BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: January 25, 2008

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Linda B. Fliegel
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
06-063-A	*Same*	Joseph F. Baird	1009 Bowleys Quarters Road
06-070-A	*Same*	Ann C. Shepter	611 Piccadilly Road
06-320-A	*Same*	Charisopher & Sally Pfaeffle	1217 Merediths Ford Road
06-421-X	*Same*	Omnipoint Communications CAP	4000 Offutt Road
06-315-SPH	*Same*	Mark D. Loy	4714 Mt. Carmel Road
06-108-SPH	*Same*	Benjamin A. & Kayren P. Governale	39 Glenbrook Road
CBA-06-050	*DRC #100306*	Hilgartner Property a/k/a Park Heights Avenue	11964 Park Heights Avenue

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

DIRECT DIAL
410-321-4640

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

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

September 10, 2007

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

RE: *Motion for Reconsideration and to Alter/Amend Order*
Case No. 06-063-A
1009 Bowleys Quarters Road

Dear Ms. Bianco:

I write on behalf of my client, Joseph Baird (owner of the above-referenced property), to request that this Board's August 14th Order be reconsidered and altered/amended. Since the date of the hearing before the Board, the Appellants (Mr. and Mrs. Pierce) who own the property at 1011 Bowleys Quarters Road, have sold their property to Mr. and Mrs. Thomas Gounaris.

The enclosed Motion includes: i) a copy of the original zoning plan (variance relief has not been changed); ii) affidavits from Mr. and Mrs. Gounaris supporting the requested, revised relief; and iii) a proposed, Revised Order for the Board's consideration consistent with the Motion. Mr. and Mrs. Gounaris have met with my client and wish to work with my client to locate the proposed, replacement home on the subject property, within the requirements of the variance relief granted and other, applicable setbacks, but in a different location than demanded by Mr. and Mrs. Pierce who no longer have any interest in these proceedings.

Should you or any member of the Board need additional information in support of this motion, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Mr. Joseph Baird
Deborah C. Dopkin, Esquire
People's Counsel for Baltimore County
Mr. and Mrs. Thomas Gounaris

RECEIVED
SEP 11 2007
BALTIMORE COUNTY
BOARD OF APPEALS

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

DIRECT DIAL
410-321-4640

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

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

May 30, 2007

VIA TELEFAX & REGULAR MAIL
Kathleen C. Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Suite 49
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
MAY 3 1 2007
BALTIMORE COUNTY
BOARD OF APPEALS

RE: Request for Early Morning Proceedings
Case No. 06-063-A
1009 Bowleys Quarters Road
Joseph F. Baird, Petitioner

Dear Ms. Bianco:

On December 14, 2006, the Board had scheduled an appeal hearing on the variance granted in the above-referenced case. Prior to the hearing, the Board provided me and my clients and Deborah Dopkin, Esq., Richard Burch, Esq. and their clients (the appellants) the opportunity to discuss any remaining issues and concerns with the relief desired. As a direct result of the Board's indulgence, the parties reached agreement on modifications to the proposed improvements on the subject property. The basic tenets of that agreement were described briefly to the Board and the Board agreed that once a written agreement had been executed, the Board would accept a proposed Order from counsel. It was further agreed that this case could be reset early in the morning on the Board's schedule (before 10:00 a.m.) at which time the proffered evidence and copy of written agreement, together with the proposed Order would be accepted.

I am pleased to advise the Board that a written agreement has been executed and a proposed Order has been prepared, reviewed and approved by counsel for the parties. Therefore, we respectfully request that this matter be scheduled for early (and early morning) hearing before the Board as soon as the Board's schedule will permit. I anticipate that the proffered presentation of evidence and submission of exhibits should not take more than thirty (30) minutes. Should you or any member of the Board need additional information in support of this request, please do not hesitate to contact me or Ms. Dopkin.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Mr. Joseph Baird
Deborah C. Dopkin, Esquire (via telefax only)
Richard C. Burch, Esquire (via telefax only)

APPEAL

Petition for Variance
1009 Bowleys Quarters Road
NE/S Bowleys Quarters Road, 930' NW of Chestnut Road
15th Election District, 6th Council District
Joseph A. Baird, Petitioner

Case No.: 06-063-A

Petition for Variance (July 29, 2005)

Zoning Description of Property

Notice of Zoning Hearing (August 4, 2005)
Revised Notice of Hearing (November 1, 2005)

Certification of Publication (August 30, 2005)
Certificate of Publication (November 15, 2005)

Certificate of Posting by Martin Ogle (August 31, 2005)
Certificate of Posting by Martin Ogle (November 13, 2005)

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

Petitioner(s) Sign-In Sheet – 2 sheets

Protestant(s) Sign-In Sheet (None)
None

Citizen(s) Sign-In Sheet – 2 sheets

Zoning Advisory Committee Comments

Petitioners' Exhibits
1- Site Plan-amended to show 60' right-of-way
2- MDAT Data Sheet 1009 Bowleys Quarters Road
3- MDAT Data Sheet 1005 Bowleys Quarters Road
4- Photos with Plat locating areas (4A-E)
5- Aerial Photograph
6- Building Elevation
7- MDAT Lot 89
8- Letters of Support
9- Petitioners' Listing for Sale of 1011 Bowleys Quarters Road

Protestants' Exhibits:
1 Photographs—1-16 (A-o)
2 Six Photographs
3 Retaining Wall
4 Aerial Photograph
5 County Sewer Utility, 1996, 1999
6 County Water Utility 1956
7 Lot Line Adjustment (modified plan)
8 Modified plan with Lot line adjustment
9 Where house could be site 1, if lots considered/located towards water as a separate lot
10 Modified Plat of Property

Miscellaneous (Not Marked as Exhibit)
1. 200 scale zoning map
2. Letter to Bill Wiseman from Howard Alderman, dated October 6, 2005
3. Zoning Map, my neighborhood zoning, map no. 091B3

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

January 13, 2006

Deborah Dopkin, Esquire
409 Washington Avenue, Ste. 1000
Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Case : 06-063-A, 1009 Bowleys Quarters Road

Please be advised that we received your appeal of the above-referenced case in this office on January 12, 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:

c: People's Counsel of Baltimore County
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Deborah Dopkin, Esq., 409 Washington Avenue, Ste. 1000, Towson, MD 21204
Robert Infussi P.O. Box 1043 Bel Air, MD 21014
David Billingsley 601 Charwood Court, Edgewood, MD 21040
Joseph & Eileen Baird, 1144 Seneca Road, Baltimore, MD 21220
Howard Alderman, Esq., 502 Washington Avenue, Ste. 800, Towson, MD 21204
Charles Johnston 9500 N. Ambeigh Lane, Perry Hall, MD 21120
Coralle Pierce 1011 Bowleys Quarters Road, Middle River, MD 21234
Burt Pierce,1011 Bowleys Quarters Road, Middle River, MD 21234
Mitch Kellman, 200 E. Pennsylvania Avenue, Towson, MD 21286
Larry Snyder, 1402 Westbury Court Lutherville MD 21093

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

January 12, 2006

Via Hand Delivery
Timothy M. Kotroco, Esquire
Director, Department of Permits and
Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Notice of Appeal - Petition for Variance
1009 Bowleys Quarters Road
Joseph F. Baird, Petitioner
Zoning Case No. 06-063-A

Dear Mr. Kotroco:

Enclosed for filing please find Notice of Appeal with regard to the above captioned matter.

Also enclosed is my check in the amount of $400 to cover the costs of same.

Thank you for your assistance.

Very truly yours,

Deborah C. Dopkin

DCD/kmc
Enclosure
cc: William Wiseman, Esquire, Zoning Commissioner (w/encl.)
Howard L. Alderman, Jr., Esquire (w/encl.)
Reverend and Mrs. M. Bart Pierce (w/encl.)

C:\docs\KMC\DCD\Letters 2006\kotroco timothy-pierce.wpd

RECEIVED
JAN 12 2006
Per CLD

Zoning Commissioner's Order (December 20, 2005) Granted

Notice of Appeal received on January 12, 2006

c: People's Counsel of Baltimore County, MS #2010
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Deborah Dopkin, Esq., 409 Washington Avenue, Ste. 1000, Towson, MD 21204
Robert Infussi P.O. Box 1043 Bel Air, MD 21014
David Billingsley 601 Charwood Court, Edgewood, MD 21040
Joe & Eileen Baird, 1144 Seneca Road, Baltimore, MD 21220
Howard Alderman, Esq., 502 Washington Avenue, Ste. 800, Towson, MD 21204
Charles Johnston 9500 N. Ambeigh Lane, Perry Hall, MD 21120
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Burt Pierce,1011 Bowleys Quarters Road, Middle River, MD 21234
Mitch Kellman, 200 E. Pennsylvania Avenue, Towson, MD 21286
Larry Snyder, 1402 Westbury Court Lutherville MD 21093

date sent January 13, 2005, cb

12/20/05

IN RE: **PETITION FOR VARIANCE** NE/S Bowleys Quarters Road, 930'NW of Chestnut Road **(1009 Bowleys Quarters Road)** 15th Election District 6th Council District Joseph F. Baird Petitioner	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-063-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Joseph F. Baird. The Petitioner requests variance relief from Sections 1A04.3.B.2.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.874 acres in lieu of the minimum required 1.5 acres, and to permit side yard setbacks of 10 feet and 7.5 feet in lieu of the required 50 feet each for a proposed dwelling. 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.

This matter was originally scheduled for a public hearing on September 15, 2005 before Deputy Zoning Commissioner John V. Murphy. Appearing at that hearing in support of the requests were Joseph and Eileen Baird, property owners, their daughter Stacy Baird, and Steven Comegna. Also appearing were David Billingsley and Bob Infussi, the consultants who assisted the Petitioners in the process, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Ms. Coralee Pierce, adjacent property owner, appeared as a Protestant along with her attorney, Deborah C. Dopkin, Esquire, and Mitchell Kellman, a Professional Engineer with Daft-McCune-Walker, Inc.

At the onset of that hearing, Ms. Dopkin made an oral motion for continuance of the proceedings as only Ms. Pierce was present in the hearing room. Mr. Pierce, who is a Pastor at the Rock City Church in Towson, was apparently called out of town in connection with the hurricanes on the Gulf Coast. During preliminary discussions at the hearing, facts developed

ORDER RECEIVED FOR FILING
Date 12/21/05
By

which resulted in Mr. Murphy recusing himself from the hearing and any further participation in these proceedings. The matter was then continued and rescheduled before the undersigned Zoning Commissioner on November 29, 2005.

Appearing at the continued hearing were Joseph and Eileen Baird, property owners, their daughter, Stacy Baird, and their attorney Howard L. Alderman, Jr., Esquire. Also appearing were David Billingsley and Robert Infussi. Appearing as Protestants/interested citizens were the adjacent property owners, Bart and Coralee Pierce, their attorney, Deborah C. Dopkin, Esquire, Mitchell Kellman, and Larry Snyder. Also appearing was Charles L. Johnston, Jr., a project manager with Quillen Development, Inc., who was subpoenaed to appear by Ms. Dopkin on behalf of the Protestants.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located with frontage on Seneca Creek and the east side of Bowleys Quarters Road in Bowleys Quarters. The property contains a gross area of 0.874 acres, more or less, zoned R.C.5, and is improved with a small, one-story dwelling that was built in 1928. That home, which is situated 120 feet from the bulkhead adjacent to Seneca Creek, was severely damaged as a result of Hurricane Isabel. The Petitioners are desirous of razing that structure and constructing a new dwelling on the property; however, given the narrow configuration and small size of the property, the requested variance relief is necessary in order to proceed.

As is often the case with older subdivisions, the Bowleys Quarters community was laid out many years ago, well prior to the adoption of any zoning regulations in Baltimore County. Thus, many of the lots in the neighborhood are undersized by today's standards. As shown on the site plan, the subject property is approximately 50 feet wide and 768 feet deep and is similar in configuration to adjacent lots, including the Pierce property. The Petitioners propose centering the new dwelling on the lot approximately 260 feet from the bulkhead, with side setbacks of 10 feet to the south (Pierce side) and 7.5 feet to the north. As shown on the site plan, this location is consistent with that of the Pierce home on the adjacent lot. Building elevation drawings of the proposed structure (Petitioner's Exhibit 6) show that it will be a 2½ story

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Date 12/21/05
By

dwelling, 32'5" wide and 99' deep, 40' of which will be utilized as an attached garage. These drawings have been submitted to the Office of Planning for review, pursuant to the performance standards contained within County Council Bill No. 55-04. A recommendation received from that agency indicates that the Office of Planning supports the proposal and finds same to be in accordance with the spirit and intent of the R.C.5 regulations. However, they have requested that final elevations of all facades, including building materials, be submitted for their review and approval prior to the issuance of any permits.

In support of the request, Mr. Billingsley testified that the dwelling and its proposed location are consistent with other development in the area and that strict compliance with the regulations would render the lot unbuildable. Obviously, there could be no construction on the property, given the fact that the lot is only 50 feet wide. He further noted that similar variance relief was provided by this Commission for the Protestants' property at 1011 Bowleys Quarters Road in prior Case No. 97-287-A on February 24, 1997. For all of these reasons, he believes that the relief requested is appropriate in this instance and should be granted. The many letters received from neighbors in the immediate vicinity evidenced further support for the variance.

As noted above, Mr. & Mrs. Pierce appeared and testified in opposition to the proposal. They raised a number of issues; however, the primary area of concern relates to the Bairds' proposal to position the new house immediately in line with their home. The Pierces would prefer a staggered home placement rather than side by side. Besides being aesthetically unacceptable to the Pierces, they believe that this will tend to overcrowd their use and enjoyment of their porches and decks, impact light and air movement between the homes resulting in a loss of vegetation, and impair their ability to exit their property. In this regard, the Petitioners and the Pierces share a use-in-common driveway which actually serves three properties, namely 1005 Bowleys Quarters Road (the Pierce property), and 1009 and 1011 Bowleys Quarters, both of which are owned by the Bairds. This driveway is more particularly shown on the site plan, in photographs submitted, and in aerial exhibits submitted at the hearing. Pastor Pierce further argued that the size of the new home would dwarf or overpower his home and negatively affect

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Date 12/21/15
By

the value of his property. Finally, he is opposed to the request as Mr. Baird does not reside on the property but leases out the homes for investment purposes.

On behalf of the Protestants, Mr. Kellman presented several modified plans (Protestants' Exhibits 7-10) incorporating lot line adjustment options to citing the proposal closer to the Bairds' internal lot line or further towards the water. The Petitioners rejected the Protestants' proposals, noting that a 15-foot drainage and utility (grinder pump) easement which splits the Baird properties, prevents moving the house closer to the internal lot line. Moreover, moving the proposed home closer towards Seneca Creek would place the home into the higher risk Flood Zone A and require raising the structure to meet flood elevation requirements, which will result in the loss of a planned basement level.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested variance. Relief is necessitated given the narrow configuration of the lot and its waterfront location. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the proposal appears compatible with the pattern of development in the area. Thus, I find that the relief requested is appropriate in this instance and should be granted. However, given the property's waterfront location adjacent to Seneca Creek, the proposed improvements must comply with Chesapeake Bay Critical Areas regulations.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of December 2005 that the Petition for Variance seeking relief from Sections 1A04.3.B.2.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 0.874 acres in lieu of the minimum required 1.5 acres, and to permit side yard setbacks of 10 feet and 7.5 feet in lieu of the required 50 feet each for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING
Date 12/20/05
By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. See attached ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM).

3) Prior to the issuance of any permits, Petitioners shall submit final elevation drawings of all facades, including building materials, to the Office of Planning for review and approval.

4) The Petitioner shall prepare a covenant (Use-In-Common and Maintenance Agreement) for the shared driveway access, a copy of which shall be recorded with the site plan for the proposed dwelling.

5) Petitioners shall provide evergreen landscape screening sufficient to buffer the proposed dwelling from the Pierce home.

6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 12/26/05
By

CRIA / FLOOD

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1009 BOWLES QUARTERS ROAD

which is presently zoned RC5

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)

SEE ATTACHED

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

THE PROPERTY IS AN EXISTING LOT OF RECORD AND CAN NOT BE IMPROVED WITHOUT VARIANCES.

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):

Joseph F. Baird

Name - Type or Print

Signature

Name - Type or Print

Signature

1144 Seven Ml. 410-335-6618

Address — Telephone No.

Balto. Md. 21220

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Representative to be Contacted:

Robert INFussi

Name

P.O. Box 1043 410-812-2236

Address — Telephone No.

Bel Air Md 21014

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BN Date 7/24/05

Case No. 06-063-A

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 12/21/05
By

1A04.3.B.1.a and 1A04.3.B.2.b (BCZR) to permit a lot area of 0.874 acres in lieu of the required 1.5 acres, and to permit side yard setbacks of 10 ft. and 7.5 ft. in lieu of the required 50 ft. for a proposed dwelling.

DESCRIPTION

1009 BOWLEYS QUARTERS ROAD

Beginning for the same at a point on the northeast side of Bowleys Quarters Road (30 feet wide) distant 930 feet northwesterly from it's intersection with the center of Chestnut Road (30 feet wide) thence being all of Lot 88 as shown on the plat entitled Plat 2 Bowleys Quarters recorded in Plat Book 7 Folio 13. Containing 38,075 square feet or 0.874 acre of land more or less.

Being known as 1009 Bowleys Quarters Road. Located in the 15th Election District, 6th Councilmanic District of Baltimore County, Maryland.

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: 06-063-A

Petitioner: JOSEPH BAIRD

Address or Location: 1009 BOWLEYS QUARTERS ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH BAIRD

Address: 1144 SENECA RD.
BALTO. MD. 21220

Telephone Number: (410) 335-6618

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0430

DATE 1/12/06 ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: Deborah Dopkin

FOR: Appeal - Case No. 06-063-A
1009 Bowleys Quarters Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
1/13/2006	1/12/2006	15:24:56	2

EG U502 MAIL JEVA JEE
>RECEIPT # 449513 1/12/2006 01
ept 5 528 ZONING VERIFICATION
R NO. 000430
Recpt Tot $400.00
$400.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448649

DATE 7/29/05 ACCOUNT 1000-000-6150

AMOUNT $ 65.00

RECEIVED FROM: Carolina Development

FOR: Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/29/2005	7/29/2005	10:02:25	2

EG U502 MAIL JEVA JEE
>RECEIPT # 415342 7/29/2005 01
ept 5 528 ZONING VERIFICATION
R NO. 448649
Recpt Tot $65.00
$130.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO. 06-063-A

1009 BOWLEYS QUARTERS ROAD

15TH ELECTION DISTRICT APPEALED: 1/12/06

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.: 06-063-A

LEGAL OWNER: JOSEPH A. BAIRD

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

1009 BOWLEYS QUARTERS ROAD
NE/S BOWLEYS QUARTERS ROAD, 930' NW OF
CHESTNUT ROAD

The sign was posted on 2/2, 2006.

By: _____
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)

CERTIFICATE OF POSTING

RE: Case No: 06-063-A

Petitioner/Developer:
JOESPH F. BAIRD

Date Of Hearing/Closing: 11/29/05

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

Attention:

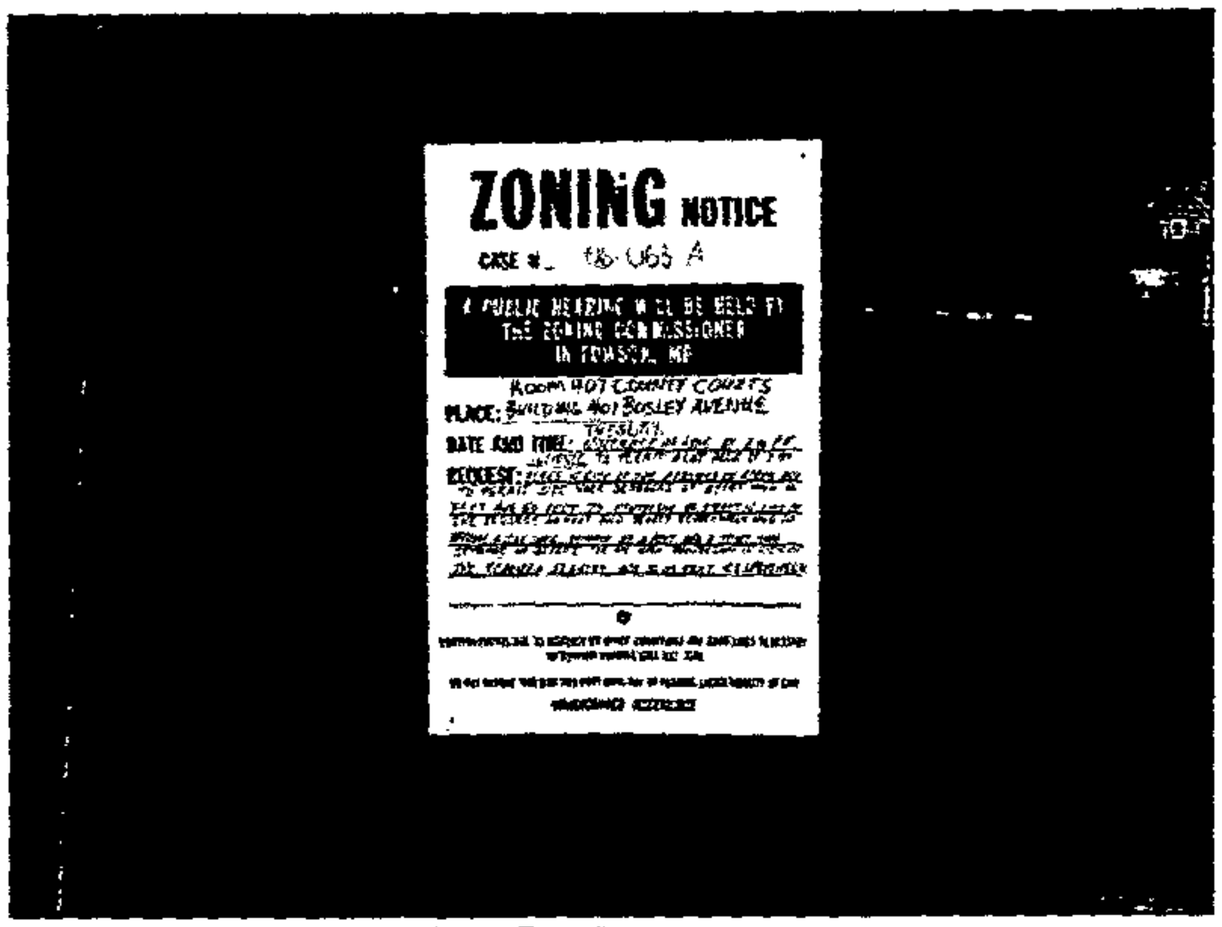
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 1009 BOWLERS QUARTERS ROAD

This sign(s) were posted on November 13, 2005.
(Month, Day, Year)

Sincerely,
Martin Ogle 11/13/05
(Signature of sign Poster and Date)
Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

im000440 (576x432x24b jpeg)



11/13/05

CERTIFICATE OF POSTING

RE: Case No: 06-063-A

Petitioner/Developer: JOSEPH F BAIRD

Date Of Hearing/Closing: 9/15/05

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

Attention:

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 at 1009 BOWLEYS QUARTERS RD

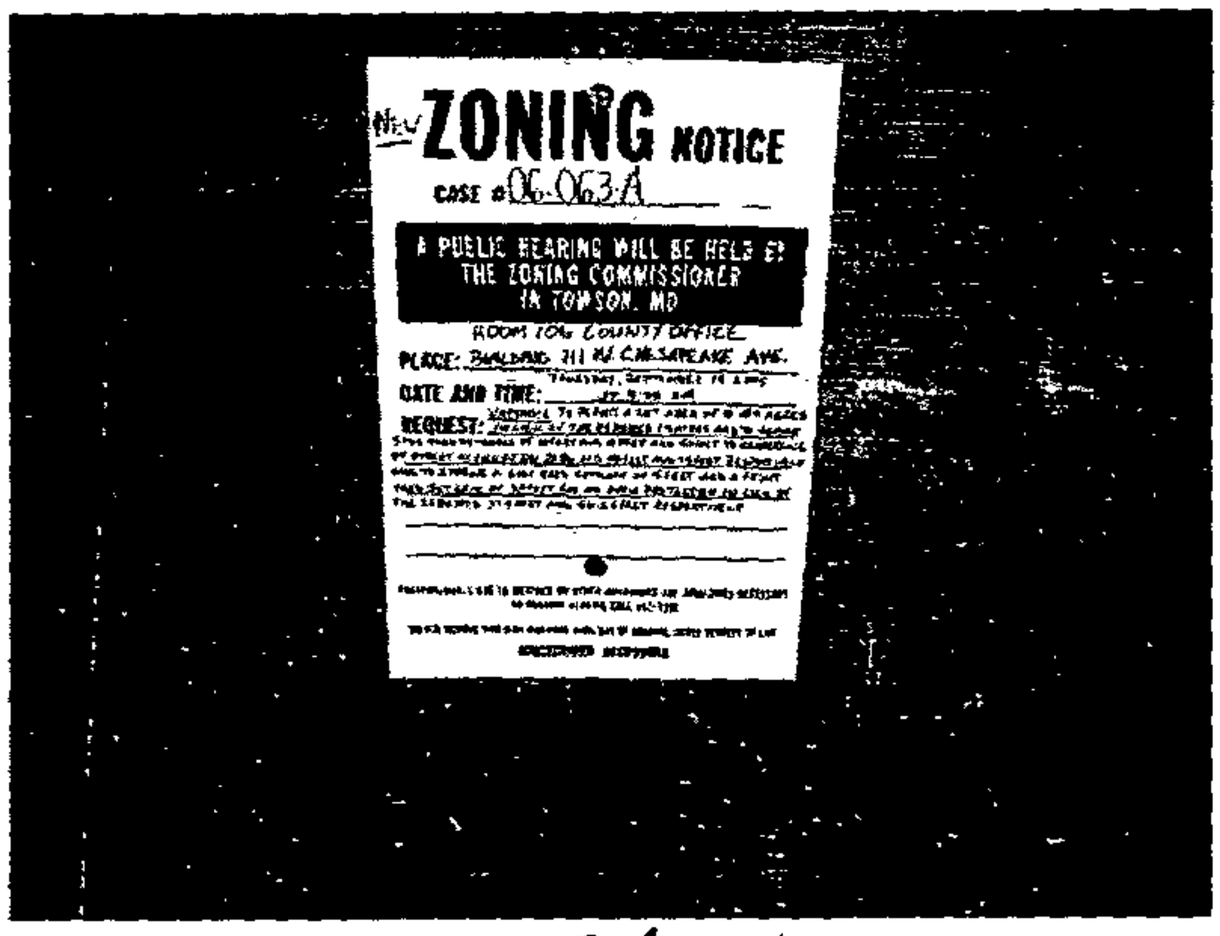
This sign(s) were posted on August 31, 2005.
(Month, Day, Year)

Sincerely,

Martin Ogle 8/31/05
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

im000402 (576x432x24b jpeg)



8/31/05

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

Please forward billing to:
Joseph Baird
1144 Seneca Road
Baltimore, MD 21220

410-335-6618

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: 06-063-A
1009 Bowleys Quarters Road
N/east side of Bowleys Quarters Road, 930 ft. n/west of centerline of Chestnut Road
15th Election District – 6th Councilmanic District
Legal Owners: Joseph F. Baird

Variance to permit a lot area of 0.184 acres in lieu of the required 1.5 acres and to permit side yard setbacks of 10 feet and 12 feet and 50 feet to centerline of street in lieu of the required 50 feet and 75 feet respectively and to approve a side yard setback of 5 feet and a front yard setback of 38 feet for an open projection in lieu of the required 37.5 feet and 56.25 feet respectively.

Hearing: Thursday, September 15, 2005 at 9:00 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.

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 4, 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: 06-063-A
1009 Bowleys Quarters Road
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Hearing: Thursday, September 15, 2005 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Joseph F. Baird, 1144 Seneca Road, Baltimore 21220
Robert Infussi, P.O. Box 1043, Bel Air 21014

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 31, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 15, 2005 Issue - Jeffersonian

Please forward billing to:
Joseph Baird
1144 Seneca Road
Baltimore, MD 21220

410-335-6618

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Hearing: Tuesday, November 29, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley 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.
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Department of Permits
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

November 1, 2005

NEW 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: 06-063-A
1009 Bowleys Quarters Road
N/east side of Bowleys Quarters Road, 930 ft. n/west of centerline of Chestnut Road
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Hearing: Tuesday, November 29, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Joseph F. Baird, 1144 Seneca Road, Baltimore 21220
Robert Infussi, P.O. Box 1043, Bel Air 21014
Howard Alderman, 502 Washington Avenue, 8th Fl., Towson 21204
Deborah Dopkin, 409 Washington Avenue, Ste. 100, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 14, 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.

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 12, 2006

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 06-063-A **IN THE MATTER OF: JOSEPH A. BAIRD -Petitioner**
1009 Bowleys Quarters Road 15th E; 6th C

12/20/2005 – Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

which had been reassigned to be heard on 10/19/06 has been POSTPONED due to counsel schedule conflict and reassigned to the indicated agreed date; and has been

REASSIGNED FOR: **THURSDAY, DECEMBER 14, 2006 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : Richard Burch, Esquire
Appellants /Protestants : Reverend and Mrs. M. Bart Pierce
Deborah C. Dopkin, Esquire
Mitchell Kellman /DMW
Larry Snyder

Charles L. Johnston, Jr. /Quillen Development, Inc.

