

IN RE: **PETITION FOR VARIANCE**  
SW/S Lorraine Avenue, 175' SE c/line  
Cedar Avenue  
**(406 Lorraine Avenue)**  
15<sup>th</sup> Election District  
7<sup>th</sup> Council District

Jeffrey D. Rasmussen, et ux  
Petitioners

\*  
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\*  
\*  
\*  
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BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
**Case No. 08-267-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Jamie Rasmussen, and her husband, Jeffrey D. Rasmussen. The Petitioners request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing detached accessory structure (garage) to have a height of 19 feet, 6 inches, in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jeffrey and Jamie Rasmussen, property owners, Ron Leonard, Walter and Mary Rasmussen, and Jamie Riley. It is also to be noted that 5 letters of support were received from owners of property on Lorraine Avenue residing within eyesight of the subject property. These letters were submitted into evidence and collectively marked as Petitioners' Exhibit 4.

The garage under dispute in this case has generated public interest. Appearing as Protestants in the matter were Deborah Pirog, Angel Pirog, and Mark and Dawn Thiess, also neighbors in the community. Mrs. Thiess indicated at the outset that this situation has caused other homeowners residing on Cedar Avenue and Riverside Drive to voice strong opposition to the Petitioners request. She presented as Protestants' Exhibit 3, a Petition signed by 7 area neighbors evidencing the community is split over the controversy.

ORDER RECEIVED FOR FILING  
Date 2-25-08  
By [Signature]

Testimony and evidence offered disclosed that the subject property is a rectangular shaped water-oriented parcel located just north of Back River west of Duck Creek and on the west side of Lorraine Avenue, near Cedar Avenue in eastern Baltimore County. The property is also known as Lot 4 of the residential subdivision known as Essex, and contains a gross area of 8,050 square feet, or 0.185 acres, more or less, zoned D.R.5. The property is improved with a two-story, single-family dwelling and a 14' 8" x 25' 2" garage, which is the subject of the instant request. Access to the property is by way of a 12' wide x 100' macadam driveway (impervious surface) located on the south side of the site. Jeff Rasmussen's grandparents built the home in 1956, and in 2002 the Petitioners took title, made renovations to the existing dwelling and have resided there with their two children.

Subsequently, in the fall of 2007, the Petitioners decided to construct a garage. In this regard, Mr. Rasmussen wanted to build a garage of sufficient size to accommodate his truck, tools and equipment, collectibles, and other personal property as well as his children's toys and clothing. He commenced excavating and pouring footings, fabricating roof trusses, etc. Little did the Petitioners realize that the proposed garage would become complicated by Section 400.3 of the B.C.Z.R., which limits the height of accessory buildings to 15 feet.<sup>1</sup>

The Petitioners' nightmare began in October 2007 when the Department of Permits and Development Management received written inquiries questioning the structure's compatibility and excessive height. Code Enforcement Officer Gary Hucik visited the site on October 24, 2007 and issued a "stop work order" informing Petitioners that a valid building permit would be required before proceeding. In any event, subsequent to receiving the stop work order, Mr. Rasmussen proceeded to finish the outside of the structure to protect his investment from inclement weather. At this point, the Petitioners have paid substantial sums of money, applied for and obtained a building permit (Permit No. B683337) for the construction of a 14' x 25' x 15' garage. Mr. Rasmussen estimated several thousand dollars would be expended if he

<sup>1</sup> Opposition to garage heights is not uncommon in water-oriented communities. See County Board of Appeal decisions in Cases Nos. 04-255-A, 04-383-A and this Commission's Order in Case No. 06-219-A.

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Date 2-25-08  
By [Signature]

would be required to lower the roof structure and indicated the garage would no longer be functional for storage, one of its intended purposes, and may ultimately result in a flat roof structure. Moreover, he asserts a higher elevated garage with its attendant smaller footprint was deemed preferable by the Department of Environmental Protection and Resource Management (DEPRM) as opposed to a 20' x 40' x 15' footprint given its location within the Intensely Developed Area (IDA) regulations of the Chesapeake Bay Critical Area Regulations.

The Petitioners now come before me seeking relief as set forth above to allow completion of the structure with a height of 19' 6". Mr. Rasmussen and his father-in-law, Mr. Leonard, testified at length as to the practical difficulty and unreasonable hardship he has endured since receiving the stop work order, which has left him in an untenable position. Despite the mature evergreen tree screening that buffers the rear of the property, discussions with the community and an offer to place windows and shutters (or remove them) on the side facades to make the structure look more residential in character, has done little to appease the Thiess and Pirog families.

Mr. Rasmussen testified that he placed the garage at its present location and at its current height for the reasons indicated above and was not aware of any County or community restrictions that would prevent him from doing so. He submitted photographs depicting a number of similarly constructed accessory structures within a three-block radius and questioned why he and his family were being singled out given the way he and his wife maintain the property. Photographs submitted (Petitioners' Exhibit 3) and a prior Order in Case No. 04-440-A issued by then Deputy Zoning Commissioner John V. Murphy allowing a rear yard garage to be 19' high in lieu of the permitted 15' at 325 Lorraine Avenue tends to support this contention. Most of the depicted accessory structures, however, have been erected over time in disregard of the zoning regulations.

As noted above, several residents from the surrounding locale appeared in opposition to the request. They presented photographs (Protestants Exhibit 1A through 1P) and testified that they found the garage offensive and out of rhythm with other structures in their immediate

**COURT RECEIVED FOR FILING**  
Date 2-25-08  
By [Signature]

area. They believe that the Petitioners should be required to lower the height of the garage in accordance with the regulations. Mrs. Thiess, who lives behind the subject property, testified that she believes the Petitioners are the authors of their own misfortune since they continued to assemble the roof trusses and failed to stop construction efforts after the stop work order was issued. She and Ms. Pirog testified that many in the community are opposed to the garage's overpowering size that, if allowed, would deny adjoining property owners the little privacy they now enjoy. She submitted opposition of adjacent neighbors indicating their objection to the variance request. Mrs. Thiess, also a long-time resident of the community, disputed that there was anything unique about the Petitioners' property. Nearly every homeowner has a similar sized rectangular shaped lot and is subject to the Chesapeake Bay Critical Areas regulations and associated floodplain, setback, and impervious surface issues testified to by Mr. Rasmussen.

To a certain extent, I am sympathetic to the Rasmussen's plight. However, variance relief can be granted only if the requirements contained in Section 307 of the B.C.Z.R. are met. This Section states that the Zoning Commissioner may grant variances;

*... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations of Baltimore County would result in practical difficulty or unreasonable hardship.*

Variances are not favored under the law and presumed to be in conflict with the regulations. As stated in *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995):

*The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.*

After due consideration of all of the testimony and evidence presented, I find that the Petitioners property is substantially similar to other properties as to size, shape, topography and water orientation. As such, it does not meet the requirements for a finding of uniqueness as set forth in *Cromwell*. I cannot decide this case based on "extenuating circumstances." Having

**COPY RECEIVED FOR FILING**  
Date 2-25-08  
By [Signature]

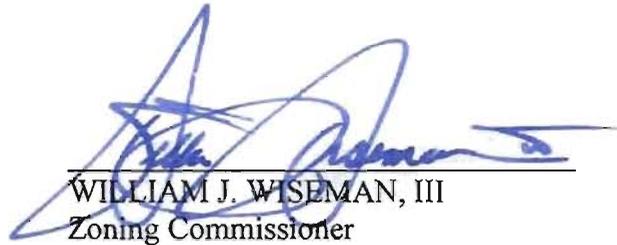
determined that no uniqueness exists as to the Petitioners' property, I must therefore deny the variance requested by the Petitioners.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of February 2008 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage) with a height of 19 feet, 6 inches, in lieu of the maximum allowed 15 feet, in accordance with Petitioners' Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioner shall have 120 days from the date of this Order to lower the height of the garage so as to be in compliance with Building Permit No. B683337 and the zoning regulations.

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING  
Date 2-25-08  
By 123

CBCA

TAX. ACCOUNT # 1518000120



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 406 Lorraine Ave  
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) 400.3 - to permit an existing detached

accessory structure (garage/storage shed) to have a height of 19 1/2 feet in lieu of the maximum permitted 15.

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

to be discussed at hearing

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

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

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

### Contract Purchaser/Lessee:

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

### Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

Jeffrey D Rasmussen  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Jamie Rasmussen  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_

406 Lorraine Ave 410 9181204  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Baltimore MD 21221  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### OFFICE USE ONLY

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

Case No. 08-267-A

REV 9/15/98

UNAVAILABLE FOR FILING  
Reviewed By [Signature]  
Date 2-25-08  
By SW

UNAVAILABLE FOR HEARING  
Date 12/14/07

## Zoning Description for 406 Lorraine Ave

Beginning at a point on the west side of Lorraine Ave which is 50 feet wide at the distance of 175 feet south of the centerline of the nearest improved intersecting street Cedar Ave which is 50 feet wide. Being Lot 4 Block 4M Section E in the subdivision of Essex as recorded in Baltimore County Plat Book #5 Folio #39 containing 8050 square feet. Also known as 406 Lorraine Ave and located in the 15<sup>TH</sup> Election District, 7<sup>TH</sup> Councilmanic District

Item # 267

**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: #08-267-A**  
406 Lorraine Avenue  
S/west side of Lorraine Avenue, 175 feet s/east of centerline of Cedar Avenue  
15th Election District  
7th Councilmanic District  
Legal Owner(s): Jeffrey & Jamie Rasmussen

**Variance:** to permit an existing detached accessory structure (garage/storage shed) to have a height of 19.5 feet in lieu of the maximum permitted 15.

**Hearing:** Wednesday, February 20, 2008 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 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/2/644 Fe5 162587

# CERTIFICATE OF PUBLICATION

\_\_\_\_\_  
2/7/2008

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 2/5/2008.

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

  
\_\_\_\_\_

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **08743**

Date: **12/14/07**

**PAID RECEIPT**

BUSINESS ACTIVITY TIME PERIOD  
 12/14/2007 12/14/2007 14:30:00 2  
 RECEIPT # 08743 0714/2007 0012  
 \$ 465.00 ZONTA VERIFICATION  
 008743  
 Recpt Tot: 465.00  
 4.00 CR 465.00 CA  
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
				150				465

Total: **465**

Rec From: \_\_\_\_\_  
 For: **zonta verification #08-743 A**

DISTRIBUTION  
 WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

**CASHIER'S  
 VALIDATION**

# ZONING NOTICE

CASE # 08-267-A

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

ROOM 407 COUNTY COURTS BUILDING

PLACE: 401 BOSLEY AVENUE, TOWSON 21204

DATE AND TIME: WEDNESDAY, FEBRUARY 20, 2008  
AT 11:00 AM

REQUEST: VARIANCE TO PERMIT AN EXISTING  
(GARAGE/STORAGE SHED) DETACHED ACCESSORY STRUCTURE  
TO HAVE A HEIGHT OF  
19.5 FEET IN LIEU OF THE MAXIMUM PERMITTED  
15

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 312-1191

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

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No: 08-267-A

Petitioner/Developer: JEFFREY J.  
JAIME RASMUSSEN

Date Of Hearing/Closing: 2/20/08

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

Attention:

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  
at 406 LORRAINE AVE

This sign(s) were posted on February 4, 2008  
(Month, Day, Year)

Sincerely,

Martin Ogle 2/4/08  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

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**For Newspaper Advertising:**

Item Number or Case Number: 08-267-A

Petitioner: \_\_\_\_\_

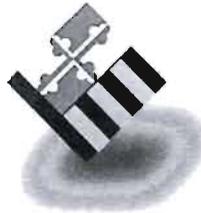
Address or Location: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jett Rasmussen

Address: 406 Lorraine Ave  
Balto MD 21221

Telephone Number: 410 918 1204



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

JAMES T. SMITH, JR.  
*County Executive*

January 2, 2008  
TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

**NOTICE OF ZONING HEARING**

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**CASE NUMBER: 08-267-A**

406 Lorraine Avenue

S/west side of Lorraine Avenue, 175 feet s/east of centerline of Cedar Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Jeffrey & Jamie Rasmussen

Variance to permit an existing detached accessory structure (garage/storage shed) to have a height of 19.5 feet in lieu of the maximum permitted 15.

Hearing: Wednesday, February 20, 2008 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Jeffrey & Jamie Rasmussen, 406 Lorraine Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 5, 2008.**
- (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, February 5, 2008 Issue - Jeffersonian

Please forward billing to:  
Jeff Rasmussen  
406 Lorraine Avenue  
Baltimore, MD 21221

410-918-1204

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## NOTICE OF ZONING HEARING

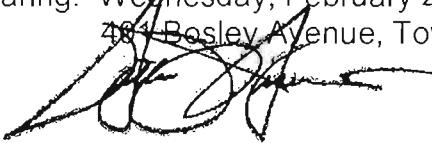
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**CASE NUMBER: 08-267-A**

406 Lorraine Avenue  
S/west side of Lorraine Avenue, 175 feet s/east of centerline of Cedar Avenue  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: Jeffrey & Jamie Rasmussen

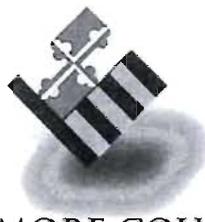
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Hearing: Wednesday, February 20, 2008 at 11:00 a.m. in Room 407, County Courts Building,  
484 Bosley Avenue, Towson 21204



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.



**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*

February 12, 2008

Jeffrey D. Rasmussen  
Jamie Rasmussen  
406 Lorraine Avenue  
Baltimore, MD 21221

Dear Mr. and Mrs. Rasmussen:

RE: Case Number: 08-267-A, 406 Lorraine Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 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



State Highway Administration

Maryland Department of Transportation

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

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

Date: JANUARY 3, 2008

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

RE: Baltimore County
Item No. B-267-A
406 LORRAINE AVENUE
RASMUSSEN PROPERTY
VARIANCE

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. B-267-A.

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,

Michael P. Bailey (handwritten signature)

Steven D. Foster, Chief
For Engineering Access Permits
Division

SDF/MB

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

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

**DATE:** January 3, 2008

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 24, 2007  
Item Nos. 257, 259, 260, 261, 262, 263,  
265, 266, 267, 268, 269, 270, 271, 272, and 274

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- 01032008.doc



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

County Office Building, Room 111  
, 2007  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

Item Number: 257,259,260,265,266,267,268,269,270,271,272,273,274

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.

. 1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4880 (C) 443-829-2946  
MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

BW 2/20

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED  
JAN 18 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: January 17, 2008

SUBJECT: Zoning Item # 08-267-A  
Address 406- Lorraine Avenue  
(Rasmussen Property)

Zoning Advisory Committee Meeting of December 17, 2008

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

\_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Must comply with Intensely Developed Area (IDA) regulations of the Chesapeake Bay Critical Area (CBCA) and mitigate for the increase in the impervious surface total.

Reviewer: TAK Date: 1/15/08

BW 2/20

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** January 31, 2008

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

RECEIVED  
FEB 05 2008

**SUBJECT:** 8-267 -Variance

BY:.....

