

IN RE: **PETITIONS FOR VARIANCE**

N/S Bayside Road, 400' W of Cedar Road
(1/2 Lot 90 & Lots 91 and 92

(Bayside Road)

15th Election District

6th 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

DATE FILED

Date 12-1-06

By: [Signature]

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

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

¹ 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.

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.

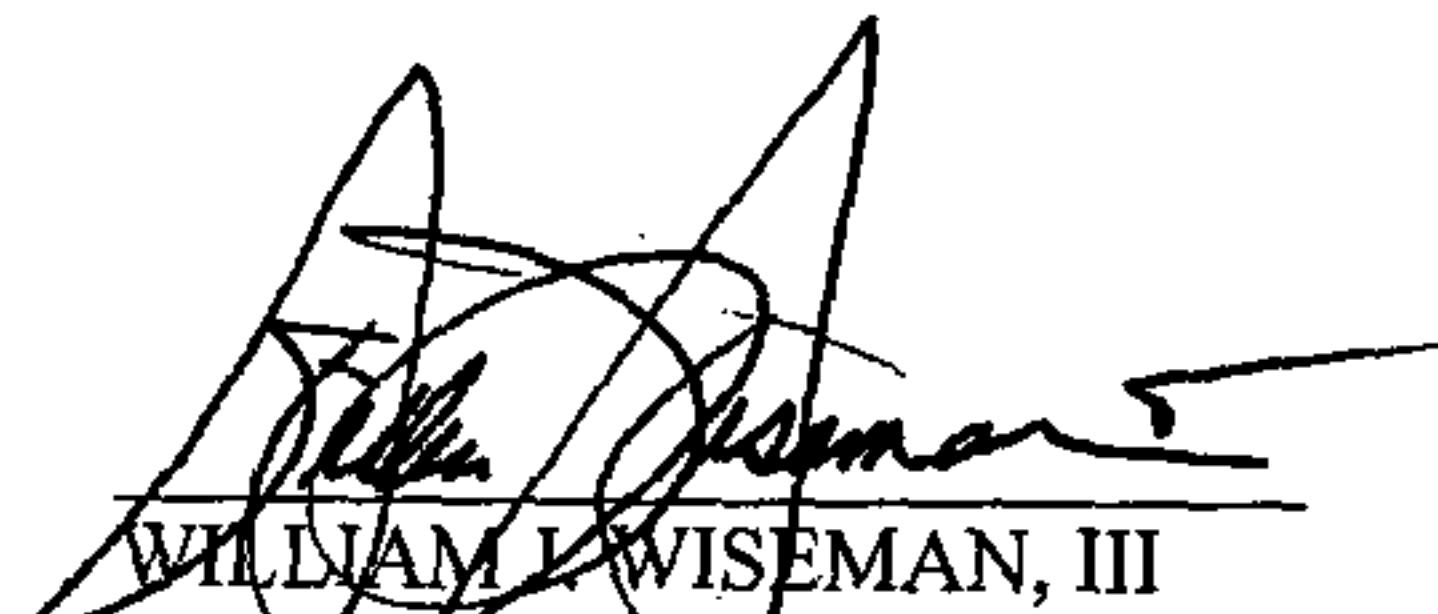
Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

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:

- 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



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)
15th 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 "W. J. Wiseman III", written over a circular stamp.
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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1/2 Lot 90 & 91

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.2.6 ; BCZR TO Permit

side set BACKS of 10' ^{15 ft.} IN LIEU OF THE REQUIRED 50' FT,
A FRONT SETBACK OF 55' TO CENTER LINE OF ROAD, IN LIEU
OF THE REQUIRED 75' ON AN UNDER SIZED 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. 07-073-A

ESTIMATED LENGTH OF HEARING

REV 9/15/98

Date

12-1-06

Reviewed By

By

D. W. Day

UNAVAILABLE FOR HEARING

Date

8-28-06

Lot 4290 & Lot 91

BEGINNING AT A POINT ON THE NORTH SIDE
OF Bayside ROAD, WHICH IS 450'± WEST
OF CEDAR ROAD. ~~BEING~~ BEING LOT #91
IN THE SUBDIVISION OF EVERGREEN PARK,
AS RECORDED IN BALTIMORE COUNTY
PLAT BOOK LIBER 7, FOLIO 174. CONTAINING
• 576 ACRES ±

Election District 15

Council MATIC : 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: # 07-073-A

½ Lot 90 & 91

North side of Bayside Road, 450 feet +/- west of Cedar Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Thomas Kinch

Variance: to permit side setbacks of 10 feet and 15 feet in lieu of the required 50 feet, a front setback of 55 feet to centerline of road, in lieu of the required 75 feet on an undersized R.C.- 5 lot.

Hearing: Wednesday, October 25, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 10/657 Oct. 10

112297

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

CERTIFICATE OF POSTING

RE: Case No.: 07-073-A

Petitioner/Developer: THOMAS

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:

1/2 LOT 90 + 91 N.S. OF BAYSIDE ROAD
450 FEET W. OF CEDAR RD

The sign(s) were posted on OCT 8, 2006
(Month, Day, Year)

Sincerely,

Robert Black 10-10-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

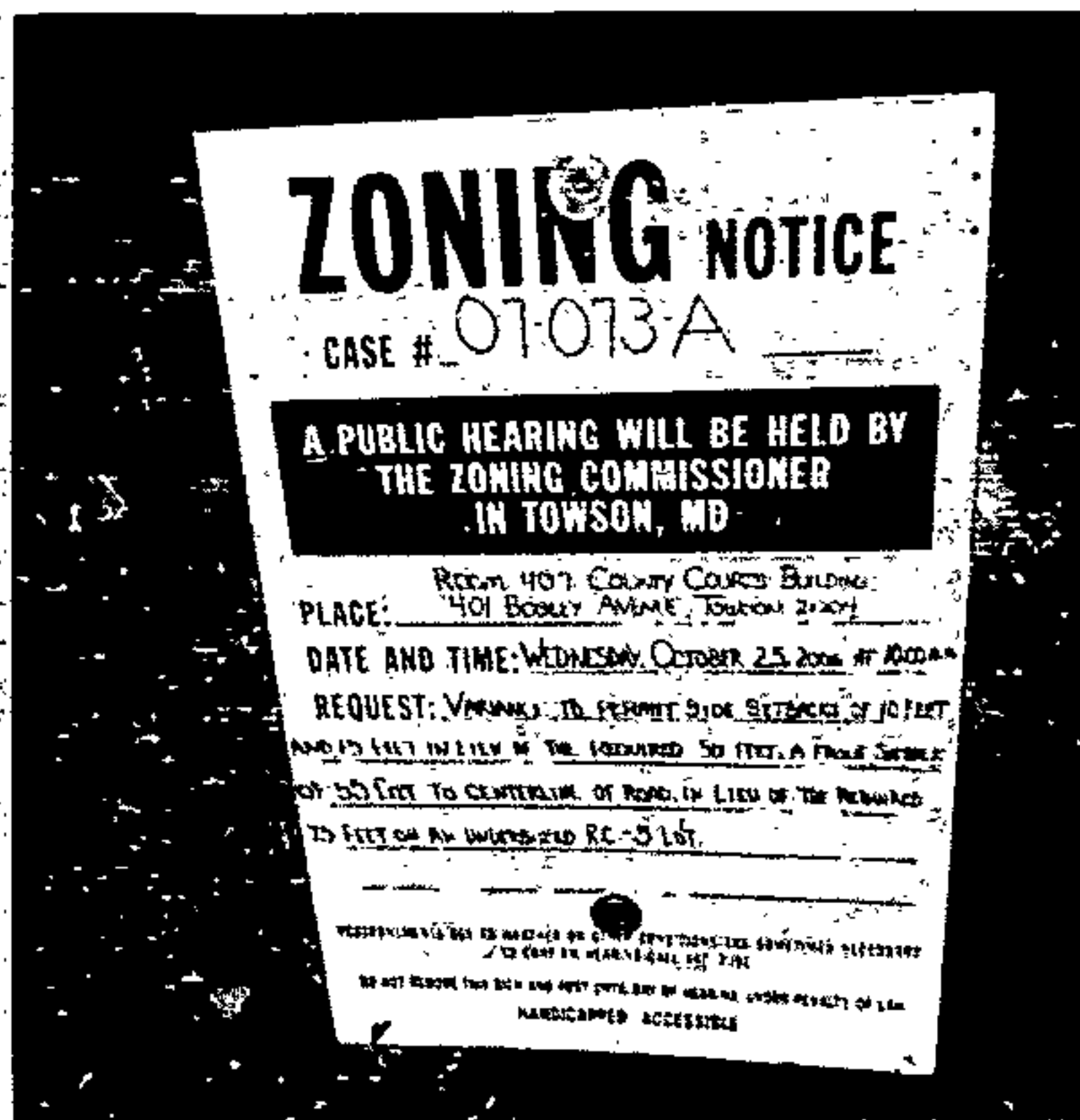
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 8-28-06 No. 073 7372

ACCOUNT 201-006-6170
AMOUNT \$ 65.00

RECEIVED FROM: T. Kinch

FOR: UPA - LOT 91 RAYSIDE Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME 10M
8/28/2006 8/28/2006 04:12:58
GEB 0501 WALKIN JUNE JR
7/00000000 07/28/2006 07/28
Dept 5 5207 JUNE JR VERIFICATION
DR NO. 009672

Receipt Tot
\$65.00 EX
\$65.00 DA
Baltimore County, Maryland

CASHIER'S VALIDATION

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.

For Newspaper Advertising:

Item Number or Case Number 073
Petitioner Thomas Kinch
Address or Location Lot 91 Bayside Rd.

PLEASE FORWARD ADVERTISING BILL TO

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



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

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

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: 07-073-A

½ Lot 90 & 91

North side of Bayside Road, 450 feet +/- west of Cedar Road

15th Election District – 6th Councilmanic District

Legal Owner: Thomas Kinch

Variance to permit side setbacks of 10 feet and 15 feet in lieu of the required 50 feet, a front setback of 55 feet to centerline of road, in lieu of the required 75 feet on an undersized R.C. – 5 lot.

Hearing: Wednesday, October 25, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over the printed name and title.

