IN RE: **PETITIONS FOR SPECIAL HEARING & VARIANCE** – N/S Poplar Road, 65' E of the c/l Pine Road **(1926 Poplar Road)** 15th Election District 6th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 06-047-SPHA
Leroy A. Weinreich Petitioner	*	

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Leroy Weinreich. The Petitioner requests a special hearing to approve an existing pier as a pre-existing nonconforming use. In addition, variance relief is requested from Section 417.3, Appendix J of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing and testifying on behalf of the Petitioner was Michael Moran, Esquire, attorney for the Petitioner, Edward Kirby, Professional Land Surveyor who prepared the site plan for this property, and Edward Mamolito. Appearing as a Protestant was John R. Owens and his attorney, Howard Alderman, Esquire.

As a preliminary matter, Mr. Alderman presented a motion asking for the dismissal of the Petition for Special Hearing on grounds of improper advertising and notice. Mr. Alderman contends that as the Petition for Special Hearing was not advertised in two newspapers as required by Section 500.7 of the BCZR but only one, that Petitioner has not met the mandatory notice requirements set forth in said section, and therefore, should be prohibited from moving forward. I find that the Protestant has waived any such objection by his appearance at the hearing and lack of identification, even generally, of any other interested parties that might have attended the hearing,

ORDER RECEIVED FOR FILING
Date 1/31/06
By

but for the alleged lack of notice. Based on the authority of Cassidy, et al v. County Board of Appeals of Baltimore County, et al, 218 Md. 418 (1958), I find that there has been substantial compliance with the notice provisions of Section 500.7 of the BCZR, and thus, will deny said Motion.

Testimony and evidence presented disclosed that the subject property is a rectangular shaped waterfront lot located with frontage on Sue Creek and the north side of Poplar Road, in the Cedar Beach community in Essex. The property contains a gross area of 0.16 acres, more or less, zoned R.C.5 and is improved with a one-story frame dwelling, an in-ground swimming pool, and a 20' x 16' block garage. At issue in the instant case is the Petitioner's extension of an existing pier over the divisional property line of the adjacent neighbor's property and whether the proposed improvements are considered nonconforming. The neighbor subsequently registered a complaint with the Code Enforcement Division of the Department of Permits and Development Management (Violation Case No. 05-2866), and the Petitioner was advised to file the instant Petitions to resolve the matter.

The Petitioner, Mr. Weinreich was the first witness to testify. He indicated that he has lived on the subject property for the last 25 years and that a pier existed when he and his parents first took ownership of the property, as well as the two mooring piles marked in orange on Petitioner's Exhibit 1. He testified that he used to moor his 28-foot Owens boat to the end of the original pier and would tie one end to the pier and the other end to the two piles. Testimony indicated that as a result of silting in of the area around the pier it became apparent that it would be necessary to extend the pier further into the water to access sufficient water depth to accommodate the Petitioner's boat. Mr. Weinreich testified that the former owner of the adjacent Owens' property had dredged the area around and in front of their pier as a result of the silting problem and that he wanted to dredge but lacked sufficient funds at that time. Further testimony disclosed that as a result of Hurricane Isabelle damage in 2003, the Petitioner made certain repairs to the existing pier and added a "T" section at the end of the pier. These improvements were done without the necessary permits and the above-referenced violation resulted.

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Date 1/31/06
By

Next to testify was Mr. Weinreich's neighbor, Edward Mamolito. Mr. Mamolito has resided across the street from Mr. Weinreich for the past 29 years. He testified that he kept his boat tied to the subject pier with the permission of the prior owner, identified as Mr. George, and that there has always been a pier and tie–off pilings appurtenant to Mr. Weinreich's property since he has lived across the street.

Mr. Edward Kirby, a consultant and Professional Land Surveyor with the firm of Spellman and Larson, testified next. Mr. Kirby testified relative to the history of the regulations as they pertain to pier location and the method of determining divisional lines between adjoining property owners for the purposes of pier construction. Mr. Kirby testified after reviewing the documentary evidence that there has been a pier at the subject property since 1938 and that a 1971 aerial photograph offered into evidence depicts a boat moored at the end of the subject pier.

After due consideration of the testimony and evidence presented and considerable study of same in the weeks post-hearing, I am convinced that the Special Hearing relief must be granted. The Petitioner, and to some extent the Protestant, via Protestant's Exhibits, have demonstrated that the 70-foot pier and the two most northerly piles, highlighted in orange on Petitioner's Exhibit 1, meet the requirements for a legal nonconforming status. Aerials submitted by the Protestant show a boat tied to the end of the pier, ostensibly secured to the two most northerly pilings shown as existing on Petitioner's Exhibit 1. However, the five pilings labeled as "new" on said exhibit must be removed, as well as any decking that might have been constructed between the end of the pier shaded in blue on Petitioner's Exhibit 1 and the two most northerly piles. The undisputed evidence presented established that the pier pre-existed the 1963 amendment to the BCZR that implemented Section 417 relative to pier construction (also see Section 104.2 regarding the repair of legal non-conforming structures after casualty). Protestant's aerial Exhibits show a boat moored at the end of the pier, and it is a reasonable inference that the necessary piles to safely secure the boat were also present, as the boat is shown moored, projecting in a linear position from the end of the pier. Therefore, after due consideration of the testimony and evidence presented, I am persuaded to grant the requested Special Hearing relief consistent with this Order.

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Date 1/31/06
By

Turning next to the requested Variance relief, Section 417 of the BCZR creates "Divisional" lines, not property lines. These divisional lines were for the purpose of providing a means for reviewing proposed waterfront improvements, such as piers, and to promote, to the extent possible, the orderly construction of same, thereby affording all waterfront property owners sufficient area to construct a pier to serve their property. The divisional lines are clearly not property lines, as neither the Petitioner nor the Protestant owns the navigable waterway or the bed that underlies it. Although variance relief can be granted from the projected division lines, I am not persuaded that the Petitioner has met the burden set forth in Cromwell v. Ward, 102 Md. App. 691 (1995) regarding the uniqueness of his property or situation. Therefore, there is no basis for the granting of the requested variance relief, and I must deny same.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January, 2006 that the Petition for Special Hearing to approve the existing pier to remain as a pre-existing non-conforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below:

1) The five pilings labeled as "New Pilings" on Petitioner's Exhibit 1 must be removed, as well as all decking between the "new pilings" and the end of the existing pier shaded in blue. The two most northerly pilings, shaded in orange, shall be permitted to remain, as they are legally nonconforming. The removal of the indicated piles and pier extension must be completed within six (6) months of the date of this Order.

2) Nothing in this Order should be construed as prohibiting the Petitioner from constructing a pier platform on the east side of the subject pier, in accordance with all Baltimore County rules and regulations and with the necessary building permits.

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

ORDER RECEIVED FOR FILING
Date 1/31/06
By

IT IS FURTHER ORDERED, for the reasons stated above, that the Petition for Variance seeking relief from Section 417.3, Appendix J of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 0 feet in lieu of the required 10 feet, be and is hereby DENIED.

Any appeal of this Decision must be made within 30 days of the date of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/31/06
By

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1926 Poplar Road
which is presently zoned RC-5

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

The existing pier to remain as a pre-existing non-conforming use.

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

Legal Owner(s):

Leroy A. Weinreich
Name - Type or Print

Leroy A Weinreich
Signature

Leslie A. Weinreich
Name - Type or Print

Leslie A. Weinreich
Signature

1926 Poplar Road — 410-687-9487
Address — Telephone No.

Baltimore — MD — 21221
City — State — Zip Code

Attorney For Petitioner:

William N. Butler
Name - Type or Print

William N. Butler
Signature

Howard, Butler & Melfa PA
Company

401 Allegheny Avenue — 410-337-0900
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Spellman, Larson & Assoc. Inc.
Name

105 W. Chesapeake Avenue — 410-823-3535
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 7/31/06
By RBJ

Case No. 06-047-SPHA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 7/22/05

RBJ 9/15/98

CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1926 Poplar Road

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 417.3 Appendix J to allow a sideyard setback of 0' in lieu of the required 10'.

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

Reasons for the Variance and argument to be presented at the Hearing.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Leroy A. Weinreich
Name - Type or Print

Leroy A. Weinreich
Signature

Leslie A. Weinreich
Name - Type or Print

Leslie A. Weinreich
Signature

1926 Poplar Road — 410-687-9487
Address — Telephone No.

Baltimore — MD — 21221
City — State — Zip Code

Attorney For Petitioner:

William N. Butler
Name - Type or Print

William N. Butler
Signature

Howard, Butler & Melfa PA
Company

401 Allegheny Avenue — 410-337-0900
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Spellman, Larson & Associates Inc.
Name

105 W. Chesapeake Avenue — 410-823-3535
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 1/31/06
By B

Case No. 06-047-SPHA

Date REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By D.T. **Date** 7/22/05

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / FAX (410) 825-5215

LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITION
1926 POPLAR ROAD

BEGINNING for the same at a point on the north side of Poplar Road said point being 65 feet more or less from the extension of the center line of Pine Road and running thence along the north side of Poplar Road south 88 degrees 37 minutes east 50 feet, thence north 1 degree 23 minutes east 138.14 feet, thence north 76 degrees 51 minutes 18 seconds west 51.07 feet and thence for a line of division between Lots 60 and 61 on the Plat of Cedar Beach recorded in Plat Book 7 Folio 186 south 1 degree 23 minutes west 148.53 feet to the place of beginning.

BEING known as Lot 61 of Section One Cedar Beach recorded in Plat Book 7 Folio 186.

CONTAINING 0.16 acres of land more or less.

File#D04190501

STATE OF MARYLAND
NO. 5481
REGISTERED
PROFESSIONAL LAND SURVEYOR

06-047-SPHA

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: #06-047-SPHA

1926 Poplar Road

N/side of Poplar Road, 65 feet east from centerline of Pine Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Leory A. & Leslie A. Weinreich

Special Hearing: to allow the existing pier to remain as a pre-existing non-conforming use. **Variance:** to allow a side yard setback of 0 feet in lieu of the required 10 feet.

Hearing: Wednesday, September 14, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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 8/769 August 30 64864

CERTIFICATE OF PUBLICATION

8/31/, 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 8/30/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 548269

DATE 7/19/05 ACCOUNT 001006150

AMOUNT $ ~~[illegible]~~ 130.00

RECEIVED FROM: SPELLMAN LARSON + ASSOC.

FOR: ITEM # 47 06-047 -SPHA

1926 POPLAR RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	REF
7/25/2005	7/22/2005	13:37:32	2

SG 0504 WALK IN TOW 1010
RECEIPT # 328806 7/22/2005 OTJ
Dept 5 528 ZONING VERIFICATION
R NO. 44502P
Recpt Tot $130.00
$130.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 8030

DATE 3/2/06 ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: LEVIN & GANN

FOR: Appeal 06-047-SPHA
1926 Poplar Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
[illegible]
3/02/2006 [illegible] 10:15:45
[illegible]
CASHIER # 35971 [illegible] 001
Dept 5 [illegible]
CR NO. 005000
Recpt Tot [illegible]
$400.00 CK $400.00
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 8032

DATE 3/2/06 ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: LAW OFFICES of Michael J. Moran PC

FOR: Appeal 06-047-SPHA
1926 POPLAR RD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
[illegible]
3/14/2006 [illegible] 10:16:21
[illegible]
CASHIER # 36060 [illegible] 001
Dept 5 [illegible]
CR NO. [illegible]
Recpt Tot $400.00
$400.00 CK $400.00
Baltimore County, Maryland

CASHIER'S VALIDATION

RECEIVED

NOV 2 9 2005

ZONING COMMISSIONER

CERTIFICATE OF POSTING

Attention: Kristen Matthews Date: November 21, 2005

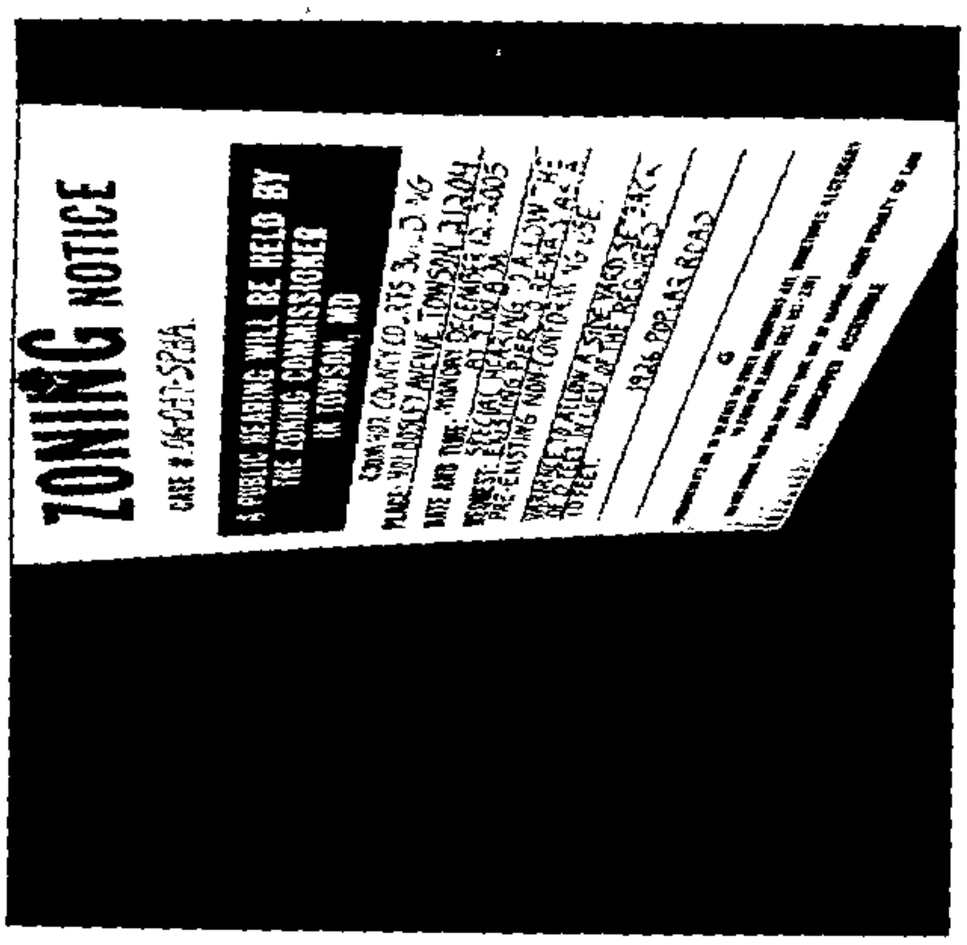
RE: Case Number 06-047-SPHA

Petitioner/Developer: MR+MRS. WEINREICH / HOWARD ALDERMAN / JOE LARSON

Date of (Hearing)/Closing: December 12, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1926 POPLAR ROAD

The sign(s) were posted on November 21, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

RECEIVED
NOV 2 3 2005

APPEAL SIGN POSTING REQUEST

CASE NO. 06-047-SPHA

1926 POPLAR ROAD

15 TH ELECTION DISTRICT APPEALED: 3/2/2006

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.: 06-047-SPHA

LEGAL OWNER: LESLIE A. & LEROY A. WEINREICH

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

1926 POPLAR ROAD

The sign was posted on 5/10, 2006.

