

**IN RE: PETITION FOR VARIANCE**

N side of Cascade View Court, NE corner  
of York Road and Cascade View Court  
7<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(602 Cascade View Court)

**James A. Fahey, III**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 2009-0167-A

\* \* \* \* \*

**ORDER ON MOTION FOR RECONSIDERATION**

This matter comes before this Deputy Zoning Commissioner for consideration of a Motion for Reconsideration filed by Lawrence E. Schmidt, Esquire on behalf of Petitioner James A. Fahey, III. The Motion for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.) wherein the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioner requested Variance relief as follows:

- To permit a future accessory building (presently an existing principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet pursuant to Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and
- To permit a future accessory building (presently and existing principal dwelling) at a location in the front yard outside of the third of the lot farthest removed from any street pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

In an Order dated March 13, 2009, the undersigned granted the Variance requests. Thereafter, on March 30, 2009, Mr. Schmidt filed the aforementioned Motion for Reconsideration on behalf of Petitioner. In his Motion, Mr. Schmidt indicated that subsequent to the issuance of

the Order in this case, it was determined that Note 12 on the previously approved site plan erroneously stated the impervious surface limitation as not to exceed 12% rather than the actual limitation of 10% found in Section 1A03.4.B.3 of the B.C.Z.R. Mr. Schmidt attached an amended redlined site plan that restates the correct impervious surface limitation in Note 12. In addition, Note 13 has been added to the amended redlined site plan and designates certain areas of impervious surface that me be removed in order to comply with this limitation. Finally, Note 14 has been added to the amended redlined site plan to indicate the total impervious areas as shown (existing and proposed) as equal to 9.9% of the net lot area, in compliance with Section 1A03.4.B.3 of the B.C.Z.R.

As a result of the above, Petitioner requests that the undersigned issue an Order that accepts the amended redlined site plan into evidence as Petitioner's Exhibit 1A, and substitutes it for the previously approved site plan that was accepted into evidence as Petitioner's Exhibit 1. He also requests that the undersigned confirm the Variance relief granted in the previous March 13, 2009 Order and the conditions therein.

In considering the Motion for Reconsideration, the undersigned reviewed the file and the Findings of Fact and Conclusions of Law dated March 13, 2009, as well as the amended redlined site plan that accompanied the Motion. After reviewing the testimony and evidence, I am persuaded to grant the Motion and substitute the amended redlined site plan for the previously approved site plan.

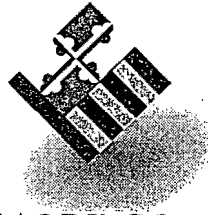
WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of April, 2009 that the aforementioned Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the amended redlined site plan accepted into evidence as Petitioner's Exhibit 1A (attached and incorporated herein) -- containing redlined Notes 12, 13, and 14 -- shall be substituted for the site plan previously approved and accepted into evidence as Petitioner's 1.

IT IS FURTHER ORDERED that the granting of the Motion for Reconsideration shall not otherwise alter or affect the underlying Variance relief previously granted in the Order dated March 13, 2009. That Order shall remain in all other respects in full force and effect.

  
\_\_\_\_\_  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz



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

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

April 14, 2009

LAWRENCE E. SCHMIDT, ESQUIRE  
GILDEA & SCHMIDT, LLC  
600 WASHINGTON AVENUE, STE. 200  
TOWSON, MD 21204

RE: Petition for Variance  
Order on Motion for Reconsideration  
Case No. 2009-0167-A  
Property: 602 Cascade View Court

Dear Mr. Schmidt:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Th. H. Bostwick", written over a circular stamp or seal.

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: James A. Fahey, III, 602 Cascade View Court, Parkton, MD 21120  
J. Scott Dallas, J.S. Dallas, Inc., P.O. Box 26, Baldwin, MD 21013  
Amelia Adams, 4 Bird Hill Court, Timonium, MD 21093  
Tim Kobus & Colleen Pearce, 601 Cascade View Court, Parkton, MD 21120  
Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County

**IN RE: PETITION FOR VARIANCE**

N side of Cascade View Court, NE corner of York Rd  
and Cascade View Court

7<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(602 Cascade View Court)

**James A. Fahey, III - Petitioner**

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **CASE NO. 2009-0167-A**  
\*

\* \* \* \* \*

**MOTION FOR RECONSIDERATION**

James A. Fahey, III, by Lawrence E. Schmidt and Gildea & Schmidt, LLC, his attorneys, files this Motion for Reconsideration pursuant to Rule K of the Rules of Practice and Procedure before the Zoning Commissioner for Baltimore County and respectfully states:

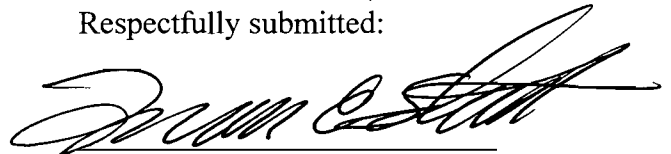
1. That by Findings of Fact and Conclusions of Law and Order dated March 13, 2009, the Deputy Zoning Commissioner granted approval of a Petition for Variance for the property owned by James A. Fahey, III, located at 602 Cascade View Court. That the relief granted is to permit a future accessory building (presently an existing principle dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet pursuant to Section 400.3 of the Baltimore County Zoning Regulations ("BCZR") and to permit a future accessory building (presently an existing principle dwelling) at a location in the front yard outside of the third of the lot farthest removed from any street pursuant to Section 400.1 of the BCZR. That in addition to the granting of those Variances, the Deputy Zoning Commissioner imposed certain conditions and adopted the site plan offered into evidence as Petitioner's Exhibit No. 1; and

2. That subsequent to the hearing, it was determined that Note No. 12 on Petitioner's Exhibit No. 1 is erroneous, in that it provides that the existing and proposed impervious surfaces will not exceed 12% of the net lot area. That, BCZR Section 1A03.4.B.3 states that total impervious surfaces on a lot in the RC-4 zone cannot exceed 10% of the net lot area. The subject property in zoned RC-4 in its entirety; and
3. That attached hereto is an amended site plan that restates the correct requirement in Note No. 12. Further, the corrected site plan designates certain areas of impervious surface that may be removed, in order to comply with BCZR Section 1A03.4.B.3. Further, Note No. 14 indicates that the total impervious areas as shown (existing and proposed) equal 9.9% of the net lot area, in compliance with BCZR Section 1A03.4.B.3.

**WHEREFORE**, the Petitioner requests:

1. That the Deputy Zoning Commissioner issue an amended Order, substituting the attached site plan (to be designated as Petitioner's Exhibit 1A) for the previously accepted and approved site plan designated as Petitioner's Exhibit 1; and
2. That the Deputy Zoning Commissioner confirm the granting of the relief previously approved in his Order of March 13, 2009, and conditions therein; and
3. For such other and further relief as the nature of this cause may require.

Respectfully submitted:



**LAWRENCE E. SCHMIDT**  
Gildea and Schmidt, LLC  
600 Washington Avenue, Suite 200  
Towson, MD 21204  
(410) 821-0070  
*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of March, 2009, a copy of the foregoing Motion for Reconsideration was mailed, postage prepaid, to:

Peter Max Zimmerman, Esquire  
People's Counsel for Baltimore County  
The Jefferson Building  
105 West Chesapeake Avenue, Room 204  
Towson, MD 21204

Tim Kobus & Colleen Pearce  
601 Cascade View Court  
White Hall, MD 21161

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

**LAWRENCE E. SCHMIDT**

**IN RE: PETITION FOR VARIANCE**

N side of Cascade View Court, NE corner of  
York Road and Cascade View Court  
7<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(602 Cascade View Court)

**James A. Fahey, III**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 2009-0167-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, James A. Fahey, III. Petitioner is requesting variance relief as follows:

- To permit a future accessory building (presently an existing principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet pursuant to Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and
- To permit a future accessory building (presently and existing principal dwelling) at a location in the front yard outside of the third of the lot farthest removed from any street pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.); and
- For such other and further relief as may be deemed necessary by Zoning Commissioner.

The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Petitioner James A. Fahey, III and Lawrence E. Schmidt, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was J. Scott Dallas with J.S. Dallas, Inc., the property line surveyor who prepared the site plan. Appearing as Protestants opposed to the requested

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relief were nearby neighbors Tim Kobus and Colleen Pearce of 601 Cascade View Court.<sup>1</sup>

Testimony and evidence revealed that the subject property is an irregular-shaped property consisting of approximately 3.00 acres, more or less, zoned R.C.4. The property is a corner lot located on the east side of York Road and the north side of Cascade View Court, approximately one mile east of Interstate 83 and south of Wiseburg Road in the Parkton area of northern Baltimore County. As shown on the site plan, the property has approximately 156 feet of frontage along York Road and there is an existing driveway that runs from York Road in an easterly direction across the property to an existing one-story concrete block building. As also shown on the site plan, the property was at one time improved with a two-story dwelling located close to York Road that was built in the late 1800's. The subject property also has access via a driveway from Cascade View Court.

By way of background information, Petitioner's attorney, Mr. Schmidt, gave an overview of the case and proffered the testimony, which indicated that Petitioner purchased the property in September 2003. At that time, the property had access only from York Road and was improved with the aforementioned two-story dwelling. Due to age and neglect, this small dwelling (approximately 800 square feet) was in a state of disrepair. Also located on the property was the aforementioned one-story concrete block building. This building was built by previous owners decades before and was used for commercial purposes as a sales office for a company that sold

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<sup>1</sup> Ms. Pearce and Mr. Kobus attended the hearing and presented testimony and evidence in opposition to Petitioner's zoning variance requests. The undersigned found at the outset of the hearing that the property had been properly posted and published, giving all interested persons notice of the date, time, place, and subject matter of the hearing, which was convened on Friday, February 20, 2009. At the conclusion of the hearing, the matter was closed in order for the undersigned to consider the testimony and evidence presented at the hearing and prepare an Order; thereafter, beginning the following week, the undersigned received several emails from neighbors in the "Little Falls" neighborhood. Two of the emails -- from Glen and Justine Buchanan dated February 23, 2009 and Teresa and John Blatchley dated February 25, 2009 -- expressed opposition to the variance requests. The third, from Derrick and Kelly Fleming dated February 24, 2009, expressed concern about the requests, but otherwise offered to welcome Petitioner to the community if his new address would make his property part of the Little Falls community. Although these emails have been printed and placed in the case file, because the hearing was concluded and the evidence closed, they will not be considered by the undersigned in deciding this matter. They are being retained in the case file for informational purposes only.

brooms, according to Mr. Schmidt. As a result of the deteriorating condition of the dwelling as shown in photographs that were marked and accepted into evidence as Petitioner's Exhibits 3A through 3C, it was razed pursuant to razing permit no. B704338.

Petitioner also converted the commercial building into a residence -- remodeling the interior and attempting to improve the appearance of the exterior -- where he and his 14 year old son have lived since 2003. Photographs of the building prior to the conversion were marked and accepted into evidence as Petitioner's Exhibits 3D through 3F. These photographs show a drab, featureless building painted white with virtually no landscaping. The photographs also show an area at the west side of the building where the driveway from York Road leads to what appears to be a loading dock with a rollover accordion style garage door. Additional photographs of the building following the conversion were marked and accepted into evidence as Petitioner's Exhibits 3G through 3J and depict some of the efforts Petitioner made to have the concrete building appear more residential; i.e. -- the loading dock space with the rollover garage door was made smaller and replaced with a residential style sliding glass door, the exterior was painted a light tan color, and landscaping was added.

It is also noteworthy that during the last several years, the property to the immediate south of the subject property has been developed with upscale single-family homes. As depicted in the Development Plan that was marked and accepted into evidence as Petitioner's Exhibit 2, this property, known as the "Miller/Tipper Property" was developed in 2006 on approximately 72 acres and resulted in 14 single-family dwellings on two newly created public roads known as Cascade View Court and Little Falls Court, and a large conservancy area to the south and east.

