**	1) / 1220/ 442 2)

Location & Structure Information

Premises Address
9108 NORTH POINT RD

Legal Description
SES NORTH POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No: Plat Ref:
115	5	62						82	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1925	1,746 SF	32,922.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	38,230	38,230		
Improvements:	70,000	80,170		
Total:	108,230	118,400	115,010	118,400
Preferential Land:	0	0	0	0

Transfer Information

Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1516601230

Owner Information

Owner Name:	SMITH DAVID GORDON SMITH ANTOINETTE E	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	9112 NORTH POINT RD FORT HOWARD MD 21052	**Deed Reference:**	1) / 8523/ 213 2)

Location & Structure Information

Premises Address
9112 NORTH POINT RD
WATERFRONT

Legal Description
LT SES NORTH POINT R
SHALLOW CREEK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No: / Plat Ref:
115	5	6						82	

Special Tax Areas | **Town** | ***Ad Valorem*** | **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	1,952 SF	10,200.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,300	72,300		
Improvements:	97,050	108,320		
Total:	169,350	180,620	176,862	180,620
Preferential Land:	0	0	0	0

Transfer Information

Seller:	CLARKE STEPHEN	**Date:**	06/27/1990	**Price:**	$40,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 8523/ 213	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1520550340

Owner Information

Owner Name: WILKINS HARRY T
WIKLINS TERESA A

Mailing Address: 9114 NORTH POINT RD
PO BOX 186
FORT HOWARD MD 21052-0186

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) /16986/ 736
2)

Location & Structure Information

Premises Address
9114 NORTH POINT RD

Legal Description
9114 NORTH POINT RD SES
144 FT N OLD BAY RD

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	31						82	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1999	3,920 SF	34,113.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	78,270	146,520		
Improvements:	235,290	457,220		
Total:	313,560	603,740	507,012	603,740
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BIRMINGHAM MICHAEL J, III	Date:	10/23/2002	Price:	$658,500
Type:	IMPROVED ARMS-LENGTH	Deed1:	/16986/ 736	Deed2:	
Seller:	BIRMINGHAM MICHAEL J,3RD	Date:	03/08/2001	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/15026/ 197	Deed2:	
Seller:	FILLEMAN WALTER SPENCE	Date:	02/22/1994	Price:	$139,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/10358/ 352	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

AN IMPACT ANALYSIS OF WATER VIEWS ON A RESIDENTIAL PROPERTY AT 7844 DENTON AVENUE, BALTIMORE,MD

Effective Date of Analysis: November 2, 2004

Prepared By:

Richard O. King
Richard O. King, Sr., & Associates, Inc.
5141 Harpers Farm Road
Columbia, MD 21044
Telephone: (410) 992-6902
FAX: (410) 992-6903

Prepared For:

Dr. and Mrs. Grover Hutchins
c/o Mr. J. Neil Lanzi, Attorney at Law
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204
Phone: (410) 296-0686
Fax: (410) 296-0689

Pet 9

AN IMPACT ANALYSIS OF WATER VIEWS ON A RESIDENTIAL PROPERTY

SUMMARY OF FACTS AND CONCLUSIONS

Subject Address:	**7844 Denton Avenue Baltimore, MD 21219**
Legal Description:	**Liber 14438/ Folio 41**
Identification:	**Parcel 14, Tax Map 115, Grid 5, Lot 24, Group 82; Baltimore County, MD**
Effective Date:	**November 2, 2004**
Interest Analyzed:	**Fee Simple, Land Only**
Total Land Area:	**6,827 Square Feet (SF)**
Total Improved Area:	**2,392 Square Feet (SF)**
Zoning:	**5.5 Residential**
Highest & Best Use:	**Residential**
Assessed Land Value Only:	

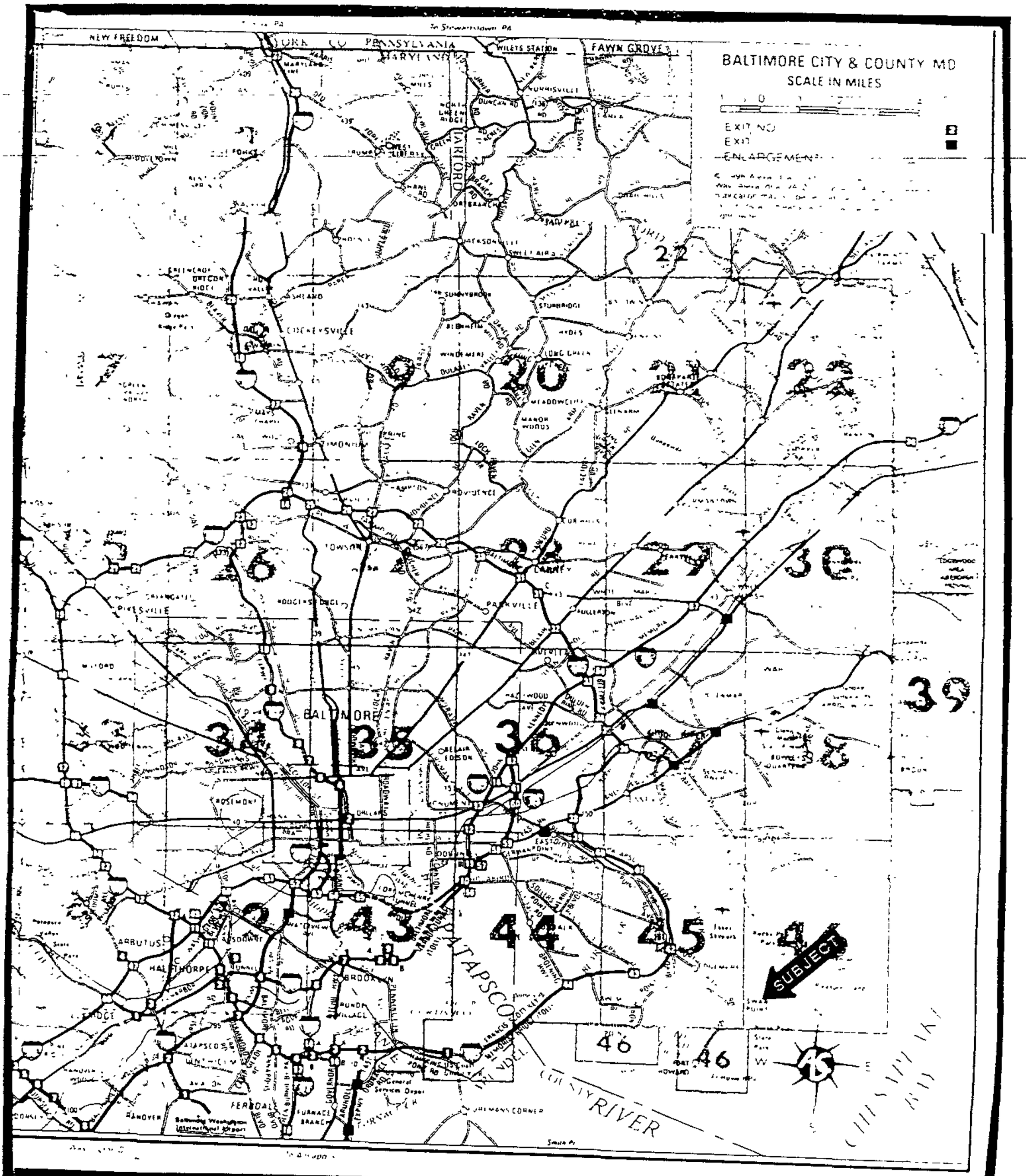
Estimated Full View Value Before Garage Construction: $68,270

Estimated Partial View Value After Garage Construction: $47,789

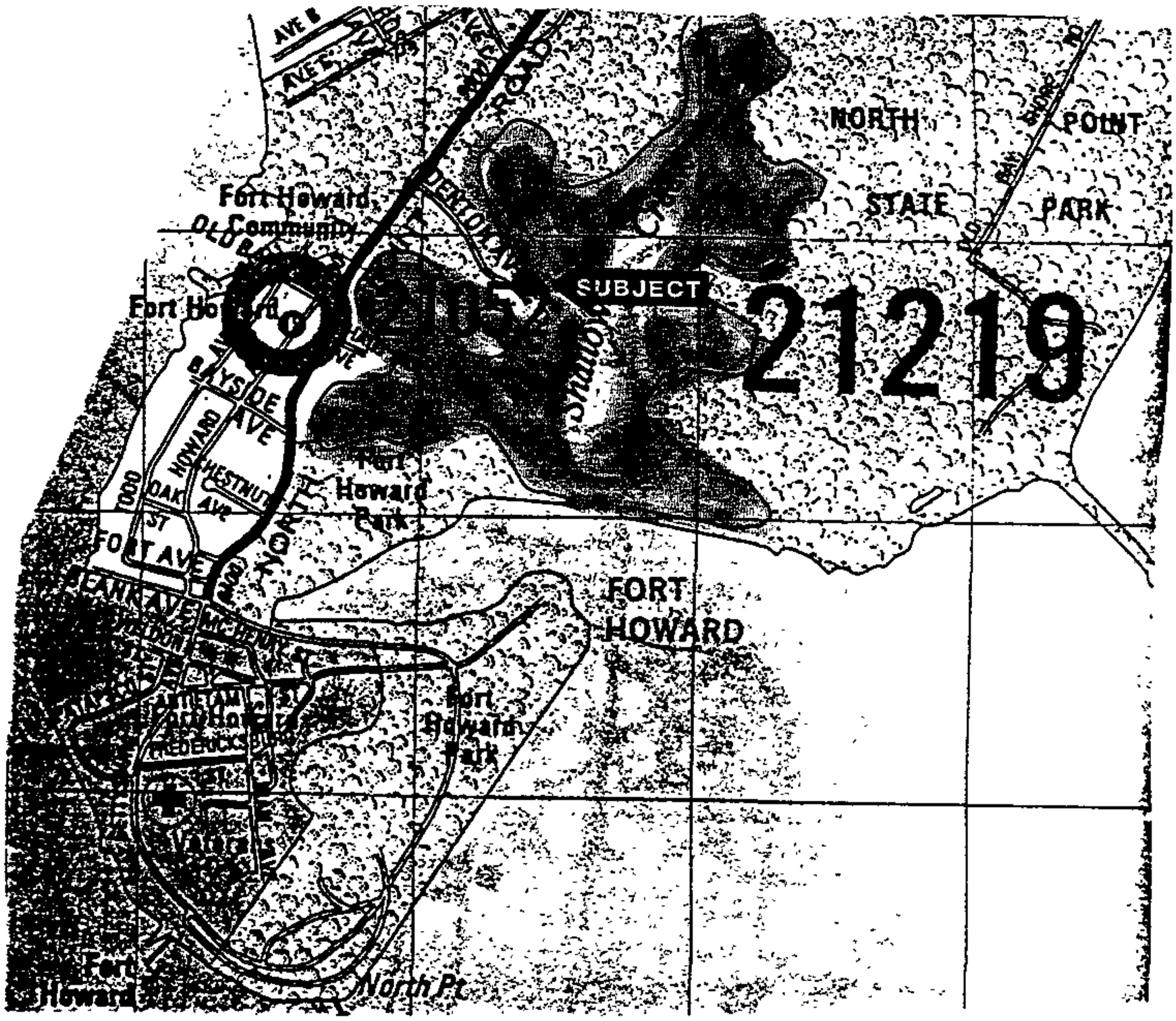
Diminished Value Due to Garage Construction: $20,481

ROUNDED -$20,500 (30% LOSS)

BALTIMORE CITY & COUNTY, MD

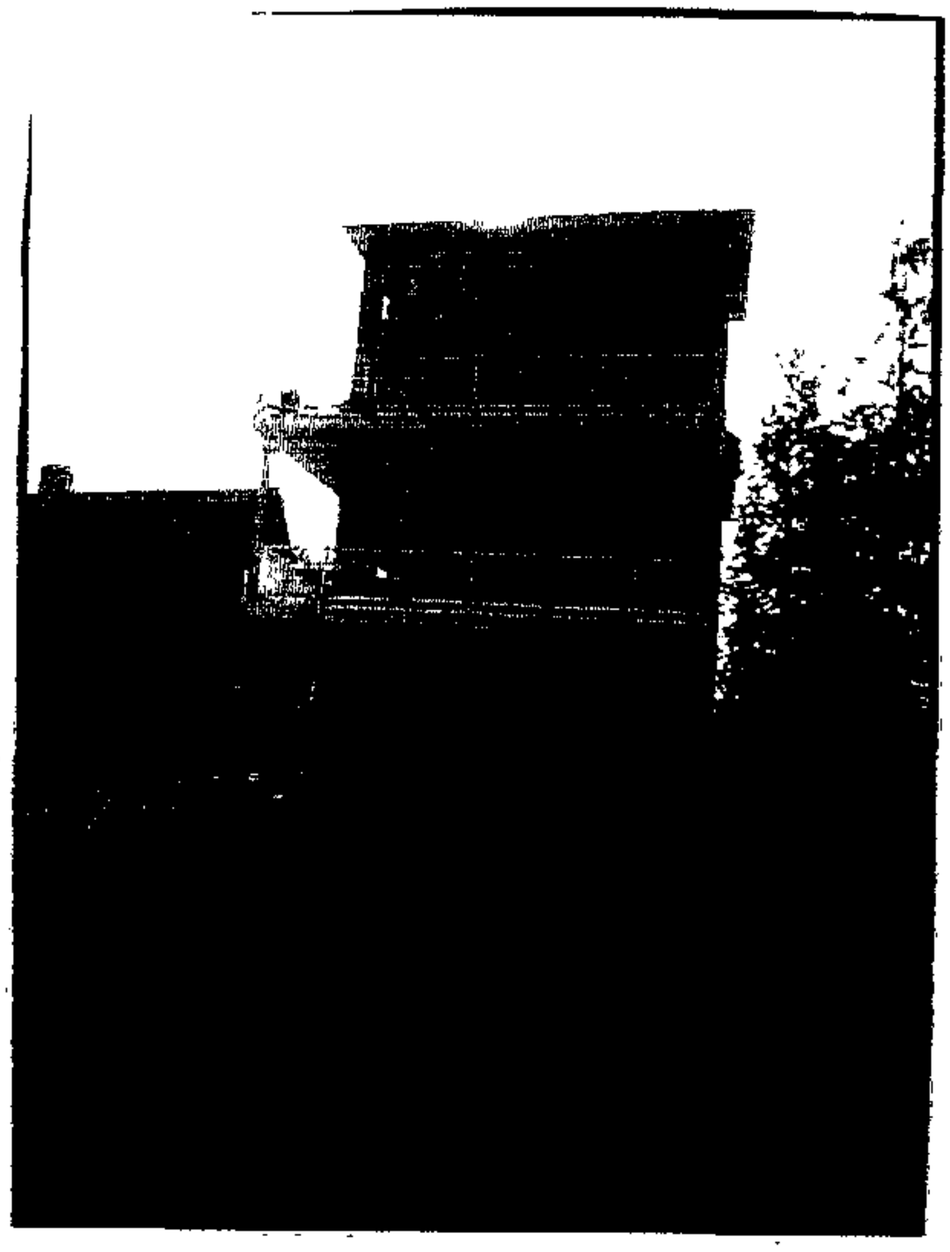


Location Map

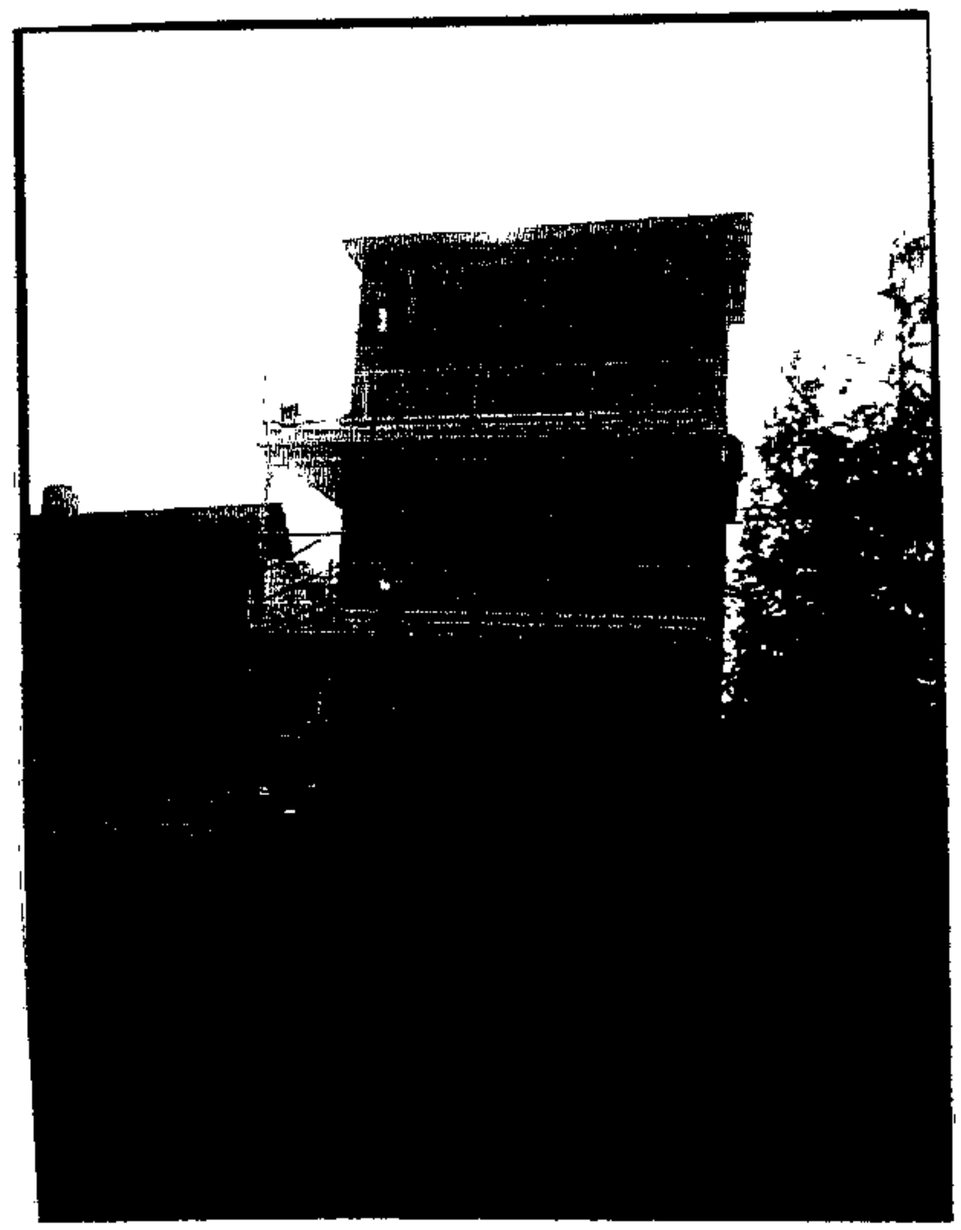


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Location Map



SUBJECT LOCATION
VIEWED FROM WATER



SUBJECT LOCATION
VIEWED FROM WATER
LINE INDICATING 20' EFFECT

PURPOSE AND FUNCTION OF THIS ANALYSIS: **The purpose of this analysis is to estimate the impact on value should a 20' foot, two story garage be constructed on the east side of the subject property. The function and intended use is to support the client's case in opposing a variance request for an additional height elevation of 5 feet above the legal limit of 15 feet for the construction of the above garage.** **See Requested Zoning Variance on Page 9.**

THE ANALYSIS PROCESS: **Using the Baltimore County deed records, property plats, maps and land assessed values as the supporting documentation along with discussions with Brian Kowalewski, Tax Assessor and Robin Hurley, Flood Plain Standards, the mathematical rationalizations were determined. Generalizations as to other similar cases involving views and their impact on value were taken from published articles in the Appraisal Institute Journals and texts. All sources are identified in the addenda section.**

STEPS IN PROCESS:

- **Measuring 20' effect on subject from ground level.**
- **Note the effected areas of subject's southeast views which views include Chesapeake Bay Bridge** **See Photos, Page 8.**
- ***Recognition of the Denton Avenue Peninsula as an "arm with elbow."***

  The lower assessed land values north of elbow range $4.00/SF - $7.00/SF. (Average $6.00/SF).

  The higher assessed land values south of elbow - $7.50/SF - $10.00/SF (Note similar assessed values on western side). (Average $9.00/SF). See present Assessed Land Values, Page 10. Also, Support Exhibits A, B, and C.

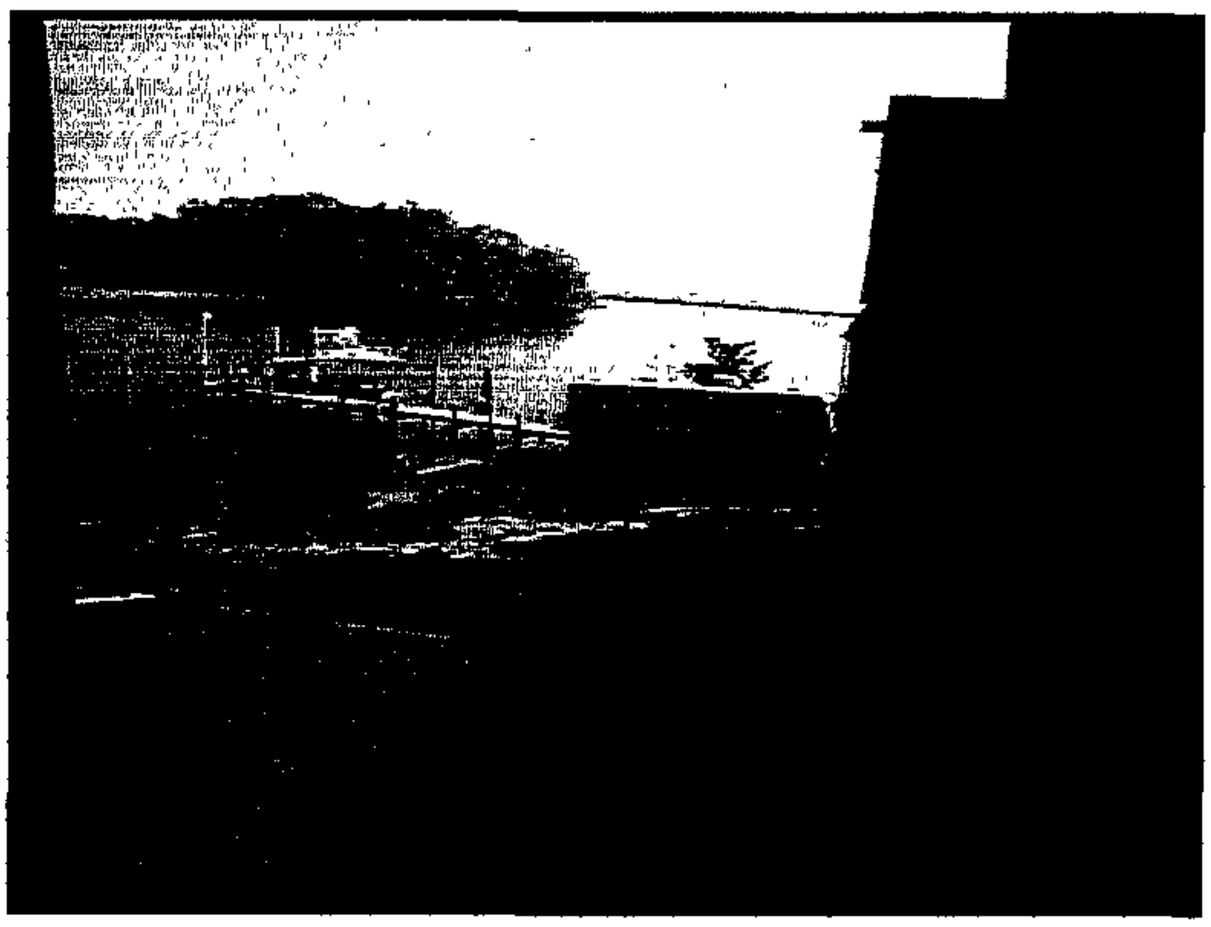
SCOPE OF ANALYSIS: **The above steps were used to estimate the diminished value of the subject property. The analysis included:**

Site Inspection	**-**	**November 2, 2004**
Interior Inspection	**-**	**November 2, 2004**



Eastward View from Top Porch

SUBJECT- 7844 Denton Avenue



Eastward View from 2nd level

Subject-7844 Denton (BEDROOM WINDOW)



Garage Foundation (24'x24')

View from Subject's 2 ND FL Porch

LOOKING EAST

6

PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 7846 Denton Ave Balto. MD 21219

SUBDIVISION NAME OLEARY PLAT

PLAT BOOK # 7 FOLIO # 140 LOT # 24 SECTION # ____

OWNER Max A. Gasker 2/7/04

FINISHED GARAGE SIZE 525 SQ. FT. PROPOSED FOR EACH FLOOR TOTAL = 1,050 SQ. FT. APPLICANT ADVISED THAT BUILDING SIZE MAY BE REQUIRED TO BE REDUCED DUE TO FLOOD PLAIN SHALLOW REQS.