By: _____
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)

CERTIFICATE OF POSTING

RE: Case No.: 06-047-SPHA

Petitioner/Developer: LEROY A + LESLIE A. WEINREICH

Date of Hearing/Closing: SEPT 14, 2005

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

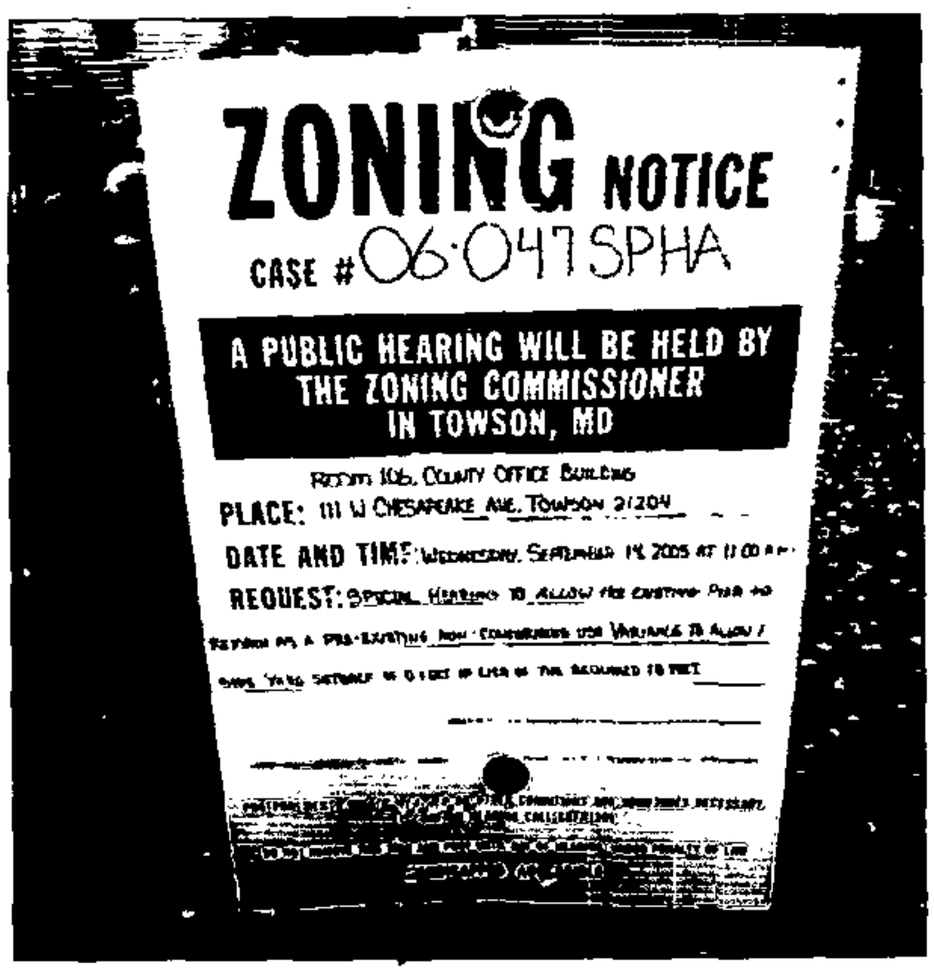
ATTN: Kristen Matthews {(410) 887-3394}

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: 1926 POPLAR RD

The sign(s) were posted on 8-29-05
(Month, Day, Year)

Sincerely,



1926 POPLAR Rd

Robert Black 8-30-05
(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)

RECEIVED
SEP - 6 2005
DEPT. OF ... DEVELOPMENT

CERTIFICATE OF POSTING

Attention: Kristen Matthews Date November 21, 2005

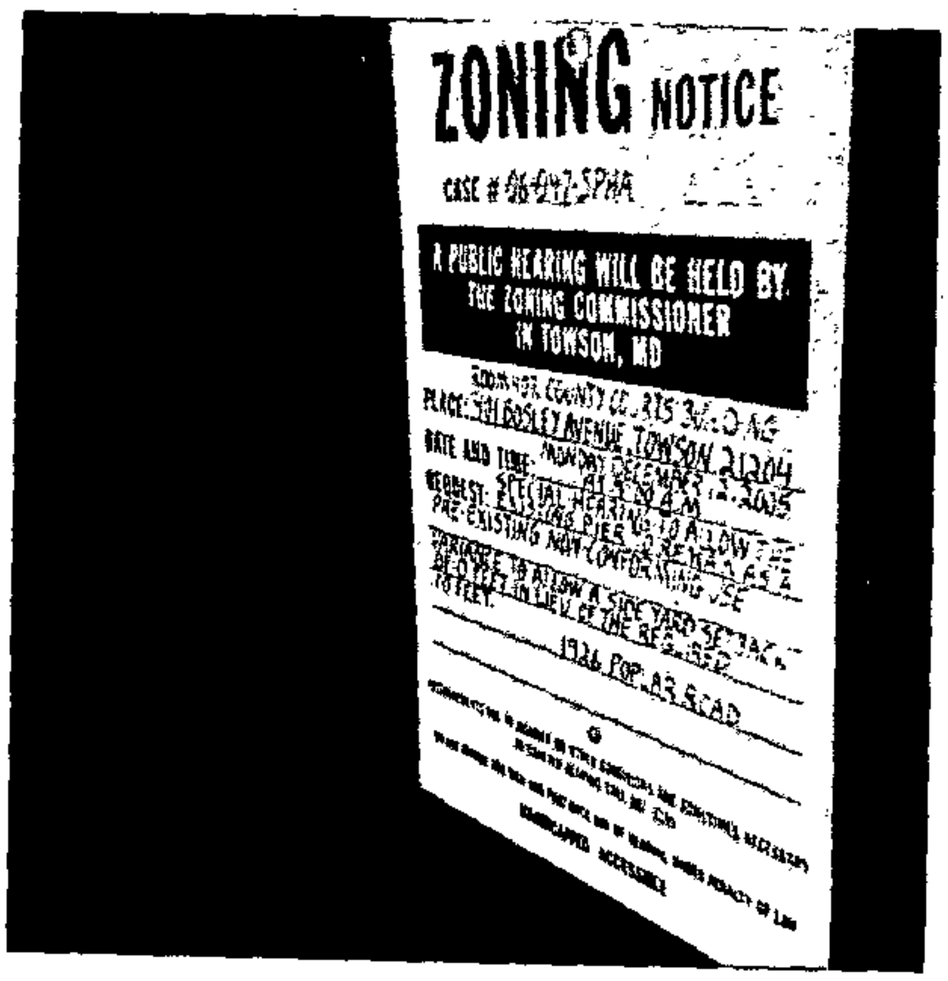
RE: Case Number 06-047-SPHA

Petitioner/Developer MR+MRS. WEINREICH / HOWARD ALDERMAN / JOE LARSON

Date of (Hearing)/Closing December 12, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1926 POPLAR ROAD

The sign(s) were posted on November 21, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-047-SPHA

Petitioner: WEINREICH

Address or Location: 1926 POPLAR RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. + MRS. LERON A. WEINREICH

Address: 1926 POPLAR RD.
BALTO. MD 21221

Telephone Number: 410-687-9487

Revised 2/20/98 - SCJ

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

August 3, 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: 06-047-SPHA
1926 Poplar Road
N/side of Poplar Road, 65 feet east from centerline of Pine Road
15th Election District – 6th Councilmanic District
Legal Owners: Leroy A. & Leslie A. Weinreich

Special Hearing to allow the existing pier to remain as a pre-existing non-conforming use.
Variance to allow a side yard setback of 0 feet in lieu of the required 10 feet.

Hearing: Wednesday, September 14, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: William Butler, 401 Allegheny Avenue, Towson 21204
Mr. & Mrs. Weinreich, 1926 Poplar Road, Baltimore 21221
Spellman, Larson & Associates, Inc., 105 West Chesapeake Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 30, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 30, 2005 Issue - Jeffersonian

Please forward billing to:
Mr. & Mrs. Leroy A. Weinrich 410-687-9487
1926 Poplar Road
Baltimore, MD 21221

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: 06-047-SPHA
1926 Poplar Road
N/side of Poplar Road, 65 feet east from centerline of Pine Road
15th Election District – 6th Councilmanic District
Legal Owners: Leroy A. & Leslie A. Weinreich

Special Hearing to allow the existing pier to remain as a pre-existing non-conforming use.
Variance to allow a side yard setback of 0 feet in lieu of the required 10 feet.

Hearing: Wednesday, September 14, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J WISEMAN III
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.

BEFORE THE BOARD OF APPEALS
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.: 06 047 SPHA
Petitioners	*	

* * *

NOTICE OF WITHDRAWAL OF LIMITEDAPPEAL BY J.R. OWENS, CROSS-APPELLANT ANDAPPELLEE

With the mutual consent of Cross-Appellee and Appellant Leroy Weinreich, Cross-Appellant and Appellee, J.R. Owens, by his undersigned Counsel, withdraws his limited appeal in the captioned matter.

MICHAEL J. MORAN
The Law Offices of Michael J. Moran, P.C.
305 W. Chesapeake Avenue-Suite105
Towson, MD 21204
410.244.8800
Attorney for Appellant and Cross-Appellee

RECEIVED
MAY 0 2 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Howard Alderman by TJD
HOWARD ALDERMAN, Esquire
Levin & Gann, P.A.
508 Washington Avenue
Towson, MD 21204
410.321.0600
Attorney for Appellee and Cross Appellant

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

September 5, 2005

William N. Butler
Howard, Butler & Melfa, P.A.
401 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Butler:

RE: Case Number: 06-047-SPHA, 1926 Poplar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 22, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Leroy A. and Leslie A. Weinreich 1926 Poplar Road Baltimore 21221
Spellman, Larson & Associates 105 W. Chesapeake Avenue Towson 21204

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-48810
MS-1102F

cc: File

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

SHA State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 8-2-05

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

RE: Baltimore County
Item No. 047 DT

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,

L. J. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

November 1, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Michael J. Moran, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: **PETITIONS FOR SPECIAL HEARING & VARIANCE**
(1926 Poplar Road)
Leroy A. Weinreich, et ux - Petitioners
Case No. 06-047-SPHA

Dear Mr. Moran:

This letter is to confirm that the hearing in the above-captioned matter has been rescheduled by agreement of all parties, for Monday, December 12, 2005 at 9:00 AM in Room 407 of the Circuit Courts Building in Towson.

Should there be any questions concerning this matter, please do not hesitate to call me.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Leroy A. Weinreich
1926 Poplar Road, Baltimore, Md. 21221
Howard L. Alderman, Jr., Esquire, Levin & Gann
502 Washington Avenue, 8th Floor, Towson, Md. 21204
Mr. John R. Owens & Ms. Carol Morgan
1924 Poplar Road, Baltimore, Md. 21221
Code Enforcement Division, DPDM; People's Counsel; Case File

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 27, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Michael J. Moran, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: **PETITIONS FOR SPECIAL HEARING & VARIANCE**
(1926 Poplar Road)
Leroy A. Weinreich, et ux - Petitioners
Case No. 06-047-SPHA

Dear Mr. Moran:

In response to your letter of December 21, 2005 concerning the above-captioned matter, the following comments are offered.

You have requested that I accept your letter as an informal "Motion for Reconsideration" of the decision rendered by me from the bench at the conclusion of the hearing in this matter on December 12, 2005. While it is true that the Rules of Practice and Procedure before the Zoning Commissioner (Appendix G, Rule 4K) provides that "A party may file a Motion for Reconsideration of an Order issued by the Zoning Commissioner...," the word "Order" of necessity, refers to a written opinion, which allows persons aggrieved by the decision to file an appeal to the Board of Appeals, pursuant to Section 32-3-401 of the Baltimore County Code.

In view of the above, I will accept your letter as a Memorandum of Law and will forward a copy of same herewith to Counsel for the Protestant, Howard L. Alderman, Jr., Esquire, and extend him a period of 15 days in which to respond, should he feel it appropriate.

Best wishes in the New Year.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Howard L. Alderman, Jr., Esquire, Levin & Gann
502 Washington Avenue, 8th Floor, Towson, Md. 21204
Case File

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 13, 2006

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

Dear Mr. Alderman:

RE: Case: 06-047-A, 1926 Poplar Road

Please be advised that we received your appeal of the above-referenced case on March 2, 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,

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Office of People's Counsel, M.S. 2010
Code Enforcement Division
Mr. John R. Owens, 1924 Poplar Road, Baltimore, MD 21221
Michael J. Moran, Esquire, 305 W. Chesapeake Ave., Ste. 105, Towson, MD 21204
Mr. Leroy Weinreich, 1926 Poplar Road, Baltimore, MD 21221
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286
Mr. & Mrs. Robert E. Edmond, 1922 Poplar Road, Baltimore, MD 21221
Joseph Larson & Edward Kirby, Spellman, Larson & Assoc., Inc., 105 W. Chesapeake Ave., Ste. 406, Towson, MD 21204

Printed on Recycled Paper

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of April 2006, I caused a copy of the foregoing paper to be served upon the following persons at the addresses indicated, by first class, mail postage prepaid: Michael J. Moran, Esquire, c/o The Law Offices of Michael J. Moran, P.C., 305 W. Chesapeake Avenue, Towson, MD 21204

H Alderman by TRS with given permission

HOWARD ALDERMAN

BW 9/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2005

RECEIVED

AUG 1 6 2005

ZONING COMMISSIONER

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

SUBJECT: 1926 Poplar Road

INFORMATION:

Item Number: 6-047

Petitioner: Leroy Weinreich

Zoning: RC 5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a 0 foot side yard setback in lieu if the required 10 feet if the structure is the original principle structure on the subject site. The Office of Planning does not support a 0 foot setback on recent construction.