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19.5 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Retain the existing vegetation and fence in the rear yard of the dwelling.
4. The proposed building should be constructed of similar exterior building materials as that of the principal structure.

For further information concerning the matters stated herein, please contact John Alexander at 410-887-3480.

Prepared by: *Candis Murray*

Section Chief: *Arnold F. Keller*

AFK/LL: CM

**Bill Wiseman - Re: Fwd: 406 Lorraine Avenue**

---

**From:** Mike Mohler  
**To:** angelp615@aol.com; Patricia Zook  
**Date:** 11/14/07 2:28 PM  
**Subject:** Re: Fwd: 406 Lorraine Avenue  
**CC:** Bill Wiseman; Thomas Bostwick

---

The building inspectors have this case. I have asked that the inspector visit daily and if necessary write the necessary citation for violating the stop work order.  
Please keep me apprized of the situation.

Mike Mohler, Deputy Director  
Permits and Development  
410-887-3375

>>> Patricia Zook 11/13/07 4:44 PM >>>  
Mr. and Mrs. Pirog:

Please be aware that the Office of the Zoning Commissioner does not handle the permitting process or zoning enforcement in Baltimore County. Your e-mail is being forwarded to Mike Mohler, who is in charge of the Bureau of Code Enforcement. That telephone number is 410-887-3375 and the compliant telephone number is 410-887-8099. The Bureau of Code Inspection is managed by John Altmeyer, who can be reached at 410-887-3953.

We regret that you did not receive a response from other County departments.

Patti Zook  
Baltimore County  
Office of the Zoning Commissioner  
410-887-3868  
[pzook@baltimorecountymd.gov](mailto:pzook@baltimorecountymd.gov)

>>> Bill Wiseman 11/13/2007 4:15 PM >>>

>>> <> 11/13/07 3:54:47 PM >>>

To whom it may concern,

I would like to follow up on a complaint filed originally on October 23, 2007 about a 2 story apartment building being constructed almost in my back yard.? Attached is a copy of the email originally sent on October 29, 2007.? Today is November 13, 2007 and as of this time I have not received a response from ANY recipients.? My neighbors and I believe that, as tax paying, voting, homeowners, we deserve some answers.

My daughter, Angel has been able to speak to a building inspector, who told her that he was re-issuing the stop work order because "the homeowner must not of understood the first one."? As you can see from the additional photos the work never stopped!?! The roof is on, the windows installed, the steps in place.? All of this work has been completed by an unlicensed contractor according the the DLLR web site.

No permits have been applied for.? No variances have been sought.? All height restrictions have been ignored.? All set backs have been ignored.? All building and zoning codes have been ignored.?

This only serves to make all of us even more wary of the safety of this large, overbearing structure that has NEVER been inspected.? Who is going to accept responsibility if this structure fails?? Baltimore County has known about it since the beginning but yet no one has ever verified the integrity of this building.? Baltimore County officials have chosen to let this unsafe condition continue.

Attached are additional photos and a time line of events.? I am hoping that the avoidance of this issue will come to an end and that the laws will be enforced.

Please help us.

Joseph and Deborah Pirog  
Dawn and Mark Thiess

-----**Original Message**-----

From: angelp615@aol.com

To: tkotroco@baltimorecountymd.gov; wwiseman@baltimorecountymd.gov; tbostrick@baltimorecountymd.gov; bccdistrict7@comcast.net; planning@baltimorecountymd.gov; crichards@baltimorecountymd.gov; jimsmith@baltimorecountymd.gov

Sent: Mon, 29 Oct 2007 1:53 pm

Subject: 406 Lorraine Avenue

Mr. Kotroco,

I am hoping that you can clarify the definition of "Special Permission" for me and other adjoining property owners.

My neighbor at 406 Lorraine Ave is putting up a 2 story, over 30' tall, apartment building almost in my back yard. There were never any permits applied for according to your department.? This was reported to the proper authorities who investigated and issued a stop work order.? I have serious concerns that a project of this magnitude has the potential of great safety risks.? There were no permits, no building plans, and no licensed construction company doing the work.? Because no permits were ever approved, there have been NO inspections to guarantee the safety of the neighbors.

According to your office, they were given "Special Permission" by you to protect the building from the

elements.? Instead, the property owner cut out holes for windows and installed roof tresses on 1/2 of the roof.? All of this after 4 days of heavy rain.? Nothing is protected from the elements but there was definitely considerable advancement made on the construction of this dwelling.? I have attached photos for your reference.

I did not complain when this property owner almost doubled the size of the original home over the summer, also with no permits except for one for electrical work.? Adding a dwelling in an existing neighborhood, where most property owners have privacy fences, that now overlooks all neighboring yards, infringing on everyone's privacy is not something that any of us are willing to overlook.

Again, if you can please clarify why this man is allowed to continue construction, not protection from the elements, when he has no permits, there has been no hearing for a variance and he was already given a stop work order my neighbors and I would greatly appreciate it.

Regards,

Joseph J Pirog Jr  
410-282-4207 (work)  
410-574-3129 (home)

[Image Removed]  
[Image Removed]  
[Image Removed]

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**ATTENTION!!**

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The file attachments in this message exceeded the permitted size of 10 MB, as defined by the Baltimore County E-mail System Administrator. The file attachment(s) have been removed.

You may wish to contact the sender and request that the file or files be sent in a manner that does not exceed the defined limit.

Please e-mail [postmaster@baltimorecountymd.gov](mailto:postmaster@baltimorecountymd.gov) or call the Baltimore County Help Desk at 410-887-8200 if you have any questions about what has occurred.

---

RE: PETITION FOR VARIANCE \* BEFORE THE  
 406 Lorraine Avenue; SW/S Lorraine Avenue, \* ZONING COMMISSIONER  
 175' SE c/line Cedar Avenue \*  
 15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \*  
 Legal Owner(s): Jeffrey & Jamie Rasmussen\* FOR  
 Petitioner(s) \*  
 \* BALTIMORE COUNTY  
 \* 08-267-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Old Courthouse, Room 47  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Jeffrey & Jamie Rasmussen, 406 Lorraine Avenue, Baltimore, MD 21221, Petitioner(s).

RECEIVED

JAN 02 2008

Per.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

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

In the Matter of

Civil Citation No. 07-10821

Jeffrey D. Rassmussen  
Janie Rassmussen

406 Lorraine Avenue

Respondents

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 December 13, 2007, for a hearing on a citation for violations under the Baltimore County Code (BCC) section 114.3; failure to obtain building permit prior to commencement of construction after stop work notice on residential property known as 406 Lorraine Avenue, 21221.

On November 29, 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 \$2,000.00 (two thousand dollars). A code enforcement hearing date was scheduled for December 13, 2007.

Mr. Rassussen, Respondent appeared for the Hearing and testified.

Gary Hucik, Code Enforcement Officer presented the case for Baltimore County.

The Respondent does not contest the fact that construction of a 2 story accessory structure **did** occur prior to applying for or obtaining the requisite permit. Respondent was issued a stop work notice with instructions to apply for a building permit. Upon attempting to file for the permit, respondent learned that a permit could not be issued for subject structure due to the height exceeding 15 feet.

Respondents are filing a petition requesting a variance to allow the height of the existing structure. In the meantime, Respondents requested permission to protect the existing construction from the elements. The neighbors are upset that the building is so tall, that construction began without permits, that work proceeded after notice to stop work, and that additional roof construction took place at the time the Respondents requested permission to weather proof.

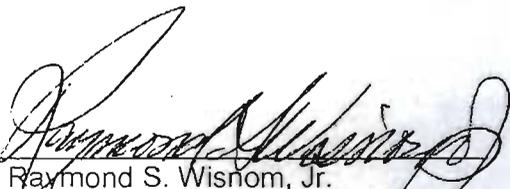
The Respondents are found to be in violation of building without a permit. The Respondents shall not perform any improvements to said structure except for replacing protective membrane on roof and sides until the variance hearing results are known including any appeals thereto. A permanent roof covering and exterior wall covering shall not be applied until a valid building permit is issued.

IT IS ORDERED by the Code Enforcement Hearing Officer this 31<sup>st</sup> day of December 2007 that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars). \$1,500.00 (one thousand five hundred dollars) shall be suspended on condition no improvements or use of structure shall take place until a valid building permit is issued.

If the Respondents fail to follow requirements of this Order, then the suspended portion of the civil penalty shall be assessed as a lien upon the property.

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.

BALTIMORE COUNTY MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: January 3, 2008

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

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

SUBJECT: Item No.: 8-267A  
Legal Owner/Petitioner Rasmussen, Jeff & Jamie  
Contract Purchaser: N/A  
Property Address: 406 Lorraine Ave  
Location Description: S/W side Lorraine, 175' S of center line  
Cedar Ave

VIIOLATION INFORMATION: Case No. 07-10821  
Defendants: Rasmussen, Jeff & Jamie

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

NAME	ADDRESS
Pirog, Angel	409 Riverside Dr

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:

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

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

RSW/gh  
C: Code Enforcement Officer



Baltimore County  
 Department of Permits and  
 Development Management

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

15

Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation / Case No. 07-10821	Property No. 1518000120	Zoning DR
---------------------------------	----------------------------	--------------

Name(s): Jeffrey D Rasmussen  
 Jamie Rasmussen

Address: 400 Lorraine Ave. Balt MD 21221

Violation Location: Same as above

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCBC BCC - 114.3

Stop all work on new accessory structure - Failure to obtain a in allotted time will result in \$500.00 fine

Posted on site

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

On or Before:	Date Issued: 10/24/07
---------------	-----------------------

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

Print Name:

INSPECTOR:

STOP WORK NOTICE

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

On or Before: 11/2/07	Date Issued: 10/24/07
-----------------------	-----------------------

INSPECTOR:

Larry Shuck

AGENCY



Baltimore County  
 Department of Permits and  
 Development Management

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

15th

Building Inspection: 410-887-3953

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 07-10821	Property No. 1518000120	Zoning 18
-------------------------------	----------------------------	--------------

Name(s): Jeffrey D. Vasumissen  
 Janie Vasumissen

Address: 406 Lorraine Av, Fall H MD 21221

Violation Location: 406 Lorraine Av 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Code 114.3 Revised notice  
 Stop all work on accessory structure.

Failure to obtain a valid building permit  
 in allowed time will result in fines  
 of \$500<sup>00</sup>

Posted on Site

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

On or Before:	Date Issued:
---------------	--------------

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On or Before:	Date Issued:
11/3/07	10/24/07

INSPECTOR: Gary Deink DEFENDANT



CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER 07-10821	PROPERTY TAX ID 15-18-000120	ZONE DR-5.5
-------------------------	---------------------------------	----------------

NAME(S):  
 JEFFREY D. RASMUSSEN  
 JAIME RASMUSSEN

MAILING ADDRESS:  
 406 LORRAINE AVE.

CITY STATE ZIP CODE  
 BALTIMORE MARYLAND 21221

VIOLATION ADDRESS:  
 "SAME AS ABOVE"

CITY STATE ZIP CODE  
 MARYLAND

VIOLATION DATES:  
 10-24-07 to 12-13-07

- DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
- SECTION 35-2-301 B.C.C.
  - SECTION 35-2-304 B.C.C.
  - SECTION 114.3 B.C.B.C.

- #1) FAILURE to obtain a building permit
- #2) UNLAWFUL CONTINUANCE OF WORK AFTER ISSUANCE OF A stop work order

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated: \$ 2000 ea/100

A quasi-judicial hearing has been pre-scheduled in room 116, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for: DATE: 12/13/07

TIME: 9:00 A.M. / P.M.

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.

Inspector Printed Name: GARY M. HOSKIK

INSPECTOR SIGNATURE: Gary Hoskik Date: 11/29/07

PRINT NAME AGENCY

Article #

CODE ENFORCEMENT REPORT

29

DATE: 10/23/07 INTAKE BY: C. Johnson CASE # 07-10821 INSPEC: 17

COMPLAINT

LOCATION: 406 Lorraine Ave.

Balto. MD ZIP CODE: 21221 DIST:

COMPLAINANT

NAME: Angel Pirog PHONE #: (H) (410) 456-1856 (W) (410)

ADDRESS: 409 Riverside Dr. ZIP CODE: 21221

PROBLEM: Building a two story building <sup>behind house</sup> w/o permit. (structure is taller than existing house)

IS THIS A RENTAL UNIT? YES \_\_\_ NO \_\_\_

IF YES, IS THIS SECTION 8? YES \_\_\_ NO \_\_\_

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: Inspected on 10/24/07 G. Hunk

No issued for accessory structure being built. Stop work order. Complaint updated.

REINSPECTION: Marydunk Recheck 11/2/07.

REINSPECTION:

REINSPECTION:

DATE: 10/23/2007

STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:51:08

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 18 000120	15	3-0	04-00	H	NO		10/02/07
RASMUSSEN JEFFREY D				DESC-1.. IMPS			
RASMUSSEN JAMIE				DESC-2.. ESSEX			
406 LORRAINE AVE				PREMISE. 00406		LORRAINE	AVE
							00000-0000

BALTIMORE MD 21221-6819 FORMER OWNER: RASMUSSEN JEFFREY D

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	32,260	62,260		FCV	ASSESS	ASSESS
IMPV:	82,190	109,550	TOTAL..	171,810	171,810	152,690
TOTL:	114,450	171,810	PREF...	0	0	0
PREF:	0	0	CURT...	171,810	171,810	152,690
CURT:	114,450	171,810	EXEMPT.		0	0
DATE:	09/02	08/05				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	171,810	08/23/07
	ASSESS:	152,690	
	ASSESS:	0	

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Jeffrey & Jaine Rasmussen, Defendant

Hearing Date 12/13/07 Issued Date \_\_\_\_\_ Expiration Date \_\_\_\_\_

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

- A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.
- A Citation and all other papers filed with it were served by personal delivery to Jaine Rasmussen  
Adult person's name

406 Lorraine, on \_\_\_\_\_, at 11:28 am  
At this address Date Time

Description of person served: Race \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_

Weight \_\_\_\_\_ Age \_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ The premises at \_\_\_\_\_ were posted.

\_\_\_\_\_ I was unable to serve because \_\_\_\_\_

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

Gary Duke  
Signature  
111 W Chesapeake  
Address

Building Inspector  
Title  
410-881-3953  
Telephone No.

