

IN THE MATTER OF:
WILLIAM M. LAGNA
Legal Owner/Petitioner
221 Bowleys Quarter Road
Middle River, Maryland 21220

15TH Election District
6th Councilmanic District

Code Enforcement Citation
#06-8506

Board of Appeals Case
CBA-08-109

Petition for Judicial Review

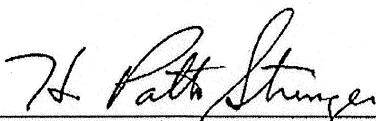
* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
*
* Civil Action No. 03-C-11-003958
*
*

* * * * *

ORDER

This matter is before the Court on the Petition for Judicial Review filed by the Petitioner, William M. Lagna, of the decision of the Board of Appeals of Baltimore County dated April 1, 2011. The Court has considered the pleadings, memoranda of the parties and arguments of counsel heard in open Court, and for the reasons stated on the record, it is this 29th day of November, 2011, by the CIRCUIT COURT FOR BALTIMORE COUNTY, hereby

ORDERED, that the Order of the Board of Appeals dated April 1, 2011 is AFFIRMED.


H. Patrick Stringer, Jr., Judge

Copies To:

Michael R. McCann, Esquire
Nancy West, Esquire

2011 280

1000000000

[Go Back](#)

Case Information

Court System: **Circuit Court for Baltimore County - Civil System**
Case Number: **03C11003958**
Title: **In the Matter of William Lagna**
Case Type: **Administrative Agency Appeal** Filing Date: **04/21/2011**
Case Status: **Open/Active**

Plaintiff/Petitioner Information

(Each Plaintiff/Petitioner is displayed below)

Party Type: **Petitioner** Party No.: **1**
Name: **Lagna, William**
Address: **221 Bowleys Quarters Road**
City: **Middle River** State: **MD** Zip Code: **21220**

Attorney(s) for the Plaintiff/Petitioner

Name: **McCann, Esq, Michael R**
Practice Name: **Michael R McCann P A**
Address: **118 W Pennsylvania Ave**
City: **Towson** State: **MD** Zip Code: **21204**
Name: **Holzer, Esq, J Carroll**
Practice Name: **Holzer & Lee**
Address: **508 Fairmount Avenue**
City: **Towson** State: **MD** Zip Code: **21286-5448**

Court Scheduling Information

Event Type: **Civil Non-Jury Trial** Notice Date:
Event Date: **09/09/2011** Event Time: **09:30 AM**
Result: **Postponed/Reset** Result Date: **08/10/2011**

Event Type: **Civil Non-Jury Trial** Notice Date: **08/10/2011**
Event Date: **10/25/2011** Event Time: **09:30 AM**
Result: **Postponed** Result Date: **10/14/2011**

Event Type: **Civil Non-Jury Trial** Notice Date:
Event Date: **11/29/2011** Event Time: **09:30 AM**
Result: **Held/Concluded** Result Date: **11/29/2011**

Related Persons Information

(Each Related person is displayed below)

Party Type: **Administrative Agency** Party No.: **1**
Business or
Organization Name: **Board Of Appeals Of Baltimore County**
Address: **Jefferson Bldg, Suite 203**
City: **Towson** State: **MD** Zip Code: **21204**

Party Type: **Interested Party** Party No.: **1**
Baltimore County Maryland

Business or
Organization Name:

Address: **400 Washington Avenue**

City: **Towson** State: **MD** Zip Code: **21204**

Attorney(s) for the Related Persons

Name: **West, Nancy C**

Practice Name: **Baltimore County Office Of Law**

Address: **2nd Floor, Old Courthouse**
400 Washington Avenue

City: **Towson** State: **MD** Zip Code: **21204**

Document Tracking

(Each Document listed. Documents are listed in Document No./Sequence No. order)

Doc No./Seq No.: **1/0**

File Date: **04/21/2011** Close Date: Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Petition for Judicial Review with exhibits**

Doc No./Seq No.: **1/1**

File Date: **05/05/2011** Close Date: Decision:

Party Type: **Interested Party** Party No.: **1**

Document Name: **Response to Petition for Judicial Review ***

Doc No./Seq No.: **2/0**

File Date: **04/26/2011** Close Date: Decision:

Party Type: **Administrative Agency** Party No.: **1**

Document Name: **Certificate of compliance**

Doc No./Seq No.: **3/0**

File Date: **06/07/2011** Close Date: Decision:

Document Name: **Transcript of Record from Adm Agency ***

Doc No./Seq No.: **4/0**

File Date: **06/08/2011** Close Date: **06/08/2011** Decision:

Party Type: **Administrative Agency** Party No.: **1**

Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **5/0**

File Date: **06/08/2011** Close Date: **06/08/2011** Decision:

Party Type: **Interested Party** Party No.: **1**

Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **6/0**

File Date: **06/08/2011** Close Date: **06/08/2011** Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Notice of Transcript of Record Sent**

Doc No./Seq No.: **7/0**

File Date: **07/07/2011** Close Date: **07/07/2011** Decision:

Document Name: **Scheduling Order**

Doc No./Seq No.: **8/0**

File Date: **07/08/2011** Close Date: **08/15/2011** Decision: **Denied**

Party Type: **Petitioner** Party No.: **1**

Document Name: **Notice to Strike Appearance of Counsel (J. Carroll Holzer)**

Doc No./Seq No.: **9/0**

File Date: **08/10/2011** Close Date: **08/10/2011** Decision:

Document Name: **Hearing Notice**

Doc No./Seq No.: **10/0**

File Date: **08/05/2011** Close Date: **08/12/2011** Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Stipulation ***

Doc No./Seq No.: **11/0**

File Date: **08/19/2011** Close Date: Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Withdraw and enter attorney appearance**

Doc No./Seq No.: **12/0**

File Date: **08/26/2011** Close Date: **08/26/2011** Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Attorney Appearance Removed**
J C Holzer

Doc No./Seq No.: **13/0**

File Date: **09/09/2011** Close Date: **09/16/2011** Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Memorandum in Support of Petition for Judicial Review w/exhibits**

Doc No./Seq No.: **14/0**

File Date: **10/11/2011** Close Date: **10/18/2011** Decision:

Party Type: **Petitioner** Party No.: **1**

Document Name: **Stipulation ***

Filed by PET001-Lagna, ITP001-Baltimore County Maryland
Filed by PET001-Lagna, ITP001-Baltimore County Maryland

Doc No./Seq No.: **15/0**

File Date: **10/18/2011** Close Date: **10/21/2011** Decision:

Party Type: **Interested Party** Party No.: **1**

Document Name: **Memorandum of Baltimore County, Maryland ***

Doc No./Seq No.: **16/0**

File Date: **11/29/2011** Close Date: Decision:

Document Name: **Open Court Proceeding**

November 29, 2011. Hon. H. Patrick Stringer, Jr. Hearing had in re: Petition for Judicial review. Argument placed on the record. Denied. Order to be filed.

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record into an electronic format.



County Board of Appeals of Baltimore County

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

April 1, 2011

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Nancy C. West, Assistant County Attorney
Office of Law
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: William M. Lagna – Appellant/Respondent*
Case No.: CBA-08-109

Dear Counsel:

Enclosed please find a copy of the Order of the Board of Appeals on the Remand Order from the Circuit Court for Baltimore County issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c:	William M. Lagna	Dorothy Berg
	Ron Robbins	Allen Robertson
	Janet Walper	Harlan Zinn
	Norma Bankard	Clarence Raynor/Code Enforcement Officer
	Arnold Jablon, Director/PAI	Michael Field, County Attorney
	Lawrence M. Stahl, Managing Administrative Law Judge	
	Lionel VanDommelen, Chief Code Enforcement Officer	

IN THE MATTER OF THE
WILLIAM M. LAGNA, APPELLANT /
RESPONDENT
PROPERTY AT 221 BOWLEYS QUARTERS RD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
CODE ENFORCEMENT
CITATION # 06-8506

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: CBA-08-109
*

* * * * *

ORDER OF THE BOARD OF APPEALS ON THE
REMAND ORDER FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY

This matter came before the Board on an appeal from the Finding of the Code Enforcement Hearing Officer with the Department of Permits and Development Management dated April 4, 2008, in which the Hearing Officer found that the Appellant/ Respondent, William Lagna, was in violation of the decision of the Deputy Zoning Commissioner (DZC) dated June 25, 2007, in which the DZC allowed the Petitioner to store up to five (5) boats regardless of length, whether on a trailer or not, on his property. The Hearing Officer assessed a penalty of \$3,000.00. A hearing was held on the record before the Board on July 15, 2008. Appellant Lagna was represented by J. Carroll Holzer, Esquire, and the County was represented by Code Enforcement Officer Clarence Raynor. The parties were allowed to file briefs, and a brief on behalf of the County was filed by Schniqua L. Roberts, Assistant County Attorney.

On September 25, 2008 the Board issued a decision in the matter reversing the Hearing Officer and Ordering that any future inspections of the property of Appellant/Respondent, William Lagna, at 221 Bowleys Quarters Road, Baltimore, MD, 21220, shall be based upon compliance with the terms and conditions of the decision of the Deputy Zoning Commissioner dated June 25, 2007.

Respondent Lagna filed a Petition for Judicial Review in the Circuit Court for Baltimore County.

After hearing argument, Circuit Court Judge H. Patrick Stringer, Jr., issued an Order dated February 14, 2011, in which Judge Stringer, Jr., remanded the case back to the Board. The Remand Order stated as follows:

"...that the Order of the County Board of Appeals that Reversed the decision of the Hearing Officer in Case No. CBA-08-109 is AFFIRMED; and it is further

ORDERED, that the case is REMANDED to the County Board of Appeals to decide the question whether the Petitioner has abandoned the 1989 Variance from Section 415A in Case No. 89-302-A permitting five recreational vehicles in lieu of one recreational vehicle."

On March 2, 2011, the Board scheduled a Public Deliberation on Remand for Tuesday, March 29, 2011 at 9:30 a.m. Subsequent to the receipt of notification of the Deliberation, Counsel for Appellant Lagna sent a letter to the Board stating:

"In the discussion before Circuit Court Judge, H. Patrick Stringer, he remanded the matter back to the Baltimore County Board of Appeals for the purposes of taking additional testimony relative to the issue of any alleged abandonment of Mr. Lagna's rights under the 1989 Variance from Section 415A in Case No.: 89-302-A permitting five (5) recreational vehicles in lieu of one recreational vehicle. Judge Pat Stringer was very clear in his desire to have this Board address this issuer and take additional testimony relative to that matter since the record in the case before the Circuit Court was insufficient on that point.

I would respectfully request that this Notice of Deliberation be cancelled and the matter sit in for production of evidence, testimony and argument."

On March 10, 2011, the Board received a letter from Nancy C. West, Assistant County Attorney stating:

"Contrary to Mr. Holzer's representations, I do not believe it was the Court's intent that the Board conduct yet another hearing for the purpose of taking "evidence, testimony and argument" as Mr. Holzer suggests. It is my understanding that Judge Stringer wanted a specific finding with regard to the abandonment issue clearly articulated in the Order issued by the Board. Hence, the public deliberation scheduled by the CBA is the appropriate way to address the Court's remand order."

On March 10, 2011, the Administrator for the Board sent a letter to Mr. Holzer, with copies to all the parties, stating:

"I am in receipt of your letter dated March 7, 2011 requesting that the Public Deliberation scheduled for March 29, 2011, in the above captioned matter, be cancelled. Your request has been reviewed by the Chairman, and it is the decision of the Board that the Public Deliberation will proceed as scheduled on March 29, 2011 at 9:30 a.m. At the commencement of the Public Deliberation, your letter will be addressed."

On March 29, 2011, a Public Deliberation was held in the above matter and the Board reviewed the request by Mr. Holzer for additional testimony and argument in the case. The Board reviewed the decision of Judge Stringer, Jr., from the Circuit Court, and noted that the Order stated:

"it is further

ORDERED, that the case is REMANDED to the County Board of Appeals to decide the question whether the Petitioner has abandoned the 1989 Variance from Section 415A in Case No. 89-302-A permitting five recreational vehicles in lieu of one recreational vehicle."

The Board noted that there was nothing in the Order requiring that the Board take additional testimony or argument on this issue.

Decision

The Board noted that the original decision in this matter was an appeal from a finding of the Code Enforcement Hearing Officer with the Department of Permits and Development Management. It was not a hearing with respect to the Deputy Zoning Commissioner's Order, dated June 25, 2007 in Case No.: 07-⁴⁴⁴~~044~~-SPH. In its Opinion issued on September 25, 2008, the Board stated on page 8:

"Therefore, in the opinion of the Board, the Deputy Zoning Commissioner found that the variance granted in Case No. 89-302-A was abandoned and could not be utilized by the Petitioner. The Board finds that Appellant /Respondent Lagna, is allowed to implement the boat storage plan approved by the Deputy Zoning Commissioner with the conditions set forth in the DZC's decision dated June 25, 2007."

Since the above language was not clear to the Court, the Board clarified it's decision to find that the Appellant, Lagna, had in fact abandoned the Variance granted in Case No.: 89-302-A, since no appeal was taken from the decision of the Deputy Zoning Commissioner in Case No.: 07-⁴⁴⁴~~044~~-SPH with respect to the abandonment issue. Therefore, Mr. Lagna could not utilize the Variance after the date of the decision in Case No.: 07-⁴⁴⁴~~044~~-SPH.

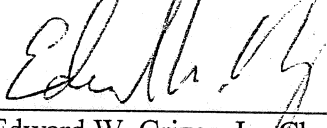
ORDER

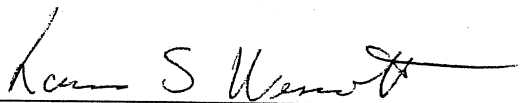
IT IS THEREFORE this 1st day of April, 2011, by the Board of Appeals of Baltimore County

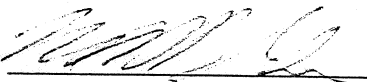
ORDERED that, in accordance with the ORDER of the Honorable H. Patrick Stringer, Jr., Judge, Circuit Court for Baltimore County, filed February 14, 2011, for further proceedings consistent with the Order, the Board clarifies the decision of the Board in Case No.: CBA-08-109, to find that the Appellant/Respondent Lagna, abandoned the Variance granted to him by the Zoning Commissioner in Case No.: 89-302-A, in 1989 by failing to appeal the decision of the Deputy Zoning Commissioner in Case No.: 07-⁴⁴⁴~~044~~-SPH, in which the Deputy Zoning Commissioner found the Variance to be abandoned.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Edward W. Crizer, Jr., Chairman


Lawrence S. Wescott


Wendell H. Grier

RECEIVED

FEB 16 2011

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:
WILLIAM M. LAGNA
Legal Owner/Petitioner
221 Bowleys Quarter Road
Middle River, Maryland 21220

15TH Election District
6th Councilmanic District

Code Enforcement Citation
#06-8506

Board of Appeals Case
CBA-08-109

Petition for Judicial Review

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
*
* Civil Action No. 03-C-08-010673
*
*

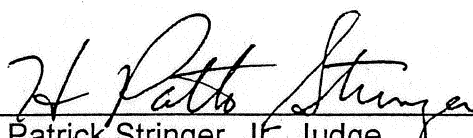
* * * * *

ORDER

This matter came before the Court on the Petition for Judicial Review filed by the Petitioner, William M. Lagna. Upon consideration of Petition, the legal Memoranda filed by the Petitioner and the Respondent, Baltimore County, Maryland, and arguments of counsel, it is this 20th day of January, 2011, by the CIRCUIT COURT FOR BALTIMORE COUNTY, hereby

ORDERED, that the Order of the County Board of Appeals that Reversed the decision of the Hearing Officer in Case No. CBA-08-109 is AFFIRMED; and it is further

ORDERED, that the case is REMANDED to the County Board of Appeals to decide the question whether the Petitioner has abandoned the 1989 Variance from Section 415A in Case No. 89-302-A permitting five recreational vehicles in lieu of one recreational vehicle.


H. Patrick Stringer, Jr., Judge

FILED FEB 14 2011

cc: Halper, Field

Copies To:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

Nancy West, Esquire
Baltimore County Office of Law
Courthouse 2nd Floor
400 Washington Avenue
Towson, MD 21204

IN THE MATTER OF THE
WILLIAM M. LAGNA, APPELLANT /
RESPONDENT
PROPERTY AT 221 BOWLEYS QUARTERS RD

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

CODE ENFORCEMENT
CITATION # 06-8506

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: CBA-08-109
*

* * * * *

OPINION

This matter is before the Board on an appeal from the Finding of the Code Enforcement Hearing Officer with the Department of Permits and Development Management dated April 4, 2008, in which the Hearing Officer found that the Appellant/ Respondent, William Lagna, was in violation of the decision of the Deputy Zoning Commissioner (DZC) dated June 25, 2007, in which the DZC allowed the Petitioner to store up to five (5) boats regardless of length, whether on a trailer or not, on his property. The Hearing Officer assessed a penalty of \$3,000.00. Appellant William Lagna filed a timely appeal, and a hearing was held on the record before the Board on July 15, 2008. Appellant Lagna was represented by J. Carroll Holzer, Esquire, and the County was represented by Code Enforcement Officer Clarence Raynor. The parties were allowed to file briefs, and a brief on behalf of the County was filed by Schniqua L. Roberts, Assistant County Attorney. A Public Deliberation was held on September 10, 2008.

Background

This case has a long history beginning with a decision of Zoning Commissioner J. Robert Haines in Case Number 89-302-A decided on February 16, 1989. In that decision, the Zoning Commissioner granted a variance from § 415A of the *Baltimore County Zoning Regulations*

(BCZR) to permit five (5) recreational vehicles in lieu of the maximum one (1) to be stored on the Petitioner's property at 221 Bowleys Quarters Road.

In 1993, the *Baltimore County Zoning Regulations* were amended to include recreational boats whether mounted on a trailer or stored on land with or without supports as subject to the provisions of §415A. A boat less than sixteen (16) feet in length was not subject to the provisions except when the boat was mounted on a trailer.

On November 26, 2006, Appellant Lagna was cited by Code Enforcement Officer Clarence Raynor for violating the recreational vehicle storage code, BCZR §415A. At that time Appellant Lagna had five (5) recreational vehicles (boats) stored on trailers, five (5) boats less than sixteen (16) feet stored off of trailers, and five (5) personal watercraft stored off trailers on his property.

A hearing was held before the Code Enforcement Hearing Officer, Raymond Wisnom, on November 30, 2006. Mr. Lagna appeared without counsel, and Code Enforcement Officer Raynor appeared representing the County. Mr. Wisnom ordered that Respondent Lagna be assessed a civil penalty of \$3,000.00. He further ordered that the \$3,000.00 fine should be suspended on the condition that the Respondent "returns the property and recreational storage thereon to a condition that conforms to the variance granted on or before February 9, 2007."

On January 4, 2007, Attorney Lawrence E. Schmidt, representing Mr. Lagna, sent Mr. Wisnom a letter in which he stated:

As agreed, Baltimore County will hold in abeyance the collection/ appeal deposit in the amount of three thousand (\$3,000.00) dollars. This was the amount of the civil penalty imposed by you in your written decision. As further agreed, the property owner shall timely file the requisite petition for zoning relief in order to update the prior variance decision (Case No. 89-302-A). I would hope to have the petition filed within forty-five (45) days of the date of this letter, depending upon the time necessary to prepare the required plat and filing materials. As we discussed, the passage of time since the 1989 decision, as well as the current use

of the property, warrants the consideration of updated zoning relief. The filing of this petition and subsequent ruling thereon by the Zoning Commissioner will render the violation case moot.

In the interim we have further agreed that Mr. Lagna will keep his property in a clean and orderly manner so as not to cause a disturbance to the surrounding neighborhood. This office will copy you on all filings and other case materials submitted to the Zoning Commissioner of Baltimore County and will update you as to the outcome of this zoning hearing.

If you are in agreement with the foregoing arrangement, please attach your signature hereto as a testament of your approval. I thank you for your agreement in this regard, which I believe will ensure the lawful use of the property, with no adverse impacts on adjacent properties...

The letter was signed as agreed to by Mr. Wisnom.

As agreed, Mr. Schmidt's office, by Sebastian A. Cross, Esquire, filed a Petition for Special Hearing on behalf of William Lagna in Case No. 07-⁴⁴⁴~~044~~-SPH. A hearing was held before Deputy Zoning Commissioner, John V. Murphy, and Mr. Murphy rendered his decision on June 25, 2007. In the decision, the DZC found that the Petitioner had abandoned the variance granted in Case No. 89-302-A. He denied the request for determination that the property conforms with the previously approved variance granted through Case No. 89-302-A but did grant the Petitioner's request for approval of a boat storage plan. He approved a modified RV storage plan as per BCZR §415A.3.B. Subject to the following conditions:

1. Petitioners may apply for use 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 such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return and be responsible for returning said property to its original condition; and
2. The Petitioners shall submit a landscape plan to the Baltimore County Landscape Architect for review and approval which shall properly screen the Petitioner's recreational vehicles and boats stored on the property from the adjacent community; and

3. The Petitioners shall be permitted up to five (5) boats of whatever length, make, model, or design on the premises whether on or off trailers; and
4. All boats on the premises shall be owned by the Petitioner and located on the property exclusively for he and his family's recreational use; and
5. There shall be no commercial use of the premises including storage, repair or maintenance of boats owned by persons other than the Petitioner.

Upon receipt of the decision of DZC Murphy, Mr. Lagna filed a Motion for Reconsideration on July 20, 2007. Mr. Lagna was unaware that People's Counsel filed an appeal of the DZC's decision to the Board of Appeals on July 19, 2007. This superceded Mr. Lagna's Motion for Reconsideration and divested the Zoning Commissioner from considering any further issues in the matter. It should be noted that the letter indicating the appeal of People's Counsel was copied to Sebastian A. Cross, Esquire, attorney for Mr. Lagna. Mr. Lagna was informed of the appeal by People's Counsel and the fact that his Motion for Reconsideration had been superceded by the appeal in a letter dated August 1, 2007 from Thomas H. Bostwick, Deputy Zoning Commissioner, who had taken the place of DZC Murphy.

On February 11, 2008, pursuant to a request from People's Counsel to withdraw their appeal, the Board of Appeals issued a Dismissal Order of the appeal of People's Counsel in this matter.

On March 19, 2008, Code Enforcement Officer Clarence Raynor filed a Motion to Show Cause why the penalty assessed by Hearing Officer Wisnom in December 2006 should not be imposed and requested a Show Cause Order from Hearing Officer Wisnom. Mr. Raynor moved for a hearing before the Code Enforcement Hearing Officer.

On March 19, 2008, Hearing Officer Wisnom issued a Show Cause Order directing Respondent Lagna to appear before him on April 2, 2008, to show cause why the civil penalty in

the amount of \$3,000.00 should not be imposed for failing to obey the order passed on December 7, 2006.

Finally, on April 2, 2008, the Show Cause hearing was held before Hearing Officer Wisnom. On April 4, 2008, the Hearing Officer Ordered that a civil penalty of 3,000.00 be imposed based upon his decision of December 7, 2006, and the subsequent decision of Deputy Zoning Commissioner allowing the Petitioner to store up to five (5) boats regardless of the length, whether or not on a trailer, on his property.

Appellant's Position

Appellant has many issues that he contends were errors with respect to the inspection of the property, the hearings conducted by Mr. Wisnom, and the hearings conducted by the Deputy Zoning Commissioner. They are as follows:

1. The Code Enforcement Officer did not visit the site when he initially cited the Appellant for violation of § 415.A of the BCZR.
2. The Code Enforcement Officer incorrectly classified boats that were off the trailer and less than 16 feet as recreational vehicles.
3. The Code Enforcement Officer counted empty trailers as recreational vehicles.
4. The Code Enforcement Hearing Officer erred in finding Mr. Lagna guilty without considering any of his testimony. The Code Enforcement Officer failed to produce evidence of 30 recreational vehicles during the hearing, and Hearing Officer Wisnom did not apply the law logically and correctly to fine Mr. Lagna. Various other issues with respect to errors in the Hearing Officer's decision of November 30, 2006, were set forth by the Appellant in its Brief.
5. In an agreement between Baltimore County, represented by Wisnom, and Respondent Lagna, Baltimore County agreed to drop the case if Lagna agreed to proceed to file for additional

zoning relief. Appellant contends that he filed for the relief by requesting a special hearing, and in accordance with the agreement, the "filing of this petition, the subsequent hearing thereon by the Zoning Commissioner will render the case moot." The Show Cause Order was issued in Case No. 06-8506, which indicated that the County did not follow the terms of this agreement.

6. The Deputy Zoning Commissioner granted the special hearing with restrictions, and Petitioner Lagna filed a Motion for Reconsideration of the Deputy Zoning Commissioner's decision. People's Counsel for Baltimore County filed an appeal in this matter to the Board of Appeals on June 25, 2007. When the People's Counsel's appeal to the Board of Appeals in Case No. 07-~~044~~⁴⁴⁴-SPH was withdrawn, Appellant contends that his Motion for Reconsideration should have been revived and allowed to be processed. The Appellant evidently wants the Board to hold a hearing and revise the decision of the Deputy Zoning Commissioner.

7. Appellant Lagna contends that the Show Cause Order and hearing dated April 2, 2008, was incorrect because of the agreement signed in 2007.

Position of the County

The position of the County appears to be that the operative event in this matter was the final order of the Hearing Officer issued on December 7, 2006. The County contends that the Respondent's failure to appeal that order within 15 days was time barred and not subject to review by the Board, and that the appeal was limited to the record created by the Hearing Officer at the April 2, 2008 hearing. It is the position of the County that the imposition of the civil penalty of \$3,000.00 was proper.

Decision

1. Timeliness of Appeal

The Board has reviewed the position of the County with respect to whether or not a timely appeal was filed in this matter. While the County contends that the operating events were

set forth in the decision dated December 7, 2006, and that that is the date that should be considered with respect to the timeliness of the appeal, the Board disagrees with that position. The appeal is from the decision of the Code Enforcement Hearing Officer on April 4, 2008, and, since the appeal was filed by letter dated April 18, 2008, it is timely filed.

2. Was the decision of the Hearing Officer dated December 7, 2006, rendered moot?

The Code Enforcement Hearing Officer rendered his decision on December 7, 2006, and imposed a fine of \$3,000.00 on Respondent Lagna if he did not return the property and recreational storage thereon to a condition that conforms to the variance granted on or before February 9, 2007. On January 4, 2007, Hearing Officer Wisnom agreed with the attorney for Respondent, Lawrence E. Schmidt, that the \$3,000.00 would be held in abeyance and that a Petition for zoning relief would be filed to update the prior variance decision in Case No. 89-302-A. Mr. Wisnom agreed that "the filing of this petition and subsequent ruling thereon by the Zoning Commissioner will render the violation case moot." A Petition for Special Hearing was filed and the Zoning Commissioner rendered his decision on June 25, 2007. That fulfilled the requirements set forth in the letter and rendered the Enforcement Hearing Officer's decision moot, in the opinion of the Board.

3. The action to be taken with respect to the Deputy Zoning Commissioner's decision.

Upon receipt of the decision of the Deputy Zoning Commissioner, Petitioner Lagna filed a Motion for Reconsideration. Unfortunately for him, People's Counsel had filed an appeal of the decision the day before the Motion for Reconsideration was filed. The receipt of the appeal superseded the Motion for Reconsideration and took the matter out of the jurisdiction of the Deputy Zoning Commissioner. It should be noted that a copy of the appeal was sent to counsel for Mr. Lagna. There was still time for an appeal to be filed by Petitioner Lagna with the Board

of Appeals, and upon the withdrawal of People's Counsel's appeal, the Petitioner's appeal would have been valid, which was not the case. Therefore, the decision of the Deputy Zoning Commissioner stands on its own merits.

In his Brief, Appellant Lagna states, with regard to the Deputy Zoning Commissioner's decision, "Further, the Order did not specifically state that it superseded or replaced the existing variance, which it certainly could have clearly stated." On page 5 of the decision of the DZC, it is stated, "Consequently, I will deny the alternative request that the property conforms with the previously approved variance through Case No. 89-302-A." On page 7 of the decision, the DZC stated, "The Petitioner has abandoned the variance granted in Case No. 89-302-A. Therefore, to deny the boat storage plan would be to limit the number of recreational vehicles to one." Further on he states, "I find that the Petitioner's request for a determination that the property conforms with the previously approved variance through Case No. 89-302-A should be denied and that the Petitioner's request for approval of a boat storage plan should be approved as below."

Therefore, in the opinion of the Board, the Deputy Zoning Commissioner found that the variance granted in Case No. 89-302-A was abandoned and could not be utilized by the Petitioner. The Board finds that Appellant /Respondent Lagna, is allowed to implement the boat storage plan approved by the Deputy Zoning Commissioner with the conditions set forth in the DZC's decision dated June 25, 2007.

The Board also finds that the decision of the Code Enforcement Hearing Officer should be rescinded, as well as the \$3,000.00 fine. The Board also finds that any future inspection of the property should be limited to compliance with the decision of the Deputy Zoning Commissioner dated June 25, 2007, and the conditions set forth therein. Any new inspections should be considered to be a new case, with new case number, and should be done on the

property with respect to compliance with the Commissioner's decision. The Board finds no need to rule on the question of what is a recreational vehicle at this time.

ORDER

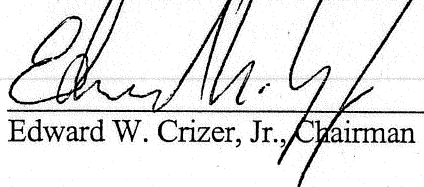
THEREFORE, IT IS THIS 25th day of September, 2008, by the County Board of Appeals of Baltimore County,

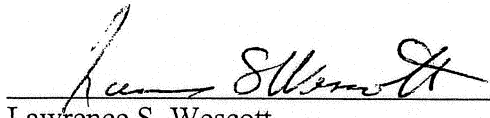
ORDERED that the decision of the Hearing Officer in Case No. CBA-08-109 (Civil Action #06-8506) be and is hereby **REVERSED**; and it is further

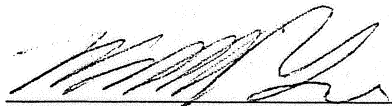
ORDERED that any future inspections of the property of Appellant / Respondent, William Lagna, at 221 Bowleys Quarters Road, Baltimore, MD, 21220, shall be based upon compliance with the terms and conditions of the decision of the Deputy Zoning Commissioner dated June 25, 2007.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Edward W. Crizer, Jr., Chairman


Lawrence S. Wescott


Wendell H. Grier

IN RE: PETITION FOR SPECIAL HEARING
W side Bowleys Quarters Road, 400 feet
S of Carroll Island Road
15th Election District
6th Councilmanic District
(221 Bowleys Quarters Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

William Lagna
Petitioner

* CASE NO. 07-444-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 221 Bowleys Quarters Road. The Petition was filed by William Lagna, legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a modified RV storage plan as per BCZR Section 415A.3.B; or in the alternative a determination that the property conforms with the previously approved variance through Case No. 89-302-A.

The property was posted with Notice of Hearing on June 4, 2007, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 5, 2007, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

6-25-07
PZ

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: A ZAC comment dated June 19, 2007 was received from the Office of Planning which requested the Petitioner to provide fencing and landscaping for the entire rear of the property.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Dorothy Berg, Ron Robbins and William Lagna, Petitioner. Sebastian Cross, Esquire, represented the Petitioner. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 06-8506) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that the Petitioner has over 30 boats and trailers parked on the subject property. A Code Enforcement Hearing was held on November 30, 2006. On December 7, 2006, a civil penalty was imposed in the amount of \$3,000, but suspended on the condition that the property owner return the property and recreational storage to a condition that conforms to the variance granted on or before February 9, 2007.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a use has been made of the property to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the

hardship or practical difficulty required by the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Testimony and Evidence

The subject property contains 1.64 acres zoned DR 3.5 and is improved by the Petitioner's single family dwelling. Mr. Cross indicated that the subject property is located on Bowleys Quarters Road across from the Wal Mart shopping center and is bordered by the Carrollwood residential community as shown in the aerial photograph, Petitioner's Exhibit 2. He opined that he believes the source of the complaint regarding his boats came from one of the residents of the Carrollwood community. He noted that this person has made numerous complaints to the County about the property over many years all of which have been dismissed by the County after investigation. However after the last complaint, the County inspector issued a correction notice (Exhibit 3) and the Code Enforcement Hearing Officer found after hearing that the use of the property, and particularly the storage of large numbers of boats, violated the zoning regulations generally and the order in Case No. 89-302-A in particular. See Exhibit 4.

Mr. Lagna presented extensive photographic evidence of the subject property and surrounding properties including perspectives of the likely complainant in Exhibit 6. He opined that stored boats on the property are barely visible from the surrounding community due to the dense foliage and privacy fences he has erected. He indicated that that he has a waterfront property as well as the subject property and stores boats on the subject property for recreational use by family members. In addition he repairs these boats as a hobby.

Mr. Cross pointed out that the Order in Case No. 89-302-A allowed 5 recreational vehicles to be stored on the premises in lieu of the one allowed by right. He noted that Section 415A specifically exempts boats under 16 feet in length not mounted on a trailer from limitations of the Section. He indicated that the Petitioner has only 5 boats on the property longer than 16 feet and so complies with the Order of Case No. 89-302-A. He indicated there were other boats on the premises but that these were all under 16 feet. Finally he noted that all boats on the premises belonged to the Petitioner and in support thereof he presented certificates of title for all boats along with each length in Exhibit 9. Mr. Cross noted that the Petitioner did not realize that he could have presented these certificates at the Code Enforcement hearing to show all boats belonged to him. Finally the Petitioner opined that several other owners of waterfront property in the area own more than 10 boats for family use.

Findings of Fact and Conclusions of Law

The Petitioner presents several fascinating legal questions. First he indicates that he did realize he could present evidence of his ownership for all boats (Exhibit 9) at the Code Enforcement hearing which would have persuaded the Hearing Officer that he was not operating a commercial enterprise or boat yard. In addition the Exhibit specifies the length of each boat being stored and given that the exceptions under Section 415 of boats less than 16 feet in length, his storage of boats complies with the Order in Case No. 89-302-A.

My problem with this request is that if I were to find the Petitioner's use of the property complies with the Order in Case No. 89-302-A, I would be overruling a specific determination by the Code Enforcement Officer on December 7, 2006 that the Petitioner's storage on the premises does not comply with the order in Case No. 89-302-A. This Commission has no jurisdiction to hear appeals from the Code Enforcement Officer's decisions. Such appeals must

be taken to the Board of Appeals and I believe are *de novo*. Consequently the Petitioner could have presented new evidence such as the title information in Exhibit 9 and perhaps convinced the Board of the merits of the case. Notice to the Petitioner regarding appeals from the decision of the Code Enforcement Officer to the Board was given to the Petitioner in the final paragraph of the decision.

