

IN RE: PETITION FOR ADMIN. VARIANCE

E side Sue Grove Road, 1171 feet S
c/I Turkey Point Road
15th Election District
6th Councilmanic District
(905 Sue Grove Road)

Mark R. and Atusa Haynes
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0607-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mark R. and Atusa Haynes for property located at 905 Sue Grove Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet. The subject waterfront property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to raze the existing 14 foot x 25 foot garage and replace it with a garage measuring 17 feet x 25 feet x 23 feet high. The new garage will have a loft area for storage with a roof pitch that architecturally conforms with the existing dwelling. The exterior of the new garage will be finished to match that of the dwelling.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated July 21, 2008 which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes. Comments were received from the Bureau of Development Plans Review dated July 18, 2008 which indicates that the first floor or basement

~~NOT RECOMMENDED FOR FILING~~
8.11.08
[Signature]

must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were received from the Department of Environmental Protection and Resource Management dated July 16, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. Although the proposed accessory structure is out of the 100 foot buffer, the impervious surface area limit of 3,013 square feet cannot be exceeded.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 20, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This matter is currently the subject of an active violation case (Case No. 06-0062) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that the building permit for the dwelling is non-compliant with setbacks on the permit.

NOT RECORDED FOR PLANNING
8.11.08
2
[Signature]

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

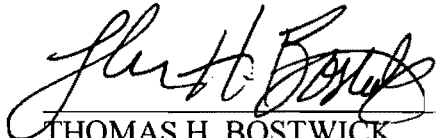
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11th day of August, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

~~RECEIVED FOR FILE~~
8-11-08
BM

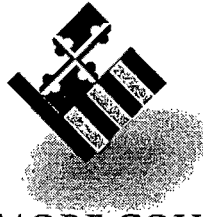
3. The accessory structure shall not be used for commercial purposes.
4. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
5. The flood protection elevation for this site is 10.4 feet.
6. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
7. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
11. 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).
12. The proposed accessory structure is out of the 100 foot buffer and the impervious surface area limit of 3,013 square feet cannot be exceeded.

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

STAMP RECEIVED FOR FILED
8/11/08
M



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 11, 2008

MARK R. AND ATUSA HAYNES
905 SUE GROVE ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2008-0607-A
Property: 905 Sue Grove Road

Dear Mr. and Mrs. Haynes:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040
Helene Kehring, Baltimore County Code Enforcement Office, Permits and
Development Management

Petition for Administrative Variance



to the **Zoning Commissioner of Baltimore County** for the property
located at 905 SUE GROVE ROAD
which is presently zoned DR 3.5

Deed Reference: 26093 / 549 Tax Account # 1523000460

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

400.3 (BCZR) TO ALLOW AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 23 FEET IN LIEU OF THE PERMITTED 15 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

MARK R. HAYNES

Name - Type or Print

Signature

ATUSA HAYNES

Name - Type or Print

Signature

905 SUE GROVE ROAD (410) 627-3505

Address

Telephone No.

BALTIMORE

MD

21221

City

State

Zip Code

Representative to be Contacted:

CENTRAL DRAFTING

Name **AND DESIGN, INC.**

601 CHARWOOD COURT

(410) 679-8719

Address

Telephone No.

EDGEWOOD, MD 21040

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 8 day of August, 2008, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2008-0607-A

Reviewed By JCM

Date 7-7-08

REV 7/20/07

Estimated Posting Date 7-20-08

8-11-08

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

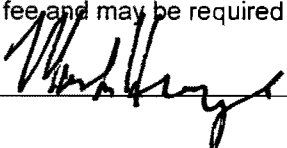
That the Affiant(s) does/do presently reside at 905 SUE GROVE ROAD
Address
BALTIMORE MD. 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

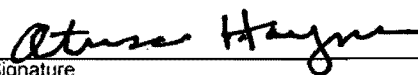
Signature



MARK R. HAYNES

Name - Type or Print

Signature



ATUSA HAYNES

Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ ^{HARTFORD} to wit:

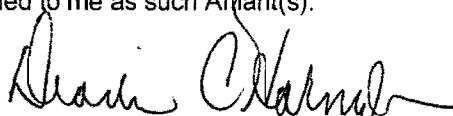
I HEREBY CERTIFY, this 3 day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARK HAYNES AND ATUSA HAYNES

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public



My Commission Expires

01.21.12

JUSTIFICATION FOR VARIANCE REQUEST

WE WISH TO CONSTRUCT A NEW GARAGE WITH A LOFT AREA FOR STORAGE ONLY WITH A ROOF PITCH WHICH WILL ARCHITECTURALLY CONFORM TO THE EXISTING DWELLING. ACCOMPLISHING THE ABOVE WILL REQUIRE THE ADDITIONAL HEIGHT REQUESTED. THE EXTERIOR OF THE PROPOSED GARAGE WILL BE FINISHED TO MATCH THAT OF THE EXISTING DWELLING

ZONING DESCRIPTION

905 SUE GROVE ROAD

Beginning at a point on the northeast side of Sue Grove Road (30 feet wide), distant southeasterly 1690 feet from it's intersection with the center of Turkey Point Road (30 feet wide), thence (1) N 30 04 36 E 123.73 feet (2) N 30 07 15 E 123.17 feet (3) N 34 03 25 E 32.42 feet (4) southeasterly 63 feet, more or less (5) southwesterly 275 feet and (6) northwesterly 30 feet to the place of beginning. Containing 13,575 square feet or 0.312 acre of land, more or less.

Being all of Lot 18 and part of Lot 17 as shown on the plat entitled Suegrove recorded among the Baltimore County plat records in Plat Book 7 Folio 11.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18417**

Date: **7/7/08**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 06/2008 7/07/2008 09:09:41 2
 REG 1 302 MAIL TEVA JEE
 RECEIPT N 587269 7/07/2008 DELH
 5 528 ZONING VERIFICATION
 CR N 018417

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65. -

Total: **65. -**

Rec From: **HAYNES**

For: **2008 - 0607 - A**

Receipt Tot \$65.00
 \$65.00 CN \$1.00 CA
 Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

8/27/08
Martin Ogle 7/20/08



OF POSTING

E: Case No: 2008-0607-A

Applicant/Developer: DAVE BILLINGSLEY

Date Of Hearing/Closing: 8/4/08

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 905 SUE GROVE RD

This sign(s) were posted on July 20, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 7/20/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08-²⁰ 0607 -A Address 905 SUE GROVE Rd.Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 7/2/08 Posting Date: 7/20 Closing Date: 8/4/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 08-²⁰ 0607 -A Address 905 Sue Grove Rd.Petitioner's Name MARK HAYNES Telephone 410-627-3505Posting Date: 7/20/08 Closing Date: 8/4/08Wording for Sign: A VARIANCE
To Permit TO ALLOW AN ACCESSORY STRUCTURE
(GARAGE) WITH A HEIGHT OF 23 ft. IN LIEU
OF THE PERMITTED 15ft.

WCR - Revised 6/25/04

**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.

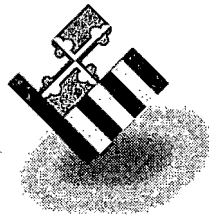
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 0607
Petitioner: MARK AND ATUSA HAYNES
Address or Location: 905 SUE GROVE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARK HAYNES
Address: 905 SUE GROVE ROAD
BALTO, MO. 21221
Telephone Number: (410) 627-3505



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

August 4, 2008

Mark R. & Atusa Haynes
905 Sue Grove Rd.
Baltimore, MD 21221

Dear: Mark R. & Atusa Haynes

RE: Case Number 2008-0607-A, Address: 905 Sue Grove Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 07, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Central Drafting & Design, Inc., 601 Charwood Ct., Edgewood, MD 21040

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2008

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

SUBJECT: 8-607 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

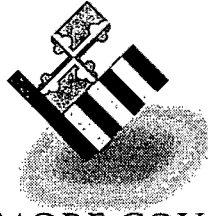
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



AFK/LL: CM



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 14, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 14, 2008

Item Number: 0582,0594,0595,0596,0597,0598,0599,0601,0602,0605,0607

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: July 18, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2008
Item No. 08-0607

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 08-0607-07182008

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco - *PDM*
FROM: Dave Lykens, DEPRM - Development Coordination
DATE:
SUBJECT: Zoning Item # 08-607-A
Address 905 Sue Grove Road
(Haynes Property)

Zoning Advisory Committee Meeting of July 14, 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:

Although the proposed accessory structure is out of the 100-foot buffer, impervious surface area limit of 3013 square feet cannot be exceeded.

Reviewer: Glenn Shaffer

Date: July 16, 2008



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 v4.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 **Account Number -** 1523000460

Owner Information

Owner Name:	HAYNES ATUSA HAYNES MARK R	Use:	RESIDENTIAL
Mailing Address:	905 SUE GROVE RD BALTIMORE MD 21221-1824	Principal Residence:	YES
		Deed Reference:	1) /26093/ 549 2)

Location & Structure Information

Premises Address	Legal Description
905 SUE GROVE RD	905 SUE GROVE RD SUE GROVE
	WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	15	215					18	3	Plat Ref: 7/ 11

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2006	3,432 SF	12,052.00 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	07/01/2007	07/01/2008
Land	98,510	162,510		
Improvements:	272,690	348,830		
Total:	371,200	511,340	464,626	511,340
Preferential Land:	0	0	0	0

Transfer Information

Seller: A & M REAL ESTATE LLC	Date: 08/24/2007	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /26093/ 549	Deed2:
Seller: GOETZ STUART S	Date: 08/24/2004	Price: \$310,000
Type: NOT ARMS-LENGTH	Deed1: /20588/ 490	Deed2:
Seller: GOETZ STUART S	Date: 02/19/1997	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12041/ 700	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO **Special Tax Recapture:**
Exempt Class: * NONE *

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2008-0607-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: July 15, 2008

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

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

SUBJECT: Item No.: 08-0607-A
Legal Owner/Petitioner Haynes, Mark & Atusa
Contract Purchaser: N/A
Property Address: 905 Sue Grove Rd.
Location Description: NE side of Sue Grove Rd, 1690' +/-,
S from centerline of Turkey Pt. Rd.

VIOLATION INFORMATION: Case No. 06-0062
Defendants: Haynes, Mark & Atusa

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

NAME	ADDRESS
------	---------

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

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

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

RSW/gk

CC: Code Enforcement Officer

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 13, 2000

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

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

SUBJECT: Item No.:
Legal Owner/Petitioner: *MARK A. + ATUJA HAYNES*
Contract Purchaser:
Property Address: *905 JUE GROVE RD*
Location Description: *NORTH EAST SIDE OF JUE GROVE RD, 1690 +/- FEET
SOUTH FROM CENTERLINE OF TURKEY POINT RD.*
VIOLATION INFORMATION: Case No. *2000A-0608-A*
Defendants: *MARK A + ATUJA HAYNES*

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

NAME	ADDRESS
------	---------

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

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

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

RSW/
C: Code Enforcement Officer



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

Timothy M. Kotroco
TIMOTHY M. KOTROCO
DIRECTOR

John R. Reisinger
JOHN R. REISINGER
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B582800 CONTROL #: NRPA DIST: 15 FREQ: 19
DATE ISSUED: 04/08/2005 TAX ACCOUNT #: 1523000460 CLASS: 34

PLANS: CONST 02 PLOT 7 R PLAT 0 DATA 0 ELEC YES PLUM YES
LOCATION: 905 SUE GROVE RD
SUBDIVISION: SUE GROVE

OWNERS INFORMATION

NAME: HAYNES, MARK
ADDR: 905 SUE GROVE RD BALTIMORE MD 21221

TENANT:

CONTR: MARK HAYNES
ENGR:
SELLR:

WORK: CONSTRUCT SFD, 3 BEDROOMS, STUDY & EXISTING
OPEN WOOD DECK 31'X71'X41'=3290SF. EX DECK TO
BE TIED INTO SUPPORT STRUCTURE OF NEW SFD.
SEE B582901 FOR RAZING OF EX SFD PER VARIANCE
CASE#05-157-A,CBCA 12/14/04. FLOOD ZONE: B
PER DT

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & DECK & DETACHED GARAGE
EXISTING USE: GARAGE & DECK

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: ONE FAMILY

FOUNDATION: BLOCK

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 12,052SF

FRONT STREET:

SIDE STREET:

FRONT SETB: 91'

SIDE SETB: 8'6"/8'6"

SIDE STR SETB:

REAR SETB: 106'

582800

!

