

Wednesday, October 25, 2006 @ 9:00 am Rm 401

51

07-072-072

A

CERTIFICATE OF POSTING

1) Posted 10/8 Hearing Date \_\_\_\_\_  
2) Posted \_\_\_\_\_ Hearing Date \_\_\_\_\_

ADS

1) Paper/Date 10/10 Enc \_\_\_\_\_  
Paper/Date \_\_\_\_\_ Enc \_\_\_\_\_

2) Paper/Date \_\_\_\_\_ Enc \_\_\_\_\_  
Paper/Date \_\_\_\_\_ Enc \_\_\_\_\_

PAF FEES

1) \_\_\_\_\_  
2) \_\_\_\_\_

COMMENTS

Planning \_\_\_\_\_ Fire \_\_\_\_\_ Traffic \_\_\_\_\_  
Critical Area ☒ SHA ☒ EPA ☒  
Health: \_\_\_\_\_ plans review

Associate \_\_\_\_\_

Zoning Violation # \_\_\_\_\_

Prior Hearing(s) \_\_\_\_\_

200700072

note: no "A"

07-072-A

CBCA

IN RE: **PETITIONS FOR VARIANCE**

N/S Bayside Road, 400' W of Cedar Road  
(1/2 Lot 90 & Lots 91 and 92  
(Bayside Road)  
15<sup>th</sup> Election District  
6<sup>th</sup> Council District

Thomas K. Kinch, Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case Nos. 07-072-A & 07-073-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owner of the subject adjacent properties, Thomas K. Kinch, through his attorney, Edward C. Covahey, Jr., Esquire. Since the properties are owned by the same individual and are located adjacent to one another, the two cases were heard contemporaneously.

As originally filed, the Petitioner requested variance relief in Case No. 07-072-A (Lot 92) from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setbacks of 10 feet in lieu of the required 50 feet and a front setback of 55 feet to the centerline of the road in lieu of the required 75 feet on an undersized R.C.5 lot.

In Case No. 07-073-A (1/2 Lot 90 and 91), the Petitioner requested similar relief from 1A04.3.B.2.b of the B.C.Z.R. to permit side setbacks of 10 feet and 15 feet in lieu of the required 50 feet and a front setback of 55 feet to the centerline of road in lieu of the required 75 feet on an undersized R.C.5 lot. The two properties at issue and requested relief are more particularly described on the site plan submitted in each case and marked into evidence as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the requests were Thomas Kinch, property owner; Brian Palmer, the potential contract purchaser of Lot 92; and Edward C. Covahey, Jr., Esquire, attorney for the Petitioner. Appearing as Protestants/interested citizens were

UNDER SECRETARY FOR FILING  
Date 12-1-06  
By Debra Wiley

John Goodman, a property owner whose home is located behind the subject property; Carl Maynard, a long-time resident of the area (37 years), a participant in the drafting of the Bowley's Quarters Growth Management Plan and who serves on the Coastal Rural Legacy Commission; and Doug Celmer, President of the Back River Neck Community Association.

As noted above, the subject properties are located adjacent to one another on the north side of Bayside Road, west of Cedar Road and south of Evergreen Road at the eastern end of Baltimore County off of Back River Neck Road. The properties are zoned R.C.5 and known as 1/2 of Lot 90 (bisected in 1943 for unknown reasons), Lot 91 and Lot 92 in the "Evergreen Park" subdivision, which was recorded in the Land Records of Baltimore County many years ago (in 1924) prior to the establishment of current zoning regulations. Thus, many of the lots in this subdivision are undersized and do not meet width in area requirements. The Petitioner acquired the property, which is heavily wooded, and has been used in the past as a dumping area (see Petitioner's photographic Exhibits 7E, F and G). Relief is requested as set forth above to allow development of the vacant lots with two single-family dwellings.

In Case No. 07-072-A, Lot 92 contains a gross area of 10,050 square feet and is 50' wide by 201' deep, while the abutting property, Lot 91 and 1/2 of Lot 90 in Case No. 07-073-A, is larger containing a gross area of 14,975 square feet. Counsel for Petitioner explains that the properties are now served by public water and sewer. He argues that the R.C.5 zoning classification was placed on the properties when these utility services were non-existent and now that they have been provided the zoning classified should be rightfully changed to D.R.5.5. Further, he indicates that all of the lots in this community are 50 feet wide and many of the existing homes were built on 50-foot lots (see Petitioner's Exhibits 7A through 7D and the Topographical Map Exhibit 8 demonstrating the pattern of development). Thus, he submits that the relief requested is appropriate and is consistent with the neighborhood. Moreover, the Petitioner has

UNDER REVIEW FOR FILING  
Date 12-1-04  
By Debra D. Day

discussed his plans with the adjacent neighbor at 1222 Bayside Road who supports the proposal and has no objection to the variances requested.<sup>1</sup>

John Goodman, who lives behind the subject properties, stated that he is not against building on the lots, however, he wants to see only one home built. He feels the Petitioner's current plan is not in character with the past development practices in this internal area of Bowley's Quarters. Mr. Goodman points out that the homes built on 50-foot lots are waterfront properties that parallel the shoreline. Currently, the homes built on the internal lots give the appearance of larger lots with more privacy. The Office of Planning with its comments dated October 23, 2006 supports Mr. Goodman, stating in pertinent part:

"It is the opinion of this office that the applicant should be required to combine the subject lots and redesign the site for one dwelling unit. The properties are located on the north side of the street, where the development pattern is more consistent with the intent of the RC-5 regulations, which is to provide for rural residential development in suitable areas in which basic services are not anticipated, to assure that encroachments into productive or critical natural resource areas are minimized and to eliminate scattered and generally disorderly patterns of future rural residential development."

Messrs. Maynard and Celmer testified that the R.C.5 zoning requirements and the 1.5 acres are prerequisite to build a home was placed on the property in this area to reduce density. They noted that most of the homes referred to by Protestants' counsel were built on the 50-foot wide lots some 50 to 60 years ago. They felt to allow the requested variances under current zoning regulations would not be in accord with the spirit and intent of the neighborhood and would be out of character. They both felt that building one home, while still pushing the R.C.5 zone limitations because a variance would be needed, was much preferable.

In response to the concerns raised by the Protestants and the Office of Planning, the Petitioner, after consulting with Counsel, agreed to amend his petition and site plan and reduce the requested variance to seek relief in Case 07-072-A from Section 1A04.3.B.2.b of the B.C.Z.R. to permit side yard setbacks of 29 feet and 35 feet in lieu of the required 50 feet on an undersized

<sup>1</sup> See prior zoning Case No. 05-207-A where similar variance relief was requested by the adjoining property owner for the other 1/2 of Lot 90 and Lot 89 as well as Petitioner's Exhibits 3, 4 and 5 describing the deed history.

ORDER RECEIVED FOR FILING  
Date 12-1-06  
By [Signature]

R.C.5 lot. The combining of the 2-½ lots now equals a lot size of .576 acres or 25,125 square feet as more particularly described on the site plan submitted in this case and marked into evidence as Petitioner's Exhibit 10.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The amended site plan shows a 150-foot wide lot at Bayside Road narrowing to 100 feet at the rear property line. I find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioner to acquire and avoid the variance request. He cannot meet the regulations under any circumstance; however, the Petitioner has satisfied the requirements of Section 307 for relief to be granted. The regulations require a 50-foot setback from either side yard lot line. No increase in residential density beyond that otherwise allowable by the zoning regulations will result by granting these variances. Finally, 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 pattern of development of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

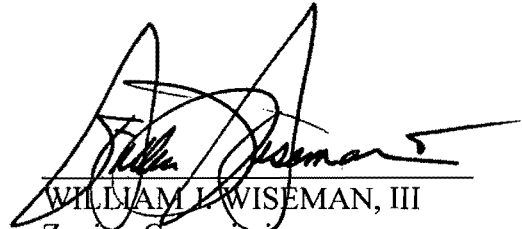
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of December, 2006 that the Amended Petition for Variance filed in Case No. 07-072-A seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 29 feet and 35 feet in lieu of the required 50 feet, and an undersized R.C.5 lot for the proposed single-family dwelling on the property known as 1/2 Lot 90, Lots 91 and 92, in accordance with Petitioner's Exhibit 10, be and is hereby GRANTED subject to the following restrictions:

ORDER RECEIVED FOR FILING  
Date 12-1-06  
By Debra D. Day

- 1) The Petitioners may apply for their building permits 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 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) Prior to the issuance of any permits, the Petitioner shall comply with the Zoning Advisory Comments (ZAC) submitted by the Office of Planning, dated November 30, 2006. A copy of those comments has been attached hereto and is made a part hereof.
- 3) Compliance with the Zoning Advisory Comments (ZAC) submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated September 13, 2006, relative to Chesapeake Bay Critical Area, area regulations, and the limited development area regulations. A copy of those comments has been attached hereto and is made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

It is further ORDERED that the Petition for Variance filed in Case No. 07-073-A seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setbacks of 10 feet and 15 feet in lieu of the required 50 feet, and a front setback of 55 feet to centerline of the road in lieu of the required 75 feet on an undersized R.C.5 lot, be and is hereby DISMISSED.

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

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date 12-1-06

By Debra D. Day



CRITICAL AREA

# Petition for Variance

**to the Zoning Commissioner of Baltimore County**  
for the property located at LOT 92 BAYSIDE ROAD  
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.2.b; BCZR, TO Permit

Side Setbacks of 10' in lieu of the required 50' A  
Front Setback of 55' to center line of road. in lieu  
of the required 75' on an undersized RC-5 lot.

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 PRESENTED AT HEARING

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

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

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

**Contract Purchaser/Lessee:**

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

**Attorney For Petitioner:**

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

**Legal Owner(s):**

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

**Representative to be Contacted:**

Name

Address

Telephone No.

City

State

Zip Code

**OFFICE USE ONLY**

Case No. 07-072A **RECEIVED FOR FILING**

Date \_\_\_\_\_ Reviewed By \_\_\_\_\_

By \_\_\_\_\_

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
THOMAS P. DORE  
BRUCE EDWARD COVAHEY  
JENNIFER MATTHEWS HERRING  
FRANK V. BOOZER, JR.

410-828-9441  
FAX 410-823-7530

ANNEX OFFICE  
SUITE 302  
606 BALTIMORE AVE.  
TOWSON, MD 21204  
410-828-5525  
FAX 410-296-2131

\*ALSO ADMITTED TO D.C. BAR

November 13, 2006

**HAND-DELIVERED**

W. Carl Richards, Jr., Chief  
Baltimore County DPDM  
County Office Building  
111 West Chesapeake Avenue, Suite 111  
Towson, Maryland, 21204

Re: Lot 92, Bayside Drive  
Case No. 07-072 A

Dear Mr. Richards:

Enclosed please find Amended Petition for Variance with respect to the above-captioned. Commissioner Wiseman heard the original Petition whereby the applicant wanted to construct two dwellings on the property. The Commissioner advised the applicant to re-submit same without cost or advertisement, and same would be re-heard.

A copy of the Petition and plat has been forwarded to protestant Douglas Celmer per the Commissioner's directive.

Very truly yours,



Edward C. Covahey, Jr.

ECC,Jr./ldr  
Enclosures  
1113ldr03  
cc: Mr. Thomas K. Kinch



AMENDED

# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lot 92, Bayside Road

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.2.b of the Baltimore County Zoning Regulations to permit side yard setbacks of 29' and 35' in lieu of the required 50'.

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

It is impossible to construct a dwelling compatible with the community on the property without side yard setbacks. The property is unique because of its unusual configuration.

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:

Edward C. Covahey, Jr.

Name - Type or Print

Signature

Covahey, Boozer, Devan & Dore, P.A.

Company

614 Bosley Avenue

410-828-9441

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

## Legal Owner(s):

Thomas K. Kinch

Name - Type or Print

Signature

Name - Type or Print

Signature

2209 Coralhorn Rd.

410-574-0797

Address

Telephone No.

Baltimore

MD

21220

City

State

Zip Code

## Representative to be Contacted:

Thomas K. Kinch

Name

2209 Coralhorn Rd.

410-574-0797

Address

Telephone No.

Baltimore

MD

21220

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By \_\_\_\_\_ Date \_\_\_\_\_

Case No. 07-072 A

REV 9/15/98

ADDITIONAL RECEIVED FOR FILING

Date 12-1-06

By D. Wiley

# ZONING DESCRIPTION

## LOT 92 BAYSIDE ROAD

BEGINING AT A POINT ON THE NORTH SIDE  
OF BAYSIDE ~~DR~~ ROAD, WHICH IS 400ft<sup>±</sup>  
WEST OF CEDAR ROAD, BEING LOT NUMBER  
92 IN THE SUBDIVISION OF EVERGREEN PARK,  
AS RECORDED IN BALTIMORE COUNTY PLAT  
BOOK LIBER 7, FOLIO 174. CONTAINING  
.576 ACRES<sup>±</sup> ~~AK502K~~

ELECTION DISTRICT: 15

COUNCILMANIC : 6

# 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: # 07-072-A

Lot 92, Bay Drive

N/side of Bayside Drive, 400 feet +/- west of Cedar Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Thomas K. Kinch

Variance: to permit side setbacks of 10 feet in lieu of the required 50 feet, a front setback of 55 feet setback to centerline of road, in lieu of the required 75 feet on an undersized RC-5 lot.

