

12/18/09
Belt
2 Waugh Avenue
Glyndon, MD 21071

December 18, 2009

Ms. Theresa R. Shelton
County Board of Appeals
Jefferson Building, Second Floor
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

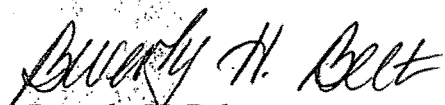
Re: In the Matter of Beverly Belt
Case No.: 05-407-SPH

Dear Ms. Shelton:

Please accept this correspondence as my response to the Order of Dismissal. I agree with the County Board of Appeals that this matter should be closed. Since the hearing, the relationship with myself and the community has improved significantly and to the best of my knowledge, there no longer is a concern within the community regarding the pool and fence. Any legal action taken against me by Baltimore County with regards to this matter will only foster further animosity and will interfere with the relationships nurtured thus far and will cause anguish and a lack of peace in the neighborhood.

I would appreciate if the County Board of Appeals would close this matter and no further legal action be taken. Thank you for your consideration.

Sincerely,


Beverly H. Belt

CC: Michael Field, Esquire

RECEIVED
DEC 22 2009

BALTIMORE COUNTY
BOARD OF APPEALS

12/2/09

IN THE MATTER OF:
BEVERLY BELT – LEGAL OWNER/
PETITIONER
2 WAUGH AVENUE
GLYNDON, MD 21071

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 05-407-SPH
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RE: SPECIAL HEARING to verify the
existence of a pool enclosure and location
of the pool/fence on property and to
approve the existing pool and fence

* * * * *

ORDER OF DISMISSAL

This matter having come before this Board on appeal dated March 10, 2006 from a decision of the Deputy Zoning Commissioner dated February 8, 2006 wherein the requested Special Hearing relief to verify the existence of a pool enclosure and location of the pool/fence on property and to approve the existing pool and fence was denied;

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since February 26, 2007. At that time a joint request was made by counsel requesting a postponement of the scheduled deliberation and delay of submission of closing memoranda in this matter; parties are attempting to reach settlement; no additional dates to be assigned unless requested by either counsel (Exhibit 1); and

WHEREAS, no communications being received from either Counsel, on May 22, 2009, the Board sent notification to both Counsels advising of the inactivity and requesting that the Board be contacted to determine the appropriate action (Exhibit 2); and

WHEREAS, the Board received a response dated May 26, 2009, from Howard Alderman, Esquire, counsel for the Petitioner/Appellant advising that he forwarded the letter directly to his client and asked that she contact us directly (Exhibit 3); and

WHEREAS, on August 11, 2009, the Board having received no further correspondence, notified both Counsels and the Petitioner/Appellant of the Board's intent to issue an Order of Dismissal for Lack of Prosecution (Exhibit 4); and

WHEREAS, the Board received a response dated August 17, 2009, from Howard Alderman, Esquire indicating that Petitioner or other Counsel on her behalf contact the Board (Exhibit 5); and

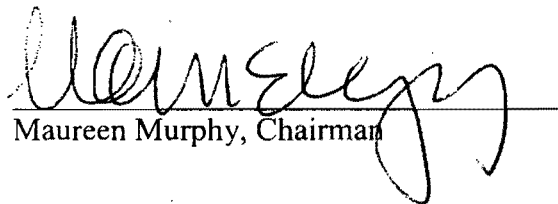
WHEREAS, the Board received a letter from the Petitioner/Appellant requesting additional time to locate and review her documents and that the case not be dismissed (Exhibit 6); and

WHEREAS, the Board responded to the Petitioner/Appellant denying her request, citing ample time has passed for the parties to reach a resolution. The letter, dated October 15, 2009 was sent certified mail to Petitioner (Exhibit 7), and

WHEREAS, the Board's certified letter to the Petitioner/Appellant was returned 'unclaimed' on November 9, 2009 (Exhibit 8); and

IT IS THEREFORE ORDERED, this 2nd day of December, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 05-407-SPH be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen Murphy, Chairman



County Board of Appeals of Baltimore County

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

March 2, 2007

NOTICE OF POSTPONEMENT OF DELIBERATION

IN THE MATTER OF:

BEVERLY BELT - Petitioner
Case No. 05-407-SPH

which was scheduled for public deliberation on 3/22/07 has been **POSTPONED** by joint request of counsel. This matter will not be rescheduled for public deliberation at this time unless requested by either party.

Should a new date for public deliberation be requested, a date will also be given for the submission of memoranda by counsel prior to deliberation.

Kathleen C. Bianco, Administrator

c:	Counsel for Appellant /Petitioner	: Howard L. Alderman, Jr., Esquire
	Appellant /Petitioner	: Beverly H. Belt
	Mitch Kellman /Daft, McCune & Walker	
	Steven Haines	
	George Belt	
	Kristen Carpenter	
	Kim Karlson	Joan Mersinger
	Gary Jones	Randy Quinn
	Eleanor Taylor	Charles and Anna Welsh
	Mark Clements	Frances Acle
	Barbara Whitman	Mark Johnson
	Richard Stanley	Eileen W. Wuerthele
	Robert Tarleton	Dan Kaestner
	Jean More	Pamela White
	Office of People's Counsel	
	William J. Wiseman III /Zoning Commissioner	
	Pat Keller, Planning Director	
	Baltimore County Council /3 rd District	
	James H. Thompson, Supervisor, Code Enforcement /PDM [Case # 04-5797]	
	Timothy M. Kotroco, Director /PDM	
	Michael Field, Assistant County Attorney	

FYI: 4-1-6





County Board of Appeals of Baltimore County

Exhibit 2

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 22, 2009

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Md 21204-4525

Michael E. Field
Assistant County Attorney
Baltimore County Office Of Law
Old Courthouse
400 Washington Avenue
Towson, Md 21204

Re: Beverly Belt / 2 Waugh Road
Case No.: 05-407-SPH

Dear Counsel:

In January 2009 I returned to the Board of Appeals in the capacity of Administrator. I am currently in the process of reviewing all the files which still remain open on the docket. The majority of the files were located in a postponement file cabinet and have been sitting for many years.

Please be advised that the last activity that I have noted in this file is that on February 26, 2007, there was a joint request to postpone the deliberation scheduled for March 22, 2007, due to a possible resolution/settlement of this matter.

To date, the Board of Appeals has not been contacted with regards to re-scheduling the matter, nor has a Petition to Withdrawal the Appeal/Petition been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter to determine the appropriate action with regard to this matter.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".
Theresa R. Shelton
Administrator

Duplicate Original/trs

EXHIBIT 3

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor /
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

May 26, 2009

RECEIVED
MAY 27 2009
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals for Baltimore County
Attn: Ms. Theresa R. Shelton, Administrator
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

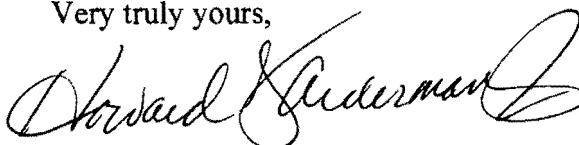
RE: County Board of Appeals
Case No. 05-407-SPH
Beverly Belt/2 Waugh Road

Dear Ms. Shelton:

I received your letter of May 22, 2009 regarding the status of the above-referenced case. I have forwarded a copy of your letter directly to the owner, Ms. Beverly Belt, requesting that she contact your office directly in regard to this matter.

Please let me know if you need anything further from me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk

c: Ms. Beverly Belt
Michael E. Field, Assistant County Attorney



EXHIBIT 4

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 200
100 WEST CHESTER AVE. E.
TOWSON, MD 21204
410-817-3100
FAX: 410-817-3101

August 11, 2009

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Michael E. Field
Assistant County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, MD 21204

Re: *Beverly Belt / 2 Waugh Road*
Case No.: 05-407-SPH

Dear Counsel:

On May 22, 2009, I wrote to you regarding the above captioned matter and requested a status due to the inactivity from February 2007. On May 26, 2009 I received correspondence from Mr. Alderman indicating that he forwarded a copy of that letter directly to Ms. Belt requesting that she contact this office. This office has not received any communication other than the May 26, 2009 letter from Mr. Alderman.

The purpose of this letter is to advise you that an Order of Dismissal of Petition for lack of prosecution will be entered in the above-captioned matter after the expiration of 30 days from the date of this Notice. Upon receipt of a request filed at any time before 30 days after date of this Notice, the Board, for good cause, may defer entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours.

Theresa R. Shelton
Administrator

Duplicate Originals

c: Beverly Belt

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

August 14, 2009

County Board of Appeals for Baltimore County
Attn: Ms. Theresa R. Shelton, Administrator
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: County Board of Appeals
Case No. 05-407-SPH
Beverly Belt/2 Waugh Road
Notice of Contemplated Dismissal

Dear Ms. Shelton:

I received the Board's letter of August 11, 2009 regarding the contemplated dismissal of the above-referenced case. I have forwarded a copy of that letter directly to the owner, Ms. Beverly Belt, via certified mail, return receipt requested, suggesting that she or other legal counsel on her behalf contact your office directly in regard to this matter.

Please let me know if you need anything further from me.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c: Ms. Beverly Belt
Michael E. Field, Assistant County Attorney

RECEIVED
AUG 17 2009
BALTIMORE COUNTY
BOARD OF APPEALS

EXHIBIT 6

Beverly H. Belt
2 Waugh Avenue
Glyndon, Maryland 21071
(410)517-3233

RECEIVED

AUG 31 2009

BALTIMORE COUNTY
BOARD OF APPEALS

August 27, 2009

Ms. Theresa R. Shelton, Administrator
County Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

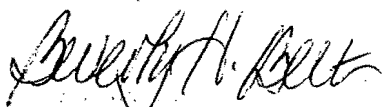
Re: 2 Waugh Avenue
Case No.: 05-407-SPH

Dear Ms. Shelton:

I am writing in response to your letter dated August 11, 2009. Please be advised that I do not wish for my appeal to be dismissed. I will be contacting Mr. Field regarding a resolution of this matter. I will need time to locate the documents pertaining to my case and to review the documents. I have also enclosed a Summons for Jury Service from the United States District Court which has requested my appearance for jury service. It is my understanding the trial may last up to five weeks. Should I not be called for jury duty, I will be able to focus my attention on this matter in the hopes of a quick and amicable resolution.

Thank you for your cooperation in this matter. I have provided my phone number above should you wish to discuss this matter further.

Sincerely,



BEVERLY H. BELT

CC: Michael E. Field, Esquire
Howard L. Alderman, Jr., Esquire



County Board of Appeals of Baltimore County

EXHIBIT 7

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 15, 2009

Beverly Belt
2 Waugh Avenue
Glyndon, Maryland 21071

SENT VIA CERTIFIED MAIL

Re: In the Matter of: Beverly Belt-Legal Owner/Petitioner
Case No.: 05-407-SPH

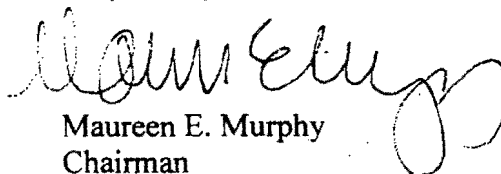
Dear Ms. Belt:

This letter is to advise you that the Board will not be scheduling your case for any further proceedings.

Your above-referenced case was heard on December 28, 2006 with a public deliberation scheduled for March 22, 2007. The public deliberation was continued by a joint request of Counsel due to possible resolution. Since that time, no resolution has been reached. We have received your letter dated August 27, 2009 requesting that this case be set on the docket for further proceedings.

This Board feels that you have had ample time to reach an amicable resolution with Mr. Field and therefore your request for further proceedings has been denied. An Order of Dismissal for Lack of Prosecution will be issued.

Very truly yours,


Maureen E. Murphy
Chairman

MEM/klc

cc. Michael Field, Assistant County Attorney

EXHIBIT 8

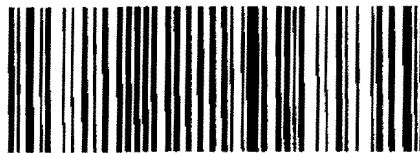
Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

Return Service Requested

151-10-16

CERTIFIED MAIL™



7008 3230 0002 9432 7037

Beverly Belt
2 Waugh Avenue
Glyndon, Maryland 21071

RECEIVED

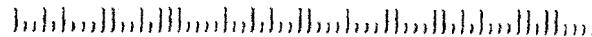
NOV - 9 2008

BALTIMORE COUNTY
BOARD OF APPEALS

NIXIE 212 SE 1 72 11/06/09

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 21204471153 *0492-12350-08-31



211360138000 471153



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 2, 2009

Beverly Belt
2 Waugh Avenue
Glyndon, Maryland 21071

Michael Field, Esquire
Assistant County Attorney
Office of Law
400 Washington Avenue
Towson, Maryland 21204

RE: *In the Matter of: Beverly Belt-Legal Owner/Petitioner*
Case No.: 05-407-SPH

Dear Ms. Belt and Mr. Field:

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

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

Very truly yours,

A handwritten signature in black ink that reads "Theresa Shelton/kc".

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Cover letter

c: Howard Alderman, Jr., Esquire
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, III, Director/Planning
Timothy Kotroco, Director/PDM
Office of People's Counsel
John E. Beverungen, County Attorney

CASE #: 05-407-SPH

IN THE MATTER OF: BEVERLY H. BELT –Legal Owner /Petitioner
2 Waugh Road 4th Election District; 3rd Councilmanic District

SPH – To verify existence of a pool enclosure and location of pool/fence on property conform with the BCZR § 400.1; and to approve existing pool and fence.

2/08/06 –D.Z.C.'s Order in which requested zoning relief was GRANTED in part and DENIED in part.

Appeal taken only from the DENIAL by the Zoning Commissioner of Petitioner's request to approve the existing pool and fence as "this matter is within the exclusive jurisdiction of the Landmarks Preservation Commission." Appeal does not include relief that was approved.

6/20/06 --Notice of Assignment sent to following; assigned for hearing on Wednesday, October 4, 2006 at 10 a.m.:

Howard L. Alderman, Jr., Esquire	
Beverly H. Belt	
Mitch Kellman /Daft, McCune & Walker	
Steven Haines	
George Belt	
Kristen Carpenter	
Robert J. Carson, Esquire	
Kim Karlsen	Joan Mersinger
Gary Jones	Randy Quinn
Eleanor Taylor	Charles and Anna Welsh
Mark Clements	Frances Acle
Barbara Whitman	Mark Johnson
Richard Stanley	Eileen W. Wuerthele
Robert Tarleton	Dan Kaestner
Jean More	Pamela White
Office of People's Counsel	
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Baltimore County Council /3 rd District	
James H. Thompson, Supervisor, Code Enforcement /PDM [Case # 04-5797]	
Timothy M. Kotroco, Director /PDM	

9/26/06 – Joint request for postponement filed by Howard Alderman, Jr., Esquire, and Michael Field, Assistant County Attorney. Postponement granted; Notice of Reassignment sent this date; reassigned to Thursday, December 28, 2006 at 10:00 a.m.

10/10/06 – T/C from Robert Carson – confirming that he had withdrawn his appearance previously in this case; no longer should receive notices, etc. File so noted. (Also included previous correspondence from Mr. Carson regarding his withdrawal in this matter.) T/C to Mr. Carson's office – left voice mail message that he has been pulled from the file.

12/28/06 – Board convened for hearing (Grier, Mohler M, Witt); concluded hearing this date; closing briefs due on 2/27/07. Notice of Deliberation sent to parties this date; assigned for Thursday, March 22, 2006 at 9:30 a.m. FYI notice sent to 4-1-6.

2/26/07 – FAX from counsel retrieved from CBA fax machine – joint request of Messrs. Field and Alderman faxed to this office for postponement of public deliberation scheduled for 3/22/07 and delay of submission of memoranda in this matter; parties are attempting to reach settlement. Should settlement efforts fail, counsel would then request a new deliberation date, as well as a date for submission of post-hearing memos.
- T/C to both Mr. Field and Mr. Alderman indicating that memos are no longer due this date and that an appropriate notice will be sent pulling the deliberation of 3/22/07, with no additional dates assigned unless requested by either counsel.

3/02/07 - Notice of PP of Deliberation sent to parties this date advising that deliberation has been pulled from 3/22/07 date; no further action to be taken by this office until requested by counsel /parties. Should a new deliberation date be needed, a new date for submission of post-hearing memos will also be given to counsel.

10/05/07 – Letter from Kimberly Karlson – requesting “transcript of the Appeals Hearing.”

10/09/07 – Letter to Ms. Karlson – hearing was taken on cassette tapes on 12/28/06; \$25.00 for tape; total of \$50.00 for the two tapes of hearing. E-mail copy to M. Field and H. Alderman 10/10/07.

9/26/06

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING
NE/Corner of Butler Road & Waugh
Avenue
Two Waugh Avenue

4th Election District
3rd Councilmanic District

Beverly H. Belt,

Petitioner

Case No.: 05-407-SPH

[Limited Appeal]

JOINT MOTION FOR POSTPONEMENT

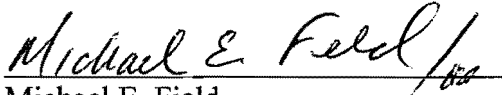
Beverly H. Belt, Petitioner, by her attorneys, Howard L. Alderman, Jr. and Levin & Gann, P.A., and Baltimore County, Maryland, by its attorneys, Michael E. Field and the County Office of Law (the "County"), respectfully move that this Honorable Board postpone the hearing in this case until the next regularly scheduled appeal date or an earlier date if the same becomes available, and in support thereof state as follows:

1. The hearing before this Board is scheduled for Wednesday, October 4, 2006 at 10:00 a.m.
2. The Petitioner, with any and all assistance available from the County, desires to settle this matter without the necessity of a hearing before this Honorable Board.

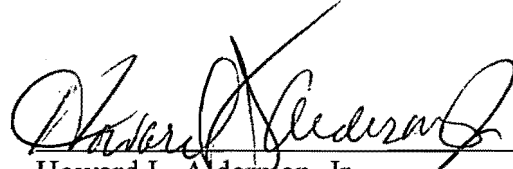
WHEREFORE, the Petitioner and the County respectfully request that this Honorable Board grant a postponement of the hearing in this case until the next regularly scheduled appeal date or an

earlier date if the same becomes available.

Respectfully submitted,



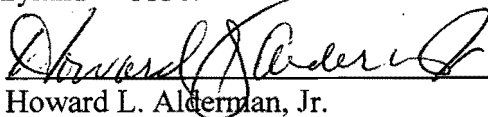
Michael E. Field
Baltimore County Office of Law
400 Washington Avenue, 2nd Floor
Towson, Maryland 21204
410-887-4420
Attorneys for Baltimore County



Howard L. Alderman, Jr.
Levin & Gann, P.A.
Nottingham Centre
502 Washington Avenue, 8th Floor
410-321-0600
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of September, 2006, a copy of the foregoing Joint Request for Postponement was mailed via First-Class, United States Mail to Ms. Beverly H. Belt, Two Waugh Avenue, Reisterstown, Maryland 21136.



Howard L. Alderman, Jr.

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING
NE/Corner of Butler Road & Waugh
Avenue
Two Waugh Avenue

4th Election District
3rd Councilmanic District

Beverly H. Belt,

Petitioner

Case No.: 05-407-SPH

[Limited Appeal]

ORDER

After consideration of the Joint Motion for Postponement filed by the parties to this case, it is by the County Board of Appeals of Baltimore County this ____ day of _____, 2006,

ORDERED that the Joint Motion for Postponement be and it is hereby GRANTED, and the Board hereby directs that the hearing be rescheduled until the next regularly scheduled appeal date or an earlier date if the same becomes available.

COUNTY BOARD OF APPEALS:

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

September 26, 2006

VIA TELEFAX & REGULAR MAIL

Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Suite 49
400 Washington Avenue
Towson, Maryland 21204

RE: Beverly H. Belt, Petitioner
Case No. 05-407-SPH
Joint Motion for Postponement

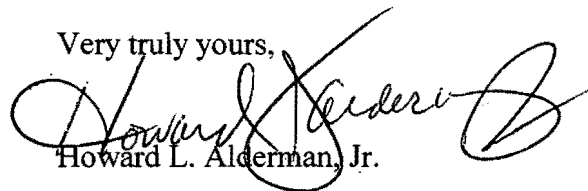
Dear Ms. Bianco:

Please accept for filing the enclosed *Joint Motion for Postponement* in the above-referenced matter, signed by Assistant County Michael E. Field and myself. A proposed Order for the Board's use is also enclosed.

Should you or any member of the Board require any additional information in this regard or I need to come to the Board's hearing room to put the postponement request on the record, please contact either or both of us.

Thank you for your attention to this matter.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosures
c (w/encl.): Ms. Beverly H. Belt

RECEIVED

SEP 27 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

IN THE MATTER OF
BEVERLY H. BELT
2 Waugh Road
Baltimore, MD 21136

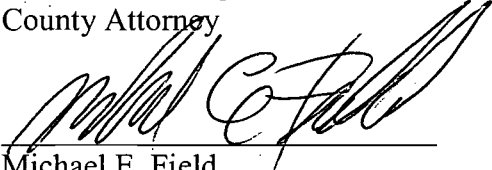
* BEFORE THE
* COUNTY BOARD
* OF APPEALS
* FOR BALTIMORE COUNTY
* Case No: 05-407-5PH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the undersigned in the above-referenced case as counsel for Baltimore County, Maryland and forward notice of any hearing dates or other proceedings in this matter.

John E. Beverungen
County Attorney


Michael E. Field
Assistant County Attorney
Office of Law
400 Washington Avenue
Towson, MD 21204
(410) 887-4420

CERTIFICATE OF SERVICE

RECEIVED

SEP 18 2006

I HEREBY CERTIFY that on this 18th day of September 2006, a copy of this Entry of Appearance was mailed, first class mail, postage prepaid, to:

**BALTIMORE COUNTY
BOARD OF APPEALS**

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, MD 21204


Michael E. Field
Assistant County Attorney

7/12/06

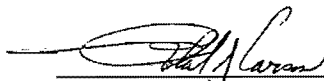
IN RE:
PETITION OF BEVERLY H. BELT
FOR SPECIAL HEARING
Property: 2 Waugh Avenue,
Glyndon, MD 21071

BEFORE THE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
CASE NO. 05-407-SPH

* * * * *

NOTICE OF WITHDRAW OF APPEARANCE BY
ROBERT J. CARSON AS COUNSEL FOR PROTESTANTS

Please note the withdraw of Robert J. Carson as counsel for Protestants in this case. Mr. Carson was engaged by Historic Glyndon, Inc. ("HGI") to serve as counsel for HGI and individual Protestants Kimberley Karlsen and Gary R. Jones in the case before the Deputy Zoning Commissioner of Baltimore County. Mr. Carson's engagement did not include (and expressly excluded) any representation of Protestants before the Board of Appeals. More than five days prior to this Notice, Mr. Carson mailed written notice to HGI, Kimberley Karlsen, and Gary R. Jones that he would be filing this Notice of Withdraw and advised them of their right to have other counsel enter his or her appearance in this case. Mr. Carson has been advised by HGI, Kim Karlsen, and Gary R. Jones that they have no objection to his Withdraw of Appearance.

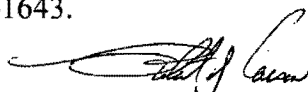


Robert J. Carson
Robert J. Carson, P.A.
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050

Attorney for Protestants Historic Glyndon,
Inc., Kimberley Karlsen,
and Gary R. Jones

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July 2006, copies of the foregoing Notice of Withdraw of Appearance were mailed to Howard L. Alderman, Jr., Esq., Counsel for Appellant/Petitioner Beverly H. Belt, Nottingham Center, 502 Washington Avenue, Floor 8, Towson, Maryland 21204-4516, and to Protestants Historic Glyndon, Inc. and Kimberly Karlsen, 4806 Butler Road, Glyndon, Maryland 21078, and Gary R. Jones, 120 East Baltimore Street, Suite 2100, Baltimore, Maryland 21202-1643.



Robert J. Carson

Robert J. Carson, P.A.
Attorney at Law
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Baltimore Office:
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202
(410) 385-8130 or (410) 230-3800

July 12, 2006

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

Re: In the Matter of: Beverly H. Belt, Case No. 05-407-SPH

Dear Ms. Bianco:

Enclosed is a Notice of Withdraw of Appearance of Robert J. Carson as Counsel for Protestants in the above-described case which is presently before the Board of Appeals.

Very truly yours,



Robert J. Carson

RJC/jlw
Enclosure

cc: Howard L. Alderman, Jr., Esq.
Kimberley Karlsen, President
Historic Glyndon, Inc.
Kimberley Karlsen, Individually
4806 Butler Road
Glyndon, Maryland 21071
Mr. Gary R. Jones
c/o Baxter, Baker, Sidle, Conn & Jones, P.A.
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202-1643

Historic Glyndon/Bianco.ltr

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JUL 13 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

**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 20, 2006

Howard L. Alderman, Jr., Esquire
Levin & Gann
Nottingham Centre
502 Washington Avenue, 8th Fl.
Towson, MD 21204

Dear Mr. Alderman:

RE: Case: 05-407-SPH, 2 Waugh Avenue

Please be advised that we received your appeal of the above-referenced case on March 10, 2006. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

c: John V. Murphy, Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Office of People's Counsel
Code Enforcement

Robert J. Carson, Esq., 345 Green Street, Havre de Grace, MD 21078

Beverly Belt, 2 Waugh Avenue, Glyndon, MD 21071

George Belt, 323 Estate Road, Reisterstown, MD 21136

Mitch Kellman, Daft, McCune & Walker, 200 E. Pennsylvania Ave., Towson, MD 21286

Steven Haines & Kristen Carpenter, 2 Waugh Avenue, Glyndon, MD 21071

Kim Karlsen, 4806 Butler Road, Glyndon, MD 21071

Gary Jones, 17 Worthington Hill Drive, Glyndon, MD 21071

Eleanor Taylor, 16 Worthington Hill Drive, Glyndon, MD 21071

Visit the County's Website at www.baltimorecountyonline.info



APPEAL

Petition for Special Hearing
2 Waugh Road
Northeast Corner of Butler Road & Waugh Avenue
4th Election District – 3rd Councilmanic District
Legal Owner: Beverly H. Belt

Case No.: 05-407-SPH

- ✓ Petition for Special Hearing (February 11, 2005)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (March 2, 2005)
- ✓ Entry of Appearance by People's Counsel (March 2, 2005)
- ✓ Certificate of Posting (March 21, 2005) by Robert Black
- ✓ Certification of Publication (March 22, 2005– The Jeffersonian)
- ✓ Petitioner(s) Sign-In Sheet
- ✓ Citizen(s) Sign-In Sheet – ~~None in File~~ *1 in file*
- ✓ Zoning Advisory Committee Comments

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MAR 20 2006

BALTIMORE COUNTY
BOARD OF APPEALS

Petitioner's Exhibits

- ✓ 1A Plat to Accompany w/ notes
- ✓ 1B Plat to Accompany w/o notes
- ✓ 2 A-D (4) Photographs of house
- ✓ 3 Application for Permit
- ✓ 4 Building Permit issued 2/19/04
- ✓ 5 PDM Requirements for Residential Swimming Pool signed by owner 2/13/04
- ✓ 6 Drawings by Elite Pools for subject property
- ✓ 7 A-D (4) Photographs - pool location
- ✓ 8 (1) Photograph – estate fence
- ✓ 9 A-C (3) Photographs – new fence
- ✓ 10 A-G (7) Photographs – new fence
- ✓ 11 A-C (3) Photographs – old fence
- ✓ 12 Deed dated 6/27/03 between Goldmans & Beverly Belt
- ✓ 13 Resume of Mitchell J. Kellman
- ✓ 14 A-D (4) Photographs – variety of fence types in Glyndon area

Protestants' Exhibits

- ✓ 1 May, 2004 "Newsletter to Historic Glyndon Community"
- ✓ 2 Oct. 14, 2004 Minutes of Landmarks Preservation Commission Meeting
- ✓ 3 4/2/05 Resolution of Historic Glyndon, Inc.
- ✓ 4 Photocopy of photographs of 2 Waugh Ave. – 2 taken 1911 & 2 taken 3/05
- ✓ 5 Protestants' Drawing of 2 Waugh Ave/ showing fence heights of 34" & 63"

Miscellaneous (Not Marked as Exhibits)

- ✓ 1 Code Enforcement Violation File #04-5797 (2 Waugh Ave.)
- ✓ 2 Petition for Special Hearing filed by Kim Karsen – same property
- ✓ 3 4 Cases decided by Zoning Commissioner's Office in cases filed by protestants re: opposition of petitioner's proposed use of property
- ✓ 4 7/13/04 letter to Sebastian Cross, Esq. from Vicki Nevy - Planning Bd.
- ✓ 5 8/16/04 letter to Vicki Nevy from David Gildea, Esq.
- ✓ 6 8/27/04 letter to David Gildea, Esq. from Tim Dugan, Office of Planning
- ✓ 7 9/16/04 letter from Sebastian Cross, Esq. to Tim Kotroco, PDM
- ✓ 8 9/21/04 letter from Sebastian Cross, Esq. to Tim Kotroco, PDM
- ✓ 9 10/14/04 Minutes of Landmarks Preservation Commission Mtg.
- ✓ 10 10/17/04 memo from Tim Dugan, Planning to John Reisinger, PDM
- ✓ 11 ZAC Agenda for 2/28/05
- ✓ 12 3/29/05 letter from Robert J. Carson, Esq. to John V. Murphy, DZC re: entry of appearance, subpoena

- ✓13 4/4/05 letter of support from Sudbrook Park, Inc. for Glyndon Historic Dist.
- ✓14 2 Subpoenas requested by Lawrence E. Schmidt, Esq. and signed by Zoning Commissioner
- ✓15 5/3/05 letter from John V. Murphy, Deputy Zoning Commissioner to Lawrence E. Schmidt, Esq. and Robert J. Carson, Esq.
- ✓16 5/9/05 letter to John Murphy, DZC from Lawrence E. Schmidt, Esq.
- ✓17 5/9/05 letter to John Murphy, DZC from offices of Robert J. Carson, Esq.
- ✓18 5/20/05 letter to John Murphy, DZC from offices of Robert J. Carson, Esq.
- ✓19 6/1/05 letter from Historic Glyndon Inc. to persons indicated on cc on Page 2
- ✓20 5/31/05 letter to Kimberley Karlson, Pres of Historic Glyndon, Inc. from Robert J. Carson, Esq.
- ✓21 7/5/05 letter to John V. Murphy, DZC from Landmarks Preservation Comm.
- ✓22 7/14/05 memo to Landmarks Preservation Comm. From John V. Murphy, DZC w/ cc to persons indicated in memo
- ✓23 7/26/05 handwritten notes by John V. Murphy, DZC
- ✓24 7/22/05 letter to John V. Murphy, DZC from Lawrence E. Schmidt, Esq.
- ✓25 1/19/06 letter from Office of People's Counsel to John V. Murphy, DZC re: amendment of the zoning law by Council Bill 65-05
- ✓26 2/8/06 letter from John V. Murphy, DZC to Lawrence E. Schmidt, Esq. and Robert Carson, Esq. requesting status of compromise discussions.
- ✓27 2/9/06 fax from Kimberly Karlsen, Pres. Historic Glyndon, Inc. with attached letter dated 2/8/06 requesting Order of ZC office be released.

✓ Zoning Commissioner's Order (Petition for Special Hearing – GRANTED in part and DENIED in part) dated 2/8/06

Notice of Appeal received on 3/10/06 from Howard L. Alderman, Jr., Esquire – for Beverly H. Belt

c: John V. Murphy, Deputy Zoning Commissioner
 Timothy Kotroco, Director of PDM
 Office of People's Counsel
 Code Enforcement
~~Robert J. Carson, Esq., 345 Green Street, Havre de Grace, MD 21078~~
 Beverly Belt, 2 Waugh Avenue, Glyndon, MD 21071
 George Belt, 323 Estate Road, Reisterstown, MD 21136
 Mitch Kellman, Daft, McCune & Walker, 200 E. Pennsylvania Ave., Towson, MD 21286
 Steven Haines & Kristen Carpenter, 2 Waugh Avenue, Glyndon, MD 21071
 Kim Karlsen, 4806 Butler Road, Glyndon, MD 21071
 Gary Jones, 17 Worthington Hill Drive, Glyndon, MD 21071
 Eleanor Taylor, 16 Worthington Hill Drive, Glyndon, MD 21071
 Mark Clements, 200 Central Avenue, Glyndon, MD 21071
 Barbara Whitman, 4702 Butler Road, Glyndon, MD 21071
 Richard Stanley, 215 Central Avenue, Glyndon, MD 21071
 Robert S. Tarleton, 4805 Butler Road, Glyndon, MD 21071
 Jean R. Mroe, 4802 Butler Road, Glyndon, MD 21071
 Joan A. Mersinger, 14 Chatsworth Avenue, Glyndon, MD 21071
 Randy Quinn, 18 Chatsworth Avenue, Glyndon, MD 21071
 Charles & Anna Welsh, 4601 Prospect Avenue, Glyndon, MD 21071
 Frances Acle, 4606 Prospect Avenue, Glyndon, MD 21071
 Mark Johnson, 342 Central Avenue, Glyndon, MD 21071
 Eileen W. Wuerthele, 32 Waugh Avenue, Glyndon, MD 21071
 Dan Kaestner, 117 Central Avenue, Glyndon, MD 21071
 Pamela White, 11 Worthington Hill Drive, Glyndon, MD 21071
 Howard L. Alderman, Jr., Esquire, Levin & Gann, Nottingham Centre, 502 Washington Avenue, 8th Fl., Towson, MD 21204
 The Honorable Bryan McIntire

Date sent March 20, 2006, raj

2/8/06

IN RE: PETITION FOR SPECIAL HEARING
NE/Corner of Butler Road
and Waugh Avenue
4th Election District
3rd Councilmanic District
(2 Waugh Avenue)

Beverly H. Belt
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-407-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing filed by the legal owner of the subject property, Beverly H. Belt. The Petitioner is requesting special hearing relief for property located at 2 Waugh Avenue in the Glyndon area of Baltimore County. The special hearing request is filed to verify the existence of a pool enclosure and location of pool/fence on property to conform with the Baltimore County Zoning Regulations, Section 400.1, and to approve the existing pool and fence.