11/30/07  
Date

1:30 am  
Time





LORRAINE  
AVE

CEDAR  
AVE

CEDAR  
AVE

LORRAINE  
AVE

AVENUE

RIVERSIDE  
DR





CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER 07-10821	PROPERTY TAX ID 15-18-000120	ZONE DR-5.5
NAME(S): JEFFREY D. RASMUSSEN JAIME RASMUSSEN		
MAILING ADDRESS: 406 LORRAINE AVE.		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21221
VIOLATION ADDRESS: "SAME AS ABOVE"		
CITY	STATE MARYLAND	ZIP CODE

VIOLATION DATES: 10-24-07 to 12-13-07

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Inspector Printed Name: GARY M. HUZIK

INSPECTOR SIGNATURE: Gary Huzik Date: 11/29/07

PRINT NAME AGENCY

**From:** angelp615@aol.com

**To:** tkotroco@baltimorecountymd.gov; wwiseman@baltimorecountymd.gov; tbostrick@baltimorecountymd.gov; bccdistrict7@comcast.net; planning@baltimorecountymd.gov; crichards@baltimorecountymd.gov; jimsmith@baltimorecountymd.gov; jbeverungen@baltimorecountymd.gov; peoplescounsel@baltimorecountymd.gov; pzimmerman@baltimorecountymd.gov

**Subject:** Fwd: 406 Lorraine Avenue

**Date:** Tue, 13 Nov 2007 3:55 pm

**Attachments:** IMG\_7065.JPG (3656K), IMG\_7071.JPG (3321K), IMG\_7076.JPG (4197K), IMG\_7139.JPG (5267K), 406\_Lorraine\_Ave\_Timeline.txt (2K)

To whom it may concern,

I would like to follow up on a complaint filed originally on October 23, 2007 about a 2 story apartment building being constructed almost in my back yard. Attached is a copy of the email originally sent on October 29, 2007. Today is November 13, 2007 and as of this time I have not received a response from ANY recipients. My neighbors and I believe that, as tax paying, voting, homeowners, we deserve some answers.

My daughter, Angel has been able to speak to a building inspector, who told her that he was re-issuing the stop work order because "the homeowner must not of understood the first one." As you can see from the additional photos the work never stopped! The roof is on, the windows installed, the steps in place. All of this work has been completed by an unlicensed contractor according the the DLLR web site.

No permits have been applied for. No variances have been sought. All height restrictions have been ignored. All set backs have been ignored. All building and zoning codes have been ignored.

This only serves to make all of us even more wary of the safety of this large, overbearing structure that has NEVER been inspected. Who is going to accept responsibility if this structure fails? Baltimore County has known about it since the beginning but yet no one has ever verified the integrity of this building. Baltimore County officials have chosen to let this unsafe condition continue.

Attached are additional photos and a time line of events. I am hoping that the avoidance of this issue will come to an end and that the laws will be enforced.

Please help us.

Joseph and Deborah Pirog  
Dawn and Mark Thiess

-----Original Message-----

**From:** angelp615@aol.com

**To:** tkotroco@baltimorecountymd.gov; wwiseman@baltimorecountymd.gov; tbostrick@baltimorecountymd.gov; bccdistrict7@comcast.net; planning@baltimorecountymd.gov; crichards@baltimorecountymd.gov; jimsmith@baltimorecountymd.gov

**Sent:** Mon, 29 Oct 2007 1:53 pm

**Subject:** 406 Lorraine Avenue

Mr. Kotroco,

I am hoping that you can clarify the definition of "Special Permission" for me and other adjoining property owners.

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According to your office, they were given "Special Permission" by you to protect the building from the elements.

Instead, the property owner cut out holes for windows and installed roof tresses on 1/2 of the roof. All of this *after* 4 days of heavy rain. Nothing is protected from the elements but there was definitely considerable advancement made on the construction of this dwelling. I have attached photos for your reference.

I did not complain when this property owner almost doubled the size of the original home over the summer, also with no permits except for one for electrical work. Adding a dwelling in an existing neighborhood, where most property owners have privacy fences, that now overlooks all neighboring yards, infringing on everyone's privacy is not something that any of us are willing to overlook.

Again, if you can please clarify why this man is allowed to continue construction, not protection from the elements, when he has no permits, there has been no hearing for a variance and he was already given a stop work order my neighbors and I would greatly appreciate it.

Regards,

Joseph J Pirog Jr  
410-282-4207 (work)  
410-574-3129 (home)

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

[Image Removed]

[Image Removed]

[Image Removed]

4 Attached Images





Craig

## TIMELINE

### 406 LORRAINE AVENUE COMPLAINTS

- 21-Oct 2nd story sides went up
- 23-Oct Contacted Building Permits and was told no permits were applied for  
Contacted Code Enforcement and filed complaint
- 24-Oct Spoke to Gary Hucik who said he gave a stop work order to the homeowner's wife
- 28-Oct Construction continued - installed some trusses and cut out windows
- 29-Oct Called Zoning, told "special permission" was give to protect from elements  
by Mr. Kotroco.  
Notified Zoning, Planning, and Building Permits that no attempt was made to  
cover anything up but construction was continuing as normal.  
Sent email to every Baltimore County Agency thought to be remotely involved.
- 30-Oct Spoke to Don Brand, building inspector after Mr. Kotroco would not take my  
phone calls. Told him the story.  
Still no permits filed.
- 31-Oct According to Don Brand, he re-wrote & re-issued the stop work order today.  
The homeowner has until 11/20 to get all permits & variances.  
Mr. Brand says the homeowner was given permission to protect from the  
elements only! He does not have permission to continuc work.  
They will monitor it and note it in the file.
- 4-Nov Framed out all the windows, installed the plywood on the roof.
- 8-Nov Mr. Hucik called and said that the homeowner filed for an extension to have  
a surveyor come out. He now has until November 28 to get a variance.
- 10-Nov Installed all windows & roofing paper

**\*\*THE HOMEOWNER STILL HAS NO PERMITS!!**

**From:** angelp615@aol.com  
**To:** dbrand@baltimorecountymd.gov  
**Cc:** JAltmeyer@baltimorecountymd.gov; TKotroco@baltimorecountymd.gov; mmohler@baltimorecountymd.gov  
**Subject:** Re: 406 Lorraine Avenue  
**Date:** Fri, 16 Nov 2007 2:12 pm

Mr. Brand,

I will drop off a packet of dated photos on Monday since Mr. Kotroco was unable to open them in the email.

Just to make sure that we are all starting on the same page, since the stop work order was issued on October 24, 2007, in addition to the Tyvek barrier, the homeowner has also: installed all roof trusses, installed plywood on the trusses, cut openings for multiple windows and installed the windows.

Thank you for all your help.

Joseph & Deborah Pirog

-----Original Message-----

**From:** Donald Brand <dbrand@baltimorecountymd.gov>  
**To:** [angelp615@aol.com](mailto:angelp615@aol.com)  
**Cc:** John Altmeyer <JAltmeyer@baltimorecountymd.gov>; Timothy Kotroco <TKotroco@baltimorecountymd.gov>  
**Sent:** Fri, 16 Nov 2007 11:01 am  
**Subject:** 406 Lorraine Avenue

Joseph & Deborah Pirog:

Mr. Kotroco was unable to open any pictures sent attached to your 11/13/07 e-mail.

I have advised Code Enforcement of the following:

Gary Hucik inspected the property yesterday - 11/15/07 - and found that since the stop work order the owner had applied tyvek vapor barrier to the exterior sheathing to prevent delimitation of the plywood. The owners are fully aware that they will be cited if any additional work takes place other than securing weather resistant coverings. They have not made an appointment with zoning to file a variance petition to allow a roof height 19 feet higher than the 15 feet limit and have until 11/23 to file in accordance with the stop work order. I have advised John to have Gary monitor the site twice a week.

Donald E. Brand, P.E.  
Buildings Engineer

December 13, 2007

To Whom It May Concern;

We strongly oppose the issuing of any building permits to the residence at 406 Lorraine Avenue. The owner of this property, under the objection of his neighbors, has built a two story structure in his backyard.

This is an overbearing structure that steals the privacy of all adjacent property owners and changes the landscape of this community. All homes in this community are built close to their respective streets and the rear yards are approximately 40 to 50 feet. Most people have 6 foot privacy fences to secure a little privacy when they are in their back yards. This overbearing structure blocks out the sky and disturbs vegetation. It denies the adjoining property owners the little privacy that they have and changes the openness of the community, which is situated in the Chesapeake Bay Critical Area.

Usually when a person wants to construct a building, plans are made and then submitted to Planning for guidelines. This was never done. Two stop work orders were given and ignored by this homeowner. It was obviously never his intention of going through proper procedures.

All work that was completed after the stop work orders were given has been photographed, the time & date documented, and submitted to the proper authorities.

This homeowner erected a two story structure, never intending to get any permits. He violated all procedures, regulations and requirements and now he wants Baltimore County OK what he has done and NOW issue him permits.

All Baltimore County Publications that I have read state that this is not the procedures Baltimore County follows. But then again, this man could care less about what Baltimore County or his neighbors want or think.

We sincerely hope that this wrongdoing will be stopped and reversed.

Thank you,

Joseph and Deborah Pirog, 409 Riverside Drive

Mark and Dawn Theiss, 405 Riverside Drive

**From:** Mike Mohler <mmohler@baltimorecountymd.gov>

**To:** angelp615@aol.com; Patricia Zook <pzook@baltimorecountymd.gov>

**Cc:** Thomas Bostwick <tbostwick@baltimorecountymd.gov>; Bill Wiseman <wwiseman@baltimorecountymd.gov>

**Subject:** Re: Fwd: 406 Lorraine Avenue

**Date:** Wed, 14 Nov 2007 2:29 pm

The building inspectors have this case. I have asked that the inspector visit daily and if necessary write the necessary citation for violating the stop work order. Please keep me apprized of the situation.

Mike Mohler, Deputy Director  
Permits and Development  
410-887-3375

>>> Patricia Zook 11/13/07 4:44 PM >>>

Mr. and Mrs. Pirog:

Please be aware that the Office of the Zoning Commissioner does not handle the permitting process or zoning enforcement in Baltimore County. Your e-mail is being forwarded to Mike Mohler, who is in charge of the Bureau of Code Enforcement. That telephone number is 410-887-3375 and the compliant telephone number is 410-887-8099. The Bureau of Code Inspection is managed by John Altmeyer, who can be reached at 410-887-3953.

We regret that you did not receive a response from other County departments.

Patti Zook  
Baltimore County  
Office of the Zoning Commissioner  
410-887-3868  
[pzook@baltimorecountymd.gov](mailto:pzook@baltimorecountymd.gov)

>>> Bill Wiseman 11/13/2007 4:15 PM >>>

>>> <> 11/13/07 3:54:47 PM >>>

To whom it may concern,

I would like to follow up on a complaint filed originally on October 23, 2007 about a 2 story apartment building being constructed almost in my back yard.? Attached is a copy of the email originally sent on October 29, 2007.? Today is November 13, 2007 and as of this time I have not received a response from ANY recipients.? My neighbors and I believe that, as tax paying, voting, homeowners, we deserve some answers.

My daughter, Angel has been able to speak to a building inspector, who told her that he was re-issuing the stop work order because "the homeowner must not of understood the first one."? As you can see from the additional photos the work never stopped!?! The roof is on, the windows installed, the steps in place.? All of this work has been completed by an unlicensed contractor according the the DLLR web site.

No permits have been applied for.? No variances have been sought.? All height restrictions have been ignored.? All set backs have been ignored.? All building and zoning codes have been ignored.?

This only serves to make all of us even more wary of the safety of this large, overbearing structure that has NEVER been inspected.? Who is going to accept responsibility if this structure fails?? Baltimore County has known about it since the beginning but yet no one has ever verified the integrity of this building.? Baltimore County officials have chosen to let this unsafe condition continue.

Attached are additional photos and a time line of events.? I am hoping that the avoidance of this issue will come to an end and that the laws will be enforced.

Please help us.

Joseph and Deborah Pirog  
Dawn and Mark Thiess

**-----Original Message-----**

From: [angelp615@aol.com](mailto:angelp615@aol.com)

To: [tkotroco@baltimorecountymd.gov](mailto:tkotroco@baltimorecountymd.gov); [wwiseman@baltimorecountymd.gov](mailto:wwiseman@baltimorecountymd.gov); [tbostwick@baltimorecountymd.gov](mailto:tbostwick@baltimorecountymd.gov); [bccdistrict7@comcast.net](mailto:bccdistrict7@comcast.net); [planning@baltimorecountymd.gov](mailto:planning@baltimorecountymd.gov); [crichards@baltimorecountymd.gov](mailto:crichards@baltimorecountymd.gov); [jimsmith@baltimorecountymd.gov](mailto:jimsmith@baltimorecountymd.gov)

Sent: Mon, 29 Oct 2007 1:53 pm

Subject: 406 Lorraine Avenue

Mr. Kotroco,

I am hoping that you can clarify the definition of "Special Permission" for me and other adjoining property owners.

My neighbor at 406 Lorraine Ave is putting up a 2 story, over 30' tall, apartment building almost in my back yard. There were never any permits applied for according to your department.? This was reported to the proper authorities who investigated and issued a stop work order.? I have serious concerns that a project of this magnitude has the potential of great safety risks.? There were no permits, no building plans, and no licensed construction company doing the work.? Because no permits were ever approved, there have been NO inspections to guarantee the safety of the neighbors.

According to your office, they were given "Special Permission" by you to protect the building from the elements.? Instead, the property owner cut out holes for windows and installed roof tresses on 1/2 of the roof.? All of this after 4 days of heavy rain.? Nothing is protected from the elements but there was definitely considerable advancement made on the construction of this dwelling.? I have attached photos for your reference.

I did not complain when this property owner almost doubled the size of the original home over the summer, also with no permits except for one for electrical work.? Adding a dwelling in an existing neighborhood, where most property owners have privacy fences, that now overlooks all neighboring yards, infringing on everyone's privacy is not something that any of us are willing to overlook.

Again, if you can please clarify why this man is allowed to continue construction, not protection from the elements, when he has no permits, there has been no hearing for a variance and he was already given a stop work order my neighbors and I would greatly appreciate it.

Regards,

Joseph J Pirog Jr  
410-282-4207 (work)  
410-574-3129 (home)

[Image Removed]  
[Image Removed]  
[Image Removed]

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**ATTENTION!!**

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The file attachments in this message exceeded the permitted size of 10 MB, as defined by the Baltimore County E-mail System Administrator. The file attachment(s) have been removed.

You may wish to contact the sender and request that the file or files be sent in a manner that does not exceed the defined limit.

Please e-mail [postmaster@baltimorecountymd.gov](mailto:postmaster@baltimorecountymd.gov) or call the Baltimore County Help Desk at 410-887-8200 if you have any questions about what has occurred.

---

**From:** Mike Mohler <mmohler@baltimorecountymd.gov>  
**To:** angelp615@aol.com  
**Subject:** Fwd: 406 Lorraine Avenue, Essex  
**Date:** Fri, 16 Nov 2007 11:49 am

FYI- please alert me if you see any work performed-

**Mike Mohler, Deputy Director**  
**Permits and Development**  
**410-887-3375**

Attached Message

**From:** Donald Brand <dbrand@baltimorecountymd.gov>  
**To:** Mike Mohler <mmohler@baltimorecountymd.gov>  
**Cc:** John Altmeyer <JAltmeyer@baltimorecountymd.gov>; Timothy Kotroco <TKotroco@baltimorecountymd.gov>  
**Subject:** 406 Lorraine Avenue, Essex  
**Date:** Fri, 16 Nov 2007 10:56:11 -0500

Mike:

Gary Hucik inspected the property yesterday - 11/15/07 - and found that since the stop work order the owner had applied tyvek vapor barrier to the exterior sheathing to prevent delimitation of the plywood. The owners are fully aware that they will be cited if any additional work takes place other than securing weather resistant coverings. They have not made an appointment with zoning to file a variance petition to allow a roof height 19 feet higher than the 15 feet limit and have until 11/23 to file in accordance with the stop work order. I have advised John to have Gary monitor the site twice a week.