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.**





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 A. Kinch
2209 Coralthorn Road
Baltimore, MD 21220

Dear Mr. Kinch:

RE: Case Number: 07-073-A, ½ Lot 90 & 91

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

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

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

Very truly yours,

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, 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, 1/2 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:

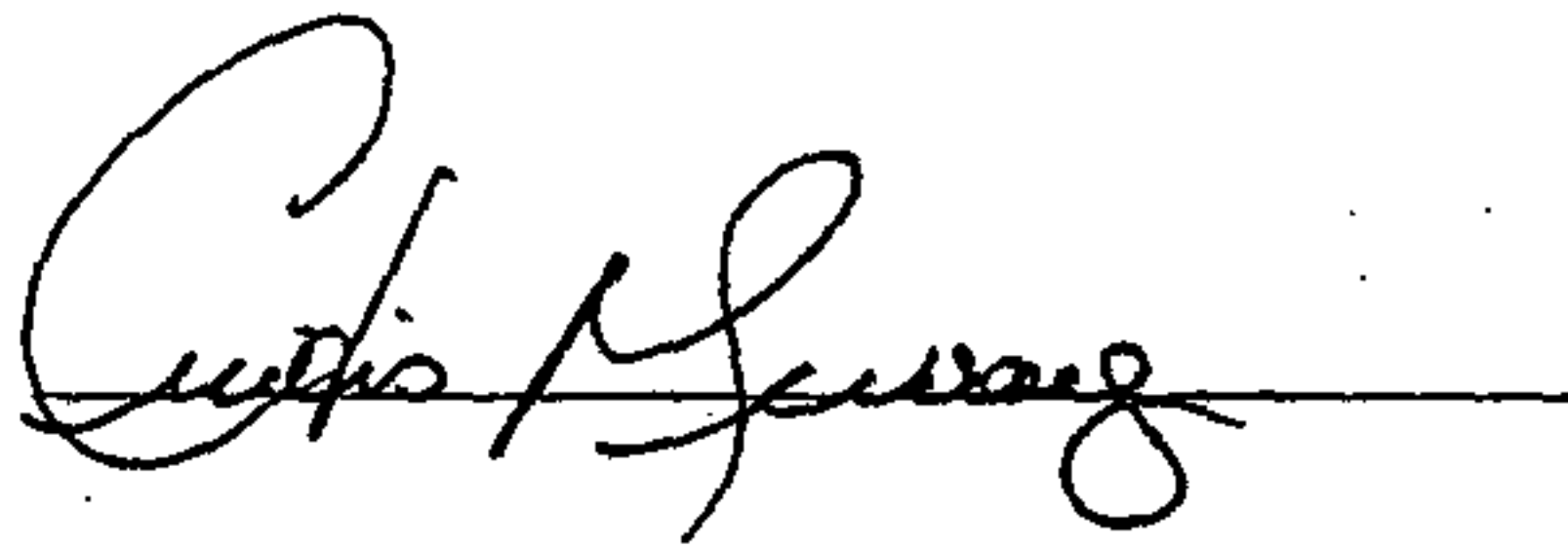
The Office of Planning has reviewed the subject request(s) and has the following comments:

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:



Division Chief:



AFK/LL: CM

NOT RECORDED FOR FILING

Date 12-1-06

By Dave Wiley

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.
☒ 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).

- ☒ 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

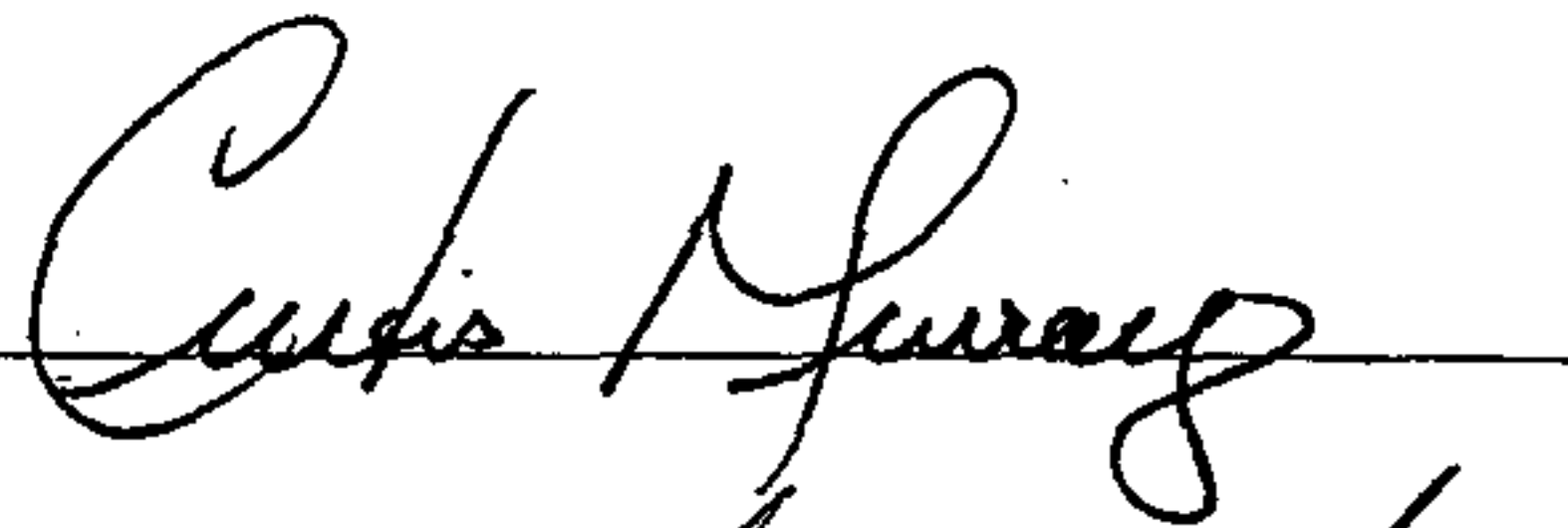
Date: 9/13/06

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: Joseph C. Merrey, Esq. **DATE:** October 26, 2006
Department of Permits &
Development Management

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 11, 2006

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

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: 9/13/2006

SUBJECT: Zoning Item # 07-073-A
Address Lot 91 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

RE: PETITION FOR VARIANCE
½ Lot 90 & 91; N/S Bayside Road,
450' W Cedar Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Thomas K. Kinch
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-073-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 Coralthorn Road, Baltimore, MD 21220, Petitioner(s).

RECEIVED

SEP 06 2006

Per *[Signature]*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME

CITY, STATE, ZIP

E-MAIL

2209 Coe Lthorn Rd
Glen Bosley Hwy
212 Stevens Rd.

Baltimore MD 21220
Towson 21204
 Balt. Md) 21720

TKinch @ AOL. Com

Ben Palmer

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Case No.:

07-073-A

 $\frac{1}{2}$ Lot 90 = 91

Exhibit Sheet

Petitioner/Developer

Protestant

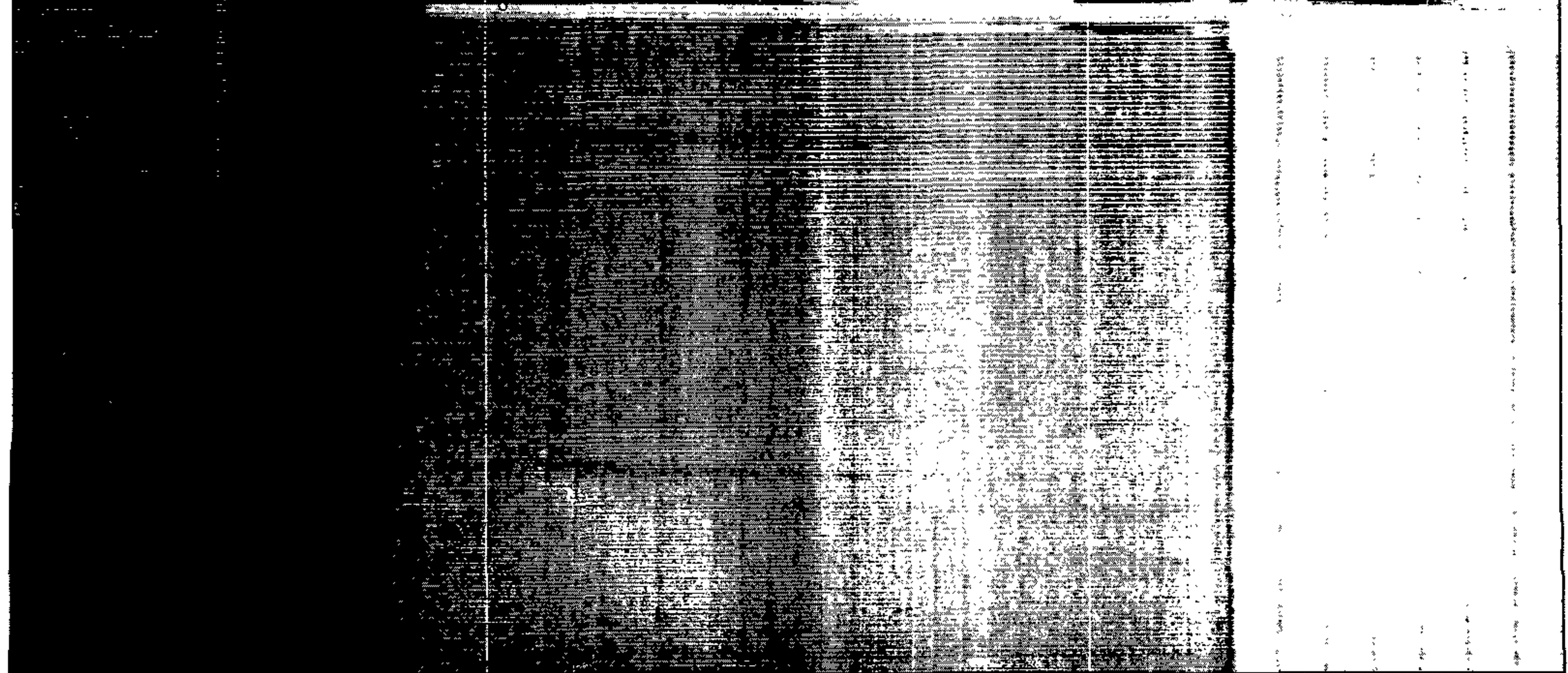
No. 1	Site Plan	
No. 2	Plat Evergreen Park October 1924	
No. 3	DEED 8/14/43 Bisecting Lot 90	
No. 4	DEED 3/18/59 To Foertsch Beck & Wife (Petitioners Predecessors in title)	
No. 5	DEED 2/10/06 From Foertsch Beck to Kinch	
No. 6	6/13/06 Letter - Sanitary Sewer Availability for Property	
No. 7	Photo's Collectively 7A thru 7G Pattern of Dev.	
No. 8	TOP MAPS Pattern of Development	
No. 9	Aerial Map	
No. 10		
No. 11		
No. 12		