I want to distinguish this request from other requests for special hearing to interpret zoning regulations under Sections 500.6 and 500.7 of the BCZR. All would agree that this Commission no longer has any jurisdiction to enforce the zoning regulations which had been this Commission's jurisdiction prior to 1992. However, since 1992 this Commission has on rare occasions accepted a request to interpret zoning regulations even though a similar matter could be or had been brought before the Code Enforcement Hearing Officer. Those rare instances were primarily interpretations of law. The Petitioner in the subject case seeks to apply the facts of his situation to Section 415 and the Order in Case No. 89-302-A to determine that this Petitioner complies with a prior Order. This is exactly what the Code Enforcement Hearing Officer did in December, 2006 and amounts to an appeal of the Hearing Officer's decision which only the Board of Appeals can hear.

Consequently I will deny the alternative request that the property conforms with the previously approved variance through Case No. 89-302-A.

That said the Petitioner also asks that I approve a modified RV storage plan per BCZR Section 415A.3.B. For the reasons given I will grant this request although in a manner different from simply approving the present arrangement. Let me make some observations in hope that this matter can be settled for the Petitioner and the community. As I observed at the hearing, whatever my decision, that decision can be appealed for years by one party or the other. In

addition I believe complaints will likely flow from the community when the Petitioner stores, repairs and transports 15 boats on this property. No one (including the Code Enforcement Officer) believes the Petitioner or his family could use 15 boats for personal use.

Let me also observe that the Petitioner selectively interprets Section 415 of the BCZR to say that boats under 16 feet are not subject to regulations. This is not true. Section 415 specifies that boats under 16 feet are subject to the regulations when on a trailer. This means that the moment a family member wants to transport a small boat via trailer for recreational purposes the Petitioner would violate the variance granted in Case No. 89-302-A if he has five boats 16 feet or longer on the property. Said another way, if the Petitioner stores 5 boats longer than 16 feet on the property, he cannot transport any smaller boat via trailer without violating the Order.

In Case No. 89-302-A the Petitioner testified that he had 3 runabouts, 1 row boat and 1 sailboat on the premises. The Order itself did not break down the type of boat but merely allowed 5 recreational vehicles on the premises. The Code Enforcement Hearing Officer took the Petitioner at his word holding that the spirit and intent of the Order was to allow the total number of boats specified by the Petitioner in testimony and not simply allow 5 boats longer than 16 feet plus an unlimited number of boats under 16 feet.

I note that a variance and not a boat storage plan was granted in Case No. 89-302-A. One could read the Order strictly as the Petitioner does whereby boats under 16 feet are exempt from regulation. However in a boat storage plan requested by the Petitioner, there are no exceptions as to length. All recreational vehicles of whatever length or construction are subject to this plan.

COPIES RESERVED FOR FILING
6-25-07
RZ

The Petitioner presented photographs of his property showing extensive foliage and fencing between the boats and the community. However the great majority of the foliage is deciduous and not evergreen so that what might not be readily visible in summer could be in winter. Therefore a professional landscape architect needs to go on site, review the present screening, and specify what additional plantings or fencing, if any, is needed to properly screen the Petitioner's boat storage from the community.

Finally I find that to deny the boat storage plan would create an undue hardship on the Petitioner and his family. The Petitioner has abandoned the variance granted in Case No. 89-302-A. Therefore to deny the boat storage plan would be to limit the number of recreational vehicles to one. The Petitioner requested and received permission to store 5 boats on the property in 1989 and should have the same right today given the size of the property, the distance to adjoining residences, and professional screening which will be installed on the property.

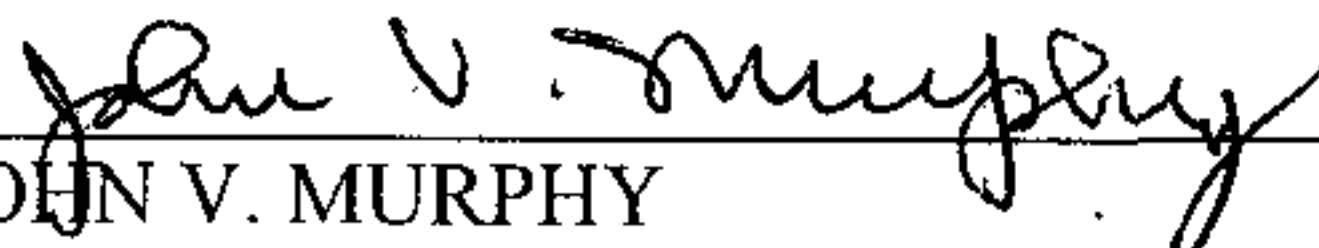
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for determination that property conforms with the previously approved variance through Case No. 89-302-A should be denied and the Petitioner's request for approval of a boat storage plan should be approved as below.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 25th day of June, 2007, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a modified RV storage plan as per BCZR Section 415A.3.B is GRANTED subject to the following conditions:

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6-25-07
AJS

1. The Petitioners may apply for use 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition; and
2. The Petitioner shall submit a landscape plan to the Baltimore County Landscape Architect for review and approval which shall properly screen the Petitioner's recreational vehicles and boats stored on the property from the adjacent community; and
3. The Petitioner shall be permitted to store up to five (5) boats of whatever length, make, model or design on the premises whether on or off trailer; and
4. All boats on the premises shall be owned by the Petitioner and located on the property exclusively for he and his family's recreational use; and
5. There shall be no commercial use of the premises including storage, repair or maintenance of boats owned by persons other than the Petitioner.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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6-25-07

28



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 25, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

SEBASTIAN CROSS, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 07-444-SPH
Property: 221 Bowleys Quarters Road

Dear Mr. Cross:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: William Lagna, 221 Bowleys Quarters Road, Baltimore MD 21220
Dorothy Berg, 9022 Hines Road, Parkville MD 21234
Ron Robbins, 3920 Chestnut Road, Middle River MD 21220

IN RE: PETITION FOR ZONING VARIANCE
E/S Bowleys Quarters Road
500' S Carroll Island Road
(221 Bowleys Quarters Road)
15th Election District
5th Councilmanic District

William M. Lagna
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-302-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum one (1), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, William M. Lagna, appeared and testified. There were no Protestants.

The Petitioner testified that the subject property has been in his family for more than 50 years and has been continuously used as a residence. The Petitioner now resides on the subject property and stores outdoors five (5) small boats. There are three (3) runabouts, one (1) row boat and one (1) sailboat. All of the boats are owned by the Petitioner and he testified that it would be financially impractical to store these boats on a commercial lot because the cost of storage would be higher than the value of the boats.

The Petitioner also testified that he intends to build a garage to store the boats in the near future. He does not believe the boats do any harm to the health, safety or community welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section

307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the

public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

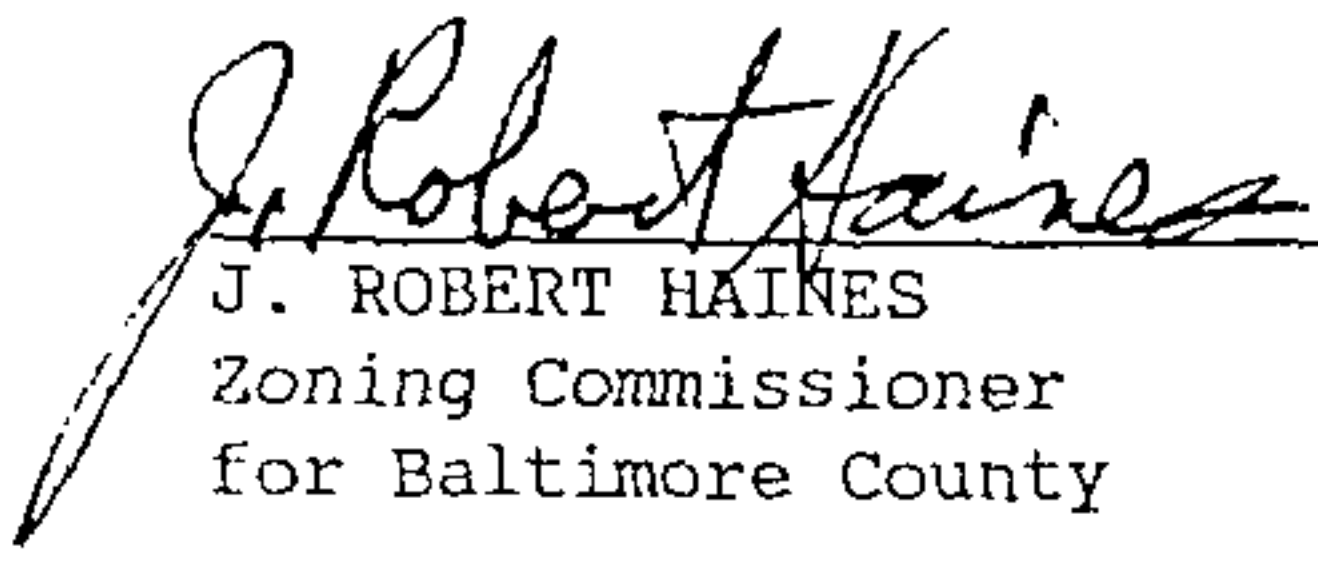
3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of February, 1989 that the Petition for Zoning Variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum One (1), as more particularly described on Petitioner's Exhibit 1 be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 25, 1988, attached hereto and made a part hereof.


J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn
att.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

February 15, 1989



Dennis F. Rasmussen
County Executive

Mr. William M. Lagna
221 Bowleys Quarters Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 89-302A

Dear Mr. Lagna:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn

att.

cc: Peoples Counsel

07-444-SPH

July 20, 2007

Sent Via Hand Delivery, facsimile and email
Zoning Commissioner /Deputy Zoning Commissioner/
John V. Murphy
Baltimore County
401 Bosley Avenue
4th Floor
Towson, MD 21204

RECEIVED
JUL 23 2007
BY:.....

SUBJECT: MOTION FOR RECONSIDERATION

Re: Petition for Special Hearing
Case No. 07-444-SPH
Property: 221 Bowleys Quarters Road

Dear Zoning Commissioner or Deputy Zoning Commissioner:

This motion for Reconsideration comes as a result of the Decision handed down by Deputy Zoning Commissioner John V. Murphy on June 26, 2007 in the above referenced matter. In this case, Petitioner received Special Hearing and Special Exception relief for RV storage on the property at 221 Bowleys Quarters Road. Although it appeared the Petitioner received the relief requested, the Decision handed down in the case contained incorrect relief and therefore resulted in relief being granted that was not petitioned for.

The relief requested was for the approval of a modified RV storage plan as permitted under BCZC 415A.3.B. However, because of the many facts associated with the request, Mr. Murphy handed down a decision that was not actually requested. In arriving at his decision, Mr. Murphy made numerous assumptions, most of which were incorrect. The decision negatively impacts the petitioner and creates undue hardship.

A modified RV storage and parking area was requested, which was delineated in the plat plan and is fully screened, in which boats under 16 feet could be stored on trailer. The boats are currently stored off their trailers in the designated area, in compliance with BCZC 415A.

Under Baltimore County Code section 415A.1, an exception is granted for boats under 16 feet which are not stored on a trailer. In the BCZC, other exceptions are also granted, such as to personal watercraft, whether stored on or off trailer. Boats over 16 feet are to be stored "mechanically ready to be moved at any time," presumably for safety reasons, which is interpreted to mean on a trailer. The exception granted by BCZC for boats under 16 feet when not stored on a trailer seems contradictory, as these small boats are not 'ready to move', but must be loaded onto a trailer to be moved. Further, the boat and the trailer must now be stored separately, which is inconsistent with the exception for personal watercraft (boats under 16 feet) which can be stored on trailers.

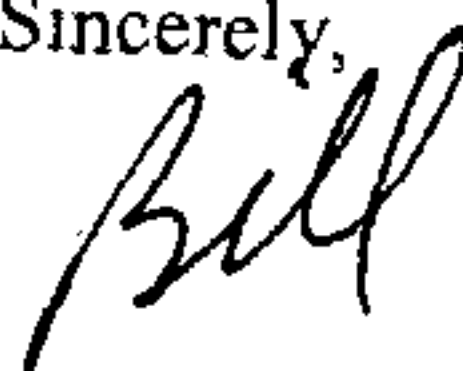
In the decision, the petitioner has not abandoned his 1989 variance for the storage of five recreational vehicles in lieu of the one allowed. The boats are his and his families' hobby and are used for recreational purposes. Proof was given that all of the boats are owned by the petitioner. Many families in the waterfront community own several or many boats.

In addition, the relief requested is consistent with the 1989 variance decision, as the boats named in the variance relief were over 16 feet, and the boats stored within in the screened area were under 16 feet and were not included or affected by the variance.

Finally, the logic used by Mr. Murphy in limiting the request for relief appears flawed. Mr. Murphy claims that loading a boat onto a trailer for use violates the BCZC. This is not true as 'use' is very different than 'storage'. In addition, if Mr. Murphy's logic was correct, then the BCZC would be contradictory as the exception granted to the boats under 16 feet would be voided as soon as they are loaded on trailers to be used.

Petitioner respectfully requests reconsideration to allow storage of the boats under 16 feet on trailers within the designated storage area as originally petitioned.

Sincerely,



William M. Lagna
Petitioner
221 Bowleys Quarters Road
Baltimore, MD 21220.

c: Dorothy Berg, 9022 Hines Road, Parkville, MD 21234
Ron Robbins, 3920 Chestnut Road, Middle River, MD 21220



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 1, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

WILLIAM M. LAGNA
221 BOWLEYS QUARTERS ROAD
BALTIMORE MD 21220

RE: Petition for Administrative Variance
Request for Reconsideration
Case No. 07-444-SPH
221 Bowleys Quarters Road

Dear Mr. Lagna:

Please be advised that your Request for Reconsideration dated July 20, 2007, has been superseded by the timely filing of an Appeal by the People's Counsel for Baltimore County to the County Board of Appeals on July 19, 2007.

Therefore, the Office of the Zoning Commissioner no longer has jurisdiction of the above-referenced matter.

The general rule is that an administrative agency is divested of jurisdiction when an appeal is noted with respect to the matter or issues under consideration. *Pressman v. State Acc. Fund*, 256 Md. 406 (1967). Indeed, the Court of Appeals expressly held that "an appeal from the Order of an administrative agency stays the power of the agency to proceed further until the issues or appeal have been resolved". *Id at 416*.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

c: Peter Max Zimmerman, People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

July 19, 2007

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

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

RECEIVED

JUL 19 2007

Re: PETITION FOR SPECIAL HEARING
W/S Bowleys Quarters Road, 400' S of Carroll Island Rd
(221 Bowleys Quarters Road)
15th Election District; 6th Council District
William Lagna - Petitioners
Case No.: 07-444-SPH

Per. *[Signature]*

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 25, 2007 by the Baltimore County Deputy Zoning Commissioner.

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

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Sebastian A. Cross, Esquire
Michael Vivirito



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER-MAX ZIMMERMAN
People's Counsel

July 19, 2007

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

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

RECEIVED

JUL 19 2007

Carole S. Demilio

Re: PETITION FOR SPECIAL HEARING
W/S Bowleys Quarters Road, 400' S of Carroll Island Rd
(221 Bowleys Quarters Road)
15th Election District; 6th Council District
William Lagna - Petitioners
Case No.: 07-444-SPH

Dear Mr. Kotorco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 25, 2007 by the Baltimore County Deputy Zoning Commissioner.

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

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Sebastian A. Cross, Esquire
Michael Vivirito



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 221 Bowleys Quarters Road

which is presently zoned D.R. 3.5

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

1. A modified storage plan as per BCZR Section 415A.3.B;

or, in the alternative

2. A determination that property conforms with the previously approved variance though Case No. 89-302-A; and

3. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

City

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

William Lagna

Name - Type or Print

Signature

Name - Type or Print

Signature

221 Bowleys Quarters Road

Address

Telephone No.

Baltimore

MD

21220-2925

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-444-SPH

Reviewed By D.T. Date 4/2/07

REV 9/15/98

PROCESSED RECEIVED FOR FILING

6-25-07

106

CASE #: 07-444-SPH

IN THE MATTER OF: WILLIAM LAGNA –Legal Owner /Petitioner
221 Bowleys Quarters Road 15th E; 6th C

SPH – To approve a modified RV storage plan; or in alternative, a determination that the property conforms with the previously approved variance through 89-302-A.

6/25/07 – D.Z.C.'s Decision in which requested zoning relief was GRANTED with conditions.

1/04/2008 - Notice of Assignment sent to following; assigned for hearing on Wednesday, March 19, 2008 at 10 a.m.:

Office of People's Counsel
Sebastian Cross, Esquire
William Lagna
Dorothy Berg
Ron Robbins
~~Tiny United Methodist Church – Piney Grove United Methodist Church~~
~~Pastor George J. Lambros, Sr.~~
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Mike Mohler /Code Enforcement, PDM
Raymond Wisnom, Code Enf. Hearing Official /CC-06-8506
Timothy M. Kotroco, Director /PDM

1/15/08 – T/C from Pastor Lambros, Piney Grove United Methodist Church – wishes to be removed from file; faxed a letter this date for said removal; response to Pastor Lambros that this has been accomplished. He will receive no further notices.

1/16/08 – Letter from Sebastian Cross, Esquire – withdrawing appearance as counsel for William Lagna, Legal Owner /Petitioner.

1/18/08 – Response to Mr. Cross acknowledging his letter and removal from file. Copy to Mr. Lagna and People's Counsel.

2/06/08 – Letter of withdrawal of appeal filed by Office of People's Counsel; order of dismissal to be issued; case pulled from 3/19/08 schedule.

Zoning Description for 221 BOWLEYS QUARTERS ROAD

Beginning at a point on the west side of Bowleys Quarters Road and located 400-feet south of Carroll Island Road. Being the same property and recorded among land records of Baltimore County in Liber 16277, folio 1. Also known as 221 Bowleys Quarters Road and located in the 15th Election District and 6th Councilmanic District.

07-444-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25004

DATE 4/2/07

ACCOUNT 0010016150

AMOUNT \$ 105.00

RECEIVED FROM:

GILDEA & SCHMIDT, LLC

FOR:

ITEM # 444 07-444-SP4

221 Bowlers Quarters Rd D.T.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID BY

CASHIER

4/02/2007 4/02/2007 10:18:30

PER NAME 4011111111111111

RECEIPT 0 01001 04/02/2007

100 100.00

100 100.00

Receipt 100 100.00

\$65.00 100 100.00

Baltimore County, Maryland

CASHIER'S VALIDATION

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: # 07-444-SPH

221 Bowleys Quarters Road
West side of Bowleys Quarters Road, 400 feet south of Carroll Island Road

15th Election District-6th Councilmanic District

Legal Owner(s): William Lagna

Special Hearing: to approve a modified RV storage plan as per BCZR Section 415A.3.B1; or in the alternative a de-termination that property conforms with the previously approved variance through Case No. 89-302-A.

Hearing: Tuesday, June 19, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Basley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

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

JT 6/14 June 5 137595

CERTIFICATE OF PUBLICATION

6/17, 2007

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 6/5, 2007.

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

S. Wilkins

LEGAL ADVERTISING

Requested: Nov. 19, 2007

APPEAL SIGN POSTING REQUEST

CASE NO. 07-444-SPH

221 BOWLEYS QUARTERS ROAD

15TH ELECTION DISTRICT

APPEALED: 7/19/2007

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)*****COMPLETE AND RETURN BELOW INFORMATION*******CERTIFICATE OF POSTING**

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

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-444-SPH

LEGAL OWNER: WILLIAM LAGNA

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

221 BOWLEYS QUARTERS ROAD

W/side of Bowley's Quarter Road, 400' S/of Carroll Island Road

The sign was posted on _____, 2007.

By: _____
(Signature of Sign Poster)

(Print Name)

Requested: Nov. 19, 2007

APPEAL SIGN POSTING REQUEST

CASE NO. 07-444-SPH

221 BOWLEYS QUARTERS ROAD

15TH ELECTION DISTRICT

APPEALED: 7/19/2007

CERTIFICATE OF POSTING

RE: Case No.: 07-444-SPH

Petitioner/Developer: WILLIAM

LAGNA

Date of Hearing/Closing: 6-19-07

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:

221 BOWLEYS QUARTERS RD

The sign(s) were posted on

6-4-07
(Month, Day, Year)

Sincerely,

Robert Black 6-6-07
(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)

ZONING NOTICE

CASE # 07-444-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 407 COUNTY COURTS BUILDING
701 BOWLEY AVE TOWSON MD 21204

DATE AND TIME: TUESDAY, JUNE 19, 2007 AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO APPROVE A MODIFIED
RV STORAGE PLAN AS PER BCZR SECTION 415A 3 B1 OR IN THE
ALTERNATE, A DETERMINATION THAT PROPERTY CONFORMS WITH THE
PREVIOUSLY APPROVED VARIANCE THROUGH CASE NO. 89-302-A

POSTING THIS SIGN IS REQUIRED BY LAW AND IS NECESSARY TO PROTECT THE PUBLIC INTEREST.

NO POST SIGNIFY THIS SIGN AND POST DATE MAY BE HEARD, UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
May 7, 2007
Department of Permits and
Development Management

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: 07-444-SPH

221 Bowleys Quarters Road

Westside of Bowleys Quarters Road, 400 feet south of Carroll Island Road

15th Election District – 6th Councilmanic District

Legal Owner: William Lagna

Special Hearing to approve a modified RV storage plan as per BCZR Section 415A.3.B1; or in the alternative a determination that property conforms with the previously approved variance through Case No. 89-302-A.

Hearing: Tuesday, June 19, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204
William Lagna, 221 Bowleys Quarters Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 4, 2007.**
- (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, June 5, 2007 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 07-444-SPH

221 Bowleys Quarters Road

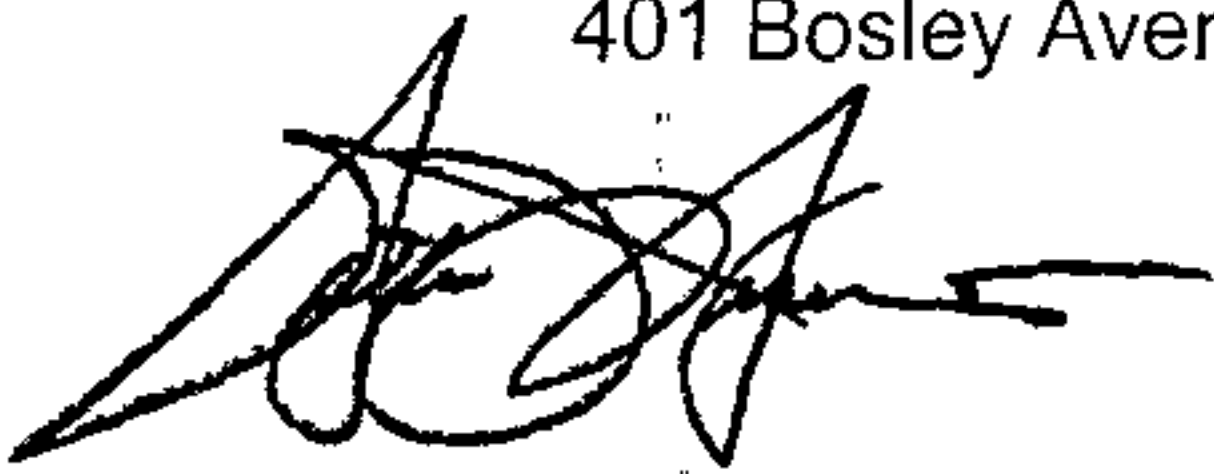
Westside of Bowleys Quarters Road, 400 feet south of Carroll Island Road

15th Election District – 6th Councilmanic District

Legal Owner: William Lagna

Special Hearing to approve a modified RV storage plan as per BCZR Section 415A.3.B1; or in the alternative a determination that property conforms with the previously approved variance through Case No. 89-302-A.

Hearing: Tuesday, June 19, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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/neighbors 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 07-044-SPH
Petitioner William Lagna
Address or Location 221 Bowleys Quarters Road

PLEASE FORWARD ADVERTISING BILL TO

Name Gildea & Schmidt LLC
Address 600 Washington Ave, Suite 200
Towson MD 21204
Telephone Number 410 821-0070

IN RE: PETITION FOR ZONING VARIANCE
E/S Bowleys Quarters Road
500' S Carroll Island Road
(221 Bowleys Quarters Road)
15th Election District
5th Councilmanic District

William M. Lagna
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-302-A
*

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum one (1), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, William M. Lagna, appeared and testified. There were no Protestants.

The Petitioner testified that the subject property has been in his family for more than 50 years and has been continuously used as a residence. The Petitioner now resides on the subject property and stores outdoors five (5) small boats. There are three (3) runabouts, one (1) row boat and one (1) sailboat. All of the boats are owned by the Petitioner and he testified that it would be financially impractical to store these boats on a commercial lot because the cost of storage would be higher than the value of the boats.

The Petitioner also testified that he intends to build a garage to store the boats in the near future. He does not believe the boats do any harm to the health, safety or community welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section

307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the

public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

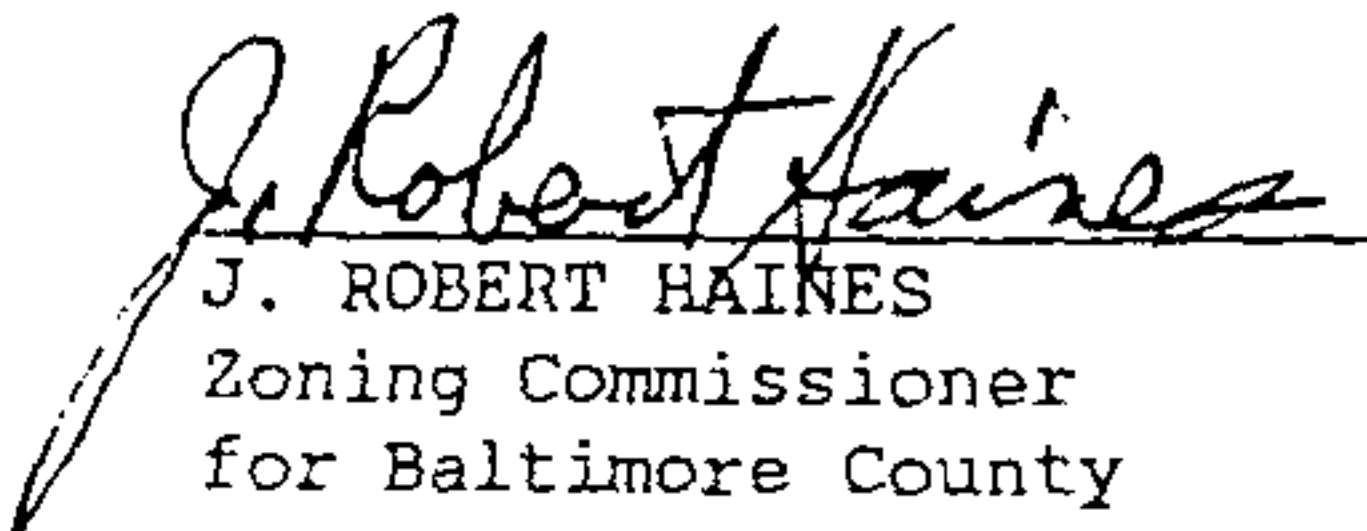
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

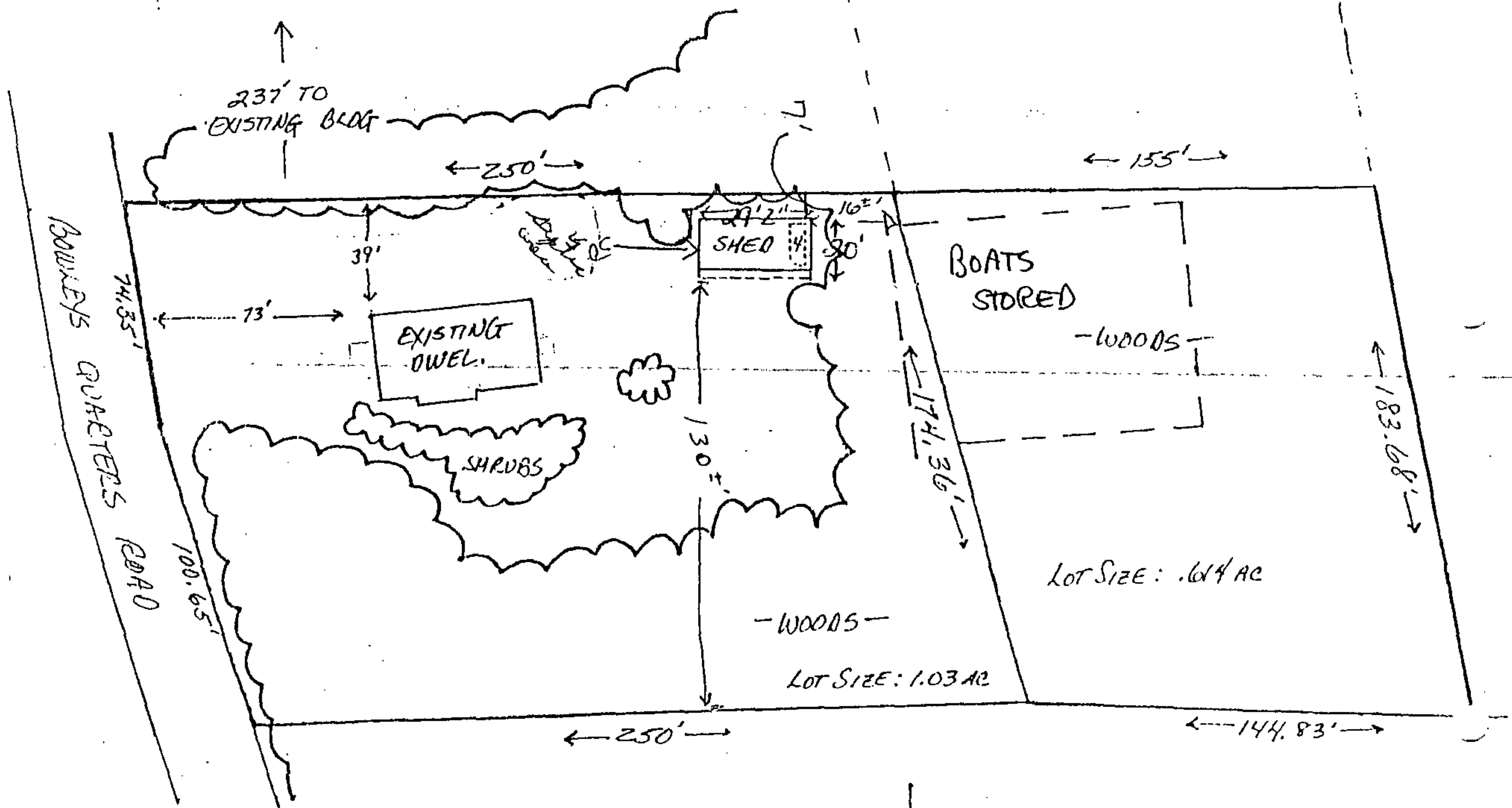
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of February, 1989 that the Petition for Zoning Variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum One (1), as more particularly described on Petitioner's Exhibit 1 be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 25, 1988, attached hereto and made a part hereof.


J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn
att.



PLAT FOR ZONING VARIANCE

OWNER - WILLIAM LAGNA

DISTRICT 15 ZONED-DR 16

221 BOWLEYS QUARTERS RD

PROPERTY 15-12-000140

EXISTING UTILITIES IN BOWLEYS QTRS RD

MAP 91 BLOCK 09 PARCEL 00073

SCALE: 1" = 50'

NOV 1988

County
Commissioner
Planning & Zoning
Maryland 21204

3
Robert Haines
Zoning Commissioner

February 15, 1989



Dennis F. Rasmussen
County Executive

Mr. William M. Lagna
221 Bowleys Quarters Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 89-302A

Dear Mr. Lagna:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

att.

cc: Peoples Counsel

Pet #5

ZONING NOTICE

CASE # 07-444.SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

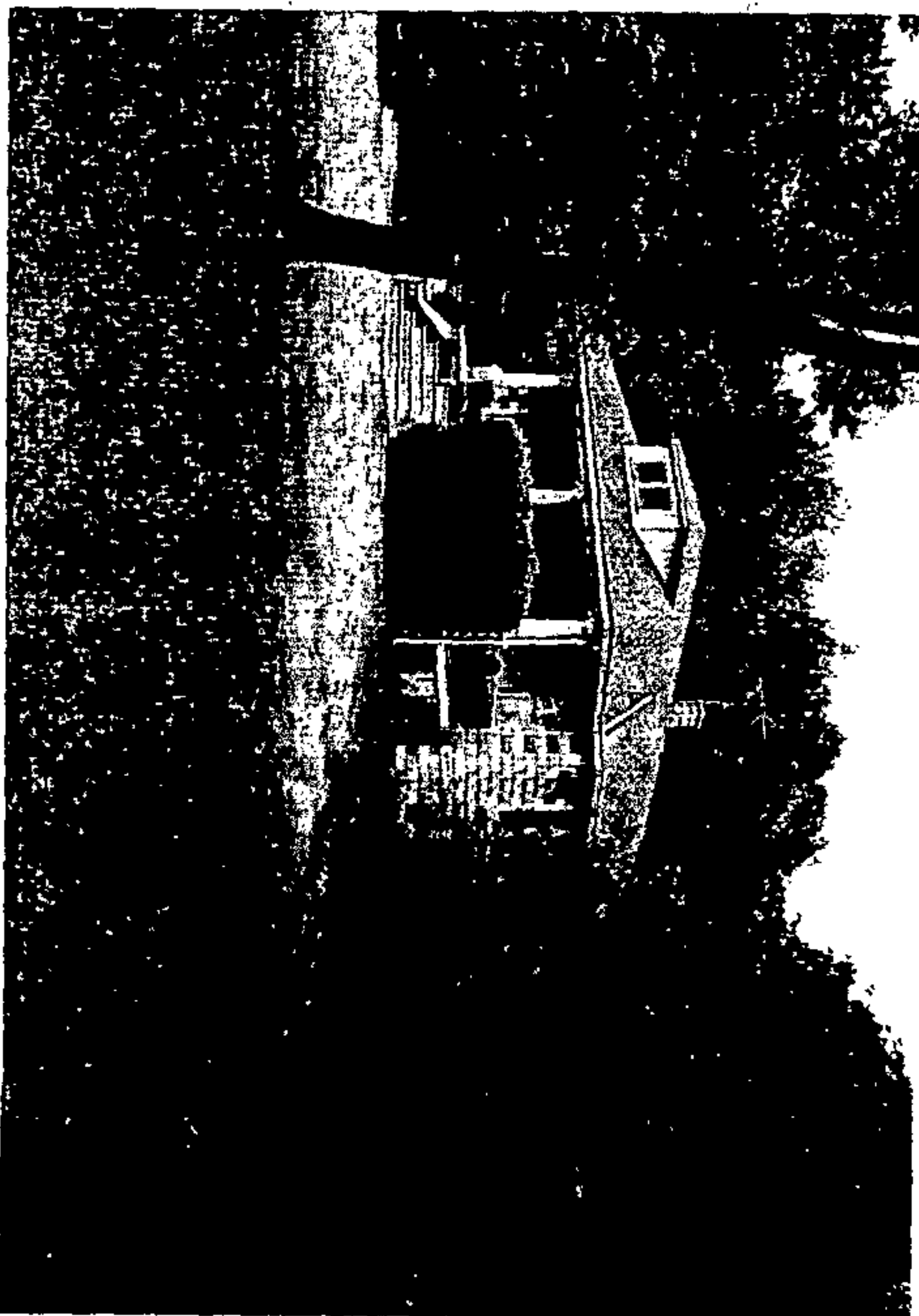
PLACE: ROOM 407, COUNTY COURTS BUILDING
401 BOSLEY AVE TOWSON MD 21204

DATE AND TIME: TUESDAY, JUNE 19, 2007 AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO APPROVE A MODIFIED
RV STORAGE PLAN AS PER BCZR SECTION 415A 3.B1. OR IN THE
ALTERNATE, A DETERMINATION THAT PROPERTY CONFORMS WITH THE
PREVIOUSLY APPROVED VARIANCE THROUGH CASE NO. 89-302-A

POSTPONEMENTS: WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
IF CANCELLING HEARING CALL 410-331-1111

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE



6A

Section 415A
Recreational Vehicles and Boats
[Bill Nos. 29-1974; 54-1993]

415A.1 Contrary provisions of these regulations notwithstanding, one recreational vehicle may be stored on a residential lot as set forth below. Such vehicle, except a truck camper, shall have a current license, may not be lived in, or otherwise occupied, when stored on a lot and shall be mechanically ready to be moved at any time. A recreational boat, whether mounted on a trailer or stored on land with or without the use of supports, is subject to these provisions. A boat less than 16 feet in length is not subject to these provisions, except when such boat is mounted on a trailer. The space occupied by such a recreational vehicle or boat may be counted as a required parking space.