Max A. Gasker 2/20/04

SOUTHERLY

CREEK

5' ESMT 4548/562

4'±

12'±

131.85'± N 62°51'00" E

WD. BULKHEAD & CURRENT SHORELINE

FRM. GAR. 24.2' 24.3'

Proposed site utilizing existing slab 20' HIGH GARAGE REPLACING 15' HIGH GARAGE DESTROYED BY STORM

13.0' 13.4' 13.4' 14.0' 17'±

WOOD DECK 14.0' 14.0'

SFD 2-STY. FRAME # 7846

26.0' 39.9' 14.0' Front

CONC. RAMP

24 A

(PARTIAL)

35' ht ±

Hutchins #7844 SFD 24 B

45'

(REMAINDER)

26

43' ht ±

30'±

S 17°09'00" E 40.00'

Denton Ave 54'30'00" 110.04'

Beginning Point

12' ESMT

BALTO. CO Manhole

N 17°09'00" W 169.00'

ESMT 445/321

1050'± to ℄ of North Point Road and of County Rd. 24' Wide pavement (Denton Ave)

#7845 23 Charles & Sue Darby SFD

Front

1 of 23

#7843 Lawrence & Ruth Schultz SFD

26

32

30' ht ±

24'

NORTH

PREPARED BY _____

SCALE OF DRAWING: 1" = 30'

Max A. Gasker 2/20/04

To North Point Road

Ft Howard

Denton Ave

Subject Property

CREEK

SHALLOW

VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # S.E 9-I

ZONING 5.5 Residential

LOT SIZE .41 ACREAGE 17,860 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☑	☐
WATER	☑	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA FIRM ZONE	☑	☐
100 YEAR FLOOD PLAIN A9	☑	☐
HISTORIC PROPERTY/ BUILDING	☐	☑

PRIOR ZONING HEARING 8-17-93 Case # CBA-93-114 Permit granted

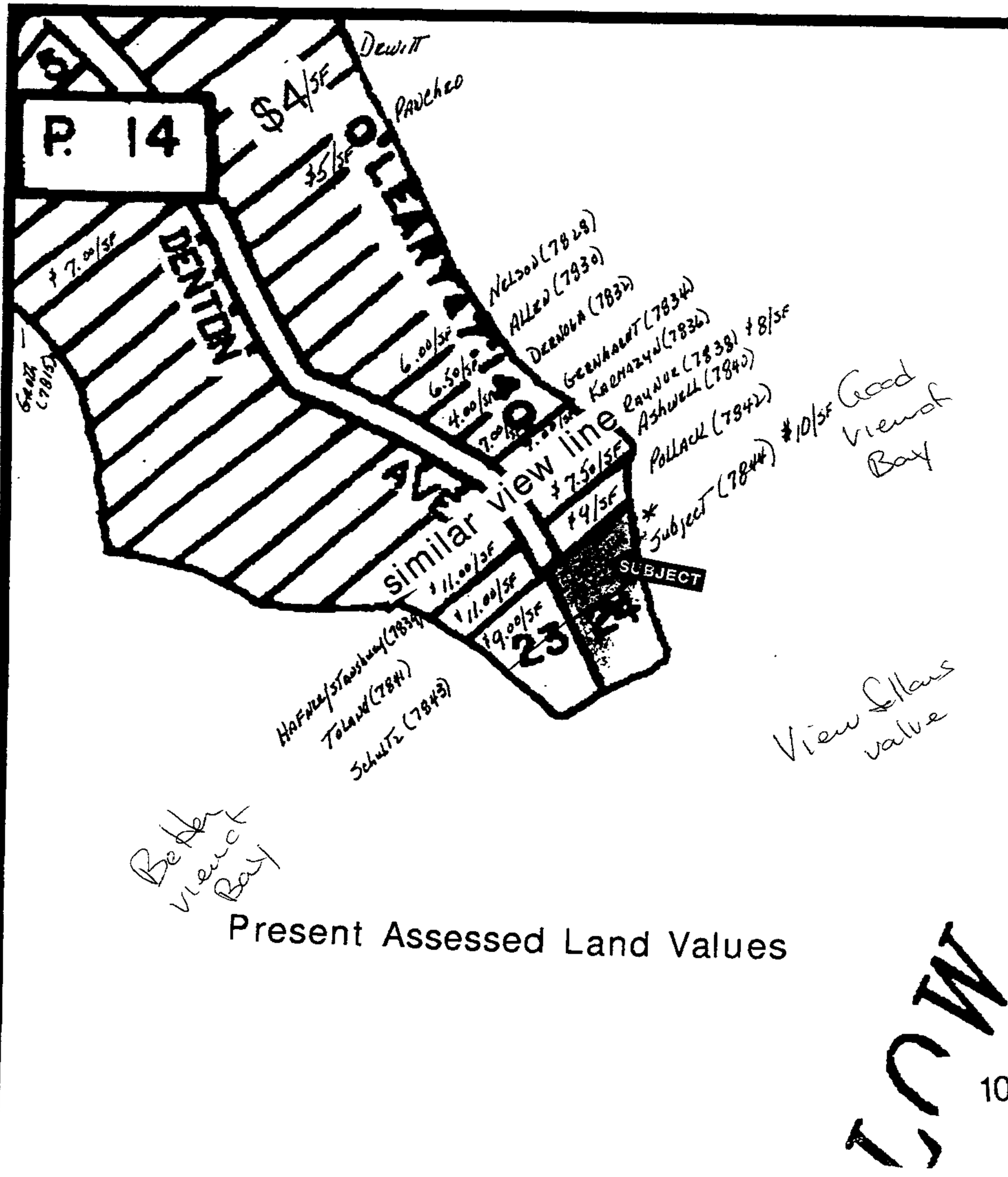
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JL		04-383-A

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 15**Account Number** - 2100007551 * (Subject)



Present Assessed Land Values

NOT

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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· Sales ·

Transfer Date	Account Identifier	Street Location	Sale Price	Liber/Folio
10/29/2004	15 1504350341	AVENUE B	0	20911/ 635
10/29/2004	15 1504350340	9117 AVENUE B	0	20911/ 635
10/28/2004	15 1508651400	7815 DENTON AVE	320,000	20906/ 591
10/14/2004	15 1502655490	9110 AVENUE C	0	20829/ 272
10/12/2004	15 1900005105	7514 BLANK AVE	114,000	20811/ 588
09/07/2004	15 2200024473	9205 NORTH POINT RD	100,000	20644/ 175
08/23/2004	15 1519320190	9321 TODD AVE	70,000	20582/ 476
08/03/2004	15 1523502062	7528 FORT AVE	206,000	20479/ 670
08/03/2004	15 1523502050	FORT AVE	206,000	20479/ 670
06/25/2004	15 1504350342	9117 AVENUE B	83,000	20315/ 668
06/24/2004	15 2200023307	9219 NORTH POINT RD	80,000	20302/ 368
06/04/2004	15 1513208330	9210 HOWARD AVE	0	20177/ 184
05/03/2004	15 1512590220	9016 AVENUE A	0	19991/ 513
04/27/2004	15 1504351721	9119 AVENUE B	330,000	19959/ 27
04/21/2004	15 2100002850	7602 BAYSIDE AVE	0	19930/ 343
04/02/2004	15 1511890253	9315 NORTH POINT RD	236,000	19828/ 627
03/23/2004	15 1504201150	7810 DENTON AVE	0	19778/ 20
03/15/2004	15 1507830280	9309 TODD AVE	56,000	19736/ 436
03/10/2004	15 2200023020	9207 NORTH POINT RD	0	19718/ 358
03/04/2004	15 1513203522	9214 NORTH POINT RD	110,000	19694/ 193
02/04/2004	15 1502655490	9110 AVENUE C	152,600	19548/ 1
02/02/2004	15 1507151140	7839 DENTON AVE	0	19530/ 509
01/29/2004	15 1502573810	7517 FORT AVE	36,000	17820/ 565
01/27/2004	15 1513200950	7840 DENTON AVE	0	19501/ 383
01/23/2004	15 1900000898	9036 AVENUE B	140,000	19496/ 26
01/23/2004	15 1511890252	NORTH POINT RD	65,000	19494/ 212
01/22/2004	15 1700006043	AVENUE A	95,000	19486/ 521
01/21/2004	15 2200024474	9211 NORTH POINT RD	0	19480/ 563
01/14/2004	15 1513752300	9129 TODD AVE	0	19449/ 285

11/07/2003	15 1513142550	7508 BLANK AVE	50,000	9137/ 60
10/17/2003	15 1523003990	9120 TODD AVE	0	4759/ 223
09/12/2003	15 1900000898	9036 AVENUE B	118,600	14510/ 213
08/11/2003	15 1514100030	9417 NORTH POINT RD	45,000	6532/ 135
07/22/2003	15 1504351721	9119 AVENUE B	321,000	12264/ 692
06/24/2003	15 1520660161	9313 TODD AVE	35,000	15175/ 381
06/03/2003	15 1516950050	7818 DENTON AVE	0	5279/ 325
05/24/2003	15 1511002040	9007 AVENUE A	0	18062/ 313
05/15/2003	15 1512000720	9305 TODD AVE	199,000	18003/ 536
04/09/2003	15 1502573810	7517 FORT AVE	68,854	17820/ 565
03/27/2003	15 1513203520	9230 NORTH POINT RD	0	17743/ 582
03/10/2003	15 1501540130	7601 OLD BAYFRONT RD	0	17647/ 490
02/14/2003	15 1520300590	OLD ROAD BAY	0	17549/ 682
02/12/2003	15 1501020190	9014 AVENUE B	177,000	17535/ 88
02/04/2003	15 1519610130	9010 AVENUE A	0	17492/ 355
01/26/2003	15 1519850010	9227 TODD AVE	0	17438/ 308
01/22/2003	15 1511151520	9026 AVENUE B	0	17417/ 226
12/30/2002	15 2400002238	9234 TODD AVE	0	17295/ 131
12/24/2002	15 2200023020	9207 NORTH POINT RD	55,000	17278/ 441
12/09/2002	15 1513203011	7515 FORT AVE	0	17206/ 725
11/30/2002	15 2400002237	9238 TODD AVE	0	17295/ 126
11/21/2002	15 1502850650	7832 DENTON AVE	35,000	17137/ 37
11/14/2002	15 1800003637	9405 NORTH POINT RD	0	17092/ 570
10/23/2002	15 1520550340	9114 NORTH POINT RD	658,500	16986/ 736
09/18/2002	15 1514650860	BAYSIDE AVE	0	16842/ 381
09/12/2002	15 2200023020	9207 NORTH POINT RD	71,000	16815/ 426
07/11/2002	15 1511352200	7620 ROSS AVE	163,500	16604/ 276
06/05/2002	15 1507151140	7839 DENTON AVE	0	16475/ 267
05/31/2002	15 1508303743	7619 ROSS AVE	0	16461/ 318
05/28/2002	15 1518101320	7603 OLD RD BAY FRONT	185,000	16450/ 38
03/27/2002	15 1800003637	9405 NORTH POINT RD	0	5185/ 214
03/14/2002	15 1513208330	9210 HOWARD AVE	125,000	16199/ 525
03/12/2002	15 1519850010	9227 TODD AVE	0	16191/ 414
03/01/2002	15 2200016231	8804 AVENUE B	470,000	16161/ 174
02/14/2002	15 2200008940	NORTH POINT RD	139,900	16108/ 125
02/14/2002	15 1700012176	9298 NORTH POINT RD	139,900	16108/ 125
01/02/2002	15 1511890251	7613 BAYSIDE AVE	87,814	15920/ 358
12/20/2001	15 1508303742	9103 AVENUE A RD	0	15880/ 303
12/20/2001	15 2100007552	7846 DENTON AVE	0	15883/ 728
12/20/2001	15 1516601530	7618 CHESTNUT AVE	0	15883/ 42

A

11/29/2001	15 1519640530	7829 DENTON AVE	0	15803/ 694
11/28/2001	15 1514400240	9308 HOWARD AVE	0	15797/ 75
10/25/2001	15 1508802080	9108 AVENUE A	0	15692/ 530
10/10/2001	15 1600003438	OLD ROAD BAY	160,000	15640/ 687
09/26/2001	15 1511670020	9100 AVENUE A	160,000	15604/ 730
09/19/2001	15 1508655390	9400 HOWARD AVE	150,000	15582/ 664
09/19/2001	15 1503002980	HOWARD AVE	150,000	15582/ 664
08/24/2001	15 1513208330	9210 HOWARD AVE	130,150	15504/ 409
08/14/2001	15 1511350100	7520 BLANK AVE	0	15466/ 561
06/18/2001	15 1512591300	7524 BLANK AVE	0	15305/ 528
06/05/2001	15 1523750920	9112 AVENUE A	0	15262/ 99
05/11/2001	15 1503001000	7825 DENTON AVE	0	15197/ 256
05/04/2001	15 1520660161	9313 TODD AVE	0	15175/ 381
04/16/2001	15 1519320190	9321 TODD AVE	35,000	15121/ 575
03/08/2001	15 1520550340	9114 NORTH POINT RD	0	15026/ 197
02/15/2001	15 1506451830	9215 -9217 TODD AVE	154,000	14973/ 285
02/07/2001	15 1513203010	9319 TODD AVE	0	14963/ 484
01/10/2001	15 1523750920	9112 AVENUE A	166,500	14914/ 124
01/03/2001	15 1600005864	7605 OLD ROAD BAY	200,000	14900/ 144

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BALTIMORE COUNTY
Real Property Data Search

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Ground Rent

Account Identifier: **District - 15 Account Number - 2100007551**

Owner Information

Owner Name: HUTCHINS GROVER M
HUTCHINS LORETTA H

Mailing Address: 1 STRATFORD RD
BALTIMORE MD 21218-1145

Use: RESIDENTIAL

Principal Residence: NO

Deed Reference: 1) /14438/ 41
2)

Location & Structure Information

Premises Address
7844 DENTON AVE

Legal Description
.1567 AC PT LT 24
7844 DENTON AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					24	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2002	2,392 SF	6,827.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	68,270	55,600		
Improvements:	207,390	220,000		
Total:	275,660	275,600	275,600	275,600
Preferential Land:	0	0	0	0

Land $ 10/04

Transfer Information

Seller:	BOWLING KARLUS E	**Date:**	04/28/2000	**Price:**	$70,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/14438/ 41	**Deed2:**	
Seller:	BOWLING KARLUS E	**Date:**	11/30/1992	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 9481/ 291	**Deed2:**	
Seller:	~~GASKER MAX ANTHONY~~	**Date:**	09/14/1988	**Price:**	$89,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 7971/ 137	**Deed2:**	

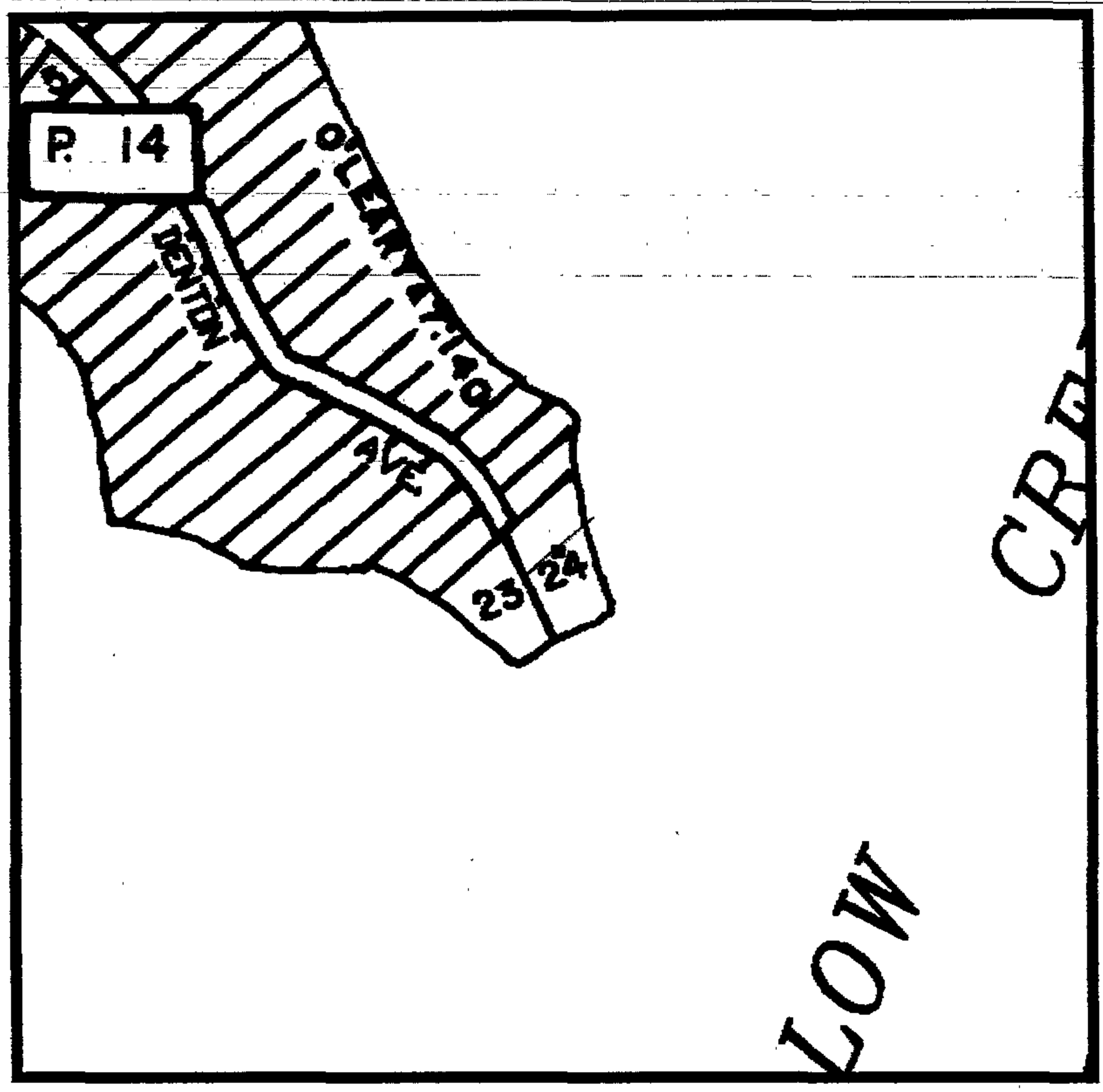
Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *



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BALTIMORE COUNTY
Real Property Data Search

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Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1508000590

Owner Information

Owner Name:	POLLOCK RICHARD C POLLOCK CYNTHIA H	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7842 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) / 7824/ 522 2)

Location & Structure Information

Premises Address
7842 DENTON AVE

Legal Description
WATERFRONT
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					25	82	Plat Ref:	7/ 140

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1913	864 SF	8,060.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	71,060	71,060		
Improvements:	10	10		
Total:	71,070	71,070	71,070	71,070
Preferential Land:	0	0	0	0

* 9.18

Transfer Information

Seller:	SPIELMAN ROBERT L	**Date:**	03/30/1988	**Price:**	$131,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 7824/ 522	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

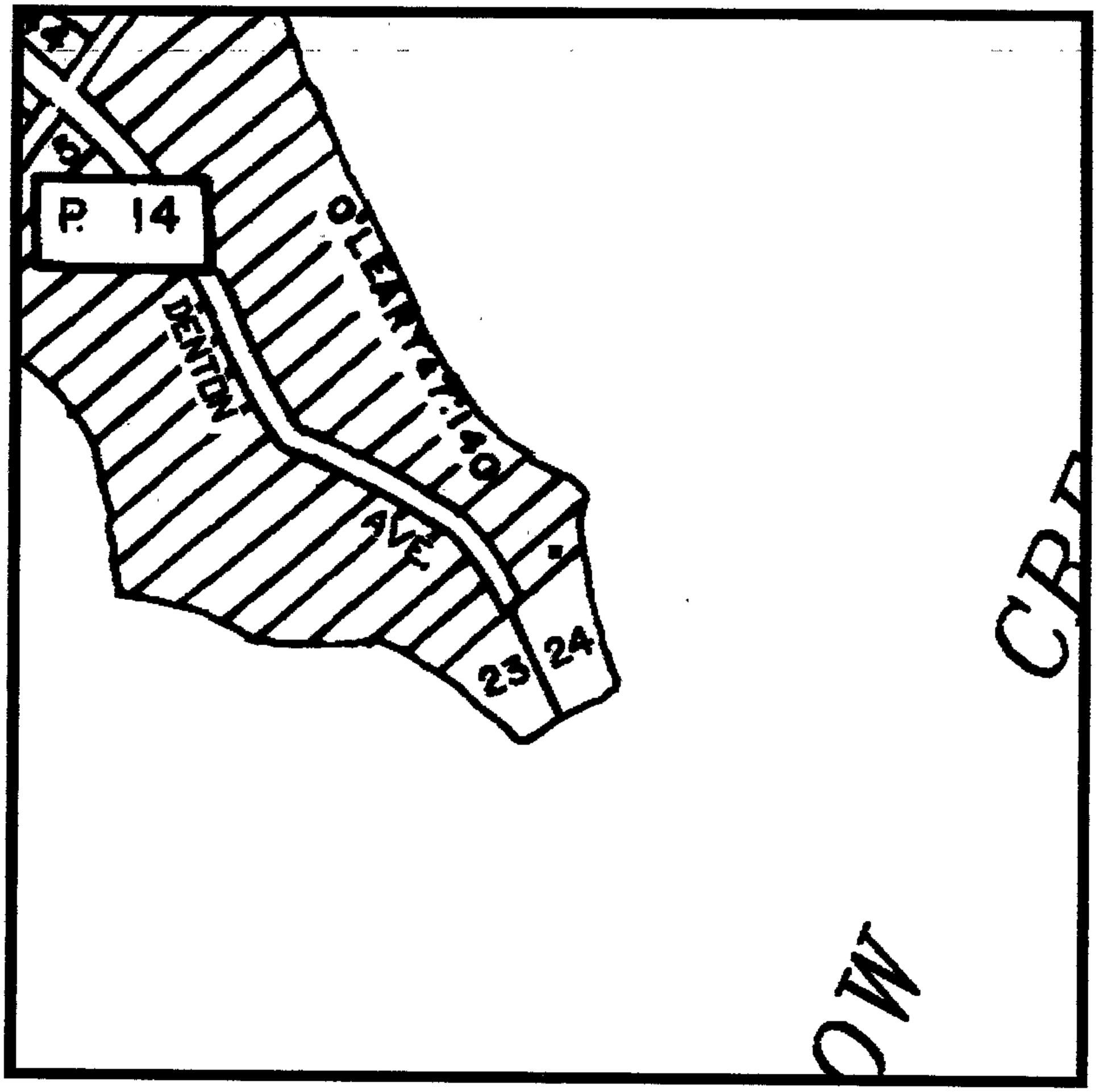
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 15 **Account Number** - 1508000590



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BALTIMORE COUNTY
Real Property Data Search

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Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1513200950

Owner Information

Owner Name: ASHWELL ALLEN LEIGH

Mailing Address: 7840 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /19501/ 383
2)

Location & Structure Information

Premises Address
7840 DENTON AVE

Legal Description
7840 DENTON AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
115	5	14		WATERFRONT			26	82	Plat Ref: 7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	1,700 SF	7,803.00 SF	34

Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	56,800	56,800		
Improvements:	56,750	64,720		
Total:	113,550	121,520	118,862	121,520
Preferential Land:	0	0	0	0

$ 1.50/M

Transfer Information

Seller:	MARSHALL EARL A MARSHALL DORIS L	**Date:** 01/27/2004	**Price:** $0
Type:	NOT ARMS-LENGTH	**Deed1:** /19501/ 383	**Deed2:**
Seller:	MARSHALL EARL A	**Date:** 03/12/1986	**Price:** $0
Type:	NOT ARMS-LENGTH	**Deed1:** / 7111/ 29	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

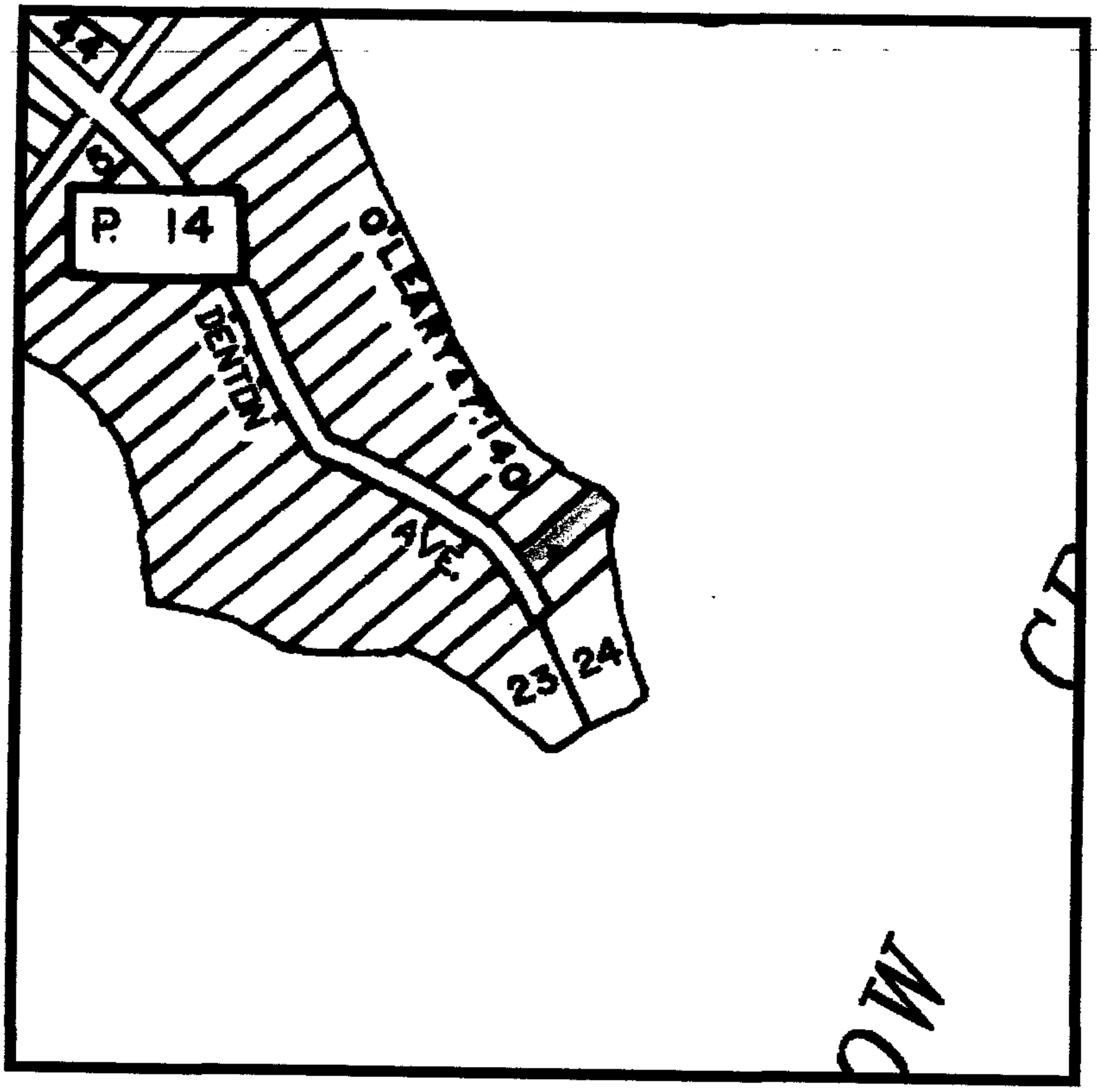
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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District - 15 **Account Number** - 1513200950



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BALTIMORE COUNTY
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Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1519070200

Owner Information

Owner Name:	RAYNOR CHARLES HENRY RAYNOR MARY KATHRYN	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7838 DENTON AVE BALTIMORE MD 21219-2418	**Deed Reference:**	1) / 9662/ 582 2)

Location & Structure Information

Premises Address
7838 DENTON AVE

Legal Description
7838 DENTON AV ES
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					27	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2004	1,300 SF	7,300.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	56,300	56,300		
Improvements:	85,580	95,520		
Total:	141,880	151,820	148,506	151,820
Preferential Land:	0	0	0	0

$8.00/M

Transfer Information

Seller:	RAYNOR ANNA S	**Date:**	03/19/1993	**Price:**	$46,250
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 9662/ 582	**Deed2:**	
Seller:	SCHUBERT CHARLES W	**Date:**	08/13/1971	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8044/ 707	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

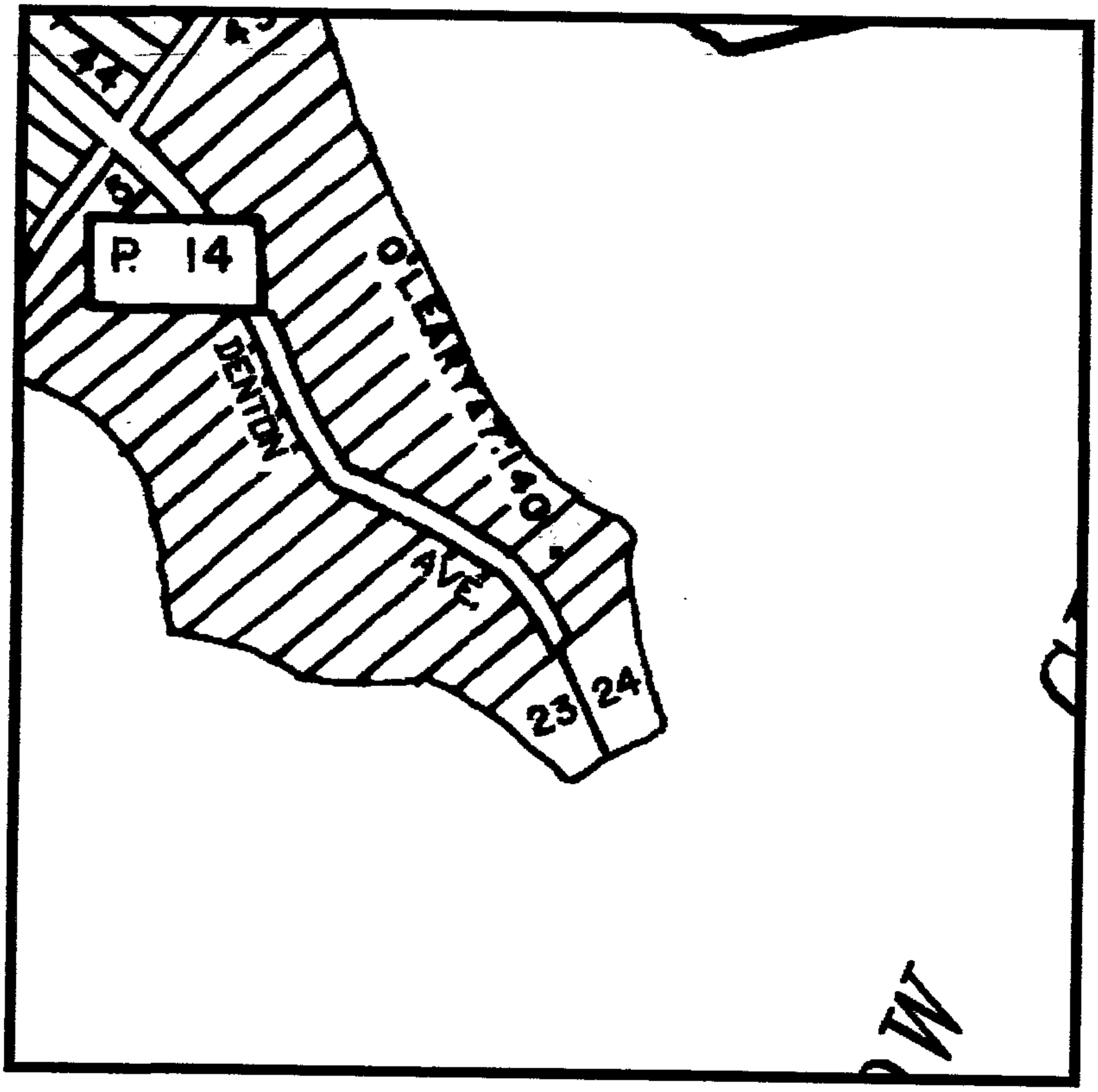
Special Tax Recapture:

* NONE *

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BALTIMORE COUNTY
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District - 15 **Account Number** - 1519070200



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Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1511352260

Owner Information

Owner Name: KARMAZYN MICHAEL J
KARMAZYN RHEA E

Mailing Address: 7836 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) / 5206/ 644
2)