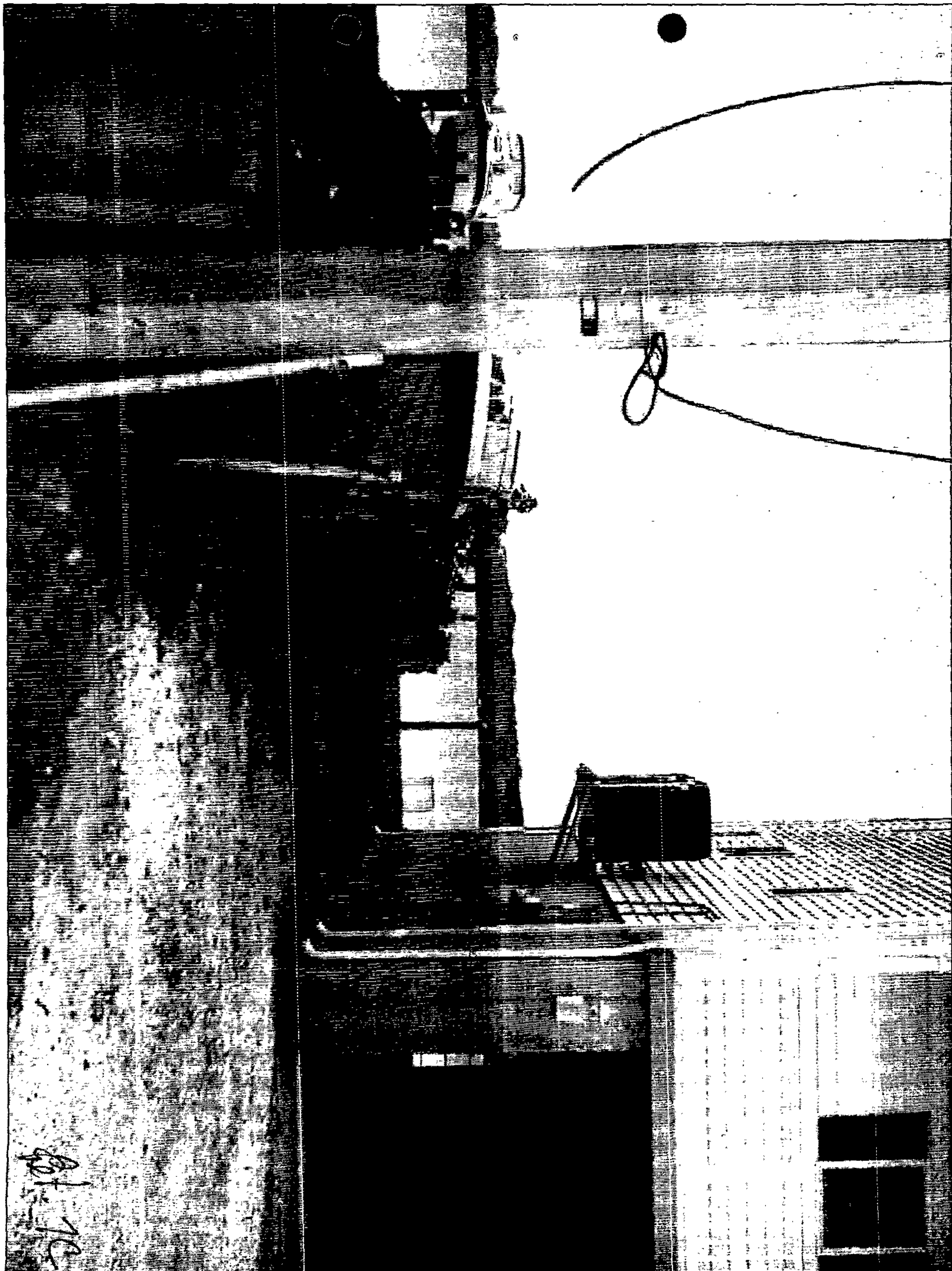
Picture 1
Shows House Next Door
w/ 50' x 200' Lot



PETITIONER'S
EXHIBIT NO.

