IN RE: **PETITION FOR VARIANCE** NW/S Main Avenue, 115' SW of the c/l Chesapeake Avenue **(3140 Main Avenue)** 15th Election District 7th Council District John Hamer and Patricia Jamerson Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-219-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 owners of the subject property, John Hamer and Patricia Jamerson. The Petitioners request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches, in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were John Hamer, property owner, Tim Longfellow, with Gutschick Little & Weber, the consultants who prepared the site plan for this property, and Karl J. Nelson, Esquire, attorney for the Petitioners. It is also to be noted that 19 letters of support were received from adjacent property owners, all within eyesight of the subject property. They included Jeff Van Voorhis, Denise Barton, Frances Dorsch, Brenda A. Phillips, Edwin J. Weber, R. C. Martin, Donald DeRoose, Daniel L. DeRoose, William H. Miller, Josephine Fones, Glenn R. Betz and Marnie Steele, Jim Reed, John and Denise Rosen, Thomas W. Ostendarp, Gene C. Bertoni, Robert Russo, Robert W. Miller, and John McCann. These letters were submitted into evidence and collectively marked as Petitioner's Exhibits 8 and 9.

ORDER RECEIVED FOR FILING
Date 5-1-06
By

The garage under dispute in this case has generated significant public interest. Appearing as Protestants in the matter were Joe Bruno, Sr., Leslie Cunningham and Claudio J. Mone, also neighbors in the community. John W. Nowicki, Esquire, represented the Protestants and the Triple Union Park Improvement Association, Inc. Mr. Bruno indicated at the outset that this unfortunate situation has caused a terrible dilemma for both the Petitioners as well as the residents of the neighborhood. He presented as Petitioner's Exhibit 3, a Petition signed by 16 area neighbors evidencing the community is split over the controversy.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped waterfront parcel located with frontage on Lynch Point Cove and Back River and the northwest side of Main Avenue, just south of Chesapeake Avenue in Edgemere. The property is also known as Lot 40 of the residential subdivision known as Triple Union Park, and contains a gross area of 14,535 sq.ft., or 0.33 acres, more or less, zoned D.R.5.5 The property is improved with a one-story, single-family dwelling and a 28' x 46' garage, which is the subject of the instant request. Previously, access to the property was by way of a 150' macadam driveway (impervious surface) located on the north side of the site, which was removed and replaced with grass and trees to accommodate the proposed construction. The Petitioners purchased the subject property in October 2004; however, did not move to the site until after completing renovations to the existing dwelling.

Subsequently, in April 2005, the Petitioner applied for and obtained a building permit to construct a garage. In this regard, in addition to owning three cars, a motorcycle and a jet ski, Mr. Hamer owns a 31-foot inboard speedboat. Thus, Mr. Hamer wanted to build a garage of sufficient size to accommodate the three cars and motorcycle, and other personal property as well as winter storage for the boat. A copy of the permit application, which was submitted into evidence as Petitioner's Exhibit 3, indicates that the Petitioner intended to construct a garage, 28' wide by 46' deep, with a height of 22'6". Permit No. B589868 (Petitioner's Exhibit 4) was subsequently issued and work commenced immediately, excavating and pouring footings, fabricating roof trusses, etc. Little did the Petitioners realize that the proposed garage would

Date 5-1-09
By

become complicated by Section 400.3 of the B.C.Z.R., which limits the height of accessory buildings to 15 feet. [1]

The Petitioners' nightmare began in October 2005 when the Triple Union Park Improvement Association made written inquiry to the County's Department of Permits and Development Management questioning the structure's compatibility and excessive height. Building Code Inspector Grant Kidd visited the site on October 18, 2005 and issued a "stop work order" informing Mr. Hamer that the permit he received was issued in error. In any event, subsequent to receiving the stop work order, Mr. Hamer proceeded to finish the outside of the structure to protect his investment from inclement weather. At this point, the Petitioners had paid in excess of $54,000 to their contractor, D & H Construction with a total projected cost of $60,000. Mr. Hamer estimated another $18,000 would be expended if he was required to lower the roof structure and indicated the garage would no longer be functional for its intended purpose and may result in a flat roof structure.

The Petitioners now come before me seeking relief as set forth above to allow completion of the structure with a height of 22'6". Mr. Hamer testified at length as to the practical difficulty and unreasonable hardship he has endured since being issued a valid building permit and after commencing construction, receiving the stop work order, which has left him in an untenable position. Discussions with the community and an offer to place windows and shutters on the side facades (three on the south side and two on the north side, and one each on the gabled ends) to make the structure look more residential in character, has done little to appease Mr. Bruno and the community association.

Mr. Longfellow, a professional engineer familiar with Chesapeake Bay Critical Areas setback requirements, testified that the garage was positioned 58 feet away from the existing dwelling and close to Main Avenue so as to be located outside the floodplain. He opined that Petitioners could have attached the garage to the dwelling structure and not been subject to the

[1] Opposition to garage heights is not uncommon in waterfront communities. See County Board of Appeal decisions in Cases Nos. 04-255-A and 04-383-A.

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Date 5-1-06
By

rights doctrine, given these facts, one potential argument would be that the County is equitably estopped from arguing that the building permit is illegal. Maryland courts have clearly held that this is a narrow exception, and the general rule is that permits issued in violation of a zoning ordinance are unlawful, and cannot estopp the municipality. *Id.* at 199. In Marzullo, the court discussed one case where estoppel was successfully applied against a chartered county. *Id.* at 199 n. 16. In Permanent Financial v. Montgomery County, 308 Md. 239 (1986), the County was estopped from raising the illegality of a building permit concerning the height of a structure which apparently violated the applicable zoning ordinance. The Court of Appeals indicated that Montgomery County calculated the building height (to determine its compliance with the applicable zoning ordinance) in accordance with a long-standing interpretation of the pertinent zoning regulations. In Marzullo, the Court was quick to caution that if the unlawful permit in question was **not** issued in accordance with a long-standing interpretation or practice, the municipality would not be estopped from enforcing its zoning regulation. Thus, assuming a building permit was issued as a result of human error and not under a mistaken interpretation of long-standing, the Petitioners would have no equitable estoppel arguments to rely upon. The Petitioners in this case have not obtained vested rights.

In any event, variance relief can be granted only if the requirements contained in Section 307 of the B.C.Z.R. are met. This Section states that the Zoning Commissioner may grant variances;

... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations of Baltimore County would result in practical difficulty or unreasonable hardship.

Variances are not favored under the law and presumed to be in conflict with the regulations. As stated in Cromwell v. Ward, 102 Md. App. 691, 703 (1995):

The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.

ORDER RECEIVED FOR FILING
Date 5-1-06
By

After due consideration of all of the testimony and evidence presented, I find that the Petitioners property is substantially similar to other properties as to size, shape, topography and water view. As such, it does not meet the requirements for a finding of uniqueness as set forth in Cromwell. I cannot decide this case based on "extenuating circumstances." Having determined that no uniqueness exists as to the Petitioners' property, I must therefore deny the variance requested by the Petitioners.

Additionally, it is clear that a variance petitioner must demonstrate that the requested relief is necessary. Stated alternatively, a variance should not be granted when the proposed use can be achieved without the need for a variance. In this case, I note that Mr. Hamer has filed a new or amended building permit request relating to the garage that is the subject of this variance request. In his revised building permit application, Mr. Hamer seeks to move the garage closer to the center of his lot, and attach it to the existing house by a covered walkway. For the sake of clarity, I have noted Mr. Hamer's revised site plan and related architectural drawings approved by the Office of Planning as Petitioner's Exhibits 11 and 12, respectively.

By moving the garage closer to the center of the property and attaching it to the house by a covered walkway, the garage becomes part of the house for purposes of B.C.Z.R. Section 400.1. That section provides, in pertinent part, that the accessory building height limitations contemplated by B.C.Z.R. Section 400.3 does not apply to a structure which is attached to the principal building by a covered passage way or which has one wall or part of one wall in common with it. Rather, such structure shall be considered part of the principal building. Mr. Hamer's revised plan is within the spirit and intent of B.C.Z.R. Section 400.1. Accordingly, because the applicable height limitation for a principal structure in the D.R.5.5 zone is fifty feet, no variance would be required for the revised building permit proposal.

As it is clear that Mr. Hamer can construct a 22 foot high garage on his property without the need of a variance, as evidenced by his revised proposal (Petitioner's Exhibits 11 and 12), he is not entitled to a variance in this case. For this reason, in addition to those cited above, his request shall be denied.

PROCESSED FOR FILING
Date 5-1-06
By

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of May 2006 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches, in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 1, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Karl J. Nelson, Esquire
Lockwood Place
500 E. Pratt Street
Baltimore, Maryland 21219

RE: **PETITION FOR VARIANCE**
NW/S Main Avenue, 115' SW of the c/l Chesapeake Avenue
(3140 Main Avenue)
15th Election District – 7th Council District
John Hamer & Patricia A. Jamerson - Petitioners
Case No. 06-219-A

Dear Mr. Nelson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. John Hamer & Ms. Patricia A. Jamerson
3140 Main Avenue, Edgemere, Md. 21219
Mr. Tim Longfellow, 3909 National Drive, #250, Burtonsville, Md. 20866
Mr. Joe Bruno, Sr., 3144 Main Avenue, Baltimore, Md. 21219
Mr. John W. Nowicki, 6919 North Point Road, Baltimore, Md. 21219
Mr. Claudio J. Mone, 7533 Chesapeake Avenue, Baltimore, Md. 21219
Mr. Leslie V. Cunningham, 7501 Chesapeake Avenue, Baltimore, Md. 21219
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File

CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3140 Main Ave

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3, to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches in lieu of the maximum permitted 15 feet.

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

to be discussed at hearing

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

John Hamer
Name - Type or Print

Signature

Patricia Anne Jamerson
Name - Type or Print

Patricia Anne Jameson
Signature

3140 Main Ave
Address — Telephone No.

Edgemere, MD 21219
City — State — Zip Code

Representative to be Contacted:

John Hamer
Name

3140 Main Ave 410.440.6479
Address — Telephone No.

Edgemere, MD 21219
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-219-A

Reviewed By _____ **Date** 10/24/05

RECEIVED FOR FILING
Date 5-1-06
By

REV 9/15/98

File 06-219-A

PETITION

This petition is being filed by the Triple Union Park Improvement Association and the Undersigned neighbors, against the property known as 3140 Main Avenue, Baltimore County, MD 21219, District 15, Account Number 1507000080, owned by John Hamel and Patrica Jamerson.

The issue is with the garage that is being constructed on the property. The structure exceeds the vertical height allow by the County Building Codes. The height of the garage is 22 foot, in lieu of the 15' that is allowed by Code. The structure is so large that it looks like a warehouse, with its 12' high garage door. The garage is an eyesore, out of place in the neighborhood and not consistent with the rest of the garages on Main and Chesapeake Avenues. If allowed, it will set a precedent for others to do the same.

It was also constructed without the required variance application that would have been posted on the property before construction, giving property owners' notice of changes normally forbidden by regulations.

DATE	NAME	ADDRESS
11/21/05	[illegible] SR	3144 Main Ave 21219
11/21/05	William Foelke	3111 Roger Rd - 21219
11-21-05	Elizabeth Pacit	3136 Main Ave - 21219
11-21-05	Claudia Moore	7533 Chesapeake Dr 21219
11/21/05	Roman A. Hammel	7501 Chesapeake Ave 21219
11/22/05	Charlotte M. Kutz	7311 Chesapeake Dr. 21219
11/22/05	Jeff G. Kokosinski	7513 Chesapeake Ave 21219
11/22/05	Elizabeth M. Chase	7411 Chesapeake Ave 21219
11/23/05	Leslie V. Cummingham	7501 CHESAPEAKE AVE 21219
11/23/05	Sigmund Dorsch	7421 Chesapeake Ave 21219
11/25/05	Walter W. Moeckel	7503 Chesapeake Ave 21219
11/25/05	Charles J. Mary	7521 Chesapeake Ave 21219
11-25-05	Kevin Conroy	7527 Chesapeake Ave 21219
11-25-05	Matt Kelly	7529 CHESAPEAKE AVE 21219
11-26-05	Edward Paylor	7425 CHESAPEAKE AVE 21219
11-26-05	Jerry T. Cole	7519 Chesapeake Dr

(16)

STATE OF MARYLAND
DEPARTMENT OF ASSESSMENTS AND TAXATION
PERSONAL PROPERTY DIVISION
301 West Preston Street, Room 801
Baltimore, Maryland 21201-2395
www.dat.state.md.us
(410) 767-1170 · (888) 246-5941 within Maryland

Personal Property Return
As of January 1, 2005
Due April 15, 2005

2005

Form 1

Page 1 of 4

Date Received by Department

CHECK ONE

Type of Corporation	ID # Prefix	Filing Fee
☐ Domestic Stock	(D)	$300
☐ Foreign Stock	(F)	$300
☑ Domestic Non-Stock	(D)	- 0 -
☐ Foreign Non-Stock	(F)	- 0 -
☐ Foreign Insurance	(F)	$300
☐ Foreign Interstate	(F)	- 0 -

Type of Other Business Entity	ID # Prefix	Filing Fee
☐ Domestic Limited Liability Company	(W)	$300
☐ Foreign Limited Liability Company	(Z)	$300
☐ Domestic Limited Partnership	(M)	$300
☐ Foreign Limited Partnership	(P)	$300
☐ Domestic Limited Liability Partnership	(A)	$300
☐ Foreign Limited Liability Partnership	(E)	$300
☐ Business Trust	(B)	$300
☐ Real Estate Investment Trust	(D)	$300

Why have you stopped sending duplicate copies - have to go have a copy made ??

D00298851 X 04 NO FILING FEE

Make Address Corrections Here →

Name of Business: THE TRIPLE UNION PARK IMPROVEMENT ASSOCIATION, INC.

Mailing Address: 7401 CHESAPEAKE DR

BALTIMORE MD 21219-1337

☐ **Check here if this is a change of address**

Type or Print Department ID Number Here

ID # PREFIX D 0 0 2 9 8 8 5 1

DEPARTMENT ID NUMBER	FEDERAL EMPLOYER IDENTIFICATION NUMBER
ID# PREFIX D 0 0 2 9 8 8 5 1	

DATE OF INCORPORATION OR FORMATION	STATE OF INCORPORATION OR FORMATION	FEDERAL PRINCIPAL BUSINESS CODE
8-29-69	Maryland	

TRADING AS NAME

☐ **Check here if you use a preparer and do not want personal property forms mailed to you next year.**

DETACH TOGETHER PAGES 1 & 2 AND INCLUDE DEPARTMENT ID NUMBER ON CHECK
PLEASE STAPLE CHECK HERE

SECTION I

A. Is any business conducted in Maryland? No (Yes or No) Date began: _____

B. Nature of business conducted in Maryland: NA

C. Does the business own, lease or use personal property located in Maryland? No (Yes or No) If No, skip SECTION II.

ONLY CORPORATIONS COMPLETE ITEMS D AND E BELOW

D. Does the charter of the corporation authorize the issuance of capital stock? _____ (Yes or No) If yes, include $300 Filing Fee.

E. Names and addresses of officers and names of directors (type or print):

OFFICERS

	Names	Addresses
President	Walter Nowicki	7503 Chesapeake Ave 21219
Vice-President	Roman Kamenski	7509 Chesapeake Ave. 21219
Secretary	Betty Nowicki	7503 Chesapeake Ave. 21219
Treasurer	Elizabeth M. Chase	7401 Chesapeake Ave. 21219

DIRECTORS

Names	Names
Walter Nowicki	
Betty Nowicki	
Elizabeth M. Chase	

Petition for Variance

(Hardship Reasoning)

Property Address: 3140 Main Avenue
Zoned: DR 5.5

Inability to provide proper winter storage and protection of personal property existing of one (1) 290-Amberjack boat (see attached specification sheet) 33 feet long 10.5 feet wide and 9.6 feet in height (keel to top of windshield). Giving the approximate height of 1.5 foot for the transporting trailer, the overall height of the boat and trailer is 11.1 feet. Requiring a minimal height of a 12-foot high door to enter and exit the storage garage. Additionally, inability to store and protect motor vehicles and other watercraft and valuables.

Inability to provide adequate attic storage space to store and protect miscellaneous items necessary for normal seasonal use and long term storage of valuables.

Zoning Description

ZONING DESCRITION FOR 3140 Main Avenue, Sparrows Point Maryland 21219

Beginning at a point on the Northwest side of Main Avenue which is 30 feet wide at the distance of 115 feet Southwest of the centerline of the nearest improved intersecting street Chesapeake Avenue which is 30 feet wide. Being Lot number 40 in the subdivision of Triple Union Park as recorded in Baltimore County Plat Book number 10, Folio number 80 containing 14,535 square feet.

Also known as 3140 Main Avenue and located in the 15th Election District, 7th Councilmanic District.

Map number 111C1

Item # 219

NOTICE OF ZONING HEARING

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

Case: #06-219-A
3140 Main Avenue
Northwest side Main Avenue 115 feet southwest of centerline Chesapeake Avenue.
15th Election District 7th Councilmanic District
Legal Owner(s): John Hamer and Patricia Anne Jamerson

Variance: to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, February 21, 2006 at 9:00 a.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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/022 Feb. 2 82955

CERTIFICATE OF PUBLICATION

2/2/, 2006

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 2/2/, 2006.

- [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

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

Case: #06-219-A
3140 Main Avenue
Northwest side Main Avenue 115 feet southwest of centerline Chesapeake Avenue.
15th Election District-7th Councilmanic District
Legal Owner(s): John Hamer and Patricia Anne Jamerson

Variance: to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches in lieu of the maximum permitted 15 feet.

