

12/11/09

IN THE MATTER OF
THE APPLICATION OF
A&M REALESTATE -LEGAL OWNER
FOR VARIANCE ON PROPERTY
LOCATED ON THE E/S GROVE ROAD,
1,771' S OF C/L TURKEY POINT ROAD
905 SUE GROVE ROAD

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* CASE NO. 06-427-A

* * * * *

ORDER OF DISMISSAL OF PETITION

This matter comes to the Board on appeal filed by Peter Max Zimmerman, Esquire and Carole S. Demilio, Esquire, People's Counsel for Baltimore County and Karen Diehl, Individually of Baltimore County, Maryland, Protestants, from a decision of the Zoning Commissioner dated April 24, 2006 in which the requested variance relief was granted with conditions.

On November 5, 2006 , a request for Postponement was granted and the matter was not re-scheduled until a review of the file took place in July 2009.

On July 22, 2009, the Notice of Re-Assignment was mailed to all parties scheduling the matter for Thursday, November 19, 2009.

On August 3, 2009, mail was return from the office of Petitioner's Counsel with a new forwarding address. The notice was re-sent to the correct address.

On November 19, 2009, the hearing was scheduled to be held before this Board at 10:00 a.m., for which proper notice was given. Carole S. Demilio, Esquire, Deputy People's Counsel for Baltimore County, Appellant/Protestant appeared, at the scheduled time of hearing. A & M Real Estate, LLC / Mark R. Haynes and Atusa Haynes, Legal Owner, did not appear, nor did P. Christian Dorsey, Esquire, Counsel for Petitioner/Property Owner, nor did anyone on their behalf, nor in support of the Petition for Variance filed in this matter.

Attempts to contact P. Christian Dorsey, Esquire, Counsel for Petitioner/Property Owner,

**Case No. 06-427-A / A & M Real Estate, LLC – Legal Owner / Petitioner
– Order of Dismissal of Petition for Variance**

were unsuccessful.

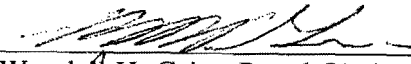
On the record and in open hearing, Carole S. Demilio, Esquire, Deputy People's Counsel for Baltimore County, Appellant/Protestant, moved for dismissal of the Petition for Variance in Case No. 06-427-A. Upon consideration of same, the Board granted said Motion for Dismissal and will so order.

IT IS THEREFORE ORDERED this 11th day of December, 2009 by the Board of Appeals of Baltimore County

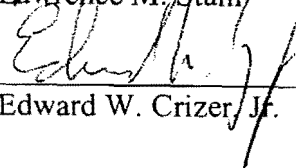
ORDERED that said Petition for Variance filed in Case No. 06-427-A is hereby **DISMISSED**, rendering moot the appeal filed by Appellants in this matter; and, further, that the Zoning Commissioner's Order of April 24, 2006, including any and all relief granted to Petitioner therein, is rendered **NULL AND VOID**.

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*. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wenden H. Grier, Panel Chairman


Lawrence M. Stahl


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

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

December 11, 2009

Carole S. Demilio, Esquire
Peter M. Zimmerman
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: A & M Real Estate-Legal Owner/Petitioner*
Case No.: 06-427-A

Dear Counsel:

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

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

Very truly yours,

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

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: A & M Real Estate
P. Christian Dorsey, Esquire
Mr. and Mrs. Mark Haynes
William A. Kilgore, Jr.
Karen H. Diehl
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, III, Director/Office of Planning
Timothy Kotroco, Director/PDM
John E. Beverungen, County Attorney

**Department of Permits and
Development Management**

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



Baltimore County

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

May 19, 2006

P. Christian Dorsey, Esquire
Gorman & Williams
Two North Charles Street, Ste. 750
Baltimore, MD 21202

Dear Mr. Dorsey:

RE: Case: 06-427-A, 905 Sue Grove Road

Please be advised that an additional appeal of the above-referenced case was filed in this office on May 16, 2006 by Karen Diehl. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco
Timothy Kotroco
Director

RECEIVED
MAY 22 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Mr. & Mrs. Mark Haynes, 905 Sue Grove Road, Baltimore 21221
William Kilgour, Jr., 903 Sue Grove Road, Baltimore 21221
C B C A Commission, 1804 West St., Ste. 100, Annapolis 21401
Karen Diehl, 903 Sue Grove Road, Baltimore 21221



APPEAL

Petition for Variance
905 Sue Grove Road
E/s Sue Grove Road, 1,771' s/of c/l Turkey Point Road
15th Election District – 6th Councilmanic District
Legal Owners: A & M Real Estate, LLC

Case No.: 06-427-A

Petition for Variance (March 7, 2006)

Zoning Description of Property

Notice of Zoning Hearing (March 21, 2006)

Certification of Publication (March 30, 2006 – The Jeffersonian)

Certificate of Posting (March 30, 2006) by SSG Robert Black

Entry of Appearance by People's Counsel (March 23, 2006)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. (A) Support from Barbara Potts (B) Support from Francis Berger
3. Previous order from Case 05-157-A
4. Survey by Duvall & Associates
5. Photographs (A & B)

Protestants' Exhibits:

1. Photographs A thru E
2. Map (F)

Miscellaneous (Not Marked as Exhibit)

1. Active Violation Case Document
2. Real Property Search
3. Letter dated April 14, 2006 from Mr. Kilgour & Ms. Diehl
4. Letter dated April 21, 2006 from Mr. & Mrs. Haynes

Zoning Commissioner's Order (April 24, 2006 - GRANTED)

Notice of Appeal received on May 4, 2006 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
P. Christian Dorsey
Mr. & Mrs. Haynes
Mr. Kilgour
Ms. Diehl

date sent May 8, 2006, klm

**Department of Permits and
Development Management**

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



Baltimore County

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

May 8, 2006

P. Christian Dorsey, Esquire
Gorman & Williams
Two North Charles Street, Ste. 750
Baltimore, MD 21202

Dear Mr. Dorsey:

RE: Case: 06-427-A, 905 Sue Grove Road

Please be advised that an appeal of the above-referenced case was filed in this office on May 4, 2006 by People's Counsel of Baltimore County. 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, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Mr. & Mrs. Mark Haynes, 905 Sue Grove Road, Baltimore 21221
William Kilgour, Jr., 903 Sue Grove Road, Baltimore 21221
C B C A Commission, 1804 West St., Ste. 100, Annapolis 21401

RECEIVED

MAY 08 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

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





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

May 4, 2006

CAROLE S. DEMILIO
Deputy People's Counsel

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR VARIANCE
E/S Sue Grove Road, 1,771' S of c/l Turkey Point Road
(905 Sue Grove Road)
15th Election District; 6th Council District
A & M Real Estate, LLC- Petitioners
Case No.: 06-427-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 24, 2006 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

RECEIVED

MAY 04 2006

Per klm

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: P. Christian Dorsey, Esquire
William A. Kilgore, Jr.
Karen H. Diehl

4/24/06

IN RE: **PETITION FOR VARIANCE**

E/S Sue Grove Road, 1,771' S of the c/l
Turkey Point Road
(905 Sue Grove Road)
15th Election District
6th Council District

A & M Real Estate, LLC
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-427-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, A & M Real Estate, LLC by its managing members Mark R. Haynes and Atusa Haynes. The Petitioner(s) seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the variance relief granted under prior Case No. 05-157-A to permit a side yard setback of 1.6 feet and a sum of the side yards of 10.6 feet in lieu of the required 15 feet and 25 feet, respectively, for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Mark and Atusa Haynes, property owners, and their attorney, P. Christian Dorsey, Esquire. Appearing as Protestants/interested citizens were William A. Kilgore, Jr., adjacent property owner, and his daughter, Karen H. Diehl.

As noted above, this property was the subject of prior Case No. 05-157-A in which the Petitioner(s) filed for similar variance relief in order to construct a new dwelling. Testimony and evidence presented in that case disclosed that the subject property is an irregular shaped, waterfront parcel, 12,052 sq.ft. in area, zoned D.R.3.5. The property is also known as Lot 18 of Sue Grove, an older subdivision that was recorded in the Land Records well prior to the effective date of the current zoning regulations and Chesapeake Bay Critical Area requirements. As is

ORDER RECEIVED FOR FILING

Date 4-24-06

By Debra Wiley

often the case with lots in older subdivisions, the subject property lacks sufficient width by today's standards. In this regard, the property is trapezoidal in shape, approximately 30 feet wide along Sue Grove Road; however, widens to 63 feet along Sue Creek.

The Petitioner(s) purchased the property in August 2004 with the intention of building a new home in which they will reside. At the time of their purchase, the property was improved with a summer cottage which had deteriorated beyond repair. The Petitioner(s) proposed to raze the existing structure and filed for variance relief to allow for the construction of their new home in essentially the same building footprint. The original structure was located 4.5 feet from the west side property line adjoining Lot 17 (the Kilgour property), and 8.5 feet from the east side property line. However, due to the fact that the lot did not meet current width requirements for development, the requested variance relief was necessary in order to proceed with construction.

By his Order dated December 14, 2004, and letter of correction issued on February 7, 2005, Deputy Zoning Commissioner John V. Murphy granted relief to allow a side yard setback of 4.5 feet and a sum of the side yards of 13 feet. The Petitioner(s) now come before me seeking approval of an additional amendment to the prior relief granted. In this regard, testimony indicated that the Petitioner(s) obtained their requisite building permit to commence construction and the original structure and a fence that ran along the western property line adjacent to the Kilgour property were removed. Apparently, the removal of the fence resulted in a dispute between Mr. Kilgour and the Petitioner(s) as to the actual location of the western property line. Construction of the home continued, and ultimately, Mr. Kilgour filed a complaint alleging that the new construction was not in compliance with the prior zoning relief and had, in fact, encroached upon his property. Apparently the parties believed that the fence was located on the property line and the Petitioner(s) used its location to measure the 4.5-foot setback on that side. However, after various surveys had been completed by the parties, it was determined that the fence was actually located on the Kilgour property and although the new house itself had not crossed the property line, the heat pump and air conditioning units for the new house are located

on the Kilgour property. Thus, the Petitioner(s) intend to relocate those units; however, the requested variance relief is necessary in order for the Petitioner(s) to obtain their use and occupancy permit. As shown on the site plan, a side yard setback of 1.6 feet is now provided at its closest point on the west side and a 9-foot setback is shown to the east.

As noted above, William Kilgour and his daughter, Karen Diehl, appeared as interested citizens/Protestants in the matter. As noted above, they are generally opposed to the location of the home and are currently considering litigation to determine the actual location of the property line. They believe that the new house is actually closer to the property line than the original home. However, as explained at the hearing, I do not have the authority as Zoning Commissioner to resolve property line disputes or determine rights of ownership. Those matters are issues that must be raised and settled through the Circuit Court.

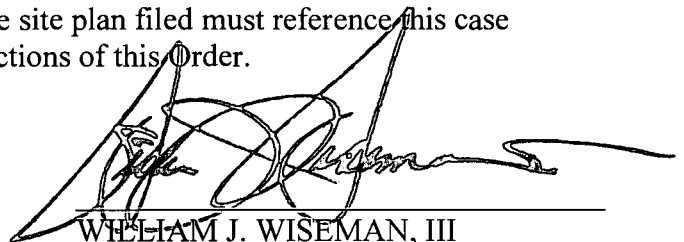
After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, the house has already been constructed and the requested relief is necessary in order for the Petitioner(s) to obtain their use and occupancy permit. Thus, it is clear that strict compliance with the regulations would be unduly burdensome and result in a practical difficulty. Moreover, because the new home has been constructed in *essentially* the same footprint as the original structure, I find that there will be no detrimental impacts to the adjacent property or surrounding locale, over and above that which previously existed when the old shore home existed. However, as a condition to the relief granted, the Petitioner(s) shall be required to relocate the heat pump/air conditioning units within sixty (60) days of the date of this Order. Moreover, but for the amended relief granted herein, all other terms and conditions of the prior Order are adopted herein and made a part hereof, including, but not limited to, compliance with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, as well as all building and fire code requirements.

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

ORDER RECEIVED FOR FILING
Date 4-24-06
By D. J. [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of April 2006 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the variance relief granted under prior Case No. 05-157-A to permit a side yard setback of 1.6 feet and a sum of the side yards of 10.6 feet in lieu of the required 15 feet and 25 feet, respectively, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner(s) are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments, dated April 11, 2006 and March 27, 2006, respectively, have been attached hereto and made a part hereof.
- 3) Compliance with all Building and Fire Code regulations.
- 4) Within sixty (60) days of the date of this Order, the Petitioner(s) shall remove any and all structures from the Kilgore property. Specifically, the Petitioner(s) shall relocate the heat pump/air conditioning units to a suitable location on the subject property.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 4-24-06
By Diane G. [illegible]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 24, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

P. Christian Dorsey, Esquire
Gorman & Williams
Two North Charles Street, Suite 750
Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE

E/S Sue Grove Road, 1771' S of the c/l Turkey Point Road
(905 Sue Grove Road)
15th Election District – 6th Council District
Mark R. Haynes & Atusa Haynes - Petitioners
Case No. 06-427-A

Dear Mr. Dorsey:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: Mr. & Mrs. Mark R. Haynes
905 Sue Grove Road, Baltimore, Md. 21221
Mr. William A. Kilgour, Jr.
903 Sue Grove Road, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; Office of Planning; DEPRM
Code Enforcement Division, DPDM; People's Counsel; Case File

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No.

06-427 A

Date Completed/Initials

3/9/06

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Dear

Robin:

Please schedule hearing ^{for JMM} with Mr. Murphy
for our ~~new~~ case # 06-427-A if at all possible.
If you have any questions, please call me at
410.627.3505. Thank you so much in advance
for your assistance.

Sincerely,

Mark Haynes

CBCA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 905 Sue Grove Rd
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 Variance from Section(s) 1802.30 (BCZR)

To amend the variance relief previously granted in case No. 05-157A, to permit a new dwelling side yard set back of a minimum of 1.6 ft. and sum of side yards of 10.6 ft in lieu of the required 15 ft. and 25 ft. respectively. The previous variance relief granted in case No. 05-157A permitted side yard set back of 4.5 ft and sum of side yards of 15 ft.