- A. On a lot occupied by a single-family detached or semi-detached dwelling, one such vehicle may be stored 2½ feet from any rear or side lot line; however, when in a side yard it must be situated at least eight feet to the rear of a lateral projection of the front foundation line of the dwelling. Such vehicle may be stored in any garage.
- B. On the lot of any individually owned row or group house, one such vehicle may be stored, provided that it is situated entirely in the rear yard, 2½ feet from the side or rear lot lines.
- C. Such vehicles may be stored on a specially designed parking area of any multifamily rental or condominium unit. Such areas must be screened from adjacent off-site residential uses, as required by the Director of Permits and Development Management.
- D. Except during a twenty-four-hour period for the purpose of loading or unloading, a person may not park or store a recreational vehicle on any street in a residential zone. [Bill No. 84-2006]

415A.2 A residentially used or vacant residentially zoned waterfront lot shall have no more than one pier (whether fixed or floating). As of November 15, 1993, the number of boats, not including those smaller than 16 feet, permitted to be stored at a pier, slip, buoy or any other mooring device in the water at such a lot shall be limited in accordance with the following schedule:

Waterside Lot Line	Number of Boats Permitted
0 to 50 feet	4
51 to 100 feet	5
Over 100 feet	6

415A.3 Exceptions.

- A. From November 1 through March 31, out-of-water boat storage on residential waterfront lots is permitted, subject to the setback provisions in Section 415A.1.A or B and in accordance with the following schedule:

Waterside Lot Line**Number of Boats Permitted**

0 to 75 feet

2 boats, or 1 boat and 1 other recreational vehicle

Over 75 feet

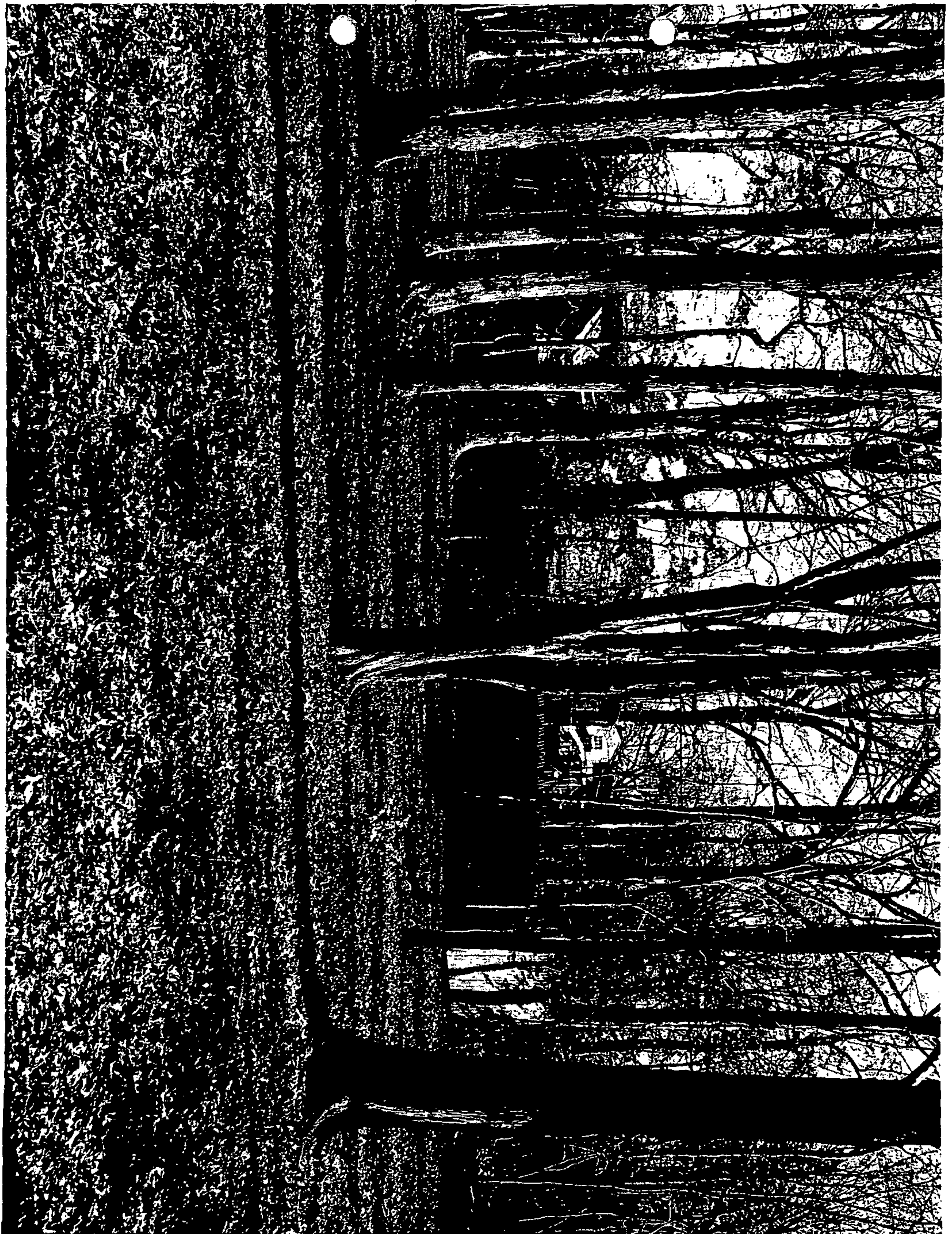
3 boats, or 2 boats and 1 other recreational vehicle

- B. Where the requirements set forth herein for the storage of recreational vehicles would create an undue hardship, the Zoning Commissioner may approve a modified storage plan upon petition and public hearing thereon according to the procedure defined in Title 26, Section 26-127(b), except that if no hearing is requested the modified plan may be approved by the Director of Permits and Development Management, subject to appeal to the Baltimore County Board of Appeals.

Section 415B
Collection Trailers
[Bill No. 154-1982]

1. Contrary provisions of these regulations notwithstanding, collection trailers, profit and nonprofit, may be temporarily placed on shopping center properties subject to a use permit being granted by the Zoning Commissioner in accordance with Section 500.4.
2. Prior to issuing a use permit for a collection trailer, the Zoning Commissioner shall approve the location of said trailer which must be shown on an overall functional site plan of the shopping center in question. In addition to other considerations that he may deem necessary, the Zoning Commissioner shall give consideration to the following factors and may impose any appropriate conditions, resulting from such consideration, upon the use permit:
 - a. The size and vehicular accessibility of the shopping center.
 - b. The available number of parking spaces in the center.
 - c. Whether or not an attendant is provided, and/or required for the trailer.
 - d. Hours of operation.
 - e. The proposed location of the trailer with regard to interior vehicular circulation and adjoining residential premises.
 - f. The purpose for the trailer; i.e., to provide a convenient location for the placement of facilities designed to receive from the public household products, including used beverage cans and foil products, to be recycled for reuse.





STATE OF MARYLANDCERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
LTH00176J687	MD 6512 BV	12' 0"
MAKE	YEAR	USE
LEISURE TECH	1987	Pleasure

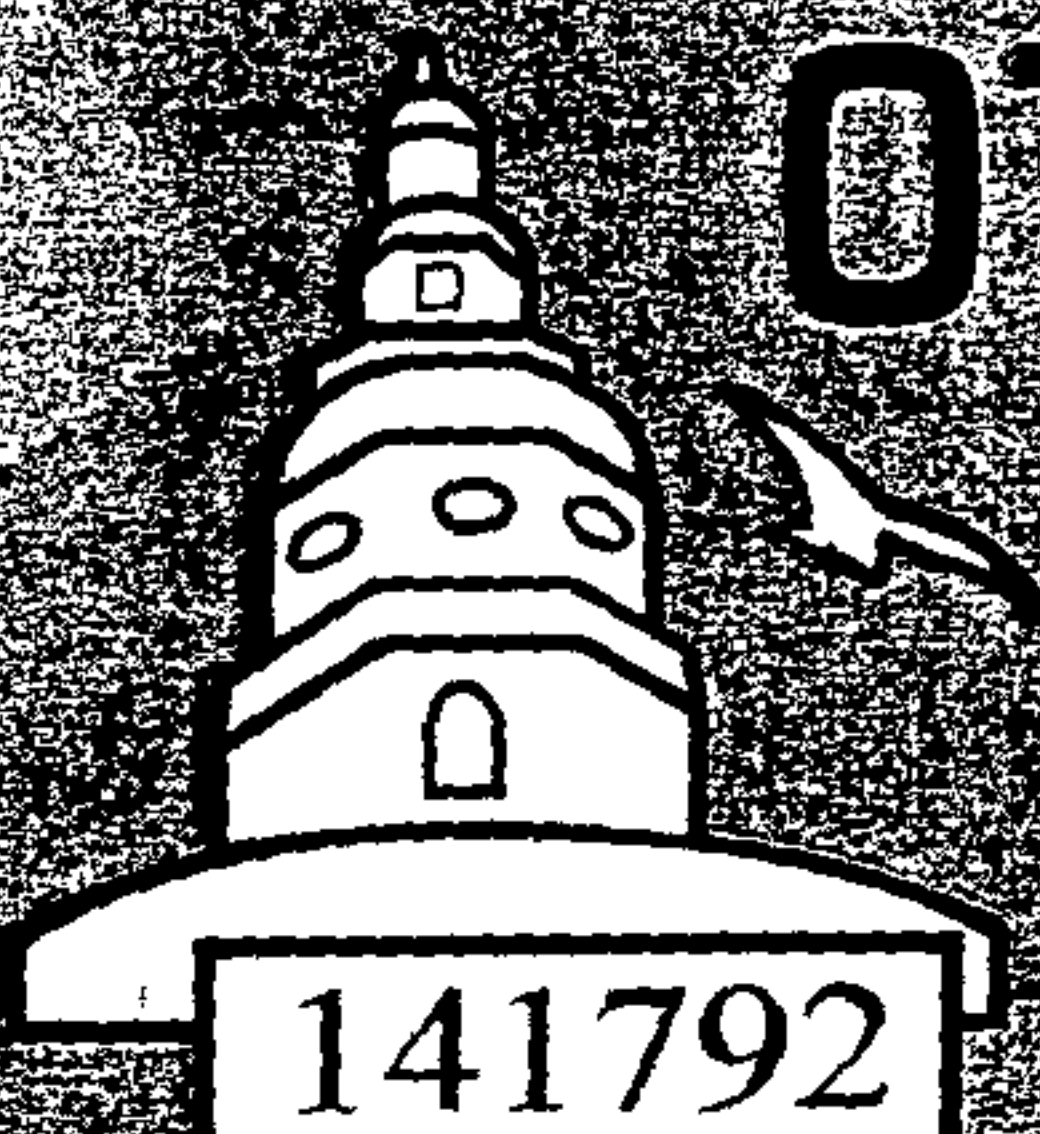
WILLIAM MICHAEL LAGNA

221 BOWLEYS QUARTERS ROAD Natural Resources Police:
BALTIMORE, MD 21220 410-260-8888
Marine Radio VHF CH. 16

141792

MARYLAND

07



141792

STATE OF MARYLANDCERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008

HULL ID NO.	BOAT NO.	LENGTH
TMO18168L192	MD 3867 C	17' 6"
MAKE	YEAR	USE
TALON MAR	1992	Pleasure

LAGNA, WILLIAM MICHAEL

221 BOWLEYS QUARTERS RD Natural Resources Police:
Baltimore, MD 21220 410-260-8888
Marine Radio VHF CH. 16

539464

539464

**STATE OF MARYLAND**CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
SB246003H091	MD 1611 CA	24' 0"
MAKE	YEAR	USE
SUNBIRD	1991	Pleasure

WILLIAM MICHAEL LAGNA

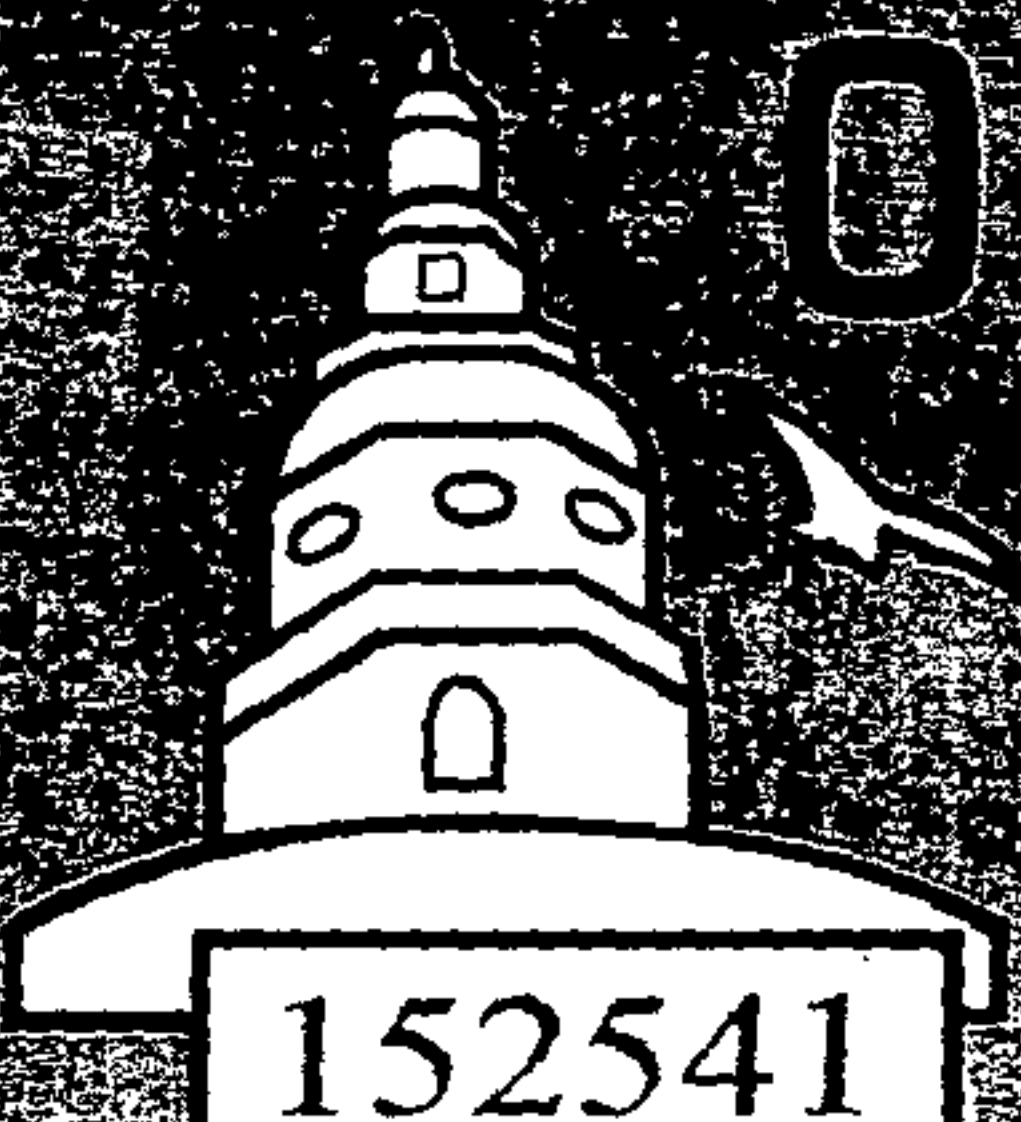
221 BOWLEYS QUARTERS ROAD Natural Resources Police:
BALTIMORE, MD 21220 410-260-8888
Marine Radio VHF CH. 16

152541

152541

MARYLAND

07



Pg #9

STATE OF MARYLANDCERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008HULL ID NO.
MDZ31322D787MAKE
CUSTOMLAGNA, WILLIAM M
221 BOWLEYS QTRS RD
BALTIMORE, MD 21220BOAT NO. LENGTH
MD 9832 AP 18' 1"
YEAR USE
1987 PleasureNatural Resources Police:
410-260-8888
Marine Radio VHF CH. 16**539466****539466****STATE OF MARYLAND**CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008HULL ID NO.
VAGB12560481MAKE
VAGABONDLAGNA, WILLIAM M
221 BOWLEYS QUARTERS RD
BALTIMORE, MD 21220BOAT NO. LENGTH
MD 7891 AG 13' 8"
YEAR USE
1981 PleasureNatural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

VOID IF OVER 7.5 HP

708139**708139****STATE OF MARYLAND**CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008HULL ID NO.
VAGB13620681MAKE
VAGABONDLAGNA, WILLIAM M
221 BOWLEYS QTRS RD
BALTIMORE, MD 21220BOAT NO. LENGTH
MD 2615 AN 13' 0"
YEAR USE
1981 PleasureNatural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

VOID IF OVER 7.5 HP

708140**708140**

MARYLAND

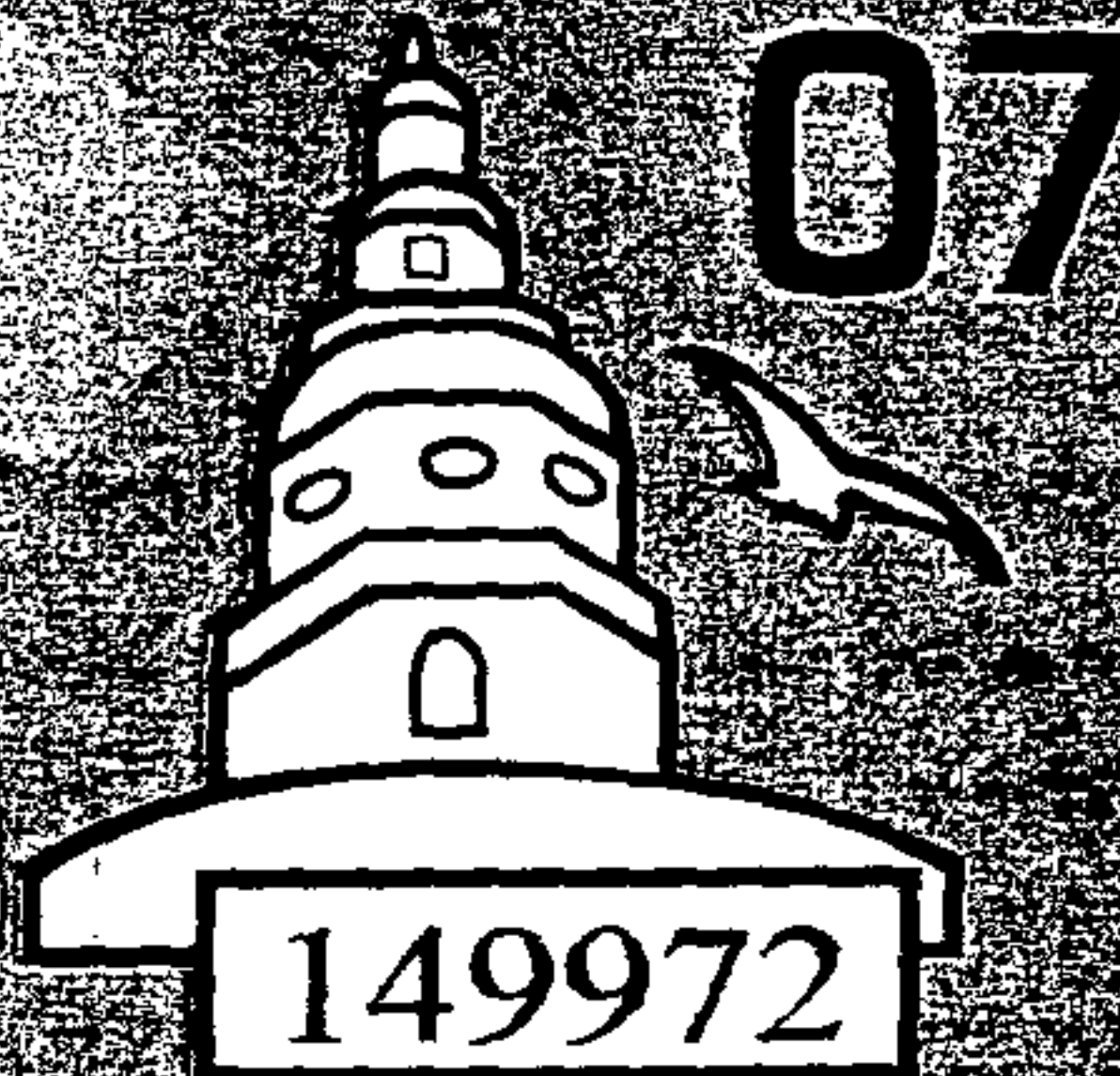
STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
MD0102430684	MD 1926 BG	10' 0"
MAKE	YEAR	USE
MERCUR	1984	Pleasure

LAGNA, WILLIAM MICHAEL
221 BOWLEYS QTRS RD
MIDDLE RIVER, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16



STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

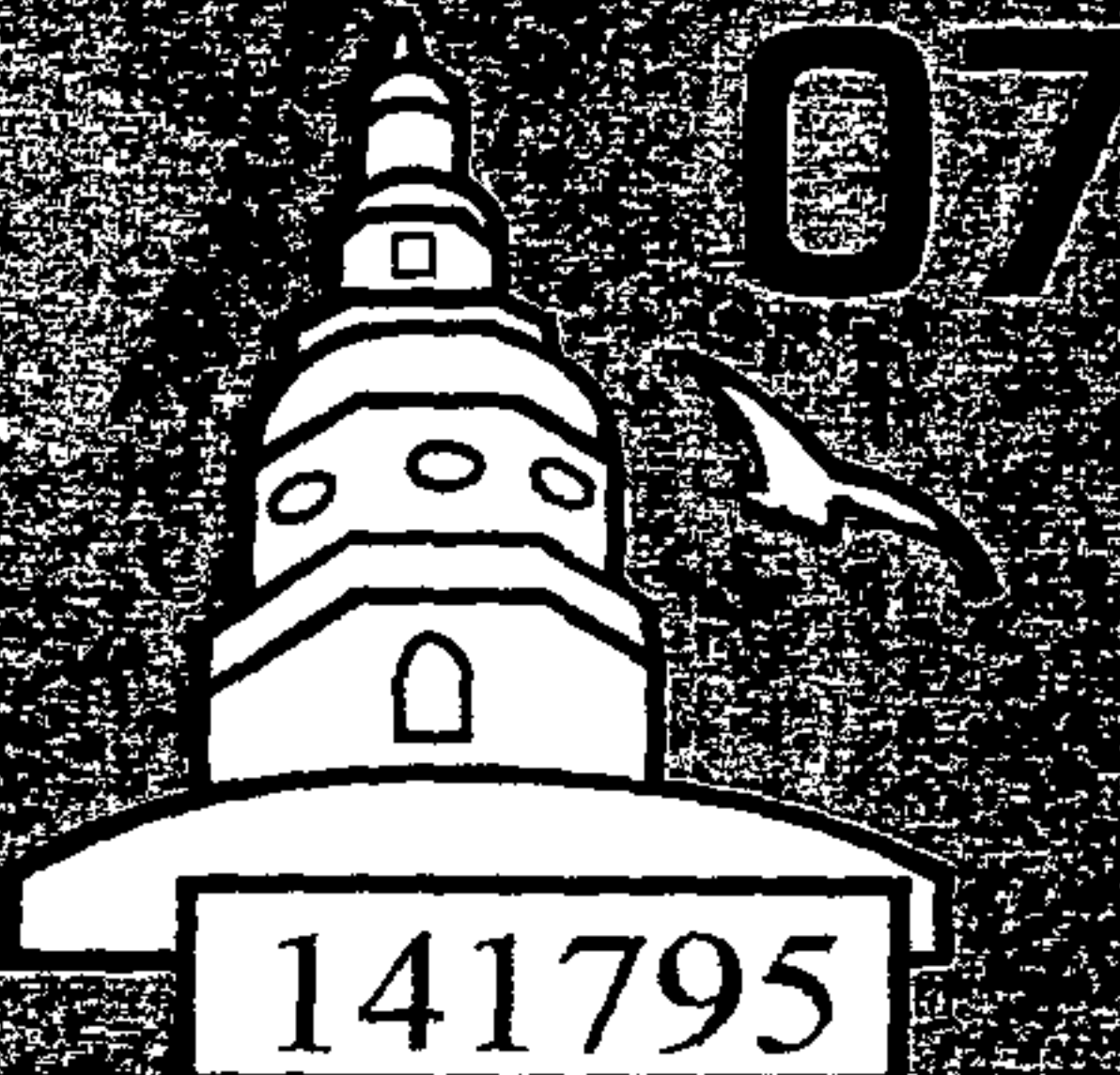
HULL ID NO.	BOAT NO.	LENGTH
VCA4846M75D	MD 2190 Y	11' 4"
MAKE	YEAR	USE
WHALE	1975	Pleasure

GNA, WILLIAM
1 BOWLEYS QUARTERS RD
Baltimore, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

141795

MARYLAND



STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

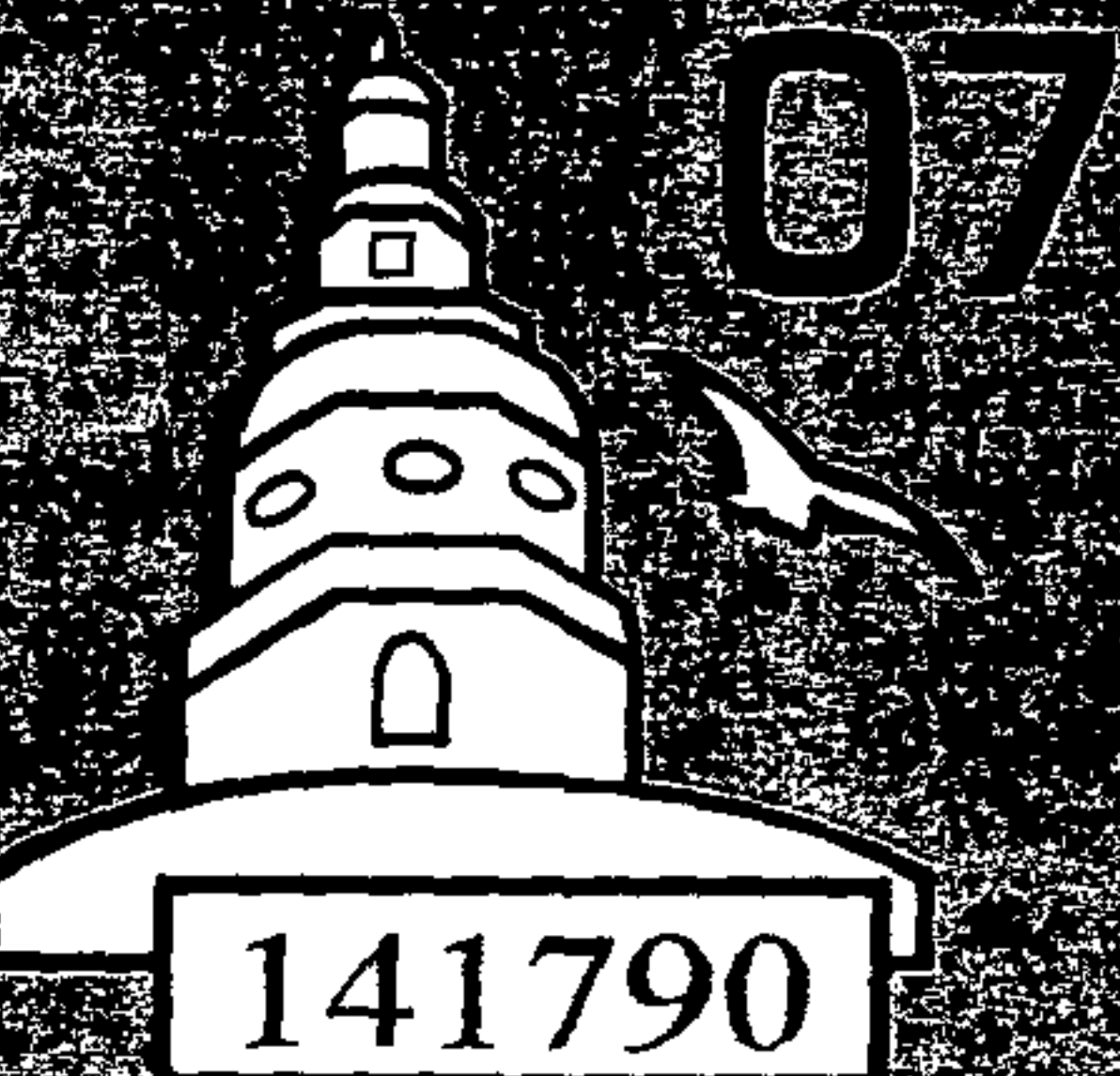
HULL ID NO.	BOAT NO.	LENGTH
MD010370C585	MD 7436 AM	10' 4"
MAKE	YEAR	USE
DUGAR	1985	Pleasure

WILLIAM MICHAEL LAGNA
1 BOWLEYS QUARTERS ROAD
BALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

141790

MARYLAND



STATE OF MARYLAND
 CERTIFICATE OF VESSEL NUMBER
 EXPIRES DECEMBER 31, 2008

HULL ID NO.	BOAT NO.	LENGTH
ADZ37587D700	MD 3471 AG	12' 0"
MAKE	YEAR	USE
UNKNOWN	19UK	Pleasure

AGNA, WILLIAM M
 21 BOWLEYS QTRS RD
 BALTIMORE, MD 21220

Natural Resources Police:
 410-260-8888
 Marine Radio VHF CH. 16

539465

539465

STATE OF MARYLAND
 CERTIFICATE OF VESSEL NUMBER
 EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
PH00253D989	MD 3257 BX	10' 0"
MAKE	YEAR	USE
PLEASURE	1989	Pleasure

WILLIAM MICHAEL LAGNA

21 BOWLEYS QUARTERS ROAD
 Middle River, MD 21220

Natural Resources Police:
 410-260-8888
 Marine Radio VHF CH. 16

166260

166260

STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER

EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
SERR5412E595	MD 0333 BA	13' 6"
MAKE	YEAR	USE
SEA RAY	1995	Pleasure

LAGNA, WILLIAM M
 221 BOWLEYS QTRS RD
 BALTIMORE, MD 21220

Natural Resources Police:
 410-260-8888
 Marine Radio VHF CH. 16

STATE OF MARYLAND
 CERTIFICATE OF VESSEL NUMBER
 EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
B13028K485	MD 9497 AM	13' 0"
MAKE	YEAR	USE
NCAT	1985	Pleasure

WILLIAM MICHAEL LAGNA

21 BOWLEYS QUARTERS ROAD
 BALTIMORE, MD 21220

Natural Resources Police:
 410-260-8888
 Marine Radio VHF CH. 16

141791

141791

CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008

HULL ID NO.	BOAT NO.	LENGTH
CRR009190974	MD 5212 BU	46' 6"
MAKE	YEAR	USE
CARRI-CRAF	1976	Pleasure

WILLIAM MICHAEL LAGNA
221 BOWLEYS QUARTERS ROAD
Middle River, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

539463

539463

STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
3LK870840674	MD 3556 BW	28' 0"
MAKE	YEAR	USE
SLICKCRAFT	1974	Pleasure

WILLIAM MICHAEL LAGNA
221 BOWLEYS QUARTERS ROAD
BALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

141794

141794

MARYLAND

07

not on side

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

February 15, 1989



Dennis F. Rasmussen
County Executive

Mr. William M. Lagna
221 Bowleys Quarters Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 89-302A

Dear Mr. Lagna:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn

att.

cc: Peoples Counsel

IN RE: PETITION FOR ZONING VARIANCE
E/S Bowleys Quarters Road
500' S Carroll Island Road
(221 Bowleys Quarters Road)
15th Election District
5th Councilmanic District

William M. Lagna
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-302-A
*

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum one (1), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, William M. Lagna, appeared and testified. There were no Protestants.