Location & Structure Information

Premises Address
7836 DENTON AVE

Legal Description

744 SE DANTOR AV
OLEARY

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					28	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1930	2,007 SF	8,142.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	57,140	57,140		
Improvements:	35,640	41,070		
Total:	92,780	98,210	96,400	98,210
Preferential Land:	0	0	0	0

$7.00/M

Transfer Information

Seller:	KITAROGERS GEORGE K	**Date:**	08/03/1971	**Price:**	$13,100
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5206/ 644	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

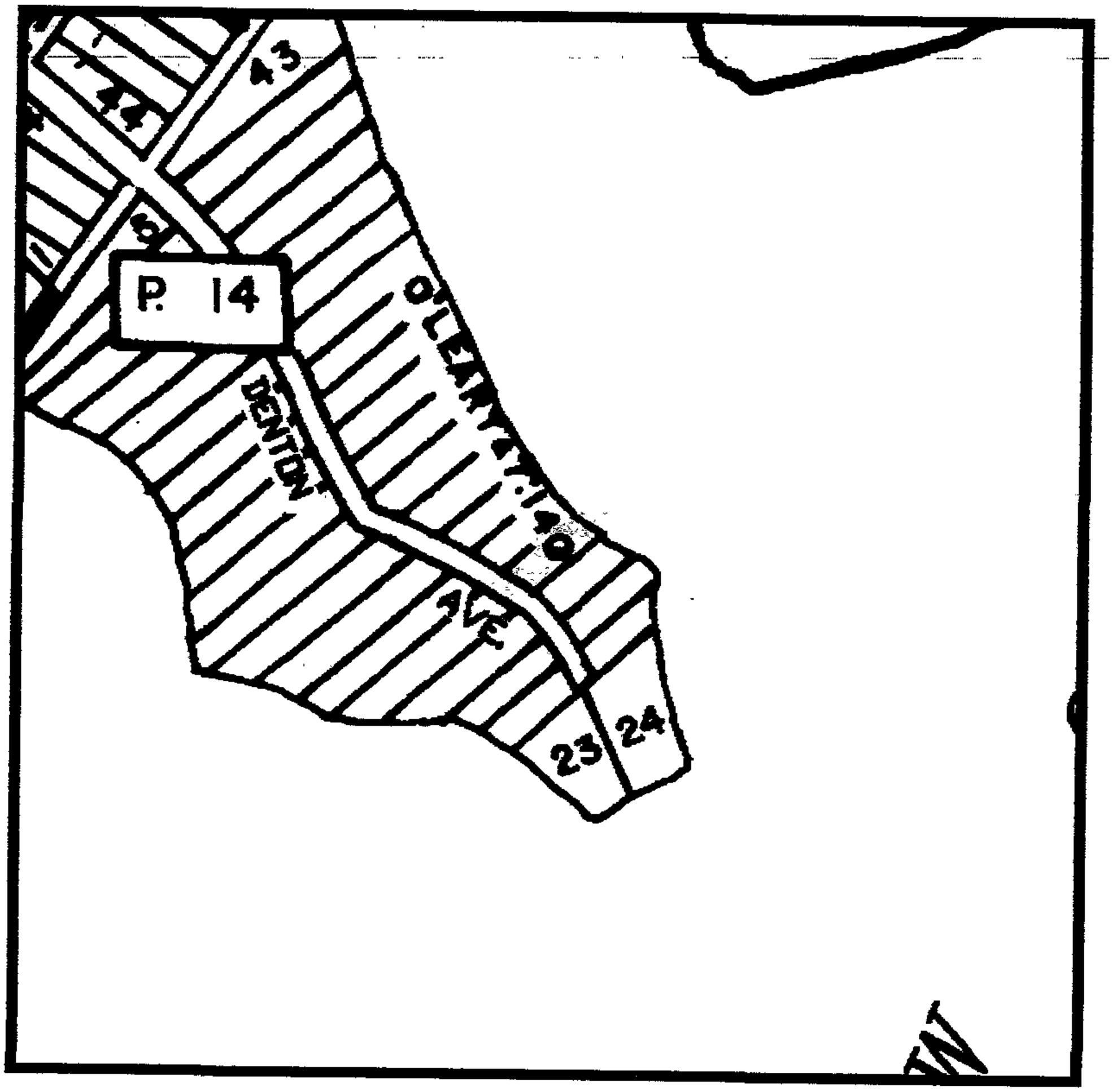
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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District - 15 **Account Number** - 1511352260



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BALTIMORE COUNTY
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Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1512590860

Owner Information

Owner Name: GERNHART CAROLE MARIE

Mailing Address: 7834 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 5300/ 35
2)

Location & Structure Information

Premises Address
7834 DENTON AVE

Legal Description

SES DENTON AVE
OLEARY PL

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					29	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	1,032 SF	7,776.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	56,770	56,770		
Improvements:	44,700	49,490		
Total:	101,470	106,260	104,662	106,260
Preferential Land:	0	0	0	0

$7.04/$1,000

Transfer Information

Seller:	LOVE ROBERT W	**Date:** 09/13/1972	**Price:** $9,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:** / 5300/ 35	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

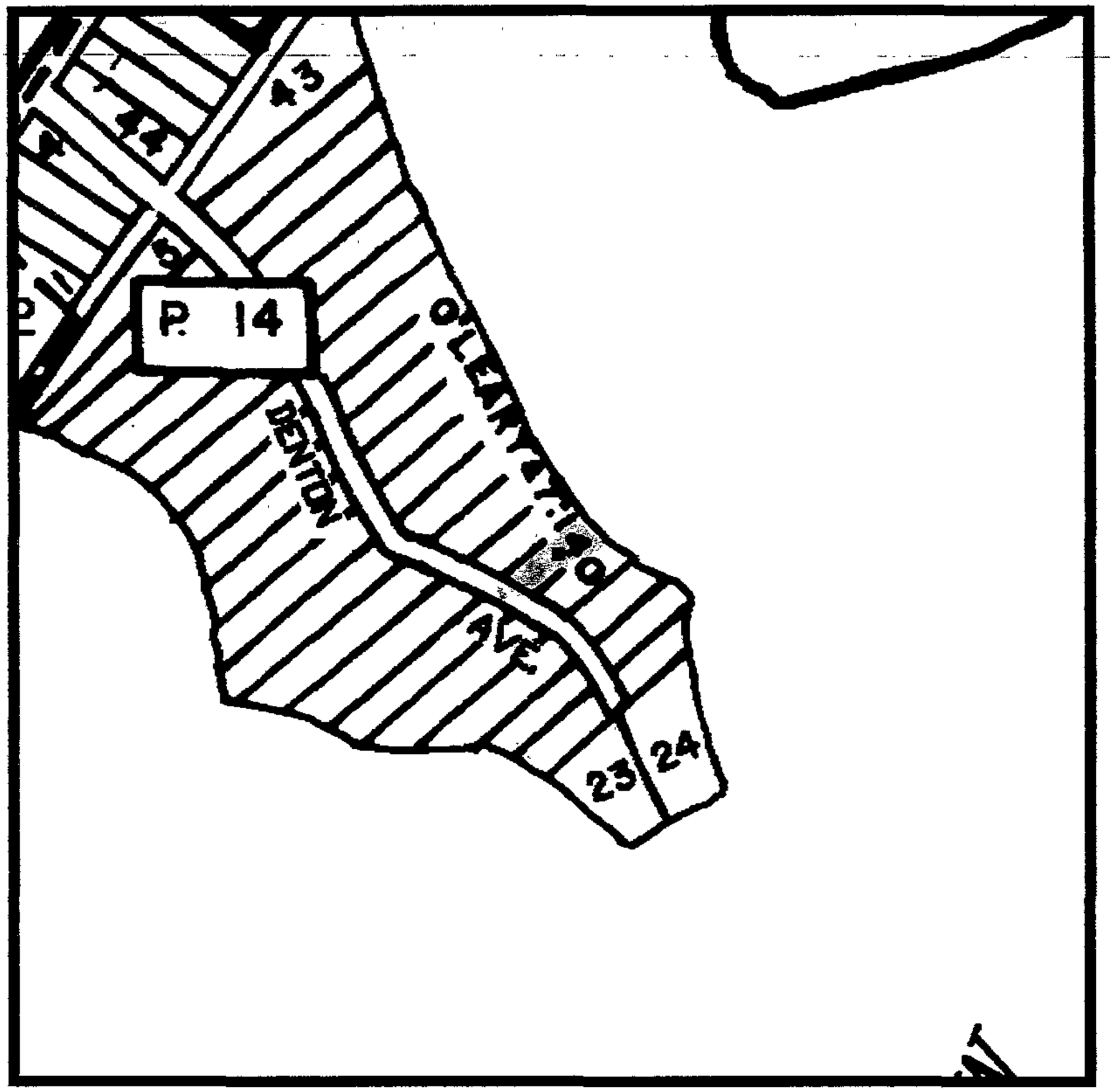
Special Tax Recapture:

* NONE *

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District - 15 Account Number - 1512590860



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BALTIMORE COUNTY
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Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1502850650

Owner Information

Owner Name: DERNOGA CHRISTOPHER M
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 426 BLOOMSBURY AVE
BALTIMORE MD 21228-5206
Deed Reference: 1) /17137/ 37
2)

Location & Structure Information

Premises Address
7832 DENTON AVE

Legal Description
7832 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					30	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2003	2,800 SF	8,692.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	36,690	71,690		
Improvements:	118,370	133,280		
Total:	155,060	204,970	188,332	204,970
Preferential Land:	0	0	0	0

Transfer Information

Seller:	ALLEN GEORGE P	Date:	11/21/2002	Price:	$35,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/17137/ 37	Deed2:	
Seller:	ALLEN GEORGE P	Date:	02/15/1996	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/11434/ 655	Deed2:	
Seller:	BURMEISTER GEO B	Date:	04/18/1989	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/ 2247/ 14	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

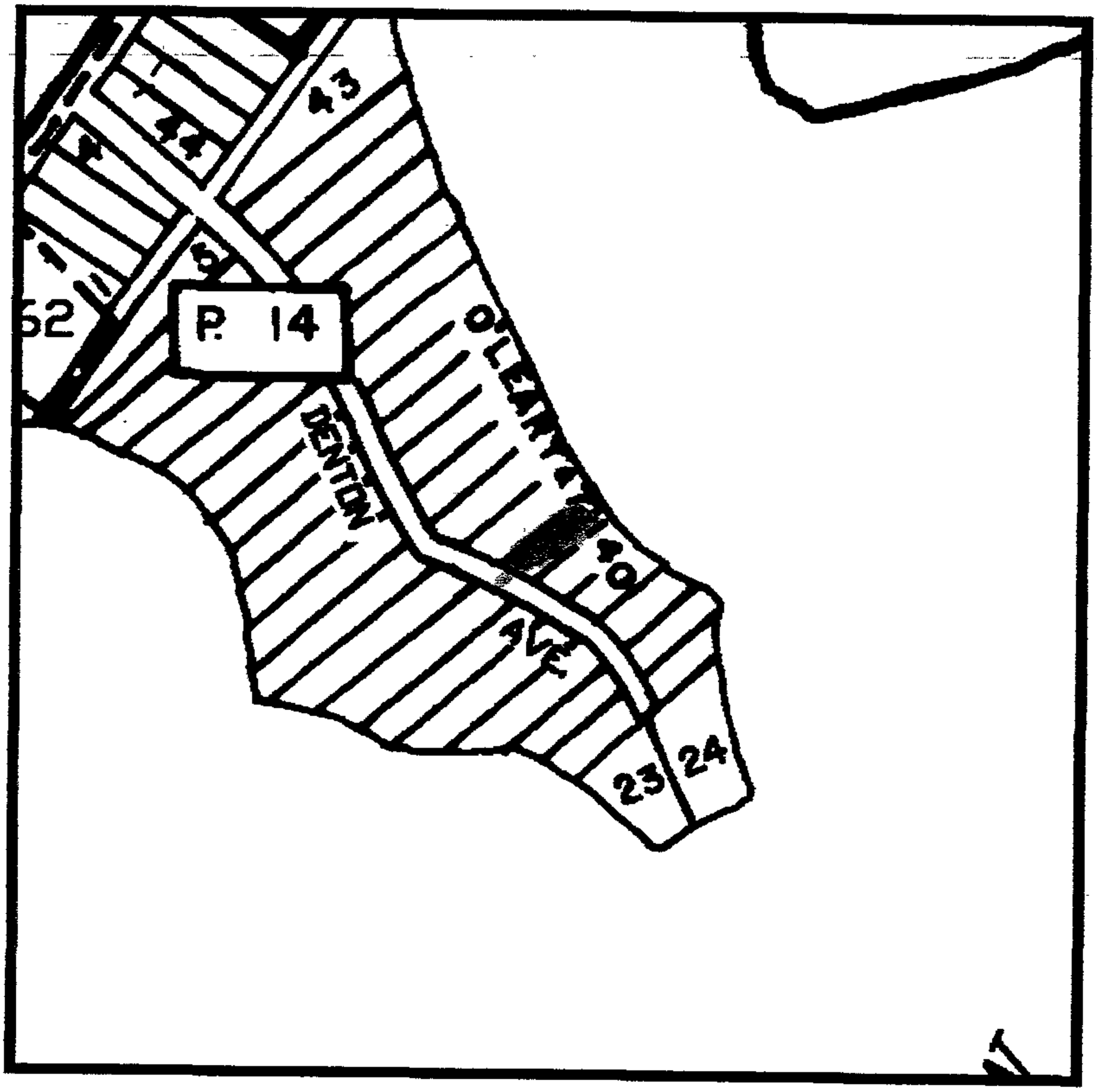
* NONE *

#4.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
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New Search

District - 15 **Account Number** - 1502850650



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1502850660

Owner Information

Owner Name: ALLEN HOWARD E
ALLEN ELOISE V

Mailing Address: 7830 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) / 9837/ 181
2)

Location & Structure Information

Premises Address
7830 DENTON AVE

Legal Description

DENTON AVE
OLEARY PLAT
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					31	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	768 SF	8,950.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	57,950	57,950		
Improvements:	31,840	33,840		
Total:	89,790	91,790	91,122	91,790
Preferential Land:	0	0	0	0

$ 6.50/ $

Transfer Information

Seller:	BURMEISTER GEORGE R	**Date:**	06/22/1993	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 9837/ 181	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

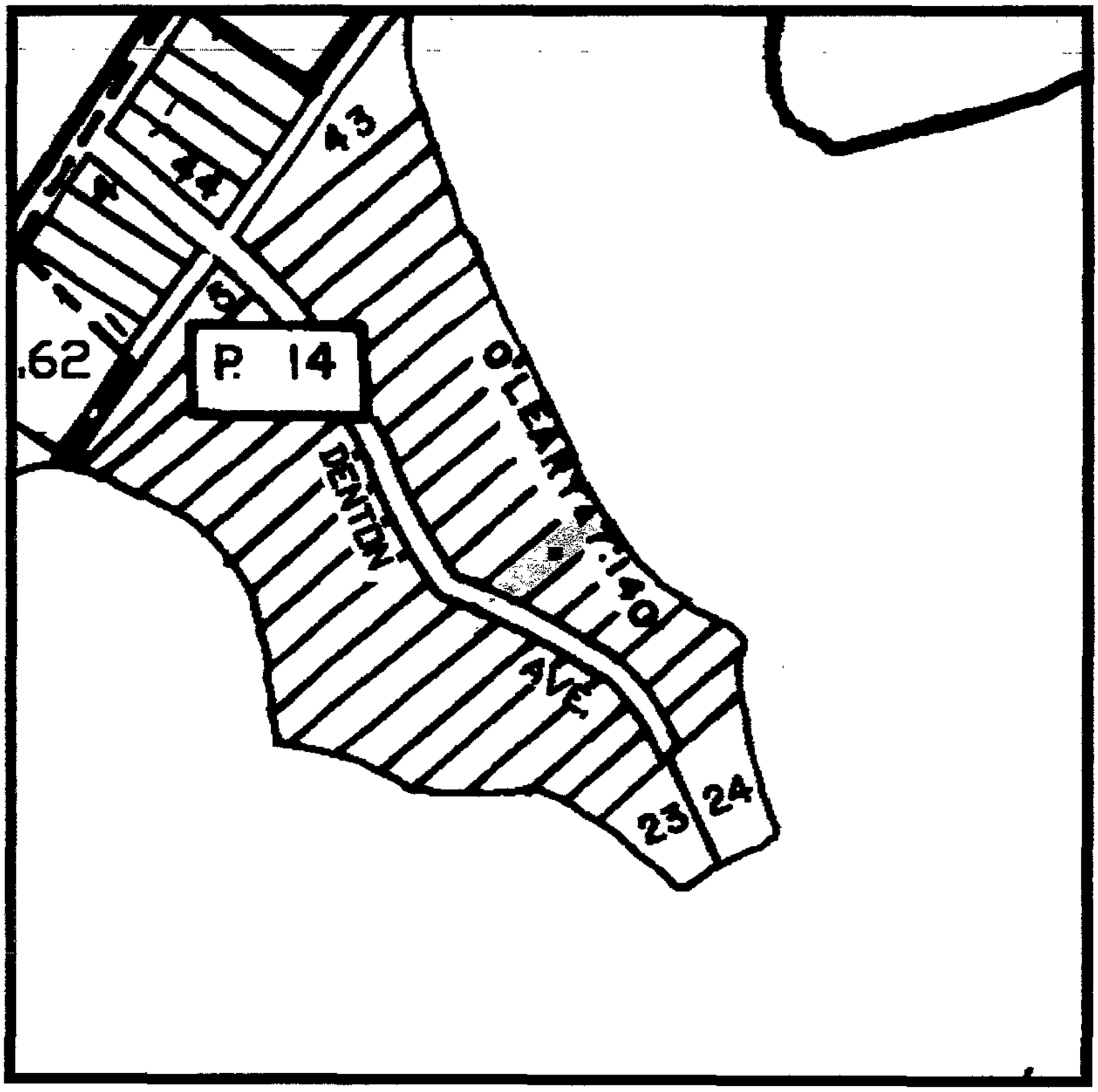
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 15 **Account Number** - 1502850660



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1514100610

Owner Information

Owner Name: NELSON RAYMOND G,JR
NELSON AUDREY A

Mailing Address: 7828 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /12714/ 301
2)

Location & Structure Information

Premises Address
7828 DENTON AVE

Legal Description
DENTON AVE
SHALLOW CREEK
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					32	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1959	1,023 SF	9,300.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,070	58,070		
Improvements:	21,290	26,540		
Total:	79,360	84,610	82,860	84,610
Preferential Land:	0	0	0	0

Transfer Information

Seller: NELSON NELLIE	**Date:** 03/11/1998	**Price:** $0	
Type: NOT ARMS-LENGTH	**Deed1:** /12714/ 301	**Deed2:**	
Seller:	**Date:**	**Price:**	
Type:	**Deed1:**	**Deed2:**	
Seller:	**Date:**	**Price:**	
Type:	**Deed1:**	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

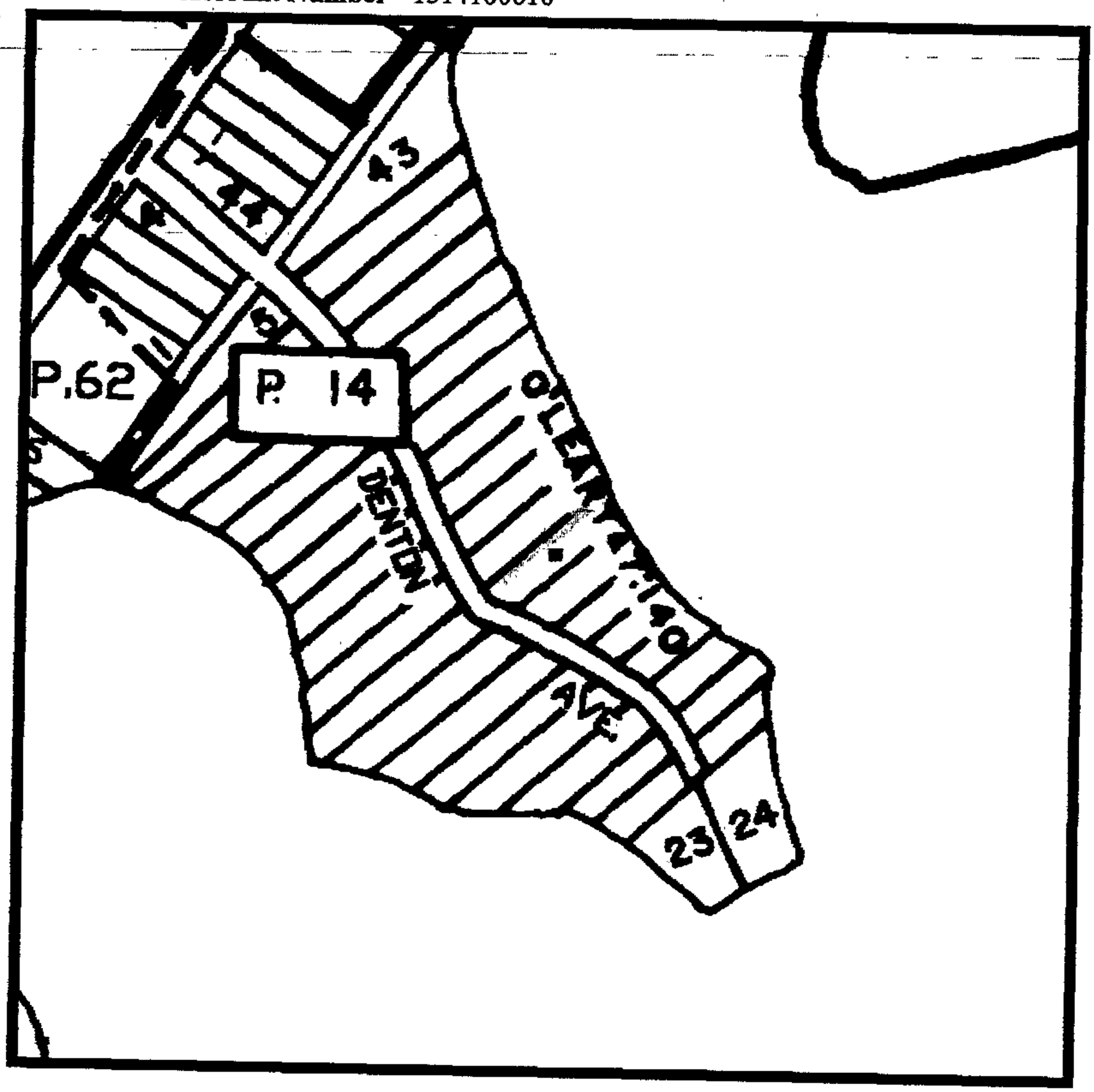
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search

District - 15**Account Number** - 1514100610



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

STR

Account Identifier: **District** - 15 **Account Number** - 1516950050

Owner Information

Owner Name: PACHECO JOANNE F
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7818 DENTON AVE
BALTIMORE MD 21219-2418
Deed Reference: 1) /18114/ 585
2)

Location & Structure Information

Premises Address
7818 DENTON AVE

Legal Description
7618 DENTON AVE
JOHN T OLEARY

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
115	5	14					37	82		7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1996	1,232 SF	11,600.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	58,650	58,650		
Improvements:	63,740	69,820		
Total:	122,390	128,470	126,442	128,470
Preferential Land:	0	0	0	0

#5

Transfer Information

Seller:	PACHECO JOANNE F	**Date:**	06/03/2003	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/18114/ 585	**Deed2:**	
Seller:	PYLES RAY I	**Date:**	06/29/1972	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 5279/ 325	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

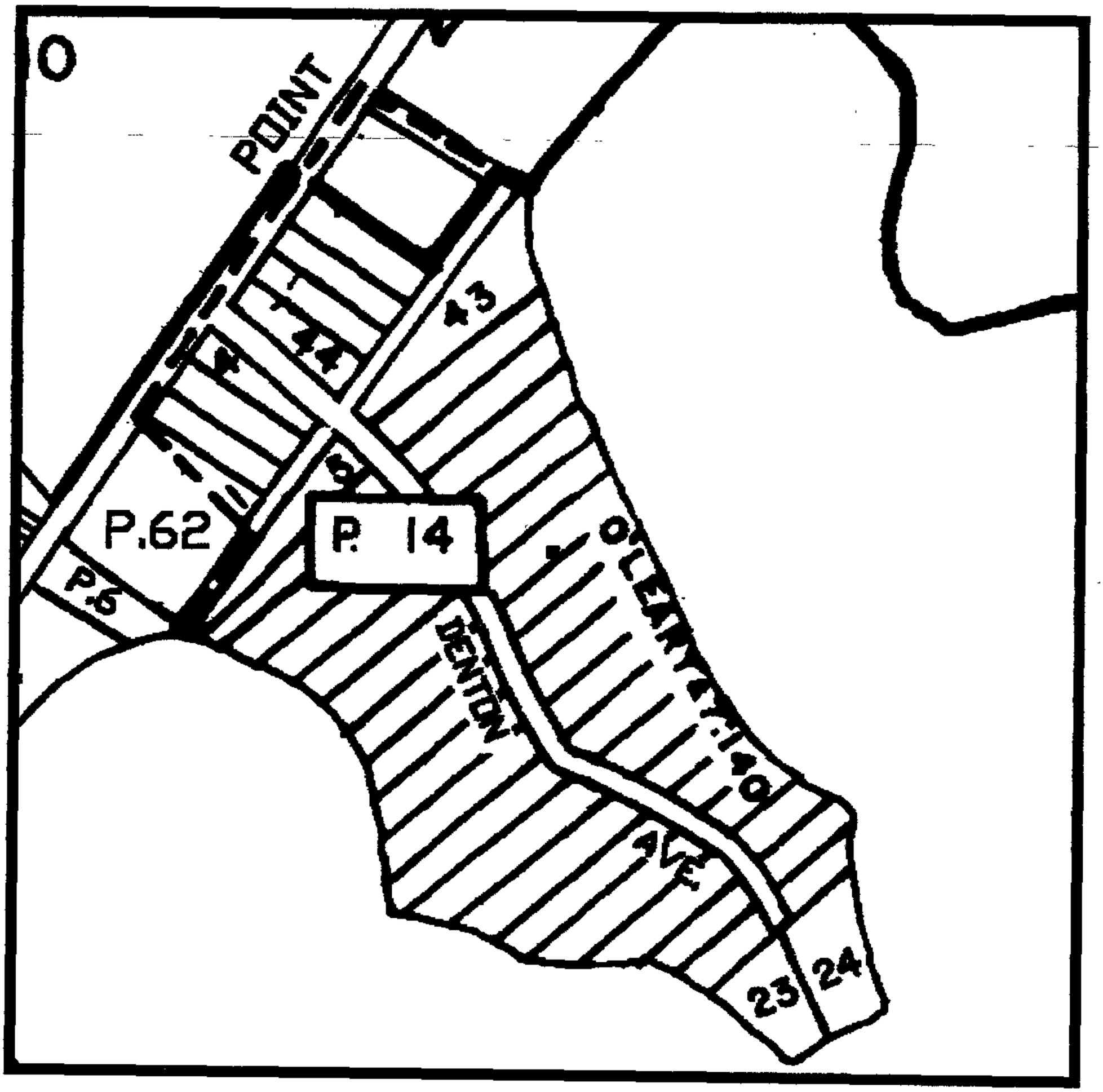
Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
HOMEOWNERS TAX CREDIT

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

District - 15 **Account Number** - 1516950050



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BALTIMORE COUNTY
Real Property Data Search

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New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1504201150

Owner Information

Owner Name: DEWIT GYSBERT
DEWIT CATHERINE

Mailing Address: 7810 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /19778/ 20
2)

Location & Structure Information

Premises Address
7810 DENTON AVE

Legal Description
7810 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					41	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1935	1,432 SF	14,040.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	59,260	59,260		
Improvements:	65,750	72,320		
Total:	125,010	131,580	129,390	131,580
Preferential Land:	0	0	0	0

Transfer Information

Seller: DEWIT JAN D	Date: 03/23/2004	Price: $0	
Type: NOT ARMS-LENGTH	Deed1: /19778/ 20	Deed2:	
Seller: DEWIT JAN D	Date: 02/18/1998	Price: $0	
Type: NOT ARMS-LENGTH	Deed1: /12668/ 535	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1600000220

Owner Information

Owner Name: SCHULTZ LAWRENCE A
SCHULTZ RUTH E

Mailing Address: 7843 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) / 5076/ 663
2)

Location & Structure Information

Premises Address
7843 DENTON AVE

WATERFRONT

Legal Description
.187 AC PT LT 23
SWS DENTON AVE
OLEARY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					23	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2004	1,596 SF	8,316.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	71,310	71,310		
Improvements:	114,820	128,140		
Total:	186,130	199,450	195,010	199,450
Preferential Land:	0	0	0	0

#9/14

Transfer Information

Seller:	DARBY CHARLES A	**Date:** 03/12/1970	**Price:** $10,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:** / 5076/ 663	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