7A

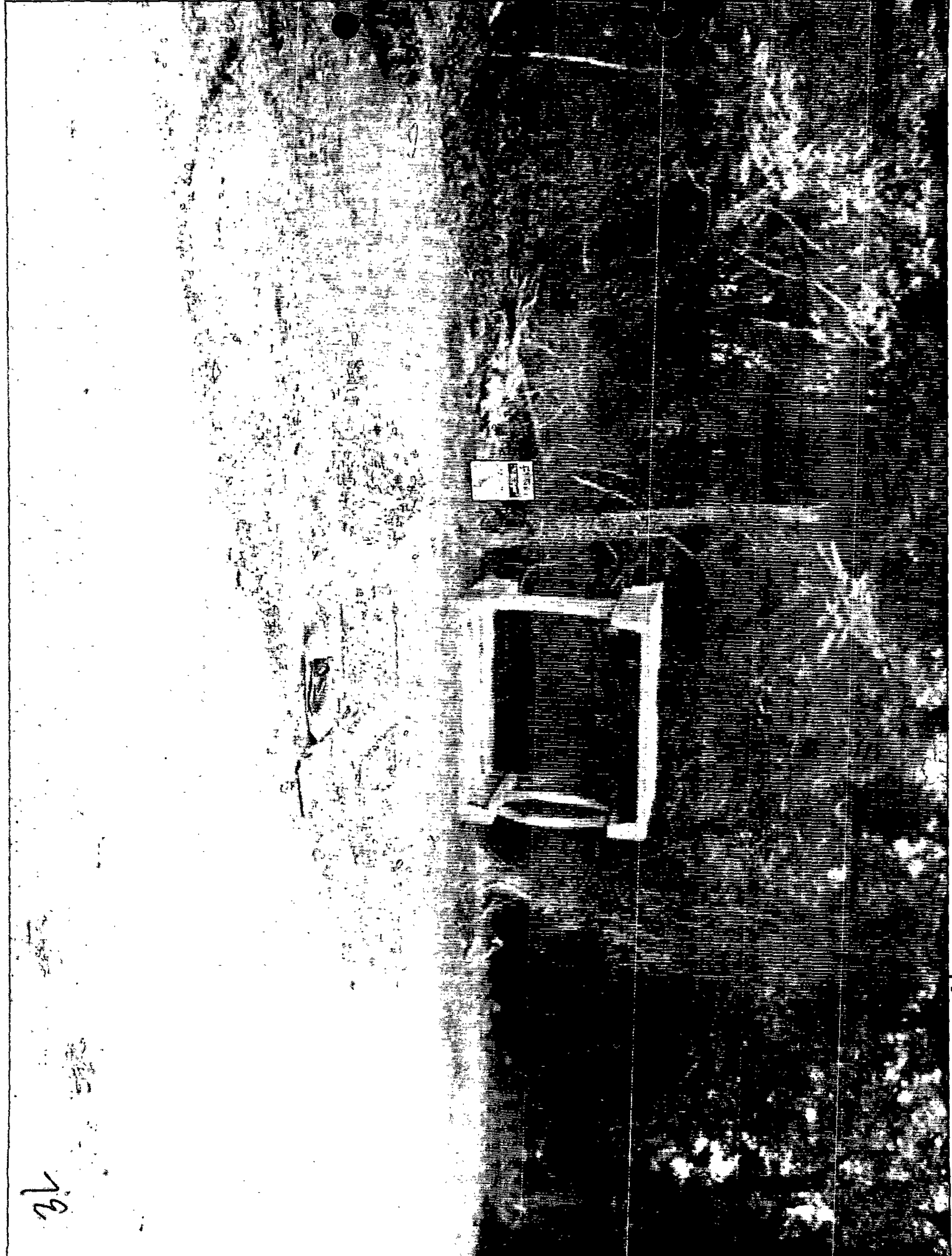




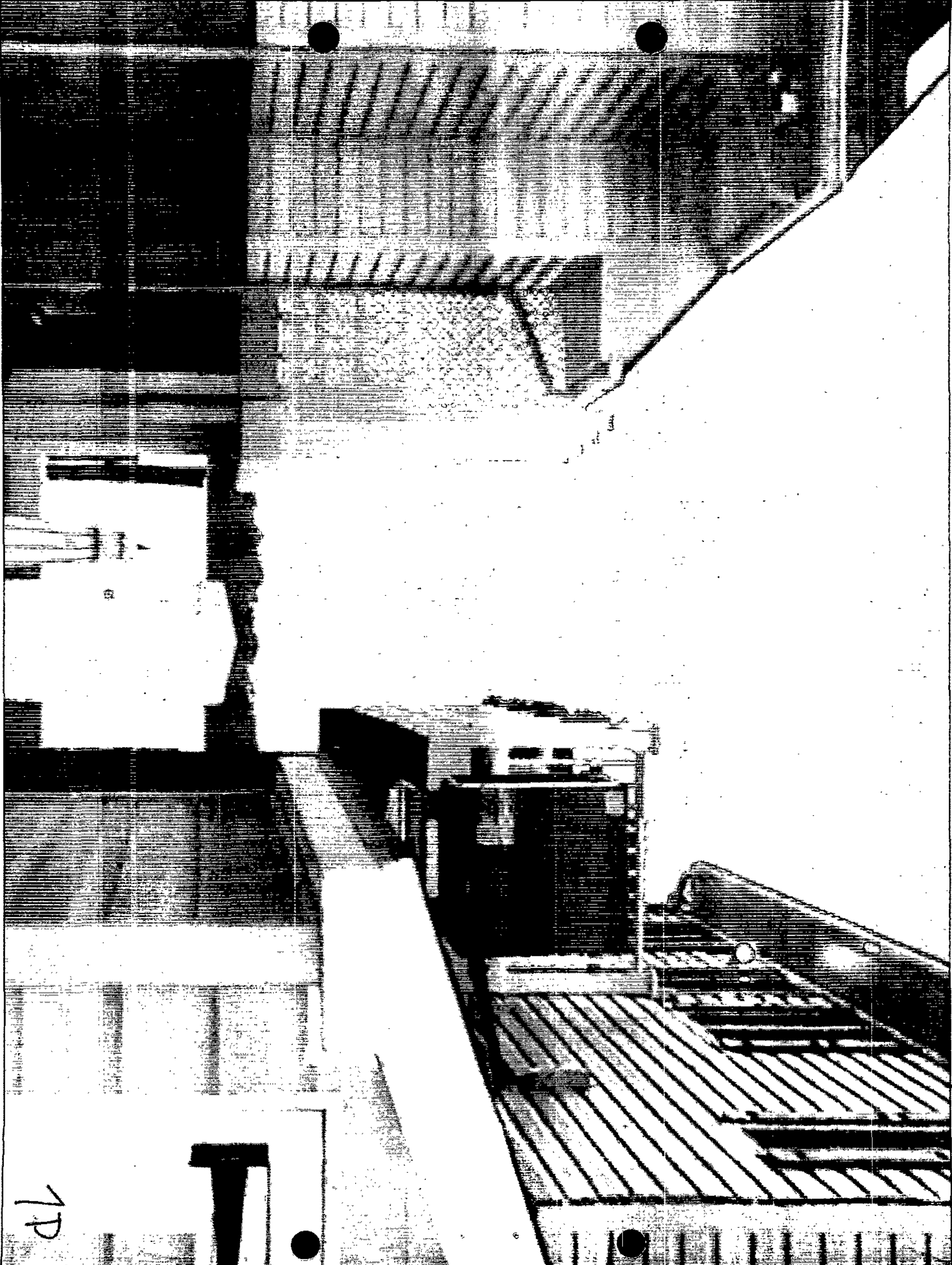
Box 1C

Box 1C

32



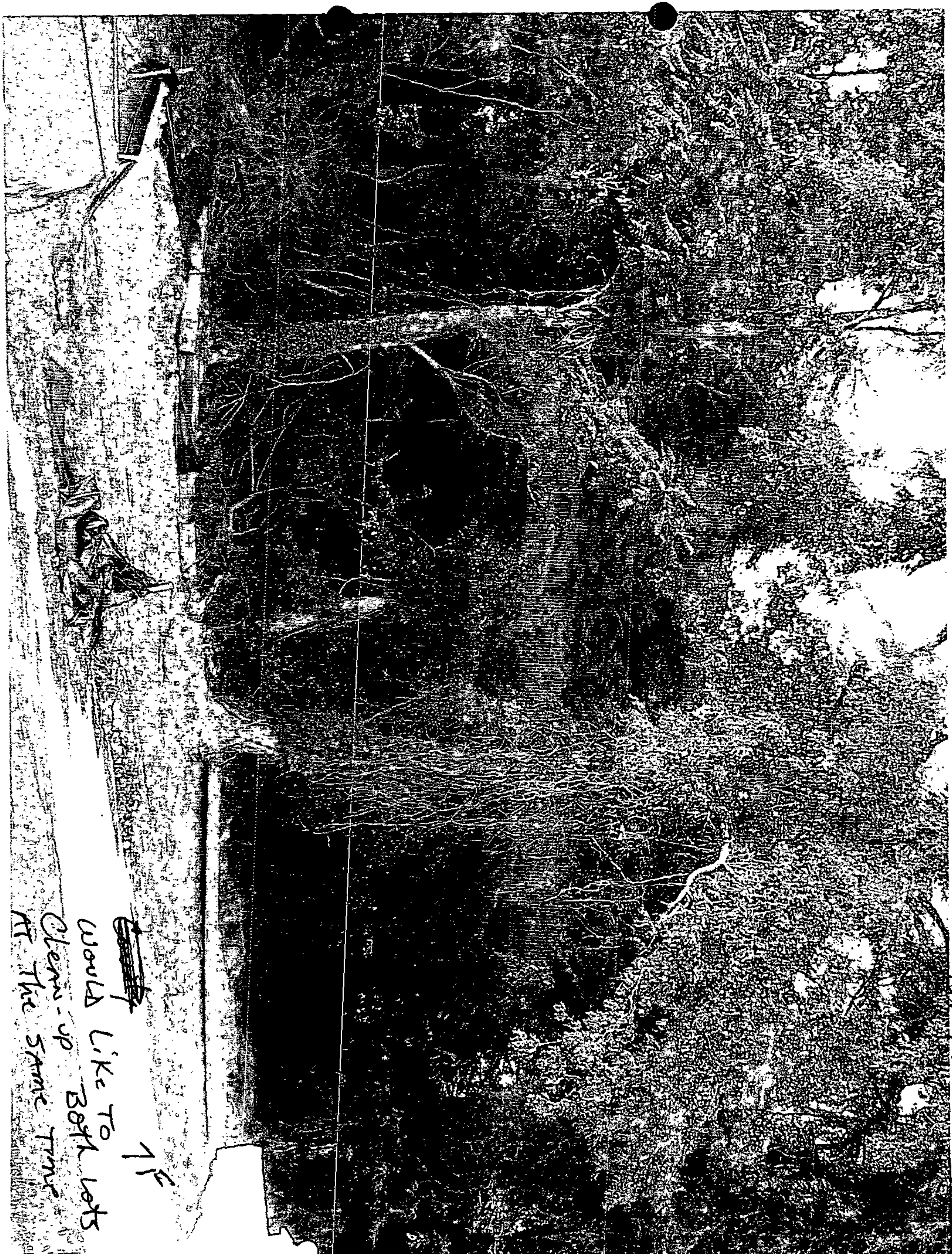
Pst. 7E



Feb. 17

17

Post 7 E



~~1/2~~ 1/2
would like to
clean up both lots
at the same time

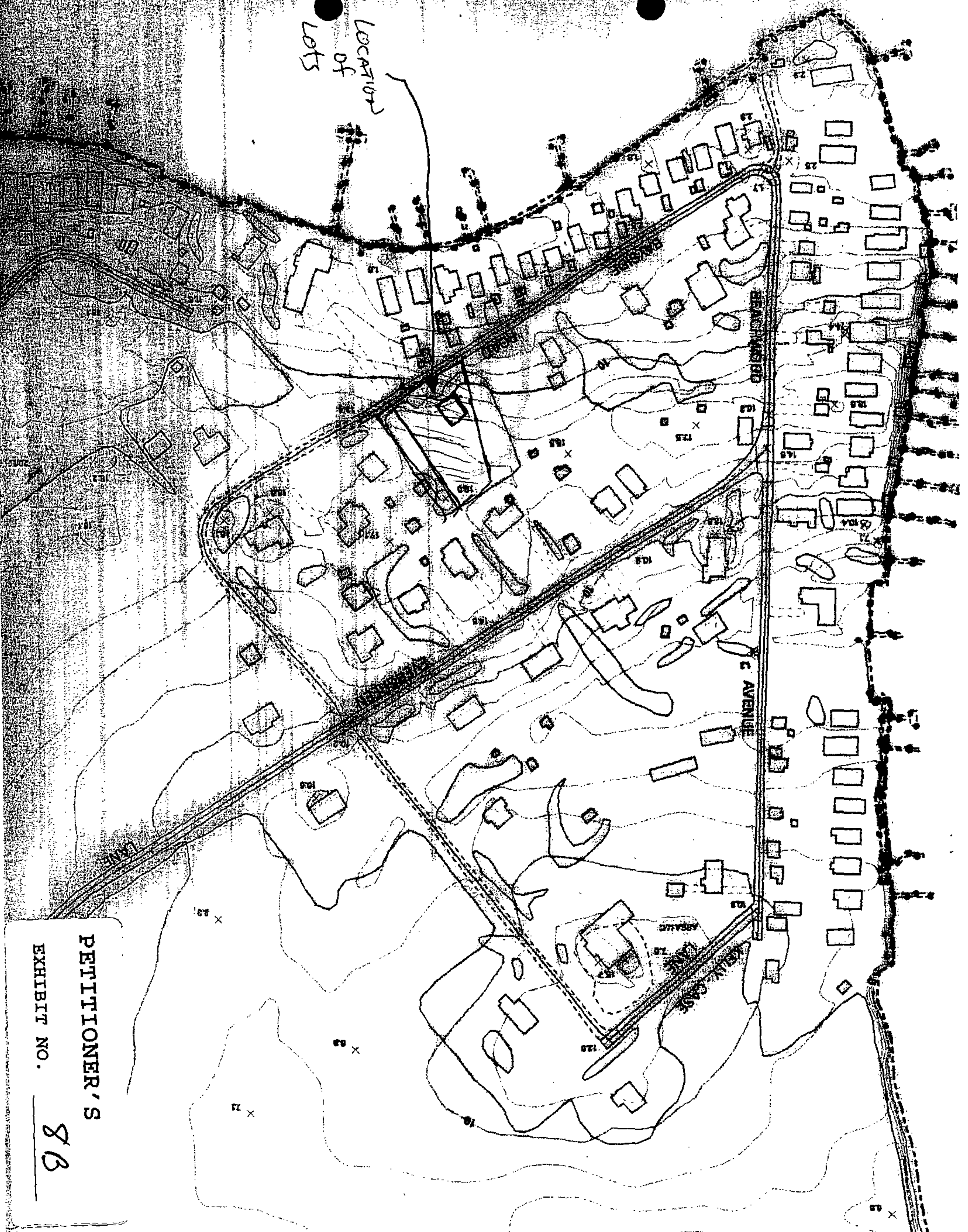


Box 76



PETITIONER'S
EXHIBIT NO. 84

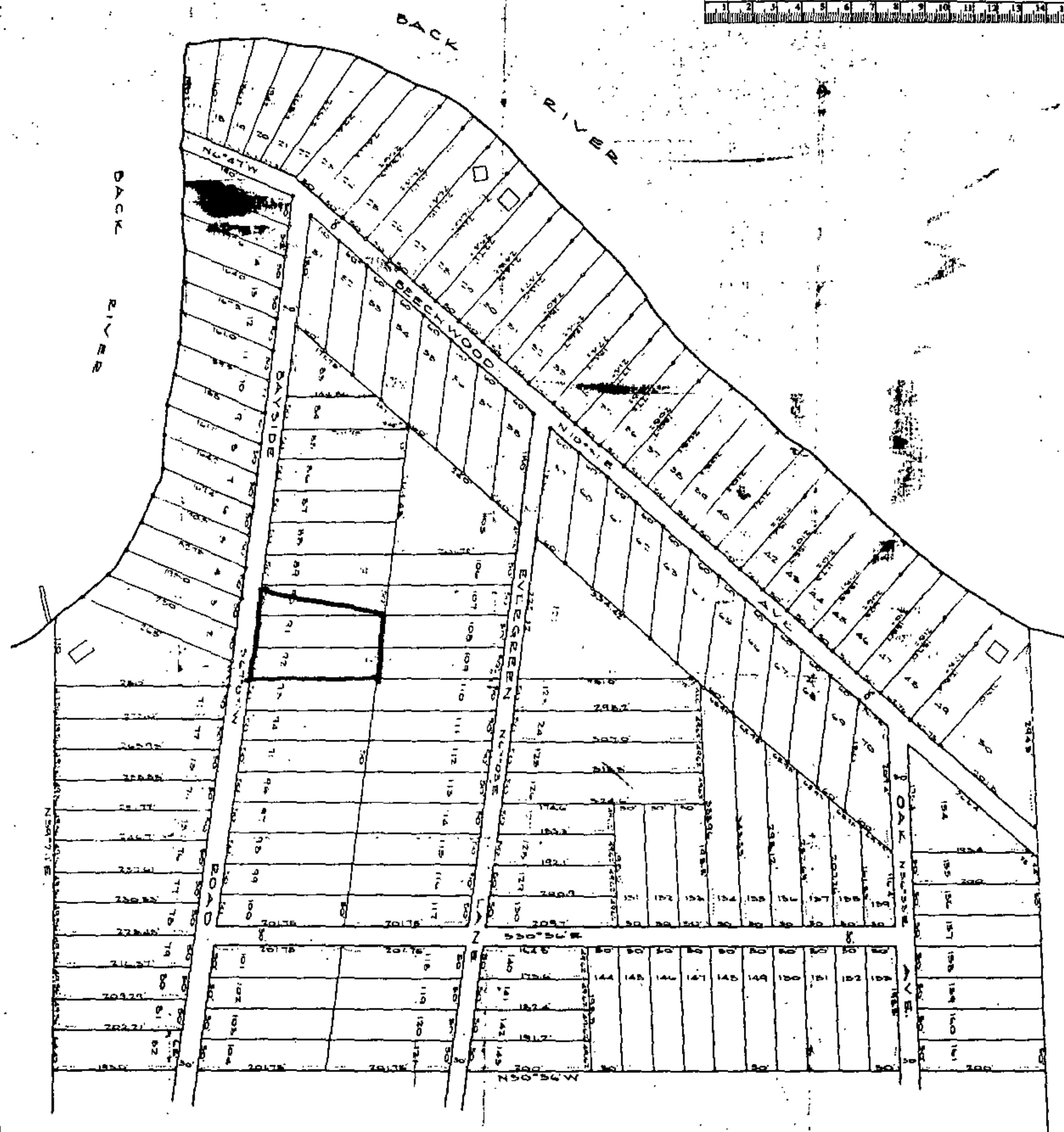
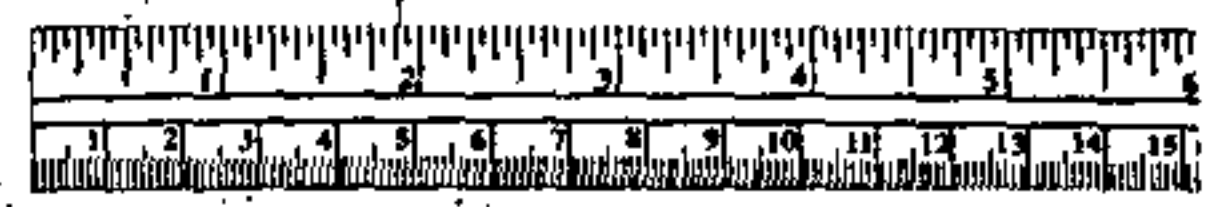
LOCATION
of
lots



PETITIONER'S
EXHIBIT NO.

