

5/18/09

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>DANIEL BARTHOLOW-LEGAL OWNER</u>	*	COUNTY BOARD OF APPEALS
FOR A VARIANCE ON THE PROPERTY		
LOCATED AT 1028 CEDAR CREEK RD	*	OF
W SIDE CEDAR CREEK ROAD, 260'S OF		
C/L MARSH ROAD	*	BALTIMORE COUNTY
15 TH ELECTION DISTRICT	*	CASE NO. 08-314-A
6 TH COUNCILMANIC DISTRICT	*	

* * * * *

OPINION AND RULING
on MOTION FOR RECONSIDERATION

The Petitioner, Daniel Bartholow, by and through his attorneys John B. Gontrum, Dino C. LaFiandra and Whiteford Taylor & Preston, LLP, filed a timely Motion for Reconsideration with the Board in the above captioned matter. The Petitioner based his Motion on the fact that the current Board disagreed with the Opinion of the Board in Muller v. People's Counsel, 177 Md. App. 443 (2007). In that case the Board found that the fact the lots in question were small lots, made them unique in the context of the law of variances. The present Board also found that DEPRM (Department of Environmental Protection and Resource Management) failed to meet its obligation under Section 500.14 of the Baltimore County Zoning Regulations. (BCZR), in that it failed to provide written recommendations on a number of technical issues.

Petitioner stated that he wished to appeal the Board's decision with respect to the uniqueness issue, but felt that the issue with respect to DEPRM's obligation under Section 500.14 would cloud the issue and perhaps be the sole basis for the determination by the Court of Special Appeals (COSA). Petitioner submitted that before the Zoning Commissioner, the Petitioner had appeared *pro se* and did not obtain Counsel until just days before the hearing

before the Board of Appeals. Petitioner contended he should not be penalized for having appeared *pro se* before the Zoning Commissioner.

Petitioner urged the Board to remand the case to the Zoning Commissioner with instructions to request and accept a written recommendation from DEPRM meeting the requirements of BCZR § 500.14. The Zoning Commissioner should then be instructed to transmit the record (complete with written recommendation from DEPRM) to the Board of Appeals, which may then enter an appropriate Order disposing of the case from which an appeal may be noted.

People's Counsel of Baltimore County opposes the Motion for Reconsideration stating that in the Mueller v. People's Counsel case *supra*, the Court of Special Appeals did not reverse, alter or expand the definition of uniqueness in Cromwell v. Ward, 102 Md. App. 691 (1995), but determined the relief primarily under BCZR § 304.1, pertaining to undersized lots established prior to 1955. In addition, People's Counsel opposes the remand to the Zoning Commissioner in order for DEPRM to issue a corrected recommendation under the standards of BCZR § 500.14. People's Counsel states that if Petitioner did not satisfy the standards under BCZR § 500.14 in the variance case, he is not entitled to a second chance after the evidentiary hearing has been completed and the record closed.

The Board has considered the positions of both parties in this matter and finds that the Motion for Reconsideration does not raise questions of fraud, mistake, irregularity, new law or new evidence not known at the time of the original hearing. The fact that the Petitioner appeared *pro se* before the Zoning Commissioner and did not obtain counsel until ten (10) days before the hearing before this Board, is no basis for remanding the case to the Zoning Commissioner.

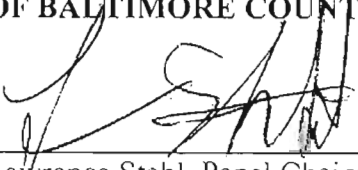
RULING AND ORDER

THEREFORE, IT IS, this 18th day of May, 2009, by the Board
of Appeals of Baltimore County,

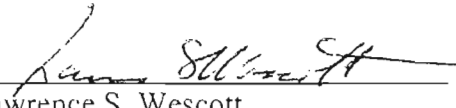
ORDERED that the Motion for Reconsideration filed by the Petitioner in the above
matter, be and is hereby **DENIED**.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence Stahl, Panel Chairman



Lawrence S. Wescott

Wendell Grier



County Board of Appeals of Baltimore County

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

May 18, 2009

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Avenue, Ste 300
Towson, MD 21204

RE: In the Matter of: Daniel Bartholow-Legal Owner
1028 Cedar Creek Road
Case No. 08-314-A

Dear Mr. Gontrum:

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

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

Very truly yours,

Theresa Shelton /kc

Theresa R. Shelton
Administrator

TRS/klc

Enclosure

c: Daniel Bartholow
Dino LaFiandra, Esquire
Rose Boudier
Office of People's Counsel
William J. Wiseman III/Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director/PDM

3/16/09

RE: PETITION FOR VARIANCE	*	BEFORE THE COUNTY
1028 Cedar Creek Rd; W/S Cedar Creek Rd		
260' S c/line Marsh Road	*	BOARD OF APPEALS
15 th Election & 6 th Councilmanic Districts		
Legal Owner(s): Daniel Bartholow	*	FOR
Petitioner(s)		
	*	BALTIMORE COUNTY
	*	08-314-A

* * * * *

RECEIVED

MAR 16 2009

ANSWER TO MOTION FOR RECONSIDERATION

BALTIMORE COUNTY
BOARD OF APPEALS

People's Counsel for Baltimore County files this Answer to Motion for Reconsideration and states as follows:

1. The decision of the County Board of Appeals (CBA) in this matter dated February 9, 2009 is based on a sound and correct application of the law and findings of fact and must be upheld.
2. Petitioner misinterprets the Court of Special Appeals (CSA) decision in Mueller v. People's Counsel, 177 Md. App 43 (2007); the CSA did not state that a reclassification of property satisfies the uniqueness standard under Cromwell v. Ward, 102 Md. App. 691 (1995) and its progeny.
3. On the contrary, the CSA in Mueller granted relief primarily under BCZR 304.1 pertaining to undersized lots established prior to 1955, albeit our position is that the CSA wrongly interpreted and applied BCZR 304.1(c) pertaining to an unimproved contiguous lot also owned by Mueller; the CSA in Mueller did not reverse, alter or expand the definition of uniqueness in Cromwell to include a rezoning of the site; to determine a site is unique because it has been rezoned would render variance standards moot, and would create an unprecedented tsunami-like upheaval in zoning law in general.

4. Equally as unfounded is the temerarious claim for reconsideration in paragraphs 6-10 of the Motion in which the Petitioner asks the CBA to amend its findings that the DEPRM requirements were not met under BCZR 500.14 in order that the CBA, “. . . may then enter an appropriate order . . . from which an appeal may be noted” and to “perfect the record and to move forward on the real legal issue presented by this case . . .”; such an impertinent position is dismissive of the CBA’s charter authority in zoning hearings.

5. Similarly impudent is Petitioner’s total disrespect for the standards in BCZR 500.14, which he appears to dismiss as *pro forma* or secondary and not worthy of the CBA’s consideration in a variance hearing. Petitioner has the burden of proof to establish that the relief comports with BCZR 500.14. Chesley v. City of Annapolis, 176 Md. App. 413 (2007). If Petitioner did not satisfy the standards under BCZR 500.14 in a variance case, he is not entitled to a second chance after the evidentiary hearing has been completed and the record closed. The purpose of a motion for reconsideration is *not* to correct mistakes and failures by the Petitioner at the hearing on the merits.

WHEREFORE, People’s Counsel respectfully requests that the Motion for Reconsideration be DENIED.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People’s Counsel
The Jefferson Building
105 W. Chesapeake Avenue, Suite 204
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 2009, a copy of the foregoing Answer to Motion for Reconsideration was mailed to Dino LaFiandra, Esquire, Whiteford, Taylor & Preston, LLP, One West Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



IN THE MATTER OF
THE APPLICATION OF
DANIEL BARTHOLOW, LEGAL
OWNER, FOR A VARIANCE
1028 CEDAR CREEK RD

15th Election District
6th COUNCILMANIC DISTRICT
Defendant

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No: 08-314-A

* * * * *

MOTION FOR RECONSIDERATION

The Petitioner, Daniel Bartholow, by and through his attorneys John B. Gontrum, Dino C. La Fiandra and Whiteford Taylor & Preston, LLP, pursuant to Board of Appeals Rule 10, moves for reconsideration of the disposition of the above-captioned matter, and as grounds therefor, states:

1. The Board entered its Opinion in the above-captioned matter on February 9, 2009, denying the relief requested by the Petitioner.
2. The property at issue in this case consists of platted lots that were recorded in 1924, at a time when there were no bulk and area regulations governing the size of the lots and the required setbacks. The imposition of zoning regulations, particularly those imposed in 1970, upon these validly platted lots creates a legal obstruction to the construction of one dwelling (total) on these two lots. In accordance with numerous Zoning Commissioner decisions involving other properties in the immediate vicinity of the subject property, the Petitioner seeks variances from several provisions of the BCZR in order to construct a dwelling on the property. Several of these other decisions of the Zoning Commissioner were presented to the Board, and the Board referred to these decisions in its Opinion in this matter.

3. As in other variance cases where the application of new zoning regulations to old subdivision plats results in a situation where the platted lots do not conform to the zoning regulations, the Petitioner asserted before the Board that the property is unique by virtue of the imposition of restrictive zoning regulations in 1970 to these lots that were platted in 1924, when no such restrictive regulations existed.
4. As noted in the Board's Opinion, the Petitioner argued that this matter is similar to that presented to the Board in *Mueller v. People's Counsel*, 177 Md.App. 443, in which the Board found that such facts give rise to legally cognizable "uniqueness" in the context of the law of variances. *Mueller* was affirmed by the Court of Special Appeals on other grounds. Nonetheless, *Mueller* shows that a panel of the Board determined that these facts give rise to uniqueness for variance purposes.
5. In the case at bar, the panel of the Board assigned to this case rejected the legal determination of the prior panel in *Mueller*:

This panel disagrees with the findings of our colleagues as set forth by the Court of Special Appeals [in *Mueller v. People's Counsel*], that the imposition of new zoning to small lots in a subdivision impacts undeveloped lots and suffices for a finding that the property is 'unique' [in the context of the law of variances.] *Opinion*, p. 9.

6. In denying the requested variance relief, the Board also noted that DEPRM failed to meet its obligation under section 500.14 of the BCZR. That section required DEPRM to provide written recommendations on a number of technical issues set forth therein. The Board found that the "form memo" from David Lykens, DEPRM - Development Coordination to Timothy Kotroco, Director of Permits and Development Management, was insufficient to comply with BCZR § 500.14.
7. The Petitioner appeared *pro se* before the Zoning Commissioner and remained *pro se* until just days before hearing at the Board of Appeals in this matter. The Petitioner

was certainly unaware of the requirement that DEPRM provide a written recommendation. It is very unfair to preclude the requested relief on account of DEPRM's failure to provide the required report, particularly when the failure was at no fault of the *pro se* Petitioner.

8. The Petitioner desires to appeal the Board's Opinion in this matter so that the Courts may address the issue of "uniqueness" that arises when new zoning regulations are imposed on old subdivision plats. However, the Board's finding that the variance must be denied in part because DEPRM failed to produce adequate written recommendations will unnecessarily complicate the issues on appeal and may preclude judicial review of the true legal issue in the case – whether the property is unique on account of the reasons discussed above.
9. In order to avoid this unnecessary complication and to improve the quality of the record on appeal, the Petitioner respectfully requests that the Board remand the matter to the Zoning Commissioner with instructions to request and accept a written recommendation from DEPRM meeting the requirements of BCZR 500.14. The Zoning Commissioner should be instructed to transmit the record (complete with written recommendation of DEPRM) to the Board of Appeals, which may then enter an appropriate order disposing of the case, from which an appeal may be noted. By moving forward in this fashion, the Board will facilitate the efficient administration of judicial review of this matter, which is of paramount importance to the Petitioner.
10. Had DEPRM met its obligations under BCZR 500.14, the record would be complete, and the legal issue related to the uniqueness of the property would be ripe for judicial review. However, in light of the incompleteness of the record, by no fault of the Petitioner, the Petitioner respectfully requests a remand to perfect the record and

allow judicial review to move forward on the real legal issue presented by this case and by the split panels of the Board of Appeals in this case and in *Mueller*.

WHEREFORE, the Petitioner respectfully requests that the Board RECONSIDER its disposition of this case, VACATE its Opinion dated February 9, 2009, and REMAND the case to the Zoning Commissioner with instructions to request and accept a written recommendation from DEPRM that complies with BCZR § 500.14, and then to return the completed record to the Board of Appeals for further proceedings.

A handwritten signature in blue ink, reading "Dino C. La Fiandra", is written over a horizontal line.

John B. Gontrum
Dino C. La Fiandra
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025
(410) 832-2000

Attorney for Petitioner,
Daniel Bartholow

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2009, a copy of the foregoing
Motion was mailed first class, postage prepaid to:

Peter M. Zimmerman, Esq.
People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Ave
Towson, MD 21204


Dino C. La Fiandra



County Board of Appeals of Baltimore County

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410-887-3180
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March 11, 2009

Dino Lafiandra, Esquire
Whiteford, Taylor & Preston
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: *In the Matter of*: Daniel Bartholow -LO
Case No. 08-314-A /Request for Reconsideration

Dear Mr. LaFiandra:

This will acknowledge receipt of your Motion for Reconsideration filed this date in the subject matter. A copy of your motion to reconsider, along with any response that may be filed thereto, will be forwarded to the appropriate Board members for their review and ultimate consideration.

With regard to this request for reconsideration, Rule 10 of the Board's Rules of Practice and Procedure states in part as follows:

...The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits and deadlines for the filing of a petition for judicial review. After public deliberation and in its discretion, the board may convene a hearing to receive testimony or argument or both on the motion. Each party participating in the hearing on the motion shall be limited to testimony or argument only with respect to the motion; the board may not receive additional testimony with respect to the substantive matter of the case. Within 30 days after the date of the board's ruling on the motion for reconsideration, any party aggrieved by the decision shall file a petition for judicial review. The petition for judicial review shall request judicial review of the board's original order, the board's ruling on the motion for reconsideration or both. [Emphasis added.]

Therefore, in response to your motion for reconsideration, a public deliberation will be scheduled and appropriate notice promptly sent to all parties to this matter.

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

Very truly yours,

Theresa R. Shelton
Administrator

c: Rose Boudier
Daniel Bartholow
Office of People's Counsel
William J. Wiseman III/Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director/PDM

WHITEFORD, TAYLOR & PRESTON L.L.P.

DINO C. LA FIANDRA
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March 11, 2009

VIA HAND DELIVERY

Theresa R. Shelton, Administrator
Baltimore County Board of Appeals
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, Maryland 21204

**Re: Motion for Reconsideration
Case No. 08-314-A**

Dear Ms. Shelton:

Enclosed for filing please find the original and three (3) copies of a Motion for Reconsideration in the above-referenced case.

Please do not hesitate to contact me with any questions.

Sincerely,



Dino C. La Fiandra

DCL:tdm
Enclosures
408508



2/10/09

Larry:

Pete stopped in and brought to my attention that in Bartholow on page 6 – 1st paragraph, it states that the Board's decision was affirmed by the CCT– he said it should have said reversed. But the second sentence corrects the situation by the COSA reversing the CCT order. He said that the Opinion is excellent and rather than write a letter, he would just let us know about the mix-up in the use of affirmed.

Do you want to send a letter to correct the sentence? I don't think we would have to do an Amended Opinion; or in the alternative to both of these – just ignore it, as it has no bearing on the final decision.....

Thanks

T ☺

2/11/09
- Not to be addressed
unless Board Sec's
another person
bringing it to Bd's
attention
per LW (1)

3/9/09

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>DANIEL BARTHLOW-LEGAL OWNER</u>	*	COUNTY BOARD OF APPEALS
FOR A VARIANCE ON THE PROPERTY		
LOCATED AT 1028 CEDAR CREEK RD	*	OF
W SIDE CEDAR CREEK ROAD, 260'S OF		
C/L MARSH ROAD	*	BALTIMORE COUNTY
15 TH ELECTION DISTRICT	*	CASE NO. 08-314-A
6 TH COUNCILMANIC DISTRICT		
	*	

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals on an appeal of the decision of the Deputy Zoning Commissioner wherein he granted a Petition for Variance filed by the Legal Owner of the subject property, Daniel D. Bartholow, herein referred to as Petitioner. Petitioner is requesting variance relief from sections 1.A04.3.B.1.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (BCZR). He proposes to construct a dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 feet, side yard setbacks of 11 feet each and a rear yard setback of 45 feet in lieu of the required 1.5 acres, 75 feet, and 50 feet respectively. Petitioner was represented by John Gontrum, Esquire and Whiteford, Taylor and Preston, LLP. Protestant, Office of People's Counsel for Baltimore County, was represented by People's Counsel, Peter Max Zimmerman. A hearing was held on December 4, 2008. Oral argument was also heard on that date and a public deliberation was conducted on January 21, 2009.

Background

The sole witness to testify in this matter was Daniel Bartholow, the Petitioner. The testimony and evidence indicated that the subject property is a rectangular shaped parcel containing 0.172 acres zoned RC-5. It consists of lots 249 and 250 and is part of the Cedar Beach subdivision located north of Holly Neck Road on the west side of Cedar Creek Road in the Essex area of Baltimore County. In addition to lots 249 and 250 fronting on Cedar Creek Road, Petitioner also owns lots 190-194 which front on Maple Road to the west. Lots 249 and 250 back up to 190 and 191. All of the lots were purchased by Petitioner on July 1, 1992, (Petitioners Exhibit 3). At the time of purchase, the property was improved with an existing dwelling located primarily on lots 190 and 191 with a portion extending to lots 249 and 250. There was also a shed that was located on lots 249 and 250. According to Petitioner, the dwelling was in deplorable condition and within a few years was razed by the Petitioner. He constructed a new home in 1999 on the property consisting of lots 190 and 191. The shed on lots 249 and 250 remained until recently when it was razed and removed. Bartholow conceded on cross-examination that the property was zoned RC-5 at the time he purchased it in 1992.

On or about March 6, 1996, Petitioner filed Petitions for Special Hearing in case no. 96-341-SPHA, and for Variance to legitimize a house which was constructed on undersized lots 190 and 191 known as 1025 and 1027 Maple Road. No Protestants appeared before the Deputy Zoning Commissioner (DZC) and on April 30, 1996 the Deputy Zoning Commissioner approved the Petitions for Special Hearing and Variance in Case No.: 96-341-SPHA to approve an existing dwelling on an undersized lot and a variance to permit side yard setbacks of 5 feet and 18 feet in lieu of the required 50 feet for each. The DZC ordered that Petitions for Special Hearing and Variance in Case No.: 96-342-SPHA be granted seeking approval of an undersized lot and

variance relief to permit a front yard to street center line setback of 50 feet in lieu of the required 75 feet and side yard setbacks of 15.5 feet each in lieu of the required 50 feet for a proposed dwelling in accordance with the Petitioner's exhibit 1. The existing house was demolished and the proposed house was built in accordance with the plans submitted to the Deputy Zoning Commissioner in 1996.

The Petitioner has offered lots 249 and 250 for sale for the past few years. Before the Zoning Commissioner, in this case, a letter was presented from Petitioner and a prospective buyer, Rosemary D. Boudier, in which it was stated that Ms. Boudier desired to purchase the lots in question in order to construct a home for her and her quadriplegic son who would be living there. Ms. Boudier wished to be near her other son, a Baltimore County Police Officer who lives one street away from the subject property. This was considered a basis for finding that there would be practical difficulty and unreasonable hardship if the variances were not granted by the Deputy Zoning Commissioner. In the hearing before the Board, Petitioner indicated that Ms. Boudier has canceled the contract to purchase the lots and that if a variance was granted and Ms. Boudier did not purchase the lots, Petitioner, who lives in Dundalk, intended to build a home and move there himself. Petitioner testified that he has executed the deed to the house located in lots 190 and 191 to his daughter, retaining a life estate for himself. (It should be noted that in the letter to the Deputy Zoning Commissioner, both Petitioner and Ms. Boudier indicated that there was nothing unique about lots 249 and 250. The letter from the Petitioner and Ms. Boudier to the Deputy Zoning Commissioner was entered into evidence before the Board as People's Counsel's Exhibit 3.)

In addition to other documents, Petitioner submitted a photometric map of the area showing variances that have been granted in the Cedar Beach area, with case numbers, during the various years. He also submitted photos and tax records of lots on Poplar Road where houses have been built on the combination of two, 25-foot lots. Petitioner also submitted two decisions of former Zoning Commissioner, Lawrence Schmidt cases no.: 03-229-A and 00-445-A in which the Zoning Commissioner granted Petitions for Variance relief from section 1A04.3.B.1, 2 and 3 section 304 of the BCZR.

In Case No.: 03-229-A the Variance was granted for a lot that was 60 feet wide along Maple Road and 153 feet deep along Poplar Road. These were lots 218 and 219 of the Cedar Beach subdivision. It should be noted that there were no Protestants at that hearing and that the variance was granted January 27, 2003. In his decision the Zoning Commissioner stated "In my judgment, the Petitioner has satisfied the requirements of section 307 of the BCZR for relief to be granted." No factual evidence or testimony was stated to support that decision.

In Case No.: 00-445-A, the Zoning Commissioner, granted the variance for two lots, lots 376 and 377 of the Cedar Beach subdivision. These lots had a combined area of 7500 square feet (0.017 acres) with a width of 50 feet and a depth of 150 feet. Again there were no Protestants at the hearing and the Zoning Commissioner stated "Based upon the testimony and evidence presented, I am persuaded to grant the variance. It is clear from the testimony that strict compliance with the Zoning Regulations would result in a practical difficulty for the Petitioners. There was no opposition expressed by any neighboring property owner and there were no adverse comments submitted by any Baltimore County reviewing agency." Once again, there was no testimony to support any finding of uniqueness or practical difficulty in granting the variances.

In the present case, People's Counsel submitted letters by neighbors protesting the granting of the variance. These were submitted to the Board. PC Exhibit No.: 1 was a letter from Christa Adle Hammer of 1024 Cedar Creek Road, who lives next door to the lots in question. In addition, Kim Burton, a concerned citizen living at 1952 Sue Creek Drive also protested the granting of the variance.

Petitioner's Argument

Petitioner submits that the evidence shows that there are a number of variances that have been granted in the Cedar Beach area. He contends that over two dozen Zoning Variances have been granted and submits that the circumstances were not covered by the case of Cromwell v. Ward (102 Md.App. 691). Petitioner contends that the Office of Planning was not opposed to the Petitioner building on lots 249 and 250, as long as it did not exceed the impervious area requirements which Petitioner has agreed to do. He proposes that the Board grant the petition and that the Board decision state that the Petitioner must meet the DEPRM (Department of Environmental Protection and Resource Management) requirements. He also contends that the proposed structure would be in character with the neighborhood and better designed than a number of the homes in the community.

While Petitioner is not contending that he is entitled to build under the section 304 of the BCZR, he is contending that under section 1A04.3.B.4 he is entitled to build in accordance with that language since there were no standards in 1924 when the lots were recorded. His contention is that the Office of Planning is not disapproving of the proposed home.

Finally, in addition Petitioner relies on the case of Mueller v. People's Counsel for Baltimore County (177 Md.App. 443). In that case the Court of Special Appeals reviewed a decision by a panel of this Board in which the Board granted a variance on a property located in

the Chesapeake Bay Critical Area. This Board had considered the Variance under BCZR section 304 the Court quoted part of the Board's decision as follows:

The property was developed in the early 1940's and the Mueller's purchased two lots in 1947. A home was built on lot 66 in 1948 that conformed to zoning requirements, which were changed in 1970. The outcome of the zoning change to already existing properties, resulted in a legitimate non-conforming use, causing the property to become unique. Based upon the evidence and testimony revealed at the hearing, we find that there are special circumstances or conditions which exist that are peculiar to the land or structure that is the subject of the variance request.

...While it appears from Cromwell v. Ward, [102 Md.App. 691, 651 A.2d 424 (1995)] that there must be some physical uniqueness in the size and shape or environment to the property to qualify for a variance, we believe that the Court did not address the imposition of new Zoning Regulations on old subdivisions. In such cases, the imposition of new Regulations impacts the lots in the old subdivisions disproportionately as compared to lots in the area developed after and in accordance with new regulations. We therefore find that, under those circumstances the property passes the first test and is unique. The subdivision was recorded in the 1940's prior to DR 3.5 Zoning, and denying the requested variance would result in a hardship and practical difficulty.

The Board's decision was affirmed by the Circuit Court for Baltimore County and the appeal was taken to the Court of Special Appeals. The Court of Special Appeals reversed the Circuit Court for Baltimore County and remanded the case to the Board. The theory upon which the case was remanded hinged upon the interpretation of section 304 of the BCZR. The issue was whether or not the two lots in question had been merged in accordance with the doctrine of the Court of Special Appeals set forth in Reams v. Montgomery County [387 Md.App. 52, 874 A.2d 470 (2005)]. In that decision, the Court of Special Appeals stated "Although the Board (and the Circuit Court) discussed elements that are part of BCZR section 307, we are satisfied that BCZR section 304 controls here rather than BCZR section 307." The Court of Special Appeals did not affirm the Board's comments, that the application of the new zoning in 1970

disproportionately impacted the undeveloped lots in the old subdivision, such as the Muellers, and that this alone sufficed for finding that the property was unique.

Petitioner also argues that there were no standards in 1924 when the lots were recorded and therefore under section 1A04.3.B.4 the Office of Planning could not disapprove the proposed home. Petitioner also argues that the proposed home is compatible with the homes in the neighborhood.

Protestants' Arguments

People's Counsel argues that the Mueller case does not apply in the instant case since the Petitioner is not seeking to invoke section 304 of the BCZR. Even if Petitioner is seeking to invoke section 304, 304.1b requires that all other requirements of height and area regulations are complied with for section 304 to apply. In this case the construction of the home for the Petitioner will require variances in order to be built.

People's Counsel also argues that section 1A04.3.B.4 does not apply since it is an exception for certain recorded lots that meet the approval of the Office of Planning. This approval must have been given on or before the effective date of the Zoning Regulations. In this instance, People's Counsel argues that approval was not given by the Office of Planning prior to the effective date of the Zoning Regulations and therefore that section does not apply to the instant case. An additional factor which is argued by People's Counsel, is that the property does not meet the uniqueness requirements of Cromwell v. Ward [102 Md.App. 91, 651 A.2d 424 (1995)]. People's Counsel contends that the majority of the lots in the Cedar Beach subdivision are 25-foot lots and are quite similar to the lots in question. He contends that most of the lots in the area in question have been merged into 100-foot lots upon which houses have been built. The 50-foot lots upon which houses have been built are on Poplar Avenue which fronts Cedar

Creek and are not immediately adjacent to the neighborhood of the proposed lots. Finally, People's Counsel submits that section 500.14 of the BCZR requires specific findings by DEPRM, with respect to the property, which is located within the Chesapeake Bay Critical Area before any decision may be rendered by the Zoning Commissioner concerning the property. He contends that the document submitted by DEPRM did not meet the requirements of that section, therefore, the Board is not authorized to render a decision with respect to the property.

Decision

Petitioner is seeking variance relief from sections 1A04.3.B.1a and 1A04.3.B.2b of the BCZR. The Board agrees with People's Counsel that section 1A04.3.B.4 requires that exemptions for certain recorded lots must receive the approval of the Office of Planning on or before the effective date of the Zoning Regulations. There is no evidence that the Office of Planning approved the lots prior to the effective date of the Zoning Regulations therefore 1A04.3.B.4 could not be applied to allow variance relief from the other sections of that particular regulation. The Board also notes that even under section 304, the Petitioner cannot obtain relief since section 304.1B requires that all other requirements of height and area regulations must be complied with in order for that section to apply. It is noted that the Petitioner seeks variances from various setback requirements and therefore cannot meet the requirements of section 304.1B.

The Board specifically finds that under Cromwell v. Ward (supra), the Petitioner does not meet the requirement of "uniqueness." In that case, the Court stated:

"Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect

to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls.

