

11/18/09

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1309

September Term, 2008

JOHN P. FORD, ET UX.

v.

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Eyler, James R.,
Zarnoch,
Kenney, James A., III
(Retired, Specially Assigned)

JJ.

Opinion by Zarnoch, J.

Filed: November 18, 2009

30070012133

John P. and Mary E. Ford, appellants, appeal the order of the Board of Appeals of Baltimore County (the "Board") denying their "Petition for Special Hearing" regarding variance relief for the property they own in Baltimore County. The Board denied the petition, holding that the doctrine of *res judicata* barred the petition because the owners of the property in 1999 and 2002 had submitted similar and unsuccessful petitions for variance relief for this property. Appellants petitioned for judicial review, and the Circuit Court for Baltimore County affirmed the Board's order. The Fords now appeal, and argue that the Board erred when it applied *res judicata* to deny their petition. Appellee, the People's Counsel for Baltimore County, is authorized by the Baltimore County Charter to, among other things, appear before the Board and the courts in any matter or proceeding involving a variance from the County zoning requirements. Baltimore County Charter § 524.1(a)(3)A. For the reasons set forth in this opinion, we affirm.

STATEMENT OF FACTS

On November 17, 1998, Cignal Development Corp., the owner of property located on Todd Point Lane in Baltimore County, and Michael Schultz, who had contracted to purchase the property,¹ filed with the Zoning Commissioner of Baltimore County ("Commissioner") a Petition for Variance to allow a single family home to be built on the property. Because the property was 50.25 feet wide, and its area was 6,985 square feet, the petitioners requested variance relief from section 1B02.3.C.1 of the Baltimore County Zoning Regulations

¹The record reflects that on October 9, 1998, Cignal deeded the lot to At Home Again, LLC. On November 30, 1998, At Home Again deeded the lot to Michael Schultz and Antoinette Cotsoradis. The petition was submitted jointly by Michael Schultz and Cignal.

("BCZR"), which required the lot to be 70 feet wide and 10,000 square feet in area for a home to be built on the property. They sought variance relief pursuant to BCZR § 304.1, which provides that, under certain circumstances, a lot "recorded either by deed or in a validly approved subdivision prior to March 30, 1955" is not required to conform with the area and width requirements.² The petition also generally sought variance relief for "any other variance as deemed necessary by the Commissioner." Several owners of neighboring properties opposed the variance request. The Commissioner held a hearing in January 1999.

On February 19, 1999, the Commissioner issued an order denying the Petition for Variance. In his "Findings of Fact and Conclusions of Law," the Commissioner noted that besides the variance relief requested from the width and area requirements, the side yard setback on one side of the property proposed by the petitioners in their building plan was 6.5 feet and was "insufficient under law." He further noted that a drainage and utility easement existed along the southeastern portion of the property, and construction on the easement area was prohibited. The petitioners' site plan showed the easement as 13.5 feet wide, and the side of the proposed home would immediately abut the easement. A Zoning Plans Advisory Committee ("ZAC") comment indicated, however, that the easement was actually 15 feet wide, in which case, if the home would be built according to the petitioners' plan, it would

²In this opinion and in the opinions of the administrative agencies and circuit court, the regulation under which variances for the Todd Point Lane property were requested is sometimes referred to as section 304.1, sometimes as 304.2, which provides the method of applying for a building permit for an undersized lot, and sometimes more generally as section 304.

encroach 1.5 feet into the easement.

The Commissioner concluded:

Based upon the testimony and evidence presented, I am not persuaded that relief should be granted. With the constraints of this property, construction is difficult. Not only is the property inherently too small and narrow, but the location of the easement also severely limits the possibilities for this site. Moreover, I concur with the written comments of the adjacent property owners. They opine that construction would adversely impact their property. Finally, [the builder] indicated at the hearing that the property has an elevation of 8 ft. Pursuant to the ZAC comment from the Developer's Review Division, the minimum building elevation is 10 ft. For all of these reasons, the Petition must be denied.

"indicated their willingness to reduce the size of the house to make it narrower." On April 8, 1999, the Commissioner denied that motion, finding that the lot "is simply encumbered with too many constraints to be buildable."

The petitioners appealed to the Board. The Board held a public hearing on August 14, 1999, and reviewed the appeal *de novo*. On October 29, 1999, the Board denied the request for variance relief. In its opinion, the Board stated:

In this particular case, neither the area or width requirement is satisfied since the front yard is 50.25 feet and the total area is 6,985 sq. ft. To qualify under the site's present zoning of D.R. 3.5, the front must be 70 feet wide and the area 10,000 sq. ft. There is no dispute that the subject lot was created before 1955 (in 1952) in connection with a development of lots along Todd Point Lane directed on the water side. The Appellant also does not own any adjoining land that would enable conformity to the width and area requirements specified

in the regulations. Additionally, however, the amended plan reflects the need for a second variance for a side yard setback of 7 feet in lieu of 10 feet; and a third variance of a total side yard of 22 feet in lieu of 25 feet.

Item "B" of Section 304.1 states that "... all other requirements of the height and area requirements are complied with. . . ." While Counsel for Appellant alleges that the only issue for the Zoning Commissioner is to make a determination whether the proposed building is appropriate, the Board takes a different view that has long been held by this body, mainly that where multiple variances are required, relief cannot be granted under Section 304.1, and the correct posture is to make application under Section 307 of the Baltimore County Zoning Regulations. . . .

While not required to comment on BCZR [§] 307, the Board feels constrained to agree with the Office of People's Counsel concerning the application of Cromwell v. Ward, and the fact that the subject lot is neither "unique" or "unusual" in that its proportions are similar to other lots along the water line in the general area of the subject site. Failing that, it is not necessary to pursue the second prong, that is practical difficulty or undue hardship.

In October 2002, Michael and Antoinette Schultz contracted to sell the property to Shelley and Gerald Ruth, and together the Schultzes and Ruths filed a Petition for Variance under BCZR § 304.1 with the Zoning Commissioner. This petition sought variances "to permit a lot width of 51.67 ft. in lieu of the required 70 ft. and to permit . . . an area of 6,950 sq. ft. in lieu of the required 10,000 sq. ft. and to approve an undersized lot." The petition did not request side setback variances. A hearing was held. On November 20, 2002, the Deputy Zoning Commissioner denied the petition. He wrote:

The Petitioners now come before this Deputy Zoning

Commissioner, once again requesting approval to construct a home on this very same property. The request filed in my case is identical to the request filed in the case before Commissioner Schmidt and thereafter the Board of Appeals [in 1999]. Apparently, according to the testimony offered at my hearing, the only difference is that the house to be constructed is somewhat narrower than the house proposed in the cases before Commissioner Schmidt and the Board of Appeals. However, both Commissioner Schmidt, as well as the Board of Appeals, made it clear that the property is not of appropriate size upon which to construct a single-family residential dwelling. This is true regardless of the size of the house to be constructed. The petitioners, in their motion for reconsideration before Commissioner Schmidt indicated their willingness to reduce the size of the house to make it narrower, similar to the one proposed before me now. Commissioner Schmidt found that the lot is simply encumbered with too many constraints to be

I find that the Petitioners' request before me is identical to the request he filed before Commissioner Schmidt and the Board of Appeals. The request for variance must be denied based on the doctrine of *res judicata*.

The petitioners did not appeal the Deputy Commissioner's decision.

On June 3, 2003, the Schultzes sold the property to John and Mary Ford. In February 2006, the Fords filed a Petition for Special Hearing³ with the Commissioner "to determine whether or not the Zoning Commissioner should approve BCZR §.304.2 construction of a dwelling on an undersize[d] lot." The Commissioner held a hearing on March 23, 2006, to

³Appellants petitioned for a Special Hearing pursuant to BCZR § 500.7, which grants the right to "any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations."

determine whether to hold a Special Hearing. On April 12, 2006, the Deputy Zoning Commissioner denied the Fords' request for a Special Hearing. He wrote:

Case No. 99-210-A was heard by Commissioner Schmidt [in 1999] who denied the request for approval of an undersized lot and associated setback variances stating that the lot was inherently too small and burdened by the drainage easements. Apparently the proposed home encroached onto the two drainage easements which caused the County to oppose the request. After the Commission's decision, the Petitioner amended their request for a smaller home which would not encroach on the easements in a Motion to Reconsider. The Zoning Commissioner denied this request as well. This decision was then appealed to the Board of Appeals who also denied the request in a lengthy opinion which focused to a great degree on the fact that a building permit had been issued for a home on the lot. The Board of Appeals, in its opinion, stated that the Board of Appeals opined that the lot in question is simply too small, the lot too narrow, coupled with the easement, to accommodate the structure proposed. I understand that the home proposed at the Board had been narrowed to avoid requesting setback variances.

This same house was then proposed in Case No. 03-166-A which was denied by the Deputy Zoning Commissioner on the basis that this same request had been denied by the Board of Appeals. Consequently, he denied the request under the doctrine of *res judicata*.

As far as I can tell, I am being asked to approve the identical request, which like the prior Commissioners I must deny on the basis of the doctrine of *res judicata*. No evidence was presented to me to make me believe that the subject proposal was in any way different from that turned down by the Zoning Commissioner in the Motion for Reconsideration in 1999, the Board of Appeals in 1999, and the Deputy Zoning Commissioner's in 2002. I would also point out to the Petitioners that Zoning Commissioners are bound by the decision of the Board of Appeals. The only relief I can envision for the Petitioners is for the Board to reverse itself on appeal.

The Fords appealed to the Board of Appeals, which held a hearing on May 2, 2007.

On September 27, 2007, the Board denied the petition. In its opinion, the Board said:

This Board unanimously agrees with People's Counsel's Pre-Hearing Memorandum that the proposal before us requires the approval of variances from the Small Lot Table. Petitioner seems to think that complying with Section 304 is all that is required to build on the subject lot. However, in a DR zone, Sections 304 and 1B02.3 must both be complied with, and Petitioner's property is much smaller in area and width than the requirements of the Small Lot Table in 1B02.3C.

The need for variances to build a house on this property is what makes this a case of *res judicata*. Although the property was the subject of two previous cases regarding this property, Case No. 99-210-A and 03-166-A, variances were also needed and were denied because the property is too small. We also agree with People's Counsel that it does not matter who owns the property, "zoning law addresses the use of the land and does not depend on the identity of the owner." It is the property that is inherently too small to build on under current zoning standards.

While we understand Petitioners' concern that this denial makes their property unbuildable, it does not make the property unusable. As People's Counsel points out, there are many recreational uses to which the property can be put without a dwelling on it.

Therefore, this Board denied the Petition for Special Hearing on the basis of *res judicata*. We hope that any potential buyers or owners of this property take heed of these three cases, all of which come to the same conclusion: This lot is too small to build a residence under the current zoning regulations.

On October 22, 2007, the Fords petitioned for judicial review in the circuit court.

After a June 17, 2008 hearing, the court, in a June 30, 2008 order, upheld the Board's decision. This appeal followed.

QUESTION PRESENTED⁴

1. Whether the Baltimore County Board of Appeals erred when it held that appellants' petition for zoning variances was barred by *res judicata*?

DISCUSSION

The Court of Appeals recently reiterated the standard of judicial review applicable to the final actions of local zoning agencies:

When reviewing the decision of a local zoning body, such as the Board of Municipal and Zoning Appeals, we review directly the agency decision, and, in so doing, we apply the same standards of review as the circuit court Our review of the legal conclusions of a local zoning body, such as the Board, is

⁴Appellants presented the following questions verbatim:

I. Did variances requested by the Appellant meet the requirements of Sections 500.7 and 304.1, et seq. of the Baltimore County Zoning Regulations?

II. Did the Circuit Court err in upholding the decision of the Baltimore County Board of Appeals that the appellants request for a zoning variance under Sections 500.7 and 304.1, et seq. of the Baltimore County Zoning Regulation was barred by the doctrine of *res judicata*?

The Board of Appeals of Baltimore County denied appellants' petition on the basis of *res judicata* and not on the merits. We therefore only address appellants' argument that the Board erred in its application of *res judicata*. See *Dept. of Health and Mental Hygiene v. Campbell*, 364 Md. 108, 112 (2001) (Holding that an administrative agency may be affirmed only on the basis of the grounds on which it decided the case).

less deferential [than our review of its factual findings], and we may reverse those decisions where the legal conclusions reached by that body are based on an erroneous interpretation or application of the zoning statutes, regulations, and ordinances relevant and applicable to the property that is the subject of the dispute.

Armstrong v. Baltimore, 410 Md. 426, 443-44 (2009) (citations and internal quotations omitted).

In *Neifert v. Dep't of the Env't*, 395 Md. 486, 507 (2006), the Court of Appeals held:

An administrative agency's decision is given preclusive effect based on three factors: (1) whether the agency was acting in a quasi-judicial capacity, (2) whether the issue presented to the circuit court was actually litigated before the agency, and (3) whether the agency's decision was final. *Batson v. Shiflett*, 325 Md. 684, 701 (1992).

Here, the Board acted in a quasi-judicial capacity when it denied the 1999 petition for variance, and its resolution of the variance relief requested was necessary to its denial of the petition. Appellants argue, however, that the second factor of the test was not satisfied because appellants presented to the Board in 2006 a different issue than that considered by the Board in 1999. The original petitioners in 1999 requested variance relief under BCZR § 304.1 from the width and area requirements. The Zoning Commissioner, in his denial of their petition, noted that the proposed home required side yard setback variances as well. Upon review, the Board held that the petitioners requested variance relief under the wrong regulation because "where multiple variances are required, relief cannot be granted under Section 304.1, and the correct posture is to make application under Section 307 of the

Baltimore County Zoning Regulations.” (Emphasis omitted). Appellants argue that since their present building plan does not require side yard setback variances and they properly requested relief under § 304.1, the 2007 Board erred when it applied *res judicata* to bar their petition because the Board had never previously adjudicated on the merits a petition for variance relief from the width and area requirements under § 304.1.

However in 1999, when the petitioners filed a Motion for Reconsideration, in which they “indicated their willingness to reduce the size of the house to make it narrower,” they effectively limited the request to the §304.1 width and area variances. On April 8, 1999, the Commissioner denied that motion, finding that the lot “is simply encumbered with too many constraints to be buildable.” Indeed, the Deputy Zoning Commissioner, when denying appellants’ 2006 petition, noted:

A far as I can tell, I am being asked to approve the identical request, which like the prior Commissioners I must deny on the basis of the doctrine of *res judicata*. No evidence was presented to me to make me believe that the subject proposal was in any way different from that turned down by the Zoning Commissioner in the Motion for Reconsideration in 1999, the Board of Appeals in 1999, and the Deputy Zoning Commissioner’s in 2002.

Although the record does not indicate that a hearing was held to consider the 1999 motion to reconsider, the Commissioner decided on the merits that even with a narrower house that would not require side setback variances, variance relief would be denied. In our view, the affirmance of this decision by the 1999 Board actually adjudicated the § 304.1 issue.

However, even if there were never an actual adjudication of the variance request on the merits under § 304.1, the doctrine of *res judicata* bars re-litigation of a claim when “the subject matter and causes of action are identical or substantially identical as to the issues ... which could have been or should have been raised in the previous litigation.” (Emphasis added). *R & D 2001, LLC v. Rice*, 402 Md. 648, 663 (2008) (citations and internal quotations omitted). The Schultz/Roth petition for variance in 2002 is similar to appellants’ 2006 petition because each proposed a narrower house than the original 1999 petition, and did not request side setback variances. The Deputy Zoning Commissioner denied the 2002 petition on the basis of *res judicata*, noting that “the Petitioners’ request before me is identical to the request he filed before Commissioner Schmidt and the Board of Appeals.” The 2002 petitioners did not appeal to the Board, and the Deputy Commissioner’s decision became final. Appellants’ argument that their petition should not have been denied based on *res judicata* could have been raised by the 2002 petitioners on appeal to the Board. Yet, the 2002 petitioners did not appeal the Deputy Commissioner’s decision to the Board. Since appellants’ argument that *res judicata* should not bar their petition “could have been or should have been raised in the previous litigation,” appellants’ petition is barred by *res judicata*.

CONCLUSION

For the reasons stated, we hold that the Board of Appeals of Baltimore County did not err when it denied appellants' petition for variance based on *res judicata*.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANTS.**

6/30/08

PETITION OF
JOHN & MARY FORD

FOR JUDICIAL REVIEW OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
400 Washington Ave.
Towson, MD 21204

IN THE MATTER OF
Owners' Petition for Special Hearing on
Property Located at 4604 Todd Point Ln.
Board of Appeals Case: 06-397-SPH

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.: 03-C-07-12133

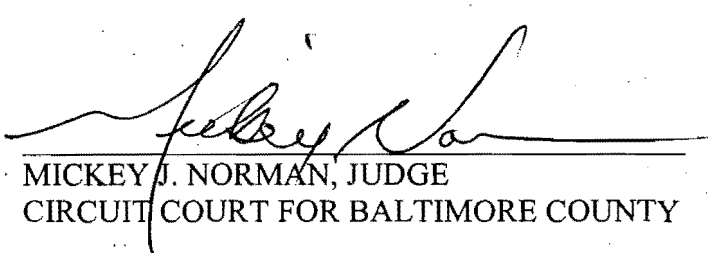
* * * * *

ORDER

A Hearing on Petitioners' Appeal was held in this matter on June 17, 2008. The Petitioners appealed from the Baltimore County Board of Appeals' decision affirming the denial of their petition for relief to build a residence on an undersized waterfront lot in a D.R. 3.5 Zone. The Board's decision was based on the doctrine of *res judicata*. Counsel for the Petitioner was present, as was People's Counsel for Baltimore County. Both sides presented argument.

Upon consideration of Petitioners John and Mary Ford's Petition for Judicial Review, the pleadings, record, arguments of counsel, and relevant authority, it is thereupon this ^{30th} ~~27th~~ day of June 2008,

ORDERED that the September 27, 2007, decision of the Baltimore County Board of Appeals affirming the April 5, 2006, denial of the Petitioners' request for variance be, and hereby is, **AFFIRMED**.


MICKEY J. NORMAN, JUDGE
CIRCUIT COURT FOR BALTIMORE COUNTY

cc: M. Parr
Board of Appeals
OAH
P. Zimmerman

FILED JUL 8 2008

E. M. A.

CIRCUIT COURT FOR BALTIMORE COUNTY

Case #: 03-C-07-012133 Folder #: 01 Date Filed: 10/22/2007

Case Type: Administrative Agency Appeal



In the Matter of John P Ford, et al

Petitioner: John P. Ford
Respondent: Baltimore County Board Of Appeals

Petitioner's Attorney: Matthew J Parr Esq Phone No.: (410) 455-0080 Fax No.:

C07012133V01



CIRCUIT COURT FOR BALTIMORE COUNTY CIVIL / FAMILY

C07 12133

CASE NUMBER

VOLUME

1 pl — to —
2 pl — to —
3 pl — to —
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12 pl — to —
13 pl — to —
14 pl — to —
15 pl — to —

ADDITIONAL RECORDS ON

MICROFILM YES ☐

Reorder from:
Hurley Business Systems
410-255-3433 410-255-3558 Fax

Made in the USA

12/27/07

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
JOHN P. AND MARY E. FORD
4046 TODD POINT LANE
BALTIMORE, MD 21219

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. C-07-12133

IN THE MATTER OF:
JOHN P. AND MARY E. FORD
4046 TODD POINT LANE
BALTIMORE, MD 21219

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

CASE NO.: 06-397-SPH

* * * * *

**PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY:**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD APPEALS
AND DEPARTMENT OF PERMITS & LICENSES OF BALTIMORE COUNTY**

RECEIVED AND FILED

2007 DEC 27 PM 1:09

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

John & Mary Ford
Circuit Court Case No.: 03-C-07-12133
Board of Appeals Case No.: 06-397-SPH

06-397-SPH

Nov. 25, 2005	Application for Undersized Lot (original request.
Dec. 14, 2005	Forman Demand for Hearing
Feb. 15, 2006	Petition for Special Hearing with Zoning Description of Property
Mar. 2, 2006	Entry of Appearance by People's Counsel
Mar. 7, 2006	Certification of Publication (The Jeffersonian)
Mar. 7, 2006	Certificate of Posting by Martin Ogle
Mar. 13, 2006	Zoning Advisory Comments
Mar. 23, 2007	Hearing before the Deputy Zoning Commissioner
Mar. 23, 2007	Petitioners and Citizens Sign-In Sheets
Apr. 12, 2006	Deputy Zoning Commissioner's Order (<i>DENYING</i>)
May 11, 2006	Notice of Appeal filed by Mr. & Mrs. John Ford, Jr.
May 22, 2006	Letter from Timothy Kotroco, Dir. to John P. and Mary E. Ford.
May 22, 2006	File received in the Board of Appeals.
July 7, 2006	Completed Appeal Sign Posting Request.
Apr. 25, 2007	Letter from People's Counsel to the Board's Chairman stating that this matter should have been filed as a variance and not a special exception, along with the Findings of Facts and Conclusion of Law in case no.: 99-210-A and 04-522-A
May 1, 2007	Copy of a letter from Diana M. Dausen, to People's Counsel, received in the Board of Appeals.
May 2, 2007	Hearing -- Day #1 before the Board.

Petitioner's Exhibits

1. Deed dated 9/12/1950.
2. Deed dated 5/29/2003 (Between Schultz and Ford).
3. Site Plan – 4604 Todd Point Lane, Sparrows Point, MD.
4. Construction drawing.
5. Blow-up of storm drain.
6. Five petitions signed by residence.

Protestant's ExhibitsBU

- 1.A Picture - shore boat ramp on both properties with sink hole.
- B Picture – bulk head and storm drain.
- C Picture – property and neighbors property.
- D Picture – from neighboring property & storm water drain.
- E Picture – steps on subject property.
- F Picture – Ford property.
- G Picture – sink hole on corner near boat ramp.
- H Picture - sink hole in middle of property
- I Picture – same as H.
- J Picture – hole in road
- K Picture – hole in road
- L Picture – hole.
- M Picture – sink holes on subject property.
- N Picture – boat ramp.

June 1, 2007	Protestant's and Petitioner's Closing Briefs
June 27, 2007	Board convened for public deliberation.
Sept. 27, 2007	Board issued its Opinion and Order <i>Denying</i> Petitioner's request for Special Hearing to approve a dwelling to be constructed on an undersized lot pursuant to Sec. 5007 and 304.2 of the BCZR.
Oct. 22, 2007	Petitioners filed a Petition for Judicial Review in the Circuit Court for Baltimore County.
Oct. 26, 2007	Board received a copy of the Petition for Judicial Review from the Circuit Court with the assigned case number.
Nov. 1, 2007	Board filed a Certificate of Notice with the Circuit Court for Baltimore County and mailed a copy of said notice to all pertinent

John & Mary Ford
Circuit Court Case No.: 03-C-07-12133
Board of Appeals Case No.: 06-397-SPH

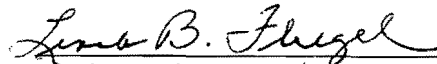
parties.

Nov. 28, 2007 Board received a copy of the Response to Petition for Judicial Review filed by People's Counsel for Baltimore County.

Dec. 27, 2007 Transcript received.

Dec. 27, 2007 Record of proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Board acted are permanent records of the originating agency in Baltimore County. Certified copies of these records in the Board's file are hereby forwarded to the Court, together with exhibits entered before the Board.



Linda B. Fliegel, Legal Secretary
County Board of Appeals, Rm 49 Basement
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (410-887-3180)

C: Peter Max Zimmerman
People's Counsel
Carole S. Demilio, Deputy
People's Counsel
Matthew J. Parr, Esq.
John & Mary Ford
Diana M. Dausen, Protstant/Interested Party
For Brenda Hutson, Tim Hutson & Wayne Foulke

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

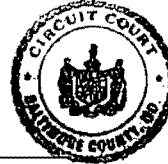
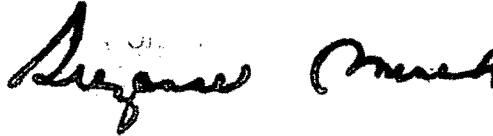
N O T I C E O F R E C O R D

Case Number: 03-C-07-012133 AA
Administrative Agency : 06-397-SPH
C I V I L

In the Matter of John P Ford, et al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 27th day of December, 2007.



Suzanne Mensh
Clerk of the Circuit Court, per 

Date issued: 01/02/08

TO: BALTIMORE COUNTY BOARD OF APPEALS
Attn: Kathleen C. Bianco, Clerk
Old Courthouse Rm 49, 400 Washington Ave
Towson, MD 21204

RECEIVED

JAN 03 2007

BALTIMORE COUNTY
BOARD OF APPEALS

11/28/07

CBA

PETITION OF **JOHN & MARY FORD**
FOR JUDICIAL REVIEW OF THE DECISION
OF THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

* IN THE
*
* CIRCUIT COURT

IN THE CASE OF **JOHN & MARY FORD**, LEGAL
OWNERS FOR A PETITION FOR SPECIAL HEARING
ON PROPERTY LOCATED AT
E/S TODD POINT Lane, 1,500' NW SANDYMOUNT RD
(4604 TODD POINT LANE)

*
* FOR

15th Election District, 7th Councilmanic District

* BALTIMORE COUNTY

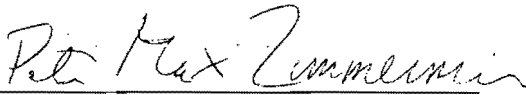
Prior Case No. 06-397-SPH
Before the County Board of Appeals

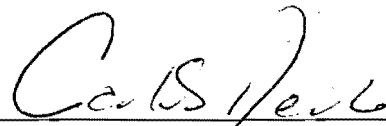
* Case No. 03-C-07-12133

* * * * *

RESPONSE TO PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, in accordance with Maryland Rule
7-204, submits this response to the Petition for Judicial Review filed JOHN & MARY FORD,
and states that it intends to participate in this action for Judicial Review. The undersigned
participated in the proceeding before the County Board of Appeals.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2007, a copy of the foregoing Response to Petition for Judicial Review was mailed Dianna Dausen, 2915 Salisbury Avenue, Baltimore, MD 21219, Brenda & John Hutson, 7707 Sparrows Point Boulevard, Baltimore, MD 21219, Wayne Foulke, 2912 Ritchie Avenue, Baltimore, MD 21219 and Matthew Parr, Esquire, 583 Frederick Road, Suite 1-B, Baltimore, MD 21228, Attorney for Appellant and County Board of Appeals, 400 Washington Avenue, Room 49, Towson, Maryland 21204.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

10/26/07

A

12/26

C-07-12133

IN THE
CIRCUIT COURT

FOR

BALTIMORE COUNTY

PETITION OF

JOHN P. AND MARY E. FORD

4046 TODD POINT LANE

* * * * *

FOR JUDICIAL REVIEW OF THE

CIVIL ACTION

AN APPEAL FROM A DECISION OF THE ADMINISTRATIVE HEARING

OFFICE BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE

COUNTY

CASE NO.: 06-397-SPH

BALTIMORE COUNTY BOARD OF APPEALS

BALTIMORE COURT OF APPEALS

OLD COURTHOUSE, ROOM 49

TOWSON, MARYLAND 21204

ATTN: KATHLEEN C. BIANCO, CLERK

* * * * *

IN THE CASE OF JOHN P. AND MARY E. FORD

PETITIONER

RE: AN APPEAL FROM A DECISION OF THE

BALTIMORE COUNTY BOARD OF APPEALS

CASE NO. 06-397-SPH

*RECEIVED AND FILED

2007 OCT 22 PM 12:42

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

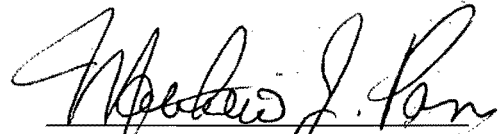
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OCT 26 2007

BALTIMORE COUNTY
BOARD OF APPEALS

Wherefore, Petitioner, John P. and Mary E. Ford, parties to the Agency Action referred to herein, by and through his counsel Matthew J. Parr and the Law Office of Matthew J. Parr, LLC, hereby requests judicial review of the above captioned matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Matthew J. Parr", is written over a horizontal line.

Matthew J. Parr, Esquire
Law Office of Matthew J.
Parr, LLC

583 Frederick Road, #1B
Baltimore, Maryland
21228

410.455.0080

Attorney for Petitioner

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-07-012133

TO: BALTIMORE COUNTY BOARD OF APPEALS
Attn: Kathleen C. Bianco, Clerk
Old Courthouse Rm 49, 400 Washington Ave
Towson, MD 21204

9/22/07

IN THE MATTER OF
THE APPLICATION OF
JOHN P. AND MARY E. FORD -LEGAL
OWNERS /PETITIONERS FOR SPECIAL
ON PROPERTY LOCATED AT
4064TODD POINT LANE

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 06-397-SPH

* * * * *

OPINION

This matter comes to the Board of Appeals as an appeal of a Deputy Zoning Commissioner order dated April 12, 2006, in which the Petition for Special Hearing requesting zoning relief was denied based on *res judicata*.

A Special Hearing is requested pursuant under Sections 500.7 and 304.2 of the *Baltimore County Zoning Regulations* (BCZR) requesting approval of a dwelling to be constructed on an undersized lot.

A public *de novo* hearing was held on May 2, 2007. Petitioners are John P. and Mary E. Ford, legal owners of 4604 Todd Point Lane. They were represented at the hearing by Matthew Parr, Esquire. Protestants Diana Dausen, Brenda Hutson, Tim Hutson and Wayne Foulke appeared *pro se*. A pre-hearing memorandum was filed by People's Counsel Peter Zimmerman, but no appearance was made at the hearing.

Post-Hearing Memoranda were filed by Petitioner and Protestants in lieu of closing argument. A public deliberation was held on June 27, 2007.

Preliminary Matter

In his Pre-Hearing Memorandum, People's Counsel argued that Deputy Zoning Commissioner Murphy's decision to deny this case based on *res judicata* was correct, as a very similar case had been denied by the Board of Appeals in Case No. 99-210-A, *Cignal Development Corporation and Michael Schultz*. A second case was also denied by the Deputy

Zoning Commissioner based on *res judicata* on November 20, 2002. People's Counsel argues that, although the Petitioners are new to this case, the property is the same and the same relief is being sought. People's Counsel points to *Whittle v. Board of Zoning Appeals* 211 Md. 36 (1956) and *Batson v. Shiflett* 325 Md. 684 (1992) as being instructive regarding when *res judicata* applies, particularly in administrative proceedings.

Evidence and Testimony

The lot in question is vacant, zoned DR 3.5, and contains 6,950 square feet. The original deed to the property, dated 1950, was entered as Petitioners' Exhibit #1. Petitioners John and Mary Ford purchased the property on May 29, 2003, from Michael and Antoinette Schultz (Petitioners' Exhibit #2). Petitioners' Exhibit #3 was entered by George Chagetas, a registered property line surveyor, who prepared the Site Plan for the Fords. He testified that the required property width in a DR 3.5 zone is 70 feet with an area of 10,000 square feet. Chagetas testified that this lot is undersized and narrow, about 50 feet wide, with an area of 6,950 square feet. It is also burdened with two County drainage and utility easements 13.5 and 15 feet in width (Petitioners' Exhibit #3, Site Plan).

Chagetas testified that the house would be 20 feet wide and 33 feet deep and that no setbacks or height variances were required. He also stated the house would not encroach on the easements.

Chagetas also entered Petitioners' Exhibit #4, the construction drawings for the stormwater pipe for Beachwood Estates, which runs below the property.

Mark Ford testified that the subject lot is the only unimproved lot left in the area. Petitioner John Ford Jr. testified that he does not own any adjoining property to the subject property.

Protestant Diana Dausen testified that she and her family have owned the house next to the subject property for 30 years and use it as a summerhouse. She stated that since Beechwood

Estates was built, with its stormwater management pipes discharging below the subject property, large sinkholes have emerged along the underground piles and both her family and the Foulkes' family on the other side of the subject property have repaired them. The two families share the bulkhead, and there is a boat ramp that is no longer usable as a result of the drainage pipes. She testified that she and the Foulkes have been through this process in the previous cases and believed variances were needed to build on the property. She entered a series of photographs that showed the erosion and sink holes on the subject property (Protestants' Exhibit #1)

Relevant Zoning Regulations

Petitioners are asking for a variance under Sections 500.7 and 304 of the *Baltimore County Zoning Regulations* for the construction of an undersized lot in a D.R. 3.5 zone.