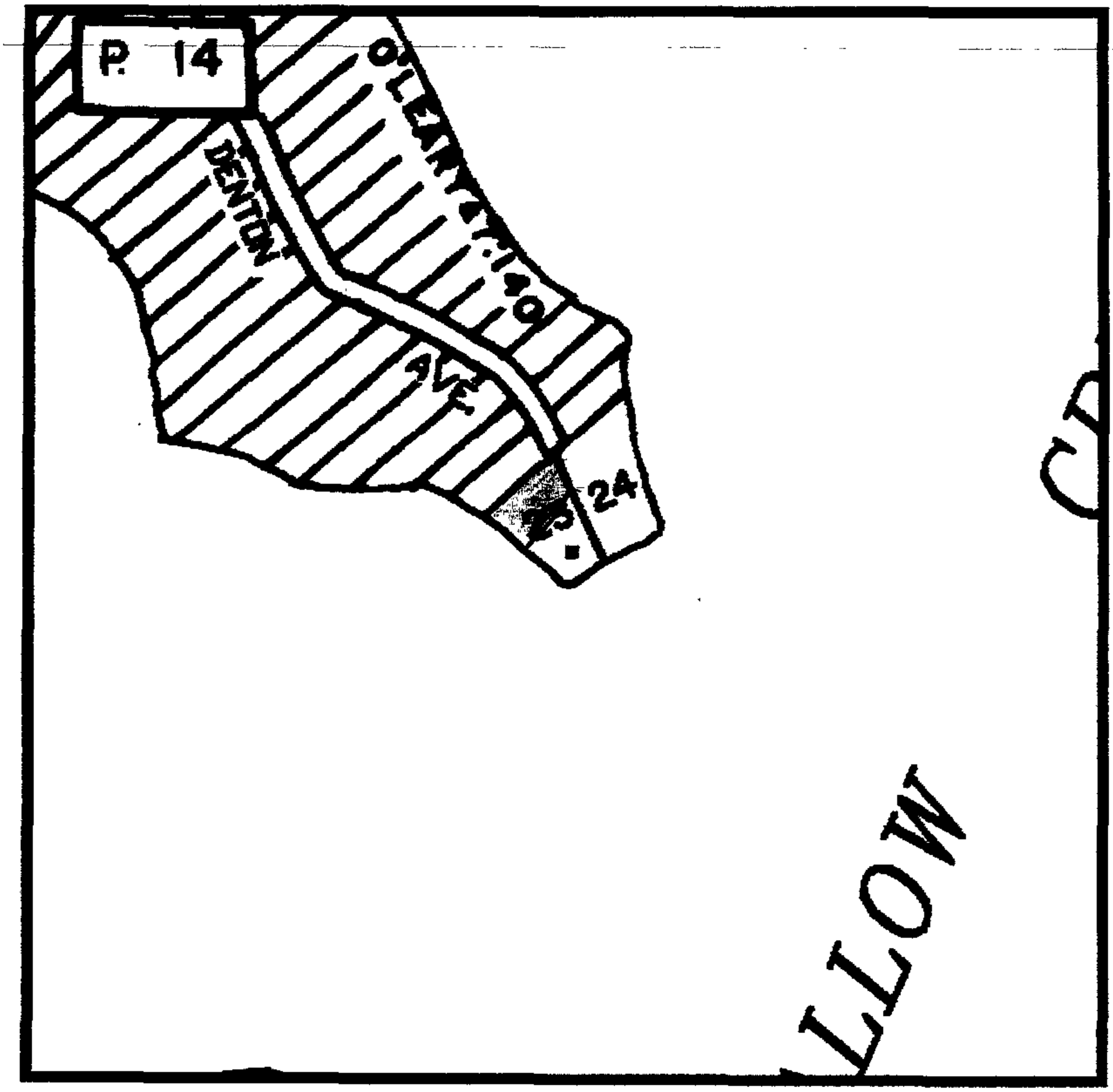
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search

District - 15 **Account Number** - 1600000220



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1526800000

Owner Information

Owner Name: TOLAND RICHARD J
TOLAND LEONA A

Mailing Address: 7841 DENTON AVE
BALTIMORE MD 21219-2419

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) /11914/ 548
2)

Location & Structure Information

Premises Address
7841 DENTON AVE

Legal Description
7841 DENTON RD
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					22	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1964	1,254 SF	6,350.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	69,500	69,500		
Improvements:	17,860	23,090		
Total:	87,360	92,590	90,846	92,590
Preferential Land:	0	0	0	0

Transfer Information

Seller:	HEINLE IRWIN J	**Date:**	11/26/1996	**Price:**	$65,500
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/11914/ 548	**Deed2:**	
Seller:	ZWIRLEIN ALFONS	**Date:**	09/17/1987	**Price:**	$74,500
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 7673/ 41	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

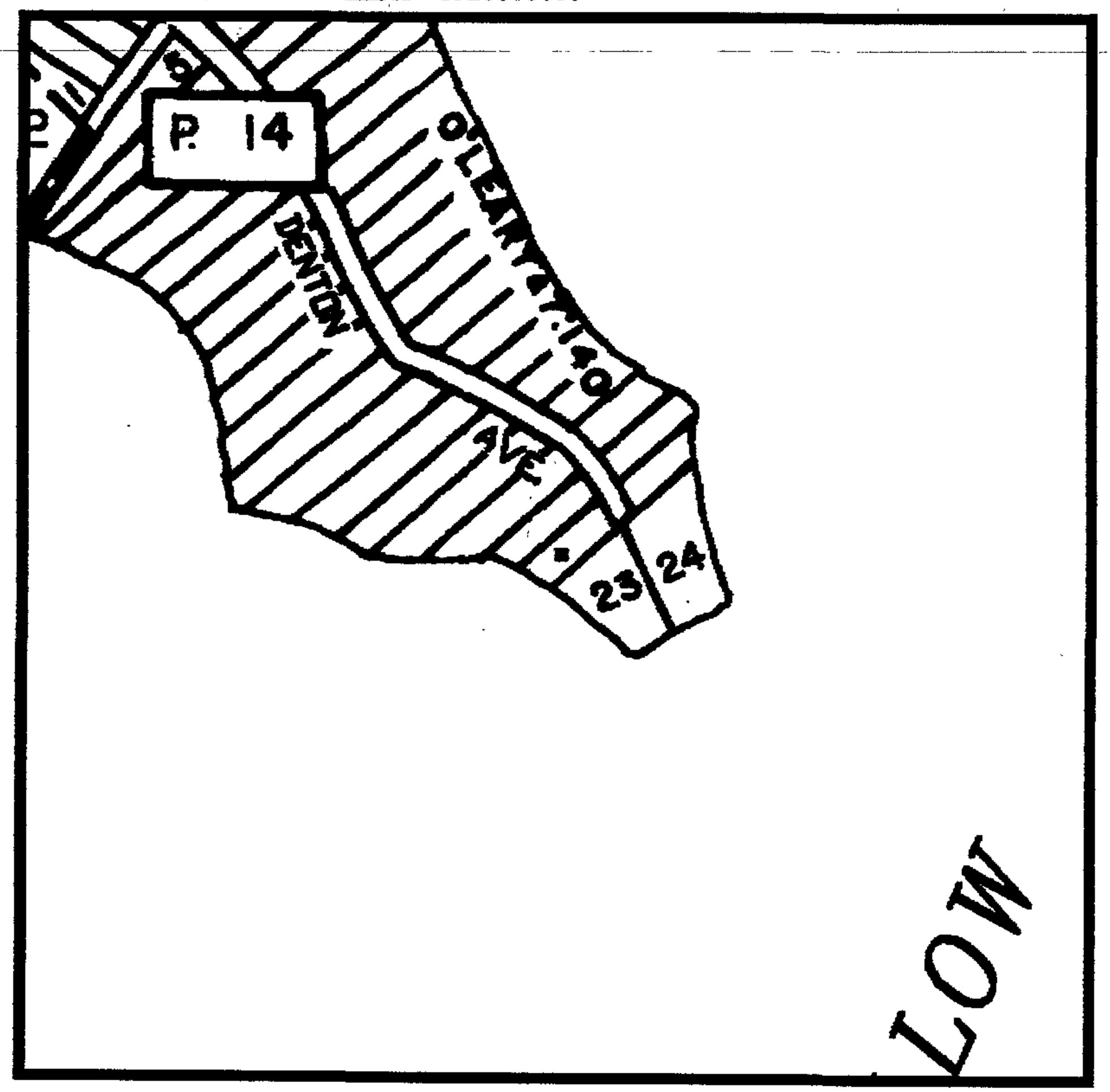
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 15 **Account Number** - 1526800000



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BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number - 1507151140**

Owner Information

Owner Name:	HAFFER SAMUEL C STANSBURY KEVIN SAMUEL	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	7839 DENTON AVE BALTIMORE MD 21219-2419	**Deed Reference:**	1) /19530/ 509 2)

Location & Structure Information

Premises Address
7839 DENTON AVE

Legal Description
7839 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					21	82	Plat Ref:	7/ 140

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		6,273.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	69,500	69,500		
Improvements:	10	10		
Total:	69,510	69,510	69,510	69,510
Preferential Land:	0	0	0	0

Look
$ 11.[illegible]

Transfer Information

Seller:	HAFFER SAMUEL C,TRUSTEE	**Date:**	02/02/2004	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/19530/ 509	**Deed2:**	
Seller:	HAFFER SAMUEL C	**Date:**	06/05/2002	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/16475/ 267	**Deed2:**	
Seller:	HAFFER SAMUEL C	**Date:**	05/15/1996	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/11583/ 640	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

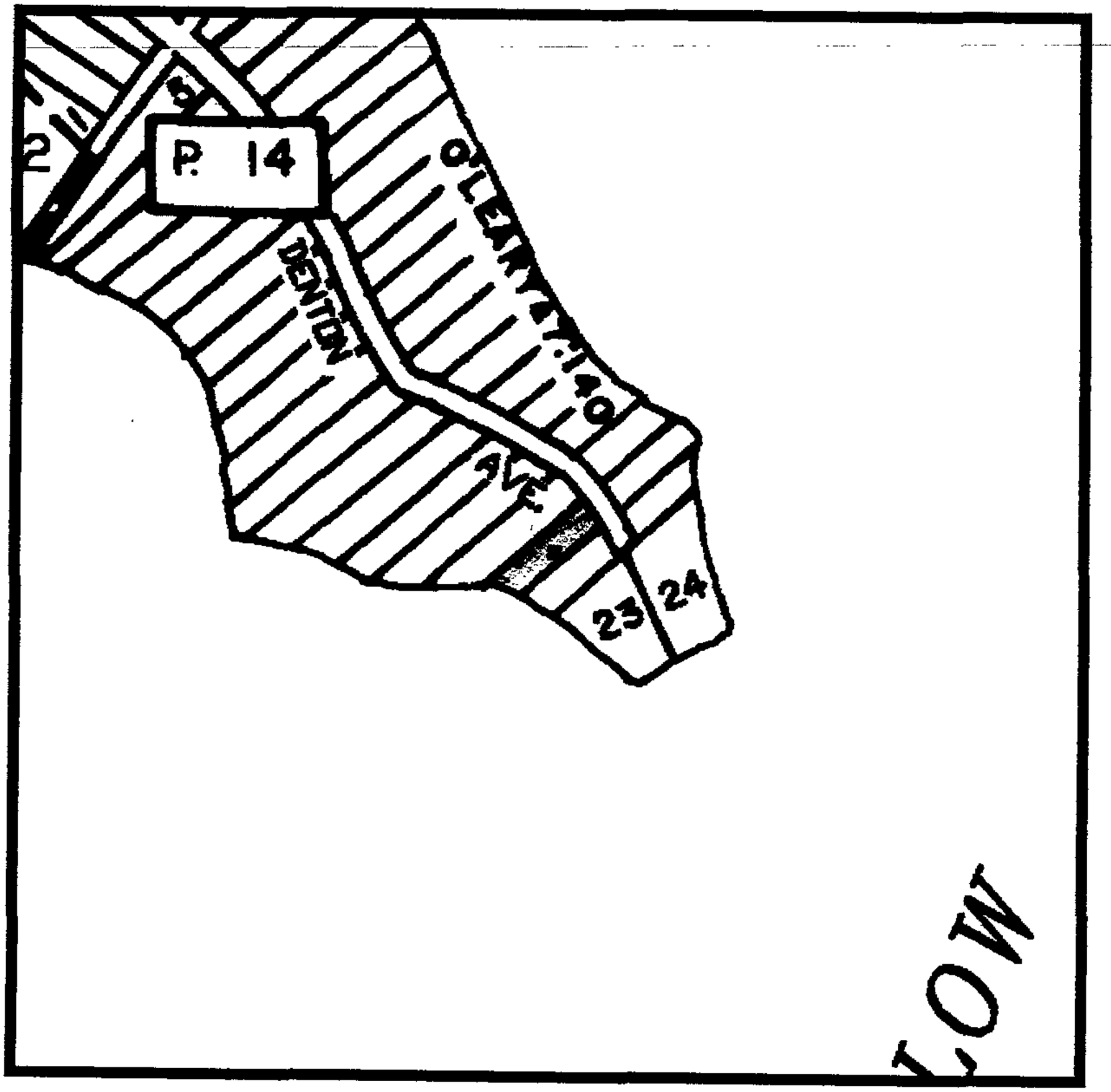
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 15 **Account Number** - 1507151140



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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1508651400

Owner Information

Owner Name: GRACE JOHN W
GRACE MICHELLE L

Mailing Address: 11015 PHILADELPHIA RD
WHITE MARSH MD 21162-1721

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /20906/ 591
2)

Location & Structure Information

Premises Address
7815 DENTON AVE

Legal Description
7815 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					9	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	1,251 SF	10,700.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	BLOCK

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	72,420	72,420		
Improvements:	71,280	77,970		
Total:	143,700	150,390	148,160	150,390
Preferential Land:	0	0	0	0

#7. 01 14

Transfer Information

Seller: GROTH JOAN M	**Date:** 10/28/2004	**Price:** $320,000	
Type: IMPROVED ARMS-LENGTH	**Deed1:** /20906/ 591	**Deed2:**	
Seller: HOWELL HARRY C	**Date:** 10/11/1994	**Price:** $114,000	
Type: NOT ARMS-LENGTH	**Deed1:** /10785/ 558	**Deed2:**	
Seller:	**Date:**	**Price:**	
Type:	**Deed1:**	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

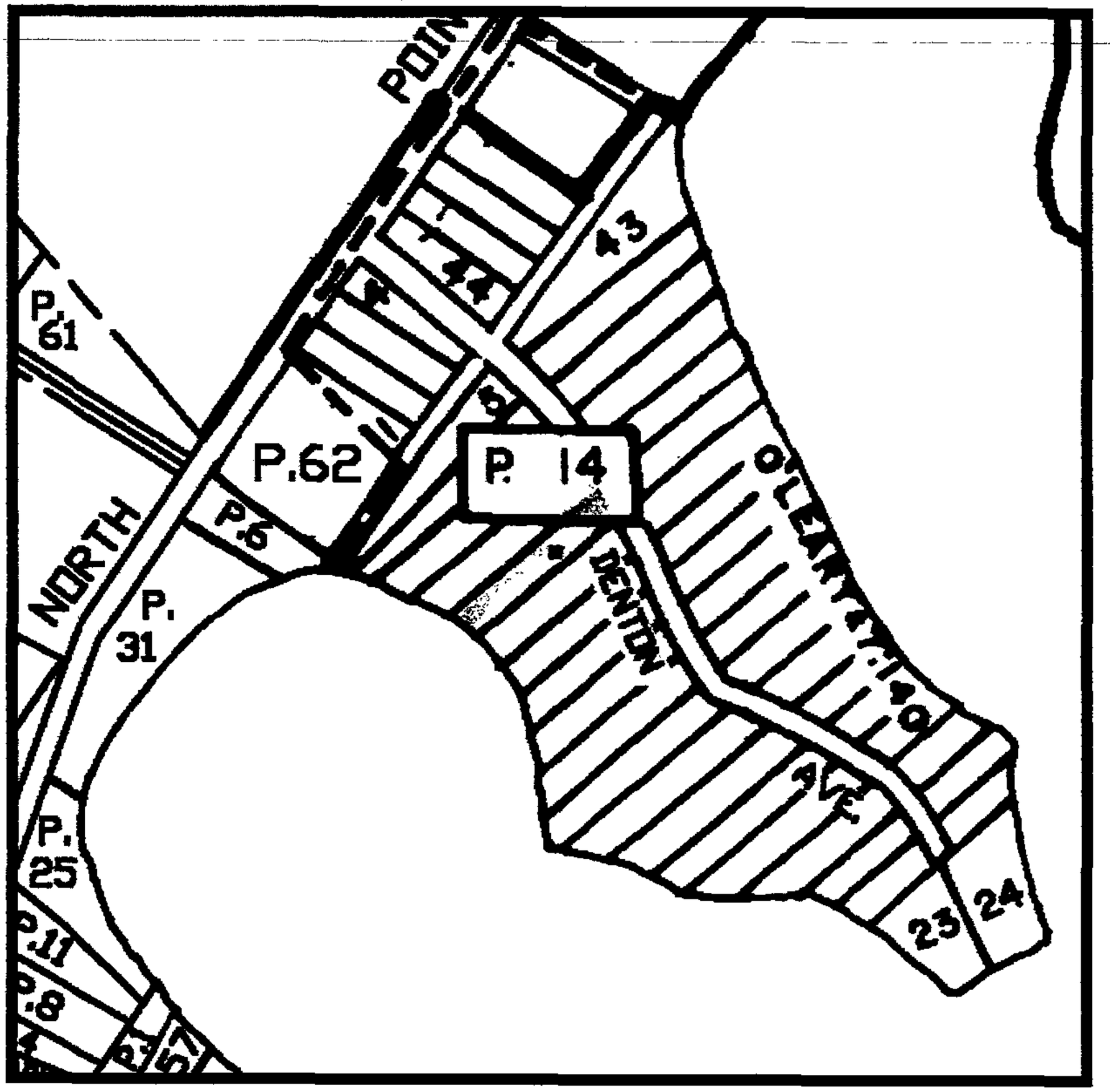
Special Tax Recapture:

* NONE *

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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New Search

District - 15 **Account Number** - 1508651400



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BIBLIOGRAPHY

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- **Eaton, J. D. - Real Estate Valuations In Litigation. 2nd ED Chicago, Appraisal Institute, 1995.**

- **Seiler, Michael J., Bond, Michael B., and Seiler, Vicky L. - "The Impact of World Class Great Lakes Water Views on Residential Property Values." Appraisal Journal (July, 2001) Pages 287-295**

- **Plattner, R. and Campbell, T. - "A Study of the Effect of Water View on Site Value." Appraisal Journal (January, 1978) Pages 20-25.**

OTHER SOURCES
(DISCUSSED PRESENT LISTINGS IN AREA)

- **Jones, Agatha - Long & Foster, Residential Agent (410-583-9400).**

- **Jenkins, Pat - ReMax, Residential Agent (410-561-0555).**

- **Wilson, Joan - Caldwell Banker Residential Agent (410-288-6300).**

CERTIFICATION OF THE APPRAISER

The undersigned does hereby certify that, except as otherwise noted in this appraisal:

1. *I have no present or contemplated future interest in the subject of the report, and I have no personal interest or bias with respect to the parties involved.*

2. *My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.*

3. *This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.*

4. *To the best of my knowledge and belief, the statements of fact contained in this appraisal upon which the analyses, opinions, and conclusions expressed herein are based, are true and correct.*

5. *The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions.*

6. *This appraisal sets forth all of the limiting conditions (imposed by the terms of my assignment or by the undersigned) affecting the analyses, opinions, and conclusions contained in this report.*

7. *This appraisal has been made in conformity with the Uniform Standards of Professional Appraisal Practice and the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.*

8. *The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.*

9. *No one other than the undersigned and co-signer provided significant professional assistance in preparing the analyses, conclusions, and opinions concerning real estate that are set forth in this appraisal.*

10. *I have made a personal inspection of the property that is the subject of this appraisal.*

11. *I have the education and experience necessary to perform this appraisal.*

Richard Oldham King, Sr.
Md. Certified General Appraiser #04-10502

QUALIFICATIONS OF THE APPRAISER
RICHARD O. KING, SR.

PROFESSIONAL MEMBERSHIPS:

Appraisal Institute
Associate Member #M920217

Certified General Appraiser
State of Maryland #04-10502
State of Delaware #XI-0000167
State of Virginia #4001-003651

Real Estate Broker
State of Maryland #01-503262

PROFESSIONAL EDUCATION:

Appraisal Institute:
Course 1A1: Real Estate Appraisal Principles
Course 1A2: Basic Valuation Procedures
Course SPP: Standards of Professional Practice: #410, #420, #430
Course 1BA: Capitalization Theory and Technique A
Course 1BB: Capitalization Theory and Technique B
Course 2-1: Case Studies in Real Estate Valuation
Course 540: Report Writing and Valuation Analysis
Course 520: Highest and Best Use and Market Analysis

Society of Real Estate Appraisers:
Course 101: Introduction to Appraising Real Property
Course 201: Principles of Income Property Appraisal

Recent Seminars:
Data Confirmation and Verification Methods
The Appraiser as Expert Witness
Environmental Risk and the Real Estate Appraisal Process

PROFESSIONAL EXPERIENCE:

Benchmark Appraisal Group, Inc.
November, 1995 to Present, Commercial Appraiser
Richard O. King, Sr. & Associates, Inc.
October, 1995 to Present, Commercial Appraiser, Real Estate Manager
Shell Oil Company
June, 1966 to October, 1995, Real Estate Manager
Archbishop Curley High School
September, 1961 to June, 1966, Teacher, Athletic Director,
Football and Baseball Coach

APPRAISAL ASSIGNMENT RANGE:

Land Acquisition, Retail and Industrial Development, Condemnation and Sale of Disposable Retail Properties, Office, Sub-Division, and Residential Properties.

REPRESENTATIVE CLIENTS:

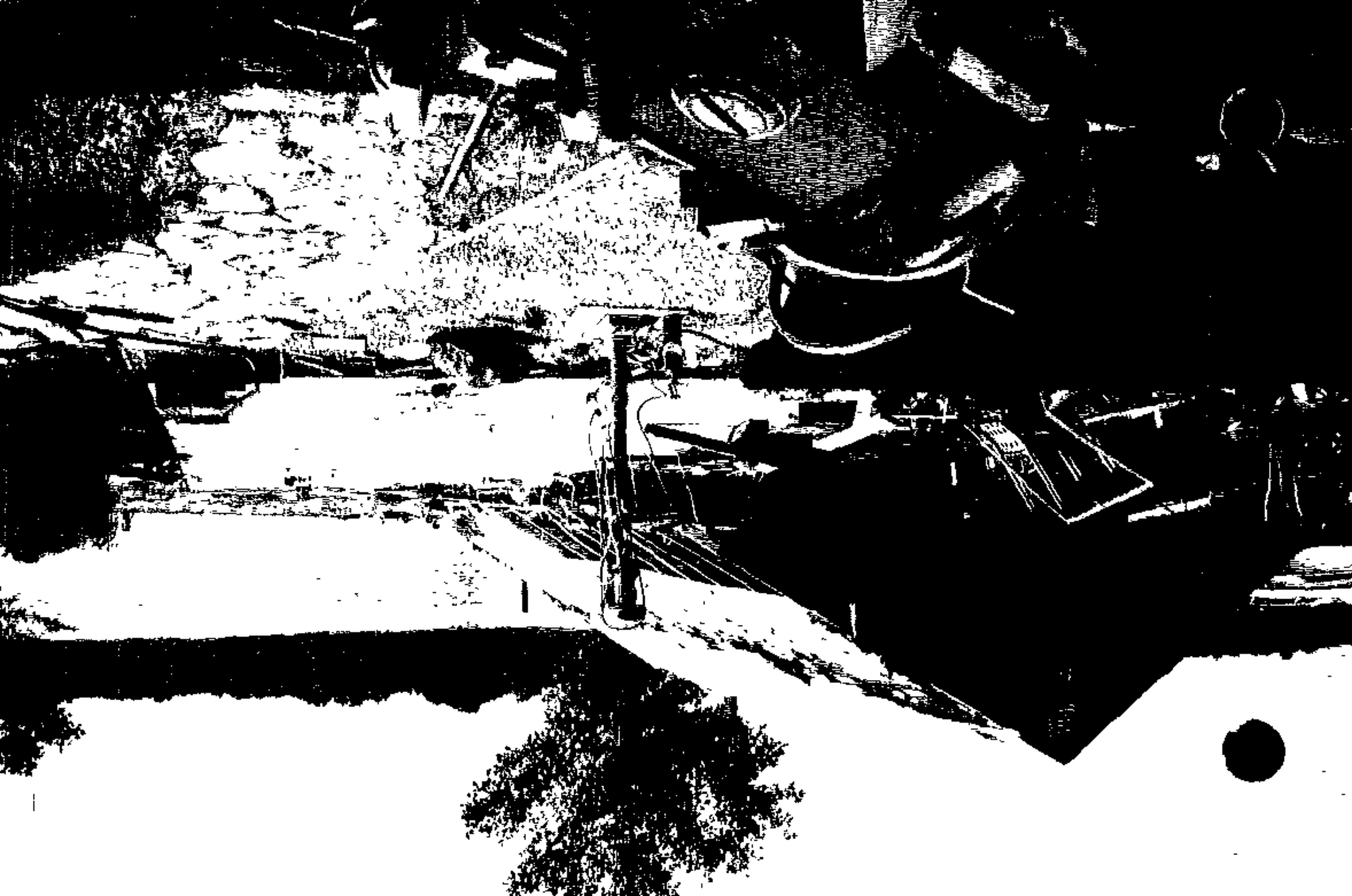
Shell Oil Company
Mobil Oil Company
Sun Oil Company
Fred L. Coover, Esquire
Neil J. Lanzi, Esquire
Warren Equities, Inc.
Short Stop Convenience Stores
Allen Oil company
Petroleum Properties, Inc.
Crown Central Petroleum
McDonald's
Royal Farms
WaWa Stores
Columbia Bank
Mercantile Safe Deposit and Trust Company
Sandy Spring National Bank
Eastern Savings Bank
Bay National Bank

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Address Service Requested

Gasker
04-383-A

Protestants #2 - photo (1)
" #5A-S (19) photos (#5T on 11x17 paper)



3

383

Destroy GARAGE from a view from the corner of my house Looking toward the water

6C



383

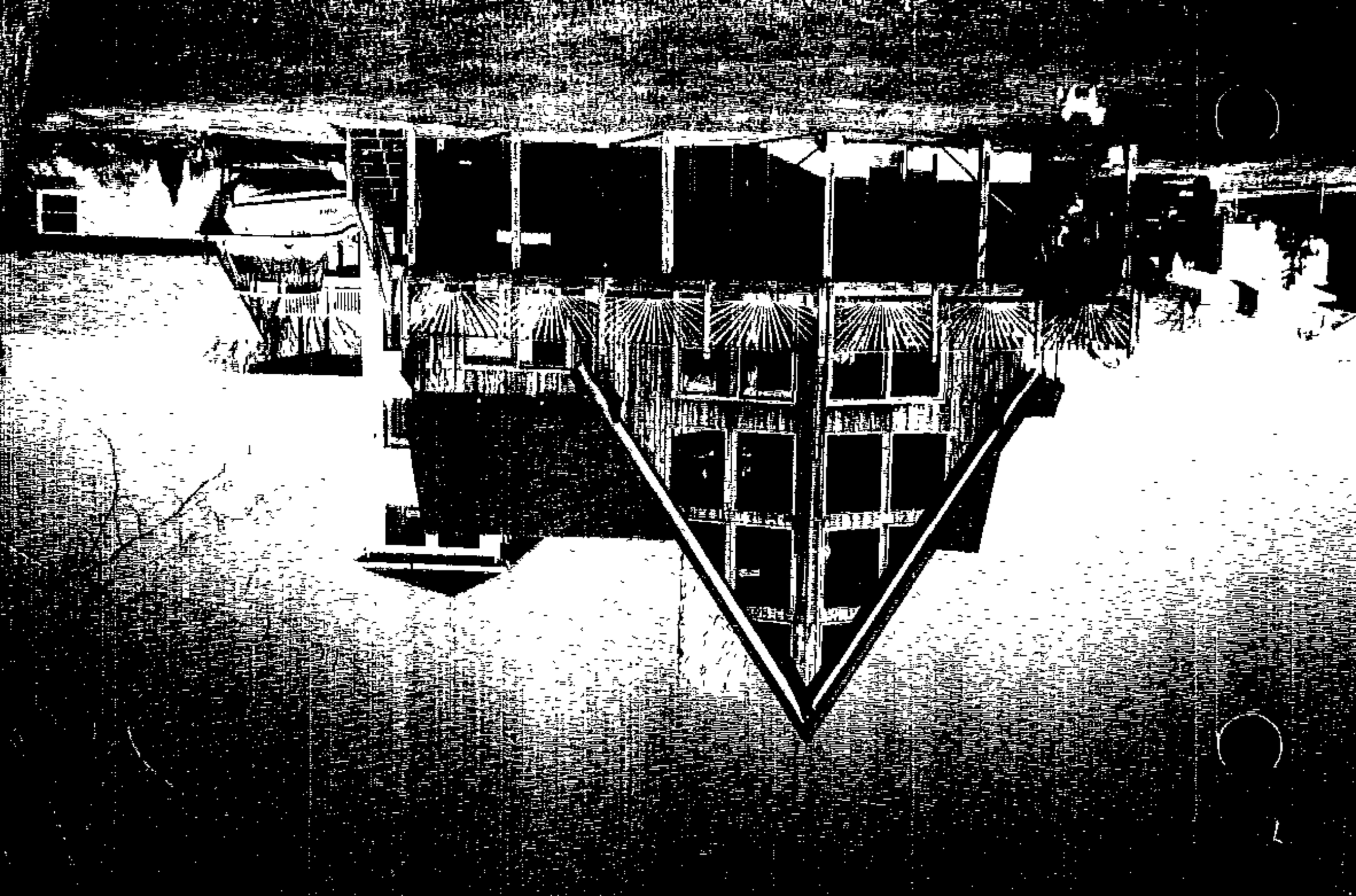
My House of the Left

Neighbor House vs RIGHT

Existing Slab in Foreground

to left of boat.