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

TO BE DISCUSSED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 06-427-A

9/15/98

COPIES RECEIVED FOR FILING

Date 4-24-06

By

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 905 Sue Grove Rd.
Address
Baltimore MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Please see attachment

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Atusa Haynes
Signature
ATUSA HAYNES
Name - Type or Print

Maer Haynes
Signature
Maer Haynes
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

April 13, 2006
Date

Carol L. Laia
Notary Public

My Commission Expires July 1, 2006

CBCA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 905 Sue Grove Rd
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 Variance from Section(s) 1 B02.3C (BCZR)

To amend the variance relief previously granted in case No. 05-157-A, to permit a new dwelling side yard setback of a minimum of 1.6 ft and sum of side yards of 10.6 ft. in lieu of the required 15 ft. and 25 ft. respectively. The previous variance relief granted in Case No. 05-157-A permitted side yard set back of 4.5 ft and sum of side yards of 13 ft.

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

To be discussed at the hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

P. Christian Dorsey
Name - Type or Print _____ City _____
P. Christian Dorsey
Signature _____
Tydings & Rosenberg LLP
Company _____
100 East Pratt Street (410) 752-9752
Address _____ Telephone No. _____
Baltimore Maryland 21202
City _____ State _____ Zip Code _____

Legal Owner(s):

Mark R. Haynes (A&M Real-estate)
Name - Type or Print _____
By: Mark Haynes
Signature _____
Atusa Haynes (A&M Real-estate)
Name - Type or Print _____
By: Atusa Haynes
Signature _____
905 Sue Grove Rd. 410.627.3505
Address _____ Telephone No. _____
Baltimore MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Mark R. Haynes
Name _____
905 Sue Grove Rd 410.627.3505
Address _____ Telephone No. _____
Baltimore MD 21221
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By LM Date 3/7/06

ORDER RECEIVED FOR FILING

Date 4-24-06

By [Signature]

Case No. 06-427-A

REV 9/15/98

Attachment (Affidavit in support of administrative variance):

- 1. The existing structure already sits over the building restriction.**
- 2. Since it is a waterfront property it limits our buildable area.**
- 3. We need to increase our living space because we are planning on having a family and will need more room to be able to accommodate that.**
- 4. This house as most houses in the area, were designed as summer retreats and not full time residence. The original house has only one bedroom with no closet and has had two enclosed porches added (front & rear) which we need to use as bedrooms.**
- 5. At the time this subdivision was developed building restriction lines were not in place and buildings were located much closer than today's standards.**
- 6. This house was constructed far short of today's standards and has reached the point that it needs to be completely rebuilt from foundation to root.**
- 7. We want to bring our home up to the standards of other refurbished and new homes in the area.**

**Zoning Description for 905 Sue Grove Road,
Baltimore, MD 21221:**

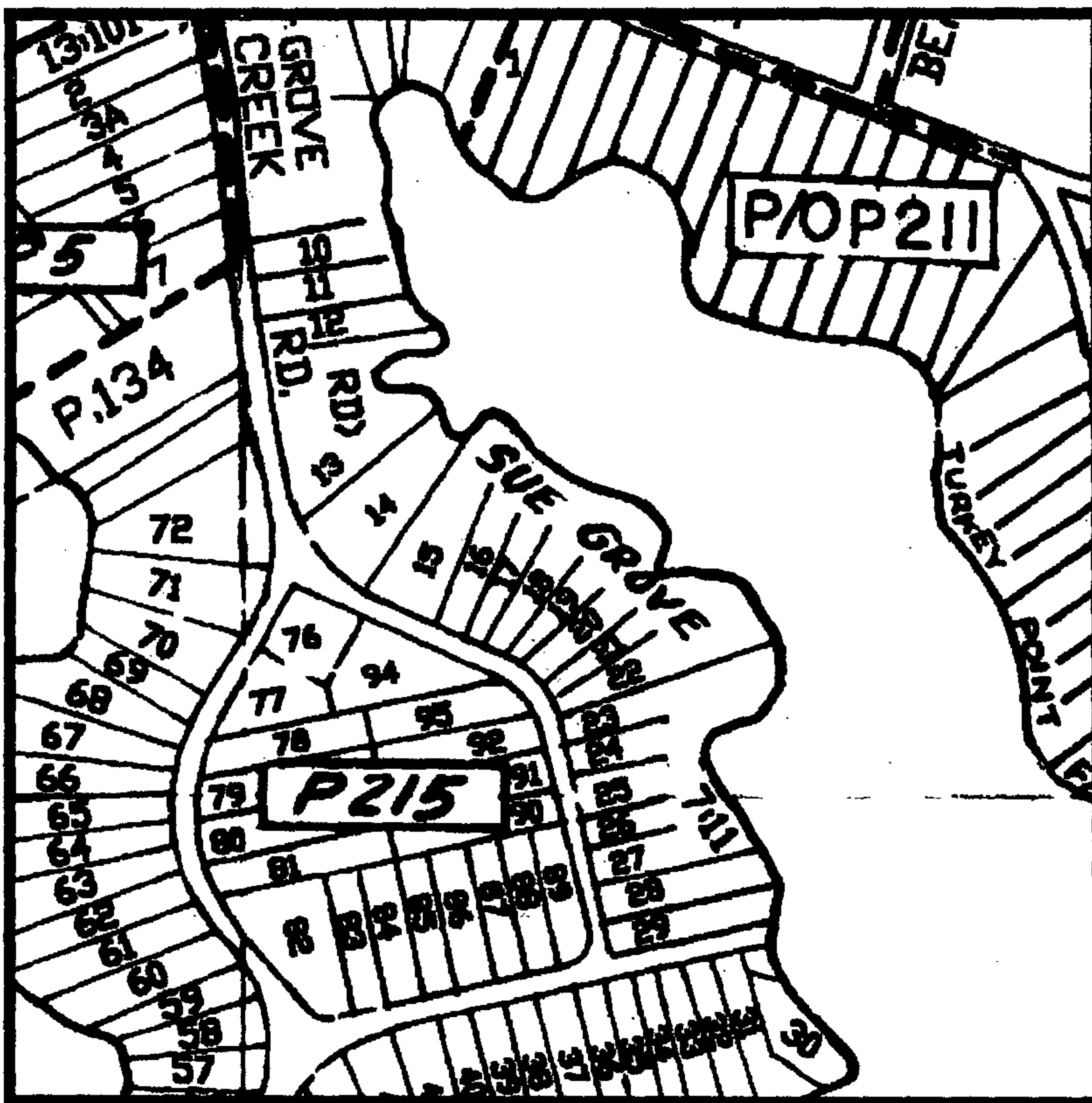
Beginning at a point on the East Side of Sue Grove Road,
Which is 30 feet wide at the distance of 1771 feet South
of the centerline of the nearest improved intersecting
street Turkey Point Road to the corner of the property
which is wide. Beginning at lot #18 in the
subdivision of Sue Grove as recorded in Baltimore County
Plat Book #7, Folio #11, containing 12052 square feet.
Also known as 905 Sue Grove Road and located in the 15
Election District, 6 Councilmanic District.



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

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

District - 15 Account Number - 1523000460



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/webcom/index.html

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-427-A
Petitioner: Atusa & Mark Haynes A & M Real Estate LLC
Address or Location: 905 Sue Grove Rd Balt. MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: Atusa & Mark Haynes
Address: 905 Sue Grove Rd.
Baltimore, MD 21221

Telephone Number: 410.627.3505

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: #06-427-A

905 Sue Grove Road

East side of Sue Grove Road, 177 feet south centerline of Turkey Point Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Mark R. Haynes and Atusa Haynes

Variance: to permit a new dwelling side yard setback of a minimum of 1.6 feet and sum of side yards of 10.6 feet in lieu of the required 15 feet and 25 feet respectively. The previous variance relief granted in Case, No. 05-157-A, permitted a side yard setback of 4.5 feet and sum of side yards of 13 feet.

Hearing: Friday, April 14, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

3/406 Mar. 30

89411

CERTIFICATE OF PUBLICATION

3/30/, 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 3/30/, 2006.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-427-A

Petitioner/Developer: MARK +

ATUSA HAYNES

Date of Hearing/Closing: 4-14-06

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

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

Ladies and Gentlemen:

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

905 SUE GROVE RD

The sign(s) were posted on _____

3-30-06

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

4-5-06
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

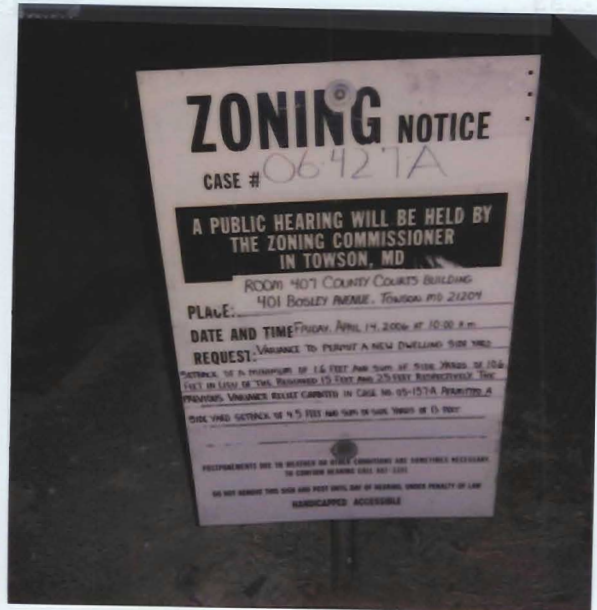
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 30, 2006 Issue - Jeffersonian

Please forward billing to:
Atusa & Mark Haynes (410-627-3505)
905 Sue Grove Road
Baltimore, MD 21221

NOTICE OF ZONING HEARING

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

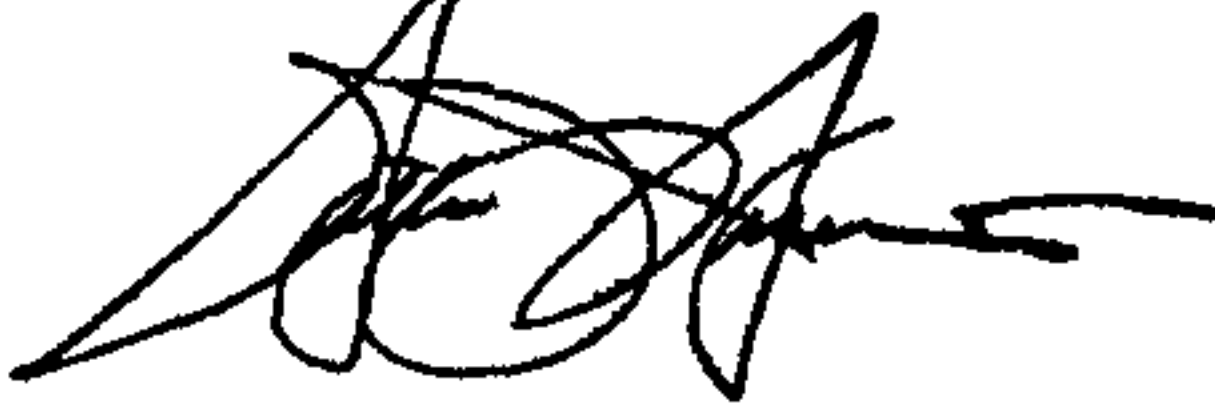
CASE NUMBER: 06-427-A

905 Sue Grove Road

East side of Sue Grove Road, 177 feet south centerline of Turkey Point Road
15th Election District—6th Councilmanic District
Legal Owners: Mark R. Haynes and Atusa Haynes

Variance to permit a new dwelling side yard setback of a minimum of 1.6 feet and sum of side yards of 10.6 feet in lieu of the required 15 feet and 25 feet respectively. The previous variance relief granted in Case No. 05-157-A permitted a side yard setback of 4.5 feet and sum of side yards of 13 feet.

Hearing: Friday, April 14, 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.

APPEAL SIGN POSTING REQUEST

CASE NO. 06-~~0~~427-A

905 SUE GROVE ROAD

15TH ELECTION DISTRICT

APPEALED: 5/4/2006

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

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

CERTIFICATE OF POSTING

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

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-427-A

LEGAL OWNER: A & M REAL ESTATE, LLC

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

905 SUE GROVE ROAD

The sign was posted on 6/2/06, 2006.

By: [Signature]

(Signature of Sign Poster)

Wpsilewski
(Print Name)

905 Sue Grove Rd





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

March 21, 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: 06-427-A

905 Sue Grove Road

East side of Sue Grove Road, 177 feet south centerline of Turkey Point Road

15th Election District—6th Councilmanic District

Legal Owners: Mark R. Haynes and Atusa Haynes

Variance to permit a new dwelling side yard setback of a minimum of 1.6 feet and sum of side yards of 10.6 feet in lieu of the required 15 feet and 25 feet respectively. The previous variance relief granted in Case No. 05-157-A permitted a side yard setback of 4.5 feet and sum of side yards of 13 feet.

Hearing: Friday, April 14, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

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

Timothy Kotroco
Director

TK:raj

C: P. Christian Dorsey, Esq., Tydings & Rosenberg, LLP, 100 East Pratt Street, Baltimore, MD 21202
Mark R. & Atusa Haynes, 905 Sue Grove Road, Baltimore, MD 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 30, 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 410-887-339



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 27, 2006

*PP'd 11/15/06 -
no new date
at this time.*

NOTICE OF ASSIGNMENT

CASE #: 06-427-A

IN THE MATTER OF: A & M REAL ESTATE, LLC
905 Sue Grove Road 15th E; 6th C

4/24/2006 - Z.C.'s Order in which requested variance relief was GRANTED.

ASSIGNED FOR:

THURSDAY, NOVEMBER 16, 2006 at 10:00 a.m.

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

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

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

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

Kathleen C. Bianco
Administrator

c: Appellant

: Office of People's Counsel

Appellant /Petitioner

: Karen Diehl

William A. Kilgore, Jr.

Counsel for Petitioners /Property Owners
Petitioners /Property Owners

: P. Christian Dorsey
: A & M Real Estate, LLC / Mark R.
Haynes and Atusa Haynes

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



GORMAN & WILLIAMS

ATTORNEYS AT LAW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

P. CHRISTIAN DORSEY
PDORSEY@GANDWLAW.COM

ADMITTED IN MARYLAND ONLY

TWO NORTH CHARLES STREET
BALTIMORE, MD 21201

410-528-0800 (TELEPHONE)
410-528-0803 (FACSIMILE)
WWW.GANDWLAW.COM

1020 19TH STREET, NW
7TH FLOOR
WASHINGTON, DC 20036

202-628-0564 (TELEPHONE)

November 15, 2006

VIA FACSIMILE (410) 887-3180
AND FIRST CLASS MAIL

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

Re: IN THE MATTER OF: A&M Real Estate, LLC
905 Sue Grove Road
Case #: 06-427-A
G&W File No.: 0903-0001

Dear Ms. Bianco:

The purpose of this letter is to formally request the continuance/postponement of the appeals hearing scheduled for this **Thursday, November 16, 2006 at 10:00 a.m.** I have personally been in contact with both Appellants, Karen Diehl and the Office of People's Counsel, and have obtained their consent for the continuance/postponement request.