With reference to the petition for special hearing the Office of Planning recommends the applicant bring the pier into conformance with current pier construction regulations, this office does not support a non-conforming pier.

For further information concerning the matters stated here in, please contact David Pinning at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lyn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-047.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2005
Item Nos. 046, 047, 048, 052, 053, 054, 055, 056, 057, 058, 064, 065, and 066

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-08102005.doc

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
1926 Poplar Road; N/side Poplar Road, 65' E c/line Pine Road	*	ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts	*	FOR
Legal Owner(s): Leroy & Leslie Weinreich		
Petitioner(s)	*	BALTIMORE COUNTY
	*	06-047-SPHA

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

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/ documentation filed in the case.

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to Spellman, Larson & Associates, Inc, 105 W Chesapeake Avenue, Towson, MD 21204 and to William N. Butler, Esquire, 401 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
AUG 05 2005
Per

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

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: May 6, 2005

TO: Raymond S. Wisnom, Jr.
Hearing Officer

FROM: James H. Thompson, Supervisor
Code Enforcement

SUBJECT: Case No. 05-2866
1926 Poplar Road

The referenced case per Director Timothy M. Kotroco is not to be heard on June 7, 2005.

The property owners Leroy and Leslie Weinreich will be addressing the issues outlined in the citation before the Zoning Commissioner in a public hearing.

JHT:lrs

cc: Joseph L. Larson, President, Spellman, Larson & Assoc. Inc.
105 W. Chesapeake Ave., Ste 406, Towson, MD 21204
Cathy Bevins, MS# 2450

Balti County
Department of Permits and
Development Management

Code Inspectic nd Enforcement
County Office Jing
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.	Property No.	Zoning:
05-2866	1519890060	RC 5

Name(s): Leroy A. Weinreich
Leslie A. Weinreich

Address: 1926 Poplar Rd. Balto. md. 21221

Violation Location: 1926 Poplar Rd. Balto md. 21221

Violation Dates: 2/10/05 Thru 6/7/05

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

BCZR 101, 102.1, 1A04.1B.3, 417.4
BCC 33-2-605(D)(3); IBC R 105
(1) Failure to obtain proper building permit
(2) Failure to cease encroachment in divisional lines.
(3) Exceeding the maximum width of Main structure of Pier. (6 Ft. Maximum width)

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: $ 23,400.00

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: 6/7/05 Time: 9:00 A.M.

Citation must be served by: Date: 5/4/05

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: Keith Parker

4/19/05 Keith Parker
Date Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: Citation/Case No.: 05-2866

Address:

Date Defendant's Signature

AGENCY

APPEAL

Petition for Special Hearing & Variance
1926 Poplar Road
North side of Poplar Road, 65 feet east centerline of Pine Road
15th Election District – 7th Councilmanic District
Legal Owners: Leslie A. & Leroy A. Weinreich

Case No.: 06-047-SPHA

✓ Petitions for Variance & Special Hearing (July 22, 2005)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (August 3, 2005)

✓ Certification of Publication (August 30, 2005– The Jeffersonian)

✓ Certificate of Posting (August 29, 2005) by Robert Black

✓ Certificate of Posting (November 21, 2005) by Linda O'Keefe

✓ Entry of Appearance by People's Counsel (August 5, 2005)

✓ Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet - None

✓ Citizen(s) Sign-In Sheet – ~~None~~ (1) in File

Zoning Advisory Committee Comments

Petitioners' Exhibits
1. Amended Site Plan
2. Survey Plat – for swimming pool permit
3. Aerial 24" x 24" dated 10/11/71
4. Aerial – Enlargement of Portion of No. 3
5. James B. Ensor – 1957 Certificate of Authenticity
6. Kristopher Weaver – 1938 Certificate of authenticity

Protestants' Exhibits
1. Notice of Objection as to Special Hearing Relief
2. 05-2866 Violation Case – 6/10/05 Order
3. Aerial – 12/15/04 (GIS – Probably 2001-2002)
4. 33-2-605 (See 6F)
5. COMAR 26.24.04.02

Miscellaneous (Not Marked as Exhibits)
1. ✓ 2/10/05 letter from Tim Kotroco to Weinreichs and Owens re: The Piers of 1924 & 1926 Poplar Road
2. ✓ 5/5/05 letter from Howard Alderman to Code Enforcement re: 1924 Poplar Rd
3. ✓ 5/6/05 memo from Jim Thompson, Code Enforcement to Raymond S. Wisnom, Jr. Hearing Officer, Re: 1925 Poplar Road
4. ✓ 6/10/05 Final Order of Code Enforcement Officer
5. ✓ 9/12/05 letter from Michael J. Moran, Esq. To Zoning Commissioner (WJW,III)
6. ✓ 9/12/05 letter & fax from Howard L. Alderman, Jr., Esq. To Zoning Commissioner
7. ✓ 9/12/05 letter from Michael J. Moran, Esq. To Zoning Commissioner
8. ✓ 10/31/05 letter from Howard L. Alderman, Esq. To Zoning Commissioner
9. ✓ 11/1/05 letter from Zoning Commissioner to Michael J. Moran, Esq. Re: Rescheduled hearing date for 12/12/05
10. ✓ (7) Subpoenas signed by Zoning Commissioner for persons to appear at the 12/12/05 Zoning Hearing
11. ✓ 12/14/06 hand-delivered letter from Joseph Larson to Zoning Commissioner attaching Outline Survey Plat (Petitioners' Exhibit #2)

RECEIVED
MAR 14 2006
BALTIMORE COUNTY
BOARD OF APPEALS

12 12/21/05 informal motion for reconsideration to Zoning Commissioner from Michael J. Moran, Esq.
13 12/27/05 letter from Zoning Commissioner to Michael J. Moran, Esq. In response to 12/21/05 letter – Accepting his motion as Memo of Law not as Motion for Reconsideration.
14 12/29/05 letter from Mr. Alderman to Zoning Commissioner re: 12/21/05 letter from Michael J. Moran, Esq. – requesting ZC denial
15 1/4/06 letter from J. Carroll Holzer, Esq., to Mr. Kotroco, Director PDM requesting permits not be issued to Mr. Owens and stating that he represented the Edmonds' property owners at 1922 Poplar Road
16 Photocopy of Westlaw cases cited on pages 1 & 2 – Section FN1. highlighted.
17 Returned letter addressed to John R. Owens at his address (as he had written on sign-In sheet)

G - in part ; D - in part

Zoning Commissioner's Order (Petition for Special Hearing – DENIED) dated 1/31/06

Notice of Appeal received on 3/2/06 from Howard L. Alderman, Jr., Esquire – for Mr. J. R. Owens

Notice of Appeal received on 3/2/06 from Michael J. Moran, Esquire – for Mr. Elroy Weinreich

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Office of People's Counsel, M.S. 2010
Code Enforcement Division
Mr. John R. Owens, 1924 Poplar Road, Baltimore, MD 21221
Michael J. Moran, Esquire, 305 W. Chesapeake Ave., Ste. 105, Towson, MD 21204
Mr. Leroy Weinreich, 1926 Poplar Road, Baltimore, MD 21221
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286
Mr. & Mrs. Robert E. Edmond, 1922 Poplar Road, Baltimore, MD 21221
Joseph Larson & Edward Kirby, Spellman, Larson & Assoc., Inc., 105 W. Chesapeake Ave., Ste. 406, Towson, MD 21204

Date sent March 13, 2006, raj

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.:	06 047 SPHA
Petitioners	*		

* * *

SUBPOENA

To: Custodian of Records, Farm Services Administration of Baltimore County, Baltimore County Soil Conservation Service, 9831 Van Buren Lane, Cockeysville, MD 21030

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner in Room 407, County Courts Building, 401 Bosley Avenue MD 21204 on the 12th day of December, 2005 at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Michael J. Moran, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204, 410.244.8800, Counsel for Petitioner, and to bring with you aireal photographs, dated 11 October 1971, No. 1709 + 000-030, AJO-4MM 6 and corresponding aireal photograph from 1986 showing the same location as that depicted in the 11 October 1971 aireal photograph.

Mr. Sheriff/ Process Server: Please proceed in accordance with Zoning Commissioner's Rule 2(c)

Zoning Commissioner/Deputy
Zoning Commission for
Baltimore County

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.: 06 047 SPHA
Petitioners	*	

* * *

SUBPOENA

To: Joseph Larson, c/o Spellman & Larson, The Jefferson Building, Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner in Room 106, County Office Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on the 12th day of December, 2005 regarding the above captioned case, for the purpose of testifying at the request of Michael J. Moran, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204, 410.244.8800, Counsel for Petitioner.

Mr. Sheriff/ Process Server: Please proceed in accordance with Zoning Commissioner's Rule 2(c)

Zoning Commissioner/Deputy
Zoning Commission for
Baltimore County

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.:	06 047 SPHA
	*		
Petitioners			

* * *

SUBPOENA

To: Edwin Kirby, c/o Spellman & Larson, The Jefferson Building, Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner in Room 106, County Office Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on the 12th day of December, 2005 regarding the above captioned case, for the purpose of testifying at the request of Michael J. Moran, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204, 410.244.8800, Counsel for Petitioner.

Mr. Sheriff/ Process Server: Please proceed in accordance with Zoning Commissioner's Rule 2(c)

Zoning Commissioner/Deputy
Zoning Commission for
Baltimore County

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.: 06 047 SPHA
Petitioners	*	

* * *

SUBPOENA

To: Edward Monilito, 101 Pine Road, Essex, MD 21221

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner in Room 407, County Courts Building, 401 Bosley Avenue MD 21204 on the 12th day of December, 2005 at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Michael J. Moran, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204, 410.244.8800, Counsel for Petitioner.

Mr. Sheriff/ Process Server: Please proceed in accordance with Zoning Commissioner's Rule 2(c)

Zoning Commissioner/Deputy
Zoning Commission for
Baltimore County

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.: 06 047 SPHA
	*	
Petitioners		

* * *

SUBPOENA

To: Theresa Weinreich, 318 S Woodward Road, Essex, MD 21221

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner in Room 407, County Courts Building, 401 Bosley Avenue MD 21204 on the 12th day of December, 2005 at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Michael J. Moran, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204, 410.244.8800, Counsel for Petitioner.

Mr. Sheriff/ Process Server: Please proceed in accordance with Zoning Commissioner's Rule 2(c)

Zoning Commissioner/Deputy
Zoning Commission for
Baltimore County

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.: 06 047 SPHA
Petitioners	*	

* * *

SUBPOENA

To: Essy Frey, Baltimore County Soil Conservation Service, 9831 Van Buren Lane, Cockeysville, MD 21030

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner in Room 407, County Courts Building, 401 Bosley Avenue MD 21204 on the 12th day of December, 2005 at 9:00 a.m. regarding the above captioned case, for the purpose of testifying at the request of Michael J. Moran, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204, 410.244.8800, Counsel for Petitioner, and to bring with you aireal photographs, dated 11 October 1971, No. 1709 + 000-030, AJO-4MM 6 and corresponding aireal photograph from 1986 showing the same location as that depicted in the 11 October 1971 aireal photograph.

Mr. Sheriff/ Process Server: Please proceed in accordance with Zoning Commissioner's Rule 2(c)

Zoning Commissioner/Deputy
Zoning Commission for
Baltimore County

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.: 06 047 SPHA
	*	
Petitioners		

* * *

SUBPOENA

To: Custodian of Records, Office of Planning

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner in Room 106, County Office Building, 105 W. Chesapeake Avenue, Towson, MD 21204 and to bring Aerial photographs dated 3 April 1961, no's. 556-58 and 556-59 on the 12th day of December, 2005 regarding the above captioned case, for the purpose of testifying at the request of Michael J. Moran, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, MD 21204, 410.244.8800, Counsel for Petitioner.

Mr. Sheriff/ Process Server: Please proceed in accordance with Zoning Commissioner's Rule 2(c)

Zoning Commissioner/Deputy
Zoning Commission for
Baltimore County

Law Offices of
Michael J. Moran
A Professional Corporation

RECEIVED
MAR 0 2 2006
Per.....

2 March 2006

Office of Permits and Development Management
County Office Building-Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Appeal of Decision, No. 06-047 (Denial of Variance)

Dear Appeals Administrator:

I represent Mr. Elroy Weinreich in connection with the captioned matter.

Please enter an appeal from the decision of the Zoning Commissioner, a copy of which is attached, denying Mr. Leroy Weinreich, the applicant's Petition for Variance. I attach a copy of the Order and Opinion..

Also enclosed is a check in the amount of $400.00 to pay for filing costs.

Thank you.

Very Truly Yours,

Michael J. Moran

MJM:mm
Enclosure

305 West Chesapeake Avenue-Suite 105
Towson, MD 21204
FACSIMILE:410.825.6023
mikemoran@verizon.net

1400
(410) 828-4 8494 410.244.8800

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 1, 2006

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

Stamp here and initial indicating date appeal was filed:

RECEIVED
MAR 02 2006
Per.....