Hearing: Wednesday, October 25, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 10/656 Oct. 10

112295

## CERTIFICATE OF PUBLICATION

10/12/2006

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 10/10/2006.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

*S. Wilkinson*

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

072

No. 9871

DATE 8-28-06 ACCOUNT 2001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: T. Kinch Lot 92-Bayside

FOR: WAL

DISTRIBUTION  
WHITE - CASHIER  
PINK - AGENCY  
YELLOW - CUSTOMER

PAID RECEIPT

CASHIER: WALKIN TIME: 12:14

DATE: 8/28/2006 HP: 12:14

REC'D BY: WALKIN HP: 12:14

> RECEIPT # 29924 8/28/2006 DELA

Dept: 5 TRS: TRANS VERIFICATION

CR NO: 000571

Rec'd: Tot: 65.00

65.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

RE: Case No.: 07-072-A

**Petitioner/Developer:** Thomas

K. Kinch

Date of Hearing/Closing: OCT 25, 2006

**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:** \_\_\_\_\_

LOT 92 BAY DRIVE

**The sign(s) were posted on**

10-8-06  
(Month, Day, Year)

**Sincerely,**

Robert Black 10-10-02  
(Signature of Sign Poster) (Date)

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

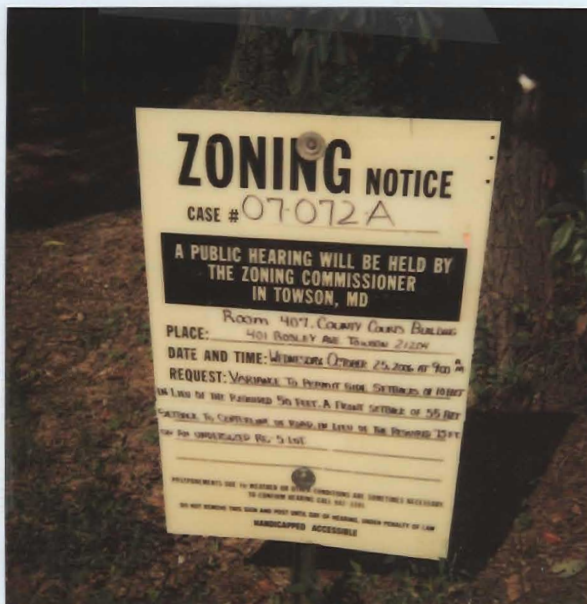
**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

(Telephone Number)





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

September 18, 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: 07-072-A**

Lot 92, Bay Drive  
N/side of Bayside Drive, 400 feet +/- west of Cedar Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Thomas K. Kinch

Variance to permit side setbacks of 10 feet in lieu of the required 50 feet, a front setback of 55 feet setback to centerline of road, in lieu of the required 75 feet on an undersized RC-5 lot.

Hearing: Wednesday, October 25, 2006 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Thomas Kinch, 2209 Coralthorn Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 10, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, October 10, 2006 Issue - Jeffersonian

Please forward billing to:  
Thomas Kinch  
2209 Coralthorn Road  
Baltimore, MD 21220

410-574-0797

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## 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: 07-072-A**

Lot 92, Bay Drive

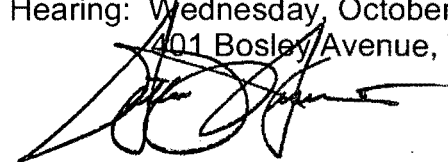
N/side of Bayside Drive, 400 feet +/- west of Cedar Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Thomas K. Kinch

Variance to permit side setbacks of 10 feet in lieu of the required 50 feet, a front setback of 55 feet setback to centerline of road, in lieu of the required 75 feet on an undersized RC-5 lot.

Hearing: Wednesday, October 25, 2006 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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.

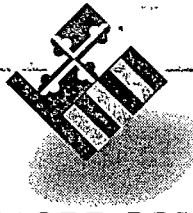
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#### For Newspaper Advertising:

Item Number or Case Number 072  
Petitioner Thomas Kinch  
Address or Location Lot 92 Bayside Rd.

#### PLEASE FORWARD ADVERTISING BILL TO

Name Thomas K. Kinch  
Address 2209 Cornlithorne Rd  
Balt. MD 21220  
Telephone Number 410 574-0797



## BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

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

October 18, 2006

Thomas K. Kinch  
2209 Coralthorn Road  
Baltimore, MD 21220

Dear Mr. Kinch:

RE: Case Number: 07-072-A, Lot 92, Bayside Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 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

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*

DATE: 9/13/2006

SUBJECT: Zoning Item # 07-072-A  
Address Lot 92 Bayside Road  
Baltimore, MD 21221

Zoning Advisory Committee Meeting of September 4, 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:

This property is within the Limited Development Area (LDA) of the CBCA. LDA regulations state that impervious surface area cannot exceed 25% of the lot, and that a 15% tree cover must be maintained. Any forest clearing (not to exceed 30% of the lot) will require mitigation approved by this Department.

Reviewer: Kevin Brittingham

Date: 9/13/06



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9/7/2006

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

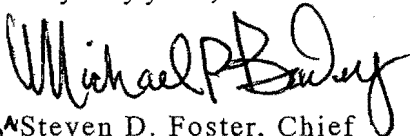
RE: Baltimore County  
Item No. 072  
EVERGREEN  
VARIANCE 07-072 A

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 072.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

  
For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

My telephone number/toll-free number is \_\_\_\_\_

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 11, 2006  
Item Nos. 07-071, 072, 073, 074, 075, 076, 077,  
078, 085, 086, 087, 090, 091 and 092

**DATE:** September 11, 2006

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

DAK:CEN:clw  
cc: File  
ZAC-NO COMMENTS- 09082006.doc

Revised

BS  
10/25

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 11, 2006  
Item Nos. 071, 072, 073, 074, 075, 076, 077,  
085, 086, 087, 090, 091 and 092

**DATE:** October 26, 2006

RECEIVED

OCT 26 2006

ZONING COMMISSIONER

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

DAK:CFN:clw

cc: File

ZAC-NO COMMENTS- 09082006.doc

Revised

BW  
10/25

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

**DATE:** October 26, 2006

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

RECEIVED

OCT 26 2006

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 11, 2006  
Item Nos. 071, 072, (073), 074, 075, 076, 077,  
085, 086, 087, 090, 091 and 092

ZONING COMMISSIONER

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

DAK:CFN:clw

cc: File

ZAC-NO COMMENTS- 09082006.doc

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** November 28, 2006

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 27, 2006  
Item Nos. 07-72, 139, 213, 214, 215, 216,  
217, 218, 219, 220, 221, 222, 223, 224,  
226, 227, and 228

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-11272006.doc

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** November 30, 2006

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

**SUBJECT:** Lot 92-Bayside Road, ½ Lot 90, Lot 91 – Bayside Road

**RECEIVED**

DEC 01 2006

**INFORMATION:**

**Item Number:** 07-072, 07-073 (*revised comment*)

**Petitioner:** Thomas Kinch

**Zoning:** RC- 5

**ZONING COMMISSIONER**

**Requested Action:** Variance from Section 1A04.3.B.2.b of the BCZR to permit side setbacks of 10 feet in lieu of the required 50 foot and a front setback of 55 feet to centerline of the road in lieu of the required 75 feet on an undersized RC-5 lot.

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the subject request(s) and has the following comments:

The Office supports the petitioner's revised site plan. This office does not oppose the construction of one house on three lots. However, all new construction located in an RC-5 district is subject to a finding indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

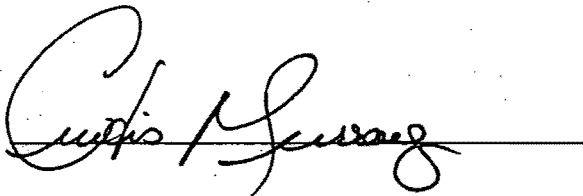
ORDER RECEIVED FOR FILING

Date 12-11-06

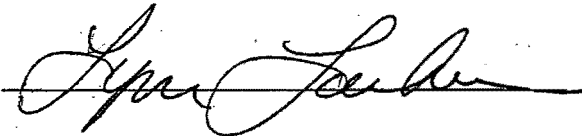
By [Signature]

3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

Prepared by:



Division Chief:



AFK/LL: CM

CNDEN RECEIVED FOR FILING

Date 12-1-06

By 

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** November 30, 2006

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

**SUBJECT:** Lot 92-Bayside Road, ½ Lot 90, Lot 91 – Bayside Road

**RECEIVED**

DEC 01 2006

**INFORMATION:**

**Item Number:** 07-072, 07-073 (*revised comment*)

**Petitioner:** Thomas Kinch

**Zoning:** RC- 5

**ZONING COMMISSIONER**

**Requested Action:** Variance from Section 1A04.3.B.2.b of the BCZR to permit side setbacks of 10 feet in lieu of the required 50 foot and a front setback of 55 feet to centerline of the road in lieu of the required 75 feet on an undersized RC-5 lot.

**SUMMARY OF RECOMMENDATIONS:**

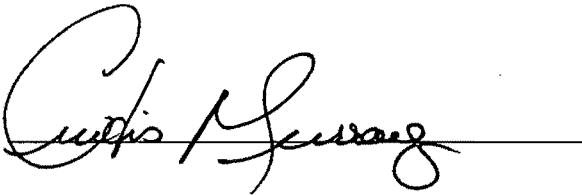
The Office of Planning has reviewed the subject request(s) and has the following comments:

The Office supports the petitioner's revised site plan. This office does not oppose the construction of one house on three lots. However, all new construction located in an RC-5 district is subject to a finding indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

Prepared by:

A handwritten signature in cursive script, appearing to read "Curtis M. Gura", written over a horizontal line.

Division Chief:

A handwritten signature in cursive script, appearing to read "Lynn L. L. L.", written over a horizontal line.

AFK/LL: CM

REVISED

PETITION AND PLAT

07-072-A

11/20/06 AGENDA

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** October 23, 2006

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

**RECEIVED**

OCT 23 2006

**SUBJECT:** Lot 92-Bayside Road, ½ Lot 90, Lot 91 – Bayside Road

**ZONING COMMISSIONER**

**INFORMATION:**

**Item Number:** 07-072, 07-073

**Petitioner:** Thomas Kinch

**Zoning:** RC- 5

**Requested Action:** Variance from Section 1A04.3.B.2.b of the BCZR to permit side setbacks of 10 feet in lieu of the required 50 foot and a front setback of 55 feet to centerline of the road in lieu of the required 75 feet on an undersized RC-5 lot.

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the subject request(s) and has the following comments:

According to Section 4A03.4.B.1 (Growth Management Plan for Bowleys Quarters and Back River Neck Areas) a building permit may only be issued for an existing undersized lot if the owner of the lot does not own sufficient adjoining land that if combined with the adjoining land would allow the property owner to conform to the current regulations. In the subject case, the property owner owns two and one half lots that are contiguous with one another.

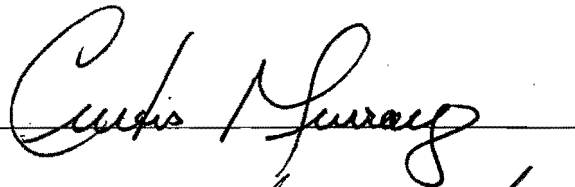
" It is the opinion of this office that the applicant should be required to combine the subject lots and redesign the site for one dwelling unit. The properties are located on the north side of the street, where the development pattern is more consistent with the intent of the RC-5 regulations, which is to provide for rural residential development in suitable areas in which basic services are not anticipated, to assure that encroachments into productive or critical natural resource areas are minimized and to eliminate scattered and generally disorderly patterns of future rural residential development. "

Construction of a single dwelling would allow for retention of more of the existing mature vegetation that currently exists on the lot, as well as decrease the amount of side setback variances required, and allow for greater compatibility with the character of the surrounding RC-5 area.

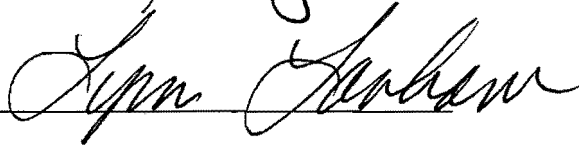
Additionally, all new construction located in an RC-5 district is subject to a finding indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

Prepared by:



Division Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco  
FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*  
DATE: 9/13/2006  
SUBJECT: Zoning Item # 07-072-A  
Address Lot 92 Bayside Road  
Baltimore, MD 21221

Zoning Advisory Committee Meeting of September 4, 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:

This property is within the Limited Development Area (LDA) of the CBCA. LDA regulations state that impervious surface area cannot exceed 25% of the lot, and that a 15% tree cover must be maintained. Any forest clearing (not to exceed 30% of the lot) will require mitigation approved by this Department.

Reviewer: Kevin Brittingham

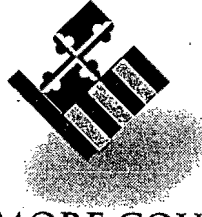
Date: 9/13/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC07-72-A.doc

ORDER RECEIVED FOR FILING

Date 12-1-06

By [Signature]



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

WILLIAM J. WISEMAN III  
Zoning Commissioner

December 1, 2006

Edward C. Covahey, Jr.  
Covahey, Boozer, Devan & Dore, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

**RE: PETITIONS FOR VARIANCE**  
N/S Bayside Road, 400' W of Cedar Road  
(1/2 Lot 90 & Lots 91 and 92)  
15<sup>th</sup> Election District – 6th Council District  
Thomas K. Kinch, Petitioner(s)  
Case Nos. 07-072-A & 07-073-A

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance in Case No. 07-072-A has been granted with restrictions and the Petition for Variance in Case No. 07-073-A has been dismissed, 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 "Bill Wiseman", with a long horizontal line extending to the right.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw

c: Mr. Thomas Kinch, 2209 Coralthorn Road, Baltimore, Md. 21220  
Mr. Brian Palmer, 212A Stevens Road, Baltimore, Md. 21220  
Mr. John Goodman, 1213 Evergreen Lane, Essex, Md. 21221  
Mr. Carl Maynard, 1546 Denton Road, Baltimore, Md. 21221  
Mr. Doug Celmer, 1721 Beachwood Avenue, Essex, Md. 21221  
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,  
Annapolis, Md. 21401  
Office of Planning; DEPRM; People's Counsel; Case File

**BALTIMORE COUNTY, MARYLAND**

Inter-Office Correspondence

**TO:** Joseph C. Merrey, Esq.  
Department of Permits &  
Development Management

**DATE:** October 26, 2006

**FROM:** William J. Wiseman, III  
Zoning Commissioner *Bill*

**SUBJECT:** Case Nos. 07-072-A (Lot 92) & 07-073-A (1/2 Lot 90, Lot 91)  
Bayside Road - Property Zoning - R.C.5

This will serve to confirm our conversation regarding the captioned variance requests. Since the properties are owned by the same person (Thomas Kinch) and are located adjacent to one another, the two cases were heard contemporaneously by me on October 25, 2006. Following the hearing, I continued both cases to allow the Petitioner and his attorney, Edward C. Covahey, Esq. 30 days in order to consider filing an amended petition for variance with the accompanying amended site plan. I believe this should be filed in Case 07-073-A as most of the improvements will be located on Lots 90 and 91. As we briefly discussed, this is due largely to the opposition received from the adjacent neighbor and the community association as well as the zoning advisory comment received from the Office of Planning. What I believe will happen is that they will request a proposed home on all three lots or on two lots and the previous contemplated home which is shown in 07-072-A will be withdrawn and that case will be dismissed as moot.