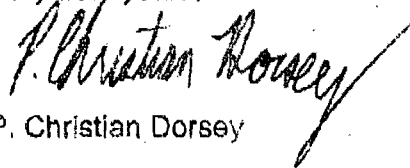
Additionally, as I informed you during our telephone conversation yesterday afternoon, A&M Real Estate, LLC ("A&M") and Karen Diehl have reached an agreement whereby Ms. Diehl is going to sell A&M a portion of her adjoining property so that A&M's lot will be in compliance with the zoning requirements of Baltimore County that previously necessitated the variance relief requested in the proceeding underlying this appeal. Once the settlement on the subject portion of the property is completed, we will forward copies of the closing documents evidencing this transaction to both your office, and the Office of People's Counsel for Baltimore County so that a dismissal of the appeal can be obtained.

In the interim, should you have any questions or concerns, please do not hesitate

Kathleen C. Bianco, Administrator
November 15, 2006
Page 2

to contact me. I thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "P. Christian Dorsey", with a long, sweeping horizontal stroke extending to the right.

P. Christian Dorsey

PCD:ces
Enclosures



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

November 15, 2006

NOTICE OF POSTPONEMENT

CASE #: 06-427-A

IN THE MATTER OF: A & M REAL ESTATE, LLC
905 Sue Grove Road 15th E; 6th C

4/24/2006 - Z.C.'s Order in which requested variance relief was GRANTED.

which was assigned to be heard on 11/16/06 has been POSTPONED at the request of Counsel for Petitioner, without objection by Appellants (K. Diehl and Office of People's Counsel); to be reassigned to a new date as needed; placed on HOLD docket.

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: Appellant	: Office of People's Counsel
Appellant	: Karen Diehl
William A. Kilgore, Jr.	
Counsel for Petitioners /Property Owners	: P. Christian Dorsey, Esquire
Petitioners /Property Owners	: A & M Real Estate, LLC / Mark R. Haynes and Atusa Haynes
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Timothy M. Kotroco, Director /PDM	



COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

P. CHRISTIAN DORSEY, ESQUIRE
FAX: 410-528-0215
410-528-0602

FROM:

KATHLEEN BIANCO
FAX: 410-887-3182

TELEPHONE: 410-887-3180

KAREN DIEHL

FAX: 410-329-6155

DATE:

NOVEMBER 15, 2006

TOTAL NO. OF PAGES INCLUDING
COVER:

TWO (2)

RE: POSTPONEMENT NOTICE - A & M
REAL ESTATE

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED IS A COPY OF THE NOTICE OF POSTPONEMENT SENT OUT
THIS AFTERNOON - POSTPONING THE SUBJECT HEARING FOR
TOMORROW, 11/16/06 AT 10 A.M. NO NEW DATE ASSIGNED AT THIS TIME -
SEE NOTICE.

A COPY WAS ALSO HAND-DELIVERED TO THE OFFICE OF PEOPLE'S
COUNSEL THIS AFTERNOON.

ATTACHMENT

*Karen -
also attached is a
copy of C. Dorsey's
letter - jyi
Cathi*





County Board of Appeals of Baltimore County

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

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

July 22, 2009

NOTICE OF RE-ASSIGNMENT

CASE #: 06-427-A

IN THE MATTER OF: A & M REAL ESTATE, LLC
905 Sue Grove Road 15th E; 6th C

4/24/2006 - Z.C.'s Order in which requested variance relief was GRANTED.

which was assigned to be heard on 11/16/08 and was postponed at the request of Counsel for Petitioner, without objection by Appellant, the Office of People's Counsel; has been re-assigned to the following:

RE-ASSIGNED FOR: THURSDAY, NOVEMBER 19, 2009, 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.

Theresa R. Shelton
Administrator

c: Appellant

: Peter Max Zimmerman
Carole S. Demilio
People's Counsel for Baltimore County

Appellant

: Karen Diehl

William A. Kilgore, Jr.

Counsel for Petitioners /Property Owners
Petitioners /Property Owners

: P. Christian Dorsey, Esquire
: A & M Real Estate, LLC / Mark R.
Haynes and Atusa Haynes

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

FTA

**Department of Permits
Development Management**

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



Baltimore County

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

April 6, 2006

P. Christian Dorsey
Tydings & Rosenberg, LLP
100 East Pratt Street
Baltimore, MD 21202

Dear Mr. Dorsey:

RE: Case Number: 06-427-A, 905 Sue Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 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 R. Haynes and Atusa Haynes 905 Sue Grove Road Baltimore 21221

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



Printed on Recycled Paper

BW
4/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 5, 2006

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

SUBJECT: 905 Sue Grove Road

INFORMATION:

Item Number: 6-427

Petitioner: Mark R. Haynes

Zoning: DR 3.5

Requested Action: Variance

RECEIVED

APR 0 1 2006

ZONING COMMISSIONER

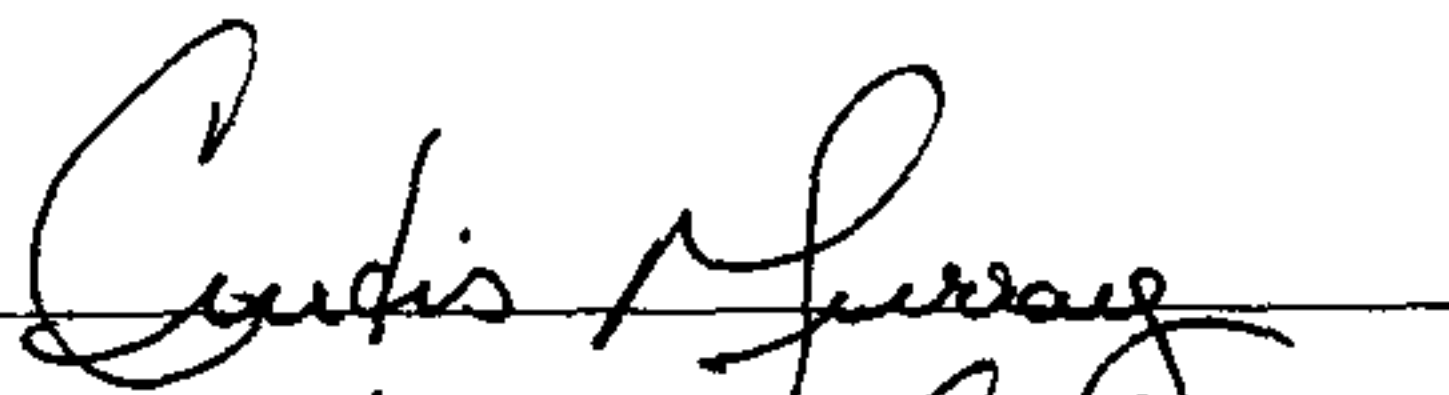
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The current petition indicates a dwelling that is constructed pursuant to the relief granted in ZAC case 5-157. However, the said building has a building footprint far larger than the one approved in ZAC case number 5-157. The Office of Planning is concerned about the petitioner's variance request and that the construction occurred without previous property line setback relief to this extent. The Office of Planning normally requests 10-foot minimum side yard setbacks. A building built to the magnitude of the subject proposal would be out of character for the subject area.

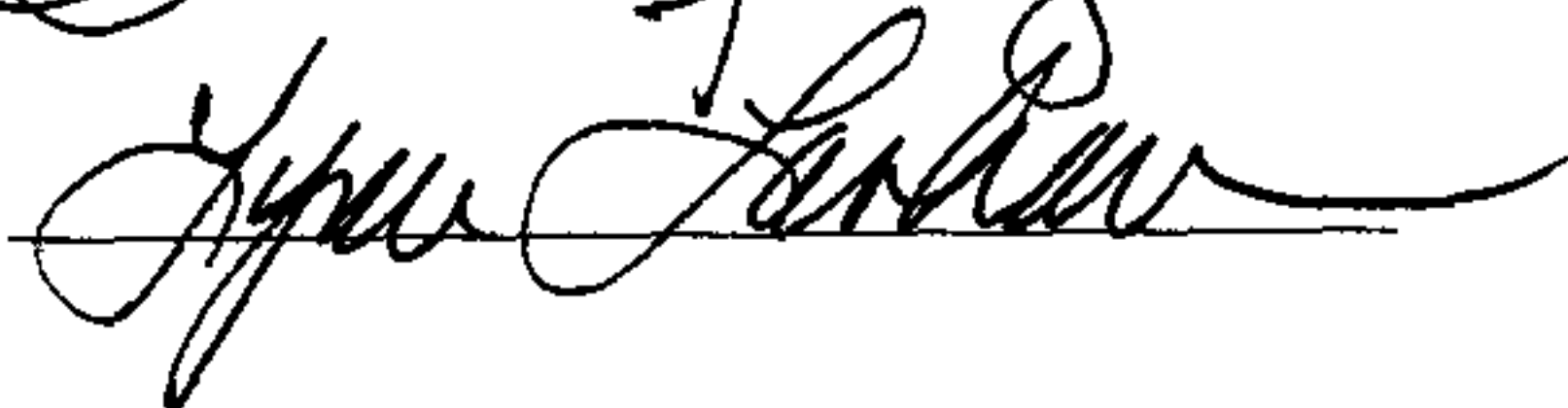
If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the Office of Planning has no objection.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 31, 2006

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

SUBJECT: 7924 Ellenham Avenue

INFORMATION:

Item Number: 6-428

Petitioner: Bruce and Therese Wilhelm

Zoning: DR 3.5

Requested Action: Administrative Variance

The petitioner requests an administrative variance in order to add an addition to the front and side of the existing 2 1/2 story frame dwelling and to enclose a rear porch.

The property in question is within the Ruxton Riderwood- Lake Roland Design Review area. The proposed addition is less than 50% of the gross floor area of the existing dwelling, therefore a formal Design Review Panel meeting or administrative review is not necessary.

SUMMARY OF RECOMMENDATIONS:

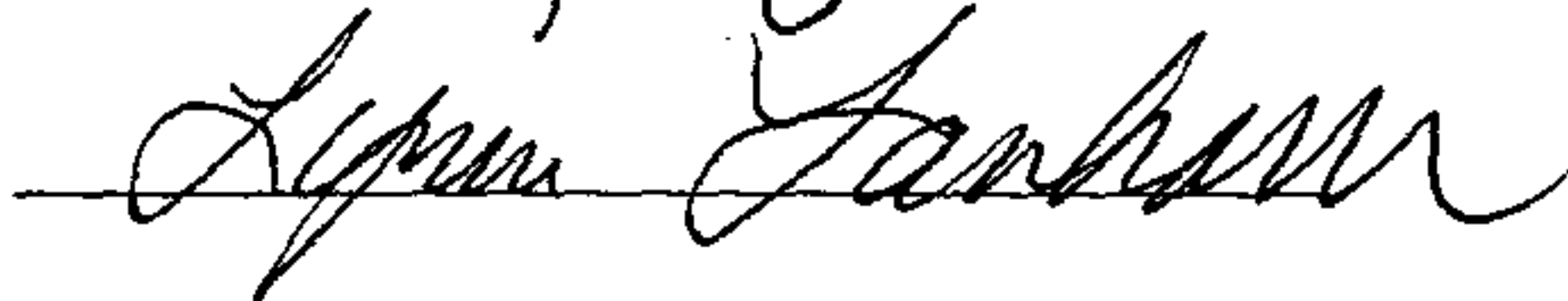
If the Zoning Commissioner grants the administrative variance it shall be subject to the Office of Planning review and approval of the proposed elevation drawings prior to the issuance of any building permits.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 11 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM - Development Coordination
DATE: April 11, 2006
SUBJECT: Zoning Item # 06-427-A
Address 905 Sue Grove Road
(Hayne's Property)

Zoning Advisory Committee Meeting of March 20, 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:

The proposed development must comply with the Limited Development Area and Buffer Management Area criteria for the CBCA.

Reviewer: Glenn Shaffer

Date: March 30, 2006

S:\Devcoord\ZAC 06-427.doc

ORDER RECEIVED FOR FILING
Date 4-24-06
By [Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 27, 2006

FROM: Dennis A. Kennedy, Supervisor ^{DM}
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 27, 2006
Item No. 427

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

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.

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the future right-of-way for Sue Grove Road centered on existing 30-foot right-of-way. Setback shall be advised accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 427-03272006.doc

ORDER RECEIVED FOR FILING

Date 4-24-06

By [Signature]

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



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

Maryland Department of Transportation

Date: 3.21.06

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

RE: Baltimore County
Item No. 427 LTM

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

Fire Department

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



Baltimore County

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

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

March 21, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 20, 2006

Item No.: Item Numbers 427 through 434 and 436 through 439 and 441

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.

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

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

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



Printed on Recycled Paper

RE: PETITION FOR VARIANCE * BEFORE THE
905 Sue Grove Road; E/S Sue Grove Road, *
177' S c/line Turkey Point Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Mark & Atusa Haynes * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-427-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Mark Haynes, 905 Sue Grove Road, Baltimore, MD 21221 and P. Christian Dorsey, Esquire, Tydings & Rosenberg, LLP, 100 East Pratt Street, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

MAR 23 2006

Per.....

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 4917

DATE 3/7/06 ACCOUNT PRD. OCT 6150

AMOUNT \$ 65.00

RECEIVED FROM: WA. HAYES

FOR: 06-427-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DISPATCH ACTED TIME AREA
3/7/2006 3:07:24 PM 09:40:16 2
YES YES BALANCE 0344 100
EXPIRY DATE 3/07/2006 00:00
REPT 5 SON ZONING CORPORATION
SR NO. 004917
Receipt Tot \$65.00
\$0.00 Tax \$65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Attached is an additional
appeal that was rec'd
in this office on May 16, 2006.
The format sheet has already
come over with the original
documents on May 8, 2006.
There have been no additional
exhibits listed.