Hearing: Friday, December 9, 2005 at 11:00 a.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 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/11/705 Nov 22 75919

CERTIFICATE OF PUBLICATION

11/23/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/22/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1112

DATE 10/24/05 ACCOUNT R001 6006 6150

AMOUNT $ 65.00

RECEIVED FROM: John Hamer

FOR: Variance Zoning Hearing
case # 06-219-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	TRAN
10/25/2005	10/24/2005	10:13:24	1

REG #001 WALKIN INTC INR
RECEIPT # 259066 10/24/2005 DFLA
Dept 5 520 ZONING VERIFICATION
CK NO. 001112
Recpt Tot $65.00
$.00 CH $65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-219-A

Petitioner/Developer: JOHN HAMER
+ PATRICIA ANNE JAMERSON

Date of Hearing/Closing: 12-9-05

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3140 MAIN AVENUE

The sign(s) were posted on 11-22-05
(Month, Day, Year)

Sincerely,

Robert Black 11-25-05
(Signature of Sign Poster) (Date)

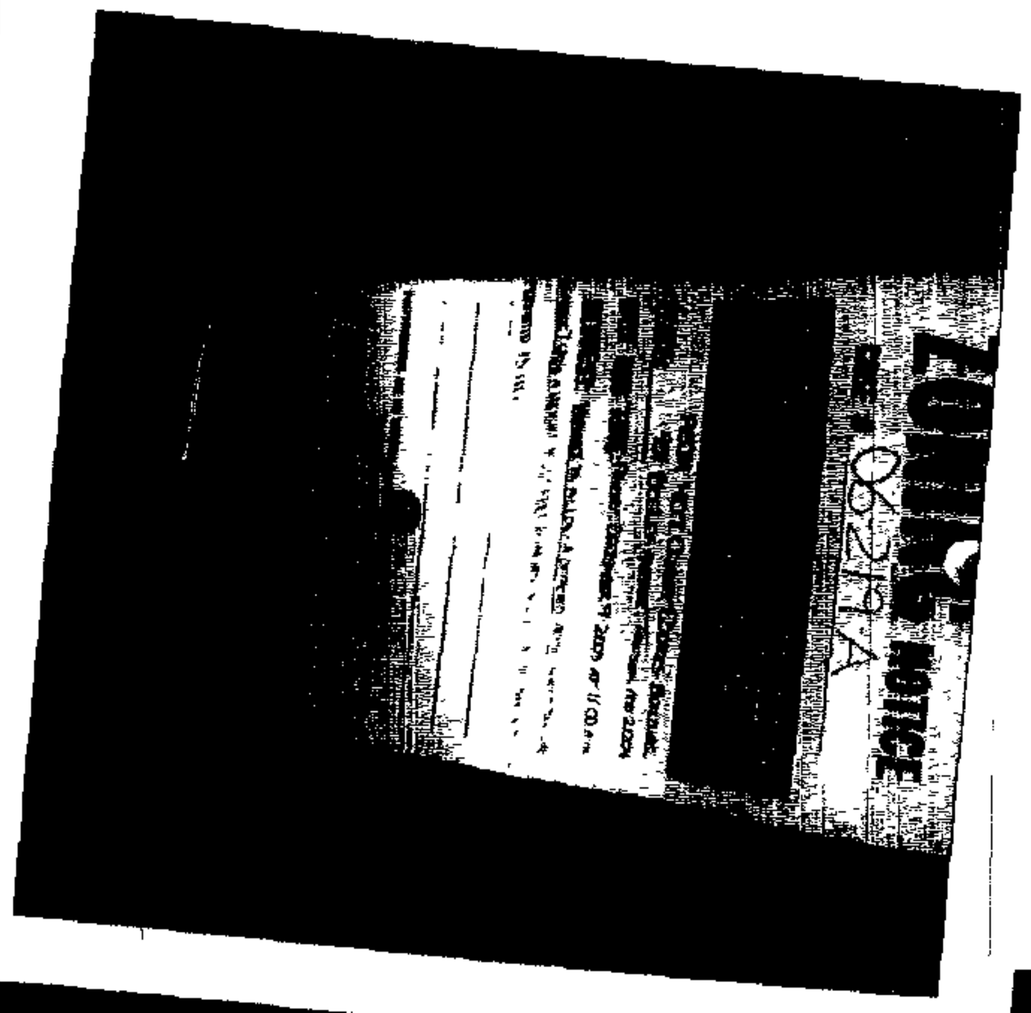
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)

3140 MAIN AVE



RE:	PETITION FOR VARIANCE 3140 Main Avenue; NW/S Main Avenue, 115' SW c/line Chesapeake Avenue 15th Election & 7th Councilmanic Districts Legal Owner(s): John Hamer & Patricia Jamerson Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-219-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 7th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to, John Hamer, 3140 Main Avenue, Edgemere, MD 21219, Petitioner(s).

RECEIVED
NOV 07 2005
Per CLK

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

CERTIFICATE OF POSTING

RE: Case No.: 06-219-A

Petitioner/Developer: JOHN HAMER
PATRICIA ANNE JAMERSON

Date of Hearing/Closing: 2/21/06

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3140 MAIN AVENUE

The sign(s) were posted on 2/6/06
(Month, Day, Year)

Sincerely,

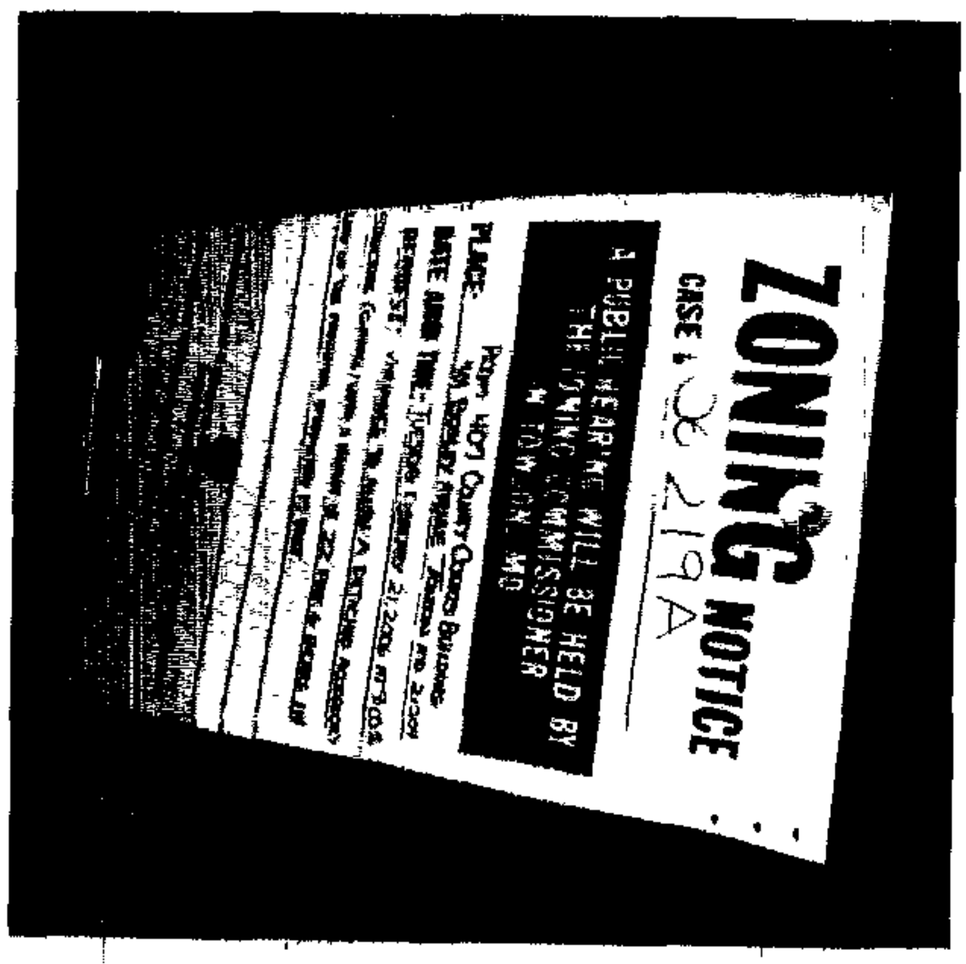
Robert Black 2/7/06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)



3140 MAIN AVE

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 24, 2006

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: 06-219-A
3140 Main Avenue
Northwest side Main Avenue 115 feet southwest of centerline Chesapeake Avenue.
15th Election District, 7th Councilmanic District
Legal Owners: John Hamer and Patricia Anne Jamerson

Variance to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, February 21, 2006 @ 9:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco
Director

TK:raj

c: Karl J. Nelson, Esq., Lockwood Place, 500 E. Pratt Street, Baltimore, MD 21202-3171
John Hamer and Patricia Ann Jamerson 3140 Main Avenue Edgemere 21219
Joe Bruno, Sr., 3144 Main Ave., Baltimore, MD 21219
Office of People's Counsel

NOTES: (1) **THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 6, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(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
Thursday, February 2, 2006 Issue - Jeffersonian

Please forward billing to:
John Hamer (410-440-6479)
3140 Main Avenue
Edgemere, MD 21219

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: 06-219-A
3140 Main Avenue
Northwest side Main Avenue 115 feet southwest of centerline Chesapeake Avenue.
15th Election District, 7th Councilmanic District
Legal Owners: John Hamer and Patricia Anne Jamerson

Variance to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, February 21, 2006 @ 9:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 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 410-887-3868.
(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

November 8, 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: 06-219-A
3140 Main Avenue
Northwest side Main Avenue 115 feet southwest of centerline Chesapeake Avenue.
15th Election District, 7th Councilmanic District
Legal Owners: John Hamer and Patricia Anne Jamerson

Variance to allow a detached accessory structure (garage) with a height of 22 feet, 6 inches in lieu of the maximum permitted 15 feet.

Hearing: Friday, December 9, 2005 at 11:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco
Director

TK: clb

C: John Hamer and Patricia Ann Jamerson 3140 Main Avenue Edgemere 21219

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 23, 2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

Please forward billing to:
John Hamer 410-440-6479
3140 Main Avenue
Edgemere, Maryland 21219

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: 06-219-A
3140 Main Avenue
Northwest side Main Avenue 115 feet southwest of centerline Chesapeake Avenue.
15th Election District, 7th Councilmanic District
Legal Owners: John Hamer and Patricia Anne Jamerson

Variance to allow a detached accessory structure (garge) with a height of 22 feet, 6 inches in lieu of the maximum permitted 15 feet.

Hearing: Friday, December 9, 2005 at 11:00 a.m., in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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: 06-219-A

Petitioner: John Hamer

Address or Location: 3140 Main Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Hamer

Address: 3140 Main Ave
Edgemere Maryland
21219

Telephone Number: 410 440 6479

Revised 7/11/05 - SCJ

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

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

December 5, 2005

John and Patricia Anne Hamer
3140 Main Avenue
Edgemere, Maryland 21219

Dear Mr. and Mrs. Hamer:

RE: Case Number: 06-219-A, 3140 Main Avenue

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

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:

Enclosures

c: People's Counsel

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

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

February 20, 2006

John and Patricia Anne Hamer
3140 Main Avenue
Edgemere, Maryland 21219

Dear Mr. and Mrs. Hamer:

RE: Case Number: 06-219-A, 3140 Main Avenue

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

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 2005

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

SUBJECT: 6-219 –Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22.6 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by: _____

Section Chief: _____

AFK/LL: CM

W:\DEVREVIEW\ZAC\6-219.doc

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

November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234, 235, 236, 237, 238, 239, 241 and 242

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.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 11. 15. 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. 219 D D

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. F. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 16, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2005
Item No. 219

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

The access to the site should be limited to a single point 24-feet wide.

The base flood elevation for this site is 9.4 Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Main Avenue. Setbacks shall be adjusted accordingly.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 219-11162005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 27, 2006

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

SUBJECT: **6-219 –Variance *(revised comment)***

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22.6 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

Notwithstanding the aforementioned comment, if the Zoning Commissioner finds that there are no existing special circumstances that are peculiar to the subject property or structure where strict compliance of the BCZR would result in a non-self imposed practical difficulty or unreasonable hardship, and as a result the petitioner is advised to revise the accessory structure, the Office of Planning requests the following footnote be placed on the order:

The subject structure shall be consistent in design and character (i.e. **roof pitch-for example not flat, building materials, size and scale**) with existing similar structures and dwellings in the neighborhood.

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

Prepared by: Cindy Murray

Section Chief: Lyn Lanham
AFK/LL: CM

W \DEVREV\ZAC\6-219revised.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley, DEPRM

DATE: November 16, 2005

SUBJECT: Zoning Item # 06-219
Address 3140 Main Avenue
(Hamer Property)

Zoning Advisory Committee Meeting of October 31, 2005

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_X_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

All conditions of permit approval must be met. Specifically, the driveway and concrete pad must be removed and the disturbed areas grassed, and four, native, deciduous trees must be planted.

Reviewer: G. Shaffer Date: November 16, 2005

RECEIVED
DEC - 6 2005
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

DATE: December 5, 2005

TO: Office of the Zoning Commissioner

FROM: Timothy M Kotroco, Director
Permits & Development Management

SUBJECT: 3140 Main Ave-Variance for Garage Height
(# 06-219-A)

On or about 10/18/05, a Baltimore County Building Inspector visited this property as a result of a citizen complaint regarding the height of the garage structure. The building inspector issued a stop work order and posted same on the property. Only the walls of the garage were constructed at the time that the stop work order was posted on site. The roof trusses were delivered and were sitting on the ground at the time. It was obvious, given the height of the sidewalls of the garage and the pitch and size of the roof trusses, that the total height far exceeded the permitted 15 maximum.

The owner of the property proceeded with the installation of the roof trusses, plywood sheathing, felt paper and shingles after he was aware that his permit was issued in error by a Baltimore County zoning technician.

It should be noted that the property owner, Mr. Hamer, applied for and received a building permit for this garage, prior to his commencement of constructing same. The permit was reviewed by all applicable County agencies. The permit, (by a clerical mistake on the part of the County employee), allowed the roof to be 22'6" in height. A zoning variance should have been granted prior to the issuance of this permit. This occurred through no fault on the part of Mr. Hamer the property owner.

Upon learning of this problem, Mr. Hamer immediately came into PDM and made application for the Variance which is pending before the Zoning Commissioner. He has been very cooperative with PDM in making application and moving forward with his hearing. At the same time, he has proceeded to finish the outside structure of the garage,

to protect his building materials from inclement weather. This he has done at his own risk. He was advised that it is standard PDM policy to allow a property owner to protect his investment from the weather, pending administrative approval of his permit application. It was explained to Mr. Hamer that he would be proceeding at his own risk and peril. Mr. Hamer was advised that should he lose his Variance request, he would have to bring the garage into compliance with code by lowering the height of the roof. He was willing to proceed with that knowledge.

This is an unfortunate situation that occurs from time to time. With the thousands of permits applied for and obtained each year, mistakes in the review process do occur. This particular mistake creates a terrible dilemma for the property owner and the residents of this neighborhood.

My office takes no position on the merits of this case, one way or another. We will defer to your wisdom and judgment regarding this difficult situation.

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: November 10, 2005

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

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

SUBJECT:	Item No.:	219
	Legal Owner/Petitioner	Hamer, John
	Contract Purchaser:	N/A
	Property Address:	3140 Main Ave
	Location Description:	NW/side of Main Ave, 115' SW of centerline of Chesapeake Ave

VIIOLATION INFORMATION:	Case No.	05-8179
	Defendants:	Hamer, John & Jameson, Patricia

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Triple Union Park Improvement Assoc.	7401 Chesapeake Ave Balto, Md. 21219

Note: Director has photos

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

X 1. Complaint letter/memo/email/fax (if applicable)
X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
X 3. State Tax Assessment printout
☐ 4. State Tax Parcel Map (if applicable)
☐ 5. MVA Registration printout (if applicable)
☐ 6. Deed (if applicable)
☐ 7. Lease-Residential or Commercial (if applicable)
☐ 8. Photographs including dates taken
X 9. Correction Notice/Code Violation Notice
☐ 10. Citation and Proof of Service (if applicable)
☐ 11. Certified Mail Receipt (if applicable)
☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gk
C: Code Enforcement Officer

Code Enforcement - Daily Worksheet

Inspector -

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	05-8179	3140 MAIN AVE			10/17/2005	

Tax Acct #: 1507000080

Owner: HAMER, JOHN

Complainant Name: (Last) TRIPLE UNION PK (First) IMPR. ASSO
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work)

Problem: B589868-PERMIT ISSUED BY MISTAKE-HT. CAN'T BE OVER 15'

entered KH

CODE ENFORCEMENT REPORT

GB

DATE: 11 / 17 / 05 INTAKE BY: GB CASE #: 05-8179 INSPEC: 17

COMPLAINT LOCATION: 3140 MAIN AVE

ZIP CODE: DIST: 15

COMPLAINANT NAME: TRIPLE UNION PARK IMP. ASSOC. PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: B589868 - PERMIT ISSUED BY MISTAKE HT. CAN NOT BE OVER 15'

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: 10/18/05 - VISITED SITE, NO ONE WORKING, ISSUED SWO AS PER ZONING. POSTED COPY AT SITE. R/C 10/24/05 E. ECKER

REINSPECTION: THE HOUSE IS 1368 ft PER TAX RECORDS.

REINSPECTION: JOHN HAMER 410 440-6479

REINSPECTION: 10/24/05 VARIANCE FILED 06-219-A5 CASH RECPT 1112 (10/24/05) OWNER TO CALL WITH HEARING DATE.

10-12-05

Balto. C. Permits & Licensing:
111 W. Chesapeake Ave.
Towson, Md. 21204

Re:- Permit No. B-589-868

We are questioning the building being built at 3140 Maine Ave. in Edgemere

The building doesn't look like a two-car residential garage as the permit states

This is a residential zone

We are told that a garage is to be no more than 15 ft high - this permit shows 22 ft - and 48 ft long!

This building doesn't look like it suits in our area. It sticks out like a sore thumb. It dwarfs the houses.

We need your attention

The Triple Union Pk. Improvement Assoc., Inc.
7401 Chesapeake Ave.
Balto., Md. 21219

Check with ✓
Dave Durnell

Bal ore County
De ment of Permits and
Development Management

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 05-A179
Property No. 1507000000
Zoning: B-5

Name(s): HAMER, JOHN

Address: 3140 MAIN AVE BALTO, MD 21219

Violation Location: 3140 MAIN AVE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
P.C.2R SEC 400.3

(1) ALL WORK MUST CEASE AT JOBSITE.
PERMIT MUST BE REVISED BY ZONING.

(2) CONTACT DAVE DUVALL FROM ZONING
410-887-3391.