In any event, I thought you would need the files in your office and following the receipt of the amended petition and new site plan, I would appreciate the return of the files with the exhibits inside. I do not see the need to repost the property or readvertise since the variance request, while somewhat different, will be minimized rather than expanded in nature. I leave this to your discretion. Please keep me informed of meaningful developments as will I in the event that I receive a letter that the contemplated amended petition and site plan will not be forthcoming.

WJW:dlw

c: Carl Richards, Supervisor, Zoning Review Office

RE: PETITION FOR VARIANCE  
Lot 92 Bayside Road; N/S Bayside Road,  
400' W Cedar Road  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Thomas K. Kinch  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 07-072-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 6th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Thomas Kinch, 2209 Coralhorn Road, Baltimore, MD 21220, Petitioner(s).

RECEIVED

SEP 06 2006

Per any

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

June 24, 2005

Mr. George Foertschbeck  
2808 Alden Road  
Baltimore, Maryland 21234

Re: Bayside Road Parcel 268  
Preliminary Assessment

Dear Mr. Foertschbeck:

Environmental Impact Review (EIR) has received and reviewed your preliminary assessment for the above-referenced property. We apologize for the delay in processing your request. Our office has discontinued the field portion of this service due to time constraints. However we have researched and compiled the available information in our office to generally describe the environmental constraints on the existing undeveloped lots and the environmental regulations that would apply.

The property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). LDA regulations pertaining to these lots include Baltimore County Code (BCC) section 33-2-603(b)(3) limiting impervious surfaces to 15% of the lot area for lots greater than ½ acre and less than 36,300 square feet or up to a maximum of 5,445 square feet with mitigation; and section 33-2-603(c)(3) limiting forest clearing to 20% of the forest onsite with one-to-one replacement by reforestation (or fee-in-lieu of \$.40/square foot), or up to 30% with one and one-half to one replacement by reforestation (or fee-in-lieu of \$.60/square foot) for all forest cleared. Clearing more than 30% of the forest onsite requires a Critical Area Administrative Variance with no guarantee of approval. Any fees must be paid prior to building permit approval. Enclosed for your information is a booklet about impervious surfaces within the Chesapeake Bay Critical Area.

According to the Soil Survey for Baltimore County, Maryland, the soil on these lots is Fort Mott loamy sand, which has rapid permeability and low moisture capacity.

If you have any questions or if I can be of assistance, please contact me at 410-887-3980.

Sincerely yours,

Martha Stauss  
Natural Resource Specialist  
Environmental Impact Review

**COVAHEY, BOOZER, DEVAN & DORE, P. A.**

**ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204**

**EDWARD C. COVAHEY, JR.  
F. VERNON BOOZER \*  
MARK S. DEVAN  
THOMAS P. DORE  
BRUCE EDWARD COVAHEY  
JENNIFER MATTHEWS HERRING  
FRANK V. BOOZER, JR.**

**410-828-9441**

**FAX 410-823-7530**

**ANNEX OFFICE  
SUITE 302  
606 BALTIMORE AVE.  
TOWSON, MD 21204  
410-828-5525  
FAX 410-296-2131**

**November 28, 2006**

**\*ALSO ADMITTED TO D.C. BAR**

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

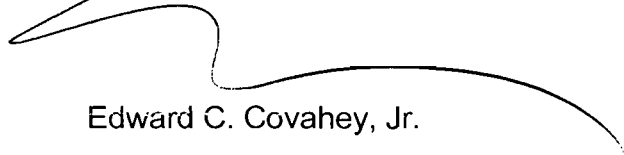
Re: Case Nos. 07-072-A and 07-073-A  
Lot 92 Bayside Road and 1/2 Lot 90 & 91  
Thomas K. Kinch, Petitioner

Dear Commissioner Wiseman:

Enclosed please find self-explanatory letter from Douglas Celmer who appeared as a protestant at the above-captioned hearing. It would appear that in accordance with your letter dated November 20, 2006, it would be appropriate to re-open the hearing.

Your indulgence is appreciated.

Very truly yours,



Edward C. Covahey, Jr.

ECC,Jr./ldr  
Enclosure  
1127ldr03  
cc: Mr. Thomas K. Kinch  
Mr. Douglas B. Celmer

Douglas Celmer  
1721 Beachwood Avenue  
Essex MD. 21221-5604

November 21, 2006

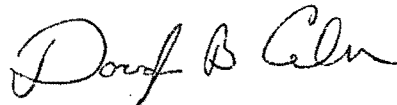
Edward C. Covahey, Jr.

Re. Lot 92, Bayside Drive  
Baltimore County Zoning Case No. 07-072 A

Dear Mr. Covahey

The revised plat and amended petition reflect the discussions at the zoning variance hearing. The lots have been combined to allow 1 residence as is allowed by current zoning regulations. I have spoken to Carl and he agrees the submission meets our agreed discussions. I have copied and initialed all three pages that you sent me for presentation to Baltimore County as evidence for our agreement. Thank you for your time and efforts. Please express our welcome to the community to Mr. Kinch.

Very Truly yours,

A handwritten signature in cursive script, reading "Doug B Celmer".

Douglas B. Celmer

[illegible]

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

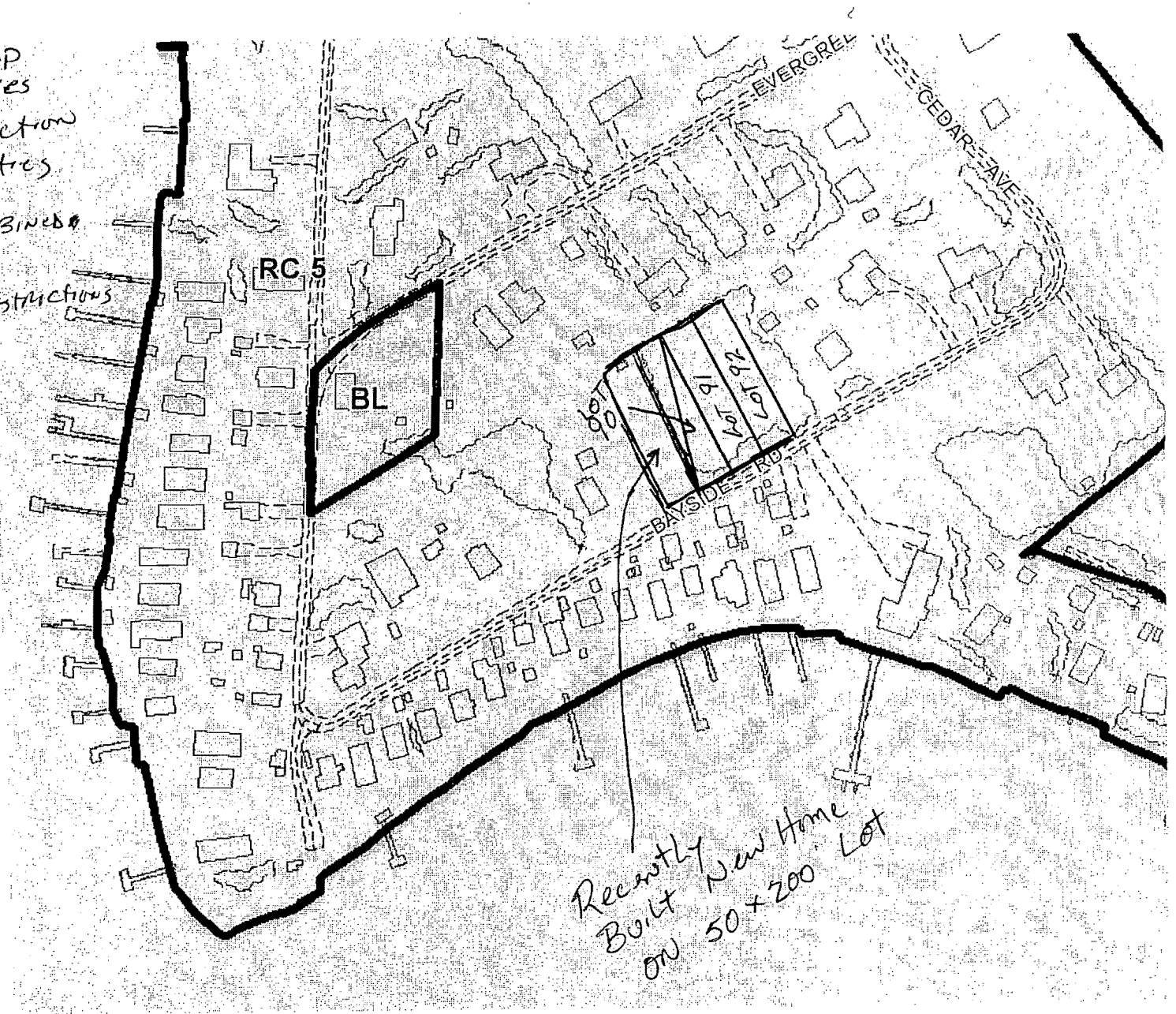
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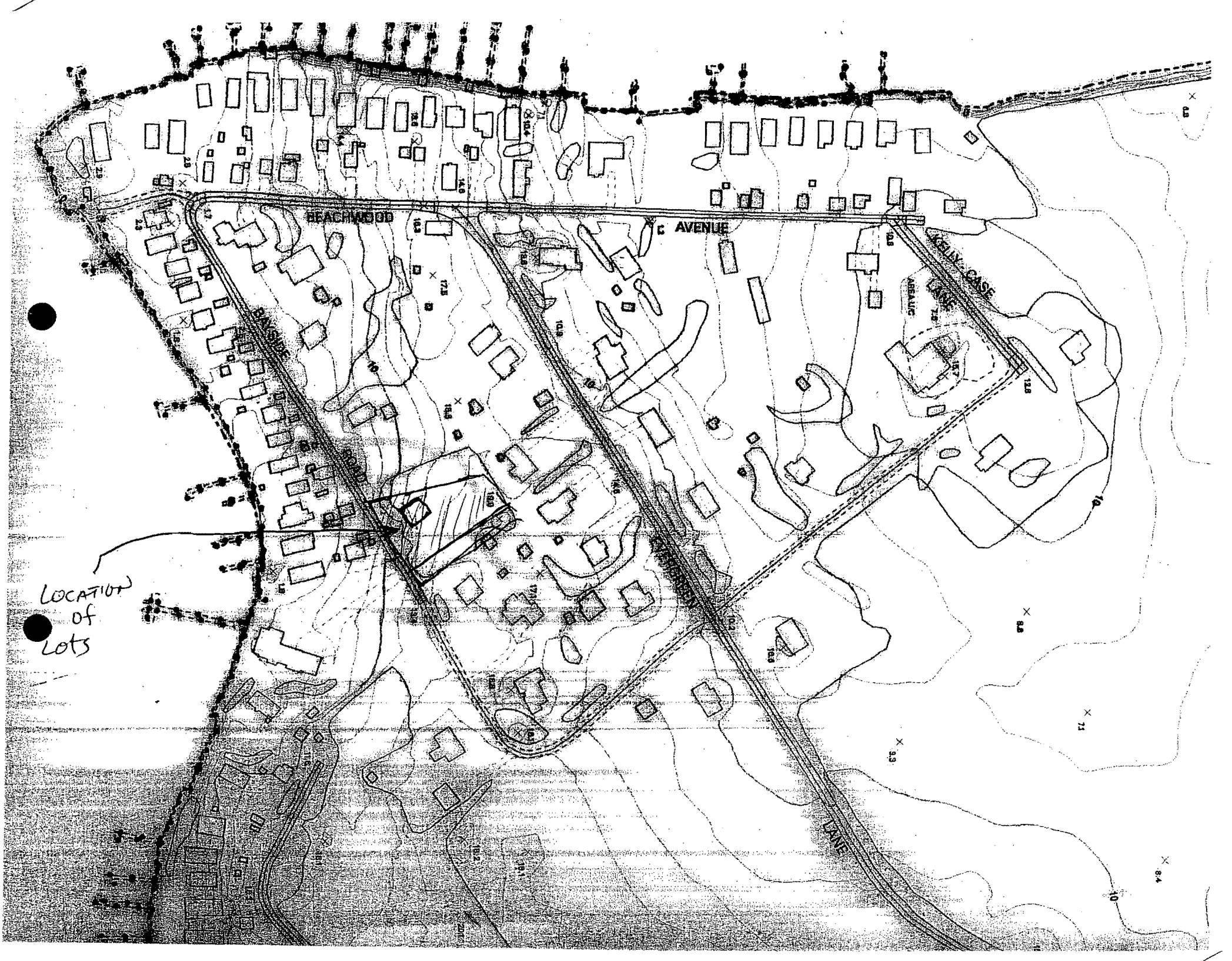
- ① Minimal Traffic
- ② DUAL Grinder Pump for Both Properties
- ③ Dual Water Connection for Both Properties
- ④ Both Homes Combined