[Signature]
edk. 3391

May 18, 2006

To: Baltimore County Government
From: Karen H. Diehl

Re: Variance Case # 06-427-A

I am at this time requesting an appeal
for the above noted case.

I am appealing Commissioner Wiseman's
ruling dated April 24, 2006.

Thank you for your kind attention
to this matter

Karen H. Diehl
903 Sue Grove Rd
Baltimore, Md 21221
410-391-0251
443-570-5649

RECEIVED

MAY 18 2006

Per... *amf*

APPEAL

Petition for Variance
905 Sue Grove Road
E/s Sue Grove Road, 1,771' s/of c/l Turkey Point Road
15th Election District – 6th Councilmanic District
Legal Owners: A & M Real Estate, LLC

Case No.: 06-427-A

- ✓ Petition for Variance (March 7, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (March 21, 2006)
- ✓ Certification of Publication (March 30, 2006 – The Jeffersonian)
- ✓ Certificate of Posting (March 30, 2006) by SSG Robert Black
- ✓ Entry of Appearance by People's Counsel (March 23, 2006)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet - None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. (A) Support from Barbara Potts (B) Support from Francis Berger
3. Previous order from Case 05-157-A
4. Survey by Duvall & Associates
5. Photographs (A & B)

Protestants' Exhibits:

1. Photographs A thru E
2. Map (F)

Miscellaneous (Not Marked as Exhibit)

1. Active Violation Case Document
2. Real Property Search
3. Letter dated April 14, 2006 from Mr. Kilgour & Ms. Diehl
4. Letter dated April 21, 2006 from Mr. & Mrs. Haynes

- ✓ Zoning Commissioner's Order (April 24, 2006 - GRANTED)

* Notice of Appeal received on May 4, 2006 from People's Counsel of Baltimore County
* Notice of Appeal rec'd. on May 16, 2006 from Karen Diehl.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
P. Christian Dorsey
Mr. & Mrs. Haynes - met'd 11/03/06 marked
Mr. Kilgour "Temp away"
Ms. Diehl

date sent May 8, 2006, klm

RECEIVED

MAY 08 2006

BALTIMORE COUNTY
BOARD OF APPEALS

15425

Bill Wiseman - Hearing Officer
Article 32 of County Code

April 14, 2006

Variance Hearing for 905 Sue Grove Road Case #06-427-A

According to the location drawing given to the Haynes dated July 12, 2004, at settlement, it clearly shows that the road frontage is 30' and the waterfront side of 905 Sue Grove Rd. is 63'.

The location drawing also has a warning that this location drawing does not constitute a boundary survey. It goes on to state that this plat should not be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements.

It is very unfortunate that Mark Haynes, a general contractor, did not heed those warnings.

~~Mark Haynes insisted that he had 65' of waterfront because that was the old survey. He had a plat dated 1921 and 905 Sue Grove Road. It clearly shows each side of 30' Sue Grove Road.~~

It is also clear that even with the 2 foot of property he is claiming as adverse possession it still does not give him the 4 1/2 feet he needs for the 1st variance request that was granted by the county.

1949 EXHIBIT F

Also, according to this location survey, as well as, the plat dated 1921 clearly show that the old structure ran parallel to the property line; the new home clearly does not.

At the back corner of the new structure the set back is 18 inches, at the front of the new structure the set back is 27 inches on the west side.

Today we find ourselves at a new variance hearing, which is asking for a 1 and a half foot variance off of our property line establish by two independent land surveyors.

Either the house was not built on the old foot print or the house is too big for the undersized lot.

Please look at exhibit A and exhibit B. The pictures were take by the Haynes. Look at the house across the river. The pictures were taken from the same position. If you look at the old house (exhibit A) in the back ground you see the entire brick home across the creek. If you look at the new structure you only see half of the brick home across the creek.

These two picture define what really happened when Mr. Haynes built the new structure only 18''s off of our property line. He did not get a boundary survey nor did he mark the old foundation for future reference when he started the foundation for the new home.

12/14/2004
05-157A
1.6 10.654
4.5 13.4
Life Estate
That order
was denied
on 2/5/05

691

Additionally, Exhibit C, D, and E clearly show that Mr. Haynes heat pumps are on our property, as well as his under ground utilities are on our property.

We request the 18" variance be denied and the 4 ½ ft variance be upheld and that the heat pumps be removed from our property and the under ground utilities be removed from our property and be reinstalled on the Haynes property.

If for some reason the 18" variance is granted what does that mean for us as the neighbor, as far as fire code regulations?

With an 18' variance how does the county expect the Haynes to finish and maintain the west side of the house?

We would like to know what our rights are as the adjoining property owners. *φ*

Thank you for your kind attention to this most serious matter. *→ do our set-backs change?*

Karen H. Diehl
William A. Kilgour, Jr.

903 Sue Grove Road

*Why does Mr. Haynes believe he has
65' of water front*

*Miscellaneous
unmarked
Exhibits*

VIA FEDERAL EXPRESS

April 21, 2006

Mr. William J. Wiseman, III
Baltimore County Zoning Commissioners Office
401 Bosley Avenue
Room 405
Towson, MD 21204

RECEIVED

APR 25 2006

ZONING COMMISSIONER

Dear Mr. Wiseman:

We are writing this letter to let you know that we are trying to get our very difficult situation resolved through some sort of negotiation with Mr. Kilgour and his daughter Ms. Diehl. We really do appreciate your time and the personal concern you expressed at the zoning hearing on this matter. We have attached a copy of the proposal that we are sending over to them and want you to know that we will try to do everything we can to try to expedite working this out both because we are aware of your time constraints and because this matter is very unfortunate for us and we are suffering a tremendous deal.

We also wanted to provide you with a brief personal description of our view of the situation so that you can understand where it is we stand with Mr. Kilgour and his daughter. They have not been negotiable or rational about this situation ever since they decided to get the property surveyed and have from the beginning come to the county and done everything they can think of to stop the completion of our home. Mr. Kilgour has been in court with 2 of the surrounding neighbors and has also taken the previous owner's 86 year old mother to court over petty disputes. We understand that is not something that you probably want to hear, but wanted to let you know that if there was an easier way of dealing with our very unfortunate situation, we would certainly pursue it. We have everything to lose in this situation and that is apparent.

We also wanted to let you know that from day one we have done everything that Baltimore County required us to do to get our home built and have followed the instructions in accordance with the regulations of Baltimore county. We did not originally get a property line stake survey because we knew that the house could not move outside of the original foot print and we also followed the instructions and guidance of Baltimore County Zoning to move on with the construction.

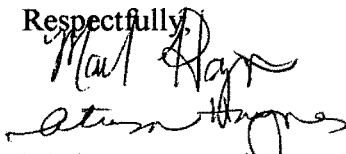
We are doing everything we can to get into our house and unfortunately our only options right now involve exercising our legal rights. Of course, we recognize that it is in our best interest to work things out with Mr. Kilgour and his daughter but unfortunately, they are not so easy to work with and we now feel uncomfortable even going over to check on our home due to the cruel and confrontational manner in which they treat us when we see them. As the situation currently stands, we have been sold a piece of property that's

dimensions were misrepresented to us and we just want to make things right again so that we can complete our home.

Ever since we found out about this situation we came to Baltimore County and spoke with Mr. Murphy about the steps that we needed to take and we were advised that this situation although difficult, is a civil issue and not a zoning issue. We became even more concerned when we did not get the same feedback from you at the hearing. Although we appreciate your expertise and recognize the wisdom in your advice, we still feel that our best bet short of a settlement everyone can live with, is to get another variance and pursue our rights to the disputed property through a claim for adverse possession.

We want to personally thank you for taking the time to review this letter and attachment and we would welcome any advice or feedback you may have. Please feel free to contact us at your convenience 410.627.3505.

Respectfully,

The block contains two handwritten signatures. The first signature is in cursive and appears to read 'Mark Haynes'. The second signature is also in cursive and appears to read 'Atusa Haynes'.

Mark Haynes and Atusa Haynes

VIA CERTIFIED MAIL

April 21, 2006

Mr. William Kilgour
Ms. Karen Diehl
903 Sue Grove Road
Essex, MD 21221

Mr. William Kilgour and Ms. Karen Diehl:

As per the feedback we both received from Commissioner Wiseman, I thought it would be best for all parties involved if we try to get our difficult situation resolved through a settlement. I also thought it would make more sense right now for us to deal with one another directly, at least initially, to see if we can come to some general agreement before we involve the lawyers. If you would rather talk exclusively through attorneys, just let us know and we can do it that way also.

As you know, we have asked on many occasions for a dollar amount that would resolve this dispute but have never been provided with one by you. Therefore, we have taken an assessed value from the State of Maryland (attached) and are offering a proposal based on approximately 520 SF which is the SF in dispute. My wife and I are proposing the following:

Purchase price of 905 Sue Grove Road is: \$310,000

Attached, please find the real property tax information sheet from the Maryland Department of Assessments and Taxation for Baltimore County.

As it states, the Value for Land for our property as of 1/2006 is:

\$162,510 +
\$ 4,460 for improvements
\$166,970 = Total

The portion of land in dispute is approximately 520 SF (from the original fence-line)
\$13.85 per SF
\$7,202 based on approximate estimate of 520 SF

We will also pay for all applicable transfer fees and any necessary filings with the county.



My wife and I would like to resolve this issue as quickly as possible and feel that a settlement in this dispute will save both parties substantial legal fees and headaches. Please let us know if you would like to meet with us either with our attorney's or without to give us your opinion or any other feedback to resolve this dispute.

I have forwarded this proposal to the Commissioner so that he is aware that we are trying to resolve this issue in a fair and equitable manner.

Please respond at your earliest convenience.

Sincerely,



Mark and Atusa Haynes

Click here for a plain text ADA compliant screen.



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

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 15 Account Number - 1523000460

Owner Information

Owner Name: A & M REAL ESTATE LLC
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 905 SUE GROVE RD
 BALTIMORE MD 21221-1824
Deed Reference: 1) /20588/ 490
 2)

Location & Structure Information

Premises Address:
 905 SUE GROVE RD

Legal Description

905 SUE GROVE RD
 SUE GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
98	15	215		WATERFRONT			18	3		7/ 11

Special Tax Areas		Town Ad Valorem Tax Class	Enclosed Area	Property Land Area	County Use
Primary Structure Built	0000			12,052.00 SF	34
Stories	Basement	Type	Exterior		

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	98,510	162,510		
Improvements:	3,660	4,460		
Total:	102,170	166,970	102,170	123,770
Preferential Land:	0	0	0	0

Transfer Information

Seller: GOETZ STUART S	Date: 08/24/2004	Price: \$310,000
Type: NOT ARMS-LENGTH	Deed1: /20588/ 490	Deed2:
Seller: GOETZ STUART S	Date: 02/19/1997	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12041/ 700	Deed2:
Seller: WARD CORDELIA	Date: 03/14/1988	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 4395/ 4	Deed2:

Exemption Information

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

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

CASE NAME HAYNES
CASE NUMBER 06-427A
DATE 4/14/06

CASE NAME HAYNES
CASE NUMBER 06-427A
DATE 4/14/06

[illegible]

CASE NAME 06-427-A
CASE NUMBER _____
DATE 4/15/06

[illegible]

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

IN THE MATTER OF
BALTIMORE COUNTY

vs. HAYNES, MARK

Defendant/Property Owner

* BEFORE THE CODE OFFICIAL
* OF BALTIMORE COUNTY
*

Case No.: 06-0062

Violation Address:

905 SUE GROVE RD

* * * * *
MOTION TO SERVE BY REGULAR MAIL

TO THE DIRECTOR:

Please enter an Order, under Maryland Rule 3-121, to allow the above-named violators to be served by regular mail and to deliver a copy of the citation to a person of suitable age and discretion at the place of business, dwelling house, or usual place of abode of the violator (s) for the following reasons:

1. Service of the citation was attempted by certified mail, return receipt requested, on _____ occasions, and the certified mail was returned, refused, or unclaimed.
2. An attempt was made to serve the violator at their known home or business address at 905 SUE GROVE RD and was unable to locate the violator
(Fill in address)
at that address, or there was someone at the address but would not answer the door.
3. Your affiant believes that the violator is attempting to evade service (please check one or more):

- _____ a. by not accepting the certified mail,
- _____ b. by ignoring the post office notice,
- _____ c. by refusing to answer the front door,
- _____ d. by going out the back door or,

☒ e. NO ONE WORKING AT JOBSITE

I solemnly affirm, under penalties of perjury, that the content of the foregoing are true to the best of my knowledge, information, and belief.

Service under Maryland Rule 3-121 is ordered.

Director

Date

A. Kill
Inspector

1/19/06
Date

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 21, 2006

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

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

SUBJECT: Item No.: 427
Legal Owner/Petitioner Haynes, Mark & Atusa
Contract Purchaser: N/A
Property Address: 905 Sue Grove Rd
Location Description: E side Sue Grove Rd, 177' S centerline
Turkey Point Rd

VIIOLATION INFORMATION: Case No. 06-0062
Defendants: Haynes, Mark & Atusa

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

NAME	ADDRESS
Diehl, Karen	903 Sue Grove Rd

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

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

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

RSW/gk
C: Code Enforcement Officer



Baltimore County
Department of Permits and
Development Management

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

DIST
15

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

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

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

Citation/Case No. 06-0062 Property No. 1523000460 Zoning: B-582800

Name(s): HAYNES, MARK

Address: 905 SUE GROVE RD BALTO, MD 21221

Violation Location: 905 SUE GROVE RD

Violation Dates: 12/16/05 THROUGH 2/18/06

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

B.C.C.B 1-05 SEC 114

- ① PERMIT B-582800 IS NON-COMPLIANCE WITH SET-BACKS ON PERMIT.
- ② NO FURTHER INSPECTIONS WILL BE ISSUED UNTIL PERMIT IS COMPLIANCE.

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

\$ 13,400.00

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

Date: 2/21/06

FEBRUARY 21, 2006

Time: 9:00 AM.