ANY QUESTIONS CALL. OFFICE HRS 7:30-8:00
3:00-3:30

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

On or Before:
Date Issued:

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

Print Name

INSPECTOR:

STOP WORK NOTICE

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

Not Later Than: 10/31/05
Date Issued: 10/10/05

INSPECTOR: GRANT KIDD

AGENCY

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1507000080

Owner Information

Owner Name:	HAMER JOHN JAMERSON PATRICIA	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3140 MAIN AVE BALTIMORE MD 21219-1339	**Deed Reference:**	1) /20794/ 553 2)

Location & Structure Information

Premises Address
3140 MAIN AVE

Legal Description
3140 MAIN AVE
TRIPLE UNION PARK
WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	5	138					40	3	Plat Ref: 10/ 80

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1928	1,368 SF	14,535.00 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:	114,730	114,730		
Improvements:	37,790	37,790		
Total:	152,520	152,520	152,520	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	SCHMIDT FRANCES J	**Date:**	10/06/2004	**Price:**	$280,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/20794/ 553	**Deed2:**	
Seller:	SCHMIDT DOUGLAS P	**Date:**	09/08/1994	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/10741/ 133	**Deed2:**	
Seller:	SCOTT STEWART RICHARD	**Date:**	04/19/1978	**Price:**	$46,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5875/ 823	**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 *

CHECK WITH DAVE IN THE MORN.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

TIMOTHY M. KOTROCO
DIRECTOR

JOHN R. REISINGER
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B589868 CONTROL #: MR DIST: 15 PREC: 21
DATE ISSUED: 07/11/2005 TAX ACCOUNT #: 1507000080 CLASS: 04

PLANS: CONST 0 PLOT 3 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 3140 MAIN AVE
SUBDIVISION: TRIPLE UNION PARK

OWNERS INFORMATION
NAME: HAMER JOHN
ADDR: 3140 MAIN AVE.21219-1339

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: IN CBCA;CONST.2 CAR DETACHED SIDE LOAD GARAGE
IN REAR YARD OF EX.SFD.28X47X22'6=1288SF;
ACCESSORY STRUCTURE LETTER ATTACHED.FOOTINGS
REQUIRED.ELEV.10'+.FLD ZONE-C.WAIVE CONST.PLANS
JAV.

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD AND DETACHED GARAGE
EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE: GARAGE
FOUNDATION: SLAB BASEMENT: NONE
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 14535SF
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 19/3
SIDE STR SETB:
REAR SETB: 25

LSP INSPECTOR COPY

SAUL EWING
Attorneys at Law
A Delaware LLP
Celebrating 85 years of service.

Karl J. Nelson
Phone: (410) 332-8663
Fax: (410) 332-8184
knelson@saul.com
www.saul.com

April 19, 2006

RECEIVED
APR 20 2006
ZONING COMMISSIONER

VIA FACSIMILE AND U.S. MAIL

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

Dear Mr. Wiseman:

I write concerning a pending case involving John Hamer's garage located at 3140 Main Avenue, Edgemere, Maryland 21219. Mr. Hamer has filed a building permit request to attach the garage to his house, thereby obviating the need for the requested variance. It is possible, however, that the permits office will require Mr. Hamer to seek a special hearing relating to the proposed building permit alteration. I write to request that the special hearing, if such a hearing is in fact required, be consolidated with the variance case. The reason for this request is simple. Both matters arise from the exact same set of facts and should proceed together both at this level and on any potential appeal. Any further hearing required relating to the revised building plan application will, of course, involve only that issue and not a rehash of the variance issues already heard by you.

If the cases cannot be consolidated, I respectfully request that you dismiss the variance case without prejudice so that Mr. Hamer can refile the two cases together.

I thank you for your attention to these matters. Please do not hesitate to contact me if you require any additional information.

Very truly yours,

Karl J. Nelson

cc: Mr. John Hamer
John W. Nowicki, Esquire

SAUL EWING
Attorneys at Law
A Delaware LLP

Karl J. Nelson
Phone. (410) 332-8663
Fax: (410) 332-8184
knelson@saul.com
www.saul.com

RECEIVED
DEC 02 2005

December 2, 2005

Via Facsimile 410-887-3468
and Regular US Mail

Mr. John V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Avenue
Room 405
Towson, MD 21204

Re: Case No. 06-219-A

Dear Mr. Murphy:

I have just been retained as counsel for the Petitioner in this variance matter. The case is scheduled to be heard next Friday, December 9, 2005, at 11:00 a.m. As I have just become involved in this case, it will not be possible for me to be fully prepared to go forward next Friday. Accordingly, and in conformity with Appendix G, Rule 4.G, I respectfully request that the matter be postponed.

On Friday, December 2, 2005, I spoke with Carole Demilio from the Office of People's Counsel. Ms. Demilio stated that she had no objection to the requested postponement.

I thank you for your consideration of this matter.

Very truly yours,

Karl J. Nelson

KJN:hev
cc: John Hamer
Carole Demilio (via facsimile 410-823-4236)
Timothy Kotroko, Director, Department of Permits
and Development Management (via facsimile 410-887-3353)

JOHN W. NOWICKI, P.A.
ATTORNEY AT LAW
EDGEMERE OFFICE
6916 NORTH POINT ROAD
BALTIMORE CO., MD 21219-1216
(410) 477-8400
FAX (410) 477-4359
JNOWICKI@JWNLAW.COM

JOHN W. NOWICKI

TOWSON OFFICE
606 BALTIMORE AVENUE
SUITE 107
TOWSON, MD 21204

BEL AIR OFFICE
727 NORTH HICKORY AVENUE
BEL AIR, MD 21014-3026
(410) 879-0026
FAX (410) 893-8199

February 20, 2006

Timothy Kotroco, Director
Department of Permits and
Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

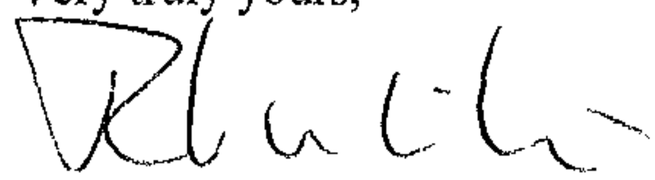
RE: In the Matter of 3140 Main Avenue
Case No.: 06-219-A
Owners: John Hamer and Patricia Anne Jamerson

Dear Mr. Kotroco:

Please enter my appearance on behalf of the Protestants in the above referenced matter.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



John W. Nowicki

JWN:aef
cc: Karl J. Nelson, Esquire
John Hamer and Patricia Ann Jamerson
Joe Bruno, Sr.

From: John Beverungen
To: Wiseman, Bill
Date: 03/07/06 4:43:21 PM
Subject: issue

I discovered another good case that could in fact support Mr. Hamer's argument that the County should be estopped from revoking his building permit regarding the height of his garage. Look at Harris v. AA County, 257 Md. 412 (1970), and the court says if plaintiff spends a substantial amount of money in reliance on the permit, estoppel may be applied against the municipality.

John E. Beverungen
Deputy County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Maryland 21204
(410) 410-887-4420

Confidentiality Statement

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12/8/05

At Tim Kotroco's Office (Kitty's) request, Joe Bruno, Sr., was contacted to make him aware that the hearing was postponed for tomorrow. I informed him that he wasn't notified due to the fact that there was no paperwork to reflect he was involved; he definitely understood.

He advised that he and his friend were the only ones planning to attend (the rest are elderly) and he asked the new attorney's name.

Listed below is Mr. Bruno's information to **include in our next notice of hearing**:

Mr. Joe Bruno, Sr.
3144 Main Ave.
Baltimore, MD 21219

(w) 410-477-2300
(h) 410-477-8815

Debbie Wiley
Zoning Commissioner's Office

April 26, 2006

Mr. William J. Wiseman, III
Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

RE: 3140 Main Avenue - Garage Addition

Dear Mr. Wiseman,

Enclosed please find two (2) copies of the proposed site plan and elevation drawings. I have written on the elevation plan an affidavit stating my planned development of the property for your records. I trust this is the information and format that you require to proceed with your review and approval of the proposed plans.

Thank you for your time and consideration in this matter, if there is any additional information you need, please feel free to contact me. I can be reached at 410-440-6479 or via mail at 3140 Main Avenue Sparrows Point, MD 21219.

Sincerely,

John Hamer

May 8, 2006

RECEIVED
MAY - 9 2006
ZONING COMMISSIONER

Mr. William J. Wiseman, III
Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

RE: 3140 Main Avenue - Garage Addition - Hearing # 06-219-A

Dear Mr. Wiseman,

I wanted to take this opportunity to thank you for your time and consideration concerning my property. Your wisdom, courage and compassion for my predicament has been instrumental in allowing me to salvage my garage and to satisfy my needs as the property owner.

It was refreshing to have someone that was reasonable to present and hear the issues surrounding my case and make decisions based on those facts.

Again, I thank you and appreciate all you have done.

Sincerely,

John Hamer

c: Karl J. Nelson, Esq.

Mom:

Towards House 3'

towards N' 1 feet

3-7-06

Hall - Probate Council's Wife died - There is a need for Petitioners / Protestants to discuss the matter prior to release of Order

Kristen, #06-219-A

Karl Nelson will call to reschedule the attached file for hearing when he's ready to proceed.

~~Rescheduled~~ per Jim 1/24/06

2/21/06 @ 10:00 am

let Julie know date ✓

PLEASE PRINT CLEARLY

CASE NAME 7140 North Pk (Home Prop)
CASE NUMBER 06-219
DATE 2/21/06

CITIZEN'S SIGN-IN SHEET

Protestants

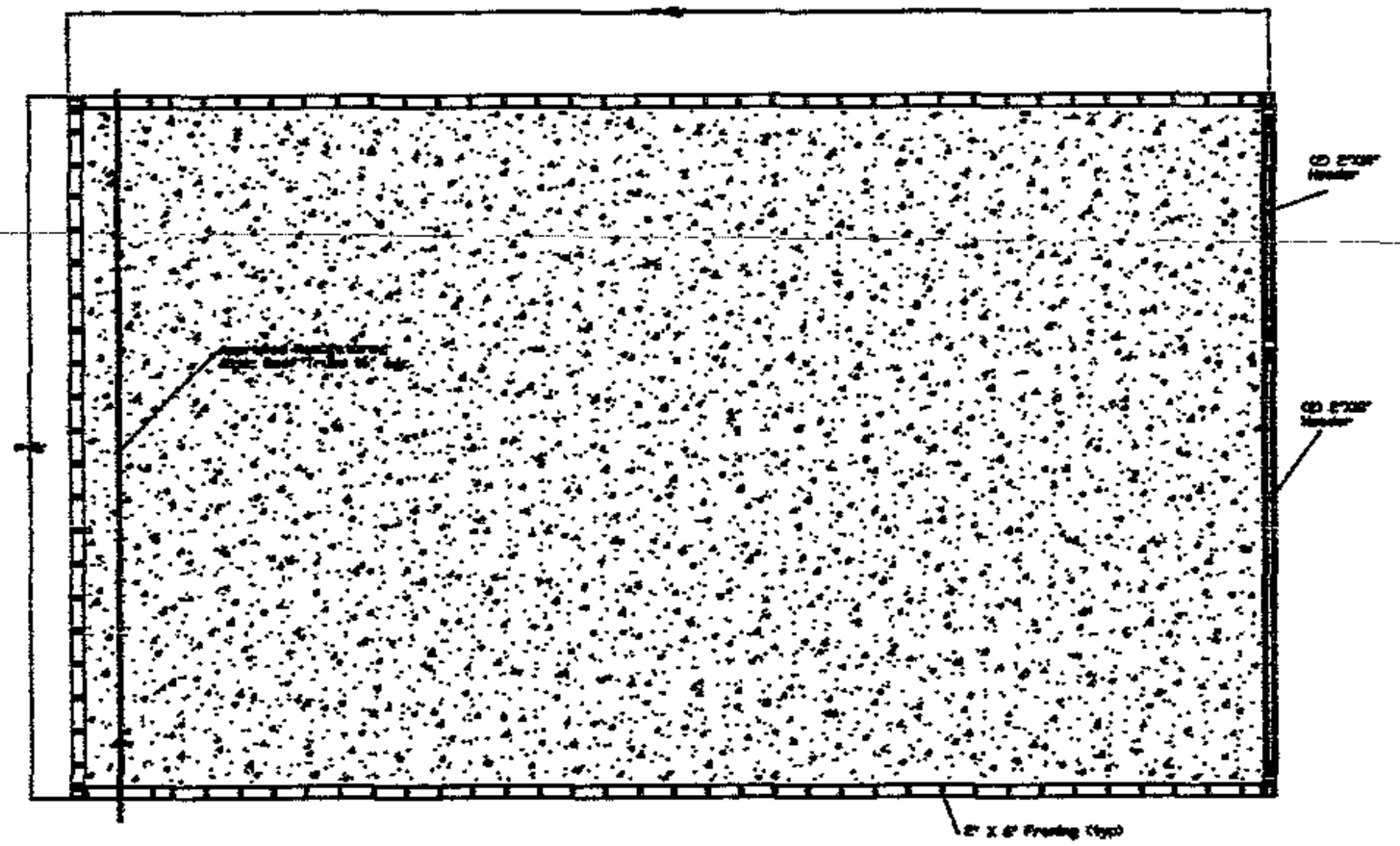
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
John W. Nowicki	6916 North Point Rd	Balt MD 21219	
Joe Bruno Sr	3144 Main Ave.	Balto., MD. 21219	
Claudio J. Mone	7533 Chesapeake ave	Balt Md 21219	
LESLIE V. CUNNINGHAM	7501 CHESAPEAKE AVE	BALTIMORE, MD 21219	
	Claudio J. MONE		