Counsel for Petitioners : Howard L. Alderman, Jr., Esquire
Petitioners : Joseph and Eileen Baird

Stacy L. Baird
Steven Comegna
Robert Infussi
David Billingsley

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

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 12, 2007

NOTICE OF ASSIGNMENT /By request of Counsel

CASE #: 06-063-A

IN THE MATTER OF: JOSEPH A. BAIRD -Petitioner
1009 Bowleys Quarters Road 15th E; 6th C

12/20/2005 – Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

The subject matter has been specially assigned to the following date and time for an early morning hearing by request of, and upon confirmation with, counsel to this matter; and has been

ASSIGNED FOR: THURSDAY, JULY 19, 2007 at 9:00 a.m.

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

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

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

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Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Protestants : Richard Burch, Esquire
Appellants /Protestants : Reverend and Mrs. M. Bart Pierce
Deborah C. Dopkin, Esquire
Mitchell Kellman /DMW
Larry Snyder

Charles L. Johnston, Jr. /Quillen Development, Inc.

Counsel for Petitioners : Howard L. Alderman, Jr., Esquire
Petitioners : Joseph and Eileen Baird

Stacy L. Baird
Steven Comegna
Robert Infussi
David Billingsley

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

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on Recycled Paper

NOTICE OF ZONING HEARING

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Hearing: Thursday, September 15, 2005 at 9:00 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 8/770 August 30 64866

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

NOTICE OF ZONING HEARING

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Hearing: Tuesday, November 29, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

JT 11/670 November 15 75060

CERTIFICATE OF PUBLICATION

11/17/, 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 11/15/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

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

November 28, 2005

Joseph F. Baird
1144 Seneca Road
Baltimore, Maryland 21220

Dear Mr. Baird:

RE: Case Number: 06-063-A, 1009 Bowleys Quarters Road

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert Infussi P.O. Box 1043 Belair 21014

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley RBS

DATE: September 8, 2005

SUBJECT: Zoning Item # 06-063-A
Address 1009 Bowleys Quarters Road
Baird Property

Zoning Advisory Committee Meeting of August 8, 2005

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

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-100 through 33-2-1004, and other Sections, of the Baltimore County Code).

Reviewer: Martha Stauss Date: September 8, 2005

S:\Devcoord\ZAC06-063.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 8, 2005

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

SUBJECT: 1009 Bowleys Quarters Road

INFORMATION:

Item Number: 6-063

Petitioner: Joseph Baird

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the subject request provided final elevations of all facades including building materials is submitted to the Office of Planning for review and approval prior to the issuance of a building permit.

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\6-063.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley

DATE: September 8, 2005

SUBJECT: Zoning Item # 06-063-A
Address 1009 Bowleys Quarters Road
Baird Property

Zoning Advisory Committee Meeting of August 8, 2005

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__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-100 through 33-2-1004, and other Sections, of the Baltimore County Code).

Reviewer: Martha Stauss Date: September 8, 2005

S:\Devcoord\ZAC06-063.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 No. 063

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The ultimate right-of-way for Bowleys Quarters Road is 60-feet wide. Show the future right-of-way line and revise the setback accordingly.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 063-08102005.doc

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 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. 263 BPR

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 1009 Bowleys Quarters Rd; NE/side Bowleys Quarters Road, 930' NW c/line Chestnut Rd* 15th Election & 6th Councilmanic Districts Legal Owner(s): Joseph F. Baird	*	BEFORE THE ZONING COMMISSIONER FOR
	Petitioner(s)	*	BALTIMORE COUNTY
		*	06-063-A

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
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, Robert Infussi, Expedite, LLC, P.O. Box 1043-7043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED
AUG 05 2005
Per.....

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

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

January 13, 2006

Deborah Dopkin, Esquire
409 Washington Avenue, Ste. 1000
Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Case : 06-063-A, 1009 Bowleys Quarters Road

Please be advised that we received your appeal of the above-referenced case in this office on January 12, 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

RECEIVED
JAN 13 2006
BALTIMORE COUNTY
BOARD OF APPEALS

TK:

c: People's Counsel of Baltimore County
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Deborah Dopkin, Esq., 409 Washington Avenue, Ste. 1000, Towson, MD 21204
Robert Infussi P.O. Box 1043 Bel Air, MD 21014
David Billingsley 601 Charwood Court, Edgewood, MD 21040
Joseph & Eileen Baird, 1144 Seneca Road, Baltimore, MD 21220
Howard Alderman, Esq., 502 Washington Avenue, Ste. 800, Towson, MD 21204
Charles Johnston 9500 N. Ambeigh Lane, Perry Hall, MD 21120
Coralle Pierce 1011 Bowleys Quarters Road, Middle River, MD 21234
Burt Pierce,1011 Bowleys Quarters Road, Middle River, MD 21234
Mitch Kellman, 200 E. Pennsylvania Avenue, Towson, MD 21286
Larry Snyder, 1402 Westbury Court Lutherville MD 21093

CASE #: 06-063-A

IN THE MATTER OF: JOSEPH A. BAIRD - Petitioner
1009 Bowleys Quarters Road 15th E; 6th C

VAR – To permit lot area of 0.874 acre ilo minimum required 1.5 acres and to permit side yard setbacks of 10' and 7.5' ilo req'd 50' each for proposed dwelling.

12/20/2005 – Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

5/10/06 --Notice of Assignment sent to following; assigned for hearing on Tuesday, July 25, 2006 at 10:00 a.m.:

Deborah C. Dopkin, Esquire
Reverend and Mrs. M. Bart Pierce
Mitchell Kellman /DMW
Larry Snyder
Charles L. Johnston, Jr. /Quillen Development, Inc.
Howard L. Alderman, Jr., Esquire
Joseph and Eileen Baird
Stacy L. Baird
Steven Comegna
Robert Infussi
David Billingsley
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

7/19/06 – Letter from Deborah C. Dopkin, Esquire, via FAX and US mail requesting a postponement of the hearing for 7/25/06; Protestants /Appellants, Reverend M. Bart and Mrs. Coralee Pierce, "have elected to replace" Ms. Dopkin as lead counsel and have asked Richard Burch, Esquire, to represent them. Settlement negotiations had fallen apart "in the last 36 hours"; Mr. Burch has Circuit Court conflict. Will enter his appearance upon granting of postponement.
- Letter from Mr. Alderman via FAX objecting the granting of this postponement request for reasons as stated.
- Letter to counsel granting postponement request; notice of assignment will be sent with new date.

7/20/06 – Entry of Appearance filed by Richard C. Burch, Esquire, on behalf of Rev. M. Bart and Coralee Pierce, Protestants.
-- Hard copy of letter from Mr. Alderman as indicated above.

10/02/06 – Notice of Reassignment sent to parties; case reassigned to Thursday, October 19, 2006 at 10:00 a.m.

10/05/06 – T/C from D. Dopkin – conflict with 10/19/06 hearing date (reservations for out of town); T/C by kcb to Mr. Alderman; left voice mail message advising him of this conflict.
- Letter from D. Dopkin advising of conflict and possible dates for reassignment.

10/10/06 – T/C w/Ms.Dopkin in response to her e-mail that 11/10/06 is good for counsel – 11/10/06 is a Friday and a County holiday – not available for hearing. Advised her of 12/13, 12/14 or 12/20/06.

10/11/06 – T/C from Ms Dopkin – 12/14/06 is good. E-mail from Ms. Dopkin confirming 12/14/06 for hearing in this matter.

10/12/06 – Notice of PP and Reassignment sent to parties; case reassigned to Thursday, December 14, 2006 at 10:00 a.m.

12/14/06 – T/C from Ms.Dopkin that settlement is possible; may not be ready to start at 10 a.m. as scheduled but rather would ask for a few extra moments. Board assembled for hearing (2-1-4). Mr. Alderman and Ms. Dopkin then indicated that settlement had been reached. Will prepare proffer and proposed to be put on the record early a.m. hearing (same panel members not needed). Will notify when they are ready to put the settlement on record.

5/31/07 – Letter from Howard Alderman, Jr., Esquire, requesting that this matter be scheduled for an early morning hearing; the parties have reached agreement on modifications to proposed improvements; evidence to be proffered along with a copy of the written, executed agreement and proposed Order.

6/11/07 – Confirmed availability of parties through counsel; to be assigned on July 19 at 9 a.m. Notice to be sent.

6/12/07 – Notice of Assignment /By Request of Counsel sent to parties this date; assigned for hearing on Thursday, July 19, 2007 at 9:00 a.m. FYI copy sent to 3—6-7 to alert of early start on 7/19/07.

7/19/07 – Board convened for hearing as specially assigned (Wescott, Witt, Crizer). Upon receipt of proffer from counsel, the Board granted the requested variance relief is GRANTED with conditions as agreed by parties to this case. Order to be signed and issued by the Board.

9/11/07 – Motion for Reconsideration and to Alter /Amend Order filed by Howard Alderman, Jr., Esquire – regarding new owners and joint request by new owners and Baird to strike references in Order to Restrictive Covenant Agreement and Revised Site Plan.

10/09/07 – Upon review by Board of requested revisions to Order, and no objection by other parties to the case, and without any response to said Motion, the Board will issue the Revised Order; copies to be sent to all parties upon issuance.

County Board of Appeals of Baltimore County

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

July 19, 2006

Deborah C. Dopkin, Esquire
1000 Mercantile Towson Building
409 Washington Avenue
Towson, MD 21204

Re: *In the Matter of: Joseph A. Baird*
Case No.: 06-063-A

Dear Mrs. Dopkin:

This letter is to confirm receipt of your July 19, 2006 letter requesting a postponement of the above subject matter. Please be advised that the July 25, 2006 hearing has been pulled from the Board's schedule.

A formal Notice of Assignment, reflecting the new hearing date, will be sent to the appropriate parties in the next couple of weeks.

If I can be of any further assistance, please contact my office.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco,
Administrator

lb

c: Richard C. Burch, Esquire
Howard L. Alderman, Jr., Esquire
People's Counsel for Baltimore County
Rev. & Mrs. M. Bart Pierce
Stacy L. Baird
Larry Snyder
Pat Keller, Palling Director
Charles Johnston
Joseph & Elaine Baird
Robert Infussi
David Billingsley
Mitch Kellman
William J. Wiseman, III/Zoning Comm.
Timothy M. Kotroco, Dir./PDM

Printed with Soybean Ink
on Recycled Paper

File

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)

October 6, 2005

William J. Wiseman, III, Esquire,
Zoning Commissioner for Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Case No. 06-063-A

Dear Mr. Wiseman:

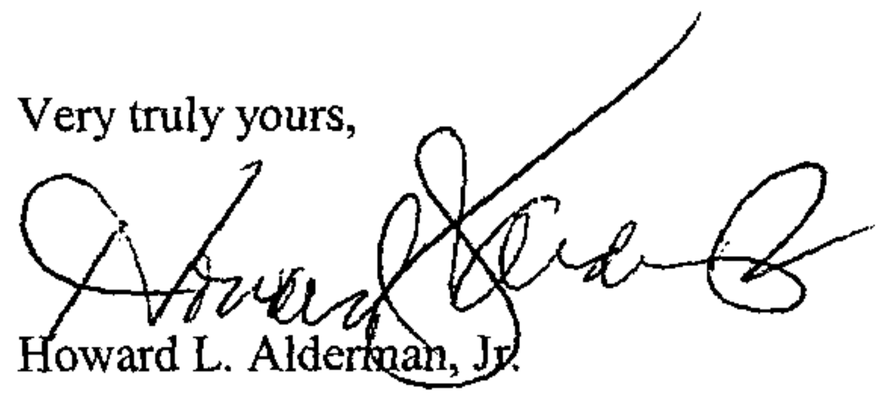
I have the pleasure of representing Mr. Joseph F. Baird, Petitioner and owner of the property in the above-referenced matter. This case was called by Deputy Zoning Commissioner John V. Murphy on Thursday, September 15 in Room 106 of the County Office Building. At that time, Deborah C. Dopkin, Esquire entered her appearance on behalf of Murray B. and Coralee C. Pierce who live on the lot which adjoins the subject property. Ms. Dopkin made an oral motion for continuance of the proceedings as only Ms. Pierce was present in the Hearing Room. Ms. Dopkin represented that Mr. Pierce was called out of town in connection with the hurricanes on the Gulf Coast. Additionally, during those proceedings facts developed that resulted in Mr. Murphy recusing himself from hearing any further issue in these proceedings. The Hearing was continued with agreement of counsel that it would be set in promptly upon your return from vacation.

Ms. Dopkin was going to check with her clients to determine what dates were available for continuation of this matter and then contact me. Since I have not heard from Ms. Dopkin, I am writing to ask that your Office reschedule these proceedings as soon as possible. Our client would like to move forward with his proposed home construction by breaking ground prior to the onset of the winter months.

My client will agree to attempt to work with Ms. Dopkin and her clients in scheduling a reasonably and mutually convenient date and time. However, if due to the schedule of Ms. Dopkin's clients the Hearing cannot be scheduled for months in advance, we will request that a date be set promptly at which time anyone who is available can appear and testify

Upon your receipt and review of this letter, I would appreciate it if your Office would contact both Ms. Dopkin and myself so that this matter may be rescheduled. Thank you for your kind consideration.

Very truly yours,



Howard L. Alderman, Jr.

HLA/pal
cc: Mr. Joseph F. Baird
Deborah C. Dopkin, Esquire
G:\Clients\Baird, Joseph (15149)\wiseman-wm.ltr.wpd

Possible no for Hearer
7-11-07 @
9 am
(Wed)

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

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410-321-4640

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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)

July 19, 2006

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

RE: Response to Request for Postponement
Case No. 06-063-A
1009 Bowleys Quarters Road

Dear Ms. Bianco:

I write on behalf of my client, Joseph Baird (property owner of the above-referenced property), to oppose the request for postponement of next Tuesday's hearing as transmitted earlier today by Deborah C. Dopkin, Esquire, legal counsel to the Protestants/Appellants in this case. I believe that I have a current copy of the *Rules of Practice and Procedure of County Board of Appeals* as the same is published with the *Baltimore County Code*. Board Rule 2.c in my copy reads as follows: "No postponement shall be granted within fifteen (15) days next prior to the hearing date except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of any [*sic*] unusual and extraordinary nature."

Please understand that neither I nor my client find fault with Richard Burch, Esquire. He has, prudently, not yet entered his appearance due to a known time conflict. Rather, any and all fault rests squarely with the Appellants in this case who at the eleventh hour, unilaterally, crossed the threshold of reasonableness in their latest demands in the ongoing discussions revealed by Ms. Dopkin. Their request as filed by their legal counsel fails to even allege any circumstances of an "unusual and extraordinary nature." The Protestants are not without legal counsel – Ms. Dopkin clearly acknowledges that her office "represents" the Appellants.

The request for postponement should be denied. Should you or any member of the Board need additional information in support of this opposition, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Mr. Joseph Baird
Deborah C. Dopkin, Esquire (via telefax only)
People's Counsel for Baltimore County (via telefax only)
Richard C. Burch, Esquire (via telefax only)

RECEIVED
JUL 20 2006
BALTIMORE COUNTY
BOARD OF APPEALS

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

October 5, 2006

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

RE: Case No. 06-063-A
1009 Bowleys Quarters Road

Dear Ms. Bianco:

This office, together with Richard Burch of Mudd, Harrison & Burch, are representing Bart and Coralee Pierce, Appellants in the above captioned matter.

We were surprised to receive in today's mail a Notice of Postponement and Reassignment scheduling a hearing for October 19, 2006, a mere two weeks from today.

Mr. Burch's trial schedule does not permit his appearance on that date and I am scheduled to be out of town on a personal matter. We have tried to contact Howard Alderman regarding his schedule and the possibility of alternate dates.

In the interim, we offer the following dates in early November or December so as not to delay this matter. Those dates are November 1, 7, 8, 10, 13 or 15, or December 5 or 14, 2006. If these dates change after we speak with Mr. Alderman, we will so advise you, or in the alternative, you may want to convene a conference call with all counsel so we may arrive at a date that works for the Board and all parties. In the meantime, I will check with the Appellants to determine Reverend Pierce's availability.

RECEIVED
OCT 05 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Thank you for your immediate attention to this matter.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

cc: Howard Alderman, Esquire (via facsimile)
Richard Burch, Esquire (via facsimile)
People's Counsel for Baltimore County
Reverend and Mrs. M. Bart Pierce (via facsimile)
Mr. Mitchell Kellman (via facsimile)

C:\docs\KMC\DCD\Letters 2006\Bianco Kathleen-pierce2.wpd

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

RECEIVED
JUL 19 2006
BALTIMORE COUNTY
BOARD OF APPEALS

July 19, 2006

VIA HAND DELIVERY AND
FACSIMILE TRANSMISSION
Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Case No. 06-063-A
1009 Bowleys Quarters Road

Dear Ms. Bianco:

I am writing to request a postponement of the hearing now scheduled for Tuesday, July 25, 2006 at 10:00 a.m.

This office represents M. Bart and Coralee Pierce, the adjoining owners and Protestants, in the above captioned matter. The Protestants have elected to replace me as lead counsel and have asked Richard Burch of the Law Firm of Mudd, Harrison and Burch to represent them.

Mr. Burch has agreed to participate in the case and represent Reverend and Mrs. Pierce, but has another matter in the Circuit Court for Baltimore County on Tuesday morning, July 25, 2006.

Mr. Burch has spoken to Howard Alderman, counsel for the Petitioner and Mr. Alderman is aware of Mr. Burch's involvement and the request for this postponement. The reason for the requested postponement is that Reverend and Mrs. Pierce believed that as a result of ongoing discussions they were at the threshold of a resolution and, as such, deferred engaging other counsel. Those discussions fell apart in the last 36 hours. Mr. Burch, though agreeable to handling the matter is reluctant to formally enter his appearance when he is not available. He has indicated

that he will enter his appearance immediately upon a postponement being granted.

Thank you for your attention to this matter.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

cc: Howard Alderman, Esquire (via fax & mail)
Richard Burch, Esquire (via fax & mail)
People's Counsel for Baltimore County (via fax & mail)
Reverend and Mrs. M. Bart Pierce (via fax & mail)

C:\docs\KMC\DCD\Letters 2006\Bianco Kathleen-pierce.wpd

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

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TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2601

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

July 19, 2006

Dopkin
821-0200

Carolyn (Cue)
410-236-1345

Chairman
561-8309

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

RE: Response to Request for Postponement
Case No. 06-063-A
1009 Bowleys Quarters Road

Dear Ms. Bianco:

I write on behalf of my client, Joseph Baird (property owner of the above-referenced property), to oppose the request for postponement of next Tuesday's hearing as transmitted earlier today by Deborah C. Dopkin, Esquire, legal counsel to the Protestants/Appellants in this case. I believe that I have a current copy of the *Rules of Practice and Procedure of County Board of Appeals* as the same is published with the *Baltimore County Code*. Board Rule 2.c in my copy reads as follows: "No postponement shall be granted within fifteen (15) days next prior to the hearing date except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of any [*sic*] unusual and extraordinary nature."

Please understand that neither I nor my client find fault with Richard Burch, Esquire. He has, prudently, not yet entered his appearance due to a known time conflict. Rather, any and all fault rests squarely with the Appellants in this case who at the eleventh hour, unilaterally, crossed the threshold of reasonableness in their latest demands in the ongoing discussions revealed by Ms. Dopkin. Their request as filed by their legal counsel fails to even allege any circumstances of an "unusual and extraordinary nature." The Protestants are not without legal counsel – Ms. Dopkin clearly acknowledges that her office "represents" the Appellants.

The request for postponement should be denied. Should you or any member of the Board need additional information in support of this opposition, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: Mr. Joseph Baird
Deborah C. Dopkin, Esquire (via telefax only)
People's Counsel for Baltimore County (via telefax only)
Richard C. Burch, Esquire (via telefax only)

MUDD, HARRISON & BURCH, L.L.P.
ATTORNEYS AT LAW
401 WASHINGTON AVENUE
SUITE 900
TOWSON, MARYLAND 21204-4835
410 828 1335
FAX 410 828 1042

RICHARD C. BURCH *
DOUGLAS W. BISER *
ANDREW JANQUITTO * +
MATTHEW P. LALUMIA *

JONATHAN E. C. MAY *

* MEMBER OF MARYLAND BAR
+ MEMBER OF DISTRICT OF COLUMBIA BAR

JOHN E. MUDD
(1928-2003)

T. ROGERS HARRISON
(1949-1995)

July 20, 2006

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

Re: Case No. 06-063-A
1009 Bowleys Quarters Road

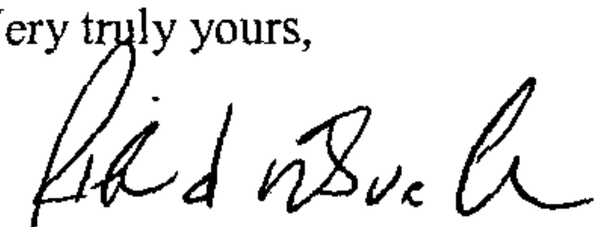
Dear Ms. Bianco:

I understand that the appeal/hearing in the above-referenced matter, which was set for Tuesday, July 25, 2006, has been postponed. Assuming my understanding is correct, please enter my appearance on behalf of Rev. M. Bart and Coralee Pierce, Protestants and owners of the property immediately adjacent to the subject property.

I would appreciate if you would provide me with copies of all scheduling notices and any correspondence from the Board to interested parties.

Many thanks for your kind attention to this matter.

Very truly yours,



Richard C. Burch

RCB/gg
cc: Rev. M. Bart and Coralee Pierce
Howard L. Alderman, Jr., Esquire
Deborah C. Dopkin, Esquire
People's Counsel for Baltimore County

RECEIVED
JUL 24 2006
BALTIMORE COUNTY
BOARD OF APPEALS

PLEASE PRINT CLEARLY

CASE NAME 1009 BOWLEYS QUARTERS
CASE NUMBER 06-063-A
DATE 11/29/05

PETITIONER'S SIGN-IN SHEET

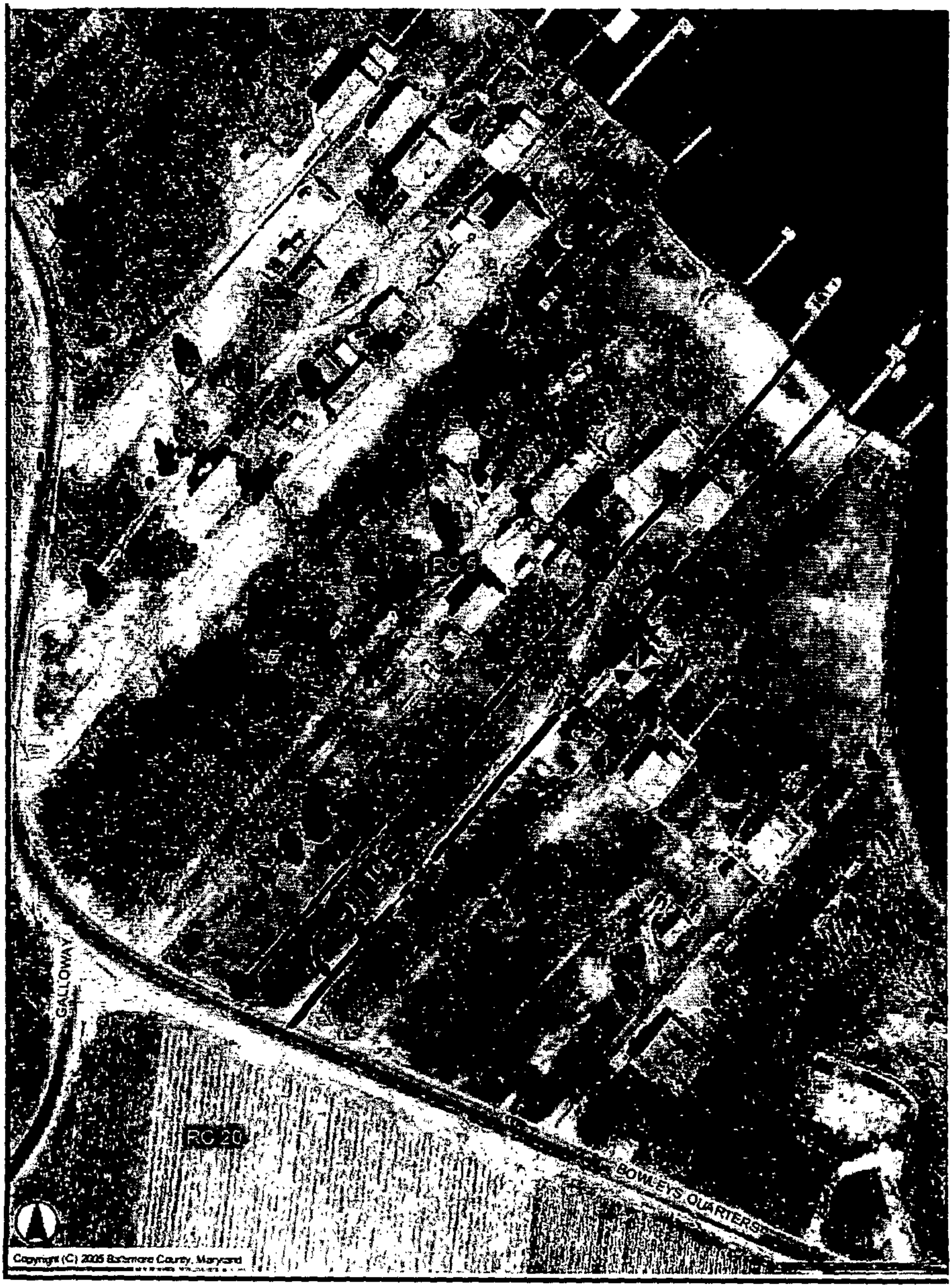
NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
D. BILLINGSLEY	601 CHARWOOD CT.	EDGEWOOD MD 21040	
JOE BAIRD	1144 SENECA RD.	BALTO. MD, 21220	
EILEEN BAIRD	1144 SENECA RD	BALTO, MD. 21220	
STACY BAIRD	7810 WILSON AVENUE	BALTO, MD 21234	
BOB INFUSSI	P.O. BOX 1043	Bel Air, Md 21014	
HOWARD L ADDELMAN JR	502 Washington Ave Suite 500	TOWSON MD 21204	
CHARLES L. JOHNSTON JR	9500N Amberleigh Ln	PERRY HALL MD 21128	

PLEASE PRINT CLEARLY

CASE NAME 06-063 A
CASE NUMBER
DATE

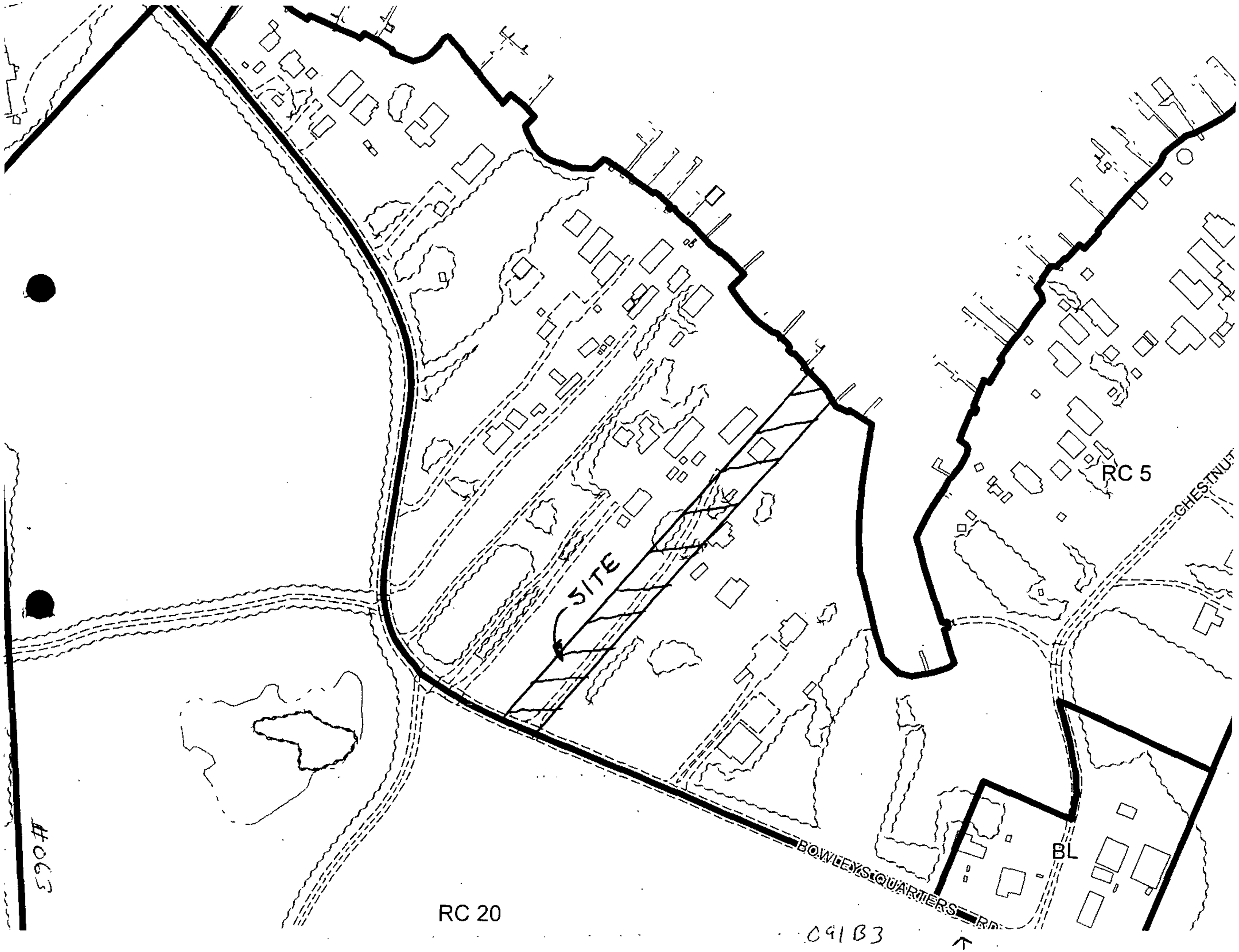
CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Deborah Dopkin	409 Washington Ave	Towson 21204	ddopkin@dopkinlaw.com
Mitch Kellman	200 East Pennsylvania Ave	Towson 21286	mkellman@dmw.com
Coralee Pierce	1011 Bowleys Qtrs Rd	Middle River MD 21220	coralee@rockcitychurch.com