BCZR Section 500.7 gives the Zoning Commissioner and the Board of Appeals the power to conduct hearings and pass orders to enforce all County zoning regulations.

BCZR Section 304 contains the regulations for the use of an undersized single-family lot:

304.1 Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- a. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

In addition to these regulations, BCZR IB02.3, including the Small Lot Table, is necessary to refer to because it gives the required regulations for small lots in DR zones.

1B02.3A.3 Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;

* * * * *

1B02.3C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per dwelling unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.3.5	10,000	70	30	10	25	30

Decision

This Board unanimously agrees with People's Counsel's Pre-Hearing Memorandum that the proposal before us requires the approval of variances from the Small Lot Table. Petitioner seems to think that complying with Section 304 is all that is required to build on the subject lot. However, in a DR zone, Sections 304 and 1B02.3 must both be complied with, and Petitioner's property is much smaller in area and width than the requirements of the Small Lot Table in 1B02.3.C.

The need for variances to build a house on this property is what makes this a case of *res judicata*. Although the property was under different ownership in the two previous cases regarding this property, Case No. 99-210-A and 03-166-A, variances were also needed and were denied because the property is too small. We also agree with People's Counsel that it does not matter who owns the property, "zoning law addresses the use of the land and does not depend on the identity of the owner." It is the property that is inherently too small to build on under current zoning standards.

While we understand Petitioners' concern that this denial makes their property unbuildable, it does not make the property unusable. As People's Counsel points out, there are many recreational uses to which the property can be put without a dwelling on it.

Therefore, this Board denies the Petition for Special Hearing on the basis of *res judicata*.

We hope that any potential buyers or owners of this property take heed of these three cases, all of which come to the same conclusion: This lot is too small to build a residence under the current zoning regulations.

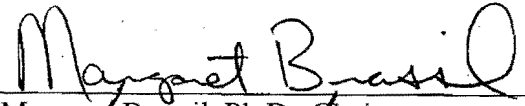
ORDER

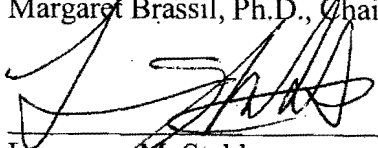
THEREFORE, IT IS THIS 27th day of September, 2007 by the County Board of Appeals of Baltimore County

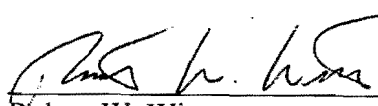
ORDERED that, for the reasons as stated above, the Petition for Special Hearing requesting approval of a dwelling to be constructed on an undersized lot pursuant to Sections 500.7 and 304.2 of the BCZR be and the same is hereby **DENIED**.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Margaret Brassil, Ph.D., Chairperson


Lawrence M. Stahl


Robert W. Witt

6/1/07

BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS

JOHN FORD AND MARY FORD
PETITIONERS

v.

BALTIMORE COUNTY,
MARYLAND

CASE NO. 06-397-SPH

RECEIVED

JUN - 1 2007

BALTIMORE COUNTY
BOARD OF APPEALS

* * * * *

BRIEF

ISSUES FOR REVIEW

1. Did the Deputy Zoning Commissioner err by applying the doctrine of res judicata to the case before the Board?

2. Does petitioners request comply with the standards set for in Sections 500.7 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R)?

STATEMENT OF MATERIAL FACTS

On or about February 12, 2007 Petitioners applied for a variance under Sections 500.7 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R) seeking approval from the Zoning Commissioner/Deputy Zoning Commissioner of construction of a dwelling on an undersized lot on 4604 Todd Point Lane which lot is located in a D. R. 3.5 zone. The lot is 6,950 square feet instead of the minimum 10,000 square feet and the lot width is about 51 feet instead of 70 feet. A hearing was held and on April 5, 2007 Deputy Zoning Commissioner John V. Murphy denied the petitioners variance request on the basis of the doctrine of res judicata. On May 3, 2007 a hearing was held in front of the Baltimore County Board of Appeals

ARGUMENT

1. Did the Deputy Zoning Commissioner err by applying the doctrine of res judicata to the case before the Board?

The standards for res judicata are that the parties are the same the issue or issues are the same and the law is the same. The case that has been cited as the basis for application of the doctrine in the case now before the board is Case No. 99-210-A, Cignal Development Corporation and Michael Shultz dated. In that case Petitioners were applying for a multiple variances in addition to those allowed under Section 304 of the Baltimore County Zoning Regulations. The Deputy Zoning Commissioner turned down the variance request and an Appeal was heard by the Baltimore County Board of Appeals. In that finding the Board did not find that relief would not be appropriate in any instance under Section 304 of the Baltimore County Zoning Regulations, but that in that case the petitioner was seeking variances over and above the width and size variance the Regulation was designed to provide relief for and found that the relief sought in that case should have been brought under Section 307 of the Baltimore County Zoning Regulations not Section 304. The Board found in that opinion "the Board takes a different view that has long been held by this body, mainly that where multiple variance are required, relief cannot be granted under Section 304.1, and the correct posture is to make application under Section 307 of the Baltimore County Zoning Regulations." In this case the Petitioners have clearly established by the evidence produced for the Board that the only variance requested are for the width (70 feet to approximately 51 feet) and size (10,000 square feet to approximately 6,950 square feet). Section 304.1 of the Baltimore County Zoning Regulation states in pertinent part that "a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by Deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and

c. The owner of the lots does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."

In the case now before the Board; the parties are different and the variances sought are in compliance with the Section of the Baltimore County Zoning Regulation cited above (the applicable law is not section 307 of the Baltimore County Zoning Regulations) clearly making use of the doctrine of res judicata inappropriate in the instant case.

2. Does petitioners request comply with the standards set for in Sections 500.7 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R)?

Petitioners have submitted through undisputed evidence a plan to build a home requiring two variances; one for width and one for an undersized lot. Petitioner owns no land adjacent to the subject property to conform to the width and area requirements of the Zoning Regulations and Petitioner is not seeking any other variances. Evidence also confirmed that the subject lot was created prior to 1955 more precisely 1952. Although objections were made in the hearing by opponents to the variances sought, those same opponents testified that their expectation would be that the property would be maintained more effectively through the construction of a new home. The Petitioners request for relief Under Section 304.1 of the Baltimore County Zoning Regulation is consistent with said section and conforms to the predominant land usage in the area; single family residential on undersized, narrow lots.

CONCLUSION

As outlined in the arguments above, Petitioner has brought a new action in front of the Baltimore County Board of Appeals for its consideration. As mentioned above, although a petition have been heard concerning this same property by this Honorable Board; in this case the Parties are not the same (this is the first time the Fords have been before the Board), the law applied is not Section 307 of the Baltimore County Zoning Regulations as found before by this Board but appropriately Section 304.1 of the Baltimore County Zoning Regulation thus making application of the doctrine of res judicata inappropriate.

Furthermore, the evidence presented at the hearing clearly demonstrated that the only variances sought by petitioners are the variances allowed under Section 304.1 and that a granting of said relief will have a positive effect on the property and the neighborhood. Therefore, it should be clear to this Honorable Board that granting of the variances sought in this matter would not only be proper under the Baltimore County Zoning Regulations, but is exactly the relief the Baltimore County Counsel intended when it enacted Section 304.1 into law. Denial of said relief would be denying Petitioners a right and use of land commonly enjoyed by others.

Matthew J. Parr
Law Office of Matthew J. Parr, LLC
583 Frederick Road, 1B
Baltimore, Maryland 21228

6/1/07
In The Matter of:

John P. and Mary E. Ford – Legal Owners/Petitioners

Case No: No-o6-397-SPH

PROTESTANTS' CLOSING BRIEF

Please accept the following as Protestants' Closing Brief:

On May 2, 2006, Matthew Parr, attorney for John and Mary Ford requested a de novo hearing before the Baltimore County Board of Appeals regarding an undersized lot situated at 4604 Todd Point Lane, Case #: 06-397-SPH.

Mr. Parr presented his case, citing Baltimore County Codes 307 and 304.1.

Opponents to the request contend the following:

Under Baltimore County Code 307, the County Board of Appeals, cannot grant an increase in residential density beyond that otherwise allowable by Zoning Regulations as a result of any such grant of a variance from height or area regulations.

The subject property is located in an area zoned DR 3.5. The subject property is 6,950 square feet. The two properties adjacent on the left of subject property, 4600 and 4602, measure 8,112 and 6,936 square feet respectively. The two properties adjacent to the right of the subject property, 4606 and 4608, measure 7,350 and 8,000 respectively, totaling 37,348 square feet or .85 acre for these five lots. There are currently residential buildings on each of these adjacent properties, exceeding the DR 3.5 density zoning for that area (4 residential buildings on .85 acre).

Under Baltimore County Zoning Regulation Article 1B, Density Residential, Section 1B02, C 1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

DR 3.5 Lot area per dwelling: 10,000 square feet. Minimum width: 70 feet

Under Baltimore County Code Article 3, Exceptions to Height and Area Requirements, Section 304, Use of Undersized Single Family Lots, Section 304.1: ‘...a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; (condition met)
- B. All other requirements of the height and area regulations are complied with (**condition not met**)
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations. (condition met)

Subject property is also encumbered by two drainage and utility easements (13.5 feet on the left of the property and 15 feet on the right of the property) further reducing the buildable area.

In November 1998, previous subject lot owners Michael Schultz and Antoinette Cotsoradis filed a request for variance under Section 1B02.3C.1 and Section 304.1

In February 1999, the Zoning Commissioner denied the Petition for Variance, citing “...the property is inherently too small and narrow, but the location of the easement also severely limits the possibilities for this site.” Case # 99-210A

The previous subject lot owners then filed a Motion for Consideration. This motion was also denied, citing “...the lot, already undersized at approximately 51 feet, would be further reduced in terms of buildable area to a 36 feet wide lot. Additionally, the lot is in a flood plain and suffers from environmental constraints.”

On August 14, 1999, a public hearing was conducted and the case went to the County Board of Appeals based on the denial of the Petition for Variance. On October 29, 1999 the Board of Appeals ordered that the variance relief requested was denied.

On November 20, 2002 Deputy Zoning Commissioner denied the appeal based on res judicata. Previous subject lot owners did not appeal and sold property to the Fords. Case # 03166A

The Fords filed a Petition for Special Hearing for the property under Sections 500.7 and 304.2 (Building Permit Application) of the Baltimore County Zoning Regulations. In April 2006, the Deputy Zoning Commissioner again denied the request. Case # 06-397-SPH

It was then brought before the County Board of Appeals on May 2, 2007 based on the April 2006 denial.

As adjacent property owners, we can tell this Board that the subject property has not changed over the years with the exception of the storm water management drain running underneath the property and the seawall constructed at that time.

The property has never had any type of dwelling on it. There is no previous footprint from which to build. It has been used solely for recreational purposes. Previous owners would visit the property, launch boats from the shared boat ramp, swim in the river, 'picnic' on the site, or use it to store boats or other equipment. For the majority of the time that my family has owned the adjacent site, the maintenance of the subject property has fallen to the adjacent property owners (Ament / Dauses and Foulke families).

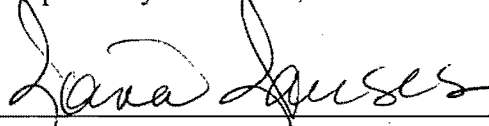
When the County put the storm water management drain in, property owners in the area were assured that the County would take care of this property. At the time, there was much

community opposition to the Beechwood Development and this particular storm water management drain. Prior to the drain's placement, the properties at 4602, 4604 and 4606 Todd Point Lane all had sandy beaches. Since the placement of the drain, those beaches have eroded. Water has risen above the shared boat ramp on 4604 and 4606. The water then undermined soil under the concrete boat ramp to the point that the lower third of the ramp has collapsed. Underground leaks along the drain pipe have resulted in more undermining of soil resulting in sink holes and further erosion has caused the seawall on 4604 to crack and separate, leaning towards the river. This property has been sold numerous times with the understanding that building permits could be obtained. With each new owner the process starts all over again. In the interim, the adjacent property owners continue to maintain the lot – cutting the grass, picking up trash, filling in the sink holes, and trying to shore up the collapsed ramp to prevent further damage.

Our opposition to this approval is not based on any personal feelings for the current or previous property owners. Clearly, previous petitions have been denied based on careful review of zoning regulations and the fact that this property does not meet those regulations.

Under Code 307, this Board cannot grant variances that would increase residential density. Under Code 304.1, the property owners cannot meet Code 304.1B. Therefore, we have no reason to believe that any changes have occurred in either the subject property or the zoning regulations to warrant an approval and hope that this Board would concur.

Respectfully Submitted,



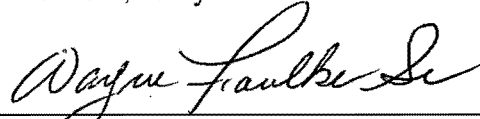
Diana Daus, Interested Party
5 Sipple Avenue
Baltimore, MD 21236



Brenda Hutson, Interested Party
7707 Sparrows Point Boulevard
Baltimore, MD 21219



John Timothy Hutson, Interested Party
7707 Sparrows Point Boulevard
Baltimore, Maryland 21219



Wayne Foulke, Interested Party
2912 Ritchie Avenue
Baltimore, MD 21219

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 1, 2007, a copy of the foregoing Protestants' Closing Brief was mailed, by first class mail, postage prepaid, to the following individuals:

George Chagetas
8013 Neighbors Avenue
Baltimore, Maryland 21237

Karen Malecki
2205 Maple Road
Baltimore, Maryland 21219

Craig Schenning
Amanda Schenning
1194 N. Carroll Street
Hampstead, Maryland 21074

Laura Swann
554 Fairmount Road
Linthicum Heights, Maryland 21090-2012

Mark Ford
9206 Todd Point Lane
Fort Howard, Maryland 21052

Stan Sowinski
4610 Todd Point Lane
Baltimore, Maryland 21219

CBCA Commission
1804 W. Street
Suite 100
Annapolis, Maryland 21401

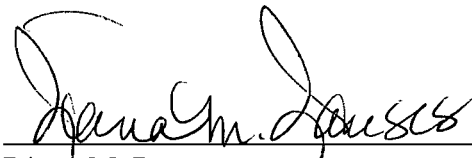
Joseph Godlewski
4524 Todd Point Lane
Baltimore, Maryland 21219

Office of People's Counsel
Baltimore County, Maryland
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

William J. Wiseman, III
Zoning Commissioner
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Pat Keller, Planning Director
Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Timothy M. Kotroco, Director/PDM
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

A handwritten signature in black ink, appearing to read "Diana M. Dausen", written over a horizontal line.

Diana M. Dausen,
Interested Party/Protestant

Click here for a plain text ADA compliant screen.



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

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[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1504200170

Owner Information

Owner Name: DEMBOW MARION F
DEMBOW CABRINA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4544 TODD POINT LN
BALTIMORE MD 21219-1011
Deed Reference: 1) / 7545/ 109
2)

Location & Structure Information

Premises Address
4544 TODD POINT LA

Legal Description

LT 3,4
TODD POINT LA
MERRITT SHORES

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
104	16	220					3	3		7/ 153

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1947	2,101 SF	16,640.00 SF	34
Stories 1 1/2	Basement YES	Type STANDARD UNIT	Exterior BRICK

Value Information

	Base Value	Value As Of	Phase-in Assessments	
		01/01/2006	07/01/2006	07/01/2007
Land:	87,910	147,660		
Improvements:	75,890	137,250		
Total:	163,800	284,910	204,170	244,540
Preferential Land:	0	0	0	0

Transfer Information

Seller: DEMBOW MARION M	Date: 05/25/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7545/ 109	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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

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[View Map](#)
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[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1518000540

Owner Information

Owner Name: CARLING THOMAS A
CARLING LISA A
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 2801 11TH ST
BALTIMORE MD 21219-1667
Deed Reference: 1) /18238/ 382
2)

Location & Structure Information

Premises Address
4600 TODD POINT LN

Legal Description

4600 TODD POINT LN
MERRITT SHORES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
104	16	220		WATERFRONT			1	3		7/ 153

Special Tax Areas	Town Ad Valorem Tax Class	Primary Structure Built	Enclosed Area	Property Land Area	County Use
		2004	1,836 SF	8,112.00 SF	34
Stories	Basement	Type	Exterior		
2	YES	STANDARD UNIT	SIDING		

Value Information

	Base Value	Value As Of	Phase-in Assessments	
			As Of	As Of
			07/01/2006	07/01/2007
Land:	85,110	144,110		
Improvements:	170,000	222,180		
Total:	255,110	366,290	292,170	329,230
Preferential Land:	0	0	0	0

Transfer Information

Seller: BOSSALINA JOSEPH A, SR	Date: 06/26/2003	Price: \$100,000
Type: IMPROVED ARMS-LENGTH	Deed1: /18238/ 382	Deed2:
Seller: RAY MARGARET C	Date: 09/24/2001	Price: \$75,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /15595/ 722	Deed2:
Seller: RAY MARGARET C	Date: 05/20/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /13761/ 229	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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

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[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1508301742

Owner Information

Owner Name: FORD JOHN P, JR
FORD MARY E
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1368 OAK POINT SCHOOL RD
WYOMING DE 19934-3853
Deed Reference: 1) /18117/ 25
2)

Location & Structure Information

Premises Address
4604 TODD POINT LN

Legal Description
.160 AC
MILTON SCHLUDERBERG

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
104	22	318					2	3	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built
0000

Enclosed Area

Property Land Area
6,950.00 SF

County Use
34

Stories

Basement

Type

Exterior

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments	
			As Of 07/01/2006	As Of 07/01/2007
Land:	20,700	41,450		
Improvements:	0	0		
Total:	20,700	41,450	27,616	34,532
Preferential Land:	0	0	0	0

Transfer Information

Seller: SCHULTZ MICHAEL A	Date: 06/03/2003	Price: \$65,000
Type: IMPROVED ARMS-LENGTH	Deed1: /18117/ 25	Deed2:
Seller: AT HOME AGAIN LLC	Date: 03/16/1999	Price: \$55,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /13599/ 660	Deed2:
Seller: SIGNAL DEVELOPMENT CORP	Date: 10/16/1998	Price: \$25,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /13224/ 148	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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

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[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1501500352

Owner Information

Owner Name: DAUSES DIANA M HUTSON BRENDA K
DAUSES WILLIAM M/JOHN E,SR,ETAL
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 7707 SPARROWS POINT BLVD
BALTIMORE MD 21219-1930
Deed Reference: 1) /12820/ 660
2)

Location & Structure Information

Premises Address
4606 TODD POINT LA

Legal Description

ES TODD POINT LA
MILTON SCHLUDERBERG

				WATERFRONT		MILTON SCHLUDERBERG			
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
104	22	319					3	3	Plat Ref:
Special Tax Areas				Town Ad Valorem Tax Class					
Primary Structure Built				Enclosed Area		Property Land Area			County Use
1954				780 SF		7,350.00 SF			34
Stories		Basement		Type				Exterior	
1		NO		STANDARD UNIT				STUCCO	

Value Information

	Base Value	Value As Of	Phase-In Assessments	
		01/01/2006	As Of 07/01/2006	As Of 07/01/2007
Land:	84,350	143,500		
Improvements:	36,060	43,280		
Total:	120,410	186,780	142,533	164,656
Preferential Land:	0	0	0	0

Transfer Information

Seller: AMENT GEORGE H
Type: NOT ARMS-LENGTH
Date: 04/29/1998
Deed1: /12820/ 660
Price: \$0
Deed2:
Seller:
Date:
Deed1:
Price:
Deed2:
Seller:
Date:
Deed1:
Price:
Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.



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Account Identifier: District - 15 Account Number - 1513752090

Owner Information

Owner Name: ROSANNA LLC Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1694 JUSTIN DR Deed Reference: 1) /24118/ 56
GAMBRILLS MD 21054-2013 2)

Location & Structure Information

Premises Address
4608 TODD POINT LN

Legal Description

4608 TODD POINT LN NES
1200FT SE MERRITT AVE

				WATERFRONT	1200FT SE MERRITT AVE				
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
104	23	320					4	3	
Special Tax Areas				Town Ad Valorem Tax Class					
Primary Structure Built				Enclosed Area	Property Land Area			County Use	
1954				920 SF	8,000.00 SF			34	
Stories		Basement		Type				Exterior	
1		NO		STANDARD UNIT				BLOCK	

Value Information

	Base Value	Value As Of	Phase-in Assessments	
		01/01/2006	As Of	As Of
			07/01/2006	07/01/2007
Land:	85,000	144,000		
Improvements:	43,460	52,120		
Total:	128,460	196,120	151,013	173,566
Preferential Land:	0	0	0	0

Transfer Information

Seller: BROWN WENDY ANNE	Date: 06/30/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /24118/ 56	Deed2:
Seller: PIRARO JAMES CARLO TRUSTEE	Date: 12/27/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23130/ 399	Deed2:
Seller: PIRARO JAMES CARLO	Date: 03/20/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14364/ 331	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.



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

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Account Identifier: District - 15 Account Number - 1511000410

Owner Information

Owner Name: SOWINSKI STANLEY T Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4610 TODD POINT LN Deed Reference: 1) /24629/ 133
BALTIMORE MD 21219-1013 2)

Location & Structure Information

Premises Address
4610 TODD POINT LN

Legal Description
.211 AC
4610 TODD POINT LN ES
440 NE MERRITT LA

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
104	22	321						3	

Special Tax Areas	Town Ad Valorem Tax Class
Primary Structure Built 1955	Enclosed Area 1,632 SF

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,632 SF	9,333.00 SF	34

Stories	Basement	Type	Exterior SIDING
2	NO	STANDARD UNIT	

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	86,080	145,330		
Improvements:	78,590	144,070		
Total:	164,670	289,400	206,246	247,822
Preferential Land:	0	0	0	0

Transfer Information

Seller: SOWINSKI STANLEY T	Date: 10/16/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /24629/ 133	Deed2:
Seller: KAULL ELMER S	Date: 02/03/1975	Price: \$22,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5506/ 330	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Section 304, Use of Undersized Single-Family Lots [BCZR 1955; Bill No. 47-1992]

304.1 [Bill Nos. 64-1999; 28-2001] Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Section 307, Variances [BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

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

DIANA M. DAUSES
5 Sipple Avenue
Baltimore, Maryland 21236

June 1, 2007

RECEIVED

JUN - 1 2007

BALTIMORE COUNTY
BOARD OF APPEALS

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

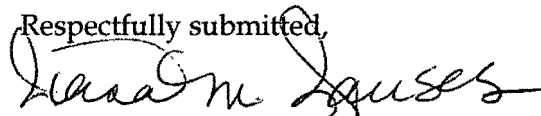
RE: In the Matter of: John P. and Mary Ford, Legal Owners/Petitioners
Case No: 06-397-SPH

Dear Ms. Bianco:

In accordance with the May 16, 2007 Notice of Deliberations, please find enclosed the original and three copies of Protestants' Closing Brief.

Thank you for your assistance in this matter.

Respectfully submitted,



Diana M. Dausés, Protestant/Interested Party, for
Brenda Hutson, Tim Hutson and Wayne Foulke,
Protestants and additional Interested Parties

DMD/bkh
Enclosures

cc: Ms. Margaret Brassil, Chair - County Board of Appeals
George Chagetas
Karen Malecki
Craig Schenning
Amanda Schenning
Laura Swann
Mark Ford
Stan Sowinski
CBCA Commission
Joseph Godlewski
Office of People's Counsel
William J. Wiseman, III/Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director/PDM

4/12/06

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
East Side of Todd Point Lane, 1,500' NW *
Of Centerline of Sandymount Road * DEPUTY ZONING COMMISSIONER
15th Election District *
7th Councilmanic District * OF BALTIMORE COUNTY
(4604 Todd Point Lane) *
* CASE NO. 06-397-SPH
John P. and Mary E. Ford
Legal Owners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 4604 Todd Point Lane in the Sparrows Point area of Baltimore County. The Petition was filed by John P. and Mary E. Ford, Legal Owners. Special Hearing relief is requested pursuant under Sections 500.7 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Zoning Commissioner/Deputy Zoning Commissioner should approve construction of a dwelling on an undersized lot.

The property was posted with Notice of Hearing on March 7, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 7, 2006, to notify any interested persons of the scheduled hearing date. A Formal Demand for Hearing was filed on December 14, 2005 by Wayne B. Foulke, Sr. (son of Elizabeth), an adjacent property owner. Pursuant to the statute, the case was set for hearing before this Commission on March 23, 2006.

Applicable Law

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

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all

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Date 4-12-06 By [Signature]

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated March 7, 2006 and the Office of Planning dated March 3, 2006, copies of which are attached hereto and made a part hereof. Although the property is within the Chesapeake Bay Critical Area, no comment was received from DEPRM.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Karen Malecki, Mary Ford, John Ford, Craig Schenning, Amanda Schenning, Laura Swann, Mark Ford and Stan Sowinski, as well as George Chagetas, who prepared the site plan. Diana Dausen and Tim Hutson appeared at the hearing in opposition to the request and along with Wayne Foulke, Sr, submitted a letter in opposition to the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this request, is vacant, zoned DR 3.5 and contains 6,950 square feet. The Petitioner's request approval of the lot as an undersize building lot pursuant to Section 304 of the BCZR. There is no request for variance as the proposed home meets all County regulations. The Petitioners opined that the lot was created in 1950 by deed and both this and the adjoining lot sold as one parcel.

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Date 4-10-06
By [Signature]

The property is approximately 50 feet wide and is burdened with two County drainage and utility easements 13.5 and 15 feet in width. The proposed home will be only 20 feet wide so as to avoid these easements. See Petitioner's Exhibit 1. The Petitioner's opined that they had approval of all County agencies including a review of floor plans and elevations by the Planning Office.

Mr. Chagetas opined that the proposed home would be compatible with the neighborhood which he defined as the Merritt Shores area. He testified that 56 % of waterfront lots in this area had one home on a 50-foot wide lot. He further noted that four homes were recently built in the area on 50-foot wide lots for which the County granted variances. He noted that there is no more land to purchase to meet the lot width and lot area required under the DR 3.5 regulations.

Mr. Sowinski, a nearby resident, presented a petition signed by himself and five neighbors supporting building a home on the subject lot on the basis that "the lot at 4604 Todd Point Lane is a public nuisance". See Petitioner's Exhibit 4. He explained that as a vacant lot the property was used as a dump by the residents, and had become a lover's lane to the detriment of the full time residents of the area.

The protestants, who are adjacent property owners, testified that the various owners of the subject lot have not properly maintained the lot, pointed out that there has never been a house on the lot, and described in some detail the sink holes and drain pipes leading from the road to the waterfront which are buried on the lot. They noted that similar requests have been turned down by the County starting in 1999.

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Date 4-12-96

By [Signature]

Findings of Fact and Conclusions of Law

The initial inquiry must be the allegation by the protestants that this same case has been presented and denied in the past. If so, the request must be denied on the basis of the doctrine of *res judicata*. The protestants cite Case Nos. 99-210-A and 03-166-A.

Case No. 99-210-A was heard by Commissioner Schmidt who denied the request for approval of an undersized lot and associated setback variances stating that the lot was inherently too small and burdened by the drainage easements. Apparently the proposed home encroached onto the two drainage easements which caused the County to oppose the request. After the Commission's decision, the Petitioner amended their request for a smaller home which would not encroach on the easements in a Motion to Reconsider. The Zoning Commissioner denied this request as well. This decision was then appealed to the Board of Appeals who also denied the request in a lengthy opinion which focused to a great degree on the fact that a building permit had been issued for a home on the lot. However, in regard to the merits of the case the Board opined that the lot in question is simply too small, the lot too narrow, coupled with the easement, to accommodate the structure proposed. I understand that the home proposed at the Board had been narrowed to avoid requesting setback variances.

This same home was then proposed in Case No. 03-166-A which was denied by the Deputy Zoning Commissioner on the basis that this same request had been denied by the Board of Appeals. Consequently, he denied the request under the doctrine of *res judicata*.

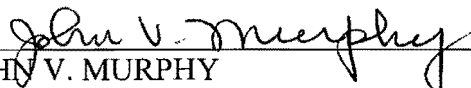
As far as I can tell, I am being asked to approve the identical request, which like the prior Commissioners I must deny on the basis of the doctrine of *res judicata*. No evidence was presented to me to make me believe that the subject proposal was in any way different from that turned down by the Zoning Commissioner in the Motion for Reconsideration in 1999, the Board

of Appeals in 1999 and the Deputy Zoning Commissioner's in 2002. I would also point out to the Petitioner's that Zoning Commissioners are bound by the decision of the Board of Appeals. The only relief I can envision for the Petitioner's is for the Board to reverse itself on appeal.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special hearing and variance should be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12 day of April 2006, that the Petitioner's request for Special Hearing relief requested pursuant under Sections 500.7 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Zoning Commissioner should approve construction of a dwelling on an undersize lot, be and is hereby DENIED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 4-12-06
By Debra V. [unclear]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For March 6, 2006
Item No. 397

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the future right-of-way for Todd Pointe Lane centered on existing 20-foot right-of-way. Setback shall be adjusted accordingly. ✓

The base flood elevation for this site is 9.4 feet 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.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 397-03072006.doc

COPIES RECEIVED FOR FILING

Date 4-12-06

By [Signature]

3/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2006

RECEIVED

MAR 0 2006

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

OFFICE OF PLANNING

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-397- Special Hearing**

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following condition shall apply to the proposed dwelling:

Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Prepared By: *Caris Murray*

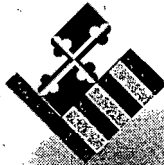
Division Chief: *Lynn Jenkins*

CM/LL

ORDER RECEIVED FOR FILING

Date 4-12-06

By *Debra Vining*



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 5, 2006

John P. Ford, Jr.
Mary E. Ford
1368 Oak Point School
Wyoming, Delaware 19934

Re: Petition for Special Hearing
Case No. 06-397-SPH
Property: 4604 Todd Point Lane

Dear Mr. and Mrs. Ford:

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

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

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Mark Ford, 9206 Todd Avenue, Ft. Howard, MD 21052
Karen Malecki, 2206 Maple Road, Baltimore, MD 21219
Craig S. and Amanda M. Schenning, 1194 N. Carroll St., Hampstead, MD 21074
Laura A. Swann, 1116 Elm Road, Baltimore, MD 21227
George Chagetas, 8013 Neighbors Avenue, Baltimore, MD 21237
Stan Sowinski, 4610 Todd Point Lane, Baltimore, MD 21219
Diana Dauses, 5 Sipple Avenue, Baltimore, MD 21236
Tim Hutson, 7707 Sparrows Point Blvd., Baltimore, MD 21236
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401
People's Counsel; Dennis Kennedy, PDM; Case File

FP
CBCA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4604 TODD POINT LANE
which is presently zoned D.R. 3.5

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

SEC. 304-2 BCZR

CONSTRUCTION OF A DWELLING ON AN UNDERSIZE LOT.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print JOHN P. FORD JR

Signature John P Ford Jr

Name - Type or Print MARY E. FORD

Signature Mary E Ford

Address 1368 OAK POINT SCHOOL RD.

City WYOMING State DE. Zip Code 19934

Representative to be Contacted:

Name MARK FORD

Address 9206 TODD AVENUE Telephone No. 410-477-0811

City FT. HOWARD State MD. Zip Code 21052

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 2/15/06

ORDER RECEIVED FOR FILING

Case No. 06-397-3PH

Date 9/15/98

By _____

ZONNING DESCRIPTION

4604 TODD POINT LANE

BEGINNING at point on the east side of Todd Point Lane on which property fronts which is 20.00 feet of right-way width wide at the distance of 1,500 feet northwest to the centerline of the nearest intersecting street, Sandymount Road 50.00 feet of right-of way width wide. Thence the following courses and distances.

N. $67^{\circ} 52' 38''$ E. 135.00 ft., S. $16^{\circ} 23' 05''$ E. 50.25 ft.,
S. $67^{\circ} 52' 38''$ W. 143.00 Ft., N. $7^{\circ} 31' 22''$ W. 51.67 ft.
to the place of beginning as recorded in Deed
Liber 18117, Folio 25.

397



George Chagetas

**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: #06-397-SPH

4604 Todd Point Lane
East side of Todd Point Lane at the distance of 1,500 feet northwest of the centerline of Sandymount Road

15th Election District
7th Councilmanic District
Legal Owner(s): Mary E. & John P. Ford, Jr.

Special Hearing: to permit construction of a dwelling on an undersized lot.