RE: 1926 Poplar Road
Leroy A. Weinreich, Petitioner
Case No. 06-047-SPHA
Notice of Limited Appeal

Dear Mr. Kotroco:

On behalf of my client, Mr. J.R. Owens, an adjoining neighbor to the above-referenced property and participant at the December 12, 2005 zoning hearing, an appeal of only those portions of the January 31, 2006 decision of the Zoning Commissioner for Baltimore County granting relief to the Petitioner is hereby noted to the County Board of Appeals for Baltimore County. This appeal does not include the requested relief that was DENIED by the Commissioner. Mr. Owens 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: Mr. J.R. Owens
William J. Wiseman, III, Zoning Commissioner
Peter M. Zimmerman, People's Counsel
Michael J. Moran, Esquire
County Board of Appeals

Law Offices of
Michael J. Moran
A Professional Corporation

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SEP 1 2 2005

ZONING COMMISSIONER

12 September 2005

William J. Wiseman, Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

Re: No. 06-047

Dear Mr. Wiseman:

I have just recently been retained by the Petitioner-property owner in the captioned matter and am writing to request a brief continuance

The captioned matter is scheduled before you on Wednesday, 14 September 2005. At issue is the Petitioner's request for a special hearing and variance. The subject of the Special Hearing is whether a pier should be allowed to remain as a pre-existing non-conforming use. The subject of the variance proceeding is whether to allow a sideyard setback of 0' in lieu of the statutorily required 10 feet.

I have just been retained to represent the Petitioner and property owner in the captioned matter. I require additional time to familiarize myself with the facts of the case and prepare for trial. Under the circumstances, I would appreciate a brief continuance and will work with opposing counsel, Mr. Alderman to secure an agreed date if the continuance is granted.

Thank you.

Very Truly Yours,

Michael J. Moran

MJM:mm
C: Howard Alderman, Esquire

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

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SEP 13 2005
ZONING COMMISSIONER

September 12, 2005

VIA TELEFAX & REGULAR MAIL
William J. Wiseman, III, Zoning Commissioner
Baltimore County Hearing Officer
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 1926 Poplar Road - Case No. 06-047-SPHA

Dear Mr. Wiseman:

I have spoken with Mr. Moran this morning and he has kindly provided to me a copy of his letter to you requesting "a brief continuance" of the above-referenced hearing, scheduled to be heard on Wednesday, September 14, 2005. In his letter, Mr. Moran suggests that the zoning relief requested seeks to validate the existing pier in its present location as a valid non-conforming use or, alternatively, by way of variance. I represent the adjoining property owners at 1924 Poplar Road and I am not aware of any zoning relief that you could grant, without permission from my client, that would permit the existing pier to remain constructed on my client's property.

It appears that each time Mr. Moran's clients have an administrative proceeding scheduled before a Baltimore County official, they retain counsel immediately prior to the scheduled hearing. This was true at the proceeding before the Baltimore County Code Enforcement Hearing Officer and it is now repeated before you. Understand that I do not fault Mr. Moran. However, his clients should not be able to continue their practice of changing counsel and delaying proceedings in an attempt to deprive my client from obtaining a final ruling requiring them to remove their pier, pilings and the like from the property which my client owns.

Therefore, I have recommended to my client that we oppose the requested continuance. Reluctantly, my client has agreed with my advice. Rule 4.G of the *Zoning Commissioner's Policy Manual* (adopted as part of the *Code of County Regulations*), requires a specific showing that the circumstances requiring the continuance/postponement "are of an unusual and extraordinary nature." No such circumstances have been shown nor do any exist. For those reasons, we urge you to deny Mr. Moran's request.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Michael J. Moran, Esquire
Mr. J.R. Owens

So. I don't really understand the allegation of delay in the proceedings caused by the engagement of Mr. Butler at the Enforcement Officer's hearing; especially since the hearing was had.

Finally, continuances are granted at the "discretion" of the Zoning Commissioner for "good and sufficient reasons" (see, Rule 4.G). The matter at hand involves a rather complicated question of statutory construction and history as well as the presentation of technical testimony and factual testimony that goes back over 20 years (more than sufficient to make out a case for adverse possession). The administration of the case would be assisted if additional time were allowed for the adequate presentation of the Petitioner's case. It is not the usual case and is rather out of the ordinary for an attorney to be asked at the last minute to take over the representation of the client in an ongoing zoning dispute. In such circumstances, normally at least some additional time is allowed the attorney to prepare the case properly. In this case, engagement of new counsel is not made to delay the proceedings. Accordingly, the request should be granted.

Very Truly Yours,

Michael J. Moran

C: Howard Alderman, Esquire
People's Counsel

---

have been the result of a misunderstanding rather than an effort to keep the Zoning Commissioner from deciding the issues. For example, it seems that, for some reason, there was an expectation that Mr. Owens' (owner of 1924 Poplar Road) would also petition the Zoning Commissioner for a variance (see, appended letters of Timothy Kotroco, Director, dated 10 February 2005 to Owens and Weinreich; and Howard Alderman, Esquire to PDM, dated 5 May 2005, in which, on behalf of his client, Mr. Alderman requests a postponement of the citation issued against his clients property, also, apparently scheduled for 7 June 2005. The continuance would "...enable both parties to attempt to work cooperatively toward efficient presentations before the Zoning Commissioner..." It seems that Baltimore County, somehow, decided to postpone the hearing on the violation of my client's property (Memo. Dated 6 May 2005 from Thompson to Wisnom). Regardless, the matter did go forward on 7 June and Mr. Butler's retention did not cause any delay. In any event, if there was a delay in the filing of the zoning petition, it appears that the delay was due to a misunderstanding, rather than an attempt to delay any of the proceedings

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

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NOV - 1 2005
ZONING COMMISSIONER

October 31, 2005

VIA TELEFAX & REGULAR MAIL
William J. Wiseman, III, Zoning Commissioner
Baltimore County Hearing Officer
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 1926 Poplar Road - Case No. 06-047-SPHA
Scheduling of Hearing

Dear Mr. Wiseman:

On September 12, 2005, Michael J. Moran, legal counsel to the property owners in the above-referenced matter, requested that you grant a "brief continuance" in this matter due to his having been only recently retained. Since that date, I have heard nothing from Mr. Moran's office nor the Zoning Office regarding the rescheduling of this matter.

The protracted length of these proceedings has rendered the subject property owners in direct violation of the final decision of the Code Enforcement Hearing Officer in Civil Citation No. 05-2866. The property owners were ordered to remove, by August 1, 2005, the pier that they constructed on the adjoining property owned by my clients. The failure to remove the pier by that date – now nearly 90 days past – results in the immediate civil penalty to Mr. Moran's clients of $1,000, together with $200 per day additional penalty thereafter until the pier is removed.

On behalf of my client, I am requesting that this matter be rescheduled as soon as possible. Additionally, by copy of this letter to the Code Enforcement Hearing Officer, a request is made for immediate enforcement of the June 10, 2005 Order in Case No. 05-2866.

I will work cooperatively with Mr. Moran and the Zoning assignment office in the rescheduling of this matter. Should you need any additional information in this regard, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.

HLA/gk
c: Mr. J.R. Owens
Michael J. Moran, Esquire
Raymond S. Wisnom, Jr., Code Enforcement Hearing Officer
Ms. Kristen Matthews, Docket Clerk

Law Offices of
Michael J. Moran
A Professional Corporation

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SEP 12 2005
ZONING COMMISSIONER

12 September 2005

William J. Wiseman, Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

Re: Case NO. 06-047

Dear Mr. Wiseman:

I have Mr. Alderman's letter.

Understanding that I have not been "on board" so, to speak, for that long, please let me have a moment to fill in a few details that appear from the file correspondence.

The contention is made regarding the Zoning Commissioner's ability to grant zoning relief upon property owned, not by the Petitioner (my client) but by the adjacent property owner (Mr. Alderman's client). First, as I understand the situation, my client's pier, as extended, and platform, extends from the shore, into the waters of Sue Creek, and crosses the divisional property line that marks the "boundary," so to speak, between No. 1924 and No. 1926 Poplar Road (see attached plan prepared by Larson Spellman & Associates, appended for illustrative purposes). Of course, the divisional property line in not on land but the water. The divisional property line, as I understand it, was created by county ordinance in 1979. My client contends that the pier actually extended to two (2) distant pilings (as shown on the enclosed) before 1979 and continued in that condition when he bought the property 24 years ago. Before 1979, Mr. Alderman's client did not "own" the property. Therefore, if the use pre-dated the creation of the divisional property line, it is a candidate for non-conforming use status. So, there would seem to be the possibility that the Zoning Commissioner could grant zoning relief to the Petitioner (my client) despite the existence of the divisional property line.

There is also an innuendo that my client is switching lawyers at the last minute as a tactic to delay the proceedings. I do not understand the situation to be that and, in fact, the documentation in the file does not bear out that inference. It is true, apparently, that my client engaged William N. Butler, Esquire to represent him just before the Code Enforcement proceedings. However, the engagement of counsel did not delay the hearing at all. In fact, a *hearing was held*, and Mr. Wisnom wrote an opinion as the result of that hearing (7 June 2005). The date of 7 June 2005, so far as I can tell, was the first date that the hearing before the Code Enforcement official was assigned, so there had been no prior postponements. [1]

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[1] In the course of his opinion, Mr. Wisnom expressed concern that Mr. Weinreich's Petition for Variance had not moved forward as quickly as it should have. Any delay appears to

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ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS
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DEC 1 4 2005

ZONING COMMISSIONER

LETTER OF TRANSMITTAL

Mr. William Wiseman, Zoning Commissioner
Baltimore County
New Courts Building
Towson, MD 21204

December 14, 2005
JOB NO. 88038
1926 Poplar Road
Zoning Case No. 06-047-SPHA

"HAND DELIVERED"

ITEMS LISTED BELOW ARE: ✔ Attached _____ Sent Under Separate Cover

_____ Correspondence ✔ Prints _____ Documents _____ Other _____

No. of Copies	Date	Item Description
1	7/5/88	Outline Survey Plat (Petitioners Exhibit #2)

Purpose of Submittals:

_____ For approval ✔ For your use ✔ As requested _____ For review & comment

_____ Other _____

REMARKS: Exhibit returned as requested

JOSEPH L. LARSON, PRESIDENT

cc: Howard Alderman
Michael Moran

File#T12140501

Law Offices of
Michael J. Moran
A Professional Corporation

RECEIVED
DEC 22 2005
ZONING COMMISSIONER

21 December 2005

William J. Wiseman
Zoning Commissioner of Baltimore County
401 Bosley Avenue
Towson, MD 21204

In re: Weinreich

Dear Commissioner Wiseman:

Please accept this letter as an informal motion for reconsideration of your prior decision in the captioned matter.

As you will recall, the Petitioner, Leroy Weinreich, petitioned the Office of the Zoning Commissioner for a special hearing and a variance in connection with a pier attached to the Petitioner's real property. Roughly speaking, the pier extends into Sue Creek perpendicularly from the Petitioner's shoreline that is improved with a bulkhead. The Petitioner sought a special hearing to obtain a declaration that about 70, more or less, of the pier was a pre-existing structure, and therefore "grandfathered" or otherwise permitted as a non-conforming structure pursuant to the provisions of Section 104 of the Baltimore County Zoning Regulations (hereafter, "BCZR" or, "the Regulations"). The petitioner also sought a variance to permit the extension of the non-conforming structure, about 30 feet beyond the original point of its terminus. You will also recall that the extension itself was constructed, unfortunately, without benefit of permit, and was merely attached to two (2) pilings. The Petitioner was able to document the fact that the pier itself existed since about the early 1950's (by means of aerial photographs) and that the pilings were used by the prior owner to moor its boat.

At the conclusion of the testimony, Your Honor indicated that you would, in all likelihood, make findings along the following lines: Your Honor tended to feel that you would grant the Petition for Special Hearing but deny the variance Petition. In connection with the rulings on the cases, Your Honor also seemed inclined to require the Petitioner to remove the two (2) pilings (that the Petitioner contended he had not installed but had been in existence, at that same location, for some time before he purchased the property). According to the survey submitted by the Petitioner, the two pilings cross the divisional line (established pursuant to Section 417 of the Regulations, Bill No. 63-64) and this fact evidently prompted the proposed finding from Your Honor that the Petitioner remove these pilings.

I would ask for this opportunity to allow me to attempt to change Your Honor's view of the matter, just slightly.

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First, I think that it is important to bear in mind that the area into which the pier extension protrudes is navigable waters subject to, I believe, State if not federal regulation. Neither the Petitioner nor any other adjacent property owner acquires rights, so far as I am able to tell, to the navigable waters or the bed over which the navigable waters of the sovereign flow. Moreover, in my view, the divisional lines created in 1963 by the Baltimore County Council do not confer any rights to the navigable waters, or the lands below the navigable waters, upon any adjacent owner. The divisional lines merely serve as guides to the County to regulate the construction of improvements. Second, piers are permitted uses within the RC-5 Zone, which is the zone in which the Petitioner's real estate is situate. The questions that arose at the hearing was, inasmuch as the use was permitted, whether the original pier, as distinguished from the 30' extension, was a non-conforming structure.

The evidence would amply support a finding that the structure is a non-conforming structure. For instance, the testimony and documentary evidence indicates that the original pier pre-existed the 1963 amendment to the Regulations that implemented Section 417. Inasmuch as the structure is non-conforming the Regulations permit the continuation of the use; see, Section 104.1 (see also, Section 104.2, that permits the continuation of a non-conforming structure, after its restoration within two years following casualty). The fact that the original pier pre-existed the 1963 amendments to the Regulations, and the fact that the evidence shows boats docked at the end of the pier, is sufficient evidence to permit the inference that the pilings were also pre-existing structures used by the prior Owner to moor its vessel, and, as such, their continued use as points to moor the Petitioner's vessel should also be permitted.[1] Buttressing this argument is the fact that the navigable waters belong to no one. Accordingly, the legislation that created divisional lines for the purpose of regulating the construction of improvements does not itself grant any property rights in the navigable waters precisely because the County had no authority to grant such rights. For this same reason, it seems somewhat unfair to direct the Petitioner to remove the pilings that were not part of his construction.

It is also worth noting however, that Section 104.3 permits the extension of a "non-conforming building or structure" by not more than 25% of the ground floor area of the building so used. Thus, with respect to the original pier, Your Honor could grant relief pursuant to Section 104 and permit the extension of the nonconforming structure, by no more than 25% of the area of the original pier (calculated according to the area of piers as permitted by County and State regulations). This may be appropriate in light of the fact that the Petitioner's property is the end lot around which is wrapped a cove. The effect of this geographical anomaly is that Petitioner's use of his property, including access to deep (or deeper) water is impeded by the shallow water immediately in the front and to the side of his property. The divisional line, calculated according to the Regulations, tends to "hem in" the Petitioner, leaving him with no viable alternative to achieve access to deeper water other than extending the existing structure outward.