View from my Pier. 6A



383

MY HOUSE IN CENTER

EXISTING GARAGE, PRIOR TO HURRICANE, ON RIGHT

NEIGHBOR'S HOUSE IN BACK-GROUND

B

6







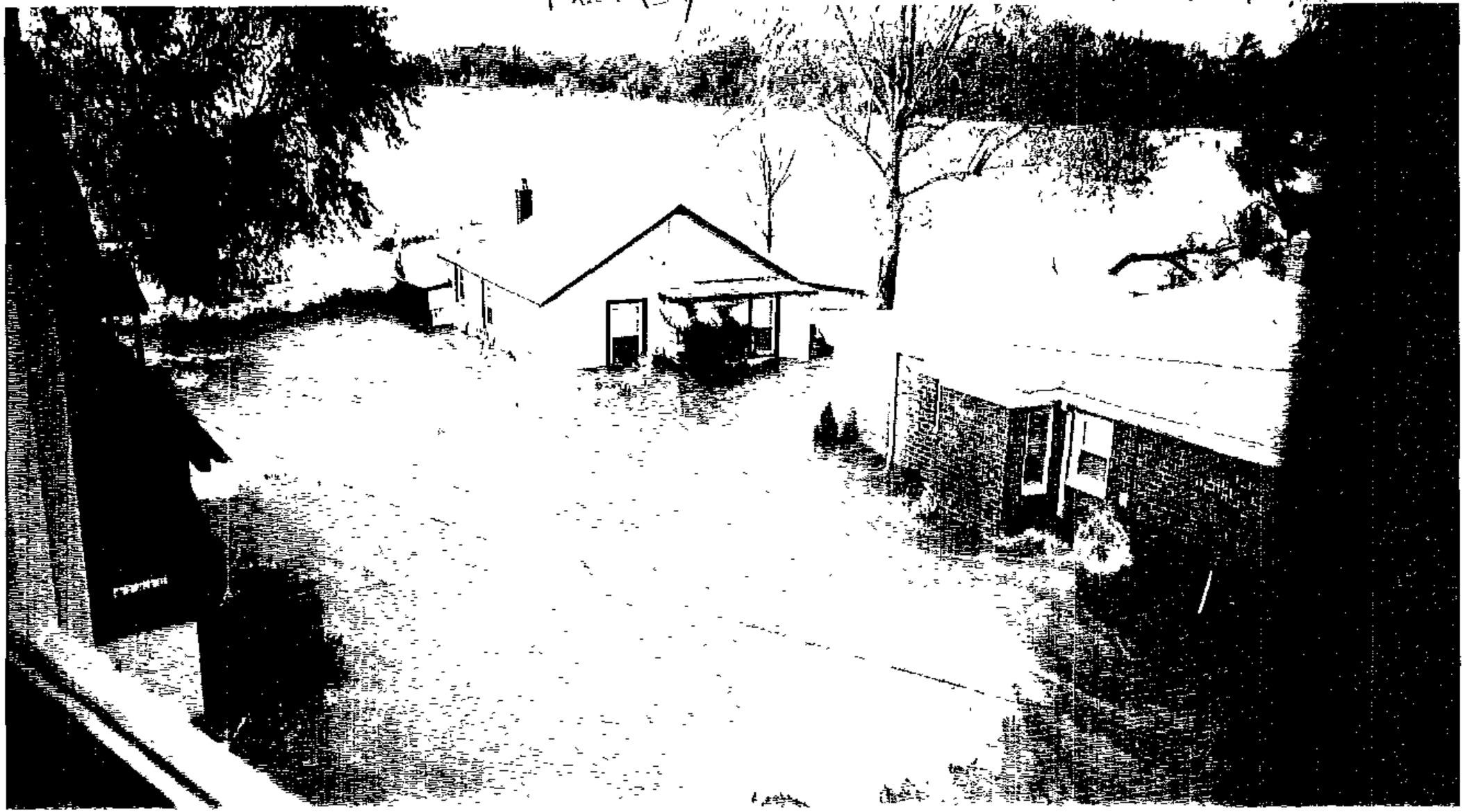




7824



Nearby



Pat 5R

EL40 6.12NA ANNAOHO HNN 0 2277

930-937 <No.1353> R0027



Pat 55

EL40 6.12kg PANASONIC HHN 0 2277

V30-937 (No.35-4) R0027




Post
E+2



Part 5A

525-430 (No. 7) R0027

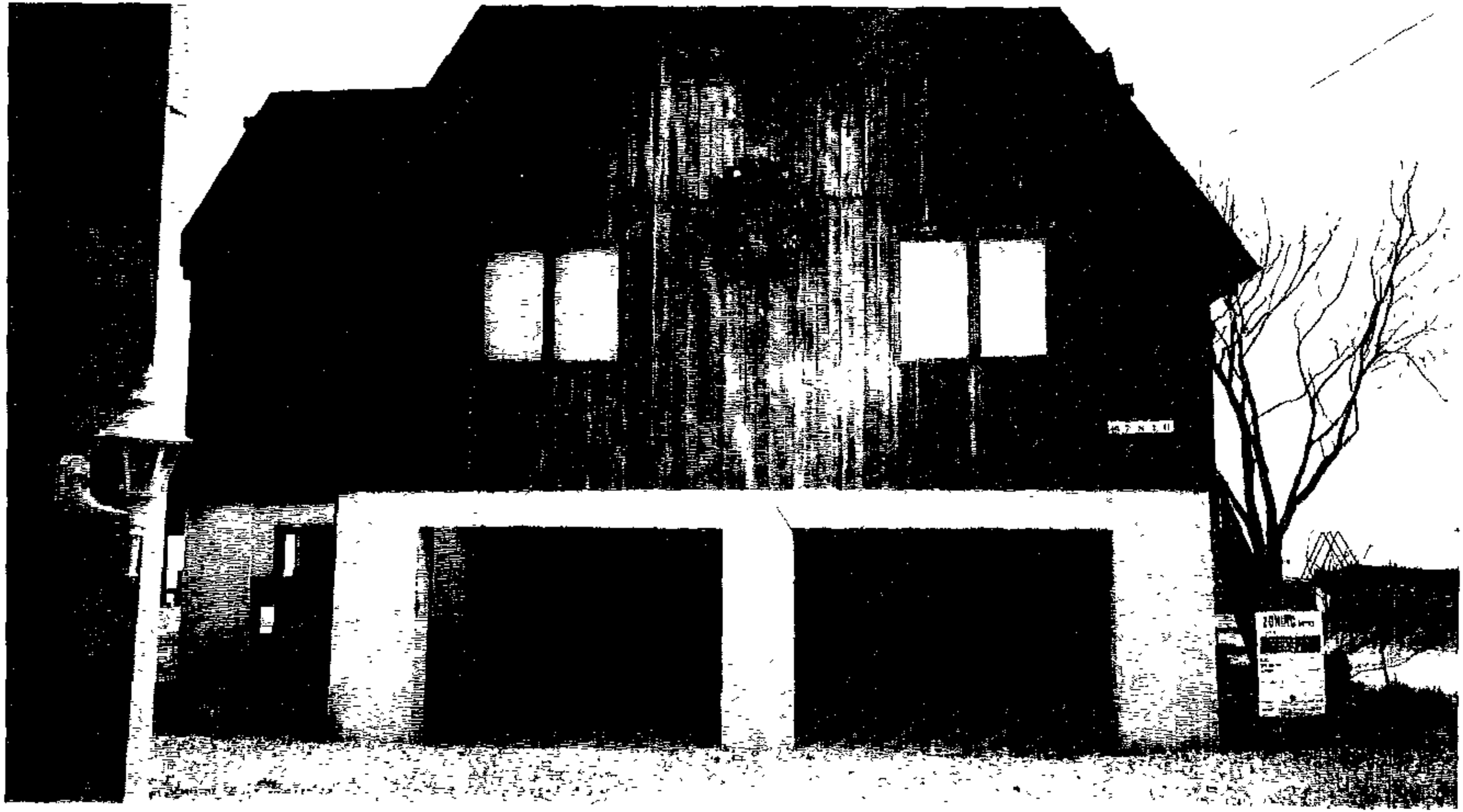


Pret 5B

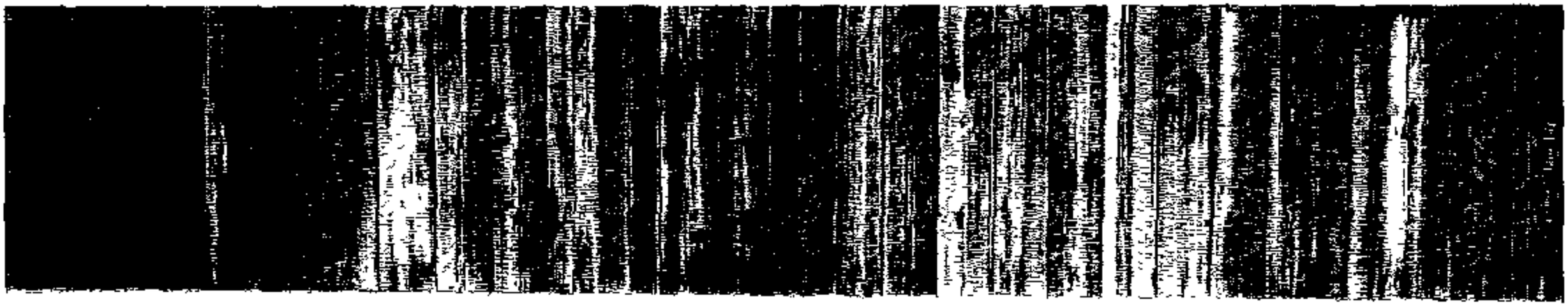
525-430 (No. E) R0027

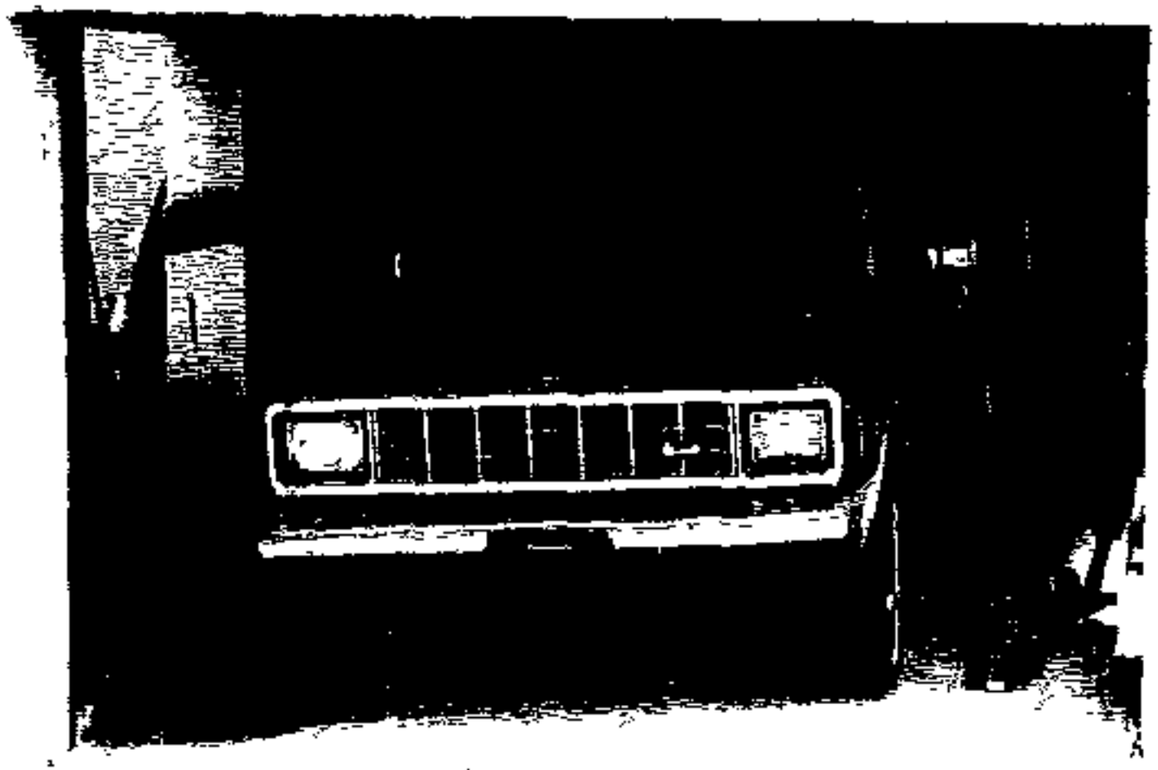














Pro-15G

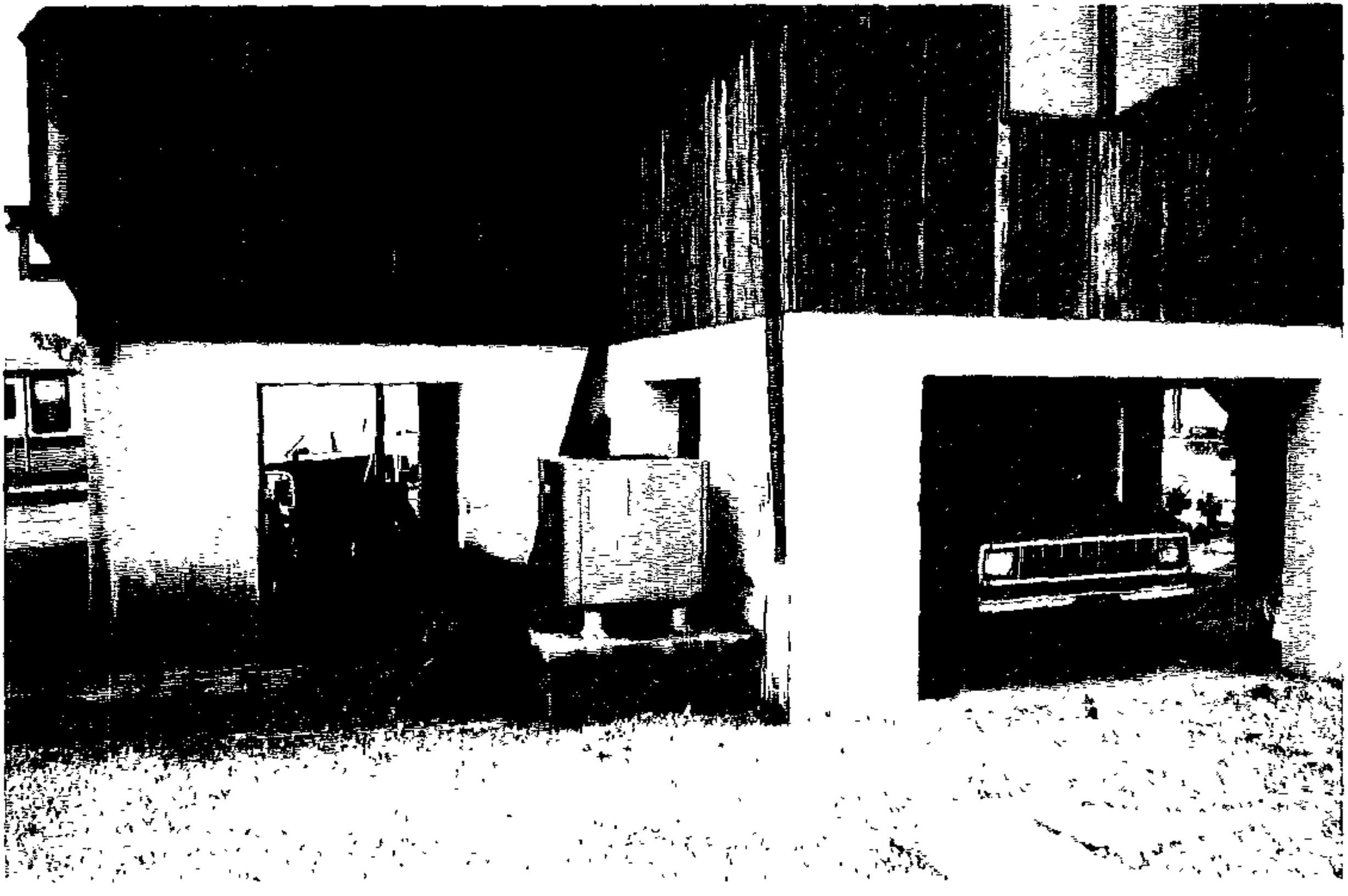
Cooker garage

525-430 (No. 13) 00027



Part 5 I

525-430 (No. 1-4) R0027



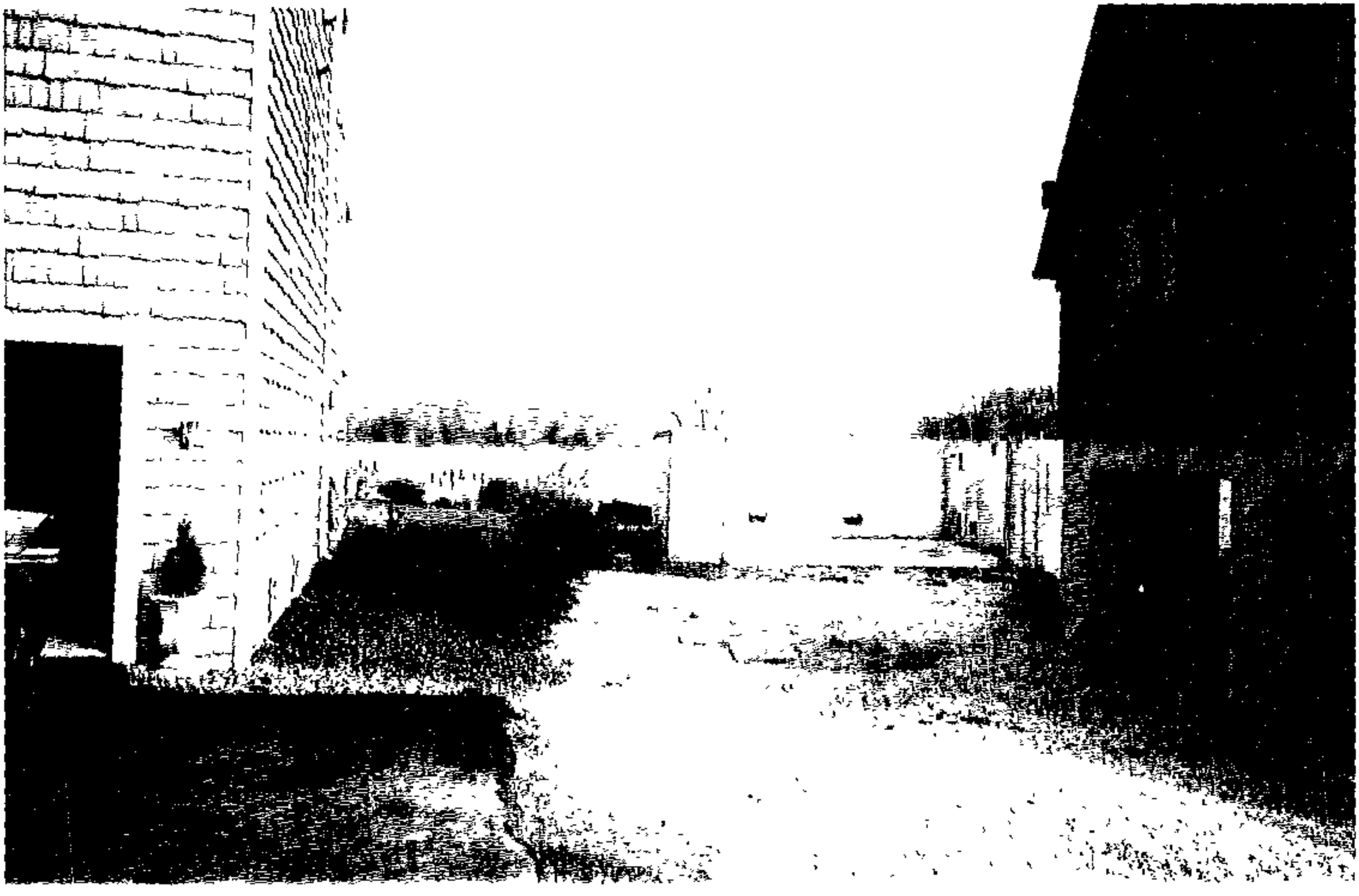
Pat 5 J

525-430 (No. 12) R0027



Prot 5 K

517-482 (No. 16) FL25 P002 12+08 BN1NW+81DU 24J7

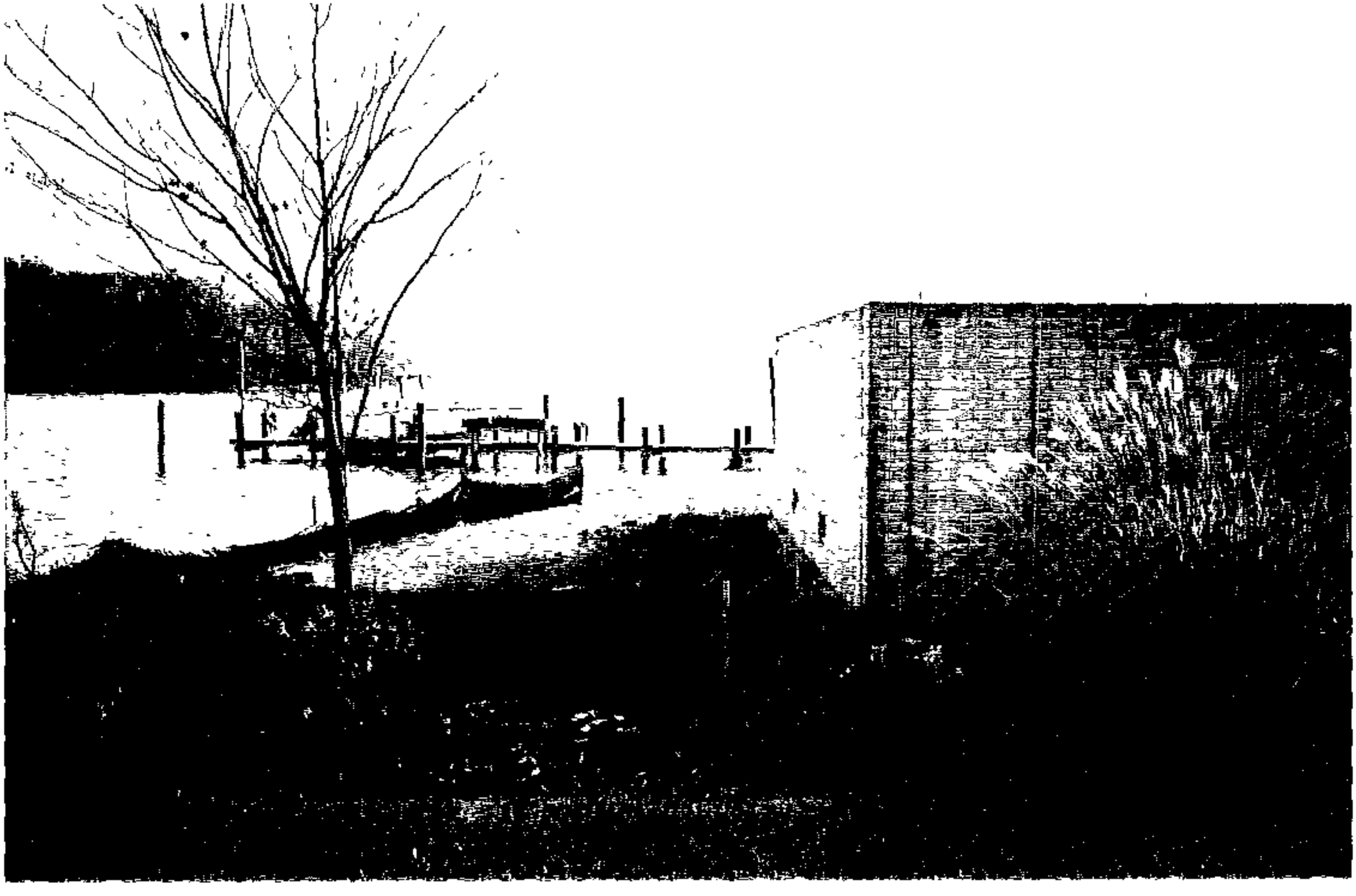


Part 5 L

525-430 (Rev. 4) R0027

Rc+5M

524-781 <No. 2-4> R0027



Rec'd 5/N



Rot 50

524-781 〈No.3453〉 R0827



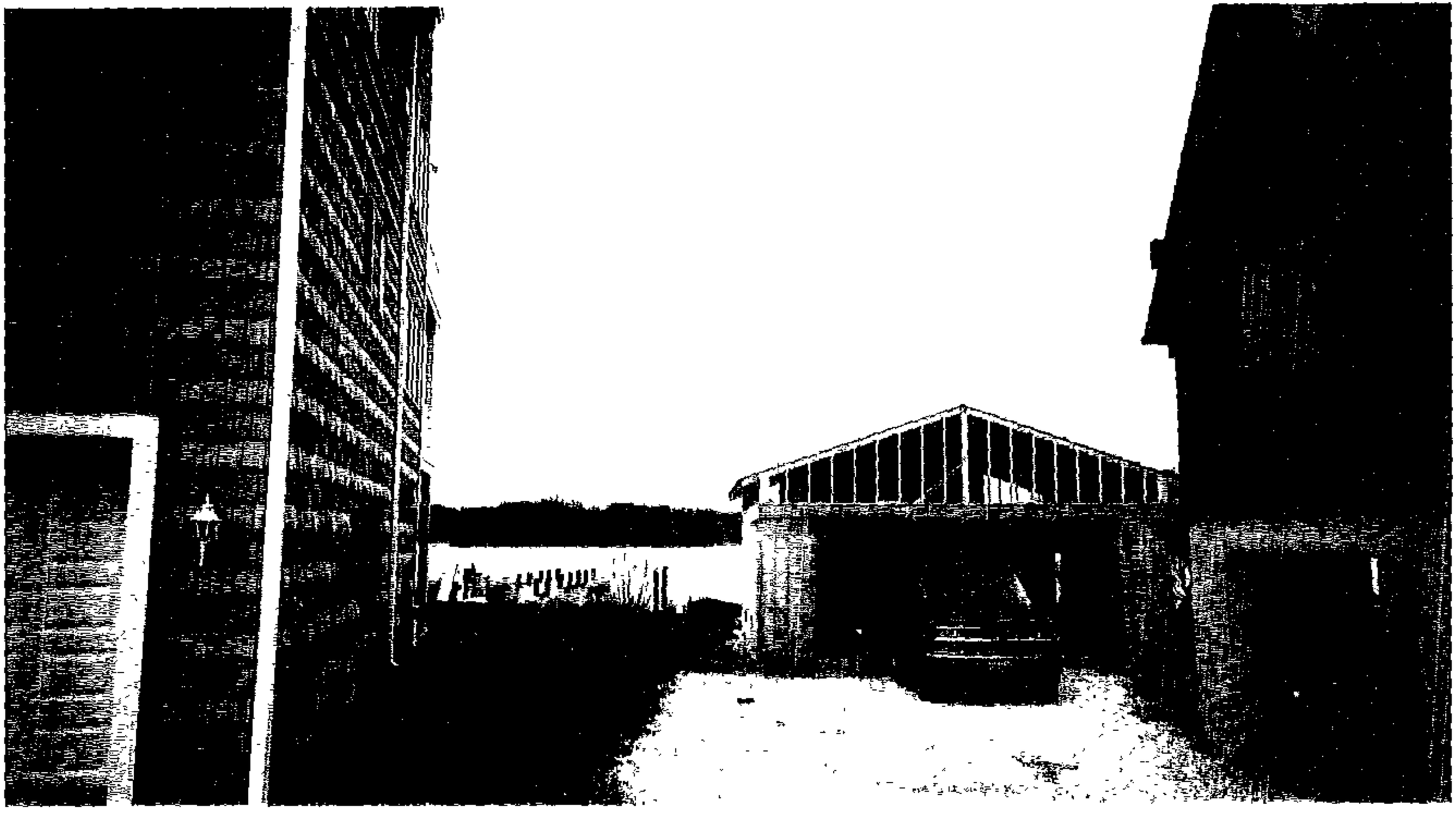
Pat 5 P

525-430 (No. 3) R0027

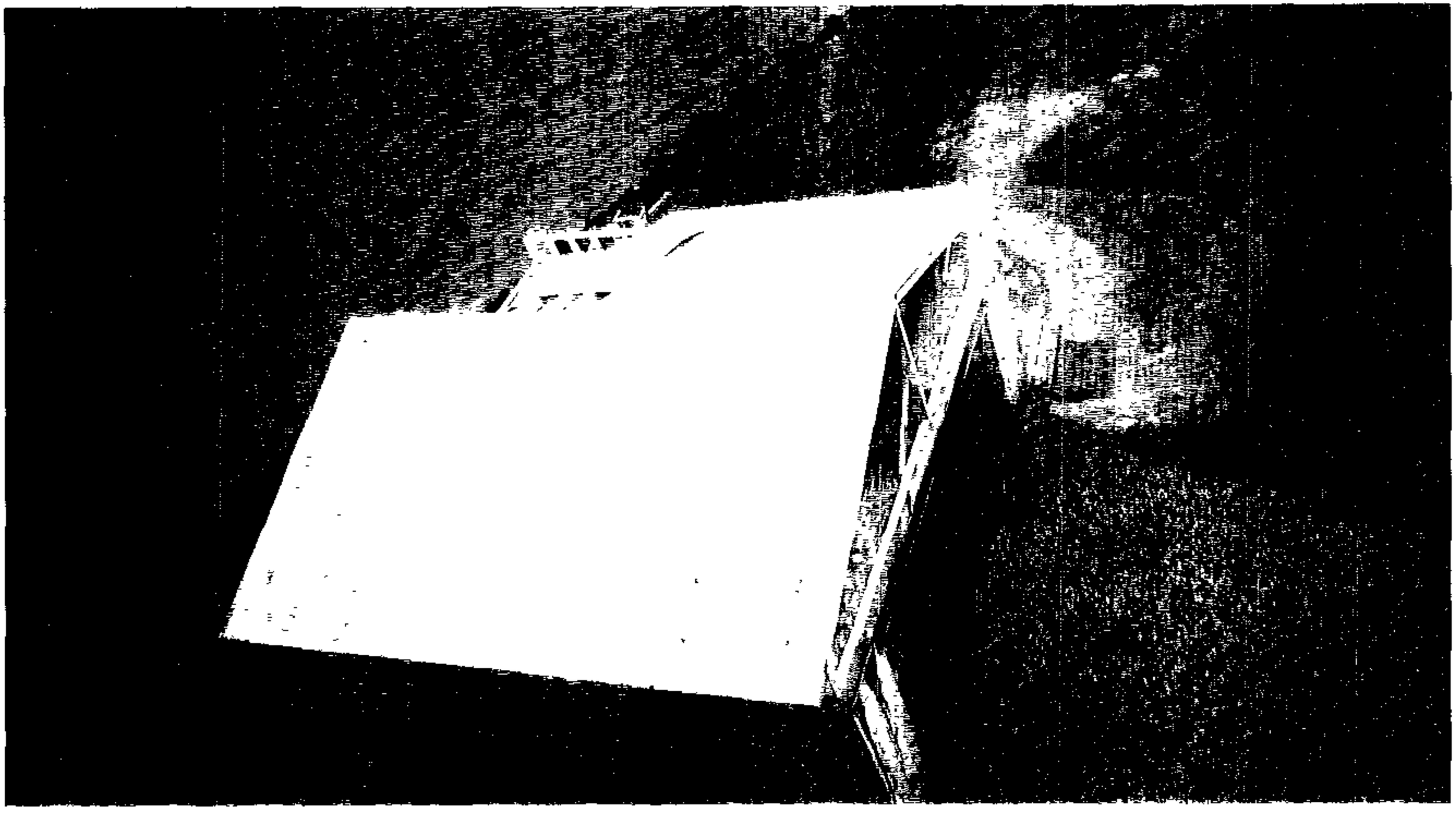


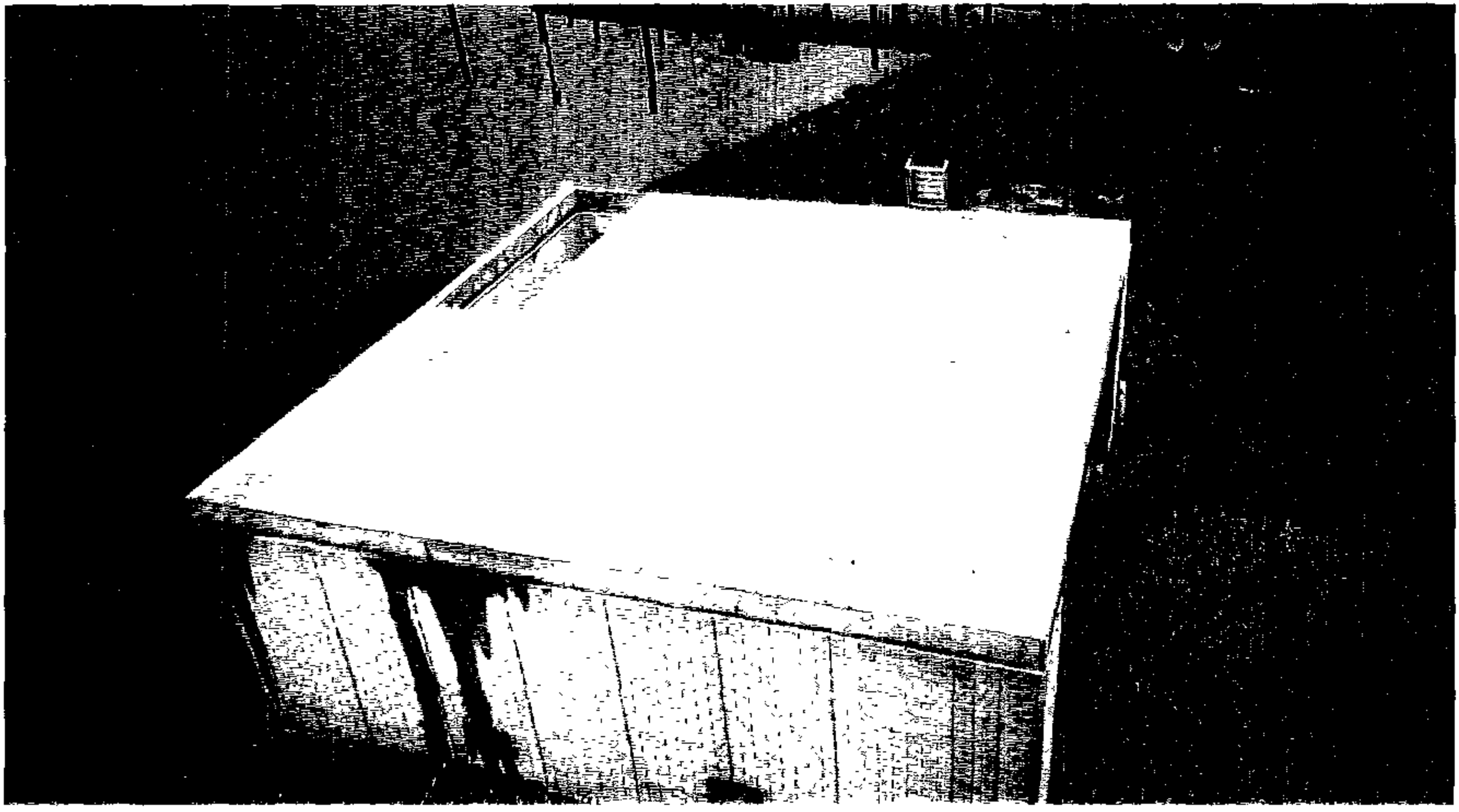








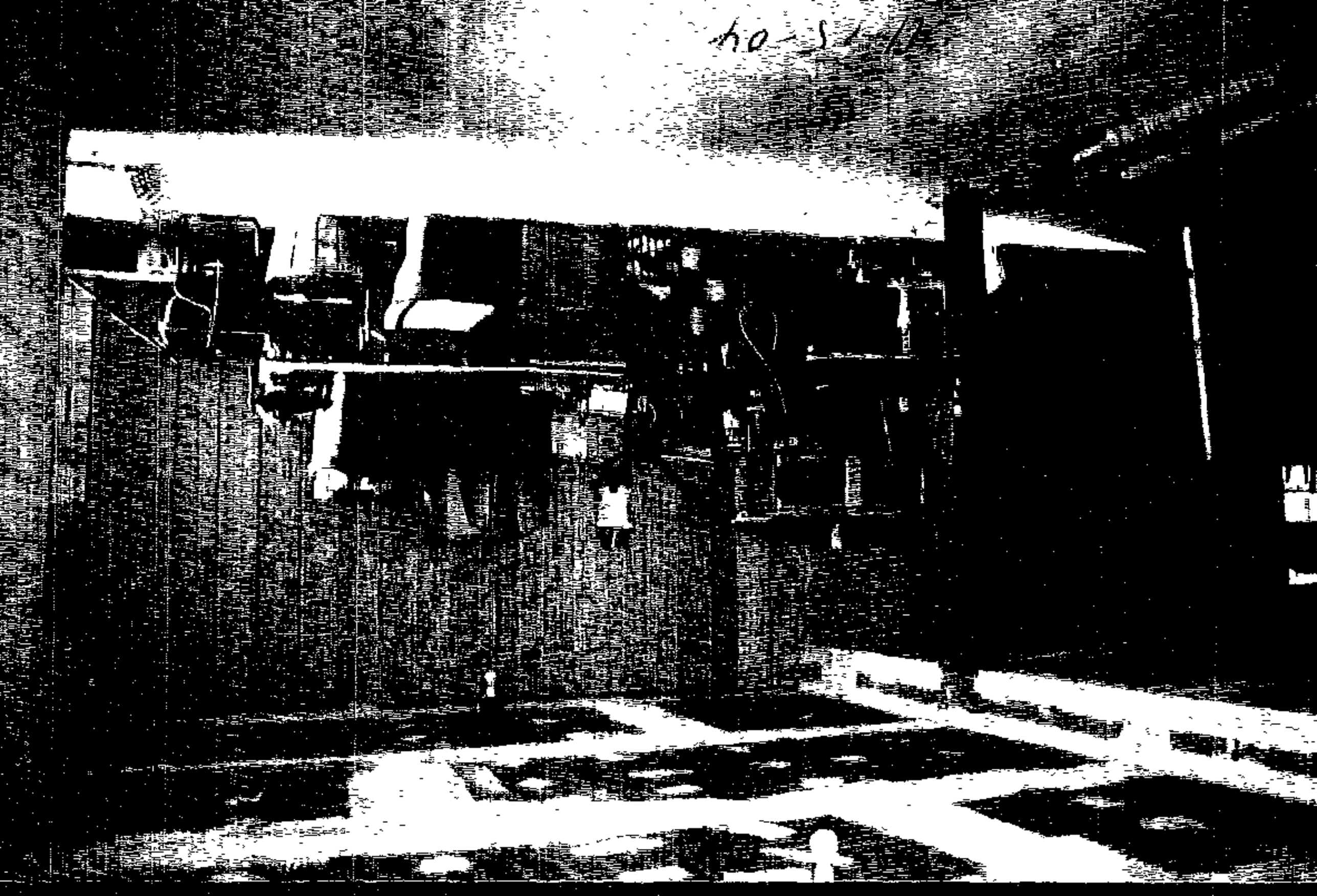




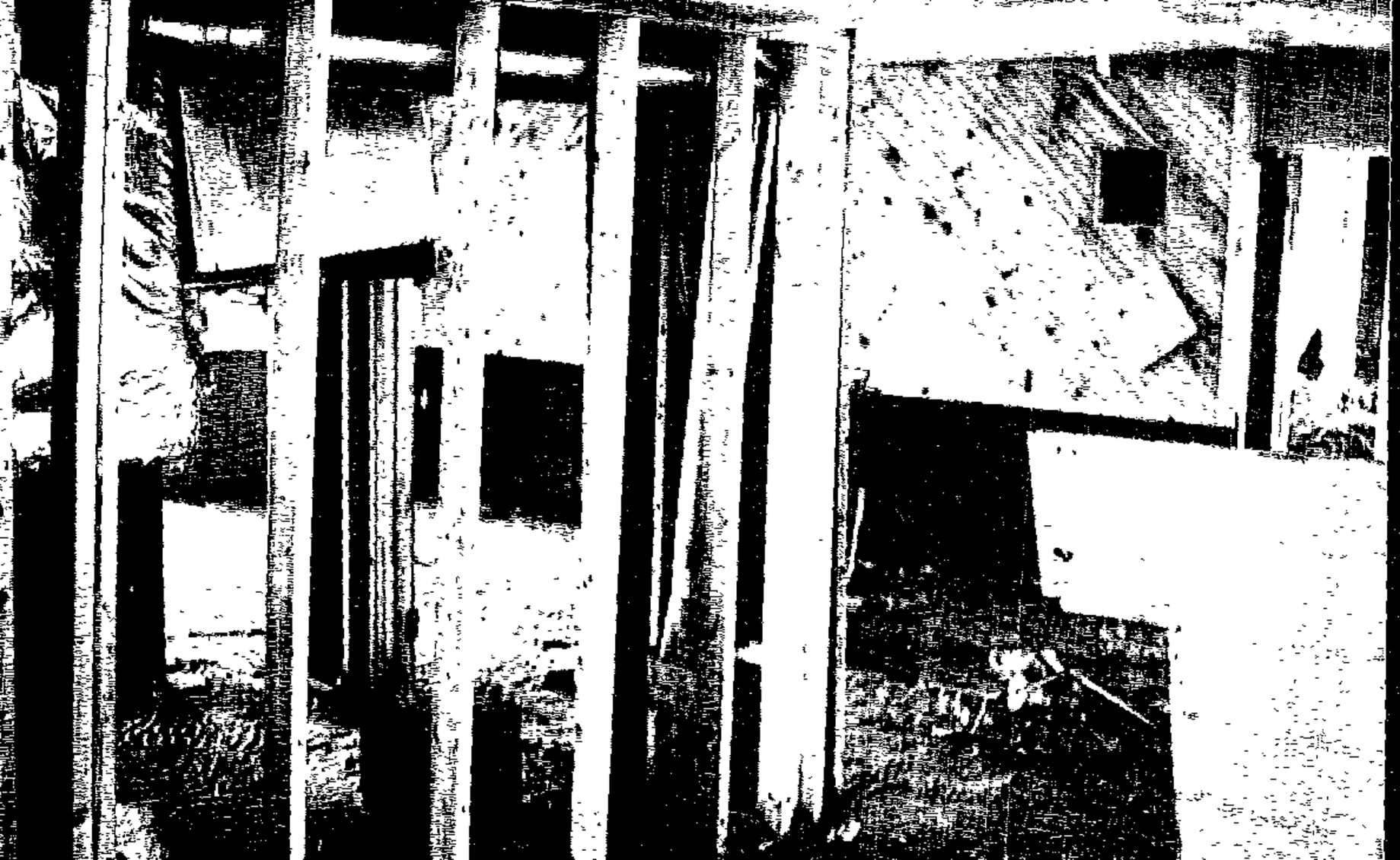
Photos
Petitioner's
10A-10R (18)

04-383-A
Gasker



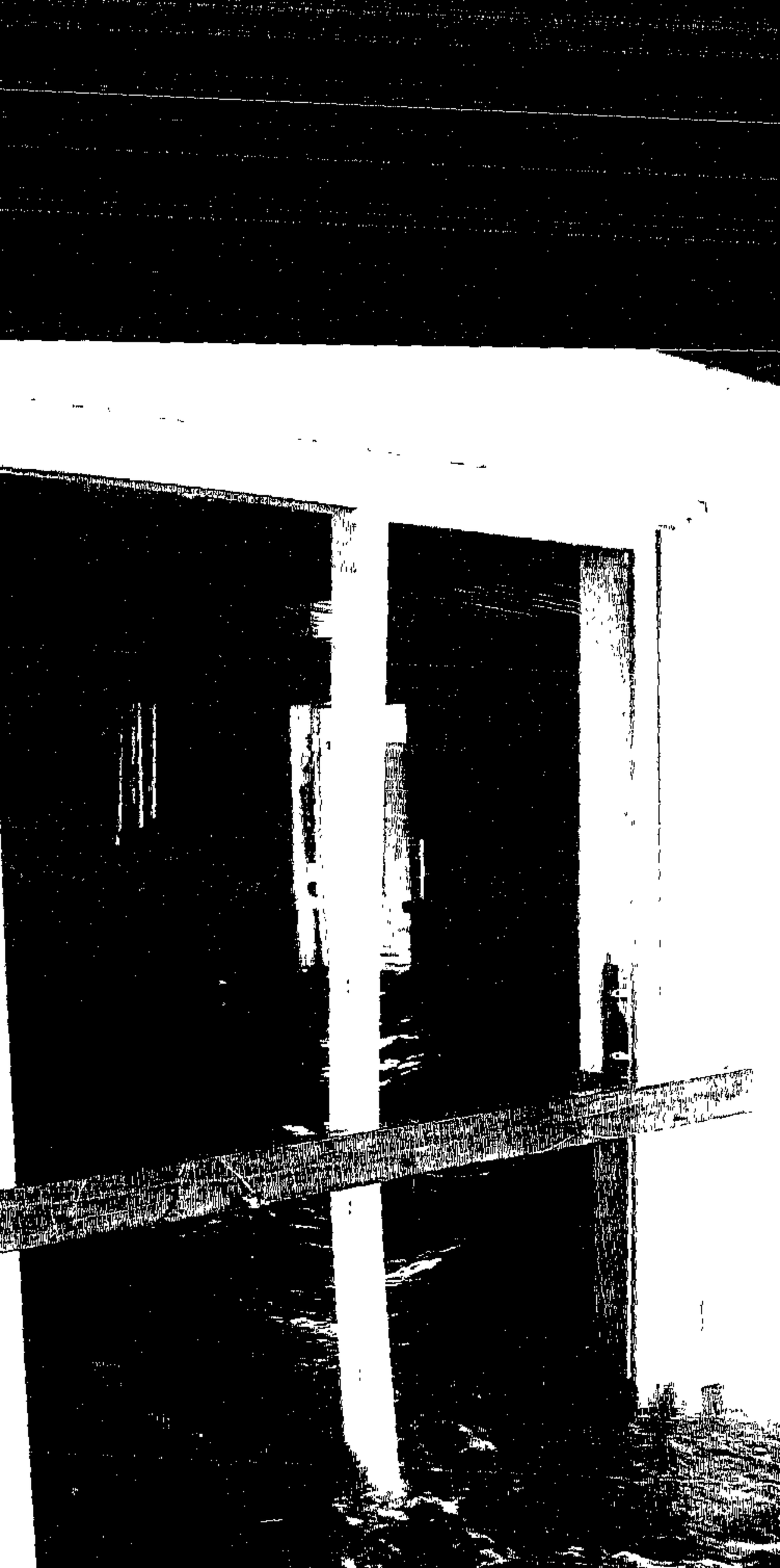




















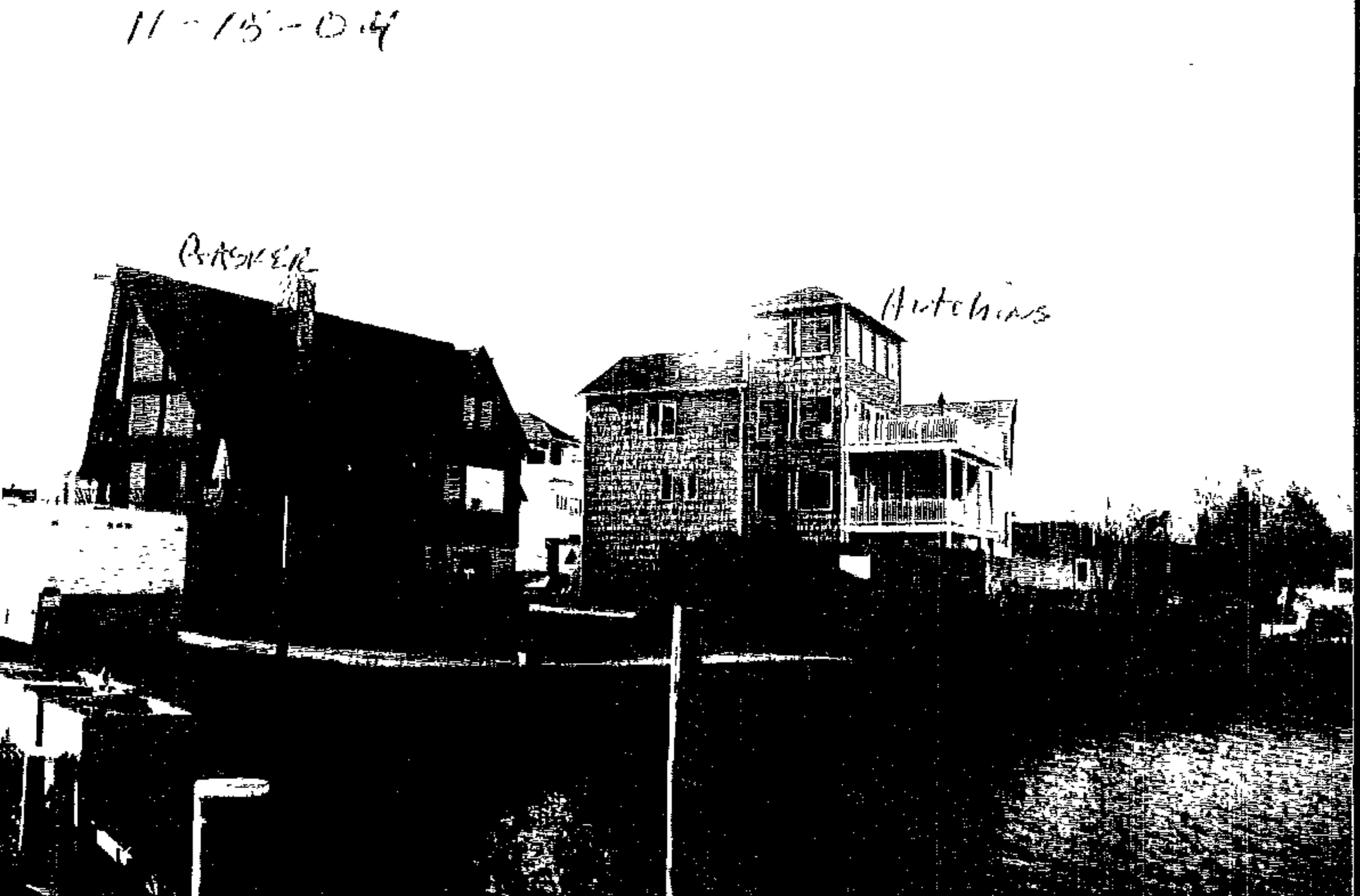
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Johnson



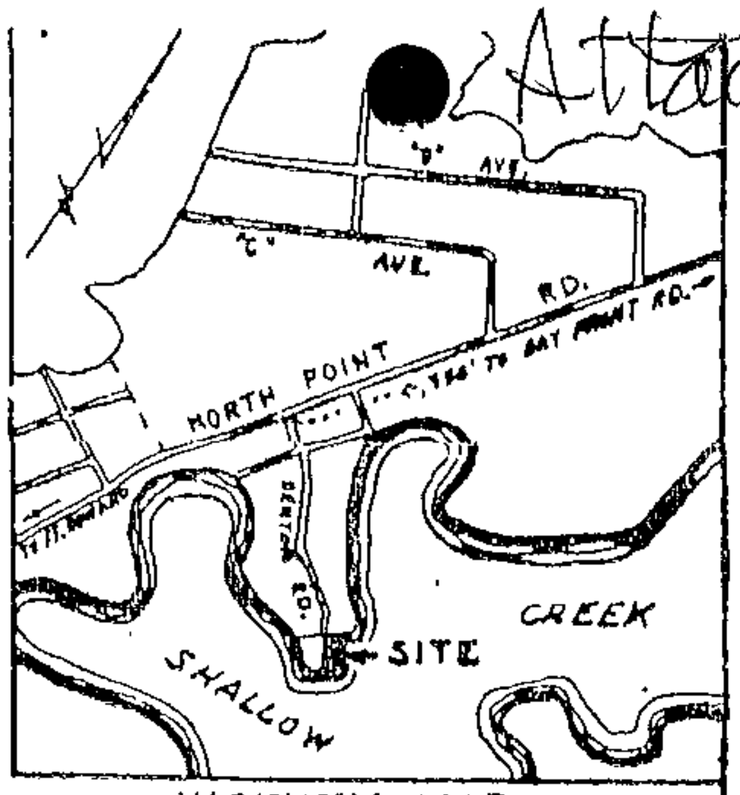
9-19-13