John L. Schneider, P.E.
ENGINEERING & CONSTRUCTION CONSULTANT

100 North Rolling Road
Catonsville, Maryland 21228
(410) 744-1945

April 21, 2004

Mr. Mark Haynes
16071 A E Mullinix Road
Woodbine, Md. 21797

Re: Engineers Certification-footing
Address: 905 Sue Grove Road
Permit #B582800
Subdivision: Baltimore County 21221
Inspection Date: 04-21-05

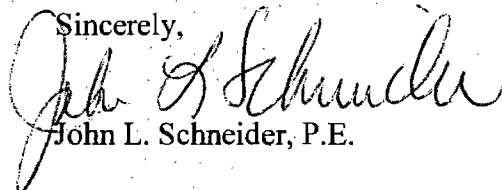
Gentlemen,

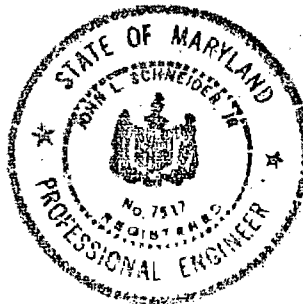
At your request, I inspected the existing footing at the above location and found the following:

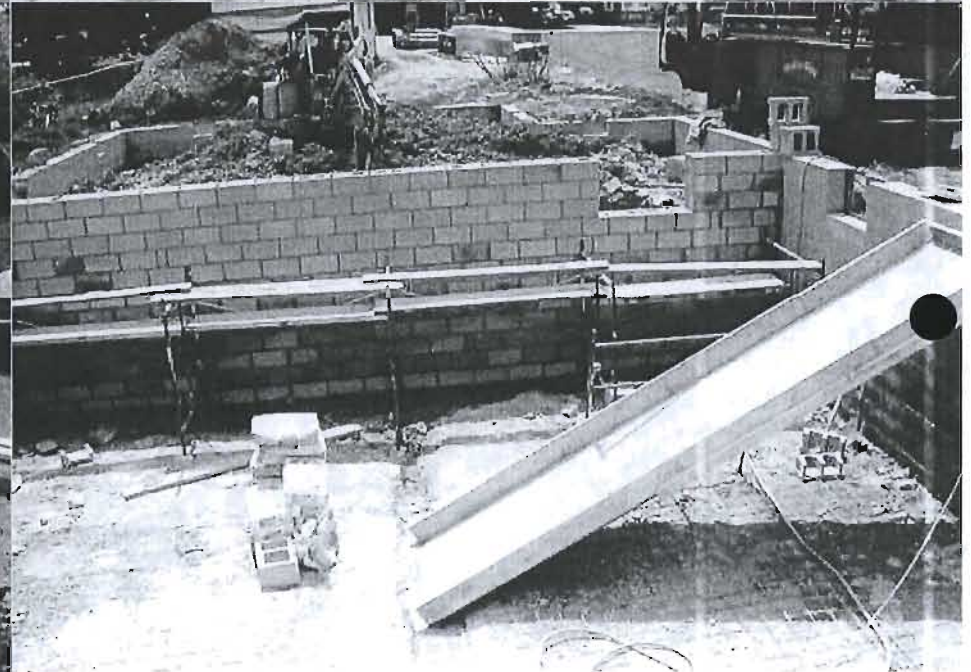
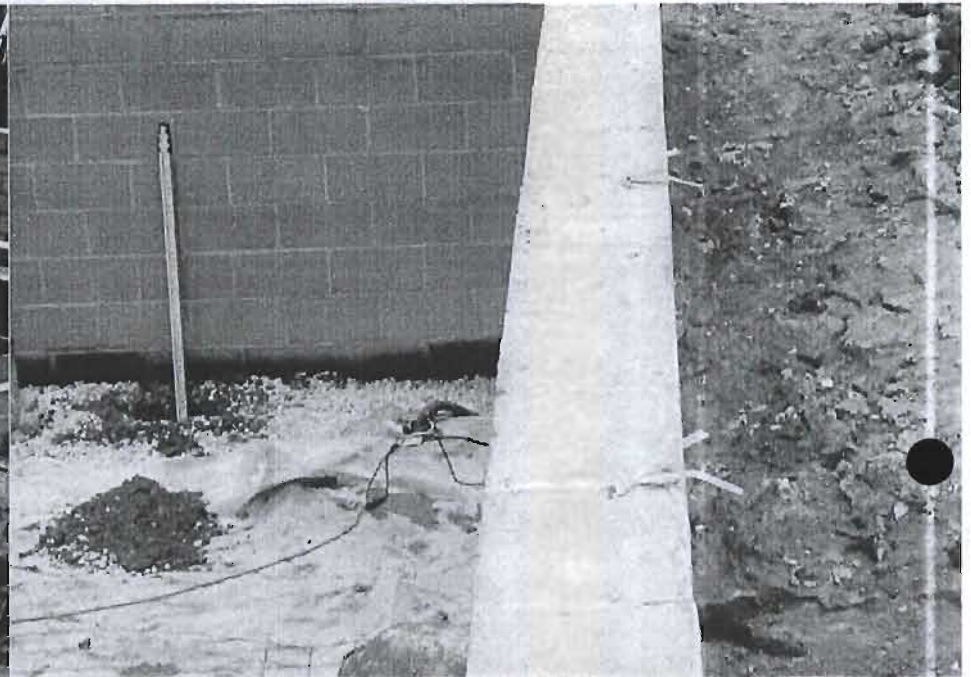
8" thick min.
24" wide min. for basement and 18" wide for crawl with 2 #4 bars cont.
using 3000 psi concrete
soil bearing capacity approximately 3000psf
entire footing meets frost protection requirements
ground rod in place per code requirements

Based on these facts, and my observations, I am please to certify these footings as meeting code requirements for use in this type structure.
If there are any questions or comments on this or other projects please contact my office.

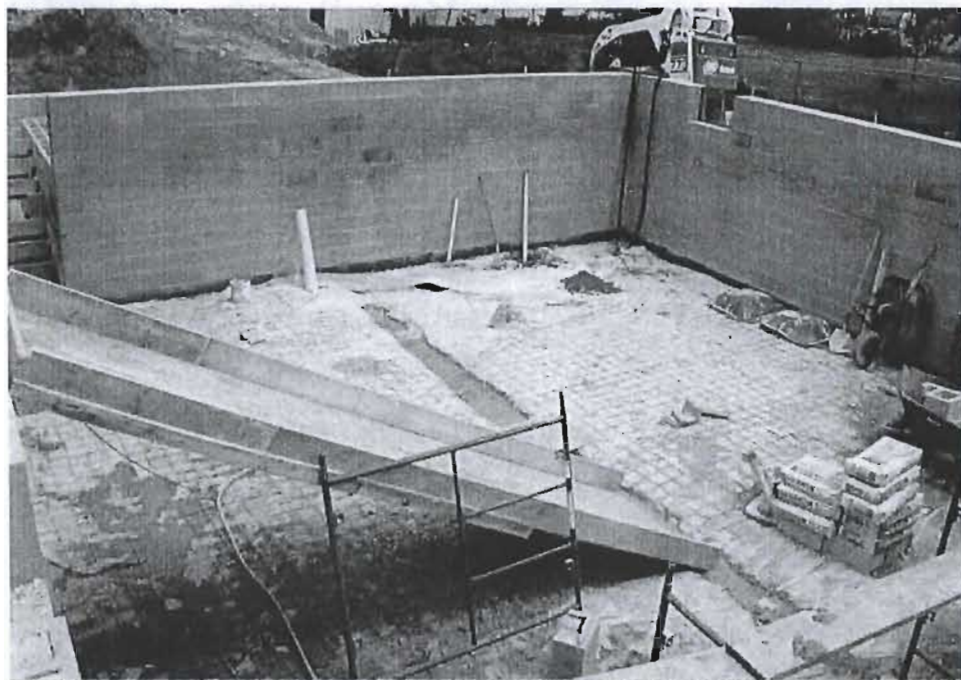
Sincerely,


John L. Schneider, P.E.









August 1, 2004

Re: Mark & Atusa Haynes
905 Sue Grove Road
Essex, Maryland 21221

We, the undersigned have viewed the new plat and the planned renovations regarding the above reference property. It is also understood that it will be necessary for Mr. & Mrs. Haynes to file for a variance in order for this to be accomplished. By our signatures below we are stating we have no objections to either.

Barbara Norris

By

Charles E.

Stony Norris

By

By

By

749 Sue Grove Rd

Address:

Balto Md 21221

Address:

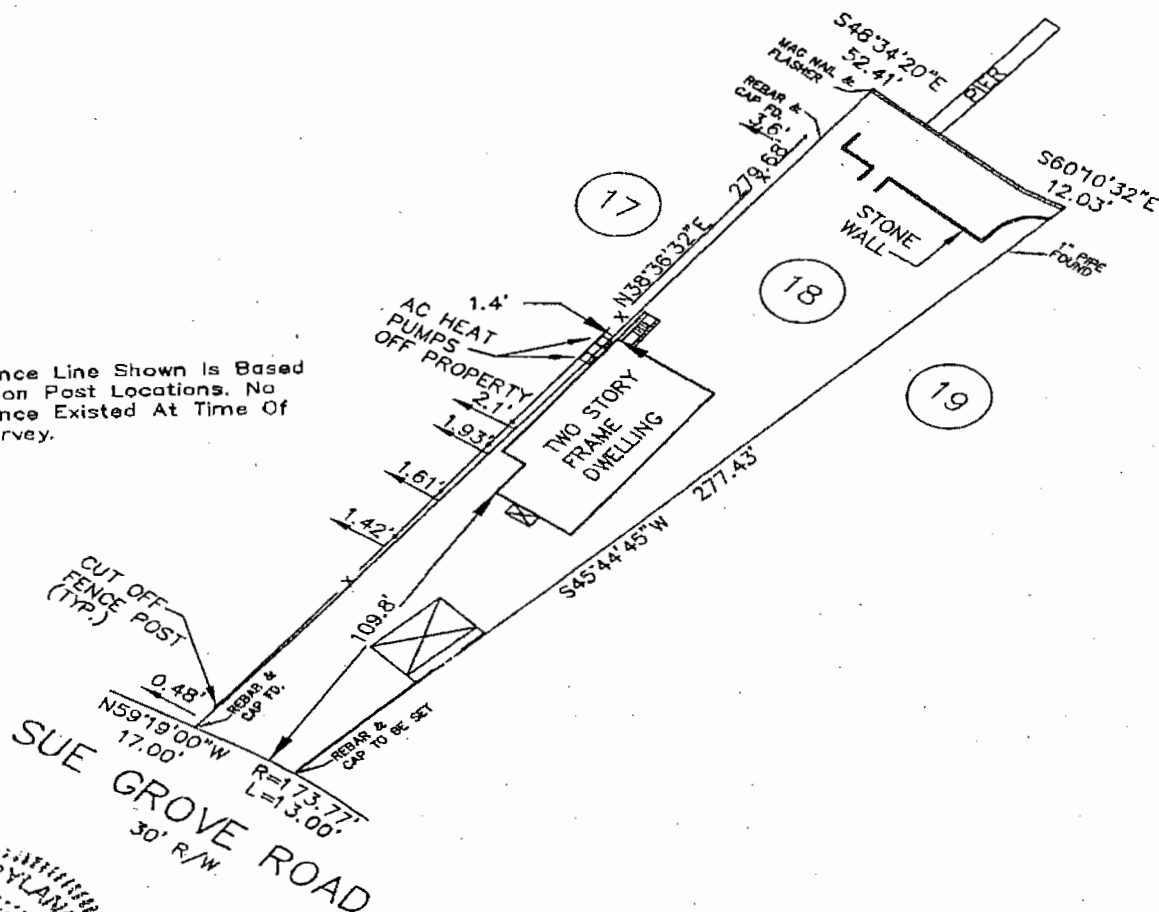
Kimberly Ann Ellis

KIMBERLY ANN ELLIS
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES *7/1/07*

Pet # 2



*NOTE: Fence Line Shown Is Based Upon Post Locations. No Fence Existed At Time Of Survey.



REFERENCE LOT 18 AS SHOWN ON A PLAT ENTITLED "SUEGROVE" DATED MAY 24, 1921 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK S.M. 7 FOLIO 11.