88

Scale 1"=100' Oct 25 1924
S. J. Cooper & Co.
Surveyors & Civil Engs.
201 Broadway Street
Baltimore, Md.



PLAT OF
EVERGREEN PARK
FIFTEENTH DISTRICT
BALTIMORE COUNTY
MARYLAND

PETITIONER'S

EXHIBIT NO. 2

507

said Mortgage is true and bona fide as therein set forth

(Notarial Seal)

Edna V Chaney

Notary Public

Received Aug 18 1943 at 2 P M & Exd per

Robert J Spittel - Clerk

(Rod MP)

Examiners (A.V.)

1/2 90

45082

Marie R Shppard et al

Deed to

George H Stephan & Wife

Red 2.35 DTs 2.10

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 Marie R Shppard and Ellsworth D Shppard her husband and Charlotte J 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 C 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 plat of Evergreen Park

BEING 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 Sooggins in fee simple the said J J Sooggins 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 in 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 15 1943 at 2:30 P M & Ed per - Robert J Spittel - Clerk

(Red MP)



STILL

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

~~Beginning at the~~ 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.

4

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.

~~WITNESSED BY ME, THE NOTARY PUBLIC,~~

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

George L. Lochboehler
George L. Lochboehler

Charlotte S. Hartman
CHARLOTTE S. HARTMAN (SEAL)

Manie R. Sheppard
MANIE 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 MANIE 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 10³⁹ AM
Per Walter J. Rasmussen, Clerk
Mail to *George L. Lochboehler*
Receipt No. 21452

21422
D E E D

FROM

CHARLOTTE S. HARTMAN, WIDOW &

MARY ESTELLE FOERTSCHECK, WIFE

GEORGE L. FOERTSCHECK and

MARY ESTELLE FOERTSCHECK, wife

BLOCK NO.

Received for Record *March 29 1959*
at *10:37* o'clock *A. M.* Same day recorded
in Liber *W & X* No. *350* Folio *11* &c.,
one of the Land Records of

Balto. Co.

Walter J. McManis, and examined per
Walter J. McManis, Clerk.

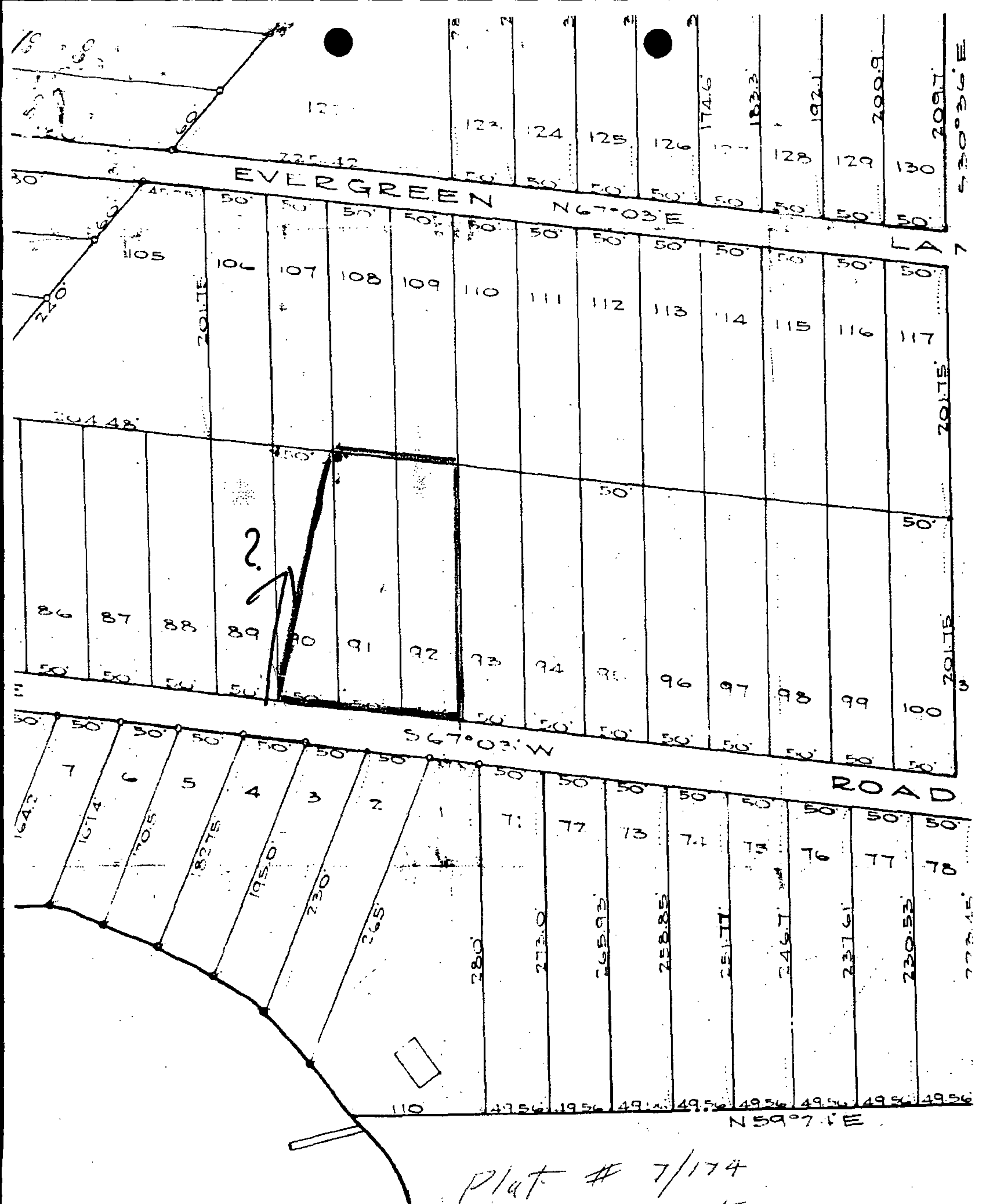
Cost of Record, \$

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

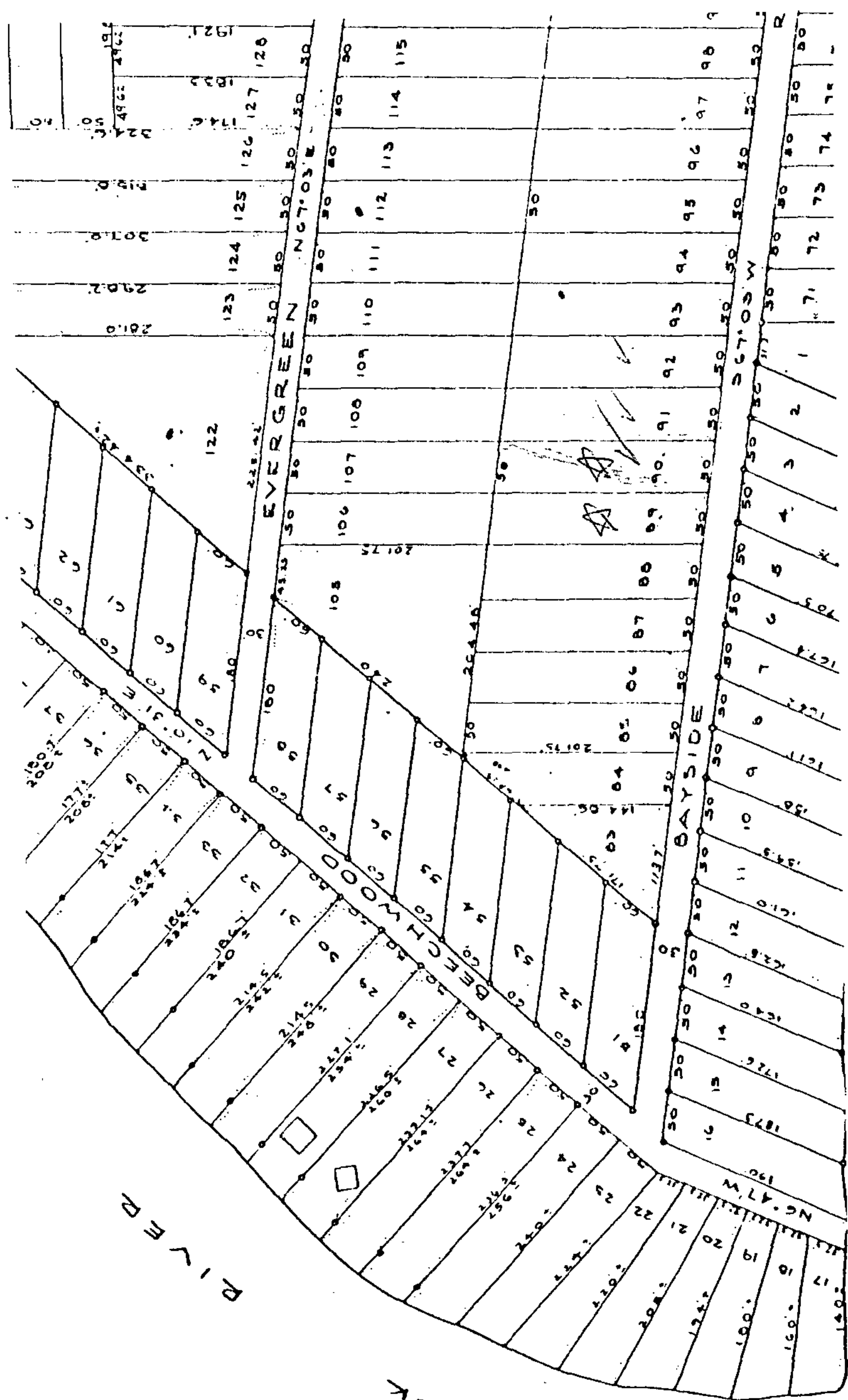
Lexington 9-7040

THE DAVID RECORD COMPANY, BALTIMORE, MD.

6-50



Plat # 7/174
Evergreen Park



OK

OK

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 15th 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 2nd 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 feet 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.