It is apparent from Petitioner's exhibits that the lots in question are quite similar to all the other lots in the Cedar Beach subdivision. (See Petitioner's Exhibits 6a and 6b and People's Counsel Exhibit 3)

This Board also finds that the case of Mueller v. People's Counsel (supra) is not controlling in this matter. This panel disagrees with the findings of our colleagues as set forth by the Court of Special Appeals in that decision, that the imposition of new zoning to small lots in a subdivision impacts undeveloped lots and suffices for a finding that the property is "unique." This finding could have the effect of negating section 304 of the BCZR and the decision of Cromwell v. Ward (supra) as well as various other sections of the BCZR.

Finally, the Board agrees with People's Counsel that DEPRM failed to meet its obligations under section 500.14 of the BCZR. That section states:

Within the Chesapeake Bay Critical Area,

No decision may be rendered by the Zoning Commissioner or any Petition for Special Exception, Variance, or Special Hearing unless the Zoning Commissioner has received from the Director of the Department of Environmental Protection and Resource Management or his designated representative, written recommendations describing how the proposed request would:

- A. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- B. Conserve fish, wildlife and plant habitats; and
- C. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

In support of this section, Petitioners submit a form memo to Timothy Kotroco, Director of Permits and Development Management (PDM) from David Lykens, DEPRM-Development Coordination dated January 29, 2008. The subject of the Memo is Zoning Item # 08-314-A. Address 1028 Cedar Creek Road (Bartholow Property). The memo is a form-type memo where an "X" is placed next to a statement stating "The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:" three items are listed with blanks next to each item. Next to the third item there is an "X" stating "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)." There are additional comments with respect to forest cover requirements and impervious surface limits. People's Counsel contends that this does not meet requirements of Section 500.14. The Board finds that DEPRM did not meet its obligation under section 500.14. While it is true that Petitioner cannot force DEPRM to make any findings under section 500.14, the Petitioner could certainly have requested DEPRM to make such findings in order to comply with the law as written. The County Council has passed section 500.14 of the BCZR and the Board will enforce that section until such time as the County Council repeals or changes it (See the Board's decision in Howard and Melanie Becker Case No.: 06-651-SPHA, and Patricia L. Shaneybrook and Susan H. Basso, Case No.: 00-139-X).

ORDER

THEREFORE, IT IS, this 9th day of February, 2009, by the Board of Appeals of Baltimore County,

ORDERED that the Petitioners' request for Variance in Case No.: 08-314-A, seeking relief from Section 1A04.3.B.1.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (BCZR) wherein he proposes to construct a dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 feet, side yard setbacks of 11 feet each and a rear yard setback of 45 feet in lieu of the required 1.5 acres, 75 feet, and 50 feet respectively, be and is hereby **DENIED**.

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

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence Stahl, Panel Chairman



Lawrence S. Wescott



Wendell Grier



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3132

February 9, 2009

Daniel Bartholow
6807 Belclare Road
Baltimore, MD 21222

RE: *In the Matter of: Daniel Bartholow-Legal Owner*
1028 Cedar Creek Road
Case No. 08-314-A

Dear Mr. Bartholow:

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

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

Very truly yours,

Theresa Shelton/sc

Theresa R. Shelton
Administrator

TRS/klc

Enclosure

c: Rose Boudier

Office of People's Counsel
William J. Wiseman III/Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director/PDM

4/18/08

IN RE: PETITION FOR VARIANCE

W side Cedar Creek Road,
260 feet S c/l Marsh Road
15th Election District
6th Councilmanic District
(1028 Cedar Creek Road)

Daniel D. Bartholow
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 08-314-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Daniel D. Bartholow. Petitioner is requesting variance relief from Sections 1A04.3.B.1.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 feet, side yard setbacks of 11 feet each, and a rear yard setback of 45 feet in lieu of the required 1.5 acres, 75 feet, and 50 feet, respectively. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Daniel D. Bartholow, and the potential contract purchaser of the property, Rose Boudier. Also appearing in support of the variance requests was Gerry Weaver, the potential buyer's real estate agent. There were no Protestants or interested persons in attendance at the hearing, but the case file did contain an email and letter from several concerned citizens which will be discussed later in this opinion.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing 0.172 acre and zoned R.C.5. The subject property consists of Lots 249 and 250 and is located north of Holly Neck Road on the west side of Cedar Creek Road in the Essex area

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of Baltimore County. At the rear of the subject property, it is adjacent to property consisting of Lots 190 and 191 which front Maple Road to the west. Petitioner, Mr. Bartholow, purchased all four lots in 1992. At that time, the property was improved with an existing dwelling located primarily on Lots 190 and 191 with a portion on Lots 249 and 250, and a shed that was located on Lots 249 and 250. According to Petitioner, the dwelling was in deplorable condition and within a few years was razed by Petitioner and a new home constructed in 1999 on the property consisting of Lots 190 and 191. The shed on Lots 249 and 250 remained until recently when it was also razed and removed.

During the last few years, Petitioner has offered the subject property for sale. Recently, the potential contract purchaser, Ms. Boudier, expressed an interest in the property due to its size and proximity to her oldest son who lives nearby. Ms. Boudier indicated her oldest son is a Baltimore County Police Officer who resides at 1127 Maple Road, just one street away from the subject property. Ms. Boudier also indicated that she has a 29 year old son who was severely injured a number of years ago by a drunk driver and is now a quadriplegic. He is confined mostly to either a motorized wheelchair or a bed and has nursing assistance for four hours daily; however, most of his care needs are left to her. Ms. Boudier explained that the subject property is an ideal location to build a modest home for her and her son, which would enable her to be in close proximity to her other son in case of emergencies and would allow her sons to visit one another more easily.

In opposition to the requested relief, the undersigned received an email dated March 19, 2008 from a concerned citizen, Kim Burton, of 1952 Sue Creek Drive. Ms. Burton indicated she is opposed to the variance request because the lot is currently empty with several mature trees and a utility pole in the front yard near Cedar Creek Road. In order to build a house on this lot, at least two of the trees would have to be cut down and a utility (electricity) pole would have to be removed and replaced on the property. The lot is also small and not practical to build on -- only

of Baltimore County. At the rear of the subject property, it is adjacent to property consisting of Lots 190 and 191 which front Maple Road to the west. Petitioner, Mr. Bartholow, purchased all four lots in 1992. At that time, the property was improved with an existing dwelling located primarily on Lots 190 and 191 with a portion on Lots 249 and 250, and a shed that was located on Lots 249 and 250. According to Petitioner, the dwelling was in deplorable condition and within a few years was razed by Petitioner and a new home constructed in 1999 on the property consisting of Lots 190 and 191. The shed on Lots 249 and 250 remained until recently when it was also razed and removed.

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about 12% of the size required by R.C.5 regulations. Finally, Ms. Burton indicates this is one of the only vacant lots left in the neighborhood and feels it is important to save it to its natural "as is" state.

In addition, the undersigned also received a letter dated March 11, 2008 from another concerned citizen, Christa Adle-Hammer, of 1024 Cedar Creek Road, as well as a copy of Petitioner's deed from July 1, 1992 and a photograph of the subject property. These documents were collectively marked and accepted into evidence as Protestant's Exhibit 1. Ms. Adel-Hammer resides next door to the subject property and cited several reasons why the requested variance relief should not be granted. First, Lots 249 and 250 are not a "stand alone" property, but rather have been used by the residents at 1025 Maple Road as an extended back yard for many years. In short, the lots are a functional part of 1025 Maple Road. Second, the zoning when Petitioner purchased Lots 190 and 191 and the subject Lots 249 and 250 in 1992 were zoned R.C.5 at that time. Petitioner was aware of the zoning restrictions on the properties when he purchased them, hence, an exception to the regulations should not be made 15 years later. Third, Lots 249 and 250 are standard rectangular-shaped lots with mostly flat topography, and with no unique characteristics or circumstances that would require a zoning variance. Finally, Ms. Adle-Hammer believes there would be environmental impacts to the mature trees on the property and to the rural characteristic of the neighborhood.

In response to Ms. Adel-Hammer's remarks, Petitioner and Ms. Boudier submitted a letter of their own dated March 18, 2008. Their rebuttal indicated the following: that Lots 249 and 250 are in fact part of a stand alone property -- with a separate deed and tax bill -- and that the property is not a functional part of, and has never been used as, an "extended back yard" for 1025 Maple Road. They indicted that uniqueness and the practical difficulty were in the unusual and difficult circumstances being faced by the prospective purchaser, Ms. Boudier. They also indicated that

when Petitioner purchased Lots 190, 191, 249, and 250 in 1992, there was an existing house on Lots 190 and 191, with a small portion of the house on Lots 249 and 250. The house was razed due to its deplorable condition shortly thereafter and Petitioner had always intended to construct a replacement dwelling in the future.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The ZAC comment received from the Department of Environmental Protection and Resource Management (DEPRM) dated January 29, 2008 states that the property must comply with Chesapeake Bay Critical Area Regulations and the Limited Development Area Regulations. The property is subject to forest cover requirements and must meet impervious surface limits. The ZAC comment received from the Office of Planning dated February 1, 2008 does not oppose Petitioners' request provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. As stated in Section 1A04.1.B of the B.C.Z.R., the purpose of the R.C.5 zoning classification is to provide for rural-residential development in suitable areas in which basic services are not anticipated, eliminate scattered and generally disorderly patterns of future rural-residential development, assure that encroachments onto productive or critical natural resource areas will be minimized, and provide a minimum lot size which is sufficient to provide adequate area for the proper functioning of on-lot sewer and water systems. An aerial photograph of the subject property and surrounding area contained in the case file shows that waterfront and other areas on the north side of Holly Neck Road in the vicinity of the subject property consist of well developed neighborhoods with a mix of older and newer homes. It also shows that the

ORDER RECEIVED FOR FILED

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surrounding area contains an abundance of forested areas and wetlands that have not been -- or more likely cannot be -- developed. In my judgment, Petitioner and Ms. Boudier's plans for a modest dwelling on the subject property will enhance the overall character of the neighborhood and will not have any adverse or detrimental impacts. Moreover, it is planned that the new dwelling will access the existing public water and sewer service and there was no evidence presented that the lot is not large enough to accommodate these sewer and water systems. Hence, in my view, Petitioner and Ms. Boudier's plans comport with the spirit and intent of the R.C.5 zoning classification. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

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

THEREFORE, IT IS ORDERED this 18th day of April, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance requests from Sections 1A04.3.B.1.a and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 feet, side yard setbacks of 11 feet each, and a rear yard setback of 45 feet in lieu of the required 1.5 acres, 75 feet, and 50 feet, respectively be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to obtaining a building permit, Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards:

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- a. Submit photographs of existing adjacent dwellings.
 - b. Submit building elevations (all sides) of the proposed dwelling for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Petitioner shall ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Design of all decks, balconies, windows, dormers, chimneys and porches as a component of the building, following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design of all accessory structures at a scale appropriate to the dwelling and design of garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.
3. 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).
 4. This property is within the Limited Development Area (LDA) of the CBCA and is subject to forest cover requirements and must meet impervious surface limits. The maximum impervious surface allowed is 2,375 square feet with mitigation. The proposed impervious must be reduced to meet this requirement. The forest cover requirement is for two trees plus five additional native deciduous trees must be planted for mitigation.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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4-18-08
PB



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 18, 2008

Daniel D. Bartholow
6807 Belclare Road
Baltimore MD 21222

Re: Petition for Variance
Case No. 08-341-A 314-A
Property: 1028 Cedar Creek Road

Dear Mr. Bartholow:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Rose Boudier, 1835 Weyburn Road, Baltimore MD 21237
Gerry Weaver, 7939 Honeygo Blvd., Baltimore MD 21236



CBCA

TAX. ACCOUNT

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1028 Cedar Creek Rd.

which is presently zoned RC-5

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

see attached

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

To be presented at the hearing

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

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):

DANIEL D. BARTHOLOW

Name - Type or Print

Daniel D. Bartholow

Signature

Name - Type or Print

Signature

6807 BELCHARE RD. 410/282(4428

Address

Telephone No.

BALTO

City

MD.

State

21222

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-314-A

9/15/98

4-18-08

Reviewed By SM

Date 4/16/08

1A04.3.B.1.a and 1A04.3.B.2.b to permit a proposed dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 ft., side yard setbacks of 11 ft. each, and a rear yard setback of 45 ft. in lieu of the required 1.5 acres, 75 ft., and 50 ft., respectively.

ZONING DESCRIPTION FOR 1028 Cedar Creek Road

Beginning at a point on the West side of Cedar Creek Road which is 40 ft. wide at the distance of 260 ft South of the centerline of the nearest improved intersecting street Marsh Road which is 30 ft wide. *Being Lot # 249 and 250 in the subdivision of Cedar Beach as recorded in Baltimore County Plat Book #7, Folio #186, containing 7500 s.f. Also known as 1028 Cedar Creek Road and located in the 15th Election District, 6th Councilmanic District.

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: #08-314-A

1028 Cedar Creek Road

W/side of Cedar Creek Road, 260 feet south of centerline of Marsh Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Daniel Bartholow

Variance: to permit a proposed dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 feet, side yard setbacks of 11 feet each and a rear yard setback of 45 feet in lieu of the required 1.5 acres, 75 feet and 50 feet respectively.

Hearing: Wednesday, March 12, 2008 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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/2/815 Feb. 26

164819

CERTIFICATE OF PUBLICATION

2/28, 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 2/26, 2008.

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

J. Wilkins

LEGAL ADVERTISING

No. 09742

Date: 1/16/08

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DWM
1/16/2008	1/16/2008	10:49:16	2

REC'D 02 MAYL JENN JEE
IPT # 558362 1/16/2008 OFLW

Dept	5 528 ZONING VERIFICATION
Off	009742

Recpt Tot	\$65.00
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1.00	OK	165.00	OK
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Baltimore County, Maryland

[illegible]

Total: 1,000.00

From:

For:

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

For Newspaper Advertising:

Item Number or Case Number: 08-314-A

Petitioner: DANIEL D. BARTHOLOW

Address or Location: 1028 CEDER CREEK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL D. BARTHOLOW

Address: 6807 BELCLARE RD.

BALTO MD 21222

Telephone Number: 410-282-4428

Revised 7/11/05 - SCJ

Requested: August 13, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 08-314-A

1028 Cedar Creek Road

15th ELECTION DISTRICT

APPEALED: 5/9/2008

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 08-314-A

LEGAL OWNER: **Daniel Bartholow**

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

1028 CEDAR CREEK ROAD
W/SIDE OF CEDAR CREEK ROAD, 260' S C/L MARSH ROAD

The sign was posted on 12-4-08, 2008.

By: M Stuart Kelly
(Signature of Sign Poster)

M STUART KELLY
(Print Name)



PHOTOGRAPHIC RECORD

Citation/Case No.: 08-314-A

Date of Photographs: 12-4-08

I HEREBY CERTIFY that I took the 2 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

M. J. H. Kelly

Enforcement Officer

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 30, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-314-A

1028 Cedar Creek Road

W/side of Cedar Creek Road, 260 feet south of centerline of Marsh Road

15th Election District – 6th Councilmanic District

Legal Owners: Daniel Bartholow

Variance to permit a proposed dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 feet, side yard setbacks of 11 feet each and a rear yard setback of 45 feet in lieu of the required 1.5 acres, 75 feet and 50 feet respectively.

Hearing: Wednesday, March 12, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



Timothy Kotroco
Director

TK:klm

C: Daniel Bartholow, 6807 Belclare Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 27, 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 26, 2008 Issue - Jeffersonian

Please forward billing to:
Daniel Bartholow
6807 Belclare Road
Baltimore, MD 21222

410-282-4428

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-314-A

1028 Cedar Creek Road
W/side of Cedar Creek Road, 260 feet south of centerline of Marsh Road
15th Election District – 6th Councilmanic District
Legal Owners: Daniel Bartholow

Variance to permit a proposed dwelling on a lot containing 0.172 acres with a front yard setback to the centerline of the street of 46 feet, side yard setbacks of 11 feet each and a rear yard setback of 45 feet in lieu of the required 1.5 acres, 75 feet and 50 feet respectively.

Hearing: Wednesday, March 12, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



County Board of Appeals of Baltimore County

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

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

September 26, 2008

NOTICE OF ASSIGNMENT

CASE #: 08-314-A

IN THE MATTER OF: DANIEL BARTHOLOW – LO /Petitioner
1028 Cedar Creek Road 15th E; 6th C

4/18/2008 – Z.C.'s decision in which requested zoning relief was **GRANTED**
with restrictions.

ASSIGNED FOR:

THURSDAY, DECEMBER 4, 2008, at 10:00 a.m.

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

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

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

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

Kathleen C. Bianco
Administrator

c: Appellant : Office of People's Counsel
Legal Owner /Petitioner : Daniel D. Bartholow
Contract Purchaser : Rose Boudier
Garry Weaver - *NOTICE returned - unable to forward*
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



County Board of Appeals of Baltimore County

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

December 4, 2008

NOTICE OF DELIBERATION

IN THE MATTER OF:

DANIEL BARTHOLOW –Legal Owner /Petitioner
Case No. 08-314-A

Having concluded this matter on 12/04/08, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **WEDNESDAY, JANUARY 21, 2009 at 9:00 a.m.**

LOCATION : **Hearing Room #2, Jefferson Building**
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

Theresa R. Shelton
Legal Administrative Secretary

c: Appellant : Office of People's Counsel
Legal Owner /Petitioner : Daniel D. Bartholow
Contract Purchaser : Rose Boudier

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Copy to: 2-4-3



County Board of Appeals of Baltimore County

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

March 25, 2009

NOTICE OF DELIBERATION / MOTION FOR RECONSIDERATION

IN THE MATTER OF:

DANIEL BARTHOLOW –Legal Owner /Petitioner
Case No. 08-314-A

Having concluded this matter on 12/04/08, public deliberation was held on 1/21/2009. The Opinion and Order was issued by the Board on 2/9/09. A Motion for Reconsideration was filed on 3/11/09 and Answer to Motion for Reconsideration was filed on 3/16/09. The matter has been scheduled for a Deliberation on the following date /time:

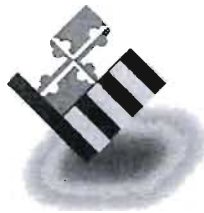
DATE AND TIME : **WEDNESDAY, APRIL 22, 2009 at 9:00 a.m.**

LOCATION : **Hearing Room #2, Jefferson Building**
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

Theresa R. Shelton
Legal Administrative Secretary

c: Appellant	: Office of People's Counsel
Counsel for Legal Owner/Petitioner	: John B. Gontrum, Esquire
	: Dino C. La Fiandra, Esquire
Legal Owner /Petitioner	: Daniel D. Bartholow
Contract Purchaser	: Rose Boudier

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM
Nancy West, Assistant County Attorney
John Beverungen, County Attorney



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

March 5, 2008

Daniel D. Bartholow
6807 Belclare Road
Baltimore, MD 21222

Dear Mr. Bartholow:

RE: Case Number: 08-314-A, 1028 Cedar Creek Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 16, 2008. 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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS- 02042008.doc



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

Robert L. Flanagan, Secretary
Noll J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 30, 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. 8-314-A
1028 CEDAR CREEK RD
BARTHOLOW 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. 8-314-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone 410.545.0300 - www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

RECEIVED
FEB 05 2008

SUBJECT: 1028 Cedar Creek Road
INFORMATION:

BY: _____

Item Number: 8-314

Petitioner: Daniel D. Bartholow

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the **exterior** of the proposed building(s) uses the same finish materials and architectural details **on the front, side, and rear elevations**. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By: Cecilia Murray

Division Chief: Lynn Lanthorn

CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 30 2008

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: January 29, 2008

SUBJECT: Zoning Item # 08-314-A
Address 1028 Cedar Creek Road
(Bartholow Property)

BY:.....

Zoning Advisory Committee Meeting of January 28, 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:

The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to forest cover requirements and must meet impervious surface limits. The maximum impervious surface allowed is 2,375 square feet with mitigation. The proposed impervious must be reduced to meet this requirement. The Forest Cover requirement is for two trees plus 5 additional native deciduous trees must be planted for mitigation.

Reviewer: Paul A. Dennis

Date: 1/29/08

RE: PETITION FOR VARIANCE * BEFORE THE
1028 Cedar Creek Road; W/S Cedar Creek Road *
260' S c/line Marsh Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Daniel Bartholow * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-314-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 25th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, Daniel Bartholow, 6807 Belclare Road, Baltimore, MD 21222, Petitioner(s).

RECEIVED

JAN 25 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 8, 2008

Hand-delivered

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

RECEIVED
MAY - 9 2008
Per. *KH*

Re: PETITION FOR VARIANCE
W/S of Cedar Creek Road, 260' S c/l Marsh Road
(1028 Cedar Creek Road)
15th Election District; 6th Council District
Daniel Bartholow. - Petitioners
Case No.: 08-314-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 18, 2008 by the Baltimore County Deputy Zoning Commissioner.

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

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

C. S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Daniel Bartholow



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
August 11, 2008 *Development Management*

Daniel Bartholow
6807 Belclare Road
Baltimore, MD 21222

Dear Mr. Bartholow:

RE: Case: 08-314-A, 1028 Cedar Creek Road

Please be advised that an appeal of the above-referenced case was filed in this office on May 9, 2008 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Rose Boudier, 1835 Weyburn Road, Baltimore 21237
Gerry Weaver, 7939 Honeygo Boulevard, Baltimore 21236

APPEAL

Petition for Variance
1028 Cedar Creek Road
W/s of Cedar Creek Rd., 260' s c/l Marsh Road
15th Election District - 6th Councilmanic District
Legal Owner: Daniel Bartholow

Case No.: 08-314-A

- ✓ Petition for Variance (November 6, 2008)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (January 30, 2008)
- ✓ Certification of Publication (The Jeffersonian - February 26, 2008)
- ✓ Certificate of Posting (February 27, 2008) by Robert Black
- ✓ Entry of Appearance by People's Counsel (January 25, 2008)
- ✓ Petitioner(s) Sign-In Sheet - One Sheet
- Protestant(s) Sign-In Sheet None
- Citizen(s) Sign-In Sheet None
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Plat
- ✓ 2. Letter dated March 18, 2008 from Petitioner

Protestants' Exhibits:

- ✓ 1. Email with letter attached from Christa Adler (03-12-08)
- ✓ 2. Email from Kim Burton (3-19-08)

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Photographs
- ✓ 2. Real Property Tax Bill

- ✓ Deputy Zoning Commissioner's Order (GRANTED - April 18, 2008)
- ✓ Notice of Appeal received on May 9, 2008 by People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Daniel Bartholow
Rose Boudier
Gerry Weaver

RECEIVED
AUG 12 2008
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED

date sent August 12, 2008, klm

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: DANIEL BARTHOLOW

08-314-A

DATE: January 21, 2009

BOARD/PANEL: Lawrence Stahl
Wendell Grier
Lawrence Wescott

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petitioner's Petition for Variance to allow a proposed dwelling on lot containing 0.172 acres with front yard setback to c/l of street of 46', side yard setbacks of 11' each, and a rear yard setback of 45' in lieu of required 1.5 acres, 75' and 50' respectively.
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
3. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the uniqueness requirements set forth in Cromwell as well as similar cases that have gone before the Upper Courts. The subject property is not unique as to the structure, size, or shape of the land. The only evidence presented that would be considered for uniqueness is the fact that after the property was purchased the Zoning of the property was changed.
- The Board noted that if the County Council wanted any change in the zoning of the property to count as uniqueness, the Council would create statute to indicate that decision.
- The Board discussed the requirement of BCZR 304 and determined that they could not apply these standards because the Petitioner did not request for these standards to be applied.
- The Board discussed BCZR 500.14 which indicates that in the Chesapeake Bay Critical Area (CBCA), DEPRM must provide written recommendations specific to the property and what impact the intended use of the property will have on the area. In this case, DEPRM did not provide this documentation, nor does it appear to have been requested by the Petitioner.

DECISION BY BOARD MEMBERS:

The Board determined that this property does not meet the uniqueness requirements of Cromwell v. Ward. The Board then determined that because the property does not meet uniqueness requirements, they did not need to determine or rule on the issue of practical difficulty.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Daniel Bartholow 08-314-A

DATE: April 22, 2009

BOARD/PANEL: Lawrence Stahl
Lawrence Wescott
Wendell Grier

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Motion for Reconsideration filed by John B. Gontrum, Esquire on behalf of Petitioners.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

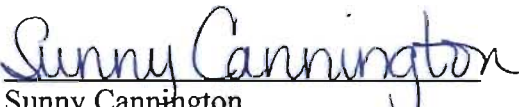
- The Board heard this matter in its entirety and issued their opinion. A Motion for Reconsideration was filed by John B. Gontrum, Esquire on behalf of the Petitioners.
- The Petitioners had appeared pro se at the Hearing before the Zoning Commissioner.
- In the Motion, the Petitioners argue that because they were pro se, they were unaware of the requirement that DEPRM provide a written recommendation.
- The Board feels that if a Petitioner wishes to represent himself, it is their responsibility to research all requirements for their case.
- In particular to the requirement of DEPRM, the Board feels that it may be better for this case to go up to the Appellate Courts so they can tell the Board if the requirement should be any different, and/or if the Standard Form DEPRM uses meets the requirements of the Baltimore County Zoning Regulations ("BCZR") Section 500.14
- Generally the law requires that fraud, mistake, irregularity, new law or new evidence not known about at the original hearing, be presented in order to grant a Motion for Reconsideration.
- In this matter, the Board finds that none of the above requirements have been met to grant the Motion.

DECISION BY BOARD MEMBERS: This matter did not meet the "uniqueness" requirements set forth in *Cromwell v. Ward* at the hearing. The Board feels that nothing presented in the Motion or Answer changes the fact that the property is not unique.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Motion for Reconsideration filed by John B. Gontrum, Esquire on behalf of Petitioners.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

CASE NO.: 08-314-A

IN THE MATTER OF: DANIEL BARTHOLOW-LO/Petitioner

1028 Cedar Creek Road

15th E: 6th C

Var-to permit proposed dwelling on lot containing 0.172 ac w/ front yard setback to c/l of street of 46', side yd setbacks of 11' each, and rear yd setback of 45' ilo required 1.5 ac, 75' and 50' respectively.

4/18/08 – ZC's decision in which requested zoning relief was **GRANTED with restrictions.**

9/26/08 – Notice of Assignment sent to following; assigned for hearing on Thursday, December 4, 2008 at 10:00 a.m.:

Office of People's Counsel
Daniel Bartholow
Rose Boudier
Garry Weaver
William J. Wiseman, III, Zoning Commissioner
Pat Keller, Director/Planning
Timothy Kotroco, Director/PDM

12/4/08 – The Board (Stahl, Grier, Wescott) convened for hearing. Hearing completed. Deliberation scheduled for Wednesday, January 21, 2009 at 9:00 a.m.. Notices sent.

2/9/09 Opinion and Order issued by the Board

3/11/09 Motion for Reconsideration filed by Dino LaFiandra on behalf of the Petitioner, David Bartholow
Letter of Acknowledgment sent; copies to the Board panel

3/16/09 Answer to Motion filed by People's Counsel. Copies to Panel.
Set Deliberation date of 4/22/09 at 9:00 a.m.

3/25/09 Notice of Deliberation on Motion for Reconsideration scheduled for Wednesday, April 22, 2009 at 9:00 . Notices sent to all parties.

4/22/09 Deliberation held. Motion Denied, Wescott to write.

4/27/09 Draft Ruling completed and provided for review to Board.

5/18/09 Opinion and Ruling on Motion for Reconsideration issued and set to all parties.

CASE NAME _____
CASE NUMBER 08-314-A
DATE _____

[illegible]

March 18, 2008

RE: Case Number 08-314-A, 1028 Cedar Creek Road

Office of the Zoning Commissioner, Baltimore County
Mr. William J. Wiseman, III Zoning Commissioner
Mr. Thomas H. Bostwick, Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
MAR 19 2008

BY:.....

Subject: Zoning Variance

Dear Sirs:

In direct response to the only protest received regarding the above referenced property from "Concerned Next-door Neighbor", Christa Adle Hammer, we respectfully submit this factual rebuttal.