MAP 98
PARCEL 215
DEED REF. 20588/490
ACCT. # 1523000460
12949 SQ. FT.
0.2973 ACRES

THIS IS TO CERTIFY THAT WE HAVE LOCATED THE IMPROVEMENTS AS SHOWN ACCORDING TO THE REGULATIONS GOVERNING THE MARYLAND STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS, EFFECTIVE DATE MARCH 1, 1995.

Henry James Knell, Jr.

2/17/06
DATE

NOTES:

- (D) ACCURACY OF APPARENT SETBACK DISTANCES IS 0.5' +/-.
(E) THIS PROPERTY DOES LIE WITHIN THE LIMITS OF A FLOOD HAZARD AREA AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM. #240010 0445 B

BOUNDARY SURVEY &
LOCATION DRAWING OF

905 SUE GROVE ROAD

15TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 50' JANUARY 18, 2006*
Revised For Note



W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
230 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571



House 15



House 17



House 3



House not live - 08B



H. M. L. - 004



House outline - 02



House 16





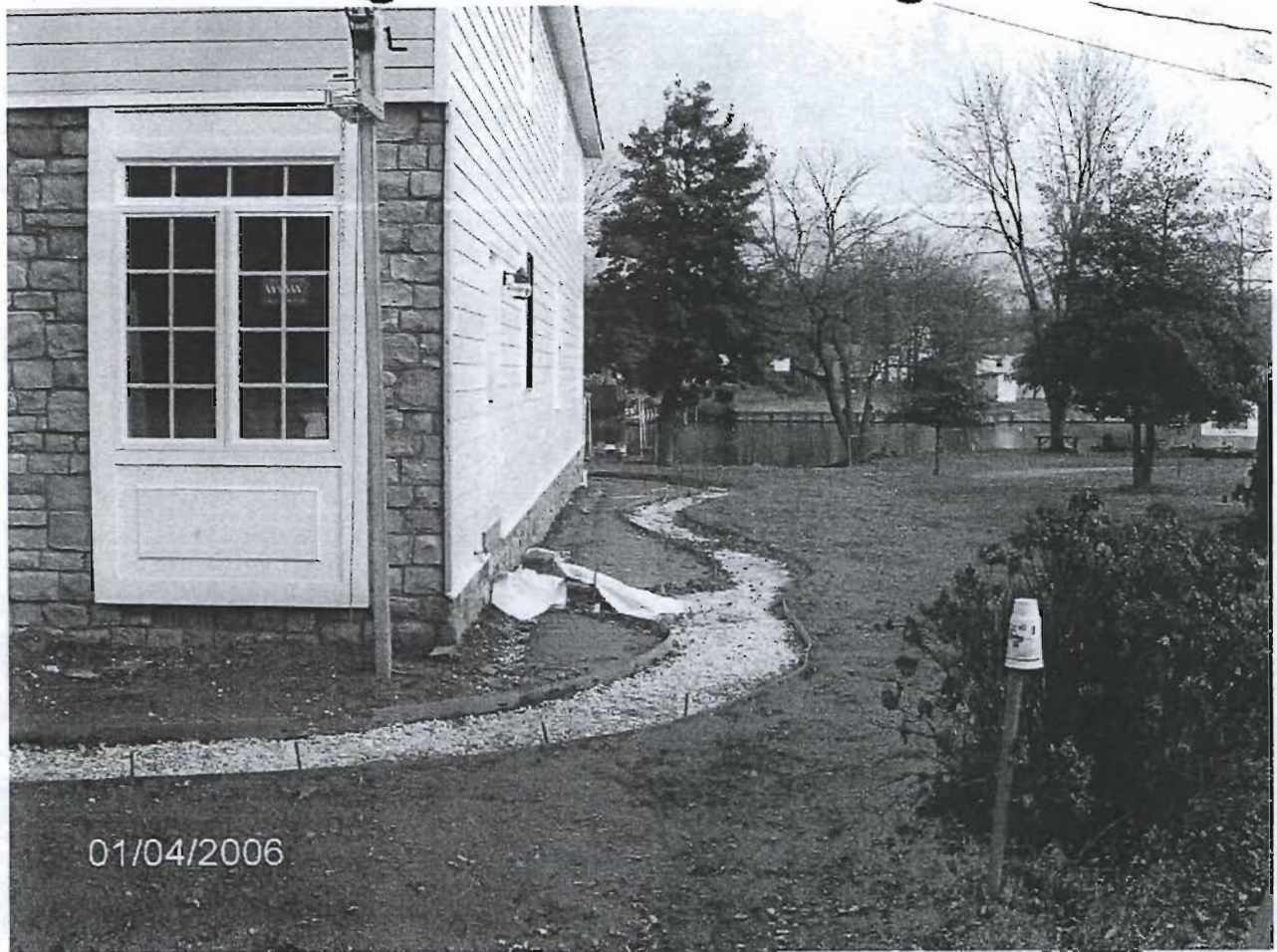


C. & H.

002

2006/02/20 2:57 pm

Ken [unclear]
Mr. William Kelpner



UPDATE / MESSAGE FORM

Date: 12/19/07

Inspector: R. Kion

Case #: 06-0062

Address: 905 SUE GROVE RD

Comments: 12/19/07- TB-5P200 WAS FINALED.
12/19/07 CASE CLOSED. D. J. L.

Entered into AS400 us

IN RE: PETITION FOR VARIANCE
E/S Sue Grove Road, 1,771 ft. S
centerline of Turkey Point Road
15th Election District
6th Councilmanic District
(905 Sue Grove Road)

Atusa & Mark Haynes
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 05-157-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Atusa and Mark Haynes. The Petitioners are requesting variance relief for property located at 905 Sue Grove Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a new dwelling with a side yard setback of 4.5 ft. and sum of side yards of 14.5 ft. in lieu of the required 15 ft. and 25 ft. respectively.

The property was posted with Notice of Hearing on November 24, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 26, 2004 to notify any interested persons of the scheduled hearing date.

Amended Petition

The Petitioner noted at the outset of the hearing that the Plat to Accompany indicated that the sum of the side yard setbacks for the new home was 13 ft. and not 14.5 ft. as originally requested.

Applicable Law

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

UPDATE / MESSAGE FORM

Date: 7/12/07

Inspector: B. K. 100

Case #: 06-0062

Address: 905 JES GROVE RD

Comments: 7/12/07- SPOKE TO OWNER, WILL
be calling for a final WITHIN A COUPLE OF
WEEKS. I TOLD MR. HAINES I WOULD NEED PRICE
OF SALE ^{OF} ~~AT~~ CARA SOLA by his NEIGHBOR.
R/C 8/1/07 B. K. 100

MS

Entered into AS400 _____

Code Enforcement - Daily Worksheet

Inspector - KIDD, G.

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	06-0062	905 SUE GROVE RD		21221	12/16/2005	7/11/2007

Tax Acct #: 1523000460

Owner:

Complainant Name: (Last) BALTO CO (First)
 Addr: Str # Dir Street Name Type Apt
 City ST Zip
 Phone: (Home) (Work)

Problem: PERMIT IS NON-COMPLIANT WITH SET-BACKS ON PERMIT

Notes:

06-0062 12/16/05 ISSUED CORR.NOTICE, POSTED SITE, NO ONE AT SITE. 1/4/06 ISSUED CIVIL CITATION. MADE 3 ATTEMPS. NO ONE AT SITE, SERVED CERTIFIED MAIL. 1/17/06 RECEIVED POSTCARD FROM POST OFFICE WHERE H/O RECEIVED. 1/27/06 HEARING DATE SCHEDULED FOR FEB. 21, 2006. P/U 3/22/06 G.KIDD /NS*** **2/6/06 ON DOCKET FOR 2/21/06 FILE TO G KIDD /JF**. 02/21/06 BOTH PARTIES WERE P RESENT WAITING FOR ORDER. HEAR. ON 02/22/06. P/U 03/13/06. G .KIDD/KH.*** **2/22/06 FINAL ORDER SENT TO A & M REAL ESTATE LLC, MARK HAYNES FILE TO G KIDD /JF**. **2/27/06 6 FINAL ORDER RETURNED TO SENDER, TEMP. AWAY. GAVE TO G KIDD. /JF**. 3/14/06 VARIANCE HAS BEEN APPLIED FOR. #06-427-A WAITING FOR A HEARING DATE. P/U 4/19/06 G.KIDD/NS*** 05/02/06 WAITING FOR FINAL ORDER FROM VARIANCE. P/U 06/07/06. G.KIDD /KH.*** 6/8/06 VISITED SITE LEFT MESSAGE TO CALL ABOUT VARIANCE P/U 7/12/06 G.KIDD/JG***08/01/06 WAITING FOR RESULTS OF VAR. NO FINAL WILL BE ISSUED. P/U 08/16/06. G.KIDD/KH.**

*

****SEE NEXT PAGE****

10/23/06 NO FINAL WILL BE ISSUED FOR HOUSE UNTIL VAR. IS RESOLVED W/SET-BACKS. P/U 11/14/06. G.KIDD/KH.***

11/15/06 VISITED SITE. NO ONE WORKING AT SITE. LEFT MESSAGE TO CALL. P/U 12/6/06 G.KIDD/NS***

12/7/06 NO ONE WORKING AT SITE. LEFT MESSAGE TO CALL. NO FINAL WILL BE ISSUED. P/U 12/20/06 G.KIDD/NS***

12/21/06 NO CHANGE. P/U 1/24/0

7 R.MADDOX/NS

1/25/07 V

VISITED SITE. NO ONE WORKING AT SITE. LEFT MESSAGE TO CALL ABOUT SET-BACKS. P/U 2/14/07 G.KIDD/NS****

3/15/07 OWNER

CALLED. WILL BE CALLING FOR FINAL. HE SAID HE BOUGHT THE PROPERTY NEXT DOOR AND I WOULD NEED TO SEE THE NECESSARY PAPERS

. P/U 4/11/07 G.KIDD/NS*** 4/16/07 SPOKE TO OWNER 4/13/07 IS GETTING VARIANCE RESOLVED FOR FINAL INSPECTION. P/U 4/27/07 G.KIDD/NS***

4/30/07 SPOKE TO OWNER. WILL B

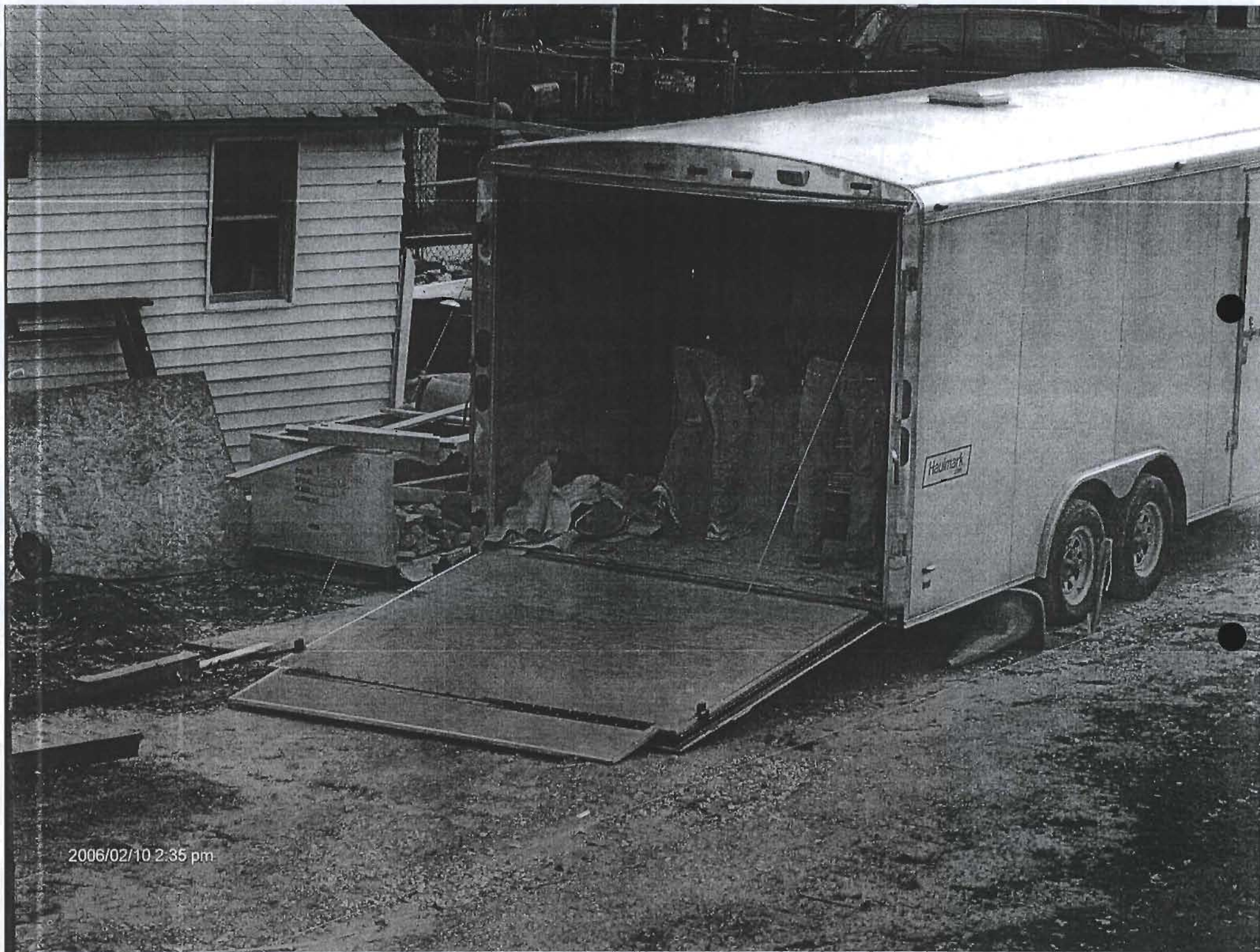
E FAXING COPIES OF VARIANCE & SETTLEMENT PAPERS ON PROPERTY.