Don

**From:** angelp615@aol.com

**To:** dbrand@baltimorecountymd.gov

**Cc:** JAltmeyer@baltimorecountymd.gov; TKotroco@baltimorecountymd.gov; mmohler@baltimorecountymd.gov

**Subject:** Re: 406 Lorraine Avenue

**Date:** Tue, 20 Nov 2007 10:17 am

Mr. Brand,

Can you please clarify for me how cutting out holes for windows and installing them, building an entire roof from trusses to shingles (as opposed to covering with tarps), and installing steps and a door would be considered "protecting from the elements"?

It seems as though Mr. Rasmussen's "Special Permission" actually meant - go ahead and complete the building, instead of, "cover the existing work to protect it from the elements pending resolution of all outstanding violations."

How will any safety inspections be able to be completed after the building is complete? Do you destroy the building in order to inspect it? Do you dig the surrounding earth to check the footers? How are sewage and water checked? Can you guarantee the safety of a building you are unable to inspect?

Will everything be waived in the end because of Mr. Rasmussen's connections to our local government?

Joseph and Deborah Pirog

-----Original Message-----

**From:** Donald Brand <dbrand@baltimorecountymd.gov>

**To:** angelp615@aol.com

**Cc:** John Altmeyer <JAltmeyer@baltimorecountymd.gov>; Timothy Kotroco <TKotroco@baltimorecountymd.gov>

**Sent:** Tue, 20 Nov 2007 9:05 am

**Subject:** 406 Lorraine Avenue

Mr. & Mrs. Pirog:

Thank you for dropping off the photographs. They clearly show that work continued after the stop work; however, the work is consistent with the OK from Mr. Kotroco allowing the covering of existing work to protect it from the elements pending resolution of all outstanding violations. Such requests are granted routinely; however, this additional protective work was done at the owner's risk and cannot be used as a basis for hardship in any variance proceeding. The owner can attempt to cure any violations by obtaining a building permit after the fact. My review of the case file #07-10821 shows that on 11/08/07 Mr. Rasmussen had requested two weeks to obtain a survey to apply for a variance to allow for the accessory structure, which, if approved, would allow him to apply for a building permit. If no variance is granted he will have to remove all or any part of the structure found to be in violation.

Donald E. Brand, P.E.

Buildings Engineer

Department of Permits & Development Management

111 W. Chesapeake Avenue, Room 105

Towson, Maryland 21204

[dbrand@baltimorecountymd.gov](mailto:dbrand@baltimorecountymd.gov)

410-887-4585

FAX 410-887-5708

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

**From:** Thomas Krispin  
**To:** Altmeyer, John  
**CC:** Esslinger, Regina; Lindley, Brian  
**Date:** 12/12/2007 3:40 PM  
**Subject:** 406 Lorraine Ave garage

Mr. Altmeyer,

I have reviewed the building permit for 406 Lorraine ave and have performed a follow-up site visit today. DEPRM will approve the garage permit pending a signed confirmation that the owners will plant 7 trees to mitigate for the increase in impervious surface (742 square feet of garage and macadam driveway) by May 1, 2008. The lot is located in the Intensely Developed Area (IDA) of the CBCA and currently impervious surfaces make up 36.2% (2,844 square feet of the 7,863 square foot lot). The proposed garage and driveway extension will add 742 square feet and bring the impervious total to 45.6%. In the IDA, residents must mitigate for any increase in impervious surfaces (over 250 square feet) by either paying a fee-in-lieu or planting 1 tree per 100 square feet of impervious surface added (this ratio changes in Buffer Management Areas).

If you have any questions or concerns regarding the above information, please feel free to contact me. Thanks for your time.

Thomas Krispin

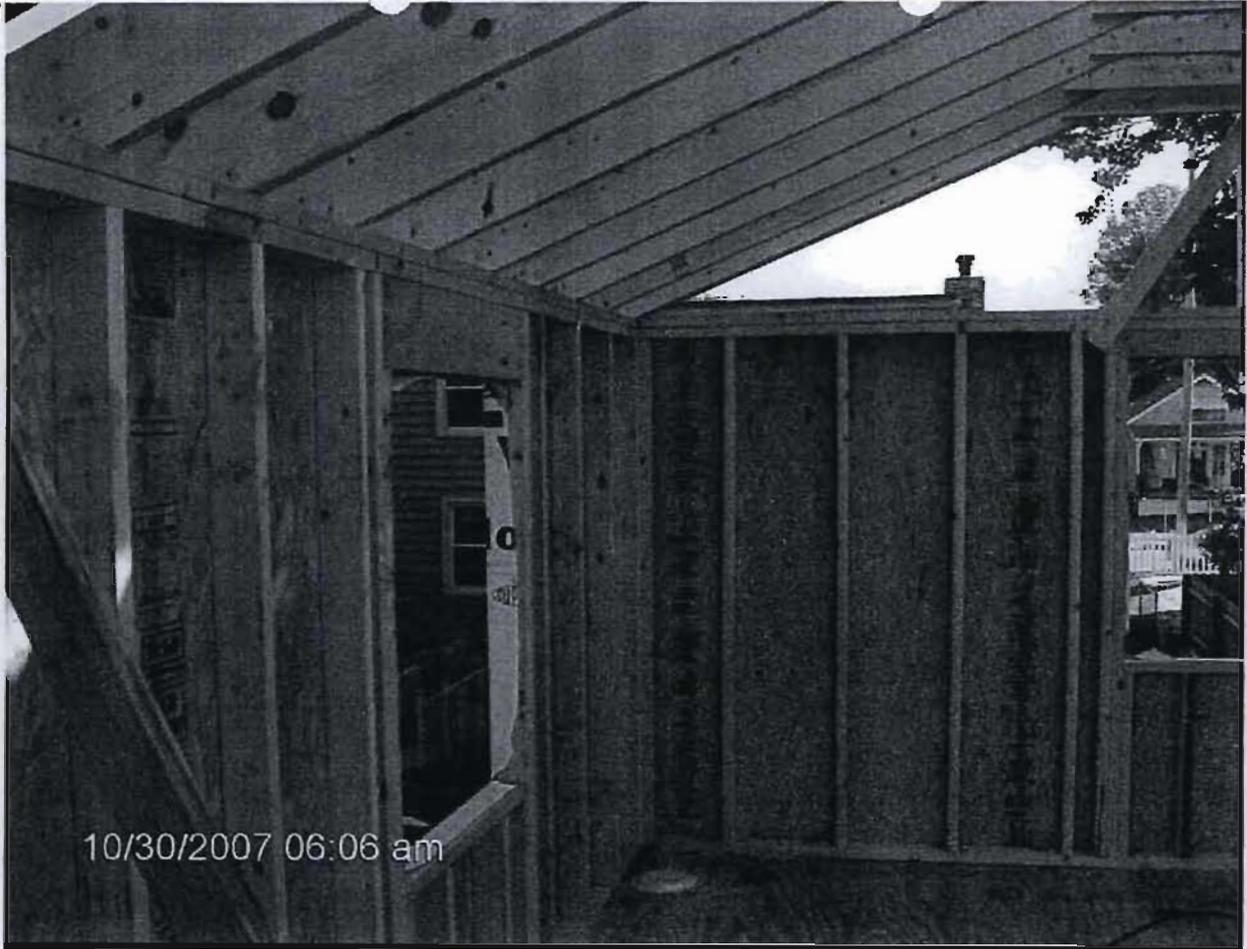
Thomas Krispin  
Environmental Impact Review  
(410) 887-3980  
tkrispin@baltimorecountymd.gov

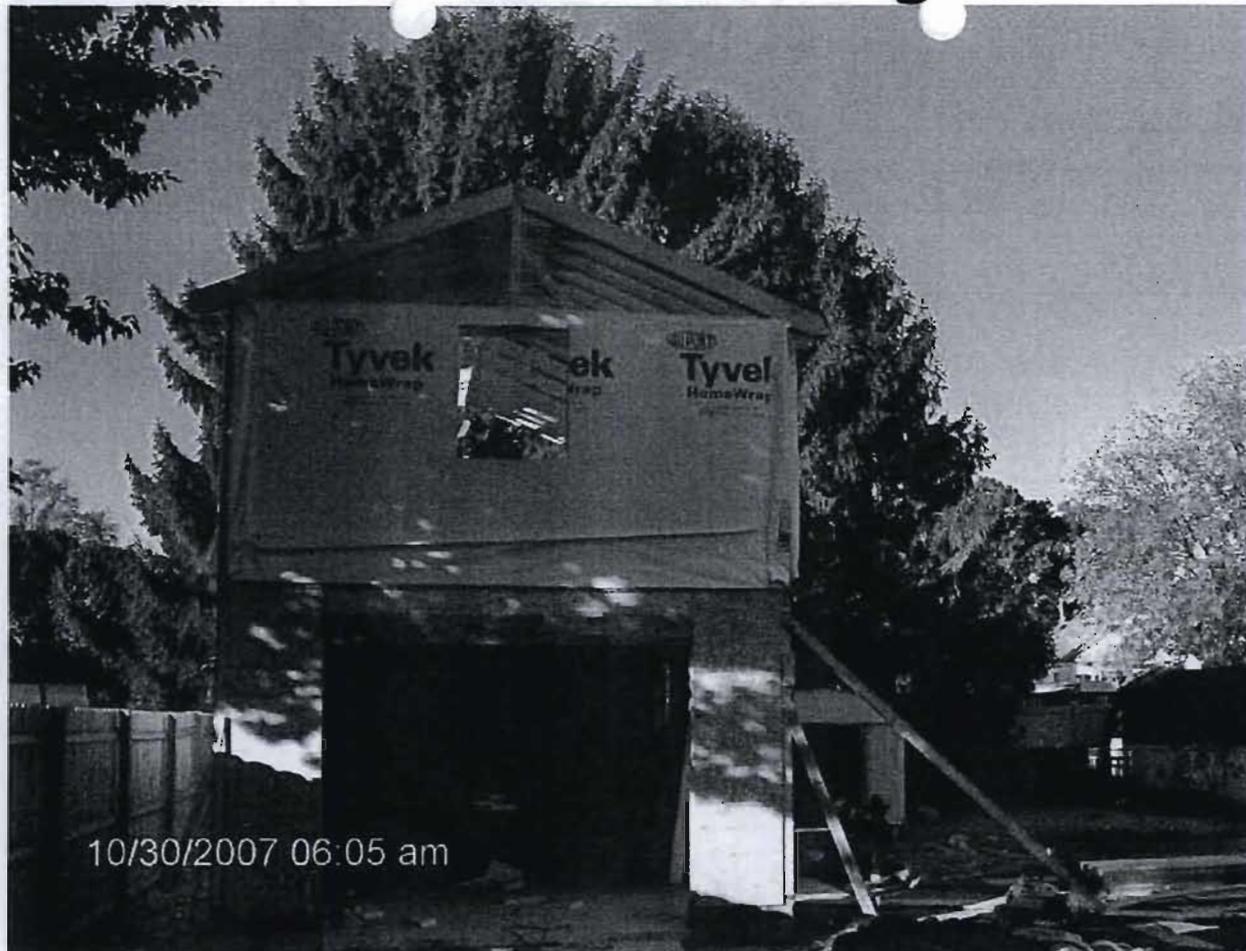


10/30/2007 06:05 am

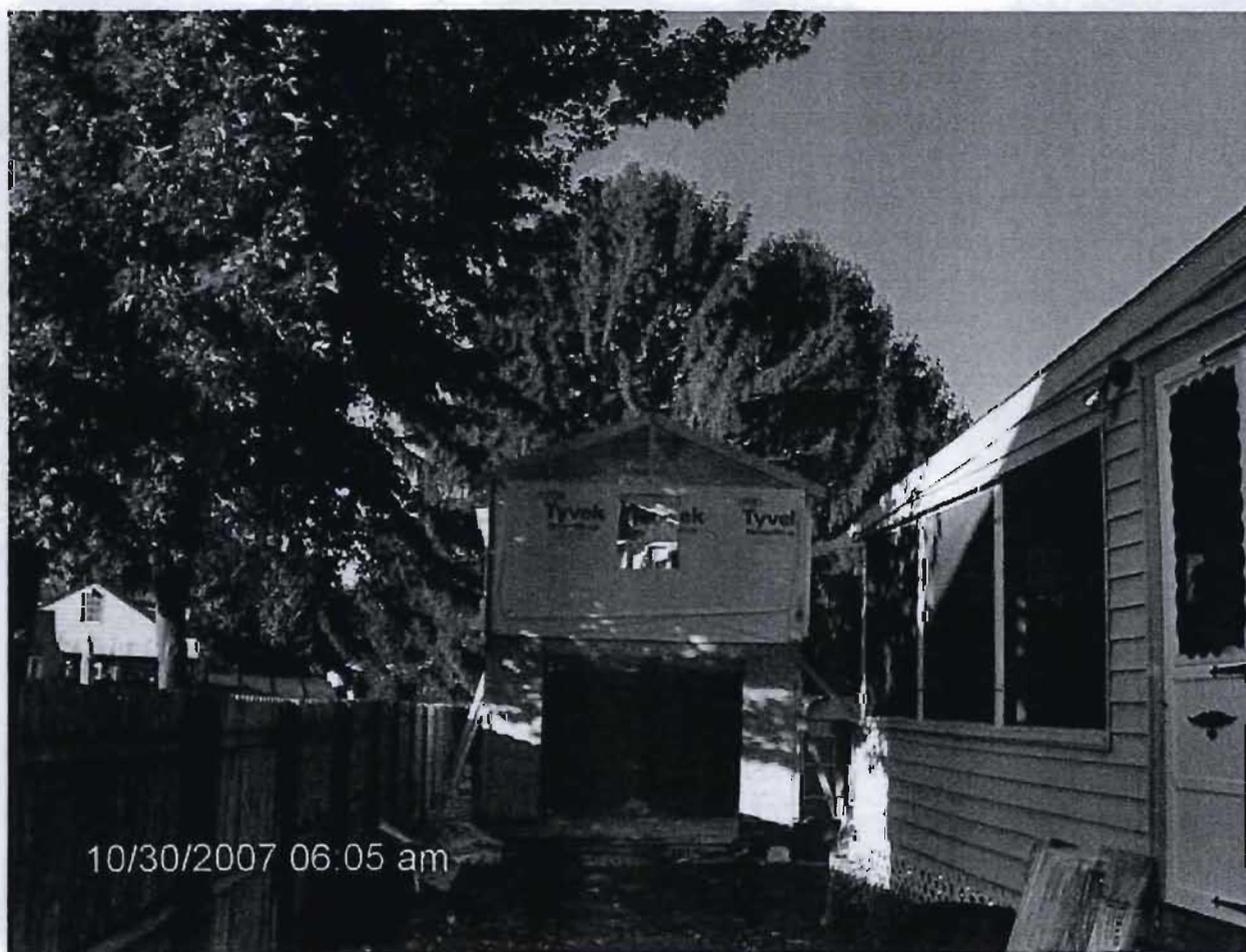


10/30/2007 06:05 am





10/30/2007 06:05 am



10/30/2007 06:05 am

**From:** Brian Lindley  
**To:** Brand, Donald  
**Date:** 11/28/07 9:05 AM  
**Subject:** Re: 406 Lorraine

Don,

I'm still trying to figure out exactly what has happened on this site since we have nothing that was ever reviewed at this property. Did they build an additional structure and if so was it up, or out increasing their footprint? Their property is located in the Intensely Developed Area of the Critical area. If the owners increased the impervious surface of the site by more than 250 square feet they would owe mitigation to meet Critical Area regulations by either planting trees or paying a fee-in-lieu of \$1.20 a square foot. If they did not increase the impervious area on site by 250 square feet then there are no concerns from DEPRM in regards to my section (EIR). I'm presuming the site is too small for SWM and grading concerns as well. If they were removing anything that could contain asbestos then Environmental Health within DEPRM would need to sign off on any permits.