RC 5
GALLOWAY
RC 20
BOWLES QUARTER
Copyright (C) 2005 Baltimore County, Maryland

09183

#063


SITE
RC 5
CHESTNUT
BL
BOWLEYS QUARTERS RD
RC 20
#063
C91B3

Case No.: 06-063 A

Exhibit Sheet

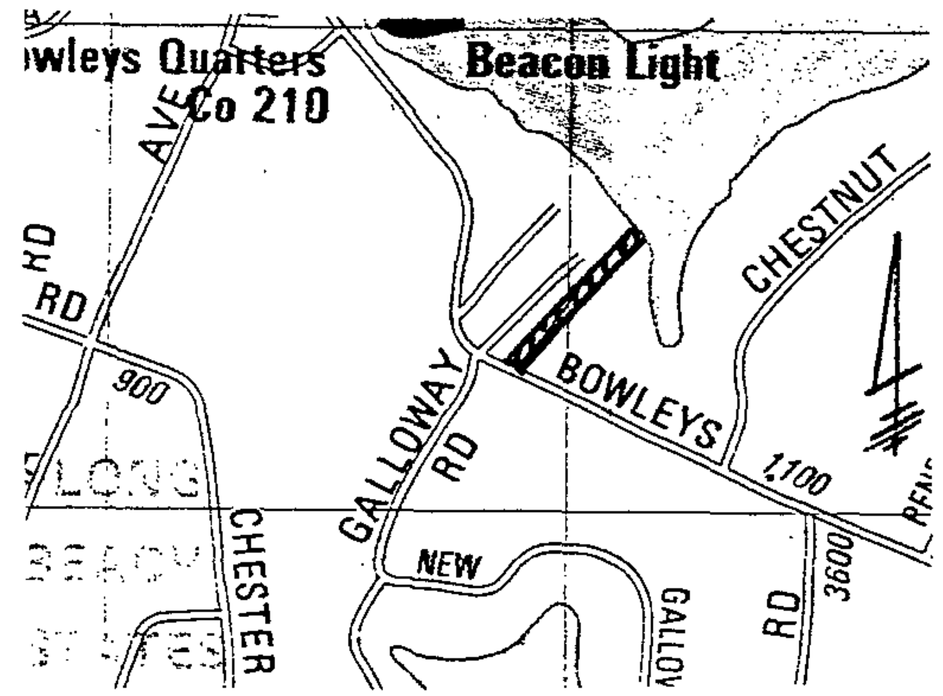
	Petitioner/Developer	Protestant
No. 1	Site Plan - Amended to show 60' RW	Photo's 1 thru 16 or A thru O
No. 2	MDAT - Data Sheet 1009 Bowleys Quarters	6 Photographs -
No. 3	MDAT - Data Sheet 1005 Bowleys Quarters	Retaining Wall Built as a result of tree removal
No. 4	Photos (#4) with Plat locating areas A, B, C, D + E - Photos	Aerial Photograph
No. 5	Aerial Photograph	County Sewer Utility 1996 1999
No. 6	BLDG Elev.	County Water Utility 1956
No. 7	MDAT - Lot 89 Murray Pierce Property	Lot Line Adjustment [Modified Plan]
No. 8	Letters of Support	Modified Plan with Lot Line Adjustment
No. 9	Protestant's Listing for Sale of 1011 Bowley Qtrs Rd	Where House Could Be Sited - If Lots Considered
No. 10		Located towards water as a seperate Lot.
No. 11		
No. 12		

VARIANCES REQUESTED

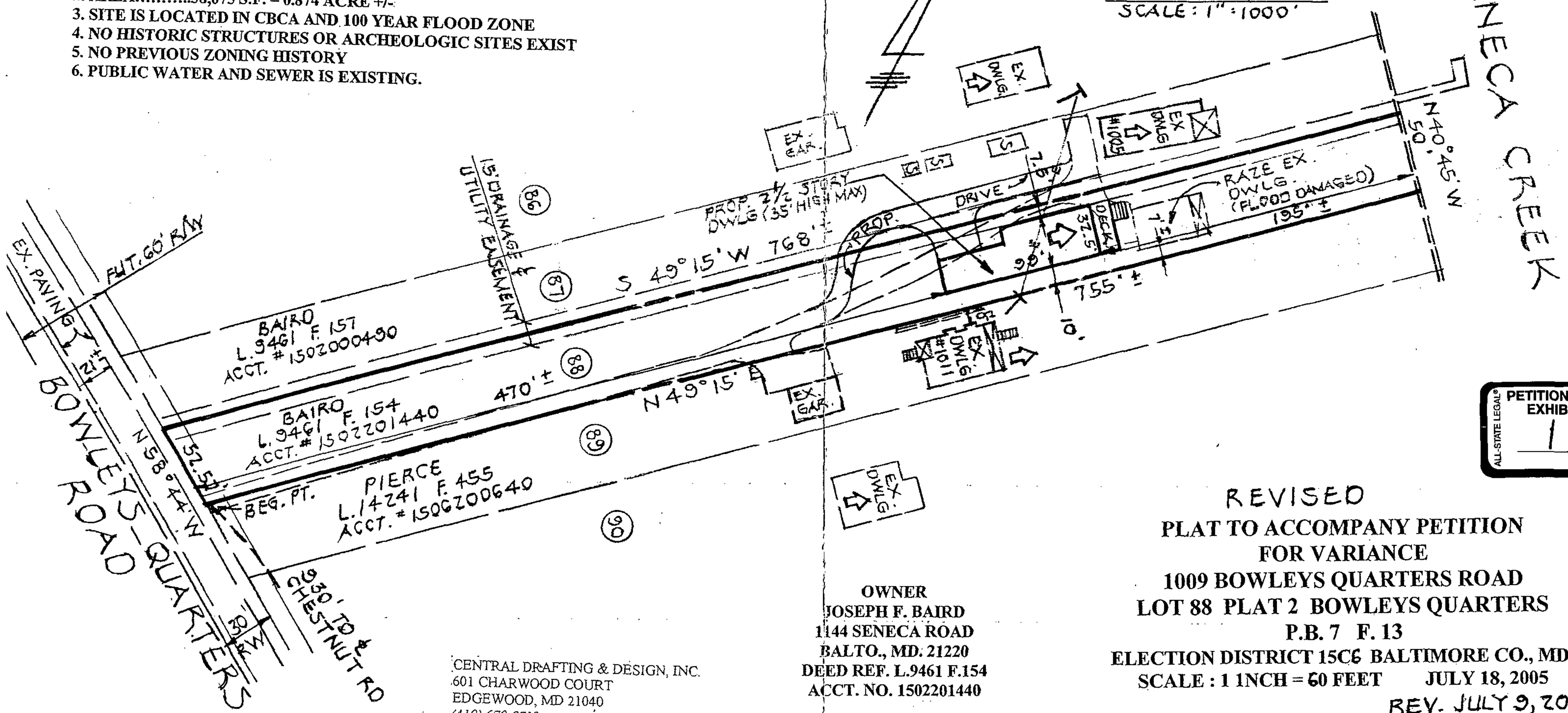
A VARIANCE FROM SECTIONS 1A04.3.B.1.a AND 1A04.3.B.2.b OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A LOT AREA OF 0.874 ACRE IN LIEU OF THE MINIMUM REQUIRED 1.5 ACRES AND TO PERMIT A REPLACEMENT DWELLING WITH SIDE YARD SETBACKS OF 10 FEET (ADJACENT TO 1011 BOWLEYS QUARTERS ROAD) AND 7.5 FEET (ADJACENT TO 1005 BOWLEYS QUARTERS ROAD) IN LIEU OF THE MINIMUM 50 FEET REQUIRED.

NOTES

1. ZONING.....RC.5 (MAP NO. 091B3)
2. AREA.....38,075 S.F. = 0.874 ACRE +/-
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
4. NO HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING.



VICINITY MAP
SCALE: 1" = 1000'



PETITIONER'S EXHIBIT 1

REVISED

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
1009 BOWLEYS QUARTERS ROAD
LOT 88 PLAT 2 BOWLEYS QUARTERS
P.B. 7 F. 13
ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE : 1 1NCH = 60 FEET JULY 18, 2005

REV. JULY 9, 2007

OWNER
JOSEPH F. BAIRD
1144 SENECA ROAD
BALTO., MD. 21220
DEED REF. L.9461 F.154
ACCT. NO. 1502201440

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT, has been entered into on this 14th day of February, 2007, by and between JOSEPH F. BAIRD, individually, having an address of 1144 Seneca Road, Baltimore, Maryland 21220 (hereafter "Baird"), and MURRAY B. PIERCE and CORALEE C. PIERCE, husband and wife, having an address of 1607 Cromwell Bridge Road, Baltimore, Maryland 21234 (hereafter, "Pierce").

RECITALS

A. Baird is the owner of two contiguous parcels of land located on the northeast side of Bowleys Quarter Road in the fifteenth Election District of Baltimore County, Maryland, and more particularly described in those certain deeds recorded among the Land Records of Baltimore County, Maryland in Liber 9461 folio 154, known as 1005 Bowleys Quarters Road ("Baird Lot 1") and in Liber 9461 folio 157, known as 1009 Bowleys Quarters Road ("Baird Lot 2") (Baird Lot 1 and Baird Lot 2 are referred to collectively herein as the "Baird Property").

B. Pierce is the owner of a parcel of land located on the northeast side of Bowleys Quarter Road in the Fifteenth Election District of Baltimore County, Maryland, and more particularly described in that certain deed recorded among the Land Records of Baltimore County, Maryland in Liber 14241 folio 455, known as 1011 Bowleys Quarters Road (the "Pierce Property"), which property adjoins Baird Lot 2 and shares an existing stone driveway for ingress, egress and access to Bowleys Quarter Road with Baird Lot 1 and Baird Lot 2.

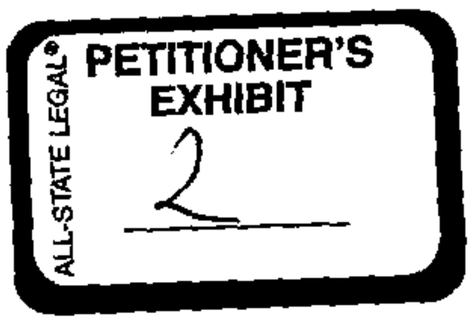
C. Baird proposes to improve Lot 2 at this time with a single family detached dwelling and permitted uses accessory thereto, all as more particularly shown on Exhibit A, attached hereto and made a part hereof.

D. Baird has heretofore submitted a Petition for Variance to the Zoning Commissioner of Baltimore County in Case No. 06-063 A, seeking approval of side yard setback variances in connection with the proposed dwelling on Baird Lot 2, which petition was approved by the Zoning Commissioner of Baltimore County by Findings of Fact and Conclusions of Law dated December 20, 2005.

E. Pierce noted a timely appeal of the decision of the Zoning Commissioner to the County Board of Appeals of Baltimore County.

F. Pierce has agreed to remove their opposition to the proposed dwelling on Baird Lot 2, and the use and development of Baird Lot 2, and is willing to forego any opposition thereto so long as such use and development is restricted in certain respects as hereinafter set forth.

G. Baird is willing to place certain restrictions upon the use and development of Baird Lot 2, and certain driveway covenants applicable to Baird Lot 1, upon certain conditions as



hereinafter set forth.

H. In order to make the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect upon Baird Lots 1 and 2, and upon the present and future owners and occupants thereof, the parties have entered into this Agreement to the end and with the intent that Baird, his successors and assigns, will hold, utilize and hereafter convey or foreclose the Baird Lot 1 and 2 subject to the said covenants, restrictions and conditions contained herein.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual agreements and understandings herein contained, and for other good and valuable considerations, the receipt and sufficiency of which is hereby mutually acknowledged, the parties hereby agree as follows:

1. Incorporation of Recitals. The recitals are hereby incorporated herein as if each recital were fully set forth.

2. Restrictions Upon Baird Lot 2. Baird Lot 2 shall only be used and developed for one single family dwelling, substantially in accordance with the architectural drawings attached hereto and made a part hereof as Exhibit B, saving and excepting the addition and/or relocation of windows.

a. Location of Improvements on Baird Lot 2. The proposed dwelling on Baird Lot 2 shall be located no closer than ten feet (10') to any point along the common property line with the Pierce Property. The proposed dwelling on Baird Lot 2 shall be located no further west on Baird Lot 2 than Point "A" as shown on Exhibit A [also identified as the "Western Limit of Proposed Dwelling on Baird Lot 2" on Exhibit A], exclusive of any existing porch.

b. The configuration of the driveway to serve Baird Lot 1 and 2 and the Pierce Property shall be as shown on Exhibit A, and the access to the garage of the proposed dwelling shall be in the location on Exhibit A. The driveway to serve Baird Lot 1 and Lot 2 and the Pierce Property shall be located over the common property line between Baird Lot 2 and the Pierce Property and shall be of a width not less than 6 feet from the common property on each of the Baird Lot 2 and the Pierce property, for a total minimum width of 12 feet. The portion of the existing driveway from Bowleys Quarters Road to Point B as shown on Exhibit A shall be subjected to the common driveway agreement described in Section 5 below.

c. Height of Proposed Dwelling. The height of the dwelling on Baird Lot 2 shall not exceed that shown on the Exhibit B, and in no event shall the height of the dwelling exceed 35'.

d. Accessory Use Area. The area on Baird Lot 2 that lies west of the proposed dwelling to its intersection with the common drive on Baird Lot 2, shown on Exhibit A as

"Accessory Use Area" shall not be improved with any permanent structures, buildings, dumpsters, walls or enclosures. Notwithstanding the foregoing, nothing herein shall prohibit lawn area, grass and landscaping, pools, swing sets, trash cans, play sets and the like located within the Accessory Use Area. Baird agrees to screen any trash cans or tanks located in the Accessory Use Area. Baird agrees to plant along the common property line of the Accessory Use Area and the Pierce Property, during the next planting season following substantial completion of the new home on the Baird Lot 2, a row of five (5) fast growing, dense evergreen trees in the approximate area shown on Exhibit A.

3. Trees. No trees now existing on Baird Lot 2 or on the Pierce Property along the common property line with the Pierce Property shall be removed unless dead, diseased or severely damaged [other than during construction as provided in this Section]. In the event any existing trees on the Pierce Property are damaged or destroyed as a direct and proximate consequence of the construction of the proposed dwelling on Baird Lot 2, Baird shall replace any such tree with one of the same genus and comparable size.

4. Construction Period Activity.

a. Baird covenants and agrees that if the existing driveway serving the Pierce Property is damaged as a consequence of the construction of the proposed dwelling on Baird Lot 2, upon completion of such construction, Baird will promptly, at his sole cost and expense, repair and restore the driveway to a condition at least as good as that which existed prior to the construction of the proposed dwelling. During construction of the proposed dwelling on Baird Lot 2, Baird further covenants and agrees that neither he, nor his invitees, agents, contractors, subcontractors nor anyone entering the driveway through him, shall obstruct the driveway or in any way obstruct access by Pierce to the existing dwelling or garage on the Pierce Property. Notwithstanding any provision hereof to the contrary, the use, maintenance and repair of the existing driveway from Bowleys Quarters Road to Point B as shown on Exhibit A shall be subject to the Driveway Agreement as provided in Section 5 below.

b. In the event Baird relocates utilities that serve the Pierce residence during the course of construction, Baird covenants and agrees that there will be no significant interruption to or interference with service of those utilities to the Pierce property except as necessary for the contractor to disconnect and reconnect any utilities. Baird will instruct all such utility contractors to provide Pierce with not less than forty-eight (48) hours advance notice of any proposed interference or interruption of utility service to the Pierce Property.

c. Further, in the event during the construction of the proposed dwelling, Baird installs or relocates utilities underground, Baird will make available to Pierce, at Pierce's sole cost and expense the option to relocate utilities serving the Pierce property underground from any utility pedestal, transformer or junction box, at the same time. Pierce and Baird agree that in such event, each will grant to the other or to the applicable public utility, necessary easements for the installation, maintenance and repair of such utilities.

5. Driveway Agreement. Baird and Pierce shall enter an agreement, substantially in the form attached hereto as Exhibit C, governing the shared use, maintenance and repair of the area of the existing driveway that is shared by Baird Lot 1, Baird Lot 2 and the Pierce Property, which shall be recorded among the Land Records of Baltimore County immediately following the recordation of this Restrictive Covenant Agreement.

6. Pierce Consideration. In consideration of the imposition of the restrictions upon the Baird Lot 1 and Lot 2, set forth above, Pierce agrees and covenants that they will not oppose Baird in the zoning petition approval by the Zoning Commissioner of Baltimore County in Case No. 06-063 A, as amended by Exhibit A, and the conditions included therein, or any permit approval consistent therewith, before any and all governmental bodies or agencies, whether legislative, administrative or judicial, having jurisdiction thereover, as presently described by this Agreement and Exhibit A. Pearce authorizes their legal counsel to appear before the Board of Appeals and acknowledge their assent to the granting of the amended relief requested, provided the same is in accord with the terms of this Agreement and the exhibits attached hereto. Any future improvements on Baird Lot 1 will be in accord with any applicable law or regulation as the same may be varianced or waived, all in accordance with applicable processes.

7. Conditions Precedent. This Agreement, and particularly the obligations and restrictions set forth above, shall not be effective and binding unless and until:

a. The County Board of Appeals has entered an Order affirming the decision of the Zoning Commissioner of Baltimore County, as amended by Exhibit A and which Order incorporates the terms of this Agreement; a proposed Order is attached hereto and is to be submitted by legal counsel for the parties hereto to the Board for its consideration ; and

b. The parties have executed a driveway agreement as contemplated herein and in Exhibit C, attached.

8. Binding Effect; Duration. This Agreement shall be recorded by Pierce at Baird's expense among the Land Records of Baltimore County, upon satisfaction of the conditions precedent described in Paragraph 7 above; and, the same shall run with and be binding upon Baird Property and upon the Pierce Property and upon all present and future owners thereof and shall inure to the benefit of each of the parties respectively, their successors, personal representatives, heirs and assigns.

9. Enforcement. In the event of a breach or threatened breach hereof, either party may enforce this Agreement by any lawful means permitted, whether administrative or judicial. Notwithstanding the foregoing, prior to either party hereto seeking administrative or judicial enforcement of this Agreement (the "enforcing party"), the enforcing party shall give the other party written notice of the alleged grievance as provided herein. Within twenty-one (21) days thereafter the parties to this Agreement or their respective representatives shall meet to attempt to resolve amicably the alleged non-compliance or grievance. Unless the other party has not agreed to preserve

the *status quo* during this twenty-one day period, the failure to comply with the dispute resolutions of this enumerated paragraph shall nullify the enforcing party's ability to enforce the alleged grievance. The parties acknowledge that remedies at law may be inadequate to protect them from a breach or threatened breach of this Agreement. Each party expressly agrees that in addition to all remedies available at law or in equity, the other party shall be entitled to seek and receive injunctive relief to address any breach of this Agreement by the other.

10. Miscellaneous Provisions.

a. This Agreement may be executed in counterparts.

b. This Agreement contains the entire understanding of the parties. Any amendments must be in writing, signed by all parties hereto.

c. Baird and Pierce hereby warrant and represent that each has legal title and authority to bind themselves and their respective properties, and that all necessary action required to be taken by their respective charters, by-laws or other organizational documents to authorize the execution of the Agreement has been taken.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS/ATTEST

_____ _____(SEAL)
JOSEPH F. BAIRD

_____ _____(SEAL)
MURRAY B. PIERCE

_____ _____(SEAL)
CORALEE C. PIERCE

JEANNINE D. PENLEY
BALTIMORE COUNTY
MARYLAND
EXPIRES 1/1/2008
NOTARY PUBLIC

STATE OF MARYLAND, CITY/COUNTY OF _____: to wit:

I HEREBY CERTIFY that on this 14th day of February, 2007, before me, a Notary Public in and for the State and County aforesaid, personally appeared Joseph F. Baird, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

_____
NOTARY PUBLIC

JEANNINE D. PENLEY
BALTIMORE COUNTY
MARYLAND
EXPIRES 1/1/2008
NOTARY PUBLIC

My Commission Expires: 1/1/2008

STATE OF MARYLAND, CITY/~~COUNTY~~ OF Baltimore : to wit:

I HEREBY CERTIFY that on this 14th day of March, 2007, before me, a Notary Public in and for the State and County aforesaid, personally appeared Murray B. Pierce and Coralee C. Pierce, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

NOTARY PUBLIC

My Commission Expires: 6-1-08

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that the above instrument was prepared by me, an attorney admitted to practice before the Court of Appeals of Maryland, or under my supervision.

Howard L. Alderman, Jr.

AFTER RECORDATION, PLEASE RETURN TO:

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

(410) 321-0600
Fax: (410) 296-2801

DENOTES "COMMON ACCESS EASEMENT AREA"

DENOTES "ACCESSORY USE AREA"

APPROXIMATE LOCATION OF 5 FAST GROWING DENSE EVERGREEN TREES

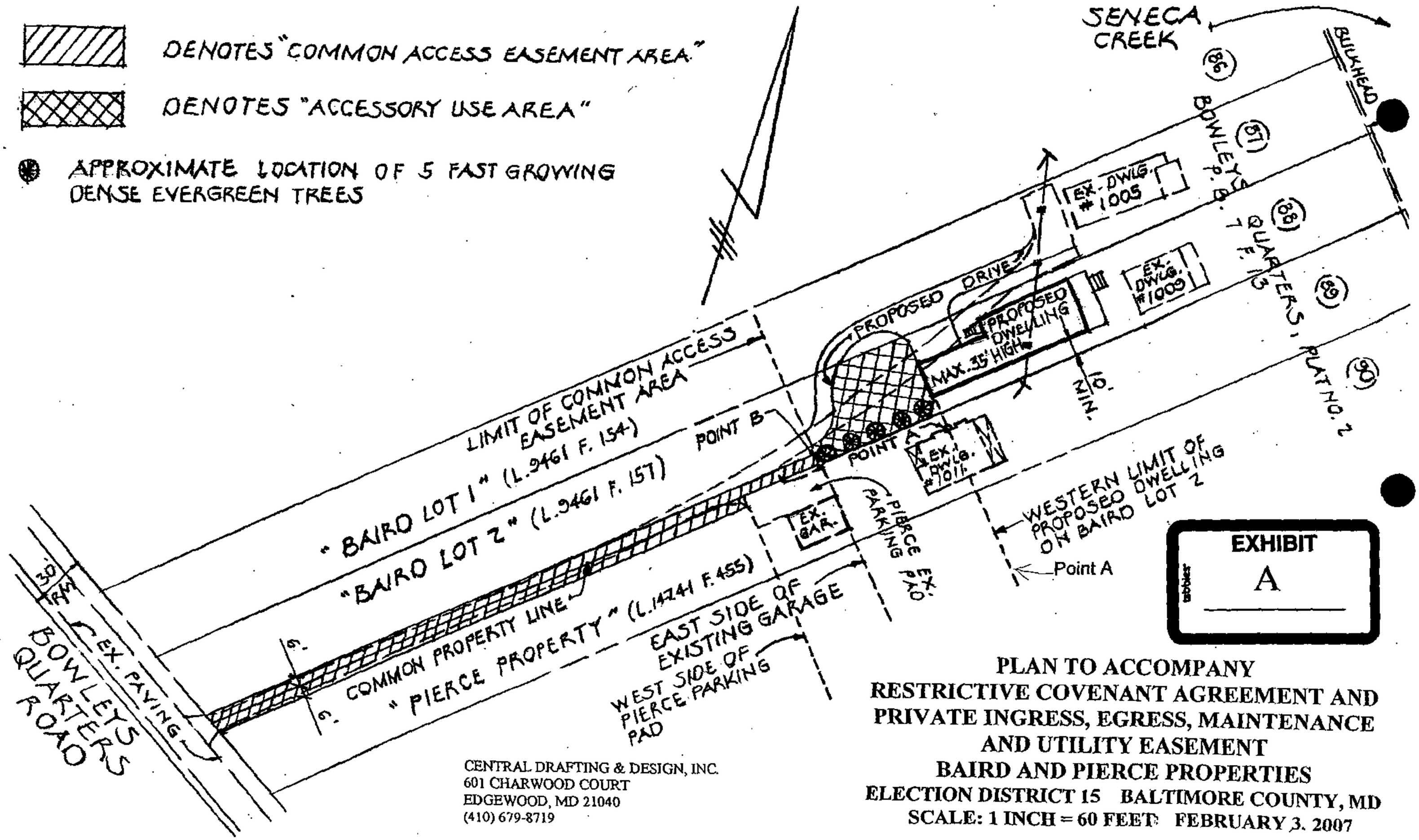
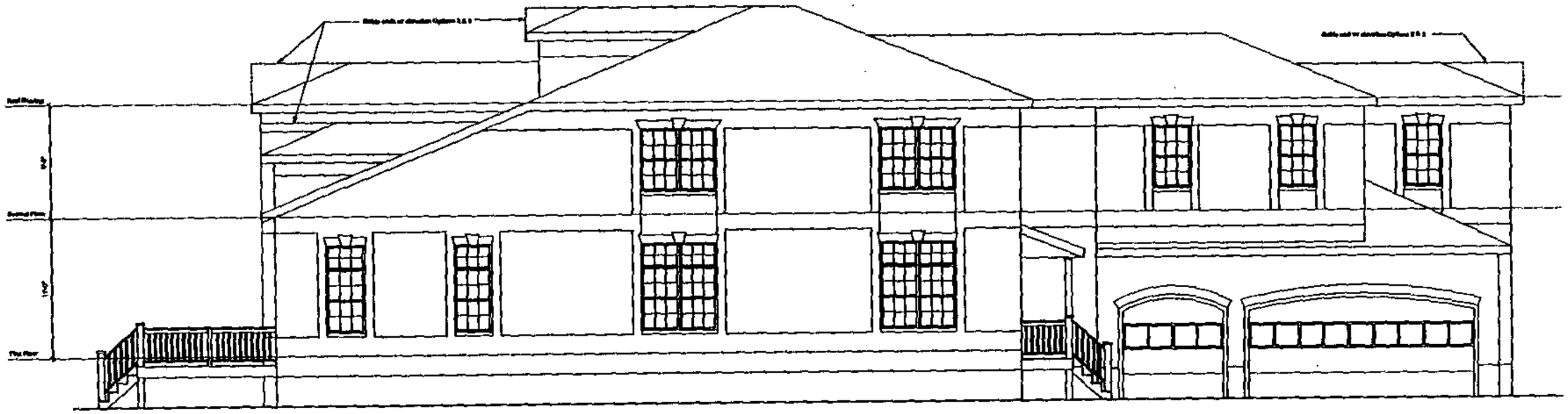


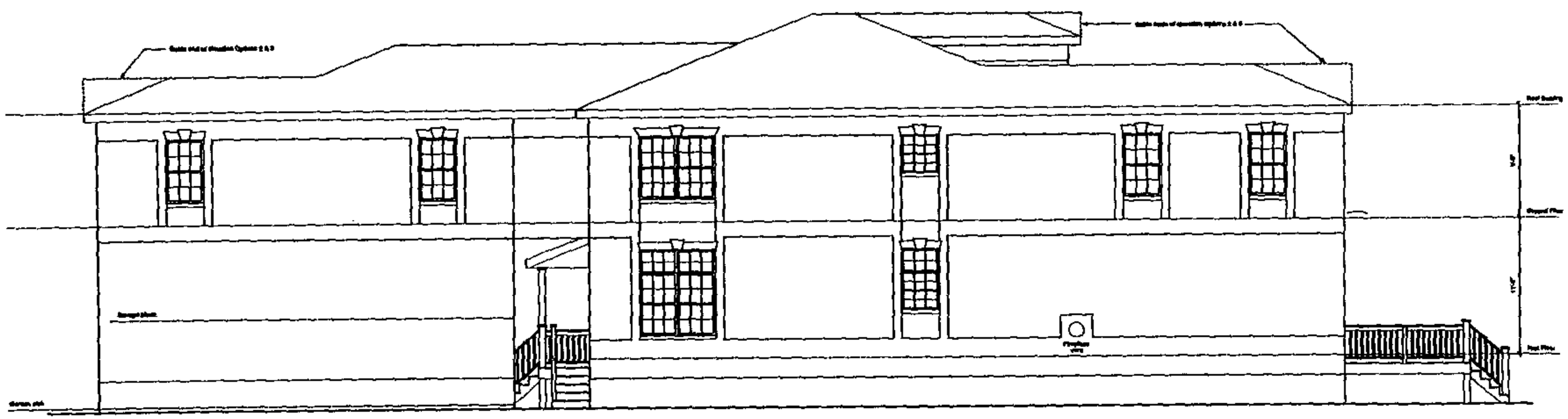
EXHIBIT
A

PLAN TO ACCOMPANY
RESTRICTIVE COVENANT AGREEMENT AND
PRIVATE INGRESS, EGRESS, MAINTENANCE
AND UTILITY EASEMENT
BAIRD AND PIERCE PROPERTIES
ELECTION DISTRICT 15 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 60 FEET FEBRUARY 3, 2007

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



Left Side Elevation
1/4" = 1'-0"



Right Side Elevation
1/4" = 1'-0"

Lloyd Architects P.A.