NO FINAL WILL BE ISSUED. P/U 6/12/07 G.KIDD/NS***

6/14/07 OWNER WILL BE FAXING COPIES OF SETTLEMENT PAPERS & VARIANCE ON PROPERTY. NO FINAL ISSUED. P/U 7/11/07 G.KIDD/NS***



2006/02/10 2:35 pm

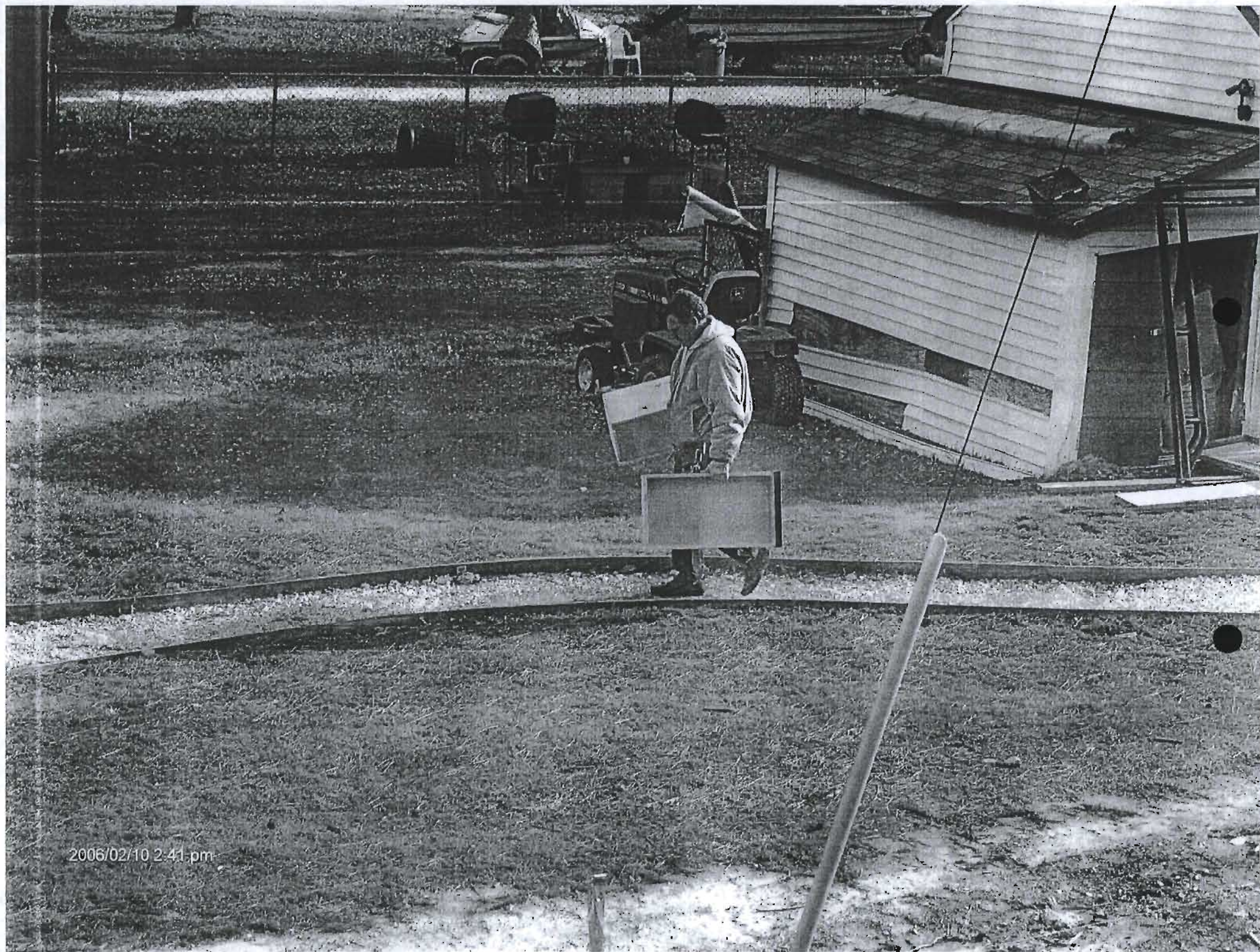


2006/02/10 2:35 pm





2006/02/10 2:41 pm

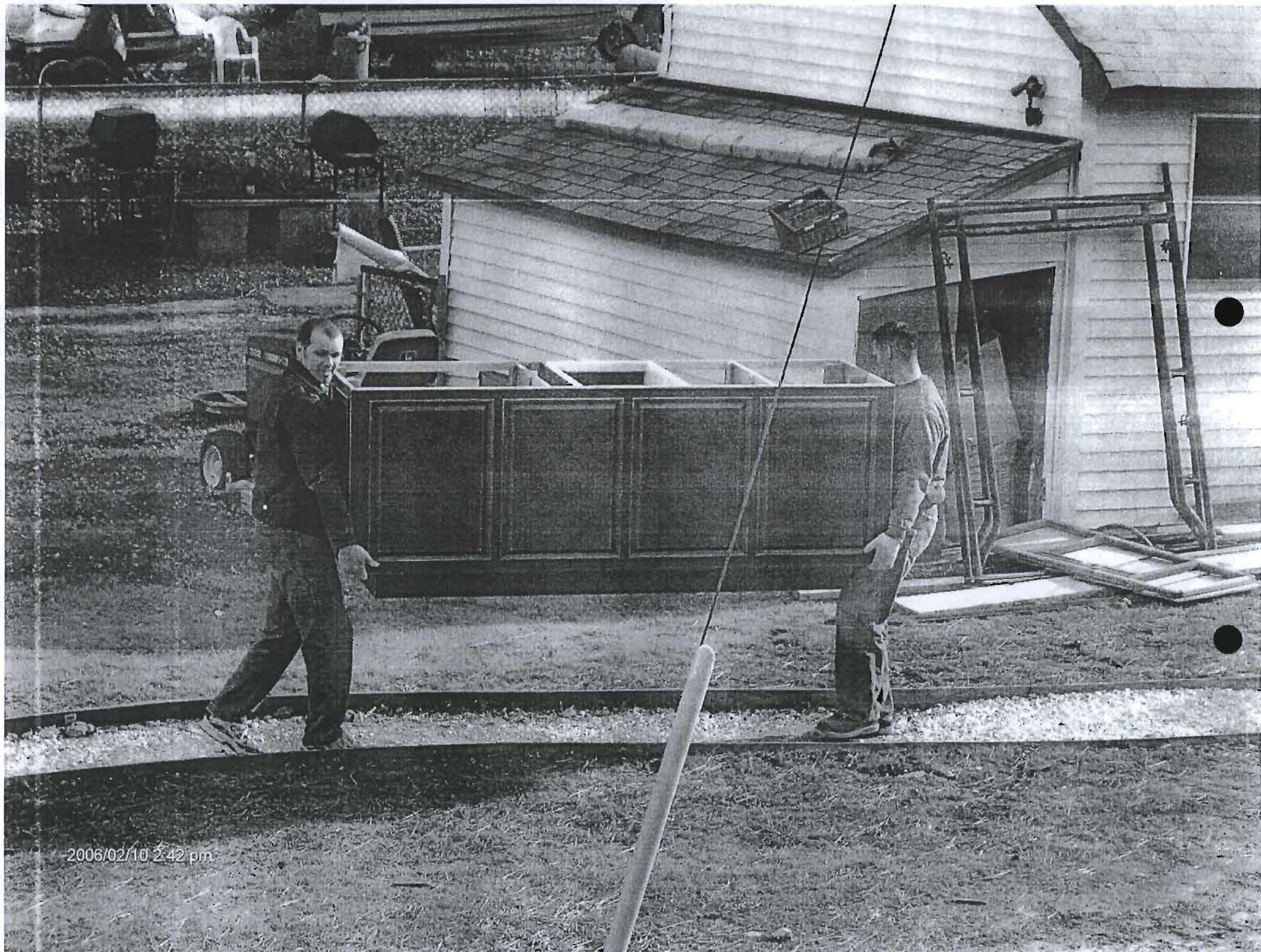




2006/02/10 2:42 pm

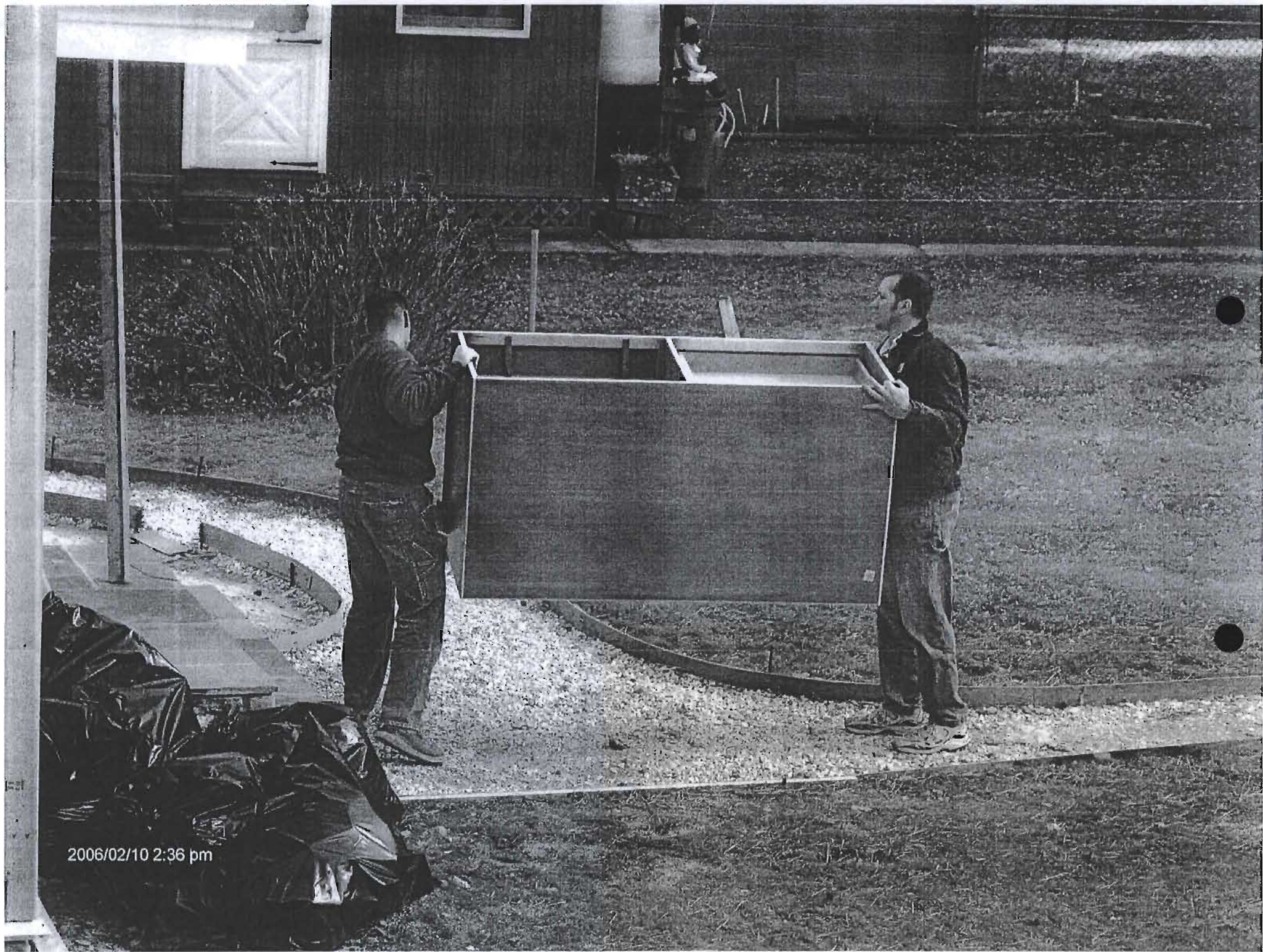


2006/02/10 2:42 pm





2006/02/10 3:04 pm



2006/02/10 2:36 pm

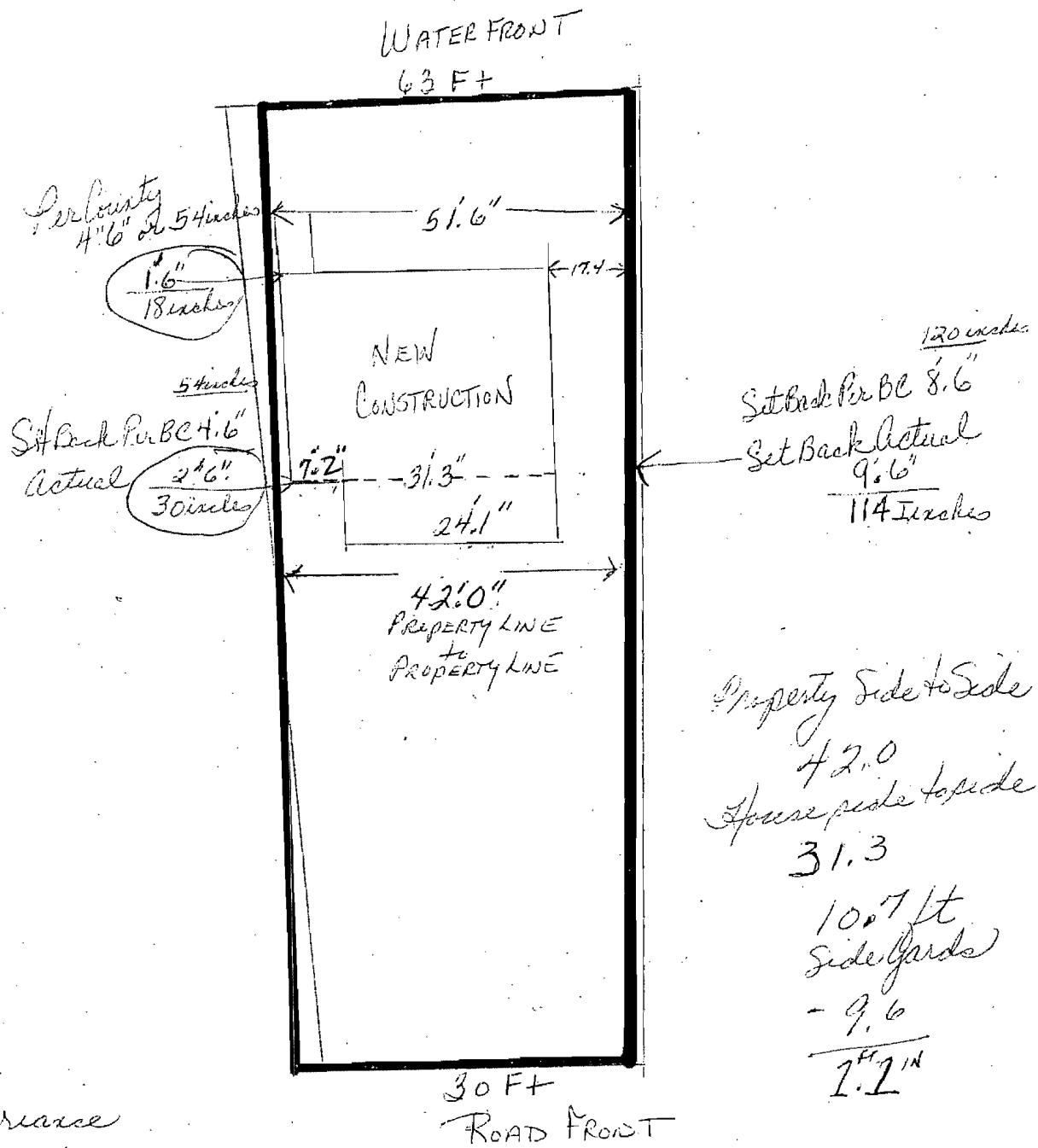


2006/02/16 5:04 pm

Metro, Con
M & A Realty
Mark & Arthur Hayes
Mark 410-627-3505
Arthur 410-812-6922

Building, Elec. & Plumbing
Don Lasko, Supervisor
John Altmeyer 410-887-3953
410-887-8081 FAX
111 W. Chesapeake Ave
Towson, Md 21204

- 12/5/05 Spoke to John Altmeyer
12/23/05 Spoke to Don Lasko, & John Altmeyer
12/23/05 Spoke to Jim Kotroco 410-887-3353(o) 410-887-5708 FAX
Director of Permits & Development
Told Jim Kotroco that Mark said he talked to Tim & Jim said
everything is OK and proceed with building
12/29/05 Received letter from Marks lawyer.
12/29/05 Responded to his lawyers letter 11:30AM 12/29/05
12/29/05 Contacted his lawyer by fax with copy of deed.
12/29/05 Contacted and faxed letter to Richard Lallanzi's off (DECKER)
12/29/05 Altmeyer from Baltimore County called to let us know
there was a stop work order in place on 905 Sue Grove
Rd. They must prove to the county a dispute in the property
line.
12/30/05 John Altmeyer - inquired about fence permits for 905 Sue Grove Rd.
State Department of environmental - photo & survey of Engineer
1/3/06 Survivors over 905 Sue Grove.
1/3/06 Meet with our attorney Ron Decker 10AM
Gave him old pictures, current pictures & pictures from
1992 when installing sea wall, no fence in those pictures.
2/10 Mark, Christopher & Tim helpers moved all the cabinets into the house. Mark said
Mr Murphy told them he could do anything he wants except ^{was on the house}
2/16 Mr Hayes Sr. Digging in our yard (two stumps placed (not marked).
2/18 Tim helper was in the house for about 1/2 hour
Electric service on our property



Per County Variance
 $4\frac{1}{2} \text{ FT} + 8\frac{1}{2} \text{ FT} = 13 \text{ FT}$

Camp 5

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.

ATTORNEYS AT LAW

4111 E. JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21236

(410) 529-4600

FAX (410) 529-6146

radecker@mcrlaw.com

E. SCOTT MOORE
(1926-1992)

PARALEGAL STAFF

SHARON L. WARDROPE
SALLY J. DRIBNACK

RICHARD E. LATTANZI
RONALD A. DECKER
JUDITH L. HARCLERODE

LISA M. L. EISEMANN

OF COUNSEL

ROBERT E. CARNEY, JR.
KRISTIN H. WILLIAMS

January 9, 2006

P. Christian Dorsey, Esquire
Tydings & Rosenberg, LLP
100 E. Pratt Street, 26th Floor
Baltimore, MD 21202

RE: Your Clients: Mark and Atusa Haynes
My Clients: William A. Kilgour, Jr. and Karen H. Diehl

Dear Mr. Dorsey:

Please be advised that I have been retained by William A. Kilgour, Jr. and Karen H. Diehl with regard to 905 Sue Grove Road, Baltimore, Maryland 21221. This property is listed as owned by A & M Real Estate, LLC; I presume that the LLC is owned by your clients, Mr. and Mrs. Haynes.

As you know, your client recently has constructed a home on 905 Sue Grove Road described as Lot No. 18 as shown on a plat recorded at Liber 7, folio 11. Apparently, the house was constructed without the benefit of a boundary survey.

After my clients provided notice to Mr. Haynes that he had crossed their property line with the improvements being constructed on his lot, they had a boundary survey performed. Brian R. Dietz performed a boundary survey on December 14, 2005 which not only identified the encroachments, but shows that he was able to find existing boundary markers on both your clients' property and my clients' land which confirm the location of the lot line as claimed by Mr. Kilgour and Ms. Diehl.