Thanks,  
Brian

>>> Donald Brand 11/28/07 8:49 AM >>>

Brian:

In response to your call, I sent the following e-mail to Joseph & Deborah Pirog on 11/20/07:

"Thank you for dropping off the photographs. They clearly show that work continued after the stop work; however, the work is consistent with the OK from Mr. Kotroco allowing the covering of existing work to protect it from the elements pending resolution of all outstanding violations. Such requests are granted routinely; however, this addition protective work was done at the owner's risk and cannot be used as a basis for hardship in any variance proceeding. The owner can attempt to cure any violations by obtaining a building permit after the fact. My review of the case file #07-10821 shows that on 11/08/07 Mr. Rasmussen had requested two weeks to obtain a survey to apply for a variance to allow for the accessory structure, which, if approved, would allow him to apply for a building permit. If no variance is granted he will have to remove all or any part of the structure found to be in violation."

Subsequent to 11/20/07, I received a letter from the Pirogs which contained details previously unknown to me which supports the issuance of another citation for failure to abide by the stop work order, that is doing more than necessary to weatherproof the constructed building. The issuance of such citation is under review.

Please advise of those issues of concern by DEPRM as they may color our future actions.

Thanks.

Don Brand

Joseph and Deborah Pirog  
409 Riverside Drive  
Baltimore, Maryland 21221

November 21, 2007

Timothy M. Kotroco  
Director  
Permit and Development Management  
County Office Building, Suite 105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

*fax and regular mail*

Dear Mr. Kotroco,

I am hoping that your office will be able to help us correct a wrong that is currently happening under the direction of Baltimore County government.

My neighbor, Jeffrey Rasmussen, who resides at 406 Lorraine Avenue, 21221, has been building a 2 story apartment building in his backyard for over 1 month now. This neighborhood, where most property owners have privacy fences, now has an apartment building overlooking all the neighboring yards. There is no more privacy. I did not complain when Mr. Rasmussen almost doubled the size of the original home over the summer, also with no permits ever requested. This situation cannot be overlooked though.

Mr. Rasmussen has not applied for any permits and has been given 2 stop work orders but yet continues construction. Apparently he has "Special Permission" from Mr. Kotroco.

No one has been willing to explain "Special Permission" to me or let me know how my neighbors and I can obtain this perk.

When I originally filed the complaint on October 23, 2007, Gary Hucik was assigned as the inspector. He issued a stop work order on October 24<sup>th</sup>. On October 29<sup>th</sup> I contacted Mr. Hucik and informed him that Mr. Rasmussen installed some roof trusses and cut holes for the windows. He told me that the homeowner was given "Special Permission" by Mr. Kotroco to protect the building from the elements. No attempt to protect the building was made, construction continued as normal. Mr. Hucik stated that he was told by higher up to "leave it alone".

On October 31<sup>st</sup> Don Brand told my daughter, Angel, that he was re-issuing the stop work order because the homeowner must not of understood the first one. He also told her Mr. Rasmussen was not complying with the intent of the permission given him by Mr. Kotroco and that he does not have permission to continue work.

On November 16<sup>th</sup> I received a very misleading email from Don Brand stating that "Gary Hucik inspected the property yesterday - 11/15/07 - and found that since the stop work order the owner had only applied tyvek vapor barrier to the exterior sheathing". That could not be farther from the truth! As I have already stated, the homeowner NEVER STOPPED WORKING! I have been in contact this whole time with Mr. Brand, informing him of the work being completed. I have dated photos documenting all the work that has been done since the stop work order. Mr. Brand, Mr. Kotroco, and Mr. Mohler all have 8x10 copies of these photos!

Work has never stopped on this dwelling! Every weekend the homeowner is working on it, making great progress toward having it complete before he ever files for a single permit.

Baltimore County has told me that we are located in the Chesapeake Bay Critical area. Aren't there even more laws and regulations governing this situation then?

Very few people will take my calls and only Mr. Brand and Mr. Mohler have answered my emails. Mr. Kotroco will not accept our phone calls. We are not the only neighbors who do not want to see this illegal eyesore. Other neighbors have tried calling Zoning, Code Enforcement, and our local councilman's office - it seems as though everyone wants to just "let it go". There is nothing else but to assume, after being told by more than one employee that their "hands are tied on this one", there are back door politics going on. It seems as though since this homeowner is a relative of former Baltimore County Executive Dennis Rasmussen, special favors are being given. I wasn't aware that Baltimore County Government worked for past employees instead of the taxpayers as a whole.

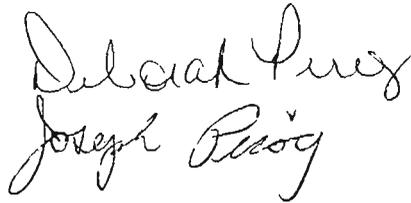
Who is going to take responsibility for the safety of this dwelling? This dwelling has never been inspected and by the time that Baltimore County hopefully stops trying to sweep it under the rug, it will be complete. How will you inspect it then? According to the DLLR website Mr. Rasmussen is not a licensed contractor. Should I keep my grandchildren away from the rear of my property in case this building fails?

I am including a copy of the emails that have been sent between myself and Baltimore County officials for your reference. I have dated photos of the continuing work that I can forward to you if you like.

Please direct all correspondence to my daughter, Angel Pirog at 409 Riverside Drive, Baltimore, MD 21221 or by phone at 410-282-4207 or 410-456-1856. She will be handling this situation for us.

Sincerely,

Joseph and Deborah Pirog



*Enclosures*

CC: James T. Smith  
Baltimore County Executive

David A. C. Carroll  
Director of Baltimore County Environmental Protection and Resource Management

Ren Serey  
Executive Director  
Chesapeake Bay Critical Area Commission

Mike Mohler  
Deputy Director  
Permits and Development

John Altmeyer  
Bureau of Code Inspection

Thomas H. Bostwick  
Deputy Zoning Commissioner

Don Brand  
Buildings Engineer  
Department of Permits & Development Management

Norman R. Stone Jr.  
Maryland State Senate, District 6

Richard K. Imparllaria  
House of Delegates, District 7

Councilman John Olszewski Jr.  
Seventh District

Baltimore Sun

Jayne Miller  
WBAL TV

Patuxent Publishing Company  
Baltimore County Office

***\*\*Merriam-Webster definition of corruption: impairment of integrity, virtue, or moral principle, inducement to wrong by improper or unlawful means, a departure from the original or from what is pure or correct.***

**From:** Mike Mohler <mmohler@baltimorecountymd.gov>

**To:** angelp615@aol.com

**Subject:** Fwd: 406 Lorraine Avenue, Essex

**Date:** Fri, 16 Nov 2007 11:49 am

FYI- please alert me if you see any work performed-

**Mike Mohler, Deputy Director**  
**Permits and Development**  
**410-887-3375**

Attached Message

**From:** Donald Brand <dbrand@baltimorecountymd.gov>

**To:** Mike Mohler <mmohler@baltimorecountymd.gov>

**Cc:** John Altmeyer <JAltmeyer@baltimorecountymd.gov>; Timothy Kotroco <TKotroco@baltimorecountymd.gov>

**Subject:** 406 Lorraine Avenue, Essex

**Date:** Fri, 16 Nov 2007 10:56:11 -0500

Mike:

Gary Hucik inspected the property yesterday - 11/15/07 - and found that since the stop work order the owner had applied tyvek vapor barrier to the exterior sheathing to prevent delimitation of the plywood. The owners are fully aware that they will be cited if any additional work takes place other than securing weather resistant coverings. They have not made an appointment with zoning to file a variance petition to allow a roof height 19 feet higher than the 15 feet limit and have until 11/23 to file in accordance with the stop work order. I have advised John to have Gary monitor the site twice a week.

Don

(3) In a location that is unobstructed and clearly visible from the street named in the address of the property.

(c) *Enforcement.*

(1) The County Fire Department shall:

(i) Enforce the provisions of this section; and

(ii) Adopt the form of the warning notice required under paragraph (2) of this subsection.

(2) A written warning notice of a violation of this section shall:

(i) Inform the owner of the requirements of this section;

(ii) Advise the owner of the manner of compliance; and

(iii) Inform the owner that failure to comply with the warning within 15 days shall constitute a violation.

(3) In addition to the Fire Department, an inspector or other authorized agent of the County Health Department, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Permits and Development Management, or the Department of Public Works may issue a warning notice to an owner.

(4) An owner who does not comply with a written warning notice issued under this section, is subject to a civil penalty not exceeding \$100.

(1988 Code, § 7-8) (Bill No. 69-95, § 5, 7-1-1995; Bill No. 25-01, § 2, 7-1-2004)

***SUBTITLE 3. BUILDING PERMITS***

**§ 35-2-301. REQUIRED.**

A person may not erect, construct, repair, alter, remodel, remove, or demolish a building or structure in the county without:

(1) Obtaining a written permit signed by the Building Engineer; and

(2) Paying the requisite fee for the permit.  
(1988 Code, § 7-36) (Bill No. 34-95, § 1, 6-9-1995; Bill No. 39-97, § 4, 6-6-1997; Bill No. 25-01, § 2, 7-1-2004)

**Annotation:**

*In Schloss v. Davis, 213 Md. 119, 131 A.2d 287 (1957), it was held that failure to obtain a building permit would not void a contract between the builder and the owner*

**§ 35-2-302. PROCESS FOR ISSUANCE, DENIAL, AND APPEAL.**

(a) *Fees.* The County Administrative Officer may:

(1) Establish a schedule of fees for the issuance of permits for the erection, construction, repair, alteration, remodeling, removal, or demolition of a building or structure in the county; and

(2) Increase and decrease the fees when considered necessary and proper.

(b) *Application form.*

(1) The Building Engineer shall provide permit application forms that require the information that the Building Engineer determines is necessary, including:

(i) The plans and specifications showing the nature and character of the work to be done; and

(ii) The plans and specifications of the building or structure to be erected, constructed, repaired, altered, remodeled, removed, or demolished.

(2) Except as provided in paragraph (3) of this subsection, the Building Engineer may not consider or issue a permit unless all of the information required by the Building Engineer is supplied.

(3) The Building Engineer may waive for cause the requirement to file the plans and specifications.

(c) *Disposition of permit fees.*

(1) The Building Engineer shall account for and pay to the county all money received from the issuance of permits.

(2) The county shall expend the money received under paragraph (1) of this subsection as part of the general funds.

(d) *Written explanation required.* The Building Engineer:

(1) May deny, revoke, suspend, annul, or modify a permit; and

(2) Shall certify in writing to the permit applicant the reasons for a denial, revocation, suspension, annulment, or modification of a permit.

(e) *Appeal.*

(1) An applicant for a building permit may appeal to the County Board of Appeals for review of the denial, revocation, suspension, annulment, or modification of a permit by the Building Engineer by:

(i) Filing a written notice of appeal to the county Board of Appeals not more than 30 days after the denial, revocation, suspension, annulment, or modification of the permit by the Building Engineer;

(ii) Serving a copy of the notice of appeal on the County Attorney; and

(iii) Setting forth in the notice of appeal the grounds for the appeal in clear and concise terms.

(2) Upon payment by the applicant of all costs for preparation, the Department of Permits and Development Management shall promptly certify and send to the Board of Appeals the complete file of the record in the case.

(1988 Code, § 7-36) (Bill No. 34-95, § 1, 6-9-1995; Bill No. 39-97, § 4, 6-6-1997; Bill No. 25-01, § 2, 7-1-2004; Bill No. 76-03, § 5, 7-1-2004)

**§ 35-2-303. TEMPORARY TRAILER PERMITS.**

(a) *In general.* A person may obtain a temporary trailer permit, as provided under § 415.4.B and C. of the Baltimore County Zoning Regulations, by applying to the Director.

(b) *Application form.* The Director shall provide application forms that require the applicant to furnish information necessary to determine whether the permit may be approved as provided under § 415.4A. of the Baltimore County Zoning Regulations.

(c) *Fee.* The County Administrative Officer shall establish a fee for the permits issued under this section.

(1988 Code, § 7-36) (Bill No. 34-95, § 1, 6-9-1995; Bill No. 39-97, § 4, 6-6-1997; Bill No. 25-01, § 2, 7-1-2004; Bill No. 76-03, § 5, 7-1-2004)

**§ 35-2-304. PENALTY FOR ACTION WITHOUT A PERMIT.**

(a) *"Person" defined.* In this section, "person" includes an owner, agent, builder, or contractor or a person on whose behalf an action is undertaken in violation of this section.

**Baltimore County - Buildings and Housing****(b) Prohibition; penalty.**

(1) A person may not erect, construct, repair, alter, remodel, remove, or demolish a building or structure or part of a building or structure in the county without obtaining a permit.

(2) A person who violates this section is guilty of a misdemeanor.

(3) A person who violates this section is also subject to a civil penalty of \$1,000.

**(c) Person not relieved of other duties upon conviction.** A conviction or penalty assessment under subsection (b) of this section, may not relieve a person of:

(1) Any other penalty; or

(2) The necessity of securing and paying for a permit and complying with all other applicable laws and regulations.

**(d) Return to former condition.**

(1) The Building Engineer or a court of competent jurisdiction may require a person who erects, constructs, repairs, alters, remodels, removes, or demolishes all or a part of a building or structure without having obtained a permit to restore the building or structure to its original condition.

(2) (i) If the person fails to comply, the county may proceed against the person under § 35-2-203 of this title.

(ii) Any expense incurred as a result of the action undertaken under subparagraph (i) of this paragraph is the sole responsibility of the person.

(1988 Code, § 7-36) (Bill No. 34-95, § 1, 6-9-1995; Bill No. 39-97, § 4, 6-6-1997; Bill No. 25-01, § 2, 7-1-2004; Bill No. 76-03, § 5, 7-1-2004)

*Annotation*—In *Schloss v. Davis*, 213 Md. 119, 131 A.2d 287 (1957), the Court of Appeals held that a contract is not void just because a contractor violated former Title 23, § 283 of the code (1948) by failing to obtain a building permit before commencing construction.