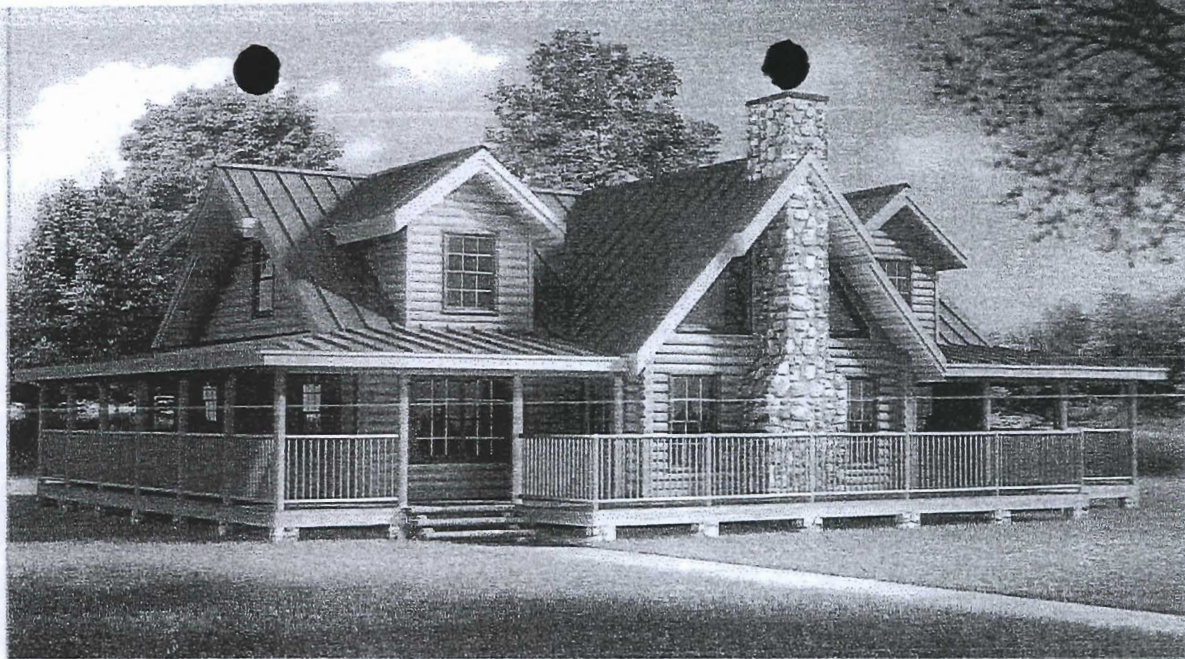
● Will NOT SURPASS  
Tree Removal Restrictions  
& NO ~~PREVIOUS~~ LAND  
RESTRICTIONS

- ⑤ Will Clean-up  
Lot & Replace  
Dead Trees

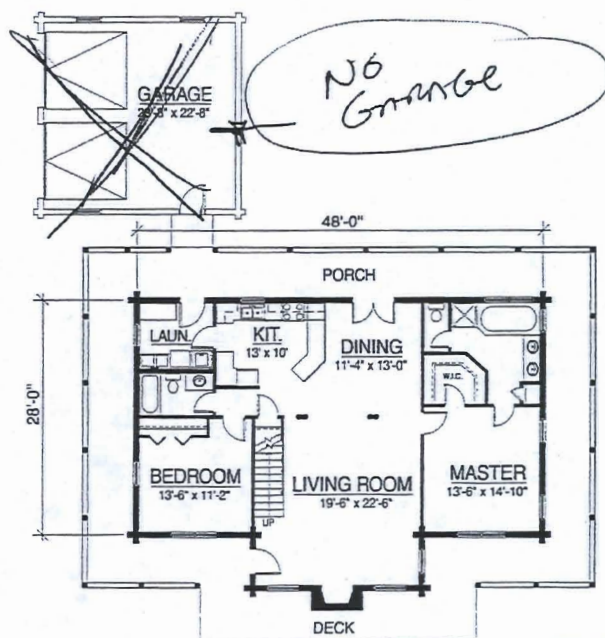
- ⑥ Paying taxes  
ALREADY without  
Benefit of water  
● & Sewer



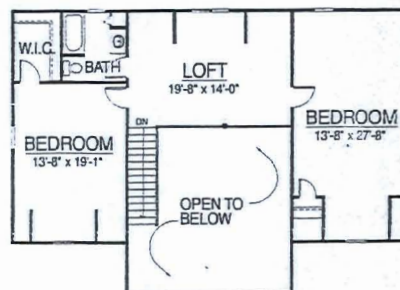




Maintaining balance in life is essential to enjoying your lifestyle of choice. This charming home adds perfect symmetry to your living space. Take in the night sky or gentle breezes on the wrap-around porch or enjoy the view from the loft overlooking the rich details of the great room.



Building A  
LOG CABIN style  
House. Within  
The Trees



# IMPORTANT MESSAGE

FOR Bee

DATE 11-30 TIME 11:00 A.M. P.M.

M Linda

OF Cowboy's office

PHONE \_\_\_\_\_

AREA CODE

NUMBER

EXTENSION

☐ FAX

☐ MOBILE

AREA CODE

NUMBER

TIME TO CALL

|                    |                                     |                   |  |
|--------------------|-------------------------------------|-------------------|--|
| TELEPHONED         | <input checked="" type="checkbox"/> | PLEASE CALL       |  |
| CAME TO SEE YOU    |                                     | WILL CALL AGAIN   |  |
| WANTS TO SEE YOU   |                                     | RUSH              |  |
| RETURNED YOUR CALL |                                     | SPECIAL ATTENTION |  |

MESSAGE Re: Kinca 07-072-A

07-073-A

"Does not want a hearing"

SIGNED \_\_\_\_\_



FORM 3002P  
MADE IN U.S.A.

Case No.:

07-072 A

Lot 92 BAYSIDE RD

## Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                                                                |  |
|--------|--------------------------------------------------------------------------------|--|
| No. 1  | SITE PLAN                                                                      |  |
| No. 2  | Plot of Evergreen Park<br>October 1924                                         |  |
| No. 3  | DEED 8/14/43<br>Bisects Lot 90                                                 |  |
| No. 4  | DEED 3-18-59<br>to Forstschueck + wife<br>Mr. Kinch's Predecessors in interest |  |
| No. 5  | DEED 2-10-06<br>To Forstschueck to KINCH                                       |  |
| No. 6  | Letter - Sanitary Sewer<br>6/13/06                                             |  |
| No. 7  | PHOTO'S Collectively<br>7A thru 7G<br>Pattern of Dev.                          |  |
| No. 8  | Topo Maps -<br>Pattern of Development                                          |  |
| No. 9  | AERIAL MAP                                                                     |  |
| No. 10 | REVISED SITE PLAN<br>(with revised Petition)                                   |  |
| No. 11 |                                                                                |  |
| No. 12 |                                                                                |  |

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

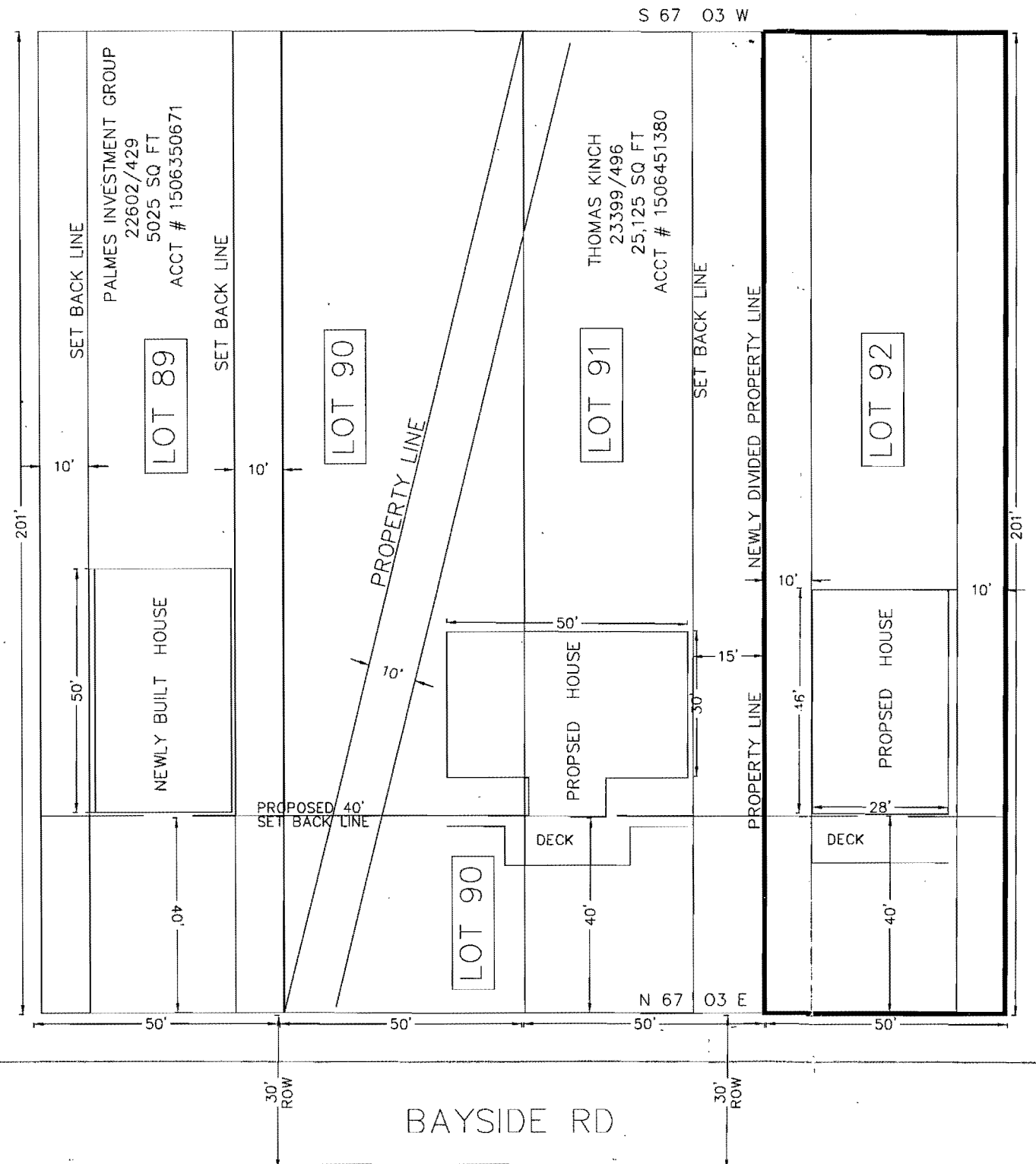
PROPERTY ADDRESS LOT 92

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME EVERGREEN PARK

PLAT BOOK # 104 FOLIO # 174 LOT # 91 SECTION # 7/174

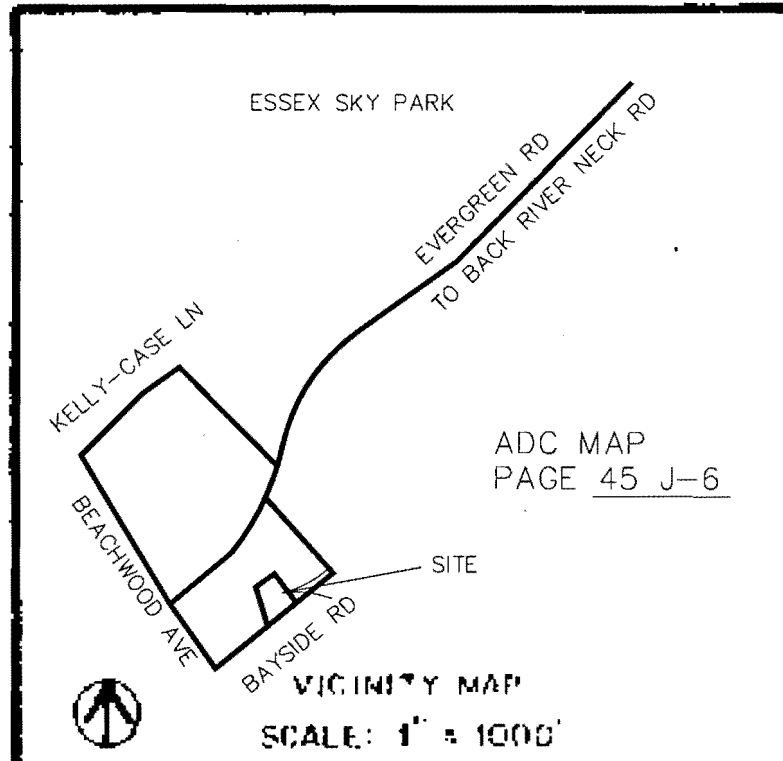
OWNER THOMAS K. KINCH



JOHN L. ADAMS  
14738/17  
10,050 SQ FT  
ACCT # 1518350580

LOT 93

Vacant Lot



## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 1" = 30'

ZONING RC-5

LOT SIZE .576 ACRES 25,125 SQ FT  
ACREAGE SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              | YES                                 | NO                       |
|------------------------------|-------------------------------------|--------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                      |                          |                                     |
|----------------------|--------------------------|-------------------------------------|
| 100 YEAR FLOOD PLAIN | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------|--------------------------|-------------------------------------|

|                             |                          |                                     |
|-----------------------------|--------------------------|-------------------------------------|
| HISTORIC PROPERTY/ BUILDING | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------|--------------------------|-------------------------------------|

PRIOR ZONING HEARING

## ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

PREPARED BY THOMAS K. KINCH

SCALE OF DRAWING: 1" = 30'

07-072A  
PETITIONER'S

EXHIBIT NO. 1



507

said Mortgage is true and bona fide as therein set forth  
(Notarial Seal)

Edna V Chaney

Notary Public

Received Aug 16 1943 at 2 P M & Exd per

Robert J Spittel - Clerk

(Rod MP)

Examiners (255)

1/2 90

15082

Mamie R Sheppard & et al

Deed to

George H Stephan & Wife

For \$1.55 Bts \$1.10

of said City and State of the second part

This Deed Made this 14th day of August in the year  
one thousand nine hundred and forty-three by and  
between Mamie R Sheppard and Elsworth D Sheppard  
her husband and Charlotte S Hartman Widow of  
Baltimore City in the State of Maryland of the first  
part and George H Stephan and Agatha Stephan his wife

Witnesseth that in consideration of the sum of Five Dollars (\$5.00) and diverse  
other good and valuable considerations the receipt whereof is hereby acknowledged the  
said parties of the first part do grant and convey unto the said parties of the  
second part as tenants by the entireties their assigns the survivor of them and the heirs  
and assigns of such survivor in fee simple all that lot of ground situate lying and being  
in the Fifteenth Election District of Baltimore County and described as follows that is  
to say

Beginning for the same on the Northwest side of Bayside Road at the division line  
between Lots Nos 89 and 90 as laid out on the plat of Evergreen Park which plat  
is recorded among the Plat Records of Baltimore County in Plat Book W P O No 7 folio 174  
and thence binding on said division line North thirty degrees thirty-six minutes West  
two hundred and one and seventy-five one-hundredths feet to the division line between  
lots Nos 90 and 107 as laid out on said plat thence binding on said division line North  
sixty-seven degrees three minutes East fifty feet to the division line between Lots  
Nos 90 and 91 as laid out on said plat and thence running for a new line of division  
as now made South sixteen degrees twenty-one minutes East two hundred and one and twenty-  
eight one-hundredths feet to the place of beginning Being one-half of Lot No 90 as laid

PETITIONER'S

EXHIBIT NO.