11-15-04



Attachment A
1/1

STATE OF MARYLAND
MALCOLM L. HYDE
No. 9911
REGISTERED
LAND SURVEYOR



VICINITY MAP
SCALE: 1"=1200'

N30°07'W
DENTON AVE.
24'
8" WATER LINE
LOT 22
EX. DWLG.
POINT OF BEGINNING LOT 23
LOT 25
EX. DWLG.
POINT OF BEGINNING LOT 24A
N54°30'E 146.02±
PIPE
12' MAINTENANCE ACCESS & UTILITY EASEMENT
24' UTILITY ESMT 4454/321 & 4548/562
EXISTING 1 STY. FR. FF 9.7
LOT 24A
5,827 sq.ft.
#7844
4548/562
10' UTILITY ESMT
8" SANITARY SEWER
S62°51'W 133.35'
169.02'
EXISTING 1 STY. FR.
FF. 9.6
LOT 23
24' UTILITY ESMT 4454/321
N17°09'W
LOT 24B
17,863 sq.ft.
#7846
LOT 24
EX. DWLG.
SHALLOW CREEK
258'±
SHALLOW CREEK

No clearing, grading or disturbance in wetlands except as per the Balto. Co. Water Quality Policy.

NOTE:
CRITICAL AREA, SOIL TYPE MIB MAP 61
EXISTING WATER & SEWER PUBLIC

APPROVED: ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
Robert W. Sheesley 7-25-88
DIRECTOR DATE

CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

PLAT TO ACCOMPANY DESCRIPTION
NO. 7844 & NO. 7846 DENTON AVENUE
LOT 24 W.P.C. NO. 7, FOLIO 140
15TH. ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE: 1"=50'
MAR. 31, 1988

MAX ANTHONY GASKER
DGED REF. 6520/081

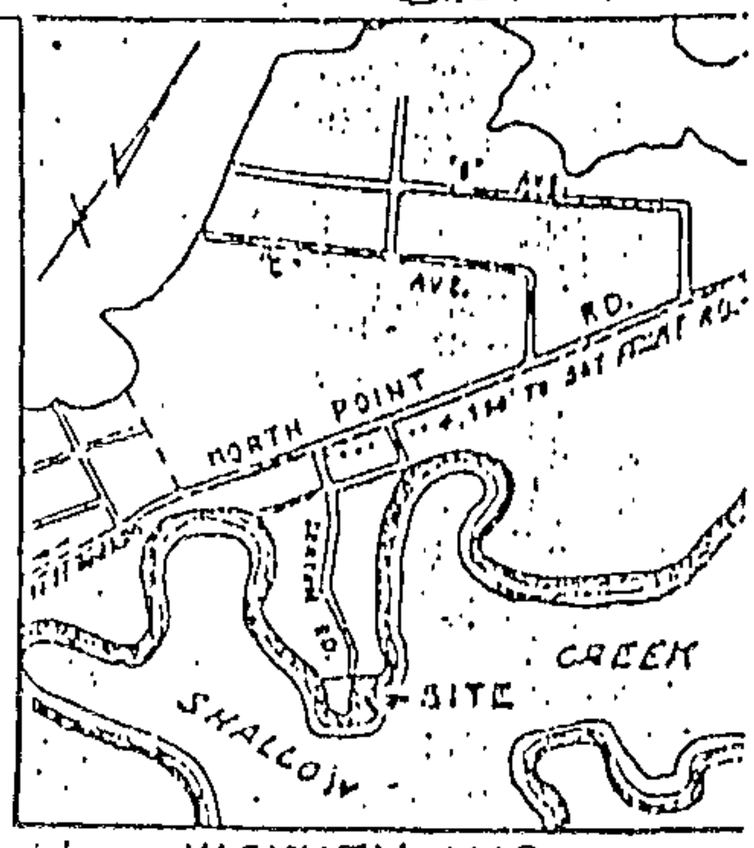
#7790

RICARDO HERNANDEZ
PROF. LAND SURVEYOR LIC # 4[illegible]

651-3328

Attachment B 1/2

B.C.07694NR-



VICINITY MAP
SCALE 1" = 1200'

STATE OF MARYLAND
MALCOLM L. HUSKEY
NO. 10749
REGISTERED
LAND SURVEYOR

8" WATER LINE

LOT 22

EX. DWLG

POINT OF BEGINNING LOT 23

DENTON AVE.