**§ 35-2-305. ADEQUATE DISPOSAL OF SEWAGE AND DRAINAGE REQUIRED.**

**(a) Disposal plan required for permit.** The Building Engineer may not issue a permit for the construction or erection of a building or structure unless:

(1) Adequate provisions are made for the disposing of waste, sewage, and drainage from the building or structure and the lands in the vicinity; and

1 VIOLATION OF AN APPROVED PLAN OR DIRECTIVE OF THE BUILDING OFFICIAL, OR OF  
2 A PERMIT OR CERTIFICATE ISSUED UNDER THE PROVISIONS OF THIS CODE, SHALL BE  
3 GUILTY OF A MISDEMEANOR, AND UPON CONVICTION SHALL BE PUNISHABLE BY A  
4 FINE OF NOT MORE THAN ONE THOUSAND (\$1,000) DOLLARS OR BY IMPRISONMENT  
5 NOT EXCEEDING NINETY (90) DAYS, OR BOTH SUCH FINE AND IMPRISONMENT. EACH  
6 DAY THAT A VIOLATION CONTINUES MAY BE DEEMED A SEPARATE OFFENSE.

7 **SECTION 114.0 STOP WORK ORDER:**

8 **114.3 UNLAWFUL CONTINUANCE:** ANY PERSON WHO CONTINUES ANY WORK  
9 IN OR ABOUT THE STRUCTURE AFTER HAVING BEEN SERVED WITH A STOP WORK  
10 ORDER, EXCEPT WORK AS HE IS DIRECTED TO PERFORM TO REMOVE A VIOLATION OR  
11 UNSAFE CONDITIONS, UPON CONVICTION SHALL BE PUNISHABLE BY A FINE OF NOT  
12 LESS THAN ONE HUNDRED (\$100) DOLLARS NOR MORE THAN ONE THOUSAND (\$1,000)  
13 DOLLARS

14 **SECTION 115.0 UNSAFE STRUCTURES AND EQUIPMENT:**

15 **115.3 NOTICE OF UNSAFE STRUCTURES:** IF AN UNSAFE CONDITION IS FOUND  
16 IN A BUILDING OR STRUCTURE, THE BUILDING OFFICIAL SHALL SERVE ON THE OWNER,  
17 AGENT OR PERSON IN CONTROL OF THE BUILDING OR STRUCTURE A WRITTEN NOTICE  
18 DESCRIBING THE BUILDING OR STRUCTURE DEEMED UNSAFE AND SPECIFYING THE  
19 REQUIRED REPAIRS OR IMPROVEMENTS TO BE MADE TO RENDER THE BUILDING OR  
20 STRUCTURE SAFE AND SECURE, OR REQUIRING THE UNSAFE BUILDING OR STRUCTURE  
21 OR PORTION THEREOF TO BE DEMOLISHED WITHIN A STIPULATED TIME.

22 **115.3.1 ORDER:** THE BUILDING OFFICIAL SHALL SPECIFY THE REPAIRS, IF ANY,







Item # 267



Item #267



Item #267

**LGB SURVEYS, LLC.**  
**9432 Bellhall Drive**  
**Nottingham, Maryland 21236**

**410-256-3135**

---

11/15/07

Jeff,

Here is your variance drawing. I could only get 6 copies so the original is there. (I need that back). If there is anything else to be added to drawing please let me know.

Balance due \$150

Thanks





## Zoning Description for 406 Lorraine Ave

Beginning at a point on the west side of Lorraine Ave which is 50 feet wide at the distance of 175 feet south of the centerline of the nearest improved intersecting street Cedar Ave which is 50 feet wide. Being Lot 4 Block 4M Section E in the subdivision of Essex as recorded in Baltimore County Plat Book #5 Folio #39 containing 8050 square feet. Also known as 406 Lorraine Ave and located in the 15<sup>TH</sup> Election District, 7<sup>TH</sup> Councilmanic District



**Site**

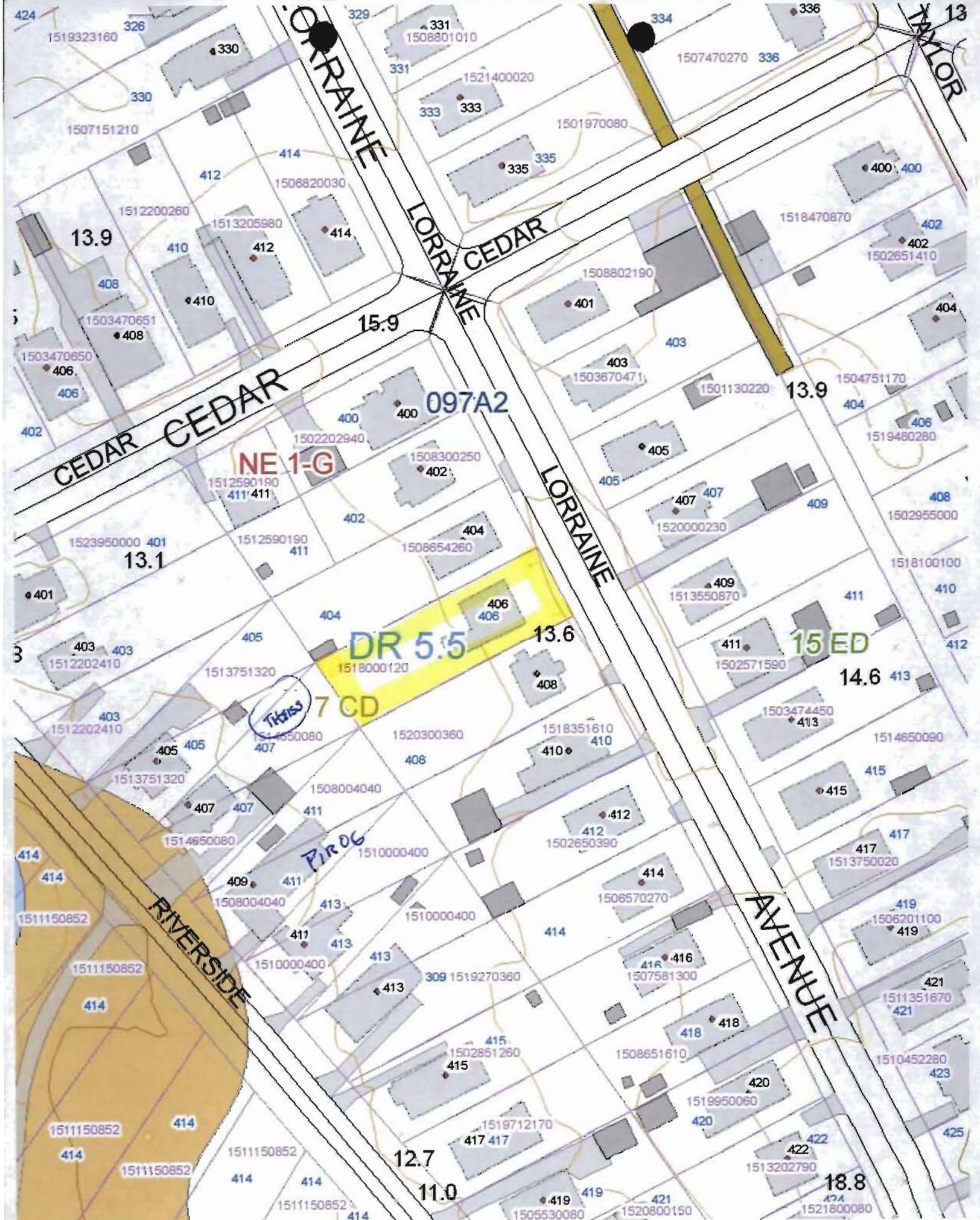
950,000 FT

76°27'30"

Joins Map 45

Item # 267

4-20500  
MD GRID 960,000 FT



ORRAINE

LORRAINE

CEDAR

LORRAINE

AVENUE

TAYLOR

NE 1-G

DR 5.5

7 CD

15 ED

097A2

13.9

15.9

13.1

13.6

14.6

12.7

11.0

18.8

Texas

Pir 06

Item # 267

PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

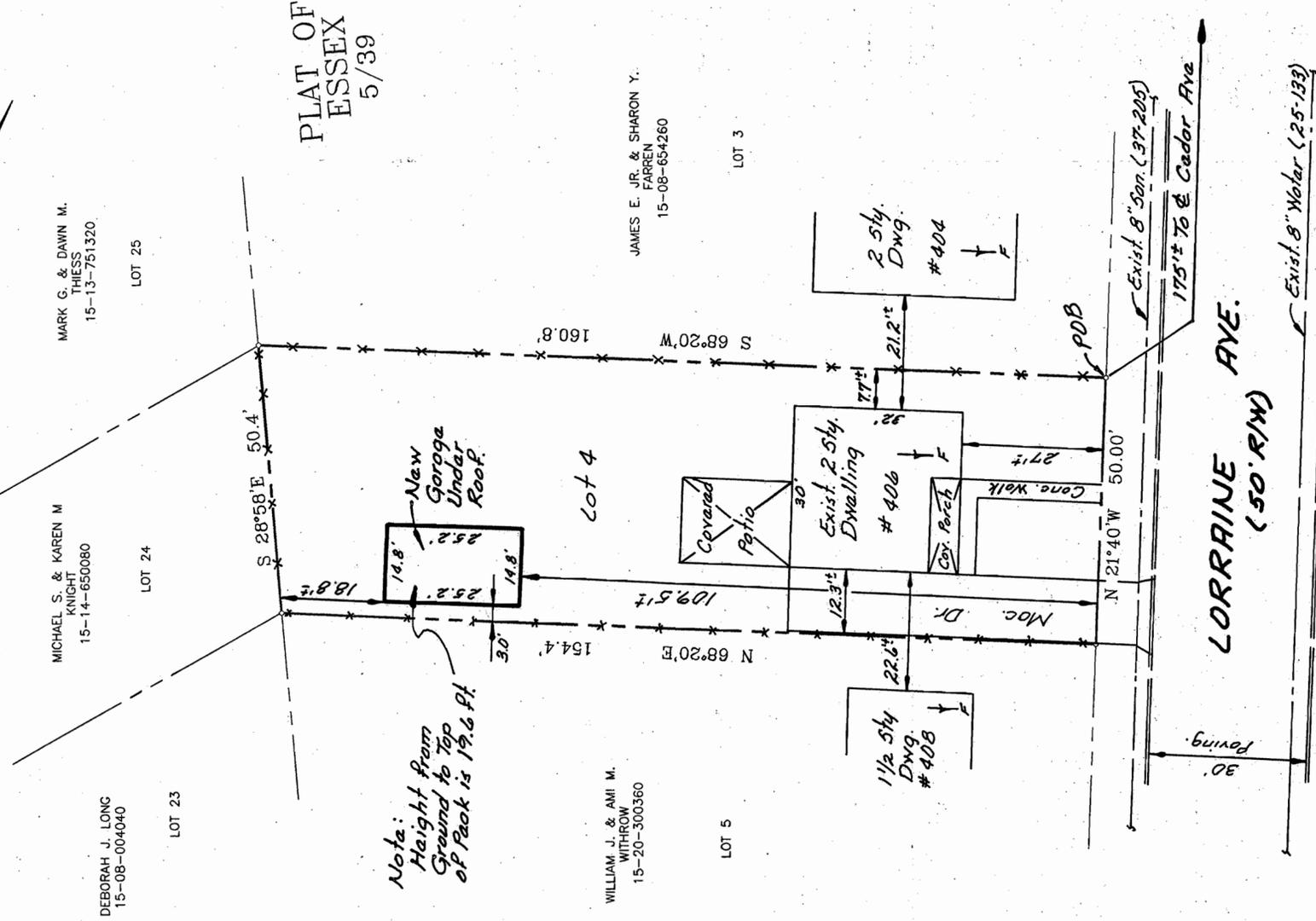
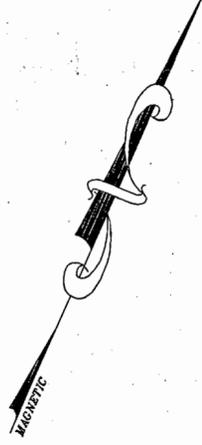
PROPERTY ADDRESS - #406 LORRAINE AVE.

SUBDIVISION NAME - ESSEX

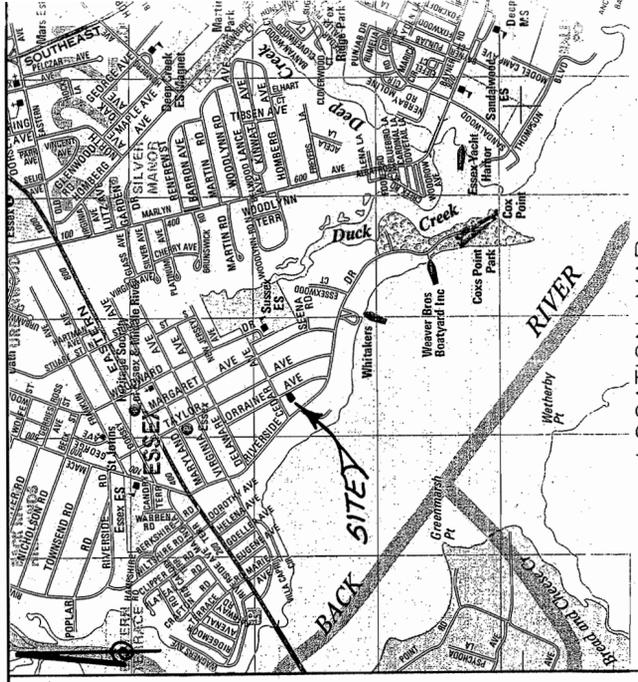
PLAT BOOK #5, FOLIO #39, LOT 4, SECTION M

OWNER: JEFFREY D. & JAMIE RASMUSSEN

TAX NO. 15-18-000120



Note:  
Height from  
Ground to Top  
of Roof is 19.6 ft.