3

out on the aforesaid plot of Evergreen Park

BRING part of the lots or parcels of ground which by deed dated October 15 1937 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 1015 folio 280 etc were granted and conveyed by Paul R Hassencamp et al Receivers to J J Scoggins in fee simple the said J J Scoggins having died on or about May 16 1940 and by his Last Will and Testament duly probated and recorded among the Wills Records of Baltimore City in Wills Liber J H B No 200 folio 253 etc (a certified copy thereof being recorded among the Wills Records of Baltimore County in Wills Liber J P C NO 36 folio 237) devised and bequeathed all the rest and residue of his estate including the lot hereby conveyed to his daughters Mamie R Sheppard and Charlotte S Hartman absolutely

Together with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or anywise appertaining

To Have and To Hold the said lot of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor in fee simple

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite

Witness the hands and seals of said grantors the day and year first above written  
Test:

Louis T Hofferbert

Mamie R Sheppard (Seal)

Ellsworth D Sheppard (Seal)

Charlotte S Hartman (Seal)

STATE OF MARYLAND CITY OF BALTIMORE to wit:

I HEREBY CERTIFY That on this 14th day of August in the year one thousand nine hundred and forty-three before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared Mamie R Sheppard and Ellsworth D Sheppard her husband and Charlotte S Hartman Widow known to me (or satisfactorily proven) to the above named grantors and severally acknowledged the foregoing Deed to be their respective act

As Witness my hand and Notarial Seal

( Notarial Seal)

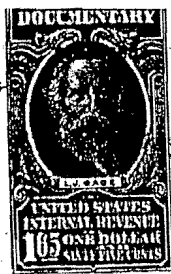
Louis T Hofferbert

Notary Public

My commission expires May 7 1945

Received Aug 13 1943 at 2:30 P M & 1st par - Robert J Spittel - Clerk

(Red MP)



**This Deed,** Made this 18th day of March - - - - -

in the year one thousand nine hundred and fifty-nine - - , by and between CHARLOTTE S. HARTMAN, Widow, and MAMIE R. SHEPPARD, Widow, - - - - -

of Baltimore City - - - - - in the State of Maryland, of the first part, and  
GEORGE L. FOERTSCHBECK and MARY ESTELLE FOERTSCHBECK, his wife, of Baltimore  
County - - - - -  
of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of all of which is hereby acknowledged

the said CHARLOTTE S. HARTMAN, widow and MAMIE R. SHEPPARD, widow - - - - -

do grant and convey unto the said GEORGE J. FOERTSCHBECK and MARY ESTELLE FOERTSCHBECK, his wife, as tenants by the entirety, their assigns, the survivor of them and the heirs and assigns of such survivor, in fee simple - - - - -

~~XXXXXX~~ assigns, to be simple, all those lots - - - - of the ground, situate, lying and being in Baltimore County - - - - - , aforesaid, and described as follows, that is to say:—

~~Beginning at~~ BEING KNOWN as One-half of Lot No. 90, and Lots Nos. 91 and 92 as shown on the Plat of Evergreen Park, which Plat is recorded among the Land Records of Baltimore County in Liber WPC, No. 7, folio 174.

BEING the same lots of ground and premises which by Deed dated October 15th, 1937 and recorded among the Land Records of Baltimore County in Liber CWPJr. No. 1015, folio 280 was granted and conveyed by Paul R. Hassen camp and Paul M. Higinbotham, Receivers, to J. J. Scoggins, widower.

The said J. J. Scoggins, widower, died in Baltimore City leaving a Last Will and Testament recorded among the records of the Register of Wills in Baltimore City, wherein the above lots of ground and premises were devised and bequeathed unto his children, Charlotte S. Hartman and Mamie R. Sheppard. Mamie R. Sheppard was married to Ellsworth D. Sheppard who died on January 5th, 1953 in Baltimore City.

PETITIONER' S

EXHIBIT NO.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said GEORGE L. FOERTSCHBECK and MARY ESTELLE FOERTSCHBECK, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of such survivor, in fee simple.

~~WITNESSES THE HANDS AND SEALS OF SAID GRANTORS.~~

And the said parties of the first part hereby covenant that they have - - - - - not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST: *Mrs. Louise Smith*  
Mrs. Louise Smith

*Charlotte S. Hartman*  
CHARLOTTE S. HARTMAN (SEAL)

*George L. Lochboehler*  
George L. Lochboehler

*Mamie R. Sheppard*  
MAMIE R. SHEPPARD (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 18th day of March - - - - - in the year one thousand nine hundred and fifty-nine - - - - -, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City - - - aforesaid, personally appeared CHARLOTTE S. HARTMAN, widow, and MAMIE R. SHEPPARD, widow

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

*George L. Lochboehler*  
George L. Lochboehler Notary Public.

Rec'd for record MAR 20 1959 at 10<sup>39</sup> A M  
Per Walter J. Rasmussen, Clerk  
Mail to *George L. Lochboehler*  
Receipt No. 214

21422  
**DEED**

FROM

CHARLOTTE S. HARTMAN, widow &

MAmie R. SHEPARD, widow

GEORGE L. FOERTSCHBECK and

MARY ESTELLE FOERTSCHBECK, wife

BLOCK NO. ....

Received for Record *March 20 1959*  
at *10<sup>39</sup>* o'clock *A.* M. Same day recorded  
in Liber *708* No. *3501* Folio *11* &c.,  
one of the Land Records of

Balto. Co.

....., and examined per  
*Walter H. Rasmussen*....., Clerk.

Cost of Record, \$.....

George L. Lochboehler, Attorney  
Suite 30  
2 E. Lexington Street  
Baltimore 2, Maryland

LExington 9-7040

THE DAILY RECORD COMPANY, BALTIMORE, MD.

*6.00*

This Deed, made this 10th day of February, 2006, by and between George Foertschbeck, party of the first part, Grantor; and Thomas Kinch, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Ninety Two Thousand Five Hundred Dollars 00/100 (\$92,500.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Thomas Kinch, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

All those pieces or parcels of land, lying, situate and being in the 15<sup>th</sup> Election District of Baltimore County, State of Maryland and being further described as follows to wit:

BEGINNING FOR THE FIRST and being known and designated as Lot 91 and Lot 92, as shown on the Plat of Evergreen Park, which is recorded among the Land Records of Baltimore County, in Plat Liber WPC No. 7, folio 174.

Containing 0.463 of an acre of land, more or less.

BEGINNING FOR THE SECOND on the North side of Bayside Road, 30 feet wide, at the division line of Lots 89 and 90 as shown on the Plat of Evergreen Park, which is recorded among the Land Records of Baltimore County in Plat Liber WPC No. 7, folio 174, running thence on said North side of Bayside Road, as this description is now compiled from deeds and plats,

1. North 67 degrees 03 minutes East 50 feet to the division line of Lots 90 and 91, thence leaving said Bayside Road and running and binding on said division line of Lots 90 and 91,
2. North 30 degrees 36 minutes West 201.75 feet to the division line of Lots 90 and 107, and to the beginning of the last or South 16 degrees 21 minutes East 201.28 foot line of the 2<sup>nd</sup> parcel of land, which by Deed dated, September 22, 2005, and recorded among the Land Records of Baltimore County in Liber SM 22602, folio 429, was conveyed by Dennis M. Doyle et. ux. to The Palms Investment Group, LLC, thence running and binding on said last line and through said Lot 90,
3. South 16 degrees 21 minutes East 201.28 feet to the place of beginning.

Containing 0.116 of an acre of land, more or less, or 5,044 square fee of land, more or less.

BEING one half of Lot 90, Plat of Evergreen Park, which is recorded among the Land Records of Baltimore County in Plat Liber WPC No. 7, folio 174, as described in a deed dated March 18, 1959, and recorded among the Land Records of Baltimore County in deed Liber 3501, folio 11, which was conveyed by Charlotte S. Hartman and Mamie R. Sheppard to George Foertschbeck and Mary Estelle Foertschbeck, his wife.

BEING the fee simple property, which by Deed dated March 18, 1959, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 3501, Folio 11, was granted and conveyed by Charlotte S. Hartman

and Mamie R. Sheppard unto George L. Foertschbeck and Mary Estelle Foertschbeck.

The said Mary Estelle Foertschbeck departed this life on the 25 day of MARCH 2004 thereby vesting fee simple title into George L. Foertschbeck by right of survivorship.

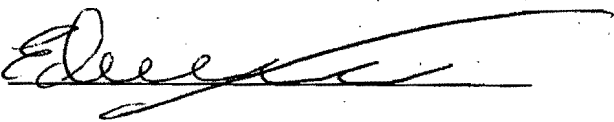
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

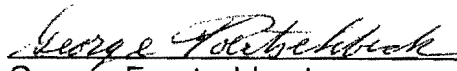
To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Thomas Kinch, as sole owner, in fee simple.

And the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:

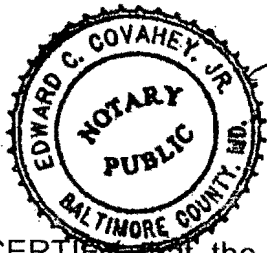


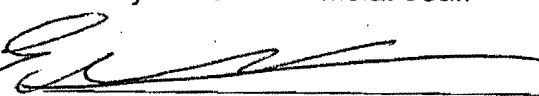
 {Seal}  
George Foertschbeck

STATE OF MARYLAND, COUNTY OF MALDEN, to wit:

I hereby certify that on this 10th day of February, 2006, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared George Foertschbeck, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



  
Notary Public

My commission expires: 1/1/09

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

  
Attorney

AFTER RECORDING, PLEASE RETURN TO:  
Title Warrantee Corporation  
606 Baltimore Avenue  
Suite #306  
Towson, MD 21204

## Department of Public Works

Metropolitan District Financing and Petitions  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Tel: 410-887-3363 • Fax: 410-825-0163



## Baltimore County

*James T. Smith, Jr., County Executive*  
*Edward C. Adams, Jr., Director*

June 13, 2006

Thomas Kinch  
2209 Coralthorn Road  
Baltimore, MD 21220-4804

Dear Property Owner:

This letter is to advise you that the sanitary sewer main extension to serve your property located at ns Bayside Road, lt 91, 92 & pt lt 90, "Evergreen Park" 7-174, property account # 15-06-451380, has been completed and is now available for service. The following information pertains to connecting to the sewer main and the billing of charges.

In accordance with Articles 20-2-102 and 20-2-105 of the Baltimore County Code 2003 and departmental policy, you must connect your property to public sewer and abandon the septic system within one year of the date of this notice. However, if you have received a violation notice from the Department of Environmental Protection & Resource Management (DEPRM) that your sewage disposal system is failing, connection to public sewer must be made within the next thirty (30) days. Your plumber may apply for a permit for completing the connection. Application must be made by a master plumber to the Division of Permits and Licenses, Room 100, County Office Building. If you are interesting in a quotation of the cost of your plumber's permit, please call the Division of Permits and Licenses at 410-887-3614.

Please refer to the notice of assessment to review the charges for the construction of the sewer system and connections.

- a. The annual sewer benefit charge will be added to your July 1, 2006 property tax bill with no further notice or bill forthcoming. If you wish to pay the assessment in full in lieu of annual payments, call 410-887-2430, or send a check made payable to "Baltimore County, MD", to:

Metropolitan District Financing & Petitions  
111 W. Chesapeake Avenue, Room 313  
Towson, MD 21204  
Attention: Linda Leake

- b. A "construction loan charge" will be added to your July 1, 2006 property tax bill to bill for the deficit charge and, if a connection was installed for your property, a sewer system and a property connection charge. If you wish to pay any or all of the charges in full in lieu of annual payments, call 410-887-4100, Office of Budget & Finance, or send a check made payable to "Baltimore County, MD", to:

Office of Budget & Finance  
400 Washington Avenue, Room 150  
Towson, MD 21204  
Attention: Alice Stevenson

**PETITIONER'S**

**EXHIBIT NO.**

6

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



- a. If your original schedule of charges referred to "deferred" charges, the deferred benefit and deferred deficit charges will be set up as liens on your property, but no annual charge will be levied at this time. However, these charges may become payable in part or in full if the property is subdivided or a connection to the sewer is installed.

Until your property is connected to the public water system, Sewer Service charges will be based on plumbing fixtures. Fixture based Sewer Service charges are billed as follows:

- a. Permits issued during the calendar year between April 1 and June 30 will include prepayment of Sewer Service charges for the tax year beginning the following July 1. Annual Sewer Service charges are levied on property tax bills each July 1 thereafter.
- b. Permits issued during the calendar year between July 1 and March 31 will include pro-rated Sewer Service charges for the current tax year. Annual Sewer Service charges are levied on property tax bills the following July 1 and each year thereafter.
- c. After your property is connected to the public water system, your Sewer Service charge will be computed using the quarterly water consumption readings provided to us by the Baltimore City Department of Water and Wastewater. Sewer Service charges levied for each tax year beginning in July will be computed using the 100% of the consumption readings from the prior calendar year. The current Sewer Service rate is \$27.66 per 1,000 cubic feet of water, subject to a minimum charge of \$40.00.

