IN RE: PETITION FOR VARIANCE

NE/Side of E Kingston Park Lane, 154'

W c/line of Left Way

(160 East Kingston Park Lane)

15<sup>th</sup> Election District 6<sup>th</sup> Council District

Robert Scott Frederick Petitioner BEFORE THE

**ZONING COMMISSIONER** 

**OF** 

BALTIMORE COUNTY

Case No. 08-175-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Robert Scott Frederick, through his attorney, Jason T. Vettori, Esquire. The Petitioner requests a variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a pier and boat lift within zero (0) feet of the divisional line in lieu of the required ten (10) feet inside the established divisional property line. The subject property division line(s) and requested relief are more particularly described on the revised site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing and testifying on behalf of the Petitioner were Jason T. Vettori, Esquire, attorney for the Petitioner, William N. Bafitis, P.E., with Bafitis & Associates, Inc., the engineer who prepared the site plan for this property, and an adjacent neighbor (west side), Angelo Belcastro. Appearing as concerned citizens were adjacent neighbors (east side) Charles W. Kroner, his wife, Michelle Kroner, and Gerald J. Pilarski. John M. Altmeyer, Supervisor of Building Inspections, and Chip Raynor, Code Enforcement Officer, from the County's 15<sup>th</sup> District both attended and participated at the hearing in their capacities with the Department of Permits and Development Management and the Bureau of Code Enforcement.

Date - - 29 - 08 Falls

waterfront lot having 37 foot of frontage on Dark Head Creek and then widening to 67 feet along the north side of East Kingston Park Lane, in the Kingston Park community of Middle River. The property contains a gross area of 0.213 acres or 9,308 square feet, more or less, zoned D.R.5.5 and is improved with a one-story framed dwelling originally built in 1924. The Petitioner has owned and resided on the property since January 2001. Testimony indicated that an existing pier was severely damaged by Hurricane Isabel. At issue in the instant case is the Petitioner's attempt to significantly extend the pre-existing pier in violation of the B.C.Z.R. regulations. The neighbors registered a complaint with the Division of Code Inspections and Enforcement (Violation Case 06-6794) resulting in the issuance of an Order revoking Petitioner's pier permits. The Code Enforcement Hearing Officer also stayed the payment of the civil penalty conditioned on all pilings being removed or a valid pier permit obtained. Thus, the Petitioner was advised to file the subject petition to resolve the matter.

The Petitioner's engineer, Mr. Bafitis, was the first witness to testify. He indicated that due to the unique configuration of the property and the limited water frontage, it is not possible

Testimony and evidence offered disclosed that the subject property is a triangular shaped

due to the unique configuration of the property and the limited water frontage, it is not possible to construct a pier and boat lift that would maintain the required 20-foot open access strip between the facilities of the adjoining west side property owner and provide Petitioner with sufficient access to the water. Moreover, the location of the Petitioner's pier will not interfere with his neighbor's use and enjoyment of their respective piers or impede access thereto. In this regard, the neighbor on the effected side, Mr. Belcastro, stated that he has no objections to the boat lift at the end of the pier extending over to the divisional line. As shown on the site plan, his (Belcastro's) pier comes as close as approximately 13 feet from the Petitioner's pier. The existing pier on the neighbor's property to the east is approximately 40 feet from the Petitioner's pier.

The concerned neighbors, having had the opportunity to review the proposal and hear the testimony presented, had no objections to the pier as shown on the site plan provided the Petitioner removes the existing pilings that extend out into the water beyond the end of the designed pier. Mr. Kroner indicated that there are as many as 16 of these pilings out in the water that present safety concerns for boaters in the area. These neighbors urge that the Petitioner, given past indiscretions associated with this controversy, no longer has the grace to ask for additional time regarding the removal of these pilings that extend some 95 feet beyond the end of the proposed pier. This position was supported by Messrs. Altmeyer and Raynor who have visited the property and confirm that Protestants' photographic Exhibits 1 and 2 fairly and accurately depict the existing conditions.

Variance relief is requested from Section 417.4 of the B.C.Z.R. to allow a zero (0) foot setback from the west side divisional line established between the subject property and the neighboring property. Mr. Frederick proposes to construct a new 114-foot pier and boat lift as shown on Petitioner's Exhibit 1. As set forth above, the pier and boat lift have been designed to the extent possible in keeping with the requirements of B.C.Z.R. Section 417, however, a portion of the boat lift extends over to the divisional line on the west side of the property adjacent to the Belcastro property. Mr. Belcastro has stated that he and his wife have no objection to the requested relief and support the Petitioner's proposed construction. I find that zoning relief is necessary owing to the configuration of the property, and the fact that the frontage of the subject property is curved in a convex configuration along the shoreline which creates an insufficient setback for the proposed pier and boat lift. This configuration limits the property in this area of the Dark Head Creek. Indeed, the Petitioner's and his neighbors on the west side need divisional setback relief to have reasonable access to the water. Moreover, the reduction of the shoreline

through accretion further aggravates the situation and is more pronounced at the Petitioner's property.

After due consideration of all the testimony and evidence presented, I am persuaded that relief should be granted. The facts and circumstances justify variance relief. Specifically, I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and that strict compliance with the zoning regulations would prevent the Petitioner from reasonably utilizing and enjoying his waterfront access. I further find that the Petitioner would suffer a practical difficulty and unreasonable hardship if relief were denied. In this regard, I am persuaded that the neighbors on both sides will have the ability to use their piers and boat lifts without any objection because of the staggered nature of the neighboring piers out into the water. This proposal is reasonable in that it permits access to the water by all of the adjacent property owners and limits impacts upon each property owner. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbor who would be most effected by the proposed boat lift has no objections. Thus, I am persuaded that relief can be granted without detriment to adjacent properties. However, the proposed construction must comply with the Chesapeake Bay Critical Area (CBCA) requirements as set forth in the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), dated November 20, 2007, a copy of which is attached hereto and made a part hereof. Additionally and as discussed at the hearing with the Petitioner and his Counsel, I shall condition approval contingent upon the Petitioner removing all pilings beyond the end of the proposed pier on or before sixty (60) days from the date of this Order.

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

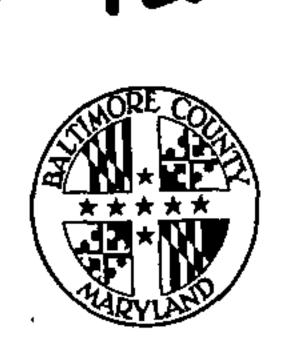
THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29<sup>th</sup> day of January 2008, that the Petition for Variance seeking relief from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a pier and boat lift within zero (0) feet of the divisional property line in lieu of the required ten (10) feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the property and the subject pier in order to inspect and measure the pier's construction to assure compliance with this Order and the site plan approved (Petitioner's Exhibit 1).
- 3) Within sixty (60) days of the date hereof, the Petitioner shall remove all pilings and mooring poles that are located beyond the end of the proposed pier. Failure to comply with this condition shall end the terms of an agreement, dated August 6, 2007, introduced as Petitioner's Exhibit 2, thereby reinstituting the civil penalty ordered by Code Enforcement Hearing Officer Raymond S. Wisnom, Jr.
- 4) Compliance with the Zoning Advisory Committee (ZAC) comment relative to the Chesapeake Bay Critical Area (CBCA) submitted by DEPRM, dated November 20, 3007, a copy of which is attached hereto and made a part hereof.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Order shall be taken in accordance with Section 32-3-401 of the

Baltimore County Code.

Zoning Commissioner for Baltimore County



### • AMENDED Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at: 160 E. Kingston Park Lane

which is presently zoned: DR-5.5

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

Please see attached.

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

To be presented at hearing.