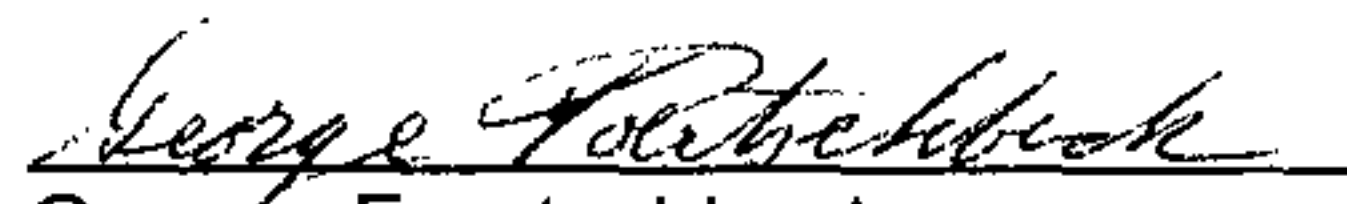
To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Thomas Kinch, as sole owner,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

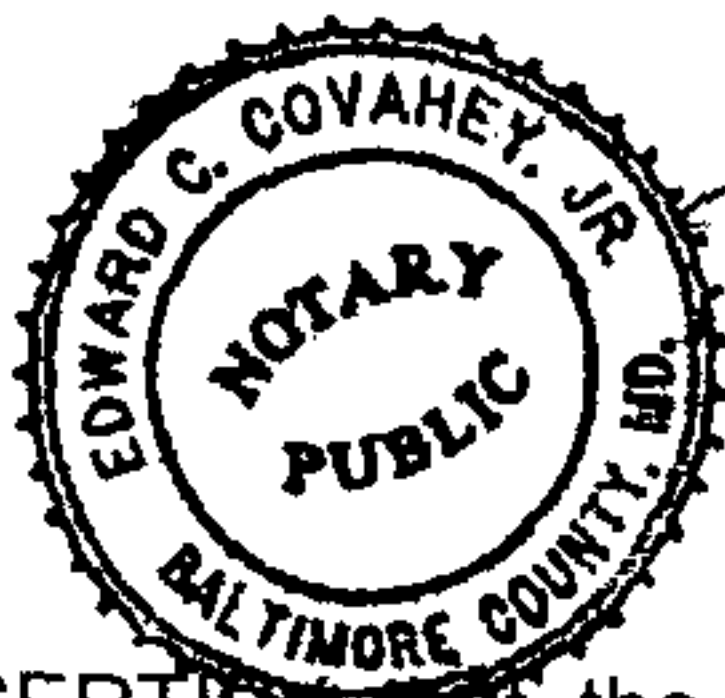


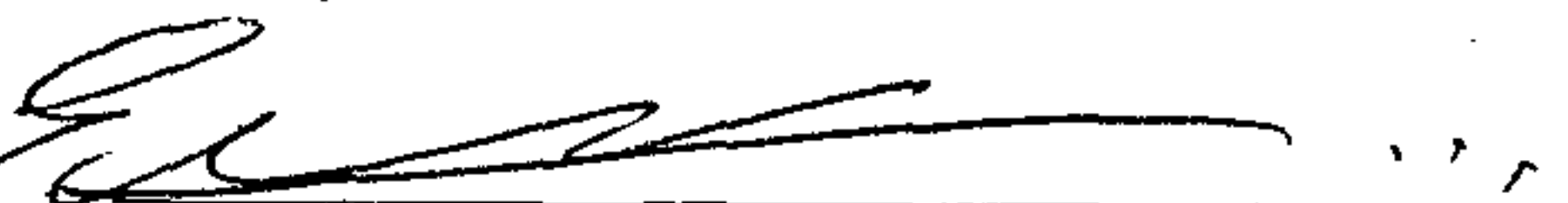
 {Seal}
George Foertschbeck

STATE OF MARYLAND, COUNTY OF BALTIMORE, 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.

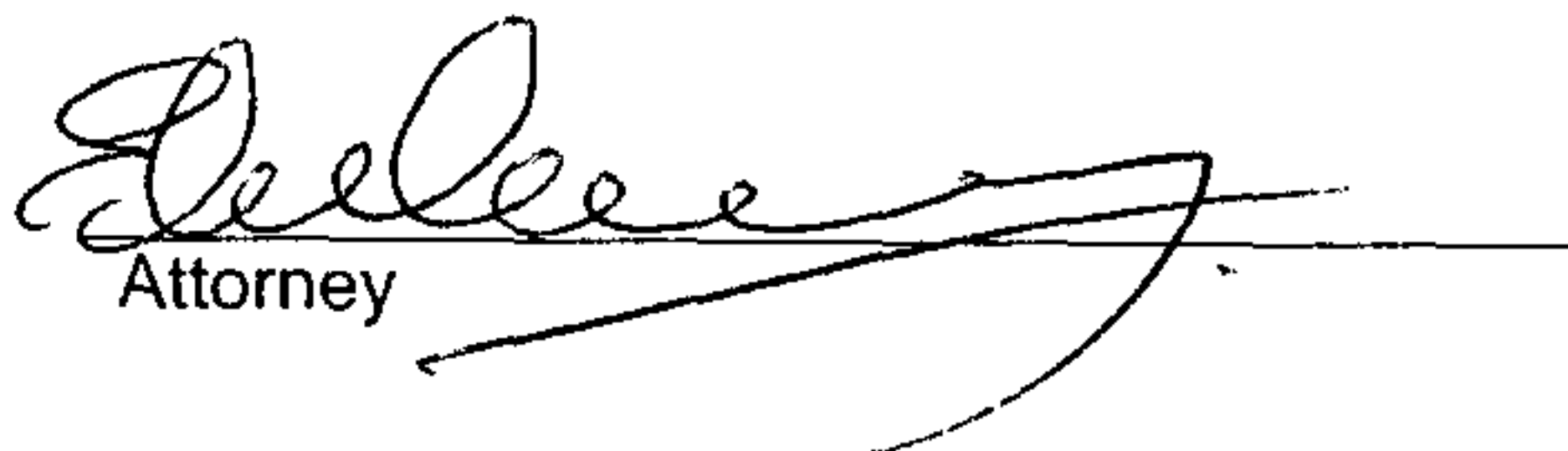
IN WITNESS WHEREOF, I hereunto set my hand and official seal.




Notary Public

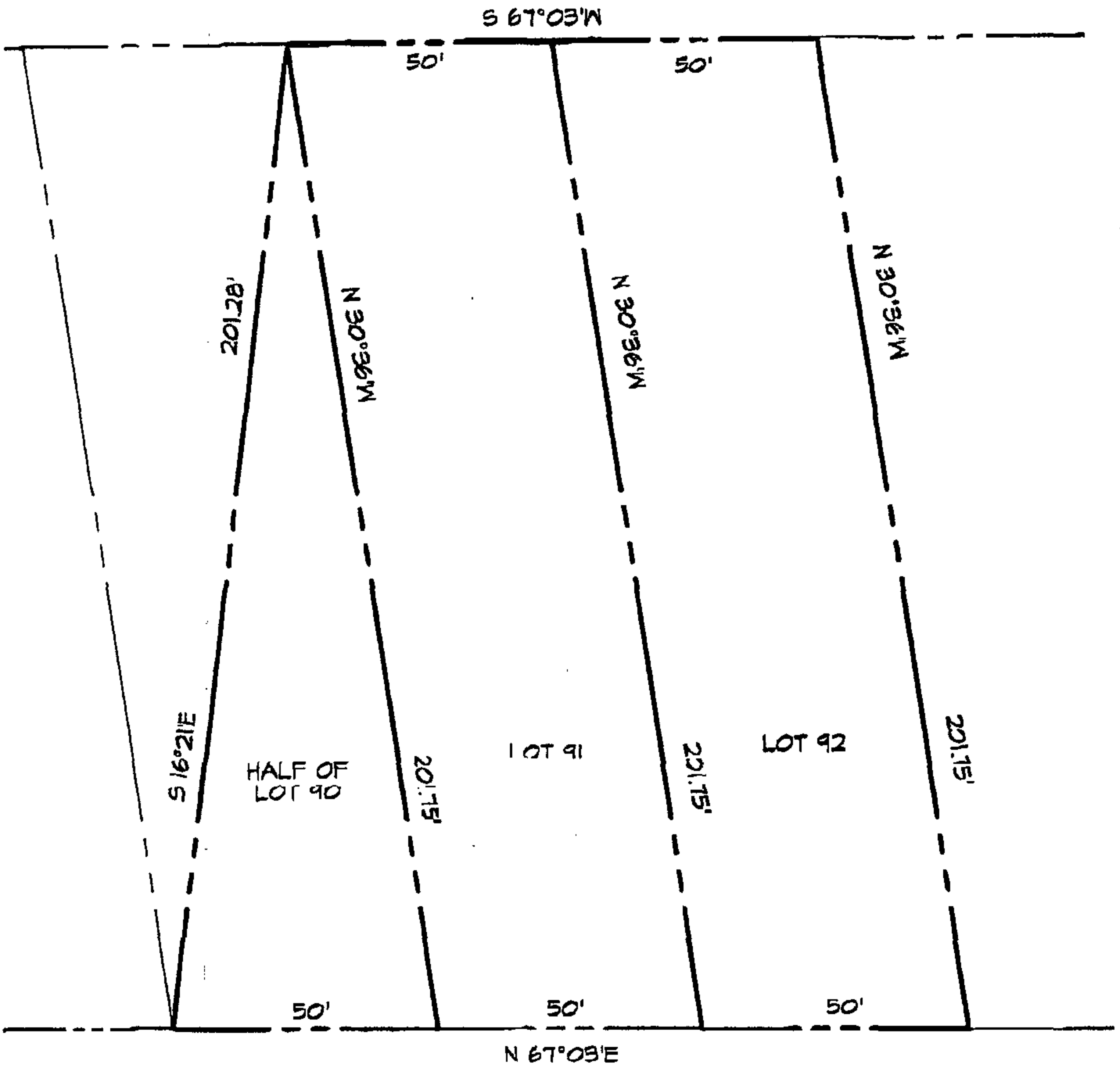
My commission expires: 1/1/09

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

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. 21237
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.