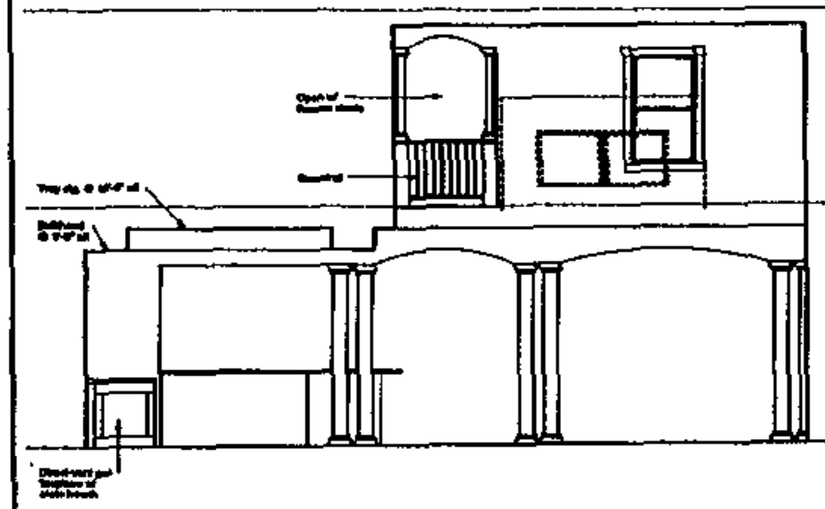
Baird Residence

Side Elevations
1/4" = 1'-0"

12 Oct 04

10 Nov 04

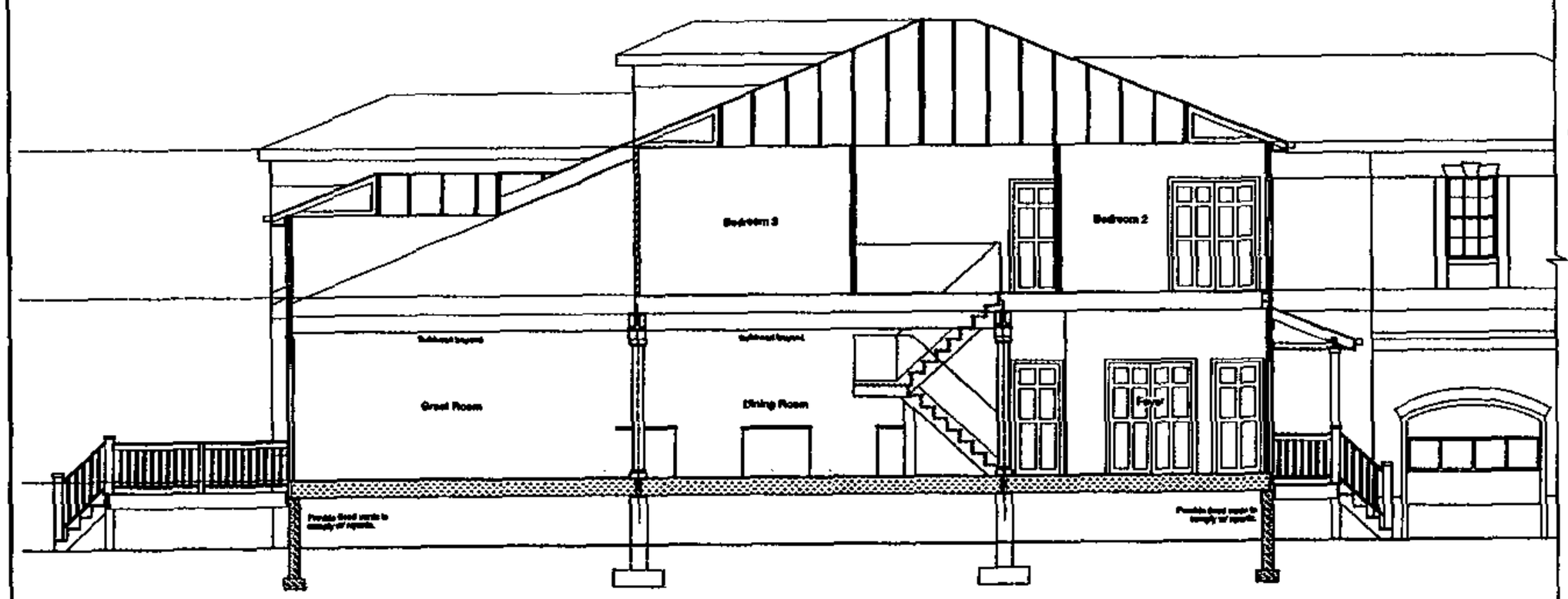
EXHIBIT
B
Page 1 of 3



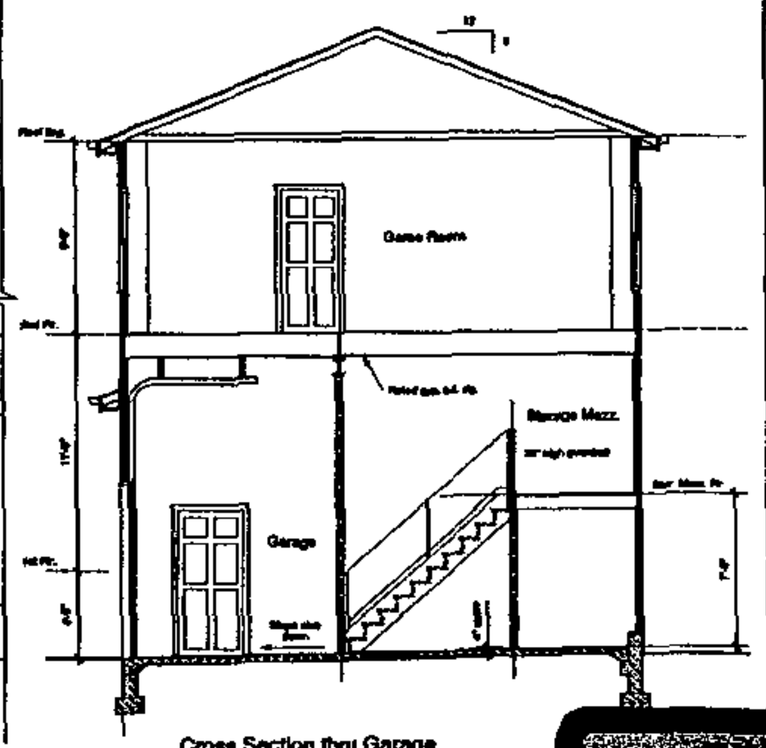
Great Room Elevation
1/4" = 1'-0"

Rear (Water) Elevation - Option 1
1/4" = 1'-0"

Front Elevation - Option 1
1/4" = 1'-0"



Longitudinal Section
1/4" = 1'-0"



Cross Section thru Garage
1/4" = 1'-0"

Lloyd ARCHITECTS P.A.

Baird Residence

Front & Rear Elevations
1/4" = 1'-0"

12 Oct 04
10 Nov 04

EXHIBIT
B
Page 2 of 3

Rear (Water) Elevation - Option 2
1/4" = 1'-0"

Front Elevation - Option 2
1/4" = 1'-0"

Rear (Water) Elevation - Option 3
1/4" = 1'-0"

Front Elevation - Option 3
1/4" = 1'-0"

Lloyd Architects P.A.

Baird Residence

Optional
Front & Rear
Elevations
1/4" = 1'-0"

12 Oct 04
10 Nov 04

EXHIBIT
B
Page 3 of 3

NO CONSIDERATION
NO TITLE EXAMINATION

Tax ID Nos. 15-02-000490, 15-02-201440 & 15-06-200640

DECLARATION OF PRIVATE DRIVEWAY & UTILITY EASEMENT AND CREATION OF MAINTENANCE OBLIGATIONS

THIS DECLARATION OF PRIVATE DRIVEWAY & UTILITY EASEMENT AND CREATION OF MAINTENANCE OBLIGATIONS (the "Declaration") is made this 14th day of February, 2007, by and among **JOSEPH F. BAIRD** ("Baird"); and **MURRAY B. PIERCE and CORALEE C. PIERCE**, husband and wife (referred to collectively herein as "Pierce") (Baird and Pierce are referred to collectively hereafter as the "**Declarant**").

RECITALS:

WHEREAS, Baird is the owner of two contiguous parcels of land located on the northeast side of Bowleys Quarter Road in the fifteenth Election District of Baltimore County, Maryland, and more particularly described in those certain deeds recorded among the Land Records of Baltimore County, Maryland in Liber 9461 folio 157, known as 1005 Bowleys Quarters Road ("Baird Lot 1") and in Liber 9461 folio 154, known as 1009 Bowleys Quarters Road ("Baird Lot 2"); and

WHEREAS, Pierce is the owner of a parcel of land located on the northeast side of Bowleys Quarter Road in the Fifteenth Election District of Baltimore County, Maryland, and more particularly described in that certain deed recorded among the Land Records of Baltimore County, Maryland in Liber 14241 folio 455, known as 1011 Bowleys Quarters Road (the "Pierce Property")(Baird Lot 1, Baird Lot 2 and the Pierce Property are referred to collectively hereafter as the "**Properties**"); and

WHEREAS, Baird Lot 2 and the Pierce Property adjoin one another along a common property line; and

WHEREAS, Baird and Pierce desire to create an ingress, egress, drainage, maintenance and utility easement over a portion of Baird Lot 2 and a portion of the Pierce Property for the benefit of the Properties with the Declarant and their respective successors and assigns assuming the costs associated with the repair and maintenance of such easement and improvements constructed therein; and

WHEREAS, the Declarant intends hereby to: i) create a permanent and perpetual right-of-way, in, under, across, through and over a portion of Baird Lot 2 and a portion of the Pierce Property to provide a common means of ingress and egress for the benefit of improvements and utilities

existing or to be constructed/installed/replaced on the Properties (identified below as the "Common Access Easement Area"); and ii) to subject the Properties entitled to use the Common Access Easement Area to the Maintenance Obligations created hereby and upon the conditions specified herein; and

WHEREAS, the Declarant intends that the Common Access Easement Area shall be of a width not less than 6 feet from and parallel to the common property line on each of the Baird Lot 2 and the Pierce Property, for a total minimum width of 12 feet (the "minimum width"); and

WHEREAS, the Declarant intends that either Baird and/or Pierce shall have the right, but not the obligation to widen, on their respective properties, the driveway improvements beyond the minimum width; and

WHEREAS, the Declarant intends to establish: i) an easement for utilities in, over, through and under the Common Access Easement Area; and ii) construction and maintenance obligations for the Common Access Easement Area created hereby, said obligations to be paid and met by the owners of the Properties entitled to the use thereof as granted and specified herein and upon the conditions specified hereafter; and

WHEREAS, the Declarant intends that the maintenance obligations created hereby be allocated, collected and enforced pursuant to certain provisions of the law of Maryland, as provided herein by the owners of the lots entitled to use the Common Access Easement Area pursuant to this Declaration; and

WHEREAS, the Declarant intends that the costs and expenses of the maintenance obligations imposed hereby on the owners of the each of the Properties entitled to use the Common Access Easement Area shall be due and paid by said owner(s) and shall continue in perpetuity; and

WHEREAS, the Declarant intends that each owner of any portion of the Properties that are subject to this Declaration have the individual right, but not the obligation to enforce the terms set forth in this Declaration against any violation by means as provided herein or by appropriate legal proceedings. The Declarant has no legal obligation to enforce the terms and conditions set forth in this Declaration but may selectively act as the Declarant deems necessary. The owner of any property which is subject to this Declaration has the right to retain legal counsel to enforce any of the terms and conditions of this Declaration.

NOW, THEREFORE this DECLARATION OF PRIVATE DRIVEWAY & UTILITY EASEMENT AND CREATION OF MAINTENANCE OBLIGATIONS is made for the mutual benefit of Baird, Pierce and the Properties described herein.

1. The above Recitals are incorporated herein as if restated in their entirety.

2. Definitions. The following words have the meanings ascribed to them:

2.1. **Common Access Easement Area**: shall mean all of that area dimensioned and identified as "Common Access Easement Area" as the same is depicted in single, diagonal hatching on that certain drawing entitled *Plan to Accompany Private Ingress, Egress, Maintenance, & Utility Easement Baird & Pierce Properties*, dated January 2, 2007, prepared by Central Drafting & Design, Inc., a copy of which is attached hereto and incorporated herein as Exhibit A.

2.2. **Lot**: shall mean, individually, any of the three (3) parcels of land comprising the Properties and, collectively all three (3) of said parcels.

2.3. **Properties**: shall mean those three parcels of land described as: i) Baird Lot 1 as defined above; ii) Baird Lot 2, as defined above; and iii) the Pierce Property as defined above.

2.4. **Utility Easement Area**: shall mean all that area of the Common Access Easement Area created hereby.

3. A private right of way and easement intended to be the **Common Access Easement Area** is hereby created for purposes of ingress and egress for the benefit of the Lots, said Common Access Easement Area being defined above.

4. An easement for utilities, including but not limited to electricity, telephone, gas, and cable, is hereby created for the benefit of the Lots, said easement being located within all of the of Common Access Easement Area created hereby.

5. Should any Lot or any portion of the Properties subject to this Declaration be sold under a foreclosure of any mortgage, deed of trust, deed in lieu of foreclosure, sale by a trustee in bankruptcy or other sales under distress, such sales and/or conveyances resulting therefrom shall remain subject to this Declaration and shall not be discharged or abrogated thereby.

6. In the event that any Lot is improved or further improved with a principal or accessory structure, including but not limited to a single family residential dwelling, garage, swimming pool or similar structure, the owner of the Lot at the time of such improvement shall be solely and exclusively responsible to repair any damage to the Common Access Easement Area that is caused by, arises from or is a result of the construction, maintenance, repair or replacement of such improvement ("**Extraordinary Repairs**"). Extraordinary Repairs include, but shall not be limited to re-grading, re-paving and re-seeding the Common Access Easement Area.

7. Except for the costs of Extraordinary Repairs, the owner or owners of each Lot subject to this Declaration shall be jointly and severally responsible for their respective portion of the costs of the reasonable and ordinary maintenance and improvement of the Common Access Easement Area as provided for and as limited below (the "**Maintenance Obligations**"), including, but not limited to, paving, repaving, snow removal, mowing of grass along the edges or shoulders, and repairs to said Common Access Easement Area.

8. The costs of the Maintenance Obligations for the Common Access Easement Area shall be divided among each Lot subject to this Declaration in accordance with the following percentages:

LOT DESCRIPTION	Percentage of Costs of Maintenance Obligations to be Paid by Owner(s) of Lot:
Baird Lot 1	**33.3%**
Baird Lot 2	**33.3%**
Pierce Property	**33.3%**

9. If the costs of the Maintenance Obligations of the Common Access Easement Area incurred by any owner of any portion of the Properties and assessed any owner(s) of a Lot subject thereto are not paid within thirty (30) days of receiving a written invoice therefor, a lien will be enforced against the property of any such non-paying Lot owner in the amount of the cost of maintenance and repair then due, together with the costs of collection, including without limitation reasonable attorneys' fees, in accordance with the Maryland Contract Lien Act. Expenses for the Maintenance Obligations and repairs shall be reconciled on not less than an annual basis. Any one or more of the owners of any Lot obligated hereunder and who have paid all costs for maintenance and repair due hereunder for the Common Access Easement Area shall have legal standing in any court of competent jurisdiction to enforce the lien provisions created with respect to the Common Access Easement Area.

10. Upon the transfer of ownership of any of the Properties the successor owner shall assume all rights, interests, obligations, duties and responsibilities of the predecessor in title relative to the Declaration, the Maintenance Obligations and in all other respects under the Declaration.

11. "Driveway pullovers" and "turn arounds", if any, shall be deemed used by all Properties and the costs of maintenance and improvement thereof shall be divided equally among Lot owners as provided herein.

12. The obligations relative to the Maintenance Obligations and Extraordinary Repairs created hereby shall be to maintain or to repair the Common Access Easement Area in accordance with and to the standard of installation at the time of the improvements are completed on Baird Lot 2, which improvements to the Common Access Area will be completed not later than thirty-six (36) months following the recordation of this Declaration, weather conditions and construction progress permitting.

13. As certain portions of the Common Access Easement Area are, or may be, necessary for use by emergency equipment, parking and/or storage of any personal property, particularly vehicles on "driveway pullovers" or "turn around" areas, if any, or shoulders is hereby PROHIBITED and the owner or owners of any of the above-described Lots may enforce, by injunction, this restriction and/or recover damages for a violation of this restriction, including the cost of reasonable attorneys' fees expended in enforcing this restriction.

14. The owner or owners of the Properties subject to this Declaration shall be individually and solely responsible for the cost and maintenance of their individual driveways or other means of ingress/egress connection to the Common Access Easement Area.

15. The right of way identified as the Common Access Easement Area and the Utility Easement Area shall run with and bind the Properties in perpetuity. The covenants, conditions and restrictions contained herein shall run with and bind the Properties for a term of Twenty (20) years, and shall be automatically renewed for successive periods of Ten (10) years. Declarant, and Declarant's successors and assigns, by unanimous consent, may agree to discontinue or amend any or all of the above provisions. Any amendment or termination must be recorded among the Land Records of Baltimore County, Maryland in order to be effective.

16. In the event that a simple majority of all persons and/or entities who now or hereafter own or acquire any right, title or interest in and/or to any of the Properties subject to this Declaration cannot agree on the necessity of any repairs or maintenance to the Common Access Easement Area or on the selection of an appropriate person or entity to undertake such maintenance, the owners of each Lot are and shall be conclusively deemed to have consented and agreed to share equally the costs and expenses associated with the filing and determination of a petition in a court of competent jurisdiction (the payment of all such costs and expenses shall be enforced in the manner outlined in Section 10 hereof for the enforcement of payment of the Maintenance Obligations) to resolve the dispute and to waive any rights to appeal such determination that would exist otherwise.

17. Every person and/or entity who now or hereafter owns or acquires any right, title or interest in and/or to each Lot and/or the Properties subject to this Declaration is and shall be conclusively deemed to have consented and agreed to every condition, standard and covenant contained herein, whether or not any reference to this Declaration is contained in the instrument by which such person and/or entity acquired such interest.

18. Invalidation of any provision contained herein, including without limitation any one or more of these covenants or restrictions, by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

19. No provision herein is intended to be, or shall be construed as, a condition subsequent or as creating a possibility of reverter.

20. Damages may not be deemed adequate compensation for any breach or violation of any provision hereof, so that any person or entity entitled to enforce any provision hereof shall be entitled to relief by way of injunction as well as any other relief available either at law or in equity.

21. This Declaration shall not be construed as permitting any action, use or thing which is prohibited by the applicable zoning laws or by the laws, rules or regulations of any kind of any governmental authority. In the event of any such conflict between applicable private and public controls or restrictions, the most restrictive provisions of such public laws, rules, regulations and/or this Declaration, as the case may be, shall be construed to apply, govern and control.

AS WITNESS the hands and seals of the above-named Declarant, the day and year first above written.

WITNESS/ATTEST:

DECLARANT:

Baird:

(SEAL)
JOSEPH F. BAIRD

JEANNINE D. PENLEY
BALTIMORE COUNTY
MARYLAND
EXPIRES 1/1/2008
NOTARY PUBLIC

Pierce:

(SEAL)
MURRAY B. PIERCE

(SEAL)
CORALEE C. PIERCE

[*notarial acknowledgments on the following page(s)*]

STATE OF MARYLAND, CITY/COUNTY OF Baltimore: to wit:

I HEREBY CERTIFY that on this 14th day of February, 2007, before me, a Notary Public in and for the State and County aforesaid, personally appeared Joseph F. Baird, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.

Jeannine D Penley
NOTARY PUBLIC

JEANNINE D. PENLEY
BALTIMORE COUNTY
MARYLAND
EXPIRES 1/1/2008
NOTARY PUBLIC

My Commission Expires: 1/1/2008

STATE OF MARYLAND, CITY/~~COUNTY~~ OF Baltimore: to wit:

I HEREBY CERTIFY that on this 14th day of March, 2007, before me, a Notary Public in and for the State and County aforesaid, personally appeared Murray B. Pierce and Coralee C. Pierce, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal

Deborah C Boehm
NOTARY PUBLIC

My Commission Expires: 6-1-08

JOINDER BY TRUSTEE

[*Pierce Property*]

_____, Trustee [as successor trustee to Richard H. Rosario, P.C., a now dissolved Maryland Professional Corporation] for the benefit of **FRANK J. WEAVER, INC. d/b/a ATLANTIC HOME EQUITY** and **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.**, its nominee, pursuant to that certain Deed of Trust dated April 3, 2003, from Murray B. Pierce and Coralee C. Pierce, two of the persons comprising a portion of the Declarant herein, and recorded among the Land Records of Baltimore County in Liber 17836, folio 049 and any and all Promissory Note or Notes secured thereby (referred to hereafter as the "Debt Instruments") join herein to assent to the terms and provisions of this Declaration and assent to waive and subordinate the lien of the Debt Instruments to the legal operation and effect of the interest being conveyed and restrictions imposed by this Declaration.

WITNESS: **TRUSTEE:**

_____ _____(SEAL)

STATE OF _____ CITY/COUNTY OF _____, to wit:

I HEREBY CERTIFY, that on this _____ day of _____, in the year 2007, before me, the subscriber, a Notary Public, personally appeared _____, Trustee and she/he acknowledged to the foregoing Joinder by Trustees to be her/his act as said Trustee for the benefit of FRANK J. WEAVER, INC. d/b/a ATLANTIC HOME EQUITY and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., its nominee and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

_____
NOTARY PUBLIC

My Commission Expires: _____

ATTORNEY'S CERTIFICATION

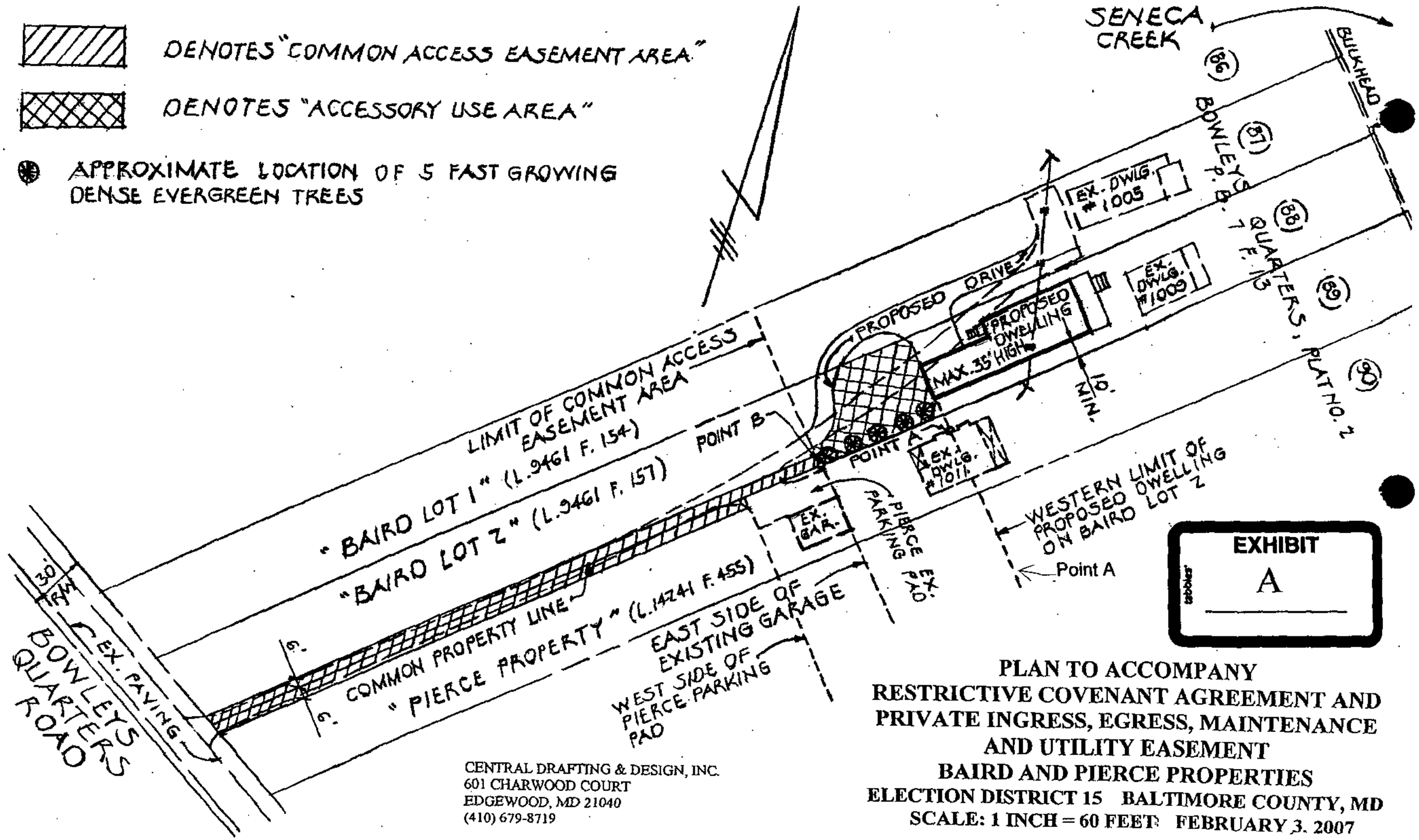
I HEREBY CERTIFY that the above instrument was prepared by me, an attorney admitted to practice before the Court of Appeals of Maryland, or under my supervision.

Howard L. Alderman, Jr.

AFTER RECORDATION, PLEASE RETURN TO:

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

(410) 321-0600
Fax: (410) 296-2801



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PLAN TO ACCOMPANY
RESTRICTIVE COVENANT AGREEMENT AND
PRIVATE INGRESS, EGRESS, MAINTENANCE
AND UTILITY EASEMENT
BAIRD AND PIERCE PROPERTIES
ELECTION DISTRICT 15 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 60 FEET FEBRUARY 3, 2007

JOSEPH F. BAIRD PROPERTY
1009 Bowleys Quarters Road
Case No. 06-063-A

AGREED STATEMENT OF FACTS & EVIDENCE

1. Joseph F. Baird, Petitioner, is the owner of the property located on the northeast side of Bowleys Quarter Road in the fifteenth Election District of Baltimore County, Maryland, known as 1009 Bowleys Quarters Road by virtue of a deed recorded among the Land Records of Baltimore County, Maryland in Liber 9461 folio 157 (the "subject property").

2. Murray B. and Coralee C. Pierce (collectively the "Pierces") own the property located at 1011 Bowleys Quarters Road which adjoins the subject property.

3. The subject property is zoned RC-5 and is presently improved with a single family dwelling, approximately 30' x 32', including the porch, constructed in 1928.

4. The subject property is approximately 50 feet wide and 768 feet deep and is one of the lots created by the recordation of the subdivision plat entitled "Bowleys Quarter - Plat 2" among the County's Plat Records in Plat Book No. 7 at page 13.

5. The existing, small home located on the subject property was severely damaged as a result of Hurricane Isabel and the Petitioner desires to replace it with a home located further from the water.

6. The currently applicable RC-5 side yard setbacks are a minimum of 50 feet which renders the subject property (which itself is only 50 feet wide) incapable of being improved with a replacement single-family detached dwelling absent the requested relief.

7. Mr. Baird submitted a Petition for Variance to the Zoning Commissioner of Baltimore County in this case, seeking approval of side yard setback variances in connection with the proposed dwelling on the subject property, which petition was approved by the Zoning Commissioner of Baltimore County by Findings of Fact and Conclusions of Law dated December 20, 2005.

8. The Pierces noted a timely appeal of the decision of the Zoning Commissioner to this Board.

9. This Board scheduled a hearing on that appeal for December 14, 2006. Prior to the hearing the Board afforded the parties an opportunity to discuss the relief requested and any issues or concerns of the Pierces.

Pet. Ex #3

10. As a result of the discussion among the parties, a revised site plan was prepared, as well as certain agreements among the parties regarding the improvement of the subject property and ingress and egress.

11. The revised plan to accompany the Petition for Zoning Variance is identified as Petitioner's Exhibit No. 1 (the "revised plan").

12. A copy of the *Restrictive Covenant Agreement* executed by the Petitioner and the Pierces, dated February 14, 2007, is identified as Exhibit No. 2.