The Petitioner testified that the subject property has been in his family for more than 50 years and has been continuously used as a residence. The Petitioner now resides on the subject property and stores outdoors five (5) small boats. There are three (3) runabouts, one (1) row boat and one (1) sailboat. All of the boats are owned by the Petitioner and he testified that it would be financially impractical to store these boats on a commercial lot because the cost of storage would be higher than the value of the boats.

The Petitioner also testified that he intends to build a garage to store the boats in the near future. He does not believe the boats do any harm to the health, safety or community welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section

307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the

public. Furthermore, strict compliance with the E.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

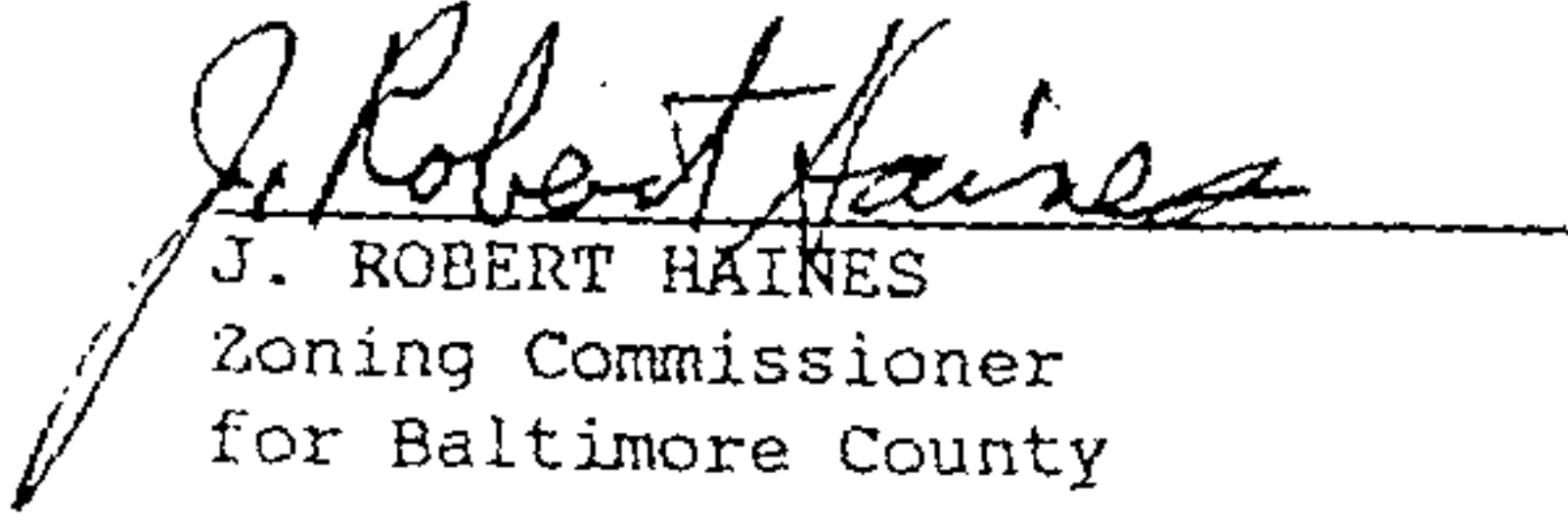
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of February, 1989 that the Petition for Zoning Variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum One (1), as more particularly described on Petitioner's Exhibit 1 be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 25, 1988, attached hereto and made a part hereof.


J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn
att.

IN THE MATTER OF
THE APPLICATION OF
WILLIAM LAGNA - LEGAL OWNER /
PETITIONER FOR SPECIAL HEARING ON
PROPERTY LOCATED ON THE W/S OF
BOWLEYS QUARTERS ROAD, 400' S OF
CARROLL ISLAND ROAD
(221 BOWLEYS QUARTERS ROAD)
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 07-444-SPH

* * * * *

ORDER OF DISMISSAL

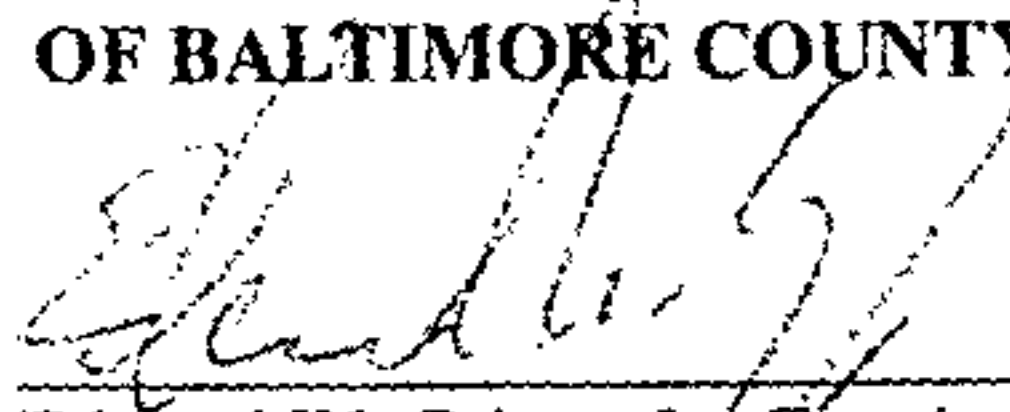
This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Deputy Zoning Commissioner dated June 25, 2007 in which the requested zoning relief was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed on February 6, 2008, by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, on behalf of the Office of People's Counsel, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of February 6, 2008,

IT IS THEREFORE ORDERED this 11th day of February, 2008 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 07-444-SPH be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Edward W. Crizer, Jr., Esquire


Lawrence S. Wescott


Wendell H. Grier



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

February 6, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

Edward W. Crizer, Chair
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
William Lagna - Petitioners
221 Bowleys Quarters Road
Case No.: 07-444-SPH

FEB 06 2008
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Mr. Crizer:

On or about July 19, 2007, our office filed an appeal of the Zoning Commissioner's Findings of Facts and Conclusions of Law dated June 25, 2007. Upon further review of the record and careful evaluation, it does not appear that pursuing the appeal is in the public interest. We therefore withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: William Lagna
Michael Vivirito



County Board of Appeals of Baltimore County

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

February 11, 2008

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: *William Lagna – Legal Owner /Petitioner*
Case No. 07-444-SPH / Order of Dismissal

Dear Mr. Zimmerman and Ms. Demilio:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: William Lagna
Dorothy Berg
Ron Robbins
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Mike Mohler /Code Enforcement, PDM
Raymond Wisnom, Code Enf. Hearing Official /CC-06-8506
Timothy M. Kotroco, Director /PDM



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

In the Matter of
William Lagna
Respondent

Civil Citation No.06-8506
221 Bowleys Quarters Road

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

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on November 30, 2006, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 102.1; 1B01.1D; 415A; Baltimore County Code (BCC) section 13-7-310; failure to reduce number of recreational vehicles to number allowed pursuant to Zoning Commissioners finding; failure to remove all trash; failure to cease all repairs to boats on residential property known as 221 Bowleys Quarters Road, 21220.

On October 26, 2006, pursuant to §3-6-205, Baltimore County Code, Clarence Raynor, Code Enforcement Officer, issued a code enforcement citation. The citation was legally served on the Respondents.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars). A code enforcement hearing date was scheduled for November 30, 2006.

William Lagna, Respondent appeared for the hearing and testified.
Clarence Raynor, Code Enforcement Officer presented the case for Code Enforcement.

07-444-SPH

Testimony and evidence shows that a variance granted via petition 89-302-A on January 31, 1989. The petitioner, Mr. Lagna, was granted permission to store three (3) runabouts, one (1) rowboat and one (1) sailboat. Baltimore County submitted photographic evidence depicting boats on trailers, boats on supports, boat motors mounted on portable transoms and others on palettes and carts; ski doos or seadoos, boat parts, multiple boat trailers, multiple utility trailers, fence parts, tools, tires, supplies of all sorts, etc. Clearly the use of the property far exceeds the storage granted by then Zoning Commissioner, Haines. Mr. Lagna has cleared the property of its untidy appearance. Mr. Lagna submitted a set of photographs showing well-maintained vistas of the property. The photographs submitted by the County appear to show the use of the property as something other than the ordinary residential property with a few recreational vehicles. The fact that one family would have use for the number of boats, motors, and trailers really stretches the mind to conclude a pure residential family use is occurring. The property and contents stored thereon appear to be a marine storage yard and or salvage yard. The residential flavor of the property has been transformed to something far different than the five (5) small boats considered in the variance granted. At least one neighbor, Mr. Evering of 301 Bowleys Quarters Road does not have a problem with the boat storage area however other neighbors and the community at large have submitted complaints to the Department of Permits and Development Management. Baltimore County did not submit evidence that would determine ownership of all stored items so it must be assumed that Mr. Lagna owns every boat, trailer, engine, etc. Baltimore County also did not prove that boat service work for others was performed on site. Mr. Lagna is hereby advised that storage for others, and service work constitutes a business from a residence and such activities are prohibited.

The evidence is overwhelming to support a finding of violation. The Respondent has far exceeded the conditions and/or restrictions of the variance granted by Commissioner Haines.

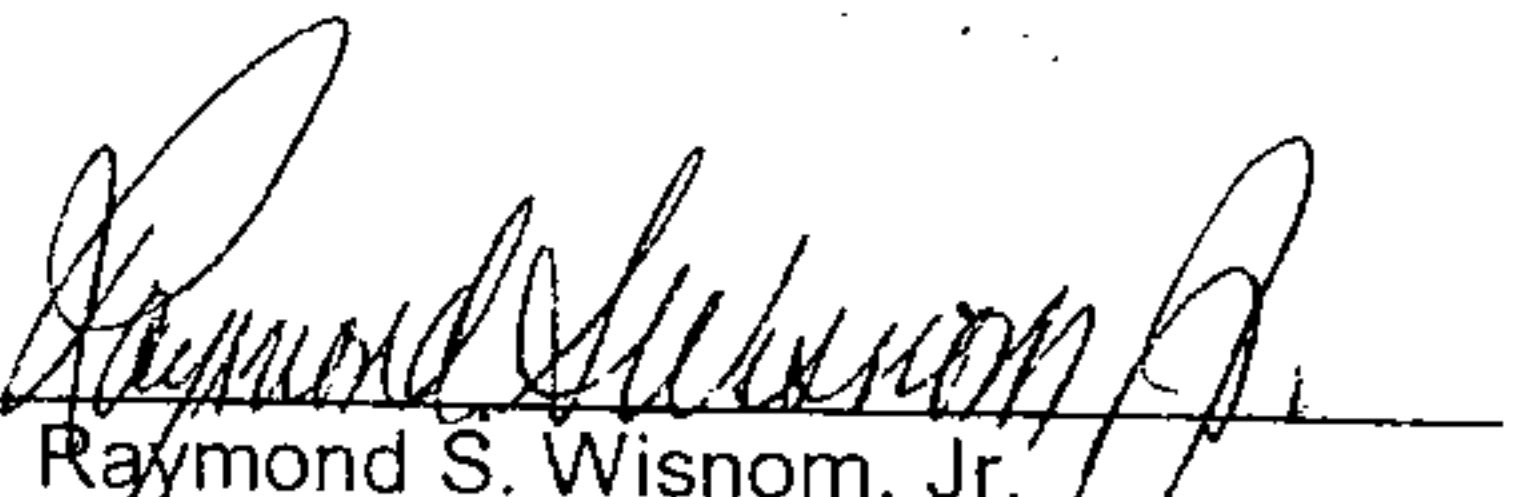
IT IS ORDERED by the Code Enforcement Hearing Officer this 7th day of December 2006, that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the amount of \$3,000.00 (three thousand dollars) shall be suspended on condition the Respondent returns the property and recreational storage thereon to a condition that conforms to the variance granted on or before February 9, 2007.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be \$3,000.00 (three thousand dollars).

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

Signed:


Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

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

RSW/jaf



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

June 11, 2007

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Dear Mr. Cross:

RE: Case Number: 07-444-SPH, 221 Bowleys Quarters Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 2, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
William Lagna 221 Bowleys Quarters Road Baltimore 21220-2925

John 6/19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 31 2007

BY:

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: May 31, 2007
SUBJECT: Zoning Item # 07-444-SPH
Address 221 Bowleys Quarters Road
(Lagna Property)

Zoning Advisory Committee Meeting of March 9, 2007

- ☒ 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:

Reviewer: Regina Esslinger

Date: May 14, 2007

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2007
Item Nos. 07-440, 442, 444, 445, 446, 447, 448, 451, and 452

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-04132007.doc

Fire Department

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



Baltimore County

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

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

April 10, 2007

ATTENTION: Zoning Review planners

Distribution Meeting of: April 9, 2007

Item No.: 444

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau, and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File





Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: April 9, 2007

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

RE: Baltimore County
Item No. 7-444-SPH
221 BOWLEYS QUARTERS ROAD
LAGNA PROPERTY
SPECIAL HEARING

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. 7-444-SPH.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 19, 2007

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-444- Special Hearing

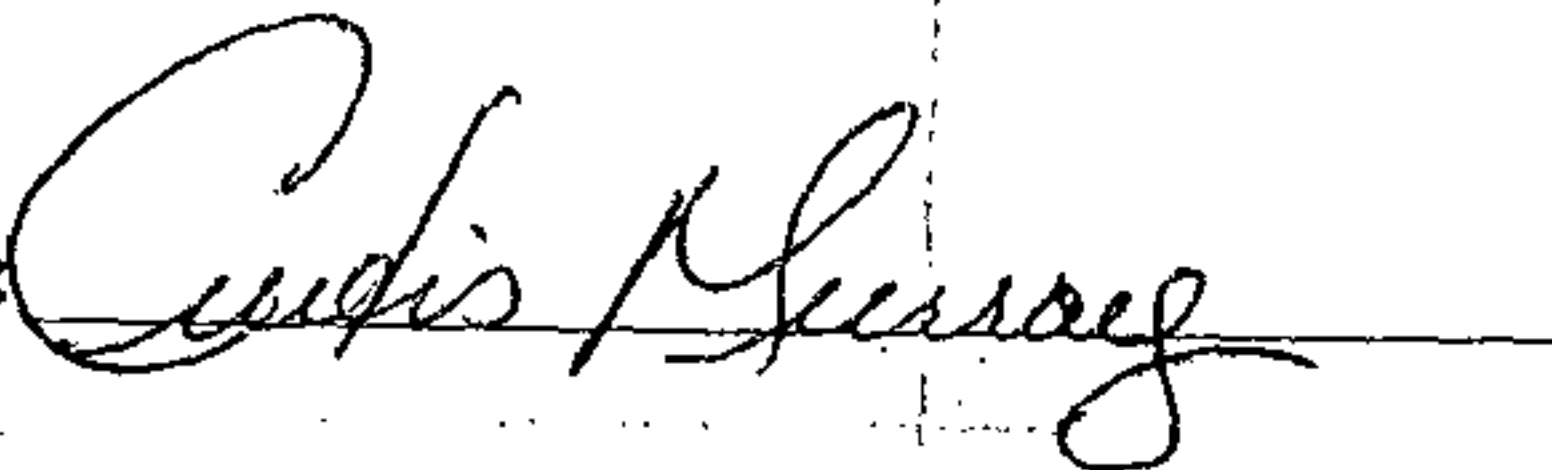
The Office of Planning has reviewed the above referenced case(s) and offers the following comments:

The applicant shall provide photo and written documentation that the property conforms to the previously approved variance through Case No. 89-302-A

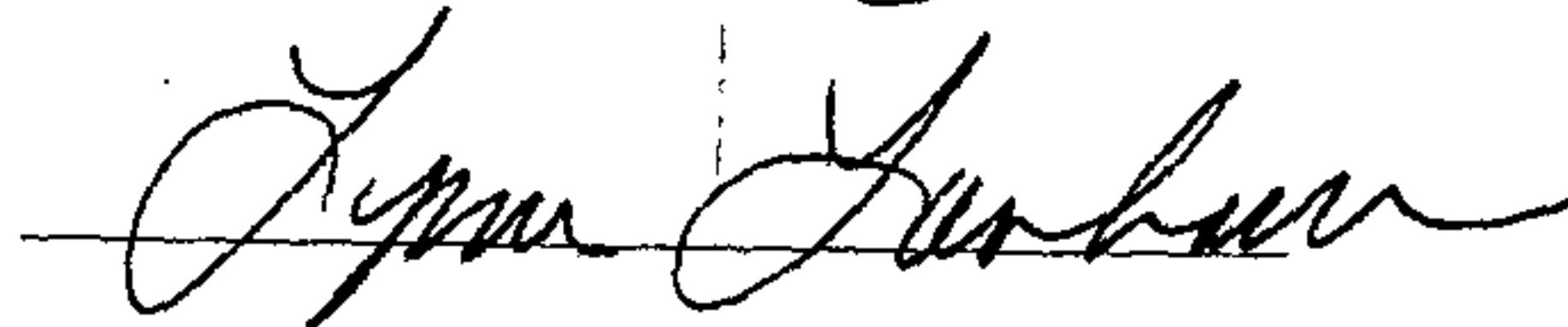
The applicant shall provide a landscape/screening plan for the entire rear of the property to consist of both fencing and appropriate landscape materials. The plan shall be reviewed and approved by the Planning Office and Avery Harden, Baltimore County Landscape Architect prior to the issuance of permit.

For further questions or additional information concerning the matters stated herein, please contact Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

GEORGE LAMBROS, SR., PASTOR

FAX : 410-335-7033

FROM:

KATHLEEN BIANCO

FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:

JANUARY 15, 2008

TOTAL NO. OF PAGES INCLUDING COVER:

TWO (2)

RE: CASE NO. 07-444-SPH

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

This message is intended only for the addressee and may contain information that is privileged and/or confidential in nature. If the reader is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, and/or received this communication in error, please notify the sender immediately by telephone and return the original message to the sender.



BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
COUTY COURTS BUILDING
401 BOSLEY ROAD, SUITE 405
TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

DATE: 7-27-07

NO. OF PAGES INCLUDING COVER SHEET: 3

TO:

Pete
Zimmerman

FROM:

Gatti

PHONE: 410-887-2188

FAX NO.: 410-887-4236

MESSAGE:

Case 07-444-SPH
William Lagna

REMARKS: ☐ URGENT ☐ FOR REVIEW ☐ REPLY ASAP ☐ PLEASE COMMENT
☐ PLEASE REPLY ☐ PLEASE RECYCLE

July 20, 2007

Sent Via Hand Delivery, facsimile and email
Zoning Commissioner /Deputy Zoning Commissioner/
John V. Murphy
Baltimore County
401 Bosley Avenue
4th Floor
Towson, MD 21204

SUBJECT: MOTION FOR RECONSIDERATION

**Re: Petition for Special Hearing
Case No. 07-444-SPH
Property: 221 Bowleys Quarters Road**

Dear Zoning Commissioner or Deputy Zoning Commissioner:

This motion for Reconsideration comes as a result of the Decision handed down by Deputy Zoning Commissioner John V. Murphy on June 26, 2007 in the above referenced matter. In this case, Petitioner received Special Hearing and Special Exception relief for RV storage on the property at 221 Bowleys Quarters Road. Although it appeared the Petitioner received the relief requested, the Decision handed down in the case contained incorrect relief and therefore resulted in relief being granted that was not petitioned for.

The relief requested was for the approval of a modified RV storage plan as permitted under BCZC 415A.3.B. However, because of the many facts associated with the request, Mr. Murphy handed down a decision that was not actually requested. In arriving at his decision, Mr. Murphy made numerous assumptions, most of which were incorrect. The decision negatively impacts the petitioner and creates undue hardship.

A modified RV storage and parking area was requested, which was delineated in the plat plan and is fully screened, in which boats under 16 feet could be stored on trailer. The boats are currently stored off their trailers in the designated area, in compliance with BCZC 415A.

Under Baltimore County Code section 415A.1, an exception is granted for boats under 16 feet which are not stored on a trailer. In the BCZC, other exceptions are also granted, such as to personal watercraft, whether stored on or off trailer. Boats over 16 feet are to be stored "mechanically ready to be moved at any time," presumably for safety reasons, which is interpreted to mean on a trailer. The exception granted by BCZC for boats under 16 feet when not stored on a trailer seems contradictory, as these small boats are not 'ready to move', but must be loaded onto a trailer to be moved. Further, the boat and the trailer must now be stored separately, which is inconsistent with the exception for personal watercraft (boats under 16 feet) which can be stored on trailers.

In the decision, the petitioner has not abandoned his 1989 variance for the storage of five recreational vehicles in lieu of the one allowed. The boats are his and his families' hobby and are used for recreational purposes. Proof was given that all of the boats are owned by the petitioner. Many families in the waterfront community own several or many boats.

In addition, the relief requested is consistent with the 1989 variance decision, as the boats named in the variance relief were over 16 feet, and the boats stored within in the screened area were under 16 feet and were not included or affected by the variance.

Finally, the logic used by Mr. Murphy in limiting the request for relief appears flawed. Mr. Murphy claims that loading a boat onto a trailer for use violates the BCZC. This is not true as 'use' is very different than 'storage'. In addition, if Mr. Murphy's logic was correct, then the BCZC would be contradictory as the exception granted to the boats under 16 feet would be voided as soon as they are loaded on trailers to be used.

Petitioner respectfully requests reconsideration to allow storage of the boats under 16 feet on trailers within the designated storage area as originally petitioned.

Sincerely,



William M. Lagna

Petitioner

221 Bowleys Quarters Road
Baltimore, MD 21220.

c: Dorothy Berg, 9022 Hines Road, Parkville, MD 21234
Ron Robbins, 3920 Chestnut Road, Middle River, MD 21220

MODE = MEMORY TRANSMISSION

START=JUL-27 13:32

END=JUL-27 13:33

FILE NO.=239

STN NO.	COMM.	ONE-TOUCH/ ABR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		94108874236	003/003	00:00:56

-ZONING COMMISSIONER OFF M-

***** - 410 887 3468- *****



BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
COUTY COURTS BUILDING
401 BOSLEY ROAD, SUITE 405
TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

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Case 07-444-SPH

William Ragna

REMARKS: ☐ URGENT ☐ FOR REVIEW ☐ REPLY ASAP ☐ PLEASE COMMENT
☐ PLEASE REPLY ☐ PLEASE RECYCLE

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 06-8506

221 Bowleys Quarters Road

**ZONING CASE: 07-444-SPH
221 BOWLEYS QUARTERS ROAD**

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

DATE: April 23, 2007

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

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 444
Legal Owner/Petitioner: William Lagna
Contract Purchaser:
Property Address: 221 Bowleys Quarters Road
Location Description: West side Bowleys Quarters Road, 400 feet south of Carroll Island Road

VIOLATION INFORMATION: Case No.: 06-8506
Defendants: William Lagna

Please be advised that the aforementioned petition is the subject of an active violation case.

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

Other: data entry form

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Clarence Raynor

Case No: 06-8506Address: 00221 BOWLEYS QUARTERS RD 21220Insp Area: 015 Dist: 000 Date Rcv: 9/25/2006 Grp: ENF Intk: CR/CPInspec: RAYNOR Inspec2: Date Inspec: 6/02/2007Close: 0/00/0000 Activity: Delete: Problem: OVER 30 BOATS & TRAILERSCL Name: COUNCIL OFFICECL Address: 00000 CL Home Phone: CL Work Phone: Tax Acct. 1516000140Owner: WILLIAM LAGNA

Enter=Continue F12=Cancel

Case No: 06-8506

Notes: ***9/25/06, CORRECTION NOTICE ISSUED TO STOP ENGINE REPAIR, LIMIT PROP
TO PERMITTED # OF BOATS & TRAILERS, P/U 10/25/06, CR/CP***

**10/26/06 HEARING SET ON 11/23/06, BOATS STILL ON SITE. WOOD. PHOTO. P/U 11/1
9/06 FPR PRE HEARING INSPECTION. COMPL. UPDATED. CR/SS

** 12/11/06 ORDER ISSUED REINSPECT 2/7/07 FILE TO CR **

***2/12/07 LARRY SCHMIDT TO REPRESENT, HEARING VARIANCE IN WORKS, BOATS STILL
REMAIN. WILL ALLOW 2 WEEKS TO COMPLY & REMOVE BOATS P/U 2/23/07 CR/LMH***

***2/27/07, CONTACTED REP LARRY SCHMIDT, AWAITING PETITION, 2 WK EXTENSION UNTI
LTHEN THE BOATS ARE PERMITTED TO STAY, UPDATE NOT NECESSARY, CR/CP***

***3/5/07 AFTER SPEAKING W/HEARING OFFICER THIS CASE CAN BE EXTENDED. MR SCHMID
TJUST RECEIVED THE SITE PLAN FOR THIS PROPERTY ON 3/2/07. CASE WILL BE EXTENDED
TO 3/26/07, FOR THE PETITION APPT REVIEW DATE TO BE ESTABLISHED. JHT/LMH***

***3/26/07 EXTEND CASE TO 4/4/07 TO DETERMINE IF PETITION WAS ACCEPTED JHT/LMH*

****3/27/07 P/U 4/6/07 CR/MK***

4/7/07 07-444SPH ON FILE NO DATE P/U 6/2/07 CR/MG

Enter=Continue F12=Cancel



County Board of Appeals of Baltimore County

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

January 15, 2008

George J. Lambros, Sr., Pastor
Piney Grove United Methodist Church
201 Bowleys Quarters Road
Baltimore, MD 21220

RE: Case No. 07-444-SPH /*In the Matter of: William Lagna*
Removal of Name from File

Dear Pastor Lambros:

In response to your letter received this date via facsimile, your name and that of the church have been removed from the subject file.

Please note that the addition of your name on the Notice of Assignment was prompted by a call received by this office for inclusion in the file. Any individual or group may request information regarding any file, including receipt of a notice when the matter is assigned for hearing. However, you were only listed for receipt of notice of hearing; there was no indication on the notice of either support or opposition to the subject Petition. It was merely a notice for informational purposes only.

As indicated above, your name and that of Piney Grove United Methodist Church have been removed from the subject file, and you will receive no further notices or communications.

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

Very truly yours,

A handwritten signature in cursive script that reads "Kathleen C. Bianco".

Kathleen C. Bianco
Administrator





Piney Grove United Methodist Church
201 Bowleys Quarters Road
Baltimore, MD 21220

410-335-6927 Office & 410-335-7033 Fax

George J. Lambros, Sr. Pastor

FACSIMILE TRANSMITTAL SHEET

TO:

KATHLEEN BIANCO

FROM:

PASTOR LAMBROS

COMPANY:

BOARD OF APPEALS

DATE:

1-15-08

FAX NUMBER:

410-887-3182

TOTAL NO. OF PAGES INCLUDING COVER:

4

RE:

CASE#: 07-444 SPH

☐ URGENT

☐ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

NOTES/COMMENTS:

Please see the 3
attachments.



Piney Grove United Methodist Church

201 Bowleys Quarters Road
Baltimore, MD 21220

George J. Lambros, Sr.
Pastor

Carolyn S. Hall
Church Administrator

DATE: January 15, 2008
TO: Kathleen Bianco
County Board of Appeals
FROM: George J. Lambros, Sr., Pastor
RE: Notice of Assignment
CASE #: 07-444-SPH

This is in response to the Notice of Assignment I received on behalf of the church. Please be aware that I nor no one from Piney Grove United Methodist Church contacted your office in reference to this case.

I am also attaching a letter received from Mr. William Lagna which references our implication into this matter.

In my conversation this morning with Ms. Linda Seegal, it was made clear that no contacts from anyone in this church have been made which would warrant our attendance on Wednesday, March 19, 2008, at 10:00 a.m.

Please remove our name from your records indicating the need for any further communication. Also be aware that the name of the church and pastor referenced are not the names associated with our address.

Please feel free to call should you have any questions about this matter.

GJL:ch
Attachments 2

**County Board of Appeals of Baltimore County**

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

RECEIVED JAN 11 2008

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 4, 2008

NOTICE OF ASSIGNMENT

CASE #: 07-444-SPH

IN THE MATTER OF: WILLIAM LAGNA –Legal Owner /Petitioner
221 Bowleys Quarters Road 15th E; 6th C

6/25/07 – D.Z.C.'s Decision in which requested zoning relief was GRANTED
with conditions.

ASSIGNED FOR:**WEDNESDAY, MARCH 19, 2008 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

c: Appellant	: Office of People's Counsel
Counsel for Petitioner	: Sebastian Cross, Esquire
Petitioner	: William Lagna
Dorothy Berg	
Ron Robbins	
Tiny United Methodist Church	
Pastor George J. Labros, Sr.	
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Mike Mohler /Code Enforcement, PDM	
Raymond Wisnom, Code Enf. Hearing Official /CC-06-8506	
Timothy M. Kotroco, Director /PDM	

DATE: 11 Jan 2008

Pastor Lambros
Piney Grove United Methodist Church
201 Bowleys Quarters Road
Baltimore MD 21220

SUBJECT: Letter Dated 4 January 2008 from the County Board of Appeals of Baltimore County

Pastor Lambros,

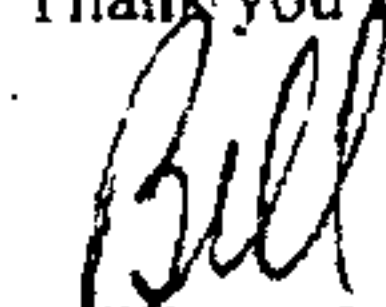
Attached is the copy of the Board of Appeals letter. Please notice that your name appears as a concerned party opposed to the 6/25/07 decision. Please also note that the two other named parties appeared on my behalf. Also note that during the proceedings, a letter was presented on my behalf by my neighbor on the opposite side.

I spoke with Linda Seegal at the County Board of Appeals. She stated to me that you personally called into the board and asked to be put on the mailing list as a concerned party to the appeal. If this is not true, then please let me know.

Also, you indicated that you had been approached by the Bowleys Quarters Improvement Association president and Baltimore County employee Mike Vivirito, who spoke to your board. Mike Vivirito was the complainant against the decision in my case; however, he is prohibited personally by his position from appealing this case. He approached you and your church so that you would effectively become the appellant. You likely assumed this role when you called into the Board as a concerned citizen. Can you recall the date that you called the Board of Appeals? If these statements are not true, please let me know. If you and the Church have no interest in the matter, it would be extremely beneficial to me to state so in a letter to the Board. If you do not oppose the decision, I also ask that you state that to the Board of Appeals. Most importantly, if the information given by the board to me is incorrect, it is most important that you correct the position of the church.

Also, to set the record straight, on the matter of the Piney Grove sign variance, I appeared on BEHALF of your church. This is the opposite of what you have been told by one of your board members. I did NOT oppose the sign. Further, I suggested at the hearing that the church may wish 2 signs, one on each major road, which might also be allowed. I would like the opportunity to address the board members who are voicing the misinformation about me, as this appears to be politically motivated bad-mouthing.

Thank you for your attention.



William M. Lagna, Ph.D.
Owner, 221 Bowleys Quarters Rd.
Baltimore MD 21220
President, Bowleys Quarters Community Association
PO Box 484
Chase, MD 21027
Email: email@BOCA.ORG



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
October 16, 2007
Department of Permits and
Development Management

Sebastian Cross
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

Dear Mr. Cross:

RE: Case: 07-444-SPH, 221 Bowleys Quarters Road

Please be advised that an appeal of the above-referenced case was filed in this office on July 19, 2007 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
William Lagna, 221 Bowleys Quarters Road, Baltimore 21220
Dorothy Berg, 9022 Hines Road, Parkville 21234
Ron Robbins, 3920 Chestnut Road, Middle River 21220

RECEIVED

OCT 17 2007

**BALTIMORE COUNTY
BOARD OF APPEALS**

APPEAL

Petition for Special Hearing
221 Bowleys Quarters Road
W/side of Bowley's Quarters Road, 400 S/of Carroll Island Road
15th Election District - 6th Councilmanic District
Legal Owner: William Lagna

Case No.: 07-444-SPH

- ✓ Petition for Special Hearing (April 2, 2007)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (May 7, 2007)
- ✓ Certification of Publication (The Jeffersonian - June 5, 2007)
- ✓ Certificate of Posting (June 4, 2007) by SSG Robert Black
- ✓ Entry of Appearance by People's Counsel (April 16, 2007)
- ✓ Petitioner(s) Sign-In Sheet - One Sheet
- Protestant(s) Sign-In Sheet - None
- Citizen(s) Sign-In Sheet - None
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Plat to accompany petition
- ✓ 2. Aerial Photo
- ✓ 3. Code Inspections Documents
- ✓ 4. Final Order of Code Enforcement Hearing
- ✓ 5. Letter dated 2/15/89 from Zoning Commissioner
- ✓ 6. Photographs (A thru T)
- ✓ 7. Section 415A (BCZR)
- ✓ 8. Photos (2)
- ✓ 9. State of MD Certificate of Vessel

- Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Letter dated February 15, 1989
- ✓ 2. Motion for Reconsideration dated 7/20/07
- ✓ 3. Letter dated August 1, 2007 from Thomas Bostwick, Deputy Zoning Commissioner

- ✓ Deputy Zoning Commissioner's Order (GRANTED w/conditions - June 25, 2007))
- ✓ Notice of Appeal received on July 19, 2007 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Sebastian Cross
William Lagna
Dorothy Berg
Ron Robbins

date sent October 17, 2007, klm

*1/15/08 - requested removal
from file
c/o Pastor George J. Lambros, Sr.
201 Bowleys Quarters Road
Baltimore, MD 21220*

*Board Recd
file 10/17/07*



County Board of Appeals of Baltimore County

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

January 18, 2008

Sebastian A. Cross, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

RE: *In the Matter of: William Lagna -Legal Owner /*
.Petitioner Case No. 07-444-SPH

Dear Mr. Cross:

This will acknowledge receipt of your letter dated January 15, 2008 in which you request that your appearance be stricken on behalf of Petitioner in connection with the subject matter.

The file has been noted so that you will no longer receive future correspondence and/or notices regarding this matter.

Please call me if I can be of any further assistance.

Very truly yours,

Kathleen C. Bianco
Administrator

c: William Lagna
Office of People's Counsel



GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

January 15, 2008

County Board of Appeals of Baltimore County
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204
Attention: Kathy Bianco

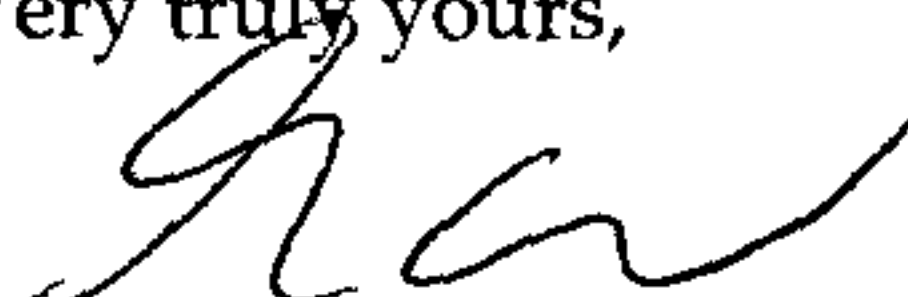
**Re: 221 Bowleys Quarters Road
Case Number: 07-444-SPH**

Dear Ms. Bianco:

Kindly strike my appearance as counsel for William Lagna, Legal Owner/Petitioner in the above matter. I appeared at the hearing before Deputy Commissioner Murphy on behalf of the Legal Owner/Petitioner William Lagna and participated therein, however, will not be representing Mr. Lagna at the hearing before the Board.