Hearing: Thursday, March 23, 2006 at 10:00 a.m., 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.

JT 3/627 Mar. 7 86864

CERTIFICATE OF PUBLICATION

3/9, 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 3/7, 2006.

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

S. Wilkinson

LEGAL ADVERTISING



FORMAL DEMAND FOR HEARING

CASE NUMBER: UNDERSIZED LOT

Address: 4604 FKA 4602 TODD POINT LN.

Petitioner(s): John P. Ford Jr & Mary Ford

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We WAYNE B. Foulke SR (son of Elizabeth)
Name - Type or Print

() Legal Owner OR () Resident of

4602 Todd Point Lane
Address

BALTO MD 21219
City State Zip Code

410-477-2214
Telephone Number

which is located approximately ADJACENT feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Wayne B. Foulke Sr 12-14-05
Signature Date

[Signature] 12-14-05
Signature Date

**Department of Permits and
Development Management**



Baltimore County

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

February 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: 06-397-SPH

4604 Todd Point Lane

East side of Todd Point Lane at the distance of 1,500 feet northwest of the centerline of Sandymount Road

15th Election District—7th Councilmanic District

Legal Owners: Mary E. & John P. Ford, Jr.

Special Hearing to permit construction of a dwelling on an undersized lot.

Hearing: Thursday, March 23, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK: raj

C: Mr. & Mrs. John P. Ford, Jr., 1368 Oak Point School Road, Wyoming, DE 19934
Mr. Mark Ford, 9206 Todd Avenue, Ft. Howard, MD 21052

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 8, 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.



APPEAL SIGN POSTING REQUEST

CASE NO. 06-397-SPH

4604 TODD POINT ROAD

15TH ELECTION DISTRICT

APPEALED: 5/10/2006

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

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

45-F6

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

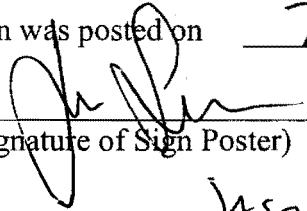
CASE NO.: 06-397-SPH

LEGAL OWNER: JOHN P. & MARY E. FORD

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

4604 TODD POINT LANE

The sign was posted on 7-7-06, 2006.

By: 

(Signature of Sign Poster)

(Print Name)

JASON SKIDEMAN



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 5, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-397-SPH

IN THE MATTER OF: JOHN P. AND MARY E. FORD
Legal Owners /Petitioners 4604 Todd Point Lane
15th Election District; 7th Councilmanic District

4/12/06 –D.Z.C.'s Order in which requested zoning relief was **DENIED**.

ASSIGNED FOR:

WEDNESDAY, MAY 2, 2007 at 10:00 a.m.

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

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

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

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

Kathleen C. Bianco
Administrator

c: Appellants /Petitioners

: John P. and Mary E. Ford, Jr.

George Chagetas
Karen Malecki
Craig Schenning
Amanda Schenning
Laura Swann
Mark Ford
Stan Sowinski

Protestants

: Diana Dauses
Tim Hutson
Wayne Foulke Sr.

CBCA Commission
Joseph Godlewski

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





County Board of Appeals of Baltimore County

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

May 16, 2007

NOTICE OF DELIBERATION

IN THE MATTER OF:

JOHN P. AND MARY E. FORD – Legal Owners /Petitioners
Case No-06-397-SPH

Having heard this matter on 5/02/07, public deliberation has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, JUNE 27, 2007 at 9:30 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due on Friday, June 1, 2007
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Appellants /Petitioners : John P. and Mary E. Ford, Jr.

George Chagetas
Karen Malecki
Craig Schenning
Amanda Schenning
Laura Swann
Mark Ford
Stan Sowinski

Protestants

: Diana Dausen
Tim Hutson
Wayne Foulke Sr.

CBCA Commission
Joseph Godlewski

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

Copy to: 5-2-6



CERTIFICATE OF POSTING

RE: Case No: 06-397-SPH

Petitioner/Developer: MARY E. ?
JOHN P. FORD JR.

Date Of Hearing/Closing: 3/23/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 4604 TODD POINT LAKE

This sign(s) were posted on March 7, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 3/6/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto, Md 21220

(443-629 3411)

im000594 (1152x864x24b jpeg)



Walter Ogle 3/17/06

**Department of Permits and
Development Management**

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



Baltimore County

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

March 13, 2006

John P. Ford
Mary E. Ford
1368 Oak Point School Road
Wyoming, DE 19934

Dear Mr. and Mrs. Ford:

RE: Case Number: 06-397-SPH, 4604 Todd Point Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 15, 2006.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Mark Ford 9206 Todd Avenue Ft. Howard 21052

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





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

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

Maryland Department of Transportation

Date: 2.28.06

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

RE: Baltimore County
Item No. 357 JRP

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

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

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

Fire Department

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



Baltimore County

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

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

February 28, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 27, 2006

Item No.: 387, 388, 389, 390, 391, 392, 394, 395, 396, 397, 398, 399, 400,
401, 402, 403, 404, 405 and 406

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
Phone (410) 887-4881
Mail Stop - 1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 03 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM - Development Coordination
DATE: April 1, 2006
SUBJECT: Zoning Item # 06-397-SPH
Address 4604 Todd Point Lane
(Ford Property)

Zoning Advisory Committee Meeting of February 27, 2006

_____ 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:

LDA regulations must be met on this site. Impervious surface area is limited to 25% of the lot's area, and 15% tree cover must be met and maintained on site. Buffer Management Area regulations also apply.

Reviewer: K. Brittingham

Date: March 28, 2006

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For March 6, 2006
Item No. 397

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the future right-of-way for Todd Pointe Lane centered on existing 20-foot right-of-way. Setback shall be adjusted accordingly. ✓

The base flood elevation for this site is 9.4 feet 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.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 397-03072006.doc

APR 3/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2006
RECEIVED

MAR 09 2006

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-397- Special Hearing**

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following condition shall apply to the proposed dwelling:

Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

Division Chief:

Lynn Johnson

CM/LL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
4804 Todd Point Lane; E/S Todd Point Lane, * ZONING COMMISSIONER
1,500' NW c/line Sandymount Road *
15th Election & 7th Councilmanic Districts *
Legal Owner(s): John & Mary Ford * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-397-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Mark Ford, 9206 Todd Avenue, Ft. Howard, MD 21052, Representative for Petitioner(s).

RECEIVED

MAR 02 2006

Per *[Signature]*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

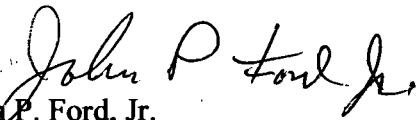
May 11, 2006

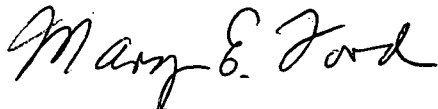
Re: Petition for Special Hearing
Case No. 06-397-SPH
Property: 4604 Todd Point Lane
Baltimore County, MD
Owners: John P. Ford, Jr. & Mary E. Ford

Mr. William J. Wiseman, III
Zoning Commissioner
Mr. Timothy M. Kotroco, Director
Dept. of Permits and Development Program
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

Dear Sirs:

Pursuant to the decision by Deputy Zoning Commissioner, John V. Murphy, denying a variance for building permit on the above property, and his letter advising that any Party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management, we, the owners of subject Property, request a hearing of appeal to this decision.


John P. Ford, Jr.


Mary E. Ford

1368 OAK POINT SCHOOL ROAD
WYOMING, DE 19934-3853

RECEIVED

MAY 10 2006

Per. 

**Department of Permits and
Development Management**



Baltimore County

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

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

May 22, 2006

John P. Ford, Jr.
Mary E. Ford
1368 Oak Point School
Wyoming, Delaware 19934

Dear Mr. & Mrs. Ford:

RE: Case: 06-397-SPH, 4604 Todd Point Lane

Please be advised that this office received your appeal of the above-referenced case was filed in this office on May 10, 2006. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

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

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Mark Ford, 9206 Todd Point Lane, Ft. Howard 21052
Karen Malecki, 2206 Maple Road, Baltimore 21219
Craig & Amanda Schenning, 1194 N. Carroll Street, Hampstead 21074
Laura Swann, 1116 Elm Road, Baltimore 21227
George Chagetas, 8013 Neighbors Avenue, Baltimore 21237
Stan Sowinski, 4610 Todd Point Lane, Baltimore 21219
Diana Duases, 5 Sipple Avenue, Baltimore 21236
Tim Hutson, 7707 Sparrows Point Blvd., Baltimore 21236
CBCA Commission, 1804 W. Street, Ste. 100, Annapolis 21401

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



APPEAL

Petition for Special Hearing
4604 Todd Point Lane
Eastside of Todd Point Ln., 1,500' NW centerline of Sandymount Rd.
15th Election District – 7th Councilmanic District
Legal Owners: John P. & Mary E. Ford

Case No.: 06-397-SPH

- ✓ Application for Undersized Lot (Original request) November 18, 2005
- ✓ Formal Demand for Hearing – December 14, 2005 by Wayne Foulke, Sr.
- ✓ Petition for Special Hearing (February 15, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (February 24, 2006)
- ✓ Certification of Publication (The Jeffersonian – March 7, 2006)
- ✓ Certificate of Posting (March 7, 2006) by Martin Ogle
- ✓ Entry of Appearance by People's Counsel (March 2, 2006)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet – None in File
- ✓ Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1. Site Plan submitted with application for Undersized Lot
- 2. Flood Insurance Rate Map and Original Site Plan
- 3. Photograph Addendum (Consisting of 7 pages)
- 4. Letter dated March 21, 2006 in support of Petitioners

Protestants' Exhibits – None in File

Miscellaneous (Not Marked as Exhibit)

- 1. Storm Water Management Reservation I Map
- 2. Findings of Fact and Conclusion of Law 03-166-A
- 3. Findings of Fact and Conclusion of Law 99-210-A
- 4. Findings of Fact and Conclusion of Law 03-166-A
- 5. Findings of Fact and Conclusion of Law 99-210-A
- 6. Opinion from Board of Appeals
- 7. Letter dated December 13, 2005 from Ms. Dausen & Ms. Hutson
- 8. Letter from House Numbers & Street Addresses dated December 30, 2005

✓ Deputy Zoning Commissioner's Order (DENIED – April 12, 2006)

✓ Notice of Appeal received on May 10, 2006 from Mr. & Mrs. John Ford, Jr.

C: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mark Ford, 9206 Todd Point Lane, Ft. Howard 21052
Karen Malecki, 2206 Maple Road, Baltimore 21219
Craig & Amanda Schenning, 1194 N. Carroll Street, Hampstead 21074
Laura Swann, 1416 Elm Road, Baltimore 21227
George Chagetas, 8013 Neighbors Avenue, Baltimore 21237
Stan Sowinski, 4610 Todd Point Lane, Baltimore 21219
Diana Duases, 5 Sipple Avenue, Baltimore 21236
Tim Hutson, 7707 Sparrows Point Blvd., Baltimore 21236
CBCA Commission, 1804 W. Street, Ste. 100, Annapolis 21401

date sent May 22, 2006, klm

MATTHEW J. PARR ESQUIRE
LAW OFFICE OF MATTHEW J. PARR LLC
583 FREDERICK ROAD, 1B
BALTIMORE MD 21228

RECEIVED

MAY 22 2006

BALTIMORE COUNTY
BOARD OF APPEALS

Foulke, Wayne
2912 Ruthe Ave
21219

JOSEPH

GODLEWSKI

4524 TODD PT Lane

410-477 21219

Longman Hqs
21090-2012

Laura Swann
534 Fairmount Rd

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

Baltimore County Board Of Appeals
Attn: Kathleen C. Bianco,
Old Courthouse Rm 49, 400
Towson MD 21204

Assignment Date: 02/14/08

Case Title: In the Matter of John P Ford, et al
Case No: 03-C-07-012133 AA

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Joy M Keller at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 02/29/08
 2. All Motions (excluding Motions in Limine) are due by..... 05/08/08
 3. TRIAL DATE is..... 06/17/08
- Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned: 1/2 HOUR ADMINISTRATIVE APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients MUST attend the settlement conference in person. All insurance representatives MUST attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Civil Assignment Office at (410)-887-2660 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Voluntary Dismissal: Per Md. Rule 2-506, after an answer or motion for summary judgment is filed, a plaintiff may dismiss an action without leave of court by filing a stipulation of dismissal signed by all parties who have appeared in the action. The stipulation shall be filed with the Clerk's Office. Also, unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action.

Court Costs: All court costs MUST be paid on the date of the settlement conference or trial.

Camera Phones Prohibited: Pursuant to Md. Rule 16-109 b.3., cameras and recording equipment are strictly prohibited in courtrooms.

RECEIVED
FEB 15 2008

BALTIMORE COUNTY
BOARD OF APPEALS

and adjacent hallways. This means that camera cell phones should not be brought with you on the day of your hearing to the Courthouse.

cc: Office Of Administrative Heari

cc: Matthew J Parr Esq

Issue Date 02/14/08



County Board of Appeals of Baltimore County

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

November 1, 2007

MATTHEW J. PARR, ESQUIRE
Law Office of Matthew J. Parr, LLC
583 Frederick Road – 1B
Baltimore, MD 21228

RE: Circuit Court Civil Action No. 03-C-07-12133
Petition for Judicial Review
John P. and Mary E. Ford,
Board of Appeals Case No.: 06-397-SPH

Dear Mr. Parr:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review, which you have taken to the Circuit Court for Baltimore County in the above-entitled matter, within sixty days. The cost of the transcript of the record must be paid by you and must be paid in time to transmit same to the Circuit Court within the sixty day timeframe, as stated in the Maryland Rules.

The Court Reporter that you need to contact to obtain the transcript and make arrangement for payment is as follows:

CAROLYN PEATT
TELEPHONE: 410- 486-8209
HEARING DATE(S): May 2, 2007

This office has also notified Ms. Peatt that a transcript on the above captioned matter is due by December 26, 2007, for filing in the Circuit Court. A copy of your Petition, which includes your telephone number, has been provided to the Court Reporter, which enables her to contact you for payment provisions.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,


Linda B. Fliegel
Legal Secretary

/lbf

Enclosure

c: Carolyn Peatt, Court Reporter
Dianna Dausess
John P and Mary E. Ford





County Board of Appeals of Baltimore County

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

November 1, 2007

Diana M. Dauses
5 Sipple Avenue
Baltimore, MD 21236

RE: Circuit Court Civil Action No. 3-C-07-12133
Petition for Judicial Review
John P. and Mary Ford
Board of Appeals Case No.:06-397-SPH

Dear Ms. Dauses:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on October 22, 2007 in the Circuit Court for Baltimore County, and received in the Board of Appeals on October 26, 2007, from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, **must be filed under Civil Action No. 3-C-07-12133.**

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Fliegel
Legal Secretary

/lbf
Enclosure

C: John T. Hutson & Brenda Hutson
Wayne Foulke/George Chagetas/Karen Malecki
Craig Schenning and Amand Schenning
Laura Swann/Mark Ford/Stan Sowinski
CBCA Commission
Joseph Godlewski
Peter M. Zimmerman, People's Counsel
William J. Wiseman, III/Zoning Commissioner
Pat Keller, Dir/Planning
Timothy M. Kotroco, Dir.PDM



IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
JOHN P. AND MARY E. FORD
4046 TODD POINT LANE
BALTIMORE, MD 21219

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. C-07-12133

IN THE MATTER OF:
JOHN P. AND MARY E. FORD
4046 TODD POINT LANE
BALTIMORE, MD 21219

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

CASE NO.: 06-397-SPH

* * * * *

RECEIVED AND FILED

2007 NOV -1 PM 12:32

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

MATTHEW J. PARR, ESQUIRE
Law Office of Matthew J. Parr, LLC
583 Frederick Road - 1B
Baltimore, MD 21228

JOHN P. and MARY E. FORD
4046 Todd Point Lane
Baltimore, MD 21219

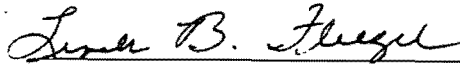
DIANNA DAUSES, Protestant/Interested Party
5 Sipple Avenue
Baltimore, MD 21236

BRENDA HUTSON, Protestant/Interested Party
7707 Sparrows Point Boulevard
Baltimore, MD 21219

JOHN TIMOTHY HUTSON, Protestant/Interested Party
7707 Sparrows Point Boulevard
Baltimore, MD 21219

WAYNE FOULKE, Protestant/Interested Party
2912 Ritchie Avenue
Baltimore, MD 21219

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.


Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

I HEREBY CERTIFY that on this 1st day of November, 2007, a copy of the foregoing Certificate of Notice has been mailed to: Matthew J. Parr, Esquire, Law Office of Matthew J. Parr, LLC, 583 Frederick Road – 1B, Baltimore, MD 21228, John P. and Mary E. Ford, 4046 Todd Point Lane, Baltimore, MD 21219, Dianna Dauses, Interested Party/Protestant, 5 Sipple Avenue, Baltimore, MD 21236, Brenda Hutson, Interested Party/Protestant, 7707 Sparrows Point Boulevard, Baltimore, MD 21219, John Timothy Hutson, Interested Party/Protestant, 7707 Sparrows Point Boulevard, Baltimore, MD 21219, Wayne Foulke, Interested Party/Protestant, 2912 Ritchie Avenue, Baltimore, MD 21219.


Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 25, 2007

Margaret Brassil, Chair
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

RECEIVED
APR 25 2007

BALTIMORE COUNTY
BOARD OF APPEALS

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
John Ford and Mary Ford - Petitioners
4604 Todd Point Lane
Case No.: 06-397-SPH

Dear Ms. Brassil:

This case is scheduled for May 2, 2007 upon Petitioners' appeal of the Deputy Zoning Commissioner's (DZC) denial dated April 12, 2006 of a special hearing to build a residence on an undersized lot in a D.R. 3.5 Zone. The lot is 6,950 square feet instead of the minimum 10,000 square feet, and the lot width is about 51 feet instead of 70 feet, based on the requirements in the chart under BCZR 1B02.3.C.

The case actually should have been filed as a variance case in light of the deviation from the minimum requirements. In any event, as shown by the attached exhibits introduced at the hearing before DZC John V. Murphy, the Board of Appeals denied essentially the same request in Case No. 99-210-A, Cignal Development Corporation and Michael Schultz dated October 29, 1999. There was no further appeal of that case. Subsequently, Michael Schultz along with Antoinette Schultz filed a request for a somewhat narrower house in Case 03-166-A, which Deputy Zoning Commissioner Kotroco denied on November 20, 2002 based on *res judicata*. The Schultzes did not appeal. They then sold the property to the present Petitioners, as shown by the attached SDAT computer printout.

The present petitioners have made essentially the same request, without bothering to request a variance. DZC Murphy denied it based on *res judicata*. It appears to us that his

decision is correct. The seminal zoning case on this issue is Whittle v. Board of Zoning Appeals 211 Md. 36 (1956). Here, the same property is involved and the same essential relief sought here as in the earlier cases. The format of the special hearing does not change the substance of the case. Nor does the succession of ownership, as zoning law addresses the use of the land and does not depend on the identity of the owner. It is also noteworthy, in addition, that owners of the nearby properties who appeared at the DZC hearing here have participated in the earlier cases.

The Court of Appeals quoted Whittle, supra, in another zoning case, Woodlawn Area Cit. Ass'n v. Board of County Com'rs, 241 Md 187 (1966), quoting

"The general rule, where the question has arisen, seems to be that after the lapse of such time as may be specified by the ordinance, a zoning appeals board may consider and act upon a new application for a special permit previously denied, but that it may properly grant such a permit only if there has been a substantial change in conditions. * * * This rule seems to rest not strictly on the doctrine of *res judicata*, but upon the proposition that it would be arbitrary for the board to arrive at the opposite conclusions on substantially the same state of facts and the same law." Emphasis supplied.

The Court of Appeals discussed the applicability of *res judicata* to administrative proceedings generally in Batson v. Shiflett 325 Md. 684 (1992). The Maryland Digest, Administrative Law, Sec. 501, gave this description,

"Agency findings made in course of proceedings that are judicial in nature should be given same preclusive effect, under principles of *res judicata* or collateral estoppel, as findings made by court."

Accordingly, while the CBA reviews these cases *de novo*, the undisputed material facts appear to require the application of *res judicata*. It should be noted that denial of a residence still leaves it open to the property to make recreational use of the property and to do waterfront construction (piers, mooring piles, bulkheads) subject to BCZR 417. See also Zoning Commissioner's Policy Manual. Sec. 400.1.a.

We also bring to the CBA's attention its attached decision in the Oberst case, CBA 04-522-A, dated December 20, 2005, where the CBA denied a request for a residence on another undersized lot. The CBA there agreed with our office's observation that the property had available other uses. We noted there as well that the recreational waterfront uses were permitted, without the necessity to build a residence.

In conclusion, the special hearing should be denied based on the principles of *res judicata*. Moreover, there were legally sufficient reasons for the CBA's 1999 decision to deny the variances on the merits.

Margaret Brassil, Chair
April 25, 2007
Page 3

Very truly yours

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. DeMilio/rmw

Carole S. DeMilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: John and Mary Ford (w/enclosures)
Diana Dausen (w/o enclosures)
Brenda Hutson (w/o enclosures)
Wayne Foulke (w/o enclosures)

IN RE: PETITION FOR VARIANCE

E/S Todd Point Lane, 1410 ft. S

of c/l of Morse Lane

4604 Todd Point Lane

12th Election District

7th Councilmanic District

Contract Purchaser: Michael Schultz

Legal Owner: Cignal Development Corp.

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-210-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Variance for the property located at 4604 Todd Point Lane in the North Point subdivision of Baltimore County. The Petition was filed by Cignal Development Corporation, Property Owner, and Michael Schultz, Contract Purchaser. Variance relief is requested from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (BCZR) to allow a buildable lot with a width of 50.25 ft., in lieu of the required 70 ft., and an area of 6,985 sq. ft., and in lieu of the required 10,000 sq. ft. The Petition also generally seeks relief necessary to approve an undersized lot pursuant to Section 304 of the BCZR and any other variances as deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case were Michael Schultz, property owner, and Buck Jones, builder. Also appearing were Cabrina Dembow and Ethel Weber. Additionally, although they did not appear at the hearing, this office received letters in opposition to the request from Elizabeth S. Foulke, who owns property immediately adjacent to the site at 4602 Todd Point Lane, Brenda K. Hudson, on behalf of the property owner on the other side of the subject parcel at 4606 Todd Point Lane, and Diana M. Dausen. That correspondence is contained within the case file and speaks for itself.

As noted above, the subject property is approximately 6,985 sq. ft., zoned D.R.3.5. Presently, the property is unimproved. Mr. Schultz has acquired the property and proposes constructing a single family dwelling thereon. A building envelope of 30 ft. x 30 ft. is

IN RE: PETITION FOR VARIANCE
E/S Todd Point Lane, 1410' S
centerline of Morse Lane
15th Election District
7th Councilmanic District
(4604 Todd Point Lane)

Antoinette & Michael A. Schultz,
Legal Owners and
Shelley & Gerald Ruth, *Contract Purchasers*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-166-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Antoinette and Michael A. Schultz. The Petitioners are requesting a variance for property located at 4604 Todd Point Lane which is currently zoned D.R.3.5. The variance request is to permit a lot width of 51.67 ft. in lieu of the required 70 ft. and to permit a lot width and area of 6,950 sq. ft. in lieu of the required 10,000 sq. ft. and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Michael Schultz, the owner of the property, Shelley and Gerry Ruth, the contract purchasers. and Harry Blondell, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were Gary Foulke, Bryan Pennington and Tim Hutson.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 6950 sq. ft., more or less, zoned D.R.3.5. It is a waterfront lot located on the northeast side of Todd Point Lane in North Point. It is the same lot and parcel of property which was the subject of an identical petition for variance filed before Commissioner Lawrence E. Schmidt, which case was heard in January of 1999. That prior case was Case No. 99-210-A. The case before Commissioner Schmidt was filed by Cignal Development Corp., as owner and the same Michael Schultz as contract purchaser. The case proceeded before Commissioner

IN THE MATTER OF
THE APPLICATION OF
CIGNAL DEVELOPMENT CORP. /
MICHAEL SCHULTZ - PETITIONER
FOR VARIANCE ON PROPERTY
LOCATED ON THE E/S TODD POINT
LN, 1410' S OF C/L MORSE LANE
(4604 TODD POINT LANE)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
* * * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 99-210-A
* * * *

O P I N I O N

This case comes to the Board of Appeals based on a decision of the Zoning Commissioner that denied a Petition for Variance. Ralph K. Rothwell, Esquire, represented the Petitioners. Carole S. Demilio, Deputy People's Counsel for Baltimore County, appeared on behalf of the Office of People's Counsel. A public hearing was conducted on August 14, 1999, with opening statements by both counsel. Public deliberation occurred on September 14, 1999.

Mr. Douglas Swam, Bureau of Building Permit Processing, Department of Permits & Development Management, appeared as custodian of records of that department under a process served on Mr. Carl Richards, Zoning Supervisor, to produce land records and documents. Records produced were:

Appellants' 2A

Permit #B344064 for property at 4604 Todd Point Lane issued to Cignal Development Corp., Timonium, Md to construct a single-family dwelling, permit application dated June 19, 1998, along with a site plan drawn by KCI Technologies, Inc. The permit was issued on August 13, 1998 (and attachments).

Appellants 3

Building Permit #B360294 issued to Mike Schultz on December 17, 1998 for 4604 Todd Lane for a single-family dwelling. This permit cancelled No. B344064, and expired one year from issue date.

Mr. Swam testified as to the issuance processes for each exhibit. He explained that a permit is valid for one year from issuance

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Easter Avenue
Towson, MD 21204

Permit or Case No. N/AResidential Processing Fee Paid
(\$50.00)Accepted by JE
Date 12/1/05

FROM: Arnold Johnson, Director Timothy Kotroco
Department of Permits & Development Management

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Department of Planning and Community Conservation prior to this office's approval of a dwelling permit.

APPLICANT SUPPLIED INFORMATION:

302-697-8911

Applicant: John P. Ford, Jr. & Mary E. Ford Address: 1368 Oak Point School Road, Wyomung, DE 19734 Telephone Number: 302-697-8911

Lot Address: 4602 TODD POINT LANE Election District 15 Councilmanic District 7 Square Feet 6,950

Lot Location: N 3/4 W side/corner of TODD POINT AVE 1,500 feet from NE SW corner of Sandy Mount Road
(street) (street)

Land Owner: John P. Ford, Jr. & Mary E. Ford Tax Account Number CH151908301742

Address: 1368 OAK POINT SCHOOL ROAD, WYOMUNG, DE 19734 Telephone Number: (302) 697-8911

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY

	YES	NO
1. Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
6. Surrounding Neighborhood	☒	☐
7. Current Zoning Classification: <u>DR 3.5</u>		

TO BE FILLED IN BY 1

RECOMMENDATIONS/COMMENTS:



Approval



Disapproval



Approval conditioned or

Post-it® Fax Note

7671

To: Jon Fernandez
Co./Dept.: PDM
Phone #: 2824
Fax #: 2824

Date

of pages

From

Co.

Phone #

Fax #

Danell Zeigler
Planning
2480
2480

NOV 21 2005

Date 12/1/05

OFFICE OF PLANNING

Revised 2/05/02

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

N67°52'38"E

177.41'

H.O.A. 2 2702 SQ. FT
0.0620 ACRES.

53.06'

20.67'

•4538
554

•4530
555

STORM WATER MANAGEMENT
RESERVATION 1

HOWARD REY

4601

SIGNAL DEVELOPMENT CORP.
ACCT. # 1508301742

#4602

EX. 70"X48" D

GEORGE H. & MARY AMENT
ACCT. # 1501500352

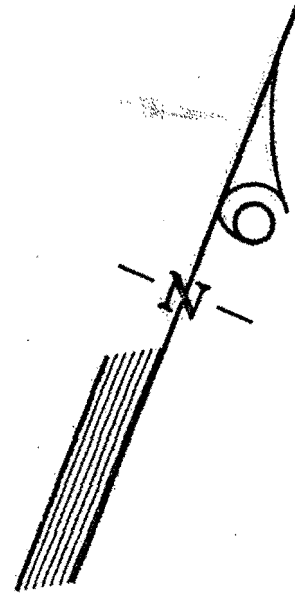
#4606

JAMES CARLO PIRARO
ACCT. # 1513752090

#4608

STANLEY SOWINSKI
ACCT. # 1511000410

WESLEY C. HOGUE
ACCT. # 1508652600



000
E 4700
CEA

557

S 16044.4
E 47144.80

558

557

557

557

Diana M. Dausés
5 Sipple Avenue
Baltimore, MD 21237

Brenda K. Hutson
7707 Sparrows Point Boulevard
Baltimore, MD 21219

December 13, 2005

William J. Wiseman, III, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner Zoning Commissioners
Office County Courts Building
401 Bosley Avenue
Baltimore, MD 21204

Re: Challenge to Baltimore County Code 304.20 4602 Todd Point Lane Baltimore, MD 21219

Dear Messrs. Wiseman and Murphy:

We understand that there is a notice posted on the above-referenced property pursuant to Baltimore County Code 304.20, which is to allow a home to be built on an undersized lot. As owners of an adjoining property, we would like this letter to serve as our challenge to this matter.

We have been on record many times in the past regarding opposition to the development of this property. (Case Number 03 I 66A, 2002 and Case Number 99-210 A, 1998). This property has never had any structure on it, so therefore there is no previous footprint to build upon. In addition, there is a large storm water management drain running underneath the property which is causing the undermining of soil and creating holes. The drainage from this pipe has also caused beach erosion and damaged the existing boat ramp. When Beachwood Estates was built many years ago, one of my concerns was the maintenance of the drain and was told that Baltimore County would be responsible. To date, no one seems to be responsible for the damage that has been caused except for the adjoining property owners.

An excerpt from the Final Opinion and Order issued by the County on October 29, 1999, 'four different variances were needed: area, width of lot and sum of side yard setbacks'. The County also has a 15-foot right of way. Additionally from that ruling, Mr. Eric Rockel, a senior member of the Land Acquisition Bureau of Baltimore County testified that County policy prohibited construction of a permanent structure within a County drainage and utility easement.

Based on previous decisions by the County, we hope that you will uphold those findings.

We can be reached at 443-883-4652 or 410-661-3265 (Diana) or 443-690-0408 or 410-477-5416 (Brenda). We would like to be advised of any hearings on this matter. Thank you in advance.

Diana M. Dausés
Diana M. Dausés
Brenda K. Hutson
Brenda K. Hutson

Joseph L. Loubke Sr.
2912 Ritchie Ave Balt. MD 21219



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

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)

Account Identifier: District - 15 **Account Number -** 1508301742

Owner Information

Owner Name: FORD JOHN P, JR
 FORD MARY E
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1368 OAK POINT SCHOOL RD
 WYOMING DE 19934-3853
Deed Reference: 1) /18117/ 25
 2)

Location & Structure Information

Premises Address
 4604 TODD POINT LN

Legal Description

.160 AC
 MILTON SCHLUDERBERG

WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
104	22	318					2	3	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		6,950.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2006	07/01/2007
Land	20,700	41,450		
Improvements:	0	0		
Total:	20,700	41,450	27,616	34,532
Preferential Land:	0	0	0	0

Transfer Information

Seller: SCHULTZ MICHAEL A	Date: 06/03/2003	Price: \$65,000
Type: IMPROVED ARMS-LENGTH	Deed1: /18117/ 25	Deed2:
Seller: AT HOME AGAIN LLC	Date: 03/16/1999	Price: \$55,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /13599/ 660	Deed2:
Seller: SIGNAL DEVELOPMENT CORP	Date: 10/16/1998	Price: \$25,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /13224/ 148	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Special Tax Recapture:

Exempt Class:

* NONE *

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[illegible]

Order the **TAX**
MAP [click here...](#)

IN THE MATTER OF
THE APPLICATION OF
IANICE OBERST – LEGAL OWNER;
DR. HARLAN AND AMANDA ZINN – C.P. /
PETITIONERS FOR VARIANCE ON PROPERTY * OF
LOCATED ON THE E/S OF COLD SPRING RD,
640' +/- S OF CHESAPEAKE AVENUE
(809 COLD SPRING ROAD)

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 04-522-A

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* * * * *

OPINION

This matter comes as an appeal of a Deputy Zoning Commissioner Order in which the requested variance relief was denied. The variance request is for property at 809 Cold Spring Road. Petitioners requested relief from § 1B02.3.C.1 of the *Baltimore County Zoning Regulations* (BCZR) to allow a lot containing 5,092 square feet, a front yard of 23 feet and a rear yard of 2 feet, in lieu of the required 10,000 square feet, 30 feet, and 30 feet respectively. Petitioners also request approval of the lot as an undersized lot per § 304 of the BCZR.