Citation must be served by:

JANUARY 18, 2006 Date: 1/18/06

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

Print Name: GRANT KIDD

Date: 1/4/06 Inspector's Signature: Grant Kidd

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: _____ Citation/Case No.: _____

Address: _____

Date: _____ Defendant's Signature: _____

VIOLATION SITE



Baltimore County
Department of Permits and
Development Management

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

DIST 15

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 06-0062 Property No. 1523000460 Zoning: B-582800

Name(s): HAYNES, MARK

Address: 905 SUE GROVE RD BACTO, MD 21221

Violation Location: 905 SUE GROVE RD

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

1 PERMIT B-582800 IS NON-COMPLIANCE WITH SET-BACKS ON PERMIT.

2 NO FURTHER INSPECTIONS WILL BE ISSUED UNTIL PERMIT IS COMPLIANCE.

CONTACT DOUG SWAMP, SUPERVISOR OF PERMIT PROCESSING, (410-887-3900)

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

On or Before: Date Issued:

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

Print Name

INSPECTOR:

STOP WORK NOTICE

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

Not Later Than: 12/20/05 Date Issued: 12/16/05

INSPECTOR: Grant Kidd GRANT KIDD

AGENCY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr Mark Haynes
905 Sue Grove Rd
Balto. Md. 21221

2. Article Number
(Transfer from service label)

7003 3110 0005 5895 9365

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-250

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Mark Haynes*

☐ Agent

☒ Addressee

B. Received by (Printed Name)

Mark Haynes

C. Date of Delivery

1/17/06

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

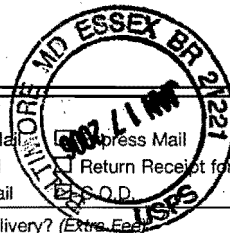
☐ Return Receipt for Merchandise

☐ Insured Mail

EECS O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

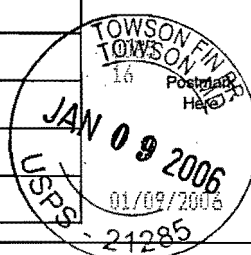
Postage \$ 40.39

Certified Fee \$2.40

Return Receipt Fee (Endorsement Required) \$1.85

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage & Fees \$ 44.64



Sent To

Mr. Mark Haynes

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

905 Sue Grove Rd

Balto. Md. 21221

PS Form 3800, June 2002

See Reverse for Instructions

5895 5000 0110 3110 7003

John Altmeyer - Re: 905 Sue Grove Road NO U&O

From: Donald Rascoe
To: Altmeyer, John; Kotroco, Timothy; Popelarski, Catherine (Kitty); Swam, Doug
Date: 12/15/2005 9:52:27 AM
Subject: Re: 905 Sue Grove Road NO U&O

I spoke to the lady last week.....I have some information on the issue....if anyone cares.

Donald T. Rascoe
Deputy Director
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

410-887-3353 (office)
410-887-5708 (fax)

>>> Timothy Kotroco Thursday, December 15, 2005 9:42 AM >>>
Doug & John:

Do not issue a U&O permit for 905 Sue Grove Road. There is a setback issue to the property line. Mrs. Diehl is faxing a survey to me that shows that the house is 18 inches off the property line and that the ac units are actually on her property. The variance was for a 4.5 foot setback. She has offered to sell a strip of her property to the neighbor in order to correct this problem. We are lucky that she has some land to spare. This all must get resolved before we approve any more inspections.

Tim

Timothy M. Kotroco, Director
Permits & Development Management
Phone: 410-887-3020

TIME: 07:21:14

AUTOMATED PERMIT TRACKING SYSTEM

LAST UPDATE 02/15/2005

DATE: 12/20/2005

GENERAL PERMIT APPLICATION DATA

PLX

14:43:27

PERMIT #: B582800

PROPERTY ADDRESS

RECEIPT #: A513379

905 SUE GROVE RD

CONTROL #: NRPA

SUBDIV: SUE GROVE

XREF #: B582800

TAX ACCOUNT #: 1523000460 DISTRICT/PRECINCT 15 19

OWNERS INFORMATION (LAST, FIRST)

FEE: 230.00

NAME: HAYNES, MARK

PAID: 230.00

ADDR: 905 SUE GROVE RD BALTIMORE MD 21221

PAID BY: APPL

DATES

APPLICANT INFORMATION

APPLIED: 02/07/2005 NAME: MARK HAYNES

ISSUED: 04/08/2005 COMPANY:

OCCPNY: ADDR1: 905 SUE GROVE ROAD

FINAL INSPECT: ADDR2: BALTIMORE MD 21221

INSPECTOR: 15R

PHONE #: 410-627-3505

LICENSE #:

NOTES: EDW/TLM

PASSWORD :

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

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

In the Matter of

Civil Citation No. 06-0062

A & M Real Estate LLC
Mark Haynes

905 Sue Grove Road

Respondent

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on February 21, 2006 for a hearing on a citation for violations under the Baltimore County Building Code, International Residential Code (IRC) section 114 for failure to comply with required set back as shown on the permit.

On January 4, 2006 pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer Grant Kidd issued a citation. The citation was legally served on the Respondent.

The citation proposed a civil penalty of \$13000.00 (thirteen thousand dollars) be assessed. A code enforcement hearing date was scheduled for February 21, 2006.

Mark Haynes, Respondent appeared for the hearing represented by Phillip Christian Dorsey, Esquire.

Karen Diehl, owner of 903 Sue Grove Road and William Kilgore, Jr. appeared as complainants represented by Ronald A. Decker, Esquire.

Testimony and evidence shows that the subject property was improved by a dilapidated shore home on a trapezoidal lot. The respondents endeavored to raze the existing structure and construct a new single family dwelling on the same footprint widthwise while increasing the size lengthwise. The respondents were required to apply for and obtain a variance to the

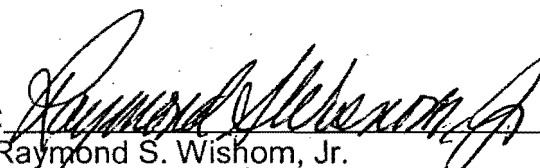
setback requirements in DR 3.5 zones. A variance was granted for a 4.5foot setback from the side adjacent to 903 Sue Grove Road. The variance case was listed as Case 05-157-A. The respondents were then allowed to apply for a building permit. The building permit shows a setback of 8.5feet. Obviously in error as a variance was issued because the setback was believed to be 4.5 feet. As it turns out, the actual setback has been determined to now be 1.5 feet or 18 inches from the property line. This setback has been determined via separate surveys. The building permit with the erroneous setback of 8.5 feet is now null and void as it was issued in error. The variance granted in Case 05-157-A is also not applicable to the site as it allows a setback of 4.5 feet. The respondents are set to resubmit for a variance to the setback requirements. This problem arises from a fence line, now removed, and the assumption by the present owners that the fence established the property line. Hindsight being 20/20, it is clear that a survey should have been done. Two surveys after the fact have set forth new dimensions for a deficient setback that must be addressed. A variance was approved using inaccurate information. A building permit was issued using inaccurate information different from the information in the zoning variance. The case is fraught with problems. The respondents will have to meet fire code requirements of one hour fire resistant construction when setbacks from property line is less than three feet if 1.5 foot setback is approved by the Zoning Commissioner.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 21st day of February 2006 a civil penalty is imposed in the amount of \$2500.00 (two thousand five hundred dollars).

IT IS FURTHER ORDERED that the amount of \$2500.00 shall be suspended on condition the respondents apply for relief by filing a petition requesting a variance based on information now known and clear to all parties. The petition for variance relief shall be pursued with due diligence. The petition shall be requested on or before March 1, 2006. Failure to request the variance hearing or failure to follow through in a timely fashion will result in the civil penalty being imposed as a lien upon the real property.

If the Respondent allows the violations to continue without seeking remedy via variance and the Appeals process thereafter, then the civil penalty imposed shall be \$2500.00 (two thousand five hundred dollars).

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

Signed: 

Raymond S. Wishom, Jr.

Code Enforcement Hearing Officer

The violator is advised that pursuant to §3-6-301(a), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §3-6-302(a)(b)(c)(d) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

RSW/jaf

IN RE: PETITION FOR VARIANCE

BEFORE THE

E/S Sue Grove Road, 1,771 ft. S
centerline of Turkey Point Road

DEPUTY ZONING COMMISSIONER

15th Election District

6th Councilmanic District

FOR BALTIMORE COUNTY

(905 Sue Grove Road)

CASE NO. 05-157-A

Atusa & Mark Haynes

Petitioners

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, Atusa and Mark Haynes. The Petitioners are

requesting variance relief for property located at 905 Sue Grove Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with a side yard setback of 4.5 ft. and sum of side yards of 14.5 ft. in lieu of the required 15 ft. and 25 ft. respectively.

The property was posted with Notice of Hearing on November 24, 2004, 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 October 26, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

The Petitioner noted at the outset of the hearing that the Plat to Accompany indicated that the sum of the side yard setbacks for the new home was 13 ft. and not 14.5 ft. as originally requested.

Applicable Law

Section 307 of the B.C.Z.R. - *Variances*

CODE ENFORCEMENT REPORT

DIRECTOR

DATE: 12/16/05 INTAKE BY: PDM CASE #: 06-0062 INSPEC: G. Kioo

COMPLAINT

LOCATION: 905 SUE GROVE RD

ZIP CODE: 21241 DIST: 15

COMPLAINANT

NAME: BALTO. CO. PHONE #: (H) _____ (W) _____

ADDRESS: 111 W. CHESAPEAKE AVE ZIP CODE: 21204

PROBLEM: PERMIT IS NON-COMPLIANCE WITH SET-BACKS ON PERMIT

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT
INFORMATION:

TAX ACCOUNT #: 1523000460 ZONING: _____

INSPECTION: 12/16/05 ISSUED COMM. NOTICE, POSTED SITE, NO ONE
AT SITE.

REINSPECTION: 1/4/06 ISSUED CIVIL CITATION, MADE (3) ATTEMPTS
NO ONE AT SITE, SERVED ^{CERTIFIED} ~~RETURNED~~ MAIL.

REINSPECTION: 1/17/06 RECEIVED ~~POST CARD~~ POST CARD FROM POST OFFICE
WHERE HOMEOWNER RECEIVED

REINSPECTION: 1/22/06 HEARING DATE SCHEDULED FOR FEB, 21, 06.
L/C 3/2/06 M. K. L.

NA

Corvair 6th 2



● Camp Exh - 3

December 5, 2005

William A. Kilgour, Jr.
Karen H. Diehl
903 Sue Grove Road
Baltimore, Md 21221

Mr. and Mrs. Mark Haynes
905 Sue Grove Road
Baltimore, Md 21221

Dear Mr. & Mrs. Haynes,

On Sunday November 20, 2005, when we were discussing your dilemma with the property line, we ask you to move you two outside HVAC units from our property. Now, two weeks later the units still remain on our property. This is now our second request for those units to be moved.

If the units are not removed within the next ten days, we will be forced to take other action against you.

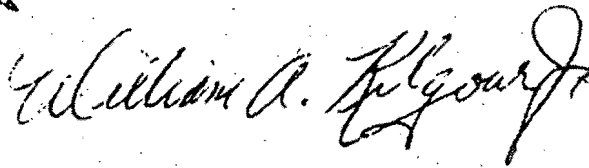
Also, please restore our yard on the west side of your home to its original state with top soil and grass. If the weather does not permit the restoration of our land at this time, please do so, as soon as weather permits.

In the meantime, please put straw down to reduce the amount of run-off onto our property and ultimately into Sue Creek.

If you have any questions or concerns, please call us at 410-391-0251.

Regards,

Karen H. Diehl
William A. Kilgour, Jr.



CERTIFIED MAIL

Camp Est 4

TTT MERITAS LAW FIRMS WORLDWIDE

100 EAST PRATT STREET
26TH FLOOR
BALTIMORE MARYLAND 21202

410.752.9700
FAX 410.727.5460

TOWSON MD OFFICE
410.337.0407
FAX 410.337.3758

www.tydingslaw.com

PHILLIP CHRISTIAN DORSEY
410.752.9752
pcdorsey@tydingslaw.com

ATTORNEYS AT LAW

TYDINGS & ROSENBERG LLP

December 27, 2005

Via Certified Mail/Return Receipt Requested
Certified No.: 702 0510 0002 4988 2817

Mr. William A. Kilgour, Jr.
903 Sue Grove Road
Baltimore, MD 21221

Re: 905 Sue Grove Road, Baltimore, MD 21221
Action to Quiet Title

Dear Mr. Kilgour:

The purpose of this letter is to formally respond on behalf of my clients, Mark and Atusa Haynes, to your December 5, 2005 letter asserting ownership rights to a portion of their property located west of the Haynes' residence¹ and requesting that they take certain steps to modify the conditions now existing on this portion of the property. This letter will also serve to clarify any confusion you may have regarding the Haynes' intention to preserve their ownership rights to this portion of their property.

Please be advised that although my clients are aware that you claim to rightfully own a portion of the property they purchased on August 24, 2004, based upon the results of a recent lot boundary survey that you commissioned, my clients wholly reject the accuracy of this survey and the validity of your claim of ownership based upon its results. Thus, my clients refuse to take any of the steps to modify the conditions now existing on this portion of their property that you requested in your letter. In this regard, as my clients possess under proper color of title, ownership to this portion of their property, they require that you take immediate action to remove the stake markers and other obstructions you and your boundary surveyor have recently placed on their property, as these obstructions are interfering with my clients' rightful use and enjoyment of their property. Should you fail to remove these markers by 12:00 p.m. on Friday, December 30, 2005, my clients will exercise their legal right to self-help and remove them on their own accord.

¹ The residence is in the final stages of construction and is currently unoccupied.

Comp 6/15

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.

ATTORNEYS AT LAW

4111 E. JOPPA ROAD, SUITE 201

BALTIMORE, MARYLAND 21236

(410) 529-4600

FAX (410) 529-6146

radecker@mcrillaw.com

E. SCOTT MOORE
(1926-1992)

PARALEGAL STAFF

SHARON L. WARDROPE
SALLY J. DRIBNACK

RICHARD E. LATTANZI
RONALD A. DECKER
JUDITH L. HARCLERODE

LISA M. L. EISEMANN

OF COUNSEL

ROBERT E. CARNEY, JR.
KRISTIN H. WILLIAMS

January 9, 2006

P. Christian Dorsey, Esquire
Tydings & Rosenberg, LLP
100 E. Pratt Street, 26th Floor
Baltimore, MD 21202

RE: Your Clients: Mark and Atusa Haynes
My Clients: William A. Kilgour, Jr. and Karen H. Diehl

Dear Mr. Dorsey:

Please be advised that I have been retained by William A. Kilgour, Jr. and Karen H. Diehl with regard to 905 Sue Grove Road, Baltimore, Maryland 21221. This property is listed as owned by A & M Real Estate, LLC; I presume that the LLC is owned by your clients, Mr. and Mrs. Haynes.