At this juncture, Petitioner desires to construct a more "traditional" style single-family dwelling on the subject property, which as shown on the site plan would be placed further back toward the northeast corner of the property. In anticipation of this plan, Petitioner recently

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successfully changed the mailing and tax address for the property from 18035 York Road to 602 Cascade View Court, and also installed the aforementioned driveway from the north side of Cascade View Court. Presently, that driveway ends at the location of the concrete block residence, however Petitioner desires to extend the driveway when the new home is built. In addition to plans for a new home, Petitioner also desires to keep the existing concrete block building as an accessory structure with a height of 18 feet and a location in the front yard for use as a work-out/exercise area and for storage of household items and lawn equipment; hence the reason for the instant Petition for Variance.

In support of the variance requests, Mr. Schmidt referenced several unusual characteristics of the property. Most obvious is that the property is, on the whole, irregular-shaped. Near the area of York Road and along Cascade View Court, the property is fairly narrow, but it then opens up substantially to a more conventional square shape. One reason this larger area is the preferred space where Petitioner plans to build a home is because it poses no necessity for relief from setback requirements. As previously mentioned, another unusual feature is that the subject property is adjacent to a new subdivision known as "Little Falls." These two-story luxury homes were built in 2006 and range in size from approximately 3,700 square feet to almost 6,000 square feet (as compared with Petitioner's existing one-story residence that is approximately 1,700 square feet). Photographs of this new subdivision were marked and accepted into evidence as Petitioner's Exhibits 3K through 3M. As a result of this subdivision, Petitioner's property has become a "corner lot," thereby subjecting the subject property to additional zoning limitations. Finally, Mr. Schmidt maintains that it would be impractical and wasteful to remove the existing building. The structure was built decades ago when the properties surrounding the subject property were largely unimproved and wooded. In

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addition, Petitioner has expended substantial time and expense to upgrade the appearance of the building so as to blend in more with the surroundings.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated January 12, 2009 which indicates they do not oppose Petitioner's request provided certain conditions are met. Since the future accessory building was once a dwelling, it should have all the sleeping quarters, living areas, kitchen and bathroom facilities removed once a use and occupancy permit has been issued for the principle dwelling to be constructed. The future accessory building should also not be used for commercial purposes. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated January 30, 2009. The Ground Water Management Division of DEPRM indicates that prior to approval of building permits, soil evaluations must be conducted to determine septic reserve areas for the proposed house and for the existing structure if plumbing is maintained. A well yield test will be required on the existing well. Petitioner should contact the Ground Water Management Division for more information. Comments from Wally S. Lippincott, Jr. of the Agricultural Preservation Division of DEPRM indicates that the request is not supported because the property is zoned R.C.4 and the request seeks to retain impervious surfaces on the property. The removal of the existing dwelling and driveway to be replaced with the new dwelling and driveway would be more consistent with the purpose of the zone which is to protect the water quality of the reservoirs. The best way to protect the water quality is to limit impervious surfaces. As such, in Mr. Lippincott's view, it would not appear appropriate to grant a variance that is contrary to that purpose.

In response to the Office of Planning's comments that essentially all evidence of a residence be removed from the future accessory building, Mr. Schmidt indicated that Petitioner's

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plan is to do just that. Mr. Schmidt expressly stated that Petitioner will comply with Planning comments and that it is not Petitioner's intent to utilize the building as a "second dwelling;" however, Mr. Schmidt requested that the building be permitted to retain running water and a bathroom with shower for work-out purposes, but that the kitchen, living areas, and sleeping quarters would be removed.

Following Petitioner's case, interested neighbors Ms. Pearce and Mr. Kobus testified in opposition to the requested relief. According to their testimony, they believe Petitioner has been less than forthcoming as to his actual intentions regarding his property and also believe that Petitioner has skirted the County's permitting requirements in razing the previous dwelling and making improvements to his property. They purchased their property at 601 Cascade View Court in 2006, located directly across the street from Petitioner's property and in particular the concrete block dwelling that now fronts Cascade View Court and which Petitioner has resided in since 2003. It was their understanding at the time they purchased that Cascade View Court would belong to the Little Falls community, as well as a strip of land on Petitioner's side of the court. Photographs depicting Cascade View Court and the driveway to Protestants' home and the recently added driveway to Petitioner's property were marked and accepted into evidence as Protestants' Exhibits 1B through 1D. They were disappointed to find out that this court was a public road and that Petitioner owned or had a right-of-way on the north side of Cascade View Court, just like any adjacent property owner. By tapping into the court and making that road his entrance and street address, they feel Petitioner is taking advantage of his proximity to this new upscale neighborhood at their property values' expense.

As to the merits of Petitioner's request, Mr. Kobus and Ms. Pearce oppose allowing the concrete structure to remain in the event a dwelling is constructed on the property as planned. In spite of Petitioner's efforts to make the concrete structure more visually appealing, they contend

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that the building continues to be an eyesore. If Petitioner does indeed plan to build a more traditional home on the property, more in character with the newer homes in the Little Falls community, they are certainly supportive of that; however, they would also prefer that the existing concrete block building be removed. Notwithstanding the reasons set forth by Petitioner to keep the building, they do not believe any compelling rationale exists for it to remain. They submitted additional photographs that were marked and accepted into evidence as Protestants' Exhibits 1E and 1F. These photographs show the building as it appears from their property. In particular, the windows on the side of the building that faces Cascade View Court do not appear to be residential style windows -- they appear much smaller. The perceived negative appearance of the building impacts Ms. Pearce and Mr. Kobus more than others in the neighborhood because they live directly across the street on Cascade View Court. Hence, they believe their property's appearance and value will be diminished if the building is permitted to remain as an accessory structure.

I have considered all of the testimony and evidence presented very carefully, and despite Mr. Kobus' and Ms. Pearce's understandable opposition to the request, as well as Mr. Lippincott's negative DEPRM comment, I am persuaded to grant Petitioner's request and allow the existing building to remain in the front yard with a height of 18 feet. I believe there are certain unique characteristics of the property and I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. In particular, the property obviously predates the adoption of Zoning Regulations in this area of the County, given that the original dwelling was constructed in the 1880's. In addition, the development of the adjacent Miller/Tipper Property has created zoning limitations and requirements that did not exist previously and are not attributable to Petitioner. This results in the type of practical restriction imposed by an abutting property that affects the use of the subject

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property. See, *Trinity Assembly v. Baltimore County*, 407, Md. 53, 81 (2008). Moreover, testimony indicated that the existing building was constructed sometime in the 1960's and is arguably a nonconforming use. Hence, I find that the imposition of zoning disproportionately impacts the subject property as compared with others in the surrounding community. I also agree with Petitioner in this instance that requiring the removal of this building would be a wasteful and otherwise unnecessary end to a useful and structurally sound building. It is unknown whether this building was constructed in compliance with use or area regulations that may have applied to this property -- indeed, that issue is not before this Commission; however, I do believe the structure can serve a proper function as an accessory building in these circumstances.

I further find that the variance requests can be granted in strict harmony with the spirit and intent of the B.C.Z.R., and in such a manner as to grant relief without injury to the public health, safety and general welfare. In granting the requests, I shall impose conditions that will hopefully lessen the visual impact of the accessory structure.

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

THEREFORE, IT IS ORDERED this 13<sup>th</sup> day of March, 2009 by this Deputy Zoning Commissioner, that Petitioner's variance requests as follows:

- To permit a future accessory building (presently an existing principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet pursuant to Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.); and
- To permit a future accessory building (presently and existing principal dwelling) at a location in the front yard outside of the third of the lot farthest removed from any street pursuant to Section 400.1 of the B.C.Z.R.,

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be and are hereby GRANTED. The following shall be conditions precedent to the relief granted herein:

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. Since the future accessory building is at this time used as a dwelling, once a use and occupancy permit has been issued for the principle dwelling to be constructed, the accessory building shall have all the sleeping quarters, living areas, and kitchen facilities removed. The interior shall have no evidence of bedrooms or other residential uses. The express and limited purpose of this future accessory structure shall be as an exercise/workout area and for storage of lawn and gardening equipment and household items. In keeping with that purpose, the accessory building is permitted to keep one bathroom with shower.
3. Also in keeping with the aforementioned purpose, the future accessory building shall meet all applicable fire codes and regulations, in particular as to windows, for adequate ingress/egress.
4. The future accessory building shall not be used for commercial purposes.
5. Petitioner shall make efforts to lessen the impact of the small windows located on the Cascade View Court side of the future accessory building by adding appropriate window treatments that give it a more residential style, such as shutters or window boxes for flowers and plants.

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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## BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

March 13, 2009

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

### IN RE: PETITION FOR VARIANCE

N side of Cascade View Court, NE corner of York Road and Cascade View Court  
7<sup>th</sup> Election District - 3<sup>rd</sup> Councilmanic District  
**(602 Cascade View Court)**  
James A. Fahey, III – *Petitioner*  
**Case No. 2009-0167-A**

Dear Mr. Schmidt:

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

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

Very truly yours,

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

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:dlw  
Enclosure

c: James A. Fahey, III, 602 Cascade View Court, Parkton, MD 21120  
J. Scott Dallas, J.S. Dallas, Inc., P.O. Box 26, Baldwin, MD 21013  
Amelia Adams, 4 Bird Hill Court, Timonium, MD 21093  
Tim Kobus & Colleen Pearce, 601 Cascade View Court, Parkton, MD 21120  
People's Counsel; Office of Planning; Development Plans Review; DEPRM; File



# Petition for Variance

to the Zoning Commissioner of Baltimore County *f.k.a.*

for the property located at: 602 Cascade View Court/ 18035 York Road

which is presently zoned: R.C. 4

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

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

TO BE PRESENTED AT HEARING

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

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

## Legal Owner(s):

James A. Fahey, III

Name - Type or Print

Signature

Name - Type or Print

Signature

602 Cascade View Court/18035 York Road (410) 357-0979

Address

Telephone No.

Parkton

MD

21120

State

Zip Code

## Representative to be Contacted:

Lawrence E. Schmidt

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No.

2009-0167-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

A. TSUI

Date

12/11/08

REV 9/15/98

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Attachment to Petition for Variance  
602 Cascade View Court

1. To permit a future accessory building (presently an existing principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet, pursuant to Section 400.3 of the BCZR.
2. To permit a future accessory building (presently an existing principal dwelling) at a location in the front yard, outside of the third of the lot farthest removed from any street, pursuant to Section 400.1 of the BCZR.
3. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

2009-0167-A

P.O. BOX 26  
BALDWIN, MD 21013  
(410) 817-4600  
FAX (410) 817-4602

**ZONING DESCRIPTION**  
**#602 CASCADE VIEW COURT**

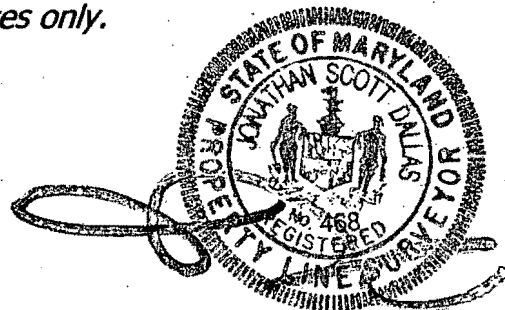
**BEGINNING** for the same at a point at the intersection of the east side of York Road (Maryland route 45), 66' wide, and the north side of Cascade View Court, variable width, as shown on the final plat one of "Miller / Tipper Property" recorded among the land records of Baltimore County in plat book 77 page 48, thence binding on the east side of said York Road **(1) North 7 degrees 08 minutes 40 seconds West 156.00 feet**, thence leaving the east side of York Road and running the four following courses and distances: **(2) North 89 degrees 42 minutes 39 seconds East 217.00 feet (3) North 6 degrees 31 minutes 31 seconds West 168.99 feet (4) North 80 degrees 59 minutes 45 seconds East 292.69 feet (5) South 9 degrees 00 minutes 15 seconds East 322.14 feet** to the north side of said Cascade View Court, thence binding on the north side of said Cascade View Court the two following courses and distances: **(6) South 80 degrees 59 minutes 45 seconds West 367.36 feet and (7) North 87 degrees 45 minutes 13 seconds West 155.17 feet** to the place of beginning.