The property was posted with Notice of Hearing on March 21, 2005, 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 22, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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Date

By

2-8-06

[Signature]

Zoning Advisory Commission Comments

The Zoning Advisory Commission Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated March 2, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Beverly Belt, the Petitioner and George Belt. Lawrence E. Schmidt, Esquire represented the Petitioner. Also attending the hearing in support of the Petitioners request were Mitch Kellman, Steven Haines and Kristen Carpenter. Appearing in opposition to the Petitioners' request were Kim Karlsen, Gary Jones, Eleanor Taylor, Mark Clements, Barbara Whitman, Richard Stanley, Robert Tarleton, Jean More, Joan Mersinger, Randy Quinn, Charles and Anna Welsh, Frances Acle, Mark Johnson, Eileen W. Wuerthele, Dan Kaestner, Pamela White. Robert J. Carson, Esquire, represented the Protestants. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 04-5797) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter because a historical fence was removed and a stop work order issued for a new fence on the property.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been removed or built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to restore, remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that

something may have been alleged which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Preliminary Matter

Mr. Schmidt expressed his opposition to the Petition filed by Kim Karlsen being considered in this hearing. The file revealed a cover letter dated March 17, 2005 from the Director of Permits and Development Management that indicated the Director administratively accepted for filing a Petition filed by a nearby property owner, Kim Karlsen, to clarify the issues in this case. The Director noted that the Petition had not been advertised or posted on the property as this would be duplicitous of the advertising and posting of the Petitioner. I will refer to this Petition as the "Karlsen Petition" hereafter.

Mr. Schmidt argued that the Director has no authority to accept such a petition administratively, because the Karlsen Petition contains no site plan, no zoning map as required by the regulations, and the public has not received proper notice of the Karlsen Petition. Mr. Carson argued that the Karlsen Petition should be considered, that no site plan is required, that the public was fully appraised of the contents by the Belt Petition and advertisement, that the Karlsen Petition is only a clarification of the Belt Petition and the Petitioner has suffered no prejudice.

Findings of Fact and Conclusions of Law on Preliminary Matter

While I accept the intent of the Director to clarify the Belt Petition and acknowledge his authority to accept Petitions without all the fees and plans ordinarily submitted, our Commission has consistently held that proper notice to the public is essential for this Commission to have jurisdiction to hear a case. The Karlsen Petition asks for a finding that the fence removed by Ms. Belt should be reinstalled and that the pool and fencing installed by Ms. Belt are not permitted.

These are certainly issues to be considered as reasons why the Belt Petition should be denied. But as separate issues standing on their own, I find that the Karlsen Petition was not advertised nor properly posted with the Karlsen requests, that the public was not properly notified of the requests, and that this Commission has no jurisdiction to hear the Karlsen Petition.

Amended Petition

During the testimony of Zoning Consultant, Mitch Kellman, the Petitioner raised a threshold issue as to where was the front of the Belt home. The Petitioner indicated that the front faced Waugh Avenue, a statement that was not opposed by the protestants. The Petitioner clarified the request for special hearing to have this Commission verify that the front of the home was on Waugh Avenue.

In addition, assuming this Commission finds the front of the home on Waugh Avenue, the Petitioner noted that the pool was not located in the farthest third of the rear yard as required by Section 400.1 of the BCZR and as indicated by Petitioner's Exhibit 6. Because the contractor found rock at that location and other limiting topography, the contractor actually installed the pool partially in the side yard of the home nearest Waugh Avenue. This meant that the location of the pool needed a variance from Section 400.1 to allow the pool to be located in the side yard. Instead of requesting a variance, the Petitioner requested that this Commission consider this request under the special hearing. The protestants did not object to this request or request.

Testimony and Evidence

Mr. Schmidt proffered that the property owner, Ms. Belt, after purchasing her home in Historic Glyndon, wished to add a swimming pool to her property. She applied for and received a permit to install the pool and protective fence from the County, installed the pool, and then partially installed the protective fence. However, before the protective fence installation was complete she received a stop work order from the County. Ms. Belt asks to verify that the existence of a pool

enclosure and location of pool/fence on the property conforms with the Baltimore County Zoning Regulations, Section 400.1, and to approve the existing pool and fence.

Ms. Belt testified that she purchased her home on the corner of Waugh Avenue and Butler Road in June 2003. Prior to purchase, she called Baltimore County to check on restrictions applicable to the home and found none. While she acknowledged that she knew the home was in the Glydon Historic District, she again indicated she knew of no restrictions associated with that designation.

She noted that the home had a large deck attached to it when she purchased the property and had an ornamental iron fence along Butler Road and Waugh Avenue. Although she installed the pool and protective fencing, she did not modify her home in any way. She testified that her pool company, Elite Pools, applied for and received a permit to build both the pool and the protective fence as shown in Petitioner's Exhibit 4.

In regard to the removal of the ornamental fence, she indicated that she has large dogs and would very much like to let them run in the yard but that the ornamental fence was woefully too short. See Petitioner's photograph, Exhibit 11C. In addition, the fence was rusted (see Photo 11B) and could be a safety hazard should someone become impaled on the pointed spikes at the top of the fence. Above all, the ornamental fence does not meet the County height requirement of 48 inches needed to protect the pool. See Petitioner's Exhibit 5. Petitioner's Exhibit 6 shows the many different fences on the subject property. Ms. Belt testified that there is a wooden privacy fence shown in blue between her home and her neighbor to the north on Waugh Avenue. She erected the wooden estate fence shown in green along the rear border of her yard and neighbor to the east. Neither of these fences is in controversy.

Exhibit 6 also shows the location of the ornamental fence which the Petitioner removed to a large extent and which the community and County would like to have the Petitioner re-install. This

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Date 2-8-05
By [Signature]

fence shown in red was located along Waugh Avenue and Butler Road. Finally, the exhibit shows the new protective fence shown in purple, which the Petitioner installed. Also see Petitioner's photographs designated as Petitioner's Exhibit 9. This fence is 5 feet in height and is made from black aluminum bars. Since installation of this fence, the Petitioner reported improved safety and security for her home and property.

On cross-examination, she admitted that she was aware of her home being located within the Glyndon Historic District when she purchased the property but indicated that neither her realtor nor anyone else advised her that she would be restricted regarding fencing and installation of a pool. She denied that she received the newsletter published by the Historic Glyndon Community dated May 2004, which detailed the responsibilities of homeowners in the District. She indicated that she made several calls to Baltimore County around the time of purchase to determine if there were limitations on her use of the property, which she indicated were negative. She acknowledged she would be restricted regarding changes to the house but had no idea there could be restrictions as to the use of her property. She also acknowledged hearings before the County Landmarks Preservation Commission ("LPC") but indicated that she had not applied to the LPC for permission to remove the ornamental fence and build a pool, because this was not necessary. She noted that although she has a contract to sell the ornamental fence, she still has the fence in her garage.

Mr. Kellman, a zoning specialist, indicated that in his opinion the front of the home was on Waugh Avenue, and therefore the pool as an accessory structure should be located in the farthest third of the rear yard. However, because of construction difficulties the pool company encountered on site, the pool actually is partially in the side yard. This would ordinarily have resulted in a request for variance, but because there were other issues the Petitioner needed to raise by special hearing, the case was consequently filed as a request for special hearing. He also noted that the property contains two parcels that are described in the deed to the Petitioner's property and are

marked on Petitioner's Exhibit 12. As such, he requested a finding by this Commission to confirm that the two parcels are to be treated as one from a zoning standpoint. This would allow the pool to be considered a structure accessory to the Petitioner's home, which is located on the front parcel.

In regard to the request to allow the pool to be partially located in the side yard, Mr. Kellman indicated that the property was unique from a zoning standpoint because the pool company hit rock when they tried to install the pool in the farthest third of the rear yard. In addition, he pointed out that this property has two parcels and is a corner lot. He indicated that the Petitioner would suffer a hardship if required to build the pool in the farthest third of the yard because of the rock found there and the fact that the trees that buffer the property from the neighbors would have to be removed.

In regard to the main issues of the case, Mr. Kellman opined that neither the pool nor the fencing are structures as defined by the Baltimore County Code. He noted that Section 32-7-101(j) *Structure* has the following definition:

- (1) "Structure" means any man-made or natural combinations of materials to form stable constructions.
- (2) "Structure" includes buildings, bridges, towers, walls, trees, and rock formations.

He argued that neither a fence nor a pool is mentioned in the definition. He further opined that no permit is required for either a pool or fence in a historic district. Section 32-7-403 requires a permit under three conditions:

32-7-403. PERMIT REQUIRED.

A person shall apply for and receive from the Building Engineer a permit before a person may begin any:

- (1) Excavation or the construction or erection of any building, fence, wall, or other new structure of any kind in a proposed or designated historic district;
- (2) Alteration, demolition, reconstruction, or removal of an exterior architectural feature of any existing structure; or
- (3) Demolition of any structure.

Mr. Kellman noted that this section is the first mention in Title 7 of a "fence". However, he noted that the pool company received a permit to erect both the pool and the protective fence as

shown in Petitioner's Exhibit 4 thus satisfying subsection (1). He opined that removal of the ornamental fence was not covered by subsection (2) because this was not an "exterior architectural feature" of an existing structure. Finally, he noted that removing the ornamental fence was not a demolition of any structure as noted in subsection (3) and consequently no permit was required.

To support his opinion, Mr. Kellman pointed out that application for a permit for the pool and fence was properly made by the pool company, who had clearly checked off the box on the application that the pool and fence were within a historic district. See Petitioner's Exhibit 3. When this was processed by the County, the County issued the permit because, in Mr. Kellman's opinion, the County reviewers recognized that neither a pool or fence located in a historic district required a permit, because neither were structures within the meaning of those words in the Code. He confirmed that no separate "application" for a permit to LPC had been made nor was any necessary as the pool and fence were not controlled by the historic preservation statute.

The protestants called Timothy Dugan from the Office of Planning to confirm the minutes of the Landmarks Preservation Commission in regard to this property. See Protestant's Exhibit 2. Mr. Dugan confirmed that no "application" had been filed by the Petitioner to install the pool and protective fence, nor to remove the ornamental fence. He indicated that there is only one process for building permits, whether the individual is or is not in a historic district. That application for permit in this case is shown by Petitioner's Exhibit 3.

Kim Karlsen, representing Historic Glyndon Inc., indicated the organization wanted to see the ornamental fence re-installed. She opined that the fence was an important architectural feature of the historic district and that their records show the fence being erected on the property about 1890. She presented photographs taken in 1910 of the subject property with the ornamental fence. She indicated from her measurements that the ornamental fence was approximately 34 inches high as compared to the new protective fence, which is 63 inches high. She proffered that a Historic

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Date 2-8-02

By [Signature]

Glyndon Newsletter outlining the responsibilities of homeowners in the district was delivered to the Petitioner in May 2004.

On cross-examination, she indicated that she and Historic Glyndon do not object to the pool but want the ornamental fence re-installed. She admitted that there is a variety of fencing within the historic district as shown by Petitioner's Exhibit 14. In addition, she agreed that Butler Road has had sidewalks, curb and gutter added by the County without detrimental impact on the historic district.

Barbara Whitman, a nearby neighbor, testified that she had to apply to the LPC when she wanted to remove a fence in the district and that she worried that owners in the district would remove old fences without getting LPC approval.

Gary Jones, Eleanor Taylor and Marti Clements expressed concern that allowing the ornamental fence to be removed would set the wrong precedent, which would erode the character of the community.

In rebuttal, the Petitioner called the Petitioner's father who has extensive experience in welding. Mr. Belt estimated that restoring the ornate fence would cost the Petitioner \$18,000.

Findings of Fact and Conclusions of Law

The Petitioner raised a threshold issue as to where was the front of the Belt home. The Petitioner indicated that the front faced Waugh Avenue. All photographs and evidence indicates the front of the Belt home faces Waugh Avenue. This was not opposed by the protestants. Therefore, I find that the front of the home is on Waugh Avenue.

Having found the front of the home to face Waugh Avenue, I will consider granting the Petitioner's request that the pool can be located partially in the side yard of the Petitioner's home by special hearing and not by variance as shown by Petitioner Exhibit 1B. Section 400.1 of the BCZR requires that accessory structures be located in the farthest third of the rear yard.

At the outset, let me say that this Commission has been very reluctant to consider by special hearing any requests that should properly be considered as variances and/or special exceptions. The variance and special exception provisions of the BCZR have specific criteria to be considered and a rich history of appellate decisions interpreting these regulations. Special hearings under Section 500.7 have no criteria and little, if any, appellate decisions to guide decisions of this Commission. I find that the requests to approve the location of the pool in the side yard would ordinarily require a request for variance. However, the protestants reasonably did not object to the format of special hearing or request a new posting or advertisement of what really is a variance request. Apparently, the protestants attending the hearing felt that re-posting and re-advertising for another hearing would mean simply that everyone would have to come back another day at great inconvenience for all parties without providing any further notice to the public. Therefore, I will consider the request under the Petition for Special Hearing. However, I will apply the criteria for variances to the request because the essence of the request is variance.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The contractor found rock where the pool was designed to go. This is exactly the kind of special circumstance that is required to indicate the property is unique from a zoning standpoint. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The cost to locate the pool in the farthest third of the rear yard would be prohibitive. I further find that the granting of this variance would not increase the residential density beyond that otherwise allowable under the regulations. No new dwellings are being proposed. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare. There is a privacy fence on this side of the property, which will lessen the impact of the pool on adjacent

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Date

2-8-82

By

[Signature]

properties. Therefore, I will grant the special hearing to confirm the pool may be located in the side yard.

In a second request under the special hearing, I find the property contains two parcels as described in the deed to the Petitioner's property, Petitioner's Exhibit 12. As such, I confirm the two parcels are to be treated as one from a zoning standpoint. This means that the pool can be an accessory use to the Petitioner's home even though it is located on the second parcel.

In regard to the main issue of the case, I note that the Code clearly charts the process for cases in historic districts. Section 32-7-501 delineates the process as follows:

32-7-501. APPEALS.

(a) *Board of Appeals.* Within 30 days after the Building Engineer has approved, disapproved, or delayed an application for a permit, any person aggrieved by any decision of the Commission may appeal to the County Board of Appeals.

(b) *Decision of the Board.* In issuing its decision, the County Board of Appeals shall file an opinion that includes a statement of the facts found and grounds for its decision.

(c) *Appeal to circuit court.*

(1) Within 30 days after any decision by the County Board of Appeals, any party to the proceeding who is aggrieved by the decision of the Board may appeal the decision to the circuit court of the county in accordance with the Maryland Rules.

(2) The circuit court may:

(i) Affirm the decision of the Board; or,

(ii) If the decision is not in accordance with law, modify or reverse the decision, with or without remanding the case for rehearing.

(d) *Appeal to the Court of Special Appeals.* Within 30 days after the decision of the circuit court is rendered, any party to the proceeding who is aggrieved by the decision of the circuit court may appeal the decision to the Court of Special Appeals.

(e) *Exclusive remedy.* The proceedings provided by this section are exclusive.

It is crystal clear from this section that this Commission has no role in the handling, processing or hearing of matters which fall under Title 7 of Article 32 of the Code. In this case, the record is clear that the LPC has found that the Petitioner must submit a permit application to it and that it has jurisdiction to resolve all matters of the case.

The Petitioner argues, however, that Title 7 of Article 32 does not apply and that I may interpret the Code to that effect. Mr. Schmidt argues that neither the pool nor the fence are covered

under Title 7, the LPC is not involved, and that I may interpret the Code under our catchall provision of Section 500.7 of the Baltimore County Zoning Regulations, to approve both the pool and the protective fence. In support of this position, he notes that there is only one application for the permit process, which the pool company submitted to the County, in order to erect the pool and protective fence. He points out that the application was reviewed by all County agencies and especially by the Office of Planning, and that the Office of Planning did not refer the matter to the LPC, because in their opinion neither a pool or fence are covered under Title 7 of Article 32. Mr. Carson claims that the review by the County was simply a mistake, the permit was issued by mistake, and that the permit is void as a matter of law. He also claims that the Petitioner must go before the LPC to determine whether or not the pool and protective fence are allowed, or whether the ornamental fence has to be re-installed. In support of this position, he cites the action by PDM to enforce the Landmark Preservation Commissions Order.

I am aware that the Zoning Regulations and development sections of the Code employ independent reviews by various agencies. The Chesapeake Bay Critical Area legislation is interpreted and applied by DEPRM and not by this Commission. DEPRM also determines what waivers may be granted to forest buffers and easements. Recreation and Parks determines whether waivers to the local open space regulations should be granted. Permits and Development Management adjudicate zoning enforcement matters and development regulation procedures. From these samples, it is clear to me that the County Council did not want to funnel every decision regarding land use to this Commission. Presumably, this is because the agency involved would develop special expertise in highly technical regulatory matters.

After considering all of the testimony, evidence and argument, I find that the Landmarks Preservation Commission alone may interpret its enabling legislation. This Commission has no part to play in review of projects in historic districts regarding their compliance with Title 7 regulations.

ORDER RECEIVED FOR FILING

Date 2-8-02

By [Signature]

Section 32-7-501 (e) states "*Exclusive remedy*. The proceedings provided by this section are exclusive." There is no mention of this Commission in this section of the Code. Only the LPC and Board of Appeals are empowered to make these decisions. Whether the Petitioner's permit was issued by mistake or otherwise is for the Landmark Preservation Commission/Board of Appeals to decide. Whether fences and pools are regulated as structures within a historic district is for the Landmarks Preservation Commission/Board of Appeals to decide.

I do not believe the County Council wanted this Commission to use its catchall provision given in Section 500.7 of the BCZR to circumvent the specialized jurisdiction it grants to other agencies. The County Council has specifically decided that cases involving historic districts, Chesapeake Bay Critical Area, forest buffers and easements, waivers to the local open space, zoning enforcement matters and development regulation procedures be heard by designated agencies other than this Commission. If this Commission begins to hear these cases, the County would lose the agency's special expertise and would almost guarantee conflicting decisions between this Commission and the cognizant agency. In the subject case, the Landmark Preservation Commission has apparently ruled on the matter. Should I decide Mr. Schmidt is correct in opposition to the LPC, who would then speak for the County? How would the public know what rules to follow?

I am aware that this Commission has regularly rendered decisions interpreting the zoning regulations, which affect the use of property. We have decided such issues as the following: Is a snake farm allowed as of right in a RC zone? Is an underground pipe a use of property allowed by right in a given zone? Does the use of property violate a use permit? Has a country club violated a prior order of this Commission?

I distinguish these decisions from the case at bar in that none to my knowledge attempted to override the decision of another agency whose exclusive charter was to have hearings and determine issues in a separate administrative path from this Commission. It is clear to me that the

Landmarks Preservation Commission was given exclusive jurisdiction in matters involving building or demolition in historic districts. Similarly, I am not aware that this Commission has rendered a decision as to whether or not an administrative agency properly approved a permit application under Section 500.7, which is the contention made by the Petitioner's in this case. How well an administrative paper flow works is not an interpretation of the zoning code in my view.

That said, the Petitioner has a powerful case in equity. She has done everything by the books. She applied for and was granted a permit for a pool and its protective fence. The County processed the permit application and for unknown reasons did not send the application to the LPC for review. Perhaps this was simply a mistake. Perhaps the Office of Planning agreed with Mr. Schmidt's interpretation. However, in reliance on the County permit, she expended substantial funds for her pool and protective fencing.

As I mentioned at the hearing, this case cries for settlement. At the request of the parties, I kept the record open for nearly ten months. Periodically I received telephone and written correspondence that the issues between the community and Petitioner were resolved or were about to be resolved. However, it is clear the time has come to issue the decision in this matter. However, I strongly recommend that the parties continue discussions as this case can easily become a powerful precedent that neither of the parties will like if they lose.

There seems to be no dispute about the pool, its location or that the Petitioner must erect a fence 48 inches high to protect the pool. I sense no dispute about the type, size and design of the protective fence installed by the Petitioner except its location. The only dispute seems to be about reinstalling the ornate fence which frankly seems to me to be a small issue in comparison to the precedent which could be set in this case. Hopefully, the parties will see that their best interests are served by resolution of this dispute.

However, as sympathetic as I am to the Petitioner's case in equity, I cannot, in good conscience find jurisdiction for this Commission when I see the County Council has given the LPC/Board of Appeals exclusive jurisdiction of building and demolition in historic districts.

Finally while the decision in this case was pending, I understand that the Council passed new regulations regarding the height of fences in historic districts limiting them to 42 inches in council Bill 65-05. Clearly the fence installed by the Petitioner violates that height regulation. However as the fence was installed prior the legislation, it may be non conforming if on appeal the Petitioner prevails as it would then be a legal use of the property. However at the Zoning Commissioner level, this new bill is not relevant as I have denied the Petitioner's request for special hearing on jurisdictional grounds.

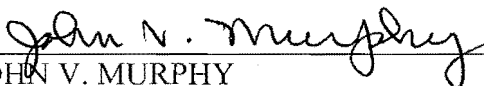
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's special hearing request should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8 day of February 2006, that the Petitioner's request for special hearing to allow that the pool may be located partially in the side yard of the Petitioner's home, as shown by Petitioner's Exhibit 1B, in lieu of the requirement of Section 400.1 of the B.C.Z.R., that accessory structures be located in the farthest third of the rear yard, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the Petitioner's request to confirm the two parcels which make up the Petitioner's property can be treated as one from a zoning standpoint and to allow the pool as an accessory use to the Petitioner's home even though it is located on the second parcel, be and is hereby GRANTED: and

IT IS FURTHER ORDERED that the Petitioner's request to approve the existing pool and fence, be and is hereby DENIED as this matter is within the exclusive jurisdiction of the Landmarks Preservation Commission.

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



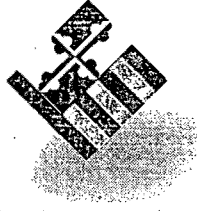
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JYM:raj

ORDER RECEIVED FOR FILING

Date 2-8-06

By Debra Wilson



BALTIMORE COUNTY

M A R Y L A N D

February 8, 2006

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence E. Schmidt, Esq.
Gildea & Schmidt, LLC
300 East Lombard Street
Suite 1440
Baltimore, Maryland 21202

Re: Petition for Special Hearing
Case No. 05-407-SPH
Property: 2 Waugh Avenue

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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

Very truly yours,

A handwritten signature in black ink, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

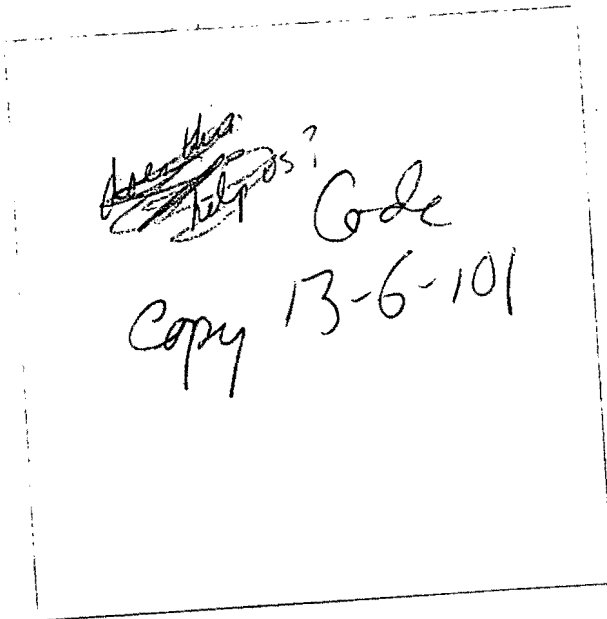
c: Robert J. Carson, Esq., 345 Green Street, Havre de Grace, MD 21078
Gary Jones, 17 Worthington Hill Drive, Glyndon, MD 21071
Beverly Belt, 2 Waugh Avenue, Glyndon, MD 21071
George Belt, 323 Estate Road, Reisterstown, MD 21136
Mitch Kellman, Daft, McCune, Walker, 200 E. Pennsylvania Ave., Towson, MD 21286
Steven Haines & Kristen Carpenter, 2 Waugh Avenue, Glyndon, MD 21071
Kim Karlsen, 4806 Butler Road, Glyndon, MD 21071
Gary Jones, 17 Worthington Hill Drive, Glyndon, MD 21071
Eleanor Taylor, 16 Worthington Hill Drive, Glyndon, MD 21071
Mark Clements, 200 Central Avenue, Glyndon, MD 21071

Barbara Whitman, 4702 Butler Road, Glyndon, MD 21071
Richard Stanley, 215 Central Avenue, Glyndon, MD 21071
Robert S. Tarleton, 4805 Butler Road, Glyndon, MD 21071
Jean R. Mroe, 4802 Butler Road, Glyndon, MD 21071
Joan A. Mersinger, 14 Chatsworth Avenue, Glyndon, MD 21071
Randy Quinn, 18 Chatsworth Avenue, Glyndon, MD 21071
Charles & Anna Welsh, 4601 Prospect Avenue, Glyndon, MD 21071
Frances Acle, 4606 Prospect Avenue, Glyndon, MD 21071
Mark Johnson, 342 Central Avenue, Glyndon, MD 21071
Eileen W. Wuerthele, 32 Waugh Avenue, Glyndon, MD 21071
Dan Kaestner, 117 Central Avenue, Glyndon, MD 21071
Pamela White, 11 Worthington Hill Drive, Glyndon, MD 21071
The Honorable T. Bryan McIntire
Timothy M. Kotroco, Dir., PDM
People's Counsel; ~~Case File~~
Code Enforcement

TO: FILE
FROM: REBECCA
DATE: January 17, 2006
RE: 05-407-A

* * * * *

Pete, I spoke with Jack Murphy on this case. He said the Order has been done since April, the attorneys for both sides asked that the case be put on hold so they could negotiate a settlement. Jack checks with the attorneys every month or so to get the status. A month or two ago, Larry Schmidt told him they had reached an agreement and were working on putting it in writing for Jack. That is all he knows for know.

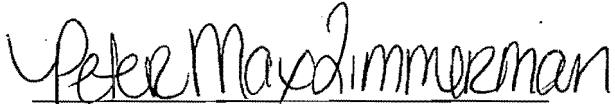


RE: PETITION FOR VARIANCE * BEFORE THE
2 Waugh Avenue; NE corner Butler Road * ZONING COMMISSIONER
& Waugh Avenue * FOR
4th Election & 3rd Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Beverly H. Belt *
Petitioner(s) *
05-407-A

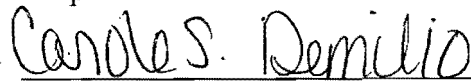
* * * * *

ENTRY OF APPEARANCE

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



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

MAR 02 2005

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2 Waugh Avenue
which is presently zoned DR-1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To verify the existence of pool enclosure and location of pool/fence on property conform with the Baltimore County Zoning Regulations. sect. 400.1
+ for such other/further relief as may be required by the Zoning Commissioner to approve the existing pool and fence.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

300 E. Lombard St., Suite 1440
Address

Telephone No.

Baltimore, MD 21202 (410)234-0070
City

State

Zip Code

Legal Owner(s):

Beverly H. Belt
Name - Type or Print

Signature

Name - Type or Print

Signature

2 Waugh Avenue
Address

Telephone No.

Glyndon, MD 21071 (410)234-0070
City

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross
Name

Address

300 E. Lombard St., Suite 1440
Address

Telephone No.

Baltimore, MD 21202 (410)234-0070
City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BH

Date 2/11/05

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 2-8-06

By Deborah

LEGAL DESCRIPTION

BEGINNING for the first at a stake at the end of 75 feet in the south 09 degrees 20 minutes 00 seconds east 188.40 foot line as described in a Deed from Ella B. Hammond, widow, et al. to William Edward Hammond and wife, dated February 16, 1952 recorded among the Land Records of Baltimore County in Liber GLB No. 2074, folio 445 etc., running thence binding on that Deed, south 09 degrees 20 minutes 00 seconds east 113.40 feet, thence continuing the same course, south 09 degrees 20 minutes 00 seconds east 1.92 feet to the northern right of way line of Butler Road as shown on State Roads Commission of Maryland Plat No. 5411, thence along said right of way line 173.61 feet along the arc of a curve to the right having a radius of 1695.42 feet and a long chord of south 77 degrees 36 minutes 35 seconds west 173.60 feet to a point at the intersection of the northernmost right of way line of Butler Road with the easternmost right of way line of Waugh Avenue as shown on the aforementioned plat north 09 degrees 22 minutes 10 seconds west 125.25 feet, thence by a line of division as now surveyed, north 81 degrees 10 minutes 00 seconds each 1.00 feet to a pipe, thence continuing the same course, north 81 degrees 10 minutes 00 seconds east 172.41 feet to the place of beginning containing four hundred eighty-four thousandths of an acre (0.484) of land more or less.

Subject, however, to the easement along the north side of the right of way of Butler Road as shown on the aforementioned State Roads Plat No. 5411.

BEGINNING for the second at a pipe at the end of the north 81 degrees 10 minutes east 193 feet more or less line as described in a Deed from The Bedford Holding Company, a body corporate, to Milton Earle Hammond et al, dated January 30, 1961, recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3807, folio 255, etc., said pipe also being at the end of the South 81 degrees 10 minutes 00 seconds west 107.00 foot line in a Deed from Ella B. Hammond, et al. to William Edward Hammond and wife, dated February 16, 1952, recorded in Liber GLB No. 2074, folio 445 etc., running thence binding on that Deed as now surveyed, south 09 degrees 20 minutes 00 seconds east 75.00 feet to a stake, thence by a line of division south 81 degrees 10 minutes 00 seconds west 172.41 feet to a pipe 20 feet east of the centerline of the present road-bed of Waugh Avenue, thence continuing the same course, south 81 degrees 10 minutes 00 seconds west 21.22 feet and to intersect the last or south 11 ½ degrees east 300 foot line in a Deed from Edwin M. Lilly and wife to William E. Hammond, dated December 12, 1909, recorded in Liber W.P.C. No. 338, folio 25 etc., thence binding on that Deed reversely and running in Waugh Avenue, North 08 degrees 50 minutes 00 seconds west 75.00 feet and to the end of the south 08 degrees 50 minutes east 100 feet more or less line as described in the first above mentioned Deed, thence binding on that Deed, north 81 degrees 10 minutes 00 seconds east 171.76 feet to the place of beginning, containing three hundred thirty three thousandths of an acre (0.333) of land more or less.

4th Election District
3rd Councilmanic District



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2 Waugh Avenue

which is presently zoned DR-1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should, ~~approve~~ in addition to the Special Hearing Request filed by the property owner, entertain and rule upon the following issue on behalf of the community;

- 1) Whether the historic fence, which was removed by this property owner, should be re-installed as it was prior to its removal; and
- 2) Whether the recent changes to the property, i.e., installation of swimming pool and perimeter fencing, are permitted pursuant to the findings of the LPC.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. _____

Reviewed By _____ Date _____

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: #05-407-A

2 Waugh Avenue

N/east corner of Butler Road and Waugh Avenue

4th Election District — 3rd Councilmanic District

Legal Owner(s): Beverly H. Belt

Special Hearing: to verify the existence of pool enclosure and location of pool/fence on property conform with the Baltimore County Zoning Regulations, Section 400.1 and for such other/further relief as may be required by the Zoning Commissioner to approve the existing pool and fence.

Hearing: Tuesday, April 5, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

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 3/756 March 22

43780

CERTIFICATE OF PUBLICATION

3/23/ 2005

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 3/22/ 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-407-A.

Petitioner/Developer: BEVERLY
H. BELT

Date of Hearing/Closing: APRIL 5, 2005

**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:

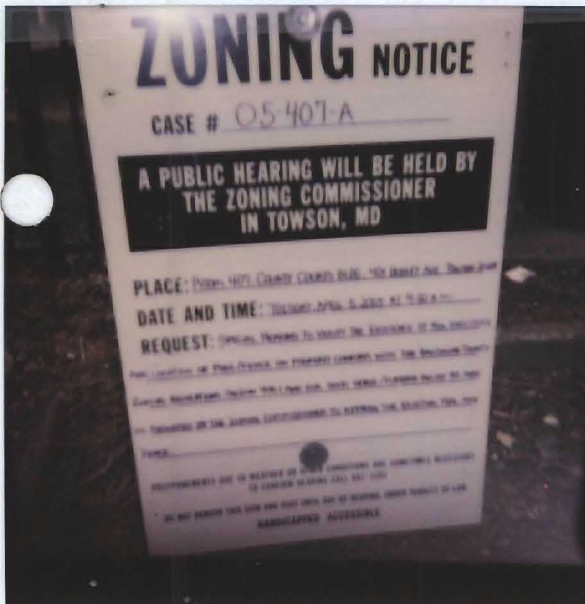
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

2 WAUGH AVE

The sign(s) were posted on

3/21/05
(Month, Day, Year)

Sincerely,



2. WAUGH AVE

Robert Black 3/22/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO. 05-407-SPH

2 WAUGH ROAD

4TH ELECTION DISTRICT

APPEALED: 3/10/2006

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, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 05-407-SPH

LEGAL OWNER: BEVERLY H. BELT

RECEIVED

APR - 6 2006

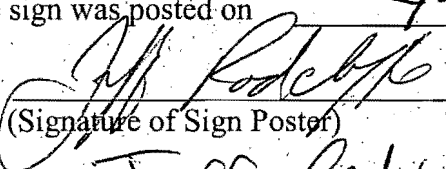
BALTIMORE COUNTY
BOARD OF APPEALS

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

2 WAUGH ROAD

The sign was posted on 4-5, 2006.

By:


(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)

map 16 C5

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 22, 2005 Issue - Jeffersonian

Please forward billing to:
Beverly H. Belt
2 Waugh Avenue
Glyndon, MD 21071

410-234-0070

NOTICE OF ZONING HEARING

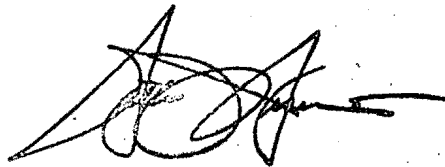
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-407-A

2 Waugh Avenue
N/east corner of Butler Road and Waugh Avenue
4th Election District – 3rd Councilmanic District
Legal Owner: Beverly H. Belt

Special Hearing to verify the existence of pool enclosure and location of pool/fence on property conform with the Baltimore County Zoning Regulations, Section 400.1 and for such other/further relief as may be required by the Zoning Commissioner to approve the existing pool and fence.

Hearing: Tuesday, April 5, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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.



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

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

March 2, 2005

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: 05-407-A

2 Waugh Avenue
N/east corner of Butler Road and Waugh Avenue
4th Election District – 3rd Councilmanic District
Legal Owner: Beverly H. Belt

Special Hearing to verify the existence of pool enclosure and location of pool/fence on property conform with the Baltimore County Zoning Regulations, Section 400.1 and for such other/further relief as may be required by the Zoning Commissioner to approve the existing pool and fence.