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

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

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

### Contract Purchaser/Lessee:

### <u>Legal Owner(s):</u>

				Robert Scott Fredr	iole	
Name - Type or Print		<del></del>	Name -	Type or Print		<u></u>
Signature	<del></del>	· <u>-</u>	_	Signature Robert Scott Fr	edrick	
Address	<del></del>	Telephone No.	<b>-</b>	Name - Type or Print		<u>.                                    </u>
City	State	Zip Code	<del></del>	Signature		<u> </u>
Attorney For Petit	ioner:			160 E. Kingston P	ark Lane	
<u> </u>	<u></u>			Address		Telephone No.
Lawrence E. Schmidt				Baltimore	MD	21222
Name - Type or Print		· .	City	<del></del>	State	Zip Code
	2. Schnidy	<u></u>	_	Representative	e to be Contacted	<u>!:</u>
Signature Lawrence E. Schmidt Gildea & Schmidt, LLC				Lawrence E. Schm	nidt	
Company	<u> </u>	<del></del> -	-	Name		<del></del>
600 Washington Avenu	e, Suite 200 4	10-821-0070		600 Washington A	venue, Suite 200	410-821-0070
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### ATTACHMENT TO AMENDED PETITION FOR VARIANCE 160 E. Kingston Park Lane

- 1. To allow a pier and boat lift within zero (0) feet of the divisional line in lieu of the required 10-foot setback from the divisional line as established pursuant to Section 417.4 of the BCZR; and
- 2. For such other and further relief as may be deemed necessary by the Zoning Commissioner for Baltimore County.

0f-175-A



## Frond BCA Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at: 160 E. Kingston Park Lane

which is presently zoned: DR-5.5

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To be presented at hearing.

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

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

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### <u>Legal Owner(s):</u>

Robert Scott Fredrick

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Attorney For Petition	e <i>r:</i>		160	E. Kingston P	ark Lane	
			Addre			Telephone No.
Lawrence E. Schmidt			Balt	imore	MD	21222
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### ATTACHMENT TO PETITION FOR VARIANCE 160 E. Kingston Park Lane

1.	To allow a pier and boat lift within $\underline{\mathcal{B}}_{-}$ feet of the divisional line in lieu of the
	required 10-foot setback from the divisional line as established pursuant to Section
	417.4 of the BCZR; and

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

Of-175-A



### **ZONING DESCRIPTION FOR** 160 EAST KINGSTON PARK LANE 15<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same near the center of East Kingston Park Lane, said point being situated 154 feet ±. Westerly from the centerline of Left Way, 30 feet wide. Thence binding near the center of East Kingston Park Lane the following two courses and distances;

- 1) North 58°-20'-03" West, 31.15 feet,
- 2) North 46°-49'-04" West, 35.85 feet,

thence leaving East Kingston Park Lane, North 42°-46'-58" East, 178.00 feet, South 52°-18'-49" East 37.03 feet, South 33°-13'-58" West, 178.00 feet, to the point of beginning.

Containing 9,308 Square Feet, or 0.213 acres which includes 8,391 square feet  $\pm$  or 0.192 acres of land area more or less.

Being that same lot of ground described in deed liber 18590, folio 212 recorded among the land records of Baltimore County, Maryland.

William N. Bafitis, P.E. Maryland Reg. No. 11641

08-175-A

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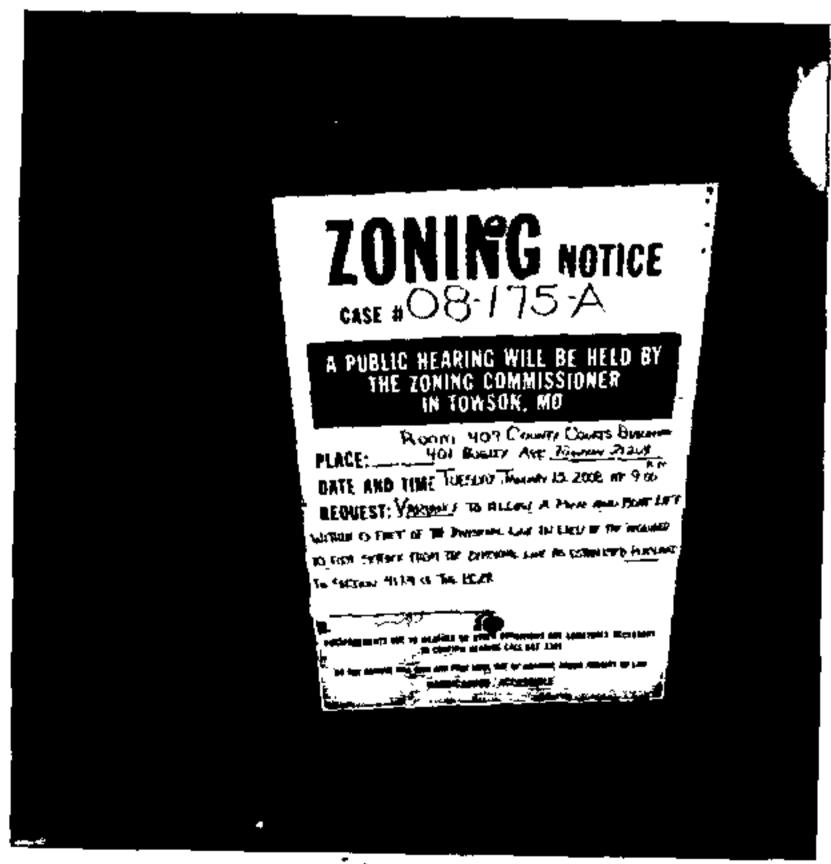
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### CERTIFICATE OF POSTING

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The state of the s	SCOTT FREDRA	ck
•	Date of Hearing/Closing: ¿	1-15-07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue		
Towson, Maryland 21204		1
ATTN: Kristen Matthews {(410) 887-3394}	La	
Ladies and Gentlemen:		*
160.E. King	STON PARK LANE	· · · · · · · · · · · · · · · · · · ·
The sign(s) were posted on	12-30-07:	<u> </u>
	(Month, Day, Year)	•
	Sincerely,	, f
	(Signature of Sign Poster)	1-2-08 (Date)
	SSG Robert Black	
ZONING NOTICE	(Print Name)	
CASE # CO I I CO I		. *



Dobert Black	1-2-08
(Signature of Sign Poster)	(Date)
SSG Robert Black	
(Print Name)	
1508 Leslie Road	
(Address)	- 4 N
Dundalk, Maryland 212	22
(City, State, Zip Code	e)
(410) 282-7940	•
(Telephone Number)	)

### Department of Permits III

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





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

December 4, 2007

### **NEW 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: 08-175-A

160 E. Kingston Park Lane

Center of n/east side of Kingston Park Lane, 154 feet west of centerline of Left Way

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

Legal Owners: Robert Scott Frederick

buthy Kotroco

Variance to allow a pier and boat lift within 0 feet of the divisional line in lieu of the required 10-foot setback from the divisional line as established pursuant to Section 417.4 of the BCZR.

Hearing: Tuesday, January 15, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204 Robert Scott Frederick, 160 E. Kingston Park Lane, Baltimore 21222

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 31,2007

- (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.



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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 1, 2008, 2007 Issue - Jeffersonian

Please forward billing to:

Jason Vettori Gildea & Schmidt 600 Washington Avenue, Ste. 200 Towson, MD 21204

410-821-0070

### NOTICE OF ZONING HEARING

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WILLIAM'J. WHOEMAN IN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, IR. County Executive

October 24, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
NG
Development Management

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

Legal Owners: Robert Scott Frederick

buth Kotroco

Variance to allow a pier and boat lift within 8 feet of the divisional line in lieu of the required 10-foot setback from the divisional line as established pursuant to Section 417.4 of the BCZR.