**CONTAINING** 130680 square feet or 3.00 acres of land, more or less.

**ALSO KNOWN AS** #602 Cascade View Court (formerly #18035 York Road) and located in the 7<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

**BEING** all of that parcel of land which by deed dated September 30, 2003 and recorded among the Land Records of Baltimore County in Liber S.M. No. 18930 folio 676 etc. was conveyed by Lissel Concha Petzold and others to James A. Fahey, III

*Note: above description is for zoning purposes only.*



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

No. **330**

Date: **12/10/08**

**PAID RECEIPT**

BUSINESS ACTUAL TIME ONW  
 12/11/2008 12/10/2008 15:50:47

REF ID: WALKIN KICK IN  
 X-RECEIPT # 462846 12/10/2008 DELN

| Fund | Dept | Unit | Sub Unit | Rev Source/ | Sub Rev/ | Obj | Sub Obj | Dept | Obj | BS Acct | Amount | Dept  |
|------|------|------|----------|-------------|----------|-----|---------|------|-----|---------|--------|-------|
| 001  | 806  | 0000 |          | 6150        |          |     |         |      |     |         | 65     | 12/10 |
|      |      |      |          |             |          |     |         |      |     |         |        |       |
|      |      |      |          |             |          |     |         |      |     |         |        |       |
|      |      |      |          |             |          |     |         |      |     |         |        |       |
|      |      |      |          |             |          |     |         |      |     |         |        |       |
|      |      |      |          |             |          |     |         |      |     |         |        |       |
|      |      |      |          |             |          |     |         |      |     |         |        |       |
|      |      |      |          |             |          |     |         |      |     |         |        |       |

5 528 ZONING VERIFICATION  
 033046  
 Recpt Tot \$65.00  
 \$65.00 - 0 0.00 CA  
 Baltimore County, Maryland

Total: **65**

Rec From: **JAMES FAHEY III / JASON VETTORI**

For: **602 CASCADE VIEW COURT**

**2009 - 0167 - A**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

# NOTICE OF ZONING HEARING

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

Case: # 2009-0167-A

602 Cascade View Court

N/side of Cascade View Court, N/east corner of York Road &

Cascade View Court

7th Election District - 3rd Councilmanic District

Legal Owner(s): James A. Fahey, III

**Variance:** to permit a future accessory building (presently and existing principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet. To permit a future accessory building (presently and existing principal dwelling) at a location in the front yard, outside of the third of the lot farthest removed from any street. For such other and further relief as may be deemed by necessary by Zoning Commissioner.

**Hearing:** Friday, February 20, 2009 at 9:00 a.m. In Room 104, Jefferson Building, 105 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) 887-4386.

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

JT 2/6/16 Feb. 3

193380

## CERTIFICATE OF PUBLICATION

2/5/2009

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 2/3/2009.

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

*J. Wilkinson*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: 2009-0167-A

Petitioner/Developer: \_\_\_\_\_

James A. Fahey III

Date of Hearing/closing Feb20 2009

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

Attn : Kristin Matthews

Ladies and Gentlemen:

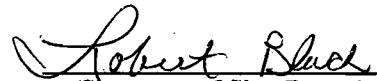
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at .

602 Cascade View Court.

The sign(s) were posted on Feb 4, 2009

(Month, Day, Year)

Sincerely,

 2-10-09  
(Signature of Sign Poster) (Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)

# ZONING NOTICE

CASE 2009-0167-A

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

Room 104 JEFFERSON BUILDING  
PLACE 105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME FRIDAY FEBRUARY 20, 2009 AT 9:00 A.M.

REQUEST VARIANCE TO PERMIT A FUTURE ACCESSORY BUILDING  
(PRESENTLY AND EXISTING PRINCIPAL DWELLING) WITH A HEIGHT OF  
18 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET. TO PERMIT A FUTURE  
ACCESSORY BUILDING (PRESENTLY AND EXISTING PRINCIPAL DWELLING) AT A  
LOCATION IN THE FRONT YARD, OUTSIDE OF THE THIRD OF THE LOT PARTIAL  
REMOVED FROM ANY STREET. FOR SUCH OTHER AND FURTHER RELIEF AS MAY  
BE DEEMED NECESSARY BY ZONING COMMISSIONER.

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

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, February 3, 2009 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

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## 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: 2009-0167-A**

602 Cascade View Court

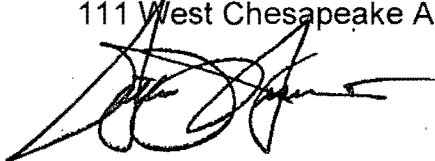
N/side of Cascade View Court, N/east corner of York Road & Cascade View Court

7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: James A. Fahey, III

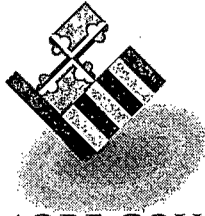
Variance to permit a future accessory building (presently and existing principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet. To permit a future accessory building (presently and existing principal dwelling) at a location in the front yard, outside of the third of the lot farthest removed from any street. For such other and further relief as may be deemed by necessary by zoning commissioner.

Hearing: Thursday, February 19, 2009 at 9:00 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.



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

January 22, 2009  
TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and  
Development Management*

**NOTICE OF ZONING HEARING**

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**CASE NUMBER: 2009-0167-A**

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N/side of Cascade View Court, N/east corner of York Road & Cascade View Court

7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

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111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco  
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204  
James Fahey, III, 602 Cascade View Court, Parkton 21120

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 4, 2009.**
- (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.

**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: \_\_\_\_\_

2009-0167-A

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

JAMES A. FAHEY, III

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

602 CASCADE VIEW COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: \_\_\_\_\_

GILDER & SCHMIDT

Address: \_\_\_\_\_

600 WASHINGTON AVE.

SUITE 200

TOWSON, MD 21204

Telephone Number: \_\_\_\_\_

(410) 821-0070

**GILDEA & SCHMIDT, LLC**

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MARER, III

JASON T. VETTORI

*OK  
to postpone  
per TK*

January 26, 2009

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

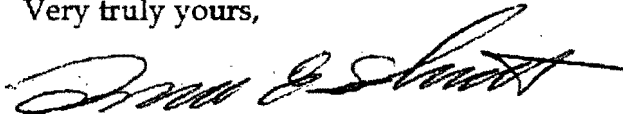
Re: Fahey/ 602 Cascade View Court (2009 - 0167- A)

Dear Ms. Matthews:

Pursuant to your telephone conversation with Kelly Benton of my office, this correspondence serves as a request for postponement of the Zoning Hearing for the above referenced matter currently scheduled for Thursday, February 19, 2009. I have a scheduling conflict on that date as I have a hearing scheduled before the Board of Appeals on the same date and time (Case No. CBA- 08-132, in re: Blue Heron Landing). As agreed by you, the new date is scheduled for Friday, February 20, 2009 at 9:00 a.m.

Please forward me the new Hearing Notice as soon as possible so that I can have the property posted accordingly. Should you have any questions or concerns, please do not hesitate to contact me. With kind regards, I am

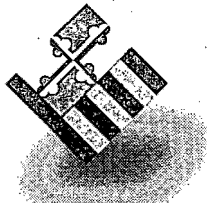
Very truly yours,



Lawrence E. Schmidt

LES: kmb

CC: James Fahey  
Scott Dallas, J.S. Dallas  
Jason T. Vettori, Esquire



## BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

February 2, 2009  
TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and  
Development Management*

### NOTICE OF ZONING HEARING

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N/side of Cascade View Court, N/east corner of York Road & Cascade View Court

7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: James A. Fahey, III

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Hearing: Friday, February 20, 2009 at 9:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204  
James Fahey, III, 602 Cascade View Court, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 4, 2009.**
- (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 3, 2009 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

*Corrected*

## NOTICE OF ZONING HEARING

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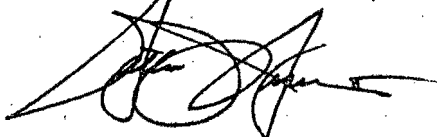
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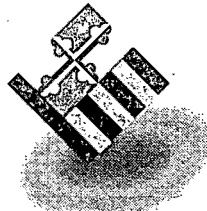
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WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*  
February 12, 2009

Lawrence E. Schmidt  
Gildea & Schmidt, LLC  
600 Washington Ave. Ste. 200  
Towson, MD 21204

Dear: Lawrence E. Schmidt

RE: Case Number 2009-0167-A, 602 Cascade View Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 12, 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  
James A. Fahey, III; 602 Cascade View Court; Parkton, MD 21120

TB 2/20  
9 am

P/P - 2/19  
9 am

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** January 12, 2009

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

**RECEIVED**

**SUBJECT:** 602 Cascade View Court

**JAN 14 2009**

**INFORMATION:**

**Item Number:** 9-167

**ZONING COMMISSIONER**

**Petitioner:** James A. Fashey, III

**Zoning:** RC 4

**Requested Action:** Variance

The petitioner requests a variance from Section 400.3 of the BCZR to permit a future accessory building (presently a principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet. Also to permit a future accessory building (presently a principal dwelling) at a location in the front yard, outside of the third of the lot farthest removed from any street, pursuant to Section 400.1 of the BCZR.

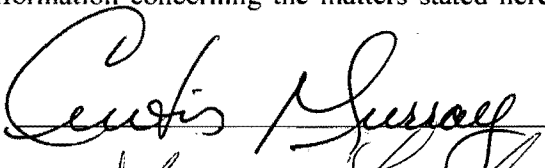
**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request for variances to permit a future accessory building (presently a principal dwelling) with a height of 18 feet in lieu of the maximum permitted 15 feet. Also to permit a future accessory building (presently a principal dwelling) at a location in the front yard, outside of the third of the lot farthest removed from any street, provided the following conditions are met:

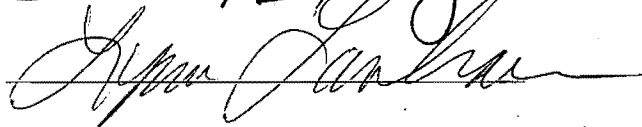
1. Since the future accessory building was once a dwelling it shall have all the sleeping quarters, living areas, kitchen, and bathroom facilities removed once a use and occupancy permit has been issued for the principle dwelling to be constructed has been built.
2. The future accessory building shall not be used for commercial purposes.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

**Prepared by:**



**Division Chief:**  
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** January 12, 2009

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

**SUBJECT:** 602 Cascade View Court

**INFORMATION:**

**Item Number:** 9-167

**Petitioner:** James A. Fashey, III

**Zoning:** RC 4

**Requested Action:** Variance

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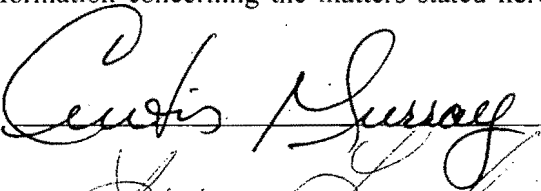
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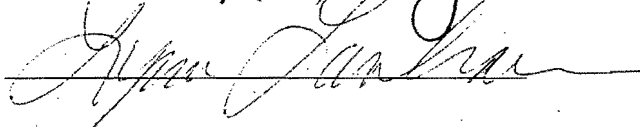
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Prepared by:



Division Chief:  
AFK/LL: CM



TB  
2-20-09

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 30, 2009

SUBJECT: Zoning Item # 09-167-A  
Address 602 Cascade View Court  
(Fahey Property)

Zoning Advisory Committee Meeting of December 22, 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:

Prior to approval of building permits, soil evaluations must be conducted to determine septic reserve areas for the proposed house and for the existing structure, if plumbing is maintained. A well yield test will be required on the existing well. Contact GWM for more info. - *S. Farinetti; Ground Water Management*

This request is not supported because the property is zoned RC 4 and the request seeks to retain impervious surfaces on the property. The removal of the existing dwelling and driveway to be replaced with the new dwelling and driveway would be more consistent with the purpose of the zone which is to protect the water quality of the reservoirs. The best way to protect the water quality is to limit impervious surfaces. It would not appear appropriate to grant a variance that is contrary to that purpose. - *W. S. Lippincott, Jr.; Agricultural Preservation*

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** January 6, 2009

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 29, 2008  
Item Nos. 2009-0148, 0162, 0167, 0168,  
0169, 0170, 0171, and 0173.