Hearing: Tuesday, April 5, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".
Timothy Kotroco
Director

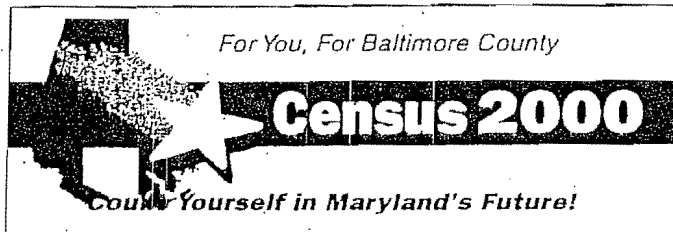
TK:klm

C: Sebastian Cross, Gildea & Schmidt, 300 E. Lombard, Ste. 1440, Baltimore 21202
Beverly Belt, 2 Waugh Ave., Glyndon 21071

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 21, 2005.**
- (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.



FAX COVER SHEET



Date:

Sept. 1, 2006

Number of Pages including cover sheet: *2*

To:

Michael Fields,
Asst. Co. Atty

and

Nancy C. West
Asst. Co. Atty

Phone: *887-4420*

Fax # *(410) 296-0931*

C:

From:

Bored

County Board of Appeals

400 Washington Ave., Rm. 49

Towson, MD 21204

Phone: (410) 887-3180

Fax # (410) 887-3182

REMARKS:

☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please comment



County Board of Appeals of Baltimore County

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

Michael Field
Nancy C. West

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 20, 2006

NOTICE OF ASSIGNMENT

CASE #: 05-407-SPH

IN THE MATTER OF: BEVERLY H. BELT –Legal Owner /Petitioner
2 Waugh Road 4th Election District, 3rd Councilmanic District

2/08/06 - D.Z.C.'s Order in which requested zoning relief was GRANTED in part and DENIED in part.

APPEAL OF ONLY THOSE PORTIONS DENYING RELIEF TO THE PETITIONER;
APPEAL DOES NOT INCLUDE THE RELIEF THAT WAS APPROVED.

ASSIGNED FOR:

WEDNESDAY, OCTOBER 4, 2006 at 10:00 a.m.

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

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

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

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

Kathleen C. Bianco, Administrator

c: Counsel for Appellant /Petitioner
Appellant /Petitioner
Mitch Kellman /Daft, McCune & Walker
Steven Haines
George Belt
Kristen Carpenter

: Howard L. Alderman, Jr., Esquire
: Beverly H. Belt

Counsel for Protestants
Kim Karlson
Gary Jones
Eleanor Taylor
Mark Clements
Barbara Whitman
Richard Stanley
Robert Tarleton
Jean More

: Robert L. Carson, Esquire

Joan Mersinger
Randy Quinn
Charles and Anna Welsh
Frances Acle
Mark Johnson
Eileen W. Wuerthele
Dan Kaestner
Pamela White

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Baltimore County Council /3rd District
James H. Thompson, Supervisor, Code Enforcement /PDM [Case # 04-5797]
Timothy M. Kotroco, Director /PDM

*PP'd by joint
request to
12/28/06*



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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:

HOWARD ALDERMAN, JR., ESQUIRE
410-296-2801

MICHAEL FIELD, ESQUIRE
410-296-0931

ROBERT J. CARSON, ESQUIRE
410-939-1007

FROM:

KATHLEEN BIANCO
FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:

SEPTEMBER 26, 2006

TOTAL NO. OF PAGES INCLUDING
COVER:
TWO (2)

RE: IN THE MATTER OF: BEVERLY
BELT – NOTICE OF POSTPONEMENT &
REASSIGNMENT

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED IS A COPY OF THE NOTICE OF POSTPONEMENT & REASSIGNMENT
FOR THE SUBJECT MATTER, POSTPONING THE HEARING TO THURSDAY,
DECEMBER 28, 2006.

THE HEARING SCHEDULED FOR WEDNESDAY, OCTOBER 4, 2006 HAS BEEN
PULLED FROM THE BOARD'S SCHEDULE.

CALL ME IF YOU HAVE ANY QUESTIONS.

kathi



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

September 26, 2006

NOTICE OF POSTPONMENT & REASSIGNMENT

CASE #: 05-407-SPH

IN THE MATTER OF: BEVERLY H. BELT –Legal Owner /Petitioner
2 Waugh Road 4th Election District; 3rd Councilmanic District

2/08/06 - DZ.C.'s Order in which requested zoning relief was GRANTED in part and DENIED in part.

APPEAL OF ONLY THOSE PORTIONS DENYING RELIEF TO THE PETITIONER;
APPEAL DOES NOT INCLUDE THE RELIEF THAT WAS APPROVED.

which was scheduled to be heard on 10/04/06 has been POSTPONED by joint request of counsel; and has been reassigned to the following:

REASSIGNED FOR:

THURSDAY, DECEMBER 28, 2006 at 10:00 a.m.

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

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

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

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

Kathleen C. Bianco, Administrator

c: Counsel for Appellant /Petitioner : Howard L. Alderman, Jr., Esquire
Appellant /Petitioner : Beverly H. Belt
Mitch Kellman /Daft, McCune & Walker
Steven Haines
George Belt
Kristen Carpenter
Counsel for Protestants : Robert J. Carson, Esquire
Kim Karlsen Joan Mersinger
Gary Jones Randy Quinn
Eleanor Taylor Charles and Anna Welsh
Mark Clements Frances Acle
Barbara Whitman Mark Johnson
Richard Stanley Eileen W. Wuerthele
Robert Tarleton Dan Kaestner
Jean More Pamela White
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Baltimore County Council /3rd District
James H. Thompson, Supervisor, Code Enforcement /PDM [Case # 04-5797]
Timothy M. Kotroco, Director /PDM
Michael Field, Assistant County Attorney





County Board of Appeals of Baltimore County

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

December 28, 2006

NOTICE OF DELIBERATION

IN THE MATTER OF

BEVERLY BELT - Petitioner
Case No. 05-407-SPH

Having heard this matter on 12/28/06, public deliberation has been scheduled for the following date /time:

DATE AND TIME : THURSDAY, MARCH 22, 2007 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due on Tuesday, February 27, 2007
(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 Appellant /Petitioner : Howard L. Alderman, Jr., Esquire
Appellant /Petitioner : Beverly H. Belt
Mitch Kellman /Daft, McCune & Walker
Steven Haines
George Belt
Kristen Carpenter

Kim Karlsen	Joan Mersinger
Gary Jones	Randy Quinn
Eleanor Taylor <i>NETD - NSM</i>	Charles and Anna Welsh
Mark Clements	Frances Acle
Barbara Whitman	Mark Johnson
Richard Stanley	Eileen W. Wuerthele
Robert Tarleton	Dan Kaestner
Jean More	Pamela White
Office of People's Counsel	
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Baltimore County Council /3 rd District	
James H. Thompson, Supervisor, Code Enforcement /PDM [Case # 04-5797]	
Timothy M. Kotroco, Director /PDM	
Michael Field, Assistant County Attorney	

FYI: 4-1-6



**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 29, 2005

Sebastian A. Cross
Gildea & Schmidt, LLC.
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Dear Mr. Cross:

RE: Case Number: 05-407-A, 2 Waugh Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 11, 2005.

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,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Beverly H. Belt 2 Waugh Avenue Glyndon 21071

Visit the County's Website at www.baltimorecountyonline.info



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



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

Maryland Department of Transportation

Date: 2.25.05

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

RE: Baltimore County
Item No. 407 DD

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 24, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 28, 2005

Item No.: 405-407, 410-415

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 2, 2005

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

SUBJECT: 2 Waughn Avenue

INFORMATION:

Item Number: 5-407

Petitioner: Beverly H. Belt

Zoning: DR 1

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The property is a contributing property in the Baltimore County Historic District of Glyndon and the National Register District of Glyndon. The property, which is known as the Livingston House, has the MHT Inventory # of BA-0698. The petitioner is aware of the historic nature of the subject property.

A historic fence was fence replaced with a modern metal fence without obtaining Landmark Preservation Commission (LPC) approval. This office has repeatedly notified the property owner of the violation (see attached July 13, 2004 letter and November 17, 2004 memo).

The fence replacement was discussed at several LPC meetings. On October 14, 2004 the LPC voted "that the Director of Permits and Development Management be informed that enforcement should be initiated to **require re-installation of the historic fence** and the submittal of a proposal, for review and approval by the Commission's staff, to re-use the new fence for safety enclosure of the swimming pool". Please note that County law gives the LPC the authority to make a binding decision on this matter.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 8, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 7, 2005
Item Nos. 407, 413, 414, and 415

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

RWB:CEN:jrb

cc: File



Baltimore County
Planning Board

401 Bosley Avenue - Ste 406
Towson, Maryland 21204
410-887-3495
Fax: 410-887-5862
E-mail: planning@co.ba.md.us

July 13, 2004

Sebastian A. Cross, Esq.
Gildea, LLC
300 East Lombard Street
Suite 1440
Baltimore, MD 21202

Re: 2 Waugh Avenue, Glyndon
Unauthorized removal and replacement of fence

Dear Mr. Cross:

In our meeting on July 1, 2004, you indicated your client's understanding that the removal of the historic fence and erection of a new fence on her property in the Glyndon County Historic District was contrary to the County law requiring application for a County permit and approval of the permit by the Landmarks Preservation Commission. You submitted a letter on behalf of your client, along with five photographs, a property plat, copies of the building permit and site plan for the swimming pool, and a copy of the Stop Work Notice issued by the County on 6/29/04. A Baltimore County Historic Permit Application was provided to you, and we discussed the staff's initial ideas, derived from our site visit on June 30th, of what we might recommend to the Commission as a reasonable compromise solution for addressing both the historic integrity of the District and the safety of the swimming pool.

For the sake of expediting a decision on corrective action, since the Commission will not be meeting in August, the matter had been placed in the Agenda for the July 8th meeting (which had been mailed to the Commissioners on June 30th). On July 8th, however, in agreement with your telephoned request, the members agreed to postpone the matter until the next regular meeting, on September 9, 2004. As you discussed with Tim Dugan on the phone, this was with the understanding that, under the Stop Work order, your client will refrain from taking any irreversible action, such as disposing of the original fence material, before the Commission's decision is rendered. In that spirit of cooperation, I am asking, by copy of this letter, that the County hold sanctions in abeyance pending the Commission's decision.



Baltimore County, Maryland
OFFICE OF PLANNING

Memorandum

TO: John Reisinger
Buildings Engineer

DATE: November 17, 2004

FROM: Tim Dugan
Chief, Preservation Services



SUBJECT: Belt property, 2 Waugh Avenue, Glyndon

There apparently is still some confusion, after the Landmarks Preservation Commission's meeting on October 14th, about necessary steps to remedy the on-going violation from the unauthorized removal of the fence on the Belt property at 2 Waugh Avenue in Glyndon.

The elaborate history of the situation was again recounted in the meeting, this time by Mr. Schmidt who requested that the Commission defer action pending the outcome of two hearings his client has requested: a hearing to respond to the Stop Work Notice and citation; and a hearing regarding the applicability of zoning or other (non-historic) regulations to the siting of the swimming pool and/or its mandated safety fencing. Under Mr. Schmidt's theory, action by the LPC would be premature because there is not yet an "application" on which the Commission could act – which there certainly isn't (and has never been).

After almost a full hour of further exposition, questions, discussion, etc., among the members, Mr. Schmidt, and community representatives, the LPC instructed staff to: inform the Director of PDM that enforcement should be initiated to require re-installation of the historic fence and the submittal of a proposal, for review and approval by the Commission's staff, to re-use the new fence for safety enclosure of the swimming pool.

The LPC's direction is based in the following set of facts, which seem to be beyond dispute:

1. This property is located in a County Historic District, and the iron fence on the perimeter of the property (abutting at least Butler Road and Waugh Avenue) was a "structure."
2. County law prohibits the "demolition ... or removal of ... any existing structure" in a historic district without an "application" for a "permit," referral of the application to the LPC, and the issuance of either a certificate of appropriateness or a notice to proceed from the LPC.

Sebastian A. Cross
July 13, 2004
Page 2

Please remember the requirement in the Code (Sec. 26-544) that the Commission cannot take action on an application without first determining that the application is complete, and that the 45-day limit for acting begins from that point. As we discussed, staff will be glad to schedule a meeting with you and/or your client for reviewing the application materials. Under the schedule for distribution of the information to the Commissioners, we should receive the application package (15 copies of the form plus drawing(s)) not later than Tuesday, August 31st. Please contact me (vnevy@co.ba.md.us, 410-887-3495) if you need further information.

Sincerely,



Vicki Nevy
Secretary/Administrator

VKN:TD:vkn

C: John Reisinger, PDM
LPC members

page 2 Planning
Board dated
7/13/04

3. The same parts of County law also apply to the "construction or erection of any fence ... or other new structure of any kind"

4. The iron fence was removed, and a new fence was erected in approximately the same location. For neither action was an application referred to or, obviously, acted upon by the Commission.

5. *Ergo*, the removal and the erection each fence was contrary to County historic preservation law, whether or not the actions were done in good faith, in error, or for compliance with other parts of County law.

Whether or not the owners should be "punished" for these "violations" is not within the LPC's purview to decide (nor has the Commission voted to express an opinion on that part of the situation). The LPC's statutory mission is simply "to safeguard the heritage of the County as embodied and reflected in the structures and districts." The LPC simply wants to achieve the *status quo ante* – the re-installation of the original fence. The Commission is puzzled, therefore, why the County does not order the owner to end the violation by re-installing the fence. Perhaps in the fullness of due-process time this will be the result?

Restoration to the original conditions may or may not necessitate the formality of an "application," but if an application is received the Commission has already delegated to its staff the authority for review and decision. It may be noted that at least twice during the discussion Mr. Schmidt firmly committed to having his client submit an application. Hence, in the absence of an application, or any further communication, the matter was not on the November meeting agenda, either for vote by the Commission or for review of the staff's action. Meanwhile, the LPC (and the community) await action to uphold County law. The LPC has done as much as it can within its authority; the ball is in PDM's court.

It would be remiss of me, however, not to re-iterate that installation of any new fencing requires approval (i.e., an affirmative vote on a historic permit "application") by the LPC *in addition to* approval from PDM (for pool safety and/or zoning reasons). It is to be hoped that the other proceedings regarding this property will not reach any conclusion without accommodating the necessity for approval by the LPC on the "construction or erection of any fence ... or other structure of any kind" When, therefore, will the LPC be notified of the other hearings, with an explanation of its opportunity to participate, so that the LPC's concerns, standards, and authority can be respected in the deliberations and decisions?

TD: td

Cc: Lawrence E. Schmidt, Esq.
LPC members

page 2 to Office of
Planning Memorandum
date 11/17/04

TITLE 6. SWIMMING POOLS AND BATHING BEACHES

Section

Subtitle 1. In General

- 13-6-101. Swimming pool enclosure

Subtitle 2. Public Swimming Pools and Bathing Beaches

- 13-6-201. Definitions
13-6-202. Construction, alteration, or renovation of a swimming pool
13-6-203. Permit to operate and maintain required
13-6-204. Health and safety requirements
13-6-205. Lifeguards at public swimming areas
13-6-206. Disinfection and bacteriological quality
13-6-207. Inspections
13-6-208. Violation

SUBTITLE 1. IN GENERAL

§ 13-6-101. SWIMMING POOL ENCLOSURE.

(a) *Required.* A person who owns land on which there is a swimming pool that contains 24 inches (610 mm) or more of water in depth at any point shall erect and maintain on the land an adequate enclosure surrounding either the property or pool area sufficient to make the body of water inaccessible to small children.

(b) *Height.* A swimming pool enclosure, including gates, may not be less than 4 feet above the underlying ground.

(c) *Gates.* All gates shall be self-latching with latches placed 4 feet above the underlying ground and otherwise made inaccessible from the outside to small children.

(d) *Alternative enclosures.*

(1) For purposes of this section, the owner may use a natural barrier, hedge, or other protective device approved by the Department of Permits and Development Management if the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate, and latch described in subsections (a) through (c) of this section.

(2) A swimming pool cover is not another protective device that may be approved by the Department of Permits and Development Management.

(1988 Code, § 20-5) (Bill No. 94-95, § 1, 8-19-1995; Bill No. 105-00, § 2, 7-1-2004)

SUBTITLE 2. PUBLIC SWIMMING POOLS AND BATHING BEACHES

§ 13-6-201. DEFINITIONS.

(a) *In general.* In this subtitle the following words have the meanings indicated.

(b) *Approving authority.* "Approving authority" means the Director of Environmental Protection and Resource Management or the Director's designee.

(c) *Private swimming pool.* "Private swimming pool" means a swimming pool located on a private residential property, under the control of a single resident, the use of which is limited to members of the resident's family and invited guests.

(d) *Public bathing beach.*

(1) "Public bathing beach" means a natural bathing beach together with any buildings, appurtenances, or other improvements, at a pond, lake, quarry, stream, or bay, intended to be used collectively by numbers of individuals for swimming or recreational bathing, regardless of whether a fee is charged for use.

(2) "Public bathing beach" includes a bathing beach at a private club.

(e) *Public swimming pool.*

(1) (i) "Public swimming pool" means a swimming pool intended to be used collectively by numbers of individuals for swimming or bathing, operated by any person including an owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for use.

(ii) "Public swimming pool" includes a swimming pool at a private club.

(2) "Public swimming pool" does not include a private swimming pool.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1986, LEGISLATIVE DAY NO. 14

BILL NO. 111-86

MR. RONALD B. HICKERNELL, COUNCILMAN

BY THE COUNTY COUNCIL, JULY 7, 1986

A BILL
ENTITLED

AN ACT concerning

FENCES

FOR the purpose of restricting the height of a fence constructed
in the rear or side yard of a lot if that yard
adjoins the front yard of an improved residential lot.

BY adding

Section 427

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Section 515.1

The BOCA Code, Ninth Edition, 1984, as adopted by

Bill No.17-85

WHEREAS, the Baltimore County Council has received a final
report from the Planning Board concerning the subject legislation
and has held a public hearing thereon, now, therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF
2. BALTIMORE COUNTY, MARYLAND, that Section 427 be and it is hereby
3. added to the Baltimore County Zoning Regulations, as amended, to
4. read as follows:

5. Section 427 - FENCES.

6. (A) A RESIDENTIAL OCCUPANCY FENCE MAY NOT BE ERECTED IN
7. THE REAR OR SIDE YARD OF A LOT WHICH ADJOINS THE FRONT YARD OF

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. ANOTHER ~~IMPROVED-RESIDENTIAL-LOT~~ ON WHICH A RESIDENCE HAS BEEN
2. BUILT, EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

3. (B) THE FENCE HEIGHT SHALL BE LIMITED AS FOLLOWS:

DISTANCE BETWEEN FENCE AND FRONT YARD PROPERTY LINE				
	0'-10'	10'-20'	20'-30'	OVER 30'
MAXIMUM FENCE HEIGHT	42"	48"	60"	NO LIMIT

8. (C) ANY PERSON MAY REQUEST A VARIANCE FROM THE
9. REQUIREMENTS OF SUBSECTION (B).

10. (D) (1) THIS SECTION DOES NOT APPLY TO A FENCE REQUIRED BY
11. SECTION 18-20 OF THE CODE TO BE CONSTRUCTED IN ORDER TO SCREEN A
12. SWIMMING POOL. THIS SECTION SHALL APPLY PROSPECTIVELY ONLY, AND
13. SHALL NOT AFFECT NOR APPLY TO THE MAINTENANCE, REPAIR OR
14. REPLACEMENT OF A FENCE ERECTED PRIOR TO THE EFFECTIVE DATE OF
15. THIS ENACTMENT.

16. (2) THIS SECTION DOES NOT APPLY IF THE RESIDENCES ON
17. THE ADJOINING LOTS ARE MORE THAN 200 FEET APART.

18. SECTION 2. AND BE IT FURTHER ENACTED that Section 515.1
19. of the BOCA Code, Ninth Edition, 1984, as adopted by Bill No.
20. 17-85, be and it is hereby repealed and re-enacted, with
21. amendments, to read as follows:

22. Section 515.0 Fences.

23. 515.1 A fence constructed parallel to any wall or other
24. fence shall be not less than 24 inches from the wall or other
25. fence unless adequate access is provided to allow maintenance and
26. cleaning of the space between the fence and the wall. The
27. maximum height permitted for any residential occupancy fence
28. shall be 42 inches above normal grade, except that for side and

1. rear yards (as defined by the Zoning Regulations of Baltimore
2. County) this height may be increased up to six feet; HOWEVER, IF
3. THE REAR OR SIDE YARD ADJOINS THE FRONT YARD OF ANOTHER
4. RESIDENCE, THE BALTIMORE COUNTY ZONING REGULATIONS SHALL CONTROL.
5. In addition, a fence may be erected up to ten feet high when the
6. fence is set back from the property line a horizontal distance of
7. two feet for every vertical foot of height in excess of six feet.
8. If a fence is installed on top of a wall which has been erected
9. to retain earth or support a structure such as a porch or deck
10. and if the fence is used for protection of the public, the height
11. of the fence shall be measured from the grade or deck surface to
12. the top of the fence as may be applicable. Privacy fences
13. intended to screen portions of yard areas such as patios,
14. swimming pools, etc., may be situated in front yards and may
15. exceed 42" if shown on a final development plan and approved by
16. the Director of Planning and by the Zoning Commissioner.

17. SECTION 3. And be it further enacted, that this Act shall
18. take effect forty-five days after its enactment. ~~7--and--shall~~
19. ~~apply-prospectively-only,--and--shall-not-affect-or-apply-to-the~~
20. ~~maintenance,--repair,--or-replacement-of-a-fence-erected-prior-to~~
21. ~~the-effective-date.~~

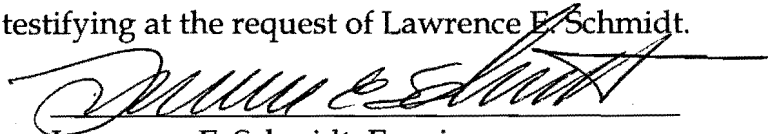
IN RE:
PETITION OF BEVERLY H. BELT
FOR SPECIAL HEARING
Property: 2 Waugh Avenue
Glyndon, MD 21071

* BEFORE THE
* ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No.: 05-407-A

SUBPOENA

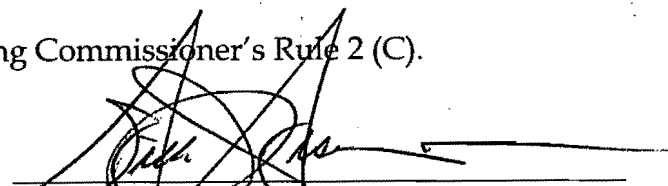
To: Mr. Steve Clark
Hue's Contracting Company
413 Dyer Avenue
Reisterstown, MD 21136

You are hereby summonsed and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204 and to bring the estimate of costs for fence work at the above referenced property on the 5th day of April, 2005, regarding the above captioned case for the purpose of testifying at the request of Lawrence E. Schmidt.


Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, MD 21202
(410)234-0070

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 2 (C).


Zoning Commissioner/Deputy
Zoning Commissioner for
Baltimore County

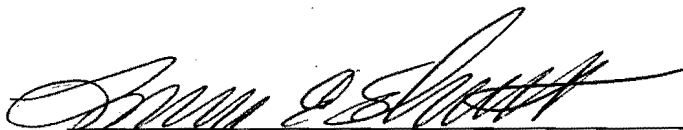
IN RE:
PETITION OF BEVERLY H. BELT
FOR SPECIAL HEARING
Property: 2 Waugh Avenue
Glyndon, MD 21071

* BEFORE THE
* ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No.: 05-407-A

SUBPOENA

To: Mr. George D. Belt
323 Estate Road
Reisterstown, MD 21136

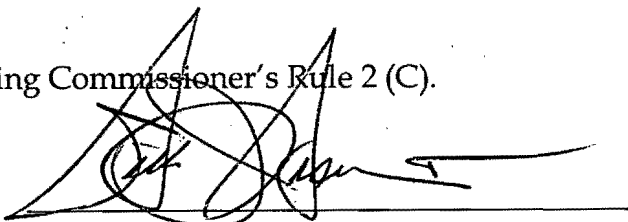
You are hereby summonsed and commanded to be and appear personally before the
Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 407,
County Courts Building, 401 Bosley Avenue, Towson, MD 21204 on the 5th day of April, 2005,
regarding the above captioned case for the purpose of testifying at the request of Lawrence E.
Schmidt.



Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, MD 21202
(410)234-0070

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 2 (C).



Zoning Commissioner/Deputy
Zoning Commissioner for
Baltimore County

Mark Clements, 200 Central Avenue, Glyndon, MD 21071
Barbara Whitman, 4702 Butler Road, Glyndon, MD 21071
Richard Stanley, 215 Central Avenue, Glyndon, MD 21071
Robert S. Tarleton, 4805 Butler Road, Glyndon, MD 21071
Jean R. Mroe, 4802 Butler Road, Glyndon, MD 21071
Joan A. Mersinger, 14 Chatsworth Avenue, Glyndon, MD 21071
Randy Quinn, 18 Chatsworth Avenue, Glyndon, MD 21071
Charles & Anna Welsh, 4601 Prospect Avenue, Glyndon, MD 21071
Frances Aclé, 4606 Prospect Avenue, Glyndon, MD 21071
Mark Johnson, 342 Central Avenue, Glyndon, MD 21071
Eileen W. Wuerthele, 32 Waugh Avenue, Glyndon, MD 21071
Dan Kaestner, 117 Central Avenue, Glyndon, MD 21071
Pamela White, 11 Worthington Hill Drive, Glyndon, MD 21071
The Honorable Bryan McIntire



RECEIVED

JUL 11 2005

ZONING COMMISSIONER

July 5, 2005

John V. Murphy
Deputy Zoning Commissioner
County Courts Building
Towson, MD 221204

Re: Belt property, 2 Waugh Avenue, Glyndon

Dear Mr. Murphy:

At the request of Historic Glyndon, Inc. (HGI), the matter of the unauthorized removal of the historic fence on the Belt property was again on the Agenda of the Landmarks Preservation Commission (LPC).

In the June 9, 2005 meeting, the LPC heard representatives of HGI who submitted documentation, recounted the events pertaining to the removal of the fence, and reiterated that the owners of the property had been informed that it is located in a County Historic District wherein it is required to obtain approval from the LPC before making any changes on the property.

The Commission also heard from Mr. Larry Schmidt, attorney for the owners, who likewise recounted the series of events beginning early in 2004 and culminating in the on-going Hearing, before you, on the fence violation and on questions of zoning compliance related to the swimming pool installed in the property's side yard.

Like HGI, the LPC is baffled on why Baltimore County has not yet required the property-owners to comply with decision about the historic fence rendered by the Commission on October 14, 2004. There does not seem to be any question that the LPC has full authority, under County Code §§ 32-7-403, *et seq.*, to approve or disapprove the "construction or erection of any ... fence ... in a ... designated historic district."

The Belt property is located within the Glyndon County Historic District as designated and enacted by vote of the County Council. The LPC has determined that the fence removed from the Belt property was historic. The record shows that approval from the LPC was neither sought nor obtained before the fence was removed. The Commission's staff (Mr. Dugan) has verified that the sections of the removed fence were still stacked on the property on June 30, 2004 and that, after meeting with the owners' attorney (then, Mr. Sebastian Cross) on July 1, 2004 Mr. Cross was informed, by the July 13, 2004 letter from the Commission's Secretary, on the procedure to remedy the violation. In the interest of promptly resolving the situation, the matter had even been placed on the LPC's July 8, 2004 Agenda but was removed at Mr. Cross' request.

The question then arose, through the owners' counsel, asserting that the permit issued by Baltimore County in February 2004 regarding the swimming pool (and accompanying



fencing for compliance with safety regulations) could or must be interpreted as authorizing the replacement of the historic fence. The LPC believes this question should not be interpreted to usurp the Commission's authority because, in fact, the permit application was never referred to or approved by the Commission as is required by §§ 32-7-403, *et seq.* The LPC's understanding that any permit improperly issued by the County should be regarded as void even if it was erroneously issued through innocent failure to adhere to the referral regulations.

The Minutes of the LPC's October 14, 2004 meeting record the following decision:

After almost a full hour of further exposition, questions, discussion, etc., among the members, Mr. Schmidt, and community representatives, Ms. Caslin moved that the Director of Permits and Development Management be informed that enforcement should be initiated to require re-installation of the historic fence and the submittal of a proposal, for review and approval by the Commission's staff, to re-use the new fence for safety enclosure of the swimming pool. Mr. Reynolds seconded that motion. By a show of hands, the motion passed, with Mr. Diggs and Mr. Lynd voting against the motion. Mr. Schmidt indicated he will have the homeowner of the property submit a Historic Permit Application for action by the Commission.

The LPC believes that its decision was properly rendered in accordance with County law and is a proper and fair way to resolve the fence issue. The LPC has taken no position regarding the swimming pool issues and clearly is willing to cooperate on approval of safety fencing as long as the replacement fence along Waugh Avenue and Butler Road is removed and the historic fence restored. Given the size of the property and the layout of the improvements this certainly should be possible without destruction of the historic fence. Compliance, however, is the owners' responsibility and should not become a burden on Baltimore County or on HGI.

The Landmarks Preservation Commission simply wants to have its decision implement through Baltimore County government, whether by the Hearing Officer or PDM, or both, and does not understand why, more than a year after the violation, this still has not been accomplished.

Sincerely,

A handwritten signature in black ink that reads "James E. Matthews" followed by a stylized flourish.

James E. Matthews
Chairman

JEM/td

Cc Kimberly Karlsen
 Lawrence E. Schmidt
 Timothy M. Kotroco
 Jay L. Liner
 LPC members

Beverly Belt, 2 Waugh Avenue, Glyndon, MD 21071
George Belt, 323 Estate Road, Reisterstown, MD 21136
Mitch Kellman, Daft, McCune, Walker, 200 E. Pennsylvania Ave., Towson, MD 21286
Steven Haines & Kristen Carpenter, 2 Waugh Avenue, Glyndon, MD 21071
Kim Karlsen, 4806 Butler Road, Glyndon, MD 21071
Gary Jones & Eleanor Taylor, 17 Worthington Hill Drive, Glyndon, MD 21071
Mark Clements, 200 Central Avenue, Glyndon, MD 21071
Barbara Whitman, 4702 Butler Road, Glyndon, MD 21071
Richard Stanley, 215 Central Avenue, Glyndon, MD 21071
Robert Tarleton, 4805 Butler Road, Glyndon, MD 21071
Jean More, 4802 Butler Road, Glyndon, MD 21071
Joan Mersinger, 14 Chatsworth Avenue, Glyndon, MD 21071
Randy Quinn, 18 Chatsworth Avenue, Glyndon, MD 21071
Charles & Anna Welsh, 4601 Prospect Avenue, Glyndon, MD 21071
Frances Aclé, 4606 Prospect Avenue, Glyndon, MD 21071
Mark Johnson, 342 Central Avenue, Glyndon, MD 21071
Eileen W. Wuerthele, 32 Waugh Avenue, Glyndon, MD 21071
Dan Kaestner, 117 Central Avenue, Glyndon, MD 21071
Pamela White, 11 Worthington Hill Drive, Glyndon, MD 21071
Eleanor Taylor, P. O. Box 43, Glyndon, MD 21071

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: James S. Matthews, Chairman
Landmarks Preservation Commission
Office of Planning

DATE: July 14, 2005

FROM: John V. Murphy *J.V.M.*
Deputy Zoning Commissioner

SUBJECT: Petition for Special Hearing
Case No. 05-407-SPH
Property: 2 Waugh Avenue
Petitioner: Beverly H. Belt

Thank you for your letter of July 5, 2005 regarding the status of the above-captioned case. I can report that the parties were represented by counsel at the hearing on the zoning issues that I heard on April 15, 2005. Mr. Schmidt represented Ms. Belt and Mr. Carson represented the community. This was a fully litigated hearing, at which Mr. Carson contended that the permit for the fence was issued in error. Mr. Schmidt contended the opposite and argued that subtitle 7 did not apply in this case.

At the conclusion, I recommended both sides consider finding a mutually agreeable solution to the matter. Fundamental issues were raised regarding this Zoning Commission's and the Landmark Preservation Commission's jurisdiction. I expressed my concern, however, that when I decide the matter, years of further litigation would be likely if appeals were taken to the Board of Appeals, the Circuit Court and beyond. Both counsel agreed that I should hold my decision in the case pending their discussions.

In May 2005, I reminded counsel that my decision was pending settlement discussions and asked whether I should continue to hold my decision. Thereafter, Mr. Schmidt expressed his desire that I release my decision. Mr. Carson indicated that discussions were ongoing and that Gary Jones would coordinate the community's position in this matter. I understand that the parties were trying to reach an agreement.

By copy of this letter (including your letter of July 5, 2005), I again ask counsel for the status of their discussions and whether or not it is helpful to continue to hold my decision.

JVM:raj
Encl.

c: Lawrence E. Schmidt, Esq.
Robert Carson, Esq.
Gary Jones, Esq.
Jay L. Liner, Esq.
Timothy M. Kotroco, Dir., PDM

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
William J. Wiseman III, Zoning Commissioner

May 3, 2005

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202-3228

Robert J. Carson, Esquire
345 Green Street
Havre de Grace, Maryland 21078

Re: Petition for Special Hearing
Case No. 05-407-SPH
Property: 2 Waugh Avenue

Dear Messrs. Schmidt & Carson:

If I recall correctly, we agreed to keep the record open on this case to see if the parties could come to an agreement. As the case was heard April 5, 2005, I was wondering whether you wanted to continue your discussions or whether I should make a decision on the record?

Please take all the time you feel would be productive. I would like to hear from you in this regard at your convenience.

Very truly yours,

A handwritten signature in black ink that reads "John V. Murphy". The signature is fluid and cursive.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj





County Board of Appeals of Baltimore County

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

October 9, 2007

Kimberly Karlson
4806 Butler Road
Glyndon, MD 21071

RE: *In the Matter of: Beverly Belt /Case No. 05-407-SPH*
Request for Transcript

Dear Ms. Karlson:

The Board is in receipt of your letter dated October 5, 2007 in which you request a copy of the "transcript of the Appeals Hearing."

A review of our records indicates that the hearing held before the Board on December 28, 2006, was recorded directly to cassette tapes, rather than recorded by the Board's court reporter, who was not available that date. Therefore, we can provide you with copies of both tapes for a fee of \$25.00 per tape. Upon receipt of your check in the amount of \$50.00, payable to Baltimore County, Maryland, copies will be made of the tapes and forwarded to you at the above address.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco".