Thank you for your attention to this matter.

Very truly yours,


Sebastian A. Cross

SAC: sf
CC: William Lagna

RECEIVED
JAN 16 2008

BALTIMORE COUNTY
BOARD OF APPEALS

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

RE: PETITION FOR SPECIAL HEARING
221 Bowleys Quarters Rd; W/S Bowleys
Quarters Road; 400' S Carroll Island Rd
15th Election & 6th Councilmanic Districts
Legal Owner(s): William Lagna
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-444-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

APR 16 2007

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/Fences 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID	DATE ISSUED
	1512000140	9/17/06
NAME(S): William Lagna		
MAILING ADDRESS 221 Bowleys Quarters Rd		
CITY Baltimore	STATE MD	ZIP CODE 21220
VIOLATION ADDRESS SAME		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☒ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER:

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- ☒ 101; 102.1: Definitions; general use
☒ 1B01.1: DR Zones-use regulations

- ☐ 428: License/ Remove all untagged/ Inoperative or damaged/ disabled motor vehicle(s)
☒ 1B01.1D: Remove open dump/ junk yard
☐ 431: Remove commercial vehicle(s)
☐ 101; 102.1: Remove contractors equip. storage yard
☒ 101; 102.1: ZCPM: Cease service garage activities
☐ 402: Illegal conversion of dwelling
☐ 101; 102.1: ZCPM: Illegal home occupation

- ☒ 415A: License/ remove untagged recreation vehicle

- ☒ 415A: Improperly parked recreation vehicle
☐ 415A: Use recreational vehicle per property
☐ 410: Illegal Class II trucking facility
☐ 400: Illegal accessory structure placement
☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
☐ 102.5: Residential site line violation/obstruction
☐ 408B: Illegal rooming/ boarding house
☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- ☐ 13-7-112: Cease all nuisance activity
☐ 13-7-115: County to abate nuisance & lien costs
☒ 13-7-310: Remove all trash & debris from property
☐ 13-7-312: Remove accumulations of debris, materials, etc
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces daily
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☐ 13-4-201(b)(d): Store garbage in containers w/tight lids
☐ 35-2-301: Obtain building/ fence/ sign permit
☐ 18-2-601: Remove all obstruction(s) at street, alley, road
☐ 13-7-310(2): Remove bird seed /other food for rats
☐ 32-3-102: Violation of development plan/ site plan
☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C.)

- ☐ 35-5-302(a)(1): Unsanitary conditions.
☐ 35-5-302(a)(3): Cease infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions
☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extensions
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C.)

- ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition
☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(a)(4)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS:

Lic. Disposed to permit number

Per #3



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No. 06-8506	Property No. 1516 000140	Zoning DR
-------------------------------------	------------------------------------	---------------------

Name(s): **William Lagna**

Address: **221 Bowleys Quarters Rd, 21220**

Violation Location: **Same**

Violation Date: **9/25/06 Through 11/23/06**

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

- BEZR 101, 102.1, 130.1.1 D, 415 A, BCC 13-7-310**
- Failure to Remove Number of Recreational Vehicles as Granted by Zoning
 - Failure to Clean property of All trash
 - Failure to Cease All Repairs on Boats.

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

\$ 3000.00

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

Date: **11/30/06**
Time: **9:00 AM**

Citation must be served by:

Date: **N/A**

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

Print Name: **C. Pagnoy**

Date: **10/26/06** Inspector's Signature:

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: _____ Citation/Case No.: _____

Address: _____

Date: _____ Defendant's Signature: _____

AGENCY



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No. 06-8506	Property No. 15-12-000140	Zoning DR-3.5
------------------------------	------------------------------	------------------

Name(s): 15-12-000110
WILLIAM M. LAGNA

Address: 221 BOWLEYS QUARTERS RD BALTO. MD-21220

Violation Location: 221 BOWLEYS QUARTERS ROAD - MAP 91, PARCEL 73
BOWLEYS QUARTER RD - MAP 91

Violation Date: 9-25-06 to 11-23-06 - PARCEL 181

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

101" Boat Yard; 102.1; 1B01.1A; 1B01.1C; 5006;
1B01.1D; 415A - B.C.2.R
13-7-310 - B.C.C.

A) Non-compliance with Case No. 99-302-A in that more than 5
RECREATIONAL VEHICLES ARE STORED
ON THE SUBJECT PROPERTY

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

\$ 3000.00/100

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

Date: 11-30-06

Time: 9:00 AM

Citation must be served by:

Date: _____

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

Print Name: C. RAYNOR

Date: _____ Inspector's Signature: _____
SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: _____ Citation/Case No.: 06-8506

Address: _____

Date: _____ Defendant's Signature: _____

AGENCY



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No. 06-8506 **Property No.** _____ **Zoning:** _____

Name(s): _____

Address: _____

Violation Location: _____

Violation Date: _____

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

B) OPEN DUMP CONDITIONS

C) BOAT YARD ACTIVITIES - "REPAIRING
BOATS" (PERMITTED ONLY IN A
B.M.B. ZONE)

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

\$ 3000 00/100

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

Date: 11-30-06

Time: 9:00 AM

Citation must be served by:

Date: _____

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

Print Name:

L. RAYNOR

Date

Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

Citation/Case No.:

06-8506

Address:

Date

Defendant's Signature

AGENCY

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

In the Matter of

William Lagna

Respondent

Civil Citation No.06-8506

221 Bowleys Quarters Road

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

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on November 30, 2006, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 102.1; 1B01.1D; 415A; Baltimore County Code (BCC) section 13-7-310; failure to reduce number of recreational vehicles to number allowed pursuant to Zoning Commissioners finding; failure to remove all trash; failure to cease all repairs to boats on residential property known as 221 Bowleys Quarters Road, 21220.

On October 26, 2006, pursuant to §3-6-205, Baltimore County Code, Clarence Raynor, Code Enforcement Officer, issued a code enforcement citation. The citation was legally served on the Respondents.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars). A code enforcement hearing date was scheduled for November 30, 2006.

William Lagna, Respondent appeared for the hearing and testified.

Clarence Raynor, Code Enforcement Officer presented the case for Code Enforcement.

Pet #14

Testimony and evidence shows that a variance granted via petition 89-302-A on January 31, 1989. The petitioner, Mr. Lagna, was granted permission to store three (3) runabouts, one (1) rowboat and one (1) sailboat. Baltimore County submitted photographic evidence depicting boats on trailers, boats on supports, boat motors mounted on portable transoms and others on palettes and carts; ski doos or seadoos, boat parts, multiple boat trailers, multiple utility trailers, fence parts, tools, tires, supplies of all sorts, etc. Clearly the use of the property far exceeds the storage granted by then Zoning Commissioner, Haines. Mr. Lagna has cleared the property of its untidy appearance. Mr. Lagna submitted a set of photographs showing well-maintained vistas of the property. The photographs submitted by the County appear to show the use of the property as something other than the ordinary residential property with a few recreational vehicles. The fact that one family would have use for the number of boats, motors, and trailers really stretches the mind to conclude a pure residential family use is occurring. The property and contents stored thereon appear to be a marine storage yard and or salvage yard. The residential flavor of the property has been transformed to something far different than the five (5) small boats considered in the variance granted. At least one neighbor, Mr. Evering of 301 Bowleys Quarters Road does not have a problem with the boat storage area however other neighbors and the community at large have submitted complaints to the Department of Permits and Development Management. Baltimore County did not submit evidence that would determine ownership of all stored items so it must be assumed that Mr. Lagna owns every boat, trailer, engine, etc. Baltimore County also did not prove that boat service work for others was performed on site. Mr. Lagna is hereby advised that storage for others, and service work constitutes a business from a residence and such activities are prohibited.

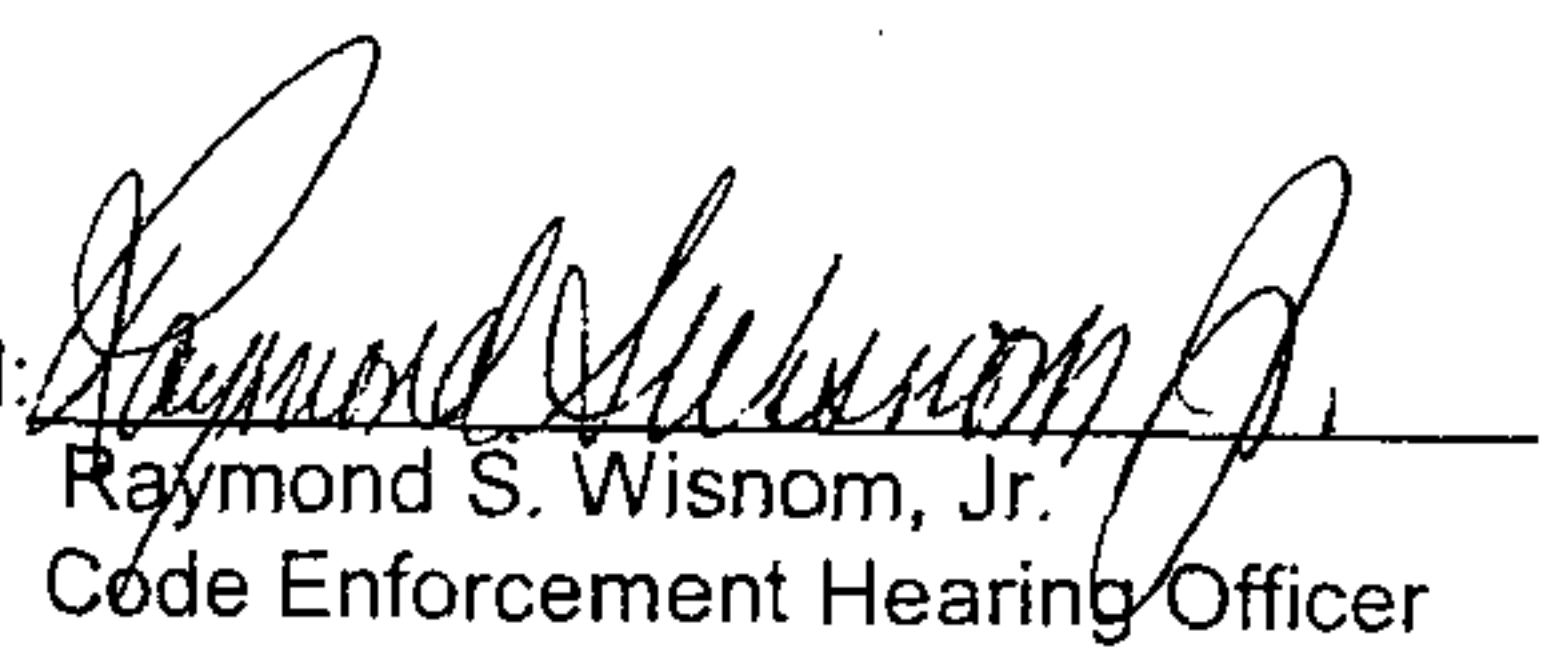
The evidence is overwhelming to support a finding of violation. The Respondent has far exceeded the conditions and/or restrictions of the variance granted by Commissioner Haines.

IT IS ORDERED by the Code Enforcement Hearing Officer this 7th day of December 2006, that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the amount of \$3,000.00 (three thousand dollars) shall be suspended on condition the Respondent returns the property and recreational storage thereon to a condition that conforms to the variance granted on or before February 9, 2007.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be \$3,000.00 (three thousand dollars).

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

Signed: 

Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

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

RSW/jaf

County
Commissioner
Planning & Zoning
Maryland 21204

03

J. Robert Haines
Zoning Commissioner

February 15, 1989



Dennis F. Rasmussen
County Executive

Mr. William M. Lagna
221 Bowleys Quarters Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 89-302A

Dear Mr. Lagna:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

att.

cc: Peoples Counsel

Pet #5

IN RE: PETITION FOR ZONING VARIANCE
E/S Bowleys Quarters Road
500' S Carroll Island Road
(221 Bowleys Quarters Road)
15th Election District
5th Councilmanic District

William M. Lagna
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-302-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum one (1), as more particularly described on Petitioner's Exhibit 1.

The Petitioner, William M. Lagna, appeared and testified. There were no Protestants.

The Petitioner testified that the subject property has been in his family for more than 50 years and has been continuously used as a residence. The Petitioner now resides on the subject property and stores outdoors five (5) small boats. There are three (3) runabouts, one (1) row boat and one (1) sailboat. All of the boats are owned by the Petitioner and he testified that it would be financially impractical to store these boats on a commercial lot because the cost of storage would be higher than the value of the boats.

The Petitioner also testified that he intends to build a garage to store the boats in the near future. He does not believe the boats do any harm to the health, safety or community welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section

307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Section 307.1, Baltimore County Zoning Regulations (B.C.Z.R.) states that the Baltimore County Zoning Commissioner and or Deputy Zoning Commissioner shall have the power to create variances from an area regulation where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "{t}he standard for granting a variance. . . is . . . whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the Zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley.

The question, therefore, is whether it was fairly debatable that the evidence shows strict compliance with the regulations would result in practical difficulty or unreasonable hardship.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the

public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

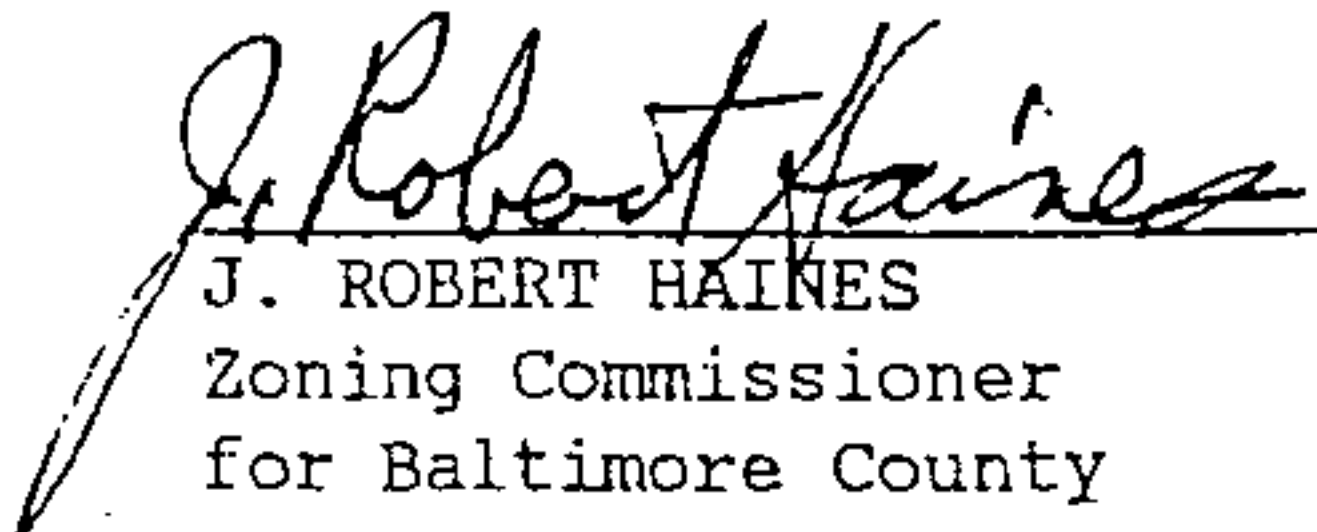
3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

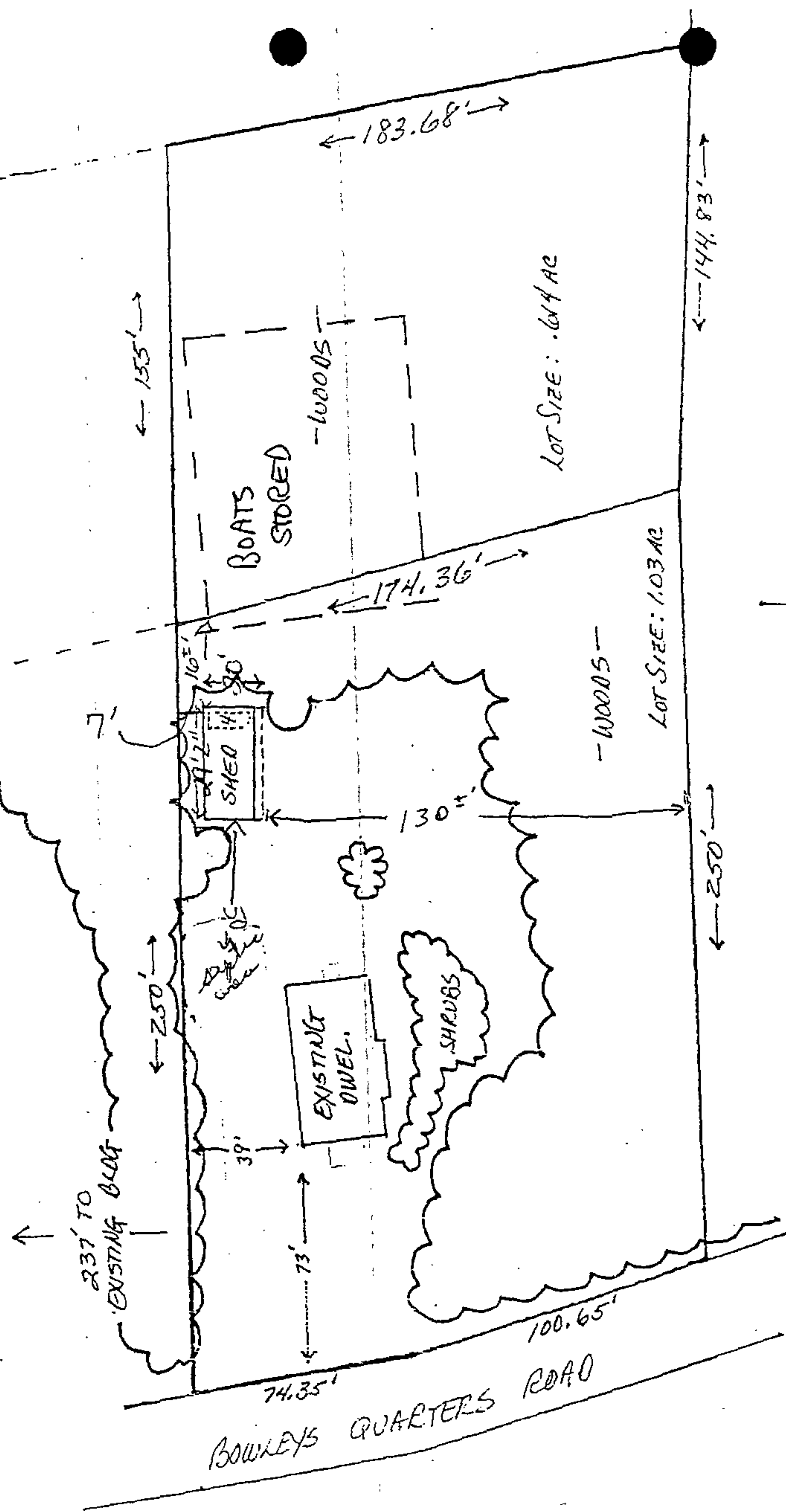
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of February, 1989 that the Petition for Zoning Variance from Section 415A to permit five (5) recreational vehicles in lieu of the maximum One (1), as more particularly described on Petitioner's Exhibit 1 be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 25, 1988, attached hereto and made a part hereof.


J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn
att.



PLAT FOR ZONING VARIANCE

OWNER - WILLIAM LAGUNA

DISTRICT 15 ZONED - DR 16
 221 BOWLEYS QUARTERS RD
 PROPERTY 15-12-000140
 EXISTING UTILITIES IN BOWLEYS QTRS RD

MAP 91 BLOCK 09 PARCEL 00073

224' TO
 EXISTING DWEL.

SCALE: 1" = 50'

NOV 1988

Pet #2



Pet #2

ZONING NOTICE

CASE #

07-444SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: Room 407, County Courts Building
401 BOSLEY AVE TOWSON MD 21204

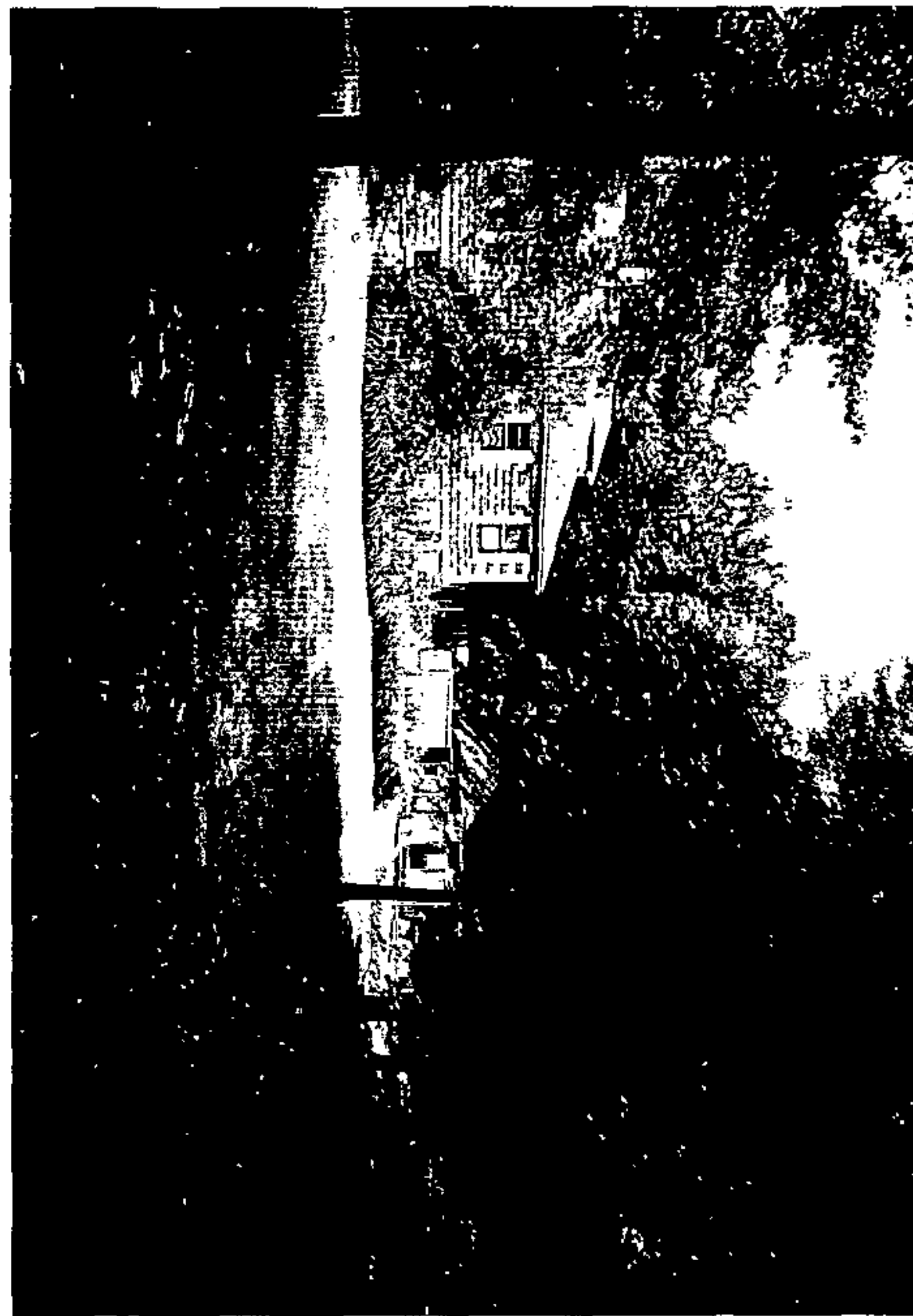
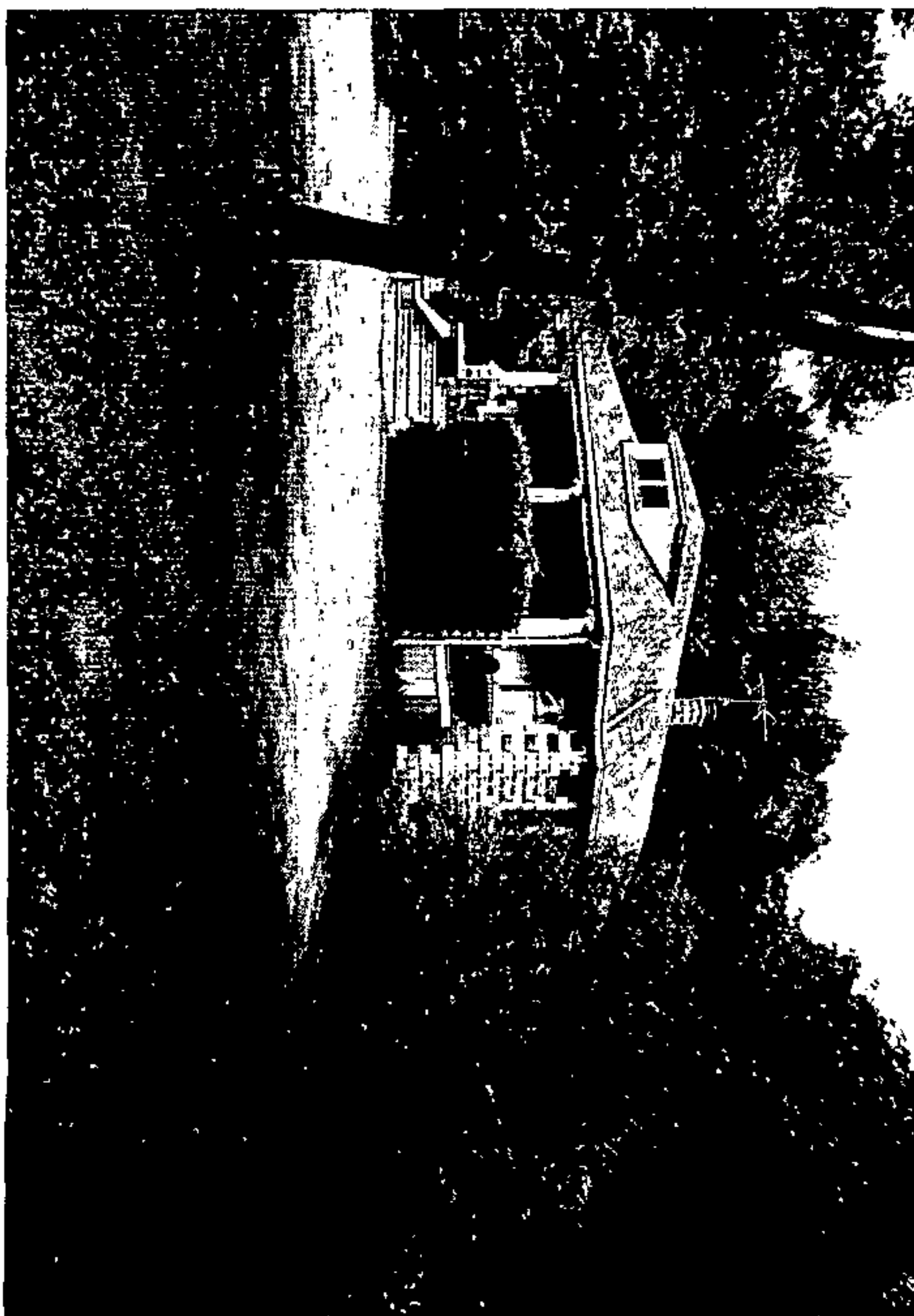
DATE AND TIME: TUESDAY, JUNE 19, 2007 AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO APPROVE A MODIFIED

RV STORAGE PLAN AS PER BCZR SECTION 415A.3.B1; OR IN THE
ALTERNATIVE, A DETERMINATION THAT PROPERTY CONFORMS WITH THE
PREVIOUSLY APPROVED VARIANCE THROUGH CASE NO. 89-302-A.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CANCEL HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



6A

Long
Hollow
Road

looking from
west side
toward road



View from
church in
west side



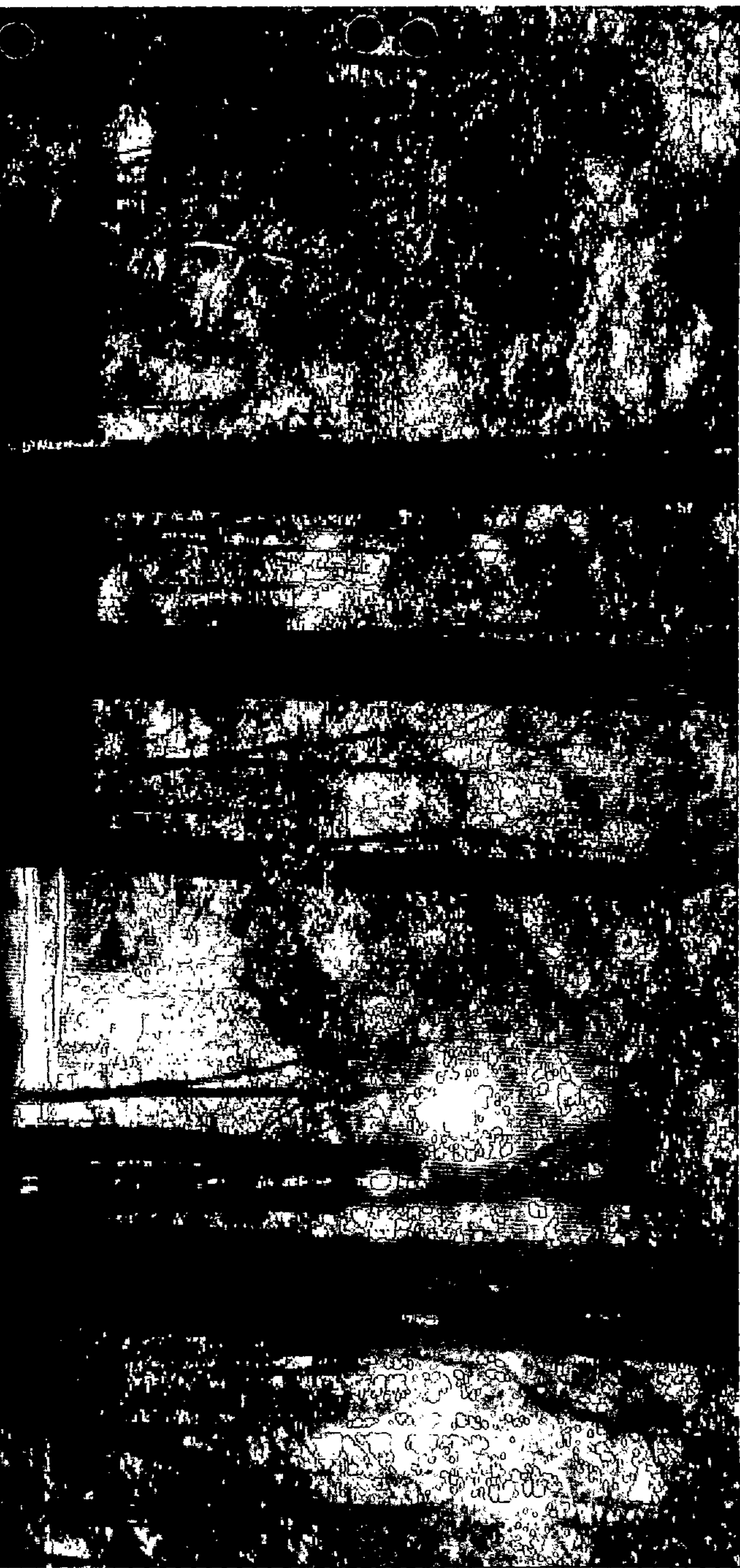
60

South looking N
at sea boundary





Lettering
Johanna
From enclosed



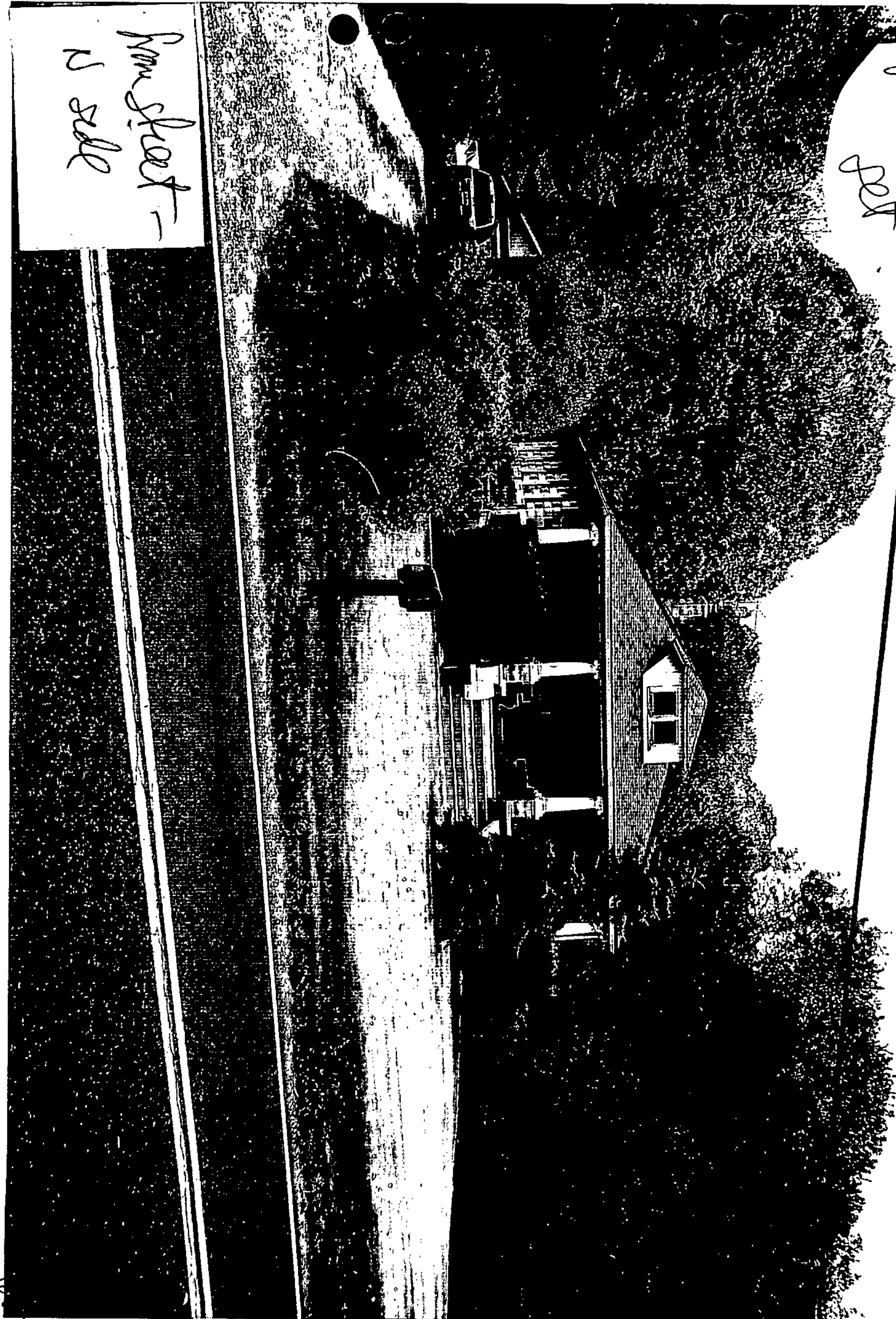
DE

Spanglet
at Gethis
(Compliment)