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

DAK:CEN:lrc  
cc: File  
ZAC-122908 -NO COMMENTS



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

State Highway  
Administration

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

Maryland Department of Transportation

Date: 12/23/2008

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

RE: Baltimore County  
Item No 2009-0167-A  
602 CASCADE VIEW CT  
JAMES A. FAHEY, III 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. 2009-0167-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



RE: PETITION FOR VARIANCE \* BEFORE THE  
602 Cascade View Court; N/S Cascade View \*  
Court, NE cor. York & Cascade View Court \* ZONING COMMISSIONER  
7<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts  
Legal Owner(s): James Fahey, III \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 09-167-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.

RECEIVED

JAN 07 2009

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7<sup>th</sup> day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

## MEMO

From: Aaron Tsui, Planner II  
Zoning Review

December 11, 2008

To: Zoning Commissioner/File

Re: Variance Case no. 2009-0167-A  
Future Accessory Building on a Vacant Lot  
602 Cascade View Court, 7<sup>th</sup> Election District

Following the discussion among the petitioner, Jason Vettori of Gildea & Schmidt, LLC, Carl Richards, and Aaron Tsui of this office, the petitioner was advised but declined the recommendation from the Zoning Office to include a Special Hearing for a future 'Accessory Building' on a vacant lot.

The petitioner stated that the owner intends to convert the existing principal building into an accessory building and build a new principal building behind it, and that the building permit for the proposed new dwelling will be filed **BEFORE** the hearing. The Zoning Office stressed that the hearing for this variance petition will not proceed without the building permit for the new dwelling. Further that, a Special Hearing must be filed for the accessory building on a lot without a principal dwelling.

**From:** Thomas Bostwick  
**To:** Schmidt, Larry  
**Date:** 03/02/09 5:06:33 PM  
**Subject:** Fwd: Requesting Assistance with the Investigation of a Non-Compliant RC4 Zoned Parcel

Mr. Schmidt,

Since it does not appear that you were copied on the attached email that was copied to me and other County officials and pertains to the zoning variance case that you presented last Friday, February 20, 2009 (Case No. 2009-0167-A), I am forwarding a copy for your reference. As you know, the case was heard before me on the aforementioned date at which time you presented the variance case on behalf of your client, Mr. Fahey. Also in attendance and presenting testimony and evidence in opposition to your variance request were Ms. Pearce and Ms. Kobus, the authors of the attached email that was copied to me this morning. A Decision and Order has not yet been issued and will likely be forthcoming later this week or possibly early next week.

In the interim, I am forwarding this email to your attention for your information. If you wish to respond to any of the assertions or statements in the email, please feel free to do so. Obviously, since the public hearing was already held and the evidence closed, you are not compelled to respond; the email is being forwarded to your attention because I believe it appropriate to do so since you are Mr. Fahey's attorney. Thank you.

Thomas H. Bostwick  
Deputy Zoning Commissioner  
for Baltimore County  
105 West Chesapeake Avenue, Suite 103  
Towson, Maryland 21204  
Phone: (410) 887-3868  
Fax: (410) 887-3468

**From:** Thomas Bostwick  
**To:** Goodman, Marcie  
**Date:** 03/02/09 4:24:23 PM  
**Subject:** Fwd: Requesting Assistance with the Investigation of a Non-Compliant RC4 Zoned Parcel

Marcie,

I don't know if you've had a chance to review the attached email that was sent to Councilman McIntire this morning so I'm forwarding it to you for your information.

This email pertains to a zoning case I heard about 10 days ago on Friday, February 20, 2009. This public hearing was held after notice of the hearing was posted on the property and advertised in The Jeffersonian. At the hearing, the authors of the attached email, Ms. Pearce and Mr. Kobus, appeared and provided testimony and evidence in opposition to the underlying zoning variance request. The variance request was filed by the property owner, Mr. Fahey, adjacent to and across the street from the Pearce/Kobus property (their property is part of a fairly new subdivision known as "Little Falls").

The variance pertains to an existing structure that apparently was built several decades ago on this three acre property and used by previous owners for commercial purposes. The Petitioner razed the original dwelling and converted the structure into a residence and has lived there with his son for several years. At this juncture, the Petitioner wishes to build a more conventional style dwelling further back on the property, and ultimately wishes to keep the existing structure as an accessory structure for storage and for work-out equipment. As an accessory structure, the Petitioner needs a zoning variance in order to have this existing structure located in the front yard of the property rather than the required rear yard.

Obviously, I heard the testimony and the evidence from the Petitioner and also from Ms. Pearce and Mr. Kobus. I have not issued a Decision and Order yet, but will probably do so this week or very early next week. Since the hearing was held and evidence was received, I have received several emails, mostly last week. Two of the emails expressed opposition to the variance request and one of the emails expressed concerns over the potential impact of the accessory structure. Now I have been copied on this latest email from Ms. Pearce and Mr. Kobus, again after the hearing.

I cannot speak to the veracity of some of the allegations or statements set forth by Ms. Pearce, especially since my role in this matter pertains mostly to the issue of whether the future "accessory structure" will be able to remain or not in the event the Petitioner builds his new home on the property; that being said, I'm sending this email to you only to give you some background information into my involvement and focus as to the discreet zoning variance issue. If you have any general questions about this matter that do not pertain to the specific facts or evidence while it is still pending, I'd be happy to discuss it with you to give you whatever additional information I can.

Thanks. Tom.

Thomas H. Bostwick  
Deputy Zoning Commissioner  
for Baltimore County  
105 West Chesapeake Avenue, Suite 103  
Towson, Maryland 21204  
Phone: (410) 887-3868  
Fax: (410) 887-3468

## Thomas Bostwick - Requesting Assistance with the Investigation of a Non-Compliant RC4 Zoned Parcel

---

**From:** Colleen Pearce <pearce.colleen@gmail.com>  
**To:** <council3@baltimorecountymd.gov>  
**Date:** 03/02/09 11:29 AM  
**Subject:** Requesting Assistance with the Investigation of a Non-Compliant RC4 Zoned Parcel  
**CC:** <tbostrwick@baltimorecountymd.gov>, <wwiseman@baltimorecountymd.gov>, <jbialek@baltimorecountymd.gov>, <mmohler@baltimorecountymd.gov>, <pdmenforce@baltimorecountymd.gov>, <tkotroco@baltimorecountymd.gov>, <dbrand@baltimorecountymd.gov>, <drascoe@baltimorecountymd.gov>, <zstith@baltimorecountymd.gov>, <inquiry@dat.state.md.us>, <mlanham@baltimorecountymd.gov>, <cjmurray@baltimorecountymd.gov>, <lmoxley@baltimorecountymd.gov>, <highways@baltimorecountymd.gov>

---

Dear Mr. Councilman:

We are writing this letter as a last resort to address an ongoing concern pertaining to an adjacent property, which has now become part of our community, known as "Little Falls", located on Cascade View Court just off the 18000 block of York Road in Parkton. The Little Falls community consists of 13 luxury SFH's which were designed specifically as part of a Planned Unit Development (PUD).

Over the last few months (beginning August 2008) several events have taken place on an adjacent property known formerly as 18035 York Road, (now known as 602 Cascade View Ct.)

Mr. Councilman, we are requesting your assistance in a full investigation of this property. As a community, we are upset that our questions about this property have been unanswered by Baltimore County Government up until this point, and we don't know who else to turn to who might be able to clarify these issues for our community. We have done all that we can to reach out to appropriate county agencies and feel that we need to make you aware of this situation. It is our hope that you can assist us in getting the answers we are looking for. After all, if everything is in compliance regarding this property then we have no issue whatsoever. However we aren't very confident that this is the case.

We understand your time is valuable and we thank you in advance for taking the time to read this completely and address our issues on the basis of principles, zoning and code enforcement, and safety concerns.

Below, is the series of events of which we are questioning:

October 2003-

Jim Fahey III, a real estate agent, learned that a new development was being approved adjacent to this property, and so he moved forward with purchasing this 3 acre improved parcel at 18035 York Rd. The property included a 794 sqft. home as the primary residence, built in 1882. As well as a concrete block garage with a roll top door and a loading dock that was used for commercial purposes in the rear of the lot.

Mr. Fahey purchased this home in 2003 and soon tore out all the plumbing facilities and also converted the concrete block garage in the rear of the yard (closer to where the Little Falls Community was to be built) into a residence. He has been residing in this garage since 2003 with his 14 year old son.

Where are the permits from the county to allow this conversion? Was a Use and Occupancy Permit issued?

A review of permits through Baltimore County dating back as far as 1989 for this RC4 parcel fails to indicate a single permit being issued for this property. Was this conversion done lawfully? That is the first issue that is unclear to us.

#### 2005-2006-

The subdivision of Little Falls was built just south of Mr. Fahey's property and was designed as a PUD or Planned Unit Development consisting of 2 courts and 13 luxury single family homes complete with an HOA to maintain the aesthetic and desirable appearance of the community as well as its exclusivity. The HOA is the primary reason all 13 homeowners purchased in this neighborhood. We knew or thought that it would serve to protect our investments to an extent.

Mr. Fahey, a real estate agent, specifically mentioned to some of his neighbors, including us, that he bought this property with the intent to re-sell it for a profit since the new community of Little Falls was being built and he "found a way" to increase the value of this property after making a few changes to it.

No one in our community has any issue with the fact that the owner would like to increase his property value or make improvements to the property, as long as it is done legally, and properly, not only for safety reasons, but also to comply with building, zoning, and fire codes, just the same as every other Baltimore County homeowner must comply to.

#### August 2008-

Mr. Fahey, notified a few of us late one Thursday evening that he was installing a driveway into our exclusive community the following morning and changing his address to 602 Cascade View Ct. Of course we were upset by the news.

This caused us to further investigate his property through various State and County Govt. agencies. We first noticed that according to the MD State Tax Assessment Office the primary residence was STILL listed as the 794sqft. home built in 1882 located in the front of the lot nearest to York Rd. The second building, the building in question that Mr. Fahey and his son are residing in, was listed with the state as a concrete block stable, and was NEVER listed as a residence or dwelling.

This accessory building can be described as a concrete block building, 18' high, with approx. 1,800 sqft. of interior space. Most windows in this building appear to only open about 6" and can be observed by viewing the attached photo named "concrete building". There is also a 6' addition (approx.) that Mr. Fahey added to this building with regular sized windows. Mr. Fahey was asked if a "Change In Use" permit or "Occupancy Permit" was issued from the County to reside in this accessory building and he refused to answer us.

Our questions are: Have the correct permits been granted by the appropriate Baltimore County agency for Mr. Fahey and his son to occupy this building as a residence? Also, does this building live up to the Owner Livability Code in terms of its exterior appearance and the safety concern (pertaining to Fire Codes) in terms of its small window size? Was a permit issued for the 6' addition that he added?

As you can see there are a lot of inconsistencies with this property. In addition to the above mentioned issues even more events have taken place in which we feel also need to be addressed.

Mr. Fahey was issued a permit for a Residential Driveway Access from Jim Schimick in the Highways department back in August '08. However, this may have been an accidental oversight on Mr. Schimick's behalf. Our community questions if this driveway is even legal? Here is why...

According to the Bureau of Highways rules and regulations for granting access to a Residential Driveway, the driveway is to extend from the "frontage of the home" and allow the property owner to have access to his residence from the road. If this accessory building has never been considered a permitted residence according to state and county, how could this be an authorized residential driveway? It leads to the rear of his accessory structure, not the frontage of his home.

#### September 2008-

A new driveway leading to the rear of the accessory building (garage) off of Cascade View Ct.

was installed.

November/December 2008-

The official primary residence was torn down. Was a permit/hearing issued for the demolition of a building built in 1882 with asbestos siding? Was proper asbestos remediation performed for safety?

December 2008-

Now that a driveway was installed on Cascade View Ct., Mr. Fahey managed to change his address to 602 Cascade View Ct. and installed a mailbox at the end of his driveway claiming his new residence inside our community.