LOCATION MAP  
SCALE: 1"=2000'

LOCATION INFORMATION

ELECTION DISTRICT 15 TH.  
COUNCILMANIC DISTRICT 7 TH..  
1"=200 SCALE MAP # 097-A2

ZONING DR 5.5  
LOT SIZE 0.185 ACREAGE  
8,050 SQUARE FEET

SEWER	<input checked="" type="checkbox"/> PUBLIC	<input type="checkbox"/> PRIVATE
WATER	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
CHESAPEAKE BAY CRITICAL AREA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
100 YEAR FLOOD PLAIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HISTORIC PROPERTY/BUILDING	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIOR ZONING HEARING:	NONE	

ZONING OFFICE USE ONLY

REVIEWED BY: *KJP* ITEM # 08-267-A CASE #

REASON FOR VARIANCE:  
GARAGE HEIGHT

Case No.: 08-267A 406 Lorraine AVE

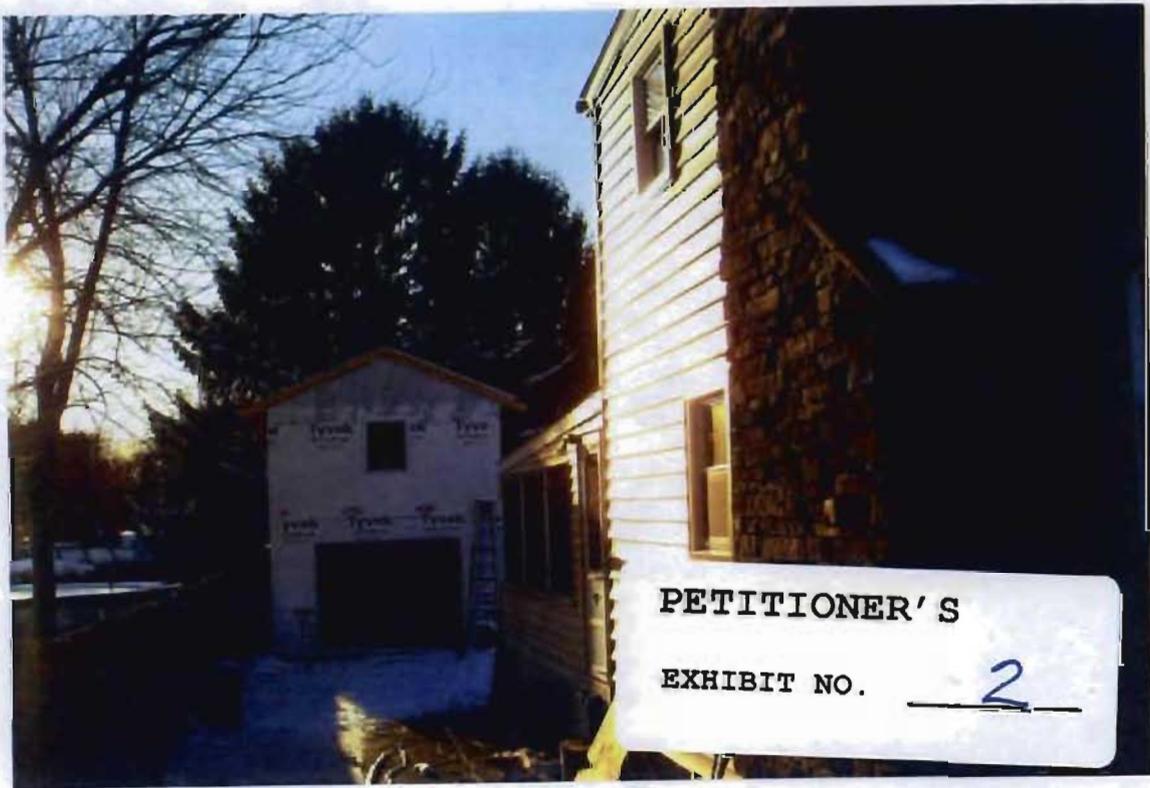
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	- SITE PLAN -	Collectively - Photographs 1A thru 1D
No. 2	EXISTING CONDITIONS PHOTO'S OF GARAGE	Prepared testimony
No. 3	OTHER ACCESSORY STRUCTURES WITHIN A 3 BLOCK RADIUS. →	Community Opposition TO HEIGHT VARIANCE
No. 4	Letters of Support	
No. 5	PHOTO'S SHOWING THE BUFFERING BETWEEN PLOTS	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		







Lorraine Ave

38' x 20' x 19'6" High.

PETITIONER'S

EXHIBIT NO. 3

IN RE: PETITION FOR ADMIN. VARIANCE  
NE/S of Lorraine Avenue, 285 ft. NW  
centerline of Cedar Avenue  
15th Election District  
7th Councilmanic District  
(325 Lorraine Avenue)

James R. Plaine & James M. Scharf  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 04-440-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, James R. Plaine and James M. Scharf. The variance request is for property located at 325 Lorraine Avenue in the eastern area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) in the rear yard to be 19 ft. high in lieu of the permitted 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 4, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments submitted by the Office of Planning dated April 12, 2004, a copy of which is attached hereto and made a part hereto.

Applicable Law

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

UNLESS RECEIVED FOR FILING  
Date 4/23/04  
By R. J. [Signature]

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

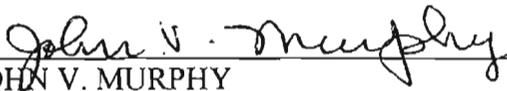
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this 23 day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) in the rear yard to be 19 ft. high in lieu of the permitted 15 ft., be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

Date 4/23/04  
By J. J. [Signature]

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit and/or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities;
3. The Petitioners shall not allow the accessory structure to be used for commercial purposes; and
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

  
\_\_\_\_\_  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING  
Date 4/23/04  
By [Signature]

406 Lorraine Avenue  
20-Feb-08

As a neighboring homeowner, I have been made aware of a height variance being sought for 406 Lorraine Avenue. This variance is being requested for an accessory building. Due to this structure's excessive height and close proximity to neighboring homes, I ask that this variance be denied.

An accessory building of this size would change the landscape of the community.

Name	Address	e-mail/phone#
<i>Victoria B Bryant</i>	<i>411 Cedar Ave</i>	<i>410-687-3448</i>
<i>Wes Bryant</i>	<i>411 Cedar Ave</i>	<i>410-687-3448</i>
<i>Deborah Skivey</i>	<i>403 Riverside Dr.</i>	<i>410-574-6628</i>
<i>Sawn Thiess</i>	<i>405 Riverside Dr.</i>	<i>410 574-8940</i>
<i>Mark Thiess</i>	<i>405 Riverside Dr</i>	<i>410-574-8940</i>
<i>Marice Brady</i>	<i>401 Riverside Dr</i>	<i>410-391-0331</i>
<i>Stephen Brady</i>	<i>401 Riverside Dr.</i>	<i>410-391-0331</i>

PROTESTANT' S

EXHIBIT NO.

3

I have lived in my home at 403 Riverside Drive, Essex, MD 21221, for thirty (30) years and have established what I feel are good relationships with my neighbors. Having said that I have experienced, first hand, the trials and tribulations they have gone through in applying for the **proper permits** needed to **begin construction** on various projects on their yards. The point being that they fully complied with the law and filed first **before** construction began, unlike Mr. Rassmussen. That Mr. Rassmussen then continued with the construction after a stop work order was issued is appalling to me.

My primary concern is the safety issue since construction was completed without the supervision of a qualified building inspector. There are several neighboring buildings in close proximity to Mr. Rassmussen's structure, not to mention several very old and tall trees which could be damaged in the event of fire, high winds or flood if the building collapsed.

My second concern is privacy. Mr. Rassmussen's building has windows all around the second story. Several neighbors have pools in their back yards and have constructed privacy fences for what else... **privacy**. This building **definitely violates that privacy**.

Having been a law abiding resident of Baltimore County for fifty-one (51) years it is my sincere hope that this matter will be dealt with accordingly.

Sincerely,  
Deborah Slivey  
403 Riverside Drive  
Essex, MD 21221



February 20, 2008

To: William J. Wiseman

As you requested I've provided the information you needed, along with other documents I felt were important for you to take a look at. I appreciate your willingness to review the merits of our case.

I also would like to point out that the residents of 409 Riverside Dr. have a history of causing problems in our neighborhood; as far as filing complaints and calling the police it is on record (Just F.Y.I.).

RECEIVED  
FEB 22 2008

BY:.....

Thank you,

Jeff Rasmussen

PETITIONER' S

EXHIBIT NO.

3

addresses to  
garages / apartment  
with in 2-3 blocks  
of my house. I only  
took pictures of high  
gangs, there were a lot  
more that took up the  
whole backyards  $40 \times 25 \times 15$



417 Riverside Drive

I know this is a house, but  
look @ the height of it. The  
top windows can over look into everyones  
yard, and they are worried about  
my windows that <sup>have</sup> proven I can't even  
see the color of there home.



522 Virginia Ave

608 Riverside

on the water





314 Riverside Drive  
on the water.



201 Taylor Ave

corner of Taylor & Virginia Ave.



- In law quarters. ~~house~~  
corner of Taylor Ave & Virginia Ave  
201 Taylor Ave



403 Taylor Ave



329 Taylor Ave

618 Delaware Ave



~~618 Delaware~~

Just wanted to show this garage is in the back yard of a town home, it takes up the entire yard.

Delaware  
612 Delaware Ave



Wanted to show this garage is in the backyard  
of a townhome.

As the property owner adjacent to  
406 lorraine ave  
Baltimore, md 21221

I have reviewed the plans of existing structure and have been made aware that the height of the garage will be nineteen feet & six inches high to the peak. I'm comfortable with this new construction and do not find the design and size of the garage to be objectionable and would support Mr. Rasmussen's request for a building height variance.

*James E. Jensen* *Sharon J. Jensen* 12/1/07  
-----  
404 Lorraine Ave

PETITIONER'S

EXHIBIT NO.

4



the view from backyard of  
404 Lorraine Ave  
The attached paper is  
Sharon & Jim's signature  
supporting my family.

(obviously they would can see the  
whole garage & windows look  
into there yard)



The view from 402 Lorraine Ave  
in backyard

The attached paper is  
Cliff & Fran's signatures  
in support of ~~our~~ my family.

As the property owner adjacent to  
406 Lorraine Ave  
Baltimore, MD 21221

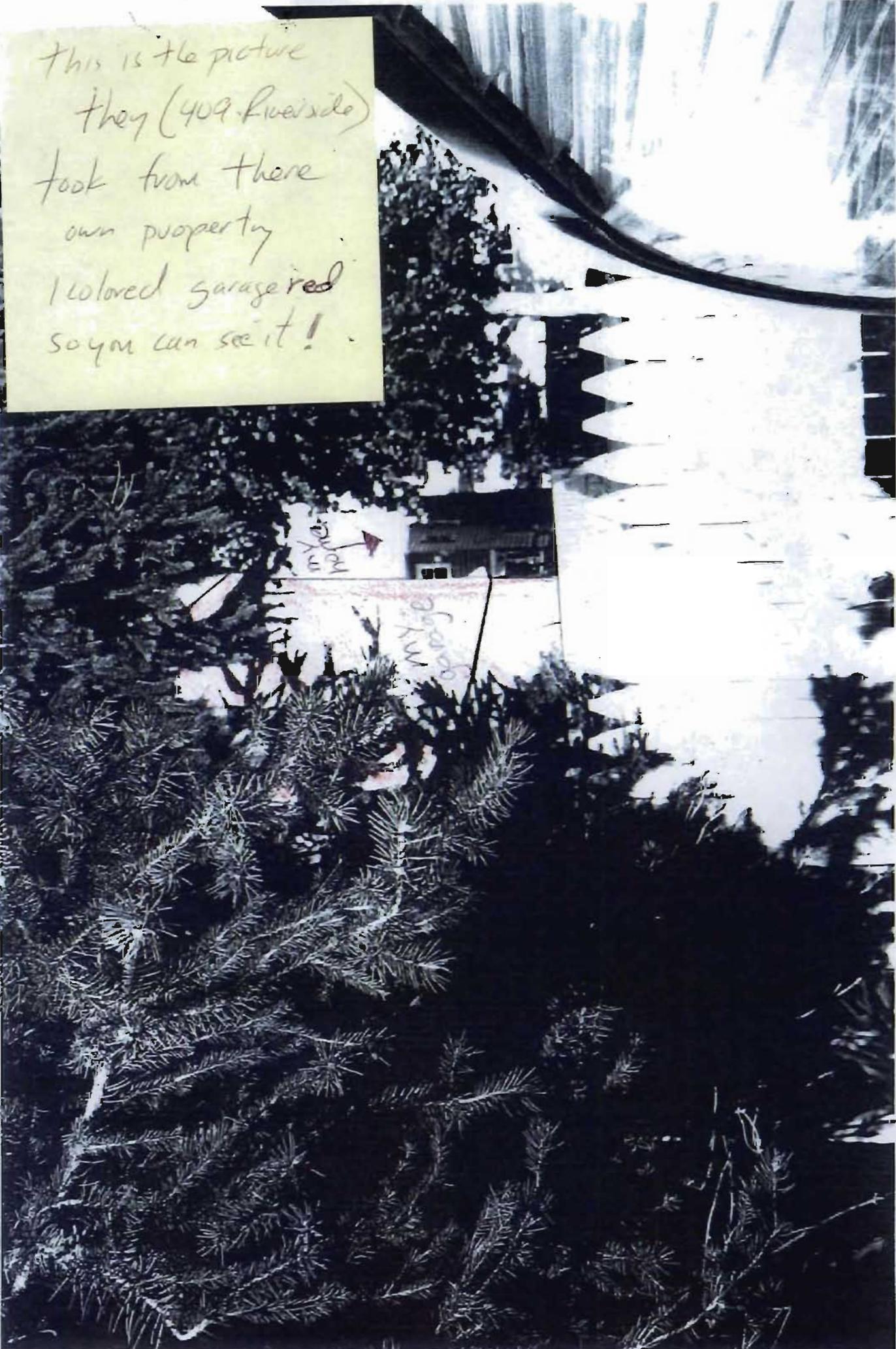
I have reviewed the plans of existing structure and have been made aware that the height of the garage will be nineteen feet & six inches high to the peak. I'm comfortable with this new construction and do not find the design and size of the garage to be objectionable and would support Mr. Rasmussen's request for a building height variance.

  
-----

402 Lorraine Ave

(3)

This is the picture  
they (409 Riverside)  
took from there  
own property  
1 colored garage red  
so you can see it!

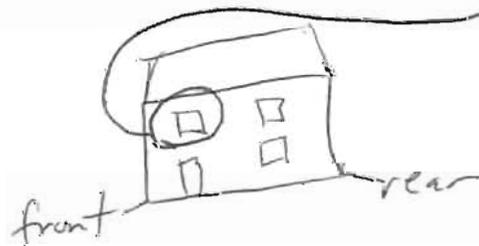


RJR

10.28.07



This is view taken from front  
way farthest window ↙



288

(12)



picture taken by  
405 Riverside.  
Obviously you can  
see they took picture  
from the back corner of  
rear yard & up on a ladder  
or something. Reminder that  
shed in front is about 8' high.

11/6/2007 2:08:47 PM



pictures taken from top of

Porch roof to 1<sup>st</sup> show my  
yard is plenty big for garage. 2<sup>nd</sup>

to show how big the Pine trees ~~are~~ are,  
~~and block the view of complaining people~~  
and block the view of complaining people!

\* my lot size is 168' x 50' its the  
2<sup>nd</sup> biggest yard on our block.



409 Riverside Dr.

(View from only window  
facing rear of garage)

PETITIONER'S

EXHIBIT NO.

5



409 Riverside Dr.  
view from only window  
on rear of garage.



407 Riverside

(east view from only  
window on rear of garage)



405 Riverside

(view from only window facing  
rear of garage)

As the property owner adjacent to  
406 lorraine ave  
Baltimore, md 21221

I have reviewed the plans of existing structure and have been made aware that the height of the garage will be nineteen feet & six inches high to the peak. I'm comfortable with this new construction and do not find the design and size of the garage to be objectionable and would support Mr. Rasmussen's request for a building height variance.