Kathleen C. Bianco
Administrator

c: The Honorable T. Bryan McIntire
Baltimore County Council
Timothy M. Kotroco, Director /PDM





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 19, 2006

HAND DELIVERED

John V. Murphy, Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

DEPUTY ZONING COMMISSIONER

JAN 19 2006

Re: Beverly Belt – Petitioner, 2 Waugh Avenue
Case No. 05-407-A

RECEIVED

Dear Mr. Murphy,

Upon inquiry from citizens, we reviewed the status of this case and learned that a hearing was held some time in or around the spring of 2005. There apparently has been no decision, pending further review by the parties and the Commissioner.

We also found that the County Council passed Bill 65-05, which amends BCZR 427, the zoning law which specifically controls fences. A copy is enclosed. It should be added that the Bill makes reference in revised BCZR 427C to Code Sec. 20-5 which is now Code Sec. 13-6-101.

Any decision on this case should be based on the current law. See Antwerpen v. Baltimore County 163 Md. App. 194 (2005). Of course, Bill 65-05 must be considered in conjunction with any other law which may apply to this case. The purpose of this letter is simply to advise of the relatively recent amendment of the zoning law.

Sincerely yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Lawrence Schmidt, Esquire
Gary Jones, Esquire

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2005, Legislative Day No. 10

Bill No. 65-05

Mr. T. Bryan McIntire, Councilman

By the County Council, May 16, 2005

A BILL
ENTITLED

AN ACT concerning

Fences

FOR the purpose of limiting the height of a residential occupancy fence erected in the side yard
of a lot in certain cases; deleting obsolete language; and generally relating to residential
occupancy fences.

BY repealing and re-enacting, with amendments

Section 516.1

The Building Code of Baltimore County, as adopted by Bill 1-05

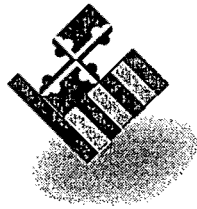
BY repealing and re-enacting, with amendments

Section 427

Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 516.1 of the Building Code of Baltimore County, as
3 adopted by Bill 1-05, be and it is hereby repealed and re-enacted, with amendments, to read as
4 follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike-out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 6, 2006

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202-3228

Robert Carson, Esquire
345 Green Street
Havre de Grace, Maryland 21078

Re: Petition for Special Hearing
Case No. 05-407-SPH
Property: 2 Waugh Avenue

Dear Messrs. Schmidt and Carson:

It has been some time since I heard from you regarding your efforts to settle the above case. I note the case was heard last April and at your request I have not issued an Order in this matter.

Would you kindly let me know the status of this matter at your earliest convenience.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw

c: Honorable T. Bryan McIntire
Gary Jones, Esquire, 17 Worthington Hill Drive, Glyndon, MD 21071
James Mathews, Chairman, Landmarks Preservation Commission
Peter Max Zimmerman, People's Counsel
Case File

GILDEA & SCHMIDT, LLC

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DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

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DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
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300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

RECEIVED

MAY 10 2005

May 9, 2005

ZONING COMMISSIONER

John (Jack) V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Avenue
4th Floor
Towson MD 21204

Re: Belt/2 Waugh Avenue
Case No: 05-407-A

Dear Mr. Murphy:

Thank you for your letter of May 3, 2005. Following the hearing on this matter on April 5, 2005, I wrote to Mr. Carson after "the dust settled" on April 12, 2005 asking about his thoughts regarding settlement. To date, I have not received any response.

Today, my client received by regular mail a copy of the Landmarks Preservation Commission Agenda for this Thursday, May 12, 2005. Fortunately, Ms. Belt's daughter was at home and faxed the agenda to her. According to the agenda, the LPC is taking this matter up for consideration at their meeting later this week. This is the first notice that either my client or I have been advised that further proceedings are scheduled before the LPC. The brief schedule describes this item on the agenda as a "request by Historic Glyndon, Inc. for assistance by the LPC in obtaining compliance with County Historic District law (continuing unauthorized fence removal and replacement)." Obviously, the community has seen fit to attempt an end run around your jurisdiction over this case and the pending Petition before you.

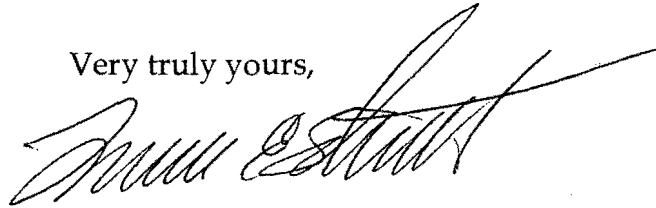
Giving these circumstances, I do not see any reasonable hope of settlement. I, therefore, request that you issue an immediate Order granting the Petition for Special Hearing in this case. I request that your Order legitimize the location of the pool, as well as confirming the previously issued building permit; which allowed the old fence to be removed and a new fence to be constructed. As you may recall, the uncontradicted expert testimony offered at the hearing was that the old fence was not a "structure" as defined

John (Jack) V. Murphy
May 9, 2005
Page 2

under the Historic Preservation law and that the new fence is required to comply with County regulations relating to the use of swimming pools. Insofar as the pool itself, the community offered no opposition to its location at the hearing before you.

With kindest regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a long, sweeping horizontal line extending to the right.

Lawrence E. Schmidt

LES:bhb

CC: Kim Abe, Preservation Planner
Robert Carson, Esquire

GILDEA & SCHMIDT, LLC

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TOWSON, MD OFFICE
230 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

July 22, 2005

Via Facsimile

Hon. John (Jack) V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Avenue
4th Floor
Towson MD 21204

**Re: Belt Property
2 Waugh Ave.**

Dear Mr. Murphy:

I am writing to you in response to the letter to you from James E. Matthews, Chairman of the Baltimore County Landmarks Preservation Commission (hereafter "LPC") dated July 5, 2005 and your reply memorandum dated July 14, 2005. Notwithstanding the date of Mr. Matthews' letter, it was delivered via US Mail to me on July 14, 2005. I do not know the reason for the lengthy delay in delivery.

In view of this correspondence, I thought it appropriate to summarize, from Ms. Belt's perspective, where this matter has been and the current status. For ease of discussion and clarity, I have divided this letter into separate sections.

I. Proceedings before the LPC

As Mr. Matthews' letter correctly states, the matter of Ms. Belt's fence and property was put before the LPC on October 14, 2004. The matter was set on the agenda of the LPC by, I believe, either Historic Glyndon, Inc. ("HGI") and/or the staff of the Baltimore County Office of Planning. I appeared at the LPC's meeting on that date on behalf of Ms. Belt. It is important to note, however, that at the same time Mr. Matthews suggests that Ms. Belt has not followed the appropriate procedural requirements of County law, the hearings before the LPC were conducted without the requisite posting of the subject property, nor was proper notice afforded to Ms. Belt.

Hon. John (Jack) V. Murphy
July 22, 2005
Page 2

At this hearing I respectfully argued, as a preliminary matter, that the LPC had no authority/jurisdiction to hear the matter on that date. Essentially, I argued that hearings before the LPC were triggered under law by the filing of an "application" with the Buildings Engineer, which were then forwarded to the LPC (*See*, for full detail, Section 32-7-404 of the Baltimore County Code). Since no application had ever been filed, I argued that the LPC had nothing properly before it to consider. I also offered, that if the Commission agreed with my argument and did not move forward at that time, that my client would file an application that could thereafter be considered by the LPC. That application would properly identify all issues and present, in the proper and legal form, all appropriate questions that the LPC need address.

The LPC rejected my preliminary argument and moved forward to an immediate vote¹. No evidence on the merits of the matter was heard on behalf of Ms. Belt (indeed, she was not even present). In their ruling (as reflected in their Minutes), the LPC voted to recommend that the Director of Planning and Development Management initiate enforcement to require the re-installation of Ms. Belt's original fence. The LPC did not address, nor was there any testimony/argument presented on, the essential and underlying issues of whether the fence was indeed "historic," and if it is subject to the requirements for protection/preservation contained in Article 32, Title 7 of the Baltimore County Code. Nor has it ever been considered if the fence is worth saving.

The matter came before the LPC a second time on June 7, 2005. Again, no proper notice was provided to my client and, rather, this firm learned of it's scheduling by phone call on the afternoon of the hearing. Posting of the property was also not provided. I again appeared on behalf of Ms. Belt. I again respectfully argued that there was no appropriate jurisdictional/procedural basis on which the LPC could consider the matter. I advised the LPC that a Petition for Special Hearing was pending before you and that the LPC should take no action until that Petition was ruled upon. Again, the LPC rejected my plea, and moved forward without taking any evidence regarding the merits of the case. Again, they voted to "request action" by Baltimore County to obtain compliance with the LPC's ruling of October 24, 2004. Again, the LPC heard no evidence and neither considered or decided whether the fence was "historic" and/or whether it was subject to the provisions of Article 37, Title 7.

In my judgment, I respectfully aver that the LPC has, to date, acted without proper jurisdiction and has not issued any binding and substantive decision.

II. Petition for Special Hearing

¹ Since the LPC had rejected my offer and moved forward, my client declined to subsequently file an application as it would be illogical.

Hon. John (Jack) V. Murphy
July 22, 2005
Page 3

As you know, Ms. Belt was issued a zoning citation following the construction of her pool and the fence that replaced the original fence. The violation case came in for hearing before Hearing Officer Wisnom. With his concurrence, the hearing was continued and the property owner agreed to, and in fact filed, a Petition for Special Hearing to be heard by the Office of the Zoning Commissioner. That Petition was duly filed and the matter was heard by you on April 15, 2005. The Petition raised all relevant issues to be decided by you in a single forum.

Obviously, you heard the hours of testimony, evidence and argument offered at the hearing. Essentially, four issues were identified. First, that the location of Ms. Belt's pool should be approved. This request has never been opposed by either HGI and/or the county staff and does not appear to be a contested issue. Second, that Ms. Belt's new fence should be approved. Specifically, evidence was offered that my client properly applied for a permit from Baltimore County for the work on her property. That the permit identified that her property was "historic." That she did not attempt to deceive the County as to her intentions and that a lawful permit was issued by the County to her. That this permit authorized the work. That the new fence is required by the Building Code to protect the pool and that the original fence does not meet the requirements to prohibit access to the pool. Third, that the cost to tear down the new fence and re-install the original fence was prohibitive. Fourth, and perhaps most importantly, that the original fence is not subject to the historic preservation regulations contained in Article 32, Title 7 of the Baltimore County Code. As you recall, expert testimony was offered relating to the precise wording of that statute; to wit, that the fence is not a "structure" as defined in § 32-7-101 (i.e. a building, bridge, tower, wall, tree, or rock formation). I will not repeat the lengthy argument/evidence offered in support of that position herein, other than to note that Mr. Matthews' letter unwittingly supports my argument. Specifically, his letter cites the authority of the LPC over the *construction and erection* of a fence in a historic district. However, Ms. Belt's case is not about the construction and/or the erection of the new fence necessary for enclosure of the pool, rather, the focus of the LPC's actions and HGI's concerns is the demolition of the original fence. Mr. Matthews' letter reflects the LPC's naiveté involving a fundamental issue; to wit, whether the removal of Ms. Belt's fence is an act regulated under Article 32-7 Title 7. I quite candidly believe that the LPC has not considered (or even allowed consideration) of this paramount issue, in its haste to move forward and placate the community. For now, the issue remains in your hands as to whether the original fence is subject to the historic preservation ordinance.

As you will recall, you graciously advised counsel for both sides (Ms. Belt and HGI) at the conclusion of the public hearing that the parties should discuss their differences and attempt to reach a settlement. You correctly surmised that in view of the issuance of the permit, the difficult legal analysis required, etc., that this case could be litigated for years. I appreciate that instruction and that you recall offering such advice at the conclusion of the hearing. Ms. Karlsen, at the LPC hearing on June 7, 2005, falsely advised the LPC that the

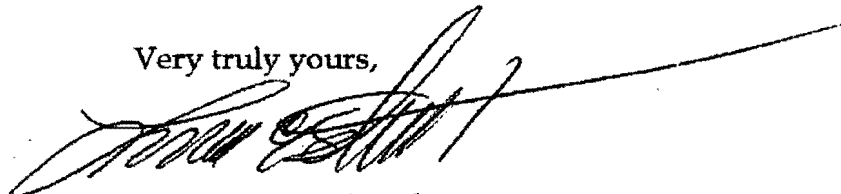
Hon. John (Jack) V. Murphy
July 22, 2005
Page 4

matter went before you in January (not April) and that you indicated that you would not order a decision until the LPC acted. Her assertions are simply untrue.

Since the hearing, I have both called and written to attorneys Carson and Jones; both of whom appeared at the hearing before you on behalf of HGI. I have left messages. I have never received the courtesy of a reply. At the recent LPC hearing, representatives of HGI advised that their counsel had been "fired," but I have received no independent confirmation of that assertion. As a member of the Bar, I am ethically precluded from negotiating with HGI directly until counsel's appearance has been stricken. I respectfully decline to negotiate through the press.

In conclusion, my client and I take great umbrage at our public vilification in this matter. The fact of the matter is that Ms. Belt filed for a permit fully disclosing that her property was in a "historic" district and that Baltimore County issued a permit authorizing the work. Additionally, with the concurrence of the Hearing Officer, a Petition for Special Hearing was filed to resolve all questions relating to this matter. That Petition raised the fundamental issues of whether Ms. Belt's fence was subject to the historic preservation ordinance, an issue which has never been addressed or resolved (only assumed). Finally, I have made unilateral good faith efforts institute a dialogue for settlement with HGI. My request has been ignored. At this point in time, I ask that you issue your decision and grant the Petition for Special Hearing for the reasons set forth herein, as more fully stated at the hearing.

Very truly yours,



Lawrence E. Schmidt

LES: sf

CC: James E. Matthews, Chairman, Landmark Preservation Committee
Timothy Kotroco, Department of Permits and Development Management
Jay L. Liner, Esquire
Robert Carson, Esquire
Gary Jones, Esquire
Kimberly Karlsen (HGI)
Kimberly Abe
David K. Gildea, Esquire

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
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A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

February 22, 2007

VIA TELEFAX & REGULAR MAIL

Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Suite 49
400 Washington Avenue
Towson, Maryland 21204

RE: Beverly H. Belt, Petitioner
Case No. 05-407-SPH
Joint Request for Continuance

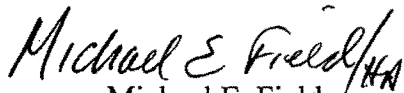
Dear Ms. Bianco:

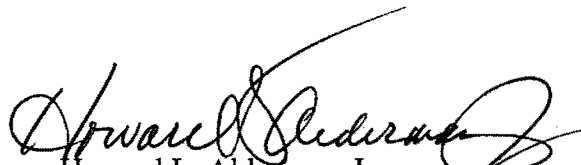
On behalf of my client, Beverly H. Belt, Petitioner, and Baltimore County, Maryland by Michael E. Field, Assistant County Attorney, we respectfully request that the Board place the above-referenced case on its inactive docket. Included in this request is the delay of submission of *Post Hearing* memoranda by the parties (presently due on February 26, 2007) and a cancellation of the Board's scheduled public deliberation of this case, presently set for March 22, 2007.

The parties have reached, in principle, an acceptable settlement. Mr. Field and I are working toward presenting the Board with a written settlement agreement in this matter. Certainly, if for some presently unknown reason the settlement efforts fall apart, we would request from the Board a new date for submission of memoranda and a new date for public deliberation.

Mr. Field has authorized me to sign this Joint Request on his behalf. Should you or any member of the Board need any additional information in consideration of this request please do not hesitate to call Mr. Field at 410-887-4420 or me at the number above.

Very truly yours,


Michael E. Field


Howard L. Alderman, Jr.

HLA/gk

c: Ms. Beverly H. Belt
Michael E. Field, Assistant County Attorney

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

March 10, 2006

HAND DELIVERED

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

RE: Two Waugh Avenue
Beverly H. Belt, Petitioner
Case No. 05-407-SPHA
Notice of Limited Appeal

**Stamp here and initial indicating date
appeal was filed:**

RECEIVED

MAR 10 2006

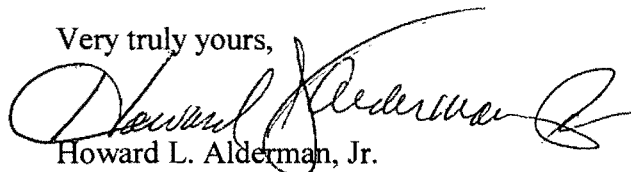
Per *amj*

Dear Mr. Kotroco:

On behalf of my client, Beverly H. Belt, Petitioner in the above-referenced Case, an appeal of only those portions of the February 8, 2006 decision of the Deputy Zoning Commissioner for Baltimore County **DENYING RELIEF** to the Petitioner is hereby noted to the County Board of Appeals for Baltimore County. This appeal does not include the relief that was APPROVED by the Deputy Commissioner. Ms. Belt is both aggrieved and a person feeling aggrieved by the Commissioner's decision. This appeal is authorized by *Baltimore County Code* §32-3-401 and I have enclosed this firm's check in the amount of \$400 as the requisite filing fee that representatives of your department advised would be charged. Obviously, this amount is different than that published on your Department's website in the County's Revised Fee Schedule (Effective January 1, 2003). If the enclosed fee is incorrect, please contact my office immediately so that the correct amount can be submitted.

Upon the docketing of this appeal, please transmit all required papers, exhibits and other evidence to the Board of Appeals. Should you or your staff need additional information to enable the prompt processing of this appeal, as always, do not hesitate to contact me at your convenience.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk
Enclosure

c: Ms. Beverly H. Belt
County Board of Appeals

32549

LEVIN & GANN, P.A. OPERATING ACCOUNT

ATTORNEYS-AT-LAW
502 WASHINGTON AVE., 8TH FLOOR
TOWSON, MD 21204

MERCANTILE SAFE DEPOSIT & TRUST COMPANY

POST OFFICE BOX 324
BALTIMORE, MARYLAND 21203-0324

7-61/520
0

03/09/2006

PAY TO THE ORDER OF Baltimore County, Maryland

\$400.00

Four Hundred Dollars and 00/100*****

DOLLARS



Baltimore County, Maryland

ATTORNEY OPERATING ACCOUNT

John B. Gann
Andrew P. Gann MP
AUTHORIZED SIGNATURE

MEMO

⑈032549⑈ ⑆052000618⑆ 0006716024⑈

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5005

DATE 3/10/06 ACCOUNT 001-006-6150

AMOUNT \$ 400.00

RECEIVED FROM: Howard L. Alderman, Jr.

FOR: Appeal #05-407 SPHA

Two Waugh Avenue

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

Robert J. Carson, P.A.
Attorney at Law
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050 (phone)
(410) 939-1007 (fax)

e-mail:
bobcarson@hdglegal.com

Baltimore Office:
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202
(410) 385-8130 or (410) 230-3800

September 27, 2006

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

Re: In the Matter of: Beverly H. Belt, Case No. 05-407-SPH

Dear Ms. Bianco:

On September 26 I received your notice that the hearing in this case was postponed until December 28. Enclosed you will find copies of my July 12 letter and Notice of Withdraw of Appearance showing that my appearance was withdrawn. I should no longer be shown as attorney of record or sent any notices.

Very truly yours,


Robert J. Carson

RJC/jlw
Enclosures

cc: Kimberley Karlsen, President
Historic Glyndon, Inc.
Kimberley Karlsen, Individually
4806 Butler Road
Glyndon, Maryland 21071
Mr. Gary R. Jones
c/o Baxter, Baker, Sidle, Conn & Jones, P.A.
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202-1643

Historic Glyndon/Bianco.ltr2

RECEIVED
SEP 28 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Robert J. Carson, P.A.
Attorney at Law
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050 (phone)
(410) 939-1007 (fax)

e-mail:
bobcarson@hdglegal.com

Baltimore Office:
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202
(410) 385-8130 or (410) 230-3800

July 12, 2006

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

Re: In the Matter of: Beverly H. Belt, Case No. 05-407-SPH

Dear Ms. Bianco:

Enclosed is a Notice of Withdraw of Appearance of Robert J. Carson as Counsel for Protestants in the above-described case which is presently before the Board of Appeals.

Very truly yours,

Robert J. Carson

RJC/jlw
Enclosure

cc: Howard L. Alderman, Jr., Esq.
Kimberley Karlsen, President
Historic Glyndon, Inc.
Kimberley Karlsen, Individually
4806 Butler Road
Glyndon, Maryland 21071
Mr. Gary R. Jones
c/o Baxter, Baker, Sidle, Conn & Jones, P.A.
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202-1643

Historic Glyndon/Bianco.ltr

IN RE:
PETITION OF BEVERLY H. BELT
FOR SPECIAL HEARING
Property: 2 Waugh Avenue,
Glyndon, MD 21071

BEFORE THE
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
CASE NO. 05-407-SPH

* * * * *

NOTICE OF WITHDRAW OF APPEARANCE BY
ROBERT J. CARSON AS COUNSEL FOR PROTESTANTS

Please note the withdraw of Robert J. Carson as counsel for Protestants in this case. Mr. Carson was engaged by Historic Glyndon, Inc. ("HGI") to serve as counsel for HGI and individual Protestants Kimberley Karlsen and Gary R. Jones in the case before the Deputy Zoning Commissioner of Baltimore County. Mr. Carson's engagement did not include (and expressly excluded) any representation of Protestants before the Board of Appeals. More than five days prior to this Notice, Mr. Carson mailed written notice to HGI, Kimberley Karlsen, and Gary R. Jones that he would be filing this Notice of Withdraw and advised them of their right to have other counsel enter his or her appearance in this case. Mr. Carson has been advised by HGI, Kim Karlsen, and Gary R. Jones that they have no objection to his Withdraw of Appearance.

Robert J. Carson
Robert J. Carson, P.A.
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050

Attorney for Protestants Historic Glyndon,
Inc., Kimberley Karlsen,
and Gary R. Jones

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July 2006, copies of the foregoing Notice of Withdraw of Appearance were mailed to Howard L. Alderman, Jr., Esq., Counsel for Appellant/Petitioner Beverly H. Belt, Nottingham Center, 502 Washington Avenue, Floor 8, Towson, Maryland 21204-4516, and to Protestants Historic Glyndon, Inc. and Kimberly Karlsen, 4806 Butler Road, Glyndon, Maryland 21078, and Gary R. Jones, 120 East Baltimore Street, Suite 2100, Baltimore, Maryland 21202-1643.

Robert J. Carson

MT
215

Robert J. Carson, P.A.
Attorney at Law
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050 (phone)
(410) 939-1007 (fax)

e-mail:
bobcarson@hdglegal.com

Baltimore Office:
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202
(410) 385-8130 or (410) 230-3800

March 29, 2005

RECEIVED

MAR 31 2005

ZONING COMMISSIONER

VIA FACSIMILE (410) 887-3468
AND BY FIRST CLASS MAIL

Hon. John Murphy
Deputy Zoning Commissioner
County Courts Building, Room 407
401 Bosley Avenue
Towson, Maryland 21014
Attention: Robin

Re: Petition for Special Hearing by Beverly H. Belt, Zoning
Commissioner of Baltimore County, Case No. 05-407-A

Dear Robin:

Transmitted to you herewith are the following:

1. My Entry of Appearance for Protestants. A copy of the Notice of Appearance is also being mailed to Petitioner's attorney of record, Sebastian A. Cross.
2. Subpoena to be issued to Timothy Dugan, Chief of Protective Services.

It is my understanding that you will kindly fax the subpoena to me after it has been signed by Deputy Zoning Commissioner Murphy.

With my appreciation for your assistance in the foregoing, I am

Sincerely yours,



Robert J. Carson

RJC/jlw

cc: C. Robert Loskot, Esq., Assistant County Attorney (all via fax)
Gary R. Jones, Esq.
Kimberley Karlsen, President
Historic Glyndon, Inc.

Enclosures

Historic Glyndon/Murphy.ltr

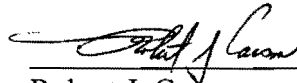
IN RE:
PETITION OF BEVERLY H. BELT
FOR SPECIAL HEARING
Property: 2 Waugh Avenue,
Glyndon, MD 21071

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO. 05-407-A

* * * * *

NOTICE OF ENTRY OF APPEARANCE OF COUNSEL
FOR PROTESTANTS HISTORIC GLYNDON, INCORPORATED ET AL.

Please enter the appearance of the undersigned as attorney for Protestants Historic Glyndon, Inc., whose mailing address is c/o Kimberley Karlsen, President, 4806 Butler Road, Glyndon, Maryland 21071; Kimberley Karlsen, individually, whose residence address is 4806 Butler Road, Glyndon, Maryland 21071; and Gary R. Jones, whose residence address is 17 Worthington Hill Drive, Glyndon, Maryland 21071.

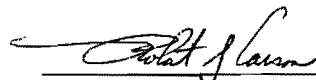


Robert J. Carson
Robert J. Carson, P.A.
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050

Attorney for Protestants Historic Glyndon,
Incorporated, Kimberley Karlsen,
and Gary R. Jones

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of March, 2005, a copy of the foregoing Notice of Appearance of Counsel was hand delivered to Sebastian A. Cross, Esq., Gildea & Schmidt, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, Maryland 21202, attorney for Beverly H. Belt.



Robert J. Carson

IN RE: PETITION FOR
SPECIAL HEARING BY
BEVERLY H. BELT
Property:
2 Waugh Avenue
Glyndon, MD 21071

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-407-A

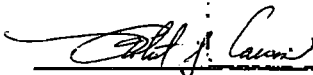
* * * * *

SUBPOENA

TO: Timothy Dugan
Chief of Protective Services
Office of Planning
401 Bosley Ave., S. 406
Towson, MD 21014

You are hereby summoned and commanded to be and appear personally
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore
County in Room 407, County Courts Building, 401 Bosley Avenue, Towson,
Maryland 21014

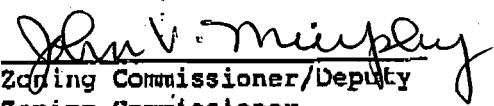
and to bring all records of Landmarks Preservation Commission relating to
above property and unauthorized removal of fence including without limitation
minutes of 10/14/04 LPC meeting 2005 at 9:00 a.m.
on the 5th day of April 2005, regarding the above captioned
case, for the purpose of testifying at the request of Kimberley Karlsen,
individually and as President of Historic Glyndon, Incorporated.


Robert J. Carson
Robert J. Carson, P.A.
345 Green Street
Havre de Grace, MD 21078
(410) 939-0050

Mr. Sheriff/Private Process Server:

Attorney for Historic Glyndon,
Incorporated, Kimberley Karlsen, et al.

Please process in accordance with Zoning Commissioner's Rule 2 (C). Protestants


Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

Robert J. Carson, P.A.
Attorney at Law
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050 (phone)
(410) 939-1007 (fax)

e-mail:
bobcarson@hdglegal.com

Baltimore Office:
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202
(410) 385-8130 or (410) 230-3800

May 9, 2005

RECEIVED

MAY 10 2005

ZONING COMMISSIONER

Hon. John V. Murphy
Deputy Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 05-407-SPH
Property: 2 Waugh Avenue

Dear Mr. Murphy:

Your May 3 letter to Mr. Carson was received today and I have placed it on Mr. Carson's desk for his review. Mr. Carson is out of the state and is expected to return to the office on May 16.

Sincerely yours,

Jennifer L. White

Jennifer L. White
Secretary to Robert J. Carson

RJC/jlw

cc: Lawrence E. Schmidt, Esq.
Kimberley Karlsen, President
Historic Glyndon, Inc.
Gary R. Jones, Esq.
Historic Glyndon/Murphy.ltr2

Robert J. Carson, P.A.
Attorney at Law
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050 (phone)
(410) 939-1007 (fax)

e-mail:
bobcarson@hdglegal.com

Baltimore Office:
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202
(410) 385-8130 or (410) 230-3800

May 20, 2005

Hon. John V. Murphy
Deputy Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
MAY 23 2005
ZONING COMMISSIONER

Re: Petition for Special Hearing
Case No. 05-407-SPH
Property: 2 Waugh Avenue

Dear Commissioner Murphy:

Receipt is acknowledged of your May 3 letter requesting advice as to the status of the discussions between the parties.

Gary Jones and Larry Schmidt have had one or more conversations concerning this matter, without my direct involvement. Moreover, it is my understanding that the directors of Historic Glyndon, Inc. have had at least one meeting in connection with the matter.

I spoke with Gary Jones last night who is in a protracted trial. He advised me that he will coordinate with the other Historic Glyndon, Inc. directors within the next few days and then get in touch with Larry Schmidt and you with respect to the status of the matter.

With best regards, I am

Respectfully yours,



Robert J. Carson

RJC/kah

cc: Lawrence E. Schmidt, Esq.
Kimberley Karlsen, President
Historic Glyndon, Inc.
Gary R. Jones, Esq.

Historic Glyndon/Murphy.ltr2

Robert J. Carson, P.A.
Attorney at Law
345 Green Street
Havre de Grace, Maryland 21078
(410) 939-0050 (phone)
(410) 939-1007 (fax)

e-mail:
bobcarson@hdglegal.com

Baltimore Office:
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202
(410) 385-8130 or (410) 230-3800

May 31, 2005

VIA EMAIL

Kimberley Karlsen, President
Historic Glyndon, Inc.
4806 Butler Road
Glyndon, Maryland 21071

Re: Petition for Special Hearing
Case No. 05-407-SPH
Property: 2 Waugh Avenue

Dear Kim:

You have requested that I provide you with a brief summary of the proceeding before Deputy Zoning Commissioner John V. Murphy on April 5. It is my understanding that Historic Glyndon, Inc. ("HGI") is requesting the Landmarks Preservation Commission to take appropriate action with respect to Mrs. Belt's failure to submit a Historic Permit Application and to re-install the historic fence, and that a copy of my letter will be provided to the Commission together with Historic Glyndon's request for appropriate action to be taken.

The April 5 hearing was held in connection with Mrs. Belt's Petition for Special Hearing "To verify the existence of pool enclosure and location of pool/fence on property conformed with the Baltimore County Zoning Regulations and for such other/further releases may be required... to approve the existing pool and fence." During the hearing it became apparent that the Petitioner, Beverly H. Belt, was also requesting a variance with respect to the location of the pool in her side yard. Additionally, Mrs. Belt's counsel Lawrence Schmidt took the position that Article 32, Title 7 of the Baltimore County Code titled Historic and Architectural Preservation did not apply to the demolition and removal of the historic fence because it was not a "structure" within the meaning of Title 7.

On the other hand, HGI and a number of residents from the Glyndon community strongly oppose the Petition. Their position is that a variance should not be granted because Mrs. Belt's problem was caused by her own fault in proceeding with the removal of the historic fence without a certificate of appropriateness or a notice to proceed from the Commission. Moreover, HGI and the individual opponents take the

Jm

HISTORIC GLYNDON INCORPORATED
BOX 3641
GLYNDON, MD
21071

RECEIVED

JUN 10 2005

ZONING COMMISSIONER

June 1st, 2005

Dear Sirs,

I am forwarding to you minutes from the Landmarks Preservation Commission hearing last October 14th 2004 re 2 Waugh Avenue re the unlawful removal of a historic wrought iron perimeter fence as well as a synopsis of the Zoning Hearing case 05-407-SPH before Deputy Zoning Commissioner Murphy on April 5th re this issue.

As you are aware last June 2004 HGI noticed a historic fence being removed from a property within the boundaries of Historic Glyndon. We alerted Landmarks Preservation Commission and asked for a stop work order until a time when a Landmarks Hearing would take place. Historic Glyndon, Incorporated (HGI) has a history of compliance with the Landmarks Preservation Commission and its values, rules and guidelines and in this instance followed the recommended guidelines to the letter. HGI and its members believe very strongly that the fence was removed unlawfully and are very concerned that HGI seems to be caught in a beaurocratic 'tug of war' between Landmarks Preservation Commission jurisdiction and Baltimore County Zoning Commission jurisdiction re who has final decision on the 2 Waugh Avenue fence issue. HGI has followed the rules - we have done what we are supposed to - according to parameters from both Landmarks Preservation and Zoning Commissions and HGI is a strong proponent of Glyndon residents obeying historic district rules. Cutting down an elaborate historic wrought iron fence located on a property for virtually 100 years is not obeying the rules. Failure to enforce LPC's October 2004 decision is going to invite owners in historic districts to begin to make more unlawful changes putting not only Historic Glyndon but all other Historic Districts in Baltimore County at risk.

It is very disconcerting to HGI to be caught in the middle of enforcement issues between departments in Baltimore County Government. Again, I stress that HGI has followed all rules and guidelines enforceable re this fence issue, alerting LPC re 2 Waugh Avenue, filing the proper stop work orders, filing the proper petitions, attending the requisite hearings, retaining council where necessary all at our own time, effort and personal expense to follow this issue through. To have this precedential issue being argued by two different commissions to see who has final jurisdiction does HGI no good. The issue at hand ultimately is that within an important National Register and Baltimore County Historic District, a historic and ornate wrought iron fence was unlawfully removed and needs to be replaced in its original condition and if this is not possible an exact replica be installed.

I was to represent HGI at the May LPC hearing but was suddenly unable to attend due to the sudden onset illness of my one year old. I had no one lined up in my absence to attend and I am very sorry for this. HGI and its membership will be in full attendance at the June 9th LPC hearing to have our questions addressed and hopefully answered both from the October hearing re decisions made there and also from the zoning hearing last April. HGI wanted to get all of this pertinent information out to



Page 2 cont'd

you in advance so that you are aware of the events leading up to next Thursday and the ultimate confusion to HGI on why it is so difficult to get a ruling on this case.
Thank you so much for your time and we look forward to justice prevailing in this precedent setting case.
Sincerely,

Kimberley Karlsen
President, Historic Glyndon, Incorporated

cc. Mr. Tim Duggan
Ms. Kimberley Abe
Ms. Vicki Nevy
Mr. Charles Locke
Mr. T. Bryan McIntire
Mr. James Smith
Mr. James H. Thomson
Mr. Timothy Kotroco
Mr. Q. Syed
Mr. James Stevens
Mrs. Norma Secoura
Mr. Milton Schnitzker
Mr. Thomas Reynolds
Ms. Sharon Paul
Ms. Wendy McIver
Mr. James Matthews
Mr. John Hill
Mr. Edward Hardenster, Jr.
Mr. Edward Griffith
Mr. Steven Fedder
Mr. Louis Siggs
Ms. Sandra Caslin
HGI Board Members et al.