A public, *de novo* hearing was held before the Board of Appeals on February 24 and May 25, 2005. Petitioners Janice Oberst, legal owner, and Dr. Harlan Zinn, contract purchaser, were represented by John B. Gontrum, Esquire. Carole S. Demilio, Deputy People's Counsel, appeared on behalf of the Office of People's Counsel. The Board publicly deliberated this case on July 28, 2005.

Background

The subject property, Lot 304, was first platted in 1914 as part of Plan "C" of the Long Beach Estates subdivision (see Petitioner's Exhibit 1). It is an undeveloped parcel of land fronting Galloway Creek, off Cold Spring Road. According to the Maryland Department of Assessments and Taxations Real Property Data Search, the property consists of 5,396 square feet (Petitioner's Exhibit 5A). Lot 304 was bought by the family of Ms. Janice Oberst around 1954, following their purchase of 810 Cold Spring Road, which was their residence. In 1992, the



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permit and
Development Management

December 30, 2005

Mr. & Mrs. John P. Ford
1368 Oak Point School Road
Wyoming, Delaware 19934

Dear Mr. & Mrs. Ford:

RE: 4602 Todd Point Lane

It has been brought to my attention that you are requesting approval an undersized lot.

I do not handle that part however; I do oversee the address aspect of it. I have noticed your address listed above is the same as your neighbor's who lives next door. Due to the fact we cannot have two of the same addresses we will be making a change to yours. To keep it in sync with all the numbers on the street and for 911 purposes we will be changing your address to 4604 Todd Point Lane.

So when you do decide to do any building on this property please use that address. If you have any questions or concerns please feel free to contact me at the number below.

Sincerely,

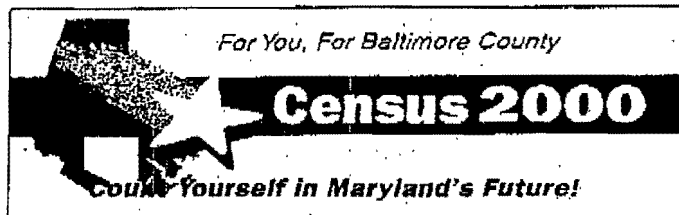
A handwritten signature in black ink, appearing to read "Janice M. Kemp".

Janice M. Kemp
House Numbers
and Street Addresses

cc: Zoning Review, Jun Fernando, Jr.
Elizabeth Foulke, 4602 Todd Point Lane



FAX COVER SHEET

Date: *March 28, 2006*Number of Pages including cover sheet: *18*To: *JOHN MURPHY**DEP. ZON COMM.**Re SIGNAL DEV. CORP*
*CASE: 99-210-A*Phone: *887-3868*Fax # *887-3468*

C:

From: *LINDA*

County Board of Appeals

400 Washington Ave., Rm. 49

Towson, MD 21204

Phone: (410) 887-3180

Fax # (410) 887-3182

REMARKS:

☐ Urgent☐ For your review☐ Reply ASAP☐ Please comment*Dear Mr. Murphy.**7-17*

As per your request, I am forwarding a copy of the Opinion & Order issued by the Board in the above-captioned matter. Please let me know if I can be of any further assistance.

Diana M. Dausen
5 Sipple Avenue
Baltimore, MD 21236

RECEIVED
POST - APPEAL

May 1, 2007

Peter M. Zimmerman
Office of People's Counsel
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Petition for Special Hearing
John Ford and Mary Ford- Petitioners
4602 Todd Point Lane
Case No.: 06-397-SPH

Dear Mr. Zimmerman,

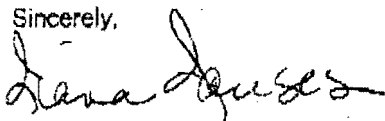
Thank you for your recent letter dated April 25, 2007 regarding the above referenced case. My sister called your office and was told that we would not need to be present at the hearing scheduled for tomorrow, May 2. In lieu of appearing, I would like this letter to serve as my continued objection to building on this property if it is needed.

I have written several letters stating my objections and have appeared in court to voice those objections many times. Nothing about this property has changed much over the years. Regardless of who currently owns the property, in the past 30 years I can tell you that not one of the owners has come down there to cut the grass. My family and the family that owns the property on the other side of this lot (Foulkes) have maintained it. The county's storm water management discharge pipe runs underneath this property. There is obviously a leak running along that pipe because of the numerous sink holes on the property. We continue to fill in the holes and thought we had succeeded with the dirt we placed there last year. I personally paid for a truck load of dirt in order to fill them in. I was there the weekend of April 7, 2007 and the lot was fine. I was there the weekend of April 28, 2007 and the holes have reappeared, some larger than ever. There is also a hole in the street.

Each time this lot is sold, the new owners are told they can get permits to build on it. With each new owner my family and the Foulkes family continue to voice our objections to new petitions for variances and appear in court for hearings that go over the same material. I don't believe the Schultz's were fully informed. The Ford's obviously didn't understand this either. Our objections are not personally directed at the property owners and we are sorry that in addition to the cost of the property, they have additional expenses related to trying to gain the necessary permits to build on it. Isn't there some way the County could flag this property so new owners are not duped into believing they can build a home there? Something clearly stated in the deed or on a tax map? I'm sure that would alleviate some of these hearings and save the owners some money as well.

If you have any questions, please do not hesitate to call me. My cell number is 443-865-7446. I would like to continue to be informed of any hearings or outcomes related to this property.

Sincerely,


Diana M. Dausen

cc: Margaret Brassil, Chair
County Board of Appeals

RECEIVED
POST - APPEAL

RECEIVED
MAY - 1 2007

BALTIMORE COUNTY
BOARD OF APPEALS



Fax

To: Margaret Brassil From: Diana Dausen
Fax: 410-887-3182 Pages: 2, including cover
Phone: 410-402-2320 Date: 5/1/07
Re: Case No 06-397-SPH CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle



County Board of Appeals of Baltimore County

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

August 13, 2007

Mr. John Ford, Jr.
1368 Oak Point School Road
Wyoming, DE 21074

RE: *In the Matter of: John P. and Mary E. Ford, Jr.*
Case No. 06-397-SPH

Dear Mr. Ford:

In response to your request, enclosed is a copy of the Minutes of Deliberation that were taken during the public deliberation in the subject matter held on June 27, 2007. Also enclosed is a copy of the information sheet from the subject file.

In addition, I have recorded your telephone number (410-282-6777) as requested with my file notes and will call you with an estimated date of issuance as soon as I have received the opinion and order in draft form.

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

Very truly yours,

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

Kathleen C. Bianco
Administrator

Enclosures (2)



BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

COPY

IN THE MATTER OF: John P. & Mary E. Ford
4604 TODD POINT LANE
15TH E; 7TH C

DATE: June 27, 2007

BOARD/PANEL Margaret Brassil, Chairman
Lawrence Stahl
Robert Witt

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: Petition for Special Hearing-Sec. 3042.B.C.Z.R-Construction of dwelling on an undersized lot.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

Sections of the B.C.Z.R. - 1) Sec. 304 - Use of Undersized Single-Family Lots
2) Sec. 504 - Furthering Policies and Procedures
3) Sec.1B02.3 - Density Residential Zones

STANDING

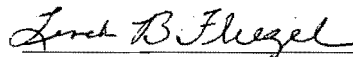
- Petitioners are requesting relief on a small lot (6,950 sq. ft.).
- The relief sought by Petitioners was denied below.
- The undersized lot is located in a D.R. 3.5 zone.
- The Board members found that there were several points that were not presented at the hearing.
- The Board discussed possible applicable law in the B.C.Z.R. along with the small lot table.
- Easements present a problem for building on the lot.
- The property keeps changing hands and the new owners want to build. However, unless there are changes in the current zoning, or, in the alternative, something positive happens with respect to the easements, this appears for all intent and purposes to be a unbuildable lot.
- One possible use for this property would be for recreational purposes.
- The Board felt that this was indeed a matter of *res judicata*.

DECISION BY BOARD MEMBERS: The Board members concluded that this was indeed a case of *res judicata* and that this lot did not meet the standards under 304.2.

FINAL DECISION: After a thorough review of the facts, testimony and law in the matter, the Board unanimously decided to *DENY* the Petitioners request for relief.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted



Linda B. Fliegel
County Board of Appeals

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Property Summary Report

Tax ID#	Address	Legal Subdiv	City	Zip	Absent	Owner Name	Living Area	Total Tax	Transfer Date	Transfer Price	Lot SQFT	Year Built
04151501500352	4606 Todd Point Ln		Sparrows Point	21219	Yes	Dauses, Diana M Hutson Br	780	1,502	29-Apr-1998	\$0	7,350.00	1954
04151502470790	4636 Todd Point Ln		Sparrows Point	21219	Yes	Woolfrey, Ellis Clifton	1,432	1,839	27-Oct-1993	\$135,000	10,920.00	1855
04151502651280	4630 Todd Point Ln		Sparrows Point	21219	No	Celio, Shawn L	2,058	2,627	29-Mar-2002	\$216,000	9,550.00	1893
04151503471231	4536 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Cooke, Joseph Walter	1,124	1,715	27-Feb-1995	\$0	6,477.00	1934
04151504200170	4544 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Dembow, Marion F	2,101	2,043	25-May-1987	\$0	16,640.00	1947
04151504200171	4601 Todd Point Ln		Sparrows Point	21219	No	Rose, Frank L	3,495	1,846	31-May-2001	\$0	49,223.00	0
04151506450090	Todd Point Rd		Sparrows Point	21219	Yes	Foulke, Elizabeth S Foulke C	720	1,362	17-Oct-1988	\$0	6,936.00	1952
04151506820250	4616 Todd Point Ln		Sparrows Point	21219	No	Reglas, Athanasios	2,580	4,085	08-Oct-1998	\$200,000	17,056.00	1999
04151508301742	4602 Todd Point Ln		Sparrows Point	21219	Yes	Ford, John P	0	258	03-Jun-2003	\$65,000	6,950.00	0
04151508650290	4524 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Godlewski, Joseph S	1,450	2,034	16-Sep-1991	\$1	13,800.00	1934
04151508650291	Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Godlewski, Joseph S	0	550	16-Sep-1991	\$1	9,350.00	0
04151508652600	Todd Point Ln		Sparrows Point	21219	Yes	Reglas, Athanasios	0	324	04-Dec-1997	\$131,667	22,311.00	0
04151511000410	4610 Todd Point Ln		Sparrows Point	21219	No	Sowinski, Stanley T	1,632	2,053	03-Feb-1975	\$22,000	9,333.00	1955
04151511151060	4622 Todd Point Ln		Sparrows Point	21219	No	Kehring, Vernon J	1,697	2,141	06-Dec-1989	\$28,600	11,340.00	1953
04151511671100	4628 Todd Point Ln		Sparrows Point	21219	No	Sauerwein, William Joseph	1,072	1,548	21-Aug-1986	\$90,000	9,300.00	1954
04151511975000	4540 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Cosentino, Joseph T	1,008	1,686	13-Oct-1982	\$57,900	8,060.00	1964
04151511980010	4620 Todd Point Ln		Sparrows Point	21219	No	Sauer, Robert D	2,050	2,869	31-Jul-1974	\$42,000	17,334.00	1953
04151512200040	4624 Todd Point Ln		Sparrows Point	21219	No	Biemiller, William Howard	1,596	1,966	19-Dec-1984	\$0	10,422.00	1953
04151512201440	4502 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Dobrzycki, Gerard D	1,127	1,055	05-Dec-1997	\$0	7,600.00	2002
04151513752090	4608 Todd Point Ln		Sparrows Point	21219	Yes		920	1,602	27-Dec-2005	\$0	8,000.00	1954
04151513753300	4514 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Yoder, Brent S	1,104	1,794	13-Jun-1997	\$152,500	7,750.00	1950
04151513753301	4514 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Yoder, Brent S	0	4	13-Jun-1997	\$152,500	308.00	0
04151516601910	4526 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Burruss, Shirley A	1,206	1,788	24-May-2002	\$0	13,350.00	1929
04151516750510	4504 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Kelley, Joel G	774	1,053	13-Sep-1989	\$92,500	7,450.00	1942
04151516750960	4534 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Manns, Raymond G	1,520	1,917	13-Aug-1987	\$0	5,800.00	1929
04151518000540	4600 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Carling, Thomas A	1,836	3,181	24-Sep-2001	\$75,000	8,112.00	2004
04151518470460	4626 Todd Point Ln		Sparrows Point	21219	Yes	Rohlfing, Frances	641	1,519	08-Apr-2003	\$0	9,150.00	1952
04151519000910	4638 Todd Point Ln		Sparrows Point	21219	No	Meyer, Norman Henry	1,500	1,801	29-Aug-1991	\$130,000	20,099.00	1955
04151520200080	4500 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Terzigni, Frank C	1,093	1,513	10-May-1988	\$0	7,800.00	1911
04151520300300	4518 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Wolinski, Henry A	3,102	2,754	25-May-1994	\$0	17,500.00	1952
04151523153420	4506 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Weber-Comegys, Ethel Blan	2,618	2,503		\$0	14,900.00	1966
04151523502170	4634 Todd Point Ln		Sparrows Point	21219	No	Wills, James B	1,464	2,520		\$0	17,460.00	1968

Report Produced By: MARK FORD

Agent Office: (410) 288-6300 Home:

Cell:

E-mail: melmarkle@verizon.net

Chesapeake Residential Realty Inc.

Building Code Floodplain Regulations

If you are building or renovating in a waterfront or stream area, the floodplain regulations can be confusing. Here are some of the questions people frequently ask:

1. Q. What is flood zone A or 100-year flood?

A. The 100-year flood is a base flood elevation that has a 1-percent chance of being equaled or surpassed each year. The 100-year flood, also designated as flood zone 'A' from Flood Insurance Rate Map (FIRM), could occur more than once in a given year.

2. Q. What are the Tidal Base Floodplain Elevations in Baltimore County?

A. 9.4 feet (Back River and south), and 10.2 feet (North of Back River).

3. Q. What is the difference between Base Floodplain Elevation (BFE) And Flood Protection Elevation (FPE)?

A. Base Flood Elevation is the reference elevation used to determine if the structure is within the 100-year flood or flood zone A. The Flood Protection Elevation is the minimum elevation for the lowest floor of new or substantially improved structures once it is determined they are in the floodplain. The Flood Protection Elevation is one foot higher than the Floodplain Elevation to allow for the thickness of floor structures and to provide a safety factor.

4. Q. What are the types of flooding in Baltimore County?

A. Tidal flooding; caused by abnormally high tides, and riverine flooding caused by storm water drainage during storms. No new building or additions may be constructed in any riverine floodplain.

5. Q. What is substantial improvement?

A. Substantial improvement is when the cost of any improvement of a structure in the floodplain equals or exceeds 50 percent of the value of the structure before the improvement.

6. Q. What happens once a project is determined to be to be a substantial improvement?

A. A substantially improved structure must be brought into compliance with NFIP regulations and Baltimore County law for new construction. This usually means the structure must be elevated (or floodproofed if it is a commercial structure) to the level of the flood protection elevation, and meet certain other requirements.

7. Q. How is the value of a structure determined?

A.

- 1.) Independent appraisals by a professional appraiser, or
- 2.) Property appraisals used for tax assessment in state tax records.

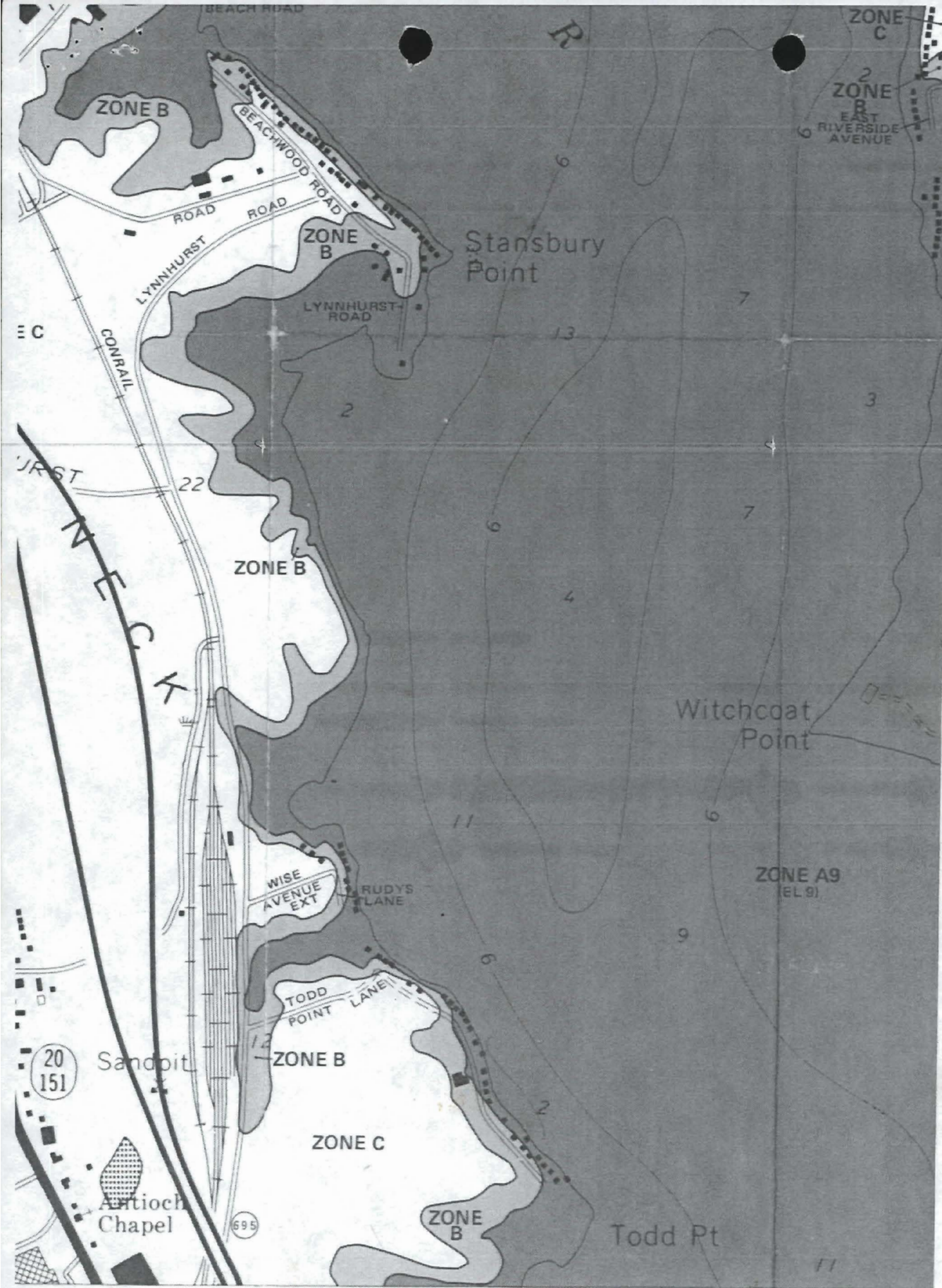
9. Q. When a structure is completely destroyed and a new structure is to be built on the old foundation or slab, is the reconstruction considered a substantial improvement?

A. Yes.

10. Q. Why should an owner suffer what seems to be a penalty for upgrading and improving a structure?

A. The regulations come from the Federal Flood Insurance Program to limit the liability of the federal government in the event of claims against subsidized federal flood insurance or federal disaster relief funds.

Upgrades and improvements add to the value of real property located in flood hazard areas and potentially generate greater claims against federal flood insurance or federal disaster relief funds. So once the improvements reach the substantial improvement level, additional steps are required to limit possible flood damage and flood damage claims.



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**BALTIMORE COUNTY,
MARYLAND**
(UNINCORPORATED AREAS)

PANEL 440 OF 575

(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
240010 0440 C

MAP REVISED:
NOVEMBER 17, 1993



Federal Emergency Management Agency

Flood Map

Borrower/Client Ford, John P. Jr., & Mary E.				
Property Address 4602 Todd Point Ln				
City Edgemere	County Baltimore	State Md.	Zip Code 21219-1013	
Lender				

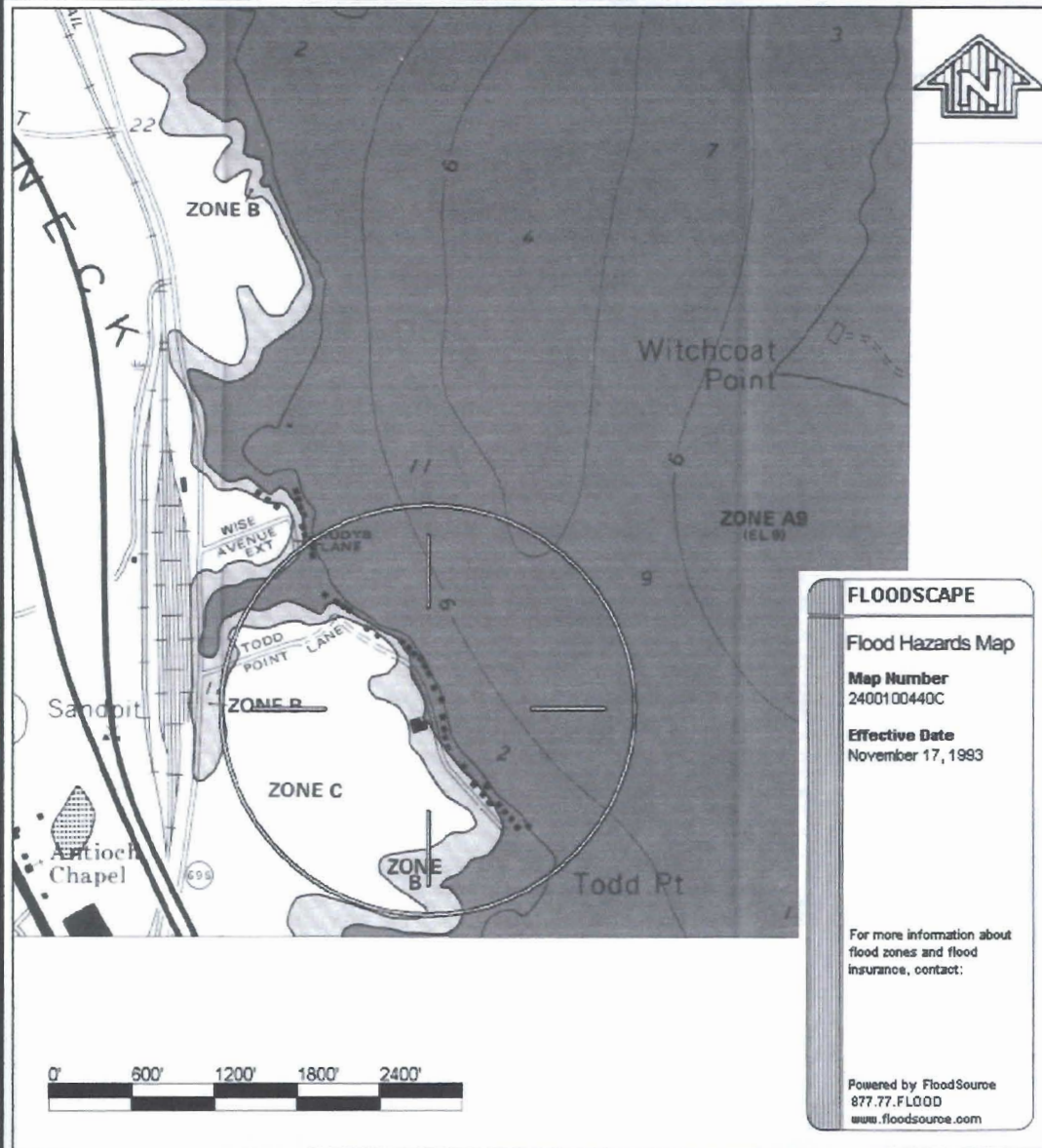
InterFlood



www.interflood.com • 1-800-252-6633

Prepared for:

Nelson Ford & Associates

4602 Todd Point Ln
Edgemere, Md. 21219-1013

© 1999-2005 SourceProse and/or FloodSource Corporations. All rights reserved. Patents 6,831,326 and 6,878,815. Other patents pending. For Info: info@floodsource.com.

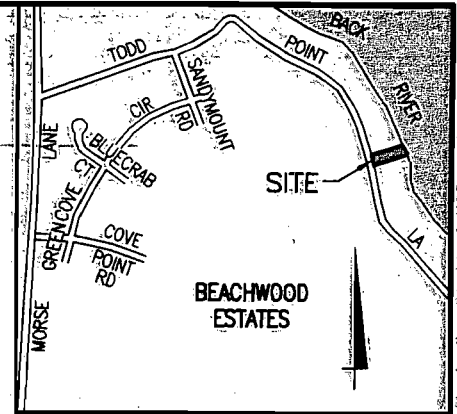
Flood Map

Borrower/Client	Ford, John P. Jr., & Mary E.				
Property Address	4602 Todd Point Ln				
City	Edgemere	County	Baltimore	State	Md.
				Zip Code	21219-1013
Lender					



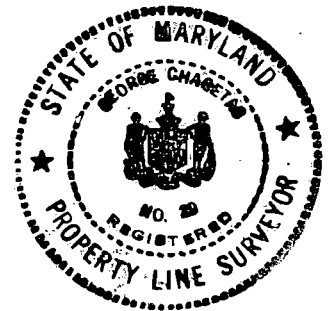
EXHIBITS

APPLICATION FOR UNDERSIZED LOT



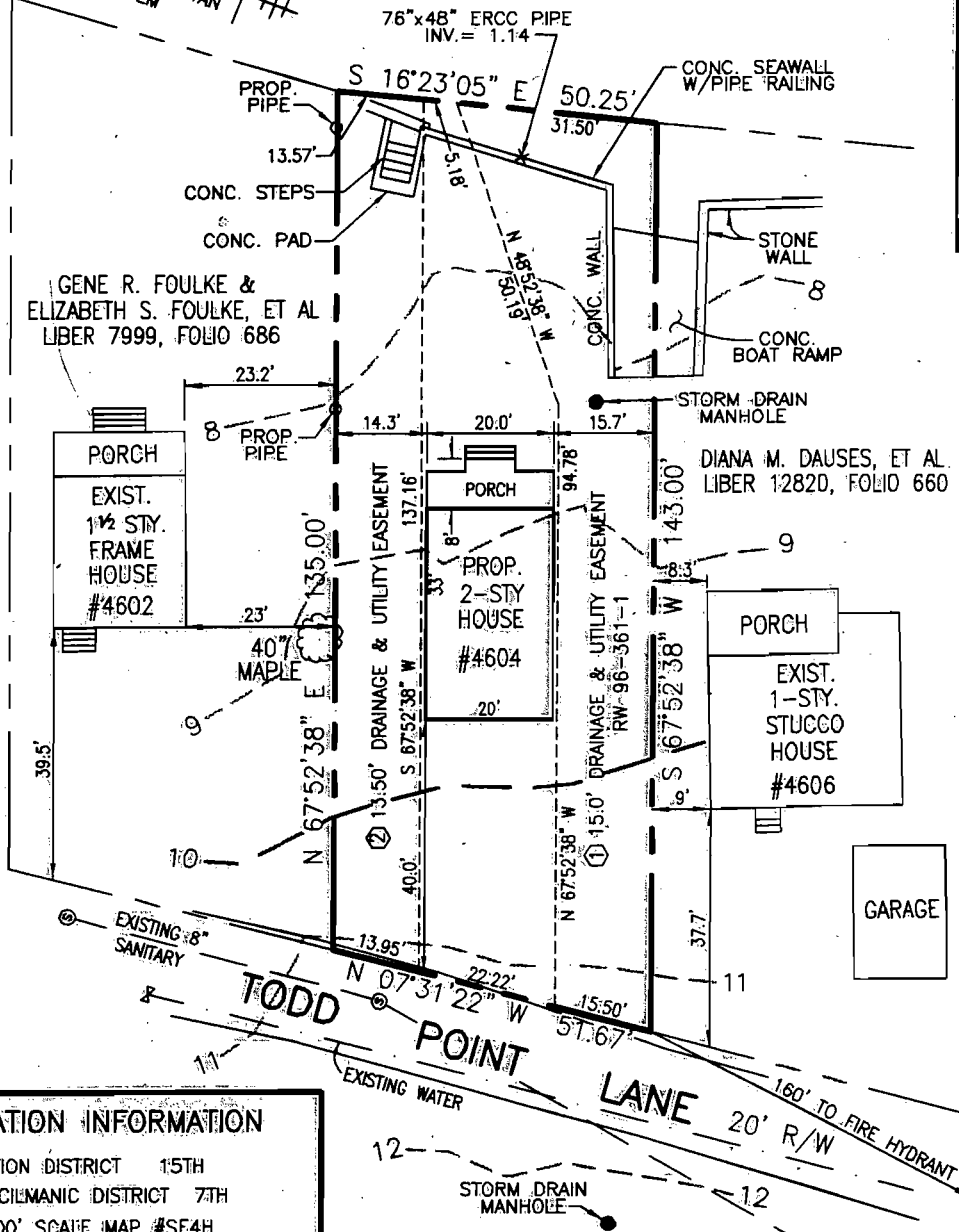
VICINITY MAP
SCALE: 1"=1000'

SITE PLAN



George Chagetas
GEORGE CHAGETAS
PROPERTY LINE SURVEYOR NO. 29

BALTIMORE COUNTY METROPOLITAN
DISTRICT GRID SYSTEM



LOCATION INFORMATION

ELECTION DISTRICT 15TH
COUNCILMANIC DISTRICT 7TH
1"=200' SCALE MAP #SE4H
ZONING DR 3/5
LOT SIZE .016 6,950
ACREAGE SQUARE FEET

SEWER	☒ PUBLIC	☐ PRIVATE	YES	NO
WATER	☒ PUBLIC	☐ PRIVATE	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☒	☐	☒	☐
100 YEAR FLOOD PLAIN	☒	☐	☒	☐
HISTORIC PROPERTY/ BUILDING	☐	☒	☐	☒
PRIOR ZONING HEARING	NONE			

NOTES:

OWNER/SELLER HAS NOT OWNED EITHER LOT ON EACH
SIDE OF SUBJECT PROPERTY FOR THE PAST SIX (6) YEARS.

FRONT FOOTAGE VARIANCE NOT REQUIRED PER BALTIMORE
COUNTY, SECTION 304.

PROPOSED 1st FLOOR ELEV. = 14.0

SUBJECT PROPERTY IS LOCATED WITHIN ZONE A9
COMMUNITY PANEL NO. 240010 0440 C

SCALE:
1"=30'

ADDRESS OF PROPERTY
4604 TODD POINT LANE
SPARROWS POINT, MD 21219

OWNERS
JOHN P. FORD, JR.
MARY E. FORD

DATE:
FEB., 2006

DEED REFERENCE:
LIBER 18117, FOLIO 25
ACCOUNT NO. 1508301742

OWNERS RESIDENCE
1368 OAK POINT SCHOOL RD.
WYOMING, DELAWARE 19934

397



Pick By Date: Premium Image (01-Oct-2002)

(what's this?)