Hearing: Monday, December 17, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204 Robert Scott Frederick, 160 E. Kingston Park Lane, Baltimore 21222

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 1, 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

Thursday, November 29, 2007 Issue - Jeffersonian

Please forward billing to:

Jason Vettori 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:

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Hearing: Monday, December 17, 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

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



### **ZONING REVIEW**

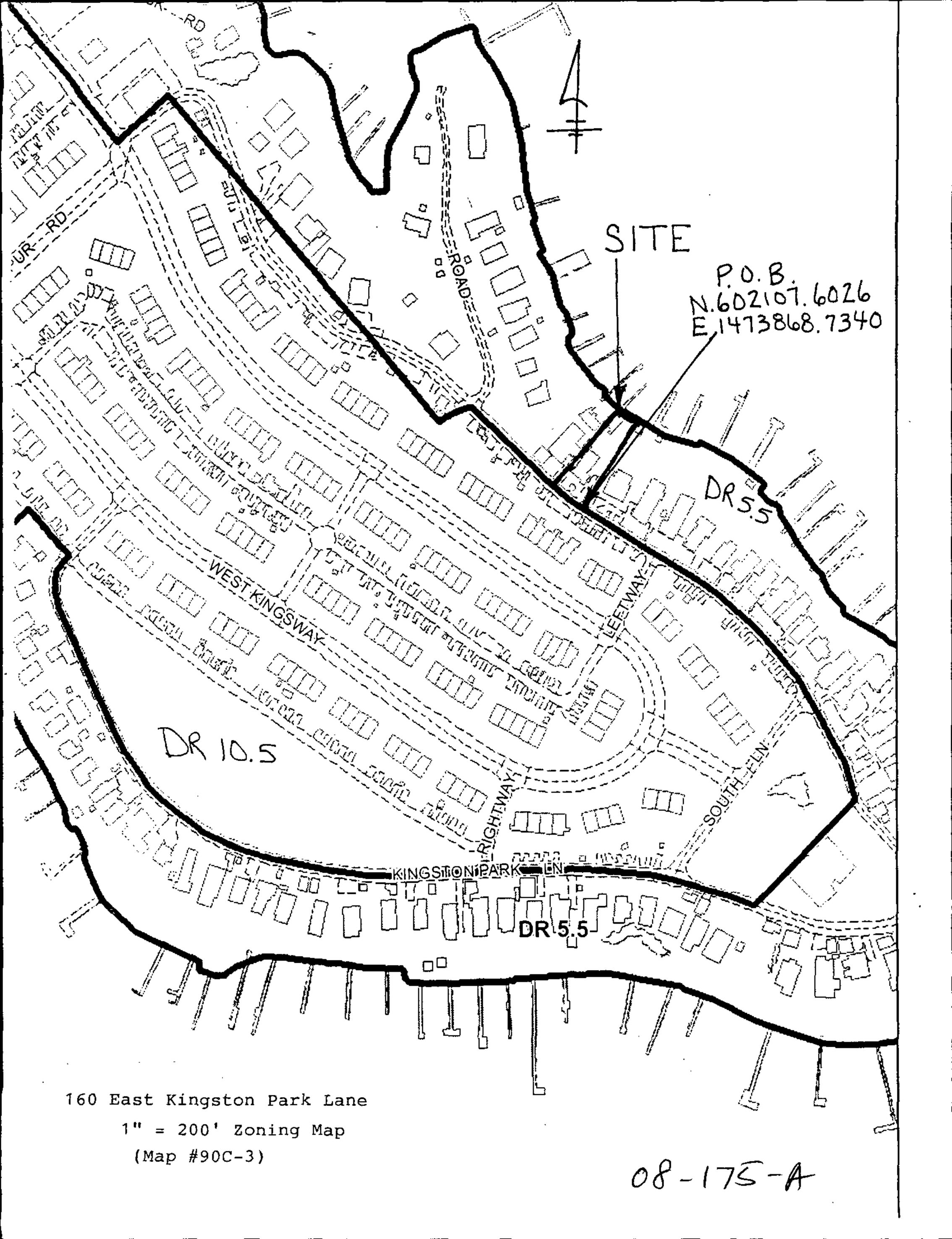
### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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

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

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

Item Number or Case Number: 68-175-A	
Petitioner: FREDERICK	
Address or Location: 160 EAST KINGSTON PARK LANE	
PLEASE FORWARD ADVERTISING BILL TO:  Name: GILDEN & SCHMIDT, LLC CATTU: JASON T.	VETTORI
Address: 600 WASHINGTON AVENUE, SUITE 200	<u> </u>
Towson MD 21204	
100300, - 21207	<del></del>
<u> </u>	





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 9, 2008

Lawrence E. Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Schmidt:

RE: Case Number: 08-175-A, 160 E. Kingston Park Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 13, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

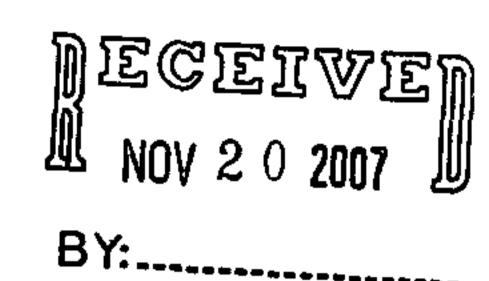
Enclosures

c: People's Counsel

Robert Scott Frederick 160 E. Kingston Park Lane Baltimore 21222

### **Inter-Office Correspondence**





TO:		Timothy M. Kotroco						
FROM: Dave Lykens			DEPRM - Development Coordination IVI					
DATE:		November 20,	2007					
		Zoning Item Address	# 08-175-A 160 East Kingston Park Lane (Frederick Property)					
2	Zoning	Advisory Com	mittee Meeting of October 22, 2007					
		•	vironmental Protection and Resource Management has no ve-referenced zoning item.					
		•	vironmental Protection and Resource Management offers at on the above-referenced zoning item:					
-		Protection of V	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Sections 1911) of the Baltimore County Code).					
	<u>-</u>	<u>-</u>	of this property must comply with the Forest Regulations (Sections 33-6-101 through 33-6-122 of the inty Code).					
<del>-</del>		Critical Area R	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and of the Baltimore County Code).					

### Additional Comments:

State and Federal review is required. The State and Federal approvals must be submitted to DEPRM prior to permit approval.

Reviewer: Paul A, Dennis Date: 11/15/07

BW 12/17 1/15

### BALTIMORE COUNTY, MARYLAND

4Am

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

NOV 0 1 2007

**DATE:** November 1, 2007

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 08-175

The Office of Planning has reviewed the above referenced case(s) and has no comments.

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

Prepared By: ( Sure Acily

Division Chief: Jun Lanham Ms

rbs



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

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

Maryland Department of Transportation

Date: October 25, 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. 8-175-A

160 E. KINGSTON PARKLANE

FREDERICK PROPERTY

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. 8-175-4.

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,

Steven D. Foster, Chief
Engineering Access Permits

Division

SDF/MB

### INTER-OFFICE CORRESPONDENCE

DATE: November 1, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-175

The Office of Planning has reviewed the above referenced case(s) and has no comments.

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Prepared By: ( Sure Helly

Division Chief: Jun Lanham Ms

rbs

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 18, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 13, 2007 Item No. 08-175-A

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-12182007.doc

### **Inter-Office Correspondence**



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B	Y:	

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1	7.1.	
	VJ.	

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination IV

DATE:

November 20, 2007

SUBJECT:

Zoning Item

# 08-175-A

Address

160 East Kingston Park Lane

(Frederick Property)

Zoning Advisory Committee Meeting of October 22, 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:

State and Federal review is required. The State and Federal approvals must be submitted to DEPRM prior to permit approval.

Reviewer:

Paul A. Dennis

Date: 11/15/07

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-175-A.doc

### GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

600 WASHINGTON AVENUE SUITE 200

TOWSON, MARYLAND 21204 TELEPHONE 410-821-0070

www.gildeallc.com

FACSIMILE 410-821-0071

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401

TELEPHONE 410-295-0070

SEBASTIAN A. CROSS

F. GILLIS GREEN

ERIC N. LAMB

CHARLES B. MAREK, III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

November 14, 2007

### Sent Via Facsimile and Regular Mail

Ms. Kristin Matthews Baltimore County Zoning 111 W. Chesapeake Avenue, Room 111 Towson, MD 21204

Re:

Frederick/160 E. Kingston Park Lane

Case No.: 08-175

Revision to Relief Requested in Amended Petition for Variance

### Dear Kristin:

Upon further review, the thought occurred to me that an amendment of the Petition for Variance would be more technically precise. Therefore, attached hereto please find three copies of the Amended Petition for Variance (and attachment thereto) to replace the previously filed Petition.

It is our further understanding that the Notice of Zoning Hearing indicates the hearing is scheduled for Monday, December 17, 2007 at 11:00 a.m. As such, the notice of the hearing will soon be posted and published. As a result, please be certain to include the modified language indicated on the Amended Petition for Variance. Feel free to contact the undersigned with any questions, comments or concerns.

Very truly yours,

Jason T. Vettori

JTV: kmb

CC: Timothy Kotroco, Department of Permits and Development Management

Scott Frederick

William N. Bafitis, Bafitis & Associates, Inc.