Apparently, Mr. Haynes has stated that, even if his property line is not where he claims it to be, he would assert that he has obtained title by adverse possession. Unfortunately, neither he nor is predecessor in title had made any open and notorious use of the property that is now being claimed by Mr. Haynes. There was a fence erected by Mr. Haynes' predecessor in title in the mid 1990's, but its location is no longer easily ascertainable because it was removed by your

P. Christian Dorsey, Esquire
January 9, 2006
Page 2

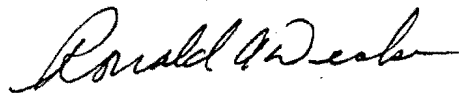
client. Even if the fence can be accurately located, it was in place for approximately 10 years, far less than is needed for adverse possession.

As you probably know, Baltimore County has issued a stop work order because of the violation of county laws and the order that has been issued granting a variance to permit the house to be constructed 4 1/2 feet off the property line. My clients are being kept advised of the situation and insist upon strict compliance, and repeat their request that the air conditioning compressors be removed from their property. Of course, any damage that has been, or will be incurred as a result of the air conditioner compressors being erroneously placed will have to be repaired by your clients.

In the future, please send all correspondence to my attention rather than to Mr. Kilgour or Ms. Diehl.

Also, please advise your clients that it is a crime to remove surveyor markers, and that they should not take them out as you referenced in your letter to Mr. Kilgour.

Yours truly,



Ronald A. Decker

RAD/crs

cc: Mr. William A. Kilgour, Jr.
Ms. Karen H. Diehl

Camp Egh 4

MERITAS LAW FIRMS WORLDWIDE

100 EAST PRATT STREET
26TH FLOOR
BALTIMORE MARYLAND 21202
410.752.9700
— FAX 410.727.5460
TOWSON MD OFFICE
410.337.0407
FAX 410.337.3758

www.tydingslaw.com

PHILLIP CHRISTIAN DORSEY
410.752.9752
pcdorsey@tydingslaw.com

ATTORNEYS AT LAW

TYDINGS & ROSENBERG LLP

December 27, 2005

Via Certified Mail/Return Receipt Requested
Certified No.: 702 0510 0002 4988 2817

Mr. William A. Kilgour, Jr.
903 Sue Grove Road
Baltimore, MD 21221

Re: 905 Sue Grove Road, Baltimore, MD 21221
Action to Quiet Title

Dear Mr. Kilgour:

The purpose of this letter is to formally respond on behalf of my clients, Mark and Atusa Haynes, to your December 5, 2005 letter asserting ownership rights to a portion of their property located west of the Haynes' residence¹ and requesting that they take certain steps to modify the conditions now existing on this portion of the property. This letter will also serve to clarify any confusion you may have regarding the Haynes' intention to preserve their ownership rights to this portion of their property.

Please be advised that although my clients are aware that you claim to rightfully own a portion of the property they purchased on August 24, 2004, based upon the results of a recent lot boundary survey that you commissioned, my clients wholly reject the accuracy of this survey and the validity of your claim of ownership based upon its results. ~~Thus, my clients refuse to take any of the steps to modify the conditions now existing on this portion of their property that you requested in your letter.~~ In this regard, as my clients possess under proper color of title, ownership to this portion of their property, they require that you take immediate action to remove the stake markers and other obstructions you and your boundary surveyor have recently placed on their property, as these obstructions are interfering with my clients' rightful use and enjoyment of their property. Should you fail to remove these markers by 12:00 p.m. on Friday, December 30, 2005, my clients will exercise their legal right to self-help and remove them on their own accord.