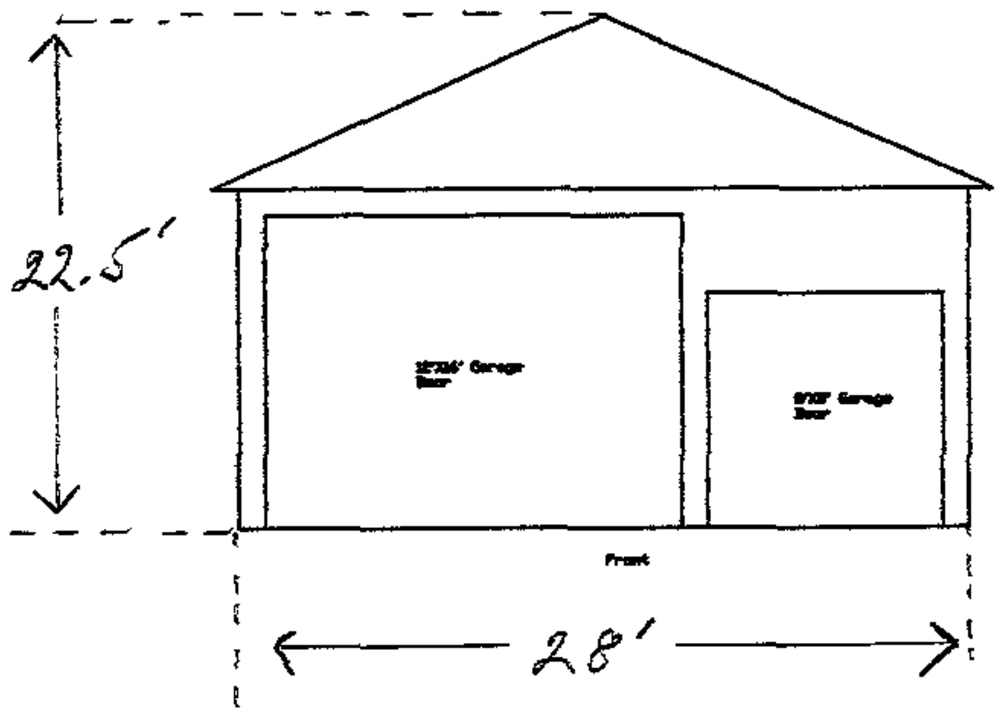
PLEASE PRINT CLEARLY

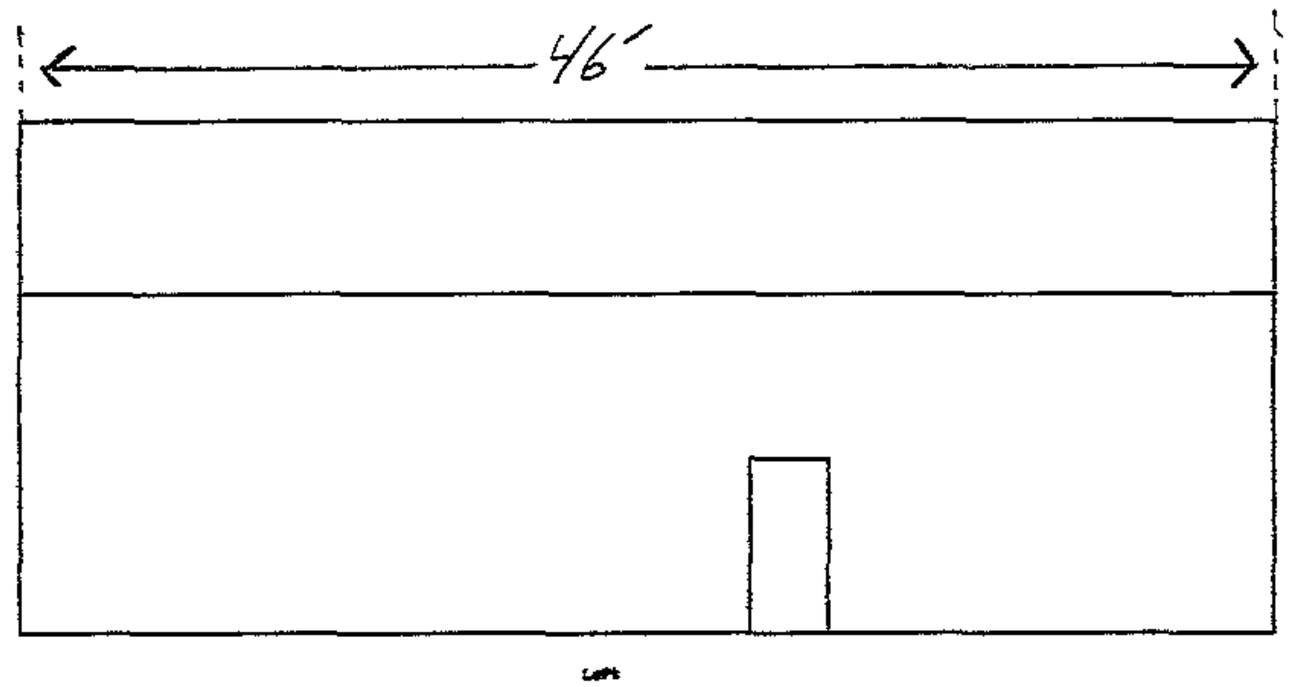
CASE NAME
CASE NUMBER 06-219 A
DATE

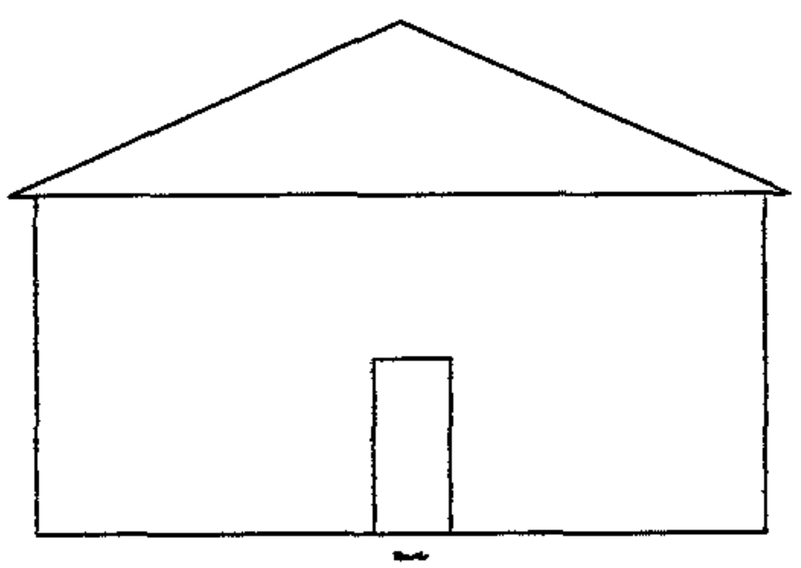
PETITIONER'S SIGN-IN SHEET

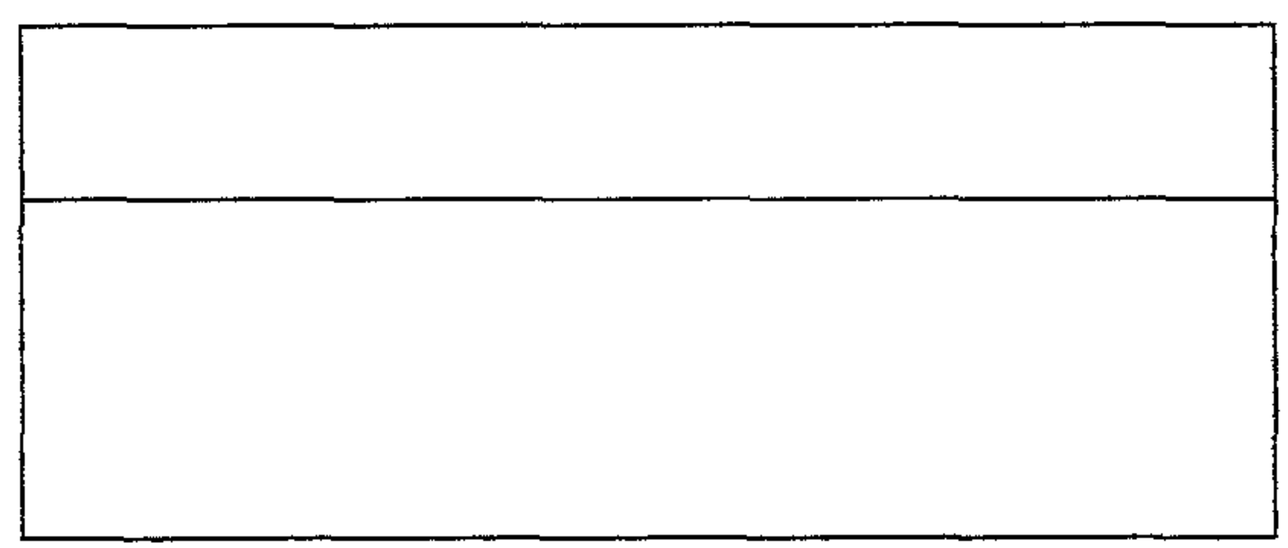
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
John Hamer	3140 Main Ave	Balto MD 21220	JohnHamer@AOL.com
Tim Longfellow	3909 NATIONAL DR. #250	Burtonsville MD 20866	TLONGFELLOW@GLWPA.COM
Karl Nelson Esq - Atty for Petitioner			



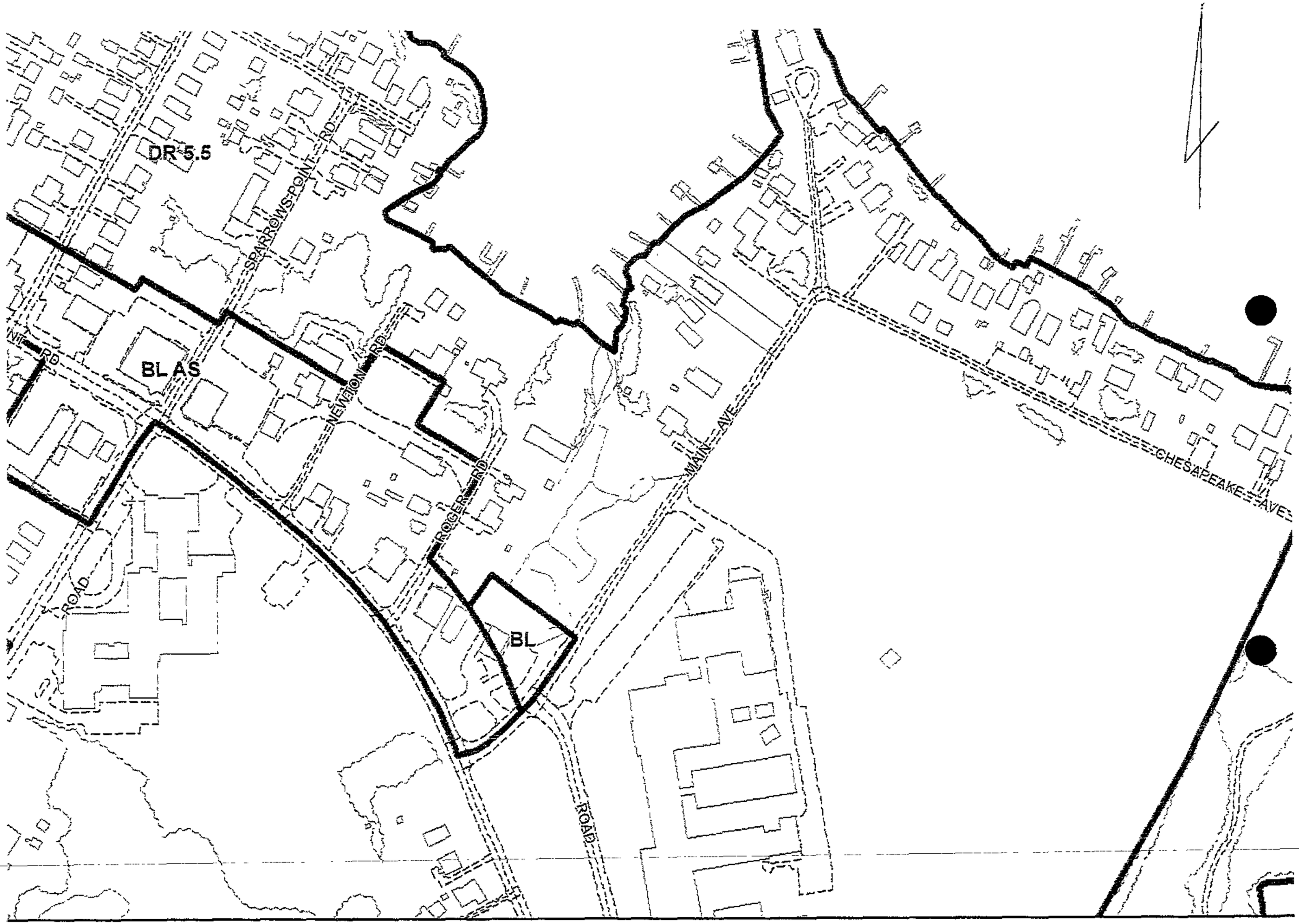








Item #219

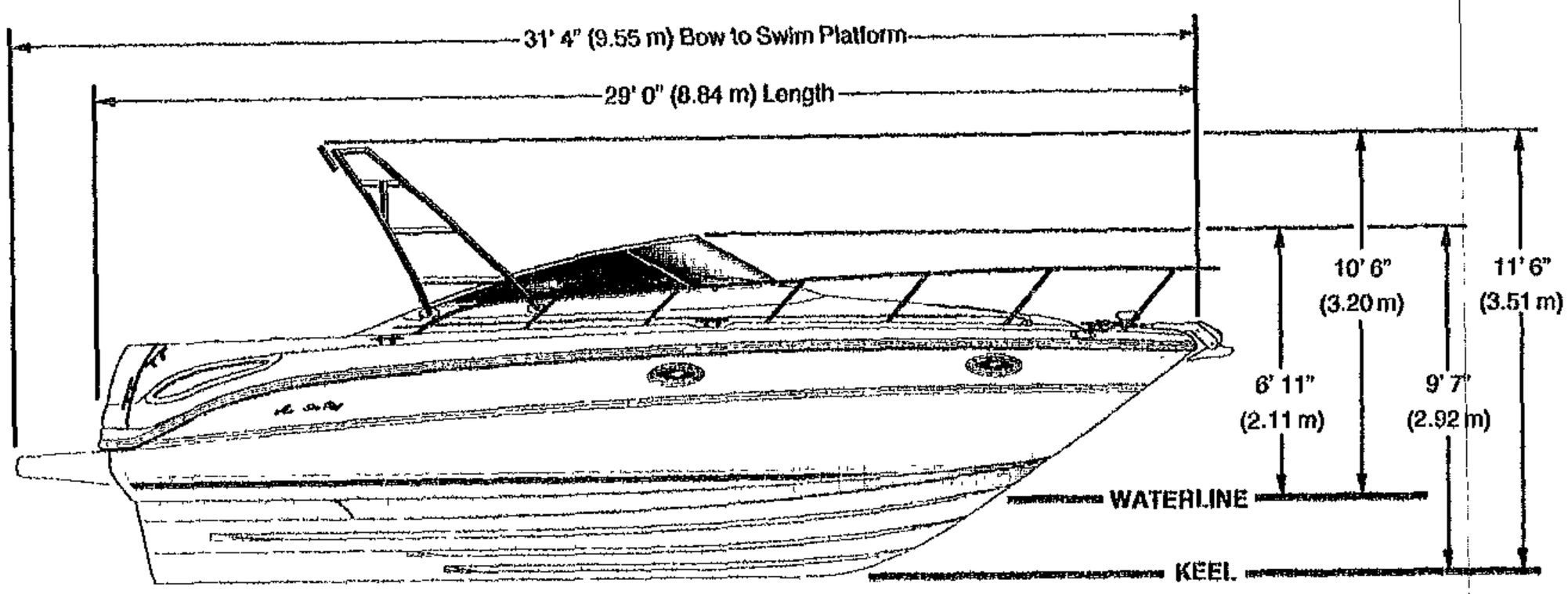


3140 Main Ave

111C1 Item #219

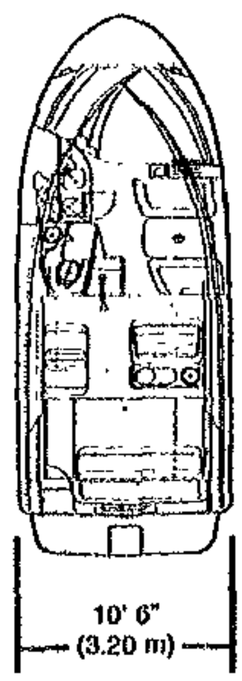
General Arrangements & Dimensions

Profile
(Fig. 9.1)



290 AJ Specifications

Overall Length	29' 0" (8.84 m)
w/std. Swim Platform	31' 4" (9.55 m)
Beam	10' 6" (3.20 m)
Draft (stern drive down)	2' 11" (.89 m)
Draft (stern drive up)	2' 6" (.76 m)
Dry Weight (lbs.)	11,300 (5,125.7 kg)
Fuel Capacity (gal)	230 gal (870.5 liters)
Usable Fuel	218.5 gal (827.02 liters)
Water Capacity	30 gal (113.5 liters)
Holding Tank (opt.)	28 gal (106 liters)
Dead Rise	21°

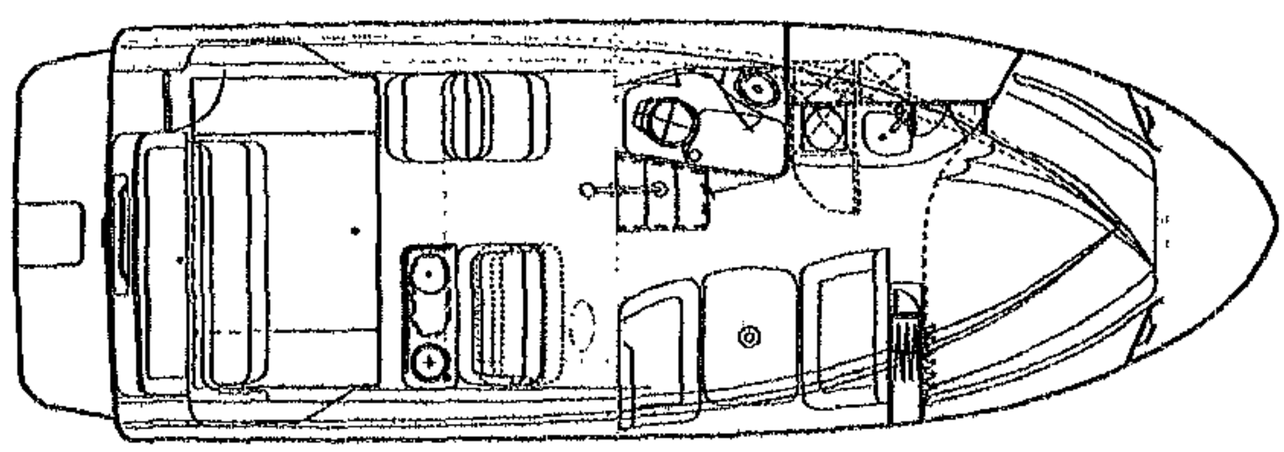


(Fig. 9.2)

Height Dimensions

Waterline To Top Of Windshield	6' 11" (2.11 m)
Waterline To Top Of Aluminum Arch	10' 6" (3.20 m)
Keel To Top Of Windshield	9' 7" (2.92 m)
Keel To Top Of Aluminum Arch	11' 6" (3.51 m)

Interior Seating Plan



290 AJ Seating Plan
(Adjustable Double Helm Seat w/Flip-Up Thigh-Rise Bolster, Fold Out Aft Seat, Portside Back-To-Back Lounger Seat)
(Fig. 9.3)

Item # 219

CBCA -

Case No.: 06-219 A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	(1) A thru F Photos
No. 2	Aerial - Depicting Petitioners Home	(2) Photos
No. 3	Permit B-589868 APPLICATION	Petition - Signed by Members Not offered as Resolution Exhibit
No. 4	BUILDING PERMIT B 589868 - ISSUED 7/11/05	
No. 5	Photo's 5A, B & C	
No. 6	WINDOWS IN Garage DOORS GARAGA INC	
No. 7	Photo - View from Garage	
No. 8	~~8A - VOORHEES~~ LETTERS OF SUPPORT A THRU H	
No. 9	Letters of SUPPORT A thru J	
No. 10	Flat Roof - Example	
No. 11	Revised site PLAN	
No. 12	Architectural Revision	

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 4/22/05
OEA: SME/MC

PERMIT #: 589868
RECEIPT #: 43303
CONTROL #: MC
XREF #:

FEE: 1075.00
PAID: 6348
PAID BY: CHK
INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

PROPERTY ADDRESS 3140 MAIN STREET AVE
SUITE/SPACE/FLOOR
SUBDIV: Triple Union Park
TAX ACCOUNT #: 13-21-000080
DISTRICT/PRECINCT 15 21

HISTORIC DISTRICT/BLDG. [ ] YES [X] NO [ ] DO NOT KNOW

OWNER'S INFORMATION (LAST,FIRST)
NAME: Hamon John
ADDR: 120 Chesterfield AVE 21219-1339

DOES THIS BLDG. HAVE SPRINKLERS YES — NO —

APPLICANT INFORMATION
NAME: John Hamon
COMPANY: Owner
STREET 3140 Main Street AVE
CITY,ST,ZIP Sparrows Pt MD 21219
PHONE #: 410-440-6419 MHIC # NA MHBR # NA
APPLICANT SIGNATURE: [signature] DRC#
PLANS: CONST 2 PLOT 1 PLAT 0 DATA 0 EL 1 PL 2
TENANT
CONTR: Owner
ENGNR:
SELLR:

In CBCA

DESCRIBE PROPOSED WORK: Construct a 2 car attached side load garage. In accordance with site plan. S/D, 28X48X22'6" 1396 sq ft 1 BR sq ft 46 Accessory structure with attached parking required

TYPE OF IMPROVEMENT
1. — NEW BLDG CONST
2. — ADDITION
3. — ALTERATION
4. — REPAIR
5. — WRECKING
6. — MOVING
7. — OTHER

TYPE OF USE

RESIDENTIAL
01. — ONE FAMILY
02. — TWO FAMILY
03. — THREE AND FOUR FAMILY
04. — FIVE OR MORE FAMILY (ENTER NO UNITS)
05. — SWIMMING POOL
06. — GARAGE
07. — OTHER

NON-RESIDENTIAL
08. — AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. — CHURCH, OTHER RELIGIOUS BUILDING
10. — FENCE (LENGTH HEIGHT)
11. — INDUSTRIAL, STORAGE BUILDING
12. — PARKING GARAGE
13. — SERVICE STATION, REPAIR GARAGE
14. — HOSPITAL, INSTITUTIONAL, NURSING HOME
15. — OFFICE, BANK, PROFESSIONAL
16. — PUBLIC UTILITY
17. — SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. — SIGN
19. — STORE MERCANTILE — RESTAURANT SPECIFY TYPE
20. — SWIMMING POOL SPECIFY TYPE
21. — TANK, TOWER
22. — TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. — OTHER

FLOOD ZONE

TYPE FOUNDATION
1. — SLAB
2. — BLOCK
3. — CONCRETE

BASEMENT
1. — FULL
2. — PARTIAL
3. — NONE

TYPE OF CONSTRUCTION
1. — MASONRY
2. ✓ WOOD FRAME
3. — STRUCTURE STEEL
4. — REINF. CONCRETE

TYPE OF HEATING FUEL
1. — GAS 3. — ELECTRICITY
2. — OIL 4. — COAL

TYPE OF WATER SUPPLY
1. ✓ PUBLIC SYSTEM ✓ EXISTS — PROPOSED
2. — PRIVATE SYSTEM — EXISTS — PROPOSED

TYPE OF SEWAGE DISPOSAL
1. ✓ PUBLIC SEWER ✓ EXISTS — PROPOSED
2. — PRIVATE SYSTEM
— SEPTIC — EXISTS — PROPOSED
— PRIVY — EXISTS — PROPOSED

CENTRAL AIR: 1. — 2. —
ESTIMATED COST OF MATERIALS AND LABOR: $ 10000
PROPOSED USE: S/D & Attached Garage
EXISTING USE: S/D

OWNERSHIP
1. ✓ PRIVATELY OWNED 2. — PUBLICLY OWNED 3. — SALE 4. — RENTAL

RESIDENTIAL CATEGORY: 1. ✓ DETACHED 2. — SEMI-DET. 3. — GROUP 4. — TOWNHSE 5. — MIDRISE 6. — HIRISE
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS:
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 34
POWDER ROOMS KITCHENS LIBER 40 FOLIO 80

50X

BUILDING SIZE		LOT SIZE AND SETBACKS		APPROVAL SIGNATURES	DATE
FLOOR	1344/1288	SIZE	14535	BLD INSP :	
WIDTH	28	FRONT STREET		BLD PLAN : [signature]	4/22/05
DEPTH	48	SIDE STREET		FIRE :	
HEIGHT	22'6	FRONT SETBK	N/A	SEDI CTL :	
STORIES	1	SIDE SETBK	10/3	ZONING : [signature]	4/22/05
LOT #'S	40	SIDE STR SETBK		PUB SERV : [signature]	
CORNER LOT		REAR SETBK	25'	ENVRMNT : 4/6 Dep Comply	
1. — Y 2. ✓ N		ZONING	CR5.5	: OK to file & Stamp	3/25/05
				PERMITS :	

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMI

Lower Chesapeake Park, Inc JAV 4-22-05

PETITIONER'S EXHIBIT NO. 3

David L. Thomas, P.E.
Assistant to the Director

Baltimore County
Department of Public Works
County Office Building, Ste. 307
111 W. Chesapeake Avenue
Towson, Maryland 21204

410-887-3984 • Fax 410-887-3406
E-mail: dthomas@co.ba.md.us
www.baltimorecountyonline.info

Hamer

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

TIMOTHY M. KOTROCO
DIRECTOR

BUILDING PERMIT

JOHN R. REISINGER
BUILDINGS ENGINEER

PERMIT #: B589848 CONTROL #: MR DIST: 15 PREC: 21
DATE ISSUED: 07/11/2005 TAX ACCOUNT #: 1507000080 CLASS: 04

PLANS: CONST 0 PLOT 3 P PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 3140 MAIN AVE
SUBDIVISION: TRIPLE UNION PARK

OWNERS INFORMATION
NAME: HAMER JOHN
ADDR: 3140 MAIN AVE.21219-1339

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: IN CBCA;CONST.2 CAR DETACHED SIDE LOAD GARAGE
IN REAR YARD OF EX.SFD.28x47X22'6=1288SF;
ACCESSORY STRUCTURE LETTER ATTACHED,FOOTINGS
REQUIRED.ELEV.10'+,FLD ZONE-C.WAIVE CONST.PLANS
JAV.