Lawrence E. Schmidt, Esquire

### 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.gildealic.com

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

December 3, 2007

Via Facsimile Only
Ms Kristin Matthews
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re:

Frederick/160 E. Kingston Park Lane

Case No.: 08-175-A

Dear Ms. Matthews:

This letter shall serve to confirm your conversation with my secretary, Kelly Benton, earlier today. As you know, we have requested a postponement on the matter listed above, presently scheduled to be heard before the Zoning Commissioner for Baltimore County on Monday, December 17, 2007 at 11:00 a.m. This request is because the Petitioner, Scott Frederick will be out of town on that date. You indicated that, the matter will be rescheduled for a time late in January at a date yet to be determined. In your discussion with Kelly Benton of this office, you requested that any dates that are not suitable for us, to be included in this letter. Those dates are; January 18, 2008, January 21, 2008 and January 22, 2008. Any other date is acceptable by this firm as well as our client, Scott Frederick. Please schedule this expeditiously as this matter is subject to an active violation case. I will endeavor to attend any date you select other than those identified above.

Should you have any questions or comments regarding this matter, please contact me. With kind regards, I am

Very truly yours,

Lawrence E. Schmidt

LES:kmb

CC: Jason T. Vettori, Esquire

RE: PETITION FOR VARIANCE

160 E. Kingston Park Lane; C/line NE/S

Kingston Park Lane, 154' W c/line Left Way\*

15th Election & 6th Councilmanic Districts

Legal Owner(s): Robert S. Frederick

Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

**FOR** 

BALTIMORE COUNTY

08-175-A

ENTRY OF APPEARANCE

\*

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31<sup>st</sup> day of October, 2007, a copy of the foregoing Entry of Appearance was mailed to, Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

OCT 3 1 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

# PLEASE PRINT CLEARLY

CASE NUMBER 08 - 175 - P

FITTIONER'S SICK-IN SHEEF

Baine Ellemen 1.124	jockter Poille (1c. co.									
CITY, STATE, ZIP MALIO 2/22/ 11/0 2/22/	21204									
PORTHAN.	STE. 2									
NAME LIKELISTIS 1299 10 PETURITION 163 L	errae Leas was								•	
Meller N	THE STATE OF THE S	-					*	•		

# PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER CS - 175 - R
DATE 1-15 - 08

# CITIZEN'S SIGN-IN SHEET

E-MAIL				
Bathing & MB 21220 Bathing & MB 21220 Bathing & MB 21220				
ADDRESS 156 E. Kingston Pack Lane 158 E. Kingston Pack Lane 158 E Kingston Pack				
Charles W. Kroner Charles W. Kroner Michelle Kroner				

CASE NUMBER 09 -175-R DATE 1-15-08

<u>,</u>

# COUNTY REPRESENTATIVE'S SIGN-IN SHEET

	3 W	8										
CITY, STATE, ZIP	Lowson Md 2/204	Towns12 / md 21724										
	111 W. Ches, Ave											
NAME	- John thronge	Layhor /										

## REVISED PETITION AND PLANS

08-175-A

12/13/07



### **ZAC AGENDA**



Item Number: 175

Case Number: 8-175-A

Primary Use: Residential

Reviewer: AT

Type: Variance

Legal Owner: Robert Scott Frederick

**Contract Purchaser:** 

Critical Area: Yes Flood Plain: Yes

Historic: No

Election Dist: 15th

Councilmanic Dist: 6th

Property Address: 160 E. Kingston Park Lane

Location: Center of northeast side Kingston Park Lane, 154 feet west of the centerline of Left Way.

Existing Zoning: DR - 5.5

Area: 9,308 square feet +/-

Proposed Zoning: VARIANCE To allow a pier and boat lift within zero (0) feet of the divisional line in lieu of the required 10-

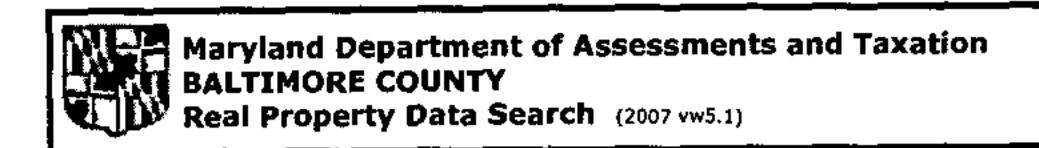
foot setback from the divisional line as established pursuant to Section 417.4 of the BCZR.

Attorney: Lawrence E. Schmidt

Miscellaneous: Violation: 06-6794

Amended petition and plans received and distributed 12/13/07

Exempt Class:



Go Back View Map New Search

Account Identifier:	District - 1	5 Account Nu	mber - 15193	91030				
		Own	er Informatio	on		·		
)wner Name:	FREDERICK P	OBERT SCOTT	Ų:	se:		RESIDENTIAL YES 1) /18590/ 212 2)		
				rincipal Resid				
Mailing Address:		ON PARK LN W	_	eed Referenc	:e:			
	BALTIMORE	MD 21220-491			<del></del>	<del></del>	<del></del>	
		Location &	Structure Inf			ntion .		
Premises Address					e <b>gal Descri</b> i 45 AC	ption		
160 E KINGSTON PARK	LIV					ON PARK LN		
		WATERFRONT	-		NGSTON PA			
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		As Of	As Of	As Of				
		,	07/01/2007	07/01/2008				
Land		201,430						
Improvements:		55,910	212 606	257 240				
Total: Preferential Land:	·	257,340 0	212,686 0	257,340 0				
Preferential Lanu;			sfer Informat		<del></del>	<del></del>	<del></del>	
Seller: FREDERICK JE	AN MATSON	11011		te: 08/15/20	003	rice: \$0	<u> </u>	
Type: NOT ARMS-LE				ed1: /18590/		eed2:		
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rigincipai			002	•				

\* NONE \*

A Member of the International Code Family

## NTERNATIONAL CODE COUNCIL ESIDENTIAL ODE

FOR ONE- AND TWO-FAMILY DWELLINGS

### A PORT

ADMINISTRATION

- 3. Indicate the use and occupancy for which the proposed work is intended.
- 4. Be accompanied by construction documents and other information as required in Section R106.1.
- 5. State the valuation of the proposed work.
- 6. Be signed by the applicant or the applicant's authorized agent.
- 7. Give such other data and information as required by the building official.

R105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood linzard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall meet the requirements of Section R324.

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the

correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

R105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

### SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

R106.1.1 Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

R106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this

### BALTIMORE COUNTY MARYLAND INTER-OFFICE CORRESPONDENCE

October 24, 2007 DATE: TO: W. Carl Richards, Jr. Zoning Review Supervisor FROM: Rick Wisnom, Chief Division of Code Inspections & Enforcement Item No.: 8-175-a SUBJECT: Legal Owner/Petitioner Frederick, Robert Scott Contract Purchaser: N/AProperty Address: 160 E. Kingston Park La. Center/N/E side Kingston Park La, 154' W. of Location Description: Centerline of Left Way. 06-6794 VIIOLATION INFORMATION: Case No. Defendants: Frederick, Robert Scott Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date: **ADDRESS** NAME 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: Complaint letter/memo/email/fax (if applicable) X X Complaint Intake Form/Code Enforcement Officer's report and notes X State Tax Assessment printout State Tax Parcel Map (if applicable) 4. MVA Registration printout (if applicable) 5. Deed (if applicable) 6. Lease-Residential or Commercial (if applicable) Photographs including dates taken 8. Correction Notice/Code Violation Notice Citation and Proof of Service (if applicable) 10. Certified Mail Receipt (if applicable) 11. Final Order of the Code Official/Hearing Officer (if applicable) 12. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) 13. Complete Chronology of Events, beginning with the first complaint through the 14.

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

Billing Notice/Property Lien Sheet (if applicable).