HISTORIC GLYNDON INCORPORATED
BOX 3641
GLYNDON, MD
21071

October 5th, 2007

Bair County Board of Appeals
Old Courthouse Building
400 Washington Avenue Room 49
Towson, MD 21204

Dear Court of Appeals,

Historic Glyndon Incorporated would like to formally request a transcript of the minutes from CASE#: 05-407-SPH in the matter of: Beverly H. Belt. Could a transcript of the Appeals Hearing please be forwarded at your earliest convenience to the following address: 4806 Butler Road, Glyndon, MD 21071.

Thanks you in advance for your timely assistance.

Sincerely,



Kimberley Karlsen
Immediate Past President, Historic Glyndon, Incorporated

cc.

Ms. Vicki Nevy
Mr. T. Bryan McIntire
Mr. Timothy Kotraco
Mr. James Matthews

HISTORIC GLYNDON INCORPORATED
BOX 3641
GLYNDON, MD
21071

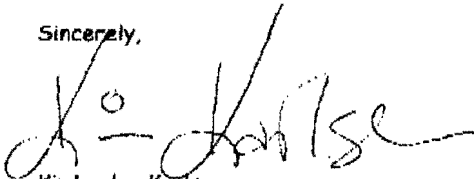
February 8th, 2006

Hon. John (Jack) V. Murphy
Deputy Zoning Minister
Baltimore County
401 Bosley Avenue
4th Floor
Towson, MD 21204

Dear Mr. Murphy,

As you well know, Historic Glyndon, Incorporated, has been in negotiation with Lawrence E. Schmidt, Esq. and Beverley Belt regarding some form of compromise to the 2 Waugh Avenue fence issue as per your request at your zoning hearing in April 2005. We have met on numerous times and both sides have put forth solutions which have not been termed acceptable. Historic Glyndon realizes that this has drawn on for some time, but this issue, while some say is simply a fence violation issue, has many more consequences for not only Historic Districts within Baltimore County, but Maryland wide. We have thought long and hard about a compromise that would respect the historic integrity of the Landmarks decision in both October 2004 and June 2005. We are also influenced, as I am sure you are, by bill 65-05 which Mr. T. Bryan McIntire, Councilman had passed in legislative session 2005 regarding fencing regulations within Historic Districts within Baltimore County. We have discussed our differences and attempted to reach a settlement which you did ask us to try for and to no avail. At this time Historic Glyndon, Incorporated is asking that you issue and release your decision on this matter to the parties involved.

Sincerely,



Kimberley Karlson
President, Historic Glyndon, Incorporated

cc. Bryan McIntire
Lawrence E. Schmidt

From: Linda Fliegel
To: Kathleen Bianco
Date: 10/6/2006 3:00:06 PM
Subject: Beverly Belt

Kathi,

An attorney by the name of Robert J. Carson called around 3:00 today. Mr. Carson said that he had withdrawn his appearance in case no. 05-407-SPH, with his clients consent, some time ago and he wanted to make sure that he no longer receives any correspondence on the matter. If you need to contact him, for whatever reason, his number is (410)939-0050.

L

Linda Fliegel - Butler Road and Waugh Ave (Beverly Belt)

From: Nancy West
To: Fliegel, Linda
Date: 08/28/06 2:55 PM
Subject: Butler Road and Waugh Ave (Beverly Belt)
CC: Field, Mike

Linda,

Would you please see that a copy of the hearing notice in the above case is sent to my colleague, Mike Field? The case has to do with an historic fence in Glyndon on appeal from the Zoning Commissioner.
Thanks Linda.

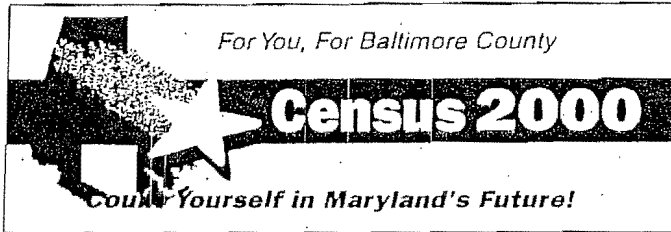
Nancy C. West
Assistant County Attorney
Baltimore County Office of Law
Courthouse, 2nd Floor
400 Washington Avenue
Towson, Maryland 21204
Tel.: 410.887.4420
Fax.: 410.296.0931

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.



FAX COVER SHEET



Date:

Sept. 6, 2006

Number of Pages including cover sheet:

2

To:

Kim Karlsen

Phone:

Fax # *(410) 526-2535*

c:

From:

Linda Mezil

County Board of Appeals

400 Washington Ave., Rm. 49

Towson, MD 21204

Phone: (410) 887-3180

Fax # (410) 887-3182

REMARKS:

☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please comment

*Please confirm receipt of this fax.
Additionally, I still have not rec'd
your e-mail.
I apologize for the inconvenience.*



Census 2000



For You, For Baltimore County



Census 2000



Answers to your questions:

1. Is the hearing scheduled for October 4th *de novo*? Yes. *De novo* means that it is heard a new before the Board.
2. Who decides which type of hearing? The type of hearing is determined by law. All are *de novo* with the exception of Development Plans, Animal Hearing Board and Code Enforcement/Fence. These cases are on the record.
3. Is the Petition appealing the DZC's Findings of Fact and Conclusion of Law...? The Petition can appeal whatever the DZC ruled against her in his Findings of Facts and Conclusion of Law. She can only appeal what was denied/restricted.
4. If we do not have legal counsel for the appeals hearing, who do we need at the hearing representing us? You need to have the Rule 8 papers completed and in the Board of Appeals no later than the morning of the hearing. The Rule 8 papers can be found on Baltimore County's website under Board of Appeals. These papers show who the community association has designated, and is in agreement, to have speak on their behalf.



Sudbrook Park Inc.

722 Howard Road
Pikesville, MD 21208
April 4, 2005

By fax to 410-887-3468

John V. Murphy, Esq.
Deputy Zoning Commissioner
for Baltimore County
401 Bosley Avenue, 4th flr.
Towson, MD 21204

Re: Case No. 05-407A, Petition for Special Hearing, Glyndon Historic District

Dear Commissioner Murphy:

We are extremely concerned about the unauthorized removal at 2 Waugh Avenue in the Glyndon Historic District of an historic iron fence. We support Historic Glyndon, Inc. in its opposition to this unapproved change and urge you to enforce the decision of the Baltimore County Landmarks Preservation Commission (LPC) that the fence, which was unlawfully removed, be put back in its original condition.

Sudbrook Park, one of Baltimore County's nine historic districts, has a strong interest in the enforcement of the LPC's decision and the outcome of this case. Failure to enforce the LPC's October 2004 decision would invite any owner in any historic district to make inappropriate and flagrantly unlawful changes, thus putting the historic integrity of each of the county's districts (including our own) at risk. Such a result also would blatantly violate laws and regulations passed by the County Council to protect and preserve Baltimore County's Historic Districts for the benefit of all citizens.

Glyndon is an important National Register and Baltimore County Historic District; its historic significance must not be compromised or eroded by permitting violations such as this to stand. We urge you to uphold and enforce the LPC's decision and require the fence to be put back in its original condition (or if that is not possible for any reason, require that an *exact replica* be installed). If necessary to motivate compliance, applicable regulations authorize you to impose stringent fines (up to \$1,000/day) until the fence is replaced.

Sincerely,

Charles Locke/nda

Charles Locke, Chair and
Members of the Sudbrook Park Landmarks Committee

cc: Kim Karlsen, President, Historic Glyndon, Inc.

*Sudbrook Park was designed by Frederick Law Olmsted, Sr. in 1889.
Historic Sudbrook Park is on the National Register of Historic Places and is a Baltimore County Historic District.*



9/2/09

Maureen:

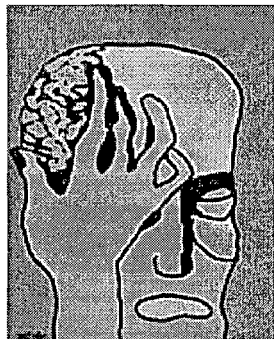
This case was heard, but never Deliberated. The Deliberation was PP over 2 years ago. (Yes, this was in the PP file cabinet) A 30 day dismissal letter was issued. Mr. Alderman no longer represent Ms. Belt.

Ms. Belt has sent a letter that she does not want the appeal to be dismissed. The panel was Grier, Witt and Mohler. There are no transcripts in the file.

Can we proceed and schedule the deliberation with Closing Memos as indicated in the PP notice, with 2 current panel members and a third (with only the Memo)?

Please let me know. Thank you.

T



Dismiss
LOP

05-407-SPH

5/22/09 Status letter to Mr. Field and Mr. Alderman. Follow up 6/15/09

place

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND
U.S. COURTHOUSE, SUITE 4625
101 W. LOMBARD STREET
BALTIMORE, MARYLAND 21201

SUMMONS FOR JURY SERVICE



AO 220B (9/01)
101804

PLEASE READ
FURTHER
INSTRUCTIONS IN
THE INFORMATION
INCLUDED WITH THIS
SUMMONS.

TO: Participant Number: **100750999**

BEVERLY H BELT
2 WAUGH AVE
GLYNDON, MD 21071

PLEASE BRING THIS UPPER
SECTION WITH YOU WHEN
YOU REPORT FOR JURY
DUTY

DETACH AT PERFORATION FOR JUROR BADGE

JUROR

UNITED STATES DISTRICT COURT



100750999

THE COURT SUMMONS YOU TO APPEAR FOR JURY DUTY BEGINNING ON THE
DATE, TIME AND PLACE SHOWN BELOW.

101 W. LOMBARD STREET, SUITE 4625
BALTIMORE, MD 21201

LOCATION:

**** Tentative Reporting Dates:**

Tuesday, September 1, 2009 - 8:30 a.m.

Tuesday, September 8, 2009 - 8:30 a.m.

Monday, September 14, 2009 - 8:30 a.m.

Monday, September 21, 2009 - 8:30 a.m.

Monday, September 28, 2009 - 8:30 a.m.

DATE:

TIME

0080

JUROR NUMBER:

1-866-277-3073 (After 6:00 p.m.)

PHONE NO. TO CALL:

OR 410-962-3339

**Privacy Act Statement: Your social security number is requested on a voluntary basis under authority of sections 6041, and 6109 of the Internal Revenue Code. If you earn more than \$600 in compensation as a juror, the court must inform the Internal Revenue Service using your social security number, and it is helpful to get your number now. Failure to provide your social security number at this time will not disqualify you from serving as a juror, but it may delay jury service payments to which you become entitled.

7/26/05

Te Carson → Faking heavy letter to Gary Jones - Glyndon today

← want to respond
no on going discussion now on

settlement

— give him 1 week to see what his clients
want to do — if don't hear — issue
ruling

PLEASE PRINT CLEARLY

CASE NAME 9 Waugh Ave (Beef)
CASE NUMBER 05-407-SPHA
DATE 4/5/05

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
* Kim KARLSEN	4806 BUTLER RD.	GLYNDON MD 21071	perandkim@aol.com.
* GARY R JONES	17 WORTHINGTON HILL DR.	Glyndon md 21071	G JONES @ BBSCLAW.COM
* Eleanor Taylor	16 " " "	" " "	
* Mark Clements	200 Central Ave.	Glyndon 21071	
* Barbara Whitman	4702 Butler Rd.	Glyndon 21071	
Richard Stanley	215 Central Ave.	Glyndon MD 21071	Swisstrix@earthlink.net
Robert S. Torkelson	4805 Butler Rd.	Glyndon, MD 21071	
Jeann R. Thure	4802 Butler Road	Glyndon, MD 21071	
Jan A. Messinger	14 Chatsworth Ave	Glyndon, MD 21071	
Randy Quinn	18 Chatsworth Ave	Glyndon, MD 21071	
CHARLES WELSH	4601 PROSPECT AVE.	Glyndon MD 21071	
Frances M. Acle	4606 Prospect Ave.	Glyndon MD 21071	Franacle@aol.com
MARK JOHNSON	342 CENTRAL AVE.	" " "	
Eileen W. Wuerthele	32 Waugh Avenue	Glyndon, MD 21071	Re 5247@comcast.net
Nank Kestner	111 Central Ave	Glyndon, MD 21071	NANK@MSN.COM
Pamela White	11 Worthington Hill Dr	Glyndon, MD 21071	pamelasgarden@hotmail.com
Anna Weese	4601 Prospect Ave	Glyndon MD 21071	Prospect 1990@msn.com

2 ways up
CASE NAME BEIT
CASE NUMBER 05-407
DATE 4/5/05
LET

4/5/05

[illegible]

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

Code Enforcement - Daily Worksheet

Inspector - Garland

Area Case # Location Apt Zip Date Rec Reinsp Dt
017 04-5797 2 WAUGH AVE 21136 6/28/2004 8/23/2004

Tax Acct #: 0412040900

Owner: BEVERLY H BELT, SAME AS ABOVE, 21136-3808

Complainant Name: (Last) REISINGER (First) J
Addr:

Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work) 4585

Problem: TORE DOWN HISTORICAL FENCE & IS BUILDING A 42" WOODEN FENCE, ISSUED STOP WORK ORDER FOR NEW FENCE AND APPLY FOR REMOVAL PERMIT IN HISTORIC FENCE IN HISTORICAL DIST.

Notes:

GET BACK TO JREISINGER

6/29/04, ISSUED STOP WORK ORDER FOR REMOVAL AND INSTALLATION OF FENCE IN HISTORICAL DISTRICT, POSTED AND MAILED NOTICE, ALSO THERE IS A NEW INGROUND POOL, COMPLAINT UPDATED, P/U 7/6/04 KW/WD

7/7/04, GIVE TIME TO APPLY FOR FENCE PERMIT AND FOR THE HISTORICAL COMM TO APPROVE CHANGES, ANONYMOUS COMPLAINT, P/U 8/03/04 KW/WD 08/04/04

REFERRED TO BLDG REGARDING POOL PLACEMENT AND FENCE HEIGHT, PER RSW**08/10/04 M/N H/OWNER @ SITE-STATES THEY HAVE MEETING W/LANDMARK PRESERVATION COMM. IN SEPT. FOR FENCE DESIGN & LOCATION. ISSUED VIO. NO. TO OBTAIN PER. FOR POOL IN SIDE YD. LOCATION & TO PROVIDE TEMP. POOL ENCLO.-ALSO TO MEET CURRENT HISTORICAL & BLDG. CODE REQUIREMENTS FOR FENCE. P/U 08/23/04. J.GARLAND/KH.***

8.26.04 spoke w/ Mr. Reisinger - states he confirmed Hearing set w/ Landmark preservation Comm. on Sept. 9th with Beverly Belt. Set for Hearing to obtain proper Permits for Pool location & Fence

P/U Date	Closed Date			Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

installation - No attempt have been made to resolve this issue @ this time - Civil citation issued Hearing set for 10.12.04 R.C. 10.10.04

Inspector -

GARLAND

Area Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017 04-5797	2 WAUGH AVE		21136	6/28/2004	9/10/2004

Tax Acct #: 0412040900

Owner: BEVERLY H BELT, SAME AS ABOVE, 21136-3808

Complainant Name: (Last) REISINGER (First) J
 Addr:

Str #	Dir	Street Name	Type	Apt
		City	ST	Zip
Phone: (Home)		(Work)		4585

Problem: TORE DOWN HISTORICAL FENCE & IS BUILDING A 42" WOODEN FENCE,
 ISSUED STOP WORK ORDER FOR NEW FENCE AND APPLY FOR REMOVAL
 PERMIT IN HISTORIC FENCE IN HISTORICAL DIST.

Notes:

GET BACK TO JREISINGER

**6/29/04, ISSUED STOP WORK ORDER FOR REMOVAL AN
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 SIDE YD. LOCATION & TO PROVIDE TEMP. POOL ENCLO.-ALSO TO MEE
 T CURRENT HISTORICAL & BLDG. CODE REQUIREMENTS FOR FENCE.
 P/U 08/23/04. J.GARLAND/KH.*** **8/31/04, CITATION SENT CE
 RT & REG MAIL TO BEVERLY BELT, 2 WAUGH AVE, GLYNDON MD 21136
 , P/U 9/10/04 TO CHECK FOR SERVICE, JAMES GARLAND/CP***

**9/8/04 ON DOCKET FOR 10/12/04 FILE TO J. GAR
 LAND. /JF**.

*09/10/04 GREEN CARD RETURN

ED.GAVE TO J GARLAND LRS***

9.14.04 Mr. Resinger, spoke w/ Beverly Belt.
 Lawyer & confirmed they received notice for
 hearing & are working w/ zoning etc.
 to obtain permits. R.C. 10.11.04



Baltimore County
Department of Permits and
Development Management

Code Inspection and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 04-5797 Property No. 04-12-040900 Zoning:

Name(s): Beverly Belt

Address: 2 WAUGH AVE GYNDON MD. 21136

Location: SAME - 2 WAUGH AVE

Violation Dates: 8-10-04 Through 8-25-04

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

Balt. County Council Bill Sec. 136-101
Failure to provide Swimming Pool Enclosures
T.R.C. AG. 165.8 - Permit Required to
Construct & Replace Historic Fence around
Perimeter of Building T.R.C. 2000
BCZR 101, 102.1, 400 Swimming Pool
Location (side Yard) revise Permit B546631

Pursuant to Section 1-8, Baltimore County Code, a civil penalty
has been assessed, as a result of the violation cited herein, in
the amount indicated:

\$ 3,000.00

A quasi-judicial hearing has been pre-scheduled in Room 116,
111 West Chesapeake Avenue, Towson, Maryland, for:

Date: 10-17-04

Time: 9:00 A.M.

Citation must be served by:

Date: 9-10-04

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true
and correct to the best of my knowledge, information, and belief.

Print Name: JAMES GARLAND

Date: 8-27-04 Inspector's Signature: James Garland

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND



Baltimore County
Department of Permits and
Development Management

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

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 04-5797	Property No. 0412040900	Zoning:
Name(s): Beverly H. Belt		
Address: 2 WAUGH Ave		
Violation Location: SAME		
Violation Dates: 8.10.24 Through 1.11.05		

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

Balt. County Council Bill Sec. 136-101
Failure to Provide Swimming Pool Enclosure
I.R.C. AG 105.1 - Permit Required to Construct
& Replace Historic Fence Around perimeter of
Building - I.R.C. 2000 BCZR 101, 102.1, 400
Swimming Pool location (side yard) must
Revise Permit B 546631 to reflect location

Pursuant to Section 1-8, Baltimore County Code, a civil penalty
has been assessed, as a result of the violation cited herein, in
the amount indicated:

\$ **30,800.00**

A quasi-judicial hearing has been pre-scheduled in Room 116,
111 West Chesapeake Avenue, Towson, Maryland, for:

Date: **1.11.05**
Time: **9:00 A.M.**

Citation must be served by:

Date: **12.13.04**

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true
and correct to the best of my knowledge, information, and belief.

Print Name: **JAMES GARLAND**

Date: **11.26.04** Inspector's Signature: *James Garland*

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: X	Citation/Case No.: 04-5797
Address:	

Date: **X** Defendant's Signature: **X**

VIOLATION SITE

Case # 04-5797

CONTINUED

04-5797 9/14/04 CONTINUED. THEY ARE WORKING W/ZONING ETC. T
O OBTAIN PERMITS. P/U 10/11/04 J.GARLAND/NS***

~~10/12/04~~ THIS CASE SET FOR HEA
RING ON 10/12/04 HAS BEEN POSTPONED TO LATER DATE PER DIRECT
OR & R.S.W. P/U 11/23/04 J.GARLAND/NS***

11/24/04 SPOKE W/MR.REISINGER. STATES OWNER HAS FA
ILED TO MAKE APPLICATION WITH LANDMARK PRESERVATION COMMISSI
ON. RESET FOR HEARING (1/11/05). P/U 1/7/05 J.GARLAND/NS***

**11/29/04 ON DOCKET FOR 1/11/05 FILE TO J GARLA
ND /JF**.

Pool Permit - B546631

P/U Date		Closed Date		Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Beverly Belt, Defendant

Case # 04-5797 Violation Address 2 Waugh Ave Zip 21136

Hearing Date 10/12/04 Issued Date 8/27/04 Expiration Date 9/10/04

Author of Citation JAMES GARLAND

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

☒ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

☐ A Citation and all other papers filed with it were served by personal delivery to _____
Individual or agent served

At this address _____ Zip _____ on ____/____/____ a.m./p.m.
Date Time

Description of Person Served: Race _____ Sex: M F Height: _____ ft. _____ in. Wt. _____ lbs.
Age: _____ yrs. Other: _____

Telephone verification of citation acknowledgment from _____ on ____/____/____

I was unable to serve:

1st Attempt ____/____/____ a.m./p.m. because _____ Initials _____
2nd Attempt ____/____/____ a.m./p.m. because _____ Initials _____
3rd Attempt ____/____/____ a.m./p.m. because _____ Initials _____

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

111 W. Chesapeake Ave. Towson, MD 21204
Server's Address

410-887-3351
Telephone

JAMES GARLAND
Server's Name (Print)

9.3.04
Date

[Signature]
Server's Signature

TIME: 15:24:16 AUTO D PERMIT TRACKING SYSTEM LAST UPDATE 02/19/2004
DATE: 06/29/2004 GENERAL PERMIT APPLICATION DATA PLX 13:13:59

PERMIT #: B546628 PROPERTY ADDRESS .
RECEIPT #: A490317 2 WAUGH AVE
CONTROL #: MR SUBDIV: NE COR BUTLER RD
XREF #: B546628 TAX ACCOUNT #: 0412040900PT DISTRICT/PRECINCT 04 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 65.00 NAME: BELT BEVERLY
PAID: 65.00 ADDR: 2 WAUGH AVE MD 21071
PAID BY: APPL

DATES

APPLICANT INFORMATION

APPLIED: 02/19/2004 NAME: GEARIE BOWMAN
ISSUED: 02/19/2004 COMPANY: ELITE POOLS
OCCPNY: ADDR1: 3525 E JOPPA RD
ADDR2: BALT MD 21234

INSPECTOR: 04R PHONE #: 410-663-7976 LICENSE #: 120706

NOTES: AKT

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY



1.10.2005 *A.*

ZONING VARIANCE CASES

<u>N</u> G. Berry	<u>N</u> T. Kidd
<u>N</u> E. Ecker	<u>N</u> R. Larrick
<u>Yes - #2 Waugh Ave.</u> Garland	<u>N</u> B. Maddox
<u>N</u> P. Hohne	<u>N</u> L. Mayer
<u>N</u> G. Hucik	<u>N</u> C. Profili
<u>N</u> J. Kemp	<u>N</u> D. Rohlfis
<u>N</u> G. Kidd	<u>N</u> H. Rowe

Please check over the following Zoning Hearings to let me know if there are any outstanding violations. Simply note a N (no), or if yes, the violation address in the space next to your name. I will need copies of everything in the file or correction notices, if there is no file, to send to the Zoning Commissioner, along with the form filled out (found on my desk).

Thank you.

Karen Hopkins

TIME: 07:08:20 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/19/2004
DATE: 08/11/2004 GENERAL PERMIT APPLICATION DATA PLX 13:13:59

PERMIT #: B546628 PROPERTY ADDRESS
RECEIPT #: A490317 2 WAUGH AVE
CONTROL #: MR SUBDIV: NE COR BUTLER RD
XREF #: B546628 TAX ACCOUNT #: 0412040900PT DISTRICT/PRECINCT 04 01

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PAID BY: APPL

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NOTES: AKT

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

PANEL BP1004M

TIME: 07:08:37 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/19/2004
DATE: 08/11/2004 BUILDING DETAIL 1 PLX 13:17:31

PERMIT # B546628 PLANS: CONST PLOT 1 PLAT DATA EL 2 PL 2
TENANT
BUILDING CODE: CONTR: ELITE POOLS
IMPRV 1 ENGR:
USE 1 SELLR:

FOUNDATION BASE WORK: CONSTRUCT DETACHED SHED 10'X6'=60SF ON REAR
YARD OF EX SFD TO BE USED FOR STORAGE OF POOL
CONSTRUC FUEL SEWAGE WATER FILTER EQUIPMENT; ACCESSORY STRUCTURE LETTER
1E 1E ATTACHED; SHED WILL STRADDLE LOT LINE PER DT

CENTRAL AIR

ESTIMATED COST

500.00 PROPOSED USE: SFD & SHED

OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS:

PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

PANEL BP1005M

TIME: 07:08:48 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/19/2004
DATE: 08/11/2004 BUILDING DETAIL 2 PLX 13:17:31

PERMIT #: B546628 BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR: 60SF SIZE: 208219F
WIDTH: 6' FRONT STREET:
DEPTH: 10' SIDE STREET:
GARBAGE DISP: HEIGHT: 5' FRONT SETB: NC
POWDER ROOMS: STORIES: 1 SIDE SETB: 158' / 10'
BATHROOMS: LOT NOS: SIDE STR SETB:
KITCHENS: CORNER LOT: REAR SETB: 75'

ZONING INFORMATION

DISTRICT: BLOCK: ASSESSMENTS
PETITION: SECTION: LAND: 0054200.00
DATE: LIBER: 000 IMPROVEMENTS: 0139680.00
MAP: FOLIO: 000 TOTAL ASS.:



Baltimore County
Department of Permits and
Development Management

Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement:
Building Inspection:

410-887-3354
410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 04-5797	Property No. 04-12-040900	Zone DR
------------------------------	------------------------------	------------

Name(s): Beverly Bell

Address: 2 Waugh Ave. Glyndon, MD

Violation: Same
Location: 21136

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC-22-1-22-2, 26-542
FRC-105.1, R-114.1

- 1) Stop all work on installation of new fence.
- 2) Apply for permit for demolition of old fence.
- 3) Apply for permit for new fence, pool, etc.

Permits are required for all work in a Historical District.

3 ft. with shop
6 ft. with edge
blum

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR: STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than: <u>immediately</u>	Date Issued: <u>6-29-04</u>
---------------------------------------	--------------------------------

INSPECTOR: Kimberly Wood

VIOLATION SITE



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3820

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 04-3797	Property No. 0447040900	Zone: Zone 1
-------------------------------------	-----------------------------------	------------------------

Name(s): **Berkeley H. Balt**

Address: **2 Waugh A Ave**

Violation: **SAME**

Location: **SAME**

TO: **DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:**

Balt. County Code - (Provide Temp. Enclosure)

Sec. 403

MUST FILE FOR PERMIT

Can't start Fence

Perimeter of Property & must

the Historical Society or

Balt. County Building Eng. - etc

Requirements -

Balt. County Council Bill - SEC. 136-101

Swimming Pool Enclosure's -

I.R.C. 2000 - Swimming Pool Permit

showing side Yard Location

SEC. 105.1

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: **8.24.04**

Date Issued: **8.10.04**

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR

EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER

VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **JAMES GARLAND**

INSPECTOR: **[Signature]**

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than: **[Blank]**

Date Issued: **[Blank]**

INSPECTOR: **[Blank]**

VIOLATION SITE

410-234-0073
410-234-0072



Baltimore County
Department of Permits and
Development Management

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

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 04-5797 Property No. 04-12-040900 Zoning:

Name(s): Beverly Beit

Address: 2 W 24th Ave Glyndon Md 21136

Violation Location: SAME - 2 W 24th Ave

Violation Dates: 8-10-04 Through 8-25-04

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

Balt. County Council Bill Sec 156-101
Failure to provide Swimming Pool Enclosure
I.R.C. AG 105.8 - Permit Required to
Construct & Replace Historic Fence around
Perimeter of Building I.R.C. 2000
BCZR 101, 102.1, 400 Swimming Pool
Location (side Yard) revise Permit B546651

Pursuant to Section 1-8, Baltimore County Code, a civil penalty
has been assessed, as a result of the violation cited herein, in
the amount indicated:

\$ 3,000.00

A quasi-judicial hearing has been pre-scheduled in Room 116,
111 West Chesapeake Avenue, Towson, Maryland, for:

Date: 10-12-04

Time: 9:00 A.M.

Citation must be served by:

Date: 9-10-04

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true
and correct to the best of my knowledge, information, and belief.

Print Name: JAMES GARLAND

Date: 8-27-04 Inspector's Signature: James Garland

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: X Citation/Case No.: 04-5797

Address: X

Date: X Defendant's Signature: X

VIOLATION SITE

470234 0072

CASE NO. 04-5797

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Beverly H. Belt, Defendant

Hearing Date 1.11.05 Issued Date 11.26.04 Expiration Date 12.13.04

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

☐ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

☒ A Citation and all other papers filed with it were served by personal delivery to Beverly H. Belt
Adult person's name

2 WAUGH Ave, on 11.26.04, at 10:00 a.m.
At this address Date Time

Description of person served: Race _____ Sex FEMALE Height _____

Weight _____ Age _____ Other _____

☐ The premises at _____ were posted.

☐ I was unable to serve because _____

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

James H. Holland Signature Bldg. Insp. Title
BALT. County Chesapeake Ave Address 3953 Telephone No.

11.26.04 Date 10:00 a.m. Time

TIME: 15:24:45
DATE: 06/29/2004

AUTOMATED PERMIT TRACKING SYSTEM
GENERAL PERMIT APPLICATION DATA

LAST UPDATE 04/16/2004
PLX 14:08:10

PERMIT #: B546631 PROPERTY ADDRESS.
RECEIPT #: A490317 2 WAUGH AVE
CONTROL #: RS SUBDIV: NE COR BUTLER RD
XREF #: B546631 TAX ACCOUNT #: 0412040900PT DISTRICT/PRECINCT 04 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 35.00 NAME: BELT BEVERLY
PAID: 35.00 ADDR: 2 WAUGH AVE MD 21071
PAID BY: APPL

DATES

APPLICANT INFORMATION

APPLIED: 02/19/2004 NAME: GEARIE BOWMAN
ISSUED: 02/19/2004 COMPANY: ELITE POOLS
OCCPNY: ADDR1: 3525 E JOPPA RD
ADDR2: BALT MD 21234

INSPECTOR: 04R PHONE #: 410-663-7976 LICENSE #: 120706
NOTES: MR/AKT

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY



Baltimore County
Department of Permits and
Development Management

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

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 44-5797	Property No. 0447040900	Zoning SV12
Name(s): Beverly H. Smith		
Address: 2 Waugh Ave		
Violation Same		
Location: Same		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Balt. County Code - (Provide Temp. Enclosure)
SEC. 32.403

Must File For Permit

Construction of a new structure

Permittee or Property Owner

The Historical Society or

Balt. County Building Engineering

Requirements -

Balt. County Council Bill SEC. 136-101

Swimming Pool Enclosures -

I.R.C. 2000 - Swimming Pool Permit

Showering side Yard Location

SEC. 105.1

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE

On or Before: 8.24.04	Date Issued: 8.10.04
---------------------------------	--------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name JAMES GARLAND

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR:

DEFENDANT

DATE: 06/28/2004

STANDARD ASSESSMENT INQUIRY (1)

TIME: 12:24:07

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
04 12 040900	04	1-3	04-00	H	YES		06/21/04

BELT BEVERLY H

DESC-1.. IMPS.484 AC

DESC-2.. NE COR BUTLER RD

2 WAUGH AVE

PREMISE. 00002 WAUGH

AVE

00000-0000

GLYNDON

MD 21136-3808 FORMER OWNER: GOLDMAN FRED R

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	44,200	54,200		FCV	ASSESS	ASSESS
IMPV:	117,320	139,680	TOTAL..	172,306	172,306	161,520
TOTL:	161,520	193,880	PREF...	0	0	0
PREF:	0	0	CURT...	172,306	172,306	161,520
CURT:	161,520	193,880	EXEMPT.		0	0
DATE:	07/00	05/03				

----	TAXABLE BASIS	----	FM DATE
00/01	ASSESS:	172,306	06/03/04
	ASSESS:	161,520	
	ASSESS:	0	

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



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

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. **04-5797** Property No. **04-12-040900** Zoning:

Name(s): **Beverly Bell**

Address: **2 Wough Ave. Elmhurst Md. 21115**

Violation location: **2 Wough Ave**

Violation Date: **8-10-04** **8-25-04**

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE NAMED PERSON(S) DID NOT UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

Balt. County Council Bill Sec 136-101

Failure to provide swimming pool enclosures.

In R.C. 46.105.1 - Permit Required To Construct & Replace Historic Fence Around Perimeter of Building I.R.C. 1000

BCZR 101, 1021, 400 Swimming Pool Location (Side Yard) revise Permit B546651

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated:

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for:

Citation must be served by: **Date: 9-10-04**

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: **James Ireland**

Date: **8-27-04** Inspector's Signature: **James Ireland**
SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION
NOTICE OF INTENTION TO DEFEND

Code Enforcement - Daily Worksheet

Inspector - GARLAND

Area Case # Location Apt Zip Date Rec Reinsp Dt
017 04-5797 2 WAUGH AVE 21136 6/28/2004 8/05/2004

Tax Acct #: 0412040900

Owner: BEVERLY H BELT, SAME AS ABOVE, 21136-3808

owner - Steven Haines 443-465-3435

Complainant Name: (Last) REISINGER (First) J
Addr:

Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work) 4585

Problem: TORE DOWN HISTORICAL FENCE & IS BUILDING A 42" WOODEN FENCE,
ISSUED STOP WORK ORDER FOR NEW FENCE AND APPLY FOR REMOVAL
PERMIT IN HISTORIC FENCE IN HISTORICAL DIST.