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD AND DETACHED GARAGE
EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE: GARAGE
FOUNDATION: SLAB BASEMENT: NONE
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 14535SF
FRONT STREET:
SIDE STREET:
FRONT SETB: NE
SIDE SETB: 19/3
SIDE STR SETB:

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

PETITIONER'S

EXHIBIT NO. 4

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Jeff VanVoorhis
7301 Chesapeake Ave
Sparrows Point, MD 21219

Van Voorhis

PETITIONER'S

EXHIBIT NO. 8

"Exh" 8A

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Denise Barton
3148 Main Ave
Penticton B.C.

Ref.
EB

RE: 3140 Main Avenue Case # 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but limited to its size and location.

Name: Frances Dorsch

Address: 7421 Chesapeake Ave.

Signature: FRANCES Dorsch

Contact #: _____

Pet
8c

RE: 3140 Main Avenue Case # 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but limited to its size and location.

Name: Brenda A. Phillips

Address: 7511 Chesapeake Ave.

Signature: Brenda A. Phillips

Contact #: 410-477-4838

Pet.
BD

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

EDWIN J. WEBER
7115 ELLA AVE
(410) 477-4755

Edwin J. Weber

NAME ADDR. PH. SIGN

Pet.

BE

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

R.C. Martin
R.C. MARTIN
7111 ELLA AVE.
BALTO. MD. 21219
410-477-0071

Pet.

BF

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

DONALD DeROOSE · 7107 ELLA AV, 410-477-3109

Donald DeRoose

Pet.

BG

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Daniel C DeRouse
7113 ELLA AVE
410 477 8615
443 677 4275

Daniel C. DeRouse

Pet.
BH

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

William H Miller
7417 Chesapeake Dr.
410 477 1588

PETITIONER'S
EXHIBIT NO. 9

Pe's 9A

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Mrs. Josephine Jones
7413 Chesapeake Dr.
Baltimore, Md. 21219
410-477-3480

Pet. 9B

Glenn R. Betz
Marnie Steele
7413 Chesapeake Drive
Edgemere, MD 21219

October 26, 2005

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, we have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Glenn R. Betz
Marnie Steele
7413 Chesapeake Drive
Edgemere, MD 21219
(410) 388-0104

Pet. 9C

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Jim Reed
7405 Chesapeake ave.
Balt Md 21219
443-739-2999

Pet.
9D

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

John W. Rosen
410-285-0166
2721 MOORGATE RD
BALTO., MD. 21222

DENNIS C. ROSEN
410-788-4919
38 DUNVEGAN RD.
BALTO. MD. 21228

OWNERS OF PROPERTY
AT 3142. MAIN AVE.

Pet.
9E

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

THOMAS W. OSTENDARP
3138 MAIN AVE
SPARROWS POINT, MD 21219
(443) 309-2332

Pet. 9F

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Gene C Bertoni

3134 Main Ave
Edgemere, MD 21219

Pet.
9G

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

Robert Rosso
3111 Newton Rd
Edgemere MD 21219

Ret.
9/11

Re: 3140 Main Avenue 06-217-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

3130 MAIN AVE
21219
410 477 1902

Pet.
9 I

Re: 3140 Main Avenue 06-219-A

To whom it may concern:

Please be advised that with respect to the construction of the garage located at 3140 Main Avenue, I have no objection or concern regarding any aspect of the garage, including but not limited to its size and location.

Please feel free to contact the undersigned if you require any additional information.

John McCann
7411 Chesapeake ave

McCann

Ret.
9J

PETITION

This petition is being filed by the Triple Union Park Improvement Association and the Undersigned neighbors, against the property known as 3140 Main Avenue, Baltimore County, MD 21219, District 15, Account Number 1507000080, owned by John Hamel and Patrica Jamerson.

The issue is with the garage that is being constructed on the property. The structure exceeds the vertical height allow by the County Building Codes. The height of the garage is 22' foot, in lieu of the 15' that is allowed by Code. The structure is so large that it looks like a warehouse, with its 12' high garage door. The garage is an eyesore, out of place in the neighborhood and not consistent with the rest of the garages on Main and Chesapeake Avenues. If allowed, it will set a precedent for others to do the same.

It was also constructed without the required variance application that would have been posted on the property before construction, giving property owners' notice of changes normally forbidden by regulations.

DATE	NAME	ADDRESS
11/21/05	[illegible] SR	3144 MAIN AVE 21219
11/21/05	William Fraehe	3111 Roger Rd - 21219
11-21-05	Elizabeth Pratt	3136 Main Ave - 21219
11-21-05	Claudia Moore	7533 Chesapeake Dr 21219
11/21/05	Roman A. Hamel	7509 CHESAPEAKE AVE 21219
11/22/05	Charlotte M. Kutz	7311 Chesapeake Dr. 21219
11/22/05	Jeff A Rokosinski	7513 Chesapeake AVE 21219
11/22/05	Elizabeth M Chase	7401 Chesapeake Ave 21219
11/23/05	Leslie V. Cummingham	7501 CHESAPEAKE AVE 21219
11/23/05	Sigmund Dorsch	7421 Chesapeake Ave 21219
11/25/05	Walter W. Moucki	7503 CHESAPEAKE AVE 21219
11/25/05	Charles J. Mary	7521 CHESAPEAKE AVE 21219
11-25-05	Kevin Coyotte	7527 Chesapeake Ave 21219
11-25-05	Matt Kelly	7529 CHESAPEAKE AVE 21219
11-26-05	Edward Paylor	7425 CHESAPEAKE AVE 21219
11-26-05	Jerry T Cole	7519 Chesapeake DR

PROTESTANT'S EXHIBIT NO. 3

STATE OF MARYLAND
DEPARTMENT OF ASSESSMENTS AND TAXATION
PERSONAL PROPERTY DIVISION
301 West Preston Street, Room 801
Baltimore, Maryland 21201-2395
www.dat.state.md.us
(410) 767-1170 · (888) 246-5941 within Maryland

Personal Property Return
As of January 1, 2005
Due April 15, 2005

2005

Form 1

Date Received by Department

CHECK ONE

Type of Corporation	ID # Prefix	Filing Fee
☐ Domestic Stock	(D)	$300
☐ Foreign Stock	(F)	$300
☑ Domestic Non-Stock	(D)	- 0 -
☐ Foreign Non-Stock	(F)	- 0 -
☐ Foreign Insurance	(F)	$300
☐ Foreign Interstate	(F)	- 0 -

Type of Other Business Entity	ID # Prefix	Filing Fee
☐ Domestic Limited Liability Company	(W)	$300
☐ Foreign Limited Liability Company	(Z)	$300
☐ Domestic Limited Partnership	(M)	$300
☐ Foreign Limited Partnership	(P)	$300
☐ Domestic Limited Liability Partnership	(A)	$300
☐ Foreign Limited Liability Partnership	(E)	$300
☐ Business Trust	(B)	$300
☐ Real Estate Investment Trust	(D)	$300

Why have you stopped sending duplicate copies - have to go have a copy made ??

D00298851 X 04 NO FILING FEE

Make Address Corrections Here →

Name of Business: THE TRIPLE UNION PARK IMPROVEMENT ASSOCIATION, INC.

Mailing Address: 7401 CHESAPEAKE DR
BALTIMORE MD 21219-1337

☐ **Check here if this is a change of address**

Type or Print Department ID Number Here

ID # PREFIX D 0 0 2 9 8 8 5 1

DEPARTMENT ID NUMBER	FEDERAL EMPLOYER IDENTIFICATION NUMBER
ID# PREFIX D 0 0 2 9 8 8 5 1	

DATE OF INCORPORATION OR FORMATION	STATE OF INCORPORATION OR FORMATION	FEDERAL PRINCIPAL BUSINESS CODE
8-29-69	Maryland	

TRADING AS NAME

☐ **Check here if you use a preparer and do not want personal property forms mailed to you next year.**

DETACH TOGETHER PAGES 1 AND 2 ←
INCLUDE DEPARTMENT ID NUMBER ON CHECK
PLEASE STAPLE CHECK HERE ←

SECTION I

A. Is any business conducted in Maryland? No (Yes or No) Date began: _____

B. Nature of business conducted in Maryland: NA

C. Does the business own, lease or use personal property located in Maryland? No (Yes or No) If No, skip SECTION II.

ONLY CORPORATIONS COMPLETE ITEMS D AND E BELOW

D. Does the charter of the corporation authorize the issuance of capital stock? _____ (Yes or No) If yes, include $300 Filing Fee.

E. Names and addresses of officers and names of directors (type or print):

OFFICERS

	Names	Addresses
President	Walter Nowicki	7503 Chesapeake Ave 21219
Vice-President	Roman Kamuiski	7509 Chesapeake Ave. 21219
Secretary	Betty Nowicki	7503 Chesapeake Ave. 21219
Treasurer	Elizabeth M. Chase	7501 Chesapeake Ave. 21219

DIRECTORS

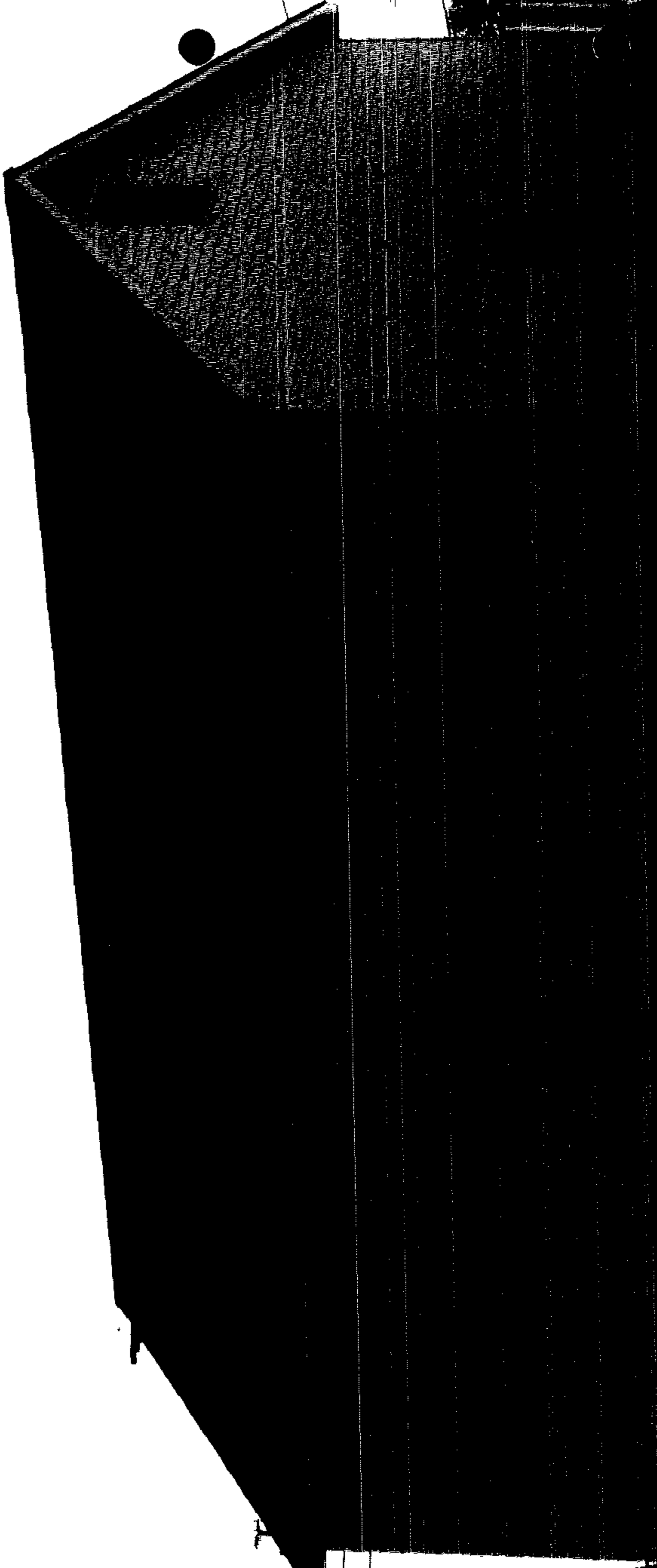
Names	Names
Walter Nowicki	
Betty Nowicki	
Elizabeth M. Chase	