409 Lorraine Ave

As the property owner adjacent to  
406 Lorraine Ave  
Baltimore, MD 21221

I have reviewed the plans of existing structure and have been made aware that the height of the garage will be nineteen feet & six inches high to the peak. I'm comfortable with this new construction and do not find the design and size of the garage to be objectionable and would support Mr. Rasmussen's request for a building height variance.

Carrie & Edward Talley

407 Lorraine Ave

As the property owner adjacent to  
406 lorraine ave  
Baltimore, md 21221

I have reviewed the plans of existing structure and have been made aware that the height of the garage will be nineteen feet & six inches high to the peak. I'm comfortable with this new construction and do not find the design and size of the garage to be objectionable and would support Mr. Rasmussen's request for a building height variance.

Patrick Riley  
Jamie Riley  
-----  
411 Lorraine Ave  
Essex, MD 21221

Photo 1 10/28 - after stop work order, height before roof installed

Photo 2 10/28 - after stop work order, owner working on trusses

Photo 3 10/28

Photo 4 10/28

Photo 5 10/28 - owner working on roof

Photo 6 10/28 - owner standing on 6' ladder, on 2nd floor **makes it**

**look like 2nd floor is at least 10'** - her estimation of height

Photo 7 10/28

Photo 8 11/4 - after 2nd stop work order

Photo 9 11/5 - overhang even with fence

Photo 10 11/5 - **overhang even with fence** - not true, 3' setback from

Photo 11 11/5 - size in relation to portable greenhouse

Photo 12 11/6 - **size in relation to "normal" sized shed/garage** - shed is 8' high

Photo 13 11/6 - **new porch and driveway, are they figured in EPA guidelines?** - yes

Photo 14 11/17

Photo 15 11/17 - **looks like a home** - so it would blend in w/my house.

Photo 16 11/17 - view from Theiss home, **legal sized shed** in neighbor's yard

at front of photo - this shed is 8' tall, 15' is legal sized

**\*\* Satellite photo** printed from Google Earth showing open space between homes throughout neighborhood. This building will be an obvious change in the character of the neighborhood.



**Tyvek**  
HomeWrap

Call 1-800-477-7777  
www.tyvek.com  
The miracles of science

**Ty**  
Home

**Tyvek**  
HomeW

Call 1-800-477-7777  
www.tyvek.com  
The miracles of science

110



Satellite photo.

Her point was to show the open spaces in neighborhood. Ironically, my yard is wide open. 409, 407, 405 Riverside is the most crowded yards in the area.

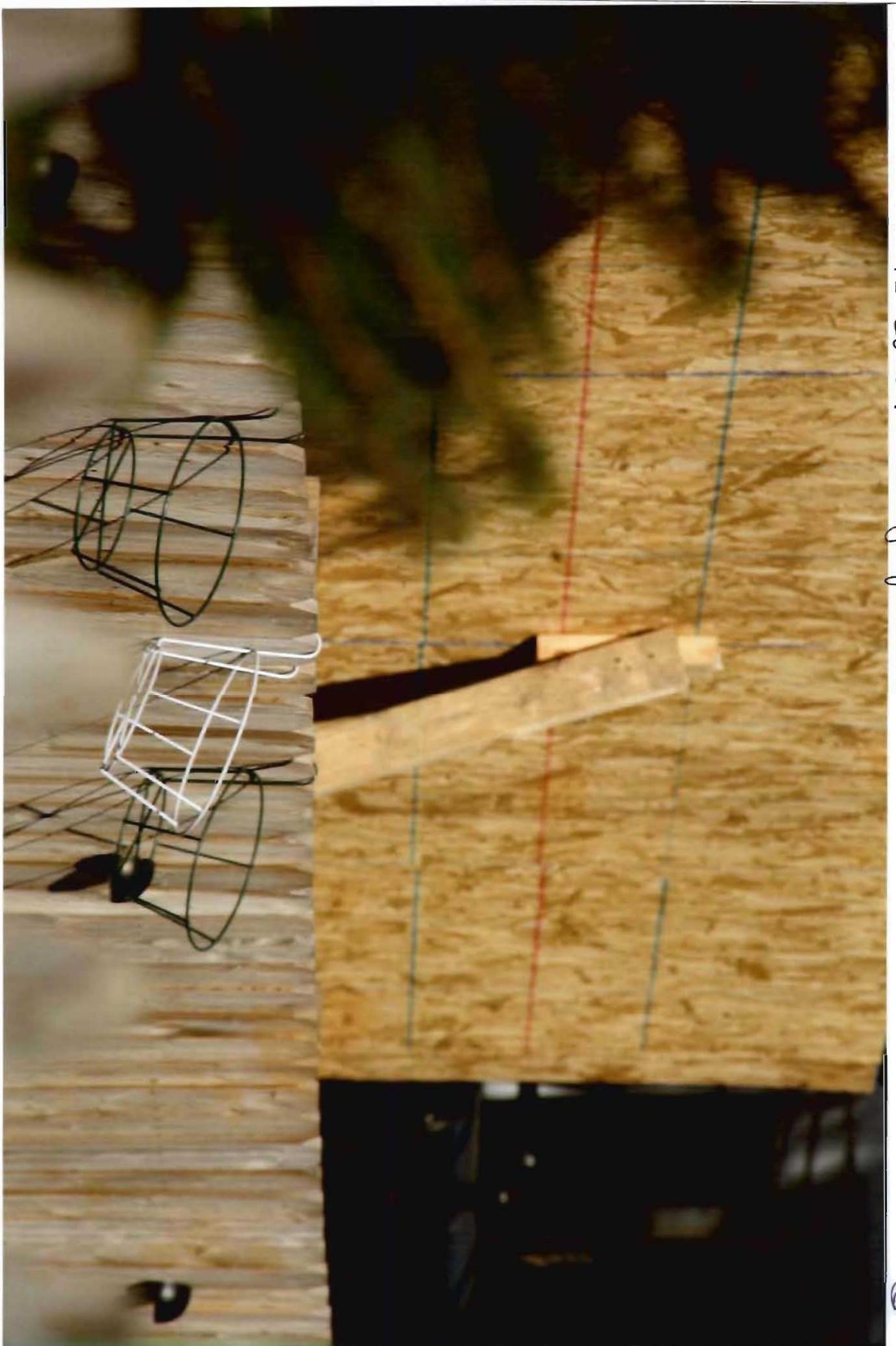
Case No.: 08-267A 406 Lorraine Ave

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	- SITE PLAN -	Collectively - Photographs 1A thru 1D
No. 2	EXISTING CONDITIONS PHOTO'S OF GARAGE	Prepared testimony
No. 3	OTHER Accessory structures WITHIN A 3 BLOCK RADIUS. →	Community Opposition TO HEIGHT VARIANCE
No. 4	Letters of Support	
No. 5	PHOTO'S showing the Buffering Between Parties	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



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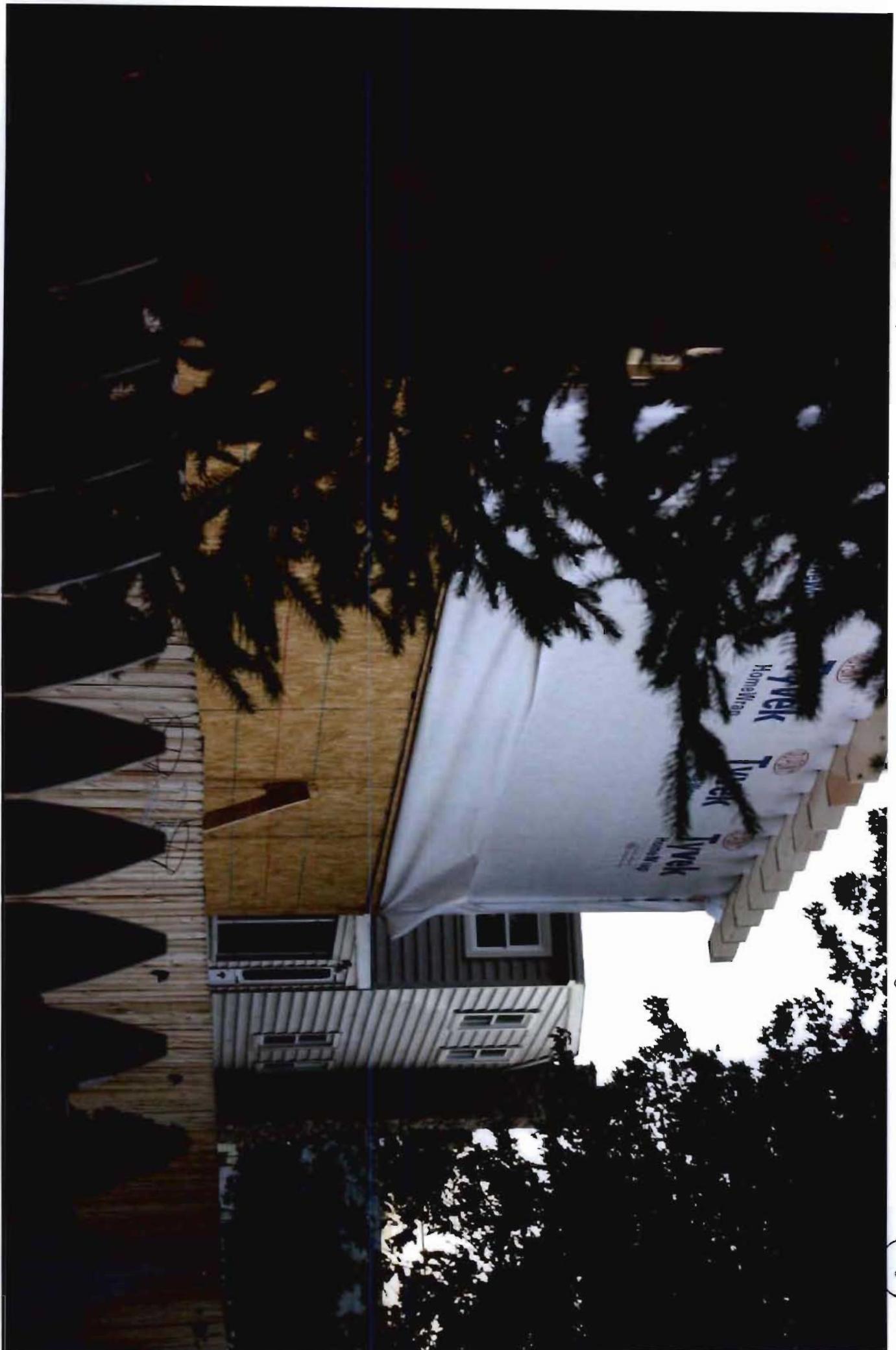
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11-17-07



14



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15



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10

RJR



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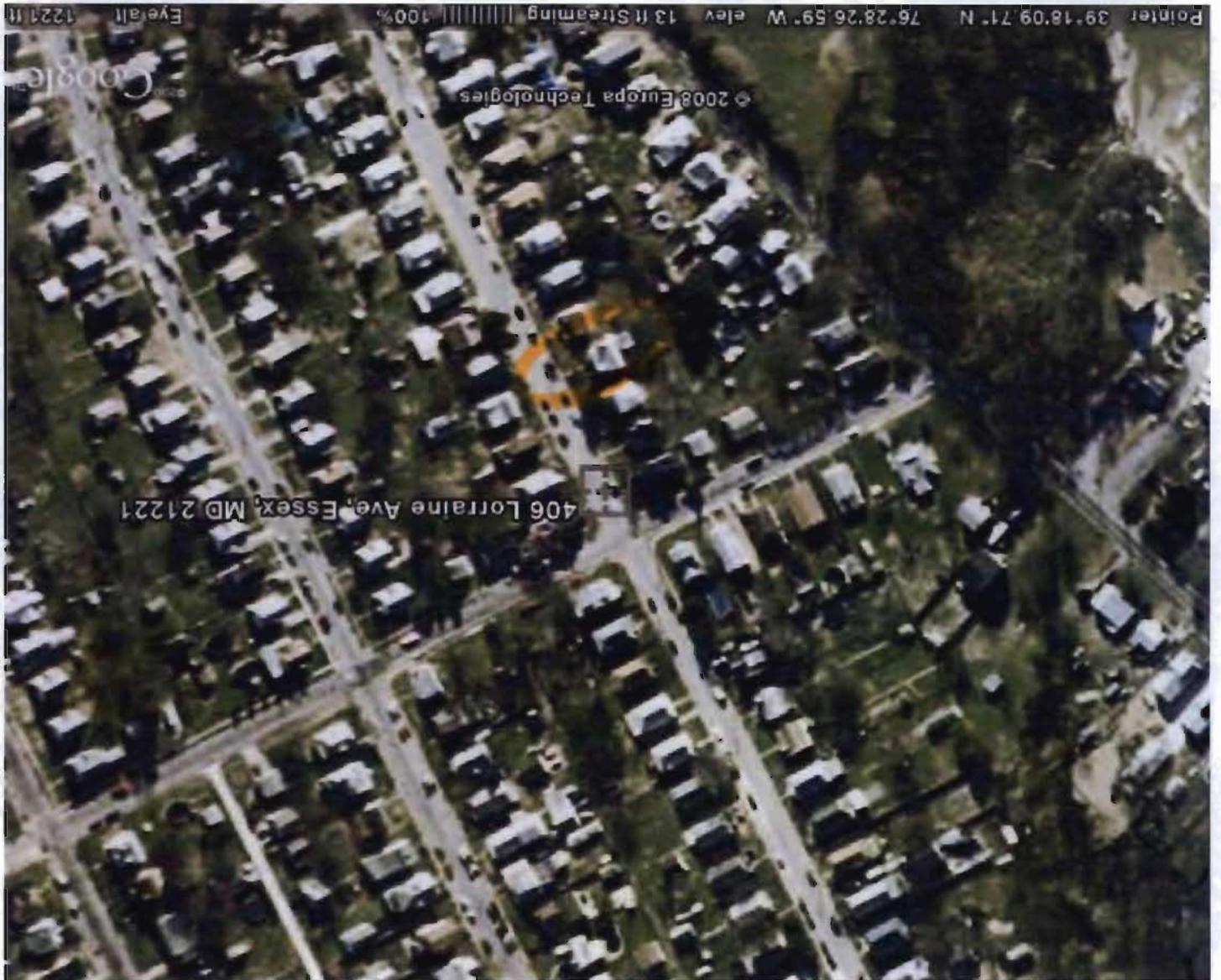
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808



- Photo 1 10/28 - after stop work order, height before roof installed
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- Photo 13 11/6 - new porch and driveway, are they figured in EPA guidelines?
- Photo 14 11/17
- Photo 15 11/17 - looks like a home
- Photo 16 11/17 - view from Theiss home, legal sized shed in neighbor's yard  
at front of photo

\*\* Satellite photo printed from Google Earth showing open space between homes throughout neighborhood. This building will be an obvious change in the character of the neighborhood.



10-28 1988

AFTER STOP WORK ORDER

1



Tyvek HomeWrap

DUPONT Tyvek HomeWrap

DUPONT Tyvek HomeWrap

DUPONT Tyvek HomeWrap

DUPONT Tyvek HomeWrap

888

10-28-2007



②

R88

10.28.07