Notes:

GET BACK TO JREISINGER

**6/29/04, ISSUED STOP WORK ORDER FOR REMOVAL AND
INSTALLATION OF FENCE IN HISTORICAL DISTRICT, POSTED
AND MAILED NOTICE, ALSO THERE IS A NEW INGROUND POOL, CO
MPL UPDATED, P/U 7/6/04 KW/WD**

**7/7/04, GIVE TIME TO APPLY FOR FENCE PERMIT AND
FOR THE HISTORICAL COMM TO APPROVE CHANGES, ANONYMOUS C
OMPL, P/U 8/03/04 KW/WD** 08/04/04
4 REFERRED TO BLDG REGARDING POOL PLACEMENT AND FENCE HEIGHT
, PER RSW***

8.10.04 - M/W Home owner @ site - states they have
meeting w/ Landmark Preservation Commission in September
For Fence design & location - issued Violation Notice to
obtain permit For pool in side yard location & to
provide Temp. Pool Enclosure - Also to meet current
Historical & Building Code requirements For Fence

P/U Date		Closed Date		Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

R.C. 8.23.04

KX

(JF)



Baltimore County
Department of Permits and
Development Management

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

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 64-5797 Property No. 04112040900 Zoning: SV-2

Name(s): Beverly H. Bickel

Address: 2 Waugh. H. Ave

Violation Location: SWIMMING POOL

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Balt. County Code - (Provide Temp. Enclosure)

SEC. 30-403

Must File For Permit

Consistent with Enforcement

Permittee or Property Owner

The Historical Society or

Balt. County Building Engineering

Requirements

Balt. County Council Bill SEC. 136-101

Swimming Pool Enclosure's

I.R.C. 2000 - Swimming Pool Permit

Showing side Yard Location

SEC. 105.1

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 8.24.04 Date Issued: 8.10.04

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: JAMES GARLAND

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN

Not Later Than: _____ Date Issued: _____

INSPECTOR:

DEFENDANT

Co Enforcement - Daily Workset

Inspector - GARLAND, J

Area Case # Location Apt Zip Date Rec Reinsp Dt
017 04-5797 2 WAUGH AVE 21136 6/28/2004 1/07/2005

Tax Acct #: 0412040900

Owner: BEVERLY H BELT, SAME AS ABOVE, 21136-3808

Complainant Name: (Last) REISINGER (First) J

Addr:

Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work) 4585

Problem: TORE DOWN HISTORICAL FENCE & IS BUILDING A 42" WOODEN FENCE, ISSUED STOP WORK ORDER FOR NEW FENCE AND APPLY FOR REMOVAL PERMIT IN HISTORIC FENCE IN HISTORICAL DIST.

Notes:

GET BACK TO JREISINGER

~~**6/29/04~~, ISSUED STOP WORK ORDER FOR REMOVAL AND INSTALLATION OF FENCE IN HISTORICAL DISTRICT, POSTED AND MAILED NOTICE, ALSO THERE IS A NEW INGROUND POOL, COMPL UPDATED, P/U 7/6/04 KW/WD**

~~**7/7/04~~, GIVE TIME TO APPLY FOR FENCE PERMIT AND FOR THE HISTORICAL COMM TO APPROVE CHANGES, ANONYMOUS COMPL, P/U 8/03/04 KW/WD**

~~**8/04/04~~ REFERRED TO BLDG REGARDING POOL PLACEMENT AND FENCE HEIGHT, PER RSW****~~08/10/04~~ M/N H/OWNER @ SITE-STATES THEY HAVE MEETING W/LANDMARK PRESERVATION COMM. IN SEPT. FOR FENCE DESIGN & LOCATION. ISSUED VIO. NO. TO OBTAIN PER. FOR POOL IN SIDE YD. LOCATION & TO PROVIDE TEMP. POOL ENCL.-ALSO TO MEET CURRENT HISTORICAL & BLDG. CODE REQUIREMENTS FOR FENCE. P/U 08/23/04. J.GARLAND/KH.*** ~~**8/31/04~~ CITATION SENT CERT & REG MAIL TO BEVERLY BELT, 2 WAUGH AVE, GLYNDON MD 21136, P/U 9/10/04 TO CHECK FOR SERVICE, JAMES GARLAND/CP***

~~**9/8/04~~ ON DOCKET FOR 10/12/04 FILE TO J. GARLAND. /JF**.

~~*09/10/04~~ GREEN CARD RETURNED.GAVE TO J GARLAND.LRS***

~~9/14/04~~ MR.RESINGER SPOKE W/BEVERLY BELT'S LAWYER & CONFIRMED THEY RECEIVED NOTICE FOR HEARING. (NEXT PG) >>>

P/U Date		Closed Date		Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 7, 2005

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

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

SUBJECT: Item No.: 407
Legal Owner/Petitioner: Belt, Beverly H.
Contract Purchaser: N/A
Property Address: 2 Waugh Ave
Location Description: N/E corner Butler Rd & Waugh Ave

VIOLATION INFORMATION: Case No. 04-5797
Defendants: Belt, Beverly H.

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

NAME	ADDRESS
John Reisinger	Balto. Co. Bldg. Engineer

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

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

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

RSW/jg
C: Code Enforcement Officer



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DIRECTOR

BUILDING PERMIT

John R. Reisinger
JOHN R. REISINGER
BUILDINGS ENGINEER

PERMIT #: B546631 CONTROL #: RS DIST: 04 PREC: 01
DATE ISSUED: 02/19/2004 TAX ACCOUNT #: 0412040900PT CLASS: 04

PLANS: CONST PLOT 1 R PLAT DATA ELEC YES PLUM NO
LOCATION: 2 WAUGH AVE PARCEL 2
SUBDIVISION: NE COR BUTLER RD

OWNERS INFORMATION
NAME: BELT BEVERLY
ADDR: 2 WAUGH AVE MD 21071

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

TENANT:
CONTR: ELITE POOLS
ENGR:
SELLR:

WORK: 20'X40' INGROUND POOL 3'-8'DEPTH CARTRIDGE
FILTER TO BE FILLED BY TRUCK, POOL FENCE PER
CODE AROUND POOL; ANY FENCE ERECTED W/IN AN
EASEMENT WILL BE REMOVED AT OWNERS EXPENSE IF
NECESSARY; CANNOT FENCE IN WALKWAY EASEMENTS;
ALSO USE TAX#04-12-040901; LOT 75X258=19384SF

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & POOL & FENCE
EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE:

FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 20821SF
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 25/25'
SIDE STR SETB:
REAR SETB: 10'

ZAC AGENDA

Item Number: 407 Case Number: 5-407-A Primary Use: Reviewer: DD

Type: Special Hearing

Legal Owner: Beverly H. Belt

Contract Purchaser:

Critical Area: No Flood Plain: No Historic: No Election Dist: 4th Councilmanic Dist: 3rd

Property Address: 2 Waugh Avenue

Location: N/east corner Butler Road and Waugh Avenue

Existing Zoning: D.R. 1

Area: 20,821 square feet

Proposed Zoning: SPECIAL HEARING to verify the existence of pool enclosure and location of pool/fence on property conform with the Baltimore County Zoning Regulations, Section 400.1 and for such other/further relief as may be required by the Zoning Commissioner to approve the existing pool and fence.

Garland

04-5797

Attorney: Sebastian A. Cross

Miscellaneous: Citation 04-5797

Item Number: 408 Case Number: 5-408-SPH Primary Use: Residential Reviewer: BPR

Type: Special Hearing

Legal Owner: Rodney B. Smith

Contract Purchaser:

Critical Area: No Flood Plain: No Historic: No Election Dist: 12th Councilmanic Dist: 7th

Property Address: 317 Sollers Point Road

Location: S/side Sollers Point Road, 100 feet east of centerline Pine Street

Existing Zoning: BL

Area: 0.206 acres

Proposed Zoning: SPECIAL HEARING to approve an amendment to previously approved Special Exception (91-287-XA). To permit the addition of a convenience store, a revised parking layout and a revision to the area for damaged and disabled vehicles.

Attorney:

Miscellaneous:



Pool - sideyard
Location

Front House



AREA OF Fence in
Violation of Pool Enclosure
Requirements



View of Rear Yard
@ driveway -

CITY ENFORCEMENT REPORT

DATE: 6, 28, 04 INTAKE BY: SMS CASE #: 4-5797 INSPEC: 4

COMPLAINT LOCATION: 2 Waugh Ave. 21136

ZIP CODE: 51071 DIST: _____

COMPLAINANT NAME: _____ PHONE #: (H) _____ (W) _____

ADDRESS: Historical Metal ZIP CODE: _____

PROBLEM: Tore down fence & Building
42' wood fence

ISSUE: A STOP WORK ORDER FOR NEW FENCE

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____ HAD APPL FOR

OWNER/TENANT INFORMATION: PERMIT FOR REMOVAL OF

HISTORIC FENCE IN A HISTORICAL DIST.

TAX ACCOUNT #: 0412040900 ZONING: _____

INSPECTION: get back to John Riesingers

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

Mode . . . : CHANGE

File : PDLV0001

Problem Descript.: TORE DOWN HISTORICAL FENCE & IS BUILDING A 42" WOODEN FENCE,
ISSUED STOP WORK ORDER FOR NEW FENCE AND APPLY FOR REMOVAL PERMIT IN HISTORIC
FENCE IN HISTORICAL DIST.

Complainant Name (Last): REISINGER (First): J
Complainant Addr: _____
Complainant City: _____ State: _____ Zip: _____
Complainant Phone (H): _____ (W): _____ 4585
Date of Reinspection: 4182005 Date Closed: _____ Delete Code (P): _____

F6=Select format
F11=Change

Case Entry/Update

Format : CASREC

Mode : CHANGE

File : PDLV0001

Notes: GET BACK TO JREISINGER

6/29/04 ISSUED STOP WORK ORDER FOR REMOVAL AND INSTALLATION OF FENCE IN HISTORICAL DISTRICT, POSTED AND MAILED NOTICE, ALSO THERE IS A NEW INGROUND POOL, COMPL UPDATED, P/U 7/6/04 KW/WD

7/7/04, GIVE TIME TO APPLY FOR FENCE PERMIT AND FOR THE HISTORICAL COMM TO APPROVE CHANGES, ANONYMOUS COMPL, P/U 8/03/04 KW/WD

8/04/04 REFERRED TO BLDG REGARDING POOL PLACEMENT AND FENCE HEIGHT, PER RSW*

08/10/04 M/N H/OWNER @ SITE-STATES THEY HAVE MEETING W/LANDMARK PRESERVATION COMM. IN SEPT. FOR FENCE DESIGN & LOCATION. ISSUED VIO. NO. TO OBTAIN PER. FOR POOL IN SIDE YD. LOCATION & TO PROVIDE TEMP. POOL ENCLD.-ALSO TO MEET CURRENT HISTORICAL & BLDG. CODE REQUIREMENTS FOR FENCE. P/U 08/23/04. J.GARLAND/KH.*

8/31/04, CITATION SENT CERT & REG MAIL TO BEVERLY BELT, 2 WAUGH AVE, GLYNDON MD.21136, P/U 9/10/04 TO CHECK FOR SERVICE, JAMES GARLAND/CP

9/8/04 ON DOCKET FOR 10/12/04 FILE TO J. GARLAND. /JF

*09/10/04 GREEN CARD RETURNED.GAVE TO J.GARLAND.LRS***

9/14/04 MR.RESINGER SPOKE W/BEVERLY BELT'S LAWYER & CONFIRMED THEY RECEIVED NOTI CE FOR HEARING..(NEXT PG)>>>

F3=Exit

F5=Refresh

F6=Select format

F9=Insert

F10=Entry

F11=Change

Case Entry/Update

Mode . . . : CHANGE

Format . . . : CASREC

File . . . : PDLV0001

Notes 2: 04-5797 9/14/04 CONTINUED. THEY ARE WORKING W/ZONING ETC. TO OBTAIN
PERMITS. P/U 10/11/04 J.GARLAND/NS***
10/12/04 THIS CASE SET FOR HEARING ON 10/12/04 HAS BEEN POSTPONED TO LATER DATE
PER DIRECTOR & R.S.W. P/U 11/23/04 J.GARLAND/NS***
11/24/04 SPOKE W/MR. REISINGER. STATES OWNER HAS FAILED TO MAKE APPLICATION WITH
LANDMARK PRESERVATION COMMISSION. RESET FOR HEARING (1/11/05). P/U 1/7/05 J.GARL
AND/NS***
11/29/04 ON DOCKET FOR 1/11/05 FILE TO J GARLAND /JF.
1/18/05 FINAL ORDER SENT TO BEVERLY BELT FILE TO J. GARLAND. /JF.
01/19/05 P/U 03/11/05. J.GARLAND/KH.***
2/28/05 CASE STILL IN ZONING VARIANCE PROCESS. P/U 4/18/05 J.GARLAND/NS***

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

DATE: 03/07/2005

STANDARD ASSESSMENT INQUIRY (1)

TIME: 06:32:20

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
04 12 040900	04	1-0	04-00	H	YES		02/15/05

BELT BEVERLY H

DESC-1.. IMPS.484 AC

DESC-2.. NE COR BUTLER RD

2 WAUGH AVE

PREMISE. 00002 WAUGH

AVE

00000-0000

GLYNDON

MD 21136-3808

FORMER OWNER: GOLDMAN FRED R

FCV			PHASED IN			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	44,200	54,200				
IMPV:	117,320	139,680	TOTAL..	183,092	183,092	172,306
TOTL:	161,520	193,880	PREF...	0	0	0
PREF:	0	0	CURT...	183,092	183,092	172,306
CURT:	161,520	193,880	EXEMPT.		0	0
DATE:	07/00	05/03				

----- TAXABLE BASIS ----- FM DATE

ASSESS: 183,092 08/10/04

ASSESS: 172,306

ASSESS: 0

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

RA1001C

DATE: 03/07/2005

STANDARD ASSESSMENT INQUIRY (2)

TIME: 06:32:54

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
04 12 040900	04	1-0	04-00	H	YES		02/15/05

LOT.... BOOK.... 0000 MAP..... 0048 LOT WIDTH..... 125.50

BLOCK.. FOLIO... 0000 GRID.... 0006 LOT DEPTH..... .00

SECTION.. PARCEL.. 0440 LAND AREA.. 20821.000 S

PLAT.. YEAR BUILT..... 92

TRANSFER DATA		EXEMPT DATA	
NUMBER.....	281128	STATUS.....	
DATE.....	03/10/04	CLASS CODE.....	000
PURCHASE PRICE.....	375,000	STATE EXEMPT CODE.....	000
GROUND RENT.....	0	COUNTY EXEMPT CODE.....	000
DEED REF LIBER.....	19716	CURR STATE EX ASMT....	0
DEED REF FOLIO.....	0048	PRIOR STATE EX ASMT...	0
CONVEYED IND.....	3	CURR COUNTY EX ASMT...	0
TOT-PART TRAN IND.....	T	PRIOR COUNTY EX ASMT..	0
GRANTOR ACCT NO..	04-12-040900		

CRITICAL NEW CONST CARD

AREAS CODE YEAR NO CODE SQ. FEET

03196 2478

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

RA1001D

DATE: 03/07/2005

STANDARD ASSESSMENT INQUIRY (3)

TIME: 06:33:03

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
04 12 040900	04	1-0	04-00	H	YES		02/15/05

-----STATE----- GEO CODE N/A LAND-USE

REC CREATE DATE.. 10/23/92 80 NO R

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 08/10/04

LAST FM TYPE..... Z

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 02/15/05

PRIOR LOAD DATE.. 01/06/05

STATE TAXABLE ASSESS

ASSESS: 183,092

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

In the Matter of

Beverly H. Belt

Respondent

Civil Citation No.04-5797

2 Waugh Avenue

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on January 11, 2005 for a hearing on a citation for violations under the Baltimore County Council Bill § 136-101 for failure to provide swimming pool enclosure, IRC A.G. 105.1 for failure to obtain permit to remove and replace fence in Historic District and Baltimore County Zoning Regulations § 400 for failure to obtain variance allowing location of pool in side yard in lieu of rear yard on residential property located at 2 Waugh Avenue, 21135.

On November 26, 2004, pursuant to §3-6-205, Baltimore County Code, a code enforcement citation was issued by James Garland, Code Enforcement Officer. The citation was legally served on the Respondent.

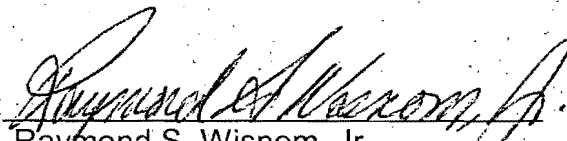
The citation proposed a civil penalty of \$30,800.00 (thirty thousand eight hundred dollars) to be assessed. A code enforcement hearing date was scheduled for January 11, 2005.

Beverly H. Belt, Respondent appeared for the hearing and testified represented by
Lawrence E. Schmidt, Esquire.
James Garland, Code Enforcement Officer also testified.

Mr. Schmidt requested the case be continued. In as much as the permit, issued for an in-ground pool with fence per code, was approved by the Department of Planning, the case shall be continued. I find it difficult to assess a civil penalty as a permit was issued and the Respondent was attempting to comply with the provisions of the permit. The Respondent has the right to request a Special Hearing before the Zoning Commissioner. Pending the Zoning Commissioner's finding, the Respondent shall provide a code compliant pool enclosure for the approximate 36 lineal feet that to date has not been completed due to the stop-work notice issued by the Building Inspector. It should be noted that this same area at present contains remaining sections of the "historic" fence, however the "historic" fence does not meet the code requirements of a pool safety enclosure. According to Mr. Schmidt, the hearing before the Zoning Commissioner is slated for early February. The Respondent shall move forward in a timely manner and with due diligence toward final determination with respect to the Landmark Preservation Commission and the final resolution of the historic fence issue.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 13th day of January 2005, that instant case is hereby continued.

Signed:


Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

RSW/jaf

R.C. 3.11.05
JA.



Baltimore County
Planning Board

401 Bosley Avenue - Ste 406
Towson, Maryland 21204
410-887-3495
Fax: 410-887-5862
E-mail: planning@co.ba.md.us

July 13, 2004

Sebastian A. Cross, Esq.
Gildea, LLC
300 East Lombard Street
Suite 1440
Baltimore, MD 21202

Re: 2 Waugh Avenue, Glyndon
Unauthorized removal and replacement of fence

Dear Mr. Cross:

In our meeting on July 1, 2004, you indicated your client's understanding that the removal of the historic fence and erection of a new fence on her property in the Glyndon County Historic District was contrary to the County law requiring application for a County permit and approval of the permit by the Landmarks Preservation Commission. You submitted a letter on behalf of your client, along with five photographs, a property plat, copies of the building permit and site plan for the swimming pool, and a copy of the Stop Work Notice issued by the County on 6/29/04. A Baltimore County Historic Permit Application was provided to you, and we discussed the staff's initial ideas, derived from our site visit on June 30th, of what we might recommend to the Commission as a reasonable compromise solution for addressing both the historic integrity of the District and the safety of the swimming pool.

For the sake of expediting a decision on corrective action, since the Commission will not be meeting in August, the matter had been placed in the Agenda for the July 8th meeting (which had been mailed to the Commissioners on June 30th). On July 8th, however, in agreement with your telephoned request, the members agreed to postpone the matter until the next regular meeting, on September 9, 2004. As you discussed with Tim Dugan on the phone, this was with the understanding that, under the Stop Work order, your client will refrain from taking any irreversible action, such as disposing of the original fence material, before the Commission's decision is rendered. In that spirit of cooperation, I am asking, by copy of this letter, that the County hold sanctions in abeyance pending the Commission's decision.



GILDEA, LLC

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

STUART W. COX
SCOX@GILDEALLC.COM

August 16, 2004

Ms. Vicki Nevy
Planning Board
Balt. Co. Office of Planning
401 Bosley Avenue, Suite 406
Towson, MD 21204

Re: Belt/2 Waugh Avenue
Glyndon, MD 21071

Dear Ms. Nevy

As you know, this firm represents the property owner of the above referenced address and this correspondence comes in response to your email to Sebastian dated August 16, 2004. In the email, you state materials for the LPC meeting on September 9, 2004 would have to be provided to your office by August 31, 2003. We thank you for this reminder; however, this property received a correction notice from Baltimore County dated August 10, 2004 for issues associated with the construction of the fence and pool.

This office is currently working with PDM to formulate a plan to most efficiently deal with both of these issues. As such, we would ask to be removed from the LPC Agenda for September 9, 2004 in order to allow more time for resolution of these matters.

Should you have any questions or comments, please contact me. With kind regards, I
am

Very truly yours,

DRAFT

David K. Gildea

DKG: bhh

CC: Timothy Kotroco, Director, PDM
Arnold F. "Pat" Keller, III, Office of Planning
Timothy Dugan, Office of Planning
Beverly H. Belt
Sebastian A. Cross, Esquire

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us



Baltimore County

Arnold F. Pat Keller, III, Director

August 27, 2004

David K. Gildea
Gildea, LLC
300 East Lombard Street
Suite 1440
Baltimore, Maryland 21202

Re: Belt Property, 2 Waugh Avenue
Glyndon, MD 21071

Dear Mr. Gildea:

This acknowledges receipt of your August 16th letter requesting that the matter of the fence on the Belt property not be placed on the Landmarks Preservation Commission's September 9th meeting Agenda.

Ordinarily, the Office would be glad to honor such a request. The information from PDM staff responsible for administering historic district regulations (Doug Swam and John Reisinger), however, is that they are unaware of any discussions in their agency on this matter. John has specifically requested that the matter be scheduled on the 9th to be resolved by the Commission.

This presents a quandary. Your client is under a Stop Work order from PDM because of the removal of the historic structure – the fence – without authorization from the Commission. PDM wishes to have the matter resolved, as does this Office. Technically, the LPC cannot act until it has received an application and has "determined that the application is complete" (Code, 1988, § 26-544; new Code, § 32-7-404). An application from your client has not yet been received.

Additionally, both of the County agencies have decision-making authority in this situation – PDM for pool safety and/or other County regulations, and the LPC for protection of historic structures. Finding an optimum solution to address the proper concerns of both agencies, and expeditiously, could be jeopardized if both agencies are not part of the discussion with the property-owner.

Honoring the request from PDM, we will place the matter on the Agenda approximately as follows:



GILDEA, LLC

300 EAST LOMBARD STREET

SUITE 1440

BAITIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

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JWOOLMAN@GILDEALLC.COM

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DHOLMAN@GILDEALLC.COM

STUART W. COX
SCOX@GILDEALLC.COM

September 16, 2004

Sent Via Hand Delivery

Timothy Kotroco, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

**Re: Belt/2 Waugh Avenue
Glyndon, MD 21071
Citation No. 04-5797
Notice of Intention to Defend**

Dear Mr. Kotroco:

Gildea, LLC on behalf of their client, Beverly Belt, hereby submits this intention to defend Citation No. 04-5797 and requests a quasi-judicial hearing before a code official.

Should you require additional information, please contact me. With kind regards, I am

Very truly yours,



Sebastian A. Cross

SAC: bhh

CC: John Reisinger, PDM (via regular mail)
James Garland, Code Enforcement (via regular mail)
Beverly H. Belt
David K. Gildea, Esquire

GILDEA, LLC

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

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DHOLMAN@GILDEALLC.COM

STUART W. COX
SCOX@GILDEALLC.COM

COPY

September 21, 2004

Sent Via Facsimile and Regular Mail

Timothy Kotroco, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

**Re: Belt/2 Waugh Avenue
Glyndon, MD 21071
Citation No. 04-5797**

Dear Mr. Kotroco:

The following correspondence serves to clarify the events surrounding Baltimore County Uniform Code Enforcement Citation ("Citation") No. 04-5797, as well as to request certain process to resolve this matter in the most efficient means possible while providing the least prejudice to our client, Beverly Belt ("Belt"). The following is a summary of events taking place regarding the issuance of Citation No. 04-5797.

I. Background

Belt has constructed a swimming pool and replaced fencing around the above referenced property. On February 19, 2004, Elite Pools received Permit No. B546631 granting authority to construct the inground pool and erect this fence upon the property. See attached. After 95% completion of said fence and substantial construction upon the swimming pool, Belt received a Stop Work Order on June 29, 2004. See attached. This Order requested all work to be stopped on the installation of the fence and required an application be made for a fence and pool permit due to the property existing within a historic district.

Shortly after receiving the Stop Work Order, Belt, through communication with Baltimore County, was informed their property would be placed on the September 9, 2004 Landmarks Preservation Commission's ("LPC") agenda. While Belt attempted to meet with the LPC in order to address this permitting issue, PDM issued a Code Enforcement Correction Notice on August 10, 2004. See attached. This correction notice again noted the

Minutes
Landmarks Preservation Commission Meeting
October 14, 2004

The scheduled meeting was convened at 6:00 p.m. by the Chairman, Mr. Matthews. The following Commissioners were:

Present

Mr. James E. Matthews, Chair
Ms. Sandy Caslin
Mr. Louis Diggs
Mr. Edward A. Griffith
Mr. Edward E. Hardester, Jr.
Mr. Robert D. Lynd
Ms. Wendy McIver
Mr. Shawn Meyer
Mr. Thomas L. Reynolds
Mr. Qutub Syed

Not Present

Mr. John W. Hill, Vice-Chair
Mr. Jim Emerick
Ms. Sharon Paul
Mr. James A. Stevens

Planning Office staff present included Vicki Nevy (LPC Administrator/Secretary), Karin Brown, and Tim Dugan.

Mr. Matthews stated for the record that the Commission operates under Title 26 of the County Code, the Secretary of the Interior's Standards, and its own Rules of Procedure and Historic Guidelines and Regulations.

Review of the Agenda

1. The draft agenda was amended to include add items 5, 14, 20, 22, and 23.

Approval of the Minutes

2. Ms. Caslin moved that the Minutes of the September 14, 2004 meeting be approved as mailed. The motion was seconded by Mr. Reynolds, and on a voice vote, passed unanimously.

Alterations to properties in County Historic Districts

3. **Belt property, 2 Waugh Avenue (Glyndon County Historic District, contributing property)**
The elaborate history of the situation before and since the unauthorized removal of the fence on the Belt property at 2 Waugh Avenue was again recounted, this

8051 Glenn
Gary F.

Baltimore County, Maryland
OFFICE OF PLANNING

Memorandum

TO: John Reisinger
Buildings Engineer

DATE: November 17, 2004

FROM: Tim Dugan
Chief, Preservation Services

\$

04-5797

SUBJECT: Belt property, 2 Waugh Avenue, Glyndon

There apparently is still some confusion, after the Landmarks Preservation Commission's meeting on October 14th, about necessary steps to remedy the on-going violation from the unauthorized removal of the fence on the Belt property at 2 Waugh Avenue in Glyndon.

The elaborate history of the situation was again recounted in the meeting, this time by Mr. Schmidt who requested that the Commission defer action pending the outcome of two hearings his client has requested: a hearing to respond to the Stop Work Notice and citation; and a hearing regarding the applicability of zoning or other (non-historic) regulations to the siting of the swimming pool and/or its mandated safety fencing. Under Mr. Schmidt's theory, action by the LPC would be premature because there is not yet an "application" on which the Commission could act – which there certainly isn't (and has never been).

After almost a full hour of further exposition, questions, discussion, etc., among the members, Mr. Schmidt, and community representatives, the LPC instructed staff to:
inform the Director of PDM that enforcement should be initiated to require re-installation of the historic fence and the submittal of a proposal, for review and approval by the Commission's staff, to re-use the new fence for safety enclosure of the swimming pool.

The LPC's direction is based in the following set of facts, which seem to be beyond dispute:

1. This property is located in a County Historic District, and the iron fence on the perimeter of the property (abutting at least Butler Road and Waugh Avenue) was a "structure."
2. County law prohibits the "demolition ... or removal of ... any existing structure" in a historic district without an "application" for a "permit," referral of the application to the LPC, and the issuance of either a certificate of appropriateness or a notice to proceed from the LPC.

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF February 28 , 2005
FORMAL OR INFORMAL RESPONSE DUE AT March 7, 2005 MEETING

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Zoning Commissioner's Office (William J. Wiseman); MS #3401
- # PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
- # PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
- * PDM, Code Enforcement (Latoshia Rumsey-Scott)
- * PDM, Building Inspection (Karen Hopkins)
- & PDM, Development Plans Review (Robert W. Bowling)
- # Planning Office Mark Cunningham
- * Recreation and Parks (Jean Tansey); MS #52
- # DEPRM (Bruce Seeley) – *2 copies of each*
- & State Highway Administration, Access Permits Division (Kenneth A. McDonald)
- & Fire Department (Lt. Frank Cook) MS #1102F
- * Economic Development Commission, Business Develop. MS #2M07
- * Highways (Tim Burgess); MS #1003
- * Community Conservation (Mary Harvey); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- * Honorable T. Bryan McIntire, County Council, District 3; MS #2201
- * Nancy Jones/Mike Ruby
- # IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
- # IF FLOODPLAIN, Department of Natural Resources
- # IF FLOODPLAIN, Public Works (David Thomas); MS #1315
- * IF FLOODPLAIN, Permits (John Reisinger)
- * IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
- # IF ELDERLY HOUSING, Community Development; MS #1102M
- # IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
- # IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
- * IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews.

If you have any questions regarding a particular zoning petition, please contact the Zoning Review planner (see initials after item number) at 410-887-3391.

IN RE: PETITION FOR SPECIAL HEARING
SE/S Long Green Pike, 170' SH
of the c/l of Fork Road
(13523 Long Green Pike)
11th Election District
6th Councilmanic District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 93-93-SFB

Long Green Valley Assoc., et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing originally filed by the Long Green Valley Association, the Greater Kingsville Civic Association, and various individuals who reside near the property which is the subject of this Petition. At the beginning of the public hearing held for this case, the Greater Kingsville Civic Association withdrew as a Petitioner. Thus, the matter proceeded through the efforts of the Long Green Valley Association and those individuals previously referred to above and designated on the Petition. The Petition seeks a determination as to whether approval should be given to permit the use of adjoining property, zoned R.C. 2 and owned by Executive Auto and Paint Repair, Inc., to support a waste disposal system for the subject commercial property, known as 13523 Long Green Pike, zoned S.D.-C.R. The subject property and waste disposal system are more particularly described on Petitioner's Exhibit 2.

The vast majority of zoning petitions filed in Baltimore County are submitted by or on behalf of the owner of the property which is the subject of the Petition. However, the instant case arises for consideration in a different manner. As noted above, the Petition has been filed by the local community associations and a number of interested parties, as individuals. The relief which they request pertains not to a property

FOR FILING
8/24/93
Bj2

MICROFILM

IN RE: PETITION FOR SPECIAL HEARING
W/S Manor Road, 450' S of the
c/l of Manor View Road
(12240 Manor Road)
11th Election District
6th Councilmanic District

Mary Pat Marzullo
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-494-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

According to the Holy Bible (Book of Genesis, Chapter 3, Verse 14), the serpent was forever condemned by God to crawl on its belly for its misdeeds in beguiling Eve in the Garden of Eden. Moreover, the Good Book teaches us that God relegated the serpent to a rank within the animal kingdom below the cattle and the other beasts of the field (presumably, the lambs, goats, horses, etc.). The above-captioned matter comes before this Zoning Commissioner on a Petition for Special Hearing asking that I reach a similar judgment, pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, the neighbors of Peter Kahl ask that I conclude that his snakes, unlike the cattle, goats, lambs, and horses which reside elsewhere in this county, cannot be "farmed" in Baltimore County, and thus, hold that his serpents must be relegated to a lower status than that afforded by the B.C.Z.R. to traditional farm animals.

Peter Kahl owns a 4.71 acre parcel of land, zoned R.C.4, on Manor Road in Glen Arm in northern Baltimore County. Mr. Kahl has owned the property for approximately 6 years. Generally, the neighborhood about the property consists of residences and traditional row crop and animal farms. The property is improved with a single family dwelling, in which Mr. Kahl resides. Additionally, to the rear of the dwelling is a building 150 feet by 28 feet in dimension. It was the construction of this building earlier

IN RE: PETITION FOR SPECIAL HEARING
N/S Green Spring Valley Road, 930' W of
The c/l Green Spring Avenue
(1400 Green Spring Valley Road)
8th Election District
3rd Councilmanic District

Koinonia Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-333-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing for property located at 1400 Green Spring Valley Road, in the Green Spring Valley area of northern Baltimore County. The property is owned by the Koinonia Partnership, which took its name from the Koinonia Foundation, a previous property owner. However, it is not the property owner who has filed the instant Petition; rather, the Petition was filed by Jack Luskin, a neighbor who owns property at 2200 Green Spring Valley Road. Pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), Mr. Luskin requests that this Zoning Commissioner make a finding that the Respondents, Ronald and Ann Maria Pomykala (Principals of the Koinonia Partnership), are operating a catering hall in violation of the use permit issued in prior Case No. 96-230-SPHA and in violation of the B.C.Z.R.

The matter came in for public hearing before this Zoning Commissioner on May 10, 1999. At that time, Mr. Luskin appeared through his attorney, J. Carroll Holzer, Esquire. C. William Clark, Esquire, appeared as the legal representative of the Koinonia Partnership. There were no other interested persons present.

Interestingly, there was no live testimony presented nor any witnesses called. Instead, a series of documents were introduced as evidence in this case. Subsequent to the hearing, the parties submitted memoranda, and also completed the record of the case by filing the full transcript of the hearing involving the subject property in Case No. 90-355-SPH before the County Board of

05-407-SPH

Petitioner's Exhibits

Verified 12/28/06

2 WAUGH AVENUE
Case No. CBA 05-407-SPHA

LIST OF PETITIONER'S EXHIBITS

Exhibit Before Deputy Zoning Commissioner	Petitioner's CBA EXHIBIT	DESCRIPTION
1A	#1	ENTIRE FILE BELOW
2A-D	#2 ✓	LEGAL DESCRIPTION OF PROPERTY
3	#3 ✓	APPLICATION FOR PERMIT
4	#4 ✓	ALDG PERMIT AS ISSUED
5	#5 ✓	LETTER BY SWAM - DEPRA - POOLS
6	#6 ✓	DRAWING BY ELITE POOLS (PLAN FORM PREVIOUS)
7A-D	#7 ✓	PICTURES A - FRONT ENT TO HOME B - PAT HOUSE C - ALG D - MAIN HOUSE
8	#8 ✓	PICTURES A-B-C-D - PICTURES OF POOL
9A-C	#9 ✓	PICTURE
10A-G	#10 ✓	PICTURES A-B-E - WAS 9A-C BELOW
11A-C	#11 ✓	PICTURES A-G WAS 10 A-G BELOW
12	#12 ✓	PICTURES A-C WAS 11 A-C BELOW
13	13 ⁷⁵ ✓	PICTURE 14 A-D BELOW
14A-D	14 ✓	Kellman Record
	15 ✓	^{RED LINE PLAT} DRAWING Below 1A/ Petition for DZC
	16 ✓	COUNCIL BILL 1-05 Fence Requirements

[Protestants' Exhibits on Reverse]

KID 407 05-407-SPH

-SPH
Pet #1B

THIS DEED made this 27th of June in the year Two Thousand Three by and between Fred R. Goldman and Abigail Goldman, husband and wife, parties of the first part, Grantors and Beverly H. Belt, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum of Three Hundred Seventy-Five Thousand and 00/100 (\$375,000.00) DOLLARS, the said parties of the first part do grant and convey to the said Beverly H. Belt, as Sole Owner, her heirs and assigns, in fee simple;

All those lots of ground situate in Baltimore County, Maryland, and described as follows, that is to say:

BEGINNING for the first at a stake at the end of 75 feet in the south 09 degrees 20 minutes 00 seconds east 188.40 foot line as described in a Deed from Ella B. Hammond, widow, et al to William Edward Hammond and wife, dated February 16, 1952 recorded among the Land Records of Baltimore County in Liber GLB No. 2074, folio 445 etc., running thence binding on that Deed, south 09 degrees 20 minutes 00 seconds east 113.40 feet, thence continuing the same course, south 09 degrees 20 minutes 00 seconds east 1.92 feet to the northern right of way line of Butler Road as shown on State Roads Commission of Maryland Plat No. 5411, thence along said right of way line 173.61 feet along the arc of a curve to the right having a radius of 1695.42 feet and a long chord of south 77 degrees 36 minutes 35 seconds west 173.60 feet to a point at the intersection of the northernmost right of way line of Butler Road with the easternmost right of way line of Waugh Avenue as shown on the aforementioned plat north 09 degrees 22 minutes 10 seconds west 125.25 feet, thence by a line of division as now surveyed, north 81 degrees 10 minutes 00 seconds each 1.00 feet to a pipe, thence continuing the same course, north 81 degrees 10 minutes 00 seconds east 172.41 feet to the place of beginning containing four hundred eighty-four thousandths of an acre (0.484) of land more or less.