After a check again through the State Dept. of Taxation and Assessments, it was indicated that his parcel's address had been changed from the former 18035 York Rd. address and that he was now claiming this accessory building as his primary residence and that it was just built in 2008. ?? Really? This building has been here since at least 2003.

What is worse is that, it appears that Mr. Fahey was also being taxed on the 794 sqft. residence since 2003, when in fact he has been residing in the 1,800 sqft. building, without reporting this important detail to the appropriate State and County Taxing Authorities. This is equivalent to approximately \$100,000 in assessed value that was not paid to Baltimore County and the State of MD over the last 5 years. Is this not tax evasion and unlawful? Did he not report it because he knew he was illegally occupying this building? This also needs to be investigated further.

February 2009-

So now that Mr. Fahey got his new driveway installed from his garage into our community, obtained a new address inside our community, and has now claimed his concrete garage as a residence, he has hired an attorney and requested a Zoning Variance Hearing which was held on February 20<sup>th</sup>, 2009, (Case number 2009-0167A) requesting that he get a special variance or exception for this building.

Specifically, he is asking the Zoning Dept. for leniency to build a future structure in the rear of his lot, another dwelling, which would make the current building non-compliant as an accessory structure, due to height restrictions and the location of where this building sits on his lot. He is asking to have this building (his current residence) converted into an accessory structure and leaving all of the plumbing in tact, while also getting permission to build a future dwelling behind it (further from the street). That sounds like it would be 2 dwellings on the same property which is illegal on an RC4 zoned lot, correct? Should an exception really be granted to someone who has failed to comply with all other regulations pertaining to his converted residence?

Mr. Fahey's attorney told Mr. Bostwick, the Deputy Zoning Director that Mr. Fahey planned on using this building as a workout area or a garage for storing his lawnmower and tools. Since when does someone store a lawnmower inside a carpeted 3bedroom home? Where would he store it? In the kitchen? In a bedroom?

Mr. Fahey mentioned to us in Sept. '08 that he wanted to make this concrete building an In-Law Suite while building another main house on the property. If this thought process has changed in Mr. Fahey's mind, then why would it be necessary for the building to continue to have water facilities?

Mr. Bostwick has not yet ruled on whether this variance would be granted or denied. It is our hope that this letter spells out all the inconsistencies and unlawful events that have taken place on this property over the last few years, so that appropriate action can be taken and no variances are granted.

Not to mention that the exterior appearance of this building is an eyesore and we have requested that this building be removed, screened, or made to be more pleasing to the eye, as it now has negatively affected our community's property value considerably simply due to its appearance and the fact that it is now inside of our community. We question if this residence even complies to the Owner Livability Code for a residence based on exterior appearance and the unsafe windows that are too small for bedrooms according to fire codes?

Thank you again for your time and we look forward to hearing from you regarding the issues of this property, and/or from the appropriate state and county agencies who were carbon copied in this email.

Best Personal Regards,

A collection of concerned homeowners inside the Little Falls Community.

Written by: Colleen Pearce and Timothy Kobus  
Phone: 410-459-6343

PS- Attached are photos of the first residence, a side view of the converted garage which faces Cascade View Ct., and the newly paved driveway leading to the rear of this building.

**Thomas Bostwick - FW: Case # 2009-0167-A**

---

**From:** Justine Clark <justineclarkdo@hotmail.com>  
**To:** <tbostwick@baltimorecountymd.gov>  
**Date:** 02/23/09 10:19 PM  
**Subject:** FW: Case # 2009-0167-A

---

Mr. Bostwick  
Deputy Zoning Commissioner  
Baltimore County, MD

Re: Case # 2009-0167-A

Dear Mr. Bostwick,

We live in the Little Falls community and were unable to attend the hearing on case # 2009-0167-A. We are opposed to a variance for the existing structure.

As you are aware, the lot involved has been recently tied into the neighborhood. The current structure is a cinderblock building having no resemblance to a residence (but is being used as one). It is not in the character of the neighborhood. Also, no other lot within the community has an out-building the size of a residence (per owner, another residence will be built and this building will be converted to an out-building). Allowing this building to remain as is negatively impacts our neighborhood's property values.

Thank you for your consideration of this issue.

Sincerely,  
Glen and Justine Buchanan

---

Windows Live™ Hotmail@:...more than just e-mail. [Check it out.](#)

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Windows Live™: Discover 10 secrets about the new Windows Live. [View post.](#)

---

Access your email online and on the go with Windows Live Hotmail. [Sign up today.](#)

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**From:** <Derrick\_Fleming@ultimatesoftware.com>  
**To:** tbostwick@baltimorecountymd.gov  
**Date:** 02/24/09 5:12:05 PM  
**Subject:** Case # 2009-0167-A

Mr. Bostwick  
Deputy Zoning Commissioner  
Baltimore County, MD

Re: Case # 2009-0167-A

Dear Mr. Bostwick, my wife and I were not able to attend the meeting last week regarding the above mentioned property as I was traveling on business and I believe the date was changed.

We wanted however, to voice our concern regarding the request for variance for the existing structure. While we were ill informed by the developer/ builder regarding the nature of the common areas and thus right of ways/ access to the community (Little Falls) being built in 2005/2006, we do not begrudge the owner of the discussed property to improve his lot and land value. We are concerned of course on the impact of a second "residence" on his property, any impact on the wells of the community and the mere fact of no time actual lines/details or contracts regarding the building of the new home (that I'm aware of). Our greatest fear is the variance is granted and the property put up for sale with further uncertainties with new owners.....and this is mere maneuvering on an "investment" property.

Again, we understand and appreciate our neighbor wanting to improve his investment and quality of life, we all do, but if this variance is to be granted, we hope it is done so with more detailed stipulations and nullified should the plan not play out as described thus far. We wish our neighbor well, but this our home and single most important investment as well. One in which the rules changed in our eyes.

Lastly, given these developments and the new address being part of Little Falls community, is the land owner now part of our existing homeowners association? It would seem appropriate and would welcome him.

Thank you for your consideration in this matter.

Best regards,

Derrick & Kelly Fleming

(Embedded image moved Derrick S. Fleming  
to file: Strategic Account Manager  
pic06834.jpg)Ultimate 609 Cascade View Court | Parkton, MD 21120  
Software ULTI PRO Office: 410.357.9235 | Fax: 410.357.9355 | Mobile:  
443.340.5410  
derrick\_fleming@ultimatesoftware.com |  
www.ultimatesoftware.com

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attachments to it are intended only for the named

recipients and may contain legally privileged and/or confidential information. If you are not one of the intended recipients, do not duplicate or forward this e-mail message.

**CC:** dkellysue4@aol.com

**Thomas Bostwick - Case#2009-0167-A**

---

**From:** <teresaandjohn@comcast.net>  
**To:** <tbostwick@baltimorecountymd.gov>  
**Date:** 02/25/09 10:36 AM  
**Subject:** Case#2009-0167-A  
**CC:** Colleen Pearce <pearce.colleen@gmail.com>, Kelly Fleming  
<DKellySue4@aol.com>

---

Mr. Bostwick,

We are residents of the Little Falls community in Parkton, MD and are unable to attend the hearing for case #2009-0167-A. We are opposed to any variance for the existing structure.

The lot in question, has tied itself into our community, only to negatively effect already declining property values. The building in no way resembles the standards that the rest of the community is held to and takes pride in.

Please feel free to contact us directly if needed, 410-357-8511.

Thank you for your consideration in this issue.

Teresa and John Blatchley

**GILDEA & SCHMIDT, LLC**

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

[www.gildeallc.com](http://www.gildeallc.com)

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

March 30, 2009

RECEIVED

MAR 30 2009

ZONING COMMISSIONER

**Via Hand Delivery**

Mr. Thomas H. Bostwick  
Deputy Zoning Commissioner  
Office of the Zoning Commissioner  
Jefferson Building  
105 W. Chesapeake Avenue, Suite 103  
Towson MD 21204

**Re: Fahey/602 Cascade Court  
Case No. 2009-0167-A**

Dear Mr. Bostwick:

Subsequent to the issuance of your Opinion and Order in the above matter, I had several telephone conversations with the Office of People's Counsel regarding this case. During those conversations, it became apparent that note 12 on the previously approved plan erroneously stated the impervious surface limitation requirement. Specifically, the note indicated that the impervious surfaces on the site would not exceed 12%. In fact, the limitation as prescribed in BCZR Section 1A03.4.B.3 is 10%.

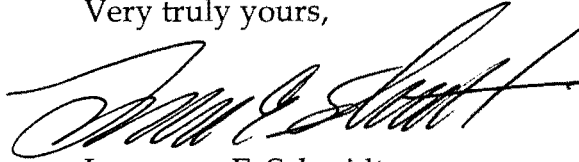
I have asked Mr. Fahey's surveyor (J. Scott Dallas) to calculate the area of impervious surfaces on the site. His calculation includes both existing and proposed surfaces. As a result of his calculation, the plan has been amended through the revision of note 12 and the addition of notes 13 and 14. Note 12 has been revised to correctly identify the applicable BCZR section and the appropriate limit (10%). Note 13 has been added to affirmatively state that existing and proposed impervious will not exceed this limitation. Please note that two areas of the existing driveway can be removed in order to ensure compliance. Finally, note 14 has been added reflecting Mr. Dallas' calculations.

As requested in the attached Motion for Reconsideration, please approve the attached plan and substitute this same for the previously offered plan. The actual subject of the Variances (e.g. the existing dwelling/proposed future accessory structure) are not altered by way of this change.

Mr. Thomas H. Bostwick  
March 30, 2009  
Page 2

Thank you for your courtesy in considering this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written in a cursive style.

Lawrence E. Schmidt

LES: jkl

Enclosure

CC: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County  
Jim Fahey  
J. Scott Dallas, J.S. Dallas, Inc.  
Tim Kobus & Colleen Pearce  
Jason T. Vettori, Esquire

CASE NAME FALKE  
CASE NUMBER 09-167-A  
DATE 2/20/08

[illegible]