10 Side
Property line in

Full 360°
set

from street -
N side



20



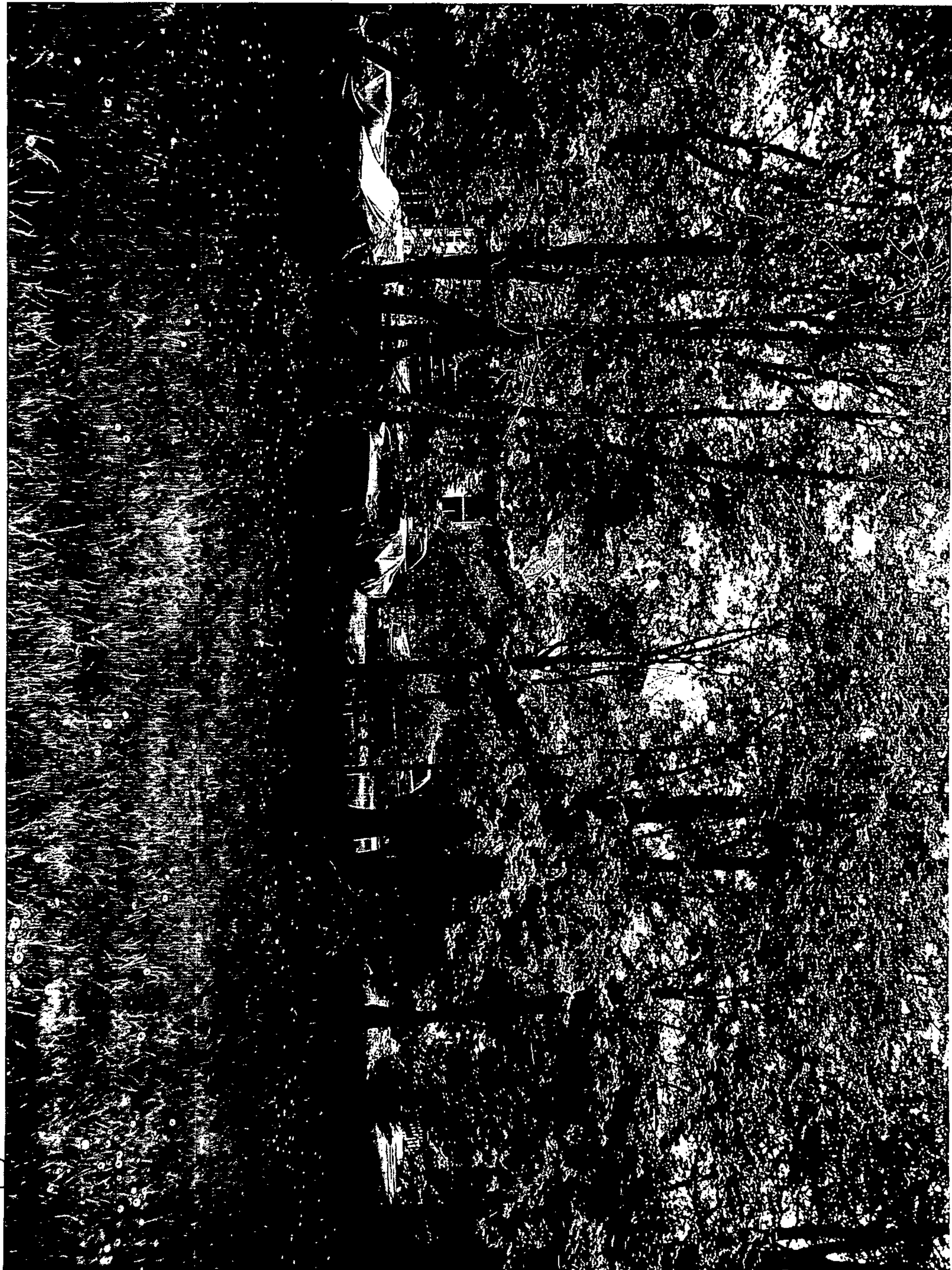
looking at
property from the
north
-SET

18-0

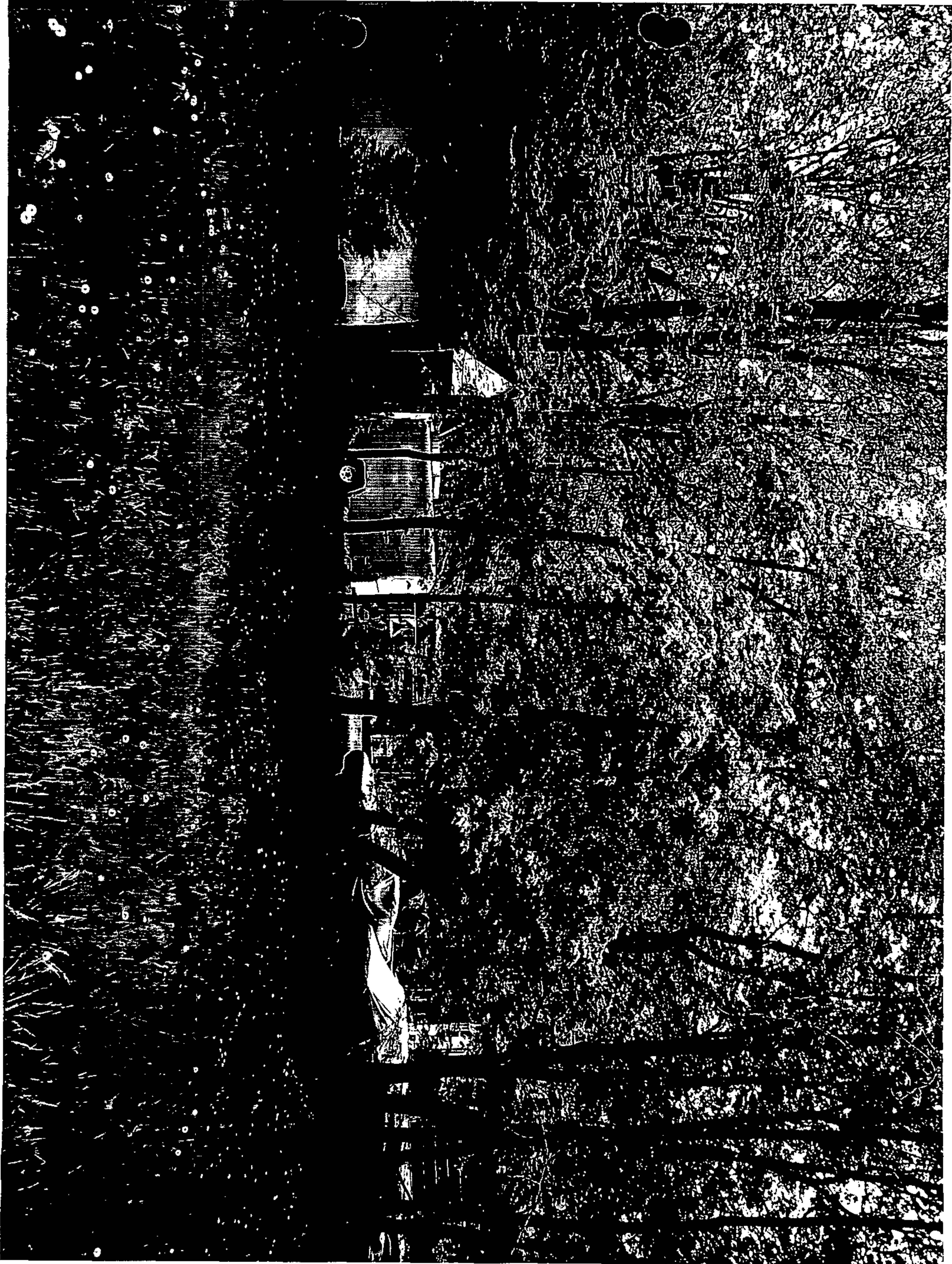


07





65



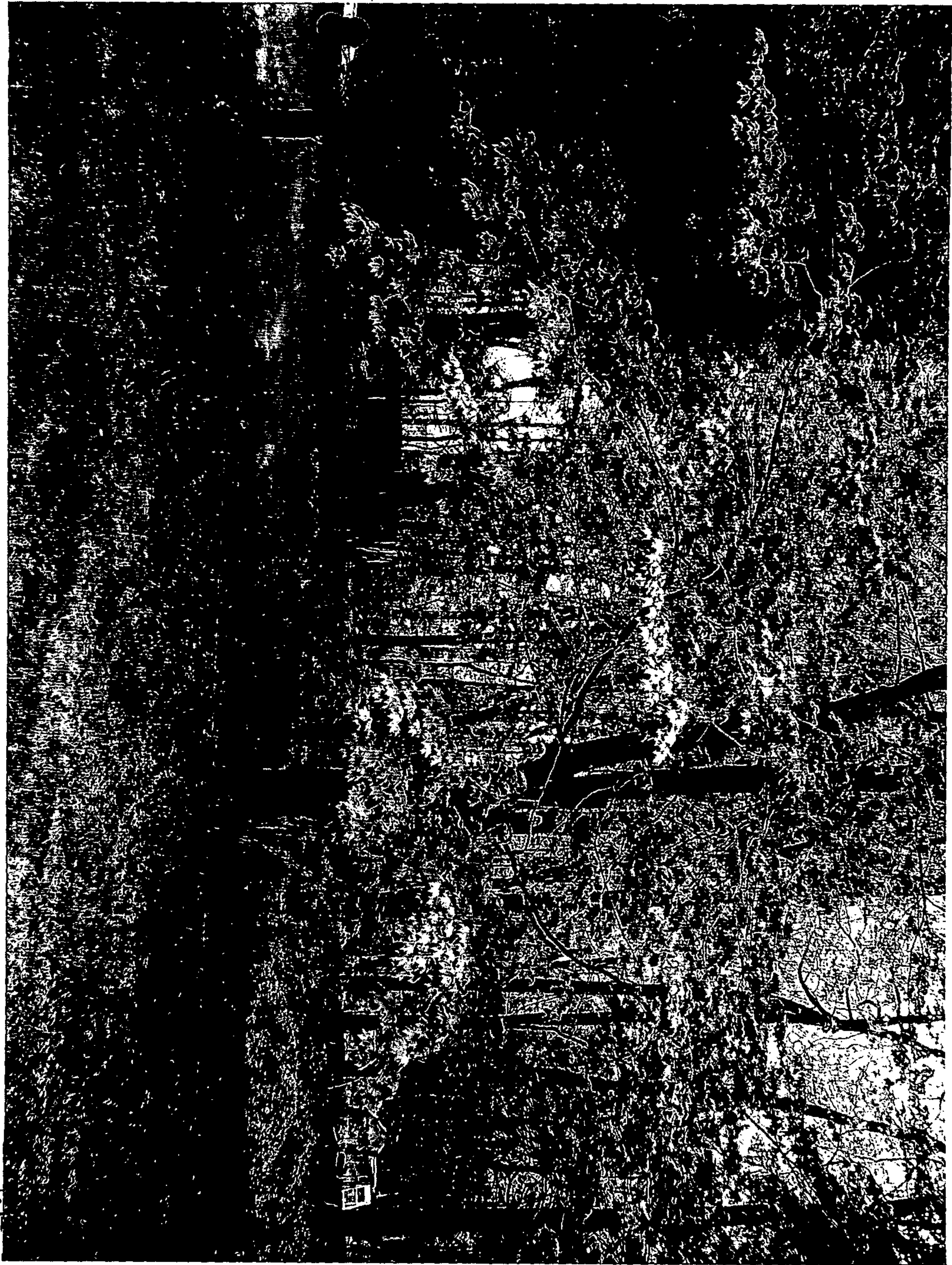
looking at
property from
north side



South side
alt from west
looking W

60









Section 415A
Recreational Vehicles and Boats
[Bill Nos. 29-1974; 54-1993]

415A.1 Contrary provisions of these regulations notwithstanding, one recreational vehicle may be stored on a residential lot as set forth below. Such vehicle, except a truck camper, shall have a current license, may not be lived in, or otherwise occupied, when stored on a lot and shall be mechanically ready to be moved at any time. A recreational boat, whether mounted on a trailer or stored on land with or without the use of supports, is subject to these provisions. A boat less than 16 feet in length is not subject to these provisions, except when such boat is mounted on a trailer. The space occupied by such a recreational vehicle or boat may be counted as a required parking space.

- A. On a lot occupied by a single-family detached or semi-detached dwelling, one such vehicle may be stored 2½ feet from any rear or side lot line; however, when in a side yard it must be situated at least eight feet to the rear of a lateral projection of the front foundation line of the dwelling. Such vehicle may be stored in any garage.
- B. On the lot of any individually owned row or group house, one such vehicle may be stored, provided that it is situated entirely in the rear yard, 2½ feet from the side or rear lot lines.
- C. Such vehicles may be stored on a specially designed parking area of any multifamily rental or condominium unit. Such areas must be screened from adjacent off-site residential uses, as required by the Director of Permits and Development Management.
- D. Except during a twenty-four-hour period for the purpose of loading or unloading, a person may not park or store a recreational vehicle on any street in a residential zone. [Bill No. 84-2006]

415A.2 A residentially used or vacant residentially zoned waterfront lot shall have no more than one pier (whether fixed or floating). As of November 15, 1993, the number of boats, not including those smaller than 16 feet, permitted to be stored at a pier, slip, buoy or any other mooring device in the water at such a lot shall be limited in accordance with the following schedule:

Waterside Lot Line	Number of Boats Permitted
0 to 50 feet	4
51 to 100 feet	5
Over 100 feet	6

415A.3 Exceptions.

- A. From November 1 through March 31, out-of-water boat storage on residential waterfront lots is permitted, subject to the setback provisions in Section 415A.1.A or B and in accordance with the following schedule:

Pg #17

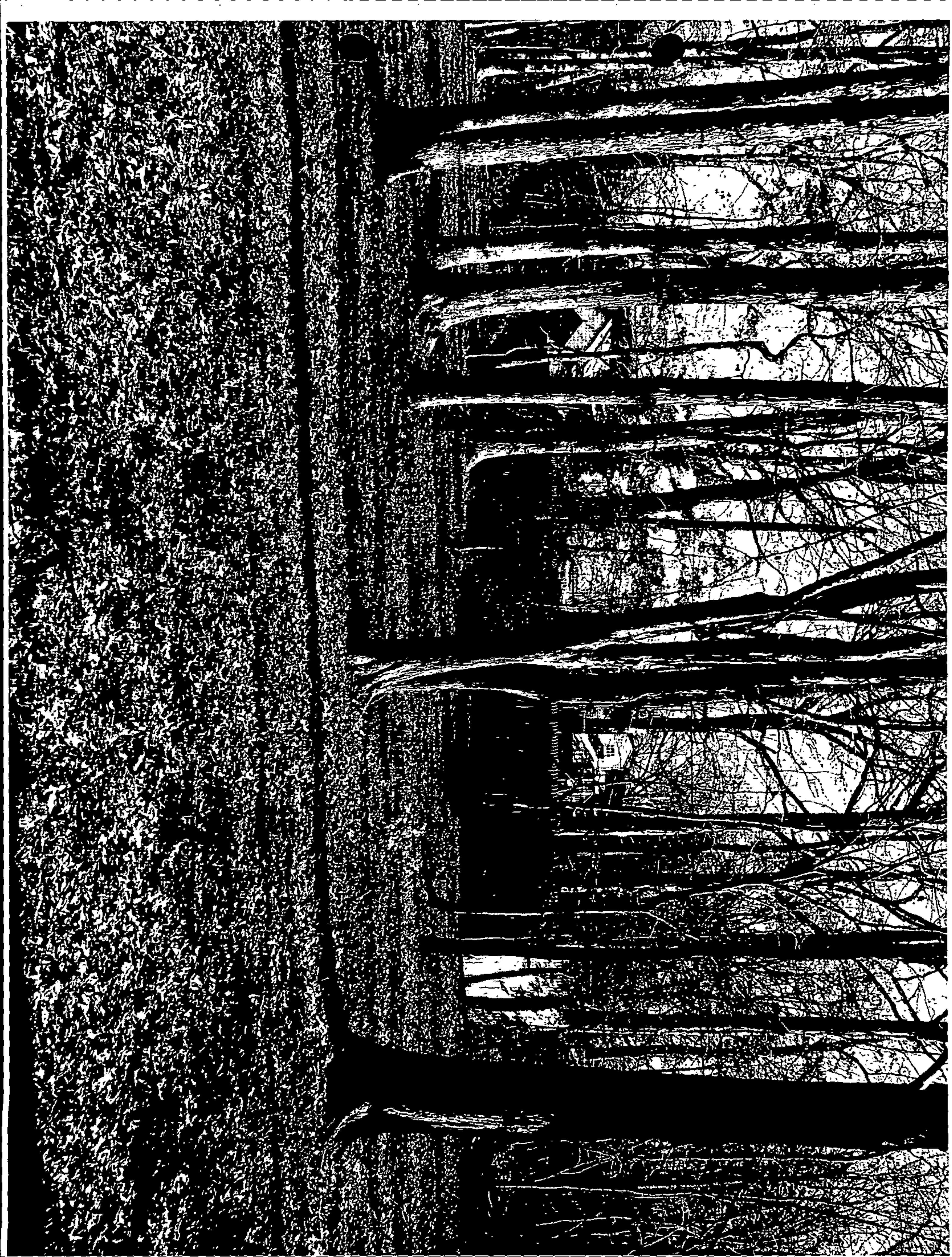
Waterside Lot Line	Number of Boats Permitted
0 to 75 feet	2 boats, or 1 boat and 1 other recreational vehicle
Over 75 feet	3 boats, or 2 boats and 1 other recreational vehicle

- B. Where the requirements set forth herein for the storage of recreational vehicles would create an undue hardship, the Zoning Commissioner may approve a modified storage plan upon petition and public hearing thereon according to the procedure defined in Title 26, Section 26-127(b), except that if no hearing is requested the modified plan may be approved by the Director of Permits and Development Management, subject to appeal to the Baltimore County Board of Appeals.

Section 415B
Collection Trailers
[Bill No. 154-1982]

1. Contrary provisions of these regulations notwithstanding, collection trailers, profit and nonprofit, may be temporarily placed on shopping center properties subject to a use permit being granted by the Zoning Commissioner in accordance with Section 500.4.
2. Prior to issuing a use permit for a collection trailer, the Zoning Commissioner shall approve the location of said trailer which must be shown on an overall functional site plan of the shopping center in question. In addition to other considerations that he may deem necessary, the Zoning Commissioner shall give consideration to the following factors and may impose any appropriate conditions, resulting from such consideration, upon the use permit:
 - a. The size and vehicular accessibility of the shopping center.
 - b. The available number of parking spaces in the center.
 - c. Whether or not an attendant is provided, and/or required for the trailer.
 - d. Hours of operation.
 - e. The proposed location of the trailer with regard to interior vehicular circulation and adjoining residential premises.
 - f. The purpose for the trailer; i.e., to provide a convenient location for the placement of facilities designed to receive from the public household products, including used beverage cans and foil products, to be recycled for reuse.





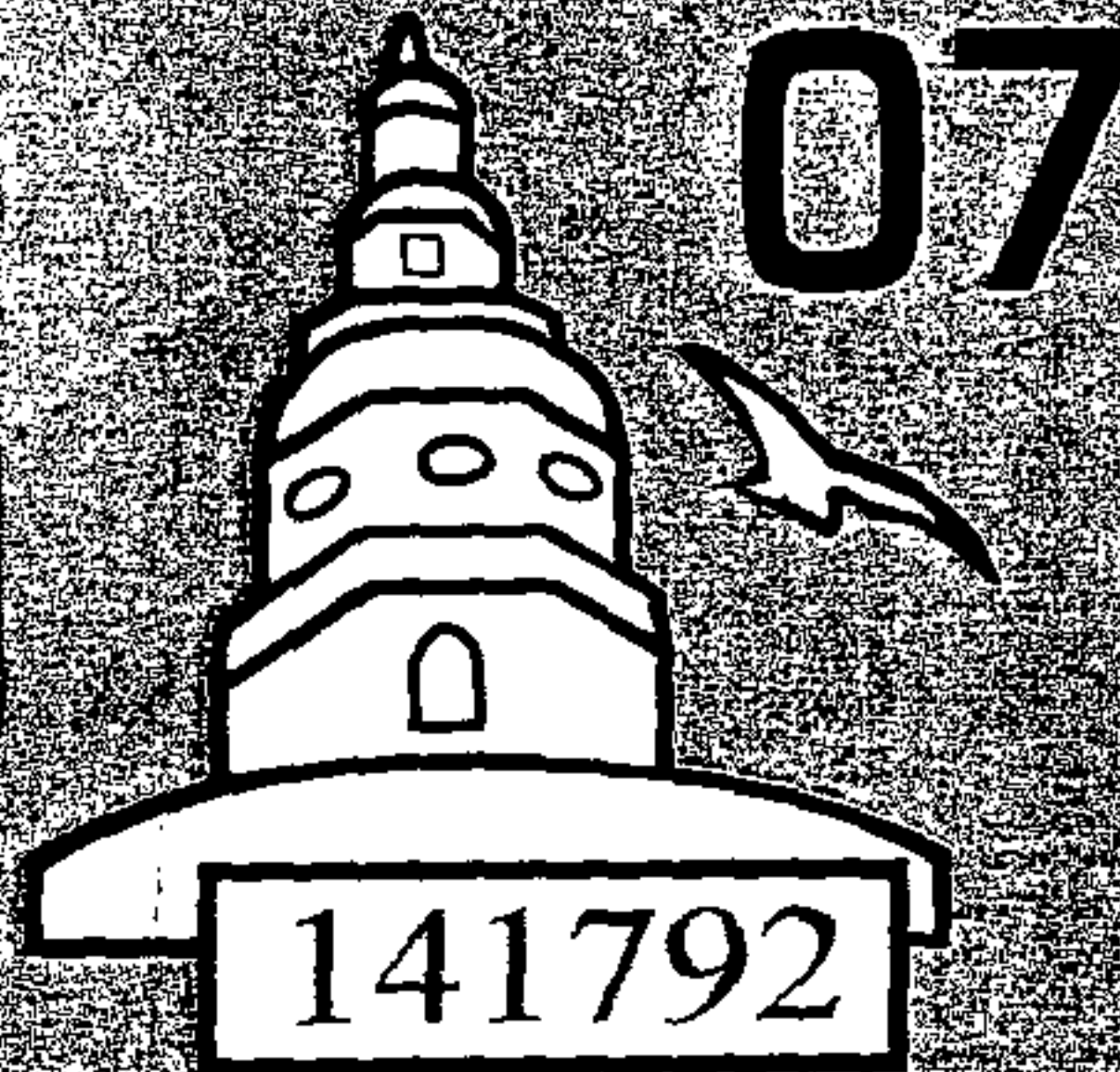
STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER

EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
LTH00176J687	MD 6512 BV	12' 0"
MAKE	YEAR	USE
LEISURE TECH	1987	Pleasure

WILLIAM MICHAEL LAGNA

221 BOWLEYS QUARTERS ROAD
BALTIMORE, MD 21220Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16**MARYLAND**

141792

141792

STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER

EXPIRES DECEMBER 31, 2008

HULL ID NO.	BOAT NO.	LENGTH
TMO18168L192	MD 3867 C	17' 6"
MAKE	YEAR	USE
TALON MAR	1992	Pleasure

LAGNA, WILLIAM MICHAEL

221 BOWLEYS QUARTERS RD
Baltimore, MD 21220Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16**MARYLAND**

539464

539464

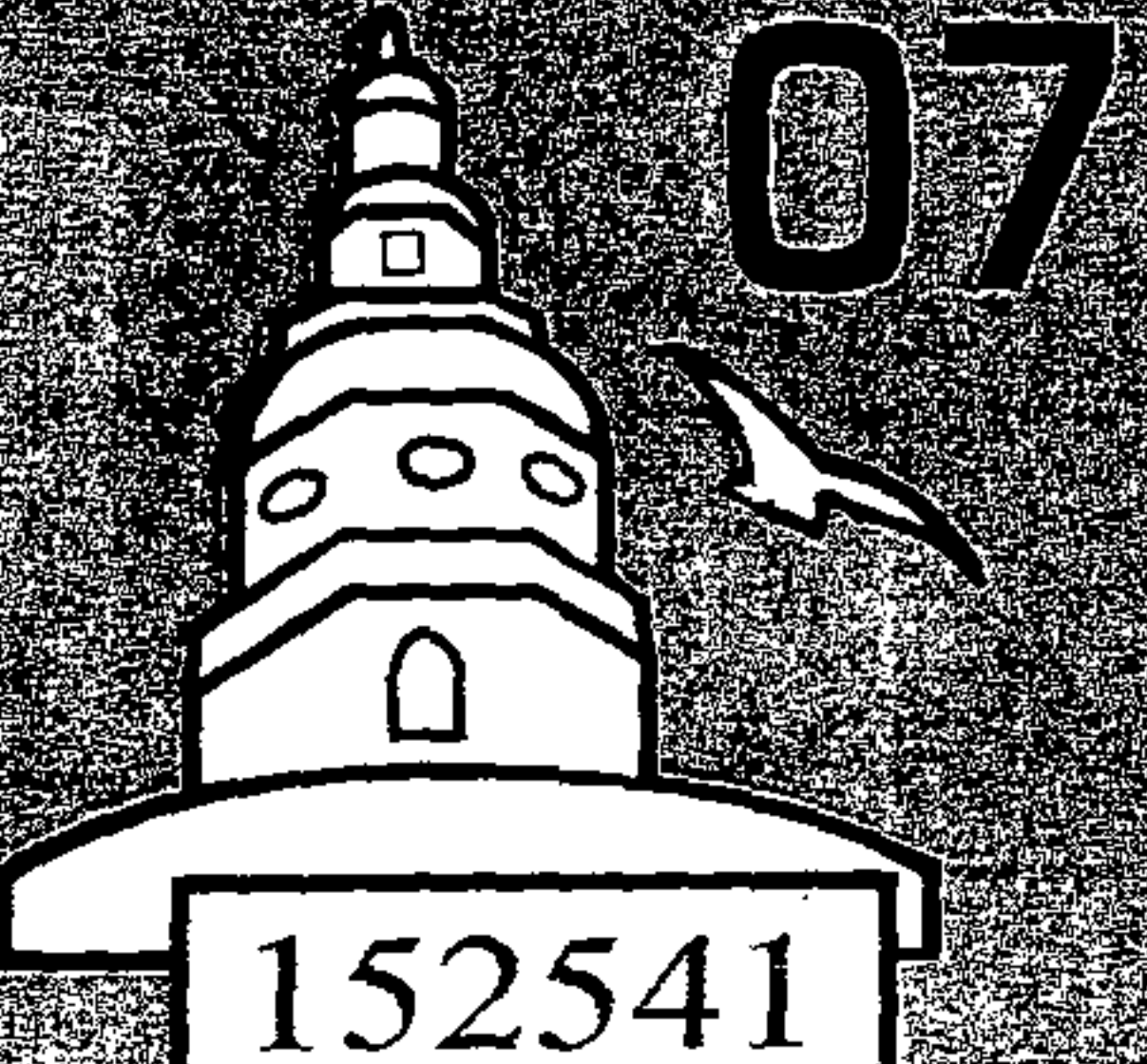
STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER

EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
SB246003H091	MD 1611 CA	24' 0"
MAKE	YEAR	USE
SUNBIRD	1991	Pleasure

WILLIAM MICHAEL LAGNA

221 BOWLEYS QUARTERS ROAD
BALTIMORE, MD 21220Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16**MARYLAND**

152541

152541

Pet #9

STATE OF MARYLANDCERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008

HULL ID NO.

MDZ31322D787

MAKE

CUSTOM

LAGNA, WILLIAM M

221 BOWLEYS QTRS RD
BALTIMORE, MD 21220

BOAT NO.

MD 9832 AP

YEAR

1987

LENGTH

18' 1"

USE

Pleasure

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16**539466**

MARYLAND

**539466****STATE OF MARYLAND**CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008

HULL ID NO.

VAGB12560481

MAKE

VAGABOND

LAGNA, WILLIAM M

221 BOWLEYS QUARTERS RD
BALTIMORE, MD 21220

BOAT NO.

MD 7891 AG

YEAR

1981

LENGTH

13' 8"

USE

Pleasure

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

VOID IF OVER 7.5 HP

708139**708139****STATE OF MARYLAND**CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008

HULL ID NO.

VAGB13620681

MAKE

VAGABOND

LAGNA, WILLIAM M

221 BOWLEYS QTRS RD
BALTIMORE, MD 21220

BOAT NO.