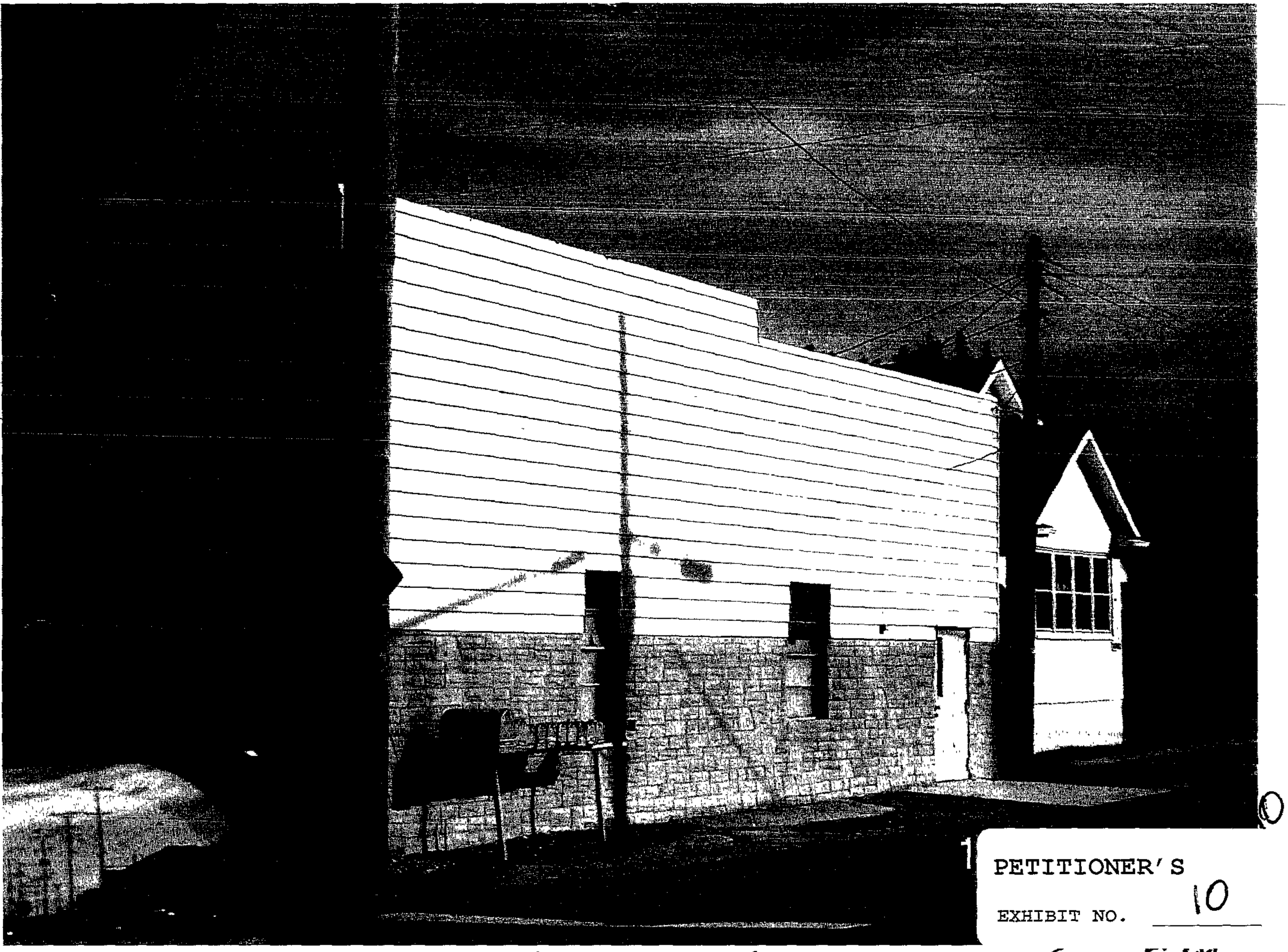
PROTESTANT'S Attm F

EXHIBIT NO. 1A

PROTESTANT'S

EXHIBIT NO. 2

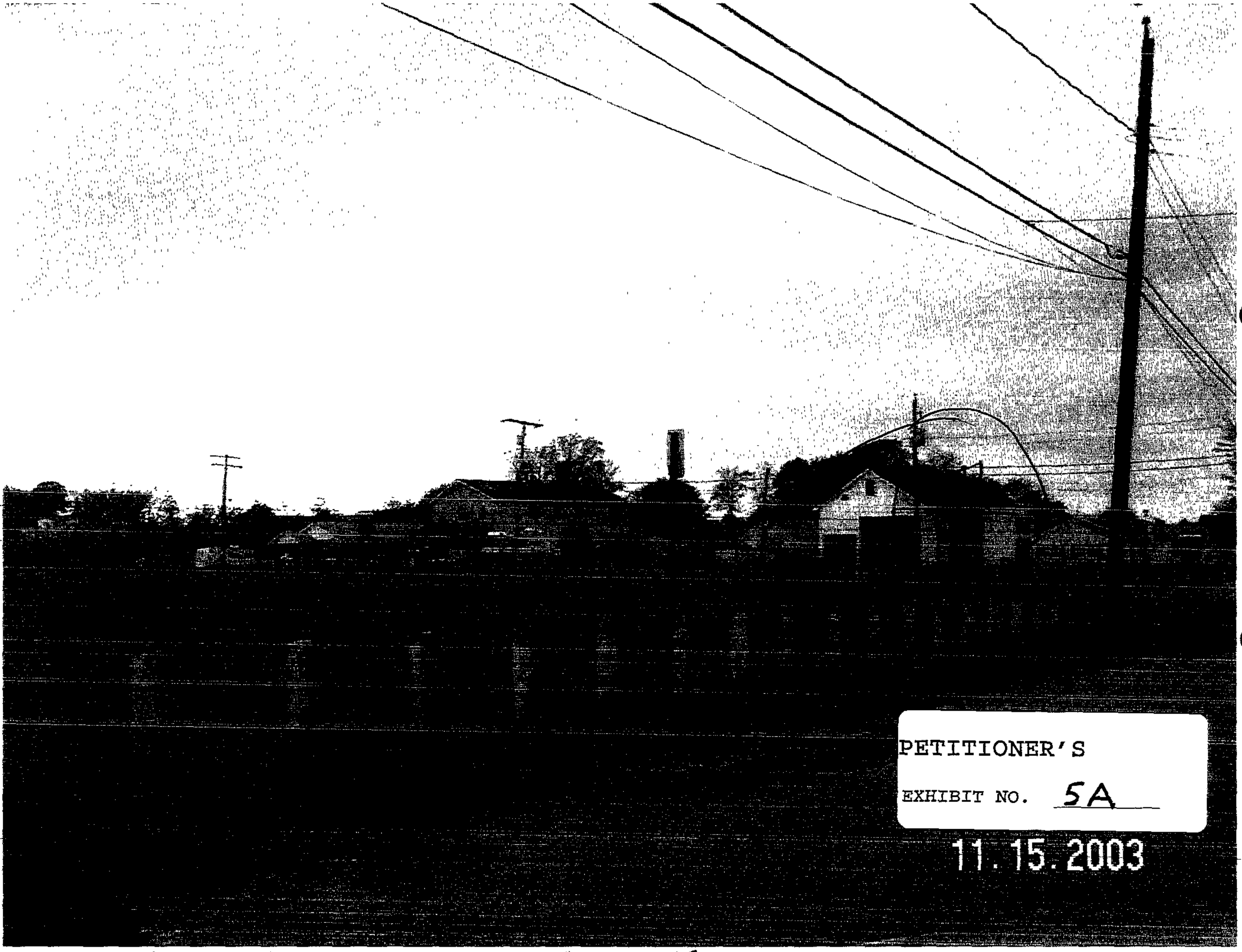




PETITIONER'S

EXHIBIT NO. 10

EXAMPLE of FLAT Roof NORTH PL. Road



PETITIONER'S

EXHIBIT NO. 5A

11.15.2003

Garage + Houses on Main Ave from Half way down Chesapeake Ave

PETITIONER'S

EXHIBIT NO. 5B

11.15.2003

Main Ave viewed from school Field close up

PETITIONER'S

EXHIBIT NO. 5C

11.15.2003

All of Main Ave from school field

PETITIONER'S

EXHIBIT NO. 7

View From Grass Looking at Chesapeake Ave North East

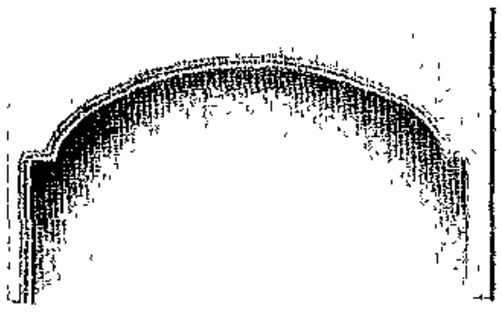
PETITIONER'S

EXHIBIT NO. 2

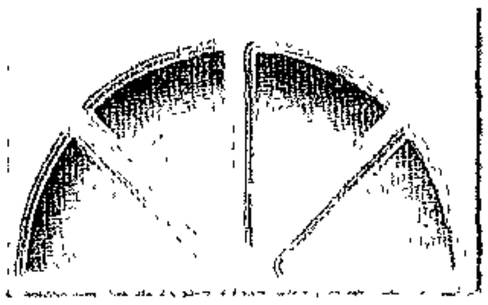
Plastic inserts

Plastic inserts are installed on the outside of the garage door. They are removable.

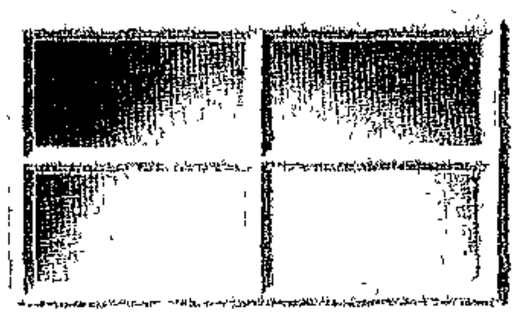
CC raised panel (21. in x 13 in.)



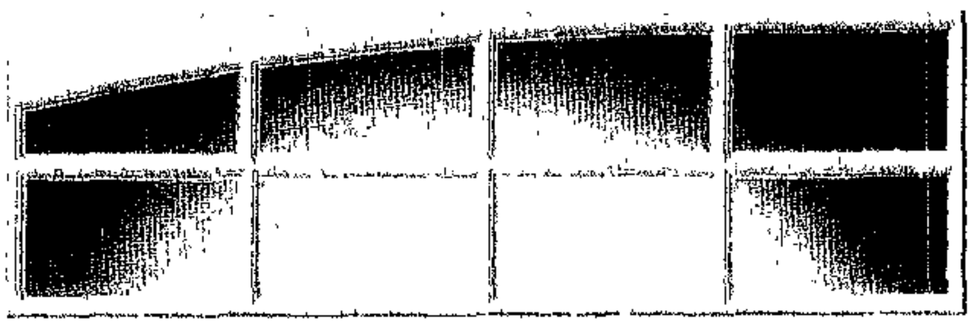
Cathedral



Sherwood

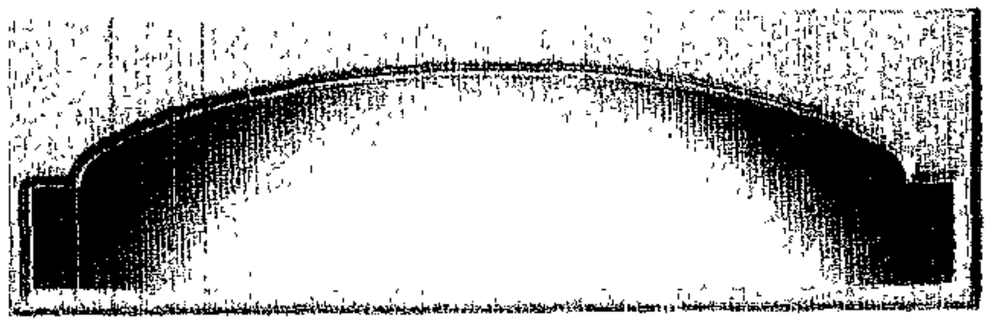


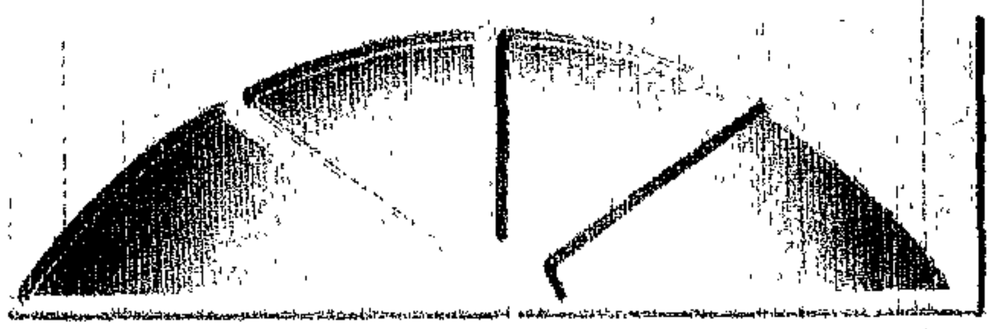
Stockton

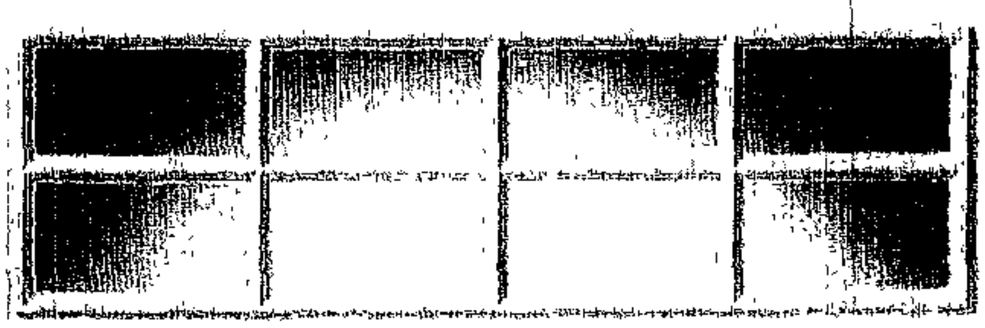


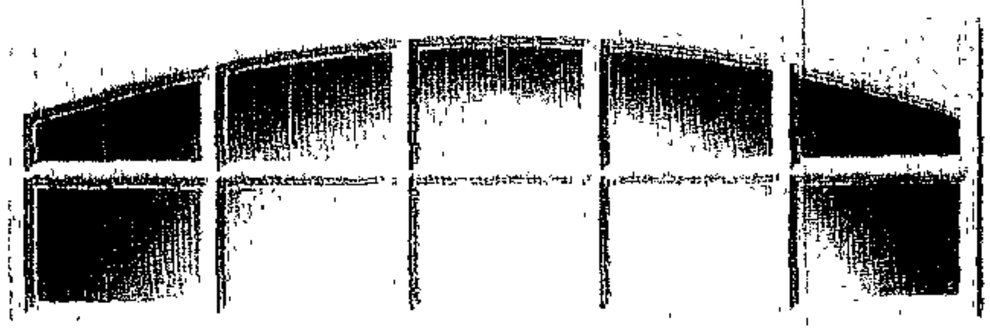
Bellevue*

XL raised panel (40. in x 13 in.)

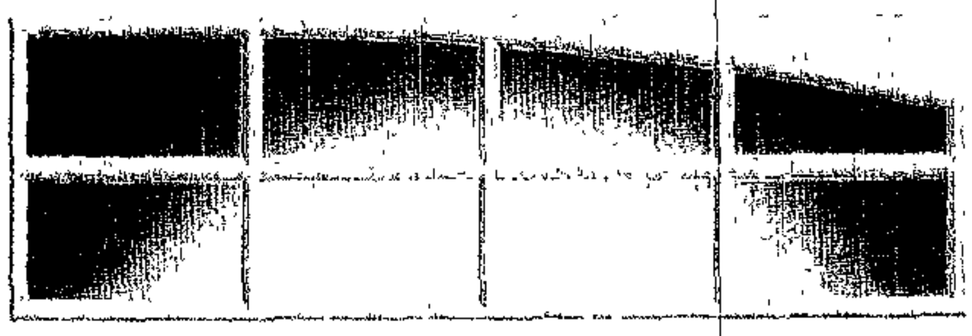








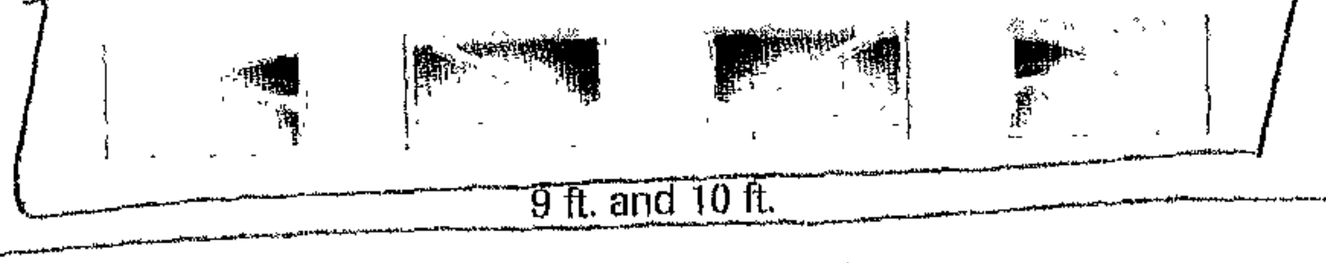
Cascade*



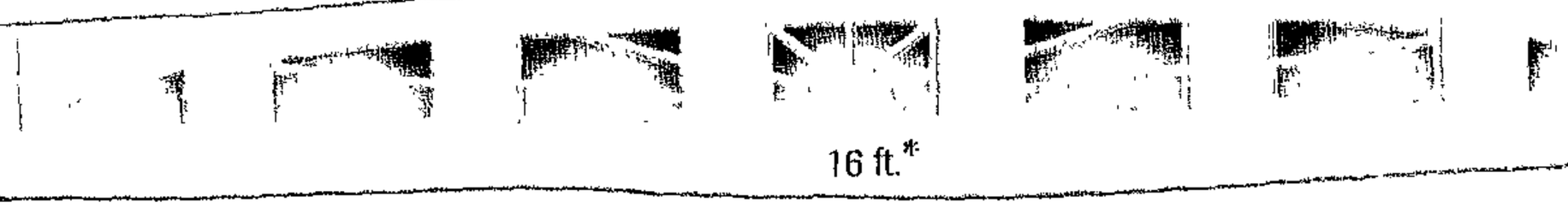
CC Williamsburg models

8 ft.*

Small Door



9 ft. and 10 ft.



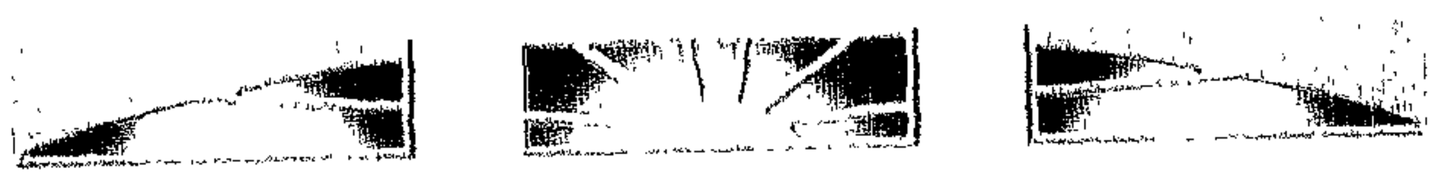
16 ft.*

18 ft.

* With exception, the Alterna door has 4 raised panel at 8 ft. and 8 raised panel at 16 ft.

XL Williamsburg models

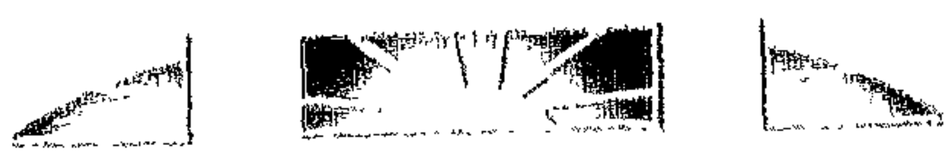
8 ft., 9 ft., 10 ft., 11 ft.



12 ft., 13 ft. and 14 ft.

15 ft., 16 ft.

MIX Williamsburg models



9 ft., 10 ft., 11 ft.

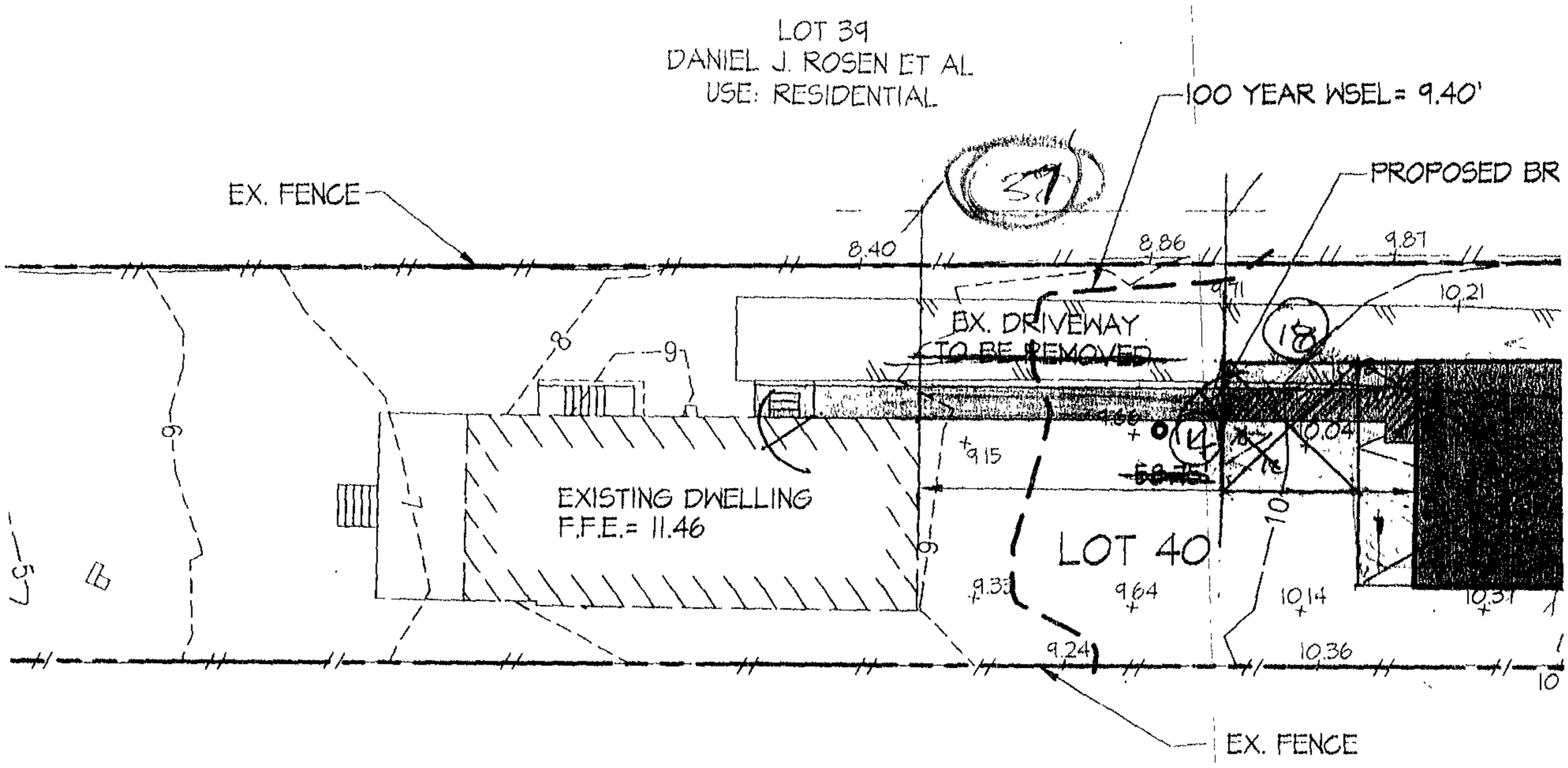
12 ft., 13 ft. (14 ft., 15 ft. non illustraded).