RSW/ee

C: Code Enforcement Officer

G/200		Attachment #1
	ENFORCEMENT REPORT	
DATE: 9 19 06 INTAKE BY: 6	B CASE #: 126-6	794 INSPEC: (7)
COMPLAINT LOCATION: 160 F 10/16		
	ZIP C	ODE:DIST: \( \sigma \)
COMPLAINANT NAME: ARON	PHONE #: (H)	(W)
ADDRESS:		ZIP CODE:
PROBLEM: PIER CONSTRO	soil unien	B55328)
F B G R B G F FO IS THIS A RENTAL UNIT? YES IF YES, IS THIS SECTION 8? YES OWNER/TENANT INFORMATION:	PLAM (WILL F R 8 POUNDS - P NO NO	TER BEILL EXT.
TAX ACCOUNT #:		NING:
INSPECTION: 9-19-06 Ver De in compliance re Course for action.	etal sete prin	offens for Its to Over
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REINSPECTION:		CB
·	-	#."
REINSPECTION:	· · · · · · · · · · · · · · · · · · ·	
3		

DATE: 09/18/2006 STANDARD ASSESSMENT INQUIRY (1)

TIME: 12:01:28

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE

15,19 391030 15 3-0 34-00 H NO 01/04/06

FREDERICK ROBERT SCOTT DESC-1.. IMPS.145 AC

DESC-2.. KINGSTON PARK

160 KINGSTON PARK LN W PREMISE. 00160 KINGSTON PARK LN E

00000-0000

BALTIMORE MD 21220-4915 FORMER OWNER: FREDERICK JEAN WATSON

----- PHASED IN FCV -PROPOSED CURR PRIOR CURR PRIOR 201,430 FCV LAND: 81,430 ASSESS ASSESS 55,910 168,033 168,033 123,380 IMPV: 41,950 TOTAL.. 123,380 257,340 PREF... TOTL: CURT... PREF: . 0 168,033 168,033 123,380 123,380 257,340 CURT: EXEMPT.

DATE: 06/02 08/05

---- TAXABLE BASIS ---- FM DATE

ASSESS: 168,033 11/10/05

ASSESS: 123,380
ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



# BALTIMORE COUNTY, MARYLAND

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **TOWSON, MARYLAND 21204**

TIMOTHY M. KOTROCO DIRECTOR

**BUILDINGS ENGINEER** 

### BUILDING PERMIT

PERMIT #: B628616 CONTROL #: WF

DIST: 15

PREC: 01

DATE ISSUED: 04/27/2006 TAX ACCOUNT #: 1519391030

CLASS: 34

PLUM NO

PLANS: CONST O

R PLAT O DATA O ELEC NO PLOT O

LOCATION: 160 E KINGSTON PARK LANE

SUBDIVISION: KINGSTON PARK

OWNERS INFORMATION

NAME: FRECERICK ROBERT S

ADDR: 160 E KINGSTON PARK LANE 21220

· TENANT:

CONTR: T ALLEN MARINE LLL

ENGNR:

SELLR:

WORK:

DRIVE 8 PILINGS FOR 2 LIFTS ON DARK HEAD CREEK

ARMY CORPS AND STATE FERMITS MAY BE REQUIRED FOR THE PROPOSED CONSTRUCTION.SEE 8553287 FOR

PIER.

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD PIER AND NEW PILINGS

EXISTING USE: SFD, PIER

TYPE OF IMPRV: NEW BULDING CONTRUCTION

USE: OTHER - RESIDENTIAL

FOUNDATION:

PASEMENT:

SEWAGE: PUBLIC EXIST UATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: .145 AC FRONT STREET:

SIDE STREET:

NC

SETB: SIDE

FRONT

NOZNO

SIDE STR SETB:

SETB:

REAR 'SETB:

NC -

	4/04
AP. AT	ION FOR PERMIT
- 1	COUNTY MARYLAND DATE:
DEPARTMENT OF PERMI TOWSON,	MARYLAND 21204 DEA:
PERMIT #: 553281	HISTORIC DISTRICT/BLDG.
RECEIPT #: 2 500935	YES NO
CONTROL #: W	DO NOT KNOW
XREF #:	5-13-179/030
FEE: 20,00	- full / U
PAID: VIIV	Kingsho Bark Tan 7/220-4915
PAID BY: Ano	DOES THIS BLDG.
INSPECTOR:	The state of the s
AND KNOW THE SAME IS CORRECT AND TRUE,	Pile Davide
AND THAT IN POING THIS WORK ALL PROVI-	W Tollook Rd
SIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE	Acc 145 - 31014
COMPLIED WITH WHETHER HEREIN SPECIFIED	279 3121
OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.	usa Storrollianch
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4. REPAIR DESCRIBE PROPOS	ED WORK: Dank seement The Library
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03. THREE AND FOUR FAMILY. 10. FENC	R (LENGTH HEIGHT )
(ENTER NO UNITS) 12. PARK	ING GARAGE
06. GARAGE - 14. HOSP	ITAL, INSTITUTIONAL, NURSING HOME (S)
07. OTHER OUR 15. OFFI	CE, BANK, PROFESSIONAL IC UTILITY
17SC#00	OL, COLLEGE, OTHER EDUCATIONAL
TYPE FOUNDATION BASEMENT 18. SIGN 1. SLAB 1. FULL 19. STORY	E MERCANTILE RESTAURANT
2. BLOCK 2. PARTIAL \$P	ECIFY TYPE
	SPECIFY TYPE
22. TRAN	TOWER SIENT HOTEL, MOTEL (NO. UNITS)
23OTHE	R
TYPE OF CONSTRUCTION TYPE OF HEATING FUE	TYPE OF SEWAGE DISPOSAL
	TRICITY 1. PUBLIC SEKER EXISTS PROPOSED
2. WOOD FRAME 2. OIL 4. COAL 3. STRUCTURE STEEL	2. PRIVATE SYSTEM
4. REINE. CONCRETE TYPE OF WATER SUPPLY	Y SEPTIC EXISTS PROPOSED PROPOSED
CENTRAL AIR: 2 2 PUBLIC SYSTEM 2 PRIVATE SYSTEM	
PRIVATE: SYST	EM EXISTS PROPOSED WITHING
PROPOSED USE:	It I were replacement / Silver.
OWNERSHIP EXISTING USE:	
1. PRIVATELY OWNED 2. PUBLICLY OWN!	ED 3. SALE 4. RENTAL
	MI-DET. 3. GROUP 4. TOWNHEE 5. MIDRISE
#EFF: #18ED: #2BED: #3BED: #3BED:	TOT BED: TOT APTS/CONDOS: 6. HIRISE
GARBAGE DISPOSAL I. Y 2. NO BATHROOMS POWDER ROOMS KITCHENS	CLASS OLIO
TOURSE WOOMS WILDS	LIBER_FOLIO
	APPROVAL SIGNATURES DATE
BUILDING SIZE LOT SIZE AND SETBACKS	BLD INSP:
FLOOR SIZE SIZE FRONT STREET	FIRE
DEPTH 200 SIDE STREET	SEDI CTL:
HEIGHT FRONT SETEK	ZONING HIGH - HA 7/21/02
;	ENVENUE CALL ON 1 - LA Challes
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Baltimore County

Department of Permits and

Development Management

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

Building Inspection:

410-887-3953

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

1	BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE    Zoning:   Zon	
!	Citation/Case No.  06-6794 1519.3910.30	
	Name(s): ROBERT S. Frederick	
<b>i</b> •	Address: 160 E KINGSTON PACK LANE	-
	Violation 160 E. KINGSTON PARKLANGS	
	DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:	
;	FB628616. SITE PLAN IS INACCURATES	
,	does NOT ACCURATELY depict Shore	
	CONTOUR & PIET. LOCATION AND ACCUMATE	
	DIVISIONAL LINES. ALL WORK TO STOP	
	Immediately. FEIMITS ARE RESCINDED.	
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	DEPRM, ZOWING FRUBUCSERVICES.	
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	YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:  On or Before:  Pailure to Comply with the deadline stated is a misdemeanor. A conviction for each violation subjects you to potential fines of \$200, \$500, or \$1000 per day, per violation, depending on violation, or 90 days in Jail, or both.  Print Name  INSPECTOR:  STOP WORK NOTICE  PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:	



Baltimore County
Department of Permits and
Development Management

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

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

Plumbing Inspection: Electrical Inspection:

410-887-3620 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Gase No/ 704 Property No.	Zoning
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Name(s): DELT FRED	ERICK
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Address:	21220
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September 22, 2006

Mr. Timothy M. Kotroco. Director Permits & Development Management 111 West Chesapeake Avenue, Suite 105 Towson, MD 21204

Dear Mr. Kotroco,

Our names are Charles and Michelle Kroner and we are the property owners of 158 East Kingston Park Lane in Baltimore County. We have been forced to commit too much of our time and money in an attempt to resolve an issue due to what we feel is the negligence of your staff. Not only has the negligence of your staff caused this issue; but, upon our registered complaint #06-6794 and the complaints of other nearby property owners, your staff has also refused to take the proper action and look into the issue in an earnest manner. It is because of this negligence that we are writing to you, requesting appropriate action in a timely manner.