MD 2615 AN

YEAR

1981

LENGTH

13' 0"

USE

Pleasure

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

VOID IF OVER 7.5 HP

708140**708140**

MARYLAND

MARYLAND

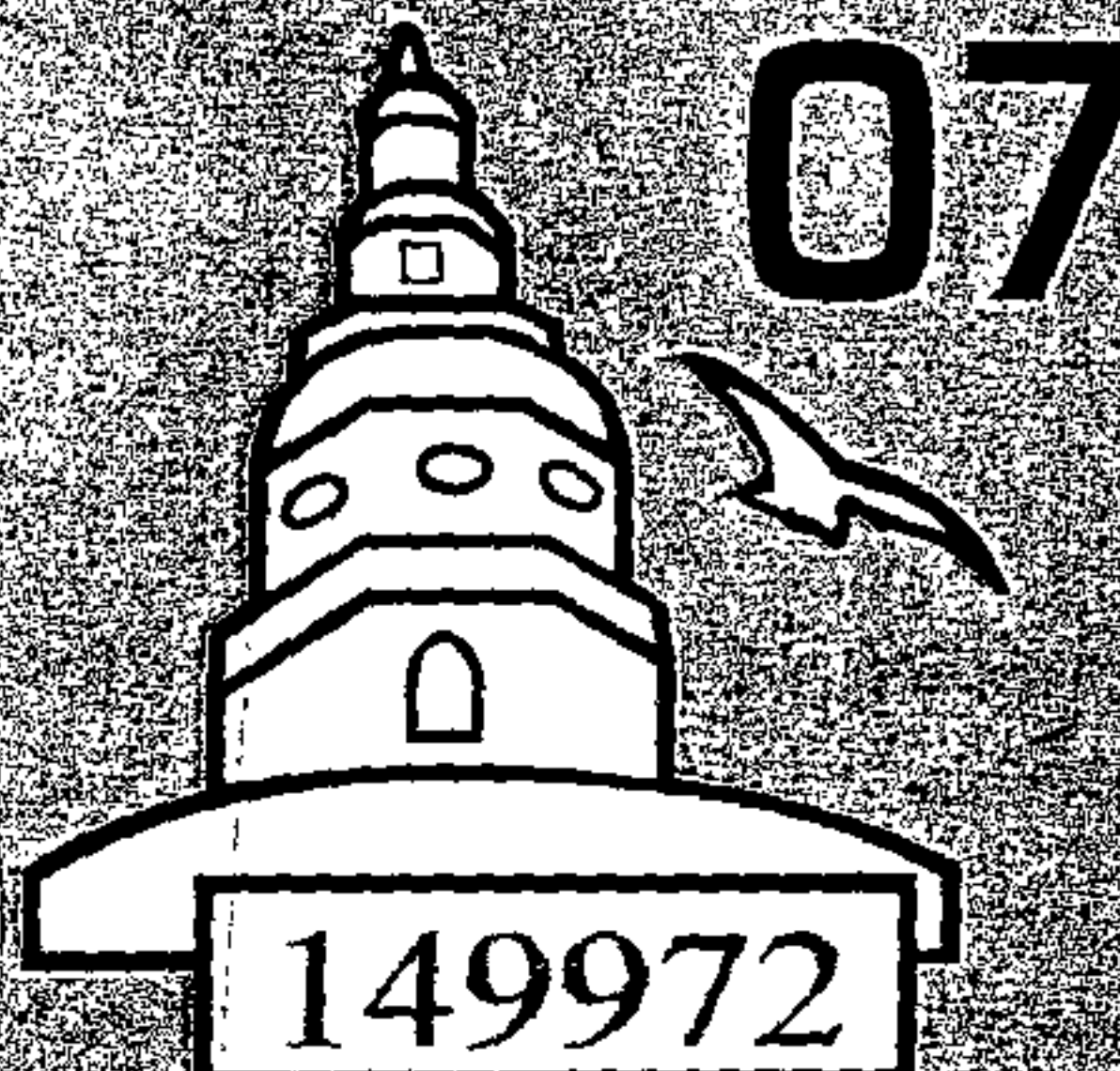
STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

VESSEL ID NO.
CM0102430684

BOAT NO.	LENGTH
MD 1926 BG	10' 0"
YEAR	USE
1984	Pleasure

LAGNA, WILLIAM MICHAEL
221 BOWLEYS QTRS RD
MIDDLE RIVER, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16



STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

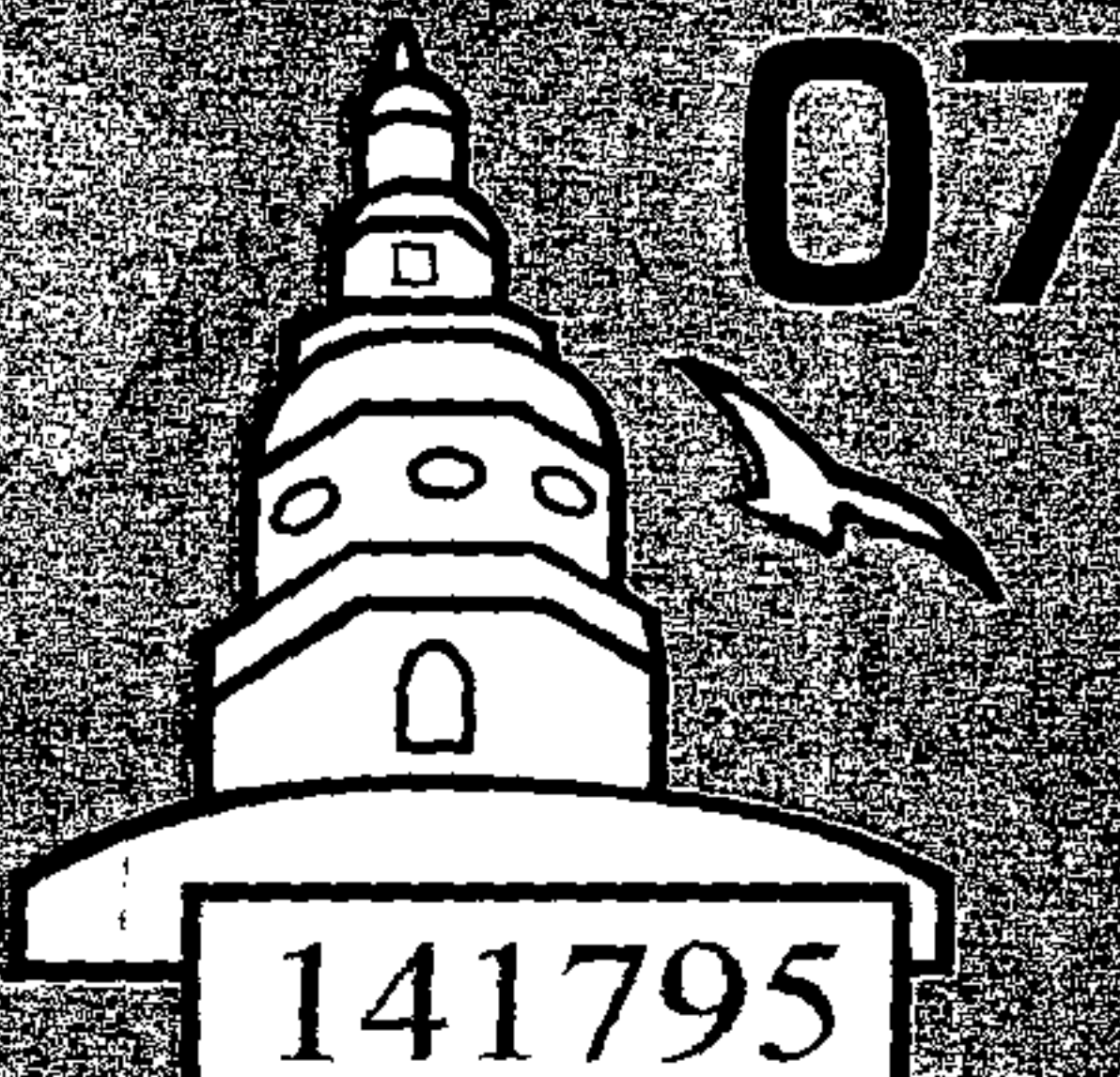
VESSEL ID NO.
VCA4846M75D

BOAT NO.	LENGTH
MD 2190 Y	11' 4"
YEAR	USE
1975	Pleasure

LAGNA, WILLIAM
1 BOWLEYS QUARTERS RD
BALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

MARYLAND



STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

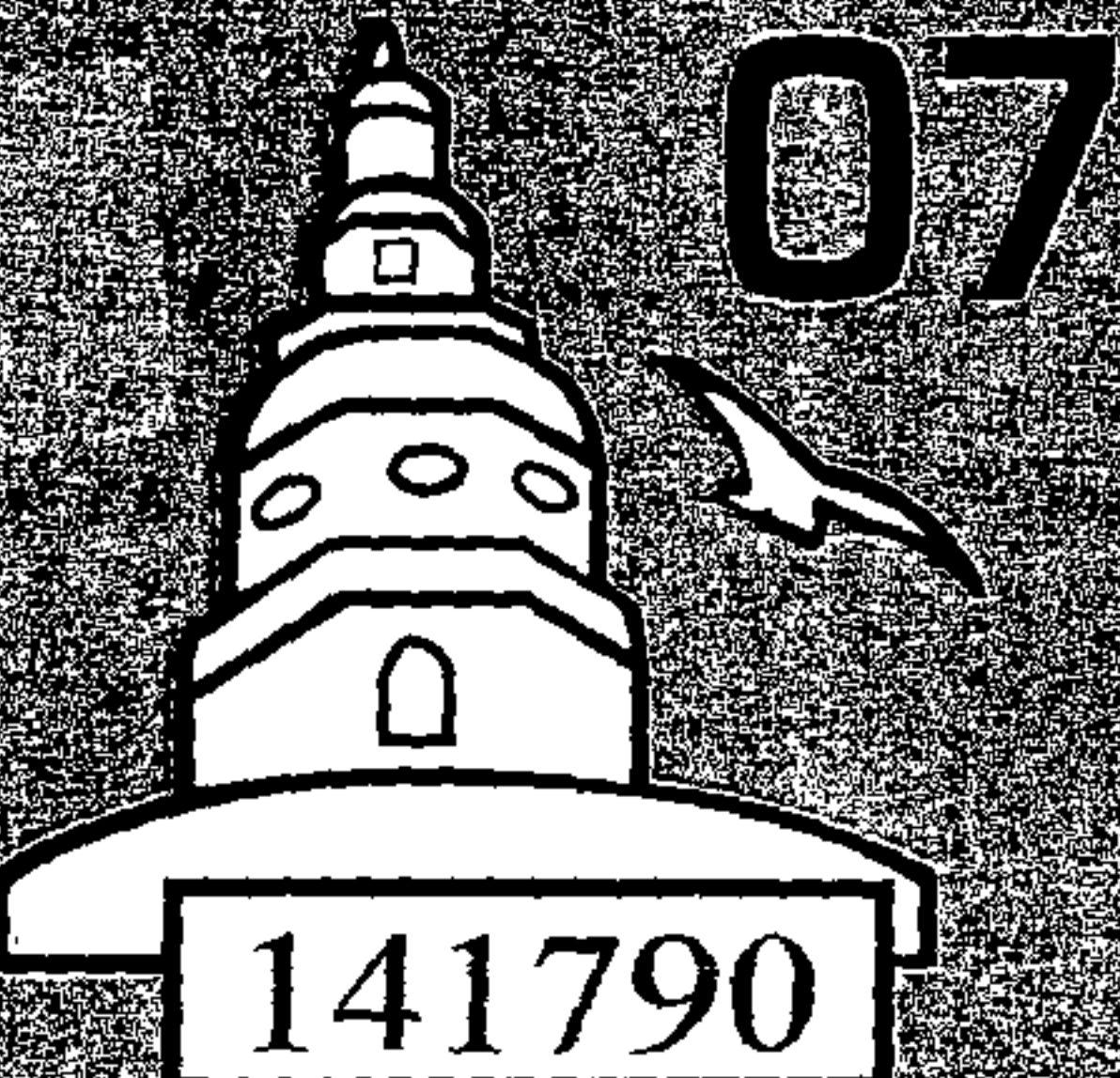
VESSEL ID NO.
W010370C585

BOAT NO.	LENGTH
MD 7436 AM	10' 4"
YEAR	USE
1985	Pleasure

WILLIAM MICHAEL LAGNA
21 BOWLEYS QUARTERS ROAD
BALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

MARYLAND



STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008

HULL ID NO.	BOAT NO.	LENGTH
WDZ37587D700	MD 3471 AG	12' 0"
MAKE	YEAR	USE
UNKNOWN	19UK	Pleasure

LAGNA, WILLIAM M
221 BOWLEYS QTRS RD
BALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

539465

539465

STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
TH00253D989	MD 3257 BX	10' 0"
MAKE	YEAR	USE
EISURE	1989	Pleasure

WILLIAM MICHAEL LAGNA
21 BOWLEYS QUARTERS ROAD
Middle River, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

166260

166260

STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
VB13028K485	MD 9497 AM	13' 0"
MAKE	YEAR	USE
JNCAT	1985	Pleasure

WILLIAM MICHAEL LAGNA
21 BOWLEYS QUARTERS ROAD
BALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

141791

141791

STATE OF MARYLAND
CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
SERR5412E595	MD 0333 BA	13' 6"
MAKE	YEAR	USE
SEA RAY	1995	Pleasure

LAGNA, WILLIAM M
221 BOWLEYS QTRS RD
BALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2008

HULL ID NO.	BOAT NO.	LENGTH
CRR009190974	MD 5212 BU	46' 6"
MAKE	YEAR	USE
CARRI-CRAF	1976	Pleasure

WILLIAM MICHAEL LAGNA
221 BOWLEYS QUARTERS ROAD
Middle River, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

539463

539463

STATE OF MARYLAND

CERTIFICATE OF VESSEL NUMBER
EXPIRES DECEMBER 31, 2007

HULL ID NO.	BOAT NO.	LENGTH
3LK870840674	MD 3556 BW	28' 0"
MAKE	YEAR	USE
SLICKCRAFT	1974	Pleasure

WILLIAM MICHAEL LAGNA
221 BOWLEYS QUARTERS ROAD
3ALTIMORE, MD 21220

Natural Resources Police:
410-260-8888
Marine Radio VHF CH. 16

141794

141794

MARYLAND

07

not on side

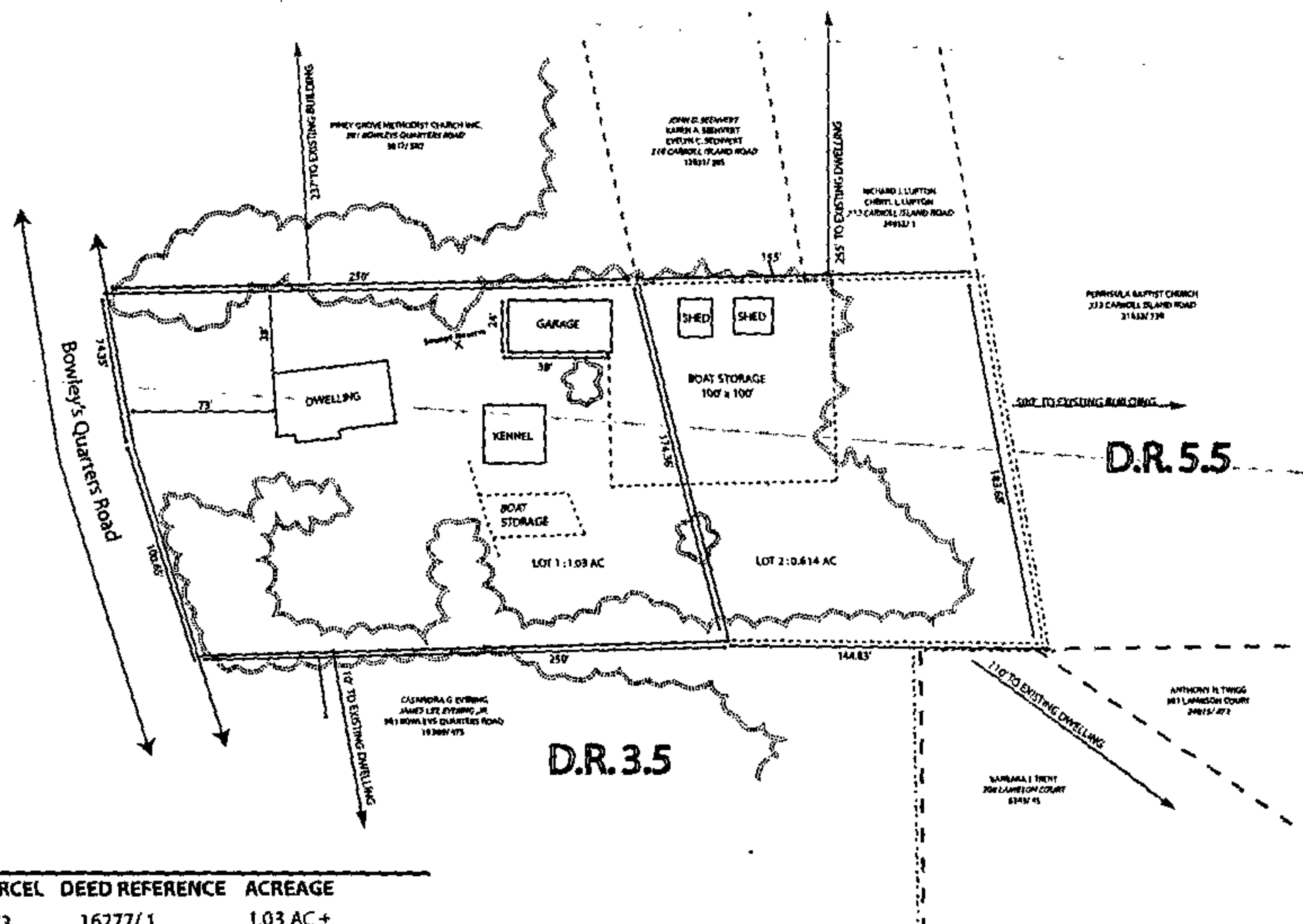
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 221 Bowleys Quarters Road

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO _____ LOT # _____ SECTION # _____

OWNER William Lagna



NOTES:

	MAP	PARCEL	DEED REFERENCE	ACREAGE
Lot 1:	91	73	16277/1	1.03 AC ±
Lot 2:	91	181	16277/1	0.614 AC ±

Previous Zoning Hearing: 89-302-A

LEGEND:

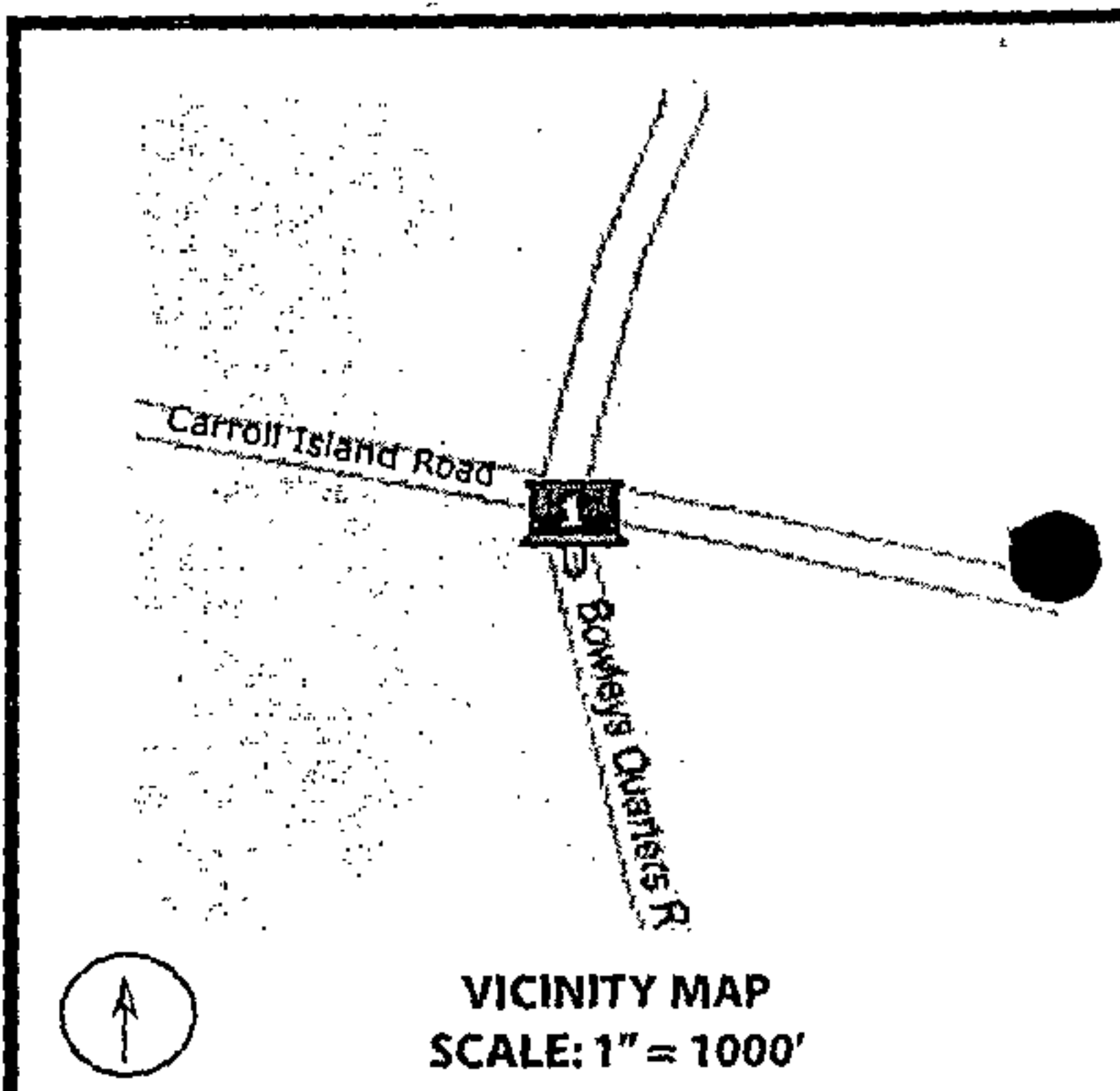
- Wooded Areas
- Stockade Fencing
- Lot Line
- Zoning Delineation



NORTH

PREPARED BY: William Lagna

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # OLD: NE 4-K

ZONING D.R.3.5 NEW: 091B2

LOT SIZE 1.64 ACRES 71,438 SQUARE FEET

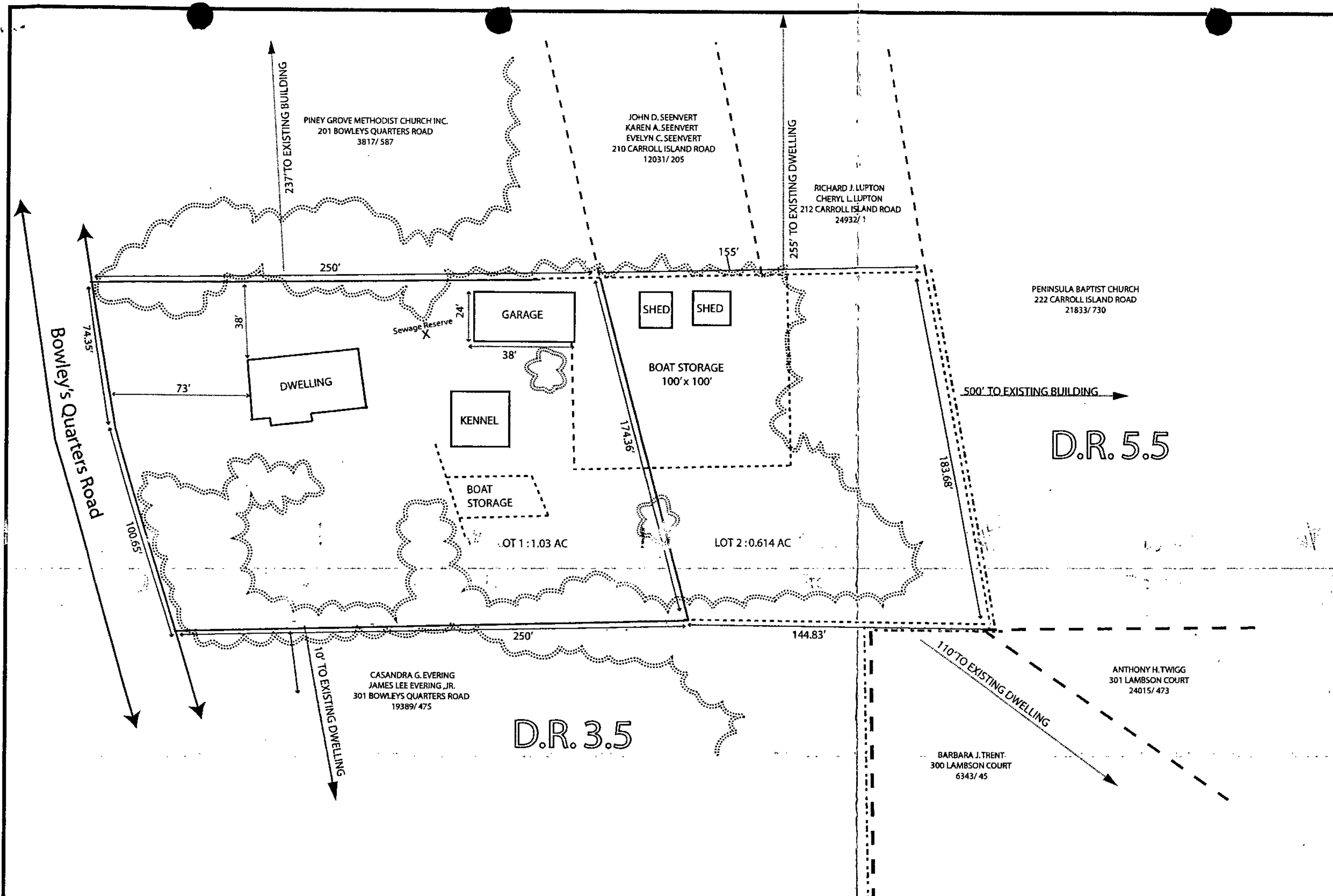
SEWER ☐ PUBLIC ☒ PRIVATE ☒

WATER ☒ PUBLIC ☒ PRIVATE ☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	☒	☐

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____



- LEGEND:**
- Wooded Areas
 - Stockade Fencing
 - Lot Line
 - Zoning Delineation

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
LEGAL OWNER William Lagna

SCALE..... 1" = 50'



221 Bowleys Quarters Road

NOTES:

	MAP	PARCEL	DEED REFERENCE	ACREAGE
Lot 1:	91	73	16277/1	1.03 AC ±
Lot 2:	91	181	16277/1	0.614 AC ±

Previous Zoning Hearing: 89-302-A

Pet #1



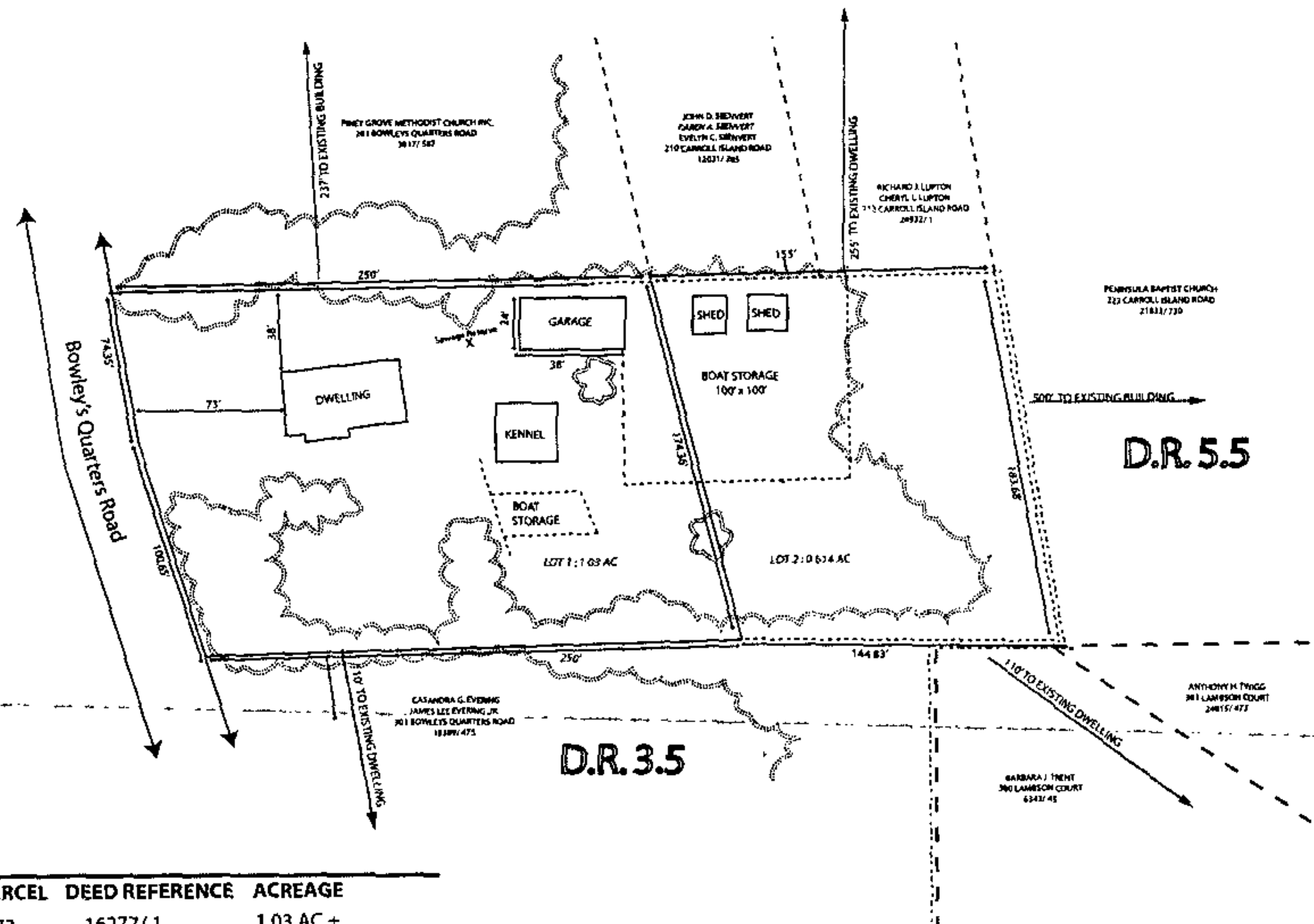
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 221 Bowleys Quarters Road

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO _____ LOT # _____ SECTION # _____

OWNER William Lagna



NOTES:

	MAP	PARCEL	DEED REFERENCE	ACREAGE
Lot 1:	91	73	16277/1	1.03 AC ±
Lot 2:	91	181	16277/1	0.614 AC ±

Previous Zoning Hearing: 89-302-A

LEGEND:

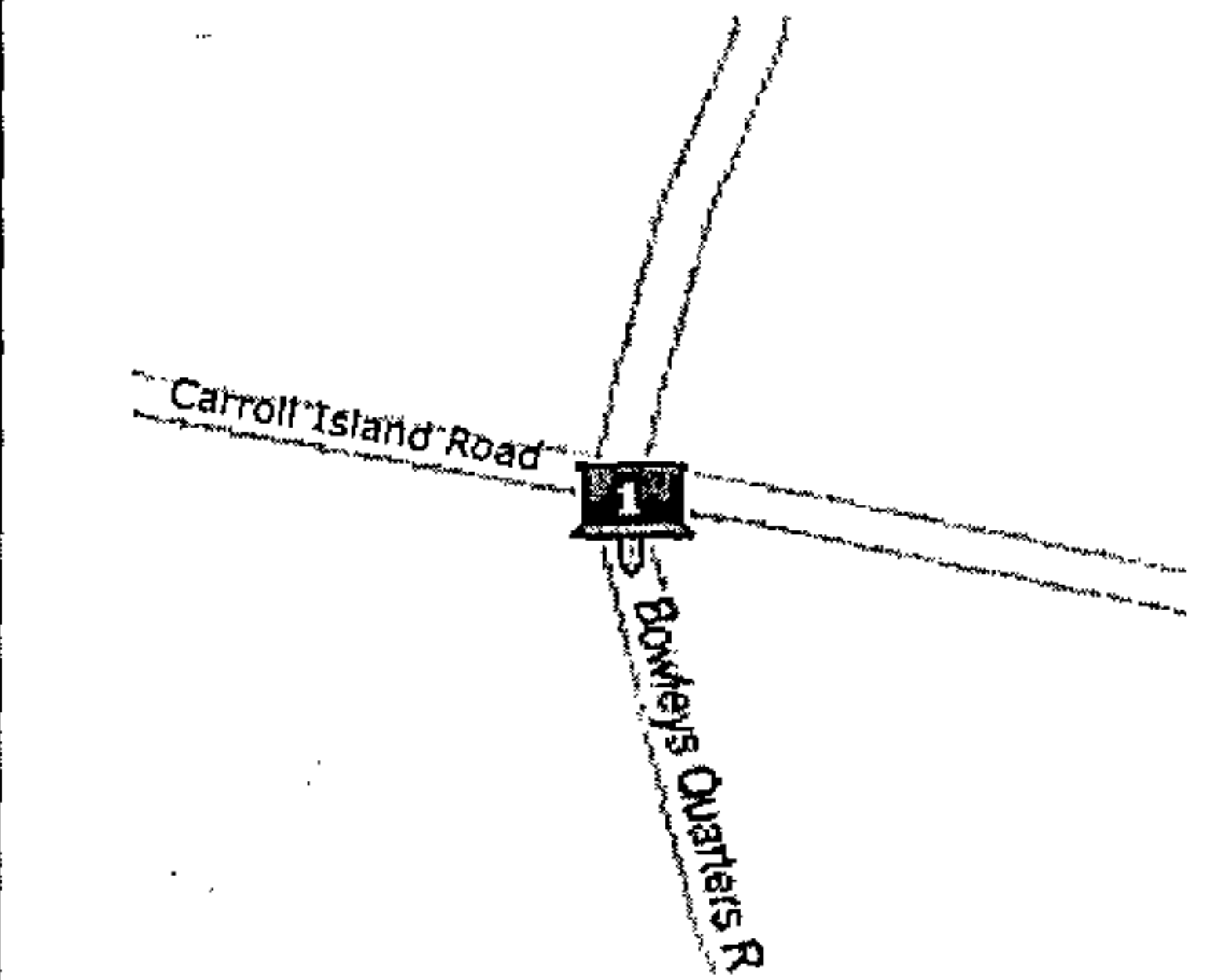
- Wooded Areas
- Stockade Fencing
- Lot Line
- Zoning Delineation



NORTH

PREPARED BY: William Lagna

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # OLD: NE 4-K
NEW: 091B2

ZONING D.R. 3.5

LOT SIZE	1.64		71,438	
	ACREAGE	SQUARE FEET	PUBLIC	PRIVATE
SEWER	☐	☒		
WATER	☒	☐		

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

YES NO

☒ ☐

☐ ☒

☐ ☒

☒ ☐

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____

D.T.

444

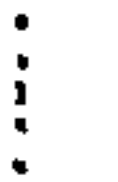
07-444-SPH

LEGEND:

Wooded Areas

Stockade Fencing

Lot Line

Zoning Delineation

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

LEGAL OWNER William Lagna

SCALE..... 1" = 50'



NORTH

221-Bowleys Quarters Road

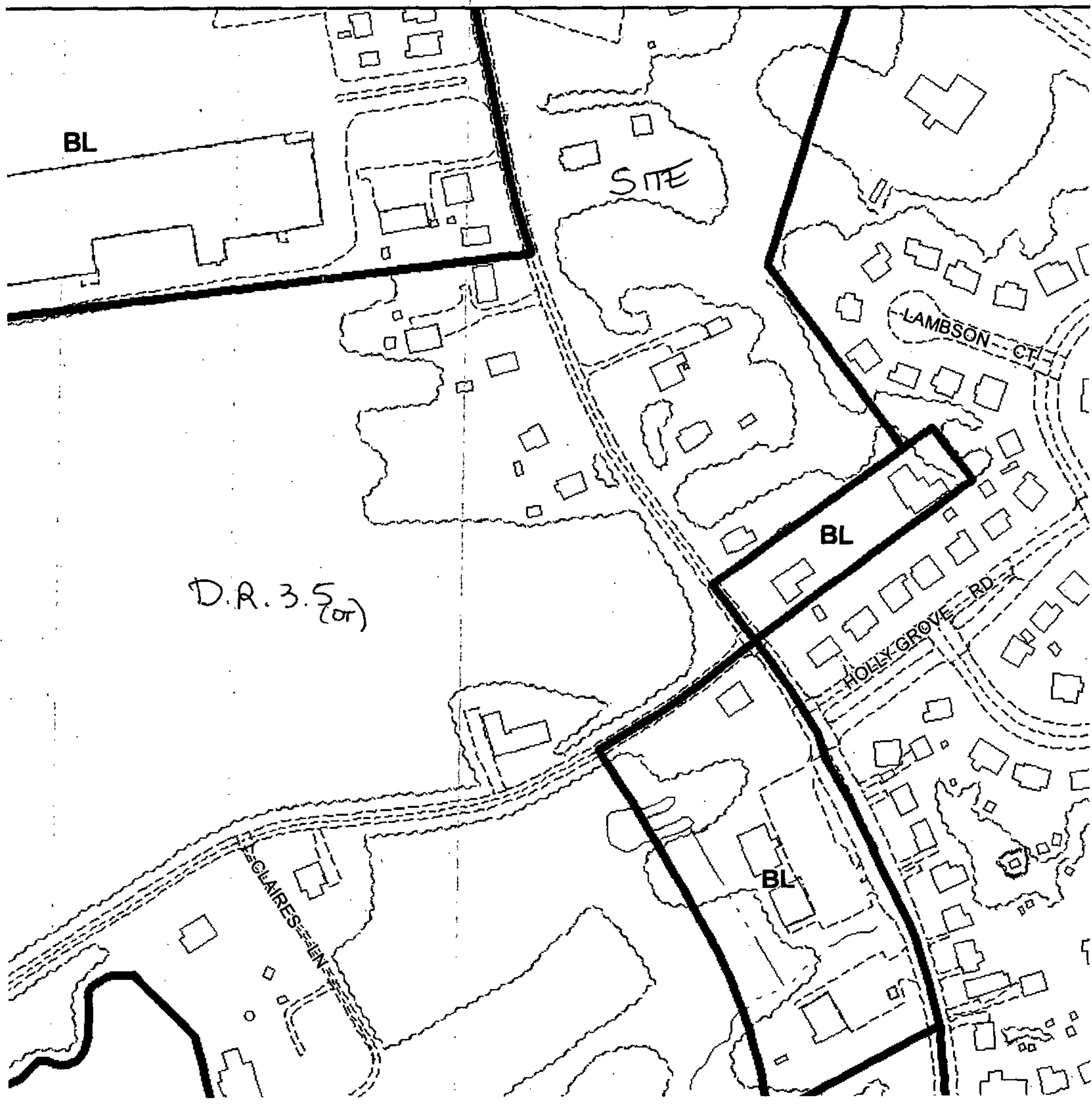
The map depicts a property divided into two lots, Lot 1 (1.03 AC) and Lot 2 (0.614 AC), situated along Bowley's Quarters Road. Lot 1 contains a dwelling, a garage, a kennel, boat storage, and a sewage reserve. Lot 2 contains two sheds and additional boat storage. The map also shows neighboring properties, including Piney Grove Methodist Church Inc., John D. Seaver, Richard Lupton, Peninsula Baptist Church, Barbara Trent, and Anthony H. Twigg. Various distances and boundaries are marked, such as 237' to an existing building, 10' to an existing dwelling, and 110' to an existing dwelling. The map is divided into two zones: D.R. 3.5 and D.R. 5.5.