If you have any questions, please call this office at 410-887-2430, Monday thru Friday, between 8:00 am and 4:00 p.m.

Sincerely,



Linda Leake  
Chief

LGL/I

C: file

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said GEORGE L. FOERTSCHBECK and MARY ESTELLE FOERTSCHBECK, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of such survivor, in fee simple.

~~WITNESSES THE HANDS AND SEALS OF SAID GRANTORS.~~

And the said parties of the first part hereby covenant that they have - - - - - not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST: *Mrs. Louise Smith*  
Mrs. Louise Smith

*Charlotte S. Hartman*  
CHARLOTTE S. HARTMAN (SEAL)

*George L. Lochboehler*  
George L. Lochboehler

*Mamie R. Sheppard*  
MAMIE R. SHEPPARD (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 18th day of March - - - - - in the year one thousand nine hundred and fifty-nine - - - - -, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City - - - aforesaid, personally appeared CHARLOTTE S. HARTMAN, widow, and MAMIE R. SHEPPARD, widow

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

*George L. Lochboehler*  
George L. Lochboehler Notary Public.

Rec'd for record MAR 20 1959 at 10<sup>39</sup> A M  
Per Walter J. Rasmussen, Clerk  
Mail to *George L. Lochboehler*  
Receipt No. 214

21422  
**DEED**

FROM

CHARLOTTE S. HARTMAN, widow &

MAmie R. SHEPARD, widow

GEORGE L. FOERTSCHBECK and

MARY ESTELLE FOERTSCHBECK, wife

BLOCK NO. ....

Received for Record *March 20 1959*  
at *10<sup>39</sup>* o'clock *A.* M. Same day recorded  
in Liber *708* No. *3501* Folio *11* &c.,  
one of the Land Records of

Balto. Co.

....., and examined per  
*Walter H. Rasmussen*....., Clerk.

Cost of Record, \$.....

George L. Lochboehler, Attorney  
Suite 30  
2 E. Lexington Street  
Baltimore 2, Maryland

LExington 9-7040

THE DAILY RECORD COMPANY, BALTIMORE, MD.

*6.00*

Picture 1  
Shows House NEXT DOOR  
w/ 50' x 200' Lot



PETITIONER'S

EXHIBIT NO. 7A

Plat. 7B

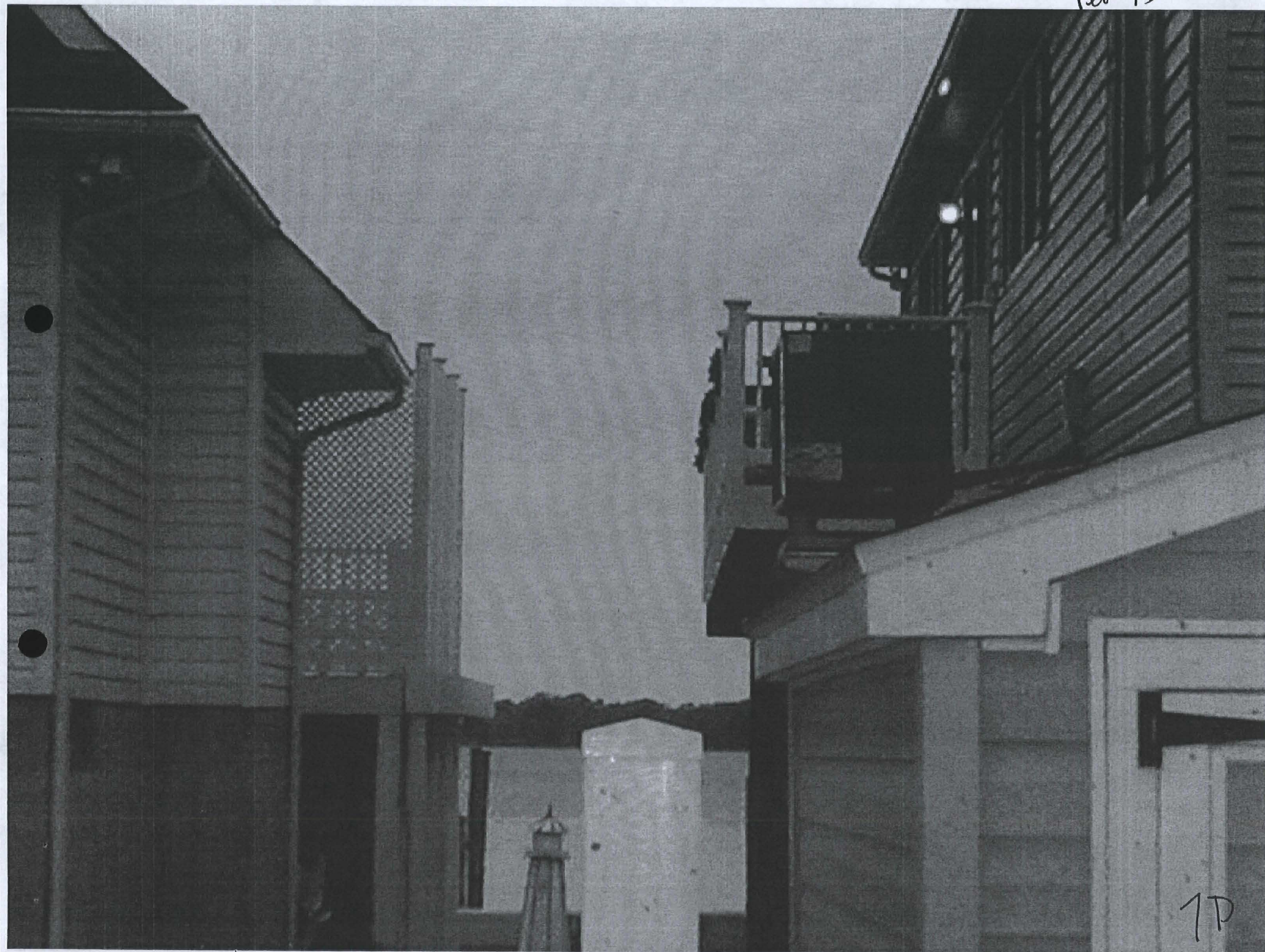


Pet. 7C



Pet. 7C

Pet. 1D



1D

Pst. 7E



7E

Pet: 7F



~~County~~ 7F  
Would Like To  
Clean-up Both lots  
AT The Same Time

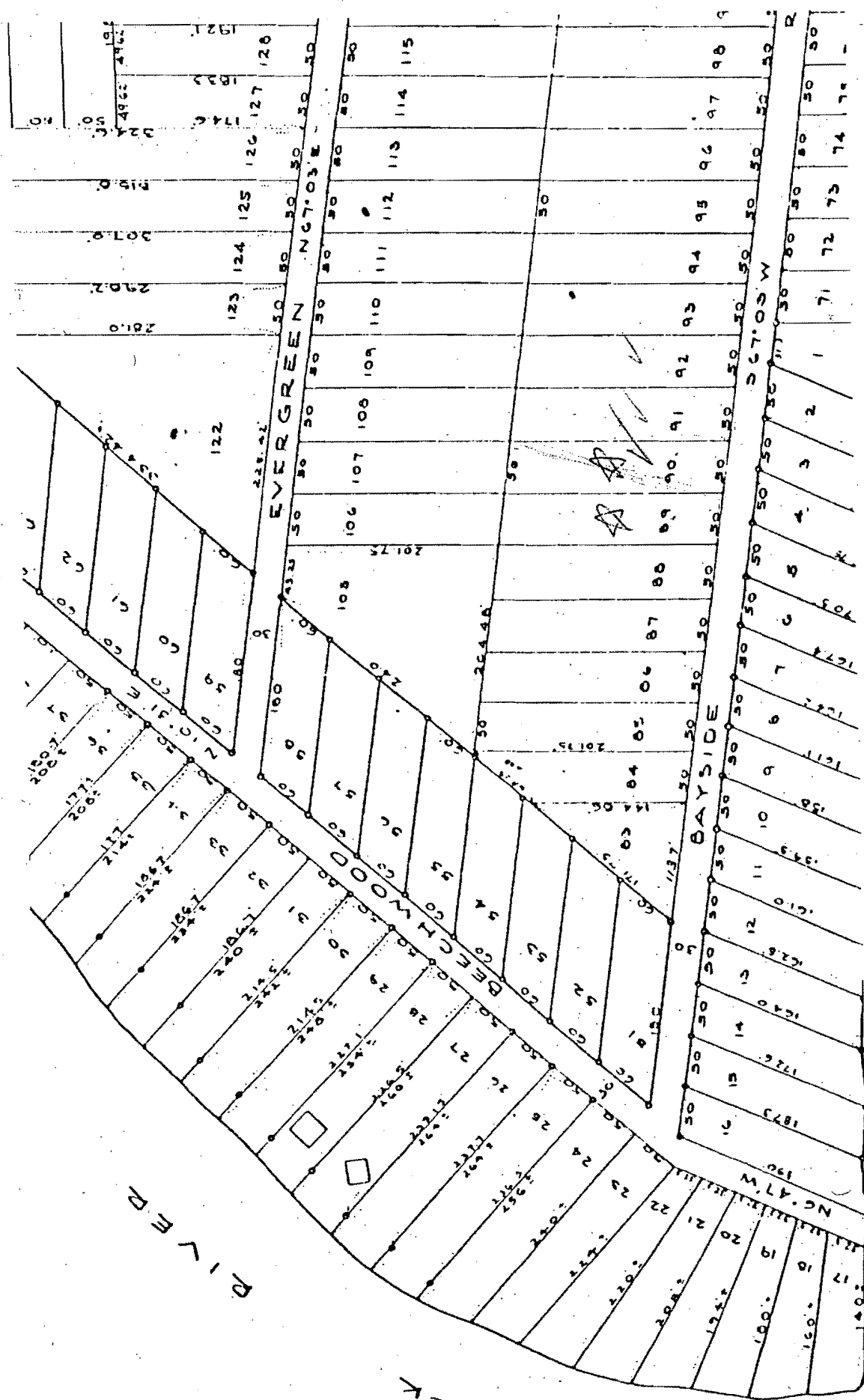
Pet 76



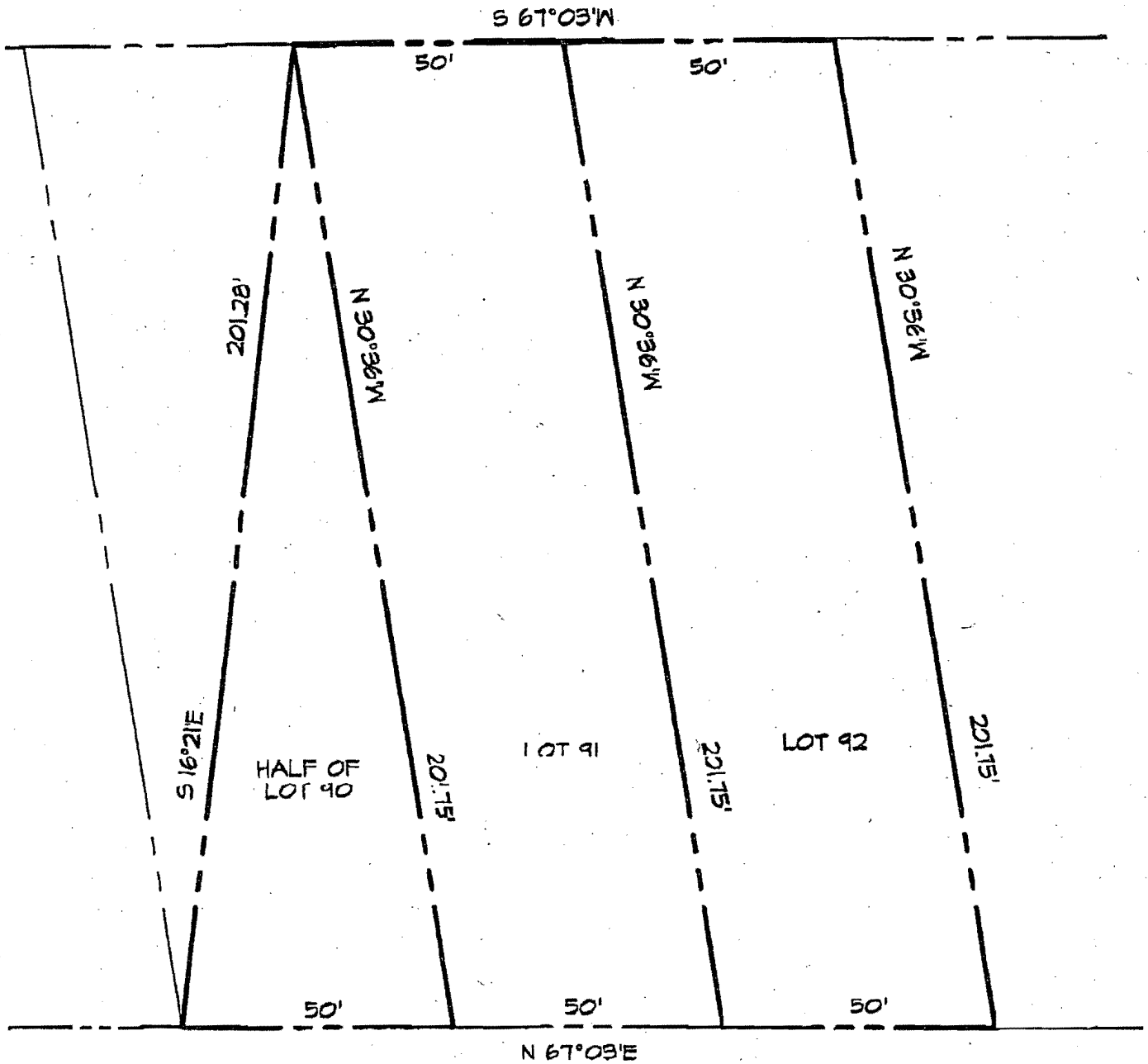


County is using my property  
for water & sewer project  
without permission





0023399 498



BAYSIDE ROAD

1. PLAT OF EVERGREEN PARK  
PLAT LIBER 7, FOLIO 174
2. COMPILED FROM DEEDS AND PLATS.

*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.