¹ The residence is in the final stages of construction and is currently unoccupied.

Mr. William A. Kilgour, Jr.

Page 2

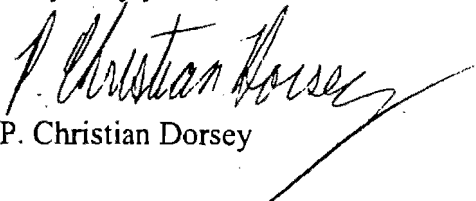
December 27, 2005

In light of the fact that you continue to claim ownership to a portion of my client's property without taking any legal action to establish your contention, please be advised that my clients intend to file a civil action against you pursuant to Maryland Real Property Article § 14-108, quieting title to the portion of their property that you currently contend belongs to you. I further reserve the right to pursue any and all legal remedies on behalf of my clients that they may have against you as a result of your wrongful contentions of ownership of the subject portion of their property and the resulting damages that they have suffered because of your actions.

Upon your receipt and review of this letter, I request that you please contact me as soon as possible should you wish to resolve this matter in lieu of litigation. It is my sincere belief that avoiding the emotional and financial costs inherent in taking this matter before a court would be advantageous to everyone involved.

I thank you for your attention to this matter.

Very truly yours,



P. Christian Dorsey

PCD:fh

● Camp Exh - 3

December 5, 2005

William A. Kilgour, Jr.
Karen H. Diehl
903 Sue Grove Road
Baltimore, Md 21221

Mr. and Mrs. Mark Haynes
905 Sue Grove Road
Baltimore, Md 21221

Dear Mr. & Mrs. Haynes,

On Sunday November 20, 2005, when we were discussing your dilemma with the property line, we ask you to move you two outside HVAC units from our property. Now, two weeks later the units still remain on our property. This is now our second request for those units to be moved.

If the units are not removed within the next ten days, we will be forced to take other action against you.

Also, please restore our yard on the west side of your home to its original state with top soil and grass. If the weather does not permit the restoration of our land at this time, please do so, as soon as weather permits.

In the meantime, please put straw down to reduce the amount of run-off onto our property and ultimately into Sue Creek.

If you have any questions or concerns, please call us at 410-391-0251.

Regards,

Karen H. Diehl
William A. Kilgour, Jr.

Karen H. Diehl
William A. Kilgour, Jr.

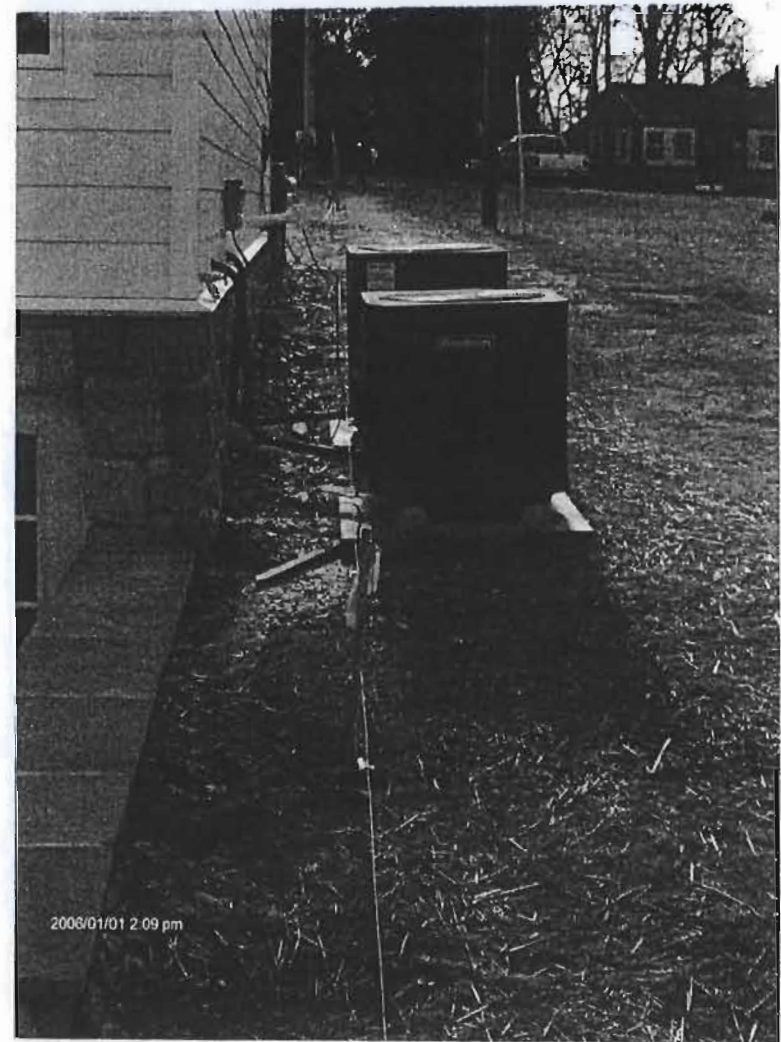
CERTIFIED MAIL

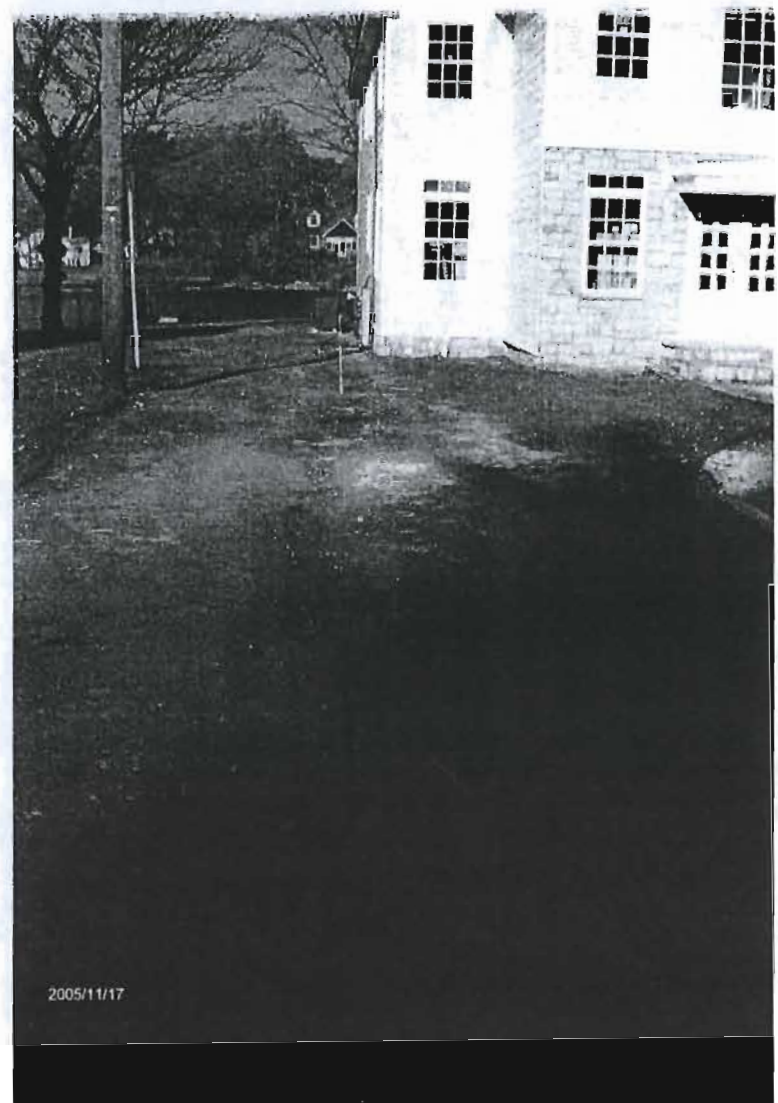
Cenani-64h 2





2006/01/01 2:08 pm





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

In the Matter of

Civil Citation No. 06-0062

A & M Real Estate LLC
Mark Haynes

905 Sue Grove Road

Respondent

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

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on February 21, 2006 for a hearing on a citation for violations under the Baltimore County Building Code, International Residential Code (IRC) section 114 for failure to comply with required set back as shown on the permit.

On January 4, 2006 pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer Grant Kidd issued a citation. The citation was legally served on the Respondent.

The citation proposed a civil penalty of \$13000.00 (thirteen thousand dollars) be assessed. A code enforcement hearing date was scheduled for February 21, 2006.

Mark Haynes, Respondent appeared for the hearing represented by Phillip Christian Dorsey, Esquire.

Karen Diehl, owner of 903 Sue Grove Road and William Kilgore, Jr. appeared as complainants represented by Ronald A. Decker, Esquire.

Testimony and evidence shows that the subject property was improved by a dilapidated shore home on a trapezoidal lot. The respondents endeavored to raze the existing structure and construct a new single family dwelling on the same footprint widthwise while increasing the size lengthwise. The respondents were required to apply for and obtain a variance to the

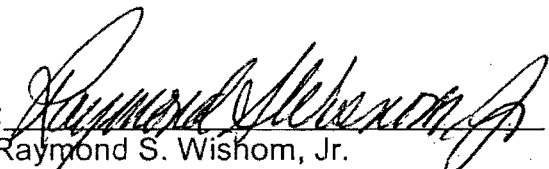
setback requirements in DR 3.5 zones. A variance was granted for a 4.5foot setback from the side adjacent to 903 Sue Grove Road. The variance case was listed as Case 05-157-A. The respondents were then allowed to apply for a building permit. The building permit shows a setback of 8.5feet. Obviously in error as a variance was issued because the setback was believed to be 4.5 feet. As it turns out, the actual setback has been determined to now be 1.5 feet or 18 inches from the property line. This setback has been determined via separate surveys. The building permit with the erroneous setback of 8.5 feet is now null and void as it was issued in error. The variance granted in Case 05-157-A is also not applicable to the site as it allows a setback of 4.5 feet. The respondents are set to resubmit for a variance to the setback requirements. This problem arises from a fence line, now removed, and the assumption by the present owners that the fence established the property line. Hindsight being 20/20, it is clear that a survey should have been done. Two surveys after the fact have set forth new dimensions for a deficient setback that must be addressed. A variance was approved using inaccurate information. A building permit was issued using inaccurate information different from the information in the zoning variance. The case is fraught with problems. The respondents will have to meet fire code requirements of one hour fire resistant construction when setbacks from property line is less than three feet if 1.5 foot setback is approved by the Zoning Commissioner.

IT IS ORDERED by the Code Enforcement Hearing Officer, this 21st day of February 2006 a civil penalty is imposed in the amount of \$2500.00 (two thousand five hundred dollars).

IT IS FURTHER ORDERED that the amount of \$2500.00 shall be suspended on condition the respondents apply for relief by filing a petition requesting a variance based on information now known and clear to all parties. The petition for variance relief shall be pursued with due diligence. The petition shall be requested on or before March 1, 2006. Failure to request the variance hearing or failure to follow through in a timely fashion will result in the civil penalty being imposed as a lien upon the real property.

If the Respondent allows the violations to continue without seeking remedy via variance and the Appeals process thereafter, then the civil penalty imposed shall be \$2500.00 (two thousand five hundred dollars).

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

Signed: 

Raymond S. Wishom, Jr.

Code Enforcement Hearing Officer

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

RSW/jaf

CODE ENFORCEMENT REPORT

DIRECTOR

DATE: 12/16/05 INTAKE BY: PDM CASE #: 06-0062 INSPEC: G. Kioo

COMPLAINT
LOCATION:

905 SUE GROVE RD

ZIP CODE: 21241 DIST: 15

COMPLAINANT
NAME:

BALTO. CO.

PHONE #: (H)

(W)

ADDRESS:

111 W. CHESAPEAKE AVE

ZIP CODE: 21204

PROBLEM:

PERMIT IS NON-COMPLIANCE WITH SET-BACKS ON PERMIT

IS THIS A RENTAL UNIT?

YES ☐

NO ☐

IF YES, IS THIS SECTION 8?

YES ☐

NO ☐

OWNER/TENANT
INFORMATION:

TAX ACCOUNT #:

1523000460

ZONING:

INSPECTION:

12/16/05- ISSUED CORN. NOTICE, POSTED SITE, NO ONE AT SITE.