1. Transferor Information

Name of Transferor **George Foertschbeck**

2. Reason for Exemption

Resident Status	☒ I, Transferor, am a resident of the State of Maryland.
	☐ 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	☐ 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	☐ This is a transfer of REO property acquired by the grantor in a foreclosure Action and conveyed herein to a third party.
	☐ This is a transfer of foreclosed property from the Substitute Trustees to the secured party or a third party bona fide purchaser.
Other	☐ 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


Witness

George Foertschbeck
Name

George L. Foertschbeck
Signature

Witness

Name

Signature

b. Entity Transferors

Witness

Name of Entity

By _____

Name

Title

0023399 499

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

0023399 501

**Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.
(Type or Print in Black Ink Only All Copies Must Be Legible)**

IMP FD SURE \$	20.00
RECORDING FEE	20.00
TR TAX STATE	462.50
TOTAL	502.50
Ref: 0403	Ref: 56735
SW DK	BK: 2725
Feb 16, 2006	01:02 PM

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



- 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

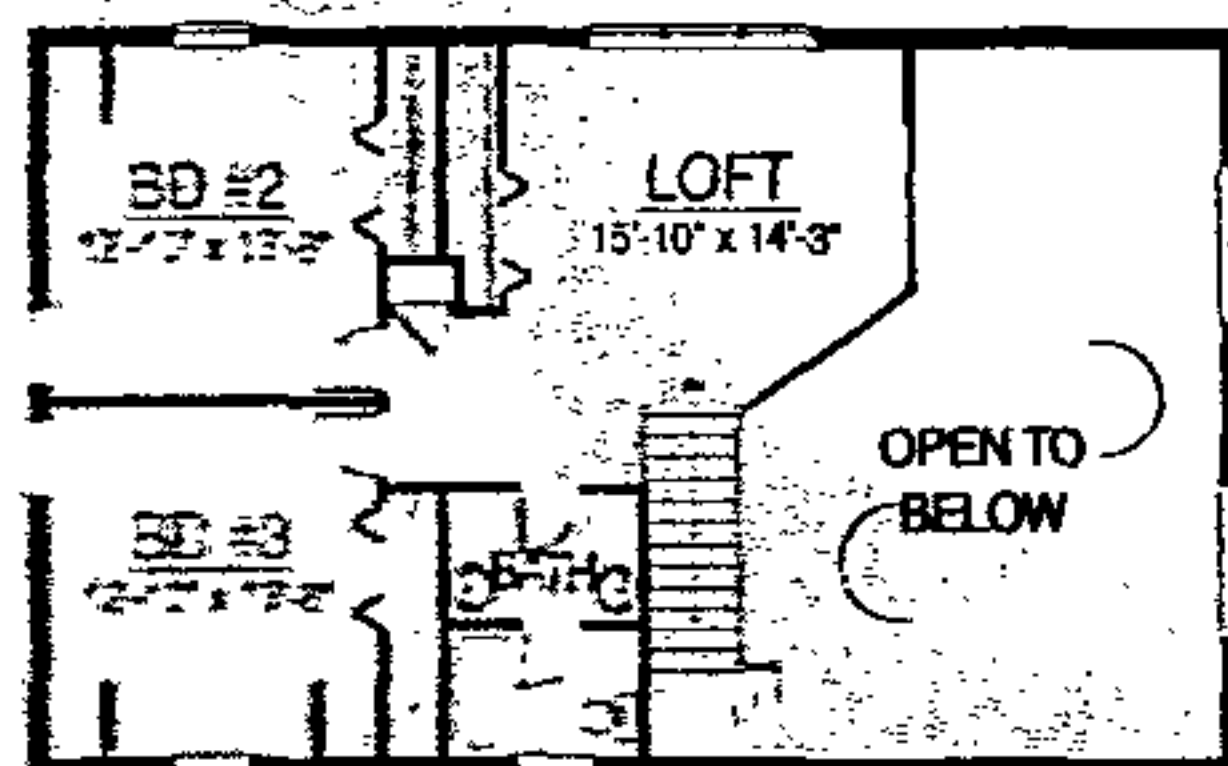
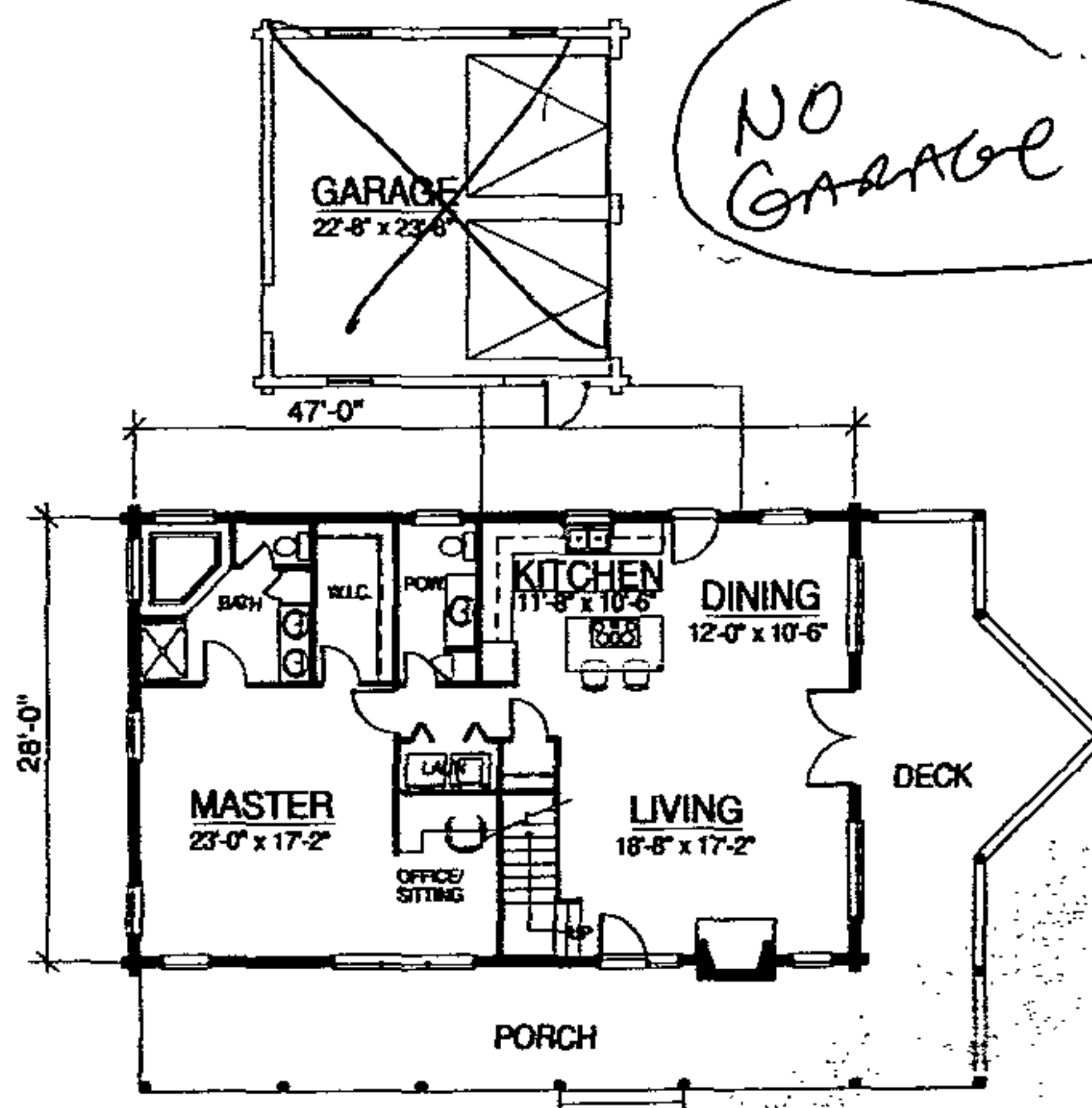
LGL/I

C: file



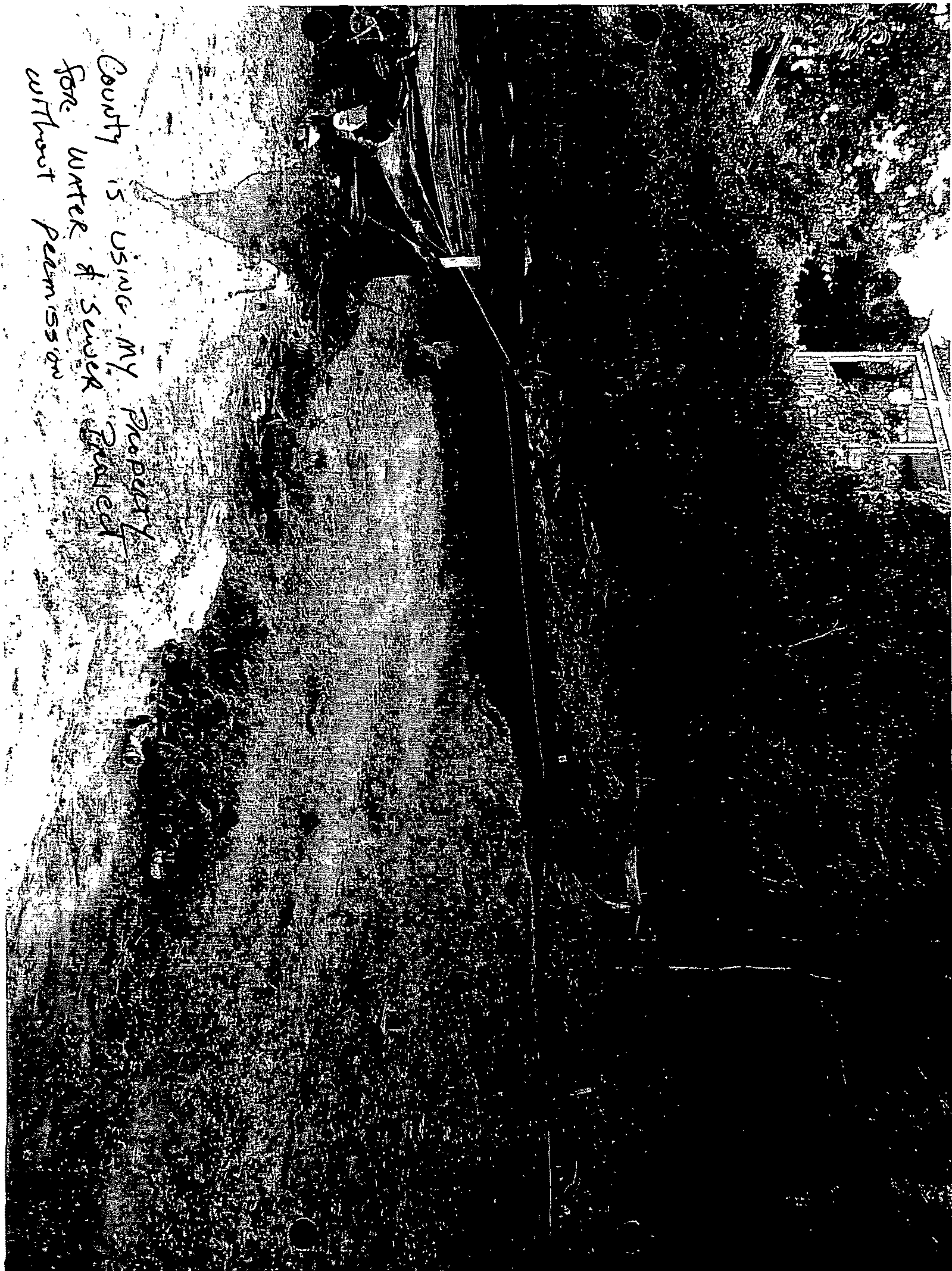
The chalet-styled log home will make you think you've awakened in your favorite resort every morning. A stone fireplace adds to the ski-lodge atmosphere while the cathedral ceilings and dormers add a stately appearance to this unique design.