BALTIMORE COUNTY, MARYLAND TAX I.D.#: 04-12-040900.

Subject, however, to the easement along the north side of the right of way of Butler Road as shown on the aforementioned State Roads Plat No. 5411.

BEGINNING for the second at a pipe at the end of the north 81 degrees 10 minutes east 193 feet more or less line as described in a Deed from The Bedford Holding Company, a body corporate, to Milton Earle Hammond et al, dated January 30, 1961, recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3807, folio 255, etc., said pipe also being at the end of the South 81 degrees 10 minutes 00 seconds west 107.00 foot line in a Deed from Ella B. Hammond et al to William Edward Hammond and wife, dated February 16, 1952, recorded in Liber GLB No. 2074, folio 445 etc., running thence binding on that Deed as now surveyed, south 09 degrees 20 minutes 00 second east 75.00 feet to a stake, thence by a line of division south 81 degrees 10 minutes 00 seconds west 172.41 feet to a pipe 20 feet

Check setbacks upon return

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

DATE: 1-21/19/84
OEA: me/AT
HISTORIC DISTRICT/BLDG.

PERMIT #: B546631
RECEIPT #: H490314
CONTROL #: RS
XREF #:

PROPERTY ADDRESS: 2 Waugh Ave
SUITE/SPACE/FLOOR: ☐ YES ☐ NO
SUBDIV: NE Cot. Butler Rd. ☐ DO NOT KNOW
TAX ACCOUNT #: 04-12-040901 DISTRICT/PRECINCT: 4

FEE: 25x10 = 35.00
PAID: 35.00
PAID BY: [signature]
INSPECTOR: [signature]

OWNER'S INFORMATION (LAST, FIRST)
NAME: Beverly Bell
ADDRESS: 2 Waugh Ave, Baltimore, MD 21204
APPLICANT INFORMATION
NAME: George Bowman
COMPANY: Elite Pools
STREET: 3526 E. Joppa Rd.
CITY, ST, ZIP: Baltimore, MD 21234
PHONE #: 410-667-7970 WHIC # 120106

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

APPLICANT SIGNATURE: [signature]
PLANS: CONST 1 PLOT 4 PLAT 0 DATA 0 EL 1 PL 2
TENANT: [blank]
CONTR: Elite Pools
ENGR: [blank]
SELLR: Goldman Fred R & Alvin

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

TYPE OF USE

RESIDENTIAL

01. ☐ ONE FAMILY
02. ☐ TWO FAMILY
03. ☐ THREE AND FOUR FAMILY
04. ☐ FIVE OR MORE FAMILY
05. ☒ SWIMMING POOL
06. ☐ GARAGE
07. ☐ OTHER

DESCRIBE PROPOSED WORK: 20'x40' Inground Pool 3'-8" Depth
Cartridge filter, to be filled by truck, Pool
fence per Code around Pool. Any fence
erected within an easement will be removed at
owner's expense if necessary. Cannot fence
non-residential lots also using tap # 04-12-040901

- TYPE FOUNDATION
1. ☐ SLAB
 2. ☐ BLOCK
 3. ☐ CONCRETE
- BASEMENT
1. ☐ FULL
 2. ☐ PARTIAL
 3. ☐ NONE

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

TYPE OF CONSTRUCTION

1. ☐ MASONRY
2. ☐ WOOD FRAME
3. ☐ STRUCTURE STEEL
4. ☐ REINF. CONCRETE

TYPE OF HEATING FUEL

1. ☐ GAS
2. ☐ OIL
3. ☐ ELECTRICITY
4. ☐ COAL

TYPE OF SEWAGE DISPOSAL

1. ☒ PUBLIC SEWER
2. ☐ PRIVATE SYSTEM
3. ☐ SEPTIC
4. ☐ PRIVY

CENTRAL AIR: 1. ☐ 2. ☐
ESTIMATED COST: \$15,000
OF MATERIALS AND LABOR

TYPE OF WATER SUPPLY

1. ☒ PUBLIC SYSTEM
2. ☐ PRIVATE SYSTEM

OWNERSHIP

1. ☒ PRIVATELY OWNED
2. ☐ PUBLICLY OWNED
3. ☐ SALE
4. ☐ RENTAL

RESIDENTIAL CATEGORY:

1. ☒ DETACHED
2. ☐ SEMI-DET.
3. ☐ GROUP
4. ☐ TOWNHSE
5. ☐ MIDRISE
6. ☐ HIRISE

EFF: #1 BED: #2 BED: #3 BED: TOT BED: TOT APTS/CONDOS: 6

GARBAGE DISPOSAL 1. ☐ 2. ☐ BATHROOMS CLASS 09 FOLIO map-48

POWDER ROOMS KITCHENS LIBER 06 2nd-06

BUILDING SIZE SF 125.50X
FLOOR SIZE 20821
WIDTH 30' FRONT STREET 143'
DEPTH 80' SIDE STREET
HEIGHT 3' 8" FRONT SETBK
STORIES 1 SIDE SETBK 15' 25'
LOT # 1 SIDE STR SETBK
CORNER LOT REAR SETBK 10'
1. ☒ Y 2. ☐ N ZONING

APPROVAL SIGNATURES
BLD INSP: [blank]
BLD PLAN: [blank]
FIRE: [blank]
SEDI CTL: [blank]
ZONING: [blank]
PUB SERV: [blank]
ENVRMT: [blank]
PERMITS: [blank]

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

Zoning - applicant says Pool to be installed on vacant lot. Is this OK, IF SHED STRADDLES JOINT LOT LINE. okay?

Use
Pan Prev
first

Need
House Nam
incl in
search

PETITIONER'S
EXHIBIT
CBA 3
[signature]



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DIRECTOR

BUILDING PERMIT

John R. Reisinger
JOHN R. REISINGER
BUILDINGS ENGINEER

PERMIT #: B546631 CONTROL #: RS DIST: 04 PREC: 01
DATE ISSUED: 02/19/2004 TAX ACCOUNT #: 0412040900PT CLASS: 04

PLANS: CONST PLOT 1 R PLAT DATA ELEC YES PLUM NO
LOCATION: 2 WAUGH AVE PARCEL 2
SUBDIVISION: NE COR BUTLER RD

OWNERS INFORMATION
NAME: BELT BEVERLY
ADDR: 2 WAUGH AVE RD 21071

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

TENANT:
CONTR: ELITE POOLS
ENGR:
SELLR:

WORK: 20'X40' INGROUND POOL 3'-8" DEPTH CARTRIDGE
FILTER TO BE FILLED BY TRUCK, POOL FENCE PER
CODE AROUND POOL; ANY FENCE ERECTED W/IN AN
EASEMENT WILL BE REMOVED AT OWNERS EXPENSE IF
NECESSARY; CANNOT FENCE IN WALKWAY EASEMENTS;
ALSO USE TAX#04-12-040901; LOT 75X258=19384SF

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

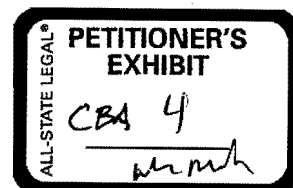
PROPOSED USE: SFD & POOL & FENCE
EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE:

FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 20821SF
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 25/25'
SIDE STR SETB:
REAR SETB: 10'



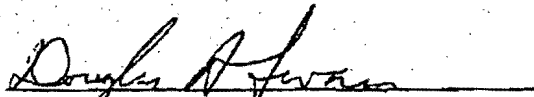
Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3900/Fax: 410-887-2824

Permit No. _____

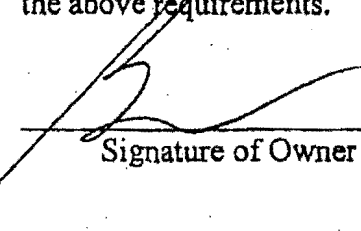
Location 2 Wough Ave
Baltimore Co. 21071

The residential swimming pool you propose is subject to the following requirements:

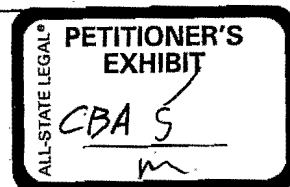
1. It must be emptied by methods that prevent nuisance and/or water damage to adjacent properties.
2. If regarding the pool site area, adequate disposal of surface drainage must be provided and existing property line grades must be met. The correction of any problem resulting from grading is the responsibility of the property owner. No construction or regrading is allowed in any county-owned easement.
3. Placement cannot be within ten feet of any overhead wires (NEC 680-8).
4. A fence or equivalent barrier, 48 inches high with self-closing and self-latching gates, must enclose the pool. Any openings in the barrier must be too small to allow the passage of a four-inch ball. The fence must support a 200-pound lateral load at the top. New enclosure fences or new sections of enclosure fences also are subject to the following requirements:
 - Picket-Type Fences: Horizontal members less than 45 inches apart (top to top) must be located on the pool side of the fence. Openings between vertical members must be 1 1/4 inches or less.
 - Chain Link or Lattice-Type Fences: Maximum opening must be 2 1/4 inch and 1 1/4 inches, respectively, unless provided with slats.
 - Dwelling Wall (forms part of the barrier): Doors from the dwelling directly into the pool enclosure must have an audible alarm.
5. Certification of the above must be filed with the building application and be by the owner in fee. Any other signature will nullify the permit.


Douglas A. Swan
Permit Services Supervisor

I hereby certify that I am the owner in fee of the referenced property and that I have read the above requirements.


Signature of Owner In Fee

2-13-04
Date



Petitioner's #1 A-D
 #7 #12 A-C
 #8 A-D #13 A-D
 #9 (1) { photos
 #10 A-C } CBA
 #11 A-C

Beverly H. Belt
 2 Waugh Road
 Case.: 05-407-SPH

Petitioner's #2 - A-D (4) #10 - A-G (1)
 #7 - A-D (4) #11 - A-C (3)
 #8 - 1 Fence #14 - A-D (4)
 #9 - A-C (3)



FRONT OF HOUSE
(Facing WAUGH Ave)

Ref 2A





FRONT OF HOUSE
(FACING WAUGH AVE)

Feb 25



SIDE OF HOUSE
(DECK)

Ref 2c



SIDE OF HOUSE
(DECK)

Ref 2D



Pool from Wexley Ave

Ritz, R0027,

03/30/05

Det

Pct1709,

100-0105, W

ALL-STATE LEGAL®

PETITIONER'S
EXHIBIT

CPA SA-D

Mark Mohr



Existing Pool
(covered)

Pct1709, 100.0103.0017

Ritz, R0027, ~~R030/05~~

Pet 7



Pool under
construction

Put 7

1-12-11-21-3



Pool under
construction

(No. 5A) 002 22+00 NHHNH+1000 3480

Put 7D



State tense



Pet #8



New fence



Pet 9A

07013 H-14 46-5



New fence + gate
(From WAUGH Ave)

to FJ



Pct1709, 10010110_0024

New Fence

Ritz, R0027, 03/30/05

Pct #92

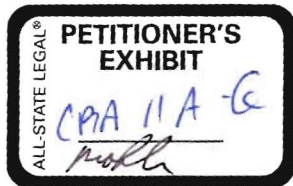


03213 11-11 11-11

10/20

New fence

(along Btlen





20120

New Fence
(along W. 4th Ave

11-14 11-1



201 222
10c

Ritz, RM27, 03/30/05

Pct 1709, 100

New Levee
From Levee



DO NOT

New Fedic

1-78 11-41 24000



10/28/2014

Ritz: 00027, 03/30/05

New Fence

ret1709, 100-0107-0021



028104

Ritz, R0027, 03/30/05

New Fence



90/10
227

New Fence
(towards Butten

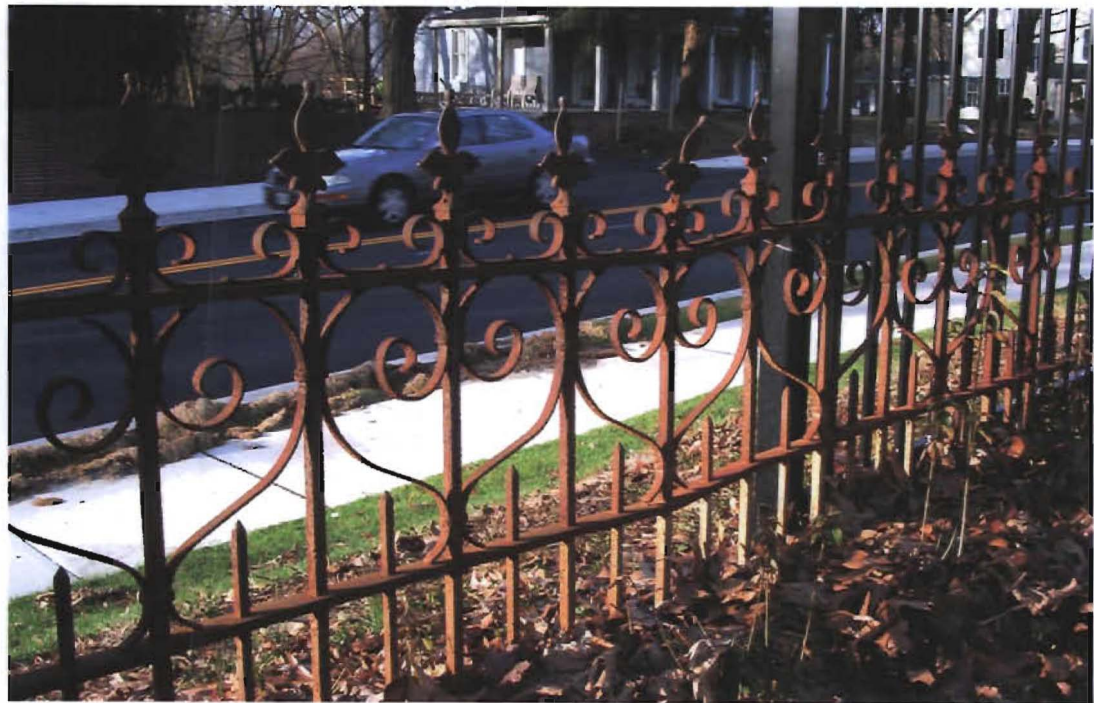


97013 H-1-1L-4

8 11 200

Ornamental fence





Ornamental Fence

pet1709, 100-0102-0016

qitz, R0027, 03/30/05

pet 113



Ornamental fence

EL25 PQ01 G.

576-131 (No. 5) R0027

Post 119



Ritz, R0027, 10/05

rect 1703, 10/05



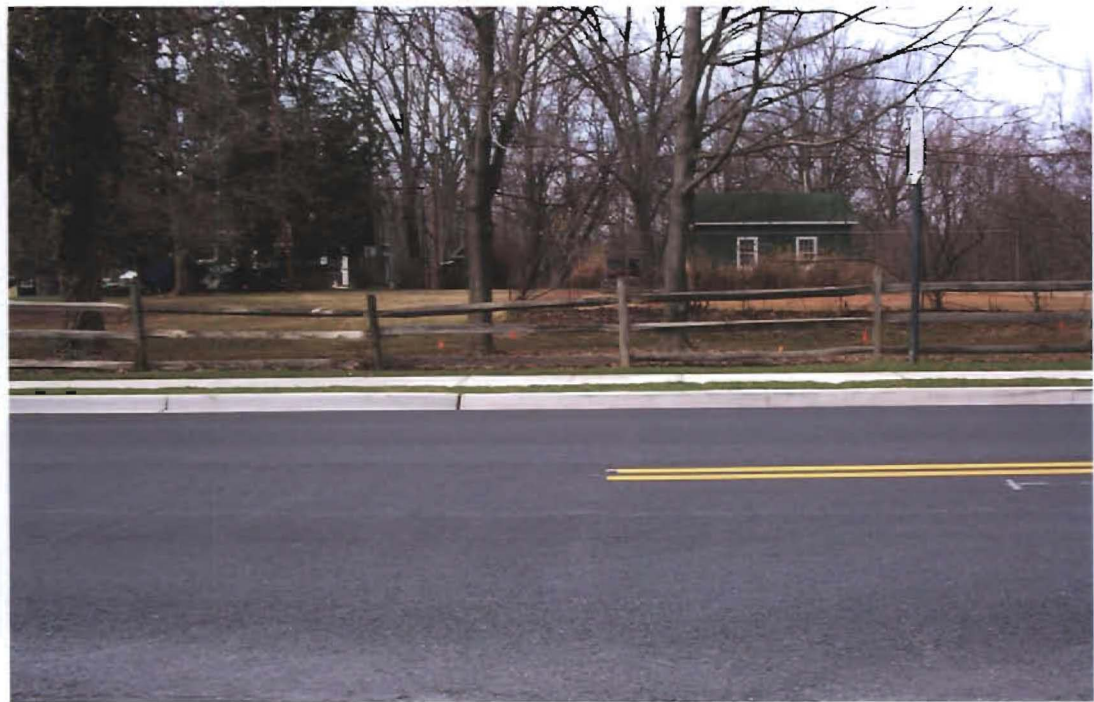
Del 14A



Ref 14B

rect1709, 100.0123.0037

Ritz, R0027, 03/30/05



Ref 14c

rect1709, 100_0132_0043

Ritz, R0027, 03/30/05



Det 14D

THIS DEED made this **27th** of **June** in the year **Two Thousand Three** by and between **Fred R. Goldman and Abigail Goldman, husband and wife**, parties of the first part, Grantors and **Beverly H. Belt**, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum of **Three Hundred Seventy-Five Thousand and 00/100 (\$375,000.00) DOLLARS**, the said parties of the first part do grant and convey to the said **Beverly H. Belt**, as **Sole Owner, her heirs and assigns**, in fee simple;

All those lots of ground situate in **Baltimore County, Maryland**, and described as follows, that is to say:

→ **BEGINNING** for the first at a stake at the end of 75 feet in the south 09 degrees 20 minutes 00 seconds east 188.40 foot line as described in a Deed from Ella B. Hammond, widow, et al to William Edward Hammond and wife, dated February 16, 1952 recorded among the Land Records of Baltimore County in Liber GLB No. 2074, folio 445 etc., running thence binding on that Deed, south 09 degrees 20 minutes 00 seconds east 113.40 feet, thence continuing the same course, south 09 degrees 20 minutes 00 seconds east 1.92 feet to the northern right of way line of Butler Road as shown on State Roads Commission of Maryland Plat No. 5411, thence along said right of way line 173.61 feet along the arc of a curve to the right having a radius of 1695.42 feet and a long chord of south 77 degrees 36 minutes 35 seconds west 173.60 feet to a point at the intersection of the northernmost right of way line of Butler Road with the easternmost right of way line of Waugh Avenue as shown on the aforementioned plat north 09 degrees 22 minutes 10 seconds west 125.25 feet, thence by a line of division as now surveyed, north 81 degrees 10 minutes 00 seconds east 1.00 feet to a pipe, thence continuing the same course, north 81 degrees 10 minutes 00 seconds east 172.41 feet to the place of beginning containing four hundred eighty-four thousandths of an acre (0.484) of land more or less.

BALTIMORE COUNTY, MARYLAND TAX I.D.#: 04-12-040900. →

Subject, however, to the easement along the north side of the right of way of Butler Road as shown on the aforementioned State Roads Plat No. 5411.

BEGINNING for the second at a pipe at the end of the north 81 degrees 10 minutes east 193 feet more or less line as described in a Deed from The Bedford Holding Company, a body corporate, to Milton Earle Hammond et al, dated January 30, 1961, recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3807, folio 255, etc., said pipe also being at the end of the South 81 degrees 10 minutes 00 seconds west 107.00 foot line in a Deed from Ella B. Hammond et al to William Edward Hammond and wife, dated February 16, 1952, recorded in Liber GLB No. 2074, folio 445 etc., running thence binding on that Deed as now surveyed, south 09 degrees 20 minutes 00 second east 75.00 feet to a stake, thence by a line of division south 81 degrees 10 minutes 00 seconds west 172.41 feet to a pipe 20 feet



Check setbacks upon return

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND

DATE: 12/19/04

DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

OE: me/ACT

HISTORIC DISTRICT/BLDG.

PERMIT #: B546631
RECEIPT #: A490317
CONTROL #: AS
XREF #:

PROPERTY ADDRESS: 2 Waugh Ave ☒ YES ☐ NO
SUITE/SPACE/FLOOR
SUBDIV: NE Cot. Butler Rd. ☐ DO NOT KNOW
TAX ACCOUNT #: 04-12-040900 PT DISTRICT/PRECINCT

FEE: 25x10 = 35.00
PAID: 35.00
PAID BY: [Signature]
INSPECTOR: [Signature]

OWNER'S INFORMATION (LAST, FIRST)
NAME: Beverly Bell
ADDR: 2 Waugh Ave, Baltimore, MD 21071-0000
APPLICANT INFORMATION
NAME: George Bowman
COMPANY: Elite Pools
STREET: 3526 E. Jopka Rd
CITY, ST, ZIP: Baltimore, MD 21234
PHONE #: 410-6637946 MHC # 120706 MHBR #
APPLICANT SIGNATURE: George Bowman DRC#
PLANS: CONST 1 PLOT 4 PLAT 0 DATA 0 EL 1 PL 2
TENANT
CONTR: Elite Pools
ENGR: [Signature]
SELLR: Holtman Fred R & Abigail

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

- TYPE OF IMPROVEMENT
- ☒ NEW BLDG CONST
 - ☐ ADDITION
 - ☐ ALTERATION
 - ☐ REPAIR
 - ☐ WRECKING
 - ☐ MOVING
 - ☐ OTHER

TYPE OF USE

RESIDENTIAL

- ☐ ONE FAMILY
- ☐ TWO FAMILY
- ☐ THREE AND FOUR FAMILY
- ☐ FIVE OR MORE FAMILY (ENTER NO UNITS)
- ☒ SWIMMING POOL Yancey
- ☐ GARAGE
- ☐ OTHER

- TYPE FOUNDATION BASEMENT
- ☐ SLAB
 - ☐ BLOCK
 - ☐ CONCRETE
 - ☐ FULL
 - ☐ PARTIAL
 - ☐ NONE

TYPE OF CONSTRUCTION

- ☐ MASONRY
- ☐ WOOD FRAME
- ☐ STRUCTURE STEEL
- ☐ REINF. CONCRETE

CENTRAL AIR: 1. ☐ 2. ☐
ESTIMATED COST: \$15,000
OF MATERIALS AND LABOR

OWNERSHIP

- ☒ PRIVATELY OWNED
- ☐ PUBLICLY OWNED
- ☐ SALE
- ☐ RENTAL

RESIDENTIAL CATEGORY: 1. ☒ DETACHED 2. ☐ SEMI-DET. 3. ☐ GROUP 4. ☐ TOWNHSE 5. ☐ MIDRISE
#EFF: #1BED: 1 #2BED: 1 #3BED: 1 TOT BED: 3 TOT APTS/CONDOS: 1 6. ☐ HIRISE
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. ☐ Y 2. ☐ N BATHROOMS 1 CLASS 04 FOLIO map-48
POWDER ROOMS KITCHENS LIBER grid-06

BUILDING SIZE 800 SF LOT SIZE AND SETBACKS 125.50X
FLOOR 800 SIZE 20821
WIDTH 80 FRONT STREET 143'
DEPTH 80 SIDE STREET
HEIGHT 3-8' deep FRONT SETBK NC
STORIES SIDE SETBK 25/25'
LOT #S 1 SIDE STR SETBK
CORNER LOT REAR SETBK 10'
1. ☒ Y 2. ☐ N ZONING

APPROVAL SIGNATURES [Signature] DATE 2/18/04
BLD INSP: [Signature]
BLD PLAN: [Signature]
FIRE: [Signature]
SEDI CTL: [Signature]
ZONING: [Signature]
PUB SERV: [Signature]
ENVRMT: [Signature]
PERMITS: [Signature]

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

Zoning - applicant says Pool to be installed on vacant lot & this is OK, IF SHED STRADDLES JOINT LOT LINE.

DESCRIBE PROPOSED WORK: 20'x40' Inground pool 3'-8" depth
Cartridge filter to be filled by truck, Pool
enclosed with fence. Little attached Crest 4'
fence per Code around Pool. Any fence
erected within an easement will be replaced at
owner's expense if necessary. Cannot fence in
existing easements.
Use also using tap # 04-12-040900

LOT SIZE 15X258
19384 SF
125' N Butler Rd.
SHED WILL STRADDLE JOINT LOT LINE

Use Pan Prev first

Need House Num incl in search

PETITIONER'S EXHIBIT
CBA-3

Det #3



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DIRECTOR

BUILDING PERMIT

John R. Reisinger
JOHN R. REISINGER
BUILDINGS ENGINEER

PERMIT #: B546631 CONTROL #: RS DIST: 04 PREC: 01
DATE ISSUED: 02/19/2004 TAX ACCOUNT #: 0412040900PT CLASS: 04

PLANS: CONST PLOT 1 R PLAT DATA ELEC YES PLUM NO
LOCATION: 2 WAUGH AVE PARCEL 2
SUBDIVISION: NE COR BUTLER RD

OWNERS INFORMATION
NAME: BELT BEVERLY
ADDR: 2 WAUGH AVE MD 21071

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

TENANT:

CONTR: ELITE POOLS

ENGR:

SELLR:

WORK: 20'X40' INGROUND POOL 3'-8" DEPTH CARTRIDGE
FILTER TO BE FILLED BY TRUCK, POOL FENCE PER
CODE AROUND POOL; ANY FENCE ERECTED W/IN AN
EASEMENT WILL BE REMOVED AT OWNERS EXPENSE IF
NECESSARY; CANNOT FENCE IN WALKWAY EASEMENTS;
ALSO USE TAX#04-12-040901; LOT 75X258=19384SF

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & POOL & FENCE
EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE:

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 20821SF

FRONT STREET:

SIDE STREET:

FRONT SETB: NO

SIDE SETB: 25/25'

SIDE STR SETB:

REAR SETB: 10'



Pet #

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

Baltimore County
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3900/Fax: 410-887-2824

Permit No. _____

Location

2 Waukeg Ave
Baltimore Co. 21071

The residential swimming pool you propose is subject to the following requirements:

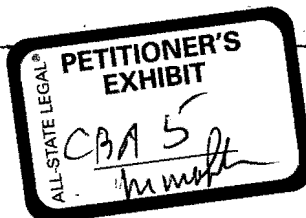
1. It must be emptied by methods that prevent nuisance and/or water damage to adjacent properties.
2. If regarding the pool site area, adequate disposal of surface drainage must be provided and existing property line grades must be met. The correction of any problem resulting from grading is the responsibility of the property owner. No construction or regrading is allowed in any county-owned easement.
3. Placement cannot be within ten feet of any overhead wires (NEC 680-8).
4. A fence or equivalent barrier, 48 inches high with self-closing and self-latching gates, must enclose the pool. Any openings in the barrier must be too small to allow the passage of a four-inch ball. The fence must support a 200-pound lateral load at the top. New enclosure fences or new sections of enclosure fences also are subject to the following requirements:
 - Picket-Type Fences: Horizontal members less than 45 inches apart (top to top) must be located on the pool side of the fence. Openings between vertical members must be 1¼ inches or less.
 - Chain Link or Lattice-Type Fences: Maximum opening must be 2¼ inch and 1¼ inches, respectively, unless provided with slats.
 - Dwelling Wall (forms part of the barrier): Doors from the dwelling directly into the pool enclosure must have an audible alarm.
5. Certification of the above must be filed with the building application and be by the owner in fee. Any other signature will nullify the permit.

Douglas A. Swam
Douglas A. Swam
Permit Services Supervisor

I hereby certify that I am the owner in fee of the referenced property and that I have read the above requirements.