Our issue involves the property of 160 East Kingston Park Lane and the permits the property owner, Mr. Robert Scott Frederick, has received to construct a new pier.

The first permit #B553287 was applied for on 4/21/04 with a falsified site plan. The plan called for a 6 x 200 foot (replacement) pier with 2 mooring poles. The original pier of that property was never more than 70 or 80 feet. We have letters confirming this from two nearby property owners. We have been in contact with the two previous owners of the property and they are prepared to confirm this as well. We're not sure how a permit was granted to get a replacement pier that is 130 feet longer than the original pier. The site plan indicates that Mr. Frederick's property contains 50 feet of shoreline. In fact, the deed to Mr. Frederick's property specifies that he has only 40 feet of shoreline. Additionally, the site plan shows the property to be rectangular in shape when in fact it is pie in shape. The property is 66 feet wide at the street, both sidelines are 178 feet long and then there are 40 feet binding on Dark Head Creek. While the property width decreases 26 feet from the street to the water, which is a distance of 178 feet, somehow the site plan retains a 42 feet width when going 200 feet out into Dark Head Creek as detailed on the site plan. This is impossible with a pie shaped piece of property.

Additionally, the site plan indicates that our pier is 160 feet long. This is also a false statement because our pier is less than 80 feet long. The site plan indicates that our property contains 50 feet of shoreline, when in fact our deed states that we have 58 feet of shoreline. The site plan indicates that the other adjoining property owner has 50 feet of shoreline, when in fact they have far less. With these falsifications, on paper it looks as though Mr. Frederick is within the 10-foot setback regulation. If you visit the site

physically or review the attached documents, you can clearly see that he is not. He nasviolated the 10 foot set-back regulation with both adjoining properties.

Correct us if we are wrong, but, we thought that providing false information on the application and/or site plan was not just grounds for rejection of the application, but also a punishable offense.

The work detailed in this permit was never finished. If you check the history of this property, you will see more than one stop-work order. About 140 feet of poles had been inserted along with the two mooring poles. We'd like to note here that the 2 mooring poles were inserted nowhere near where the site plan indicates they would be. One was inserted at a position about 60 feet into the length of the pier and the other at about 70 feet. The site plan calls for one to be inserted at 170 feet and the other at 200 feet.

The second permit, # B628616 was applied for on 4/27/06 without a site plan. Isn't that a violation of Section 417.2? Members of your staff couldn't locate a site plan and didn't seem concerned that the permit had been issued without one. Additionally, there was a note on this second permit to see the first permit. At this time, not only was the first permit expired, the work had never been finished. The second permit called for 8 poles for 2 lifts. Somehow, under this permit, 12 poles (not 8) were inserted, again, without a site plan. With the poles inserted under this permit, it is painfully clear to see how Mr. Frederick has crossed the property line. It was a blatant act by Mr. Frederick and by the pile driver performing the work.

We are extremely concerned about the 5 mooring poles that were placed over the 10-foot setback line using the second permit. Placing those poles there has seriously jeopardized future plans that we have.

After the 12 poles were put in under the second permit, we called your offices again, on 9/18/06. An investigator came to the site on 9/19/06. In order to know the outcome of the site inspection, a call to your offices was placed on 9/21/06 only to be told by Earl Eckard, the investigator visiting the site, that Mr. Frederick was in compliance. We were also told that Mr. Frederick had told your office that he had been granted permission from the Army Corps of Engineers regarding the placement of his poles. Mr. Frederick told your office that the Army Corps of Engineers performed a survey going out into the water to determine the divisional property lines. That was another lie. We spoke to Mr. John Romeo of the Operations Division of the Army Corps of Engineers on 9/22/06 and he stated that there is no record of them completing this type of survey for Mr. Frederick's property. You are welcomed to contact him at 410-962-6079 for verification. The tracking number of the investigation is 200463544. Mr. Romeo said that it would be highly unlikely for their agency to perform such a survey. We were not surprised when he said that property lines and setback issues fall under the county's jurisdiction.

When we talked to Earl Eckard from your staff on 9/21/06, we were told that if this is a property line dispute, then it is a civil matter. At this point, we wonder why should the burden of poof some from us? Are we wrong to think that one of the purposes of your

department should be to enforce regulations such as the 10 foot set-back and to protect innocent property owners? If you are not going to enforce the regulations of your department where is the integrity? We trust that as a civil servant you will stand up for the law-abiding, tax-paying property owners.

Mr. Frederick has proved his character to us time and time again. Not just in this matter; but, in other matters as well. He has proven that he willing to falsify documents, lie to County Officials and take any means necessary in order to gain what is NOT rightfully his. While we have been diligently "playing by the rules" to have this issue resolved, it appears that your staff is trying to wash their hands of the situation. Perhaps they are trying to cover-up their own mistakes. Maybe you could better judge their performance in this matter.

Believe us when we say that no one would be more pleased than us for Mr. Frederick to finish construction on this pier and his other projects. We don't think it is too much to ask for Mr. Frederick to perform these modifications to his property within the regulations set forth by the county. For over two years, we have also been forced to live with his unsightly yard and the rodents living in that debris. We've heard rumor that the unsightly yard and half finished projects are the result of his failure to obtain proper permits. Imagine that.

We understand that the Building Engineer, under Regulation 417.2, has the discretion to require the site plan be prepared by a professional engineer or land surveyor. Given the fact that Mr. Frederick submitted a site plan with so many fallacies, this seems like a perfect case for such a requirement.

We have included several documents and photographs for you to review that support our claims. At this point, we are requesting a meeting with you to personally review the documentation and photographs with you. We sincerely hope that you take this complaint more seriously than your staff did. We are fully prepared to keep pushing onward and upward reaching out to the leadership positions with Baltimore County Government until this issue is resolved.

We thank you in advance for your cooperation,

Charles and Michelle Kroner 158 East Kingston Park Lane Baltimore, MD 21220 410-686-9568

### Included Documents

Attachment #1:

Application for permit #B553287

Attachment #2:

Deed to Mr. Frederick's property

Attachment #3:

Department of Planning property map

Attachment #4:

Assessment and Taxation document for Mr. Frederick's property

Attachment #5:

Assessment and Taxation document for our property

Attachment #6:

Appendix J-3 of the Waterfront Construction Diagrams

Attachment #7:

Photo of our pier

Attachment #8:

Deed to our property and the Belcastro property

Attachment #9:

Baltimore County Zoning Regulation Section 417.4

Attachment #10:

Application for permit #B628616

Attachment #11:

Baltimore County Zoning Regulation Section 417.2

Attachment #12:

Earl Eckard's report citing no violations

Attachment #13:

Letters from nearby property owners

Attachment #14:

Photos of Mr. Frederick's pier during various stages of

construction '

Attachment #15:

Aerial photos of the property

505

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

In the Matter of

Civil Citation No. 06-6794

Robert S. Frederick

160 East Kingston Park Lane

Respondent

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

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on May 31, 2007, for a hearing on a citation for violations under the Baltimore County Code (BCC) § 3-6-201; 1-2-217 (d)(1); International Residential Code (IRC) R-106.2; Baltimore County Zoning Regulations (BCZR) § 417; failure to comply with correction notice; failure to provide location survey with divisional lines prepared by a registered land surveyor; failure to obtain pier permit on residential property known as 160 East Kingston Park Lane, 21220.

On April 13, 2007, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was legally served on the Respondents.

The citation proposed a civil penalty of \$36,200.00 (thirty six thousand two hundred dollars). A code enforcement hearing date was scheduled for May 31, 2007.

Mr. Frederick, Respondent appeared represented by Lawrence E. Schmidt, Esquire John Altmeyer, presented the case for Building Inspections.