Thank you.

---

[1] One could also infer that, before 1963, the property owner established the location of the pier and pilings in question by merely projecting out into the water the lot lines so that none of the improvements would protrude over the projected imaginary lines.

Very Truly Yours,

Michael J. Moran

MJM:mm
Counsel of Record
Thomas Dolina, Esquire

HOLZER

& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

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January 4, 2006
#7600

Mr. Timothy Kotroco, Director
Permits & Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: In the Matter of: John Reese Owens
Carol Denise Morgan
Civil Citation No.: 04-7708

Dear Mr. Kotroco:

Please be advised that I represent Robert E. and Dana A. Edmond of 1922 Poplar Road, in the Sue Creek area of Baltimore County. They instructed William N. Dafitis, Professional Engineer, to prepare a Site Plan for their property which reflects that adjacent property owner John Reese Owens and Carol Denise Morgan of 1924 Poplar Road have constructed pilings which encroach into the ten foot buffer area and, in fact, encroach upon the zoning line for the Edmonds.

It is my understanding that Mr. Owens has a permit request in before your Department for three (3) pilings which are shown to be within the buffer area.

I would respectfully request that your Department not issue those permits pending a hearing before the Zoning Commissioner through a Petition for Special Hearing to be filed by the Edmonds requesting an interpretation of the proper location for the Owens pilings.

My clients' Petition for Special Hearing will be filed promptly with your Department to resolve this issue. In the meantime, I believe it will be appropriate to withhold any permits for those pilings pending the Zoning Commissioner's review and decision.

There presently exists a Civil Citation, No.: 04-7708 for 1924 Poplar Road in which Raymond S. Wisnom, Jr., as the Code Enforcement Hearing Officer, made certain findings. I do not believe that his Findings of Fact and Conclusion of Law preclude an interpretation of the Zoning Regulations by the Zoning Commissioner prohibiting the pilings referred to in the Code Enforcement case.

It is also my understanding that Mr. Owens has not completed the work required by Mr. Wisnom in his decision.

I have attached the Findings of Fact of the Code Enforcement Hearing Officer, correspondence and a Site Plan for 1922 Poplar Road. I would appreciate a response from your Department as to this issue at your earliest opportunity.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Mr. & Mrs. Robert Edmond

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

December 29, 2005

RECEIVED
JAN 0 3 2006
ZONING COMMISSIONER

VIA TELEFAX & REGULAR MAIL
William J. Wiseman, III, Zoning Commissioner
Baltimore County Hearing Officer
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 1926 Poplar Road - Case No. 06-047-SPHA

Dear Mr. Wiseman:

I have reviewed Mr. Moran's paper to you, dated December 21, 2005, which he refers to as an "informal motion for reconsideration." I cannot quibble with the characterization as "informal" given that the paper (sent to me only via telefax) was filed in direct contravention of Rule 4.K of the *Code of Baltimore County Regulations*, Title II, Chapter I, Part I. Therefore, without further consideration or elaboration, the motion should be denied.

Without waiving the requested denial outlined above or the procedural defects raised by motion at the time of the public hearing, on behalf of the adjoining property owners at 1924 Poplar Road ("Respondents"), the following is submitted in reply:

- Petitioner suggests that the special hearing petition sought a "declaration that about 70 [*sic*], more or less, of the pier was a pre-existing structure . . . ." Respondents took no issue with the moderate length of pier that existed prior to Petitioner's un-permitted and illegal extension and expansion. Petitioner, in its "motion" cleverly fails to distinguish consistently between the pre-existing length of the pier and the pier as subsequently expanded, referring generally to the collective length as the "pier".

- The historical photos submitted by Petitioner showed a pier connected to the shoreline in the area of the respective properties of Petitioner and Respondents. Respondents have not acquiesced in Petitioner's assertion that the pier shown is that now connected to Petitioner's fast land. As acknowledged by Petitioner's own expert witness, the historical photos show no evidence of pilings.

- The "navigable waters" referred to by the Petitioner are such because the Respondents and/or their predecessors, unlike the Petitioner, paid to have the waterway dredged. Petitioner, on one hand asserts that no private rights accrue in navigable waters. Yet, on the other hand, Petitioner asserts that he has an absolute

right to the deep "navigable" water within the divisional lines of Respondents' property.

- Respondents' recollection was that your verbal pronouncement at the conclusion of the hearing was that Petitioner would continue to enjoy a pier; however, that pier was limited to approximately 67 ½ feet. You indicated that the "shaded" area of the pier as shown on Petitoner's Ex. No. 1 would be permitted to remain and that all extensions, platforms and pilings beyond that shaded area were to be removed.

- Petitioner's suggestion that there is a permissible inference of pilings to be used by the Petitioner is not supported by any evidence. As noted above, Petitioner's evidence (as testified to by Petitioner's expert witness) specifically belies the suggested inference.

- Petitioner asserts that no one has any rights in navigable waters but then requests that you find that Petitioner has a right to legitimize his prior, illegal extension and construction within those same navigable waters to the detriment of the Respondents.

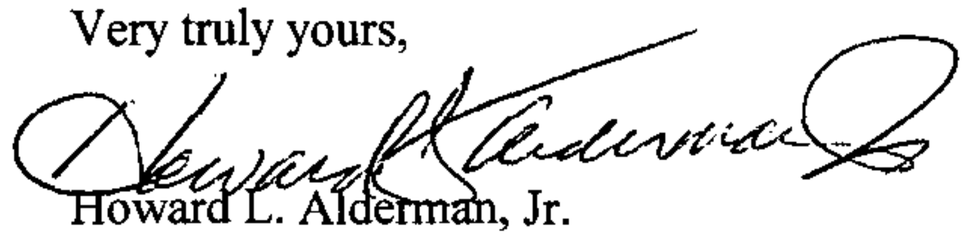
- Petitioner's assertion that he has "no viable alternative to achieve access to deeper water other than extending the existing structure outward" is in direct contradiction of Petitioner's own, sworn testimony. Petitioner can achieve deep water access, he just has to pay for it rather than attempting to get it for nothing.

- Petitioner has yet to achieve relief for his prior (and perhaps future) construction from the mandatory limitations of Title 26 of the *Code of Maryland Regulations* and/or Article 33 of the *Baltimore County Code*. Respondents assert that, as a matter of law, no such relief is available to Petitioner or any other private, waterfront property owner.

Petitioner has failed to avail himself of legal opportunities for deep water access. Without approval of the Respondents, the State, DEPRM or building plans review, Petitioner constructed an illegal structure across divisional lines established by the BCZR. He now seeks forgiveness as an alternative to the permission that was not sought. Your verbal ruling should be reduced to writing and issued in a final order without delay.

Thank you for the opportunity to respond to the Petitioner's post-hearing filing.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
c: Michael J. Moran, Esquire
Mr. J.R. Owens

Motion to Dismiss Petition for Special Hearing Denied
Notice Requirement Waived
Petitioner Appeared at hearing this night to assert motion
see over

Court of Appeals of Maryland.

Edward T. CASSIDY et al.
v.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY and Baltimore Gas and Electric Company.

No. 125.

Dec. 22, 1958.

Appeal from decree of the Circuit Court for Baltimore County, John E. Raine, Jr., J., affirming order of county board of appeals granting utility special exception authorizing construction of steam electric generating station and related facilities. The Court of Appeals, Prescott, J., held that notice which stated that public hearing would be held upon utility's petition for a change or reclassification constituted substantial compliance with county zoning regulation, notwithstanding fact that notice did not specifically state that a request for a special exception had been made.

Affirmed.

West Headnotes

[1] **Administrative Law and Procedure** 453
15Ak453 Most Cited Cases
Failure of an administrative official or board to give a proper notice of a hearing required by law is fatal to jurisdiction of official or board to conduct hearing.

[2] **Zoning and Planning** 195
414k195 Most Cited Cases
(Formerly 104k211/2)
Where notice given by county zoning commissioner stated that a public hearing would be held on petition of utility for a change or reclassification of certain property, notice constituted sufficient compliance with zoning regulation notwithstanding fact that it failed to call attention to fact that a special exception was sought.

[3] **Zoning and Planning** 514
414k514 Most Cited Cases
(Formerly 104k211/2)
County zoning commissioner and county zoning board of appeals had jurisdiction to grant public utility special exception to permit erection of electric steam generating plant and related facilities in residence zone permitting one and two family dwellings.

[4] **Zoning and Planning** 514
414k514 Most Cited Cases
(Formerly 104k211/2)
County zoning regulation permitting granting of special exceptions in residential zones for "public utility uses" comprehended a steam electric generating plant and related facilities.

[5] **Zoning and Planning** 539
414k539 Most Cited Cases
(Formerly 104k211/2)

[5] **Zoning and Planning** 747
414k747 Most Cited Cases
(Formerly 104k211/2)
On appeal from decree of circuit court affirming order of county zoning board of appeals granting public utility special exception which authorized construction of a steam electric generating station in residential zone, there was substantial evidence to support board's finding that use would not be detrimental to the locality involved.

[6] **Zoning and Planning** 539
414k539 Most Cited Cases
(Formerly 104k211/2)

[6] **Zoning and Planning** 646
414k646 Most Cited Cases
(Formerly 104k211/2)
In review of order of county board of appeals granting special exception to public utility to permit erection of steam electric generating plant and related facilities in residential zone, there was substantial evidence to justify granting of special exception without resort being had to any principle of preferential treatment for public utility.

[7] **Zoning and Planning** 709
414k709 Most Cited Cases
(Formerly 104k211/2)

[7] **Zoning and Planning** 724
414k724 Most Cited Cases
(Formerly 104k211/2)
Where there was sufficient and substantial evidence adduced upon issue so as to render decision of county zoning board of appeals with respect to granting of special exception fairly debatable, action of board must be affirmed.

Copr. © 2004 West. No Claim to Orig. U.S. Govt. Works.

***421 **897** James N. Phillips, Baltimore (Leonard A. Vadala and Fletcher Krause, Baltimore, on the brief), for appellants.

Wilmer H. Driver, Baltimore (Paul S Clarkson, Baltimore, and John Grason Turnbull, Towson, on the brief), for appellees.

Before BRUNE, C. J., and HAMMOND, PRESCOTT and HORNEY, JJ.

PRESCOTT, Judge.

This is an appeal from a decree of the Circuit Court for Baltimore County, filed June 13, 1958, affirming an order of the County Board of Appeals of Baltimore County (Board) granting the appellee, Baltimore Gas and Electric Company (hereinafter referred to as the 'Gas and Electric Company' or the 'Company'), a special exception subject to certain conditions and restrictions, which authorized the construction of a steam electric generating station and related facilities on Carroll Island Neck between Saltpeter and Seneca Creeks, in the 15th Election District of Baltimore County.

I

The first, and one of the principal, contentions of the appellant is an attack upon the jurisdiction of the Zoning Commissioner (Commissioner) who originally granted a special exception upon an application for ****898** reclassification, and the jurisdiction of the subsequent tribunals that considered the case. They argue that neither the Commissioner nor the Board of Zoning Appeals had authority, express or implied, to grant a special exception when no application had been made therefor, and when the petitioner had applied only for a change of classification and the notice to the public did not specifically mention a request for a special exception, but stated only that a reclassification was sought. Counsel for all parties concede that they have been unable to find a case wherein this exact question has been decided, and we have found none.

[1] It has been stated so frequently and so generally that the failure of an administrative official or board to give a proper ***422** notice of a hearing, required by law, is fatal to the jurisdiction of the official or the board to conduct the hearing that it requires no citation of authority to support the proposition; [FN1] hence, we must examine the notice and the proceedings to determine whether the Commissioner and the Board lacked jurisdiction to grant the special exception.

FN1. There is, however, authority to the effect that lack of constructive notice, in accordance with technical statutory requirements, is waived by a party's appearance at, and participation in, the proceedings. Carson v. Board of Appeals of Lexington, 321 Mass. 649, 75 N.E.2d 116, 118, 119; Hirsch v. Zoning Bd. of Review of City of Pawtucket, 56 R.I. 463, 187 A. 844; Harrison v. Zoning Bd. of Review of City of Pawtucket, 74 R.I. 135, 59 A.2d 361, 365; Wilson v. Township Committee of Union Township, 123 N.J.L. 474, 9 A.2d 771, 772; De Luca v. Bd. of Supervisors, 134 Cal.App.2d 606, 286 P.2d 395, 398.

No question is raised concerning the enabling legislation, a discussion of which will be found in Huff v. Bd. of Zoning Appeals, 214 Md. 48, 133 A.2d 83; so, we shall confine our consideration in this case to the notice and the Zoning Regulations.

The notice given by the Commissioner was as follows:

'Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification from a R.6 Zone to a M. H. Zone of the property hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:
'On Wednesday, May 8, 1957, at 10:00 A.M.
to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for Manufacturing Heavy to wit: (here followed a detailed description of the property)
'Containing 138 acres of land, more or less, of which 6.8 acres is submerged land, as shown on ***423** plat plan filed with the Zoning Department, being property of Baltimore Gas and Electric Company.
'By Order of
'Wilsie H. Adams
'Zoning Commissioner of Baltimore County.'

No claim is made against the sufficiency of the publication of the notice; the attack is based only upon the fact that the notice did not specifically name a request for a special exception.

Copr. © 2004 West. No Claim to Orig. U.S. Govt. Works.

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
LeRoy a Merrick	1926 poplar	Road BALTO 21221	
Edward g Mandito	1003 Pine Rd	Baltimore MD 21221	
Robbie Jones	6822 N. River Dr	Baltimore Md. 21220	
MIKE Moran	305 W Chesapeake, Ste 105	Towson, MD 21204	
JOE LARSON	105 W. Chesapeake Ave	Towson, MD 21204	
ED KIRBY	105 W Chesapeake Ave	Towson MD 21204	

PLEASE PRINT CLEARLY

CASE NAME Weinrich
CASE NUMBER 06-097-SPHA
DATE 12 Dec 05

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
[illegible]	1924 Poplar Rd	Essex Md 21221	
HL Ackermann Jr	502 Washington Ave Suite 800	Towson MD 21204	
include J. Carroll Holzer Esq - as interested person - he represents adjacent property owner also with a prior problem.			