PLEASE PRINT CLEARLY

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE 02/20/09

## CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.:

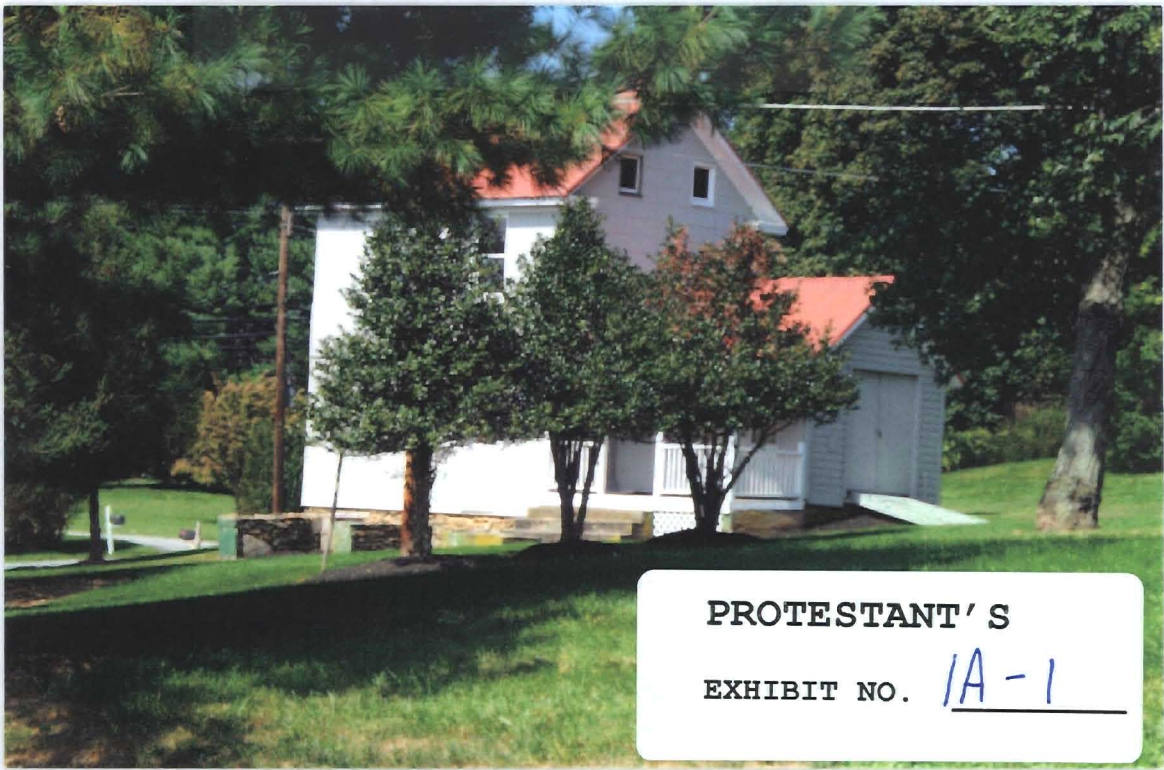
2009-0167-A

Exhibit Sheet

Petitioner/Developer

Protestant

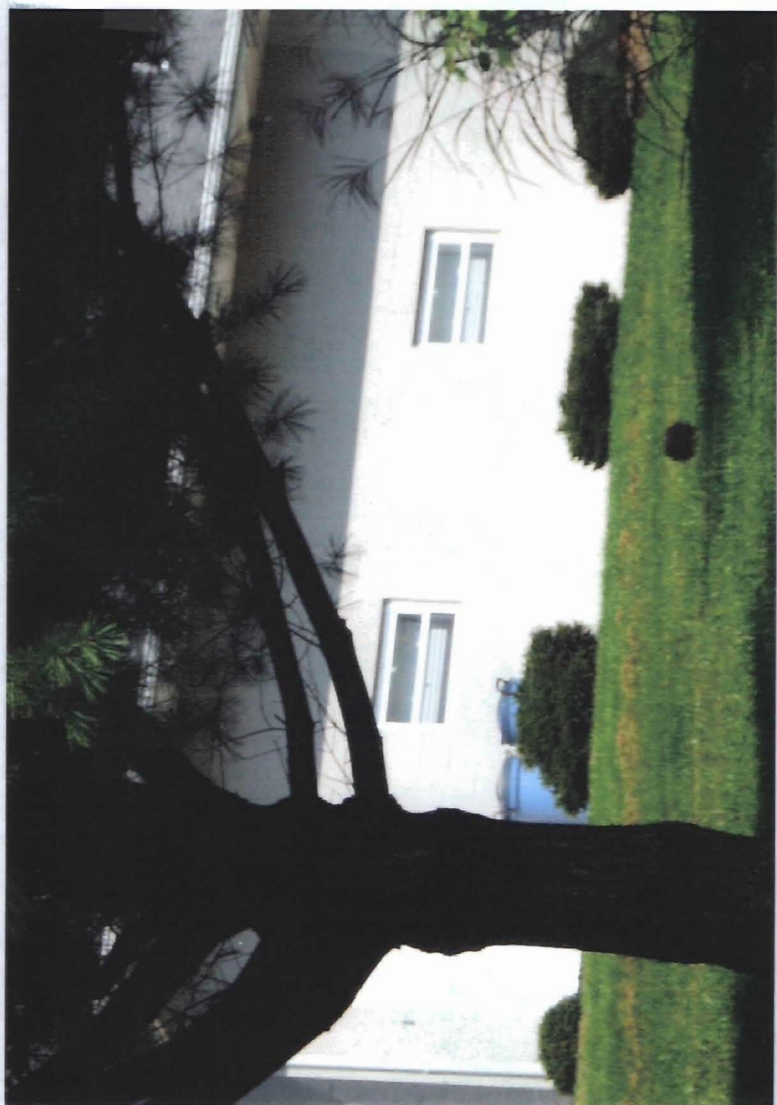
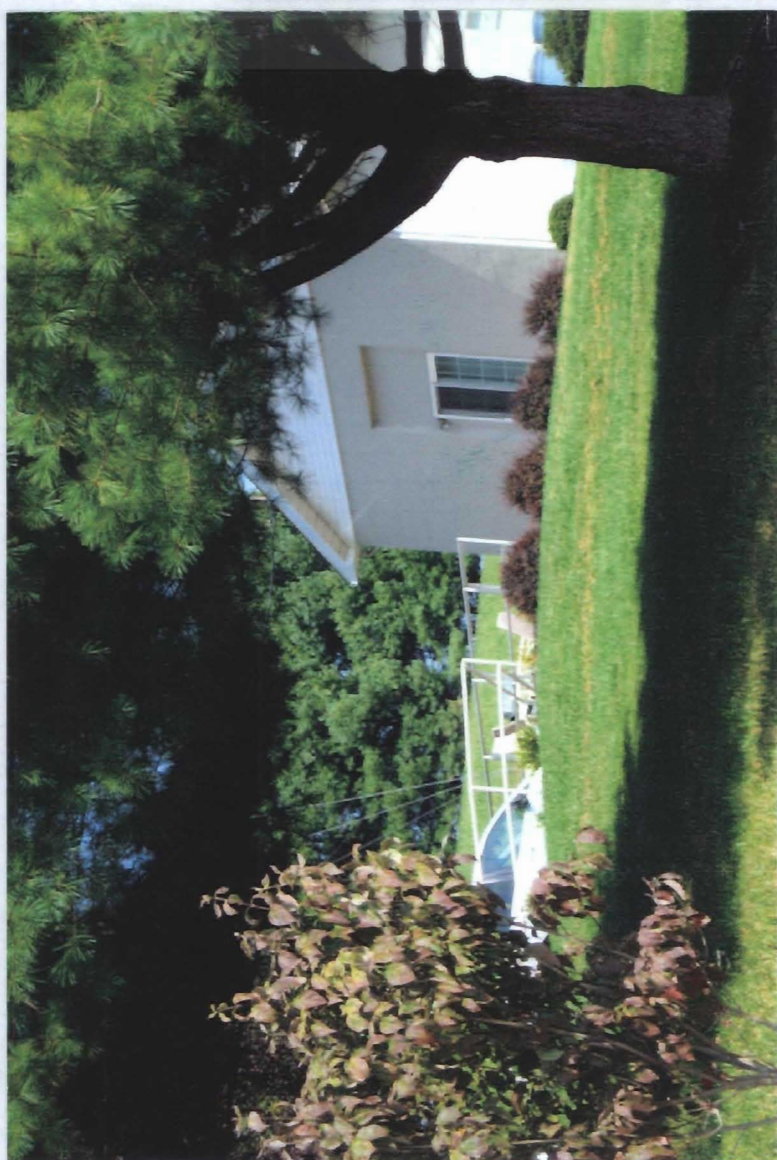
|              |                           |              |
|--------------|---------------------------|--------------|
| No. 1        | site plan                 | 1A-1F photos |
| No. 2        | FOP of Miller/Tyler prop. |              |
| No. 3<br>A-M | photos                    |              |
| No. 4        |                           |              |
| No. 5        |                           |              |
| No. 6        |                           |              |
| No. 7        |                           |              |
| No. 8        |                           |              |
| No. 9        |                           |              |
| No. 10       |                           |              |
| No. 11       |                           |              |
| No. 12       |                           |              |