As you know, your client recently has constructed a home on 905 Sue Grove Road described as Lot No. 18 as shown on a plat recorded at Liber 7, folio 11. Apparently, the house was constructed without the benefit of a boundary survey.

After my clients provided notice to Mr. Haynes that he had crossed their property line with the improvements being constructed on his lot, they had a boundary survey performed. Brian R. Dietz performed a boundary survey on December 14, 2005 which not only identified the encroachments, but shows that he was able to find existing boundary markers on both your clients' property and my clients' land which confirm the location of the lot line as claimed by Mr. Kilgour and Ms. Diehl.

Apparently, Mr. Haynes has stated that, even if his property line is not where he claims it to be, he would assert that he has obtained title by adverse possession. Unfortunately, neither he nor is predecessor in title had made any open and notorious use of the property that is now being claimed by Mr. Haynes. There was a fence erected by Mr. Haynes' predecessor in title in the mid 1990's, but its location is no longer easily ascertainable because it was removed by your

SCALE: 1"=50'

12-14-05

FAX ALERT

FROM

KAREN H. DIEHL

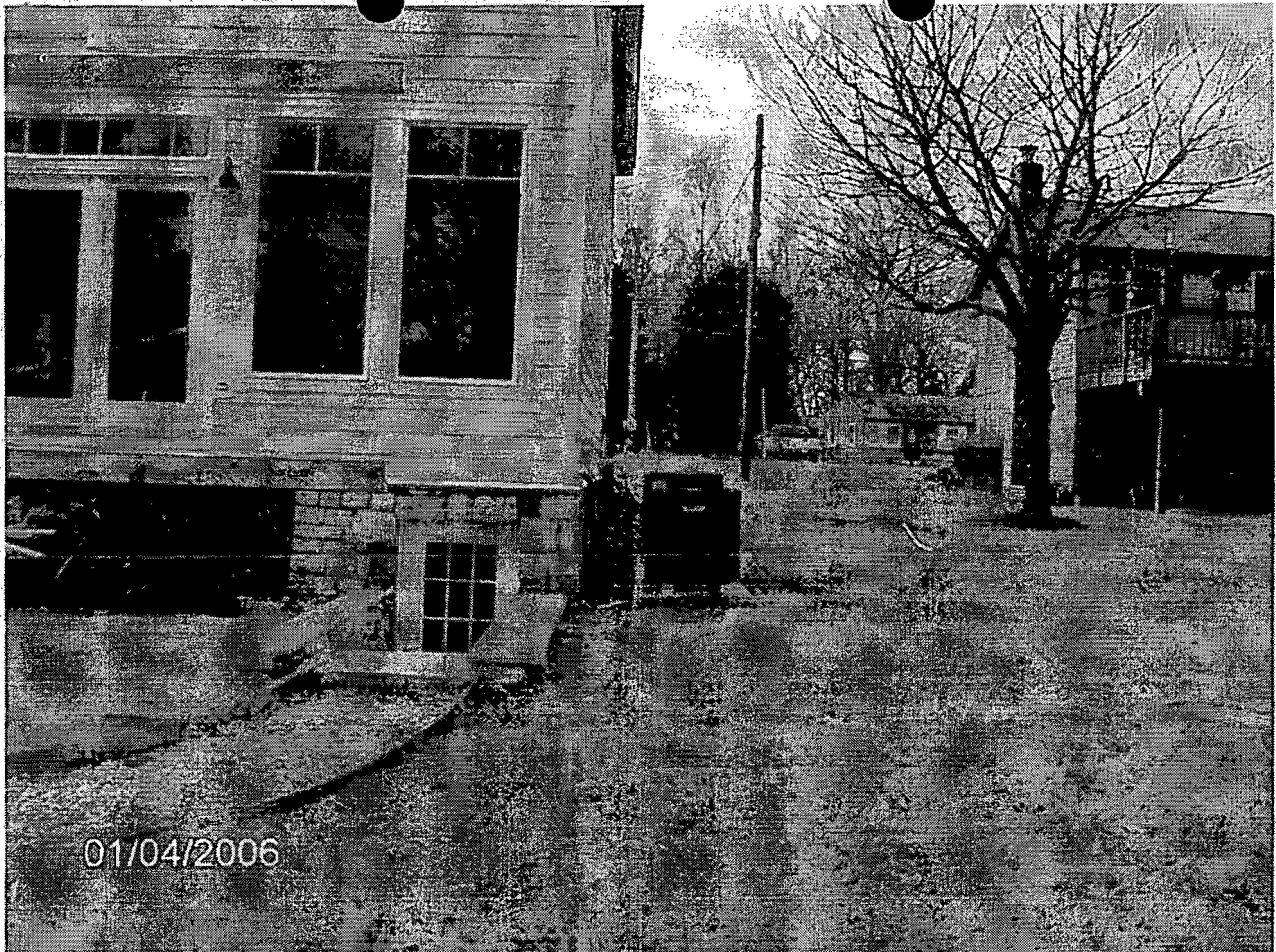
TO

JOHN ALTMAYER
BALTIMORE County Building

PLAT GROVE RD
903 SUE RD 21221
BALTO

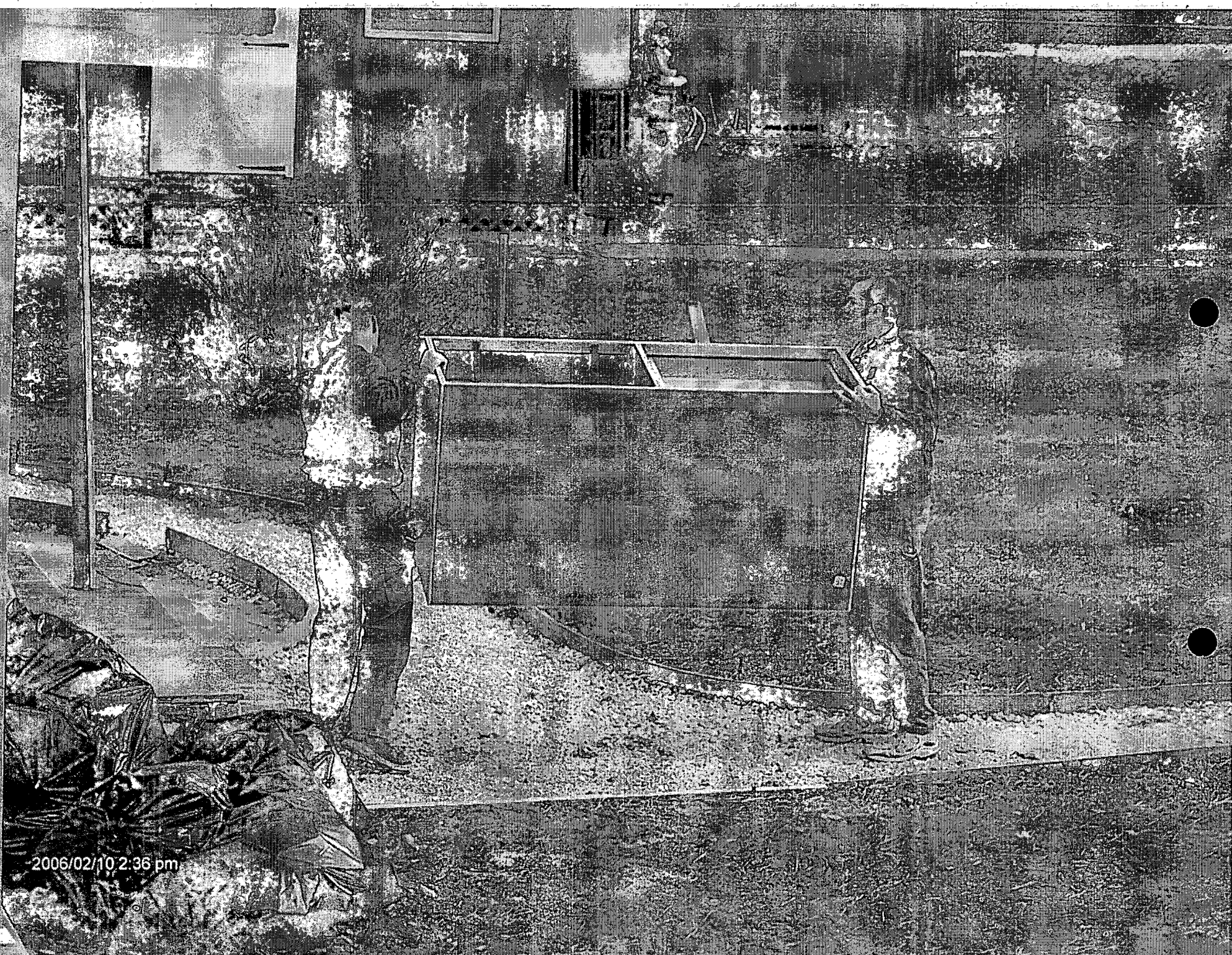
12/29/05

410-887-8081





House 15



2006/02/10 2:36 pm

EXHIBITS

Case No.: 06-427 A

Exhibit Sheet

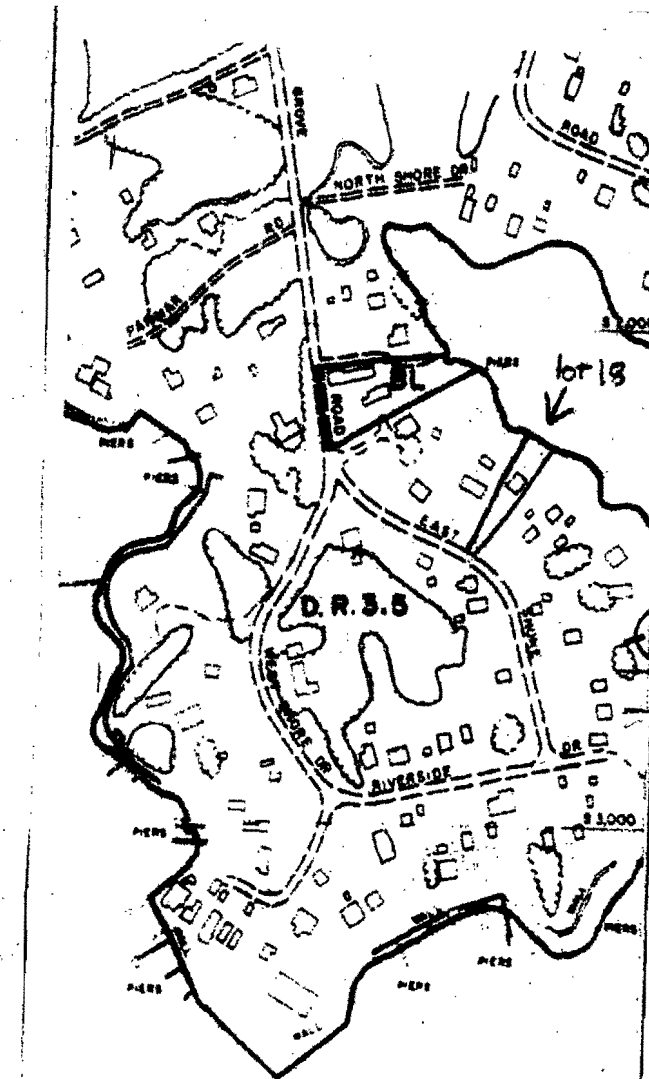
Petitioner/Developer

Protestant

No. 1	☒ SITE PLAN	Photo ☐ 1A ☐ 1D ☐ 1B ☐ 1E ☐ 1C ☐ 1F
No. 2	☒ 2A - Barbara Potts 2B - FRANCIS M. BERGER (m's)	
No. 3	☒ 05-157A (Prior Order)	
No. 4	☒ Survey By DuVall Assoc	
No. 5	☒ 5A 5B	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEAR

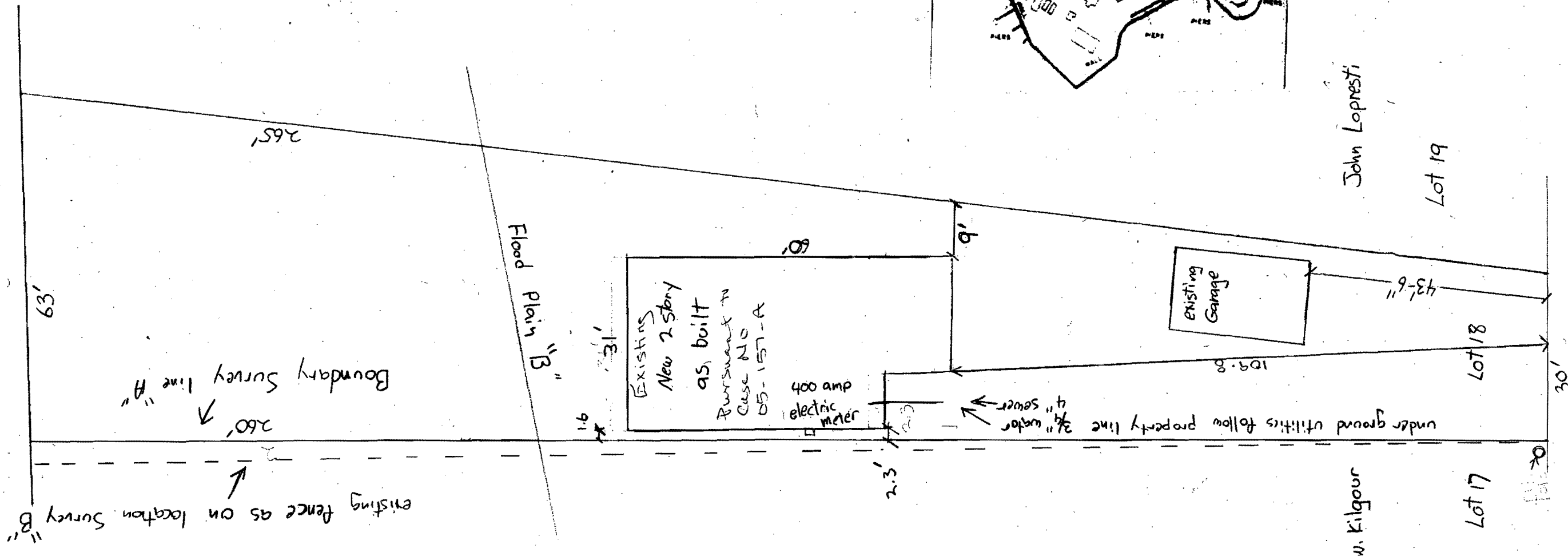
PROPERTY ADDRESS 905 Sue Grove Rd
 SUBDIVISION NAME NONE
 4" & 2" BOOK # 7/11 POLIC # --- LOT # 18 SECTION # ---
 OWNER Mark and Atusa Haynes (H&M Real Estate)



LOCATION INFORMATION			
ELECTION DISTRICT	15		
COUNCILMANIC DISTRICT	6		
1"=200' SCALE MAP #	09883		
ZONING	D23.5		
LOT SIZE	.2973	12949	
	ACREAGE	SQUARE FEET	
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒ PUBLIC	☐ PRIVATE	
CHESAPEAKE BAY CRITICAL AREA		☒ YES	☐ NO
100 YEAR FLOOD PLAIN		☐	☒
HISTORIC PROPERTY/BUILDING		☐	☒
PRIOR ZONING HEARING	yes		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	
	427		

PETITIONER'S

EXHIBIT NO. 1



Sue Grove Rd. 1"=20'
 30' R/W
 Prior Case # 05-157-A
 North
 427

Zoning Variance Addendum

December 4, 2005

This serves as in Addendum to the prior letter signed for our original zoning variance filed with Baltimore County.