16 ft.

PETITIONER'S

EXHIBIT NO. 6

SPH PURSUANT
TO SECTION 400.1.e ZONING
COMMISSIONER POLICY
MANUAL TO ~~ESTABLISH~~
CONFIRM
THAT THE GARAGE ADDITION
WITH A 37' FUNCTIONING BREEZWAY
IS PART OF THE PRINC STRUCTURE



LOT 41
THOMAS WILLIAM OSTENDARP
USE: RESIDENTIAL

HAMMLER

PLAT TO ACCOMPANY PETITION FOR ZONING ☑ VARIANCE ☐ SPECIAL HEARING

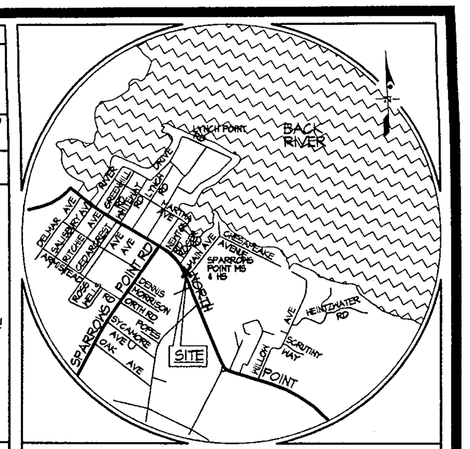
Property Address: 3140 Main Ave
Subdivision Name: Triple Union Park
Plat Book # 10 Folio # 80 Lot # 40 Section #
Owner: John Hamer

BALTIMORE CO. DATUM

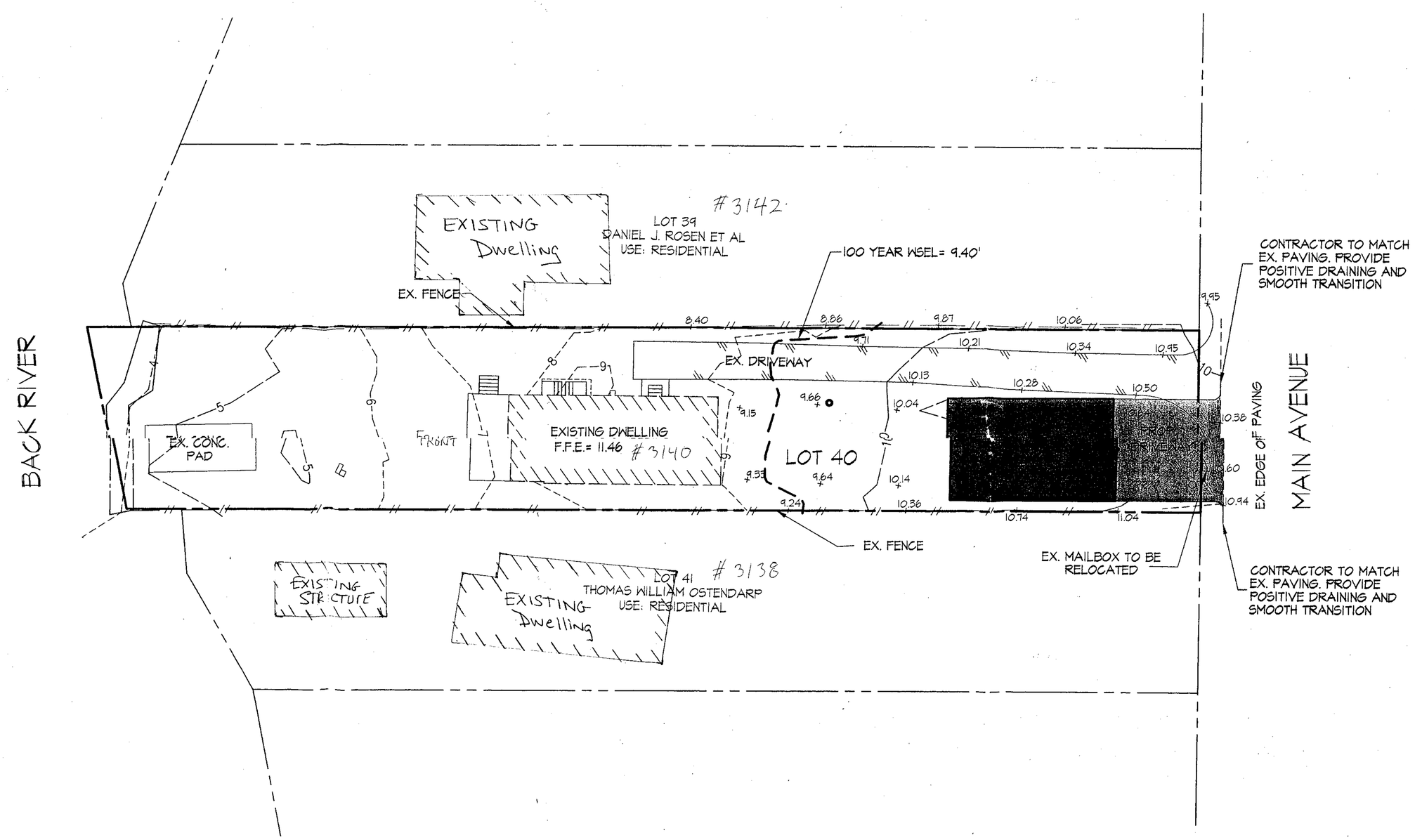
EXISTING UTILITY NOTES

1. For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
2. Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer and the owner of the other involved utility before proceeding with construction.
3. For field location of gas line services, notify Baltimore Gas and Electric Co., 410-454-6260, 48 hours prior to the start of any excavation or construction.
4. Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A., shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
5. Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

48 Hours
Before You Dig Call
"MISS UTILITY"
Service Protection Center
MEMBER
ONE CALL SYSTEMS INTERNATIONAL
CALL TOLL FREE
1-800-257-7777



VICINITY MAP
SCALE: 1" = 2,000'



SITE INFORMATION:

1) OWNER/ADDRESS: MR. JOHN HAMER
3140 MAIN AVENUE
EDGEMERE MD 21219

2) SITE DATA:
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 7
ZONING: DR 5.5 MAP # 111C1
DEED REF: 1074/133
PLAT REF: 10/80
SUB DIVISION: TRIPLE UNION PARK
MAP #: 111
GRID: 5
PARCEL: 138
LOT #: 40
GROUP: B2
PROPERTY SIZE/AREA: 0.33 ACRE/ 14,535 SF
CHESAPEAKE BAY CRITICAL AREA: YES
100 YEAR FLOOD PLAIN: YES
HISTORIC PROPERTY/BLDG:NO
PUBLIC WATER: YES
PUBLIC SEWER: YES
PRIOR ZONING HEARING: NO

3) TOPOGRAPHIC DATA IS BASED ON A FIELD RUN SURVEY PERFORMED ON APRIL 14, 2005. HORIZONTAL AND VERTICAL DATUM ARE BASED ON BALTIMORE COUNTY BENCHMARK Nos. 16219 AND 16229.

4) ALL SPOT ELEVATIONS ARE EXISTING SPOT GRADES.

As per EPA Regulations - Existing Driveway + concrete pad is Removed

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

VOID
SEAL FOR PROFESSIONAL ENGINEER
CERTIFICATE
DANIEL LAWRENCE BURKE
STATE OF MARYLAND
DANIEL LAWRENCE BURKE
19 APRIL 2005

POSTED
APR 20 2005

ZONING OFFICE USE ONLY

Reviewed By	Item #	Case #	
David Duvall	219	06-219-A	HAMER PROPERTY GARAGE

GLW GUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE – SUITE 250 – BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

\Drawings\04071\DESIGN\04071OSP | DES. TML | DRN. CLB | CHK.

DATE	REVISION	BY	APP'R.

PREPARED FOR:
JOHN HAMER
3140 MAIN AVENUE
EDGEMERE, MARYLAND 21219

OVERALL SITE PLAN
HAMER PROPERTY
TRIPLE UNION PARK-LOT 40
ELECTION DISTRICT No. 15 — BALTIMORE COUNTY, MARYLAND

SCALE	ZONING	G. L. W. FILE No.
1"=20'	DR 5-5	04071
DATE	TAX MAP - GRID	SHEET
APRIL, 2005	111-5	SP-1

L:\CADD\DRAWINGS\04071\DESIGN\040710SP.dwg 04/19/2005 01:06:18 PM EDT

EXISTING UTILITY NOTES

1. For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
2. Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer and the owner of the other involved utility before proceeding with construction.
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5. Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

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ONE CALL SYSTEMS INTERNATIONAL
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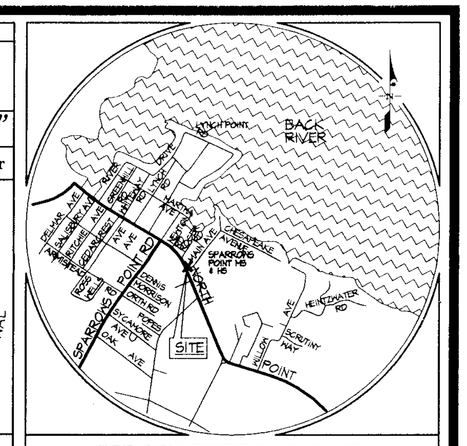
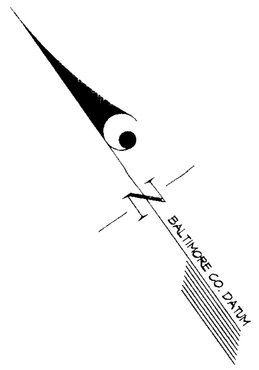
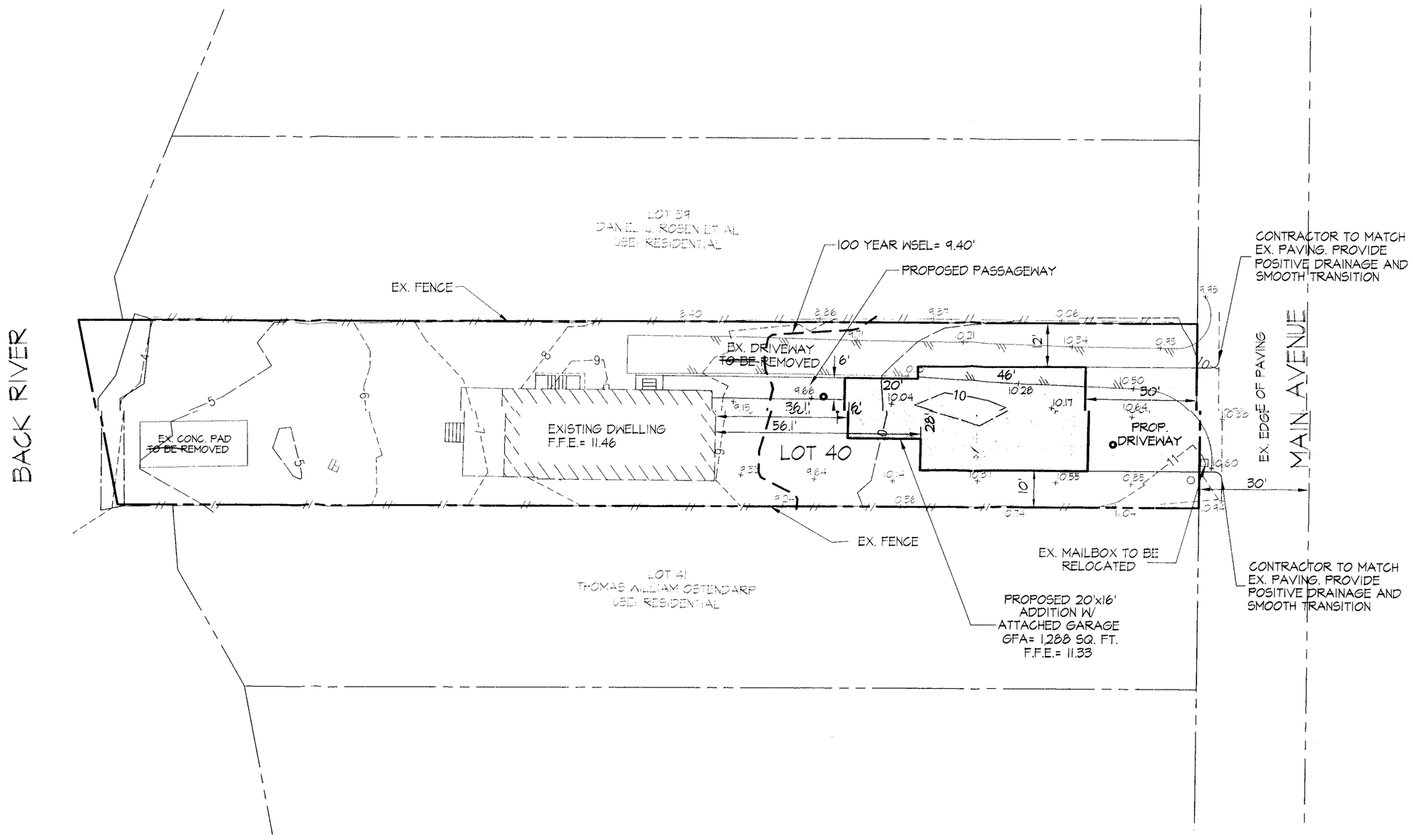


VICINITY MAP
SCALE: 1" = 2,000'





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EDGEMERE MD 21219

2) SITE DATA:
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COUNCILMANIC DISTRICT: 7
ZONING: DR 5.5
DEED REF: 1074/133
PLAT REF: 10/80
SUB DIVISION: TRIPLE UNION PARK
MAP #: 111
GRID: 5
PARCEL: 138
LOT #: 40
GROUP: 82
PROPERTY SIZE/AREA: 0.33 ACRE/ 14,535 SF
CHESAPEAKE BAY CRITICAL AREA: YES
100 YEAR FLOOD PLAIN: YES
HISTORIC PROPERTY/BLDG:NO
PUBLIC WATER: YES
PUBLIC SEWER: YES
PRIOR ZONING HEARING: NO

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4) ALL SPOT ELEVATIONS ARE EXISTING SPOT GRADES.

5) IMPERVIOUS AREA CALCULATIONS
A. EXISTING
1. EXISTING HOUSE = 1,758 SQ. FT.
2. EX. CONCRETE PAD = 365 SQ. FT.
3. EXISTING DRIVEWAY = 1,644 SQ. FT.
4. TOTAL = 3,767 SQ. FT. (25.92%)

B. PROPOSED
1. EXISTING HOUSE = 1,758 SQ. FT.
2. PROPOSED ADDITION W/ ATTACHED GARAGE = 1,608 SQ. FT.
3. PROPOSED DRIVEWAY = 840 SQ. FT.
4. PROPOSED BREEZEWAY = 300 SQ. FT.
5. TOTAL = 4,506 SQ. FT. (31.00%)

NOTE: THE EXISTING DRIVEWAY & EX. CONCRETE PAD ~~ARE TO BE~~ REMOVED.

C. MITIGATION
1. 6 TREES WILL BE PLANTED TO MITIGATE 600 SQ. FT. OF IMPERVIOUS AREA IN EXCESS OF 25%. A FEE-IN-LIEU WILL BE PAID TO MITIGATE THE REMAINING 273 SQ. FT. THE FEE= $326.70.

2. THE TREES SHALL BE MARYLAND NATIVE TREES 5'-6' TALL.

PETITIONER'S
EXHIBIT NO. 11

BOARD OF PROFESSIONAL ENGINEERS 12921CE DAVID SAMUEL WEBER STATE OF MARYLAND

24 APRIL 2006

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

HAMER PROPERTY GARAGE

GLW GUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

\Drawings\04071\DESIGN\04071OSP | DES. TML | DRN. CLB | CHK.

DATE	REVISION	BY	APP'R.