PROTESTANT'S

EXHIBIT NO. 1A-1





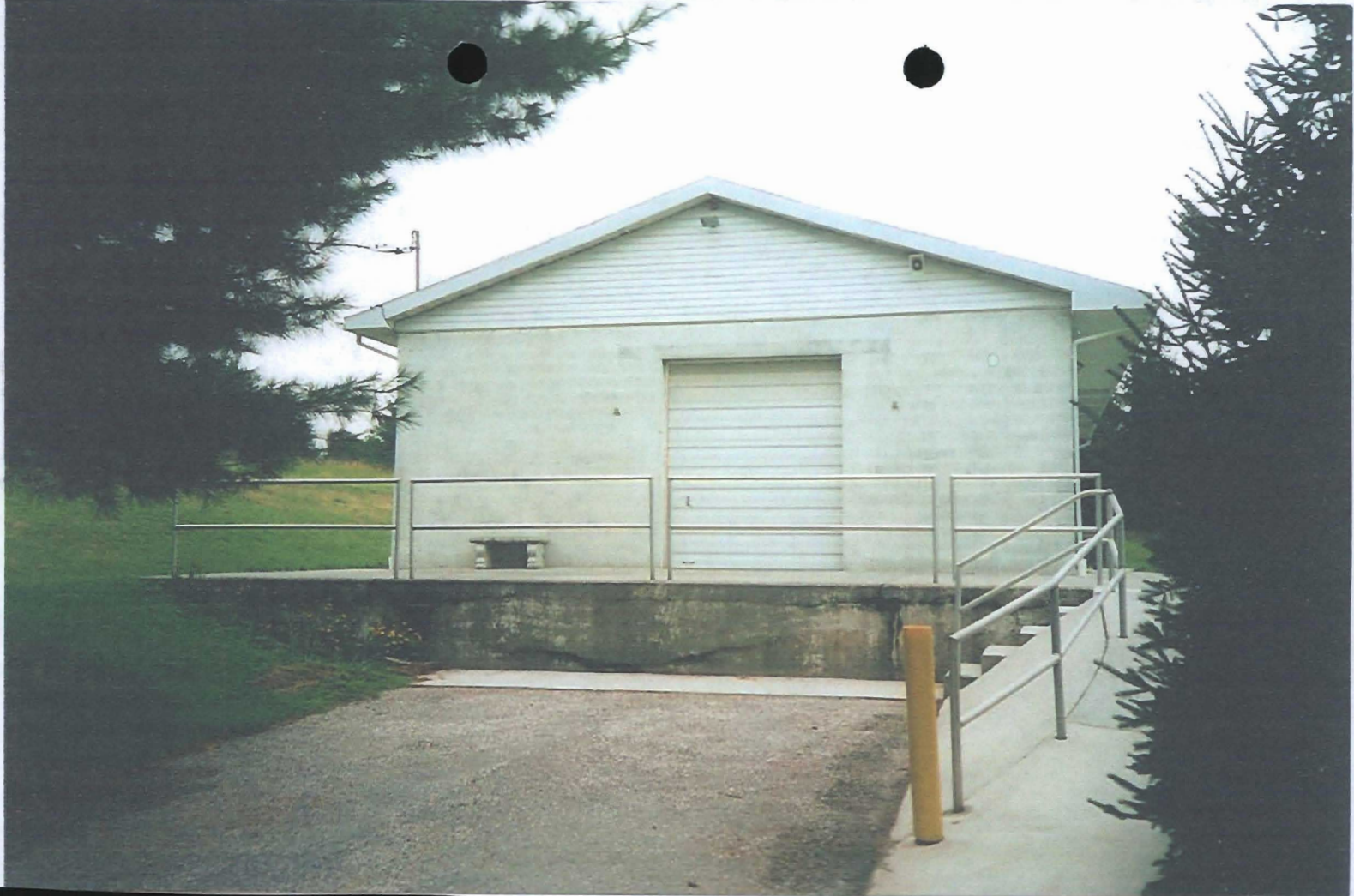


PETITIONER'S

EXHIBIT NO. 3A-3M



















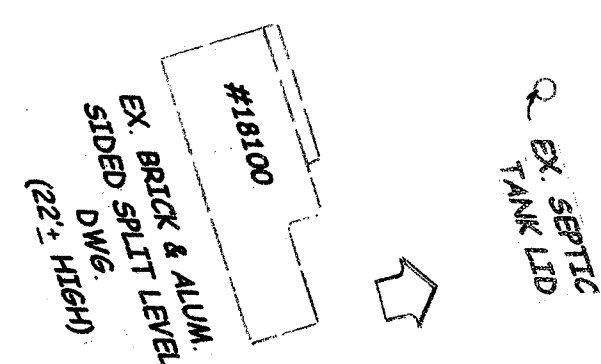




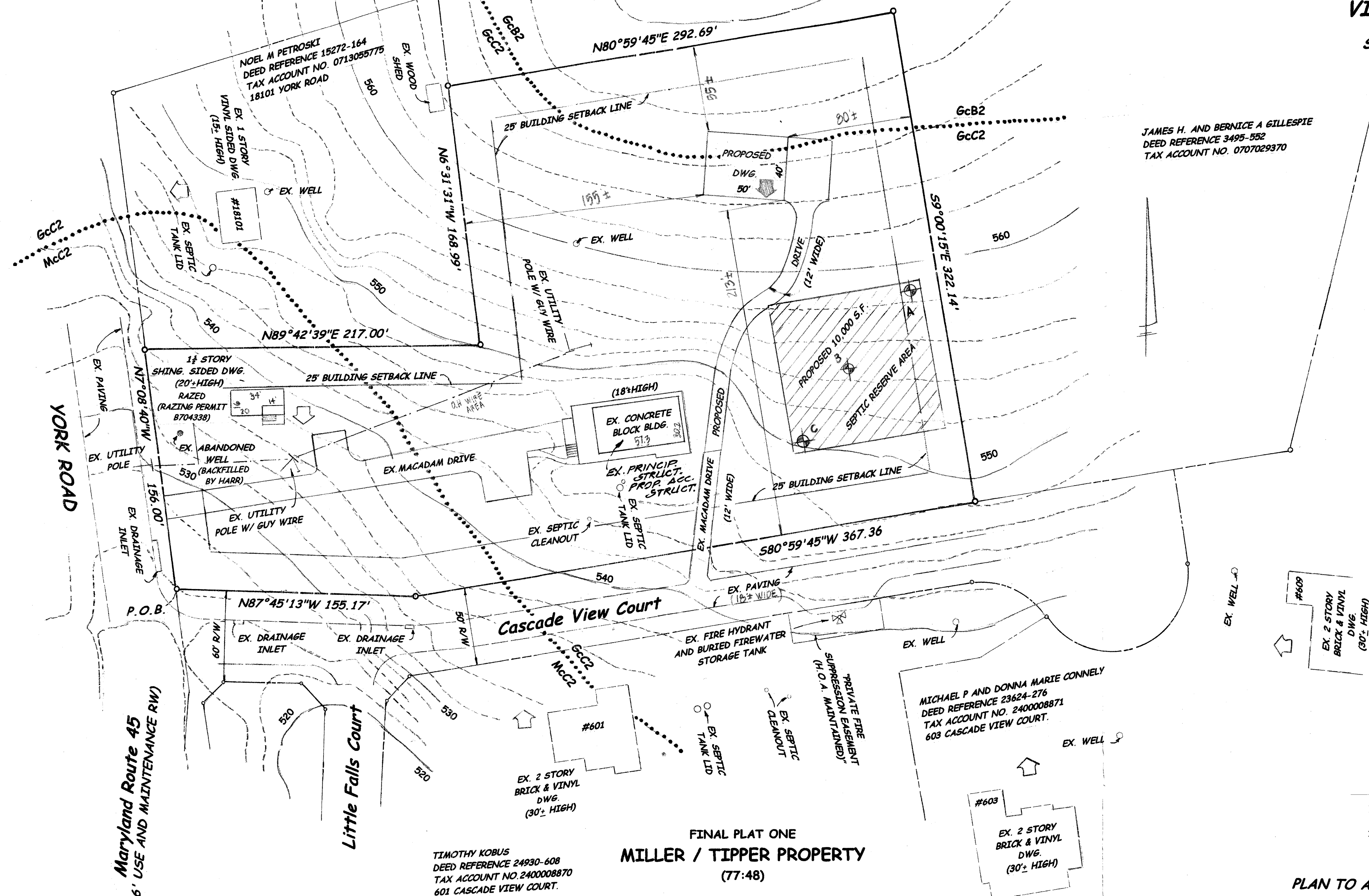




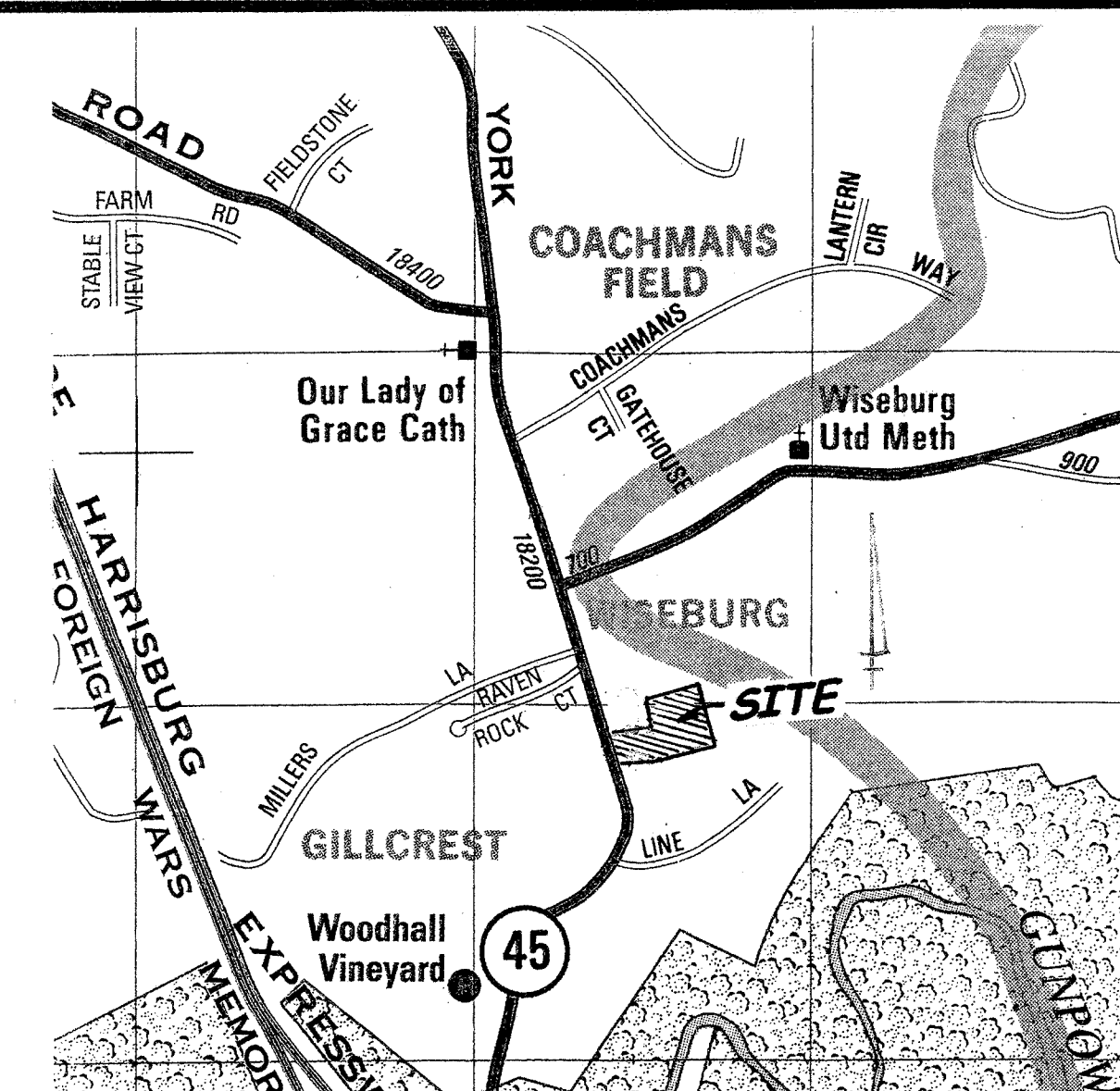
- NOTES:
1. OWNERSHIP:  
JAMES A FAHEY 3<sup>RD</sup>  
18035 YORK ROAD  
PARKTON, MD 21120  
PHONE: 410-357-0979
  2. PROPERTY INFORMATION:  
TAX MAP 17 GRID 15 PARCEL 145  
TAX ACCOUNT NO. 0713055225
  3. DEED REFERENCE: 18930-676
  4. AREA OF SUBJECT PROPERTY : 130680 S.F.  $\pm$  3.00 ACRES  $\pm$  (SDAT)
  5. WELL AND SEPTIC SHOWN HEREON PER FIELD LOCATION.
  6. SITE LIES IN FLOOD ZONE C PER F.I.R.M. 240010 0125 B
  7. EXISTING ZONING OF SITE RC 4 (NO KNOWN ZONING HISTORY)
  8. SITE DOES NOT LIE IN C.B.C.A.
  9. TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY & L.S. TOPO  
(FILE ID 01783)
  10. NOT A HISTORIC SITE
  11. FORMERLY KNOWN AS #18035 YORK ROAD
  12. TOTAL OF EXISTING AND PROPOSED IMPERVIOUS SURFACES WILL NOT  
EXCEED 12% OF THE NET LOT AREA.



DORIAN AND DANIEL BOCK  
DEED REFERENCE 17101-652  
TAX ACCOUNT NO. 170006865  
18100 YORK ROAD



JAMES H. AND BERNICE A GILLESPIE  
DEED REFERENCE 3495-552  
TAX ACCOUNT NO. 0707029370



### VICINITY MAP

**SCALE 1"=1000'**

PETITIONER'S  
EXHIBIT NO.

***PLAN TO ACCOMPANY PETITION FOR  
ZONING VARIANCE  
#602 CASCADE VIEW COURT***

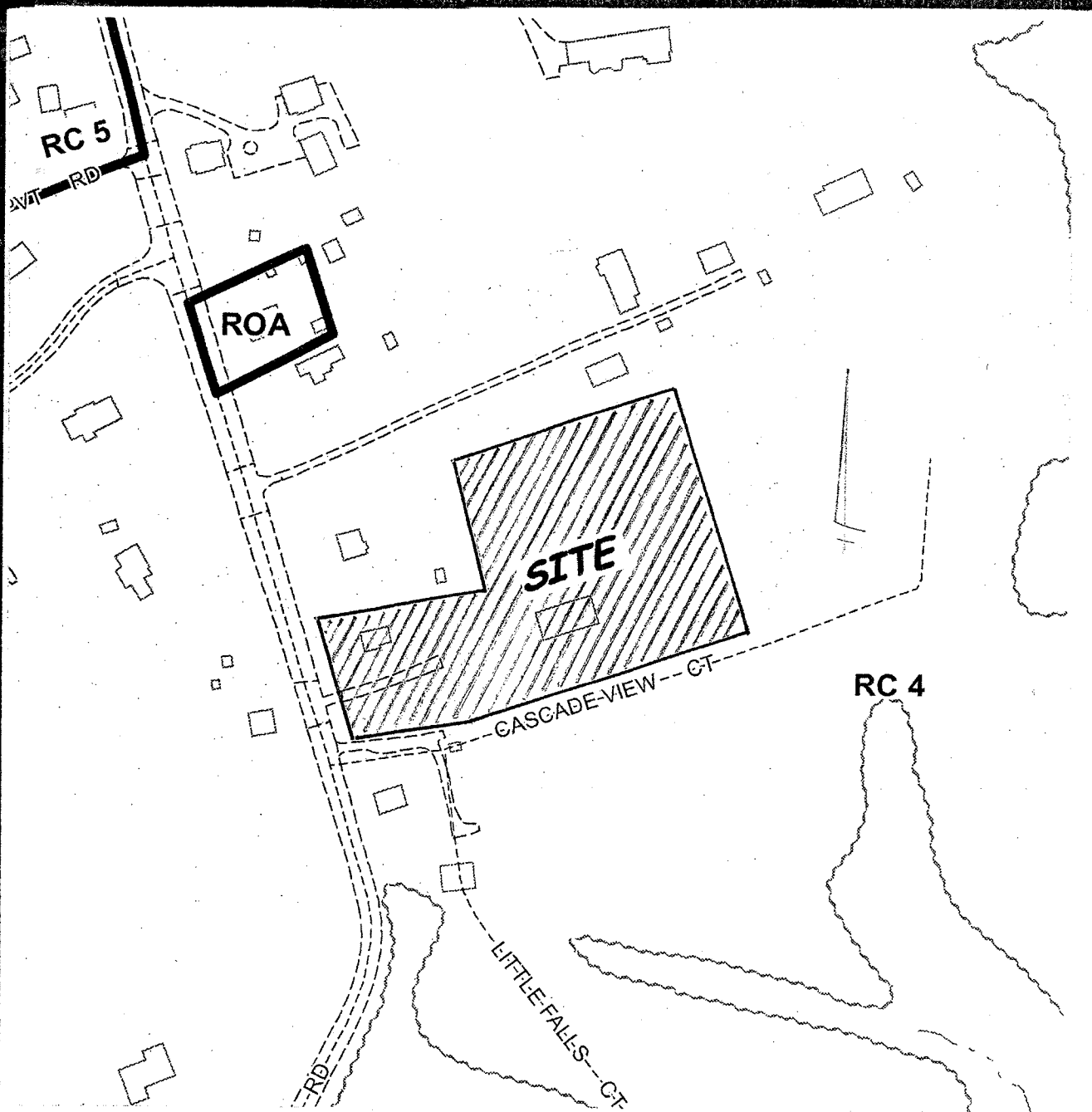
7<sup>TH</sup> ELECTION DISTRICT  
3<sup>RD</sup> COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MD