I BARBARA POTTS residing at 909 Sue Grove have no objections to the placement of the home located at 905 Sue Grove which was based on the attached variance request.

<u>Barbara P. Potts</u>		<u>909 Sue Grove Rd</u>
Signature	Date	Address

<u>Mark R. Haynes</u>	<u>Atusa Haynes</u>
Mark R. Haynes, Owner	Atusa Haynes, Owner
Date	Date

PETITIONER'S

EXHIBIT NO.

2A

Zoning Variance Addendum

December 4, 2005

This serves as in Addendum to the prior letter signed for our original zoning variance filed with Baltimore County.

I Francis M. Berger residing at 901 Sue Grove Rd have no objections to the placement of the home located at 905 Sue Grove which was based on the attached variance request.

<u>Francis M. Berger</u>	<u>4/19/06</u>	<u>901 Sue Grove Rd</u>
Signature	Date	Address

Mark R. Haynes, Owner

Date

Atusa Haynes, Owner

Date

PETITIONER'S

EXHIBIT NO. 2B

IN RE: PETITION FOR VARIANCE
E/S Sue Grove Road, 1,771 ft. S
centerline of Turkey Point Road
15th Election District
6th Councilmanic District
(905 Sue Grove Road)

Atusa & Mark Haynes
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 05-157-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, Atusa and Mark Haynes. The Petitioners are requesting variance relief for property located at 905 Sue Grove Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with a side yard setback of 4.5 ft. and sum of side yards of 14.5 ft. in lieu of the required 15 ft. and 25 ft. respectively.

The property was posted with Notice of Hearing on November 24, 2004, 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 October 26, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

The Petitioner noted at the outset of the hearing that the Plat to Accompany indicated that the sum of the side yard setbacks for the new home was 13 ft. and not 14.5 ft. as originally requested.

Applicable Law

Section 307 of the B.C.Z.R. - *Variances*.

PETITIONER'S

EXHIBIT NO.

3

(SEE LETTER OF AMENDMENT ATTACHED)

NOTED RECEIVED FOR FILING

12/14/04

Ray

IN RE: PETITION FOR VARIANCE
E/S Sue Grove Road, 1,771 ft. S
centerline of Turkey Point Road
15th Election District
6th Councilmanic District
(905 Sue Grove Road)

Atusa & Mark Haynes
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

CASE NO. 05-157-A

prout

* * * * *

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, Atusa and Mark Haynes. The Petitioners are requesting variance relief for property located at 905 Sue Grove Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with a side yard setback of 4.5 ft. and sum of side yards of 14.5 ft. in lieu of the required 15 ft. and 25 ft. respectively.

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Amended Petition

The Petitioner noted at the outset of the hearing that the Plat to Accompany indicated that the sum of the side yard setbacks for the new home was 13 ft. and not 14.5 ft. as originally requested.

Applicable Law

Section 307 of the B.C.Z.R. - *Variances*.

PETITIONER'S

EXHIBIT NO.

3

(see letter to E. ...)

RECEIVED FOR FILING
12/14/04
Ray

"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 the 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. 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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated October 26, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Atusa and Mark Haynes, the Petitioners. P. Christian Dorsey, Esquire, represented the Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property is zoned D.R. 3.5 and is 12,052 sq. ft. in area. The Petitioners indicated that the property is Lot 18 of the Sue Creek subdivision, which was recorded in the Land Records of Baltimore County in 1929. The lot is trapezoidal in shape having 30 ft. of width on Sue Grove

Road and 63 ft. of waterfront on Sue Creek. The Petitioners indicated that this lot is improved with an existing summer cottage which is in poor repair, has major foundation problems, and is too small for their family needs. They would like to raze the existing home and erect a two-story modern home essentially on the footprint, from a width standpoint, of the existing home. The present structure is 4.5 ft. from the lot line with Lot 17. They request to continue this distance from this lot line and thus the request for a side yard setback of 4.5 ft. However, the Plat to Accompany shows the setback on the other side of the home to be 8.5 ft. Consequently, the sum of the side yards would be 13 ft. and not 14.5 ft. as noted on the Petition. The Petition was amended to reflect this change. They also noted that to meet the side yard and sum of side yard setbacks they would have to move the new home to the east approximately 10 ft. which would not coincide with the existing footprint and would reduce the width of the home to approximately 22.5 ft. wide. They indicated that would be an impractical width for a home with their family needs.

Mr. Dorsey noted that the unusual shape of the lot is the cause of the request for variance of the side yard setback and that this lot is unique in a zoning sense. He also noted that the DR 3.5 zoning was imposed on the property many years after the lot was laid out in the old subdivision.

Finally, the Petitioner indicated that all of the lots to the east, on the circle known as Sue Grove Road, were developed as one single-family home on one trapezoidal shaped lot. They conceded that the property to the west had one home on two lots but that generally the pattern of development in the neighborhood was compatible with their proposed use. Consequently, they believe that replacing the old home with a modern home would not be a detriment to the community but would substantially improve it.

ORDER RECEIVED FOR FILING

12/14/04

Ray

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This lot is a trapezoidal in shape having only 30 ft. of road frontage and 63 ft. of waterfront. In addition, the lot was laid out many years before the DR 3.5 zoning regulations were imposed and as a result these regulations impact this lot differently and disproportionately from lots laid out in accord with the newer regulations. In addition, this is clearly a floodplain and subject to damaging tidal surges. I find it unique in a zoning sense.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioners to acquire and avoid the variance requests. They can not meet the regulations under any circumstance.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances. There had already been a home located on the site. This request simply replaces one home with another.

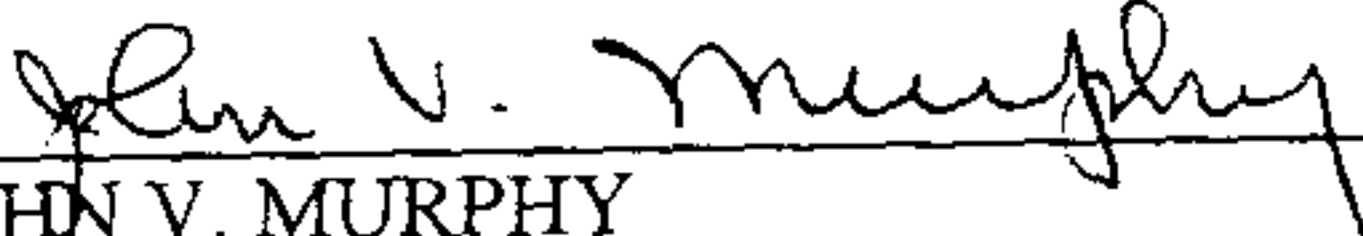
Furthermore, I find that these variances shall be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed building will be compatible with the neighborhood and especially the pattern of development of the adjoining lots. This will not change the pattern of development.

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' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 14 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with a side yard setback of 4.5 ft. and sum of side yards of 14.5 ft. in lieu of the required 15 ft. and 25 ft. respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments made by DEPRM dated October 26, 2004, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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:raj

ORDER RECEIVED
12/14/04
raj

Zoning Commissioner



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

February 7, 2005

Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. ~~05-P58-A~~
Property: 905 Sue Grove Road

05-157-A

To File:

Please be advised that the Order previously approved by this office on December 14, 2004 had a typographical error on page 5. The petition was amended at the hearing held on December 9, 2005 to reflect that the sum of the side yard setbacks for the new home was 13 ft. and not 14.5 feet as originally requested.

It would be appreciated if you would place this correspondence in the file to indicate this correction. Thank you for your cooperation and attention in this matter.

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. & Mrs. Mark Haynes
A & M Real Estate
905 Sue Grove Road
Baltimore, MD 21221

Exhibit A

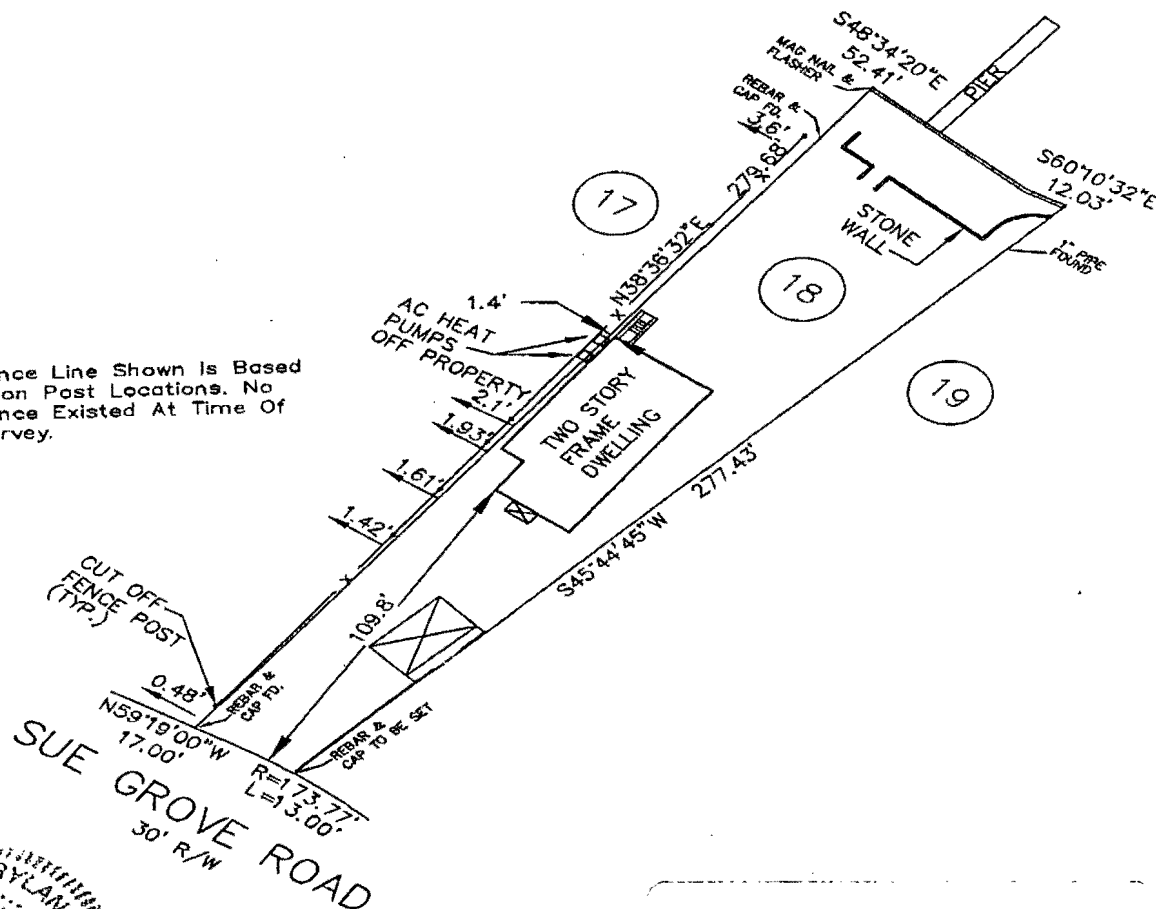
Attachment for Affidavit in support of Administrative Variance:

We incorporate by reference herein, the facts previously attested to in our affidavit in support of Administrative Variance for Case No: 05-157-A (attached hereto as Exhibit A)

In addition, this amended petition for variance is necessary because our neighbor at 903 Sue Grove Road have obtained a stake survey of their lot in December of 2005, during the pendency of the construction of our new home, which indicates that a portion of what we believe rightfully to be our side yard is a part of their property. We are currently challenging our neighbor's assertion of ownership of the disputed portion of our side yard by way of a civil case sounding in adverse possession. As the ultimate determination of this issue may take months, and based upon the fact that Baltimore County has issued a stop work order until we can once again demonstrate uncontested ownership of our side yard, we have elected to request an amendment to our previous variance relief, based on what a worst outcome scenario of the dispute may be for us relying on remaining side yard square footage. We have done this in an effort to come in compliance with our existing building permit so that the stop work order may be lifted and we can complete our home. Lastly, if the amended variance is granted, we will agree to any additional measures deemed necessary to complete our new home within the requirement of Baltimore County's Code Enforcement Division.



*NOTE: Fence Line Shown Is Based Upon Post Locations. No Fence Existed At Time Of Survey.



REFERENCE LOT 18 AS SHOWN ON A PLAT ENTITLED "SUEGROVE" DATED MAY 24, 1921 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK S.M. 7 FOLIO 11.

THIS IS TO CERTIFY THAT WE HAVE LOCATED THE IMPROVEMENTS AS SHOWN ACCORDING TO THE REGULATIONS GOVERNING THE MARYLAND STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS, EFFECTIVE DATE MARCH 1, 1995.

Henry J. Knell, Jr.

2/17/06

DATE



W. DUVALL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9871

PETITIONER'S

EXHIBIT NO. 4

MAP 98
PARCEL 215
DEED REF. 20588/490
ACCT. # 1523000460
12949 SQ. FT.
0.2973 ACRES

NOTES:

(D) ACCURACY OF APPARENT SETBACK DISTANCES IS 0.5' +/-.