REINSPECTION:

1/4/06- ISSUED CIVIL CITATION, MADE (3) ATTEMPTS NO ONE AT SITE, SERVED ^{CERTIFIED} RETURNED MAIL.

REINSPECTION:

1/17/06- RECEIVED ~~POST~~ POSTCARD FROM POST OFFICE where home owner RECEIVED

REINSPECTION:

1/27/06- HEARING DATE SCHEDULED FOR FEB, 21, 06. L/C 3/2/06 N. Hall

NA

UPDATE / MESSAGE FORM

Date: 2/21/06

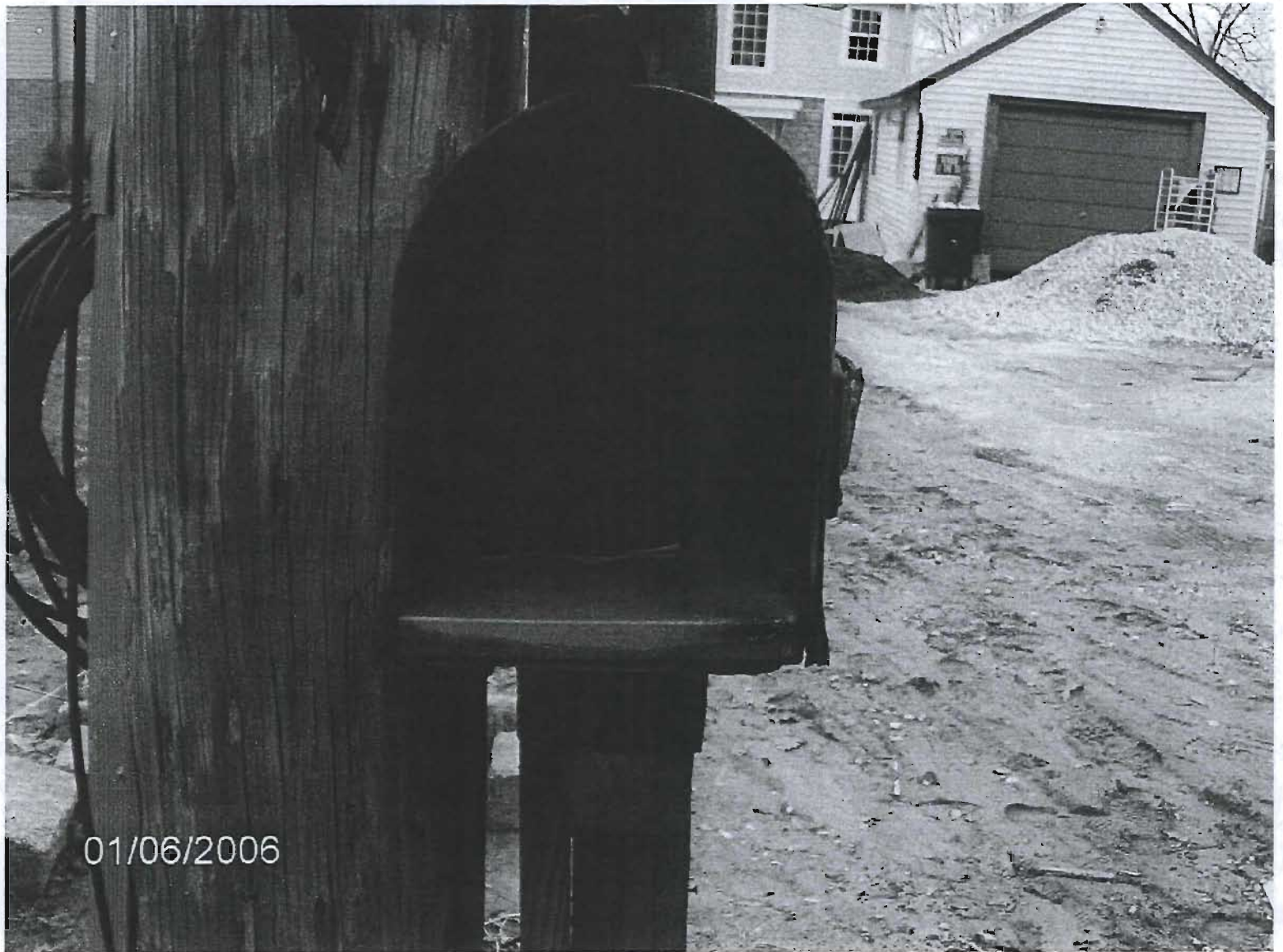
Inspector: G. Kier

Case #: 06-0062

Address: 905 SUE GARDEN RD

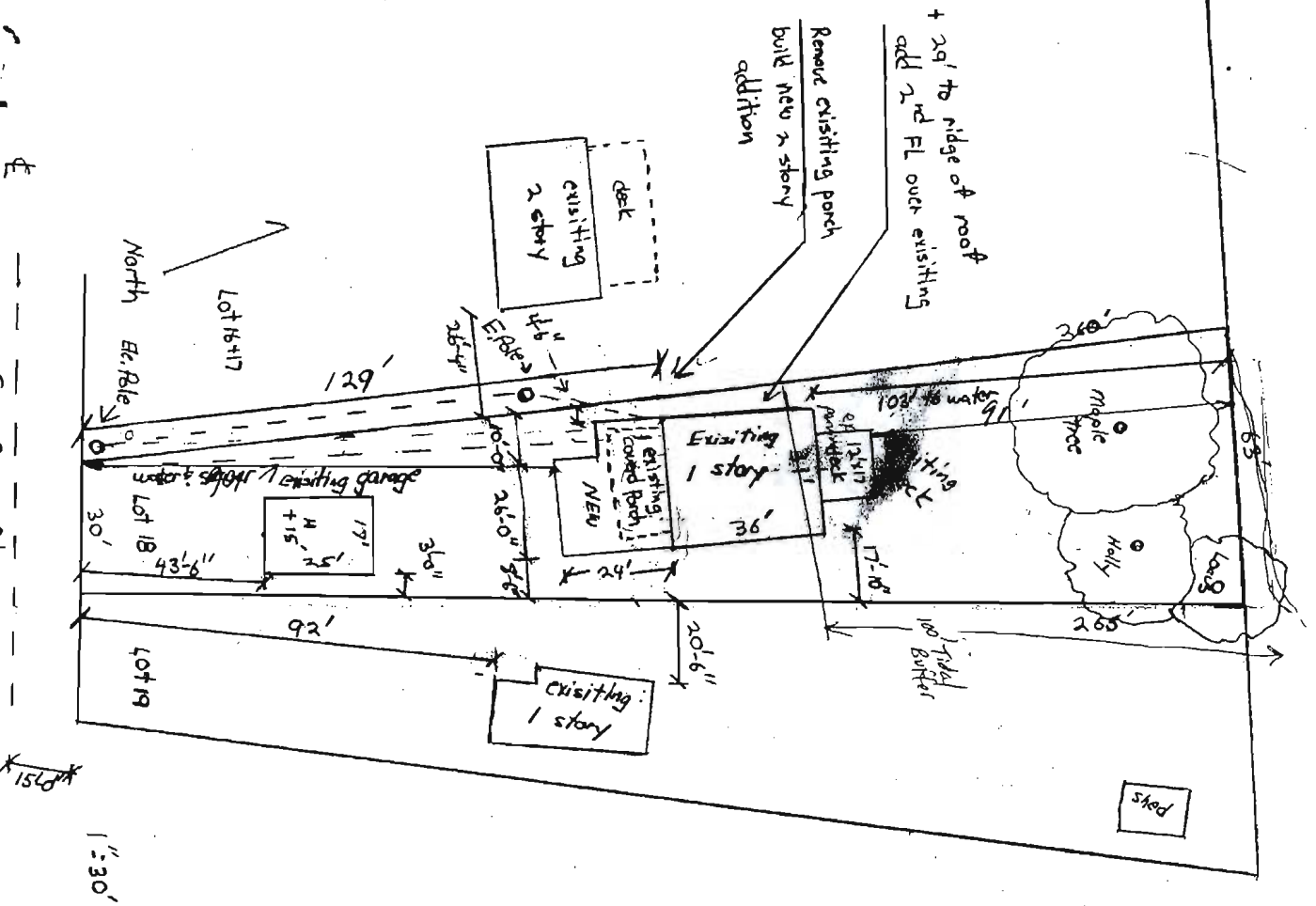
Comments: 2/17/06 - VISITED SITE, NO ONE WAS WORKING
AT MIE. HEAVY SCHEDULE FOR 2/21/06.

Entered into AS400 _____



01/06/2006

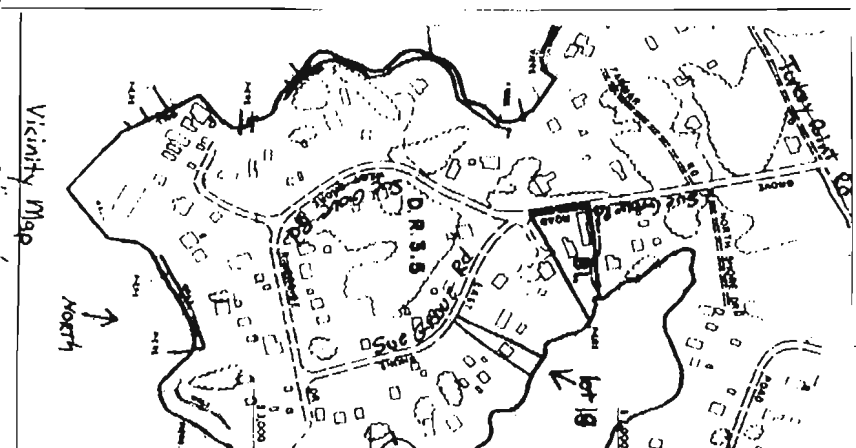
Sue Creek



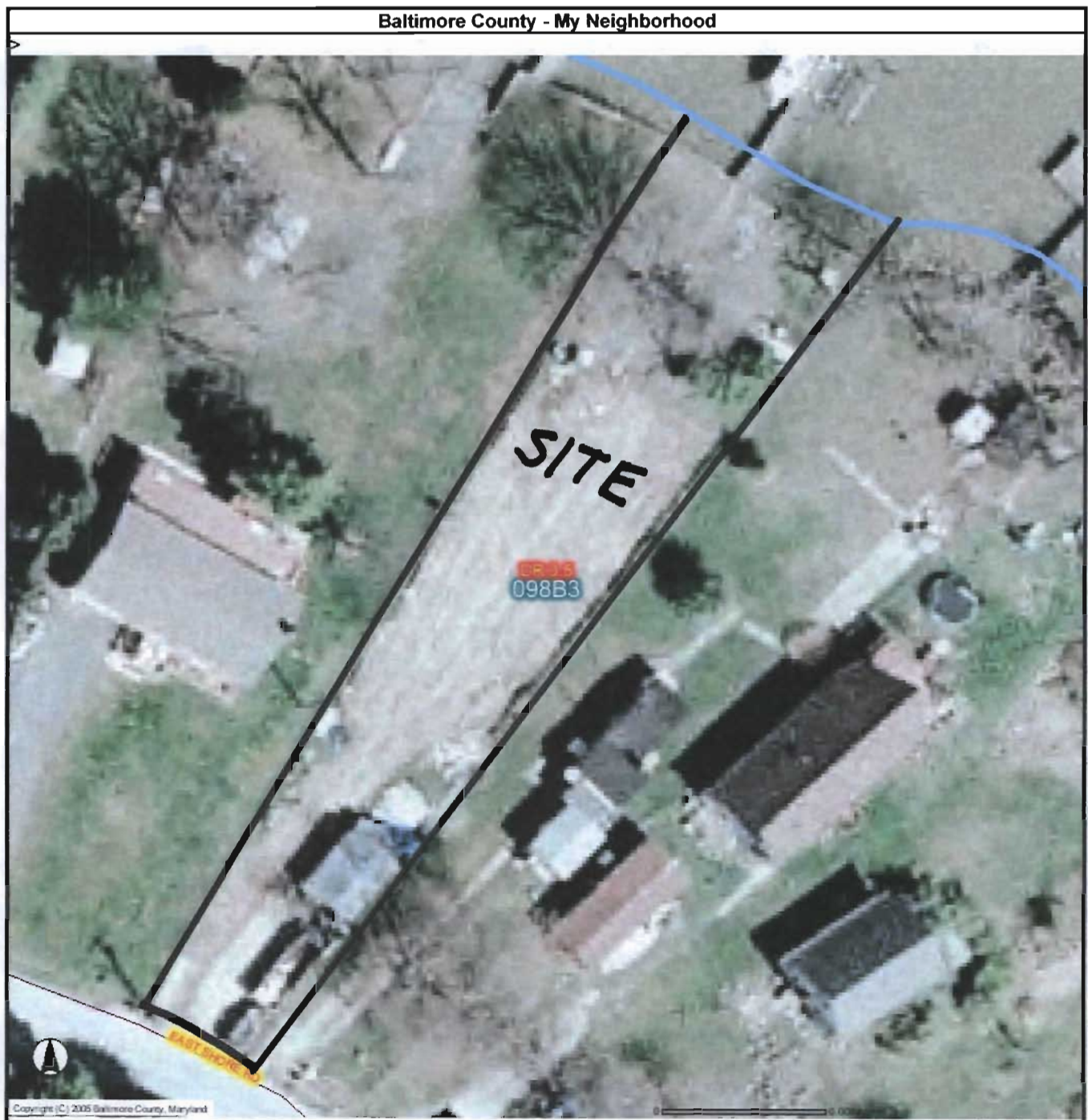
Plat to accompany petition for zoning variance