Signature of Owner In Fee

2-13-04
Date



Ret #5

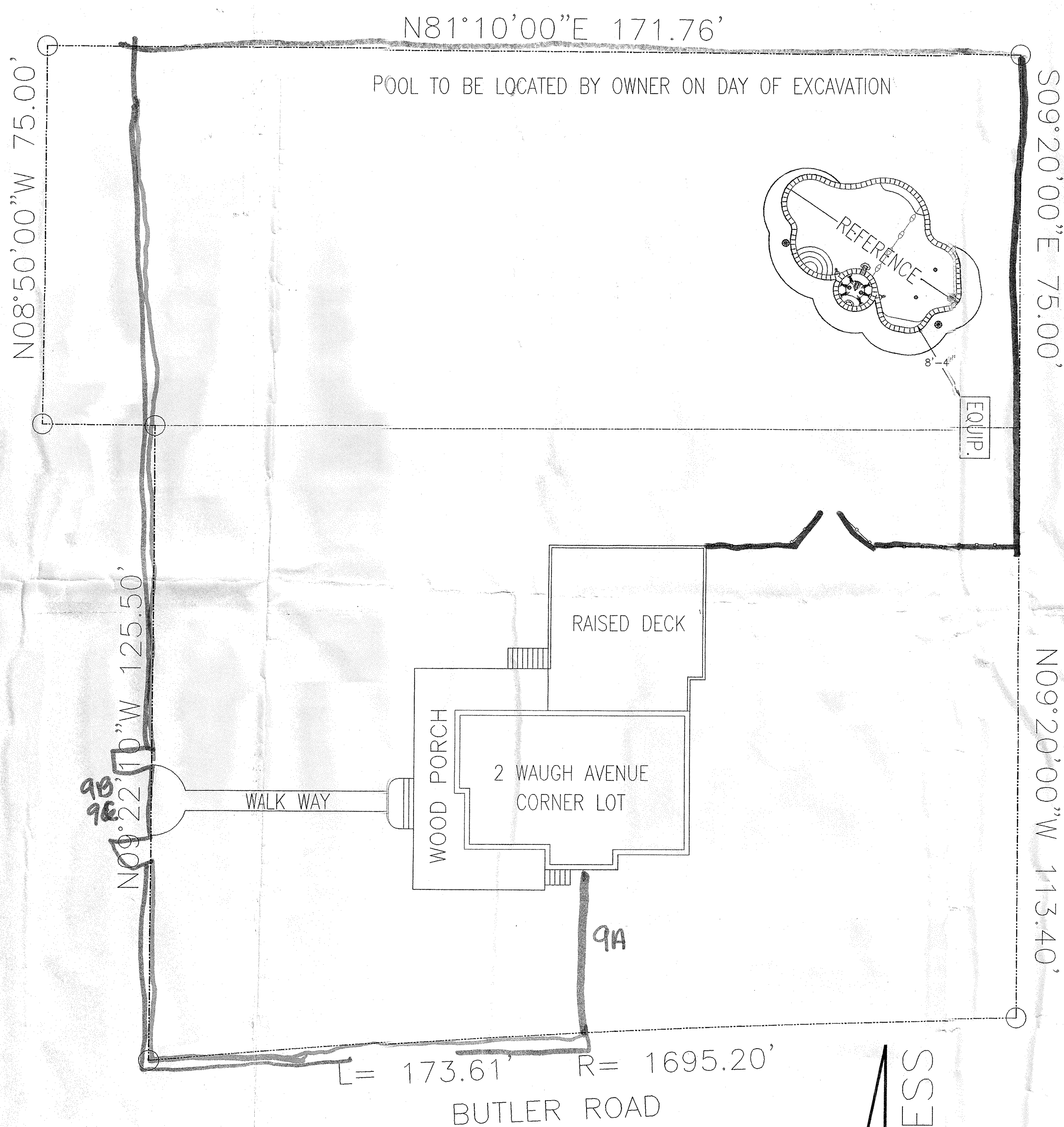
Pet No 6

BELT- RESIDENCE

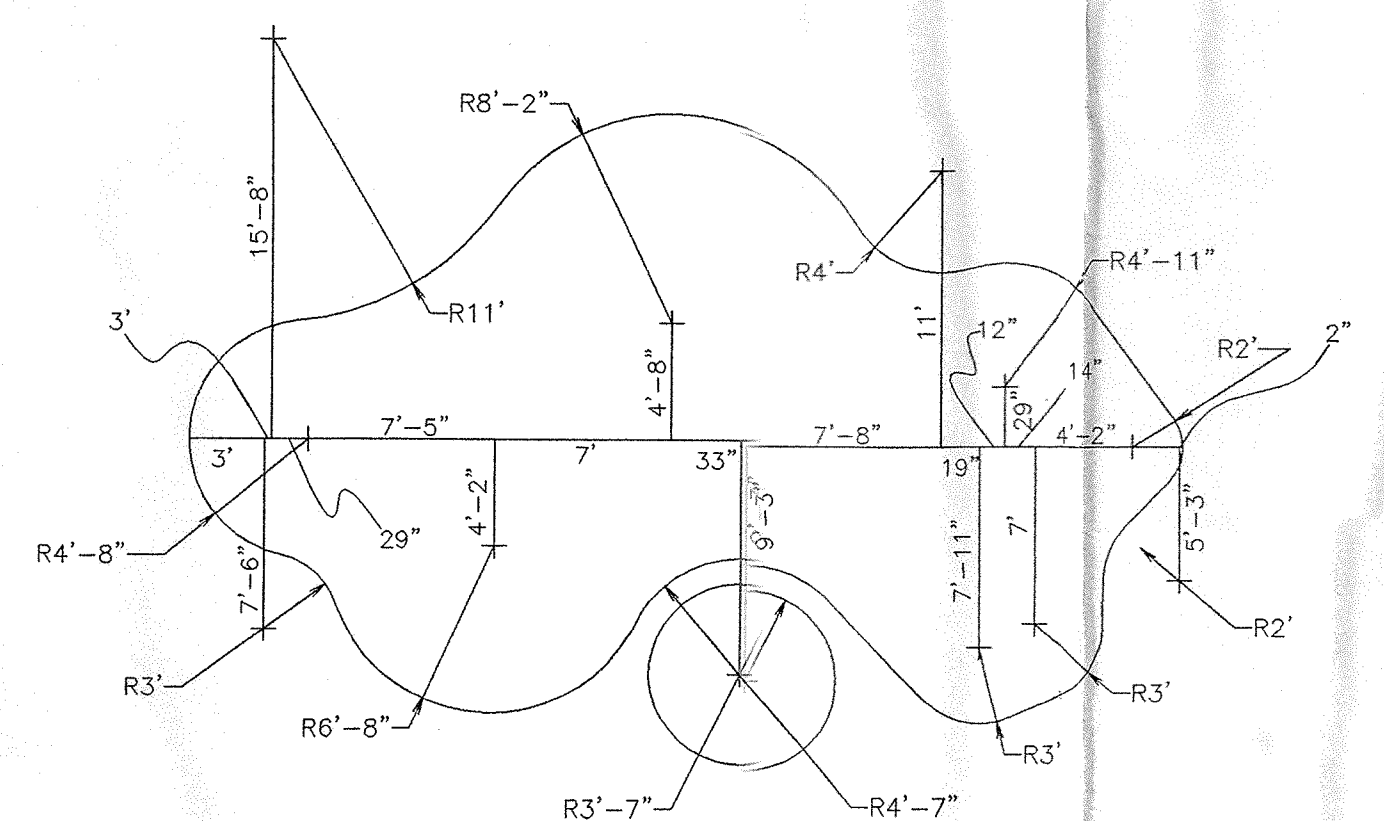
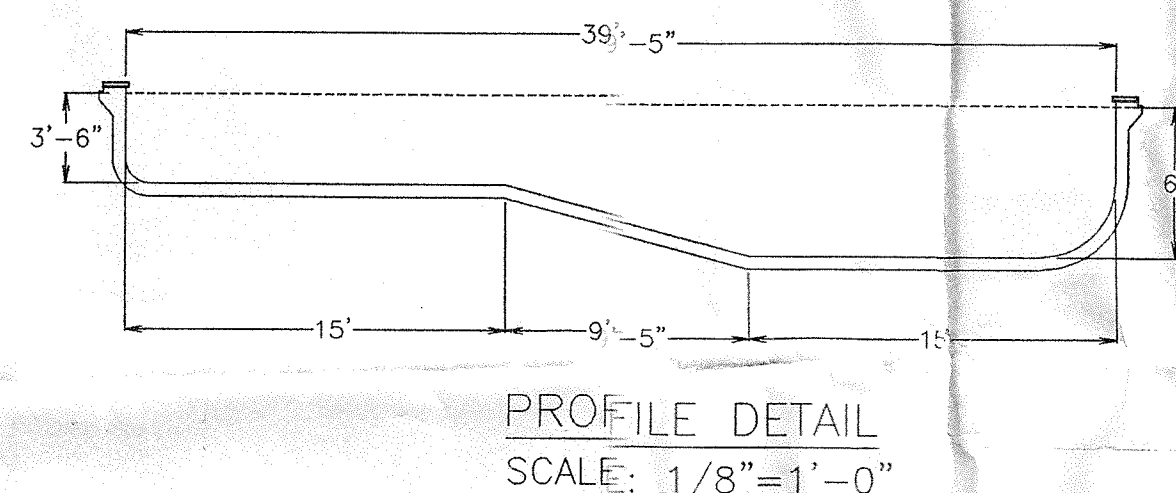
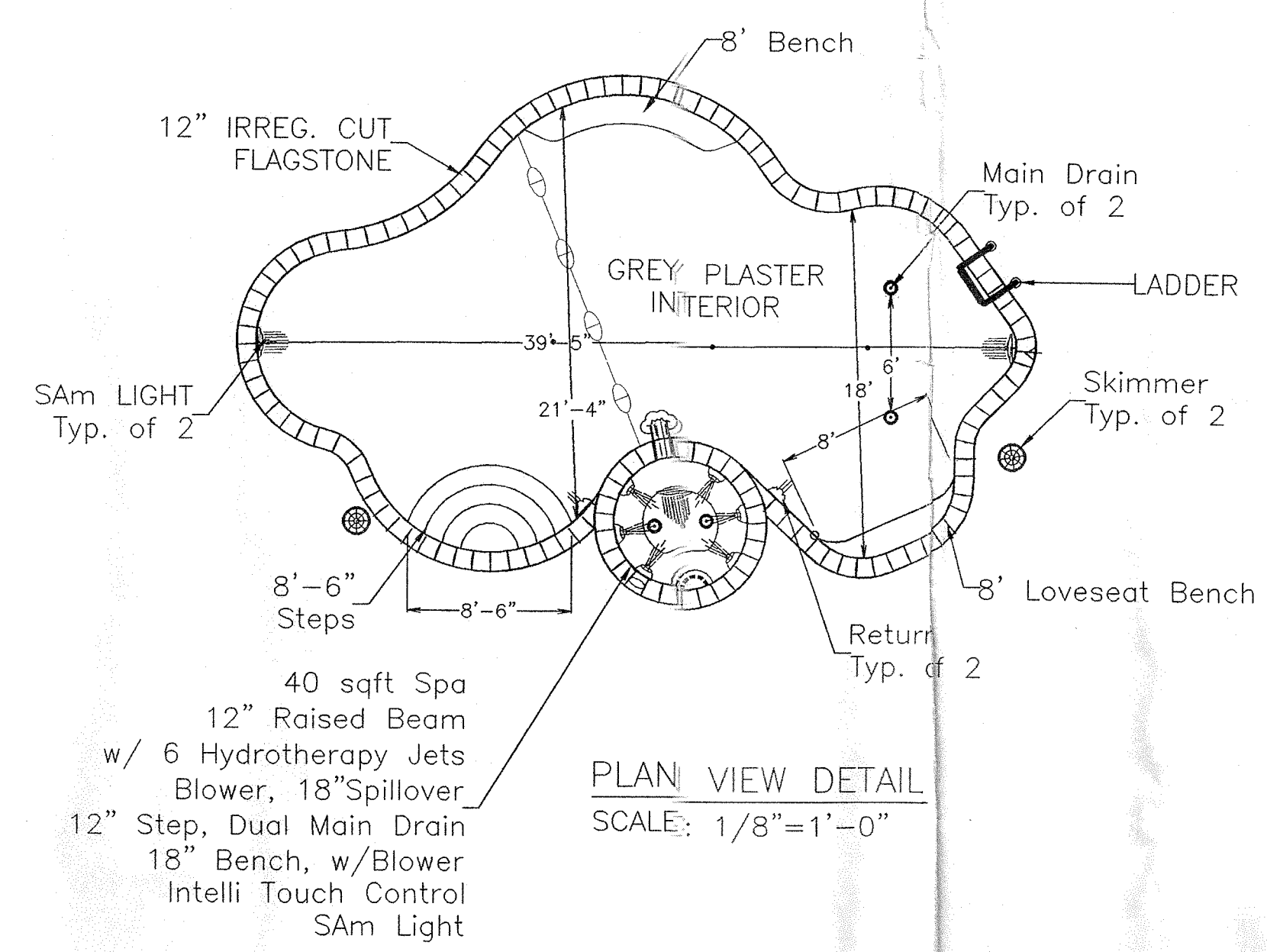
2 WAUGH AVENUE
GLYNDON, MARYLAND

Red = ORNAMENTAL FENCE
Blue = PRIVACY FENCE
Green = ESTATE FENCE
Purple = NEW FENCE TO ENCLOSE PROP.

LEGEND	
	SAND/CARTRIDGE FILTER
	PUMP
	VALVE
	CHLORINATOR PUMP
	VACUUM GAUGE
	PRESSURE GAUGE
	ELECTRICAL OUTLET
	SIGHT GLASS
	FLOW METER
	CHEMICAL VAT
	POOL HEATER
	BACKWASH
	CARTRIDGE HEAD
	FLOOR DRAIN (BY OTHERS)
	BALL VALVE
	PRECAST COPING
	CENTRE STEPS
	STEEL VINYL COVERED STEPS
	CURVED CENTRE STEPS
	MULTI-PORT VALVE
	SHEER DESCEND
	BLOWER
	HYDRO THERAPY JET
	DEPTH MARKER
	SKIMMER
	LIGHT
	FILL SPOUT
	LADDER
	LEAF TRAPPER
	FLOOR RETURN
	VACUUM
	HANDICAP ANCHOR
	DUAL MAIN DRAIN
	HYDROSTATIC RELIEF VALVE
	6" DRIVING BOMB
	HANDRAIL
	THERMOMETER
	THREE WAY BALL VALVE
	LIGHT JUNCTION BOX
	HOSE BIB
	PORTABLE LIFE GUARD CHAIR
	6" RECESSED LOVE SEAT
	ROPE & FLOATS
	VENTURI LINE
	WALL RETURN
SOME ITEMS DO NOT APPLY TO DRAWING	



PLOT PLAN DETAIL
SCALE: 1/16"=1'-0"



CONSTRUCTION DETAIL
SCALE: 1/8"=1'-0"

ELITE POOLS
3525 E. JOPPA ROAD, BALTIMORE, MD 21234
Phone: (410)-663-7946 / Fax: (410)-665-8977

CUSTOMER INFORMATION	
Name	B. BELT
Address	2 WAUGH AVENUE
ST/ZIP	GLYNDON, MD 21071
Phone	Home # Work #
Sales Person	Mike Winters
Sheet	1 of 1
DATE	2/12/04
REVISED	3/18/04

EQUIPMENT	
	IN FLOOR CLEANING SYSTEM
	AQUA RITE SALT SANITIZER
	INTELLI TOUCH CONTROL
	SPA SIDE CONTROL
	GAS HEATER
	SKIMMER
	PUMP

SETBACK NOTE	
REAR	XXXX
RT. SIDE	XXXX
LT. SIDE	XXXX
WELL	XXXX
SEPTIC	XXXX

POOL EQUIPMENT	
SKIMMER	2
RETURN	2
MAIN DRAIN	1 SET
PUMP	one, 2 HP PUMP
FILTER	1 CARTRIDGE
HEATER	1 NAT. GAS HEATER
SANITIZER	SALT SANITIZER
LIGHTS	2, SAm LIGHTS
AUTO CLEANER	IN FLOOR CLEANING SYSTEM ☐ No ☒ Yes
ACCENT TILE FEATURE	ON ALL STEPS AND BENCHES
TEMP. FENCE	☐ No ☒ Yes
INTERIOR	GREY PLASTER

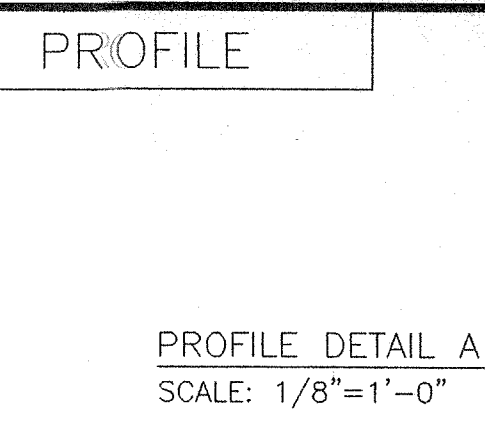
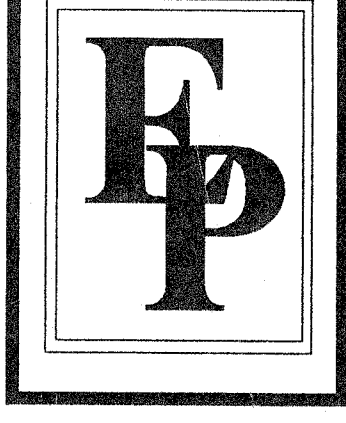
SPA EQUIPMENT	
SPA Sq.Ft.	40, 12" RAISED SPA
PERIMETER	22'-6"
HYDRO JETS	6
BLOWER	☐ No ☒ Yes
MAIN DRAIN	1 SET
PUMP	SHARED
FILTER	SHARED
HEATER	one
LIGHTS	one, SAm LIGHT
SPILL OVER	18" ☐ No ☒ Yes
LADDER	☐ No ☒ Yes

POOL DATA	
Surface Area	600
Perimeter	107'-0"
Pool Size	18'-0"x40'-0"
Pool Depth	3'-6"-6'-0"
Gallage	19,000
Pool Shape	The Maui

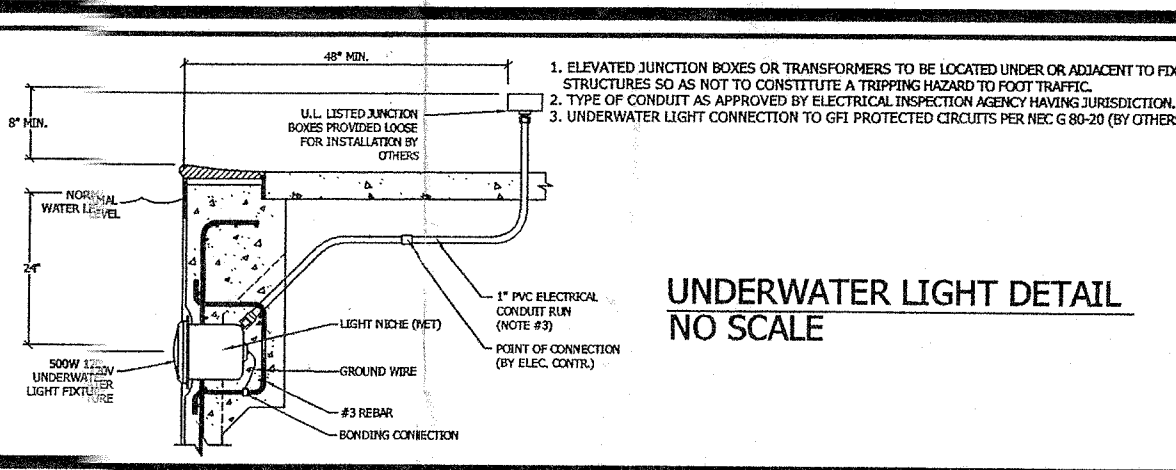
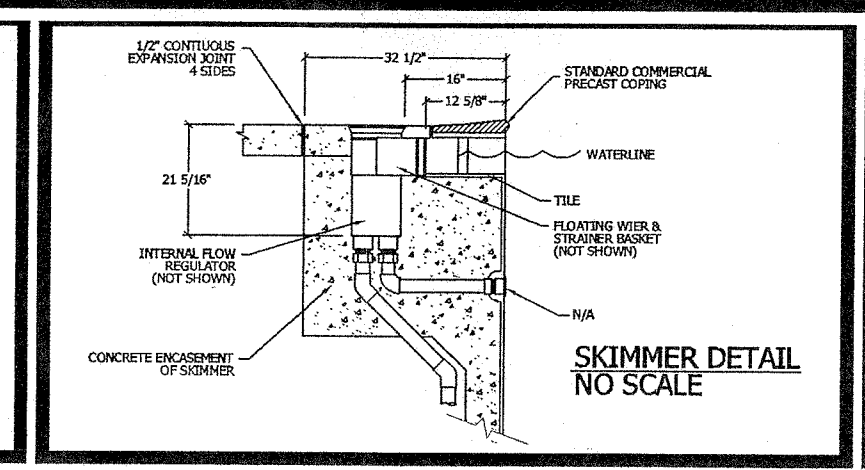
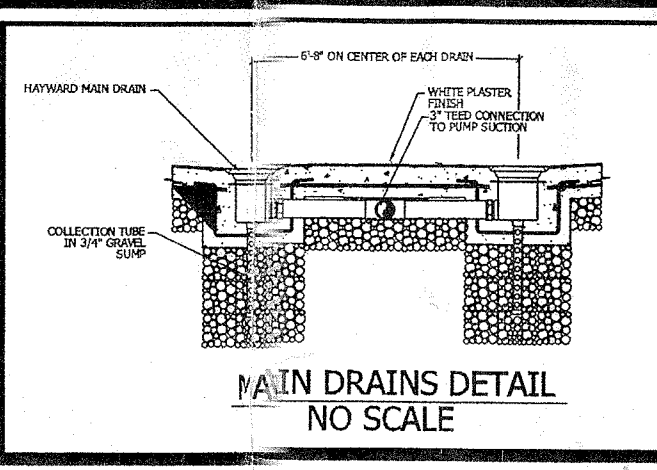
APPURTENANCE ITEMS	
Deck Sq. Ft.	300 by others
WATER FILL	☐ No ☒ Yes by others
HAULING	☒ No ☐ Yes by others

BOND BEAM VIEW	

APPROVAL	
001	
Customer and Salesperson agree that this drawing, access, elevation, and location of equipment and appurtenances are correct. Any changes in this final drawing must be approved in writing by both customer and Elite Pools, Inc.	
CUSTOMER	DATE
SALES PERSON	DATE
CADD	DATE



STEEL SCHEDULE	
RADIUS "R"	THICKNESS "T"
1'-6" to 2'-6"	5"
2'-6" to 4'-0"	5" to 6 1/4"
4'-0" to 4'-6"	6 1/4" to 6 3/4"
4'-6" to 5'-0"	6 3/4" to 7"
5'-0" to 6'-0"	7" to 7 1/2"



Mitchell J. Kellman
Director of Zoning Services



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21204

Phone 410 296 3333

Fax 410 296 4705

mjkellman@dmw.com

A Team of Land Planners,

Landscape Architects,

Golf Course Designers,

Engineers, Surveyors &

Environmental Professionals



Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

Significant Projects

Waterview
 Baltimore County, Maryland

Hopewell Pointe
 Baltimore County, Maryland

GBMC
 Baltimore County, Maryland

Sheppard and Enoch Pratt
 Hospital
 Baltimore County, Maryland

Charlestown Retirement
 Community
 Baltimore County, Maryland

Oakcrest Village Retirement
 Community
 Baltimore County, Maryland

Goucher College
 Baltimore County, Maryland

Notre Dame Preparatory
 School
 Baltimore County, Maryland

Professional Background

Daft-McCune-Walker, Inc.
 Towson, Maryland
 2000 - Present

Baltimore County Office of
 Permits and Development
 Management - Development
 Control
 1988 - 2000

Education

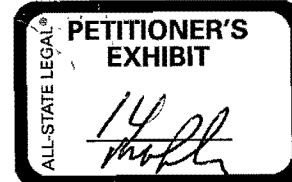
B.A. Towson University
 Geography and
 Environmental Planning -
 Urban Planning
 1983

Masters Geography and
 Environmental Planning -
 Urban Planning
 1987

Associations

Gama Theta Epsilon
 (International Graphic
 Honor Society)

American Planning
 Association



B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
Building line and/or Flood Zone information is subject to the interpretation of the originator.
NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
Property markers NOT found, or guaranteed by this location.
Setback distance accuracy: 1±

Ehrenpreis Professur

OWNER-
BEVERLY H. BELT
2 WAUGH AVE
GLYNDON, MD 21071

Subject property is shown in Zone C
on the FIRM Map of Baltimore County,
Maryland on Community Panel
240010 210 B Effective MARCH 2, 1981

This is to certify that I have surveyed the property shown hereon,
being known as #2 WAUGH AVENUE

and recorded among the land records of Baltimore County,
Maryland in LIBER 8194, folio 533
for the purpose of locating the improvements thereon.

This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes. This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.

PIPE
FOUND

PRISTOOL/GUCKENT PROPENIT

N 81°10'00" E 171.76'

P.O.B.
PARCEL 2

ANY PETITION
FOR special
HEARING

Tax Acc #
0412040900

HAMILTON
3. L. PROPERTY

PETITIONER'S
EXHIBIT
CBA 15
miller

PROPERTY AREA - 484
MAP NW 17 Acres

PROPERTY
ZONING: DR1

Deed Reference - 1971648

NOTE: PARCEL 2 DOES
NOT CLOSE BY 21'±.

COUNCILMANIC

NOT CLOSE BY 21st.
COUNCILMANIC DISTRICT - 3rd
~~COUNCILMANIC~~
LEGISLATIVE DISTRICT - 4th
ELECTION

LOCATION DRAWING
2 WAUGH AVENUE
4th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale:	1" = 50'
Date:	6/19/92
Field By:	DBM
Drawn By:	DBM
Drawing #	MISC6166

11/5/05
LES
LES
eth 1A

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2005, Legislative Day No. 1

Bill No. 1-05

Mr. S. G. Samuel Moxley, Chairman
By Request of County Executive

By the County Council, January 3, 2005

A BILL
ENTITLED

AN ACT concerning

The Building Code of Baltimore County

FOR the purpose of adopting with certain amendments, deletions and additions,

the ICC International Building Code, 2003 Edition; the ICC International

Residential Code, 2003 Edition, including Appendix F, the ICC International

Mechanical Code, 2003 Edition, and the ICC International Energy Conservation

Code, 2003 Edition, all as the "Building Code of Baltimore County, Maryland".

BY repealing

The Building Code of Baltimore County, Maryland
as adopted by Bill No. 78-01

BY adopting

The ICC International Building Code, 2003 Edition, Including Appendix C,
with amendments,

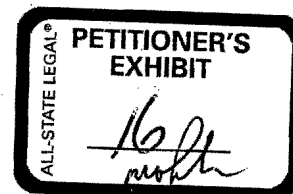
EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.



Wang
12/28/06

05-407-SPH

COUNTY/PROTESTANTS EXHIBITS

#1

BALCO CODE ARTICLE 32 (9 PAGES)

#2

LIST Fences reviewed

2003

**ARTICLE 32. PLANNING, ZONING, AND SUBDIVISION CONTROL / TITLE 7.
HISTORICAL AND ARCHITECTURAL PRESERVATION / SUBTITLE 1. IN
GENERAL. / § 32-7-101. DEFINITIONS.**

§ 32-7-101. DEFINITIONS.

- (a) *In general.* In this title the following words have the meanings indicated.
- (b) *Commission.* "Commission" means the Landmarks Preservation Commission.
- (c) *Damage due to weathering.* "Damage due to weathering" means that condition of any building material of a structure which if unprotected and exposed to the natural elements, including wind, rain, snow, and ice, would fail to meet a minimum durability test.
- (d) *Demolition.* "Demolition" includes demolition by neglect.
- (e) *Demolition by neglect.* "Demolition by neglect" means willful neglect in the maintenance, repair, or both maintenance and repair of a building or structure resulting in any of the following conditions:
 - (1) The deterioration of any exterior architectural feature so as to create or allow the creation of a hazardous or unsafe condition;
 - (2) The deterioration of exterior walls or other vertical supports;
 - (3) The deterioration of roofs or other horizontal members;
 - (4) The deterioration of exterior chimneys;
 - (5) The deterioration or crumbling of exterior plaster, mortar, or masonry;
 - (6) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows and doors; or
 - (7) Deterioration resulting from damage due to weathering.
- (f) *Exterior architectural features.* "Exterior architectural features" means the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building materials and the type and style of all windows, doors, light fixtures, signs, and other similar exterior features.
- (g) *Historic district.* "Historic district" means an area in the county in which there are located structures that have historical, cultural, educational, or architectural value, the preservation of which is deemed to be for the educational, cultural, economic, and general

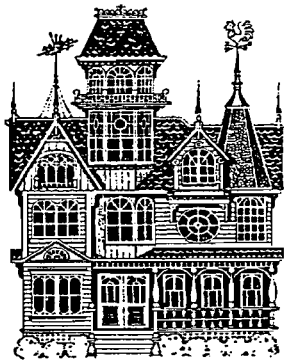
County -

PROT #1
moller 1

Fences/Walls reviewed by the LPC 2003-2006:

2/03-Fieldstone County Historic District-Fence
3/03-Lutherville County Historic District-Fence
5/03-Sudbrook Park County Historic District-Fence
7/03-Property on Preliminary Landmarks List-Low knee wall
9/03-Franklinville County Historic District-Fence
10/03-Lutherville County Historic District-Fence
10/03-Lutherville County Historic District-Fence
10/03-Sudbrook Park County Historic District-Fence
5/04-Property on Final Landmarks List-Fence
6/04-Relay County Historic District-Fence
6/04-Relay County Historic District-Fence
9/04-Glyndon County Historic District (Belt)-Fence
10/04-Glyndon County Historic District (Belt)-Fence
11/04-Sudbrook Park County Historic District-Fence
5/05-Glyndon County Historic District (Belt)-Fence
6/05-Glyndon County Historic District (Belt)-Fence
9/05-Sudbrook Park County Historic District-Fence
4/06-Lutherville County Historic District-Fence
7/06-Relay County Historic District-Fence
7/06-Property on Final Landmarks List-Fence
9/06-Lutherville County Historic District-Fence
11/06-Lutherville County Historic District-Fence

County -
prot #2



Newsletter to the Historic Glyndon Community

Baltimore County's First Historic District

Historic Glyndon Incorporated, Glyndon, Maryland 21071

May, 2004

You're invited to

HGI's Annual Spring Meeting & Program

Monday, May 10, 2004 at 7:30 p.m.

At the historic Emory Grove Hotel Glyndon
Waugh Ave. (off of Butler Road) Glyndon, MD

"A Hot Time in the Old Town: The Great Baltimore Fire of 1904"

Refreshments will be served

What is that cloud of smoke? Glyndon "summer residents," now in Baltimore for the winter, were among thousands who looked out their windows and wondered.

The smoke was rising from the Baltimore Fire, February 1904, which reduced to ashes the downtown business section of Baltimore.

"A Hot Time in the Old Town: the Great Baltimore Fire of 1904" will be described in slides, pictures and words by Wayne Schaumberg, who became interested in the subject when he read a 50th anniversary newspaper of the disaster. This year, of course, is the 100th anniversary of "the fire."

Besides ranking as an authority on the fire, Schaumberg, native of the Waverly section of the city, describes himself as "hopelessly hooked" on Baltimore's varied history.

Also observing its 100th anniversary, the Glyndon Volunteer Fire Company will exhibit at the meeting: artifacts, pictures and memorabilia of its century of outstanding service to the community.

Schaumberg invites guests to bring with them pictures, artifacts and anecdotes concerning the fire and its aftermath—the rebuilding of a new Baltimore.

Interested persons—children and adults—are invited. Refreshments will be served. Schaumberg's appearance at Emory Grove is sponsored by the Maryland Humanities Council. He is a member of the Speaker's Bureau.

Thanks the Beehlers and CSX for their cleanup efforts

Have you noticed the cleanup improvements along Railroad Ave., across from the park?

Thanks to Mr. and Mrs. Albert Beehler, Jr., and with cooperation from CSX, underbrush was cleared to make way for tree planting, which the Beehlers will complete.

What an improvement! Thanks to the Beehlers, who do not presently live in Glyndon, but have long-time roots to the Dyer family, one of Glyndon's early residents.

More inside...

Letter from the President
Become an HGI member
Responsibilities of Home
Ownership in a Historic
District
Tax Credits for Historic
Preservation
Slate of HGI officers
HGI Mission
20th annual Holiday Open
House
Our Historic House
Plaque Program
Glyndon trivia

Pro #1

Minutes
Landmarks Preservation Commission Meeting
October 14, 2004

The scheduled meeting was convened at 6:00 p.m. by the Chairman, Mr. Matthews. The following Commissioners were:

Present

Mr. James E. Matthews, Chair
Ms. Sandy Caslin
Mr. Louis Diggs
Mr. Edward A. Grffith
Mr. Edward E. Hardester, Jr.
Mr. Robert D. Lynd
Ms. Wendy McIver
Mr. Shawn Meyer
Mr. Thomas L. Reynolds
Mr. Qutub Syed

Not Present

Mr. John W. Hill, Vice-Chair
Mr. Jim Emerick
Ms. Sharon Paul
Mr. James A. Stevens

Planning Office staff present included Vicki Nevy (LPC Administrator/Secretary), Karin Brown, and Tim Dugan.

Mr. Matthews stated for the record that the Commission operates under Title 26 of the County Code, the Secretary of the Interior's Standards, and its own Rules of Procedure and Historic Guidelines and Regulations.

Review of the Agenda

1. The draft agenda was amended to include add items 5, 14, 20, 22, and 23.

Approval of the Minutes

2. Ms. Caslin moved that the Minutes of the September 14, 2004 meeting be approved as mailed. The motion was seconded by Mr. Reynolds, and on a voice vote, passed unanimously.

Alterations to properties in County Historic Districts

3. **Belt property, 2 Waugh Avenue (Glyndon County Historic District, contributing property)**
The elaborate history of the situation before and since the unauthorized removal of the fence on the Belt property at 2 Waugh Avenue was again recounted, this

Page 2

RESOLUTION

HISTORIC GLYNDON, INCORPORATED

RESOLVED: That at the March meeting in 2005 of Historic Glyndon, Incorporated (the "Association") held on March 14, 2005, it was resolved by the Board of Directors of the Association that responsibility for review and action on all zoning matters, including without limitation Zoning Case 05-407-A before the Zoning Commissioner (and/or Board of Appeals) relating to the 2 Waugh Avenue property owned by Beverly H. Belt, be placed with the Association's Board of Directors and/or its Executive Committee/Zoning Committee, who have authority to act on behalf of the Association on these matters.

FURTHER RESOLVED: That the following duly elected members of the Board of Directors and/or Executive Committee/Zoning Committee were appointed to represent them in connection with any such zoning matters

Kimberley Karlsen, President, and David Hueser, ^{TREASURER}~~Vice President~~, and Diane Flayhart, Secretary; and the Association's attorney:

Robert J. Carson, Esquire

Robert J. Carson, P.A.

As witness the execution of this Resolution under oath this 2nd day of April, 2005, by the undersigned President and Secretary of the Association, who affirm under the penalties of perjury that the foregoing Resolutions are true and correct and were passed by the Association's Board of Directors on the date first above written.

ATTEST:

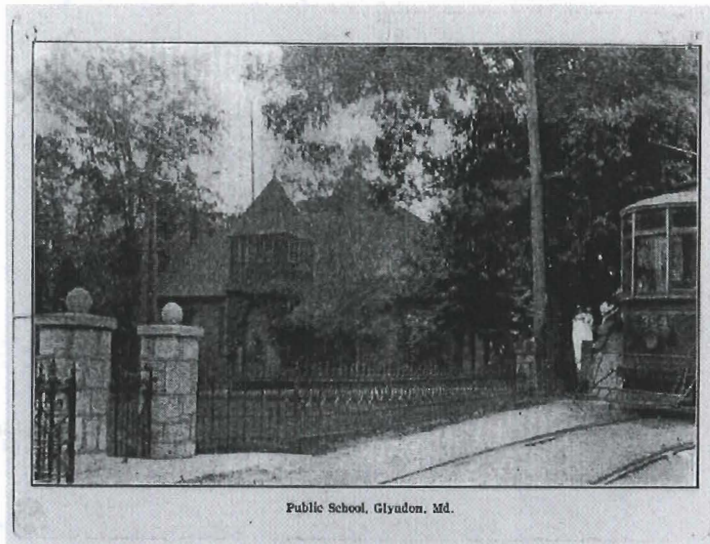
HISTORIC GLYNDON,
INCORPORATED (SEAL)

Diane Flayhart
Diane Flayhart, Secretary

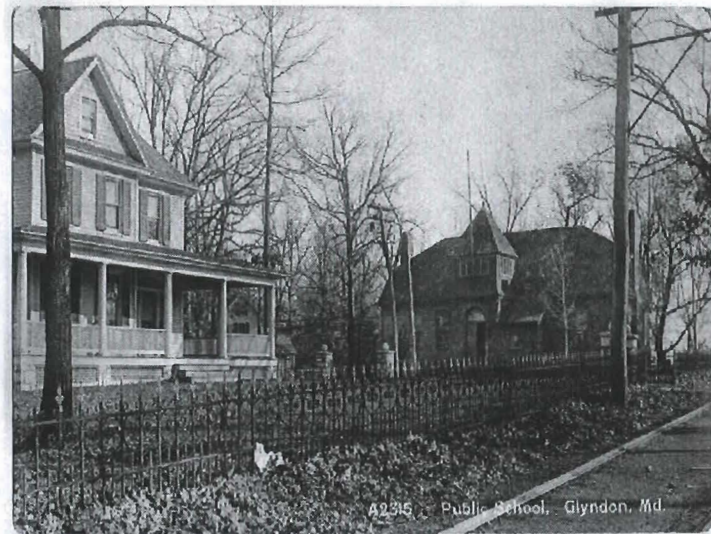
By: Kim Karlsen
Kimberley Karlsen, President

Historic Glyndon/Resolution

Pro # 3



Public School, Glyndon, Md.



A2315 - Public School, Glyndon, Md.

View of 2 Waugh Avenue (circa 1911) – a) fence and Public School across Butler Rd. and b) fence of 2 Waugh Ave. (at left)



View of 2 Waugh Avenue (March 2005) – views of new fence (and remains of historic fence) from Butler Rd.

Pro #4

WOOD FENCE

POOL

SIDE YARD

2 WAUGH AVE.

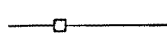
58'0"

23'8"

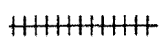
80'9"

Butler Ave

LEGEND



NEW FENCE (63" HIGH)



HISTORIC FENCE (34" HIGH)

Pro#5

Waugh Ave

141'5"

191'10"

6'

44'5"

Mitchell J. Kellman
Zoning Expert



200 East Pennsylvania Avenue
Towson, Maryland 21204
Phone 410 296 3333
Fax 410 296 4705
mkellman@dmw.com

A Team of Land Planners,
Landscape Architects,
Golf Course Designers,
Engineers, Surveyors &
Environmental Professionals



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Hopewell Pointe
Baltimore County, Maryland

GBMC
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Sheppard and Enoch Pratt
Hospital
Baltimore County, Maryland

Charlestown Retirement
Community
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Oakcrest Village Retirement
Community
Baltimore County, Maryland

Goucher College
Baltimore County, Maryland

Notre Dame Preparatory
School
Baltimore County, Maryland

Professional Background

Daft-McCune-Walker, Inc.
Towson, Maryland
2000 - Present

Baltimore County Office of
Permits and Development
Management - Development
Control
1988 - 2000

Education

B.A. Towson University
Geography and
Environmental Planning -
Urban Planning
1983

Masters Degree Towson
University
Geography and Environ-
mental Planning - Urban
Planning Concentration
1987

Associations

Gama Theta Epsilon
(International Graphic
Honor Society)

American Planning
Association

Ret # 13