13. With the modification of the original plan submitted by Petitioner and the execution of the *Restrictive Covenant Agreement*, the parties to this appeal have resolved any and all open issues and now seek this Board's approval of the relief requested, in accordance with the revised plan and conditioned on the incorporation of the *Restrictive Covenant Agreement* and other conditions which may be incorporated by this Board.

14. The parties have prepared an Order for consideration by this Board in resolution of the appeal in this case.

Approved as to form:

Howard L. Alderman, Jr.,Attorney for
Joseph F. Baird

Deborah C. Dopkin, Attorney for
Murray B. and Coralee C. Pierce

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1502201440

Owner Information

Owner Name:	BAIRD JOSEPH F	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1144 SENECA RD BALTIMORE MD 21220-4032	**Deed Reference:**	1) / 9461/ 154 2)

Location & Structure Information

Premises Address
1009 BOWLEYS QUARTERS RD

Legal Description
WATERFRONT
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
91	22	150					88	3	Plat Ref:	2 7/ 13

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	936 SF	29,295.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	127,820	127,820		
Improvements:	10	10		
Total:	127,830	127,830	127,830	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	BAIRD MARY A	**Date:**	11/16/1992	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 9461/ 154	**Deed2:**	
Seller:	BEATTY ELEANOR F	**Date:**	12/03/1986	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 7344/ 156	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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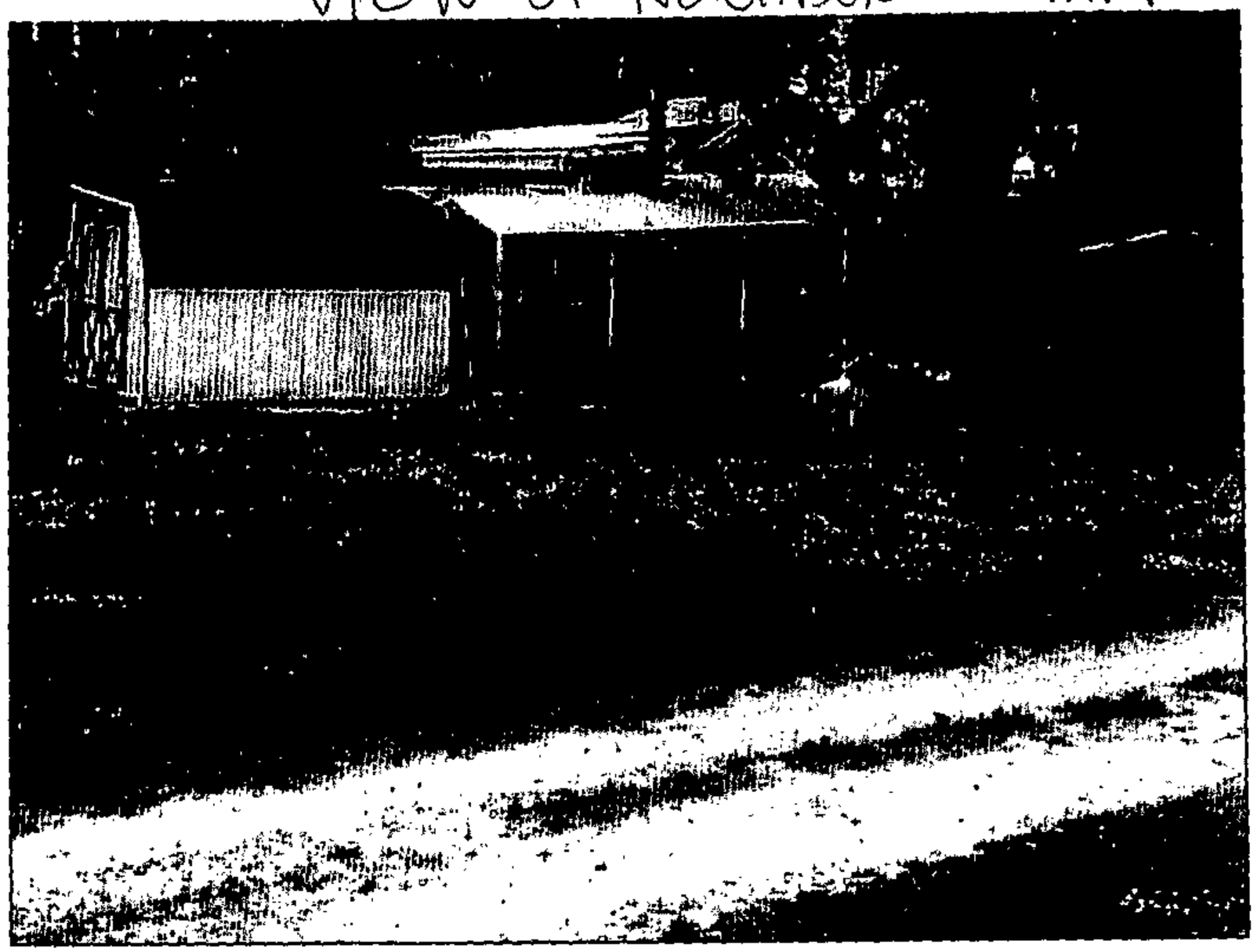
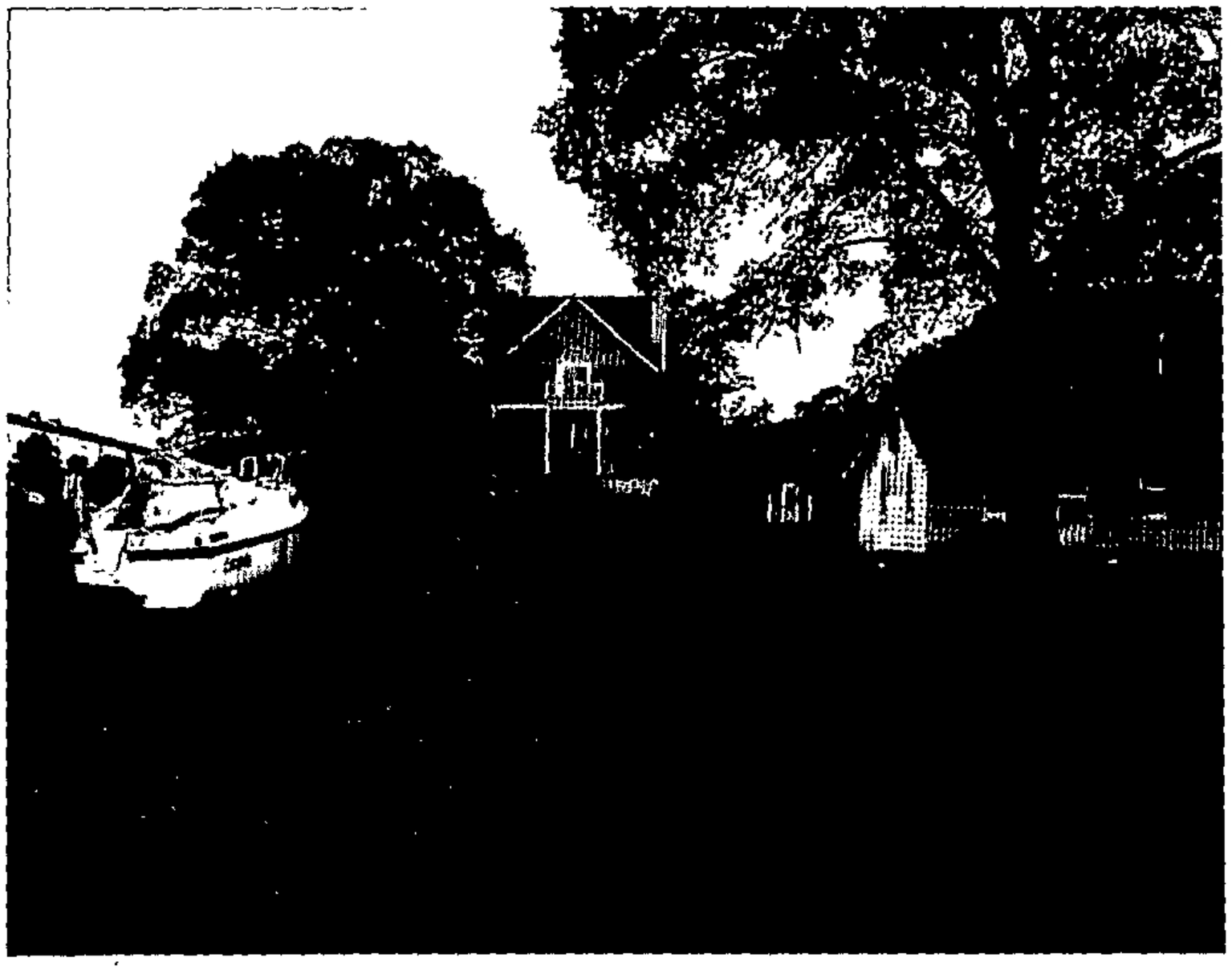
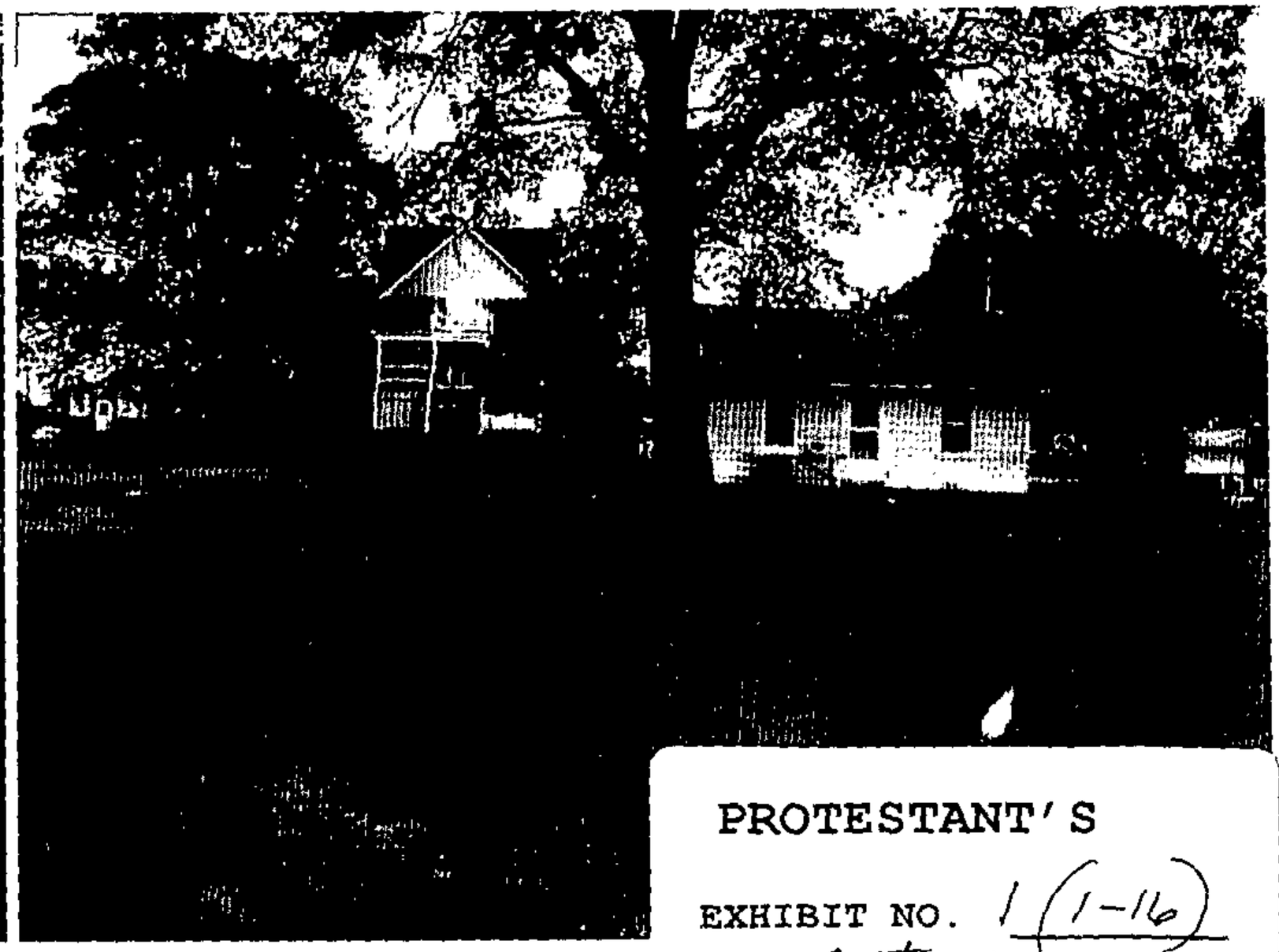
PETITIONER'S EXHIBIT
2

VIEW OF NEIGHBOR'S YARD



VIEW FROM WATER'S SIDE

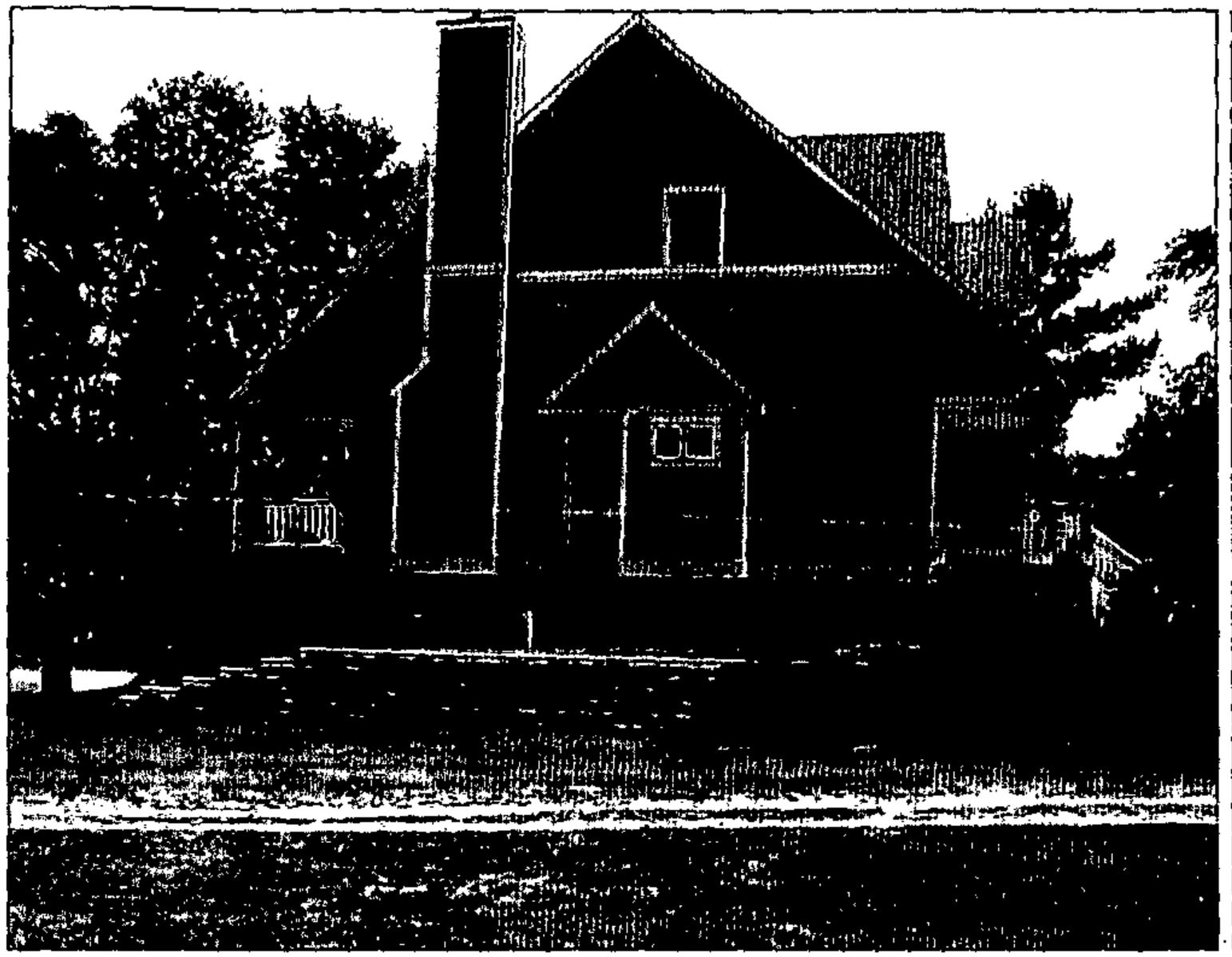


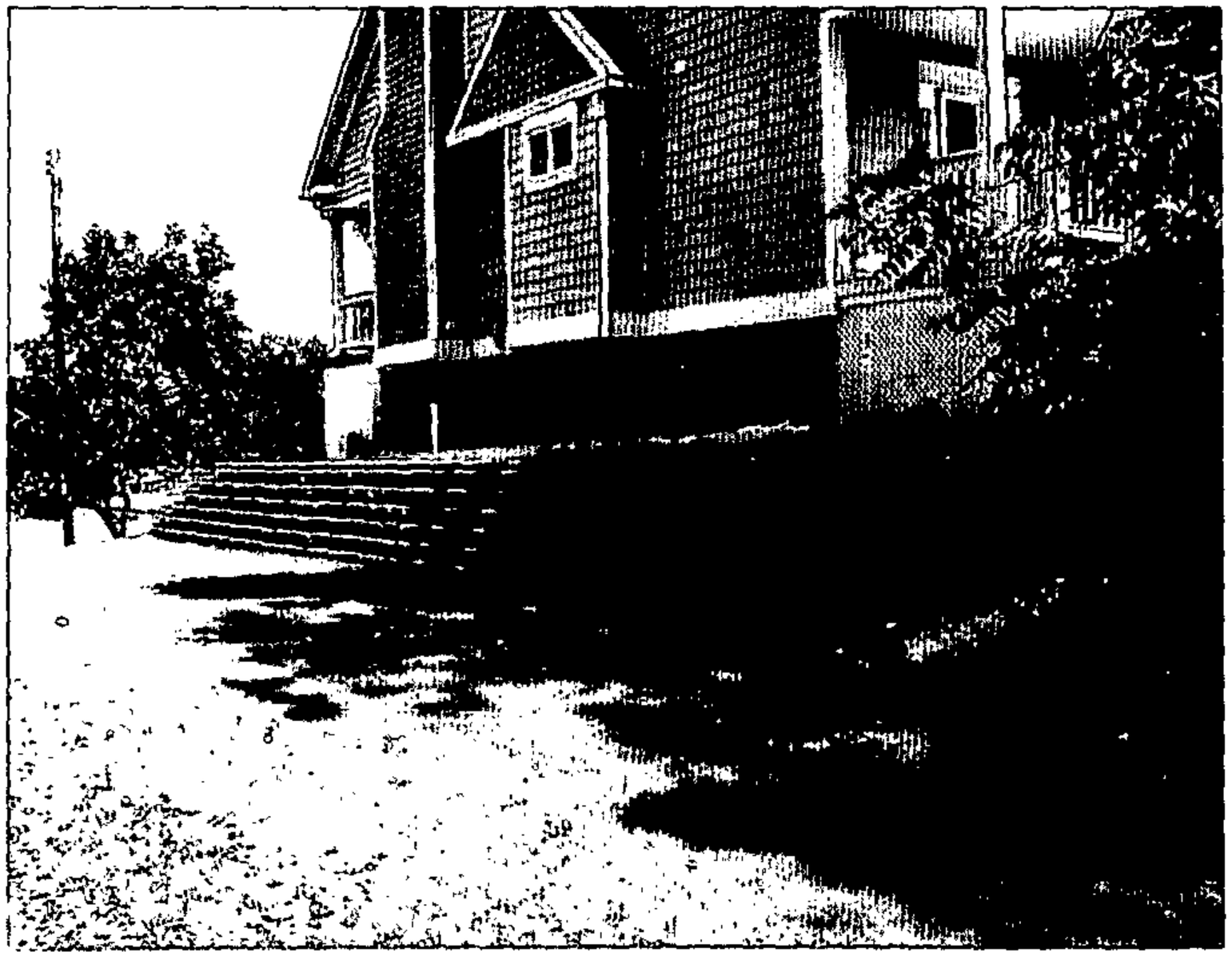


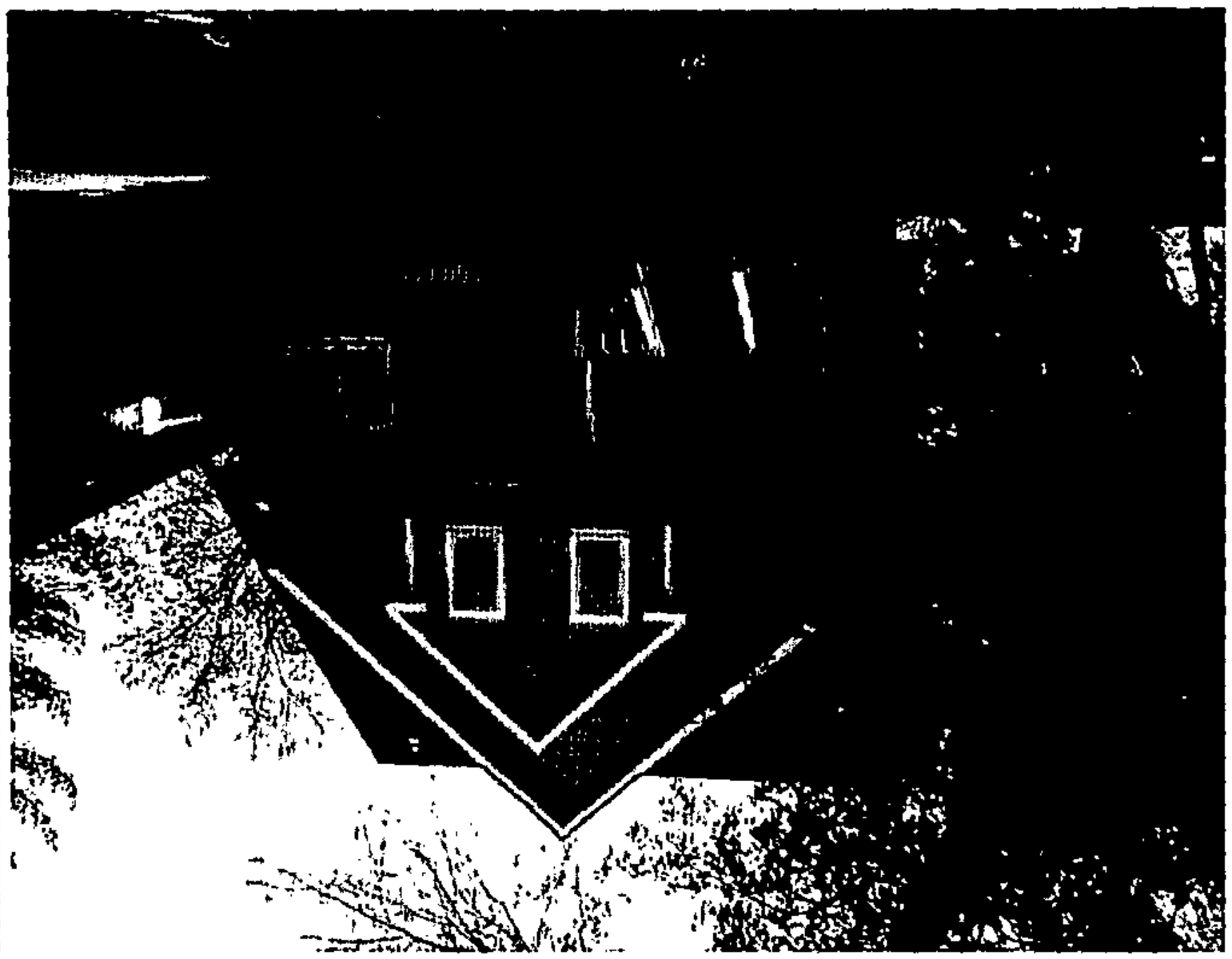
PROTESTANT'S

EXHIBIT NO. 1 (1-16)

A thru Q







Yob-Man

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1502000490

Owner Information

Owner Name:	BAIRD JOSEPH F	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1144 SENECA RD BALTIMORE MD 21220-4032	**Deed Reference:**	1) / 9461/ 157 2)

Location & Structure Information

Premises Address
1005 BOWLEYS QUARTERS RD

Legal Description
WATERFRONT
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
91	22	150					87	3	Plat Ref:	7/ 13

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1928	1,344 SF	31,845.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	128,460	128,460		
Improvements:	62,200	62,200		
Total:	190,660	190,660	190,660	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	BAIRD MARY A	**Date:**	11/16/1992	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 9461/ 157	**Deed2:**	
Seller:	BAIRD CARLTON E	**Date:**	04/24/1986	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 1514/ 354	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

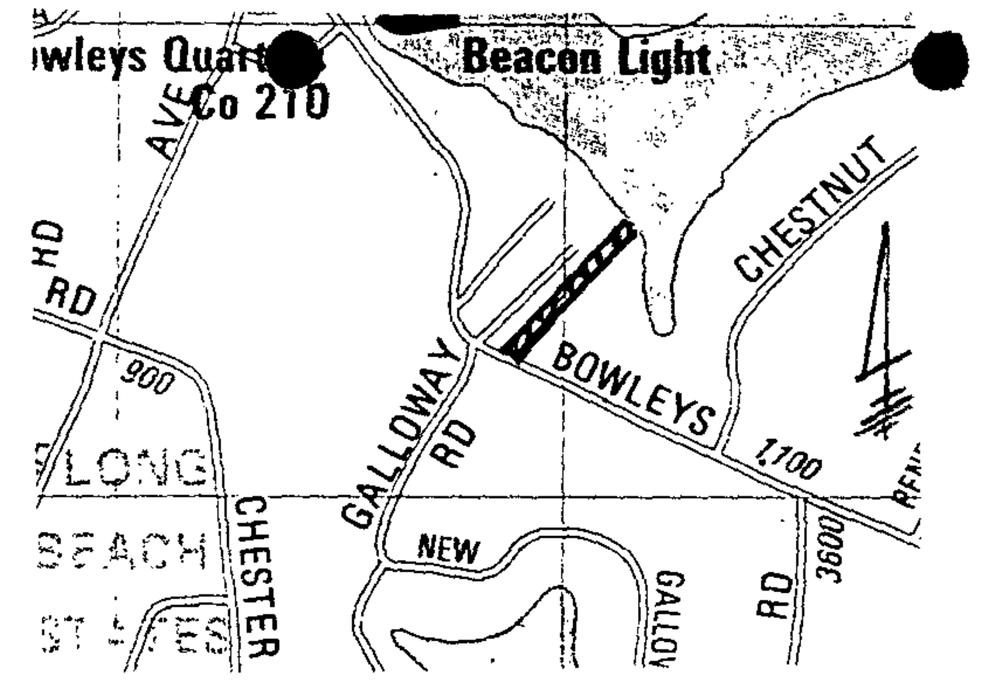
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

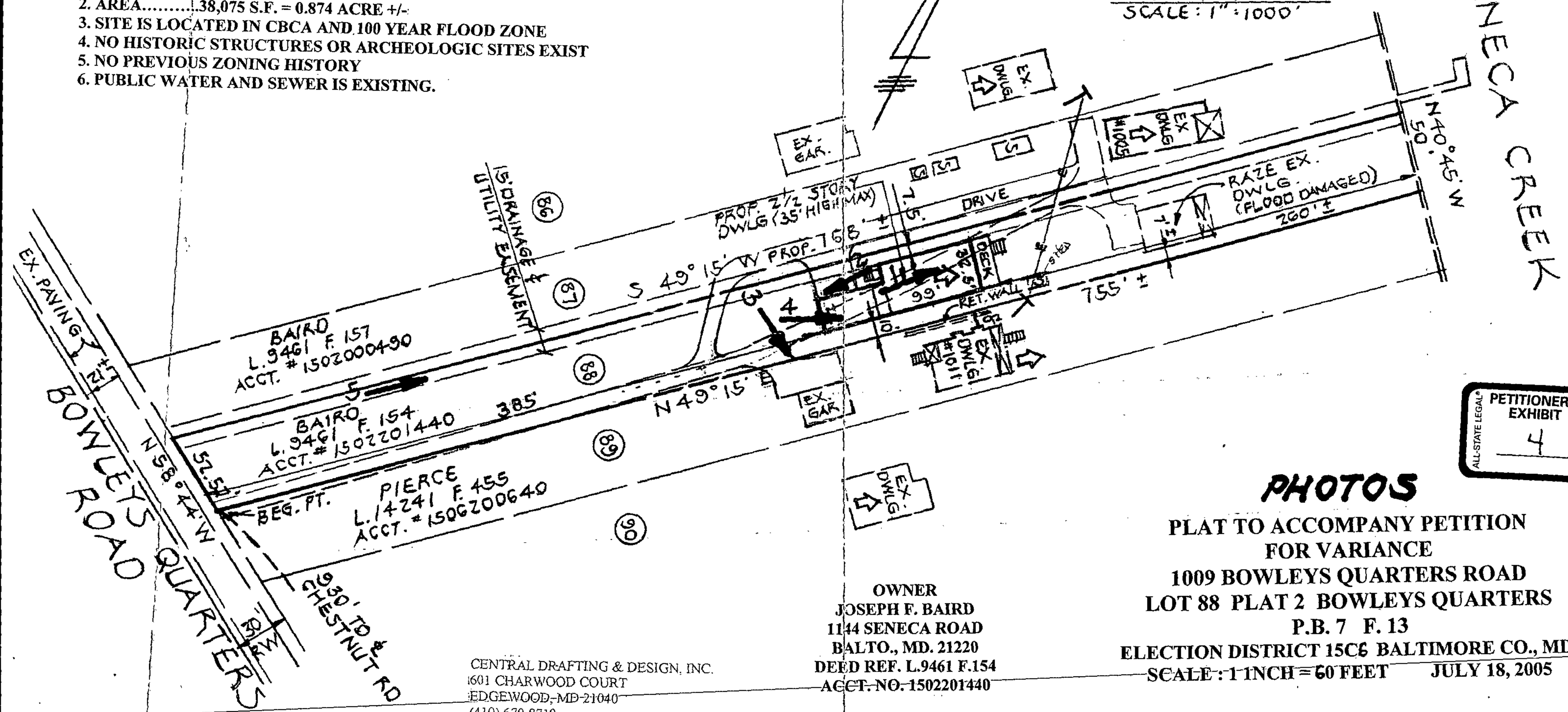
PETITIONER'S EXHIBIT 3
ALL-STATE LEGAL®

NOTES

1. ZONING.....RC.5 (MAP NO. 091B3)
2. AREA.....38,075 S.F. = 0.874 ACRE +/-
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
4. NO HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING.