Existing and Continued Use - Lots 249 and 250 ARE stand alone properties, owned by Mr. Daniel D. Bartholow, with a separate deed and tax bill. It has NEVER been used by Mr. Bartholow as an extended backyard for 1025 Maple Road, as can be seen in the attached photos, and is NOT a functional part of 1025 Maple Road. They are directly adjacent to Lots 190 and 191, which are also deeded to Mr. Bartholow, with a separate tax bill.

Zoning in Effect Prior to Purchase - In 1992, Mr. Bartholow purchased the lots, 190, 191, 249 and 250, which included an existing house, mainly on Lots 190 and 191, with a very small portion extending on Lots 249 and 250 that included a shed. The house and shed were in deplorable condition and in need of razing, of which Mr. Bartholow razed the house just a few years later, leaving the shed. The shed has recently been removed, for fear of damage to any neighboring properties during bad weather. It was in NO condition of being used, as stated in the protest! Given the fact that a house had existed on the property, Mr. Bartholow had intentions of constructing another house as a replacement under any "Grandfathering" provisions.

Environmental and Neighborhood Impact - Currently, of the seven (7) trees on the property, four (4) are Gum trees that produce a seed commonly referred to as "monkey balls". Every year the ground is covered with these "monkey balls" that must be

raked and disposed of (approximately 8-10 large bags full), as they could become a hazard. There are people in the neighborhood that use this property as a "cut-thru" to and from the adjacent streets.

According to Dave Lykens, DEPRM - Development Coordination of Baltimore County, "The Forest Cover requirement is for two trees plus 5 additional native deciduous trees must be planted for mitigation." Buyer and seller are well aware of this requirement and are in definite agreement that trees will be replanted to enhance the natural state of this empty, level lot, and may be replaced with Maple trees. We hope this will provide well for the "wildlife".

The protestor has no knowledge of the "construction equipment" needed to erect this handicap accessible, single level home the buyer is desiring to have erected. Furthermore, as with the other properties in the community that have recently been granted the similar variance we are seeking, any and all "construction" will be a temporary situation and not creating "a negative impact" on the environment or the "character of the neighborhood". These other properties have erected much larger and elaborate homes than the home the buyer is in need of. The protestor IS correct in establishing the fact that the lots are NOT unique. They have the same qualities as many of the other homes constructed in the community. These lots, however, have already been cleared with the exception of the trees as mentioned above.

Special Circumstances - As stated at the hearing, of which the protestor was not present, these lots, and the granting of this variance, has become the prospective relief of "difficulty and hardship" placed on the buyer and her family. The buyer's older son, a Baltimore County Police Officer, resides on 1127 Maple Road, just one street away from the subject property. Her 29 year old son, has become a quadriplegic, at the hands of a drunk driver, living in either his motorized wheel chair or his bed! Most of the care of his needs come from the buyer, who is in need of "relief" herself. This can be accomplished by granting this variance for her to live close to her son, who will be both easily accessible geographically for her sons to visit each other, as well as, in case of any emergencies.

While the granting of this variance is not due to evidence of "practical difficulty and unreasonable hardship" on the petitioner, it does show his empathy and desire to help others in a time of need! The seller had an opportunity to sell the property to the protestor, when he was approached by her, but didn't.

Granting this variance will not only relieve the "hardship" of this family, enhance the character of the neighborhood, but will also increase the tax revenue Baltimore County will realize with the improvement of this ranch style, single-level, handicap-accessible new home.

A handwritten signature in black ink, consisting of a stylized, cursive 'J' or 'G' shape with a long, sweeping tail that loops back up towards the main body of the signature.

Respectfully yours,

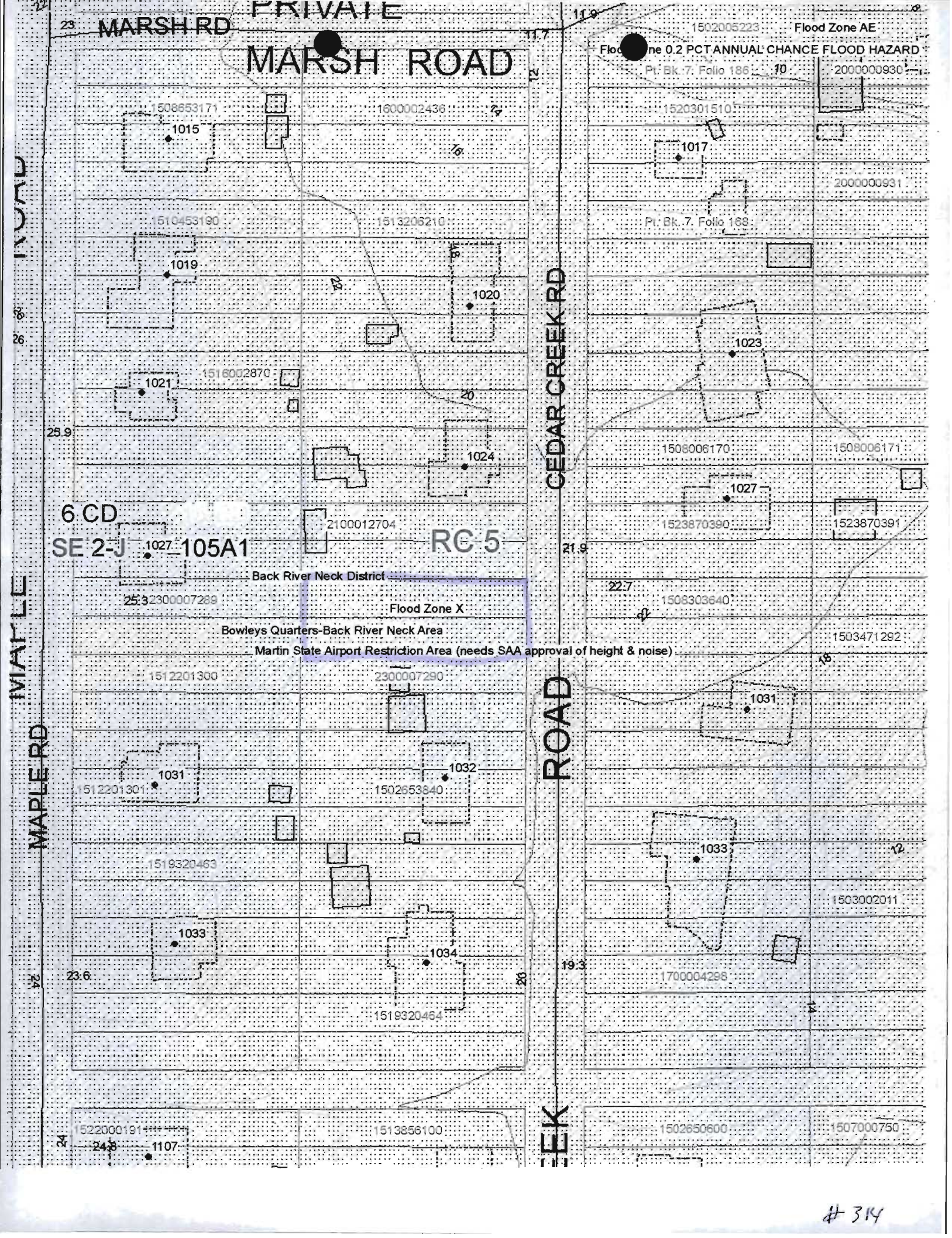


Daniel D. Bartholow, Seller


Rosemary D. Boudier, Buyer 3/18/08

cc: Councilman Joseph Bartenfelder, Sixth District

Enclosures: Photos of subject property and part of protestor's property as it relates to the subject property



MARSH RD

MARSH ROAD

1502005223

Flood Zone AE

Flood Zone 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Pt. Bk. 7, Folio 186

2000000930

1508653171

1600002436

1520301510

2000000931

1510453190

1513206210

Pt. Bk. 7, Folio 168

1019

1020

1023

1021

1516002870

20

28.9

1024

6 CD

2100012704

RC 5

SE 2-J

1027 105A1

21.9

1508006170

1508006171

1027

1523870390

1523870391

Back River Neck District

2532300007289

Flood Zone X

Bowleys Quarters-Back River Neck Area

Martin State Airport Restriction Area (needs SAA approval of height & noise)

22.7

1508303640

1503471292

1512201300

2300007290

CEK ROAD

1031

1032

1031

1512201301

1502653840

1503002011

1519320463

1033

1034

1033

23.6

1519320464

1700004298

1522000191

1513856100

1502650600

1507000750

1107

314

MAPQUEST.

A: 1028 Cedar Creek Rd, Essex, MD 21221-6108

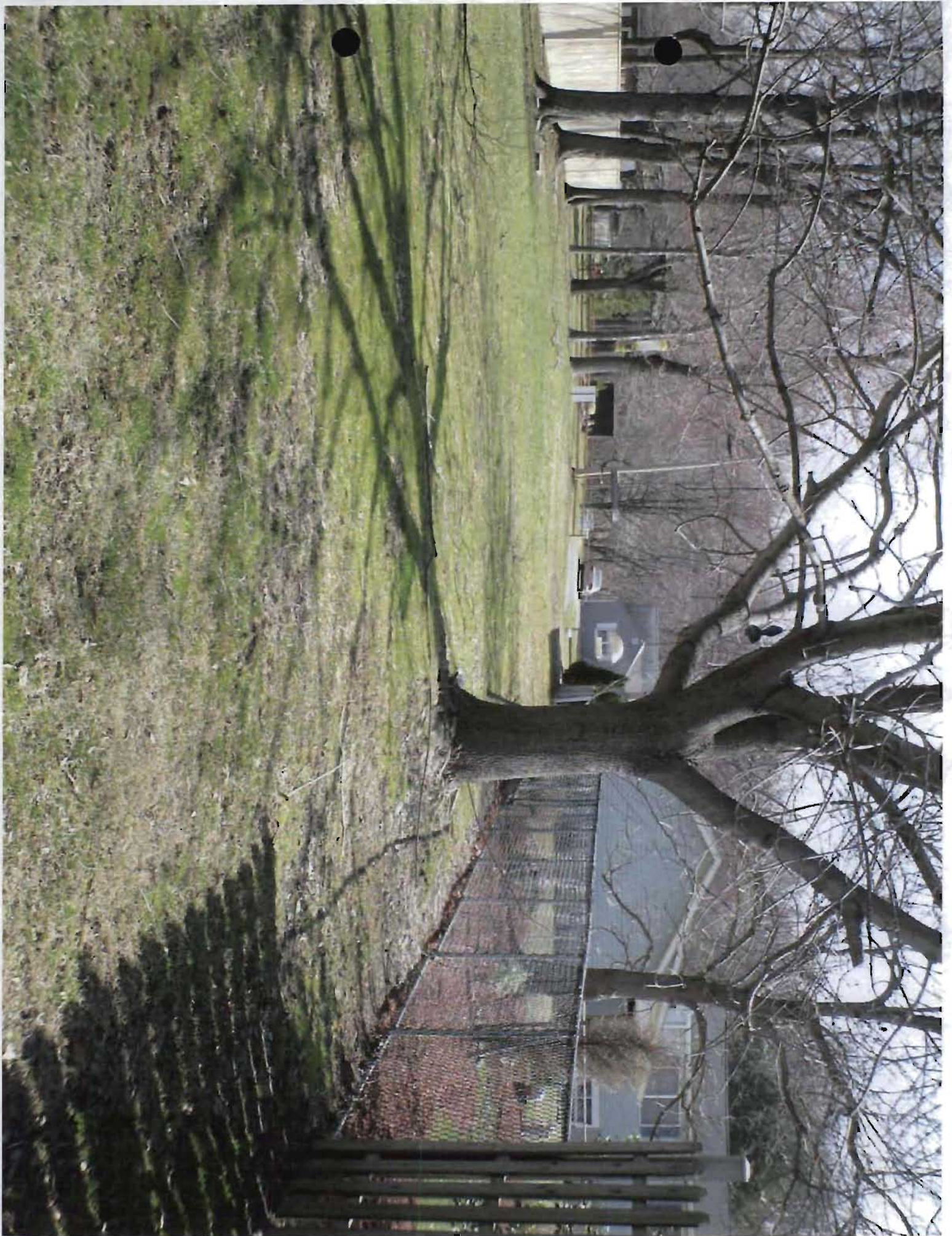








View of Lots 249 & 250 from Street (Cedar Creek)



View of Lots 249 & 250 From Lots 190 & 191



View of Lots 249 & 250 & Back yard of 1025 Maple
and Protestor's Fence



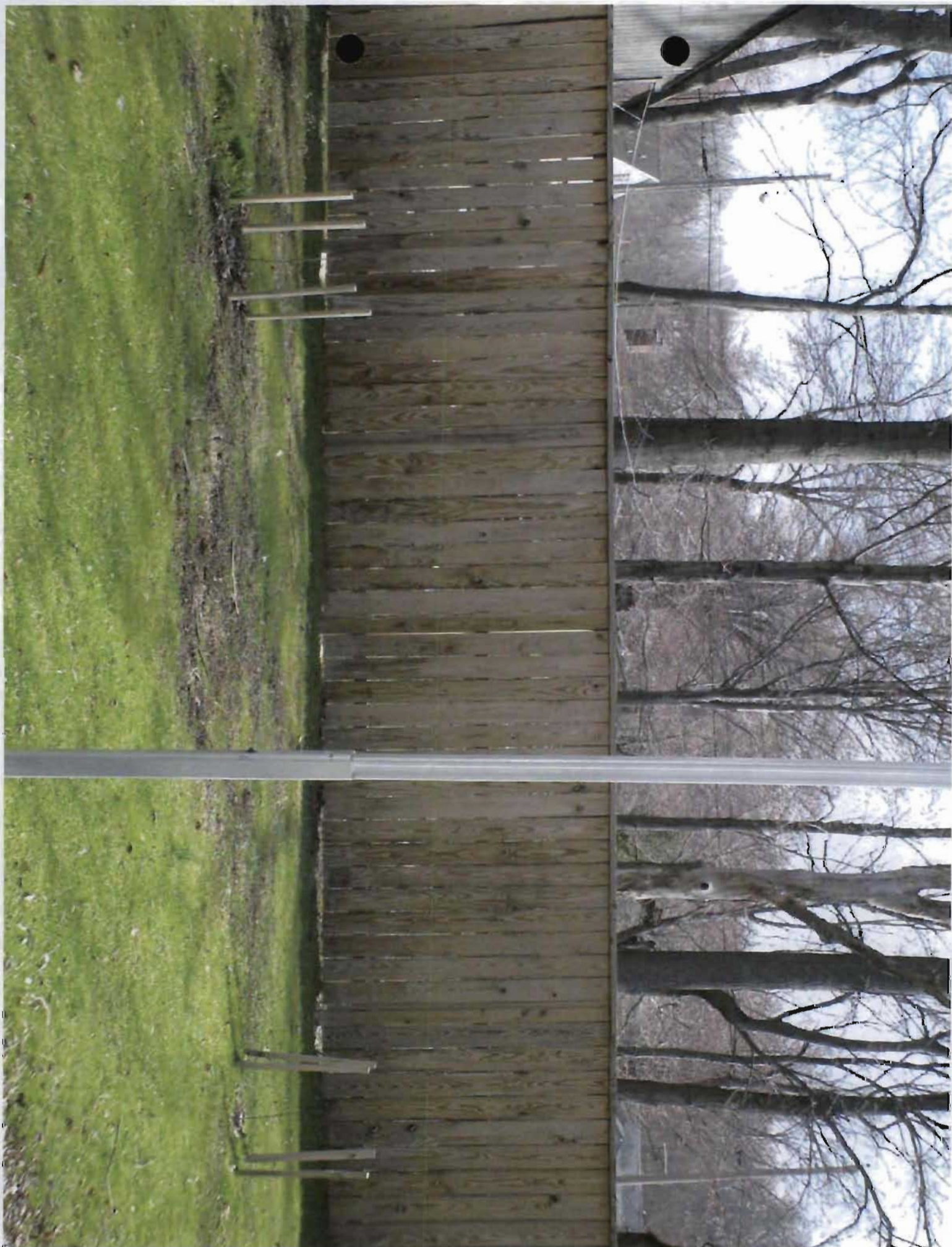
View of backyard of 1025 Maple and Protestor's fence



View of "Monkey Balls" on property (Lots 249 & 250)



View of trees and ~~protective~~ fence



Backyard of 1025 Maple Ave & Protestor's fence



View of Protestor's shed with moss on roof



View of Protestor's open fence and lots 249 & 250 from street.



View of Lots 249 & 250 from Maple Ave (Lots 190 & 191)



Maple (house & truck)

View of Lots 249 & 250 from Lots 190 & 191/4/1025



House on 1028 Maple



View of house on Marsh & Cedar Creek (corner lot)



1001 Maple

BC6550353

Residential

Metropolitan Regional Information Systems, Inc.

Synopsis - Agent

Page 1 of 1

11-Dec-2007

7:46 pm

1816 HOLLY NECK RD ESSEX, MD 21221-6206

Status: ACTIVE

List Price: \$359,900

Ownership: Fee Simple - Sale

BR/FB/HB: 6/3/0

Lot AC/SF: 0.25 / 10,707.00

Lvls/Fpls: 2 / 0

Tot Fin SF: 1296

Year Built: 1998

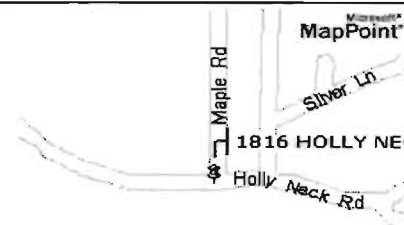
Total Tax: \$2,706

Tax Yr: 2007

Ground Rent:

Style: Rancher

Type: Detached



©2007 Microsoft Corp. ©2007 NAVTEQ, and/or Tele Atlas, Inc.

Legal Sub:

Adv. Sub: Cedar Beach

Model:

HOA Fee: /

C/C Fee: /

Other Fee: /

C/C Proj Name:

Tax Map:

Liber: 7

Folio: 186

Parcel: 123

Block/Square:

Lot: 2

Map Coord: 46A2

Area:

	Total	Main	Upr1	Upr2	Lwr1	Lwr2	Schools:
BR:	6	4	0	0	2	0	ES:
FB:	3	2	0	0	1	0	MS:
HB:	0	0	0	0	0	0	HS:

Master Bdrm:	15	x	11	Main	Fifth Bdrm:	11	x	7	Lower 1	Rec Rm:			
Master Bdrm 2:					Living Rm:	18	x	11	Main	Den:	12	x	10
First- Bdrm:	10	x	11	Main	Dining Rm:					Library:			
Second Bdrm:	11	x	10	Main	Kitchen:	18	x	11	Main	Sitting:			
Third Bdrm:	10	x	8	Main	Brkfast Rm:					Othr Rm 1:	7	x	13
Fourth Bdrm:	12	x	7	Lower 1	Family Rm:	13	x	14	Lower 1	Othr Rm 2:	8	x	11

Exterior:

Exterior Const: Vinyl Siding

Other Structures: Above Grade, Shed

Lot Desc:

Basement: No

Parking: Drvwy/Off Str, Other

Heating System: Forced Air

Water: Public

Cooling System: Ceiling Fan(s), Central A/C

Sewer/Septic: Public Sewer

Appliances: Dishwasher, Dryer, Exhaust Fan, Ice maker, Oven/Range-Electric, Range hood, Refrigerator, Washer

Amenities: Attic-Access Only, Crown Molding, Home Warranty, MBR-BA Full, Shades/Blinds, W/W Carpeting, Walk-in Closet(s), W/pool Jets

HOA/C/C Amenities:

List Date: 28-Sep-2007

Update Date: 07-Dec-2007

DOM-MLS: 74

DOM-Prop: 74

Remarks: LARGE RANCHER ONLY 9 YRS OLD ON 1/4 ACRE LOT THAT BACKS TO TREES. COULD BE SUITABLE FOR AN ASSISTED LIVING OR LARGE FAMILY. EAT IN KITCHEN, LIV RM WITH BAY WINDOW & 4 BDRMS ON MAIN LEVEL PLUS 2 FULL BATHS. LOWER LEVEL IS COMPLETELY FINISHED WITH A FULL BATH/WHIRLPOOL TUB & SEP SHOWER, FAM RM WITH WOOD STOVE, 2 BEDRMS & 2 BONUS RMS & LAUNDRY. IT EVEN HAS A WATER FOUNTAIN. SHOWS WELL!

Directions: Rt. 702 South to Left onto Holly Neck Rd.

Show Instructions: Call Office, -

Listing Co: LONG & FOSTER REAL ESTATE, INC., LNG61

Listing Agent: LINDA STARNER

Office: (410) 879-8080

Owners: Call Office

Show Contacts: Long and Foster Call Office

Sub Comp: 2.5

Buy Comp: 2.5

Add'l:

Dual: Y

Fax: (410) 515-7414

Fax:

Cell: (410) 458-6742

Home: (410) 458-6742

Home: (410) 879-8080

DesR: N

VarC: N

PETITIONER'S

EXHIBIT NO. 2

ight (c) 2007 Metropolitan Regional Information Systems, Inc.
is believed to be accurate, but should not be relied upon without verification.
racy of square footage, lot size and other information is not guaranteed.



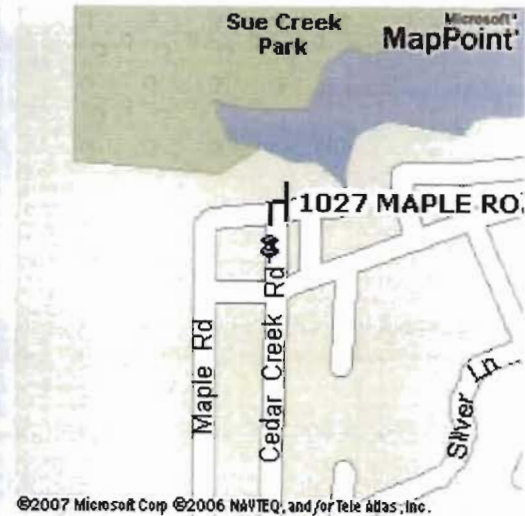
Courtesy of Trey AskewResult **1** of **1**.Previous | Next | [**1**] | Bottom

- Photos - No Virtual Tour

Metropolitan Regional Information Systems, Inc.

BC6120596 - BALTIMORE
1027 MAPLE RD, ESSEX, MD 21221 - 6114

Full Listing
Lot-Land

**Status: EXPIRED**

Incorporated City/Town:

Adv. Subdivision: CEDAR BEACH

Legal Subdivision:

Election District: 15

Tax ID#: 04151516900720**Lot AC/SF:** .172 / 7,497

Listing Type: Excl. Right

List Price: \$115,000

Map Coord: 46A2

Area:

HOA Fee:**Total Taxes:** \$1,262

Elementary:

Middle:

High:

Showing Instructions: Call Office**Directions:**

Rte 702 Turns Into Back River To Left On Holly Neck To Left On Cedar Creek...Situating Between 1032 And 1024 Cedar Creek.

REMARKS:

Internet/Public:

WOW!!! Nice flat cleared building lot 50x150 in terrific Water Oriented Community. Please call for info. Sign is posted. Property is part of a 1031 tax deferred exchange...Lot will need bldg variance.

EXTERIOR

Lot Sqft/Acres: 7,497/.172

Perc Type:

Building Permits: No Building Permits

Development Status: Site Plan Approved

Exterior Features:

Lot Description:

Potential Use: Residential

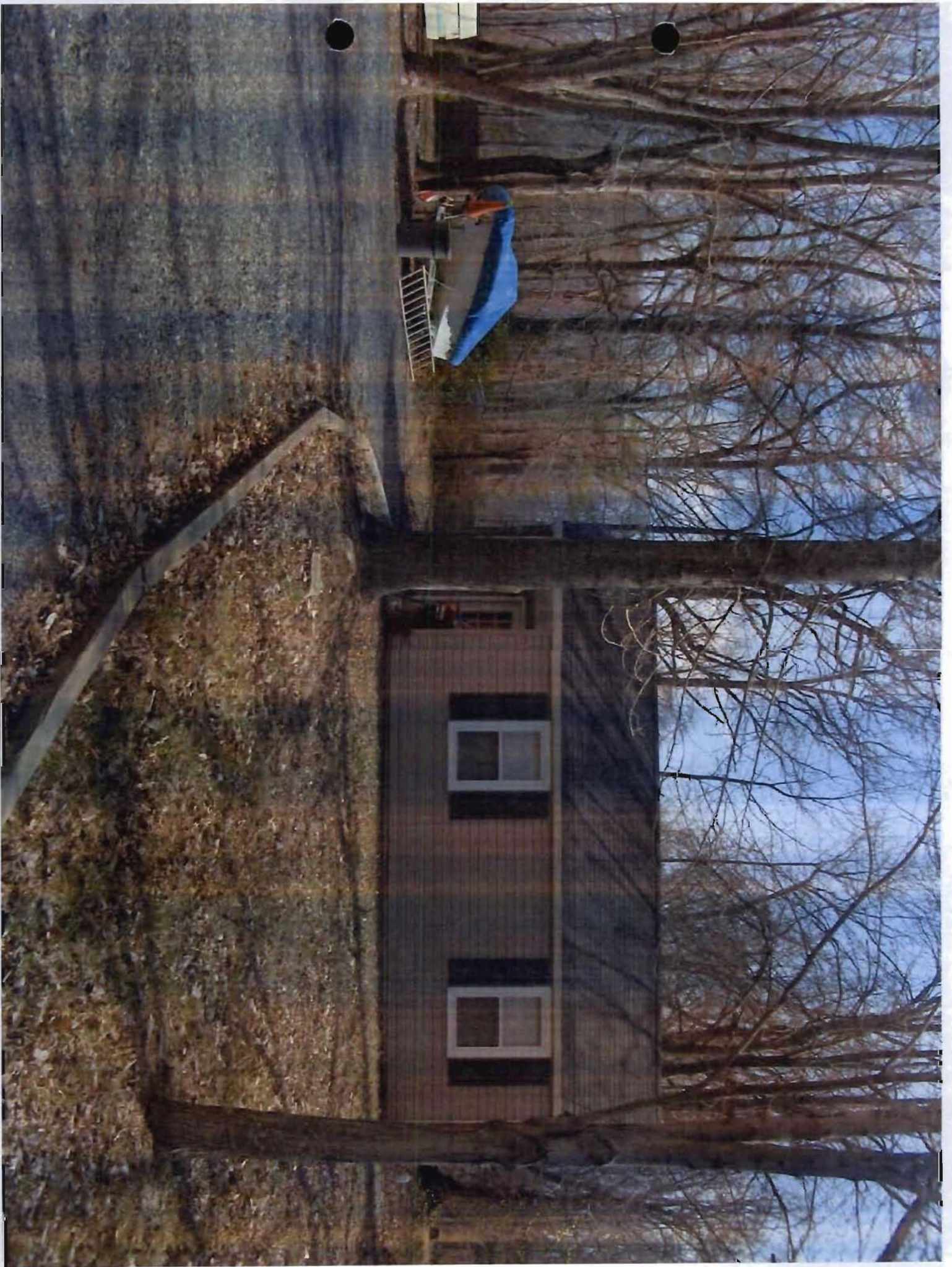
Building Sites/Lots:

Perc Sites:

Lot Dimensions: 150 x x 50

Bedroom Percs:

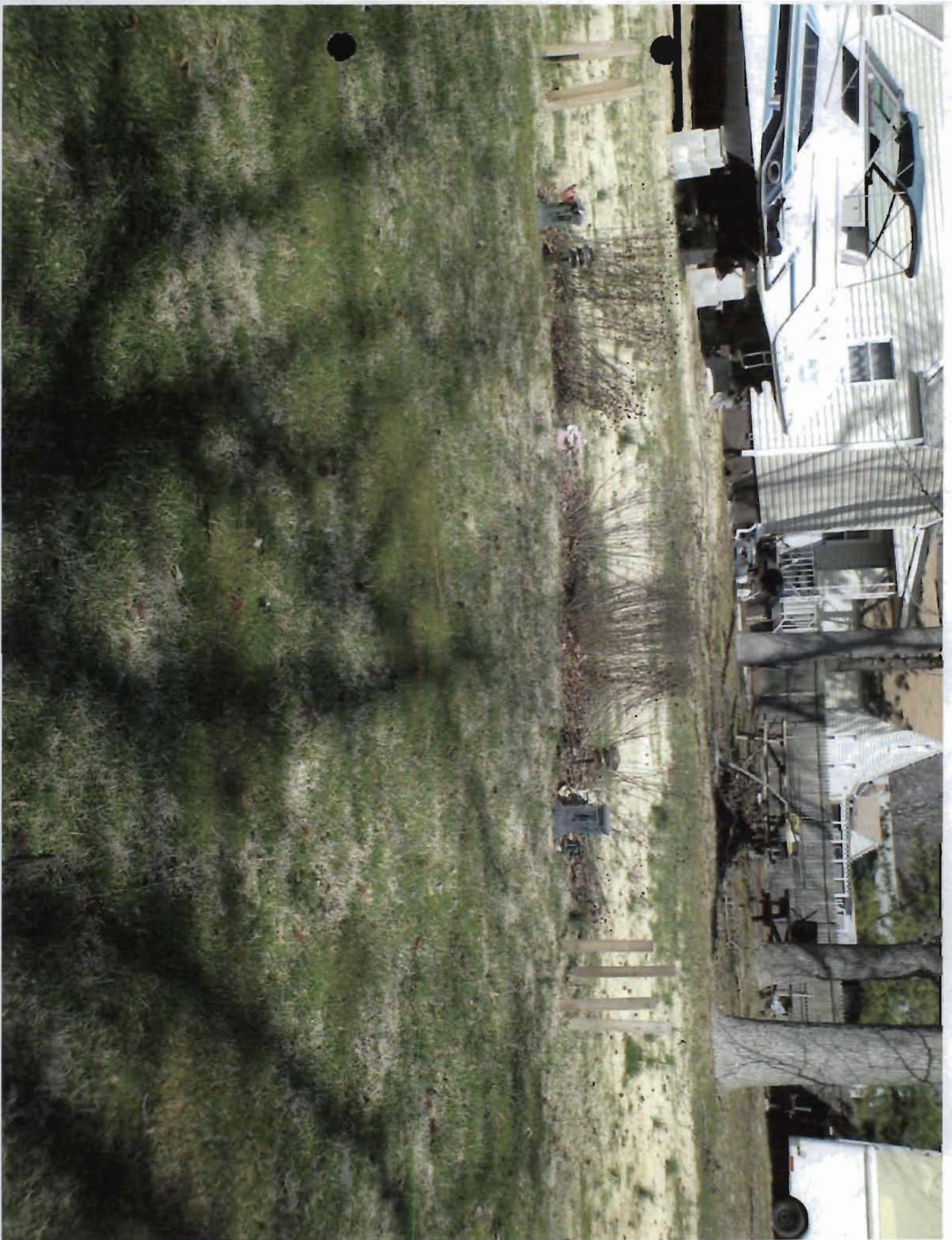
PETITIONER' S**EXHIBIT NO.**3



2001 Silver



2001 Silver



View of 1023 Maple Ave (Character Neighborhood)

MAKE CHECKS
PAYABLE TO:
BALTIMORE COUNTY, MD.