LOT 25

EX. DWLG

POINT OF BEGINNING LOT 24A

N54°30'E 140.02'

12' MAINTENANCE ACCESS & UTILITY EASEMENT

EX. UTILITY EASEMENT 4454/321 4548/562

EXISTING 1 STY. FR. FF 9.7

LOT 24A
.827 SQ. FT.
*7844

4548/562
10' UTILITY ESMT

8" SANITARY SEWER

LOT 23

24' UTILITY ESMT 4454/321

EX. DWLG

N17°09'W 158.00'

1170 SQ. FT. 11.8

8.5' Foundation 50% open

F.F. ELEV. to meet Flood Plain Req'ts 10.4

Existing Stairs

Total 58 Ft. disturbed

LOT 24B
1820 SQ. FT.
17863 SQ. FT.

SHALLOW CREEK

258'

Grade under drip line of tree to be left in strive to encourage maximum storm water infiltration

No clearing, grading or disturbance in wetlands except as per the Balto. Co. Water Quality Policy.

NOTE
CRITICAL AREA; SOIL TYPES MIB MAP 61
EXISTING WATER, SEWER PUBLIC

APPROVED: ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

N. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

PLOT & GRADE PLAN

NO. 7846 DENTON AVENUE

LOT 24 W.P.C. NO. 7, FOLIO 140

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MD.

SCALE: 1" = 50'

MAR. 31, 1980

MAX ANTHONY GASKAR

DEED REF: 6520/001

1" = 200'

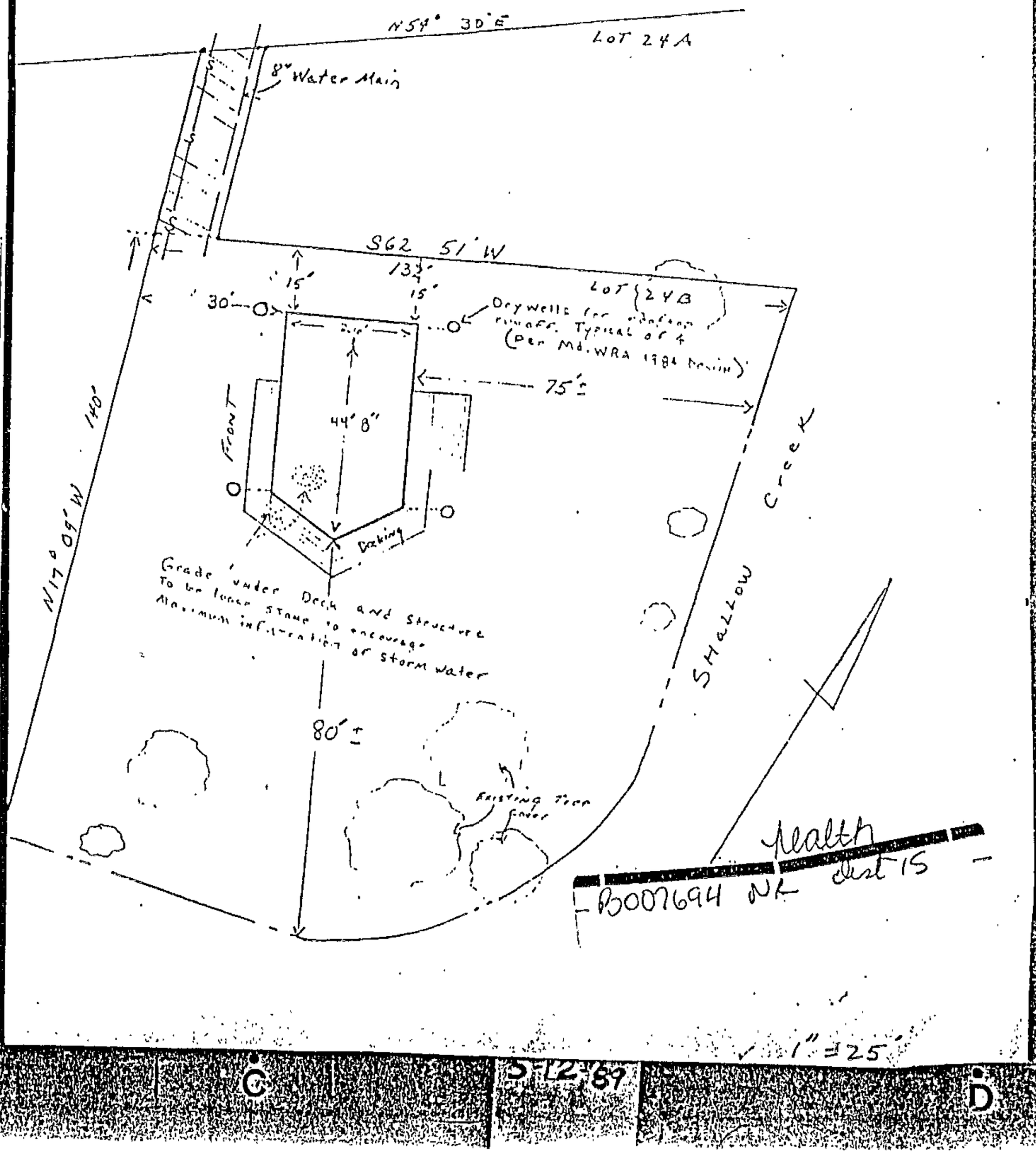
140'

N17°05'W

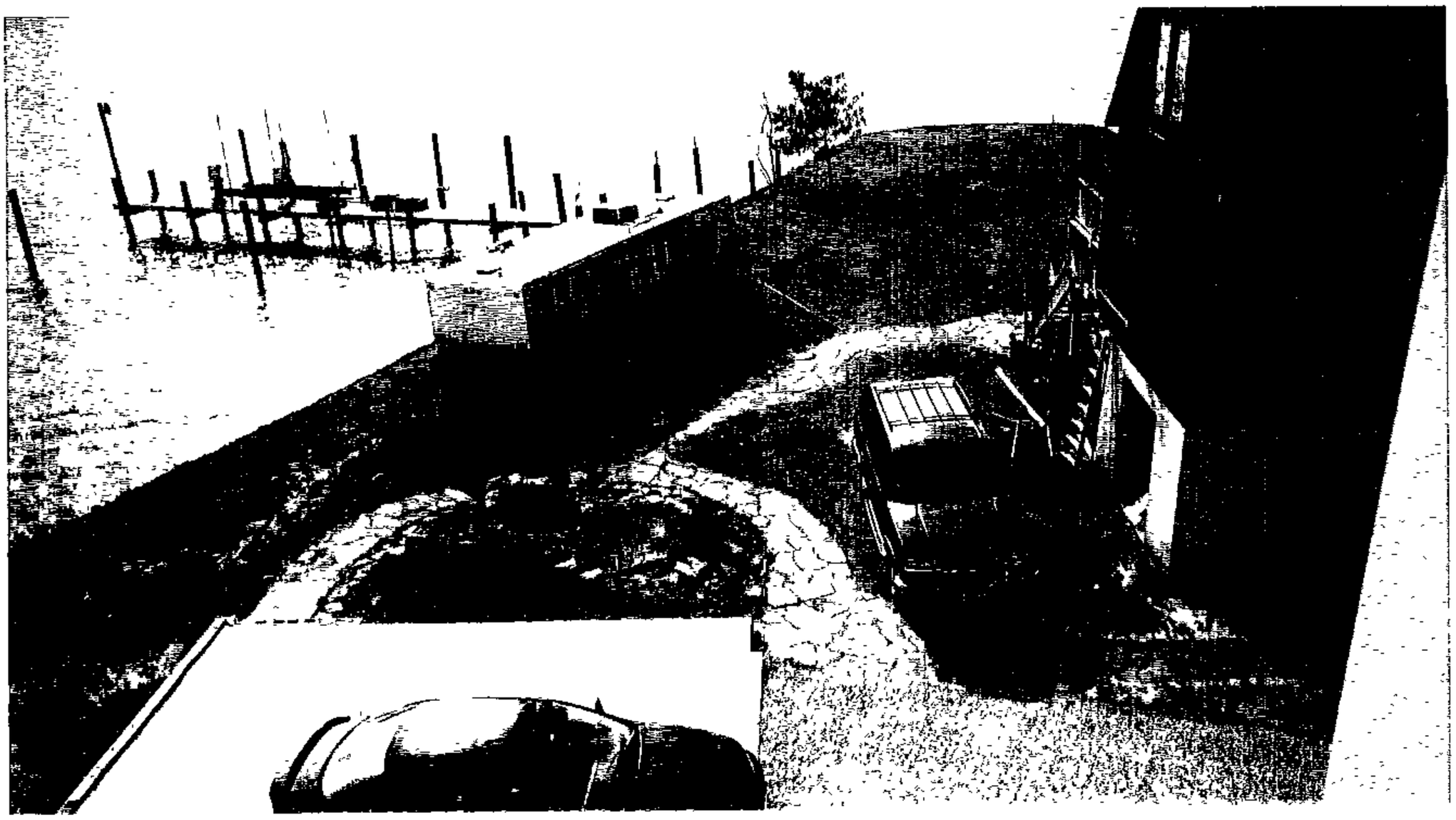
ATT B 2&2

PLOT PLAN

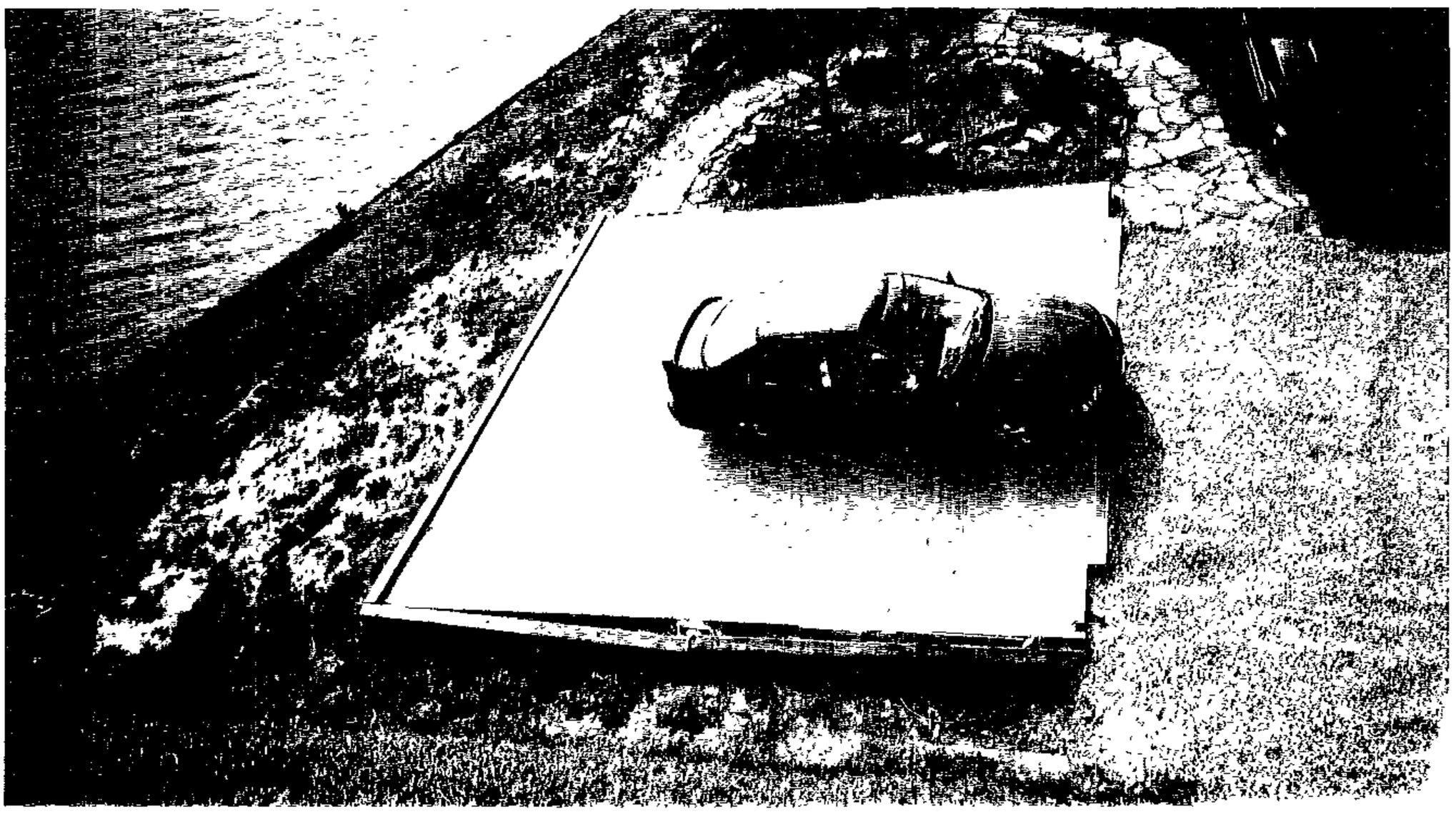
1-25-84
Max A. Gasker
7846 Denton Ave
Balto. 21219.
Lot 24B W.P.C No. 7
Folio 140



Attachment 7 1/2



← 7846



property line

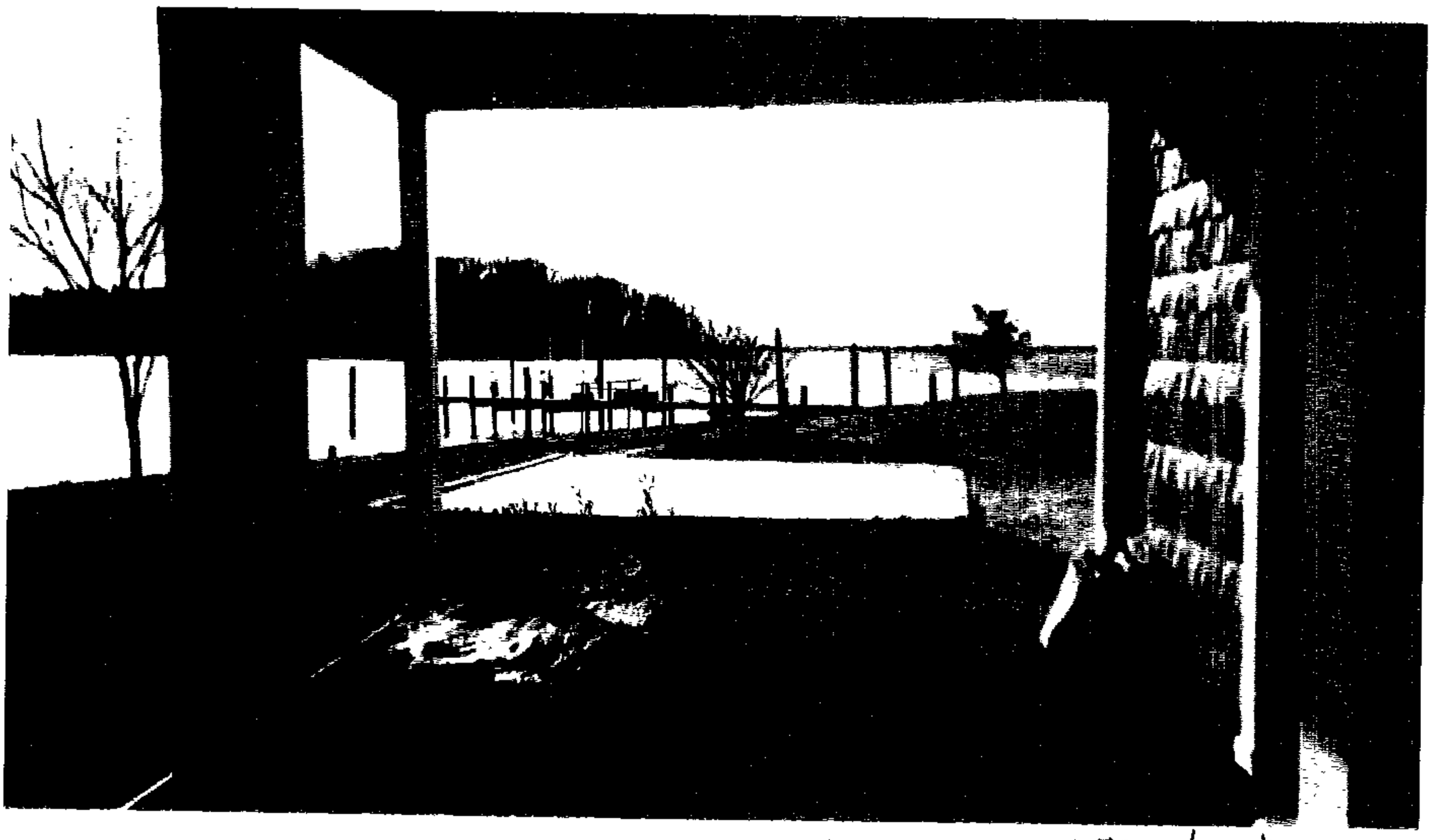
Slab at 7846 Dayton Avenue
note relationship to house

Attachment #2



Slab in the side yard of 1846 Dorton Avenue

C. Property Line



Slab as seen from the front of 7841 Dorton Avenue

Attachment 1/2



7896 Benton Ave

Hurricane Isabel Storm Surge

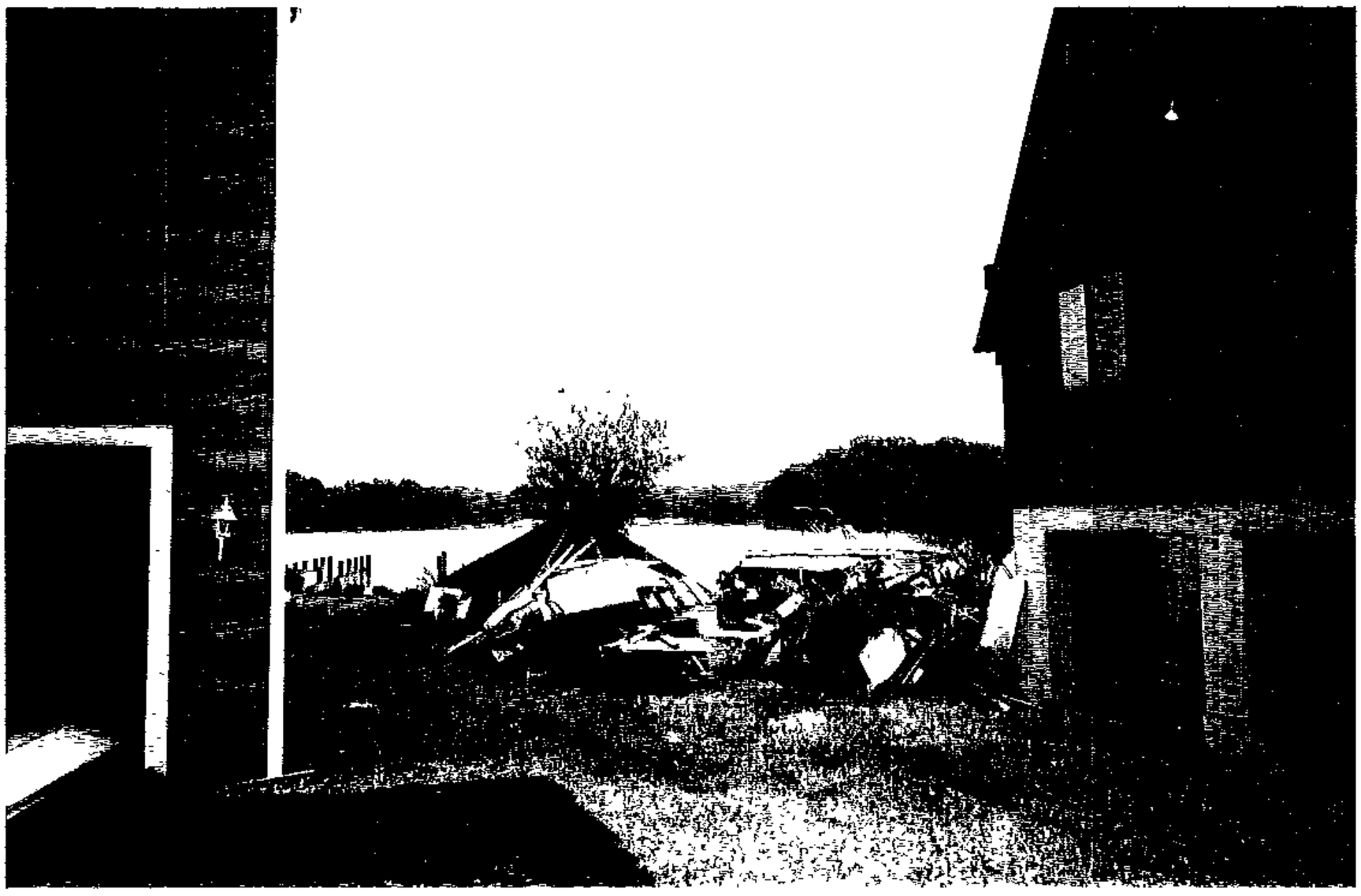


Destroyed garage and other debris

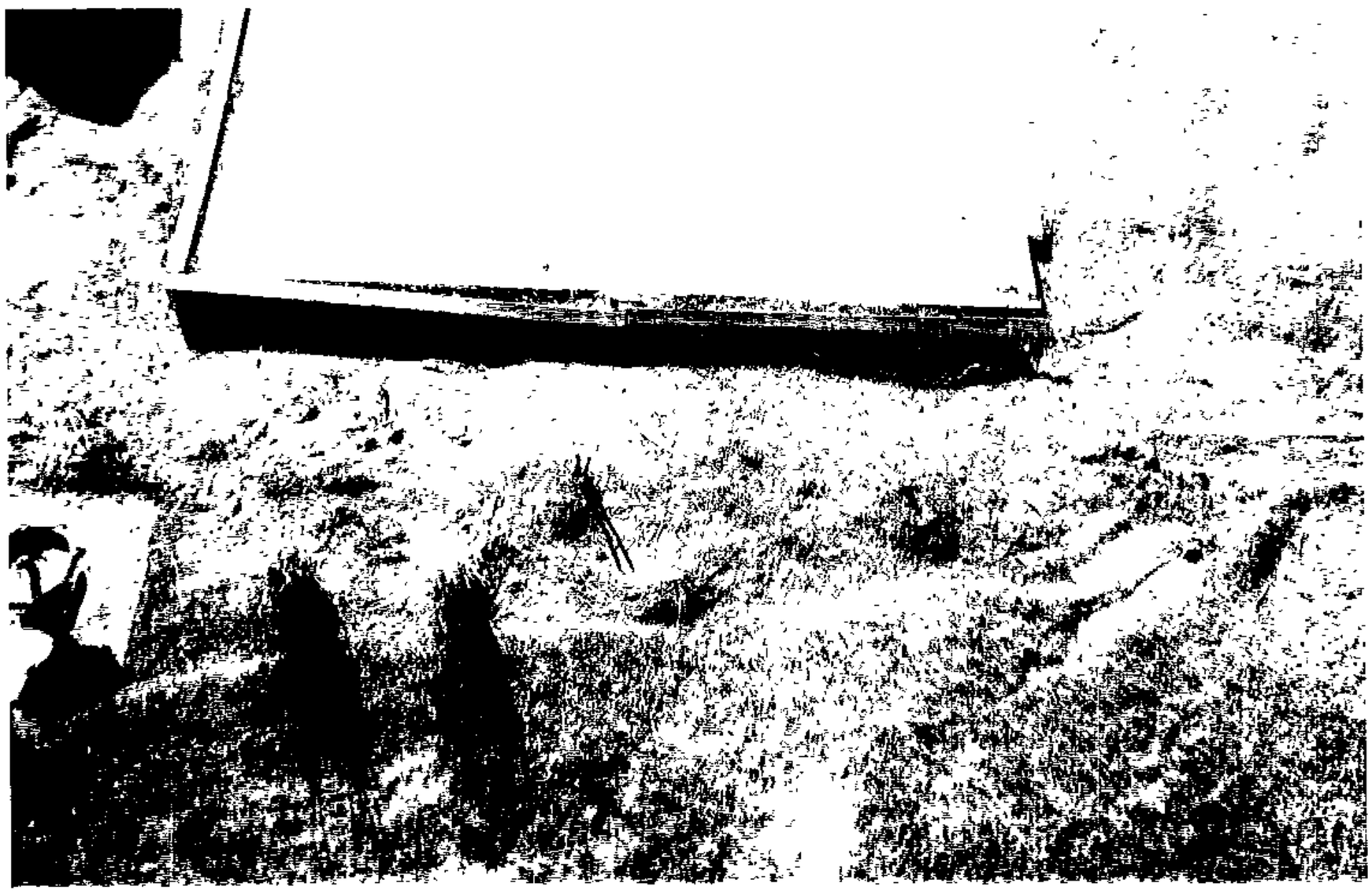
Attachment K 2/2

TEAG → Denton Ave

← TEAG Denton Ave.