VICINITY MAP
SCALE: 1" = 1000'



PHOTOS

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
1009 BOWLEYS QUARTERS ROAD
LOT 88 PLAT 2 BOWLEYS QUARTERS
P.B. 7 F. 13
ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE: 1 INCH = 60 FEET JULY 18, 2005

OWNER
JOSEPH F. BAIRD
1144 SENECA ROAD
BALTO., MD. 21220
DEED REF. L.9461 F.154
ACCT. NO. 1502201440

CENTRAL DRAFTING & DESIGN, INC.
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4A

4

3

5

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5
RC 5
RC 20
BOWLEYS QUARTERS
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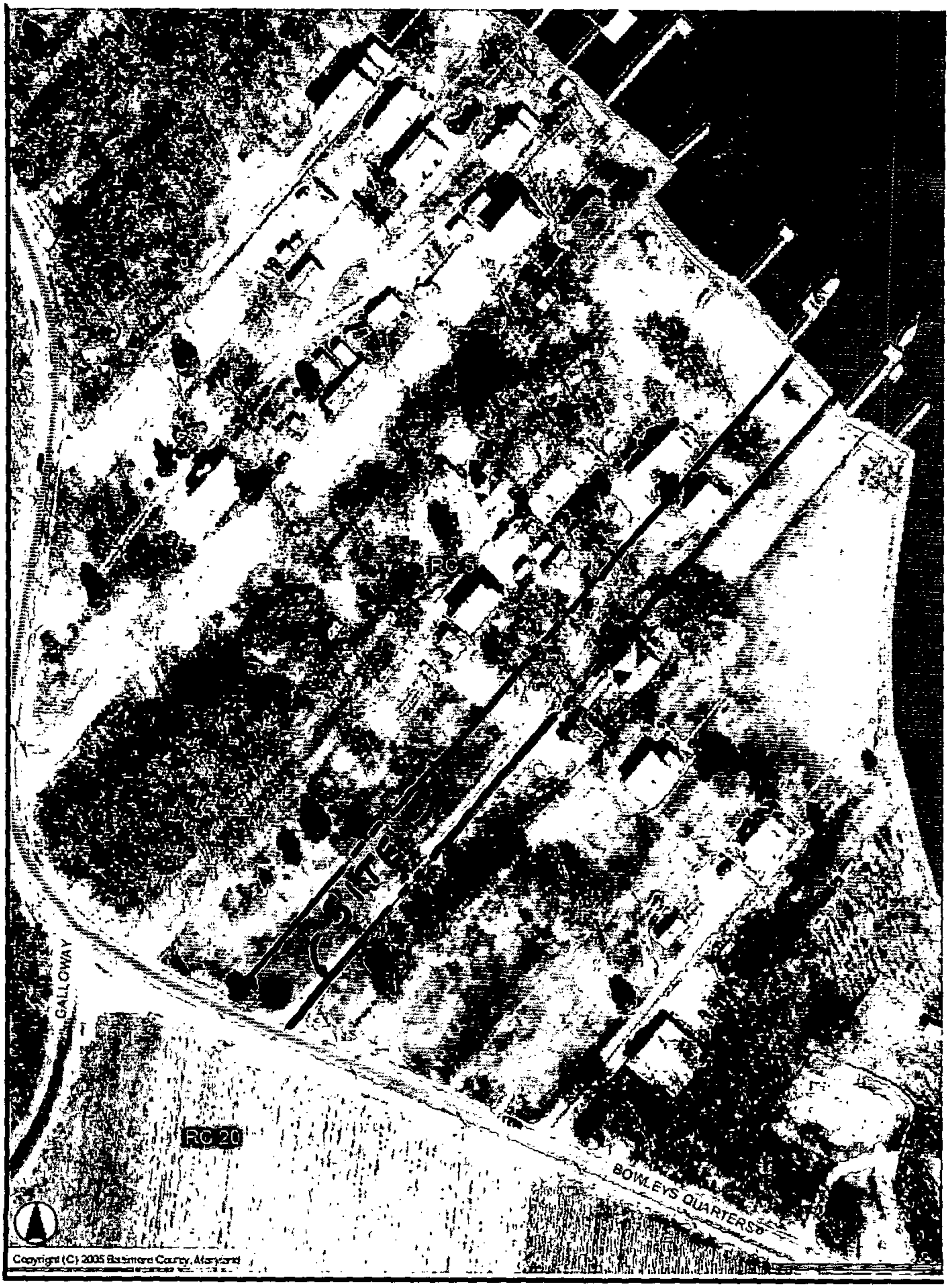
Pet. 5


RC 5
GALLOWAY
RC 20
BOWLEYS QUARTERS
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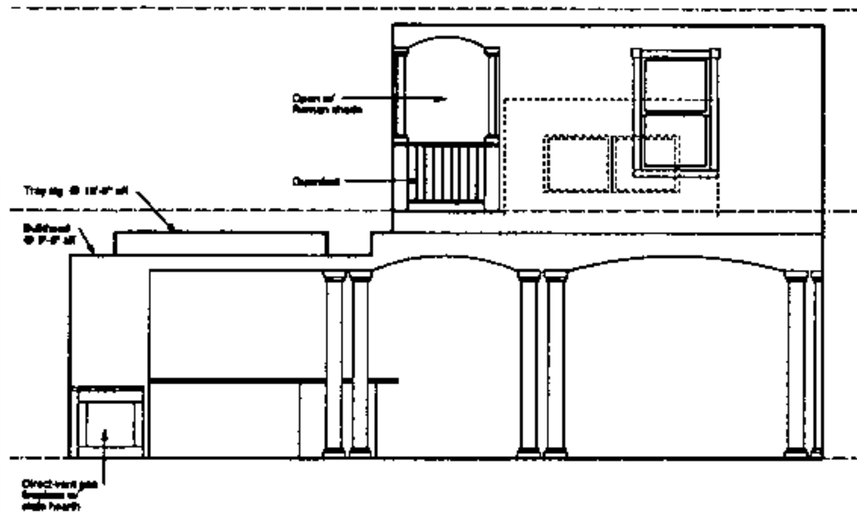
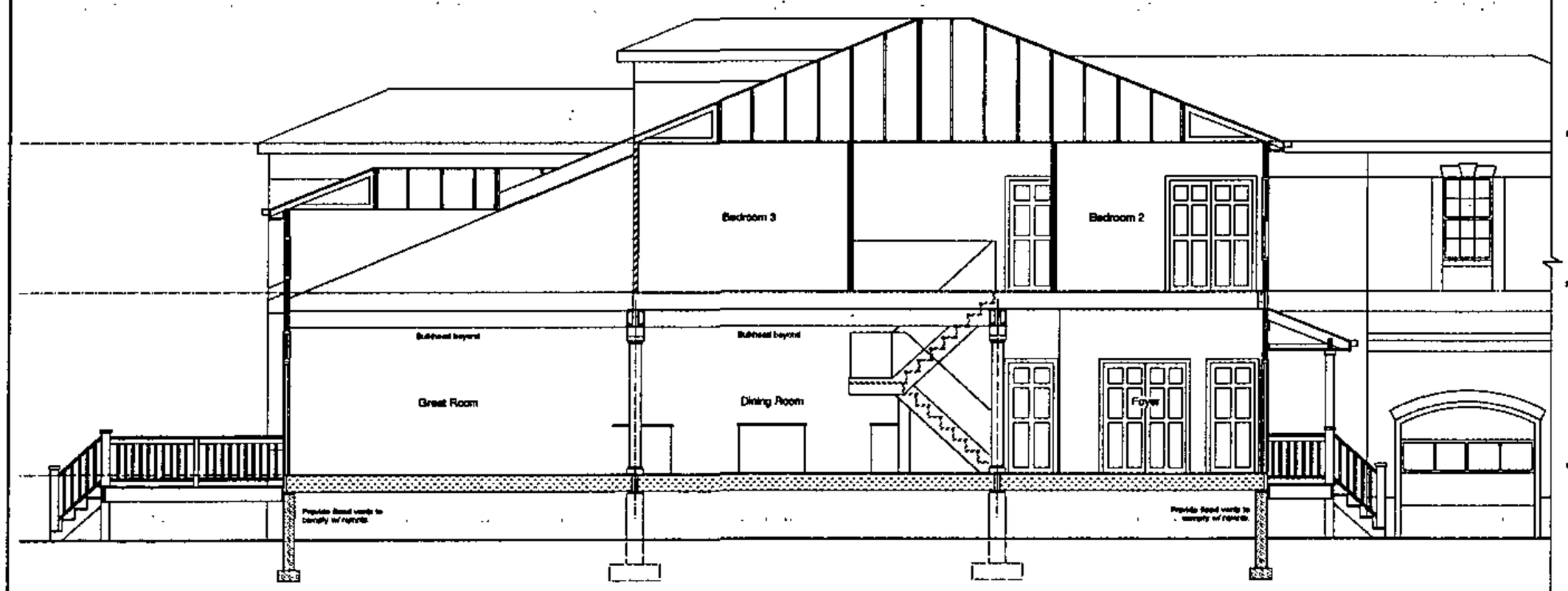
#063



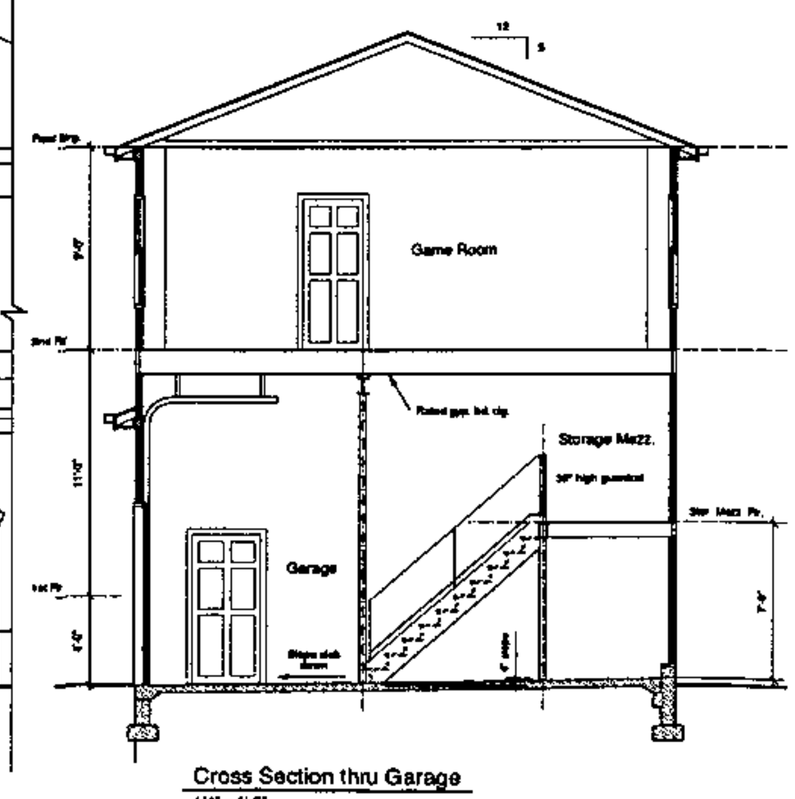
Great Room Elevation
1/4" = 1'-0"

Rear (Water) Elevation - Option 1
1/4" = 1'-0"

Front Elevation - Option 1
1/4" = 1'-0"



Longitudinal Section
1/4" = 1'-0"



Cross Section thru Garage
1/4" = 1'-0"

Lloyd Architects P.A.

Baird Residence

Front & Rear Elevations
1/4" = 1'-0"

12 Oct 04
10 Nov 04

A2

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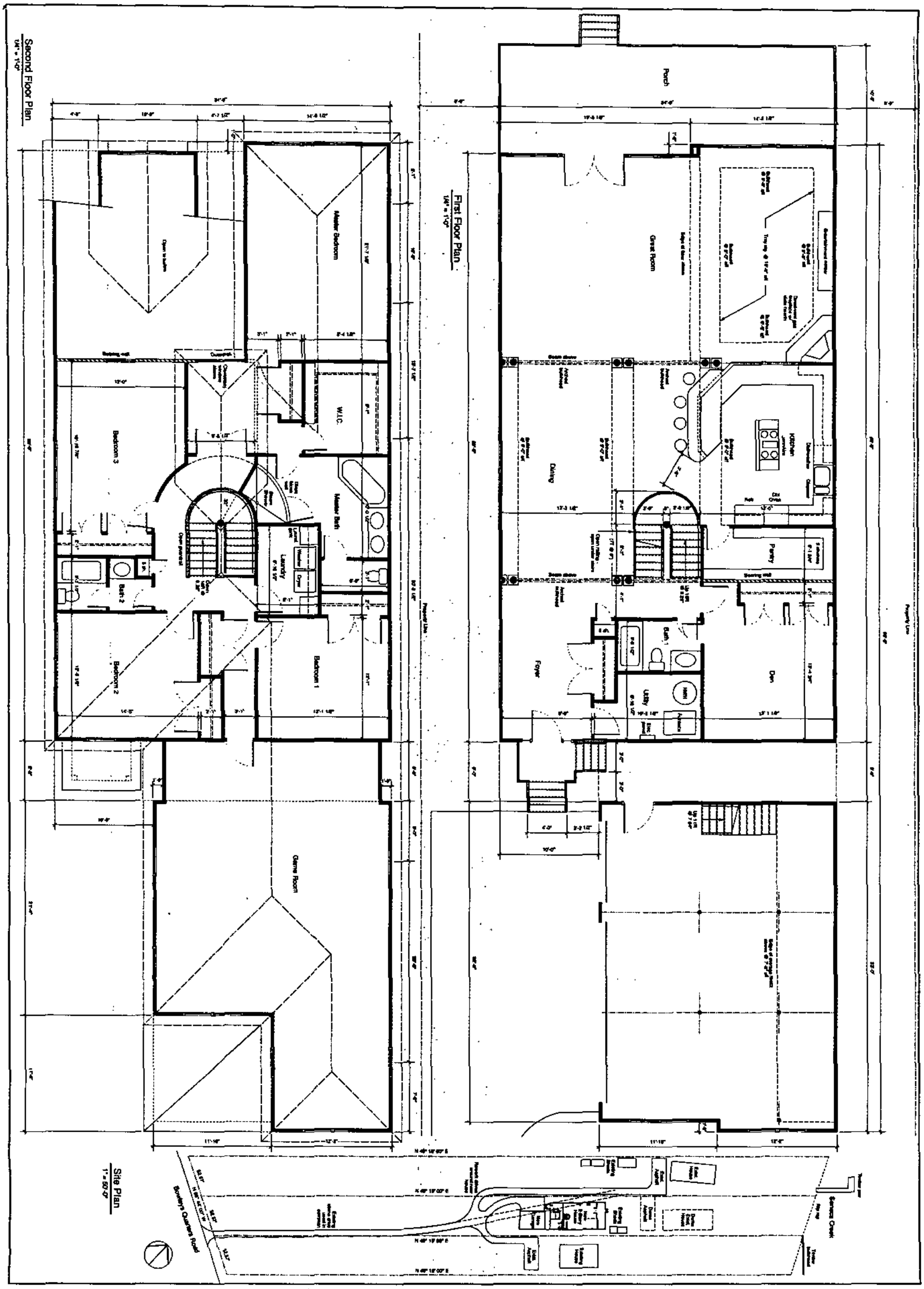
6



A1

Floor Plans
1/4" = 1'-0"

12 Oct 04
10 Nov 04

Baird Residence

Lloyd ARCHITECTS P.A.

Rear (Water) Elevation - Option 2
1/4" = 1'-0"

Front Elevation - Option 2
1/4" = 1'-0"

Rear (Water) Elevation - Option 3
1/4" = 1'-0"

Front Elevation - Option 3
1/4" = 1'-0"

Lloyd Architects P.A.

Baird Residence

Optional
Front & Rear
Elevations
1/4" = 1'-0"

12 Oct 04

10 Nov 04

A2
Options

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1506200640

Owner Information

Owner Name:	PIERCE MURRAY B PIERCE CORALEE C	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1011 BOWLEYS QUARTERS ROAD BALTIMORE MD 21220-4014	**Deed Reference:**	1) /14241/ 455 2)

Location & Structure Information

Premises Address
1011 BOWLEYS QUARTERS RD

Legal Description
1011 BOWLEYS QUARTERS RD
BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	22	150		WATERFRONT			89	3	2
									Plat Ref: 7/ 13

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1998	1,722 SF	30,750.00 SF	34

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	141,680	141,680		
Improvements:	166,340	166,340		
Total:	308,020	308,020	308,020	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	FRERKING STANLEY P	**Date:**	01/04/2000	**Price:**	$300,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/14241/ 455	**Deed2:**	
Seller:	FISHER GODFREY L,JR	**Date:**	10/10/1996	**Price:**	$155,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/11841/ 477	**Deed2:**	
Seller:	FISHER GODFREY L,JR	**Date:**	06/19/1990	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 8512/ 71	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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PETITIONER'S EXHIBIT
1

October 25, 2004

To Whom It May Concern:

I, Mary Ann Duffy, the resident of 1005 Bowleys Quarters Road do state that I have no objection to the construction of a new residence to be located at 1009 Bowleys Quarters Road.

Mary Ann Duffy 10/25/04

Mary Ann Duffy
1005 Bowleys Quarters Road
Baltimore, Maryland 21220
410 335-8120

Witnessed By: 10/25/04

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
8

July 25, 2005

To Whom It May Concern:

I, Gary Voris, resident of 947 Bowleys Quarters Road have no objection to the construction of a home at 1009 Bowleys Quarters Road. Mr, Joseph Baird, owner of the property, has been a longtime good neighbor and asset to the community.

Gary Voris

Gary Voris
947 Bowleys Quarters Road
Baltimore, Maryland 21220

July 25, 2005

To Whom It May Concern:

I, Kenneth Hamer, resident of 949 Bowleys Quarters Road have no objection to the construction of a home at 1009 Bowleys Quarters Road by Mr. Joseph Baird. Mr. Baird's family has been good neighbors for over 50 years.

Kenneth Hamer
949 Bowleys Quarters Road
Baltimore, Maryland 21220

July 25, 2005

To Whom It May Concern:

Dwayne and Rhonda Sanders residing at 1001 Bowleys Quarters Road, have absolutely no objections to Mr. Baird rebuilding a home at 1009 Bowleys Quarters Road. As long as we have known him, he has been a good neighbor.

Dwayne Sanders
1001 Bowleys Quarters Road
Baltimore, Maryland 21220

Dwayne E Sanders

Rhonda Sanders
1001 Bowleys Quarters Road
Baltimore, Maryland 21220

Rhonda Sanders

October 25, 2004

To Whom It May Concern:

I, Norman J. Geiselman, the owner and resident of 1003 Bowleys Quarters Road do state that I have no objection to the construction of a new residence to be located at 1009 Bowleys Quarters Road.

Norman J. Geiselman

Norman J. Geiselman
1003 Bowleys Quarters Road
Baltimore, Maryland 21220
410 335-2873

Witnessed By: Maryann Duff 10/25/04

To Whom It May Concern:

I, William Norris, resident of 1023 Bowleys Quarters Road have no objection to the construction of a home at 1009 Bowleys Quarters Road by Mr. Joseph Baird.

William Norris

William Norris
1023 Bowleys Quarters Road
Baltimore, Maryland 21220

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Search Results

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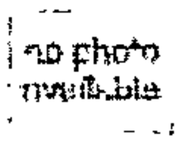


$9,000
bds N/A bths N/A
Holiday Island, AR
72631

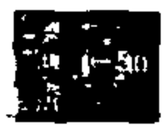
$4,000,000
bds N/A bths N/A
Middle River, MD
21220

$1,295,000
bds 4 bths 2
Baltimore, MD
21220

$995,000
bds 4 bths 2
Seneca Creek, MD
21220

$925,000
bds N/A bths N/A
White Marsh, MD
21220

1 | 2 | 3 | next



> Slide Show

> Make an Appointment
> Email This Listing
> Map

Save

Add Note

Type	Resale -Single Residential
Price	$832,000
Location	1011 Bowleys Middle River, M
County	BALTIMORE
Prop.ID	8313321
MLS#	BC5352701
Beds	3
Baths	2
Halfbaths	1
Sq.Ft	1,960
Neighborhood	BOWLEYS QU
Info Phone#	(410)667-880C

Wake-up to a view of the rising on the water! This post & bean on a knoll, out of harms way, o the Seneca Creek. Only 7 yrs & airy home presents a welcon feeling.Features Fam. Rm w/F w/balcony & view of water, Rea facing water, Part. fin LL, Pier 5' water,Det. 2.5-car gar. & exp

Highlights

- Features: Auto Gar Dr Opn, Closet,Drapery Rod
- Year Built: 1998

Modify your search

price	No min to No max
beds	Any
baths	Any
country	United States
city	
state	
zip	21220
radius	n/a miles

Contact
> Larry Snyder
> Coldwell Banker Residential Brokerage-Jacksonville

View Contact Information

Financial
Estimated Monthly Payments: $4,694
*based on 30year fixed APR loan with 20% down and no points
Mortgage Calculator
Apply Now

PETITIONER'S
EXHIBIT NO. 9

7/19/07 06-063-A - Fu Re. Joseph A. Baird.

Petitioner Hand L. Alden, Esq. Proponents

Deborah C. Dophin

Richard Bunch,

PROTESTANT'S

EXHIBIT NO. 2

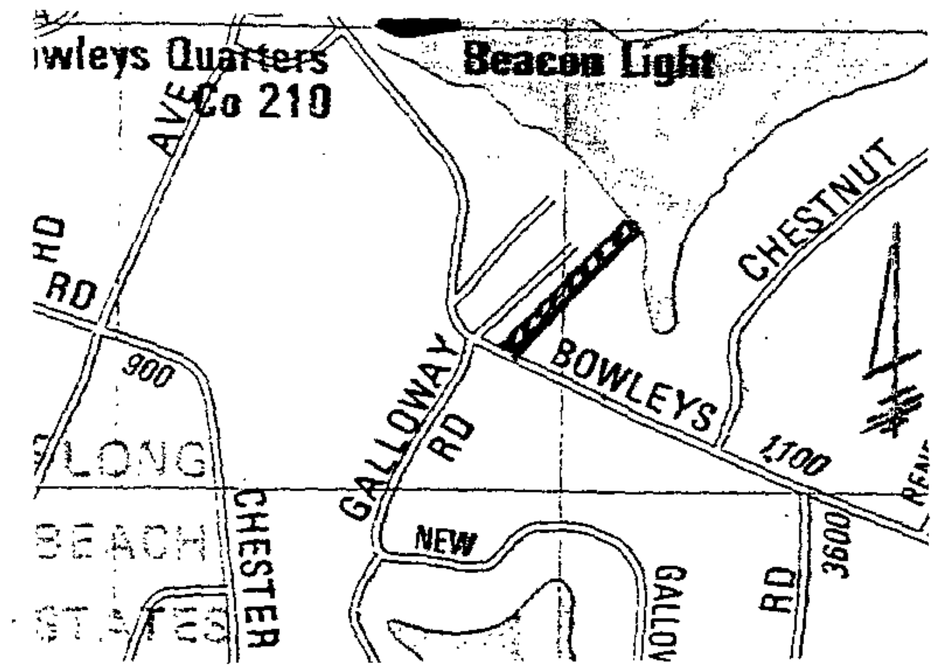
9/12/2005

PROTESTANT'S

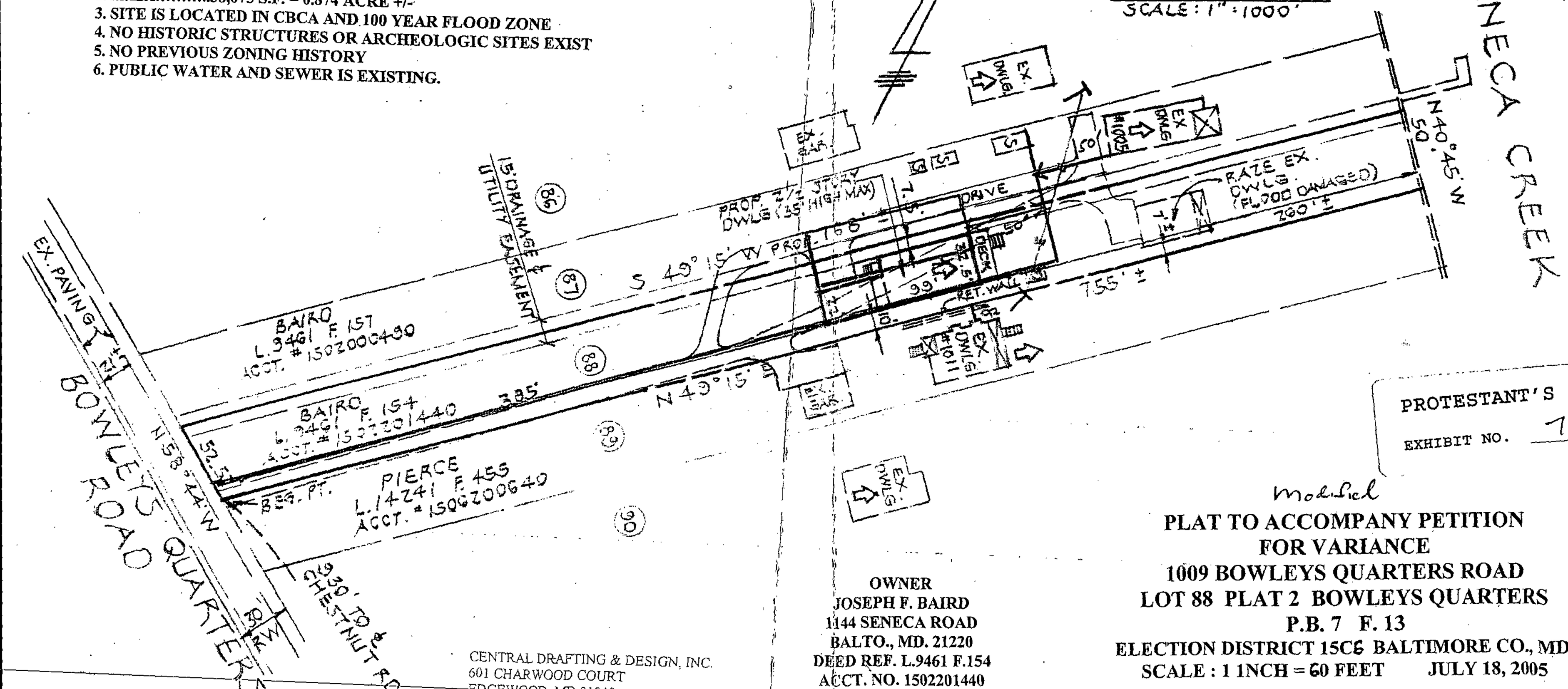
EXHIBIT NO. 3

NOTES

1. ZONING.....RC.5 (MAP NO. 091B3)
2. AREA.....38,075 S.F. = 0.874 ACRE +/-
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
4. NO HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING.