Search ImageAtlas

United States International Lat & Lon

Address

4602 TODD POINT LN

City

SPARROWS POINT

State

Zip Code

MD

21219

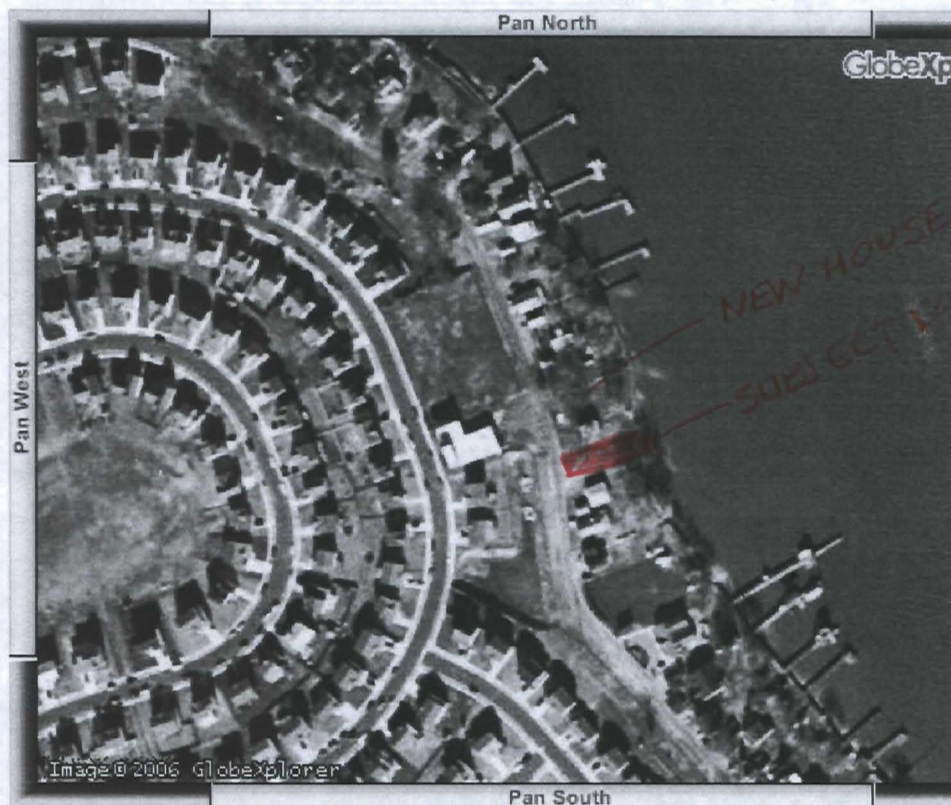
Country

United States

Find Image

ImageAtlas Address Results

ADDRESS MATCHES (1):

4602 TODD POINT LN,
SPARROWS POINT, MD US

Zoom Out



Nation

Region

City

Street

House

Zoom In

Interact Tools

View Mod



Aerial Photo

Topo Map

Not available

FLOOD INSURANCE
RATE MAP

&

ORIGINAL SITE PLAN

SEVEN HOUSES
ST HOUSE

DAUSES = 24.2'

Det #2

PHOTOGRAPH ADDENDUM

Borrower/Client	Ford, John P. Jr., & Mary E.				
Property Address	4602 Todd Point Lane				
City	Edgemere	County	Baltimore	State	Md.
				Zip Code	21219
Lender					



4602 Todd Point Lane

Front View Of Site From Street With Rear Corner Of Adjoining Property 4600 Todd Point Lane



4602 Todd Point Lane

Front View Of Site From Street With View Of Foulke Property Immediate North & adjoining lot to 4602 Todd point Lane of which these photos are the subject of and Corner Of 4600 Todd Point Lane Recently Built in 2004.



Front View OF 4600 Todd Point Lane Recently Built in 2004

4600 TODD POINT LANE

Ref #3

-21-06

TO WHOM IT MAY CONCERN
CASE 06 397 SPH

THE LOT AT 4604 TODD POINT LANE
IS A PUBLIC NUISANCE!

I SUPPORT THE PERMIT TO BUILD
A HOUSE TO HAVE PEOPLE LIVE THERE.
THIS WILL HELP SOLVE THE PROBLEM.

THANK YOU

NAME:

Vernadette

ADDRESS: 4622 TODD PT LN. 21219

NAME: Diane Sauer

Diane Sauer

ADDRESS: 4620 Todd Point Ln. 21219

NAME: Christos Regas

CHRISTOS

ADDRESS: 4616 Todd Point Ln. 21219

NAME: FRANK ROSE Frank Rose

ADDRESS: 4601 TODD POINT LANE 21219

NAME: Stanley Nominaki

ADDRESS: 4610 Todd Point Lane 21219

Page #4

Verified
5-62-07
CASE-06-397-SPH

PROTESTANT'S EXHIBITS

1. A. PICTURE - SHORE BOAT RAMP ON BOTH PROPERTIES.
WITH SINK HOLE.
- B. PICTURE - BULK HEAD AND STORM DRAIN.
- C. PICTURE - OF PROPERTY AND NEIGHBORS PROPERTY
- D. PICTURE - FROM NEIGHBORING PROP AND STORMWATER
DRAIN.
- E. PICTURE - STEPS ON SUBJECT PROPERTY.
- F. PICTURE - FROM PROPERTY
- G. PICTURE - SINK HOLE ON CORNER NEAR BOAT RAMP
WHICH IS SHADON.
- H. PICTURE - SINK HOLE IN MIDDLE OF PROPERTY.
- I. PICTURE - SAME AS H.
- J. PICTURE - HOLE IN ROAD
- K. PICTURE - HOLE IN ROAD
- L. PICTURE - HOLE
- M. PICTURE - SINK HOLES ON SUBJECT PROPERTY
- N. PICTURE - BOAT RAMP.

06-397.SPH

Prot. # 1A-1N

(14 photos)



#1A

500091 7/22/4825

114> CG MG YD DQ 05/01/07



500891 9.22.4P22)

136) CO MO YO DO 05/01/07

#, B



500891 8-22-4823

129) CO MO Y0 D0 05/01/07



#17

500091 5/22/48PM

<9A> C0 M0 Y0 D0 05:01/07



506091 4/22/4922)

<BA> CD MA '00 DO 05/01/07



#, F

500691 10/22/4P221

<148> 00 110 Y0 D0 05/01/07



5/1/07

#16



5/1/07

11



5/1/07

#17



5/1/07

#, 2



#, v,



5/1/07

#12



5/16/07

1 M



5/1/07

#12

Verified
5-01-07
OK
5-16-07

CASE # 06-397-SPH.

PETITIONER'S EXHIBITS

- ✓ 1. DECA DATA 9/12/1950
- ✓ 2. DECA DATA 5/29/2003 BETWEEN SQUETTE AND FOLI
- ✓ 3. SITE PLAN 4604 TODD POINT LANE, SPARROWS POINT, MD.
- ✓ * 4. CONSTRUCTION DRAWING. (PETITIONER TOOK DRAWING TO MAKE A COPY)
- ✓ 5. BLOW-UP OF STORM DRAIN FOR OUTFALL.
- ✓ 6. FIVE PETITIONS SIGNED BY RESIDENCES.

64 representatives and assigns, do hereby covenant to pay, and the said Mortgagees, their personal representatives or assigns, or Joseph L. Leitzer, their said Attorney, shall not be required to receive the principal and interest only, of said Mortgage debt in satisfaction thereof, unless the same be accompanied by a tender of the said expenses, costs, and commission, but said sale may be proceeded with unless, prior to the day appointed therefor, legal tender be made of said principal, costs, expenses and commission.

And the said Mortgagors, for themselves, their personal representatives and assigns, do further covenant to insure, and pending the existence of this Mortgage to keep insured in some company satisfactory to the said Mortgagees, their personal representatives and assigns, the improvements on the hereby mortgaged land to the amount of at least their full insurable value and as directed by the mortgagee, and to cause the policy to be affected thereon, to be so framed or endorsed, as in case of fire, to inure to the benefit of the said Mortgagees, their personal representatives and assigns, to the extent of their lien or claim hereunder, and to deliver said policy or policies to the said Mortgagees, their personal representatives and assigns.

WITNESS the hands and seals of the said Mortgagors.

TEST: Rita A. Brown	William C. Vestal	(SEAL)
(Rita A. Brown)	(William C. Vestal)	
	Carrie G. Vestal	(SEAL)
	(Carrie G. Vestal)	

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 22nd day of April, in the year nineteen hundred and fifty, before me, a Notary Public of the State of Maryland, for Baltimore County and acting in Baltimore City aforesaid, personally appeared William C. Vestal and Carrie G. Vestal, his wife, the Mortgagors named in the foregoing Mortgage and they acknowledged the foregoing Mortgage to be their act. At the same time also appeared Edmund A. Dotterweich and Mary Dotterweich, his wife, mortgagees herein, and made oath in due form of law that the consideration set forth in said Mortgage is true and bona fide as therein set forth.

As witness my hand and Notarial Seal.

(Notarial Seal)	Rita A. Brown
	(Rita A. Brown) Notary Public.

Recorded Oct 17 1950 at 3 P M exd per T Braden Silcott Clerk Rcd MAN (Exd W &EH)

159830 Ernest Schluderberg et al : THIS DEED, Made this twelfth day of September, in the
Deed to Amelia D Gontrum : year one thousand nine hundred and fifty, by and between
ST \$3.30 FED \$3.30 : ERNEST SCHLUDERBERG, unmarried, MILTON W. SCHLUDERBERG
----- : AND KATHERINE R. SCHLUDERBERG, his wife, EVELYN BUETTNER

PET. EXHIBIT
No. 1

THIS DEED, Made this 29th day of May, in the year two thousand three, by and between Michael Schultz and Antoinette Schultz, his wife, formerly known as Antoinette Cotsoradis, of Baltimore County, State of Maryland, parties of the first part, Grantors; and John P. Ford, Jr., and Mary E. Ford, his wife, of the City of Wyoming, State of Delaware, parties of the second part, Grantees.

WITNESSETH, That in consideration of the sum of Sixty-Five Thousand and 00/100 Dollars (\$65,000.00), the actual consideration paid and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and unto the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME at a point on the east side of a road, twenty foot wide, said point of beginning being at the end of the 4th or South 68 degrees 43 minutes West 135.00 foot line of that parcel of land described in a Deed dated February 22, 1984 between Diamond Development Corp., and Beachwood Development Corp., recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr., No. 6671 folio 334, running thence leaving the east side of said road, binding reversely on all of said 4th line, (1) North 67 degrees 52 minutes 38 seconds East 135.00 feet to the waters of Back River, running thence binding reversely on all of the 3rd line of said Deed and binding on the waters of said Back River, (2) South 16 degrees 23 minutes 05 seconds East 50.25 feet, running thence leaving the waters of said Back River, binding reversely on all of the 2nd line of said Deed, parallel with and distant 50.00 feet at right angles from the hereinabove described first line, (3) South 67 degrees 52 minutes 38 seconds West 143.00 feet to intersect the east side of said road twenty foot wide, running thence binding on the east side of said road twenty foot wide, with the uses in common with others entitled thereto, and binding reversely on all of the 1st line of said Deed, (4) North 07 degrees 31 minutes 22 seconds West 51.67 feet to the place of beginning, containing 0.160 acres of land, more or less.

TOGETHER WITH the right of use, in common with others entitled thereto, the road as now constructed and used from the land above described to North Point Road as mentioned in the Deed dated February 22, 1984 between Diamond Development Corp., and Beachwood Development Corp., recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr., No. 6671 folio 334.

SUBJECT TO a thirteen and one-half (13.50) foot wide drainage and utility easement, described as follows:

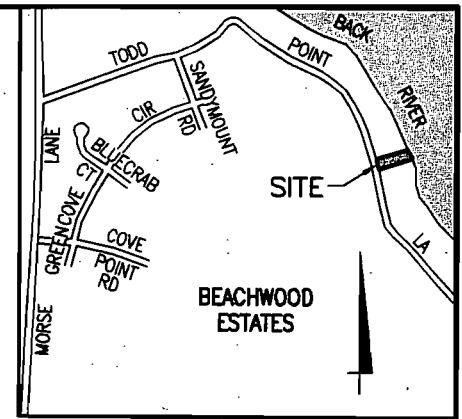
BEGINNING for said drainage and utility easement at a point on the east side of a road, twenty foot wide, said point of beginning being at the beginning of the 1st or (1) North 67 degrees 52 minutes 38 seconds East 135.00 foot line of the above described 0.160 acres parcel of land, running thence leaving the east side of said road, binding on all of the said 1st line, (1) North 67 degrees 52 minutes 38 seconds East 135.00 feet to the waters of Back River, running thence binding on part of the 2nd line of the above described 0.160 acre parcel and binding on the waters of said Back River, (2) South 16 degrees 23 minutes 05 seconds East 13.57 feet, thence leaving the waters of said Back River, running parallel with and distant 13.50 feet southeasterly at right angles from said 1st line (3) South 67 degrees 52 minutes 38 seconds West 137.16 feet to intersect the east side of said road twenty foot wide, with the uses in common with others entitled thereto and binding on part of the 4th line of the above described 0.160 acre parcel, (4) North 07 degrees 31 minutes 22 seconds West 13.95 feet to the point of beginning, containing 0.042 acres of land, more or less.

PET. EXHIBIT
No. 2

APPLICATION FOR UNDERSIZED LOT

BALTIMORE COUNTY METROPOLITAN
DISTRICT GRID SYSTEM

BACK RIVER



VICINITY MAP
SCALE: 1"=1000'

SITE PLAN



George Chagetas
GEORGE CHAGETAS
PROPERTY LINE SURVEYOR NO. 29

LOCATION INFORMATION

ELECTION DISTRICT 15TH
COUNCILMANIC DISTRICT 7TH
1"=200' SCALE MAP #SE4H
ZONING DR 3.5
LOT SIZE 0.16 ACRES 6,950 SQUARE FEET
PUBLIC PRIVATE
SEWER ☒ ☐
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☒ YES NO
100 YEAR FLOOD PLAIN ☒ ☐
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

NOTES:

OWNER/SELLER HAS NOT OWNED EITHER LOT ON EACH SIDE OF SUBJECT PROPERTY FOR THE PAST SIX (6) YEARS.
FRONT FOOTAGE VARIANCE NOT REQUIRED PER BALTIMORE COUNTY, SECTION 304.
PROPOSED 1st FLOOR ELEV. = 14.0
SUBJECT PROPERTY IS LOCATED WITHIN ZONE A9 COMMUNITY PANEL NO. 240010 0440 C

PET. EXHIBIT
No. 3

SCALE:
1"=30'

ADDRESS OF PROPERTY
4604 TODD POINT LANE
SPARROWS POINT, MD 21219

OWNERS
JOHN P. FORD, JR.
MARY E. FORD

DATE:
FEB., 2006

DEED REFERENCE:
LIBER 18117, FOLIO 25
ACCOUNT NO. 1508301742

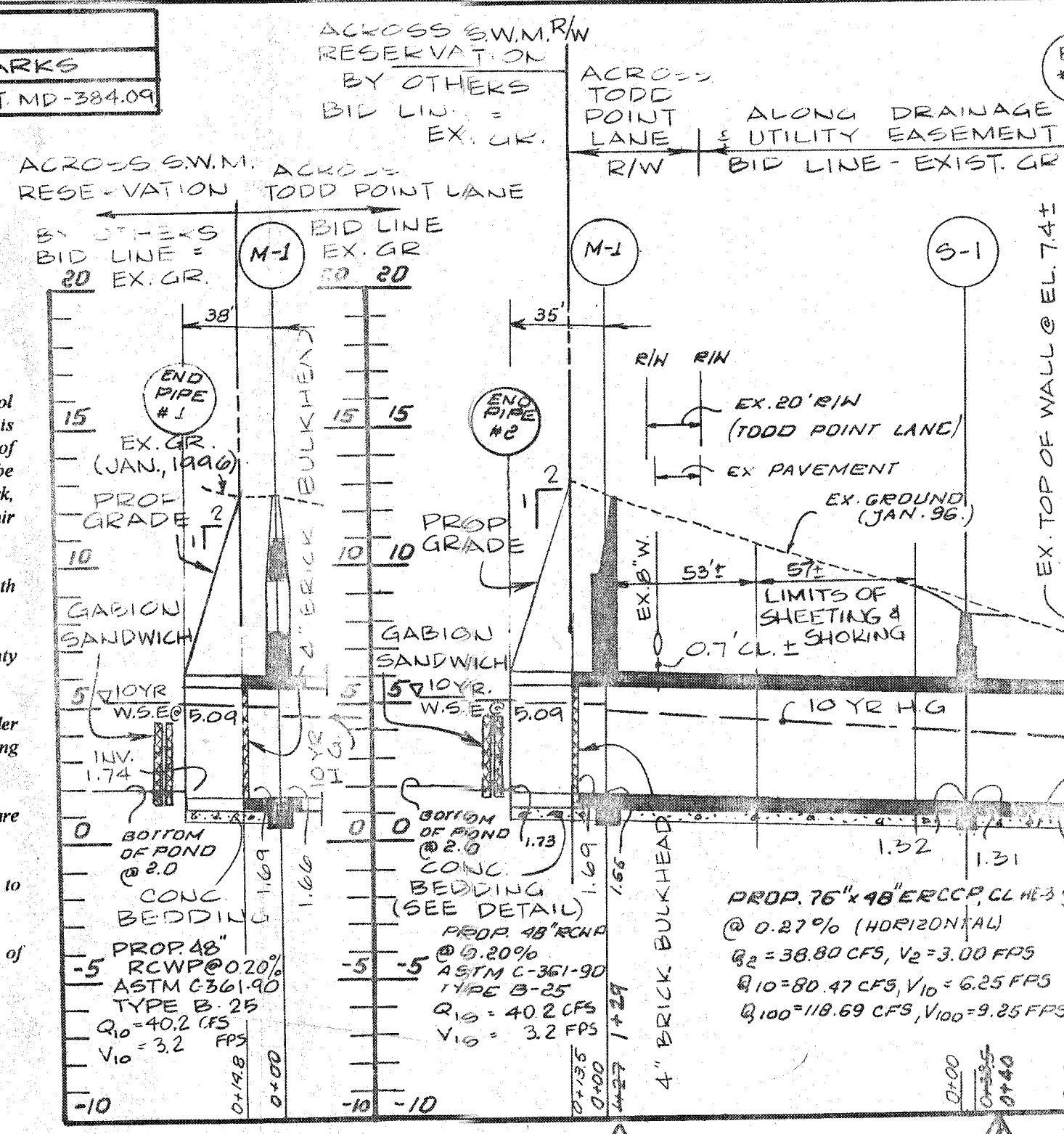
OWNERS RESIDENCE
1368 OAK POINT SCHOOL RD.
WYOMING, DELAWARE 19934

MANHOLE SCHEDULE					
NO.	TYPE	SIZE	INV.	OUT	TOP ELEV.
M-1	*	96"	1.00	12.5	SHA. STD. DET. MD-384.09

* PRECAST MANHOLE FOR 72" PIPES

GENERAL NOTES

- The contractor will maintain, repair, and/or replace any existing sediment control devices encountered during the course of construction under this contract, and as shown on the approved sediment control plan included as part of the contract documents. At the end of each day, all such disturbed devices will be repaired or replaced before leaving the work site. The cost of performing the work, including materials, will be paid for by a lump sum bid for maintenance and repair of sediment control devices.
- All work under this contract will be performed by the contractor in accordance with Baltimore County Soil Conservation District Permit No. 304-County-96.
- All construction will be accomplished in accordance with Baltimore County Standard Specifications and Details for Construction (1976, as amended), or SHA. STANDARD DETAILS AS NOTED.
- Unless otherwise noted, the bid line for excavation will be subgrade under proposed roads, established grade under turf areas, and existing grade along existing pavement.
- The developer will accomplish all grading within easement areas where utilities are to be installed before the notice to proceed will be issued.
- The contractor will notify Miss Utility at (800) 257-7777 at least 48 hours prior to starting excavation.
- Full trench compaction is required for a minimum distance of 20' on each side of all crossings, and within all existing right-of-ways.
- The contractor shall maintain traffic at all times.
- MIN 2' OF COVER IS REQUIRED PRIOR TO ALLOWING CONSTRUCTION TRAFFIC TO CROSS INSTALLATION.
- TRENCH REPAIRS AS PER STANDARD DETAIL R-38.

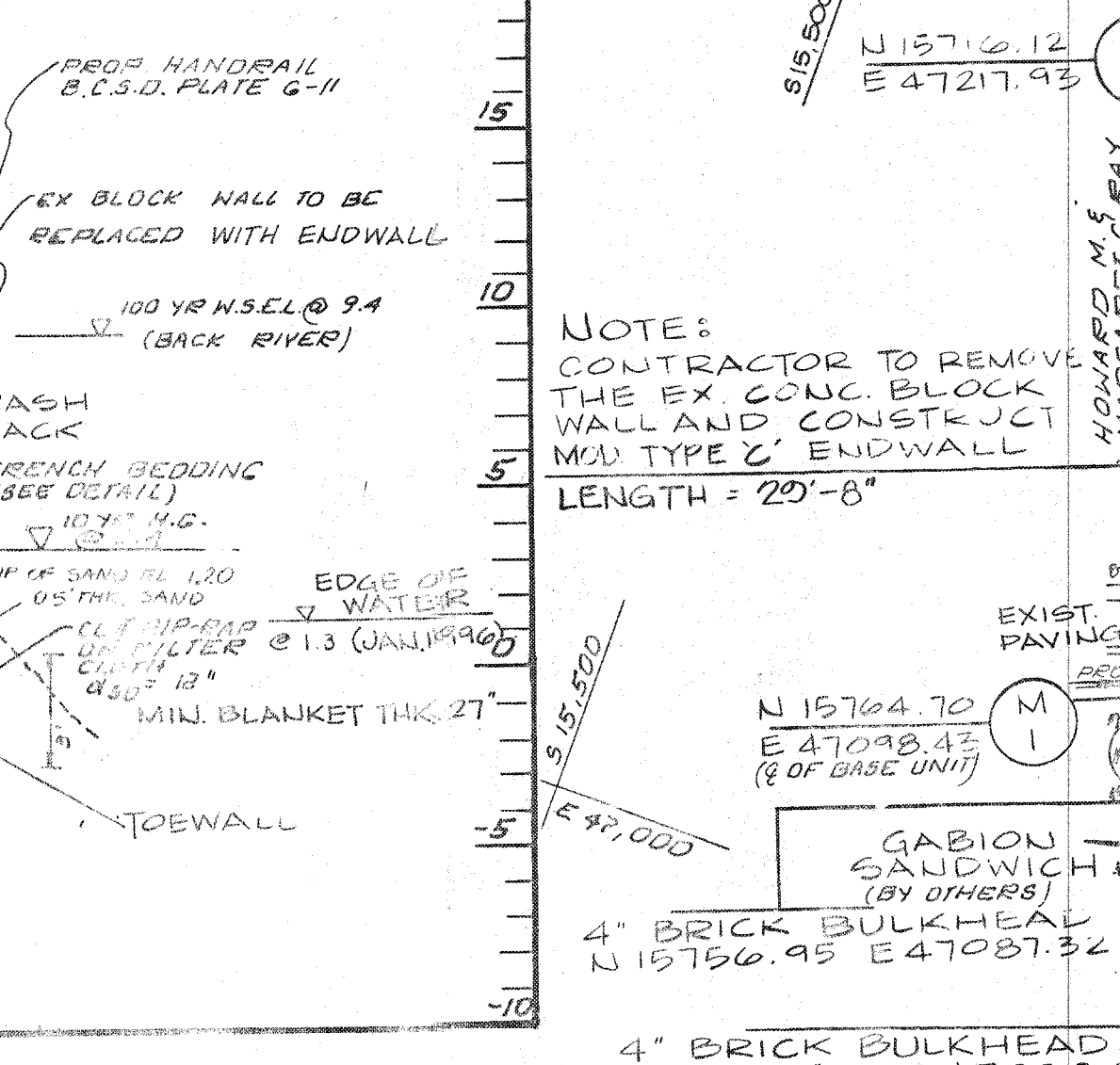


STORM DRAIN PROFILES

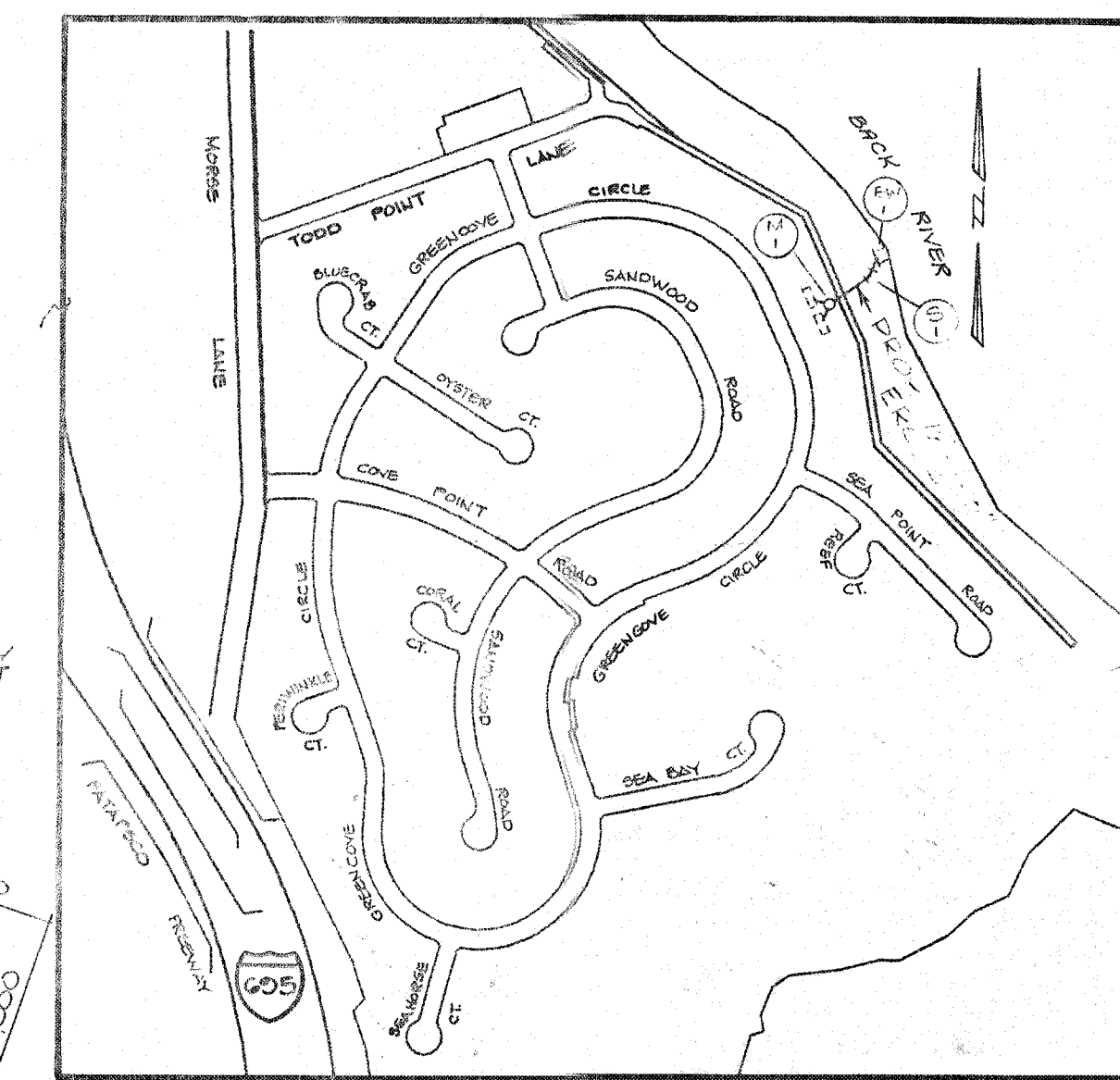
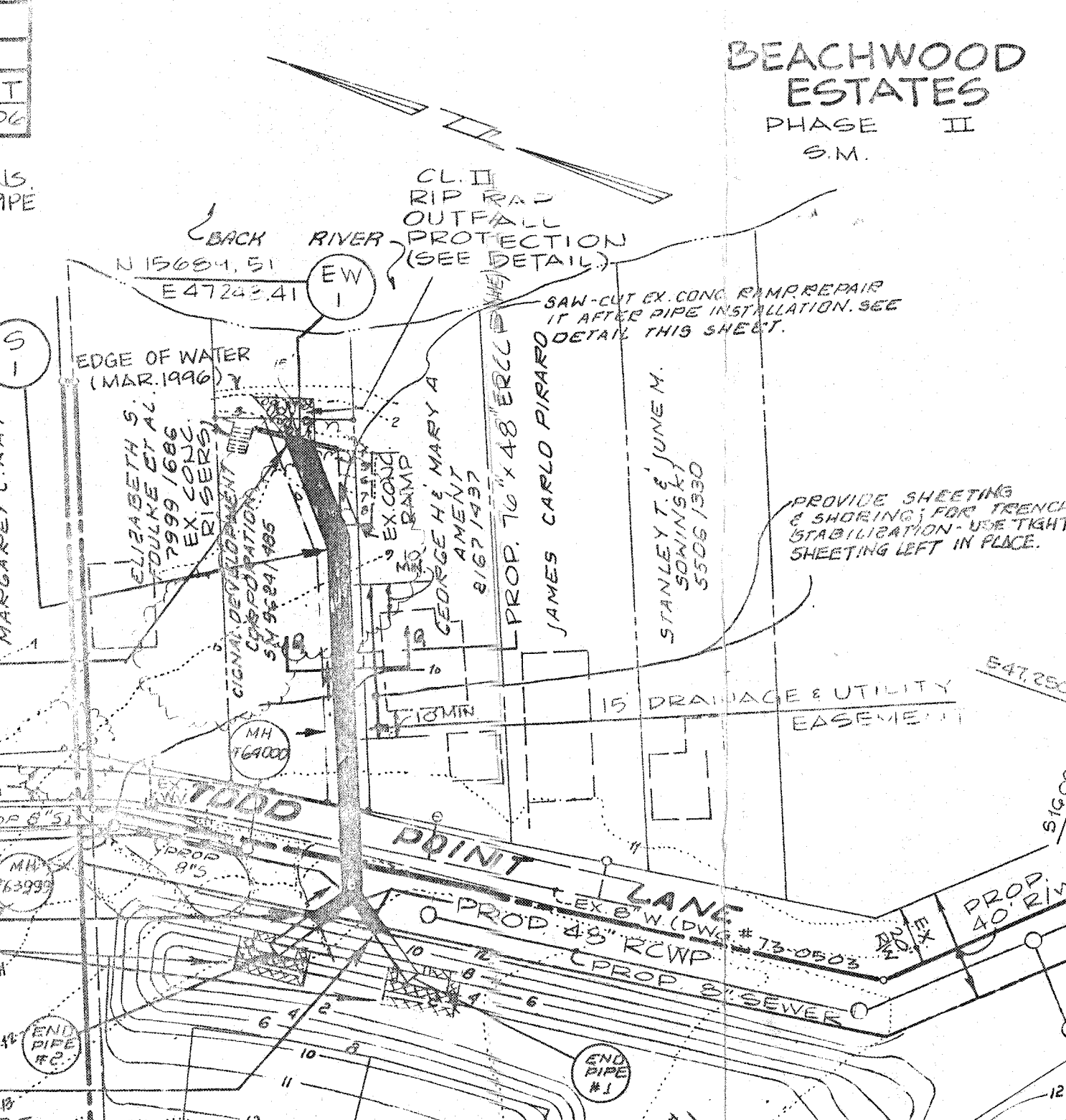
SCALE: HOR. 1"=50'
VERT. 1"=5'

STRUCTURE SCHEDULE					
NO.	TYPE	SIZE	INV.	OUT	TOP ELEV.
S-1	*	72"	1.31	8.23	SEE DET. THIS SHEET
EW-1	*	72"	1.2	7.20	B.C.S.D. PLATE D-106

* BOND STRUCTURE
+ MODIFIED BALTO. TYPE 'C' ENDWALL. ALL DIMENSIONS, REINFORCING AND BAR DISPOSITION PER STD. DETAIL FOR 60" PIPE LENGTH OF WALL TO BE 20'-8"