Property address	905 Sue Grove Rd
Subdividing	Sue Grove
	Plat book # 7/1, Lot 18
Owner	Mark & Theresa Haynes (Attm real estate)
Owner Phone #	410 682-2587
Owner address	905 Sue Grove Rd

This Property is within buffer management area



LOCATION INFORMATION	
ELECTION DISTRICT	
COUNCILMANIC DISTRICT	
1"=200' SCALE MAP # SE1J	
ZONING DR 3.5	
LOT SIZE	12052
ACREAGE	SQUARE FEET
SEWER	PUBLIC
WATER	PRIVATE
CHESAPEAKE BAY	YES
CRITICAL AREA	NO
100 YEAR FLOOD PLAIN	NO
HISTORIC PROPERTY/	NO
BUILDING	NO
PRIOR ZONING HEARING	NONE
ZONING OFFICE USE ONLY	CASE #
REVIEWED BY	ITEM #





3

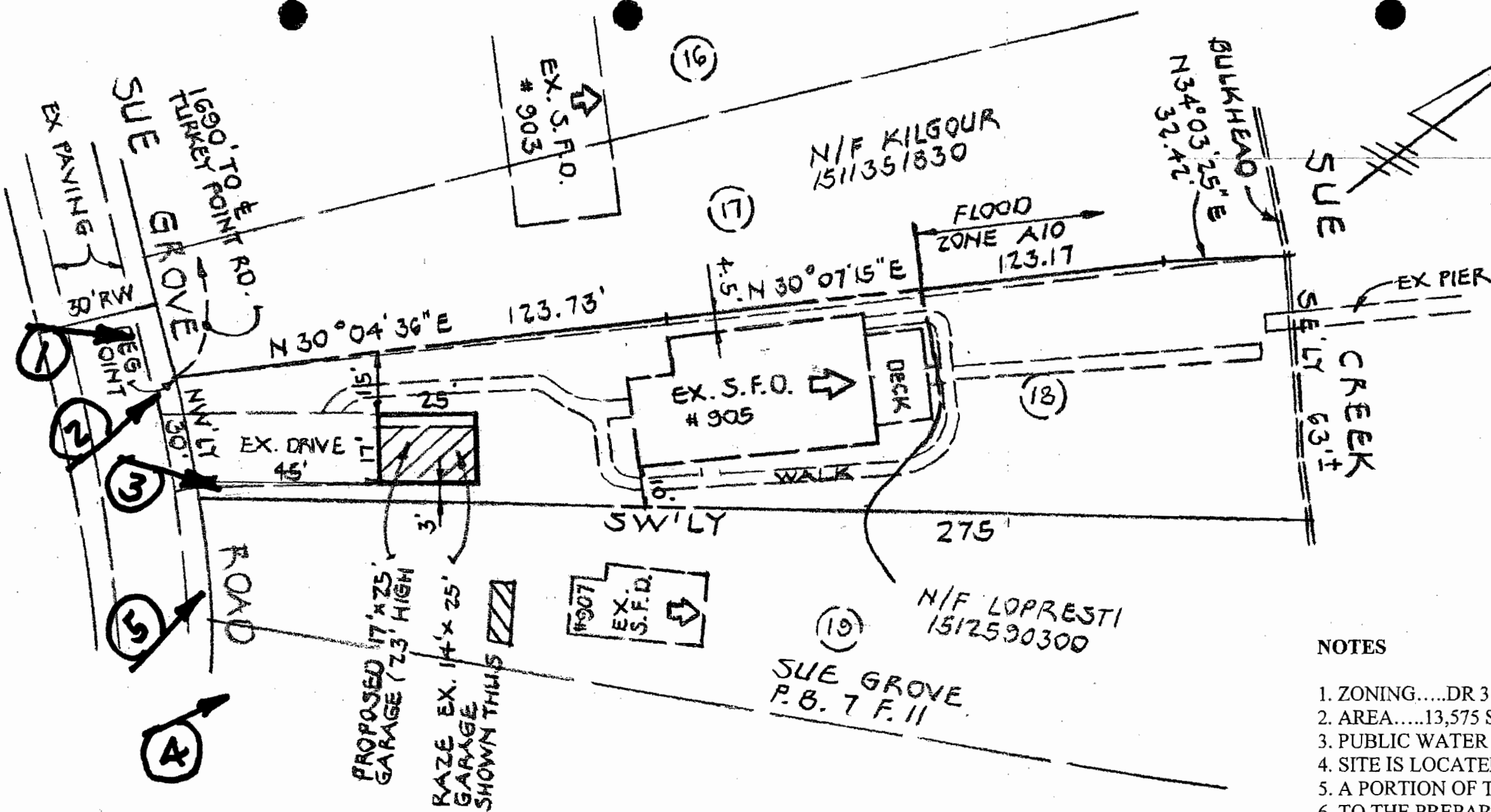


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5





VICINITY MAP
SCALE: 1"=1000'

NOTES

1. ZONING.....DR 3.5 (MAP NO. 098B3)
2. AREA.....13,575 S.F. = 0.312 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA
5. A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE A10
6. TO THE PREPARER'S KNOWLEDGE, NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST
7. PREVIOUS ZONING HISTORY
CASE NO. 05-157-A GRANTED A VARIANCE TO PERMIT SIDE YARDS OF 4.5 FEET WITH A SUM OF 14.5 FEET IN LIEU OF THE REQUIRED 15 FEET AND 25 FEET RESPECTIVELY (APPROVED DEC. 14, 2004)

PHOTOS

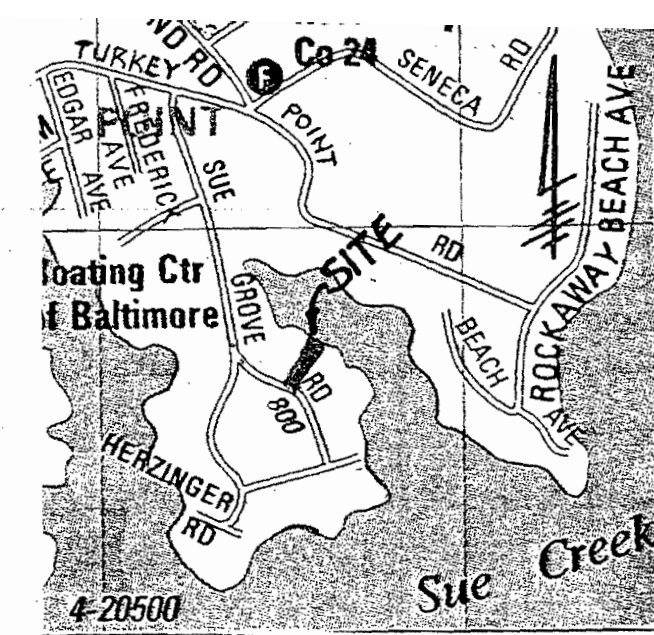
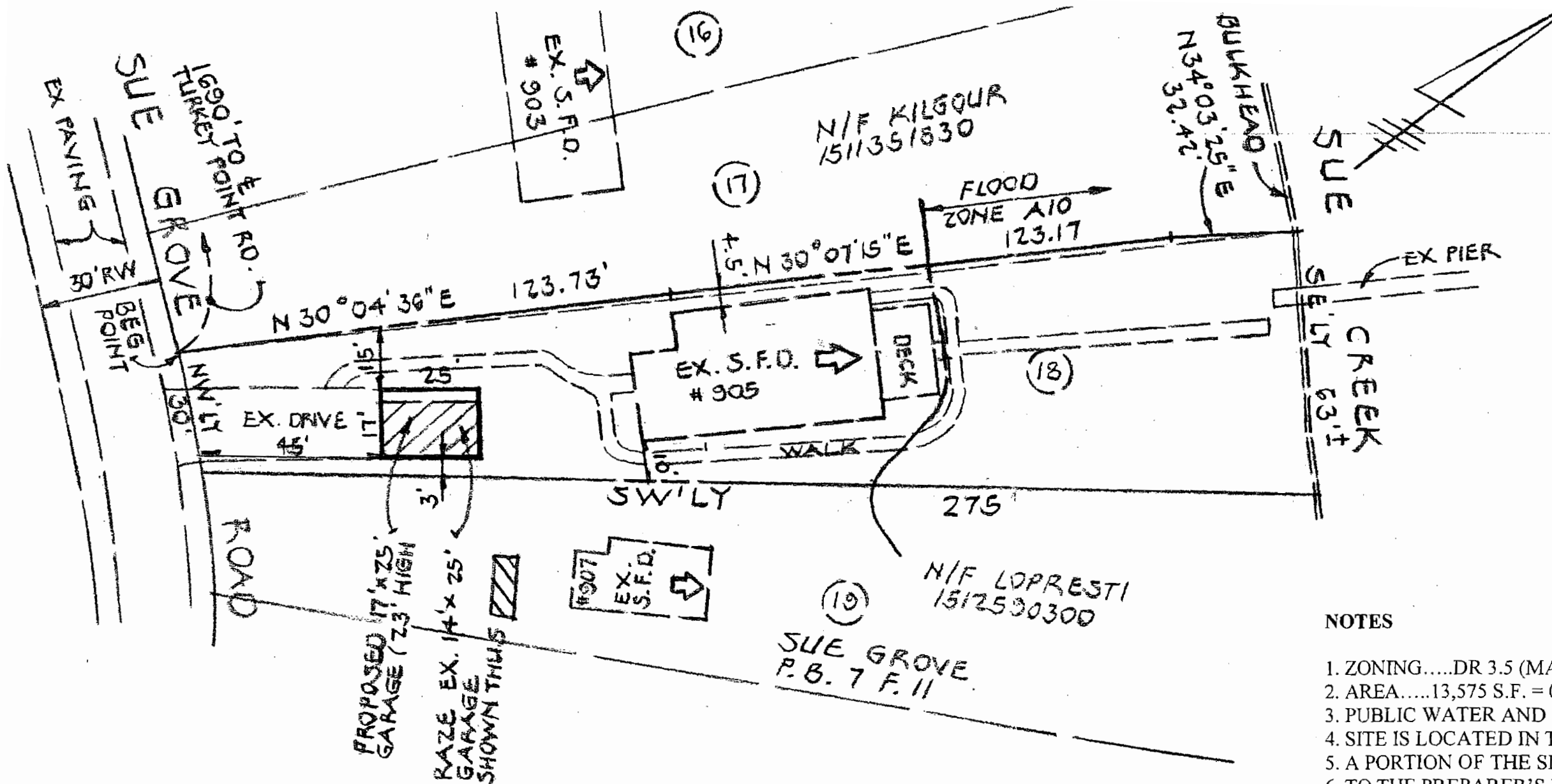
PLAT TO ACCOMPANY PETITION
FOR ADMINISTRATIVE VARIANCE

905 SUE GROVE ROAD
PART OF LOT 17 AND LOT 18
SUEGROVE PB 7 F 11
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD

SCALE: 1 INCH = 30 FEET JUNE 23, 2008

OWNER

MARK R. AND ATUSA HAYNES
905 SUE GROVE ROAD
BALTIMORE, MD. 21221
DEED REF. L.26093 F.549
PROP. NO. 1523000460



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CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719