Interior
Floor Plan
to Be
Modified

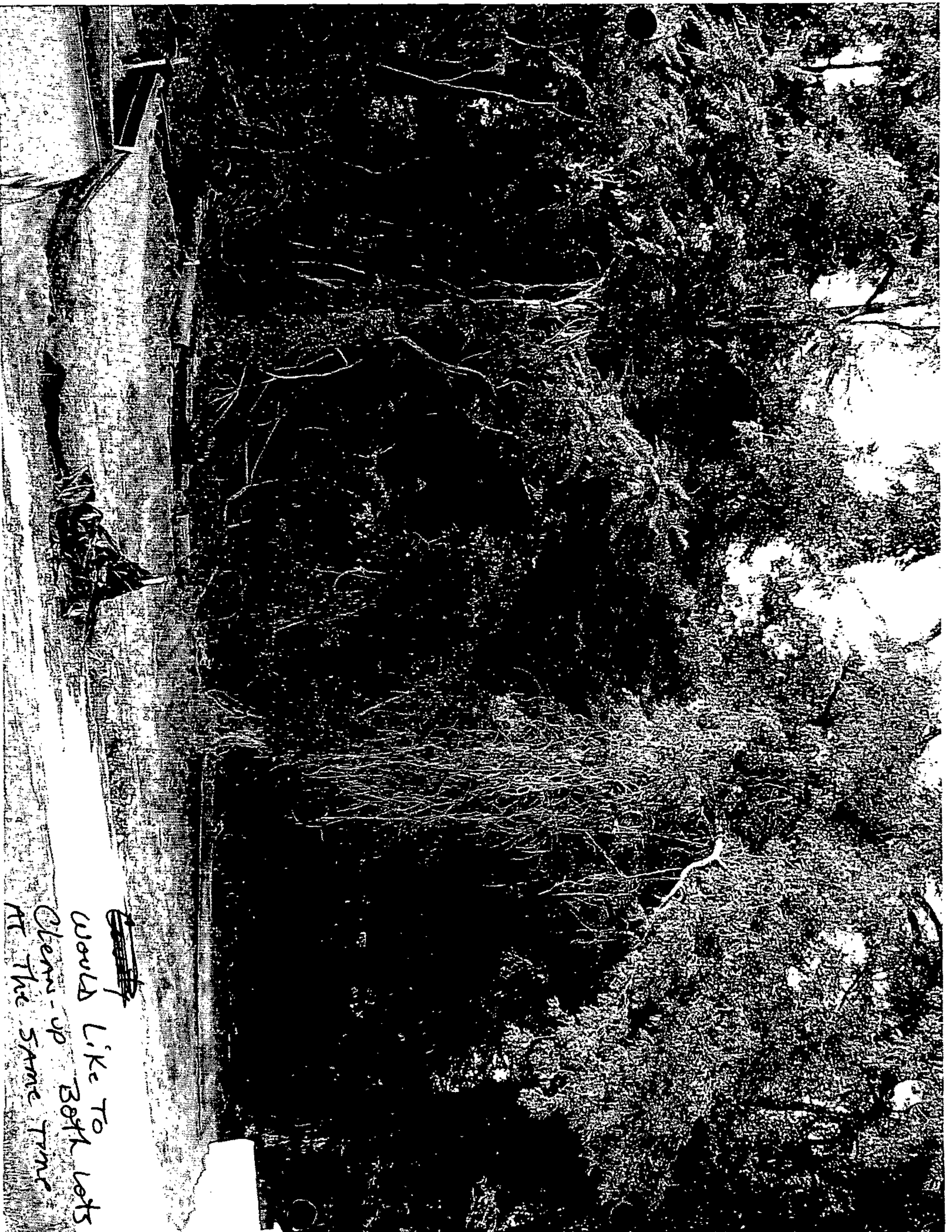


Square Feet: 2,075 • Bedrooms: 3 • Bathrooms: 2.5

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



~~Handwritten~~
would like to
clean up both lots
at the same time



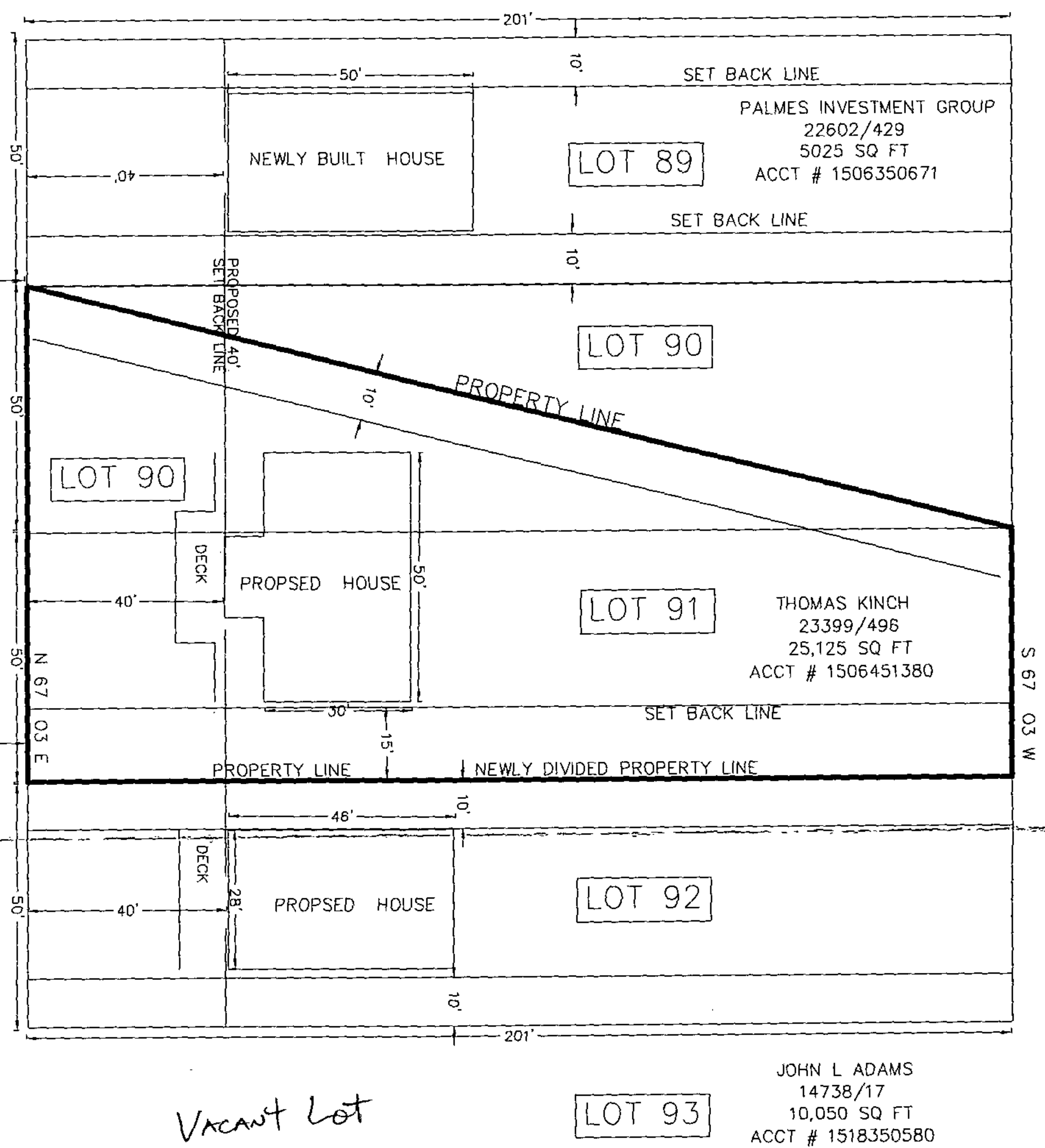
PLAT TO ACCOMPANY PETITION FOR ZONING ~~VARIANCE~~ ☒ SPECIAL HEARING

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

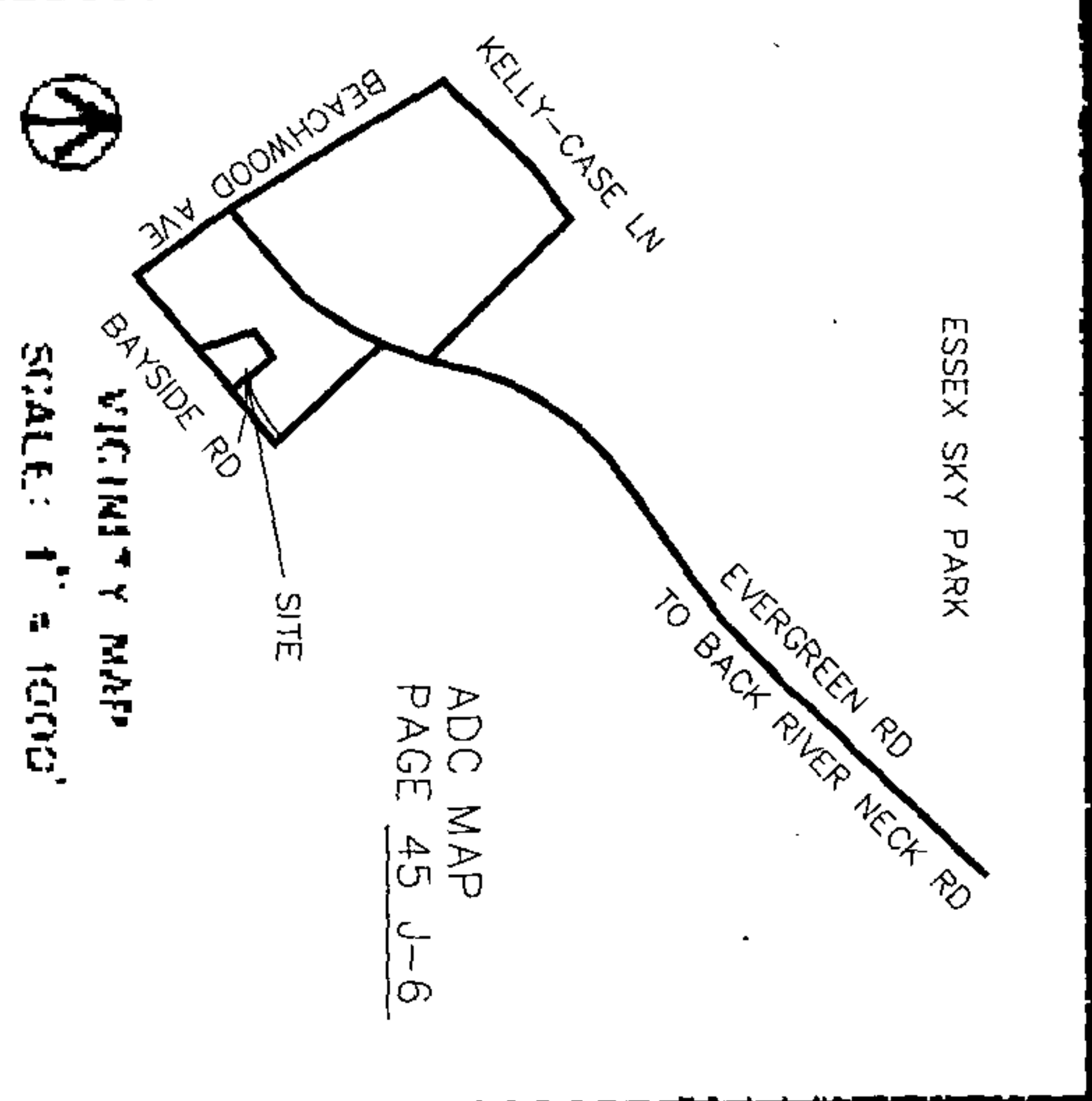
SUBDIVISION NAME EVERGREEN PARK

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



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

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☒

100 YEAR FLOOD PLAIN ☐

HISTORIC PROPERTY/BUILDING ☐

PRIOR ZONING HEARING ☐

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY THOMAS K KINCH SCALE OF DRAWING: 1" = 30'

07-073-A
PETITIONER'S

EXHIBIT NO. 1