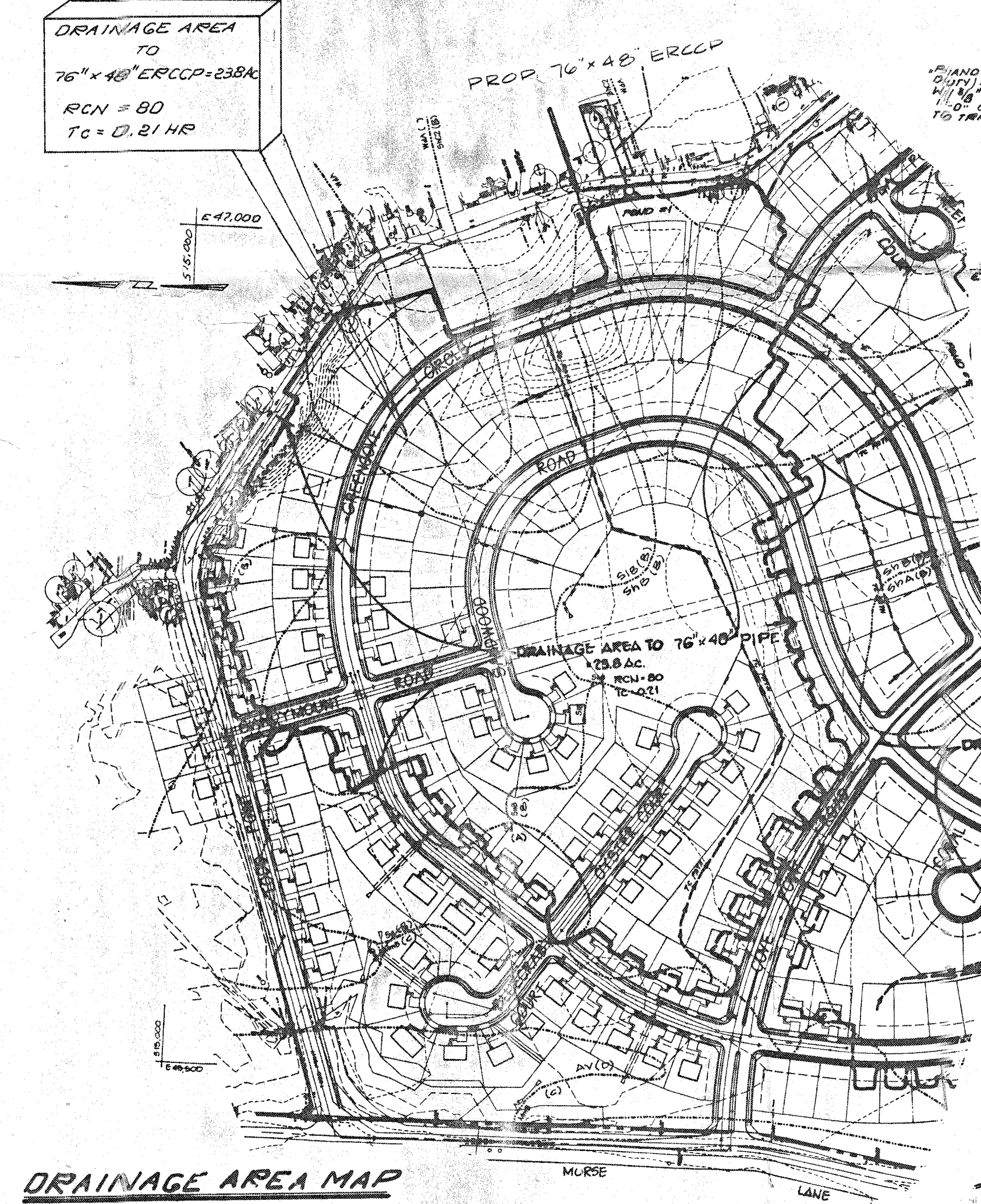
NOTE: CONTRACTOR TO REMOVE THE EX. CONC. BLOCK WALL AND CONSTRUCT MOD. TYPE 'C' ENDWALL LENGTH = 20'-8"



VICINITY MAP

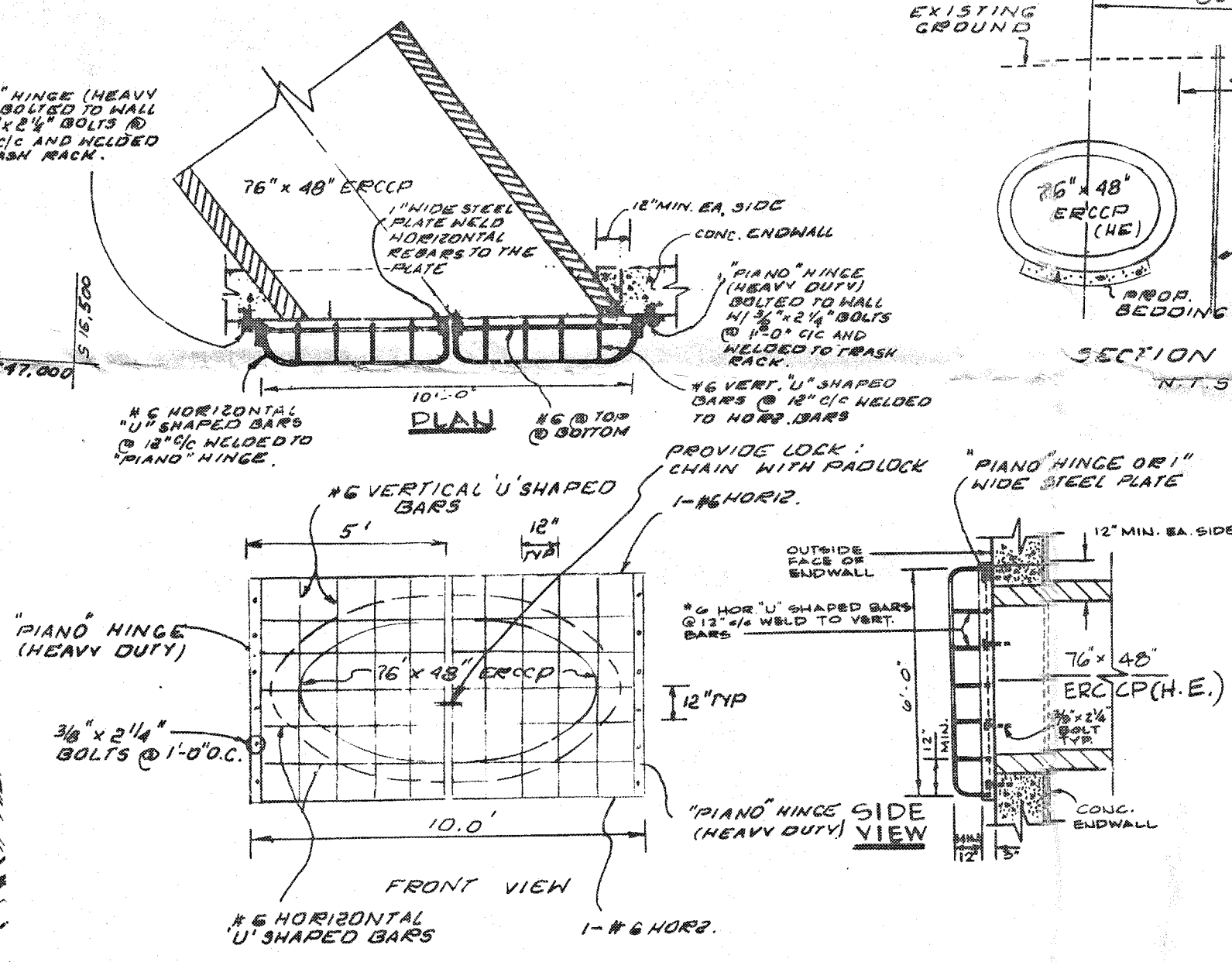
SCALE: 1"=500'

BENCHMARK #10743
7/8" IRON BAR IN FLAG IN E. OF TODD POINT LANE (MERRITT AVENUE) EAST SIDE OF MORSE LANE 100' EAST EDGE OF FLAG AVENUE.
NOTE: CONTRACTOR SHALL NOT TRESPASS IN ANY WAY ON THE PROPERTY OF GEORGE & MARY AMENT OR ON THE PROPERTY OF ELIZABETH FOULKE, et al UNLESS HE HAS WRITTEN PERMISSION FROM THE PROPERTY OWNER.



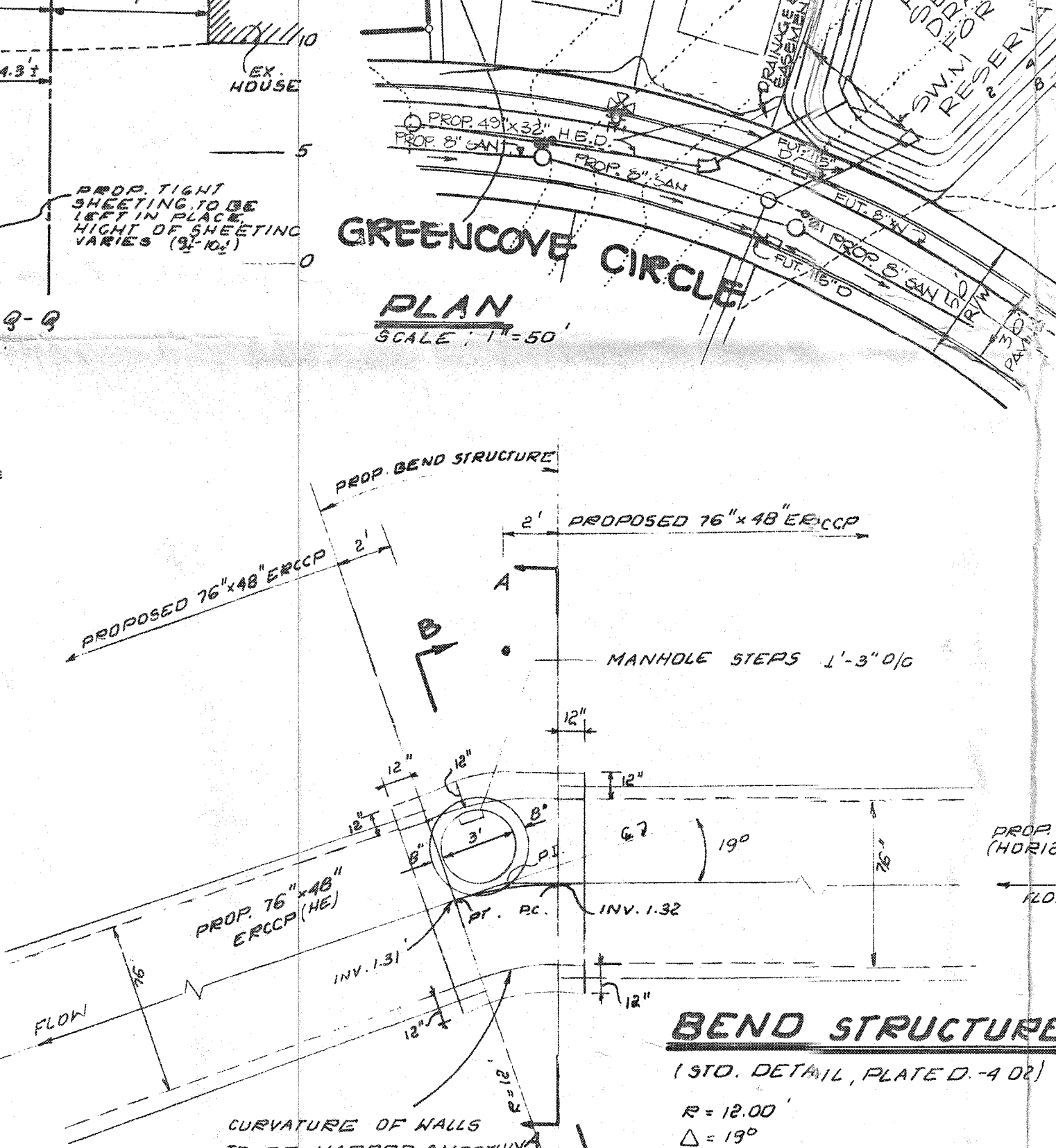
DRAINAGE AREA MAP

SCALE: 1"=200'



TRASH RACK DETAIL

SCALE: 1"=4'
NOTE: TRASH RACK TO BE SHOP GALVANIZED AFTER FABRICATION.

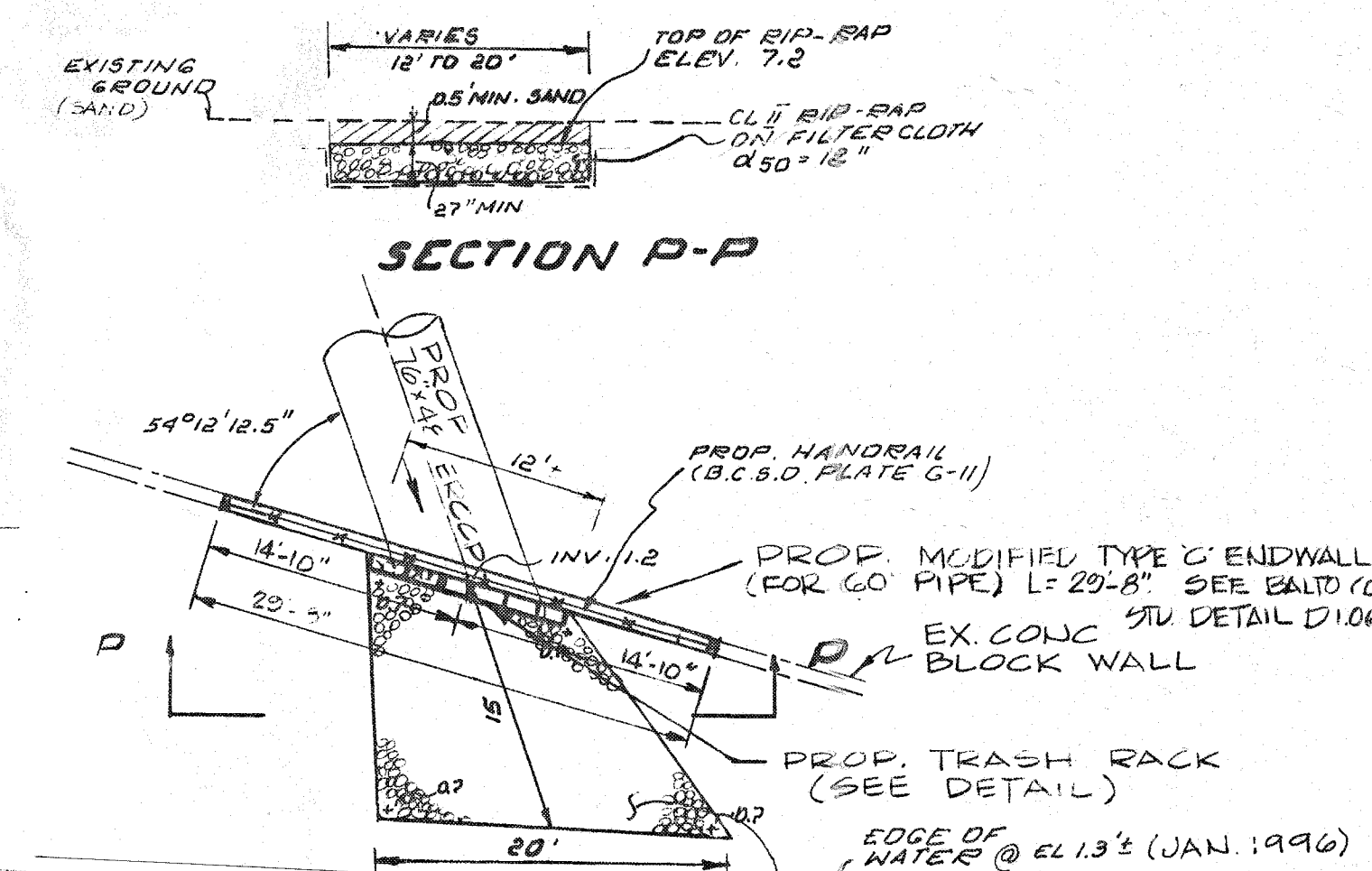


BEND STRUCTURE

(STD. DETAIL, PLATED 4-D)

PLAN VIEW

SCALE: 1"=5'



SECTION P-P

SCALE: 1"=10'

Map that was borrowed at the 5/2 having been for Bond 06-397-SPH

OUTFALL PROTECTION DETAIL

SCALE: 1"=10'

CITY OF BALTIMORE		DATE		CHIEF, UTILITY ENG. DIVISION DATE	
DIRECTOR		DEPT. OF PUBLIC WORKS		BUR. OF WATER AND WASTEWATER	
DATE	RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.
			PERMIT REQUESTED	159 504	
			PERMIT NUMBER		
			GRADE ESTABLISHED		
			PROFILE NUMBER		
DESIGNED	G.W. STEPHENS, JR., ASSOC., INC.	BUREAU OF	STRUCTURES	WATER	SEWER
DRAWN	ENGINEER J. W. A. LESTER, JR.	REVIEWED			
CHECKED	DATE 7/2/97 LIC. NO. 21245	DATE			

CONCRETE CRADLE DETAIL

N.T.S.

CONCRETE RAMP REPAIR DETAIL

N.T.S.

SECTION A-A

SECTION B-B

SCALE: 1"=5'

TRENCH BEDDING DETAIL

(CLASS B)

N.T.S.

97-392 DSO

JOB ORDER NO.

4-1-8337

SHEET 1 OF 1

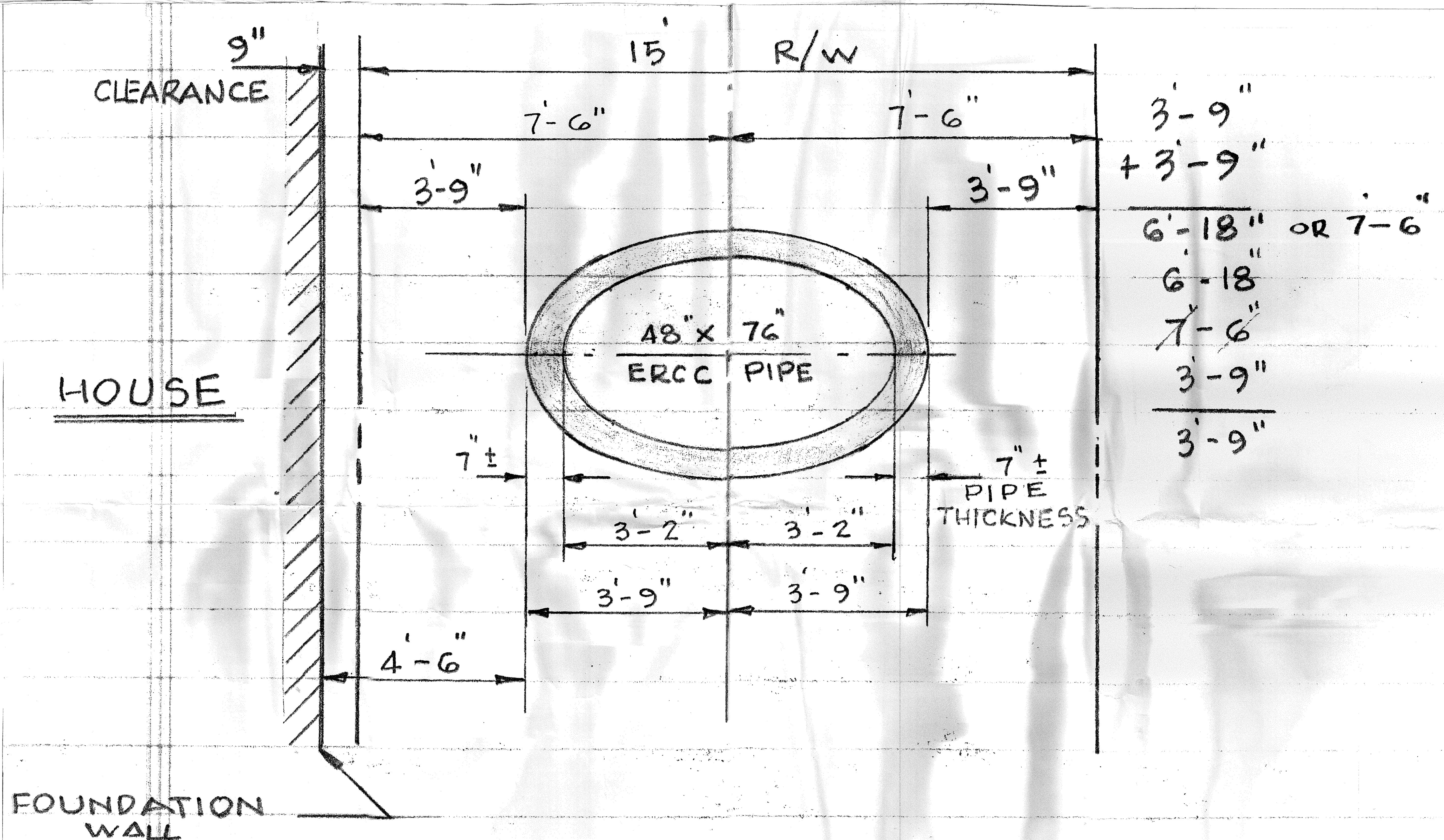
DWG. NO.

97-0240

DATE 7/2/97

DATE 7/2/97

DATE 7/2/97



STORM DRAIN FOR OUTFALL
BEACHWOOD ESTATES

PET. EXHIBIT
 NO. 5

May 1, 2007
Petition for 4604 Todd Point Lane

I, We, property owner's residing along Todd Point Lane, Sparrows Point, Maryland 21219, within the subdivision known as "Meritt Shores" hereby request and affirm by our signature's below that:

The petitioner's, John P. and Mary E. Ford Jr.'s request for a reversal of DZC Murphy,s decision denying the relief sought per their hearing date On March 23, 2006.

Furthermore, we also request and affirm by our signature's below to grant Mr. & Mrs. Ford's request for relief from current zoning restrictions per petition under BCZB section 304.2.

We are not able to attend in person but are available for confirmation as to the provisions of this petition and to the validity of our signature's.

I, We can be reached via mail or telephone:

Daytime Phone Number:

Evening Phone Number:

Owner's Address

John T. Lowm

Owner's Signature

5-1-07
Date

Owner's Signature

Date

Witness

Date

PET. EXH. B. 17
No. 6

* * * * *

* * * * *

ORIGINAL

C.E. Peatt

you

111

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 4270

DATE 2-15-06

ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: MARK FORD

FOR: H604 TD 00 DT. LN. Item # 397
Petition for Special Hearing

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: THE
2/15/06 10:16:12
SEA FROM: MARK FORD
PURPOSE: H 604 TD 00 DT. LN. OFLA
Dept: 3-001 BUDGET ADMINISTRATION
CR NO. 000000

Receipt for: 65.00
\$ 65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **1581**

DATE **11-18-05** ACCOUNT **001-006-6150**

AMOUNT \$ **50.00**

RECEIVED FROM:

FORD

4602 TODD PRINT LN.

FOR:

UNDERSIZED LOT

DISTRIBUTION
 WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DISBURSED IN Q4 YTD 000

11/18/2005 11:18 AM RECEIVED 2

REF 0004 BAL 150 200 000

RECEIPT # 0005 11/13/2005 000

Dept 5 FIVE FIVE FIVE FIVE

CR NO. 001501

Receipt for

\$50.00

\$50.00

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2532

DATE 12-14-05

ACCOUNT

001-006-6150

AMOUNT \$ 50.00

RECEIVED

FROM: WAYNE FOWLER

4604 FKP 4602 TOLSON DR. WINDY-01 601

FOR:

PERMANENT DEMAND FOR HEARING

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY

12/14/2005 12/14/2005 11:21:00

REF 0002 PAID 4604 FKP

RECEIPT # 4604 12/13/2005

Dept: 5 500 TOLSON CERTIFICATION

R NO. 000002

Receipt To: \$50.00

\$50.00

\$50.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: BUILDING PERMIT

Petitioner/Developer: JOHN
MARY FORD

Date Of Hearing/Closing: 12/14/05

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 4602 TODD POINT LANE

This sign(s) were posted on November 29, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 11/29/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

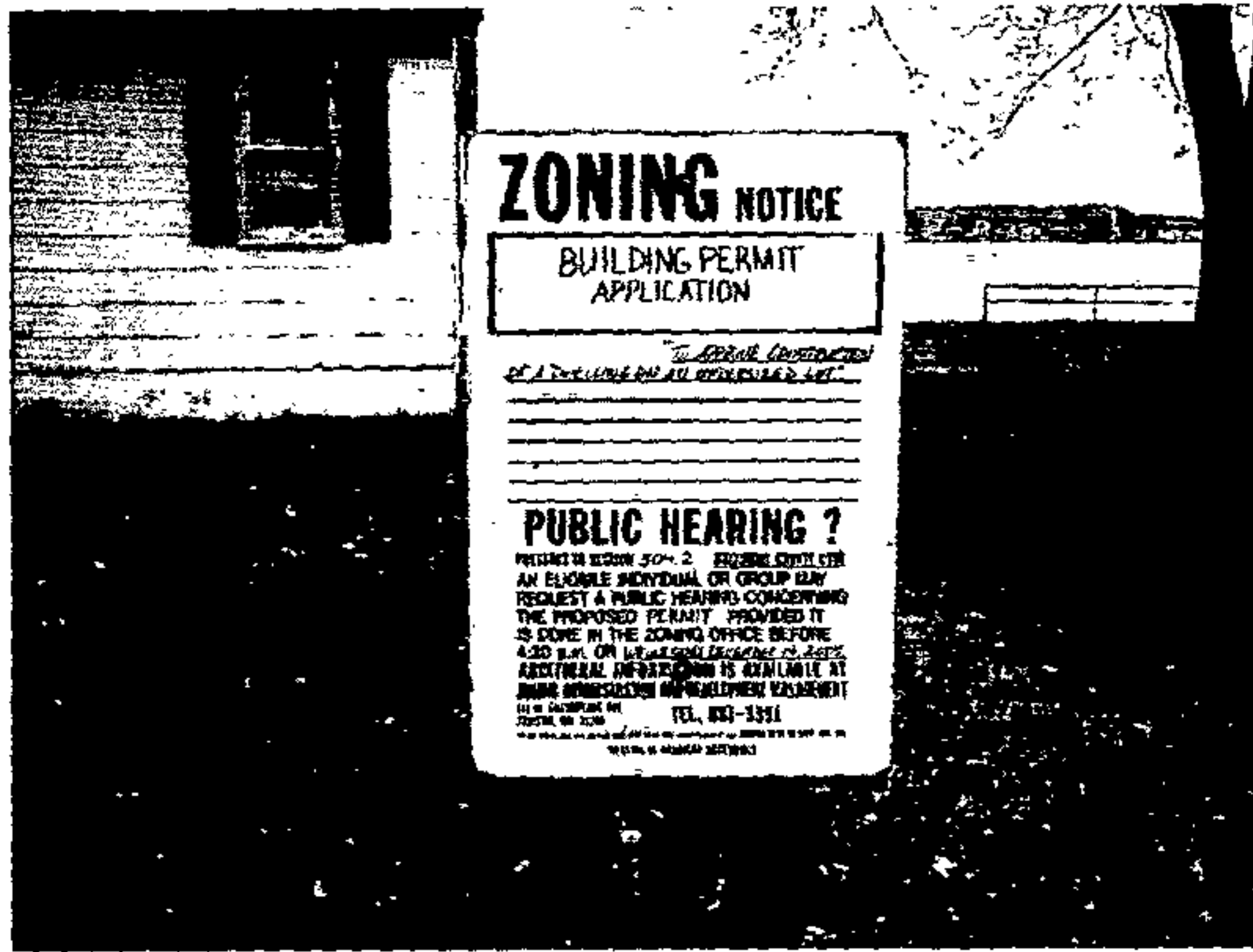
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000448 (576x432x24b jpeg)



ngate m Dfe 11/29/05

**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: OG-397-SP4
Petitioner: JOHN P. FORD, JR. & MARY E. FORD
Address or Location: 4604 TODD POINT LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARK A. FORD
Address: 9206 TODD AVENUE
FT. HOWARD, MARYLAND 21052

Telephone Number: 410-477-0811 - OFFICE 410-282-6777

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. N/A

FROM: ~~Arnold Jablon~~, Director Timothy Kotrocc
Department of Permits & Development Management

Residential Processing Fee Paid
(\$50.00)

Accepted by JF
Date 1/18/05

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

302-697-8811

John P. Ford, Jr. & Mary E. Ford 1368 Oak Point School Road, Wyoming, De. 19934
Print Name of Applicant Address Telephone Number

Lot Address 4602 TODD POINT LANE Election District 15 Councilmanic District 7 Square Feet 6,950

Lot Location: N E S W side/corner of TODD POINT LANE 1,500 feet from N E S W corner of Sandy Mount Road
(street) (street)

Land Owner: John P. Ford, Jr. & Mary E. Ford Tax Account Number 04151508301742

Address: 1368 OAK POINT SCHOOL ROAD, WYOMING, DE. 19934 Telephone Number (302) 697-8811

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan Property (3 copies)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>DR 3.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by _____
for the Director, Office of Planning and Community Conservation

Date: _____

Revised 2/05/02

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by JUN FERNANDO on NOV. 18, 2005
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE NOV. 29, 2005 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) DEC. 14, 2005 C (B-3 Work Days)

TENTATIVE DECISION DATE DEC. 19, 2005 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: 4602 TODD POINT LN.

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

" TO APPROVE CONSTRUCTION OF A DWELLING
ON AN UNDERSIZE LOT. "

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 7, 2006 Issue - Jeffersonian

Please forward billing to:

Mark A. Ford (410-477-0811 or 410-282-6777)
9206 Todd Avenue
Ft. Howard, MD 21052

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: 06-397-SPH

4604 Todd Point Lane

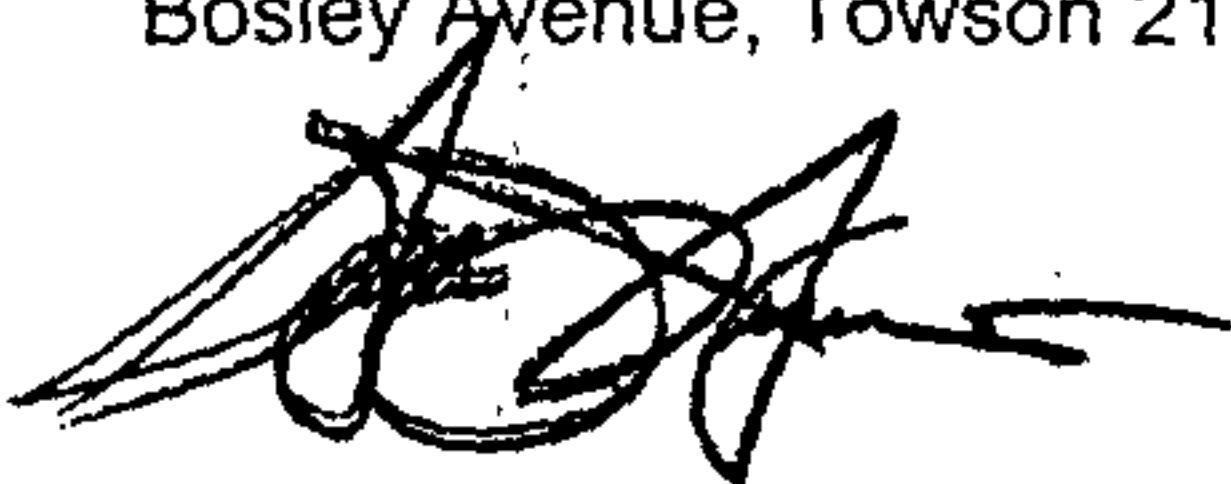
East side of Todd Point Lane at the distance of 1,500 feet northwest of the centerline of Sandymount Road

15th Election District—7th Councilmanic District

Legal Owners: Mary E. & John P. Ford, Jr.

Special Hearing to permit construction of a dwelling on an undersized lot.

Hearing: Thursday, March 23, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.



WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For March 6, 2006
Item ~~NO 397~~

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the future right-of-way for Todd Pointe Lane centered on existing 20-foot right-of-way. Setback shall be adjusted accordingly. ✓

The base flood elevation for this site is 9.4 feet 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.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 397-03072006.doc

RECEIVED FOR FILING

Date 4-12-06

By [Signature]

Debra Wiley - Re: CBCA Comment for 10:00 Mtg. Today (06-397-SPH)

From: Jeffrey Livingston
To: Wiley, Debra
Date: 3/23/2006 9:27 AM
Subject: Re: CBCA Comment for 10:00 Mtg. Today (06-397-SPH)

Hi Debra,

I'm sorry to say that 06-397 is still pending EIR review, I'll get it to you as soon as I can though.

Jeff

Jeff Livingston
jlivingston@co.ba.md.us
(410) 887-4488 ext. 339

>>> Debra Wiley 03/23/06 8:55 AM >>>

Hi Jeff,

We need a comment from your department for the above case for this morning's 10:00 a.m. hearing.

06-397-SPH (4604 Todd Point Lane) Sparrows Point, MD 21219

Thanking you in advance.

From: Debra Wiley
To: Livingston, Jeffrey
Date: 3/20/2006 8:54:12 AM
Subject: Comments Needed for 3/21 & 3/23 Hearings

Good morning Jeff,

Jack has two (2) cases this week that are CBCA and we don't have DEPRM comments. Could you get them to us before his hearings.

Case 06-383-A is scheduled tomorrow, 3/21 @ 9 AM (925 Thompson Blvd.)