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAX BILL

TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 410-887-2403

PARCEL NUMBER YEAR
23-00-007289 2007

CYCLE BILL DATE ELECTION
FY 07/01/2006 15 DISTRICT

ASSESSMENT
152,210

LEVY PERIOD
JULY 1, 2006-JUNE 30, 2007

CHARGES

SEWER BENEFIT	250.00
SEWER SERVICE	254.47
WATER BENEFIT	68.75
WATER DISTRIBUTION	68.72
CONSTRUCTION LOAN	163.02
BAY RESTORATION FEE	30.00
TOTAL CHARGES	834.96

PROPERTY
STATUS

NOT A
PRINCIPAL
RESIDENCE

COUNTY TAX
STATE TAX
CHARGES

RATE
PER \$100
1.10
1.112

TAXES/CHARGES

1,674.31
170.48
834.96

OWNER'S NAME AND ADDRESS
BARTHOLOW DANIEL D
6807 BELCLARE RD
BALTIMORE MD 21222

PROPERTY DESCRIPTION

CEDAR BEACH
4304AC ETS 190-194
01025 MAPLE

3-038710

GROSS BILL 2,679.75

LOT BLOCK SEC PLAT BOOK FOLIO
190 07 186

INTEREST/
DISCOUNT

NET
TOTAL

CONSTANT YIELD 1.067 DIFFERENCE 0.033

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES

PLEASE RETURN THIS PART WITH
YOUR FIRST SEMIANNUAL PAYMENT

MAIL TO: BALTIMORE COUNTY
P.O. BOX 64281
BALTO. MD. 21264-4281

PARCEL NUMBER YEAR
23-00-007289 2007

CYCLE BILL DATE
FY 07/01/2006

3-038710

OWNER'S NAME AND ADDRESS

FIRST SEMIANNUAL
PAYMENT CHARGES

IF PAID
BY

DISCOUNT

PAY THIS
AMOUNT

* SEMIANNUAL PAYMENT ELIGIBILITY :
* -----
* A PROPERTY OWNER IS ELIGIBLE TO ELECT THE SEMIANNUAL
* PAYMENT OF THEIR REAL PROPERTY TAXES FOR A RESIDENTIAL
* PROPERTY THAT IS DESIGNATED AS THEIR 'PRINCIPAL RESIDENCE'.
* THIS PROPERTY IS IDENTIFIED WITH THE STATE DEPARTMENT OF
* ASSESSMENTS AS 'NOT A PRINCIPAL RESIDENCE' AND IS NOT
* ELIGIBLE FOR THE SEMIANNUAL PAYMENT OPTION. TO CORRECT
* STATUS CALL 410-512-4905.

SECOND SEMIANNUAL PAYMENT

PAID
7/27/06
\$ 2663.01

MAKE CHECKS
PAYABLE TO:
BALTIMORE COUNTY, MD.

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAX BILL

TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 410-887-2403

PARCEL NUMBER YEAR
23-00-007290 2007

CYCLE BILL DATE ELECTION
FY 07/01/2006 15 DISTRICT

ASSESSMENT
1,870

LEVY PERIOD
JULY 1, 2006-JUNE 30, 2007

CHARGES

SEWER BENEFIT 100.00
SEWER SERVICE
WATER BENEFIT 27.50
WATER DISTRIBUTION
CONSTRUCTION LOAN
BAY RESTORATION FEE
TOTAL CHARGES 127.50

PROPERTY STATUS
NOT A COUNTY TAX
PRINCIPAL STATE TAX
RESIDENCE CHARGES

RATE TAXES/CHARGES
PER \$100 1.10 20.57
.112 2.09
127.50

OWNER'S NAME AND ADDRESS
BARTHOLOW DANIEL D
6807 BELCLARE RD
BALTIMORE MD 21222

PROPERTY DESCRIPTION
CEDAR BEACH
1724 AC LTS 249,250
01023 MAPLE

3-038711

GROSS BILL 150.16

LOT BLOCK SEC PLAT BOOK FOLIO
249 07 186

INTEREST/
DISCOUNT

CONSTANT YIELD 1.067 DIFFERENCE 0.033

NET
TOTAL

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES

PLEASE RETURN THIS PART WITH
YOUR FIRST SEMIANNUAL PAYMENT

MAIL TO: BALTIMORE COUNTY
P.O. BOX 64281
BALTO. MD. 21264-4281

PARCEL NUMBER YEAR
23-00-007290 2007

CYCLE BILL DATE
FY 07/01/2006

3-038711

OWNER'S NAME AND ADDRESS

FIRST SEMIANNUAL
PAYMENT CHARGES

IF PAID
BY

DISCOUNT

PAY THIS
AMOUNT

* SEMIANNUAL PAYMENT ELIGIBILITY :
* -----
* A PROPERTY OWNER IS ELIGIBLE TO ELECT THE SEMIANNUAL
* PAYMENT OF THEIR REAL PROPERTY TAXES FOR A RESIDENTIAL
* PROPERTY THAT IS DESIGNATED AS THEIR 'PRINCIPAL RESIDENCE'.
*
* THIS PROPERTY IS IDENTIFIED WITH THE STATE DEPARTMENT OF
* ASSESSMENTS AS 'NOT A PRINCIPAL RESIDENCE' AND IS NOT
* ELIGIBLE FOR THE SEMIANNUAL PAYMENT OPTION. TO CORRECT
* STATUS CALL 410-512-4905.

SECOND SEMIANNUAL PAYMENT

PAID
7/17/06
\$ 149.95

76000
24000
75000

From: "Adle Hammer, Christa" <Christa.Adle.Hammer@ssa.gov>
To: <wwiseman@baltimorecountymd.gov>, <tbostwick@baltimorecountymd.gov>
Date: 03/12/08 9:19:41 AM
Subject: Case #08-314-A, Opposition to Zoning Variance--Hearing Scheduled for 3/12/08

Dear Sirs,

Attached, please find a letter and two enclosures that I submit for your consideration in the zoning hearing of case #08-314-A scheduled for today, 3/12/08.

Respectfully,

Christa Adle Hammer

CC: <council6@baltimorecountymd.gov>

PROTESTANT'S
Ex. 1

1024 Cedar Creek Road
Baltimore, Maryland, 21221

March 11, 2008

RE: Case Number 08-314-A, 1028 Cedar Creek Road

Office of the Zoning Commissioner, Baltimore County
Mr. William J. Wiseman, III, Zoning Commissioner
Mr. Thomas H. Bostwick, Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Subject: Opposition to Zoning Variance

Dear Sirs:

I am writing to you regarding the zoning variance requested for 1028 Cedar Creek Road (lots 249 and 250). Regrettably, I am unable to attend the zoning hearing held on March 12, 2008 in person due to my working hours. However, I hope that you will consider the following letter in my absence.

A petition for a zoning variance must show that strict compliance with the regulations would result in "practical difficulty and unreasonable hardship", according to *A Citizen's Guide to Zoning in Baltimore County*, Appendix B, page 63-64. For the reasons stated below, this zoning petition does not meet this strict standard. To the contrary, there are several compelling reasons why a zoning variance should not be granted for lots 249 and 250. Therefore, I respectfully request that you deny this request for a zoning variance.

Existing and Continued Use

Lots 249 and 250 are not a stand alone property and have a useful purpose to the property owner as-is. The lots are directly adjacent to the main property owned by Mr. Bartholow at 1025 Maple Road. The property on 1025 Maple Road has a single family home and lots 249 and 250 continue from that property as an extended backyard. In fact, lots 249 and 250 have been used by the residents living at 1025 Maple Road as an extended yard for many years and a shed was constructed and used on the lot until recently. Put simply, lots 249 and 250 are a functional part of 1025 Maple Road.

Zoning In Effect Prior to Purchase

The Resource Conservation (RC) zones were introduced in 1975 according to *A Citizen's Guide to Zoning in Baltimore County*, Appendix A, page 61. This includes RC-5, the current zoning of lots 249 and 250. According to the Maryland State Archives records, lots 249 and 250 were purchased in 1992 by Mr. Bartholow, along with the lots that make up the residence at 1025 Maple Rd (see attached deed). The current zoning regulations had been in effect for almost 20 years when lots 249 and 250 were purchased and the current

property owner knew or should have known of the restrictions on the property at the time of purchase and failed to request an exception at that time. This clearly suggests that the property owner bought the property and intended it to be used as part of 1025 Maple Road. Why should an exception be made now after over 15 years of use as-is?

Environmental and Neighborhood Impact

There are seven full grown, mature, deciduous trees on lots 249 and 250 (see attached photo) that contribute to the rural characteristic of the neighborhood, provide habitat for wildlife, and otherwise help the environment. I requested but was unable to obtain architectural plans from your office; however, from my own observations, at least two of these trees are growing where the actual dwelling will be positioned with the setbacks listed in the notice. In addition, the setbacks requested provide very little room for construction equipment on lots 249 and 250 and most or all of the trees will likely have to be cleared to construct the dwelling. This would have a negative impact, not only on the environment, but also on the character of the neighborhood and the inherent qualities of lots 249 and 250.

Special Circumstances

The physical characteristics of lots 249 and 250 are a standard rectangular shape with a mostly flat topography. The lots do not have any unique characteristics or special circumstances that would require a zoning variance to be useful to the property owner. As previously stated, lots 249 and 250 were purchased with the other lots that make up 1025 Maple Road, have been used as one property by the residents who have lived there for more than 15 years, and should continue to be considered in this manner.

Given that lots 249 and 250 can continue to be useful to the property owner, the current zoning designation of RC-5 was in effect for almost 20 years prior to the purchase of the lots, the development of the lots would have a negative impact on the environment and the neighborhood, and there are no special circumstances that make the lots unique, there is no evidence that "practical difficulty and unreasonable hardship" affect the petitioner.

For the reasons stated above, you will find that the zoning petition does not show "practical difficulty and unreasonable hardship" and I hope you will deny the request for a zoning variance for lots 249 and 250 located at 1028 Cedar Creek Road.

Respectfully yours,

Christa Adle Hammer
Concerned Next-door Neighbor

cc: Councilman Joseph Bartenfelder, Sixth District

Enclosures: Deed for Lots 249 and 250
Photograph of Lots 249 and 250 Including Trees

THIS DEED, Made this 1st day of July,
in the year one thousand nine hundred and ninety-two, by and between RUTH J. ROWAN,
party of the first part, Grantor, and DANIEL D. BARTHOLOW, party of the second
part, Grantee.

WITNESSETH, That in consideration of the sum of \$31,500.00
the said RUTH J. ROWAN does grant and convey to the said DANIEL D. BARTHOLOW, his
personal representatives and assigns, in fee simple, all those lots of ground situate
in the County of Baltimore, State of Maryland, and described as follows, that is to
say:

FIRST: BEING KNOWN AND DESIGNATED AS Lots Nos. 190, 191, 249, and 250 as shown on
the Plat of Cedar Beach, which plat is duly recorded among the Plat Records of
Baltimore County in Plat Book WPC No. 7, folio 186. The improvements thereon being
known as No. 1027 Maple Road.

BEING THE SAME lots of ground which by Deed dated September 20, 1988 and
recorded among the Land Records of Baltimore County in Liber M No. 7995, folio 750
from Roy D. Rowan, Jr. and Ruth J. Rowan unto Ruth J. Rowan.

SECOND: BEING KNOWN, DESIGNATED and DESCRIBED as Lots Nos. 192, 193, and 194, as
laid out on the Plat of Cedar Beach, which Plat is recorded among the Land Records of
Baltimore County in Plat Book WPC No. 7, folio 186.

BEING THE SAME lots of ground which by Deed dated September 20, 1988 and
recorded among the Land Records of Baltimore County in Liber SM No. 7995, folio 753
from Roy D. Rowan and Ruth Jeanne Rowan unto Ruth Jeanne Rowan.

THE SAID Ruth Jeanne Rowan being also known as Ruth J. Rowan.

C REC/F 12.00
C T TX 157.50
C DOCS 15.150
CC IMP 1.00
DEED 0
EN CLERK 12.
400305 0001 500 7104
07/21/

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE DM DATE 7/21/92

01A0100359TLTRTX
15-02-006332-17-02

\$504.00

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lots of ground and premises to the said DANIEL D. BARTHOLOW, his personal representatives and assigns, in fee simple.

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

WITNESS the hand and seal of the said Grantor

TEST:

P. Denise Rachuba
P. Denise Rachuba

Ruth J. Roman (SEAL)
RUTH J. ROMAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 1st day of July, 1992, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared RUTH J. ROMAN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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

P. Denise Rachuba
P. Denise Rachuba Notary Public

My Commission expires: 6/1/94



THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED (i) BY OR UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY OR (ii) BY A PARTY TO THIS INSTRUMENT.

Robert E. Joy
ROBERT E. JOY, ATTORNEY

MAIL TO: ROBERT E. JOY, ESQUIRE
1301 Merritt Boulevard
Dundalk, MD 21222

Enclosure B: Photograph of Lots 249 and 250 Including Trees



Thomas Bostwick - Case number 08-314-A, 1028 Cedar Creek Road

From: <kburton07@verizon.net>
To: <wwiseman@baltimorecountymd.gov>, <tbostwick@baltimorecountymd.gov>, <council6@baltimorecounty.gov>
Date: 03/19/08 8:47 PM
Subject: Case number 08-314-A, 1028 Cedar Creek Road

To Whom it May Concern:

I am opposed to case number 08-314-A, the address is 1028 Cedar Creek Road. The lot is empty as it sits with several mature trees standing and an utility pole in the front yard, near Cedar Creek Road. In order to build a house on this lot at least two of these trees would have to be cut down and an utility (electricity) pole would have to be removed and replaced on the property. The lot is small as it is and not practical to build on, only about 12% of the size required by RC-5. This is one of the only vacant lots left in the neighborhood and I feel it is of importance to save it to its natural "as is" state.

Sincerely,

*Kim Burton
Concerned Citizen
1952 Sue Creek Drive
Baltimore, MD 21221*

Verified
12/4/08
SC

People's Counsel Exhibits

- #1 - Letter 3/11/2008 - for Christie Hammer
- 2 - Email 3/19/2008 for Kim Burton
- 3 - Letter 3/18/08 from Bartholomew & Bonds
- 4 - Deed from Bartholomew to his daughter 7/28/05
- 5 - Zoning Map. 200 scale 105A1 2004
- 6 - Letter to Bond's App from Adelle Hammer
- 7 - ADC Road Map.

1024 Cedar Creek Road
Baltimore, Maryland, 21221

March 11, 2008

RE: Case Number 08-314-A, 1028 Cedar Creek Road

Office of the Zoning Commissioner, Baltimore County
Mr. William J. Wiseman, III, Zoning Commissioner
Mr. Thomas H. Bostwick, Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Subject: Opposition to Zoning Variance

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Zoning In Effect Prior to Purchase

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P.C.#1

property owner knew or should have known of the restrictions on the property at the time of purchase and failed to request an exception at that time. This clearly suggests that the property owner bought the property and intended it to be used as part of 1025 Maple Road. Why should an exception be made now after over 15 years of use as-is?

Environmental and Neighborhood Impact

There are seven full grown, mature, deciduous trees on lots 249 and 250 (see attached photo) that contribute to the rural characteristic of the neighborhood, provide habitat for wildlife, and otherwise help the environment. I requested but was unable to obtain architectural plans from your office; however, from my own observations, at least two of these trees are growing where the actual dwelling will be positioned with the setbacks listed in the notice. In addition, the setbacks requested provide very little room for construction equipment on lots 249 and 250 and most or all of the trees will likely have to be cleared to construct the dwelling. This would have a negative impact, not only on the environment, but also on the character of the neighborhood and the inherent qualities of lots 249 and 250.

Special Circumstances

The physical characteristics of lots 249 and 250 are a standard rectangular shape with a mostly flat topography. The lots do not have any unique characteristics or special circumstances that would require a zoning variance to be useful to the property owner. As previously stated, lots 249 and 250 were purchased with the other lots that make up 1025 Maple Road, have been used as one property by the residents who have lived there for more than 15 years, and should continue to be considered in this manner.

Given that lots 249 and 250 can continue to be useful to the property owner, the current zoning designation of RC-5 was in effect for almost 20 years prior to the purchase of the lots, the development of the lots would have a negative impact on the environment and the neighborhood, and there are no special circumstances that make the lots unique, there is no evidence that "practical difficulty and unreasonable hardship" affect the petitioner.

For the reasons stated above, you will find that the zoning petition does not show "practical difficulty and unreasonable hardship" and I hope you will deny the request for a zoning variance for lots 249 and 250 located at 1028 Cedar Creek Road.

Respectfully yours,

Christa Adle Hammer
Concerned Next-door Neighbor

cc: Councilman Joseph Bartenfelder, Sixth District

Enclosures: Deed for Lots 249 and 250
Photograph of Lots 249 and 250 Including Trees

Thomas Bostwick - Case number 08-314-A, 1028 Cedar Creek Road

From: <kburton07@verizon.net>
To: <wwiseman@baltimorecountymd.gov>, <tbostwick@baltimorecountymd.gov>, <council6@baltimorecounty.gov>
Date: 03/19/08 8:47 PM
Subject: Case number 08-314-A, 1028 Cedar Creek Road

To Whom it May Concern:

I am opposed to case number 08-314-A, the address is 1028 Cedar Creek Road. The lot is empty as it sits with several mature trees standing and an utility pole in the front yard, near Cedar Creek Road. In order to build a house on this lot at least two of these trees would have to be cut down and an utility (electricity) pole would have to be removed and replaced on the property. The lot is small as it is and not practical to build on, only about 12% of the size required by RC-5. This is one of the only vacant lots left in the neighborhood and I feel it is of importance to save it to its natural "as is" state.

Sincerely,

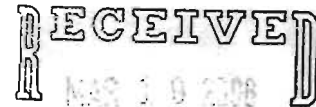
*Kim Burton
Concerned Citizen
1952 Sue Creek Drive
Baltimore, MD 21221*

PC#2

March 18, 2008

RE: Case Number 08-314-A, 1028 Cedar Creek Road

Office of the Zoning Commissioner, Baltimore County
Mr. William J. Wiseman, III Zoning Commissioner
Mr. Thomas H. Bostwick, Deputy Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204



BY:.....

Subject: Zoning Variance

Dear Sirs:

In direct response to the only protest received regarding the above referenced property from "Concerned Next-door Neighbor", Christa Adle Hammer, we respectfully submit this factual rebuttal.

Existing and Continued Use - Lots 249 and 250 ARE stand alone properties, owned by Mr. Daniel D. Bartholow, with a separate deed and tax bill. It has NEVER been used by Mr. Bartholow as an extended backyard for 1025 Maple Road, as can be seen in the attached photos, and is NOT a functional part of 1025 Maple Road. They are directly adjacent to Lots 190 and 191, which are also deeded to Mr. Bartholow, with a separate tax bill.

Zoning in Effect Prior to Purchase - In 1992, Mr. Bartholow purchased the lots, 190, 191, 249 and 250, which included an existing house, mainly on Lots 190 and 191, with a very small portion extending on Lots 249 and 250 that included a shed. The house and shed were in deplorable condition and in need of razing, of which Mr. Bartholow razed the house just a few years later, leaving the shed. The shed has recently been removed, for fear of damage to any neighboring properties during bad weather. It was in NO condition of being used, as stated in the protest! Given the fact that a house had existed on the property, Mr. Bartholow had intentions of constructing another house as a replacement under any "Grandfathering" provisions.

Environmental and Neighborhood Impact - Currently, of the seven (7) trees on the property, four (4) are Gum trees that produce a seed commonly referred to as "monkey balls". Every year the ground is covered with these "monkey balls" that must be

PC#3.

raked and disposed of (approximately 8-10 large bags full), as they could become a hazard. There are people in the neighborhood that use this property as a "cut-thru" to and from the adjacent streets.

According to Dave Lykens, DEPRM - Development Coordination of Baltimore County, "The Forest Cover requirement is for two trees plus 5 additional native deciduous trees must be planted for mitigation." Buyer and seller are well aware of this requirement and are in definite agreement that trees will be replanted to enhance the natural state of this empty, level lot, and may be replaced with Maple trees. We hope this will provide well for the "wildlife".

The protestor has no knowledge of the "construction equipment" needed to erect this handicap accessible, single level home the buyer is desiring to have erected. Furthermore, as with the other properties in the community that have recently been granted the similar variance we are seeking, any and all "construction" will be a temporary situation and not creating "a negative impact" on the environment or the "character of the neighborhood". These other properties have erected much larger and elaborate homes than the home the buyer is in need of. The protestor IS correct in establishing the fact that the lots are NOT unique. They have the same qualities as many of the other homes constructed in the community. These lots, however, have already been cleared with the exception of the trees as mentioned above.

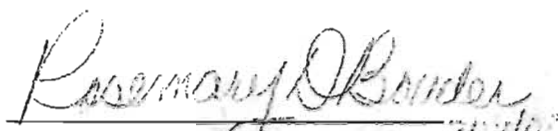
Special Circumstances - As stated at the hearing, of which the protestor was not present, these lots, and the granting of this variance, has become the prospective relief of "difficulty and hardship" placed on the buyer and her family. The buyer's older son, a Baltimore County Police Officer, resides on 1127 Maple Road, just one street away from the subject property. Her 29 year old son, has become a quadriplegic, at the hands of a drunk driver, living in either his motorized wheel chair or his bed! Most of the care of his needs come from the buyer, who is in need of "relief" herself. This can be accomplished by granting this variance for her to live close to her son, who will be both easily accessible geographically for her sons to visit each other, as well as, in case of any emergencies.

While the granting of this variance is not due to evidence of "practical difficulty and unreasonable hardship" on the petitioner, it does show his empathy and desire to help others in a time of need! The seller had an opportunity to sell the property to the protestor, when he was approached by her, but didn't.

Granting this variance will not only relieve the "hardship" of this family, enhance the character of the neighborhood, but will also increase the tax revenue Baltimore County will realize with the improvement of this ranch style, single-level, handicap-accessible new home.

Respectfully yours,


Daniel D. Bartholow, Seller


Rosemary D. Boudier, Buyer 2/12/10

cc: Councilman Joseph Bartenfelder, Sixth District

Enclosures: Photos of subject property and part of protestor's property as it relates to the subject property

NO TITLE EXAMINATION
NO CONSIDERATION

TAX ID # 23-00-007290
and 23-00-007289
1025 Maple Road
Baltimore, Maryland 21221

THIS DEED, Made this 28th day of July, 2005, by and between Daniel D. Bartholow, of Baltimore County, in the State of Maryland, party of the first part; and Carol Jaye Lin, his daughter and Samantha Marie Lin, his granddaughter, parties of the second part.

WITNESSETH: That in consideration of the premises and the sum of NONE, the said Daniel D. Bartholow, his personal representatives/heirs and assigns, party of the first part, subject to the retention of the life estate reserved unto him for and during the period of his life does hereby grant and convey unto Carol Jaye Lin and Samantha Marie Lin as Joint Tenants and not as Tenants in Common, their personal representatives/heirs and assigns, all those lots of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots Nos. 190,191, 249 and 250, as shown on the Plat of Cedar Beach, which Plat is duly recorded among the Plat Records of Baltimore County in Plat Book WPC, No. 7 folio 186.

BEING KNOWN AND DESIGNATED AS Lots Nos. 192, 193 and 194, as laid out on the Plat of Cedar Beach, which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 186.

BEING the same lots of ground described in a Deed dated July 1, 1992 and recorded among the Land Records of Baltimore County in Liber SM 9285 folio 152 was granted and conveyed by Ruth J. Rowan unto Daniel D. Bartholow.

TOGETHER with the building and improvements thereupon erected; and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Carol Jaye Lin and Samantha Marie Lin, as Joint Tenants and not as Tenants in Common, their personal representatives/heirs and assigns, parties of the second part, in fee simple; but subject, however, to a life estate in the said Daniel D. Bartholow, his personal representatives, heirs and assigns, party of the first part herein, which he hereby retains for and during the period of his life, reserving unto the said Daniel D. Bartholow, party of the first part herein, absolute and exclusive right and power to occupy, remain in possession of and enjoy the property hereinbefore described and to reserve all of the profits and proceeds arising from or out of said property, to be used, applied and disposed of by him in any manner that he in his sole discretion may see fit during the period of his life; and further retaining and reserving unto the said Daniel D. Bartholow, the Grantor herein, for and during the period of his life, the full and absolute power and authority to sell, assign, mortgage, lease, for any term of years whatsoever, grant, convey, rent or otherwise dispose of or encumber the whole or entire estate in and to the said property hereinbefore described or any part thereof (except the power to dispose of the same by Last Will and Testament) in any manner and for any consideration that he may see fit in his sole discretion without the necessity of the Grantees herein or any other person or persons whatsoever joining in or being made part of any deed, assignment, lease, mortgage, or other conveyance or instrument effectuating the disposal of said property in any manner, and to retain unto himself all of the purchase money, mortgage money, rents, proceeds and

PC#
4.

other consideration or profits arising from or out of the disposal of said property for his absolute use, and the purchasers, mortgagee or mortgagees, lessee or lessees, grantee or grantees, hereby being relieved from seeing to the application of the purchase money, rents, profits or other considerations or proceeds arising from or out of said property or the disposal thereof, it being the intention of the Grantor to retain unto himself for and during the period of his life, the full and absolute power to deal with and dispose of said property absolutely in any manner whatsoever (except the power to dispose of the same by Last Will and Testament) during the term of his natural life in the same manner and to the same extent as if these presents had never been executed.