VICINITY MAP
SCALE: 1" = 1000'



PROTESTANT'S
EXHIBIT NO. 7

Modified

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
1009 BOWLEYS QUARTERS ROAD
LOT 88 PLAT 2 BOWLEYS QUARTERS
P.B. 7 F. 13
ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE : 1 1NCH = 60 FEET JULY 18, 2005

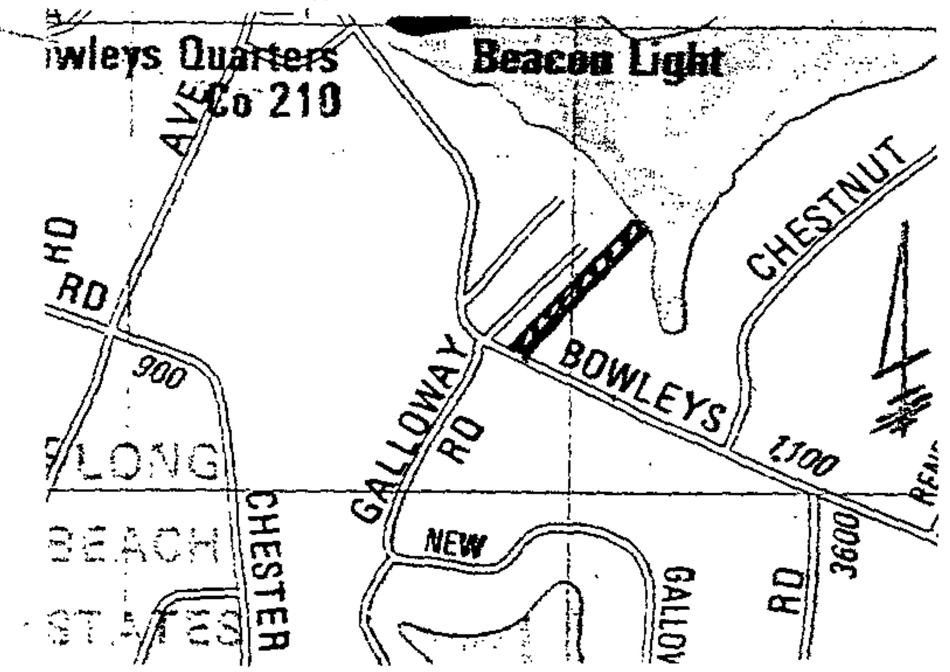
OWNER
JOSEPH F. BAIRD
1144 SENECA ROAD
BALTO., MD. 21220
DEED REF. L.9461 F.154
ACCT. NO. 1502201440

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

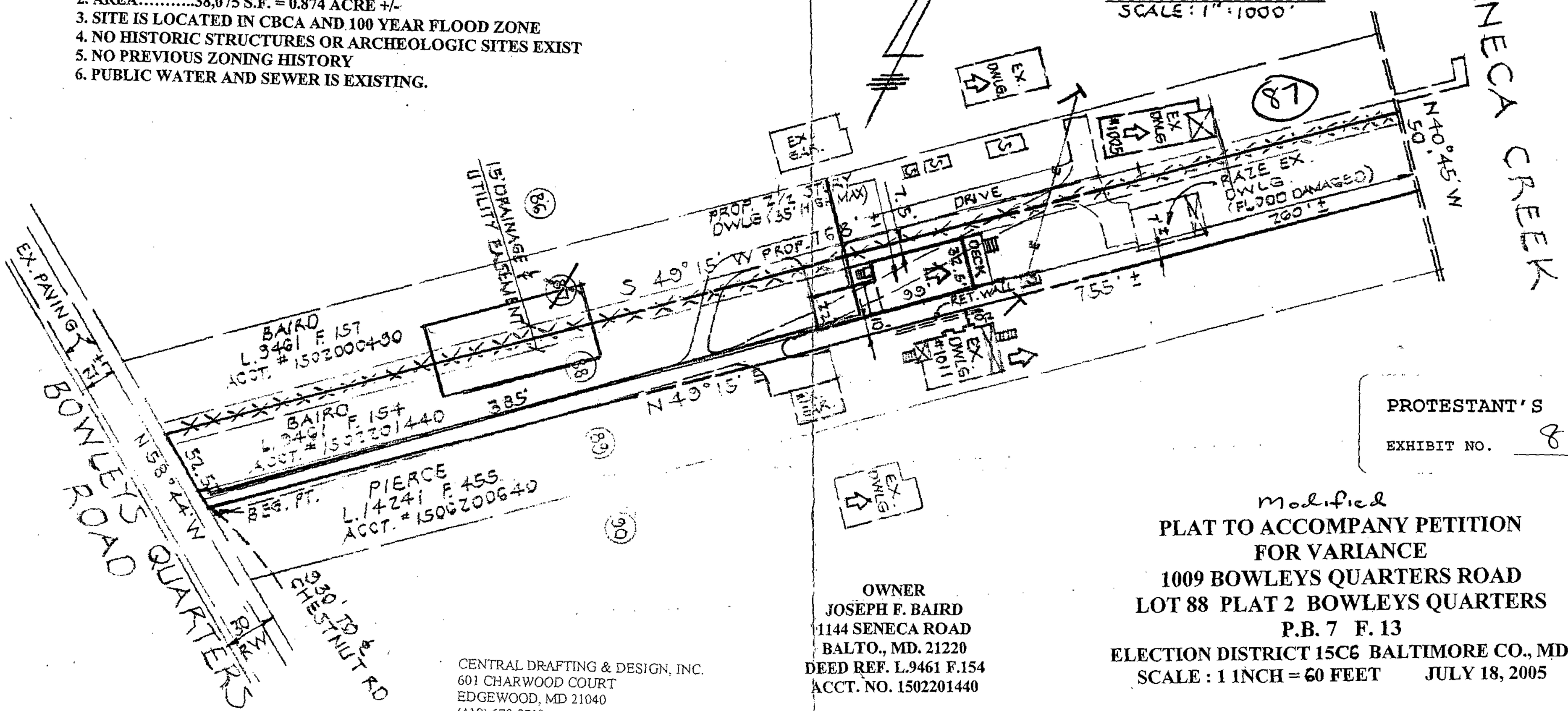
#02.2

NOTES

1. ZONING.....RC.5 (MAP NO. 091B3)
2. AREA.....38,075 S.F. = 0.874 ACRE +/-
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
4. NO HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING.



VICINITY MAP
SCALE: 1" = 1000'



PROTESTANT'S
EXHIBIT NO. 8

Modified
PLAT TO ACCOMPANY PETITION
FOR VARIANCE
1009 BOWLEYS QUARTERS ROAD
LOT 88 PLAT 2 BOWLEYS QUARTERS
P.B. 7 F. 13
ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE : 1 INCH = 60 FEET JULY 18, 2005

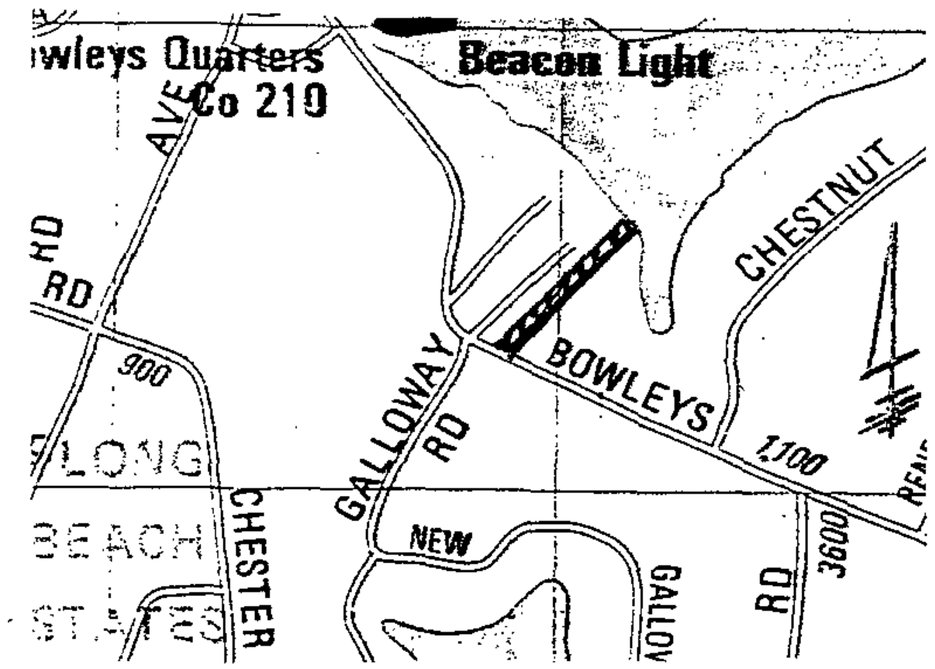
OWNER
JOSEPH F. BAIRD
1144 SENECA ROAD
BALTO., MD. 21220
DEED REF. L.9461 F.154
ACCT. NO. 1502201440

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

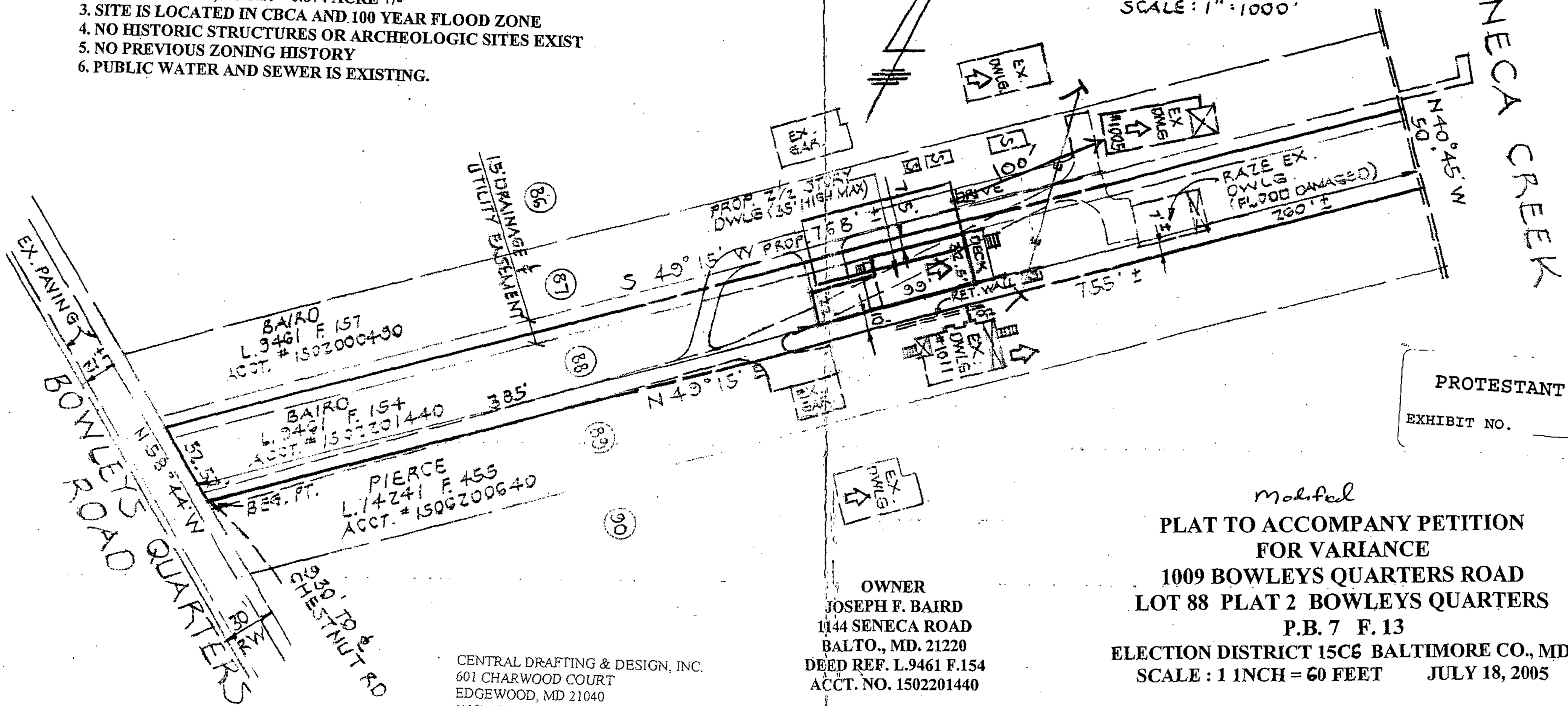
#063

NOTES

1. ZONING.....RC.5 (MAP NO. 091B3)
2. AREA.....38,075 S.F. = 0.874 ACRE +/-
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
4. NO HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING.



VICINITY MAP
SCALE: 1" = 1000'



PROTESTANT'S
EXHIBIT NO. 9

Modified

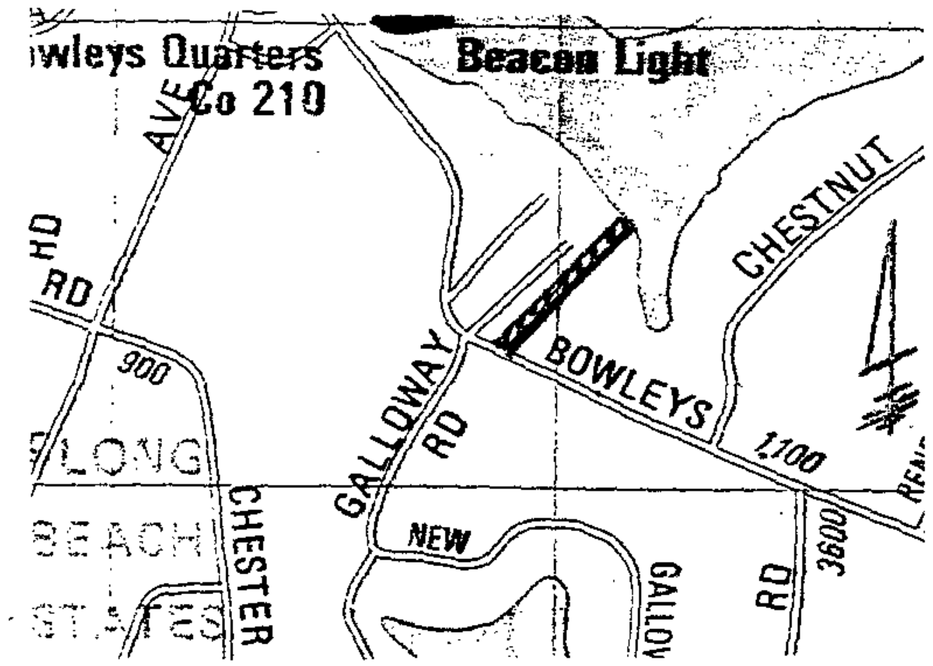
PLAT TO ACCOMPANY PETITION
FOR VARIANCE
1009 BOWLEYS QUARTERS ROAD
LOT 88 PLAT 2 BOWLEYS QUARTERS
P.B. 7 F. 13
ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE : 1 1NCH = 60 FEET JULY 18, 2005

OWNER
JOSEPH F. BAIRD
1144 SENECA ROAD
BALTO., MD. 21220
DEED REF. L.9461 F.154
ACCT. NO. 1502201440

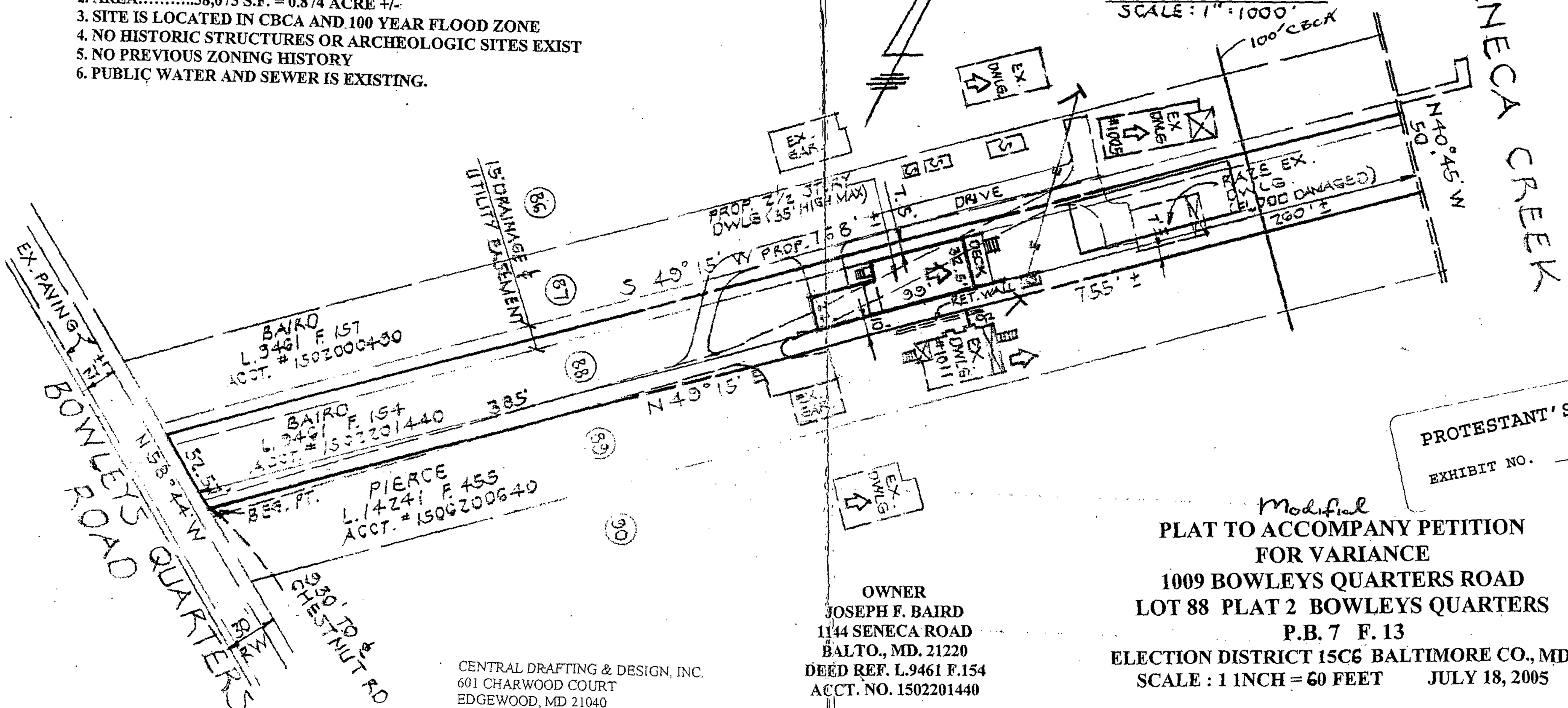
CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

NOTES

1. ZONING.....RC.5 (MAP NO. 091B3)
2. AREA.....38,075 S.F. = 0.874 ACRE +/-
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
4. NO HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING.



VICINITY MAP
SCALE: 1" = 1000'



PROTESTANT'S
EXHIBIT NO. 10

Modified

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
1009 BOWLEYS QUARTERS ROAD
LOT 88 PLAT 2 BOWLEYS QUARTERS
P.B. 7 F. 13
ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE : 1 INCH = 60 FEET JULY 18, 2005

OWNER
JOSEPH F. BAIRD
1144 SENECA ROAD
BALTO., MD. 21220
DEED REF. L.9461 F.154
ACCT. NO. 1502201440

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

#063

11/07

FILE COPY

IN RE: PETITION FOR VARIANCE 1009 Bowleys Quarters Road 15th Election District 6th Councilmanic District *Joseph F. Baird,* Petitioner/Owner	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.: 06-063-A

REVISED ORDER

Upon review of the Motion to Reconsider and to Alter/Amend the August 14th Order in this case, the attachments thereto and the record made before the Zoning Commissioner and the Board of Appeals in this case, it is this 11th day of October, 2007,

ORDERED, that the August 14th Order of this Board is hereby stricken; and it is

FURTHER ORDERED, that the Board of Appeals for Baltimore County:

1. Hereby adopts the following findings of fact in this case:

1.1 The subject property is zoned RC-5 and is presently improved with a small dwelling, constructed in 1928, which was severely damaged as a result of Hurricane Isabel.

1.2 The subject property is approximately 50 feet wide and 768 feet deep and is one of the lots in the older subdivision of the Bowleys Quarters community.

1.3 The proposed building elevations depict a 2 ½ story dwelling and attached garage. The Office of Planning, by written recommendation, has determined the proposal to be in accord with the spirit and intent of the RC-5 performance

FILE COPY

standards, provided that final elevations of all facades, including building materials, be submitted for review and approval by that Office prior to building permit issuance.

1.4 There are no adverse comments from the Zoning Advisory Committee.

2. Hereby adopts the following conclusions of law:

2.1 The variance relief is justified for the replacement dwelling. There could be no compliance with the minimum 50 foot setback from each side property line given that the property is only 50 feet wide.

2.2 The variance relief, as conditioned herein, can be granted so as to do substantial justice to the Petitioner and others in the zoning district and there will be no increase in residential density as a result.

2.3 Absent the requested relief, the Petitioner would face real practical difficulty in any attempt to renovate the existing, old hurricane damaged dwelling located much closer to the water's edge than is the proposed dwelling.

2.4 Unlike many of the older, narrow, vacant waterfront lots, the subject property is unique in that the subject property was originally improved almost 80 years ago and the location of those existing improvements should be relocated for safety and environmental reasons.

THEREFORE, based on the foregoing findings of fact and conclusions of law, the County Board of Appeals for Baltimore County hereby **ORDERS** that:

A. The Petitioner's Original Site Plan dated July 18, 2005, marked as Petitioner's

Exhibit **1-A**, which accompanied Petitioner's request for a variance from Sections 1A04.3.B.1.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations to permit a lot area of 0.874 acres in lieu of the minimum required 1.5 acres and to permit a replacement dwelling with side yard setbacks of 10 feet (adjacent to 1011 Bowleys Quarters Road) and 7 ½ feet (adjacent to 1005 Bowleys Quarters Road) in lieu of the 50 feet required be, and is hereby **APPROVED**.

B. The construction of improvements on the subject property shall be in accord with Petitioner's Exhibit 1-A, provided however that the proposed improvements may be adjusted on the lot in an easterly or westerly direction as may be agreed upon between Baird and the New Owners but not closer to either side property line than shown on Exhibit 1-A. Any adjustment to the house location in an easterly direction (toward the water) or a westerly direction (toward the roadway) must meet all applicable front and rear yard setback requirements of the RC-5 zone.

C. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

D. Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of

water quality, streams, wetlands and floodplains. See attached ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM).

E. Prior to the issuance of any permits, Petitioners shall submit final elevation drawings of all facades, including building materials, to the Office of Planning for review and approval.

F. The Petitioner shall record or caused to be recorded the original *Declaration of Private Driveway & Utility Easement and Creation of Maintenance Obligations*, dated February 14, 2007, within five (5) days of this Order becoming final and non-appealable.

G. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

BOARD OF APPEALS

Lawrence S. Wescott, PanelChair

Robert W. Witt

Edward W. Crizer, Jr.

10/14/07

IN RE: PETITION FOR VARIANCE **1009 Bowleys Quarters Road** **15th Election District** **6th Councilmanic District** ***Joseph F. Baird,*** **Petitioner/Owner**	**BEFORE THE** **COUNTY BOARD OF APPEALS** **FOR** **BALTIMORE COUNTY** **Case No.: 06-063-A**

ORDER

Upon review of the record and proffered presentations of the parties in open hearing on July 19, 2007, the County Board of Appeals on this 14th day of August, 2007, the Board of Appeals for Baltimore County:

1. Hereby adopts the following findings of fact in this case:

1.1. The subject property is zoned RC-5 and is presently improved with a small dwelling, constructed in 1928, which was severely damaged as a result of Hurricane Isabel.

1.2. The subject property is approximately 50 feet wide and 768 feet deep and is one of the lots in the older subdivision of the Bowleys Quarters community.

1.3. The proposed building elevations (attached to and incorporated in the Restrictive Covenant Agreement) depict a 2 ½ story dwelling and attached garage. The Office of Planning, by written recommendation, has determined the proposal to be in accord with the spirit and intent of the RC-5 performance standards, provided

that final elevations of all facades, including building materials, be submitted for review and approval by that Office prior to building permit issuance.

1.4. There are no adverse comments from the Zoning Advisory Committee.

2. Hereby adopts the following conclusions of law:

2.1. The variance relief is justified for the replacement dwelling. There could be no compliance with the minimum 50 foot setback from each side property line given that the property is only 50 feet wide.

2.2. The variance relief, as conditioned herein, can be granted so as to do substantial justice to the Petitioner and others in the zoning district and there will be no increase in residential density as a result.

2.3. Absent the requested relief, the Petitioner would face real practical difficulty in any attempt to renovate the existing, old hurricane damaged dwelling located much closer to the water's edge than is the proposed dwelling.

2.4. Unlike many of the older, narrow, vacant waterfront lots, the subject property is unique in that the subject property was originally improved almost 80 years ago and the location of those existing improvements should be relocated for safety and environmental reasons.

THEREFORE, based on the foregoing findings of fact and conclusions of law, the County Board of Appeals for Baltimore County hereby **ORDERS** that:

A. The Petitioner's Revised Site Plan, dated July 9, 2007, to accompany

Petitioner's request for a variance from Sections 1A04.3.B.2.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations to permit a lot area of 0.874 acres in lieu of the minimum required 1.5 acres and to permit a replacement dwelling with side yard setbacks of 10 feet (adjacent to 1011 Bowleys Quarters Road) and 7 feet (adjacent to 1005 Bowleys Quarters Road) in lieu of the 50 feet required be, and is hereby **APPROVED**.

B. The Restrictive Covenant Agreement, dated February 14, 2007, by and among Petitioner, Joseph F. Baird, individually, and Murray B. Pierce and Coralee C. Pierce, husband and wife, is incorporated herein and made a part of this Order.

C. The construction of improvements on the subject property shall be in accord with the Petitioner's Revised Site Plan approved hereby and the terms of the Restrictive Convenant Agreement.

D. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

E. Construction shall comply with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. See attached ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM).

F. Prior to the issuance of any permits, Petitioners shall submit final elevation drawings of all facades, including building materials, to the Office of Planning for review and approval.

G. The Petitioner shall record or caused to be recorded the original *Declaration of Private Driveway & Utility Easement and Creation of Maintenance Obligations*, dated February 14, 2007, a copy of which is attached as Exhibit C to the Restrictive Covenant Agreement, within sixty (60) days of this Order becoming final and non-appealable.

H. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

BOARD OF APPEALS

Lawrence S. Wescott, Panel Chair

Robert W. Witt

Edward W. Crizer, Jr.

Approved as to form:

Howard L. Alderman, Jr., Attorney for
Joseph F. Baird

Deborah C. Dopkin, Attorney for
Murray B. and Coralee C. Pierce

County Board of Appeals of Baltimore County

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

August 10, 2007

Deborah C. Dopkin, Esquire
1000 Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204-4525

Richard C Burch Esquire
Mudd Harrison & Burch LLP
401 Washington Avenue
Suite 900
Towson MD 21204-4835

RE: *In the Matter of: JOSEPH F. BAIRD*
–Legal Owner /Petitioner /Case No. 06-063-A

Dear Counsel:

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

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Reverend and Mrs. M. Bart Pierce
Mitchell Kellman /DMW
Larry Snyder
Charles L. Johnston, Jr. /Quillen Development, Inc.
Joseph and Eileen Baird
Stacy L. Baird
Steven Comegna
Robert Infussi
David Billingsley
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

9/11/07

IN RE: PETITION FOR VARIANCE **1009 Bowleys Quarters Road** **15th Election District** **6th Councilmanic District** ***Joseph F. Baird,*** **Petitioner/Owner**	**BEFORE THE** **COUNTY BOARD OF APPEALS** **FOR** **BALTIMORE COUNTY** **Case No.: 06-063-A**

MOTION FOR RECONSIDERATION
AND TO ALTER/AMEND ORDER

Joseph F. Baird ("Baird"), Thomas L. Gounaris and Catherine J. Gounaris (collectively the "New Owners") by and through the undersigned legal counsel, in accordance with Rule 10 of this Board's Rules of Practice and Procedures, hereby move that the *Order* of this Board, dated August 14, 2007 (the "Board Order"), be reconsidered, altered and/or amended. In support of thier collective request, Baird and the New Owners state as follows:

1. The Zoning Commissioner for Baltimore County granted Baird's requested variance relief and the original Site Plan submitted by Baird (the "Original Site Plan) for the property owned by Baird (the "subject property").

2. A copy of the Original Site Plan, pre-marked as Petitioner's Exhibit **1-A**, is attached hereto and incorporated herein.

3. Murray B. And Coralee C. Pierce (collectively the "Pierces"), who at the time resided at 1011 Bowleys Quarters Road (which property adjoins the subject property) noted an appeal of the

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BALTIMORE COUNTY
BOARD OF APPEALS

Zoning Commissioner's Order to this Board.

4. On the date of the original hearing before this Board, Baird and the Pierces advised the Board that they had come to a resolution regarding the personal concerns of the Pierces and that the parties would prepare and submit for the Board's consideration and approval a Revised Site Plan and a proposed Order.

5. The Board conducted a hearing on July 19, 2007, in this case at which time testimony and evidence were proffered by legal counsel, a Revised Site Plan was introduced and a *Restrictive Covenant Agreement*, dated February 14, 2007 and a *Declaration of Private Driveway & Utility Easement and Creation of Maintenance Obligations* (the "Driveway Declaration"), dated February 14, 2007 (each executed by Baird and the Pierces), were also introduced into evidence.

6. The Board Order was subsequently issued on August 14, 2007.

7. On August 30, 2007, the New Owners (Thomas L. and Catherine J. Gounaris) purchased the property owned by the Pierces at 1011 Bowleys Quarters Road.

8. Prior to purchasing the property at 1011 Bowleys Quarters Road, the New Owners were shown the *Restrictive Covenant Agreement* and the Driveway Declaration, together with the Petitioner's Original Site Plan (approved by the Zoning Commissioner) and the Petitioner's Revised Site Plan (approved by this Board).

9. As a result of the sale and purchase of 1011 Bowleys Quarters Road, the Pierces no longer have any interest in that property nor the subject property owned by Baird.

10. The New Owners as evidenced by their respective Affidavits (Exhibit 2), attached hereto and incorporated herein, desire the house to be constructed on the subject property to be in the location relative to the common property line as approved by the Zoning Commissioner and this Board and in relation to the water as agreed upon between the New Owners and Baird and not as depicted on the Revised Petitioner's Site Plan as required by the Pierces.