Case No.: 06-047 1926 POPLAR ROAD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	AMENDED SITE PLAN	NOTICE OBJECTION As to SPECIAL HEARING RELIEF
No. 2	SURVEY PLAT - FOR SWIMMING POOL PERMIT	05-2866 VIOLATION CASE 6/10/05 ORDER
No. 3	AIREAL 24"x24" 10/11/71	AERIAL - 12/15/04 (GIS - Probably (2001-2002))
No. 4	AIREAL - BLOW UP OF PORTION of NO. 3	33-2-605 2 PROTESTANT'S 6 F EXHIBIT NO.
No. 5	JAMES B. ENSOR - 1957 Certificate of Authenticity	COMAR 26.24.04.02
No. 6	KRISTOPHER WEAVER Certificate of Authenticity 1938	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

In the Matter of | Civil Citation No.05-2866

Leroy A. & Leslie A. Weinreich | 1926 Poplar Road

Respondents

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 June 7, 2005, for a hearing on a citation for violations under the Baltimore County Zoning Regulations § 1A04.1B.3, 417.4 and Baltimore County Code § 35-2-605(D)(3); International Building Code R 105 for failure to obtain building permit prior to construction, failure to cease encroachment into required setback from divisional lines and failure to reduce width of pier to six (6) feet on residential property zoned RC 5 located at 1926 Poplar Road, 21221.

On April 19, 2005, pursuant to §3-6-205, Baltimore County Code, a code enforcement citation was issued by Keith Parker, Code Enforcement Officer. The citation was legally served on the Respondents. The citation proposed a civil penalty of $23,400.00 (twenty three thousand four hundred dollars) to be assessed. A code enforcement hearing date was scheduled for June 7, 2005.

Mr. Weinreich, Respondent appeared represented by William Butler, Esquire.
Keith Parker and Errol Ecker presented the case and testified on the matter.

Testimony and evidence shows that the Respondent constructed a pier without first obtaining a building permit. The pier exceeds 100 feet in length and the width exceeds the maximum allowable width per the Chesapeake Bay Critical Area standards. The pier also appears to encroach into the required setback from the divisional line and as such must be relocated to the required setback, or request and receive a variance from the Zoning Commissioner. Mr. Joseph Larson of Spellman Larson and Associates, Inc. stated that he has prepared the necessary forms to file a petition to request the hearing before the Zoning Commissioner, but requested Zoning Planner, Donna Thompson to hold the request in order that the Hearing could be held at same time as the Hearing for 1924 Poplar Road. This request to hold the petition has only delayed the process and final determination interminably. 1924 Poplar Road does not require a variance approved from the Zoning Commissioner.

The Respondent is operating from a position of non-compliance instead of a position of compliance. Baltimore County could require removal of all construction that was performed without benefit of a valid permit. The Department of Permits and Development Management is allowing this Respondent the opportunity to request a variance hearing on the matter before the Zoning Commissioner. This variance request hearing could have been heard or in worst case scheduled, were it not for a request to hold the filing papers by Mr. Larson. Mr. Larson said the papers are ready and that a hearing date could be set in short order. With an apparent Zoning Hearing looming in the future, the encroachment issue is pending the Commissioner's finding and any appeals filed thereafter. Final determination on the matter can be years away, which is most unfortunate as nearly a year has been lost due to what I consider stall tactics.

There is no reason to combine the issues of separate properties. Mr. Larson was hired by Mr. Weinreich and to my knowledge does not represent Mr. Owens in any way. Therefore in my mind it was inappropriate for Mr Larson to request a hold in order for both properties to be heard at same time. Mr. Owens does not appear to need a variance of any sort on the property side adjacent to the Weinreich property. In addition, variances for the width and length of the pier must be obtained from the Maryland Department of Environment and Tidal Wetland section. According to Mr. Alderman there are no variances or waivers to be had via the State route, as a request for a larger platform was denied for the Owens property.

Mr. Weinreich has the right to file a petition for variance of the setback from the divisional line. However, he must file the petition in a timely manner. Failure to file for the petition for variance on or before July 1, 2005 will cause the Department of Permits and Development Management to require the illegally constructed pier to be removed. Permits, variances and any other approvals necessary to construct a pier thereafter shall be issued prior to any construction. Mr. Weinreich must also rectify the obvious issues with regard to extra length and width of the pier with the Maryland Department of the Environment.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 10th day of June 2005, that a civil penalty be imposed in the amount of $1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the amount of $1,000.00 (one thousand dollars) shall be suspended on condition the Respondent *files the petition for variance hearing on or before* July 1, 2005. Failure to file the necessary papers and failure to obtain a hearing date for the Hearing before the Commissioner will result in the Respondent will no longer be able to file for the variance from a position of *non-compliance. Failure to file the petition* and obtain a Hearing date by July 1, 2005 will also require that all construction added to the existing pier without benefit of a valid building permit shall then be removed on or before August 1, 2005. Failure to remove the illegally constructed portions of the pier by August 1, 2005 will result in the civil penalty in the amount of $1,000.00 (one thousand dollars) being assessed as a lien upon the property subject to additional civil penalties a $200.00 (two hundred dollars) for each day the illegal non-complying structure is allowed to remain thereafter.

If the Respondent fails to comply with the conditions of this Order, then the civil penalty imposed shall be $1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violation has been corrected.

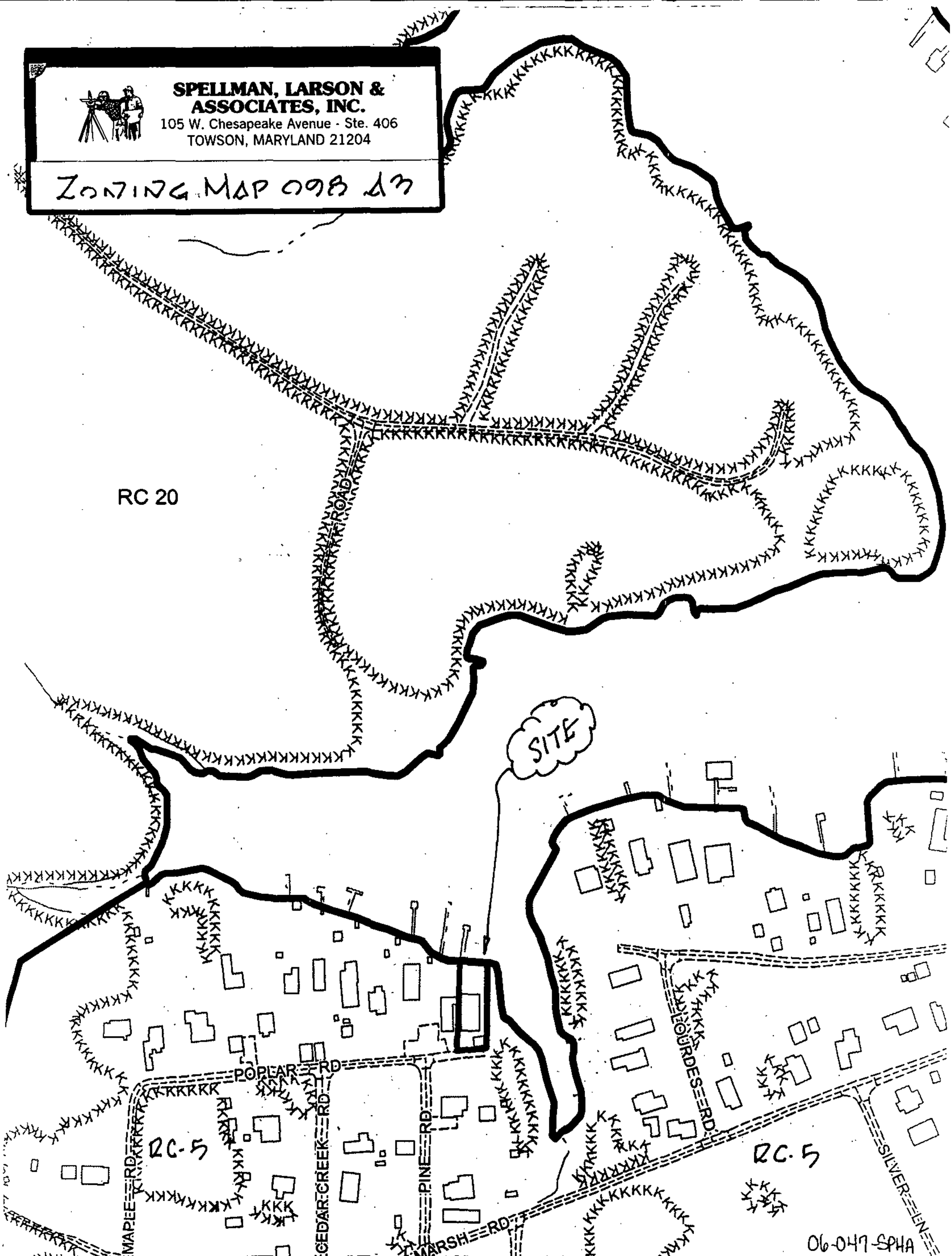
Signed: Raymond S. Wisnom, Jr.
Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

The violator is advised that pursuant to §3-6-301(a), *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. §3-6-302(a)(b)(c)(d) 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

SPELLMAN, LARSON & ASSOCIATES, INC.
105 W. Chesapeake Avenue - Ste. 406
TOWSON, MARYLAND 21204

ZONING MAP 098 A3



BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.:	06 047 SPHA
Petitioners	*		

* * *

CERTIFICATE OF AUTHENTICITY

1. The undersigned is James B. Ensor.

2. I am employed by the Baltimore County Soil Conservation District and have been employed there for approximately 15 years.

3. I am the District Manager and have been so employed for the past 6 years.

4. As the District Manager, I am responsible for, among other things, the maintenance of the files containing aerial photographs of Baltimore County, Maryland.

5. The Baltimore County Soil Conservation District maintains, as part of its permanent records, in its office located at 9831 Van Buren Lane, Cockeysville, MD 21030, aerial photographs of portions Baltimore County.

6. I have examined the photostatic copies of four (4) aerial photographs appended to this certificate and compared the appended copies with the original photographs. I am able to state and certify that the copies attached are authentic and accurate copies of the original photographs, dated 14 April 1989; 1970; 25 July 1952; and 25 September 1957 and that the photographs dated 1970, 25 July 1952 and 25 September 1957 are photostatic enlargements of portions of the original maps. The original aerial photographs are official records of the Soil Conservation District and are maintained in the records of the Soil Conservation District, with the rest of the collection of the historical aerial photographs of Baltimore County, Maryland.

7. To each of the photocopies I have affixed a sticker to identify the copy, as it is identified in our records, a north arrow, the date of the image reflected on the original copy, my initials and, where disclosed by the original photograph, the scale.

PETITIONER'S
EXHIBIT NO. 5

8. This Office maintains the original aerial photographs for use in connection with its agency functions as prescribed by local, state and federal law.

9. I am also able to state that I am personally familiar with the Sue Creek area and that the area depicted in each photograph is

I DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY that the foregoing contents are true and correct and that the copies appended to this Certificate are authentic and correct copies of the original records maintained in the permanent files of this Office.

JAMES B. ENSOR, District Manager

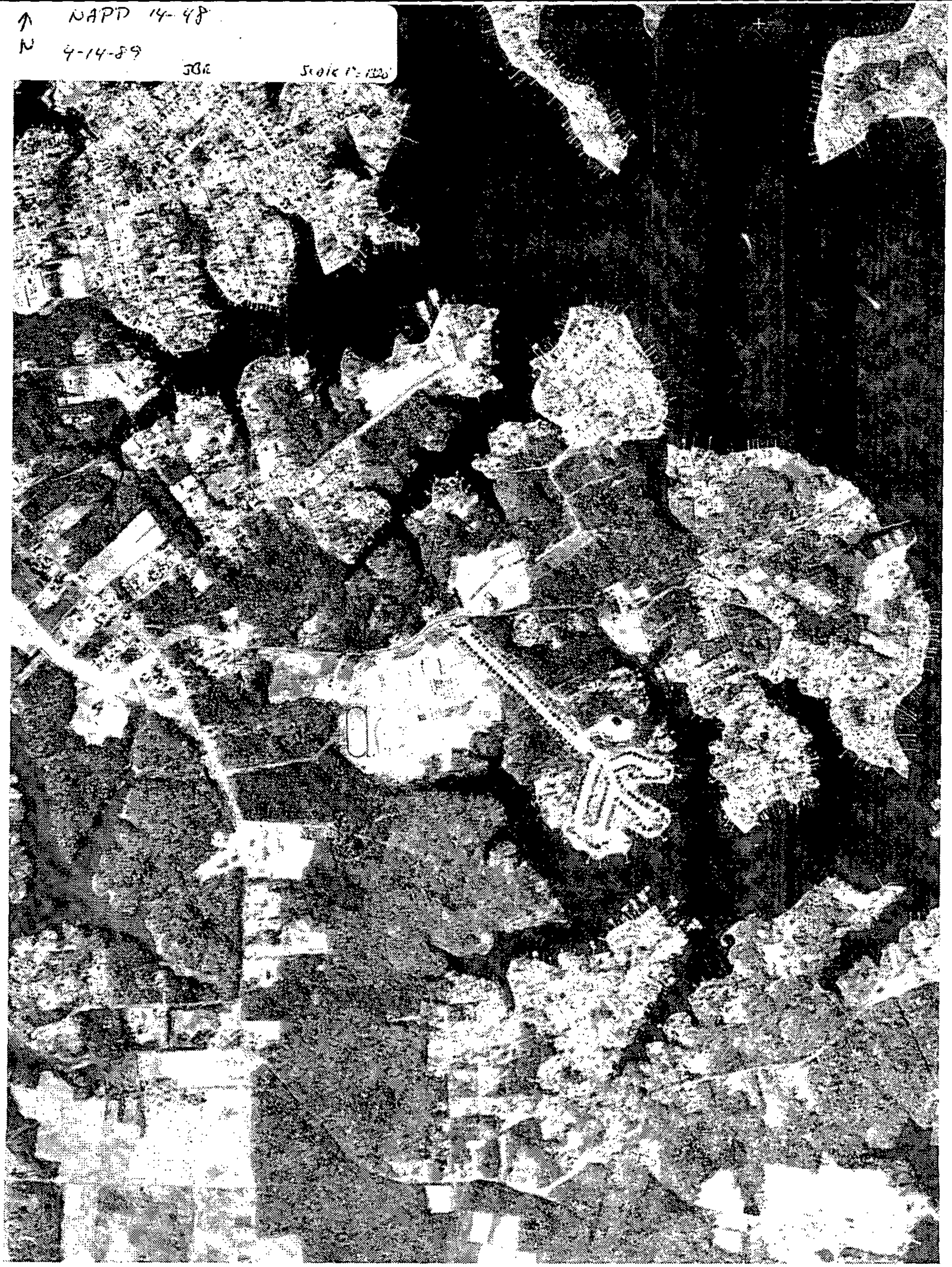
↑ N

NAPD 14-48

4-14-89

JBR

Scale 1" = 1320'



N
AJU-ILL-CS
1970
JOE

N
AJC-4K-71
7-25-1952
50E

N
AJO-4T-77
9-25-57
JBE

BEFORE THE ZONING COMMISSIONER
FOR BALTIMORE COUNTY, MARYLAND

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE 1926 Poplar Road N/Side of Poplar Road 65' E c/line Pine Road 15th Election & 6th Councilmanic District Legal Owner: Leroy & Leslie Weinreich	* *	Case No.:	06 047 SPHA
Petitioners	*		

* * *

CERTIFICATE OF AUTHENTICITY

1. The undersigned is Kristopher Weaver.

2. I am employed by the Office of Planning and Zoning of Baltimore County, Maryland.

3. I am a Geographic Information System (GIS) Analyst.

4. As a GIS Analyst, I am responsible for, among other things, the maintenance of the files containing aerial photographs of Baltimore County, Maryland.