The citation cites code sections from the County Code, the International Residential Code and the Zoning Regulations. Baltimore County Code (BCC) § 3-6-201 gives the County authority to enforce and seek correction of a violation. BCC § 1-2-217 (d)(1) appears incorrect and should be §1-2-217 (b) allowing for a civil penalty in the amount of \$200.00 (two hundred dollars) per day. IRC § R 106.2 provides for the requirement of a site plan for demolition and/or construction of structures. The most

appropriate code section appears to be BCZR 417. BCZR § 417.2 requires all applications for waterfront construction to be accompanied by a plot diagram suitable for filing,..... and when required by the Building Engineer, the plan must be prepared by a professional engineer or land surveyor. BCZR § 417.3 determines how divisional lines are established.

### County Exhibits:

- 1. Complaint form
- 2. Permit application for B553287
- 3. Permit application for B417239
- 4. Issued Building Permit B628616
- 5. Issued Building Permit B644173
- 6. Correction notice issued September 28, 2006 by John Altmeyer
- 7. Correction notice issued January 26, 2007 by Errol Ecker
- 8. Citation issued April 13, 2007 by John Altmeyer
- 9. Photographs taken by Inspector Claude Profili on May 30, 2007
- 10. Photographs of original pier length taken by neighbor in 2002
- 11. Aerial photograph by Kroners of existing pier length

### Respondent Exhibit:

- Permit application B553287
- MDE inspection findings
- 3. Issued Building Permit B628616
- Issued Building Permit B644173
- Correction notice issued September 28, 2006 by John Altmeyer
- 6. Correction notice issued January 26, 2007 by Errol Ecker
- 7. Citation issued April 13, 2007 by John Altmeyer
- 8. Site plan by Gerhold, Cross and Etzel, LTD

Four building permit applications were filed; three permits were issued over a two-year time period. Sometime during the course of events due to complaints from neighbors of 160 E. Kingston Park Lane, representatives of Permits and Development Management (PDM) came to the conclusion that something was amiss in regard to the placement of piles to support the pending pier construction. PDM personnel declared the construction compliant however, upon further review declared the location of numerous piles to be in violation of BCZR § 417. The correction notice issued on September 28, 2006 by Mr. Altmeyer rescinds permits B553287 and B628616. The correction notice issued on January 26, 2007 by Mr. Ecker appears to rescind permit B644173 as it was issued on September 20, 2006.

The Building Engineer is authorized to suspend or revoke a permit issued whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, etc.

After reviewing the exhibits and hearing testimony, it is clear the moniker "replacement pier" was not what was intended to take place. To replace an existing pier means to replace what was there and not to extend. Perhaps the wording should have been to remove existing damaged pier and construct new pier 6' x 200'. Construction of a new pier in new location demands scrutiny different from replacement of existing pier. Remove existing pier and construct a 6' x 200' replacement is a sly use of words in description of work. The proposed pier construction in my opinion is new construction, new location with new width and length.

The site plans submitted for permits B553287 and B417237 do not accurately reflect the length of the original pier, nor do they accurately reflect the shoreline. The site plan submitted by Gerhold, Cross & Etzel, LTD does not carry a seal, does not declare the mean low water line, however it does show multiple piles in conflict with BCZR section 417B., 417.C and 417.4. Clearly variances are required for piles placed inside the required setback areas.

Fredrick, page 4

If it was unclear before, all permits including B553287, B628616 and B644173 are hereby revoked. Building permit B417237 was not issued, as Environmental Protection and Resource Management has a hold on the permit. One can see on County Exhibit 3 that someone questioned the length of the proposed pier thus the hold and eventual cancellation.

It appears to this Hearing Officer that the length of the pier must be decreased dramatically to meet the requirements of BCZR § 417, 417.2, 417.3, 417.3B, 417.3C and 417.4.

The Respondent did obtain a permit although it was issued due to incomplete and/or inaccurate information. The Respondent did provide a site plan prepared by a professional surveyor however, the site plan lacked the professional seal and showed obvious violations of BCZR § 417.

IT IS ORDERED by the Code Enforcement Hearing Officer this 5<sup>th</sup> day of June 2007, that a civil penalty is imposed in the amount of \$36,200.00 (thirty six thousand two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty in the amount of \$36,200.00 (thirty six thousand two hundred dollars) shall be suspended on condition the Respondent removes all pilings on or before August 7, 2007 or obtains a valid permit for pier construction that is in compliance with BCZR § 417, 417.2, 417.3, 417.3B, 417.3C and 417.4 and removes all non-permitted piles on or before August 7, 2007.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be \$36,200.00 (thirty six thousand two hundred dollars).

IT IS FURTHER ORDERED that the inspector inspect the property to determine whether the violations have 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

800g 2 - MUL

## L.L.S. Land Services, Inc.

P.O.Box 5410 Towson, MD 21285

5802 York Road Baltimore, MD 21212

Office 410.879.4735 Fax 410.879.4736 Ils@mris.com

Myra Nelcha Beck 410.207.2381

Pattianne Smith 410.207.2383

June 2, 2008

Mr. Jason T. Vettori, Esq.
Gildea & Schmidt, LLC
600 Washington Avenue Suite 200
Towson, Maryland 21204

Re: 160 E. Kingston Park Lane

Dear Mr. Vettori,

I hereby certify that on June 2, 2008 I came to the property known as 160 E. Kingston Park Lane and using modern electronic surveying equipment measured the distance from the face of the existing stone wall located on said property to the centerline of the furthest piling locate in the water directly in front of said property. The distance measured was 107 feet.

If I may be of further assistance is this matter please contact me.

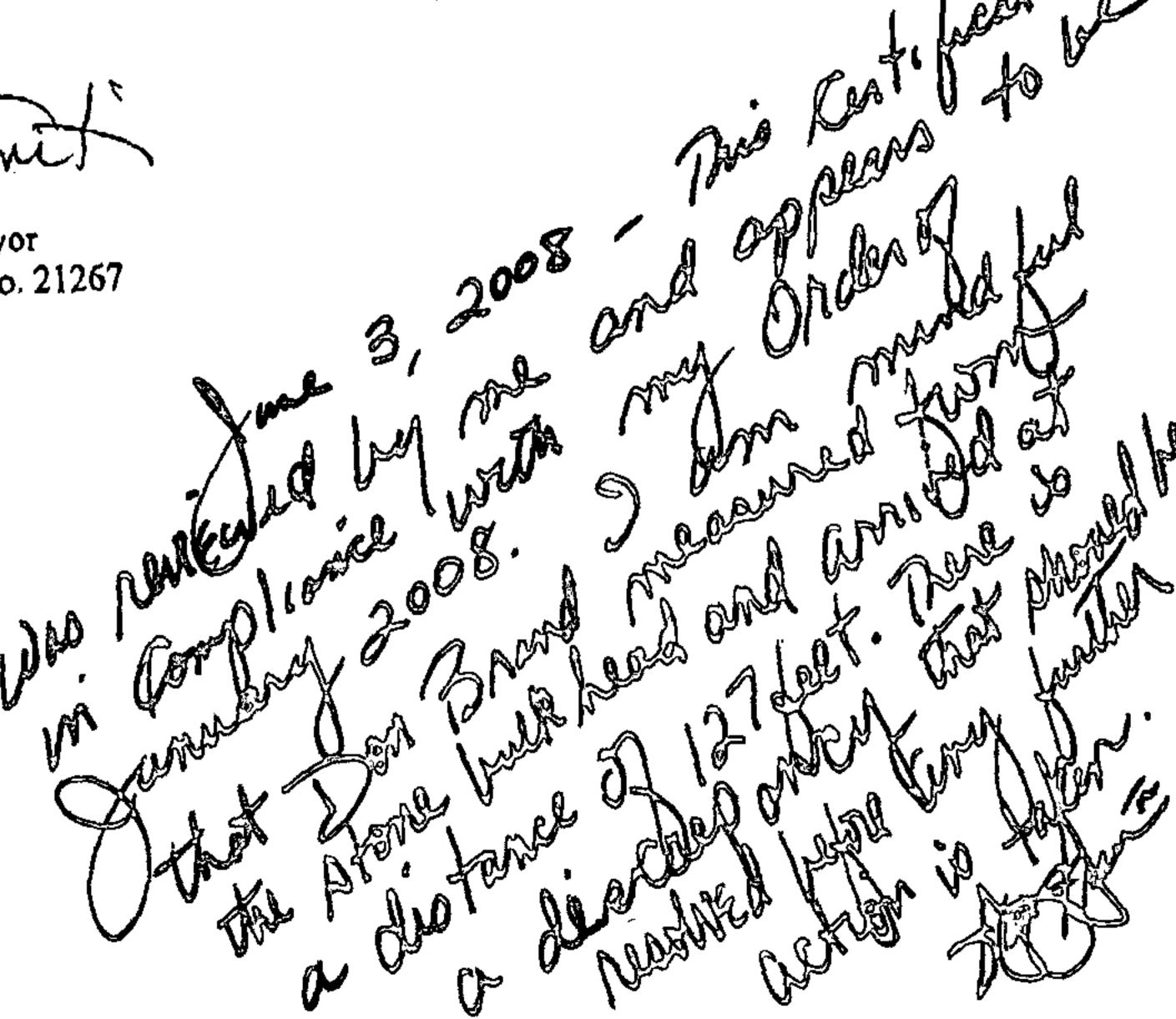
Yours truly,

Pattianne Smith

Professional Land Surveyor

Maryland Registration No. 21267

Cc: R.S. Frederick





PROTESTANT'S

EXHIBIT NO.