11. The New Owners do not want their property or the subject property to be subject to or bound by the *Restrictive Covenant Agreement*.

12. The Driveway Declaration has been delivered to the New Owners' title company for recordation.

13. Baird and the New Owners desire that the Board Order be altered and/or amended to strike all references to the *Restrictive Covenant Agreement* and the Revised Site Plan and to grant the variance relief specified in the Board Order and approval of the Original Site Plan.

14. Baird and the New Owners have prepared a Revised Order (Exhibit 3) for consideration by this Board, consistent with this Motion and the attached Affidavits.

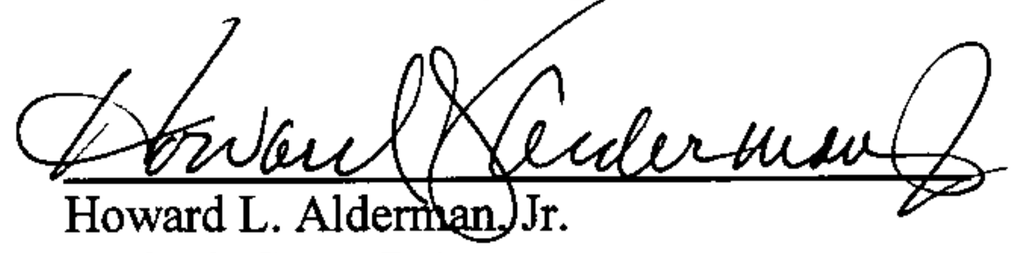
FOR ALL OF THE FOREGOING REASONS, Baird and the New Owners respectfully request that this Honorable Board:

A. Reconsider the Board Order; and

B. Revise, alter and amend the Board Order, by signing the attached, proposed Revised

Order or by issuing its own revised order, striking all reference to the Revised Site Plan and the Restrictive Covenant Agreement and substituting reference to and approval of the Original Site Plan;

C. For such further relief as the nature of this case may require.



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

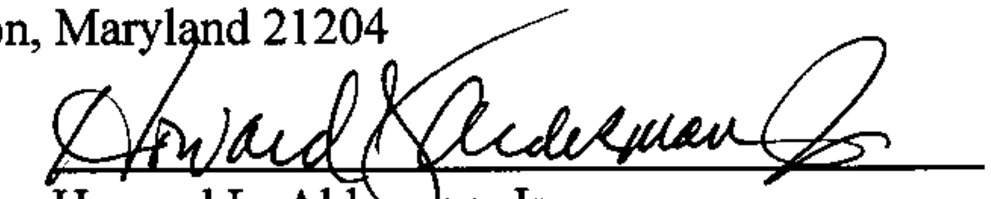
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 2007, a copy of the foregoing Motion for Reconsideration and to Alter/Amend Order and the proposed Order and Affidavits attached thereto were mailed via First-Class, United States Mail to the following:

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

and to

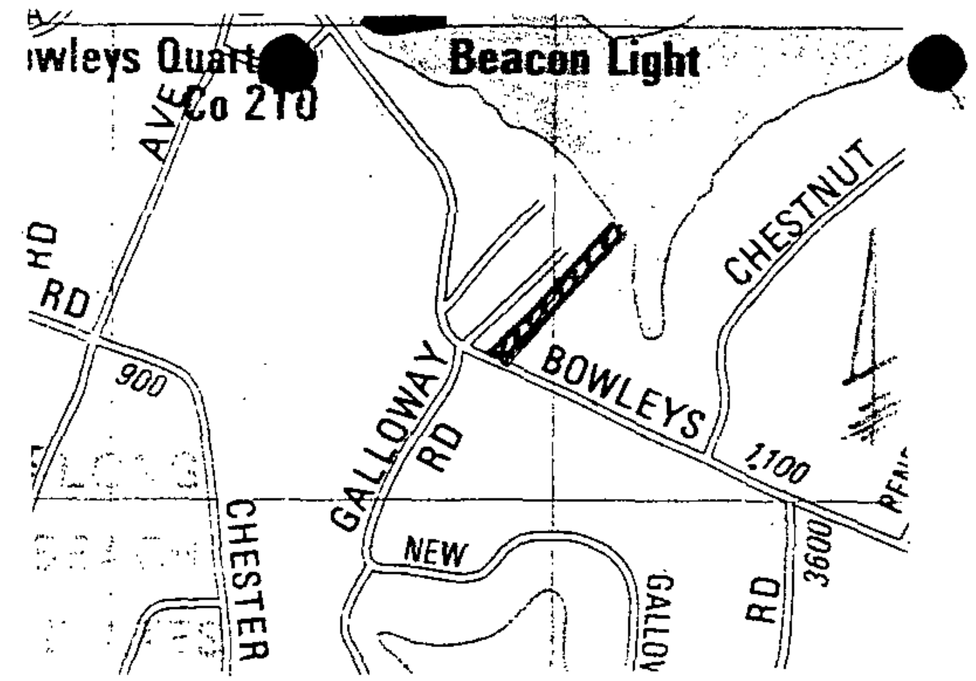
Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 1000
Towson, Maryland 21204



Howard L. Alderman, Jr.

NOTES

1. ZONING.....RC.5 (MAP NO. 091B3)
2. AREA.....38,075 S.F. = 0.874 ACRE +/-
3. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE
4. NO HISTORIC STRUCTURES OR ARCHEOLOGIC SITES EXIST
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING.



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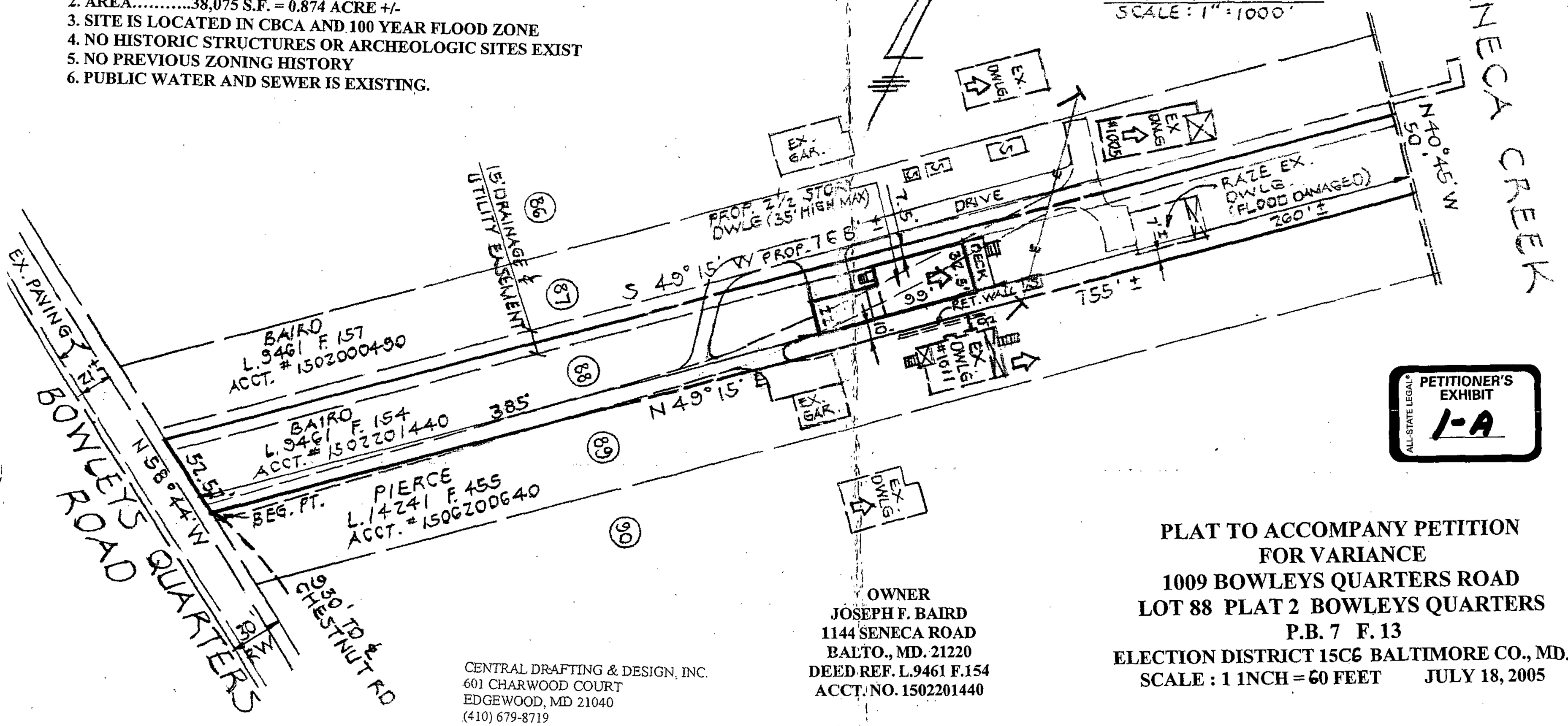
SCALE: 1" = 1000'



PETITIONER'S EXHIBIT
1-A

OWNER
JOSEPH F. BAIRD
1144 SENECA ROAD
BALTO., MD. 21220
DEED REF. L.9461 F.154
ACCT. NO. 1502201440

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
1009 BOWLEYS QUARTERS ROAD
LOT 88 PLAT 2 BOWLEYS QUARTERS
P.B. 7 F. 13
ELECTION DISTRICT 15C6 BALTIMORE CO., MD.
SCALE : 1 1NCH = 60 FEET JULY 18, 2005

OWNER'S AFFIDAVIT

I, **Thomas L. Gounaris**, am over the age of eighteen, am competent to make this affidavit and have personal knowledge of the following facts:

1. I, together with my wife, completed closing on our purchase of the property known as 1011 Bowleys Quarters Road (the "Gounaris property") on August 30, 2007.

2. My wife and I purchased the Gounaris property from Murray B. and Coralee C. Pierce, appellants in Case No. 06-063-A.

3. Prior to our purchase of the Gounaris property, we were shown this Board's Order, dated August 14, 2007, in Case No. 06-063-A, dealing with the adjoining property at 1009 Bowleys Quarters Road owned by Joseph F. Baird, the *Restrictive Covenant Agreement*, dated February 14, 2007 and the *Declaration of Private Driveway & Utility Easement and Creation of Maintenance Obligations*, dated February 14, 2007 (the "Driveway Easement").

4. The Driveway Easement was delivered to our title company on August 31, 2007 so that it could be recorded before our deed.

5. I have reviewed the Petitioner's Revised Site Plan, dated July 9, 2007, which moves the proposed improvements on 1009 Bowleys Quarters Road (the property for which the variance was granted), significantly closer to water and substantially in front of the home we purchased.

6. I have reviewed the Restrictive Covenant Agreement between Mr. and Mrs. Pierce and Mr. Baird.

7. I have reviewed the Petitioner's Original Site Plan which was approved

by the Zoning Commissioner for Baltimore County, which places the home proposed on 1009 Bowleys Quarters Road further from the water and in line with the home we purchased.

8. As the Pierces no longer have any interest in the Gounaris Property, I have asked Mr. Baird to seek a modification of this Board's Order to delete any and all references in the Order to the Restrictive Covenant Agreement. I do not want that Agreement to be applicable to 1009 Bowleys Quarters Road or to the Gounaris Property.

9. I have also requested that Mr. Baird seek a modification of the Board's Order to keep the same variance relief but to approve the original Petitioner's Site Plan (approved by the Zoning Commissioner) and to permit the new home adjacent to our home further back from the water in a mutually agreeable location and to strike all references in the Order to the Petitioner's Revised Site Plan.

I do solemnly declare and affirm under the penalties of perjury that the above statements are true and correct.

Thomas L. Gounaris
1011 Bowleys Quarters Road
Baltimore, MD 21220-4014

OWNER'S AFFIDAVIT

I, **Catherine J. Gounaris**, am over the age of eighteen, am competent to make this affidavit and have personal knowledge of the following facts:

1. I, together with my husband, completed closing on our purchase of the property known as 1011 Bowleys Quarters Road (the "Gounaris property") on August 30, 2007.

2. My husband and I purchased the Gounaris property from Murray B. and Coralee C. Pierce, appellants in Case No. 06-063-A.

3. Prior to our purchase of the Gounaris property, we were shown this Board's Order, dated August 14, 2007, in Case No. 06-063-A, dealing with the adjoining property at 1009 Bowleys Quarters Road owned by Joseph F. Baird, the *Restrictive Covenant Agreement*, dated February 14, 2007 and the *Declaration of Private Driveway & Utility Easement and Creation of Maintenance Obligations*, dated February 14, 2007 (the "Driveway Easement").

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9. I have also requested that Mr. Baird seek a modification of the Board's Order to keep the same variance relief but to approve the original Petitioner's Site Plan (approved by the Zoning Commissioner) and to permit the new home adjacent to our home further back from the water in a mutually agreeable location and to strike all references in the Order to the Petitioner's Revised Site Plan.

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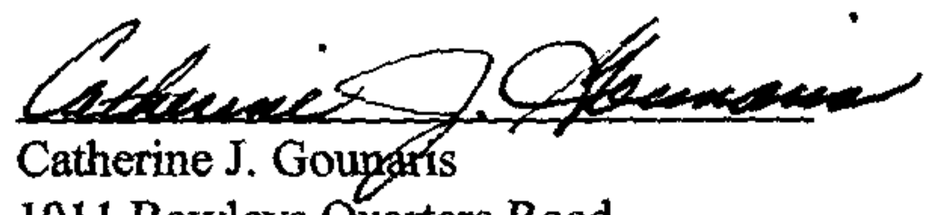


Catherine J. Gounaris
1011 Bowleys Quarters Road
Baltimore, MD 21220-4014

Re: PETITION FOR VARIANCE NE/S Bowleys Quarters Road 930' NW of the c/l Chestnut Rd (1009 Bowleys Quarters Road) 15th Election District 6th Councilmanic District Case No. 06-063-A	* * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY
Joseph F. Baird, Petitioner	* *	Case No.

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

NOTICE OF APPEAL

Please note an appeal from the Findings of Fact and Conclusions of Law rendered by the Zoning Commissioner of Baltimore County, dated December 20, 2005 to the County Board of Appeals, and forward all papers in connection therewith to the Board for hearing. The Appellants are Reverend and Mrs. M. Bart Pierce, whose address is 1011 Bowleys Quarters Road, Baltimore, Maryland 21220.

Enclosed is the appeal fee of $400.00.

Deborah C. Dopkin
Deborah C. Dopkin, P.A.
409 Washington Avenue, Suite 1000
Towson, Maryland 21204
(410) 821-0200
Attorney for Appellants

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 12th day of January, 2006, a copy of the aforegoing Notice of Appeal was mailed, postage prepaid to Howard L. Alderman, Jr., Esquire, 502 Washington Avenue, Suite 800, Towson, Maryland 21204, Attorneys for Petitioner.

Deborah C. Dopkin

C:\docs\DCD\ZONING\pierce\Appeal.wpd

PROTESTANT'S EXHIBIT NO. 6

BOWLEYS QUARTERS PLAT NO 2
PLAT BOOK 7 FOLIO 13

CROSSING AT STA 90+10
COVER 3.5
TOP OF PIPE 3.3
CL ELEV RANGE 2.0

JOHN J. REYNOLDS 1014-484

BOWLEYS QUARTERS 622-153

SALISBURY 7-41550 1481-598

CARLTON DAVID 1514-354

VAMES & GRATTY 1512-84

BOOKER & FOSTER 7-1551-50

FREDERICK & SALES 2-502-317

BOWLEYS 622-153

QUARTERS CO.

84 85 86 87 88 89 90 91 92 93 94

7400 N.

6500 E.

6750 N.

6000 E.

5640 1/32 - 12" BEND
1/32 - 12" BEND 5414 16

12" VALVE 5414 10

BOWLEYS QUARTERS RD.

12" WATER

MACADAM

12"x8" TEE 5414 81
8" VALVE 0406
8" CAP 0410

12"x12" TEE 2646
6" VALVE 0406
6" B.N.P.H. 0421

BOWLEYS QUARTERS CO.
622-153

GALLOWAY RD.

CHESTNUT RD.

PROPOSED 8" SANITARY SEWER

MATCH LINE
SEE DWG. 53-1606

MATCH LINE
SEE DWG. 53-1609

NO GAS

DATE	RIGHT OF WAY SEGURED	REF.
	COUNTY RD	

BALTIMORE COUNTY HIGHWAYS
PERMIT REQUESTED 2-1-54
PERMIT NUMBER 54-047
GRADE ESTABLISHED 10-22-53
PROFILE NUMBER 53-1749

LOCATION APPROVED
Jan. 7, 54
H. R. Stoner Jr.

BILL OF MATERIALS						
NO.	DESCRIPTION	SIZE	STATION	EX. GROUND	EST. GRADE	CUT
3	TEE	12"x8"	81+00	11.3	7.35	3.4
1	TEE	12"x6"	82+00	10.7	7.32	3.7
1	VALVE	8"	83+00	10.6	7.2	3.4
1	VALVE	8"	84+00	10.7	7.3	3.4
1	CAP	8"	85+00	9.3	7.3	2.0
1	VALVE	12"	86+00	9.7	7.4	2.1
1	BEND	1/32 "12"	87+00	9.7	7.0	2.7
1	B.N.P.H.	6"	88+00	9.8	7.5	2.7
			89+00	9.7	7.1	2.6
1	C.I. PIPE	12"	90+00	9.7	7.6	2.1
1	C.I. PIPE	8"	91+00	9.7	7.5	2.1
			92+00	9.6	7.7	2.1

J.O. 6548 REVISED AS PER RECORD PRINT SEE DWG. 53-1609 A-4-C 12-2-54 RHE

MICROFILMED

C.W.O. 26914

DRAWN:
TRACED:
CHECKED:
EXAMINED:
ASS'T. ENGR. SHOR.
FORM 44

DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY
METROPOLITAN DISTRICT

APPROVED Jan 29 54
DATE
CHIEF ENGINEER
BALTO. CO. METRO. DIST.

GRADE ESTABLISHED AND LOCATION APPROVED
Jan. 26, 1954
DATE
ROADS ENGINEER-BALTO. COUNTY

APPROVED 1/22/54
DATE
CHIEF ENGINEER
BALTIMORE COUNTY

APPROVED FOR CITY OF BALTIMORE
2-3-54
DATE
WATER ENGINEER
P. L. Holland
DIR. OF PUBLIC WORKS

12" WATER
BOWLEYS QUARTERS RD.
FROM CARROLL ISLAND RD. TO HOLLY TREE RD.
BOWLEYS QUARTERS
E.D. #16

KEY SHEET
Z
S.W.

DRAWING
NO. 8
OF 18

SCALE:
1"=50'

J. O. 6548
53-1610
FILE: A-4-C
7/15/54 (44)

366-W

MICROFILMED

DMW

Daft ·McCune ·Walker, Inc.

800 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

DMW Project # _____

1009 - 1011 Bowley's Quarters Road

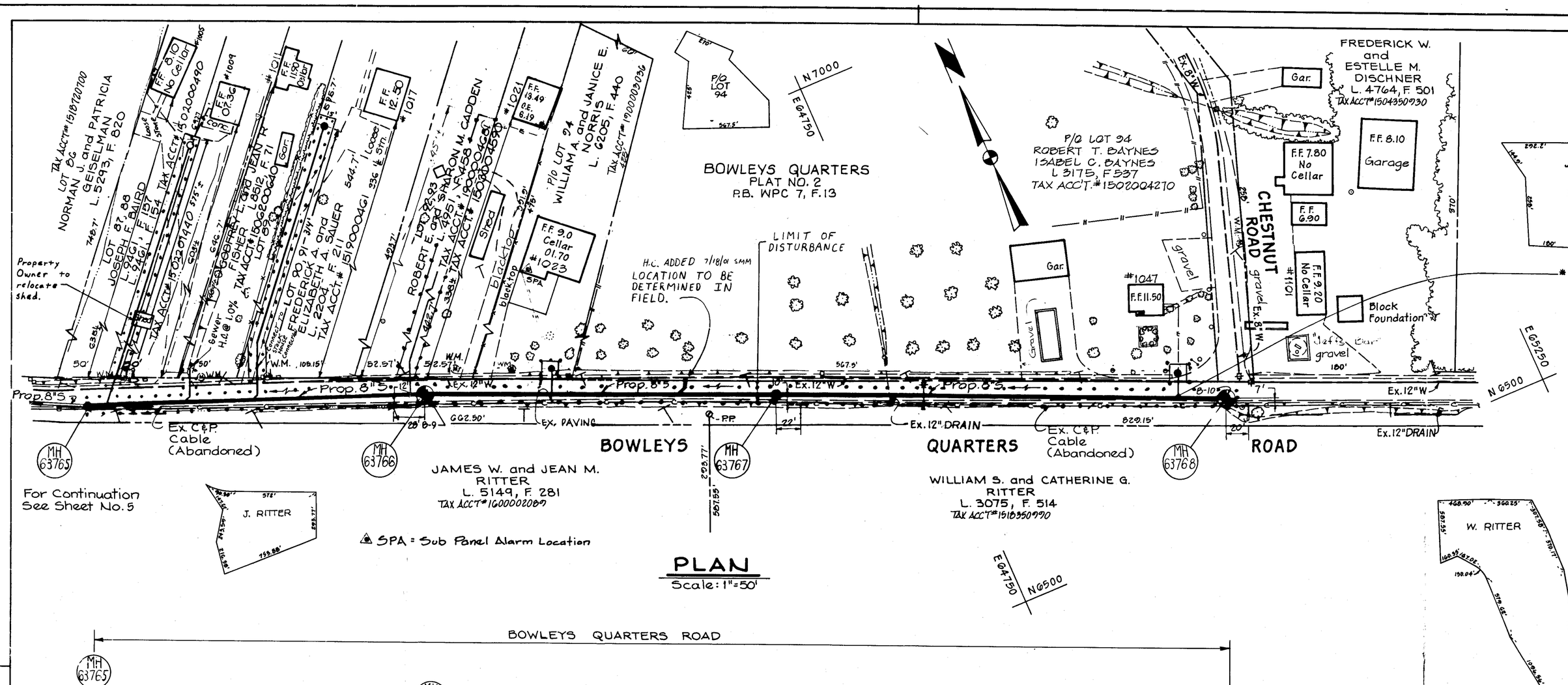
50 0 50 100 150 Feet

DATA SOURCE:
BALTIMORE COUNTY OIT GIS
HORIZONTAL DATUM: NAD 83
VERTICAL DATUM: NAVD 88
DATE OF CAPTURE: MARCH 2002
PROPERTY LINES SHOWN HEREON ARE TAKEN FROM DEEDS, I AND OTHER SOURCES DEEMED RELIABLE. THIS PLAN IS NOT RESULT OF A DMW BOUNDARY SURVEY.

o:/projects/05065 1011 bowleys quarters.apr ko 9-15-05

PROTESTANT'S
EXHIBIT NO. 4

8 House Connections Shown On This Sheet.



* * UTILITY NOTES

A) Contractor Shall Open Only That Section of Trench That Can Be Backfilled and Stabilized Each Day. If Trench Must Remain Open Longer Than One Day, Silt Fence Shall Be Placed Below (Downslope) The Trench.

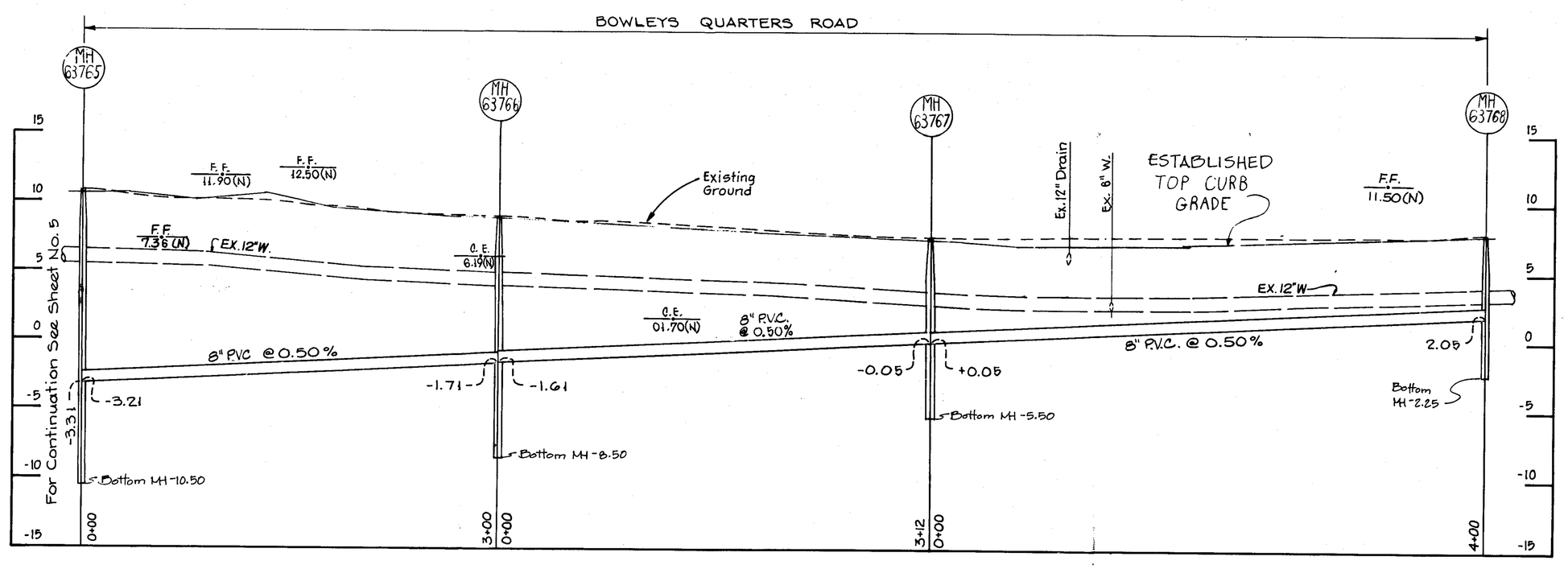
B) Place All Excavated Material on Uphill Side Of Trench

C) Any Sediment Controls Disturbed by Utility Construction Are To Be Repaired Immediately.

D) Refer to Sequence of Operation on the use of silt fence and stabilized construction entrance.

PLAN

Scale: 1"=50'



PROFILE

Scale: Horz. 1"=50' Vert. 1"=5'

GRINDER PUMP ELEVATIONS BOWLEYS QUARTERS ROAD

HOUSE NO.	PUMPING UNIT	INVERT IN	APPROX. GROUND	TYPE HATCH
1021	SIMPLEX	2.19	9.4	Standard
1023	SIMPLEX	-2.30	9.4	Standard
1047	SIMPLEX	1.8	9.4	Standard
1005 1009	DUPLEX	1.0	6.0	Standard
1017	SIMPLEX	2.4	9.4	Standard

Standard Hatchs are set approximately 6 inches above grade.

Designed Drawing based on Baltimore County Metropolitan District Coordinates and Datum

Curtis H. Powell 7-11-96
Andrew W. Thomas 7-11-96
R-1, 3-10-99

CITY OF BALTIMORE

DIRECTOR DEPT. OF PUBLIC WORKS — DATE

CHIEF, UTILITY ENG. DIVISION — DATE
BUR. OF WATER AND WASTEWATER

DATE	RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO	CONTRACT NO.	REVISED AS PER RECORD PRINT		
			PERMIT REQUESTED			J.O.	DRAFTSMAN	DATE
			PERMIT NUMBER					
			GRADE ESTABLISHED 10-20-53					
			PROFILE NUMBER 53-1747					

SEAL

DESIGNED W.B.H.	KCI TECHNOLOGIES, INC.	BUREAU OF ENGINEERING	HIGHWAYS	STRUCTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER	BUR. OF ENGR. & CONSTRUCTION
DRAWN E.C.B.	ENGINEER WALTER B. HAMMEN	REVIEWED	JWD	JWA	JLE	BFK	GAK	ECA	APPROVED William Rogers CHIEF
CHECKED W.B.H.	DATE 4/11/95 LIC. NO 11422	DATE	7/2/96	7/2/96	7/2/96	7/3/96	7/2/96	7/3/96	DATE 7/2/96

DEPARTMENT OF PUBLIC WORKS — APPROVED — DIRECTOR — DATE 7/3/96

LEVEL BK. — DETAIL BK.

KEY SHEET	POSITION SHEET
Z-SW	7 & 8 NE 43
	7 & 8 NE 44

DATE	REVISION	BY
5/13/02	ADD G.P. @ 1017	SMM
7/18/01	ADD H.C. @ 1047	SMM
12/29/99	Added Duplex @ 1005 & 1009	SMM
12/1/98	Updated R.	JK

SCALE — PLAN: 1"=50' — PROFILE: HOR. 1"=50' VERT. 1"=5'

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

CLARKS POINT, SUSQUEHANNA AND REVOLEA BEACH COLLECTION SYSTEM AND BOWLEYS QUARTERS FORCE MAIN
8" SANITARY AND SEDIMENT CONTROL
BOWLEYS QUARTERS ROAD

SUBDIVISION BOWLEYS QUARTERS — EL. DISTRICT NO. 15 - C5

BALTIMORE COUNTY TYPE NUMBER 1

CONTRACT NO. 99071 SXO
JOB ORDER NO. 1-85-6
SHEET 6 OF 21
DWG. NO. 96-0828
FILE: 1

PROTESTANT'S EXHIBIT NO. 5