(E) THIS PROPERTY DOES LIE WITHIN THE LIMITS OF A FLOOD HAZARD AREA AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM. #240010 0445 B

BOUNDARY SURVEY &
LOCATION DRAWING OF

905 SUE GROVE ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MD.

SCALE: 1" = 50' JANUARY 18, 2006*

Revised For Note



House 003

Ret.
5A



Pet.
5B

House/lot line 002

Old House



House 17

PROTESTANT' S

EXHIBIT NO.

11 A

New House



House lot line - 008

PROTESTANT'S

EXHIBIT NO.

1B



PROTESTANT' S

EXHIBIT NO. _____

C



2006/03/30 12:14 pm

PROTESTANT' S

EXHIBIT NO. D



2006/03/30 12:15 pm

PROTESTANT' S

EXHIBIT NO.

E

**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 16, 2005

Karen H. Diehl
William A. Kilgour, Jr.
903 Sue Grove Road
Baltimore, MD 21221

Dear Ms. Diehl & Mr. Kilgour:

Re: 905 Sue Grove Road; Petition case #05-157-A; 15th Election District

Your recent letter to Timothy Kotroco, Director – PDM, was forwarded to me for reply. Based upon the information you provided, the following has been determined. The Haynes filed on March 7, 2006 a new petition case # 06-427-A. The file is available for review at the Zoning Office, 111 W. Chesapeake Ave., Room 111, Towson, Monday – Friday, 8:00am – 4:30 pm.

The hearing date and time have not yet been scheduled but that information should be available by March 20. Feel free to contact the Docket Clerk, Kristen Matthews, at 410-887-3391.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruno Rudaitis".

Bruno Rudaitis
Planner II
Zoning Review

BR: br

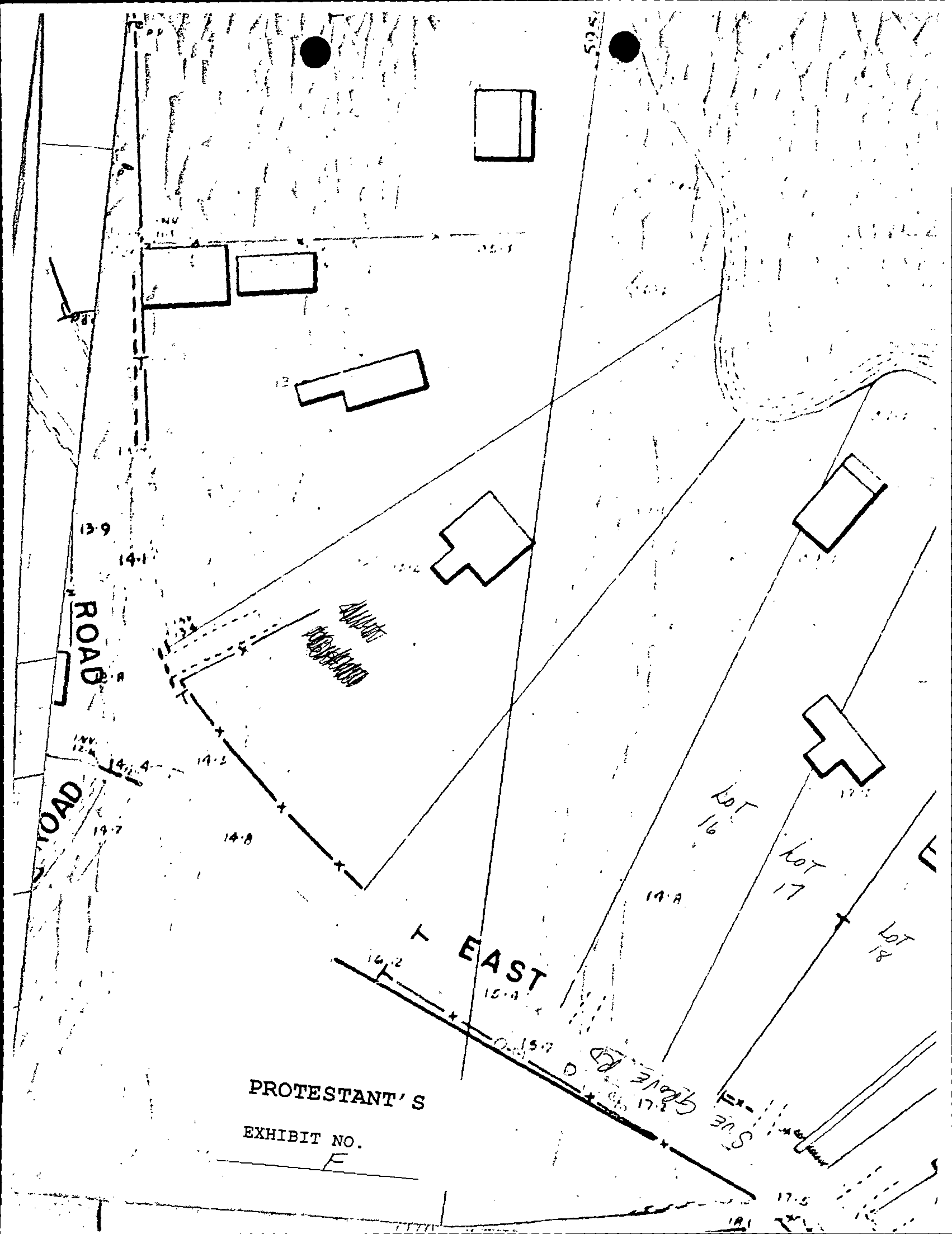
Visit the County's Website at www.baltimorecountyonline.info



PROTESTANT'S
EXHIBIT NO.
F

SCALE 1IN.=50FT.	KEY SHEET E	LOCALITY TURKEY POINT	SHEET 3 SE 40
DATE STARTED 49	N.E.	ELECTION DIST. NO. 15	

MICROFILMED



ROAD

EAST

PROTESTANT'S

EXHIBIT NO.

F

LOT 16

LOT 17

LOT 18

13.9

14.1

14.7

14.8

14.2

15.0

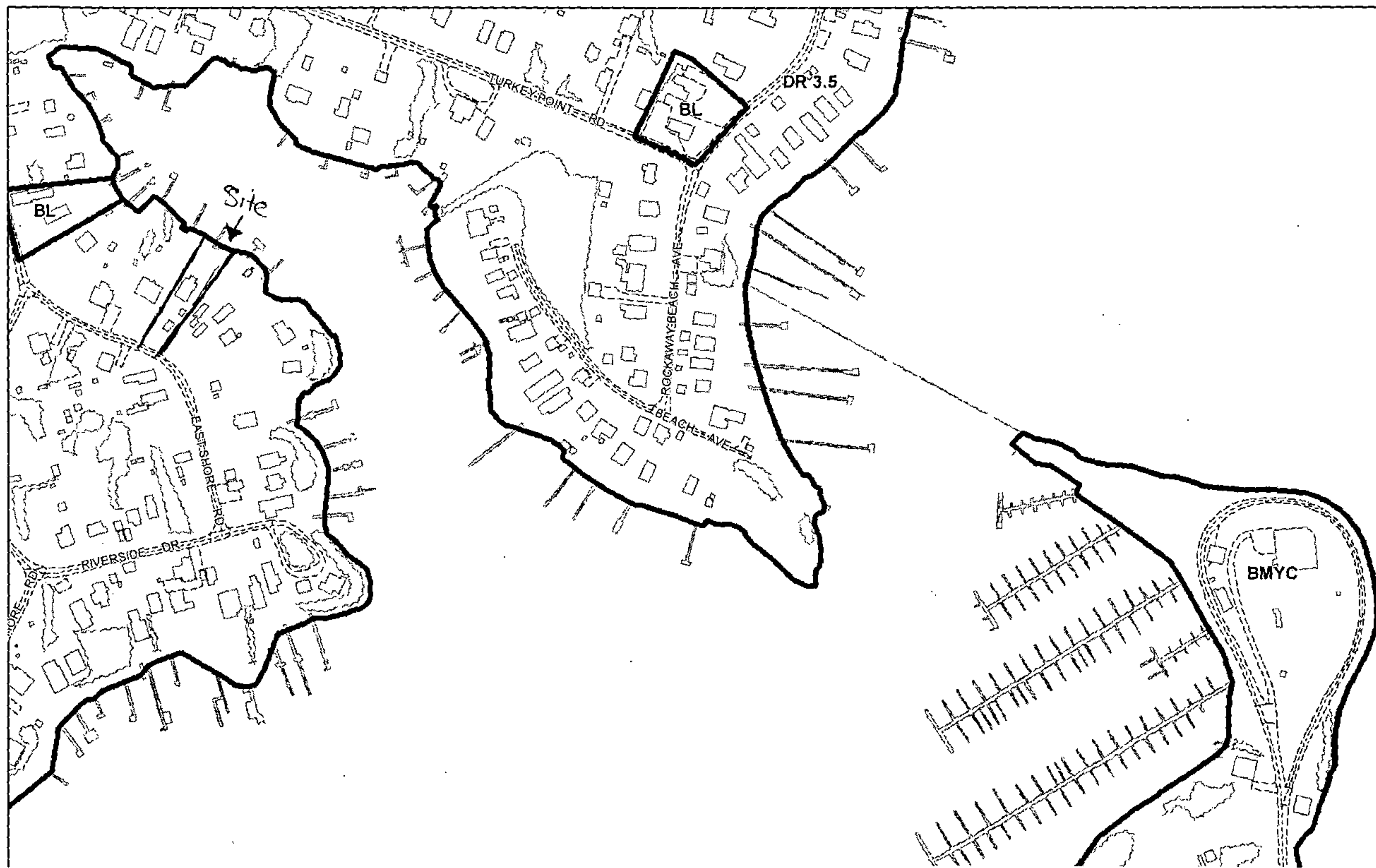
15.7

14.8

17.5

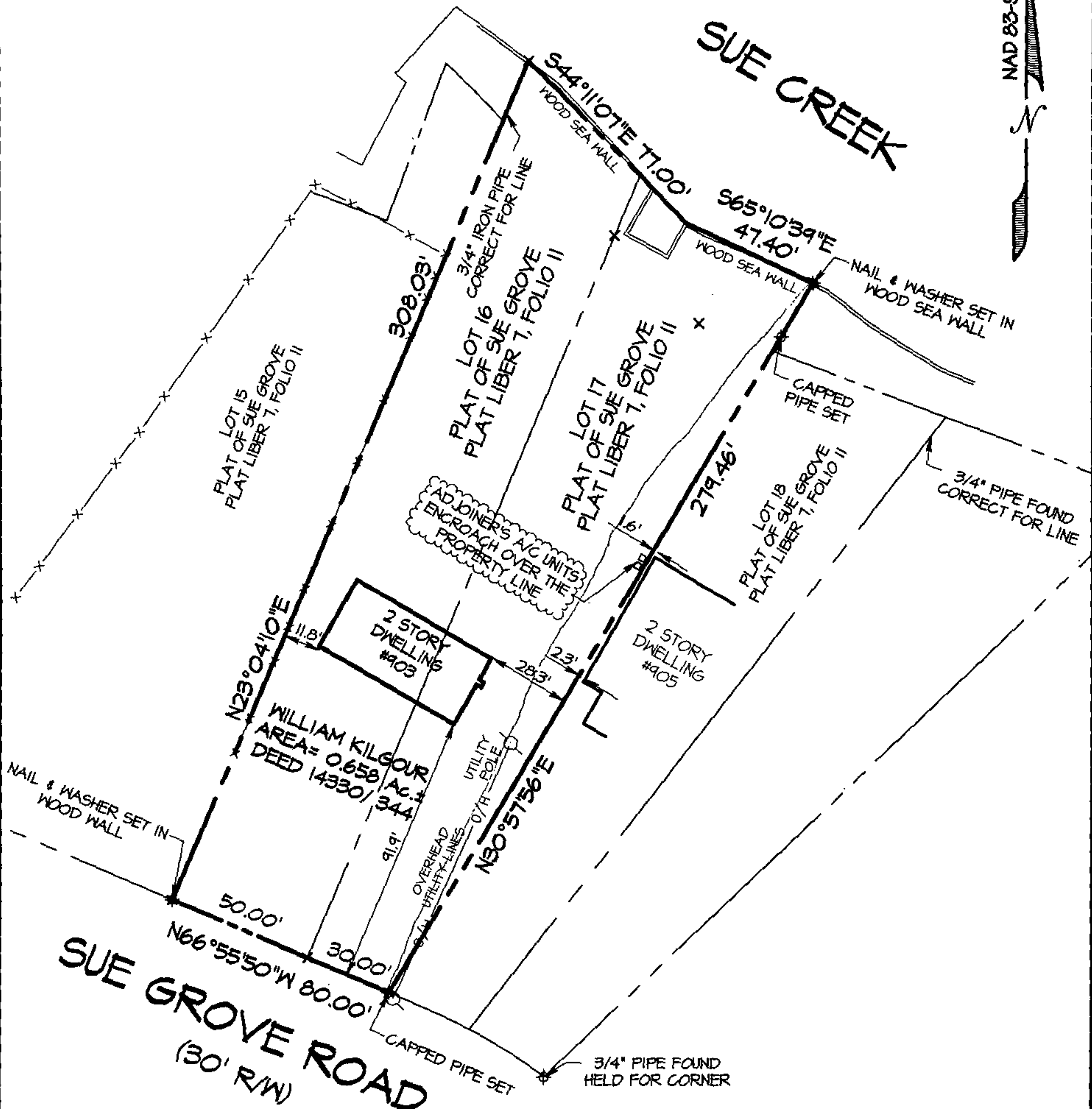
18.1

098B3



NAD 83-91

SUE CREEK



NOTES

SURVEYORS CERTIFICATE

THIS BOUNDARY SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS" AS ADOPTED BY THE STATE OF MARYLAND.

Brian R. Dietz

BRIAN R. DIETZ

PROFESSIONAL LAND SURVEYOR NO. 21080

ONLY PLATS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE, TRUE AND CORRECT COPIES.

1. THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.



BRIAN R. DIETZ
PROFESSIONAL LAND SURVEYOR #21080
7867 OAKDALE AVENUE
BALTIMORE MD. 21237
Ph 410-686-1198
Fax 410-682-6021

BOUNDARY SURVEY
of
903 SUE GROVE ROAD
BALTIMORE COUNTY, MD.

DRAWN: BRD

FIELD: BRD

DATE: 12-14-05

JOB NO. 05452

SCALE: 1"=50'