### GILDEA & SCHMIDT, LLC

DAVID K. GILDEA LAWRENCE E. SCHMIDT

600 WASHINGTON AVENUE SUITE 200 ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

D. DUSKY HOLMAN

TOWSON, MARYLAND 21204 TELEPHONE 410-821-0070 FACSIMILE 410-821-0071

www.gildeallc.com

SEBASTIAN A. CROSS

F. GILLIS GREEN

ERIC N. LAMB

CHARLES B. MAREK. III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

August 6, 2007

### Sent Via Hand Delivery

Mr. Raymond S. Wisnom, Jr.
Chief of Code Inspections and Enforcement
Department of Code Inspections and Enforcement
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Frederick/160 E. Kingston Park Lane

Civil Citation No. 06-6794

Dear Mr. Wisnom:

This is in reference to the above civil citation and your written findings and Order dated June 5, 2007.

Therein, you ordered the payment of a Civil Penalty in the amount of \$36,200.00, however, provided that same shall be suspended upon condition that the Respondent removes all pilings on or before August 7 or obtains a building permit for pier construction. In accordance therewith, please find attached an application for permit which I have filed on behalf of the property owner, R. Scott Frederick. Due to the newly enacted posting requirements for piers, the application has been accepted for processing but will not be fully reviewed until the requisite posting is completed. Additionally, the pier proposed under the current application may require variance relief. The Department of Permits and Development Management has accepted the application, as evidenced by Mr. Brand's handwritten note at the bottom of the form.

In any event, I believe the fact that the applicant has made a valid application for permit and that same has been accepted for processing satisfies one of the alternative conditions of your Order so that the Civil Penalty shall be suspended. If you are in agreement with this assessment, kindly indicate by your signature below.

PETITIONER'S

EXHIBIT NO.

2

Mr. Raymond S. Wisnom, Jr. August 6, 2007 Page 2

Thank you for your cooperation in this matter.

Very truly yours,

Lawrence E. Schmidt

LES: jls

Enclosure

CC: R. Scott Frederick

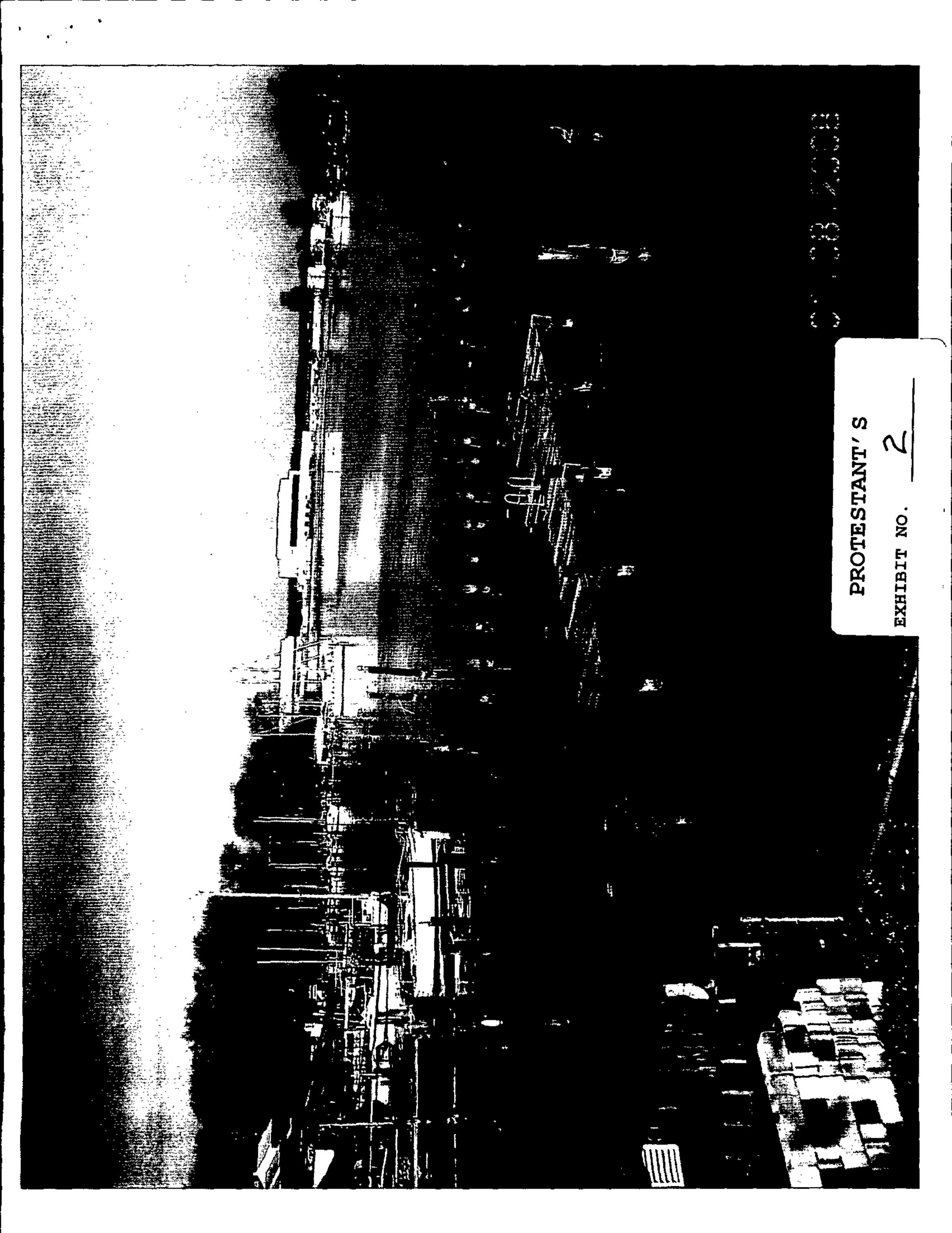
ACCEPTED AND AGREED:

By Raymond S. Wisnom, Jr.

Case No.: 08-175-A 160 E. KINGSTON PART LANE.

### **Exhibit Sheet**

	Petitioner/Developer	Protestant
No. 1	Sitz Plan	Photo of Wisting Con
No. 2	Letter of understand	Gerial Photo
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8	-	
No. 9		
No. 10	-	
No. 11		
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### **Exhibit Sheet**

Petitioner/Developer		Protestant			
No. 1	Site Plan	Photo & Tylstin Com			
No. 2	Letter of understand	Gerial Photo			
No. 3					
No. 4					
No. 5					
No. 6					
No. 7					
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No. 9					
No. 10					
No. 11					
No. 12					





EXHIBIT NO.



4-12/1-80

1002 57 779 T4: II 400 T41 6MB164140Z\Z0Z0Z0Z\SEOA. O

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- Catonsville Times
- Owings Mills Times mes Towson Ti
- NE Booster/Reporter
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# CERTIFICATE OF PUBLICATION

2008	
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THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of \_\_\_\_\_successive weeks, the first publication appearing on \_\_\_\_\_l \_\_\_soo

X The Jeffersonian 口 Arbutus Times

☐ Catonsville Times

☐ Towson Times

Owings Mills Times

☐ NE Booster/Reporter

North County News

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