5. The Office of Planning of Baltimore County, Maryland maintains, as part of its permanent records, in its office located at 401 Bosley Avenue, Towson, MD 21204, aerial photographs of Baltimore County, dating back to 1938.

6. I have examined the photostatic copies of two (2) aerial photographs appended to this certificate and compared the appended copies with the original photographs. I am able to state and certify that the copies attached are authentic and accurate copies of the original photographs, dated 3 April 1961, at a scale of 1 inch represents 1,000 feet. The original aerial photographs are official records of Baltimore County, Maryland and are maintained in the records of the Office of Planning of Baltimore County, Maryland, with the rest of the collection of the historical aerial photographs of Baltimore County, Maryland.

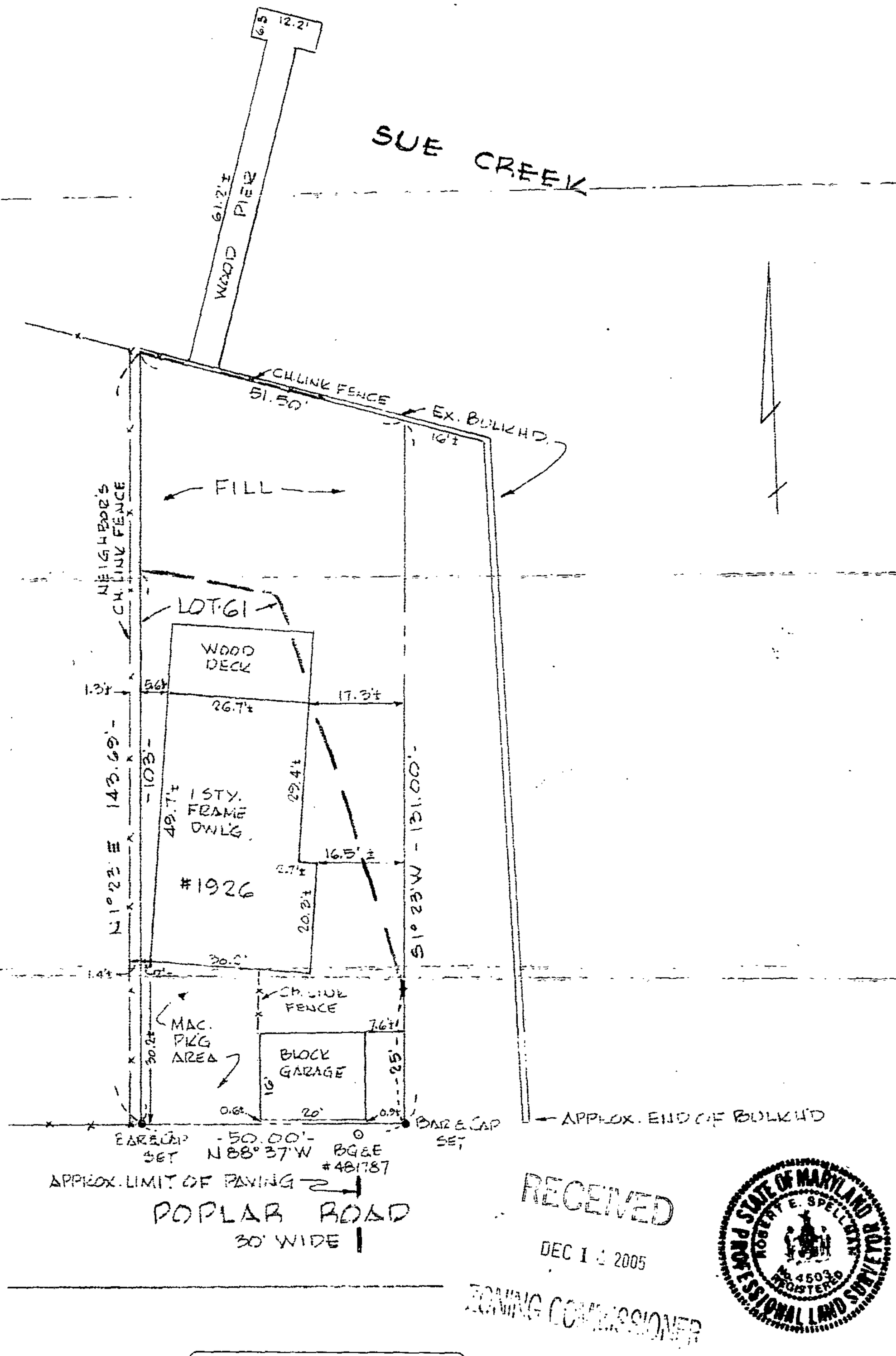
7. The Office of Planning of Baltimore County, Maryland maintains the original aerial photographs for use in connection with the land use and planning obligations imposed upon it by the Baltimore County Charter and Code and/or other State and federal law.

PETITIONER'S
EXHIBIT NO. 6

I DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY that the foregoing contents are true and correct and that the copies appended to this Certificate are authentic and correct copies of the original records maintained in the permanent files of this Office.

KRISTOPHER WEAVER, GIS Analyst

APR 3 1961



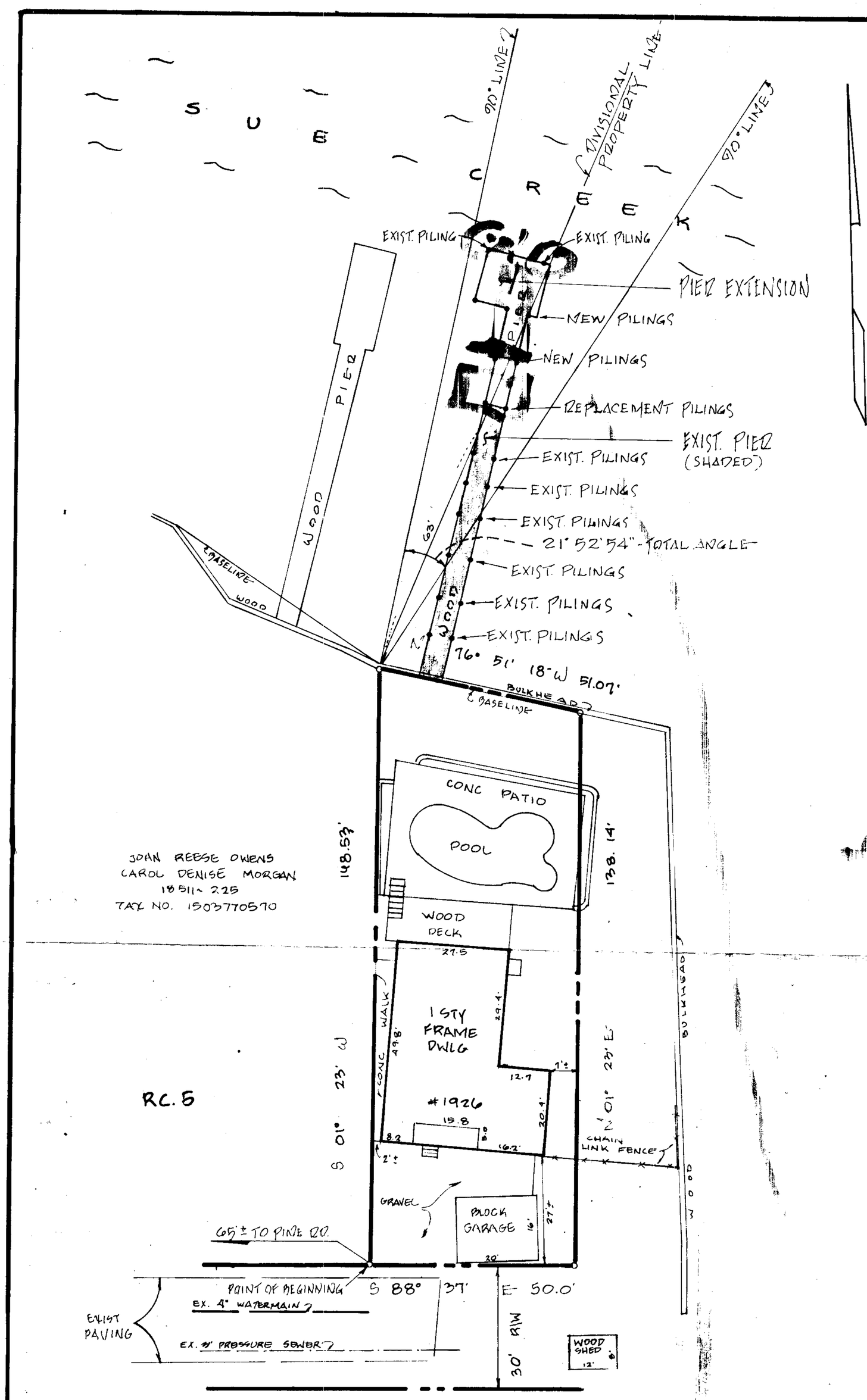
RECEIVED
DEC 1 2005
ZONING COMMISSIONER

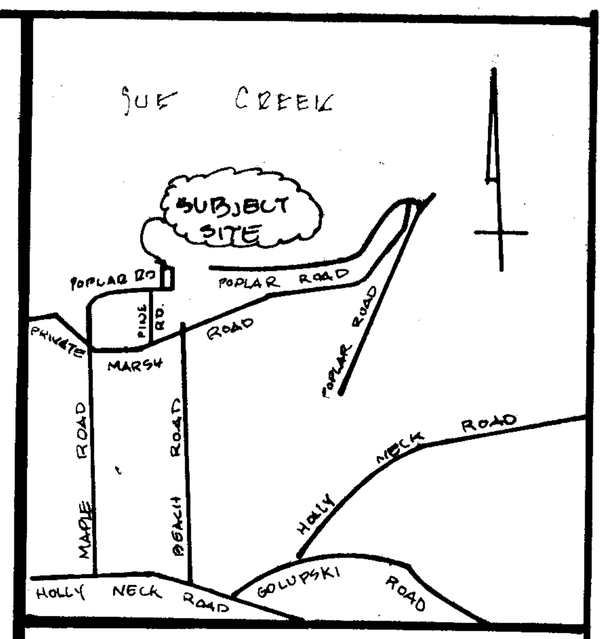
STATE OF MARYLAND
ROBERT E. SPELLMAN
No. 4503
REGISTERED
PROFESSIONAL LAND SURVEYOR

PETITIONER'S
EXHIBIT NO. 2

OUTLINE SURVEY PLAT
1926 POPLAR ROAD
LOT 61 SECTION ONE
CEDAR BEACH
LIBER 7, FOLIO 186
15TH DIST. BALTIMORE CO., MD.
SCALE: 1" = 20' DATE: JULY 5, 1988

SPELLMAN, LARSON & ASSOCIATES, INC.
Towson, Maryland 21204
823-3535





VICINITY MAP

SCALE: 1" = 1000'

SITE DATA

SITE AREA	0.16 AC +/-
EXIST. ZONING	RC-5
ZONING MAP	SE 2-J
COUNCILMANIC DIST.	6TH
TAX ACCOUNT NO.	1519890060
TAX MAP | GRID | PARCEL	98 | 20 | 241
DEED REFERENCE	15466 - 615
UTILITIES	WATER - EXIST. PUBLIC SEWER - EXIST. PUBLIC

CODE ENFORCEMENT CITATION

CASE NO. 05-2866

1. FAILURE TO OBTAIN PROPER PERMIT.
2. FAILURE TO CEASE DIVISIONAL WATER RIGHTS ENCROACHMENT.

GENERAL NOTES

1. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
2. THE SUBJECT PROPERTY LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
3. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THE SUBJECT PROPERTY
4. THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
5. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT SITE.
6. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS OR ENDANGERED SPECIES HABITATS ON THE SUBJECT PROPERTY.
7. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.