AND the said party of the first part hereby covenants that he has not done nor suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, except as hereinbefore set forth that he will warrant specially the property granted and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the said Grantor.

WITNESS:

Barbara A. Moran

Daniel D. Bartholow
Daniel D. Bartholow

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY That on the 20th day of July, 2005, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Daniel D. Bartholow, known to me (or satisfactorily proven) to be the persons whose names is subscribed to the within instrument, and acknowledged that he executed the same for the purposes herein contained and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.



BARBARA A. MORAN
Notary Public, State of Maryland
County of Baltimore
My Commission Expires May 1, 2008

Barbara A. Moran
Barbara A. Moran Notary Public

My Commission expires: May 1, 2006

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

Ronald R. Schaeffer
RONALD R. SCHAEFFER, ATTORNEY

MAIL TO:

TRUST TITLE COMPANY, INC.
7222 Holabird Avenue
Baltimore, Maryland 21222

AFFIDAVIT AS TO TOTAL PAYMENT

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

1. That I/We am/are the transferor(s), [or agent of the transferor(s) if so indicated], of the real property described in the accompanying Deed.
2. The amount of total payment for the purpose of the "Withholding Law" is: \$ 0.

Dated this 28th day of July, 20 05.

WITNESS:

Barbara A. Moran

TRANSFEROR(S)/SELLER(S)

Daniel D. Bartholow
Daniel D. Bartholow

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I Hereby Certify, that on this 28th day of July, 20 05, before me, the subscriber, a Notary Public, of the State and County aforesaid, personally appeared Daniel D. Bartholow, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged the foregoing Affidavit, to be his/her/their act, and in my presence signed and sealed the same.

In Witness Whereof, I Hereunto set my hand and official seal.

Barbara A. Moran
Barbara A. Moran - Notary Public

My Commission Expires: May 1, 2006



BARBARA A. MORAN
Notary Public, State of Maryland
County of Baltimore
My Commission Expires May 1, 2006

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

Based on the certification below, Transferor claims exemption from the tax withholding requirements of Section 10-912 of Maryland's Tax General Article. Section 10-912 states that certain tax payments must be withheld when a Deed or other instrument that affects a change in ownership of real property is recorded. The requirements of Section 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information	
Name of Transferor:	Daniel D. Bartholow

2. Reason for Exemption	
Resident Status	☒ I, Transferor, am a resident of the State of Maryland. ☐ Transferor is a resident entity under Section 10-912(A)(4) of Maryland's Tax General Article, I am an agent of Transferor, and I have the authority to sign this document on Transferor's behalf.
Principal Residence	☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC Section 121.

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

3a. Individual Transferors	
Witness	Name Signature Name Signature
3b. Entity Transferors	
Witness/Attest	Name of Entity By: Name Title

0022324 577

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only—All Copies Must Be Legible)

INSTRUMENT SURE \$ 20.00
RECORDING FEE 20.00
TOTAL 40.00
BA15 Rpt # 17005
DM Blk # 161
AUG 09, 2005 01:19 PM

Type(s) of Instruments	☒ Deed Life Estate	☐ Mortgage	☐ Other	☐ Other
	☐ Deed or Trust	☐ Lease	☐ Multiple Accounts	☒ Not an Arms- Length Sale (9)
Conveyance Type Check Box	☐ Improved Sale	☐ Unimproved Sale	☐ Arms-Length (1)	
	☐ Arms-Length (1)	☐ Arms-Length (2)	☐ Arms-Length (3)	☐ Arms-Length (9)
Tax Exemptions (If Applicable)	Life Estate Deed with Full Powers			
Cite or Explain Authority				
Consideration and Tax Calculations	Purchase Price/Consideration	\$	n/a	
	Any New Mortgage	\$		
	Balance of Existing Mortgage	\$		
	Other:	\$		
	Other:	\$		
Fees	Recording Charge	\$	20.00	\$
	Surcharge	\$	20.00	\$
	State Recordation Tax	\$		\$
	State Transfer Tax	\$		\$
	County Transfer Tax	\$		\$
	Other	\$		\$
	Other	\$		\$
Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	15	23-00-007289	SM 9285/152	105
	190-1948449,250		7/186	
	1025 Manle Road, Baltimore, Maryland 21221			
	23-00-007290			
	Description/Amt. of SqFt/Acreage Transferred:			
Transferred From	If Partial Conveyance, List Improvements Conveyed:			
	Daniel D. Bartholow			
Transferred To	Carol Jaye Lin, his daughter			
	remainderman			
	6807 Belclare Road, Baltimore, Maryland 21222-5902			
Other Names to Be Indexed				
Contact/Mail Information	Name: M. Oliver			☐ Return to Contact Person
	Firm Trust Title Company, Inc.			☒ Hold for Pickup
Address: 7222 Holabird Avenue			☐ Return Address Provided	
Baltimore, Maryland 21222 Phone: (410) 285-7330				
Assessment Information	Yes ☒ No	Will the property being conveyed be the grantee's principal residence?		
	Yes ☒ No	Does transfer include personal property? If yes, identify:		
	Yes ☒ No	Was property surveyed? If yes, attach copy of survey; (if recorded, no copy required).		

BA CIRCUIT COURT (Land Re

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldendard - Registrar
ANC-CC, AND (R/RS)

Date 08-07-05

From: Christa <christa.adle.hammer@gmail.com>
To: <peoplescounsel@baltimorecountymd.gov>
Date: 12/04/2008 10:02 AM
Subject: Opposition to Variance Granted in Case No: 08-314-A for today, 12/4/08
Attachments: Opposition to 1028 Cedar Creek Rd..doc

Please see the enclosed letter for the hearing for today, December 4, 2008 at 10AM in case number 08-314-A. Unfortunately, as you know since we spoke on the phone, I have a newborn at home and unable to attend the hearing in person. I called the Appeals office to get an email address to email this letter and the woman on the phone informed me that she would not allow me to email this letter, only fax it. I do not have a fax machine at home and am unable to fax this letter.

I am extremely disappointed that my letter will not be seen during the hearing today. If there is anyway that you can have my letter included when you receive it, I would very much appreciate it.

Please let me know if you have any questions.

Sincerely,

Christa Adle Hammer
410-574-2186

PC H6

1024 Cedar Creek Road
Baltimore, Maryland 21221

December 4, 2008

RE: Case Number 08-314-A, 1028 Cedar Creek Road

Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Subject: Opposition to Zoning Variance

To Whom It May Concern::

I am writing to you regarding the zoning variance granted for 1028 Cedar Creek Road (lots 249 and 250). Regrettably, I am unable to attend the zoning hearing held on December 4, 2008 in person because I am caring for a newborn. However, I hope that you will consider the following letter in my absence.

A petition for a zoning variance must show that strict compliance with the regulations would result in "practical difficulty and unreasonable hardship", according to *A Citizen's Guide to Zoning in Baltimore County*, Appendix B, page 63-64. For the reasons stated below, this zoning variance granted does not meet this strict standard. To the contrary, there are several compelling reasons why a zoning variance should not be granted for lots 249 and 250. Therefore, I respectfully request that you overturn the variance.

Existing and Continued Use

Lots 249 and 250 have a useful purpose to the property owner as-is. The lots are directly adjacent to the main property owned by Mr. Bartholow at 1025 Maple Road. The property on 1025 Maple Road has a single family home and lots 249 and 250 continue from that property as an extended backyard. In fact, lots 249 and 250 have been used by the residents living at 1025 Maple Road as an extended yard for many years and a shed was constructed and used on the lot until recently. Put simply, lots 249 and 250 are a functional part of 1025 Maple Road. Since the property owner gets use out of lots 249 and 250, I can't understand how following the existing zoning laws could possibly result in practical difficulty and unreasonable hardship.

Zoning In Effect Prior to Purchase

The Resource Conservation (RC) zones were introduced in 1975 according to *A Citizen's Guide to Zoning in Baltimore County*, Appendix A, page 61. This includes RC-5, the current zoning of lots 249 and 250. According to the Maryland

State Archives records, lots 249 and 250 were purchased in 1992 by Mr. Bartholow, along with the lots that make up the residence at 1025 Maple Rd (see attached deed). The current zoning regulations had been in effect for almost 20 years when lots 249 and 250 were purchased and the current property owner knew or should have known of the restrictions on the property at the time of purchase and failed to request an exception at that time. This clearly suggests that the property owner bought the property and intended it to be used as part of 1025 Maple Road. Why should an exception be made now after over 15 years of use as-is?

Environmental and Neighborhood Impact

There are seven full grown, mature, deciduous trees on lots 249 and 250 (see attached photo) that contribute to the rural characteristic of the neighborhood, provide habitat for wildlife, and otherwise help the environment. I requested but was unable to obtain architectural plans from your office; however, from my own observations, at least two of these trees are growing where the actual dwelling will be positioned with the setbacks listed in the notice. In addition, the setbacks requested provide very little room for construction equipment on lots 249 and 250 and most or all of the trees will likely have to be cleared to construct the dwelling. This would have a negative impact, not only on the environment, but also on the character of the neighborhood and the inherent qualities of lots 249 and 250.

In addition, cramming a large house on a small lot will negatively affect not only my property value, but the value of adjacent homes as well. This has been done on other lots in the neighborhood and is an eyesore. At some point we have to say 'enough is enough' and start upholding the laws that already exist to protect our neighborhood.

Lack of Special Circumstances

The physical characteristics of lots 249 and 250 are a standard rectangular shape with a mostly flat topography. The lots do not have any unique characteristics or special circumstances that would require a zoning variance to be useful to the property owner. As previously stated, lots 249 and 250 were purchased with the other lots that make up 1025 Maple Road, have been used as one property by the residents who have lived there for more than 15 years, and should continue to be considered in this manner.

Given that lots 249 and 250 can continue to be useful to the property owner, the current zoning designation of RC-5 was in effect for almost 20 years prior to the purchase of the lots, the development of the lots would have a negative impact on the environment and the neighborhood, and there are no special circumstances that make the lots unique, there is no evidence that "practical difficulty and unreasonable hardship" affect the petitioner.

For the reasons stated above, you will find that the zoning petition does not show

"practical difficulty and unreasonable hardship" and I hope you will overturn the zoning variance for lots 249 and 250 located at 1028 Cedar Creek Road.

Respectfully yours,

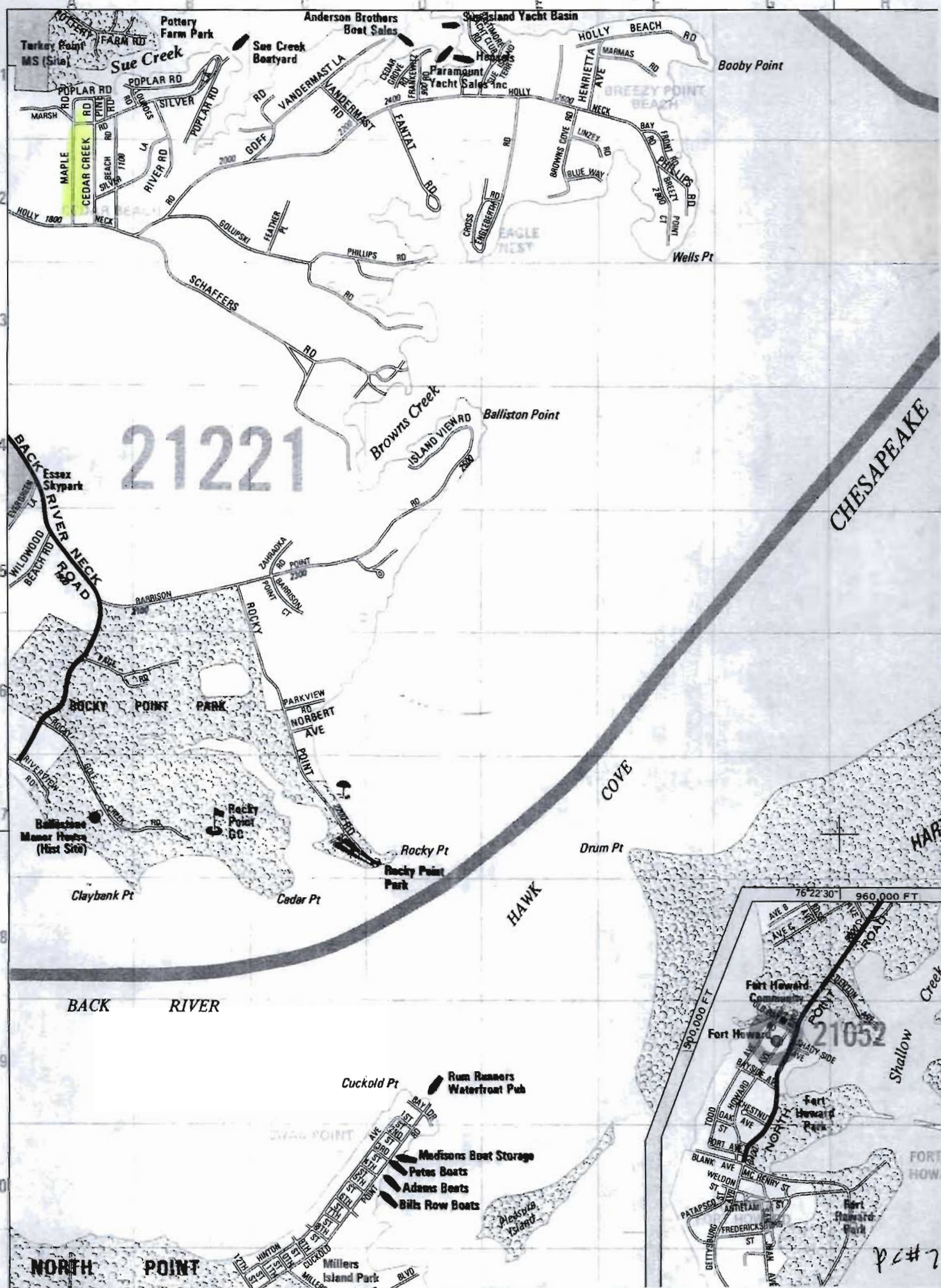
Christa Adle Hammer
Concerned Next-door Neighbor

cc: Office of People's Counsel

520,000 FT

Joins Map 45 39°15'00"

MD GRID 510,000 FT



2. #7 d

Verified
12/4/08
SC

08-314-A

Petitioner Exhibits

- #1 - Site Plan. DEPRM count attached
- #2 - Comments for Director of Office of Planning
- #3 - Deed convey. Lots 190, 191, 249, & 250.
to Burlington
- #4 - Tax Records Lots 190 - 194 & 249-250
4/30
- #5 - Design of Property Zoning Commission in 1996.
- #6 A - Planometric Map.
- B - Aerial Map
- #7 - 1971 PHOTO METRIC Map of area showing
2 pages. Parcels with case Numbers.
- #8 - Aerial Map as demanded. Dated 9/7/2005
- #9 - Records of Emerson Property.
 - A - Tax record
 - B - Photography
- ~~#10A - 1914 Poplar Rd. Photos 11/2008~~ PHOTO
- #10 - Plot of Cedar Beach.
- #11A - 1914 Poplar Rd. Photos & Tax records
- 11C - 2024 " " " " "
- 11D - 2200 " " " " "
- 11E 2214 " " " " "
- Plat Ex 12 1028 Maple Rd.
- Ex 13 - 2 Cars - 03-229-A
- Ex 14 - 2 cars - 00-445-A.

TB 3/12
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

RECEIVED
FEB 05 2008

SUBJECT: 1028 Cedar Creek Road
INFORMATION:

BY:.....

Item Number: 8-314

Petitioner: Daniel D. Bartholow

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

PET
Ex 2

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By:

Curtis Murray

Division Chief:

Lynn Lankham

CM/LL

TB 3/12
11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 30 2008

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: January 29, 2008

SUBJECT: Zoning Item # 08-314-A
Address 1028 Cedar Creek Road
(Bartholow Property)

BY:.....

Zoning Advisory Committee Meeting of January 28, 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).

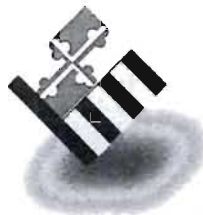
X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to forest cover requirements and must meet impervious surface limits. The maximum impervious surface allowed is 2,375 square feet with mitigation. The proposed impervious must be reduced to meet this requirement. The Forest Cover requirement is for two trees plus 5 additional native deciduous trees must be planted for mitigation.

Reviewer: Paul A. Dennis

Date: 1/29/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS- 02042008.doc



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

Robert L. Flanagan, Secretary
Noel J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 30, 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. 8-314-A
1028 CEDAR CREEK RD
BARTHOLOW 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. 8-314-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,

A handwritten signature in black ink, appearing to read "Michael R. Bailey", is written over the typed name "Steven D. Foster".

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

DEED - FEE SIMPLE : LIBER 9285 PAGE 152 TAX ID No. 15-02-006332
15-02-006330
15-16-900720

THIS DEED, Made this 1st day of July,
in the year one thousand nine hundred and ninety-two, by and between RUTH J. ROWAN,
party of the first part, Grantor, and DANIEL D. BARTHOLOW, party of the second
part, Grantee.

WITNESSETH, That in consideration of the sum of \$31,500.00
the said RUTH J. ROWAN does grant and convey to the said DANIEL D. BARTHOLOW, his
personal representatives and assigns, in fee simple, all those lots of ground situate
in the County of Baltimore, State of Maryland, and described as follows, that is to
say:

FIRST: BEING KNOWN AND DESIGNATED AS Lots Nos. 190, 191, 249, and 250 as shown on
the Plat of Cedar Beach, which plat is duly recorded among the Plat Records of
Baltimore County in Plat Book WPC No. 7, folio 186. The improvements thereon being
known as No. 1027 Maple Road.

BEING THE SAME lots of ground which by Deed dated September 20, 1988 and
recorded among the Land Records of Baltimore County in Liber M No. 7995, folio 750
from Roy D. Rowan, Jr. and Ruth J. Rowan unto Ruth J. Rowan.

SECOND: BEING KNOWN, DESIGNATED and DESCRIBED as Lots Nos. 192, 193, and 194, as
laid out on the Plat of Cedar Beach, which Plat is recorded among the Land Records of
Baltimore County in Plat Book WPC No. 7, folio 186.

BEING THE SAME lots of ground which by Deed dated September 20, 1988 and
recorded among the Land Records of Baltimore County in Liber SM No. 7995, folio 753
from Roy D. Rowan and Ruth Jeanne Rowan unto Ruth Jeanne Rowan.

THE SAID Ruth Jeanne Rowan being also known as Ruth J. Rowan.

C REC'D 12.00
C T TX 157.50
C DCS 15.50
CC IMP 1.00
DEED
EN CLERK RE.
100365 0001 REC 7104
07/21/92

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

Sm 7-21-92

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE Sm DATE 7-21-92

01A0100359TLRTX
BA C002:01P07-17-92

\$504.00

Page 3

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lots of ground and premises to the said DANIEL D. BARTHOLOW, his personal representatives and assigns, in fee simple.

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

WITNESS the hand and seal of the said Grantor

TEST:

P. Denise Rachuba
P. Denise Rachuba

EUTH J. ROMAN (SEAL)
EUTH J. ROMAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 1st day of July, 1992, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared EUTH J. ROMAN, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

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

P. Denise Rachuba
P. Denise Rachuba Notary Public

My Commission expires: 6/1/94



THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED (i) BY OR UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY, OR (ii) BY A PARTY TO THIS INSTRUMENT.

ROBERT E. JOY, ATTORNEY

MAIL TO: ROBERT E. JOY, ESQUIRE
1301 Merritt Boulevard
Dundalk, MD 21222



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

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Account Identifier: District - 15 Account Number - 2300007289

Owner Information

Owner Name:	BARTHOLOW DANIEL D	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	6807 BELCLARE RD BALTIMORE MD 21222-5902	Deed Reference:	1) /22324/ 573 2)

Location & Structure Information

Premises Address	Legal Description
1025 MAPLE RD	.4304AC LTS 190-194 ES MAPLE RD CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	1	158					190	3	
									Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1999	1,560 SF	18,750.00 SF	04
Stories	Basement	Type	Exterior
2	NO	SPLIT LEVEL	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	64,930	64,930		
Improvements:	135,780	135,780		
Total:	200,710	200,710	200,710	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: BARTHOLOW DANIEL D	Date: 08/09/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22324/ 573	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0
Tax Exempt: NO	Special Tax Recapture:		
Exempt Class:	* NONE *		

DET 12x4



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

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[New Search](#)

Account Identifier: District - 15 Account Number - 2300007290

Owner Information

Owner Name:	BARTHOLOW DANIEL D	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	6807 BELCLARE RD BALTIMORE MD 21222-5902	Deed Reference:	1) /22324/ 573 2)

Location & Structure Information

Premises Address	Legal Description
1025 MAPLE RD	.1721 AC LTS 249,250 ES MAPLE RD CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	1	164					249	3	
									Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		7,500.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	1,870	1,870		
Improvements:	0	0		
Total:	1,870	1,870	1,870	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: BARTHOLOW DANIEL D	Date: 08/09/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22324/ 573	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCES - E/S Maple Road, 262.5'
and 312.5' E of the c/l Sue Lane * DEPUTY ZONING COMMISSIONER
(1027 and 1025 Maple Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Daniel D. Bartholow * Case Nos. 96-341-SPHA and
Petitioner * 96-342-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Special Hearing and Variance for the properties known as 1025 and 1027 Maple Road, two adjoining parcels located in the vicinity of Holly Neck Road in Essex/Cedar Beach. The Petitions were filed by the owner of the property, Daniel D. Bartholow. In Case No. 96-341-SPHA, the Petitioner seeks approval of an existing dwelling on an undersized lot, and variance relief to permit side yard setbacks of 5 feet and 18 feet in lieu of the minimum required 50 feet for each. In Case No. 96-342-SPHA, the Petitioner seeks approval of an undersized lot, and variance relief from Section to permit a front yard to street centerline setback of 50 feet in lieu of the required 75 feet, and side yard setbacks of 15.5 feet each in lieu of the required 50 feet, for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Daniel D. Bartholow, property owner, and Michael K. Smith, a representative of BPI Land Technologies, Inc. There were no Protestants present.

Testimony and evidence offered revealed that the Petitioner owns five adjoining lots in the Cedar Beach community, namely, Lots 190 through

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

Pat Ex 5

194. The entire parcel is zoned R.C. 5 and totals 0.60 acres in area. Each of the lots are 25 feet wide; however, Lots 190 and 191 are 300 feet deep and have a combined area of 0.34 acres. Lots 192, 193, and 194 are only 150 feet deep and have a combined area of 0.26 acres. As shown on the site plan, Lots 190 and 191 have been improved with a single family dwelling known as 1027 Maple Road. Apparently, this dwelling has existed for some time and maintains side setbacks of 5 feet on the north side and 18 feet on the south side. Lots 192 through 194 are presently vacant and the Petitioner wishes to develop those combined lots with a single family dwelling. The proposed dwelling will be 28' x 44' in dimension and will maintain a setback of 30 feet from the front property line, which is consistent with other homes in the vicinity. In order to proceed as proposed, the Petitioner must seek the special hearing and variance relief as set forth above to legitimize conditions which have existed on both properties since prior to the effective date of the regulations governing development in the R.C.5 zone.

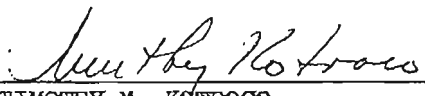
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing relief and variances were not granted. In Case No. 96-341-SPHA, the relief requested is for existing conditions and not for any new construction. In Case No. 96-342-SPHA, strict compliance with the regulations would render this property undevelopable and unduly restrict the use of the land for an otherwise permitted purpose. In the opinion of this Deputy Zoning Commissioner, the proposed development is consistent with other development in the surrounding community and meets the spirit and intent of the zoning regulations. I further find that the

relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of April, 1996 that the Petitions for Special Hearing and Variance in Case No. 96-341-SPHA to approve an existing dwelling on an undersized lot, and a variance to permit side yard setbacks of 5 feet and 18 feet in lieu of the required 50 feet for each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petitions for Special Hearing and Variance in Case No. 96-342-SPHA seeking approval of an undersized lot, and variance relief to permit a front yard to street centerline setback of 50 feet in lieu of the required 75 feet, and side yard setbacks of 15.5 feet each in lieu of the required 50 feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

CRITICAL

AND VARIANCE



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1027 MAPLE ROAD

96-341-SHA

which is presently zoned R.C. 5

This Petition shall be filed with the Department of Permits & Development Management

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

an existing dwelling on a proposed undersized lot and to allow side yard setbacks of 5 ft. and 18 ft. in lieu of the minimum required 50 ft. each.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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.

Legal Owner(s).

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

Address

(Type or Print Name)

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Signature

Name

Address

Address

Phone No.

Phone No.

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Revised 9/5/95

ORDER RECEIVED FOR FILING

Date



MICROFILMED

338

76-341-SPHA
(Existing zoning)

ZONING DESCRIPTION FOR PROPOSED 1027 MAPLE ROAD

Beginning at a point on the east side of Maple Road which is 40 feet wide at the distance of 262.5 feet north of the centerline of Sue Lane which is 25 feet wide. Being Lots 190, 191, 249 and 250 in the subdivision of "Cedar Beach" as recorded in Baltimore County Plat Book W.P.C. No. 7, Part 2, Folio 186, containing 15,000 square feet or 0.34 acres. Also to be known as 1027 Maple Road and located in the Fifteenth Election District, Fifth Councilmanic District.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: March 25, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 1025 & 1027 Maple Road

INFORMATION:

Item Number: 338 & 344

Petitioner: Bartholow Property

Property Size:

Zoning: RC-5

Requested Action: Variance and Undersized Lot Request

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant seeks approval to construct a dwelling on an undersized lot at 1025 Maple Road, and to allow a front yard setback of 50' to the street centerline and side yard setbacks of 15.5 feet each in lieu of the required 75' and 50' each, respectively. In addition, the applicant requests approval of an existing dwelling on an undersized lot and to allow side yard setbacks of 5' and 18' in lieu of the required 50'.

Based upon a review of the information provided, staff can find no justification for the variances requested on the proposed lot. Additionally, the petitioner cannot comply with the lot area/density control regulation outlined in Section 1A04.3B.1 of the Baltimore County Zoning Regulations. Therefore, staff recommends that the applicant's request be denied. Denial of the variances for the proposed lot would render relief sought for the existing lot moot.