Piles of debris removed from 1894's Guard



Slab with debris removed showing the improper construction of the footings

Attachment 4

Attachment L 2/5





Attach now Ex 3/5

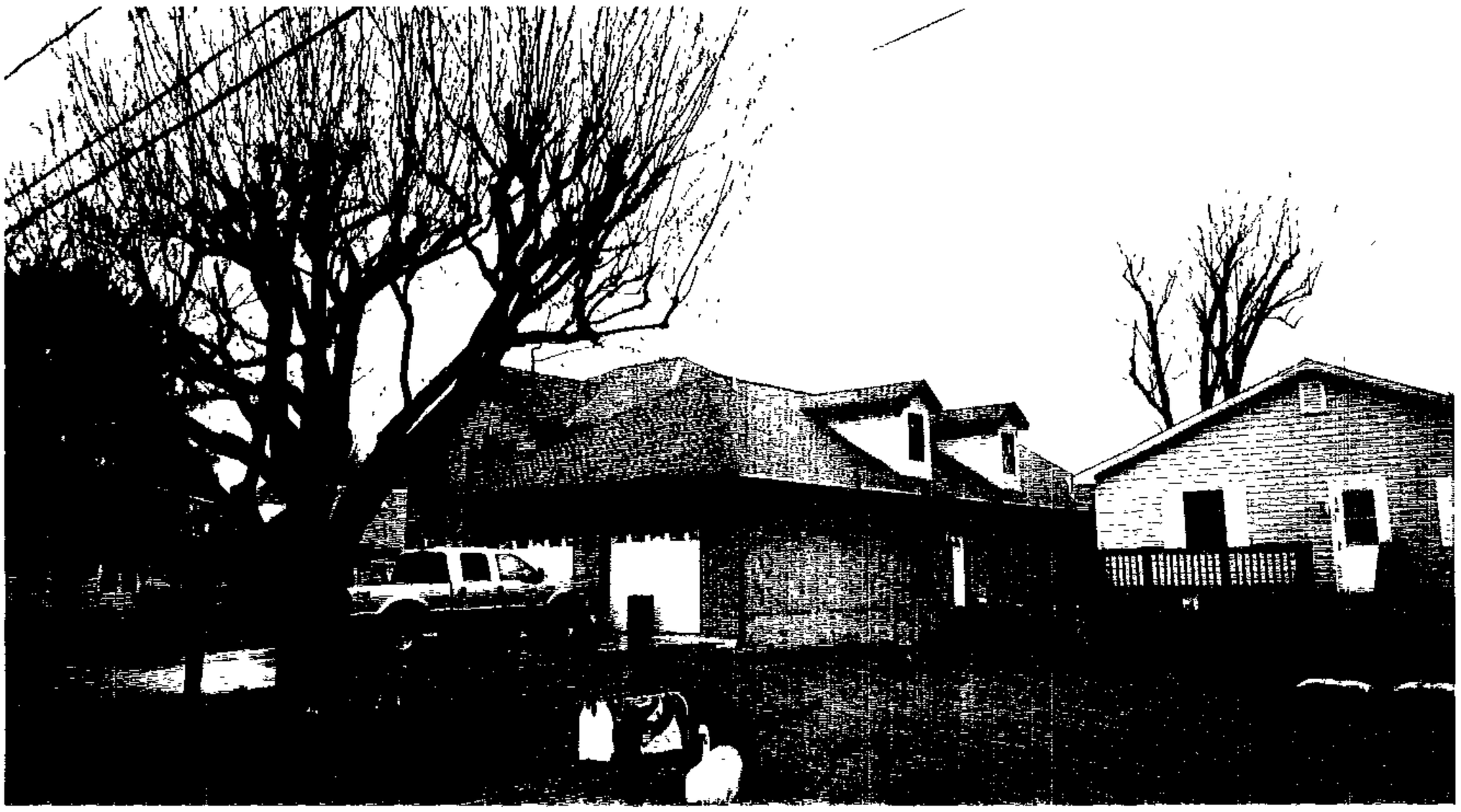





3810

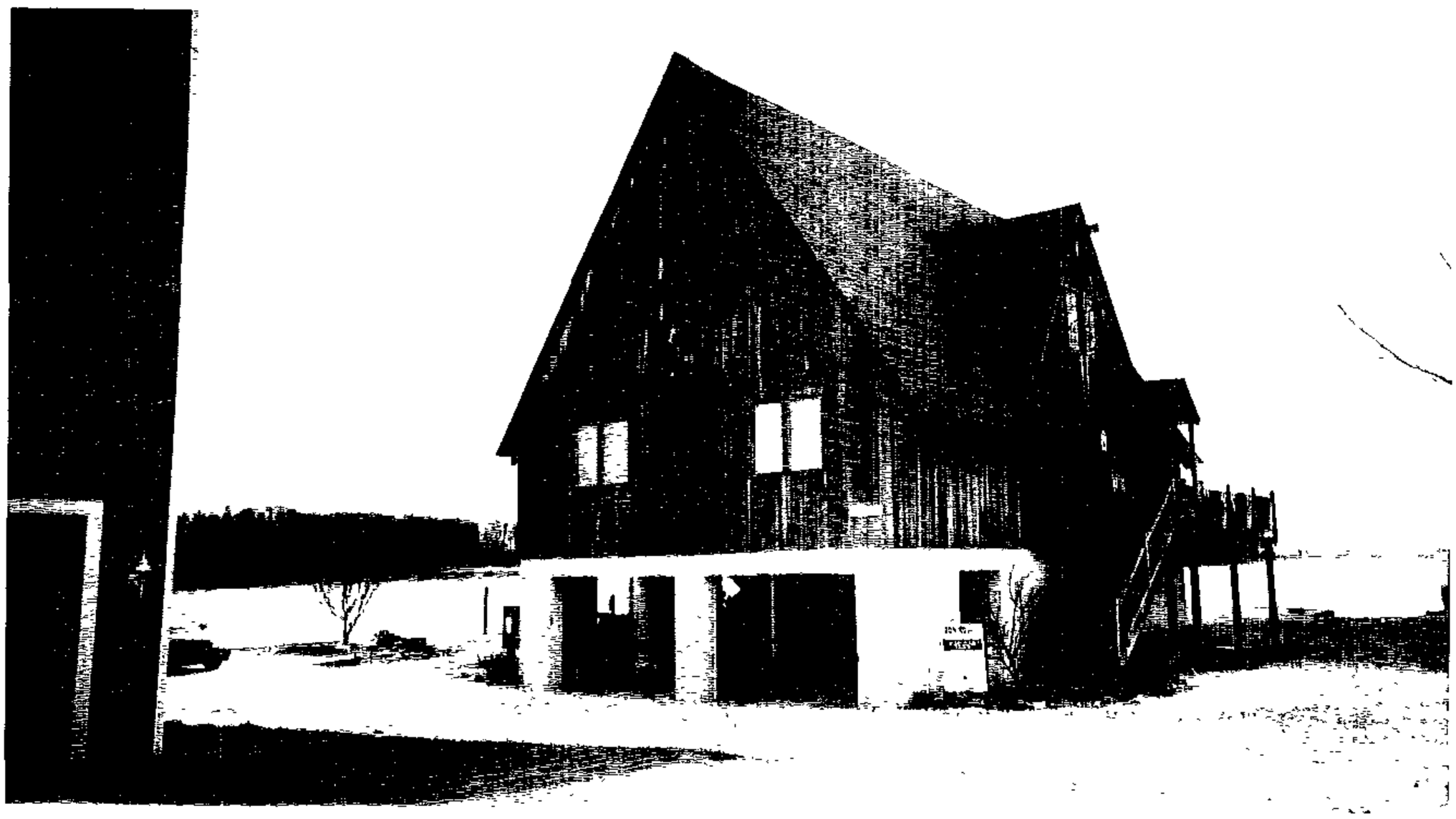


Attachment L 5/5



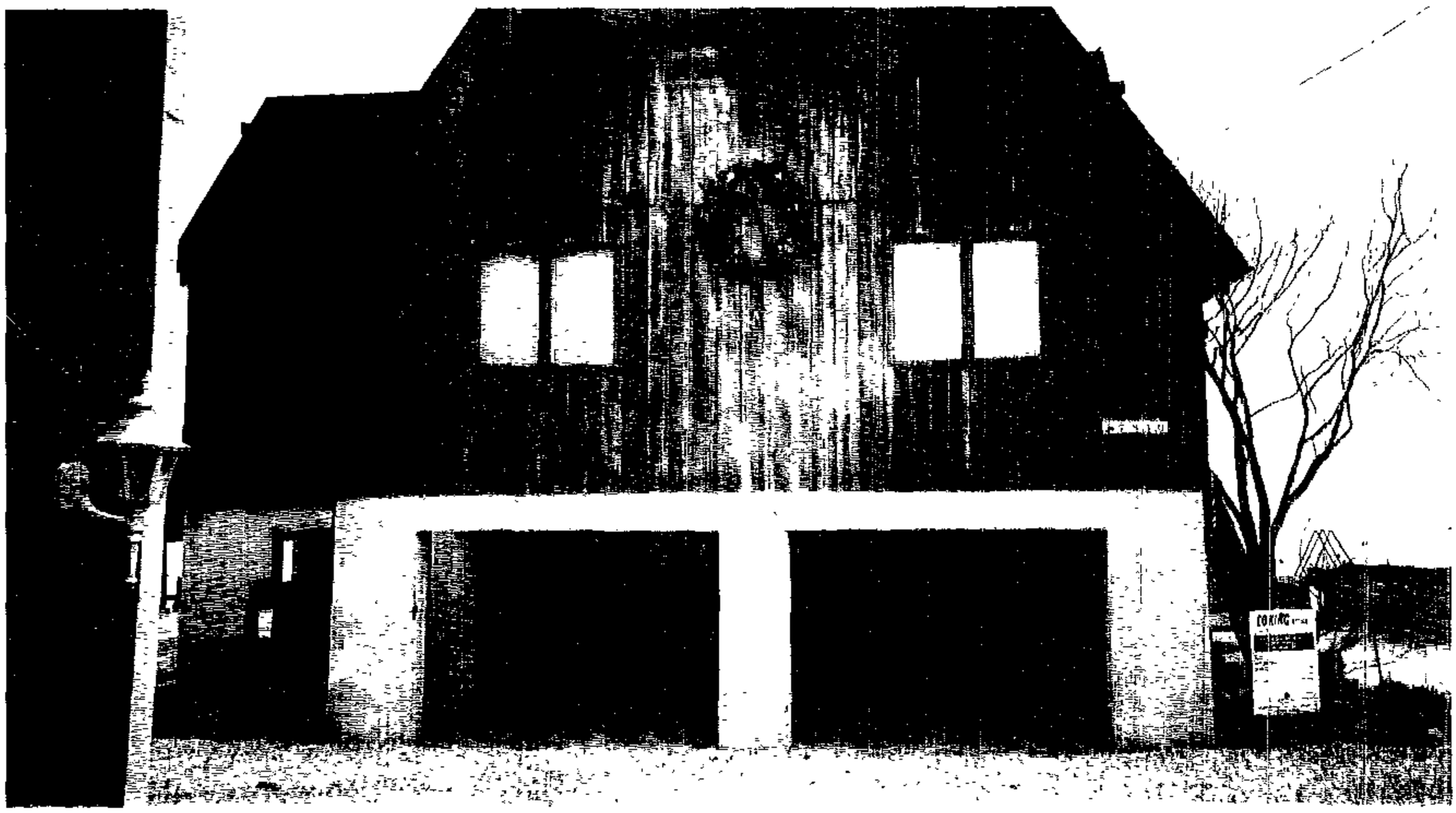


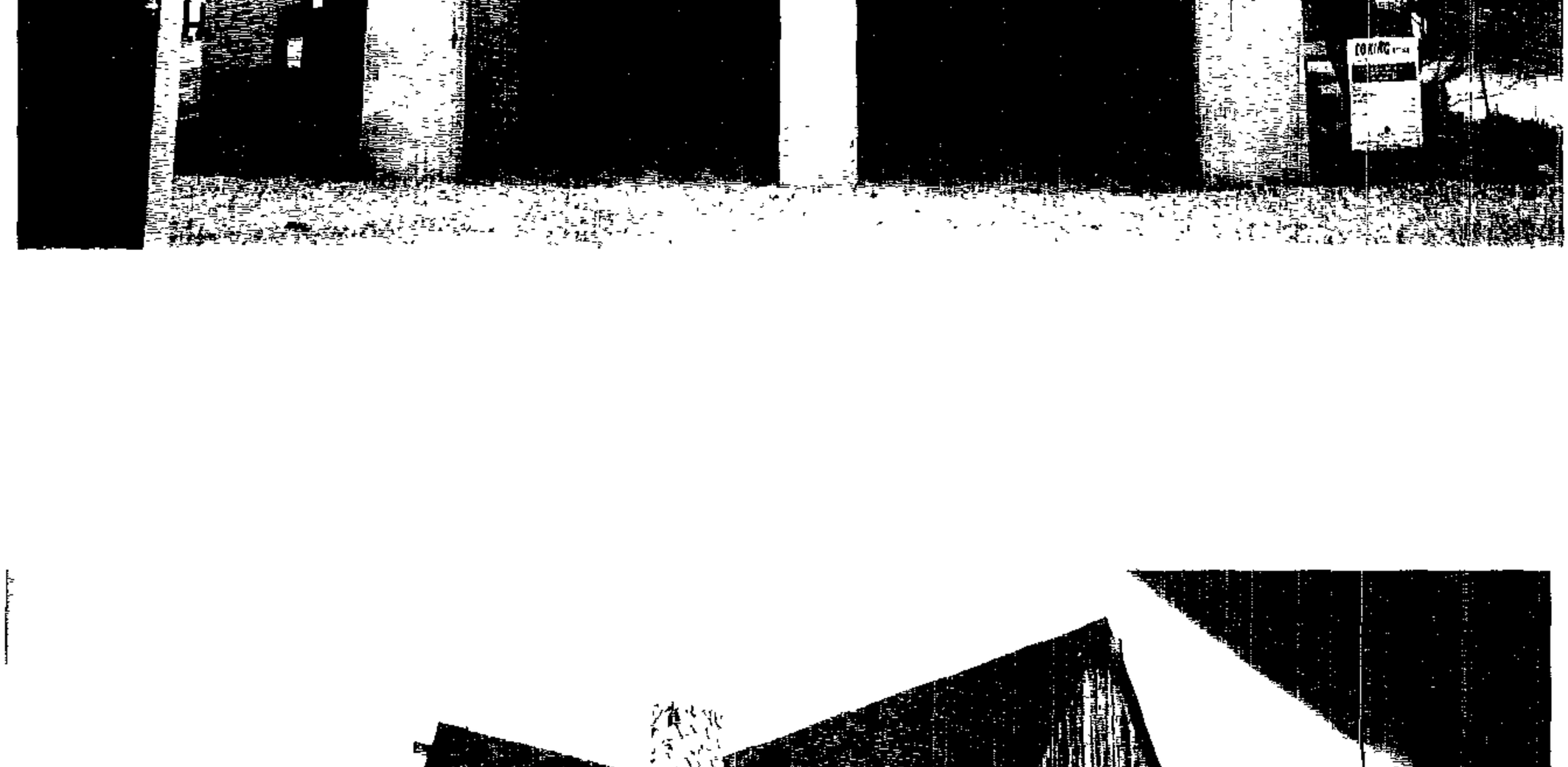
7896 Denton Ave Hochmour Pl 1/2





7840 Dawson Ave Attachment #4 2/2





UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SPARROWS POINT QUADRANGLE
MARYLAND
7.5 MINUTE SERIES (TOPOGRAPHIC)

5662 I SE (BALTIMORE EAST)

5762 IV SW (MIDDLE RIVER)

5762 IV SE (GUNPOWDER NECK)

5662 II NE (CURTIS BAY)

5762 III NE (GWAN POINT)

5662 II SE (ROUND BAY)

5762 III SW (GIBSON ISLAND)

5762 III SE (LOVE POINT)

76°30' — 39°15' — 76°22'30" — 39°07'30"

371 000m E. — 372 — 373 — 375 — 377 — 25' — 378 — 379 — 970 000 FEET — 380 — 381 — 380 000m E.

4345 000m N. — 4344 — 4343 — 4342 — 4341 — 12'30" — 4340 — 4339 — 4338 — 4337 — 10' — 4336 — 4335 — 480 000 FEET — 4334 — 4333 — 4332 000m N. — 4332

510 000 FEET

Cutneck Creek — Bundalk — Long Pt — Toll Bridge — BALTIMORE AND CAROLINE PENINSULA EXPRESSWAY — Golf Course — Bear Creek Junction — OHIO — Greenhill Cove — Lynch Pt — Edgemere — Claybank Pt — Cedar Pt — BACK RIVER NECK — Rocky Pt — Drum Pt — Hart Island — HAWK COVE — BACK RIVER — Cattail Pt — Substa — PATAPSCO — BEAR CREEK — Humphrey Creek — Pumping Sta — Sparrows Point High Sch — Cuckold Pt — Swan Point — St Lukes Sch — SPARROWS POINT — Lloyd Pt — Parking Area — Sparrows Point — Jones Creek — Pumping Sta — Trailer Park — NECK — MILLERS ISLAND — Ramona Beach — Light — Black Marsh — Light — Light — OLD ROAD BAY — North Point — Fort Howard — Shallow Creek — Tidal Flat — Flat — Sparrows Pt — Conveyor — Fort Howard Veterans Hospital — Light — North Pt — BREWERTON CHANNEL — BALTIMORE CO — ANNE ARUNDEL CO — PATAPSCO RIVER — BAY — Light — CHESAPEAKE — CRAIGHILL CHANNEL — Light — Light — Light — White Rocks — Rock Pt — Fort Smallwood Park — Tidal Flat — White Pond — Venice on the Bay — Fairview — Walt Cove — Hines Ponds — Paradise Beach — Lathe Ponds — Alpine Beach — HOG NECK — Boyd Pond — Bayside Beach — Frankie Pt — Old Landen Pt — Big Marsh Pt — Little Marsh Pt — Hickory Pt — Back Creek Pt — Cedar Pt — Bodkin Pt — Bodkin Creek — Bodkin Neck — Back Creek — Spit Neck — Graveyard Pt — Spit Pt — The Hammock — Main Creek — Fort Smallwood Sch

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1966. Field checked 1969
Supersedes Army Map Service map dated 1944

Selected hydrographic data compiled from USC&GS Charts 549 (1969) and 545 (1970)
This information is not intended for navigational purposes

Polyconic projection. 1927 North American datum
10,000-foot grid based on Maryland coordinate system
1000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue

Red tint indicates areas in which only landmark buildings are shown

Revisions shown in purple compiled from aerial photographs taken 1974. This information not field checked

MN — GN — 8½° 151 MILS — 0°55' 16 MILS

UTM GRID AND 1974 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE 1:24 000

1 0 1 MILE
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET
1 .5 0 1 KILOMETER

CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 19[illegible]29

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEA[illegible]N LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN [illegible] HIGH WATER
THE MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY ST[illegible]ANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY[illegible]A 22092
DENVER, COLORADO 80225, OR RESTON, VIRGINI[illegible]
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AV[illegible]AILABLE ON REQUEST

MARYLAND — QUADRANGLE LOCATION

ROAD CLASSIFICATION

Primary highway, all weather, hard surface
Light-duty road, all weather, improved surface
Secondary highway, all weather, hard surface
Unimproved road, fair or dry weather
State Route

SPARROWS POINT, MD.

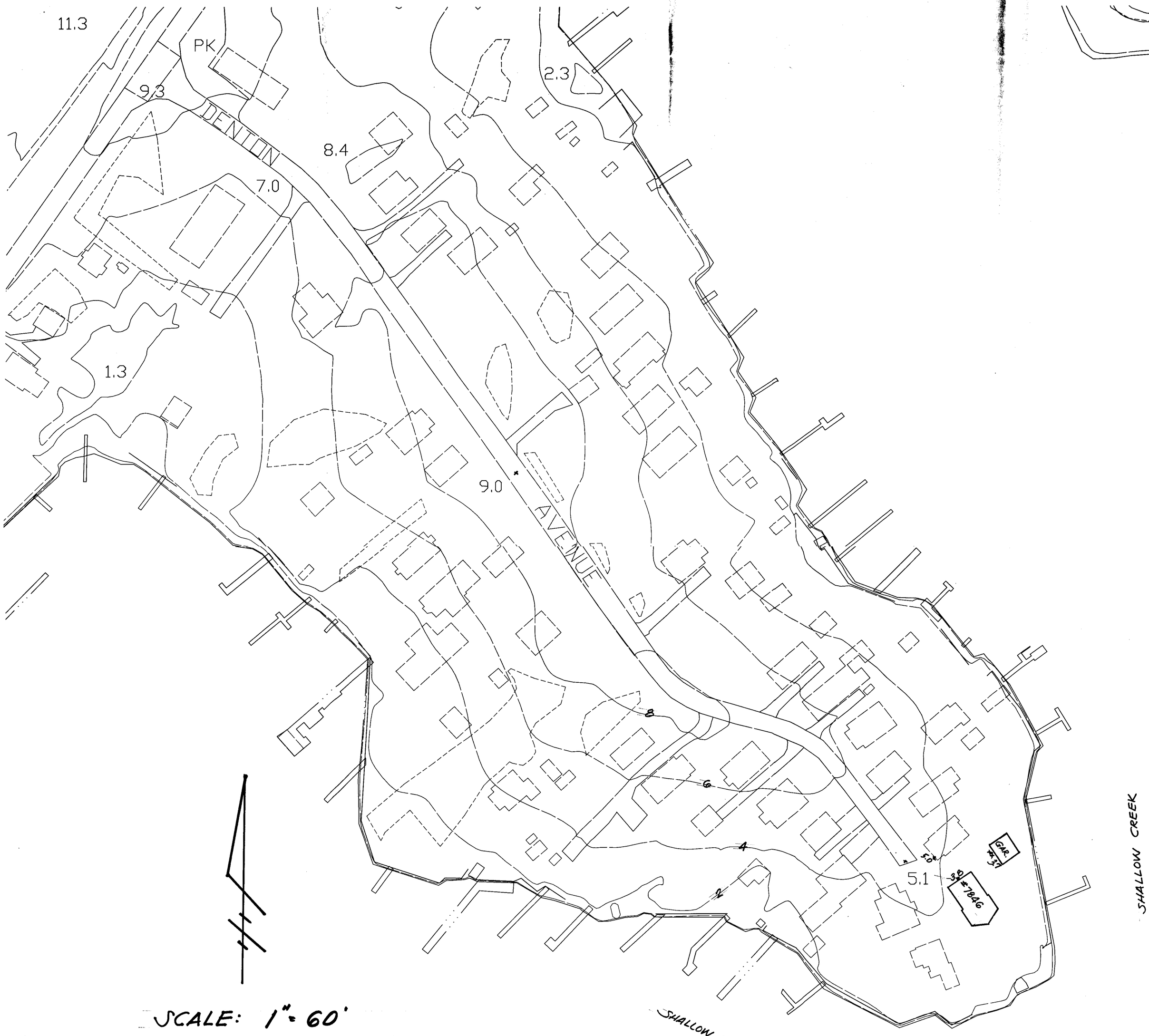
N3907.5—W7622.5/7.5

1969
PHOTOREVISED 1974
AMS 5762 III NW—SERIES V833

INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1975

ISBN 0-607-23669-8

PROTECANTS #11A



SCALE: 1" = 60'

BALTIMORE COUNTY

G.I.S. TOPO TILE 115c1

GASKER

Map Produced By Baltimore County GIS
Production Date: November 15, 2004
Aerial Photography From April 2002

0 35 70 140 210 280 Feet

CBA 6FT 9

Scale 1"=50' Nov. 5, 1928.
Edwards & Corman C.E.'s
Riverside, Cal.

Road

Railways

Point Zi'e

Ocean

North

34°21'W Road

Mound

Road

Sycamore

Ocean

Shallow

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A. I based my opinion on the fact that the existing garage, looking at it when the Hutchins' home was constructed and when they purchased it, the fifteen foot garage was there.

Their view from the first level deck was blocked by the garage at fifteen foot, and the same would occur with the twenty foot.

So, you know, the view was blocked previously with what was there.

Q. Would you agree that their view being blocked with a fifteen foot garage was a detriment to their property?

A. I can't tell you whether it is or not. What I'm saying, the garage was in place on the Gasker property when the Hutchins built their home.

Q. As a land planner, explain to me why, as a land planner, you can't testify when a waterview is being blocked by a structure, it's not having a detriment?

A. Okay. What I testified to is the fact that the difference between the fifteen foot height and the twenty foot height is not -- you know, the fifteen foot height

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blocked their view from their deck.

The twenty foot height of the location, the same view would be blocked with the twenty foot.

So their previous view was blocked. Therefore, the twenty foot height also will block their view.

Q. So would the blockage be increased, would you agree with that?

A. No, because they were blocked at fifteen foot.

MR. LANZI: That's all I have.

THE CHAIRMAN: Do you have any redirect?

MR. COVAHEY: Just very briefly.

MR. COVAHEY: Let me look at Protestants' Exhibit 4, and I want to see the subdivision plat. Petitioner's No. 4, the subdivision plat.

REDIRECT EXAMINATION

BY MR. COVAHEY:

Q. Now, we identified Shallow Creek. In fact, on both sides of the creek, it's called Shallow Creek?

A. Based upon this plat, yes.

Q. And if we look at what's been marked as Protestants' Exhibit No. 4, where the protestants have

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drawn, or their representative, has drawn in red an addition on the west side, that would actually project into what would appear to be the right-of-way shown on their own exhibit, is that correct?

A. Yes. As shown on this layout here on the west side, this proposed alternate location is within an existing right-of-way, or easement.

MR. COVAHEY: No further questions.

THE CHAIRMAN: Mr. Lanzi, as to those limited questions?

MR. LANZI: No. I believe we have already covered it.

MR. COVAHEY: I have one very brief witness.

THE CHAIRMAN: Can't do it. Off the record.

(Discussion held off the record.)

THE CHAIRMAN: This will bring to a close the testimony for today. Gentlemen, I don't know if you know, and I'm not letting any cats out of the bag, but I suggest to both of you that I'm going to stick my neck out and say we are probably going to be doing briefs in lieu of closing argument, so if that forewarning helps anybody at

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all in terms of everyone's time schedule, so be it.

I believe that that's all the business that we have for today. If anybody has any exhibits that were back and forth that have been missed, please make sure they get back to us.

Other than that, thank you, Mr. Kennedy, and all. We are adjourned.

(Hearing adjourned.)

* * * * *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1504201150

Owner Information

Owner Name: DEWIT GYSBERT
DEWIT CATHERINE

Mailing Address: 7810 DENTON AVE
BALTIMORE MD 21219-2418

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) /19778/ 20
2)

Location & Structure Information

Premises Address
7810 DENTON AVE

Legal Description
7810 DENTON AVE
OLEARY PLAT

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
115	5	14					41	82	Plat Ref:	7/ 140

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1935	1,432 SF	14,040.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	59,260	59,260		
Improvements:	65,750	72,320		
Total:	125,010	131,580	129,390	131,580
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DEWIT JAN D	Date:	03/23/2004	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/19778/ 20	Deed2:	
Seller:	DEWIT JAN D	Date:	02/18/1998	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/12668/ 535	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

SUMMARY CONCLUSION OF DIMINISHED VALUE: **We have analyzed several recent sales on Denton Avenue, and utilized data from the Deed Records, considered only ASSESSMENTS OF THE LAND VALUES in order to determine an estimate of diminished value caused by the proposed garage construction.**

As shown, this analysis indicates an estimated diminished assessed value of $20,500 or 30% LOSS.

This assignment is an analysis, not a self-contained report as defined by the Uniform Standards of Professional Appraisal Practice or by Federal and State regulatory agencies. It is an analysis and analysis only and therefore limited in scope as described in the Appraisal Process Section.

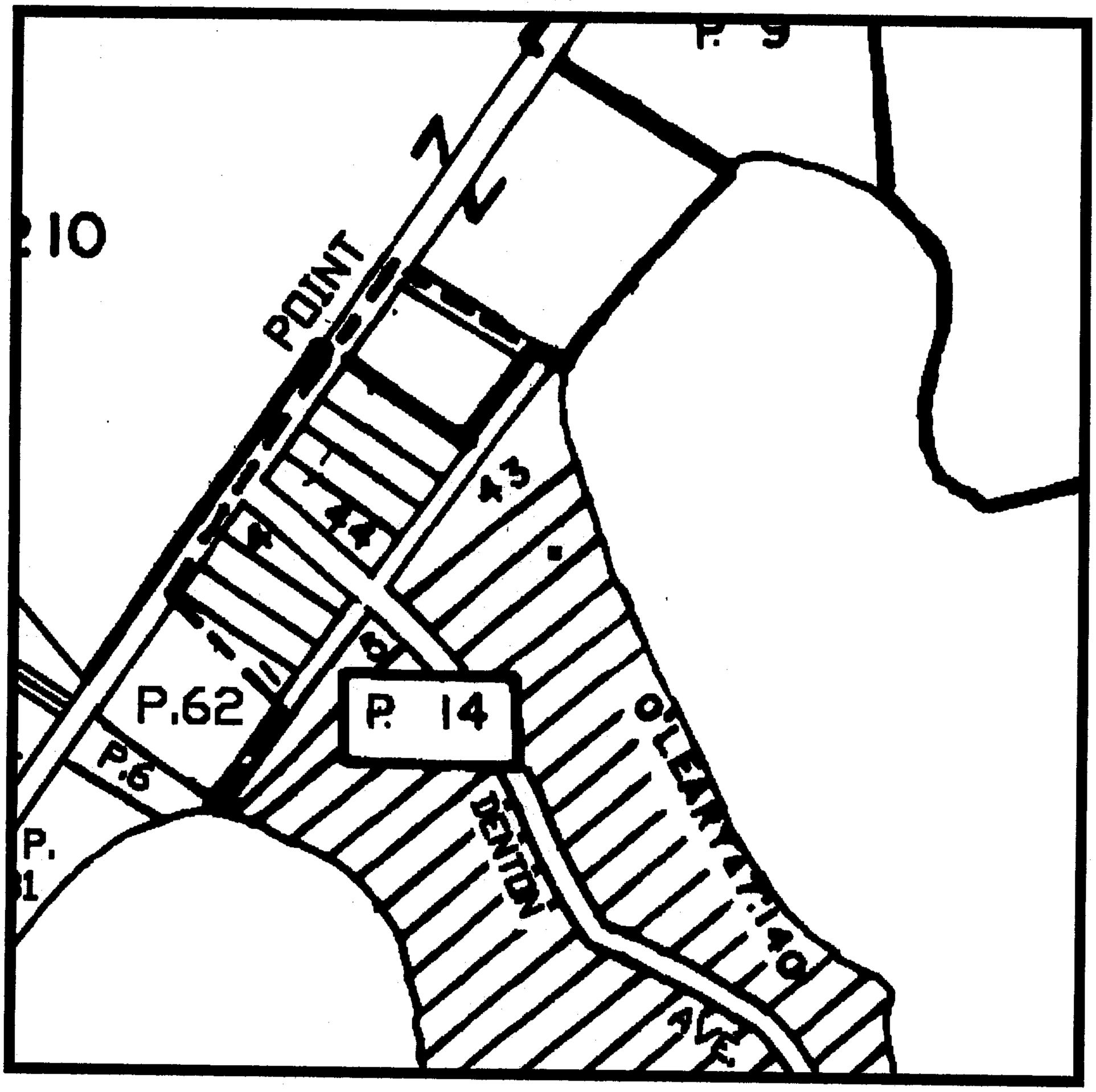
The reader will find exhibits supporting this analysis.

Richard O. King
Certified General Appraiser #0410502

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BALTIMORE COUNTY
Real Property Data Search

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New Search

District - 15 **Account Number** - 1504201150



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For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html



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Destroy GARAGE from a view from the corner of my house Looking Toward The Water

6C