**SCALE : 1"=40'**

10-13-08  
JOB NO. 08-1224

**J.S. DALLAS, INC.**  
SURVEYING & ENGINEERING  
P.O. BOX 26  
BALDWIN, MD. 21013  
(410) 817-4600

FINAL PLAT ONE  
MILLER / TIPPER PROPERTY  
(77:48)

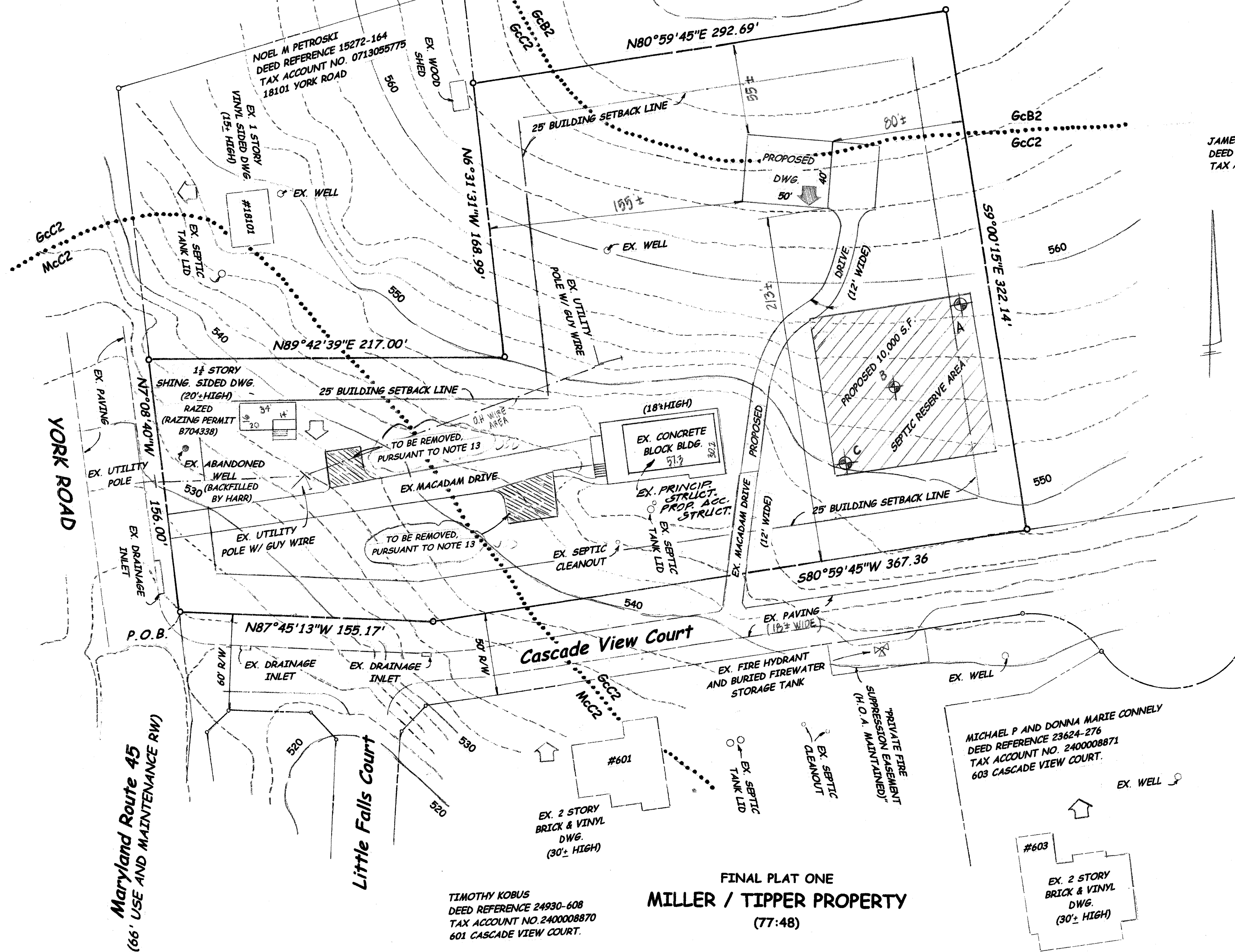


**ZONING MAP 1"= 200'**  
(B.C.O.P.Z.) MAP 017B3

- NOTES:**
1. OWNERSHIP:  
JAMES A FAHEY 3<sup>RD</sup>  
18035 YORK ROAD  
PARKTON, MD 21120  
PHONE: 410-357-0979
  2. PROPERTY INFORMATION:  
TAX MAP 17 GRID 15 PARCEL 145  
TAX ACCOUNT NO. 0713055225
  3. DEED REFERENCE: 18930-676
  4. AREA OF SUBJECT PROPERTY: 130680 S.F. ± 3.00 ACRES ± (SDAT)
  5. WELL AND SEPTIC SHOWN HEREON PER FIELD LOCATION.
  6. SITE LIES IN FLOOD ZONE C PER F.I.R.M. 240010 0125 B
  7. EXISTING ZONING OF SITE RC 4 (NO KNOWN ZONING HISTORY)
  8. SITE DOES NOT LIE IN C.B.C.A.
  9. TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY G.I.S. TOPO (TILE ID 01783)
  10. NOT A HISTORIC SITE
  11. FORMERLY KNOWN AS #18035 YORK ROAD.
  12. TOTAL OF EXISTING AND PROPOSED IMPERVIOUS SURFACES WILL NOT EXCEED 10% OF THE NET LOT AREA PURSUANT TO B.C.Z.R. SECTION 1403.4.B.3.
  13. DRIVEWAY AREAS TO BE REMOVED IN ORDER TO COMPLY WITH NOTE 12. IF SMALLER FOOTPRINT FOR PROPOSED DWELLING IS UTILIZED, DRIVEWAY AREAS MAY BE RETAINED FOR SO LONG AS TOTAL IMPERVIOUS SURFACE AREA DOES NOT EXCEED 10% PURSUANT TO NOTE 12.
  14. TOTAL IMPERVIOUS AREAS AS SHOWN EQUALS 9.9 %

#18100  
EX. BRICK & ALUM.  
SIDED DWG.  
(22' ± HIGH)

DORIAN AND DANIEL BOCK  
DEED REFERENCE 17101-652  
TAX ACCOUNT NO. 170006865  
18100 YORK ROAD



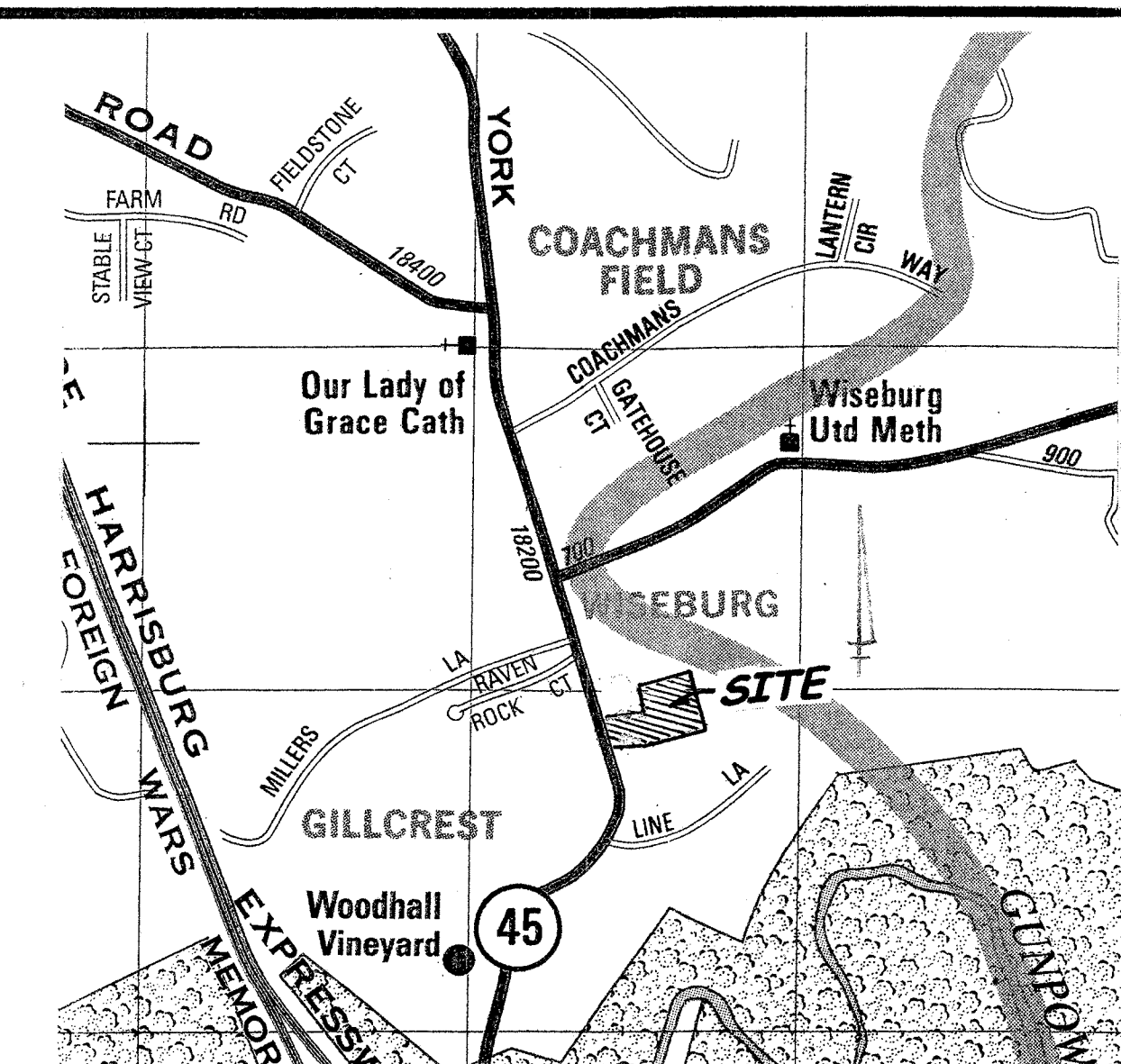
TIMOTHY KOBUS  
DEED REFERENCE 24930-608  
TAX ACCOUNT NO. 2400008870  
601 CASCADE VIEW COURT.

**FINAL PLAT ONE**  
**MILLER / TIPPER PROPERTY**  
(77:48)

MICHAEL P AND DONNA MARIE CONNELLY  
DEED REFERENCE 23624-276  
TAX ACCOUNT NO. 2400008871  
603 CASCADE VIEW COURT.

#603  
EX. 2 STORY  
BRICK & VINYL  
DWG.  
(30' ± HIGH)

JAMES H. AND BERNICE A GILLESPIE  
DEED REFERENCE 3495-552  
TAX ACCOUNT NO. 0707029370



**VICINITY MAP**  
SCALE 1"=1000'

PETITIONER'S  
EXHIBIT NO. **1A**

PLAN TO ACCOMPANY PETITION FOR  
ZONING VARIANCE  
**#602 CASCADE VIEW COURT**  
7<sup>TH</sup> ELECTION DISTRICT  
3<sup>RD</sup> COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MD  
SCALE: 1"=40'

3-26-09 JSD  
JOB NO. 08-1224