Prepared by:

Jeffrey W. Long

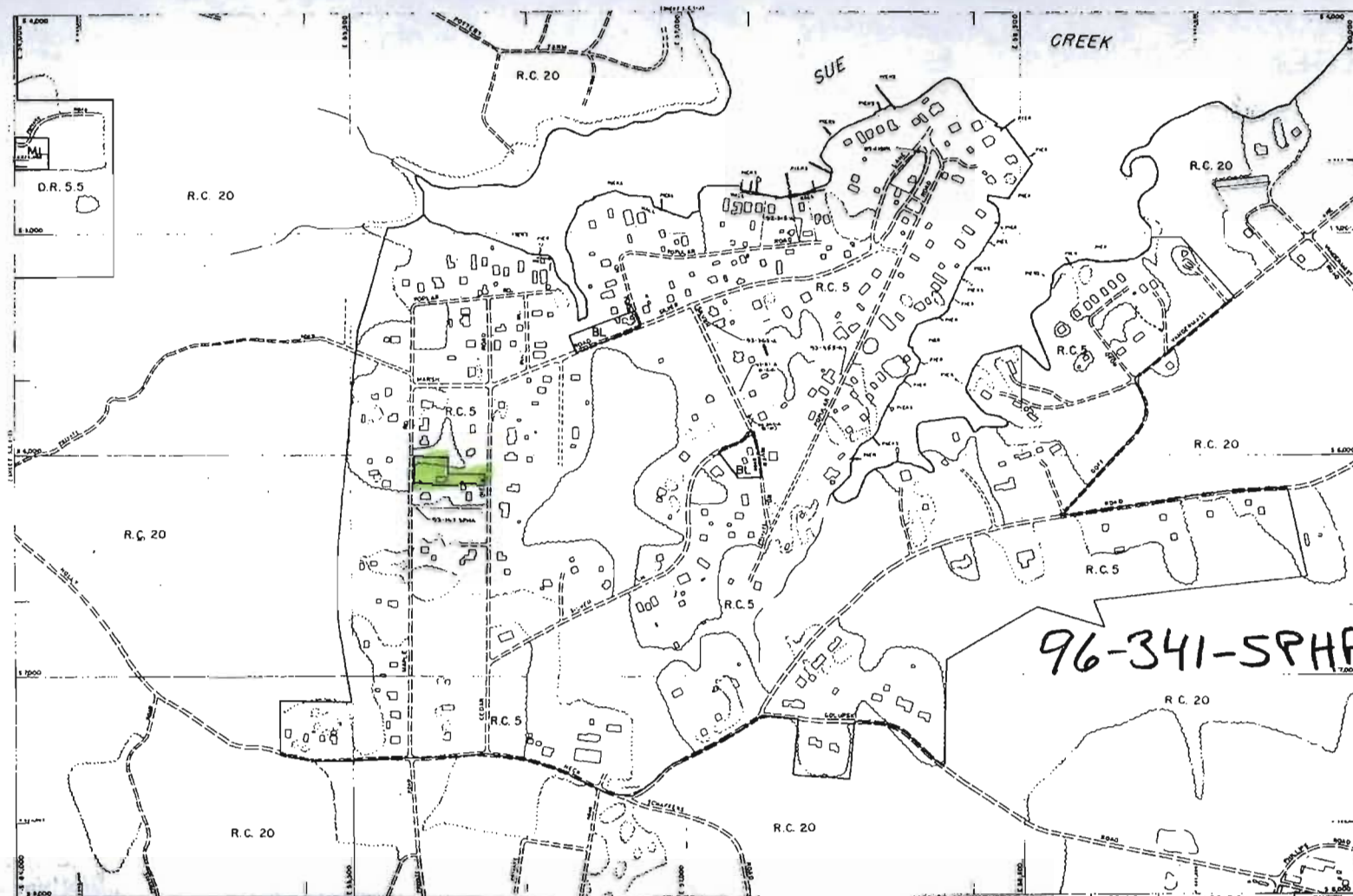
Division Chief:

Paul C. Kern

PK/JL

MICROFILMED





96-341-SPHA

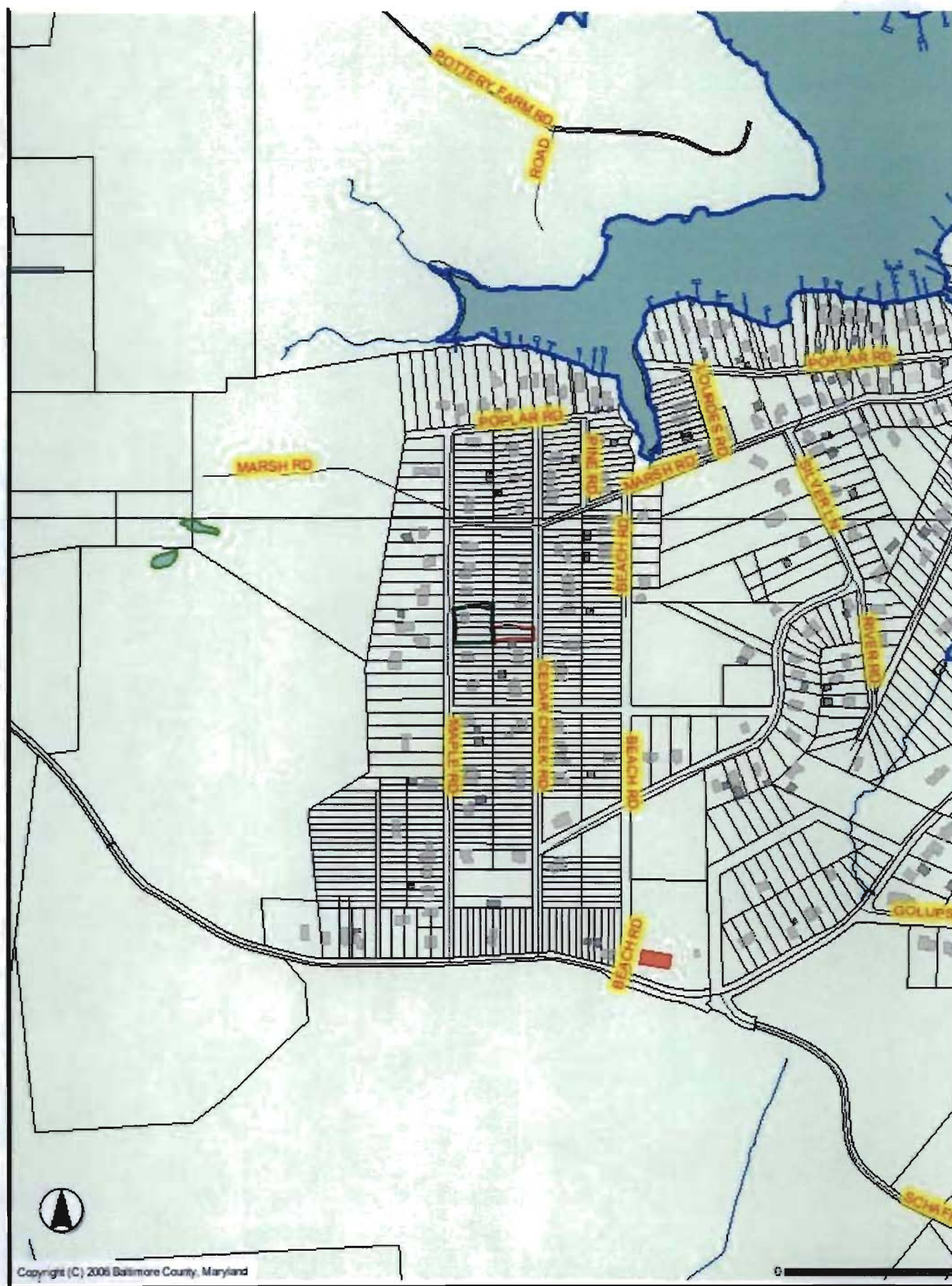
1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

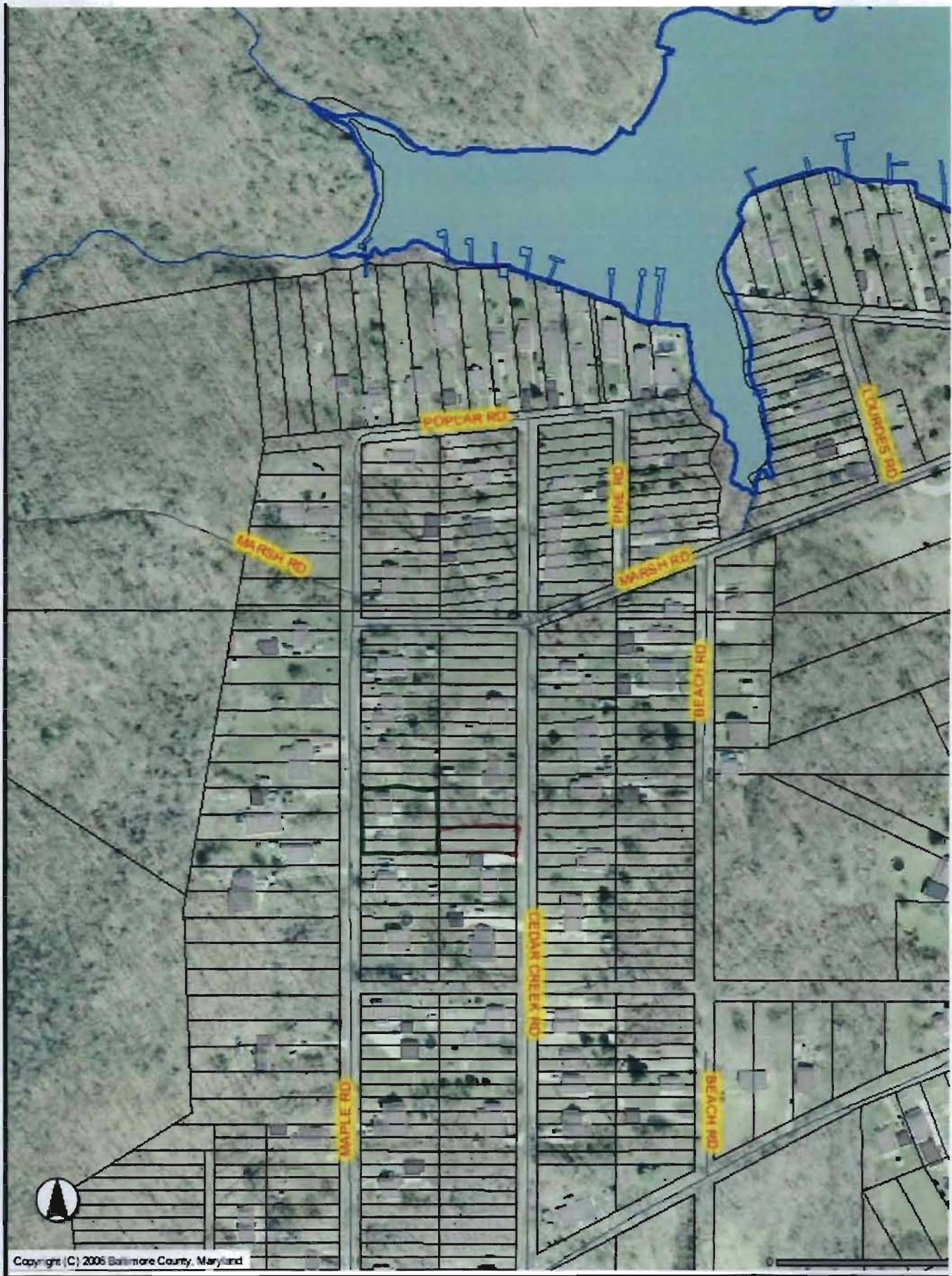
1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Chairman, County Council

SCALE 1" = 200'	LOCATION HOLLY NECK	SHEET 338
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
 TO CORRECT ERRORS AND TO REFLECT
 CHANGES IN LAND USE SINCE 1986



Put Ex 6 A.



Page 2 of 2



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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Account Identifier: District - 15 Account Number - 1523870390

Owner Information

Owner Name:	EMERSON DON A ZINK DARRELL L	Use:	RESIDENTIAL
Mailing Address:	1027 CEDAR CREEK RD BALTIMORE MD 21221-6107	Principal Residence:	YES
		Deed Reference:	1) / 6786/ 728 2)

Location & Structure Information

Premises Address	Legal Description
1027 CEDAR CREEK RD	LT 399,400 CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	2	169					399	3	Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1965	1,296 SF	7,500.00 SF	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	62,120	62,120		
Improvements:	136,780	136,780		
Total:	198,900	198,900	198,900	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: MUIR WILLIAM C	Date: 09/19/1984	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6786/ 728	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

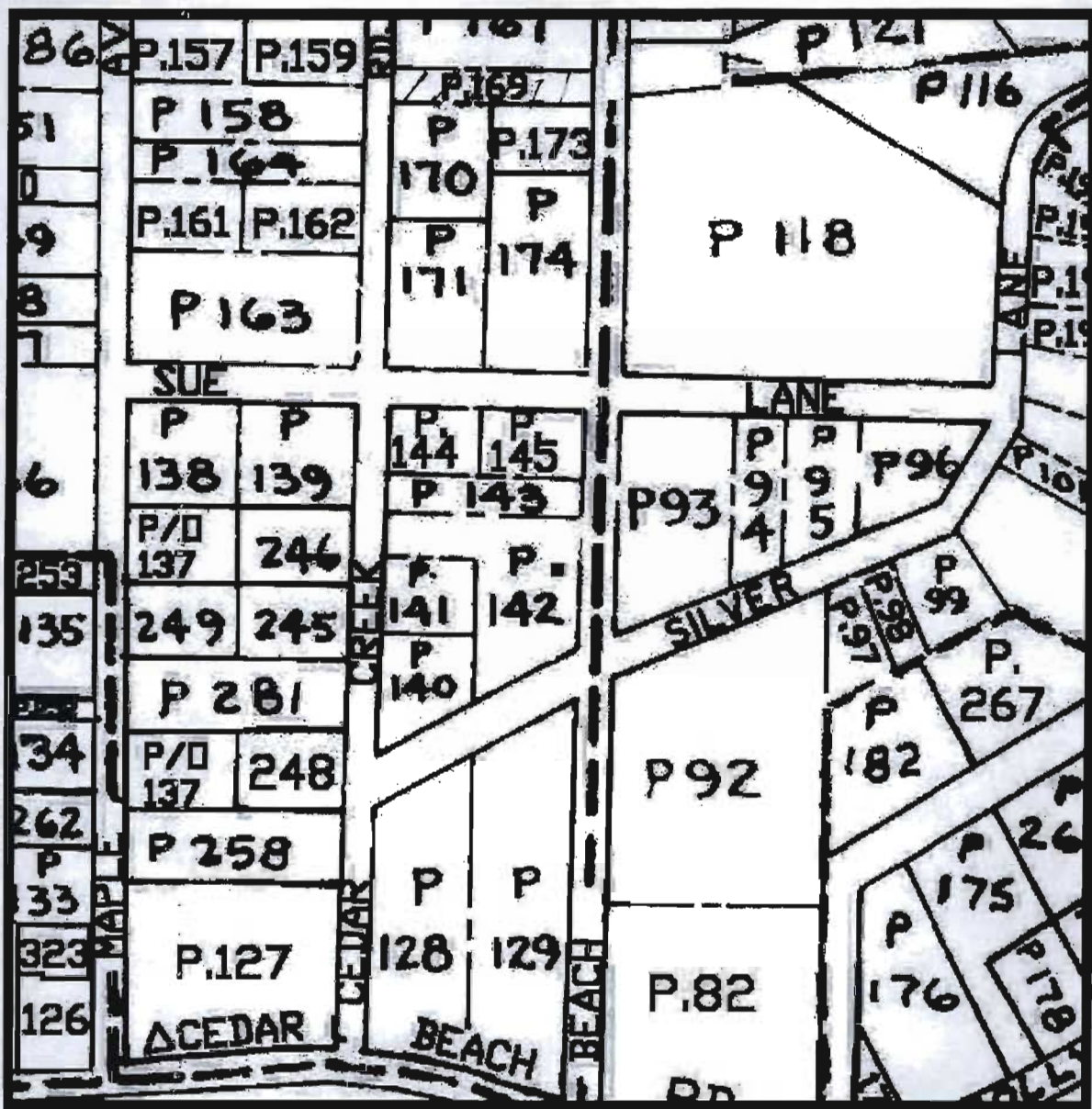
PTX9A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 15 Account Number - 1502650640



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For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html



11:30 2008 01:25

pt ex
ab

Cedar
Creek RD

11#
p27

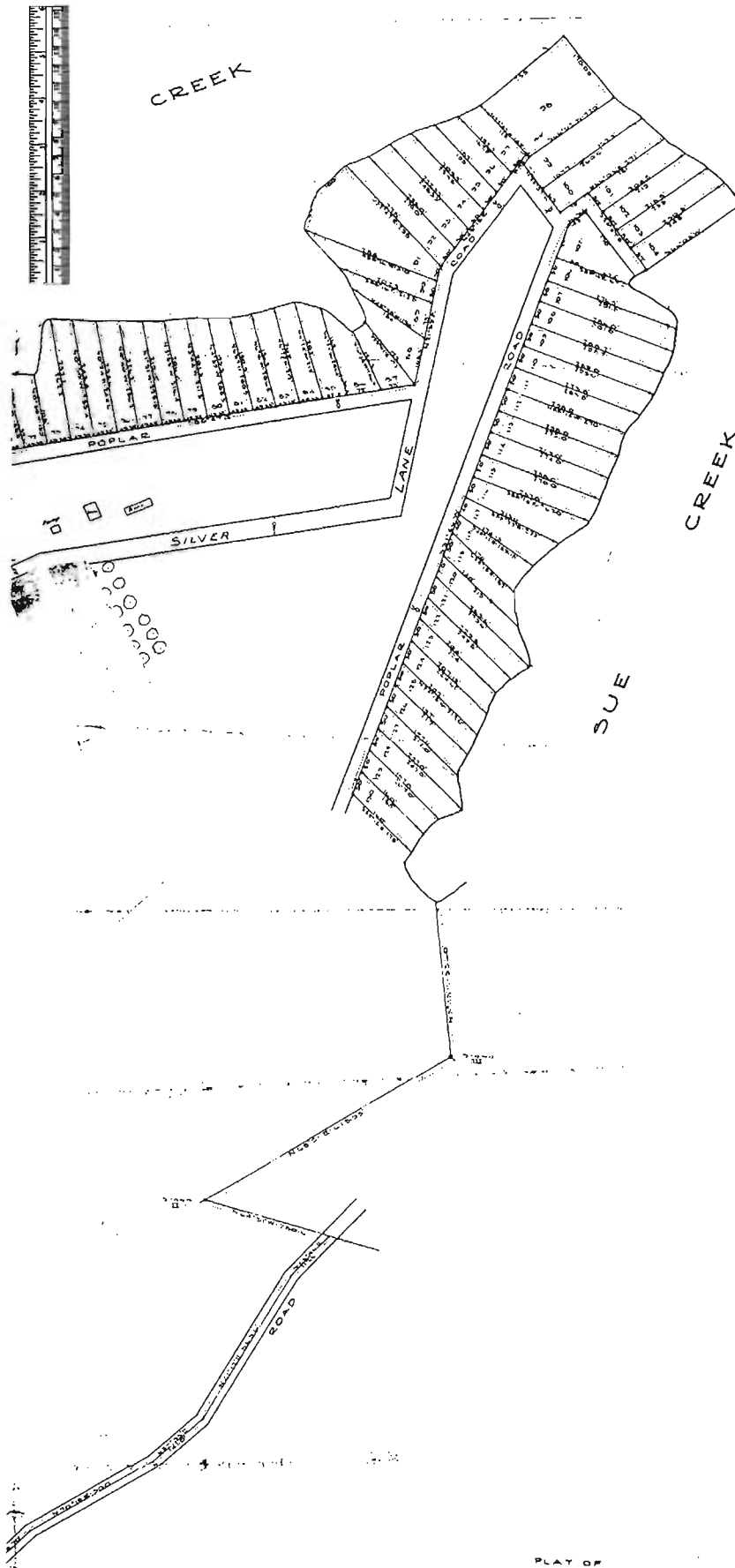
DJ BX 913

7/186

CEDAR



Pat Ex
10
days



PLAT OF
CEDAR BEACH SECTION 01
 FIFTEENTH DISTRICT
 BALTIMORE COUNTY
 MARYLAND
 GEORGE L. SCHNADER
 OWNER
 TITLE TO THE BED OF ALL STREETS
 HEADS LANE AS SHOWN ON THIS
 PLAT IS HEREBY RELEASED
 OF THE CEDAR BEACH TRACT, OF BALTIMORE
 COUNTY, MARYLAND, TO THE PUBLIC USE

SCALE 1000' JUN 14 1934
 BY GEORGE L. SCHNADER
 SURVEYOR
 BALTIMORE

P-T EX
 10
 2 pgs



11.30.2008 01:07

1914
POPE RD

P & EX
11A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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Account Identifier: District - 15 Account Number - 1502201740

Owner Information

Owner Name: BESNOSKA CAROL M **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1914 POPLAR RD **Deed Reference:** 1) /22901/ 606
 BALTIMORE MD 21221-6122 2)

Location & Structure Information

Premises Address **Legal Description**
 1914 POPLAR RD 1914 POPLAR RD
 WATERFRONT CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	19	236			1		56	3	Plat Ref: 7/ 186

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	1,110 SF	12,350.00 SF	34

Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2008	07/01/2009	
Land	162,580	162,580			
Improvements:	103,150	103,150			
Total:	265,730	265,730	265,730	NOT AVAIL	
Preferential Land:	0	0	0	NOT AVAIL	

Transfer Information

Seller: BESNOSKA KARL J	Date: 11/15/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22901/ 606	Deed2:
Seller: BESNOSKA KARL J	Date: 11/20/1992	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 9470/ 794	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

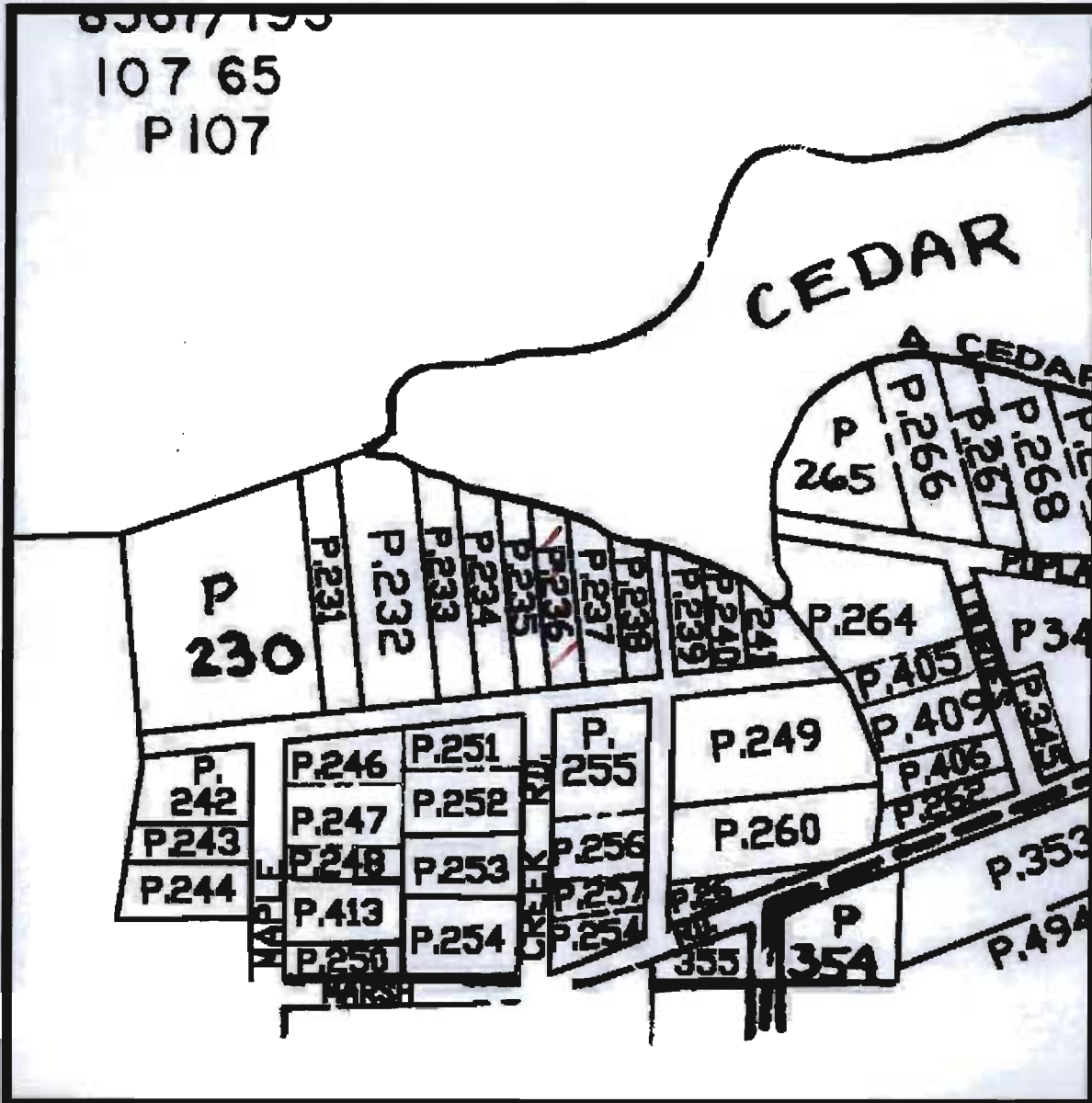
P. A. ET
11A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 15 Account Number - 1502201740



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 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/webcom/index.html

*PJL
11A*



11.30.2008 01:07

1922
POPULAR
RD

PETER B



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vvw3.1)

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Account Identifier: District - 15 Account Number - 1502201381

Owner Information

Owner Name: EDMOND ROBERT E **Use:** RESIDENTIAL
 EDMOND DANA A **Principal Residence:** YES
Mailing Address: 1922 POPLAR RD **Deed Reference:** 1) /18217/ 309
 BALTIMORE MD 21221-6122 2)

Location & Structure Information

Premises Address **Legal Description**
 1922 POPLAR RD 1922 POPLAR RD
 WATERFRONT CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	20	239					59	3	Plat Ref: 7/ 186

Special Tax Areas **Town**
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1951	1,416 SF	8,900.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	239,500	239,500		
Improvements:	107,710	107,710		
Total:	347,210	347,210	347,210	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: MEYERS EDWIN D	Date: 06/17/2003	Price: \$350,000
Type: IMPROVED ARMS-LENGTH	Deed1: /18217/ 309	Deed2:
Seller: STARR FRANCES	Date: 09/10/1971	Price: \$10,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5216/ 618	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

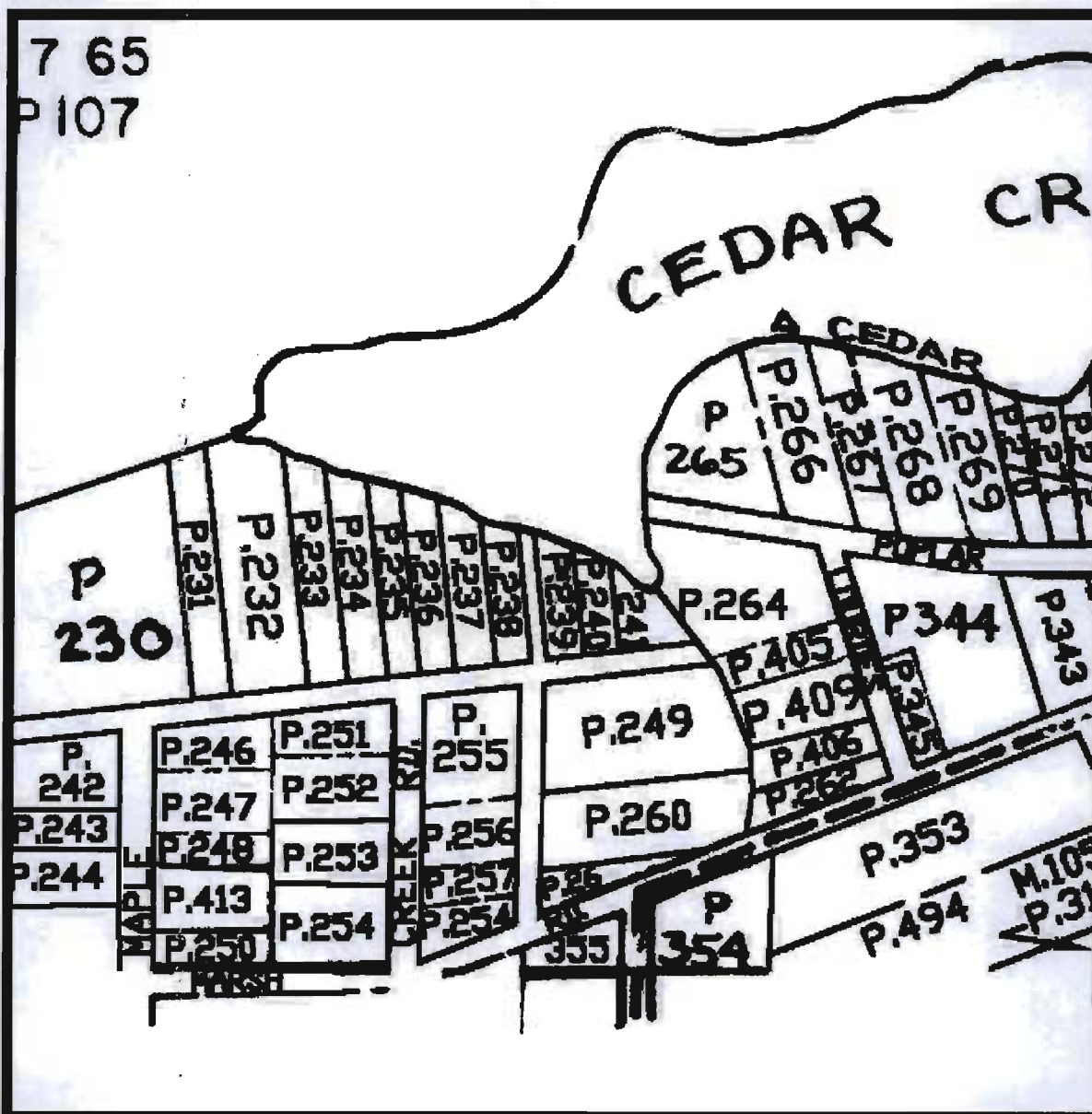
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District - 15 Account Number - 1502201381