BRIAN R. DIETZ  
PROFESSIONAL LAND SURVEYOR #21080

7867 OAKDALE AVENUE  
BALTIMORE MD. 21287  
PH 410-686-1198  
FAX 410-682-6021

PLAT TO ACCOMPANY A  
DEED DESCRIPTION

of

BAYSIDE ROAD  
BALTIMORE COUNTY, MD.

DRAWN: BRD

DATE: 02-09-06

JOB NO. 06044

SCALE: 1"=80'

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of Section 10-912 of Maryland's Tax Article.

0023399 499

|                           |                                                                                                                                                                                                                                                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Transferor Information |                                                                                                                                                                                                                                                                                                                      |
| Name of Transferor        | George Foertschbeck                                                                                                                                                                                                                                                                                                  |
| 2. Reason for Exemption   |                                                                                                                                                                                                                                                                                                                      |
| Resident Status           | <input checked="" type="checkbox"/> I, Transferor, am a resident of the State of Maryland.<br><input type="checkbox"/> Transferor is a resident entity under Section 10-912(A)(4) of Maryland's Tax General Article, I am an agent of Transferor, and I have authority to sign this Document on Transferor's behalf. |
| Principal Residence       | <input type="checkbox"/> Although I am no longer a resident of the State of Maryland, the Property is my Principal residence as defined in IRC Section 121.                                                                                                                                                          |
| Foreclosure               | <input type="checkbox"/> This is a transfer of REO property acquired by the grantor in a foreclosure Action and conveyed herein to a third party.<br><input type="checkbox"/> This is a transfer of foreclosed property from the Substitute Trustees to the secured party or a third party bona fide purchaser.      |
| Other                     | <input type="checkbox"/> This is a transfer from the U.S. of America and its instrumentalities, or the State of Maryland and its instrumentalities and/or 24 political subdivisions.                                                                                                                                 |

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

|                                                                                                |                                                                                  |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| 3a. Individual Transferors                                                                     |                                                                                  |
| <br>Witness | <u>George Foertschbeck</u><br>Name<br><u>George J. Foertschbeck</u><br>Signature |
| Witness                                                                                        | Name<br>Signature                                                                |
| b. Entity Transferors                                                                          |                                                                                  |
| Witness                                                                                        | Name of Entity<br>By<br>Name<br>Title                                            |

## AFFIDAVIT AS TO TOTAL PAYMENT

The undersigned certify under the penalties of perjury, that the following is true to the best of my/our knowledge and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "Withholding Law"):

1. That I am/we are the transferor(s) or the agent(s) of the transferor(s), if so indicated, of that real property described in the accompanying deed.
2. The amount of total payment for the purpose of the Withholding Law is \$ -0-.

DATED this 10 day of FEBRUARY, 2008.

WITNESS:

TRANSFEROR(S)

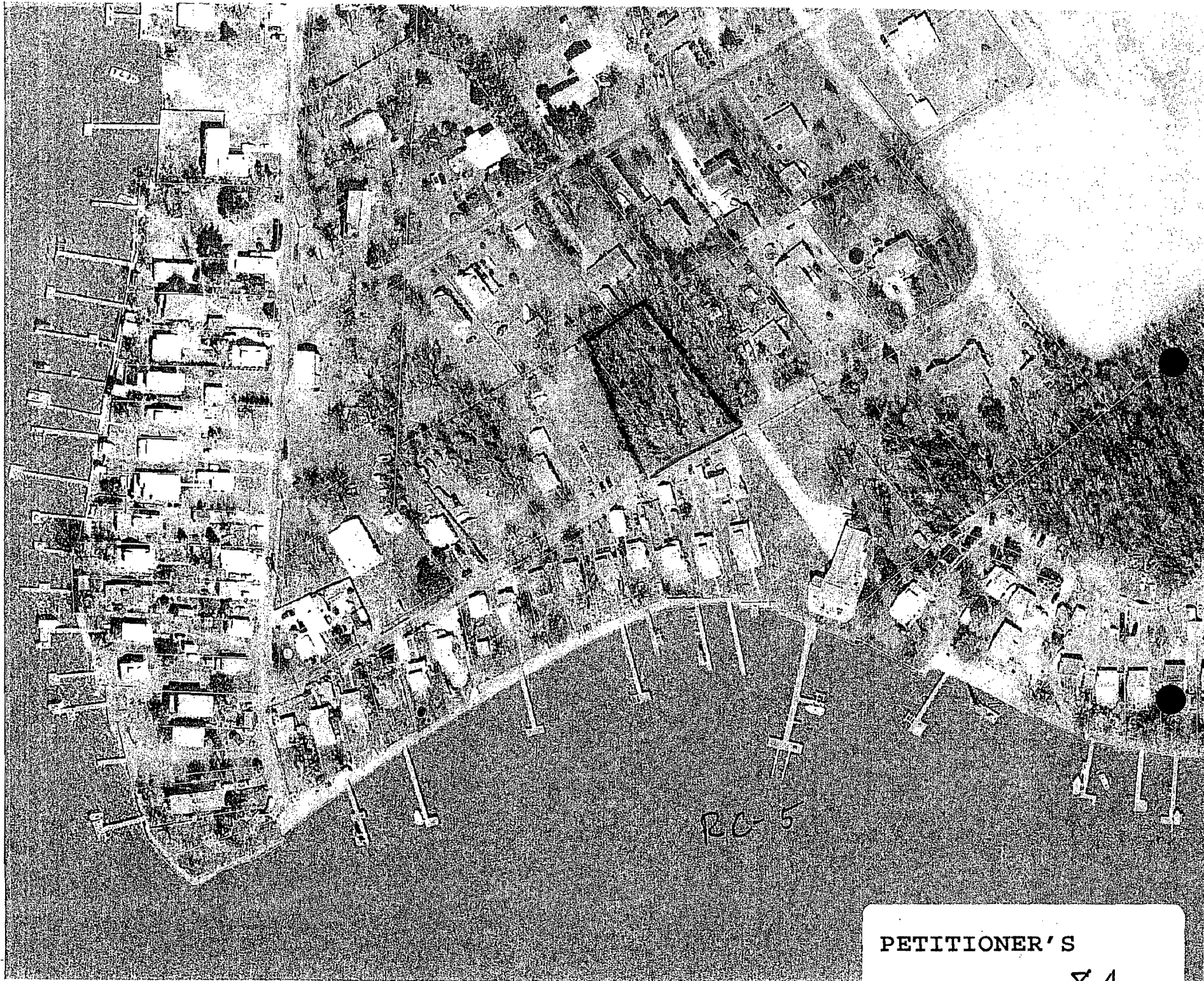
[Signature]

George Foertschbeck  
George Foertschbeck

\_\_\_\_\_

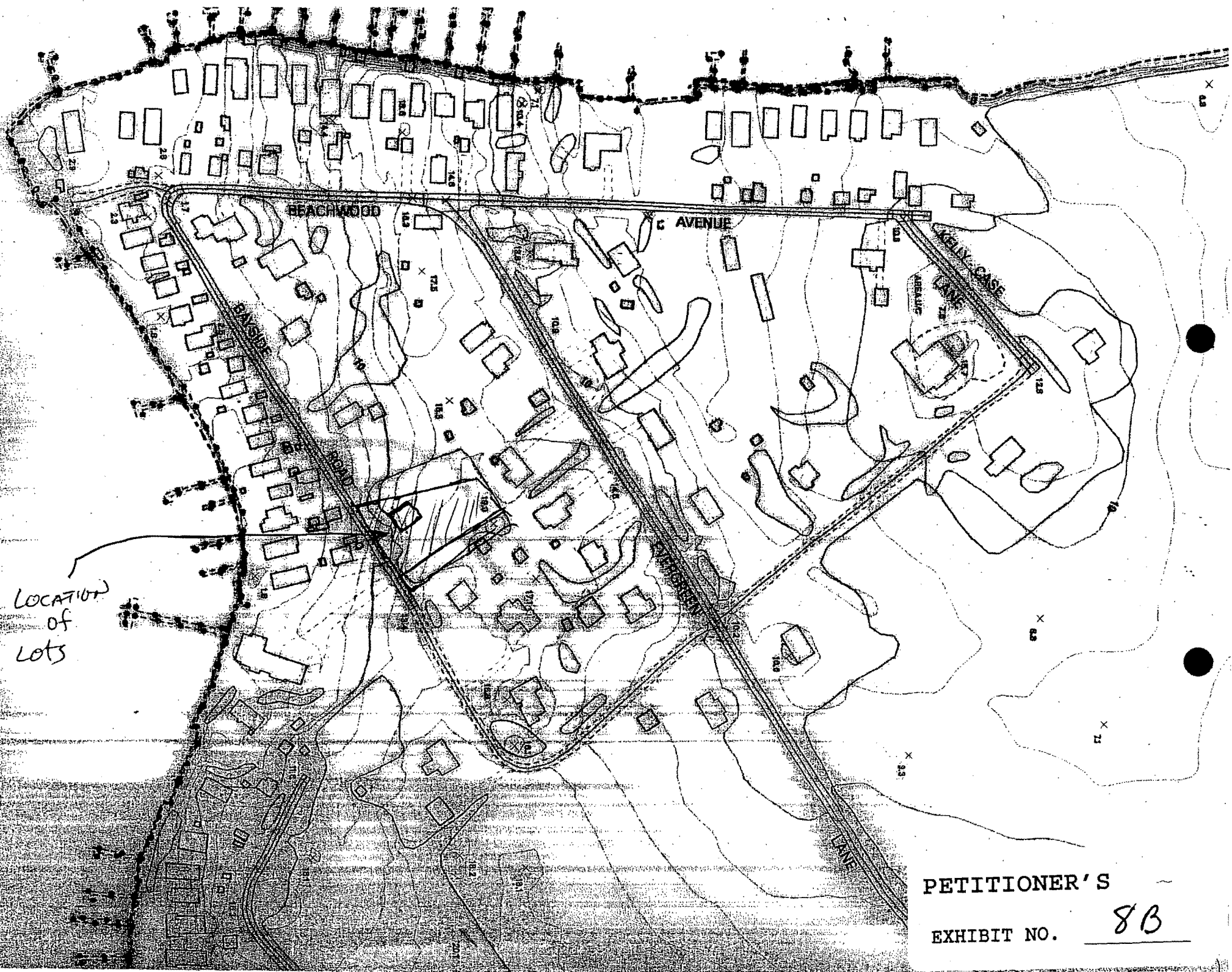
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PETITIONER'S

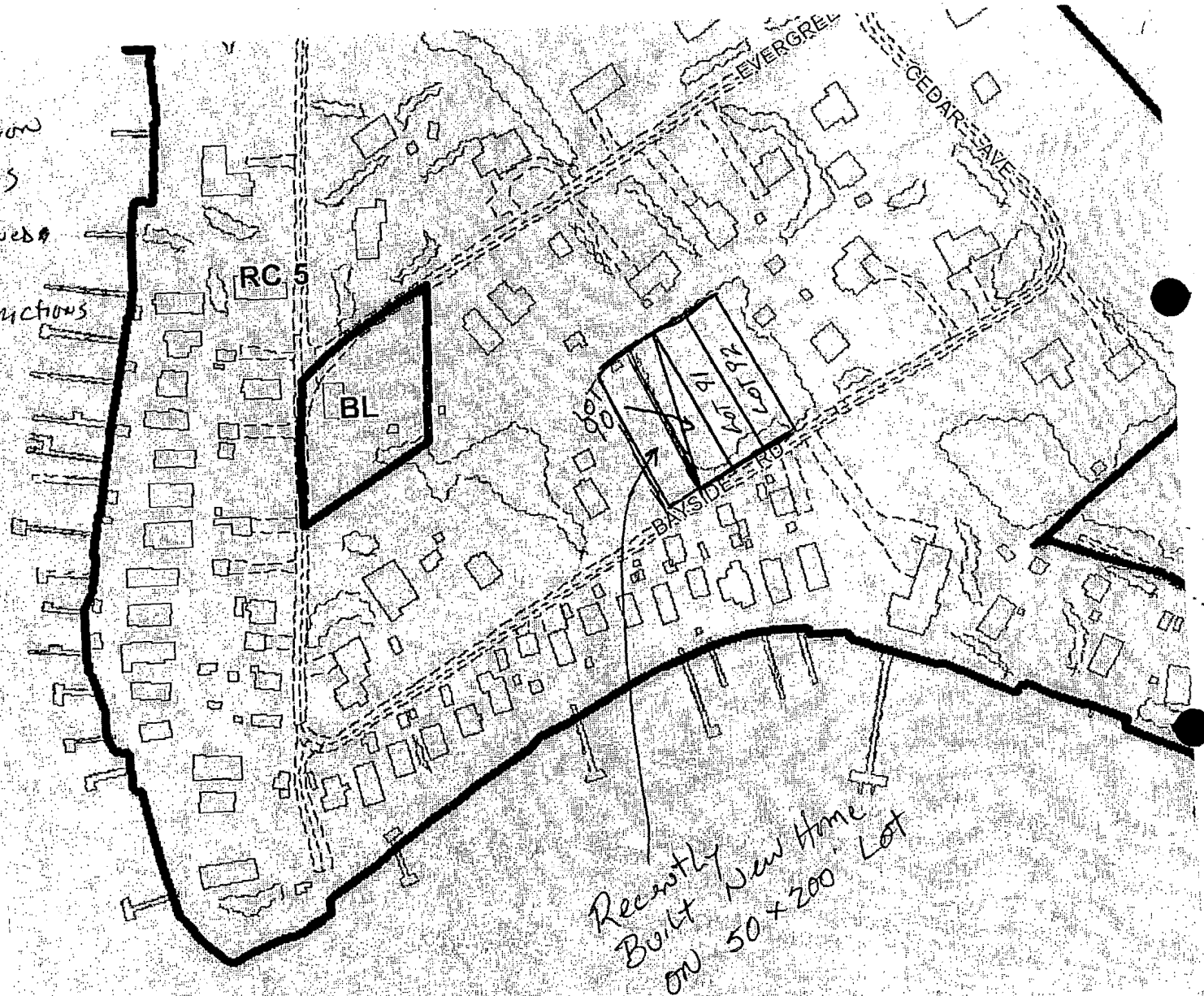
EXHIBIT NO. 8A



PETITIONER'S

EXHIBIT NO. 8B

- ① Minimal Traffic
- ② DUAL Grinder Pump for Both Properties
- ③ Dual Water Connection for Both Properties
- ④ Both Homes Combined  
Will NOT SURPASS  
Tree Removal Restrictions  
& ~~NO~~ Previous Land  
Restrictions
- ⑤ Will Clean-up  
Lot & Replace  
Dead Trees
- ⑥ Paying taxes  
Already without  
Benefit of water  
& Sewer



PETITIONER'S

EXHIBIT NO.