Case 06-397-SPH is scheduled 3/23 @ 10 AM (4604 Todd Pt. Lane)

Thanking you in advance for your usual cooperation.

APPEAL

Petition for Special Hearing
4604 Todd Point Lane
Eastside of Todd Point Ln., 1,500' NW centerline of Sandymount Rd.
15th Election District – 7th Councilmanic District
Legal Owners: John P. & Mary E. Ford

Case No.: 06-397-SPH

Application for Undersized Lot (Original request) November 18, 2006

Formal Demand for Hearing – December 14, 2006 by Wayne Foulke, Sr.

Petition for Special Hearing (February 15, 2006)

Zoning Description of Property

Notice of Zoning Hearing (February 24, 2006)

Certification of Publication (The Jeffersonian – March 7, 2006)

Certificate of Posting (March 7, 2006) by Martin Ogle

Entry of Appearance by People's Counsel (March 2, 2006)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None in File

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan submitted with application for Undersized Lot
2. Flood Insurance Rate Map and Original Site Plan
3. Photograph Addendum (Consisting of 7 pages)
4. Letter dated March 21, 2006 in support of Petitioners

Protestants' Exhibits – None in File

Miscellaneous (Not Marked as Exhibit)

1. Storm Water Management Reservation I Map
2. Findings of Fact and Conclusion of Law 03-166-A
3. Findings of Fact and Conclusion of Law 99-210-A
4. Findings of Fact and Conclusion of Law 03-166-A
5. Findings of Fact and Conclusion of Law 99-210-A
6. Opinion from Board of Appeals
7. Letter dated December 13, 2005 from Ms. Dauses & Ms. Hutson
8. Letter from House Numbers & Street Addresses dated December 30, 2005

Deputy Zoning Commissioner's Order (DENIED – April 12, 2006)

Notice of Appeal received on May 10, 2006 from Mr. & Mrs. John Ford, Jr.

C: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mark Ford, 9206 Todd Point Lane, Ft. Howard 21052
Karen Malecki, 2206 Maple Road, Baltimore 21219
Craig & Amanda Schenning, 1194 N. Carroll Street, Hampstead 21074
Laura Swann, 1116 Elm Road, Baltimore 21227
George Chagetas, 8013 Neighbors Avenue, Baltimore 21237
Stan Sowinski, 4610 Todd Point Lane, Baltimore 21219
Diana Duases, 5 Sipple Avenue, Baltimore 21236
Tim Hutson, 7707 Sparrows Point Blvd., Baltimore 21236
CBCA Commission, 1804 W. Street, Ste. 100, Annapolis 21401

date sent May 22, 2006, klm

**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 14, 2005

Mary and John P. Ford, Jr.
4604 Todd Point Land
Baltimore, MD 21219

Dear Mr. and Mrs. Ford:

RE: Demand for Public Hearing, Case Number: 06-397 SPH

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

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

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a long, sweeping "J" at the end.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:amf

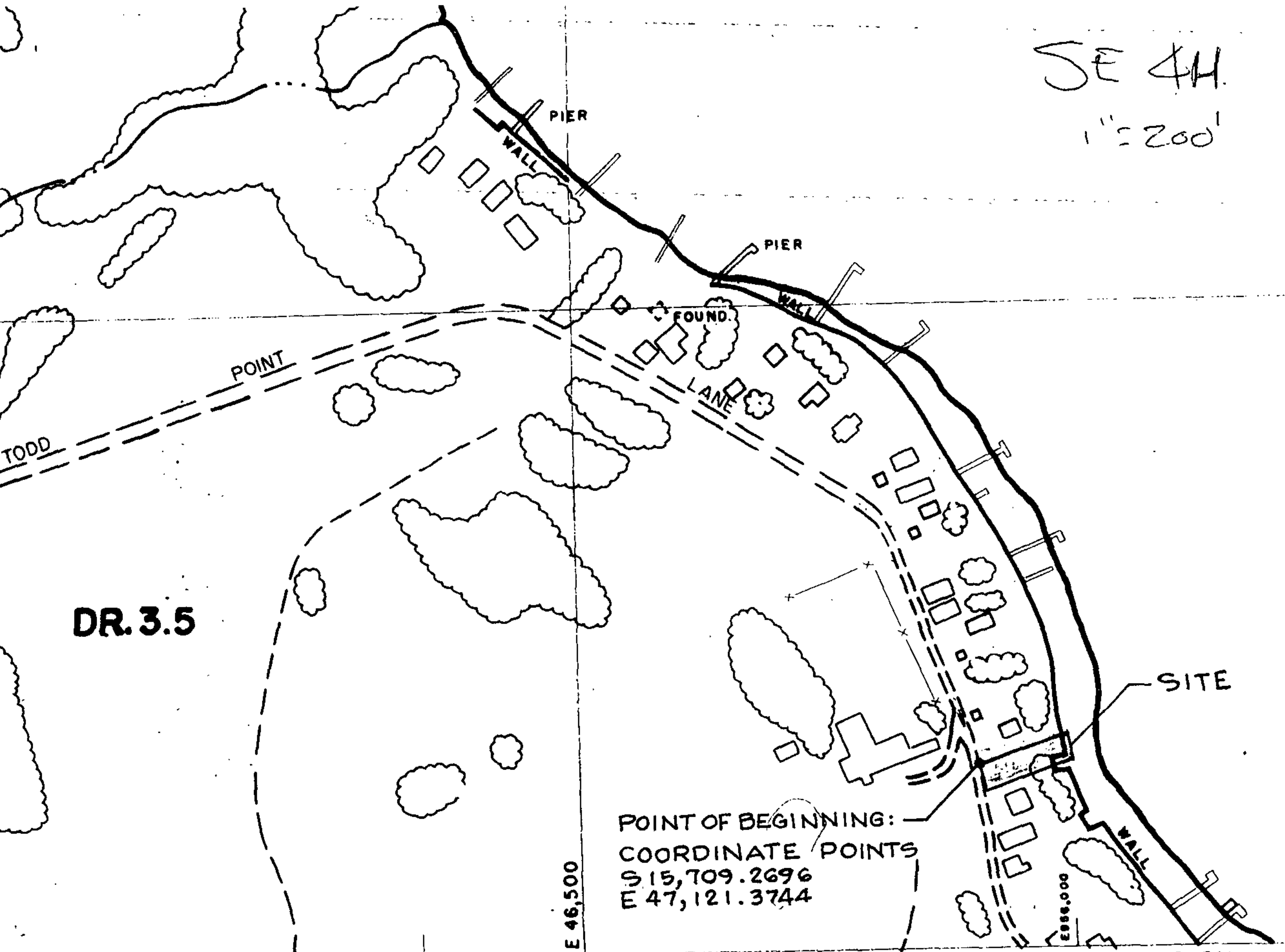
C: Mr. Wayne B Foulke, Sr. 2912 Ritchie Avenue Baltimore 21219
Mark Ford 9206 Todd Avenue Ft. Howard 21052

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



Printed on Recycled Paper

SE 4H.
1" = 200'



DR. 3.5

POINT OF BEGINNING:
COORDINATE POINTS
S 15,709.2696
E 47,121.3744

SCALE
1" = 200' ±

LOCATION

N67° 52' 38" E

H.O.A. 2
2702 SQ. FT
0.0620 ACRES.

177.41'
53.06'

20.67'

HOWARD REX
#4601

SIGNAL DEVELOPMENT CORP.
ACCT. # 1508301742
#4602
EX. 70" X 48" D

EX. DWLG.
GEORGE H. & MARY AMENT
ACCT. # 1501500352
#4606
151'

EX. DWLG.
JAMES CARLO PIRARO
ACCT. # 1513152020
#4608
110'

EX. CONC. PAD
STANLEY SOWINSKI
ACCT. # 1511000410
197'

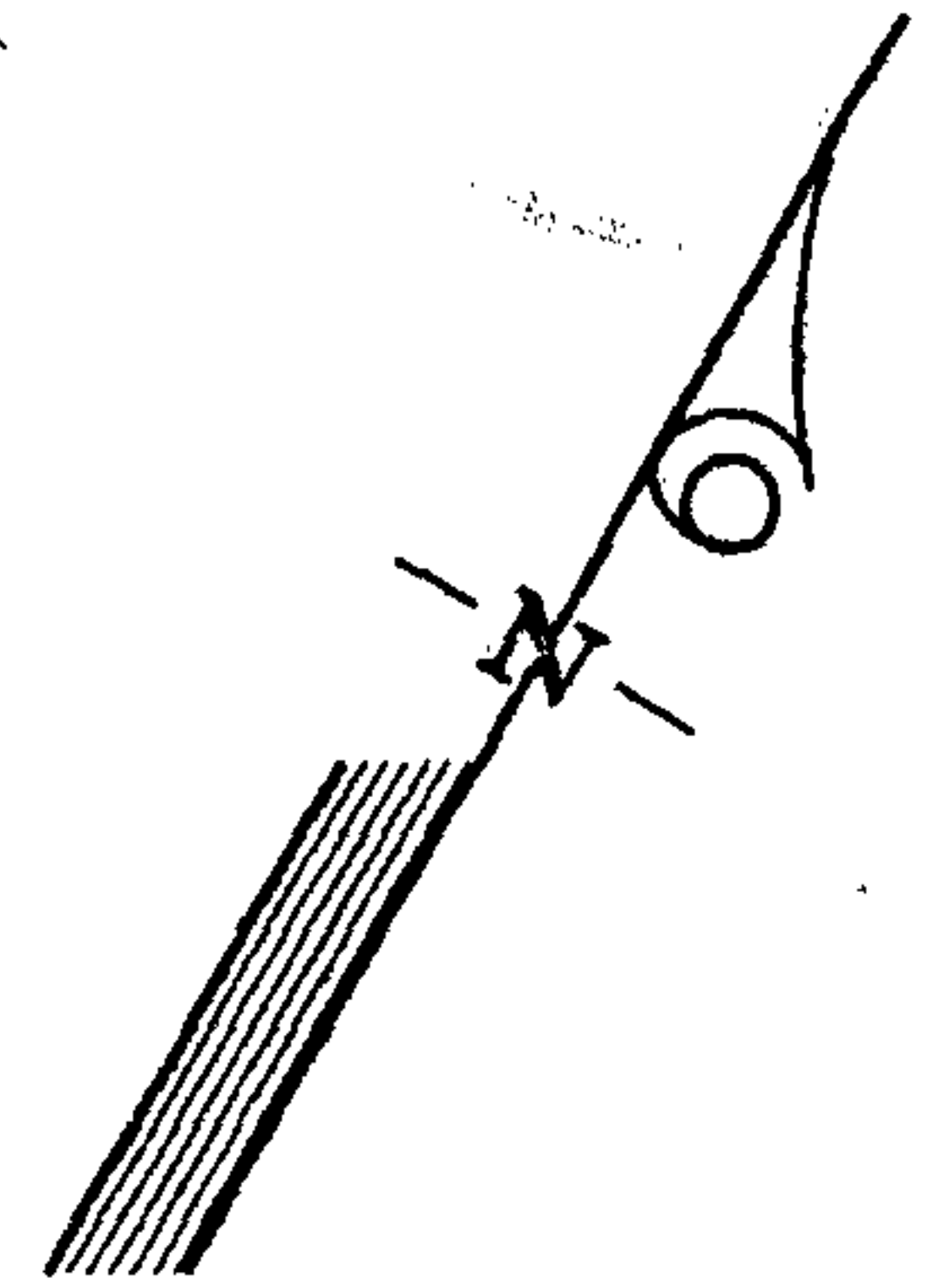
WESLEY C. HOGUE
ACCT. # 1508652600

STORM WATER MANAGEMENT
RESERVATION 1

S 16044.41
E 47144.86

(65513)

POINT



IN THE MATTER OF
 THE APPLICATION OF
SIGNAL DEVELOPMENT CORP. /
MICHAEL SCHULTZ -PETITIONER
 FOR VARIANCE ON PROPERTY
 LOCATED ON THE E/S TODD POINT
 LN, 1410' S OF C/L MORSE LANE
 (4604 TODD POINT LANE)
 12TH ELECTION DISTRICT
 7TH COUNCILMANIC DISTRICT

* BEFORE THE
 * COUNTY BOARD OF APPEALS
 * OF
 * BALTIMORE COUNTY
 * CASE NO. 99-210-A

O P I N I O N

This case comes to the Board of Appeals based on a decision of the Zoning Commissioner that denied a Petition for Variance. Ralph K. Rothwell, Esquire, represented the Petitioners. Carole S. Demilio, Deputy People's Counsel for Baltimore County, appeared on behalf of the Office of People's Counsel. A public hearing was conducted on August 14, 1999, with opening statements by both counsel. Public deliberation occurred on September 14, 1999.

Mr. Douglas Swam, Bureau of Building Permit Processing, Department of Permits & Development Management, appeared as custodian of records of that department under a process served on Mr. Carl Richards, Zoning Supervisor, to produce land records and documents. Records produced were:

Appellants' 2A

Permit #B344064 for property at 4604 Todd Point Lane issued to Signal Development Corp., Timonium, Md to construct a single-family dwelling, permit application dated June 19, 1998, along with a site plan drawn by KCI Technologies, Inc. The permit was issued on August 13, 1998 (and attachments).

Appellants 3

Building Permit #B360294 issued to Mike Schultz on December 17, 1998 for 4604 Todd Lane for a single-family dwelling. This permit cancelled No. B344064, and expired one year from issue date.

Mr. Swam testified as to the issuance processes for each exhibit. He explained that a permit is valid for one year from issuance

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date, but any new purchaser needs a new permit -- although it can be assigned for a \$20.00 fee and could be extended if accompanied by a letter of explanation. He acknowledged that the new permit secured by Mr. Schultz was the same home proposed, same site, and he ascertained no particular problems.

On cross-examination, he acknowledged his familiarity with variances, but that his department only grants the permits, and his department assumes the sufficiency if authorized by zoning, and other County agencies, based on the application information. Compliance with County laws was not within his authority, and the only basis he had for disapproval would be if the application information itself was incorrect. Questions were posed by Ms. Demilio concerning a 24-foot width, 28-foot depth, and 30-foot height of the proposed home, with no garage being shown on the site plan, no County easement being shown, the location of the air conditioning unit, and the slab foundation in a flood plain.

On re-direct, the witness again acknowledged the issuance of essentially the two similar permits, and on re-cross, Ms. Demilio cited the lack of a sealed site plan with the application.

Mr. Swam acknowledged that most people would rely on the permit and again that his office does not become involved in zoning interpretations.

Mr. James Gay III was called by Mr. Rothwell under a process issued on July 28, 1999. He is a licensed Maryland real estate agent working for Olde Colonial Realty, Inc., and was the listing agent for the seller, At Homes Again, Inc. The latter corporation

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had purchased the vacant lot from Cignal Corporation on August 6, 1998. Mr. Gay acknowledged that a building permit had been issued to Cignal Development on August 13, 1998, and that he had listed the lot with the August 13, 1998 permit (Appellants' Exhibit No. 4), with a sale price of \$69,900.00 (Multiple List Form #BC2526706). He opined that he had no reasons to believe that the permit was not valid and that the lot was sold to the Appellants for \$55,000.00. A deed was executed on November 30, 1998 from At Homes Again, LLC, to Michael A. Schultz and Antoinette Cotsoradis. The deed reflects that James L. Gay III is manager for the seller, At Homes Again Realty, LLC.

On cross-examination, Mr. Gay acknowledged that he had been a real estate agent for 12 years and was 31 years of age. He had no affiliation with Cignal Development. He had no knowledge of any variance request; and it was not his signature that appeared on the Petition for Variance. He acknowledged that At Home Realty is his company and he is the sole stockholder. He acknowledged being active in the purchase and re-sale of lots and homes -- the latter of which he rehabs and then re-sells. At Home Realty was incorporated in 1998 and is active in buying, selling and rehabing older homes. He stated he has limited knowledge of permit securing, since his rehab work does not require permits. He had only been involved with Cignal in this sole transaction. He had sold one home in the immediate Beachwood Estates area. The subject property was purchased by him for \$25,000.00 on October 6, 1998 and sold to the buyers for \$55,000.00. An employee of his company

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attended the settlement of the property with the buyers, a copy of the building permit was given to Mark Ford who represented the buyers.

Mr. Albert Charles Jones testified for the Petitioner. He is the owner of Free State General Contractors who was engaged to build the house for the Appellants. He opined that he has 15 years in the building business and has constructed at least 30 different homes, and is fully licensed to do so. He stated as to how he prepares his plans and obtains permits, searches the land records which include the tax records, frequently by way of WEB pages. He was familiar with the subject property and the Appellants. He testified as to the preparation of the plans and certain revisions that were made. He acknowledged seeing the Cignal permit and stated that D.R. 3.5 zoning was required, with a side-yard setback of 10 feet, 15 feet, and 25 feet needed. He acknowledged drawing up the amended site plan. Appellants' Exhibits 7A and 7B were reviewed in detail by Mr. Jones. It was his impression that all flood plain requirements had been satisfied. Considerable time was expended reviewing the house dimensions and site location. He opined that he had personally gone to the Land Records of Baltimore County and pulled copies of various deeds. Appellants' 8A, 8B, 8C, 9A, and 9B were admitted into evidence. Exhibits 9A and 9B represent deeds covering properties on both sides of the subject site (9A dated 8/30/88 and 9B dated 9/05/97). The Foulke property has a width of 52.2 feet (more or less) and 51.67 feet on the right side. The 9B property has a width of 50.25 feet (more or less) and

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right side length of 51.67 feet.

Appellants' Exhibit 10 (A through D) were reviewed, and the witness stated these reflected various lots comprising square footage comparable to the Appellants:

- 10A - 4608 Todd Point Lane, 8,000 sq. ft.
- 10B - 4606 Todd Point Lane, 7,350 sq. ft.
- 10C - 4604 Todd Point Lane, 6,950 sq. ft.
- 10D - 0.16 N.E.C. Todd Point (undeveloped), 6,936 sq. ft.

On cross-examination, Mr. Jones stated again that he was a builder involved in contracting and development work and was not an expert in land planning. He believed that he had made every legitimate effort to determine if the Appellants could build on the subject site, based on his research, the County permits, and no adverse conditions imposed by the County. When he became aware of the side yard setbacks, the second permit and request for variance were made simultaneously. It was he who placed Mr. Gay's name on the variance request, after contacting Gay's office on three occasions.

On cross-examination by Ms. Demilio, he again acknowledged putting Cignal Development as the owners of the property and he signed Gay's name on the variance request. He acknowledged the specific variance needs and reviewed Appellants' Exhibit No. 6 and that four different variances were needed (area, width of lot and sum of side yard setbacks). He also acknowledged that the County has a 15-foot right-of-way and that because of the easement, the house could not be centered on the property, being 7 feet from the Foulke property line and 20 feet from their house. He stated that Mr. Schultz understood the variance process and was aware that same

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was needed before going to settlement. The proposed changes dictated the need for a new permit. He opined that an examination of Appellants' Exhibit 10 would reflect that the Schultz lot was valued less than others in the area, and that his site visits reflected that most were constructed in the 1950s and 1960s, again acknowledging that Mr. Schultz was aware of the easement problem before settlement.

Mr. Mark A. Ford, an agent with Coldwell Banker Grempler since 1983 and an appraiser also testified. The bulk of his activities are in the eastern portion of Baltimore County. He represented Mr. and Mrs. Schultz (now married) as a buyer/broker. He was very familiar with Beachwood Estates with over 200 homes, none with a direct waterfront access. He had been working with the Appellants, saw the property on the Maris (Multiple List) system, pulled the listing, recognized it as a buildable lot per Gay's comments, got a survey from Gay, the permit, discussed the property with the Schultz's and drew up a contract on September 24, 1998, which was accepted by the sellers the same day. Settlement date was extended, and took place on November 30, 1998. The settlement date had been extended, according to the agent, due to financing delays, and that he and Mr. Schultz physically drove to Towson and saw three County agencies before submitting the September 24, 1998 contract. The County people involved Keith Kelly, DEPRM; one employee of zoning and one employee in permits. Since he "had a permit in hand," he recommended the purchase based on their investigations and the permit. He opined that he genuinely

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believed the lot to be a buildable one based on the Maris listing, public records, check of the neighboring properties, and the County investigation. He stated that, on his own investigation, 20 waterfront lots had improvements, with 14 less than 10,000 sq. ft.; 2 had 6,975 sq. ft.; and 9 others were much smaller.

On cross-examination, the witness acknowledged that he was not a zoning expert and not aware of variance regulations. He stated he was aware of contract contingencies and could have put one in the contract relative to the appropriateness of building on the site. He was personally not aware of the need for any variances in this instance, but that Mr. Jones was aware of the need after the changes had been made, and that's why all parties concerned believed there was no need for variances.

Mr. Michael Schultz also testified. The couple were married on May 29, 1999 and wanted to build a new home on the water, became interested in the subject site, submitted a contract on September 24, 1998, and on three occasions Mr. Schultz visited Towson with his real estate agent and was told he could build, as long as he stayed off the County easement. He went to the permit office with Appellants' Exhibit No. 2, and before he purchased the lot, he discussed the proposed expansion with Mr. Jones. It was their understanding that he could still build on the original permit if not amended. He stated that he presently resides in Canton, works as a longshoreman in Dundalk, and his wife is employed at Fort Howard Hospital as a secretary for Medical Records. He stated he wanted to build the home immediately after settlement, went to Key

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Bank for \$180,000.00 loan, and was granted a loan with one year to build, by November 30, 1999 (one year construction loan). He is currently paying on the \$55,000.00 for the land, and has people continuously trespassing on the lot since he purchased it, despite sign postings which have been repeatedly torn down. He submitted 14 photographs of the property which were admitted into evidence, all of which have been reviewed by the panel members. He alleged that vehicles have been parked illegally since his purchase, his signs removed, and the boat ramps constantly being illegally used by nearby residents. Maintenance of the property, because of its nonresidency, is a never-ending problem because Beachwood residents constantly use it for their parking and boat launching activities.

On cross-examination, he stated he was paying interest on the land loan only; there was a one-year construction loan; that he had heard nothing from Baltimore County concerning the absolute right to build the home. Mrs. Antoinette Schultz proffered Mr. Schultz' remarks. That concluded the Petitioners' case in chief.

Mr. Eric Rockel, Permits and Development Management, Land Acquisition, testified for the County. He has 19 years' experience in subdivision development. He supervises the rights-of-way, assisting developers in Baltimore County with regulations, and is charged with record keeping of new subdivisions. He was aware of the Beachwood development, and the 15-foot wide easement conveyed by Cignal Development to the County. He stated that about 10 to 20 percent of the lots in the newer development have some sort of easements, all of which are on private property. The easement in

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question was recorded between August 12, 1998, and August 31, 1998, and has approximately 15 to 15-1/2 feet in size which is typical, although they can go as high as 20 feet. He stated that a property owner cannot build on these easements since the County may have to make repairs on stormwater pipes for maintenance. As part of the development process, the County does not pay developers for the easement if it is absolutely needed, and in this case, in order to get the plan approved, the developer needed the easement for its stormwater management and runoff.

On cross-examination by Ms. Demilio, he described the concrete pipes which run under the easements, and while the pipes do not occupy the entire easement, they are necessary for its protection, and that the easement does go through the lot in question. The pipe is about 4 to 6 feet below ground, he was not familiar with the maintenance, and that there were other properties with easements on them.

Mr. John Tim Hudson, 7707 Sparrows Point Boulevard, testified in opposition to the granting of the variance. Mr. Hudson indicated that he has been going to 4606 Todd Point Lane for 11 to 12 years (family property through his wife's family). He stated that the original house occupied the site as a summer home and described the general character of the neighborhood as being homes constructed during the 1950-1960 era. He opined that he never saw any trespassing signs and frequently had cut the grass to keep in trimmed, and that prior to Mr. Schultz' purchase, nearby residents had played ball on the vacant lot but he had never experienced

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anything burning on it. He also stated that the drainage pipe is quite visible, and was installed by the developers of Beachwood.

Mrs. Weber, a resident of Todd Point Lane for over 50 years who resides approximately one block away, also testified, describing the neighborhood and her residence as a summer home which she had replaced in 1965. It was essentially the same size as others in the area, and that the neighborhood had remained fairly stable through the years; she was quite familiar with the easement, and indicated that both Mr. Gay and Cignal knew of the pipe which was created to take care of the outfall from a stormwater management facility. She stated that there are approximately 300 lots in Beachwood with 55 more to be built, and that everyone in the area was aware of Beachwood Estates because of community input meetings, and that the pipe was laid through the property because of need for the outfall for stormwater management facility; and that it had been her impression that it was not to be offered for sale for any building purposes.

Ms. Elizabeth Foulke, who owns 1/3 of the property at 4402 Todd Point Lane, indicated that her property is used essentially as a summer house by the family, and stated her opposition to the Appellants' request because it was simply too close to her property.

Ms. Cabarina Dembow, 4544 Todd Point Lane, indicated she had attended the Zoning Commissioner's hearing and was familiar with the Department of Public Works and the pipe installation quite some time ago, which was essentially to be used for outfall from the

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stormwater management facility and to prevent beach erosion. The community was told basically that no building would ever take place on the lot, and she was quite surprised when she saw a "for sale" sign on the property placed there by Mr. Gay. That concluded the County's case.

Both counsel were requested to submit written briefs to the Board, which were to be reviewed by the individual members, along with the testimony taken at the hearing and the evidence submitted, at which time a public deliberation would be scheduled.

The Petitioners' request for variance filed on November 17, 1998 requested a variance from Section 1B02.3.C.1 and Section 304.1 "To allow a buildable lot with a width of 50.25 feet and an area of 6,985 sq. ft. in lieu of the minimum required 70 feet and 10,000 sq. ft. respectively, to approve an undersized lot per Section 304 and any other variance as deemed necessary by the Zoning Commissioner." The Appellant recites the presence of a utility easement on the property, which causes strict compliance with the statute to be impossible. The original Zoning Commissioner's Order was dated February 19, 1999, denying the variance; and a further ruling on Motion for Reconsideration led to another denial on April 8, 1999. The Board considered the approval of the lot under Section 304 which recites the requirements for such approval. Section 304.1 stipulates that:

"A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

A. Such lot shall have been duly recorded either

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by deed or in a validly approved subdivision prior to March 30, 1955;

- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

This section of the zoning regulations is a unique provision created by legislation to apply to existing undersized lots that had been subdivided before the Baltimore County zoning regulations came into effect in 1955. In this particular case, neither the area or width requirement is satisfied since the front yard is 50.25 feet and the total area is 6,985 sq. ft. To qualify under the site's present zoning of D.R. 3.5, the front must be 70 feet wide and the area 10,000 sq. ft. There is no dispute that the subject lot was created before 1955 (in 1952) in connection with a development of lots along Todd Point Lane directed on the water side. The Appellant also does not own any adjoining land that would enable conformity to the width and area requirements specified in the regulations. Additionally, however, the amended plan reflects the need for a second variance for a side yard setback of 7 feet in lieu of 10 feet; and a third variance of a total side yard of 22 feet in lieu of 25 feet.

Item "B" of Section 304.1 states that "...all other requirements of the height and area requirements are complied with...." While Counsel for Appellant alleges that the only issue for the Zoning Commissioner is to make a determination whether the proposed building is appropriate, the Board takes a different view

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that has long been held by this body, mainly that where multiple variances are required, relief cannot be granted under Section 304.1, and the correct posture is to make application under Section 307 of the Baltimore County Zoning Regulations. People's Counsel appropriately relates cases that have been decided relative to undersized lots and decisions affirmed by the Circuit Court for Baltimore County and the Maryland Court of Special Appeals: In the Matter of Robert Johnson, 95-42-SPHA; In the Matter of John Blasy, 95-355-A; and In the Matter of Warren Grill, 94-163. The Grill case went as far as the Court of Special Appeals, which affirmed the Order of the Circuit Court for Baltimore County and the Order of the Board of Appeals.

The Board also takes note of the objections of the adjoining property owners in protesting the granting of any variances as requested by the Appellants. Objections were raised by Ms. Elizabeth S. Foulke, 4602 Todd Point Lane; Ms. Brenda K. Hudson, 4606 Todd Point Lane; and Ms. Diana M. Dauser, all of whom cited the presence of the easement running through this property and the negative impact and infringement upon adjacent property owners' rights.

In reaching its decision, the Board considered the testimony of Mr. Eric Rockel, a senior member of the Land Acquisition Bureau of Baltimore County, who testified that the County had negotiated purchase of an easement along the southeast property line by deed and agreement, 13116/199; and that County policy prohibited the construction of a permanent structure within a County drainage and

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utility easement. This easement was one of the reasons the size of the proposed house was reduced and placed outside the County's 15-foot wide easement.

The Board also considered the Appellants' allegation concerning "being led down the path" by County employees. The Board takes recognition of the fact that the permit department issues thousands of permits each month. Between the time the first building permit was issued to Cignal Development Corporation (Petitioner's Exhibit No. 2) and the second permit was issued on December 17, 1998, that department had issued over 16,000 permits.

Mr. Doug Swam readily testified that the permit department, as well as other reviewing County agencies, are not authorized to render legal decisions, nor have the authority to grant variances. Case law in Maryland clearly holds that a permit for building a house is not zoning approval per se. The leading Maryland case involving variances, Cromwell v. Ward, 102 Md.App. 691 (1995), also recites Lipsitz v. Parr, 164 Md 222 (1993):

It was therefore unlawful for the officers...to grant the permit and would be unlawful for the licensee to do what the purporting permit apparently sanctioned. A permit thus issued...does not...permit the permit from being unlawful nor being denounced by the municipality because of its illegality.

The burden rests squarely on the Appellant to inquire as to the specifics for building outside the parameters of the permit. The fact that a permit is issued "does not prevent...nor permit the permit from being unlawful nor from being denounced by the municipality because of its illegality." It is obvious to this Board that, based on the testimony and evidence, the Board must

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deny the relief requested by the Appellant. The lot in question is simply too small, and the width too narrow, coupled with the easement, to accommodate the structure proposed.

While not required to comment on BCZR 307, the Board feels constrained to agree with the Office of People's Counsel concerning the application of Cromwell v Ward, and the fact that the subject lot is neither "unique" or "unusual" in that its proportions are similar to other lots along the water line in the general area of the subject site. Failing that, it is not necessary to pursue the second prong, that is practical difficulty or undue hardship. The Board recognizes the existence of the size limitations when the Appellant originally purchased the lot. The Board, however, is sympathetic to the plight of the Appellant. The chain of title and circumstances that led the Appellants to purchase the lot are suspect, that full disclosure was not provided. Jim Gay was president of Diamond Development Corporation who sold the lot to Beachwood for \$25,000.00 on February 24, 1984. Jim Gay, as President of Beachwood, executed the deed to the lot to Cignal Development Corporation on January 23, 1993. On June 19, 1998, Cignal Development applied for the site building permit. Before having obtained the building permit, the lot was placed on the Maris multiple list sheet by James Gay III as agent for Olde Colonial Realty, disclosing him as an "agent having a financial interest, owner, real estate licensee," and further stating that the seller (Cignal) had the permit. On August 12, 1998, Cignal entered into a deed and agreement for a 15-foot drainage easement

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from Cignal to Baltimore County, recorded by August 31, 1998. The permit was, in actuality, not issued until August 13, 1998.

The Appellants (Michael Schultz and Antoinette Cotsoradis) executed the deed for the lot on November 30, 1998 from "At Home Again LLC." Mr. Jim Gay III acknowledged that he was the sole owner and stockholder of that corporation. The deed executed by the Appellants reflects that At Home acquired the site by deed dated October 9, 1998 from Cignal Development Corporation. Reference is made in the November 30, 1998 deed relative to the Baltimore County easement dated August 12, 1998 and recorded in libere S.M. 13116, folio from Cignal to Baltimore County. It should be noted that at the time At Home signed the contract with the Appellants on September 24, 1998, that corporation had not yet purchased the property from Cignal. That did not occur until October 9, 1998.

The property was settled on October 23, 1998. Mr. Jones testified that Mr. Schultz was aware of the easement at the time of settlement and that precipitated the need for the amended plan and variance request being filed on November 18, 1998, and the subsequent events. The Board also notes that the Maris MLS list shows an original purchase price of \$74,000.00. The actual deeds reflect \$25,000.00 as consideration. The Schultz's paid \$55,000.00 for the site. The Board also takes note that a significant number of nearby residents were aware of the easement and outfall pipe that served the stormwater management facility. It was believed that, as part of the Beachwood development, the Developer was

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required to cede to the County the easement, and neighbors were under the impression it would not be developed for that reason.