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2024
POPLAR
RD
POPLAR
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Account Identifier: District - 15 **Account Number -** 2300012961

Owner Information

Owner Name:	LEWIS MAYNARD G LEWIS LYNN B	Use:	RESIDENTIAL
Mailing Address:	2024 POPLAR RD BALTIMORE MD 21221-6123	Principal Residence:	YES
		Deed Reference:	1) /12789/ 621 2)

Location & Structure Information

Premises Address	Legal Description
2024 POPLAR RD	LTS 72,73 NS POPLAR RD CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	20	271					72	3	Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1935	1,680 SF	14,357.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	163,080	163,080		
Improvements:	164,110	164,110		
Total:	327,190	327,190	327,190	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

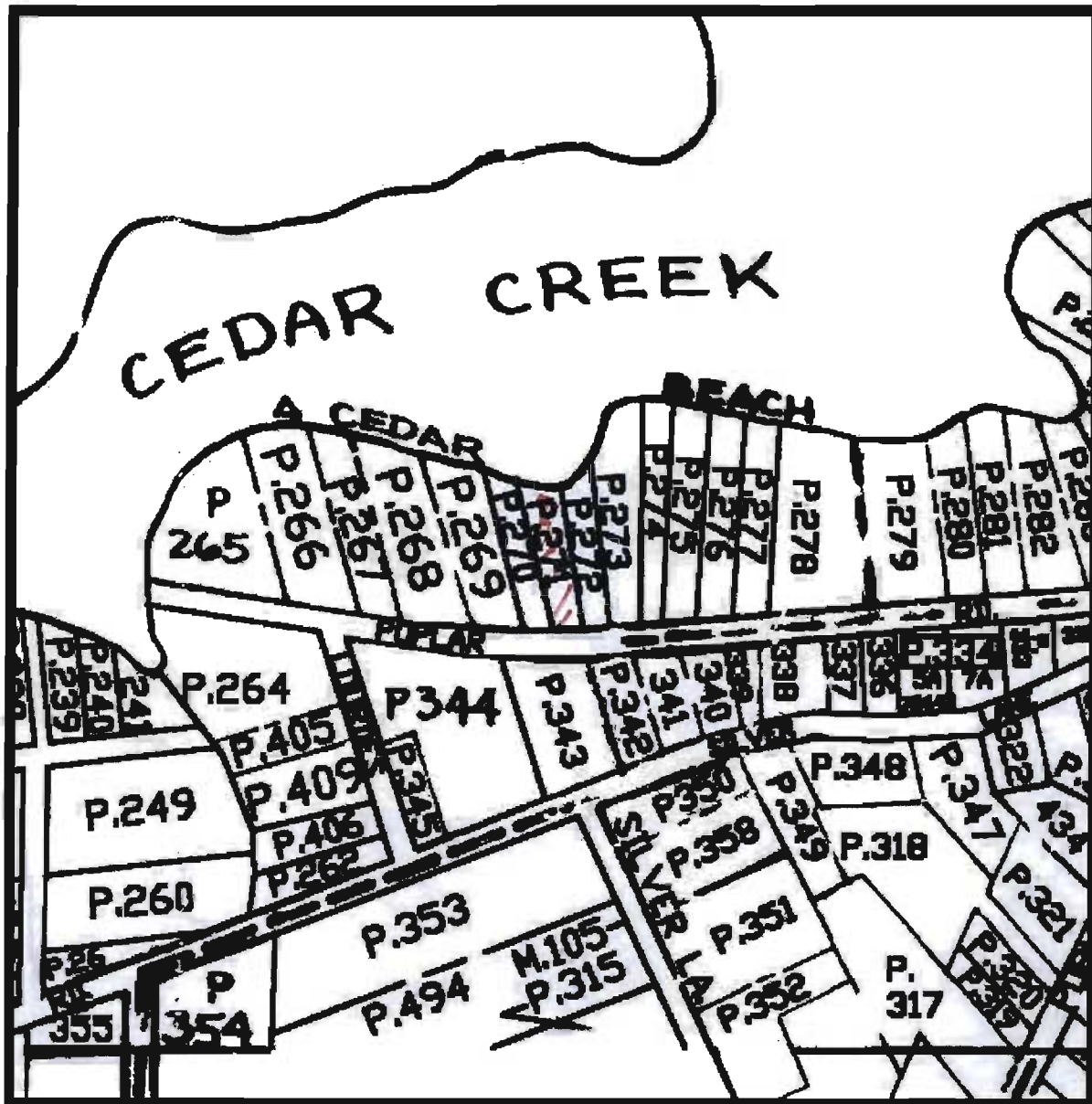
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District - 15 Account Number - 2300012961



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BALTIMORE COUNTY
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Account Identifier: District - 15 **Account Number -** 1505880120

Owner Information

Owner Name:	BERK WAYNE E BERK DONNA L	Use:	RESIDENTIAL
Mailing Address:	1851 CAPE MAY RD BALTIMORE MD 21221-1619	Principal Residence:	NO
		Deed Reference:	1) / 8509/ 608 2)

Location & Structure Information

Premises Address	Legal Description
-------------------------	--------------------------

2200 POPLAR RD
BALTIMORE 21221-6125

WATERFRONT

CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	20	285					89	3	Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	768 SF	9,900.00 SF	34

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	161,900	161,900		
Improvements:	59,970	59,970		
Total:	221,870	221,870	221,870	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: FISHER KENNETH L	Date: 06/18/1990	Price: \$125,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8509/ 608	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

pt 110



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BALTIMORE COUNTY
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District - 15 Account Number - 1505880120



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BALTIMORE COUNTY
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Account Identifier: District - 15 **Account Number -** 1513752603

Owner Information

Owner Name: DUNNIGAN TIMOTHY P **Use:** RESIDENTIAL
Mailing Address: 2214 POPLAR RD **Principal Residence:** YES
 BALTIMORE MD 21221-6125 **Deed Reference:** 1) /14186/ 691
 2)

Location & Structure Information

Premises Address **Legal Description**
 2214 POPLAR RD 2214 POPLAR RD
 WATERFRONT CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	20	291			1		95	3	Plat Ref: 7/ 186

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	1,871 SF	10,600.00 SF	34

Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2006	07/01/2008	07/01/2009	
Land	162,150	162,150			
Improvements:	194,020	194,020			
Total:	356,170	356,170	356,170	NOT AVAIL	
Preferential Land:	0	0	0	NOT AVAIL	

Transfer Information

Seller: COCHRAN ED	Date: 12/03/1999	Price: \$225,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14186/ 691	Deed2:
Seller: MONTONE ALICE M	Date: 01/18/1977	Price: \$25,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5717/ 309	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

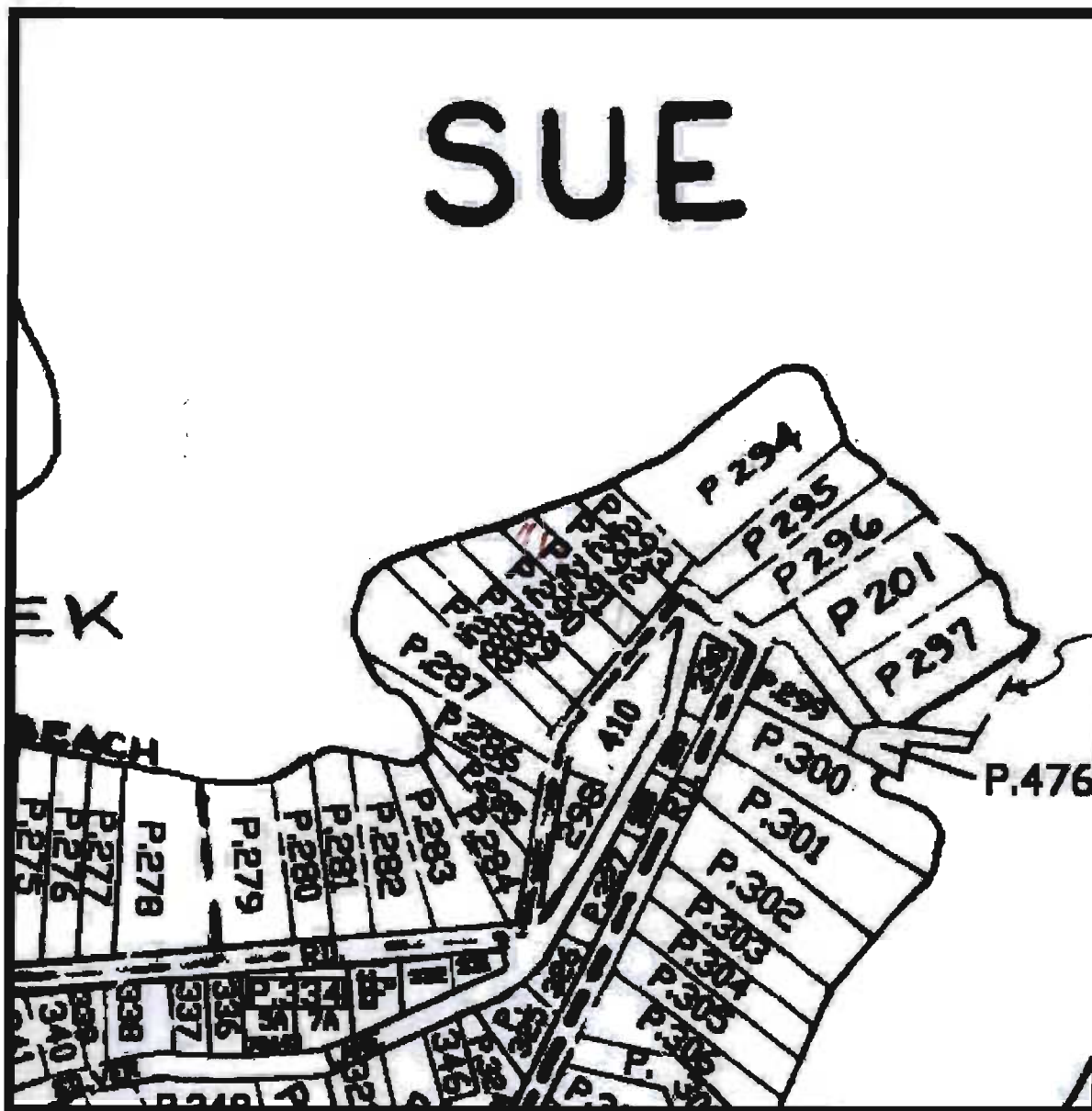
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BALTIMORE COUNTY
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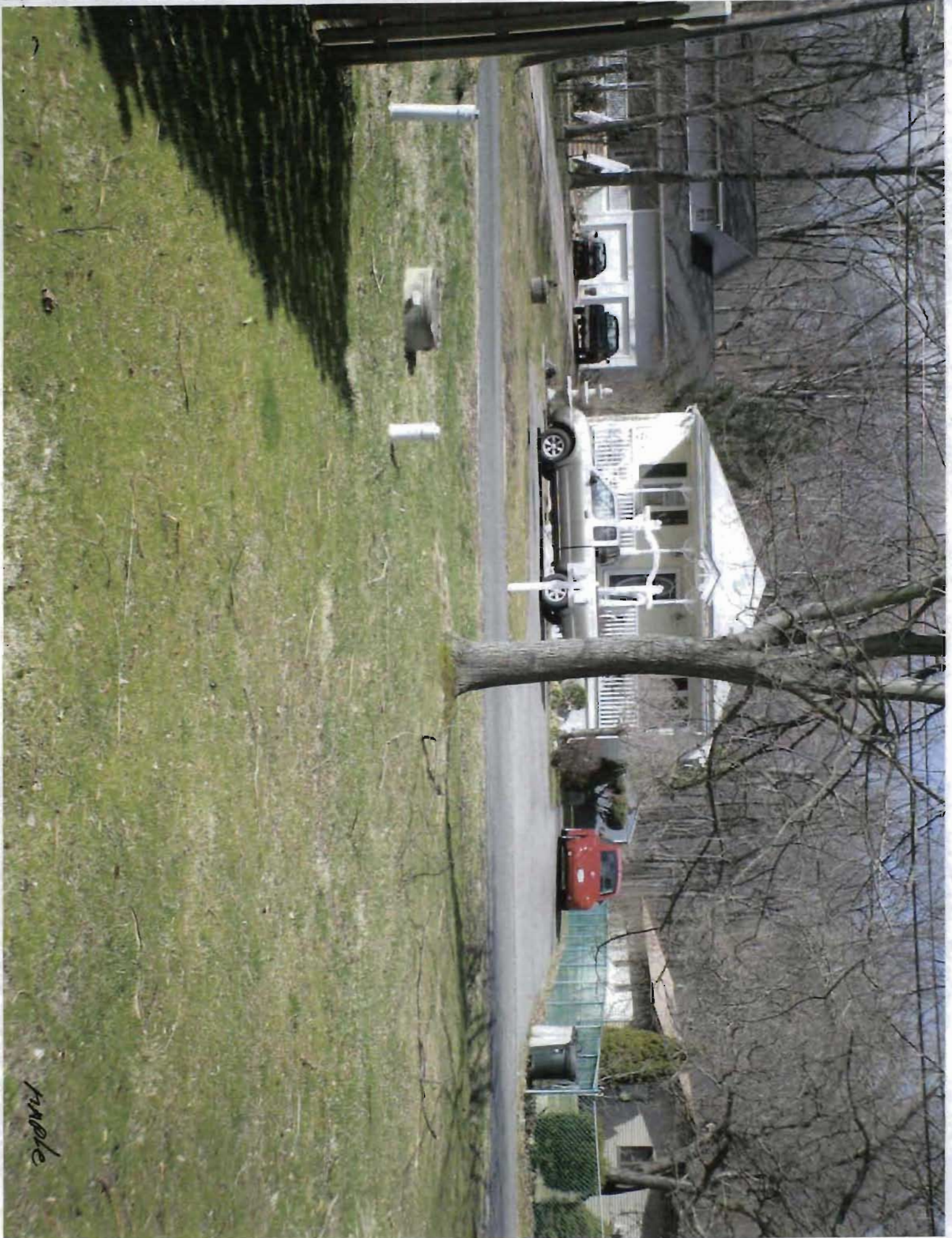
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District - 15 Account Number - 1513752603



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1098 MANLE RD

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BALTIMORE COUNTY
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Account Identifier: District - 15 **Account Number -** 1502007740

Owner Information

Owner Name:	BALDI LOUIS D BALDI CYNTHIA A	Use:	RESIDENTIAL
Mailing Address:	1028 MAPLE RD BALTIMORE MD 21221-6115	Principal Residence:	YES
		Deed Reference:	1) /15677/ 59 2)

Location & Structure Information

Premises Address	Legal Description
1028 MAPLE RD	1028 MAPLE RD CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	1	150					30	3	Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1960	1,092 SF	13,950.00 SF	04
Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	BLOCK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	63,730	63,730		
Improvements:	105,260	105,260		
Total:	168,990	168,990	168,990	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: BALDI LOUIS D	Date: 10/19/2001	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /15677/ 59	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

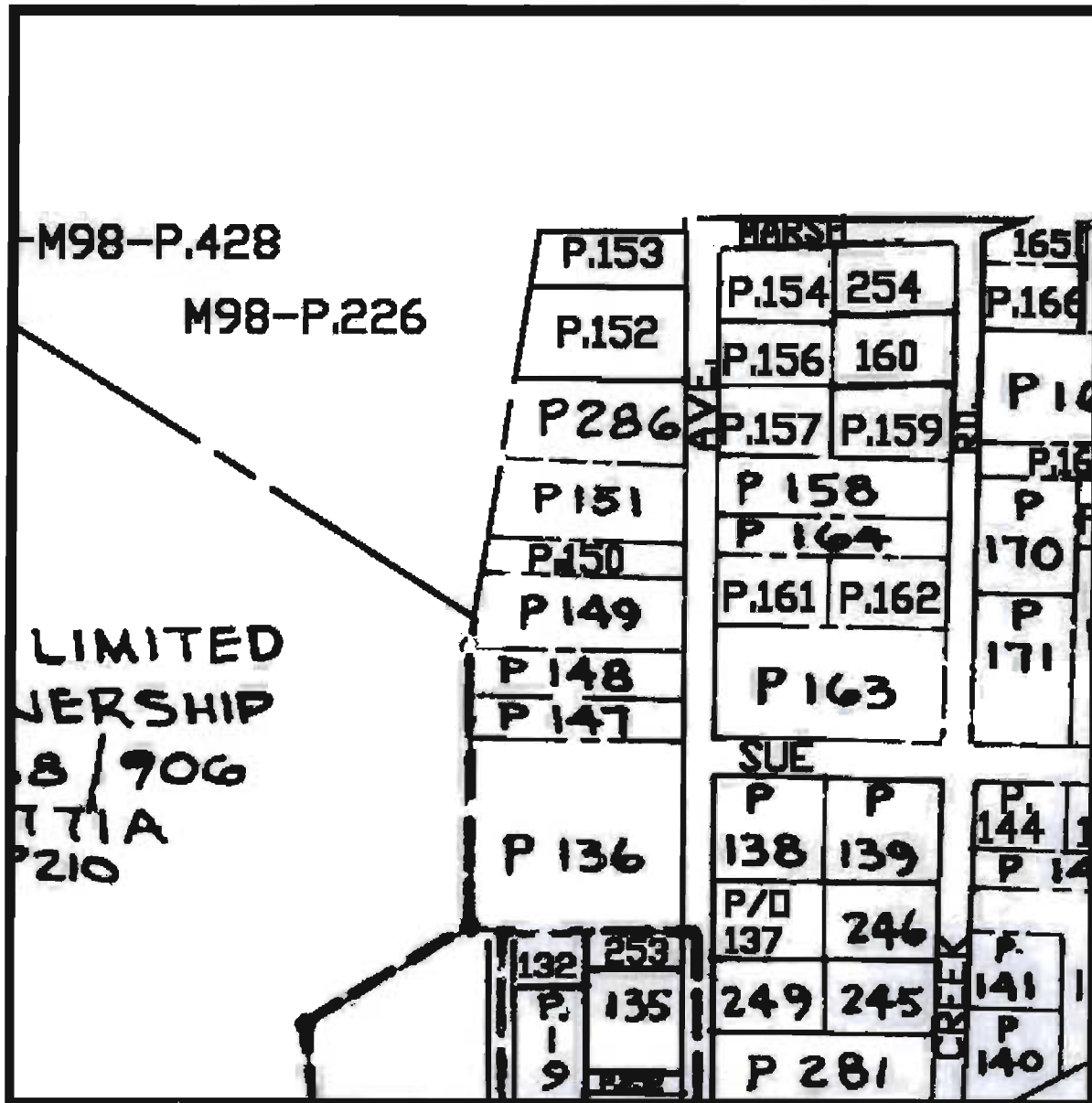
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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 15 Account Number - 1502007740



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Handwritten signature and date
 12

IN RE: PETITION FOR VARIANCE
E/S Maple Road, 15' S of the c/l
Poplar Road
(Lots 218 & 219 Cedar Beach)
15th Election District
6th Council District

Laura Calligan
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-229-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Laura Calligan. The Petitioner seeks relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single family dwelling with property line setbacks of 15 feet, 48 feet and 20 feet in lieu of the minimum required 50 feet each, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Laura Calligan, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, approximately .21 acres in area, zoned R.C.5, and is located near the southwest corner of the intersection of Maple Road and Poplar Road in Essex. The property is 60 feet wide along Maple Road, 71 feet wide along the rear property line, and approximately 153 feet deep along Poplar Road. As noted above, the parcel consists of two lots, known as Lots 218 and 219 of the Cedar Beach subdivision, which was recorded in the Land Records of Baltimore County many years ago. As is often the case with older subdivisions, the plat was prepared prior to the adoption of any zoning regulations in Baltimore County. Thus, the parcel is insufficiently sized and does not meet current zoning requirements.

ON 12-11-03
Date 1/27/03
By [Signature]

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Ms. Calligan indicated that she has owned the property since 1976 and now proposes developing the site with a single-family dwelling. As shown on the site plan, the proposed house will feature a 48-foot rear yard setback, with side yard setbacks of 20 feet and 15 feet, respectively. It is also to be noted that the adjacent property to the east (Lot 217) is vacant, while the other side of the property abuts the right-of-way for Poplar Road. Poplar Road is 30 feet wide; however, is actually 17 feet in paving; thus there is an additional strip of land between the Petitioner's side property line and the edge of paving for that road.

Based on the testimony and evidence offered, I am persuaded to grant the requested relief. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. for relief to be granted. However, although not waterfront, the subject property is located within the Chesapeake Bay Critical Areas. Thus, as a condition of approval, the Petitioner must comply with all environmental regulations as set forth in the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management. In addition, the Office of Planning submitted a comment in support of the request. That office has reviewed building elevation drawings of the proposed dwelling and found same to be appropriate for the neighborhood. It is also to be noted that the property is served by public water and sewer.

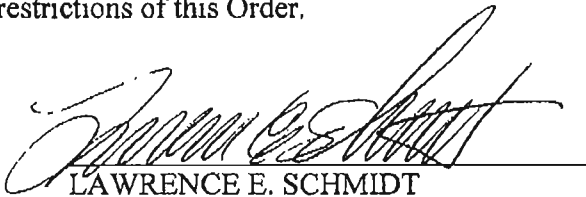
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of January, 2003 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single family dwelling with property line setbacks of 15 feet, 48 feet and 20 feet in lieu of the minimum required 50 feet each, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that

proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The proposed dwelling shall be substantially similar to the building elevation drawings submitted to and approved by the Office of Planning.
- 3) Compliance with all environmental regulations as set forth in the ZAC comment submitted by DEPRM, dated January 13, 2003, a copy of which is attached hereto and made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

1/29/03
LPS



C B C A

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at Lot 2184219 Maple Road
which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.2, 304 (BCZR)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING
TO HAVE PROPERTY LINE SETBACKS OF 15', 48' AND 20'
IN LIEU OF THE REQUIRED 50' AND TO APPROVE AN
UNDERSIZED LOT.

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

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):

LAURA CALLIGAN
Name - Type or Print _____

Laura A. Calligan
Signature _____

Name - Type or Print _____

Signature _____

2507 BAURENSCHMIDT DR 410-633-4308
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 _____

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 11/13/02

Case No. 03-229-A

REV 9/15/98

ORDER
Date
By

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS LOT 218+219 MAPLE ROAD

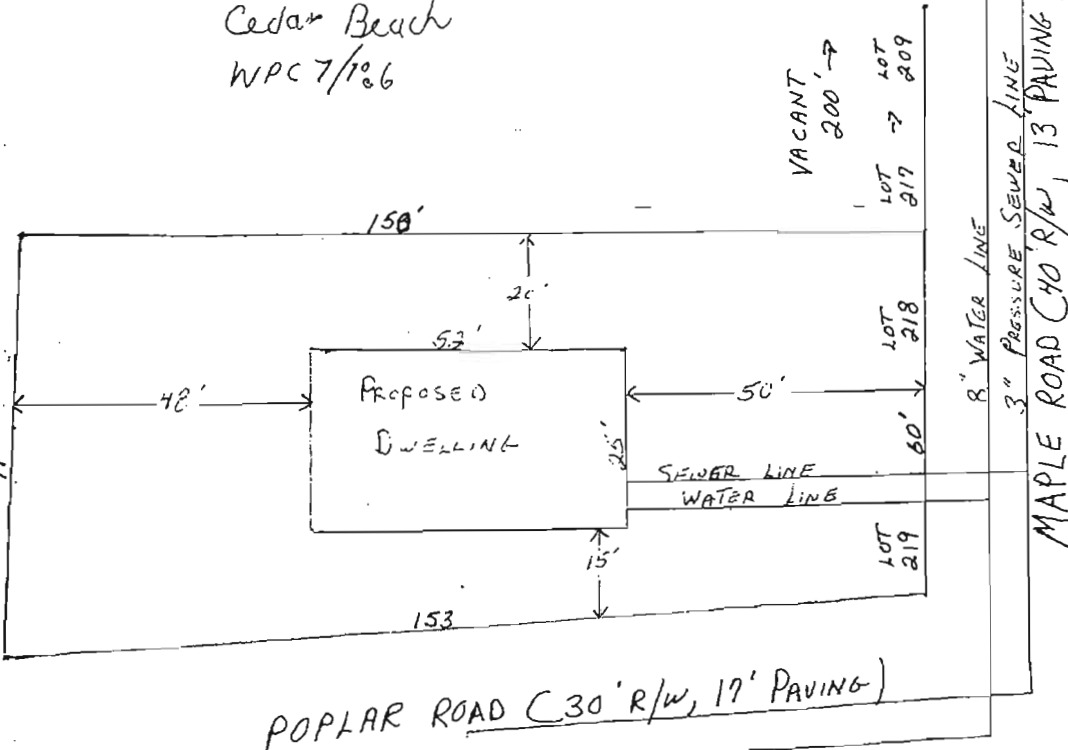
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME CEDAR BEACH

PLAT BOOK # WPC 7 FOLIO # 186 LOT # 218 SECTION # 219

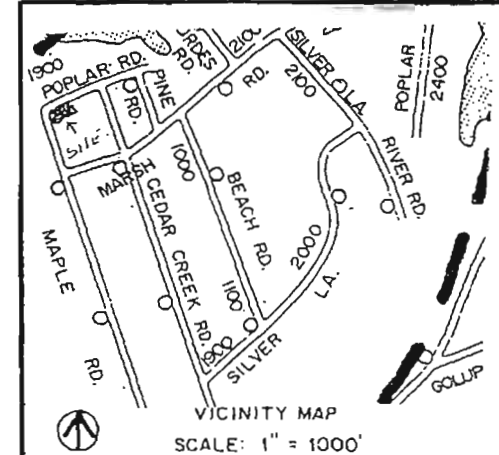
OWNER LAURA CALLIGAN

Lot 217
Cedar Beach
WPC 7/186



PREPARED BY H FRENCH

SCALE OF DRAWING: 1" = 20'



LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # S.E. 2J

ZONING RC5

LOT SIZE .21 ACRES 9090 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

LTN 229



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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Account Identifier: District - 15 Account Number - 1502650640

Owner Information

Owner Name:	DONALD RODNEY J DONALD LYNDA A	Use:	RESIDENTIAL
Mailing Address:	1111 CEDAR CREEK RD BALTIMORE MD 21221-6110	Principal Residence:	YES
		Deed Reference:	1) /14675/ 659 2)

Location & Structure Information

Premises Address	Legal Description
1111 CEDAR CREEK RD	LT 376,377 350 SUE LANE CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	2	142					376	3	Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2000	1,120 SF	7,500.00 SF	04
Stories	Basement	Type	Exterior
SPFOY		SPLIT FOYER	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	62,120	62,120		
Improvements:	159,050	159,050		
Total:	221,170	221,170	221,170	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: WAYLAND MARGARET V	Date: 09/05/2000	Price: \$20,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /14675/ 659	Deed2:
Seller: BREEDEN MERMI P	Date: 04/19/1974	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5439/ 431	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0
Tax Exempt: NO	Special Tax Recapture:		
Exempt Class:	* NONE *		

*Pat 54
14*

IN RE: PETITION FOR VARIANCE
E/S Cedar Creek Road, 670' N of the
c/l Holly Neck Road
(Lots 376 & 377 of Cedar Beach)
15th Election District
5th Council District

Rodney Donald, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-445-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, Rodney J. and Lynda A. Donald. The Petitioners seek relief from Section 1A04.3.B.1, 2, and 3 and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling on a lot of .17 acres in area, and side yard setbacks of 11 feet each in lieu of the minimum required lot area of 1 acre and 50-foot side setbacks, respectively, and to approve the subject property as an undersized lot with any other variances deemed necessary by the Zoning Commissioner. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held were Rodney and Lynda Donald, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is comprised of two lots, namely, Lots 376 and 377 of the subdivision known as Cedar Beach. As is common with older subdivisions, Cedar Beach was platted many years ago and recorded in the Land Records of Baltimore County prior to the enactment of the zoning regulations. Moreover, Cedar Beach is located within the Chesapeake Bay Critical Areas near Sue Creek in southeastern Baltimore County. Although not immediately adjacent to the water, development of this property is subject

ORDER RECEIVED FOR FILING

Date 6/19/00

By [Signature]

to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to insure compliance with Critical Area requirements.