PETITIONER'S EXHIBIT NO. 1

OWNER INFORMATION

LEROY A. WEINREICH
LESLIE A. WEINREICH
1926 POPLAR ROAD
BALTIMORE MD. 21221-6122

REVISIONS

NO.	DATE	DESCRIPTION
1	6.24.05	REV. PER FILING CONF. COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION

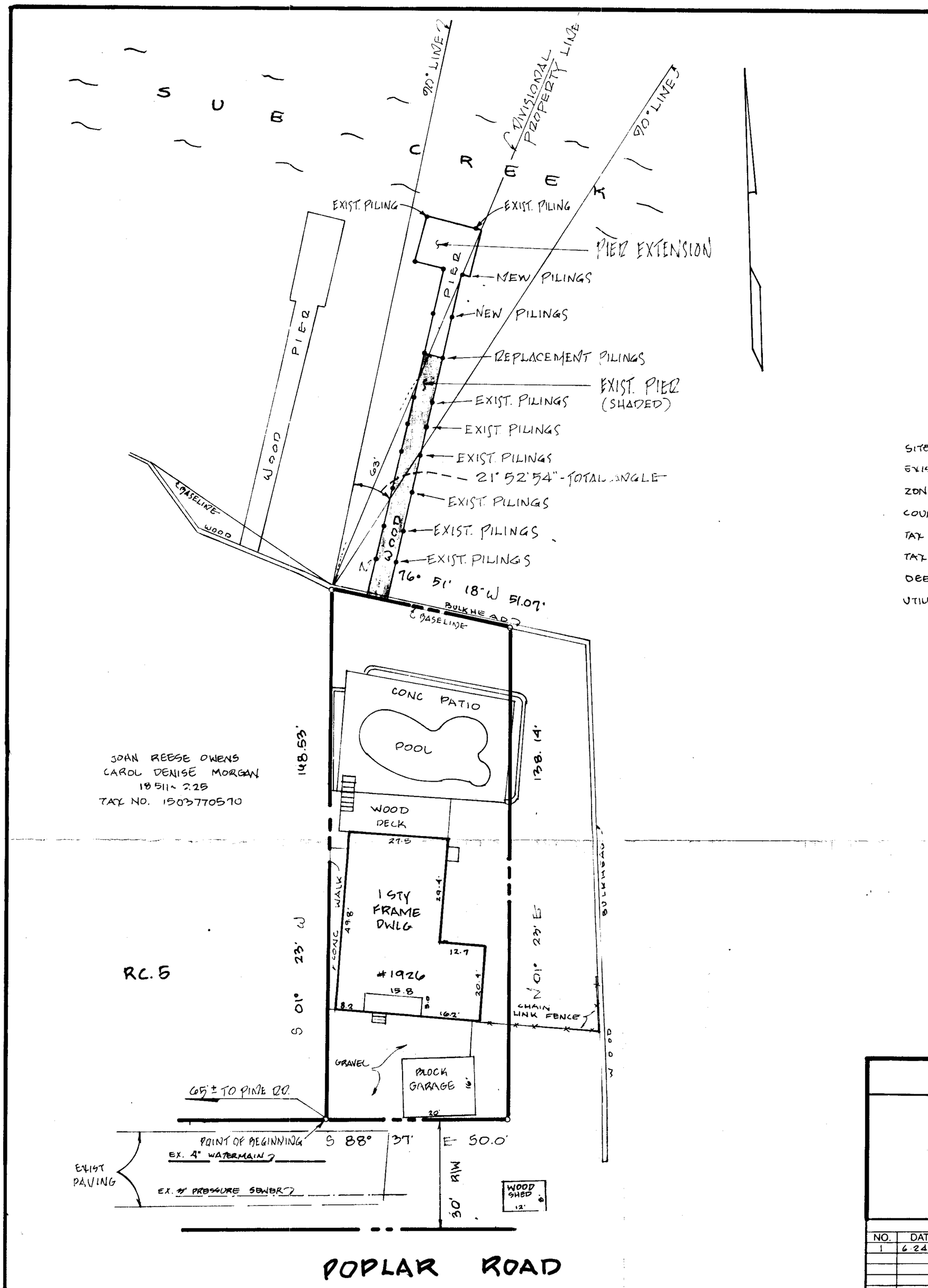
1926 POPLAR ROAD

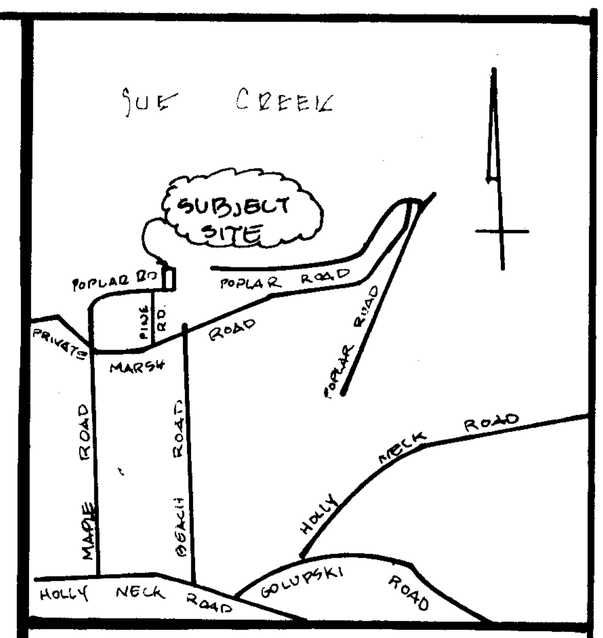
SECTION - ONE LOT 61
"CEDAR BEACH"
7-186.

15TH DISTRICT BALTIMORE CO., MD.

SCALE 1" = 20'	DES. BY:	SHT. 1 OF 1
DATE: APRIL 18, 2005	DRN. BY: E.J.B.	

28038





VICINITY MAP

SCALE: 1" = 1000'

SITE DATA

SITE AREA	0.16 AC +/-
EXIST. ZONING	RC-5
ZONING MAP	SE 2-J
COUNCILMANIC DIST.	6TH
TAX ACCOUNT NO.	1519890060
TAX MAP | GRID | PARCEL	98 | 20 | 241
DEED REFERENCE	19466 - 615
UTILITIES	WATER - EXIST. PUBLIC SEWER - EXIST. PUBLIC

CODE ENFORCEMENT CITATION

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7. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.

OWNER INFORMATION

LEROY A. WEINREICH
LESLIE A. WEINREICH
1926 POPLAR ROAD
BALTIMORE MD. 21221-6122

REVISIONS

NO.	DATE	DESCRIPTION
1	6-24-05	REV. PER FILING CONF. COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION

1926 POPLAR ROAD

SECTION - ONE LOT 61
"CEDAR BEACH"
7-186.

13TH DISTRICT BALTIMORE CO., MD.

SCALE 1" = 20'	DES. BY:	SHT. 1 OF 1
DATE: APRIL 18, 2005	DRN. BY: E.J.B.	

08038 06-041-SPHA D.T.

N18 N17

1709+000-030

10-11-71

AJQ-4MM 6

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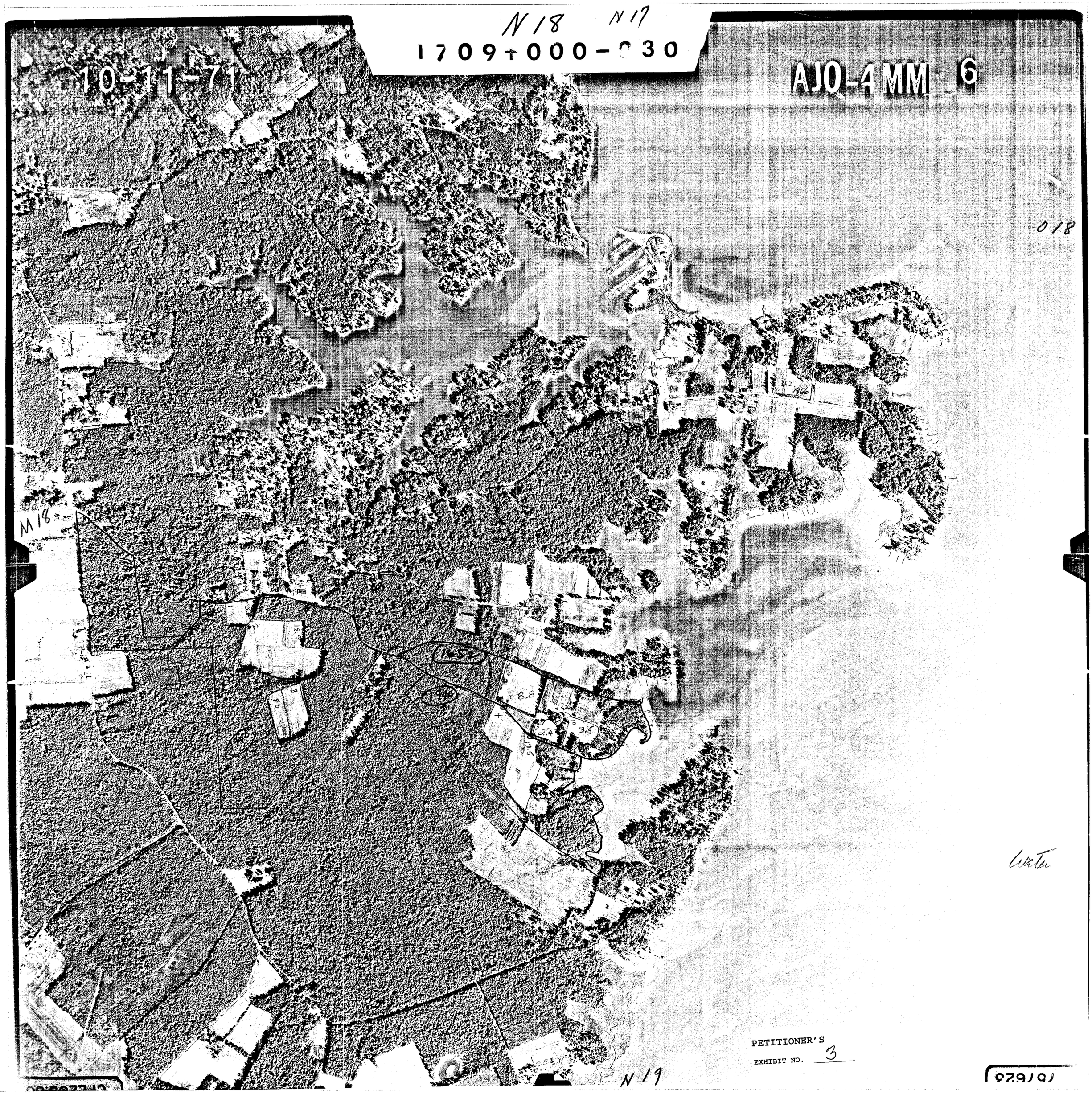
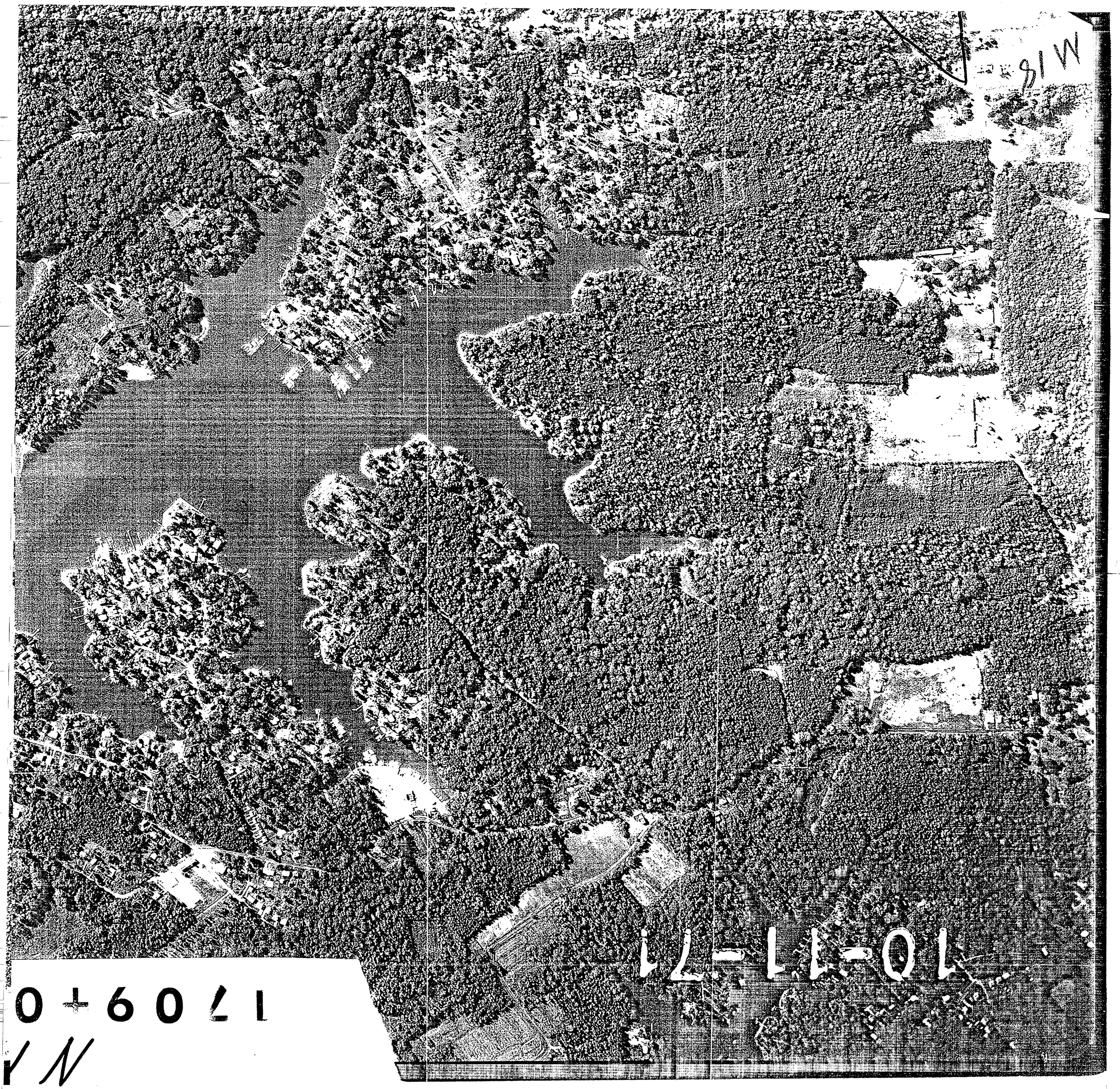


Water

PETITIONER'S
EXHIBIT NO. 3

N19



PETITIONER'S
EXHIBIT NO. 4

17090
N