NOTES:

MAP	PARCEL	DEED REFERENCE	ACREAGE	
Lot 1:	91	73	16277/1	1.03 AC ±
Lot 2:	91	181	16277/1	0.614 AC ±

Previous Zoning Hearing: 89-302-A

07-44-SPH



D.R. 3.5
(or)

07-444-SPH

091B2

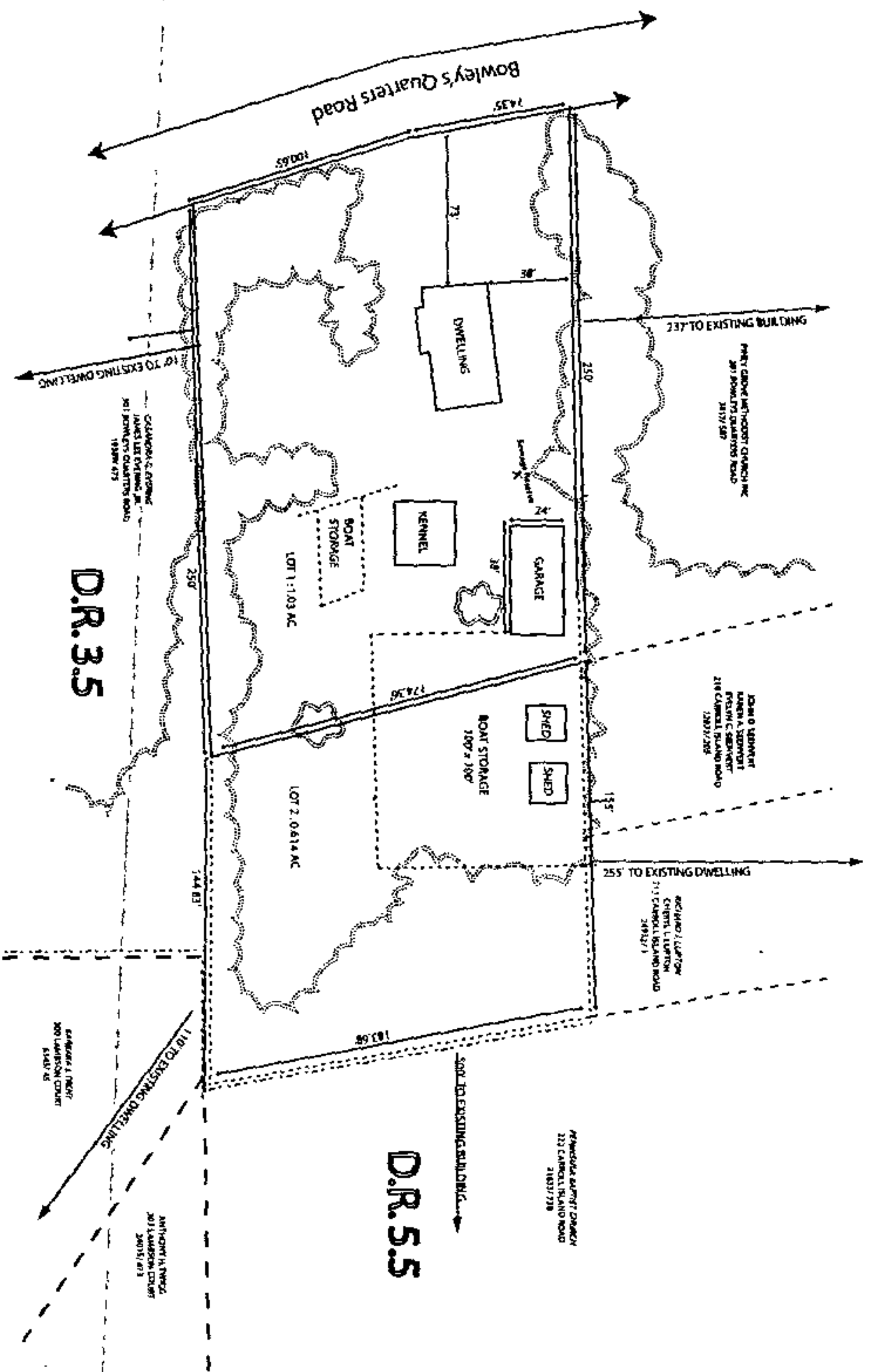
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 221 Bowleys Quarters Road

SUBDIVISION NAME

PLAT BOOK # FOLIO LOT # SECTION #

OWNER William Lagna



NOTES:

	MAP	PARCEL	DEED REFERENCE	ACREAGE
Lot 1:	91	73	16277/1	1.03 AC ±
Lot 2:	91	181	16277/1	0.614 AC ±
Previous Zoning Hearing: 89-302-A				

LEGEND:

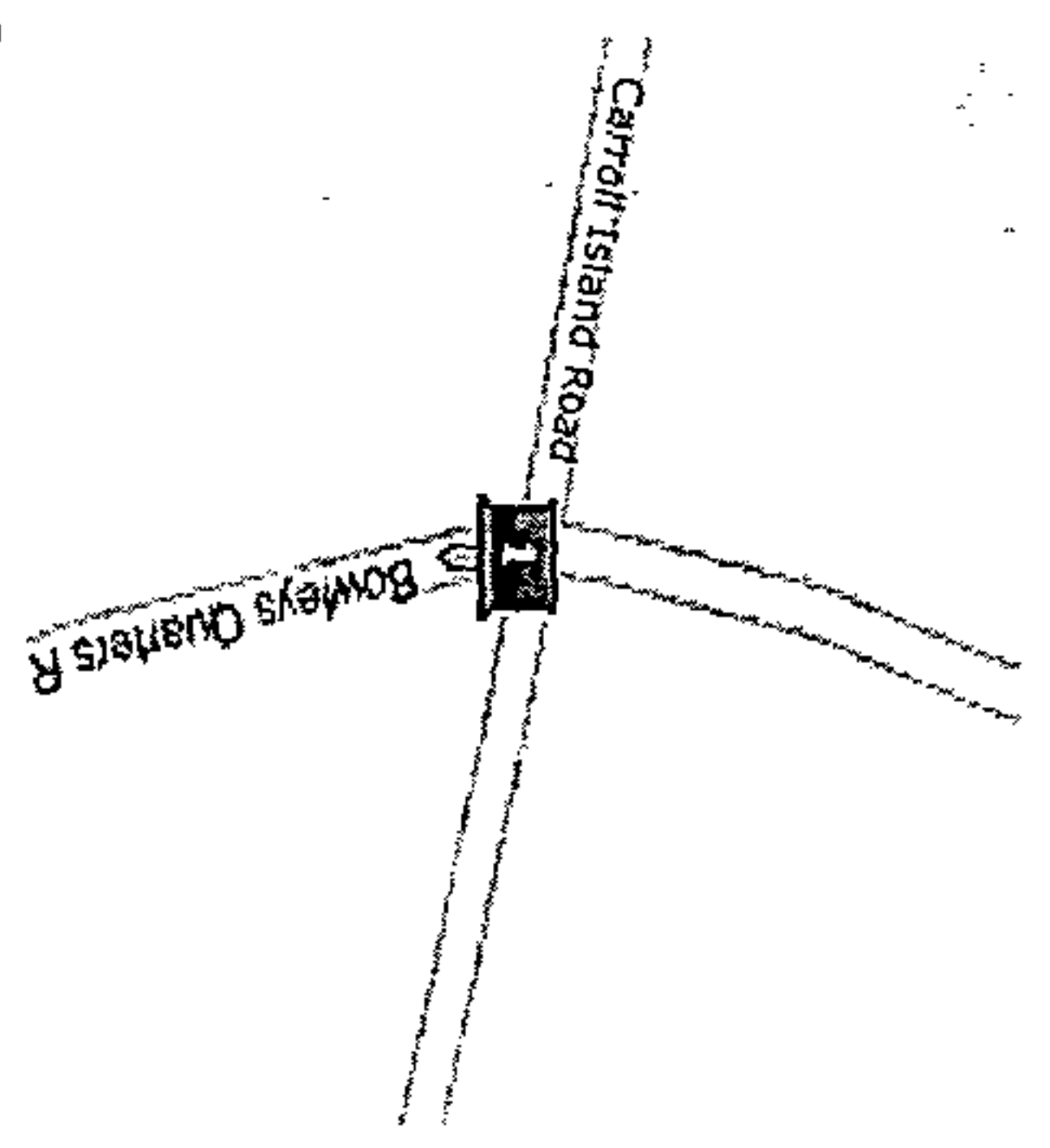
- Wooded Areas
- Stockade Fencing
- Lot Line
- Zoning Delineation



NORTH

PREPARED BY: William Lagna

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # OLD: NE 4-K

ZONING D.R. 3.5 NEW: 091B2

LOT SIZE	1.64	71,438
ACREAGE		SQUARE FEET

PUBLIC PRIVATE

SEWER ☐ ☒

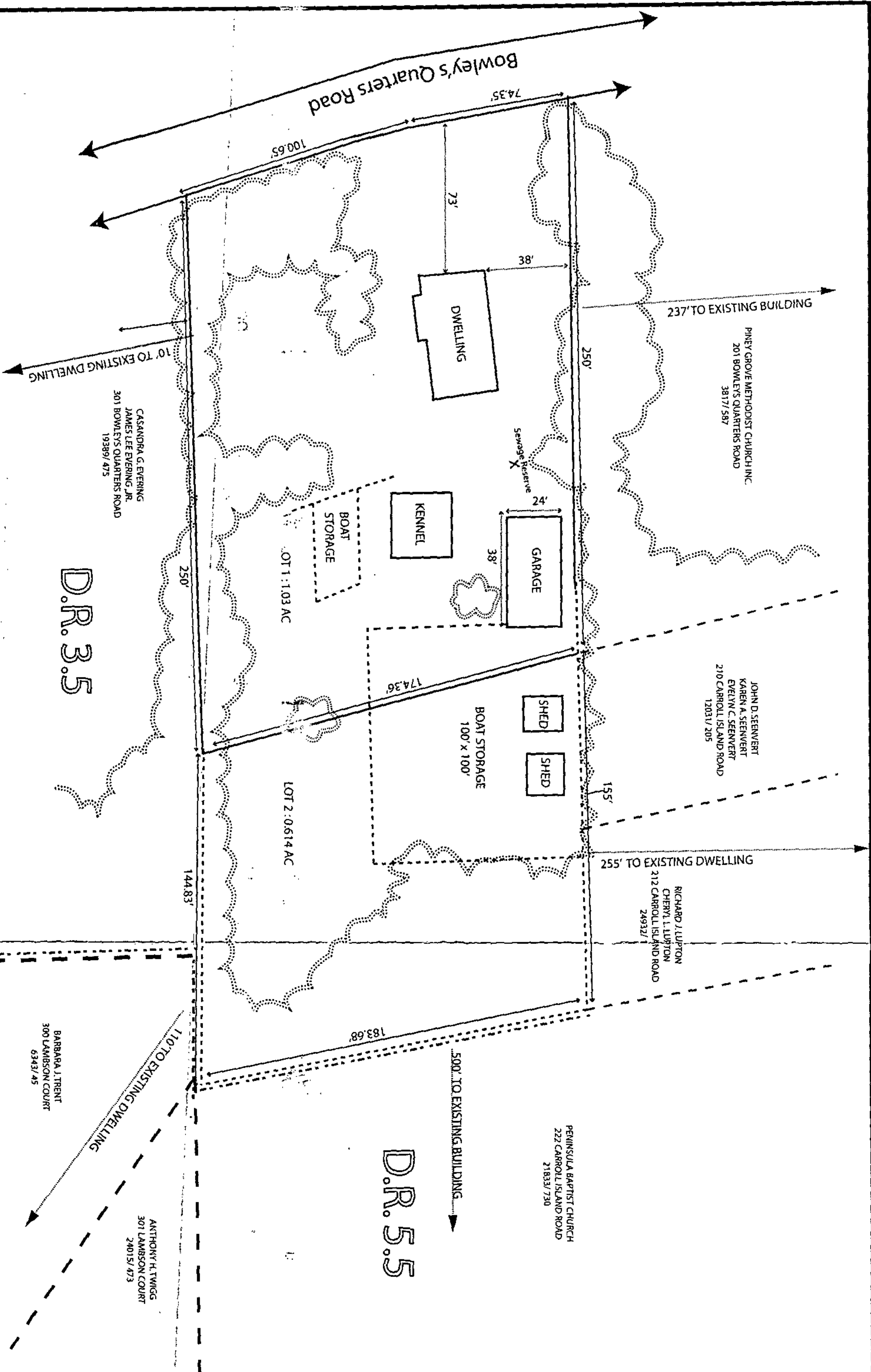
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA	YES	NO
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	☒	☐

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

DT. 1 444 109-444-SPH



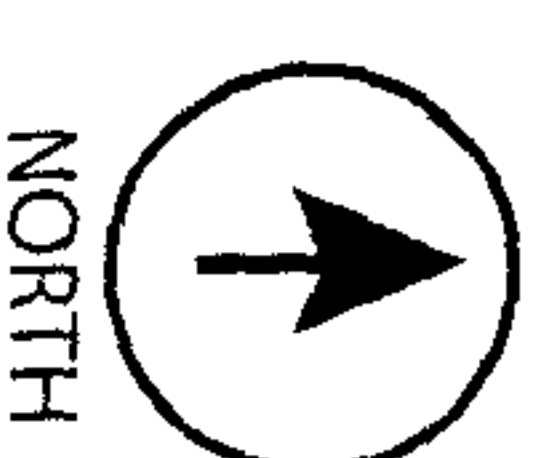
NOTES:

MAP	PARCEL	DEED REFERENCE	ACREAGE
Lot 1:	91	73	16277 / 1
Lot 2:	91	181	16277 / 1
Previous Zoning Hearing: 89-302-A			1.03 AC ± 0.614 AC ±

LEGEND:

- Wooded Areas
- Stockade Fencing
- Lot Line
- Zoning Delineation

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
LEGAL OWNER William Lagna
SCALE..... 1" = 50'



NORTH

221 Bowleys Quarters Road

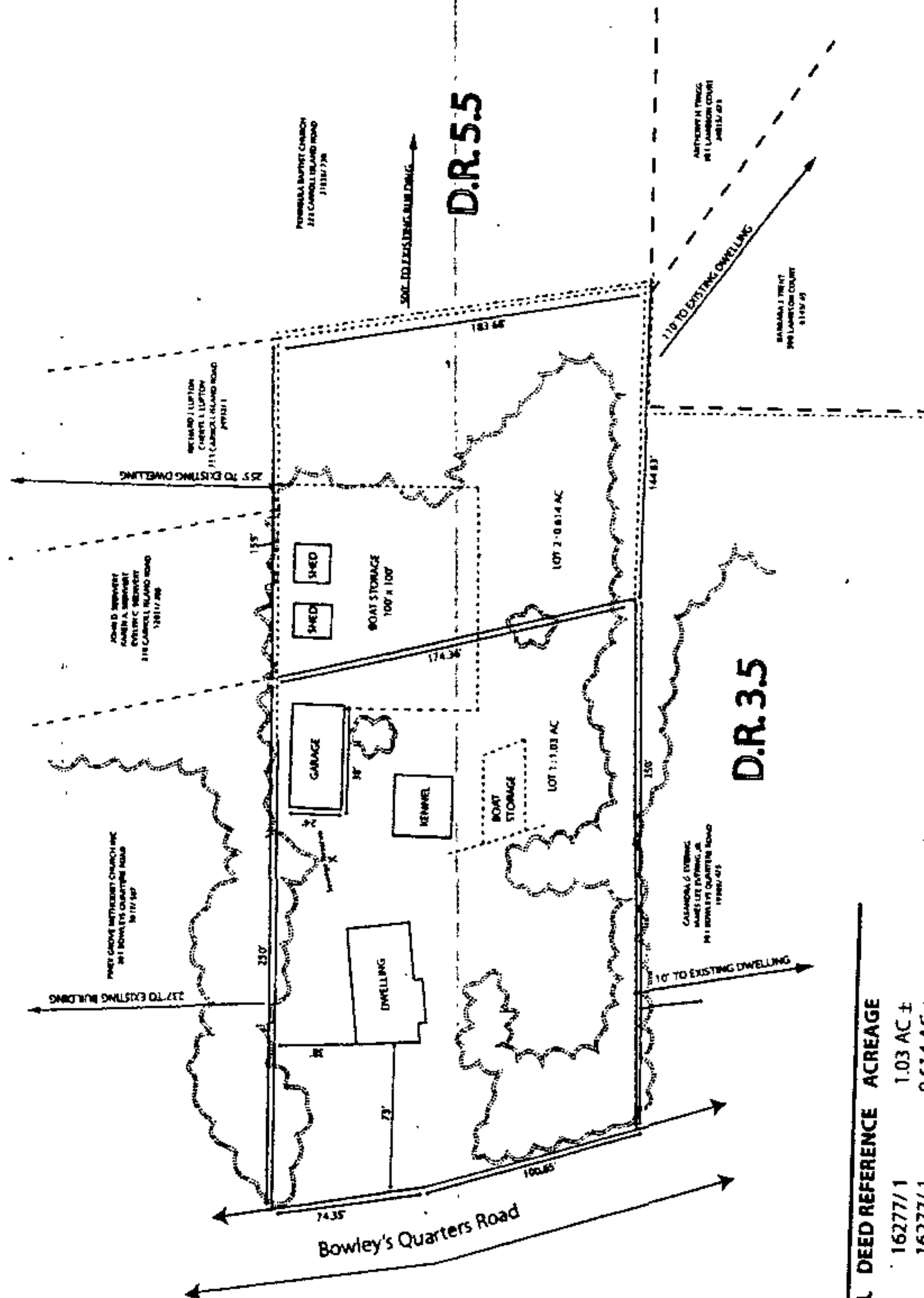
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 221 Bowleys Quarters Road

SUBDIVISION NAME

PLAT BOOK # _____ FOLIO _____ LOT # _____ SECTION # _____

OWNER William Lagna



NOTES:

MAP	PARCEL	DEED REFERENCE	ACREAGE
Lot 1:	91	73	16277/1
Lot 2:	91	181	16277/1

Previous Zoning Hearing: 89-302-A



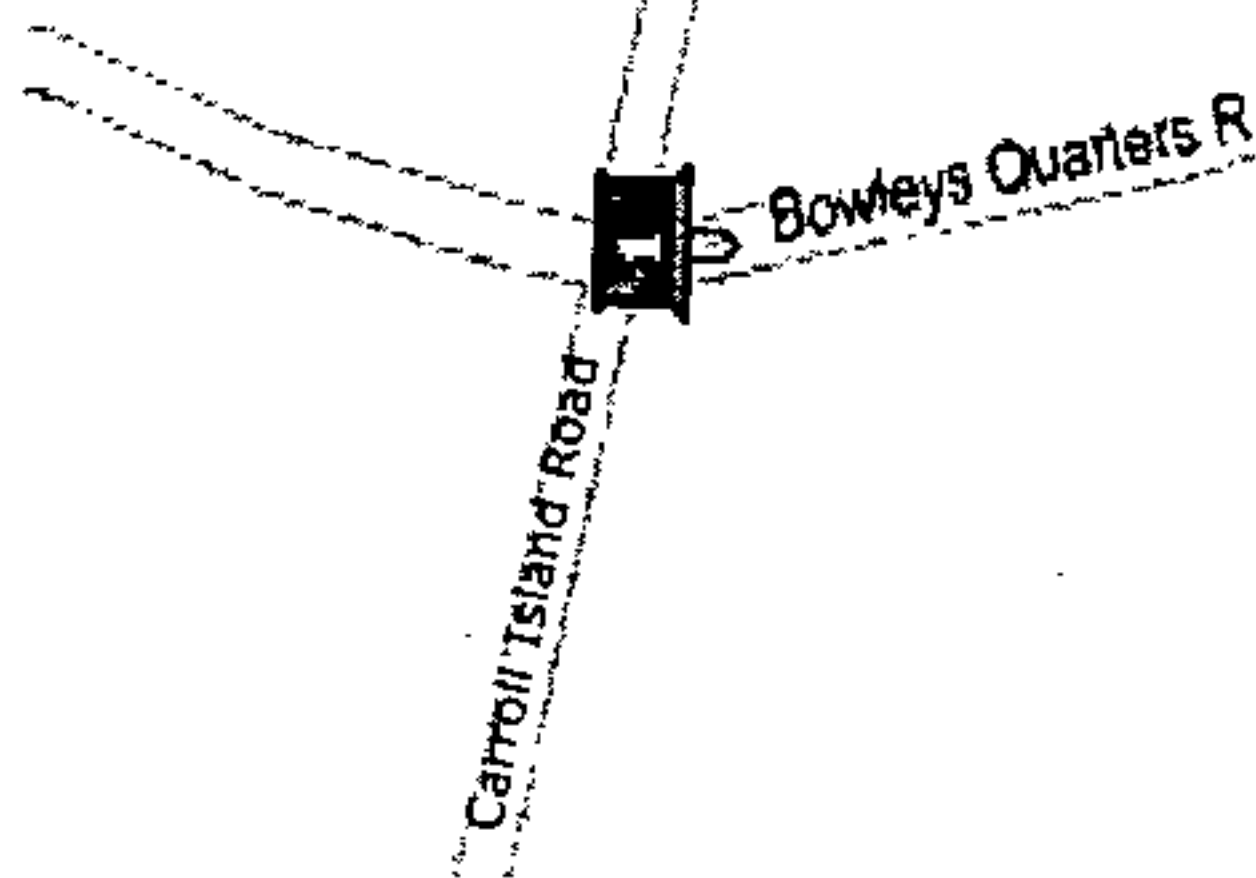
NORTH

PREPARED BY: William Lagna

SCALE OF DRAWING: 1" = 100



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # OLD: NE 4-K

ZONING D.R. 3.5 NEW: 09182

LOT SIZE 1.64 ACRES 71,438

ACREAGE

PUBLIC ☐

PRIVATE ☒

SEWER ☐

WATER ☒

CHESAPEAKE BAY YES ☒ NO ☐

CRITICAL AREA YES ☒ NO ☐

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY/ BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING YES ☒ NO ☐

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____

Pet #2



2222

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/Fences 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID	DATE ISSUED
	1512000140	9/17/06
NAME(S): William Lagna		
MAILING ADDRESS: 221 Bowleys Quarters Rd		
CITY: Balto	STATE: MD	ZIP CODE: 21220
VIOLATION ADDRESS: SAME		
CITY: BALTIMORE	STATE: MARYLAND	ZIP CODE:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☒ DR3.5 ☐ DR3.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50(1A05) ☐ RC66(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC(1A06) ☐ RC7(1A08)
☐ OTHER:

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL(230) ☐ BR(236) ☐ BM(233)
☐ MR(240) ☐ ML(253) ☐ MH(256)
☐ OTHER:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- ☒ 101; 102.1: Definitions; general use
☒ 1B01.1: DR Zones-use regulations
☐ 428: License/Remove all untagged/inoperative or damaged/disabled motor vehicle(s)
☒ 1B01.1D: Remove open dump/junk yard
☐ 431: Remove commercial vehicle(s)
☐ 101; 102.1: Remove contractor's equip. storage yard
☒ 101; 102.1; ZCPM: Cease service garage activities
☐ 492: Illegal conversion of dwelling
☐ 101; 102.1; ZCPM: Illegal home occupation

- ☒ 415A: License/remove untagged recreation vehicle
☒ 415A: Improperly parked recreation vehicle
☐ 415A: Use recreational vehicle-per property
☐ 410: Illegal Class II trucking facility
☐ 400: Illegal accessory structure placement
☐ 1B01.1; 270; 421.1: Illegal kennel. Limit 3 dogs
☐ 102.5: Residential site line violation/obstruction
☐ 408B: Illegal rooming/boarding house
☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- ☐ 13-7-112: Cease all nuisance activity
☐ 13-7-115: County to abate nuisance & fees/costs
☒ 13-7-310: Remove all trash & debris from property
☐ 13-7-312: Remove accumulations of debris, materials, etc.
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces daily
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☐ 13-4-201(b)(d): Store garbage in containers w/tight lids
☐ 35-2-301: Obtain building/fence/sign permit
☐ 18-2-601: Remove all obstruction(s) at street, alley, road
☐ 13-7-310(2): Remove bird seed/other food for rats
☐ 32-3-102: Violation of development plan/site plan
☐ IBC 115; BCBC 115: Remove/Repair unsafe structure board and secure all openings to premise
☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C.)

- ☐ 35-5-302(a)(1): Unsanitary conditions
☐ 35-5-302(a)(3): Cease infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc.
☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions
☐ 35-5-302(b)(1)(6): Repair defective door(s)/window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extensions
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C.)

- ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition
☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair/remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls/vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi): Waterproof walls/roof/foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(a)(1)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS:

Lim. Dept. to print and number

Per #3



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No. 06-8506	Property No. 1516000140	Zoning DR
------------------------------	----------------------------	--------------

Name(s): William Lagna

Address: 221 Bowleys Quarters Rd, 21220

Violation Location: Same

Violation Date: 9/25/06 Through 11/23/06

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

- BECC: 101, 102.1, 1BOLL D, 415 A, BECC: 13-7-310
- Failure to Remove Number of Recreational Vehicles as Granted by Zoning
 - Failure to Clean Property of All trash
 - Failure to Cease All Repairs on Boats.

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

\$ 3000.00

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

11/30/06

Date: 11/25/06

Time: 9:00 AM

Citation must be served by:

Date: N/A

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

Print Name: C. Payney

Date: 10/26/06

Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: Citation/Case No.:

Address:

Date

Defendant's Signature

AGENCY



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No. 06-8506	Property No. 15-12-000140	Zoning DR-3.5
-------------------------------------	-------------------------------------	-------------------------

Name(s): **15-12-000110**
WILLIAM M. LAGNA

Address: **221 BOWLEYS QUARTERS RD BALTO. MD. 21220**

Violation Location: **221 BOWLEYS QUARTERS ROAD - MAP 91, PARCEL 73**
BOWLEYS QUARTER RD - MAP 91

Violation Date: **9-25-06 to 11-23-06 - PARCEL 181**

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

**101" Boat Yard"; 102.1; 1B01.1A; 1B01.1C; 5006;
1B01.1D; 415A - B.C.2.R
13-7-310 - B.C.C.**

**A) Non-compliance with Case No. 89-
302-A in that more than 5
RECREATIONAL VEHICLES ARE STORED
ON THE SUBJECT PROPERTY**

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

\$ 3000.00/100

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

Date: **11-30-06**

Time: **9:00 AM**

Citation must be served by:

Date: _____

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

Print Name: **C. RAYNOR**

Date: _____ Inspector's Signature: _____

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: _____ Citation/Case No.: **06-8506**

Address: _____

Date: _____ Defendant's Signature: _____

AGENCY



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No. 06-8506	Property No. _____	Zoning: _____
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Name(s): _____

Address: _____

Violation Location: _____

Violation Date: _____

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

B) OPEN DUMP CONDITIONS
**C) BOAT YARD ACTIVITIES - "REPAIRING
BOATS" (PERMITTED ONLY IN A
B.M.B. ZONE)**

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

\$ **3000.00/100**

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

Date: **11-30-06**

Time: **9:00 AM**

Citation must be served by:

Date: _____

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

Print Name: **L. RAYNOR**

Date _____ Inspector's Signature _____
SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: _____ Citation/Case No.: **06-8506**

Address: _____

Date _____ Defendant's Signature _____

AGENCY



Baltimore County
Department of Permits and
Development Management

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

PAGE # 3

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

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

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

**D) RECREATIONAL VEHICLE STORAGE
ON A RESIDENTIAL lot that
LACKS A DWELLING - MAP 91,
PARCEL 181 (.614 ACRE lot)**

Pursuant to Section 1-8, Baltimore County Code, a civil penalty
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and correct to the best of my knowledge, information, and belief.

Print Name: **C. RAYNOR**

Date _____ Inspector's Signature _____

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION
NOTICE OF INTENTION TO DEFEND

Print Name: _____ Citation/Case No.: **06-8506**

Address: _____

Date _____ Defendant's Signature _____

AGENCY

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

In the Matter of

William Lagna

Respondent

Civil Citation No.06-8506

221 Bowleys Quarters Road

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

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on November 30, 2006, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 102.1; 1B01.1D; 415A; Baltimore County Code (BCC) section 13-7-310; failure to reduce number of recreational vehicles to number allowed pursuant to Zoning Commissioners finding; failure to remove all trash; failure to cease all repairs to boats on residential property known as 221 Bowleys Quarters Road, 21220.

On October 26, 2006, pursuant to §3-6-205, Baltimore County Code, Clarence Raynor, Code Enforcement Officer, issued a code enforcement citation. The citation was legally served on the Respondents.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars). A code enforcement hearing date was scheduled for November 30, 2006.

William Lagna, Respondent appeared for the hearing and testified.

Clarence Raynor, Code Enforcement Officer presented the case for Code Enforcement.

Pet #14

Testimony and evidence shows that a variance granted via petition 89-302-A on January 31, 1989. The petitioner, Mr. Lagna, was granted permission to store three (3) runabouts, one (1) rowboat and one (1) sailboat. Baltimore County submitted photographic evidence depicting boats on trailers, boats on supports, boat motors mounted on portable transoms and others on palettes and carts; ski doos or seadoos, boat parts, multiple boat trailers, multiple utility trailers, fence parts, tools, tires, supplies of all sorts, etc. Clearly the use of the property far exceeds the storage granted by then Zoning Commissioner, Haines. Mr. Lagna has cleared the property of its untidy appearance. Mr. Lagna submitted a set of photographs showing well-maintained vistas of the property. The photographs submitted by the County appear to show the use of the property as something other than the ordinary residential property with a few recreational vehicles. The fact that one family would have use for the number of boats, motors, and trailers really stretches the mind to conclude a pure residential family use is occurring. The property and contents stored thereon appear to be a marine storage yard and or salvage yard. The residential flavor of the property has been transformed to something far different that the five (5) small boats considered in the variance granted. At least one neighbor, Mr. Evering of 301 Bowleys Quarters Road does not have a problem with the boat storage area however other neighbors and the community at large have submitted complaints to the Department of Permits and Development Management. Baltimore County did not submit evidence that would determine ownership of all stored items so it must be assumed that Mr. Lagna owns every boat, trailer, engine, etc. Baltimore County also did not prove that boat service work for others was performed on site. Mr. Lagna is hereby advised that storage for others, and service work constitutes a business from a residence and such activities are prohibited.

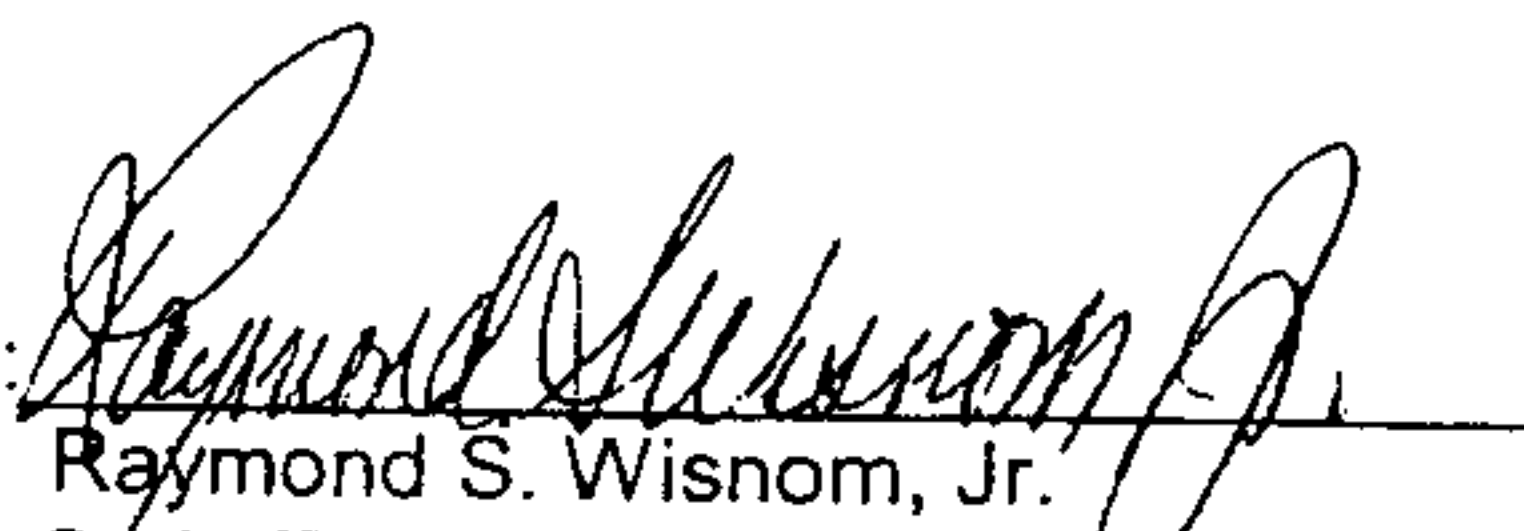
The evidence is overwhelming to support a finding of violation. The Respondent has far exceeded the conditions and/or restrictions of the variance granted by Commissioner Haines.

IT IS ORDERED by the Code Enforcement Hearing Officer this 7th day of December 2006, that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the amount of \$3,000.00 (three thousand dollars) shall be suspended on condition the Respondent returns the property and recreational storage thereon to a condition that conforms to the variance granted on or before February 9, 2007.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be \$3,000.00 (three thousand dollars).

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

Signed: 

Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

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

RSW/jaf



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
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Page # 3

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Print Name:

C. RAYNOR

Date

Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

Citation/Case No.:

06-8506

Address:

Date

Defendant's Signature

AGENCY