Collectively, Lots 376 and 377 contain a combined area of 7500 sq.ft. (.17 acres), zoned R.C.5, with a width of 50 feet and a depth of 150 feet. The Petitioners purchased the property in March of this year and are desirous of developing same with a single family dwelling. Testimony indicated that the proposed dwelling will be a one-story structure with a basement and that it will be similar to other homes in the area so as to be compatible with the character of this older neighborhood. Moreover, there are public water and sewer facilities available at the site. Due to the narrow width of the property and its overall size, the requested relief is necessary in order for the Petitioners to proceed with their plans.

Based upon the testimony and evidence presented, I am persuaded to grant the variance. It is clear from the testimony that strict compliance with the zoning regulations would result in a practical difficulty for the Petitioners. There was no opposition expressed by any neighboring property owner and there were no adverse comments submitted by any Baltimore County reviewing agency. Moreover, the Petitioners submitted building elevation drawings of the proposed dwelling for review and approval by the Office of Planning, which approved their plans on May 8, 2000 as being compatible with the surrounding neighborhood. Thus, it appears that relief can be granted and that there will be no detrimental impact to the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of June, 2000 that the Petition for Variance seeking relief from Section 1A04.3.B.1, 2, and 3 and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling on a lot of .17 acres in area, and side yard setbacks of 11 feet each in lieu of the minimum required lot area of 1 acre and 50-foot side setbacks, respectively, and to approve the subject property as an undersized lot with any other variances deemed necessary by the Zoning

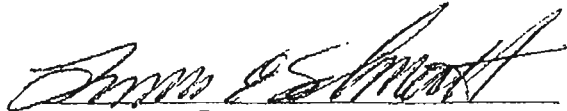
ORDER RECEIVED FOR FILING

Date

By

Commissioner, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated May 12, 2000, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwelling shall be built in accordance with the building elevation drawings submitted and approved by the Office of Planning on May 8, 2000.
- 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 6/9/00

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Cedar Creek Road

which is presently zoned R.C.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B, 1, 2, 3 and 304 To permit

dwelling on a lot of .17 acre and side yard setbacks of 11 ft. each in lieu of the minimum required 1 acre & 50 ft. each respectively and to approve on under size lot per Sect. 304 with any other Variances as deemed necessary by the Zoning Commission

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) These two (2) lot's have been lot's of record since 1925 the side yard set back lines, as required under the R.C.5. zoning would be impossible to obtain. Strict compliance with the zoning requirement would unreasonably prevent the use of the property for a permitted purpose that other property owners in the area enjoy.

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):

Rodney Donald

Name - Type or Print

Signature

Lynda Donald

Name - Type or Print

Signature

1588 Williams Ave

410-686-3418

Address

Baltimore

Md

Telephone No

21221

City

State

Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Vogts Lane

410-574-9337

Address

Baltimore

Md

Telephone No

21221

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 1/2 hrs.

UNAVAILABLE FOR HEARING

Reviewed By [Signature]

Date 4-28-00

ORDER RECEIVED FOR FILING

Date

By

No. 00-445-A

REV 9/15/98

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: CEDAR CREEK ROAD

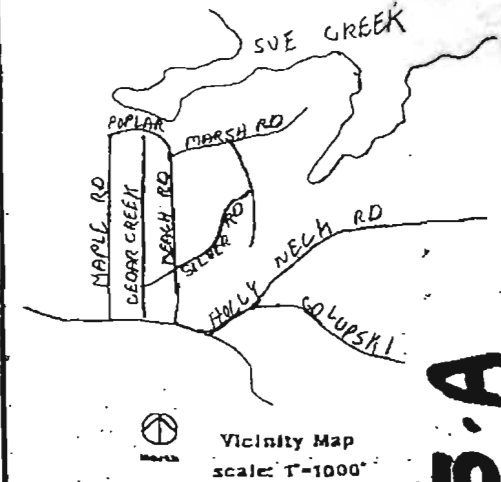
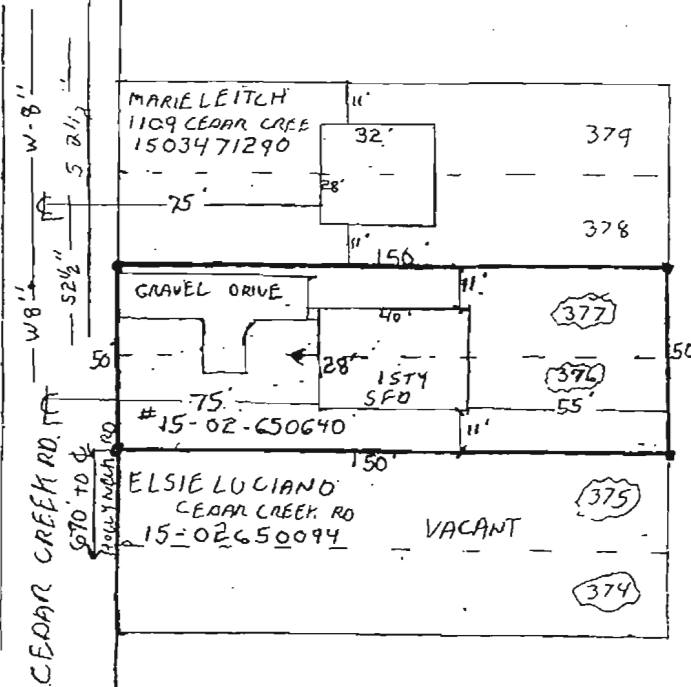
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CEDAR BEACH #2

plat book # 7, folio # 186, lot # 377, section # 376

OWNER: RODNEY & LYNOA DONALD

40' RW
24' PAVED



LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

T=200' scale map #: SE, 2-J

Zoning: RC5

Lot size: .17 acreage 7500 Square Feet

SEWER ☒ PUBLIC ☐ PRIVATE

WATER: ☒ PUBLIC ☐ PRIVATE

Chesapeake Bay Critical Area: ☒ YES ☐ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: CASE #:



North

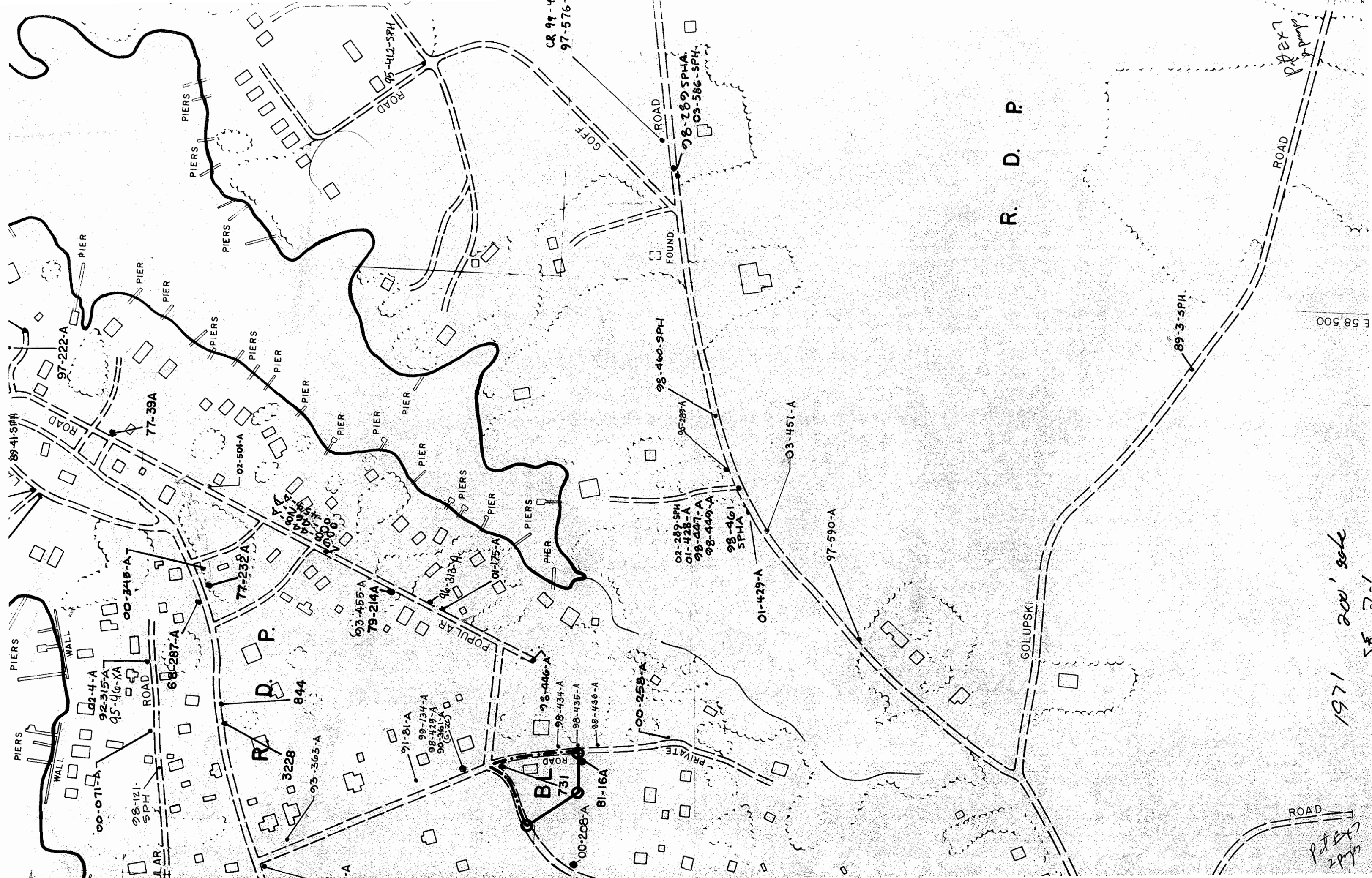
date: 4-17-00

prepared by: BUCK JONES

Scale of Drawing: 1" = 50

Lot No 1

00-445-A



and
LXJ#8

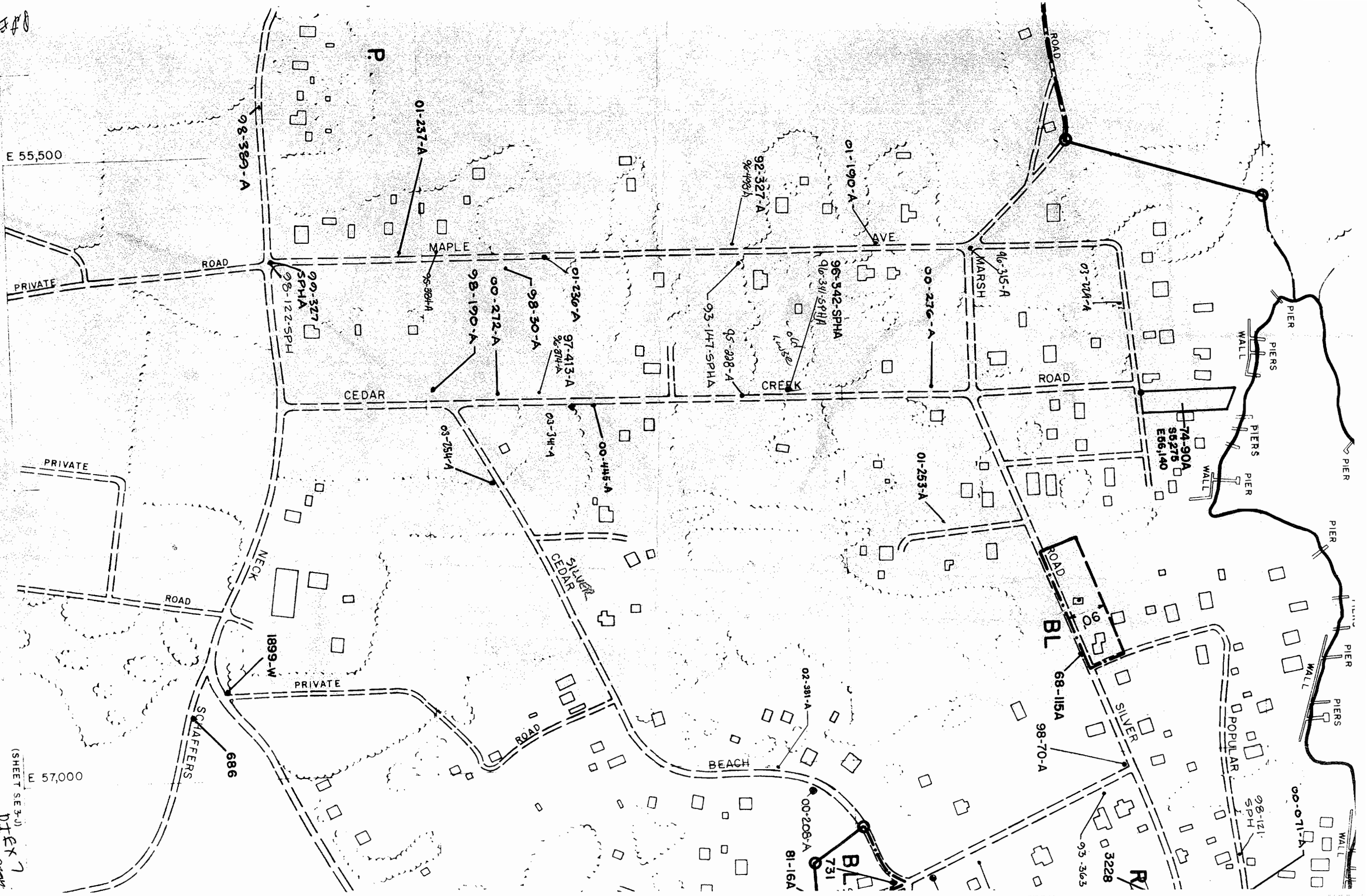
E 55,500

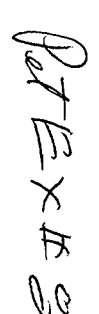
PHOTOGRAMMETRIC

(SHEET 53-J)

Page 1
2 pages

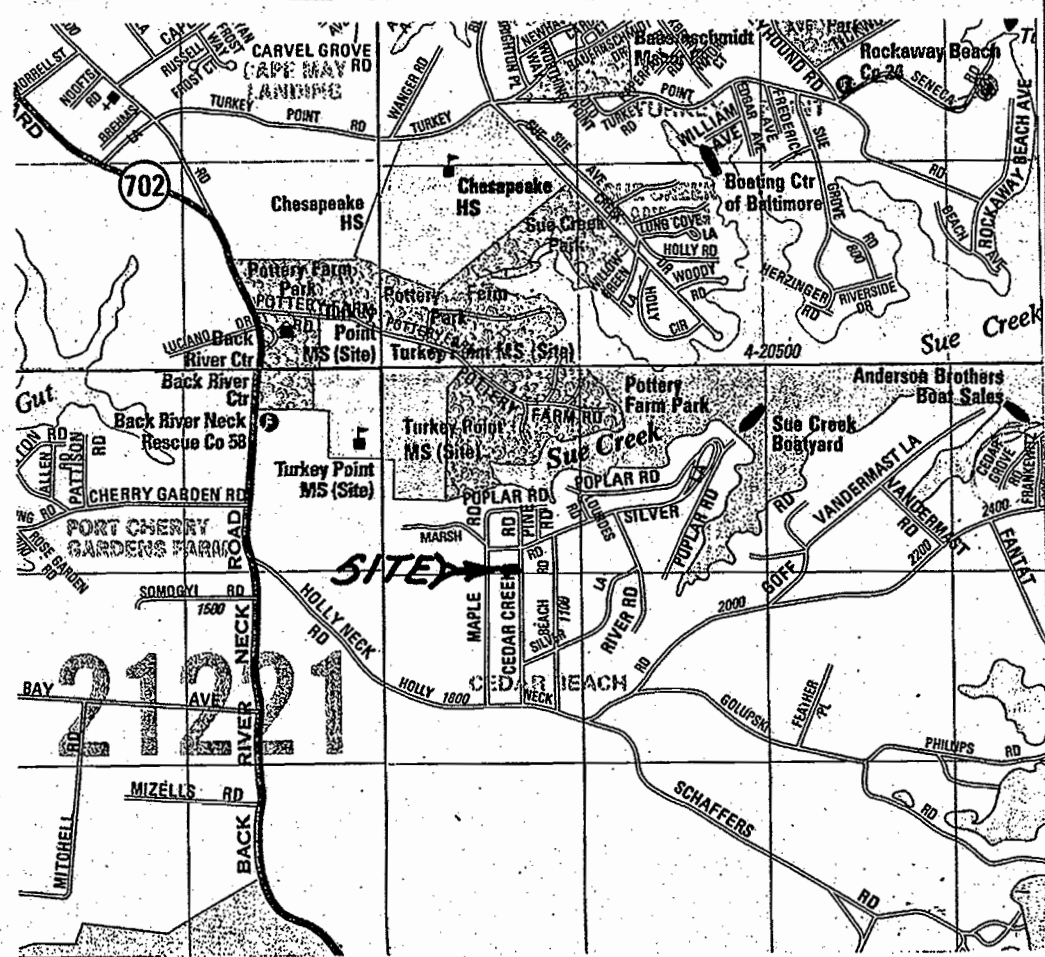
E 57,000





PLAT TO ACCOMPANY PETITION FOR ZONING
VARIANCE, SPECIAL HEARING

PROPERTY ADDRESS 1028 CEDAR CREEK RD.
SUBDIVISION NAME CEDAR BEACH
PLAT BOOK# 7, FOLIO# 186, LOT# 250, SECTION#
OWNER Daniel Bartholow
TAX NO. 23-00-007290



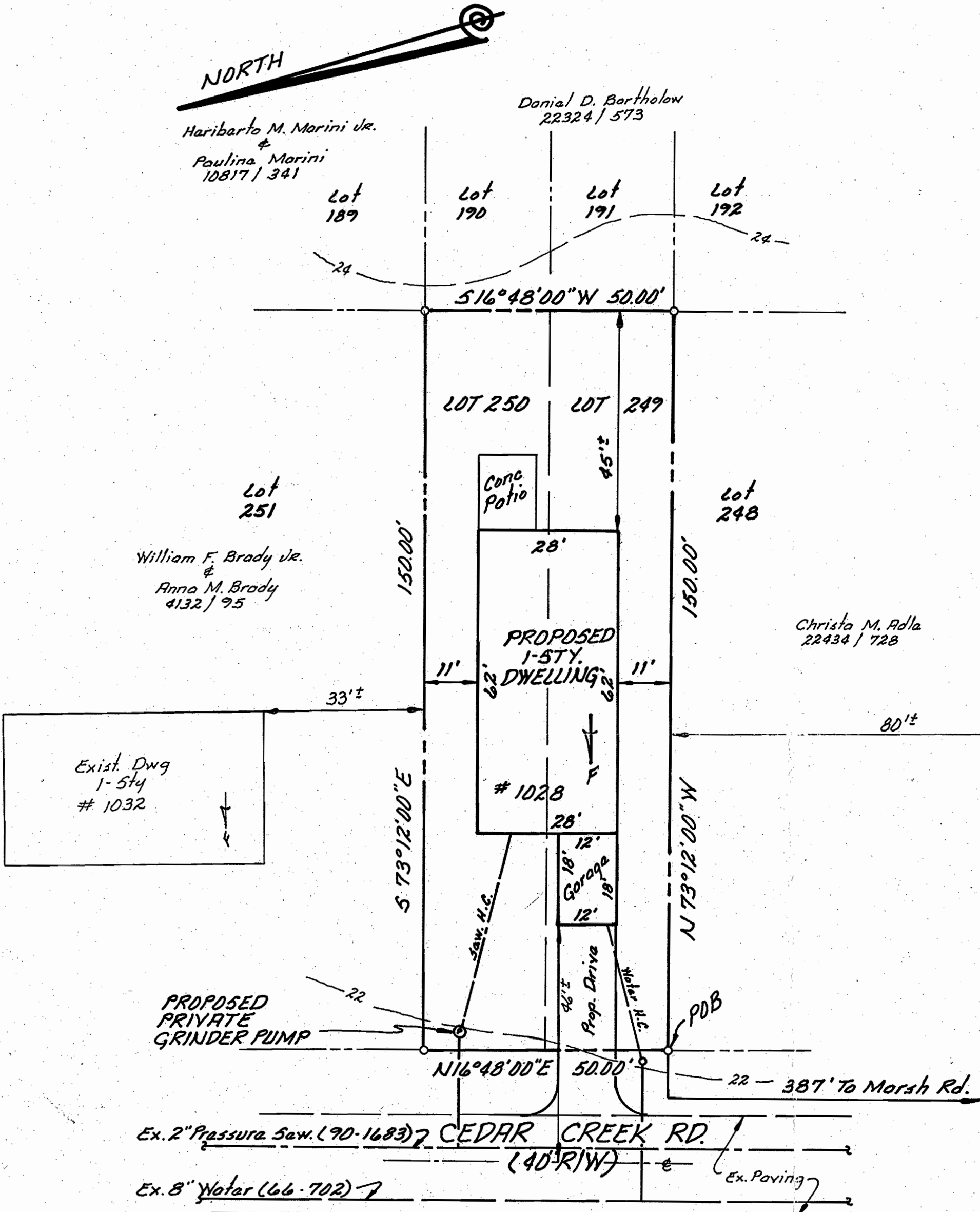
LOCATION MAP
SCALE: 1"=2000'

LOCATION INFORMATION

ELECTION DISTRICT	15TH
COUNCILMANIC DISTRICT	6 TH..
1"=200' SCALE MAP #	105 A1
ZONING	RC-5
LOT SIZE	0.172 ACREAGE
	7500 SQUARE FEET
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA	☒ YES ☐ NO
100 YEAR FLOOD PLAIN	☐ ☒
HISTORIC PROPERTY/BUILDING	☐ ☒
PRIOR ZONING HEARING	NONE

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM#	CASE#
3/4	3/4	08-3/4-A



I Leonard G. Buarhous, the Surveyor whose seal and signature is fixed on this survey plot either personally prepared the Boundary Survey or was in responsible charge over its production and the surveying work reflected in it is in compliance with the requirements set forth in regulation 02.13.06 of the Annotated Code of Maryland. This survey is for the exclusive use of Daniel Bartholow. There are no visible encroachments across property lines, except where noted.

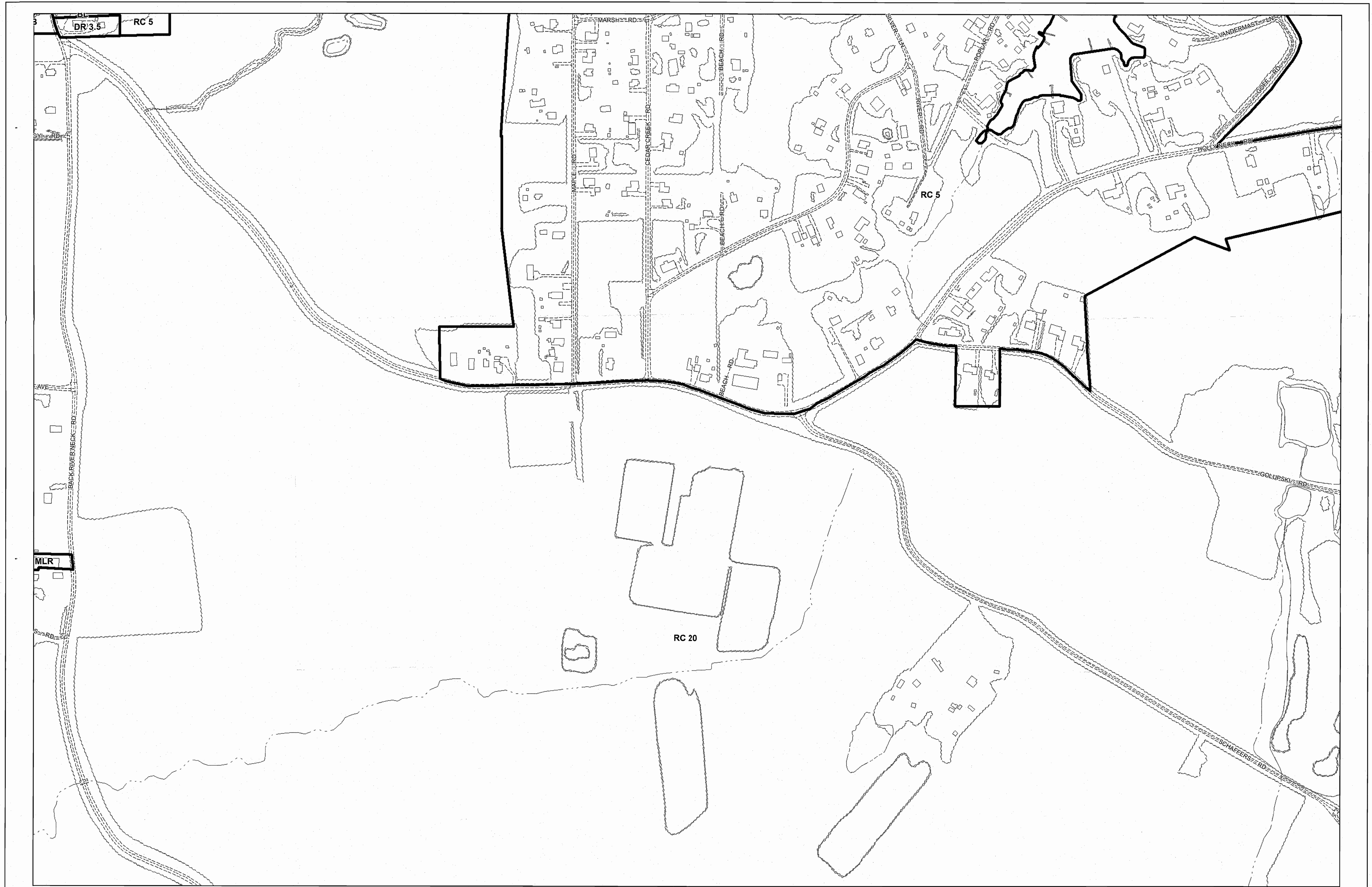
Leonard G. Buarhous, Registered Property Line Surveyor #349

PREPARED BY: LGB SURVEYS LLC SCALE OF DRAWING: 1"=20'
9432 BELLMALL DR
NOTTINGHAM MD. 21236
410-256-3135

LOT STAKEOUT
#1028 CEDAR CREEK RD.
15th Elect. Dist. - Baltimore County, Md.
Scale: 1"=20' - Data:

PETITIONER'S
EXHIBIT NO. 1

CBA # 28 #1



Plan Sheet: 105A1

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

097B3	097C3	098A3	098B3	098C3
104B1	104C1	105A1	105B1	105C1
104B2	104C2	105A2	105B2	105C2

Scale
1" = 200'

0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

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