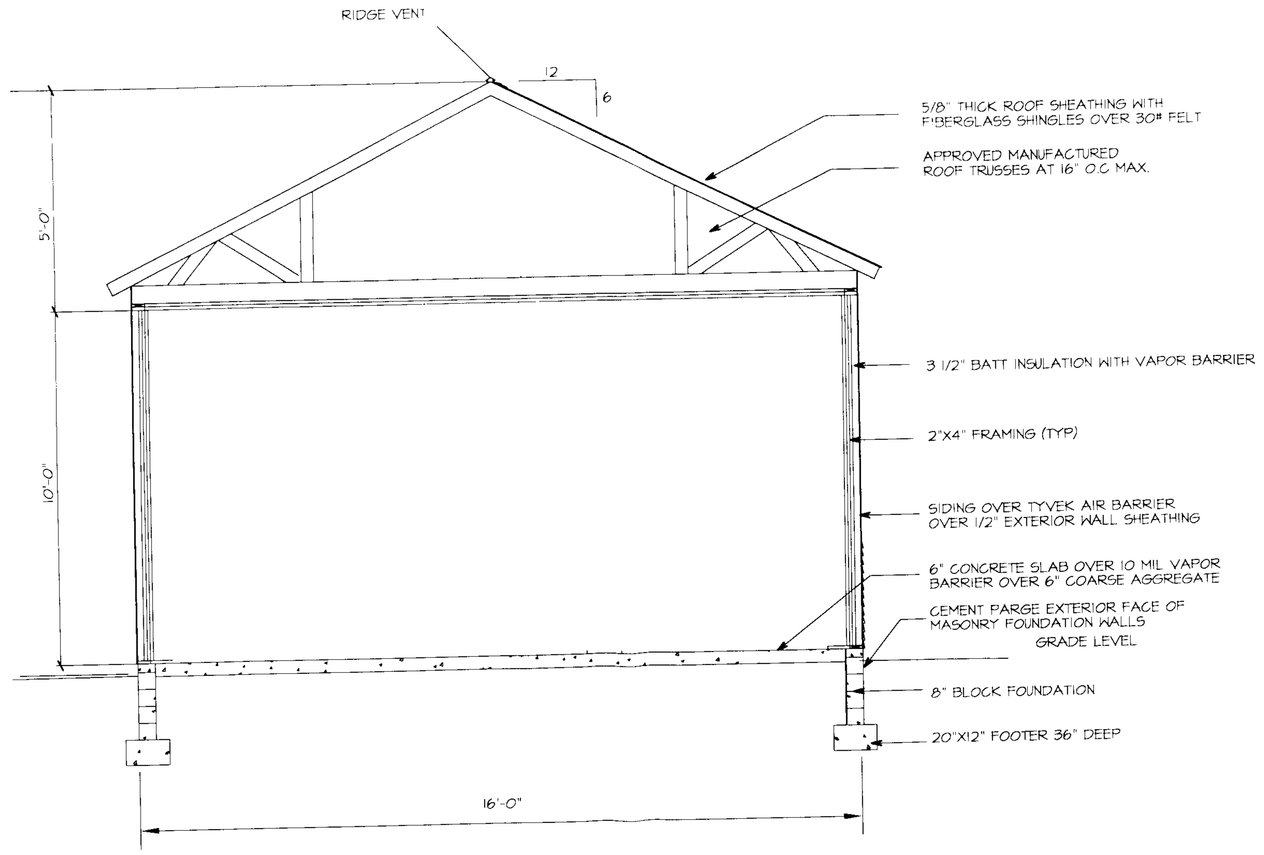
PREPARED FOR:
JOHN HAMER
3140 MAIN AVENUE
EDGEMERE, MARYLAND 21219

OVERALL SITE PLAN
HAMER PROPERTY
TRIPLE UNION PARK-LOT 40
ELECTION DISTRICT No. 15 — BALTIMORE COUNTY, MARYLAND

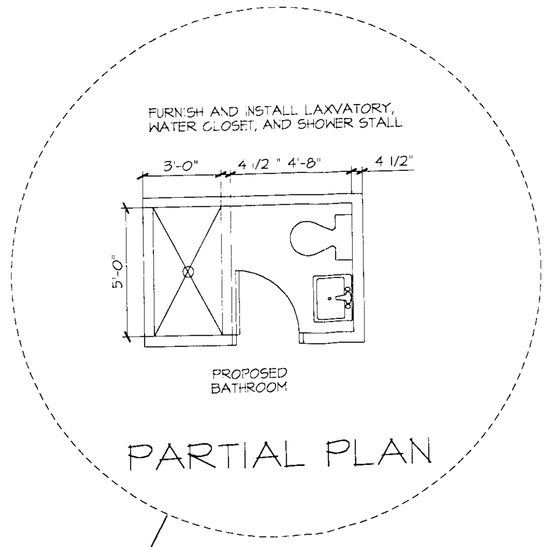
SCALE	ZONING	G. L. W. FILE No.
1"=20'	DR 5-5	04071
DATE	TAX MAP - GRID	SHEET
APRIL, 2005	111-5	SP-1

soma
ARCHITECTS

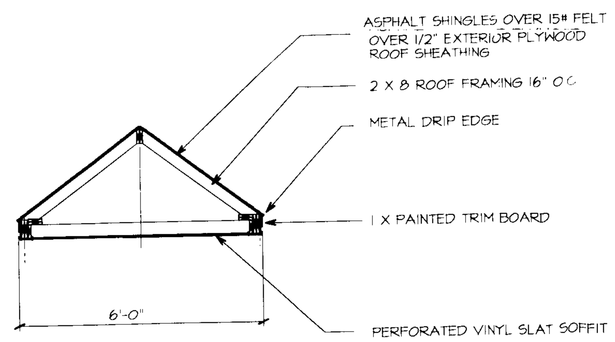
1221 King Street
Alexandria
Virginia 22314
Fax 703.684.0940
703.683.5226



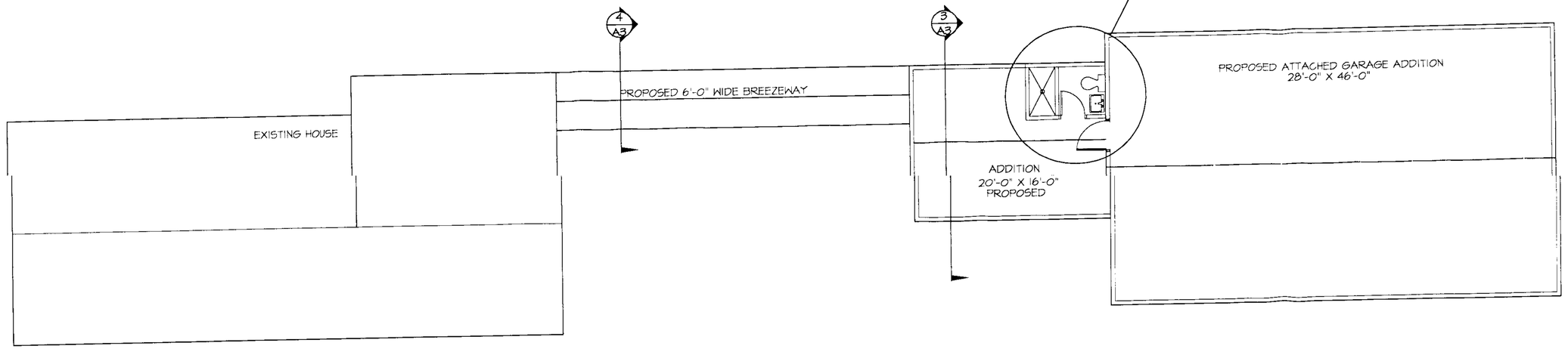
3/A3 SECTION
3/8" = 1'-0"



PARTIAL PLAN



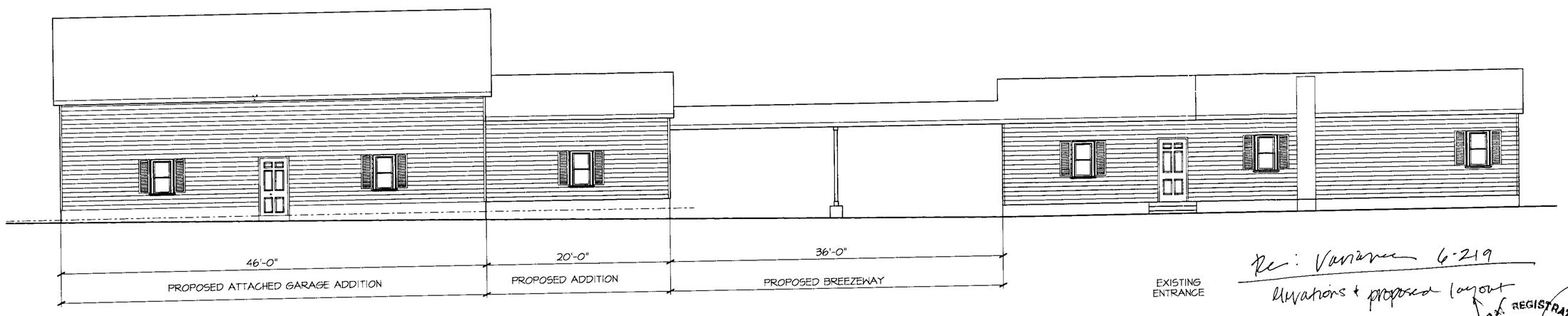
4/A3 SECTION
3/8" = 1'-0"



THE SHUTTERS, WINDOWS, AND SIDING OF THE PROPOSED ADDITIONS AND HOUSE SHALL MATCH

THE ROOF OF THE PROPOSED BREEZEWAY AND ADDITION SHALL MATCH

2/A3 ROOF PLAN
1/8" = 1'-0"



1/A3 NORTH ELEVATION
1/8" = 1'-0"

Re: Variance 6-219
Elevations & proposed layout
Okay
Amy T. Mantay
for Director
Planner
04/25/06

ARCHITECTURAL REGISTRATION BOARD
6223-R
GREGORY
STATE OF MARYLAND

CONSULTANTS

"The zoning ordinance [illegible] that all structures [illegible] the existing house [illegible] with the zoning [illegible]
Additionally, the [illegible] in the [illegible] house [illegible]"
[illegible] 4/25/06
[illegible]

PROJECT

3140 MAIN AVENUE
EDGEMERE, MARYLAND 21219

TITLE

PLAN, ELEVATION, AND SECTION

SCALE

AS NOTED

DATE

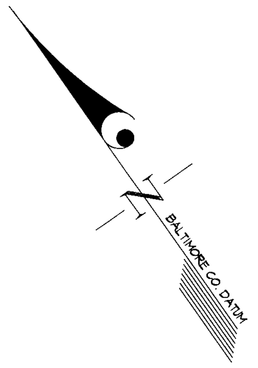
APRIL 24, 2006

REVISIONS

PETITIONER'S EXHIBIT NO. 1

DRAWING

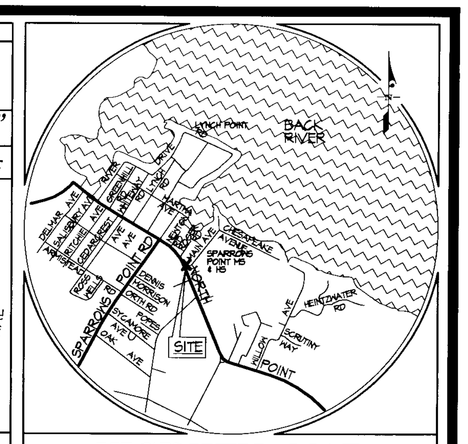
A-3



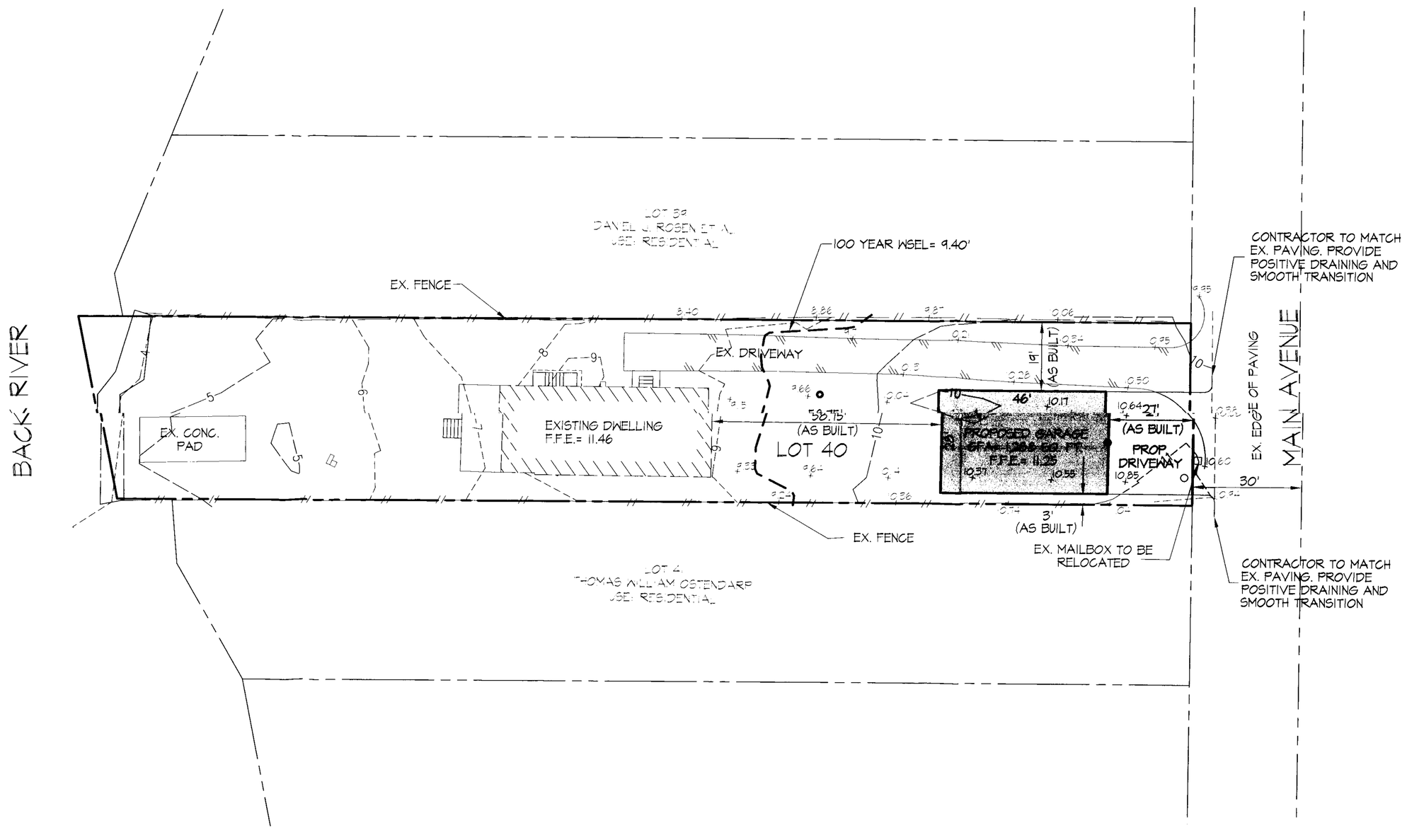
EXISTING UTILITY NOTES

1. For marking locations of existing utilities, notify "MISS UTILITY" at 1-800-257-7777, 48 hours prior to any excavation or construction.
2. Information concerning underground utilities was obtained from available records. The contractor must determine the exact locations and elevations of the utilities by digging test pits by hand at all utility crossings well in advance of trenching. If clearances are less than specified on this plan or less than 12 inches when not specified, contact the Engineer and the owner of the other involved utility before proceeding with construction.
3. For field location of gas line services notify Baltimore Gas and Electric Co., 410-454-6260, 48 hours prior to the start of any excavation or construction.
4. Omissions and/or additions of utilities found during construction shall be the sole responsibility of any contractor engaged in excavation at this site. Gutschick, Little & Weber, P.A. shall be notified immediately of any and all utility information, omissions and additions found by any contractor.
5. Due to the proximity of live underground and overhead utilities, we are not responsible for any damage or injury sustained during construction by any persons, trucks, trailers, or equipment used on or adjacent to the site.

48 Hours
Before You Dig Call
"MISS UTILITY"
Service Protection Center
MEMBER
ONE CALL SYSTEMS INTERNATIONAL
CALL TOLL FREE
1-800-257-7777



VICINITY MAP
SCALE: 1" = 2,000'



SITE INFORMATION:

1) OWNER/ADDRESS: MR. JOHN HAMER
3140 MAIN AVENUE
EDGEMERE MD 21219

2) SITE DATA:
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 7
ZONING: DR 5.5
DEED REF: 1074/133
PLAT REF: 10/80
SUB DIVISION: TRIPLE UNION PARK
MAP #: 111
GRID: 5
PARCEL: 138
LOT #: 40
GROUP: B2
PROPERTY SIZE/AREA: 0.33 ACRE/ 14535 SF
CHESAPEAKE BAY CRITICAL AREA: YES
100 YEAR FLOOD PLAIN: YES
HISTORIC PROPERTY/BLDG:NO
PUBLIC WATER: YES
PUBLIC SEWER: YES
PRIOR ZONING HEARING: NO

3) TOPOGRAPHIC DATA IS BASED ON A FIELD RUN SURVEY PERFORMED ON APRIL 14, 2005. HORIZONTAL AND VERTICAL DATUM ARE BASED ON BALTIMORE COUNTY BENCHMARK Nos. 16219 AND 16229.

4) ALL SPOT ELEVATIONS ARE EXISTING SPOT GRADES.

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

PETITIONER'S
EXHIBIT NO. 1

HAMER PROPERTY GARAGE

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height restrictions set forth in Section 400.3 of the B.C.Z.R. He pointed out, however, that existing underground sewer utilities along the northern side of the property prevented the placement of the garage towards the north side of the property. He testified that all of these factors, floodplains, setbacks, impervious surfaces, and critical area issues established the Petitioners property as being unique for zoning purposes.

As noted above, several residents from the surrounding locale appeared in opposition to the request. They presented photographs (Protestants Exhibits 1A through 1F) and testified that they found the garage offensive and out of rhythm with other structures in the area. They believe that the Petitioners should be required to lower the height of the garage in accordance with the regulations. Mr. Bruno, who lives two houses away, testified that he believes the Petitioners are the authors of their own misfortune since they continued to assemble the roof trusses and failed to stop construction efforts after the stop work order was issued. He testified that the community is opposed to the garage's overpowering size that resembles a commercial structure and submitted a Petition signed by various neighbors indicating their objection to the variance request. Messrs. Bruno, Cunningham and Mone, all long-time residents of the community, disputed that there was anything unique about the Petitioners' property. Nearly every homeowner has a similar sized rectangular shaped lot and is subject to the Chesapeake Bay Critical Areas regulations and associated floodplain, setback, and impervious surface issues testified to by Mr. Longfellow.

To a certain extent, I am sympathetic to Mr. Hamer's plight. Accordingly, I undertook a review of the long line of cases, starting with O'Donnell v. Basler, 289 Md. 501 (1981) and ending with Marzullo v. Kahl, 366 Md. 158 (2001), which determine when one receives vested rights after the issuance of a building permit. This was done primarily in view of the Petitioners' belief that they had done everything expected of them and followed all County instructions provided. In Marzullo v. Kahl, 366 Md. 158 (2001), the Court of Appeals confirmed that a litigant can never obtain "vested rights" unless he secures in the first instance a lawfully-issued permit. *Id.* At 194-95. Assuming the Petitioners are unable to claim a property right under the vested

ORDER RECEIVED FOR FILING
Date 5-1-09
By