When one analyzes all the facts and the sequence of events, there exists a deep suspicion on the part of this Board that the Appellant did not have disclosed to him significant factors that, if known, would have precluded his purchase of the site. However, the Appellants' relief as requested by this Board cannot be granted. That effort, if undertaken, lies with another Court and another day. The Board is required, therefore, for the reasons stated, to deny the relief requested.

O R D E R

THEREFORE, IT IS THIS 29th day of October, 1999 by the County Board of Appeals of Baltimore County

ORDERED that the variance relief requested in Case No. 99-210-A be and the same is hereby DENIED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks, Chairman



Lynn Barranger



Margaret Worrall

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IN RE: PETITION FOR VARIANCE

E/S Todd Point Lane, 1410 ft. S
of c/l of Morse Lane

4604 Todd Point Lane

12th Election District

7th Councilmanic District

Contract Purchaser: Michael Schultz

Legal Owner: Cignal Development Corp.

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-210-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Variance for the property located at 4604 Todd Point Lane in the North Point subdivision of Baltimore County. The Petition was filed by Cignal Development Corporation, Property Owner, and Michael Schultz, Contract Purchaser. Variance relief is requested from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (BCZR) to allow a buildable lot with a width of 50.25 ft., in lieu of the required 70 ft., and an area of 6,985 sq. ft., and in lieu of the required 10,000 sq. ft. The Petition also generally seeks relief necessary to approve an undersized lot pursuant to Section 304 of the BCZR and any other variances as deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case were Michael Schultz, property owner, and Buck Jones, builder. Also appearing were Cabrina Dembow and Ethel Weber. Additionally, although they did not appear at the hearing, this office received letters in opposition to the request from Elizabeth S. Foulke, who owns property immediately adjacent to the site at 4602 Todd Point Lane, Brenda K. Hudson, on behalf of the property owner on the other side of the subject parcel at 4606 Todd Point Lane, and Diana M. Dausen. That correspondence is contained within the case file and speaks for itself.

As noted above, the subject property is approximately 6,985 sq. ft., zoned D.R.3.5. Presently, the property is unimproved. Mr. Schultz has acquired the property and proposes constructing a single family dwelling thereon. A building envelope of 30 ft. x 30 ft. is

shown. The property is a waterfront property, adjacent to Back River. A setback of 70 ft. from the water line to the dwelling is shown on the plan.

Variance relief is requested because the lot is undersized in terms of area and is also too narrow. Moreover, although variance relief is not requested within the Petition, the proposed side yard setback on the one side of the property is 6.5 ft. and is insufficient under law.

Mr. Schultz and Mr. Jones appeared at the hearing and offered testimony regarding the proposal. They noted the existence of the drainage and utility easement along the southeastern portion of the property line. The site plan offered at the hearing (Petitioner's Exhibit No. 1), shows that the drainage and utility easement is 13.5 ft. in width. The plan also shows that the side of the dwelling will be set back that same measurement from the side property line. Thus, the Petitioner proposes to construct the side of the dwelling so that same immediately abuts the drainage and utility easement area.

Although this drainage and utility easement indeed exists, it does not provide the basis upon which relief can be granted for the lot width and lot area. That is, the property is less than the required 70 ft. width, irrespective of the drainage and utility easement. The property is approximately 51 ft. wide, including the area of the drainage and utility easement. Moreover, the property does not contain sufficient area, even including the area of the drainage and utility easement.

A Zoning Plans Advisory Committee (ZAC) comment was also received from the Developer's Plans Review Division. That comment indicates that the drainage and utility easement is 15 ft. wide. The comment also indicates that the County has constructed a storm drain within that easement and County policy prohibits any construction over the easement area. If the County measurement of the easement is correct (i.e. 15 ft.) than the plan shows that the dwelling would be constructed over an area of the easement (approximately 1.5 ft.).

Based upon the testimony and evidence presented, I am not persuaded that relief should be granted. With the constraints of this property, construction is difficult. Not only is

the property inherently too small and narrow, but the location of the easement also severely limits the possibilities for this site. Moreover, I concur with the written comments of the adjacent property owners. They opine that construction would adversely impact their property. Finally, Mr. Jones indicated at the hearing that the property has an elevation of 8 ft. Pursuant to the ZAC comment from the Developer's Review Division, the minimum building elevation is 10 ft. For all of these reasons, the Petition must be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 19th day of February, 1999, that the Petition for Variance from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (BCZR) to allow a buildable lot with a width of 50.25 ft., in lieu of the required 70 ft., in an area of 6,985 sq. ft., and in lieu of the required 10,000 sq. ft., be and is hereby DENIED.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

IN RE: PETITION FOR VARIANCE
E/S Todd Point Lane, 1410' S
centerline of Morse Lane
15th Election District
7th Councilmanic District
(4604 Todd Point Lane)

Antoinette & Michael A. Schultz,
Legal Owners and
Shelley & Gerald Ruth, *Contract Purchasers*
Petitioners

JW
11/19

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-166-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Antoinette and Michael A. Schultz. The Petitioners are requesting a variance for property located at 4604 Todd Point Lane which is currently zoned D.R.3.5. The variance request is to permit a lot width of 51.67 ft. in lieu of the required 70 ft. and to permit a lot width and area of 6,950 sq. ft. in lieu of the required 10,000 sq. ft. and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Michael Schultz, the owner of the property, Shelley and Gerry Ruth, the contract purchasers. and Harry Blondell, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were Gary Foulke, Bryan Pennington and Tim Hutson.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 6950 sq. ft., more or less, zoned D.R.3.5. It is a waterfront lot located on the northeast side of Todd Point Lane in North Point. It is the same lot and parcel of property which was the subject of an identical petition for variance filed before Commissioner Lawrence E. Schmidt, which case was heard in January of 1999. That prior case was Case No. 99-210-A. The case before Commissioner Schmidt was filed by Cignal Development Corp., as owner and the same Michael Schultz as contract purchaser. The case proceeded before Commissioner

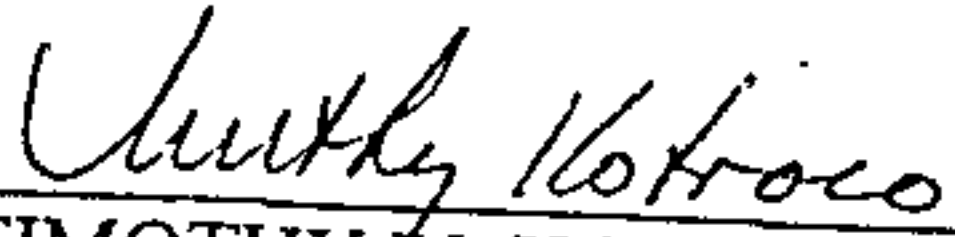
Schmidt on a hearing wherein the Petitioners request was denied by Order dated February 19, 1999. Thereafter, Mr. Schultz requested a reconsideration of the denial by Commissioner Schmidt. On April 8, 1999, Commissioner Schmidt once again denied the Petitioners' request to construct a home on this lot. An appeal from Commissioner Schmidt's final decision was taken and a new hearing was held before the Baltimore County Board of Appeals. The Board of Appeals entertained the Petitioners request *de novo*. After a new hearing on the matter, the County Board of Appeals issued an Order dated the 29th day of October 1999, once again denying the Petitioners' request to construct a home on this lot.

The Petitioners now come before this Deputy Zoning Commissioner, once again requesting approval to construct a home on this very same property. The request filed in my case is identical to the request filed in the case before Commissioner Schmidt and thereafter the Board of Appeals. Apparently, according to the testimony offered at my hearing, the only difference is that the house to be constructed is somewhat narrower than the house proposed in the cases before Commissioner Schmidt and the Board of Appeals. However, both Commissioner Schmidt, as well as the Board of Appeals, made it clear that the property is not of appropriate size upon which to construct a single-family residential dwelling. This is true regardless of the size of the house to be constructed. The Petitioners, in their motion for reconsideration before Commissioner Schmidt indicated their willingness to reduce the size of the house to make it narrower, similar to the one proposed before me now. Commissioner Schmidt found that the lot is simply encumbered with too many constraints to be buildable and denied their motion.

I find that the Petitioners' request before me is identical to the request he filed before Commissioner Schmidt and the Board of Appeals. The request for variance must be denied based on the doctrine of *res judicata*.

THEREFORE, IT IS ORDERED, this 20th day of November, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 304.1 and 1B02.3C.1 of the Baltimore County Zoning Regulations, be and is hereby DENIED.

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

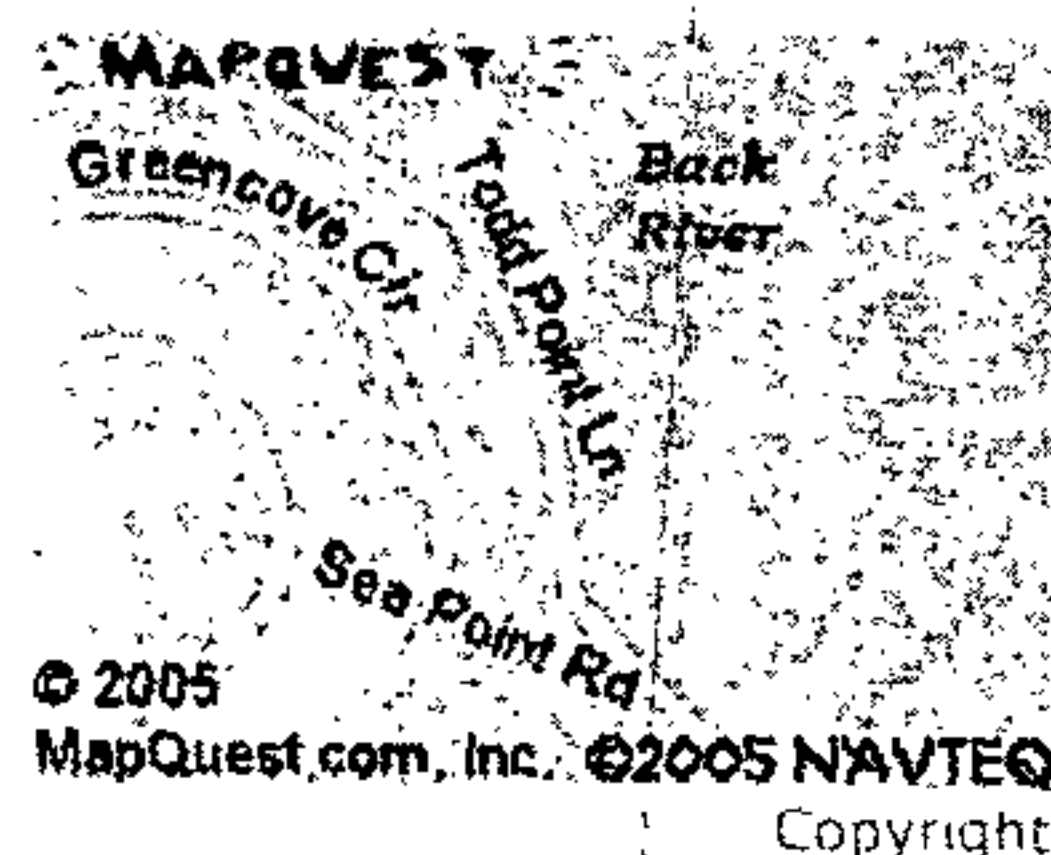

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Pick By Date: Premium Image (01-Oct-2002)

(what's this?)



Search ImageAtlas

United States International Lat & Lon

Address

4602 TODD POINT LN

City

SPARROWS POINT

State

MD

Zip Code

21219

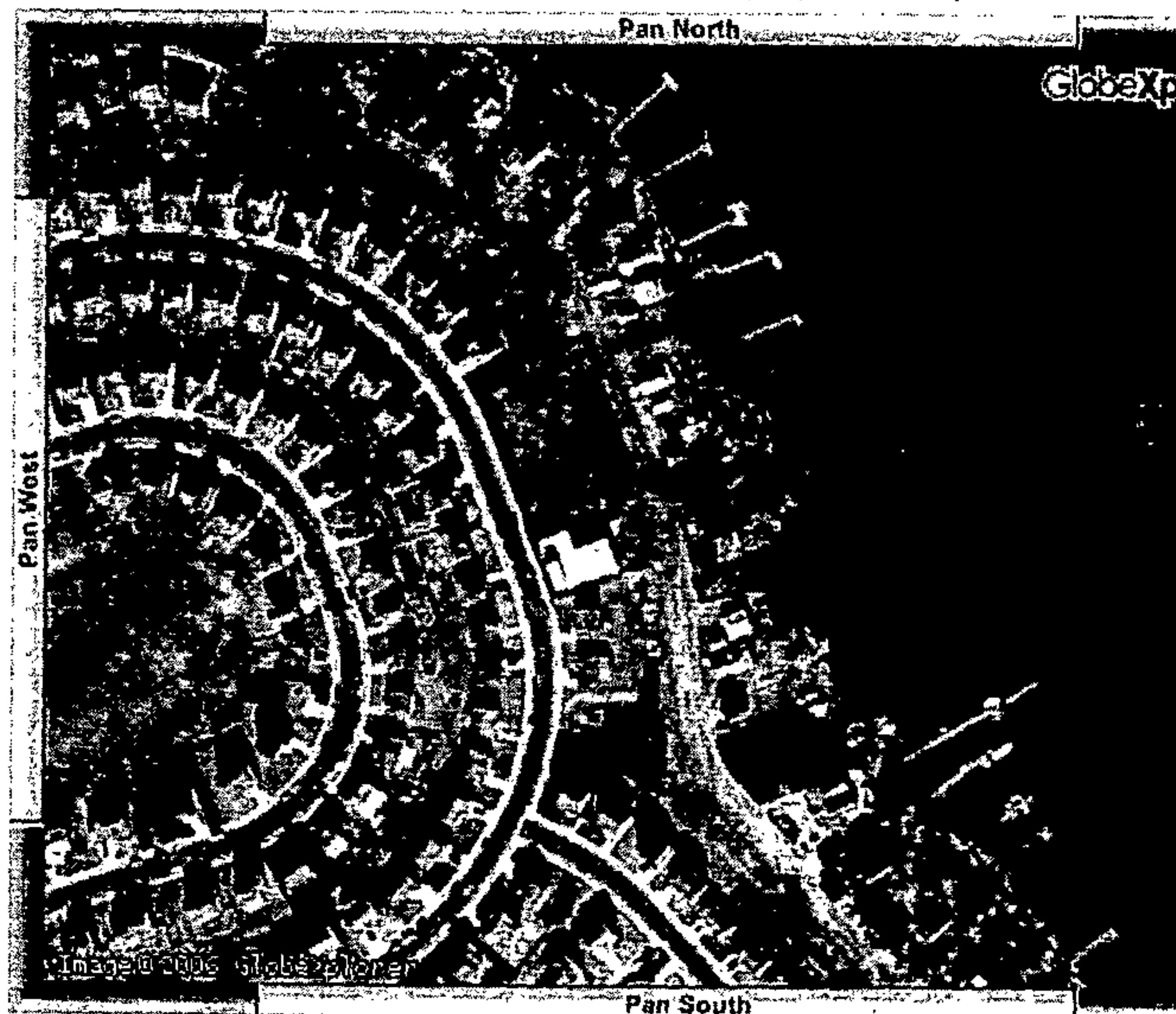
Country

United States

Find Image

ImageAtlas Address Results

ADDRESS MATCHES (1):

4602 TODD POINT LN,
SPARROWS POINT, MD US

Nation

Region

City

Street

House

Interact Tools

View Mod



CLEARANCE BETWEEN HOUSES
AND SUBJECT HOUSE

FOULKE = 37.4' ← → DAUSES = 24.2'

Det #2

Building Code Floodplain Regulations

If you are building or renovating in a waterfront or stream area, the floodplain regulations can be confusing. Here are some of the questions people frequently ask:

1. Q. What is flood zone A or 100-year flood?

A. The 100-year flood is a base flood elevation that has a 1-percent chance of being equaled or surpassed each year. The 100-year flood, also designated as flood zone 'A' from Flood Insurance Rate Map (FIRM), could occur more than once in a given year.

2. Q. What are the Tidal Base Floodplain Elevations in Baltimore County?

A. 9.4 feet (Back River and south), and 10.2 feet (North of Back River).

3. Q. What is the difference between Base Floodplain Elevation (BFE) And Flood Protection Elevation (FPE)?

A. Base Flood Elevation is the reference elevation used to determine if the structure is within the 100-year flood or flood zone A. The Flood Protection Elevation is the minimum elevation for the lowest floor of new or substantially improved structures once it is determined they are in the floodplain. The Flood Protection Elevation is one foot higher than the Floodplain Elevation to allow for the thickness of floor structures and to provide a safety factor.

4. Q. What are the types of flooding in Baltimore County?

A. Tidal flooding; caused by abnormally high tides, and riverine flooding caused by storm water drainage during storms. No new building or additions may be constructed in any riverine floodplain.

5. Q. What is substantial improvement?

A. Substantial improvement is when the cost of any improvement of a structure in the floodplain equals or exceeds 50 percent of the value of the structure before the improvement.

6. Q. What happens once a project is determined to be to be a substantial improvement?

A. A substantially improved structure must be brought into compliance with NFIP regulations and Baltimore County law for new construction. This usually means the structure must be elevated (or floodproofed if it is a commercial structure) to the level of the flood protection elevation, and meet certain other requirements.

7. Q. How is the value of a structure determined?

A.

- 1.) Independent appraisals by a professional appraiser, or
- 2.) Property appraisals used for tax assessment in state tax records.

9. Q. When a structure is completely destroyed and a new structure is to be built on the old foundation or slab, is the reconstruction considered a substantial improvement?

A. Yes.

10. Q. Why should an owner suffer what seems to be a penalty for upgrading and improving a structure?

A. The regulations come from the Federal Flood Insurance Program to limit the liability of the federal government in the event of claims against subsidized federal flood insurance or federal disaster relief funds.

Upgrades and improvements add to the value of real property located in flood hazard areas and potentially generate greater claims against federal flood insurance or federal disaster relief funds. So once the improvements reach the substantial improvement level, additional steps are required to limit possible flood damage and flood damage claims.

PHOTOGRAPH ADDENDUM

Borrower/Client	Ford, John P. Jr., & Mary E.				
Property Address	4602 Todd Point Lane				
City	Edgemere	County	Baltimore	State	Md.
				Zip Code	21219
Lender					



NORTH STREET VIEW OF TODD POINT LANE



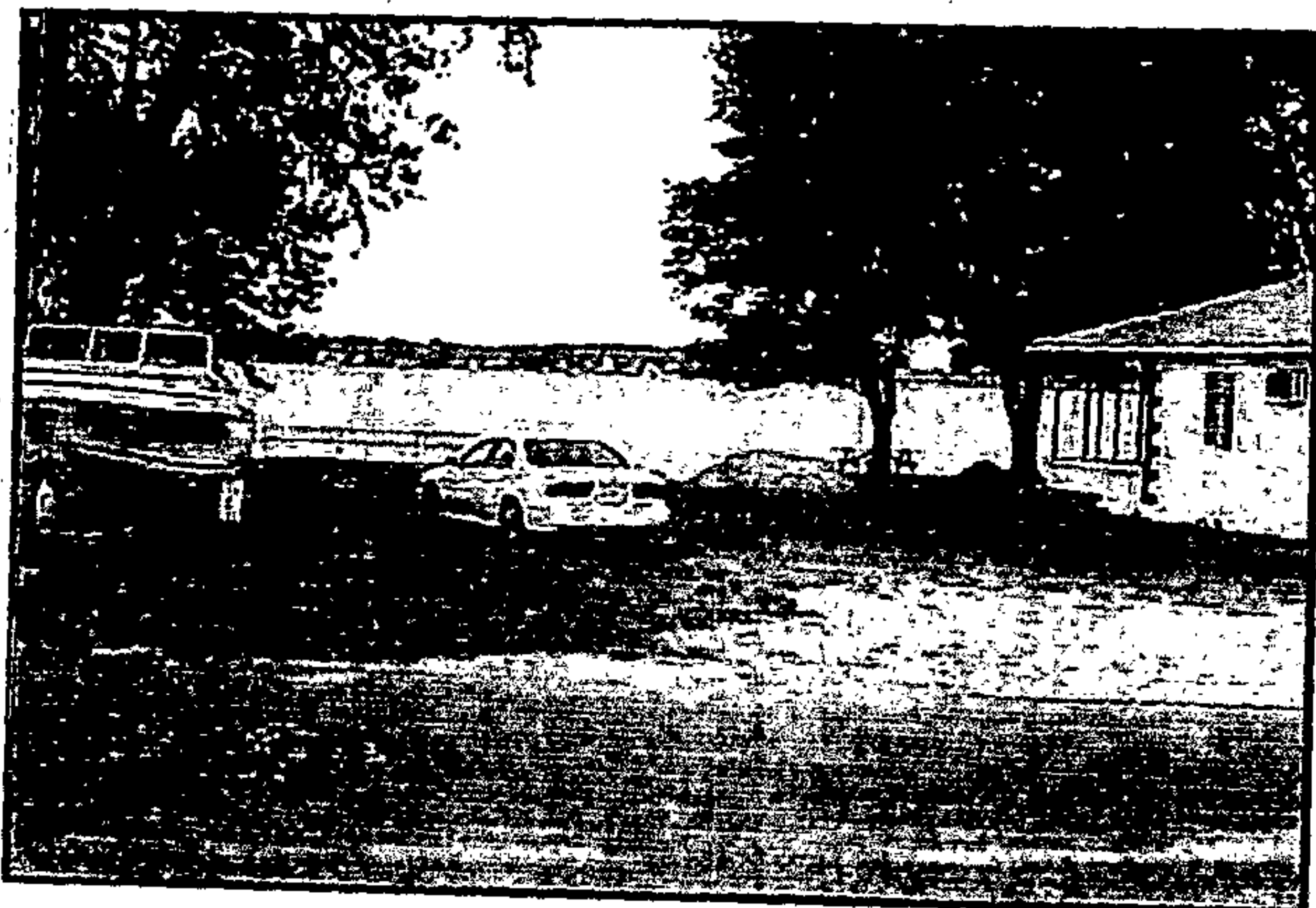
Part of 4602 & 4606 TODD POINT LANE



4614 TODD POINT LANE

Subject Photo Page

Borrower/Client Ford, John P. Jr., & Mary E.			
Property Address 4602 Todd Point Lane			
City Edgemere	County Baltimore	State Md.	Zip Code 21219
Lender			



Subject Front
4602 Todd Point Lane
Lane
1,018



Subject Rear
4602 Todd Point
Lane



Subject Street
4602 Todd Point
Lane

PHOTOGRAPH ADDENDUM

Borrower/Client	Ford, John P. Jr., & Mary E.				
Property Address	4602 Todd Point Lane				
City	Edgemere	County	Baltimore	State	Md.
Lender				Zip Code	21219



New Construction in Process

4504 TODD POINT LANE



4514 TODD POINT LANE



4540 TODD POINT LANE

Photograph Addendum

Borrower/Client	Ford, John P. Jr., & Mary E.				
Property Address	4602 Todd Point Lane				
City	Edgemere	County	Baltimore	State	Md.
Zip Code	21219				
Lender					



4540 TODD POINT LANE



4540 TODD POINT LANE



4606 TODD POINT LANE



4544 TODD POINT LANE

Douses Property - Immediate South of 4602 Todd Point lane



4600 TODD POINT LANE



Part of 4544 & 4546 Todd Point Lane

4600 Todd Point Lane - Built in 2004

Property Summary Report

Tax ID#	Address	Legal Subdiv	City	Zip	Absent	Owner Name	Living Area	Total Tax	Transfer Date	Transfer Price	Lot SQFT	Year Built
04151501500352	4806 Todd Point Ln		Sparrows Point	21219	Yes	Dauses, Diana M Hutson Bre	780	1,502	29-Apr-1998	\$0	7,350.00	1954
04151502470790	4636 Todd Point Ln		Sparrows Point	21219	Yes	Woolfrey, Ellis Clifton	1,432	1,839	27-Oct-1993	\$135,000	10,920.00	1855
04151502651280	4630 Todd Point Ln		Sparrows Point	21219	No	Celio, Shawn L	2,058	2,627	29-Mar-2002	\$216,000	9,550.00	1893
04151503471231	4536 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Cooke, Joseph Walter	1,124	1,715	27-Feb-1995	\$0	6,477.00	1934
04151504200170	4544 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Dembow, Marion F	2,101	2,043	25-May-1987	\$0	16,640.00	1947
04151504200171	4601 Todd Point Ln		Sparrows Point	21219	No	Rose, Frank L	3,495	1,846	31-May-2001	\$0	49,223.00	0
04151506450090	Todd Point Rd		Sparrows Point	21219	Yes	Foulke, Elizabeth S Foulke C	720	1,362	17-Oct-1988	\$0	6,936.00	1952
04151506820250	4616 Todd Point Ln		Sparrows Point	21219	No	Reglas, Athanasios	2,580	4,085	08-Oct-1998	\$200,000	17,056.00	1999
04151508301742	4602 Todd Point Ln		Sparrows Point	21219	Yes	Ford, John P	0	258	03-Jun-2003	\$65,000	6,950.00	0
04151508650290	4524 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Godlewski, Joseph S	1,450	2,034	16-Sep-1991	\$1	13,800.00	1934
04151508650291	Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Godlewski, Joseph S	0	550	16-Sep-1991	\$1	9,350.00	0
04151508652600	Todd Point Ln		Sparrows Point	21219	Yes	Reglas, Athanasios	0	324	04-Dec-1997	\$131,867	22,311.00	0
04151511000410	4610 Todd Point Ln		Sparrows Point	21219	No	Sowinski, Stanley T	1,632	2,053	03-Feb-1975	\$22,000	9,333.00	1955
04151511151080	4622 Todd Point Ln		Sparrows Point	21219	No	Kehring, Vernon J	1,697	2,141	06-Dec-1989	\$28,600	11,340.00	1953
04151511671100	4628 Todd Point Ln		Sparrows Point	21219	No	Sauerwein, William Joseph	1,072	1,548	21-Aug-1986	\$90,000	9,300.00	1954
04151511975000	4540 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Cosentino, Joseph T	1,008	1,686	13-Oct-1982	\$57,900	8,060.00	1964
04151511980010	4620 Todd Point Ln		Sparrows Point	21219	No	Sauer, Robert D	2,050	2,869	31-Jul-1974	\$42,000	17,334.00	1953
04151512200040	4624 Todd Point Ln		Sparrows Point	21219	No	Biemiller, William Howard	1,596	1,966	19-Dec-1984	\$0	10,422.00	1953
04151512201440	4502 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Dobrzycki, Gerard D	1,127	1,055	05-Dec-1997	\$0	7,600.00	2002
04151513752090	4608 Todd Point Ln		Sparrows Point	21219	Yes		920	1,602	27-Dec-2005	\$0	8,000.00	1954
04151513753300	4514 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Yoder, Brent S	1,104	1,794	13-Jun-1997	\$152,500	7,750.00	1950
04151513753301	4514 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Yoder, Brent S	0	4	13-Jun-1997	\$152,500	308.00	0
04151516601910	4526 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Burruss, Shirley A	1,206	1,788	24-May-2002	\$0	13,350.00	1929
04151516750510	4504 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Kelley, Joel G	774	1,053	13-Sep-1989	\$92,500	7,450.00	1942
04151516750960	4534 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Manns, Raymond G	1,520	1,917	13-Aug-1987	\$0	5,800.00	1929
04151518000540	4800 Todd Point Ln	Merritt Shores	Sparrows Point	21219	Yes	Carling, Thomas A	1,836	3,181	24-Sep-2001	\$75,000	8,112.00	2004
04151518470460	4626 Todd Point Ln		Sparrows Point	21219	Yes	Rohlfing, Frances	641	1,519	08-Apr-2003	\$0	9,150.00	1952
04151519000910	4638 Todd Point Ln		Sparrows Point	21219	No	Meyer, Norman Henry	1,500	1,801	29-Aug-1991	\$130,000	20,099.00	1955
04151520200080	4500 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Terzigni, Frank C	1,093	1,513	10-May-1988	\$0	7,800.00	1911
04151520300300	4518 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Wolinski, Henry A	3,102	2,754	25-May-1994	\$0	17,500.00	1952
04151523153420	4506 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Weber-Comegys, Ethel Blan	2,618	2,503		\$0	14,900.00	1966
04151523502170	4634 Todd Point Ln		Sparrows Point	21219	No	Wills, James B	1,464	2,520		\$0	17,460.00	1968

Report Produced By: MARK FORD

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Chesapeake Residential Realty Inc.

Property Summary Report

Page: 1

Date: 22-Mar-2006

Time: 12:10

Tax ID#	Address	Legal Subdiv	City	Zip	Absent	Owner Name	Living Area	Total Tax	Transfer Date	Transfer Price	Lot SQFT	Year Built
04152200016470	4532 Todd Point Ln	Merritt Shores	Sparrows Point	21219	No	Skarda, James F	1,720	3,522				
04152200028486	4439 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Brewer, Craig T	1,728	2,358	15-Sep-1998	\$0	13,350.00	1993
04152200028487	4437 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Forrer, Rosalie	2,328	2,340	17-Nov-1998	\$185,194	6,695.00	1998
04152200028488	4435 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Barnett, Aaron L	1,248	2,126	22-Feb-2005	\$191,160	6,865.00	1998
04152200028489	4433 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Hurst, Deborah A	1,500	2,254	27-Feb-2001	\$280,000	6,734.00	1998
04152200028490	4431 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Dolch, Kerry	1,248	1,937	18-Aug-2002	\$180,330	6,194.00	2001
04152200028491	4429 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Johnson, Robert K	2,016	2,142	30-Sep-1997	\$160,000	5,793.00	1998
04152200028492	4425 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Zafia, John W	1,352	2,136	23-Dec-1997	\$152,625	6,656.00	1997
04152200028493	4423 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Grimm, Debra A	1,840	2,211	07-Dec-1998	\$139,953	6,360.00	1997
04152200028494	4421 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Barth, Anthony W	1,520	2,126	01-Dec-2003	\$165,881	5,502.00	1998
04152200028495	4419 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Amedore, Mark A	1,888	2,076	03-Jan-2002	\$212,000	5,502.00	1998
04152200028496	4417 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Lewinski, Theodore J	1,530	2,180	27-Feb-2001	\$162,000	5,502.00	1998
04152200028497	4415 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Williams, Gary Francis	1,376	2,469	09-Oct-2001	\$175,179	5,502.00	2001
04152200028498	4413 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Brandt, John W	1,524	2,035	15-Oct-1998	\$0	5,502.00	2000
04152200028499	4411 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Dabrowski, Jeffrey M	1,764	2,240	29-Mar-1999	\$155,248	5,502.00	1998
04152200028500	4428 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Hidden, Jay W	2,016	2,363	11-Aug-2000	\$132,000	5,502.00	1998
04152200028501	4426 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Darmafall, Paul T	1,270	2,490	18-Nov-1997	\$0	6,826.00	1996
04152200028502	4424 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Archer, Austin W	1,223	1,886	18-Jun-1998	\$177,500	5,776.00	1997
04152200028503	4422 Todd Point Ln	Beachwood Estates	Sparrows Point	21219	No	Lukas, Luke	1,248	2,158	10-Mar-1998	\$138,630	5,776.00	1998
Record Count: 51										\$145,000	9,074.00	1998

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Chesapeake Residential Realty Inc.

3-21-06

TO WHOM IT MAY CONCERN
CASE 06 397 SPH

THE LOT AT 4604 TODD POINT LANE
IS A PUBLIC NUISANCE!

I SUPPORT THE PERMIT TO BUILD
A HOUSE TO HAVE PEOPLE LIVE THERE.
THIS WILL HELP SOLVE THE PROBLEM.

THANK YOU.

NAME: Jennae [Signature]
ADDRESS: 4622 TODD PT LN. 21219

NAME: Diane Sauer Diane Sauer
ADDRESS: 4620 Todd Point Ln. 21219

NAME: Christos Regas [Signature]
ADDRESS: 4616 Todd Point Ln. 21219

NAME: FRANK ROSE Frank Rose
ADDRESS: 4601 TODD POINT LANE 21219

NAME: Stanley [Signature]
ADDRESS: 4610 Todd Point Lane 21219

Pet #4