9

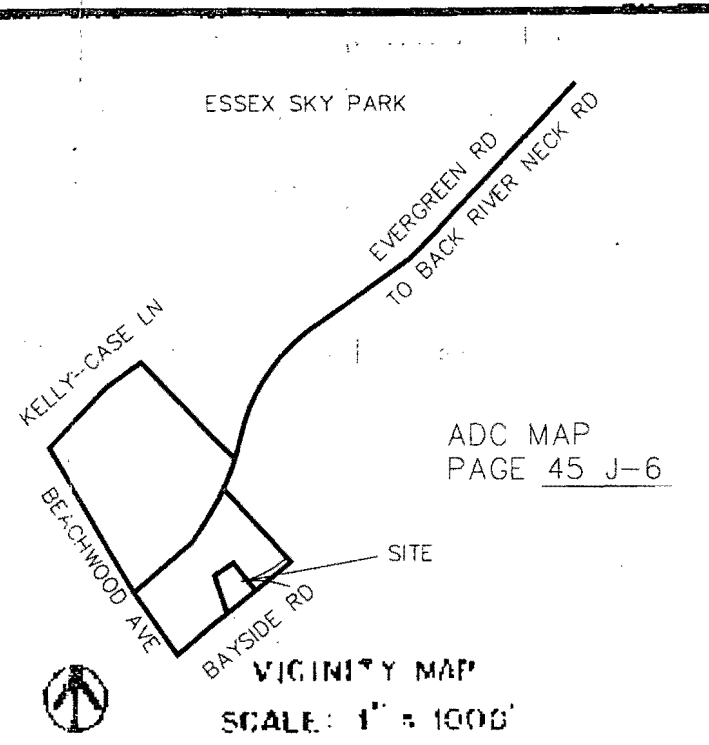
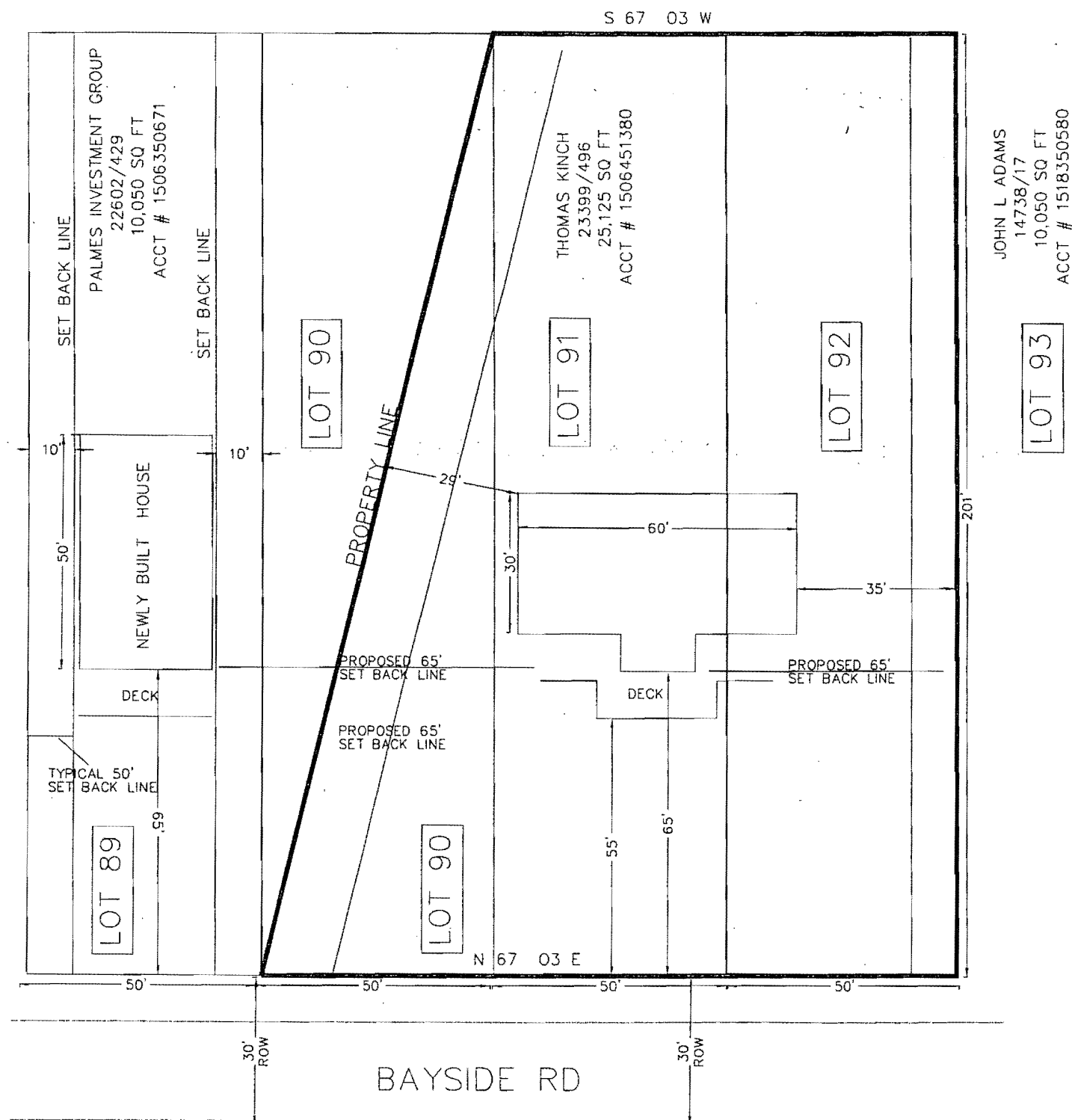
# ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

ADDRESS LOT 91, 92 and 1/2 OF LOT 90, SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

IN NAME EVERGREEN PARK

#104 FOLIO #174 LOT #91 SECTION #7/174

THOMAS K. KINCH



## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 1" = 30'

ZONING RC-5

LOT SIZE 576 25,125 SQ FT  
ACREAGE SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              | YES                                 | NO                                  |
|------------------------------|-------------------------------------|-------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 100 YEAR FLOOD PLAIN         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| HISTORIC PROPERTY/ BUILDING  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY  
REVIEWED BY ITEM # CASE #

Y THOMAS K. KINCH

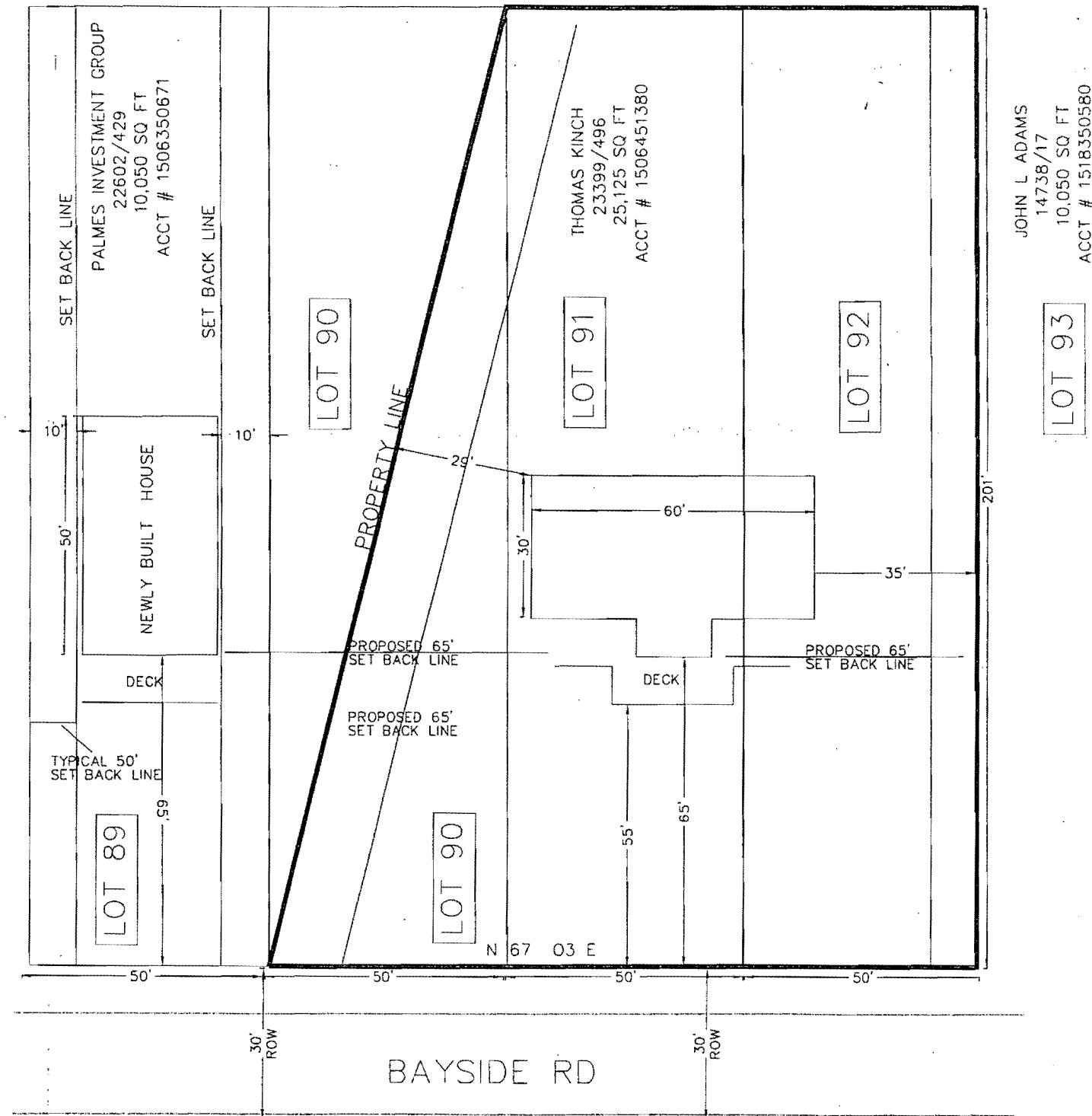
SCALE OF DRAWING: 1" = 30'

07072-A

*Revised - Exhibit 10*

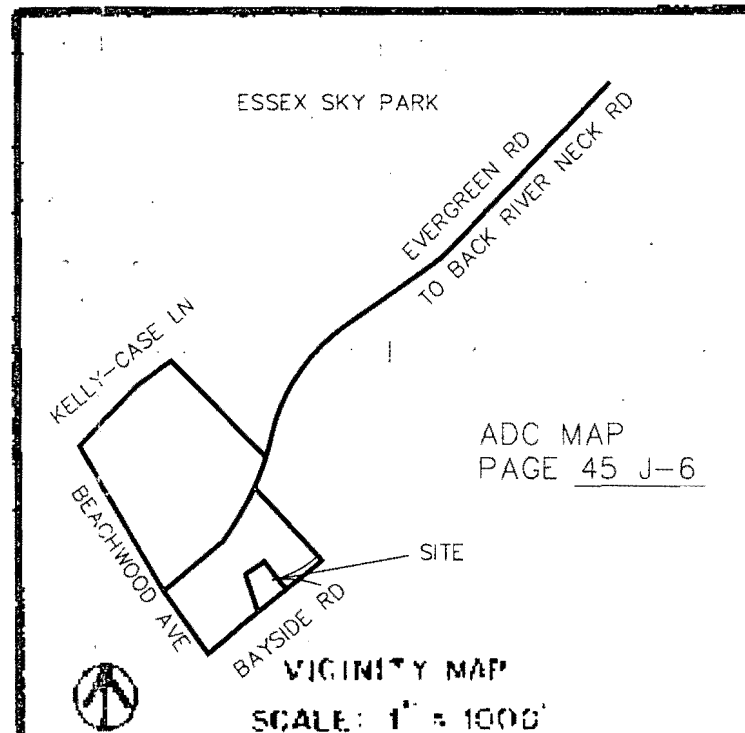
THOMAS K. KINCH

S 67 03 W



THOMAS K. KINCH

SCALE OF DRAWING: 1" = 30'



ELECTION DISTRICT 15  
COUNCILMANIC DISTRICT 7  
1"=200' SCALE MAP # 1"=30'  
ZONING RC-5  
LOT SIZE 576 25,125 SQ FT  
ACREAGE SQUARE FEET  
PUBLIC PRIVATE  
SEWER ☒ ☐  
WATER ☒ ☐

|                                 | YES                                 | NO                                  |
|---------------------------------|-------------------------------------|-------------------------------------|
| CHESAPEAKE BAY<br>CRITICAL AREA | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 100 YEAR FLOOD PLAIN            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| HISTORIC PROPERTY/<br>BUILDING  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| PRIOR ZONING HEARING            |                                     |                                     |

ZONING OFFICE USE ONLY  
REVIEWED BY \_\_\_\_\_ ITEM # \_\_\_\_\_ CASE # \_\_\_\_\_

07-072-f

PETITIONERS  
 EXHIBIT 10